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PROCEEDINGS AND DEBATES OF THE 107th CONGRESS, FIRST SESSION

HOUSE OF REPRESENTATIVES—Thursday, November 8, 2001

The House met at 10 a.m.

The Rabbi Carole Meyers, Chaplain, Temple Sinai of Glendale, Glendale, California, offered the following prayer:

I am honored to be here this morning with you courageous leaders of our country to join together in prayer. It takes courage to pray meaningfully in the wake of events shaping our lives.

It is not that we do not turn to God, we do. We come with our praise and with our entreaties, but we strain to hear an answer, to sense God's presence radiating back to us, over the abyss that grief and fear have created.

Shall we this morning, just for a moment, stop speaking to God, asking God, about God, entreating God, and instead make an effort to find once again that experience of God's presence that grounds our faith.

Come with me to that place. Perhaps it was when you witnessed the birth of your child, new life so precious and pure, perhaps when you saw your soul reflected back at you in the eyes of someone whose love was infinite. Perhaps in the tangle of pain and darkness when somehow there was a presence to call, to let you know you would move forward. Perhaps when a piece of music shook you to your core, bringing an exquisite awareness of the depth of human experience.

Perhaps when you truly saw the miracle of nature surrounding us, the sun rising and setting, day after day of nature in its magnificent order, there was a moment when you knew that an Other exists before whom we stand in awe and whose greatness we strive to reflect in the actions of our lives.

Eternal God, be with us as we move through this time of uncertainty. Help us know that we can lend Your presence and use our lives to reflect it. Then we will have the faith to bring light and joy, peace and comfort, justice and goodness to this magnificent world God has created. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's pro-

ceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. McNULTY. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. McNULTY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Ohio (Mr. SAWYER) come forward and lead the House in the Pledge of Allegiance.

Mr. SAWYER led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOMING RABBI CAROLE MEYERS

(Mr. SCHIFF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHIFF. Mr. Speaker, I would like to join in welcoming today's distinguished guest chaplain, Rabbi Carole Meyers, and thank her for leading the House in prayer. As Rabbi Emerita of Temple Sinai in Glendale, California, Rabbi Meyers has distinguished herself as a community leader.

Over the past 15 years, Rabbi Meyers has served at Glendale's Temple Sinai, one of the most thriving synagogues in

the area. During her tenure at Temple Sinai, the congregation nearly doubled in size, boosting its education programs for both children and adults.

Rabbi Meyers significantly raised the profile of the temple through her extensive community involvement. Over the past few years, Rabbi Meyers has been involved with Habitat for Humanity and the Glendale Community Foundation. She served on the Mayor's Task Force on Hate Crimes, helping to craft a citywide response plan to hate crimes. Rabbi Meyers also trained as a chaplain for the Glendale Police Department and helped to create an annual AIDS Awareness Prayer Service with other Glendale religious leaders.

Though Rabbi Meyers retired this past June in order to devote more time to her family, her influence on her community can still be felt. Today, especially in this time of national tragedy, the warmth of her words have indeed found a new meaning.

We are all proud to welcome Rabbi Meyers here today as a guest chaplain.

SUPPORTING THE WORDS CAN HEAL RESOLUTION

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, I want to encourage my colleagues to join the "Words Can Heal" resolution that is being sponsored by the Jerusalem Fund.

The "Words Can Heal" campaign promotes the value and practice of ethical speech nationwide. The ability to voice one's views freely without negative repercussions is inherent to our democracy. As we here in Congress surely understand firsthand, words have impact.

This campaign draws attention to the way we speak to our friends, to our family, neighbors and colleagues. Today, more than ever, it is essential that we come together as a Nation, open our arms with benevolence, and use our words to heal ourselves.

By participating in the Jerusalem Fund's "Words Can Heal" campaign,

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

we can all benefit by using language to come together as a Nation and as a people.

Please join me and Rabbi Irwin Katsof from the Jerusalem Fund in co-sponsoring House Resolution 235, the "Words Can Heal" campaign, which will be on the floor this coming week.

□ 1015

VETERANS ORAL HISTORY PROJECT

(Mr. SAWYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAWYER. Mr. Speaker, it is a real privilege to follow the gentlewoman from Florida in her message. This weekend, all of us will head home and we will go out and we will speak to and about our veterans. It is a time to follow the leadership that the gentlewoman from Florida is advocating and it is a time to do something even more.

As we go and speak to our veterans, we have an opportunity to act on something that most of us supported in the 106th Congress, and that is the Veterans Oral History Project. It is a part of the American Folk Life Series of the Library of Congress and it is an opportunity for us to take part in the gathering of American history, in telling the stories of American veterans as all of us seek to honor those who have made sacrifices on behalf of this Nation.

It is a chance not for us to speak to them, rather, for them to speak to all Americans and tell the stories that are a part of our history. I would urge all of us to go home this weekend, and in addition to the speeches that we make, to take the opportunity, with a tape recorder, to listen to the words of those who have given so much to our Nation.

SUPPORT NATIONAL JUNIOR COLLEGE FOR DEAF AND BLIND

(Mr. RILEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RILEY. Mr. Speaker, the President has stated his goal: Leave no child behind. He did not say leave no child behind that can hear or see, he said leave no child behind, and that includes the thousands of students striving to earn a college degree who are deaf or blind or sensory impaired.

When we talk about improving education, we have got to improve it across the board. We have to give it to every student. We have to give them an opportunity to learn regardless of their disabilities. Students without these challenges have the option of attending a junior college to ease them into the college environment. No such option exists for these deaf and blind students.

Today, I am introducing legislation that supports these students with the establishment of the first National Junior College for the Deaf and Blind in conjunction with the Alabama Institute for the Deaf and Blind.

Mr. Speaker, let us level the playing field. Give these students trained professionals, a residential facility, and a means for modern-day distance learning. We can help to provide that all-important 2-year college stepping stone to the 4-year collegiate level and ensure valuable preparation for successful employment.

I ask all of my colleagues to support the first National Junior College for the Deaf and Blind.

THE DISAPPEARING \$20 BILLION

(Mrs. MALONEY of New York asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MALONEY of New York. Mr. Speaker, it is human nature: When tragedy strikes, most people want to help you right away. But you can tell your true friends by who still wants to help as time goes by. Will the real friends of New York please stand up.

The World Trade Center is still smoldering and the Federal Government is already wavering. On September 18, the administration authorized \$40 billion, \$20 billion to fight terrorism and \$20 billion for disaster relief, primarily for New York. But the budget office has allocated only \$9.8 billion for New York. They offer vague assurances that we will get the money eventually. Well, we cannot wait for eventually.

They say we cannot spend it anyway. Well, just ask New York's devastated businesses and unemployed workers. As September 11 recedes into the past, so is the administration's resolve to help New York, and that is unacceptable.

TRADE PROMOTION AUTHORITY

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, workers and farmers in Pennsylvania sold products ranging from chemicals to foodstuffs to pharmaceuticals to over 200 countries last year. Those sales added up to over \$24 billion and supported well over a quarter-million jobs. I shudder to think that the absence of trade promotion authority, or TPA, could jeopardize these jobs and the families they support. Without TPA, American negotiators will not have the authority they need to make sure our foreign markets will not be undercut or blocked by our competitors.

H.R. 3005 is a bipartisan compromise TPA bill. We need to pass this legislation to make sure that the U.S. negotiators are on equal footing with their

foreign competitors. If we fail to renew trade promotion authority, we will be failing to fight for the American workers who depend on exports, and we will be failing to fight for the countless new opportunities that the global marketplace will provide for our workers in the future.

America's workers are the world's most productive. The only thing that can beat us is unfair foreign trade barriers designed to eliminate our competitive edge. So let us support the trade promotion authority bill.

FREEDOM AND OUR NATION'S VETERANS

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I speak today of our freedom. Our freedom has been girded and guarded by those who have served in the United States military. The ability for us to speak for or against has been protected by those in the United States military.

As we look toward honoring the veterans of our Nation, those who have served throughout the years, I rise to salute them and thank them for what they have done for us, giving us the privilege to travel about this country and to live in a wonderfully free and democratic nation. They have served us in times of war and in times of peace.

As a Representative of the veterans hospital in my own congressional district, when our city experienced the devastation of Tropical Storm Allison, we were very gratified that veterans gave up their beds in the hospitals to help those who were in need. We thank the veterans of America.

I support legislation that will allow us to listen to their oral history. This is a time that we honor them and applaud them and thank them for our freedom, which is tied directly to their existence. Thank you, veterans, and I thank those who serve in the United States military.

NATIONAL PARKS WEEKEND FOR UNITY, HOPE AND HEALING

(Mr. RADANOVICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RADANOVICH. Mr. Speaker, as we approach the upcoming Veterans holiday weekend, I wanted to remind all Americans of the wonderful and rare opportunity before them.

As my colleagues may recall, Mr. Speaker, following the tragic events of September 11, Secretary of the Interior Gale Norton and National Park Service Director Fran Manella announced that all entrance fees to all of the 385 units

of the National Park System would be waived over Veterans Day weekend.

The events of September 11 will never be erased from our memories. Each of us will remember where we were and what we were doing on that tragic day. They have taken their toll upon many of us in so many ways. Since these events, many have found solace in America's national parks for healing. All of our national parks serve as a tool to recapture the American spirit and provide much of the healing Americans are looking for.

I applaud the Secretary's announcement and encourage all Americans to take advantage of this weekend for unity, hope, and healing by visiting the diverse treasures of America's national park system.

VETERANS DAY

(Ms. SANCHEZ asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SANCHEZ. Mr. Speaker, in anticipation of Veterans Day, I rise to thank the millions of men and women who have served in the United States military for their contributions to our Nation.

Many of our veterans first came to this country as immigrants in search of freedom and the opportunity to live in a country with liberty and justice. And they have demonstrated their belief in the principles of our great country with their willingness to put their lives on the line to defend the Nation which has given them so many new opportunities.

For example, after becoming American citizens in 1917, over 18,000 Puerto Rican citizens served America proudly in World War I. And during World War II, more than 300,000 Mexican-Americans served in the United States Armed Forces. Guy "Gabby" Gabaldon holds the distinction of capturing more enemy soldiers than anyone else in the history of United States military conflicts.

Over 81,400 Asian-Pacific Islanders served during the Vietnam War. These are but a few examples.

On Veterans Day, we all need to remember the sacrifices that veterans have made to protect our great Nation.

SALUTE TO RICHMOND AND WILL ROGERS ELEMENTARY SCHOOL-CHILDREN

(Mr. WATKINS of Oklahoma asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WATKINS of Oklahoma. Mr. Speaker, I rise today to commend the students of Richmond Elementary and Will Rogers Elementary School in my hometown of Stillwater, Oklahoma, for their efforts and contributions to help the children of Afghanistan.

This past Monday, I met with my friend, Dr. Ann Dugger, and the school's principal, Dr. Gay Washington, of Richmond and also Mrs. Jerry Walstad of Will Rogers Elementary, and spoke to several hundred school students who gathered for an assembly. At this assembly it was announced that the children had raised more than \$500, and I was asked to deliver the check to the appropriate person from the White House for America's Fund for Afghan Children.

Yesterday I met with Governor Tom Ridge, Director of Homeland Security, and Bob Marsh, the White House liaison, about the contributions from the Stillwater schoolchildren. We can all be proud of the unselfish acts of kindness and generosity exhibited by these young Americans.

Mr. Speaker, today I ask the House to join me in thanking these schoolchildren from Stillwater, and encourage other schoolchildren around our Nation, for being shining examples of America's compassion. These children, like our children and grandchildren, have the right to live without fear. That is why we are fighting the war against terrorism.

BIOTERRORISM PROTECTION ACT OF 2001

(Mr. ISRAEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ISRAEL. Mr. Speaker, this weekend we will commemorate veterans, honoring those who have served in America's armed services in times of peace and times of war. Tragically, this same weekend will mark the 2-month anniversary of September 11, 2 months since international terrorists declared war on the United States and the civilized world.

The veterans of America's war on terrorism are fighting today in Afghanistan. The veterans of America's war on terrorism are also our courageous first responders: our firefighters, our police, our emergency hospital personnel, our school administrators, even our school nurses. Our first responders are in the trenches, and it is our job in Congress to ensure they have all the resources they need to defend themselves and defend our people.

That is why I am urging my colleagues to join me in sponsoring the Bioterrorism Protection Act of 2001, providing both long-term and short-term strategies for fighting our new war, from laboratories to police stations, to firehouses and nursing tables.

We may not completely destroy the war on terrorism in 2 months or even 2 years. We may have to be on guard for 2 decades. But we shall prevail and American children will be secure because of our efforts.

IN SUPPORT OF HOUSE-PASSED ECONOMIC SECURITY PACKAGE

(Mr. CANTOR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CANTOR. Mr. Speaker, I rise today in support of the House-passed economic security package that will help American families and revive economic growth in our country.

I have always believed that the private sector is the true engine of opportunity in our country. Increased Federal spending will not improve the fundamentals of our economy. In these difficult economic times, the role of Congress should be to create an environment of opportunity for America's families.

It is the hard work and sheer determination of individuals, families, and small business entrepreneurs that make this country what it is today. It will be these same qualities that will revitalize the American economy after the September 11 attacks.

The House legislation offers tax cuts for middle class families and provides incentives for businesses to invest in capital and human resources, thereby creating jobs and opportunity.

Congress must act now. The House has acted by passing this strong package to ensure economic security. The President has called on Congress to send him a bill that he can sign into law this month, and I urge Congress to heed his call.

TRADE PROMOTION AUTHORITY

(Mr. LINDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LINDER. Mr. Speaker, we are told that silence is golden. However, what happens when the body being silenced is the House of Representatives?

Most certainly my colleagues would object to the suppression of our voice and our role in the debate in consideration of legislative matters. Yet, without trade promotion authority, our voices are silenced regarding trade.

Trade promotion authority allows trade agreements to be considered as congressional executive agreements. These agreements represent procedural compromises. The President forgoes his ability to single-handedly negotiate treaties and, instead, agrees to consult closely with the Congress to ensure that congressional priorities are heard. Congress, in turn, commits to an up or down vote, but waives the right to offer amendments.

□ 1030

Some of my colleagues seem to think that our inability to offer amendments is too great a sacrifice. What then is the alternative? Without TPA, the President would unilaterally negotiate

a treaty which would then be presented solely to the Senate for ratification. This obviously begs the question where is the House. The answer, absent. Without TPA we have no role, no authority, and no voice in trade agreements. This is the people's House. Do not let our voice be silenced. Support TPA.

TRADE PROMOTION AUTHORITY

(Mr. CALVERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CALVERT. Mr. Speaker, the growth of services in the U.S. economy has been a tremendous boon to our Nation's GDP and the rate of employment. The benefit of services trade are particularly evident in my home State of California, and at the local level. In California, for example, services account for more than 85 percent of the State economy and 77 percent of employment.

There are over 5,500 establishments exporting professional, scientific and technical services in California. Those establishments alone provide jobs for more than 130,000 people, according to the most recent U.S. Census Bureau data.

Software publishers, broadcasting and telecommunications services employ another 130,000 people in California, a number which would grow if new trade agreements that would reduce barriers to services and tariffs on industrial products and agriculture are signed.

The services sector needs successful trade negotiations that expand substantially opportunities for U.S. trade in services. Trade negotiating authority plays a crucial role in our country's ability to negotiate, and implement, these negotiations; and so we need to move these negotiations along.

NAMES FROM OFFICIAL LIST OF CASUALTIES FROM SEPTEMBER 11, 2001, TO BE READ ON HOUSE FLOOR

(Mrs. JO ANN DAVIS of Virginia asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I stand here today to request the participation of Members in honoring those individuals who lost their lives or are still missing as a result of the September 11 terrorist attacks. We have all heard the numbers, the devastations, the pain of the families and our Nation's anguish. What we have not heard in Washington is the names of the individuals, and that is why I will begin today during Special Orders to read on the House floor from the list of the dead and missing.

I will begin to read from the official list of casualties, and I encourage my

colleagues to join me until the roughly 4,000 missing or dead are named and entered in the CONGRESSIONAL RECORD. I have compiled this alphabetical list in a leather bound book that I would request all Members utilize for this effort.

Mr. Speaker, Members are requested to contact my office to coordinate dates and times so we can arrange for the book to be on the floor. I appreciate the assistance of Members in this important undertaking, and again encourage participation.

PROVIDE ENERGY, PROTECT THE ECONOMY

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, 3 months ago this House passed the Energy Security Act to increase and diversify our energy production. Only last month we passed an economic stimulus package to keep Americans working and our businesses open. Yet the Democratic leadership in the other body has refused to act on either of these two crucial measures which are so critically linked together.

It is time we ensure the economic prosperity of this Nation by ensuring our own domestic energy supply. Energy and other products produced from fossil fuels and minerals create the standard of living that every American enjoys and relies upon.

Obviously, an uninterrupted supply of energy, including crude oil and natural gas, are vital to the economy and security of the United States; and it is time for the Democratic leadership in the other body to meet the needs of the American people by securing our energy needs, thereby ensuring our economic prosperity. For the sake of this Nation and all Americans, I hope the Democratic leadership will act sooner rather than later.

AIRPORT SECURITY IS TOO IMPORTANT AN ISSUE FOR CONGRESS TO JUST FIDDLE AROUND

(Mr. HEFLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HEFLEY. Mr. Speaker, what are we waiting for? The Senate, or the other body, I should say, passed an airport security bill. The House passed a transportation security bill. In these two bills there are differences, but we agree on a great deal. We agree that this security for transportation should be a Federal responsibility. We agree that the Feds should do the background checks. We agree that the Feds should screen the applicants. We agree that the Federal Government should do the training, and we agree that the

Federal Government should do the supervision.

Mr. Speaker, we agree on all of these important issues. Then why do we not move? We disagree on whether screeners should be Federal employees or should be private employees. Well, in the scope of things, this is an insignificant disagreement. What we agree on is that we want the job done and we want it much better than it is being done today.

We should charge the President with the responsibility to get this job done, and let him figure out what mix of Federal and civilian and private employees there should be. Let us get on with it. It is too important for us to fiddle around.

TRIBUTE TO BRAD COHEN, GEORGIA'S TEACHER OF THE YEAR

(Mr. ISAKSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ISAKSON. Mr. Speaker, as the House and Senate conferees work to complete the job of the President's number one domestic issue, No Child Left Behind and the reform of education, I think it is appropriate that we pay tribute to those that every day teach our children, America's teachers. In particular, to one particular teacher in Georgia, Mr. Brad Cohen, a man who suffers from what many call an affliction, Tourette's syndrome. People would never think Brad Cohen would be a teacher.

Instead, Brad Cohen calls Tourette's his friend, not his enemy. He has been recognized as Teacher of the Year, he teaches elementary at-risk children to read. He has changed their lives and taught them to appreciate that one's disability can be one's advantage with the right attitude.

Mr. Speaker, I pay tribute to Brad Cohen and all of America's teachers.

ECONOMIC STIMULUS PACKAGE NEEDED

(Mr. TOOMEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TOOMEY. Mr. Speaker, people across America, across Pennsylvania, across the Lehigh Valley and Upper Macungie, the valleys that I represent, are losing their jobs in very disturbing numbers.

In October, we had a record high numbers of Americans who lost their jobs. The actual loss of jobs or the threat of a loss of jobs is hitting all of us: our families, our neighbors, our friends. And it is about time that Congress responded.

We need an economic stimulus package that is going to lower the record-high tax burden that is impeding our

economic growth and create the incentives to bring people back to work because the people who are losing their jobs across Pennsylvania, they do not want to know how long they can stay out of work; they want to know how quickly they can get back to work.

Mr. Speaker, it is our responsibility to help create an environment where that is possible. The President has called for an economic stimulus package. This Chamber has passed one, but the Democratic majority in the other Chamber insists on bickering and wasting time when Americans need the opportunity to get back to work.

Some on the other side would like to load this up with government spending, which may be nice pork barrel politics in their district, but it will not get Americans back to work. I urge the other Chamber to adopt an economic stimulus package, and do it now.

EXPORTING OUR FUTURE

(Mr. GRAVES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GRAVES. Mr. Speaker, America is consistently the world's largest agricultural exporter. America generated \$50 billion in exports last year and is expected to generate another \$53 billion in exports this year. Passing Trade Promotion Authority will expand U.S. markets even further and provide a necessary step for America's continued economic growth.

Since TPA expired in 1994, U.S. agricultural exports have increasingly faced onerous trade barriers that threaten both the farm economy and our entire balance of trade.

American farmers depend on being able to export their products and crops to the rest of the world; and with 96 percent of the world's population living outside of the U.S. borders, there were billions of potential customers of our bounty. Additionally, soybean farmers in my home State of Missouri send more than 50 percent of their products overseas.

Passing H.R. 3005 will open the doors to increased exports and make it easier to forge market-opening agreements on agriculture with our trading partners. Let us pass Trade Promotion Authority and unleash the vast potential of America's agriculture sector.

PORTABLE SYSTEMS FOR DETECTION OF NUCLEAR, CHEMICAL, AND BIOLOGICAL AGENTS ON DISPLAY

(Mr. WELDON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELDON of Pennsylvania. Mr. Speaker, there is a great deal of concern all across the country and across

the world about how we can detect the evidence of chemical or biological agents in our midst.

Today for 3 hours at this very moment in the Rayburn foyer, I have assembled 19 corporations who largely with defense dollars in the past have developed real systems. These are portable systems that can be used and are being used to detect the presence of chemical or biological agents or even small nuclear agents. These devices have been paid for with taxpayer dollars. It shows that Congress has been on the cutting edge of making sure that we have the proper means of protecting our people as these kinds of threats emerge.

I would encourage my colleagues to travel to the Rayburn foyer today, and I invite the press and public to see what the American people have done with their dollars to allow us to be able to respond to the kinds of threats that America is currently experiencing.

Mr. Speaker, I thank the NBC Industry Group, the Nuclear, Biological and Chemical Industry Group, who has put together this assemblage of these 19 major corporations.

DEFERRED INSPECTION PROCESS IS FLAWED

(Mr. DEAL of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DEAL of Georgia. Mr. Speaker, each year some 75 million individuals enter the United States and are inspected at our major airports. It is estimated that about 10,000 of these have inadequate documents to justify their existence in this country, but are allowed to enter anyway under a deferred inspection system in which they are asked to report back.

Recently, the Inspector General of the Department of Justice issued a report from which I will quote the executive summary: "We found that nearly 11 percent of individuals paroled into the country under the deferred inspections process failed to appear for the completion of their inspection." That would mean some 979 individuals did not appear for their deferred inspections. It continues: "This is a conservative estimate, however, based upon the fact that we were unable to determine the outcome of 20 percent of the cases selected due to inadequate records."

They give the statistics, and they say the importance of follow-up action is evidenced by the results of our analysis which revealed that among those who failed to appear, INS inspectors identified over 50 percent as either having criminal records or immigration violations at the time of entry. They also point out that nine committed serious aggravated felonies after they were paroled into our country. They point out

that the INS continues to use this faulty information.

Mr. President, you will be in my State tonight to reassure the Nation. To make us feel secure, do something about the fiasco that exists in the INS.

THE JOURNAL

The SPEAKER pro tempore (Mr. SHIMKUS). Pursuant to clause 8 of rule XX, the pending business is the question of the Speaker's approval of the Journal of the last day's proceedings.

The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. RAHALI. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 363, nays 47, answered "present" 1, not voting 21, as follows:

[Roll No. 433]

YEAS—363

Abercrombie	Clyburn	Goodlatte
Ackerman	Coble	Gordon
Akin	Collins	Goss
Allen	Combest	Graham
Andrews	Condit	Granger
Armey	Cox	Graves
Baca	Coyne	Green (WI)
Bachus	Cramer	Greenwood
Baker	Crenshaw	Grucci
Baldacci	Crowley	Gutknecht
Baldwin	Culberson	Hall (OH)
Ballenger	Cummings	Hall (TX)
Barcia	Cunningham	Hansen
Barr	Davis (CA)	Harman
Barrett	Davis (FL)	Hart
Bartlett	Davis (IL)	Hastings (WA)
Barton	Davis, Jo Ann	Hayes
Bass	Deal	Hayworth
Becerra	DeGette	Herger
Bentsen	DeLauro	Hill
Bereuter	DeMint	Hilleary
Berkley	Deutsch	Hinchee
Berman	Diaz-Balart	Hinojosa
Berry	Dicks	Hobson
Biggert	Dingell	Hoeffel
Billirakis	Doggett	Holden
Bishop	Dooley	Holt
Blagojevich	Doolittle	Honda
Blumenauer	Doyle	Hooley
Blunt	Dreier	Horn
Boehlert	Duncan	Hostettler
Boehner	Dunn	Houghton
Bonilla	Edwards	Hoyer
Bono	Ehlers	Hunter
Boswell	Ehrlich	Hyde
Boucher	Emerson	Inslee
Boyd	Engel	Isakson
Brady (TX)	Eshoo	Israel
Brown (FL)	Etheridge	Issa
Brown (OH)	Evans	Istook
Brown (SC)	Everett	Jackson (IL)
Bryant	Farr	Jackson-Lee
Buyer	Fattah	(TX)
Callahan	Ferguson	Jenkins
Calvert	Flake	John
Camp	Fletcher	Johnson (CT)
Cannon	Foley	Johnson (IL)
Cantor	Forbes	Johnson, E. B.
Capito	Fossella	Johnson, Sam
Capps	Frank	Jones (NC)
Cardin	Frelinghuysen	Jones (OH)
Carson (IN)	Gallegly	Kanjorski
Carson (OK)	Gekas	Kaptur
Castle	Gibbons	Keller
Chabot	Gilchrest	Kelly
Chambliss	Gillmor	Kennedy (RI)
Clay	Gilman	Kerns
Clayton	Gonzalez	Kildee
Clement	Goode	Kind (WI)

King (NY)	Northup	Shaw
Kingston	Norwood	Shays
Kirk	Nussle	Sherman
Klecza	Obey	Sherwood
Knollenberg	Ortiz	Shimkus
Kolbe	Osborne	Shows
LaFalce	Otter	Shuster
LaHood	Owens	Simmons
Lampson	Oxley	Simpson
Langevin	Pallone	Skeen
Lantos	Pascrell	Skelton
Largent	Pastor	Slaughter
Larsen (WA)	Paul	Smith (MI)
Larson (CT)	Payne	Smith (NJ)
LaTourette	Pelosi	Smith (TX)
Leach	Pence	Smith (WA)
Lee	Peterson (PA)	Snyder
Levin	Petri	Solis
Lewis (CA)	Phelps	Souder
Lewis (GA)	Pickering	Spratt
Lewis (KY)	Pitts	Stark
Linder	Platts	Stearns
Lipinski	Pombo	Stump
Lucas (KY)	Pomeroy	Sununu
Lucas (OK)	Portman	Tanner
Luther	Price (NC)	Tauscher
Lynch	Pryce (OH)	Tauzin
Maloney (NY)	Putnam	Taylor (NC)
Manzullo	Quinn	Terry
Markey	Rahall	Thomas
Mascara	Rangel	Thornberry
Matheson	Regula	Thune
Matsui	Rehberg	Thurman
McCarthy (MO)	Reyes	Tiahrt
McCarthy (NY)	Reynolds	Tiberi
McCollum	Rivers	Tierney
McCrery	Rodriguez	Toomey
McHugh	Roemer	Towns
McInnis	Rogers (KY)	Turner
McIntyre	Rogers (MI)	Udall (CO)
McKeon	Rohrabacher	Upton
McKinney	Ros-Lehtinen	Velazquez
Meehan	Ross	Vitter
Meek (FL)	Rothman	Walden
Meeks (NY)	Roukema	Walsh
Menendez	Roybal-Allard	Wamp
Mica	Royce	Watkins (OK)
Millender-	Rush	Watson (CA)
McDonald	Ryan (WI)	Watt (NC)
Miller, Dan	Ryun (KS)	Watts (OK)
Miller, Gary	Sanchez	Waxman
Miller, Jeff	Sanders	Weiner
Mink	Sandlin	Weldon (FL)
Mollohan	Sawyer	Weldon (PA)
Moran (VA)	Saxton	Wexler
Morella	Schakowsky	Wicker
Murtha	Schiff	Wilson
Myrick	Schrock	Wolf
Nadler	Scott	Woolsey
Napolitano	Sensenbrenner	Wu
Neal	Serrano	Wynn
Nethercutt	Sessions	Young (FL)
Ney	Shadegg	

NAYS—47

Aderholt	Hoekstra	Riley
Baird	Hulshof	Sabo
Borski	Kennedy (MN)	Schaffer
Brady (PA)	Kucinich	Stenholm
Capuano	Latham	Strickland
Costello	LoBiondo	Stupak
Crane	McDermott	Sweeney
DeFazio	McGovern	Taylor (MS)
English	McNulty	Thompson (CA)
Filner	Miller, George	Thompson (MS)
Ford	Moore	Udall (NM)
Green (TX)	Moran (KS)	Visclosky
Gutierrez	Oberstar	Waters
Hastings (FL)	Olver	Weller
Hefley	Peterson (MN)	Whitfield
Hilliard	Ramstad	

ANSWERED "PRESENT"—1

Tancred

NOT VOTING—21

Bonior	Delahunt	Lofgren
Burr	DeLay	Lowey
Burton	Frost	Maloney (CT)
Conyers	Ganske	Ose
Cooksey	Gephardt	Radanovich
Cubin	Jefferson	Trafigant
Davis, Tom	Kilpatrick	Young (AK)

□ 1106

So the Journal was approved.
The result of the vote was announced as above recorded.

APPOINTMENT OF CONFEREES ON H.R. 3061, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

Mr. REGULA. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3061) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. SHIMKUS). Is there objection to the request of the gentleman from Ohio?

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mr. OBEY moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill, H.R. 3061, be instructed to insist on the House position to provide no less than a total of \$51,749,765,000 for the Department of Education.

The SPEAKER pro tempore. Pursuant to clause 7, rule XXII, the gentleman from Wisconsin (Mr. OBEY) and the gentleman from Ohio (Mr. REGULA) each will control 30 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this motion is very straightforward. It says the conferees should bring back a conference report for the Labor-HHS appropriations conference that includes House-passed levels for education.

As I think we all know, the President's budget provided for a 5.6 percent increase in education funding over the previous year. That contrasted to an average of a 13 percent increase in each of the previous 5 years. The bill that the House passed contained a 17 percent increase over last year, and that passed by an overwhelming bipartisan vote of 373 to 43.

The bill passed by the other body, in contrast, does not provide the funding levels we need for education. It falls \$525 million short of the House level. The House bill provides \$7.7 billion for special education part b State grants, which is \$375 million more than the Senate. The House bill provides \$10.5 billion for title I grants, \$300 million more than the Senate. For teacher-

quality activities, the House bill is \$135 million over the Senate. The House bill for bilingual education provides \$700 million, which is \$100 million more than the Senate. It has a variety of other programs in the education area but the House provides more adequate support than does the Senate bill, in my view.

Now, we all know that money alone does not produce quality education, but one cannot provide quality education without money. I think our bill, the bill that passed the House, is a very strong effort to do that.

Also we have to keep the door open for higher education to families from all across the country. The problem we face is that we provided a major increase for Pell Grants in the bill that passed the House; but we are now told that because of the deteriorating economy, with more students enrolled in college than expected and the like, that all of the increase that the House provided will be needed just to maintain the current maximum grant level of \$3,750 per student. In other words, we will have to come up with even more money for Pell Grants, or college students will get no increase at all for their grant award for this year.

So this motion simply instructs the conferees on this bill to provide no less than the level of resources for education that the House has already agreed to. I would urge adoption of the motion.

Mr. Speaker, I reserve the balance of my time.

Mr. REGULA. Mr. Speaker, I yield myself such time as I may consume.

Mr. REGULA. Mr. Speaker, the gentleman from Wisconsin (Mr. OBEY) has outlined a number of the good features of this bill. I totally agree with the motion to instruct. I think it reflects H.R. 1, which passed this body overwhelmingly. The numbers track.

It also reflects the President's priorities. The Office of Management and Budget is happy with the bill that we have. They feel that it is a very fiscally responsible bill.

It also has a number of features, and the gentleman from Wisconsin (Mr. OBEY) has touched on them, but a couple I might mention include the Reading First Program. It is a new program that the President has supported strongly with \$900-plus million. Reading is vital, as we all recognize; and also it has additional funding for the programs to improve and provide assistance and help teachers to enable them to better serve the students.

□ 1115

I think all of us agree that teacher quality is the heart and soul of a good school system. I am pleased that we do have language in here to support things like the Troops-to-Teachers, a relatively new program, but one that offers great promise in meeting the

teacher shortage, and also great promise in attracting retirees from the military who have a lot to offer. They have the world travel, they have experience in managing people, and I think tracking these people at their retirement point to participate in our education program and to serve as teachers is a great concept.

I might say we added a number of millions of dollars to this program at the request of the military because what they are going to do is beef up their program in the military of talking to their retirees about participating in the Troops-to-Teachers, and also to providing some financial help to these individuals while they are finishing out their military career to go to a college or university, and get their necessary programs to qualify them under State requirements to serve in the classroom.

We also beef up the Teach for America program, again, one that attracts people, something similar to the programs that get young people to go into areas that are underprivileged and teach for a couple of years in return for getting some assistance.

I have talked to some of these individuals and they are really excited about what they can do to help students, to be an inspiration, to provide role models for students in underprivileged areas. Again, a very successful program. We provide additional funding for that.

TRIO is designed to go into the schools and have individuals from colleges, universities, talk to students and try to persuade them, inspire them, catch their interest in going on to higher education. It is a successful program, and we have added \$70 million to that. We have given more money for rural education and the mentoring programs.

One of the successes is where senior citizens or college students or just people in a community go into a school and mentor students, actually work with them on reading programs.

In my district, I have a hospital that brought a bus. They actually bused their employees out and gave them a break to do this. They would go to a school and work with students who are having difficulty with reading.

We hear a lot about the importance of science and math. We all agree that those are important, but before one can do science and math education, one has to be able to read. Reading is basic. Reading is fundamental. We, in this bill, have tried to identify programs that will help students to be successful in learning to read, and in turn, then they can more effectively participate in others.

Really, this is what is the heart and soul of "no child left behind." "No child left behind" means no child that cannot read, because if they cannot, they have a real problem.

There are a lot of other good features in the bill. That was evidenced by the strong vote we had in the House. It was a bipartisan bill. The gentleman from Wisconsin (Mr. OBEY) and I worked very closely together, and the members of our subcommittee likewise worked with us to get a bipartisan bill. It is strongly endorsed by the administration, the Office of Management and Budget.

What the motion of the gentleman from Wisconsin (Mr. OBEY) is saying is, education is number one. Polls tell us over and over again that education is number one with the people of this Nation. Therefore, the bill reflects that. I think this is a very proper motion because the bill in the other body has a smaller amount for education, and we feel it is important that we go to the conference with a vote of affirmation from the Members of this House saying, in effect, that they, too, agree that education is a number one priority in getting a conference report.

Mr. YOUNG of Florida. Mr. Speaker, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, I would like our colleagues to know that the education number in this bill, which is a very substantial number, is a solid number. The gentleman from Wisconsin (Mr. OBEY) and the gentleman from Ohio (Mr. REGULA) and I had begun to work on this issue in the spring actually, and in working with our counterparts in the Senate, we came to this number.

So I think we have all made this commitment to the strong educational part of this bill, and I agree with the chairman of the subcommittee that this motion certainly reflects the viewpoint that we had established early on.

Mr. REGULA. Mr. Speaker, I might add that the chairman of the full committee, the gentleman from Florida (Mr. YOUNG), and the gentleman from Wisconsin (Mr. OBEY) in the minority on the full committee gave us a very good allocation. That is one of the things that made it possible to have such a quality bill and to meet the needs as we see them.

They have also been very helpful in giving strong support to this so that we have a bipartisan consensus within the Congress. I think it is a great team effort on the part of both sides of the aisle, and I would strongly urge Members to endorse this fact that education is number one, and that we go to conference with that concept.

Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Indiana (Mr. ROEMER).

Mr. ROEMER. Mr. Speaker, I rise in very, very strong support of this mo-

tion. This bill, worked out in a bipartisan way by the gentleman from Ohio (Mr. REGULA) and the gentleman from Wisconsin (Mr. OBEY), has about \$525 million more for education, educating our children in new and innovative ways.

I think this is a very strong instruction, a motion that we need to support on the House side.

At a time in the Midwest, Mr. Speaker, when our economies are not bringing in as much money, at a time when some of our State budgets are being cut by \$800 million, \$1 billion, and more, at a time in the Midwest when steel mills are being closed, when tax bases are shrinking, when we have lost 165,000 manufacturing jobs for many in the Midwest, we need this money for new ideas to educate our children in new ways.

In Title I we have a 20 percent increase for educating the poorest of the poor children in this bill; for reading and literacy programs, we have new ways of educating and teaching reading to our children.

We have, as the chairman mentioned, a new program that ramps up the Troops-to-Teachers program called Transition to Teaching, bringing people from the private sector in engineering, technology, math, and science, from Main Street into our classrooms. This is not throwing money at old ideas, this is new money attached to new ideas. At a bare minimum, this \$525 million over the Senate bill is what we should indeed support.

Mr. Speaker, I would also say that I hope that the other body would include in their stimulus package money for education, given what our States are going through in this tough time with the economy.

So again, Mr. Speaker, I encourage Republicans and Democrats to support this motion. I again applaud the gentleman from Wisconsin (Mr. OBEY) and the gentleman from Florida (Mr. YOUNG) and the gentleman from Ohio (Mr. REGULA) for their hard work.

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Speaker, I thank my friend, the gentleman from Wisconsin, for yielding time to me.

Mr. Speaker, I rise to thank and congratulate the gentleman from Ohio (Mr. REGULA), the gentleman from Florida (Mr. YOUNG), and the gentleman from Wisconsin (Mr. OBEY) for the outstanding legislative product they have put before this body, and to strongly endorse this motion to instruct.

One of the areas that I am most especially pleased to see is the substantial increase in special education funding under the Individuals with Disabilities in Education Act, the IDEA. In the fiscal year that ended September 30, we

committed \$6.3 billion to help educate students with these needs. In the House bill, that number now exceeds \$7.7 billion, an increase of well over 20 percent.

This is a double victory. It provides much higher quality education for children with special needs, and it frees up resources in local school districts around the country to do many other things: to help reduce class sizes for children who are not in special education, to free up money for school construction, for teacher quality, or for tax relief.

We need to do more of this, and we need to do it for the reasons my friend, the gentleman from Indiana, just cited: State budgets around this Nation are feeling and will profoundly feel the effects of the economic slowdown. That will mean substantially lower State resources for education. Now more than ever it is important for us to step in and help fill that void. This legislation does so.

As we proceed with the House-Senate conference on the education reform bill, we strongly support making major quality upgrades and reforms in education, but we only want to do so if the resources are there to pay for the needs of children who are identified as having trouble.

This bill is an example of what we need to do on a permanent and ongoing basis to make sure that once we have identified children with problems, we give them the tools and the teachers with whom they can overcome those problems.

For the bipartisan leadership on this bill, I extend my thanks and appreciation, urge my colleagues to support the resolution.

Mr. REGULA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I do want to make one additional comment. That is that thanks to the leadership of the Speaker and the minority leader and the gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY), I think for the first time the Senate and the House subcommittee had an identical allocation. That is going to make it much easier in conference because we are working from the same total.

I commend them for giving us that kind of support, and also for increasing the allocation generally, because we will only in conference be dealing with priorities, but we will all be working from the same total number.

Ms. PELOSI. Mr. Speaker, I rise in strong support of this motion to instruct conferees to accept the higher funding levels for education that are included in the House bill. Chairman REGULA and Ranking Member OBEY have shown tremendous leadership on our Subcommittee, and they have negotiated a strong bill that reflects the value our country places on education.

We started this budget cycle in a much different place. In order to make room for his

huge tax cut, President Bush's budget proposed the smallest increase for education in 5 years.

The \$2.4 billion increase in the Bush budget included substantial increases for reading programs and a modest increase for Pell grants, but left only \$400 million for all other education programs. This proposal left all other elementary, secondary, and higher education programs, special education, and vocational education programs with less than the level needed just to keep up with inflation.

Members of both sides of the aisle recognized that this was unacceptable, and the bill we negotiated included an increase of \$4.7 billion over the request and \$7 billion over last year. These increases include an additional \$1.7 billion for disadvantaged schools, the largest dollar increase for title 1 since its inception of the program, a \$154 million increase for after school child care, and a \$240 million increase for bilingual education.

We can never forget that our strength as a nation is measured both in our military might and in the well being of our people. There is no more important priority than educating our children and passing our knowledge and values to the next generation. I urge my colleagues to these funding increases and vote yes on the motion to instruct.

Mr. REGULA. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. OBEY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SHIMKUS). Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Wisconsin (Mr. OBEY).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. OBEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

PERMISSION TO HAVE UNTIL MIDNIGHT, FRIDAY, NOVEMBER 9, 2001, TO FILE CONFERENCE REPORT ON H.R. 2500, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that managers on the part of the House have until midnight, November 9, 2001, to file a conference report on the bill (H.R. 2500) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies, for the fiscal year ending September 30, 2002, and for other purposes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

Mr. OBEY. Mr. Speaker, reserving the right to object, I understand this is a request to file the CJ by midnight tonight?

Mr. YOUNG of Florida. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Speaker, I would tell the gentleman, it is tomorrow night.

Mr. OBEY. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

PERMISSION TO HAVE UNTIL MIDNIGHT, FRIDAY, NOVEMBER 9, 2001, TO FILE CONFERENCE REPORT ON H.R. 2330, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2002, AND TO CONSIDER CONFERENCE REPORT

Mr. BONILLA. Mr. Speaker, I ask unanimous consent that managers on the part of the House have until midnight Friday night, November 9, 2001, to file a conference report to accompany H.R. 2330; that it be in order at any time on the legislative day of Tuesday, November 13, 2001, to consider such conference report; that all points of order against such conference report and against its consideration be waived; and that such conference report be considered as read when called up.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

□ 1130

APPOINTMENT OF CONFEREES ON H.R. 2944, DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2002

Mr. KNOLLENBERG. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2944) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2002, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. FATTAH

Mr. FATTAH. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mr. FATTAH moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill, H.R. 2944, be instructed to insist on the House position regarding assistance with Federal funds for education and training programs in the District of Columbia.

Mr. FATTAH (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore (Mr. SHIMKUS). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from Pennsylvania (Mr. FATTAH) and the gentleman from Michigan (Mr. KNOLLENBERG) each will control 30 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. FATTAH).

Mr. FATTAH. Mr. Speaker, I yield myself such time as I may consume.

I would like to, first of all, say to the chairman of the subcommittee, the gentleman from Michigan (Mr. KNOLLENBERG) and to the whole House, that I want to compliment him on his service and his leadership, leading us to this moment on this appropriation. It has been the smoothest I think of any of the D.C. appropriation bills since my time here in the Congress, and it is because of his leadership; and I would also like to thank the senior staff on both sides of the aisle that have worked on this.

I have a motion to instruct that simply would remind the conferees on behalf of the House of our deep concern about the young people in the D.C. area and to focus our energies to represent the House's position on a number of education matters, in particular, and by example, the appropriation for St. Coletta's.

Mr. Speaker, in that regard, I yield as much time as he may consume to my colleague from West Virginia (Mr. MOLLOHAN) to say a few words about this important appropriations.

Mr. MOLLOHAN. Mr. Speaker, I thank the gentleman from Pennsylvania (Mr. FATTAH), the ranking member for yielding the time.

We are all aware of the incidents of mistreatment and abuse of persons with mental retardation in the District of Columbia. There are horrible stories. We have read these in the Washington Post, describing an education system for those with special needs that is dominated by for-profit companies just going through the motions. These companies are in the business of covering up mistreatment rather than working to correct it.

Today, I stand before the House with a solution to this unspeakable problem, St. Coletta's School, a non-profit in Alexandria serving children and adults

with cognitive and multiple disabilities from the D.C. metro area. St. Coletta currently serves 120 students between the ages of 4 and 22 years. These students are mentally retarded, autistic, suffer from multiple disabilities; and the majority have secondary disabling conditions such as blindness, deafness, social and emotional problems, cerebral palsy, and other physical impairments.

Mr. Speaker, 80 percent of those students are from Washington, D.C. Thirty-five percent of these D.C. students are in foster care or third-party placements due to abuse, neglect, abandonment or death of parents. An additional 30 percent of the D.C. students live with only 1 parent or extended family members.

Recognizing the desperate need in D.C. for these vocational, therapeutic, behavioral and family support and case management services, St. Coletta's of Greater Washington, Inc., is expanding its program to further serve the unmet needs of this D.C. community.

St. Coletta plans to purchase and renovate a facility to bring its already existing day program to more D.C. residents. The new facility will accommodate approximately 150 D.C. students and provide vocational and functional life-skills training, speech therapy, occupational therapy, physical therapy, and behavioral management services.

Mr. Speaker, I am very grateful to the gentleman from Michigan (Mr. KNOLLENBERG), the chairman; and the gentleman from Pennsylvania (Mr. FATTAH), the ranking member; for supporting St. Coletta's expansion project in the House D.C. bill and hope that more can be done for this project in conference. This is an investment that we cannot afford not to make.

Mr. FATTAH. Mr. Speaker, I reserve the balance of my time.

Mr. KNOLLENBERG. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have no disagreement with the suggestion the gentleman from Pennsylvania (Mr. FATTAH) is making. I think the whole idea of the gentleman's motion is to, in fact, do what it is we have already done in the bill. The administration, the OMB, have weighed in. They are, in fact, supportive of this move; and so I have no disagreement at all.

I would also like to comment briefly on the gentleman from West Virginia (Mr. MOLLOHAN), who does bring up I think something that we should all look at very, very close, that is, St. Coletta's. He makes remarks that I think coincide with mine because I too have met with the folks from St. Coletta's, and so we join in addressing that issue and promoting it in the fashion that we think it should be, and I believe that from what I can sense here we should have a good conference.

We are close on a number of issues, but we are close enough I think on the

money issue to redeem and bring this to resolution; and so with that, unless the gentleman from Pennsylvania (Mr. FATTAH), the ranking member, wants to express an opinion.

Mr. FATTAH. Mr. Speaker, will the gentleman from Michigan yield for just 1 second?

Mr. KNOLLENBERG. I am glad to yield to the gentleman from Pennsylvania.

Mr. FATTAH. Mr. Speaker, I want to compliment the gentleman from Michigan (Mr. KNOLLENBERG) and thank him for his leadership and cooperation and, of course, the full committee chairman and ranking member, their guidance, as we have moved through this process. I am anxious to go to conference and finish our work for the year; and I believe that the motion to instruct and, moreover, the committee's work product is a great foundation from which the House could proceed in a conference; and I would be remiss not to also thank the gentlewoman from the District of Columbia (Ms. NORTON) for her leadership and urgings as we have walked down this road towards the D.C. appropriations.

I thank the gentleman for yielding.

Mr. Speaker, I yield back the remainder of my time.

Mr. KNOLLENBERG. Mr. Speaker, I am willing, of course, to accept what was mentioned. I want to also briefly say that the gentleman from Pennsylvania (Mr. FATTAH), while thanking me, should also get thanked from me because he has done, I think, a great amount of work to bring this about. We use this word bipartisanship a little loosely; but frankly, we are on the same page in almost every respect; and when we have an occasional disagreement, it is not a disagreement. It is worked out.

Mr. Speaker, I wanted to applaud and salute the gentleman from Pennsylvania (Mr. FATTAH) and thank him for working as a team to bring this about.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Pennsylvania (Mr. FATTAH).

The motion was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Messrs. KNOLLENBERG, ISTOOK, CUNNINGHAM, DOOLITTLE, SWEENEY, VITTER, YOUNG of Florida, FATTAH, MOLLOHAN, OLVER and OBEY.

There was no objection.

WAIVING POINTS OF ORDER
AGAINST CONFERENCE REPORT
ON H.R. 2620, DEPARTMENTS OF
VETERANS AFFAIRS AND HOUS-
ING AND URBAN DEVELOPMENT,
AND INDEPENDENT AGENCIES
APPROPRIATIONS ACT, 2002

Ms. PRYCE of Ohio. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 279 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 279

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 2620) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2002. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore. The gentleman from Ohio (Ms. PRYCE) is recognized for 1 hour.

Ms. PRYCE of Ohio. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 279 is a standard rule waiving all points of order against the conference report to accompany H.R. 2620, the Fiscal Year 2002 Veterans Affairs, and Housing and Urban Development, and Independent Agencies Appropriations bill.

Mr. Speaker, this conference report provides yet another example of a carefully crafted, bipartisan product from our Committee on Appropriations that maintains fiscal discipline, while addressing some of our Nation's most pressing needs.

It takes care of our veterans; addresses the Nation's critical housing needs; helps to protect and preserve our environment; invests in scientific research; and continues the exploration into space.

I would like to take this opportunity to commend the gentleman from New York (Mr. WALSH); the gentleman from West Virginia (Mr. MOLLOHAN), the ranking member, and all the members of the Committee on Appropriations for their hard work and dedication.

The conference report maintains our commitment to our Nation's veterans who selflessly placed themselves in harm's way so we may enjoy the very freedoms which we so cherish.

□ 1145

With November 11, being Veterans Day, fast approaching, our Nation's veterans deserve our thanks, but more importantly, they deserve and have

earned the benefits provided in this conference report.

This year the VA-HUD appropriations bill provides an additional \$1 billion over last year's increase for Veterans Medical Health Care, bringing the total to \$21.3 billion. And I am proud to inform my colleagues, and more importantly our veterans, that we have increased Veterans Medical Health Care by \$4 billion over the course of the last 3 fiscal years.

The bill increases Veterans Medical and Prosthetic Research yet again by \$20 million and provides an extra \$128 million over last year's funding level for the Veterans Benefit Administration to expedite claims processing, which is a big problem.

Mr. Speaker, along with providing for the needs of our veterans, this legislation targets important resources towards the challenges faced by our urban communities and populations to provide adequate housing to help the most vulnerable folks in our society. Low-income families will benefit through this bill's investment in the Housing Certificate Program, which provides funding for Section 8 renewals and tenant protection.

A \$1.7 billion increase over last year's funding level will allow for the renewal of all expiring Section 8 contracts and provides needed relocation assistance. A total of \$15.6 billion is provided for this important program in fiscal year 2002. This includes \$140 million to fund some 26,000 new Section 8 vouchers. This housing assistance is critical in helping families who are trying to lift themselves up and improve their lives.

Other needed housing programs that help our elderly, people with AIDS, and the disabled also receive increases above last year's funding levels in this conference report.

The report also provides important resources to preserve and protect our environment for the next generation to enjoy. It targets funding with an emphasis on State grants to protect the water we drink and the air we breathe.

The State Revolving Fund for Safe Drinking Water is increased by more than \$25 million from last year's level, the Clean Water State Revolving Fund is funded at \$1.35 billion, equal to last year's level, and, finally, State Air Grants are increased \$8 million over last year.

Mr. Speaker, this conference report also maintains our commitment to the exploration of space and the improvement of science. I am pleased to say that the National Science Foundation is increased by some \$363 million above fiscal year 2001. This represents the largest NSF budget ever, and will go a long way to help foster scientific discovery, promote basic research, as well as increase scientific education.

NASA also receives an increase that will bring total funding to \$14.8 billion. It fully funds the Space Shuttle oper-

ations and maintains our commitment to the International Space Station. This will enable the United States of America to continue our superiority in space exploration and aeronautical research.

Finally, Mr. Speaker, this conference report provides the Federal Emergency Management Agency with \$2.2 billion for disaster relief to help some of our Nation's hardest-hit communities, much needed in this time of our Nation's crisis.

Mr. Speaker, this is a good conference report and it deserves our support. It takes a responsible path towards addressing our Nation's most pressing needs and priorities. I urge all my colleagues to support this straightforward, noncontroversial rule, as well as this must-do piece of legislation.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I thank my colleague from Ohio (Ms. PRYCE) for yielding me the customary half-hour, and I yield myself such time as I may consume.

Ms. SLAUGHTER. Mr. Speaker, I rise to express my strong support for the work performed on this bill by the chairman, the gentleman from New York (Mr. WALSH) and the ranking member, the gentleman from West Virginia (Mr. MOLLOHAN).

This is a critical bill for many of our constituents. It directs funding for our Nation's veterans, addresses important housing concerns, protects the environment, and invests in science and technology research.

Specifically, the conference report increases Veterans Administration health care funding by over \$1 billion, money that will go towards eliminating much of the VA's backlog of veterans' claims.

Moreover, the measure furthers our commitment to doubling the National Science Foundation budget to invest in science and technology to secure American competitiveness into the future.

The bill authorizes \$700 million in HUD Community Development Block Grant funding to New York State to provide grants to the New York City businesses damaged or affected by the attacks of September 11.

My colleagues will also be pleased to know that the bill establishes a new, higher standard for arsenic levels in public drinking water, raising the standards from 50 parts per billion to 10 parts per billion.

I also want to thank the chairman and the ranking member for the increase in funding in HUD's Office of Lead Hazard Control. Fifty of my colleagues signed a letter to the committee requesting this increase, because many older houses and apartments still contain lead-based paint.

Research shows that children with elevated blood levels are seven times more likely to drop out of school and

twice as likely to fall behind their peers in language acquisition. In my district of Rochester, New York, 37 percent of the children tested have more lead in their blood than the Center for Disease Control and Prevention considers safe.

Over the past decade, HUD has worked with local governments and agencies to increase the number of lead hazard control programs. However, millions of housing units remain contaminated with lead-based paint. To further reduce lead paint health hazards, the fiscal year 2002 HUD budget receives a \$9.8 million increase over fiscal year 2001, bringing the total to 109.8 million. These funds will be distributed through competitive grants to entities who agree to match the Federal grant. So, combined with the private-sector funding, it supports a 10-year strategy to eliminate paint hazards in 2.3 million private housing units occupied by low-income children.

Included in this request is a set-aside of \$10 million to continue the Healthy Homes Initiative, which helps to develop, to demonstrate, and promote cost-effective preventive measures to correct multiple safety and health hazards in the home that can cause serious disease and injuries to children.

There are lots of other programs in the bill that I could highlight for my colleagues, but I will save that for Chairman WALSH and Ranking Member MOLLOHAN, but let me say I support both the rule and the underlying bill.

Mr. Speaker, I reserve the balance of my time.

Ms. PRYCE of Ohio. Mr. Speaker, I am very pleased to yield 3 minutes to the gentleman from Michigan (Mr. KNOLLENBERG), my distinguished colleague and a member of the Committee on Appropriations.

Mr. KNOLLENBERG. Mr. Speaker, I thank the gentlewoman for yielding me this time, and I thank the chairman, the gentleman from New York (Mr. WALSH) and the ranking member, the gentleman from West Virginia (Mr. MOLLOHAN) for the great work that they have done to produce this conference report and, in effect, to produce this bill.

I would also like to thank Frank Cushing, who works under a great deal of stress, but does it very, very well, and all the staff that has done so remarkably well to produce this bill that we have, this conference report that we have in front of us today. None of it would be possible without their dedication, their expertise, and the long hours. I salute their work.

I just want to highlight a few of the provisions in the bill. The bill provides an extra \$128 million to help the Veterans Benefits Administration to expedite claims processing. The veterans of America do not deserve to suffer the lengthy waits they do now to receive the benefits that they deserve. The

extra funding is an important step forward in cutting these wait times.

I would also like to thank the chairman, the ranking member, and the gentleman from Ohio (Mr. OXLEY) for working with me to improve a pilot housing program in my district. This has amplification potential with districts around the country. The program is providing a viable and cost-effective housing alternative for the aging population, and I am pleased that it will continue.

I want to note also there is a \$363 million increase in funding for the National Science Foundation. The NIH and CDC get much of the publicity when we talk about medical and scientific advances. But few of those advances would be possible without the basic research that is conducted by NSF. I am pleased that these and other funding priorities in the bill will be signed into law when this conference report lands on the President's desk.

Chairman WALSH is to be saluted for crafting this piece of legislation under some very difficult circumstances. He and the gentleman from West Virginia (Mr. MOLLOHAN) have worked tirelessly with our colleagues in the other body to forge a fiscally responsible bill in a bipartisan spirit.

So, Mr. Speaker, this conference report is the fruit of the effort, and I urge adoption of the rule and the conference.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, I commend and congratulate the gentleman from New York (Mr. WALSH) and the gentleman from West Virginia (Mr. MOLLOHAN) for their outstanding leadership and work on this bill.

I rise in support of the rule and in support of the conference report. I am particularly pleased that the report funds renewal of Section 8 contracts due to expire in 2002, and that it funds 25,900 new rental vouchers.

I am disappointed by the elimination of the Drug Elimination Grant Program, but understand that these programs will be funded from increases in public housing operating subsidies.

I am also pleased that programs for the elderly get a small increase, and that housing programs for the disabled are positively impacted. I had hoped not to see any decreases in funding for distressed public housing and the empowerment zones.

I am gratified, Mr. Speaker, to know that we are increasing funding for Veterans Administration programs, and I trust that this means that our VA hospitals and services in the Chicago area will not have to experience drastic cuts in programs and services, and that we do not have to continue the talk of the possibility of closing the Lakeside Veterans Administration Hospital.

I commend the committee for increasing by 9.5 percent programs for

the homeless and a 7.5 percent increase to help meet the housing needs of persons with AIDS and their families.

Mr. Speaker, these are indeed difficult times, and these are definitely times where there are going to be unmet needs. However, in spite of that, the committee has done a good and outstanding job and has a good product. I commend them for their efforts, for their astuteness, and for the balance which they have displayed.

Ms. PRYCE of Ohio. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. WALSH), my distinguished colleague and the chairman of the VA-HUD Committee on Appropriations. We all take our hats off to him for his hard work, as well as to the ranking member, the gentleman from West Virginia (Mr. MOLLOHAN).

Mr. WALSH. Mr. Speaker, I thank the gentlewoman from Ohio for yielding me this time. She has now helped us guide this bill through the House for the third time, and she does a marvelous job. I would also like to thank her opposite number, my neighbor, the gentlewoman from New York (Ms. SLAUGHTER), for the courtesies extended to the gentleman from West Virginia (Mr. MOLLOHAN), myself, and our subcommittee. Thanks also to Chairman DREIER, who quickly guided us through the Committee on Rules and turned us loose.

We think we have a very good bill. There are a number of compromises within the bill, but there are also, I think, some fairly important policy statements that we make. We allocated precious resources to the priorities that were expressed by the House and the Senate, and I will deal more with the details when the bill comes before us. But I would urge all Members to support the rule.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. FILNER).

Mr. FILNER. Mr. Speaker, I thank the gentlewoman for yielding me this time, and I would like to point out that as this body is preparing to adjourn for Veterans Day, despite some of the comments we have heard, this budget is not a good budget for our veterans and we are not honoring them as we come up to Veterans Day.

I understand that the chairman of the committee and the ranking member have had a certain budget to deal with, and they have done the best they can. But this Congress just passed a bill which gave \$25 billion in retroactive tax increases to the biggest corporations in this country. IBM will get a check for \$2 billion, GE and Ford will get checks for between \$1 billion and a \$1.5 billion. And what did we do for veterans in this budget? Barely keeping up with inflation. Barely keeping up with inflation.

At a time when the backlog of cases to be adjudicated accumulates at 10,000

a week, this budget will do nothing to clear up that backlog. This budget will not help us cure or find a treatment or a cause for Persian Gulf War illness. It does not take any of the 250,000 homeless off the streets.

□ 1200

Mr. Speaker, it does not shorten the waiting time of months and months that our veterans have to wait for doctor's appointments. This does not honor our veterans, at a time not only when we are approaching Veterans' Day but when our men and women are at war and we will have more veterans and more service-connected problems. We are not sending a signal in the men and women engaged in the war against terrorism when we treat our veterans in this way.

All of the veterans in this country came together to produce The Independent Budget, a budget by veterans for veterans. It outlined the needs that our veterans have. But what does this bill have, \$2 billion less than what this calls for. The final conference report that we are voting on provides less money than either House provided in their resolution. How can a conference report come back with less than each House recommended?

Mr. Speaker, those who are adept at these conference reports will have to explain that to me. We come back with \$2 billion less than our veterans need, less than what each House called for, and yet we are about to go out on November 11 and November 12 and say to our veterans, we support them. We love them.

Mr. Speaker, this conference report does not do the job that our veterans deserve and our new veterans are going to need. This budget again is a dishonor to our veterans as we approach Veterans' Day on November 11.

Ms. PRYCE of Ohio. Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 4 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the ranking member and the chairman of the committee. We realize the trying times that we are in, and I think many of us would have relished the opportunity for these very vital programs to have provided more resources. In fact, I would imagine if we could go back to the drawing boards, we would recognize the enormous needs that these services in this particular bill address.

But let me first of all as we talk about Veterans' Day acknowledge the extra \$128 million that the veterans will get to expedite claims processing. If there is anything in our congressional districts that causes us great concern, it is our veterans coming in attempting to process their claims for needs that are immediate. I believe it is important to overcome that particular need.

In addition, I think it is extremely important that there is an increase in this particular legislation for veterans. I would argue to say that we can always, as I work with homeless veterans, do more for them. I am hoping as we move towards the next session and the next fiscal year, we can reemphasize the needs of our homeless veterans with whom I have worked on a regular basis.

But we are addressing some needs, and whenever I go home and interact with my community, they are always speaking about another issue and that is dealing with housing. I would like to refer to the housing for the Nation's elderly, section 202 which has received an increase, the homeless program which has been fully funded at \$1.23 billion, the housing, the HOPWA program. I might say that we will be working with HUD to ensure that those dollars get to communities that are diverse, that we ensure that those programs are spread throughout, that we are reaching the communities that are impacted. We realize that in the African American community, HIV-AIDS is the one killer in ages 25 TO 44. We need those dollars to be spread in a diverse way. We have community development block grant money, and I am delighted that is there, as well as the Superfund monies which have been funded.

As a member of the Committee on Science, Subcommittee on Space and Aeronautics, express my extreme disappointment that we have not seen fit to fully fund our Space Station and provide the extra safety and the extra crew module. We fought against this cut, and I am hoping that the administration will see the error of its ways with respect to the Space Station. We have fought long and hard, and in this time the Space Station may become even more valuable. We realize that we have to be fiscally responsible as relates to NASA, but we need to do more.

In Houston, in particular, we are very gratified that the conference has seen fit to focus on beautification. The Heights Association in Houston receiving \$100,000; to focus on recreation, \$25,000 for the Acres Home Citizen Council Recreational Complex that will enhance economic development in that area, create a whole buzz of activity, compete with of course our great sports arenas by going into a neighborhood and focusing, and recognizing that the whole Nation needs to be wired and to put in an intercity area, the home of Barbara Jordan and Nicky Leland, the Fifth Ward Technology Center in cooperation with the Houston Community College seed money of \$50,000 to help us recognize that economic development technology are interwoven. I look forward to these ideas and these monies moving forward to help build our country and as well build a better quality of life.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Mr. Speaker, I thank the gentlewoman for yielding me this time.

Mr. Speaker, I rise today in strong support of the conference report for VA-HUD. The bill funds many important agencies, and much has been said about those agencies, particularly about Veterans' Affairs. But I would like to specifically recognize the hard work of the members of the conference committee for their work in approving funding increase for aeronautics research.

We know that dollar for dollar, investments in aeronautics research pays off. Every aircraft worldwide uses NASA technology, and the research center located in Hampton, Virginia, has been at the forefront of developing these cutting-edge technologies. Engineering principles developed from the past research at Langley have contributed to overall aircraft safety and efficiency, including things like wind design, noise abatement, structural integrity, and fuel efficiency. It is important to remember that these principles were developed 5, 10 and 20 years before they led to improvements in the aircraft we see today.

In recent years, NASA's research has been reduced by about one-third. Reversing that declining trend in aeronautics funding now will enable the aggressive research and technology programs that are needed to lead the United States into the 21st century, as the world's leader in aeronautics and space research, a key cornerstone of our future economic prosperity.

Again, I extend my appreciation to the gentleman from New York (Mr. WALSH) and the gentleman from West Virginia (Mr. MOLLOHAN) and the other conferees for their strong support for the national investments in aeronautics research, and I urge Members to support the conference committee report.

Ms. SLAUGHTER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Ms. PRYCE of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is a good conference report. It balances a number of very important priorities. It protects our environment and keeps the United States at the forefront of space exploration. It provides needed funding to ensure new scientific discovery and addresses our Nation's critical housing needs.

Finally, it provides for the benefits and assistance of our Nation's veterans that they have earned and that they should enjoy. It is a fitting and timely tribute as we prepare for Veterans' Day this November 11.

Mr. Speaker, once again our hats should be off to the gentleman from

New York (Mr. WALSH) and the gentleman from West Virginia (Mr. MOLLOHAN) and the entire appropriations committee. I urge a yes vote on this rule and the conference report.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. WALSH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the conference report to accompany H.R. 2620, and that I may include tabular and extraneous material.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from New York?

There was no objection.

CONFERENCE REPORT ON H.R. 2620, DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2002

Mr. WALSH. Mr. Speaker, pursuant to House Resolution 279, I call up the conference report on the bill (H.R. 2620) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2002, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to the rule, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of November 6, 2001, at page H7787.)

The SPEAKER pro tempore. The gentleman from New York (Mr. WALSH) and the gentleman from West Virginia (Mr. MOLLOHAN) each will control 30 minutes.

The Chair recognizes the gentleman from New York (Mr. WALSH).

Mr. WALSH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is a privilege to present for consideration of the House the conference report on H.R. 2620, the VA-HUD and Independent Agencies Appropriations Act for 2002.

In the interest of time, I will try to be brief. I would like, however, to begin by saying that this is a good bill. I think the fact that we had a unanimous vote on the rule is symbolic of what is to come. Like those presented in each of the past few years, it is very much a solid, bipartisan effort of the House and Senate. In this regard I

would like to express my sincere appreciation to the gentleman from West Virginia (Mr. MOLLOHAN), as well as to our very able Senate colleagues, Senators MIKULSKI and BOND.

While we clearly had differences and many difficult decisions on several aspects of the bill as passed by each body, the conference report nevertheless represents a true collaboration of effort and an honest negotiated compromise. Again, I am grateful to my colleagues for their candor, perseverance, and friendship.

With the House's indulgence, I would like to take a few minutes to briefly outline the highlights of the proposal. First and foremost, the conference report is within the 302(b) allocation for budget authority and outlays. The bill's discretionary spending is \$85.4 billion in new budget authority, which is an increase of just over \$2 billion above the budget submission and some \$2.9 billion over last year's bill.

I would note for the House that this level of discretionary spending includes emergency spending for \$1.5 billion for FEMA for disaster relief requirements.

We have tried as best we can to spread the proposed increases throughout the bill: discretionary veterans programs overall are increased by over \$1.4 billion compared to 2001. This follows on some very substantial increases in the last 2 years, with \$1.05 billion of the increase going to medical care and the remainder spread to research, processing veterans' compensation, pension and education claims, operating our national cemeteries, and increasing necessary construction at VA facilities by over \$160 million over last year.

Housing programs have increased in HUD by over \$1.67 billion compared to 2001, with increases in the housing certificate program, public housing operating subsidies, the HOPWA program, HOME investment partnerships, the housing for the elderly and disabled programs, and the disabled program is a significant increase, and the lead hazard reduction program. It is important to note that this proposal also includes some very difficult but I believe extremely important and highly defensible changes in policy direction which are represented by reductions in the Public Housing Capital Fund and the Drug Elimination Grant Program. Neither of these programs is serving the best interests of the people they were intended to serve, and it is our job to take whatever steps are necessary to remedy the situation.

In the case of capital funds, it meant getting tougher on public housing authorities to spend the dollars intended for the residents of public housing authority. There are literally hundreds of millions of dollars worth of code violations and hazards not getting fixed.

In the case of the Drug Elimination Grant Program, it meant taking an

honest look at whether HUD is the best entity to run this type of program.

□ 1215

Based on HUD's track record, we did not believe that it was. Instead, this bill increases funding in the operating fund so that all PHAs will see an increase. They then have the discretion to use those funds as they see fit.

The Environmental Protection Agency's funding increases some \$586 million over the budget request, and \$74 million above last year. This proposal continues to provide a strong research program as well as increased resources for the many State categorical grants, including section 106 water pollution grants, section 103 and 105 air pollution grants, and the new BEACH grant program. The Clean Water SRF program has been funded at \$1.35 billion and the Safe Drinking Water SRF has received \$850 million. These are substantial commitments. However, they are dwarfed by the need that is out there in combined sewer overflow projects throughout the country.

FEMA's operating programs increase by nearly \$135 million over the 2001 funding level and we have provided \$2.1 billion in emergency and non-emergency dollars for disaster relief. I should also mention that \$150 million has been provided for the new firefighter grant program which, as my colleagues can imagine, is a very, very popular and competitive program.

NASA's programs will receive a net increase of \$508 million over last year, and we have proposed several structural changes in the agency's account structure to provide them greater programmatic flexibility and the committee, better oversight capability.

Finally, I am proud to say that we have raised the overall funding for the National Science Foundation by just over \$316 million to a total program of \$4.789 billion. That is an increase of 8.2 percent compared to last year. Doing a little research myself, 10 years ago that budget was half, so that the National Science Foundation budget has doubled in the past 10 years. The bulk of this increase will go to improve available resources for National Science Foundation's core research programs, bringing the total research program to nearly \$3.6 billion, while the remainder would be spread to major research, construction and equipment, education and human resource programs, and salaries and expenses for NSF's capable staff.

I would like to add that I personally would have liked to do more here, as I know my colleague, the gentleman from West Virginia (Mr. MOLLOHAN), would. However, to do so only could have been done at the expense of other very important programs found in other agencies throughout the bill. Having said that, given the increase proposed by the administration of 1

percent, we have done a remarkable job.

All Members are, of course, aware of the difficulty in putting these bills together, especially with so many diverse and competing interests. Developing the perfect bill is probably impossible. Nevertheless, I believe we have done a tremendous job developing a bill that

represents the interests of both the legislative and the executive branch.

By the way, I would like to thank the executive branch for allowing us to do our job without a great deal of interference. They have been very cooperative. Their priorities were made. We tried to honor those priorities; in many cases we did. But the relationship this year was excellent.

With that, Mr. Speaker, I want once again to thank all my colleagues for allowing us the privilege of presenting this conference report on the fiscal year 2002 appropriations for veterans, housing and independent agencies. I urge its adoption.

Mr. Speaker, I include the following material for the RECORD:

**H.R. 2620 - Departments of Veterans Affairs and Housing and Urban Development,
and Independent Agencies Appropriations Bill, 2002**
(Amounts in thousands)

	FY 2001 Enacted	FY 2002 Request	House	Senate	Conference	Conference vs. enacted
TITLE I						
DEPARTMENT OF VETERANS AFFAIRS						
Veterans Benefits Administration						
Compensation and pensions.....	23,355,689	24,944,288	24,944,288	24,944,288	24,944,288	+1,588,599
Readjustment benefits.....	1,881,000	2,135,000	2,135,000	2,135,000	2,135,000	+154,000
Veterans insurance and indemnities.....	19,850	26,200	26,200	26,200	26,200	+6,350
Veterans housing benefit program fund program account (indefinite).....	165,740	203,278	203,278	203,278	203,278	+37,538
(Limitation on direct loans).....	(300)	(300)	(300)	(300)	(300)	
Administrative expenses.....	162,000	164,497	164,497	164,497	164,497	+2,497
Administrative savings from prohibiting new Vendee Home Loans.....		-1,000				
Education loan fund program account.....	1	1	1	1	1	
(Limitation on direct loans).....	(3)	(3)	(3)	(3)	(3)	
Administrative expenses.....	220	64	64	64	64	-156
Vocational rehabilitation loans program account.....	52	72	72	72	72	+20
(Limitation on direct loans).....	(2,726)	(3,301)	(3,301)	(3,301)	(3,301)	(+575)
Administrative expenses.....	432	274	274	274	274	-158
Native American Veteran Housing Loan Program Account.....	532	544	544	544	544	+12
Total, Veterans Benefits Administration	25,685,516	27,473,218	27,474,218	27,474,218	27,474,218	+1,788,702
Veterans Health Administration						
Medical care	19,381,587	20,304,742	20,382,587	20,704,742	20,656,164	+1,274,577
Delayed equipment obligation.....	900,000	675,000	900,000	675,000	675,000	-225,000
Total	20,281,587	20,979,742	21,282,587	21,379,742	21,331,164	+1,049,577
(Transfer to general operating expenses)	(-28,134)					(+28,134)
(Transfer to Parking revolving fund)	(-2,000)					(+2,000)
Medical care cost recovery collections:						
Offsetting receipts.....	-639,000	-691,000	-812,000	-691,000	-691,000	-52,000
Appropriations (indefinite).....	639,000	691,000	812,000	691,000	691,000	+52,000
Total available (excludes offsetting receipts)	20,920,587	21,670,742	22,094,587	22,070,742	22,022,164	+1,101,577
Medical and prosthetic research	351,000	360,237	371,000	390,000	371,000	+20,000
Medical administration and miscellaneous operating expenses	62,000	67,628	66,731	67,628	66,731	+4,731
Total, Veterans Health Administration	20,694,587	21,407,607	21,720,318	21,837,370	21,768,895	+1,074,308
Departmental Administration						
General operating expenses.....	1,050,000	1,194,831	1,195,728	1,194,831	1,195,728	+145,728
Offsetting receipts.....	(36,520)					(-36,520)
Total, Program Level.....	(1,086,520)	(1,194,831)	(1,195,728)	(1,194,831)	(1,195,728)	(+109,208)
(Transfer from medical care)	(47,134)					(-47,134)
(Transfer from national cemetery)	(125)					(-125)
(Transfer from inspector general)	(28)					(-28)
National Cemetery Administration	109,889	121,169	121,169	121,169	121,169	+11,280
(Transfer to general operating expenses)	(-125)					(+125)
Office of Inspector General.....	46,464	48,308	52,308	48,308	52,308	+5,844
(Transfer to general operating expenses)	(-28)					(+28)
Construction, major projects.....	66,040	183,180	183,180	155,180	183,180	+117,140
Facility rehabilitation fund.....			300,000			
Construction, minor projects.....	162,000	178,900	178,900	178,900	210,900	+48,900
Miscellaneous appropriations (P.L. 106-554).....	8,840					-8,840
(Transfer to Parking Revolving Fund)	(-4,500)					(+4,500)
Total	170,840	178,900	178,900	178,900	210,900	+40,060
Grants for construction of State extended care facilities	100,000	50,000	100,000	100,000	100,000	
Grants for the construction of State veterans cemeteries	25,000	25,000	25,000	25,000	25,000	
(Transfer from Parking Revolving Fund).....	(6,500)					(-6,500)
Parking Revolving Fund.....		4,000	4,000	4,000	4,000	+4,000
Total, Departmental Administration.....	1,568,233	1,805,388	2,160,285	1,827,388	1,892,285	+324,052
Total, title I, Department of Veterans Affairs	47,948,336	50,686,213	51,354,821	51,138,976	51,135,398	+3,187,062
(Limitation on direct loans).....	(3,029)	(3,604)	(3,604)	(3,604)	(3,604)	(+575)
Consisting of:						
Mandatory.....	(25,522,279)	(27,308,766)	(27,308,766)	(27,308,766)	(27,308,766)	(+1,786,487)
Discretionary.....	(22,426,057)	(23,377,447)	(24,046,055)	(23,830,210)	(23,826,632)	(+1,400,575)

**H.R. 2620 - Departments of Veterans Affairs and Housing and Urban Development,
and Independent Agencies Appropriations Bill, 2002 — continued**
(Amounts in thousands)

	FY 2001 Enacted	FY 2002 Request	House	Senate	Conference	Conference vs. enacted
TITLE II						
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT						
Public and Indian Housing						
Housing Certificate Fund:						
Direct appropriation.....	9,740,907	15,717,392	11,494,242	11,458,769	11,440,975	+1,700,068
Advance appropriations provided in previous acts.....	4,200,000		4,200,000	4,200,000	4,200,000	
Subtotal, discretionary.....	13,940,907	15,717,392	15,694,242	15,658,769	15,640,975	+1,700,068
(Advance appropriation).....	(4,200,000)		(4,200,000)	(4,200,000)	(4,200,000)	
(Mandatory reclassification of prior year advance).....		(4,200,000)				
Rescission of unobligated balances: Section 8 recaptures (rescission).....	-1,947,300		-886,000	-615,000	-1,200,000	+747,300
Public housing capital fund.....	3,000,000	2,293,400	2,555,000	2,943,400	2,843,400	-156,600
Public housing operating fund.....	3,242,000	3,384,868	3,494,868	3,384,868	3,494,868	+252,868
Subtotal.....	6,242,000	5,678,268	6,049,868	6,328,268	6,338,268	+96,268
Operation Safe Home (rescission).....					-11,000	-11,000
Drug elimination grants for low-income housing.....	310,000			300,000		-310,000
Revitalization of severely distressed public housing (HOPE VI).....	575,000	573,735	573,735	573,735	573,735	-1,265
Native American housing block grants.....	650,000	648,570	648,570	648,570	648,570	-1,430
Indian housing loan guarantee fund program account.....	6,000	5,987	5,987	5,987	5,987	-13
(Limitation on guaranteed loans).....	(71,956)	(234,283)	(234,283)	(234,283)	(234,283)	(+162,327)
Native Hawaiian housing loan guarantee fund.....				1,000	1,000	+1,000
(Limitation on guaranteed loans).....				(40,000)	(40,000)	(+40,000)
Total, Public and Indian Housing.....	19,776,607	22,623,952	22,086,402	22,901,329	21,997,535	+2,220,928
Community Planning and Development						
Housing opportunities for persons with AIDS.....	258,000	277,432	277,432	277,432	277,432	+19,432
Rural housing and economic development.....	25,000			25,000		
Empowerment zones / enterprise communities.....	75,000	150,000		75,000	45,000	-30,000
Rural empowerment zones.....	15,000					-15,000
Miscellaneous appropriations (P.L. 106-554).....	110,000					-110,000
Total.....	200,000	150,000		75,000	45,000	-155,000
Community development block grants.....	5,057,550	4,801,993	4,811,993	5,012,993	5,000,000	-57,550
Miscellaneous appropriations (P.L. 106-554).....	66,128					-66,128
Section 106 loan guarantees:						
(Limitation on guaranteed loans).....	(1,261,000)	(608,696)	(608,696)	(608,696)	(608,696)	(-652,304)
Credit subsidy.....	29,000	14,000	14,000	14,000	14,000	-15,000
Administrative expenses.....	1,000	1,000	1,000	1,000	1,000	
Brownfields redevelopment.....	25,000	25,000	25,000	25,000	25,000	
HOME investment partnerships program.....	1,800,000	1,796,040	1,996,040	1,796,040	1,846,040	+46,040
Homeless assistance grants.....	1,025,000	1,022,745	1,027,745	1,022,745	1,122,525	+97,525
Shelter Plus Care Renewals.....	100,000	99,780		99,780		-100,000
Total, Community planning and development.....	8,586,678	8,187,990	8,153,210	8,348,990	8,355,997	-230,681
Housing Programs						
Housing for special populations.....	996,000	1,001,009	1,024,151	1,001,009	1,024,151	+28,151
Housing for the elderly.....	(779,000)	(783,286)	(783,286)	(783,286)	(783,286)	(+4,286)
Housing for the disabled.....	(217,000)	(217,723)	(240,865)	(217,723)	(240,865)	(+23,865)
Manufactured housing fees trust fund.....		17,254	13,566	17,254	13,566	+13,566
Offsetting collections.....		-17,254	-13,566	-17,254	-13,566	-13,566
Savings from canceling S.1029.....			-8,000	-8,000	-8,000	-8,000
Federal Housing Administration						
FHA - Mutual mortgage insurance program account:						
(Limitation on guaranteed loans).....	(160,000,000)	(160,000,000)	(160,000,000)	(160,000,000)	(160,000,000)	
(Limitation on direct loans).....	(250,000)	(250,000)	(250,000)	(250,000)	(250,000)	
Administrative expenses.....	330,888	336,700	330,888	336,700	336,700	+5,812
Negative subsidy 1/.....	-2,246,000	-2,323,000	-2,323,000	-2,323,000	-2,323,000	-77,000
Administrative contract expenses.....	160,000	160,000	145,000	160,000	160,000	
Additional contract expenses.....	4,000	1,000		1,000	1,000	-3,000
Streamlined down payment requirements.....	7,000					-7,000

**H.R. 2620 - Departments of Veterans Affairs and Housing and Urban Development,
and Independent Agencies Appropriations Bill, 2002 — continued**
(Amounts in thousands)

	FY 2001 Enacted	FY 2002 Request	House	Senate	Conference	Conference vs. enacted
FHA - General and special risk program account:						
(Limitation on guaranteed loans)	(21,000,000)	(21,000,000)	(21,000,000)	(21,000,000)	(21,000,000)	
(Limitation on direct loans)	(50,000)	(50,000)	(50,000)	(50,000)	(50,000)	
Administrative expenses	211,455	216,100	211,455	216,100	216,100	+4,645
Negative subsidy	-100,000	-225,000	-225,000	-225,000	-225,000	-125,000
Subsidy	101,000	15,000	15,000	15,000	15,000	-86,000
Guaranteed loans credit subsidy (emergency funding) (P.L. 106-554)	40,000					-40,000
Non-overhead administrative expenses	144,000	144,000	139,000	144,000	144,000	
Additional contract expenses	7,000	4,000		4,000	4,000	-3,000
Total, Federal Housing Administration	-1,340,657	-1,671,200	-1,706,657	-1,671,200	-1,671,200	-330,543
Government National Mortgage Association						
Guarantees of mortgage-backed securities loan guarantee program account:						
(Limitation on guaranteed loans)	(200,000,000)	(200,000,000)	(200,000,000)	(200,000,000)	(200,000,000)	
Administrative expenses	9,383	9,383	9,383	9,383	9,383	
Offsetting receipts	-347,000	-382,000	-382,000	-382,000	-382,000	-35,000
Policy Development and Research						
Research and technology	53,500	43,404	46,900	53,404	50,250	-3,250
Fair Housing and Equal Opportunity						
Fair housing activities	46,000	45,899	45,899	45,899	45,899	-101
Office of Lead Hazard Control and Healthy Homes						
Lead hazard reduction	100,000	109,758	109,758	109,758	109,758	+9,758
Millennial Housing Commission						
Gifts and donations		1,500				
Management and Administration						
Salaries and expenses	543,267	556,067	546,067	546,032	556,067	+12,800
Transfer from:						
Limitation on FHA corporate funds	(518,000)	(530,457)	(520,000)	(530,457)	(530,457)	(+12,457)
GNMA	(9,383)	(9,383)	(9,383)	(9,383)	(9,383)	
Community Development Loan Guarantees Program	(1,000)	(1,000)	(1,000)	(1,000)	(1,000)	
Native American Housing Block Grants	(150)	(150)	(150)	(150)	(150)	
Indian Housing Loan Guarantee Fund Program	(200)	(200)	(200)	(200)	(200)	
Native Hawaiian Housing Loan Guarantee Fund Program				(35)	(35)	(+35)
Total, Salaries and expenses	(1,072,000)	(1,097,257)	(1,076,800)	(1,087,257)	(1,097,292)	(+25,292)
Office of Inspector General	52,657	61,555	61,555	66,555	66,555	+13,898
(By transfer, limitation on FHA corporate funds)	(22,343)	(22,343)	(22,343)	(22,343)	(22,343)	
(By transfer from Drug Elimination Grants)	(10,000)					(-10,000)
(By transfer from Public Housing Oper Subsidy)		(10,000)	(10,000)		(5,000)	(+5,000)
Total, Office of Inspector General	(85,000)	(93,898)	(93,898)	(88,898)	(93,898)	(+8,898)
Consolidated fee fund (rescission)		-6,700	-6,700	-6,700	-6,700	-6,700
Office of Federal Housing Enterprise Oversight	22,000	27,000	23,000	27,000	27,000	+5,000
Offsetting receipts	-22,000	-27,000	-23,000	-27,000	-27,000	-5,000
Total, title II, Department of Housing and Urban Development (net)	28,476,435	30,580,617	29,979,968	31,014,459	30,147,695	+1,671,260
Appropriations	(30,423,735)	(30,587,317)	(30,872,668)	(31,636,159)	(31,365,395)	(+941,660)
Rescissions	(-1,947,300)	(-6,700)	(-892,700)	(-621,700)	(-1,217,700)	(+729,600)
(Limitation on direct loans)	(300,000)	(300,000)	(300,000)	(300,000)	(300,000)	
(Limitation on guaranteed loans)	(382,332,956)	(381,842,979)	(381,842,979)	(381,882,979)	(381,882,979)	(-449,977)
(Limitation on corporate funds)	(551,076)	(563,533)	(553,076)	(563,568)	(563,568)	(+12,492)
TITLE III						
INDEPENDENT AGENCIES						
American Battle Monuments Commission						
Salaries and expenses	28,000	28,466	35,466	28,466	35,466	+7,466
Chemical Safety and Hazard Investigation Board						
Salaries and expenses	7,500	7,621	8,000	7,621	7,850	+350
Department of the Treasury						
Community Development Financial Institutions						
Community development financial institutions fund program account	118,000	67,948	80,000	100,000	80,000	-38,000
Consumer Product Safety Commission						
Salaries and expenses	52,500	54,200	54,200	56,200	55,200	+2,700

**H.R. 2620 - Departments of Veterans Affairs and Housing and Urban Development,
and Independent Agencies Appropriations Bill, 2002 — continued**
(Amounts in thousands)

	FY 2001 Enacted	FY 2002 Request	House	Senate	Conference	Conference vs. enacted
Corporation for National and Community Service						
National and community service programs operating expenses	458,500	411,480	.....	415,480	401,980	-56,520
Rescission.....	-30,000	.....	.....	.....	.....	+30,000
Office of Inspector General.....	5,000	5,000	5,000	5,000	5,000	.....
Total	433,500	416,480	5,000	420,480	406,980	-26,520
Court of Appeals for Veterans Claims						
Salaries and expenses	12,445	13,221	13,221	13,221	13,221	+776
Department of Defense - Civil						
Cemeterial Expenses, Army						
Salaries and expenses	17,949	18,437	22,537	18,437	22,537	+4,588
Department of Health and Human Services						
National Institute of Health						
National Institute of Environmental Health Sciences.....	63,000	70,228	70,228	70,228	70,228	+7,228
Centers for Disease Control and Prevention						
Agency for Toxic Substances and Disease Registry.....	75,000	78,235	78,235	78,235	78,235	+3,235
Total, Department of Health and Human Services.....	138,000	148,463	148,463	148,463	148,463	+10,463
Environmental Protection Agency						
Science and Technology.....	696,000	640,538	680,410	665,672	696,089	+2,089
Miscellaneous appropriations (P.L. 106-554).....	1,000	.....	.....	.....	.....	-1,000
Transfer from Hazardous Substance Superfund.....	36,500	36,891	36,891	36,891	36,891	+391
Subtotal, Science and Technology	733,500	677,429	717,301	702,563	734,980	+1,480
Environmental Programs and Management	2,087,990	1,972,960	2,004,599	2,061,996	2,054,511	-33,479
Office of Inspector General.....	34,094	34,019	34,019	34,019	34,019	-75
Transfer from Hazardous Substance Superfund.....	11,500	11,867	11,867	11,867	11,867	+367
Subtotal, OIG	45,594	45,886	45,886	45,886	45,886	+292
Buildings and facilities.....	23,931	25,318	25,318	25,318	25,318	+1,387
Hazardous Substance Superfund	1,170,000	1,268,135	1,170,000	1,274,646	1,170,000	.....
Delay of obligation	100,000	.....	100,000	.....	100,000	.....
Transfer to Office of Inspector General	-11,500	-11,867	-11,867	-11,867	-11,867	-367
Transfer to Science and Technology	-36,500	-36,891	-36,891	-36,891	-36,891	-391
Subtotal, Hazardous Substance Superfund.....	1,222,000	1,219,377	1,221,242	1,225,888	1,221,242	-758
Leaking Underground Storage Tank Program	72,096	71,937	79,200	71,947	73,000	+904
Oil spill response	15,000	14,967	15,000	14,986	15,000	.....
State and Tribal Assistance Grants.....	2,620,740	2,232,943	2,355,000	2,572,234	2,658,900	+38,160
Categorical grants	1,008,000	1,055,782	1,081,899	1,030,782	1,074,376	+66,376
Subtotal, STAG	3,628,740	3,288,725	3,436,899	3,603,016	3,733,276	+104,536
Total, EPA	7,828,851	7,316,599	7,545,445	7,751,600	7,903,213	+74,362
Executive Office of the President						
Office of Science and Technology Policy	5,201	5,267	5,267	5,267	5,267	+66
Council on Environmental Quality and Office of Environmental Quality.....	2,900	2,974	2,974	2,974	2,974	+74
Total	8,101	8,241	8,241	8,241	8,241	+140
Federal Deposit Insurance Corporation						
Office of Inspector General (transfer)	(33,660)	(33,660)	(33,660)	(33,660)	(33,660)	.....
Federal Emergency Management Agency						
Disaster relief	300,000	1,369,399	1,369,399	359,399	664,000	+364,000
(Transfer out)	(2,900)	(2,900)	(2,900)	(2,900)	(2,900)	.....
Contingent emergency appropriations	1,300,000	.....	1,300,000	2,000,000	1,500,000	+200,000
Subtotal.....	1,600,000	1,369,399	2,669,399	2,359,399	2,164,000	+564,000
Radiological emergency preparedness fund.....	.....	-1,000	-1,000	-1,000	-1,000	-1,000
Disaster assistance direct loan program account:						
State share loan.....	1,678	405	405	405	405	-1,273
(Limitation on direct loans)	(25,000)	(25,000)	(25,000)	(25,000)	(25,000)	.....
Administrative expenses.....	427	543	543	543	543	+116

**H.R. 2620 - Departments of Veterans Affairs and Housing and Urban Development,
and Independent Agencies Appropriations Bill, 2002 — continued**
(Amounts in thousands)

	FY 2001 Enacted	FY 2002 Request	House	Senate	Conference	Conference vs. enacted
Salaries and expenses	187,000	203,801	197,900	203,801	203,801	+ 16,801
Defense function	28,000	30,000	30,000	30,000	30,000	+ 2,000
Subtotal.....	215,000	233,801	227,900	233,801	233,801	+ 18,801
Office of Inspector General.....	10,000	10,303	10,303	10,303	10,303	+ 303
Emergency management planning and assistance	249,652	334,623	384,623	409,623	384,623	+ 134,971
Defense function	20,000	20,000	20,000	20,000	20,000	.....
Miscellaneous appropriations (P.L. 106-554).....	100,000	.....	.....	.....	.....	-100,000
Subtotal.....	369,652	354,623	404,623	429,623	404,623	+ 34,971
(By transfer)	(2,900)	(2,900)	(2,900)	(2,900)	(2,900)	.....
Emergency food and shelter program	140,000	139,692	140,000	139,692	140,000	.....
National Flood Insurance Fund: (Limitation on administrative expenses):						
Salaries and expenses 1/.....	25,736	28,798	28,798	28,798	28,798	+ 3,062
Flood mitigation 1/.....	77,307	76,381	76,381	76,381	76,381	-926
(Transfer out)	(-20,000)	(-20,000)	(-20,000)	(-20,000)	(-20,000)	.....
National Flood Migration Fund (by transfer)	(20,000)	(20,000)	(20,000)	(20,000)	(20,000)	.....
Emergency Response Fund (P.L. 107-38)	2,000,000	.....	.....	.....	.....	-2,000,000
Total, Federal Emergency Management Agency	4,439,800	2,212,945	3,557,352	3,277,945	3,057,854	-1,381,946
Appropriations	(1,139,800)	(2,212,945)	(2,257,352)	(1,277,945)	(1,557,854)	(+ 418,054)
Contingent emergency appropriations	(3,300,000)	.....	(1,300,000)	(2,000,000)	(1,500,000)	(-1,800,000)
General Services Administration						
Federal Consumer Information Center Fund	7,122	7,276	7,276	7,276	7,276	+ 154
National Aeronautics and Space Administration						
Human space flight	5,462,900	7,296,000	7,047,400	6,868,000	6,912,400	+ 1,449,500
Crew return vehicle .....	.....	.....	275,000	.....	.....	.....
Science, aeronautics and technology.....	6,190,700	7,191,700	7,605,300	7,669,700	7,857,100	+ 1,666,400
Mission support	2,608,700	.....	.....	.....	.....	-2,608,700
Office of Inspector General.....	23,000	23,700	23,700	23,700	23,700	+ 700
Total, NASA.....	14,285,300	14,511,400	14,951,400	14,561,400	14,793,200	+ 507,900
National Credit Union Administration						
Central liquidity facility:						
(Limitation on direct loans).....	(1,500,000)	(1,500,000)	(1,500,000)	(1,500,000)	(1,500,000)	.....
(Limitation on administrative expenses, corporate funds)	(296)	(309)	(309)	(309)	(309)	(+ 13)
Revolving loan program	1,000	1,000	1,000	1,000	1,000	.....
National Science Foundation						
Research and related activities.....	3,287,000	3,263,981	3,579,340	3,451,481	3,530,270	+ 243,270
Defense function	63,000	63,000	63,000	63,000	68,070	+ 5,070
Subtotal.....	3,350,000	3,326,981	3,642,340	3,514,481	3,598,340	+ 248,340
Major research equipment	121,600	96,332	135,300	108,832	138,800	+ 17,200
Education and human resources.....	787,352	872,407	885,720	872,407	875,000	+ 87,648
Salaries and expenses	160,890	170,040	170,040	170,040	170,040	+ 9,150
Office of Inspector General.....	6,280	6,760	6,760	6,760	6,760	+ 480
Total, NSF	4,426,122	4,472,520	4,840,160	4,672,520	4,788,940	+ 362,818
Neighborhood Reinvestment Corporation						
Payment to the Neighborhood Reinvestment Corporation	90,000	95,000	105,000	100,000	105,000	+ 15,000
Selective Service System						
Salaries and expenses	24,480	25,003	25,003	25,003	25,003	+ 523
Total, title III, Independent agencies	31,918,670	29,404,820	31,407,764	31,197,873	31,459,444	-459,226
Appropriations	(28,618,670)	(29,404,820)	(30,107,764)	(29,197,873)	(28,959,444)	(+ 1,340,774)
Rescissions	(-30,000)	.....	.....	.....	.....	(+ 30,000)
Contingent emergency appropriations	(3,300,000)	.....	(1,300,000)	(2,000,000)	(1,500,000)	(-1,800,000)
(Limitation on direct loans).....	(1,525,000)	(1,525,000)	(1,525,000)	(1,525,000)	(1,525,000)	.....
(Limitation on corporate funds)	(296)	(309)	(309)	(309)	(309)	(+ 13)

**H.R. 2620 - Departments of Veterans Affairs and Housing and Urban Development,
and Independent Agencies Appropriations Bill, 2002 — continued**
(Amounts in thousands)

	FY 2001 Enacted	FY 2002 Request	House	Senate	Conference	Conference vs. enacted
OTHER PROVISIONS						
Filipino veterans provision.....	3,000					-3,000
Grand total (net).....	108,346,441	110,671,650	112,742,553	113,351,308	112,742,537	+4,396,096
Appropriations	(107,023,741)	(110,678,350)	(112,335,253)	(111,973,008)	(112,460,237)	(+5,436,496)
Rescissions	(-1,977,300)	(-6,700)	(-892,700)	(-621,700)	(-1,217,700)	(+759,600)
Contingent emergency appropriations	(3,300,000)		(1,300,000)	(2,000,000)	(1,500,000)	(-1,800,000)
(By transfer)	(85,560)	(66,560)	(66,560)	(56,560)	(61,560)	(-24,000)
(Transfer out)	(-22,900)	(-22,900)	(-22,900)	(-22,900)	(-22,900)	
(Limitation on direct loans)	(1,828,029)	(1,828,604)	(1,828,604)	(1,828,604)	(1,828,604)	(+575)
(Limitation on guaranteed loans)	(382,332,956)	(381,842,979)	(381,842,979)	(381,882,979)	(381,882,979)	(-449,977)
(Limitation on corporate funds)	(551,372)	(563,842)	(553,385)	(563,877)	(563,877)	(+12,505)
Total mandatory and discretionary	107,976,025	114,867,650	112,617,553	113,347,308	112,738,537	+4,762,512
Mandatory	25,518,279	31,504,766	27,183,766	27,304,766	27,304,766	+1,786,487
Discretionary	82,457,746	83,362,884	85,433,787	86,042,542	85,433,771	+2,976,025

NOTE: FY2001 includes FHA negative subsidy of -\$2,246,000,000 (BA & Outlays).

1/ Not included in FY2001 CSBA tables.

Mr. Speaker, I reserve the balance of my time.

Mr. MOLLOHAN. Mr. Speaker, I yield myself such time as I may consume. I rise in support of the 2002 VA, HUD and independent agencies conference report and all of its fundings.

I want to begin by thanking Chairman WALSH who, as usual, has done an excellent job with this legislation. We appreciate his courtesies and the opportunity for input in the bill throughout the process. He has had an especially full plate this year, managing this bill with restricted allocations and at the same time providing leadership in the appropriations process to ensure that New York receives adequate funding to address its emergency needs arising out of the September 11 terrorist attacks.

I want to begin by thanking the majority staff, Frank Cushing, Tim Peterson, Dena Baron, Jennifer Whitson, Jennifer Miller and Ron Anderson, for their hard work and openness during the development of this conference report. I must make particular note of their generosity in sharing their Capitol office space with the minority staff during the time that Members and staff were prohibited from occupying our office buildings. I also want to thank my excellent staff, Mike Stephens, Michelle Burkett, Angela June Ohm and Gavin Clingham, for their hard work during this process. All staff have really done an excellent job on a very difficult bill.

Given the resources, Mr. Speaker, that this subcommittee was allocated, we were forced to work together in a constructive manner to reach reasoned compromises. No Member got everything that they wanted, each sacrificed on issues of importance, to us and to our caucuses, but we have produced a conference report worthy of the body's support.

The bills passed by the House and the Senate were not significantly different in allocation but did contain significant substantive differences. In each case, a middle ground was sought and improvements have been made.

I want to take a minute to discuss a few of the programmatic numbers in this conference agreement.

Veterans remain a top priority of the members of this subcommittee. We have provided \$21.3 billion for the medical care account. This is \$350 million over the President's request, an increase of \$1.5 billion over the current year, and almost \$50 million over what was in the House bill when it left this body. We also increased the medical and prosthetic research account by \$20 million over 2001 funding.

Important to members of my caucus, we were able to improve the House-passed funding levels for the Department of Housing and Urban Development, the Environmental Protection Agency, and provide the Corporation

for National and Community Service funding comparable to its fiscal year 2001 funding. The Public Housing Capital Fund was increased \$290 million from the House-passed funding level, and we maintained the \$250 million increase in the operating fund that was contained in the House bill. Funding to renew all existing Section 8 vouchers is included, as is funding to provide 18,000 new Fair Share vouchers and 7,000 new vouchers reserved for the disabled.

Within EPA, we restored the Clean Water State Revolving Fund to the funding levels of past years, \$1.35 billion, and provided an overall increase of \$75 million over this fiscal year, nearly \$600 million over the administration's request.

These improvements have not come at the expense of scientific research. The National Science Foundation will receive an increase of \$362 million, an 8.2 percent increase over 2001, an increase that is distributed broadly by research category and includes adequate funds for major new science initiatives.

For NASA, a 3.5 percent increase is provided. While I continue to have concerns that we are not providing NASA the resources needed to undertake the missions that have been identified for that agency, I would suggest that this minimal increase is a recognition of the budget constraints we face. I believe that we as a Congress should look closely at NASA in the next year and provide additional resources to that agency.

This conference report is the product of a balancing act, and I believe that we have done a good job ensuring that the needs of each agency are met. I ask for the body's support.

Mr. Speaker, I reserve the balance of my time.

Mr. WALSH. Mr. Speaker, I yield 5 minutes to the gentleman from Florida (Mr. YOUNG), the distinguished chairman of the Committee on Appropriations.

Mr. YOUNG of Florida. Mr. Speaker, I rise, number one, to congratulate Chairman WALSH for having done such a tremendous job in taking a 302(b) allocation that was not nearly as much as these agencies could have used but in providing a bill that really gets the job done. He has done an outstanding job. He could not have had a better partner than the gentleman from West Virginia (Mr. MOLLOHAN). They worked together in just a very strong, bipartisan fashion. Their staff support was equally bipartisan, and we produced a good bill. And so I would hope that we would get a very good vote for this conference report.

In addition, Mr. Speaker, I would like to make an announcement to the Members that we are nearing the end of the appropriations process for fiscal year 2002. I think everyone would breathe a deep sigh of relief over that, especially the chairman of the committee.

Briefly, we have produced two major supplemental bills since we received the details of the President's budget on May 9, which was about 2 months later than we normally get it, but I think we all understand the lateness of the new administration being put in place. But we were 2 months late in actually getting the detailed numbers that we need as appropriators to work these bills. But since that time on May 9, we have produced the two supplementals that were major supplementals through the entire process and to the President.

We have also concluded all of our work on the Interior appropriations bill, the Military Construction appropriations bill, the Energy and Water appropriations bill, the Legislative Branch appropriations bill, the Treasury-Postal appropriations bill, and today we will conclude our business on the VA-HUD bill that is before us.

Also today we received unanimous consent to take up the appropriations bill for Agriculture, to file it by midnight tomorrow night; we will complete the conference on Commerce, Justice and State later today; we appointed the conferees for the District of Columbia appropriations bill; and we appointed the conferees for the Labor, HHS and Education appropriations bill. We hope to conclude those conferences by the middle of next week and hopefully will be on the floor before or by Friday of next week.

I might say, Mr. Speaker, that part of the slowdown here also has been that the other body, while its appropriations committee had reported out most of its bills, the other body held appropriations bills for a long time and did not pass them. And so we cannot go to conference on an appropriations bill until the other body passes it as well. But while the committee did pass out its bills, the full Senate did not take them up.

We still have to do the Transportation conference, and there is one issue that is delaying us there, and that has to do with a difference of opinion between several Members of the other body and the President of the United States on the issue of trucks entering the United States from a foreign land. That has to be resolved yet, but we think that will happen also by the end of next week.

The major outstanding issue, having said all of this is the Defense bill. It has yet to be done in the Committee and in the House, but I believe we will also have it through the House by Friday of next week. I do not think we will be able to have it conferred by Friday of next week. The Defense bill itself has been completed for over a week, but we are using it as a vehicle to deal with last \$20 billion of the second supplemental we did.

This gets a little confusing and complicated, but on the \$40 billion supplemental that we passed in the days after

the terrorist attacks, if Members recall, we required that the last \$20 billion of that Act actually go through the appropriations process once the President decided how he would like to use that \$20 billion to respond to the terrorist attack of September 11. So while the Defense bill has been completed for about 10 days, we have been holding it as the vehicle for that \$20 billion. We will mark up that \$20 billion part of that Defense bill on Tuesday of next week and hopefully will have it on the floor Wednesday or Thursday. That is our plan.

Again, Mr. Speaker, because of the good work of members of the Committee on Appropriations on both sides of the aisle and the support that we received by both sides of the aisle on our appropriations bills this year, again I say, we can breathe a sigh of relief. We are reaching the end of that process for fiscal year 2002.

Mr. MOLLOHAN. Mr. Speaker, I am pleased to yield 4 minutes to the distinguished gentleman from Michigan (Mr. BONIOR), the minority whip.

Mr. BONIOR. I thank my colleague for yielding me this time.

Mr. Speaker, first of all, congratulations to my colleague from West Virginia and my colleague from New York for the job that they did on the bill. Today is a historic day for public health and safety and it is a great day for the environment. Today, after a decade-long battle, we are finally lowering the level of arsenic in our drinking water. The United States will finally join the rest of the developed world in cleaning up its drinking water.

□ 1230

Arsenic is a toxic poison that can cause lung cancer, bladder cancer, skin cancer; and according to the National Academy of Sciences, the threat to our children and pregnant women and anyone who drinks this carcinogen is even greater than we had originally thought. Arsenic simply has no place in our drinking water.

I am very pleased that the VA-HUD conference report includes language that I offered on this floor to cut the level of arsenic by 80 percent without any further delay. EPA now cannot drag its feet any longer. We need to get to 10 parts per billion immediately. Not next year, not next month, but now. EPA should never have blocked this ruling in the first place. In fact, based on the science, we should actually go lower than 10 parts per billion to adequately protect the public health.

Because of the actions we are taking here today, millions of Americans will be drinking cleaner water. This is a serious problem in my home State of Michigan. There are only four other States that have a higher exposure to arsenic in the entire Nation. According to the EPA, we have 367,000 Michigan

residents in 176 communities who may be drinking water containing arsenic in amounts higher than 10 parts per billion. We are finally taking action to protect those people.

I want to thank those who helped bring this victory about, including those cosponsors of my original amendment in the House: the gentleman from California (Mr. WAXMAN), the gentleman from Ohio (Mr. BROWN), the gentleman from Wisconsin (Mr. OBEY), and the gentleman from Michigan (Mr. KILDEE). Senator BOXER in the other body led the fight. My good friend, the gentleman from Michigan (Mr. DINGELL), was a steadfast supporter to get the strongest possible language that we could get in conference.

I also want to thank again my friend, the gentleman from West Virginia (Mr. MOLLOHAN), and the appropriations staff for all the assistance and help that they put in. This was a bipartisan victory. We had many supporters on the other side of the aisle as well.

The report language accompanying the arsenic standard raises a concern that we all share, and that is what that impact will be on small communities. The science is clear. No community would want to expose their citizens to higher levels of arsenic. But these communities need financial help to meet the new standard, not exemptions and waivers from the law. That is why authorizing legislation that the gentleman from California (Mr. WAXMAN) and I and others introduced would double the amount of funds available to help meet this new standard.

When it comes to getting poison out of our drinking water, no community should be left behind. Next year, we need to step up to the plate and help these small water systems with additional resources.

This is one of the most important environmental and public health victories to come out of this Congress. It is a tremendous step forward in making sure that our drinking water is as clean and safe as it can be. I applaud and thank my colleagues for their support on this important measure.

Mr. WALSH. Mr. Speaker, I yield 3 minutes to gentleman from New York (Mr. GILMAN), the distinguished dean of the New York Republican delegation.

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding me time.

As my colleague is aware, the New York State Department of Health recently released its findings from its Cancer Surveillance Improvement Initiative. That report showed that Rockland County and the East Side of Manhattan have among the highest breast cancer incidents in our State.

Specifically, the report shows that a majority of these two areas are characterized by elevated incidence and are 15 to 50 percent higher than the State average for breast cancer incidence.

In response to that alarming finding, I have been working with my colleague

from Manhattan, the gentlewoman from New York (Mrs. MALONEY), to secure funding from the EPA for the NYU School of Medicine to conduct an assessment to determine if the observed excess incidence of breast cancer in my area of Rockland County and in the East Side of Manhattan, the area of the gentlewoman from New York (Mrs. MALONEY), are associated with air pollution and electromagnetic radiation generated from the local power plants.

I am gratified the VA-HUD appropriations conference report contains \$500,000 for Rockland County, New York, for an assessment of environmental hazards in Rockland County and the East Side of Manhattan. It is my intention and that of the gentlewoman from New York (Mrs. MALONEY) that this money be allocated to the NYU School of Medicine for this important study.

Therefore, I am asking our good chairman, the gentleman from New York (Mr. WALSH), to clarify this is the intent of this proposal.

Mr. WALSH. Mr. Speaker, will the gentleman yield?

Mr. GILMAN. I yield to the gentleman from New York.

Mr. WALSH. Mr. Speaker, I thank the gentleman from New York for bringing this issue to my attention. I share his concern for the findings in the New York Department of Health's report which show the high incidence of breast cancer in Rockland County and the East Side of Manhattan.

I want to assure my colleagues, the gentleman from New York (Mr. GILMAN) and the gentlewoman from New York (Mrs. MALONEY), that it is the intent of the language included in the conference report for this study to be directed to the New York School of Medicine.

Mr. GILMAN. Mr. Speaker, reclaiming my time, I want to thank our good friend, the gentleman from New York (Chairman WALSH), for his support.

Mrs. MALONEY of New York. Mr. Speaker, will the gentleman yield?

Mr. GILMAN. I yield to the gentlewoman from New York.

Mrs. MALONEY of New York. Mr. Speaker, I want to thank the gentleman and the gentleman from New York (Mr. WALSH) for his strong efforts in working with me to secure funding for this very, very important project. One in seven women die of breast cancer, and we have a huge incidence in our two respective districts.

I also especially thank the gentleman from New York (Chairman WALSH), who worked very hard with us in the VA-HUD bill, along with the ranking member, the gentleman from West Virginia (Mr. MOLLOHAN); and we appreciate very, very much their support. I believe we will save lives eventually.

Mr. MOLLOHAN. Mr. Speaker, I am pleased to yield 6 minutes to the gentlewoman from Florida (Mrs. MEEK), a

distinguished member of our subcommittee.

Mrs. MEEK of Florida. Mr. Speaker, I thank the ranking member for yielding me time.

Mr. Speaker, I am very proud to serve on the subcommittee on VA, HUD and independent agencies.

The gentleman from New York (Chairman WALSH) and the ranking member, the gentleman from West Virginia (Mr. MOLLOHAN), have done the work of a dynamic duo. First of all, they were able to bridge the gap of bipartisanship that is so sorely needed in this Congress, and they did it, and they got a good job done because of that.

I have been in the majority, and I have been in the minority. I have seen many talented and skilled leaders in this body on both sides of the aisle, and I always praise them. But I have rarely seen the kind of effective bipartisan leadership that these two Members had. They are serious about their responsibilities. They want to make government work, and they want to make it work well. They could not please all of us. I am never always fully pleased. But they are serious about it, and we do have a very good committee, and they are always willing to listen and they want to help. They are problem solvers, and we are fortunate to have them. We had many constraints on this subcommittee, but they were able to overcome most of them.

I would like to thank on the majority side Frank Cushing, Tim Peterson, Dena Baron, Jennifer Miller and Jennifer Whitson; and on the Democratic side, Mike Stephens and Michelle Burkett. They showed confidence, they showed experience; and the help and good cheer is greatly appreciated.

This does a lot of good, Mr. Speaker, because sometimes as Members we want things, and sometimes our reach exceeds our grasp. But, as Tennyson said, after all, what is heaven for?

It funds the Federal urban empowerment zones, which assist our oldest, poorest neighborhoods. It increases veterans health care, environmental protection, our space program and FEMA.

This conference report should be fully endorsed by the Congress. I fully support it. All Members should. It increases the funding for the National Science Foundation's Historically Black Colleges Undergraduate Program from \$17 million in the House-passed bill to \$28 million in the conference report. It will have a lot to do with science education in historically black colleges and universities.

This conference report funds for the first time a program to help historically black colleges and universities with doctoral programs in science and engineering. This will improve their competitiveness and their capabilities in getting Federal research dollars. This has always been a problem among

historically black colleges and universities, and this conference report saw that as a need, and they funded it. The doctoral candidates and the doctoral persons who are pursuing it in these universities will certainly be helped.

This conference report also includes \$27 million, an increase over the House level, for the Louis Stokes Alliance for Minority Participation Program to help increase the number of minority students in basic science, math and engineering. This subcommittee saw the need for this kind of improvement with historically black colleges and also all minority institutions.

I support this conference report, not because it is the best we can do, but I support it in spite of that. This committee did very well with what it had. With a final allocation that is \$200 million below our House-passed bill, there was not much they could do to make this bill as good as it should be, but they did the very best they could do. We should have done better, but my mother used to say, you cannot get blood out of a turnip when it is not there.

True, our bill is a marked improvement over what we initially passed in the House. Initially the House zeroed out HUD's Shelter Plus program, which provides rental assistance for homeless people and their families. This conference report fully funds that program.

The point I am trying to make, Mr. Speaker, is that these major programs that were so strongly needed, even though this particular committee did not have the funding it needed to fund these, it did its very best to serve these programs, and not just stop them after some success with them.

Initially, the House zeroed out the Corporation for National and Community Service programs, which is a program that many of the Members are so proud of and help out in their communities, and that is the AmeriCorps program. It is like a domestic Peace Corps. This conference report funds AmeriCorps, but reduces it by 6 percent.

Far more serious, the House vetoed out the Public Housing Drug Elimination Program which was designed to help stamp out drug dealing in public housing because local police were not doing enough policing in these areas. Many of us would like to see that program reinstated, but the wisdom of the committee, following the administration's advice, were not able to keep this program in. That is something that I wish very much had been in the conference report.

It also zeroes out Public Housing Drug Elimination Grants. The \$110 million that we added to the public housing operating subsidies would not begin to make up for the loss of this \$300 million program. What I am saying is the PHOs would not be able to take the

money they are receiving to make up for the drug elimination grants.

Still, this conference report is the best we could do with the resources we had to work with. So many programs in our VA-HUD bill are designed to assist the poorest people in our society with basic needs. Much of the country takes this for granted. They take for granted a decent place to live, decent jobs. Many of our Congresspeople feel that way, access to credit that they can borrow.

Mr. Speaker, these programs are needed to help poor people. I wish this Congress would remember, these are not just add-ons and they are not superfluous bureaucracies. These things are needed.

I want to thank this committee, and I hope we will adopt this conference report and laud our two wonderful chairpeople and our staff.

Mr. WALSH. Mr. Speaker, I yield 4 minutes to the gentleman from New Jersey (Mr. FRELINGHUYSEN), a very hard-working and distinguished member of the subcommittee.

Mr. FRELINGHUYSEN. Mr. Speaker, I thank the gentleman for yielding me time, and I rise in support of the VA-HUD conference report and want to thank the gentleman from New York (Chairman WALSH) and the ranking member, the gentleman from West Virginia (Mr. MOLLOHAN), for their leadership and the good work of their staff.

I support this conference report for any number of reasons, but particularly because it contains a \$1 billion increase for veterans medical care over last year's level. This is critically needed funding, especially for my home State of New Jersey, but for the rest of the Nation; and it will help provide men and women who served in the military with better access to the medical care that they have so richly earned and deserve. Over the past 3 years under the leadership of the gentleman from New York (Chairman WALSH), the committee has provided \$4 billion in increase for medical care.

The conference report also takes an important first step towards providing veterans with schizophrenia medicines that are far more valuable and very important to their lives. It encourages the VA to inform its doctors, pharmacy managers and, hopefully, its VISN directors as well, not to use the cost of atypical antipsychotics as a measurement of job performance, and instead, to reinforce VA policy that physicians use their best judgment when prescribing medicines for mentally ill veterans. If anyone deserves access to all the latest, most advanced medicines available, it is our veterans. They deserve the best possible treatments we can provide them.

□ 1245

I also support this conference report because it provides a much-needed

funding increase for the Section 811 program, housing for disabilities. I am pleased that the House provided \$29 million more for this program than the Senate, and in the end, the conferees agreed to provide the higher level. There is a great need in our Nation for housing of all types, but particularly housing dollars for nonelderly individuals with disabilities.

I support this conference report because it also contains an important set-aside: \$40 million within the Section 8 voucher program to further increase housing options for individuals with disabilities.

Combined with the increase in the Section 811 program, these two provisions will continue our efforts to provide housing for some of those who are in greatest need, who wish to live with independence and dignity.

I also support this conference report because it increases funding for the National Science Foundation by \$363 million over last year's level. Basic scientific research is critical, and this funding will help continue the NSF's work, including a number of projects in my home State, a State with a long history of scientific research and development.

This conference report also deserves support because it continues to provide funding for critical environmental programs, including \$1.27 billion for the Superfund program to expedite clean-up of hazardous waste sites. My State has the dubious distinction of having more of these sites than any other State in the Nation.

Further, this proposal provides nearly \$95 billion for the brownfields program, which will help clean up contaminated sites to allow them to be used and returned to productive use in many of our cities and urban centers.

This conference report builds upon what we have done in the past while staying within the confines of our allocation and within the overall level agreed upon last month by the Congress and the President.

Finally, I want to take this opportunity, and I am sure all committee Members do, to commend FEMA Director Alpaugh, VA Secretary Principi, and EPA Administrator Whitman and their respective agencies and personnel for all of their collective efforts addressing so many tragic, tragic events related to September 11. All of these agencies sprang into action to offer the resources and their dedicated personnel in the wake of these attacks.

For these and many reasons, Mr. Speaker, I support the conference report and I urge everybody to vote for it.

Mr. MOLLOHAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this subcommittee was ably led for many years by Chairman Boland, who recently passed away. I

would like to acknowledge what a pleasure it was for me to serve under Eddie Boland, and what an outstanding job he did leading this subcommittee, as well as his leadership in Congress.

He served for many years, and he was an outstanding member of the body. As we consider this bill, which would have been his bill, we would like to note his passing with great sadness.

Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts (Mr. FRANK), a distinguished member of the Massachusetts delegation, and the ranking member on the Subcommittee on Housing and Community Opportunity, who served many years with Mr. Boland.

Mr. FRANK. Mr. Speaker, I thank the ranking member of the subcommittee for yielding time to me, and I join him in expressing our sorrow at the death of Ed Boland. He was for many years one of the voices of housing in this body.

He served, along with his roommate, close friend, and legislative classmate, Tip O'Neill, for more than 30 years and made an enormous contribution in the areas of housing, intelligence, and science; and we mourn his passing. He was one of the people who made democracy work in a very positive way.

As I think back to those days, I think back also with regret. We have not only lost Ed Boland, we have lost as a nation the commitment to using the resources of the wealthiest country in the world to help people who are in distressed circumstances, and to meet common problems.

I want to be very clear: I congratulate the chairman, the gentleman from New York (Mr. WALSH), the ranking member, the gentleman from West Virginia (Mr. MOLLOHAN), and the others. Given the constraints within which they had to work, they did an excellent job.

I am particularly gratified that they took care to provide adequate resources to public housing. The people who live in public housing are among the most needy and abused in our society. We are the ones who created public housing. We, the society, are the ones who created what many of us now understand, almost all of us now understand, were not very good places to live in the first place, and put the poor in there because they could not afford anything else. We are trying to change that.

But those who would cut back on funding for public housing are blaming the victims for penalties imposed upon them, and so in this particular appropriation public housing does well, and I thank the gentleman for doing that. This is not a politically popular goal, but it is an important one.

Mr. Speaker, in general, as I said, given the inadequate resources which they were given, they have done a very good job of putting them where they

are needed. I appreciate their doing that. They have taken care of new Section 8s, they have taken care of public housing, they have tried to protect some of the other important activities. I am grateful to them for doing it.

But having said that, I must return to the other point; namely, that we as a Congress, we as a society, are erring gravely in withholding the resources we need for so many important problems.

The very prosperity that gave us such wealth, and it is temporarily on the other side of the ledger, but it is going to come back because this remains a very strong economy, the very prosperity that generated such revenues for the government caused housing problems for some people, because for many of those in this country, prosperity was a wonderful thing and it added to their incomes. But for some, when it did not add to their incomes, they were not only not better off, they were worse off because they lived in communities where housing prices were suddenly driven beyond what they could reasonably afford.

We have not, and it is not the subcommittee's doing, and it is not even the Committee on Appropriations' doing, but we as a Congress have not given the resources necessary that we could use to alleviate that.

In the environmental area, I represent some working-class communities, communities not terribly wealthy. They are the ones who now have to correct years of national neglect of clean water. They are facing very significant economic problems. We do not do enough to provide Federal funding to help them meet the Federal mandate of cleaning up the water and cleaning up international waters.

So just in summary, Mr. Speaker, I want to thank the gentleman from New York and the gentleman from West Virginia and the members of the subcommittee. I appreciate the hard work they put into trying to meet our needs, but I have to close by lamenting the unwillingness of this society and this Congress to do the appropriate thing with our wealth.

Yes, we will have many needs that can best be satisfied by individual spending, by money in our own pockets. But a civilized society that cares about the quality of its environment, has some compassion for the poor, for homeless children, that cares about adequate medical care for those who served our country, we have to understand that these needs cannot be fully met individually, that these needs require a Federal Government that is well funded.

We have to get over this kind of contradiction where everybody hates government spending, but then laments the fact that we do not have enough government spending for housing, for Community Development Block

Grants, for veterans medical care, for cleaning up Superfund sites, for clean water, and for other important programs.

I hope as members contemplate this piece of legislation they will express their appreciation for the work that was done, but also their understanding of the inadequacy of the resources with which it was done, and help us change national policy in that regard.

Mr. WALSH. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from West Virginia (Mrs. CAPITO).

Mrs. CAPITO. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, today I rise to urge support of the conference report that contains within it the increased development of affordable housing.

I would like to congratulate the Chair, my colleague, the gentleman from New York (Mr. WALSH), and I would also congratulate the ranking member, my colleague, the gentleman from West Virginia (Mr. MOLLOHAN).

The FHA loan limits have not been raised since 1992 despite dramatic increases in construction cost and critical demand for affordable rental housing. In a number of cities nationwide, and those in West Virginia as well, there has been no new construction under the FHA program in 4 years.

The need for affordable housing is well documented, and today 13.7 million households face a critical housing need. The availability of decent housing has been deeply harmed by the lack of financing to produce these units. By increasing the multifamily loan limits, FHA will stimulate not only new construction, but rehabilitation of existing infrastructure in many cities across the country.

I look forward to giving my wholehearted support to this conference report. I thank the Chair and the ranking member.

Mr. MOLLOHAN. Mr. Speaker, I am pleased to yield 3 minutes to the distinguished gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I would like to thank the gentleman from New York (Chairman WALSH) and the ranking member, the gentleman from West Virginia (Mr. MOLLOHAN), for the work they have done. I recognize that it was a very difficult job to try and live within the framework that was foisted upon them.

Mr. Speaker, this VA-HUD conference report is certainly an improvement over the House version. However, the funds are still terribly inadequate to fulfill HUD's mission to support the most needy people in this country.

This report cuts funding for public housing, terminating \$310 million for the successful drug elimination program, and \$157 million for the capital fund that provides for the rehabilita-

tion of housing units to bring them up to today's standards.

This bill will also cut all of the jobs of public housing residents that are associated with the rehabilitation.

In addition, this conference report cuts funding for proven economic development programs that are sorely needed to stimulate the economy. For example, the Community Development Block Grant has been cut by \$58 million; Empowerment Zones funding has been cut by \$45 million; the Community Development Financial Institutions Fund has been cut by \$38 million.

Funding for these programs should be increased, rather than decreased. These programs inject capital into communities that need it the most, creating jobs and stimulating the economy. Cutting these programs at a time like this is simply inexplicable.

This conference report, while certainly, again, an improvement over the House, is still troubling. It is troubling because of our need to support poor people, rather than abandon them at this time. We have to remember that at the same time that we are doing this, there are some Members in this House who are proposing obscene tax cuts for the richest corporations in America.

Mr. Speaker, I would urge a vote on this bill, because this is the best that we can do. But we must have a better vision for the future. We must work harder to change our priorities for the future and empower and support the most needy citizens in this Nation.

Let me just close by saying I worked very hard for about 10 or 15 years with all of the public housing programs in my district. I knew and I know today that there are still drug problems and that drug traffickers find their way to poor people, encouraging them to get involved in this underground of drug selling.

It is unconscionable that we would cut drug elimination in these public housing projects at the same time that we want to strengthen them, we want to clean them up, we want to encourage people to go to work and get in job training programs. They cannot do it without the kind of support that is offered through the drug elimination program and other like programs.

Mr. Speaker, I appreciate the opportunity to share my thoughts on this issue.

Mr. WALSH. Mr. Speaker, I yield 1 minute to my good friend and colleague, the gentleman from Oklahoma (Mr. WATKINS).

Mr. WATKINS of Oklahoma. Mr. Speaker, I thank the gentleman for yielding time to me.

I appreciate the distinguished chairman, the gentleman from New York (Mr. WALSH), for the fine job he has done, and also the ranking member, the gentleman from West Virginia (Mr. MOLLOHAN), and also the subcommittee

staff for their tremendous help on this legislation, and for assisting with the legislative language to provide \$490,000 to construct the Harold Chitwood multipurpose cafetorium facility to match approximately \$1 million, to be provided locally, to build the additional facilities of the complex.

Mr. Speaker, I would ask the chairman, is it his understanding that this multipurpose facility would be owned and operated by the Bennington school district and constructed on land of the district for educational, community, and Native American activities?

Mr. WALSH. Mr. Speaker, will the gentleman yield?

Mr. WATKINS of Oklahoma. I yield to the gentleman from New York.

Mr. WALSH. That is exactly what my understanding is of this expenditure.

Mr. WATKINS of Oklahoma. Mr. Speaker, I appreciate very much the chairman engaging in this colloquy.

□ 1300

Mr. MOLLOHAN. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. FILNER).

Mr. FILNER. Mr. Speaker, I thank the gentleman from West Virginia (Mr. MOLLOHAN) for yielding the time, and I thank the chairman of the committee and the ranking member for their commitment to our Nation's veterans. They have had significant increases in this budget in the last 2 years and they have worked very hard. Given the constraints, they have had to do the best in this year.

Let us put this in context as we are about to adjourn for our Veterans' Day. This budget appropriates barely sufficient funds for the VA to keep up with inflation, barely sufficient funds. At a time when we are all going to go out on next Sunday and Monday to say how much we support our veterans, we are falling behind in our commitment.

This budget is \$2 billion below what the veterans groups have come together to try to argue for in their independent budget. This budget is below what both the House and the Senate have in their resolutions, this at a time when we are producing more veterans as they defend our country in this war against terrorism, and this comes at a time when the VA has already informed its field people that they are going to fall \$800 million behind in this budget and they better prepare for that.

The VA is being called to help with emergency efforts at a time of potential casualties in this Nation. Not only do they not have sufficient resources, not only are they falling behind, but they are called upon to do new things in this war against terrorism.

So what occurs is backlogs for disability adjudications are building at the rate of 10,000 a week, 10,000 a week. Appointments have to be made 6, 8, 9,

10 months in advance that our veterans have to wait for. This is not a way to give a signal to those who are fighting in Afghanistan that we are going to treat them right when they come home.

This budget is disappointing. We should not vote for it, and we should put this in context. When people tell me we do not have the resources, this House just passed a \$25 billion subsidy for retroactive tax increases for the biggest corporations in America, \$25 billion dollar. A check for \$2 billion was given to IBM, and we do not have money for our Nation's veterans.

We cannot do anything about Persian Gulf War illness and our veterans are homeless on the street. I am going to vote no on this budget because on November 11 this is not a way to honor our veterans.

Mr. WALSH. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. JEFF MILLER) one of our newer Members. We are delighted to have him with us today.

Mr. JEFF MILLER of Florida. Mr. Speaker, I thank the gentleman from New York for yielding the time, and I rise today in support of this conference report because it does work to take care of our Nation's veterans, and it does work to protect our environment.

For our Nation's veterans, this bill provides for over a billion dollars in increases over last year's bill for veterans health care. The bill also provides additional funding for the veterans benefits administration to expedite claims processing.

Also, important to my home district, this bill provides \$850,000 for the University of West Florida through EPA to conduct an environmental health study in Escambia County. In 1998, EPA wrote Escambia County ranked 22nd out of more than 3,300 counties nationwide in the amount of toxic releases reported by the agency.

Over the last couple of years, there has been mounting anecdotal evidence suggesting that these toxic levels have attributed to an increase in illnesses in northwest Florida. It is time to find some real answers. The study will compile environmental information, coordinate research, evaluate risks to the health of our citizens, and provide the information necessary to remedy the situation.

I want to express my thanks to the gentleman from New York (Mr. WALSH), the gentleman from Florida (Mr. YOUNG), the members of the committee and the staff for their work on this important legislation and for recognizing the need for a science-based evaluation of toxic levels and illnesses in northwest Florida.

Mr. MOLLOHAN. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Texas (Mr. BENTSEN).

Mr. BENTSEN. Mr. Speaker, I thank the gentleman from West Virginia (Mr. MOLLOHAN) for yielding me the time.

I rise in strong support of the bill. Let me start out by saying that I appreciate the fact that the chairman and the ranking member increased the amount of funding for NASA than what was in the President's request. We did not get everything we wanted for NASA, but we got more than what was originally proposed.

I also think that the committee was very wise in increasing the funding for basic science funding research through the National Science Foundation, which we now know that basic science research has been critical to the economic expansion that we enjoyed in the prior 8, almost 9, years.

Most importantly, I want to thank the chairman and the ranking member of the subcommittee for accepting the higher level of funding for the Federal Emergency Management Agency and for natural disasters. As Members know, earlier this year before the events of September 11, which this Congress has very wisely and very strongly dealt with, we in Texas, and particularly in the greater Houston area, suffered a tremendous natural disaster as a result of Tropical Storm Allison. There were a number of Members including myself who were down here on the floor arguing for sufficient funding just as the effects of this storm were unraveling.

As we now know, nearly 80,000 people in the greater Houston area were affected by the storm; 50,000 homes took on water. The major hospitals were closed down, and the total cost was probably around \$5 billion. The Federal share will be close to \$2 billion as part of this storm; and I just want to commend the chairman and the ranking member for the work that they did, that they have stepped up to the plate and provided what is a basic function of the Federal Government in stepping to aid its people in times of crisis.

Just as we have done rightly so in New York and with the Pentagon, we have also done in this bill as it relates to the people of Texas and of the greater Houston area as a result of Tropical Storm Allison, and I appreciate the work that both sides did on this.

Mr. WALSH. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Speaker, I thank the gentleman from New York (Mr. WALSH) for yielding me the time, and I certainly thank the chairman and the ranking member for their efforts in this bill.

I rise reluctantly to say that I intend to vote no on this bill. I recognize that the chairman made a very strong effort to stick to the original House mark on NASA, but without the support of the administration or the other body, it was very difficult for him to hold on that issue, and certainly I thank him for his efforts.

My greater concern is just that we are continuing the general trend that

we have been on for the last 8 years when it comes to our investment in aerospace. At the conclusion of the first Bush administration, aerospace investment for the United States of America, 15 percent of the total Federal R&D went to aerospace.

At the conclusion of 8 years of the Clinton administration, it was down to a figure of only 7 percent, only 7 percent of our Federal investment goes into aerospace. Now today that figure is treading down even further. Indeed, this is a critical issue not only for our competitiveness, manufactured products that we make in the United States lead the way in our import/export balance sheet in the area of aerospace; but we are losing that competitive edge. Also, I think this is a critical issue for national security and national defense.

Specifically, if you look at this bill, NASA's budget barely keeps pace with inflation. This is a budget that has essentially been flat for 10 years. A budget that, when you adjust for inflation has an agency that has seen its purchasing power decline by close to 30 percent, barely gets an inflationary adjustment here.

Let us look at the some of the comparisons in this bill. EPA gets a 10 percent increase over last year; housing an increase of 6 percent over last year. Despite the fact that some people have come to this floor saying they want even more for housing, housing actually gets an increase that is double the inflation rate. The Science Foundation, certainly something I support, a 10 percent increase over the last year, but yet the NASA account barely keeps pace with inflation.

Let me just say there are some good things in this for NASA. There is a 25 percent increase to cover some expenses at the vehicle assembly building, a building that was built to support the Apollo program that is deteriorating. Fortunately, there is some money for new doors in that building. It needs a lot more: a new roof, a new facade. Certainly, I am very pleased that the chairman was able to hold the mark on the shuttle upgrades account which was very, very good news; but overall in the area of human space flight, it actually transfers money out of human space flight to cover NASA accounts elsewhere.

Overall, I cannot support this bill. I do not think the people in my district support this bill, and I intend to vote no.

Mr. MOLLOHAN. Mr. Speaker, I reserve the balance of my time.

Mr. WALSH. Mr. Speaker, would the Chair advise us as to how much time is remaining.

The SPEAKER pro tempore (Mr. SIMPSON). The gentleman from New York (Mr. WALSH) has 4½ minutes remaining. The gentleman from West Virginia (Mr. MOLLOHAN) has 2½ minutes remaining.

Mr. WALSH. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. ROHRBACHER), the chairman of the Subcommittee on Space and Aeronautics.

Mr. ROHRBACHER. First and foremost, Mr. Speaker, I want to commend the conferees for the great job they have done on this VA-HUD conference bill. As chairman of the Subcommittee on Space and Aeronautics, I am particularly pleased with the commitment by the gentleman from New York (Mr. WALSH) and the gentleman from West Virginia (Mr. MOLLOHAN) to make sure that the NASA budget continues to make sure that America provides a leadership in space and keeps America number one in space endeavors.

The conferees showed good judgment in producing a bill that requires NASA to conduct many of the recommendations captured within the International Space Station Management Cost and Evaluation Report. I believe that this is the right course in establishing a credible Space Station program.

It is with this achievement that we should continue to press NASA to stay on course concerning the other aerospace projects that are of critical importance to the American taxpayer. That is why I have requested from NASA a letter delivered to me tomorrow that specifically outlines a program within the space launch initiative that ensures an orbital flight demonstration experiment involving the X-37 vehicle, so we can verify this cutting-edge technology and its benefit as a space transportation system.

In the past, NASA has been disappointing in producing space hardware and flight hardware that satisfied our launch needs. This time it is now time to move forward aggressively developing the means to access space affordably and effectively. The X-37 project represents a major milestone in moving us closer to this goal. Let us hope that this week marks a sea change in attitude at NASA to start thinking boldly and creatively as we enter the 21st century and beyond.

We need to have space launch, and we need to make sure we have the technology developed that will keep America the number one space power. We also must be concerned about the taxpayers.

Mr. Speaker, I congratulate the conferees on their commitment to both of these goals.

Mr. MOLLOHAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. WALSH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would take a few seconds to close and, merely, I would like to thank our staffs, both minority and majority staff, for the remarkable amount of effort they put into this. We had six preconferences prior to conference. They worked very, very hard

as did all of the members of the subcommittee. I would especially like to thank the ranking member, the gentleman from West Virginia (Mr. MOLLOHAN), who was very supportive all the way along. There was no partisanship at all in this bill.

I submit the bill to the consideration of the House. I urge its adoption.

Mr. ACKERMAN. Mr. Speaker, today I rise in support of increasing the FHA Multifamily loan limits. The FHA multifamily loan programs support the new construction and substantial rehabilitation of much needed affordable rental housing.

Our Nation faces a growing affordable housing crisis for low- and moderate-income families. Yet the FHA multifamily loan limits have not been raised in 9 years. How can we expect the private sector to produce affordable rental housing, when they cannot receive affordable financing?

Construction costs have risen more than 25 percent since the last increase. One simple way to stimulate the development of affordable housing in our communities is to increase the multifamily loan limits. In my home State of New York, the current limit is \$87,226 per two-bedroom unit. In the last 4 years not one unit has been produced under the FHA multifamily loan program, due to that low number. The 25-percent increase established in this conference agreement would raise the limit in New York to \$106,952.

Mr. Speaker, I urge my colleagues to support this necessary and important increase that will benefit so many working families throughout our Nation.

Mr. BENTSEN. Mr. Speaker, I rise today in support of the conference report on H.R. 2620, the Fiscal Year 2002 Departments of Veterans Affairs, Housing and Urban Development and Independent Agencies Appropriations Act. This bill provides \$112.7 billion for these agencies, 7 percent more than current funding.

I support the bill because it provides \$2.2 billion in disaster relief for FY 2002, which will be needed in part to recover from Tropical Storm Allison, one of the worst disasters to ever hit Houston and the State of Texas. The total is \$800 million more than the President's budget request, and these additional funds will help the Houston area's continuing recovery from Tropical Storm Allison. While FEMA has spent almost \$900 million in Texas as a result of Allison, they expect to spend an additional \$800 million in the State before recovery is complete.

Most future FEMA disaster relief funds for Allison recovery will be for Public Assistance (PA), much of which will reach the nonprofit hospitals and institutions of the Texas Medical Center, which conduct millions of patient visits per year. When the House originally considered the VA-HUD, it contained only \$1.4 billion in disaster relief. I greatly appreciate the willingness of the chairman and ranking member to provide the funds necessary to address our needs in Texas.

It is very important for Congress to maintain a healthy disaster relief capability at all times. I am proud that Congress has already made a major commitment to the recovery process for New York City. I am also proud that the

war on terrorism has not caused us to forget the disaster relief needs of the rest of the country. I am confident that Congress can simultaneously help rebuild after the worst disaster in our Nation's history and the most expensive natural disaster in Houston's history.

Besides including additional disaster relief funding, I commend the chairman and the entire Appropriations Committee for going part way toward correcting a major flaw in the President's budget regarding funding for the International Space Station. The bill provides \$14.8 billion in total for NASA, 3.5 percent more or \$508 million more than current funding. Importantly, this legislation fully funds the space station at the \$1.9 billion budget request. While the President's budget did not reduce NASA funding, it kept the increase below inflation, reducing purchasing power, and zeroed out the Crew Return Vehicle (CRV) and Habitation Module. These two integral parts of the space station are necessary to have a research presence on the station, which is why we have constructed this orbiting microgravity laboratory. While I am disappointed that the bill does not contain the \$275 million for CRV from the House bill, I am pleased that at least \$40 million will be spent on CRV in 2002.

I am relieved that the conference committee approved a major increase over the President's request for scientific research. This bill includes \$4.8 billion federal funding for research through the National Science Foundation. The performance of the economy is largely the result of technological advances stemming from basic science research throughout our Nation. This fact underscores the necessity of increasing Federal basic scientific investments.

Although the conferees are to be commended for wrapping up their work on veterans' spending before Veterans' Day weekend, I am concerned that this measure does not provide enough funding for veterans programs. I will continue to consistently support health benefit expansion for our Nation's veterans, many who have made incredible sacrifices in order to preserve our freedom. Although the war on terrorism is unlike any other war, there will still be thousands of new veterans of this war who will be as equally deserving as those who served in World War II, Korea, Vietnam, and the gulf. My home State of Texas has a growing veterans population who will not be fully served until we find additional resources.

Mr. Speaker, the conference committee has produced a good bill under the difficult circumstances. In Particular the FEMA disaster relief funding is important to my constituents and I urge my colleagues to support this legislation.

Mr. LAFALCE. Mr. Speaker, I rise to address the issue of housing funding in this VA-HUD conference report.

The good news is that this bill restores a significant portion of the very deep and unwise cuts made to housing and community development programs that were proposed in the administration budget and were adopted in the House-passed bill. The bad news is that this bill is still disappointing from a housing standpoint.

The last few years, we worked together in a bipartisan basis to restore funding for housing

programs that were cut in 1995, and to provide new vouchers for almost 200,000 low-income families.

The conference report being considered today reverses this progress, by making modest funding cuts in some important programs, and by dramatically reducing the level of incremental section 8 vouchers for low-income families and seniors. Moreover, this is taking place just at the time when we appear to be entering into a recession, which will make it harder for low- and moderate-income families and seniors to keep a roof over their head.

It is true that on a purely technical basis, budget authority for HUD will increase under this bill. However, when you factor out the increase just to renew expiring section 8 contracts, and factor out the offsetting increased receipts from FHA and Ginnie Mae, this bill actually cuts housing and community development programs by over \$250 million.

Specifically, the bill makes \$215 million in net cuts in public housing programs, including termination of the Drug Elimination Program. It cuts funding for CDBG and Empowerment Zones, just as virtually everyone agrees we need to do more to stimulate economic development in the face of a recession. And, it cuts the number of new Fair Share Section 8 vouchers from 79,000 last year to only 18,000 this year—a 77 percent cut.

The simple truth is that the housing cuts in this bill are unnecessary. Earlier this year, Congress diverted \$114 million in unused section 8 funds to nonhousing purposes. A portion of the \$300 million in savings we will generate from the mark-to-market extension will be diverted to nonhousing purposes. And FHA and Ginnie Mae continue to produce billions of dollars in profits to the taxpayer—profits which could be reinvested in housing, but are instead used to increase the Federal budget surplus.

On various policy issues, the bill is also disappointing. I am pleased that the conference report in effect adopts the amendment offered by myself and Congresswoman LEE during House consideration which restores the \$100 million cut in homeless funding for Shelter Plus Care renewals, funding this through a reduction in the as-yet unauthorized administration down payment initiative. However, we failed to do what we should have done, which is to renew expiring Shelter Plus Care grants through the section 8 certificate fund, as we do all other expiring rental assistance.

On the \$640 million reduction in funded section 8 reserves, I am pleased that the conferees included report language dealing with the issue of providing additional funds beyond the remaining 1 month of funded reserves. I urge HUD to implement this provision in a way that maximally increases section 8 utilization, that is, by promptly providing additional funds to section 8 administrators who exhaust their reserve funds and need additional funds to serve their authorized number of families.

So, in conclusion, we have averted the devastating impact of earlier versions of the HUD budget, but in so many ways we can and should do better.

Mr. PALLONE. Mr. Speaker, the conference report directs the EPA administrator to put into effect without delay the 10 parts per billion standard for arsenic that was promulgated in

the Clinton administration. The Bush administration has, without justification, delayed the effective date of the January 22d rule and has been in clear violation of Federal law. Congress had set a deadline to have a new final standard for arsenic in effect no later than June 22 of this year. The House of Representatives, in July, sent the administration a clear message when it voted to have an arsenic standard no higher than 10ppb so the United States could be inline with the World Health Organization and the European Union.

Despite extensive scientific proof that the current standard for arsenic in tap water of 50 ppb is unsafe, it remained unchanged from 1942 until the Clinton administration reduced it to 10ppb in January 2001. In 1942, the U.S. Public Health Service (USPHS) established a standard for arsenic in tap water of 50 ppb, which remained in effect for over half a century even though it did not consider evidence accumulated over the past 50 years that arsenic causes cancer.

In 1962, the USPHS recommended that potable water supplies not exceed 10ppb arsenic. Nearly 39 years later, EPA finally adopted that recommendation in January 2001.

The National Academy of Sciences issued a report in 1999 finding that "it is the subcommittee's consensus that the current EPA standard for arsenic in drinking water of 50ppb does not achieve EPA's goal for public health protection and, therefore, requires downward revision as promptly as possible."

The NAS, EPA, International Agency of Research on Cancer, and many other scientific international bodies have declared arsenic in drinking water a known human carcinogen, based on numerous studies from around the world showing that people get bladder, kidney, lung, skin, and other cancers from arsenic in their tap water.

Despite all of that information, tens of million of Americans drink arsenic in their tap water supplied by public water systems, at levels that present unacceptable cancer and non-cancer risks. According to EPA, about 12 million Americans drink tap water containing over 10ppb arsenic, about 22.5 million drink tap water containing over 5ppb, and about 35.7 million drink water containing in excess of 3ppb. Thus, according to EPA's occurrence estimates and NAS' most recent cancer risk estimates, about 36 million Americans drink water every day that contains arsenic at a level presenting over 10 times EPA's maximum acceptable cancer risk.

It is for that reason I was pleased that the Bush administration finally—at a bare minimum—accepted the 10ppb rule after months of unnecessary delay. However, in reviewing the language in this conference report, I would say to my colleagues on the Appropriations Committee that it is a mistake to encourage small communities to seek lengthy compliance time extensions so they continue to drink unhealthy water. We should work together to develop additional cost-effective technologies and provide targeted financial assistance where necessary to bring small water systems into compliance with the new protective standard for arsenic. No person no matter where they live in our country should have arsenic in their drinking water which presents an unreasonable risk to health.

Ms. CARSON of Indiana. Mr. Speaker, today I rise to thank Chairman WALSH and Ranking Member MOLLOHAN for taking a reasonable first step in responding to the escalating concerns parents have voiced over the effects of arsenic-treated wood playground equipment on their children.

Included in the VA-HUD conference report is a provision requested by myself and Senator BEN NELSON of Florida.

The provision directs the Consumer Product Safety Commission and the Environmental Protection Agency to report to the committee within 3 months on their most up-to-date understanding of the potential health and safety risks to children playing on and around arsenic-treated wood playground equipment.

The report will also include the steps the EPA and the Consumer Product Safety Commission are taking to keep state and local governments, and the public, informed about the risks associated with arsenic-treated wood.

It responds to a study released today by the Environmental Working Group and the Healthy Building Network, which estimates that one out of every 500 children who regularly play on swing sets and decks made from arsenic-treated wood will develop lung or bladder cancer later in life as a result of these exposures.

It is important in these times of changing priorities that the health and well-being of children remain foremost in our minds.

The parents of Indianapolis and communities all over the Nation are looking forward to the findings of this report.

Mr. EVANS. Mr. Speaker, I appreciate the efforts of the chairman and ranking member of the subcommittee under difficult circumstances. As most Members know, the allocation of the subcommittee was insufficient to adequately fund the Department of Veterans Affairs, and particularly veterans medical care. While I am disappointed about the appropriations provided in the conference agreement for veterans, I realize the extraordinary conditions under which we have had to work this session. I hope that we can redress some of the shortcomings in this year's budget in the next fiscal year.

As a nation, we are now engaged in the first war of the 21st century. We must be prepared to provide the benefits and services of our future veterans as well as meet the needs of those men and women who have honorably served our Nation in uniform in years past. This is a moral obligation of our Nation.

Undoubtedly, major additional funding for the Department of Veterans Affairs and particularly veterans medical care and services can be fully justified. As the need for additional funding becomes more obvious in the weeks and months ahead, I look forward to the administration submitting a request for the additional funding which is clearly needed.

Until that time, VA will continue to do its best to meet its missions. But VA can only do more with insufficient resources for so long. A day of reckoning is fast approaching. We must do better by our Nation's veterans. While we have improved upon the President's request, the Department of Veterans Affairs still estimates shortfalls for delivering current services in FY 2002. This year we will continue to pass legislation encouraging VA to do more, including managing its role as a backup provider to

the Department of Defense in times of war or national emergency and combating bioterrorism. I want VA to fulfill these roles, but I also want to ensure that they have adequate resources to take on these challenges.

This Sunday, November the 11th, when Members of this body are praising our veterans' past deeds and stressing the importance of a strong national defense, I ask all Members of this House to make a commitment to our deeds and our actions reflect our words. We must provide adequate resources to our past and present servicemembers. We can do less.

Mr. GARY G. MILLER of California. Mr. Speaker, I rise today in support of the conference report accompanying H.R. 2620 and to thank Chairman WALSH and Ranking Member MOLLOHAN for their hard work on this bill. The chairman and ranking member have worked on a wide range of issues within this bill and I believe my colleagues in this body owe them a debt of gratitude for the dedication and spirit of bipartisanship they demonstrated while reaching compromise on their differences.

There is, however, language in this report which concerns me greatly. The language pertains to the U.S. Department of Veterans Affairs and the treatment of veterans with mental illness.

Mr. Speaker, there is still enormous concern among veterans' organizations, Members of this body and mental health advocates about the VA's desire to implement treatment guidelines for veterans who suffer from schizophrenia. The language included in the House version of the conference report accompanying the VA-HUD appropriations bill would have held the VA accountable by requiring them to wait until a scientific review of newer atypical antipsychotic medications was completed by the National Institute of Mental Health—the premiere Federal scientific research agency. By contrast, the Senate conference report language for the VA-HUD bill would have left the VA free to implement their new treatment guidelines with little congressional oversight.

The compromise contained in this conference report is not what many of us in this body had hoped for. Specifically, the compromise does not go far enough to ensure the guidelines the VA seeks to promulgate will follow the most up-to-date science regarding the treatment of schizophrenia. In fact, it is precisely because there is a dearth of scientific research on the use of different antipsychotic medications that I fought for inclusion for the House-passed language in the conference report. Without sound scientific research, I am concerned the VA will institute treatment protocols which could jeopardize the health of veterans with schizophrenia.

As many Members know, mental illness is no small thing, and it's certainly not something we can describe in terms of dollars and cents. Unless you meet some suffering from an illness like schizophrenia, it's hard to imagine how it can impact a person's life as well as those who love them. Without proper treatment, victims are often completely unable to function in society, accounting for 1 out of 5 hospital admissions and 4 of 10 beds in long-term care facilities—not to mention countless

encounters with the corrections system. This is why I was disappointed stronger language did not make its way into the conference report.

I am heartened, however, to see we are sending a clear message to the VA that it is not to use the total sum cost of drugs which are prescribed at VA facilities as a measure of a pharmacy manager's or physician's performance. Rest assured I will continue working with veterans' organizations and advocates for veterans with mental illness to ensure the VA and individual VISN's closely follow the guidance the conference report provides for respect to the freedom that doctors in the VA system should have to prescribe clinically appropriate medications for their patients without fear of reprisal.

Let me be clear on this. Diagnosis and treatment of mental illness should be based on medical judgment and need, not price. Restrictive formulary policies jeopardize patient care by taking treatment decisions out of the hands of doctors. Because patients differ in their clinical responses to different drugs, in their sensitivity to specific side effects, and in their tolerance for these side effects when they occur—and because the atypical antipsychotic agents are different from one another in their clinical effects for a particular patient and in their side effects—I have a difficult time believing that any treatment protocol or formulary can embody the best clinical care. Veterans with schizophrenia—60 percent of whom have a service-connected disability—should never be subject to 2nd-rate treatment.

Those who wore the uniform and served to protect our freedom should have access to the newest and most effective treatment available. While this conference report still leaves us with work to do in overseeing the VA's schizophrenia treatment guidelines, I am pleased to see that we have made some progress. Rest assured I will continue to work, along with Mr. FRELINGHUYSEN, Mr. KNOLLENBERG, Mr. HOBSON, Ms. KAPTUR, Mrs. TAUSCHER and many others, to ensure veterans with mental health receive the best treatment possible.

Ms. HOOLEY of Oregon. Mr. Speaker, nearly 83 years ago, our Nation signed an armistice agreement that ended the First World War. Though many bright-eyed optimists heralded this as "the war to end all wars," just two decades later the world was plunged into another war more brutal and bloody than the first. In both world wars, as in the Cold War, Korea, Vietnam, and the Persian Gulf, millions of men and women answered their country's call to defend liberty at home and abroad.

And now America finds itself embroiled in yet another war, a new conflict in which we stand together against the enemies of freedom and order. Just as we have so many times before, we send soldiers sailors, airmen, and Marines forth in the cause of liberty for which so many have given the last full measure of devotion. For their service and sacrifice our Nation's soldiers and veterans deserve our eternal gratitude. But they deserve more than gratitude, for our government has promised veterans that it will provide them health care both during and after their service.

Yet we are constantly confronted with our failure to honor these promises. Our failure to meet our obligations to our veterans can be

seen in the decision by the Portland Veterans Administration Medical Center (VAMC) to cut hundreds of staff and reduce services to thousands of veterans because of a multi-million dollar budget shortfall. Anyone who has used the VAMC in recent years knows that the center is already understaffed; hundreds of veterans contact me each year complaining about their inability to get in to see a doctor at the Portland VA. These cutbacks will affect the VAMC's new outpatient clinic in Salem, for which the community, veterans groups, and I have labored so hard to secure funds. Though the clinic was designed to save veterans from having to travel to Portland for care, the clinic will now take only a fraction of the patients it was meant to serve.

Mr. Speaker, although many pay lip service to helping veterans, too few put the money where their mouth is. For example, President Bush campaigned extensively on veterans issues, but essentially requested the same amount of funding for the VA (when adjusted for inflation) as appropriated last year under President Clinton. Likewise, in this Conference Agreement, Congress plans to scarcely spend a billion dollars in excess of President Bush's request. I for one am tired of this charade and refuse to stand idly by I know that I am just one member of this body, and that I can't halt the inevitable passage of this spending bill. However, I will not lend my approval to a bill that ensures veterans in Oregon are worse off than they were at this time last year—especially when hundreds of Oregon Guardsmen and Reservists have been called up to fight in and support our first war of the 21st century. As such, I will vote against this spending bill, and I urge every single one of my colleagues to work with me to seek the allocation of more funding.

Moreover, in the coming months, I plan to continue using my position on the House Budget Committee to fight to keep our promise to veterans. When we ask people to put their lives on the line to protect our country, we have a profound obligation to honor our promises to those whose service has kept our Nation free. The men and women who have served our country so honorably know best that freedom is never free, that it is only won and defended with great sacrifices. And we should honor those sacrifices by keeping our promises to our veterans.

Mr. SMITH of Michigan. Mr. Speaker, I rise in strong support of the VA/HUD Conference Report.

I am particularly pleased that the conferees have included a significant increase in funding for the National Science Foundation (NSF). Today, NSF is at the forefront of innovation, supporting cutting-edge research to answer fundamental questions within and across scientific disciplines. Often the potential for failure is as great as that for success. But by encouraging such risks, NSF has helped fuel new industries and jobs that have propelled economic prosperity and changed the way we live.

Many of the technologies that come from NSF research may also help us in the fight against terrorism. Nanotechnology, for example, promises revolutionary advances. Research will enable the development of sensors for biological and chemical agents that may be

used on the battlefield or even, unfortunately, may find their way into domestic civilian systems. NSF-sponsored research in this area has led to the development of a simple, relatively inexpensive sensor that can selectively detect the DNA of biological agents. It is now in commercial development with successful tests against anthrax and tuberculosis.

NSF has also demonstrated the dual use of its research by quickly dispatching its earthquake engineering experts to the World Trade Center who will use the knowledge gained to improve building designs. Robots, developed with NSF support were also sent to New York to help in the search for victims and I understand that FEMA is now considering adopting these robots for all of its search and rescue operations.

As Chairman of the Subcommittee on Research, I will be looking for ways to engage NSF more fully in this effort. It seems clear that basic research enables so many unforeseen advances that will help us face this new terrorism threat and that now more than ever we must renew our commitment to supporting this research.

NSF programs also play a big role in increasing the pool of talented scientists in our universities and workforce. This is critical. It is estimated that by 2020, 60 percent of the jobs will require the skills only 22 percent of the workforce has today.

As this Conference Report shows, there is strong bipartisan support for increased investment in basic science. It includes an 8.2 percent increase in the NSF budget to nearly \$4.8 billion for fiscal year 2002. This is the largest budget ever for NSF.

I am particularly pleased that the conferees have specified \$75 million for plant genomics research on commercially important plants, an area in which I have a great interest. Agricultural biotechnology is beginning to fulfill its potential, but we have only just scratched the surface. This funding will help scientists develop new knowledge that will propel this field forward. The enhanced crop plants coming from this research will help feed the world, reduce our use of chemicals, and create new markets for farmers.

Mr. Speaker, the science funding in this bill will help keep the pipeline of new ideas and innovation flowing. I urge my colleagues to support this Conference Report.

Mr. HALL of Texas. Mr. Speaker, I had not planned to speak during the Floor consideration of the VA-HUD-IA appropriations conference report. However, I have changed my mind because I believe that it is important that we give some consideration to the future of the International Space Station program as we debate the level of funding for the National Aeronautics and Space Administration. Given all of the uncertainty that has been surrounding the Space Station program of late, I am pleased that the appropriations conference has been able to provide almost all of the requested funding for the Station. I also am heartened that the conference retained funding needed for the eventual restoration of capabilities that were cut from the Space Station program by the Administration earlier this year.

Mr. Speaker, yesterday the Science Committee, on which I am privileged to serve as

the Ranking Member, held a hearing on the report of the independent task force that was charged with examining the current state of the International Space Station program. I expect that the task force's report will be an important input into the decisions that Congress and the Administration will have to make concerning the future of the Space Station program. All of us owe Tom Young and his team a debt of gratitude for their dedicated efforts over the last several months.

As many of you know, I have long been a supporter of the Space Station. And I believe that NASA and the International Partners should be proud of what they have accomplished to date. It has been a stunning technical achievement, and the assembly and operation of the Space Station have gone much more smoothly than any of us had the right to expect. Nevertheless, there has been significant cost growth in the program since the 1993 redesign, and there is not now adequate confidence in Congress and the Administration that we know what the total cost of the Station program is likely to be. It is important that we take whatever steps are prudent and sensible to ensure that the Space Station program is well managed and that taxpayer dollars are not wasted. The task force has made a number of recommendations to improve the situation, and we will need to examine them carefully.

At the same time, I hope that we don't let a preoccupation with cost issues cause us to lose sight of the fundamental decision we need to make about the future of the International Space Station program. That decision is quite simple: Are we committed to a Space Station that achieves its unique research potential, and if so, are we willing to budget honestly for it? We have clear guidance from the Space Station task force about what kind of Station won't meet that goal. One of the principal findings included in the task force's report reads as follows: "The U.S. Core Complete configuration (three-person crew) as an end state will not achieve the unique research potential of the International Space Station." The reason is quite simple: with a 3-person crew, there won't be time to do any significant research—all the astronauts' time will be taken up with maintenance and operations activities.

Our International Partners have also made it quite clear that a 3-person Space Station as an end-state instead of the originally agreed-upon 7-person Station and a unilateral U.S. decision to walk away from its long-standing commitment to provide crew rescue and habitation facilities are not consistent with the international agreements governing the Space Station program. We are asking our international friends to stand with us in the global fight against terrorism; while the two situations are not comparable, I think that is only right that we continue to meet our commitments to them in the Space Station program. They are looking to us for leadership in this partnership, and I think that it is important for both Congress and the Administration to send a strong, clear signal that we are not going to walk away from that responsibility.

In its report, the task force concluded that: "Lack of a defined program baseline has created confusion and inefficiencies." However, the approach the task force seems to rec-

ommend—that is, keeping the question of the ultimate Space Station "end-state" open for two or more years—seems to me to be a prescription for keeping the program in just the sort of limbo that the task force properly decries. As I said at yesterday's hearing, I think we need a different approach. If we believe that it is important to build a Space Station with the unique potential that the scientific community and successive Administrations and Congresses have sought, we need to say so now and plan accordingly. We should be explicit that we are committed to completing the Space Station with its long-planned 7-person crew capability. We should not keep the dedicated researchers, the International Partners, and our U.S. Space Station team in continuing uncertainty about the end-goal of this program—doing so will just lead to waste and inefficiency down the road that could otherwise be avoided.

At the same time, we should be unwavering in our determination to make whatever changes are required to the Station's management structure and cost control system to minimize the future cost and risk of this program. The task force is very clearly telling us that "business as usual" will not suffice for a program that is as important as the International Space Station.

Mr. Speaker, I believe that the Administration needs to make clear its commitment to the ultimate restoration of the full capabilities of the Space Station even as it takes steps to improve the program's cost management processes and operations strategy over the near term. If it does so, I believe that Congress will work constructively with the Administration over the coming weeks and months to put the Space Station program on a sound footing.

For more than a decade, successive Administrations and Congresses have reaffirmed the importance of the Space Station. 15 nations have joined with the United States to build an orbiting research facility that I am confident will deliver unprecedented benefits to all of our citizens as well as position our nation for eventual exploration of the rest of the solar system. We should not falter in meeting our national commitment just as we are beginning to reap the rewards of our past investments in the Space Station program.

Mr. NEY. Mr. Speaker, today I rise in support of increasing the FHA multifamily loan limits. Tens of thousands of working families in our country pay more than 50 percent of their income toward housing, or live in severely inadequate housing. Yet, the FHA multifamily loan program has not kept pace with construction costs. For example, in the last four years only one project with 192 units was produced in Cincinnati, despite the nearly twenty thousand working families facing critical housing needs there. Without affordable financing, developers cannot produce affordable housing stock.

With the increasing need for housing far outpacing the available supply, the need for available FHA financing is critical. By increasing the loan limits by 25 percent, the first increase since 1992, we can provide a vehicle to alleviate the housing crisis facing our nation. I urge strong support for this provision.

Mr. DINGELL. Mr. Speaker, the Conference Report directs the EPA Administrator to put

into effect without delay the 10 parts per billion standard for arsenic promulgated in the Clinton administration rule published in the Federal Register on January 22, 2001. The Bush administration has, without justification, delayed the effective date of the January 22nd rule and has been in clear violation of Federal law. Congress had set a deadline to have a new final standard for arsenic in effect no later than June 22 of this year. The House of Representatives, in July, sent the administration a clear message when it voted to have an arsenic standard no higher than 10 parts per billion so the United States would be in line with the World Health Organization, the U.S. Public Health Service, and the European Community. The current standard of 50 parts per billion has not been updated in 60 years.

We informed Administrator Whitman last spring that her action on the arsenic standard was a serious mistake and it has proven to be so. Late last week she publicly acknowledged that the Clinton administration standard of 10 parts per billion was the right standard for arsenic and 2006 was the appropriate compliance date.

According to EPA data, there may be as many as 367,000 individuals in approximately 176 communities in Michigan drinking water that contains arsenic at concentrations that exceed 10 parts per billion. The Congress and the Administration must work together to provide the financial assistance necessary for small communities to rapidly come into compliance with the new standard. No person, whether living in a small community or large, should have arsenic in their drinking water, presenting an unreasonable health risk. Especially when the best peer-reviewed science tells us that exposure to arsenic in drinking water causes lung, bladder, and skin cancer.

Mr. Speaker, the 10 parts per billion standard for arsenic is supported by more peer-reviewed science than perhaps any other drinking water standard ever promulgated by EPA. In just the last two years, two National Academy of Science reports were issued. The June 1999 report called on the EPA to move to a more protective standard "as promptly as possible." The second National Academy of Sciences' study, completed two months ago, found that the risks of bladder and lung cancer from arsenic contaminated water were much greater than previously assessed. This finding was based on the best and most recent scientific research and is based on studies of human populations. The independent Science Advisory Board at EPA also found evidence linking arsenic consumption to heart disease, diabetes, and hypertension.

I would say to my fiends on the Appropriations Committee that it is a mistake to encourage small communities to seek lengthy compliance time extensions as they continue to drink water with unhealthy levels of arsenic. Nor should they seek a rollback in our environmental protection laws. We would work together to identify or develop additional cost-effective technologies and provide targeted financial assistance where necessary to bring small water systems into compliance with the new protective standard for arsenic.

The existing drinking water State Revolving Loan Fund contains \$850 million for grants and loans to public water systems. This fund

is authorized at one billion dollars and the appropriation is \$150 million less than the authorized level. I am, therefore, surprised and concerned that the Conference Report fails to direct any financial assistance to help small systems come into compliance with the new arsenic standard. I would hope this problem is rectified in the future.

In conclusion, I support the Conference Report and I am pleased that it requires the adoption of the safe arsenic standard without delay.

U.S. ENVIRONMENTAL

PROTECTION AGENCY,

Washington, DC, October 31, 2001.

Hon. JOHN DINGELL,

Ranking Minority Member, Committee on Energy and Commerce, House of Representatives, Washington, DC.

DEAR CONGRESSMAN DINGELL: As you know, the U.S. Environmental Protection Agency (EPA) has been conducting a thorough review of the appropriate standard for arsenic in drinking water, based upon the best available science. Throughout this process, I have made in clear that EPA intends to strengthen the standard for arsenic by substantially lowering the maximum acceptable level from 50 parts per billion (ppb), which has been the lawful limit for nearly half a century.

I can now report that the drinking water standard for arsenic will be 10 ppb, and we will maintain the compliance date of 2006. This standard will improve the safety of drinking water for million of Americans, and better protect against the risk of cancer, heart disease, and diabetes.

As required by the Safe Drinking Water Act, a standard of 10 ppb protects public health based on the best available science and ensures that the cost of the standard is achievable. Over the past several months, we have had the benefit of insight provided by national experts who conducted three new independent scientific studies—the National Academy of Sciences, the National Drinking Water Advisory Council, and EPA's Science Advisory Board. In addition, we have received more than 55,000 comments from the public.

Nearly 97 percent of the water systems affected by this rule are small systems that serve fewer than 10,000 people each. I recognize the challenges many small systems will face in complying with this standard, given their higher per capita costs. Therefore I am committed to working closely with states and small water systems to identify ways to reduce arsenic levels at a reasonable cost to ratepayers.

EPA plans to provide \$20 million over the next years for research and development of more cost-effective technologies to help small systems to meet the new standard. EPA will also provide technical assistance and training to operators of small systems, which will reduce their compliance costs. EPA will work with small communities to maximize grants and loans under the existing State Revolving Fund and Rural Utilities Service programs of the Department of Agriculture. Finally, I have directed my staff to identify other ways that we may help smaller water systems reduce arsenic levels at a reasonable cost. Our goal is to provide clean, safe, and affordable drinking water to all Americans.

I look forward to working with Congress; my colleagues in the Administration; state, local and tribal governments; and other interested parties as we move forward with this protective standard. It's not enough just to set the right standard—we want to work

with local communities to help them meet it. Working together, we can ensure the continuing viability of small, rural water systems, and meet our common goal of improving water quality and protecting public health.

Sincerely,

CHRISTINE TODD WHITMAN.

Mr. BEREUTER. Mr. Speaker, this Member rises in support of the conference report for H.R. 2620, providing appropriations for the Departments of Veterans Affairs (VA) and Housing and Urban Development (HUD), and other Independent agencies for fiscal year 2002. This Member would like to thank the distinguished Chairman of the Appropriations Subcommittee on VA, HUD and Independent Agencies from New York (Mr. WALSH), the distinguished Ranking Member from West Virginia (Mr. MOLLOHAN) and all the members of the Subcommittee for their work on this important bill.

This Member is especially pleased that funding was included for several important projects in the 1st Congressional District of Nebraska. First, \$490,000 was included in the conference report for Doane College in Crete, Nebraska, which will be used for the continuing effort to rehabilitate the historic Whitcomb Conservatory for joint use by the college and the community as a performing arts center. This Member greatly appreciated the previous inclusion of \$430,000 for this project in the FY2001 appropriations legislation. The additional funding provided for FY2002 should provide much of the resources to complete this project.

The Whitcomb Conservatory is a unique, five-sided structure, built on the "Prairie" or "Frank Lloyd Wright" architectural style, which was completed in 1907 and is a component of the Doane College Historic District National Register listing. The additional funding is needed for major structural repair of its roof, installation of a new mechanical system (including a new heating and cooling plant), new wiring, and a complete cosmetic refurbishing.

The Conservatory has been vacant for more than 30 years. However, the Crete community—as well as the student population of Doane College is growing—and necessitates refurbishing the building. Doane College and the Crete community have a close and longstanding working relationship and have a formal joint-use agreement for the future use of Whitcomb Conservatory. The restoration of the Conservatory will create a community resource and provide a setting for musicals, summer community theater, special concerts and lectures.

Second, this Member is most pleased that \$240,000 was allocated for the Walthill Public School in Walthill, Nebraska, to be used to improve the facilities for science education in this school district. The resources are badly needed by this school system which has a very large Native American student body. The students at Walthill are 97 percent Native American and come from primarily low-income families.

Therefore, this Walthill initiative will serve to supplement a state initiative focused on serving a predominately Native American population. Almost certainly, this school is the least adequate public education facility in the 1st Congressional District of Nebraska. Since the

YEAS—401

Tauzin	Udall (CO)	Weiner
Taylor (MS)	Udall (NM)	Weldon (PA)
Taylor (NC)	Upton	Weller
Terry	Velázquez	Wexler
Thomas	Visclosky	Whitfield
Thompson (CA)	Vitter	Wicker
Thompson (MS)	Walden	Wilson
Thornberry	Walsh	Wolf
Thune	Wamp	Woolsey
Thurman	Waters	Wu
Tiahrt	Watkins (OK)	Wynn
Tiberi	Watson (CA)	Young (AK)
Tierney	Watt (NC)	Young (FL)
Towns	Watts (OK)	
Turner	Waxman	

Berry	Hooley	Schaffer
Capuano	Hostettler	Sensenbrenner
Filner	Kerns	Shays
Flake	Paul	Tancredo
Hefley	Roemer	Toomey
Hoekstra	Rove	Weldon (FL)

Burton	Ganske	Ose
Conyers	Kilpatrick	Otter
Cubin	Largent	Trafficant
Delahunt	Lofgren	
DeLav	Maloney (NY)	

Had I been here I would have voted in favor.

The vote was taken by electronic device, and there were—yeas 367, nays 48, not voting 17, as follows:

[Roll No. 435]

YEAS—367

Abercrombie	Eshoo	Larson (CT)
Aderholt	Etheridge	Latham
Allen	Everett	LaTourette
Andrews	Farr	Leach
Armey	Fattah	Lee
Baca	Ferguson	Levin
Bachus	Filner	Lewis (CA)
Baird	Fletcher	Lewis (GA)
Baker	Foley	Lewis (KY)
Baldwin	Forbes	Linder
Ballenger	Ford	Lipinski
Barcia	Fossella	LoBiondo
Barr	Frank	Lowey
Barrett	Frelinghuysen	Lucas (KY)
Bass	Frost	Lucas (OK)
Becerra	Gallegly	Luther
Bentsen	Gekas	Lynch
Bereuter	Gephardt	Maloney (CT)
Berkley	Gibbons	Manzullo
Berman	Gilchrest	Markley
Berry	Gillmor	Mascara
Biggert	Gilman	Matheson
Bilirakis	Gonzalez	Matsui
Bishop	Gordon	McCarthy (MO)
Blagojevich	Goss	McCarthy (NY)
Blumenauer	Graham	McCollum
Boehler	Granger	McCreery
Boehner	Graves	McDermott
Bonilla	Green (TX)	McGovern
Bonior	Green (WI)	McHugh
Bono	Greenwood	McInnis
Borski	Grucci	McIntyre
Boswell	Gutierrez	McKeon
Boucher	Gutknecht	McKinney
Boyd	Hall (OH)	McNulty
Brady (PA)	Hansen	Meehan
Brown (FL)	Harman	Meek (FL)
Brown (OH)	Hart	Meeks (NY)
Brown (SC)	Hastings (FL)	Menendez
Bryant	Hastings (WA)	Mica
Burr	Hayes	Millender-
Buyer	Hill	McDonald
Callahan	Hilleary	Miller, Dan
Calvert	Hilliard	Miller, Gary
Camp	Hinchey	Miller, George
Cannon	Hinojosa	Miller, Jeff
Capito	Hobson	Mink
Capps	Hoefel	Mollohan
Capuano	Hoekstra	Moore
Cardin	Holden	Moran (KS)
Carson (IN)	Holt	Moran (VA)
Carson (OK)	Honda	Morrell
Castle	Hoolley	Murtha
Chabot	Horn	Nadler
Chambliss	Houghton	Napolitano
Clay	Hoyer	Neal
Clayton	Hulshof	Nethercutt
Clement	Hyde	Ney
Clyburn	Inslee	Northup
Combest	Isakson	Norwood
Condit	Israel	Nussle
Cooksey	Issa	Oberstar
Costello	Istook	Obey
Coyne	Jackson (IL)	Olver
Cramer	Jackson-Lee	Ortiz
Crenshaw	(TX)	Osborne
Crowley	Jefferson	Owens
Cummings	Jenkins	Oxley
Cunningham	John	Pallone
Davis (CA)	Johnson (IL)	Pascarell
Davis (FL)	Johnson, E. B.	Pastor
Davis (IL)	Jones (OH)	Payne
Davis, Jo Ann	Kanjorski	Pelosi
Davis, Tom	Kaptur	Peterson (MN)
Deal	Keller	Peterson (PA)
DeFazio	Kelly	Petri
DeGette	Kennedy (MN)	Phelps
DeLauro	Kennedy (RI)	Pickering
Deutsch	Kildee	Platts
Diaz-Balart	Kind (WI)	Pomeroy
Dicks	King (NY)	Portman
Dingell	Kingston	Price (NC)
Doggett	Kirk	Pryce (OH)
Dooley	Kleczka	Quinn
Doyle	Knollenberg	Rahall
Dreier	Kolbe	Ramstad
Dunn	Kucinich	Rangel
Edwards	LaFalce	Regula
Ehlers	LaHood	Rehberg
Ehrlich	Lampson	Reyes
Emerson	Langevin	Reynolds
Engel	Lantos	Riley
English	Larsen (WA)	Rivers

Rodriguez	Simpson	Tierney
Roemer	Skeen	Towns
Rogers (KY)	Skelton	Turner
Rogers (MI)	Slaughter	Udall (CO)
Ros-Lehtinen	Smith (NJ)	Udall (NM)
Ross	Smith (TX)	Upton
Rothman	Smith (WA)	Velázquez
Roukema	Snyder	Visclosky
Roybal-Allard	Solis	Vitter
Rush	Souder	Walden
Ryan (WI)	Spratt	Walsh
Sabo	Stark	Wamp
Sanchez	Stenholm	Waters
Sanders	Strickland	Watkins (OK)
Sandlin	Stupak	Watson (CA)
Sawyer	Sununu	Watt (NC)
Saxton	Sweeney	Watts (OK)
Schakowsky	Tanner	Waxman
Schiff	Tauscher	Weiner
Schrock	Tauzin	Weldon (PA)
Scott	Taylor (MS)	Weller
Serrano	Taylor (NC)	Wexler
Shaw	Terry	Whitfield
Shays	Thomas	Wilson
Sherman	Thompson (CA)	Wolf
Sherwood	Thompson (MS)	Woolsey
Shimkus	Thornberry	Wu
Shows	Thune	Wynn
Shuster	Thurman	Young (AK)
Simmons	Tiberi	Young (FL)

NAYS—48

Akin	Goodlatte	Putnam
Bartlett	Hall (TX)	Radanovich
Barton	Hayworth	Rohrabacher
Blunt	Hefley	Royce
Brady (TX)	Herger	Ryun (KS)
Cantor	Hostettler	Schaffer
Coble	Hunter	Sensenbrenner
Collins	Johnson, Sam	Sessions
Cox	Jones (NC)	Shadegg
Crane	Kerns	Smith (MI)
Culberson	Myrick	Stearns
DeMint	Otter	Stump
Doolittle	Paul	Tancredo
Duncan	Pence	Tiahrt
Flake	Pitts	Toomey
Goode	Pombo	Weldon (FL)

NOT VOTING—17

Ackerman	DeLay	Lofgren
Baldacci	Evans	Maloney (NY)
Burton	Ganske	Ose
Conyers	Johnson (CT)	Trafigant
Cubin	Kilpatrick	Wicker
Delahunt	Largent	

□ 1347

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATIONS

Mr. OSE. Mr. Speaker, I was unavoidably absent during rollcall votes 433, 434 and 435.

Had I been present, I would have voted "yes" on vote 433, approving the Journal, "yes" on vote 434, agreeing to the conference report on the Department of Veterans Affairs and Housing and Urban Development Appropriations for FY 2002, and "yes" on vote 435, the motion to instruct conferees on the Labor-HHS-Education Appropriations for FY 2002.

PERSONAL EXPLANATION

Ms. KILPATRICK. Mr. Speaker, due to personal business in my district, I am unable to be present for legislative business scheduled for today, Thursday, November 8. Had I been present, I would have voted "aye" on rollcall No. 433, on approving the Journal; rollcall No. 434, H.R. 2620, the VA-HUD appropriations conference report; and rollcall No. 435, on the motion to instruct House conferees on the bill H.R. 3061, the Labor-HHS-Education appropria-

PERSONAL EXPLANATION

Mrs. MALONEY of New York. Mr. Speaker, regrettably, I was detained at a meeting, my beeper did not go off and I missed two critically important votes.

On the conference report on H.R. 2620, I would have voted "yes"; and on the motion to instruct conferees on 3061 for Labor, HHS, Education Appropriations bill to insist the House level for education, I certainly would have voted "yes."

The SPEAKER pro tempore (Mr. SIMPSON). Without objection, the Chair appoints the following conferees: Messrs. REGULA, YOUNG of Florida, ISTOOK, DAN MILLER of Florida, WICKER, Mrs. NORTHUP, Mr. CUNNINGHAM, Ms. GRANGER, Messrs. PETERSON of Pennsylvania, SHERWOOD, OBEY, HOYER, Ms. PELOSI, Mrs. LOWEY, Ms. DELAURO, Mr. JACKSON of Illinois and Mr. KENNEDY of Rhode Island.

There was no objection.

LEGISLATIVE PROGRAM

(Mr. FROST asked and was given permission to address the House for 1 minute).

Mr. FROST. Mr. Speaker, I yield to the gentleman from Texas to inquire about next week's schedule.

Mr. ARMEY. I thank the gentleman from Texas for yielding.

Mr. Speaker, I am pleased to announce that the House has completed its legislative business for the week.

The House will next meet for legislative business on Tuesday, November 13 at 12:30 p.m. for morning hour and 2 p.m. for legislative business. The House will consider a number of measures under suspension of the rules, a list of which will be distributed to Members' offices tomorrow. The House will also consider the Agriculture appropriations conference report, and we hope to complete an agreement to consider the Commerce-Justice-State appropriations conference report as well.

Mr. Speaker, on Tuesday, Members should be aware that there will be no recorded votes before 6:30 p.m. Mr. Speaker, let me repeat. In compliance with a request from the gentleman from Kansas (Mr. MORAN), on Tuesday no recorded votes are expected before 6:30 p.m.

On Wednesday and the balance of the week, the House will consider several authorization and appropriations bills now in conference. I will be happy to schedule them as soon as they become available.

Chairman YOUNG also reports that the markup of the Department of Defense Appropriations Act should be completed early next week, and I will schedule that bill for consideration in the House as soon as it is ready for the floor.

Mr. Speaker, I would also take this opportunity to remind Members that

as we approach the Thanksgiving holiday, we are working very hard to complete our business for the year. There are obviously many important pieces of legislation to complete prior to adjournment, so I would advise Members that the House should be prepared to continue its work into next weekend and early in the following week in order to finish our work for the year, if at all possible.

Mr. FROST. I would ask the gentleman from Texas, do you expect fast track trade legislation to be on the floor next week?

Mr. ARMEY. I thank the gentleman for his inquiry. If the gentleman will continue to yield, I should only say it is possible at this point. That is really as much as I can say.

Mr. FROST. I would further ask the gentleman, we have heard rumors of a terrorism insurance bill also making its way to the floor. Should we expect that next week?

Mr. ARMEY. Again, I thank the gentleman for his inquiry.

If the gentleman will continue to yield, Mr. Speaker, Chairman OXLEY and his committee have in fact completed their markup of this legislation. It is very important. But it is a legislation with respect to which the Committee on the Judiciary shares some jurisdiction. At this point, the gentleman from Texas should be advised I am going to be consulting with the chairman of the Committee on the Judiciary to see if it is possible we can work that bill out and have it to the floor next week.

Mr. FROST. I would further ask the gentleman, with the holidays approaching, many people are anxious that we ensure flying is as safe as possible. Do we have any idea when we will get the airline security conference report to the floor?

Mr. ARMEY. Again, I thank the gentleman for the inquiry.

If the gentleman will continue to yield, Mr. Speaker, the gentleman's point is extremely well taken. As I entered the building at 8 o'clock this morning, I saw the conferees moving to the other side of the building for the purpose of beginning that work. I have been assured by Chairman YOUNG that they are aware of how important it is, they are trying to proceed with that conference, and we would hope and expect they could complete that work for consideration next week.

Mr. FROST. I would point out to the distinguished majority leader that it will be very difficult for Members of Congress to leave town unless we have acted on that legislation. They will not feel good about going home and seeing their constituents until we have taken action on that bill.

Mr. ARMEY. I appreciate the gentleman's point, and I am sure the conferees are well aware of that as well.

Mr. FROST. I would ask the gentleman one additional question. I no-

ticed in his initial statement that he discussed the possibility of being in session next weekend and perhaps into the following week. The following week is the week of Thanksgiving. At what point will a decision be made by the majority as to whether we will be in session next weekend or whether we would vote another continuing resolution and come back after Thanksgiving?

Mr. ARMEY. I thank the gentleman for his inquiry. The point is very well taken and a good question.

Sometime as we proceed next week and we get the measure of some of these very important appropriations bills and conferences, as we get the measure of their progress, we should be able then to give the Members definitive answers with respect to working even possibly through the weekend, the weekend next or, of course, that Monday and Tuesday of Thanksgiving week. I think it would be prudent of me to advise most Members that irrespective of what we do relative to the weekend preceding Thanksgiving week, that they should anticipate being here on Monday and Tuesday of Thanksgiving week and working on those 2 days.

Mr. FROST. I thank the gentleman. We look forward to seeing the schedule as it develops next week.

RANKING OF MEMBERS ON COMMITTEE ON VETERANS' AFFAIRS

Mr. FROST. Mr. Speaker, I offer a resolution (H. Res. 282) and I ask unanimous consent for its immediate consideration in the House.

The Clerk read the resolution, as follows:

H. RES. 282

Resolved, That Mr. Lynch of Massachusetts shall rank after Mr. Shows of Mississippi on the Committee on Veterans' Affairs.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ELECTION OF MEMBER TO CERTAIN STANDING COMMITTEES OF THE HOUSE

Mr. ARMEY. Mr. Speaker, I offer a resolution (H. Res. 283) and I ask unanimous consent for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 283

Resolved, That the following named Member be and is hereby, elected to the following standing committees of the House of Representatives:

Armed Services: Mr. Jeff Miller of Florida.
Veterans Affairs: Mr. Jeff Miller of Florida.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

HOOR OF MEETING ON TOMORROW

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 10 a.m. tomorrow.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

ADJOURNMENT FROM FRIDAY, NOVEMBER 9, 2001, TO TUESDAY, NOVEMBER 13, 2001

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that when the House adjourns on Friday, November 9, 2001, it adjourn to meet at 12:30 p.m. on Tuesday, November 13, 2001, for morning hour debates.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

WELCOMING PRIME MINISTER OF INDIA ON OCCASION OF HIS VISIT TO UNITED STATES

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that the Committee on International Relations be discharged from further consideration of the concurrent resolution (H. Con. Res. 264) expressing the sense of Congress to welcome the Prime Minister of India, Atal Bihari Vajpayee, on the occasion of his visit to the United States, and to affirm that India is a valued friend and partner and an important ally in the campaign against international terrorism, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. LANTOS. Mr. Speaker, reserving the right to object, and I will not object, I yield to my friend, the gentleman from New York, so that he may

explain the reasons for moving this resolution immediately to the floor.

Mr. GILMAN. I thank the gentleman for yielding.

Mr. Speaker, I want to commend the gentleman from California (Mr. LANTOS), the ranking minority member on the Committee on International Relations, for crafting H. Con. Res. 264, a resolution expressing the sense of the Congress to welcome the Prime Minister of India, Atal Bihari Vajpayee, on the occasion of his visit to our Nation, and to affirm that India is a valued friend and partner and an important ally in the campaign against international terrorism.

India and the United States share a common destiny. Our people thrive on democracy, the rule of law and the right to freely worship God, and our governments understand that these rights and freedoms are essential for our civilizations to flourish.

Mr. Speaker, this past Monday in New Delhi, Secretary of Defense Donald Rumsfeld and India's Minister of Defense, George Fernandes, met and agreed to expand and intensify our mutual cooperation in the war against international terrorism. We are delighted that India and the United States are moving closer to becoming allies in every sense of the word.

An alliance between our Nation and India could specifically be used to promote democratic governments in the region and to combat drugs and terrorism. And our Nation appreciates the immeasurable contributions to our society made by the more than 1 million Americans of Indian origin.

This past summer, Russian President Putin and Chinese President Jiang Zemin gave each other a bear hug and signed a so-called "friendship treaty." We are now embarking on a similar friendship with India and Prime Minister Vajpayee.

□ 1400

Mr. LANTOS. Mr. Speaker, further reserving the right to object, I am delighted to speak in support of this resolution which welcomes Prime Minister Vajpayee of India to the United States and expresses the deep appreciation of the American people for the strong and immediate support India has provided us at the time of the events of September 11.

Many of our colleagues do not realize, Mr. Speaker, that India also lost over 200 of its own citizens in the dreadful attack on the World Trade Center. As a matter of fact, while this terrible terrorist act was a first for us, I think it is important for all of us to understand that some of our democratic friends and allies have been subjected to terrorist attacks for many years. Our democratic friend, India, and our democratic friend, the State of Israel, have been subjected to terrorism for over half a century. Fol-

lowing our tragic event on September 11, on October 7 terrorists attacked the Parliament House in Kashmir claiming the lives of scores of innocent Indian citizens.

Mr. Speaker, it is important to realize that today we have the pleasure of welcoming to our Congress the Prime Minister of the largest democracy on the face of this planet. There are 1 billion people in India, Mr. Speaker. Many were doubtful years ago that a society, at that time quite poor, in many ways undeveloped, could maintain a political democracy. There was a lot of skepticism as to whether you could have a viable political democracy with 1 billion people of enormous ethnic variety and with hundreds of millions of those people living in abject poverty.

India has proven the pessimists wrong. India today is the fourth largest economy on the face of this planet, and it is the largest political democracy on this planet. Political elections unfold, governments change peacefully, as they do here in the United States.

A great deal has been made in recent times, since September 11, of our building a global coalition against international terrorism; and we all support the effort of the President, the Secretary of State and others to move along these lines. But I think it is important to realize that some Members of this coalition share our values. India is one of them.

Not all members of the coalition are built on the same set of democratic values that our society is built on and India's society is built on. For many, this coalition is just a marriage of convenience. With respect to India, it is a marriage based on shared and common values of pluralism, respect for minorities, freedom of religion, political privileges of voting, freedom of press, freedom of movement, and freedom of expression.

India, with its vibrant democracy and secular government, is a rich and diverse society which stands as a beacon of example to many others in that region. There is no doubt in my mind, Mr. Speaker, that our friendship with India will continue to grow and deepen, and it is in this spirit that we welcome Prime Minister Vajpayee to the United States and to the Congress of the United States.

Mr. Speaker, continuing my reservation of objection, I yield to the gentleman from Washington (Mr. McDERMOTT), the chairman of the Congressional Caucus on India and Indian-Americans.

Mr. McDERMOTT. Mr. Speaker, I thank the gentleman for yielding me time.

The 120-some members of the Congressional Caucus on India and Indian-Americans are very excited to have the Prime Minister here in Washington, D.C. We just had a wonderful lunch where we greeted him, and we look for-

ward to having a positive relationship develop to an even deeper level. The 11th of September was a day that jolted us all, and almost immediately Prime Minister Vajpayee was on the phone to the United States putting out his hand in help, offering bases, something that had never happened before.

This is a major sea change in the relationship between India and the United States. I think all the Members of Congress who understand the importance of a stable Central and South Asia understand the strength that Prime Minister Vajpayee has brought to that area. He reached out to his neighbor, Pakistan, and took a bus trip to Pakistan, the first time an Indian Prime Minister had done that in the whole history of India-Pakistan relations. He is a man who walks the talk of peace, and he has become our friend; and we are very glad to have him here.

Mr. LANTOS. Mr. Speaker, continuing my reservation of objection, I am delighted to yield to my friend, the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Speaker, I want to thank the ranking member for yielding me time.

Mr. Speaker, let me say that I was very pleased today to have another opportunity at the India Caucus luncheon to meet and talk with Prime Minister Vajpayee. I admire him so much for all that he has done in India, both as a minority leader as well as now the Prime Minister. I have met him on many occasions and have always been very impressed by him.

I think this resolution is important; and obviously I would urge its adoption, because it sets forth three things that I think are important:

One is that India, like the United States, has historically been a victim of terrorism. India has been extremely supportive of the United States in the aftermath of September 11, in part because of their friendship with the United States, but also because they understand the negative impact of terrorism on their own state and own population, particularly as it has often occurred in Kashmir. India has been involved with the U.S. in acting against terrorism for a long time and has worked for several years with the United States in that regard and will continue to.

The second thing I would mention is that India is very important to the United States because of the growing relationship that we share on every level. Certainly when we talk about trade, the growing trade relationship, when we talk about culture, there is so much interest in India culture in the United States and vice-versa.

But more important right now, I think, is the importance of the defense relationship, and we understand that some of the conversations and talks that are taking place between the

Prime Minister and President Bush relate to that defense relationship. I have been a long advocate of the need to increase our defense relationship, whether that means supplying military equipment or doing more military exercises with India.

I think many of us know that, historically, India had relied on the former Soviet Union for much of its military equipment. I would like to see that change. I think the U.S. should be the main country that they look to in that regard. So I am hopeful that this week both the trade ties, but, more important, the defense ties, between India and the United States, will see some significant positive action. I am hopeful that that will in fact be the case.

The third thing I wanted to mention, and we all know about the growing importance of the Indian-American community here in the United States, my district, my old district before the redistricting that took place a few weeks ago in New Jersey, had a very large Indian-American population. That has even increased more with the new district that I will be representing, hopefully, after this next year. I think that that Indian-American community has gone far towards building the ties between the United States and India based on democracy, based on capitalism, based on shared culture interests. The Prime Minister took note of that today at our luncheon, and I know that he is very proud of the impact that the Indian-American community has had here in the United States.

Mr. LANTOS. Mr. Speaker, further reserving the right to object, I am delighted to yield to my good friend, the gentleman from California (Mr. ROYCE), the distinguished Republican cochair of the India caucus.

Mr. ROYCE. Mr. Speaker, today we had a luncheon where we heard from Prime Minister Vajpayee. It is always good to see the Prime Minister consulting with the Congress and the administration to strengthen the ties between India and the United States. We all know how the ties between India and the United States have solidified over the years. However, since September 11 that relationship has reached new heights.

India has been with the United States every step of the way. India has long known the horrors of terrorism, and now the United States has joined India in the fight against terrorism. India quickly condemned the attacks and immediately offered assistance to the U.S. India has provided the intelligence support, as well as the use of its military bases and air space.

I had a chance to be there during the international fleet review in Mumbai and see why Colin Powell, our Secretary of State, said that India has the strength to keep the peace in the vast Indian Ocean and its periphery.

Today, President Bush is skillfully leading what will be a difficult strug-

gle, but India has demonstrated that it will be a key ally in this war. For that, we are appreciative.

Mr. HYDE. Mr. Speaker, today, with this resolution, the House welcomes a friend, the Prime Minister of India, His Excellency Atal Bihari Vajpayee. The Prime Minister is in Washington in the course of visits to several capitals to emphasize India's longstanding commitment to fight terrorism.

This is a matter on which we can all agree. America and India need to step up our security and political cooperation; India's importance to world security is obvious to anyone who possesses a map. Of course, Indians and Americans agree on many other subjects, especially on the benefits of democracy and human rights and on the benefits of trade.

American-Indian relations have been getting better for many years, following the steady, upward path of bilateral trade. The fact that more and more individuals of Indian ancestry are contributing to our society, becoming citizens, and taking part in civic and business endeavors is another factor that contributes mightily to our improving relationship. As this trend continues, Americans get to know Indian culture and Indians are more likely to have friends and relatives in this country and have a realistic picture of life here.

The United States wants to help India and its neighbors live in peace in a stable South Asia. It has become clear that, in the first instance, this will require the extirpation of al Qaeda and the defeat of those who harbor it, the Taliban.

India and Pakistan, rivals and sometimes enemies, are on the same side in this endeavor. I pray that they will take the opportunity to achieve some level of confidence in one another in a common struggle. I hope that American leadership will help bring them together wherever we can in fact be of assistance.

Mr. Speaker, this is an important visit. The Indian Prime Minister is a most welcome guest, and one whom we are most pleased to honor with this resolution.

Mr. LANTOS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. OTTER). Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 264

Whereas Congress is pleased to welcome the Prime Minister of India, Atal Bihari Vajpayee, on his visit to the United States;

Whereas the United States and India, the world's two largest democracies, are natural allies, based on their shared values and common interests in building a stable, peaceful, and prosperous world in the 21st century;

Whereas from the very day that the terrorist attacks in New York and Washington occurred, India has expressed its condolences for the terrible losses, its solidarity with the American people, and its pledge of full cooperation in the campaign against international terrorism;

Whereas India, which has been on the front lines in the fight against international terrorism for many years, directly shares America's grief over the terrorist attacks against the United States on September 11, 2001, with

the number of missing Indian nationals and persons of Indian origin estimated at 250;

Whereas the United States and India are engaged as partners in a global coalition to combat the scourge of international terrorism, a partnership that began well before the tragic events of September 11, 2001;

Whereas cooperation between India and the United States extends beyond the current international campaign against terrorism, and has been steadily developing over recent years in such areas as preserving stability and growth in the global economy, protecting the environment, combating infectious diseases, and expanding trade, especially in emerging knowledge-based industries and high technology areas; and

Whereas more than 1,000,000 Americans of Indian heritage have contributed immeasurably to American society: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress—

(1) to welcome the Prime Minister of India, Atal Bihari Vajpayee, to the United States;

(2) to express profound gratitude to the Government of India for its expressions of sympathy for the September 11, 2001, terrorist attacks and its demonstrated willingness to fully cooperate with the United States in the campaign against terrorism; and

(3) to pledge commitment to the continued expansion of friendship and cooperation between the United States and India.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. LANTOS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 264.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

MOTION TO INSTRUCT CONFEREES ON H.R. 2500, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

Mr. ROHRBACHER. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mr. ROHRBACHER moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill, H.R. 2500, be instructed to insist on the language contained in section 626 of the House-passed bill and section 623 of the Senate amendment, prohibiting the use of funds in the bill by the Department of Justice or the Department of State to file a motion in any court opposing a civil action against any Japanese person or corporation for compensation or reparations in which the plaintiff alleges that, as an American prisoner of war during World War II, he or she was used as slave or forced labor.

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from California (Mr. ROHRABACHER) and the gentleman from New York (Mr. SERRANO) each will control 30 minutes.

The Chair recognizes the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Speaker, I yield myself 6 minutes.

Mr. Speaker, this motion is highly unusual. It is highly unusual because the Parliamentarian's Office has not been able to find another instance in the history of this House in which a motion was offered to instruct conferees to keep something in a conference report that was approved by both the House and the Senate in identical form. In theory, such a motion should be completely unnecessary, because under the rules of both Houses, this House and the Senate, any provision that has been approved by each House in identical form is "non-conferenceable," which means it automatically goes to the conference and goes into the conference report as it passed both Houses. That is called democracy, where the majority of people in both Houses vote for something, and then it stays in the bill as the bill goes through the system.

□ 1415

Unfortunately, the lobbying of Japanese corporations and other very powerful interest groups in this city over this period of time has been unusually heavy. They have been spreading misinformation about the peace treaty with Japan, and it appears that our courageous World War II POWs will feel the brunt of this deception. The fact is that private companies did use American POWs during World War II as slave laborers.

In his recent decision, Judge William F. McDonald rejected all arguments by the State Department that such a court hearing, in terms of a hearing of our own POWs' requests for compensation from these Japanese companies that enslaved them, Judge McDonald decided that this would not violate the treaty which ended World War II, although what we have been hearing over and over and over again in this town is, my gosh, we cannot permit our greatest war heroes, the survivors of the Bataan Death March to sue the Japanese corporations that used them as slave labor in the war, because this would violate the treaty that ended the war.

Well, already we have a judge suggesting, a Federal judge suggesting that that argument does not hold water, and a reading of the treaty itself suggests that that does not hold water.

What do we have, then? We have a situation where this judge, a neutral party, an American judge, has decided that our POWs under the treaty have the right to file a claim in court.

In the past what has happened, and the reason this legislation is necessary,

is our greatest American war heroes from World War II, the survivors of the Bataan Death March, not only were they left out on their own and betrayed by our country in a certain way, at least if not betrayed, let down, that we did not come to their rescue; then they served as prisoners of war and as slave labor; and then after the war, we betrayed them again, we let them down again in that they were told that the treaty prevented them from suing the corporations that had used them as slave labor.

Well, as I say, in the treaty there is a provision that says very clearly, any rights not granted to American citizens in this treaty that are granted to other citizens of other countries in other treaties, subsequent treaties, will automatically be the rights of the American people as well, and since that time, of course, Japan has signed many other treaties and other people have had the right to sue these Japanese corporations.

We are not talking about suing the Japanese Government, we are talking about suing Japanese corporations. It is the courts, not the executive branch, that will ultimately determine the meaning of what this treaty is all about. We already have a court decision.

The political question is what we need to decide, and that is what is happening today, and that is what happened in a decision in this body overwhelmingly and a decision in the Senate. Both in this House and the Senate, we decided that our American heroes of the Bataan Death March, their claims are more important than bending over backwards to try to recognize claims of big Japanese corporations that used our people as slave labor during the war. The courts have found that factual issues exist for the application of our people. That means that our POWs have a right to sue, they have an actual, factual claim, and the court has decided that the 1951 peace treaty with Japan does not, does not prevent the plaintiffs from filing action in the court.

Now, I would ask my colleagues to vote for this motion, and I would ask them to pay particular attention, and the American people to pay attention, to what is going on here. What has been voted on on the floor, some people are trying to take out behind closed doors in the conference. It is the first time in history we have a motion to recommit, to insist on language that has been passed in both Houses. I think it is vitally important for us to pay attention to this, because I can see when these things happen why people lose faith in democracy.

Let me also note that the gentleman from California (Mr. Cox) has a bill just to provide \$20,000 as compensation from the United States Government to these American heroes. One would

think that at the very least, the Cox bill would be implemented if they were going to try to take out the legislation that we passed in both Houses. But no. Again, our POWs are not being treated justly.

I would ask my colleagues to join me in supporting this motion to direct the conferees.

Mr. Speaker, I reserve the balance of my time.

Mr. SERRANO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I certainly know of the passion with which the gentleman from California speaks. He is very much committed to this issue. I would love to correct him, just momentarily, on the fact that some things, when they leave the House Floor, somehow end up in conference a little different than when they left the House Floor, so this may not be the only time that this has been changed.

But we do understand how serious he and other Members are about this issue. There are some concerns, but as we go into conference later today, we know that his concerns will be seriously taken into consideration.

Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. WOLF), my chairman.

GENERAL LEAVE

Mr. WOLF. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this motion to instruct conferees on H.R. 2500 and that I may include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. WOLF. I thank the gentleman for yielding me time.

Mr. Speaker, first of all, on the Rohrabacher amendment, the whole concept behind it I support and agree with, and I think it is fair to say that most Members agree with it.

Secondly, if we are going to do this, we ought to be suing the Japanese Government as well as the corporations; and we do not sue the government and, therefore, it is flawed.

Thirdly, we have a legal opinion. When this came up, we asked the Congressional Research Service to give us a legal opinion of the Rohrabacher amendment. I would like to insert the entire opinion into the RECORD, but I will read one sentence. It says, "The Rohrabacher amendment is likely to have more of a symbolic effect and not likely to have a substantive effect on the legal interpretations and posture of the peace treaty with Japan under U.S. law and international law."

It is a symbolic thing.

I think the gentleman is correct in what he said with regard to the Cox language. If we want to do something substantive rather than just a symbolic act, then we ought to pass the

Cox language which is in the authorizing language.

Lastly, the conference report will carry language, if it is approved, that says the following: "The conference agreement does not include language proposed in both House and Senate bills regarding the civil actions against Japanese corporations for compensation in which the plaintiff alleges that as an American prisoner of war during World War II, he or she was used as slave or forced labor. The conferees understand that the administration opposes this language and is concerned that the inclusion of such language in the act would be detrimental to the ongoing effort to enlist multilateral support for the campaign against terrorism."

It ends by saying, "The conferees strongly agree that the extraordinary suffering and injury of our former prisoners of war deserve further recognition and acknowledge the need for such additional consideration."

We are at war. You shook your head no, that we are not at war? I said we are at war and you shook your head no.

We are at war. There were 27 families in my congressional district that died as a result of what took place at the Pentagon, and the Bush administration is trying to put together a multilateral, broad-based coalition effort. Right now, the Japanese Government has offered, with regard to military troops, to help them participate. And I would think sincerity ought to be questioned, and then take the language, and when the Cox language went in and the International Relations bill comes up, offer the language at that time. Offer it there and I will vote for it, but not with regard to an appropriations bill.

Lastly, this language says, "It is likely to have more of a symbolic effect and not likely to have a substantive effect on the legal interpretation and posture of the peace treaty with Japan under U.S. law and international law."

CONGRESSIONAL RESEARCH SERVICE,
Washington, DC, October 2, 2001.

To: Hon. Frank R. Wolf, Attention: Geoff Gleason.

From: Margaret Mikyung Lee, Legislative Attorney, American Law Division.

Subject: Analysis of H. Amdt. 188, the Rohrabacher amendment to the Commerce, Justice, State Appropriations Act, 2002, H.R. 2500.

This memorandum is in response to your request for an analysis of H. Amdt. 188, the Rohrabacher Amendment to the Commerce, Justice, State Appropriations Act, 2002, H.R. 2500, which would prohibit the use of funds by the Departments of State and Justice to oppose a civil suit brought by a former American prisoner of war against a Japanese person or corporation for reparations or compensation for forced labor. This provision became § 626 of H.R. 2500 as passed by the House of Representatives and § 623 in the version of H.R. 2500 passed by the Senate. In light of the terrorist attacks of September 11, 2001, some opponents of this provision

have criticized it as jeopardizing foreign policy objectives of the United States in seeking the support and solidarity of Japan and other nations in its antiterrorism efforts by calling into question the reliability of the United States in abiding by its international obligations. Although Japan may look askance at Congress' revisitation of this issue and in direct expression of support for the lawsuits, the Rohrabacher Amendment is likely to have more of a symbolic effect, and not likely to have a substantive effect on the legal interpretation and posture of the Peace Treaty with Japan under U.S. law and international law.

This provision apparently is a reaction to the submission of statements of interest by the Department of Justice on behalf of the United States in *In Re World War II Era Japanese Forced Labor Litigation*. The United States filed two statements of interest in that case. Although the plaintiffs filed suit in California state courts and only alleged claims under a California state statute, some cases were removed to the federal courts and then consolidated before the District Court for the Northern District of California. These cases resulted in three separate decisions dismissing three separate subclasses of the cases concerning the plaintiffs who were U.S. nationals, those who were Korean and Chinese nationals, and those who were Filipino nationals. This memorandum will discuss below the decisions concerning the U.S. nationals and Korean or Chinese nationals respectively. The first statement of interest stated that the cases were controlled by federal law and thus should be heard in federal court. The federal law was the international agreement embodying the peace settlement between Japan and the major Allied Powers, including the United States, which was intended to constitute the final disposition of claims between the Allied Powers and its nationals against Japan and its nationals arising from actions in the course of the prosecution of the war. The United States later filed a second statement of interest setting out in detail its position that it had lawfully espoused and settled the claims of U.S. nationals against Japan and its nationals arising out of the war; that this settlement had been carried out through the compensation system established by the War Claims Act of 1948, which disbursed compensation funded by the liquidation of Japanese assets confiscated by the Allied Powers pursuant to the peace treaty with Japan; and that the California state law claims were preempted by the 1951 Peace Treaty with Japan and the War Claims Act in accordance with the Supremacy Clause of the Constitution, which provides that "[t]his Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding."

When the District Court of the Northern District of California dismissed the cases with regard to the plaintiffs who were U.S. nationals or military veterans of the Allied Powers, it found that the Treaty by its terms constituted a comprehensive and exclusive settlement plan and that Article 14(b) of the Treaty unambiguously waived any further claims. Even if the language of the Treaty were ambiguous, the court found that the context of the Treaty, the history of the negotiations, and the Senate debate over its ratification supported the view that Article

14(b) waived any further claims by U.S. nationals against Japanese nationals, and that U.S. nationals must look to the Congress for relief of claims not compensated by the Treaty. Furthermore, and most significantly for the Rohrabacher Amendment, the court found that the position of the United States, expressed by the Department of State and the statements of interest in the instant case, carried "significant weight." However, the court also noted that the "government's position also comports entirely with the court's own analysis of the treaty and its history." This indicates that even in the absence of a contemporary brief filed by the United States, the court would have reached the same conclusion.

The court also addressed and dismissed several other arguments proffered by the plaintiffs, including the contentions that the suits represent a private dispute between parties which arose from activities distinguishable from those in pursuit of the war effort, that the waiver of individual claims in the Peace Treaty was unconstitutional and invalid, and that subsequent peace agreements between Japan and other countries revived the plaintiffs' claims under Article 26 of the Peace Treaty. Article 26 of the Peace Treaty provides that "should Japan make a . . . war claims settlement with any State granting that State greater advantages than those provided by the present Treaty, those same advantages shall be extended to the parties to the present Treaty." With regard to that argument, the court held that Article 26 of the Peace Treaty only conferred rights on the states parties to the Treaty, and therefore only the United States, and not the plaintiffs, could seek to raise the issue of more favorable terms. Were the United States to espouse the interpretation of Article 26 sought by the plaintiffs in court, Japan would likely dispute an interpretation which would permit further claims by individual nationals; under Article 22 of the Peace Treaty any dispute concerning the interpretation and execution of the Treaty must be referred to the International Court of Justice.

The District Court for the Northern District of California also dismissed a case involving Korean and Chinese nationals finding, *inter alia*, that the California statute creating the cause of action is an unconstitutional infringement on the Federal Government's exclusive power over foreign affairs. The court had concluded that the Treaty could not be read as waiving claims of Korean and Chinese nationals brought under California statutes and the federal Alien Tort Claims Act since neither China nor Korea were signatories to the Treaty. It then concluded that the California statute creating a cause of action for World War II prisoners of war against Japanese nationals was unconstitutional. It further concluded that forced or slave labor was a violation of the customary international law of human rights and therefore a suit could be brought under the Alien Tort Claims Act, but for the fact that the applicable statute of limitations barred the suit. Finally, the California statute of limitations barred any claims under California statutes concerning false imprisonment, forced labor, assault and battery, etc.

With regard to the impact the Rohrabacher Amendment might have on the Treaty and U.S. relations with Japan, it appears that the only U.S. court to have ruled on the reparations issue and the interpretation of the Peace Treaty with Japan would have dismissed the claims of U.S. prisoners of war

concerning forced labor compensation even if the United States had not filed briefs opposing the claims. There apparently are appeals pending in this litigation which have not yet been decided, and there are apparently other similar lawsuits pending. It is uncertain whether the ultimate disposition in any of these cases might be a ruling in favor of the plaintiffs. However, the Japanese government may not necessarily view the silence of the United States in these other cases negatively since the United States is already on the historic and contemporary record as having the same position as that espoused by Japan, that further claims are waived by the Treaty. On the other hand, a diplomatic note transmitted from Japan to the United States on August 8, 2000, stated that "recent efforts to seek further compensation in United States courts for actions taken by Japanese nationals during World War II would be inconsistent with both the letter and the spirit of the Peace Treaty, and would necessarily be detrimental to bilateral relations between our two countries."

The Restatement (Third) of the Foreign Relations Law of the United States notes that an "international agreement is to be interpreted in good faith in accordance with the ordinary meaning to be given to its terms in their context and in the light of its object and purpose" and that the "President has authority to determine the interpretation of an international agreement to be asserted by the United States in its relations with other states. . . . Courts in the United States have final authority to interpret an international agreement for purposes of applying it as law in the United States, but will give great weight to an interpretation made by the Executive Branch." The Restatement further observes that the courts have given "great weight" to the interpretation of a treaty by the executive branch, giving more deference perhaps to an executive branch interpretation which is contemporaneous with the negotiation of the treaty than to one adopted by the executive branch in a case before the courts, in the interest of ensuring that the United States speaks with one voice in conducting its international relations. In the Japanese Forced Labor Litigation cases discussed above, the court found that the historical and contemporaneous interpretation of the Peace Treaty expressed the same view with regard to the waiver of further claims. The Restatement also notes that although the Senate's contemporaneous interpretation of a treaty to which it gives consent is binding, later interpretations by the Senate have no special authority. In light of the decisions from the only court to rule on the interpretation of the Treaty and the Restatement's description of the principles of foreign relations law for the United States, it seems likely that other courts would arrive at similar conclusions.

If you need further assistance, please contact us.

Mr. ROHRBACHER. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, let us be very clear about what is going on here. The American POWs from World War II, the survivors of the Bataan Death March were used as slave labor during the war, and after the war, they were told that they did not even have a right to sue these Japanese corporations that had used them as slave labor.

Let us note that German corporations have paid reparations, even Japanese corporations in Japan have paid

reparations, but our own people, our greatest heroes, have been denied that right. Whether or not this is symbolic or not, I think that is a matter for the lawyers to determine.

But what we should do as legislators is bend over backwards to watch out for the interests of our great American heroes, the survivors of the Bataan Death March and not try to give the benefit to Japan or the Japanese corporations that use them as slave labor. A court will decide, and already we have an opinion, as I said, in one court that has decided that this is much more than symbolic.

Now, how about the argument that because we are now at war, we should not do right by the heroes of World War II? I do not think so. I do not think that is the way that we send a good message to those people serving this country. I think it is just the opposite.

The fact is, Japan needs to close the books on this incident, that these Japanese corporations do not want to admit that they used our people as slave labor and they tortured people and committed crimes. I am sorry. They did. And it is time, like the Germans did, to just recognize it and close the book.

That does not mean that we are not going to work with the Japanese anymore, and they may be angry. But it is time for us to stand up for our own people. If there is any message we need to send in a war, it is that our soldiers who fight and die for us or are taken prisoner, we are going to watch out for them and they are our number one priority afterwards.

Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. HONDA), who is actually the coauthor of this bill and has been my partner in this gallant effort.

Mr. HONDA. Mr. Speaker, I thank the distinguished gentleman from California for the time. I would like to associate myself with his words also.

Mr. Speaker, I rise today to voice my strong support for this motion to instruct. Before I address the reasons for my support, I would like to take a moment to thank the gentleman from California for his tireless advocacy on behalf of our men and women in our Armed Forces and our veterans.

We in Congress always talk about our strong support for the men and women who currently serve and have served in our armed services, and I have no doubt in my mind that this support is genuine. The support we show our soldiers, past and present, is especially timely in light of the Veterans Day celebration we would be celebrating this weekend. The efforts of my colleague from California go well beyond most people's efforts in this regard.

On the issue of justice for our prisoners of war during World War II, I am proud to be working with my good

friend from California, and I thank him for his leadership on this important matter.

Mr. Speaker, the instructions we give today are straightforward and are worth repeating. None of the funds made available in this act may be used by the Department of Justice or the Department of State to file a motion in this court opposing the civil action against any Japanese person or corporations for compensation or reparations in which the plaintiff alleges that as an American prisoner of war during World War II, he or she was used as slave or forced labor.

□ 1430

On July 18, the House voted by an overwhelming 395 to 33 margin to include language in the bill that comports with these instructions, and on September 10, the other body included identical language in their version of the bill.

Clearly, it is the desire of both Houses of Congress to have this language included in the final conference report. No one can deny that our brave veterans who were prisoners of war in Japan and forced into slave labor deserve to have their day in court. They should not have to fight their own government to get a fair hearing.

Some of those who opposed that amendment are claiming that somehow the peace treaty with Japan will be abrogated should this amendment pass. Well, this is simply not the case. Article 26 of the treaty clearly states, and I quote, "Should Japan make a peace settlement or war claims settlement with any state granting the state greater advantages than those provided by the present treaty, then those same advantages shall be extended to the parties to the present treaty."

Since other countries such as Denmark, Sweden, and Spain subsequently signed peace treaties with Japan that did not attempt to preclude the rights of their citizens to sue, the rights of our own citizens to seek justice are actually preserved by the terms of the treaty.

Indeed, in cases involving Holocaust survivors, the State Department has maintained the U.S. Government does not even have the authority to conclude treaties that bar losses by U.S. citizens against foreign corporations.

Mr. Speaker, I include for the RECORD a very insightful piece from the New York Times outlining the diplomatic two-step that took place giving the impression that certain rights were waived when, in fact, they were not.

The material referred to is as follows:

[From the New York Times, Sept. 4, 2001]

RECOVERING JAPAN'S WARTIME PAST—AND OURS

(By Steven C. Clemons)

WASHINGTON.—Celebrations this Saturday of the 50th anniversary of the San Francisco

Treaty of Peace, which established the post-war relationship between Japan and the world, will focus on Japan's emergence as a pacifist market economy under the tutelage of its conqueror and later ally, the United States. Little attention will be paid to questions of historical memory or of liability for Japan's behavior during the war. The 1951 treaty, largely through the efforts of America's principal negotiator, John Foster Dulles, sought to eliminate any possibility of war reparations. This undoubtedly cemented Japan's alliance with the United States and helped its economic rebirth. But Dulles's and Japan's strategy also fostered a deliberate forgetfulness whose consequences haunt us today.

Dulles had been a United States counsellor at the Paris Peace Conference in 1919, with special responsibility for reparations. He had opposed, without much success, the heavy penalties imposed by the Allies on Germany. These payments were widely seen as responsible for the later collapse of Germany's economy and, if obliquely, for the rise of Nazism. After World War II, Dulles feared that heavy reparations burdens would similarly cripple Japan, make it vulnerable to Communist domination and prevent it from rebuilding. It was crucial to Dulles that Japan not face claims arising from its wartime conduct. The San Francisco Treaty has been used to this day, by Japan and America, as a shield against any such claims.

Nonetheless, when he had to, Dulles allowed an exception, one that has remained largely hidden. The signatories to the San Francisco Treaty waived "all reparations claims of the Allied Powers, other claims of the Allied Powers and their nationals arising out of any actions taken by Japan and its nationals in the course of the prosecution of the War." But recently declassified documents show that Dulles, in negotiating this clause, also negotiated a way out of it.

Dulles had persuaded most of the Allied powers to accept the treaty. One major nation that refused to sign was Korea, because of its enmity against Japan for colonizing the Korean Peninsula. India, China and the Soviet Union also declined to sign.

For a brief while it appeared that the Netherlands would do likewise. Only days before the treaty was to be signed, the Dutch government threatened to walk out of the convention because it feared that the treaty "expropriated the private claims of its individuals" to pursue war-related compensation from Japanese private interests. Tens of thousands of Dutch civilians in the East Indies had lost their property to Japanese companies, which had followed Japan's armies to the Indies. They wanted compensation, and they had political power in Holland.

European opinion mattered to Dulles, who feared that a Dutch exodus might lead the United Kingdom, Australia and New Zealand to drop out as well. On the day before and the morning of the signing ceremony, Dulles orchestrated a confidential exchange of letters between the minister of foreign affairs of the Netherlands, Dirk Stikker, and Prime Minister Shigeru Yoshida of Japan. Yoshida pledged that "the Government of Japan does not consider that the Government of the Netherlands by signing the Treaty has itself expropriated the private claims of its nationals so that, as a consequence thereof, after the Treaty comes into force these claims would be non-existent."

Article 26 of the Treaty states that, "should Japan make a peace settlement or war claims settlement with any State granting that State greater advantages than those

provided by the present Treaty, those same advantages shall be extended to the parties to the present Treaty." This is why the letters had to be confidential: they preserved the rights of some Allied private citizens, in this case Dutch citizens, to pursue reparations.

Such an agreement, if publicized, could have opened the way for other claims—reparations was a huge and emotional issue after the war. These letters were not declassified until April 2000, by which time most potential claimants were probably dead.

In 1956, the Dutch did successfully pursue a claim against Japan on behalf of private citizens. Japan paid \$10 million as a way of "expressing sympathy and regret." Japan had been slow about making its deal with the Netherlands, and the United States had to remind the Japanese that, as a declassified State Department document puts it, the United States had "exerted considerable pressure on the Netherlands representatives with a view to their signing the Peace Treaty," and "one of the arrangements was assurance that the terms of the Yoshida-Stikker letters would be honored."

A year before the British noted two other instances in which governments had made deals with Japan for reparations: a settlement with Burma that provided reparations, services and investments amounting, over 10 years, to \$250 million; and an agreement with Switzerland that provided "compensation for maltreatment, personal injury and loss arising from acts illegal under the rules of war."

The British Foreign Ministry elected not to take any action on behalf of British nationals—and chose not to publicize the information. The United States concurred, with one official commenting, "Further pressure would be likely to cause the maximum of resentment for the minimum of advantage." Nonetheless, the Stikker-Yoshida letters and the Burmese and Swiss agreements could all be used to make Japan, under Article 26 of the San Francisco Treaty, offer similar terms to the treaty's 47 signatories.

The price Japan might have paid, in 1951 or later, as atonement for its crimes would, presumably, have been high. Perhaps Dulles's public policy was best. But it may also be that Japan, and even the United States, are paying a different sort of price for the amnesia and secrecy that both countries chose after the war. An American group of former prisoners of war, for example, has pledged to protest the conferences and commemorative galas. These veterans are pursuing financial relief for having been enslaved in wartime by Japanese corporations, notably Mitsui and Mitsubishi. The P.O.W.'s have already lost one case in California. The judge, Vaughn Walker, decided that because of the success of the San Francisco Peace Treaty and of Japan in becoming a strong ally and partner of the United States, the waiver of individual rights to pursue to private parties in Japan was justified. This has been the argument in the dozens of suits brought in Japan and a smaller number of cases in American courts. And the argument has so far prevailed.

Judge Walker did recognize that Japan's reparations deals with some countries might present the opportunity for the signatory nations of 1951 to bring their own claims, as provided for in Article 26 of the treaty. However, "the question of enforcing Article 26," he wrote, is "for the United States, not the plaintiffs, to decide."

The failure to support war claims is one of the reasons Japan is still struggling with other nations over its history. The Germans—at least, West Germans—have en-

gaged in five decades of public debate about Hitler and the Holocaust. And Germany and other European countries have accepted the need, for their governments or their corporations, to pay reparations for crimes very similar to those committed by Japan and Japanese companies in the same period.

The Japanese, however, have not witnessed the court cases and public debates that would help shape a shared understanding of history among Japanese and their neighbors. Prime Minister Junichiro Koizumi's visit last month to the Yasukuni shrine—which honors the souls of Japan's war dead, including the souls of war criminals—and the relentless efforts of some Japanese textbook writers to minimize Japan's wartime aggression against Korea and China have further aggravated regional tension over Japan's official history. Because Japan is so ill at ease with debate about its past, other nations understandably distrust a more powerful Japan.

What we know only today is that the State Department arranged a deal that arguably allows Americans and others to pursue personal claims against Japan or Japanese firms—but tried to keep the agreement quiet. The State Department even filed briefs in the California court against the former American prisoners of war. Of course, it was the State Department that once advanced the claims of Dutch citizens.

Japan clearly deserves criticism for its inability to debate its past openly. However, the United States, as evidenced by the emerging controversy about the terms of the San Francisco Treaty, has also played a role in Japan's historical amnesia. By withholding documents on American foreign policy, the United States has contributed to a failure of memory that will continue to have consequences for all of us.

Mr. Speaker, I think it is critical that we address historical injustices and not sweep them under the rug. Brave men such as Dr. Lester Tenney, Frank Bigelow, George Cobb, just to name a few, are part of this Nation's greatest generation and deserve their day in court without interference from our own government.

I am very sensitive to the fact that today more than ever the relationship between the U.S. and Japan is crucial in the international arena, and the U.S. and Japan have had and currently have strong friendships for these many decades. Nothing we do in this provision will undermine the friendship we now have with Japan. But we cannot have a true and honest relationship with Japan if we ignore the past.

On a cautionary note, I would emphasize that anyone who would use this effort on behalf of our POWs to further an agenda that fosters anti-Asian sentiments and racism or Japan-bashing, or otherwise fails to distinguish between Japan's war criminals and Americans of Japanese ancestry, or Japan's current population, for that matter, should be severely admonished.

Mr. Speaker, I urge all Members to support this important motion, and I yield back the balance of my time.

Mr. ROHRBACHER. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, for those reading the CONGRESSIONAL RECORD or those listening to this debate, let us understand exactly what is going on here.

Before the Second World War, America sent thousands of troops to the Philippines in order to defend that country and to deter war with Japan. During the war, of course, Japan attacked and occupied the Philippines and took tens of thousands of American troops into custody, and it was one of the most brutal incarcerations and treatment of prisoners in the history of humankind.

In fact, it resulted in what was called the Bataan Death March, where these men, these Americans who had fought and been in our uniform, they were just marched for days and days without water and food, and thousands of them died along the way in the most brutal type of conditions.

The United States has let those men down. We have told them if they held out in the Bataan Peninsula, that we would come and rescue them. We could not do it during the war because the Japanese had attacked Pearl Harbor and we did not have the military strength to do it, so we let them down.

Then, after they were incarcerated, they were sent to work camps and slave labor camps and concentration camps in Japan and in Manchuria. They were worked like slaves where, again, many of them died under the worst possible conditions.

As the war ended and we put together a peace treaty with Japan, we let them down again. In the treaty, we put some provisions that sounded like we were waiving their rights to sue those Japanese corporations that had tortured them and used them as slave labor. But there was a provision in the treaty that said if Japan signs another treaty with another country that grants more rights to those citizens than our citizens have in the treaty we signed, those rights automatically become American citizens' rights, as well.

So the Japanese, guess what, have signed other treaties, and other people have been permitted to sue those Japanese corporations.

Are we going to let these American heroes down again out of consideration of some huge Japanese corporations who do not want to apologize or to give them some just compensation? I do not think so. This body voted overwhelmingly for that, on the side with our great heroes, overwhelmingly, and the Senate voted for it in a heated debate.

All we are saying today is we are demanding that our conferees not take out this provision behind closed doors. The gentleman from California (Mr. Cox) has a measure that suggests that our government pay \$20,000 apiece. At the very least, if they are not going to give the right to sue, they should at least come up with the \$50 million needed to pay our people off by ourselves.

Mr. Speaker, the bottom line is, our American POWs deserve truth and justice. They deserve their day in court. They do not deserve just a stipend from us. We did let them down, but we were not the ones who tortured them and worked them as slave laborers. They deserve their day in court, they deserve an honest opinion, they deserve an apology from Japan, and yes, they deserve compensation from those Japanese companies that worked them as slave labor.

These are our greatest heroes. This is the message to send to our defenders: We will never let you down again; and those people who march off to defend this country, whether it is against them, the terrorists, or wherever it is, they will know that the American people will not let them down because they have not let us down.

Mr. Speaker, let me just suggest to the gentleman from California (Mr. HONDA), he has worked so hard on this and I deeply admire him for this, because he could have taken some personal criticism from people who tried to make this into a racial issue.

This is not a racial issue. I lived in Japan as a young man myself, and we think nothing but good thoughts and goodwill toward the people of Japan. Most of the people in Japan, as we know, had nothing to do with this, but those Japanese corporations that did, they deserve to be held accountable.

The patriotism of the gentleman from California (Mr. HONDA) and his stepping forward and his courage at a time like this are deeply appreciated because it helps define the issue in the way it should be. I thank the gentleman very much.

Mr. SERRANO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I think the gentleman should pay close attention to what the gentleman from Virginia (Chairman WOLF) said. We are not debating, perhaps, the merits of this issue. What we are concerned about is, on an appropriations bill, at this time that our country finds itself in, trying to rally support throughout the world, to bring up issues that may only serve to create difficulties.

The gentleman from California (Mr. HONDA) brought up a subject that was on my mind and that, in all honesty, I did not want to bring up. I can tell the Members that, as a Hispanic American, we are living through a time now where a lot of people in this country are taking the opportunity to be nervous about anyone who does not look or act like a "typical American" because of what we are going through. So if one is from a group in this country that makes some folks nervous, people are paying too much attention to that and making people's lives a little uncomfortable.

I am also concerned, as he was mentioning it, that some folks would take

the opportunity of this discussion to begin to point fingers and be nervous about other groups.

That is our concern. Our concern is not about the merits of the gentleman's presentation; that, we agree with and we understand that is a very serious concern.

Mr. Speaker, I yield back the balance of my time.

Mr. ROHRBACHER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, again, we need to take a look at what this is all about. The House and Senate voted overwhelmingly in the House, and yes, with a solid majority in the Senate, to make sure that the survivors of the Bataan Death March, our greatest American heroes, were able to sue those Japanese corporations that worked them as slave labor.

After the war, there was a provision put in the treaty which prevented them from suing these Japanese corporations until the situation changed, which it did when Japan had agreements with other countries that permitted those countries and the citizens from those countries to sue.

So what we have now is a situation that even after the status of their case and their ability to sue had changed, our State Department became the biggest block to having these heroes from the Bataan Death March exercise their right, because our State Department would intercede in their court cases and undermine their right to sue in court.

What this bill does and why it is necessary to put it on this appropriations bill is, it prevents the State Department from using its resources or its people to interfere with the rights of those American POWs and interfere with their right to take their case to court.

That is why it was important for us to get it on this bill. This was the vehicle. It was written in a way that was ruled in order, so the provision was ruled in order by the Parliamentarian.

This gives us an opportunity to bring justice to these men. They are dying every day. Every day there is another survivor of the Bataan Death March who passes away. All of us have family members who were in World War II, and we are seeing them pass away, at great pain to us. We need to make sure that when they die, they know their country has done right by them.

That is what this is all about. Every day that we postpone this, another number of these men pass into eternity. Let us let them go knowing their country backed them up and appreciated what they did.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. OTTER). Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from California (Mr. ROHRABACHER).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. ROHRABACHER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

APPOINTMENT OF MEMBERS TO BRITISH-AMERICAN INTER- PARLIAMENTARY GROUP

The SPEAKER pro tempore. Without objection, pursuant to 22 United States Code 2761 and clause 10 of rule I, the Chair announces the Speaker's appointment of the following Members of the House to the British-American Interparliamentary Group in addition to Mr. PETRI of Wisconsin, chairman, and Mr. GALLEGLY of California, vice-chairman, appointed on May 1, 2001:

Mr. BEREUTER of Nebraska;
Mr. TAYLOR of North Carolina;
Mr. HORN of California;
Mr. GREEN of Wisconsin;
Mr. BROWN of South Carolina;
Mr. SPRATT of South Carolina;
Mr. PRICE of North Carolina;
Mr. POMEROY of North Dakota;
Mr. CLYBURN of South Carolina; and
Mr. ALLEN of Maine.
There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

□ 1445

MEDICAL EDUCATION FOR NA- TIONAL DEFENSE ACT IN THE 21ST CENTURY

The SPEAKER pro tempore (Mr. OTTER). Under a previous order of the House, the gentleman from Indiana (Mr. BUYER) is recognized for 5 minutes.

Mr. BUYER. Mr. Speaker, today, I have introduced the Medical Education for National Defense Act in the 21st Century, H.R. 3254. I would like to thank the gentleman from New Jersey (Mr. SMITH), the gentleman from Florida (Mr. BILIRAKIS), the gentleman from New York (Mr. MCHUGH), the gentleman from Arkansas (Mr. SNYDER), and the gentleman from Florida (Mr. STEARNS). These are Members of the House Committee on Veterans' Affairs, Committee on Armed Services and Committee on Energy and Commerce,

with whom we have coordinated on this bill.

This legislation would authorize funds to establish partnership between the Department of Veterans' Affairs, the VA, and the Department of Defense, we call DOD, to develop education and training programs on medical responses to the consequences of terrorist activities.

We are fighting a war on terror on two fronts, domestically and overseas. Unfortunately, as a Nation, we are not prepared for the new face of terror that we have been exposed to in the aftermath of the September 11 attacks. What has become all too clear is that our health care providers are not armed with the proper tools to diagnose and treat casualties in the face of nuclear, biological, and chemical weapons.

The events of September 11 have forced the American people to reexamine many facets as to how we live our lives. We have been forced as a Nation to become more aware of our surroundings and more vigilant in the defense of our freedoms.

Most recently, we have come under attack through our own mail systems by terrorists who have used its efficiency to spread the deadly disease of anthrax. The difficulty experienced by government officials and our health care community, in responding to this attack, use infectious diseases rarely seen by medical personnel that should serve as wake-up call for us all.

A Washington Post article on November 1, 2001 by Susan Okie is a perfect illustration of the urgency of our medical community's lack of preparedness to deal with biological, chemical, and nuclear attacks. Ms. Okie reports the accounts of two of the heroic physicians who treated victims of the anthrax attacks: Dr. Susan Matcha, a Washington, D.C. area physician, and Dr. Carlos Omenaca, of Miami, Florida.

Dr. Matcha was quoted as saying, "We're really in uncharted territory here. As much as we want to have literature to look at, we really have nothing to guide us." According to the article, Dr. Omenaca, who encountered a rare form of inhalation anthrax in the case of Ernesto Blanco, found the description of the symptom that Mr. Blaco displayed in a 1901 textbook.

Just think, a doctor in the United States of America, home of the best medical system of the world, this doctor had to use a medical textbook from the first half of the last century to acquire information that he sought on the diagnosis and prognosis of the anthrax. I find that not only unbelievable but unacceptable.

As disturbed as this makes me, we are not here to try to place blame on this predicament to any group or organization. The reason why so many of our medical personnel feel uncomfortable about their ability to respond to

these situations is because very few of them were taught how to diagnose and give a prognosis for these types of rare diseases in medical school.

In fact, out of all of the medical schools in our country, only one, the Department of Defense Uniform Services University of Health Science, USUHS, has in its core curriculum a program to teach its medical students how to diagnose and treat casualties that have been exposed to chemical, biological, or radiological agents.

That, Mr. Speaker, is why I have introduced legislation to create a partnership between the Department of Defense and the Department of Veterans' Affairs that tasks these two agencies to develop and disseminate a program to both our current medical professionals and current medical students in the Nation's medical schools. We already have a nexus in place between our medical universities, where there is a VA hospital in close proximity. That nexus is already in place and that is what we plan to tap into.

The combination of DOD's expertise in the field of treating casualties resulting from an unconventional attack and the VA's infrastructure of 171 medical centers, 800 clinics, satellite broadcast capabilities, and a preexisting affiliation with 80 medical schools will enable the current and future medical professionals in this country to become knowledgeable and medically competent in the treatment of casualties that we all hope will never materialize.

However, Mr. Speaker, we cannot afford to assume that our country will never have to experience a massive biological, chemical, or radiological attack on the American people. We must, as elected Members, sent by our constituents to Washington to represent their interests, act to ensure that if the worst of fears are realized, our medical professionals will be ready and able to deal with these situations.

Mr. Speaker, I will insert the rest of the statement in the RECORD.

Mr. Speaker, I cannot impress upon you enough the urgency of making sure this proposal is adopted. Both the American Medical Association and the American Association of Medical Colleges have thrown the full weight of their support behind this plan. These two organizations, made up of the doctors who will be on the front lines of this new war, know how vital it is to receive this educational package that the Uniformed Services University of Health Sciences and the VA are currently developing to disseminate to the Nation's medical community.

It is often said that knowledge is power, and in this instance nothing could be truer. The knowledge resulting from the implementation of this act is critical. Our medical professionals need to be exposed to training methods that would enable them to save lives, and I can think of no greater power than that.

Please, join with me and support this important piece of legislation.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

ENVIRONMENTAL REGULATIONS
FOR SMALL BUSINESSES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. PENCE) is recognized for 5 minutes.

Mr. PENCE. Mr. Speaker, I had two countervailing experiences today. One was to travel to the botanical gardens here on the Capitol Mall and meet with the extraordinary personnel of the Environmental Protection Agency that are overseeing the decontamination at the Hart Senate Office Building and in the offices of the three Members of Congress who have been affected by anthrax contamination.

I witnessed then, as I have witnessed in days past, extraordinary professionalism and a deep commitment to creating an environment that is safe for us and for our staff. The EPA has earned a special place in my heart in the last week. But then I traveled just moments later, Mr. Speaker, across the street where I chaired the Subcommittee on Regulatory Reform and Oversight where I serve as chairman on the Committee on Small Business.

It was there that we took a hard look at the inadequacy of regulatory analyses that agencies use to support rule-making. And the special emphasis regrettably, Mr. Speaker, was on one agency in particular that was singled out by witness after witness for its poor regulatory analyses, and that agency was the Environmental Protection Agency.

The hearing that we convened today was all about the way that the EPA goes about evaluating the cost and benefit of regulations on small businesses. Small business owners are very familiar with the burdens that Federal regulations place on them. Many studies including those sponsored by the Office of Advocacy of the United States Small Business Administration have shown that small businesses face disproportionately higher costs to comply with Federal regulations, including those issued by the EPA than their larger business counterparts. Thus, accurate estimates of costs, if derived from the experiences of large businesses often, Mr. Speaker, paint a false picture of the impact of regulations or the impact of an EPA regulation on a small business. And if the EPA misjudges the economic impact, it often produces an irrational rule that wages war on the vitality of small business America.

It seems to me, Mr. Speaker, that the polestar of the rule-making process is that regulations should be rational. When Congress passed the Administrative Procedure Act of 1946, it believed

that the process of notice, comment, and agency response to the public comment would be sufficient conditions to ensure rational outcome. After the regulatory onslaught in the 1970's which saw the creation of the EPA, and the enactment of many statutes that EPA implements by rule-making, Congress and the executive branch determined that further refinements were necessary.

Congress imposed new analytical requirements to assess the impacts on small business and other entities. Presidents Reagan, Bush, and Clinton produced executive orders all in different ways mandating the analysis of cost and benefits. And even my own predecessor, Congressman David McIntosh, led the charge here on Capitol Hill to create a rational process whereby the regulatory state would analyze the cost of the regulations versus the benefit to the environment or the health and safety of employees.

In 1980 Congress enacted the Regulatory Flexibility Act as well. The RFA represents another tool in the decisional calculus designed to develop rational rules. The Reg Flex Act, as it is affectionately known by many in small business circles, requires Federal agencies to consider whether their proposal for final regulations will have a significant economic impact on a substantial number of small businesses.

Despite this legacy since 1946 of demanding a rational foundation for government regulations, Mr. Speaker, sadly, today at our hearing we heard of a very very different tale, indeed. What I heard from one witness after another is that not only the EPA but many Federal and administrative agencies pay very little regard to the difference between the size of businesses when they impose paperwork requirements. And their estimates of the cost of compliance are often far afield of the reality of many small businesses like the one that I started in my basement or like the one my late father ran throughout his lifetime in Columbus, Indiana.

There is a great Biblical tale of the pharisee, Mr. Speaker, who heaps burden upon burden on the traveler but never lifts a finger to help them carry that burden. At our hearing today for the Subcommittee on Regulatory Reform and Oversight of the Committee on Small Business, we heard the need for the EPA and other elements of the administration in the regulatory state to cease adding burdens to travelers but now to begin to think about the size and scope of those enterprises, to lift that burden and let us begin an era of unburdening American small business of Federal and regulatory red tape.

HATE CRIMES LEGISLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentle-

woman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, the savage attacks of September 11 resulted in the deaths of more than 5,000 innocent victims. To add to this horror, the horror of terrorist strikes, acts of violence against Muslims and Arab-Americans increased dramatically throughout the United States since September 11.

The Council of American Islamic relations has received more than 300 reports of harassment and abuse committed against innocent Sikhs, Arabs, Indians, and people of Muslim faith.

Communities across the Nation are horrified by these brutal crimes: a threat to a turban-wearing Sikh in Connecticut, an attack of a woman on a Maryland college campus, rocks thrown through an open bedroom window in Roanoke, Virginia.

Hate crimes are not new to our country, but these are different. The victims of these hate crimes were children. The victim in Connecticut was a second grader. The woman was a teenager attacked by fellow young adults. And the child who barely missed being hit by a rock was only two years old.

Throughout the country, Muslim and other Arab-American children are fearful of attacks on the street, in their homes, and at their schools in reprisal for the terrorist strikes of September 11.

Muslim private schools have canceled classes. Parents are being asked to help patrol school yards, and according to the American-Arab Anti-Discrimination Committee, many parents have kept their children home from both public and private schools.

Although hate crimes have been on the decline recently, law enforcement officials and leaders in Arab-American and Muslim communities are preparing for more trouble because children are still being attacked by fellow classmates and schools are still being vandalized.

□ 1500

In the past week, two Malaysian students at Indiana University were assaulted and an Afghan student in New York was attacked by fellow students. Only last month a threatening note found by a Palmdale, California, high school forced five Muslim-American students to stay home for their own safety.

No one in America should live in fear because of his or her ethnic background or religious affiliation. This is especially true for children. That is why it is clearer than ever before just how important it is to pass meaningful hate crimes legislation.

Children and their families are suffering as a result of the ignorance, fear and hate of others. We need to strengthen our existing laws to protect them against all hate crimes. We must send a message, especially to our children, that hateful behavior is wrong and will not be tolerated.

Children must be given guidance to resolve conflicts peacefully, to build bridges across issues of difference. As a member of the Committee on Education and the Workforce, I worked to pass the Elementary and Secondary Education Act, ESEA, reauthorization, which includes funding for education and training programs, curricula and instructional materials to prevent crimes. We need to build on this education step because State governments and local police need vigorous tools to fight and prosecute hate crimes. Sadly, existing Federal law is inadequate.

That is why I am a strong supporter of the Local Law Enforcement Hate Crimes Prevention Act of the year 2001, sponsored by the gentleman from Michigan (Mr. CONYERS). That act will empower existing hate crime legislation by making it easier for Federal law enforcement to investigate and prosecute crimes motivated by race, by color, by religion and national origin, as well as gender, sexual orientation, and disability.

Cosponsored by 199 bipartisan Members of the House of Representatives, the Local Law Enforcement Hate Crimes Prevention Act has, unfortunately, been cast aside by the Republican leadership. That is absolutely unacceptable. There could not be a better or more needed time to bring this legislation to the floor and to pass it. It will give Federal authorities the jurisdictional muscle they need to effectively prosecute hate crimes.

Parents and young adults need to be examples to our children. We need to show them how to deal with conflict, how to avoid hate crimes, and how much we disapprove of hate crimes. Teaching our children how to resolve issues of difference and broadening the scope of punishable hate crimes will ensure America's future by protecting our children.

After the attacks of September 11, innocent children must not be added to the long list of victims in our Nation.

HUMANITARIAN AND FOOD ASSISTANCE IN RESPONSE TO TERRORISM

The SPEAKER pro tempore (Mr. OTTER). Under a previous order of the House, the gentlewoman from North Carolina (Mrs. CLAYTON) is recognized for 5 minutes.

Mrs. CLAYTON. Mr. Speaker, the events of September 11 have been devastating to the country. The horrific attacks upon the World Trade Center, the Pentagon, and the subsequent anthrax attacks have shaken all of us deeply.

It is both appropriate and imperative that we respond swiftly and surely to those who have perpetrated these horrific deeds. We must not allow actions of terror against American citizens to be carried out without a response.

However, alongside our military response, we must implement our humanitarian and diplomatic response where it shows our compassion and care for those citizens of developing worlds who have suffered greatly at the hands of autocrats and dictators who would keep them in fear. We must exert the same kind of energy and resources against poverty, hunger, and autocracy that we are appropriately exerting against terrorism. This allows us to eradicate the scourge of terror of the threat to American citizens and our interests nationally and internationally.

Fighting terror is not just a matter of eliminating military threats, as the President has appropriately said, but is also for eliminating the root of the desperation as well as the root of the fears and the misconceptions that are born out of a life without hope and a childhood without thoughts of a better tomorrow.

In short, as we fight this campaign against this awful terror that has been brought against us, we must strive to ensure that our humanitarian response is not seen as an afterthought or as secondary to our military and democratic success, but as an intricate part of our foreign policy.

I urge my colleagues who will soon be considering the conference bill of Foreign Operations to bear in mind the importance of strengthening our foreign assistance humanitarian response to terror alongside our military campaign, and to act to increase our commitment to fighting the scourge of terror, hunger, and poverty through foreign assistance which supports economic and political opportunities and encourages political stability, thereby strengthening American interests internationally.

This Foreign Operations budget contains many tools in the fight against terror. We must focus our assistance upon the most vulnerable populations of the world who bear the burden of terror and of dictatorship all over their countries.

Among other things, the foreign operations budget contains money for combating the infectious disease that has indeed engulfed and has ravaged developing countries across the world, that of AIDS and tuberculosis. It provides money for the United Nation's High Commission on Refugees, again an appropriate appropriation. It also funds our commitment for the World Food Program, which, in recent weeks, has been working against terrible odds, with millions of people starving in Afghanistan who, too, hate the Taliban just as much as we do. They do not have an opportunity for an average life or making decisions. These resources, indeed, would help us help them to have a better life.

I urge my colleagues today to consider the value of these important in-

vestments as they consider the resources of the Foreign Operations budget and to ratchet up, not reduce down, the fight against terrorism by increasing our financial commitment to a worthy cause that indeed allows us to show our humanitarian side as well as our diplomatic side, which are important complementary tools in our fight against terrorism.

A LEADER FOR SPACE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. HORN) is recognized for 5 minutes.

Mr. HORN. Mr. Speaker, today, the House has taken final action on the appropriations bill that funds the National Aeronautics and Space Administration. This is an appropriate time to recognize the extraordinary contributions of NASA Administrator Dr. Dan Goldin, whose energy and vision have been essential to continuing our Nation's leadership in space exploration.

As he prepares to leave NASA and return to the private sector, we should recognize Dan Goldin's superb leadership during his tenure as head of America's space agency.

My association with Dan Goldin began not long after I came to the House of Representatives in 1993. I learned that NASA was considering cutting jobs at the space shuttle manufacturing plant in Downey. We discussed NASA's plans over coffee in the Members Dining Room, and I told him of my concerns about further job losses in Southern California, where the economy already was devastated.

I was impressed from the very beginning by Dan's forthrightness, his commitment to what he viewed as best for the space program, and his willingness to listen to new and different ideas. Unfortunately, the scale-down of the shuttle program and the consolidation of space-related activities was unavoidable.

The manufacturing plant in Downey, sadly, has been closed. Those who worked there have retired or have gone to other jobs in Southern California. These are the workers who developed and built the Apollo moon capsules, the Sky Laboratory, and all of our space shuttles.

Throughout this process, Dan Goldin has been true to his word in working with me and the City of Downey to address hardships created by the closure and to overcome barriers to an orderly transfer of the NASA property to the City of Downey. He recognized the city's need to get on with its economic revitalization. He has consistently directed NASA officials in Washington and Houston to work with Downey to move forward.

In October 1998, a ceremony was held in Downey for the transfer of the first parcels of the NASA property to the

city. The transfer process had faced various delays and complications, but the ceremony was a great tribute to the strong working relationship that had been developed between NASA and the city in completing this difficult transition.

NASA's timetable calls for completion of the process in March 2002. A number of steps are required between now and then, and it is critical for Downey that there be no slips in that time line. It already has been several years since the facility was closed. It is critical that Downey receive the final parcels so that its economic revitalization plan can move forward and the developer can begin working to restore the city's economy.

We continue to work with Dan Goldin, Associate Administrator Sutton, and other senior NASA officials in this important effort. I know they will continue to do all they can to keep the schedule on track.

I wish Dan Goldin all the best as he leaves NASA for new challenges. I know that Downey officials look forward to inviting Dan to visit the city so they can thank him for helping advance a much-needed economic recovery effort.

Mr. Speaker, Dan Goldin is the ablest leader and executive of any major department in Washington during the years I have had in Congress. When President Clinton cut \$5 billion from the NASA budget and the space shuttle program, many key people went elsewhere. They gave up. Dan Goldin refused to despair. Instead, he provided the leadership that was needed to pull the program together and continue NASA's vital missions.

As a result, today we have an excellent space program and a growing partnership with Russia. Dan Goldin deserves our thanks for a job well done and our best wishes in all of his new endeavors. He has served our Nation well.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 981

Mr. COMBEST. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 981.

The SPEAKER pro tempore (Mr. SHUSTER). Is there objection to the request of the gentleman from Texas?

There was no objection.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

DEPARTMENT OF TRANSPORTATION 1999 REPORTS ON ACTIVITIES UNDER NATIONAL TRAFFIC AND MOTOR VEHICLE SAFETY ACT OF 1966, HIGHWAY SAFETY ACT OF 1966, AND MOTOR VEHICLE INFORMATION AND COST SAVINGS ACT OF 1972

The SPEAKER pro tempore laid before the House the following message

from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Transportation and Infrastructure and the Committee on Energy and Commerce.

To the Congress of the United States:

I transmit herewith the Department of Transportation's Calendar Year 1999 reports on Activities Under the National Traffic and Motor Vehicle Safety Act of 1966, the Highway Safety Act of 1966, and the Motor Vehicle Information and Cost Savings Act of 1972.

GEORGE W. BUSH.

THE WHITE HOUSE, November 8, 2001.

HONOR THE FALLEN

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentlewoman from Virginia (Mrs. JO ANN DAVIS) is recognized for 60 minutes as the designee of the majority leader.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I have before me a growing list of over 3,000 individuals who perished on September 11, 2001. This list, provided by the Congressional Research Service, includes the names of many of the victims of the recent horrific attacks on our great Nation. I stand before the House to pay my respects to our fallen brothers and sisters, and I encourage my colleagues to join me today, and for as many days as it takes, in honoring those individuals who lost their lives or are still missing.

We have all heard the numbers, the devastation, the pain of the families and our Nation's anguish. What we have not heard in Washington are these names. These individuals all represented a life, a family, an employer, a country, a way of life. I hope to in some small way honor these individuals by reading their names aloud for all to hear of America's and our world's tremendous pain and loss.

These individuals will not be soon forgotten. By reading their names, we do not bring them back or even ease the pain of families and friends, but again we show that this House and our Nation honor our fallen brothers and sisters.

As the wife of a retired professional firefighter of 30 years, this tragedy hit especially close to home. Hundreds of firefighters and police officers were killed and injured on September 11, 2001, because of their brave attempts to save victims of the brutal attacks, and left families, friends, and countrymen grieving the loss of these courageous souls. These dedicated professionals are in my thoughts and prayers.

I, like many of my colleagues, lost constituents in this awful attack. I ask for God's blessing on Virginia's First District residents Teresa Martin, Marian Serva, Martha Reszke, Allen Boyle and Brenda Gibson. Please forgive me

in advance for any mispronunciations of names.

Additionally, I ask for God's blessings on the following:

□ 1515

Gordon McCannel Aamoth, Maria Rose Abad, Edelmiro Abad, Andrew Anthony Abate, Vincent Abate, Laurence Abel, William Abrahamson, Richard Anthony Aceto, Heinrich B. Ackermann, Paul Andrew Acquaviva, Christian Adams, Stephen George Adams, Donald Leroy Adams, Shannon Lewis Adams, Patrick Adams, Ignatius Adanga, Christy A. Addamo, Terence E. Adderley, Jr., Sophia Buruwa Addo, Lee Adler, Daniel T. Afflitto, Emmanuel Afuakwah, Alok Agarwal, Mukul Agarwala, Joseph Agnello, David S. Agnes, Joao A.D. Aguiar, Jr., Brian G. Ahearn, Joanne Ahladiotis, Shabbir Ahmed, Terrance Aiken, Godwin Ajala, Nana Akwasi-Mienkah, Boutros al-Hashim, Gertrude "Trudi" M. Alagero, Andrew Alameno, Manuel A. Alarcon, Margaret "Peggy" Jezycki Alario, Gary Alberio, Jon L. Albert, Peter Craig Alderman, Jacquelyn D. Aldridge, Grace Alegre-Cua, David Dewey Alger, Ernest Alikakos, Edward L. Allegretto, Eric Allen, Samantha Lightbourn Allen, Richard L. Allen, Joseph Ryan Allen, Richard Allen, Christopher E. Allingham, Anna Williams Allison, Janet Alonso, Anthony Alvarado, Antonio Javier Alvarez, Telmo Alvear, Cesar A. Alviar, Tariq Amanullah, Angelo Amaranito, James M. Amato, and Joseph Amatuccio.

Mr. Speaker, I yield to my colleague, the gentleman from Illinois (Mr. SHIMKUS).

Mr. SHIMKUS. Paul Ambrose, Christopher C. Amoroso, Craig Amundson, Kazuhiro Anai, Calixto "Charlie" Anaya, Jr., Jorge Octavio Santos Anaya, Joe Anchundia, Peter Anchundia, Jeff John Andersen, Kermit Charles Anderson, Yvette C. Anderson, John Andreacchio, Michael Rourke Andrews, Jean A. Andrucki, Siew Nya Ang, Joseph Angelini, Jr., Joseph Angelini, Sr., David Lawrence Angell, Lynn Angell, Laura Angilletta, Doreen J. Angrisani, Lorraine Del Carmen Antigua, Seima Aoyama, Peter Paul Apollo, Faustino Apostol, Jr., Frank Thomas "F.T." Aquilino, Patrick Michael Aranyos, David Arce, Michael G. Arczynski, Louis Arena, Barbara Arestegui, Adam P. Arias, Michael Joseph Armstrong, Jack Charles Aron, Joshua Todd Aron, Richard A. Aronow, Myra Aronson, Japhet Aryee, John Asam, Carl Asaro, Michael Asciak, Michael Edward Asher, Janice M. Ashley, Thomas J. Ashton, Manuel O. Asitimbay, Gregg Atlas, Debbie S. Atlas-Bellows, Gerald Atwood, James Audiffred, Frank Louis Aversano, Jr., Ezra Aviles, Alona Avraham, Samuel Ayala, Sandy Ayala, Arlene T. Babakitis, Eustace "Rudy" Bacchus, John Badagliacca, Jane Ellen Baeszler,

Robert John Baierwalter, Garnet "Ace" Bailey, Brett T. Bailey, Andrew J. Bailey, Thomas Baiter.

Mr. Speaker, I yield back to my colleague from Virginia.

Mrs. JO ANN DAVIS of Virginia. Tatyana Bakalinskaya, Anthony Daniel Baker, Michael S. Baksh, Julio Minto Balanca, Sharon Balkcom, Michael Andrew Bane, Kathy Bantis, Gerard Baptiste, Guy Bar-Zvi, Walter Baran, Gerard A. Barbara, Paul V. Babaro, James W. Barbella, Ivan Kyrillos Fairbanks Barbosa, Victor Daniel Barbosa, Christine Barbuto, Geraldo Barcene, Colleen Ann (Meehan) Barkow, David Michael Barkway, Sheila P. Barnes, Melissa Rose Barnes, Matthew Barnes, Evan J. Baron, Renee Barrett-Arjune, Arthur T. Barry, Maurice "Moe" Vincent Barry, Diane Barry, Scott D. Bart, Carlton W. Bartels, Inna Basina, Alysia Basmajian, Kenneth W. Basnicki, Steven Bates, Paul James Battaglia, W. David Bauer, Marlyn Bautista, Ivhan Luis Carpio Bautista, Mark Bavis, Jasper Baxter, Lorraine G. Bay, Michelle Beale, Todd Beamer, Paul F. Beatini, Jane S. Beatty, Alan Beaven, Larry Beck, Manette Marie Beckles, Carl Bedigian, Michael E. Beekman, Marla Asuncion Behr, Max Beilke, Helen Belilovsky, Nina Patrice Bell, Stephen Belson, Paul Benedetti, Denise Lenore Benedetto, Eric Bennett, Bryan Craig Bennett, Judith Bennett, Oliver Bennett, Margaret L. Benson, Dominick J. Berardi, James Patrick Berger.

Mr. Speaker, I yield to the gentleman.

Mr. SHIMKUS. Steven Howard Berger, John Bergin, Alvin Bergsohn, Daniel D. Bergstein, Michael Berkeley, Graham Andrew Berkeley, Donna Bernaerts-Kearns, William "Bill" Bernstein, David M. Berray, Joseph J. Berry, David S. Berry, William Reed Bethke, Cynthia Betia, Yeneneh Betru, Timothy D. Betterly, Carolyn Beug, Bob Beurlein, Jr., Edward F. Beyea, Paul Beyer, Anil T. Bharvaney, Bella Bhukan, Jim Biberson, Shimmy D. Biegeleisen, Peter Bielfeld, William Biggart, Ralph Bijoux, Brian Bilcher, Mark Bingham, Carl Bini, Gary Bird, Joshua David Birnbaum, Geroge John Bishop, Kris Romeo Bishundat, Jeffrey D. Bittner, Balewa Albert Blackman, Christopher Blackwell, Carrie Blagburn, Susan Blair, Harry Blanding, Jr., Craig Michael Blass, Rita Blau, Richard M. Blood, Michael Andrew Boccardi, John Paul Bocchi, Michael L. Bocchino, Susan M. Bocchino, Deora Bodley, Bruce Douglas Boehm, Mary Catherine Boffa, Nicholas A. Bogdan, Darren C. Bohan, Lawrence F. Boisseau, Vincent Boland, Jr., Touri Bolourchi, Howard J. Bolton, Jr., Alan Bondarenko, Andre Bonheur, Renato Bonifacio, Colin Arthur Bonnett, Yvonne L. Bonomo, Frank Bonomo, Sean Booker, Kelly Ann Booms.

Mr. Speaker, I yield back to the gentlewoman.

Mrs. JO ANN DAVIS of Virginia. Canfield D. Boone, Mary Jane "M.J." Booth, Juan Jose Borda Leyva, Sherry Bordeaux, Krystine C. Bordenabe, Martin Boryczewski, Richard E. Bosco, Klaus Bothe, Carol Bouchard, J. Howard Boulton, Jr., Francisco Bourdier, Thomas H. Bowden, Jr., Donna Bowen, Kimberly S. Bowers, Veronique Nicole Bowers, Shawn Edward Bowman, Jr., Larry Bowman, Kevin L. Bowser, Gary Box, Gennady Boyarsky, Michael Boyce, Pamela Boyce, Michael Boyle, Allen Boyle, Alfred J. Braca, Sandra Conaty Brace, Kevin Bracken, Sandra W. Bradshaw, David Brian Brady, Alexander Braginsky, Nicholas Brandemarti, David Brandhorst, Daniel Brandhorst, Michelle Renee Bratton, Patrice Braut, Lydia E. Bravo, Ronald Breitweiser, Peter Brennan, Thomas M. Brennan, Michael Emmett Brennan, Edward A. "Ted" Brennan, III, Frank Brennan.

Mr. Speaker, I yield to the gentleman from Illinois.

Mr. SHIMKUS. Daniel J. Brethel, Gary L. Bright, Jonathan Briley, Mark A. Brisman, Paul Bristow, Victoria Alvarez Brito, Marion Britton, Mark Francis Broderick, Herman Broghammer, Keith Broomfield, Bernard Curtis Brown, Janice J. Brown, Patrick Brown, Lloyd Brown, Bettina Browne-Radburn, Mark Bruce, Richard Bruehert, Andrew Brunn, Vincent Brunton, Ronald Paul Bucca, Brandon Buchanan, Greg Joseph Buck, Dennis Buckley, Nancy Bueche, Patrick Joseph Buhse, John E. Bulaga, Jr., Steve Bunin, Christopher Lee Burford, Matthew J. Burke, William F. Burke, Jr., Thomas Daniel Burke, Charles "Chick" Burlingame, III, Thomas E. Burnett, Jr., Donald James Burns, Keith James Burns, Kathleen A. Burns, John Patrick Burnside, Irina Buslo, Milton Bustillo, Rachel Butler, Thomas Butler, Timothy G. Byrne, Daniel Martin Caballero, Jesus N. Cabezas, Lillian Caceres, Brian Cachia, Steven Cafiero, Jr., Richard Caggiano, Cecile Caguicla, John Brett Cahill, Thomas J. Cahill, Scott Walter Cahill, Michael John Cahill, George Cain, Salvatore Calabro, Joseph Calandrillo, Philip V. Calcagno, Jose Orlando Calderon, Edward Calderon, Kenny Caldwell, Dominick Calia, Bobby Calixte, Felix Calixte, Liam Callahan, Frank Callahan, Suzanne Calley, Gino Calvi, Luigi Calvi, Roko Camaj, Michael Cammarata, Geoffrey Thomas Campbell, David Otey Campbell, Robert Campbell, Sandra Campbell, Jill Marie Campbell, Juan Ortega Campos, Sean T. Canavan, John A. Candela, Vincent Cangelosi, Stephen J. Cangialosi, Lisa Cannava, Brian Cannizzaro, Christopher Sean Canton.

Mr. Speaker, I yield to the gentlewoman from Virginia.

□ 1530

Mrs. JO ANN DAVIS of Virginia. Michael R. Canty, Louis A. Caporicci,

Jonathan Neff Cappello, James Christopher Cappers, Richard Caproni, David Cardinale, Jose Cardona, Dennis Carey, Edward Carlino, Michael Carlo, David G. Carlone, Rosemarie C. Carlson, Mark Stephen Carney, Joyce Carpeneto, Ivhan Carpio, Alicia Acevedo Carranza, Jeremy M. Carrington, Peter J. Carroll, Michael Carroll, James J. Carson, Jr.; Christoffer Carstanjen, Angelene C. Carter, James Cartier, Joel Cartridge, Sharon Carver, Vivian Casaldue, John F. Casazza, Paul Reagan Cascio, Nellie Anne Heffernan Casey, William Cashman, Margarito Casillas, Thomas Anthony Casoria, William Otto Caspar, Alejandro Castano, Arcelia "Chela" Castillo, Leonard Castrianno, Jose Raymond Castro, William E. Caswell, Richard G. Catarelli, Sean Caton, Robert J. Caufield, Mary Teresa Caulfield, Judson Cavalier, Michael Joseph Cawley, Jason D. Cayne, Juan Armando Ceballos, Marcia G. Cicil-Carter, Jason Cefalu, Thomas J. Celic, Ana M. Centeno, John J. Chada, Jeffrey M. Chairnoff, Swarna Chalasani, William Chalcoff, Eli Chalouh, Valerie Chambers, Charles "Chip" Chan, Linda Chang, Mandy Chang, Rosa Maria "Rosemary" Chapa, Mark L. Charette, David M. Charlebois, Gregorio Manuel Chavez.

Mr. SHIMKUS. Pedro Francisco Checo, Yuan Chenglian, Stephen Patrick Cherry, Douglas MacMillan Cherry, Vernon Paul Cherry, Swede Joseph Chevalier, Nestor Chevalier, Alexander H. Chiang, Dorothy J. Chiarchiaro, Luis Alfonso Chimbo, Robert Chin, Wing Wai "Eddie" Ching, Nicholas Chiofalo, John Chipura, Peter A. Chirchirillo, Catherine E. Chirls, Kyung "Kaccy" Cho, Yeon Ho Choi, Mohammad Salahuddin Chowdhury, Abdul K. Chowdhury, Kirsten L. Christophe, Pamela Chu, Steven P. Chucknick, Wai Chung, Christopher Ciafardini, Alex Ciccone, Frances Ann Cilente, Elaine Cillo, Edna Cintron, Nestor Andre Cintron, Robert Cirri, Juan Pablo Cisneros, Sarah Clark, Buddha Clark, Thomas R. Clark, Gregory A. Clark, Eugene Clark, Benjamin Keefe Clark, Mannie Leroy Clark, Christopher Robert Clarke, Donna Clarke, Michael Clarke, Suria R.E. Clarke, Kevin F. Cleary, Jim Cleere, Nestor Clinton, Geoffrey W. Cloud, Susan M. Clyne, Steven Coakley, Jeffrey Coale, Patricia A. Cody, Daniel Michael Coffey, Jason Matthew Coffey, Kevin Sanford Cohen, Florence Cohen, Anthony Coladonato, Stephen J. Colaio, Mark J. Colaio, Christopher Colasanti, Kevin N. Colbert, Michel Paris Colbert, Tarel Coleman, Keith E. Coleman.

Mrs. JO ANN DAVIS of Virginia. Scott Thomas Coleman, Liam Colhoun, Robert D. Colin, Jean M. Colin, Robert Joseph Coll, Thomas J. Collins, John Collins, Michael Collins, Jeffrey Collman, Patricia M. Colodner, Linda

M. Colon, Sol E. Colon, Ronald Comer, Jaime Concepcion, Albert Conde, Robert Condon, Denease Conley, Susan Clancy Conlon, Margaret Mary Conner, John E. Connolly, Jr., Cynthia L. Connolly, James Lee Connor, Jonathan "J.C." Connors, Kevin P. Connors, Kevin F. Conroy, Brenda E. Conway, Dennis Michael Cook, Helen Garcia Cook, Kevin Cook, Jeffrey Coombs, Julian Cooper, Zandra Cooper, John Cooper, James L. Cooper, Joseph J. Coppo, Jr.; Gerard J. Coppola, Joseph A. Corbett, John "Jay" Corcoran, Robert Cordice, David Vargas Cordoba, Ruben D. Correa, Daniel A. Correa-Gutierrez, Georgine Rose Corrigan, James Corrigan, Carlos Cortes, Adianes Cortes-Oyolla, Kevin M. Cosgrove, Dolores Marie Costa, Digna A. Costanza, Charles G. Costello, Michael Costello, Asia Cottom, Conrod K.H. Cottoy, Sr.; Martin Coughlan, Timothy John Coughlin, John Coughlin, James Cove, Frederick John Cox, Andre Cox, James Raymond Coyle, Michelle Coyle-Eulau, Christopher S. Cramer, Anne Martino Cramer.

Mr. SHIMKUS. Eric Allen Cranford, Denise Crant, Robert Crawford, James Leslie Crawford, Jr.; Tara Kathleen Creamer, Joanne Cregan, Lucia Crifasi, John Crisci, Daniel Crisman, Dennis A. Cross, Helen Crossin-Kittle, Thomas G. Crotty, Kevin Raymond Crotty, John R. Crowe, Welles Remy Crowther, Robert Cruikshank, Francisco Cruz, John Robert Cruz, Grace Cua, Kenneth John Cubas, Francisco C. Cubero, Thelma Cuccinello, Richard Joseph Cudina, Neil Cudmore, Thomas P. Cullen, III; Joyce Cummings, Brian Thomas Cummins, Nilton Albuquerque Fernao Cunha, Michael "Mickey" J. Cunningham, Robert Curatolo, Laurence Curia, Paul Dario Curioli, Patrick Currihan, Beverly Curry, Michael Curtin, Patricia Cushing, Gavin Cushny, Vincent D'Amadeo, Jack L. D'Ambrosi, Mary Yolanda D'Antonio, Edward D'Atri, Michael D'Auria, Manuel J. Da Mota, Caleb Arron Dack, Carlos S. DaCosta, Jason Dahl, Brian Paul Dale, John Dallara, Thomas A. Damaskinos, Jeannine Damiani-Jones, Patrick Danahy, Vincent G. Danz, Dwight Donald Darcy, Elizabeth Ann Darling, Mellisa Darmis, Annette Andrea Dataram, Scott Matthew Davidson, Lawrence Davidson, Michael Allen Davidson, Julane Davidson, Niurka Davila, Rose Feliciano Davila, Ada Davis.

Mrs. JO ANN DAVIS of Virginia. Clinton Davis, Wayne T. Davis, Calvin Dawson, Richard Dawson, Edward James Day, Gloria De Barrera, Jayceryll M. De Chavez, Emerita De la Pena, Azucena de la Torre, Cristina de Laura, Oscar de Laura, Frank A. De Martini, Melanie de Vere, William T. Dean, Robert J. DeAngelis, Jr.; Thomas P. DeAngelis, Dorothy Dearaujo, Tara Debek, James Debeuneure, Anna DeBin, James Vincent Deblase, Paul

DeCola, Gerald Francis Deconto, Simon Dedvukaj, Jason DeFazio, David DeFeo, Nereida DeJesus, Monique E. DeJesus, Jennifer DeJesus, Manuel Del Valle, Jr.; Donald A. Delapenha, Vito J. DeLeo, Danielle Delie, Joseph Della Pietra, Andrea Dellabela, Palmina Deli Gatti, Colleen Ann Deloughery, Joseph DeLuca, Anthony Demas, Martin N. DeMeo, Francis X. Deming, Carol K. Demitz, Thomas F. Dennis, Kevin Dennis, Jean C. DePalma, Jose Nicholas Depena, Robert Deraney, Michael DeRienzo, David Derubbio, Christian D. DeSimone, Edward DeSimone, Andrew J. Desperito, Michael J. Desposito, Cindy Deuel, Jerry DeVito, Robert P. Devitt, Jr.; Dennis Devlin, Gerard Dewan, Simon Dhanani, Michael Diagostino, Nancy Diaz, Lourdes Galleti Diaz, Matthew Diaz.

Mr. SHIMKUS. Judith Berquis Diaz-Sierra, Patricia F. Dichiaro, Rodney Dickens, Jerry D. Dickerson, Joseph Dermott Dickey, Jr.; Lawrence Patrick Dickinson, Michael David Diehl, Michael Diez-Piedra, III; John DiFato, Vincent Francis DiFazio, Carl DiFranco, Donald J. DiFranco, Eddie Dillard, Debra Ann DiMartino, David DiMeglio, Stephen Patrick Dimino, William J. Dimmling, Marisa DiNardo Schorpp, Christopher M. Dincuff, Jeffrey M. Dingle, Anthony DiOnisio, George DiPasquale, Joseph DiPilato, Douglas F. DiStefano, Donald Ditullio, Mark Dixon, Ramzi Doany, Johnnie Doctor, Jr.; John J. Doherty, Melissa Doi, Robert Edward Dolan, Brendan Dolan, Neil M. Dollard, James Domanico, Benilda P. Domingo, Alberto Dominguez, Geronimo "Jerome" Dominguez, Charles Dominguez, Kevin W. Donnelly, William Howard Donovan, Jacqueline Donovan, Stephen S. Dorf, Marcello S. Dos-Santos, Thomas Dowd, Kevin Dowdell, Mary Yolanda Dowling, Ray M. Downey, Frank Joseph Doyle, Joseph Doyle, Randy Drake, Stephen Patrick Driscoll, Patrick Joseph Driscoll, Janet Driscoll, Charles Droz, Mirna A. Duarte, Michelle Duberry, Rita DuBrow, Luke A. Dudek, Christopher Michael Duffy, Michael Joseph Duffy, Gerard Duffy, Thomas W. Duffy, Antoinette Dugar.

Mrs. JO ANN DAVIS of Virginia. Sareve Dukat, Allen D. Duncan, Christen Duncan, Donrad Duncan, Patrick S. Dunn, Richard Dunstan, Patrick Dwyer, Joseph Anthony Eacobacci, Bruce Eagleson, Catherine Eagon, Edward Thomas Earhart, Robert Eaton, Dean P. Eberling, Margaret Echtermann, Paul Robert Eckna, Gus Economos, Barbara G. Edwards, Dennis M. Edwards, Michael Hardy Edwards, Martin J. Egan, Jr.; Lisa Egan, Samantha Egan, Michael Egan, Christine Egan, Carole Eggert, Lisa Caren Weinstein Ehrlich, John Ernst "Jack" Eichler, Brian Eill, Eric Adam Eisenberg, Daphne Elder, Michael Elferis, Mark Ellis, Valerie Silver Ellis, Albert Alfy William Elmarry,

Robert Randolph Elseth, Edgar H. Emery, Henry Eneman, Doris Suk-Yuen Eng, Christopher S. Epps, Ulf R. Ericson, Erwin L. Erker, William John Erwin, Sarah Ali Escarcega, Melaku Eskedar, Fanny M. Espinoza, Francis Esposito, Michael Esposito, William Esposito, Brigitte Esposito, Ruben Esquilin, Jr., Sadie Ette, Barbara G. Etzold, Robert Evans, Eric Brian Evans, Meredith Ewart, Jason Ezker, John Fabian, Patricia M. Fagan, Catherine K. Fagan, Michael Fahey, Keith Fairben, Charles S. Falkenberg, Dana Falkenberg.

Mr. SHIMKUS. Zoe Falkenberg, Jamie Lynn Fallon, William F. Fallon, Jr.; William L. Fallon, Jr.; Anthony J. Fallone, Jr.; Dolores Fanelli, Robert J. Fangman, John Joseph "Jack" Fanning, Kit Faragher, Shea Faria, Thomas J. Farino, Nancy Carol Farley, Paige Farley-Hackel, Betty Farmer, Douglas Farnum, Thomas P. Farreley, Terrence Patrick Farrell, John William Farrell, John Gerard Farrell, Joseph Farrelly, Syed Abdul Fatha, Christopher Faughnan, Wendy Faulkner, Shannon Fava, Bernard D. Favuzza, Robert Fazio, Ronald Carl Fazio, Nikia Feaster, Janet Feathers, William M. Feehan, Francis "Frank" Feely, Garth E. Feeney, Sean Fegan, Lee Fehling, Peter Feidelberg, Alan D. Feinberg, Arnold Feinberg, Edwardo Feliciano, Rosa M. Feliciano, Edward Porter Felt, Diane Fenelli, Chris Fenyo, Edward T. Fergus, Jr.; James Joe Ferguson, George J. Ferguson, Henry Fernandez, Judy H. Fernandez, Jose Manuel Contreras Fernandez, Julio Fernandez Ramirez, Joy Fernandez, Elisa Ferraina, Robert Ferris, Vincent W. Ferrone, David Francis Ferrugio, Louis Fersini, Mike Ferugio, Bradley Fetchet, Jennifer Louise Fialko, Kristen Fiedel, Amelia Virginia Fields, Samuel Fields, Alex Filipov, Michael Bradley Finnegan.

□ 1545

Mrs. JO ANN DAVIS of Virginia. Timothy J. Finnerty, Michael Firoe, Steven J. Fiorelli, Paul Fiori, John Fiorito, John Fischer, Gerald P. Fisher, Thomas Joseph Fisher, John Roger Fisher, Bennett Lawson Fisher, James Fisher, Andrew Fisher, Lucy Fishman, Michael Joseph Fitzgerald, Ryan Daniel Fitzgerald, Tom Fitzpatrick, Richard Fitzsimons, Sal A. Fiumefreddo, Wilson "Bud" Flagg, Darlene D. Flagg, Christina Flannery (Donovan), Eileen Flecha, Andre Fletcher, Carl M. Flickinger, Matthew Michael Flocco, John Joseph Florio, Joseph W. Flounders, Carol Flyzik, Michael N. Fodor, David Lawrence William Fodor, Steven Mark Fogel, Thomas Foley, Jane C. Folger, David Fontana, Dennis Foo, Bobby Forbes, Delrose Forbes-Cheatam, James Henry Lee Ford, Godwin Forde, Gregg Foreman, Donald A. Foreman, Christopher Hugh Forsythe,

Sandra N. Foster, Claudia Alicia Foster, Noel J. Foster, Ana Fosteris, Robert J. Foti, Yolet Fouchet, Jeffrey L. Fox, Virginia Fox, Lucille Virgen Francis, Pauline Francis, Joan Francis, Jean-Pierre Francois, Peter Christopher Frank, Gary J. Frank, Morton Frank, Colleen Fraser, Richard K. Fraser, Kevin Joseph Frawley, Clyde Frazier, Jr., Lillian I. Frederick, Andrew Fredericks.

I yield to the gentleman.

Mr. SHIMKUS. Tamitha Freeman, Jamitha Freeman, Brett O. Freiman, Peter L. Freund, Arlene Fried, Alan Wayne Friedlander, Paul J. Friedman, Andrew K. Friedman, regg J. Froehner, Lisa Frost, Peter C. Fry, Christopher Fugarino, Clement Fumando, Steven Elliot Furman, Paul James Furmato, Karleton D.B. Fyfe, Fredric Gabler, Richard P. Gabriel, Richard S. Gabrielle, James Andrew Gadiel, Pamela Gaff, Ervin Gailliard Grace Galante, Deanna Galante, German Castillo Galicia, Daniel James Gallagher, Anthony Edward Gallagher, John Gallagher, Bernardo Gallardo, Lourdes Galletti, Cono E. Gallo, Vincenzo Gallucci, Thomas Edward Galvin, Giovanna "Genni" Gambale, Thomas Gambino, Jr., Ronald Gamboa, Glann F. Gamboa, Peter Ganci, Claude Michael Gann, Charles Garbarini, Juan Garcia, David Garcia, Andrew Garcia, Mardeny Garcia, Cesar Garcia, Jorge Luis Morron Garcia, Marlyn Carmen Garcia, Jeffrey B. Gardner, Douglas B. Gardner, Thomas A. Gardner, Harvey Jose Gardner, Christopher Gardner, William Arthur "Bill" Gardner, Francesco Garfi, Rocco Gargano, James Michael Gartenberg, Matthew David Garvey, Bruce H. Gary, Boyd A. Gatten, Donald Gavagan, Peter Allan Gay, Kamardinoza Gazkharoy, Terence Gazzani.

I yield to the gentlewoman.

Mrs. JO ANN DAVIS of Virginia. Gary Geidel, Paul Hamilton Geier, Julie Geis, Peter Gelinas, Steven Paul Geller, Howard G. Gelling, Jr., Peter Victor Genco, Steven Gregory Genovese, Alayne F. Gentul, Linda George, Michael George, Edward F. Geraghty, Suzanne Geraty, Ralph Gerhardt, Robert J. Gerlich, Denis Germain, Marina R. Gertsberg, Susan M. Getzendanner, Lawrence Daniel Getzfied, James "Jimmy" Gerald Geyer, Cortz Ghee, Joseph M. Giaconne, Vincent F. Giammona, Vince Giamonna, Debra L. Gibbon, James Giberson, Brenda Gibson, Craig Neil Gibson, Ronnie E. Gies, Laura Giglio Marchese, Timothy Paul Gilbert, Andrew Clive Gilbert, Paul Stuart Gilbey, Paul J. Gill, Mark Y. Gilles, Evan Gillette, Ronald Gilligan, Rodney Gillis, Laura Gilly, John Ginley, Jeffrey Giordano, John J. Giordano, Donna Marie Giordano, Steven A. Giorgetti, Martin Giovinazzo, Jr., Jinny Lady Giraldo, Kum-Kum Girolamo, Salvatore Gitto, Cynthia Giugliano, Mon Gjonbalaj, Dianne

Gladstone, Keith Glascoe, Thomas I. Glasser, Edmund Glazer, Harry Glenn, Jeremy Glick, Barry H. Glick, Steven Lawrence Glick, John Gnazzo, William "Bill" R. Godshalk, Michael Gogliormella, Brian Frederic Goldberg, Jeffrey Grant Goldflan.

I yield to the gentleman.

Mr. SHIMKUS. Michelle Herman Goldstein, Steven Goldstein, Monica Goldstein, Ron Golinski, Andrew H. Golkin, Dennis J. Gomes, Manuel Gomez, Enrique Antonio Gomez, Jose Bienvenido Gomez, Wilder Gomez, Max Gomez, Jenine Gonzalez, Rosa Julia Gonzalez, Ana Irene Medina Gonzalez, Joel Guevara Gonzalez, Tambi Gonzalez, Lynn Goodchild, Calvin J. Gooding, Harry Goody, Kiran Reddy Gopu, Catherine Goayeb, Lisa Fenn Gordenstein, Kerene Gordon, Sebastian Gorki, Thomas E. Gorman, Michael Edward Gould, Olga Kristin Gould White, Douglas A. Gowell, Yuji Goya, Jon Grabowski, Christopher Michael Grady, Edwin J. Graff, III, David M. Graifman, Gilbert Granados, Lauren Grandcolas, Elvira Granitto, Winston A. Grant, Ian Gray, James M. Gray, Christopher S. Gray, Linda Mair Grayling, John Michael Grazioso, Tim Grazioso, Wanda Anita Green, Andrew Peter Charles Curry Green, Derrick Arthur Green, Wade Brian Green, Elaine Greenberg, Donald F. Greene, Gayle R. Greene, James A. Greenleaf, Jr., Eileen Marsha Greenstein, Elizabeth "Lisa" Gregg, Florence Gregory, Donald H. Gregory, Jack Gregory, Denise Gregory, Pedro Grehan, Joseph Grezlak, John M. Griffin, Tawanna Griffin, Joan D. Griffith, Warren Grifka, Ramon Grijalvo, Joseph F. Grillo, David Grimmer, Francis Grogan, Linda Gronlund, Arthur Grossman, Kenneth G. Grozalis, Matthew J. Grzymalski, Robert Joseph Gschaar, Liming Gu, Richard Guadagno, Jose Guadalupe, Yan Z. "Cindy" Guan, Geoffrey E. Guja, Joseph Gullickson, Babita Guman, Douglas B. Radianz Gurian, Janet H. Gustafson, Philip T. Guza, Sabita Guzman, Barbara Guzzardo.

I yield to the gentlewoman.

Mrs. JO ANN DAVIS of Virginia. Peter Mark Gyulavary, Gary Robert Haag, Peter Haberland, Andrea Lyn Haberman, Barbara Contarino Habib, Philip Haentzler, Nizam Hafiz, Karen Hagerty, Steven Michael Hagis, Mary Lou Hague, David Halderman, Jr., Maile Rachel Hale, Diane M. Hale-McKinzy, Vaswald Hall, Stanley Hall, Richard Hall, Robert John Halligan, Vincent Halloran, Carolyn B. Halmon, James D. Halvorson, Mohammad Hamdani, M. Salman Hamdani, Felicia Hamilton, Robert Hamilton, Carl Max Hammond, Frederic Kim Han, Sean Hanley, Christopher Hanley, Valerie Joan Hanna, Thomas Hannafin, Kevin James Hannaford, Michael L. Hannan, Dana Hannon, Christine Hanson, Peter Hanson, Sue Kim Hanson, Vassilios G. Haramis, James A. Haran, Gerald F.

Hardacre, Jeffrey P. Hardy, Timothy J. Hargrave, Daniel Harlin.

I yield to the gentleman.

Mr. GUTKNECHT. Frances Haros, Harvey Harrell, Stephen G. Harrell, Stewart Dennis Harris, Aisha Harris, John Hart, Eric Samadikan Hartono, John Clinton Hartz, Emeric J. Harvey, Peter Hashem, Thomas Haskell, Timothy Haskell, Joseph John Hasson, III, Terence S. Hatton, Leonard William Hatton, Michael Helmut Haub, Timothy Aaron Haviland, Donald G. Havlish, Jr., Anthony Hawkins, Nobuhiro Hayatsu, James E. Hayden, Philip Thomas Hayes, Robert Hayes, William Ward Haynes, Scott Hazelcorn, Michael K. Healey, Roberta Bernstein Heber, Charles Francis Xavier Heeran, John E. Heffernan, Michele Heidenberger, Sheila Hein, Howard Joseph Heller, JoAnn L. Heltibridge, Ronald John Memenway, Mark F. Hemschoot, Ronnie Lee Henderson, Janet Hendricks, Brian Hennessey, Ted Hennessy, Michelle Marie Henrique, William Henry, Joseph Henry, John C. Henwood, Robert Hepburn, Mary "Molly" Herencia, Lindsay Coates Herkness, III, Harvey Hermer, Norberto Hernandez, Claribel Hernandez, Raul Hernandez, Anabel Hernandez, Eduardo Hernandez, Gary Herold, Jeffrey A. Hersch, Thomas Hetzel, Brian Hickey, Donald Hickman, Jsidro Hidalgo-Tejada, Timothy B. Higgins, Robert Higley, Todd Russell Hill, Neal Hinds, Clara Victorine Hinds.

I yield to the gentleman from Illinois.

Mr. SHIMKUS. Mark D. Hindy, Heather Malia Ho, Tara Yvette Hobbs, Thomas A. Hobbs, James L. Hobin, Robert Wayne Hobson, III, DaJuan Hodges, Ronald G. Hoerner, Patrick Alloysius Hoey, John Hofer, Stephen G. Hoffman, Frederick J. Hoffman, Michele Lee Hoffman, Joseph Hoffman, Marcia Hoffman, John Hoffman, Judith Florence Hofmiller, Wallace Cole Hogan, Thomas Warren Hohlweck, Jr., Jonathan R. Hohmann, Cora Holland, Joseph Francis Holland, John Holland, Jimmie Ira Holley.

□ 1600

Elizabeth Holmes, Thomas P. Holohan, Herbert W. Homer, LeRoy Homer, Bradley Hoorn, James Hopper, Montgomery McCullough "Monte" Hord, Michael Horn, Matthew D. Horning, Robert L. Horohoe, Jr., Michael R. Horrocks, Aaron Horwitz, Malverse Houscal, Uhuru Houston, Charles J. Houston, Angela Houtz, George Gerald Howard, Brady K. Howell, Michael C. Howell, Steven L. Howell, Jennifer Howley-Dorsey, Milagros "Millie" Hromada, Marian Hrycak, Stephen Huczko, Sandi Hudson, Kris R. Hughes, Melissa Harrington Hughes, Paul Hughes, Timothy Robert Hughes, Thomas F. Hughes, Jr., Robert Hughes, Susan Huie, Fang Huixin, Lamar Hulse, Mychal Hulse, Nicholas Humber,

William C. Hunt, Kathleen "Casey" Anne Hunt, Joseph Hunter.

Mr. Speaker, I yield to the gentleman from Minnesota (Mr. GUTKNECHT).

Mr. GUTKNECHT. Bonnie Hunter, Peggy Hurt, Robert Hussa, Stephen Neil Hyland, Mark Hylton, Robert J. Hymel, Walter G. Hynes, Thomas Hynes, John Hynes, Joseph Ianelli Jr., Zuhtu Ibis, Jonathan Lee Ielpi, Michael Patrick Iken, Daniel Ilkanayev, Frederick III Jr., Abraham Nethanel Ilowitz, Anthony P. Infante, Jr., Louis Steven Inghilterra, Christopher N. Ingrassia, Paul William Innella, Stephanie Irby, Doug Irgang, Kristin A. Irvine-Ryan, Todd Isaac, Erik Hans Isbrandtsen, William Iselepis, Taizo Ishikawa, Waleed Iskandar, Aram Iskenderian, John F. Iskyan, Kazushige Ito, Aleksander Ivantsov, Lacey B. Ivory, Virginia M. Jablonski, Bryan Creed Jack, Brooke Alexandra Jackman, Aaron Jacobs, Jason Kyle Jacobs, Michael Grady Jacobs, Ariel Jacobs, Steven A. Jacobson, Steven D. "Jake" Jacoby, Ricknauth Jaggernauth, Jake Jagoda, Yudh V.S. Jain, Maria Jakubiak, Robert Adrien Jalbert, Peter Jalinis, Gricelda E. James, Ernest James, Mark Jardin, Amy N. Jarret, Mohammed Jawara, Maxima Jean-Pierre, Paul E. Jeffers, John Charles Jenkins, Allen K. Jensen, Prem Nath Jerath, Farah Jeudy, Hweidar Jian, Yuan Jianhua, Luis Jiminez, Eliezer Jiminez, Jr., Charles Gregory John, Nicholas John, Nick John, Scott Michael Johnson, Dennis M. Johnson, LaShawna Johnson, William Johnston, Charles E. Jones, Judith Jones, Mary S. Jones, Donald W. Jones, Linda Jones, Arthur J. Jones, III, Allison Horstmann Jones, Donald Thomas Jones, II, Brian L. Jones, Christopher D. Jones, Andrew Jordan, Robert Thomas Jordan, Karl Joseph, Stephen Joseph.

Mr. Speaker, I yield to the gentleman from Virginia.

Mrs. JO ANN DAVIS of Virginia. Robert Joseph, Ingeborg Joseph, Jane Eileen Josiah, Anthony Jovic, Angel Juarbe Jr., Karen Susan Juday, Mychal Judge, Ann Judge, Paul William Jurgens, Thomas Edwards Jurgens, Roya Kafaie, Wally Kaldens, Shari Kandell, Vincent Kane, Jennifer Lynn Kane, Howard Lee Kane, Joon Koo Kang, Sheldon R. Kanter, Robin Kaplan, Deborah H. Kaplan, Alvin Peter Kappelman, Jr., Charles Karczewski, William "Tony" A. Karnes, Douglas G. Karpiloff, Charles L. Kasper, Andrew Keith Kates, John Katsimatides, Robert M. Kaulfers, Don J. Kauth, Jr., Hideya Kawauchi, Anei Kazuhiro, Edward Thomas Keane, Richard M. Keane, Lisa Kearney-Griffin, Karol Ann Keasler, Paul H. Keating, Barbara Keating, Leo Russell Keene, III, Brenda Kegler, Chandler Keller, Joseph J. Keller, Peter Rodney Kellerman, Joseph P. Kellett, Frederick H. Kelley, Timothy C. Kelly,

Thomas W. Kelly, Richard John Kelly, Jr., William Hill Kelly, Jr., James Joseph "Kells" Kelly, Thomas Michael Kelly, Thomas R. Kelly, Joseph Anthony Kelly, Maurice Patrick Kelly, Thomas J. Kennedy, Yvonne Kennedy, Robert C. Kennedy, John Keohane, Ralph Kershaw, Ronald Kerwin, Howard L. Kestenbaum, Douglas D. Ketcham, Ruth E. Ketler, Ren Keyoug.

Mr. Speaker, I yield to the gentleman from Minnesota.

Mr. GUTKNECHT. Boris Khalif, Taimour Firaz Khan, Norma Khan, Sarah Khan, Rajesh Khandelwal, Devi Khemraj Bhowanie, Seilal Khoo, Michael Kiefer, Satoshi Kikuchiara, Don Kim, Andrew Jay-Hoon Kim, Lawrence Kim, Mary Jo Kimelman, Heinrich Kimmig, Karen A. Kincaid, Robert King, Jr., Amy R. King, Lucille King, Andrew Marshall King, Michele King, Lisa M. King-Johnson, Brian Kinney, Takashi Kinoshita, Chris Michael Kirby, Barry Kirschbaum, Glenn Davis Kirwin, Richard Klares, Peter A. Klein, Julie Klein, Alan David Kleinberg, Karen Joyce Klitzman, Robert Phillip Kloefer, Eugene Kniazev, Thomas Patrick Knox, Andrew Knox, Rebecca Kobone, Deborah Kobus, Gary Koecheler, Frank J. Koestner, Ryan Kohart, Vanessa Lynn Kolpak, Irina Kolpakova, Suzanne Kondratenko, Abdoulaye Kone, Bon-seok Koo, Dorota Kopiczko, Scott Kopytko, Bojan Kostic, Danielle Kousoulis, David Kovalcin, John J. Kren, William Krukowski, Lyudmila Ksido, Toshiya Kuge, Shekhar Kumar, Kenneth Kumpel, Frederick Kuo, Jr., Patricia Kuras, Nauka Kushitani, Thomas Kuveikis, Victor Kwaku, Victor Kwarkye, Kui Fai Kwok.

Mr. Speaker, I yield to the gentleman from Virginia.

Mrs. JO ANN DAVIS of Virginia. Angela R. Kyte, Kathryn L. LaBorie, Amarnauth Lachhman, Andrew LaCorte, Ganesh Ladkat, James Patrick Ladley, Joseph Lafalce, Jeanette LaFond-Menichino, David LaForge, Michael Patrick LaForte, Alan Lafranco, Juan Lafuente, Neil K. Lai, Vincent A. Laieta, William David Lake, Franco Lalama, Chow Kwan Lam, Michael Scott Lamana, Steven LaMantia, Amy Lamonsoff, Robert T. Lane, Brendan Lane, Rosanne P. Lane, Vanessa Langer, Mary Lou Langley, Peter Langone, Thomas Langone, Michelle Lanza, Ruth S. Lapin, Carol LaPlant, Carol Ann LaPlante, Ingeborg Astrid Desiree Lariby, Robert Blair Larkey, Judy Larocque, Christopher Randall Larrabee, Hamidou S. Larry, Scott Larsen, Jude Larson, Natalie Larson, John Adam Larson, N. Janis Lasden, Gary E. Lasko, Nicholas C. Lassman, Paul Laszczynski, Amarnath Latchman, Jeffrey Latouche, Charles Laurencia, Stephen James Lauria, Maria LaVache, Dennis F. Lavelle, Jeannine Laverde, Anna A. Laverty, Robert A. Lawrence, Nathaniel

Lawson, David W. Laychak, Eugene Lazar, James Leahy, Joseph Gerard Leavey, Neil Leavy, Robert LeBlanc, Leon Lebor, Kenneth Charles Ledee, Alan J. Lederman.

Mr. Speaker, today we have completed only a partial list of those who perished or are missing from the tragedy on September 11, but we will continue the reading of these names for the CONGRESSIONAL RECORD each day until we are finished, and it may take us into next year. I thank my colleagues from Illinois and Minnesota for helping me in this undertaking.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. OSE (at the request of Mr. ARMEY) for today on account of attending a funeral.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Mr. BROWN of Ohio, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. DEFazio, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mrs. CLAYTON, for 5 minutes, today.

(The following Members (at the request of Mr. BUYER) to revise and extend their remarks and include extraneous material:)

Mr. HORN, for 5 minutes, today.

Mr. BUYER, for 5 minutes, today.

Mr. COLLINS, for 5 minutes, November 13.

Mr. DEAL of Georgia, for 5 minutes, November 13.

Mr. PENCE, for 5 minutes, today.

ADJOURNMENT

Mr. SHIMKUS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 14 minutes p.m.), under its previous order, the House adjourned until tomorrow, Friday, November 9, 2001, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4540. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Imidacloprid; Pesticide Tolerances for Emergency Exemptions [OPP-301187; FRL-6806-9] (RIN: 2070-AB78) received

October 31, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4541. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Methoxyfenozide; Pesticide Tolerances for Emergency Exemptions [OPP-301185; FRL-6806-4] (RIN: 2070-AB78) received October 31, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4542. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Chlorothalonil; Pesticide Tolerances for Emergency Exemptions [OPP-301185; FRL-6807-1] (RIN: 2070-AB78) received October 31, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4543. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to the Requirements on Variability in the Composition of Additives Certified Under the Gasoline Deposit Control Program; Direct Final Rule [AMS-FRL-7096-5] (RIN: 2060-AJ69) received October 31, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4544. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Hawaii: Final Authorization of State Hazardous Waste Management Program [FRL-7097-1] received October 31, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4545. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Protection of Stratospheric Ozone: Reconsideration of the 610 Non-essential Products Ban [FRL-7101-1] (RIN: 2060-AH99) received November 6, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4546. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Illinois NOx Regulations [IL208-2, IL209-2; FRL-7077-9] received November 6, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4547. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Alabama: Attainment Demonstration of the Birmingham 1-hour Ozone Nonattainment Area [AL-056-200204; FRL-7098-7] received November 6, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4548. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Maryland; Control of Volatile Organic Compound Emissions from Distilled Spirits Facilities, Aerospace Coating Operations and Kraft Pulp Mills [MD124-3084; FRL-7085-1] received November 6, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4549. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation

of Air Quality State Implementation Plans (SIP); Alabama: Control of Gasoline Sulfur and Volatility [AL-056-2-200205; FRL-7098-6] received November 6, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4550. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Maryland; RACT for the Control of VOC Emissions from Iron and Steel Production Installations [MD117-3081; FRL-7083-7] received November 6, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4551. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Illinois; Oxides of Nitrogen Regulations [IL203-3; FRL-7077-8] received November 6, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4552. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Illinois; Ozone [IL200-2; FRL-7088-8] received October 31, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4553. A letter from the Director of Legislative Affairs, Railroad Retirement Board, transmitting the Board's annual report on the Program Fraud Civil Remedies Act for fiscal year 2001, pursuant to 31 U.S.C. 3810; to the Committee on Government Reform.

4554. A letter from the Director, Policy Directives and Instructions Branch, INS, Department of Justice, transmitting the Department's final rule—Milk in the Southeast Marketing Area—received November 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4555. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's final rule—Debt Collection—Amendments to Collection Rules and Adoption of Wage Garnishment Rules [Release No. 34-44965] (RIN: 3235-A134) received November 5, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4556. A letter from the Deputy Administrator, General Services Administration, transmitting a copy of a Building Project Survey for Colorado Springs, CO, pursuant to 40 U.S.C. 610(b); to the Committee on Transportation and Infrastructure.

4557. A letter from the Administrator, General Services Administration, transmitting informational copies of a lease prospectus and a design prospectus, pursuant to 40 U.S.C. 606(a); to the Committee on Transportation and Infrastructure.

4558. A letter from the Chief, Regulations Branch, U.S. Customs Service, Department of the Treasury, transmitting the Department's final rule—Customs Preclearance in Foreign Countries [T.D. 01-81] received November 6, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4559. A letter from the Regulations Coordinator, Centers for Medicare & Medicaid Services, Department of Health and Human Services, transmitting the Department's "Major" final rule—Medicare Program; Announcement of the Calendar Year 2002 Conversion Factor for the Hospital Outpatient Prospective Payment System and a Pro Rata Reduc-

tion on Transitional Pass-Through Payments [CMS-1159-F1] (RIN: 0938-AK54) received November 8, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HANSEN: Committee on Resources. H.R. 2062. A bill to extend the effective period of the consent of Congress to the interstate compact relating to the restoration of Atlantic salmon to the Connecticut River Basin and creating the Connecticut River Atlantic Salmon Commission, and for other purposes; with an amendment (Rept. 107-274 Pt. 1). Ordered to be printed.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 2062. Referral to the Committee on the Judiciary extended for a period ending not later than November 16, 2001.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. RILEY (for himself, Mr. BACHUS, Mr. CALLAHAN, Mr. EVERETT, Mr. ADERHOLT, Mr. CRAMER, and Mr. HILLIARD):

H.R. 3252. A bill to amend the Education of the Deaf Act of 1986 to authorize the Secretary of Education to establish the National Junior College for Deaf and Blind at the Alabama Institute for Deaf and Blind; to the Committee on Education and the Workforce.

By Mr. SMITH of New Jersey (for himself, Mr. EVANS, Mr. BILIRAKIS, Mr. RODRIGUEZ, Mr. BUYER, and Mr. STEARNS):

H.R. 3253. A bill to amend title 38, United States Code, to provide for the establishment of emergency medical preparedness centers in the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. BUYER (for himself, Mr. SMITH of New Jersey, Mr. BILIRAKIS, Mr. STEARNS, Mr. SNYDER, and Mr. MCHUGH):

H.R. 3254. A bill to amend title 38, United States Code, to provide for a partnership between the Department of Veterans Affairs and the Department of Defense to develop and disseminate education and training programs on the medical responses to the consequences of terrorist activities; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MENENDEZ (for himself, Mr. GEPHARDT, Mr. DINGELL, Mr. BISHOP, Mr. BORSKI, Ms. HARMAN, Mr. PASCRELL, Mr. SCOTT, Mr. SKELTON, Mr. COSTELLO, Mr. HONDA, Ms. JACKSON-LEE of Texas, Ms. ROYBAL-AL-LARD, Mrs. TAUSCHER, Mr. TURNER,

Ms. PELOSI, Mr. FROST, Mrs. LOWEY, Ms. DeLAURO, Mr. ACEVEDO-VILA, Mr. ALLEN, Mr. BACA, Mr. BAIRD, Mr. BENTSEN, Ms. BERKLEY, Mr. BLUMENAUER, Mrs. CAPPS, Mr. CARDIN, Mr. CARSON of Oklahoma, Mrs. CHRISTENSEN, Mr. CONYERS, Mr. CROWLEY, Mr. DAVIS of Illinois, Mr. DAVIS of Florida, Mr. DEFazio, Mr. DELAHUNT, Mr. DEUTSCH, Mr. DOYLE, Mr. EDWARDS, Mr. ENGEL, Ms. ESHOO, Mr. ETHERIDGE, Mr. FARR of California, Mr. FILNER, Mr. GONZALEZ, Mr. GORDON, Mr. GREEN of Texas, Mr. HINOJOSA, Mr. HOFFEL, Mr. HOLT, Mr. HOLDEN, Mr. ISRAEL, Mr. JOHN, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. KAPTUR, Mr. KILDEE, Mr. KIND, Mr. LANGEVIN, Mr. LANTOS, Mr. LARSEN of Washington, Mr. LARSON of Connecticut, Ms. LEE, Mr. LUTHER, Mrs. MALONEY of New York, Mr. MALONEY of Connecticut, Mr. GEORGE MILLER of California, Mrs. MCCARTHY of New York, Ms. MCCARTHY of Missouri, Ms. MCCOLLUM, Ms. SLAUGHTER, Mr. MCINTYRE, Mr. MEEKS of New York, Mr. MOORE, Mr. OBERSTAR, Mr. OLIVER, Mr. ORTIZ, Mr. OWENS, Mr. PALLONE, Mr. PHELPS, Mr. POMEROY, Mr. PRICE of North Carolina, Mr. REYES, Ms. RIVERS, Mr. RODRIGUEZ, Mr. ROSS, Mr. ROTHMAN, Mr. SANDLIN, Mr. SAWYER, Ms. SCHAKOWSKY, Mr. SCHIFF, Mr. SHERMAN, Mr. SNYDER, Ms. SOLIS, Mr. STRICKLAND, Mr. STUPAK, Mr. THOMPSON of California, Mrs. THURMAN, Mr. TIERNEY, Mr. TOWNS, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Ms. VELAZQUEZ, Ms. WOOLSEY, and Mr. WYNN):

H.R. 3255. A bill to respond to the threat of bioterrorism; to the Committee on Energy and Commerce, and in addition to the Committees on the Judiciary, Transportation and Infrastructure, Armed Services, Science, Intelligence (Permanent Select), International Relations, Agriculture, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. BALDWIN (for herself, Mr. MCGOVERN, Mr. SANDERS, Ms. KAPTUR, and Mr. SHOWS):

H.R. 3256. A bill to establish a National Center for Military Deployment Health Research in the Department of Health and Human Services to provide an independent means for the conduct and coordination of research into issues relating to the deployment of members of the Armed Forces overseas, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Veterans' Affairs, the Budget, and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BLUMENAUER:

H.R. 3257. A bill to amend the Act of September 30, 1961, to limit the antitrust exemption applicable to broadcasting agreements made by leagues of professional sports, and for other purposes; to the Committee on the Judiciary.

By Mrs. CUBIN:

H.R. 3258. A bill to amend the Federal Lands Policy and Management Act of 1976 to clarify the method by which the Secretary of the Interior and the Secretary of Agriculture

determine the fair market value of rights-of-way granted, issued, or renewed under such Act to prevent unreasonable increases in certain costs in connection with the deployment of communications and other critical infrastructure; to the Committee on Resources.

By Mr. MCINNIS (for himself and Mr. HAYWORTH):

H.R. 3259. A bill to amend the Endangered Species Act of 1973 to authorize Federal agencies to promptly respond to emergencies involving the health and safety of persons, in the same manner as such authority is available under the Wilderness Act; to the Committee on Resources.

By Mr. MORAN of Kansas:

H.R. 3260. A bill to amend the Plant Protection Act to authorize the Secretary of Agriculture to carry out a cost-share program with the States for the control of noxious weeds; to the Committee on Agriculture.

By Mr. MORAN of Virginia:

H.R. 3261. A bill to amend the Internal Revenue Code of 1986 to expand the offset against overpayments to include all State and local taxes owed by any person, whether or not a resident of the State seeking the offset, and for other purposes; to the Committee on Ways and Means.

By Mr. OBERSTAR (for himself and Mr. YOUNG of Alaska):

H.R. 3262. A bill to revitalize the international competitiveness of the United States-flag maritime industry through international tax parity, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PASCRELL:

H.R. 3263. A bill to amend section 7(a) of the Small Business Act to exempt small business concerns owned and controlled by veterans who have been discharged or released from military service for less than 5 years from guarantee fees; to the Committee on Small Business.

By Mr. PETERSON of Minnesota (for himself and Mr. POMBO):

H.R. 3264. A bill to terminate all Federal programs relating to price support and supply management for milk and to grant the consent of Congress to cooperative efforts by States to manage milk prices and supply; to the Committee on Agriculture, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PLATTS:

H.R. 3265. A bill to amend title II of the Social Security Act to eliminate the 5-month waiting period which is presently required in order for an individual to be eligible for benefits based on disability or for the disability freeze; to the Committee on Ways and Means.

By Ms. RIVERS:

H.R. 3266. A bill to amend title 18, United States Code, to prohibit unauthorized trafficking in personal DNA information, and for other purposes; to the Committee on the Judiciary.

By Mr. STARK (for himself, Mr. GEPHARDT, Mr. RANGEL, Mr. DINGELL, Mr. BROWN of Ohio, Mr. WAXMAN, Mr. KLECKZA, Mrs. THURMAN, Mr. CARDIN, and Mr. TIERNEY):

H.R. 3267. A bill to amend part C of title XVIII of the Social Security Act to provide

for continuous open enrollment and disenrollment in Medicare+Choice plans, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TAUZIN:

H.R. 3268. A bill to amend the Communications Act of 1934 to strengthen the limitations on the holding of any license, permit, operating authority by a foreign government or any entity controlled by a foreign government; to the Committee on Energy and Commerce.

By Ms. WATSON:

H.R. 3269. A bill to provide for the development of State medical disaster response plans regarding terrorist attacks that use biological or chemical weapons; to the Committee on Energy and Commerce.

By Mr. WICKER:

H.R. 3270. A bill to amend title XVIII of the Social Security Act to remove the 20 percent inpatient limitation under the Medicare Program on the proportion of hospice care that certain rural hospice programs may provide; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WU (for himself, Ms. CARSON of Indiana, Mr. SHOWS, Mrs. TAUSCHER, Ms. LEE, Mr. SANDERS, Mr. EVANS, Mr. MCGOVERN, Mr. BRADY of Pennsylvania, Mr. HONDA, Ms. ROYBAL-ALVARADO, Mrs. JONES of Ohio, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. FILNER, Ms. MCKINNEY, Mr. GUTKNECHT, and Ms. MCCOLLUM):

H.R. 3271. A bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to conduct veterans outreach programs known as Stand Down events and to establish a pilot program to provide for an annual Stand Down event in each State; to the Committee on Veterans' Affairs.

By Mr. PASCRELL (for himself, Mrs. ROUKEMA, Mr. SAXTON, and Mr. HOLT):

H. Con. Res. 266. Concurrent resolution honoring veterans by requesting that television and radio stations provide a moment of silence or a public service announcement on November 11 at 11 a.m. each year; to the Committee on Veterans' Affairs.

By Mr. FROST:

H. Res. 282. A resolution designating minority membership on certain standing committees of the House; considered and agreed to.

By Mr. ARMEY:

H. Res. 283. A resolution designating majority membership on certain standing committees of the House; considered and agreed to.

By Mr. OTTER (for himself, Mr. PAUL, Mr. SIMMONS, Mr. FLAKE, Mr. STENHOLM, Mr. CRANE, Mr. HAYES, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. TANCREDO, Mrs. BONO, Mr. BROWN of South Carolina, Mr. JENKINS, Mr. HOUGHTON, Mr. KUCINICH, Mr. LANGEVIN, Mr. CONDIT, Mr. CALVERT, Mr. POMBO, Mr. RADANOVICH, Mr. CANNON, Mr. PETERSON of Pennsylvania, Mr. SOUDER, Mr. WALDEN of Oregon, Mr. HEFLEY, Mr.

HAYWORTH, Mr. ROHRABACHER, Mr. GUTKNECHT, Mr. SCHAFER, Mr. GRAVES, Mr. KENNEDY of Minnesota, Mr. PENCE, Mr. PETERSON of Minnesota, Mr. HULSHOF, Mr. LAHOOD, Mr. NORWOOD, Mr. GILCREST, Mr. GRUCCI, Mr. EHLERS, Mr. MCKEON, Mr. REYNOLDS, Mr. SKEEN, Mr. YOUNG of Alaska, Mr. REHBERG, Mr. TRAFICANT, Mr. GIBBONS, Mr. SHERWOOD, Mr. SHUSTER, Mr. HUNTER, Mr. SCHROCK, Mr. TIAHRT, Mr. NETHERCUTT, Mr. SHADEGG, Mrs. JOHNSON of Connecticut, Mr. HANSEN, Mr. STUMP, Mr. KIRK, Mr. PLATTS, and Mr. SIMPSON):

H. Res. 284. A resolution encouraging the people of the United States to support the Armed Forces and civilian personnel who are engaged in the war on terrorism as part of a united effort to be known as Operation Enduring Support; to the Committee on Armed Services.

By Mr. PITTS (for himself and Mr. BONIOR):

H. Res. 285. A resolution commending President Pervez Musharraf of Pakistan for his leadership and friendship and welcoming him to the United States; to the Committee on International Relations.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 19: Mrs. BIGGERT.
H.R. 141: Mr. ANDREWS.
H.R. 162: Ms. WATERS.
H.R. 218: Mr. PUTNAM, Mr. SANDLIN, Mr. ROGERS of Michigan, and Mr. PORTMAN.
H.R. 424: Mr. GEKAS.
H.R. 425: Ms. DELAULO.
H.R. 439: Mr. MCGOVERN.
H.R. 547: Mr. BORSKI.
H.R. 778: Ms. LEE.
H.R. 783: Mrs. MINK of Hawaii.
H.R. 831: Mr. HASTINGS of Florida, Mr. LAHOOD, Mr. SMITH of Washington, and Mr. SCHROCK.
H.R. 938: Mr. BACA and Mr. HINCHEY.
H.R. 951: Mr. BARR of Georgia, Mr. SHIMKUS, Mr. BACA, Mr. WHITFIELD, Mr. WU, Mr. ISRAEL, Ms. SOLIS, Mr. SHERWOOD, and Mr. BECERRA.
H.R. 981: Mr. KELLER, Mr. HAYWORTH, Mr. PITTS, Mr. JEFF MILLER of Florida, and Mr. WELDON of Pennsylvania.
H.R. 990: Mr. BONIOR.
H.R. 1004: Ms. ROYBAL-ALLARD.
H.R. 1170: Mr. SPRATT and Mr. LIPINSKI.
H.R. 1178: Mr. OSBORNE.
H.R. 1254: Mr. GEKAS, Mrs. THURMAN, and Ms. ROYBAL-ALLARD.
H.R. 1307: Mr. LUCAS of Kentucky.
H.R. 1331: Ms. CARSON of Indiana.
H.R. 1377: Mr. UPTON.
H.R. 1405: Ms. RIVERS.
H.R. 1577: Mrs. DAVIS of California.
H.R. 1584: Mr. CANNON and Mr. SOUDER.
H.R. 1596: Mr. THORNBERRY.
H.R. 1681: Mr. NORWOOD and Mr. PLATTS.
H.R. 1754: Mr. STRICKLAND and Mr. GRUCCI.
H.R. 1759: Ms. DELAULO.

H.R. 1810: Mr. KIND.
H.R. 1814: Mr. BLAGOJEVICH, Mr. QUINN, and Mr. ENGLISH.
H.R. 2037: Mr. SWEENEY, Mr. LATHAM, Mr. GALLEGLY, Mr. LAHOOD, Mrs. BIGGERT, and Mr. LINDER.
H.R. 2074: Mr. TOWNS.
H.R. 2157: Mr. BISHOP.
H.R. 2166: Mr. FORD.
H.R. 2220: Mr. UDALL of Colorado.
H.R. 2269: Mr. GRUCCI.
H.R. 2329: Mr. WAXMAN.
H.R. 2348: Mr. ACKERMAN and Mr. CLEMENT.
H.R. 2357: Mr. OXLEY, Mr. WELDON of Pennsylvania, Mr. EVERETT, Ms. HART, and Mr. ISSA.
H.R. 2485: Mr. HERGER and Mr. LINDER.
H.R. 2527: Mr. WICKER.
H.R. 2630: Mr. PAYNE.
H.R. 2695: Mr. HERGER.
H.R. 2837: Mr. LANTOS, Mr. NADLER, and Mr. MCGOVERN.
H.R. 2841: Mr. McNULTY, Mr. SABO, Mr. COYNE, Mr. FRANK, and Mr. WATT of North Carolina.
H.R. 2887: Mr. KIND.
H.R. 2896: Mr. HOSTETTLER.
H.R. 2946: Ms. WATERS and Ms. BERKLEY.
H.R. 2949: Mr. RANGEL, Mr. KUCINICH, Mr. RODRIGUEZ, Mr. MEEHAN, Mr. CALVERT, Mr. UNDERWOOD, Mr. FILNER, Mr. ENGLISH, Mr. LANTOS, Mr. BACA, and Mrs. JONES of Ohio.
H.R. 2965: Mr. WOLF and Mr. DOYLE.
H.R. 2982: Mrs. ROUKEMA, Mr. MASCARA, Mr. LIPINSKI, Mr. HOEFFEL, Mr. PLATTS, Mr. RANGEL, Mr. ETHERIDGE, Mr. MENENDEZ, Mr. GONZALEZ, Mr. McNULTY, Mr. BRADY of Pennsylvania, Mr. FATTAH, Mr. HALL of Texas, Mr. SWEENEY, Mr. REYNOLDS, Mr. ROTHMAN, Mr. PASTOR, Mr. BORSKI, and Mr. GOODLATTE.
H.R. 3011: Mr. RUSH, Mr. ABERCROMBIE, Ms. SCHAKOWSKY, and Mr. LEWIS of Georgia.
H.R. 3022: Mr. BACA.
H.R. 3026: Mr. LANGEVIN and Ms. HART.
H.R. 3029: Mr. GILMAN.
H.R. 3046: Mr. GREEN of Wisconsin, Ms. ROYBAL-ALLARD, Mr. SHIMKUS, Mr. TIBERI, Mr. BLUMENAUER, and Mrs. MINK of Hawaii.
H.R. 3054: Mr. BAKER, Mr. DIAZ-BALART, Mr. FILNER, Mr. RAHALL, Mr. BISHOP, Mr. GREEN of Texas, Mr. HOLDEN, Mr. BOEHLERT, Mr. McNULTY, Mr. LIPINSKI, Mr. CLYBURN, Mr. COYNE, Mr. TOWNS, Mrs. MEEK of Florida, Mr. OWENS, Mr. THOMPSON of Mississippi, Ms. WOOLSEY, and Mr. OSE.
H.R. 3077: Mr. SCHROCK.
H.R. 3087: Mr. FALEOMAVAEGA and Mr. BONIOR.
H.R. 3088: Mr. GALLEGLY, Mr. SHAYS, Mr. LEVIN, and Mr. BOEHLERT.
H.R. 3101: Mr. GORDON, Mr. ETHERIDGE, Mr. ISRAEL, Mr. BACA, Ms. MCCOLLUM, and Mr. HALL of Texas.
H.R. 3131: Mr. KOLBE, Mr. LEWIS of Georgia, and Mr. SCHIFF.
H.R. 3143: Mr. BACA.
H.R. 3154: Mr. JONES of North Carolina, Mrs. MINK of Hawaii, Mr. WYNN, Mr. STUPAK, Ms. HOOLEY of Oregon, Mr. BLUMENAUER, Mr. BAKER, Mr. TOWNS, Mr. ORTIZ, Ms. KILPATRICK, and Mr. WU.
H.R. 3163: Mr. FROST.
H.R. 3175: Mr. FRANK and Mrs. JONES of Ohio.

H.R. 3185: Ms. ROS-LEHTINEN, Mr. OBERSTAR, Mr. SANDLIN, and Mr. TERRY.
H.R. 3190: Ms. SANCHEZ.

H.R. 3209: Mr. WATTS of Oklahoma, Mr. GOODLATTE, Mr. KELLER, Mr. COBLE, Mr. GREEN of Wisconsin, and Mr. SCHIFF.

H.R. 3219: Mr. KINGSTON, Mr. COLLINS, Mr. ISAKSON, Mr. DEAL of Georgia, Mr. NORWOOD, Mr. BLUNT, Mr. THOMPSON of California, Mr. HOLT, Mr. SANDLIN, Mr. GONZALEZ, Mr. LEWIS of Georgia, Mr. FORD, Mr. RUSH, Ms. RIVERS, and Mr. MARKEY.

H.R. 3238: Mr. BACA and Mr. CARSON of Oklahoma.

H.R. 3240: Mr. GIBBONS.

H.R. 3246: Mr. WATTS of Oklahoma, Mr. RUSH, and Mr. BECERRA.

H. Con. Res. 42: Mr. BURR of North Carolina.

H. Con. Res. 249: Mr. ISRAEL, Mr. BLUMENAUER, Mr. TURNER, Mr. ETHERIDGE, Mrs. DAVIS of California, Mr. TIERNEY, Mrs. CHRISTENSEN, Mr. SANDLIN, Mr. HINOJOSA, Mr. SABO, Ms. HARMAN, Mr. SCHIFF, Mr. LANGEVIN, Mr. KILDEE, Mr. GREEN of Texas, Ms. MCCARTHY of Missouri, Ms. BALDWIN, Mr. HONDA, Mr. GEPHARDT, Mr. WATT of North Carolina, Mr. BECERRA, Mr. DEUTSCH, Mr. SAWYER, Mr. HOLT, Ms. BERKLEY, Mr. LEWIS of Georgia, Mr. PRICE of North Carolina, Mr. UDALL of Colorado, Mr. SCOTT, Mr. FRANK, Mrs. ROUKEMA, Mr. UNDERWOOD, Ms. ESHOO, Mr. LEVIN, Ms. WATERS, Mr. SHERMAN, Mr. LAMPSON, Mr. POMEROY, Ms. KAPTUR, Mr. DICKS, Mr. MENENDEZ, Mr. CLYBURN, Mr. LYNCH, Mr. HILLIARD, Mr. BACA, Mr. BERMAN, Mr. PASTOR, Ms. LEE, Mr. BENTSEN, Mr. REYES, Mrs. CAPPS, Mr. RODRIGUEZ, Mr. PHELPS, Ms. CARSON of Indiana, Mr. THOMPSON of Mississippi, Mr. DAVIS of Illinois, Ms. WATSON, Mr. HASTINGS of Florida, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JEFFERSON, Mr. RUSH, Mr. CRANE, Mr. BRADY of Texas, Mr. RYAN of Wisconsin, Mr. SHAW, Mr. STARK, Mrs. JOHNSON of Connecticut, Mr. MATSUI, Mr. RAMSTAD, Mr. COYNE, Mr. CARDIN, Mr. MCDERMOTT, Mr. NEAL of Massachusetts, Ms. DUNN, Mr. TANNER, Mr. COLLINS, Mrs. THURMAN, Mr. WATKINS, Mr. DOGGETT, Mr. HAYWORTH, Mr. WELER, Mr. HULSHOF, Mr. MCINNIS, Mr. OLVER, Mr. ALLEN, Mr. QUINN, and Mr. SWEENEY.

H. Con. Res. 254: Mr. BRADY of Pennsylvania, Mr. FATTAH, Mr. BORSKI, and Mr. KANJORSKI.

H. Con. Res. 257: Mr. CLAY, Mrs. MEEK of Florida, Ms. BERKLEY, Mr. DEUTSCH, Mr. BISHOP, Mr. TIERNEY, and Mr. WATT of North Carolina.

H. Res. 133: Mr. BLUMENAUER.

H. Res. 241: Mr. WU.

H. Res. 281: Mr. TANCREDO, Mr. SMITH of New Jersey, Mr. ROHRABACHER, Mr. PITTS, Mr. LANTOS, Mr. CROWLEY, Ms. LEE, Mr. GILMAN, Mr. HOUGHTON, and Mr. LANGEVIN.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 981: Mr. COMBEST.

SENATE—Thursday, November 8, 2001

The Senate met at 10 a.m. and was called to order by the Honorable E. BENJAMIN NELSON, a Senator from the State of Nebraska.

The PRESIDING OFFICER. The guest Chaplain, Elder Francis Cree, the Spiritual Leader of Turtle Mountain Band of Chippewa Indians, in Dunseith, ND, will lead us in prayer.

PRAYER

The guest Chaplain, Elder Francis Cree, offered the following prayer:

[Speaking Chippewa]

Great Spirit of God, we want to thank You for this wonderful day You have given us, for all the many good things You have blessed us with. You have also given us this love and respect and unity and faith in God. And we ask You, at this time, that You bless the President, and all his employees, and all of us here and all over the world. We thank You. We thank You, again.

That is the prayer I said in the Chippewa language.

PLEDGE OF ALLEGIANCE

The Honorable E. BENJAMIN NELSON led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, November 8, 2001.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable E. BENJAMIN NELSON, a Senator from the State of Nebraska, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. NELSON of Nebraska thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

The Senator from North Dakota.

WELCOMING ELDER FRANCIS CREE OF NORTH DAKOTA

Mr. CONRAD. Mr. President, I am pleased this morning to welcome a good friend and distinguished North Dakotan, Francis Cree, to the Senate. I thank him for his moving and inspirational prayer.

Francis Cree is the Spiritual Leader and Tribal Elder of the Turtle Mountain Band of Chippewa of North Dakota. He is the official Pipe Carrier for the Tribe, a position of honor and leadership. He led the tribe as chairman in the 1950s and served several terms on the Tribal Council.

Francis spends countless hours teaching young tribal members about Chippewa culture and traditions. Last year, he even made an award-winning CD called, "The Elders Speak."

Francis is married to Rose Cree, a well-known artist who makes beautiful willow and birchbark baskets, several of which are displayed in my office. They were recently featured at the Smithsonian's Festival of American Folk Life on the Mall here in our Nation's Capital.

Francis and Rose have 14 children, and, according to Rose, "too many grandchildren and great-grandchildren to count, but there are well over a hundred." In May, Rose and Francis will celebrate 63 years of marriage.

Congratulations to you both.

I am very pleased to welcome Francis Cree to the Senate this morning. I thank him for being here and for sharing his inspiring message with us.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

Mr. REID. Mr. President, before my friend from North Dakota leaves the Chamber, and before Spiritual Leader and Tribal Elder Cree leaves the Chamber, I say, I never had the opportunity in the Senate Chamber to say this to anyone who would understand it, but the Senator from North Dakota and the tribal leader will: I am a Pipe Carrier for the Pyramid Paiute Tribe in northern Nevada. I have been through the ceremony. It was very dignified and impressive. It was a ceremony I will never forget.

So I am very happy we have had this very time-honored tradition now done in opening the Senate in prayer. I congratulate the Senator from North Dakota in bringing one of the most-renowned citizens of his State to the U.S. Capitol.

Mr. CONRAD. I thank my colleague from Nevada.

My colleague, Senator DORGAN, is chairing a hearing in another part of

the Capitol complex and will come to the Chamber later today to also memorialize this occasion. I do not want this moment to pass without indicating Senator DORGAN was here earlier but had to leave to chair a meeting of his subcommittee elsewhere in the Capitol complex or else he would be here as well.

I thank the Chair.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

SCHEDULE

Mr. REID. Mr. President, this morning, the Senate will begin consideration of the Intelligence Authorization Act. The only amendments in order to this bill are relevant amendments, with the exception of two possible amendments regarding immigrant deportation that may be offered by Senator SMITH of New Hampshire and Senator LEAHY. Rollcall votes are possible throughout the day.

I note that we are expecting to receive from the House at or about noon today the VA-HUD appropriations bill that has been worked on for many months, led by Senator MIKULSKI and the ranking member, Senator BOND. It is a very important bill.

This will be the sixth bill we would send to the President for his signature. There are other appropriations conference reports moving toward completion now. We should be able to do several more of those in the next few days.

I also indicate that we have some extremely important items to consider, as the entire Senate knows. We are hopeful of working on the stimulus package next week. The majority leader will have announcements about that later on in the day.

We have a lot to do on most-important matters, but I indicate, it is very timely we will be working today on the intelligence authorization bill. The two managers will be Senator GRAHAM of Florida and the ranking member, Senator SHELBY of Alabama. We hope to complete the bill very soon today. It should not take a lot of time we hope. But whatever time it takes, we need to complete that legislation today.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

Mr. GRAHAM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2002

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now proceed to the consideration of S. 1428, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1428) to authorize appropriations for fiscal year 2002 for intelligence and intelligence-related activities of the United States Government, the Community Management Account of the Director of Central Intelligence, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Select Committee on Intelligence without amendment and the Committee on Armed Services with amendments, as follows:

(The parts of the bill intended to be inserted are shown in *italic*.)

S. 1428

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Intelligence Authorization Act for Fiscal Year 2002”.

(b) **TABLE OF CONTENTS.**—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—INTELLIGENCE ACTIVITIES

Sec. 101. Authorization of appropriations.

Sec. 102. Classified schedule of authorizations.

Sec. 103. Personnel ceiling adjustments.

Sec. 104. Community Management Account.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DIS- ABILITY SYSTEM

Sec. 201. Authorization of appropriations.

TITLE III—GENERAL PROVISIONS

Sec. 301. Increase in employee compensation and benefits authorized by law.

Sec. 302. Restriction on conduct of intelligence activities.

Sec. 303. Judicial review under Foreign Narcotics Kingpin Designation Act.

Sec. 304. Modification of positions requiring consultation with Director of Central Intelligence in appointments.

Sec. 305. Modification of reporting requirements for significant anticipated intelligence activities and significant intelligence failures.

Sec. 306. Modification of authorities for protection of intelligence community employees who report urgent concerns to Congress.

Sec. 307. Review of protections against the unauthorized disclosure of classified information.

Sec. 308. Modification of authorities relating to official immunity in interdiction of aircraft engaged in illicit drug trafficking.

Sec. 309. One-year suspension of reorganization of Diplomatic Telecommunications Service Program Office.

Sec. 310. Presidential approval and submission to Congress of National Counterintelligence Strategy and National Threat Identification and Prioritization Assessments.

Sec. 311. *Preparation and submittal of reports, reviews, studies, and plans relating to Department of Defense intelligence activities.*

TITLE IV—CENTRAL INTELLIGENCE AGENCY

Sec. 401. One-year extension of Central Intelligence Agency Voluntary Separation Pay Act.

Sec. 402. Modifications of central services program.

TITLE I—INTELLIGENCE ACTIVITIES

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2002 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

- (1) The Central Intelligence Agency.
- (2) The Department of Defense.
- (3) The Defense Intelligence Agency.
- (4) The National Security Agency.
- (5) The Department of the Army, the Department of the Navy, and the Department of the Air Force.
- (6) The Department of State.
- (7) The Department of the Treasury.
- (8) The Department of Energy.
- (9) The Federal Bureau of Investigation.
- (10) The National Reconnaissance Office.
- (11) The National Imagery and Mapping Agency.

SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

(a) **SPECIFICATIONS OF AMOUNTS AND PERSONNEL CEILINGS.**—The amounts authorized to be appropriated under section 101, and the authorized personnel ceilings as of September 30, 2002, for the conduct of the intelligence and intelligence-related activities of the elements listed in such section, are those specified in the classified Schedule of Authorizations prepared to accompany the conference report on the bill _____ of the One Hundred Seventh Congress.

(b) **AVAILABILITY OF CLASSIFIED SCHEDULE OF AUTHORIZATIONS.**—The Schedule of Authorizations shall be made available to the Committees on Appropriations of the Senate and House of Representatives and to the President. The President shall provide for suitable distribution of the Schedule, or of appropriate portions of the Schedule, within the executive branch.

SEC. 103. PERSONNEL CEILING ADJUSTMENTS.

(a) **AUTHORITY FOR ADJUSTMENTS.**—With the approval of the Director of the Office of Management and Budget, the Director of Central Intelligence may authorize employment of civilian personnel in excess of the number authorized for fiscal year 2002 under section 102 when the Director of Central Intelligence determines that such action is necessary to the performance of important intelligence functions, except that the number of personnel employed in excess of the number authorized under such section may not, for any element of the intelligence community, exceed 2 percent of the number of civilian personnel authorized under such section for such element.

(b) **NOTICE TO INTELLIGENCE COMMITTEES.**—The Director of Central Intelligence shall notify promptly the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate whenever the Di-

rector exercises the authority granted by this section.

SEC. 104. COMMUNITY MANAGEMENT ACCOUNT.

(a) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated for the Community Management Account of the Director of Central Intelligence for fiscal year 2002 the sum of \$238,496,000. Within such amount, funds identified in the classified Schedule of Authorizations referred to in section 102(a) for the advanced research and development committee shall remain available until September 30, 2003.

(b) **AUTHORIZED PERSONNEL LEVELS.**—The elements within the Community Management Account of the Director of Central Intelligence are authorized 343 full-time personnel as of September 30, 2002. Personnel serving in such elements may be permanent employees of the Community Management Account or personnel detailed from other elements of the United States Government.

(c) **CLASSIFIED AUTHORIZATIONS.**—

(1) **AUTHORIZATION OF APPROPRIATIONS.**—In addition to amounts authorized to be appropriated for the Community Management Account by subsection (a), there are also authorized to be appropriated for the Community Management Account for fiscal year 2002 such additional amounts as are specified in the classified Schedule of Authorizations referred to in section 102(a). Such additional amounts shall remain available until September 30, 2003.

(2) **AUTHORIZATION OF PERSONNEL.**—In addition to the personnel authorized by subsection (b) for elements of the Community Management Account as of September 30, 2002, there are hereby authorized such additional personnel for such elements as of that date as are specified in the classified Schedule of Authorizations.

(d) **REIMBURSEMENT.**—Except as provided in section 113 of the National Security Act of 1947 (50 U.S.C. 404h), during fiscal year 2002 any officer or employee of the United States or a member of the Armed Forces who is detailed to the staff of the Community Management Account from another element of the United States Government shall be detailed on a reimbursable basis, except that any such officer, employee, or member may be detailed on a nonreimbursable basis for a period of less than one year for the performance of temporary functions as required by the Director of Central Intelligence.

(e) **NATIONAL DRUG INTELLIGENCE CENTER.**—

(1) **IN GENERAL.**—Of the amount authorized to be appropriated in subsection (a), \$27,000,000 shall be available for the National Drug Intelligence Center. Within such amount, funds provided for research, development, testing, and evaluation purposes shall remain available until September 30, 2003, and funds provided for procurement purposes shall remain available until September 30, 2004.

(2) **TRANSFER OF FUNDS.**—The Director of Central Intelligence shall transfer to the Attorney General funds available for the National Drug Intelligence Center under paragraph (1). The Attorney General shall utilize funds so transferred for the activities of the National Drug Intelligence Center.

(3) **LIMITATION.**—Amounts available for the National Drug Intelligence Center may not be used in contravention of the provisions of section 103(d)(1) of the National Security Act of 1947 (50 U.S.C. 403-3(d)(1)).

(4) **AUTHORITY.**—Notwithstanding any other provision of law, the Attorney General shall retain full authority over the operations of the National Drug Intelligence Center.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 2002 the sum of \$212,000,000.

TITLE III—GENERAL PROVISIONS

SEC. 301. INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW.

Appropriations authorized by this Act for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law.

SEC. 302. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES.

The authorization of appropriations by this Act shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or the laws of the United States.

SEC. 303. JUDICIAL REVIEW UNDER FOREIGN NARCOTICS KINGPIN DESIGNATION ACT.

Section 805 of the Foreign Narcotics Kingpin Designation Act (title VIII of Public Law 106-120; 113 Stat. 1629; 21 U.S.C. 1904) is amended by striking subsection (f).

SEC. 304. MODIFICATION OF POSITIONS REQUIRING CONSULTATION WITH DIRECTOR OF CENTRAL INTELLIGENCE IN APPOINTMENTS.

Section 106(b)(2) of the National Security Act of 1947 (50 U.S.C. 403-6(b)(2)) is amended by striking subparagraph (C) and inserting the following new subparagraphs:

“(C) The Director of the Office of Intelligence of the Department of Energy.

“(D) The Director of the Office of Counterintelligence of the Department of Energy”.

SEC. 305. MODIFICATION OF REPORTING REQUIREMENTS FOR SIGNIFICANT ANTICIPATED INTELLIGENCE ACTIVITIES AND SIGNIFICANT INTELLIGENCE FAILURES.

Section 502 of the National Security Act of 1947 (50 U.S.C. 413a) is amended—

(1) by inserting “(a) IN GENERAL.—” before “To the extent”; and

(2) by adding at the end the following new subsections:

“(b) FORM AND CONTENTS OF CERTAIN REPORTS.—Any report relating to a significant anticipated intelligence activity or a significant intelligence failure that is submitted to the intelligence committees for purposes of subsection (a)(1) shall be in writing, and shall contain the following:

“(1) A concise statement of any facts pertinent to such report.

“(2) An explanation of the significance of the intelligence activity or intelligence failure covered by such report.

“(c) STANDARDS AND PROCEDURES FOR CERTAIN REPORTS.—The Director of Central Intelligence, in consultation with the heads of the departments, agencies, and entities referred to in subsection (a), shall establish standards and procedures applicable to reports covered by subsection (b).”.

SEC. 306. MODIFICATION OF AUTHORITIES FOR PROTECTION OF INTELLIGENCE COMMUNITY EMPLOYEES WHO REPORT URGENT CONCERNS TO CONGRESS.

(a) AUTHORITY OF INSPECTOR GENERAL OF CENTRAL INTELLIGENCE AGENCY.—Section 17(d)(5) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q(d)(5)) is amended—

(1) in subparagraph (B), by striking the second sentence and inserting the following new sentence: “Upon making the determination, the Inspector General shall transmit to the Director notice of the determination, together with the complaint or information.”; and

(2) in subparagraph (D)(i), by striking “does not transmit,” and all that follows through “subparagraph (B),” and inserting “does not find credible under subparagraph (B) a complaint or information submitted under subparagraph (A), or does not transmit the complaint or information to the Director in accurate form under subparagraph (B).”.

(b) AUTHORITIES OF INSPECTORS GENERAL OF THE INTELLIGENCE COMMUNITY.—Section 8H of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in subsection (b), by striking the second sentence and inserting the following new sentence: “Upon making the determination, the Inspector General shall transmit to the head of the establishment notice of the determination, together with the complaint or information.”; and

(2) in subsection (d)(1), by striking “does not transmit,” and all that follows through “subsection (b),” and inserting “does not find credible under subsection (b) a complaint or information submitted to the Inspector General under subsection (a), or does not transmit the complaint or information to the head of the establishment in accurate form under subsection (b).”.

SEC. 307. REVIEW OF PROTECTIONS AGAINST THE UNAUTHORIZED DISCLOSURE OF CLASSIFIED INFORMATION.

(a) REQUIREMENT.—The Attorney General shall, in consultation with the Secretary of Defense, Secretary of State, Secretary of Energy, Director of Central Intelligence, and heads of such other departments, agencies, and entities of the United States Government as the Attorney General considers appropriate, carry out a comprehensive review of current protections against the unauthorized disclosure of classified information, including—

(1) any mechanisms available under civil or criminal law, or under regulation, to detect the unauthorized disclosure of such information; and

(2) any sanctions available under civil or criminal law, or under regulation, to deter and punish the unauthorized disclosure of such information.

(b) PARTICULAR CONSIDERATIONS.—In carrying out the review required by subsection (a), the Attorney General shall consider, in particular—

(1) whether the administrative regulations and practices of the intelligence community are adequate, in light of the particular requirements of the intelligence community, to protect against the unauthorized disclosure of classified information; and

(2) whether recent developments in technology, and anticipated developments in technology, necessitate particular modifications of current protections against the unauthorized disclosure of classified information in order to further protect against the unauthorized disclosure of such information.

(c) REPORT.—(1) Not later than May 1, 2002, the Attorney General shall submit to Congress a report on the review carried out under subsection (a). The report shall include the following:

(A) A comprehensive description of the review, including the findings of the Attorney General as a result of the review.

(B) An assessment of the efficacy and adequacy of current laws and regulations

against the unauthorized disclosure of classified information, including whether or not modifications of such laws or regulations, or additional laws or regulations, are advisable in order to further protect against the unauthorized disclosure of such information.

(C) Any recommendations for legislative or administrative action that the Attorney General considers appropriate, including a proposed draft for any such action, and a comprehensive analysis of the Constitutional and legal ramifications of any such action.

(2) The report shall be submitted in unclassified form, but may include a classified annex.

SEC. 308. MODIFICATION OF AUTHORITIES RELATING TO OFFICIAL IMMUNITY IN INTERDICTION OF AIRCRAFT ENGAGED IN ILLICIT DRUG TRAFFICKING.

(a) CERTIFICATION REQUIRED FOR IMMUNITY.—Subsection (a)(2) of section 1012 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337; 108 Stat. 2837; 22 U.S.C. 2291-4) is amended by striking “, before the interdiction occurs, has determined” and inserting “has, during the 12-month period ending on the date of the interdiction, certified to Congress”.

(b) ANNUAL REPORTS.—That section is further amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection (c):

“(c) ANNUAL REPORTS.—(1) Not later than February 1 each year, the President shall submit to Congress a report on the assistance provided under subsection (b) during the preceding calendar year. Each report shall include for the calendar year covered by such report the following:

“(A) A list specifying each country for which a certification referred to in subsection (a)(2) was in effect for purposes of that subsection during any portion of such calendar year, including the nature of the illicit drug trafficking threat to each such country.

“(B) A detailed explanation of the procedures referred to in subsection (a)(2)(B) in effect for each country listed under subparagraph (A), including any training and other mechanisms in place to ensure adherence to such procedures.

“(C) A complete description of any assistance provided under subsection (b).

“(D) A summary description of the aircraft interception activity for which the United States Government provided any form of assistance under subsection (b).

“(2) Each report under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.”.

SEC. 309. ONE-YEAR SUSPENSION OF REORGANIZATION OF DIPLOMATIC TELECOMMUNICATIONS SERVICE PROGRAM OFFICE.

Notwithstanding any provision of subtitle B of title III of the Intelligence Authorization Act for Fiscal Year 2001 (Public Law 106-567; 114 Stat. 2843; 22 U.S.C. 7301 et seq.), relating to the reorganization of the Diplomatic Telecommunications Service Program Office, no provision of that subtitle shall be effective during the period beginning on the date of the enactment of this Act and ending on October 1, 2002.

SEC. 310. PRESIDENTIAL APPROVAL AND SUBMISSION TO CONGRESS OF NATIONAL COUNTERINTELLIGENCE STRATEGY AND NATIONAL THREAT IDENTIFICATION AND PRIORITIZATION ASSESSMENTS.

The National Counterintelligence Strategy, and each National Threat Identification

and Prioritization Assessment, produced under Presidential Decision Directive 75, dated December 28, 2000, entitled "U.S. Counterintelligence Effectiveness—Counterintelligence for the 21st Century", including any modification of the Strategy or any such Assessment, shall be approved by the President, and shall be submitted to the appropriate committees of Congress.

SEC. 311. PREPARATION AND SUBMITTAL OF REPORTS, REVIEWS, STUDIES, AND PLANS RELATING TO DEPARTMENT OF DEFENSE INTELLIGENCE ACTIVITIES.

(a) *CONSULTATION IN PREPARATION.*—The Director of Central Intelligence shall ensure that any report, review, study, or plan required to be prepared or conducted by a provision of this Act, including a provision of the classified Schedule of Authorizations or a classified annex to this Act, that involves the intelligence or intelligence-related activities of the Department of Defense shall be prepared or conducted in consultation with the Secretary of Defense or an appropriate official of the Department designated by the Secretary for that purpose.

(b) *SUBMITTAL.*—Any report, review, study, or plan referred to in subsection (a) shall be submitted, in addition to any other committee of Congress specified for submittal in the provision concerned, to the following committees of Congress:

(1) The Committees on Armed Services and Appropriations and the Select Committee on Intelligence of the Senate.

(2) The Committees on Armed Services and Appropriations and the Permanent Select Committee on Intelligence of the House of Representatives.

TITLE IV—CENTRAL INTELLIGENCE AGENCY

SEC. 401. ONE-YEAR EXTENSION OF CENTRAL INTELLIGENCE AGENCY VOLUNTARY SEPARATION PAY ACT.

Section 2 of the Central Intelligence Agency Voluntary Separation Pay Act (50 U.S.C. 403-4 note) is amended—

(1) in subsection (f), by striking "September 30, 2002" and inserting "September 30, 2003"; and

(2) in subsection (i), by striking "or 2002" and inserting "2002, or 2003".

SEC. 402. MODIFICATIONS OF CENTRAL SERVICES PROGRAM.

(a) *ANNUAL AUDITS.*—Subsection (g)(1) of section 21 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403u) is amended—

(1) by striking "December 31" and inserting "January 31"; and

(2) by striking "conduct" and inserting "complete".

(b) *PERMANENT AUTHORITY.*—Subsection (h) of that section is amended—

(1) by striking paragraph (1);

(2) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively;

(3) in paragraph (1), as so redesignated, by striking "paragraph (3)" and inserting "paragraph (2)"; and

(4) in paragraph (2), as so redesignated, by striking "paragraph (2)" and inserting "paragraph (1)".

The ACTING PRESIDENT pro tempore. The Senator from Florida.

Mr. GRAHAM. Mr. President, with my friend and colleague, Senator SHELBY, I bring to the Senate S. 1428, the Intelligence Authorization Act for the fiscal year 2002.

The tragic events of the past months and the reality that our Nation is engaged in a war against global terrorism make this year's intelligence author-

ization bill especially important. We all realize that good and timely intelligence is our first and sometimes our only line of defense against terrorism.

It is not enough for us to attempt to determine who was the culprit and to bring that culprit to justice. What the American people want most is the capability to prevent acts of terrorism, which necessitates the best intelligence information on a timely basis so that actions to interrupt terrorist activities can take place before more Americans are attacked.

To accomplish this prevention of terrorism strategy, we must provide our intelligence community with the resources and the authorities it needs to meet the expectations of the American people.

Many of those authorities were contained in the antiterrorism act which the President signed the last Friday of October. Today we are going to be talking about the resources that will give life to those authorities and to the ongoing activities of the intelligence community.

Our Select Committee on Intelligence marked up this bill on September 6, submitted it to the Armed Services Committee, and the Armed Services Committee has now reported the bill as submitted.

Even though we took legislative action before September 11, we noted at the time that international terrorism was not a crisis—with it, the connotation that it is a short-term passing phenomenon—rather, international terrorism is a condition with which we will have to deal on a long-term basis.

The committee strongly encouraged the intelligence community to orient itself accordingly by implementing policies under the control of the Director of Central Intelligence for regulating the various roles of the elements of the intelligence community that participate in the fight against terrorism. To that end, our legislation authorizes activities that will rebuild the foundation of our intelligence community so we can meet our long-term challenges.

In the process of preparing this year's intelligence authorization bill, the committee spent considerable time reviewing the current status of the intelligence community.

At this point, I recognize our vice chairman, Senator SHELBY. He, of course, had been the chairman of this committee for a considerable period of time and started much of this process of in-depth review of the intelligence community which then put us in a position to take advantage of that work to provide what today will be some of the prescriptions based on the diagnosis of the problems. I particularly recognize Senator SHELBY and the work in which he led the committee and our staff for many months.

As a result of this review, we concluded that the intelligence commu-

nity has been underfunded over the past decade—basically, the decade since the fall of the Berlin Wall—and its ability to conduct certain core missions had deteriorated.

In order to correct these deficiencies, the committee identified four priorities to receive special emphasis in this year's bill: One, revitalization of the National Security Agency; two, correcting deficiencies in human intelligence; three, addressing the imbalance between collection and analysis; and four, providing sufficient funding for a robust research and development series of initiatives. These four priorities underpin the work of the intelligence committee in all areas, including counterterrorism.

The committee believes that providing additional resources in these priorities is critical to assuring that the intelligence community is capable of providing our political and military decisionmakers with the accurate and timely intelligence they require to make the best decisions in the interest of the American people.

By providing proper resources and attention to these four priorities, we will be able to support effectively the requirements placed on the intelligence community, including fighting global terrorism, but also a list of other challenging responsibilities: countering the proliferation of weapons of mass destruction and their delivery system; stopping the flow of illicit narcotics; and understanding the capabilities, potential, and intentions of potential adversaries and foreign powers.

It is important to note that the committee recognizes that a consistent and predictable funding stream is necessary to rebuild and maintain these priority areas.

In preparing this year's legislation, the committee outlined a 5-year plan for each of these priorities. We believe this plan is consistent with the capacity of the various agencies within the intelligence community to absorb these additional funds and use them effectively, and that will result in a substantial new foundation under our intelligence community over the next 5 years in order to meet the challenges of the next decades. We know that our commitment to rebuild our intelligence community must be sustained over the long-term or our efforts this year will be wasted.

Let me briefly explain what we are doing in each of these four priority areas.

First, we are continuing the revitalization of the National Security Agency, or the NSA. The committee, under the leadership of Senator SHELBY, has been pressing for this revitalization over the past 3 years. The NSA is the agency of our intelligence community

that is responsible for assuring the security of United States communications, as well as collecting foreign electronic signals. In the parlance of intelligence, this is the signals agency.

Five years from now, the NSA must have the ability to collect and exploit electronic signals in a vastly different communications environment than that in which we spent most of the second half of the 20th century. Along with significant investment in technology, this means closer collaboration with clandestine human collectors.

If I could explain briefly, during the Cold War, the United States became extremely adept at intercepting electronic communications. Our system was largely based on communications that would move over the airwaves. We would put a listening device between the sender and receiver and could absorb massive amounts of information with relative impunity.

Today, the computer and telecommunication systems that NSA employees will be attempting to intercept are much more difficult because they do not use the old over-the-airwaves system. To have the same level of electronic surveillance today that we did even 10 years ago is going to require a significant investment in new technology. I mentioned, also, the linkage to human intelligence. It was relatively easy to eavesdrop on the old communication technology. The new communication technologies will frequently require a human being to first gain access to the machine that you are trying to surveil, and then have that person who has gained access have sufficient technical capacity to be able to install the devices that are necessary to gain the information. So we are going to have to have a new generation of human intelligence that has a significantly higher component of technical expertise, especially in the communications area.

The analysts—the ones who take this information that is collected—must have sophisticated software tools to allow them to fully exploit the amount of data that will be available in the future. So our first objective is a continuation of the 3-year effort to revitalize the National Security Agency.

Second, we must correct deficiencies in our human intelligence capabilities. In 5 years, our human intelligence collection efforts must be designed to meet the increasingly complex and growing set of human intelligence collection requirements.

Most of the history of our intelligence community is since the Second World War. During World War II, we established America's first professional intelligence agency under the direction of the military. As soon as the war was over, it was disbanded. Two years later, President Truman, recognizing the rise of the Soviet Union, asked the Congress to establish a civilian agency and

designate a director of central intelligence. Under that director, there were a number of agencies, such as the Central Intelligence Agency. For the next 40 years, we focused on one big target: the Soviet Union and its Warsaw pact allies.

As I indicated, in the area of signals intelligence, we became very adept at listening to that big target. People were speaking basically in Russian. It was a culture that we understood and with which we had a long association since John Quincy Adams was our Ambassador to the czarist court in St. Petersburg.

Now, in the post-Berlin Wall period, we are dealing with a wide diversity of targets, not just one. Many of these are targets with which we have not had a great deal of national history, and they speak many languages. In Afghanistan, for instance, in addition to English and Arabic, there are at least six major domestic languages. We are very deficient in our capabilities as a nation in many of these languages.

We must increase the diversity of our human intelligence, our spies. We must recruit more effectively to operate in many places around the world where U.S. interests are threatened. The human intelligence system must be integrated into our other collection systems, particularly, as I indicated, with our National Security Agency, in order to gain effective access to new communications technology.

In addition, the Director of Central Intelligence must conduct a rigorous analytical review of human intelligence collection requirements in the future so that we can be proactive with the resources necessary to meet those requirements. The Director of Central Intelligence must implement a performance measurement system to assure that our collection efforts are meeting the highest priority needs of our ultimate customers for intelligence—the President and military decisionmakers.

Our third priority is addressing the growing imbalance between collection and analysis. Even with the deficiencies that I have mentioned in signals intelligence and human intelligence, we are still collecting a massive amount of information on an hourly basis. But the percentage of this collected information to that which is analyzed and converted into effective intelligence has been steadily declining since 1990. Collection systems are becoming more and more capable as our investment in analysis erodes. This disparity threatens to overwhelm our ability to analyze and use the information collected.

The nightmare of the review of the events of September 11 would be if we find that there was a wiretap, for instance, on a foreign resident whom we had reason to suspect might be involved in some potential terrorist plot

against the United States but that wiretap had not been listened to, translated from its foreign language—frequently it is an encrypted foreign language—into English and then analyzed in terms of what did it mean in terms of American security, and then that analysis is transferred to an effective law enforcement agency which could do something about the threat to American security. That nightmare underscores the importance of having the adequate capacity to analyze and convert information into intelligence.

To address this problem, the committee has added funds for the Assistant Director of the Central Intelligence Agency for Analysis and Production to finance promising new analytical initiatives that will be beneficial across the intelligence community.

The amount authorized is a downpayment on a 5-year spending profile to rebuild the community's all-source analytical capability. The words "all-source" refer to the fact that today there is a growing volume of information which is not clandestine, which is available through the newspapers, through other forms of public information, through the Internet. The challenge for the analysts of today is to take that open-source information and add to it the clandestine information gathered by our variety of sources and then produce a final intelligence document which will add to the ability of the ultimate decisionmaker, whether it is a military officer planning a combat action or whether it is the President of the United States attempting to set a strategic direction for American foreign policy. That decisionmaker will be in a better position to make an informed judgment to benefit the people of America.

The committee has also included funding to implement the National Imagery and Mapping Agency, known as NIMA, which is the agency that collects imagery for intelligence purposes. We will fund internal modernization plans to support this imagery analysis associated with the future imagery architecture of our satellite system.

The fourth and final priority for the intelligence community is providing additional funding for a robust research and development initiative. Over history, one of the hallmarks of American intelligence has been its leadership role in world technology. The U-2, which was groundbreaking in terms of aviation technology, was built by the CIA in just a matter of weeks when it was recognized that we needed to have an overhead capacity to observe the Soviet Union, particularly during the period that the Soviet Union was accelerating its nuclear program.

Many of the telecommunications advances we now utilize and take for granted were first developed by the National Security Agency as part of our intelligence effort.

Over the decade since the fall of the Berlin Wall, it has been stated that the intelligence community has often used its research and development budget as a bill payer for funding shortfalls in other programs and that we have sacrificed the modernization and the innovation of technology in the process.

The committee has outlined a plan to reverse the intelligence community's declining investment in advanced research and development. The committee's classified annex includes a requirement for a review of several emerging technologies to determine what will provide the best long-term return on our investment.

The committee also encourages a symbiotic relationship between the intelligence community and the private sector using innovative approaches, such as the CIA's In-Q-Tel. In-Q-Tel is a venture capital fund, largely funded by the U.S. intelligence community, to stimulate new technologies through private sector entrepreneurs. It shows great promise.

I should also mention that there is a fifth priority we have identified but to which we have not yet given the specific emphasis in this year's legislation as we will in the next. This area is referred to as MASINT. It is the newest form of intelligence collection; that is, the collection of measurements and signatures intelligence.

MASINT encompasses a variety of technical and intelligence disciplines that are particularly important in countering the proliferation of weapons of mass destruction and their delivery system. While the committee recognizes the importance of this vital area of intelligence, we are awaiting the completion of a community-wide review of our MASINT capabilities which was required by the fiscal year 2000 intelligence authorization bill. This study will include recommendations for building a robust MASINT capability that will meet the challenges of the 21st century.

Admiral Wilson, the Director of the Defense Intelligence Agency, is leading this effort and has assured the committee this review will be completed and forwarded to the Congress in time to be considered as we prepare next year's authorization bill. We expect that rebuilding our MASINT capability will be a priority item in next year's legislation.

I am confident we have outlined a 5-year plan that will rebuild and reenergize our intelligence community so that it can meet the challenges before it. The events of September 11 have increased the complexity as well as the quantity of those challenges to our intelligence community. I urge my colleagues to support this legislation and help it move to the President's desk as expeditiously as possible so that the resources we are authorizing can get to the community which needs them.

I conclude by thanking some of those who have helped in the production of this important legislation. First, as I have indicated, much of this legislation is built on the foundation of the work that has been done over the past several years by our vice chairman, Senator RICHARD SHELBY. He has been a valued partner and a good friend as we have worked through this legislation, as well as some of the other challenges the committee has faced this year. The members of the committee have played an active and constructive role in the development of this legislation.

Our staff director, Al Cumming, our deputy director, Bob Filippone, and chief counsel, Vicki Divoll, have led the effort to put this bill together, as have our budget director, Melvin Dubee, chief clerk, Kathleen McGhee, and security director, Jim Wolfe.

I might say, our security director has been especially challenged in the last few weeks as our offices are in the hot zone of the Hart Building, and we have been evacuated for the past 3 weeks while still maintaining security over a large volume of very sensitive documents.

I also thank Senator SHELBY's staff director, Bill Duhnke, for his work and assistance in putting this legislation together. This committee has had a long history of bipartisanship. We do not have a Democratic staff or Republican staff; we have "a staff," and they work together effectively to serve the Senate and the American people.

We have faced some unique challenges this year. The shift of control in the Senate was handled professionally and smoothly by our members as well as our staff. I again thank Senator SHELBY for his great contribution to that effort.

The comprehensive review of the defense and intelligence budgets caused us to receive the administration's budget request later than normal. This required our staff to work through the August recess and over the Labor Day weekend to prepare for our September 6 markup.

The anthrax contamination in the Hart Building has forced us out of our offices for an extended period of time. Again, our staff has met the challenge and continues to fulfill its obligations under these challenging circumstances.

I thank Mike DeSilvestro and his staff in the Office of Senate Security who have handed over some of their space and have shared their offices with our committee.

I also thank Congressman PORTER GOSS, the chairman of our House counterpart committee, and his staff who have been equally accommodating.

I am deeply indebted to all of these individuals and to our entire committee staff for their dedication, professionalism, and commitment to public service.

I commend to our colleagues in the Senate the legislation which is the Intelligence Authorization Act for this fiscal year and urge its adoption.

The PRESIDING OFFICER (Mr. CORZINE). The Senator from Alabama.

Mr. SHELBY. Mr. President, the world is a very different place than it was the last time Congress passed an intelligence authorization bill. As we all know, we are now at war, but we are not only at war, we are in a particular kind of war: A war against global terrorism in which the lives of thousands of innocent Americans have already been lost.

This war has turned some of the conventional wisdom on its head. In past wars, intelligence agencies served to support the warfighter. In this war, however, the intelligence agencies are on the front lines all over the world.

Good intelligence has always been critical in wartime, but the war we fight today is an intelligence-driven one to a degree we have never seen before. This war has no front lines and the field of combat is global.

Wherever terrorists and their supporters can be found, that is the battlefield. Never before have we demanded or have we needed so much from our intelligence services. I have been privileged to serve as the chairman, and now the vice chairman, of the Senate Intelligence Committee. I treasure my relationship with the chairman, Senator GRAHAM. He has brought great, steady leadership to the committee. He is a veteran of the committee. He has been there a long time, we have worked together on a lot of initiatives, and we are going to continue to do that.

Some of what I have learned about our intelligence community over the last 7 years that I have been on the committee is very encouraging. It has many truly outstanding people doing very good work. Today it is working, actually right now, to respond vigorously to the unprecedented demands this war places upon it. But our intelligence community has changed far less rapidly than the world around it. In too many important ways, it remains structured as it was during the cold war.

The U.S. intelligence services were crucial to our victory in the cold war, but times have changed and they keep changing.

Our intelligence system still remains wedded to the institutional fiefdoms and information stovepipes of the past. Our intelligence community is still too little of a community and too much of a freewheeling federation that lacks effective, centralized control and management.

We have a nominal Director of Central Intelligence who has and apparently is resigned to having little authority over the community he is supposed to head. Although the press of events since the September 11 events

have prompted our agencies to communicate and to cooperate with each other much better, we still have a very long way to go before U.S. intelligence can effectively meet this new challenge.

Helping our intelligence community overcome these problems will be a challenge for this Congress and the President in the months and years ahead. This bill before us today embodies the Senate's continued support for the intelligence community, authorizing its appropriations for the next fiscal year. It also represents a small first step in what will be our role in driving significant reforms in U.S. intelligence, by helping set the stage for improved oversight.

This bill, for example, increases Congress's ability to evaluate allegations of wrongdoing within the Central Intelligence Agency by requiring the CIA Inspector General to notify the Director of credible complaints against the agency.

Building upon the report our committee recently produced on CIA activities in interdicting illegal drug flights in Peru, the bill before us also requires special reporting and certifications by the President for such interdiction operations.

Additionally, the bill requires that national counterintelligence strategies and threat reports be approved by the President before being submitted to the Congress.

This bill is not a bill to revolutionize the intelligence community. That effort will take time, but I believe it is now inevitable. This is a bill to keep the intelligence community on an even keel while it tries to respond to the challenges it faces today, and while we work to help it change in the right ways.

I have long been a strong supporter of U.S. intelligence, and I am pleased that we in the Senate continue to support it with special vigor in this time of crisis. We have more to do, however, and Congress will continue its tradition of assertive oversight. It must. Today, more than ever, we need an intelligence community that is able to overcome the tyranny of its conceptual and institutional stovepipes. We need one that does not merely respond to our present emergency by doing more of the same, just with more money and more people. That will not be enough. A bigger and better funded status quo is not good enough. The status quo has not and will not serve us well in a world of increasing and more diverse threats.

I believe we need management that is able and willing to fight for the intelligence community within the administration and to reach out to unconventional thinkers. The time for "steady as you go" is over, and we need leaders who are not afraid to take on the ossified bureaucracies.

I believe Chairman GRAHAM and I agree that change must come, and it will. Again, I commend Chairman GRAHAM for his efforts in getting this bill to the Senate today and managing it in a professional way. Senator GRAHAM's steady leadership of our committee has been instrumental during a turbulent period on Capitol Hill and throughout the Nation. I thank him again for his efforts and look forward to continuing our close working relationship.

At the end of the debate on this bill, I urge my colleagues to support it. It will permit our intelligence community to continue its current operations while we work to lay the foundations for a more capable intelligence community that can meet the challenges ahead.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

I have not had the opportunity while in the Senate to serve on the Intelligence Committee. It is a tremendous honor to serve on that committee. The things worked on in that committee are extremely important to our country. They always have been, but even more so the last 2 months. I have great admiration and respect for the bipartisan manner in which the Senator from Florida and the Senator from Alabama have handled this committee, especially during these most difficult times.

I read in this morning's paper there are efforts being made to do some consolidation within the intelligence-gathering community in our country. As someone not on the inside of what goes on in the intelligence community, from the outside it looked like a pretty good idea. I think one thing that should be done, and I have spoken both to the chairman and the ranking member of the committee, is this country needs to recognize terrorism is here for awhile. We as a country need to recognize there are certain things we need to do to better prepare to handle what these evil people are doing. As a first step, we need to consolidate the training of our Nation's first responders as well. I believe the Nevada Test is the best place to do that.

I have spoken, as I said, to the two managers of this bill about this idea. I have also spoken to Governor Ridge, the terrorism czar, about this idea. I have spoken to the CIA Director.

This Nevada Test Site has played an important part in helping our nation win the cold war. As you know, I was born and raised in Nevada. As a little boy, I can remember getting up in my town of Searchlight because we knew

an atomic blast was going to go off. We could see this bright orange thing in the sky, and then we could feel the force of that blast. We could not always feel it because sometimes it would bounce over us, but generally we could. Those nuclear devices were set off in the desert north of Las Vegas at the Nevada Test Site.

The Nevada Test Site area is larger than the State of Rhode Island. This area has mountains, valleys, dry lakes. It already has a facility for testing chemicals. It has been there for a number of years. It has worked extremely well. You have large dormitories and restaurants handle the first responders who will come to train there.

The facility also has a network of tunnels through the mountains. They were developed originally to set off nuclear devices and they can now be used as a place where training could be done. Now they can be used to simulate hardened underground bunkers like we saw in Iraq.

We need a top gun school for training first responders. There is a tremendous facility in Alabama at Fort McClellan, but it is limited as to what it can handle. We need a facility that can handle all the training necessary for first responders. The Nevada Test Site can do that. Already, first responders and special operations training is occurring there. The energy and water bill we just completed includes \$10 million to help expand existing capabilities into a national antiterrorism center. There is also money in the Commerce-State-Justice bill for this.

A National Center for Combating Terrorism will offer all the people and organizations combating terrorism and the local first responders to the larger Federal resources a place to come together and train for the wars taking place today and in the future. It has it all: Caves, tunnels, mountains, valleys. It is very cold in the winter, very hot in the summer. The Nevada Test Site, without question, helped us win the cold war.

I hope we will look at the Nevada Test Site. I have a parochial interest, no question. It is quite obvious. But I haven't heard anyone tell me why this idea is wrong. I think it needs to be done. It is a facility that has tremendous potential.

The Nevada Test Site served our nation and helped it win the cold war. It can now help us fight the new wars we face today and will face tomorrow.

I appreciate the consideration the two managers of this bill have given me in my conversations with them. I certainly stand ready, as do the contractor and the Department of Energy, to make the facility available for those purposes.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. I appreciate the remarks our colleague from Nevada, Senator REID, has made regarding the contribution the Nevada Test Site has made to our development of weapons that were so critical to our success in the cold war and its potential for serving a role in the new war against terrorism. I appreciate the Senator's interest in increasing our capabilities to wage and win this war. I assure him our committee will give full attention to this opportunity. I very much appreciate the Senator having brought this to our attention.

As the Senator from Nevada mentioned at the beginning of his remarks, this will be a period of some fundamental questions about the future of the intelligence community and how it can be best organized to deal with the new world in which we will be living, as opposed to the world in which it has spent most of its life to date, which was the world of a single enemy that we knew a lot about and that we had considerable experience in attempting to understand and respond to.

Mr. REID. Will the Senator yield?

Mr. GRAHAM. I yield.

Mr. REID. The chairman of this committee, the Senator from Florida, has been Governor of one of the biggest States in the United States. The State of Florida is not only large area-wise but has the fourth or fifth largest number of people in America. That gives me confidence that the Senator, who has had to administer an extremely large government, understands what is happening with our intelligence capability. Forty different entities are gathering intelligence information.

I have significant confidence in the Senator from Florida being chair. Because of the Senator's administrative experience, he is a great legislator, although being a great legislator does not always mean being a good administrator. It is extremely important for me to hear his thoughts based on experiences as the Governor of the State of Florida, and learning how to consolidate our intelligence information. I appreciate the Senator being willing to take the chairmanship of this most important committee. When the Senator took the chairmanship, he had no idea, as any of us, we would be in this war at this time. I look forward to improvements being made basically because of our special abilities.

Mr. GRAHAM. I appreciate those kind remarks. We do have a major challenge to see that the architecture of our intelligence agencies encourages innovative thinking, that the Senator's idea which he brings forward today will stimulate.

I, too, was impressed with the article that appeared in today's Washington Post about the recommendations being made to the President by a man for whom I have great respect, Gen. Brent Scowcroft, which, as reported, will call

for a closer collaboration among the intelligence agencies. That is something that has long been recommended but difficult to achieve because we are asking agencies that have a piece of current intelligence jurisdiction to release their hold.

However, if we are to do things as suggested by the Senator from Nevada, new ways of thinking, of training for a new and continuous war—not only a war being fought over there but a war that is being fought right here on the homeland of the United States—we are going to need to have new organizational relationships. Eventually it will be the responsibility of the Congress, since it was the Congress which created the old architecture, to be the principal architect if we are to rebuild our intelligence capabilities to deal with the new challenges we face.

I look forward to working with Senator REID, Senator SHELBY, and our colleagues in doing that in the most effective way and to be willing to put aside old ideas—not because old necessarily means they are bad ideas but be willing to challenge those ideas with new thinking to prepare to deal with new challenges.

Mr. NELSON of Florida. Mr. President, will the Senator yield?

Mr. GRAHAM. I yield.

Mr. NELSON of Florida. Mr. President, I want to echo the assistant majority leader's comments about the right man who rises to the top for the times.

Just to give an example in addition to the one the Senator from Nevada has already given about our former Governor having that unique experience because of his experience in State government, he understands now, uniquely, the vulnerability of the 300 deep-water ports that we have in this Nation because Florida itself has 14 deep-water ports.

We have passed out of our Commerce Committee a port security bill. It is coming to the floor, hopefully, very soon. Senator GRAHAM and I and Senator HOLLINGS will be offering an amendment to significantly increase the Federal grants for security and loan guarantees to the tune of some several hundreds of millions of dollars of grants, and to the tune, over a 5-year period, of some \$3.3 billion in loan guarantees. To do what? To try to make those ports more secure through badging, through sophisticated detection devices, through fencing, through guards, through gates, in addition to what the Coast Guard is already doing.

It is just another example of the leadership offered by the former Governor of Florida, now our senior Senator from Florida, and the chairman of the Intelligence Committee.

I wanted to add that one comment to the comments of the Senator from Nevada about the right man for the time. I would only say: Accolades to his

ranking Republican on the committee as well, Senator SHELBY, who has been a dear personal friend of mine since we came to Congress together in 1978. I am confident in the leadership of our Intelligence Committee.

I yield the floor.

Mr. GRAHAM. Mr. President, obviously I am very touched by those kind remarks by my friend, colleague, and fellow Floridian, Senator NELSON.

To speak to the broader point he made, using the example of seaport security, one of the things we as a nation cannot allow ourselves to lapse into is a practice of waiting until one of our infinite number of vulnerabilities has actually been attacked before we start the process of attempting to make it more secure. We have been attacked in the last 2 months basically in two areas: The conversion of commercial aircraft into weapons of mass destruction, and the use of the Postal Service to distribute anthrax. We don't know yet what the origin of that second attack was. We are now responding.

We have passed massive economic assistance to the airline industry. We have now in conference legislation passed by both Houses in the area of airline and airport security. We will soon have a major bioterrorism bill before us, largely in response to the anthrax issue. Our Postal Service is now moving at the fastest possible pace to install technologies to check our mail to see that it is safe.

While we are doing that, and that is certainly appropriate, we cannot forget all these other vulnerabilities. If you had asked me 5 years ago what I thought was the more likely to be the target of a terrorist, a commercial airline or a container delivered at an American seaport, I would have said the container. Why would I have said that? Because the security standards in our seaports are substantially less rigorous than at airports and airlines, even before September 11.

Just a few statistics. We have 361 seaports, as Senator NELSON has outlined. Into those 361 seaports today and every day are delivered an average of 16,000 containers from noncontiguous nations; that is, not from Mexico or Canada but from the rest of the noncontiguous world. Of those 16,000, less than 3 percent are subject to close inspection. If a terrorist wanted to use one of those containers as a weapon of mass destruction, as 757s were used as weapons of mass destruction on September 11, frankly his chances of detection would be minimal.

I have gotten some criticism making that same statement, suggesting that I am disclosing some confidential information of which the terrorists might rush to take advantage. I am certain the terrorists are well aware of those statistics because they have been widely reported.

Mr. President, I ask unanimous consent to have printed in the RECORD an

article which appeared in yesterday's New York Times, based on their analysis of one relatively moderate-size port in America, the one at Portland, ME, and its vulnerabilities.

There being no objection, the article ordered to be printed in the RECORD, as follows:

[From The New York Times, Nov. 7, 2001]

THE SEAPORTS—ON THE DOCK, HOLES IN THE SECURITY NET ARE GAPING

(By Peter T. Kilborn)

PORTLAND, ME., Nov. 3.—The big cargo ships and ships with truck-size containers pull up to docks where no one inspects their contents. Brown tankers from the Middle East steam into the bay, slide under a drawbridge that bisects the Fore River and tie up by terminals, tanks and a pipeline that carries the oil that heats Montreal.

In warmer weather, cruise ships like the QE2 and the Royal Empress with up to 3,000 tourists park at piers on busy Commercial Street, right next to Portland's lively downtown.

For Portland's officials, the scene, at least before Sept. 11, was a point of pride, the sign of a strong economy and a proud maritime heritage. Now it evokes fear and uncertainty. The unscrutinized containers, the bridge, the oil tanks, the dormant but still-radioactive nuclear power plant 20 miles north of the harbor—all form a volatile mix in a time of terrorism.

The usual barrier is chain-link fence. "It keeps out the honest people," said Paul D. Merrill, owner of a cargo terminal. "That's what it comes down to." The Port of Portland, Police Chief Michael Chitwood said, "is a tinderbox."

Remote as it seems on the northeastern ear of the nation, Portland is not particularly exceptional among the nation's 361 seaports. The ports of New York and New Jersey, Miami, Long Beach, Calif., and Los Angeles are much bigger and busier. Yet like most ports, the one here is near a population center and it is packed with bridges, power plants, and combustible and hazardous materials.

All that makes ports among the country's greatest points of vulnerability.

Even so, no national plan exists to thwart attacks against them, to respond if one happens or to organize a community afterward. No federal agency regulates seaports the way the Federal Aviation Administration manages airports. They are managed locally, often by the private businesses that use them. All are overseen by a patchwork of agencies, already stretched thin, some monitoring hundreds of ships a day.

Compared with the attention being given to airline security, security at the ports has gone largely unnoticed, even though they handle 95 percent of the cargo that enters from places other than Canada and Mexico. A bill to tighten port security has passed a Senate committee. The full Senate could vote on the bill within two weeks, but the debate has yet to begin in the House of Representatives.

"People in Congress don't have any idea it's a problem," said Senator Ernest F. Hollings, Democrat of South Carolina, who is chairman of the Commerce Committee and co-sponsor of the bill with Senator Bob Graham, Democrat of Florida. "I've got folks who don't have ports in their states. It's hard to get it in front of their heads."

Port officials are aware of various threats, like using a tanker or fuel-loaded cruise

liner as a bomb, secreting weapons and explosives in containers, hijacking a ship and ramming it into a nuclear plant on the shores of a river or infesting a cargo of grain or seeds with a biological weapon.

Given the potential dangers, the security measures in place are far from adequate.

"We're looking for needles in a haystack," said Dean Boyd, a spokesman for the United States Customs Service. "And the haystack has doubled." International trade has doubled since 1995 while the number of people to handle inspections has remained roughly constant, he said.

The Coast Guard patrols coasts and harbors but little of the land or the cargo. It checks out ships coming in from the open sea but has no way of thoroughly searching everything that comes by.

The Customs Service says it can inspect only 2 percent of the 600,000 cargo containers that enter seaports each a day on more than 500 ships. Of the 2 percent, many are not inspected until they reach their final destination, sometimes on the opposite coast, where they travel unguarded by rail, barge and truck.

Last year, a government commission on crime and security at seaports found similar weaknesses. The commission surveyed 12 major ports including those of New York and New Jersey, Miami, Los Angeles, New Orleans and Charleston.

While withholding their identities for security reasons, the report found that only three of the ports tightly controlled access from the land and that access from the water was completely unprotected at nine of them.

The report also emphasized the hazards posed by materials unloaded from ships. "The influx of goods through U.S. ports provides a venue for the introduction of a host of transnational threats into the nation's infrastructures," the report said.

A tangled chain of authority further compromised security, the commission said, a point echoed by the authorities in Portland. "No one's in charge," said Jeffrey W. Monroe, director of transportation for the city. "There's no central guidance."

And ports have a strong economic incentive to limit control. With the taxes that cruise ships, tankers and other businesses pay, ports are the lifeblood of their communities. Port authorities' principal constituencies are private industry and economic development offices, whose mission is growth, not security. "They win if they move more cargo," Senator Hollings said.

In Portland, the seaport has been a boon, generating millions of dollars a year in revenues. Mr. Monroe said that in the past year the bulk cargo business grew 10 percent, passenger traffic and oil imports both rose by 20 percent. But the stalling economy and now the cost of heightened security have wiped out nearly all that the seaport and airport contribute to the city budget.

In Congress, the Hollings-Graham legislation would help cities meet some of the cost of securing their ports. It would give the Coast Guard regulatory control over ports, require background checks of waterfront workers and provide for 1,500 new Customs agents.

Before the September attacks, the seaport industry's principal lobby, the American Association of Port Authorities, fought the legislation, arguing that it would impose one-size-fits-all security systems for all seaports.

Though the group now supports many provisions of the bill, it still has questions over the matter of who controls security. Meanwhile, ports have taken their own steps to

improve security. In Florida, Gov. Jeb Bush announced he would deploy the National Guard to oversee four of the state's busiest ports. In California, Gov. Gray Davis tightened security around bridges.

In Portland, officials and businesses have taken similar steps. Minutes before the drawbridge opens for a tanker, police officers arrive to monitor both sides of the bridge. Fences are being repaired and installed.

At the city's International Marine Terminal, where from May to October the Scotia Prince carries 170,000 passengers on 11-hour cruises between Portland and Yarmouth, Nova Scotia, visitors used to roam freely around the pier. Now only passengers are allowed there, and then only after they and their baggage are cleared by metal detectors and bomb dogs. The pilings below the pier are now illuminated at night.

For its part, the Coast Guard now focuses primarily on harbor security. It requires vessels weighing more than 300 tons to notify the port 96 hours before arrival. The big ships also must fax crew lists, said Lt. Cmdr. Wyman W. Briggs, executive officer of the guard's facilities in Portland. The crews of fishing boats must carry picture ID's.

For all this, much tighter seaport security may prove impossible. Seaports cannot be secured like airport, said Brian Nutter, administrator for the Maine Port Authority in Augusta. "You can't fence off the whole state of Maine," Mr. Nutter said.

Mr. GRAHAM. I think what we need to do is, yes, we need to pass the Seaport Protection Act and others. But our mentality needs to be one of anticipation and prevention, not one of waiting to be hit and then respond. The adoption of the Seaport Protection Act would be an example that we have not lapsed into a defensive mode but that we are on the offensive; that we are preparing to protect the American people before they are subject to attack.

Mr. NELSON of Florida. If the Senator will yield, I only underscore the importance of his comments about the vulnerability of our deep-water seaports which are so often co-located with military facilities. As we look at the Port of Jacksonville, there are major military facilities; Pensacola, the same; Port Canaveral, right adjacent to the Cape Canaveral Air Force Test Station as well as the Trident submarine turning base.

As Senator GRAHAM has pointed out, we have a real risk. How do we go about determining what is in the container that might have started at Singapore, comes to the Port of Lisbon, is transferred around onto a different ship, and ultimately comes into one of our American ports?

On the reverse we have had quite a bit of success. Indeed, through a machine called a gamma ray machine which was set up initially to try to stop the smuggling and stealing—smuggling of stolen automobiles—the gamma ray machine takes an x-ray picture of the container without the harmful side effects of radiation from x-rays. You can see exactly what is in the container as the truck pulls up between two poles. The picture is there. The guard can check that against the

manifest of what is supposed to be in the truck.

Lo and behold, on the east coast of Florida there are some four or five gamma ray machines now set up, and it has virtually stopped all of the smuggling of stolen automobiles going out of those ports.

If we can do that on the outbound cargo, clearly we have to figure out something for the inbound cargo because the vulnerability is there.

I appreciate so much the leadership of my senior Senator from Florida. It is a privilege for me to join with him and Senator HOLLINGS to try to enhance this legislation as it comes to the floor.

Mr. GRAHAM. Mr. President, if I could just conclude with, again, my appreciation for the very generous remarks of my friend and colleague, and also to relate what he has just said to the subject that is before us, which is the intelligence authorization bill.

The PRESIDING OFFICER (Mr. NELSON of Florida). The Senator from Florida.

Mr. GRAHAM. The fact is, even with the sophisticated technology that our now-Presiding Officer just described, there is still a tremendous burden on intelligence.

I visited some time ago in the course of my interest in seaport security what is the largest port in the world at Rotterdam, which uses a very advanced level of technology. But they can only inspect a relatively small percentage of all the containers that come into that port. So they must depend upon intelligence information to allow them to identify which of those thousands of containers that are arriving every day at Rotterdam are the ones that are the most suspicious and, therefore, need to have this advanced technology applied.

While part of the Sea Port Security Act is going to give, hopefully as quickly as possible, to all of our ports significantly better technology, we are still going to be relying on intelligence to focus on which of those containers to which that technology would need to be applied. The legislation before us is a significant step in increasing our capability to provide that intelligence to seaports as well as to thousands of other American vulnerabilities.

Mr. ROCKEFELLER. Mr. President, I rise to support S. 1428, which is the intelligence authorization bill, and to congratulate particularly Senator BOB GRAHAM from the State of Florida for his excellent leadership on this whole matter.

We all know the work of the Intelligence Committee and the work of the intelligence community, more particularly, is incredibly important at all times and, obviously, after September 11, it has become a matter of national survival in many respects. So this is an extremely important bill and a very good one.

We rely on the people in the intelligence community in every way. We often do not think about it, although we have thought about it more in the last couple of months. They support the U.S. military actions in Afghanistan; they work with other countries to track down and arrest terrorists and disrupt all kinds of attacks which we may not hear about because they did not occur; they assist law enforcement agencies with the anthrax investigation; they follow the finances of terrorist organizations allowing the Department of the Treasury to freeze assets with accurate and proper information, and they are leading the hunt for the leaders of al-Qaida.

The intelligence community has surged its efforts to support this war, but it is also now obviously been called on for enormous amounts of new resources just to meet the day-to-day requirements they had before September 11.

We continue to collect and analyze counterproliferation, counternarcotics and international organized crime. We collect intelligence regarding our traditional state adversaries, such as North Korea and Cuba, and we keep a very close eye on hot spots around the world, obviously including places such as the Middle East.

There are four priorities in the bill. They should remain our priorities. The first is we revitalize the National Security Agency. That was done.

We correct deficiencies in human intelligence. That is being addressed.

We address the imbalance between collection and analysis. We have talked about that for a long time.

We provide sufficient funding for research and development. All of those are addressed.

As I indicated, we need the resources not just now, but there will be probably more needs in the future. That is being done through the supplemental appropriations process, as it should be, but I just put our colleagues on notice this is going to be a continuing situation.

This is my first year on the Intelligence Committee. I have to say I am extraordinarily impressed by the diligence of the committee, by the people who are on it, including the Presiding Officer, and the vigor and emphasis which they bring to their work. It is a committee that not a lot of people know a great deal about, but it does very important work.

I urge my colleagues to support this bill. I thank the Presiding Officer, and I yield the floor.

Mrs. FEINSTEIN. Mr. President, I rise in strong support of Senator GRAHAM's bill authorizing appropriations for intelligence for fiscal year 2002.

The Senate Select Committee on Intelligence, on which I serve, and which Senator GRAHAM chairs, is a unique ex-

pression of the vital role the United States plays in the critical field of national security. Much of our proceedings are, by necessity, secret, and our committee's business is often conducted behind closed doors. That said, I am proud of the fact that in this country the activities of the intelligence services, so important to national security, but potentially so dangerous to our precious civil liberties, are authorized by the people's representatives in Congress.

The bill before us today is the result of that process. Under the able leadership of Chairman GRAHAM and Vice Chairman SHELBY, the Intelligence Committee has delved deeply into the activities of our intelligence agencies, reviewing their operational efforts, their resource needs, and the legal and regulatory structure within which they operate. This bill was crafted in the light of that inquiry, and I believe represents a well-conceived and workable plan to support the critical intelligence needs of our country.

Many have said that, after the tragic events of September 11, "everything changed." That is not completely true, for an effective and well-supervised intelligence structure was essential to our national security before September 11, and remains so after the attacks. What did change, however, is the sense of urgency, and the general understanding of the importance of intelligence, particularly in the area of terrorism. This bill addresses those needs, and I am certain will provide a framework which will allow the intelligence community to work towards protecting our Nation from those who would do it harm, whether rogue nations or sub-national terrorist groups.

The bill addresses some of the difficult issues that confronted the committee during the past year with balance and firmness.

It contains language that addresses the specific, and systemic, shortcomings which led to the tragedy last spring when a civilian airplane was accidentally shot down in the course of a CIA-sponsored counterdrug operation. It accomplishes this by requiring the President to certify that appropriate safety procedures are in place, adhered to, and that the program, should it continue, is necessary to our national security.

The bill contains language directing the Department of Justice to perform a thorough review of current law concerning the unauthorized disclosure of classified information. This will allow the administration to carefully address the pernicious problem of recurring unauthorized disclosures in a measured and thoughtful manner. Should it be necessary for the Congress to revisit this issue, our efforts will be assisted by the results of the Department of Justice review.

The bill, and its classified annex, authorizes funding appropriate to the extensive, and often expensive, responsibilities we have asked the intelligence community to carry out. There has been much said publicly about the size and scope of our intelligence budget, and there remains reasonable arguments on both sides as to whether the intelligence budget should remain classified. However, I want to take this opportunity to assure my colleagues, and all Americans, that the intelligence budget is not created in a shadowy vacuum, but in a process that allows the legislative branch meaningful insight into, and final authority on, the intelligence budget.

Finally, I look forward to working with my colleagues on the committee in performing the necessary follow-on to passage of this bill—the vigorous oversight of the operational and analytic efforts that will carry out the authorized direction contained in this bill.

The PRESIDING OFFICER. Without objection, the two reported committee amendments are agreed to.

The Senator from New Hampshire.

AMENDMENT NO. 2114

Mr. SMITH of New Hampshire. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Hampshire [Mr. SMITH] proposes an amendment numbered 2114.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for new procedures for the removal of alien terrorists and the protection of United States citizens from international terrorism)

At the appropriate place in the bill, insert the following:

SEC. ____ . ALIEN TERRORIST REMOVAL ACT OF 2001

(a) **SHORT TITLE.**—This section may be cited as the “Alien Terrorist Removal Act of 2001”.

(b) **FINDINGS.**—Congress makes the following findings:

(1) In 1993, international terrorists targeted and bombed the World Trade Center in New York City.

(2) In 1996, Congress enacted the Antiterrorism and Effective Death Penalty Act, which established the Alien Terrorist Removal Court for the purpose of removing alien terrorists from the United States based on classified information.

(3) On May 28, 1997, the Court adopted “Rules for the Alien Terrorist Removal Court of the United States” which was later amended on January 4, 1999.

(4) The Court is comprised of 5 United States District Judges who are designated by the Chief Justice of the United States to hear cases in which the United States seeks the removal of alien terrorists.

(5) On September 11, 2001, terrorists hijacked 4 civilian aircraft, crashing 2 of the aircraft into the towers of the World Trade Center in the New York City, and a third into the Pentagon outside Washington, D.C.

(6) Thousands of innocent Americans and citizens of other countries were killed or injured as a result of these attacks, including the passengers and crew of the 4 aircraft, workers in the World Trade center and in the Pentagon, rescue worker, and bystanders.

(7) These attacks destroyed both towers of the World Trade Center, as well as adjacent buildings, and seriously damaged the Pentagon.

(8) These attacks were by far the deadliest terrorist attacks ever launched against the United States and, by targeting symbols of America, clearly were intended to intimidate our Nation and weaken its resolve.

(9) As of September 11, 2001, the United States had not brought any cases before the Alien Terrorist Removal Court.

(10) The Court has never been used because the United States is required to submit for judicial approval an unclassified summary of the classified evidence against the alien. If too general, this summary will be disapproved by the Judge. If too specific, this summary will compromise the underlying classified information.

(11) The notice provisions of the Alien Terrorist Removal Court should be modified to remove the barrier to the Justice Department's effective use of the Court.

(c) **ALIEN TERRORIST REMOVAL HEARING.**—Section 504(e)(3) of the Immigration and Nationality Act (8 U.S.C. 1534(e)(3)) is amended—

(1) by striking “(A) USE.—”.

(2) by striking “other than through reference to the summary provided pursuant to this paragraph”; and

(3) by striking subparagraphs (B) through (F).

(d) **REPORTS TO CONGRESS.**—Beginning 6 months after the date of enactment of this Act, and every 6 months thereafter, the Attorney General shall submit a report to Congress on the utilization of the Alien Terrorist Removal Court for the purposes of removing alien terrorists from the United States through the use of classified information.

Mr. SMITH of New Hampshire. Mr. President, this amendment really has two very simple provisions. There exists now what is called an Alien Terrorist Removal Court which was set up to remove alien terrorists from our country. The problem is no one is using the court. The reason for that is we are required under the law to submit to the terrorists a summary of the intelligence we gathered on him and how we got it. Obviously, if the terrorist gets that information, then the people who provided that information are going to be killed or their lives will be at risk.

My amendment provides that an independent Federal judge would take a look at the information and decide that it could not be shared but that the person should be deported.

That is the first provision of my amendment.

The second one provides that every 6 months we get a report back from Justice on how the terrorist court is working, how often the court is being used, and so forth.

That is really all there is.

I want everyone to understand that the amendment is quite simple. We are trying to work out an agreement on both sides. So far, that has not occurred. In view of the fact that we still have not done that, I am going to ask for the yeas and nays on my amendment at this time.

The PRESIDING OFFICER. Is there a sufficient second?

At the moment, there is not a significant second.

Mr. SMITH of New Hampshire. Mr. President, in the way of introduction, I applaud the efforts of our intelligence community to fight this war against terrorism. Under very difficult circumstances, they are doing an outstanding job. They have a tough assignment, not knowing from one day to the next where a terrorist may strike. We know there is a network of terrorists right now in America. There are a lot of brave people in the intelligence community who are working night and day to make sure the events of September 11 are never repeated. Of course, we can't make those guarantees. The best way to have a situation where we can see that it doesn't happen again is to provide the support the intelligence community needs to fight this war against terrorism.

My amendment under the intelligence authorization bill is a tremendous tool in that fight against terrorism and to see to it that aliens are deported—not U.S. citizens, but aliens who are in this country participating, if you can believe it, in these networks of terrorism. All we are asking for is that they be deported—sent back home.

That is what the amendment does. It will remove provisions from the Alien Terrorist Removal Court that render the court ineffective and useless.

Let me repeat again that today under the Alien Terrorist Removal Court, if we gather information that an alien terrorist may be committing a crime, or is prepared to commit a crime, or is getting ready to do some terrorist act against the United States, that individual must have the intelligence summary presented to him, which could and many times does compromise the sources and methods of gathering intelligence.

My amendment would say that a judge would look at that summary, and that judge would say, yes, this would compromise their sources and methods. So we will deport the alien—not a U.S. citizen—based on the recommendation of the judge.

The second provision is that we get a report every 6 months on how often this court is being used. That will allow us to track the effectiveness of how this court is working. Right now it is not working at all. We have a court, and no one is using it because the intelligence community simply will not

compromise their people, nor should they, nor their sources and methods.

In 1994, to provide a little history, I sponsored legislation to create this court. The legislation established specific procedures for the removal of alien terrorists without disclosing sensitive intelligence data and also protected those sources and methods. I didn't get anywhere with it in 1994. In 1996, I succeeded in getting a version of this legislation added to the Antiterrorism Act. That bill became law. The court was established.

The intent was to set up a Federal court that specialized in the identification and expulsion of aliens who are terrorists from the territories of the United States. But my idea never became reality. We created the court, and nobody used the court because of this business about the summary having to be provided under the law. We need to go to the next level beyond the court. We created the court. Now let's allow the court to work and allow the intelligence community to do what it has to do to get these people deported.

The Alien Terrorist Removal Court is staffed with judges and is empowered to prosecute alien terrorists. As you well know, since that 1996 law was passed there have been zero prosecutions.

It is hard to believe, especially today, that this mechanism to fight terrorism has yet to be utilized by the Federal Government to prosecute even one alien terrorist. That is the part that frustrates me. It is not a comment against the intelligence community. They are put in the position. They come in, and they say, we have this information that this person or that person is going to do something. They are damned if they do and damned if they don't because if they provide the information, they compromise their own sources and methods. If they don't provide it, we can't deport them. So they stay.

I believe there are some aliens we have been able to deport. Perhaps—who knows. We will never know—some of the ones who committed that heinous act on September 11.

But there are legitimate reasons the court has not prosecuted any cases. Some of the reasons are from weakening amendments that were made prior to the bill becoming law, which also was disturbing. But I don't want to go back and criticize. Hindsight is cheap, and armchair-Monday-morning quarterbacking is not what I want to do. I don't want to go back and complain to any Senator or to any Congressman about weakening legislation. But we are in a different world now. The world has changed. September 11 changed us forever. We need to respond to that change and be willing to take a new look, a fresh look at this.

I am not casting stones at anybody. If we could all predict the future, we

would probably all be doing something other than what we are doing. So I want to make it very clear, this is not about criticizing anybody's position in the past or criticizing the intelligence community at all.

But the most glaring shortfall of the court is that too many procedural protections are given to the accused alien at the expense of the rest of us. These are not U.S. citizens. I make that clear.

I have been informed that the notice requirements and other procedural obstacles that force the Federal Government to disclose classified information just basically renders the court useless. The court can be a very effective tool in our antiterrorism program, including everything we have been talking about, not only in this bill but in the other legislation that we just passed in the antiterrorism bill. We can make it so much more effective with this kind of support.

Case in point: I wrote a letter to Attorney General Ashcroft on September 17, which, of course, was right after the terrorist attacks, and informed him of this whole issue of the Alien Terrorist Removal Court and what was needed.

Mr. President, I ask unanimous consent that letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,

Washington, DC, September 17, 2001.

Hon. JOHN ASHCROFT,
Attorney General,
Washington, D.C. 20530.

DEAR JOHN: Please accept my heartfelt appreciation for the hard work that you and the rest of the Department are doing to hunt down the terrorists who have attacked our great nation. It is a sincere comfort to me, as I know it is for other Americans, to know that we have such a capable team in place to lead us through this trying time. My prayers are with you.

In 1994, I sponsored legislation to create an Alien Terrorist Removal Court. This legislation established specific procedures for the removal of alien terrorists without disclosing sensitive intelligence data to the terrorist and his organization. In 1996, I succeeded in getting a version of this legislation added to the Antiterrorism and Effective Death Penalty Act (8 U.S.C. 1531-1537). That bill became law and the court was established. My intent was to set up a Federal court to specialize in the identification and expulsion of alien terrorists from the territory of the United States. Unfortunately, my idea never became a reality.

The Alien Terrorist Removal Court is staffed with judges and is empowered to prosecute alien terrorists. As you well know, however, in the years since that 1996 law was passed, there have been zero prosecutions by the court. It is hard to believe, especially today, that this mechanism to fight terrorism has yet to be utilized by the Federal government to prosecute one alien terrorist.

There are legitimate reasons why this court has never prosecuted one case—many resulting from weakening amendments that were made prior to the bill becoming law. The most glaring shortfall of the court is

that too many rights are given to the accused alien terrorist. I have been informed that the notice requirements and other procedural obstacles that force the Federal government to disclose classified information render this court useless. I believe this Court can be an effective tool in our terrorism program, and I want to work with you to remedy any problems with the law, and begin using the Court to rid our nation of terrorists.

I would appreciate your suggestions for improvements that would make this court an effective instrument in the fight against terrorism. Again, John, thank you for all of your exemplary work on this issue and I look forward to working with you.

Sincerely,

BOB SMITH.

Mr. SMITH of New Hampshire. Subsequent to that letter, I had a conversation with the Attorney General. The Attorney General is supportive of this provision because it will help them to do their work.

Republican Leader LOTT and I had a colloquy in this Chamber during a recent debate on antiterrorism. We had a conversation in which he agreed with me and supported my provision.

Mr. President, I ask unanimous consent that colloquy be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Congressional Record, Oct. 11, 2001]

ALIEN TERRORIST REMOVAL COURT

Mr. SMITH of New Hampshire. Mr. President, it had been my intention to offer an amendment which would strengthen provisions in the bill to deal with known terrorist aliens. As Senator LOTT well remembers, we worked in 1996, created the Alien Terrorist Removal Court, to hear cases against aliens who were known terrorist and to allow the Justice Department to deport these aliens without divulging classified information to the terrorist organization.

Mr. LOTT. I know the Senator from New Hampshire has been working a long time on this issue. In fact, when he sponsored this legislation back in 1995, I was a cosponsor of his bill. He has been a leader on this issue, he passed his legislation, and the Court was created.

Mr. SMITH of New Hampshire. That is correct. As the leader knows, there are some changes that are needed to improve the law, which is what my amendment was going to be about.

Mr. LOTT. I understand, and I agree that the law needs to be strengthened.

Mr. SMITH of New Hampshire. Mr. President, I would say to my colleagues, all the tools we are giving to the Justice Department in this bill are irrelevant if we cannot deport these terrorist who are living in our country preparing to terrorize American citizens. Page 162 of the bill says the Attorney General shall place an alien in removal proceedings within 7 days of

catching him, or charge him with a criminal act, or else the bill says "the Attorney General shall release the alien." Mr. President, the problem is that most of these terrorists have not committed criminal acts until they are ready to attack. Therefore, in most of these cases, the only option is to deport them.

Mr. LOTT. It is my opinion, that if we can deport known terrorists, we should do it. We cannot let the Justice Department be barred because the evidence was too sensitive to use in Court.

Mr. SMITH of New Hampshire. That is exactly the problem. Under current law, the Justice Department would have to give a declassified summary of all the secret evidence used in the deportation proceedings to the terrorist. Now, why would we compromise our intelligence sources and methods by revealing sensitive intelligence information to a known terrorist? The intelligence community would never allow it, and with good reason. But as a result, the Justice Department has never once used the alien terrorist removal court to deport anyone.

Mr. LOTT. That is my understanding, and it is a serious problem. I am in complete agreement with the Senator.

Mr. SMITH of New Hampshire. Mr. President, I thank the Leader. As I said, it had been my intention to offer an amendment to resolve this problem by eliminating the requirement for the Attorney General to give this sensitive information to the alien terrorist before deporting him. However, upon discussions with the Attorney General, who indicated to me that he supports this provision, and after discussions with the Leader, I have decided in the interest of moving this legislation to withhold my amendment at this time, with the assurance of the Leader and the Administration that we will work to solve this problem in conference.

Mr. LOTT. Let me say to the Senator that he can count me as a cosponsor of this amendment. It is an excellent amendment, it is needed, and I commit to the Senator that I will do my best to see that it is added in conference. I would further say to the Senator that I have also talked about this issue with the Attorney General, and he indicated to me that the Administration supports your amendment and that he will also work to support it in conference when we get to that point. So, I appreciate his withholding at this time so we can get this bill to conference where we can work to get the Smith amendment added to greatly improve this bill.

Mr. SMITH of New Hampshire. I thank the Leader for his strong support, and I am pleased that the administration is also supportive. I know how many long hours the Attorney General is putting in on this issue, and how committed he is to winning this war on terrorism. I look forward to passing this important

provision which will be an invaluable tool for the Attorney General and the President in this war.

Mr. SMITH of New Hampshire. This court was created in 1996, as I said, as part of the Antiterrorism and Effective Death Penalty Act. Since 1996, the Justice Department has used the court, as I said before, not once—not even one time—to deport any alien terrorist or suspected alien terrorist. Again, the reason is because they have to compromise their sources and methods to do it. They do not want to do that and I don't blame them. Therefore, the alien stays here, and we have to wait until he commits a crime before we can then arrest him or deport him, whatever the courts chose to do.

So, again, this amendment that I am offering strikes the provision of existing law that allows an alien terrorist to get access to a summary of classified information.

It is interesting because you will hear some critics of my amendment say: A summary is OK. We can take a summary and we can modify it, and we can take out sources and methods. We can do all these necessary things to make this good.

I submit to you, in some cases summaries are acceptable. We get them all the time. I know that the Senator from Florida, the chairman of the Intelligence Committee, gets them. We see summaries. Sometimes you can take a summary and get enough information. Oftentimes, Senators look at summaries of intelligence. We do not see the raw intelligence and that is fine.

But in this case, it is not fine because, let's say, for example—and this is a totally fictitious example—there is a conversation taking place between four people, and one of those people is a U.S. intelligence agent, and the three others are in a terrorist network. If we reference any of that conversation, even in a summary, the others are going to know that one of the four is a U.S. agent. If they know that, then a bin Laden might wipe everybody out just to be sure we get the suspect here. So it does risk our intelligence personnel, and we cannot afford that.

So my intent is to prevent the so-called "sleeping cell" of alien terrorists from committing an act of terrorism. A "sleeping cell" means they are out there; they have not committed an act yet, but we know who they are. Why not deport them. These are not U.S. citizens. We are not taking away their rights. We are taking away their visas. They are guests in our country. They have visas.

Those terrorists who committed those crimes were guests in our country, if you can believe that. They were guests. So why can't we take their visas and send them back to some other place where, if they want to commit it wherever they came from, fine, but keep them out of here. That is

what we need to do. Let the other countries they came from take care of them and stop them, but don't let them come in here with their visas and do these kinds of horrible things. That is what I am trying to do, get at this sleeping cell, the network out there. Frankly, we are spying on them. Of course we are. And it is the right thing to do. But they are aliens. We do it with good reason—because we have specific information from our intelligence community.

The intelligence community gets this, and they cannot act on it because to act on it would compromise their own people and their methods of collection. To not act on it means they stay here. So that is where we are. That is why not one case has been brought to court since my legislation created it in 1996.

Who are these sleeping cells? We have seen a lot of them. These are guys that took flying lessons in Florida, who seemed to be reputable people, with families, just going about their business. They could be a student here on a visa. They could be here on a work visa. And they are very careful; they do not break any laws. They do not want to bring any attention to themselves. They do not get speeding tickets or rob banks or commit murders. They stay nice and cool and stay out of trouble. They are good. They keep their hands clean. Then they focus on the horrible act of terrorism, as we saw on September 11.

These are smart people. They know what they are doing. And we have smart people who know how to catch them. But we have to give the intelligence community the tools to do that.

So how does the Government prosecute an alien who is planning an act of terrorism—an alien who has committed no criminal act, nor has that alien violated his or her visa? How do we get them? Again, with the Alien Terrorist Removal Court. They have good Federal judges. Our court has one judge. If somebody wants to make that two or three judges, I do not object to that. I trust that the Federal judge can look at that intelligence and say: Whoops, wait a minute, we cannot provide that. We have to get this guy out of Dodge, get him out of here.

These sleeping cells are law-abiding. That is the interesting part. They are law-abiding. I want to make sure they are not given access to any classified information at that hearing which is going to cause them to take the lives of those who have provided that information or somehow compromise the methods of collection.

I also want to make sure they do not get to do the terrible things that they are planning to do, as they did on September 11.

So my amendment provides for reports to Congress on the Justice Department's utilization of the court. If

we can put a provision in there that says—I want my chairman to understand this because I know he may have a concern or two—if we can say to the court, report back to Congress and let us know how you are utilizing the court, if it is abused, we are going to know that. If we do not think the alien got the right decision from the judge, we are going to hear about that.

We are going to be able to monitor this every 6 months. If we can trust Federal judges to enforce our Federal laws in our country, we ought to be able to trust them to look at a piece of intelligence and decide whether somebody should be removed or not without sharing that intelligence. So I am hopeful we can get this done.

Let me address the issue of due process because this always comes up. I have been criticized for being somebody who wants to take the civil liberties from every American. I am not trying to take anybody's rights. I am trying to take their visas before they take our lives. Is there anything wrong with that?

Let me repeat that because it is very important. I am not taking away anybody's due process. I am not taking away their rights. I am taking their visas. They are guests in our country. They have been law-abiding people who have not committed a crime but are plotting one—as we saw on September 11, a big crime, a massive crime, a horrible, detestable act against innocent Americans.

If we had a court—and we don't know that we would have gotten those people—that had the ability, maybe we would have broken up that network. I am not saying we would have or could have, but we might have. That is really the issue: Are there any more plans such as this? Who can we monitor? How many people are out there who we are watching right now that we would like to deport but cannot deport without compromising those methods?

I think this passes constitutional muster. There will be some who will differ. That is the beauty of the Senate. We have people who differ on everything. It is like two lawyers. They won't agree on everything. They always find something to disagree about. I respect that, but I believe it passes constitutional muster. I believe others do as well and who have said so.

Remember, we are talking about a civil and not a criminal matter. We are talking about aliens who have no constitutional right to a quasi-criminal proceeding to remove that alien if that alien is involved in terrorism. That is important to understand. We are not talking about U.S. citizens. That is another issue. That is another venue, another court, another methodology. That does not apply. Both the fifth and fourteenth amendments prohibit Government actions which would deprive “any person of life, liberty or property

without due process of law.” The Alien Terrorist Removal Court has the necessary procedural safeguards to protect an alien terrorist's due process rights.

If life, liberty, or property is at stake, the individual has a right to a fair procedure. Again, this is not about his life. This is not about his liberty. This is not about his property. It is about his visa.

The interesting irony is that—and I hesitate to use the term “law-abiding citizens”—but these horrible people who did these things on September 11, at the time, were law-abiding citizens. They were very careful to keep their noses clean in America until they did what they did. That is why we must deport them when we know they are involved in planning, plotting, thinking about plotting, or are involved in meetings that are plotting, or whatever, terrorist acts.

So this court has the necessary procedural safeguards to protect an alien's due process. And I am very confident about that.

Liberty is freedom of action by physically restraining an individual—deporting or imprisoning—or a denial of a right with special constitutional protection, such as freedom of speech.

From the case *Mathews v. Eldridge*, 1976, there is a procedural due process test. There are three factors: No. 1, private interest; No. 2, risk of deprivation of interest; and, No. 3, Government's interest.

The Government's interest in these cases is our interest. The Government has an interest in deporting terrorists who may commit these crimes because the Government's interest is to protect us. That is what we have a Government for, to protect us, and they cannot because they cannot use the tool that we have given them, which is the court. They cannot use it because they have to compromise their sources and methods to do it.

So the Alien Terrorist Removal Court does provide these protections. An alien terrorist gets the evidentiary hearing before a Federal judge. Even though he is an alien, he gets an evidentiary hearing. This hearing is afforded to the alien terrorist, and the judge is allowed to see all classified information—the judge, not the terrorist. This is under my amendment. But the way it is now, the terrorist gets to see the classified information. Can you believe that? That is true. But they do not see it because the intelligence community does not give it to them. Therefore, the terrorist stays in America, and we wait for the acts to be committed.

The Federal judge, not the alien terrorist, has access to view all the classified information, and he or she can make a determination on the merits of the Government's claim. The Government's interest in not disclosing highly classified and sensitive information is

outweighed by the alien terrorist's right to see the evidence. Think about that. Let me repeat that: Under current law, the Government's interest in not disclosing highly classified and sensitive information is outweighed by the alien terrorist's right to see the evidence. That shouldn't be. It should be the other way around. The Government's interest should outweigh the terrorist's interest. It is the people's interest, not just the Government. It is the interest of 260 million American people.

When one balances the interest of the alien terrorist versus the interest of the Government to prevent the disclosure of sources and methods to terrorist cells, such as al-Qaeda, and to prevent the killing of human resources by these terrorist organizations, that is when this should kick in. It is the rights of the terrorist versus the rights of the Government and the people. Sometimes they clash. In the case of a person committing or persons wanting to commit a terrorist act, they have clashed. It is more important that we protect the information and err on the side of caution, that we don't cost more lives. That is what my amendment is about.

I have an article which I ask unanimous consent to print in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From U.S. News, Oct. 1, 2001]

FINGER-POINTING, FINGERPRINTS

THE HUNT FOR EVIDENCE AND, HARD ON ITS HEELS, CHARGES ABOUT WHO SCREWED UP

(By Edward T. Pound and Chitra Ragavan)

In the spring of 1996, Congress gave law enforcement officials a new and seemingly important tool to combat terrorism. It created the Alien Terrorist Removal Court, assigning the special federal court the task of deporting terrorists operating on American soil. After the World Trade Center bombing in 1993, and the growing suspicion that foot soldiers for Osama bin Laden were slipping into the United States, the establishment of the court seemed an eminently sensible thing to do.

But terrorists had nothing to worry about—because the court is a court in name only. In the five years since its creation, U.S. News has learned, the five-judge panel has never deported a single terrorist. For that matter, it has never even heard a case. The Justice Department, the agency principally responsible for monitoring terrorists' movements within the United States, has never filed an application with the court seeking to deport a terrorist.

Former Justice Department officials say the agency couldn't use the court because the law requires disclosure of sensitive information to terrorists—evidence, they say, that would compromise intelligence gathering and identify sources. But critics say the government's refusal to bring suspected terrorists before the special court is a glaring example of its inability to use its vast counterterrorism resources effectively. In the past few years, Congress has authorized billions of dollars for new equipment and for thousands of personnel in law enforcement and intelligence agencies. This year alone

Congress authorized \$10 billion before the attacks for counterterrorism efforts.

American law enforcement and intelligence agencies have scored several big wins against terrorists, jailing some and foiling the plots of others, Michael Cherkasky, a former New York state prosecutor who investigated terrorist activities, says federal agents have known for years that suicide bombers had changed their habits, living seemingly normal lives here, but says agents failed to understand the terrorists' deadly intentions.

Cherkasky cites the evidence introduced in a recent terrorist trial in New York—a training manual from bin Laden's al Qaeda terrorist network. "The al Qaeda manual says you have to act nonreligious," Cherkasky explains, "shave your beards, fit in as middle class."

But it wasn't just behavior, it was targets that went undetected. The government was caught flat-footed in several major terrorist attacks, current and former intelligence official say. Among them; the bombing of the USS Cole last year, the bombings of the two East African embassies in 1998, and the September 11 attacks on the World Trade Center and the Pentagon. A review of the government's efforts against international terrorism shows that they have been hobbled by bungled investigations and poor intelligence analysis—or, in some cases, no analysis at all of critical documents accumulated by investigators.

That disturbs several former senior Justice Department and FBI officials who were actively involved in counterterrorism investigations during their careers. They believe that U.S. intelligence agencies may have had sufficient information to prevent the deadly attacks on the World Trade Center and the Pentagon—if only they had understood what they had. John Martin, the former top national security prosecutor for the Justice Department, says the government eventually will get to the bottom of why intelligence and law enforcement agencies did not prevent the attack. And, he thinks, they will conclude that government agencies "were collecting the intelligence, they were deciphering it, but they were sending it to the field late and in muddled, ambiguous terms." Jamie Gorelick, the No. 2 Justice Department official in President Clinton's first term, sounds a similar theme. "We have a very robust intelligence collection effort," she says. "But we don't have a commensurate analytical capability. I am certain that when we are able to digest what we have collected, we will find information which surely could have or might have prevented" the attacks.

Red alert. That may be, and there's growing evidence that Washington should have been better prepared. There were warning signs, say former counterterrorism officials. Court files show that operatives linked to bin Laden or other militants have been planning for some time to make the United States their primary theater of operations. Now the FBI is finding that its failure to analyze the intelligence amassed during earlier investigations is slowing its efforts to locate conspirators or associates of the hijackers.

With many leads not producing much, U.S. law enforcement agencies are looking overseas for help. One big break came late last week when an Algerian pilot named Lotfi Raissi, 27, was arrested in London for allegedly lying on his application for a pilot's license in the United States. British authorities say they have linked him to four of the

hijackers. A prosecutor told a London court that Raissi's job was to ensure that the hijackers were "capable and trained."

The United States has the most sophisticated intelligence collection capability in the world, but it appears to have failed utterly in this instance. The supersecret National Security Agency intercepts phone calls and messages thousands of miles from its sprawling complex in suburban Maryland near Washington. Yet there has been no indication from U.S. officials that the NSA intercepted any information on the alleged hijackers who were operating in its shadow, just a few miles away, in the days before the attacks.

When the dust settles, Congress undoubtedly will examine what U.S. intelligence and law enforcement agencies knew before the hijackers produced their carnage. The Bush administration says it had no advance warning that the attacks would take place. But it is clear that the FBI and Justice Department had developed information on some of the hijackers before the attacks—just how much isn't known, and the government isn't saying.

Three former top intelligence officials say it is clear that some of the hijackers and possible associates were on FBI watch lists prior to the September 11 attacks. There seems to be little doubt of that. On August 23, the CIA sent the FBI the names of two suspected terrorists, Khalid Almihdhar and Nawaf Alhazmi. But the bureau was unable to apprehend them before they helped hijack the airliner that crashed into the Pentagon. FBI officials did not respond to several requests for interviews.

Officials say the CIA and FBI now are rushing to improve their intelligence capabilities. One intelligence source says the CIA is bringing back retirees to fill the massive demand for qualified help. Meanwhile, the FBI has put out the word that it badly needs people who can translate Arabic, Farsi, and Pashto. "They are scouting everywhere for translators," says a law enforcement involved in the government's massive manhunt. One reason: In the past, the bureau hasn't had sufficient personnel to translate and interpret critical documents, or vast amounts of intelligence, that could have shed light on terrorist plots. In some ways, the FBI must shoulder the blame. The bureau has very few Arab-American agents and translators, and funds intended for hiring translators were diverted to hiring more agents to fight street crime, several former Justice Department officials say. "The language problem is prodigious," says the intelligence source, "at both the CIA and the FBI."

That's true, too, at other intelligence agencies in the Defense Department, including the NSA. In a report issued last week, the House Intelligence Committee said American spy agencies "have all admitted they do not have the language talents . . . to fully and effectively accomplish their missions."

Surveillance. Apart from the language needs, Attorney General John Ashcroft now wants Congress—in addition to the \$20 billion more in counterterrorism funding it has committed since the attacks—to give law enforcement even more powers to wiretap immigrants and monitor their activities in the United States. At the same time, some lawmakers are pushing the government to use the Washington-based Alien Terrorist Removal Court, composed of sitting judges, to help rid the country of suspected terrorists. Sen. Bob Smith, a Republican from New Hampshire, is spearheading that effort.

Under the current law, a suspected terrorist brought before the court must be given an unclassified summary of the deportation charges. Smith plans to introduce a provision this week that would allow the government to use classified information in the court proceeding without sharing any information with the suspect. The proposal is likely to spark a hot debate in Congress, where some members deplore the use of secret evidence and have been trying to outlaw the practice. Smith couldn't care less. "We need to bring these terrorists to court and deport them," he says. Smith persuaded Congress to approve the creation of the court in April 1996. But its powers were weakened, he adds, by amendments requiring suspected terrorists to be given a summary of the charges against them. As a result, the Justice Department never used the court, fearing that disclosure of intelligence would expose sources. Current officials would not comment for this story.

Civil libertarians say the department has found it easier to deport or imprison suspected terrorists through other administrative immigration proceedings. Secret evidence, which is anathema to Arab-Americans and civil rights activists, can be used in those proceedings when the government seeks to deport aliens on other grounds, such as "garden variety" immigration violations, says a former top immigration official. In the terrorist court, suspects would have more safeguards—the right to counsel and the option to challenge the constitutionality of the secret evidence, says Timothy Edgar, a top lawyer for the American Civil Liberties Union. No such rights are available in immigration court proceedings, he says. Given the choice, he says, the terrorist court is the least distasteful.

Immigration officials say that secret evidence is seldom used, perhaps only 10 to 12 times a year out of 300,000 cases in the immigration courts. Steven R. Valentine, a former Justice Department official who oversaw the Office of Immigration Litigation, says the government must deport or detain terrorist suspects—especially in light of the recent tragic attacks. In the past, he says, because of legal challenges, the Justice Department has been unable to deport known terrorists. "That," he adds, "is insane."

Mr. SMITH of New Hampshire. This was written by Ed Pound and Chitra Ragavan. It is a U.S. News article of a few weeks back.

In the article, which is entitled "Finger-pointing, fingerprints," Mr. Pound goes into a lot of detail and history about the fact that the court has not been used. I hope my colleagues will read it. It is a good history and a summation.

It is pretty simple. This provides that the court we now have created to remove alien terrorists can be used. That is what I am hoping.

I ask again for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. GRAHAM. Mr. President, could the request be restated?

Mr. SMITH of New Hampshire. I asked for the yeas and nays.

The PRESIDING OFFICER. The Senator asked for the yeas and nays on his amendment. Is there a sufficient second?

At the moment, there is not a sufficient second.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. CLINTON). Without objection, it is so ordered.

Mr. NELSON of Florida. Madam President, I ask unanimous consent that I be allowed to speak for about 5 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. NELSON of Florida are printed in today's RECORD under "Morning Business.")

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, I have listened closely to some aspects of this debate, especially the amendment presently pending, raised by my distinguished colleague from my neighboring State of New Hampshire.

I had the honor of serving for 8 years on the Senate Intelligence Committee, where I was vice chairman. I have enormous regard for the current chairman and vice chairman of the committee. I have also served as both ranking member and chairman of the Judiciary Committee.

As I listened to the debate, something sounded familiar. Indeed, this amendment was raised during the debate in preparation of the antiterrorism bill that the Congress passed and the President signed last month. There was no enthusiasm for it from Republicans or Democrats. We looked at it, the White House looked at it, and the Justice Department looked at it. None of us were interested in including it in what became the USA Patriot Act.

The idea of having a quasi-secret court, and making only limited evidence available to the defendant, as is true under existing law, is constitutionally questionable enough. But to say that we will not tell the defendant any of the evidence against him in the court, as Senator SMITH proposes, is the kind of thing we rail against when other countries do it. Our government officials have gone all the way to the head of state level to register complaints when Americans have been held in other countries without being informed of the charges against them. Every President I have known has been forced at one time or another to raise such issues with another head of state. We should not make this task more difficult by approving of the amendment Senator SMITH has offered here.

Let us look at a little bit of history. The Alien Terrorist Removal Court was created in 1996. It was done largely through the efforts of Senators HATCH and Dole. It exists to provide a way for the Government to remove terrorist aliens whom it believes it cannot attempt to remove through public hearings, to balance the Government's need to maintain its existing intelligence sources while giving some rights to the accused.

Under the law as it presently exists, the accused does not see the actual evidence against him but does receive an unclassified summary of that evidence. The law states very clearly that that unclassified summary has to be "sufficient to enable the alien to prepare a defense."

Under the amendment that Senator SMITH has presented, an alien accused of being a terrorist would receive no information about the basis of the charges against him, not even the limited summary provided in existing law.

If we were to pass something of this nature, there is no way the President of the United States or the Secretary of State or the Attorney General could go to any other country holding an American on undisclosed evidence and demand to see that evidence. That nation could simply say that it is doing what the United States, the country seen as the bulwark of freedom, is doing, the United States that has had a written Constitution that has survived for all these years. The U.S. Constitution, as written and interpreted over the last two centuries, makes it clear that the government cannot bring somebody into a court and say: "We have all this information against you, but we are not going to tell you what it is. Are you guilty of what we have against you? I am not going to tell you what it is we have against you, but I want to know, are you guilty or not? And, if you are not guilty, then defend yourself against these charges we have brought. Sorry, you can't see the charges. Sorry, you can't hear the evidence. Sorry, we can't let you know what is going on. But we will give you a chance to defend yourself."

It doesn't quite work that way. Anybody in this body who has been either a prosecutor or defense attorney, on either side, would not want that.

The distinguished Presiding Officer knows as well as any Senator here the terrible nature of September 11. Her State was impacted in a horrible way, as were the surrounding States of New Jersey and Connecticut, just as the State of Virginia has been horribly harmed by the attack on the Pentagon. Nobody has stated the horror, the anger, and the feelings left in the wake of the September 11 attacks in a more articulate way than the distinguished Presiding Officer. We all share those feelings. But nobody here has ever suggested that we somehow abandon all

our laws, all our rules, our Constitution and everything we stand for, the very democracy that got the terrorists to attack us. In effect, we would say, "We surrender."

The Senator from New York, the Senator from Vermont, the Senator from Florida, all 100 of us—none of us is about to surrender. We understand there is a problem with terrorism. I suspect throughout my lifetime we will face threats. But let's answer the threats in the ways that comport with what our constitutional history and our history as a nation.

The Alien Terrorist Removal Court has not been used, but that is not because an unclassified summary has to be provided to the defendant. The Justice Department talked to us about why the court is not being used, and did not mention this. When the Department was given the opportunity to consider this amendment at the time of the terrorism bill, it did not want it. I suspect that this lack of interest is related to concerns within the Justice Department about constitutional challenges to the court itself, as it is formulated under existing law. Surely the Justice Department knows that if we approve this amendment those constitutional challenges will basically be irrefutable.

We provide substantial new powers to the Justice Department with regard to terrorist aliens through the antiterrorism legislation we just passed, legislation I voted for, the distinguished senior Senator from Florida voted for, his colleague, the other Senator from Florida voted for; the distinguished Presiding Officer voted for it—98 of us voted for it. That legislation should make it easier for the Justice Department to use this court.

But as chairman of the Judiciary Committee, I could never support this amendment, which has already been rejected once by the administration and by Republicans and Democrats who negotiated the antiterrorism bill. I certainly could not accept it absent any showing of why it is needed.

I say to my friend from Florida, the distinguished chairman, that I have no problem calling upon the administration to notify the Judiciary Committee if it really believes a change in the law is needed. The administration did not believe this a couple of weeks ago. But if the Attorney General now believes he needs something such as this, I will be glad to hold hearings on the issue and bring his concerns forward. But to do something of such constitutional magnitude in an amendment on the floor, without any hearings in the Judiciary Committee or Intelligence Committee, is simply inappropriate.

Madam President, we need to go back to basic constitutional law 101 here. The idea of giving the government the ability to bring removal proceedings against someone and force him to defend himself without telling him of the

evidence against him flies in the face of all of our principles.

We must not tell the rest of the world that the only way we can defend ourselves is to accuse somebody but not tell him what the evidence is against him. Back in the 1700s, we fought a revolution to ensure a much different principle. All of us share the terror of what happened. All of us are opposed to terrorists. All of us want to defend the United States. But we must not let our enthusiasm to defend our Nation lead us to do things that will hurt us further.

Frankly, I would be delighted to have the Attorney General take a look at Senator SMITH's amendment and see what he thinks. But I tell my friend from Florida that I certainly do not support this amendment, because the constitutional questions raised are of such enormous magnitude. To do so without any request from the administration and without any hearings would not be a responsible action for this body to take.

I yield the floor.

Mr. GRAHAM. Madam President, it is our hope that we will develop a second-degree amendment to this amendment which essentially would ask the Attorney General to review this legislation that has been part of our statute since 1996, which the Senator from New Hampshire has stated has not been effective, and to give us his assessment as to the effectiveness of this legislation, if he believes that changes are needed. They might be changes in the law. They might be changes in the resources that are devoted to carrying out this law or for any other impediments.

I note, as has the Senator from Vermont, that in the antiterrorism act which was just signed last Friday of October by President Bush, there are changes in the underlying definition of what constitutes an alien terrorist and an alien terrorist activity. Those changes have been stated to potentially have an effect on the efficacy of this 1996 act. That would be another subject on which we would ask the Attorney General's opinion.

We are today taking up a very major change in our law without the kind of prudent, thoughtful consideration for which the Senate is established to provide. I believe this process of requesting a review and then making the judgment based on the response to that request as to whether legislative, appropriations, or other activity is called for would be consistent with the history of this body.

Speaking of history, I point out that one of the first controversies which politically helped to establish that we would have a two-party system was called the Alien and Sedition Acts which was enacted in the late 1790s. I refer to the biography of John Adams. He was the President when the Alien

and Sedition Acts was passed by the Congress. He had not supported the Alien and Sedition Acts, but he signed it into law as our second President and paid a very heavy price, including his defeat when he ran for reelection in 1800 with this being one of the major issues used against his reelection.

This is an issue of how to treat aliens in this country, which has a very long political history. It is an issue about Americans, whether they are citizens or any of the variety of categories that come under the generic term "alien." They might be defined as a permanent resident who has been in the country for decades, as well as a refugee who just recently arrived seeking protection against political persecution in their home country. That whole wide range of people come under the generic term of "alien." How aliens should be treated has a long history in this country.

We are now participating in a debate on the most current topic of that. When it is available, I believe that our second-degree amendment, which will call for a temperate, thoughtful review of this by the highest legal officer in our executive branch, would be an appropriate manner for those of us who are privileged to serve in the Senate to proceed to determine whether, and if so, what changes in this law or the circumstances that surround this law, we should undertake.

Awaiting the completion of the drafting of that amendment, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. GRAHAM. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2115 TO AMENDMENT NO. 2114

Mr. GRAHAM. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The amendment is in the nature of a second-degree amendment to the amendment of the Senator from New Hampshire.

The PRESIDING OFFICER. The clerk will report.

The senior assistant bill clerk read as follows:

The Senator from Florida (Mr. GRAHAM), for himself and Mr. SHELBY, proposes an amendment numbers 2115 to amendment No. 2114.

Mr. GRAHAM. Madam President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike all after the word "sec" and insert the following:

Section 504 of the Immigration and Nationality Act (8 U.S.C. 1534) is amended by add-

ing the following subsection after subsection (K):

"(L) No later than 3 months from the date of enactment of this Act, the Attorney General shall submit a report to Congress concerning the effect and efficacy of Alien Terrorist Removal proceedings, including the reasons why proceedings pursuant to this section have not been used by the Attorney General in the past and the effect on the use of these proceedings after the enactment of the U.S.A. PATRIOT Act of 2001."

Mr. GRAHAM. Madam President, as I indicated in my preliminary remarks, this amendment calls upon the Attorney General, within 3 months of the enactment of this legislation, to report to the Congress on the 1996 Alien Act—that is the act that provides the procedure that the Senator from New Hampshire has outlined for the deportation of aliens—and within that report to indicate what recommendations the Attorney General would make to the Congress relative to any changes in the law.

It draws particular attention to the fact that we have just enacted a major antiterrorism act, which contains modifications of the definition of "alien terrorists" which have in the past been cited as a reason why this 1996 statute has not been utilized.

I offer this amendment on behalf of myself and the vice chairman of the committee, Senator SHELBY, and ask for its immediate consideration. The Senator from New Hampshire has remarks he would like to make.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. Madam President, I thank the chairman for his cooperation. I will not take more than a minute or two and will not ask for any recorded vote.

I also thank the chairman of the Judiciary Committee for making a commitment to me that we can have a hearing on this, if the Attorney General chooses to come and talk about the issue after the report comes back.

To summarize, the amendment I offered dealt with this terrorist removal court which is not being used because of the fact that it would compromise intelligence if we did use it.

I had hoped we could pass it to change that court, but given the fact that there is some information coming in on different views as to who believes what way about this and the issue as to how this court would or should work, I am prepared to and will accept the second-degree language offered by the Senator from Florida.

I hope we can get this done. It is a 3-month report. I am a little concerned about the length of time, but realizing it takes time to do a report, I am also worried about the fact that something else could happen. Given the circumstances, it is good that we now have the attention of not only the Senate and the Congress but also the Justice Department, and I hope we can

hear from the intelligence community as well on this issue, which we will do in the hearings when we have them.

I thank my colleagues for their cooperation and look forward to passage of the amendment and yield the floor.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to amendment No. 2115.

The amendment (No. 2115) was agreed to.

Mr. GRAHAM. Madam President, I ask now for a vote on the underlying Smith amendment, as amended.

The PRESIDING OFFICER. The question is on agreeing to the Smith amendment No. 2114, as amended.

The amendment (No. 2114), as amended, was agreed to.

Mr. GRAHAM. Madam President, I move to reconsider the vote on the Smith amendment.

Mr. SMITH of New Hampshire. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2116

Mr. GRAHAM. Madam President, I am not aware of any other amendments to be offered to the bill. I have a managers' amendment I offer at this time.

The PRESIDING OFFICER. The clerk will report.

The senior assistant bill clerk read as follows:

The Senator from Florida (Mr. GRAHAM) proposes an amendment numbered 2116.

The amendment is as follows:

Insert at the appropriate place in the bill:
The DCI shall provide, prior to conference, any technical modifications to existing legal authorities needed to facilitate Intelligence Community counterterrorism efforts.

Mr. GRAHAM. Madam President, the purpose of this amendment, which has been suggested by Senator KYL, is to assure that if, in light of the rapidly changing world in which we are living, there are other proposals that need to be considered during the course of the conference, the conference committee will have the liberty to do so. I urge adoption of the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

The question is on agreeing to the amendment.

The amendment (No. 2116) was agreed to.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Senator GRAHAM has mentioned there are no further amendments to the bill. I ask that the bill be read a third time.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. Under the previous order, the Senate will pro-

ceed to the consideration of H.R. 2883, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2883) to authorize appropriations for fiscal year 2002 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

The PRESIDING OFFICER. Under the previous order, all after the enacting clause of H.R. 2883 is stricken, the text of the Senate bill S. 1428, as amended, is inserted in lieu thereof, and the bill is deemed read the third time.

Mr. REID. I know the House bill has been read a third time. I ask for the yeas and nays on H.R. 2883, as amended.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. REID. I further ask unanimous consent that the vote on passage of the bill occur at 2 p.m. today, with rule XII, paragraph 4, being waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Madam President, if the manager of the bill has nothing further, I ask unanimous consent that the Senate be in a period of morning business until 2 p.m. with Senators permitted to speak therein for a period of up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

THERE IS A NEED FOR IMPROVED AIRLINE SECURITY

Mr. NELSON of Florida. Madam President, as we are locked in this deadlock with the House of Representatives over the question of airport passenger screening security, basically the deadlock is the Senate has passed a bill 100-0 that would provide for federalizing the screening process of passengers; that is, attaches to the Justice Department that these would be Federal employees who have specific training in law enforcement so we can heighten the feeling of confidence of the American flying public that they will be safe when they get in an airliner to take their travel.

Why is this important? It is obvious the airline industry is one of the important economic components of our national economic engine, and as long as people are scared to get into a plane and fly, then we are not going to rev up that economic engine and get it functioning on all cylinders as is so necessary.

There are parts of this country that are certainly more affected than others

by the diminution of airline travel. Clearly, the city of New York, the State of the Presiding Officer, is drastically affected; clearly, cities in my State, such as Miami, or Orlando, the No. 1 tourist destination in the world. I have talked to the owners of hotels—not the business hotels; the business hotels are doing OK, not good but OK—and the tourist-oriented hotels now have an occupancy rate in the range of 40 to 45 percent.

I talked to the owner of one hotel with 800 rooms; they shut down 600 rooms. It does not take a rocket scientist to recognize with that diminished revenue they will not be able to pay mortgage payments, taxes. They have already laid off a significant portion of their staff.

We understand what happens as the ripples run through the economy. What do we do? We want to give a feeling of confidence, of safety, to the American flying public. What better way to do that than for the public to know, when they go through that passenger screening process, in fact, if there are people trying to do dastardly things to them by sneaking through implements of destruction, they will get caught.

The fact is, recently they have not been caught. We heard this rather astounding story a couple of days ago about in the Chicago area a person had two knives, got on the plane, and had in their carryon luggage other implements of destruction. This is several weeks now, after September 11.

We read the story last week about the fellow sitting on the airplane, in flight, horrified to suddenly realize someone had given him a pistol as a present, and he forgot it was in his carry-on luggage. He had the presence of mind to call over the flight attendant in the midst of the flight to say what happened. The fact is, airline passenger security had failed again.

Does this engender confidence in the American flying public? Of course, it doesn't. We are undercutting the very thing we need to be doing for those desperately needing the airlines back in robust business again—the hotel operators, the service personnel, the gift stores in the hotels, the restaurants, the tourist destinations, and the multiplicity of industries and businesses, both large and small, that spawn from this wonderful, robust transportation network we have had in the skies.

Why am I saying this? It took 4 weeks in the Senate to pass this bill because people in this Chamber were filibustering it because they wanted that passenger security screening operation to continue as it is, privately contracted out. That is not going to cut it. Yet we were held up 4 weeks. By the time it got around to the final passage, there was no Senator who was going to vote against it. It was 100-0 in this Chamber. Now we are at loggerheads with the House of Representatives, which by a very narrow margin

of one or two votes passed a highly partisan bill that says it is still going to be contracted out. They say: Don't worry; we will federally oversee the contracting. But if the whole Nation's economy hinges on getting the public to believe it is safe to get back into an airliner and fly, are we not wasting precious minutes every day we are at loggerheads with the House of Representatives? We have a 100-0 vote here; they have virtually a split vote of 215 each. Why not look at what is best for the country?

How many more newspaper stories do we have to read, as we have in the last couple of days, about the stun guns, the knives, and the box cutters getting through security. How much more do we have to read before it convinces us and convinces the body at the other end of this United States Capitol that it is time to put aside their philosophical positions, their partisan positions, and pass something into law so we can restore the confidence of the American people.

I share these thoughts after considering this very important intelligence legislation, all of which is very necessary to the security of this country, as is the airline security bill important to the security of this country, both economically and as we take on the terrorists.

I yield the floor.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. EDWARDS). The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT

Mr. REID. Mr. President, I ask unanimous consent that the previous order entered setting the vote at 2 p.m. be modified to allow the vote to occur at 1:55 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that I may be allowed to speak as in morning business for about 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENERGY POLICY

Mr. MURKOWSKI. Mr. President, I do not think there is any question about the condition of this country. We are clearly a nation at war. As we look at the instability, the uncertainty of regions of the world, regions where many of the nations that want to destroy Israel and the U.S. reside, the reality is these particular areas of the world are ones on which we are growing more dependent all the time.

It is no secret to the occupant of the chair that we are now 57 percent dependent on imported oil. However, during the 1970s, we were about 34 percent dependent on oil. Some remember the inconvenience of the gas lines around the block. This was at a time of conflict in the Mideast, the Yom Kippur War. Americans were outraged. They were indignant. How could it possibly happen in our Nation that we should be so inconvenienced?

So there we were, in the 1970s, 33 percent dependent; today we 57 percent dependent, and the Department of Energy indicates by the year 2010 we are going to be somewhere in the area of 66 percent dependent.

We are, in my opinion, held hostage by the same interests that seek to destroy and uproot Israel. Through our energy policies of dependence, we have tipped the scales and given tremendous power to extremists in the Mideast. We are only making Iran, Iraq, and Libya, perhaps, stronger. Is that our wish?

What happens if the Kingdom of Saudi Arabia fails? There is almost a parallel occurring in that country between what happened in Iran 30 years ago with the fall of the Shah. When it occurred, the Shah was one of America's greatest allies. What happened was his regime came down as a consequence of corruption, a concentration of too much wealth in too few hands. That situation is very much evident in Saudi Arabia today.

I might add, if we look to bin Laden followers, a number of them have come from Saudi Arabia. As we examine the background of those responsible for the aircraft that went into the Pentagon and the Trade Centers, we find they have connections. Some are actually from Saudi Arabia.

Now, I am not condemning Saudi Arabia by any means. I am simply drawing a comparison. As our dependence on imported oil increases, we focus more on Saudi Arabia because that is where the significant supply of petroleum in the world exists. We are becoming more vulnerable as their regime becomes more unstable.

Furthermore, we are importing a million barrels of oil a day from Iraq. Now, what is the uniqueness of Iraq? We happen to enforce a no-fly zone over Iraq. We are putting our men's and women's lives at stake to ensure that Iraq stays within the constraints of the U.N. sanctions. Yet we know they have

moved beyond those constraints, that they are selling oil outside the U.N. oversight, illegally in that sense.

So here we are, we are taking their oil and we are enforcing a no-fly zone over Iraq. We put the oil in our aircraft and then we go and enforce that no-fly zone by taking out some of their targets. We almost had one of our interceptor aircraft shot down a few weeks ago. What does Saddam Hussein do with the money? He pays his Republican Guards to keep him alive and develops missile capability with biological warheads aimed at our ally, Israel.

Is this part of our foreign policy or is it because we have no other choice than to depend on Iraq for a certain amount of our imported oil? I am not suggesting we might funnel some of the money for terrorist attacks to keep Saddam Hussein in charge, but one has to wonder what his future holds. We must address this dependence with a new sense of urgency, a new sense of purpose. To ensure our energy security, we must put in place solutions that begin and end at home. In my opinion, the sooner the better.

There are tremendous resources and ingenuity in this country. Our balanced, bipartisan energy plan puts them to work. It adjusts fuel economy standards; encourages conservation, provides incentives for the development of advanced newer, cleaner alternative fuels, and encourages the use of our own energy supplies.

I know the occupant of the chair would be disappointed if I didn't bring up the issue of ANWR and what kind of a contribution this can make. Clearly, we can open this area safely, effectively, and quickly. What does it hold? Somewhere between 5.6 and 16 billion barrels—enough oil to replace what we would import from Saudi Arabia in a 30-year period of time. All the economic benefits are there. When I say "employment," perhaps 200,000 jobs.

There is the potential of revenue to the Federal Government from lease sales amounting to about \$2.6 billion. This is a stimulus. It would not cost the Federal Government one red cent.

Our President has said energy is one of our two key components to a strong stimulus package necessary to get this economy growing again, somewhat like the old Lee Iacocca ad. If you can find a better economic stimulus that adds jobs to our economy, billions to our gross national product, and will not cost the taxpayer one red cent, go buy it.

The problem is reluctance in this body. The House has done its job and passed H.R. 4. The Democratic leader has not seen fit to bring this bill or schedule this bill before this body. Apparently, there is no indication from him as to his intentions. It appears he shut the door on the Energy Committee actions. I happen to be ranking member. We have not had markup on

any bill or any action, with the exception of reporting out a nomination or two, for well over a month. The Democratic leader has basically shut down the Energy Committee and the process associated with the authorization which is the duty of the authorizing committees.

Evidently, the writing of the bill is underway, independently, with very little input, if any, from the other side. Republican interests will not be heard. We cannot share with our Democratic colleagues our input.

The President has said the Senate must act. As I indicated, the House has done its job. It is certainly not in the national interest to treat this issue for what it is, a critical component of national security. Our Achilles' heel in this war is our dependence on foreign oil. Bin Laden knows it; Saddam Hussein knows it. But the United States does not seem to know it is, to our immense discredit. How could we not know? Didn't we recognize on September 11 the significance that much of the terrorist activity is funded by oil? If we do not recognize it soon, God help us.

In my few remaining minutes I want to enlighten my colleagues on the significance of what has occurred over an extended period of time relative to public opinion on this matter. We have heard from our President on four occasions, specifically saying this country must have an energy plan that encourages conservation and encourages exploration.

He says: I want the Congress to know there is more to helping our economy grow than tax relief. One of the major components is an energy plan.

He goes on to say on another occasion when the bill has passed the House of Representatives: They have done their job. He wants the Senate to do its job.

On October 17, he asked Congress to act on an energy bill the House of Representatives passed in August. On October 14, there are two other aspects to a good, strong stimulus package. One is an energy bill. October 31, our Nation needs an energy plan.

I don't know who is listening around here. I am certainly listening. It is unfortunate that the Democratic leader evidently is not listening to the President. I don't understand this political momentum. Why can't we do as the House and have an open discussion on the merits of this energy bill as proposed? Where is the energy bill? We introduced a bill in February, about 304 pages. The only thing on which anybody seemed to want to focus was the two or three pages of ANWR, opening up this area.

This has become a cash cow for the extreme environmental community. Make no mistake; they are milking it for all it is worth. It is an issue that is thousands of miles away from the

American people. It is an issue filled with emotion. They say the polar bear is endangered, but they will not say you cannot take the polar bear—they are marine mammals—from the United States, and that includes from my State of Alaska. They are protected. You can go to Canada and take them for trophies, or go to Russia, but you cannot in the United States.

They say somehow the Gwich'in people, in their dependence on the caribou, are somehow in jeopardy. I will read for the RECORD from the Patroleum News: "Gwich'in, Ensign link up in new McKenzie Delta Drilling Company," September 30:

A new Native-controlled oil and gas drilling company has been formed to provide oil-field services in a land claims area of the Mackenzie Delta that is seen as a likely route for any Mackenzie Valley pipeline.

Gwich'in Oilfield Services, 51 percent owned by Gwich'in Development Corp. of Inuvik, Northwest Territories, and 49 percent by Calgary-based Ensign Drilling, is expected to start operations this winter.

The Gwich'in settlement area covers 22,242 square miles and is governed by the Gwich'in Tribal Council.

Gwich'in Development Corp., wholly owned by the tribal council, has a mission to build an investment portfolio that offers business opportunities, employment and training to Gwich'in residents.

Tom Connors, chief executive officer of the corporation, said Sept. 10 that the deal with Ensign gives the community a chance to participate in the development of oil and gas resources.

Ensign president Selby Porter said his company's experience and equipment make it the right choice to work with the Gwich'in people.

The development of a local work force and infrastructure is key to the continued development of oil and gas resources of the Arctic region of Canada," he said.

Formation of the new company was announced Sept. 6.

About 80 percent of the Gwich'in people live in Canada. Why is it OK for the Gwich'in people in Canada to go ahead and develop their land and somehow the Gwich'ins who live in Alaska and are funded by the Sierra Club and various other environmental groups in opposition are opposed? Obviously, there is some skulduggery associated with this.

The other issue is relative to the base of support. We have seen the President's statements in favor of opening ANWR. Secretary of Interior Gale Norton, Secretary of Energy Spencer Abraham, Secretary of Labor Chao, and Secretary of Veterans Affairs Principi have all spoken at more than one event. Yet we have had press conferences with the American Legion, all the veterans organizations, including the Veterans of Foreign Wars. The AMVETS, Catholic War Veterans, and Vietnam veterans have all spoken in favor. It is interesting to hear their point of view. It is enlightening. They say they have fought wars on foreign soil. They have fought wars over oil in

the Persian Gulf conflict where, obviously, we stopped Saddam Hussein from going into Kuwait, and his objective was to go into Saudi Arabia and take over the oil.

I am reminded of remarks made in this Chamber by Senator Mark Hatfield from Oregon. He indicated on more than one occasion he would vote for opening up ANWR any day rather than send other American men and women over on foreign soil to fight a war over oil.

This is the theme of America's veterans. They say the national security of this Nation is at risk because of our increased dependence on oil. What can we do about it? What we can do about it is increase domestic production. We are not going to relieve our dependence totally, but we will reduce it substantially.

The intent of the Senate, if it votes to authorize the opening of this area, is to send a message to the Mideast that we mean business about reducing our dependence. You are going to see a change in the OPEC structure, where they are going to be more sensitive to the significance of what the United States states when we say we are going to reduce our dependence on imports.

I suggest they are going to increase production. When they increase production, what does that mean? It means the price goes down. We know, as a consequence of terrorist activities, people are not flying, we do not have the same utilization of gasoline, and we have a temporary decline in price. But that is only temporary because what we saw OPEC do the other day was cut production another 1.5 million barrels. They know we are addicted to their oil. As a consequence, they are playing it for all it is worth.

As to organized labor, we have the Teamsters, maritime unions, seafarers unions, operating engineers, plumbers, pipefitters, carpenters and joiners—I could go on with this list—because this is a jobs issue.

Mr. President, as you know very well, we have a very soft economy. We are in a recession. This is a jobs issue—several hundred thousand jobs in every State.

What are we going to do? We are going to build more ships. We will build them in U.S. yards because those ships that move Alaskan oil, under law, have to be U.S. flagged vessels, built in U.S. yards with U.S. crews. This is shipbuilding, gulf shipbuilding and west coast. It is a big jobs issue.

As we debate the stimulus package, I challenge any Member of this body to tell me a better stimulus than opening up ANWR. Why do I say that? Because it is a jobs issue. It is going to create a couple of hundred thousand jobs. It is going to create about \$2.6 billion in Federal lease sales when the Federal Government puts up those leases. Where will that go? Into the Treasury.

It will help offset some of the costs associated with security and terrorism activities. And it is not going to cost the taxpayer one red cent. You tell me anything else in that stimulus package that fits that category. There isn't any. That is why organized labor is for it.

We have senior citizens; 60-Plus held a press conference the day before yesterday. The Hispanic community, the Latin-American Management Association and Latino coalition, the United States-Mexico Chamber of Commerce, they had a press conference this morning. American business groups: The National Association of Manufacturers, the U.S. Chamber of Commerce, National Black Chamber of Commerce, U.S. Pan Asian Chamber of Commerce, the American Women's Economic Development, the Alliance For Energy—it goes on and on and on.

Why is that message not coming through to this body? I can only assume there are several Members on the other side who do not want to vote on this issue. Why don't they want to vote on the issue? Perhaps they made commitments to extreme environmental groups. I don't know.

In any event, we are here at a stage where we are late in the session. The House has taken on its responsibility totally, passing H.R. 4. We have implored the Democratic leader to bring this matter up, let us vote on it, let us debate it, and let us offer amendments. We do not even get an answer.

I am putting this body on notice. If we do not get an answer from the Democratic leader—this is not a threat, this is a reality—we will put this on the stimulus bill and we will vote on it. I want everybody to understand there is going to be a vote on this floor, on this issue, on an energy bill that will contain ANWR, before we get out of here.

Some Members have threatened a filibuster. I cannot understand—while it is everybody's right to do as they see fit—why anybody would consider filibustering an issue as important as this, in the national security interests of our Nation. I don't think we have ever had that, traditionally, in this body. We should address this issue on its merits, not proceed to activities associated with the threat of a filibuster.

I encourage Members to reflect a little bit about just what the folks back home will read into that kind of a vote. They will read the filibuster has been on a procedural motion, not on the merits of the issue. They will read it is in defiance of the veterans who have spoken time and time again, in defiance of the position of organized labor, in defiance of the position of our President.

I don't know whether there is an effort to ensure the President does not win on this issue. Is that what we are talking about? I hope that is not the case.

But to have this matter ignored, to have this matter taken away from the committee of jurisdiction by the Democratic leader at least warrants an explanation, and we cannot seem to get an explanation. The Democratic leader is a good friend of mine. We have had some conversations. He has been very responsive to hearing me out. But now it is time we had an opportunity to hear him out because he has simply ignored this. I want to tell the Democratic leader the pressure is going to become more intense. There is no reason this issue should not be addressed in an expeditious manner.

I noted in the Boston Herald an article. I ask unanimous consent it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Boston Herald, Nov. 6, 2001]

ENERGY A SECURITY ISSUE

President Bush urged Congress to get an energy bill on his desk before it adjourns for the year, making the case that a sound energy policy is vital to national security.

Speaking to business leaders recently, the president observed, "It's in our national interest that we develop more energy supplies at home." And Interior Secretary Gale Norton added, "Every day the United States imports 700,000 barrels of oil from Saddam Hussein."

The House has passed an energy bill which would allow drilling in portions of Alaska's Arctic National Wildlife Refuge. But Senate Democrats have promised the environmental lobby that they will block ANWR development, and Massachusetts Sen. John Kerry has threatened to lead a filibuster.

That made little sense before Sept. 11, and even less since then. In the past 30 years, America has become dangerously dependent on foreign oil. It's estimated ANWR contains between 5.7 billion and 16 billion barrels of oil. Roughly 11 billion barrels would be the equivalent of 20 years of imports from Saudi Arabia. And only a miniscule part of ANWR's 19 million acres would be used.

America will never again be energy self-sufficient. But every barrel this nation doesn't have to import from the Middle East enhances national security. Planes and tanks don't run on recycled environmentalist clichés.

Mr. MURKOWSKI. The article it supports the opening of ANWR and suggests if there wasn't a reason before September 11, there is certainly an even better reason afterward. It mentioned Senator KERRY, who is opposed to this legislation. It indicates in general terms it should be supported because it is in the national interests of the country.

Lest there be any mistaken innuendoes, saying we don't need, really, to open up the ANWR area because there are other areas, that we can look to our friends in Canada—let's just reflect on what Prime Minister Jean Chretien said on November 6. He took a swing at the United States in an interesting way, over soft wood policies. He told the House of Commons:

If the Americans want free trade in oil and natural gas, they should also have free trade in lumber.

He further says:

If they were not to have oil and gas from Canada, then they will need wood to heat their homes.

This is the Prime Minister saying, in effect, don't just rely on an unlimited supply of resources from Canada, there has to be two-way trade.

I will close by outlining the significance of the economic stimulus associated with this single issue. The Department of Labor Massachusetts Survey indicates jobs, direct, 250,000; the Wharton Econometrics Institute at the University of Pennsylvania lists the total employment, indirect, at 735,000 jobs associated with the development of ANWR; jobs in 50 States, 80,000 in California, 48,000 in New York.

We do not make valves. We do not make pipe or welding rod. These things are all going to be made in the United States. Labor is going to come up. We are looking at 200,000 jobs at a minimum, direct.

Federal benefits of opening up ANWR will add up to \$3.2 billion. That is another estimate, in lease sales to the Federal Treasury, and if the oil is produced we are talking about billions more in royalties. It is estimated that ANWR oil has a potential value upwards of \$300 billion. That is from the Energy Information Administration. That is \$300 billion we do not have to spend overseas. That is \$300 billion that will travel through the economy, being taxed here in America. As I indicated, the Jones Act mandates the oil move in U.S.-flag vessels.

Nineteen new supertankers will be needed at a cost of about \$200 million. What will that do for American shipbuilding? Construction alone will generate 5,000 new jobs in American shipbuilding during the next 10 to 15 years.

Finally, each day we write a \$12 million check to the Iraqi Government for their oil. That is more than \$4.4 billion a year. I think it is time to put that money in our backyard instead of in the backyard and into pocket indirectly of Bin Laden.

I thank the Chair for his attention.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. CLINTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DISASTER VICTIMS RELIEF FUNDS

Mrs. CLINTON. Mr. President, one of the greatest comforts to me personally in the terrible aftermath of September 11 has been the immediate and overwhelming generosity of the American people in providing relief to the thousands who have been directly and indirectly affected. Our first priority must

be to ensure that the victims and the families of the victims of the September 11 attack receive the financial relief they have been promised.

There is a tremendous amount of work going on in New York to ensure that families get their assistance. Many families have expressed their gratitude to me, to my staff, to FEMA, to the city, and the centralized support that was established at Pier 94. The fund that the mayor created to aid families, the Twin Towers Fund, has announced that it will get aid to families prior to Thanksgiving.

I am particularly grateful to the attorney general, Eliot Spitzer, who has led in trying to eliminate the bureaucratic redtape that can delay or prevent families from receiving the help they need in a timely manner. Working with the attorney general as he tries to create centralized databases of charitable organizations and families in need of services, I have joined him in calling for all charities to establish a uniform application that will help achieve the goal of simplifying the process of applying for necessary assistance.

I am sure many in this Chamber have seen the reports or perhaps seen on television some of the victims' family members who have been overwhelmed trying to work their way through the myriad of services available and who have to spend hours going from one place to the next until they could get some kind of answer, who say that not only have they been victimized but they have been made to feel like beggars. That is just unacceptable.

Like so many New Yorkers, we are concerned about those families who may not have the time to go stand in line and fill out endless application forms, who may not have the experience to permit them to navigate this maze, who do not have the stamina, and who, frankly, are still suffering.

I have met and talked with a number of people who lost loved ones, particularly widows who are having a very difficult time being able to do what is required to take care of their children and go about their daily business. They need help going through this charitable and governmental process.

Recently, the senior Senator from Massachusetts, Mr. KENNEDY, called to my attention the work he is doing in Massachusetts.

The PRESIDING OFFICER. The Senator is advised that we are under an order to vote at this time.

Mrs. CLINTON. Then we should vote, Mr. President.

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2002—Continued

The PRESIDING OFFICER. Under the previous order, the hour of 1:55 p.m. having arrived, the question is, Shall

the bill, H.R. 2883, as amended, pass? The yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

The result was announced—yeas 100, nays 0, as follows:

[Rollcall Vote No. 332 Leg.]
YEAS—100

Akaka	Durbin	McCain
Allard	Edwards	McConnell
Allen	Ensign	Mikulski
Baucus	Enzi	Miller
Bayh	Feingold	Murkowski
Bennett	Feinstein	Murray
Biden	Fitzgerald	Nelson (FL)
Bingaman	Frist	Nelson (NE)
Bond	Graham	Nickles
Boxer	Gramm	Reed
Breaux	Grassley	Reid
Brownback	Gregg	Roberts
Bunning	Hagel	Rockefeller
Burns	Harkin	Santorum
Byrd	Hatch	Sarbanes
Campbell	Helms	Schumer
Cantwell	Hollings	Sessions
Carnahan	Hutchinson	Shelby
Carper	Hutchison	Smith (NH)
Chafee	Inhofe	Smith (OR)
Cleland	Inouye	Snowe
Clinton	Jeffords	Specter
Cochran	Johnson	Stabenow
Collins	Kennedy	Stevens
Conrad	Kerry	Thomas
Corzine	Kohl	Thompson
Craig	Kyl	Thurmond
Crapo	Landrieu	Torricelli
Daschle	Leahy	Voinovich
Dayton	Levin	Warner
DeWine	Lieberman	Wellstone
Dodd	Lincoln	Wyden
Domenici	Lott	
Dorgan	Lugar	

The bill (H.R. 2883), as amended, was passed, as follows:

Resolved, That the bill from the House of Representatives (H.R. 2883) entitled "An Act to authorize appropriations for fiscal year 2002 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes," do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) *SHORT TITLE*.—This Act may be cited as the "Intelligence Authorization Act for Fiscal Year 2002".

(b) *TABLE OF CONTENTS*.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—INTELLIGENCE ACTIVITIES

Sec. 101. Authorization of appropriations.

Sec. 102. Classified schedule of authorizations.

Sec. 103. Personnel ceiling adjustments.

Sec. 104. Community Management Account.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

Sec. 201. Authorization of appropriations.

TITLE III—GENERAL PROVISIONS

Sec. 301. Increase in employee compensation and benefits authorized by law.

Sec. 302. Restriction on conduct of intelligence activities.

Sec. 303. Judicial review under Foreign Narcotics Kingpin Designation Act.

Sec. 304. Modification of positions requiring consultation with Director of Central Intelligence in appointments.

Sec. 305. Modification of reporting requirements for significant anticipated intelligence activities and significant intelligence failures.

Sec. 306. Modification of authorities for protection of intelligence community employees who report urgent concerns to Congress.

Sec. 307. Review of protections against the unauthorized disclosure of classified information.

Sec. 308. Modification of authorities relating to official immunity in interdiction of aircraft engaged in illicit drug trafficking.

Sec. 309. One-year suspension of reorganization of Diplomatic Telecommunications Service Program Office.

Sec. 310. Presidential approval and submission to Congress of National Counterintelligence Strategy and National Threat Identification and Prioritization Assessments.

Sec. 311. Preparation and submittal of reports, reviews, studies, and plans relating to Department of Defense intelligence activities.

Sec. 312. Alien Terrorist Removal proceedings.

Sec. 313. Technical modifications.

TITLE IV—CENTRAL INTELLIGENCE AGENCY

Sec. 401. One-year extension of Central Intelligence Agency Voluntary Separation Pay Act.

Sec. 402. Modifications of central services program.

TITLE I—INTELLIGENCE ACTIVITIES

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2002 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

- (1) The Central Intelligence Agency.
- (2) The Department of Defense.
- (3) The Defense Intelligence Agency.
- (4) The National Security Agency.
- (5) The Department of the Army, the Department of the Navy, and the Department of the Air Force.
- (6) The Department of State.
- (7) The Department of the Treasury.
- (8) The Department of Energy.
- (9) The Federal Bureau of Investigation.
- (10) The National Reconnaissance Office.
- (11) The National Imagery and Mapping Agency.

SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

(a) *SPECIFICATIONS OF AMOUNTS AND PERSONNEL CEILINGS*.—The amounts authorized to be appropriated under section 101, and the authorized personnel ceilings as of September 30, 2002, for the conduct of the intelligence and intelligence-related activities of the elements listed in such section, are those specified in the classified Schedule of Authorizations prepared to accompany the conference report on the bill H.R. 2883 of the One Hundred Seventh Congress.

(b) *AVAILABILITY OF CLASSIFIED SCHEDULE OF AUTHORIZATIONS*.—The Schedule of Authorizations shall be made available to the Committees on Appropriations of the Senate and House of Representatives and to the President. The President shall provide for suitable distribution of the Schedule, or of appropriate portions of the Schedule, within the executive branch.

SEC. 103. PERSONNEL CEILING ADJUSTMENTS.

(a) *AUTHORITY FOR ADJUSTMENTS*.—With the approval of the Director of the Office of Management and Budget, the Director of Central Intelligence may authorize employment of civilian personnel in excess of the number authorized for fiscal year 2002 under section 102 when the Director of Central Intelligence determines that such action is necessary to the performance of important intelligence functions, except that the

number of personnel employed in excess of the number authorized under such section may not, for any element of the intelligence community, exceed 2 percent of the number of civilian personnel authorized under such section for such element.

(b) **NOTICE TO INTELLIGENCE COMMITTEES.**—The Director of Central Intelligence shall notify promptly the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate whenever the Director exercises the authority granted by this section.

SEC. 104. COMMUNITY MANAGEMENT ACCOUNT.

(a) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated for the Community Management Account of the Director of Central Intelligence for fiscal year 2002 the sum of \$238,496,000. Within such amount, funds identified in the classified Schedule of Authorizations referred to in section 102(a) for the advanced research and development committee shall remain available until September 30, 2003.

(b) **AUTHORIZED PERSONNEL LEVELS.**—The elements within the Community Management Account of the Director of Central Intelligence are authorized 343 full-time personnel as of September 30, 2002. Personnel serving in such elements may be permanent employees of the Community Management Account or personnel detailed from other elements of the United States Government.

(c) **CLASSIFIED AUTHORIZATIONS.**—

(1) **AUTHORIZATION OF APPROPRIATIONS.**—In addition to amounts authorized to be appropriated for the Community Management Account by subsection (a), there are also authorized to be appropriated for the Community Management Account for fiscal year 2002 such additional amounts as are specified in the classified Schedule of Authorizations referred to in section 102(a). Such additional amounts shall remain available until September 30, 2003.

(2) **AUTHORIZATION OF PERSONNEL.**—In addition to the personnel authorized by subsection (b) for elements of the Community Management Account as of September 30, 2002, there are hereby authorized such additional personnel for such elements as of that date as are specified in the classified Schedule of Authorizations.

(d) **REIMBURSEMENT.**—Except as provided in section 113 of the National Security Act of 1947 (50 U.S.C. 404h), during fiscal year 2002 any officer or employee of the United States or a member of the Armed Forces who is detailed to the staff of the Community Management Account from another element of the United States Government shall be detailed on a reimbursable basis, except that any such officer, employee, or member may be detailed on a nonreimbursable basis for a period of less than one year for the performance of temporary functions as required by the Director of Central Intelligence.

(e) **NATIONAL DRUG INTELLIGENCE CENTER.**—

(1) **IN GENERAL.**—Of the amount authorized to be appropriated in subsection (a), \$27,000,000 shall be available for the National Drug Intelligence Center. Within such amount, funds provided for research, development, testing, and evaluation purposes shall remain available until September 30, 2003, and funds provided for procurement purposes shall remain available until September 30, 2004.

(2) **TRANSFER OF FUNDS.**—The Director of Central Intelligence shall transfer to the Attorney General funds available for the National Drug Intelligence Center under paragraph (1). The Attorney General shall utilize funds so transferred for the activities of the National Drug Intelligence Center.

(3) **LIMITATION.**—Amounts available for the National Drug Intelligence Center may not be used in contravention of the provisions of sec-

tion 103(d)(1) of the National Security Act of 1947 (50 U.S.C. 403-3(d)(1)).

(4) **AUTHORITY.**—Notwithstanding any other provision of law, the Attorney General shall retain full authority over the operations of the National Drug Intelligence Center.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 2002 the sum of \$212,000,000.

TITLE III—GENERAL PROVISIONS

SEC. 301. INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW.

Appropriations authorized by this Act for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law.

SEC. 302. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES.

The authorization of appropriations by this Act shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or the laws of the United States.

SEC. 303. JUDICIAL REVIEW UNDER FOREIGN NARCOTICS KINGPIN DESIGNATION ACT.

Section 805 of the Foreign Narcotics Kingpin Designation Act (title VIII of Public Law 106-120; 113 Stat. 1629; 21 U.S.C. 1904) is amended by striking subsection (f).

SEC. 304. MODIFICATION OF POSITIONS REQUIRING CONSULTATION WITH DIRECTOR OF CENTRAL INTELLIGENCE IN APPOINTMENTS.

Section 106(b)(2) of the National Security Act of 1947 (50 U.S.C. 403-6(b)(2)) is amended by striking subparagraph (C) and inserting the following new subparagraphs:

“(C) The Director of the Office of Intelligence of the Department of Energy.

“(D) The Director of the Office of Counterintelligence of the Department of Energy”.

SEC. 305. MODIFICATION OF REPORTING REQUIREMENTS FOR SIGNIFICANT ANTICIPATED INTELLIGENCE ACTIVITIES AND SIGNIFICANT INTELLIGENCE FAILURES.

Section 502 of the National Security Act of 1947 (50 U.S.C. 413a) is amended—

(1) by inserting “(a) IN GENERAL.—” before “To the extent”; and

(2) by adding at the end the following new subsections:

“(b) **FORM AND CONTENTS OF CERTAIN REPORTS.**—Any report relating to a significant anticipated intelligence activity or a significant intelligence failure that is submitted to the intelligence committees for purposes of subsection (a)(1) shall be in writing, and shall contain the following:

“(1) A concise statement of any facts pertinent to such report.

“(2) An explanation of the significance of the intelligence activity or intelligence failure covered by such report.

“(c) **STANDARDS AND PROCEDURES FOR CERTAIN REPORTS.**—The Director of Central Intelligence, in consultation with the heads of the departments, agencies, and entities referred to in subsection (a), shall establish standards and procedures applicable to reports covered by subsection (b).”.

SEC. 306. MODIFICATION OF AUTHORITIES FOR PROTECTION OF INTELLIGENCE COMMUNITY EMPLOYEES WHO REPORT URGENT CONCERNS TO CONGRESS.

(a) **AUTHORITY OF INSPECTOR GENERAL OF CENTRAL INTELLIGENCE AGENCY.**—Section 17(d)(5) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q(d)(5)) is amended—

(1) in subparagraph (B), by striking the second sentence and inserting the following new sentence: “Upon making the determination, the Inspector General shall transmit to the Director notice of the determination, together with the complaint or information.”; and

(2) in subparagraph (D)(i), by striking “does not transmit,” and all that follows through “subparagraph (B),” and inserting “does not find credible under subparagraph (B) a complaint or information submitted under subparagraph (A), or does not transmit the complaint or information to the Director in accurate form under subparagraph (B).”.

(b) **AUTHORITIES OF INSPECTORS GENERAL OF THE INTELLIGENCE COMMUNITY.**—Section 8H of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in subsection (b), by striking the second sentence and inserting the following new sentence: “Upon making the determination, the Inspector General shall transmit to the head of the establishment notice of the determination, together with the complaint or information.”; and

(2) in subsection (d)(1), by striking “does not transmit,” and all that follows through “subsection (b),” and inserting “does not find credible under subsection (b) a complaint or information submitted to the Inspector General under subsection (a), or does not transmit the complaint or information to the head of the establishment in accurate form under subsection (b).”.

SEC. 307. REVIEW OF PROTECTIONS AGAINST THE UNAUTHORIZED DISCLOSURE OF CLASSIFIED INFORMATION.

(a) **REQUIREMENT.**—The Attorney General shall, in consultation with the Secretary of Defense, Secretary of State, Secretary of Energy, Director of Central Intelligence, and heads of such other departments, agencies, and entities of the United States Government as the Attorney General considers appropriate, carry out a comprehensive review of current protections against the unauthorized disclosure of classified information, including—

(1) any mechanisms available under civil or criminal law, or under regulation, to detect the unauthorized disclosure of such information; and

(2) any sanctions available under civil or criminal law, or under regulation, to deter and punish the unauthorized disclosure of such information.

(b) **PARTICULAR CONSIDERATIONS.**—In carrying out the review required by subsection (a), the Attorney General shall consider, in particular—

(1) whether the administrative regulations and practices of the intelligence community are adequate, in light of the particular requirements of the intelligence community, to protect against the unauthorized disclosure of classified information; and

(2) whether recent developments in technology, and anticipated developments in technology, necessitate particular modifications of current protections against the unauthorized disclosure of classified information in order to further protect against the unauthorized disclosure of such information.

(c) **REPORT.**—(1) Not later than May 1, 2002, the Attorney General shall submit to Congress a report on the review carried out under subsection (a). The report shall include the following:

(A) A comprehensive description of the review, including the findings of the Attorney General as a result of the review.

(B) An assessment of the efficacy and adequacy of current laws and regulations against the unauthorized disclosure of classified information, including whether or not modifications of such laws or regulations, or additional laws or regulations, are advisable in order to further protect against the unauthorized disclosure of such information.

(C) Any recommendations for legislative or administrative action that the Attorney General considers appropriate, including a proposed draft for any such action, and a comprehensive analysis of the Constitutional and legal ramifications of any such action.

(2) The report shall be submitted in unclassified form, but may include a classified annex.

SEC. 308. MODIFICATION OF AUTHORITIES RELATING TO OFFICIAL IMMUNITY IN INTERDICTION OF AIRCRAFT ENGAGED IN ILLICIT DRUG TRAFFICKING.

(a) **CERTIFICATION REQUIRED FOR IMMUNITY.**—Subsection (a)(2) of section 1012 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337; 108 Stat. 2837; 22 U.S.C. 2291-4) is amended by striking “, before the interdiction occurs, has determined” and inserting “has, during the 12-month period ending on the date of the interdiction, certified to Congress”.

(b) **ANNUAL REPORTS.**—That section is further amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection (c):

“(c) **ANNUAL REPORTS.**—(1) Not later than February 1 each year, the President shall submit to Congress a report on the assistance provided under subsection (b) during the preceding calendar year. Each report shall include for the calendar year covered by such report the following:

“(A) A list specifying each country for which a certification referred to in subsection (a)(2) was in effect for purposes of that subsection during any portion of such calendar year, including the nature of the illicit drug trafficking threat to each such country.

“(B) A detailed explanation of the procedures referred to in subsection (a)(2)(B) in effect for each country listed under subparagraph (A), including any training and other mechanisms in place to ensure adherence to such procedures.

“(C) A complete description of any assistance provided under subsection (b).

“(D) A summary description of the aircraft interception activity for which the United States Government provided any form of assistance under subsection (b).

“(2) Each report under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.”.

SEC. 309. ONE-YEAR SUSPENSION OF REORGANIZATION OF DIPLOMATIC TELECOMMUNICATIONS SERVICE PROGRAM OFFICE.

Notwithstanding any provision of subtitle B of title III of the Intelligence Authorization Act for Fiscal Year 2001 (Public Law 106-567; 114 Stat. 2843; 22 U.S.C. 7301 et seq.), relating to the reorganization of the Diplomatic Telecommunications Service Program Office, no provision of that subtitle shall be effective during the period beginning on the date of the enactment of this Act and ending on October 1, 2002.

SEC. 310. PRESIDENTIAL APPROVAL AND SUBMISSION TO CONGRESS OF NATIONAL COUNTERINTELLIGENCE STRATEGY AND NATIONAL THREAT IDENTIFICATION AND PRIORITIZATION ASSESSMENTS.

The National Counterintelligence Strategy, and each National Threat Identification and

Prioritization Assessment, produced under Presidential Decision Directive 75, dated December 28, 2000, entitled “U.S. Counterintelligence Effectiveness—Counterintelligence for the 21st Century”, including any modification of the Strategy or any such Assessment, shall be approved by the President, and shall be submitted to the appropriate committees of Congress.

SEC. 311. PREPARATION AND SUBMITTAL OF REPORTS, REVIEWS, STUDIES, AND PLANS RELATING TO DEPARTMENT OF DEFENSE INTELLIGENCE ACTIVITIES.

(a) **CONSULTATION IN PREPARATION.**—The Director of Central Intelligence shall ensure that any report, review, study, or plan required to be prepared or conducted by a provision of this Act, including a provision of the classified Schedule of Authorizations or a classified annex to this Act, that involves the intelligence or intelligence-related activities of the Department of Defense shall be prepared or conducted in consultation with the Secretary of Defense or an appropriate official of the Department designated by the Secretary for that purpose.

(b) **SUBMITTAL.**—Any report, review, study, or plan referred to in subsection (a) shall be submitted, in addition to any other committee of Congress specified for submittal in the provision concerned, to the following committees of Congress:

(1) The Committees on Armed Services and Appropriations and the Select Committee on Intelligence of the Senate.

(2) The Committees on Armed Services and Appropriations and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 312. ALIEN TERRORIST REMOVAL PROCEEDINGS.

Section 504 of the Immigration and Nationality Act (8 U.S.C. 1534) is amended by adding the following subsection after subsection (k):

“(l) No later than 3 months from the date of enactment of this Act, the Attorney General shall submit a report to Congress concerning the effect and efficacy of Alien Terrorist Removal proceedings, including the reasons why proceedings pursuant to this section have not been used by the Attorney General in the past, and the effect on the use of these proceedings after the enactment of the U.S.A. Patriot Act of 2001.”.

SEC. 313. TECHNICAL MODIFICATIONS.

The Director of Central Intelligence shall provide, prior to conference, any technical modifications to existing legal authorities needed to facilitate Intelligence Community counterterrorism efforts.

TITLE IV—CENTRAL INTELLIGENCE AGENCY

SEC. 401. ONE-YEAR EXTENSION OF CENTRAL INTELLIGENCE AGENCY VOLUNTARY SEPARATION PAY ACT.

Section 2 of the Central Intelligence Agency Voluntary Separation Pay Act (50 U.S.C. 403-4 note) is amended—

(1) in subsection (f), by striking “September 30, 2002” and inserting “September 30, 2003”; and

(2) in subsection (i), by striking “or 2002” and inserting “2002, or 2003”.

SEC. 402. MODIFICATIONS OF CENTRAL SERVICES PROGRAM.

(a) **ANNUAL AUDITS.**—Subsection (g)(1) of section 21 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403u) is amended—

(1) by striking “December 31” and inserting “January 31”; and

(2) by striking “conduct” and inserting “complete”.

(b) **PERMANENT AUTHORITY.**—Subsection (h) of that section is amended—

(1) by striking paragraph (1);

(2) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively;

(3) in paragraph (1), as so redesignated, by striking “paragraph (3)” and inserting “paragraph (2)”; and

(4) in paragraph (2), as so redesignated, by striking “paragraph (2)” and inserting “paragraph (1)”.

Mr. REID. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent, as in executive session, that on Tuesday, November 13, at 2:15 p.m. the Senate proceed to executive session to consider Calendar No. 511, that the Senate vote immediately on confirmation of the nomination, that the President be immediately notified of the Senate's actions, and the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that request be modified—that the chairman and ranking member of the Judiciary Committee be given 15 minutes equally divided, and the vote occur at 2:30 rather than at 2:15.

The PRESIDING OFFICER. Is there objection?

Mr. MCCAIN. Reserving the right to object, and I will not object, I have a question for the majority whip. I was told that it might be the intention to take up the Internet tax issue; is that correct or incorrect?

Mr. REID. That decision has not been made as yet.

Mr. MCCAIN. I have no objection.

The PRESIDING OFFICER (Mr. BAYH). Without objection, it is so ordered.

The Senator from Nevada.

EXECUTIVE SESSION

NOMINATION OF TERRY L. WOOTEN TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF SOUTH CAROLINA

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the nomination of Terry Wooten to be U.S. District Judge, that the Senate vote immediately on his confirmation, that the President be immediately notified of the Senate's action, and the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THURMOND. Mr. President, I rise to express my strong support for the nomination of Terry Wooten to be a judge on the District Court for the

District of South Carolina. I was pleased to recommend him to President Bush for this esteemed position.

Just hours ago, Judge Wooten was favorably reported to the floor by the Judiciary Committee in an 19-0 vote. The Committee's unanimous vote and the Senate's speed in considering him today is a testament to his qualifications, character, and ability.

Judge Wooten has spent almost all of his professional life in public service. He has served ably and diligently as a U.S. Magistrate Judge since 1999. Prior to that, he worked as a federal prosecutor for seven years. In the U.S. Attorney's office, he served as the lead Task Force attorney for major drug and violent crime prosecutions.

Moreover, he was the Republican chief counsel on the Judiciary Committee while I was Ranking Member, and did an exceptional job in that capacity.

It is unfortunate that some allegations were raised during the committee's consideration of his nomination. However, once the investigation of this matter was complete, it was clear that there was no merit to them whatsoever.

During the Judiciary executive business meeting earlier today, Chairman LEAHY and Senator BIDEN, who was chairman of the committee at the time Judge Wooten was a staff member, both spoke favorably of his nomination. I appreciated their remarks. I was also very pleased that all members of the committee supported his candidacy.

Judge Wooten is a man of honesty and integrity, and this process has simply reaffirmed that fact. I am confident that he will make an excellent addition to the District Court.

Mr. HOLLINGS. Mr. President, I rise today to congratulate my fellow South Carolinian, Terry Wooten, who will be confirmed today to the U.S. District Court for South Carolina.

Terry Wooten graduated Phi Beta Kappa from the University of South Carolina in 1976 where he continued on to law school. Following law school, he worked in a private two-man firm that focused on criminal defense and personal injury cases. Two years later, he served as Assistant Solicitor for Richland County where he handled hundreds of cases including murders, criminal sexual conduct, robberies, drug offenses, burglaries, and many other local offenses for 4 years. As a result of his notable service as a local prosecutor, Senator THURMOND invited him to move to Washington and work as the chief counsel of the U.S. Senate Judiciary Committee minority staff for 5 years. He then served with distinction as Assistant U.S. Attorney for South Carolina for 7 years. In this challenging position, he was assigned to the major drug and violent crime section. Judge Wooten excelled in this role and also served as the chief liaison

between the relevant Federal agencies and the U.S. Attorney's office on drug and violent crime cases in the state. He is well known and respected by all local law enforcement agencies for his hard work with violent crime and drug offenders. In 1999, this humble, yet very capable man was chosen to be a magistrate judge where he did a marvelous job.

Terry Wooten comes to the U.S. District Court for the District of South Carolina judgeship with extensive experience as a State prosecutor in Richland County, as the Assistant U.S. Attorney, and as a Magistrate Judge. He was chosen for the position of Magistrate Judge by the judges of the Federal District Court for the District of South Carolina. I can think of no better testament to his character and qualifications and am pleased he will be joining their ranks. He will serve our judicial system well.

Mr. LEAHY. Mr. President, I congratulate the nominee and his family on his nomination and on what is soon to be his confirmation by the Senate and appointment by the President to the United States District Court for South Carolina. I thank all members of the Judiciary Committee for their attention to this nomination and thank the majority leader for his help in scheduling this vote.

Since July 2001, when the Senate was allowed to reorganize and the committee membership was set, we have maintained a strong effort to consider judicial and executive nominees. With the confirmation of Judge Wooten, we reach additional milestones. Judge Wooten is the 17th judicial nominee we have confirmed since July. That is more total judges this year than were confirmed in 1989, the first year of the first Bush administration, and as many as were confirmed in all of the 1996 session. Of course, in 1996, the Senate majority at that time did not proceed on a single nominee to a Court of Appeals and limited itself to confirming only 17 judges to the District Courts. We have this year already confirmed four nominees to the Courts of Appeals.

Thus, despite all the upheavals we have experienced this year with the shifts in chairmanship and, more importantly, the need to focus our attention on responsible action in the fight against international terrorism, we have matched or beaten the number of confirmations of judges during the first year of first Bush administration and the last year of the first Clinton term.

As a judge on the United States District Court, Judge Wooten will have a vital role to play in protecting and preserving our civil liberties in the days ahead. Our system of checks and balances requires that the judicial branch review the acts of the political branches.

Judge Wooten served as the Republican Chief Counsel of the Judiciary

Committee when he worked for Senator THURMOND. Senator THURMOND has been an advocate for this nominee from the beginning. Earlier today the Judiciary Committee considered the Wooten nomination and voted without objection to report it to the Senate. Our bipartisanship in these matters was amply demonstrated by our moving as soon as possible in the wake of a serious allegation of wrongdoing to consider and report a former Republican staff member for the respected senior Republican in the Senate.

I held an expeditious hearing for Judge Wooten on August 27, during the August recess of the Senate. On the morning of the hearing, we received serious allegations about him. These allegations raised questions about whether he had provided confidential materials to people outside the committee and the Senate with regard to the Clarence Thomas nomination. I asked Judge Wooten questions about the allegations and his actions, and he answered my questions.

Senator HATCH and I agreed that the best course of action would be to ask the FBI to investigate this situation fully. We had been awaiting the results of that investigation until just recently. Once members of the Judiciary Committee had a chance to review the FBI materials and all other materials surrounding this nomination, we brought it to a vote.

I believe that the allegations raised against Judge Wooten were serious and were worthy of inquiry. It appears to me from materials published in the aftermath of the confirmation battle that confidential committee materials were made available, contrary to our rules, to some outside the committee and the Senate. Having asked Judge Wooten about his involvement and having received his denials, I cannot say that there is a strong evidentiary basis on which to challenge his credibility or his denials with regard to his involvement in such matters.

I have taken Judge Wooten at his word and voted to report his nomination. This afternoon I will vote in favor of this nomination. This week we held our ninth hearing on judicial nominations since I became chairman, when the Senate was allowed to reorganize and this committee was assigned its membership on July 10, 2001. We held our fifth hearing on judicial nominations since September 11. Overall we have held hearings on 28 judicial nominees, including seven to the Courts of Appeals. Since September 11 we have held hearings on 21 judicial nominees, including four to the Courts of Appeals.

Within 2 days of the terrible events of September 11, I chaired a confirmation hearing for the two judicial nominees who drove to Washington while interstate air travel was still disrupted. Then on October 4, 2001 we held another confirmation hearing for five

judicial nominees, which included a nominee from Nebraska who was unable to attend the earlier hearing because of the disruption in air travel.

On October 18, 2001, in spite of the closure of Senate office buildings in the wake of the receipt of a letter containing anthrax spores and Senate staff and employees were testing positive for anthrax exposure, the committee proceeded under extraordinary circumstances in the U.S. Capitol to hold a hearing for five more judicial nominees. The building housing the Judiciary Committee hearing room was closed, as were the buildings housing the offices of all the Senators on the committee. Still we persevered.

Two weeks ago, while the Senate Republicans were shutting down the Senate with a filibuster preventing action on the bill that funds our Nation's foreign policy initiatives and provides funds to help build the international coalition against terrorism, the Judiciary Committee nonetheless proceeded with yet another hearing for four more judicial nominees on October 25, 2001.

Yesterday we convened the fifth hearing for judicial nominees within eight extraordinary weeks—weeks not only interrupted by holidays, but by the aftermath of the terrorist attacks of September 11, the receipt of anthrax in the Senate, and the closure of Senate office buildings. Yesterday's hearing was delayed by another unfortunate and unforeseen event when one of the family members of one of the nominees grew faint and required medical attention. With patience and perseverance, the hearing was completed after attending to those medical needs.

In addition, during the time during which we held five hearings on judicial nominees, we devoted our attention and efforts to expedited consideration of anti-terrorism legislation. Far from taking a "time out" as some have suggested, this committee has been in overdrive since July and we redoubled our efforts after September 11, 2001.

With respect to law enforcement, I have noted that the Administration was quite slow in making U.S. Attorney nominations, although it had called for the resignations of U.S. Attorneys early in the year. Since we began receiving nominations just before the August recess, we have been able to report and the Senate has confirmed approximately 50 of these nominations. We have a few more with incomplete paperwork and we await approximately 35 nominations from the administration. These are the President's nominees based on the standards that he and the Attorney General have devised. I have asked for the standards and criteria they are using, but, as far as I am aware, have not received the courtesy of a reply.

I note, again, that it is most unfortunate that we still have not received even a single nomination for any of the

U.S. Marshal positions. U.S. Marshals are often the top Federal law enforcement officer in their district. They are an important frontline component in homeland security efforts across the country. It now appears that we will end the year without a single nomination for these 94 critical law enforcement positions.

In the wake of the terrorist attacks on September 11, many of us have been disdaining partisanship to join together in a bipartisan effort in the best interests of the country. There were reports within 10 days of September 11 that some Republicans were disappointed because they would not be able to filibuster appropriations bills and contend that the Senate was treating Bush judicial nominees as badly as they had treated the Clinton nominees. Their initial disappointment apparently dissipated within days because they did initiate a 3-week filibuster of the foreign operations appropriations bill. That is the bill that contains funding for our international antiterrorism coalition building activities as well as other essential military and humanitarian programs. Fortunately, cooler heads prevailed and that filibuster ultimately faded.

There have been other press accounts that some Republican operatives are trying to engage the White House and, even more unfortunately, the Department of Justice in a partisan effort to try to take political advantage of the aftermath of the September 11 attacks. Were those efforts to go forward, that would be disappointing. The bipartisan effort against terrorism is not something that Republicans should try to manipulate in such a way. Had the Senate moved more efficiently on nominations over the last 6 or 7 years, we would not have had so many vacancies perpetuated under their previous Senate majority. And finally, as the facts establish and as our actions today again demonstrate, we are moving ahead to fill judicial vacancies with nominees who have strong bipartisan support. These include a number of very conservative nominees. We have proceeded on nominees with mixed ABA peer reviews, including an Arizona nominee who was included in the hearing just yesterday. As I have noted, we have already confirmed more District Court judges since July of this year than were confirmed in the entire first year of the first Bush administration. Had the administration not changed the confirmation process from the precedents that had served us for more than 50 years, we might have been able to confirm a few more.

The President has yet even to nominate to 46 District Court vacancies. I hope that he will work with the Senate to make sure those nominations will be consensus nominees and that they can be considered promptly. Because the White House was slow to name District

Court nominees this year, the bulk of those who have not had hearings do not even have ABA peer review ratings. When this administration unilaterally changed the process from that followed by all prior Presidents beginning with Eisenhower, it backloaded the process. There are still nine nominees, received since September 10, who do not have ABA peer reviews.

Several others have received mixed reviews that require additional time and study. I have noted that at our most recent hearing we included a District Court nominee from Arizona with a review that includes a minority of the peer review declaring the candidate "not qualified" to be a District Court judge. In addition, there are at least two more with those mixed ratings and at least one District Court nominee with a "not qualified" rating. Those ratings caution against rushing people through the confirmation process.

With this confirmation today, the Senate will have confirmed another five District Court judges just this week. We held a hearing for five more District Court nominees yesterday. We have an additional three District Court nominees who could be considered as soon as they finish their paperwork and answer questions about their criminal histories.

Thus, having confirmed 13 District Court judges in record time, we could confirm an additional eight with cooperation from the White House, nominees and our Republican colleagues.

The PRESIDING OFFICER. The clerk will report the nomination.

The assistant legislative clerk read the nomination of Terry L. Wooten, of South Carolina, to be U.S. District Judge for the District of South Carolina.

Mr. REID. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Terry L. Wooten, of South Carolina, to be United States District Judge for the District of South Carolina? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Georgia (Mr. CLELAND) and the Senator from Georgia (Mr. MILLER) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 333 Ex.]

YEAS—98

Akaka	Bayh	Bond
Allard	Bennett	Boxer
Allen	Biden	Breaux
Baucus	Bingaman	Brownback

Bunning	Graham	Murkowski
Burns	Gramm	Murray
Byrd	Grassley	Nelson (FL)
Campbell	Gregg	Nelson (NE)
Cantwell	Hagel	Nickles
Carnahan	Harkin	Reed
Carper	Hatch	Reid
Chafee	Helms	Roberts
Clinton	Hollings	Rockefeller
Cochran	Hutchinson	Santorum
Collins	Hutchison	Sarbanes
Conrad	Inhofe	Schumer
Corzine	Inouye	Sessions
Craig	Jeffords	Shelby
Crapo	Johnson	Smith (NH)
Daschle	Kennedy	Smith (OR)
Dayton	Kerry	Snowe
DeWine	Kohl	Specter
Dodd	Kyl	Stabenow
Domenici	Landrieu	Stevens
Dorgan	Leahy	Thomas
Durbin	Levin	Thompson
Edwards	Lieberman	Thurmond
Ensign	Lincoln	Torricelli
Enzi	Lott	Voinovich
Feingold	Lugar	Warner
Feinstein	McCain	Wellstone
Fitzgerald	McConnell	Wyden
Frist	Mikulski	

NOT VOTING—2

Cleland	Miller
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The nomination was confirmed.

Mr. REID. Mr. President, I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

APPOINTMENT OF CONFEREES—
H.R. 2833

The PRESIDING OFFICER. With regard to H.R. 2883, under the previous order the Senate insists on its amendments, requests a conference with the House on the disagreeing votes of the two Houses, and the Chair appoints Mr. GRAHAM of Florida, Mr. LEVIN, Mr. ROCKEFELLER, Mrs. FEINSTEIN, Mr. WYDEN, Mr. DURBIN, Mr. BAYH, Mr. EDWARDS, Ms. MIKULSKI, Mr. SHELBY, Mr. KYL, Mr. INHOFE, Mr. HATCH, Mr. ROBERTS, Mr. DEWINE, Mr. THOMPSON, Mr. LUGAR; from the Committee on Armed Services, Mr. REED and Mr. WARNER, conferees on the part of the Senate.

Mr. ALLEN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. COLLINS. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Ms. COLLINS. Mr. President, I ask unanimous consent I be permitted to proceed as in morning business for up to 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

FOOD SAFETY

Ms. COLLINS. Mr. President, earlier this week I introduced the Imported Food Safety Act of 2001. Food safety has long been a serious public health concern in America, but awareness of the vulnerability of our food supply has heightened since September 11.

I have long been concerned about the adequacy of our system for screening and ensuring the safety of imported food. In 1998, in my capacity of chairing the Permanent Subcommittee on Investigations, I began a 16-month investigation of the safety of imported foods. This investigation revealed much about the Government's flawed food safety net. Regrettably, in the intervening years little has changed, and now we must acknowledge that the systemic shortcomings can also be exploited by bioterrorists.

As part of the investigation, I asked the General Accounting Office to evaluate the Federal Government's efforts to ensure the safety of imported food. In its April 1998 report, the General Accounting Office concluded that "Federal efforts to ensure the safety of imported foods are inconsistent and unreliable." Just last month, the GAO reiterated that conclusion in testimony before the Subcommittee on Oversight of Government Management.

During the 5 days of subcommittee hearings that I chaired, we heard testimony from 29 witnesses, including scientists, industry and consumer groups, government officials, the General Accounting Office, and two individuals with firsthand knowledge of the seamier side of the imported food industry—a convicted customs broker and a convicted former FDA inspector.

Let me briefly recount some of the subcommittee's findings which make clear why the legislation I have introduced is so urgently needed.

First, weaknesses in the FDA's import controls—specifically, the ability of importers to control food shipments from the port to the point of distribution—make the system very vulnerable to fraud and deception, and clearly vulnerable to a concerted bioterrorist attack.

Second, the bonds required to be posted by importers who violate food safety laws are so low that they are simply considered by some unscrupulous importers to be a cost of doing business.

Third, maintaining the food safety net for imported food is an increasingly complicated and complex task, made more complicated by previously unknown food pathogens, such as Cyclospora, that are difficult to detect. Our recent experience with anthrax has taught us there is much that public health officials still need to know when dealing with such pathogens and bacteria.

Fourth, because some imported food can be contaminated by substances

that cannot be detected by visual inspections, grant programs are needed to encourage the development of food safety monitoring devices and sensors that are capable of detecting chemical and biological contaminants.

Fifth, since contamination of imported food can occur at many different places from the farm to the table, the ability to trace outbreaks of foodborne illnesses back to the source of contamination requires more coordinated effort among Federal, State, and local agencies responsible for ensuring food safety, as well as improved education for health care providers so that they can better recognize and treat foodborne illnesses. Again, our recent experience with anthrax underscores the need for better coordination and education.

Since the terrorist attacks that occurred just weeks ago, we have been living in a changed world. We are battling enemies who show no regard for the value of human life, and whose twisted minds seek to destroy those who embody democracy and freedom. It has never been as important as it is now to ensure that our food supplies are adequately protected against contamination, both inadvertent and intentional.

President Bush and his administration are acting swiftly and decisively on all fronts. Among the responsibilities of the Office of Homeland Security is the protection of our livestock and agricultural systems from terrorist attack. The administration has requested additional funding to beef up security at our borders and to add more inspectors to evaluate the safety of food imports. And the Secretary of Health and Human Services, Tommy Thompson, has been working tirelessly to obtain the additional tools necessary to combat bioterrorism.

On October 17, 2001, Secretary Thompson appeared before the Senate's Governmental Affairs Committee, and testified about the Federal Government's efforts to ensure that the country is adequately prepared to respond to bioterrorist threats. He identified food safety and, in particular, imported foods, as vulnerable areas that require further strengthening. Similarly, at a recent hearing before the Health, Education, Labor, and Pensions Committee, every single public health expert who testified before us expressed concern about the vulnerability of our food supplies.

Weak import controls make our system all too easy to circumvent. After all, FDA only inspects fewer than 1 percent of all imported food shipments that arrive in our country. Those shipments are sent from countries around the world, most of whom wish us no harm. Yet, because of the hard lessons we have had to learn since September 11, we must be more vigilant about protecting ourselves. It is vital that we

take the necessary steps to close the loopholes that unscrupulous shippers have used in the past and that bioterrorists could exploit now.

I first became concerned about the safety of the U.S. food supply in 1998 when I learned that fruit from Mexico and Guatemala was associated with three multi-state outbreaks of foodborne illnesses that sickened thousands of Americans. Regrettably, those type of outbreaks are far too common. The Centers for Disease Control and Prevention estimate that 76 million cases of foodborne illnesses occur each year. Fortunately, the majority of these incidents are mild and cause symptoms for only a day or two. Less fortunately, the CDC also estimates that over 325,000 hospitalizations and 5,000 deaths result from those 76 million cases. And as astonishingly high as those numbers are, they are estimates, and the truth may be even more deadly.

It was because of my concern that I began the subcommittee's investigation of the adequacy of our country's imported food safety system. The testimony I heard was troubling. The U.S. Customs Service told us of one particularly egregious case. It involved contaminated fish and illustrated the challenges facing federal regulators who are charged with ensuring the safety of our Nation's food supply.

In 1996, Federal inspectors along our border with Mexico opened a shipment of seafood destined for sales to restaurants in Los Angeles. The shipment was dangerously tainted with life-threatening contaminants, including botulism, *Salmonella*, and just plain filth. Much to the surprise of the inspectors, this shipment of frozen fish had been inspected before by Federal authorities. Alarming, in fact, it had arrived at our border 2 years before, and had been rejected by the FDA as unfit for consumption. Its importers then held this rotten shipment for 2 years before attempting to bring it into the country again, by a different route, and a different port in the hope of shipping this seafood through the inspection system.

The inspectors only narrowly prevented this poisoned fish from reaching American plates. And what happened to the importer who tried to sell this deadly food to American consumers? In effect, nothing. He was placed on probation and asked to perform 50 hours of community service.

I suppose, given how few shipments are inspected by FDA inspectors, we should count ourselves lucky that these perpetrators were caught at all since, as I mentioned earlier, fewer than 1 percent of all shipments of imported food under the jurisdiction of FDA are actually inspected. Unsafe food might have escaped detection and reached our tables. But it worries me that the importer essentially received

a slap on the wrist. I believe that forfeiting the small amount of money currently required for the Customs' bond, which some importers now consider no more than a "cost of doing business," does little to deter unscrupulous importers from trying to slip tainted fish that is 2 years old past overworked Customs agents.

It is imperative that Congress provide our Federal agencies with the direction, resources, and authority necessary to protect our food supply from acts of bioterrorism and to keep unsafe, unsanitary food out of the United States.

I have worked with the FDA, the Customs Service, and the CDC to ensure that my legislation corrects many of the vulnerabilities that have been identified in our imported food safety system. Let me describe what this bill is designed to accomplish.

My legislation would fill the existing gaps in the food import system and provide the FDA with stronger authority to protect American consumers against tainted food imports. First and foremost, this bill gives the FDA the authority to stop such food from entering our country. My bill would authorize FDA to deny the entry of imported food that has caused repeated outbreaks of foodborne illnesses, presents a reasonable probability of causing serious adverse health consequences or is likely without systemic changes to cause disease again.

Second, this legislation would enable the FDA to require secure storage of shipments offered by repeat offenders prior to their release into commerce. Unscrupulous shippers who have demonstrated a willingness to knowingly send tainted food to our country cannot be overlooked as potential sources of bioterrorist acts. My bill would also prohibit the practice of "port-shopping," and would require that boxes containing violative foods that have been refused entry into our country be clearly marked. This latter authority is currently used with success by the U.S. Department of Agriculture. My bill also would require the destruction of certain imported foods that cannot be adequately reconditioned to ensure safety.

What happens now is that when the food is ordered to be reexported and denied entrance into this country, it is not destroyed, even if it is completely unfit for human consumption and cannot be made safe.

Third, the legislation would direct the FDA to develop criteria for use by private laboratories to collect and analyze samples of food offered for import. This will help ensure the integrity of the testing process.

What happens now is that it is often the very same shipper who tried to slip the tainted food into our country who is responsible for taking it to a lab and getting it tested. Obviously, that is

like putting the fox in charge of the hen house and offers very little protection to consumers.

Fourth, the legislation would give "teeth" to the current food import system by establishing two strong deterrents—the threats of higher bonds and of debarment—for unscrupulous importers who repeatedly violate U.S. law. No longer will the industry's "bad actors" be able to profit from endangering the health of American consumers. In other words, if the shipper is found to be repeatedly violating Federal laws regarding food safety, we could ban that shipper from importing anything into the United States. We will just kick them out of the business altogether.

Finally, my legislation would authorize the CDC to award grants to State and local public health agencies to strengthen the public health infrastructure by updating essential items, such as laboratory and electronic reporting equipment. Grants would also be available for universities, nonprofit corporations, and industrial partners to develop new and improved sensors and tests to detect pathogens, and for professional schools and societies to develop programs to increase the awareness of foodborne illness among health care providers and the general public.

We are truly fortunate that the American food supply is the safest in the world. But our system for safeguarding our citizens from imported food that has been tainted, either intentionally or inadvertently, is fundamentally flawed. We need to work together to correct this problem.

In that regard, I am pleased to report that I am working with my colleagues on bipartisan bioterrorism legislation that targets problems posed by bioterrorist threats to our Nation's food supply. I believe that the measures provided for in my Imported Food Safety Act of 2001, as well as the bipartisan bioterrorism bill we are drafting, will significantly reduce this potential threat to our country. It is my hope that parts of my bill will be incorporated into the comprehensive bioterrorism bill that we are working on now and that we will pass it this year.

Mr. President, we need to take action now. We have identified a threat to our food supply. We know what we need to do to put in place the safeguards that are needed.

Mr. President, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREE-
MENT—H.R. 2620 CONFERENCE
REPORT

Mr. REID. Mr. President, I ask unanimous consent that when the Senate considers the conference report to accompany H.R. 2620, the VA-HUD appropriations bill, that there be 45 minutes for debate with respect to the report, with the time equally divided and controlled among the chairperson and ranking member of the subcommittee and Senator MCCAIN or their designees; that upon the use or yielding back of all time, without further intervening action, the Senate proceed to vote on adoption of the conference report.

Mr. President, this would mean Senator MIKULSKI, Senator BOND, and Senator MCCAIN would each have 15 minutes if they choose to use that time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

UNANIMOUS CONSENT REQUEST—
S. 739

Mr. WELLSTONE. Mr. President, I see Senator MIKULSKI here; I assume Senator BOND will be here. I will just take but a moment.

For the fifth or sixth time in the last 2 weeks, I ask unanimous consent the Senate proceed to Calendar No. 191, S. 739, the Homeless Veterans Program Improvement Act; that the committee-reported substitute amendment be agreed to; that the bill, as amended, be read three times, passed, and the motion to reconsider be laid upon the table, with no intervening action or debate.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. CRAIG. Mr. President, reserving the right to object, I know how committed the Senator is to this issue, and much of that issue I agree with. I hope sometime in the future we can deal with it. It is important, certainly to those who meet the standards and the qualifications which the Senator has proposed.

At this time I believe it necessary to object, and I do object.

The ACTING PRESIDENT pro tempore. Objection is heard.

The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I have spoken about this before. The Senator from Idaho was objecting on behalf of someone else. He said: I hope

this legislation passes soon because we all support this, or because it is important, something to that effect.

This legislation passed the veterans committee on a 21-0 vote. It is the kind of legislation you massage—LANE EVANS has done this in the House—so you get everybody agreeing. It is really important. I have gone through all the details before.

It is there in terms of making sure you have the job training, the services for people, and the health care for people struggling with addiction or struggling with posttraumatic stress syndrome, transition to other housing. It is really important to do.

Veterans Day is coming in just a few days.

My last point is that even though my colleague from Idaho says we all think it is a good thing to do, for 2 weeks I have come out here and I have asked: Who is the Senator who has an anonymous hold on this bill? If he or she opposes it, come out and debate it. This is no way to proceed. As a result, I have put a hold on every bill introduced by my colleagues from the other side, all of them that are unanimous consent and have a great deal of merit. I am not giving up any of my leverage.

It is unconscionable that this piece of legislation has been blocked through an anonymous hold. It is no way to say thanks to veterans. The veterans in the military say: We don't leave our wounded behind. We have a lot of wounded left behind on the streets of our country who are homeless.

If I got started on this issue, I could spend about 10 hours expressing my indignation at what has happened. Out of deference to Senator MIKULSKI, I will not.

Again, there aren't going to be any bills beyond appropriations and judicial appointments that are going to go through until this bill goes through. This should be a priority.

I make a plea to my colleagues from the other side of the aisle, find out who it is, the Senator who is blocking this consideration. No one has ever even given me the slightest hint why. Let's get this work done.

DEPARTMENTS OF VETERANS AF-
FAIRS AND HOUSING AND URBAN
DEVELOPMENT, AND INDE-
PENDENT AGENCIES APPROPRIA-
TIONS ACT, 2002—CONFERENCE
REPORT

The ACTING PRESIDENT pro tempore. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I submit a report of the committee of conference on the bill, H.R. 2620, and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the

amendment of the Senate to the bill (H.R. 2620) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commission, corporations, and offices for the fiscal year ending September 30, 2002, and for other purposes, having met have agreed that the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment, signed by all of the conferees on the part of both Houses.

The Senate proceeded to consider the conference report.

(The conference report is printed in the House proceedings of the RECORD of November 6, 2001, at page H7787.)

Ms. MIKULSKI. Mr. President, it is with a great deal of pride that I bring this conference report to the Senate. I take this opportunity to thank my Republican colleague, the ranking member, Senator BOND of Missouri. This has been a year of tumultuous change in our country.

On Tuesday a year ago, we thought we had elected the President. It went on for 35 days—unprecedented. We were turned into a 50-50 Senate—again unprecedented.

Senator BOND chaired the committee in January and then, after Senator JEFFORDS' decision, the reins passed to me.

I say publicly, I thank Senator BOND for the graciousness in the way he transited the gavel and the chairmanship to me. He did it with graciousness and efficiency. His staff could not have been more cooperative or collegial. Because of that, our subcommittee didn't miss a beat, and we didn't miss a buck. We went to work on behalf of veterans, housing, the environment, investments in space, science, technology, as well as other agencies. I thank him for that.

I bring to the Senate's attention a summary of the bill. This act provides for a total of \$112.7 billion for all the programs within the bill, which is \$4.8 billion or 4 percent over the fiscal year 2001 level. This includes \$27.3 billion in mandatory funding, an increase of \$1.8 billion over the fiscal year 2001 level, and \$85.4 billion in discretionary spending, which is an increase of \$3 billion over last year.

What this bill essentially does is meet compelling human need. It meets compelling human need in terms of our veterans, in terms of the poor, meeting the day-to-day needs of the working poor. It helps rebuild our neighborhoods and communities. Through its funding for FEMA, it protects our homeland security. And it invests in science and technology through NASA and the National Science Foundation.

For our veterans, we have increased veterans health care by over \$1 billion from last year, bringing it to a total of \$21.3 billion. This would allow the VA healthcare system to serve 4 million patients through 2002. This conference agreement also provides the VA the

ability to open 33 new outpatient clinics. It would also continue to allow research and treatment of chronic disease; diagnosis and treatment for Alzheimer's, Parkinson's; look at the issues again of special populations, such as stroke and spinal cord injury; and continue its groundbreaking research in the area of prostate cancer.

In terms of our veterans, we also make a substantial effort to reduce the claim time for how long a veteran has to wait in order to get their disability benefit. They had to often stand in line when they were in the U.S. military. But after the way they serve their country, they should not have to stand in line for almost a year in order to see if their disability claim can be processed. We are working on a bipartisan basis to shorten that.

As to the Department of Housing and Urban Development, we had three goals: Expand housing opportunity for the poor, rebuild our neighborhoods, and help special-need populations. To do that, we have renewed all the section 8 housing vouchers. We have funded this program at \$15.6 billion. This is \$1.7 billion over last year.

At the same time, we restored cuts proposed by the President to the critical public housing capital program by funding it at \$2.8 billion. We have increased funding for the public housing operating cost by \$250 million over last year for a total of \$3.5 billion.

Knowing that many of our colleagues believe the decisions are best made locally, we wanted to keep our commitment to the community development block grant money, and we have increased that by over \$200 million. This year CDBG will be funded at \$5 billion.

For other HUD programs, we have continued at last year's level the funding for brownfields, housing for the elderly, and housing for the disabled. But we have, in order to create home ownership, included language to raise the FHA loan limit for multifamily housing by 25 percent this year. This came from the private sector, home builders, as well as the AFL-CIO. I believe this will mean more rental property will be available. We cannot voucher our way out of our housing crisis. We need a new production program. This has long been a position held by my colleague, Senator BOND. I look forward to the recommendation of the Millennial Housing Commission and the Commission on Senior Housing. We look to those in the private sector and the non-profit sector to give us guidance on what a 21st century HUD should look like, which will create real hope and opportunity. We provided the inspector general with no less than \$5 million, and this will also be going after predatory lending.

Let's move on now to EPA. For EPA, the conference agreement provides \$7.9 billion, an increase of \$587 million above the budget level. This is \$75 mil-

lion above what we funded last year. What do we get for our money? First of all, we get EPA enforcement. This is funded at last year's level of \$465 million. We can keep the current level of enforcement.

The conference agreement also keeps our commitment to clean and safe water by fully funding the Clean Water State Revolving Loan Fund at \$1.35 billion, which is an increase over the President's budget request. We also fully fund the Drinking Water SRF at \$850 million, an increase of \$27 million over the President's budget request.

This country is facing an enormous backlog of funding for water infrastructure projects. Every single one of my colleagues talks to me about sewer or water infrastructure projects, failing septic tanks, how to comply with the new arsenic requirement; we have aging systems in my own region, as do New Orleans and Chicago. I could give every single Senator a billion dollars to take back to their State, and it would be just a drop in the bucket for this need.

I hope, as we look at the stimulus package, we look at how we can fund clean water and safe drinking water projects because, at the end of the day, I believe we will stimulate the local economy and create jobs but have value for our dollar.

We also kept our commitment to cleanup. We provided \$1.27 billion for the cleanup of Superfund sites. This also includes \$95 million for brownfields. We have included \$22.6 million for the National Estuary Program. Again, we have worked closely with the administrator.

For FEMA, we maintain our commitment to protecting our homeland by providing FEMA with \$3 billion. We provide \$2.1 billion for disaster relief to ensure that we are ready to respond to any future disaster. We have also worked very closely with Joe Allbaugh, the FEMA Director, to be sure we respond to the needs of New York and local communities and, at the same time, are ready for those natural disasters like hurricanes and tornadoes that could affect us.

We also wanted to support America's heroes, our firefighters, and in this bill we fund the Fire Grant Program at \$150 million in order to be able to fund the firefighters' need of protective gear and equipment. This program is authorizing \$3 billion. We would prefer to do more and look forward to doing more in the stimulus package. We understand Senator BYRD is going to work closely with us to do this.

In order to be protected by the firefighters, we need to protect them and make sure they have the protective gear, respiratory gear, and the technological tools to go into horrific situations. In order to be able to protect us, they need to have the right equipment. Many firefighters in America are vol-

unteers; we ask them to do it on their own time and on their own dime. We can't protect our firefighters and give them the equipment they need based on bingo and fish fries at the local level—although, I sure like those bingo games and fish fries. They are fun things to do, but they are not a reliable funding stream. We have to back them.

Let's go to NASA. We provide \$14.8 billion for NASA programs, which is \$500 million over last year. Our top priority remains the safety of our astronauts. We made a significant investment in shuttle upgrades, including \$207 million allocated for safety upgrades to the space shuttle. By improving the safety of the shuttle, we reduce the risks to our astronauts.

We fully fund the rest of the shuttle program at over \$3 billion for fiscal year 2002. For the space station, we redirected \$75 million to other pressing needs such as safety upgrades to the shuttle and other science and aeronautics programs. We know that former astronaut Tom Young is taking a look at our space station. We like it; we think it is very important to our country and to the world. But we also believe that the management of the space station has had a fiscal permissiveness that has allowed unacceptable cost overruns. They had over \$4 billion in overruns. We can't let that stand.

This independent review team, chaired by former astronaut Tom Young, has given us a new roadmap for the station. I can assure the Senate and our taxpayers that we will be holding hearings and meetings to be able to ensure that we keep our commitment to the space station, do our research, keep our astronauts safe, but at the same time have fiscal responsibility.

For the National Science Foundation, the conference agreement provides \$4.8 billion, an increase of 8.4 percent over last year. This represents a downpayment on an effort initiated by Senator BOND and myself to double the NSF budget. We want to do that in 5 years. I think we might have to wait 6 years to do it, but we are convinced it is in the Nation's long-term interest that funding for basic research in all science and engineering disciplines must increase substantially.

We have increased the funding in several areas for research, such as information technology and nanotechnology and, of course, in agricultural biotech, on which, of course, the ranking member has been a leader. But also, at the same time, we really try to back our young researchers so that young Americans will choose science and scientific research as a career.

We have also maintained the Corporation for National Service. Voluntarism is our national trademark, and this agreement maintains our commitment to AmeriCorps and other agencies within it.

There are also 25 other agencies, but I am not going to go through all 25. We

have kept our commitment to them. I thank the President for giving us the opportunity to work with very excellent Cabinet people. Again, we were under very difficult circumstances, with a late start, but there was an orderly transition.

I think we have met our charge to the compelling needs of our constituents, the long-range needs of our Nation and done it with fiscal stewardship, which I believe the taxpayers require from us.

Mr. President, that concludes my summary of the bill.

I thank Paul Carliner, Gabriel Batkin, and Joel Widder of my staff for giving me the support that I needed. I thank John Kamarek and Cheh Kim from Senator BOND's staff for their cooperation and collegiality.

Mr. President, I hope that at the conclusion of our debate, when we take the rollcall, the Senate will support this conference report. They can go back and talk to every single one of their constituents, whether it is a veteran from the "greatest generation," or the firefighters, the warriors of this generation, or the scientists who are giving us the ideas to keep America strong and safe, or the poor who depend on us even at this time. We have a great bill and I hope that this bill will pass.

I yield the floor.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, I thank the conferees of this bill for their hard work in completing this conference report for this legislation.

The report provides critical Federal funding for the Departments of Veterans Affairs, Housing and Urban Development, and Independent Agencies. The conference report spends at a level of 4.1 percent higher than the level enacted in fiscal year 2001.

In real dollars, this is \$2.1 billion in additional spending above the amount requested by the President, and a \$4.4 billion increase in spending from last year.

Once again I find myself in the unpleasant position of speaking before my colleagues about parochial projects in yet another conference report. I have identified over \$1 billion in earmarks, which is greater than the cost of the earmarks in the conference report passed last year. Last year, it was \$970 million. So far this year, the total of appropriations pork-barrel spending has already hit a staggering \$9 billion.

Before I go into some specifics—and it will not be many on this bill—I would like to quote from an article by Deroy Murdoch of the Scripps Howard News Service that was published on October 14, 2001. He says:

Each dollar spent on pork-barrel projects is one less dollar that can be devoted to the

War on Terror. This inescapable fact somehow has escaped members of Congress. While senators and representatives swiftly and wisely approved \$40 billion in recovery and defense funds after the Sept. 11 massacre, they quickly relapsed into old habits.

Congress again is spending money as recklessly and foolishly as it did on Sept. 10. Even as U.S. warships steam toward the Persian Gulf, Citizens Against Government Waste, a Washington-based fiscal watchdog group, has calculated in military terms the opportunity cost of business as usual.

Sidewinder missiles sell for \$41,300 each. . . . Tomahawk Cruise missiles are \$1 million apiece while one F-15 fighter jet costs \$15 million. Pork projects chew right through cash that could purchase these and other weapons the Pentagon will need to crush the international terror network and its state sponsors.

For instance, on Sept. 13, the Senate adopted the fiscal 2002 Commerce, Justice, State, and Judiciary Appropriations Bill. Consider just several items the Senate approved while the Pentagon and Ground Zero still smoldered:

—\$2 million for the Oregon Groundfish Outreach Program and \$850,000 for Chesapeake Bay Oyster Research.

Cost: 69 sidewinders.

—\$6 million for the National Infrastructure Institute in Portsmouth, New Hampshire.

Cost: Six cruise missiles.

—\$204 million for the Advanced Technology Program, a quintessential corporate welfare boondoggle, for which the Bush administration requested only \$13 million.

Cost: Thirteen F-15 fighters.

Even more maddening is a brand-new bill to expand farm subsidies one year before the existing spending plan expires. The Farm Security Act would increase agricultural pork by \$73.1 billion over the next 10 years. Added to the \$96.9 billion budget baseline, Uncle Sam would plow \$170 billion into the ground through the year 2011.

This bill authorizes \$101 million for honey producers. The once-terminated wool and mohair program rises again, \$202 million strong. Peanut farmers can expect \$3.48 billion. This bill would also revive a \$37.1 billion in "counter-cyclical assistance" which was scrapped in 1996.

I talked about this at another time.

The U.S. Agriculture Department released a study last month that describes these subsidies as spectacularly wasteful and fundamentally unfair. Forty-seven percent of agricultural payments go to commercial farms with average household incomes of \$135,397, more than 2½ times the average American household's \$51,855 in earnings.

According to the Associated Press, just 10 percent of farm owners shared 63 percent of last year's \$27 billion in federal agriculture payments.

Media tycoon Ted Turner received farm aid, as did Portland Trail Blazer Scottie Pippen. Modestly paid waitresses and school bus drivers pay twice for largesse—first through taxes, then again as agricultural price supports hike their grocery bills. . . .

These legislative hijinks are bad enough in peacetime. America is at war. Soldiers, sailors, airmen, and Marines are kissing their loved ones goodbye and shipping out to face a vicious and bloodthirsty enemy lurking in foreign shadows. Right now, Congress should grow up and stop treating the domestic budget as a political Toys R Us. Americans already are making huge sacrifices. Weak tourist revenues have lowered the curtains on five Broadway shows. Hotel beds have

gone empty as conferences have been canceled, and weddings have been scaled back or postponed. Major U.S. airlines have fired 87,000 employees since terror struck.

Amid such national belt-tightening, it is beyond ugly to watch public servants loosen their belts as their pork-laden bellies swell. If the American people must live with less, so must their representatives.

I would like to read the words of OMB Director Mitch Daniels who said that in time of war:

Everything ought to be held up to scrutiny. . . . Situations like this can have a clarifying benefit. People who could not identify a low priority or lousy program before may now see the need.

Mr. President, we obviously have not seen the need in this conference report, and I intend to clarify some items stuffed in the bill. Let us take a look at this year's porkbarrel spending projects in the VA-HUD conference report before us.

No. 10: \$1 million for Spring Hill College in Mobile, AL, for construction of the Regional Library Resource Center;

No. 9: \$175,000 for the Fine Arts Museum of San Francisco, CA, for construction needs of the M.H. de Young Memorial Museum;

No. 8: \$1 million for Dubuque, IA, for the development of an American River Museum;

No. 7: \$300,000 for the Central Missouri Lake of the Ozarks Convention and Visitor Bureau Community Center;

No. 6: \$750,000 for the Center for Agricultural and Rural Development at Iowa State University;

No. 5: \$1 million for the Mid-Atlantic Aerospace Complex in West Virginia.

You will notice, Mr. President, each one of those is earmarked to a specific location. For example, in my State of Arizona, we just voted a bond issue to expand our convention facilities. They are not going to have to do that in the Central Missouri Lake of the Ozarks because they are going to build a convention center, and we are going to give them \$300,000 to do so.

Again, No. 5, \$1 million for the State of West Virginia, which seems to pop up quite a bit.

There is an additional \$250,000 to Maui for the control of nuisance seaweed accumulations on the beaches of Kihei, Maui, HI;

\$100,000 for the Memphis Zoo in Memphis, TN, for the Northwest Passage Campaign;

\$140,000 for the city of El Reno, OK, for development of a trolley system;

And \$190,000 for the city of Spartanburg, SC, for the Motor Racing Museum of the South.

Mr. President, we are in a war. Isn't this really unconscionable? Isn't it really unacceptable? Isn't it really quite a commentary that the earmarks in this year's bill are higher than last year's bill? Isn't it interesting that each one of these is earmarked for a specific place? Perhaps the Presiding Officer's home State would like to

compete for money for a Motor Racing Museum of the Midwest since we are giving money to Spartanburg, SC, for the Motor Racing Museum of the South.

We are now about to have a big fight with the President and my colleagues on the other side of the aisle about increased spending. How can my colleagues on this side of the aisle go into that battle with clean hands when we continue to add porkbarrel project after porkbarrel project—\$9 billion so far of unrequested, unauthorized items that are specifically earmarked for certain powerful members of the Appropriations Committee. That is not right, Mr. President.

Sooner or later, we are going to educate the American people about this, and it is going to come to a halt. I am afraid it may be later rather than sooner. It continues to lurch out of control, and no one believes we have enough money for defense spending. No one believes that. That is why we are spending extra money on defense, and yet these projects continue to be added both in conference as well as in the bills themselves, and it is not acceptable.

It is not acceptable. If the average American knew more about this, they would reject it.

I intend to do as I have done in the past to make sure as many Americans understand where their tax dollars are spent.

I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I am proud to rise in strong support of a conference report on H.R. 2620, the VA-HUD fiscal year 2002 appropriations bill. The chair of the committee, Senator MIKULSKI, has done an excellent job in crafting this measure. I am deeply grateful for her leadership.

She was kind enough to talk about the smooth transition. It was not something we desired, but it was something that worked extremely well because we have had the good fortune of being able to work closely on this measure for a number of years. In fact, it was a seamless transition.

I believe the legitimate wishes and concerns of Members of this body, the needs of the veterans, those who depend upon housing for Federal Government assistance, those who depend upon the Environmental Protection Agency to clean up our rivers and our waters and our air, are well served by this measure.

I add my compliments to Congressman WALSH, the chair of the House VA-HUD Committee, and Congressman MOLLOHAN, the ranking member. This bill has been a very tough one because of the limitation on funding, but I believe it strikes the right balance. We have met many of the administration's funding priorities, and I compliment

the administration for not looking to create a series of new programs but instead focusing on some exceptions, maintaining existing program levels and reforming program implementation to ensure that agencies can deliver assistance under existing program requirements.

The Senator from New Mexico has asked for a few minutes out of my time, so I ask the Presiding Officer to notify me when I have used 9 minutes of time. I do wish to reserve some time for Senator DOMENICI for a very pressing issue he must address.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, the respective leaders have asked the vote be held at 4:30, so we are going to have some extra time. We can accommodate the Senator for as much time as he or the distinguished Senator from New Mexico would like to have.

Mr. BOND. Mr. President, I thank my chairman. I will try to be reasonably brief, but there are some important things I wish to include.

To return to the analysis of the bill, the VA and veterans needs remain the highest priority of the bill. The funding decisions in this bill are designed to ensure the best quality of medical care for our veterans and to keep the best doctors in the VA system. Furthermore, Senator MIKULSKI and I are committed deeply to meeting the medical needs of veterans, and we are working with the VA and the administration to ensure the successful implementation of the new CARES process, which is designed to assure that VA has the facilities it needs, that targets the services and the medical care throughout the country, and gets rid of unneeded facilities that drain money away from needed care for veterans.

In addition, the VA-HUD bill appropriates some \$30.2 billion for the Department of Housing and Urban Development, an increase of \$1.7 billion. This includes funding to renew all expiring section 8 contracts and provides for 18,000 incremental vouchers. I do remain deeply concerned that vouchers do not work well in many housing markets. We do, as the chairman of the subcommittee mentioned, need to develop new production programs that assist extremely low-income families in particular. This is a need that we must address, and we look forward to working with the authorizing committees, the Millennium Housing Commission, and others, to ensure it is addressed.

The bill also reflects our continuing support for CDBG, the HOME Program, homeless assistance, FHA mortgage insurance, and assistance for abatement of lead hazards in housing.

As for the Environmental Protection Agency, the bill includes a \$587 million increase to \$7.9 billion, \$74 million over the fiscal year 2001 level. The bill

maintains funding of the clean water State revolving fund at \$1.35 billion and drinking water at \$850 million. I cannot emphasize enough the importance of continuing to maintain funding for these State revolving funds.

The clean water infrastructure financing alone, there is a need in this country for some \$200 billion over the next 20 years, excluding replacement costs and operation and maintenance.

I want to address some comments made about spending characterized in this bill as porkbarrel. The Members of this body know this bill funds monies that go through to State and local governments. This is a measure that includes funds for the Community Development Block Grant Program. Under that program, we take Federal dollars and send it back to the local communities so Governors, mayors, and city council members can allocate the needs in their community.

Is that porkbarrel? I happen to think that providing money for needed community improvements is not porkbarrel spending. This measure also sends, as I just said, \$1.35 billion for the clean water state revolving funds to clean up sewers, and \$850 million for safe drinking water. Is that porkbarrel? I do not think so.

The greatest need for many of our communities, whether they be large or small communities, is to have the money they need to develop projects that will make them strong communities and to assure that the water systems are healthy. We provide that money.

Now my colleague was addressing the fact that out of that money, we send back for community development block grants some 6.8 percent. Less than 10 percent has been designated by Members of the House or the Senate for particular high need activities and investments in communities in their State.

Do Members of Congress somehow know less about the needs of their communities for community development? Do Members of Congress somehow know less about the need for critical improvements to water and sewer supply systems? I think not.

This money goes to those communities that have needs for tremendous efforts to improve community life, whether it be facilities that will bring in more business or whether it be money to go to drinking water or cleaning up sewer water in the States. This is one of the areas where those legislators in Congress who are concerned and who pay attention to the needs of their State can find areas where there are pressing needs. I believe, by and large, they do an excellent job, and we do a good job.

One may quarrel with some of the decisions made by local officials on community development block grants. One may quarrel with some of the decisions

made on clean water in State revolving funds for drinking water, but the fact remains there are tremendous needs in all of these areas. So I am very proud of the fact we are able to assist States, communities, and localities in taking care of their needs.

Mr. President, I do not see the Senator from New Mexico. I believe we have additional time remaining so I will continue and intend to address the subject he was going to address because I know he feels very strongly about it. One of the major controversial areas we have addressed in this bill concerns the level of arsenic in drinking water. In this case, the bill supports the current regulation of 10 parts per billion for arsenic levels in drinking water, and while this level is supported by a number of scientific studies, the requirement that the communities must meet these new requirements by 2006 is very troubling because there are communities in the United States, especially communities in the West, communities in New Mexico and Idaho and other States, where there are high levels of naturally occurring arsenic in the water.

Unfortunately, for communities which are small and do not have the financial ability to meet these requirements, the possibility is some very unwanted consequences of forcing through a regulation on all communities. We provide some relief in these communities through a temporary waiver. Our colleagues on the authorizing committees objected to this approach even though the leaders of the committee on both the House and Senate sides believed it was warranted. The conference report defers to those committees and suggests the authorizing committees pay attention to an evaluation to be done by EPA on the affordability of these projects and how a small system variance and exemption programs should be implemented for arson. This is a serious issue. Congress will have to address and balance this need over the next few years, both the financial burdens and health concerns faced by the small communities on the new arsenic standards.

To be blunt, the last thing we need is to push these communities, with high arsenic levels in their drinking water, to abandon local municipal water systems which are reducing the levels of arsenic and force residents to go back to untreated and unregulated wells where they would be getting potentially higher levels of arsenic and potentially being exposed to greater health risks, not only from arsenic but from other sources of water pollution that would be treated in the municipal water systems.

For FEMA, the conference report includes \$1.5 billion in emergency disaster assistance, funding for firefighters, and flood mapping and mitigation. I join with my colleague from

Maryland in expressing my gratitude for the way FEMA moved in. They have our highest appreciation. They stepped up to the plate and assisted the citizens of our Nation during this time of need.

I will address for my colleagues the fact, at the request of Representatives and Senators from New York, that we took special note of the economic needs of the people and businesses in New York that have been devastated by the tragic terrorist attack of September 11. The President allocated \$700 million for New York for the VA/HUD community development block grant. In this bill we included authority for HUD to meet these needs through existing programs, including broad authority to waive a part of the statute—except for labor standards, environmental standards, fair housing, and antidiscrimination—to meet these truly pressing needs. I understand a community economic development corporation has been established to allocate these funds.

I believe the Governor and the mayor set up a Lower Manhattan Redevelopment Corporation that will hand out the funds. I raise this point because today the Environment and Public Works Committee passed out of committee a new measure setting up a different form of allocating these funds. I caution members of that committee, on which I happen to serve, that we not set up a competing structure. We need to do the job well. We need to do it right. We need to do it one time and not have two different structures stumbling all over each other. We have, we think, dealt with the concerns, and we will be happy to work with friends and colleagues from New York to make sure we do it effectively.

Finally, I mention in addition to funding NASA at \$14.78 billion, we have expressed grave concerns about the serious cost overruns. The costs of the International Space Station have continued to grow, over \$4 billion above more recently; it is probably now \$5 or \$6 billion. There seems to be a total loss of management control by NASA with regard to the space station. We have received a report from the Young commission to study the International Space Station. I believe it is a top priority for the administration to find a new Administrator as soon as possible to review the extensive analysis and major recommendations of the Young commission and make whatever program and management reforms are necessary to ensure the ISS and other NASA programs meet our expectations and not rob the funding for NASA.

I express my strong feeling, as the chair of our subcommittee has, for the need to double the National Science Foundation budget. We have to meet pressing human priorities. But for the long run, the pressing human needs of this country are going to be met to the

extent that we fund the scientific exploration that goes on in the National Science Foundation. We should not be shorting the basic scientific research. I hope we can have the support of our colleagues to get the money to increase it next year to put us on the path of doubling.

In addition to thanking Senator MIKULSKI, I express my sincere thanks to the members of the subcommittee and my staff, Jon Kamarck, Cheh Kim, and Isaac Green, who worked long and hard. They have become very good friends and worked closely, particularly in the new setting with limited space, with our good friends, Paul Carliner, Gabrielle Batkin and Joel Widder, for their quality work and commitment to the process. They have done an excellent job, and we are very proud of the work they do.

I, too, commend this bill to my colleagues and urge unanimous support.

I yield the floor.

VA-HUD APPROPRIATIONS

WATER PROJECTS

Mr. STEVENS. Mr. President, the conference report includes funding for water projects in the Ketchikan Borough. While the project will be located in the borough, technically the funds would be administered by the city of Ketchikan. Does the distinguished ranking member share my view that EPA should issue the grant to the city of Ketchikan which has agreed to administer the funds?

Mr. BOND. I agree that EPA should make the funds available to the city of Ketchikan, not the borough government.

Mr. SARBANES. Mr. President, I come to the floor today to voice my support for the fiscal year 2002 HUD-VA conference report. I congratulate Chairwoman MIKULSKI and Senator BOND for the outstanding job they have done to provide HUD with the resources it needs, while working within a very tight allocation for all of the agencies within their jurisdiction.

The conference report before us today is a great improvement over the administration's budget request. The budget request for HUD, the agency that provides housing assistance to this Nation's poorest families, was sorely inadequate. Their proposal would not even have provided the funding necessary to maintain HUD programs at current levels.

The appropriators recognized the great need for housing assistance in this country by providing more funding than the administration requested in almost every program area.

The increases included in this bill are clearly needed. We have a severe housing crisis in this country, and the need for housing assistance continues to grow. In addition to the 5 million very low-income households in this country

who have worst case housing needs, which means they are either paying more than half of their income towards rent or living in severely substandard housing, another 2 million people will experience homelessness this year. These families face greater challenges today, as the Nation's low-income housing stock continues to shrink. In the past decade, the number of units available to extremely low-income renters has dropped by 14 percent, a loss of almost a million units.

These statistics make clear that programs to aid low-income families must not be cut, but must be expanded to meet the growing need. Unfortunately, the overall funding level requested by the administration put Congress in the untenable position of choosing between maintaining the current affordable housing stock or funding additional needed housing units. The appropriators were forced to forego expanding housing opportunities so that scarce Federal resources could be used to maintain existing housing, a choice that is both cost-effective and necessary. While we need to expand Federal housing programs, we have an obligation to ensure that the affordable housing that exists is habitable and safe.

For this reason, I am pleased that the conference report increases funding for public housing, a program that houses over 1.3 million of this Nation's poorest families. This bill provides \$2.84 billion for the Public Housing Capital Fund, the fund used to repair and modernize public housing—\$550 million above the administration's request. There is a significant need for Public Housing Capital Funds as HUD estimates that there is currently a \$22 billion backlog in needed capital repairs in public housing. A cut of the magnitude proposed by the administration would have led to further deterioration of this Nation's public housing stock. Fortunately, the bill before us today provides additional funding, helping us to maintain a much needed resource and to ensure that the Federal investment in public housing is protected.

Recognizing the importance of public housing, the conference report funds the Public Housing Operating Fund at \$3.5 billion, \$110 million above the administration's request. I am disappointed that this bill does not separately fund the Public Housing Drug Elimination Fund. The administration requested no funding for this critical program which helps to fight drugs and crime in our public housing communities. The conference report provides \$250 million more for the Operating Fund than provided in fiscal year 2001 to ensure that PHAs will not have to cut all of their anticrime activities. While this increase will assist PHAs in continuing after-school programs, mentoring activities, and safety pa-

trols, I am concerned that PHAs may be forced to use the increased funding to pay for rising utility costs, leading to a reduction in activities normally funded by the Drug Elimination Fund.

In addition to ensuring that public housing is maintained, this bill fully funds the Homeless Assistance Programs. I am pleased that the bill provides \$100 million to fund Shelter Plus Care renewals. Shelter Plus Care provides permanent housing to formerly homeless people, and this \$100 million will maintain all of these housing units, while allowing communities to continue to meet the demand for additional homeless services.

The conference report continues to expand the section 8 voucher program. I am concerned that we are only providing an additional 17,000 incremental vouchers, as compared to 79,000 vouchers provided last year. While I had hoped we would be able to provide as many vouchers as last year, I appreciate the effort of the appropriators to continue expanding the voucher program even with such a tight budget allocation.

One area of concern in this bill is the cut in section 8 reserves from 2 months to 1 month. These reserves are used in the event of higher program costs so that the section 8 program can continue to serve the same number of families. According to the Congressional Budget Office, this cut could result in a decrease of almost 25,000 vouchers being used this year. This would be an unfortunate, and devastating consequence. Fortunately, the appropriators included report language directing HUD to ensure that PHAs can fund all of their vouchers, and I expect HUD to implement these changes so that the number of families receiving vouchers is not decreased.

Housing assistance for elderly people and those with disabilities is also increased in this bill. Housing for the elderly is funded at \$783 million, an increase of \$4 million over the fiscal year 2001 level, and housing for people with disabilities is funded at \$240 million, an increase of \$23 million. In addition, I am pleased that the conference report provides \$277 million for Housing for Persons with AIDS, an increase of \$20 million over last year's funding level. This \$20 million will ensure that additional communities in need of housing assistance for people with HIV and AIDS will receive Federal funding. These increases will go a long way in providing needed housing to this nation's most vulnerable citizens.

At this time of economic uncertainty, it is imperative that we not turn our backs on low-income families in need of housing assistance. Though it is unfortunate that the administration's budget request forced us to forgo expanding affordable housing opportunities further, the bill fully funds the HOME program, which is a primary ve-

hicle for building affordable rental housing. The need for new affordable rental housing is growing, and I hope that we can work over the next year to secure additional funding for housing construction.

Hard choices had to be made in hammering out a final version of this bill, and I understand that all of our priorities could not be funded at the desired levels. As a whole, I support this bill, and commend Chairwoman MIKULSKI and the other members of the Appropriations Committee for negotiating a bill that greatly improves on the inadequate budget request, and affirms our commitment to housing this Nation's poor.

Mr. CONRAD. Mr. President, I rise to offer for the record the Budget Committee's official scoring for the conference report to H.R. 2620, the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act for Fiscal Year 2002.

Including an advance appropriation into 2002 of \$4.2 billion, the conference report provides \$85.434 billion in discretionary budget authority, of which \$143 million is for defense spending. The conference report will result in new outlays in 2002 of \$40,489 billion. When outlays from prior-year budget authority are taken into account, discretionary outlays for the conference report total \$88.463 billion in 2002. The conference report is within its section 302(b) allocation for both budget authority and outlays.

Included within the \$85.434 billion in budget authority for 2002 is \$1.5 billion in emergency-designated sending authority for the Federal Emergency Management Agency for disaster relief activities. The emergency funding, which is not estimated to result in any outlays in 2002, is consistent with the revised 2002 budget reached between President Bush and Congressional leaders last month. Per section 314 of the Congressional Budget Act, I have adjusted the Appropriations Committee's allocation for 2002 by the amount of the emergency funding. In addition, the conference report provides an advance appropriation for section 8 renewals of \$4.2 billion for 2003. That advance is allowed under the budget resolution adopted for 2002. Finally, the report would reduce federal revenues by \$32 million in 2002. By law, the revenue loss, which results from changes made to certain HUD and EPA fees, will be placed on the PAYGO scorecard.

Mr. President, I ask for unanimous consent that a table displaying the budget committee scoring of this bill be inserted in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

H.R. 2620, CONFERENCE REPORT TO THE DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2002, SPENDING COMPARISONS—CONFERENCE REPORT

(In millions of dollars)

	General purpose ¹	Defense ¹	Mandatory	Total
Conference report: ²				
Budget Authority	85,291	143	26,898	112,332
Outlays	88,326	137	26,662	115,125
Senate 302(b) allocation: ³				
Budget Authority	85,415	138	26,898	112,451
Outlays	88,463	0	26,662	115,125
President's request:				
Budget Authority	83,221	138	26,898	110,257
Outlays	87,827	136	26,662	114,625
House-passed:				
Budget Authority	85,296	138	26,898	112,332
Outlays	87,909	136	26,662	114,707
Senate-passed:				
Budget Authority	85,905	138	26,898	112,941
Outlays	88,320	136	26,662	115,118
CONFERENCE REPORT COMPARED TO:				
Senate 302(b) allocation: ³				
Budget Authority	-124	5	0	-119
Outlays	0	0	0	0
President's request:				
Budget Authority	2,070	5	0	2,075
Outlays	499	1	0	500
House-passed:				
Budget Authority	-5	5	0	0
Outlays	417	1	0	418
Senate-passed:				
Budget Authority	-614	5	0	-609
Outlays	6	1	0	7

¹ The split between general purpose and defense spending is for illustrative (i.e., nonenforceable) purposes only. The 2002 budget resolution includes a "firewall" between defense and nondefense spending, contingent on an increase in the discretionary caps. That contingency has not been met.

² The conference report includes \$1.5 billion in general purpose emergency spending authority for FEMA disaster assistance.

³ For enforcement purposes, the budget committee compares the conference report to the Senate 302(b) allocation. In addition to the amounts shown, the conference report also would reduce federal revenues by \$32 million in 2002. By law, the revenue loss, which will result from changes made to HUD manufactured housing and EPA registration fees, will be placed on the PAYGO scorecard.

Notes.—Details may not add to totals due to rounding. Totals adjusted for consistency with scorekeeping conventions.

Mr. JEFFORDS. Mr. President, I rise today in support of the VA-HUD conference report, H.R. 2620. I appreciate the conferee's recognition of the importance of the Environmental Protection Agency's enforcement budget, as well as full funding for state revolving loan funds. These are priorities for the Committee on Environment and Public Works.

Another priority for the Committee is ensuring the American public that when they turn on their faucets in their homes and businesses, day care centers and hospitals, they will fill their cups with clean, safe water. The new standard for arsenic in drinking water is a welcome measure to improve the quality of drinking water nationwide. Earlier this year, I was concerned when this Administration announced its intention to review the new, lower arsenic standard issued by the last Administration. Last week, I was relieved when EPA Administrator Whitman announced her intention to abide by the 10 parts per billion standard as well as the 2006 compliance date.

As Administrator Whitman stated in her letter to me on October 31st, the science clearly supports an arsenic standard no higher than 10 parts per billion. Over the past several months, three new independent scientific studies have been conducted by the National Academy of Sciences, the National Drinking Water Advisory Council and EPA's Science Advisory Board. These studies tell us that arsenic in drinking water is a public health concern, and that the levels allowed by current law are much too high. In fact, these studies support a standard lower than 10 parts per billion. EPA tells me

they have received more than 55,000 comments from the public on this subject. Clearly, this new, lower standard confers an important protection, supported by many of our citizens.

I am aware of the concerns that some of my colleagues have expressed about the ability of small communities to comply with the new arsenic standard. I have read the conference report language directing EPA to study this issue, and I look forward to receiving EPA's report. Indeed, with the significant public health concern associated with arsenic in drinking water, we care greatly that all communities are able to comply. Although current law contains affordability criteria as well as waiver and variance provisions, I would hope that we can provide financial assistance to these communities, if they need it, so that they can comply with the new standard in accordance with the compliance deadline and without having to avail themselves of these mechanisms. With such a pressing health issue at stake, what the public needs is timely compliance, not delay.

I also thank the conferees for their attention to a hazardous waste issue known as the "mixture and derived from rule." While EPA will continue to pursue exemptions for certain low-risk wastes, the conferees' commitment to supporting exemptions only where sound science applies will ensure protection of human health and the environment.

I urge my colleagues to support the conference report.

Mrs. BOXER. Mr. President, I am pleased that the conference report on the VA-HUD Appropriations bill includes a provision requiring the Bush

administration to end its delay of the Clinton rule establishing a tougher standard on arsenic in drinking water.

The statutory language is similar to the amendment I offered to this bill, which passed the Senate 97-1. This language will result in a 10 parts per billion standard for arsenic and will ensure the community's right to know when unhealthy levels of arsenic are present in the drinking water.

I am concerned, however, about language in the conference report. It says that the Administrator should focus on developing procedures that would result in extensions of time for small systems to comply with the arsenic standard. Clearly, those extensions would have to be consistent with the Safe Drinking Water Act requirements. But they would only result in further delay.

In addition, the Administrator is asked to report to Congress on legislative proposals that address further extensions of time for compliance by small systems. The focus of EPA's limited resources should be on helping these systems to accelerate compliance—by providing technical and financial assistance—not on how to further delay compliance.

As a member of the Environment and Public Works Committee, that will be my focus. I will be working to provide funding for small communities to meet the 10 parts per billion standard, and I will not support legislative proposals that provide additional extensions and delay even more the time when all Americans have safer drinking water.

Mr. KERRY. Mr. President, while I will support the fiscal year 2002 VA-

HUD and Independent Agencies conference report, I must express my strong disappointment in the funding level included in the bill for YouthBuild. I strongly believe that YouthBuild proves that the Federal Government, working in cooperation with community-based non-profits, can make a real difference in the lives of young people, the young people that most Americans have given up on. During Senate consideration of the VA-HUD appropriations bill, I successfully included an amendment to provide a \$10 million increase in funding for YouthBuild. A similar amendment was included in the House, so the amount allocated to YouthBuild was approximately \$70 million in each bill.

While I understand the difficult allocation which the Subcommittee operates, I am nevertheless very disappointed that in the Conference Report included only \$65 million for YouthBuild. With strong support for YouthBuild in both the House and the Senate, I believe this program deserved \$70 million in fiscal year 2002. These additional funds would have assisted YouthBuild in expanding its programs across the nation and assisted more at-risk youths.

YouthBuild is designed to serve those that, too often, have proven to be the hardest to serve. In return, they serve us, by getting job training, learning a skill, completing their educations, and working in communities across the country rebuilding housing, providing desperately needed affordable housing to other needy families.

Many low-income young adults are having great difficulty achieving success in our society. YouthBuild attracts low-income young adults who have dropped out of school. Many participants have been adjudicated, are from welfare families, have children already and live in public housing projects. The premise of YouthBuild is that these young adults need and deserve a second chance, that they are eager to live productive, constructive lives, and we cannot afford not to provide them with that second chance. Skills, education, inspiration and support provided by YouthBuild help them make the transition to the jobs or higher education.

YouthBuild is the only national program that provides young adults an immediately productive role in the community while at the same time providing all of the following benefits to participants: basic education toward a diploma; skills training toward a decent paying job; leadership development toward civic engagement; adult mentoring to help overcome personal problems; and participation in a supportive mini-community with a positive set of values.

Of those that enter YouthBuild, 67 percent complete the program. 85 percent of YouthBuild graduates are

placed in college, or get a job with an average wage of \$7.53 per hour. Many become leaders in their communities, both while they are in the program and thereafter.

YouthBuild receives bipartisan support for one simple reason—it works. The program fills a major gap in public policy by addressing the needs of at-risk, out of school young adults in a more comprehensive way than any other existing national program. That is why I circulated a letter with Senator MIKE DEWINE, which was cosigned by 63 Senators, in support of increasing funding for YouthBuild to \$90 million.

YouthBuild program has grown from 15 sites which served 600 at-risk youth in 1993, to 145 sites serving approximately 5,800 youth in 40 States today. The engine of this growth has been the HUD appropriation. The fuel has been the highly motivated local leaders whose commitment keeps the program on the cutting edge of community needs. They have raised State, local, and private funds to supplement Federal funds and extend the reach of this important program. Major support from the Ford Foundation, the Charles Stewart Mott Foundation, The DeWitt Wallace-Reader's Digest Fund, local Rotary Clubs, The Home Depot, US Bancorp, and Metropolitan Life Insurance Company demonstrates that the network is highly regarded by leaders in the private sector. YouthBuild attracts, motivates, educates, and trains precisely the young people who have fared least well in virtually all other existing systems.

The demand and need for YouthBuild programs far exceeds the resources allocated to it. Successful YouthBuild programs have 6 to 10 times more applicants each year than they can accept. In this period, with the economy in need of qualified workers and the number of at-risk adults is increasing, it is excellent public policy to invest in a proven national model that can bring these young adults into employment, post-secondary education, and constructive civic engagement.

The best way for me to explain to you the importance of YouthBuild is to tell you about one the YouthBuild programs. YouthBuild Springfield, MA, has received more than 250 applications for its services since it opened in 1999, and has been able to serve 80 young people in a comprehensive, year round programs which includes education and employment training, as well as community and leadership development. Over half of the participants are young women, many with dependent children. All of the participants commit to being drug free, participate in weekly drug education workshops, and agree to random drug testing. They provide four therapy groups each week and access private therapy as needed. They have maintained a 77 percent retention rate, 86 percent attendance rate, and 82 per-

cent placement rate at an average wage of \$8.10 per hour. Another 10 percent have gone on to further training or college.

With the strong bipartisan support for YouthBuild, I am hopeful that we will be able to increase the appropriation for this important program in fiscal year 2003.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. I ask unanimous consent the vote on adoption of this conference report to accompany H.R. 2620, the VA/HUD appropriations bill, occur at 4:30 p.m. today and that if all time for debate has expired, the time until 4:30 p.m. be equally divided and controlled by the two managers.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MIKULSKI. Mr. President, I am happy to yield to the Senator from Texas such time as she may consume.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I rise to talk about the VA/HUD bill which has a number of good parts to it. I know the managers have worked very hard to divide up the dollars. It is always hard when there are not as many dollars as projects.

I specifically want to talk about the issue of NASA. I know of the great concerns, because it is very obvious from the bill, and, frankly, they are valid concerns, about the management of the space station and the cost overruns. I also understand there are concerns about the overruns hurting other programs within NASA.

When you are doing something new, when you are pushing the envelope of technology, you cannot always be precise. This is not to say some of the overruns have been invalid, incomprehensible in some ways, and I don't understand some of them myself. I do not think you can set an exact budget when you are experimenting. We all know you have to have some freedom in science in order to be able to make a mistake, learn from the mistake, and do something else.

I appreciate the \$150 million cut in the original Senate bill was halved to \$75 million in the conference. I hope NASA can work within that \$75 million and the rest of the budget for the space station to continue to move ahead. I am told by the people at NASA it will delay the space station, but it will certainly not kill it.

But I think the overriding issue is the one that was mentioned by the Senator from Missouri, and that is we need to have a new administrator appointed for NASA right away. Dan Goldin has done a terrific job, but he is leaving at the middle of this month. So we need to have that leadership.

I urge that the new leader of NASA look at what NASA can do. Let's decide, what is the science that we want

to create? What is the goal of NASA? NASA has given us so much in the past, in new technologies that create new industries and new jobs. It has been part of the revitalization of our economy. We want to continue to push ahead. We want to continue to be the leader of the world in technology. To do that, we are going to have to have a clear vision for NASA and new leadership.

I thank the Senator from Maryland and the Senator from Missouri for working with me to make sure we do have the expenses that must be paid for NASA to stay in place. I think their concerns are valid, but let's not throw out the baby with the bath water. We cannot starve NASA if we are going to stay in the forefront of technology.

I look forward to working with the Senators from Maryland and Missouri during the next year, hopefully with a new Administrator from NASA, so we can have a clear vision and we can continue America's lead in technology that will have a major impact, not only on our future defense and our future programs, but also for our economy for the future.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I know the Senator from New Mexico wishes to speak. We have guaranteed him this time. I say to the Senator from Texas, she has been a long-standing advocate of the space program. I have traveled with her to Texas to see the first-class, world-class research that is going on there.

I, too, look forward to working with the new Administrator of NASA. We should also recognize the current one because I think he has tried his best. But we have to have a NASA for the 21st century. I look forward to working with her to be able to do that.

Mrs. HUTCHISON. I thank the Senator from Maryland.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. I thank my colleagues for their important discussion. I am now pleased to yield 5 minutes to the Senator from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I thank Senator MIKULSKI and Senator BOND for their sensitivity to the issue of the new arsenic standards in water and its impact on thousands of communities throughout America.

Let me say, I have given up on attempting to challenge the 10-parts-per-billion standard the administration has now found to be the standard that is necessary in drinking water in America for the water to be healthy and safe. Saying that I cannot fight it any longer does not mean I agree with it, nor that I think the Congress can ignore the consequences of this new standard on many communities across this land.

More than 140 communities in my home State of New Mexico face this new burden at an estimated cost of more than \$440 million, from the smallest of water supply systems to the very largest in the city of Albuquerque.

Why would one be concerned enough about this to bring it to the floor of the Senate? It is a highly controversial issue as to whether the exact same standards on arsenic should apply in every community across the breadth and width of America because if you come from a State such as New Mexico, Nevada, West Virginia, Utah, Idaho, and many more, whatever human beings have lived in those parts of America, from the earliest arrival of men to the modern American living in these communities, there has been arsenic in the water that did not come from anything that human beings did by their actions or nonactions. Arsenic was in the water for all the time that humans have lived and found this water and drank of it. The arsenic was there because of the rock formations, that geology, over which the rainwater, after it rippled down, ran and percolated into lakes and reservoirs and areas underground which were then used for drinking water.

Many hundreds of thousands of people drank of that water with no ill effects. I know it is almost the wrong thing to say scientifically, but it seems as if it is factual that the citizens in those areas to which I have alluded, including my State of New Mexico, are healthier, whatever is allegedly the damage that arsenic in the water produces.

In other words, the diseases that are attributable to having more arsenic in the water are present less frequently in States such as mine than they are in other States that have not, for all this period of time, had drinking water which had naturally flowing arsenic as a component of the compound.

Since I believe that, it doesn't mean I am advising that we not follow the law. But what I am suggesting is that soon small, medium-sized, and large communities in all of these States, including Nevada, including West Virginia, including New Mexico, including Arizona and many others, are going to start getting the estimates as to how they make these small water systems, these medium-sized ones, and these large ones—how do you get them down to 10 parts per billion of arsenic. They are going to get these big estimates.

They are going to get estimates of rebuilding whole waterworks for this purpose. Then the citizens are going to be asking, after seeing the headlines: What is this all about?

What I think we should have done in this conference is we should have let the Department—the Environmental Protection Agency—which adopted the new standard, deal with it in a normal manner. Actually, they would have 6

years before the implementation date. But they could at least work with cities. They could perhaps work on waivers attributable to good research which said if they are given 2 more years, they are going to come out with new science and it is going to be much less costly to Las Vegas, NV, and Reno, NV.

I see my friend, the junior Senator from Nevada is here.

But we went one step further in this bill and we prohibited the Environmental Protection Agency from doing anything other than enforcing this standard, literally, specifically, no exemptions, no waivers.

I say to the two Senators who are managing this bill, the Chair and Senator BOND have been most understanding. They have both pledged if we can find a way to help with this, by either partial financing or in some reasonable way, they are going to do that.

I want to tell the Senate there is some exciting research going on. That is getting funded, too. So we might make a breakthrough where we don't have to clean the arsenic out of the water in the manner expected of us today. There will be a newer way, cheaper, more reasonable, and perhaps we can get something done.

To reiterate, I thank Senator MIKULSKI and Senator BOND for their sensitivity to the issue of the new arsenic standard and its impact on thousands of communities throughout the nation. I am not arguing against the new standard of 10 parts per billion, since the administration has announced that it will support this level of arsenic in our water. But, we all know that achieving this new level will cost literally billions of dollars for communities, most of which will never be able to afford the equipment to meet this standard by the year 2006.

I wish that we in the conference on VA-HUD could have addressed this issue in a substantive fashion, perhaps by establishing direct funding to help these communities. We were not able to do so, but I am assured by the many Senators who agreed with me that this issue is critical. We must establish a new program to help through grants and loans the communities that face virtual ruin if they try to fund this new equipment themselves. More than 140 communities in my home state alone face this new burden, at an estimated cost of more than \$440 million.

I hope that my colleagues will join with me, and with others, like Senator REID of Nevada, as we try to forge a program as soon as possible, perhaps even later this session of Congress.

The PRESIDING OFFICER. Who yields time?

Ms. MIKULSKI. Mr. President, how much time is left?

The PRESIDING OFFICER. The Senator has 1 minute.

Ms. MIKULSKI. Let me conclude by thanking the Senator from Missouri

for all his help and cooperation, and his staff—all of whom were working on it. I take this opportunity to thank the people who worked directly with the bill, worked directly in the Senate.

There are a lot of people who work in this institution.

We are coming up on the second month anniversary of the aerial attack on the United States of America. I thank all the people here at the Capitol who continue to show up every day and every way to support us so we can keep democracy's doors open.

First, I thank our young pages. They are high school students. They could have gone back home and been prom queens and football heroes, but instead they chose to serve their country by being right here in this Chamber. We thank them for their support for us and the confidence their families showed in us.

All of the people who run the food service, who run the elevators, and who are trying to clean up the Hart Building need to be acknowledged. By supporting us, they really support democracy. As we pass this bill that honors America's veterans and protects our homeland security, I thank all the people from the pages to the elevator operators, to the carpenters, and so on, who just show up every day and help us keep democracy's door open and functioning.

I bring you the VA-HUD bill and say God bless the U.S. Senate and God bless America. Let's vote and pass this bill.

Mr. BOND. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the conference report.

The clerk will call the roll.

The senior assistant bill clerk called the roll.

Mr. REID. I announce that the Senator from California (Mrs. BOXER), the Senator from Georgia (Mr. CLELAND), the Senator from Vermont (Mr. LEAHY), and the Senator from Georgia (Mr. MILLER) are necessarily absent.

I further announce that, if present and voting, the Senator from Vermont (Mr. LEAHY) would vote "aye."

Mr. NICKLES. I announce that the Senator from Wyoming (Mr. ENZI) and the Senator from Ohio (Mr. VOINOVICH) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 87, nays 7, as follows:

[Rollcall Vote No. 334 Leg.]

YEAS—87

Akaka	Biden	Bunning
Allard	Bingaman	Burns
Allen	Bond	Byrd
Baucus	Breaux	Campbell
Bennett	Brownback	Cantwell

Carnahan	Hagel	Nelson (NE)
Carper	Harkin	Nickles
Chafee	Hatch	Reed
Clinton	Hollings	Reid
Cochran	Hutchinson	Roberts
Collins	Hutchison	Rockefeller
Conrad	Inhofe	Santorum
Corzine	Inouye	Sarbanes
Craig	Jeffords	Schumer
Crapo	Johnson	Sessions
Daschle	Kennedy	Shelby
Dayton	Kerry	Smith (NH)
DeWine	Kohl	Smith (OR)
Dodd	Landrieu	Snowe
Domenici	Levin	Specter
Dorgan	Lieberman	Stabenow
Durbin	Lincoln	Stevens
Edwards	Lott	Thomas
Feinstein	Lugar	Thompson
Fitzgerald	McConnell	Thurmond
Frist	Mikulski	Torricelli
Graham	Murkowski	Warner
Grassley	Murray	Wellstone
Gregg	Nelson (FL)	Wyden

NAYS—7

Bayh	Gramm	McCain
Ensign	Helms	
Feingold	Kyl	

NOT VOTING—6

Boxer	Enzi	Miller
Cleland	Leahy	Voinovich

The conference report was agreed to. Mr. BOND. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business with Senators permitted to speak therein for a period of up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO MIKE MANSFIELD

Mr. KENNEDY. Madam President, all of us who knew and loved our former great Senate Majority Leader Mike Mansfield were saddened by his death last month. He was truly one of the all-time giants of the Senate, and he went on to serve with high distinction for many years as our Nation's Ambassador to Japan. His wisdom, his intelligence, his insights, his friendship, his fundamental fairness, and his extraordinary humility combined to make him a leader of uncommon vision and ability during his long and brilliant and historic service to the Senate, to the people of Montana, and to the entire country.

On October 10, at a beautiful service for Senator Mansfield at Fort Myer Memorial Chapel, his former Senate assistant, Charles Ferris, delivered an eloquent eulogy that touched us all and reminded us again of the many reasons why we loved and admired Mike Mansfield so deeply. I know that the eulogy will be of interest to all of us, and I ask unanimous consent that the eulogy be printed in the RECORD.

There being no objection, the eulogy was ordered to be printed in the RECORD, as follows:

EULOGY DELIVERED AT THE FUNERAL OF MIKE MANSFIELD

(By Charles D. Ferris, October 10, 2001)

Thank you one and all for being here. A quiet giant is gone. And in the spirit in which he lived, Mike Mansfield would be embarrassed by inconveniencing so many but privately very grateful to each of you. And a special thanks to Father Monan, the Chancellor of Boston College. Mike received an honorary degree decades ago from Boston College and was the first recipient of their Thomas P. O'Neill Distinguished Citizen Award in 1996. He had a soft spot for Boston—he referred to Boston as the Butte of the East—an expression of great affection—for Butte had a hold on his heart. It was where he met Maureen.

And during 67 years of marriage, Maureen was to him what Abigail was to John Adams—a loving partner in a marriage of equals based on respect for each other's judgment and intelligence, with equal participation in all decisions, professional as well as personal.

How does one talk about the life of such a great man who was so reluctant to talk about himself? Any of the hundreds of experiences he shared with me and with so many of you would be a story worth telling. But most of the stories must be for another time, for the Irish wake we will conduct for him in our memories and hearts will never end.

He left the world as he lived in it, with the least possible fuss and absolutely no nonsense. His hospitalization was blessedly short, his mental capacity and condition unimpaired until the last three days when he gracefully slipped deeper into the last sleep. He gave his daughter Anne and granddaughter Caroline and others of us who loved him time to prepare ourselves and say goodbye. Till the end, he conducted himself with character and class, a sense of dignity and a lifelong sensitivity to others.

My sadness today is overwhelmed by the surge of gratitude for the things we shared that will be a part of me and my family forever. Thirty-eight years ago, he plucked me from the Justice Department where I was a happy and content trial lawyer. I don't know to this day how I got the job. I had never met him before that day. He was anxious about the Civil Rights legislation coming over from the House—the Senate Judiciary Committee for decades being a graveyard for civil rights bills. As he talked, I wondered how I could ever connect my specialty in Admiralty law with the challenge he was describing. Thankfully, I didn't try. I just told him that I didn't know exactly how I could be helpful but, if he wanted me, I would do my best. After we spoke for about 25 minutes—which I would soon learn for him was a filibuster—he asked me to start the following Monday. Mike Mansfield was a "yep, nope, don't know, can't say" type of guy. My winning argument must have been admitting

I didn't know. Over the years, I learned how clearly he detected and how strongly he reacted to any and all variations of the snow job. For whatever reason, his decision changed my life as he changed the lives of all who shared time with him. I look back and wonder if he hadn't taken that leap of faith, I would today be a GS18 step 32 at the Justice Department.

But, by my good fortune and his hasty judgment, I was graced with the opportunity to observe him—and learn from him, as I never could from any book, the meaning of decency, integrity, humility, of perspective, patience, and honor. Mike Mansfield exhibited all these rare qualities in full measure—and with it all, he was also the wisest man I have ever met.

His mother died when he was 7 and he had a rocky childhood until he finally joined the Navy at age 14, committing probably the only deceptive act in his life—presenting a document that declared he was 18. After the Navy, it was the Army and, after the Army, it was the Marines (he obviously got all his indecision out early in life). The Marines sent him to the Philippines and China. Thus began his lifetime interest and study of East Asia. But he had no formal education so he returned to work in the copper mines in Butte. Then, at the urging of his new found love Maureen, he enrolled at the Montana School of Mines as a special student, concurrently taking courses to earn his high school diploma; transferring a year later to the University of Montana, where he won his BA and high school diploma simultaneously in 1933. A Masters Degree followed, then a teaching position at the University, which was his calling until elected to Congress in the Fall of '42, then the Senate in the Fall of '52, Majority Whip in 1957 and Majority Leader in 1961.

Mike Mansfield was a distinctly different Leader than his predecessor. He never twisted an arm but he touched the conscience of his colleagues. He won them over by his openness, his character and his reason. He transformed a Senate of power brokers into a Senate of equals. His was a leadership rooted in clarity of motive, honesty of purpose and respect of his fellow Senators.

And he led it to shape an America of greater equality. He was a shaping force of the New Frontier and the Great Society. He was at the helm of the Senate at the height of fundamental achievement—the Nuclear Test Ban Treaty, the Civil Rights Act of 1964, the Voting Rights Act of 1965, the passage of Medicare, federal aid to education, the 18-year-old vote—all deeply controversial at the time, many requiring the then-dreaded two-thirds cloture vote. All this and more was written in American life and law—and, in each instance, he made sure a different Senator received the lion's share of the accolades. Mike Mansfield always gave the credit to others; his satisfaction came from within; his approbation from Maureen. Yet, each time, Mike Mansfield's leadership was the hinge of history: he was the man without whom the achievements might well have been different—in all likelihood, at least greatly lessened. He was the strong gentle wind that set the climate of the Senate. He was the essential chemistry of that Body. I say that as one who observed the entire process closely from the wings.

During the months of daily backroom negotiations on the Voting Rights Act in 1965, a disgruntled Chief of Staff for a Midwestern Democrat complained about holding the daily meetings in Everett Dirksen's office, with the press conference right outside every

day at 4 p.m. Everett Dirksen was given center stage by the Boss, who was content to simply stand there and second Dirksen's loquacious progress report. The Chief of Staff pleaded to have at least half the meetings in the Majority Leader's office and hold the press conferences there so the office nameplate of the Majority Leader would stamp the photos and TV coverage of the day. I thought this a perfectly reasonable request and brought it to the Boss, whose response was "Charlie, last year the Republican Party drifted far from the mainstream during the Presidential election. If the public can see the Republican Leader each day reporting on the progress of what will hopefully be the most significant civil rights legislation ever, it will be very beneficial for the country to grasp that this bill was being drafted by both parties, even in an overwhelmingly Democratic Congress." And so it was; and for me, another lesson in perspective, in wisdom.

Mike Mansfield's fairness was never questioned on either side of the aisle. I recall a freshman Senator with an important amendment—important to him politically and to his state almost exclusively—that he had already announced he would offer to a pending bill. But with some swift parliamentary gymnastics, the managers raced the bill to final passage. The freshman Senator had been left high and dry and certain to be embarrassed back home. Mike was not on the Senate Floor for the parliamentary sleight of hand but, once summoned, he exhibited with few words and mostly by a stern look his sense of outrage at the unfairness of what had happened. He rescinded by unanimous consent the passage of the bill and the freshman Senator had his day. I don't remember the outcome, but it didn't matter; the opportunity was the victory. That freshman Senator, incidentally, was a Republican—he is still a Member of the Senate and he is here today.

He was our Ambassador to Japan during both the Carter and the Reagan Administrations, a post where he became in another great country what he was in our own—the most respected of leaders. Again he remained himself and redefined diplomacy. Early in his years as Ambassador, the American nuclear submarine George Washington violated the law of the seas. It surfaced and sank a Japanese vessel in Japanese waters, tragically causing loss of life, a most embarrassing and politically explosive incident. In a world where debate over words like regret, sorrow, excuse or apology can take weeks and months to be decided, at his own instigation and insistence, Ambassador Mansfield delivered a note of apology to the Japanese Foreign Minister. He asked, however, most uncharacteristically, that the TV cameras be permitted to remain in the room while he submitted the written apology. Again in character, actions over words, he bowed deeply below the waistline in presenting the official government position. As he knew, this symbol in the Japanese culture has great significance. The sincerity and depth of the apology was visually conveyed. That five seconds was played and replayed on Japan's TV stations many times over—obviously seen by everyone in Japan with a television. The political issue ceased to exist. Again, few words—great action—achieved goal. I don't doubt that his 12 years in Tokyo were characterized with other telling examples.

In the last decade of his life, after he returned from Tokyo, I was blessed with the good fortune of becoming Mike Mansfield's good friend. We shared wonderful moments

together and our almost daily visits were a ritual we both became addicted to. When the end came on Friday morning, I was filled with sadness for an irreplaceable loss, but full of gratitude for the friendship and love and the lessons on how to live.

At the hospital three days before he died, he was resting comfortably, his eyes closed. He had been informed the day before that he was on his final lap. I went to his bedside, and took his hand and quietly asked how he was doing. He opened his eyes, strained to focus, and said, "Oh, Charlie, how are you? A moment later, "What day is it?" Monday, I said. A short pause, and then, "How did our little giant do yesterday?" Knowing, of course, he was talking about Doug Flutie, I said he won. They're now 3-0. He smiled and said, "If they go 4-0, he should own the team."

It was as if this were a normal day, another visit, nothing unusual. In looking back, this final chat I believe was much more. He was not a man of idle gestures or wasted words. He knew the wheels were about to touch down. But like remaining in the background at joint press conferences, or bowing below the waist to the Foreign Minister or with a stern look repairing a parliamentary abuse, I believe he was conveying a message. That he was mentally comfortable and spiritually content; that he had no fear about what lay beyond the horizon. In effect, he remained a mentor to the very end—still more interested in giving comfort than seeking it—teaching again by example the final lesson of dying with serene dignity.

Now what we have left are indelible memories and his shining example. But how much more that is than most people, not just politicians, ever give. He left a deep imprint on the history he once taught and every person he ever met.

Mike has gone to Maureen. Together again with the love of his life. But he will always be with all of us who knew him—who were directed by his example, honored by his friendship—blessed by his life and appreciative of his love.

In the world where politics is so often so self-regarding and so many so self-absorbed, Boss, you set a different, higher standard. You tapped er light but left the deepest imprint.

There will never be another like you.
You will always be a part of my life.

VETERANS DAY

Mr. SPECTER. Madam President, Sunday is Veterans Day, a day dedicated to honoring the brave men and women who have served in the armed forces of this great Nation. Over 26 million men and women living today have answered their Nation's call to defend the ideals, values, and liberties we Americans hold dear.

This Sunday will mark the 63rd anniversary of the creation of the first official holiday honoring veterans who, like my father, Harry Specter, served in World War I. Unfortunately, it will also mark the 3-month anniversary of the horrific attacks of September 11, attacks which were directed at the same ideals, values, and liberties millions of Americans have fought so bravely to defend. As ranking member of the Committee on Veterans' Affairs, I wish to express my deepest gratitude

and appreciation to the veterans of wars past—and to those who are engaged today in fighting this new war against terrorism.

I am proud of what has been accomplished in Congress in recent years to honor America's veterans. We have expanded educational benefits, improved life insurance coverage, and opened new national cemeteries. And we have worked hard to increase funding for VA medical care. We intend to build on these accomplishments with further improvements in VA services and benefits. I thank my colleagues for their past support, and I urge them to continue in their steadfast support for veterans. Very few things we do here are more important.

Whereas Memorial Day is dedicated to remembering those who made the ultimate sacrifice for their country, Veterans Day is dedicated to acknowledging the commitment and devotion to duty millions of former soldiers, sailors, airmen, and marines made to this great Nation. Veterans are the best of America—people who, through sacrifice, dedication, and love of country, protected our freedoms, liberties, and way of life. This Sunday I ask every American to join me in honoring them. I also ask that we take a moment to acknowledge and thank the warriors of today who are the veterans of tomorrow.

ENHANCING SECURITY OF U.S. BORDERS

Mr. DEWINE. Madam President, as a member of the Judiciary Committee Subcommittee on Immigration; the Select Committee on Intelligence; and the Judiciary Committee Subcommittee on Technology, Terrorism, and Government Information, I am committed to improving the integrity of our immigration system. My positions on these committees also have given me an understanding of the unique interrelationship between immigration, national security, and law enforcement.

I am especially interested in border security issues. The tragic September 11 bombings have made it clear that we must improve our law enforcement and intelligence systems to enhance public safety and national security, particularly at our borders. I am pleased that two bills have been introduced to revise our immigration and visa system to enhance our border security. The chair and ranking member of the Immigration Subcommittee, Senators KENNEDY and BROWNBACK, introduced S. 1618, the "Enhanced Border Security Act." The chair and ranking member of the Technology and Terrorism Subcommittee, Senators FEINSTEIN and KYL, introduced S. 1627, the "Visa Entry Reform Act."

The Kennedy-Brownback bill emphasizes an immigration approach, while

the Feinstein-Kyl bill reflects a keen understanding of the needs of law enforcement. While there are a few overlapping, even conflicting, provisions in these bills, I think that the sponsors have some excellent ideas and are clearly headed in the right direction. Both bills seek to improve data sharing between agencies that are responsible for protecting our borders.

At the same time, I think it is very important that we do not "reinvent the wheel." In the recently passed counterterrorism law, "Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001", USA PATRIOT ACT, Congress passed a provision of mine to demonstrate how we can expand the Integrated Automated Identification System to help secure our borders. We already have the technology available to pre-screen, identify, verify individuals, and share information through the FBI's fingerprint database. We ought to leverage our previous investment in this system.

Specifically, if someone is on an international "watch list" or "wanted" in connection with a criminal or intelligence investigation in the United States, we need to know this information. I believe our decisions as to whom we allow to enter and stay in our country are only as good as the information upon which we base our decisions. My provision in our new counter-terrorism law requires the FBI to report to Congress on how its fingerprint database and other systems can be used to address this problem.

Again, I anticipate that these bills will be reconciled into a comprehensive border security bill. I hope to work with the sponsors of both bills and help bridge the gaps.

DOMESTIC TRAVEL AND TOURISM INDUSTRY

Mr. KYL. Madam President, as my colleagues know, Senator ZELL MILLER and I have introduced bipartisan legislation to help our domestic travel and tourism industry recover from the devastating effects of September 11. I believe that we must focus an emergency economic stimulus package on the sector that has been most harmed: our travel and tourism industry. If we are to prevent thousands of bankruptcies, hundreds of thousands of lost jobs, and a host of indirect consequences to the rest of the economy, it is essential that we provide some immediate help to the travel and tourism industry.

The most important element of the legislation would provide a temporary \$500 tax credit per person, \$1,000 for a couple filing jointly, for personal travel expenses incurred by the end of the year. This temporary measure will help encourage Americans to resume their normal travel habits. Unlike general rebate checks to taxpayers, a tax cred-

it conditioned on travel expenses ensures that the money is spent on a specific activity, in this case an activity that will generate positive economic ripples throughout the entire American economy. It will also help create confidence and encourage Americans to get back on airplanes.

Since business-travel expenses are already deductible, temporarily restoring full deductibility for all business-entertainment expenses, including meals, that are now subject to a 50 percent limitation, also would help restore the mainstay of the travel industry: the business traveler.

In a recent letter to the President, the members of the Travel Industry Recovery Coalition endorsed the travel credit as well as elimination of the current 50 percent penalty on business meals and entertainment. I ask unanimous consent that the letter be printed in the RECORD.

I hope my colleagues will cosponsor S. 1500 and join in our bipartisan effort to preserve jobs and revive this vital sector of the economy by getting travelers traveling again.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NOVEMBER 2, 2001.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: On behalf of the twenty-six member organizations comprising the Travel Industry Recovery Coalition representing all segments of our nations \$582 billion travel and tourism industry and listed in detail on the enclosed sheet, I write to thank you for encouraging Americans to travel again and for your Administration's ongoing efforts to make travel safe and secure. Working with your Administration, our industry has made progress ensuring that travel is safe and secure and in restoring consumer confidence in travel.

We are grateful for your leadership in expanding the low interest SBA Economic Injury Disaster Loan program to small business across the entire country. We also appreciate the congressional leaders who have expressed their strong support for an expansion of the net operating loss carry-back that will be of real benefit to our industry. Unfortunately, these important efforts have not been sufficient to encourage enough travelers to travel and thus to keep workers working. The state of our travel and tourism industry thus remains precarious.

We write to urge your Administration to support bipartisan legislation introduced in both the Senate and the House that would provide a \$500 per person (\$1,000 per couple) tax credit for travel booked by the end of the year. The proposed tax credit meets your Administration's central condition for inclusion in the economic stimulus package in that it would have an immediate and significant impact on the entire economy, and would not require a permanent change to the tax code (and thus would not affect future interest rates). We believe its enactment would generate \$50 billion in economic activity and 590,000 jobs over the course of the next year. We urge you to support this temporary travel tax credit to stimulate the economy, to preserve jobs, and to bring families together this year at Thanksgiving and during the December holidays.

We urge your Administration to support short-term measures that would eliminate the current 50% penalty on business meals and entertainment expenses and to work with our industry on a comprehensive promotional campaign to encourage travel to and within the United States. We also ask your Administration to work with us in providing assistance to the valuable employees in our industry who have lost their jobs, face reduced hours, or face the imminent loss of their jobs if travel does not rebound quickly.

Thank you again for leading our country at this difficult time and for your Administration working with us to achieve our twin objectives to ensure safe traveling and restoring confidence in travel to and within America.

Sincerely,

WILLIAM S. NORMAN,
President and CEO.

TRAVEL INDUSTRY RECOVERY, COALITION

Coalition Member and Key Contact:

Air Transport Association, Carol Hallett, President and Chief Executive Officer; American Association of Museums, Edward Able, Jr., President and Chief Executive Officer; American Bus Association, Peter Pantuso, President and Chief Executive Officer; American Recreation Coalition, Derrick Crandall, President, and Association of Retail Travel Agents, John Hawks, President.

American Society of Travel Agents, William Maloney, Executive Vice President and Chief Operating Officer; Association of Travel Marketing Executives, Kristin Zern, Executive Director; Carlson Companies, Marilyn Carlson Nelson, Chairman and Chief Executive Officer; Cruise Lines International Association, Jim Godsmann, President, and Hospitality Sales and Marketing Association International, Ilsa Whittemore, Associate Executive Director.

International Association of Amusement Parks and Attractions, Brett Lovejoy, President; International Association of Convention and Visitors Bureaus, Michael Gehrisch, President and Chief Executive Officer; International Council of Cruise Lines, Michael Crye, President; National Association of RV Parks and Campgrounds, David Gorin, President, and National Business Travel Association, Marianne McInerney, Executive Director.

National Council of Attractions, Randy Fluharty, Senior Vice President, The Biltmore Company; National Council of Destination Organizations, Joe D'Alessandro, President and Chief Executive Officer, Portland Oregon Visitors Association; National Council of State Tourism Directors, Patty Van Gerpen, Cabinet Secretary, South Dakota Department of Tourism; National Tour Association, Hank Phillips, President, and Receptive Services Association, Michele Biordi, Executive Director.

Recreational Vehicle Industry Association, David Humphreys, President; Society of Government Travel Professionals, Duncan Farrell, General Manager; Student Youth Travel Association of North America, Michael Palmer, Executive Director, Travel Goods Association, Anne DeCicco, President; Travel Industry Association of America, William S. Norman, President and Chief Executive Officer, and United States Tour Operators Association, Bob Whitley, President.

2001 CONFERENCE OF THE NATIONAL TRUST FOR HISTORIC PRESERVATION

Mr. CHAFEE. Madam President, recently the National Trust for Historic

Preservation held its annual National Preservation Conference in Providence, Rhode Island. In tribute of my father, the late Senator John H. Chafee, the theme of the conference was "Preserving the Spirit of Place" which honored one of the last speeches he gave before his death.

Particularly during this time of national turmoil, we recognize the importance of our sense of place as we move about our daily lives. Liberty and freedom unite all Americans, form our common heritage, and permit us to cherish our sense of place in the world.

The preservation of our Nation's historic buildings and districts is a way for us to acknowledge the events of America's rich past and immortal legacy. The restoration of a downtown square in Spokane, WA; the revitalization of an old fort in Salt Lake City, UT; and the renovation of historic homes in Providence, RI; these projects represent how American ingenuity and perseverance form the building blocks of our architectural and cultural heritage.

I would like to recognize the work of the National Trust for Historic Preservation and its dedication to revitalizing historic buildings across the Nation in order to preserve our spirit of place. I ask that President Richard Moe's speech at the 2001 Conference of the National Trust for Historic Preservation be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

2001 PRESIDENT'S REPORT—NATIONAL PRESERVATION CONFERENCE

(By Richard Moe)

I'm very glad you're all here.

We've spoken and heard those words often in recent weeks, as we've sought comfort and reassurance in the presence of family, friends and colleagues. It's a sentiment that's totally appropriate here, because we are a family. That is really why I'm so glad you're here, so grateful that we can gather together, can strengthen and support each other as we try to make sense out of what has happened and try to figure out where we fit in the new world into which we've been thrust.

We've heard it said over and over: "Things will never be the same again." Thousands of lives have been changed forever. The skyline of our biggest city has been changed. It's probably no exaggeration to say that the very shape of our future has changed too—in some ways that we can already see and in others that aren't yet clear and we cannot yet see.

But some things remain intact—and maybe even stronger than before: our appreciation of the traditions and values that have shaped our country and that still shape our lives; the bravery, compassion and generosity that we demonstrate when our fellow citizens are in need; the sense of common purpose that unites us.

So much has changed since the morning of September 11—but one thing, above all, remains true and constant: The American spirit endures.

September 14—just 3 days after these terrible events—was the anniversary of the fir-

ing on Fort McHenry. That was in 1814. One hundred eighty-seven years later, we have all taken comfort from the same sight that inspired Francis Scott Key. On the tops of skyscrapers, in front of government buildings, on police cars and firetrucks and taxis, on the front porches of thousands of homes, on millions of shirts and blouses and coats, draped on the blackened wall of the Pentagon, we all saw it: Our flag was still there.

That's proof that the American spirit endures—and you can find it on just about every block in every community in this country. This simple, reassuring fact provides a firm foundation, I believe, for the work we have to do.

In times like this, our first thoughts naturally are for the well-being of our families and our fellow citizens. But beyond these immediate personal concerns, I believe we have a specific and critically important responsibility as preservationists. We're all aware of the importance of healing the nation's physical wounds, of strengthening the nation's defenses—but we can't lose sight of the importance of nurturing the nation's soul.

In the context of this pressing need to heal and move on, our work as preservationists has an importance—a relevance—that is greater than ever before.

Think for a moment about where the blows fell on September 11. Not on missile bases or factories or power plants or shipyards. No, the targets were people and buildings that symbolize America's military and economic strength. Did the terrorists really believe that an attack on the Pentagon would bring our military to its knees? Or that destroying the World Trade Center would shatter America's financial structure? Probably not—but they recognized the enormous importance of symbols.

As preservationists, we recognize their importance too. We know that place has power.

We know that we can read about our history in books, but we also know that facts on paper are no more or less important than truth on the ground—truth made tangible in place.

History says, "This is what happened." Preservation says, "Right here"—and that simple addition gives our knowledge of history an immediacy that is absolutely essential if we hope to make an understanding of the past a springboard to a better future.

Similarly, we can learn about shared values from mentors at home, in a school or a house of worship, but those values take on a new and amplified reality when we can see them embodied in a place. Back in 1966, the visionaries who sought to define the work of preservation in the groundbreaking report *With Heritage So Rich* encapsulated this concept when they wrote that our movement's ultimate success would be determined by its ability to "give a sense of orientation to our society, using structures and objects of the past to establish values of time and place."

The places we cherish—the places that we, as preservationists, work to save—are symbols, but they are not abstractions. They are real and tangible. They surround, support and illuminate almost every aspect of our daily lives. And they embody our most fundamental values.

The nation's schools symbolize the value of education, the importance of good citizenship. Our courthouses embody our commitment to the rule of law. State capitols and city halls are monumental representations of the grandeur and stability of democratic government. Shrines like the Lincoln Memorial and the Statue of Liberty refresh the

wells of patriotism that lie deep within all of us. Churches and synagogues and mosques symbolize our freedom to worship as we please. Barns and fields and farmhouses remind us of our strong ties to the land and summon images of the restless, adventurous spirit that pushed us across a continent. Main Streets from coast to coast are a bricks-and-mortar textbook on the virtues of hard work and free enterprise. Residential neighborhoods everywhere speak eloquently about the things that we cherish most: community, family, home.

They are buildings, certainly. But they are much more than that. They are the places we depend on as anchors in a restless, uncertain world. They are the wellsprings of the sense of continuity that one historian has called "part of the very backbone of human dignity." They are the magnets that pull us together to commemorate, to celebrate, to mourn, to mark the major passages in our national life. They are, in effect, the story of us as a nation and a people—a powerful story written in wood and stone and steel.

We need them. Preservationists have been saying that for a long time, and now—probably more than ever before—people understand what we mean. A part of what makes us human is our need to belong to a specific place with a history, a geography and a set of values.

A nation at war needs these places more than ever. Arthur Schlesinger has written that the recent history of America is a story of "too much pluribus and not enough unum."

In times like these, unity is essential. An understanding of the history and values that we share is part of the cultural "glue" that binds us together, that keeps our society from cracking apart into dozens of separate pieces. If we're to meet the challenge of living in a changed world, it is imperative that we pledge our best efforts to recognizing and safeguarding the places that help give us a sense of community—and a sense of continuity.

We need these places—but we can lose them. We've always known they are fragile, but last month, in images that will stay with us for the rest of our lives, we were reminded of just how quickly and stunningly our symbols can be taken from us. For some time now, we've been saying that the National Trust's mission is to protect the irreplaceable. In the aftermath of September 11 we realize anew, with a terrible clarity, how important this mission is.

More than 150 years ago, the English artist and critic John Ruskin wrote, "Architecture is to be regarded by us with the most serious thought. We may live without her, we may worship without her, but we cannot remember without her." In times like these, we need to remember who we are. It's essential to remember the long process that made us Americans, to remember the struggles, the crises, the triumphs that we've known in the past—and to be sustained and empowered by that memory. This means that more than ever before, we preservationists must work to ensure that the places that embody what America stands for are kept safe, firm and alive so that we can continue to learn from them, be enriched by them, draw strength and inspiration from them.

So what happens now? It's a complicated question, but I think, a deceptively simple answer: We go on. As individual Americans, we'll go on with our lives. As preservationists, we'll go on with our job, strengthened by a renewed conviction that our job is essential to the unity and well-being of the nation we love.

There is plenty of work to be done right now. There is an entire sector of a city to be repaired or rebuilt. There are thousands of businesses, institutions and individuals to be housed. Perhaps most important, there is a wound in the nation's soul to be healed.

It's an enormous job—and I'm very pleased to report that the National Trust has already rolled up its sleeves and started to work. Here's a quick snapshot of what we're doing:

The Trust is participating in a working group of 10 public- and private-sector organizations that will undertake a comprehensive, coordinated effort to assess damage to historic buildings in lower Manhattan and deal with other preservation issues stemming from the tremendous damage in that area.

As an outgrowth of this collaboration with our New York partners, the National Trust is one of 5 organizations that have established the Lower Manhattan Emergency Preservation Fund, which will make grants to help alleviate the impact of the disaster and to stabilize, renovate, and restore damaged historic sites in Lower Manhattan. We've already pledged \$10,000 to this fund, and we're prepared to do more. The Lower East Side Tenement Museum, a National Trust historic site located within sight of Ground Zero, opened its doors to shelter those fleeing the financial district on September 11. Now, as part of its longstanding commitment to programs that promote cultural tolerance and understanding, the museum—with support from Trust employee contributions—is launching new initiatives focusing on understanding the Arab-American experience.

National Trust staff are also contributing to the Service Employees September 11th Relief Fund, established to provide assistance to the thousands of janitors, day porters, security guards, tour guides and other service employees working in the World Trade Center and the Pentagon who were either killed or injured in the attacks, or who are out of work indefinitely because of the damage to these buildings.

Anyone who wishes to contribute to these funds is certainly welcome to do so. Already we have collected more than \$11,000. We'll continue to increase this amount with your help tonight—in the lobby as you leave there will be volunteers accepting your contributions to this effort. Thank you in advance for your help. For future and ongoing contributions, you can get information about them at the National Trust programs booth in the Resource Center.

These efforts mark the mere beginning of what will be a long process of recovery and rebuilding. I'm convinced that it will challenge this organization and the preservation movement as a whole. Fortunately we are positioned to meet the challenge effectively. As you'll hear in a few moments, our financial base is strong and getting stronger. And our programs to help Americans appreciate their heritage and strengthen efforts to save it are meeting unprecedented success.

My confidence in the National Trust's ability to meet this challenge extends to the preservation movement as a whole. We've never been stronger. Historic sites across the country are doing a better job than ever of linking us with our past and reminding us of its relevance to our daily lives. There are more—and more effective—statewide and local organizations than ever before. Together, we're making a real difference—a difference you can see in landmark buildings put to innovative uses; in traditional downtowns given new economic life; in historic

neighborhood schools adapted to provide state-of-the-art learning environments for today's students; in farmland and open spaces protected from wasteful sprawl; in historic sites where interpretive programs bring our heritage alive; and in communities rescued from decades of disinvestment and deterioration.

Because of the great strides our movement has made in recent decades, it's hard to find a city or town where preservation's benefits aren't clearly and proudly—and even profitably—displayed. This widespread success is helping vast new audiences learn what you and I have always known for a long time: that preservation is not about buildings, it's about lives.

It's about saving historic places not just as isolated bits of architecture and landscape, not just as lifeless monuments, but as environments where we can connect with the lives of the generations that came before us, places where we can build and maintain safe, rich, meaningful lives for ourselves and the generations that will come after us.

Our strengths, our skills, our experience and our unique perspective will see us through this challenge. But I am convinced that it won't be easy—and what's more, it certainly won't be quick. In the altered context in which we now operate, many questions remain to be answered: How will the changing and uncertain state of the economy affect us? How will the events of September 11 affect the growing momentum of the back-to-the-city movement? Can we take steps to ensure that smart-growth issues such as improved passenger rail and mass-transit options and increased development density are included in the national recovery agenda?

Can we develop innovative, yet sensitive ways to address the very real concerns for public safety in historic buildings and gathering places? How can we best help the public understand the importance of a strong commitment to historic preservation as an essential component of building our national unity?

These are tough questions. There are dozens more, all equally challenging. We'll need time and perspective and lots of serious conversation before we find answers to them. This conference provides an excellent forum for starting those conversations. As Americans, one of our greatest strengths is our identity. Knowing who we are makes us strong. Knowing where we came from makes us confident. Knowing the legacy we have inherited makes us part of a powerful partnership between past, present, and future.

Passing on that knowledge—of who we are, where we came from and what is the legacy that shapes and enriches us—is what preservation is all about. It's what makes preservation such important—and yes, noble—work. The Talmud tells us, "We do not see things as they are. We see them as we are." As preservationists, we have a unique way of seeing things. Our vision can help America find its way through the uncertainties of this new world. We will pass on that vision.

As preservationists, we understand the strength that comes from a shared sense of the rich heritage that is ours as Americans. We will pass on that heritage—and the strength that grows with it.

We know that our work is America's work. We know that the heritage we share is worthy of our best efforts to save it. We know that the skills and vision we offer have never been more important—or more needed. We have an enormous job to do—but it's the same job we've been doing for a long time, and we know how to do it well.

So let us go forward with a renewed sense of purpose. The heritage we preserve will sustain us in these very different and trying times. The heritage we pass on will enrich and inspire generations of Americans to come.

May God bless our work as preservationists. May God bless America.

Thank you.

ADDRESS TO THE NATIONAL PRESS CLUB BY WINSTON S. CHURCHILL

Mr. CLELAND. Madam President, I rise to day to pay tribute to a great friend of the United States and a man whose unique perspective on the current events of the world is worthy of our attention. Recently, I had the rare honor of spending some time with Winston S. Churchill. His grandfather, former Prime Minister Sir Winston Churchill is a hero to many Americans including myself. Sir Winston's leadership of the British people in their darkest hours are a source of inspiration for all of us in these uncertain times. His picture hangs on the wall of my office and a recording of his speeches remains ready to be played in my car should I need inspiration for the day ahead. In the face of adversity and as his country was faced with the most brutal of all enemies, Churchill steadfastly "held the line." In October of 1941, just over 60 years ago, Churchill spoke these words to the young men of Harrow school:

Never give in, never give in, never, never, never, never. In nothing, great or small, large or petty—never give in except to convictions of honor and good sense. Never yield to force; never yield to the apparently overwhelming might of the enemy.

Those words inspire me to keep fighting in the Senate for what is right and for what is good. Those words inspire me to keep working toward the righteous goal in the conflict in which the United States and the United Kingdom are fighting today. I have no doubt that, were Sir Winston alive today, he would be standing beside our country in this crisis, just as Prime Minister Blair has done.

Last month, at a dinner hosted by the Churchill Center, I had the honor of meeting with Winston S. Churchill. Just like his grandfather, Winston S. Churchill has led a remarkable life. His experience as a former war correspondent and Member of Parliament has, I believe, given him a unique insight into our current War on Terrorism. He has traveled the globe and has a deep understanding of the different peoples and cultures of our world. In particular, my colleagues may benefit from his interesting and thought provoking assessment of the current situation he made in an address to the National Press Club on October 11, 2001.

I ask unanimous consent this address be printed in the RECORD and, on behalf

of the American people, I offer Winston S. Churchill my sincere appreciation for everything that he has done to further the "special relationship" between the United States and Great Britain.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONFRONTING THE CHALLENGE OF TERRORISM
(Address to the National Press Club, Washington, DC, on Thursday, 11 October 2001, by Winston S. Churchill)

I find it a remarkable honour, as a former war correspondent of the 1960s and early 1970s, to be your guest here today. At the time I received your invitation back in May, it was my intention to speak to you on the theme of the Special Relationship, which it was fashionable—especially in media circles—to regard as finished. Though that remains an underlying theme, the subject of my address to you today is: Confronting the Challenge of Terrorism.

Precisely one month ago today, the vilest and most devastating terrorist attack was perpetrated against innocent civilians. Let there be no doubt: in striking at New York's Twin Towers and at the Pentagon here in Washington, the terrorists were striking at us all, all that is who value freedom, decency and democratic government.

I happened to be in New York at the time and watched in disbelief as, one after the other, these two proud icons disappeared from New York's skyline. I saw the courage of the men and women of New York's Fire and Police Departments and the calm resolve of the ordinary citizens in the face of terror, which came without warning out of a clear blue sky.

It evoked for me memories of wartime London. I was a Blitz baby, born in 1940, and my earliest memories are of bombs falling on London, of blazing buildings, of anti-aircraft tracer crisscrossing the night sky and of many a night spent in public shelters beneath the streets of London.

Indeed I understand that Mayor Guiliani, who has been such a tower of strength to New Yorkers in their hour of crisis, has become so fond of quoting my Grandfather, that he has earned the accolade of "Churchill in a ball cap". The words of Winston Churchill, in a speech to the House of Commons—following Hitler's orders to the German Luftwaffe to begin terror-bombing the civilian population of Britain—are indeed most apposite. They apply every bit as much to New Yorkers and the people of America today:

"[Hitler] hopes by killing large numbers of civilians, and women and children, that he will terrorise and cow the people of this mighty imperial city. . . . Little does he know the spirit of the British nation, or the tough fibre of the Londoners. . . .

"This wicked man, the repository and embodiment of many forms of soul-destroying hatred, this monstrous product of former wrongs and shame, has now resolved to try to break our famous island race by a process of indiscriminate slaughter and destruction.

"What he has done is to kindle a fire in British hearts, here and all over the world, which . . . will burn with a steady and consuming flame until the last vestiges of Nazi tyranny have been burned out of Europe, and until the Old World—and the New—can join hands to rebuild the temples of man's freedom and man's honour, upon foundations which will not be soon or easily overthrown. . . ."

The reference to "the temples of man's freedom" has a haunting echo about it, and

I could not help but notice the date of that 1940 speech: poignantly, it was 11th of September.

However much we may wish our lives to return to normality, things can never be the same again. What happened on Tuesday, 11 September 2001, is something that has changed the lives of us all. There is a new sense of vulnerability and a realisation of how tenuous a hold each one of us has on life when—with barely a split second's warning—death can come upon us out of a clear blue sky. It is not just New Yorkers, Washingtonians or Americans, who have been touched by this outrage, but all of us, wherever we may live.

Jogging round London's Hyde Park the other day I noticed—just as I had in Central Park a few days earlier—how much more friendly we have suddenly all become. There was a smile or "good morning" from total strangers who, previously, would just have gone about their business like planets spinning in their own orbits, heedless of the rest of the universe. All at once we have come to realise how much we depend upon each other. More than ever before, we are extending the hand of friendship to total strangers.

Even at national level, new friendships and alliances are being forged, while old ones are being put to the test. Suddenly President Putin is our friend and Russia has become our ally in encompassing the defeat of the Taliban in Afghanistan, giving its blessing to Uzbekistan providing a base for a major U.S. military build-up in what was a former Soviet republic. What we are witnessing is nothing less than a revolution in Russia's relations with the West. Even the People's Republic of China appears as an ally for, like Russia, she feels threatened by the spread of Islamic fundamentalism on her borders.

The 15 nations of the European Union have pledged their full support for America and the 19 NATO allies have vowed to stand right behind her. What this will mean in practical terms remains to be seen. As someone once very truly remarked: "It is only at the height of the storm, by the lightning's flash, that you can turn round and see your friends".

In recent years it has become fashionable among the chattering classes on both sides of the Atlantic to declare that the "Special Relationship" between the United States and Great Britain was something of the past, indeed effectively dead. Well, to paraphrase Mark Twain, events of the past month have only gone to show that reports of its death were "greatly exaggerated".

Today, as action continues against the Taliban regime of Afghanistan, United States and British forces stand shoulder to shoulder once again, united as never before. Britain has in place a military force of 24,000 Army, Navy and Air Force, deployed to southern Arabia. Our nuclear submarines, H.M.S. *Triumph* and *Trafalgar*, have already engaged the enemy with Tomahawk cruise-missiles, elements of our Special Air Service have undoubtedly, for some time now, been covertly on the ground inside Afghanistan, while our air and ground forces are standing by to attack.

Despite the brave words of support from other nations, it is likely, at the end of the day, that the bedrock for any military action in the prosecution of this war against terrorism—and of those states that harbour and support terrorists—will be the British/American alliance, just as it has been British and American pilots alone who, in the wake of the Gulf War and to this day, have risked their lives enforcing the "No-Fly" zones over Northern and Southern Iraq.

President Bush wasted no time in picking up the gauntlet cast down by the terrorists on 11 September, but perhaps not in the way that Bin Laden imagined. It was doubtless one of his prime aims to provoke the United States into a wild, furious reaction, which would—at a stroke—unite Islam and all Islamic states against America and, in the process, bring about the downfall of the West's friends in the Arab world, including the Saudi monarchy and the Gulf Sheikdoms, and the pro-Western governments of Pakistan and Egypt.

But the President, while declaring war on terrorism and its supporters, has been meticulous and measured in his response. Thus far, the Administration has handled this unprecedented crisis with consummate skill. He has rightly—and repeatedly—gone out of his way to stress that this is a war against terror, not against Islam.

He has emphasized that the more than 6 million Moslems and Arabs living in America are, overwhelmingly loyal, patriotic Americans, who love their adoptive country and who are appalled by the actions of those extremist fanatics who, in a telling phrase of the President, are trying to “hijack Islam” for their own purposes. The President has set a fine example by extending the hand of friendship to members of America's Islamic community, as has Prime Minister Blair to the 2 million Moslems living in Britain.

It is clear that, if we are to win this war against Islamic fundamentalist terrorism—and, though we are told that such terminology is not politically correct, I use those words advisedly—it will only be if we can win and retain the support of moderate Islamic states, and the hearts and minds of the overwhelming majority of Moslems in our own countries and around the world.

It is essential that we persuade them to join with us in lancing this boil of fanatical extremism and to destroy the incubus of terror that poses such a mortal threat, not only to Western civilisation, but also to all moderate Arab and Islamic states who are, each and every one of them, our natural partners in this battle. This explains the trouble and effort the Administration has taken to build up a coalition of nations to fight the menace of terrorism. Their support is vital—and I believe it can be won.

But we must also realise the extent to which we are walking on eggshells. In my days as a war correspondent in the 1960s, I saw both sides of war. I have seen it from the cockpit of U.S. Air Force Phantom and Super Sabre fighter-bombers, while taking part in air strikes in Vietnam.

I have also, at the time of the Nigeria/Biafra civil war, been on the receiving end. I have seen the bomb-bay of an Iluyshin bomber opening up above my head and the bombs cascading down to land a few hundred yards down the street on a maternity clinic, killing dozens of nursing mothers and their babies.

Together with New York Times correspondent, Lloyd Garrison, I had the horrific task of reporting and photographing the consequences of a deliberate raid by another Iluyshin on a market place containing some 2,000 civilians, the great majority of them women and children. It was by far the most harrowing task I have ever undertaken in my life and one, which I shall never forget.

Those were, of course, the days before the omni-presence of CNN, and before such graphic scenes of horror could be transmitted to our homes in real time. Today it would take only one or two such outrages, in which a school or hospital was hit by acci-

dent, for Mr. Bush's elaborately constructed coalition of moderate Islamic states to fall apart and for support to start ebbing away in Europe and even on the home front.

It is impossible to guess how long it will take to apprehend Bin Laden and his henchmen, and bring them to justice. That it will be done in time, I have no doubt. Meanwhile the overthrow of the cruel, barbaric Taliban regime, which harbours him, is clearly the top priority. This is an alien regime, established only in the past five years, with funding and arms from Arab countries, by way of Pakistan, which acted as “godfather” to the Taliban.

Their rule has been so brutal and disastrous that an estimated one in four Afghans have fled as refugees to Iran or Pakistan, creating a massive humanitarian crisis in the region. Once the Taliban have been overthrown, a high priority must be to cut off the funding, not only for the terrorists, but also for the fundamentalist madrassas—the theological schools, established in numerous countries around the world, where the gospel of Islamic purity and anti-Western hatred is preached.

Unbelievable though it may seem, no country has been more responsible for this than Saudi Arabia—the West's principal ally in the Middle East. In order to appease and deflect criticism of their pro-Western leanings and opulent lifestyle, the Saudi ruling family—in an act of consummate folly—has poured vast resources into the establishment of these schools and religious universities, in their own country and overseas. They now find that they are riding a tiger of extremist fundamentalism, entirely of their own creation, which threatens the very foundations of their hold on power. As a result, today almost half the young Saudi males coming onto the jobs market have only religious qualifications, making them not only unemployed, but unemployable. In consequence, barely one in four is able to find a job. The rest make a fertile field of disaffection, from which bin Laden is able to recruit new generations of suicide-bombers, hijackers and terrorists, and it is no coincidence that many of last month's hijackers were Saudis.

More horrifying yet, if estimates attributed to the CIA are to be believed, in recent years some 70,000 militants have passed through bin Laden's terrorist training camps in Afghanistan and are currently dispersed across no fewer than 55 countries around the world, including our own. New attacks are inevitable—and some, undoubtedly, will succeed—before this hydra-headed monster of international terrorism is destroyed.

While it will be difficult for the Saudi government to bring it's extremist theological schools under control and integrate them within the state education system, if it fails to do so, it is inevitable that the Saudi ruling family will, sooner or later, forfeit its hold on power, and be drowned by a tidal wave of fundamentalism.

Beyond that, intense international and economic pressure will have to be brought to bear on those powerful Islamic states that provide bases and backing for terrorism, especially Iraq, Iran, Syria and Sudan, some of which—such as Iraq—have been working for 30 years or more on obtaining or developing weapons of mass destruction.

Indeed, as long as twenty years ago, I was the first to report in the London Times that the French Government, in an act of breathtaking irresponsibility, had sold Saddam Hussein 72 kilograms—or some 160 lbs.—of weapons-grade uranium, sufficient for the manufacture of three nuclear bombs. It was

this that, a few months later, prompted the long-range strike by Israeli Air Force jets that took out Saddam's Osirak reactor.

Some of these rogue states are already in a position to equip terrorists with weapons of mass-destruction, especially with agents of chemical and biological warfare. Meanwhile, they are themselves working on—or seeking to acquire from North Korea—intermediate or long-range missiles, with which to threaten their neighbours, including Israel and Saudi Arabia, as well as Western Europe.

It would be a mistake for the United States and her close allies to set out their full agenda but, where peaceful means prove inadequate to ensure the ending of these programmes that potentially menace millions of innocent civilians, we shall have no choice but to do so by military action.

There will be those, both in America and in Britain, who will not have the stomach for such a fight, and there will be many of our coalition partners, not only in the Middle East, but also in Europe, who will fall by the wayside as the campaign expands in scope. But, come what may, we must have the courage and resolve to see this through to victory.

Horrific though the attacks were, that were wrought against innocent civilians on 11 September, can anyone doubt that what we saw in New York and Washington a month ago was but a foretaste of far, far worse to come?

It is certain that if we do not have the courage to extirpate this cancer of terrorism once and for all, that our children and grandchildren will live to see whole cities consumed by fire and large numbers of their fellow-citizens struck down by devastating, and incurable, plagues. We shall not be talking of a few thousands or tens of thousands of civilians being blown away in an instant, but rather of millions. This has indeed been a wake-up call from hell and we have no option but to heed the warning.

At the same time it is vital that we appreciate exactly what we are up against and just how high are the stakes for which we are playing. In the 1930s it was fashionable to dismiss Hitler's declared aims as the ravings of a mad man. He was not a mad man. He was a deeply flawed genius, who came within a hair's breadth of victory.

By the same token, it would be a terrible mistake to dismiss Osama bin Laden as no more than a mad mullah hiding out in some cave in Afghanistan. He is a brilliant but evil man, with a limitless well of hatred for everything that constitutes the values of Western society, all that we hold dear: freedom, democracy, prosperity and tolerance.

His aim is to garner the resources that would enable him to inflict infinitely greater damage upon the United States and her allies, including especially Israel. Already bin Laden and the Taliban, which works hand-in-glove with him, control 70 percent of the world's opium production. By way of example, 90 percent of heroin sold on the streets of Britain today comes from Afghanistan and it is this that constitutes the primary source of funding for his campaign of terror against the West. But his ambition ranges far higher. Can anyone doubt but that he has his sights set on the nuclear arsenal of Pakistan and the oil wealth of Arabia?

The importance of seeing this war through to victory cannot be overstated. The price of failure would be terrible: far, far more terrible than stopping half way to Baghdad, as we did in the Gulf War. If, for example, faced with mounting casualties—to our forces in

the field and to our civilian population at home, as a result of further terrorist outrages—we were to falter or fail, let no one doubt what would be the consequence.

Were we to withdraw leaving the job unfinished, bin Laden and his henchmen would be the heroes of Islam. America and her allies would be seen as no more than paper tigers. President Pervaiz Musharraf and the pro-Western elements in Pakistan's armed forces would be swept aside, while those who have long had close links with the Taliban would seize power. At a stroke, bin Laden would have secured control of Islam's one and only nuclear power, estimated to have some 30 tactical nuclear warheads each with the power of 2½ Hiroshima bombs.

Nor would that be the end of his ambition. He has avowed his determination to purge his native Saudi Arabia of the infidel American presence which, in his eyes, defiles the Holy Land of Islam. A crisis in the ruling Al Saud dynasty, could pave the way for their violent overthrow by fundamentalist forces linked to bin Laden.

Armed with the oil-wealth of Arabia—amounting to one quarter of the world's reserves—the drug-wealth of Afghanistan and the nuclear capability of Pakistan, in addition to a terrorist network with tentacles in 55 countries, bin Laden would constitute a desperately grave threat to the entire Western world. Now that battle is joined, we have no choice but to see it through to victory, however long the road, however great the cost.

Since the words and spirit of my Grandfather have been invoked already many times in the past month, I can do no better than to conclude with a quote from Winston Churchill's first address to the House of Commons on becoming Prime Minister in May 1940:

"You ask what is our policy? I will say: It is to wage war by sea, land and air, with all our might and with all the strength that God can give us: to wage war against a monstrous tyranny, never surpassed in the dark, lamentable catalogue of human crimes. That is our policy."

"You ask: What is our aim? I can answer in one word. It is victory. Victory at all costs, victory in spite of all terror. However long or hard the road may be; for without victory there is no survival."

I say to our friends and allies in Europe and around the globe, this is not America's battle alone; it is a battle on behalf of the whole world, and on behalf of generations yet unborn. Together we have overcome far more powerful enemies than those that assail us today. I have every confidence that, in confronting this new challenge, America and Britain—together with our allies—can prevail and shall prevail, just as together we have triumphed in the past.

ADDITIONAL STATEMENTS

30TH ANNIVERSARY OF CENTER POINT

• Mrs. BOXER. Madam President, I would like to take this opportunity to bring to the Senate's attention the wonderful and necessary work of Center Point, Inc. in California. Center Point is preparing to celebrate its 30th anniversary of service to the community. This milestone is a testament to the success of its programs and the life

affirming and life-changing nature of its mission. I could not be happier for Center Point CEO Sushma Taylor and the organization's dedicated staff and extended family.

Begun in 1971, in my home county of Marin, Center Point has since developed into a model community services provider, assisting at-risk families and individuals of all ages with issues ranging from drug and alcohol addiction, to homelessness, to HIV/AIDS, to job training. Each year it serves over 8,000 individuals through its residential, outpatient, housing and in-custody programs. These efforts not only serve to rescue individual lives, they have the power to heal families and ultimately transform whole communities.

I believe strongly in the work being done at Center Point and at similar facilities around California and the Nation. We need to encourage and enable these programs that are making a difference. I introduced my Treatment on Demand Assistance Act this year to do just that. My bill would double the Federal Government's funding for drug and alcohol treatment over 5 years, from the current \$3 billion to \$6 billion. It also provides for incentives to States that have instituted a policy of emphasizing treatment over incarceration for non-violent drug offenders.

Treatment works. When we invest in it and other programs proven to improve lives, we are investing in a safer, healthier future for us all. Center Point has been proving this for 30 years.●

TRIBUTE TO SERGEANT JEFFREY HOJNACKE

• Mr. SMITH of Oregon. Madam President, I would like to take this opportunity to pay tribute to Oregon native, Sergeant Jeffrey Hojnacke, a member of the 3rd United States Infantry, better known as "The Old Guard." Sergeant Hojnacke's accomplishments while serving as a sentinel at the Tomb of the Unknowns personify the hallowed principles of duty, honor, and country. After joining "The Old Guard" in 1995, Sergeant Hojnacke performed his first "walk" at the Tomb of the Unknowns in Arlington National Cemetery in May 1996. Completely selfless and dedicated, Sergeant Hojnacke never missed a day of duty, and routinely filled in for others. On October 17, 2001, after over 5 years of duty standing watch over the most sacred of American shrines, Sergeant Jeffery Hojnacke completed his 1,500th and last "walk" at the Tomb of the Unknowns. To put this accomplishment into perspective, very few sentinels in the history of the Tomb of the Unknowns have reached the coveted "1000 walk" mark, and no one has come close to the 1,500 walks completed by Sergeant Hojnacke. This is a record that will undoubtedly stand for many years.

On behalf of a grateful nation, let the record show the Congress of the United States of America honors the selfless service and accomplishments of Sergeant Jeffrey Hojnacke, an American hero, patriot and "Iron-Man" of the Tomb of the Unknowns.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

CALENDAR YEAR 1999 REPORT ON ACTIVITIES UNDER THE NATIONAL TRAFFIC AND MOTOR VEHICLE SAFETY ACT OF 1966, THE HIGHWAY SAFETY ACT OF 1966, AND THE MOTOR VEHICLE INFORMATION AND COST SAVINGS ACT OF 1972—MESSAGE FROM THE PRESIDENT—PM 55

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Commerce, Science, and Transportation.

To the Congress of the United States:

I transmit herewith the Department of Transportation's Calendar Year 1999 reports on Activities Under the National Traffic and Motor Vehicle Safety Act of 1966, the Highway Safety Act of 1966, and the Motor Vehicle Information and Cost Savings Act of 1972.

GEORGE W. BUSH.

THE WHITE HOUSE, November 8, 2001.

MESSAGE FROM THE HOUSE

At 3:23 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House disagrees to the amendment of the Senate to the bill (H.R. 2944) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2002, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints as the managers of the conference on the part of the House: Mr. KNOLLENBERG, Mr. ISTOOK,

Mr. CUNNINGHAM, Mr. DOOLITTLE, Mr. SWEENEY, Mr. VITTER, Mr. YOUNG of Florida, Mr. FATTAH, Mr. MOLLOHAN, Mr. OLVER, and Mr. OBEY.

The message also announced that the House disagrees to the amendment of the Senate to the bill (H.R. 3061) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints as the managers of the conference on the part of the House: Mr. REGULA, Mr. YOUNG of Florida, Mr. ISTOOK, Mr. DAN MILLER of Florida, Mr. WICKER, Mrs. NORTHUP, Mr. CUNNINGHAM, Ms. GRANGER, Mr. PETERSON of Pennsylvania, Mr. SHERWOOD, Mr. OBEY, Mr. HOYER, Ms. PELOSI, Mrs. LOWEY, Ms. DELAURO, Mr. JACKSON of Illinois, and Mr. KENNEDY of Rhode Island.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2620) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2002, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-4536. A communication from the Chief Counsel, Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Blocked Persons, Specially Designated Nationals, Specially Designated Terrorist, Foreign Terrorist Organizations, and Specially Designated Narcotics Traffickers: Additional Designations of Terrorism-Related Blocked Persons" received on November 6, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC-4537. A communication from the Secretary of Transportation, transmitting, a draft of proposed legislation to authorize appropriations for hazardous material transportation safety, and for other purposes; to the Committee on Commerce, Science, and Transportation.

EC-4538. A communication from the Principal Deputy General Counsel, Department of Defense, transmitting, a draft of proposed legislation entitled "Personnel Pay and Qualifications Authority for Department of Defense National Capital Region Civilian Law Enforcement and Security Force"; to the Committee on Armed Services.

EC-4539. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, a draft of proposed legislation entitled "Money Laundering Act of 2001"; to the Committee on the Judiciary.

EC-4540. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles or services sold commercially under a contract in the amount of \$50,000,000 or more to Japan; to the Committee on Foreign Relations.

EC-4541. A communication from the Assistant Secretary of Legislative Affairs, Department of Defense, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles or services sold commercially under a contract in the amount of \$50,000,000 or more to Norway; to the Committee on Foreign Relations.

EC-4542. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles or services sold commercially under a contract in the amount of \$50,000,000 or more to Canada; to the Committee on Foreign Relations.

EC-4543. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, a draft of proposed legislation entitled "Managerial Flexibility Act of 2001"; to the Committee on Governmental Affairs.

EC-4544. A communication from the Deputy Associate Administrator of the Office of Acquisition Policy, General Service Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; Federal Acquisition Circular 2001-01" (FAC 2001-01) received on November 6, 2001; to the Committee on Governmental Affairs.

EC-4545. A communication from the Secretary of Health and Human Services, transmitting, a draft of proposed legislation entitled "HHS Bioterrorism Prevention and Emergency Response Act of 2001"; to the Committee on Health, Education, Labor, and Pensions.

EC-4546. A communication from the Administrator of the General Service Administration, transmitting, a report relative to a lease prospectus and a design prospectus; to the Committee on Environment and Public Works.

EC-4547. A communication from the Deputy Administrator of the General Service Administration, transmitting, pursuant to law, the Report of Building Project Survey for Colorado Springs, CO; to the Committee on Environment and Public Works.

EC-4548. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 14-155 "Advisory Neighborhood Commissions Annual Contribution Temporary Amendment Act of 2001"; to the Committee on Governmental Affairs.

EC-4549. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 14-154 "Cooperative Purchasing Agreement Temporary Amendment Act of 2001"; to the Committee on Governmental Affairs.

EC-4550. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 14-156 "Insurance Economic Development Temporary Amendment Act of 2001"; to the Committee on Governmental Affairs.

EC-4551. A communication from the Chairman of the Council of the District of Colum-

bia, transmitting, pursuant to law, a report on D.C. Act 14-152 "Closing of a Public Alley in Square 2140, S.O. 99-228, Act of 2001"; to the Committee on Governmental Affairs.

EC-4552. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 14-153 "Closing of a Portion of a Public Alley in Square 209, S.O. 2000-48, Act of 2001"; to the Committee on Governmental Affairs.

EC-4553. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Prospective Payment System for Hospital Outpatient Services: Criteria for Establishing Additional Pass-Through Categories for Medical Devices" (RIN0938-AK59) received on November 6, 2001; to the Committee on Finance.

EC-4554. A communication from the Regulations Coordinator, Center for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Announcement of the Calendar Year 2002 Conversion Factor for the Hospital Outpatient Prospective Payment System and a Pro Rata Reduction on Transitional Pass-Through Payments" (RIN0938-AK54) received on November 6, 2001; to the Committee on Finance.

EC-4555. A communication from the Regulations Coordinator, Center for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Revisions to Payment Policies and Five-Year Review of and Adjustments to the Relative Value Units Under the Physician Fee Schedule for Calendar Year 2002" (RIN0938-AK57) received on November 7, 2001; to the Committee on Finance.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BYRD, from the Committee on Appropriations:

Special Report entitled "Further Revised Allocation to Subcommittees of Budget Totals for Fiscal Year 2002" (Rept. No. 107-95).

By Mr. LEAHY, from the Committee on the Judiciary:

Report to accompany S. 1319, a bill to authorize appropriations for the Department of Justice for fiscal year 2002, and for other purposes. (Rept. No. 107-96).

By Mr. LEAHY, from the Committee on the Judiciary, without amendment and with a preamble:

S. Res. 23: A resolution expressing the sense of the Senate that the President should award the Presidential Medal of Freedom posthumously to Dr. Benjamin Elijah Mays in honor of his distinguished career as an educator, civil and human rights leader, and public theologian.

By Mr. KENNEDY, from the Committee on Health, Education, Labor, and Pensions, with an amendment in the nature of a substitute:

S. 1094: A bill to amend the Public Health Service Act to provide for research, information, and education with respect to blood cancer.

By Mr. JEFFORDS, from the Committee on Environment and Public Works, without amendment:

S. 1459: A bill to designate the Federal building and United States courthouse located at 550 West Fort Street in Boise, Idaho,

as the "James A. McClure Federal Building and United States Courthouse".

By Mr. LEAHY, from the Committee on the Judiciary, without amendment:

S. 1630: A bill to extend for 6 additional months the period for which chapter 12 of title 11, United States Code, is reenacted.

By Mr. CONRAD, from the Committee on the Budget, unfavorably, without amendment:

S.J. Res. 28: A joint resolution suspending certain provisions of law pursuant to section 258(a)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. LEVIN for the Committee on Armed Services.

*Marvin R. Sambur, of Indiana, to be an Assistant Secretary of the Air Force.

*Mary L. Walker, of California, to be General Counsel of the Department of the Air Force.

*Sandra L. Pack, of Maryland, to be an Assistant Secretary of the Army.

*Dale Klein, of Texas, to be Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs.

By Mr. WARNER for the Committee on Armed Services.

*R.L. Brownlee, of Virginia, to be Under Secretary of the Army.

By Mr. JEFFORDS for the Committee on Environment and Public Works.

*William Baxter, of Tennessee, to be a Member of the Board of Directors of the Tennessee Valley Authority for the term expiring May 18, 2011.

*William Baxter, of Tennessee, to be a Member of the Board of Directors of the Tennessee Valley Authority for the remainder of the term expiring May 18, 2002.

*Kimberly Terese Nelson, of Pennsylvania, to be an Assistant Administrator of the Environmental Protection Agency.

*Steven A. Williams, of Kansas, to be Director of the United States Fish and Wildlife Service.

By Mr. BIDEN for the Committee on Foreign Relations.

*Eric M. Javits, of New York, for the rank of Ambassador during his tenure of service as U.S. Representative to the Conference on Disarmament.

*Sichan Siv, of Texas, to be Representative of the United States of America on the Economic and Social Council of the United Nations, with the rank of Ambassador.

*Sichan Siv, of Texas, to be an Alternate Representative of the United States of America to the Sessions of the General Assembly of the United Nations during his tenure of service as Representative of the United States of America on the Economic and Social Council of the United Nations.

*Richard S. Williamson, of Illinois, to be an Alternate Representative of the United States of America to the Sessions of the General Assembly of the United Nations during his tenure of service as Alternate Representative of the United States of America for Special Political Affairs in the United Nations.

*Richard S. Williamson, of Illinois, to be Alternate Representative of the United States of America for Special Political Affairs in the United Nations, with the rank of Ambassador.

By Mr. ROCKEFELLER for the Committee on Veterans' Affairs.

Frederico Juarbe, Jr., of Virginia, to be Assistant Secretary of Labor for Veterans' Employment and Training.

By Mr. LEAHY for the Committee on the Judiciary.

Terry L. Wooten, of South Carolina, to be United States District Judge for the District of South Carolina.

John P. Walters, of Michigan, to be Director of National Drug Control Policy.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. SCHUMER (for himself and Mrs. CLINTON):

S. 1653. A bill to provide loan forgiveness to the surviving spouses of the victims of the September 11, 2001, tragedies; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SESSIONS (for himself, Mr. SHELBY, and Mr. ENZI):

S. 1654. A bill to amend the Education of the Deaf Act of 1986 to authorize the Secretary of Education to establish the National Junior College for Deaf and Blind at the Alabama Institute for Deaf and Blind; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BIDEN:

S. 1655. A bill to amend title 18, United States Code, to prohibit certain interstate conduct relating to exotic animals; to the Committee on the Judiciary.

By Mr. FEINGOLD (for himself and Mr. HATCH):

S. 1656. A bill to provide for the improvement of the processing of claims for veterans compensation and pension, and for other purposes; to the Committee on Veterans' Affairs.

By Ms. SNOWE:

S. 1657. A Bill to deauthorize the project for navigation, Tenants Harbor, Maine; to the Committee on Environment and Public Works.

By Mr. SCHUMER (for himself, Mr. DEWINE, and Mr. HATCH):

S. 1658. A bill to improve Federal criminal penalties on false information and terrorist hoaxes; to the Committee on the Judiciary.

By Mr. HUTCHINSON (for himself and Mr. SESSIONS):

S. 1659. A bill to provide criminal penalties for communicating false information and hoaxes; to the Committee on the Judiciary.

By Mr. JEFFORDS (for himself and Mr. BREAU):

S. 1660. A bill to amend title XVIII of the Social Security Act to specify the update for payments under the medicare physician fee schedule for 2002 and to direct the Medicare Payment Advisory Commission to conduct a study on replacing the use of the sustainable growth rate as a factor in determining such update in subsequent years; to the Committee on Finance.

By Mrs. FEINSTEIN (for herself and Mr. KYL):

S. 1661. A bill to set up a certification system for research facilities that possess dangerous biological agents and toxins, and for other purposes; to the Committee on the Judiciary.

By Mr. HUTCHINSON:

S. 1662. A bill to amend the Internal Revenue Code of 1986 to allow Coverdell educational savings accounts to be used for homeschooling expenses; to the Committee on Finance.

By Mrs. CLINTON:

S. 1663. A bill to amend title 4, United States Code, to add National Korean War Veterans Armistice Day to the list of days on which the flag should especially be displayed; to the Committee on the Judiciary.

By Mr. FEINGOLD:

S. 1664. A bill to require country of origin labeling of raw agricultural forms of ginseng, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BIDEN (for himself and Mr. HATCH):

S. 1665. A bill amend title 18, United States Code, with respect to false information regarding certain criminal violations concerning hoax reports of biological, chemical, and nuclear weapons; to the Committee on the Judiciary.

By Mr. LEAHY:

S. 1666. A bill to prevent terrorist hoaxes and false reports; to the Committee on the Judiciary.

By Mr. DOMENICI:

S. 1667. A bill to ensure that nuclear energy continues to contribute to the supply of electricity in the United States; to the Committee on Energy and Natural Resources.

By Mr. HOLLINGS:

S. 1668. A bill to amend the Communications Act of 1934 to strengthen the limitations on the holding of any license, permit, operating authority by a foreign government or any entity controlled by a foreign government; to the Committee on Commerce, Science, and Transportation.

By Mr. HOLLINGS (for himself and Mr. MCCAIN) (by request):

S. 1669. A bill to authorize appropriations for hazardous material transportation safety, and for other purposes; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BIDEN (for himself, Mr. HELMS, Mr. WELLSTONE, Mr. BROWNBACK, Mr. SARBANES, Mr. TORRICELLI, Mr. DASCHLE, Mr. ALLEN, Mr. DODD, and Mr. KERRY):

S. Con. Res. 81. A concurrent resolution expressing the sense of Congress to welcome the Prime Minister of India, Atal Bihari Vajpayee, on the occasion of his visit to the United States, and to affirm that India is a valued friend and partner and an important ally in the campaign against international terrorism; considered and agreed to.

ADDITIONAL COSPONSORS

S. 455

At the request of Ms. COLLINS, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 455, a bill to amend the Internal Revenue Code of 1986 to increase and

modify the exclusion relating to qualified small business stock and for other purposes.

S. 986

At the request of Mr. GRASSLEY, the name of the Senator from North Carolina (Mr. EDWARDS) was added as a cosponsor of S. 986, a bill to allow media coverage of court proceedings.

S. 1214

At the request of Mr. HOLLINGS, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1214, a bill to amend the Merchant Marine Act, 1936, to establish a program to ensure greater security for United States seaports, and for other purposes.

S. 1541

At the request of Ms. COLLINS, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 1541, a bill to provide for a program of temporary enhanced unemployment benefits.

S. 1571

At the request of Mr. LUGAR, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1571, a bill to provide for the continuation of agricultural programs through fiscal year 2006.

S. 1615

At the request of Mr. SCHUMER, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 1615, a bill to provide for the sharing of certain foreign intelligence information with local law enforcement personnel, and for other purposes.

S. 1621

At the request of Mrs. CLINTON, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 1621, a bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize the President to carry out a program for the protection of the health and safety of community members, volunteers, and workers in a disaster area.

S. 1627

At the request of Mr. DEWINE, his name was added as a cosponsor of S. 1627, a bill to enhance the security of the international borders of the United States.

S. 1630

At the request of Mr. GRASSLEY, the name of the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of S. 1630, a bill to extend for 6 additional months the period for which chapter 12 of title 11, United States Code, is reenacted.

S. 1633

At the request of Ms. COLLINS, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 1633, a bill to amend the Cooperative Forestry Assistance Act of 1978 to establish a program to provide assistance to States and nonprofit organizations

to preserve suburban open space and contain suburban sprawl, and for other purposes.

S. 1643

At the request of Mrs. MURRAY, the names of the Senator from Virginia (Mr. WARNER) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 1643, a bill to provide Federal reimbursement to State and local governments for a limited sales, use and retailers' occupation tax holiday.

S.J. RES. 24

At the request of Mr. SPECTER, the names of the Senator from Virginia (Mr. ALLEN) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S.J. Res. 24, a joint resolution honoring Maureen Reagan on the occasion of her death and expressing condolences to her family, including her husband Dennis Revell and her daughter Rita Revell.

S. RES. 140

At the request of Mr. ROBERTS, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. Res. 140, a resolution designating the week beginning September 15, 2002, as "National Civic Participation Week."

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BIDEN:

S. 1655. A bill to amend title 18, United States Code, to prohibit certain interstate conduct relating to exotic animals; to the Committee on the Judiciary.

Mr. BIDEN. Madam President, I rise today to introduce the Captive Exotic Animal Protection Act. This legislation was first introduced in the 104th Congress by former Senator Frank Lautenberg and I am pleased to be here today continuing his legacy.

The Captive Exotic Animal Protection Act would make it illegal to knowingly transfer, transport, or possess in interstate commerce of foreign commerce, a confined exotic mammal for the purposes of allowing the killing or injuring of that animal for entertainment or for the collection of a trophy. The bill protects exotic mammals that have been held in captivity for the shorter of a. the greater part of the animal's life, or b. a period of one year, whether or not the defendant knew the length of the captivity. This bill is intended to prevent the cruel and unsporting practice of what we have come to know as "canned hunts."

Words cannot describe a "canned" hunt. The images that I have seen, footage taken surreptitiously at these ranches, provides evidence that the treatment of these animals is troubling. Today, at more than 1,000 commercial canned hunt operations across the country, trophy hunters pay a fee to shoot captive exotic animals, from

African lions to giraffes, blackbuck antelope, assorted African goats and sheep, a Corsican ram, or a boar, in fenced-in enclosures. The hunting of these animals typically occurs in a fenced enclosure and is often in a "guaranteed kill" arrangement meaning that a hunter by virtue of the fact that he has paid his fee is assured of a kill.

Now hunting is a sport and if you ask any of the hunters in my home State of Delaware or elsewhere about this they will tell you that there is an ethic of hunting that involves consideration of fair chase, affording the animal the opportunity to evade or elude the hunter. Canned hunts, in fenced-in enclosures, weigh the odds so heavily in favor of the hunters that it essentially eliminates the fair chase component. In addition, these animals on hunting ranches are often fed by hand, in a sense domesticated, and have little or no fear of humans. They don't run when they see a human being in front of them. This practice is unfair and unsportsmanlike.

But it is not just about the fact that this practice is inhumane, there are also other concerns. Clustered in a captive setting at unusually high densities, confined exotic animals often attract disease more readily than more widely dispersed native species who roam freely. These exotics then interact with native species through fences, jeopardizing the health of deer, elk, and other native species. Animal disease places hunting programs and wildlife watching programs, that generate millions of dollars in economic activity, at risk.

While a number of States have taken action to prohibit the practice of canned hunts, California, Connecticut, Georgia, Indiana, Maryland, Massachusetts, Montana, Nevada, North Carolina, New Jersey, Oregon, Rhode Island, Washington, Wisconsin, and Wyoming have passed such statutes, that is only a small segment of the country. Unfortunately, the regulation of the transport and treatment of exotic animals on shooting preserves falls outside the traditional domains of State agriculture departments and State fish and games agencies. The Captive Exotic Animal Protection Act is specifically designed to address this problem, which directly involves an issue of interstate commerce.

This is sensible legislation that is backed by responsible hunters, animal protection advocates, wildlife scientists, environmentalists and zoological professionals. The Boone and Crockett Club and the Izaak Walton League of America, nationally recognized hunting clubs, have policy positions affirmatively opposing canned hunts. In addition, this legislation is supported by the Humane Society of the United States, the Doris Day Animal League, the Fund for Animals, and the Animal Protection Institute.

I want to say to my colleagues who may have questions about this legislation that the Captive Exotic Animal Protection Act is limited in its scope and purpose and will not limit the licensed hunting of any native mammals or any native or exotic birds. The bill is directed at true "canned" hunts and covers only exotic mammals, or those not historically indigenous to the United States. Birds, native or non-native, and indigenous mammals, such as white tail deer and bears, are not covered by the bill. This legislation is a federal remedy and proposed specifically to deal with the purely commercial interstate movement of exotic animals destined to be killed at canned hunting ranches.

I hope you will join me in supporting this legislation.

By Mr. FEINGOLD (for himself and Mr. HATCH):

S. 1656. A bill to provide for the improvement of the processing of claims for veterans compensation and pension, and for other purposes; to the Committee on Veterans' Affairs.

Mr. FEINGOLD. Madam President, I am proud today to introduce the Veterans Benefits Administration Improvement Act of 2001, a bill that aims to decrease the amount of time it takes the Veterans Benefits Administration, VBA, to process veterans' claims. I am pleased to be joined by the senior Senator from Utah, Senator HATCH. He had long been a strong advocate for our veterans.

In 1999, there were 309,000 backlogged claims at the VBA. Today, that number stands at 533,000. It now takes an average of 202 days to process disability compensation and pension claims. This figure is expected to grow to more than 270 days by 2002. Many of the claims that are awaiting action have been filed by World War II and Korean War veterans; our World War II veterans are dying at the rate of about 1,500 a day. The VBA must take action to improve this dismal record.

I have traveled throughout Wisconsin and met with veterans. This problem is consistently one of their top concerns. They are angry and frustrated, with justification, about the amount of time it takes for the VBA to process their claims. In some instances, veterans are waiting well over a year. Telling the men and women who served their country in the armed forces that they "just have to wait" is wrong and unacceptable.

The VBA Improvement Act will require the Secretary of Veterans Affairs to submit a comprehensive plan to Congress for the improvement of the processing of claims for veterans compensation and pension. In addition, every six months afterwards the Secretary must report to Congress about the status of the program.

While I am pleased that Secretary Principi has acknowledged that im-

proving claims processing is a priority for the VA, nevertheless it is time for Congress to hold the Department of Veterans Affairs accountable. Our veterans are unable to wait for additional recommendations from more reports or task forces. It is time for Congress to hold the VA accountable. Our veterans deserve no less.

By Mr. SCHUMER (for himself, Mr. DEWINE, and Mr. HATCH):

S. 1658. A bill to improve Federal criminal penalties on false information and terrorist hoaxes; to the Committee on the Judiciary.

Mr. SCHUMER. Madam President, today Senator DEWINE and I are introducing a bill that will address what has sadly become a very serious problem. Since September 11, the number of terrorist hoaxes has increased dramatically.

The bill that we introduce today would fill a gap in the law by explicitly making the commission of a terrorist hoax illegal and punishable by up to five years in jail.

The last seven weeks have been difficult for all Americans. By nature, we Americans are tough. But many of us, myself included, are also a little more anxious than usual. That is understandable. But what is not understandable, in fact what is barely conceivable, is that some people think it is funny to take advantage of that fear.

Each terrorist hoax means a waste of valuable law enforcement time and scarce resources.

Our police officers and the FBI are already working around the clock to catch and arrest everyone involved in the September 11 attack, to find the perpetrators of the anthrax attacks, and to prevent future attacks from taking place.

Wasting law enforcement's time and resources by committing terrorist hoaxes takes away from their ability to protect us. So in many ways, committing a terrorist hoax is an extension of terrorism itself.

Beyond that, each terrorist hoax mocks the loss of thousands of lives in the September 11 attack and the recent deaths from anthrax.

In the first three weeks of October alone, the FBI has responded to more than 3,300 cases relating to weapons of mass destruction, including 2,500 threat assessments involving suspected anthrax incidents. Normally, they deal with 250 of these cases in an entire year. The last thing the FBI and the police have time for is a terrorist hoax.

Unfortunately, many of my fellow New Yorkers can attest to the fear and the commitment of resources caused by one of these terrorist hoaxes.

In Nassau County, on October 16, a Federal Express deliveryman placed a white powdery substance inside a computer package. That led to an understandably frantic phone call. Seven of-

ficers and three vehicles were dispatched in response to this anthrax hoax.

On October 26, a Staten Island man sent a threatening letter in a powder-laced envelope to his girlfriend.

An apparent hoax diverted a Dallas-bound American Airlines flight from New York's LaGuardia Airport to Washington, DC's Dulles Airport on October 29 after a threatening note was found on board. The passengers and flight crew were all forced to evacuate on the runway. The impact on the entire airport's operations were disrupted, and the entire national air traffic control system had to deal with this.

On October 17, a 17-year-old brought an envelope with the words "Death to All Who Open This" to Kingston High School in the Hudson Valley. The envelope contained white, powdery material. According to school officials, approximately 3,000 students and staff were held in lock-down for 90 minutes while some 50 local police, fire, and emergency response personnel assessed the situation.

Now more than ever, we need to send a loud and clear message to the perpetrators of hoaxes of all kinds: Your behavior is wrong. It is disgusting. And it is a serious crime.

The legislation that Senator DEWINE and I are introducing today sends that message.

Anyone convicted of committing a hoax terrorist attack involving a fake explosive incendiary, biological, chemical, or nuclear device, or falsely reporting one of these attacks, will be punished by a prison sentence of up to five years as well as stiff monetary fines.

In addition, anyone convicted of committing a terrorist hoax would be held responsible for reimbursement for all expenses resulting from the hoax.

This bill makes it clear that committing a terrorist hoax is no laughing matter.

My hope is that by sending a strong message today and in the weeks to come, those who are thinking about committing a terrorist hoax will think twice before diverting the police and FBI from focusing all of their time and energy on protecting us from real threats, and before another hoax puts us on edge, yet again.

Mr. DEWINE. Madam President, I rise today to discuss a distressing problem facing our citizens, our Nation's law enforcement officers, and our public health officials. This problem is the growing threat of bioterrorism and other weapons of mass destruction—both real and perceived.

The recent bioterrorist attacks affecting the media, Congress, and the U.S. Postal Service have spawned a great number of anthrax hoaxes across the Nation. These hoaxes, aside from adding to the widespread public panic

over terrorism, have created another serious problem: They are taxing our already strained emergency management and public health resources, which are vital to protect our national security.

Surprisingly, there is no existing Federal code that directly prohibits biological, chemical, or nuclear weapon hoaxes. Therefore, there is no Federal law that directly punishes the current anthrax hoaxes. These acts waste scarce Federal resources, negatively affecting interstate commerce and national security interests. Yet, there is no Federal law on the books to prosecute these offenders.

In all likelihood, the current anthrax hoaxes will be prosecuted under a provision for "mailing threatening communications" or threatening the "use of certain weapons of mass destruction," 18 USC 876, 2332a. The problem with prosecuting the anthrax hoaxes under these statutes is that they require the prosecutor to prove that the offender has crossed a threshold of threatening language. But what constitutes sufficiently threatening language?

Unfortunately, not all of these hoaxes meet this threshold. For example, under current law, it is difficult to prosecute the acts of an eighth-grade science teacher in Ohio. This teacher placed powdered lime in a school envelope and attempted to mail it through the postal system to her brother in another city. The envelope was found en route at the school, before it could leave the building. The school was evacuated, frightening hundreds of already shaken children and parents. Emergency management teams wasted valuable time and resources testing the site.

Right now, this woman faces a State charge of inducing panic. That is it; no other charges are pending. There is no clear Federal law on the books to prosecute her offense, because there was no threat. Had there been an actual incident where anthrax was released while police and emergency crews were tied up looking into this hoax, who knows how widespread the damage could have been. Many people could have been infected in the time that it took emergency crews to clear up this "joke."

So far, the U.S. Postal Service reports that it has evacuated over 353 postal facilities for varying amounts of time as a result of more than 8,600 hoaxes, threats, and suspicious incidents related to anthrax since just mid-October. That is an average of 578 a day for an agency used to dealing with only a few hundred such calls a year. In my home State of Ohio, alone, health officials have tested nearly 800 suspicious specimens from around the State, but have found no anthrax or other dangerous substances. A significant number of those reports appear to have been hoaxes. On a national scale,

the financial and physical strain imposed by hoaxes on our national law enforcement and public health systems have been enormous. In regard to our citizens, these pranks cause great panic and are really acts of terrorism.

That is why, along with my colleagues, Senator SCHUMER and Ranking Member HATCH, I have introduced a bill that would create a new crime for hoaxes involving the purported use of a weapon of mass destruction. This bill will prohibit any conduct that gives the false impression that a biological, chemical, or nuclear weapon may be used, when it is reasonable to assume that there will be an emergency response. The required conduct may involve the communication of information, whether in written or verbal form, as well as physical actions. Under our bill, there is no legal burden to identify a specific threat. For example, we would be able to prosecute someone who mails an envelope of white powder with a note that says, "Smile, you have been exposed to anthrax."

Furthermore, anyone convicted under this bill would be responsible for the reimbursement of expenses incurred in responding to a hoax, including the cost of any response by any Federal military or civilian agency to protect public health or safety during the course of an investigation. Convicted cohorts also would share in financial liability for such a hoax.

The Ohio Department of Health, alone, has spent more than \$500,000 of the taxpayers' money investigating false anthrax claims—a large percentage of which were hoaxes. This bill would discourage hoaxes, while helping to alleviate the financial burden that these pranks and false reports are imposing on our Federal, State, and local government agencies.

It is indeed shocking that some people want to capitalize on the recent horrific acts of terrorism in order to play a joke or intentionally cause widespread panic, or worse, inflict physical harm. Unfortunately, this is the reality we confront today. To deal with this threat, we need to give our Federal Government the necessary tools to prosecute those who would stage these hoaxes and disrupt the sense of normalcy that we have all struggled to recover since September 11th.

By Mr. HUTCHINSON (for himself and Mr. SESSION):

S. 1659. A bill to provide criminal penalties for communicating false information and hoaxes; to the Committee on the Judiciary.

Mr. HUTCHINSON. Madam President, I ask unanimous consent that a copy of the Terrorist Hoax Costs Recovery Act of 2001, which I am introducing today be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1659

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Terrorist Hoax Costs Recovery Act of 2001".

SEC. 2. FINDINGS.

Congress finds that—

(1) the expert resources available to the Government to deal with Federal crimes involving actual or potential chemical, biological, and nuclear weapons are limited;

(2) false reporting of such crimes almost invariably requires the attention of Federal investigative, scientific, and public health officers and employees, thereby needlessly diverting them from work that is vital to the national security and dangerously impairing the Government's ability to deal with real situations;

(3) recent episodes amply demonstrate that even isolated false reports can have a substantial adverse effect on interstate and foreign commerce, causing needless worry or even panic in the general public, and encouraging copycat episodes; and

(4) a comprehensive prohibition on such false reports is necessary to preserve scarce and vital Federal resources, to avoid substantial adverse effects on interstate and foreign commerce, and to protect the national security of the United States.

SEC. 3. PROHIBITION.

(a) PROHIBITION ON HOAXES.—Chapter 41 of title 18, United States Code, is amended by adding after section 880 the following:

"§ 881. False information and hoaxes

"(a) CRIMINAL VIOLATION.—Whoever communicates information, knowing the information to be false and under circumstances in which such information may reasonably be believed, concerning the existence of activity which would constitute a violation of section 175, 229, or 831 shall be fined under this title or imprisoned not more than 5 years, or both.

"(b) CIVIL PENALTY.—Whoever communicates information, knowing the information to be false, concerning the existence of activity which would constitute a violation of section 175, 229, or 831 is liable to the United States for a civil penalty of the greater of \$10,000 or the amount expended by the United States incident to the investigation of such conduct, including the cost of any response made by any Federal military or civilian agency to protect public health or safety.

"(c) REIMBURSEMENT OF COSTS.—

"(1) CONVICTED DEFENDANT.—The court, in imposing a sentence on a defendant who has been convicted of an offense under subsection (a), shall order the defendant to reimburse the United States for any expenses incurred by the United States incident to the investigation of the commission by that person of such offense, including the cost of any response made by any Federal military or civilian agency to protect public health or safety.

"(2) JOINTLY AND SEVERALLY LIABLE.—A person ordered to reimburse the United States for expenses under this subsection shall be jointly and severally liable for such expenses with each other person, if any, who is ordered under this subsection to reimburse the United States for those expenses."

(b) CONFORMING AMENDMENT.—The analysis of chapter 41 of title 18, United States Code, is amended by adding after the item for section 880 the following:

"881. False information and hoaxes."

By Mrs. FEINSTEIN (for herself and Mr. KYL):

S. 1661. A bill to set up a certification system for research facilities that possess dangerous biological agents and toxins, and for other purposes; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Madam President, I rise to introduce legislation, cosponsored by Senator KYL, to prohibit individuals from possessing anthrax, smallpox, and three dozen other of the most dangerous biological agents and toxins.

To date, 17 people have confirmed anthrax infections, four of whom died from inhalation anthrax. This toll, though tragic, could have grown exponentially if the perpetrators had used a more sophisticated delivery system.

Despite anthrax's and other agents' potential for weaponization, our government does not keep track of who possesses them. No special certification is required to possess these agents. Nor are background checks conducted on the laboratory personnel who handle or have access to these agents.

This situation must change.

The legislation I am introducing expands upon the antiterrorism bill Congress passed and the President signed just days ago. That bill prohibited an individual from possessing anthrax or other potential weapons of bioterror unless the individual could show legitimate purpose for holding the substance once caught. This standard of "legitimate purpose" is not defined, and will put the burden on courts and law enforcement to determine what a "legitimate purpose" is.

The fact is that current law still does not adequately prevent individual possession of these dangerous agents.

During a hearing in the Technology and Terrorism Subcommittee of the Judiciary Committee yesterday, it became clear to those of us on the committee that law enforcement does not know who has anthrax, where it is stored, or what is being done with it.

When asked if domestic laboratories were the source of the anthrax sent to Senator DASCHLE's office, the FBI witness said the FBI didn't know.

When asked how many labs in the United States handle anthrax or are capable of developing the highly refined anthrax used in the Daschle letter, the FBI answered again that it did not know.

When asked how many labs in the United States handle anthrax or are capable of developing the highly refined anthrax used in the Daschle letter, the FBI answered again that it did not know.

And the same goes for more than three dozen other dangerous agents like small pox, ebola virus, and ricin.

Under our legislation, no individual could possess any of these dangerous agents, period.

Any medical or research lab wishing to possess or use these dangerous

agents must first be certified by the United States Department of Health and Human Services.

Individuals in those labs who handle or who have access to these agents must undergo background checks, and the labs themselves must institute strict safety precautions.

And every single research lab, medical office, or other entity wishing to possess any one of these 40 some agents ruled dangerous by the CDC must demonstrate to the Secretary a legitimate purpose for that possession.

The purpose of the legislation is to assure that law enforcement and public health officials know much more about who has these agents, where and how they are stored, and what is being done with them.

Right now, we do not have this information.

Moreover, the bill will make it harder for terrorists to get access to these agents by requiring background checks and assuring that labs possessing these agents have adequately security safeguards.

I can think of no legitimate reason why an ordinary person needs to possess his or her personal cache of anthrax, small pox, or ebola virus.

According to the calculations of some experts, biological weapons are pound for pound potentially more lethal even than thermonuclear weapons.

For instance, a 1993 report by the U.S. Congressional Office of Technology Assessment estimated that between 130,000 and 3 million deaths could follow the aerosolized release of 100 keg of anthrax spores upwind of the Washington, DC area—lethally matching or exceeding that of a hydrogen bomb.

It is time to acknowledge that we live in a world where the government must take responsibility in protecting the public from those who would misuse these materials. No longer can we stand by and let the balance tip towards free possession of dangerous, even deadly, biological agents.

I urge my colleagues to support this bill.

By Mr. FEINGOLD:

S. 1664. A bill to require country of origin labeling of raw agricultural forms of ginseng, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. FEINGOLD. Madam President, I rise today to introduce legislation that addresses the increased amount of smuggled and mis-labeled ginseng entering this country.

This legislation is similar to a bill that I introduced in the last Congress, but is strengthened with a number of provisions based on the suggestions from ginseng growers and the Ginseng Board of Wisconsin.

In addition to proposing a refined process of country-of-origin labeling

for ginseng products, my new legislation closes a loophole in the regulations governing dietary supplements, where producers of products other than ginseng are currently advertising them as a type of ginseng.

In order to coordinate the efforts to eliminate the practice of ginseng smuggling, this legislation also requires the Department of Justice, EPA, and other Federal agencies to coordinate their efforts to crack down on smuggled ginseng, which often contains pesticides that are banned for use in the United States.

Chinese and Native American cultures have used ginseng for thousands of years for herbal and medicinal purposes.

In America, ginseng is experiencing a newfound popularity, and I am proud to say that my home State of Wisconsin is playing a central role in ginseng's resurgence.

Wisconsin produces 97 percent of the ginseng grown in the United States, and 85 percent of the country's ginseng is grown in Marathon County.

The ginseng industry is a economic boon to Marathon County, as well as an example of the high quality for which Wisconsin's agriculture industry is known.

Wisconsin ginseng commands a premium price in world markets because it is of the highest quality and because it has a lower pesticide and chemical content.

With a huge market for this high-quality ginseng overseas, and growing popularity for the ancient root here at home, Wisconsin's ginseng industry should have a prosperous future ahead.

Unfortunately, the outlook for ginseng farmers is marred by a serious problem—smuggled and mislabeled ginseng. Wisconsin ginseng is considered so superior to ginseng grown abroad that smugglers will go to great lengths to label ginseng grown in Canada or Asia as "Wisconsin-grown."

Here's how the switch takes place: Smugglers take Asian or Canadian-grown ginseng and ship it to plants in China, allegedly to have the ginseng sorted into various grades.

While the sorting process is itself a legitimate part of distributing ginseng, smugglers often use it as a ruse to switch Wisconsin ginseng with the Asian or Canadian ginseng considered inferior by consumers.

The smugglers know that while Chinese-grown ginseng has a retail of about \$5-\$6 per pound, while Wisconsin-grown ginseng is valued at roughly \$16-\$20 per pound.

To make matters even tougher for Wisconsin's ginseng farmers, there is no accurate way of testing ginseng to determine where it was grown, other than testing for pesticides that are legal in Canada and China but are banned in the United States.

And in some cases, smugglers can even find ways around the pesticide

tests. Last year, a ConsumerLab.com study confirmed that much of the ginseng sold in the U.S. contained harmful chemicals and metals, such as lead and arsenic.

That is because the majority of ginseng sold in the U.S. originates from countries with lower pesticide standards, so it's vitally important that consumers know which ginseng is really grown in Wisconsin.

Some domestic and foreign countries are also labeling certain products as ginseng when they are in fact a distinctly different product. Due to a loophole in the regulations governing dietary supplements, products other than ginseng are currently advertising themselves as a type of ginseng. For example, some products claim to include a product known as "Siberian Ginseng," which is actually *Eleutherococcus*, a bush that is a distinctly different product from ginseng.

Ginseng is a root, not a bush, and consumers have the right to know that when they reach for a high quality ginseng product, they are buying just that—ginseng, not some ground up bush.

For the sake of ginseng farmers and consumers, the U.S. Senate must crack down on smuggled and mislabeled ginseng.

Without adequate labeling, consumers have no way of knowing the most basic information about the ginseng they purchase, where it was grown, what quality or grade it is, or whether it contains dangerous pesticides.

My legislation proposes some common sense steps to address two of the challenges facing the ginseng industry, and none of these proposals costs the taxpayers a dime.

The first section requires mandatory country of origin labeling at the port of entry, to prevent the practice of mixing foreign ginseng with domestic ginseng. This would allow buyers of ginseng to more easily prevent foreign companies from mixing foreign produced ginseng with ginseng produced in America. The country of origin labeling is a simple but effective way to enable consumers to make an informed decision.

This legislation also closes a loophole in U.S. law that allows products other than ginseng to advertise themselves as a type of ginseng. Under my proposal, when a consumer purchases a product labeled as containing ginseng, they will know what they are buying.

This legislation also requires the Department of Justice, EPA, and other Federal agencies to coordinate their efforts to crack down on smuggled ginseng, which often contains pesticides that are banned for use in the United States. The lax enforcement of smuggled ginseng also puts our producers on an unfair playing field. The mixing of superior Wisconsin ginseng with lower

quality foreign ginseng root penalizes the grower and eliminates the incentive to provide the consumer with a superior product.

We must give ginseng growers the support they deserve by implementing these common sense reforms that also help consumers make informed choices about the ginseng that they consume.

We must ensure when ginseng consumers reach for a quality ginseng product, such as Wisconsin grown ginseng, that they are getting the real thing, not a cheap imitation.

By Mr. BIDEN (for himself and Mr. HATCH):

S. 1665. A bill to amend title 18, United States Code, with respect to false information regarding certain criminal violations concerning hoax reports of biological, chemical, and nuclear weapons; to the Committee on the Judiciary.

Mr. BIDEN. Madam President, I rise today to introduce the Protection Against Terrorist Hoaxes Act of 2001. I am honored to have the ranking member of the Judiciary Committee, Senator HATCH, as an original co-sponsor of this legislation. This bill would amend title 18 of the United States Code to, for the first time, make it a Federal crime to knowingly make a hoax report, involving a biological, chemical, nuclear weapon, or other weapon of mass destruction. Likewise, it would make it a criminal offense to knowingly send such a hoax weapon to another.

Since the unspeakable terrorist attacks of September 11, our nation has witnessed a mind-boggling number of anthrax hoax reports. This in turn has triggered an equally large number of reports of suspected biological agents. No part of the Nation has been spared, and my home State of Delaware has had several hundred reports of possible biological agents. Just this week, the FBI reported to Congress the staggering statistic involving these bioterrorism hoaxes and other reports of suspected biological agents. Prior to September 11, the FBI had responded to about 100 cases involving potential use of "weapons of mass destruction," 67 of which involved alleged biological weapons. Since mid-September, however, that number has increased by 3,000 percent! As of today, the FBI reported that they have responded to 7,089 suspicious anthrax letters alone, 950 incidents involving other suspected weapons of mass destruction, and an estimated 29,331 telephonic calls from the public about suspicious packages.

The good news is that most of these reports were hoaxes, or reports made by well-meaning people whose suspicions were raised. The bad news is that any hoax reports were made in the first place, triggering panic on the part of the public, and often forcing the Federal, state, and local governments

to waste valuable time and resources responding to them. In one particularly egregious case, it has been reported that an employee of the Connecticut Department of Environmental Protection falsely reported to security that he had found a yellowish-white powder on his desk with the misspelled label "ANTHAX." The employee, a 48-year-old solid waste management analyst, knew the material was not toxic, it was determined to be coffee creamer, but persisted in the false account. 800 State employees were evacuated from the building for 2 days while law enforcement officials tested the building, at a cost of \$1.5 million in lost workers' time, another \$40,000 in decontamination costs, and an undisclosed amount of money spent on rescue and law enforcement. The employee is being charged in Federal court, not for the hoax report, but for lying to Federal officials after the fact.

Indeed, the Justice Department reported to Congress this week that there is a gap in the existing Federal law regarding the prosecution of bioterrorism hoaxes. That is, while it is a crime to threaten to use, for example, anthrax as a weapon against another person, it is not a crime to make a hoax anthrax report. Accordingly, the Justice Department called upon Congress this week to enact legislation which specifically addresses hoaxes which involve purported biological substances, as well as chemical, nuclear and other weapons of mass destruction.

We should answer that call and act now to give the law enforcement the tools they need to combat these despicable crimes. I introduced a bioterrorism bill, S. 3202, in the 106th Congress which contained an anti-hoax provision. Had that bill been enacted into law, Federal prosecutors would have the means to prosecute bioterrorism hoaxes. The need for a Federal anti-hoax provision has never been more clear than in the last several weeks. The Federal interest is indisputable, as States and localities are simply not equipped with the expertise or resources to evaluate and respond to these hoaxes. A comprehensive prohibition on such false reports is necessary to preserve scarce and vital federal resources.

Accordingly, as chairman of the Judiciary Subcommittee on Crime and Drugs, I introduce a bill today which contains both criminal provisions and civil penalties for the hoax reporting of bioterrorism incidents. My bill simply says that if you knowingly engage in conduct, such as deliberately sending baking powder through the mail to your Congressman or calling 911 to falsely report the presence of anthrax in a public building, that is likely to create the false impression concerning the presence of anthrax, or other similar things, that you have committed a Federal offense, punishable by up to 5

years in jail. Moreover, such a person may be fined the greater of either \$10,000 or the amount of money expended by the government to respond to the false information. Finally, such a person may also be ordered to reimburse the government if costs were incurred in responding to the false hoax. Let me be clear, this bill will not target innocent mistakes or people who make a report concerning a suspected substance; it is aimed, rather, at deliberate hoax reports by those who know they are spreading false information.

I have said many times on the floor of this body that the terrorists win if they succeed in sowing seeds of panic into our daily lives. We cannot and will not let that happen. Similarly, we will not let these hoaxers get away with words and deeds which have the same effect.

By Mr. LEAHY:

S. 1666. A bill to prevent terrorist hoaxes and false reports; to the Committee on the Judiciary.

Mr. LEAHY. Madam President, I rise to introduce the Anti-Terrorist Hoax and False Report Act of 2001. The bill would provide a new tool for law enforcement to deal with the problem of serious hoaxes and malicious false reports relating to the use of weapons of mass destruction, or biological, chemical, or nuclear weapons. These so-called "hoaxes" inflict both mental and economic damage on victims. They drain away scarce law enforcement resources from the investigation of real terrorist activity. They interrupt vital communication facilities. Finally, they feed a public fear that the vast majority of law abiding Americans are working hard to dispel.

Federal, State, and local law enforcement already have statutes which they have been using aggressively to prosecute those who have taken advantage of these times to perpetrate hoaxes about anthrax contamination. Existing statutes create serious penalties for threats to use biological, chemical, or nuclear weapons, for sending any threatening communication through the mail, or for making a willful false statement to federal authorities.

For example 18 U.S.C. §§175, 229, 2332a, and 831 all have their own threat provisions punishable by up to life imprisonment. In addition, 18 U.S.C. §876 makes it a five year felony to mail a threatening communication of any type; and 18 U.S.C. §1001 makes it a five year felony to willfully make any false statement, or even willfully omit a material fact in a matter under the jurisdiction of a federal agency.

In a recent Subcommittee hearing of the Judiciary Committee, James T. Caruso, the Deputy Assistant Director of the FBI's Counter-terrorism Division, stated that there are at least 11 Federal hoax cases which have actually been charged under existing statutes

since September 11, 2001. Just last week a Federal conviction was obtained in Oakland, California under 18 U.S.C. §175, which carries a statutory maximum penalty of life imprisonment, for an anthrax hoax which occurred back in January of 1999. Thus, existing Federal statutes are already being employed to prosecute these cases when Federal prosecution is appropriate. In addition, numerous State provisions are available and are being used to prosecute these cases at the State and local level.

Indeed, current Federal threat laws do not require that the defendant have either the intent or present ability to carry out a threat, which enables prosecutors to use such laws to prosecute these serious hoaxes. At the same terrorism hearing, Deputy Assistant Director Caruso made it clear that authorities are able to prosecute even "non-credible" threats under current Federal laws. However, while they carry high penalties, including a maximum of life imprisonment, at the same hearing James Reynolds, from the Department of Justice's Section on Terrorism and Violent Crime, indicated that these statutes can sometimes be awkward when applied in the hoax context.

What this bill provides, is a well tailored statute that deals specifically with the problem of biological, chemical, mass destruction, and nuclear "hoaxes", that is, actions taken with the malicious intent to deceive the victim. For instance, it gives prosecutors a means to distinguish between a person who is actually threatening to use anthrax on a victim on one hand, and a person who never intends to use it, but truly wants the victim or the police to think they have done so, on the other. In the later case the statute creates a new five year felony.

The bill requires that the defendant act "knowingly and maliciously," so that we do not federalize juvenile pranks or the misguided though innocent spreading of rumors. For instance, a local prosecutor in Chicago recently placed an envelope containing sugar on a colleague's desk. He was administratively punished by being forced to resign from his job. In Utah, a disabled miner was charged locally because he put sugar and Nesquik into a junk mail envelope. In Anne Arundel County, MD, two juveniles were arrested after they placed powder in an envelope and did not even mail it, but it was found by someone else and reported, engendering an unintended emergency response. In Ohio, a security guard "super-glued" a telephone in a county welfare building, and when the glue left a powdery residue it caused a anthrax scare. In Williamsport, PA a firefighter is being prosecuted locally on a felony charge for claiming that he received a letter containing white powder at his home. These types of incidents do not

merit a lengthy term in Federal prison. As the examples I have listed above demonstrate, we have appropriately serious ways to deal with cases when Federal criminal prosecution is not needed.

Indeed, law enforcement agencies or private companies of the conduct "readiness testing" so that they will be able to deal with serious chemical or biological weapon threats. For instance, three weeks ago a Kentucky sheriff conducted such a readiness drill by leaving an envelope filled with crushed aspirin on a desk at a county courthouse in order to test the response. Requiring a malicious mens rea will ensure also that we do not criminalize or chill this type of admirable proactive effort. In sum, malicious acts deserve Federal felony prosecution; innocent bad judgment and juvenile behavior do not, and neither do laudable efforts by police and private actors to preserve readiness for biological or chemical attack.

Another provision in the bill would provide for mandatory restitution to any victim of these crimes, including the costs of any and all government response to the hoax. An earlier Administration proposal, offered during the debate over the terrorism bill, would have limited such restitution to only the federal government. As we know all too well from recent events, however, it is state and local authorities, along with private victims, who are often the first responders and primary victims when these incidents occur. This bill would provide a mechanism so that they too can be reimbursed for their expenses.

For all of these reasons, I am pleased to introduce this legislation and I urge its swift enactment into law.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1666

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Anti Terrorist Hoax and False Report Act of 2001".

SEC. 2. HOAXES, FALSE REPORTS, AND RESTITUTION.

(a) IN GENERAL.—Chapter 41 of title 18, United States Code, is amended by inserting after section 880 the following:

"§881. Terrorist Hoaxes and False Information

"(a) IN GENERAL.—Whoever knowingly and maliciously imparts, conveys, or communicates information or material, knowing the information or material to be false or fraudulent, and under circumstances in which such information or material may reasonably be believed and is reasonably likely to cause any response by a Federal, State, or local government agency, concerning the existence of activity that would constitute a violation of section 175, 229, 2332a, or 831 of

this title, shall be fined under this title or imprisoned not more than 5 years, or both.

“(b) RESTITUTION.—Notwithstanding and in addition to sections 3663, or 3663A of this title and any other civil or criminal penalty authorized by law, the court shall order—

“(1) restitution to all victims of an offense under subsection (a), including any losses suffered by a victim as a proximate result of the offense; and

“(2) the defendant to reimburse all Federal, State, and local government, entities for any expenses incurred in response to the offense to protect public health or safety.”.

(b) CHAPTER ANALYSIS.—The chapter analysis for chapter 41 of title 18, United States Code, is amended by inserting at the end the following:

“881. Terrorist hoaxes and false information.”.

By Mr. DOMENICI:

S. 1667. A bill to ensure that nuclear energy continues to contribute to the supply of electricity in the United States; to the Committee on Energy and Natural Resources.

Mr. DOMENICI. Madam President, I rise to introduce a modified version of my Nuclear Energy Electricity Supply Assurance Act of 2001. When I first introduced this measure, S. 472, it contained a provision known as Section 127, relating to special demonstration projects for the uranium mining industry.

This section was intended to create cooperative, cost-shared, agreements between the Department of Energy and the domestic uranium industry to identify, test, and develop improved in-situ leaching mining technologies. In addition, I intended that this initiative apply to low-cost environmental restoration that may be applied to sites after completion of in-situ leaching operations. Finally, Sec. 127 was intended to fund competitively-selected demonstration projects with the domestic uranium mining industry relating to enhanced production with improved environmental protection, restoration of well fields, and decommissioning and decontamination activities.

I believe that the intent and spirit of Sec. 127 still have substantial merit. I hope that we can provide incentives for improved mining techniques and improved environmental restoration. However, Sec. 127 was subject to substantial mis-interpretation, especially among many people in the Navajo Nation in northwest New Mexico. It was claimed that this Section was directed toward helping a single company that might use it to expand in-situ mining near the Navajo Nation's borders. It was further claimed that such an approach might over a long period of time contaminate drinking water in the area.

At no time was my bill intended to help any specific company. At no time did we intend anything other than improving environmental restoration and giving some hope to the domestic uranium industry that it might find an en-

vironmentally sound way to produce more domestic product.

However, after discussing this issue with the president of the Navajo Nation and other members of the nation, I have decided that the best course, in order to put to rest all of the concerns expressed, is to simply strike Section 127 from my bill. I should add that some members of the Navajo Nation supported Section 127; but, the clear message from my friends on the Navajo Nation is that they would prefer, in order to avoid any confusion, that I delete Section 127 from my bill.

Thus, the modified Act that I introduce today is identical to S. 471, with the exception that I have deleted entirely Section 127, relating to special demonstration projects. I talked to the president of the Navajo Nation this afternoon and he thanked me for this action.

Madam President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1667

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Nuclear Energy Electricity Supply Assurance Act of 2001”.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Findings.

Sec. 3. Definitions.

TITLE I—SUPPORT FOR CONTINUED USE OF NUCLEAR ENERGY

Subtitle A—Price-Anderson Amendments

Sec. 101. Short title.

Sec. 102. Indemnification authority.

Sec. 103. Maximum assessment.

Sec. 104. Department of Energy liability limit.

Sec. 105. Incidents outside the United States.

Sec. 106. Reports.

Sec. 107. Inflation adjustment.

Sec. 108. Civil penalties.

Sec. 109. Applicability.

Subtitle B—Leadership of the Office of Nuclear Energy, Science, and Technology and the Office of Science

Sec. 111. Assistant Secretaries.

Subtitle C—Funding of Certain Department of Energy Programs

Sec. 121. Establishment of programs.

Sec. 122. Nuclear energy research initiative.

Sec. 123. Nuclear energy plant optimization program.

Sec. 124. Upgrading of nuclear plant operations.

Sec. 125. University programs.

Sec. 126. Prohibition of commercial sales of uranium and conversion held by the Department of Energy until 2006.

Sec. 127. Maintenance of a viable domestic uranium conversion industry.

Sec. 128. Portsmouth gaseous diffusion plant.

Sec. 129. Nuclear generation report.

TITLE II—CONSTRUCTION OF NUCLEAR PLANTS

Sec. 201. Establishment of programs.

Sec. 202. Nuclear plant completion initiative.

Sec. 203. Early site permit demonstration program.

Sec. 204. Nuclear energy technology study for Generation IV Reactors.

Sec. 205. Research supporting regulatory processes for new reactor technologies and designs.

TITLE III—EVALUATIONS OF NUCLEAR ENERGY

Sec. 301. Environmentally preferable purchasing.

Sec. 302. Emission-free control measures under a State implementation plan.

Sec. 303. Prohibition of discrimination against emission-free electricity projects in international development programs.

TITLE IV—DEVELOPMENT OF NATIONAL SPENT NUCLEAR FUEL STRATEGY

Sec. 401. Findings.

Sec. 402. Office of spent nuclear fuel research.

Sec. 403. Advanced fuel recycling technology development program.

TITLE V—NATIONAL ACCELERATOR SITE

Sec. 501. Findings.

Sec. 502. Definitions.

Sec. 503. Advanced Accelerator Applications Program.

TITLE VI—NUCLEAR REGULATORY COMMISSION REFORM

Sec. 601. Definitions.

Sec. 602. Office location.

Sec. 603. License period.

Sec. 604. Elimination of foreign ownership restrictions.

Sec. 605. Elimination of duplicative anti-trust review.

Sec. 606. Gift acceptance authority.

Sec. 607. Authority over former licensees for decommissioning funding.

Sec. 608. Carrying of firearms by licensee employees.

Sec. 609. Cost recovery from Government agencies.

Sec. 610. Hearing procedures.

Sec. 611. Unauthorized introduction of dangerous weapons.

Sec. 612. Sabotage of nuclear facilities or fuel.

Sec. 613. Nuclear decommissioning obligations of nonlicensees.

Sec. 614. Effective date.

SEC. 2. FINDINGS.

Congress finds that—

(1) the standard of living for citizens of the United States is linked to the availability of reliable, low-cost, energy supplies;

(2) personal use patterns, manufacturing processes, and advanced cyber information all fuel increases in the demand for electricity;

(3) demand-side management, while important, is not likely to halt the increase in energy demand;

(4)(A) nuclear power is the largest producer of essentially emission-free electricity;

(B) nuclear energy is one of the few energy sources that controls all pollutants;

(C) nuclear plants are demonstrating excellent reliability as the plants produce power at low cost with a superb safety record; and

(D) the generation costs of nuclear power are not subject to price fluctuations of fossil fuels because nuclear fuels can be mined domestically or purchased from reliable trading partners;

(5) requirements for new highly reliable baseload generation capacity coupled with increasing environmental concerns and limited long-term availability of fossil fuels require that the United States preserve the nuclear energy option into the future;

(6) to ensure the reliability of electricity supply and delivery, the United States needs programs to encourage the extended or more efficient operation of currently existing nuclear plants and the construction of new nuclear plants;

(7) a qualified workforce is a prerequisite to continued safe operation of—

(A) nuclear plants;

(B) the nuclear navy;

(C) programs dealing with high-level or low-level waste from civilian or defense facilities; and

(D) research and medical uses of nuclear technologies;

(8) uncertainty surrounding the costs associated with regulatory approval for siting, constructing, and operating nuclear plants confuses the economics for new plant investments;

(9) to ensure the long-term reliability of supplies of nuclear fuel, the United States must ensure that the domestic uranium mining, conversion, and enrichment service industries remain viable;

(10)(A) technology developed in the United States and worldwide, broadly labeled as the Generation IV Reactor, is demonstrating that new designs of nuclear reactors are feasible;

(B) plants using the new designs would have improved safety, minimized proliferation risks, reduced spent fuel, and much lower costs; and

(C)(i) the nuclear facility infrastructure needed to conduct nuclear energy research and development in the United States has been allowed to erode over the past decade; and

(ii) that infrastructure must be restored to support development of Generation IV nuclear energy systems;

(11)(A) to ensure the long-term viability of nuclear power, the public must be confident that final waste forms resulting from spent fuel are controlled so as to have negligible impact on the environment; and

(B) continued research on repositories, and on approaches to mitigate the toxicity of materials entering any future repository, would serve that public interest; and

(12)(A) the Nuclear Regulatory Commission must continue its stewardship of the safety of our nuclear industry;

(B) at the same time, the Commission must streamline processes wherever possible to provide timely responses to a wide range of safety, upgrade, and licensing issues;

(C) the Commission should conduct research on new reactor technologies to support future regulatory decisions; and

(D) a revision of certain Commission procedures would assist in more timely processing of license applications and other requests for regulatory action.

SEC. 3. DEFINITIONS.

In this Act:

(1) COMMISSION.—The term “Commission” means the Nuclear Regulatory Commission.

(2) EARLY SITE PERMIT.—The term “Early Site Permit” means a permit for a site to be a future location for a nuclear plant under subpart A of part 52 of title 10, Code of Federal Regulations.

(3) NUCLEAR PLANT.—The term “nuclear plant” means a nuclear energy facility that generates electricity.

(4) SECRETARY.—The term “Secretary” means the Secretary of Energy.

TITLE I—SUPPORT FOR CONTINUED USE OF NUCLEAR ENERGY

Subtitle A—Price-Anderson Amendments

SEC. 101. SHORT TITLE.

This subtitle may be cited as the “Price-Anderson Amendments Act of 2001”.

SEC. 102. INDEMNIFICATION AUTHORITY.

(a) INDEMNIFICATION OF NUCLEAR REGULATORY COMMISSION LICENSEES.—Section 170c. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(c)) is amended—

(1) in the subsection heading, by striking “LICENSEES” and inserting “LICENSEES”; and

(2) by striking “August 1, 2002” each place it appears and inserting “August 1, 2012”.

(b) INDEMNIFICATION OF DEPARTMENT OF ENERGY CONTRACTORS.—Section 170d.(1)(A) of the Atomic Energy Act of 1954 (42 U.S.C. 2210(d)(1)(A)) is amended by striking “, until August 1, 2002,”.

(c) INDEMNIFICATION OF NONPROFIT EDUCATIONAL INSTITUTIONS.—Section 170k. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(k)) is amended by striking “August 1, 2002” each place it appears and inserting “August 1, 2012”.

SEC. 103. MAXIMUM ASSESSMENT.

Section 170b.(1) of the Atomic Energy Act of 1954 (42 U.S.C. 2210(b)(1)) is amended in the second proviso of the third sentence by striking “\$10,000,000” and inserting “\$20,000,000”.

SEC. 104. DEPARTMENT OF ENERGY LIABILITY LIMIT.

(a) AGGREGATE LIABILITY LIMIT.—Section 170d. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(d)) is amended by striking paragraph (2) and inserting the following:

“(2) LIABILITY LIMIT.—In an agreement of indemnification entered into under paragraph (1), the Secretary—

“(A) may require the contractor to provide and maintain the financial protection of such a type and in such amounts as the Secretary shall determine to be appropriate to cover public liability arising out of or in connection with the contractual activity; and

“(B) shall indemnify the persons indemnified against such claims above the amount of the financial protection required, in the amount of \$10,000,000,000 (subject to adjustment for inflation under subsection t.), in the aggregate, for all persons indemnified in connection with the contract and for each nuclear incident, including such legal costs of the contractor as are approved by the Secretary.”.

(b) CONTRACT AMENDMENTS.—Section 170d. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(d)) is amended by striking paragraph (3) and inserting the following:

“(3) CONTRACT AMENDMENTS.—All agreements of indemnification under which the Department of Energy (or its predecessor agencies) may be required to indemnify any person, shall be deemed to be amended, on the date of enactment of the Price-Anderson Amendments Act of 2001, to reflect the amount of indemnity for public liability and any applicable financial protection required of the contractor under this subsection on that date.”.

SEC. 105. INCIDENTS OUTSIDE THE UNITED STATES.

(a) AMOUNT OF INDEMNIFICATION.—Section 170d.(5) of the Atomic Energy Act of 1954 (42 U.S.C. 2210(d)(5)) is amended by striking “\$100,000,000” and inserting “\$500,000,000”.

(b) LIABILITY LIMIT.—Section 170e.(4) of the Atomic Energy Act of 1954 (42 U.S.C. 2210(e)(4)) is amended by striking “\$100,000,000” and inserting “\$500,000,000”.

SEC. 106. REPORTS.

Section 170p. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(p)) is amended by striking “August 1, 1998” and inserting “August 1, 2008”.

SEC. 107. INFLATION ADJUSTMENT.

Section 170t. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(t)) is amended—

(1) by designating paragraph (2) as paragraph (3); and

(2) by adding after paragraph (1) the following:

“(2) ADJUSTMENT.—The Secretary shall adjust the amount of indemnification provided under an agreement of indemnification under subsection d. not less than once during each 5-year period following the date of enactment of the Price-Anderson Amendments Act of 2001, in accordance with the aggregate percentage change in the Consumer Price Index since—

“(A) that date of enactment, in the case of the first adjustment under this subsection; or

“(B) the previous adjustment under this subsection.”.

SEC. 108. CIVIL PENALTIES.

(a) REPEAL OF AUTOMATIC REMISSION.—Section 234Ab.(2) of the Atomic Energy Act of 1954 (42 U.S.C. 2282a(b)(2)) is amended by striking the last sentence.

(b) LIMITATION FOR NONPROFIT INSTITUTIONS.—Section 234A of the Atomic Energy Act of 1954 (42 U.S.C. 2282a) is amended by striking subsection d. and inserting the following:

“d. Notwithstanding subsection a., no contractor, subcontractor, or supplier of the Department of Energy that is an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 that is exempt from taxation under section 501(a) of the Code shall be subject to a civil penalty under this section in any fiscal year in excess of the amount of any performance fee paid by the Secretary during that fiscal year to the contractor, subcontractor, or supplier under the contract under which a violation occurs.”.

SEC. 109. APPLICABILITY.

(a) INDEMNIFICATION PROVISIONS.—The amendments made by sections 103, 104, and 105 do not apply to a nuclear incident that occurs before the date of enactment of this Act.

(b) CIVIL PENALTY PROVISIONS.—The amendments made by section 108(b) do not apply to a violation that occurs under a contract entered into before the date of enactment of this Act.

Subtitle B—Leadership of the Office of Nuclear Energy, Science, and Technology and the Office of Science

SEC. 111. ASSISTANT SECRETARIES.

(a) IN GENERAL.—Section 203(a) of the Department of Energy Organization Act (42 U.S.C. 7133(a)) is amended in the matter preceding paragraph (1) by striking “eight” and inserting “ten”.

(b) FUNCTIONS.—On appointment of the 2 additional Assistant Secretaries of Energy under the amendment made by subsection (a), the Secretary shall assign—

(1) to one of the Assistant Secretaries, the functions performed by the Director of the Office of Science as of the date of enactment of this Act; and

(2) to the other, the functions performed by the Director of the Office of Nuclear Energy, Science, and Technology as of that date.

Subtitle C—Funding of Certain Department of Energy Programs

SEC. 121. ESTABLISHMENT OF PROGRAMS.

The Secretary shall establish or continue programs administered by the Office of Nuclear Energy, Science, and Technology to—

(1) support the Nuclear Energy Research Initiative, the Nuclear Energy Plant Optimization Program, and the Nuclear Energy Technology Program;

(2) encourage investments to increase the electricity capacity at commercial nuclear plants in existence on the date of enactment of this Act;

(3) ensure continued viability of a domestic capability for uranium mining, conversion, and enrichment industries; and

(4) support university nuclear engineering education research and infrastructure programs, including closely related specialties such as health physics, actinide chemistry, and material sciences.

SEC. 122. NUCLEAR ENERGY RESEARCH INITIATIVE.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary, for a Nuclear Energy Research Initiative to be managed by the Director of the Office of Nuclear Energy, Science, and Technology for grants to be competitively awarded and subject to peer review for research relating to nuclear energy—

(1) \$60,000,000 for fiscal year 2002; and

(2) such sums as are necessary for fiscal years 2003 through 2006.

(b) REPORTS.—The Secretary shall submit to the Committee on Science and the Committee on Appropriations of the House of Representatives, and to the Committee on Energy and Natural Resources and the Committee on Appropriations of the Senate an annual report on the activities of the Nuclear Energy Research Initiative.

SEC. 123. NUCLEAR ENERGY PLANT OPTIMIZATION PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for a Nuclear Energy Plant Optimization Program to be managed by the Director of the Office of Nuclear Energy, Science, and Technology for a joint program with industry cost-shared by at least 50 percent and subject to annual review by the Secretary of Energy's Nuclear Energy Research Advisory Committee—

(1) \$15,000,000 for fiscal year 2002; and

(2) such sums as are necessary for fiscal years 2003 through 2006.

(b) REPORTS.—The Secretary shall submit to the Committee on Science and the Committee on Appropriations of the House of Representatives, and to the Committee on Energy and Natural Resources and the Committee on Appropriations of the Senate an annual report on the activities of the Nuclear Energy Plant Optimization Program.

SEC. 124. UPDATING OF NUCLEAR PLANT OPERATIONS.

(a) IN GENERAL.—The Secretary, to the extent funds are available, shall reimburse costs incurred by a licensee of a nuclear plant as provided in this section.

(b) PAYMENT OF COMMISSION USER FEES.—In carrying out subsection (a), the Secretary shall reimburse all user fees incurred by a licensee of a nuclear plant for obtaining the approval of the Commission to achieve a permanent increase in the rated electricity capacity of the licensee's nuclear plant if the licensee achieves the increased capacity before December 31, 2004.

(c) PREFERENCE.—Preference shall be given by the Secretary to projects in which a single uprating operation can benefit multiple domestic nuclear power reactors.

(d) INCENTIVE PAYMENTS.—

(1) IN GENERAL.—In addition to payments made under subsection (a), the Secretary shall offer an incentive payment equal to 10

percent of the capital improvement cost resulting in a permanent increase of at least 5 percent in the rated electricity capacity of the licensee's nuclear plant if the licensee achieves the increased capacity rating before December 31, 2004.

(2) LIMITATION.—No incentive payment under paragraph (1) associated with any single nuclear unit shall exceed \$1,000,000.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$15,000,000 for each of fiscal years 2002 and 2003.

SEC. 125. UNIVERSITY PROGRAMS.

(a) IN GENERAL.—The Secretary may, as provided in this section, provide grants and other forms of payment to further the national goal of producing well-educated graduates in nuclear engineering and closely related specialties that support nuclear energy programs such as health physics, actinide chemistry, and material sciences.

(b) SUPPORT FOR UNIVERSITY RESEARCH REACTORS.—The Secretary may provide grants and other forms of payments for plant upgrading to universities in the United States that operate and maintain nuclear research reactors.

(c) SUPPORT FOR UNIVERSITY RESEARCH AND DEVELOPMENT.—The Secretary may provide grants and other forms of payment for research and development work by faculty, staff, and students associated with nuclear engineering programs and closely related specialties at universities in the United States.

(d) SUPPORT FOR NUCLEAR ENGINEERING STUDENTS AND FACULTY.—The Secretary may provide fellowships, scholarships, and other support to students and to departments of nuclear engineering and closely related specialties at universities in the United States.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) \$34,200,000 for fiscal year 2002, of which—

(A) \$13,000,000 shall be available to carry out subsection (b);

(B) \$10,200,000 shall be available to carry out subsection (c) of which not less than \$2,000,000 shall be available to support health physics programs; and

(C) \$11,000,000 shall be available to carry out subsection (d) of which not less than \$2,000,000 shall be available to support health physics programs; and

(2) such sums as are necessary for subsequent fiscal years.

SEC. 126. PROHIBITION OF COMMERCIAL SALES OF URANIUM AND CONVERSION HELD BY THE DEPARTMENT OF ENERGY UNTIL 2006.

Section 3112(b) of the USEC Privatization Act (42 U.S.C. 2297h-10(b)) is amended by striking paragraph (2) and inserting the following:

“(2) SALE OF URANIUM HEXAFLUORIDE.—

“(A) IN GENERAL.—The Secretary shall—

“(i) sell and receive payment for the uranium hexafluoride transferred to the Secretary under paragraph (1); and

“(ii) refrain from sales of its surplus natural uranium and conversion services through 2006 (except sales or transfers to the Tennessee Valley Authority in relation to the Department's HEU or Tritium programs, minor quantities associated with site cleanup projects, or the Department of Energy research reactor sales program).

“(B) REQUIREMENTS.—Under subparagraph (A)(i), uranium hexafluoride shall be sold—

“(i) in 1995 and 1996 to the Russian Executive Agent at the purchase price for use in matched sales pursuant to the Suspension Agreement; or

“(ii) in 2006 for consumption by end users in the United States not before January 1, 2007, and in subsequent years, in volumes not to exceed 3,000,000 pounds U₃O₈ equivalent per year.”.

SEC. 127. MAINTENANCE OF A VIABLE DOMESTIC URANIUM CONVERSION INDUSTRY.

(a) IN GENERAL.—For Department of Energy expenses necessary in providing to Converdyn Incorporated a payment for losses associated with providing conversion services for the production of low-enriched uranium (excluding imports related to actions taken under the United States/Russia HEU Agreement), there is authorized to be appropriated \$8,000,000 for each of fiscal years 2002, 2003, and 2004.

(b) RATE.—The payment shall be at a rate, determined by the Secretary, that—

(1)(A) is based on the difference between Converdyn's costs and its sale price for providing conversion services for the production of low-enriched uranium fuel; but

(B) does not exceed the amount appropriated under subsection (a); and

(2) shall be based contingent on submission to the Secretary of a financial statement satisfactory to the Secretary that is certified by an independent auditor for each year.

(c) TIMING.—A payment under subsection (a) shall be provided as soon as practicable after receipt and verification of the financial statement submitted under subsection (b).

SEC. 128. PORTSMOUTH GASEOUS DIFFUSION PLANT.

(a) IN GENERAL.—The Secretary may proceed with actions required to place the Portsmouth gaseous diffusion plant into cold standby condition for a period of 5 years.

(b) PLANT CONDITION.—In the cold standby condition, the plant shall be in a condition that—

(1) would allow its restart, for production of 3,000,000 separative work units per year, to meet domestic demand for enrichment services; and

(2) will facilitate the future decontamination and decommissioning of the plant.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section—

(1) \$36,000,000 for fiscal year 2002; and

(2) such sums as are necessary for fiscal years 2003, 2004, and 2005.

SEC. 129. NUCLEAR GENERATION REPORT.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Commission shall submit to Congress a report on the state of nuclear power generation in the United States.

(b) CONTENTS.—The report shall—

(1) provide current and historical detail regarding—

(A) the number of commercial nuclear plants and the amount of electricity generated; and

(B) the safety record of commercial nuclear plants;

(2) review the status of the relicensing process for commercial nuclear plants, including—

(A) current and anticipated applications; and

(B) for each current and anticipated application—

(i) the anticipated length of time for a license renewal application to be processed; and

(ii) the current and anticipated costs of each license renewal;

(3) assess the capability of the Commission to evaluate licenses for new advanced reactor designs and discuss the confirmatory and

anticipatory research activities needed to support that capability;

(4) detail the efforts of the Commission to prepare for potential new commercial nuclear plants, including evaluation of any new plant design and the licensing process for nuclear plants;

(5) state the anticipated length of time for a new plant license to be processed and the anticipated cost of such a process; and

(6) include recommendations for improvements in each of the processes reviewed.

TITLE II—CONSTRUCTION OF NUCLEAR PLANTS

SEC. 201. ESTABLISHMENT OF PROGRAMS.

(a) SECRETARY.—The Secretary shall establish a program within the Office of Nuclear Energy, Science, and Technology to—

(1) demonstrate the Nuclear Regulatory Commission Early Site Permit process;

(2) evaluate opportunities for completion of partially constructed nuclear plants; and

(3) develop a report assessing opportunities for Generation IV reactors.

(b) COMMISSION.—The Commission shall develop a research program to support regulatory actions relating to new nuclear plant technologies.

SEC. 202. NUCLEAR PLANT COMPLETION INITIATIVE.

(a) IN GENERAL.—The Secretary shall solicit information on United States nuclear plants requiring additional capital investment before becoming operational or being returned to operation to determine which, if any, should be included in a study of the feasibility of completing and operating some or all of the nuclear plants by December 31, 2004, considering technical and economic factors.

(b) IDENTIFICATION OF UNFINISHED NUCLEAR PLANTS.—The Secretary shall convene a panel of experts to—

(1) review information obtained under subsection (a); and

(2) identify which unfinished nuclear plants should be included in a feasibility study.

(c) TECHNICAL AND ECONOMIC COMPLETION ASSESSMENT.—On completion of the identification of candidate nuclear plants under subsection (b), the Secretary shall commence a detailed technical and economic completion assessment that includes, on a unit-specific basis, all technical and economic information necessary to permit a decision on the feasibility of completing work on any or all of the nuclear plants identified under subsection (b).

(d) SOLICITATION OF PROPOSALS.—After making the results of the feasibility study under subsection (c) available to the public, the Secretary shall solicit proposals for completing construction on any or all of the nuclear plants assessed under subsection (c).

(e) SELECTION OF PROPOSALS.—

(1) IN GENERAL.—The Secretary shall reconvene the panel of experts designated under subsection (b) to review and select the nuclear plants to be pursued, taking into consideration any or all of the following factors:

(A) Location of the nuclear plant and the regional need for expanded power capability.

(B) Time to completion.

(C) Economic and technical viability for completion of the nuclear plant.

(D) Financial capability of the offeror.

(E) Extent of support from regional and State officials.

(F) Experience and past performance of the members of the offeror in siting, constructing, or operating nuclear generating facilities.

(G) Lowest cost to the Government.

(2) REGIONAL AND STATE SUPPORT.—No proposal shall be accepted without endorsement by the State Governor and by the elected governing bodies of—

(A) each political subdivision in which the nuclear plant is located; and

(B) each other political subdivision that the Secretary determines has a substantial interest in the completion of the nuclear plant.

(f) REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than June 1, 2002, the Secretary shall submit to Congress a report describing the reactors identified for completion under subsection (e).

(2) CONTENTS.—The report shall—

(A) detail the findings under each of the criteria specified in subsection (e); and

(B) include recommendations for action by Congress to authorize actions that may be initiated in fiscal year 2003 to expedite completion of the reactors.

(3) CONSIDERATIONS.—In making recommendations under paragraph (2)(B), the Secretary shall consider—

(A) the advisability of authorizing payment by the Government of Commission user fees (including consideration of the estimated cost to the Government of paying such fees); and

(B) other appropriate considerations.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$3,000,000 for fiscal year 2002.

SEC. 203. EARLY SITE PERMIT DEMONSTRATION PROGRAM.

(a) IN GENERAL.—The Secretary shall initiate a program of Government/private partnership demonstration projects to encourage private sector applications to the Commission for approval of sites that are potentially suitable to be used for the construction of future nuclear power generating facilities.

(b) PROJECTS.—Not later than 60 days after the date of enactment of this Act, the Secretary shall issue a solicitation of offers for proposals from private sector entities to enter into partnerships with the Secretary to—

(1) demonstrate the Early Site Permit process; and

(2) create a bank of approved sites by December 31, 2003.

(c) CRITERIA FOR PROPOSALS.—A proposal submitted under subsection (b) shall—

(1) identify a site owned by the offeror that is suitable for the construction and operation of a new nuclear plant; and

(2) state the agreement of the offeror to pay not less than ½ of the costs of—

(A) preparation of an application to the Commission for an Early Site Permit for the site identified under paragraph (1); and

(B) review of the application by the Commission.

(d) SELECTION OF PROPOSALS.—The Secretary shall establish a competitive process to review and select the projects to be pursued, taking into consideration the following:

(1) Time to prepare the application.

(2) Site qualities or characteristics that could affect the duration of application review.

(3) The financial capability of the offeror.

(4) The experience of the offeror in siting, constructing, or operating nuclear plants.

(5) The support of regional and State officials.

(6) The need for new electricity supply in the vicinity of the site, or proximity to suitable transmission lines.

(7) Lowest cost to the Government.

(e) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with up to 3 offerors selected through the competitive process to pay not more than ½ of the costs incurred by the parties to the agreements for—

(1) preparation of an application to the Commission for an Early Site Permit for the site; and

(2) review of the application by the Commission.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$15,000,000 for each of fiscal years 2002 and 2003, to remain available until expended.

SEC. 204. NUCLEAR ENERGY TECHNOLOGY STUDY FOR GENERATION IV REACTORS.

(a) IN GENERAL.—The Secretary shall conduct a study of Generation IV nuclear energy systems, including development of a technology roadmap and performance of research and development necessary to make an informed technical decision regarding the most promising candidates for commercial deployment.

(b) UPGRADES AND ADDITIONS.—The Secretary may make upgrades or additions to the nuclear energy research facility infrastructure as needed to carry out the study under subsection (a).

(c) REACTOR CHARACTERISTICS.—To the extent practicable, in conducting the study under subsection (a), the Secretary shall study nuclear energy systems that offer the highest probability of achieving the goals for Generation IV nuclear energy systems established by the Nuclear Energy Research Advisory Committee, including—

(1) economics competitive with natural gas-fueled generators;

(2) enhanced safety features or passive safety features;

(3) substantially reduced production of high-level waste, as compared with the quantity of waste produced by reactors in operation on the date of enactment of this Act;

(4) highly proliferation resistant fuel and waste;

(5) sustainable energy generation including optimized fuel utilization; and

(6) substantially improved thermal efficiency, as compared with the thermal efficiency of reactors in operation on the date of enactment of this Act.

(c) CONSULTATION.—In conducting the study, the Secretary shall consult with—

(1) the Commission, with respect to evaluation of regulatory issues; and

(2) the International Atomic Energy Agency, with respect to international safeguards.

(d) REPORT.—

(1) IN GENERAL.—Not later than December 31, 2002, the Secretary shall submit to Congress a report describing the results of the roadmap and plans for research and development leading to a public/private cooperative demonstration of one or more Generation IV nuclear energy systems.

(2) CONTENTS.—The report shall contain—

(A) an assessment of all available technologies;

(B) a summary of actions needed for the most promising candidates to be considered as viable commercial options within the five to ten years after the date of the report with consideration of regulatory, economic, and technical issues;

(C) a recommendation of not more than three promising Generation IV nuclear energy system concepts for further development;

(D) an evaluation of opportunities for public/private partnerships;

(E) a recommendation for structure of a public/private partnership to share in development and construction costs;

(F) a plan leading to the selection and conceptual design, by September 30, 2004, of at least one Generation IV nuclear energy system for demonstration through a public/private partnership; and

(G) a recommendation for appropriate involvement of the Commission.

(e) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this section—

(1) \$50,000,000 for fiscal year 2002; and

(2) such sums as are necessary for fiscal years 2003 through 2006.

SEC. 205. RESEARCH SUPPORTING REGULATORY PROCESSES FOR NEW REACTOR TECHNOLOGIES AND DESIGNS.

(a) **IN GENERAL.**—The Commission shall develop a comprehensive research program to support resolution of potential licensing issues associated with new reactor concepts and new technologies that may be incorporated into new or current designs of nuclear plants.

(b) **IDENTIFICATION OF CANDIDATE DESIGNS.**—The Commission shall work with the Office of Nuclear Energy, Science, and Technology and the nuclear industry to identify candidate designs to be addressed by the program.

(c) **ACTIVITIES TO BE INCLUDED.**—The research shall include—

(1) modeling, analyses, tests, and experiments as required to provide input into total system behavior and response to hypothesized accidents; and

(2) consideration of new reactor technologies that may affect—

(A) risk-informed licensing of new plants;

(B) behavior of advanced fuels;

(C) evolving environmental considerations relative to spent fuel management and health effect standards;

(D) new technologies (such as advanced sensors, digital instrumentation, and control) and human factors that affect the application of new technology to current plants; and

(E) other emerging technical issues.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section—

(1) \$25,000,000 for fiscal year 2002; and

(2) such sums as are necessary for subsequent fiscal years.

TITLE III—EVALUATIONS OF NUCLEAR ENERGY

SEC. 301. ENVIRONMENTALLY PREFERABLE PURCHASING.

(a) **ACQUISITION.**—For the purposes of Executive Order No. 13101 (3 C.F.R. 210 (1998)) and policies established by the Office of Federal Procurement Policy or other executive branch offices for the acquisition or use of environmentally preferable products (as defined in section 201 of the Executive order), electricity generated by a nuclear plant shall be considered to be an environmentally preferable product.

(b) **PROCUREMENT.**—No Federal procurement policy or program may—

(1) discriminate against or exclude nuclear generated electricity in making purchasing decisions; or

(2) subscribe to product certification programs or recommend product purchases that exclude nuclear electricity.

SEC. 302. EMISSION-FREE CONTROL MEASURES UNDER A STATE IMPLEMENTATION PLAN.

(a) **DEFINITIONS.**—In this section:

(1) **CRITERIA AIR POLLUTANT.**—The term “criteria air pollutant” means a pollutant

listed under section 108(a) of the Clean Air Act (42 U.S.C. 7408(a)).

(2) **EMISSION-FREE ELECTRICITY SOURCE.**—The term “emission-free electricity source” means—

(A) a facility that generates electricity without emitting criteria pollutants, hazardous pollutants, or greenhouse gases as a result of onsite operations of the facility; and

(B) a facility that generates electricity using nuclear fuel that meets all applicable standards for radiological emissions under section 112 of the Clean Air Act (42 U.S.C. 7412).

(3) **GREENHOUSE GAS.**—The term “greenhouse gas” means a natural or anthropogenic gaseous constituent of the atmosphere that absorbs and re-emits infrared radiation.

(4) **HAZARDOUS POLLUTANT.**—The term “hazardous pollutant” has the meaning given the term in section 112(a) of the Clean Air Act (42 U.S.C. 7412(a)).

(5) **IMPROVEMENT IN AVAILABILITY.**—The term “improvement in availability” means an increase in the amount of electricity produced by an emission-free electricity source that provides a commensurate reduction in output from emitting sources.

(6) **INCREASED EMISSION-FREE CAPACITY PROJECT.**—The term “increased emission-free capacity project” means a project to construct an emission-free electricity source or increase the rated capacity of an existing emission-free electricity source.

(b) **TREATMENT OF CERTAIN STATE ACTIONS AS CONTROL MEASURES.**—An action taken by a State to support the continued operation of an emission-free electricity source or to support an improvement in availability or an increased emission-free capacity project shall be considered to be a control measure for the purposes of section 110(a) of the Clean Air Act (42 U.S.C. 7410(a)).

(c) **ECONOMIC INCENTIVE PROGRAMS.**—

(1) **CRITERIA AIR POLLUTANTS AND HAZARDOUS POLLUTANTS.**—Emissions of criteria air pollutants or hazardous pollutants prevented or avoided by an improvement in availability or the operation of increased emission-free capacity shall be eligible for, and may not be excluded from, incentive programs used as control measures, including programs authorizing emission trades, revolving loan funds, tax benefits, and special financing programs.

(2) **GREENHOUSE GASES.**—Emissions of greenhouse gases prevented or avoided by an improvement in availability or the operation of increased emission-free capacity shall be eligible for, and may not be excluded from, incentive programs used as control measures on the national, regional State, or local level.

SEC. 304. PROHIBITION OF DISCRIMINATION AGAINST EMISSION-FREE ELECTRICITY PROJECTS IN INTERNATIONAL DEVELOPMENT PROGRAMS.

(a) **PROHIBITION.**—No Federal funds shall be used to support a domestic or international organization engaged in the financing, development, insuring, or underwriting of electricity production facilities if the activities fail to include emission-free electricity production facility projects that use nuclear fuel.

(b) **REQUEST FOR POLICIES.**—The Secretary of Energy shall request copies of all written policies regarding the eligibility of emission-free nuclear electricity production facilities for funding or support from international or domestic organizations engaged in the financing, development, insuring, or underwriting of electricity production facilities, including—

(1) the Agency for International Development;

(2) the World Bank;

(3) the Overseas Private Investment Corporation;

(4) the International Monetary Fund; and

(5) the Export-Import Bank.

TITLE IV—DEVELOPMENT OF NATIONAL SPENT NUCLEAR FUEL STRATEGY

SEC. 401. FINDINGS.

Congress finds that—

(1) before the Federal Government takes any irreversible action relating to the disposal of spent nuclear fuel, Congress must determine whether the spent fuel should be treated as waste subject to permanent burial or should be considered to be an energy resource that is needed to meet future energy requirements; and

(2) national policy on spent nuclear fuel may evolve with time as improved technologies for spent fuel are developed or as national energy needs evolve.

SEC. 402. OFFICE OF SPENT NUCLEAR FUEL RESEARCH.

(a) **DEFINITIONS.**—In this section:

(1) **ASSOCIATE DIRECTOR.**—The term “Associate Director” means the Associate Director of the Office.

(2) **OFFICE.**—The term “Office” means the Office of Spent Nuclear Fuel Research established by subsection (b).

(b) **ESTABLISHMENT.**—There is established an Office of Spent Nuclear Fuel Research within the Office of Nuclear Energy Science and Technology of the Department of Energy.

(c) **HEAD OF OFFICE.**—The Office shall be headed by the Associate Director, who shall be a member of the Senior Executive Service appointed by the Director of the Office of Nuclear Energy Science and Technology, and compensated at a rate determined by applicable law.

(d) **DUTIES OF THE ASSOCIATE DIRECTOR.**—

(1) **IN GENERAL.**—The Associate Director shall be responsible for carrying out an integrated research, development, and demonstration program on technologies for treatment, recycling, and disposal of high-level nuclear radioactive waste and spent nuclear fuel, subject to the general supervision of the Secretary.

(2) **PARTICIPATION.**—The Associate Director shall coordinate the participation of national laboratories, universities, the commercial nuclear industry, and other organizations in the investigation of technologies for the treatment, recycling, and disposal of spent nuclear fuel and high-level radioactive waste.

(3) **ACTIVITIES.**—The Associate Director shall—

(A) develop a research plan to provide recommendations by 2015;

(B) identify promising technologies for the treatment, recycling, and disposal of spent nuclear fuel and high-level radioactive waste;

(C) conduct research and development activities for promising technologies;

(D) ensure that all activities include as key objectives minimization of proliferation concerns and risk to health of the general public or site workers, as well as development of cost-effective technologies;

(E) require research on both reactor- and accelerator-based transmutation systems;

(F) require research on advanced processing and separations;

(G) include participation of international collaborators in research efforts, and provide funding to a collaborator that brings unique capabilities not available in the United

States if the country in which the collaborator is located is unable to provide support; and

(H) ensure that research efforts are coordinated with research on advanced fuel cycles and reactors conducted by the Office of Nuclear Energy Science and Technology.

(e) GRANT AND CONTRACT AUTHORITY.—The Secretary may make grants, or enter into contracts, for the purposes of the research projects and activities described in subsection (d)(3).

(f) REPORT.—The Associate Director shall annually submit to Congress a report on the activities and expenditures of the Office that describes the progress being made in achieving the objectives of this section.

SEC. 403. ADVANCED FUEL RECYCLING TECHNOLOGY DEVELOPMENT PROGRAM.

(a) IN GENERAL.—The Secretary, acting through the Director of the Office of Nuclear Energy, Science, and Technology, shall conduct an advanced fuel recycling technology research and development program to further the availability of electrometallurgical technology as a proliferation-resistant alternative to aqueous reprocessing in support of evaluation of alternative national strategies for spent nuclear fuel and the Generation IV advanced reactor concepts, subject to annual review by the Nuclear Energy Research Advisory Committee.

(b) REPORTS.—The Secretary shall submit to the Committee on Science and the Committee on Appropriations of the House of Representatives and the Committee on Energy and Natural Resources and the Committee on Appropriations of the Senate an annual report on the activities of the advanced fuel recycling technology development program.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

- (1) \$10,000,000 for fiscal year 2002; and
- (2) such sums as are necessary for fiscal years 2003 through 2006.

TITLE V—NATIONAL ACCELERATOR SITE SEC. 501. FINDINGS.

Congress finds that—

(1)(A) high-current proton accelerators are capable of producing significant quantities of neutrons through the spallation process without using a critical assembly; and

(B) the availability of high-neutron fluences enables a wide range of missions of major national importance to be conducted;

(2)(A) public acceptance of repositories, whether for spent fuel or for final waste products from spent fuel, can be enhanced if the radio-toxicity of the materials in the repository can be reduced;

(B) transmutation of long-lived radioactive species by an intense neutron source provides an approach to such a reduction in toxicity; and

(C) research and development in this area (which, when the source of neutrons is derived from an accelerator, is called “accelerator transmutation of waste”) should be an important part of a national spent fuel strategy;

(3)(A) nuclear weapons require a reliable source of tritium;

(B) the Department of Energy has identified production of tritium in a commercial light water reactor as the first option to be pursued;

(C) the importance of tritium supply is of sufficient magnitude that a backup technology should be demonstrated and available for rapid scale-up to full requirements;

(D) evaluation of tritium production by a high-current accelerator has been underway; and

(E) accelerator production of tritium should be demonstrated, so that the capability can be scaled up to levels required for the weapons stockpile if difficulties arise with the reactor approach;

(4)(A) radioisotopes are required in many medical procedures;

(B) research on new medical procedures is adversely affected by the limited availability of production facilities for certain radioisotopes; and

(C) high-current accelerators are an important source of radioisotopes, and are best suited for production of proton-rich isotopes; and

(5)(A) a spallation source provides a continuum of neutron energies; and

(B) the energy spectrum of neutrons can be altered and tailored to allow a wide range of experiments in support of nuclear engineering studies of alternative reactor configurations, including studies of materials that may be used in future fission or fusion systems.

SEC. 502. DEFINITIONS.

In this title:

(1) OFFICE.—The term “Office” means the Office of Nuclear Energy, Science, and Technology of the Department of Energy.

(2) PROGRAM.—The term “program” means the Advanced Accelerator Applications Program established under section 503.

(3) PROPOSAL.—The term “proposal” means the proposal for a location supporting the missions identified for the program developed under section 503.

SEC. 503. ADVANCED ACCELERATOR APPLICATIONS PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish a program to be known as the “Advanced Accelerator Applications Program”.

(b) MISSION.—The mission of the program shall include conducting scientific or engineering research, development, and demonstrations on—

(1) accelerator production of tritium as a backup technology;

(2) transmutation of spent nuclear fuel and waste;

(3) production of radioisotopes;

(4) advanced nuclear engineering concepts, including material science issues; and

(5) other applications that may be identified.

(c) ADMINISTRATION.—The program shall be administered by the Office—

(1) in consultation with the National Nuclear Security Administration, for all activities related to tritium production; and

(2) in consultation with the Office of Civilian Radioactive Waste Management, for all activities relating to the impact of waste transmutation on repository requirements.

(d) PARTICIPATION.—The Office shall encourage participation of international collaborators, industrial partners, national laboratories, and, through support for new graduate engineering and science students and professors, universities.

(e) PROPOSAL OF LOCATION.—

(1) IN GENERAL.—The Office shall develop a detailed proposal for a location supporting the missions identified for the program.

(2) CONTENTS.—The proposal shall—

- (A) recommend capabilities for the accelerator and for each major research or production effort;
- (B) include development of a comprehensive site plan supporting those capabilities;
- (C) specify a detailed time line for construction and operation of all activities;
- (D) identify opportunities for involvement of the private sector in production and use of radioisotopes;

(E) contain a recommendation for funding required to accomplish the proposal in future fiscal years; and

(F) identify required site characteristics.

(3) PRELIMINARY ENVIRONMENTAL IMPACT ASSESSMENT.—As part of the process of identification of required site characteristics, the Secretary shall undertake a preliminary environmental impact assessment of a range of sites.

(4) SUBMISSION TO CONGRESS.—Not later than March 31, 2002, the Secretary shall submit to the Committee on Energy and Natural Resources and Committee on Appropriations of the Senate and the Committee on Science and Committee on Appropriations of the House of Representatives a report describing the proposal.

(f) COMPETITION.—

(1) IN GENERAL.—The Secretary shall use the proposal to conduct a nationwide competition among potential sites.

(2) REPORT.—Not later than June 30, 2003, the Secretary shall submit to the Committee on Energy and Natural Resources and Committee on Appropriations of the Senate and the Committee on Science and the Committee on Appropriations of the House of Representatives a report that contains an evaluation of competing proposals and a recommendation of a final site and for funding requirements to proceed with construction in future fiscal years.

(g) AUTHORIZATION OF APPROPRIATIONS.—

(1) PROPOSAL.—There is authorized to be appropriated for development of the proposal \$20,000,000 for each of fiscal years 2002 and 2003.

(2) RESEARCH, DEVELOPMENT, AND DEMONSTRATION ACTIVITIES.—There are authorized to be appropriated for research, development, and demonstration activities of the program—

(A) \$120,000,000 for fiscal year 2002; and

(B) such sums as are necessary for subsequent fiscal years.

TITLE VI—NUCLEAR REGULATORY COMMISSION REFORM

SEC. 601. DEFINITIONS.

Section 11 of the Atomic Energy Act of 1954 (42 U.S.C. 2014) is amended—

(1) in subsection f., by striking “Atomic Energy Commission” and inserting “Nuclear Regulatory Commission”;

(2) by redesignating subsection jj. as subsection ll.; and

(3) by adding at the end the following:

“jj. FEDERAL NUCLEAR OBLIGATION.—The

term ‘Federal nuclear obligation’ means—

“(1) a nuclear decommissioning obligation;

“(2) a fee required to be paid to the Federal Government by a licensee for the storage, transportation, or disposal of spent nuclear fuel and high-level radioactive waste, including a fee required under the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101 et seq.); and

“(3) an assessment by the Federal Government to fund the cost of decontamination and decommissioning of uranium enrichment facilities, including an assessment required under chapter 28 of the Energy Policy Act of 1992 (42 U.S.C. 2297g).

“kk. NUCLEAR DECOMMISSIONING OBLIGATION.—The term ‘nuclear decommissioning obligation’ means an expense incurred to ensure the continued protection of the public from the dangers of any residual radioactivity or other hazards present at a facility at the time the facility is decommissioned, including all costs of actions required under rules, regulations and orders of the Commission for—

“(1) entombing, dismantling and decommissioning a facility; and

“(2) administrative, preparatory, security and radiation monitoring expenses associated with entombing, dismantling, and decommissioning a facility.”.

SEC. 602. OFFICE LOCATION.

Section 23 of the Atomic Energy Act of 1954 (42 U.S.C. 2033) is amended by striking “; however, the Commission shall maintain an office for the service of process and papers within the District of Columbia”.

SEC. 603. LICENSE PERIOD.

Section 103c. of the Atomic Energy Act of 1954 (42 U.S.C. 2133(c)) is amended—

(1) by striking “c. Each such” and inserting the following:

“c. LICENSE PERIOD.—

“(1) IN GENERAL.—Each such”; and

(2) by adding at the end the following:

“(2) COMBINED LICENSES.—In the case of a combined construction and operating license issued under section 185(b), the initial duration of the license may not exceed 40 years from the date on which the Commission finds, before operation of the facility, that the acceptance criteria required by section 185(b) are met.”.

SEC. 604. ELIMINATION OF FOREIGN OWNERSHIP RESTRICTIONS.

(a) COMMERCIAL LICENSES.—Section 103d. of the Atomic Energy Act of 1954 (42 U.S.C. 2133(d)) is amended by striking the second sentence.

(b) MEDICAL THERAPY AND RESEARCH AND DEVELOPMENT.—Section 104d. of the Atomic Energy Act of 1954 (42 U.S.C. 2134(d)) is amended by striking the second sentence.

SEC. 605. ELIMINATION OF DUPLICATIVE ANTI-TRUST REVIEW.

Section 105 of the Atomic Energy Act of 1954 (42 U.S.C. 2135) is amended by striking subsection c. and inserting the following:

“c. CONDITIONS.—

“(1) IN GENERAL.—A condition for a grant of a license imposed by the Commission under this section in effect on the date of enactment of the Nuclear Assets Restructuring Reform Act of 2001 shall remain in effect until the condition is modified or removed by the Commission.

“(2) MODIFICATION.—If a person that is licensed to construct or operate a utilization or production facility applies for reconsideration under this section of a condition imposed in the person's license, the Commission shall conduct a proceeding, on an expedited basis, to determine whether the license condition—

“(A) is necessary to ensure compliance with section 105a.; or

“(B) should be modified or removed.”.

SEC. 606. GIFT ACCEPTANCE AUTHORITY.

(a) IN GENERAL.—Section 161g. of the Atomic Energy Act of 1954 (42 U.S.C. 2201(g)) is amended—

(1) by inserting “(1)” after “(g)”;

(2) by striking “this Act;” and inserting “this Act; or”; and

(3) by adding at the end the following:

“(2) accept, hold, utilize, and administer gifts of real and personal property (not including money) for the purpose of aiding or facilitating the work of the Commission.”.

(b) CRITERIA FOR ACCEPTANCE OF GIFTS.—

(1) IN GENERAL.—Chapter 14 of title I of the Atomic Energy Act of 1954 (42 U.S.C. 2201 et seq.) is amended by adding at the end the following:

“SEC. 170C. CRITERIA FOR ACCEPTANCE OF GIFTS.

“(a) IN GENERAL.—The Commission shall establish written criteria for determining whether to accept gifts under section 161g.(2).

“(b) CONSIDERATIONS.—The criteria under subsection (a) shall take into consideration whether the acceptance of a gift would compromise the integrity of, or the appearance of the integrity of, the Commission or any officer or employee of the Commission.”.

(2) CONFORMING AMENDMENT.—The table of contents of the Atomic Energy Act of 1954 (42 U.S.C. prec. 2011) is amended by adding at the end of the items relating to chapter 14 the following:

“Sec. 170C. Criteria for acceptance of gifts.”.

SEC. 607. AUTHORITY OVER FORMER LICENSEES FOR DECOMMISSIONING FUNDING.

Section 161i. of the Atomic Energy Act of 1954 (42 U.S.C. 2201(i)) is amended—

(1) by striking “and (3)” and inserting “(3)”; and

(2) by inserting before the semicolon at the end the following: “, and (4) to ensure that sufficient funds will be available for the decommissioning of any production or utilization facility licensed under section 103 or 104b., including standards and restrictions governing the control, maintenance, use, and disbursement by any former licensee under this Act that has control over any fund for the decommissioning of the facility”.

SEC. 608. CARRYING OF FIREARMS BY LICENSEE EMPLOYEES.

(a) IN GENERAL.—Chapter 14 of title I of the Atomic Energy Act of 1954 (42 U.S.C. 2201 et seq.) (as amended by section 606(b)) is amended—

(1) in section 161, by striking subsection k. and inserting the following:

“k. authorize to carry a firearm in the performance of official duties such of its members, officers, and employees, such of the employees of its contractors and subcontractors (at any tier) engaged in the protection of property under the jurisdiction of the United States located at facilities owned by or contracted to the United States or being transported to or from such facilities, and such of the employees of persons licensed or certified by the Commission (including employees of contractors of licensees or certificate holders) engaged in the protection of facilities owned or operated by a Commission licensee or certificate holder that are designated by the Commission or in the protection of property of significance to the common defense and security located at facilities owned or operated by a Commission licensee or certificate holder or being transported to or from such facilities, as the Commission considers necessary in the interest of the common defense and security;” and

(2) by adding at the end the following:

“SEC. 170D. CARRYING OF FIREARMS.

“(a) AUTHORITY TO MAKE ARREST.—

“(1) IN GENERAL.—A person authorized under section 161k. to carry a firearm may, while in the performance of, and in connection with, official duties, arrest an individual without a warrant for any offense against the United States committed in the presence of the person or for any felony under the laws of the United States if the person has a reasonable ground to believe that the individual has committed or is committing such a felony.

“(2) LIMITATION.—An employee of a contractor or subcontractor or of a Commission licensee or certificate holder (or a contractor of a licensee or certificate holder) authorized to make an arrest under paragraph (1) may make an arrest only—

“(A) when the individual is within, or is in flight directly from, the area in which the offense was committed; and

“(B) in the enforcement of—

“(i) a law regarding the property of the United States in the custody of the Department of Energy, the Commission, or a contractor of the Department of Energy or Commission or a licensee or certificate holder of the Commission;

“(ii) a law applicable to facilities owned or operated by a Commission licensee or certificate holder that are designated by the Commission under section 161k.;

“(iii) a law applicable to property of significance to the common defense and security that is in the custody of a licensee or certificate holder or a contractor of a licensee or certificate holder of the Commission; or

“(iv) any provision of this Act that subjects an offender to a fine, imprisonment, or both.

“(3) OTHER AUTHORITY.—The arrest authority conferred by this section is in addition to any arrest authority under other law.

“(4) GUIDELINES.—The Secretary and the Commission, with the approval of the Attorney General, shall issue guidelines to implement section 161k. and this subsection.”.

(b) CONFORMING AMENDMENT.—The table of contents of the Atomic Energy Act of 1954 (42 U.S.C. prec. 2011) (as amended by section 7(b)(2)) is amended by adding at the end of the items relating to chapter 14 the following:

“Sec. 170D. Carrying of firearms.”.

SEC. 609. COST RECOVERY FROM GOVERNMENT AGENCIES.

Section 161w. of the Atomic Energy Act of 1954 (42 U.S.C. 2201(w)) is amended—

(1) by striking “, or which operates any facility regulated or certified under section 1701 or 1702.”;

(2) by striking “483a of title 31 of the United States Code” and inserting “9701 of title 31, United States Code;”;

(3) by inserting before the period at the end the following: “, and, commencing October 1, 2002, prescribe and collect from any other Government agency any fee, charge, or price that the Commission may require in accordance with section 9701 of title 31, United States Code, or any other law”.

SEC. 610. HEARING PROCEDURES.

Section 189a.(1) of the Atomic Energy Act of 1954 (42 U.S.C. 2239(a)(1)) is amended by adding at the end the following:

“(C) HEARINGS.—A hearing under this section shall be conducted using informal adjudicatory procedures established under sections 553 and 555 of title 5, United States Code, unless the Commission determines that formal adjudicatory procedures are necessary—

“(i) to develop a sufficient record; or

“(ii) to achieve fairness.”.

SEC. 611. UNAUTHORIZED INTRODUCTION OF DANGEROUS WEAPONS.

Section 229a. of the Atomic Energy Act of 1954 (42 U.S.C. 2278a(a)) is amended in the first sentence by inserting “or subject to the licensing authority of the Commission or to certification by the Commission under this Act or any other Act” before the period at the end.

SEC. 612. SABOTAGE OF NUCLEAR FACILITIES OR FUEL.

Section 236a. of the Atomic Energy Act of 1954 (42 U.S.C. 2284(a)) is amended—

(1) in paragraph (2), by striking “storage facility” and inserting “storage, treatment, or disposal facility”; and

(2) in paragraph (3)—

(A) by striking “such a utilization facility” and inserting “a utilization facility licensed under this Act”; and

(B) by striking “or” at the end;

(3) in paragraph (4)—

(A) by striking “facility licensed” and inserting “or nuclear fuel fabrication facility licensed or certified”; and

(B) by striking the period at the end and inserting “; or”; and

(4) by adding at the end the following:

“(5) any production, utilization, waste storage, waste treatment, waste disposal, uranium enrichment, or nuclear fuel fabrication facility subject to licensing or certification under this Act during construction of the facility, if the person knows or reasonably should know that there is a significant possibility that the destruction or damage caused or attempted to be caused could adversely affect public health and safety during the operation of the facility.”.

SEC. 613. NUCLEAR DECOMMISSIONING OBLIGATIONS OF NONLICENSEES.

(a) IN GENERAL.—The Atomic Energy Act of 1954 is amended by inserting after section 241 (42 U.S.C. 2015) the following:

“SEC. 242. NUCLEAR DECOMMISSIONING OBLIGATIONS OF NONLICENSEES.

“(a) DEFINITION OF FACILITY.—In this section, the term ‘facility’ means a commercial nuclear electric generating facility for which a Federal nuclear obligation is incurred.

“(b) DECOMMISSIONING OBLIGATIONS.—After public notice and in accordance with section 181, the Commission shall establish by rule, regulation, or order any requirement that the Commission considers necessary to ensure that a person that is not a licensee (including a former licensee) complies fully with any nuclear decommissioning obligation.”.

(b) CONFORMING AMENDMENT.—The table of contents of the Atomic Energy Act of 1954 (42 U.S.C. prec. 2011) is amended by inserting after the item relating to section 241 the following:

“Sec. 242. Nuclear decommissioning obligations of nonlicensees.”.

SEC. 614. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), this title and the amendments made by this title take effect on the date of enactment of this Act.

(b) RECOMMISSIONING AND LICENSE REMOVAL.—The amendment made by section 613 takes effect on the date that is 180 days after the date of enactment of this Act.

By Mr. HOLLINGS:

S. 1668. A bill to amend the Communications Act of 1934 to strengthen the limitations on the holding of any license permit, operating authority by a foreign government or any entity controlled by a foreign government; to the Committee on Commerce, Science, and Transportation.

Mr. HOLLINGS. Madam President, today I reintroduce legislation to clarify rules governing the takeover of U.S. Telecommunications providers by companies owned by foreign governments. The original rules in this area were established by statute in the 1930s, and while the law has not changed, the FCC's interpretations of this statute has.

Today's legislation is almost identical to the legislation that I introduced last year on this topic. I am pleased to announce that this year I am joined in the effort by the Chairman of the House Energy and Commerce Committee, BILLY TAUZIN.

In the intervening year the FCC has approved several transactions involving foreign governments. I am disappointed by these actions and believe that they involve a misreading of the current statute.

The legislation I introduce today will bar outright the transfer or issuance of telecommunications licenses to providers who are more than 25 percent owned by a foreign government. It would also bar the transfer of such licenses to companies controlled by a foreign government.

My reasons for introducing this legislation have not changed from last year. Nevertheless the events of the past year confirm more than ever my conviction that foreign governments should not be permitted to own U.S. telecommunications licenses.

By Mr. HOLLINGS (for himself and Mr. McCain) (by request):

S. 1669. A bill to authorize appropriations for hazardous material transportation safety, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. HOLLINGS. Madam President, as a courtesy to President Bush and Secretary of Transportation Mineta, I am today introducing their proposed legislation to reauthorize hazardous materials programs.

While I appreciate the Administration's willingness to offer a reauthorization plan, I disagree strongly with several of its provisions. I plan to work with other members of the Commerce Committee to write and introduce legislation to reauthorize the Hazardous Materials Transportation Act later this Congress.

Every year, our Nation transports 4 billion tons of hazardous materials via 800,000 shipments. In 2000, there were 17,347 hazardous materials incidents related to transportation in the United States: 1,419 via air transportation, 14,861 via highway transportation, 1,052 via railway transportation, and 15 via water transportation. These incidents are mostly minor releases of chemicals; 244 incidents caused injuries, and there were 13 deaths, 12 deaths via highway transportation, and 1 death via railway transportation. Of course, one death is too many. That is why we must recommit ourselves to the protection of the brave workers who take on the risks of transporting these dangerous materials and the communities in which these products are produced and through which they are moved.

I am concerned about several provisions of the administration plan, including one that would effectively eliminate the authority of the Occupational Safety and Health Administration, OSHA, to protect workers that handle and transport hazardous materials. It is important that workers are protected and appropriate standards for the handling of hazardous materials

are established, including rules for personal protective equipment and the monitoring of exposure levels and medical conditions. Protecting the people that handle and transport these hazardous materials must remain paramount.

The proposed legislation also increases from 2 to 4 years the time between reviews for exemptions from hazardous materials regulations. In our current security environment, creating more exemptions from hazardous materials regulations may not be the most prudent course of action. We also must maintain funding for non-profit organizations to train workers in the handling of hazardous materials.

On another matter, the Administration plan also would repeal some of the requirements Congress has placed on the Department of Transportation in managing these hazardous materials programs. I would caution the Transportation Department not to seek repeal of the requirements and actions that we in Congress have requested of them. We mandated those actions for a reason, and we expect that they will be carried out.

As I work with my colleagues to write a hazardous materials reauthorization bill, we will take into account the recently exposed vulnerabilities of hazardous materials to terrorist attacks. The 1,000 pages of Federal Hazardous Materials Transportation Regulations were designed primarily to promote safety during transportation, not to ensure security and reduce risks from terrorist attacks. Unattended parked vehicles and routing are just two examples of the security concerns associated with the transportation of hazardous materials. We are considering a range of options to address these security threats. We also must increase funding for training local emergency response units to handle hazardous materials accidents.

While we may disagree over how to approach some of these hazardous materials issues, I thank the administration for offering their proposal. I look forward to working with them in the coming months to make the transportation of hazardous materials a safe endeavor for both hazardous materials workers and the public.

I ask unanimous consent that the text of the administration's bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1669

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENT OF TITLE 49, UNITED STATES CODE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Hazardous Material Transportation Safety Reauthorization Act of 2001”.

(b) AMENDMENT OF TITLE 49, UNITED STATES CODE.—Except as otherwise expressly provided, whenever in this Act an amendment

or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

(c) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; amendment of title 49, United States Code; table of contents.
 Sec. 2. Purpose.
 Sec. 3. Definitions.
 Sec. 4. General regulatory authority.
 Sec. 5. Representation and tampering.
 Sec. 6. Highly radioactive material.
 Sec. 7. Handling criteria.
 Sec. 8. Hazmat employee training requirements and grants.
 Sec. 9. Registration.
 Sec. 10. Motor carrier safety.
 Sec. 11. Shipping paper retention.
 Sec. 12. Rail tank cars.
 Sec. 13. Unsatisfactory safety rating.
 Sec. 14. Public sector training curriculum.
 Sec. 15. Planning and training grants.
 Sec. 16. Special permits and exclusions.
 Sec. 17. Inspectors.
 Sec. 18. Uniform forms and procedures.
 Sec. 19. Administrative.
 Sec. 20. Enforcement.
 Sec. 21. Penalties.
 Sec. 22. Preemption.
 Sec. 23. Relationship to other laws.
 Sec. 24. Judicial review.
 Sec. 25. Authorization of appropriations.
 Sec. 26. Postal service civil penalty authority.

SEC. 2. PURPOSE.

Section 5101 is revised to read as follows:

“§ 5101. Purpose

“The purpose of this chapter is to protect against the risks to life, property, and the environment that are inherent in the transportation of hazardous material in intrastate, interstate, and foreign commerce.”.

SEC. 3. DEFINITIONS.

Section 5102 is amended—

(1) by revising paragraph (1) to read as follows:

“(1) ‘commerce’ means trade or transportation in the jurisdiction of the United States—

“(A) between a place in a State and a place outside of the State;

“(B) that affects trade or transportation between a place in a State and a place outside of the State; or

“(C) on a United States-registered aircraft.”;

(2) by revising paragraphs (3) and (4) to read as follows:

“(3) ‘hazmat employee’ means an individual who—

“(A)(i) is employed or used by a hazmat employer; or

“(ii) is self-employed, including an owner-operator of a motor vehicle, vessel, or aircraft transporting hazardous material in commerce; and

“(B) performs a function regulated by the Secretary under section 5103(b)(1) of this chapter.

“(4) ‘hazmat employer’ means a person that—

“(A)(i) has at least one hazmat employee; or

“(ii) is self-employed, including an owner-operator of a motor vehicle, vessel, or aircraft transporting hazardous material in commerce; and

“(B) performs, or employs or uses at least one hazmat employee to perform, a function regulated by the Secretary under section 5103(b)(1) of this chapter.”;

(3) in paragraph (5), by striking “condition that presents” and inserting “condition related to a hazardous material that presents”;

(4) in paragraph (7), by striking “title” and inserting “title, except a freight forwarder is included only if performing a function related to highway transportation”;

(5) in paragraph (8), by striking “national response team” each place it appears and inserting “National Response Team,” and by striking “national contingency plan” and inserting “National Contingency Plan”; and

(6) in paragraph (9), by revising subparagraph (A) to read as follows:

“(A) includes a government, Indian tribe, or authority of a government or tribe offering hazardous material for transportation in commerce, transporting hazardous material to further a commercial enterprise, or manufacturing, designing, inspecting, testing, reconditioning, marking, or repairing a packaging or packaging component represented as qualified for use in transporting hazardous material in commerce; but”.

SEC. 4. GENERAL REGULATORY AUTHORITY.

Section 5103 is amended—

(1) by revising subsection (a) to read as follows:

“(a) DESIGNIATING MATERIAL AS HAZARDOUS.—The Secretary of Transportation shall designate material (including an explosive; radioactive material; infectious substance; flammable or combustible liquid, solid or gas; toxic, oxidizing or corrosive material; and compressed gas) or a group or class of material as hazardous when the Secretary determines that transporting the material in commerce in a particular amount and form may pose an unreasonable risk to health and safety or property.”; and

(2) in subsection (b)(1), by revising subparagraph (A) to read as follows:

“(A) apply to a person that—

“(i) transports a hazardous material in commerce;

“(ii) causes a hazardous material to be transported in commerce;

“(iii) manufactures, designs, inspects, tests, reconditions, marks, or repairs a packaging or packaging component represented as qualified for use in transporting hazardous material in commerce;

“(iv) prepares, accepts, or rejects hazardous material for transportation in commerce;

“(v) is responsible for the safety of transporting hazardous material in commerce;

“(vi) certifies compliance with any requirement issued under this chapter; or

“(vii) misrepresents whether it is engaged in any of the above activities; and”.

SEC. 5. REPRESENTATION AND TAMPERING.

Section 5104 is amended—

(1) in subsection (a), by striking “A person” and inserting “No person”;

(2) by revising subsection (a)(1) to read as follows:

“(1) a package, component of a package, or packaging for transporting hazardous material is safe, certified, or complies with this chapter if it does not conform to each applicable regulation prescribed under this chapter; or”;

(3) in paragraph (a)(2), by striking “only if” and inserting “unless”; and

(4) by revising subsection (b) to read as follows:

“(b) TAMPERING.—No person may, without authorization from the owner or custodian, alter, remove, destroy, or tamper with—

“(1) a marking, label, placard, or description on a document required under this chapter or a regulation prescribed under this chapter; or

“(2) a package, container, motor vehicle, rail freight car, aircraft, or vessel used to transport hazardous material.”.

SEC. 6. HIGHLY RADIOACTIVE MATERIAL.

Section 5105 is amended by striking subsections (d) and (e).

SEC. 7. HANDLING CRITERIA.

Chapter 51 is amended by striking section 5106 and striking the corresponding item in the analysis of chapter 51.

SEC. 8. HAZMAT EMPLOYEE TRAINING REQUIREMENTS AND GRANTS.

(a) Section 5107 is amended by—

(1) striking “or duplicate” in subsection (d);

(2) striking “section 5127(c)(3)” in subsection (e) and inserting “section 5128”; and

(3) striking “and sections 5106, 5108(a)-(g)(1) and (h), and 5109 of this title” in subsection (f)(2).

(b) Notwithstanding section 4(b)(1) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653(b)(1), an action of the Secretary of Transportation under chapter 51 of title 49, United States Code, does not preclude the Secretary of Labor from prescribing or enforcing standards, regulations or requirements regarding—

(1) hazardous materials employee training, or

(2) the occupational safety or health protection of employees responding to a release of hazardous materials.

SEC. 9. REGISTRATION.

Section 5108 is amended—

(1) by striking “class A or B explosive” in subsection (a)(1)(B) and inserting “Division 1.1, 1.2, or 1.3 explosive material”;

(2) by revising subsection (a)(2)(B) to read as follows:

“(B) a person manufacturing, designing, inspecting, testing, reconditioning, marking, or repairing a packaging or packaging component represented as qualified for use in transporting a hazardous material in commerce.”;

(3) by revising subsection (b)(1)(C) to read as follows:

“(C) each State in which the person carries out any of the activities.”;

(4) by revising subsection (c) to read as follows:

“(c) FILING SCHEDULE.—Each person required to file a registration statement under subsection (a) of this section shall file that statement in accordance with regulations issued by the Secretary.”;

(5) in subsection (g)(1), by striking “may” and inserting “shall”; and

(6) in subsection (i)(2)(B), by striking “State,” and inserting “State, Indian tribe,”.

SEC. 10. MOTOR CARRIER SAFETY.

Chapter 51 is amended by striking section 5109 and striking the corresponding item in the analysis of chapter 51.

SEC. 11. SHIPPING PAPER RETENTION.

Section 5110 is amended—

(1) in subsection (a), by striking “under subsection (b) of this section” and inserting “by regulation”;

(2) by striking subsection (b) and redesignating subsections (c) through (e) as subsections (b) through (d); and

(3) by revising the first sentence in subsection (d), as redesignated, to read as follows: “The person that provided the shipping paper and the carrier required to keep it under this section shall retain the paper, or an electronic image of it, for a period of 3 years after the shipping paper was provided to the carrier, to be accessible through their respective principal places of business.”.

SEC. 12. RAIL TANK CARS.

Chapter 51 is amended by striking section 5111 and by striking the corresponding item in the analysis of chapter 51.

SEC. 13. UNSATISFACTORY SAFETY RATING.

(a) Section 5113 is amended by adding at the end the following:

“(e) **PENALTY FOR VIOLATION.**—A violation of section 31144(c)(3) of this title shall be considered a violation of this chapter and shall be subject to the penalties in sections 5123 and 5124 of this chapter.”.

(b) Section 31144(c) is amended—

(1) in paragraph (1), by striking “sections 521(b)(5)(A) and 5113” and inserting “section 521(b)(5)(A)”;

(2) in paragraph (3), by striking “interstate commerce” and inserting “commerce”;

(3) by adding at the end of paragraph (3) the following: “A violation of this paragraph by an owner or operator transporting hazardous material shall be considered a violation of chapter 51 of this title, and shall be subject to the penalties in sections 5123 and 5124 of this chapter.”.

(c) Section 31144 is amended by striking the subsection designation “(c)” at the beginning of the last subsection and inserting “(f)”.

SEC. 14. PUBLIC SECTOR TRAINING CURRICULUM.

Section 5115 is amended—

(1) in subsection (a), by—

(A) striking “DEVELOPMENT AND UPDATING.—Not later than November 16, 1992, in” and inserting “GENERAL.—In”;

(B) striking “national response team” and inserting “National Response Team” in the first sentence;

(C) striking “develop and update periodically” in the first sentence and inserting “maintain a current”;

(D) striking the second sentence;

(2) in subsection (b), by—

(A) striking “developed” and inserting “maintained” in the first sentence; and

(B) in paragraph (1)(C), by striking “under other United States Government grant programs, including those developed with grants made under section 126(g) of the Superfund Amendments and Reauthorization Act of 1986 (42 U.S.C. 9660a)” and inserting “with Federal financial assistance”;

(3) in subsection (c)(3), by striking “the National Fire Protection Association” and inserting “the National Fire Protection Association and such other voluntary consensus standard-setting organizations as the Secretary deems appropriate”;

(4) by revising subsection (d) to read as follows:

“(d) **DISTRIBUTION AND PUBLICATION.**—With the National Response Team, the Secretary of Transportation may publish and distribute a list of courses developed under this section and of programs using any of those courses.”.

SEC. 15. PLANNING AND TRAINING GRANTS.

(a) Section 5116 is amended—

(1) in the second sentence of subsection (e), by striking “of the State or tribe under subsections (a)(2)(A) and (b)(2)(A)” and inserting “received by the State or tribe under subsections (a)(1) and (b)(1)”;

(2) revising subsection (f) to read as follows:

“(f) **MONITORING AND TECHNICAL ASSISTANCE.**—The Secretary of Transportation shall monitor public-sector emergency response planning and training for an accident or incident involving hazardous material. Considering the results of the monitoring, the Secretary shall provide technical assistance to a State, political subdivision of a

State, or Indian tribe for carrying out emergency response training and planning for an accident or incident involving hazardous material and shall coordinate the assistance using the existing coordinating mechanisms of the National Response Team and, for radioactive material, the Federal Radiological Preparedness Coordinating Committee.”;

(3) in subsection (g), by striking “Government grant” and inserting “Federal financial assistance”;

(4) by revising subsection (i) to read as follows:

“(i) **EMERGENCY PREPAREDNESS FUND.**—The Secretary of the Treasury shall establish an Emergency Preparedness Fund account in the Treasury into which the Secretary of the Treasury shall deposit amounts the Secretary of Transportation transfers to the Secretary of the Treasury under section 5108(g)(2)(C) of this title. Without further appropriation, amounts in the account are available—

“(1) to make grants under this section;

“(2) to monitor and provide technical assistance under subsection (f) of this section;

“(3) to publish and distribute the Emergency Response Guidebook; and

“(4) to pay administrative costs of carrying out this section and sections 5108(g)(2) and 5115 of this title, except that not more than 10 percent of the amounts made available from the account in a fiscal year to carry out these sections may be used to pay those costs.”;

(5) by striking subsection (k).

(b) Chapter 51 is amended by—

(1) revising the section heading for section 5116 to read “Planning and training grants; emergency preparedness fund”;

(2) striking the item for section 5116 in the analysis of the chapter and inserting “5116. Planning and training grants; emergency preparedness fund.”.

SEC. 16. SPECIAL PERMITS AND EXCLUSIONS.

(a) Section 5117 is amended—

(1) by revising the section heading to read as follows:

“§ 5117. **Special permits and exclusions**”;

(2) by striking “exemption” and “an exemption” each place they appear and inserting, respectively, “special permit” and “a special permit”;

(3) in subsection (a)(1), as revised by Section 16(a)(2) of this Act, by striking “issue a special permit” and inserting “issue, modify, or terminate a special permit authorizing variances”, and by striking “transporting, or causing to be transported, hazardous material” and inserting “performing a function regulated by the Secretary under section 5103(b)(1) of this title”;

(4) in subsection (a)(2), by striking “2” and inserting “4”.

(b) The chapter analysis for chapter 51 is amended by striking the item related to section 5117 and inserting the following:

“5117. Special permits and exclusions.”.

SEC. 17. INSPECTORS.

Chapter 51 is amended by striking section 5118 and striking the corresponding item in the analysis of chapter 51.

SEC. 18. UNIFORM FORMS AND PROCEDURES.

Section 5119 is revised to read as follows:

“§ 5119. **Uniform forms and procedures**

“(a) **REGULATIONS.**—(1) The Secretary of Transportation may prescribe regulations to establish uniform forms and procedures for a State—

“(A) to register and issue permits to persons that transport or cause to be transported hazardous material by motor vehicle in the State; and

“(B) to allow the transportation of hazardous material in the State.

“(2) A regulation prescribed under this section may not define or limit the amount of a fee a State may impose or collect.

“(b) **EFFECTIVE DATE.**—A regulation prescribed under this section takes effect one year after it is prescribed. The Secretary may extend the one-year period for an additional year for good cause. After a regulation is effective, a State may establish, maintain, or enforce a requirement related to the same subject matter only if the requirement is the same as the regulation.

“(c) **UNIFORMITY.**—The Secretary shall develop a procedure to eliminate differences in how States carry out a regulation prescribed under this section.

“(d) **INTERIM STATE PROGRAMS.**—Pending promulgation of regulations under this section, States may participate in a program of uniform forms and procedures recommended by the Alliance for Uniform Hazmat Transportation Procedures.”.

SEC. 19. ADMINISTRATIVE.

Section 5121 is revised to read as follows:

“§ Sec. 5121. **Administrative**

“(a) **GENERAL AUTHORITY.**—To carry out this chapter, the Secretary of Transportation may investigate, conduct tests, make reports, issue subpoenas, conduct hearings, require the production of records and property, take depositions, and conduct research, development, demonstration, and training activities. Except as provided in subsections (c) and (d) of this section, the Secretary shall provide notice and an opportunity for a hearing prior to issuing an order directing compliance with this chapter or a regulation, order, special permit, or approval issued under this chapter.

“(b) **RECORDS, REPORTS, PROPERTY, AND INFORMATION.**—A person subject to this chapter shall—

“(1) maintain records, make reports, and provide property and information that the Secretary by regulation or order requires; and

“(2) make the records, reports, property, and information available for inspection when the Secretary undertakes an investigation.

“(c) **INSPECTIONS AND INVESTIGATIONS.**—(1) A designated officer or employee of the Secretary may—

“(A) inspect and investigate, at a reasonable time and in a reasonable way, records and property related to a function described in section 5103(b)(1) of this chapter;

“(B) except for the packaging immediately adjacent to its hazardous material contents, gain access to, open, and examine a package offered for, or in, transportation when the officer or employee has an objectively reasonable and articulable belief that the package may contain a hazardous material;

“(C) remove from transportation a package or related packages in a shipment offered for or in transportation, and for which such officer or employee has an objectively reasonable and articulable belief that the package or packages may pose an imminent hazard, and for which the officer or employee contemporaneously documents that belief in accordance with procedures adopted under subsection (e) of this section;

“(D) gather information from the offeror, carrier, packaging manufacturer or retester, or other person responsible for the package or packages, to ascertain the nature and hazards of the contents of the package or packages;

“(E) as necessary, under terms and conditions specified by the Secretary, order the

offeror, carrier, packaging manufacturer or retester, or other person responsible for the package or packages to have the package or packages transported to, opened and the contents examined and analyzed at a facility appropriate for the conduct of this activity; and

“(F) when safety might otherwise be compromised, authorize properly qualified personnel to assist in the activities conducted under this subsection.

“(2) An officer or employee acting under this subsection shall display proper credentials when requested.

“(3) For instances when, as a result of the inspection or investigation, an imminent hazard is not found to exist, the Secretary shall develop procedures to assist in the safe resumption of transportation of the package or transport unit.

“(d) EMERGENCY ORDERS.—(1) If, upon inspection, investigation, testing, or research, the Secretary determines that either a violation of a provision of this chapter or a regulation issued under this chapter, or an unsafe condition or practice, constitutes or is causing an imminent hazard, the Secretary may issue or impose emergency restrictions, prohibitions, recalls, or out-of-service orders, without notice or the opportunity for a hearing, but only to the extent necessary to abate the imminent hazard.

“(2) The Secretary's action under paragraph (1) of this subsection shall be in a written order describing the violation, condition or practice that is causing the imminent hazard, and stating the restrictions, prohibitions, recalls, or out-of-service orders issued or imposed. The order also shall describe the standards and procedures for obtaining relief from the emergency order.

“(3) After taking action under paragraph (1) of this subsection, the Secretary shall provide an opportunity for review of that action under section 554 of title 5, if a petition for review is filed within 20 calendar days after issuance of the order.

“(4) If a petition for review is filed and the review is not completed by the end of the 30-day period beginning on the date the petition was filed, the action will cease to be effective at the end of that period unless the Secretary determines in writing that the emergency situation still exists.

“(5) For purposes of this subsection, ‘out-of-service order’ means a mandate that an aircraft, vessel, motor vehicle, train, railcar, locomotive, other vehicle, transport unit, transport vehicle, freight container, portable tank, or other package not be moved until specified conditions have been met.

“(e) REGULATIONS.—The Secretary shall issue regulations in accordance with section 553 of title 5, including an opportunity for informal oral presentation, to implement the authority in subsections (c) and (d) of this section.

“(f) FACILITY, STAFF, AND REPORTING SYSTEM ON RISKS, EMERGENCIES, AND ACTIONS.—(1) The Secretary shall—

“(A) maintain a facility and technical staff sufficient to provide, within the United States Government, the capability of evaluating a risk related to the transportation of hazardous material and material alleged to be hazardous;

“(B) maintain a central reporting system and information center capable of providing information and advice to law enforcement and firefighting personnel, other interested individuals, and officers and employees of the United States Government and State, local and tribal governments on meeting an emergency related to the transportation of hazardous material; and

“(C) conduct a continuous review on all aspects of transporting hazardous material to decide on and take appropriate actions to ensure safe transportation of hazardous material.

“(2) Paragraph (1) of this subsection does not prevent the Secretary from making a contract with a private entity for use of a supplemental reporting system and information center operated and maintained by the contractor.

“(g) AUTHORITY FOR GRANTS, COOPERATIVE AGREEMENTS, AND OTHER TRANSACTIONS.—To carry out this chapter, the Secretary may enter into grants, cooperative agreements, and other transactions with a person, agency or instrumentality of the United States, a unit of State or local government, an Indian tribe, a foreign government (in coordination with the Department of State), an educational institution, or other entity to further the objectives of this chapter. The objectives of this chapter include the conduct of research, development, demonstration, risk assessment, and emergency response planning and training activities.”.

SEC. 20. ENFORCEMENT.

Section 5122 is amended—

(1) in subsection (a), by revising the last sentence to read as follows:

“The court may award appropriate relief, including a temporary or permanent injunction, punitive damages, and assessment of civil penalties considering the same penalty amounts and factors as prescribed for the Secretary in an administrative case under section 5123 of this chapter.”; and

(2) in subparagraph (b)(1)(B), by striking “or ameliorate the” and inserting “or mitigate the”.

SEC. 21. PENALTIES.

(a) Section 5123 is amended—

(1) by revising subsection (a) to read as follows:

“(a) PENALTY.—(1) A person that knowingly violates this chapter, or a regulation, order, special permit, or approval issued under this chapter, is liable to the United States Government for a civil penalty of at least \$250 but not more than \$100,000 for each violation.

“(2) Knowledge by the person of the existence of a statutory provision, or a regulation or requirement prescribed by the Secretary is not an element of an offense under this section.

“(3) A separate violation occurs for each day the violation, committed by a person that transports or causes to be transported hazardous material, continues”; and

(2) by redesignating subsections (b) through (g) as subsections (c) through (h) and inserting a new subsection (b) to read as follows:

“(b) KNOWING VIOLATIONS.—In this section, a person acts knowingly when—

“(1) the person has actual knowledge of the facts giving rise to the violation; or

“(2) a reasonable person acting in the circumstances and exercising reasonable care would have that knowledge.”;

(3) in subsection (c), as redesignated, by striking the first sentence and inserting the following:

“The Secretary of Transportation may find that a person has violated this chapter, or a regulation, order, special permit or approval issued under this chapter, only after notice and an opportunity for a hearing.”; and

(4) by revising subsection (e), as redesignated, to read as follows:

“(e) CIVIL ACTIONS TO COLLECT.—The Attorney General may bring a civil action in an appropriate district court of the United

States to collect a civil penalty under this section and any accrued interest on that penalty calculated in the manner described under section 2705 of title 33. In such action, the validity, amount, and appropriateness of the civil penalty shall not be subject to review.”.

(b) Section 5124 is revised to read as follows:

“§ 5124. Criminal penalty

“(a) GENERAL.—A person knowingly violating section 5104(b) of this title or willfully violating this chapter or a regulation, order, special permit, or approval issued under this chapter, shall be fined under title 18, imprisoned for not more than 5 years, or both.

“(b) AGGRAVATED VIOLATIONS.—A person knowingly violating section 5104(b) of this chapter or willfully violating this chapter or a regulation, order, special permit, or approval issued under this chapter, and thereby causing the release of a hazardous material, shall be fined under title 18, imprisoned for not more than 20 years, or both.

“(c) KNOWING VIOLATIONS.—In this section, a person acts knowingly when—

“(1) the person has actual knowledge of the facts giving rise to the violation; or

“(2) a reasonable person acting in the circumstances and exercising reasonable care would have that knowledge.

“(d) WILLFUL VIOLATIONS.—In this section, a person acts willfully when the person acts with intent.

“(e) KNOWLEDGE OF REQUIREMENTS.—Knowledge by a person of the existence of a statutory provision, or a regulation or requirement prescribed by the Secretary, is not an element of an offense under this section.”.

(c) Section 46312 is amended—

(1) in subsection (a), by striking “under this part” and inserting “under this part or under chapter 51 of this title”; and

(2) in subsection (b), by striking “by the Secretary” and inserting “by the Secretary under this part or under chapter 51 of this title”.

SEC. 22. PREEMPTION.

Section 5125 is amended—

(1) by redesignating subsections (a), (b), and (c), as subsections (b), (c), and (d), and adding a new subsection (a) to read as follows:

“(a) PURPOSES.—The Secretary shall exercise the authority in this section to achieve uniform regulation of hazardous material transportation, eliminate inconsistent rules that apply differently than rules issued under this chapter, and promote the safe and efficient movement of hazardous material in commerce.”;

(2) in subsection (b), as redesignated, by—
(A) striking “GENERAL.—Except as provided in subsections (b), (c), and (e)” and inserting “DUAL COMPLIANCE AND OBSTACLE TESTS.—Except as provided in subsections (c), (d), and (g)”;

(B) in subparagraph (2), striking “carrying out this chapter or a regulation” and inserting “carrying out this chapter, the purposes of this chapter, or a regulation”;

(3) in subsection (c), by—

(A) in subparagraph (1), striking “(c)” and inserting “(d)”;

(B) revising subparagraph (1)(E) to read as follows:

“(E) the manufacturing, designing, inspecting, testing, reconditioning, marking, or repairing of a packaging or packaging component represented as qualified for use in transporting hazardous material in commerce.”; and

(C) in subparagraph (2), striking “after November 16, 1990”;

(4) by striking subsection (f) and redesignating subsections (g), (d), and (e) as subsections (e), (f), and (g);

(5) in subsection (f), as redesignated, by striking “subsection (a), (b)(1), or (c) of this section” and inserting “subsection (b), (c)(1), (d), or (e) of this section or subsection 5119(b) of this chapter.”, and by striking “in the Federal Register”;

(6) in subsection (g), as redesignated, by striking “subsection (a), (b)(1), or (c) of this section” and inserting “subsection (b), (c)(1), (d), or (e) of this section or subsection 5119(b) of this chapter.”; and

(7) by adding new subsections (h) and (i) to read as follows:

“(h) INDEPENDENT APPLICATION OF EACH STANDARD.—Each preemption standard in subsections (b), (c)(1), (d), and (e) of this section and in section 5119(b) of this chapter is independent in its application to a requirement of any State, political subdivision of a State, or Indian tribe.

“(i) NONFEDERAL ENFORCEMENT STANDARDS.—This section does not apply to procedure, penalty, or required mental state or other standard used by a State, political subdivision of a State, or Indian tribe to enforce a requirement applicable to transportation of a hazardous material.”.

SEC. 23. RELATIONSHIP TO OTHER LAWS.

Section 5126 is amended—

(1) by revising subsection (a) to read as follows:

“(a) CONTRACTS.—A person under contract with a department, agency, or instrumentality of the United States Government that transports hazardous material or causes hazardous material to be transported, or manufactures, designs, inspects, tests, reconditions, marks, or repairs a packaging or packaging component represented as qualified for use in transporting hazardous material in commerce shall comply with this chapter, regulations prescribed and orders issued under this chapter, and all other requirements of the United States Government, State and local governments, and Indian tribes (except a requirement preempted by a law of the United States) in the same way and to the same extent that any person engaging in that transportation, manufacturing, designing, inspecting, testing, reconditioning, marking, or repairing that is in or affects commerce must comply with the provision, regulation, order, or requirement.”; and

(2) in subsection (b), by—

(A) striking “title 18 or 39;” and inserting “title 18 or 39; or” in paragraph (2); and

(B) adding a new paragraph (3) to read as follows:

“(3) marine transportation of hazardous material subject to regulation under title 33 or 46.”.

SEC. 24. JUDICIAL REVIEW.

(a) Chapter 51 is amended by redesignating section 5127 as section 5128, and by inserting after section 5126 the following new section:

“§ 5127. Judicial review

“(a) FILING AND VENUE.—Except as provided in section 20114(c) of this title, a person suffering legal wrong or adversely affected or aggrieved by a final action of the Secretary of Transportation under this chapter may petition for review of the final action in the United States Court of Appeals for the District of Columbia or in the court of appeals for the United States for the circuit in which the person resides or has its principal place of business. The petition must be filed not more than 60 days after the Secretary’s action becomes final.

“(b) JUDICIAL PROCEDURES.—When a petition is filed under subsection (a) of this section, the clerk of the court immediately shall send a copy of the petition to the Secretary. The Secretary shall file with the court a record of any proceeding in which the final action was issued, as provided in section 2112 of title 28.

“(c) AUTHORITY OF COURT.—The court has exclusive jurisdiction, as provided in the Administrative Procedure Act, 5 U.S.C. 551 et seq., to affirm, amend, modify, or set aside any part of the Secretary’s final action and may order the Secretary to conduct further proceedings. Findings of fact by the Secretary, if supported by substantial evidence, are conclusive.

“(d) REQUIREMENT FOR PRIOR OBJECTION.—In reviewing a final action under this section, the court may consider an objection to a final action of the Secretary only if the objection was made in the course of a proceeding or review conducted by the Secretary or if there was a reasonable ground for not making the objection in the proceeding.”.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 51 is amended by striking the item related to section 5127 and inserting the following:

“5127. Judicial review.

“5128. Authorization of appropriations.”.

SEC. 25. AUTHORIZATION OF APPROPRIATIONS.

Section 5128, as redesignated by section 24 of this Act, is amended to read as follows:

“§ 5128. Authorization of appropriations

“(a) GENERAL.—To carry out this chapter (except sections 5107(e), 5108(g), 5112, 5113, 5115, 5116, and 5119), not more than \$21,217,000 is authorized to be appropriated to the Secretary of Transportation for fiscal year 2002; and such sums as may be necessary are authorized to be appropriated to the Secretary for fiscal years 2003 through 2007.

“(b) EMERGENCY PREPAREDNESS FUND.—There shall be available from the Emergency Preparedness Fund account the following:

“(1) To carry out section 5116(j) of this title, \$250,000 shall be available to the Secretary for fiscal year 2002, and such amounts as may be necessary for fiscal years 2003 through 2007.

“(2) To carry out section 5115 of this title, \$200,000 shall be available to the Secretary for fiscal year 2002, and such amounts as may be necessary for fiscal years 2003 through 2007.

“(3) To carry out section 5116(a) of this title, \$5,000,000 shall be available to the Secretary for fiscal year 2002, and such amounts as may be necessary for fiscal years 2003 through 2007.

“(4) To carry out section 5116(b) of this title, \$7,800,000 shall be available to the Secretary for fiscal year 2002, and such amounts as may be necessary for fiscal years 2003 through 2007.

“(5) To carry out section 5116(f) of this title, \$150,000 shall be available to the Secretary for fiscal year 2002, and such amounts as may be necessary for fiscal years 2003 through 2007.

“(6) To publish and distribute the Emergency Response Guidebook, \$500,000 shall be available to the Secretary for fiscal year 2002, and such amounts as may be necessary for fiscal years 2003 through 2007.

“(7) To carry out section 5107(e) of this title, such amounts as may be necessary are authorized to be appropriated to the Secretary for each of fiscal years 2002 through 2007.

“(8) To carry out section 5116(i)(4) of this title, \$400,000 shall be available to the Sec-

retary for fiscal year 2002, and such amounts as may be necessary for fiscal years 2003 through 2007.

“(c) CREDITS TO APPROPRIATIONS.—The Secretary of Transportation may credit to any appropriation to carry out this chapter an amount received from a State, Indian tribe, or other public authority or private entity for expenses the Secretary incurs in providing training to the State, authority, or entity.

“(d) AVAILABILITY OF AMOUNTS.—Amounts available under this section remain available until expended.”.

SEC. 26. POSTAL SERVICE CIVIL PENALTY AUTHORITY.

(a) Section 3001 of title 39, United States Code, is amended by adding a new subsection (o) as follows:

“(o)(1) Except as permitted by law and Postal Service regulation, hazardous material is nonmailable.

“(2) For purposes of this section, the term ‘hazardous material’ means a substance or material the Secretary of Transportation designates under section 5103(a) of title 49.”.

(b) Chapter 30 of title 39, United States Code, is amended by adding a new section 3018 at the end as follows:

“§ 3018. Hazardous material; civil penalty

“(a) REGULATIONS.—The Postal Service shall prescribe regulations for the safe transportation of hazardous material in the mail.

“(b) HAZARDOUS MATERIAL IN THE MAIL.—No person may—

“(1) mail or cause to be mailed a hazardous material that has been declared by statute or Postal Service regulation to be nonmailable;

“(2) mail or cause to be mailed a hazardous material in violation of any statute or Postal Service regulation restricting the time, place, or manner in which a hazardous material may be mailed; or

“(3) manufacture, distribute, or sell any container, packaging kit, or similar device that—

“(A) is represented, marked, certified, or sold by such person for use in the mailing of a hazardous material; and

“(B) fails to conform with any statute or Postal Service regulation setting forth standards for a container, packaging kit, or similar device used for the mailing of a hazardous material.

“(c) CIVIL PENALTY.—

“(1) A person that knowingly violates this section or a regulation issued under this section is liable to the Postal Service for a civil penalty of at least \$250 but not more than \$100,000 for each violation, and for any clean-up costs and damages. A person acts knowingly when—

“(A) the person has actual knowledge of the facts giving rise to the violation; or

“(B) a reasonable person acting in the circumstances and exercising reasonable care would have that knowledge.

“(2) Knowledge by the person of the existence of a statutory provision, or a regulation or requirement prescribed by the Postal Service is not an element of an offense under this section.

“(3) A separate violation occurs for each day a hazardous material, mailed or caused to be mailed in noncompliance with this section or a regulation issued under this section, is in the mail.

“(4) A separate violation occurs for each item containing a hazardous material that is mailed or caused to be mailed in noncompliance with this section or a regulation issued under this section.

“(d) HEARING REQUIREMENT.—The Postal Service may find that a person has violated

this section or a regulation issued under this section only after notice and an opportunity for a hearing. Under this section, the Postal Service shall impose a penalty and recover clean-up costs and damages by giving the person written notice of the amount of the penalty, clean-up costs, and damages.

“(e) **PENALTY CONSIDERATIONS.**—In determining the amount of a civil penalty under this section, the Postal Service shall consider—

“(1) the nature, circumstances, extent, and gravity of the violation;

“(2) with respect to the person who committed the violation, the degree of culpability, any history of prior violations, the ability to pay, and any effect on the ability to continue in business;

“(3) the impact on postal operations; and

“(4) other matters that justice requires.

“(f) **CIVIL ACTIONS TO COLLECT.**—(1) In accordance with section 409(d) of this title, the Department of Justice or the Postal Service may commence a civil action in an appropriate district court of the United States to collect a civil penalty, clean-up costs, or damages assessed under this section. In such action, the validity, amount, and appropriateness of the civil penalty, clean-up costs, or damages shall not be subject to review.

“(2) The Postal Service may compromise the amount of a civil penalty, clean-up costs, or damages assessed under this section before civil action is taken to collect the penalty, costs, or damages.

“(g) **CIVIL JUDICIAL PENALTIES.**—At the request of the Postal Service, the Attorney General may bring a civil action in an appropriate district court of the United States to enforce this chapter or a regulation prescribed or order issued under this chapter. The court may award appropriate relief, including a temporary or permanent injunction, punitive damages, and assessment of civil penalties considering the same penalty amounts and factors as prescribed for the Postal Service in an administrative case under this section.

“(h) **DEPOSITING AMOUNTS COLLECTED.**—Amounts collected under this section shall be paid into the Postal Service Fund established by section 2003 of this title.”

(c) **CONFORMING AMENDMENT.**—The chapter analysis for chapter 30 of title 39, United States Code, is amended by adding the following:

“3018. Hazardous material; civil penalty.”

Mr. MCCAIN. Madam President, I am pleased to join Chairman HOLLINGS in introducing the Hazardous Materials Transportation Safety reauthorization Act of 2001 at the request of the Administration. This measure is a good start toward improving and strengthening the safe and secure transport of our nation's hazardous materials. In addition to authorizing funding for hazardous materials transportation safety programs, this legislation addresses concerns arising since the attacks of September 11. Among other things, this bill would strengthen the authority of Department of Transportation (DOT) inspectors to inspect packages being transported, and provide those inspectors with the authority to stop unsafe transportation. This measure would also increase the maximum civil penalty for violations of hazardous materials regulations from \$27,500 to

\$100,000. It would expand the requirements for training persons involved in the transportation of hazardous materials and strengthen the enforcement authority of State enforcement officials.

The hazardous materials transportation safety program reauthorization is long overdue. The most recent authorization expired September 30, 1998. Since then, attempts at reauthorization have failed due to objections within Congress and an inability to reach an agreement on certain proposals with the former administration. Now, however, it is appropriate to attempt to move forward and address identified safety problems and improve safety for all Americans. I am hopeful that the Senate will act quickly to take the necessary action to improve hazardous materials transportation safety before we are forced to respond to another attack making use of our nation's transportation system.

Annually, more than four billion tons of hazardous materials—about 800,000 shipments daily—are transported by land, sea, and air in the United States. Among these materials are flammable liquids, combustible solids, gases, and corrosive materials. Despite the wide variety and amount of shipments, the hazardous materials transportation industry has a notable safety record, due in large part to the safety efforts of the individuals and companies involved in transporting these materials. In 1999, for instance, there were five hazardous materials related fatalities, down from thirteen in 1998 and twelve in 1997. However, in light of the attacks of September 11, it is more important than ever to reauthorize this important program. Reauthorization should include new authority for enforcement officials and clarify existing authority for the federal agencies that administer the programs responsible for hazardous materials transportation safety.

The Federal Government has four roles related to hazardous materials transportation: regulation, enforcement, emergency response, and data collection and analysis. The DOT performs the largest role of establishing and enforcing Hazmat regulations, while the Research and Special Program Administration (RSPA), and to a lesser extent other agencies within the Department, are charged with more specific roles.

RSPA is responsible for the regulation and identification of hazardous materials including hazardous materials handling and shipments, the development of container standards and testing procedures, the inspection and enforcement of multimodal shippers and container manufacturers, and for data collection. This legislation would provide authority to RSPA to continue its hazardous materials safety activities. In addition, the measure would grant the United States Postal Service

(USPS) similar authority to DOT and its agencies to collect civil penalties and recover costs and damages for violations of its hazardous materials regulations.

With this bill, jurisdiction between the DOT and the Occupational Safety and Health Administration (OSHA) would be clarified as it pertains to hazardous materials transportation. Dual jurisdiction over handling criteria registration, and motor carrier safety would be eliminated, leaving DOT with sole jurisdiction over these programs. Hazardous materials transportation employee training and occupational safety and health protection of employees responding to a release of hazardous materials would remain under the jurisdiction of both DOT and OSHA.

I hope this Congress will act expeditiously to approve comprehensive hazardous materials transportation safety legislation. We simply cannot afford another missed opportunity to address transportation safety shortcomings. We must do all we can to ensure the safe transport of these materials, including providing the needed resources to the agencies charged with oversight of this industry. The Administration is correct in asking Congress to address hazardous materials transportation reauthorization. I will be working with Chairman HOLLINGS and look forward to hearings in the near future to address this important reauthorization proposal.

SUBMITTED RESOLUTIONS

SENATE CONCURRENT RESOLUTION 81—EXPRESSING THE SENSE OF CONGRESS TO WELCOME THE PRIME MINISTER OF INDIA, ATAL BIHARI VAJPAYEE, ON THE OCCASION OF HIS VISIT TO THE UNITED STATES, AND TO AFFIRM THAT INDIA IS A VALUED FRIEND AND PARTNER AND AN IMPORTANT ALLY IN THE CAMPAIGN AGAINST INTERNATIONAL TERRORISM

Mr. BIDEN (for himself, Mr. HELMS, Mr. WELLSTONE, Mr. BROWNBACK, Mr. SARBANES, Mr. TORRICELLI, Mr. DASCHLE, Mr. ALLEN, Mr. DODD, and Mr. KERRY) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 81

Whereas Congress is pleased to welcome the Prime Minister of India, Atal Bihari Vajpayee, on his visit to the United States;

Whereas the United States and India, the world's two largest democracies, are natural allies, based on their shared values and common interests in building a stable, peaceful, and prosperous world in the 21st century;

Whereas from the very day that the terrorist attacks in New York and Washington occurred, India has expressed its condolences for the terrible losses, its solidarity with the

American people, and its pledge of full cooperation in the campaign against international terrorism;

Whereas India, which has been on the front lines in the fight against international terrorism for many years, directly shares America's grief over the terrorist attacks against the United States on September 11, 2001, with the number of missing Indian nationals and persons of Indian origin estimated at 250;

Whereas the United States and India are engaged as partners in a global coalition to combat the scourge of international terrorism, a partnership that began well before the tragic events of September 11, 2001;

Whereas cooperation between India and the United States extends beyond the current international campaign against terrorism, and has been steadily developing over recent years in such areas as preserving stability and growth in the global economy, protecting the environment, combating infectious diseases, and expanding trade, especially in emerging knowledge-based industries and high technology areas; and

Whereas more than 1,000,000 Americans of Indian heritage have contributed immeasurably to American society: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress—

(1) to welcome the Prime Minister of India, Atal Bihari Vajpayee, to the United States;

(2) to express profound gratitude to the Government of India for its expressions of sympathy for the September 11, 2001, terrorist attacks and its demonstrated willingness to fully cooperate with the United States in the campaign against terrorism; and

(3) to pledge commitment to the continued expansion of friendship and cooperation between the United States and India.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2114. Mr. SMITH, of New Hampshire proposed an amendment to the bill S. 1428, to authorize appropriations for fiscal year 2002 for intelligence and intelligence-related activities of the United States Government, the Community Management Account of the Director of Central Intelligence, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

SA 2115. Mr. GRAHAM proposed an amendment to amendment SA 2114 submitted by Mr. Smith, of NH and intended to be proposed to the bill (S. 1428) supra.

SA 2116. Mr. GRAHAM proposed an amendment to the bill S. 1428, supra.

TEXT OF AMENDMENTS

SA 2114. Mr. SMITH of New Hampshire proposed an amendment to the bill S. 1428, to authorize appropriations for fiscal year 2002 for intelligence and intelligence-related activities of the United States Government, the Community Management Account of the Director of Central Intelligence, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; as follows:

At the appropriate place in the bill, insert the following:

SEC. ____ . ALIEN TERRORIST REMOVAL ACT OF 2001

(a) **SHORT TITLE.**—This section may be cited as the “Alien Terrorist Removal Act of 2001”.

(b) **FINDINGS.**—Congress makes the following findings:

(1) In 1993, international terrorists targeted and bombed the World Trade Center in New York City.

(2) In 1996, Congress enacted the Antiterrorism and Effective Death Penalty Act, which established the Alien Terrorist Removal Court for the purpose of removing alien terrorists from the United States based on classified information.

(3) On May 28, 1997, the Court adopted “Rules for the Alien Terrorist Removal Court of the United States” which was later amended on January 4, 1999.

(4) The Court is comprised of 5 United States District Judges who are designated by the Chief Justice of the United States to hear cases in which the United States seeks the removal of alien terrorists.

(5) On September 11, 2001, terrorists hijacked 4 civilian aircraft, crashing 2 of the aircraft into the towers of the World Trade Center in the New York City, and a third into the Pentagon outside Washington, D.C.

(6) Thousands of innocent Americans and citizens of other countries were killed or injured as a result of these attacks, including the passengers and crew of the 4 aircraft, workers in the World Trade center and in the Pentagon, rescue worker, and bystanders.

(7) These attacks destroyed both towers of the World Trade Center, as well as adjacent buildings, and seriously damaged the Pentagon.

(8) These attacks were by fair the deadliest terrorist attacks ever launched against the United States and, by targeting symbols of America, clearly were intended to intimidate our Nation and weaken its resolve.

(9) As of September 11, 2001, the United States had not brought any cases before the Alien Terrorist Removal Court.

(10) The Court has never been used because the United States is required to submit for judicial approval an unclassified summary of the classified evidence against the alien. If too general, this summary will be disapproved by the Judge. If too specific, this summary will compromise the underlying classified information.

(11) The notice provisions of the Alien Terrorist Removal Court should be modified to remove the barrier to the Justice Department's effective use of the Court.

(c) **ALIEN TERRORIST REMOVAL HEARING.**—Section 504(e)(3) of the Immigration and Nationality Act (8 U.S.C. 1534(e)(3)) is amended—

(1) by striking “(A) USE.—”.

(2) by striking “other than through reference to the summary provided pursuant to this paragraph”; and

(3) by striking subparagraphs (B) through (F).

(d) **REPORTS TO CONGRESS.**—Beginning 6 months after the date of enactment of this Act, and every 6 months thereafter, the Attorney General shall submit a report to Congress on the utilization of the Alien Terrorist Removal Court for the purposes of removing alien terrorists from the United States through the use of classified information.

SA 2115. Mr. GRAHAM proposed an amendment to amendment SA 2114 submitted by Mr. SMITH, of NH and intended to be proposed to the bill (S.

1428) to authorize appropriations for fiscal year 2002 for intelligence and intelligence-related activities of the United States Government, the Community Management Account of the Director of Central Intelligence, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; as follows:

Strike all after the word “sec” and insert the following:

Section 504 of the Immigration and Nationality Act (8 U.S.C. 1534) is amended by adding the following subsection after subsection (k):

“(L) No later than 3 months from the date of enactment of this act, the Attorney General shall submit a report to Congress concerning the effect and efficacy of Alien Terrorist Removal proceedings, including the reasons why proceedings pursuant to this section have not been used by the Attorney General in the past, and the effect on the use of these proceedings after the enactment of the U.S.A. PATRIOT Act of 2001.

SA 2116. Mr. GRAHAM proposed an amendment to the bill S. 1428, to authorize appropriations for fiscal year 2002 for intelligence and intelligence-related activities of the United States Government, the Community Management Account of the Director of Central Intelligence, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; as follows:

Insert at the appropriate place in the bill: The DCI shall provide, prior to conference, any technical modifications to existing legal authorities needed to facilitate Intelligence Community counterterrorism efforts.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. GRAHAM. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Thursday, November 8, 2001. The purpose of this hearing will be to continue markup on the next Federal farm bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. GRAHAM. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, November 8, 2001, at 9:30 a.m., in open session to consider the nominations of R.L. Brownlee to be Under Secretary of the Army, Dale Klein to be Assistant to the Secretary of Defense for nuclear and Chemical and Biological Defense Programs, and Peter B. Teets to be Under Secretary of the Air Force.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. GRAHAM. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and

Transportation be authorized to meet on Thursday, November 8, 2001, at 2:30 p.m., on the nomination of Vice Admiral Conrad C. Lautenbacher, Jr., to be Under Secretary for Oceans and Atmosphere and Administrator of the National Oceanic and Atmospheric Administration.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. GRAHAM. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be authorized to meet on Thursday, November 8, 2001, at 2 p.m., to conduct a business meeting in SD-406 on the following items:

1. Nomination of William W. Baxter to be a Member of the Board of Directors of the Tennessee Valley Authority;

2. Nomination of Kimberly Terese Nelson to be an Assistant Administrator of the Office of Environmental Information, U.S. Environmental Protection Agency; and

3. Nomination of Steven A. Williams to be Director of the United States Fish and Wildlife Service, U.S. Department of the Interior.

4. S. 835—Detroit River International Wildlife Refuge Establishment Act;

5. S. 990—American Wildlife Enhancement Act of 2001;

6. S. 1459—a bill to designate the Federal building and United States Courthouse located at 550 West Front Street in Boise, Idaho, as the "James A. McClure Federal Building and United States Courthouse";

7. S. 1593—Water Infrastructure Security and Research Development Act;

8. S. 1608—a bill to establish a program to provide grants to drinking water and wastewater facilities to meet immediate security needs;

9. S. 1621—a bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize the President to carry out a program for the protection of the health and safety of community members, volunteers, and workers in a disaster area;

10. S. 1622—a bill to extend the period of availability of unemployment assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance Act in the case of the terrorist attacks of September 11, 2001;

11. S. 1623—a bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to direct the President to appoint Children's Coordinating Officers for disaster areas in which children have lost 1 or more custodial parents;

12. S. 1624—a bill to establish the Office of World Trade Center Attack Claims to pay claims of injury to businesses and property suffered as a result of the attack on the World Trade Center in New York City that occurred on September 11, 2001, and for other purposes;

13. S. 1631—a bill to amend the Robert T. Stafford Disaster Relief and Emergency Response Assistance Act to Study of Emergency Communications Response System;

14. S. 1632—a bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to extend the deadline for submission of State recommendations of local governments to receive assistance for predisaster hazard mitigation and to authorize the President to provide additional repair assistance to individuals and households.

15. S. 1637—a bill to waive certain limitations on the use of the emergency fund for repair or reconstruction of highways, roads, and trails that suffered serious damage as a result of the September 11 attack on the World Trade Center;

16. H.R. 643—African Elephant Conservation Reauthorization Act of 2001;

17. H.R. 645—Rhinoceros and Tiger Conservation Reauthorization Act of 2001;

18. H.R. 700—Asian Elephant Conservation Reauthorization Act of 2001;

19. S. Con. Res. 80—Expressing the sense of Congress regarding the 30th Anniversary of the Enactment of the Federal Water Pollution Control Act;

20. U.S. Army Corps of Engineers Study Resolution for Tybee Island, Georgia; and

21. Several GSA Building and Lease Committee Resolutions.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. GRAHAM. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet in open executive session during the session of the Senate on Thursday, November 8, 2001.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. GRAHAM. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, November 8, 2001, at 10 a.m., to hold a nomination hearing.

Agenda

Nominees: Eric Javits, of New York, for the rank of Ambassador during his tenure of service as U.S. Representative to the Conference on Disarmament; Christopher Burnham, of Connecticut, to be Chief Financial Officer and an Assistant Secretary of State (Resource Management); Sichan Siv, of Texas, to be Representative of the United States of America on the Economic and Social Council of the United Nations and an Alternate Representative to the Session of the General Assembly of the United Nations during his tenure of service as Representative of the United States of America on the

Economic and Social Council of the United Nations; and Richard Williamson, of Illinois, to be Alternate Representative of the United States of America for Special Political Affairs in the United Nations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, November 8, 2001, after the next rollcall vote to hold a business meeting.

The Committee will consider and vote on the following nominees: Sichan Siv, of Texas, to be Representative of the United States of America on the Economic and Social Council of the United Nations and an Alternate Representative to the Session of the General Assembly of the United Nations during his tenure of service as Representative of the United States of America on the Economic and Social Council of the United Nations, and Richard Williamson, of Illinois, to be Alternate Representative of the United States of America for Special Political Affairs in the United Nations and to be the Alternate U.S. Representative to the Sessions of the General Assembly of the United Nations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. GRAHAM. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, November 8, 2001, at 10 a.m., in Dirksen Room 226.

Tentative Agenda

I. Nominations: Terry L. Wooten to be U.S. District Court Judge for the District of South Carolina and John P. Walters to be Director of the Office of National Drug Control Policy.

II. Bills: S. 1630, a bill to extend for 6 additional months the period for which chapter 12 of title 11, United States Code, is reenacted [Carnahan/Grassley/Leahy/Bond/Harkin/Sessions/Brownback] and S. 986, a bill to allow media coverage of court proceedings [Grassley/Schumer/Leahy/Smith/Al-lard/Feingold/Specter].

III. Resolution: S. Res. 23, A resolution expressing the sense of the Senate that the President should award the Presidential Medal of Freedom posthumously to Dr. Benjamin Elijah Mays in honor of his distinguished career as an educator, civil and human rights leader, and public theologian [Cleland/Miller/Hollings].

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. GRAHAM. Mr. President, I ask unanimous consent that the following

list of staff members of the Senate Select Committee on Intelligence be granted the privilege of the floor during consideration of S. 1428: Jim Barnett, Randy Bookout, Steven Cash, Thomas Corcoran, Paula DeSutter, Vicki Divoll, F.F., Peter Dorn, Melvin Dubee, Christopher Ford, Lorenzo Goco, Christopher Jackson, Ken Johnson, Mary Pat Lawrence, Mark Magee, Kathleen McGhee, Don Mitchell, Ken Myers, Don Stone, Linda Taylor, Tracye Winfrey, James Wolfe, and Amanda Krohn.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that Joel Widder, a detailee to the Appropriations Committee, be granted the privilege of the floor during the consideration of the VA-HUD conference report.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Madam President, I ask unanimous consent the Senate proceed to executive session to consider the nominations reported out earlier today by the Armed Services Committee, that the nominations be confirmed, the motion to reconsider be laid on the table, that any statements thereon be printed in the RECORD, and the President be immediately notified of the Senate's action.

The PRESIDING OFFICER (Ms. STABENOW). Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

DEPARTMENT OF DEFENSE

Dale Klein, of Texas, to be Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs.

Mary L. Walker, of California, to be General Counsel of the Department of the Air Force.

R.L. Brownlee, of Virginia, to be Under Secretary of the Army.

Marvin R. Sambur, of Indiana, to be an Assistant Secretary of the Air Force.

Sandra L. Pack, of Maryland, to be an Assistant Secretary of the Army.

NOMINATION OF R.L. BROWNLEE

Mr. REID. Madam President, present today is Senator WARNER, former chairman of the Armed Services Committee. Also momentarily will be here the present chairman of the Armed Services Committee, Senator LEVIN. They wish to speak in just a short time on the nomination of Mr. Brownlee to be Under Secretary of the Army.

I had the pleasure of working with him during the time Senator WARNER was chairman and Senator LEVIN was chairman on the matters of this bill. He has been an integral part of moving these armed services bills.

I, as a Democrat, depended on him, he representing the Republican leader on the Armed Services Committee. I just can't say enough nice things about him. I know Senator WARNER and Senator LEVIN will say more at the appropriate time.

NOMINATION DISCHARGED

Mr. REID. Madam President, I ask unanimous consent the Senate proceed to the consideration of Executive Calendar No. 436, that the HELP Committee be discharged from further consideration of the nomination of Federico Juarbe, Jr., to be Assistant Secretary of Labor for Veterans Employment and Training; that the nominations be confirmed, the motions to reconsider be laid on the table, any statements be printed in the RECORD, and the President be immediately notified of the Senate's action and the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

DEPARTMENT OF JUSTICE

Jay B. Stephens, of Virginia, to be Associate Attorney General.

DEPARTMENT OF LABOR

Frederico Juarbe, Jr., of Virginia, to be Assistant Secretary of Labor for Veterans' Employment and Training.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

WELCOMING PRIME MINISTER OF INDIA ATAL BIHARI VAJPAYEE

Mr. REID. Madam President, I ask unanimous consent the Senate proceed to immediate consideration of S. Con. Res. 81, introduced earlier today by Senators BIDEN and HELMS.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 81) expressing the sense of Congress to welcome the Prime Minister of India, Atal Bihari Vajpayee, on the occasion of his visit to the United States, and to affirm that India is a valued friend and partner and an important ally in the campaign against international terrorism.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid on the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 81) was agreed to.

The preamble was agreed to.

The text of the concurrent resolution, with its preamble, is printed in today's RECORD under "Submitted Resolutions."

ORDERS FOR FRIDAY, NOVEMBER 9, 2001

Mr. REID. Madam President, I ask unanimous consent when the Senate completes its business today, it adjourn until the hour of 10 a.m. Friday, November 9, that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate be in a period of morning business, with Senators permitted to speak for 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT

Mr. REID. Madam President, if there is no further business to come before the Senate, I ask the Senate stand in adjournment after the statements of Senators WARNER and LEVIN.

The PRESIDING OFFICER. Without objection, it is so ordered.

The senior Senator from Virginia.

NOMINATION OF R.L. BROWNLEE OF VIRGINIA TO BE UNDER SECRETARY OF THE ARMY

Mr. WARNER. I express my appreciation to our distinguished acting majority leader tonight for his courtesy. Senator LEVIN has now joined me on the floor. I defer to the chairman to lead off.

Mr. LEVIN. I think it is particularly appropriate, given the very special relationship Senator WARNER has had in particular with Les Brownlee, for him to lead off. I will just add a few comments to what the Senator says.

Mr. WARNER. I thank my good friend and chairman, Mr. LEVIN. We have served 23 years together, and throughout this day we met four or five times on the conference report and other matters. It is an extraordinary opportunity to serve America with such fine people as Senator LEVIN, Senator REID, and others.

Anyway, to the matter at hand.

Madam President, I will start off. I wish to address the Senate with regard to the nomination by the President of the United States, of Colonel Les Brownlee, United States Army, Retired.

I cannot in words express my gratitude to this wonderful American for his service to the Senate, to the Committee on the Armed Services, and to me personally over these 18 years that he has been a Member of the Senate family and organization.

When I introduced him to the committee today, I reflected that some 32 years ago I sat in the same seat before the committee. Senator THURMOND was a member of the Committee, and I believe Senator BYRD may well have been a Member at that time; I would like to check the record on that. But there I was as a young man taking on the job as Under Secretary of the Navy, as my dear friend Colonel Brownlee is now taking on the job as Under Secretary of the Army.

The war at that time was raging in Vietnam. A war tonight is raging beyond our shores, in the area of Afghanistan, where men and women of the Armed Forces are risking their lives. So he joins the Department of Defense at a critical time, as did I.

While I came up sort of through the political ranks, he came up through the ranks as a professional soldier and 18 years of service to the Senate. It was on those qualifications that I was privileged to recommend him to the President. The recommendation was accepted and tonight he was confirmed by the Senate.

It is an important day for Les Brownlee. It is an important day for the Senate and for our committee. I may say that his son, John, and his daughter, Tracy, and other family members are present at this time.

Les has a distinguished career in the U.S. Army. He served in Vietnam. Our periods somewhat overlapped. For 5 years and 4 months I was in the Pentagon. During that period, or prior thereto, Les won the Silver Star with Oakleaf Cluster. That means two Silver Stars. He won the Bronze Star with two Oakleaf Clusters. That means three Bronze Stars. And, he won the Purple Heart.

Les and I have a very close personnel relationship. We've traveled the world together on behalf of the Senate Armed Services Committee. There are times when we have strongly disagreed on subjects. At those times, we go into a room; he takes off his colonel's insignia and I take off the U.S. Senate insignia, and we have at it. Most often we reach a mutual decision. Occasionally, Judy Ansley, who moves up from Deputy to Staff Director, has arbitrated our disputes. Nevertheless, we've had a marvelous relationship in which he's given me the unvarnished truth and advice.

Les Brownlee's record and knowledge about the Department of the Army is second to none. It is extraordinary. He returns to the service of the Army, an organization for which he expressed his love today in those very words, at a time when the Army is going through a very significant period of transition—transitioning in a manner to recognize the changed world in which we live. That world was beginning to change long before September 11 of this year.

Our committee has been working with the previous Secretaries of the

Army and Defense, and previous Army Chiefs of Staff. It has been a long evolution. But largely, under the current Chief of Staff and the current Secretary of the Army, one of the major elements of that transformation will take place, and Les Brownlee will be right there to assist and to provide the knowledge.

He sent a note of humor about how he is in all probability returning to the very same office from whence he departed, to come to the Senate, 18 years ago having served as the principal military aid to the then-Under Secretary of the Army. What a fascinating coincidence.

He will also be entrusted with the issues involving homeland defense. The Department of the Army has a very special mission in this area.

Fortunately, the Senate Armed Services Committee established some years ago a subcommittee to take over certain responsibilities on emerging threats as best we could see them at that time. None of us could envision the events of September 11. Nevertheless our committee, under my chairmanship, following with the chairmanship of our distinguished Senator from Michigan, we continued that work.

Les takes great credit, together with other staff members, in laying out the platforms and the goals of that subcommittee which we achieved in large measure.

I also think, very clearly with a sense of humility, that he exemplifies the extraordinary quality of individuals who come to the Senate to work as staff members. He just gives those people inspiration. As that room was filled today in the hearing, you could see in their hearts and their minds—there were probably 30 to 40 of them assembled there—that someday any one of them could be sitting where he is.

We are privileged in our committee to have had a number of our staff members move on into Presidential appointments in both administrations, Republican and Democrat.

So it is a great day. Chairman LEVIN presided over it with his usual dignity and feeling.

At this moment, I yield the floor so that perhaps he can add his own observations.

We are joined in the Chamber by a very fine staff person, Judy Ansley, who, as I noted earlier, will succeed Les as Chief of Staff. Mrs. Ansley has been his Deputy for a number of years. I am pleased to recognize her presence here today.

The PRESIDING OFFICER. The senior Senator from Michigan.

Mr. LEVIN. Thank you, Madam President. I thank Senator WARNER.

When my career here is over and I look back on it, one of the real highlights will always be that I came with Senator WARNER and that we have served together on the Armed Services

Committee—both as chairman, always as friends, always with total trust, not always with total agreement, but always having our singular goal of a bipartisan security policy for this Nation.

Senator WARNER has been an extraordinary member of that committee. I watched him through the years as he has pulled together people with diverse views to reach a common goal.

It was a pleasure to join with him as he recommended to the President the nomination of Les Brownlee to be Under Secretary of the Army.

It is always a special day for the committee when one of our staff is nominated to a high position in the executive branch. This is a special day for us.

We hate to lose Les. He has been of tremendous and inestimable value in the committee and to both sides of the aisle when we bring our bills to the floor.

This is a committee that I think sets the standard for how we should operate in a bipartisan manner in this Senate. It has always had that tradition. Senator WARNER maintained that tradition beautifully. I seek to emulate that kind of a role model that he and many Senators before him set when they were chairmen of that very special committee.

Les will be leaving us. He will be crossing the Potomac. He will be back in his beloved Army. I can't think of anyone better qualified to serve in that position than Les because of the experience, which Senator WARNER has outlined, and what Les brings to the job his commitment, spirit, and love for the Army. We always rely on our staff to give us their total loyalty and their total commitment. Les is surely a shining example of that. But first and foremost, that loyalty is to this country. Les has always shown that loyalty.

The staff director for the majority, David Lyles, is also on the floor, as are other members of the Armed Services Committee staff. Not only have we looked to Les for unvarnished and straight advice, we have always looked to him and David Lyles when they were staff directors, first, for the majority, and then for the minority, to work together to bring the committee a joint bill that we could all support and that would help bring us together.

Our staffs have not only given us advice and guidance, they have truly been instrumental in making this committee a bipartisan example of what security policy should be and what this Senate strives to be, whether it is in the area of defense or any other area.

I noted what Senator WARNER said about Les returning perhaps physically to the same office that he left. I understand he was the military executive to the Under Secretary of the Army. The very position that he was the executive to will now be filled by him. So there is

a certain symmetry, and a certain wonderful roundness, to Les's confirmation.

As Senator WARNER said, we are now engaged in a military campaign. Colonel Brownlee was engaged in Vietnam. He served two tours in Vietnam with extraordinary distinction and heroism. He brings to this current challenge an experience that is invaluable so that we do not repeat the mistakes that were made in Vietnam, and so that we avoid any of the pitfalls that faced us as a nation in that war in which so many men and women served so valiantly, with so much honor, and with not nearly enough reward or recognition by their own countrymen back here at home.

What Les brings to this current challenge is of tremendous value. I know, as Senator WARNER said, that we speak for every member of our committee and for our staffs when we say how proud we are of Les. We are proud of not only what he has done for the committee, but we also are very confident of what he will do for the Army and for the Nation in his new capacity.

We wish him all the best. We know we will see a lot of him. To him and his family, we can only say we are sad to see him go, but we are surely glad that he will occupy the position that he will assume. This nation is safer because it will be in his hands.

I thank the Chair.

Mr. WARNER. Madam President, I thank my very valued and long time special friend, the Senator from Michigan, for his very kind remarks. I reciprocate with equal feelings toward him.

We struggle together, and we are going to succeed. We have a big mission ahead of us in this committee with this conflict. We are behind our President. We want to give him that type of support, and the men and women of the Armed Forces fighting this engagement.

In relation to what the Senator stated, it was Under Secretary James Ambrose with whom Les served.

I appreciate Senator LEVIN singling out his combat record. The men and women of the Armed Forces, across the board, are trained to go into combat situations. Relatively few of them, however, certainly in recent years, because of the nature of combat, are put into those positions.

I was combat trained in World War II, but I did not go into combat. I did visit the battlefields more than once in Korea, but my military career pales in the face of Les Brownlee's and those of

the men and women who have really gotten into the thick of it, have been tested, and proved not only to survive, but continue their leadership. They have earned the recognition of their peer group through their personal decorations.

I have a tremendous amount of respect for Colonel Brownlee and, indeed, for many other Members of the Senate with whom I have been privileged to serve in the past and today who have earned those decorations.

While we acknowledge the long list of Colonel Brownlee's accolades, we recognize that the challenges of life are most successfully accomplished as a team effort. Colonel Brownlee's family have shared the challenges and rewards of both his professional military career and his career in the Senate. The journey which brought Colonel Brownlee to this prestigious nomination would not have been possible without the unconditional and loving support of his family.

From the first day that Les and I began working together, he has always been guided by what he thought was in the best interest of our Nation's security, the best interest of the men and women of our Armed Forces, and in the best interest of the Senate. On behalf of a grateful nation, we congratulate Les on his nomination and thank him for his service to the United States Senate. Les brings a special dimension to the Army secretariat, and we wish him well.

I thank my colleague.

Madam President, I think that concludes the matters, and we can go to the standing order.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 10 a.m. tomorrow.

Thereupon, the Senate, at 6:02 p.m., adjourned until Friday, November 9, 2001, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate November 8, 2001:

THE JUDICIARY

DAVID W. MCKEAGUE, OF MICHIGAN, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SIXTH CIRCUIT, VICE RICHARD F. SUHRHEINRICH, RETIRED.

SUSAN BIEKE NEILSON, OF MICHIGAN, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SIXTH CIRCUIT, VICE CORNELIA G. KENNEDY, RETIRED.

HENRY W. SAAD, OF MICHIGAN, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SIXTH CIRCUIT, VICE JAMES L. RYAN, RETIRED.

RALPH R. BEISTLINE, OF ALASKA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF ALASKA, VICE H. RUSSEL HOLLAND, RETIRED.

DEPARTMENT OF DEFENSE

CLAUDE M. BOLTON, JR., OF FLORIDA, TO BE AN ASSISTANT SECRETARY OF THE ARMY, VICE PAUL J. HOEPER.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE REGULAR AIR FORCE OF THE UNITED STATES TO THE POSITIONS AND GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 8307:

To be the judge advocate general of the United States Air Force

MAJ. GEN. THOMAS J. FISCUS, 0000

To be major general and to be the deputy judge advocate general of the United States Air Force

BRIG. GEN. JACK L. RIVES, 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

CAROL E. PILAT, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY NURSE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

ILUMINADA S. CALICDAN, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK (*)) UNDER TITLE 10, U.S.C., SECTIONS 531 AND 624:

To be major

*JAMES W. WARE, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

MEE S. PAEK, 0000

CONFIRMATIONS

Executive nominations confirmed by the Senate November 8, 2001:

DEPARTMENT OF DEFENSE

DALE KLEIN, OF TEXAS, TO BE ASSISTANT TO THE SECRETARY OF DEFENSE FOR NUCLEAR AND CHEMICAL AND BIOLOGICAL DEFENSE PROGRAMS.

MARY L. WALKER, OF CALIFORNIA, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF THE AIR FORCE.

R.L. BROWNLEE, OF VIRGINIA, TO BE UNDER SECRETARY OF THE ARMY.

MARVIN R. SAMBUR, OF INDIANA, TO BE AN ASSISTANT SECRETARY OF THE AIR FORCE.

SANDRA L. PACK, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF THE ARMY.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

DEPARTMENT OF LABOR

FREDERICO JUARBE, JR., OF VIRGINIA, TO BE ASSISTANT SECRETARY OF LABOR FOR VETERANS' EMPLOYMENT AND TRAINING.

DEPARTMENT OF JUSTICE

JAY B. STEPHENS, OF VIRGINIA, TO BE ASSOCIATE ATTORNEY GENERAL.

THE JUDICIARY

TERRY L. WOOTEN, OF SOUTH CAROLINA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF SOUTH CAROLINA.

EXTENSIONS OF REMARKS

OFFSET OF FEDERAL TAX REFUNDS FOR STATE AND LOCAL TAX DEBTS

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 2001

Mr. MORAN of Virginia. Mr. Speaker, I am pleased today to be introducing legislation that would establish a federal tax refund offset program for state and local governments. Specifically, this program would require the federal government to withhold refunds from those individuals and corporations that still owe state or local government tax obligations.

Today, the reverse situation exists. A number of states allow their own state agencies, local governments and the Internal Revenue Service to submit a list of delinquent taxpayers. The state then matches these delinquent accounts against taxpayers who may qualify for a state tax refund. If a match is found, the state reduces the refund by the amount of the delinquency and remits the funds to the claimant. These programs have proven to be low-cost and highly effective. Congress recognized the effectiveness of these programs and directed the Internal Revenue Service to establish a similar program to cover claims by other federal agencies, as well as for past-due child support obligations. Last year, Congress expanded the program by directing the Treasury Department to accept claims by states for income tax obligations.

The legislation I am introducing today builds on these successful programs by permitting local governments to participate. The local governments could submit their outstanding tax debts to the Department of the Treasury for an offset against any federal tax refund, just as federal agencies and states do now. This legislation would also permit a claim to be made for any legally enforceable tax obligation owed to the state or local government.

In an era of tight state and local government budgets, it is patently unfair to have the tax-paying citizenry bear the costs and burdens of those who do not pay their fair share. As President Kennedy recognized, "[t]o the extent that some people are dishonest or careless in their dealings with the government, the majority is forced to carry a heavier tax burden." (April 20, 1961) The legislation that I am introducing today will provide a means to help distribute that burden more equitably.

I urge my colleagues to support it.

NOVEMBER SCHOOL OF THE MONTH

HON. CAROLYN MCCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 2001

Mrs. MCCARTHY of New York. Mr. Speaker, I have named Carle Place Middle School in Carle Place as School of the Month in the Fourth Congressional District for November 2001.

Neil J. Connolly is Principal of Carle Place, and Dr. Patricia B. Hansen is the Superintendent of Schools for the Carle Place Union Free School District. There are approximately 260 students in 7th and 8th grades.

The outstanding academic records at Carle Place demonstrate the vibrancy of learning inside this school firsthand. The faculty and staff are focused on sending their students to high school wholly prepared and ready to keep learning.

One group of national renowned winners at Carle Place are the budding journalists involved in The Carle Place Middle School Newspaper, The Path. For two years running, The Path's excellent team took top honors from the American Scholastic Press Association newspaper competition.

Expanding on those good deeds, Carle Place Middle, in conjunction with Carle Place High, is the number one contributor to Make-A-Wish Foundation in the entire country, exceeding \$379,500 since 1988.

At Carle Place, students are focused on helping others. When young people dedicate their time and effort willingly, a lifetime of caring for your fellow man is solidified.

You name it, Carle Place students are there, nabbing top honors in the Long Island Science Congress Junior Division, Scholar Athletes, National Junior Honor Society, language arts competitions, and excelling in the Fine and Performing Arts programs.

Congratulations to Carle Place Middle School students, faculty and administration on this achievement. Keep up the good work.

SALUTE TO UNION RIDGE SCHOOL, SELECTED A BLUE RIBBON SCHOOL

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 2001

Ms. SCHAKOWSKY Mr. Speaker, I rise today to recognize the outstanding achievements of Union Ridge School, which was named a Blue Ribbon School, by the Department of Education's Blue Ribbon School Program. This year, Union Ridge was one of 223 public schools recognized by the program.

Selection of Blue Ribbon Schools is based on a rigorous evaluation process. Schools are evaluated by the program's reviewers and by a thorough self-evaluation involving administrators, teachers, students, parents and community. This is a highly competitive program that recognizes schools that are making a major positive impact in their communities and in our country.

Union Ridge School is a one-school elementary district in Harwood Heights, Illinois, with students ranging from pre-kindergarten through eighth grade. The school serves an urban, "blue collar" community and has established a long-standing tradition of setting high expectations for all learners. The school has implemented a variety of programs designed to promote diversified education, including formal bilingual and English as a Second Language programs.

Union Ridge is a Blue Ribbon winner because it has realized its educational goals through the efforts of a creative and dedicated staff. Their innovative instruction combines engaged learning and challenging experiences for students of differing abilities and backgrounds. The school promotes awareness and a commitment to educational diversity.

Union Ridge School has established itself as a centerpiece for learning. Its goals and priorities have been planned to be consistent with community values. Union Ridge is an example of what all schools across the country strive to do—to provide a quality, diversified education that enriches the lives of students and the surrounding community.

I congratulate Union Ridge School, the 11 other Blue Ribbon winners in Illinois, and all the Blue Ribbon Schools in the country on their achievement. There is nothing more important than preparing young minds to create a better America. I commend Union Ridge School for its efforts toward that end.

25TH ANNIVERSARY OF SONOMA COUNTY YWCA

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 2001

Ms. WOOLSEY. Mr. Speaker, I rise today to honor the Sonoma County YWCA on the occasion of its twenty-fifth anniversary. Since November, 1976, the YWCA has led the battle against domestic violence in our community.

Begun by a group of women who met at the Santa Rosa library 25 years ago, the organization initially thought it would offer shelter for all homeless women but soon realized there was an urgent need to protect women fleeing for their lives. The first safe house was opened a year later with seed money from the county Mental Health Department.

The Sonoma County YWCA now has an annual budget of \$2,000,000 and offers child

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

care, a legal clinic, counseling, and professional training as well as a safe house that is always full. Last year the domestic violence hotline received 2,501 phone calls and took in 193 women and children as well as counseling men who were victims of domestic violence. The YWCA partners with local law enforcement in this effort and has satellite offices inside local police departments.

Mr. Speaker, it is fitting to honor the founders of the Sonoma County YWCA, especially Barbara Tomin and Pat Kuda, who were the visionaries, the planners, and the energy behind this project, as well as all those who have contributed to these vital services for the last 25 years.

HONORING MARGARET C. MOSHER

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 2001

Ms. CAPPS. Mr. Speaker, today I would like to pay tribute to a woman who has been invaluable to California's Central Coast, Mrs. Margaret C. Mosher. Because of her generous dedication and devotion to young people, Mrs. Mosher was honored at the Annual Kids Auction on November 3, 2001, in Santa Barbara, CA.

Proceeds from the Annual Kids Auction will benefit youth development programs at local Boys and Girls Clubs throughout California's 22nd Congressional District. Since its inception 18 years ago, this auction has raised over a million dollars to support programs that benefit over 4,000 youth a year. After school care, computer training, and drug abuse and gang prevention programs are only a few examples of the services that will benefit from the auction proceeds.

It is fitting that the Annual Kids Auction will be honoring Margaret Mosher this year, as she has spent over 20 years dedicating herself to the Boys and Girls Club Organizations. Striving to aid the organization in as many ways as possible, 18 years ago Mrs. Mosher established an annual fundraiser, the Bill Oliver Memorial Golf Tournament. All of the proceeds of this tournament go directly to the Goleta Boys and Girls Club.

In addition to her dedication to the Boys and Girls Club, Mrs. Mosher is currently the president of the Samuel B. Mosher Foundation. She is also the president and owner of the Dos Pueblos Orchid Company and the owner of the Perry Investment Company. She is on the advisory board of the Wilmer Eye Institute at Johns Hopkins Hospital and the International Eye Tissue Bank. She is also on the board of directors for the John Tracy Clinic and the Los Angeles Orphanage Guild. In 1992 Mrs. Mosher received the UCSB Alumni Association's Honorary Alumni Award. She has been a trustee of The UCSB Foundation since 1983, and is a member of the Chancellor's Council, the Lancaster Society and the Legacy Circle.

Numerous children have benefited from Mrs. Mosher's generosity, and I am so pleased to have this opportunity to honor her and thank her for all the wonderful things she has accomplished.

CONGRATULATING PYUNIC USA

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 2001

Mr. RADANOVICH. Mr. Speaker, I rise today to congratulate Pyunic USA for their accomplishments over the past 11 years. Pyunic USA is an Armenian-based association that is dedicated to helping disabled individuals in Armenia.

Pyunic was founded in 1989 to provide aid to the children left disabled by the devastating Armenian earthquake of 1988. Since its inception, Pyunic has evolved into an association that supports all of the physically challenged in Armenia. The help they provide includes individuals born with disabilities and those who were injured while defending Karabagh. Services provided by Pyunic include physical and mental rehabilitation, advocacy for the rights of the disabled, annual summer/winter camp sessions, and athletic paralympic training to all disabled children and young adults throughout Armenia.

With over 50 volunteers and only 4 staff members Pyunic's mission is to integrate the disabled into Armenia's mainstream life. The organization takes pride in their efforts to develop outstanding disabled athletes who travel worldwide to compete in several marathons and Paralympics. In 2000 Pyunic was selected as the "Best Non-Governmental Organization (NGO) of Armenia for Youth." Pyunic has created working relationships with several international nongovernmental organizations, including Save the Children International, the World Rehabilitation Foundation and the United Nations High Commission for Refugees.

Pyunic has five main goals: to help disabled become self-sufficient and contributing members of Armenia, and integrate them into mainstream life; to promote physical, social and psychological rehabilitation; to utilize sports to develop strong bodies and active minds; to develop skills to meet challenges of life for the disabled; to educate the public through dissemination of information on the issues of disability.

Mr. Speaker, I rise to congratulate Pyunic USA for their commitment to improving the lives of the disabled. I urge my colleagues to join me in wishing Pyunic USA many more years of continued success.

TRIBUTE TO WHITE KNOLL MIDDLE SCHOOL

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 2001

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to the students and faculty of White Knoll Middle School in Columbia, SC, who, for a number of weeks have been raising money for a new fire truck to be presented to the New York City Fire Department in the aftermath of the terrorist attacks of September 11, 2001.

The students and faculty of White Knoll Middle School have embarked on a project that is both uniquely appropriate and inspiring. While people all across the country sought meaningful ways to respond personally and collectively to the despicable terrorist attacks commensurate to the anguish they were feeling, the students and faculty at White Knoll Middle School committed to the purchase and "return" of a fire truck to New York City as an expression of their heartfelt empathy, faith, and resolve.

Mr. Speaker, as a former high school history teacher and devout historic preservationist, I share with you and my colleagues the discovery of an intriguing historical link. Logbooks kept at the Columbia Fire Department Museum in Columbia, SC, reveal that on June 27, 1867, two years after a Civil War fire destroyed the city, a group of New York City firefighters—former Union Soldiers—delivered a fire truck to the city of Columbia that, at the time, was using citizen bucket brigades. The burning of Columbia left deep wounds in the South Carolina psyche, with many harboring ill will against the North for decades. However, logbooks indicate that New York firefighters and Columbians of that period 134 years ago, looked at the gift as an act of healing.

These students and their teachers are telling the citizens of New York City that Columbia remembers. The hearts of New York City firefighters reached out to Columbia 134 years ago and now the hearts of the children at White Knoll Middle are reaching out to New York. At least \$350,000 is needed for a new fire engine and they are within a few thousand dollars of reaching that figure. White Knoll Middle raised \$18,000 before their cause entitled South Carolina Remembers, grew to include key business leaders, city officials, corporations, civic organizations, and philanthropists from the Columbia area such as SCANA, SCE&G, Mayor Bob Coble and Mr. Sam Tenenbaum. They raised the funds by using word of mouth and old-fashioned techniques such as bake sales, car washes, gospel concerts, and booths at the South Carolina State Fair.

The fund raising effort continues to gain momentum as over \$330,000 has been raised to date—including a \$50,000 pledge from an anonymous donor. White Knoll Middle School's story of benevolence has caught the attention of many local and national media outlets and has been featured on CBS's "Early Show," as well as in People and Time Magazines.

Mr. Speaker, I ask you and my colleagues to please join me in honoring White Knoll Middle School for their outstanding work as they emulate the beautiful and united fabric of America. The students and faculty of White Knoll Middle School have taught us once more that history has a way of connecting us and kindness has a way of multiplying the effects of those connections.

TRIBUTE TO THE HON. GERALD
B.H. SOLOMON

SPEECH OF

HON. F. JAMES SENSENBRENNER, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 2001

Mr. SENSENBRENNER. Mr. Speaker, it is with sadness that I note the death of a former colleague and a great New Yorker, Mr. Gerald Solomon, who passed away last month.

Jerry grew up in Delmar, New York and attended Siena College and St. Lawrence University before enlisting in the Marines at the onset of the Korean War. After serving his country with honor as a member of the Armed Forces, Jerry continued working for the nation as a Member of Congress. But even as an elected representative, when you spoke with Jerry, you could easily guess his background. Like the motto says, "once a Marine, always a Marine."

First elected in 1978, Jerry and I were in the same freshman class of Congress as I too was elected that year. I got to know, and become very good friends with Jerry during the 20 years we served in the House together. He was perhaps the most ardent supporter of our nation's veterans. As the Ranking Member on the House Veterans Affairs Committee, Jerry worked tirelessly on their behalf. In fact, it was largely through his work and dedication that the Veterans Administration was elevated to a cabinet-level department.

Jerry was a man who didn't mince words—he was fair and principled and called things as he saw them. We got along well because we were similar in many ways and agreed on a lot of things. But, sometimes, we disagreed. I never, for example, quite saw the merits of the Northeast Dairy Compact the way he did—but even when we disagreed, we disagreed like gentlemen.

It is a testament to his character as a legislator, and a reflection of his leadership, that during his final years in the House, he served as Chairman of the powerful House Rules Committee. This is particularly noteworthy because as many of you know, he was the first Republican to have that position in four decades!

When Jerry spoke, people listened. Not because he was Chairman of the Rules Committee, but simply because if he took the time to tell you something, you could bet it was worth your while to pay attention to him.

It is with a heavy heart that I say good-bye to my friend Jerry. My wife Cheryl and I would like to express our condolences to Jerry's wife Freda, their five children, six grandchildren, and brother, in this time of sorrow and sadness. They will be in our prayers.

EXTENSIONS OF REMARKS

CELEBRATING 60TH ANNIVERSARY
OF THE BOYS & GIRLS CLUBS OF
OAKLAND

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 2001

Ms. LEE. Mr. Speaker, I rise today to honor the 60th Anniversary Celebration of the Boys & Girls Clubs of Oakland, California.

In 1941, the Filbert Street Boys Club merged with the East Oakland Boys Club to become the Oakland Boys Clubs. The purpose of this club was to create a fun environment while at the same time provide educational programs and services specifically tailored to the needs of young men. For many years the Oakland Boys Clubs were solely focused on providing for the well-being of boys. However, in 1989 the Board of Directors agreed that their organization should be a club that is inclusive rather than exclusive. Therefore, they extended their membership to young women. They wanted the Oakland Boys Clubs to become the Boys & Girls Clubs of Oakland which would welcome young people of all backgrounds.

The Boys & Girls Clubs of Oakland have a membership of 2,400 people who are taking full advantage of the programs and services this organization has to provide. The Boys & Girls Clubs offer career development, character and leadership development, health and life skills, arts, sports, fitness and recreation opportunities. They empower young men and women to live a happier, healthier and fuller lives.

The Boys & Girls Clubs of Oakland strives to instill and enhance a sense of competence, usefulness, belonging, influence and responsibility in each child. This organization is dedicated to enriching the lives of our youth.

I ask Congress to join me and the constituents of the 9th Congressional District in celebrating the 60th Anniversary of the Boys & Girls Clubs of Oakland and in wishing them many more years of success and positive influence on our young leaders of tomorrow!

HONORING COMMUNITY VETERANS

HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 2001

Ms. VELÁZQUEZ. Mr. Speaker, I rise today to honor and give thanks to Latino veterans across the nation and in New York's 12th District—those brave soldiers who served in our Armed Forces during times of turmoil and crisis in our Nation's history.

Today, the Borinquen Senior Center celebrates another anniversary—close to the landmark one of a quarter of a century. Since its doors opened 24 years ago, the center has been a safe haven for hundreds of seniors and veterans in the Williamsburg, New York community. The Borinquen Center serves three meals per day to almost two hundred seniors, including veterans. It provides meals on wheels for homebound seniors, offers work-

November 8, 2001

shops on healthcare and other important issues, arranges activities, and provides classes such as ESL (English as a Second Language). Through its work, the center plays a very important role in the community. And as the Borinquen Center celebrates its anniversary, it will also honor—for the first time—the veterans of this country who served so bravely in our Armed Services.

Given the war against terrorism our great Nation is now waging both here and overseas, I believe we must take time to honor and give thanks to a few of our Nation's Latino veterans from the 12th District. Many of these men were young men, unaware of how war would change them when they enlisted in the Armed Forces during World War II, the Korean War, and the Vietnam War. They joined the service with hopes of strengthening our nation's security, fighting for the ideals of democracy and freedom, and ensuring a more peaceful world. Although many returned home with lasting wounds, their spirit was never broken. It is important that we remember on this Veteran's Day the sacrifices they made for this country.

Therefore, it is with much appreciation that I honor the Latino veterans of my district in celebration of November 11: Luis Maldonado, 1940–1946; Angel Acevedo, 1941–1947; Jose La Fuente, 1942–1945; Herminio Rivera, 1942–1947; George Feliciano, 1947–1967; Jose Calderon, 1951–1954; Oscar Figueroa, 1951–1954; Gilberto Bonilla, 1952–1954; Isamel A. Torres, 1952–1956; Francisco Adames, 1953–1955; Felix Gonzalez, 1953–1957; Jose Rendon, 1953–1961; Fundadon V. Cancel, 1954–1958; Gerardo Torres, 1954–1959; George A. Maldonado, 1954–1956; Carlos M. Colon, 1956–1958; Augustin Perez, 1957–1959; Adolfo Rivera, 1960–1962.

PAYING TRIBUTE TO MR. ELDON
H. STRODE

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 2001

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to the life and memory of Eldon H. Strode and thank him for his contributions to the community of Glenwood Springs, Colorado. Eldon passed away this October at his residence in Wickenburg, Arizona.

Mr. Strode came to Colorado in 1945. He began work in the ranch industry, working the land for more than two decades. After his work in ranching, he ventured in the coal industry for thirteen years until his retirement in 1981.

Eldon was an avid sports enthusiast in the Glenwood Springs community where he was a member of the basketball and softball league. Eldon also volunteered his services as a member of the youth baseball program and as a member of the chain crew for many football games at Glenwood Springs High School. In 1980, he was honored for his contributions to the team. Mr. Strode continued his involvement in the ranch industry by volunteering his knowledge to several cattlemen associations such as the Colorado Cattleman and the Holy Cross Cattleman's Association.

Mr. Speaker, it is with profound sadness that we remember Eldon H. Strode. The many people he impacted will remember his contributions and dedication. My thoughts and prayers are with his family and friends during this difficult time.

INTRODUCTION OF H.R. —, THE
MERCHANT MARINE COST PARITY
ACT OF 2001

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 2001

Mr. OBERSTAR. Mr. Speaker, we are a nation of immigrants, most of whom arrived on the shores of the United States by ship. We are a country in which 95 percent of our imports from noncontiguous countries are brought to us by ship. Yet, less than one percent of our imports and exports are transported on U.S.-flag ships.

The Baltimore Sun recently published two articles that accurately described the decline of the U.S.-flag fleet. As the article states, vessels don't fly the U.S.-flag anymore "because American cargo ships are also the most expensive in the world." The first article was titled "Merchant marine's demise endangers war readiness". Not only will we not have sufficient ships to move our war materials, but we won't have enough trained sailors to operate the laid-up fleet of Government-owned ships that the Department of Defense is depending on to transport our tanks and heavy equipment when they are mobilized.

In 1991, the United States needed more than 200 cargo ships to support Operation Desert Storm. To get those vessels operating, we called up retired seamen who had sailed during World War II. Today, we have fewer ships and fewer trained personnel.

President Franklin Roosevelt recognized the need for a privately owned and operated merchant marine. Without the U.S.-flag merchant marine, Great Britain would not have had the supplies to survive the onslaught of Germany. Today, the world would be a very different place had it not been for the men who served our nation during World War II in the U.S. merchant marine. President Roosevelt proposed, and Congress passed, the Merchant Marine Act of 1936. This program established the Operating Differential Subsidy program to help pay U.S. shipowners for the higher cost of operating their vessels under the U.S.-flag.

By 1951 there were 1,238 privately owned U.S.-flag vessels sailing on the oceans of the world. Unfortunately, it has been all down hill from there. Today, there are 94 U.S.-flag vessels in the U.S. foreign trade and seven U.S.-flag vessels "in trade between foreign countries.

The question is: Why has this happened? The answer: The higher cost of operating a vessel under the U.S.-flag due to various Federal requirements.

Today, shipowners can buy quality ships from many countries in the world. Container-ships, tankers, and cruise ships all must be built to high standards established by the International Maritime Organizations. However,

which country the owner chooses to register the ship can significantly affect the cost of the operating the ship. Shipowners change their vessel's registration every day to avail themselves of lower costs offered by different flags. If you choose to register your ship in Panama, you don't have to pay any income taxes on your shipping income. You can hire low cost crews from countries like the Philippines and Malaysia. And, if you register in these countries you don't have to worry about the cost of being sued when a seaman is injured or killed.

All of the European countries have seen similar declines in their flag fleets, because shipowners choose to transfer their country of registry to lower cost countries. However, in the past several years, countries such as Norway, Germany, and Great Britain have changed their laws to make their fleets more competitive in the international market. In the past 18 months, the size of the British fleet has increased by 40 percent due to the changes in their tax and maritime policies.

It is time for the United States, once the greatest maritime power in the world, to make similar changes. Instead of proposing a subsidy program like the one proposed by President Roosevelt, it is time to look at the underlying laws that increase the cost of operating under the U.S.-flag.

Today, I have introduced H.R. —, the "Merchant Marine Cost Parity Act of 2001". This legislation, which Transportation and Infrastructure Committee Chairman DON YOUNG has cosponsored, addresses four areas that significantly increase the cost of operating a vessel under the U.S.-flag: tax costs, wage costs, insurance costs, and vessel inspection costs.

This act will help to decrease the tax liability for operating a vessel under the U.S. flag. Currently, a shipowner must pay a traditional "income tax" on his profits if the vessel is registered in the United States. H.R. — is modeled after the British Tonnage Tax system that replaced its tax based on income with a flat tax based on the tonnage of the ship.

For example, under H.R. —, if the container ship *Regina Maersk* (43,399 net tons) were registered under the U.S.-flag it would pay a flat tax of \$17,476 a year to the U.S. Government. This is computed by the shipowner being allocated a daily income for the ship based on the tonnage of the ship at a rate of \$.40 for each ton up to 25,000 net tons and \$.20 for each ton over 25,000 net tons. Therefore, the owner of the *Regina Maersk* would have a daily income of \$136.80. When multiplied by 365 days, this totals an annual income of \$49,932. This amount is taxed at the 35 percent U.S. corporate income tax rate to establish a total tax liability of \$17,476 a year for the shipping income of the *Regina Maersk*. This is comparable to the tax liability that would be due if this ship were registered under the British flag. What is ironic is that this provision should not cost the Federal treasury much money because with fewer than 100 ships currently operating under the U.S.-flag in the foreign trade, there will be a minimal amount of tax revenue lost. In addition, most foreign-flag vessels don't have to pay the treasury any income taxes on their shipping income today. Therefore, if they transfer to the U.S. flag and pay \$17,000 in tonnage taxes,

it's certainly more than the amount they're paying in income taxes now under a foreign flag.

Federal law requires seamen employed on U.S.-flag vessels to be U.S. citizens. We in the United States have the benefit of a much higher standard of living than many of the countries that supply seafarers for foreign-flag vessels. However, U.S. tax laws do not treat U.S. seamen the same as we treat other U.S. citizens working overseas. If a U.S. citizen is working overseas for any other industry, such as a bank or oil company, he or she do not have to pay any U.S. income tax on their first \$80,000 in income. While seamen are working overseas, they do not get any similar tax break. H.R. — helps to decrease the cost of operating on a U.S.-flag vessel by granting seamen working on U.S.-flag vessels in the foreign trade the same exclusion from taxation on their first \$80,000 in income as we grant every other U.S. citizen working overseas.

H.R. — also seeks to address the higher vessel design costs imposed by complying with U.S. Coast Guard standards. My bill exempts the vessel from Coast Guard standards as long as the vessel meets the safety standards established by the International Maritime Organization. This provision will allow U.S.-flag vessels in the foreign trade to meet the same standards as their foreign-flag competitors.

The cost of buying insurance for U.S.-flag vessels engaged in the foreign trade is also higher than the costs for foreign-flag vessels. H.R. — allows the shipowner and the employee representative to agree upon an "insurance policy that will adequately compensate seamen when they are injured or killed on-board these vessels. To ensure that the shipowner does not force the policy limits too low, the Secretary of Transportation will establish a minimum amount of coverage that must be provided, such as the amounts provided in the Longshore Act.

Mr. Speaker, capital investments go to where you can make money. For more than 100 years, the United States Government has placed financial burdens on the U.S.-flag vessel shipowner that has driven these vessels from our shores. I cannot accept the United States Government continuing to allow the decline of our fleet until there are no privately owned U.S.-flag vessels engaged in our foreign trade.

The United States must develop a long-term and integrated strategy that will adequately address all of the cost issues that drive capital investment away from the U.S.-flag shipping industry. I believe that H.R. — can provide the foundation for that strategy. I look forward to working with the Administration, shipowners, and labor to ensure we can truly put U.S. merchant marine on a cost parity with their quality foreign-flag competition.

When Great Britain announced its intention to develop the tonnage tax system, P&O Nedlloyd Lines announced that they would bring at least 50 ships to the UK register. Today, I would like to challenge the maritime industry to make a similar commitment to the U.S. flag.

With the help of the Administration, maritime industry, and labor, we can ensure that Old Glory is raised on the sterns of hundreds more U.S.-flag vessels.

PERSONAL EXPLANATION

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 2001

Ms. McCOLLUM. Mr. Speaker, I unavoidably missed votes on November 6, 2001 because I was in my congressional district on official business. I would like the record to reflect that had I been present, I would have voted yea on rollcall votes 426, 427, and 428.

LEADERS TAKING ACTION FOR INCLUSION

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 2001

Mr. McGOVERN. Mr. Speaker, I rise today to join Worcester County and The National Conference for Community and Justice in honoring four individuals for their promotion of understanding and respect among all races, religions and cultures. John S. Hamilton, Dr. Ogretta V. McNeil, Most Rev. Daniel P. Reilly, and Albert M. Toney III, dedicated themselves to fighting bias, bigotry and racism in America and making the nation a better place for all of us.

Mr. Hamilton put into action his belief that small, culturally diverse businesses make the difference in the economic viability of their communities. He has been a strong advocate for under-served populations, especially minority and women owned small businesses. Active with Centro Las Americas and the Business Inclusion Council, and the Martin Luther King Business Empowerment Center, he was named Massachusetts Financial Services Advocate of the Year (1999) by the US Small Business Administration. Mr. Hamilton was the driving force behind obtaining funding for the establishment of the Martin Luther King Business Empowerment Center. He was instrumental in Bay State Savings Bank sponsorship of the successful grant application for the renovation of the Odd Fellows Hall on Main Street, which will provide low income housing for families in Worcester. In 1995 and 1996, under Mr. Hamilton's leadership, Bay State Savings Bank was one of the top 5 SBA lenders to minority-owned businesses in the Commonwealth of Massachusetts. Mr. Hamilton was recently appointed President of Medway Cooperative Savings Bank.

Dr. McNeil came to Worcester in 1956 to attend graduate school at Clark University; she never left and has made the City of Worcester her home. Dr. McNeil has served on the faculty of Assumption College, Anna Maria College, and the College of the Holy Cross. During the course of her 27-year career at the College of the Holy Cross, she served as Chairwoman of the Department of Psychology, Director of African American Studies, and Assistant Dean. Her election as the President of the New England Psychological Association symbolized her professional achievement. In 1998 Dr. McNeil was elected to the Worcester school committee where she has worked to

foster equity of education for all students. Dr. McNeil's volunteer activities include serving as a board member for the Alliance for Education, the Age Center of Worcester, the EcoTarium, and a member of the Distribution Committee of the Health Foundation of Central Mass. She is also a board member of Greater Worcester Community Foundation, Family Services and the Worcester Art Museum.

Bishop Daniel Patrick Reilly, installed as the fourth Bishop of the Roman Catholic Diocese of Worcester in December 1994, is a beloved leader. His efforts in Worcester resulted in the formation of the covenant with the New England Synod (Lutheran), the Episcopal Diocese of Western Massachusetts and the Roman Catholic Diocese of Worcester and Springfield. He was one of the essential leaders in the aftermath of the loss of six Worcester fire fighters in December of 1999. He studied for the priesthood at Our Lady of Providence Minors Seminary, Warwick, RI and ordained to the priesthood on May 30, 1953 after five years of philosophical and theological study at the Grand Seminaire in Saint Brieux, France. Following his ordination, Bishop Reilly served at SS. Peter & Paul Cathedral Parish, Providence as an associate pastor. He also pursued graduate studies in Business Administration at Boston College and Harvard University. He served 22 years as a priest in the Diocese of Providence. In June 1975, Pope Paul VI named him Bishop of the Diocese of Norwich, CT, where he served until being named the Bishop of Worcester. Bishop Reilly has held many posts in the National Conference of Catholic Bishops (NCCB); he currently sits on the NCCB's Committee on Pastoral Practices. He rendered great support and assistance to Haiti and to India and their people. Currently he is a member of the boards of trustees at The Catholic Near East Welfare Association, Assumption College, and Saint Vincent Hospital. He holds Honorary doctoral degrees from Anna Maria College, Assumption College, and the College of the Holy Cross, in Worcester.

Mr. Al Toney's life work is the elimination of homophobia and racism. As a self-identified gay African American male, he has experienced homophobia and racism first hand. A former Worcester Police Officer, Mr. Toney has served in leadership position for the Gay Officers Action League of New England, the Gay and Lesbian Coalition of Central Mass., and the City of Worcester Human Rights Commission. In 1997, he founded the Safe Homes of Central Massachusetts, an organization that provides mentoring programs, consulting services for alternative foster parenting programs, and a drop in recreation and resource center. Beginning as a group of concerned citizens, with Mr. Toney's leadership this program was recently adopted as a formal program of The Bridge of Central Massachusetts. As early as 1984 when he started college with a major in urban studies, he was concerned with creating safe, inclusive communities for all people. His focus was initially directed to enforcement through course work in Criminal Justice and service as a police officer (March 1987–April 1995). After the tragic death of his life partner, Mr. Toney's energies shifted to a new focus, homophobia. Mr. Toney has worked as a consultant and program director for AIDS Project

Worcester, AIDS Action Committee (Boston), Healthy Boston Coalition for GLBT Youth, Massachusetts Prevention Center, Massachusetts Department of Education, and Massachusetts Department of Social Services. He served as member of the City of Worcester Human Rights Commission from 1997–2000. He is currently a member of the Arts Worcester Board of Directors. Mr. Toney, his partner, and his daughter are currently working on a book for children, which truly reflects all aspects of diversity.

HONORING RANDY KEVORKIAN

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 2001

Mr. RADANOVICH. Mr. Speaker, I rise today to honor Randy Kevorkian for receiving the Distinguished Service Award from the California Department of Corrections. The California Department of Corrections presents the award annually to employees who go above and beyond the call of duty.

Randy Kevorkian is a Parole Agent III. He has been an agent since 1988 and has worked in numerous assignments in the Visalia and Fresno parole offices. Kevorkian organized the "Another Way" program, a juvenile delinquency prevention and intervention program in the Central Valley. The program allows parole agents and parolees to speak with at-risk kids about the dangers of drugs and gangs.

Over the past 13 years, Kevorkian has addressed more than 85,000 young people and made more than 1,200 presentations at junior and senior high schools, local juvenile halls and group homes.

The Distinguished Service Medal is awarded for an employee's exemplary work conduct with the department for a period of months or years, or involvement in a specific assignment of unusual benefit to the department.

Mr. Speaker, I rise to recognize Randy Kevorkian for earning the Distinguished Service Award from the California Department of Corrections. I urge my colleagues to join me in wishing Mr. Kevorkian many more years of continued success.

HONORING OUR DEFENDERS OF DEMOCRACY

HON. CAROLYN MCCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 2001

Mrs. MCCARTHY of New York. Mr. Speaker, the tragic events of September 11th make the observance of Veterans Day particularly poignant this year. Engaged in a battle, different from any other in our nation's history, we are once again calling upon the brave members of the U.S. Armed Forces to defend democracy and freedom. Since we began the tradition of honoring American veterans after World War I, Veterans Day has passed with varying degrees of observance. This year

however, perhaps more than ever before, we understand what our nation's armed forces have given to preserve our freedom and security.

On October 8th, 1954, President Dwight D. Eisenhower redesignated Armistice Day as "Veterans Day" for the millions of veterans who honorably served this nation. President Eisenhower also issued the first 'Veterans Day Proclamation' to "help preserve in the hearts and lives of all our citizens the spirit of patriotism, the love of country and the willingness to serve and sacrifice for the common good symbolized by this very special day."

And so, in honor of those who served in the military and those who are now stationed around the world protecting our national interests, and promoting peace and security, it is my earnest hope, that all Americans, join hands to insure the proper and widespread observance of this day. While the effect our veterans have had on world history is great, they are not distant historical footnotes, but are as close as a father or mother, brother or sister, grandfather or grandmother, friend and neighbor, and co-workers. Let us, as a grateful nation, pay the appropriate homage to our veterans who have contributed so much to the preservation of this country.

While we all desire peace, when war could not be avoided, our veterans put their lives on the line, many paying the ultimate sacrifice. To all those who wore the uniform, or may have seen their comrades die around them, or possibly suffered injuries that continue to affect them today. We honor and thank you.

VETERANS DAY, THE PRICE OF FREEDOM

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 2001

Ms. SCHAKOWSKY. Mr. Speaker, I rise on this Veterans Day to pay tribute to our nation's heroes. The veterans of this country have given so much to protect and secure our way of life. Now more than ever, it is our duty to commemorate their actions, and to commend their commitment.

I rise to thank our veterans for having the courage and strength to fight for American values. Though we are saddened by recent events, we can look to the valiant history of our nation's bravest for comfort. We can rest assured that the dream of America is worth fighting, dying, and living for. We know because from every corner of the earth, the down trodden, the disenfranchised, and the oppressed come to seek out this dream. We know America is the beacon of hope and change, we can see it in the diversity of our citizenry.

On September 11, 2001, a generation blanketed by the quilt of peace and tranquility was awakened. This quilt of peace, stitched with the blood, sweat, and tears of brave American soldiers, was torn in a manner unimaginable only two months ago. Today, a generation comforted by a freedom so deep, so common, so prevalent, and so easily taken for granted, can more easily identify the price for which it was paid.

This generation is reminded that the sacrifice of Americans made our way of life possible. Young Americans with dreams in their eyes and hope in their hearts, bought our freedom. The tears of families who lost loved ones were exchanged for our security. The peace that we have come to know, was purchased by men and women that so loved our country that they risked and often gave their lives—ensuring that freedom is not only a concept that we dream about, but a reality that we live.

So it is with gratitude and the utmost respect that we remember those who fought, and those who were lost for the love of our nation. We move forward more vigilant, more aware, and more determined. As we pay tribute to our nation's freedom fighters, we stand with a new pride in America. Our hopes and prayers go out to those who are deployed, even now, to carry the torch in the fight for freedom. At the dawning of a new day of uncertainty, we can look to the American values of freedom, justice, and equality to lead us to peace. We thank the countless heroes, our veterans, for giving their freedom and their lives, so that we may live free.

HONORING THE MARIAN MEDICAL CENTER WEST

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 2001

Mrs. CAPPS. Mr. Speaker, today I would like to pay tribute to the most recent addition of the Marian Medical Center, the Marian Medical Center West.

Since its inception on May 20, 1940, the Marian Medical establishment has found the perpetual need to keep expanding in order to better serve the growing community of Santa Maria, California. In 1940, eight Sisters of St. Francis of Penance and Christian Charity were assigned to Santa Maria to manage and staff a hospital for the growing community of approximately 8,000 people. The new facility was named Our Lady of Perpetual Help Hospital, by its first administrator, Sister Noella Dieringer.

Three years later, in 1943, the 1000th baby was born at the hospital, and it became apparent that the Santa Maria community was growing fast. Sister Marilyn Ingram worked hard to secure land in the Santa Maria area, and, through the generosity of Captain and Mrs. Allan Hancock, a new facility, Marian Hospital, was able to open its doors in 1967.

Today, the Marian Medical Center has expanded to include a 130 bed acute care hospital, a 95 bed extended care center, a dialysis unit, a home health agency, infusion services, a hospice program, and outpatient healthcare services. Yet as the Santa Maria community continues to grow, the medical center must expand as well. The addition of the Marian Medical Center West will help alleviate overcrowding in the hospital's main facility by providing 36 inpatient beds and expanded outpatient facilities.

The Marian Medical Center has provided services to thousands of Santa Maria residents over the last 60 years and with the addi-

tion of the new center thousands of more citizens can be served in the future. I am honored to have the opportunity of recognizing the Marian Medical Center West on its grand opening, and it pleases me that this facility continues to prosper.

HONORING JAMES KRAMER AND BRIAN COTTER

HON. SCOTT MCINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 2001

Mr. MCINNIS. Mr. Speaker, all Americans have been going through very trying times since the terrorist attacks on September 11, 2001. Despite our struggle, we have pulled together and become a stronger nation due to the resolve of our citizens. Today, I would like to recognize two patriots from Pueblo, Colorado who have made significant contributions to our nation's recovery efforts.

Pueblo County Coroner James Kramer, and Brian Cotter, a mortician, were members of the Disaster Mortuary Response Team that went to New York City to aid in the recovery effort at the World Trade Center disaster site. They were at ground zero with other forensic pathologists helping to recover and identify the individuals who we lost in the disaster.

Mr. Speaker, James Kramer and Brian Cotter committed their expertise to our country during an overwhelming time of need. Just as we have seen with the rest of the country, both James and Brian provided some stability to our nation at a time of crisis. I am proud to have this opportunity to recognize these understanding individuals for their significant contributions to the recovery and relief effort in New York City following the World Trade Center disaster. James Kramer and Brian Cotter deserve our recognition and praise.

TRIBUTE TO STUDENTS OF NORTH ELEMENTARY SCHOOL IN TAYLORVILLE, IL

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 2001

Mr. SHIMKUS. Mr. Speaker, I rise today to pay tribute to the students of North Elementary School in Taylorville, Illinois, and their important and heartwarming efforts to help those affected by terrorism.

On October 11th, 2001, President Bush made a request of the children of America. He challenged each of them to earn and send in one dollar. This money, sent by the kindness of the children of the United States, will be used to reach out to the unfortunate children in far off Afghanistan.

The students of North Elementary School heard and met that challenge. I recently received a check for \$348.00, made out to America's Fund for Afghan Children—that's one dollar for each student in North Elementary. But this was only a part of the total money the students raised. In fact, through a

variety of efforts in the month of October—including a Student Council penny drive and a PTA sponsored fundraising dinner—the students of North Elementary managed to gather an amazing sum: \$1,668, over five times what our President requested. The remainder of the money, it was decided, will go to the Red Cross to aid victims of the September 11th tragedy here in the United States.

The students, parents, faculty, and members of the Taylorville community should be recognized for their fine efforts. The terrorists believed they could accomplish their goals with the murder of American innocents; but the American citizens have responded with aid to the innocents of Afghanistan. Nothing else could better show how utterly Al Qaeda has failed.

Mr. Speaker, as President Bush said in his announcement of the Fund for Afghan Children, "One of the truest weapons that we have against terrorism is to show the world the true strength of character of the American people." The children of North Elementary have shown that character, and they deserve our thanks. May God bless them, and may God bless the United States of America.

TRIBUTE TO DR. CLARENCE
ROMERO

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 2001

Mr. CALVERT. Mr. Speaker, it is an honor today to rise and pay tribute to Doctor Clarence Romero, associate professor of psychology, at Riverside Community College upon being named the 2001 United States Professor of the Year. My congressional district is privileged to have Dr. Romero teaching our young adults as he is one of only four awardees recognized each year for extraordinary dedication to undergraduate teaching.

Skillful, enthusiastic and innovative teachers change the lives of countless students for the better by encouraging curiosity and understanding and by contributing to the development of mind and spirit.

The United States Professors of the Year program, presented by The Carnegie Foundation for the Advancement of Teaching and directed by the Council for Advancement and Support of Education, is the nation's most highly respected program to recognize outstanding faculty. The Professor of the Year represents the thousands of dedicated university and college instructors throughout the nation who serve their students, their community and their state with vigor and talent.

Mr. Speaker, the United States has long supported excellence in undergraduate teaching through competitively funding faculty salaries and other initiatives making our system of higher education the envy of many nations. The quality of life and the scope of opportunity for many future citizens will be determined by the quality of teaching in the classroom.

Therefore, I join with all of the citizens in my district in thanking and congratulating Dr. Clarence Romero as he is honored for his devotion to teaching the young minds of our future generations.

HONORING DANIEL S. GOLDIN AS
THE LONGEST SERVING ADMIN-
ISTRATOR OF THE NATIONAL
AERONAUTICS AND SPACE AD-
MINISTRATION

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 2001

Mr. GORDON. Mr. Speaker, I rise today to commend Dan Goldin, who is leaving his position as administrator of the National Aeronautics and Space Administration. Dan, who was appointed on April 1, 1992, is the longest-serving administrator in the history of NASA. On March 5, 2001, his time in office surpassed that of James Fletcher, who held the previous record of nearly nine years during two separate terms.

As ranking member of the Committee on Science's Subcommittee on Space and Aeronautics, I have worked with Dan for many years. I have learned that his passion is not limited to the exploration of space. He also cares deeply about the possibilities of science and space to inspire life on Earth. I certainly know that many students in Middle Tennessee have been encouraged and inspired by Dan's vision for space exploration.

Dan initiated his tenure at NASA by leading an agency-wide process to define a NASA Strategic Plan as the consensus definition of the agency's mission and goals. The core guidance in this document states: "NASA's mission success starts with safety. A commitment to safety permeates everything we do." Dan has not wavered in enforcing this priority in every aspect of the agency on the ground and in space.

During Dan's tenure, the International Space Station went from the drawing boards to a fully functional, permanently staffed orbital research laboratory. He directed the Space Station redesign, holding together the coalition of international participants while incorporating the former Soviet Union hardware elements into the design. By developing the cooperative Mir research program with Russia, he enabled Space Station partners to conduct long-term space flight research even before the International Space Station was operational.

Dan's comprehensive strategy for space exploration is exemplified by the "Origins Program." He initiated this program with objectives to understand how the universe has evolved, to learn how life began on Earth, and to see if life exists elsewhere. He formulated a rescue plan for the installation of a "contact lens" on the Hubble Space Telescope, leading to startling discoveries of the cosmos. Dan has challenged the Origins scientists to search for Earth-like planets within 100 light years of Earth. He also has laid the foundation to complete the first scientific census of the solar system and to send the first probe into Interstellar space.

Dan has been a vigorous proponent for increased exploration of Mars. He has established a series of robotic missions that will visit the planet every two years for the next decade and has assured that the public will share in the excitement of Mars exploration. His direction to provide Internet access for the Mars

Pathfinder mission resulted in more than three-quarters of a billion "hits" from people tuning in to the site.

In 1998, Aviation Week & Space Technology magazine honored Dan with the Laurel Award for outstanding achievement in aviation and aerospace. The award was presented along with the commentary that Dan has "delivered on his promise to reshape NASA into a model government agency."

This year Dan was awarded one of one of France's highest and most distinguished honors: the "Officer of the Legion of Honor." This award recognized his contribution to the development and broadening of American-French civil space cooperation through cooperative ventures including the International Space Station, Mars exploration, Earth observations, and the flight of French astronauts aboard the Space Shuttle.

Under Dan's leadership NASA has reached out to honor the victims of last month's terrorist attacks in New York. The next mission of the Space Shuttle Endeavour will carry "Flags for Heroes and Families." Thousands of American flags will be carried into space by Endeavor and its seven member crew and, upon return to Earth, will be distributed to the victims' families and survivors of the September 11 attacks.

Dan always recognized NASA's potential to inspire students to elect careers in science mathematics and engineering. His personal leadership and the NASA programs that he supported have involved hundreds of students in hands-on research experiences. NASA's Summer High School Apprenticeship Research Program not only allows the students to actually participate in research, but it also pays them a salary as well. This intensive science and engineering apprenticeship program is specifically designed to attract and increase under-represented students' participation and success rates in mathematics, science, technology and engineering courses.

Mr. Speaker, the nation is fortunate to have such outstanding public servants as Administrator Goldin. He has led NASA and its international partners in exploring the frontiers of space and inspiring benefits to life on Earth. Accordingly, it is appropriate today that we recognize and highly commend Daniel Goldin as the longest serving administrator of NASA and that we express our appreciation for his leadership of the nation's space program.

ECONOMIC SECURITY AND
RECOVERY ACT OF 2001

SPEECH OF

HON. BILL LUTHER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 24, 2001

Mr. LUTHER. Mr. Speaker, the events of September 11th have transformed the policy agenda for our Nation. Over the past six weeks, we have witnessed truly heroic acts by individuals and organizations on behalf of the victims and their families. We have also seen this body work in a truly remarkable bipartisan fashion. In short, the nation has united behind a cause in a manner we have not seen in over a generation.

Our global campaign to root out terrorism will be a long-term commitment requiring patience and, most importantly, sacrifices from all involved. Previous generations have endured and prevailed in unified international efforts in the name of freedom and democracy—and they all required patience and sacrifices from the American people. In this vein, I believe any economic stimulus package passed by this Congress should reflect the reality that our top priority must be to drive the war effort while improving security and maintaining prosperity at home.

Unfortunately, H.R. 3090 is not that kind of package. \$10 billion is devoted to reducing the capital gains tax, a proposal that Alan Greenspan recently told Congress would have virtually no stimulative economic value. In addition, not one dollar goes to important infrastructure improvements to secure our airports, seaports, dams and power plants, or to protect us from bioterrorism. A responsible stimulus package should include meaningful provisions to improve security for the American people. This would, in turn, contribute to consumer confidence and create a positive ripple effect through the economy.

This Congress needs to continue the bipartisan approach of the past few weeks and develop a stimulus package that truly serves the interests of our country. This is not the time to be passing legislation that is little more than a grab bag of goodies for special interests. Rather, this is the time to be appealing to the greater good of the American people. They are willing to do what it will take to win this war—we just need leadership in Congress that measures up to the courage and will of the American people.

TRIBUTE TO ROBERT
ROUMIGUIERE

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 2001

Ms. WOOLSEY. Mr. Speaker, I rise today to honor Robert Roumiguere, a Marin County political leader who served on the Board of Supervisors for 22 years. Mr. Roumiguere died on November 5, 2001, of a heart attack.

Mr. Roumiguere will be remembered especially for his role in creating parks in Central Marin and preserving open space on the County's ridgelines. He was also instrumental in securing acquisition of the Northwestern Pacific railroad right of way in hopes of creating commuter rail service and fought for improvements to the Highway 101 Freeway and use of Hamilton Field as a business hub.

As a fiscal watchdog, Mr. Roumiguere sought to curb county spending. His tenacious negotiating style focused on bringing stakeholders together to find common ground. He was able to work with both Marin business community and environmentalists to achieve consensus.

After his 22 years as Supervisor, Mr. Roumiguere served on the county employees' retirement board. He had a background in the real estate business in Marin County and often shared the products of Roumiguere Vineyards

(Big Red), which he purchased in Lake County in 1980. His involvement with civic groups includes the Man'n Council of Boy Scouts of America, Marin Board of Realtors, Marin Shakespeare Festival, San Rafael High School PTA, and the Louise A. Boyd Marin Museum.

Mr. Speaker, I am proud to recognize Robert Roumiguere for his many contributions to our community. His vision for Marin County will continue to inspire all of us—and he will be sorely missed.

RECOGNIZING PETER VANG

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 2001

Mr. RADANOVICH. Mr. Speaker, I rise today to recognize Peter Vang for receiving the Portraits of Success Award presented by KSEE-24 and Companies that Care. This award pays tribute to Mr. Vang's involvement in the Asian-American community. Peter's active involvement has made him a role model for the members of his local community.

Mr. Vang is currently a staff analyst for the Fresno County Human Services System, acting as a community liaison between the refugee community and the Human Services System. He also coordinates and hosts the Southeast Asian Talk Show series on Radio KVIF 900 AM.

Mr. Vang has served the Southeast Asian community through his innumerable undertakings. He has served in many different Southeast Asian organizations and is the founder of the Hmong American Citizens Alliance and Co-founder of the Laotian Chamber of Commerce.

His accomplishments have earned him a Portraits of Success Award, presented by KSEE-24 and Companies that Care in recognition of Asian-American Heritage Month.

Mr. Speaker, I rise to recognize Peter Vang for his commitment to improving the lives of the people in the community, I urge my colleagues to join me in wishing Mr. Vang many more years of continued success.

HONORING PASTOR JOSEPH W.
AND JOYCE ELLWANGER

HON. THOMAS M. BARRETT

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 2001

Mr. BARRETT of Wisconsin. Mr. Speaker, I am honored to recognize the work of Pastor Joseph and Joyce Ellwanger as they retire from Cross Lutheran Church after more than thirty years of service to both their congregation and the people of Milwaukee.

Pastor Joe began his ministry at St. Paul Lutheran Church in Birmingham, Alabama, during the era of the civil rights movement. It was at this time that he became committed to serving the poor and supporting social justice issues, this mission would become the framework for his life. In 1965, he joined the Rev-

erend Martin Luther King Jr., and several members of the Southern Christian Leadership Conference in meeting with then—President Lyndon B. Johnson and petitioned him to swiftly pass the Voting Rights Act.

The Ellwangers came to Milwaukee in 1967 to serve Cross Lutheran Church. They strengthened the faith and ministry of the Church and reached out to outlying communities. Through their leadership and vision, the congregation has become one known for its racial diversity, social justice, and emphasis on youth ministry.

Both Pastor Joe and his wife, Joyce, saw the necessity of working ecumenically with others to obtain justice ministry in the life of the faith community. Pastor Joe's commitment is made evident through the creation of MICA (Milwaukee Innercity Churches Allied for Hope), and participation in AODA Treatment Committee and the Education Committee. Joyce's dedication to serving others has been made visible through her coordination of outreach programs in community organizations, such as the World Food Day for Hunger Task Force, and the Hope House.

During their 34 years in Milwaukee, Pastor Joe and Joyce have impacted our community in many positive ways, and they will be sorely missed. I am proud to join the members of Cross Lutheran Church in thanking them for their service to the people of Milwaukee, Wisconsin. Please join me in honoring Pastor Joseph and Joyce Ellwanger for their enormous contributions and wishing them well in the future.

125TH ANNIVERSARY OF THE
AMERICAN CHEMICAL SOCIETY

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 2001

Mr. HOLT. Mr. Speaker, "Some 2,500 years ago, the Greek philosopher Aristotle postulated that all matter is comprised of four basic elements: earth, water, air, and fire. The idea dominated science until the late 18th century, when revolutionaries from rival nations transformed chemistry from a jumble of medieval alchemy into a true science."

This quotation, from the American Chemical Society's Frontiers of Knowledge, provides us with a perspective on chemistry's birth and its role as a cornerstone of modern science. I rise today to congratulate the American Chemical Society on the 125th anniversary of their establishment. The ACS has been both a symbol and active advocate for basic and applied research and the promotion of the benefits of a healthy and active chemical industry.

The interaction between science, government, and the vitality of our nation are closely linked. Developments in chemistry are reflected in policy and public priorities throughout the world. This was probably far from the thoughts of the founders when they first met in New York on April 6, 1876 to organize the Society. As late as 1901, one of ACS' past presidents predicted a membership of nearly 10,000 chemists on their 100-year anniversary in 1976. In fact, membership in ACS reached

10,603 in 1917 and is over 163,000 today. To put ACS' inaugural year in perspective, this same year saw the issuance of a U.S. patent on the telephone to Alexander Graham Bell, the defeat of General Custer at Little Big Horn, and the formation of the National League of Professional Baseball Clubs.

The need for a national organization to support chemists was reflected in an overwhelming number of early requests to form first a local New York City society and then a national society. The first regularly-scheduled meeting of the ACS took place on May 4, 1876. Annual dues were \$5. ACS was still a New York corporation in 1937 when it reincorporated under an act of Congress, signed into law by President Franklin D. Roosevelt as Public Act 358. ACS headquarters soon found a home in Washington, DC. Proceedings of the meetings were communicated to the chemical community through the publication of the *Journal of the American Chemical Society*, beginning in 1879. This journal was created to keep chemists informed about developments on the chemical frontier and is still the primary forum to communicate achievements in chemistry today.

Developments in chemistry often paralleled national and global events. The impetus supplied by both World Wars I and II had an enormous impact on science and technology, and thus the nature of the ACS and the worldwide chemical enterprise. In fact, the end of WWII saw ACS as the new trustee of the Petroleum Research Fund, to be used solely to support advanced scientific education and fundamental research in the petroleum field. Petroleum security and supply remains one of the more crucial issues being addressed by professional chemists even today.

In the mid-1960s, the growing role of the federal government in funding scientific research caused ACS to intensify their work in public affairs. They began to develop congressional testimony and public statements of the Society's position on a number of important matters under consideration by Congress and other federal agencies, including the government's cutbacks in space and military research and development. ACS was instrumental in helping chemists protect their jobs during economic downturns in these industries and to enhance the professional image of the discipline.

In the late 20th century, significant developments in the field of electronics and microprocessor technology resulted in a sea change in analytical instrumentation, from chromatographs, both gas and liquid, to spectrometers, to wet chemistry systems. The development of fiber optic cables improved the storage and transmission of chemical data. As a result, ACS Division of Computers in Chemistry was formed in April 1974. Chemistry was becoming an integral part of the new global economy and information network. This is particularly relevant in northern New Jersey where ACS has spearheaded efforts to make this area a global leader in the development and production of pharmaceuticals.

Over the last several decades, ACS realized that the public's view of the chemical industry was becoming tainted by some high-profile cases of contamination, initially triggered by the publication of Rachel Carson's "Silent

Spring" and further reinforced by chemical releases endangering public health at Love Canal and Bhopal, India. To offset these events, ACS encouraged the establishment of the Chemical Manufacturers Association's (now the American Chemistry Council) Responsible Care Program. The goals of the program are to improve the chemical industry's performance on issues of health, safety, and environmental quality, and to improve the industry's response to public disquiet. ACS further responded to environmental concerns in January 2001 by making the Green Chemistry Institute part of their headquarter operations. GCI is designing new chemical products and processes that reduce or eliminate the generation and use of hazardous substances.

The success of ACS at their 125-year mark is demonstrated by a membership more than 163,000 strong, 33 discipline divisions, and the publication of 34 different professional journals and magazines which contain more than three million pages of original, peer-reviewed research findings. ACS has been a leader in promoting science and the chemical profession and I hope that this body will anticipate celebrating their bicentennial anniversary to mark the next 75 years of achievements.

PAYING TRIBUTE TO JOHN AND MERLE GLENN

HON. SCOTT MCINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 2001

Mr. MCINNIS. Mr. Speaker, I would like to take this opportunity to recognize John and Merle Glenn for their contributions to the American Red Cross. For over three years, the Glenns have volunteered their time and effort to their local Red Cross chapter.

While trying to stay active after their retirement, the Glenns began to volunteer their time and to contribute to their community. This year alone they have responded to over 150 calls from the organization. They have responded to disasters ranging from air crashes to wildfires, and the World Trade Center disaster. Recently they have donated their time to train New York state volunteers in the alleviation of fires in urban environments.

As is common in the Red Cross, volunteers only receive compensation for expenses while on assignment. The Glenns have often overlooked this formality in response to calls. They have amassed thousands of miles on their personal vehicles and have not sought reimbursement.

Mr. Speaker, it is a great honor to recognize John and Merle Glenn for their volunteer efforts to the American Red Cross. Their dedication to helping others in a time of need reflects positively upon themselves and their community.

PERSONAL EXPLANATION

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 2001

Mrs. MALONEY of New York. Mr. Speaker, on November 6, 2001, I was unavoidably detained and missed rollcall votes numbered 426, 427, and 428. Rollcall vote 426 was on the motion to suspend the rules and agree to Senate amendments to the Need-Based Educational Aid Act; rollcall vote 427 was on the motion to suspend the rules and pass, as amended, the Financial Services Antifraud Network Act; and rollcall vote 428 was on the motion to instruct conferees on the Aviation Security Act.

Had I been present I would have voted "yea" on rollcall votes 426, 427, and 428.

PASTOR ALBERT W. BAHR: FIFTY YEARS OF CHRISTIAN LEADERSHIP

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 2001

Mr. BARCIA. Mr. Speaker, I rise today to honor Pastor Albert W. Bahr upon the occasion of the 50th anniversary of his ordination in the Lutheran ministry and his many years of faithful service to the Lord as spiritual leader to Christian followers in New York, Missouri, Wisconsin, and Michigan, including the past 10 years as administrative pastor of Immanuel Lutheran Church in Sebewaing, MI. Pastor Bahr also served at St. John Lutheran Church in Port Hope, MI.

Those who know Pastor Bahr say his introduction to the Lord's grace and good works began at his mother's knee soon after his birth in Seaford, Long Island, NY on June 2, 1924. His formal religious training culminated with his ordination on November 11, 1951, at St. Martini's Church in Milwaukee, WI. Since then, Pastor Bahr has dedicated his life to directing people of all ages and backgrounds to our Savior. Pastor Bahr has positively enriched many lives beyond measure and his influence will be felt for generations to come.

It has been Pastor Bahr's mission to serve in a multitude of capacities at the Congregational, Circuit, District and Synodical levels of the Lutheran Church. His spiritual devotion has also called him to spread the word of God through Christian example in community activities outside the parameters of his ministry. During his 50 years of service, Pastor Bahr has achieved many successes and played a pivotal role in myriad projects, including leading efforts to build two magnificent churches. Pastor Bahr's faithfulness and dedication in sharing with others the good news of God's love in Christ has made him a beacon of hope and grace to the congregations to which he has ministered and to the larger communities where he has lived and preached.

Pastor Bahr would be the first to acknowledge that the love and support of his wife, Loide, has been an integral element in his

success. Others know that the guiding hand of parental examples clearly led their six sons, Paul, John, Joel, Seth, Mark, and David, and their daughter, Mary, to active roles in the church. Six of the Bahr children are engaged full-time in church service and one is an active lay leader.

Finally, Mr. Speaker, I ask my colleagues to join me in praising Pastor Bahr for all he has done to meet the spiritual needs of his flock and in wishing him continued strength and good fortune in spreading God's word for years to come.

MEMORIAL TRIBUTE TO HOWARD HILL

HON. HOWARD P. "BUCK" McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 2001

Mr. McKEON. Mr. Speaker, recently a wonderful friend of mine lost his life. On August 15, 2001, Howard Lydell Hill passed away at the age of 61. Howard's death is a great loss to his family and his friends, as well as to the entire community. He was a kind, caring, and capable man who was always generous with his time and talents in order to help others.

Howard was born on March 30, 1940 in Utah to Franke and William Hill. His family moved to California in 1941 and settled in Burbank. During his youth, he forged numerous life-long friendships. Many of those persons attended his burial, offering testimony to the high quality of his character.

Howard led an exemplary life as a longtime resident of Newhall. He and his wife, Carolyn, were married 39 years and raised seven children. He cherished his family and was a loving husband, father, and grandfather. Howard truly loved God, his family, and his fellow man.

Howard possessed a sharp mind and had a strong background in math and physics. He attended Brigham Young University, where he learned the compounding of plastics. After joining Keysor-Century as a production foreman, he held increasingly important managerial positions at plants in Delaware and in the Santa Clarita Valley. Howard assumed the position as CEO in 1982. He was an innovative man with a keen intellect and was able to manage the company extremely well.

In addition to his business endeavors, Hill was an invested community participant. He served as a governing board member for the Newhall School District from 1977-1985 and was one of the finest board members the Santa Clarita Valley has ever seen. He was a counselor for young singles at the Church of Jesus Christ of Latter-day Saints, Newhall, second ward, a former church bishop and counselor to the stake president, a Henry Mayo Newhall Memorial Hospital board member from 1986-1994 and a board member for the Santa Clarita Valley Boys and Girls Club. Howard had a genuine interest, and heartfelt concern for children and their education. He loved working with youth and young adults and was a father figure to many.

Although Howard leaves a legacy of service that will long be remembered by our community, his family and friends will remember him

best as a great man with a kind heart and tremendous integrity—one who was devoted to making his world a better place.

TRIBUTE TO THE WORLD CHAMPION ARIZONA DIAMONDBACKS

HON. JOHN B. SHADEGG

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 2001

Mr. SHADEGG. Mr. Speaker, I rise today to honor and pay tribute to the World Champion Arizona Diamondbacks.

The 2001 World Series has left poets and historians searching for ways to digest where it fits into the fabric of great sporting events we have witnessed in a lifetime. Unquestionably, it was the greatest sporting event I have ever witnessed and it's bound to have a lasting impression on my son who sat beside me at game seven. The 2001 World Series explained why they play, and why we watch.

The world found out on Sunday night that miracles do happen, they just don't always happen for the New York Yankees. Sunday was the Arizona Diamondbacks chance to be the "Phoenix" rising from the ashes in the ninth inning.

The Yankees three straight dramatic wins in New York supposedly had the Diamondbacks demoralized and beaten. It was only a matter of finishing the series and collecting the rings. But "destiny" and "momentum" only go as far as your last game.

The Diamondbacks showed tremendous talent and heart to overcome the magic of the Yankees comeback wins. The Yankees came to Arizona with seemingly insurmountable momentum. However, it evaporated in Phoenix on Saturday as the New Yorkers and their fans endured a 15-2 drubbing. The stage was now set for one of the most memorable game sevens in baseball history.

The game seven pitching match up of Curt Schilling and Roger Clemens had all the makings of a classic duel. Both had Cy Young Award worthy seasons and they both dominated throughout the post season. On top of that, Schilling attributes his success over the past few years to a "talking to" Clemens gave him. Before the game Schilling said he felt like he was in an essay contest with Hemingway or a "paint-off" versus Picasso.

And then, on Sunday night, after the Yankees took a 2-1 lead late and appeared headed to their fourth straight world title, the Diamondback miracle happened: The Yankees had gotten the seventh game right to where they wanted it, with a one-run lead and the ball in the hands of their phenomenal closer, Mariano Rivera. But Rivera, virtually unhittable at all other times, gave up four hits, two runs, the lead, the game and the series. The Arizona Diamondbacks beat the best to become the best!!!

The Diamondback victory really comes down to the overwhelming desire of great baseball players to reach the pinnacle of their sport. From the first day of spring training, rookie manager Bob Brenly and D-Back players, had a goal of not just getting to the World Series but winning the World Series. They

never looked away from it and emerged from a very dark moment until the light of triumph was blinding.

While the entire Diamondback franchise—from owner Jerry Colangelo to third base coach Chris Spier—played a part in their World Series victory, I want to single out two remarkable D-Backs who will go down in history as the most feared one-two pitching punch in baseball. Congratulations Randy Johnson and Curt Schilling for being awarded Co-MVPs of the World Series.

Mr. Speaker, I want to thank the Arizona Diamondbacks and the New York Yankees for treating fans across the country to a thrilling World Series. Two classy teams rose to the top of both leagues this year, and they gave us a World Series for the ages. They gave us the pure entertainment of a great sport played at its highest level and got this country's mind off darker concerns for a couple of weeks.

HONORING EMERGENCY SERVICE WORKERS DURING LOCAL HEROES WEEK

HON. CHET EDWARDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 2001

Mr. EDWARDS. Mr. Speaker, it is particularly fitting, in the wake of the tragic events of September 11th, 2001 and the courageous and selfless acts of heroism by New York's police, firefighters and rescue workers which were witnessed and acclaimed by the world, that we extend our gratitude to police, fire and emergency service workers in all of America's communities. The citizens of Bell County and Copperas Cove, Texas in my congressional district are honoring these public servants, from November 18-24, during the 10th observance of Local Heroes Week.

This expression of appreciation to our local public safety workers for their service to Central Texas, which has grown every year since its inception in 1992, raises funds from area businesses and organizations to endow scholarships at Central Texas College for their immediate families.

As a community, we owe a special thanks to the police officers, fire fighters and emergency workers we honor and our sincere appreciation to those who organize Local Heroes Week. The recent tragedies at the World Trade Center in New York and at the Pentagon in Arlington, Virginia remind us that every day, in every city and county in the country, these men and women put their lives on the line to protect us from harm.

Mr. Speaker, I ask the Members of the House of Representatives to join me in honoring these local heroes, in Copperas Cove and Bell County, and across the nation. They define the spirit of public service and we are grateful.

COMMENDING DAVID AND META
KLEIMAN FOR THEIR CIVIC COMMITMENT

HON. JULIA CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 2001

Ms. CARSON of Indiana. Mr. Speaker, these are times to especially honor civic commitment of the sort that serves as powerful example to all Americans. Today I am privileged to commend to the nation two distinguished citizens of Indianapolis, Indiana, David and Meta Kleiman, who will be specially honored this evening at the Indianapolis-Israel Dinner of State.

True friends of the city, the Kleimans have lived their lives as models of civic virtue for all to emulate. David has served on many Jewish organizations, including the Jewish Federation of which he was president from 1981-84. He has also served as president of the JCCA, the Indiana Jewish Historical Society, and B'nai B'rith Lodge No. 58.

A leading partner with the law firm Dann, Pecar, Newman & Kleiman, Mr. Kleiman's life has featured even greater commitment to the community at large, including distinguished service as Chairman of United Way, President of the Indiana Repertory Theater and leadership roles in diverse Indianapolis community organizations of great value to the life of the city.

Meta stands with David in her own commitment to civic virtue. She has served as President of IHC's Sisterhood and has chaired the Federation Women's Division and the Federation's Committee on Aging. Her advocacy for the elderly was marked, as well, by her service as President of Park Regency. On the national stage, Meta has served on the boards of the Association of Reform Zionists of America and the National Federation of Temple Sisterhoods, chairing the Sisterhood's Israel Committee.

The Kleimans have been recognized in their home community with the Mossler Community Service award and the Ivan Chalfie award, important honors in the city of Indianapolis. In addition, Meta has received the L.L. Goodman award and David has been recognized as B'nai B'rith Man of the Year.

Individually and together, the Kleimans' contributions to the United States, to Indiana, to Indianapolis and to Indiana's 10th Congressional District are in the highest tradition of selfless public service. I ask, Mr. Speaker, that you and my colleagues in the People's House join in commending each of the Kleimans for their lives of service, celebrating their civic virtue and commitment.

CONGRATULATING PATSY MILTON

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 2001

Mr. RADANOVICH. Mr. Speaker, I rise today to congratulate Patsy Milton for receiving a 2001 Common Threads Award. This

EXTENSIONS OF REMARKS

award is presented to women in agriculture who have made a remarkable contribution to their community through volunteer work and philanthropy.

Patsy Milton has been a passionate advocate for educating others on the importance of agriculture in their lives. Patsy, her husband Rick, and their family raise stone fruit and grapes in the area surrounding Parlier, California. She and her husband are highly involved in the Fresno County Farm Bureau. In the Farm Bureau, Patsy has been the coordinator of the Ag in the Classroom program since its inception in 1987. Her community involvement includes the Reedley Fresh Fruit Festival, Riverview School Parent Teacher Club, Reedley High School Band Boosters, Reedley Drama Club, and Christ Lutheran Church in Reedley. In 1995 she received the California Foundation for Agriculture in the Classroom Volunteer Award.

Mr. Speaker, I rise today to congratulate Patsy Milton for earning a 2001 Common Threads Award. She has shown outstanding involvement, not only in agriculture, but also in strengthening her community. I urge my colleagues to join me in wishing Ms. Milton a bright future and continued success.

PERSONAL EXPLANATION

HON. CHRISTOPHER SHAYS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 2001

Mr. SHAYS. Mr. Speaker, on November 6, I was in Connecticut participating in our local elections and, therefore, missed three recorded votes.

I take my voting responsibility very seriously and would like the CONGRESSIONAL RECORD to reflect that, had I been present, I would have voted "yes" on recorded vote No. 426, "yes" on recorded vote No. 427, and "yes" on recorded vote No. 428.

PAYING TRIBUTE TO WILLIAM G.
AIKEN

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 2001

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to recognize William G. Aiken and his contribution to this country during World War II. Bill began his service in 1943 at the invasion of Salerno, Italy and fought courageously to defend freedom and this great country.

Mr. Aiken operated mortars in the 84th Mortar Battalion of the 5th Army. He was tasked with the assignment of providing artillery field support to the invading allied forces. As such, Aiken's unit was often in the lead of several invading beach assaults; including nine tenuous days on the beaches at Salerno where they clung to the beachhead as the Nazis tried to repel Aiken's squad and the rest of the American units. Mr. Aiken returned to Colorado after the war and retired in 1978. Among

November 8, 2001

his decorations are the Purple Heart for wounds he received in combat and the Bronze Star for valor.

Mr. Speaker it is a great privilege to recognize William G. Aiken for his service to this country. He served selflessly in a time of great need, bringing credit to himself and this nation. If it were not for men like Bill, we would not enjoy the freedoms we so value today.

HONORING JUDGE STANLEY A.
MILLER

HON. THOMAS M. BARRETT

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 2001

Mr. BARRETT of Wisconsin. Mr. Speaker, I am honored to pay tribute to the work of Judge Stanley Miller. Through his service in the Milwaukee Courts, our city was provided with not only a fair arbitrator, but also a mentor who was deeply committed to improving our community.

Judge Miller's leadership was evident from the very beginning of his career. While attending the University of Wisconsin Law School, Miller was elected the first African American president of the Student Bar Association.

He went on to serve our community for more than 20 years on the Milwaukee Municipal Court and Milwaukee County Circuit Court. Judge Miller knew that justice began with equal representation of the community on the bench, and for this reason, he encouraged many African American attorneys to become judges.

Judge Miller believed in our youth. He stressed the importance of preventing crime and worked tirelessly to keep kids out of the court system. From the bench, he urged professionals to be more vigilant of the needs of children, before serious problems arise.

Through his years of work in the courts and in our community, Judge Miller set a high standard for those who will follow him, and he will be deeply missed. I join the residents of Milwaukee in extending our condolences to his family, and honoring this great man.

NATIONAL MEDICAL EMERGENCY
PREPAREDNESS ACT OF 2001

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 2001

Mr. SMITH of New Jersey. Mr. Speaker, today I am introducing legislation, the "National Medical Emergency Preparedness Act of 2001" to create at least four new National Medical Preparedness Centers within the Department of Veterans Affairs. These centers would develop contemporary diagnostic and treatment programs, as well as teaching protocols to deal with the many possible chemical, biological and radiological threats that may confront our Nation at this dangerous time. I am joined by distinguished colleagues of the Veterans' Affairs Committee: LANE EVANS, our Ranking Member; MIKE BILIRAKIS, our Vice

Chairman and Chairman of the Energy and Commerce Subcommittee on Health; STEVE BUYER, our Chairman of the Subcommittee on Oversight and Investigations; and CLIFF STEARNS, our former Chairman of the Subcommittee on Health and Chairman of the Energy and Commerce Subcommittee on Commerce, Trade and Consumer Protection.

As we watch with deep concern the unfolding events and investigations regarding anthrax in Florida and New York, in my own Congressional district in Trenton, New Jersey, and now here in Congress, in the Brentwood Post Office and a number of other locations, I believe that it is imperative that Congress ensure our Nation better prepare itself for incidents of terrorism. We need timely, effective, and comprehensive responses to protect the health of the American people, and that is why my colleagues and I are introducing this bill. The new centers would be under the general umbrella of the Department of Veterans Affairs, but would have special—even unique—missions that encompass a much larger role in protecting Americans.

The bill calls for the establishment of at least four geographically dispersed locations. Each center would independently study and work toward solutions to problems emanating from exposure to dangerous chemical, biological and nuclear weapons. Although the VA would oversee these new centers, their work products should provide for the general welfare of the people. Mr. Speaker, we have learned a great deal in the last month about our health system's ability to recognize and respond to a biological attack. It is clear to me and the cosponsors of this legislation that there needs to be a significant investment in teaching health professionals about the effects of chemical, biological and nuclear agents. While health care specialists in the Armed Forces have developed a substantial body of information, their mission does not extend to teaching and assisting community health care providers throughout the United States. Further, we have seen the limitations of the Centers for Disease Control and Prevention in responding to outbreaks and attacks. The VA health care system is an important piece to addressing the problems we currently face.

Perhaps what is most important about the VA's capability is that it already exists in the 54 states and territories. The VA consists of 171 hospitals, 800 outpatient clinics and other facilities with their 182,000 employees including 14,000 physicians, and 60,000 nursing personnel of whom 37,000 are registered nurses. This represents a federally-appropriated resource with centralized command and control leadership that is the largest fully integrated health care system in the United States. In past disasters, the VA hospital has sometimes been the only operational medical facility in affected localities. This widely dispersed but integrated healthcare infrastructure makes the VA an essential national asset in responding to potential biological, chemical, or radiological attacks. VA's existing medical capability could be quickly expanded and enhanced with only modest investments.

The mission of these centers would be to conduct research and develop methods of detection, diagnosis, vaccination, protection and treatment for chemical, biological, and radio-

logical threats to public safety, such as anthrax, smallpox, bubonic plague, radiation poison and other hazards to human health that we may not be able to fathom today. My bill would authorize these centers to engage in direct research, coordinate ongoing and new research and educational activity in other public and private agencies, including research universities, schools of medicine, and schools of public health. The centers would act as clearinghouses for new discoveries and serve to disseminate the latest and most comprehensive information to public and private hospitals in order to improve the quality of care for patients who are exposed to these deadly elements. The skills and knowledge they produce would also help to protect health care workers, emergency personnel, active duty military personnel, police officers, and hopefully, all our citizens.

Through its extensive medical and prosthetic research and clinical care programs, VA already has expertise in diagnosing and treating viral and bacterial illnesses associated with previous serious health problems, such as the hepatitis C epidemic, the HIV pandemic, and in earlier generations, the tuberculosis crisis. In the early part of this century, a number of VA hospitals were created specifically to combat tuberculosis, which had a high incidence in the veteran population. VA currently operates two War-Related Illness Centers tasked with developing specialized treatments for those illnesses and injuries that result from veterans' combat and wartime exposures. VA has successfully launched new centers with expertise in geriatrics and gerontology, mental illness and Parkinson's disease. These centers are superb examples of what experts can do when provided appropriate resources dedicated to specific goals. They show VA's ability to organize and develop programs and provide treatment for vexing health problems. In essence, these new National Medical Preparedness Centers would study those illnesses and injuries likely to come from terrorist attacks with weapons of mass destruction, or from another national environmental or biological emergency with similar risks.

As we have seen since the anthrax incidents occurred, in many instances we possess no real protection, few treatments and only rudimentary methods of detection or diagnosis—this situation is simply unacceptable, Mr. Speaker. We need to make a major effort, and provide funding to accomplish it, such as we have done in many other cases. Whether in putting a man on the moon 32 years ago, or in combating polio closer to home, it is incumbent upon this Congress to encourage and fund solutions—in this case, to prepare the Nation to prevent or respond to the new and very real threats from terrorist use of chemical, biological and radiological poisons.

Mr. Speaker, this is a time for all of us to think hard about what has happened to us, and what we need to do about it. The President has taken the right action by deploying our military forces in search of justice overseas. We need to help him with the right solutions here at home. These centers that our legislation would authorize are the right way to proceed in this important work. Please join with us in supporting our initiative to authorize four new National Medical Preparedness Cen-

ters, working within the Department of Veterans Affairs, but working for us all.

TRIBUTE TO RILEY'S

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 2001

Mr. SKELTON. Mr. Speaker, let me take this means to congratulate Riley's Irish Pub, of Lexington, Missouri, for being recognized in a recent issue of American Profile. Riley's has played an instrumental role in revitalizing the heritage of my hometown, keeping downtown alive with activity seven days a week.

Mr. Speaker, Riley's Irish Pub is a fine restaurant and an asset to Lexington. My friends, Shirley Childs and Katherine VanAmburg, the owners of Riley's, are doing a terrific job. I know that Members of the House will join me in wishing them all the best in the days ahead.

INTRODUCTION OF THE MEDICARE+CHOICE CONSUMER PROTECTION ACT

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 2001

Mr. STARK. Mr. Speaker, I rise with a group of colleagues to introduce the Medicare+Choice Consumer Protection Act of 2001. Congress should enact this bill immediately to ensure overdue protections for Medicare+Choice enrollees who are seeing increasing costs, decreasing benefits, and fewer options to obtain affordable supplemental coverage for Medicare.

The Medicare+Choice program is an option that many seniors appreciate and it is an option that should remain viable in Medicare. Unfortunately, the problem of plan pullouts, benefit reductions, and cost increases, will never be solved by continuing to pour more money into HMOs. Even if their demands for ever higher payments are met, they will change yearly—just as our benefits do in the Federal Employee Health Benefits Program. This is because—unlike the rest of Medicare—these plans are private companies that make annual changes to their benefit offerings based on costs and other business decisions. The bottom line is that they are in business to make money. That's understandable, but it undermines program stability, and confuses beneficiaries.

The bill I am introducing today, along with a group of colleagues including Reps. GEPHARDT, RANGEL, DINGELL, WAXMAN, BROWN, KLECZKA, CARDIN, THURMAN and TIERNEY, will help senior citizens and other beneficiaries deal with the everchanging world of Medicare+Choice.

It doesn't heap any new money on the HMO industry.

Instead, it extends important consumer protection standards to Medicare beneficiaries who find themselves in a plan that no longer meets their needs. There are three major components to the bill:

(1) Eliminate the Medicare+Choice lock-in scheduled to begin going into effect in January 2002.

(2) Extend the existing Medigap protections that apply to people whose Medicare+Choice plan withdraws from the program to anyone whose Medicare+Choice plan changes benefits or whose doctor or hospital leaves the plan.

(3) Prohibit Medicare+Choice plans from charging higher cost-sharing for a service than Medicare charges in the fee-for-service program. This provision is crafted to continue to allow reasonable flat-dollar copayments.

The bill is endorsed by a host of senior and consumer advocacy organizations including: the National Committee to Preserve Social Security and Medicare, Alliance for Retired Americans, National Council on the Aging, Families USA, The Medicare Rights Center, California Congress of Seniors, and California Health Advocates. They've endorsed it because the three components are each important consumer protection improvements for beneficiaries in Medicare+Choice plans.

Eliminating the lock-in means that no one will be forced to stay in a health plan that doesn't meet their needs. When seniors get marketing material from an HMO and choose to join, they don't know what illnesses will befall them or what injuries may occur. If they picked a plan that suddenly doesn't meet their specific needs, they need to be able to get out. The lock-in prohibits that flexibility. Especially with the volatility of the Medicare+Choice marketplace over the past several years, it is important that seniors know that if they test an HMO and don't like it, they'll be able to leave and choose a Medicare option that better suits them. This is a provision that is agreed upon and strongly supported by both consumer advocates and the managed care industry.

Under current law, if your Medicare+Choice plan leaves your community or withdraws from Medicare all together, you can move into a select category of Medigap plans (A, B, C and F) without any individual health underwriting. This protection is obviously important because it makes more affordable Medigap options available to people who through no fault of their own can no longer remain members of the Medicare+Choice plan in which they had been enrolled.

Unfortunately, these protections do not extend to seniors whose plans make drastic changes, but stop short of completely withdrawing from the program. Many Medicare beneficiaries are getting letters from their HMOs describing changes to their plan for next year that are so dramatic that the plan no longer meets their financial needs, health needs—or both.

In my district, PacifiCare is pulling out of some parts of the county, but remaining in others. In the areas where they remain, they have instituted a new \$400 hospital deductible for each covered admission (up from \$100 last year), a new \$50 copayment for dialysis where there had been none, and increased Medicare-covered inpatient injectable medication cost-sharing from \$30 to \$250 or the full cost of the drug, whichever is less. By any standard, these are dramatic increases. HealthNet, which also serves my district, will now have a hospital deductible of \$750, and they have

dropped all coverage of prescription drugs,, while more than doubling their premium from \$30 to \$85 a month.

These changes may well affect the ability of current enrollees to afford to continue in the plan—and certainly could impact their ability to get needed care. It is very likely that a Medigap supplemental policy might make better sense for these beneficiaries. Therefore, it is critical to extend the current Medigap protections for when a plan terminates Medicare participation to participants of plans that have made changes to their benefits like those described above.

Those same protections need to apply if a patient's doctor or hospital discontinues participation in the Medicare+Choice plan as well. There have never been any lock-in provisions for providers that require that they continue with a Medicare+Choice plan for the full contract year. Again, it is beyond a patient's control if their doctor or hospital withdraws from their HMO. They need to have the option to follow that doctor—and that likely means being able to join a Medigap supplemental plan and return to traditional fee-for-service Medicare.

The third provision of the bill may be the most important. I am truly shocked by the level of gamesmanship going on with the cost-sharing proposals being put forth by many HMOs in their Medicare+Choice plan outlines this year. I believe that the Secretary has the latitude in current law to prohibit many of these schemes from being put in place—and I encourage him to make ample use of that power. But, I think we need a change in law that makes it perfectly clear that Medicare+Choice plans cannot charge patients more for a service than the patient would face under the Medicare fee-for-service program.

Medicare+Choice guarantees beneficiaries the same benefits they get from Medicare—plus more. If a Medicare HMO is charging \$50 for dialysis services that a patient needs to stay alive and those same costs would be approximately \$23 in fee-for-service Medicare, that is not meeting Medicare's level of benefit coverage. I can't understand why we would want to allow that. If Medicare covers home health care with no cost-sharing, why should we allow Medicare+Choice plans to diminish the value of that benefit by charging cost-sharing? The same is true with durable medical equipment, and the list goes on and on.

On top of being unfair, the ability to charge higher cost-sharing for services like DME, home health, and dialysis perpetuates the cherry picking and risk avoidance that is well-documented in the Medicare HMO program. It has the obvious unfair consequence of allowing Medicare+Choice plans to avoid patients that know they will need those services. Patients with specific health needs read the benefit package carefully to see what is covered before they enroll. They won't even apply for the plan if their needed services are too costly or not covered at all. That keeps the Medicare+Choice plans from enrolling costly patients. They've already won at delaying risk adjustment which would help solve that problem. We shouldn't let them begin to use cost-sharing as another mechanism to avoid risk.

These are common sense protections that would help beneficiaries feel more confident

about their choices. Proponents of the Medicare+Choice program should support enactment of this legislation because it will reduce the uncertainty and fear factor that makes beneficiaries understandably skeptical about the Medicare+Choice program in the first place.

The bottom line is that the Medicare+Choice Consumer Protection Act is a simple, incremental bill that will help protect Medicare beneficiaries who choose to enroll in a Medicare+Choice option. We've made this option available to seniors, and I think it is our responsibility to assure that they don't lose other options in Medicare because they've taken us up on the offer. I urge all of my colleagues to join us in enacting this small, but important bill this year.

THE INJUSTICE THAT BEFELL THE UKRAINIAN PEOPLE

HON. MICHAEL R. McNULTY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 2001

Mr. McNULTY. Mr. Speaker, I condemn the horrible injustice that befell the Ukrainian people 68 years ago. Approximately seven million Ukrainians fell victim to the famine inflicted by the Soviet government to extinguish the Ukrainian struggle for freedom. The 1932–1933 famine was a premeditated effort to exterminate the national consciousness of the Ukrainian peasantry in order to stop their continuous resistance to Leninist/Stalinist ideals.

The causes of the famine had nothing to do with the harvest. Production of grain during those years remained at the usual levels. The government confiscated the grain in order to export it to gain money for industrialization in the former Soviet Union. Such was Stalin's undeclared war against the Ukrainians' right to independence and freedom. Many Ukrainians died heroically to preserve their right to live in a free and independent state. But their deaths were not in vain—the fight for Ukrainian freedom continued on and on August 24, 1991 Ukraine finally declared its independence from the Soviet Union.

The Ukrainian people have been fighting for their independence since the 16th century. With the arrival of the Marxist/Leninist ideas at the end of World War 1, their struggle continued and intensified because of the farm collectivization efforts. Stalin's government could not frighten or punish Ukrainians enough to make them give up their land and desert their ideal of freedom and nation-statehood. Instead, his government made a decision to exterminate the sense of nation among the Ukrainian people and as a result, Stalin's government murdered a large portion of the population. Almost a quarter of all Ukrainians died in those dreadful years.

These abhorrent events were hidden from the public for the duration of the Soviet rule. Now it is our duty to bring them to the attention of the world in order to remind us all of the benefits of democracy and horrors that an oppressive government can perpetrate on its people. At this time of war, when the United States and the world battle terrorism, we once

November 8, 2001

again were reminded that it is impossible for us to tolerate any oppressive regime. In the end, America came under fire because America is the beacon of democracy and freedom.

We, together with the Ukrainian American community, will commemorate the abhorrent acts of Stalin against the Ukrainian nation on November 17, 2001 in St. Patrick's Cathedral in New York. We will remember the victims of the cowardly terrorist attacks that took place in New York, Pennsylvania, and Washington on September 11, 2001. We will mourn together the losses of our two countries and come together to celebrate the spirit of freedom that will undoubtedly persevere.

68TH ANNIVERSARY OF THE
UKRAINIAN FAMINE OF 1932 TO
1933

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 2001

Mr. LEVIN. Mr. Speaker, I rise today to commemorate the 68th anniversary of the Ukrainian Famine of 1932 to 1933, which took the lives of at least seven million Ukrainians.

It is too little known that 68 years ago leaders of the former Soviet Union deliberately employed the ruthless policies of forced collectivization and grain seizures to suppress and politically neutralize the Ukrainian people. The Soviets hoped to crush the nationalist spirit of Ukraine and replace it with a politically homogeneous Russian realm.

Historians have named this the "harvest of sorrow." Harvests in the early 1930s yielded solid crops but the Soviets imposed such harsh levies on the crops that villages were often left with nothing. The situation worsened when border checkpoints were established to prevent starving Ukrainians from entering Russia, and to prevent any food from being brought into Ukraine.

More than seven million people were cruelly starved to death because of these repressive measures. Survivors spoke of eating weeds and the bark of trees to survive and of Red Army soldiers confiscating food and livestock from the people. Eyewitnesses reported the depopulation of entire villages.

Even today the Ukrainian population has not yet fully recovered. For decades after these events, the deaths were covered up and this man-made atrocity denied by the government of the former Soviet Union. Today we remember.

As Ukraine celebrates its 10th year of independence this year, public recognition of the famine is vitally important. A national commemorative service will be held on Saturday, November 17, 2001, at St. Patrick's Cathedral in New York.

We must remember and do everything we can to prevent similar tragedies from happening again.

EXTENSIONS OF REMARKS

**RECOGNIZING THE SERVICE OF
MARK BROXMEYER**

HON. ERIC CANTOR

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 2001

Mr. CANTOR. Mr. Speaker, I rise today to recognize the remarkable service of Mark Broxmeyer. On Monday, November 12, 2001, Mr. Broxmeyer will be honored at the Holocaust Memorial and the Educational Center of Nassau County's 9th Annual Tribute Dinner. He will receive the distinguished "Community Service Award."

I have had the pleasure of working with Mark through his role as Chairman of the Jewish Institute for National Security Affairs (JINSA). Mark has worked tirelessly to provide timely, critical information to the Administration, Congress and the media on the national security of the United States and the important role of Israel in bolstering democracy in the Middle East. Israel is unique in the Middle East because it shares our values of democracy and freedom. Mark has been a vocal advocate of standing with our allies against terrorists, remaining strong in our resolve to work together to defeat them.

However, Mark's service is not limited by his dedication to defense and security issues. He continues his global service on the Board of Directors of the United Nations Economic Development Corporation and works tirelessly for national causes including being named "Man of the Year" by the United Cerebral Palsy Association. Yet service begins at home and he serves the health and well-being of his community through his work as a trustee of the North Shore Long Island Jewish Health System Foundation. He is also a member of the Board of Hofstra University.

Mr. Speaker, Mark Broxmeyer understands the importance of community service. The Holocaust Memorial and Educational Center of Nassau County have chosen well in recognizing Mark. He has dedicated himself to reaching out to the global, national and local communities, truly making a difference. I hope you will join me in congratulating Mark on this remarkable achievement and in wishing him well as he continues his good work.

**THE INTRODUCTION OF THE GIVE
FANS A CHANCE ACT OF 2001**

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 2001

Mr. BLUMENAUER. Mr. Speaker, This week, Major League Baseball owners voted to eliminate two teams prior to the start of the 2002 season. If the owners have their way, two communities that have poured their hearts and money into their teams and stadiums will be feeling worse than the residents of Mudville after the mighty Casey struck out—at least the fans of the Mudville nine were able to look forward to next year.

The Give Fans a Chance Act of 2001 gives communities a voice when sports team own-

22093

ers attempt to relocate or eliminate a team. This legislation recognizes the fact that professional sports teams are an integral part of the fabric that makes up our communities. Fans often have more than just an emotional attachment to their teams. Taxpayers frequently pay hundreds of millions of dollars to finance stadiums to keep teams in place. For example, in Houston, the public financed \$180 million of the \$250 million Enron Field. In Seattle, Safeco Field was constructed at a cost of over \$500 million with \$340 million publicly financed. Additionally, fans spend millions of dollars on tickets, merchandise, and other services surrounding the operation of franchises.

There probably has never been a better example of the link between the spirit of a community and its sports teams than New York. The Yankees, Mets, Giants, Jets, Islanders, Rangers, and Knicks have all helped bring the community together and deal with the tragedy that struck the city on September 11, 2001. The memorable World Series just completed between the Arizona Diamondbacks and the New York Yankees has in fact helped the nation heal in the wake of the terrorist attacks.

The Give Fans a Chance Act accomplishes three important objectives. The bill: (1) eliminates league rules that disallow public ownership of sports team franchises; (2) gives communities a voice in team relocation decisions; and (3) ties broadcast antitrust exemptions to the bill's requirements.

This legislation makes professional sports leagues and their team owners appropriately consider the communities of which they are a part. Taxpayers and fans contribute soul and money to the teams of their communities and they deserve a voice when the threat of team relocation or elimination steps into the batter's box.

**HONORING MR. AND MRS. JAMES
BARNER**

HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 2001

Mr. TANNER. Mr. Speaker, I rise today in honor of my dear friends, the Barner family, who have worked as West Tennessee dairy farmers for more than four decades.

James and Lois Barner, married for 53 years now, began dairying on a farm in Kenton, TN, more than 40 years ago. Eight years later, they moved their operation to nearby Martin, TN, which has been home to Barner & Sons Dairy ever since.

The couple's three sons Donnie, Ray, and Doug now oversee most of the dairy farm's daily operations, but James and Lois Barner continue to help with the over 500 head of Holstein cattle currently raised at the farm. Mr. and Mrs. Barner have four grandsons and two granddaughters, whom they hope are the start of a third generation of successful Barner dairy farmers. Mr. Barner has said two of his grandsons, Dusty and Cody, often help with chores around the dairy.

The Barners often open the farm for hands-on lessons for visiting agriculture students

from the University of Tennessee at Martin, as well as students visiting from nearby elementary and secondary schools.

Mr. Speaker, please join me in honoring Mr. and Mrs. James Barner and their family for their years of hard work on their Weakley County dairy farm and their dedicated service to their West Tennessee neighbors.

226TH BIRTHDAY OF THE UNITED STATES MARINE CORPS

HON. ANDER CRENSHAW

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 2001

Mr. CRENSHAW. Mr. Speaker, I rise today to honor the men and women of the United States Marine Corps in celebration of the Corps' 226th birthday. As our Nation reacts to the terrorist attacks of September 11, our armed forces have been asked to fight the first war of the 21st Century, a war like no other America has had to endure.

Marine Corps personnel are not adverse to new types of war, making up America's unique capability of an amphibious fighting force from the sea. United States Marines are symbols to the world of American honor, strength and character. Their lineage tells a story of the most difficult wars and conflicts the United States has ever fought.

I am honored to represent active duty, reserve, retired and former Marines in the 4th Congressional District of Florida. Their contribution to the local communities and overall mission of the armed forces enables the citizens of this great nation to reap the benefits of freedom.

The active duty Marines in my district perform the vital mission of supporting forward deployed Marine Corps personnel with sustainable wartime supplies out of Blount Island Command in Jacksonville, FL. These Marines are tasked with coordinating and executing a supply chain of warfighting tools required to perform their combat amphibious mission.

On November 10, the Marine Corps will celebrate the birth of an organization with a heroic legacy of protecting the values that built this great Nation. As we celebrate this birthday let us also remember those that have given the ultimate sacrifice for freedom.

To all Marines, I say Happy Birthday and offer the words of Admiral Nimitz regarding the make up of a United States Marine, "Among the men who fought on Iwo Jima, uncommon valor was a common virtue."

HONORING MARIE GALLO

HON. GARY A. CONDIT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 2001

Mr. CONDIT. Mr. Speaker, I rise today to honor Marie Gallo as American Legion Post No. 74's "Man of the Year." It is a distinct privilege to recognize Marie as a fine example of selfless service on behalf of her community.

It was once said that Marie Gallo is a giver, always. She is determined that her life has a

purpose, and she sweeps the rest of us along with her. No project is too enormous; no challenge goes unmet.

The list of service organizations that she belongs to is impressive. She has been honored by the Modesto Symphony Guild for her many years of support and faithful service on the Board of Directors. Like the Gallo Foundation and other family members who support countless causes in Modesto, she's often a silent benefactor. As a board member she instituted the very successful "Picnic at the Pops" on the grounds of the Gallo Winery and is responsible for instituting the Symphony Guild's "Holiday Overture" which is held at the Gallo Winery administration building during the holiday season.

Marie is also involved in community activities including chairing projects, hosting luncheons, serving on boards, and ringing Salvation Army bells. She is a driving force behind funding and building the Gallo Performing Arts Center in Modesto.

She has been honored by the Anti Defamation League for her work in bringing all races and classes of people together. She is a founding member of the Auxiliary of the Sisters of the Cross and was instrumental in bringing the contemplative order to Stanislaus County. She also belongs to the Catholic Social Service Guild and Father John Silva Education Foundation.

Marie and her husband, Bob, along with their eight children have set examples for our communities to follow. I am proud to call Marie my friend and honor her for service to our community. I ask my colleagues to rise and join me in honoring Marie Gallo.

STATEMENT OF GRATITUDE

HON. PAUL RYAN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 2001

Mr. RYAN of Wisconsin. Mr. Speaker, the events of the past months have changed both our world and our lives. Without warning, this country's civilians found themselves on the front lines in the war against terrorism. But our American spirit has prevailed. Though unprecedented obstacles continue to confront us, Americans have joined together to overcome these difficulties. Where terrorists hoped to divide us in chaos, our dedication to persevere made us stronger than ever.

The Members and staff of the House Administration Committee along with the Chief Administrative Officer and his staff, the Attending Physician, and our friends at the General Accounting Office made a vital contribution to battling the recent terrorist strike on our country. When a suspicious letter containing anthrax caused members of Senate Majority Leader TOM DASCHLE, Senator RUSSELL D. FEINGOLD's staff, and members of the Capitol Police Department to test positive for exposure, the Capitol complex closed so that an environmental sweep of the buildings could be conducted as a precautionary measure. While the Congressional office buildings remained closed much longer than had been originally expected, thanks to everyone's efforts, Con-

gress itself was able to remain active and not fulfill the terrorists' goals.

I want to thank everyone who assisted in allowing my staff to conduct business from the GAO offices while our own offices in the Longworth building were closed. Because of their generosity and flexibility, the criminals behind the spread of anthrax failed in their attempt to disrupt democracy and bring the American government to a halt. In this way, they played an important role in the ongoing war on terrorism. I greatly appreciate their willingness to accept some inconveniences in order to achieve a greater goal—to keep America working.'

MY AMERICA

HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 2001

Mr. STUMP. Mr. Speaker, we are fortunate to have talented people all across this Country who are able to take the patriotism and appreciation each of us feel for America, our freedoms and liberty and translate them into word and song. Among those talented folk is Gary Davis, who I have had the pleasure of knowing for many years, and whose singing and songwriting career I have had the pleasure of following.

I proudly commend the lyrics of Gary's song, "My America," to my colleagues as a wonderful expression of what makes our Country so great.

MY AMERICA

"She's always there to lend a hand
Where evil forces breed
An' she's the last to turn away
A friend in time of need
Her shoulders bear the burden
Of the helpless and the weak
That's why I love My America

"Her flag is first in battle
For the cause of liberty
Her children die on distant shores
So others' may live free
She's suffered more for freedom
Still, she turns the other cheek
And, that's why I love My America

"Her spirit never waivers
And, her heroes never cease
Her awesome wrath is tethered
By her greater love for peace
Her arms embrace the weary,
The hopeless, and the meek
And, that's why I love My America
(That's why I love My America)

"With her enduring courage
And, God's almighty hand
She'd storm the fiery gates of hell
And boldly, take command
Her victory bells would tell the world
'United, We Will Stand'
And, that's why I love My America."
(Copyright 2001, Gary Davis)

INTERNATIONAL FUND FOR
IRELAND**HON. JOSEPH CROWLEY**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 2001

Mr. CROWLEY. Mr. Speaker, I rise today in support of the gentlelady's motion.

Last year Mrs. LOWEY and I, working with Chairman CALLAHAN, Mr. WALSH and Speaker HASTERT were successful in obtaining an appropriation of \$25 million for the International Fund for Ireland. Funding for this project has never been as integral to the viability of a lasting peace in Northern Ireland, as it is right now.

Since the creation of the Northern Ireland Assembly, the practice of crisis politics has been the norm, more often than the exception. In recent days, however, the Nationalists and the Unionists have finally arrived at a point that will allow them to move forward.

I commend the IRA for their historic announcement of disarmament.

I would also like to express my support for the election of Mark Durkan as Deputy First Minister, and the reelection of David Trimble as First Minister.

After several difficult days, I am pleased to see that the parties have resolved the latest impasse and returned to the bargaining table.

Despite the tremendous strides that have been made by both sides in Northern Ireland, it is difficult to celebrate these achievements while people are still being murdered in the streets of Belfast. When Ulster political leaders disagree, they debate, vote, and sometimes walk away from the bargaining table. When Unionists and Nationalists on the ground disagree, people die.

The International Fund for Ireland promotes contact, cooperation and reconciliation between Unionists and Nationalists in Northern Ireland.

By working together on issues of mutual concern such as building a strong economy, and maintaining safe neighborhoods, the fund helps secure peace where it must begin. Through person to person contact.

IFI is a crucial instrument in ending the cycle of hate and violence that has consumed Northern Ireland for far too long. Therefore, it is essential that the Committee continue to fund IFI in the amount of \$25 million, and support the stronger language passed in the House version of this bill. The future of the children of Northern Ireland hangs in the balance. We cannot let them down.

I urge my colleagues to support this motion.

TRIBUTE TO DAVID R. HOLMES

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 2001

Mr. HALL. Mr. Speaker, I rise to honor David R. Holmes, an outstanding civic leader in Dayton, Ohio, within my district. David's vision, energy, and commitment have been a driving force for development in Dayton during

the last decade, especially in the downtown area.

David was a founder and co-chairman of the Downtown Dayton Partnership. This nonprofit organization was established in 1991 to expand business in downtown Dayton and to make the city center a more pleasant place to live, work, and shop. The Partnership has also supported expanding cultural and entertainment opportunities in downtown.

David also served as chairman of the RiverScape Development Team and helped raise \$28 million to revitalize the downtown river front area. The result is a beautiful scenic and recreational area along the Great Miami River that offers a variety of activities, programming, and sites, including a fountain that shoots streams of water 200 feet in the air as a backdrop for laser shows.

Under his direction, Reynolds and Reynolds spent millions of dollars restoring historic buildings in downtown Dayton near the company headquarters.

Several years ago, David asked to meet with me to generate support for the RiverScape project. I was deeply impressed with his plans and I immediately agreed to help. Looking back now, it is easy to forget that in those days it took a lot of courage to put so much energy into downtown Dayton development when so many people thought it was a lost cause.

David's other civic contributions include chairing Dayton's 1992 United Way campaign, one of the most successful United Way drives in Dayton history. He served on numerous boards of directors of local charitable and educational organizations.

David is currently chairman of the board for The Reynolds and Reynolds Company. He served as president and chief executive officer from 1989 until May 1999. At the same time he donated his time to Dayton, he was an outstanding businessman, leading Reynolds and Reynolds through explosive growth.

Next week on November 15, 2001, the Downtown Dayton Partnership will honor David during a ceremony at Dayton's RiverScape. I offer him my congratulations and thanks for the work he has done on behalf of our community. However, the real monument to his achievement is not our words, but the landscape of Dayton that will be forever changed because of his efforts.

VETERANS DAY

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 2001

Mr. SCHAFFER. Mr. Speaker, Abraham Lincoln once said "let us have faith that right makes might; and in that faith let us to the end, dare to do our duty as we understand it." President Lincoln was no stranger to the price of liberty. The largest war on American soil was fought before his eyes.

During this time when Americans are again answering the call to protect our beloved nation, it is imperative the House appropriately recognize and thank those who so valiantly and selflessly served this great nation.

The comforts and prosperity enjoyed today have been dearly purchased with American blood. Freedom, justice, and liberty are more than mere slogans. They are principles that have drawn the ire of America's enemies beginning with King George and the British Army.

On November 11th, Veterans' Day, Americans pay solemn respects to the men and women in uniform who have served faithfully through peace, war, and now terror. Even though many have defined the present war on terrorism as uncharacteristic, the enemies are substantially the same. They are evil people who would attempt to change America's policies through fear and intimidation. History is replete with such tyrants.

Even after years of relative peace, the American military is the envy of the world. It is the best trained, the most technologically advanced, and the best equipped. Their cause has always been just. Without America's veterans, we would not have a nation worth defending today.

Yes, the challenge posed by the barbarians of terror is no match for the strength of our military, but it is also inferior to the spirit of the American people. This nation has not forgotten the heroism of its veterans. It cannot and will not ignore their contributions. This is what Veterans' Day is all about.

While we live in the most prosperous and blessed nation on earth, the events of September 11th are a solemn reminder that our struggle is not yet over. On November 11th, just one year ago, most Americans gathered and thanked God for giving our nation peace. From Him, America's veterans drew the full measure of courage during times of greatest peril.

Thanks to America's veterans, the children of tomorrow will give thanks again for living in a great nation at peace. The next generation will be part of a country that will not be intimidated by terrorism. They will inherit an America which refused to look the other way when confronted by evil.

On the eleventh hour, of the eleventh day, of the eleventh month, of 1918 the soldiers of "The Great War" said goodbye to battlefields with names like Flanders, Verdun, and Ardennes. Many believed WWI would be the "war to end all wars." Unfortunately, they were perhaps, too optimistic, for aggression has been displaced.

At this time in our history, Americans no longer have the luxury of ignoring the price of liberty. The men and women at the Pentagon, the World Trade Center, and those who fight on land, sea, and air throughout the world have reminded all of us that we have all inherited a sacred privilege.

In a letter to the mother of fallen soldiers, Lincoln prayed comfort for the families of those who laid "so costly a sacrifice upon the altar of freedom." As much as our thoughts and prayers are with those who have already been lost and the legions more who are entering this fight, each and every American should also turn their thoughts to those families who remain behind.

This year especially, as the nation celebrates Veterans' Day, it is important to give thanks and to take inspiration from the great sacrifices of the brave men and women who

have delivered, and are today protecting our mighty nation. In commemorating the achievements of America's veterans, we should recommit our own lives, our fortunes, and our sacred honor to maintenance of liberty—just as the veterans we honor have so nobly done.

STATEMENT IN SUPPORT AND
RECOGNITION OF THE DETROIT
ECONOMIC SUMMIT

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 2001

Mr. DINGELL. Mr. Speaker, today I wish to call the House's attention to an important event that will take place next week in the heart of Michigan—the Detroit Economic Summit. On November 14–15, 2001, representatives of a variety of senior officials from Arab countries and political organizations, Michigan-based companies, and the leadership and rank-and-file members of the Arab American and community organizations in the Detroit and Dearborn area will assemble for a series of events devoted to promoting trade and economic ties between the United States and the countries of the Near East.

The Summit is being spearheaded by the American Arab Chamber of Commerce in Dearborn, which has worked hard to draw in the talents of like-minded organizations, businesses and institutions such as the Detroit Regional Chamber of Commerce, the CMS Energy Corporation, the Detroit Medical Center, the Ford Motor Company, and others. The Summit will feature the participation of the Secretary General of the Arab League, His Excellency Amre Moussa, who is leading a delegation consisting of the distinguished Ambassadors of the Arab countries. Working collectively, and drawing from their deep experience in both politics and commerce, the organizers and participants in these events are all working for a common, and in my view, very important objective: establishing the Detroit/Dearborn area as the gateway for American trade, investment and commerce with the Near East region.

As many of our colleagues know, Mr. Speaker, the Near East region holds a vast wealth of potential as an investment destination and trading partner for businesses, financial institutions and investors from the United States. Many of the governments of the region have made significant strides in adopting clearer and more transparent trade, investment and regulatory regimes and have made corresponding efforts to privatize state-owned industries and open up their economies. These efforts have helped to diversify and increase the levels of economic interaction between the United States and the region, and with the concerted efforts of those who are participating in the Summit, there is good cause to anticipate further growth and expansion.

The promotion of trade and investment is important not only for its impact on economic growth, employment, and standards of living in the United States and the Near East. Stronger economic ties also bring forth associated ben-

efits, such as a greater appreciation of cultural and religious distinctions of the American and Arab peoples. As economic activity extends across borders in the region and with the United States, the prospects for peace, stability, and common understanding are likewise advanced. In times such as these, I trust that all of us will appreciate the importance of achieving these objectives.

As the home to hundreds of thousands of Arab Americans, the Detroit area is naturally suited to serve as a gateway for commerce between the United States and the Arab states. At the same time, Michigan-based companies are leading the way in increasing the volume of two-way trade and investment: everything from large-scale endeavors like CMS Energy's pioneering work in producing power and desalinated water in the Arabian Gulf or Ford's exports to the region, to small-scale imports of goods and wares from the region to the Detroit area.

Much like Miami has become the hub for economic ties between the United States and Latin America, The Detroit/Dearborn area is well on the path toward establishing itself as America's bridge to the Arab World. I urge my colleagues to join me welcoming the participants of the Economic Summit to Michigan and wishing them well as they continue with their vital work. I would also ask that the House acknowledge the hard work and vision of the organizers of this event, the Arab American Chamber of Commerce.

HUMAN-RIGHTS ACTIVIST
DETAINED IN INDIA

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 2001

Mr. TOWNS. Mr. Speaker, the Indian government recently detained Mrs. Paramjit Kaur Khalsa, widow of a human-rights activist and a human-rights activist in her own right, along with six other human-rights activists, including the Vice President of the Punjab Human rights Organization (PHRO), Kirpal Singh Randhawa. They were apparently arrested under TADA, the repressive "Terrorist and Disruptive Activities Act," which expired in 1995. Now India has promulgated an even worse law, known as POTO, which would make advocating the breakup of India a "terrorist offense" and would allow the arrest of journalists for publishing information critical of the government. Is this the kind of law promulgated in a democratic and free society?

You may remember, Mr. Speaker, that the President of the PHRO, Judge Ajit Singh Bains, testified several years ago before the Human Rights Caucus of the House and was very impressive. After his testimony, you could have no doubt that Punjab under Indian rule is a very tyrannical state.

Mrs. Khalsa is the widow of Jaswant Singh Khalsa, who exposed the Indian government's policy of mass, secret cremations of Sikhs. This policy has been called "worse than a genocide" by the Punjab High Court. For exposing it, Mr. Khalsa was kidnapped from his house in Amritsar in September 1995 and tor-

tured to death. None of the police officers responsible has ever been punished. Now Mrs. Khalsa's efforts to continue her husband's work have gotten her arrested. It is clear that she and the other human-rights activists were arrested to prevent their participation in political events and stop public protest. India still believes, after all the bloodshed, that it can intimidate the Sikhs and other minorities such as the Christians of Nagaland, the Muslims of Kashmir, and others into submission to Hindu supremacy.

It is not a good time to be a widow in India, Mr. Speaker. First the Indian government tried to expel the widow of missionary Graham Staines from the country, and now they are harassing Mrs. Khalsa. This is Indian democracy in action, and it is not pretty.

There was one eyewitness to the kidnapping of Jaswant Singh Khalsa, a man named Rajiv Singh Randhawa. Last year, he was arrested in front of the Golden Temple in Amritsar for trying to hand a petition to the British Home Minister. In light of repeated incidents like this, India should be embarrassed to proclaim itself "the world's largest democracy."

Mr. Speaker, the United States should not sit idly by and let these acts of repression go on without consequences. Our government must immediately press for the release of Mrs. Khalsa and the 52,000-plus Sikh political prisoners currently being held without charge or trial in India, as well as the thousands of other political prisoners of other nationalities. All of them must be released. If they are not, I urge them to secure their release by running for political office from their jail cells.

In addition, America should stop its aid to India and support an internationally-supervised vote on the political status of Punjab, Khalistan, of Kashmir, of Nagalim, and of all the countries seeking their independence. Remember that India promised in 1948 to hold a plebiscite in Kashmir, a promise it has not kept. It is time for India to start acting like a democracy. This vote would be a good way to start.

Mr. Speaker, I have here an Urgent Action Request from the Canadian branch of the World Sikh Organization demanding the immediate release of Mrs. Khalsa. It was brought to me by Dr. Gurmit Singh Aulakh, President of the Council of Khalistan. I would like to place it in the RECORD to show my colleagues the real workings of Indian democracy.

URGENT ACTION REQUEST

OTTAWA, NOVEMBER 3, 2001.—The World Sikh Organization requests your immediate assistance to procure the release of Mrs. Laswant Singh Khalsa and six other human rights activists and lawyers who were arrested by the Indian police on November 2, 2001. It is known that these individuals were arrested to prevent their participation in political events in Punjab, and to prevent public protest. Mrs. Khalsa's husband, Jaswant Singh was the lead investigator who uncovered illegal cremation grounds maintained throughout Punjab by police. Mr. Khalsa and Mr. Jaspal Singh Dhillon both leaders of the Human Rights Wing of the Shiromani Akali Dal were arrested, and presumably tortured by the very same Punjab Police they sought to prosecute. Mr. Khalsa was tortured to death, and now Mrs. Khalsa and six others have been arrested under a charge of "threat to the peace".

Soft-spoken and peaceful, Mr. and Mrs. Khalra visited with Canadian and American politicians, including Canadian Prime Minister Jean Chretien to apprise them of ongoing oppression in Punjab. Providing evidence of the disposal grounds for thousands of unidentified Sikhs murdered by Indian officials with the support of central government, Mrs. Khalra has been an outspoken activist since the murder of her husband. Nonetheless the central Indian government has been seeking general amnesty for the police officers involved in the cremation grounds and thousands of other illegal executions. Since the early nineteen eighties thousands of Sikhs have suffered illegal arrest, detention, torture, and murder at the hands of state and government officials. Arresting human rights activists like Mrs. Khalra and lawyers involved in important human rights cases, once again prevents public scrutiny of the realities of present day Punjab. Recently a professor by the name of Davinder Singh was prosecuted under the Terrorist and Disruptive Activities Act, an Act which was purportedly repealed in 1995. Despite the United Nations condemning India's laws, and evidence of coercion and torture of the accused for the purposes of extracting a confession, Mr. Singh has been sentenced to the death penalty. In India, the new Prevention of Terrorism Ordinance (POTO) seeks to fill the void created following the lapsing of TADA, and makes the TADA legislation look mild. POTO provides for suppression of information and therefore makes journalists subject to terrorism charges if they publish information unfavorable to the government. It makes the disclosure of information to police investigators mandatory with prison terms of up to three years for non compliance. Under the POTO citizens of Punjab will be forced to live in a police state that is even more brutal than the last two decades.

We need your urgent assistance to let the Indian government know that democratic nations will not tolerate such abuses of innocent citizens and such shameless violations of civilian rights from a Commonwealth partner. Please take every action possible to obtain the immediate release of Mrs. Khalra and six other lawyers, and to repeal the death penalty sentence against Davinder Singh. Your active and vocal response to these travesties of justice are imperative to the future of all civilians in India.

POEMS BY WENDELL PIGG AND
EDYTHE OWSTON

HON. ED BRYANT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 2001

Mr. BRYANT. Mr. Speaker, I am proud to share with the Members of the House of Representatives two excellent poems written by my constituents. Both are members of Unit 19, American Legion Auxiliary in Columbia, TN. Post Commander Wendell Pigg, grew up on a farm in Maury County and served our Nation during the Korean war. Despite ill health at times, his love of country and devotion to his community has never waned. He was so moved by the happenings of September 11, 2001, that 3 days later he wrote a poem entitled "Our Flag, Old Glory."

OUR FLAG, OLD GLORY

(By Wendell Pigg)

You've been shelled and shot and battered
around
Burned and cast upon the ground
You've had terrorists attack you and tear
you down,
Lifted you up and bent you around.
You've been mistreated on land and on sea
You have always gotten up for us to see.
I saw you today, at half-mast you stood
I noticed you really didn't look so good.
Tears were seen falling as our Old Glory
wept.
We could tell it had been a while since you
had slept
Thank you, Old Flag, for seeing this through
Another crisis for me and you.
Old Glory they call you and, Oh, what a
name
With all your splendor and all your fame.
You've stood with us and have held our hand
God Bless America, United We Stand!

Auxiliary member, Edythe Owston, is not a native Tennessean, but has become a vital part of the community since moving from California in 1994. The events of September 11 moved her to write a poem, entitled "Our Great Country."

OUR GREAT COUNTRY

(By Edythe Owston)

Our ancestors came from overseas,
When they landed here they fell to their
knees.

They were given the freedom they did not
know,
Thankfulness and prayers they had to show.
They made a great nation, for which we are
proud,
Prejudice and hatred should not be allowed.
Now let's work together to keep this land
blessed.
It will happen if we all do our best.
So three cheers for red, white, and blue,
This great country that belongs to me and
you.

PAYING TRIBUTE TO JOHN
CONWAY

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 2001

Mr. McINNIS. Mr. Speaker, it is with a solemn heart that I like to take this opportunity to pay tribute to one of the true pioneers in Colorado's ski industry. Mr. John Conway recently passed away from natural causes at the age of 84, and as his friends and family mourn his passing, it is only appropriate that we thank John for his contributions to the Vail area and the State of Colorado.

Mr. Conway was a major figure in the creation of the Vail ski area. He began by serving as a real estate appraiser in the 1950's. As the idea for creating the ski area that is now Vail took shape, John began finding land suitable for the resort.

John was tasked with the responsibility to personally convince ranchers and farmers of the need for a ski resort in the area. Working side-by-side with the landowners, John convinced the different owners to sell their land to the corporation that came to be known as Vail Associates. The steps that John took to put together the foundation for Vail ski area was a necessary step to making Vail ski area one of the premier ski destinations in the nation and the world.

Mr. Speaker, it is with profound sadness that we remember John Conway. His vision, dedication and service to the resort industry has allowed Vail to become a popular and successful ski area in the State of Colorado.

SENATE—Friday, November 9, 2001

The Senate met at 10 a.m. and was called to order by the Honorable BLANCHE L. LINCOLN, a Senator from the State of Arkansas.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, in the quiet of this magnificent moment of conversation with You, we dedicate this day. We want to live it to Your glory, alert to the dangers of this time but without anxiety, prepared but not perplexed. We praise You that it is Your desire to give Your presence and blessing to those who ask You. You give strength and power to Your people when we seek You above anything else. You guide the humble and teach them Your way. Help us to humble ourselves as we begin this day so that no self-serving agenda or self-aggrandizing attitude will block Your blessings to this Senate and to our Nation through us. Speak to us so that we may speak with both the tenor of Your truth and the tone of Your grace.

We say with the Psalmist:

God be merciful to us and bless us and cause Your face to shine upon us, that Your way may be known on Earth and Your salvation among the nations. You are our Lord and Saviour.

Amen.

PLEDGE OF ALLEGIANCE

The Honorable BLANCHE L. LINCOLN led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,

Washington, DC, November 9, 2001.

To the Senate:

Under the provisions of Rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BLANCHE L. LINCOLN, a Senator from the State of Arkansas, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mrs. LINCOLN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

Mr. REID. Madam President, there will be no rollcall votes today, as was announced last evening by the majority leader. This morning the Senate will be in a period of morning business with Senators allowed to speak for up to 10 minutes each. As under the direction of the majority leader, next week is going to be an extremely busy week. We are going to work on the economic stimulus package, and there are a number of other pieces of legislation we are going to do our very best to complete prior to Thanksgiving.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business with Senators permitted to speak therein for up to 10 minutes each.

The Senator from Alaska.

ENERGY NEEDS AND COMMITMENTS

Mr. STEVENS. Madam President, I have applauded the actions of my colleague, Senator MURKOWSKI, as our senior Republican on the Energy Committee. Because of my involvement in other matters, particularly appropriations, it has not been possible for me to be here to join him as much as I would like to do so.

I consider the opening of the coastal plain of the Arctic National Wildlife Refuge area for environmentally sound oil and gas development to be the issue of highest national security we will vote on this year. The President of the United States shares that view. I believe many in this body do.

Last week President Bush said: It is in "our national interest to get [an energy bill] to [his] desk." I am paraphrasing that. I believe the vast majority of Americans share the President's view. Just last night while speaking in Atlanta, President Bush called upon Congress to send an energy bill to his desk again "to reduce our dependence on foreign oil."

When the President said that, there was such a unanimous outpouring of

support from the people in the audience. It was probably the loudest reaction to his whole speech.

I believe that is correct. It is a national concept and there is national support for that goal. Today we still do not have a commitment to bring up and complete action on this energy bill. This morning I rise to again highlight some of the implications of failure to act now.

The stability of some of the nations principally responsible for supplying oil to the United States can no longer be taken for granted. In 1979, when the instability of the Middle East was of paramount concern, we took action to protect Israel. As our major ally in the Middle East, we should proceed with energy legislation not only to protect our own interests but to ensure that we can continue to support Israel as we have agreed to do.

In 1979, our Government entered into a bilateral agreement with Israel to ensure that Israel would have access to the oil it needs to meet its daily requirements. Everyone in the Senate should be familiar with that agreement. We understood then that some Middle Eastern countries had the power to hold Israel hostage by denying access to oil.

Let me read from a relevant portion of the agreement we signed with Israel to protect its supply of oil:

If the oil Israel needs to meet all its normal requirements for domestic consumption is unavailable for purchase . . . the United States Government will promptly make oil available for purchase by Israel to meet all of the aforementioned normal requirements of Israel.

Our Government renewed that agreement in 1994 to ensure that Israel is protected through 2004. When we finally take up the comprehensive energy bill, we should include an amendment to extend that agreement with our Middle Eastern ally, Israel.

The point is, Israel produces less than 500 barrels of oil per day. It consumes nearly 300,000 barrels of oil a day. Regardless of what happens in the Middle East, Israel needs guaranteed access to oil just to maintain its economy. And regardless of what happens in the Middle East, we have to be able to produce and provide to Israel at those 300,000 barrels of oil per day in accordance with that agreement.

My understanding is that Alaska's oil is the oil that would fulfill that agreement because it is the same quality of oil that Israel's refineries run and could be run in those refineries without change.

Given our current dependence on foreign oil, and 57 percent of our oil is imported, Middle Eastern supplies of oil

are unstable as far as we are concerned. We have to have a way to fulfill the commitment we have made to Israel, our primary ally in that part of the world.

Our own vulnerability to protect unstable oil supplies is a national security issue for us. Think what it is for Israel.

I am deeply disturbed about our continued reliance upon Saddam Hussein's oil. We are using more than 700,000 barrels of oil per day in this country imported from Iraq. From press reports, we know that one of Osama bin Laden's goals is to overthrow the House of Saud and to gain access to the vast oil reserves in Saudi Arabia.

How secure would those supplies be if that unfortunate event should take place? Today Saudi Arabia is the largest single supplier of oil to the United States. We import over 1.8 million barrels a day from Saudi Arabia.

At the height of the Persian Gulf War, 2.1 million barrels a day were sent through the Alaska oil pipeline. In the time of need, then we had oil to produce. Today, we send just over 1 million barrels a day through that pipeline because we don't have the production necessary to fill the pipeline. Today, our pipeline is half full as the production at Prudhoe Bay declines. As it declines, we send more American money to Saddam Hussein to buy his oil.

We must consider the implications of our Government having just recalled our Ambassador to Venezuela as we consider the stability of our oil supplies. For those who missed it, let me quote from a November 6 story in the Wall Street Journal discussing Venezuela:

Relations have deteriorated steadily since the September 11 terrorist attacks on the United States. President Chavez and his ministers have made what U.S. officials have described as "contradictory" and ambiguous statements. In the most recent incident, Mr. Chavez last week criticized U.S. bombing raids in Afghanistan during a televised speech. . . . Venezuela is especially important because it is one of the top three suppliers of oil to the United States market. . .

Madam President, this is the same President Chavez who was the first head of state to break the multilateral sanctions on Iraq by visiting Saddam Hussein after the gulf war. No wonder President Bush has recalled our Ambassador for consultations. Keep in mind that nearly 1.6 million barrels of oil per day come to the United States from Venezuela, and they are subject to the control of President Chavez.

When we talk of potentially unstable sources of crude oil, we cannot ignore Iraq. My colleague, Senator MURKOWSKI, has continued to remind the Senate that the United States now imports 700,000 barrels of crude oil per day from Saddam Hussein. As I said last week, by the end of the year, we will have imported 230 million barrels of oil

from Iraq. Over 40 million barrels of that oil went to California to replace oil that California used to get from Alaska. At \$20 per barrel, Americans will send over \$5 billion to Saddam Hussein's terrorism machine by this Christmas—\$5 billion, and hundreds of thousands of jobs that we don't have now because we don't have permission to increase production to continue filling the Alaska pipeline daily.

This year, we have thousands of American troops stationed in the Middle East and around Afghanistan. They risk their lives to protect our interests and our security. I believe we must do something about our growing dependence on these potentially unreliable supplies of oil. We must begin to explore for oil in our own country, and we know where the largest potential supply of oil is. It is in the Coastal Plain of Alaska. We just need the opportunity to go get it.

The Energy Information Agency released a new report last week detailing all of the proven reserves in the United States. That report says in the entire State of Texas there are now 5.27 billion barrels of proven reserves. Texans don't like me to remind them, but that State is less than half the size of Alaska.

The House-passed energy bill, H.R. 4, contains authorization for oil production in the Coastal Plain of ANWR. That Coastal Plain, as designated by the Jackson amendment in the 1980 act, is 1.5 million acres, and it is estimated to contain a minimum of 5.7 billion barrels of oil, with a very good possibility, I am told, of recovering up to 16 billion barrels of oil—enough to fill the Alaska pipeline for another three decades and beyond.

Madam President, people forget when I stood here on the floor and urged approval of the Alaska oil pipeline, the estimate for production from Prudhoe Bay was 1 billion barrels. This year, we have produced the thirteen-billion barrel of oil from Prudhoe Bay. These estimates are always on the very conservative side.

The House energy bill limits oil production to just 2,000 acres of the 1.5 million-acre area. Remember, the million and a half acres was set aside for oil and gas exploration. Now, if the oil in ANWR could replace our imports from Iraq, Saudi Arabia, or Venezuela—and that is possible—it could produce enough oil to replace at least one of our three largest suppliers. Can anyone really doubt that this is an issue involving our national security?

Madam President, as we approach Veterans Day, I am proud to stand here as a World War II veteran and applaud the veterans groups of our country. They understand the vulnerabilities of our country. They understand the importance of reducing our reliance on the Middle East and increasing our domestic production.

I want to quote from two recent letters. This is an October 26 letter from the National Commander of AMVETS:

Our current reliance on foreign oil leaves the United States vulnerable to the whim of individual oil-exporting countries, many existing in the unpredictable and highly dangerous Persian Gulf. . . . Passage of H.R. 4 would greatly assist in our ability to secure a more dependable and diversified domestic supply of energy.

And I would note that since the Persian Gulf war our security has become more threatened with our dependence on foreign sources of oil growing from 35 percent of domestic supply to nearly 60 percent. AMVETS firmly believes we cannot wait for the next crisis before we act.

I ask unanimous consent that letter be printed in the RECORD following my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. STEVENS. In an October 25 letter, the National Commander of the American Legion said:

War and international terrorism have again brought into sharp focus the heavy reliance of the U.S. on imported oil. During times of crisis, such reliance threatens our national security and economic well-being. It is important that we develop domestic sources of oil, contained within our public lands—such as the supplies within the Arctic National Wildlife Refuge.

I ask unanimous consent that letter and additional letters be printed in the RECORD after these remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 2.)

Mr. STEVENS. Madam President, action is required now to protect our national security. The advice of these veterans groups representing the voices of all men and women who have fought for our freedom should be followed. Their advice to increase our economic security by opening the Coastal Plain of ANWR needs to be adhered to.

The advice of organized labor, which wants to see us create hundreds of thousands of jobs by opening this Coastal Plain of ANWR, is also compelling.

Israel needs even greater assurance that we can fulfill our obligations to meet her energy needs. In short, responding to these requests and to the President of the United States to promote our national security by passing the comprehensive energy bill, H.R. 4, containing authorization to proceed to use 2,000 of the 1.5 million acres of ANWR, should be our No. 1 goal before we leave for the holiday.

Passing a comprehensive energy bill that contains environmentally sound provisions by producing the largest single potential oilfield on the North American Continent is a goal of most Americans. If we act now, our men and women serving overseas will know that we stand behind them.

Passing this bill before we go home for the holiday will tell families from New England to Minnesota that the fuel oil they burn in the future, after our Arctic Plain begins to produce, is American oil, not oil from Saddam Hussein, from Iraq, or from any of these unstable sources.

In short, I believe we must act before we go home for this holiday so we will know we have acted to protect the security of our Nation, our total national security. A filibuster against a national security issue involving energy has never taken place in this Chamber. It did not take place when the oil pipeline was built, and there was severe, even worse, opposition at that time than there is now. That pipeline passed by one vote, the vote of the Vice President of the United States.

The opponents at that time knew they could filibuster, but they did not because it was a matter of national security. I call upon the Senate to recognize the tradition of this body and not filibuster a national security issue as we raise H.R. 4 next week.

I ask unanimous consent that an article by the eminent Charles Krauthammer from today's Washington Post be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Nov. 9, 2001]

WAR AND THE POLAR BEAR

(By Charles Krauthammer)

So you thought that Sept. 11 changed everything, that the era of game-show frivolity, "Survivor" silliness and general self-indulgence had given way to an era of seriousness. Well, not quite. Here we are, for the second time in a decade, risking American lives in a war against an enemy fueled and fed by oil money. Here we are again decrying our dependence on oil from a particularly unstable, unfriendly part of the world. Here we are in desperate need of both energy conservation and new energy production. And here we see (in the Oct. 30 Post) that we may be prevented from drilling in the single most promising area on this continent because of a . . . polar bear treaty: "New Species Enters Debate on Arctic Oil; Polar Bear Agreement Cited by Drilling Foes."

Now, I like polar bears as much as the next guy. I like pandas and caribou and all the furry cuddlies on God's good earth. But I also like people, particularly Americans, and particularly American soldiers. And I do not like seeing them shot and killed in wars that would be both more avoidable and more winnable were we not so disastrously dependent on energy supplies from a nasty part of the world with nasty people who use our oil money for nasty purposes.

At a time when Washington should be working on a crash program of conservation and new drilling, a six-year-old report from the Fish and Wildlife Service is leaked in the hope that a 28-year-old polar bear treaty might derail drilling in the Arctic National Wildlife Refuge. The Outrage! "This is a classic Bush administration strategy of running roughshod over international agreements," charged Kieran Suckling, executive director of the Center for Biological Diversity and leaker of the report. The Interior Depart-

ment stoutly maintains that the polar bear agreement does not prohibit oil exploration. Alaska's Sen. Frank Murkowski points out that the 25,000 or so Arctic polar bears that he represents seem to be quite happily lolling around the existing oil drilling in Alaska.

I too have little doubt that the polar bears will do fine, just as the caribou have thrived around the Prudhoe Bay field. But the whole debate is surreal. We are at war, are we not? Americans are fighting. In Washington and New York, nearly 5,000 have already been killed. Fifteen of the 19 murderers were Saudi. Their leader is Saudi. Most of their money is Saudi. And that same Saudi money funds the madrassas, the fundamentalist religious schools where poor Pakistani, Afghan and Arab children are inducted into the world of radical Islam and war against the American infidel. And yet we bow and scrape to the Saudis. We beg and borrow. We tolerate their deflecting onto America the popular hatred that would otherwise be directed at their own corruption. Why? Because we need their oil.

The war on terrorism will be fought in many places. Alaska is one. We have known since 1973 that we need to reduce our dependence on Persian Gulf oil. But we have never been serious. It was assumed that Sept. 11 would make us serious. Instead, we are engaged in exegeses on polar bear mating habits and a ridiculous debate that pits conservation vs. drilling. Why one and not the other is beyond me. Of course we need conservation. I have been an advocate of a dollar-a-gallon gasoline tax for 20 years. Whatever it takes: auto efficiency standards, higher taxes, incentives for new fuels.

But why stop there? We need more oil still. Every additional barrel that substitutes domestic oil for foreign oil is a victory. Drilling in the Arctic will involve less than 1 percent of the Arctic Refuge. It might produce an additional million barrels a day. The sea of natural gas beneath could be the largest in North America. And yet the Luddites stand firm, as if Sept. 11 never happened. Sen. John Kerry vows a filibuster if anyone dares legislate Arctic drilling.

Imagine where we would be if those railing against Arctic drilling today had prevailed 30 years ago and stopped Prudhoe Bay. The million barrels a day we now get from Alaska would be coming from Saudi Arabia. We would be even more in their debt and under their thumb. A concerned citizenry is yearning to do something significant for the war effort on the home front. But this is not World War II. We do not need rubber. We do not need war bonds. We do not need Rosie riveting. We desperately do need energy independence. And that is a home-front battle: conservation—and a willingness to disturb a few acres of snow in a vast wilderness as remote as Afghanistan.

There's a war on, senators. Lets get serious.

EXHIBIT 1

AMVETS,

Lanham, MD, October 26, 2001.

Hon. TOM DASCHLE,

Majority Leader, The U.S. Senate, The Capitol, Washington, DC.

DEAR SENATOR DASCHLE: On behalf of AMVETS, I am writing to encourage you to bring H.R. 4, the Securing America's Future Energy Act of 2001, before the full Senate for consideration at the earliest possible moment prior to the close of the 1st Session of the 107th Congress.

As you know, our current reliance on foreign oil leaves the United States vulnerable

to the whim of individual oil-exporting countries, many existing in the unpredictable and highly dangerous Persian Gulf. And it cannot be overstated that energy supplies touch nearly every aspect of our lives from our economy to our national security.

Passage of H.R. 4 would greatly assist in our ability to secure a more dependable and diversified domestic supply of energy. And, I would note that since the Persian Gulf War our security has become more threatened with our dependence on foreign sources of oil growing from 35 percent of domestic supply to nearly 60 percent.

AMVETS firmly believes that we cannot wait for the next crisis before we act. H.R. 4, as approved by the House, is a critical part of an overall policy America requires to promote dependable, affordable, and environmentally sound production and distribution of energy for the future. We urge your expedited approval of this legislation.

Dedicated to service,

JOSEPH W. LIPOWSKI,
National Commander.

EXHIBIT 2

THE AMERICAN LEGION,
Washington, DC, October 25, 2001.

Hon. TOM DASCHLE,

Majority Leader, U.S. Senate, The Capitol, Washington, DC.

DEAR SENATOR DASCHLE: We write today out of a sense of urgency concerning our national security, as it relates to our need for energy independence. The development of America's domestic energy resources is vital to our national security. We respectfully urge you to adopt the provisions contained in H.R. 4, the "Securing America's Future Energy Act of 2001."

War and international terrorism have again brought into sharp focus the heavy reliance of the United States on imported oil. During times of crises, such reliance threatens our national security and economic well being. The import of more than 50 percent of our petroleum from the Persian Gulf further compounds our foreign trade balance at a time when our energy demands continue unabated. It is important that we develop domestic sources of oil, contained within our public lands—such as the supplies within the Arctic National Wildlife Refuge.

Working for a comprehensive energy policy and achieving responsible energy independence are critical national security and economic goals. H.R. 4, as passed by the House of Representatives, is a major step forward to achieving these imperative goals. We strongly urge your support.

Sincerely,

RICHARD J. SANTOS,
National Commander.

VETERANS OF FOREIGN WARS
OF THE UNITED STATES,

Washington, DC, October 29, 2001.

Hon. TOM DASCHLE,

Majority Leader U.S. Senate, Washington, DC.

DEAR SENATOR DASCHLE: The 2.7 million members of the Veterans of Foreign Wars of the United States and its Ladies Auxiliary supports H.R. 4, the "Securing America's Future Energy Act of 2001" or SAFE Act of 2001. We applaud the House of Representatives for its bipartisan work in addressing our energy vulnerability by passing H.R. 4. We believe the Senate should consider and vote on H.R. 4 so that our nation has an energy plan for the future and can move forward quickly with a comprehensive plan to develop our domestic energy resources.

Keeping in mind the horrific events of September 11 and mindful of the threats we are

facing, we strongly believe that the development of America's domestic energy resources is a vital national security priority. We need to take steps to reverse our growing dependence on Middle East oil as quickly as possible. By passing H.R. 4, the Senate will be supporting our troops serving in combat on Operation Enduring Freedom, the American people, and our national security with a comprehensive energy legislation that is desperately needed to diversify the energy supply for our country and chart a course for the future.

The VFW strongly urges the Senate to consider and vote on H.R. 4 as passed in the House in this session of Congress.

Sincerely,

ROBERT E. WALLACE,
Executive Director.

VIETNAM VETERANS INSTITUTE,
October 30, 2001.

MAJOR VETERANS GROUPS ASK SENATE TO QUICKLY PASS ENERGY BILL TO STRENGTHEN AMERICA FOR WAR ON TERRORISM

WASHINGTON.—Major veterans groups—with a combined membership of nearly 5 million—today called on the Senate to quickly pass an energy bill that includes a provision allowing more oil drilling in Alaska to strengthen America's national security and economy for the war on terrorism.

The American Legion, the Veterans of Foreign Wars, AMVETS, the Vietnam Veterans Institute and the Catholic War Veterans urged senators to accelerate development of domestic energy resources, including the supplies within the Arctic National Wildlife Refuge (ANWR) in Alaska, as an urgent matter of national security.

In letters to Senate Majority Leader Tom Daschle (D-SD), veterans groups asked Daschle to allow the energy bill passed by the House—H.R. 4—to come to a straight majority vote in the Senate promptly, without a Democratic filibuster that would take 60 votes to break. Daschle opposes the bill's provision allowing oil drilling in part of ANWR.

Secretary of Veterans Affairs Anthony J. Principi and Senators Frank Murkowski (R-AK), Larry Craig (R-ID), Rick Santorum (R-PA) and George Voinovich (R-OH)—who all support the energy legislation—joined the veterans groups at a news conference today.

American Legion National Commander Richard J. Santos wrote in his letter to Daschle: "War and international terrorism have again brought into sharp focus the heavy reliance of the United States on imported oil. During times of crises, such reliance threatens our national security and economic well being . . . It is important that we develop domestic sources of oil, contained within our public lands—such as the supplies within the Arctic National Wildlife Refuge."

Robert E. Wallace, executive director of the Veterans of Foreign Wars, wrote Daschle: "By passing H.R. 4, the Senate will be supporting our troops serving in combat on Operation Enduring Freedom, the American people and our national security with a comprehensive energy legislation that is desperately needed to diversify the energy supply for our country and chart a course for the future."

J. Eldon Yates, chairman and founder of the Vietnam Veterans Institute wrote Daschle: "The development of America's domestic energy resources is vital to our national security. We respectfully urge you to immediately pass H.R. 4, the comprehensive energy legislation . . . Following the hor-

rific events of September 11, 2001, failure to pass this bill would pose a threat to our people, our economy, and our national security, that we all wore the uniform to maintain."

Also attending the news conference was Roger Thomas, 81, of Frederick, MD, who was a Navy radioman at Kaneohe Bay near Pearl Harbor when Japanese warplanes dropped bombs around him on December 7, 1941. Thomas was uninjured and went on to fly combat missions in World War II. "The terrorist attacks of September 11 were worse than the attack on Pearl Harbor, because unarmed civilians were murdered and many more died," Thomas said. "In World War II, America could produce all the oil we needed to fight back and defeat our enemies in battle, but today we're in a dangerous situation because we rely on other countries to provide our oil."

Today's military uses far more fuel than in past wars. For example, the 582,000 U.S. military personnel in the Persian Gulf War in 1991 consumed more oil on a daily basis than the 2 million men of the Allied armies that liberated Europe in World War II.

The United States gets about 55 percent of its oil from foreign nations—up steadily over the years from almost nothing during WWII, to 36 percent in 1973 and 46 percent as recently as 1991. America sends about \$100 billion a year to foreign nations to pay for imported oil.

Experts believe ANWR may contain the largest supply of oil ever found in American history—an estimated 16 billion barrels of recoverable oil, which could be turned into 742 billion gallons of gasoline. That's the equivalent of total U.S. gasoline consumption for nearly six years.

According to an analysis by Wharton Econometrics Forecasting Associates, development of oil reserves in the coastal plain of ANWR could create as many as 736,000 jobs in the United States—most of them outside Alaska—and pump billions of dollars into the U.S. economy.

ANWR covers 19.6 million acres, but the energy legislation before the Senate would open up only 1.5 million acres to exploration. Just a tiny fraction of that—about 2,000 acres of surface land—would experience oil drilling activity if oil were found.

STATEMENT OF OUR NATION'S VETERANS GROUPS

"OUR DOMESTIC ENERGY SECURITY IS OUR NATIONAL SECURITY"

We, the undersigned, representing our nation's veterans, strongly believe that the development of America's domestic energy resources is a vital national security priority. The horrific events of September 11, 2001, constitute a threat to our people, our economy, and our nation's security. With U.S. troops actively engaged in combat overseas, we firmly believe that America can and will win this prolonged war against terrorism, using all its resources to defend our nation and the cause of freedom around the world.

Because of these beliefs, we applaud the House of Representatives for its bipartisan work in addressing our energy vulnerability by passing H.R. 4, the "Securing America's Future Energy Act of 2001" or the "Safe Act of 2001." It is imperative that the Senate pass the House version of H.R. 4 so that our nation can move forward in establishing our energy security, as well as our defense of freedom at home and abroad. It is essential for us to develop all domestic energy resources including the supplies within the Arctic National Wildlife Refuge.

By passing H.R. 4, the comprehensive energy legislation, the Senate will be sup-

porting our troops in the field, all Americans, their families, and our nation. We, as Veterans, stand united and respectfully request that the Senate vote on and pass H.R. 4.

J. ELDON YATES,
Chairman and Founder, Vietnam Veterans Institute.

JOSEPH SATRIANO,
National First Vice Commander, Catholic War Veterans of the United States of America.

VIETNAM VETERANS INSTITUTE,
October 30, 2001.

Hon. TOM DASCHLE,
Majority Leader, U.S. Senate, the Capitol, Washington, DC.

DEAR SENATOR DASCHLE: We write today out of a sense of urgency concerning our national security as it relates to our energy supply. The development of America's domestic energy resources is vital to our national security. We respectfully urge you to immediately pass H.R. 4, the comprehensive energy legislation.

We are pleased the House of Representatives, acting with bipartisan support, addressed our energy vulnerability by passing H.R. 4, the "Securing America's Future Energy Act of 2001" or the "SAFE Act of 2001." It is imperative the Senate do the same. Following the horrific events of September 11, 2001, failure to pass this bill would pose a threat to our people, our economy, and our national security, that we all wore the uniform to maintain.

All Americans, as well as our military troops, need this legislation enacted into law. If we intend to rebuild our economy and continue the campaign against international terrorism and those who attack us, we must develop domestic sources of oil contained within our public lands—such as the supplies within the Arctic National Wildlife Refuge. We must be able to rely to the fullest extent possible on our own resources to provide for the maintenance of our economy at home and our prolonged war effort abroad.

By passing H.R. 4, the comprehensive energy legislation now, the Senate will be supporting our troops in the field and all working Americans, including those displaced by this heartless act of aggression. We, as Veterans, stand united and cannot overstate the importance of this legislation, and respectfully request you lead the Senate by voting on and passing H.R. 4 so our nation can move forward in defense of freedom around the world.

We know that when the chips are down, America can and will stand and fight, using all its resources and all its might to defend our nation and the cause of freedom around the world. Join us in this cause. Pass the comprehensive energy bill and help us rebuild America!

With the support of our members,
J. ELDON YATES,
Chairman and Founder, Vietnam Veterans Institute.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

THE RIGHT MEDICINE

Mr. DURBIN. Madam President, President Bush's speech to the American people last night was exactly the right medicine. America is truly concerned over terrorism and bioterrorism and what it means to our country.

I listened carefully to the President's speech in Atlanta, GA. I thought he

struck the right tone. As concerned as we are—and we should be concerned—we take heart in the fact that this country has been strengthened by this crisis and this challenge. We have come together in what has been called the “re-United States of America.”

Many people understand patriotism from a different perspective than they did just a few weeks ago. We stand in awe, in respect, and in admiration of many heroes in America. The President acknowledged them last night—the firefighters in New York City and across America, the people who are in law enforcement, medical rescue teams, teachers, postal workers, and of course the men and women in uniform who daily put their lives on the line for America. It is appropriate that we remember them as we try to wrestle with our personal concerns about safety and security since September 11.

I thought the President struck just the right chord in calling on America to bring out the very best in our Nation.

Within the last several weeks, Congress has been called on by the President many times to provide him with the authority and the resources to deal with this crisis. Without exception, Congress has responded in a strong bipartisan manner in an effort to make certain the President and certainly the armed services have all they need to execute this war effectively.

This week, the Senate considered the intelligence authorization bill which gives additional resources to the intelligence community. This is an important component of our effective defense of America and defense of our values. As a member of the Senate Intelligence Committee, I know full well that one of the most heartening events that has occurred since September 11 is the fact that countries around the world are now cooperating with the United States in fighting terrorism. Some of those countries, which have been our closest allies for years, frankly, did not take this subject as seriously as they should have. Now they do. As they cooperate with us, we have an opportunity to reach out and try to stop the spread of terrorism across the world.

CONFLICT DIAMONDS ACT

Mr. DURBIN. Madam President, yesterday I had a press conference with two of my colleagues, Senator DEWINE of Ohio and Congressman TONY HALL of Ohio as well. We are cosponsors of legislation which deals with a phenomenon that has become increasingly important in this discussion.

It is not enough we search out Osama bin Laden and his lieutenants in their caves in Afghanistan and stop those cells of terrorist activity around the world. We have to find a way to starve them of the assets and resources they need to succeed. The President made it

clear this week that this has to be an immediate response by the United States. So as part of antiterrorism, we have created new authority to deal with money laundering—money laundering and transfers of money that have been used to finance the terrorist network.

A little over a week ago, though, we came to learn that there was another source for the terrorist operation. That source is diamonds. It appears that in west Africa in particular, and in Sierra Leone, where terrorist organizations have taken control of the production of diamonds, they are not only using these diamonds to promote their terrorism in west Africa, but they are exchanging these diamonds in international commerce among terrorist groups.

In Sierra Leone and other countries, we have seen absolutely barbaric conduct by these terrorists in west Africa. We have seen people who have been killed and mutilated, hundreds if not thousands of people who faced amputations of their hands, arms, legs, and feet as terrorist payback for their lack of loyalty to the terrorist cause.

How do these terrorists keep moving along? They are mining diamonds which eventually find their way into some of the most comfortable, democratic, and peaceful parts of this world.

We have introduced legislation, the Conflict Diamonds Act, which will require a certification of the country of origin for diamonds so we can starve out the diamonds that are coming out of west Africa and other places where they are supporting terrorism.

This is so important. It was important before September 11. It is more important now because we have come to learn that Osama bin Laden gathered these diamonds before September 11 as his way of bankrolling his terrorist operation. Diamonds do not leave a paper trail. A person with a handful of diamonds worth many thousands of dollars can stick them in his pocket or in a purse or in a packet and move through any metal detector, any security device undetected. That is a reality.

We have joined in a bipartisan fashion with the jewelry industry and with the diamond industry to promote the conflict diamonds bill to stop this illicit terrorist trade in diamonds.

The United States plays such a critical role when it comes to this issue. We in the United States import 65 percent of all the diamonds in the world. If we put strong standards in place and our allies who have joined us in this war against terrorism also pass similar standards, we can starve off a source of money, a source of terrorism that is clearly becoming rampant, even as we speak.

Diamonds have always been a symbol of enduring love. Unfortunately, today they have become the currency of ter-

rorism. I know the House Ways and Means Committee had a hearing on this bill last week. I am happy the Senate passed this bill earlier this year, and we are going to have to address it again.

I call on all my colleagues, Democrats and Republicans, to consider this a matter of great urgency and join us in a bipartisan fashion. Senator FEINGOLD, Senator DEWINE, I, Congressman TONY HALL, and Congressman FRANK WOLF, in a true bipartisan fashion, have tried to move this important issue forward.

I close on this issue by giving special credit to Congressman TONY HALL, who has been a leader on this for years—not for months but for years. It is his good work that has brought us to this point. I am happy to be an ally of TONY HALL in any cause, but when it comes to a cause of this importance, I hope my colleagues will take a close look at this legislation.

AMERICA'S ECONOMY

Mr. DURBIN. Madam President, as part of the challenge facing America today, we have to consider the state of America's economy, and it is a sad state of affairs. After almost 10 years of unparalleled prosperity in the history of the United States, during the past year we have seen terrible things occur—a massive growth in unemployment. The number of people who have been laid off across America is now reaching, unfortunately, historic levels. Last month saw the biggest 1-month increase in unemployment in 21 years. Nearly 7½ million Americans are now out of work, and the economists have warned us that a 1 or 2 million more may be losing their jobs over the next 12 months. Small and large businesses have faced this.

A friend of mine who deals with bankruptcies has told me we will be shocked as we hear the names of the major corporations and businesses which are going to go bankrupt in the near future. It is a fact of life this downturn in the economy is touching us in virtually every area of American life.

This is a time of year when many American businesses hope to show their greatest profit and success. This retail season around the holidays means so much to companies across America. Unfortunately, the sales are slow and the indication is clear that the American people are holding back. It is an understandable impulse on their part, understandable because they are not certain of their own stability in their job or their small business. They are uncertain about the future of our economy and, of course, the war which we are waging has led people to have a certain personal austerity, a little less flamboyance when it comes to their lifestyle. It is understandable. It reflects the spirit of sacrifice.

So what we need to do in Congress is to consider what it will take to turn this around. How can we breathe life back into this economy and get it moving forward? They have called it an economic stimulus package or an economic recovery package. Whatever the description, it is clear to me Congress should do something and do it immediately.

Several weeks ago, I called together business and labor leaders in my home State of Illinois, in the city of Chicago. Some of the largest corporations were represented, as well as small businesses and labor unions, and I said to them: Tell me what the problem is as you see it; what do you think the solution should be.

They came amazingly to a consensus. Seated around this table were Democrats and Republicans and Independents, people in labor, people in business. They said: It is our impression we have too much production in America and not enough consumption. There are too many cars and refrigerators and washers and dryers waiting for buyers. So we need to give the American people the resources and the confidence to take money, go to the store, and make an important purchase. They said that consumer confidence is critical to any kind of economic stimulus; focus on the consumers.

Secondly, they said to do it in a hurry because if there is going to be an impact on this economy, do not wait. Congress has a tendency to identify problems and then spend months, if not years, waiting to respond. Well, when it comes to the economy, we cannot afford to do that.

The third thing they said is, do not do anything today that you will regret tomorrow. Make this a temporary fix so when it is all over, we will not have a problem we have to cope with for years to come.

This is the advice of a diverse group of people who came together in Chicago. It is exactly the same advice which we have been given on Capitol Hill. Economist after economist has come into this building and told us, these are the three things: Help the consumers move forward, do it quickly, and do not do anything that will jeopardize the economy in the long run.

So how do we achieve that? Well, it is very clear to me if we want to move the economy forward and help consumers, we ought to focus on those individuals in our economy who are most likely, with additional resources, to spend them.

My basic course in economics, which I took many years ago at Georgetown, said people in lower and middle-income groups will spend their money and do it more quickly, and they are more likely to spend it than those in higher income categories.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. DURBIN. I ask unanimous consent for an additional 10 minutes.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. MURKOWSKI. Madam President. The ACTING PRESIDENT pro tempore. The Senator from Alaska.

Mr. MURKOWSKI. Did I hear the Senator request an additional 10 minutes?

The ACTING PRESIDENT pro tempore. That is correct.

Mr. MURKOWSKI. I was seeking recognition and was going to recognize my colleague from Missouri who has to catch an airplane. She needed 5 minutes. I stepped aside for her. I obviously want to accommodate Members and do not intend to object, but what is the order of morning business? Is it 10 minutes?

The ACTING PRESIDENT pro tempore. It is a 10-minute limitation.

Mr. DURBIN. In response to the Senator from Alaska, I gave the same accommodation to his colleague who just left, who asked for additional time to speak, but I do not want to keep anyone from catching their plane.

Mr. MURKOWSKI. My concern was to accommodate the Senator from Missouri.

Mr. DURBIN. I want to accommodate my colleague from Missouri, too. I yield 5 minutes to her and then ask for an additional 10 minutes.

Mr. MURKOWSKI. I have no objection.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Missouri.

REVITALIZING THE AMERICAN ECONOMY

Mrs. CARNAHAN. Madam President, I thank my colleague from Alaska and my colleague from Illinois for their kindness this morning.

I add my voice to those who believe we must act quickly to revitalize the American economy. Even before the terrorist attacks, our economy was slowing down. New reports now indicate the unemployment rate is rising, that consumer confidence is low, and that businesses are postponing investments. The convergence of these important indicators spells trouble for us in the months ahead. That is why Congress must act now.

The American people expect us to find solutions. All across America, the fires of patriotism are burning brightly while in the Congress we smolder in indecision. In fact, we in this Congress can learn from the unity and patriotism of the American people. They want us to work together across party lines to do the urgent business of this Nation.

Leading economists in the country have repeatedly told us what needs to be done. We can jump-start our slug-

gish economy, we are told, by providing immediate tax relief and economic assistance targeted to those who are most likely to invest and spend. These economists have also warned us that if we abandon fiscal discipline, long-term interest rates will rise. It is time for us to heed their sensible advice.

The Democratic and Republican leaders of the Budget Committee in both the House and the Senate have laid out very useful principles for an effective stimulus package. They all agree the legislation ought to be immediate, it should be temporary, and it should be focused on individuals and businesses most likely to spend the stimulus dollars. I believe if we abide by these bipartisan principles, we can craft a stimulus package that would give a boost to the American economy, and we can do that without jeopardizing our long-term fiscal health.

Using these guidelines, we can craft a package that will garner support from both parties and one that President Bush can sign quickly. Our goal is to get the Nation back to work again and back to growing again. By getting cash into the hands of businesses, we can create new jobs and new investments in plants and equipment.

A number of promising ideas have been suggested that would provide this needed cash infusion into businesses. It has been proposed that businesses could accelerate the rate at which they depreciate new assets. Doing this would help businesses of all sizes decrease their costs this year and free up investment capital.

For example, let me tell my colleagues about a company in my hometown of Rolla, MO. It is called Brewer Science, Inc. It is a successful and growing company that employs 235 people. It produces the chemicals used in the manufacture of integrated circuits. The proposed increase in allowable deductions would enable this small business to expand faster. Additional cash in this business could be spent on additional research and development, and that is the kind of investment and expansion that will get our economy back on track.

Increasing business investments address only part of the problem. While the economy goes through its natural business cycle, many Americans are facing immediate unemployment. Creating new jobs for these workers is crucial, but it will take some time. In the meanwhile, we must help these families in crisis. Last Friday, the Labor Department released some alarming figures. Seven hundred thousand Americans lost their jobs in October. The unemployment rate surged to 5.4 percent this month. There are now a total of 7.7 million Americans out of work. These are staggering numbers. Families all across America are hurting.

Shortly after September 11, I encouraged my colleagues to act quickly on

behalf of the workers in the airline industry who lost their jobs abruptly. To my great regret, they did not act.

At that time, many in this body claimed it was appropriate to wait. They said we ought to deal with assistance to the unemployed when we consider broader legislation to stimulate the economic recovery. Now almost 8 million Americans are worrying about how they will pay the rent or their mortgage. Millions of American parents have lost their health care insurance, and they are worrying what they will do if a child gets sick. Millions of families are wondering how they will put food on their Thanksgiving table this year. It would be unconscionable to tell these people to wait any longer. Extended unemployment benefits and help with health care coverage must be included in a stimulus package.

By extending unemployment compensation, we will be putting dollars into the hands of people who need the money immediately for their basic needs. The money will be spent quickly, which in turn provides the needed remedy for an ailing economy. We have an opportunity to do the right thing at the right time and for the right reasons. We must act quickly and in a bipartisan fashion. We cannot afford to wait until more people are laid off or more businesses fail. We must not leave our families to struggle without help or without hope.

If we have the will, we can forge a just and reasonable compromise that will ease the pain of this recession. When Holocaust survivor Elie Wiesel was asked what was the most important commandment, he replied: Thou shall not sit by idly. That response points up the importance of acting when we have a chance to influence an outcome. During this time of crisis, let it not be said of the U.S. Congress that we sat idly by. Let us act with courage, and let us act now.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

Mr. DURBIN. I congratulate my colleague from Missouri. She said in just a few moments exactly what we need to hear as we consider this economic stimulus package.

I believe she has put a finger on it: We are being called on, across America, to rally behind our flag, our President, and our cause, that we should make certain when it comes to the economic stimulus package, we also keep in mind that all America is involved. It is the working families in America paying the payroll taxes into the Social Security trust fund who are funding all we are doing. The money we are spending to defend America against terrorism, the money we are spending to rebuild New York, the money we are spending to help the airline industry, the money we are spending for an economic stimulus all comes out of the Social Security trust fund, and all of

that money comes from the payroll workers across America.

When we talk about invigorating this economy and getting it moving forward again, what a difference in approach we have between the two political parties. On the House side, the Republicans came up with a stimulus package which I am afraid doesn't meet the test of encouraging consumer spending, doing it in a timely fashion, and not damaging the economy. Instead, what the House Republican package came up with was, sadly, a great deal of tax relief for the biggest corporations in America. This is profiteering in the name of patriotism.

Consider for a minute that these corporations would receive rebate checks for 15 years' worth of Federal income tax under the stimulus plan supported by the House of Representatives. IBM would receive \$1.4 billion from the Social Security trust fund; Ford, \$1 billion; General Motors, \$833 million. The list goes on and on. Billions and billions of dollars in corporate relief from the House Republican stimulus plan and precious little or nothing for the workers across America.

We know what will get this economy moving again. Give some money to the people who are having a tough time—having just lost their jobs—to keep their families together, and they will spend it. Of course they will. Give the people who just lost their jobs help in paying for health insurance, and they will use that help because they are as frightened as anyone that family members or their children will not be protected with health insurance. Those are the pillars of the Senate Democratic plan for stimulus: That we help those who have just been laid off, who are facing a difficult time.

We also provide tax rebates for 45 million low-income taxpayers who received no rebate earlier this year. People pay payroll taxes, pay into the Social Security trust fund. This time around, we believe they should receive some tax assistance.

We have business tax cuts, as well—a 10-percent bonus appreciation. I heard from businesses across Illinois: Give us some help in depreciating some of the things we purchase and we will purchase more. That can move the economy forward. It is a sensible plan.

We want to extend unemployment benefits an additional 13 weeks in all 50 States. This is not a radical suggestion. This is the course followed by President Bush's father. In the teeth of a recession, he said: We have to stand by the people who have lost their jobs. In America we have 7.5 million Americans who are out of work. We ought to stand by them and any laid off in the near future. We need to expand coverage to the people who do not receive unemployment insurance today.

We also know when it comes to this health insurance, unless we help people

buy health insurance once they have lost a job, they will have none; they are not likely to do so. Just do the math. The average unemployment check is \$230 a week; the average payment for private health insurance when you have lost your job is \$588 a month. It just does not work.

We have quite a contrast between the Republican approach of getting this economy moving forward and the Democratic approach. The Republican approach embodies tax cuts for the wealthy and profitable corporations and nothing for homeland security. I hope I get a moment to get to this issue.

When it comes to tax cuts for the wealthy, by speeding up the rate cuts, the Republican plan would give a new \$16,000-a-year tax break to the wealthiest 1 percent of Americans. Those are people making over \$1 million a year, receiving \$16,000 from the Republican tax stimulus. What a stimulus that is: For citizens making \$1 million a year, we want to give you \$16,000 more. That is not going to put money back into the economy, not nearly as much as helping the economy by giving the money to the average working family, the middle-income family across America.

When we give every millionaire a check from the Treasury for \$16,000, that is money being thrown away that could be used to deal with economic stimulus. That \$16,000 goes right out of the Social Security trust fund. Payroll taxes paid by average workers into the Social Security trust fund are being spent to give a \$16,000-a-year check to the wealthiest people in America—and to do it for 4 years under the Republican plan.

The Republican plan, in addition, with the accelerated tax cuts, costs \$27 billion in 2002—next year—and increases to \$121 billion over 10 years. Remember the advice we receive from people: Don't do anything that will hurt us in the long term. They are going to basically eat up any surplus we have in the future to give tax cuts to the wealthiest people in this country. That makes no sense at all.

HOMELAND SECURITY

Mr. DURBIN. I have a limited amount of time and will now reflect on the issue of homeland security. There are two ways to move the economy forward: Tax cuts and spending. The faster way, the more effective and immediate way, is through spending because as we spend on important projects and the money is spent, people are employed to do things important for America.

Senator BYRD of West Virginia and others have offered as part of the stimulus package a \$20 billion package dealing with homeland security. Where would that money go? For example, it

would go to law enforcement. In my State of Illinois, my Republican Governor has asked me to help come up with \$20 million so we can have a statewide communications network to deal with any emergencies, any crisis, any act of terrorism. This is money well spent. I want to give the Governor that money, but unless Senator BYRD's package moves forward, it is not likely that will happen.

The same thing on bioterrorism: We want to see money going into public health departments, State and local, to help them fight the war against bioterrorism. We need them. We have realized that with the anthrax crisis.

Look at the contrast: What the administration has called for to help public health departments on bioterrorism is \$300 million a year to go to State and local public health agencies. That amount is nothing. Remember, as well, the Republicans, in their stimulus plan coming from the House, want to give \$1.4 billion to one corporation—IBM. To give four or five times as much as might be spent to fight the war against bioterrorism is clearly a loss of our priority.

We also need to put money into security for Amtrak, for our airports, for our highways, for critical infrastructure across America. The money called for by Senator BYRD would go for that purpose. I think that is money well spent and invested in the infrastructure of this country.

People expect us to respond to this crisis with not only tax cuts that will truly move the economy forward but also with a spending package that makes America safer. It doesn't make America safer to give a \$16,000 check to a millionaire out of the Social Security trust fund. It might make America safer if we take that money and invest it in law enforcement, in protecting critical infrastructure such as water supplies, nuclear power plants, and the highways, and infrastructure across America.

Those are the differences, and they are critical differences.

I also make note of the fact that the editorial response to the Republican stimulus package so far has been uniformly negative. As a matter of fact, Treasury Secretary Paul O'Neill referred to the House-Republican-backed stimulus package as just so much show business. We don't need show business on Capitol Hill; we need to get down to serious business. That serious business involves responding to our economic crisis and doing it in a timely fashion and a fair manner.

I salute the Senate Finance Committee for moving forward a package yesterday, on a partisan rollcall, I am sorry to report, but one that we will consider next week. I hope the Republicans will work with us quickly pass a bipartisan package. The sooner we can respond to this economy and its needs, the better it will be.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Alaska.

DEVELOPING ANWR

Mr. MURKOWSKI. Madam President, I listened carefully to my colleague from Illinois. I think what we are going to see next week is almost class warfare on the issue of the stimulus.

What is a stimulus? Stimulus is what really stimulates the economy. I think as we look at the difference in the positions of both parties, we come to the conclusion that for those who happen to have the circumstances that allow them to have accumulated capital, it is in our interests to encourage them to invest in inventories, expenditures, and so forth, so this economy can move. It doesn't move necessarily simply by government spending. These should be determined to be true stimulus matters.

I would like to reflect, as a member of the Finance Committee, on how we got into this situation relative to putting a bill together, under the Finance Committee leadership of the two leaders, Senator BAUCUS and Senator GRASSLEY, who had worked together extraordinarily well on the tax package. It was a bipartisan package, so unlike what came out of the Finance Committee yesterday. It seemed as if the Republican participation in the process had been virtually eliminated by the Democratic majority and the Democratic majority leader. In the manner in which he dictated the terms and conditions, there would be virtually no input from the Republicans in that package.

As a consequence, I do admire the chairman, Senator BAUCUS, for insisting that the process at least go through the committee because, unlike what happened in the Energy Committee where the Democratic leader simply pulled the energy bill and there was no committee process; there was no input from the authorization committee, so the committee basically shut down, and the Democratic leader took it upon himself to work up an energy bill that we have yet to see. What we are seeing here is an extraordinary dictate of power from the Democratic leader who says: We are going to do it my way. We are not going to go through the process associated with the authorizing committees.

As a consequence, what happened yesterday in the Finance Committee was a partisan vote. We are going to start in with that package on Tuesday. If we are going to get anywhere, we are going to start in accommodating each other's points of view, working towards a bipartisan solution. Clearly, this country, and the President, wants to have this issue resolved. It should be resolved. But it has to be a true stimulus.

What I am doing is drawing a little bit of a parallel to the power politics of what is occurring here. We saw initially on the energy bill, as I have indicated, where the authorizing committee's jurisdiction was basically eliminated and the chairman of the committee saw fit to simply leave the obligation up to the Democratic leadership. That almost occurred in the Finance Committee but not quite.

As we look at the stimulus, I want to reflect one more time on what true stimulus is. True stimulus is the creation of jobs, the creation of jobs by urging the private sector to invest, initiate action. There is one issue before this body, and it is either going to be on the stimulus bill or perhaps we can make an arrangement with the Democratic leadership to take it up, debate it, vote up or down, and address the issues as they should be—and that is the issue of an energy bill.

One of the issues in that bill is the contentious issue of ANWR. Should it be opened? Should it not? We have seen the position of our President on numerous occasions who says it is an integral part of the Nation's energy policy to reduce our dependence on imported oil. The American Legion, Veterans of Foreign Wars, AMVETS, Vietnam Veterans, the Catholic War Veterans, what do they say? I could go on and on. They have implored the Democratic leader to put this on the calendar, to take it up, vote on it. Their particular view of this issue is they don't believe we should send any more men and women to fight a war on foreign shores.

I am reminded of the comments of a former Member, Mark Hatfield, who was a pacifist. He said: I would vote for opening ANWR any day rather than send another man or woman to fight a war on foreign shores over oil.

I think that says a lot for American veterans. Make no mistake about it; we fought a war over oil in the Persian Gulf. Today we are buying oil from our enemy, whom we basically conquered in that war, Saddam Hussein. We are importing over a million barrels a day. Yet at the same time we are enforcing a no-fly zone over that country. We are putting at stake the lives of American men and women. As we take the oil from Iraq, put it in our planes, and enforce the no-fly zone, we bomb him. The consequence of that is he takes our money, develops a missile capability, maybe a biological capability, and aims it at our ally, Israel. Maybe that is an oversimplification of foreign policy, but it is not too far off.

Organized labor is totally aboard. For the International Brotherhood of Teamsters, maritime unions, seafarers unions, operating engineers, plumbers, pipefitters, carpenters and joiners, this is a jobs issue. Where can you find a stimulus that will generate roughly 250,000 jobs—these are U.S. jobs, these are union jobs in this country—other

than this particular issue of opening up that sliver of ANWR?

The interesting thing is we are creating jobs. We are also generating revenue to the Federal Government because those lease sales are estimated to generate about \$3.6 billion from the private sector.

What we have here is an opportunity, an extraordinary opportunity to recognize the realities associated with what this stimulus would do to the economy. There is not one other thing any Member can identify that will not cost the taxpayer one red cent and that will employ more people in this country, generate more jobs.

From where do these jobs come? We will have to build another 19 or 20 U.S.-flagged vessels, tankers, to move the oil because we have to move it in a U.S.-flagged vessel. They are going to be built in U.S. yards with U.S. workers. We don't make steel or pipes or valves in Alaska. They are built all over the United States. This is real stimulus.

The Hispanic community, the Latin-American Management Association and Latino coalition, the United States-Mexico Chamber of Commerce, all support this. We even have the seniors organizations and of course the American businesses, manufacturers, and so forth.

What is this all about? This is an issue that America's extreme environmental community has latched onto over a period of time, generated a lot of revenues and a lot of membership, and they are going to hang onto this issue because they recognize the value of it.

Some Members, obviously, are looking to the political support from these issues. I think we have to stand up for what is right for America.

We see a remark made by a spokesman for the Democratic leader:

Everyone knows we will not get a drop of oil out of Alaska for a decade, and it won't last more than a few days.

That is a statement made by a person who obviously has no knowledge of reality. The reality is, if it ranges between the estimates of 5.6 billion and 16 billion barrels, it would be as much as we import currently from Saudi Arabia over 30 years and as much as we are now importing from Iraq for 50 years. That is reality.

How can we frame this in any sense?

Let's look at Prudhoe Bay. Everybody is somewhat familiar with that. That came on line 27 years ago. The arguments today against opening up ANWR are basically the same that existed 30 years ago when we were talking about opening Prudhoe Bay. We built an 800-mile pipeline along the length of Alaska. Is it going to be a fence? Are the animals going to be able to cross it? Is it a hot pipeline over permafrost. Will it melt? Will it withstand earthquakes? It is one of the construction wonders of the world.

Prudhoe Bay was supposed to provide 10 billion barrels. It has now produced 13 billion barrels. It is still producing 17 percent of the total crude oil produced in this country today. Those are the realities.

I am very disappointed that some people who have never been up there speak with such eloquence and knowledge. They do not know what our Native people want. Our Native people want a lifestyle that provides better job opportunities and better health care. The people in my State of Alaska within that 1,002 area of ANWR own 59,000 acres. It is their own private land. They can't even get access to drill for gas on their own land. This is an injustice.

There is a rather interesting dichotomy here because we are all concerned about public opinion. The New York Times, in 1987, 1988, and 1989, supported opening this area. I will read a little bit from the New York Times, April 23. It says:

The Arctic National Wildlife Refuge has the most promising untapped source of oil.

It further states:

This area could be opened up safely, and we could avoid any disaster associated with the dangers.

Further, in 1988, they say:

The potential is enormous. The environmental risks are modest.

In March of 1989, they say:

Alaska's oil is too valuable to leave in the ground.

That is where they were then. Of course, they are in a different position now. They say now that we shouldn't open it.

The Washington Post, April 23, 1987:

Preservation of wilderness in Alaska is important. Much of Alaska is already protected under the strictest of preservation. That part of the Arctic coast is one of the bleakest, most remote places on this continent. There is hardly any other place where drilling would have less impact on the surrounding wildlife.

In April 1989, they said:

If less is produced here at home, more will have to come from other countries. The effect will be to move oil spills to other shores. As a policy to protect the global environment, that is not very helpful. The lessons of conventional wisdom seem to be drawn . . . that this country should produce less and turn to greater imports is exactly wrong.

How quickly we change with no explanation. It is just the influence of America's environmental community on these newspapers. But that is a turnaround.

My colleague this morning entered an excerpt from the Washington Post by Charles Krauthammer entitled "War and the Polar Bear." It is very interesting. I advise all people to read it.

But I will again reflect on reality. Thirty years ago in this Chamber we were arguing the issue of opening Prudhoe Bay. It passed by one vote. The Vice President broke the tie.

The same issues prevail today. Now, in a time of war, when do we face up to reality and address the opportunities to open this area and reduce our dependence on imported oil and stimulate our economy? It is not a few days' supply. It is the largest potential oil field that we could possibly find in North America. It can flow within 18 months of opening as a consequence of the process simply of moving the permitting. We all know this.

Let's get on with the stimulus at hand and recognize the greatest single stimulus that we can identify. That is simply opening up ANWR.

I thank the Chair.

The PRESIDING OFFICER (Mrs. CLINTON). The Senator from Connecticut.

Mr. LIEBERMAN. Madam President, I thank the Chair. I have come to the floor to speak this morning about the various ideas proposed to help our economy recover from the recession that we are in currently.

I say to my friend and colleague from Alaska that he will not be surprised that I respectfully disagree with most of what he just said about drilling for oil in the Arctic National Wildlife Refuge. But I have the feeling that either next week or sometime soon we will have the opportunity to debate these matters at length. I look forward to a good, constructive debate.

A SENSIBLE ECONOMIC STRATEGY

Mr. LIEBERMAN. Madam President, I do want to go back to the fiscal stimulus and put it in the context of where we are now.

America is a nation at war. It is a war that challenges our values and our security as fundamentally as the great wars we fought in the last century against Nazism and communism. So a war of this kind naturally affects most everything else we do in ways that we may not yet see in America. That includes the ways we in Congress conduct our business.

It is a time to put national interests ahead of narrow partisan or ideological agendas. But when there are important disagreements, we cannot sweep them under the rug. After all, democracy, in all its fractious glory, is one of the most fundamental values that unites us. It is a value that we are fighting to defend in the current war against terrorism. The moment we stop practicing democracy is the moment we start giving in to the terrorists.

It is in that spirit that I wish to speak today—not negatively, but constructively, and not divisively, but I hope in a spirit of what I take to be the national interest.

I want to speak in disagreement with the fiscal stimulus plan passed by the House of Representatives, which is really a House Republican plan passed almost entirely on partisan grounds.

This plan has apparently now been endorsed and supported by the President of the United States.

The fact that our economy was weakening before September 11th is clear, particularly in the information technology, telecom, and high-tech sectors. But after September 11, unfortunately, the terrorists helped to push the American economy from weakening into recession. That has challenged all of us to regain the kind of psychological, let alone economic, confidence that will once again create growth.

Unemployment has risen now to 5.4 percent. That is a statistic which expresses itself in hundreds of thousands of our fellow Americans being out of work. Demand in the business sector and the personal consumption sector is just not where it was or where we want it to be.

We must always recognize that the American economy is the strongest in the world and that we have the most vibrant, productive private sector in the world—both those who invest and manage it and those who work in it. In fact, it is from that private sector that the recovery to this recession will ultimately come.

It is also important for us to acknowledge that we in government have some options by which we can facilitate and encourage the private sector to do what it does best in helping to create economic growth.

It is important as we put together a fiscal stimulus package to remember, ironically enough, the Hippocratic oath that every doctor knows very well. It is, "First, do no harm." I say respectfully that the stimulus package passed by the House of Representatives, reflected in part in the Republican proposals that are surfacing here in the Senate, does not pass the test of the Hippocratic oath.

They will harm our economy by not only being unfair but by bringing us further into long-term debt—building, unfortunately, on the precedent set when we passed President Bush's tax cut earlier in the year. That tax cut plan made the most glowing assumptions about the future of the economy, and then spent the revenue that was predicted based on those assumptions. That was not fiscal responsibility. And, of course, now the multi-trillion dollar estimates of surplus on which that tax cut was based have evaporated, have been altered.

The Republican proposals for fiscal stimulus, particularly by accelerating some of the President's tax cuts that were adopted, not only do nothing to increase demand by individuals which will stimulate the economy and create growth and jobs, but they increase America's long-term debt. That means increasing long-term interest rates. And that means inhibiting the flow of capital, money that is the underpinning of growth in the private sector of our economy.

So I say, respectfully, the Republican proposals for fiscal stimulus do harm. Our economy needs help, not harm. Frankly, I believe we would be better off passing no stimulus than passing the package that was adopted by the House of Representatives, because I really believe it will hurt our economy, not help it.

Our economy is ready and waiting for a quick, significant, temporary shot in the arm. But if the Federal Government makes the wrong choices, we will effectively be shooting ourselves in the foot.

In the current economic climate, we need to discard the stale, knee-jerk debates of the past and come together now to craft a commonsense solution that again puts the national interest ahead of narrow partisan or ideological interests, and ahead of the paying of old political debts. We need to act to produce economic growth and to protect jobs.

I want to speak, for a moment, about a very significant event that occurred just over a month ago, on October 4. The chairmen and ranking members of the House and Senate Budget Committees—Democrats and Republicans alike—released basic principles that they thought should guide any economic stimulus proposal. They agreed that the package—and I quote—"Should be based on the recognition that long-term fiscal discipline is essential to sustained economic growth. Measures to stimulate the economy should be limited in time so that as the economy recovers, the budget regains a surplus that is at least equal to the surplus in Social Security. Any short-term economic stimulus should not result in higher long-term interest rates."

The Republican proposals simply do not meet that test. Given the spending demands of prosecuting the war on terrorism, of upgrading our homeland defense, of rebuilding the City of New York, President Bush initially said he supported enacting a stimulus package of between \$60 and \$75 billion which would be balanced—half and half—between spending and tax incentives.

The President asked for a finely tuned performance vehicle. Instead, the House has given him a broken-down jalopy. The House Ways and Means Committee reported a \$212 billion plan that meets few, if any, of the bipartisan principles of the Budget chairs and ranking members issued on October 4.

At the heart of the House Republican package is a large corporate tax cut, retroactive to 1986—before my youngest child, my 13-year-old daughter—was born. It totals about \$25 billion in cost. And \$6.3 billion of that ends up in the bank accounts of just 14 large companies.

Madam President, I am all for tax cuts, as I know you are, including tax cuts for business. But if our goal is to

jump-start the economy now, these big tax breaks to a select group of our largest companies simply make no sense. In the first place, they will not get their refunds until next year. Even then, there is no guarantee they will spend the money, which is what we need to spur economic growth. There is no guarantee they will invest in acquiring new equipment and funding the kind of research and development that will support economic growth. We are just going to have to cross our fingers and hope they use it in the right way, and don't use it to pay off their debts or buy back stock. It's the wrong strategy.

The same is true, as I said briefly earlier, of the House Republicans' plan to accelerate the reduction in income tax rates adopted earlier this year. That is not going to prime the pump; it is simply going to pump up the incomes of those who need it least. It is not likely to spur new investments or job growth, but, instead, to reward past success—which is not what our economy needs now. It is not the quick action we need, but a slow road to budget deficits and higher interest rates.

There are only two provisions in the House fiscal stimulus bill that meet the agreed-upon, bipartisan standards: A grant of rebates to those working Americans who did not receive them this summer, and accelerated depreciation for companies, businesses that buy and place in service new equipment in the coming year. Those are both good ideas. They are the beginning of the basis of an agreement. And they are both contained in the Senate Finance Committee's package that was reported out yesterday.

This is not the time for serving old, stale, narrow party and ideological agendas. It is the time for unity, for leadership, for discipline, and for bipartisanship.

I think the Senate Finance Committee has reported a bill that meets those standards. It is focused. It is disciplined. It is short term. It is a real stimulus. It will cost \$75 billion over 10 years. It contains no permanent changes in law. It has minimal negative out-year impact on our budget.

And, unlike the House Republican bill, it includes reasonable and effective assistance to those who are unemployed or are about to lose their health care benefits. In fact, half of the cost of the bill goes to temporarily extending and expanding unemployment insurance and a subsidy for COBRA health insurance premiums. That gives balance to the proposal. It gives heart to the proposal. And it will help to stimulate the economy because every additional dollar that goes to an unemployed worker will surely be spent.

Over the last couple of weeks, I have been talking to workers who are unemployed and those who fear they will soon be unemployed.

Madam President, I ask unanimous consent for two additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LIEBERMAN. I thank the Chair.

Madam President, I find that the greatest fear of those who are currently unemployed or who fear that they will, in this recession, be unemployed, is: How in the Good Lord's name am I going to be able to continue health insurance for my family?

I spoke to one couple last weekend who said their health insurance premiums are \$600 to \$700 a month. How can they afford to pay those premiums through COBRA to keep their insurance going?

The Senate bill, in an act of not only humaneness but an expression of classic American values, said why would we not want to help working families who, through no fault of their own, have been laid off, to at least cover the cost of health insurance for their families? The Senate finance bill will do that up to the tune of 75 percent.

This is a good, balanced program. It is the medicine our economy needs to help it grow. I hope we will not find the debate on the stimulus to be rigid, to be unthinking, to be unyielding. I think we need to be open-minded because the threat to our economy is real and profound.

The American people not only need help, but they will not tolerate a partisan debate that ultimately produces sound and fury but nothing to help them hold their jobs or help their families.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

UNANIMOUS CONSENT AGREEMENT—S.J. RES. 28

Mr. REID. Madam President, I ask unanimous consent that at 10:30 a.m. Tuesday, November 13, the Senate proceed to consideration of Calendar No. 219, S.J. Res. 28; that the statutory time limitation be reduced to 2 hours, with the time equally divided and controlled between the chairman and ranking member of the Budget Committee or their designees; that upon the use or yielding back of time, the joint resolution be laid aside, and the vote on final passage of the joint resolution occur immediately following the vote on confirmation of the Executive Calendar No. 511, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. REID. Madam President, as in executive session, I ask unanimous consent that the previously scheduled debate and vote on Executive Calendar

No. 511, Edith Brown Clement, be changed to reflect that the debate time occur at 4:45 p.m. and the vote on confirmation occur at 5 p.m., with all other provisions of the previous order remaining in effect, with the above occurring without further intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, on Tuesday, as a result of this unanimous consent agreement, there will be no votes until 5 o'clock. There will be a number of matters, as indicated in the unanimous consent request, taken up. That is the beginning of the time also for the debate on the stimulus package. We are going to be very busy Tuesday, but the first vote will not occur until 5 o'clock.

The PRESIDING OFFICER. The Senator from North Dakota.

ECONOMIC STIMULUS

Mr. DORGAN. Madam President, I rise to talk a bit about the economic recovery plan.

I begin by saying that yesterday, I chaired a hearing dealing with the U.S. Postal Service. My colleague, Senator BYRD from West Virginia, attended the hearing and asked the Postmaster General a series of questions. As with a lot of areas in our country since September 11, the U.S. Postal Service has been dramatically affected, perhaps more so than others. They have had postal workers die as a result of terrorists who used the system as a delivery mechanism for terror and death from the anthrax spores sent through the mail.

I told the Postmaster General that this country expresses its sorrow for what has happened to the Postal Service workers. These are wonderful people.

I mentioned one of the stories about the two Postal Service workers who died which described both of them in quite remarkable terms. One of them had worked 15 years on the night shift and had never, in 15 years, used 1 day of sick leave. One should not judge someone by whether or not they use sick leave. The point is, this person's neighbors talked about what a wonderful human being this person was.

The U.S. Postal Service is populated with men and women who do their job, as we say, in rain, sleet, and snow; regrettably now with anthrax, which has taken the lives of a couple of them.

I told the Postmaster General yesterday about a town meeting I had in Glenburn, ND, a small town with hundreds of people. At my town meeting, a fellow stood up and said: There is a lot of criticism about things and good government. I want to give you one piece of good news about the U.S. Post Office.

I asked: What is that?

He said: I got a letter out at my farm that was addressed "Grandpa, Glenburn, ND." It was from my grandson.

I asked: How on earth could that have been? How would you have gotten a letter addressed "Grandpa, Glenburn, ND"?

He said: You can ask the postmaster over there.

So I asked the postmaster: How would that have happened?

He said: We got the letter that said "Grandpa, Glenburn, ND." We looked at the postmark and it was Silver Spring, MD. We knew the only person around here that had relatives in Silver Spring was Frank, so we sent it out to Frank's farm. Sure enough, it got to the right grandpa.

I told the Postmaster General that story. So many others like it describe quite a remarkable system that has worked for a long while and one that we must preserve and keep and nurture and protect during these difficult times.

I rise to talk about all of the challenges, not just to the U.S. Postal Service but to our country. We face several challenges now. One is the challenge dealing with national security. One is a challenge dealing with economic security. And another is the challenge dealing with energy security. Some of my colleagues spoke about that earlier.

National security doesn't need much more description. Most of us understand that some sick, twisted minds hatched a plot that murdered thousands of Americans in cold blood. Terrorism has visited our land in a manner that we never thought before possible. Now this Nation is one in its determination to find and bring to justice those who committed these acts of terror.

It is a different time. There is a pre-September 11 and a post-September 11. We have a President who has spoken to the American people about putting the men and women in America's uniform in harm's way to try to find the terrorists and bring them to justice, to root out the terrorist cells formed around the world who would commit acts of these types. This country supports our President and the men and women in uniform who are risking their lives to do that.

I toured Ground Zero in New York about a week after the tragedy. I saw on the highest twisted metal beam yet standing where an iron worker had climbed and attached an American flag to that highest metal beam. As we came upon that tragic site, that is what we saw, carnage, destruction, but also an American flag gently blowing in the breeze that morning.

Two days later, I was in North Dakota driving between Bismarck and Dickinson, ND, on interstate 94, a patch where you couldn't see a structure of any kind anywhere, just rolling

prairies. Someone had taken a flag pole with a flag on it and attached to it a fence post there in the middle of the prairie where you could see nothing that was made by human hand except from this fence post—a single American flag also blowing in the gentle morning breeze in North Dakota.

The connection between the flag and the Trade Center and the flag in North Dakota was a connection of unity of spirit and one Nation doing what it needs to do to protect itself and to bring to justice those who committed these terrorists acts.

Our Nation was having some difficulty even prior to September 11 with an economy that was very weak. Our economy had softened a great deal and people were beginning to lose jobs. Our economy was losing steam and strength. September 11 cut a hole right through the belly of this country's economy.

The news since that time has been more layoffs. Hundreds and hundreds of thousands of Americans have lost their jobs. They, too, in many ways are victims of terrorist attacks.

What do we do about the soft economy in the aftermath of these terrorist attacks? We are unified as a Nation in going after the terrorists and trying to prevent terrorist action from occurring again. Are we unified with respect to how we come together as a nation to try to provide a boost to the American economy?

The answer to that is, no, not so unified these days. We have a lot of different ideas about how you promote economic growth and how you help the American people during an economic downturn.

This is the political system. I don't regret the fact that there is debate about these things. With respect to national security issues, this country has unity. On some of the other issues, we have debate. I don't regret that. It strengthens us. There is an old saying when everyone in the room is thinking the same thing, no one is thinking about much. I don't shrink from debate. We should not shrink from debate. When in debate we get the best of what everyone has to offer, democracy is served.

Groucho Marx once said: Politics is the art of looking for trouble; finding it everywhere, diagnosing it incorrectly, and then applying the wrong remedies.

Groucho Marx was a humorist. Politics takes a lot of humor and should over many years. But politics is the process by which we make judgments and decisions about the country. That is politics; that is the best of the American people. It is what served this country well for a long time. So as we talk now together in this country about how we apply some remedies and develop policies that strengthen America's economy, we have ideas coming

from all sides. Let me describe some of them. Some of them are wonderful, challenging, interesting; some of them are nutty—but that is the way the process works.

We have, for example, one piece of legislation that was developed by the other body, and it was described as something that is a stimulus package and is going to help the country. I will give you a couple of examples: They put in a \$21 billion tax piece that benefits many of the largest corporations in the country for the purpose of incentivizing them to move and keep needed investment capital overseas. How would I classify that? Nutty.

Does anybody think that is going to strengthen our country, strengthen our economy, by saying to big companies: What we would like you to do, by the way, is keep investing overseas. We would like you to move capital overseas because we think that is just great.

Well, that is not the way to strengthen our economy, the way to provide a lift and boost and helium to the American economy. But that is exactly what came out of this package from the U.S. House of Representatives. There are so many other items in that bill that it's almost hard to start when you describe things you think are kind of off base.

Another provision would retroactively repeal the corporate alternative minimum tax. That means that IBM, for example, would get a \$1.4 billion tax cut. General Motors would get a \$833 million tax cut.

It seems to me that is kind of larding up a piece of legislation that is supposed to be designed to help our country recover. Instead, it becomes a carrier for the favored old tax cuts for the biggest and most powerful economic interests among us.

Mr. BYRD. Will the Senator yield?

Mr. DORGAN. Yes.

Mr. BYRD. The Senator spoke of "larding up." Would he say that is a cholesterol-laden piece of pork?

Mr. DORGAN. I hadn't thought about that.

Mr. BYRD. When I was a young man, which was quite a while ago, I worked in a meat shop in a coal mining camp. All of the ladies who came to the store, including my mother and my wife's mother, bought lard. Those coal miners, before they went into the bowels of the earth and did that back-breaking work, ate sausage and bacon fried in a deep skillet with lard. We never heard of the word "cholesterol" in those days. That is a new word in my lexicon, coming along probably about in the middle of my life. So I was interested when the Senator used the words "larding up." Was he talking about a spending measure or was he talking about pork? What did the Senator have reference to? I missed that. Would he say that again?

Mr. DORGAN. Mr. President, I was actually using that term to describe

something done on a tax bill in the other body. I described it as "larding up." It is plugging the arteries of this system by putting in place certain provisions. I will give you an example.

Mr. BYRD. Would that be cholesterol?

Mr. DORGAN. Yes. When I talk about larding up, the Senator from West Virginia is talking about how people always refer to spending bills as pork, but never refer to tax bills as pork. In fact, there is more lard and larding up of tax bills than almost anything else.

The retroactive repeal of the corporate alternative minimum tax in the House tax bill does as I said it would—it provides the biggest tax benefits to the biggest, most powerful corporations in the country.

Here is what the chief economist from Merrill Lynch said about it because, remember now, the only reason we are going through this exercise is to try to determine how we help the American economy. Bruce Steinberg, chief economist, said:

The silliest idea is the retroactive AMT payments. If you want to stimulate spending in the future, you don't give out tax breaks for things that already happened.

It is as simple as that.

Mr. BYRD. That is the epitome of pork, isn't it? It drips with lard.

Mr. DORGAN. The Senator describes it in a way that makes it visual. But it is a slow turn on a medium-hot spit—or "pit," I guess it would be in West Virginia. Let me continue.

Will Rogers said something I want to put up on a chart.

Will Rogers said this a long time ago:

The unemployed here ain't eating regular, but we will get round to them soon as we get everybody else fixed up OK.

Now, while IBM, General Electric, and others are prepared, according to the House bill, to get hundreds of millions of dollars in tax cuts retroactively, last Friday it was announced that 415,000 people lost their jobs in October. What about those folks? When you talk about stimulating the economy, what about giving the people who lost their jobs some assistance? How about a helping hand to somebody who got a pink slip or a notice that said: By the way, you do a good job and I am glad you are here. It is just that our company is shrinking. We don't have as much business. So guess what, we don't have room for you. Tell your family tonight when you go home and sit at the supper table that you have lost your job. Tell them it is not your fault, that you worked hard, we appreciated you, but you can't go to work on Monday because you no longer have a job.

What about those people? For example, in New York, when that act of terrorism struck the World Trade Center, it is true that the people who were climbing those stairs, even as the buildings were collapsing, were people making \$30,000, \$40,000, \$50,000 a year,

willing to risk their lives in public service—firefighters, law enforcement folks, and others. There are a lot of folks around this country of ours who don't have a lot, don't make a lot, and don't ask for a lot. They don't have a million dollars. They are not going to get \$1.4 billion in tax refunds. They are not on this list with K-Mart, American Airlines, and Enron. They are the folks who, last month, had to tell their families they were no longer employed. And if the families asked why, is it a part of a soft economy or part of terrorist acts? The answer is: Yes, it is.

What do we do about that? Do we in the U.S. Congress have a concern about those folks, or is it just about the upper income and the big economic behemoths who really have clout? Is there anybody within 100 yards of this building today, Friday, who is here because they are lobbying on behalf of somebody who lost their job last month? No one. It is just the folks who have a lot of money, a lot of assets and a lot at stake. They are here and they are trying to get more than their share.

I will tell you, they succeeded in the U.S. House. So we are trying to write a stimulus package, something that provides economic recovery.

We have a couple of thoughts in mind. One is there is no quicker or more effective way, and there is no way, in my judgment, that provides more justice to this system as well than to help people who are out of work. They are going to spend that money instantly. When we extend unemployment benefits, that money goes right back into the economy. All economists tell you: Step one, help those who lost jobs because that is stimulative, helps the economy. It is not only just and the right thing to do, it is the most effective thing to provide some lift to this economy.

So we are going to have a debate about that because some don't want to do much for these folks. That is wrong-headed, in my judgment. We have a responsibility to the country to reach out and tell them they are not alone; we want to help them and we want to help this economy.

Obviously, what we want in the end is for the economy to get back on its feet and for those folks who have lost jobs to become employed once again.

That is what we want. There is no social program much better than a good job. There is nothing like a good job that pays well and has security. What we are trying to do is put together a recovery package that recognizes what is just, what is right, and what will be effective in providing lift to this country's economy.

Extending unemployment benefits, paying for 75 percent of the COBRA benefits—all of that provides lift to this economy and is the right thing to do.

In addition, coming from the Finance Committee, we have put in place some tax provisions we think will provide a lift to this economy. We had a tax cut for people in this country earlier this year. Not everybody got a tax cut. More than 70,000 North Dakotans did not get a tax cut. They did not get a tax cut because it was based on percentage of income taxes paid.

Everybody who works pays payroll taxes. In fact, that is a proportional tax. Everybody pays the same rate; it does not matter how much you make. Yet those folks did not get a tax cut. So we propose a tax rebate for those people. That also will be spent immediately and provide lift to the economy.

We have a whole series of items we have proposed that we think represent the first step in the right direction to provide lift to this country's economy.

Let me make the most important point about all of this. The only way our economy is going to experience a recovery is if the American people are confident about the future. We do not have a ship of state in which there is an engine room with dials, knobs, gauges, and levers and we have some people in there fiddling with the dials, knobs, gauges, and levers and get it just right with tax cuts and move the ship along.

That is not how the system works. What propels this economy is people's confidence in the future. If people are confident about tomorrow, next month, next year, they will do things that represent that confidence. They will take a trip. They will buy a car. They will buy a house. They will make life decisions that express their view about the future.

Confidence means expansion. If they are not confident, they will not take the trip, they will defer the purchase of the car, they will defer the purchase of the house, and our economy will contract.

There is nothing more important than instilling confidence. Our job is to, one, prosecute the war abroad. We have to do that and support our President doing that—and increase security at home. Part of our economic recovery package is investment in security at home. Senator BYRD has a homeland security proposal that is stimulative. It is not only stimulative and gives lift to the economy because it invests in this country and our security, but it is also the right thing and the necessary thing to do.

When we can marry the right and necessary things to do with actions that will give lift to our country's economy, that is exactly the course people expect us to take.

We need to prosecute the war, increase security at home, and give businesses and individuals the extra incentives they need to make those key purchases and key investments, not 6

months from now, not over a year from now, but now. Now. This needs to be temporary. It needs to have a significant, compelling urge to it to give the American people confidence about the future that we are doing the right thing.

If we err as a Congress, I want us to err on the side of doing something, even doing too much. I do not want to err on the side of doing nothing because there are too many families out of work. Our economy is perilously close to a very deep recession, and it could be a lengthy recession. We have a responsibility to blend good fiscal policy in the Congress with monetary policy at the Federal Reserve Board to say to the American people: We are going to put in place the right plans to give you hope for the future.

Winston Churchill gave many stirring speeches in the Second World War to fire up the interest and urgency of his countrymen to the cause of the war. At one point, he challenged his countrymen to imagine a thousand years in the future and what they would say about that current generation's efforts. He asked that they do things now that would allow people in the future to look back and say that this was their finest hour, even in the face of substantial challenge.

That is what we, it seems to me, need to do now in confronting terrorism, in the challenge to provide economic security. We must fight as hard as we can possibly fight for the right policies now that give this country and economy a chance to do well so all American families can, again, do well and will not have to worry about next week or next month having to tell their family they lost their job.

This is about hope. It is about opportunity. It is about expanding this country's economy. The New York Times last week had the headline: "Attacks Hit Low Paid Jobs the Hardest." I had a hearing 2 weeks ago, and the head of the hotel and restaurant union testified. He had a dozen of his members behind him. Each one stood up and told me their name, told me where they worked, when they got fired, how long they had worked there, and what it meant to them to lose their job. It was just gripping. It just breaks one's heart to see someone who struggled all their life, found a good job and worked for 8 years or 10 years or 15 years and had a good record and was making it on their own, only to learn a pink slip has come that says this economy has shrunk and you are out of a job.

It requires us to understand this is not about numbers, this is about people. It is about our future. That is why we must get this right.

I am pleased with the work the Finance Committee, Senator BAUCUS, Senator DASCHLE, all of us have done together to try to get the right solution in place for this country's future.

We are going to have a debate about this next week. Let us not shrink from it. Let us not think that debate injures this country or hurts this country. It strengthens this country.

At the end of the debate, I hope we can convince everyone there is a right way and a wrong way. The wrong way leads to economic trouble, and the right way leads to hope, confidence, and economic expansion. That rides on our making the right decision on behalf of the American people.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I ask unanimous consent that I may be recognized at the completion of the remarks by the distinguished junior Senator from New York and that I may be recognized for as much time as I may consume.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New York.

STIMULATING THE ECONOMY

Mrs. CLINTON. Mr. President, I thank my distinguished colleague, the chairman of the Appropriations Committee and a great leader of this body and our country, for that courtesy. I thank my colleague from North Dakota for very thoughtful and thought-provoking remarks. I join those remarks, and I ask that as we do move toward this debate on how we stimulate our economy and how we take care of our people, we put it in a broader context.

I sometimes worry that talk about economic stimulus, talk about Tax Code provisions, talk about a lot of the issues that come before the Finance Committee and then come before the Senate may not be communicating directly and effectively with the public who need to follow this debate closely because what we will be or will not be deciding over the course of the next several weeks will have profound effects on our daily lives, on our quality of life, on our national security at home and abroad, and on the future of our economic growth and opportunities.

The Finance Committee came out with a package that should deserve the support of Senators on both sides of the aisle. I am well aware there is a very different point of view on behalf of my colleagues on the other side, so we are going to have a debate. I agree with my colleague from North Dakota; it is an important debate. But we cannot look at what is being proposed today without recognizing several very important factors.

First, we are now moving into deficits. We thought we had deficits tamed. We thought the struggle, sacrifice—economic, personal, political, and public—of the last 8 years meant that we

were on strong fiscal footing, that we did have a policy for economic growth that would demonstrate fiscal responsibility, pay down the debt, free up investment capital, and keep this great engine of economic prosperity going.

We did not repeal the law of business cycles, so understandably there will be ups and downs, but we moved the economic plain to a higher level and had a consensus in the country that the smart fiscal policy was the responsible one; that trying to continue to pay down our debt in order to relieve the burdens not only from future generations but from ourselves, not to crowd out investment capital so that businesses could come into the market and have long-term interest rates at an affordable level, meant we knew the direction in which the economy should go.

Now it will not surprise anyone in this Chamber that I ascribe to the Clinton-Rubin economic policies. I happen to think they make sense. I believe in a global economy, fiscal responsibility, investment policies. Making it possible for people to pursue their own futures by creating economic opportunities goes hand in hand with keeping deficits down, in fact keeping surpluses growing and giving us a chance to know we are going to have for the foreseeable future strong economic times.

That is not the philosophy of the other side, and I respect their right to hold that contrary philosophy. So we stand here now in November, having passed a very large tax cut in the spring which undermines our long-term economic future, which demonstrates clearly we are going to have some very hard choices to make even had September 11 never occurred because we had already seen that we were going into deficits, that we were taking from the Medicare and Social Security surplus dollars that hard-working people believed would be there for Medicare and Social Security, and as a result we now are facing much more difficult choices which, had we been more fiscally responsible, we could have avoided.

That is water under the bridge. There is nothing we can do about it. A majority of our colleagues in both Houses voted for a U-turn away from fiscal responsibility. So here we are.

What do we do now? Again, I do not think we can look at this stimulus debate in some kind of vacuum. We were attacked on September 11. We are at war. We have men and women from Fort Drum in northern New York over in central Asia. We have Special Forces. We have carriers. We have people who wear the uniform of our country who are in full-time service defending us because this is an act of self-defense, attempting to uproot and destroy the terrorist networks. We have many from the National Guard and the Reserves called to duty, disrupting their lives. We know we are at war.

If we go back and look at history, we know when we are at war we have to think differently about our priorities than when we are not at war. So what are those priorities? First, to do everything we possibly can to support the President, to support our military leadership, in waging this war successfully and victoriously. I do not think there is one dissenting voice in this body to that proposition.

We also know this is a war that has been brought home tragically to us, that those on the front lines are not just our men and women in uniform, they are also our firefighters, our police officers, our emergency responders, our doctors and our nurses, our postal workers, men and women who got up on September 11 and in the weeks since to do their job as part of the great American mosaic where people, through their individual efforts, create this extraordinary democracy we so treasure.

We know we have to do more to protect ourselves at home. That is why the President has named Governor Ridge the Director of Homeland Security. So we have to take a very close look at what it is we need, both for our men and women in uniform and on the homeland front to protect ourselves.

We did not have to think about that when this big old tax cut was voted on last spring. Maybe people should have, but nobody really stopped and said, well, we cannot take all this revenue away because Heaven knows we might have anthrax attacks that will cause the Postal Service and the Federal Government and local communities across our country to spend literally millions and billions of dollars to protect themselves and us. We did not imagine that, but now we not only imagine it, we have lived with it. That raises a whole new set of responsibilities that we ignore at our peril.

So part of what we have to figure out how to do is provide enough resources to protect us, to wage the war on both fronts that we are waging, and to create economic opportunities by getting our economy moving again.

I have listened very closely to what my colleagues have said, and I have consulted with people in the business world, people who run big companies, people who are economists, some of whom sit in ivory towers, others of whom actually get out and talk to people on the street about what is happening.

The real core of our challenge is, how do we inspire confidence? How do we get consumer confidence, citizen confidence up? How do we get people back into the normal give and take of their lives?

When I first joined the Senate last January, and all through the spring and summer, I could not walk through these halls. They were crowded with people, especially school groups. I used

to be so thrilled to think I was honored to serve in a body of the greatest democracy in the history of the world that was open, where people could come, like those who are here today but in far smaller numbers than they ever have been.

Now, of course, we can walk through the halls and not see anybody. I do not have young people coming up to me and saying, oh, Senator, what are you doing today? Or, I am from New York. Or, how are you?

They are not here. Why? Because schools do not want children to travel. Parents understandably are concerned. We have not done what we should do to take care of airline security. That is still being debated. So we have to inspire confidence.

How do we inspire confidence? I think there really are several ways we should address it. Some of it does go directly to the points the Senator from North Dakota was making. We have to have a balance. We have to have a balance between what we believe will work for business and what we believe we should do for workers and citizens who themselves deserve both help and motivation to go on with their lives, to be productive.

I think the Finance Committee has struck the right balance. Spending money on unemployment insurance is not only the right thing to do—a lot of people are out of work not because they were sloughing off on the job, not because they did not show up on time, but because we were attacked—we owe an obligation to these people. I think unemployment insurance will enable people to get back on their feet, and if there is any dollar that will be spent immediately to stimulate the economy, it is a dollar in unemployment insurance. There is not an economist in the world who disagrees with that, unless they are blinded by some ideological prejudice. That is what they all tell us.

Health care is increasingly a problematic issue. My colleagues know I have had a few things to say about that in the past, and I am still very concerned about it. I am especially concerned because I see the price of health care going back up. I see employers pushing down on employees and making it more difficult for people to afford health care. We are going to have to address that issue.

What we are worried about right now are all of those people who have lost their health care because it came through employment they no longer have. They cannot afford the COBRA extension. They need help.

We also are stimulating the economy in the Finance Committee package by trying to do in a targeted way what we have been advised will work in business, not these big, irresponsible giveaways in which the House engaged. I do not understand how with a straight

face they can put a provision into their package which pays people back for taxes they paid all the way back to 1985 without a promise that it is going to create a new job, without a promise that it will be invested in a new plant and equipment right now.

As Senator DORGAN rightly pointed out, they actually give an incentive to businesses to move American jobs overseas. What on Earth are they thinking about? That is just unbelievable to me. So I think the Finance Committee, with their vote last night, really struck the right balance. I hope we go forward with that.

I also hope we recognize the additional program that Senator BYRD and Senator REID have advocated is essential. We have not made the commitment of resources.

Mr. President, I ask unanimous consent for an additional 5 minutes.

The PRESIDING OFFICER (Mr. CARPER). Without objection, it is so ordered.

Mrs. CLINTON. We have not made the commitment of resources we need to our public health system, to our fight against bioterrorism, to the kind of security we need in our powerplants, our chemical plants. I think we have a lot more to do. I commend Senator BYRD for his leadership.

Finally, a special word of appreciation to the Finance Committee for their recognition and support of New York. We know this was an attack on America. The epicenter of the attack was on New York City. It was New York City firefighters who went up those towers when people were coming down. It is the firefighters and the police officers and the emergency responders who have been going to countless funerals. It is the people who worked in those buildings who have scrambled to try to make sense of their lives, to restart their jobs, and many of them are no longer employed. The estimate is about 100,000 have been dislocated.

The ripple effect through the city and the State has been even greater. Because of those 100,000 who directly lost their jobs in lower Manhattan, many of them work for companies that bought from smaller companies, that did work with banks and law firms and advertising agencies that had catering and restaurant business to give out. They no longer do that. We are now looking at a loss of about 250,000 individuals in New York alone by the end of this year.

We have seen unemployment go up around the Nation, but it has gone up even more in New York City. We are not sure the end has been reached. We know this has had a ripple effect through the entire State, not just through the city. In Syracuse we lost 400 employees of USAir when they decided to close a call center after losing so much business. In Buffalo, with the

loss of tax revenues—because 15 percent of all the State's tax revenues came from Ground Zero; those are gone—we are looking at laying off up to 500 teachers in Buffalo, which is at the opposite end of the State.

The package coming out of the Finance Committee will help enormously. I am particularly grateful for the tax incentives that will help us rebuild Lower Manhattan, will help us recover some of that lost office space to get back into the business of being the global financial capital of the entire world. It will take a long time. New York will need a lot of help. This is a very welcome start.

The tax credits for employers to keep their offices in Manhattan will help tip the balance in favor of doing just that. Tax-exempt bonding authority for construction will give an extra boost to rebuilding, and reinvesting insurance proceeds will enable people to make that decision. We are still working on something to keep residents downtown, which is a very big challenge, and to provide additional relief for advance refunding for the port authority and the metropolitan transportation authority and for their infrastructure projects.

We lost our subway lines. We lost the PATH Train from New Jersey. We will have a lot of work ahead. I thank and commend the Finance Committee, particularly the chairman, Senator BAUCUS, for a job well done.

The PRESIDING OFFICER. Under the previous order, the Senator from West Virginia is recognized for such time as he may consume.

FAST-TRACK LEGISLATION

Mr. BYRD. Mr. President, I am deeply concerned about the administration's top trade legislation priority: Fast track, known in administration circles as "trade promotion authority."

How crass. How crass. "Trade promotion authority." To denominate fast track as "trade promotion authority" is the acme of crassitude. Hear me down there at the other end of the avenue: The acme of crassitude! To denominate fast-track legislation as trade promotion authority, or by its acronym, TPA, is the acme of crassitude. One might better interpret the acronym TPA as standing for "tactic to prevent amendments"; TPA, "Tactic to Prevent Amendments."

Hear me! Colleagues on the other side of the Capitol Building, where the administration has put on its big push for the acme of crassitude: Fast track authority, calling it trade promotion authority. But it is a tactic to prevent amendments. That is what fast track is, a tactic to preclude Congress from fulfilling its constitutional obligations to debate and, if necessary, to amend.

I hope they can stop this oafish piece of legislation on the other side of the

Capitol. If they can't, then bring it onto the Senate Floor.

Come one, come all,
This rock shall fly
From its firm base
As soon as I!

Yes, come one, come all. Hear me down there at the other end of the avenue, the White House: Bring on your TPA. Yes, "tactic to prevent amendments."

Come one, come all,
This rock shall fly
From its firm base
As soon as I!

Those words from, I believe it was Scott's "Lady of the Lake," are very apropos here. This tactic to prevent Congress from fulfilling its constitutional obligations to debate and, if necessary, to amend trade bills.

The administration hoists its flag on the flagpole of trade promotion authority. This is my flag, the Constitution of the United States! I hold it in my hand. Those who would defy the Constitution will find the battle lines formed here.

I oppose this surrender of our constitutional authority. That is what the White House would have us do. I oppose this surrender. "We've just begun to fight." The authority to "regulate commerce with foreign nations" is granted exclusively to Congress in Article I, section 8, of the Constitution. Congress, the House, and Senate of the United States—not the President—has this authority under the Constitution and has this responsibility under the Constitution.

So let us not be persuaded by administration attempts to promote fast track as an antidote to the events of September 11, 2001. There are those who attempt to promote the idea that, under the rubric of a stimulus bill, Members in the House and the Senate would add language that would promote their pet ideas, their pet projects. Well, under the rubric of "stimulus," the administration is attempting to promote its own pet project—TPA. Trade promotion authority? Fast track. Let us not be persuaded by these furtive attempts.

U.S. Trade Representative Robert Zoellick has stated that fast track is necessary because "we need to strengthen the U.S. and global economies as they reel from the shocks of September 11."

Who is Robert Zoellick? Was he elected by the people of any State? Did he stand before the bar of judgment of the electorate? Is that how he became Trade Representative? No! Yet he, U.S. Trade Representative Robert Zoellick, has stated that fast track is necessary because "we need to strengthen the U.S. and global economies as they reel from the shocks of September 11." I do not understand Mr. Zoellick's logic. Now is the time for the President and the Congress to stand by the Constitution; stand by the Constitution and work together.

Now is the time for Congress to respond to the September 11 terrorist assault upon the American way of life. This is not the time for us to short-circuit our deliberative processes. Let us debate. Let us debate the trade measures. What are you afraid of, Mr. Zoellick? Moreover, the Ambassador cannot support his attempt to link fast track to global economic recovery. With or without fast track, it is going to take years, not months, for the President to negotiate a new world trade agreement.

I question whether, in the current international climate, we should even desire to have a new global trade round. As the United States forges a coalition to fight terrorism, those countries that have been attacking the framework of fair trade for the past several years have absolutely no incentive to agree to mutually beneficial trade proposals. Rather, they will attempt—as they have in the past—to use cooperation on security issues as a bargaining chip—a bargaining chip to extract trade concessions from the United States.

Just look at the so-called Harbinson text being considered at this very moment in Doha, Qatar. Is there any question that our trading partners are asking that our trade laws be substantially weakened? Is there any question that the administration is indicating a willingness to put those laws on the negotiating table? If we allow our trade laws to be gutted—gutted, what will happen to essential U.S. industries? What will happen to the steel industry? What will happen to other essential U.S. industries that are being picked apart by predatory foreign trade practices?

In any event, it is indisputable that Congress and the President can work together, under the Constitution, to conclude and implement international trade agreements. Immediately after the September 11 terrorist attack, Congress passed the U.S.-Jordan trade agreement, one in a long series of trade agreements concluded and implemented by the United States since fast track lapsed in 1994.

Bring it on. Trade promotion authority—ha, ha, ha—trade promotion authority! Of all the gimmicks that I have heard in my 84 years of life on this Earth, that one takes the cake. It is plain old fast track!

The constitutional system works and the administration has not made the case for tinkering with it.

President Bush claims to need this extra-constitutional negotiating authority in order to exercise leadership in opening up world trade. On June 21, 2001, he sent many of his highest ranking trade officials, including Secretary of Commerce Evans—for whom I have a great deal of respect—and Ambassador Zoellick, to the Senate Finance Committee to testify on the supposed need

for fast track. Ambassador Zoellick maintained that fast track is needed in order for the administration "to reassert America's leadership in trade."

I remember very well the old-fashioned vaudeville shows where they sold those patent medicines, that snake oil. This is snake oil that Mr. Zoellick is peddling—snake oil! It will curl your hair. If you don't have any hair, it will grow hair for you: Snake oil!

The United States can, and should, lead in opening up world trade by offering other countries arrangements that are mutually advantageous, not by undermining a key provision of the Constitution.

Senators might well consider the impact of normal debate and amendment rules on the basic leverage available to U.S. trade negotiators. Normal rules should be a matter of enhanced leverage for U.S. negotiators in terms of including provisions that are of strong appeal to Congress, the people's elected representatives in the legislative branch, the people's elected representatives who take an oath when they stand before that Presiding Officer and put their hand on the Holy Bible. They take an oath to support and defend the Constitution of the United States against all enemies, foreign and domestic.

Let's remember that oath.

The threat that an agreement might be amended by Congress to include a provision gives all parties to a negotiation an incentive to conclude realistic and politically viable agreements. If I were a negotiator, I would like to have the leverage of being able to say, "if we don't include this provision in the agreement, Congress may include it anyway."

Congress may include it anyway. Fast-track Trade Promotional Authority—TPA—fast track eliminates this form of leverage.

When you go to negotiate over the purchase of an automobile, are you better off going in on your own with your own free will? You can take it, you can leave it, or you can go somewhere else. It is common knowledge that you can strike a better deal if you are able to suggest to the seller that there is someone back home who may amend or modify any agreement that you might reach.

The Administration, I think, has it exactly backwards: instead of concentrating its energies on accumulating as much leverage as possible vis-a-vis our trading partners, it is marshaling those energies to convince Congress to reduce its leverage on behalf of hard-working American families and their communities. This can only hamper our efforts to maintain, and enhance, U.S. leverage abroad.

The Administration is implicitly saying: "If you are for shortchanging the legislative process, you are for opening up world trade and combating terrorism." That makes no sense to me. I

am for free trade that is fair to all parties. What is wrong with that? And I am certainly for rooting out terrorism and enacting measures to ensure our national security. We need not, however, abandon the Constitution in order to achieve these objectives!

I didn't take an oath up here before this Presiding Officer to abandon the Constitution. That is what we are doing.

I am not saying we ought to debate every little duty on every little toothbrush that comes into this country, or every little paper clip or every fiddle bow or every violin string. I am not saying we ought to debate the duties on toothpicks if they come from China or wherever. But I am saying, the elected representatives of the people ought not even to be asked to give up the cherished right to debate and amend trade legislation when the people's interests are involved.

We need not abandon the Constitution in order to achieve these objectives. We Senators need carefully to consider and analyze the claims that we hear about the benefits of fast track.

There may be one amendment or two amendments or three that go to policy when we deal with trade matters. I am not saying, as I have already indicated, that we ought to take a microscope and go over a trade bill and get ourselves involved in the teeny-weeny, itty-bitsy little pieces here or there. But I am saying that there may be major policy amendments that we may wish to debate or on which we may want to vote.

Now, I have a letter dated June 28, 1993, from then-United States Trade Representative Kantor, urging support for what he called "the fast track negotiating authority needed to complete the Uruguay Round." He wrote: "As the world's leading exporter and the world's most open economy, the U.S. stands to benefit greatly by reducing barriers and opening markets around the world for manufactured goods, agricultural products and services." How accurate was this prognostication? If, as the former Ambassador suggested, the last round of multilateral trade agreements was focused on reducing foreign trade barriers—not opening up the floodgates to imports—shouldn't our overall balance of trade have improved in the 1990s?

The facts belie the fast-track sales pitch. That is what it is—a fast-track sales pitch. In the year 2000, the United States ran a trade deficit on the current account of \$435 billion. That is nearly nine times the trade deficit in 1992. How much longer can this go on? Even more disturbingly, it equals 4.5 percent of America's total national output. On a percentage basis, that is the worst trade performance in U.S. history!

How long can the United States continue to run these deficits? Have the

laws of international economics been repealed? Is the so-called "New Economy" a land flowing with milk and honey, in which we no longer need a real economy, that is, an economy that produces goods and services, and employs workers? Have we entered the Promised Land of perspiration-free economics? I am afraid not. Even our foreign trading partners cannot be sanguine as the United States, historically the engine of growth for the entire world, is left without the means to play that role.

America is becoming ever more dependent on foreign suppliers of basic manufactured products, even in areas—such as steel—where our producers are the most technologically sophisticated and efficient in the world. Has anyone stopped to consider the impact on our national defense of this foreign dependence? Has anyone attempted to determine how our international position will be affected as we become more susceptible to economic blackmail? Has anyone taken full account of how unfair international trade has helped to restrict income growth at home, particularly in the case of middle class families? Many such families now need two incomes—both parents out in the workplace—to maintain the kind of lifestyle that single-earner families could expect a generation ago.

We hear a lot about the projected economic benefits of fast track. Of course, this administration does not dare call it fast track. No, it is "trade promotion authority"—"trade promotion authority." That is an attempt to hoodwink those who would fall for it: fast track!

We hear a lot about the projected economic benefits of trade promotion authority, fast track. Yet, as a recent study by the Economic Policy Institute pointed out, the forecast model most frequently cited by fast track advocates relies on unrealistic assumptions. For example, the model assumes that there is no unemployment here or anywhere else in the world and that there are no national labor or environmental standards. Moreover, the model assumes that denying elected officials the authority to set the rules of the marketplace has no costs either in terms of the functioning of the global economy or the achievement of domestic economic and social objectives. These assumptions tell us more about the prejudices of a global trade elite than they do about the economic circumstances in which we find ourselves.

Let us have a trade policy for the new millennium. Let us demand that trade negotiations become a two-way street, both in form and in substance. Let us make it clear to our trading partners that we will not be duped by those who would grant America the mantle of "leadership"—the mantle of "leadership"—only in exchange for unilateral concessions. All countries stand

to benefit from expanded international trade, and all countries should bear the costs of constructing the framework of that trade. American workers should no longer be left holding the bag in international trade negotiations. The steel workers have been left holding the bag all too long, the textile workers have been left holding the bag all too long in international trade. The automobile workers have been left holding the bag all too long in international trade negotiations.

U.S. trade negotiators need congressional input. Let's debate it. Let's talk about it, and, if necessary, let's amend it. U.S. trade negotiators need congressional input in the negotiating process. Remember the ad? "Do it here. Do it now." The same with trade negotiations. U.S. trade negotiators need congressional input. Enhanced legislative participation will help them in their efforts to reinforce the framework of fair trade. Is it only fair trade when the United States continues to run up huge deficits in the billions of dollars or in the hundreds of billions of dollars? It will give the results of trade negotiations greater legitimacy and increase public understanding of the costs and benefits of globalization. The Constitution—ah, there is the Rock of Gibraltar, the Constitution—the Constitution requires that we make this effort, and the American people expect it.

Mr. President, toward the end of his life, in a letter to Henry Lee, Thomas Jefferson brilliantly analyzed the fundamental issue upon which the debate over fast track turns. This is what he said:

Men by their constitutions are naturally divided into two parties: Those who fear and distrust the people, and wish to draw all powers from them into the hands of the higher classes, and, Those who identify themselves with the people. . . . In every country these two parties exist; and in every one where they are free to think, speak, and write, they will declare themselves.

Mr. President, from 1974 to 1994, Congress was, unfortunately, asleep at the wheel as the one-sided trade jalopy—I wonder if our little pages here have ever heard that word, "jalopy"?—as the one-sided trade jalopy rumbled down the fast track. The people's branch of Government—ha, ha, ha—let's let that other branch of Government down the avenue become aware again that there is the people's branch, that does not bend before any President, that isn't elected by any President, that isn't sent here by any President, that cannot be fired by any President—let them hear it from Capitol Hill. Bring on your trade promotion authority. You will get your fight right here.

The people's branch of the Government—the Congress—allowed itself, I am ashamed to say, to be shunted aside in the process of formulating and implementing U.S. trade policy. Let us

resolve to seize the day, to restore the constitutional balance—bring it on; there isn't enough time left in this year, if we did nothing else, to pass it in this body—and to make international trade agreements reflect the interests of hard-working Americans. There is not enough time left in the year to pass “fast track” here, unless I am very, very badly and sadly mistaken.

Now is the time to move past the failed trade paradigm of recent administrations, both Republican and Democratic. Now is the time to restore the people's faith that they can have an impact on the policies that shape their lives. Mr. Zoellick, we are talking about the people's lives. “I come to bury Caesar, not to praise him.”

Mr. President, I come to bury fast-track authority, not to praise it! Now is the time to reject fast track and to embrace republican self-government as it has been bequeathed to us by the Framers of the Constitution, by those who debated the Constitution, by those who ratified it in the State conventions.

We must be steadfast in our loyalty to the Constitution. Forget about political party. Think of the Constitution and think of the people who send us here. We are not to be yeasayers or naysayers. We are here to debate and to amend and to render our considered judgment on behalf of the people who send us here, who pay our salaries, and who can bring us back home when the day of judgment comes.

We must be steadfast in our loyalty to that Constitution. Here it is in my hand, the Constitution. There is my trade promotion authority! See it? There is my trade promotion authority, my TPA, the Constitution of the United States!

We must be steadfast in our loyalty to the Constitution, that exquisitely balanced instrument of the people, by the people, and for the people. We must stand together and resist the temptation to once again ignore the clear dictates of our most fundamental law.

IN THE COMPANY OF HEROES

Mr. BYRD. Mr. President, the nights are growing chilly, though the days remain warm and dry—dry for too long, really, over in McLean. The brilliant crimson maple and bright yellow poplar leaves have nearly disappeared, replaced by the more somber late autumn tones of deep bronze oak and rich golden hickory leaves falling in swirling waves across the road to join the drifts of leaves awaiting the rake.

The more subdued coloring is in keeping with the holiday that approaches this Sunday. For, despite any attempts to mask the nature of this holiday behind sales and pre-Christmas hype, Veterans Day remains true to its purpose. It was the old Armistice Day

when I was a boy—Armistice Day, November 11.

To say Veterans Day is to hear the haunting echo of taps being played on a lone trumpet on a West Virginia hill far away—I can hear its tones being wafted by the autumn air to this Capital City—and the sharp report of a 21-gun salute ricocheting across a field of sad white crosses. Out of the corner of one's eye is glimpsed the silent rank and file of heroes who came home, some whole and some not, but all remade by the shared experience of warfare.

On Veterans Day, we travel in the company of heroes. Veterans Days, Armistice Day. My mother died on the eve of Armistice Day 1918; my mother, whom I never saw, as far as my recollection is concerned—the 11th hour of the 11th day of the 11th month, the day on which the guns fell silent at the end of the war to end all wars, World War I.

Today it honors the veterans from all wars, and, sadly, there have been far too many of those: World War II, the cold war, the Korean war, the Vietnam conflict, the Persian Gulf war, and none-too-peaceful peacekeeping missions around the globe. America has in the last century been embroiled in some form of conflict far more often than she has known peace.

No conflict is ever truly finished. In addition to the troops we leave buried in foreign soil, a living guarantor remains behind to protect each fragile and precious truce. United States forces remain in Europe, in Korea, a legacy of this war or that war. United States troops stand at the frontier between the two Koreas. They were there when I looked with binoculars at the Communists just across the dividing line in Korea 46 years ago this month. They have been there since the 1950s.

More United States troops remain in Saudi Arabia and Turkey, vigilant against further aggression from Iraq. In these last months, the United States has been thrust unwillingly but unhesitatingly into a conflict of a new and more ambiguous kind, the war against terrorism. Already this conflict has added new names to the honor roll of heroes whom we honor on Veterans Day. Already active-duty Reserve and National Guard troops have responded to this latest call to arms. Much rides on their shoulders, beyond an understandable thirst to avenge the senseless slaughter of innocent men and women, leaving innocent widows and orphans behind. This war on terrorism must succeed.

The New Testament's—“testament” meaning covenant—admonition to turn the other cheek does not work here. The New Covenant's admonition to turn the other cheek does not work here, but rather we must hew to the Old Testament's—Old Covenant's—harsh warning regarding an eye for an

eye. This attack must be answered or the scope and scale of terror attacks worldwide will be forever increased. That universal understanding is reflected in the broad consensus supporting the current U.S. military action and in the concerted efforts to cut off funding for terrorists. So this year, as we honor the veterans of past wars, it is appropriate to salute those who are still in uniform and to give them our support.

In 1961, a veteran of World War II gave his Inaugural Address, his first speech as the new President of the United States. He said, in part:

Since this country was founded, each generation of Americans has been summoned to give testimony to its national loyalty. The graves of young Americans who answered the call to service surround the globe. Now the trumpet summons us again—not as a call to bear arms, though arms we need—not as a call to battle, though embattled we are—but a call to bear the burden of a long twilight struggle, year in and year out, “rejoicing in hope, patient in tribulation,”—a struggle against the common enemies of man: tyranny, poverty, disease, and war itself.

To President Kennedy's list of the common enemies of man, we can now add terror.

Though we may hope for a quick and conclusive end to this new struggle, we must be prepared for the long haul, for a “long twilight struggle, year in and year out . . .” and for eternal vigilance. We have but to look to our own history to know that we can muster the will, we can muster the determination, we can muster the perseverance to achieve our goal and to preserve the liberty that this Nation has held dear through long centuries.

In the wake of September 11, Americans have rallied by proudly flying American flags on their homes, on their mailboxes, on their cars, yes, and on their lapels. On November 11, those flags fly in remembrance not only of those who so recently lost their lives in New York, Washington, and Pennsylvania, but also for all those men and women who have struggled or died to defend our freedom, our liberty, our Nation through the years. I am proud to salute them all, to remember them all, to honor them all. No amount of bloodshed and no amount of fear can turn this great Nation from the ideals that were forged in war in 1776, 1777, 1778, 1779, 1780, and 1781, and defended ever since. Our flag—there it is standing beside the presiding officer's chair, in all of its grandeur, in all of its state-ly magnificence, in all of its quiet beauty. It still flies!

Mr. President, I close with one of my favorite poems, by Henry Holcomb Bennett, entitled “The Flag Goes By.” It eloquently puts words to the message being sent by the many, many flags now bedecking our Nation.

Hats off!

Along the street there comes

A blare of bugles, a ruffle of drums,

A flash of color beneath the sky:
 Hats off!
 The flag is passing by!
 Blue and crimson and white it shines,
 Over the steel-tipped, ordered lines.
 Hats off!
 The colors before us fly;
 But more than the flag is passing by:
 Sea-fights and land-fights, grim and great,
 Fought to make and to save the State;
 Weary marches and sinking ships;
 Cheers of victory on dying lips:
 Days of plenty and years of peace;
 March of a strong land's swift increase;
 Equal justice, right and law,
 Stately honor and reverend awe;
 Sign of a nation great and strong
 To ward her people from foreign wrong:
 Pride and glory and honor,—all
 Live in the colors to stand or fall.
 Hats off!
 Along the street there comes
 A blare of bugles, a ruffle of drums;
 And loyal hearts are beating high:
 Hats off!
 The flag is passing by!

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, before proceeding, I wish to express on behalf of the majority leader and myself our profound gratitude to the Presiding Officer for his patience and for his equanimity and for his good humor always, for the work he has done on behalf of his country today, sitting in the Chair for longer than he should.

A NEW COMMITMENT TO AMERICA'S VETERANS

Mrs. CARNAHAN. Mr. President, in the past few weeks, I have often thought of that scene in one of Shakespeare's plays where two friends meet, but one does not recognize the other. One explains: "Grief hath changed me since you saw me last." Yes, grief has changed the face of America. We are tear stained by tragedy, but we are triumphant in spirit.

It has been nearly 60 years since we experienced such a lethal and cowardly attack on our Nation. Though I was a young child at the time, I still remember the shock and sadness of Pearl Harbor. But I also recall the spirit of unity and patriotism that swelled up within us following that attack.

At a time when half of our Navy lay at the bottom of the ocean, President Roosevelt spoke of our "inevitable triumph." He placed his confidence in what he called "the unbounding determination of the American people."

We all pulled together in the years that followed. We conquered fascism

and communism, we rescued democracy, and we built a better world. America's veterans led the way.

Today, our President has called us to a similar resolve. And we will answer that call again. We must start by making a new commitment to all those who serve today, and to every one of America's veterans.

I have proposed legislation that would extend Tri-Care benefits to our citizens soldiers for up to four months after they return from active duty. It has passed the Senate, and I am working to make sure it becomes part of the Defense bill.

I also support a bill to provide Tri-Care for life to every American veteran, because I think we owe them that much.

I believe we should extend the Montgomery G.I. bill, and allow veterans to transfer half of their education benefits to their family.

I also support the President's efforts to improve the Veterans' Administration's response to benefit claims. It is shameful that someone who risked their life for our country should have to wait for months, even years, to get the benefits they deserve, the benefits they have earned.

There might be those who say we can't afford to care for our Nation's veterans, that the price is too high. But I say, if we don't stand by those who fought for us, we are unworthy of their sacrifice.

So on the Veteran's Day 2001, a day of remembrance and commitment, we salute the fighting men and women of our Nation, active duty, reserves, and veterans.

We look to them in our time of national need. They have never let us down. We pledge our support in the defense of freedom. We declare to them, we declare to each other, we will not allow the American dream to be diminished by fear, or our eyes dimmed by tears.

From the ashes of terrorism, we will build a new tower to freedom that will cast its light around the world. With God's help, we will prove again what the poet Carl Sandburg once said: "We are Americans. Nothing like us ever was."

NOBEL PRIZE TO DR. LEE HARTWELL

Mrs. MURRAY. Mr. President, I rise today to share with the Senate and the American people the remarkable work of Dr. Lee Hartwell, a respected scientist in Washington State. Dr. Hartwell was recently awarded the Nobel Prize for his groundbreaking research in cell division and cancer.

I'm especially proud that Dr. Hartwell conducted much of his research at the Fred Hutchinson Cancer Research Center in Seattle, where he serves as president and director.

On October 8, 2001, the Nobel Assembly announced that Dr. Hartwell, along with Paul Nurse and Timothy Hunt, has won the 2001 Nobel Prize in physiology or medicine. The award honors Dr. Hartwell's more than 30 years of pioneering work in yeast genetics. Dr. Hartwell's research into cell division has helped scientists throughout the world to better understand cancer and has laid the foundation for future cancer treatments.

Dr. Hartwell leads one of the finest research teams in the world at the Fred Hutchinson Cancer Research Center. In the past five years, I've worked in Congress to double funding for the National Institutes of Health (NIH). This investment is intended to support the kind of groundbreaking research being conducted at the Research Center. In fact, as a member of the Senate HELP Committee and the Senate Labor, H.H.S. and Education Appropriations Subcommittee, I often point to the lifesaving research and care the center provides as an example of why this investment in NIH is so important.

Dr. Hartwell is not just a talented scientist. He is a real champion for cancer patients and their families. During consideration of a Patients' Bill of Rights, Dr. Hartwell often spoke out on behalf of cancer patients and explained the importance of access to clinical trials, which is sometimes the only hope for patients. Thanks to the advocacy of cancer researchers like Dr. Hartwell, the final legislation included this protection for patients.

Dr. Hartwell was born on October 30, 1939 in Los Angeles, California. He earned his Bachelor of Science in 1961 from the California Institute of Technology and his Ph.D in 1964 from the Massachusetts Institute of Technology. From 1965-68, he served as Associate Professor at the University of California. In 1968, he joined the faculty of the University of Washington and became a professor of genetics in 1973. In 1997, he became President and Director of the Fred Hutchinson Cancer Research Center. In 1987, he became a member of the U.S. National Academy of Sciences. He has received numerous honors including: the General Motors Sloan Award (1991), Gairdner Foundation International Award (1992), Genetics Society of America Medal (1994) and the Albert Lasker Basic Medical Research Award (1998).

Dr. Hartwell will be presented with the award on December 10, 2001, which is the 100th anniversary of the death of Alfred Nobel, after whom the award is named. The Nobel Committee has recognized what we in the Northwest have known for a long time; namely that because of Dr. Hartwell's hard work and dedication, the world is a better place. It is an honor and a distinct pleasure to join with the Nobel Committee in formally recognizing Dr. Lee Hartwell's many accomplishments.

KOREAN WAR VETERAN 1ST LT.
LEON J. JACQUES, JR.

Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to the late 1st Lt. Leon J. Jacques, Jr., of Milford, NH, for his heroic services to the United States of America during the Korean war.

Leon was a graduate of Saint Anselm College and the United States Military Academy at West Point who also attended the Ground General School at Fort Riley, KS and the United States Army Infantry School at Fort Benning, GA.

He was assigned to the 21st Infantry Regiment, 24th Infantry Division in Kumamoto, Japan. After the outbreak of war in Korea on June 25, 1950, Leon was committed to combat in Korea. During the first two weeks of combat, more than forty percent of the men fighting were killed, wounded, prisoners of war, or missing in action.

On July 12, 1950, Leon and his men were captured as prisoners of war and it was later learned that Leon had been killed by the enemy. He was in charge of several soldiers who were harassed by the enemy. Leon demanded that they stop and for making this statement, he was killed. According to a report received, "Lt. Jacques' complete disregard for his personal safety and valor in response to enemy aggression were in the finest tradition of military service and reflected great credit upon himself, the 21st Infantry Regiment and the United States Army."

Thanks to the generous efforts of Colonel Phil Day US Army (Ret), Leon has been honored with ten award medals including: Bronze Star Medal with "v" device, United Nations Service Medal, Presidential Unit Citation and the combat infantryman badge.

As the son of a World War II Naval aviator who was killed in a war related incident and a veteran of a Vietnam war, I empathize with the Jacques family. Leon is an American hero whose selfless dedication to his State and country has benefitted his fellow citizens with the blessings of freedom and liberty. It is truly an honor and a privilege to represent his family in the United States Senate.

RECOGNIZING THE HEROES OF
THE ALEUTIANS CAMPAIGN

Mr. MURKOWSKI. Mr. President, I rise today to share a story about a remarkable group of veterans that fought for our freedom over 50 years ago. During October 4-7, 2001, a small band of World War II veterans and their families gathered in Anchorage for what was probably their last reunion. They shared the common experience of having fought an air war in one of the most difficult theaters of operations during World War II, the Aleutian Islands.

For those of you who have not had the opportunity to visit the Aleutians,

let me tell you what you are missing. Some of the harshest and most unbearable weather exists in this region of my State. Some call the Aleutians the birth place of the winds. It is my honor to recognize these fine men who fought to protect our nation.

These courageous individuals are also the founders of today's Eleventh Air Force. Appropriately, those who spent their youth defending Alaska elected "Back to Our Roots," as their reunion theme.

The men and women of the Eleventh Air Force served their Nation well, helping drive the Japanese from the western Aleutian Islands of Attu and Kiska during the Aleutian Campaign. It was the only campaign fought on the North American continent during the war. It was also the first time since the War of 1812 that a foreign military force had occupied North American soil.

Later, the men of the Eleventh Air Force flew some of the war's longest missions against Japanese installations in the northern Kurile Islands from bases on Attu and Shemya Islands. During the Aleutian Campaign, the veterans of the Eleventh Air Force flew 297 missions and dropped 3,662 tons of bombs on Japanese installations on Attu and Kiska. One hundred and fourteen men were killed; another forty-two were reported missing in action and another forty-six died as a result of accidents.

Following the end of the campaign, the Eleventh Air Force was reduced in strength from a high of 16,526 in August 1943 to a low of 6,849 by the war's end. The two bomber squadrons that remained along with Navy air units flew bombing and reconnaissance missions against Japanese targets in the northern Kurile Islands. The military used the highly classified operation, code named Wedlock, which also involved submarine patrols and shore bombardment, to divert Japanese attention north and mislead them about U.S. strategy in the Pacific.

It succeeded in its objective. The Japanese increased their garrison in the northern Kuriles from 8,000 in 1943, to 41,000 in 1944. They maintained 400 aircraft there in anticipation that America was planning to invade Japan by a northern route.

During this time, Eleventh Air Force bombers flew 276 missions, losing 74 crew members killed in action and 11 taken prisoners of war, of which 3 died in captivity. Another 179 were interned in the Soviet Union—where they landed after experiencing difficulties returning to their home bases. They were among the 291 young American aircrews who temporarily wound up in Soviet hands as the result of the air war in the Pacific.

Unlike other World War II theaters of operations, the Aleutians has not been properly recognized. The men and

women who served on those wind swept and hauntingly beautiful islands have not been forgotten. Alaskans are grateful for what they did to defend our freedom and land. Their efforts, and those who served elsewhere in the territory, contributed immeasurably to the growth and development of my State. They helped provide the foundation that ultimately led to the achievement of statehood.

Those who fought for our Nation's values during a difficult time in the Aleutians and the North Pacific Theater are truly heroes. It is my honor to say thank you and recognize them on this Veterans Day.

VETERANS DAY, 2001

Mr. MURKOWSKI. Mr. President, it is my privilege to rise and thank the men and women who have served in our Nation's armed forces. This Sunday, November 11, 2001, our country takes a moment to recognize the men and women who have made our country a free Nation for over 225 years.

Veterans Day is a day that is as diverse and as rich in history as the many battles that were fought defending our freedom. November 11, 1918 is the date most remembered as the 11th hour of the 11th day of the 11th month. This day began with the laying down of arms and blowing of whistles. Impromptu parades were held and shops closed for the day to honor veterans. 83 years ago November 11 became known as "Armistice Day."

For 16 peaceful years following World War I, the United States along with other countries such as Canada, Australia and Britain celebrated this day. A moment of silence at the allotted hour of 11AM was held to remember the sacrifices that men and women made in order to ensure that freedom reigns.

Sadly, as we all know, war is a part of our lives. Around every corner adversity and evil exists. However, Americans being steadfast and always determined to live life peacefully continued to observe a day of remembrance and appreciation on November 11.

In 1938 Congress passed a bill that November 11 "shall be dedicated to the cause of world peace and . . . hereafter celebrated and known as Armistice Day." But shortly thereafter World War II broke out. Over sixteen million—I repeat, over sixteen million—Americans took part in World War II. Veterans Day was officially recognized in 1954 when the late President Eisenhower signed a bill that proclaimed November 11 as Veterans Day.

We also pay tribute to those soldiers who made the ultimate sacrifice. In 1921 an American soldier, whose name was "known but to God," was buried at Arlington National Cemetery. This soldier became the personification of dignity and reverence for America's veterans. In 1958, two more unidentified

fallen American soldiers from World War II and Korea were interred next to their comrade of World War I. These brave soldiers, and all those who have died on the battle field who have never returned home for a proper burial, are guarded day and night by men and women in the armed services.

Today America is facing a new kind of war, one that does not quickly assimilate with previous conflicts our soldiers have faced, a war that is being fought by men and women who, as thousands before them, have answered the call to duty to protect and defend our freedom.

Our military is engaged in conflict overseas with a vile and inhumane enemy, an enemy that lives in shadows, strikes at innocent civilians, and finds victory in terror. It is a new kind of war. But one thing remains the same. Our armed forces carry on the fight for freedom.

On September 11, our world changed. Once again, we are a nation at war. Once again, our troops are engaged in conflict overseas. And once again, they will prevail.

It is my sincere honor to thank all veterans who have served in our armed forces.

ADDITIONAL STATEMENTS

TRIBUTE TO EDWARD A. LAURIE

• Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Edward Laurie of Enfield, NH, an exemplary public official who dedicated himself to serving the people of New Hampshire for more than 26 years. As chief of police for the city of Lebanon since 1991, he has brought to the office the professional skills and knowledge of law enforcement which has benefited the citizens of Lebanon and the entire State.

Edward began his career as a patrol officer in 1975, and was promoted through the ranks of the Lebanon Police Department serving positions including: police sergeant from 1984–1985, police lieutenant from 1985–1986, police captain from 1987–1991 and police chief from 1991–2001.

He was an active member of the law enforcement who participated in programs including: chairman of the New Hampshire Regional Drug Task Force, executive board member of the New Hampshire Attorney General's Drug Task Force, president of the New Hampshire Police Association, associate of the FBI National Academy, and member of the New England and Grafton County Chiefs of Police Associations.

Edward was active in the Lebanon community and provided dedicated service to area charities including the New Hampshire Special Olympics and Lebanon Lions and Kiwanis Clubs.

Throughout his career, Edwards has served the city of Lebanon and the State of New Hampshire with dedication and pride. The people of Lebanon owe a debt of gratitude to Edward for the contributions which he has made making the city and the State a safer and more pleasant environment in which to live.

It is an honor and a privilege to represent Edward Laurie in the United States Senate. I wish him and his family Godspeed in his retirement and in all of their future endeavors.●

VETERANS DAY, 2001

• Mr. ROCKEFELLER. Mr. President, as we again approach Veterans Day, it is vital that we pause, more so than on any Veterans Day in recent memory, to give tribute to the more than 48 million heroic veterans who have served in our military since the start of the Republic and who have fought so that the freedom and safety of this great Nation would not be compromised. We owe our veterans our heartfelt gratitude for answering the call and serving us all in the United States Armed Forces.

Today, as it should be, military service is being held in high esteem. The events of September 11 have renewed America's sense of gratitude toward the men and women of the Armed Forces for the great sacrifices they make everyday on behalf of our Nation. America has been steadfast in its commitment to the world to be a beacon for freedom. Our military personnel have honored our commitment to the world, time after time, in every part of the globe.

At present, the members of our Armed Forces are fighting the terrorist regime responsible for the deaths of thousands of Americans on September 11th. We will win this fight. And once again, our men and women in uniform will honor our commitment to the world. What strikes me with enormous poignancy is the age of those who have answered the call to duty throughout our history. In this war, as in those of our past, we send our young to honor our commitments abroad and to protect our great Nation. They are the best of the best. Their motto might well be, in the words of Alexander Pope, "Act well your part, therein all honor lies."

As we observe Veterans Day, let us remember that we owe our veterans our gratitude and appreciation year round, and not merely on the day set aside for the commemoration of their service and sacrifice. It would be truly disgraceful if veterans were made to feel forgotten except for this one day per year. Indeed, our gratitude should be as steadfast as the great monuments that Americans have built in commemoration of the very service and sacrifices our veterans made. There should be no ambivalence in our atti-

tude toward those who serve in the United States Armed Forces.

I am proud to represent the State of West Virginia in the Senate. West Virginia has one of the highest veteran populations per capita of any State. The deep patriotism and loyalty to our country of the people of my State of West Virginia fills me with gratitude, and inspires me in my role as Chairman of the Senate Committee on Veterans' Affairs. In that position, I am fortunate to represent not only the veterans of West Virginia, but veterans all over our country.

As Chairman, I have fought very hard for improvements in benefits and services to veterans. We have made significant strides this year in fulfilling the pledge of Abraham Lincoln, "to care for him who shall have borne the battle, and for his widow and his orphans."

A critical need for veterans is long-term care. Our veteran population is aging rapidly and it is our responsibility to care for them. I am dedicated to this need, and in groundbreaking legislation, I was able to secure a significant expansion in the eligibility for and types of treatment that will soon be available to veterans.

It is my belief that the Montgomery GI Bill must be sufficient to recognize the commitment and sacrifices that individuals make to serve in the military. In keeping with that belief, the Committee has endorsed legislation under which the basic rate of the MGIB benefit will be raised over the next 3 years. In addition, accelerated payments of MGIB benefits will be authorized to accommodate the compressed schedule of courses that leads to employment in a high technology industry. We should make every effort to accommodate the educational needs of our veterans, and this change is an important step in doing so.

Additionally, the Committee endorsed legislation under which the maximum amount for the popular VA home loan guaranty will be increased. It will now be within the reach of veterans to buy homes in major metropolitan areas where home prices have skyrocketed. Many years have passed since a VA home loan guaranty increase, and high housing costs in certain areas had put homeownership beyond the reach of our veterans who live in those areas. This increase will add value to the existing benefit.

Today, and everyday, we should honor those who have worn the uniforms of our Nation. All those who served deserve our appreciation, our respect, and our compassion. They are indeed, the best of the best.●

TRIBUTE TO JESSICA CATANESE

• Mr. SMITH of New Hampshire, Mr. President, I rise today to pay tribute to Jessica Catanese, of Groton, MA for being honored as the 2001 recipient of

the Veteran's Affairs Hands and Heart Award. The award is an annual recognition given to one employee in each VA medical facility whose "sustained, compassionate, direct patient care is exceptional."

Jessica is a recreation therapist for the Manchester VA Medical Center Nursing Home who provides emotional support, help and guidance to patients above and beyond the call of duty. I comment Jessica for the caring and professional expertise she provides to VA hospital patients.

Staff and volunteers from the Manchester VA facility were included in the nomination process and all agreed that Jessica is an outstanding asset to the nursing home who consistently demonstrates courteous, friendly, and respectful care for the patients.

Jessica has served the veterans of the Manchester VA Medical Center Nursing Home with dedication and concern. As a veteran of the Vietnam war and senior member of the Senate Armed Services Committee, I applaud her achievements and professionalism. The citizens of New Hampshire own Jessica a debt of thanks for her exemplary services.

I wish Jessica continued success in her professional endeavors at the Manchester VA Medical Center Nursing Home. It is truly an honor and a privilege to represent her in the United States.●

MISSOURI STATE SENATOR PAULA CARTER

● Mrs. CARNAHAN. Mr. President, today I rise to honor the memory of a fearless leader and influential figure in Missouri politics, State Senator Paula J. Carter.

A native of Saint Louis, Senator Carter got involved in politics in the '60s. Her rise from Democratic precinct worker to an influential figure in the Missouri General Assembly clearly demonstrates the fact that one person can make a tremendous difference in the lives of all.

During her tenure in the Missouri House and Senate, she was a fierce defender and protector of peoples' rights. To her it never mattered who her foes were. At a time when many accepted inequity and injustice as the way it always was, she saw them as challenges to be overcome. When other politicians asked, "Can we win?" Senator Carter asked "Should we fight?" More often than not, the answer was a rousing "Yes!" Her efforts on behalf of women and minorities will never be forgotten.

In addition to her legislative and civic successes, Senator Carter was proud of her role as a mother and grandmother. Wardell, Gregory, Keena, and Willie Christopher will attempt to carry on their mother's tradition, each in their own way, as will, also, her seven grandchildren.

Though there are still causes to champion and battle to fight, this tireless advocate has been called to rest. May we all find inspiration in her deeds and renew our commitment to public service, a calling worthy of our lives.●

LOCAL LAW ENFORCEMENT ACT OF 2001

● Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of this year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred September 6, 1996 in Washington, D.C. The assailant, Michael J. Monts, 29, was charged with simple assault and assault with a deadly weapon for allegedly attacking a gay man in July 1996. Monts was ultimately convicted of assault with a deadly weapon in connection to that crime.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.●

WESTERN KENTUCKY UNIVERSITY MOBILE HEALTH AND WELLNESS UNIT

● Mr. McCONNELL. Mr. President, I rise this morning to pay tribute to the Western Kentucky University, WKU, Mobile Health and Wellness Program. I worked vigorously to secure funding for this important initiative which will provide needed health care services to the families of rural Kentucky. I am pleased to announce that the WKU Mobile Health and Wellness Unit will be dedicated this afternoon in a ceremony in Morgantown, KY.

America has led the world in developing exciting medical advances and innovations during the last decade. New diagnostic tools, like PET Scans and MRI's, allow physicians to detect serious diseases in their earliest stages and treat patients before they become seriously ill. Advancements in pharmaceuticals, biotechnology, and medical devices also allow doctors to successfully cure illnesses that would have been fatal just a few years ago.

Unfortunately, many of the miracles of modern medicine are not always available to the citizens of rural Kentucky. For far too many rural Kentuckians, economic and geographic barriers impede access to even the most basic medical and dental screenings. As a result, these men, women, and children frequently lag be-

hind their peers in many accepted measures of general health.

Western Kentucky University recognizes that limited access to health care services is a critical problem confronting the people of south-central Kentucky. To address this problem, WKU decided that if families living in rural communities are not able to travel to receive adequate care, then WKU should bring health care services to rural communities through a Mobile Health Clinic.

When Dr. Gary Ransdell, President of WKU, approached me with the idea for their mobile health program, I was immediately impressed by the potential of this vehicle to bring quality health care to the citizens of rural Kentucky. Our shared vision is that such a clinic can provide basic health care services such as physicals, well-child check-ups, PSA's, mammographies, and basic dental screenings. With that in mind, I was proud to use my position on the Senate Appropriations Committee to secure \$700,000 for this important initiative in the Fiscal Year 2001 Labor, Health and Human Services, Education Appropriations Bill.

I believe that all Kentuckians, whether they live in the smallest hollows or the biggest cities, should have access to basic health care services and the most modern screening technologies. WKU's Mobile Health and Wellness Program, which will be dedicated today, is an important step in that direction. I look forward to working with Western Kentucky University on this and other successful programs designed to improve the lives of Kentucky's citizens.●

TRIBUTE TO BAE SYSTEMS

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to the Business Unit of BAE Systems of Nashua, NH, for being named as one of five companies in the country to receive the Pro Patria Award. The award is given to companies which are supportive of military reservists.

The Information and Electronic Warfare Systems business unit received the award on October 11, 2001, at a ceremony at the Pentagon following a presidential proclamation ceremony in the Rose Garden of the White House.

BAE was nominated for the Pro Patria Award by Pete Kilger, department manager for BAE's Systems Engineering in the Information Dominance Systems area and a member of the Naval Reserve. BAE was chosen for the prestigious award because of its outstanding support and understanding for employees in the military reserves.

BAE does work for the U.S. military services and values the exemplary contributions of employee reservists and the contributions they make to New Hampshire and the country. BAE is one of the largest employers of reservists

in the state providing benefits including paying reservists on military duty and the difference between their military and civilian pay.

I commend BAE Systems for the many contributions they have made to the defense industry. Their concern for company employees who are reservists in the United States military is exemplary. The people of New Hampshire and the country owe a debt of gratitude to BAE Systems for the economic and defense benefits provided by their hard work and dedication.

BAE will continue to provide expertise which will be of benefit to the military personnel in the country with its involvement in the production of the next generation fighter jets. BAE Systems will have two teams working on electronic warfare systems for the F-35, also known as the Joint Strike Fighter. The contract won by BAE will eventually lead to the replacement of fighter planes used by the U.S. Navy, Air Force, and Marines and Britain's Royal Navy and Air Force. It is truly an honor and a privilege to represent BAE Systems and their employees in the United States Senate.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON THE CONTINUATION OF IRAN EMERGENCY DECLARED ON NOVEMBER 14, 1979 IS TO CONTINUE IN EFFECT BEYOND NOVEMBER 14, 2001—MESSAGE FROM THE PRESIDENT—PM 56

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date.

In accordance with this provision, I have sent the enclosed notice, stating that the Iran emergency declared by Executive Order 12170 on November 14, 1979, is to continue in effect beyond November 14, 2001, to the *Federal Register* for publication. The most recent notice continuing this emergency was published in the *Federal Register* on November 13, 2000 (65 Fed. Reg. 68061).

Our relations with Iran have not yet returned to normal, and the process of implementing the January 19, 1981, agreements with Iran is still underway. For these reasons, I have determined that it is necessary to continue the national emergency declared on November 14, 1979, with respect to Iran, beyond November 14, 2001.

GEORGE W. BUSH.
THE WHITE HOUSE, November 9, 2001.

REPORT ON THE CONTINUATION OF EMERGENCY REGARDING WEAPONS OF MASS DESTRUCTION DECLARED ON NOVEMBER 14, 1994 IS TO CONTINUE IN EFFECT BEYOND NOVEMBER 14, 2001—MESSAGE FROM THE PRESIDENT—PM 57

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the *Federal Register* for publication. The notice states that the national emergency with respect to the unusual and extraordinary threat to the national security, foreign policy, and economy of the United States posed by the proliferation of nuclear, biological, and chemical weapons (weapons of mass destruction) and the means of delivering such weapons declared by Executive Order 12938 on November 14, 1994, is to continue in effect beyond November 14, 2001. The most recent notice continuing this emergency was published in the *Federal Register* on November 13, 2000 (65 Fed. Reg. 68063).

The proliferation of weapons of mass destruction and the means of delivering them continues to pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. Therefore, I have determined that it is necessary to continue the national emergency declared on November 14, 1994, regarding weapons of mass destruction, beyond November 14, 2001.

GEORGE W. BUSH.
THE WHITE HOUSE, November 9, 2001.

PERIODIC REPORT ON THE NATIONAL EMERGENCY WITH RESPECT TO THE 1979 IRANIAN EMERGENCY AND ASSETS BLOCKING FROM THE PERIOD BEGINNING MAY 2001 THROUGH OCTOBER 2001—MESSAGE FROM THE PRESIDENT—PM 58

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), I transmit herewith a 6-month periodic report on the national emergency with respect to Iran that was declared in Executive Order 12170 of November 14, 1979.

GEORGE W. BUSH.
THE WHITE HOUSE, November 9, 2001.

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

At 10:41 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 768. An act to amend the Improving America's Schools Act of 1994 to extend the favorable treatment of need-based educational aid under the antitrust laws, and for other purposes.

At 11:03 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 264. Concurrent resolution expressing the sense of Congress to welcome the Prime Minister of India, Atal Bihari Vajpayee, on the occasion of his visit to the United States, and to affirm that India is a valued friend and partner and an important ally in the campaign against international terrorism.

The message also announced that pursuant to 44 U.S.C. 2501, the Speaker appoints the following Member of the House of Representatives to the National Historical Publications and Records Commission: Mr. BLUNT of Missouri.

The message further announced that pursuant to 22 U.S.C. 2761 and clause 10 of rule 1, the Speaker appoints the following Members of the House of Representatives to the British-American

Interparliamentary Group in addition to Mr. PETRI of Wisconsin, Chairman, and Mr. GALLEGLY of California, Vice Chairman, appointed on May 1, 2001: Mr. BEREUTER of Nebraska, Mr. TAYLOR of North Carolina, Mr. HORN of California, Mr. GREEN of Wisconsin, Mr. BROWN of South Carolina, Mr. SPRATT of South Carolina, Mr. PRICE of North Carolina, Mr. POMEROY of North Dakota, Mr. CLYBURN of South Carolina, and Mr. ALLEN of Maine.

The message also announced that pursuant to section 1238(b) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (Public Law 106-398), the Speaker appoints the following member on the part of the House of Representatives to the United States-China Security Review Commission to fill the existing vacancy thereon: Mr. Larry M. Wortzel of Alexandria, Virginia.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-4556. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Trip Limit Adjustment" received on November 8, 2001; to the Committee on Commerce, Science, and Transportation.

EC-4557. A communication from the Acting Assistant General Counsel for Regulations, Office of the General Counsel, Office of Special Education and Rehabilitative Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Rehabilitation Short-Term Training (National Rehabilitation Leadership Institute)" (CFDA No. 84.246D) received on November 7, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC-4558. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, a report relative to the United States Participation in and Support of Operation STABILISE; to the Committee on Armed Services.

EC-4559. A communication from the Deputy Secretary of Defense, transmitting, pursuant to the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001, a report relative to the Study on Impact of Foreign Sourcing of Systems dated October 2001; to the Committee on Armed Services.

EC-4560. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of defense articles or services sold commercially under a contract in the amount of \$50,000,000 or more to the United Kingdom; to the Committee on Foreign Relations.

EC-4561. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed technical assist-

ance agreement for the export of defense articles or services sold commercially under a contract in the amount of \$50,000,000 or more to France; to the Committee on Foreign Relations.

EC-4562. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of defense articles or services sold commercially under a contract in the amount of \$50,000,000 or more to Israel; to the Committee on Foreign Relations.

EC-4563. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of defense articles or services sold commercially under a contract in the amount of \$50,000,000 or more to Israel; to the Committee on Foreign Relations.

EC-4564. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report entitled "Review of the Restrictions on Persons of Italian Ancestry During World War II"; to the Committee on the Judiciary.

EC-4565. A communication from the Attorney General, transmitting, the Department of Justice Strategic Plan for Fiscal Years 2001-2006; to the Committee on the Judiciary.

EC-4566. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision; Interim Final Determination the State Has Corrected the Deficiencies" (FRL7102-4) received on November 8, 2001; to the Committee on Environment and Public Works.

EC-4567. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Clean Air Act Approval and Promulgation of Air Quality Implementation Plan for Montana; Revisions to the Missoula City-County Air Pollution Control Program" (FRL7086-3) received on November 8, 2001; to the Committee on Environment and Public Works.

EC-4568. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Clean Air Act Final Approval of Operating Permit Programs: Tennessee and Memphis-Shelby County" (FRL7103-2) received on November 8, 2001; to the Committee on Environment and Public Works.

EC-4569. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Delegation of National Emission Standards for Hazardous Air Pollutants for Source Categories; State of Arizona; Arizona Department of Environmental Quality" (FRL7100-4) received on November 8, 2001; to the Committee on Environment and Public Works.

EC-4570. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Request for Qualifications and Preliminary Proposals for Training and Outreach Coordination Support to the Chesapeake Bay Program" received on November

8, 2001; to the Committee on Environment and Public Works.

EC-4571. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, California State Implementation Plan Revisions; San Joaquin Valley Unified Air Pollution Control District, and South Coast Air Quality Management District" (FRL7100-6) received on November 8, 2001; to the Committee on Environment and Public Works.

EC-4572. A communication from the District of Columbia Auditor, transmitting, a report entitled "Fiscal Year 2000 Annual Report on Advisory Neighborhood Commissions"; to the Committee on Governmental Affairs.

EC-4573. A communication from the District of Columbia Financial Responsibility and Management Assistance Authority, transmitting, pursuant to law, a report on the suspension of operations on Sunday, September 30, 2001 at 12:00 PM; to the Committee on Governmental Affairs.

EC-4574. A communication from the Director of the Office of Procurement and Assistance Management, Department of Energy, transmitting, pursuant to the Federal Activities Inventory Reform Act of 1988, a report on the annual list of government activities not inherently governmental in nature; to the Committee on Governmental Affairs.

EC-4575. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, the Annual Report for the Office of Justice Programs for Fiscal Year 2000; to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-216. A resolution adopted by the Board of Supervisors of Yuma County, Arizona relative to September 11, 2001; to the Committee on Foreign Relations.

POM-217. A resolution adopted by the County Commission of Baldwin County, Alabama relative to Supporting Defense Against Terrorists Attacks; to the Committee on Foreign Relations.

POM-218. A resolution adopted by the Council of Berkeley County, South Carolina relative to September 11, 2001; to the Committee on Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. KENNEDY, from the Committee on Health, Education, Labor, and Pensions, without amendment.

S. 1274: A bill to amend the Public Health Service Act to provide programs for the prevention, treatment, and rehabilitation of stroke. (Rept. No. 107-97).

By Mr. BAUCUS, from the Committee on Finance, with an amendment in the nature of a substitute and an amendment to the title:

H.R. 3090: A bill to provide tax incentives for economic recovery.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. KERRY:

S. 1670. A bill to amend the Small Business Investment Act of 1958 with respect to subsidy fees; to the Committee on Small Business and Entrepreneurship.

By Mr. BAUCUS (for himself and Mr. GRASSLEY):

S. 1671. A bill to amend the Trade Act of 1974 to provide for duty-free treatment under the Generalized System of Preferences (GSP) for certain hand-knotted or hand-woven carpets and leather gloves; to the Committee on Finance.

By Mr. EDWARDS:

S. 1672. A bill to prevent terrorist hoaxes and false reports; to the Committee on the Judiciary.

By Mrs. LINCOLN (for herself, Mr. HUTCHINSON, Mr. HELMS, Mr. MILLER, Ms. LANDRIEU, and Mr. BREAUX):

S. 1673. A bill to provide for the continuation of agricultural programs through fiscal year 2011; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. SMITH of Oregon:

S. 1674. A bill to amend the Agricultural Adjustment Act to authorize the Secretary of Agriculture to issue marketing orders for caneberries; to the Committee on Agriculture, Nutrition, and Forestry.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. BOXER (for herself and Mr. AKAKA):

S. Res. 177. A resolution expressing the sense of the Senate that United States Postal Service employees should be commended for their outstanding service and dedication since the terrorist attacks of September 11, 2001; considered and agreed to.

ADDITIONAL COSPONSORS

S. 980

At the request of Mr. FITZGERALD, the names of the Senator from Illinois (Mr. DURBIN), the Senator from Ohio (Mr. DEWINE), and the Senator from Missouri (Mrs. CARNAHAN) were added as cosponsors of S. 980, a bill to provide for the improvement of the safety of child restraints in passenger motor vehicles, and for other purposes.

S. 990

At the request of Mr. REID, his name was added as a cosponsor of S. 990, a bill to amend the Pittman-Robertson Wildlife Restoration Act to improve the provisions relating to wildlife conservation and restoration programs, and for other purposes.

S. 1249

At the request of Mr. WELLSTONE, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 1249, a bill to promote the economic security and safety of vic-

tims of domestic and sexual violence, and for other purposes.

S. 1274

At the request of Mr. DORGAN, his name was added as a cosponsor of S. 1274, a bill to amend the Public Health Service Act to provide programs for the prevention, treatment, and rehabilitation of stroke.

S. 1377

At the request of Mr. SANTORUM, his name was added as a cosponsor of S. 1377, a bill to require the Attorney General to establish an office in the Department of Justice to monitor acts of inter-national terrorism alleged to have been committed by Palestinian individuals or individuals acting on behalf of Palestinian organizations and to carry out certain other related activities.

S. 1479

At the request of Mr. BOND, the names of the Senator from New York (Mr. SCHUMER), the Senator from New York (Mrs. CLINTON), and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 1479, a bill to require procedures that ensure the fair and equitable resolution of labor integration issues in transactions for the combination of air carriers, and for other purposes.

S. 1522

At the request of Mr. CONRAD, the name of the Senator from Florida (Mr. GRAHAM) was added as a cosponsor of S. 1522, a bill to support community-based group homes for young mothers and their children.

S. 1578

At the request of Mr. DORGAN, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 1578, a bill to preserve the continued viability of the United States travel industry.

S. 1618

At the request of Mr. DEWINE, his name was added as a cosponsor of S. 1618, a bill to enhance the border security of the United States, and for other purposes.

S. 1643

At the request of Mrs. MURRAY, the names of the Senator from Maryland (Ms. MIKULSKI) and the Senator from Missouri (Mrs. CARNAHAN) were added as cosponsors of S. 1643, a bill to provide Federal reimbursement to State and local governments for a limited sales, use and retailers' occupation tax holiday.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. EDWARDS:

S. 1672. A bill to prevent terrorist hoaxes and false reports; to the Committee on the Judiciary.

Mr. EDWARDS. Mr. President, I rise to introduce the Punishing Terrorist Hoaxes Act of 2001.

In the days since September 11, all of us have learned that anthrax hoaxes are no joking matter. They are acts of terror in the true sense of the word because they inflict great fear and anxiety on innocent people. In addition, these hoaxes drain resources from police and emergency workers—resources desperately needed not only for the real war on terror, but for all of the ordinary emergencies that continue to arise every single day.

According to recent reports, there have been some 160 anthrax and other terrorism hoaxes since September 11. In Connecticut, one hoax triggered the evacuation of 800 government employees for two days. Hoaxes in Virginia and Oregon have shut down post offices. In my State of North Carolina, from Greensboro to Chapel Hill, hoaxes have targeted and terrified workers at family planning medical clinics—workers who already must live with death threats day in and day out.

I have spoken with law enforcement officials in North Carolina who believe we need new Federal legislation specifically to fight hoaxes. At a hearing of the Judiciary Committee's Subcommittee on Technology, Terrorism, and Government Information earlier this week, officials from the Bush Administration requested that legislation. In response to several questions that I asked, they articulated the very real need: Current law prohibits terrorist "threats," but terrorism hoaxes may not always be viewed as threats because the people perpetrating the hoaxes are not able and do not intend to carry out actual terrorist acts. Yet these hoaxes must be punished.

The legislation I propose builds on proposals by other Senators on both sides of the aisle, including Senator LEAHY, Senators BIDEN and HATCH, and Senators SCHUMER and DEWINE. There are two things that distinguish the legislation I propose, and I want to highlight those.

First, my proposal includes "findings" about the need for this legislation. In recent decisions holding that Federal laws are not proper exercises of Congress's "commerce clause" power and therefore are not constitutional, the Supreme Court has said that "findings" about a real Federal need are important. Although I don't agree with those recent cases, I want to do everything I can to make sure this statute is upheld in the courts. The addition of findings is one way to do that while still enacting the ban we need.

Second, my proposal establishes two Federal hoax crimes, not just one. All persons who perpetrate hoaxes are punishable by up to two years in prison. In addition, persons who perpetrate hoaxes with intent to cause fear, in a manner reasonably likely to cause an emergency response, are punishable by up to five years in prison. The line we are drawing is a line between people who

really and truly think they are “just joking” and people who want to terrorize others.

Both kinds of hoaxes should be felony crimes. And the person who wants to inflict fear deserves a stiffer sentence than the person who does not. That is a line we regularly draw in the criminal law. We punish people with evil motives more than people who are reckless or stupid. Federal law makes that distinction in the Bomb Hoax Act, 18 U.S.C. §35, which sets up a lesser offense requiring no criminal intent, and a greater offense requiring that the perpetrator act “maliciously.”

I ask the Congress to enact the Punishing Terrorist Hoaxes Act of 2001. And whether we enact this legislation or one of my colleagues’ proposals, I ask the Congress to enact an anti-hoax bill before we go out of session. We owe it to police officers, public health officials, and the American people.

By Mr. SMITH of Oregon:

S. 1674. A bill to amend the Agricultural Adjustment Act to authorize the Secretary of Agriculture to issue marketing orders for cranberries; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1674

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MARKETING ORDERS FOR CANEBERRIES.

(a) IN GENERAL.—Section 8c of the Agricultural Adjustment Act (7 U.S.C. 608c), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, is amended—

(1) in subsection (2)(A), by inserting “caneberries (including raspberries, blackberries, and loganberries),” after “other than pears, olives, grapefruit, cherries,”; and

(2) in subsection (6)(I), by striking “tomatoes,” and inserting “tomatoes, caneberries (including raspberries, blackberries, and loganberries),”.

(b) CONFORMING AMENDMENT.—Section 8e(a) of the Agricultural Adjustment Act (7 U.S.C. 608e-1(a)), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, is amended in the first sentence by striking “or eggplants” and inserting “eggplants, or caneberries (including raspberries, blackberries, and loganberries)”.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 177—EXPRESSING THE SENSE OF THE SENATE THAT UNITED STATES POSTAL SERVICE EMPLOYEES SHOULD BE COMMENDED FOR THEIR OUTSTANDING SERVICE AND DEDICATION SINCE THE TERRORIST ATTACKS OF SEPTEMBER 11, 2001

Mrs. BOXER (for herself and Mr. AKAKA) submitted the following resolution; which was considered and agreed to:

S. RES. 177

Whereas on September 11, 2001, the Nation was victimized by a horrific terrorist attack, the likes of which have not been seen in United States history;

Whereas terrorist attacks continued on United States soil after September 11, 2001, in the form of anthrax-tainted letters;

Whereas these anthrax-tainted letters have led to the deaths of 4 individuals, including 2 United States Postal Service employees;

Whereas numerous United States Postal Service employees are currently taking antibiotics to protect them from potential anthrax exposure; and

Whereas the United States Postal Service continues to deliver mail, on the order of approximately 680,000,000 pieces per day, to ensure that the daily operation of our citizens and our companies may continue unaffected, despite these dangers: Now, therefore, be it

Resolved, That the Senate—

(1) commends the men and women of the United States Postal Service for their outstanding service, hard work, and dedication during this time of national emergency; and

(2) will continue to work with the United States Postal Service to ensure the safety and well-being of postal workers as they carry out their duties and responsibilities.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Calendar Order Nos. 541 through 546; that the nominations be confirmed; that the motions to reconsider be laid upon the table; that any statements relating to the nominations be printed in the RECORD; that the President be immediately notified of the Senate’s action; and that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

ENVIRONMENTAL PROTECTION AGENCY

Kimberly Terese Nelson, of Pennsylvania, to be an Assistant Administrator of the Environmental Protection Agency.

DEPARTMENT OF STATE

Eric M. Javits, of New York, for the rank of Ambassador during his tenure of service as U.S. Representative to the Conference on Disarmament.

Sichan Siv, of Texas, to be Representative of the United States of America on the Eco-

nomic and Social Council of the United Nations, with the rank of Ambassador.

Sichan Siv, of Texas, to be an Alternate Representative of the United States of America to the Sessions of the General Assembly of the United Nations during this tenure of service as Representative of the United States of America on the Economic and Social Council of the United Nations.

Richard S. Williamson, of Illinois, to be an Alternate Representative of the United States of America to the Sessions of the General Assembly of the United Nations during his tenure of service as Alternate Representative of the United States of America for Special Political Affairs in the United Nations.

Richard S. Williamson, of Illinois, to be Alternate Representative of the United States of America for Special Political Affairs in the United Nations, with the rank of Ambassador.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

SENSE OF CONGRESS TO WELCOME THE PRIME MINISTER OF INDIA

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 264 just received from the House.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 264) expressing the sense of Congress to welcome the Prime Minister of India, Atal Bihari Vajpayee, on the occasion of his visit to the United States, and to affirm that India is a valued friend and partner and important ally in the campaign against international terrorism.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. BYRD. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to; that the preamble be agreed to; that the motion to reconsider be laid upon the table; and that any statements relating to the concurrent resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 264) was agreed to.

The preamble was agreed to.

U.S. POSTAL SERVICE COMMENDATION

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 177, submitted earlier today by Senator BOXER.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 177) expressing the sense of the Senate that United States Postal Service employees should be commended for their outstanding service and dedication since the terrorist attacks on September 11, 2001.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BYRD. Mr. President, I ask unanimous consent that the resolution and the preamble be agreed to, en bloc; that the motion to reconsider be laid upon the table; and that any statements and supporting documents relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 177) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under "Submitted Resolutions.")

AUTHORIZATION FOR PRINTING

Mr. BYRD. Mr. President, I ask unanimous consent that the Rules Committee be discharged from consideration of H. Con. Res. 130 and that the Senate then proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 130) authorizing printing of the book entitled "Asian and Pacific Islander Americans in Congress."

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. BYRD. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, with no intervening action or debate; that the motion to reconsider be laid upon the table; and that any statements relating to the concurrent resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 130) was agreed to.

AUTHORITY FOR COMMITTEE TO REPORT

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Finance have until 4 p.m. today to report the economic recovery stimulus bill, notwithstanding the adjournment of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORITY FOR RECORD TO REMAIN OPEN UNTIL 2 P.M.

Mr. BYRD. Mr. President, I ask unanimous consent that the RECORD remain open today until 2 p.m. for the submission of statements and the introduction of legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TUESDAY, NOVEMBER 13, 2001

Mr. BYRD. Mr. President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 10:30 a.m., Tuesday November 13; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and that the Senate begin consideration of S.J. Res. 28; further, that the Senate recess from 12:30 p.m. to 2:15 p.m. for the weekly party conferences.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, on behalf of the majority leader, I again remind our colleagues that the next rollcall votes will occur at 5 p.m. on Tuesday next.

ADJOURNMENT UNTIL 10:30 A.M. TUESDAY, NOVEMBER 13, 2001

Mr. BYRD. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 1:09 p.m., adjourned until Tuesday, November 13, 2001, at 10:30 a.m.

NOMINATIONS

Executive nominations received by the Senate November 9, 2001:

CORPORATION FOR PUBLIC BROADCASTING

CHERYL FELDMAN HALPERN, OF NEW JERSEY, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR PUBLIC BROADCASTING FOR THE REMAINDER OF THE TERM EXPIRING JANUARY 31, 2004, VICE DIANE D. BLAIR.

DEPARTMENT OF ENERGY

MARGARET S.Y. CHU, OF NEW MEXICO, TO BE DIRECTOR OF THE OFFICE OF CIVILIAN RADIOACTIVE WASTE MANAGEMENT, DEPARTMENT OF ENERGY, VICE IVAN ITKIN, RESIGNED.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

ADOLFO A. FRANCO, OF VIRGINIA, TO BE AN ASSISTANT ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT, VICE MARK L. SCHNEIDER.

OVERSEAS PRIVATE INVESTMENT CORPORATION

COLLISTER JOHNSON, JR., OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION FOR A TERM EXPIRING DECEMBER 17, 2001, VICE LOTTIE LEE SHACKELFORD, TERM EXPIRED.

COLLISTER JOHNSON, JR., OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION FOR A TERM EXPIRING DECEMBER 17, 2004. (REAPPOINTMENT)

NATIONAL MEDIATION BOARD

EDWARD J. FITZMAURICE, JR., OF TEXAS, TO BE A MEMBER OF THE NATIONAL MEDIATION BOARD FOR A TERM EXPIRING JULY 1, 2004, VICE ERNEST W. DUBESTER, RESIGNED.

CONFIRMATIONS

Executive nominations confirmed by the Senate November 9, 2001:

ENVIRONMENTAL PROTECTION AGENCY

KIMBERLY TERESE NELSON, OF PENNSYLVANIA, TO BE AN ASSISTANT ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY.

DEPARTMENT OF STATE

ERIC M. JAVITS, OF NEW YORK, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS U.S. REPRESENTATIVE TO THE CONFERENCE ON DISARMAMENT.

SICHAN SIV, OF TEXAS, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA ON THE ECONOMIC AND SOCIAL COUNCIL OF THE UNITED NATIONS, WITH THE RANK OF AMBASSADOR.

SICHAN SIV, OF TEXAS, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SESSIONS OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS DURING HIS TENURE OF SERVICE AS REPRESENTATIVE OF THE UNITED STATES OF AMERICA ON THE ECONOMIC AND SOCIAL COUNCIL OF THE UNITED NATIONS.

RICHARD S. WILLIAMSON, OF ILLINOIS, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SESSIONS OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS DURING HIS TENURE OF SERVICE AS ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA FOR SPECIAL POLITICAL AFFAIRS IN THE UNITED NATIONS.

RICHARD S. WILLIAMSON, OF ILLINOIS, TO BE ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA FOR SPECIAL POLITICAL AFFAIRS IN THE UNITED NATIONS, WITH THE RANK OF AMBASSADOR.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

HOUSE OF REPRESENTATIVES—Friday, November 9, 2001

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. CULBERSON).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

HOUSE OF REPRESENTATIVES,
Washington, DC, November 9, 2001.

I hereby appoint the Honorable JOHN ABNEY CULBERSON to act as Speaker pro tempore on this day.

DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Reverend David Nuss, Catholic Diocese of Toledo, Toledo, Ohio, offered the following prayer:

Almighty and ever-living God, we do well always and everywhere to give You thanks.

In a former time You chose a people and ascribed a destiny to them. The light of freedom they carried then, burns brightly now, dispelling the darkness and the shadow of death.

Your goodness, O God, has come to pass in every American generation. It happened to our ancestors, who came to this land as if out of the desert into a place of promise. It happens to us still as you guide our Nation into the way of peace.

Lord God, lavish Your blessings today upon all the Members of this venerable Chamber. Protect and inspire our elected Representatives, and all who labor with them and for them so that they may work together for justice and bring forth peace.

We trust in You, all-powerful God, who is and who was until the end of the ages. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Repub-

lic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the house is requested, a bill of the House of the following title:

H.R. 2883. An Act to authorize appropriations for fiscal year 2002 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability system, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 2883) "An Act to authorize appropriations for fiscal year 2002 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints from the—

Select Committee on Intelligence: Mr. GRAHAM, Mr. LEVIN, Mr. ROCKEFELLER, Mrs. FEINSTEIN, Mr. WYDEN, Mr. DURBIN, Mr. BAYH, Mr. EDWARDS, Ms. MIKULSKI, Mr. SHELBY, Mr. KYL, Mr. INHOFE, Mr. HATCH, Mr. ROBERTS, Mr. DEWINE, Mr. THOMPSON, and Mr. LUGAR; and

Committee on Armed Services: Mr. REED, and Mr. WARNER; to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2620) "An Act making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2002, and for other purposes."

The message also announced that the Senate has passed a concurrent resolution of the following title in which the concurrence of the House is requested.

S. Con. Res. 81. Concurrent resolution expressing the sense of Congress to welcome the Prime Minister of India, Atal Bihari Vajpayee, on the occasion of his visit to the United States, and to affirm that India is a valued friend and partner and an important ally in the campaign against international terrorism.

APPOINTMENT AS MEMBER TO UNITED STATES-CHINA SECURITY REVIEW COMMISSION

The SPEAKER pro tempore. Without objection, and pursuant to section 1238(b) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (Public Law 106-398), the Chair announces the Speaker's appointment of the following member on the part of the House to the United States-China Security Review Commission to fill the existing vacancy thereon:

Mr. Larry M. Wortzel, Alexandria, Virginia.

There was no objection.

APPOINTMENT OF MEMBER TO NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION

The SPEAKER pro tempore. Without objection, and pursuant to 44 United States Code, section 2501, the Chair announces the Speaker's appointment of the following Member of the House to the National Historical Publications and Records Commission:

Mr. BLUNT of Missouri.

There was no objection.

ENROLLED BILLS SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 768. An act to amend the Improving America's Schools Act of 1994 to extend the favorable treatment of need-based educational aid under the antitrust laws, and for other purposes.

CONFERENCE REPORT ON H.R. 2330

Mr. BONILLA submitted the following conference report and statement on the bill (H.R. 2330) "making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2002, and for other purposes":

CONFERENCE REPORT (H. REPT. 107-275)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2330) "making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2002, and for other purposes", having met,

after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2002, and for other purposes, namely:

TITLE I AGRICULTURAL PROGRAMS

PRODUCTION, PROCESSING, AND MARKETING OFFICE OF THE SECRETARY

For necessary expenses of the Office of the Secretary of Agriculture, and not to exceed \$75,000 for employment under 5 U.S.C. 3109, \$2,992,000: *Provided, That not to exceed \$11,000 of this amount shall be available for official reception and representation expenses, not otherwise provided for, as determined by the Secretary: Provided further, That none of the funds appropriated or otherwise made available by this Act may be used to pay the salaries and expenses of personnel of the Department of Agriculture to carry out section 793(c)(1)(C) of Public Law 104-127: Provided further, That none of the funds made available by this Act may be used to enforce section 793(d) of Public Law 104-127.*

EXECUTIVE OPERATIONS CHIEF ECONOMIST

For necessary expenses of the Chief Economist, including economic analysis, risk assessment, cost-benefit analysis, energy and new uses, and the functions of the World Agricultural Outlook Board, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1622g), and including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed \$5,000 is for employment under 5 U.S.C. 3109, \$7,704,000.

NATIONAL APPEALS DIVISION

For necessary expenses of the National Appeals Division, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed \$25,000 is for employment under 5 U.S.C. 3109, \$12,869,000.

OFFICE OF BUDGET AND PROGRAM ANALYSIS

For necessary expenses of the Office of Budget and Program Analysis, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed \$5,000 is for employment under 5 U.S.C. 3109, \$7,041,000.

OFFICE OF THE CHIEF INFORMATION OFFICER

For necessary expenses of the Office of the Chief Information Officer, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed \$10,000 is for employment under 5 U.S.C. 3109, \$10,029,000.

COMMON COMPUTING ENVIRONMENT

For necessary expenses to acquire a Common Computing Environment for the Natural Resources Conservation Service, the Farm and Foreign Agricultural Service and Rural Development mission areas for information technology, systems, and services, \$59,369,000, to remain available until expended, for the capital asset acquisition of shared information technology systems, including services as authorized by 7 U.S.C. 6915-16 and 40 U.S.C. 1421-28: *Pro-*

vided, That obligation of these funds shall be consistent with the Department of Agriculture Service Center Modernization Plan of the county-based agencies, and shall be with the concurrence of the Department's Chief Information Officer.

OFFICE OF THE CHIEF FINANCIAL OFFICER

For necessary expenses of the Office of the Chief Financial Officer, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed \$10,000 is for employment under 5 U.S.C. 3109, \$5,384,000: *Provided, That the Chief Financial Officer shall actively market and expand cross-servicing activities of the National Finance Center.*

OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION

For necessary salaries and expenses of the Office of the Assistant Secretary for Administration to carry out the programs funded by this Act, \$647,000.

AGRICULTURE BUILDINGS AND FACILITIES AND RENTAL PAYMENTS

(INCLUDING TRANSFERS OF FUNDS)

For payment of space rental and related costs pursuant to Public Law 92-313, including authorities pursuant to the 1984 delegation of authority from the Administrator of General Services to the Department of Agriculture under 40 U.S.C. 486, for programs and activities of the Department which are included in this Act, and for alterations and other actions needed for the Department and its agencies to consolidate unneeded space into configurations suitable for release to the Administrator of General Services, and for the operation, maintenance, improvement, and repair of Agriculture buildings, \$187,647,000, to remain available until expended: *Provided, That the Secretary of Agriculture may transfer a share of that agency's appropriation made available by this Act to this appropriation, or may transfer a share of this appropriation to that agency's appropriation to cover the costs of new or replacement space for such agency, but such transfers shall not exceed 5 percent of the funds made available for space rental and related costs to or from this account.*

HAZARDOUS MATERIALS MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Department of Agriculture, to comply with the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 9601 et seq., and the Resource Conservation and Recovery Act, 42 U.S.C. 6901 et seq., \$15,665,000, to remain available until expended: *Provided, That appropriations and funds available herein to the Department for Hazardous Materials Management may be transferred to any agency of the Department for its use in meeting all requirements pursuant to the above Acts on Federal and non-Federal lands.*

DEPARTMENTAL ADMINISTRATION

(INCLUDING TRANSFERS OF FUNDS)

For Departmental Administration, \$37,079,000, to provide for necessary expenses for management support services to offices of the Department and for general administration and disaster management of the Department, repairs and alterations, and other miscellaneous supplies and expenses not otherwise provided for and necessary for the practical and efficient work of the Department, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed \$10,000 is for employment under 5 U.S.C. 3109: *Provided, That this appropriation shall be reimbursed from applicable appropriations in this Act for travel expenses incident to the holding of hearings as required by 5 U.S.C. 551-558.*

OUTREACH FOR SOCIALLY DISADVANTAGED FARMERS

For grants and contracts pursuant to section 2501 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279), \$3,243,000, to remain available until expended.

OFFICE OF THE ASSISTANT SECRETARY FOR CONGRESSIONAL RELATIONS (INCLUDING TRANSFERS OF FUNDS)

For necessary salaries and expenses of the Office of the Assistant Secretary for Congressional Relations to carry out the programs funded by this Act, including programs involving intergovernmental affairs and liaison within the executive branch, \$3,718,000: *Provided, That these funds may be transferred to agencies of the Department of Agriculture funded by this Act to maintain personnel at the agency level: Provided further, That no other funds appropriated to the Department by this Act shall be available to the Department for support of activities of congressional relations.*

OFFICE OF COMMUNICATIONS

For necessary expenses to carry out services relating to the coordination of programs involving public affairs, for the dissemination of agricultural information, and the coordination of information, work, and programs authorized by Congress in the Department, \$8,894,000, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed \$10,000 shall be available for employment under 5 U.S.C. 3109, and not to exceed \$2,000,000 may be used for farmers' bulletins.

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and the Inspector General Act of 1978, \$70,839,000, including such sums as may be necessary for contracting and other arrangements with public agencies and private persons pursuant to section 6(a)(9) of the Inspector General Act of 1978, including not to exceed \$50,000 for employment under 5 U.S.C. 3109; and including not to exceed \$125,000 for certain confidential operational expenses, including the payment of informants, to be expended under the direction of the Inspector General pursuant to Public Law 95-452 and section 1337 of Public Law 97-98.

OFFICE OF THE GENERAL COUNSEL

For necessary expenses of the Office of the General Counsel, \$32,627,000.

OFFICE OF THE UNDER SECRETARY FOR RESEARCH, EDUCATION AND ECONOMICS

For necessary salaries and expenses of the Office of the Under Secretary for Research, Education and Economics to administer the laws enacted by the Congress for the Economic Research Service, the National Agricultural Statistics Service, the Agricultural Research Service, and the Cooperative State Research, Education, and Extension Service, \$573,000.

ECONOMIC RESEARCH SERVICE

For necessary expenses of the Economic Research Service in conducting economic research and analysis, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1621-1627) and other laws, \$67,200,000: *Provided, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225).*

NATIONAL AGRICULTURAL STATISTICS SERVICE

For necessary expenses of the National Agricultural Statistics Service in conducting statistical reporting and service work, including crop and livestock estimates, statistical coordination and improvements, marketing surveys, and the Census of Agriculture, as authorized by 7 U.S.C.

1621–1627, Public Law 105–113, and other laws, \$113,786,000, of which up to \$25,350,000 shall be available until expended for the Census of Agriculture: Provided, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$40,000 shall be available for employment under 5 U.S.C. 3109.

AGRICULTURAL RESEARCH SERVICE

SALARIES AND EXPENSES

For necessary expenses to enable the Agricultural Research Service to perform agricultural research and demonstration relating to production, utilization, marketing, and distribution (not otherwise provided for); home economics or nutrition and consumer use including the acquisition, preservation, and dissemination of agricultural information; and for acquisition of lands by donation, exchange, or purchase at a nominal cost not to exceed \$100, and for land exchanges where the lands exchanged shall be of equal value or shall be equalized by a payment of money to the grantor which shall not exceed 25 percent of the total value of the land or interests transferred out of Federal ownership, \$979,464,000: Provided, That appropriations hereunder shall be available for temporary employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$115,000 shall be available for employment under 5 U.S.C. 3109: Provided further, That appropriations hereunder shall be available for the operation and maintenance of aircraft and the purchase of not to exceed one for replacement only: Provided further, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for the construction, alteration, and repair of buildings and improvements, but unless otherwise provided, the cost of constructing any one building shall not exceed \$375,000, except for greenhouses or greenhouses which shall each be limited to \$1,200,000, and except for 10 buildings to be constructed or improved at a cost not to exceed \$750,000 each, and the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building or \$375,000, whichever is greater: Provided further, That the limitations on alterations contained in this Act shall not apply to modernization or replacement of existing facilities at Beltsville, Maryland: Provided further, That appropriations hereunder shall be available for granting easements at the Beltsville Agricultural Research Center, including an easement to the University of Maryland to construct the Transgenic Animal Facility which upon completion shall be accepted by the Secretary as a gift: Provided further, That the foregoing limitations shall not apply to replacement of buildings needed to carry out the Act of April 24, 1948 (21 U.S.C. 113a): Provided further, That funds may be received from any State, other political subdivision, organization, or individual for the purpose of establishing or operating any research facility or research project of the Agricultural Research Service, as authorized by law.

None of the funds in the foregoing paragraph shall be available to carry out research related to the production, processing or marketing of tobacco or tobacco products.

In fiscal year 2002, the agency is authorized to charge fees, commensurate with the fair market value, for any permit, easement, lease, or other special use authorization for the occupancy or use of land and facilities (including land and facilities at the Beltsville Agricultural Research Center) issued by the agency, as authorized by law, and such fees shall be credited to this account, and shall remain available until expended for authorized purposes.

BUILDINGS AND FACILITIES

For acquisition of land, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities as necessary to carry out the agricultural research programs of the Department of Agriculture, where not otherwise provided, \$118,987,000, to remain available until expended (7 U.S.C. 2209b): Provided, That funds may be received from any State, other political subdivision, organization, or individual for the purpose of establishing any research facility of the Agricultural Research Service, as authorized by law.

COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE

RESEARCH AND EDUCATION ACTIVITIES

For payments to agricultural experiment stations, for cooperative forestry and other research, for facilities, and for other expenses, \$542,062,000, as follows: to carry out the provisions of the Hatch Act (7 U.S.C. 361a–i), \$180,148,000; for grants for cooperative forestry research (16 U.S.C. 582a–a7), \$21,884,000; for payments to the 1890 land-grant colleges, including Tuskegee University (7 U.S.C. 3222), \$34,604,000, of which \$1,507,496 shall be made available only for the purpose of ensuring that each institution shall receive no less than \$1,000,000; for special grants for agricultural research (7 U.S.C. 450i(c)), \$97,008,000; for special grants for agricultural research on improved pest control (7 U.S.C. 450i(e)), \$15,206,000; for competitive research grants (7 U.S.C. 450i(b)), \$120,452,000; for the support of animal health and disease programs (7 U.S.C. 3195), \$5,098,000; for supplemental and alternative crops and products (7 U.S.C. 3319d), \$924,000; for grants for research pursuant to the Critical Agricultural Materials Act of 1984 (7 U.S.C. 178) and section 1472 of the Food and Agriculture Act of 1977 (7 U.S.C. 3318), \$720,000, to remain available until expended; for the 1994 research program (7 U.S.C. 301 note), \$998,000, to remain available until expended; for higher education graduate fellowship grants (7 U.S.C. 3152(b)(6)), \$2,993,000, to remain available until expended (7 U.S.C. 2209b); for higher education challenge grants (7 U.S.C. 3152(b)(1)), \$4,340,000; for a higher education multicultural scholars program (7 U.S.C. 3152(b)(5)), \$998,000, to remain available until expended (7 U.S.C. 2209b); for an education grants program for Hispanic-serving institutions (7 U.S.C. 3241), \$3,492,000; for non-competitive grants for the purpose of carrying out all provisions of 7 U.S.C. 3242 (Section 759 of Public Law 106–78) to individual eligible institutions or consortia of eligible institutions in Alaska and in Hawaii, with funds awarded equally to each of the States of Alaska and Hawaii, \$2,997,000; for a secondary agriculture education program and 2-year post-secondary education (7 U.S.C. 3152(h)), \$1,000,000; for aquaculture grants (7 U.S.C. 3322), \$3,996,000; for sustainable agriculture research and education (7 U.S.C. 5811), \$12,500,000; for a program of capacity building grants (7 U.S.C. 3152(b)(4)) to colleges eligible to receive funds under the Act of August 30, 1890 (7 U.S.C. 321–326 and 328), including Tuskegee University, \$9,479,000, to remain available until expended (7 U.S.C. 2209b); for payments to the 1994 Institutions pursuant to section 534(a)(1) of Public Law 103–382, \$1,549,000; and for necessary expenses of Research and Education Activities, of which not to exceed \$100,000 shall be for employment under 5 U.S.C. 3109, \$21,676,000.

None of the funds in the foregoing paragraph shall be available to carry out research related to the production, processing or marketing of tobacco or tobacco products: Provided, That this paragraph shall not apply to research on the medical, biotechnological, food, and industrial uses of tobacco.

NATIVE AMERICAN INSTITUTIONS ENDOWMENT FUND

For the Native American Institutions Endowment Fund authorized by Public Law 103–382 (7 U.S.C. 301 note), \$7,100,000.

EXTENSION ACTIVITIES

For payments to States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, Micronesia, Northern Marianas, and American Samoa, \$439,473,000, as follows: payments for cooperative extension work under the Smith-Lever Act, to be distributed under sections 3(b) and 3(c) of said Act, and under section 208(c) of Public Law 93–471, for retirement and employees' compensation costs for extension agents and for costs of penalty mail for cooperative extension agents and State extension directors, \$275,940,000, of which \$3,600,000 may be used to carry out Public Law 107–19; payments for extension work at the 1994 Institutions under the Smith-Lever Act (7 U.S.C. 343(b)(3)), \$3,273,000; payments for the nutrition and family education program for low-income areas under section 3(d) of the Act, \$58,566,000; payments for the pest management program under section 3(d) of the Act, \$10,759,000; payments for the farm safety program under section 3(d) of the Act, \$5,250,000; payments to upgrade research, extension, and teaching facilities at the 1890 land-grant colleges, including Tuskegee University, as authorized by section 1447 of Public Law 95–113 (7 U.S.C. 3222b), \$13,500,000, to remain available until expended; payments for the rural development centers under section 3(d) of the Act, \$953,000; payments for youth-at-risk programs under section 3(d) of the Act, \$8,481,000; for youth farm safety education and certification extension grants, to be awarded competitively under section 3(d) of the Act, \$499,000; payments for carrying out the provisions of the Renewable Resources Extension Act of 1978, \$4,093,000; payments for Indian reservation agents under section 3(d) of the Act, \$1,996,000; payments for sustainable agriculture programs under section 3(d) of the Act, \$4,750,000; payments for rural health and safety education as authorized by section 2390 of Public Law 101–624 (7 U.S.C. 2661 note, 2662), \$2,622,000; payments for cooperative extension work by the colleges receiving the benefits of the second Morrill Act (7 U.S.C. 321–326 and 328) and Tuskegee University, \$31,181,000, of which \$1,724,884 shall be made available only for the purpose of ensuring that each institution shall receive no less than \$1,000,000; and for Federal administration and coordination including administration of the Smith-Lever Act, and the Act of September 29, 1977 (7 U.S.C. 341–349), and section 1361(c) of the Act of October 3, 1980 (7 U.S.C. 301 note), and to coordinate and provide program leadership for the extension work of the Department and the several States and insular possessions, \$17,610,000: Provided, That funds hereby appropriated pursuant to section 3(c) of the Act of June 26, 1953, and section 506 of the Act of June 23, 1972, shall not be paid to any State, the District of Columbia, Puerto Rico, Guam, or the Virgin Islands, Micronesia, Northern Marianas, and American Samoa prior to availability of an equal sum from non-Federal sources for expenditure during the current fiscal year.

INTEGRATED ACTIVITIES

For the integrated research, education, and extension competitive grants programs, including necessary administrative expenses, as authorized under section 406 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7626), \$42,853,000, as follows: payments for the water quality program, \$12,971,000; payments for the food safety program, \$14,967,000; payments for the national agriculture pesticide impact assessment program, \$4,531,000; payments for the Food Quality Protection Act risk mitigation program for major

food crop systems, \$4,889,000; payments for the crops affected by Food Quality Protection Act implementation, \$1,497,000; payments for the methyl bromide transition program, \$2,498,000; and payments for the organic transition program, \$1,500,000.

OFFICE OF THE UNDER SECRETARY FOR
MARKETING AND REGULATORY PROGRAMS

For necessary salaries and expenses of the Office of the Under Secretary for Marketing and Regulatory Programs to administer programs under the laws enacted by the Congress for the Animal and Plant Health Inspection Service; the Agricultural Marketing Service; and the Grain Inspection, Packers and Stockyards Administration; \$654,000.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE
SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For expenses, not otherwise provided for, including those pursuant to the Act of February 28, 1947 (21 U.S.C. 114b-c), necessary to prevent, control, and eradicate pests and plant and animal diseases; to carry out inspection, quarantine, and regulatory activities; to discharge the authorities of the Secretary of Agriculture under the Acts of March 2, 1931 (46 Stat. 1468) and December 22, 1987 (101 Stat. 1329-1331) (7 U.S.C. 426-426c); to protect the environment, as authorized by law, \$620,490,000, of which \$4,096,000 shall be available for the control of outbreaks of insects, plant diseases, animal diseases and for control of pest animals and birds to the extent necessary to meet emergency conditions; of which \$77,355,000 shall be used for the boll weevil eradication program for cost share purposes or for debt retirement for active eradication zones: Provided, That no funds shall be used to formulate or administer a brucellosis eradication program for the current fiscal year that does not require minimum matching by the States of at least 40 percent: Provided further, That this appropriation shall be available for field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$40,000 shall be available for employment under 5 U.S.C. 3109: Provided further, That this appropriation shall be available for the operation and maintenance of aircraft and the purchase of not to exceed four, of which two shall be for replacement only: Provided further, That, in addition, in emergencies which threaten any segment of the agricultural production industry of this country, the Secretary may transfer from other appropriations or funds available to the agencies or corporations of the Department such sums as may be deemed necessary, to be available only in such emergencies for the arrest and eradication of contagious or infectious disease or pests of animals, poultry, or plants, and for expenses in accordance with the Act of February 28, 1947, and section 102 of the Act of September 21, 1944, and any unexpended balances of funds transferred for such emergency purposes in the preceding fiscal year shall be merged with such transferred amounts: Provided further, That appropriations hereunder shall be available pursuant to law (7 U.S.C. 2250) for the repair and alteration of leased buildings and improvements, but unless otherwise provided the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

In fiscal year 2002, the agency is authorized to collect fees to cover the total costs of providing technical assistance, goods, or services requested by States, other political subdivisions, domestic and international organizations, foreign governments, or individuals, provided that such fees are structured such that any entity's liability for such fees is reasonably based on the technical assistance, goods, or services provided to

the entity by the agency, and such fees shall be credited to this account, to remain available until expended, without further appropriation, for providing such assistance, goods, or services.

Of the total amount available under this heading in fiscal year 2002, \$84,813,000 shall be derived from user fees deposited in the Agricultural Quarantine Inspection User Fee Account.

BUILDINGS AND FACILITIES

For plans, construction, repair, preventive maintenance, environmental support, improvement, extension, alteration, and purchase of fixed equipment or facilities, as authorized by 7 U.S.C. 2250, and acquisition of land as authorized by 7 U.S.C. 428a, \$7,189,000, to remain available until expended.

AGRICULTURAL MARKETING SERVICE

MARKETING SERVICES

For necessary expenses to carry out services related to consumer protection, agricultural marketing and distribution, transportation, and regulatory programs, as authorized by law, and for administration and coordination of payments to States, including field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225) and not to exceed \$90,000 for employment under 5 U.S.C. 3109, \$71,430,000, including funds for the wholesale market development program for the design and development of wholesale and farmer market facilities for the major metropolitan areas of the country: Provided, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

Fees may be collected for the cost of standardization activities, as established by regulation pursuant to law (31 U.S.C. 9701).

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed \$60,596,000 (from fees collected) shall be obligated during the current fiscal year for administrative expenses: Provided, That if crop size is understated and/or other uncontrollable events occur, the agency may exceed this limitation by up to 10 percent with notification to the Committees on Appropriations of both Houses of Congress.

FUNDS FOR STRENGTHENING MARKETS, INCOME,
AND SUPPLY (SECTION 32)

(INCLUDING TRANSFERS OF FUNDS)

Funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), shall be used only for commodity program expenses as authorized therein, and other related operating expenses, except for: (1) transfers to the Department of Commerce as authorized by the Fish and Wildlife Act of August 8, 1956; (2) transfers otherwise provided in this Act; and (3) not more than \$13,995,000 for formulation and administration of marketing agreements and orders pursuant to the Agricultural Marketing Agreement Act of 1937 and the Agricultural Act of 1961.

PAYMENTS TO STATES AND POSSESSIONS

For payments to departments of agriculture, bureaus and departments of markets, and similar agencies for marketing activities under section 204(b) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1623(b)), \$1,347,000.

GRAIN INSPECTION, PACKERS AND STOCKYARDS
ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the United States Grain Standards Act, for the administration of the Packers and Stockyards Act, for certifying procedures used to protect purchasers of farm products, and the standardization activities related to grain under the Agricultural Marketing Act of 1946, including field employment pursuant to the second sen-

tence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$25,000 for employment under 5 U.S.C. 3109, \$33,117,000: Provided, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

LIMITATION ON INSPECTION AND WEIGHING
SERVICES EXPENSES

Not to exceed \$42,463,000 (from fees collected) shall be obligated during the current fiscal year for inspection and weighing services: Provided, That if grain export activities require additional supervision and oversight, or other uncontrollable factors occur, this limitation may be exceeded by up to 10 percent with notification to the Committees on Appropriations of both Houses of Congress.

OFFICE OF THE UNDER SECRETARY FOR FOOD
SAFETY

For necessary salaries and expenses of the Office of the Under Secretary for Food Safety to administer the laws enacted by the Congress for the Food Safety and Inspection Service, \$476,000.

FOOD SAFETY AND INSPECTION SERVICE

For necessary expenses to carry out services authorized by the Federal Meat Inspection Act, the Poultry Products Inspection Act, and the Egg Products Inspection Act, including not to exceed \$50,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), \$715,642,000, of which no less than \$608,730,000 shall be available for Federal food inspection; and in addition, \$1,000,000 may be credited to this account from fees collected for the cost of laboratory accreditation as authorized by section 1017 of Public Law 102-237: Provided, That this appropriation shall be available for field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$75,000 shall be available for employment under 5 U.S.C. 3109: Provided further, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

OFFICE OF THE UNDER SECRETARY FOR FARM
AND FOREIGN AGRICULTURAL SERVICES

For necessary salaries and expenses of the Office of the Under Secretary for Farm and Foreign Agricultural Services to administer the laws enacted by Congress for the Farm Service Agency, the Foreign Agricultural Service, the Risk Management Agency, and the Commodity Credit Corporation, \$606,000.

FARM SERVICE AGENCY
SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for carrying out the administration and implementation of programs administered by the Farm Service Agency, \$939,030,000: Provided, That the Secretary is authorized to use the services, facilities, and authorities (but not the funds) of the Commodity Credit Corporation to make program payments for all programs administered by the Agency: Provided further, That other funds made available to the Agency for authorized activities may be advanced to and merged with this account: Provided further, That these funds shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$1,000,000 shall be available for employment under 5 U.S.C. 3109.

STATE MEDIATION GRANTS

For grants pursuant to section 502(b) of the Agricultural Credit Act of 1987 (7 U.S.C. 5101–5106), \$3,493,000.

DAIRY INDEMNITY PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses involved in making indemnity payments to dairy farmers and manufacturers of dairy products under a dairy indemnity program, \$100,000, to remain available until expended: Provided, That such program is carried out by the Secretary in the same manner as the dairy indemnity program described in the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106–387; 114 Stat. 1549A–12).

AGRICULTURAL CREDIT INSURANCE FUND
PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed loans as authorized by 7 U.S.C. 1928–1929, to be available from funds in the Agricultural Credit Insurance Fund, as follows: farm ownership loans, \$1,146,996,000, of which \$1,000,000,000 shall be for guaranteed loans and \$146,996,000 shall be for direct loans; operating loans, \$2,616,729,000, of which \$1,500,000,000 shall be for unsubsidized guaranteed loans, \$505,531,000 shall be for subsidized guaranteed loans and \$611,198,000 shall be for direct loans; Indian tribe land acquisition loans as authorized by 25 U.S.C. 488, \$2,000,000; for emergency insured loans, \$25,000,000 to meet the needs resulting from natural disasters; and for boll weevil eradication program loans as authorized by 7 U.S.C. 1989, \$100,000,000.

For the cost of direct and guaranteed loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, as follows: farm ownership loans, \$8,366,000, of which \$4,500,000 shall be for guaranteed loans; operating loans, \$175,780,000, of which \$52,650,000 shall be for unsubsidized guaranteed loans and \$68,550,000 shall be for subsidized guaranteed loans; Indian tribe land acquisition loans as authorized by 25 U.S.C. 488, \$118,400; and for emergency insured loans, \$3,362,500 to meet the needs resulting from natural disasters.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, \$280,595,000, of which \$272,595,000 shall be transferred to and merged with the appropriation for “Farm Service Agency, Salaries and Expenses”.

Funds appropriated by this Act to the Agricultural Credit Insurance Program Account for farm ownership and operating direct loans and guaranteed loans may be transferred among these programs: Provided, That the Committees on Appropriations of both Houses of Congress are notified at least 15 days in advance of any transfer.

RISK MANAGEMENT AGENCY

For administrative and operating expenses, as authorized by the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 6933), \$74,752,000: Provided, That not to exceed \$700 shall be available for official reception and representation expenses, as authorized by 7 U.S.C. 1506(i).

CORPORATIONS

The following corporations and agencies are hereby authorized to make expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act as may be necessary in carrying out the programs set forth

in the budget for the current fiscal year for such corporation or agency, except as hereinafter provided.

FEDERAL CROP INSURANCE CORPORATION FUND

For payments as authorized by section 516 of the Federal Crop Insurance Act, such sums as may be necessary, to remain available until expended (7 U.S.C. 2209b).

COMMODITY CREDIT CORPORATION FUND

REIMBURSEMENT FOR NET REALIZED LOSSES

For fiscal year 2002, such sums as may be necessary to reimburse the Commodity Credit Corporation for net realized losses sustained, but not previously reimbursed, pursuant to section 2 of the Act of August 17, 1961 (15 U.S.C. 713a–11).

OPERATIONS AND MAINTENANCE FOR HAZARDOUS
WASTE MANAGEMENT

(LIMITATION ON EXPENSES)

For fiscal year 2002, the Commodity Credit Corporation shall not expend more than \$5,000,000 for site investigation and cleanup expenses, and operations and maintenance expenses to comply with the requirement of section 107(g) of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 9607(g), and section 6001 of the Resource Conservation and Recovery Act, 42 U.S.C. 6961.

TITLE II

CONSERVATION PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR NATURAL
RESOURCES AND ENVIRONMENT

For necessary salaries and expenses of the Office of the Under Secretary for Natural Resources and Environment to administer the laws enacted by the Congress for the Forest Service and the Natural Resources Conservation Service, \$730,000.

NATURAL RESOURCES CONSERVATION SERVICE
CONSERVATION OPERATIONS

For necessary expenses for carrying out the provisions of the Act of April 27, 1935 (16 U.S.C. 590a–f), including preparation of conservation plans and establishment of measures to conserve soil and water (including farm irrigation and land drainage and such special measures for soil and water management as may be necessary to prevent floods and the siltation of reservoirs and to control agricultural related pollutants); operation of conservation plant materials centers; classification and mapping of soil; dissemination of information; acquisition of lands, water, and interests therein for use in the plant materials program by donation, exchange, or purchase at a nominal cost not to exceed \$100 pursuant to the Act of August 3, 1956 (7 U.S.C. 428a); purchase and erection or alteration or improvement of permanent and temporary buildings; and operation and maintenance of aircraft, \$779,000,000, to remain available until expended (7 U.S.C. 2209b), of which not less than \$8,515,000 is for snow survey and water forecasting, and not less than \$9,849,000 is for operation and establishment of the plant materials centers, and of which not less than \$21,500,000 shall be for the grazing lands conservation initiative: Provided, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for construction and improvement of buildings and public improvements at plant materials centers, except that the cost of alterations and improvements to other buildings and other public improvements shall not exceed \$250,000: Provided further, That when buildings or other structures are erected on non-Federal land, that the right to use such land is obtained as provided in 7 U.S.C. 2250a: Provided further, That this appropriation shall be available for technical assistance and related expenses to carry out programs authorized by section 202(c) of title II of the Colorado River Basin Salinity Control Act of 1974 (43 U.S.C. 1592(c)): Provided

further, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$25,000 shall be available for employment under 5 U.S.C. 3109: Provided further, That qualified local engineers may be temporarily employed at per diem rates to perform the technical planning work of the Service (16 U.S.C. 590e–2).

WATERSHED SURVEYS AND PLANNING

For necessary expenses to conduct research, investigation, and surveys of watersheds of rivers and other waterways, and for small watershed investigations and planning, in accordance with the Watershed Protection and Flood Prevention Act approved August 4, 1954 (16 U.S.C. 1001–1009), \$10,960,000: Provided, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$110,000 shall be available for employment under 5 U.S.C. 3109.

WATERSHED AND FLOOD PREVENTION OPERATIONS

For necessary expenses to carry out preventive measures, including but not limited to research, engineering operations, methods of cultivation, the growing of vegetation, rehabilitation of existing works and changes in use of land, in accordance with the Watershed Protection and Flood Prevention Act approved August 4, 1954 (16 U.S.C. 1001–1005 and 1007–1009), the provisions of the Act of April 27, 1935 (16 U.S.C. 590a–f), and in accordance with the provisions of laws relating to the activities of the Department, \$106,590,000, to remain available until expended (7 U.S.C. 2209b) (of which up to \$15,000,000 may be available for the watersheds authorized under the Flood Control Act approved June 22, 1936 (33 U.S.C. 701 and 16 U.S.C. 1006a)): Provided, That not to exceed \$45,514,000 of this appropriation shall be available for technical assistance: Provided further, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$200,000 shall be available for employment under 5 U.S.C. 3109: Provided further, That not to exceed \$1,000,000 of this appropriation is available to carry out the purposes of the Endangered Species Act of 1973 (Public Law 93–205), including cooperative efforts as contemplated by that Act to relocate endangered or threatened species to other suitable habitats as may be necessary to expedite project construction.

WATERSHED REHABILITATION PROGRAM

For necessary expenses to carry out rehabilitation of structural measures, in accordance with section 14 of the Watershed Protection and Flood Prevention Act approved August 4, 1954 (16 U.S.C. 1001 et seq.), as amended by section 313 of Public Law 106–472, November 9, 2000 (16 U.S.C. 1012), and in accordance with the provisions of laws relating to the activities of the Department, \$10,000,000, to remain available until expended.

RESOURCE CONSERVATION AND DEVELOPMENT

For necessary expenses in planning and carrying out projects for resource conservation and development and for sound land use pursuant to the provisions of section 32(e) of title III of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1010–1011; 76 Stat. 607); the Act of April 27, 1935 (16 U.S.C. 590a–f); and the Agriculture and Food Act of 1981 (16 U.S.C. 3451–3461), \$48,048,000, to remain available until expended (7 U.S.C. 2209b): Provided, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$50,000 shall be available for employment under 5 U.S.C. 3109.

FORESTRY INCENTIVES PROGRAM

For necessary expenses, not otherwise provided for, to carry out the program of forestry incentives, as authorized by the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2101), including technical assistance and related expenses, \$6,811,000, to remain available until expended, as authorized by that Act.

TITLE III

RURAL DEVELOPMENT PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR RURAL DEVELOPMENT

For necessary salaries and expenses of the Office of the Under Secretary for Rural Development to administer programs under the laws enacted by the Congress for the Rural Housing Service, the Rural Business-Cooperative Service, and the Rural Utilities Service of the Department of Agriculture, \$623,000.

RURAL COMMUNITY ADVANCEMENT PROGRAM
(INCLUDING TRANSFERS OF FUNDS)

For the cost of direct loans, loan guarantees, and grants, as authorized by 7 U.S.C. 1926, 1926a, 1926c, 1926d, and 1932, except for sections 381E-H, 381N, and 381O of the Consolidated Farm and Rural Development Act, \$806,557,000, to remain available until expended, of which \$83,545,000 shall be for rural community programs described in section 381E(d)(1) of such Act; of which \$646,512,000 shall be for the rural utilities programs described in sections 381E(d)(2), 306C(a)(2), and 306D of such Act; and of which \$76,500,000 shall be for the rural business and cooperative development programs described in sections 381E(d)(3) and 310B(f) of such Act: Provided, That of the total amount appropriated in this account, \$24,000,000 shall be for loans and grants to benefit Federally Recognized Native American Tribes, including grants for drinking water and waste disposal systems pursuant to section 306C of such Act, of which \$4,000,000 shall be available for community facilities grants to tribal colleges, as authorized by section 306(a)(19) of the Consolidated Farm and Rural Development Act, and of which \$250,000 shall be available for a grant to a qualified national organization to provide technical assistance for rural transportation in order to promote economic development: Provided further, That of the amount appropriated for rural community programs, \$6,000,000 shall be available for a Rural Community Development Initiative: Provided further, That such funds shall be used solely to develop the capacity and ability of private, nonprofit community-based housing and community development organizations, low-income rural communities, and Federally Recognized Native American Tribes to undertake projects to improve housing, community facilities, community and economic development projects in rural areas: Provided further, That such funds shall be made available to qualified private, nonprofit and public intermediary organizations proposing to carry out a program of financial and technical assistance: Provided further, That such intermediary organizations shall provide matching funds from other sources, including Federal funds for related activities, in an amount not less than funds provided: Provided further, That of the amount appropriated for the rural business and cooperative development programs, not to exceed \$500,000 shall be made available for a grant to a qualified national organization to provide technical assistance for rural transportation in order to promote economic development; and \$2,000,000 shall be for grants to Mississippi Delta Region counties: Provided further, That of the amount appropriated for rural utilities programs, not to exceed \$20,000,000 shall be for water and waste disposal systems to benefit the Colonias along the United States/Mexico border, including grants pursuant to section 306C of

such Act; not to exceed \$24,000,000 shall be for water and waste disposal systems for rural and native villages in Alaska pursuant to section 306D of such Act, with up to one percent available to administer the program and up to one percent available to improve interagency coordination may be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses"; not to exceed \$17,465,000, shall be for technical assistance grants for rural water and waste systems pursuant to section 306(a)(14) of such Act, of which \$5,250,000 shall be for Rural Community Assistance Programs; and not to exceed \$11,000,000 shall be for contracting with qualified national organizations for a circuit rider program to provide technical assistance for rural water systems: Provided further, That of the total amount appropriated, not to exceed \$37,624,000 shall be available through June 30, 2002, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones; of which \$1,163,000 shall be for the rural community programs described in section 381E(d)(1) of such Act, of which \$27,431,000 shall be for the rural utilities programs described in section 381E(d)(2) of such Act, and of which \$9,030,000 shall be for the rural business and cooperative development programs described in section 381E(d)(3) of such Act: Provided further, That of the amount appropriated for rural community programs, not to exceed \$25,000,000 shall be to provide grants for facilities in rural communities with extreme unemployment and severe economic depression (P.L. 106-387), with five percent for administration and capacity building in the State rural development offices: Provided further, That of the amount appropriated \$30,000,000 shall be to provide grants in rural communities with extremely high energy costs: Provided further, That any prior year balances for high cost energy grants authorized by section 19 of the Rural Electrification Act of 1936 (7 U.S.C. 901(19)) shall be transferred to and merged with the "Rural Utilities Service, High Energy Costs Grants" account: Provided further, That of the funds appropriated by this Act to the Rural Community Advancement Program for guaranteed business and industry loans, funds may be transferred to direct business and industry loans as deemed necessary by the Secretary and with prior approval of the Committees on Appropriations of both Houses of Congress.

RURAL DEVELOPMENT SALARIES AND EXPENSES
(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for carrying out the administration and implementation of programs in the Rural Development mission area, including activities with institutions concerning the development and operation of agricultural cooperatives; and for cooperative agreements; \$133,722,000: Provided, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$1,000,000 may be used for employment under 5 U.S.C. 3109: Provided further, That not more than \$10,000 may be expended to provide modest nonmonetary awards to non-USDA employees: Provided further, That any balances available from prior years for the Rural Utilities Service, Rural Housing Service, and the Rural Business-Cooperative Service salaries and expenses accounts shall be transferred to and merged with this appropriation.

RURAL HOUSING SERVICE

RURAL HOUSING INSURANCE FUND PROGRAM
ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed loans as authorized by

title V of the Housing Act of 1949, to be available from funds in the rural housing insurance fund, as follows: \$4,217,816,000 for loans to section 502 borrowers, as determined by the Secretary, of which \$1,079,848,000 shall be for direct loans, and of which \$3,137,968,000 shall be for unsubsidized guaranteed loans; \$32,324,000 for section 504 housing repair loans; \$114,068,000 for section 515 rental housing; \$99,770,000 for section 538 guaranteed multi-family housing loans; \$5,090,000 for section 524 site loans; \$11,778,000 for credit sales of acquired property, of which up to \$1,778,000 may be for multi-family credit sales; and \$5,000,000 for section 523 self-help housing land development loans.

For the cost of direct and guaranteed loans, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, as follows: section 502 loans, \$182,274,000 of which \$142,108,000 shall be for direct loans, and of which \$40,166,000 shall be for unsubsidized guaranteed loans; section 504 housing repair loans, \$10,386,000; section 515 rental housing, \$48,274,000; section 538 multi-family housing guaranteed loans, \$3,921,000; section 524 site loans, \$28,000; multi-family credit sales of acquired property, \$750,000; and section 523 self-help housing land development loans, \$254,000: Provided, That of the total amount appropriated in this paragraph, \$11,656,000 shall be available through June 30, 2002, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, \$422,241,000, which shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

Of the amounts made available under this heading in chapter 1 of title II of Public Law 106-246 (114 Stat. 540) for gross obligations for principal amount of direct loans authorized by title V of the Housing Act of 1949 for section 515 rental housing, the Secretary of Agriculture may use up to \$5,986,197 for rental assistance agreements described in the item relating to "Rental Assistance Program" in such chapter: Provided, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Control Act of 1985, as amended.

In making available for occupancy dwelling units in housing that is provided with funds made available under the heading referred to in the preceding paragraph, the Secretary of Agriculture may give preference to prospective tenants who are residing in temporary housing provided by the Federal Emergency Management Agency as a result of an emergency.

RENTAL ASSISTANCE PROGRAM

For rental assistance agreements entered into or renewed pursuant to the authority under section 521(a)(2) or agreements entered into in lieu of debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Housing Act of 1949, \$701,004,000; and, in addition, such sums as may be necessary, as authorized by section 521(c) of the Act, to liquidate debt incurred prior to fiscal year 1992 to carry out the rental assistance program under section 521(a)(2) of the Act: Provided, That of this amount, not more than \$5,900,000 shall be available for debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Act, and not to exceed \$10,000 per project for advances to nonprofit organizations or public agencies to cover direct costs (other than purchase price) incurred in purchasing projects pursuant to section 502(c)(5)(C) of the Act: Provided further, That agreements entered into or

renewed during fiscal year 2002 shall be funded for a 5-year period, although the life of any such agreement may be extended to fully utilize amounts obligated.

MUTUAL AND SELF-HELP HOUSING GRANTS

For grants and contracts pursuant to section 523(b)(1)(A) of the Housing Act of 1949 (42 U.S.C. 1490c), \$35,000,000, to remain available until expended (7 U.S.C. 2209b): Provided, That of the total amount appropriated, \$1,000,000 shall be available through June 30, 2002, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

RURAL HOUSING ASSISTANCE GRANTS

For grants and contracts for very low-income housing repair, supervisory and technical assistance, compensation for construction defects, and rural housing preservation made by the Rural Housing Service, as authorized by 42 U.S.C. 1474, 1479(c), 1490e, and 1490m, \$38,914,000, to remain available until expended: Provided, That of the total amount appropriated, \$1,200,000 shall be available through June 30, 2002, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

FARM LABOR PROGRAM ACCOUNT

For the cost of direct loans, grants, and contracts, as authorized by 42 U.S.C. 1484 and 1486, \$31,431,000, to remain available until expended, for direct farm labor housing loans and domestic farm labor housing grants and contracts.

RURAL BUSINESS—COOPERATIVE SERVICE

RURAL DEVELOPMENT LOAN FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the principal amount of direct loans, as authorized by the Rural Development Loan Fund (42 U.S.C. 9812(a)), \$38,171,000.

For the cost of direct loans, \$16,494,000, as authorized by the Rural Development Loan Fund (42 U.S.C. 9812(a)), of which \$1,724,000 shall be for Federally Recognized Native American Tribes and of which \$3,449,000 shall be for Mississippi Delta Region counties (as defined by Public Law 100-460): Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That of the total amount appropriated, \$2,730,000 shall be available through June 30, 2002, for the cost of direct loans for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

In addition, for administrative expenses to carry out the direct loan programs, \$3,733,000 shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

RURAL ECONOMIC DEVELOPMENT LOANS PROGRAM ACCOUNT

(INCLUDING RESCISSION OF FUNDS)

For the principal amount of direct loans, as authorized under section 313 of the Rural Electrification Act, for the purpose of promoting rural economic development and job creation projects, \$14,966,000.

For the cost of direct loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, \$3,616,000.

Of the funds derived from interest on the cushion of credit payments in fiscal year 2002, as authorized by section 313 of the Rural Electrification Act of 1936, \$3,616,000 shall not be obligated and \$3,616,000 are rescinded.

RURAL COOPERATIVE DEVELOPMENT GRANTS

For rural cooperative development grants authorized under section 310B(e) of the Consoli-

dated Farm and Rural Development Act (7 U.S.C. 1932), \$7,750,000, of which \$2,500,000 shall be available for cooperative agreements for the appropriate technology transfer for rural areas program: Provided, That not to exceed \$1,497,000 of the total amount appropriated shall be made available to cooperatives or associations of cooperatives whose primary focus is to provide assistance to small, minority producers and whose governing board and/or membership is comprised of at least 75 percent minority.

RURAL EMPOWERMENT ZONES AND ENTERPRISE COMMUNITIES GRANTS

For grants in connection with a second round of empowerment zones and enterprise communities, \$14,967,000, to remain available until expended, for designated rural empowerment zones and rural enterprise communities, as authorized by the Taxpayer Relief Act of 1997 and the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105-277).

RURAL UTILITIES SERVICE

RURAL ELECTRIFICATION AND TELECOMMUNICATIONS LOANS PROGRAM ACCOUNT (INCLUDING TRANSFER OF FUNDS)

Insured loans pursuant to the authority of section 305 of the Rural Electrification Act of 1936 (7 U.S.C. 935) shall be made as follows: 5 percent rural electrification loans, \$121,107,000; municipal rate rural electric loans, \$500,000,000; loans made pursuant to section 306 of that Act, rural electric, \$2,700,000,000; Treasury rate direct electric loans, \$750,000,000; 5 percent rural telecommunications loans, \$74,827,000; cost of money rural telecommunications loans, \$300,000,000; and loans made pursuant to section 306 of that Act, rural telecommunications loans, \$120,000,000.

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, including the cost of modifying loans, of direct and guaranteed loans authorized by the Rural Electrification Act of 1936 (7 U.S.C. 935 and 936), as follows: cost of rural electric loans, \$3,689,000, and the cost of telecommunication loans, \$2,036,000: Provided, That notwithstanding section 305(d)(2) of the Rural Electrification Act of 1936, borrower interest rates may exceed 7 percent per year.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, \$36,000,000, which shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

RURAL TELEPHONE BANK PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

The Rural Telephone Bank is hereby authorized to make such expenditures, within the limits of funds available to such corporation in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as may be necessary in carrying out its authorized programs. During fiscal year 2002 and within the resources and authority available, gross obligations for the principal amount of direct loans shall be \$174,615,000.

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, including the cost of modifying loans, of direct loans authorized by the Rural Electrification Act of 1936 (7 U.S.C. 935), \$3,737,000.

In addition, for administrative expenses, including audits, necessary to carry out the loan programs, \$3,082,000, which shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

DISTANCE LEARNING AND TELEMEDICINE PROGRAM

For the principal amount of direct distance learning and telemedicine loans, \$300,000,000; and for the principal amount of broadband telecommunication loans, \$80,000,000.

For the cost of direct loans and grants, as authorized by 7 U.S.C. 950aaa et seq., \$49,441,000, to remain available until expended, to be available for loans and grants for telemedicine and distance learning services in rural areas: Provided, That \$22,500,000 may be available for the continuation of a pilot project for a loan and grant program to finance broadband transmission and local dial-up Internet service in areas that meet the definition of "rural area" used for the Distance Learning and Telemedicine Program authorized by 7 U.S.C. 950aaa: Provided further, That the cost of direct loans shall be as defined in section 502 of the Congressional Budget Act of 1974.

LOCAL TELEVISION LOAN GUARANTEE PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For gross obligations for the principal amount of guaranteed loans, as authorized by Title X of Public Law 106-553 for the purpose of facilitating access to signals of local television stations for households located in nonserved areas and underserved areas, \$258,065,000.

For the cost of guaranteed loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, \$20,000,000.

In addition, for administrative expenses necessary to carry out the guaranteed loan program, \$2,000,000, which shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

TITLE IV

DOMESTIC FOOD PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR FOOD, NUTRITION AND CONSUMER SERVICES

For necessary salaries and expenses of the Office of the Under Secretary for Food, Nutrition and Consumer Services to administer the laws enacted by the Congress for the Food and Nutrition Service, \$587,000.

FOOD AND NUTRITION SERVICE

CHILD NUTRITION PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the National School Lunch Act (42 U.S.C. 1751 et seq.), except section 21, and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), except sections 17 and 21; \$10,087,246,000, to remain available through September 30, 2003, of which \$4,914,788,000 is hereby appropriated and \$5,172,458,000 shall be derived by transfer from funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c): Provided, That none of the funds made available under this heading shall be used for studies and evaluations: Provided further, That of the funds made available under this heading, \$500,000 shall be for a School Breakfast Program startup grant pilot program for the State of Wisconsin: Provided further, That up to \$4,507,000 shall be available for independent verification of school food service claims.

SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

For necessary expenses to carry out the special supplemental nutrition program as authorized by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), \$4,348,000,000, to remain available through September 30, 2003: Provided, That none of the funds made available under this heading shall be used for studies and evaluations: Provided further, That of the total amount available, the Secretary shall obligate \$10,000,000 for the farmers' market nutrition program within 45 days of the enactment of this Act, and up to an additional \$15,000,000 for the farmers' market nutrition program upon a determination by the Secretary that funds are available to meet caseload requirements: Provided further, That notwithstanding section

17(h)(10)(A) of such Act, \$10,000,000 shall be available for the purposes specified in section 17(h)(10)(B), and up to an additional \$4,000,000 shall be available for the purposes specified in section 17(h)(10)(B) upon a determination by the Secretary that funds are available to meet case-load requirements: Provided further, That none of the funds in this Act shall be available to pay administrative expenses of WIC clinics except those that have an announced policy of prohibiting smoking within the space used to carry out the program: Provided further, That none of the funds provided in this account shall be available for the purchase of infant formula except in accordance with the cost containment and competitive bidding requirements specified in section 17 of such Act: Provided further, That none of the funds provided shall be available for activities that are not fully reimbursed by other Federal Government departments or agencies unless authorized by section 17 of such Act.

FOOD STAMP PROGRAM

For necessary expenses to carry out the Food Stamp Act (7 U.S.C. 2011 et seq.), \$22,991,986,000, of which \$2,000,000,000 shall be placed in reserve for use only in such amounts and at such times as may become necessary to carry out program operations: Provided, That of the funds made available under this heading and not already appropriated to the Food Distribution Program on Indian Reservations (FDPIR) established under section 4(b) of the Food Stamp Act of 1977 (7 U.S.C. 2013(b)), not to exceed \$3,000,000 shall be used to purchase bison meat for the FDPIR from producer-owned cooperative organizations: Provided further, That none of the funds made available under this heading shall be used for studies and evaluations: Provided further, That funds provided herein shall be expended in accordance with section 16 of the Food Stamp Act: Provided further, That this appropriation shall be subject to any work registration or workfare requirements as may be required by law: Provided further, That of funds that may be reserved by the Secretary for allocation to State agencies under section 16(h)(1) of such Act to carry out Employment and Training programs, not more than \$145,000,000 made available in previous years may be obligated in fiscal year 2002: Provided further, That funds made available for Employment and Training under this heading shall remain available until expended, as authorized by section 16(h)(1) of the Food Stamp Act: Provided further, That funds provided under this heading may be used to procure food coupons necessary for program operations in this or subsequent fiscal years until electronic benefit transfer implementation is complete.

COMMODITY ASSISTANCE PROGRAM

(INCLUDING RESCISSION)

For necessary expenses to carry out the commodity supplemental food program as authorized by section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note) and the Emergency Food Assistance Act of 1983, \$152,813,000, to remain available through September 30, 2003: Provided, That none of these funds shall be available to reimburse the Commodity Credit Corporation for commodities donated to the program: Provided further, That of the total amount available, the Secretary shall provide \$10,000,000 for senior farmers' market activities: Provided further, That notwithstanding section 5(a)(2) of the Agriculture and Consumer Protection Act of 1973 (Public Law 93-86; 7 U.S.C. 612c note), \$20,820,000 of this amount shall be available for administrative expenses of the commodity supplemental food program: Provided further, That \$3,300,000 of unobligated balances available at the beginning of fiscal year 2002 are hereby rescinded.

FOOD DONATIONS PROGRAMS

For necessary expenses to carry out section 4(a) of the Agriculture and Consumer Protection Act of 1973; special assistance for the nuclear affected islands as authorized by section 103(h)(2) of the Compacts of Free Association Act of 1985; and section 311 of the Older Americans Act of 1965, \$150,749,000, to remain available through September 30, 2003.

FOOD PROGRAM ADMINISTRATION

For necessary administrative expenses of the domestic food programs funded under this Act, \$127,546,000, of which \$5,000,000 shall be available only for simplifying procedures, reducing overhead costs, tightening regulations, improving food stamp benefit delivery, and assisting in the prevention, identification, and prosecution of fraud and other violations of law and of which not less than \$6,500,000 shall be available to improve integrity in the Food Stamp and Child Nutrition programs: Provided, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$150,000 shall be available for employment under 5 U.S.C. 3109.

TITLE V

FOREIGN ASSISTANCE AND RELATED PROGRAMS

FOREIGN AGRICULTURAL SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Foreign Agricultural Service, including carrying out title VI of the Agricultural Act of 1954 (7 U.S.C. 1761-1768), market development activities abroad, and for enabling the Secretary to coordinate and integrate activities of the Department in connection with foreign agricultural work, including not to exceed \$158,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), \$121,813,000: Provided, That the Service may utilize advances of funds, or reimburse this appropriation for expenditures made on behalf of Federal agencies, public and private organizations and institutions under agreements executed pursuant to the agricultural food production assistance programs (7 U.S.C. 1737) and the foreign assistance programs of the United States Agency for International Development: Provided further, That none of the funds appropriated in this account may be used to pay the salaries and expenses of personnel to disburse funds to any rice trade association under the market access program or the foreign market development program at any time when the applicable international activity agreement for such program is not in effect.

None of the funds in the foregoing paragraph shall be available to promote the sale or export of tobacco or tobacco products.

PUBLIC LAW 480 TITLE I PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of agreements under the Agricultural Trade Development and Assistance Act of 1954, and the Food for Progress Act of 1985, including the cost of modifying credit arrangements under said Acts, \$126,409,000, to remain available until expended.

In addition, for administrative expenses to carry out the credit program of title I, Public Law 83-480, and the Food for Progress Act of 1985, to the extent funds appropriated for Public Law 83-480 are utilized, \$2,005,000, of which \$1,033,000 may be transferred to and merged with the appropriation for "Foreign Agricultural Service, Salaries and Expenses", and of which \$972,000 may be transferred to and merged with the appropriation for "Farm Service Agency, Salaries and Expenses".

PUBLIC LAW 480 TITLE I OCEAN FREIGHT DIFFERENTIAL GRANTS

(INCLUDING TRANSFERS OF FUNDS)

For ocean freight differential costs for the shipment of agricultural commodities under title I of the Agricultural Trade Development and Assistance Act of 1954 and under the Food for Progress Act of 1985, \$20,277,000, to remain available until expended: Provided, That funds made available for the cost of agreements under title I of the Agricultural Trade Development and Assistance Act of 1954 and for title I ocean freight differential may be used interchangeably between the two accounts with prior notice to the Committees on Appropriations of both Houses of Congress.

PUBLIC LAW 480 TITLE II GRANTS

For expenses during the current fiscal year, not otherwise recoverable, and unrecovered prior years' costs, including interest thereon, under the Agricultural Trade Development and Assistance Act of 1954, \$850,000,000, to remain available until expended, for commodities supplied in connection with dispositions abroad under title II of said Act.

COMMODITY CREDIT CORPORATION EXPORT LOANS

PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For administrative expenses to carry out the Commodity Credit Corporation's export guarantee program, GSM 102 and GSM 103, \$4,014,000; to cover common overhead expenses as permitted by section 11 of the Commodity Credit Corporation Charter Act and in conformity with the Federal Credit Reform Act of 1990, of which \$3,224,000 may be transferred to and merged with the appropriation for "Foreign Agricultural Service, Salaries and Expenses", and of which \$790,000 may be transferred to and merged with the appropriation for "Farm Service Agency, Salaries and Expenses".

TITLE VI

RELATED AGENCIES AND FOOD AND DRUG ADMINISTRATION

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Food and Drug Administration, including hire and purchase of passenger motor vehicles; for payment of space rental and related costs pursuant to Public Law 92-313 for programs and activities of the Food and Drug Administration which are included in this Act; for rental of special purpose space in the District of Columbia or elsewhere; and for miscellaneous and emergency expenses of enforcement activities, authorized and approved by the Secretary and to be accounted for solely on the Secretary's certificate, not to exceed \$25,000; \$1,345,386,000, of which not to exceed \$161,716,000 to be derived from prescription drug user fees authorized by 21 U.S.C. 379(h), including any such fees assessed prior to the current fiscal year but credited during the current year, in accordance with section 736(g)(4), shall be credited to this appropriation and remain available until expended: Provided, That fees derived from applications received during fiscal year 2002 shall be subject to the fiscal year 2002 limitation: Provided further, That none of these funds shall be used to develop, establish, or operate any program of user fees authorized by 31 U.S.C. 9701: Provided further, That of the total amount appropriated: (1) \$312,049,000 shall be for the Center for Food Safety and Applied Nutrition and related field activities in the Office of Regulatory Affairs; (2) \$352,647,000 shall be for the Center for Drug Evaluation and Research and related field activities in the Office of Regulatory Affairs, of which no less than \$13,207,000 shall be available for grants and contracts awarded under section 5 of the Orphan

Drug Act (21 U.S.C. 360ee); (3) \$155,875,000 shall be for the Center for Biologics Evaluation and Research and for related field activities in the Office of Regulatory Affairs; (4) \$82,967,000 shall be for the Center for Veterinary Medicine and for related field activities in the Office of Regulatory Affairs; (5) \$179,521,000 shall be for the Center for Devices and Radiological Health and for related field activities in the Office of Regulatory Affairs; (6) \$37,082,000 shall be for the National Center for Toxicological Research; (7) \$29,798,000 shall be for Rent and Related activities, other than the amounts paid to the General Services Administration, of which \$4,000,000 for costs related to occupancy of new facilities at White Oak, Maryland, shall remain available until September 30, 2003; (8) \$105,116,000 shall be for payments to the General Services Administration for rent and related costs; and (9) \$90,331,000 shall be for other activities, including the Office of the Commissioner; the Office of Management and Systems; the Office of the Senior Associate Commissioner; the Office of International and Constituent Relations; the Office of Policy, Legislation, and Planning; and central services for these offices: Provided further, That funds may be transferred from one specified activity to another with the prior approval of the Committees on Appropriations of both Houses of Congress.

In addition, mammography user fees authorized by 42 U.S.C. 263(b) may be credited to this account, to remain available until expended.

In addition, export certification user fees authorized by 21 U.S.C. 381 may be credited to this account, to remain available until expended.

BUILDINGS AND FACILITIES

For plans, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of or used by the Food and Drug Administration, where not otherwise provided, \$34,281,000, to remain available until expended (7 U.S.C. 2209b).

INDEPENDENT AGENCIES

COMMODITY FUTURES TRADING COMMISSION

For necessary expenses to carry out the provisions of the Commodity Exchange Act (7 U.S.C. 1 et seq.), including the purchase and hire of passenger motor vehicles; the rental of space (to include multiple year leases) in the District of Columbia and elsewhere; and not to exceed \$25,000 for employment under 5 U.S.C. 3109, \$70,700,000, including not to exceed \$2,000 for official reception and representation expenses.

FARM CREDIT ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed \$36,700,000 (from assessments collected from farm credit institutions and from the Federal Agricultural Mortgage Corporation) shall be obligated during the current fiscal year for administrative expenses as authorized under 12 U.S.C. 2249: Provided, That this limitation shall not apply to expenses associated with receiverships.

TITLE VII—GENERAL PROVISIONS

SEC. 701. Within the unit limit of cost fixed by law, appropriations and authorizations made for the Department of Agriculture for fiscal year 2002 under this Act shall be available for the purchase, in addition to those specifically provided for, of not to exceed 379 passenger motor vehicles, of which 378 shall be for replacement only, and for the hire of such vehicles.

SEC. 702. Funds in this Act available to the Department of Agriculture shall be available for uniforms or allowances therefor as authorized by law (5 U.S.C. 5901–5902).

SEC. 703. Not less than \$1,500,000 of the appropriations of the Department of Agriculture in this Act for research and service work authorized by sections 1 and 10 of the Act of June 29, 1935 (7 U.S.C. 427, 427i; commonly known as the

Bankhead-Jones Act), subtitle A of title II and section 302 of the Act of August 14, 1946 (7 U.S.C. 1621 et seq.), and chapter 63 of title 31, United States Code, shall be available for contracting in accordance with such Acts and chapter.

SEC. 704. The Secretary of Agriculture may transfer unobligated balances of funds appropriated by this Act or other available unobligated balances of the Department of Agriculture to the Working Capital Fund for the acquisition of plant and capital equipment necessary for the delivery of financial, administrative, and information technology services of primary benefit to the agencies of the Department of Agriculture: Provided, That none of the funds made available by this Act or any other Act shall be transferred to the Working Capital Fund without the prior approval of the agency administrator: Provided further, That none of the funds transferred to the Working Capital Fund pursuant to this section shall be available for obligation without the prior approval of the Committees on Appropriations of both Houses of Congress.

SEC. 705. New obligational authority provided for the following appropriation items in this Act shall remain available until expended: Animal and Plant Health Inspection Service, the contingency fund to meet emergency conditions, fruit fly program, emerging plant pests, integrated systems acquisition project, boll weevil program, up to 25 percent of the screwworm program, and up to \$2,000,000 for costs associated with collocating regional offices; Food Safety and Inspection Service, field automation and information management project; Cooperative State Research, Education, and Extension Service, funds for competitive research grants (7 U.S.C. 450i(b)), funds for the Research, Education and Economics Information System (REEIS), and funds for the Native American Institutions Endowment Fund; Farm Service Agency, salaries and expenses funds made available to county committees; Foreign Agricultural Service, middle-income country training program and up to \$2,000,000 of the Foreign Agricultural Service appropriation solely for the purpose of offsetting fluctuations in international currency exchange rates, subject to documentation by the Foreign Agricultural Service.

SEC. 706. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 707. Not to exceed \$50,000 of the appropriations available to the Department of Agriculture in this Act shall be available to provide appropriate orientation and language training pursuant to section 606C of the Act of August 28, 1954 (7 U.S.C. 1766b).

SEC. 708. No funds appropriated by this Act may be used to pay negotiated indirect cost rates on cooperative agreements or similar arrangements between the United States Department of Agriculture and nonprofit institutions in excess of 10 percent of the total direct cost of the agreement when the purpose of such cooperative arrangements is to carry out programs of mutual interest between the two parties. This does not preclude appropriate payment of indirect costs on grants and contracts with such institutions when such indirect costs are computed on a similar basis for all agencies for which appropriations are provided in this Act.

SEC. 709. None of the funds in this Act shall be available to restrict the authority of the Commodity Credit Corporation to lease space for its own use or to lease space on behalf of other agencies of the Department of Agriculture when such space will be jointly occupied.

SEC. 710. None of the funds in this Act shall be available to pay indirect costs charged against competitive agricultural research, education, or extension grant awards issued by the

Cooperative State Research, Education, and Extension Service that exceed 19 percent of total Federal funds provided under each award: Provided, That notwithstanding section 1462 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3310), funds provided by this Act for grants awarded competitively by the Cooperative State Research, Education, and Extension Service shall be available to pay full allowable indirect costs for each grant awarded under section 9 of the Small Business Act (15 U.S.C. 638).

SEC. 711. Notwithstanding any other provision of this Act, all loan levels provided in this Act shall be considered estimates, not limitations.

SEC. 712. Appropriations to the Department of Agriculture for the cost of direct and guaranteed loans made available in fiscal year 2002 shall remain available until expended to cover obligations made in fiscal year 2002 for the following accounts: the Rural Development Loan Fund program account; the Rural Telephone Bank program account; the Rural Electrification and Telecommunications Loans program account; the Local Television Loan Guarantee program; the Rural Housing Insurance Fund program account; and the Rural Economic Development Loans program account.

SEC. 713. Notwithstanding chapter 63 of title 31, United States Code, marketing services of the Agricultural Marketing Service; the Grain Inspection, Packers and Stockyards Administration; the Animal and Plant Health Inspection Service; and the food safety activities of the Food Safety and Inspection Service may use cooperative agreements to reflect a relationship between the Agricultural Marketing Service; the Grain Inspection, Packers and Stockyards Administration; the Animal and Plant Health Inspection Service; or the Food Safety and Inspection Service and a state or cooperator to carry out agricultural marketing programs, to carry out programs to protect the nation's animal and plant resources, or to carry out educational programs or special studies to improve the safety of the nation's food supply.

SEC. 714. None of the funds in this Act may be used to retire more than 5 percent of the Class A stock of the Rural Telephone Bank or to maintain any account or subaccount within the accounting records of the Rural Telephone Bank the creation of which has not specifically been authorized by statute: Provided, That notwithstanding any other provision of law, none of the funds appropriated or otherwise made available in this Act may be used to transfer to the Treasury or to the Federal Financing Bank any unobligated balance of the Rural Telephone Bank telephone liquidating account which is in excess of current requirements and such balance shall receive interest as set forth for financial accounts in section 505(c) of the Federal Credit Reform Act of 1990.

SEC. 715. Of the funds made available by this Act, not more than \$1,800,000 shall be used to cover necessary expenses of activities related to all advisory committees, panels, commissions, and task forces of the Department of Agriculture, except for panels used to comply with negotiated rule makings and panels used to evaluate competitively awarded grants.

SEC. 716. None of the funds appropriated by this Act may be used to carry out section 410 of the Federal Meat Inspection Act (21 U.S.C. 679a) or section 30 of the Poultry Products Inspection Act (21 U.S.C. 471).

SEC. 717. No employee of the Department of Agriculture may be detailed or assigned from an agency or office funded by this Act to any other agency or office of the Department for more than 30 days unless the individual's employing agency or office is fully reimbursed by the receiving agency or office for the salary and expenses of the employee for the period of assignment.

SEC. 718. None of the funds appropriated or otherwise made available to the Department of Agriculture shall be used to transmit or otherwise make available to any non-Department of Agriculture employee questions or responses to questions that are a result of information requested for the appropriations hearing process.

SEC. 719. None of the funds made available to the Department of Agriculture by this Act may be used to acquire new information technology systems or significant upgrades, as determined by the Office of the Chief Information Officer, without the approval of the Chief Information Officer and the concurrence of the Executive Information Technology Investment Review Board: Provided, That notwithstanding any other provision of law, none of the funds appropriated or otherwise made available by this Act may be transferred to the Office of the Chief Information Officer without the prior approval of the Committees on Appropriations of both Houses of Congress.

SEC. 720. (a) None of the funds provided by this Act, or provided by previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2002, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds which: (1) creates new programs; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) reorganizes offices, programs, or activities; or (6) contracts out or privatizes any functions or activities presently performed by Federal employees; unless the Committees on Appropriations of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided by this Act, or provided by previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2002, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of \$500,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or (3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Committees on Appropriations of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

(c) The Secretary of Agriculture shall notify the Committees on Appropriations of both Houses of Congress before implementing a program or activity not carried out during the previous fiscal year unless the program or activity is funded by this Act or specifically funded by any other Act.

SEC. 721. With the exception of funds needed to administer and conduct oversight of grants awarded and obligations incurred prior to enactment of this Act, none of the funds appropriated or otherwise made available by this or any other Act may be used to pay the salaries and expenses of personnel to carry out section 793 of Public Law 104-127, the Fund for Rural America (7 U.S.C. 2204f).

SEC. 722. With the exception of funds needed to administer and conduct oversight of grants

awarded and obligations incurred prior to enactment of this Act, none of the funds appropriated or otherwise made available by this or any other Act may be used to pay the salaries and expenses of personnel to carry out the provisions of section 401 of Public Law 105-185, the Initiative for Future Agriculture and Food Systems (7 U.S.C. 7621).

SEC. 723. None of the funds appropriated or otherwise made available by this Act shall be used to pay the salaries and expenses of personnel to carry out a conservation farm option program, as authorized by section 1240M of the Food Security Act of 1985 (16 U.S.C. 3839bb).

SEC. 724. None of the funds made available to the Food and Drug Administration by this Act shall be used to reduce the Detroit, Michigan, Food and Drug Administration District Office below the operating and full-time equivalent staffing level of July 31, 1999; or to change the Detroit District Office to a station, residence post or similarly modified office; or to reassign residence posts assigned to the Detroit District Office: Provided, That this section shall not apply to Food and Drug Administration field laboratory facilities or operations currently located in Detroit, Michigan, except that field laboratory personnel shall be assigned to locations in the general vicinity of Detroit, Michigan, pursuant to cooperative agreements between the Food and Drug Administration and other laboratory facilities associated with the State of Michigan.

SEC. 725. None of the funds appropriated by this Act or any other Act shall be used to pay the salaries and expenses of personnel who prepare or submit appropriations language as part of the President's Budget submission to the Congress of the United States for programs under the jurisdiction of the Appropriations Subcommittees on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies that assumes revenues or reflects a reduction from the previous year due to user fees proposals that have not been enacted into law prior to the submission of the Budget unless such Budget submission identifies which additional spending reductions should occur in the event the user fees proposals are not enacted prior to the date of the convening of a committee of conference for the fiscal year 2003 appropriations Act.

SEC. 726. None of the funds made available by this Act or any other Act may be used to close or relocate a state Rural Development office unless or until cost effectiveness and enhancement of program delivery have been determined.

SEC. 727. Of any shipments of commodities made pursuant to section 416(b) of the Agricultural Act of 1949 (7 U.S.C. 1431(b)), the Secretary of Agriculture shall, to the extent practicable, direct that tonnage equal in value to not more than \$25,000,000 shall be made available to foreign countries to assist in mitigating the effects of the Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome on communities, including the provision of—

(1) agricultural commodities to—

(A) individuals with Human Immunodeficiency Virus or Acquired Immune Deficiency Syndrome in the communities, and

(B) households in the communities, particularly individuals caring for orphaned children; and

(2) agricultural commodities monetized to provide other assistance (including assistance under microcredit and microenterprise programs) to create or restore sustainable livelihoods among individuals in the communities, particularly individuals caring for orphaned children.

SEC. 728. In addition to amounts otherwise appropriated or made available by this Act, \$2,496,000 is appropriated for the purpose of pro-

viding Bill Emerson and Mickey Leland Hunger Fellowships through the Congressional Hunger Center.

SEC. 729. Hereafter, refunds or rebates received on an on-going basis from a credit card services provider under the Department of Agriculture's charge card programs may be deposited to and retained without fiscal year limitation in the Department's Working Capital Fund established under 7 U.S.C. 2235 and used to fund management initiatives of general benefit to the Department of Agriculture bureaus and offices as determined by the Secretary of Agriculture or the Secretary's designee.

SEC. 730. Notwithstanding section 412 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1736f) any balances available to carry out title III of such Act as of the date of enactment of this Act, and any recoveries and reimbursements that become available to carry out title III of such Act, may be used to carry out title II of such Act.

SEC. 731. Section 375(e)(6)(B) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008j(e)(6)(B)) is amended by striking "\$25,000,000" and inserting "\$26,000,000".

SEC. 732. None of the funds appropriated or made available by this Act shall be used to issue a proposed rule for which the comment period would close prior to September 30, 2002, final, or interim final rule pursuant to notice and comment rulemaking in relation to any change or modification of the definition of "animal" in existing regulations pursuant to the Animal Welfare Act.

SEC. 733. Notwithstanding any other provision of law, the City of Cabot, Arkansas, the City of Berlin, New Hampshire, and the City of Coachella, California, shall be eligible for loans and grants provided through the Rural Community Advancement Program.

SEC. 734. Notwithstanding any other provision of law, the Secretary shall consider the City of Casa Grande, Arizona, as meeting the requirements of a rural area in section 520 of the Housing Act of 1949 (42 U.S.C. 1490).

SEC. 735. Of the funds made available under section 27(a) of the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.), the Secretary may use up to \$5,000,000 for administrative costs associated with the distribution of commodities.

SEC. 736. Notwithstanding any other provision of law, the Secretary may transfer up to \$13,000,000 in funds provided for the Environmental Quality Incentives Program authorized by Chapter 4, Subtitle D, Title XII of the Food Security Act of 1985, for technical assistance to implement the Conservation Reserve Program authorized by subchapter B, Chapter 1, Title XII of the Food Security Act of 1985, with funds to remain available until expended.

SEC. 737. Notwithstanding any other provision of law, the City of St. Joseph, Missouri, shall be eligible for grants and loans administered by the rural development mission area of the Department of Agriculture relating to an application submitted to the Department by a farmer-owned cooperative, a majority of whose members reside in a rural area, as determined by the Secretary, and for the purchase and operation of a facility beneficial to the purpose of the cooperative.

SEC. 738. Notwithstanding any other provision of law, the Secretary of Agriculture shall consider the City of Hollister, California, as meeting the requirements of a rural area for the purposes of housing programs in the rural development mission areas of the Department of Agriculture.

SEC. 739. None of the funds appropriated or otherwise made available by this Act may be used to maintain, modify, or implement any assessment against agricultural producers as part of a commodity promotion, research, and consumer information order, known as a check-off

program, that has not been approved by the affected producers in accordance with the statutory requirements applicable to the order.

SEC. 740. None of the funds made available to the Food and Drug Administration by this Act shall be used to close or relocate, or to plan to close or relocate, the Food and Drug Administration Division of Drug Analysis (recently renamed the Division of Pharmaceutical Analysis) in St. Louis, Missouri, except that funds could be used to plan a possible relocation of this Division within the city limits of St. Louis, Missouri.

SEC. 741. MARKET LOSS ASSISTANCE FOR APPLE PRODUCERS (a) ASSISTANCE AVAILABLE.—The Secretary of Agriculture shall use \$75,000,000 of funds of the Commodity Credit Corporation to make payments as soon as possible after the date of the enactment of this Act to apple producers to provide relief for the loss of markets for their 2000 crop.

(b) PAYMENT BASIS.—The amount of the payment to a producer under subsection (a) shall be made on a per pound basis equal to each qualifying producer's 2000 production of apples, except that the Secretary shall not make payments for that amount of a particular farm's apple production that is in excess of 20,000,000 pounds.

(c) DUPLICATIVE PAYMENTS.—A producer shall be ineligible for payments under this section with respect to a market loss for apples to the extent of that amount that the producer received as compensation or assistance for the same loss under any other Federal program, other than under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

(d) OTHER TERMS AND CONDITIONS.—The Secretary shall not establish any terms or conditions for producer eligibility, such as limits based upon gross income, other than those specified in this section.

(e) APPLICABILITY.—This section applies only with respect to the 2000 crop of apples and producers of that crop.

SEC. 742. No funds appropriated or otherwise made available under this Act shall be made available to any person or entity that has been convicted of violating the Act of March 3, 1933 (41 U.S.C. 10a–10c; popularly known as the “Buy American Act”).

SEC. 743. Section 17(a)(2)(B) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(a)(2)(B)) is amended by striking “2001” and inserting “2002”.

SEC. 744. Notwithstanding any other provision of law, the Natural Resources Conservation Service shall provide financial and technical assistance in the amount of \$150,000 to the Mallard Pointe project in Madison County, Mississippi.

SEC. 745. Notwithstanding any other provision of law, the Secretary of Agriculture shall, in cooperation with the State of Illinois, develop and implement a pilot project utilizing conservation programs of the Department of Agriculture for soil, water, wetlands, and wildlife habitat enhancement in the Illinois River Basin: Provided, That no funds shall be made available to carry out this section unless they are expressly provided for a program in this Act or any other Act for obligation in fiscal year 2002: Provided further, That any conservation reserve program enrollments made pursuant to this section shall be subject to section 734 of this Act.

SEC. 746. Notwithstanding any other provision of law, the Natural Resources Conservation Service shall provide \$250,000 for a wetlands restoration and water conservation project in the vicinity of Jamestown, Rhode Island.

SEC. 747. Notwithstanding any other provision of law, \$3,000,000 shall be made available from funds under the rural business and cooperative development programs of the Rural Community

Advancement Program for a grant for an integrated ethanol plant, feedlot, and animal waste digestion unit, to the extent matching funds from the Department of Energy are provided if a commitment for such matching funds is made prior to July 1, 2002: Provided, That such funds shall be released to the project after the farmer-owned cooperative equity is in place, and a formally executed commitment from a qualified lender based upon receipt of necessary permits, contract, and other appropriate documentation has been secured by the project.

SEC. 748. Hereafter, notwithstanding any other provision of law, the Administrator of the Rural Utilities Service shall use the authorities provided in the Rural Electrification Act of 1936 to finance the acquisition of existing generation, transmission and distribution systems and facilities serving high cost, predominantly rural areas by entities capable of and dedicated to providing or improving service in such areas in an efficient and cost effective manner.

SEC. 749. Notwithstanding subsection (f) of section 156 of the Agricultural Market Transition Act (7 U.S.C. 7272(f)), any assessment imposed under that subsection for marketings of raw cane sugar or beet sugar for the 2002 fiscal year shall not be required to be remitted to the Commodity Credit Corporation before September 2, 2002.

SEC. 750. Notwithstanding any other provision of law, the Secretary of Agriculture, acting through the Natural Resources Conservation Service, shall provide financial assistance from available funds from the Emergency Watershed Protection Program in Arkansas, in an amount not to exceed \$400,000 for completion of the current construction phase of the Kuhn Bayou (Point Remove) Project.

SEC. 751. (a) TEMPORARY USE OF EXISTING PAYMENTS TO STATES TABLE.—Notwithstanding section 101(a)(1) of the Secure Rural Schools and Community Self-Determination Act of 2000 (Public Law 106–393; 16 U.S.C. 500 note), for the purpose of making the fiscal year 2001 payments under section 102 of such Act to eligible States and eligible counties, the full payment amount for each eligible State and eligible county shall be deemed to be equal to the full payment amount calculated for that eligible State or eligible county in the Forest Service document entitled “P.L. 106–393, Secure Rural Schools and Community Self-Determination Act” and dated July 31, 2001, subject to the adjustment required by section 101(b) of such Act.

(b) REVISION OF TABLE.—For the purpose of making payments under section 102 of such Act to eligible States and eligible counties for fiscal years 2002 through 2006, as required by section 101(a)(1) of such Act, the Secretary of Agriculture shall revise the table referred to in subsection (a) to accurately reflect, to the maximum extent practicable, each eligible State's and eligible county's historic share of the 25-percent payments and safety net payments made for the fiscal years of the eligibility period.

(c) REPORTING REQUIREMENT.—Not later than March 1, 2002, the Secretary of Agriculture shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Agriculture of the House of Representatives a report containing the revisions made to the table referred to in subsection (a), as required by subsection (b).

(d) ADDITIONAL ELIGIBLE COUNTY ELECTION.—Notwithstanding section 102(b)(2) of such Act, if the revision pursuant to subsection (b) of the table referred to in subsection (a) results in a reduced full payment amount for an eligible county that elected under section 102(b) of such Act to receive the full payment amount, the eligible county shall have a 90-day period, beginning on the date the revised table is first available to the public, during which to reconsider

and change its election. The eligible county shall notify the Secretary of Agriculture of any change in its election before the end of such period. If an eligible county elects under this subsection to receive the 25-percent payment in place of the full payment amount, the election shall be effective for one year.

(e) TREATMENT OF CERTAIN MINERAL LEASING RECEIPTS.—(1) An eligible county that elects under section 102(b) of such Act to receive its share of an eligible State's full payment amount shall continue to receive its share of any payments made to that State from a lease for mineral resources issued by the Secretary of the Interior under the last paragraph under the heading “FOREST SERVICE.” in the Act of March 4, 1917 (Chapter 179; 16 U.S.C. 520).

(2) Section 6(b) of the Mineral Leasing Act for Acquired Lands (30 U.S.C. 355(b)) is amended by inserting after the first sentence the following new sentence: “The preceding sentence shall also apply to any payment to a State derived from a lease for mineral resources issued by the Secretary of the Interior under the last paragraph under the heading ‘FOREST SERVICE.’ in the Act of March 4, 1917 (Chapter 179; 16 U.S.C. 520).”.

(f) DEFINITIONS.—In this section, the terms “eligible State”, “eligible county”, “eligibility period”, “full payment amount”, “25-percent payment”, and “safety net payments” have the meanings given such terms in section 3 of such Act, and the term “such Act” means the Secure Rural Schools and Community Self-Determination Act of 2000 (Public Law 106–393; 16 U.S.C. 500 note).

SEC. 752. ALASKA PERMANENT FUND. Section 501(b) of the Housing Act of 1949 (42 U.S.C. 1471) is amended in paragraph (5)—

(1) by striking “(5)” and inserting “(5)(A)”; and

(2) by adding at the end the following: “(B) For purposes of this title, for fiscal years 2002 and 2003, the term ‘income’ does not include dividends received from the Alaska Permanent Fund by a person who was under the age of 18 years when that person qualified for the dividend.”.

SEC. 753. Hereafter, any provision of any Act of Congress relating to colleges and universities eligible to receive funds under the Act of August 30, 1890, including Tuskegee University, shall apply to West Virginia State College at Institute, West Virginia: Provided, That the Secretary may waive the matching funds' requirement under section 1449 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3222d) for fiscal year 2002 for West Virginia State College if the Secretary determines the State of West Virginia will be unlikely to satisfy the matching requirement.

SEC. 754. Notwithstanding any other provision of law, the Secretary, acting through the Natural Resources Conservation Service, shall provide financial and technical assistance relating to the Tanana River bordering the Big Delta State Historical Park.

SEC. 755. None of the funds appropriated or otherwise made available by this Act to the Food and Drug Administration shall be used to allow admission of fish or fish products labeled wholly or in part as “catfish” unless the products are taxonomically from the family Ictaluridae.

SEC. 756. The Secretary of Agriculture is authorized to accept any unused funds transferred to the Alaska Railroad Corporation for avalanche control and retransfer up to \$499,000 of such funds as a direct lump sum payment to the City of Valdez to construct an avalanche control wall to protect a public school.

SEC. 757. The Secretary of Agriculture may use not more than \$5,000,000 of funds of the Commodity Credit Corporation to pay claims of

crop damage, upon consultation with the Secretary of the Interior, that resulted from the Bureau of Land Management's use of herbicides during the 2001 calendar year in the State of Idaho: Provided, That if the amount provided in this section is not sufficient to pay all approved claims the Secretary of Agriculture shall reduce all approved claims on a pro rata basis related to the degree of loss in production: Provided further, That nothing in this section shall be construed to constitute an admission of liability by the United States arising from the use by the Bureau of Land Management of the herbicide Oust: Provided further, That the issuance of regulations promulgated pursuant to this section shall be made without regard to: (1) the notice and comment provisions of section 553 of title 5, United States Code; (2) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and (3) chapter 35 of title 44, United States Code (commonly known as the "Paperwork Reduction Act"): Provided further, That in carrying out this section, the Secretary shall use the authority provided under section 808 of title 5, United States Code.

SEC. 758. PILOT PROGRAM FOR ENROLLMENT OF WETLAND AND BUFFER ACREAGE IN CONSERVATION RESERVE. (a) IN GENERAL.—Section 1231(h)(4)(B) of the Food Security Act of 1985 (16 U.S.C. 3831(h)(4)(B)) is amended by inserting "(which may include emerging vegetation in water)" after "vegetative cover".

(b) CONFORMING AMENDMENT.—Section 1232(a)(4) of the Food Security Act of 1985 (16 U.S.C. 3832(a)(4)) is amended by inserting "(which may include emerging vegetation in water)" after "vegetative cover".

SEC. 759. SPECIALITY CROPS. (a) GRADING OF TOBACCO.—

(1) IN GENERAL.—Not later than March 31, 2002, the Secretary of Agriculture (referred to in this section as the "Secretary") shall conduct referenda among producers of each kind of tobacco that is eligible for price support under the Agricultural Act of 1949 (7 U.S.C. 1421 et seq.) to determine whether such producers favor the mandatory grading of that kind of tobacco by the Secretary.

(2) MANDATORY GRADING.—

(A) IN GENERAL.—If the Secretary determines that mandatory grading is favored by a majority of the producers of a kind of tobacco voting in the referendum, the Secretary is authorized and directed to ensure that the kind of tobacco is graded at the time of sale effective for the 2002 and subsequent marketing years.

(B) FEES.—To the maximum extent practicable, the Secretary shall establish, collect, and use fees for the grading of tobacco required under this subsection in the same manner as user fees for the grading of tobacco sold at auction authorized under the Tobacco Inspection Act (7 U.S.C. 511 et seq.).

(3) JUDICIAL REVIEW.—A determination by the Secretary under this subsection shall not be subject to judicial review.

(b) QUOTA REDUCTION FOR CONSERVATION RESERVE ACREAGE.—

(1) IN GENERAL.—Section 1236 of the Food Security Act of 1985 (16 U.S.C. 3836) is amended—

(A) by striking subsection (a);

(B) by redesignating subsections (b), (c), and (d) as subsections (a), (b), and (c), respectively;

(C) in subsection (b) (as so redesignated), by striking "subsection (b)" and inserting "subsection (a)"; and

(D) in subsection (c) (as so redesignated), by striking "subsection (c)" and inserting "subsection (b)".

(2) CONFORMING AMENDMENT.—Section 1232(a)(5) of the Food Security Act of 1985 (16 U.S.C. 3832(a)(5)) is amended by striking "section 1236(d)" and inserting "section 1236(c)".

(3) APPLICATION.—The amendments made by this subsection shall apply beginning with the 2002 crop.

(c) HORSE BREEDER LOANS.—

(1) DEFINITION OF HORSE BREEDER.—In this subsection, the term "horse breeder" means a person that, as of the date of enactment of this Act, derives more than 70 percent of the income of the person from the business of breeding, boarding, raising, training, or selling horses, during the shorter of—

(A) the 5-year period ending on January 1, 2001; or

(B) the period the person has been engaged in such business.

(2) LOAN AUTHORIZATION.—The Secretary shall make loans to eligible horse breeders to assist the horse breeders for losses suffered as a result of mare reproductive loss syndrome.

(3) ELIGIBILITY.—A horse breeder shall be eligible for a loan under this subsection if the Secretary determines that, as a result of mare reproductive loss syndrome—

(A) during the period beginning January 1 and ending October 1 of any of calendar years 2000, 2001, or 2002—

(i) 30 percent or more of the mares owned by the horse breeder failed to conceive, miscarried, aborted, or otherwise failed to produce a live healthy foal; or

(ii) 30 percent or more of the mares boarded on a farm owned, operated, or leased by the horse breeder failed to conceive, miscarried, aborted, or otherwise failed to produce a live healthy foal;

(B) the horse breeder is unable to meet the financial obligations, or pay the ordinary and necessary expenses, of the horse breeder incurred in connection with breeding, boarding, raising, training, or selling horses; and

(C) the horse breeder is not able to obtain sufficient credit elsewhere, in accordance with subtitle C of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961 et seq.).

(4) AMOUNT.—

(A) IN GENERAL.—Subject to subparagraph (B), the amount of a loan made to a horse breeder under this subsection shall be determined by the Secretary on the basis of the amount of losses suffered by the horse breeder, and the financial needs of the horse breeder, as a result of mare reproductive loss syndrome.

(B) MAXIMUM AMOUNT.—The amount of a loan made to a horse breeder under this subsection shall not exceed the maximum amount of an emergency loan under section 324(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1964(a)).

(5) TERM.—

(A) IN GENERAL.—Subject to subparagraph (B), the term for repayment of a loan made to a horse breeder under this subsection shall be determined by the Secretary based on the ability of the horse breeder to repay the loan.

(B) MAXIMUM TERM.—The term of a loan made to a horse breeder under this subsection shall not exceed 20 years.

(6) INTEREST RATE.—The interest rate for a loan made to a horse breeder under this subsection shall be the interest rate for emergency loans prescribed under section 324(b)(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1964(b)(1)).

(7) SECURITY.—A loan to a horse breeder under this subsection shall be made on the security required for emergency loans under section 324(d) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1964(d)).

(8) APPLICATION.—To be eligible to obtain a loan under this subsection, a horse breeder shall submit an application for the loan to the Secretary not later than September 30, 2002.

(9) FUNDING.—The Secretary shall carry out this subsection using funds made available to

make emergency loans under subtitle C of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961 et seq.).

(10) TERMINATION.—The authority provided by this subsection to make a loan terminates effective September 30, 2003.

SEC. 760. During fiscal year 2002, subsection (a)(2) of section 508 of the Federal Crop Insurance Act (7 U.S.C. 1508) shall be applied as though the term "and potatoes" read as follows: " , potatoes, and sweet potatoes".

SEC. 761. CITRUS CANKER ERADICATION. (a) IN GENERAL.—Section 810 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (114 Stat. 1549A-52) is amended—

(1) in subsection (a) by striking "The" and inserting "Subject to subsection (e), the"; and

(2) in subsection (c), by striking "2001" and inserting "2002".

(b) EFFECTIVE DATE.—The amendments in subsection (a) shall take effect as if enacted on September 30, 2001.

SEC. 762. Section 306(a)(20) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(20)) is amended by adding at the end the following new subparagraph:

"(E) RURAL BROADBAND.—Notwithstanding subparagraph (C), the Secretary may make grants to state agencies for use by regulatory commissions in states with rural communities without local dial-up Internet access or broadband service to establish a competitively, technologically neutral grant program to telecommunications carriers or cable operators that establish common carrier facilities and services which, in the commission's determination, will result in the long-term availability to such communities of affordable broadband services which are used for the provision of high speed Internet access."

SEC. 763. In accordance with the Farmland Protection Program, a total of \$720,000 shall be made available to purchase conservation easements or other interests in land, not to exceed 235 acres, in Adair, Green, and Taylor Counties, Kentucky: Provided, That \$490,000 of this amount shall be from funds made available to the Conservation Reserve Enhancement Program for the State of Kentucky.

SEC. 764. Notwithstanding any other provision of law, the City of Caldwell, Idaho, shall be eligible for grants and loans administered by the Rural Housing Service of the United States Department of Agriculture for a period not to exceed one year from the date of enactment of this Act.

SEC. 765. Section 8c(1) of the Agricultural Marketing Agreement Act of 1937 is amended by adding the following provision at the end of the penultimate sentence:

"The Secretary is authorized to implement a producer allotment program and a handler withholding program under the cranberry marketing order in the same crop year through informal rulemaking based on a recommendation and supporting economic analysis submitted by the Cranberry Marketing Committee. Such recommendation and analysis shall be submitted by the Committee no later than March 1 of each year."

SEC. 766. Section 11(f) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1759a(f)) is amended by—

(1) in paragraph (1)(E), by striking "2001" and inserting "2003"; and

(2) in paragraph (2)—

(A) by striking subparagraph (A) and inserting the following:

"(A) IN GENERAL.—The Secretary shall submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate—

“(i) not later than January 1, 2003, an interim report on the activities of the State agencies receiving grants under this subsection; and

“(ii) not later than January 1, 2004, a final report on the activities of the State agencies receiving grants under this subsection.”; and

(B) in subparagraph (B), by striking “report” and inserting “reports”.

SEC. 767. Notwithstanding any other provision of law, the City of Mt. Vernon, Washington, shall be eligible for grants and loans administered by the Rural Housing Service of the United States Department of Agriculture for a period not to exceed one year from the date of enactment of this Act.

SEC. 768. Notwithstanding any other provision of law, the Natural Resources Conservation Service shall provide financial and technical assistance to DuPage County, Illinois, from funds available for the Watershed and Flood Prevention Operations program, not to exceed \$1,400,000.

SEC. 769. Notwithstanding any other provision of law, from funds previously appropriated for Watershed and Flood Prevention Operations of the Natural Resource and Conservation Service, the Secretary of Agriculture shall provide technical and financial assistance, but not to exceed \$1,000,000, in connection with a lake level stabilization project carried out as part of local efforts to restore and repair watersheds damaged by the 2001 tornado and storms in Burnett and Washburn Counties, Wisconsin: Provided, That the Secretary shall waive the cost share requirement of the local sponsors of such efforts in Burnett and Washburn Counties, Wisconsin.

SEC. 770. Notwithstanding any other provision of law, from the funds appropriated to the Rural Utilities Service by this Act, any current Rural Utilities Service borrower within 100 miles of New York City shall be eligible for additional financing, refinancing, collateral flexibility, and deferrals on an expedited basis without regard to population limitations for any financially feasible telecommunications, energy or water project that assists endeavors related to the rehabilitation, prevention, relocation, site preparation, or relief efforts resulting from the terrorist events of September 11, 2001.

SEC. 771. Section 17(r)(5) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(r)(5)) is amended—

(1) by striking “six” and inserting “seven”;
(2) by striking “four” and inserting “five”; and

(3) by inserting “Illinois,” after the first instance of “States shall be”.

SEC. 772. (a) EXTENSION.—Section 141 of the Agricultural Market Transition Act (7 U.S.C. 7251) is amended—

(1) in subsection (b), by adding at the end the following new paragraph:

“(5) During the period beginning on January 1, 2002, and ending on May 31, 2002, \$9.90.”; and

(2) in subsection (h), by striking “December 31, 2001” both places it appears and inserting “May 31, 2002”.

(b) CONFORMING AMENDMENT.—Section 142 of the Agricultural Market Transition Act (7 U.S.C. 7252) is repealed.

SEC. 773. The Secretary shall transfer to the Southern Minnesota Beet Sugar Co-op, refined sugar, acquired by the Commodity Credit Corporation, in the amount of 10,000 tons to compensate sugar producers in Minnesota for losses incurred beyond those that may be compensated under existing programs administered by the Secretary: Provided, That this amount of sugar shall be provided in installments starting on the day that is 30 days after the date of enactment of this Act and on the first day of each of the following 7 months after that day.

SEC. 774. (a) DEFINITIONS.—In this section:

(1) The term “eligible person” means a person that—

(A) owns a farm for which, irrespective of temporary transfers or undermarketings, a basic quota or allotment for eligible tobacco is established for the 2001 crop year under part I of subtitle B of title III of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1311 et seq.);

(B) controls the farm from which, under the quota or allotment for the relevant period, eligible tobacco is marketed, could have been marketed, or can be marketed, taking into account temporary transfers; or

(C) grows, could have grown, or can grow eligible tobacco that is marketed, could have been marketed, or can be marketed under the quota or allotment for the 2001 crop year, taking into account temporary transfers.

(2) The term “eligible tobacco” means each of the following kinds of tobacco:

(A) Fire-cured tobacco, comprising types 22 and 23.

(B) Dark air-cured tobacco, comprising types 35 and 36.

(C) Virginia sun-cured tobacco, comprising type 37.

(b) PAYMENTS.—Not later than March 31, 2002, the Secretary of Agriculture (referred to in this section as the “Secretary”) shall use funds of the Commodity Credit Corporation to make payments under this section.

(c) POUNDAGE PAYMENT QUANTITIES.—For the purposes of this section, in the case of each kind of eligible tobacco, individual tobacco quotas and allotments shall be converted to poundage payment quantities by multiplying—

(1) the number of acres that may, irrespective of temporary transfers or undermarketings, be devoted, without penalty, to the production of the kind of tobacco under the allotment under part I of subtitle B of title III of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1311 et seq.) for the 2001 crop year; by

(2)(A) in the case of fire-cured tobacco (types 22 and 23), 2,601 pounds per acre;

(B) in the case of dark air-cured tobacco (types 35 and 36), 2,337 pounds per acre; and

(C) in the case of Virginia sun-cured tobacco (type 37), 1,512 pounds per acre.

(d) AVAILABLE PAYMENT AMOUNTS.—In the case of each kind of eligible tobacco, the available payment amount for pounds of a payment quantity under subsection (c) shall be equal to 10 cents per pound.

(e) DIVISION OF PAYMENTS AMONG ELIGIBLE PERSONS.—Payments available with respect to a pound of payment quantity, as determined under subsection (d), shall be made available to eligible persons in accordance with this subsection. In the case of payments made available in a State under this section for each kind of eligible tobacco, the Secretary shall distribute (as determined by the Secretary)—

(1) 33⅓ percent of the payments to eligible persons that are owners described in subsection (a)(1)(A);

(2) 33⅓ percent of the payments to eligible persons that are controllers described in subsection (a)(1)(B); and

(3) 33⅓ percent of the payments to eligible persons that are growers described in subsection (a)(1)(C).

(f) STANDARDS.—In carrying out this section, the Secretary shall use, to the maximum extent practicable, the same standards for payments that were used for making payments under section 204(b) of the Agricultural Risk Protection Act of 2000 (7 U.S.C. 1421 note; Public Law 106-224).

(g) JUDICIAL REVIEW.—A determination by the Secretary under this section shall not be subject to judicial review.

(h) REGULATIONS.—As soon as practicable after the date of enactment of this Act, the Sec-

retary and the Commodity Credit Corporation, as appropriate, shall promulgate such regulations as are necessary to implement this section. The promulgation of the regulations and administration of this section shall be made without regard to—

(1) the notice and comment provisions of section 553 of title 5, United States Code;

(2) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(3) chapter 35 of title 44, United States Code (commonly known as the “Paperwork Reduction Act”).

(i) CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—In carrying out subsection (h), the Secretary shall use the authority provided under section 808 of title 5, United States Code.

SEC. 775. The Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 450i) is amended:

(1) in subsection (b)(3) by adding at the end the following:

“(G) Grants may be awarded to improve research capabilities in States (as defined in the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as amended) in which institutions have been less successful in receiving funding under this subsection, based on a three-year rolling average of funding levels.”; and

(2) in subsections (b)(10)(C) by striking “and (F) of paragraph (3) for awarding grants in” and inserting “, (F), and (G) of paragraph (3) for”.

SEC. 776. None of the funds made available in this Act may be used to pay the salaries of personnel of the Department of Agriculture who carry out the programs authorized by section 524(a) of the Federal Crop Insurance Act (7 U.S.C. 1524) in excess of a total of \$4,000,000 for all such programs for fiscal year 2002.

SEC. 777. Section 501 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1737) is amended—

(1) in the section heading, by inserting “JOHN OGONOWSKI” before “FARMER-TO-FARMER PROGRAM”; and

(2) by adding at the end the following new subsection:

“(d) DESIGNATION OF PROGRAM.—The program of farmer-to-farmer assistance authorized by this section shall be known and designated as the ‘John Ogonowski Farmer-to-Farmer Program’.”.

This Act may be cited as the “Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2002”.

And the Senate agree to the same.

HENRY BONILLA,
JAMES T. WALSH,
JACK KINGSTON,
TOM LATHAM,
JO ANN EMERSON,
VIRGIL H. GOODE, Jr.,
RAY LAHOOD,
C.W. BILL YOUNG,
MARCY KAPTUR,
ROSA L. DELAURO,
MAURICE D. HINCHEY,
SAM FARR,
ALLEN BOYD,
DAVID R. OBAY,

Managers on the Part of the House.

HERB KOHL,
TOM HARKIN,
BYRON L. DORGAN,
DIANNE FEINSTEIN,
RICHARD J. DURBIN,
TIM JOHNSON,

ROBERT C. BYRD,
THAD COCHRAN,
ARLEN SPECTER,
CHRISTOPHER S. BOND,
MITCH MCCONNELL,
CONRAD BURNS,
LARRY CRAIG,
TED STEVENS,

Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF
THE COMMITTEE OF CONFERENCE

The managers on the part of the House and Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2330) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2002, and for other purposes, submit the following joint statement to the House and Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

CONGRESSIONAL DIRECTIVES

The statement of the managers remains silent on provisions that were in both the House and Senate bills that remain unchanged by this conference agreement, except as noted in this statement of the managers.

The conferees agree that executive branch wishes cannot substitute for Congress' own statements as to the best evidence of congressional intentions—that is, the official reports of the Congress. The conferees further point out that funds in this Act must be used for the purposes for which appropriated, as required by section 1301 of title 31 of the United States Code, which provides: "Appropriations shall be applied only to the objects for which the appropriations were made except as otherwise provided by law."

The House and Senate report language that is not changed by the conference is approved by the committee of conference. The statement of the managers, while repeating some report language for emphasis, does not intend to negate the language referred to above unless expressly provided herein.

In cases in which the House or the Senate have directed the submission of a report, such report is to be submitted to both the House and Senate Committees on Appropriations.

The conferees encourage the consideration of grant and loan applications for various entities. The conferees expect the Department only to approve those applications judged meritorious when subjected to the established review process.

TITLE I—AGRICULTURAL PROGRAMS

PRODUCTION, PROCESSING, AND MARKETING

OFFICE OF THE SECRETARY

The conference agreement provides \$2,992,000 for the Office of the Secretary as proposed by the Senate instead of \$3,015,000 as proposed by the House.

The conferees strongly support the extension of the Global Food for Education Initiative program for fiscal year 2002. While both the House and Senate Committee reports demonstrated strong support for the program, the Department has still not announced its intentions for fiscal year 2002. The conferees urge the Secretary in the strongest possible terms to use available authorities to continue the Global Food for Education Initiative for fiscal year 2002.

The Secretary shall report to the Committees on Appropriations no later than March 1, 2002 on USDA's plans for the National Finance Center.

The conferees have recommended \$40,000,000 under "Agricultural Research Service, Buildings and Facilities" to incrementally fund a long-term project for consolidation and replacement of laboratory facilities in Ames, IA. In addition, the President has proposed \$14,081,000 for the Animal and Plant Health Inspection Service for relocation of facilities in Ames, IA, and this proposal will be considered in subsequent appropriations action related to emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States. The conferees are concerned about the management of this very substantial effort involving two agencies of the Department and, therefore, direct the Office of the Secretary to submit a report to the Committees on Appropriations by March 1, 2002, that will include current estimates of full costs and the proposed construction schedule for this project as well as the Department's management plan for coordinating the efforts of ARS and APHIS in the performance of this long range construction program.

The conferees are seriously concerned that domestic lamb prices have fallen by 50 percent or more since June 2001, causing sheep producers to incur unprecedented losses which are unexplained by historic pricing patterns. The conferees direct the Secretary to conduct a study of lamb prices in the U.S. including comparison of live lamb prices to carcass and boxed lamb prices for 2001, determination of the spreads between these categories, and documentation of what market factors are affecting and establishing live lamb and carcass prices since January. A report on this study shall be submitted to the Committees on Appropriations and Agriculture by February 1, 2002, and this report should also include the degree and influence, if any, that imports, concentration, and mandatory price reporting have had on the lamb market this year as compared to the past five years.

The conferees strongly encourage the Secretary, in direct consultation with the wheat industry, to review the need for regulating Karnal bunt as a pest. The conferees are also concerned with the financial impacts incurred by producers and handlers as a result of Karnal bunt and direct the Secretary to continue compensation activities with all affected entities.

The conferees are concerned with the severe drought conditions along the U.S./Mexico border in the area of the Rio Grande watershed and Mexico's continuing failure to meet its water obligations to the area as delineated in the 1944 water treaty. The conferees are concerned with Mexico's lack of progress in implementing a repayment plan for its water deficit under this treaty, and the resulting negative effect on U.S. agricultural production. The conferees direct the Secretary to provide a report to the Committees on Appropriations of the House and Senate by March 1, 2002, detailing the value of the annual loss of U.S. agricultural production resulting from this deficit and the Department's authorities and plans to assist agricultural interests in the Rio Grande watershed with the financial ramifications of Mexico's water debt.

Ohio School Food Service Authorities continue to work with other State agencies and the Department to develop an inspection system that ensures safety while maximizing the number of eligible children receiving the benefit of the program. The conferees direct the Department to continue to work towards developing a pilot project for school food safety inspections in Ohio, and to keep the

Committees advised of any action on this matter.

The conferees are aware that certain states have meat and poultry inspection standards that are as stringent as Federal standards, and that those states would like to be able to ship state-inspected meat interstate. The conferees encourage the Department to consider developing a limited pilot project that would allow for such shipment, involving the state of Ohio. The conferees direct the Department to provide a report to the Committees on Appropriations before the fiscal year 2003 appropriations hearings regarding the feasibility of such a pilot project, including the legal requirements and a proposed design.

EXECUTIVE OPERATIONS

CHIEF ECONOMIST

The conference agreement provides \$7,704,000 for the Chief Economist as proposed by the House instead of \$7,648,000 as proposed by the Senate.

NATIONAL APPEALS DIVISION

The conference agreement provides \$12,869,000 for the National Appeals Division as proposed by the House instead of \$12,766,000 as proposed by the Senate.

OFFICE OF BUDGET AND PROGRAM ANALYSIS

The conference agreement provides \$7,041,000 for the Office of Budget and Program Analysis as proposed by the House instead of \$6,978,000 as proposed by the Senate.

OFFICE OF THE CHIEF INFORMATION OFFICER

The conference agreement provides \$10,029,000 for the Office of the Chief Information Officer instead of \$10,325,000 as proposed by the House and \$10,261,000 as proposed by the Senate.

COMMON COMPUTING ENVIRONMENT

The conferees do not agree that within the amount appropriated for common computing environment, \$4,500,000 is for data storage infrastructure hardware and software, and of which \$1,500,000 is for the same data storage technology for the combined administrative management system (CAMS) as proposed by the House. The conferees do not direct the use of a specific amount within the \$4,500,000 available for data storage infrastructure, but note that it should be used for coordination with CAMS as proposed by the Senate.

OFFICE OF THE CHIEF FINANCIAL OFFICER

The conference agreement provides \$5,384,000 for the Office of the Chief Financial Officer as proposed by the House instead of \$5,335,000 as proposed by the Senate.

OFFICE OF THE ASSISTANT SECRETARY FOR
ADMINISTRATION

The conference agreement provides \$647,000 for the Office of the Assistant Secretary for Administration as proposed by the Senate instead of \$652,000 as proposed by the House.

AGRICULTURE BUILDINGS AND FACILITIES AND
RENTAL PAYMENTS

The conference agreement provides \$187,647,000 for agriculture buildings and facilities and rental payments instead of \$177,647,000 as proposed by the House and \$187,581,000 as proposed by the Senate.

The conferees expect that in the event an agency within the Department should require modification of space needs, any transfers of funds for such modification should occur only between the agency requiring the modification and this account. The conferees also note that such transfers shall not exceed 5 percent of the funds made available for space rental and related costs to or from this account.

The conference agreement provides \$31,438,000 for buildings operations as proposed by the House, and \$25,943,000 for the Strategic Space Plan as proposed by the Senate.

DEPARTMENTAL ADMINISTRATION

The conference agreement provides \$37,079,000 for Departmental Administration as proposed by the Senate instead of \$37,398,000 as proposed by the House.

OUTREACH FOR SOCIALLY DISADVANTAGED FARMERS

The conference agreement provides \$3,243,000 for Outreach for Socially Disadvantaged Farmers instead of \$2,993,000 as proposed by the House and \$3,493,000 as proposed by the Senate.

OFFICE OF THE ASSISTANT SECRETARY FOR CONGRESSIONAL RELATIONS

The conference agreement provides \$3,718,000 for the Office of the Assistant Secretary for Congressional Relations as proposed by the House instead of \$3,684,000 as proposed by the Senate.

The conference agreement allows funds to be transferred to the agencies, but does not prescribe the amount of funds to be transferred. The conferees direct the Department, within 30 days of enactment, to notify the Committees on the allocation of these funds, including an explanation for any agency-by-agency distribution of these funds.

OFFICE OF COMMUNICATIONS

The conference agreement provides \$8,894,000 for the Office of Communications as proposed by the Senate instead of \$8,975,000 as proposed by the House.

OFFICE OF THE INSPECTOR GENERAL

The conference agreement provides \$70,839,000 for the Office of the Inspector General as proposed by the Senate instead of \$71,429,000 as proposed by the House.

OFFICE OF THE GENERAL COUNSEL

The conference agreement provides \$32,627,000 for the Office of the General Counsel as proposed by the Senate instead of \$32,937,000 as proposed by the House.

OFFICE OF THE UNDER SECRETARY FOR RESEARCH, EDUCATION AND ECONOMICS

The conference agreement provides \$573,000 for the Office of the Under Secretary for Research, Education and Economics as proposed by the Senate instead of \$578,000 as proposed by the House.

ECONOMIC RESEARCH SERVICE

The conference agreement provides \$67,200,000 for the Economic Research Service as proposed by the Senate instead of \$67,620,000 as proposed by the House.

The conferees provide \$9,195,000 for food program studies and evaluations under ERS, as proposed by the House, instead of \$9,168,000 as proposed by the Senate.

The conferees direct that funding provided for food program studies and evaluations work must be used in accordance with the statutes governing Federal nutrition assistance programs. These statutes, Section 17 of the Food Stamp Act of 1977, Section 6 of the Richard B. Russell National School Lunch Act, and Section 17 of the Child Nutrition Act of 1966, authorize the use of funds to evaluate and improve the effectiveness of Federal nutrition assistance programs.

NATIONAL AGRICULTURAL STATISTICS SERVICE

The conference agreement provides \$113,786,000 for the National Agricultural Statistics Service as proposed by the Senate instead of \$114,546,000 as proposed by the House. Within that amount, the conferees

make available \$25,350,000 for the Census of Agriculture as proposed by the Senate instead of \$25,456,000 as proposed by the House.

AGRICULTURAL RESEARCH SERVICE

SALARIES AND EXPENSES

The conference agreement provides \$979,464,000 for Agricultural Research Service, Salaries and Expenses, instead of \$971,365,000 as proposed by the House and \$999,438,000 as proposed by the Senate.

The conference agreement continues the fiscal year 2001 level of funding for all research projects proposed to be terminated in the President's budget and for salaries and administrative expenses of the Agricultural Research Service. With respect to additional funding for various research activities, as specified in either the House or Senate reports accompanying the fiscal year 2002 appropriations bill, the conference agreement provides eighty percent of the increase provided. Where increased funding is provided by both the House and Senate for the same research activity, the conference agreement provides funding at eighty percent of the higher level.

The conferees expect that research objectives related to woody genomics and breeding for the Southeast will be coordinated with the priorities of the Floriculture and Nursery Research Initiative as well as associated industry input. Further, the conferees expect that close cooperation will be established and maintained among the nursery and floral industry, the Agricultural Research Service, the University of Tennessee, and the Tennessee State University/ARS Nursery Crop Research Station in McMinnville to avoid duplication of effort.

Increased funding provided by the conference agreement for residue management in sugarcane is to be carried out at the Houma, LA, worksite.

Funding provided by the conference agreement for biobased products and bioenergy in New Orleans, LA, may be used for Nicholls State University to develop methods of using agricultural byproducts to decrease electricity costs.

Increased funding provided by the conference agreement for Formosan subterranean termite research is available to expand the test area to a larger portion of the French Quarter of New Orleans, LA, and for detection and eradication research using directed energy technologies.

The conference agreement includes an increase above the fiscal year 2001 level for Tropical and Subtropical Agricultural Research at the U.S. Pacific Basin Agricultural Research Center in Hawaii. The conferees direct the ARS to redirect existing funds allocated to the University of Hawaii related to Non-Toxic Control of Tephritid and Other Insects and Environmental Effects of Tephritid Fruit Fly Control and Eradication in order to make additional funds available in conjunction with the Center and the University of Hawaii at Hilo and the University of Hawaii at Manoa.

The conferees direct the Agricultural Research Service to submit a feasibility study to the Committees on Appropriations by March 1, 2002, on facility needs at the Woodward, OK, location, including the need for a conference center, and its plans to meet those requirements.

BUILDINGS AND FACILITIES

The conference agreement provides \$118,987,000 for the Agricultural Research Service, Buildings and Facilities, instead of \$78,862,000 as proposed by the House and \$99,625,000 as proposed by the Senate.

The following table reflects the conference agreement:

Arizona, Maricopa: U.S. Arid Land Agricultural Research Center	\$8,400,000
California:	
Western Human Nutrition Research Center, Davis	5,000,000
Western Regional Research Center, Albany	3,800,000
District of Columbia: U.S. National Arboretum	4,600,000
Hawaii, Hilo: Pacific Basin Agriculture Research Center	3,000,000
Idaho, Aberdeen: Advanced Genetics Laboratory	500,000
Illinois, Peoria: National Center for Agricultural Utilization Research	6,500,000
Iowa, Ames: National Animal Disease Center	40,000,000
Kansas, Manhattan: Grain Marketing and Production Research Center	3,000,000
Maine, Orono/Franklin: Northeast Marine Cold Water Marine Aquaculture Center	3,000,000
Maryland:	
National Agricultural Library	1,800,000
Beltsville Agricultural Research Center	3,000,000
Minnesota, St. Paul: Cereal Disease Laboratory	300,000
Mississippi:	
Horticultural Laboratory for the Gulf Coast, Poplarville	800,000
National Biological Control Laboratory, Stoneville	8,400,000
New Mexico, Las Cruces: Jornada Experimental Range Management Research Laboratory	475,000
New York: Plum Island Animal Disease Center ...	3,762,000
Oklahoma, Woodward: Southern Plains Range Research Station	1,500,000
Pennsylvania, Philadelphia: Eastern Regional Research Center	5,000,000
South Carolina, Charleston: U.S. Vegetable Laboratory	4,500,000
South Dakota, Brookings: Northern Grain Insects Research Laboratory	850,000
Utah, Logan: Poisonous Plant Research Laboratory	5,600,000
West Virginia, Leetown: National Center for Cool and Cold Water Aquaculture	2,200,000
Wisconsin, Madison: Cereal Crops Research Laboratory	3,000,000
Total	118,987,000

The conference agreement includes a direction to the ARS to conduct and provide to the Committees a feasibility study by March 1, 2002, on the establishment of a Center for Renewable Resources at Morgantown, West Virginia, instead of Jackson's Mill, West Virginia, as proposed by the Senate.

The conferees are aware of facility needs associated with the Human Nutrition Center in Grand Forks, North Dakota, and that an

opportunity now exists for the acquisition of realty in the vicinity of the Center. The conferees direct the agency to proceed with acquisition of this property from within available funds of the Center.

COOPERATIVE STATE RESEARCH, EDUCATION,
AND EXTENSION SERVICE

RESEARCH AND EDUCATION ACTIVITIES

The conference agreement provides \$542,062,000 for research and education activities instead of \$507,452,000 as proposed by the House and \$542,842,000 as proposed by the Senate.

The following table reflects the conference agreement:

<i>Research and education activities</i> [In thousands of dollars]		<i>Conference agreement</i>	<i>Conference agreement</i>
Research Activities:			
Payments under the Hatch Act		\$180,148	
Cooperative Forestry Research (McIntire-Stennis)	21,884		
Payments to 1890 Colleges and Tuskegee University	34,604		
Special Research Grants (P.L. 89-106):			
Advanced genetic technologies (KY)	600		
Advanced spatial technologies (MS)	978		
Aegilops cylindricum (jointed goatgrass) (WA)	367		
Agricultural diversification (HI)	128		
Agricultural diversity/Red River Corridor (MN, ND)	400		
Agriculture-based industrial lubricants (IA)	0		
Agriculture water usage (GA) ..	293		
Agroecology (MD)	400		
Air quality (TX)	640		
Alliance for food protection (GA, NE)	293		
Alternative crops for arid lands (TX)	100		
Alternative nutrient management (VT)	186		
Alternative salmon products (AK)	631		
Alternative uses for tobacco (MD)	360		
Animal science food safety consortium (AR, IA, KS)	1,598		
Apple fire blight (MI, NY)	489		
Aquaculture (AR)	232		
Aquaculture (FL)	490		
Aquaculture (ID, WA)	600		
Aquaculture (LA)	322		
Aquaculture (MS)	579		
Aquaculture (NC)	293		
Aquaculture (VA)	100		
Aquaculture product and marketing development (WV)	733		
Armillaria root rot (MI)	160		
Asparagus technology and production (WA)	260		
Babcock Institute (WI)	588		
Beef technology transfer (MO) ..	294		
Biomass-based energy research (OK, MS)	960		
Biotechnology (NC)	306		
Blocking anhydrous methamphetamine production (IA) ..	242		
Bovine tuberculosis (MI)	318		
Brucellosis vaccine (MT)	485		
Center for rural studies (VT) ..	240		
Chesapeake Bay agroecology (MD)	280		
Citrus canker (FL)	490		
Citrus tristeza	725		
Competitiveness of agriculture products (WA)	665		
Cool season legume research (ID, WA)	321		
Cotton fiber quality (GA)	400		
Cranberry/blueberry (MA)	172		
Cranberry/blueberry disease and breeding (NJ)	216		
Crop diversification (MO, ND) ..	800		
Crop genomics (MS)	640		
Crop integration and production (SD)	200		
Dairy and meat goat research (TX)	63		
Dairy farm profitability (PA) ...	294		
Delta rural revitalization (MS) ..	201		
Designing foods for health (TX) ..	690		
Diaprepes/root weevil (FL)	400		
Drought mitigation (NE)	196		
Ecosystems (AL)	489		
Efficient irrigation (NM, TX) ...	1,176		
Environmental biotechnology (RI)	400		
Environmental horticulture (FL)	400		
Environmental research (NY) ...	391		
Environmental risk factors/cancer (NY)	222		
Environmentally-safe products (VT)	240		
Exotic pest diseases (CA)	1,600		
Expanded wheat pasture (OK) ...	286		
Farm injuries and illnesses (NC)	278		
Feed barley for rangeland cattle (MT)	833		
Feedstock conversion (SD)	560		
Fish and shellfish technologies (VA)	465		
Floriculture (HI)	400		
Food and Agriculture Policy Research Institute (IA, MO) ..	1,000		
Food irradiation (IA)	245		
Food Marketing Policy Center (CT)	484		
Food processing center (NE)	42		
Food quality (AK)	342		
Food safety (AL)	608		
Food safety (OK)	400		
Food safety research consortium (NY)	800		
Food safety risk assessment (ND)	800		
Food security (WA)	400		
Food Systems Research Group (WI)	490		
Forages for advancing livestock production (KY)	367		
Forestry (AR)	512		
Generic commodity promotions, research and evaluation (NY)	194		
Global change/ultraviolet radiation	1,402		
Grain sorghum (KS)	104		
Grass seed cropping systems for sustainable agriculture (ID, OR, WA)	414		
Hoop barns (IA)	200		
Human nutrition (IA)	463		
Human nutrition (LA)	800		
Human nutrition (NY)	609		
Hydroponic tomato production (OH)	100		
Illinois-Missouri Alliance for Biotechnology	1,214		
Improved dairy management practices (PA)	389		
Improved early detection of crop diseases (NC)	194		
Improved fruit practices (MI) ...	239		
Increasing shelf life of agricultural commodities (ID)	640		
Infectious disease research (CO) ..	640		
Institute for Food Science & Engineering (AR)	1,222		
Integrated production systems (OK)	176		
Intelligent quality sensor for food safety (ND)	360		
International arid lands consortium	484		
Iowa Biotechnology Consortium	1,530		
Livestock and Dairy Policy (NY, TX)	558		
Livestock genome sequencing (IL)	400		
Lowbush blueberry research (ME)	254		
Maple research (VT)	120		
Meadowfoam (OR)	293		
Michigan biotechnology consortium	481		
Midwest Advanced Food Manufacturing Alliance	452		
Midwest agricultural products (IA)	632		
Midwest poultry consortium (IA)	400		
Milk safety (PA)	600		
Minor use animal drugs (IR-4) ..	588		
Molluscan shellfish (OR)	391		
Montana Sheep Institute	400		
Multi-commodity research (OR) ..	356		
Multi-cropping strategies for aquaculture (HI)	124		
National beef cattle genetic evaluation consortium (NY) ..	343		
National biological impact assessment program	248		
Nematode resistance genetic engineering (NM)	147		
Nevada arid rangelands initiative (NV)	400		
New crop opportunities (AK)	485		
New crop opportunities (KY)	735		
Non-food uses of agricultural products (NE)	64		
Nursery, greenhouse, turf specialties (AL)	320		
Oil resources from desert plants (NM)	196		
Organic waste utilization (NM) ..	100		
Oyster post harvest treatment (FL)	400		
Ozone air quality (CA)	400		
Pasture and forage research (UT)	244		
Peach tree short life (SC)	175		
Pest control alternatives (SC) ..	280		
Phytophthora root rot (NM)	135		
Phytoremediation plant research (OH)	280		
Pierce's disease (CA)	1,960		
Plant, drought, and disease resistance gene cataloging (NM) ..	244		
Potato research	1,568		
Precision agriculture (KY)	733		
Preharvest food safety (KS)	208		
Preservation and processing research (OK)	221		
Protein utilization (IA)	186		
Rangeland ecosystems (NM)	320		
Red snapper research (AL)	960		
Regional barley gene mapping project	760		
Regionalized implications of farm programs (MO, TX)	287		
Ruminant nutrition consortium (MT, ND, SD, WY)	400		
Rural Development Centers (PA, IA, ND, MS, OR, LA)	560		
Rural Policies Research Institute (NE, IA, MO)	1,040		
Russian wheat aphid (CO)	320		
Satsuma orange research (AL) ..	800		
Seafood and aquaculture harvesting, processing, and marketing (MS)	298		

<i>Conference agreement</i>		<i>Conference agreement</i>	
Seafood harvesting, processing, and marketing (AK)	1,142	Institution challenge grants	4,340
Seafood safety (MA)	400	Graduate fellowships grants	2,993
Small fruit research (OR, WA, ID)	392	Multicultural scholars program ..	998
Soil and environmental quality (DE)	120	Hispanic education partnership grants	3,492
Southwest consortium for plant genetics and water resources	392	Capacity building grants (1890 institutions)	9,479
Soybean cyst nematode (MO) ...	686	Payments to the 1994 Institutions	1,549
Soybean research (IL)	800	Alaska Native-serving and Native Hawaiian-serving Institutions education grants	2,997
STEEP—water quality in the Pacific Northwest	588	Secondary agriculture education	1,000
Sustainable agriculture (CA)	400	Sustainable agriculture research and education/SARE	12,500
Sustainable agriculture (MI)	435	Aquaculture centers (sec. 1475)	3,996
Sustainable agriculture and natural resources (PA)	123	<hr/>	
Sustainable agriculture systems (NE)	59	Federal Administration:	
Sustainable beef supply (MT) ...	1,000	Agriculture-based industrial lubricants (IA)	
Sustainable engineered materials from renewable resources (VA)	400	Agriculture development in the American Pacific	
Sustainable pest management for dryland wheat (MT)	452	Agriculture waste utilization (WV)	
Swine and other animal waste management (NC)	489	Agriculture water policy (GA) ..	
Synthetic gene technology (OH) ..	168	Alternative fuels characterization laboratory (ND)	
Technological development of renewable resources (MO)	294	Animal waste management (OK)	
Tillage, silviculture, waste management (LA)	400	Aquaculture (OH)	
Tomato wilt virus (GA)	244	Biotechnology (MS)	
Tri-state joint peanut research (AL)	600	Botanical research (UT)	
Tropical aquaculture (FL)	194	Center for Agricultural and Rural Development (IA)	
Tropical and subtropical research/T STAR	8,000	Center for Innovative Food Technology (OH)	
Value-added product development from agricultural resources (MT)	324	Center for North America Studies (TX)	
Value-added products (IL)	120	Cotton research (TX)	
Viticulture consortium (NY, CA, PA)	1,600	Data Information System	
Water conservation (KS)	79	Feed efficiency (WV)	
Water use efficiency and water quality enhancements (GA) ...	480	Fruit and vegetable market analysis (AZ, MO)	
Weed control (ND)	426	Geographic information system	
Wetland plants (LA)	587	Germplasm development in forage grasses (OH)	
Wheat genetic research (KS)	255	Livestock marketing information center (CO)	
Wheat sawfly research (MT)	505	Mariculture (NC)	
Wood utilization (AK, ID, ME, MI, MN, MS, NC, OR, TN)	5,670	Mississippi Valley State University	
Wool research (TX, MT, WY)	294	National Center for Peanut Competitiveness (GA)	
Subtotal, Special Grants	97,008	Office of Extramural Programs	
<hr/>		Pay costs and FERS	
Improved pest control:		Peer Panels	
Emerging pests/critical issues ..	200	PM-10 air quality study (WA) ...	
Expert IPM decision support system	177	Precision agriculture/Tennessee valley research and extension center (AL)	
Integrated pest management	2,725	Produce pricing (AZ)	
IR-4 minor crop pest management	10,485	Salmon quality standards (AK) ..	
Pest management alternatives	1,619	Shrimp aquaculture (AZ, HI, LA, MA, MS, SC, TX)	
Subtotal, Improved pest control	15,206	Sustainable agriculture development (OH)	
<hr/>		Urban silviculture (NY)	
National Research Initiative (NRI) competitive grants	120,452	Water pollutants (WV)	
<hr/>		Water quality (IL)	
Animal health and disease (sec. 1433)	5,098	Water quality (ND)	
Alternative crops:		Wetland plants (WV)	
Canola	693	Subtotal, Federal Administration	
Hesperaloe and other natural products from desert plants ...	231	Total, Research and Education Activities	
Critical Agricultural Materials Act	720	The conference agreement does not include bill language which provides funds for payments to land-grant colleges of which \$998,000 shall be made available to West Virginia State College in Institute, West Virginia, as proposed by the House.	
1994 Institutions research program	998		

The conference agreement includes bill language which provides funds for payments to land-grant colleges of which \$1,507,496 shall be made available only for the purpose of ensuring that each institution shall receive no less than \$1,000,000 as proposed by the Senate.

The conference agreement does not include bill language regarding a grant for Oklahoma State University and its industrial partners to develop chemical and biological sensors as proposed by the Senate.

The conference agreement does not include bill language regarding the Environmental Biotechnology initiative at the University of Rhode Island as proposed by the Senate.

The conference agreement does not include bill language regarding grants for authorized competitive research programs related to enhancement of the nitrogen-fixing ability and efficiency of plants as proposed by the House.

The conference agreement includes bill language which provides \$2,997,000 to individual eligible institutions or consortia of institutions in Alaska and Hawaii instead of \$2,993,000 for such purposes as proposed by the House and \$3,000,000 as proposed by the Senate.

It is the intent of the conferees that the funds provided for wood utilization research be distributed to existing centers on a basis proportionate to each center's share of the fiscal year 2001 total program funding.

The conference agreement includes \$1,199,000 for the Geographic Information System Program. The conferees expect that the amount provided shall be made available for program activities of entities in the same areas as the fiscal year 2001 level on a proportional basis and that program management costs will be kept at a minimum and any remaining funds will be distributed to the sites.

EXTENSION ACTIVITIES

The conference agreement provides \$439,473,000 for extension activities instead of \$436,029,000 as proposed by the House and \$433,546,000 as proposed by the Senate.

The following table reflects the conference agreement:

Extension activities

(In thousands of dollars)

	<i>Conference agreement</i>
Smith-Lever sections 3(b) and 3(c)	\$275,940
Smith-Lever section 3(d):	
Farm safety	5,250
Food and nutrition education ...	58,566
Indian reservation agents	1,996
Pest management	10,759
Rural development centers	953
Sustainable agriculture	4,750
Youth at risk	8,481
Youth farm safety education and certification	499
Renewable Resources Extension Act	4,093
1890 Colleges and Tuskegee University	31,181
1890 facilities grants	13,500
Rural health and safety education	2,622
Extension services at the 1994 institutions	3,273
Subtotal	421,863

Federal Administration:

Ag in the classroom	600
Agricultural telecommunications (NY)	339
Avian conservation (PA)	320

	Conference agreement		Conference agreement		Conference agreement
Beef producers improvement (AR)	193	Pesticide Impact Assessment ...	4,531	Scrapie	3,119
Botanical garden initiative (IL)	232	Crops at Risk from FQPA Implementation	1,497	Tuberculosis	8,694
Conservation technology transfer (WI)	490	FQPA Risk Mitigation Program for Major Food Crop Systems	4,889	Wildlife services operations	49,071
Dairy education (IA)	232	Methyl Bromide Transition Program	2,498	Witchweed	1,520
Delta Teachers Academy	0	Organic Transition Program	1,500		
Diabetes detection, prevention (WA)	906			Total, Pest and Disease Management	221,087
Efficient irrigation (NM, TX) ...	1,960	Total, Integrated Activities ..	42,853		
Extension specialist (MS)	100	OFFICE OF THE UNDER SECRETARY FOR MARKETING AND REGULATORY PROGRAMS		Animal Care:	
Family farm beef industry network (OH)	1,372	The conference agreement provides \$654,000 for the Office of the Under Secretary for Marketing and Regulatory Programs as proposed by the Senate instead of \$660,000 as proposed by the House.		Animal welfare	15,167
Food Animal Residue Avoidance Database/FARAD	800	ANIMAL AND PLANT HEALTH INSPECTION SERVICE		Horse protection	415
Food product development (AK)	280	SALARIES AND EXPENSES			
Health education leadership (KY)	800	The conference agreement provides \$620,490,000, of which \$84,813,000 is derived from agricultural quarantine inspection user fees, for the Animal and Plant Health Inspection Service (APHIS) instead of \$587,386,000 as proposed by the House and \$602,754,000 as proposed by the Senate.		Total, Animal Care	15,582
Income enhancement demonstration (OH)	241	The following table reflects the conference agreement:			
Integrated cow/calf management (IA)	294	<i>Animal and Plant Health Inspection Service</i>		Scientific and Technical Services:	
Iowa vitality center	280	[In thousands of dollars]		Biotechnology and environmental protection	10,516
National Center for Agriculture Safety (IA)	196			Integrated systems acquisition project	1,748
Pilot technology transfer (WI)	160			Plant methods	5,118
Pilot technology transfer (OK, MS)	319			Veterinary biologics	11,763
Potato pest management (WI) ..	396			Veterinary diagnostics	18,278
Range improvement (NM)	240			Wildlife services methods development	12,955
Rural development (AK)	637				
Rural development (NM)	363			Total, Scientific and Technical Services	60,378
Rural rehabilitation (GA)	240				
Urban horticulture (WI)	200			Contingency fund	4,096
Wood biomass as an alternative farm product (NY)	193			Pay parity	
General administration and pay	5,227				
				Total, Salaries and Expenses	620,490
Total, Federal Administration	17,610				
				<i>Fruit fly exclusion and detection.</i> —The conference agreement includes funds to address the inequity in the distribution of funds for fruit fly trapping in California and Florida by increasing the California program by \$4,000,000 as proposed by the Senate instead of \$2,000,000 as proposed by the House.	
Total, Extension Activities ...	439,473			<i>Animal health monitoring and surveillance.</i> —The conference agreement provides an increase of \$2,429,000 for the animal health monitoring and surveillance (AHM&S) program instead of \$1,229,000 as proposed by the Senate.	
The conference agreement includes language which permits \$3,600,000 of the amount available under Smith-Lever 3(b) and 3(c) to provide funding for the National 4-H Program Centennial Initiative as proposed by the Senate.					
The conference agreement does not include bill language which provides funds for payments to land-grant colleges of which \$998,000 shall be made available to West Virginia State College in Institute, West Virginia, as proposed by the House.					
The conference agreement includes bill language which provides funds for payments to land-grant colleges of which \$1,724,884 shall be made available only for the purpose of ensuring that each institution shall receive no less than \$1,000,000 as proposed by the Senate.					
The conference agreement provides \$5,250,000 for farm safety, of which \$4,050,000 is for the AgrAbility project.					
INTEGRATED ACTIVITIES					
The conference agreement provides \$42,853,000 for integrated activities instead of \$43,355,000 as proposed by the House and \$42,350,000 as proposed by the Senate.					
The following table reflects the conference agreement:					
<i>Integrated activities</i>					
[In thousands of dollars]					
	Conference agreement		Conference agreement		Conference agreement
Integrated Research, Education and Extension Competitive Grants Program:					
Water Quality	\$12,971	Pest and Disease Exclusion:			
Food Safety	14,967	Agricultural quarantine inspection	\$47,254		
		User fees	84,813		
		Subtotal, AQI	132,067		
		Cattle ticks	6,232		
		Foot-and-mouth disease	3,839		
		Fruit fly exclusion and detection	36,818		
		Import-export	8,132		
		Screwworm	30,557		
		Trade issues resolution management	11,367		
		Tropical bont tick	415		
		Total, Pest and Disease Exclusion	229,427		
		Plant and Animal Health Monitoring:			
		Animal health monitoring and surveillance	70,931		
		Animal and plant health regulatory enforcement	8,101		
		Emergency management system	4,044		
		Pest detection	6,844		
		Total, Plant and Animal Health Monitoring	89,920		
		Pest and Disease Management:			
		Aquaculture	1,130		
		Biological control	8,759		
		Boll Weevil	77,355		
		Brucellosis	9,800		
		Chronic wasting disease			
		Emerg. plant pests	43,130		
		Golden nematode	810		
		Gypsy moth	4,559		
		Imported fire ant	2,868		
		Johne's disease	3,000		
		Noxious weeds	1,255		
		Pink bollworm	1,866		
		Pseudorabies	4,151		

\$1,000,000 for the Emergency Management System instead of \$2,000,000 as proposed by the House.

Boll weevil.—The conference agreement provides \$77,355,000 for boll weevil instead of \$33,931,000 as proposed by the House and \$79,157,000 as proposed by the Senate.

Brucellosis.—The conference agreement includes the fiscal year 2001 level of funding for the Greater Yellowstone Interagency Brucellosis Committee as proposed by the Senate instead of \$600,000 as proposed by the House.

Emerging plant pests.—The conference agreement includes \$43,130,000 for the emerging plant pests program instead of \$48,515,000 as proposed by the House and \$28,557,000 as proposed by the Senate. Within this total, the conferees expect that \$3,618,000 be provided for the base program. In addition to funds made available from the Commodity Credit Corporation, the conferees direct that of this appropriation, no less than \$8,500,000 be provided for activities regarding the glassy-winged sharpshooter; and no less than \$31,030,000 be provided to combat emergency outbreaks of citrus canker in Florida, the Asian long-horned beetle in New York and Illinois (of which no less than \$1,500,000 shall be for activities in the area of Chicago, Illinois), plum pox virus, and Mormon crickets and grasshoppers, of which \$500,000 shall be for Utah.

The conferees direct the Secretary of Agriculture to continue to use the authority provided in this bill to transfer funds from the Commodity Credit Corporation for the arrest and eradication of animal and plant pests and diseases that threaten American agriculture.

Golden nematode.—The conference agreement provides an increase of \$200,000 for golden nematode instead of \$400,000 as proposed by the House.

Imported fire ant.—The conference agreement includes \$2,868,000, of which \$45,000 is for New Mexico, for imported fire ants instead of \$2,118,000 as proposed by the House and \$3,618,000 as proposed by the Senate.

Noxious weeds.—The conference agreement includes an increase of \$125,000 in association with the Nez-Perce Bio-Control Center instead of \$250,000 as proposed by the Senate.

Pink bollworm.—The conference agreement provides an increase of \$250,000 over fiscal year 2001 for pink bollworm activities instead of \$455,000 as proposed by the Senate.

Tuberculosis.—The conference agreement provides an increase of \$3,231,000 for tuberculosis eradication activities instead of \$6,463,000 as proposed by the Senate.

Wildlife services operations.—The conference agreement provides an increase of \$300,000 for predator control activities in Montana, Wyoming, and Idaho instead of \$500,000 proposed by the House and Senate.

The conference agreement provides \$300,000 above the fiscal year 2001 funding level for the South Dakota Department of Game and Fish instead of \$500,000 as proposed by the Senate.

The conference agreement provides \$125,000 for a cost sharing beaver control program in Louisiana instead of \$250,000 as proposed by the Senate.

The conference agreement provides \$8,250,000 for a rabies control program instead of \$16,500,000 as proposed by the House and \$4,600,000 as proposed by the Senate. The conferees expect the agency to direct funds to Texas, West Virginia, Ohio, New York, Vermont, Wyoming, and other states.

The conference agreement continues support for blackbird control activities in North Dakota, South Dakota, and Louisiana and,

in addition, provides an increase of \$240,000 for completion of an environmental impact statement necessary for a baiting program scheduled to begin in March of 2002.

Animal welfare.—The conference agreement includes an increase of \$2,400,000 for animal welfare as proposed by the House instead of \$1,627,000 as proposed by the Senate, and directs APHIS to hire an additional 14 inspectors and support staff so that the overall number of inspections can increase, and those facilities that are in non-compliance may be re-inspected more frequently. The conferees encourage the Secretary to use any additional funds made available during fiscal year 2001 for these activities to increase program effectiveness as quickly as possible, and remind the Secretary of Agriculture of the request for information on this subject in Senate Report 107-33.

Integrated systems acquisition project.—The conference agreement provides an increase of \$750,000 for the integrated systems acquisition project instead of \$1,000,000 as proposed by the House.

Veterinary biologics.—The conference agreement provides an increase of \$1,036,000 for the Center for Veterinary Biologics instead of \$1,186,000 as proposed by the Senate.

Wildlife services methods development.—The conference agreement provides an increase of \$1,500,000 for wildlife services methods development, of which \$1,000,000 is to address infrastructure deficiencies at NWRG, and \$500,000 is for non-lethal predator control methods of which \$50,000 is for work at the Monell Center in Pennsylvania.

Avocados.—The conferees do not include House language directing the agency to report to the Congress prior to publishing any rules expanding the approved areas or lengthening time periods for importation of Mexican avocados. Those rules are in the process of being promulgated. The conferees direct APHIS to report to the Committees on Appropriations on the status of Mexican avocado imports, including any problems in pest surveys, and oversight by APHIS personnel, including the diversion of Mexican avocados to other than approved destinations.

The conferees have been made aware of reports regarding captive polar bears recently imported in the United States and request APHIS to report back to the Committees on Appropriations by January 1, 2002 on this matter.

The conferees are concerned about the spread of West Nile Virus in Illinois and expect APHIS to work with the State of Illinois and the University of Illinois on cooperative ways to conduct research, monitor, and respond to the outbreak, including using contingency funds for these efforts.

The conferees encourage APHIS, in order to strengthen protections of U.S. meat and poultry supply, to expedite the development of its automated database system to track imported meat and animal product shipments and its Automated Manifest System, designed to automatically target shipments for hold.

BUILDINGS AND FACILITIES

The conference agreement provides \$7,189,000 for Animal and Plant Health Inspection Service Buildings and Facilities as proposed by the House instead of \$5,189,000 as proposed by the Senate.

AGRICULTURAL MARKETING SERVICE

MARKETING SERVICES

The conference agreement provides \$71,430,000 for the Agricultural Marketing Service as proposed by the Senate instead of \$71,774,000 as proposed by the House. The

total amount includes \$5,980,000 for the Livestock Mandatory Price Reporting Program as proposed by the Senate instead of \$5,900,000 as proposed by the House.

The conferees expect the Microbiological Data Program to produce national, consistent, and statistically reliable data that may be used for research and risk analysis purposes by federal agencies such as USDA, FDA, and CDC, state health departments, researchers, and other stakeholders. The Agricultural Marketing Service is encouraged to contract for the data collection with organizations that have demonstrated research and technical competence, and that are not barred by statute from administering a blinded microbiological survey program for fruits and vegetables. In order to ensure that the data collected will be useful, and to avoid duplication of effort, the conferees expect AMS to hold a public meeting, within 60 days of enactment, to present a detailed data collection proposal and seek input from all interested parties.

FUNDS FOR STRENGTHENING MARKETS, INCOME, AND SUPPLY

(SECTION 32)

The conference agreement provides \$13,995,000 for Funds for Strengthening Markets, Income and Supply as proposed by the House instead of \$13,874,000 as proposed by the Senate.

GRAIN INSPECTION, PACKERS, AND STOCKYARDS ADMINISTRATION

SALARIES AND EXPENSES

The conference agreement provides \$33,117,000 for the Grain Inspection, Packers and Stockyards Administration as proposed by the House instead of \$34,000,000 as proposed by the Senate.

OFFICE OF THE UNDER SECRETARY FOR FOOD SAFETY

The conference agreement provides \$476,000 for the Office of the Under Secretary for Food Safety as proposed by the Senate instead of \$481,000 as proposed by the House.

FOOD SAFETY AND INSPECTION SERVICE

The conference agreement provides \$715,642,000 for the Food Safety and Inspection Service instead of \$720,652,000 as proposed by the House and \$715,747,000 as proposed by the Senate.

The conference agreement includes \$608,730,000 for federal food inspection.

The conference agreement provides an increase of \$100,000 over the fiscal year 2002 budget request for activities related to the Codex Alimentarius.

The conference agreement includes the following amounts, which fully fund food inspection activities at the requested level.

<i>Food safety and inspection service, funding by activity</i>		
	<i>(\$000)</i>	
<i>FSIS activity</i>		<i>Conference agreement</i>
Federal Food Inspection		\$608,730
Import-Export Inspection		12,127
Laboratory Services		36,548
FAIM		8,005
Grants		42,517
Special Assistance to States		5,220
Codex		2,495
		<hr/>
		715,642
		<hr/>
Food Safety Inspection:		
Federal		638,513
State		47,418
International		15,344

<i>FSIS activity</i>	<i>Conference agreement</i>
FAIM	11,872
Codex	2,495
	<hr/> 715,642

OFFICE OF THE UNDER SECRETARY FOR FARM AND FOREIGN AGRICULTURAL SERVICES

The conference agreement provides \$606,000 for the Office of the Under Secretary for Farm and Foreign Agricultural Services as proposed by the Senate instead of \$611,000 as proposed by the House.

FARM SERVICE AGENCY SALARIES AND EXPENSES

The conference agreement provides \$939,030,000 for the Farm Service Agency as proposed by the Senate instead of \$945,993,000 as proposed by the House.

STATE MEDIATION GRANTS

The conference agreement provides \$3,493,000 for State Mediation Grants instead of \$2,993,000 as proposed by the House and \$3,993,000 as proposed by the Senate.

DAIRY INDEMNITY PROGRAM

The conference agreement provides \$100,000 for the Dairy Indemnity Program as proposed by both the House and the Senate, and includes bill language that provides by reference the guidelines for making indemnity payments as proposed by the House.

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

The following table reflects the conference agreement:

Farm Ownership Loans:	
Direct	(146,996,000)
Subsidy	3,866,000
Guaranteed	(1,000,000,000)
Subsidy	4,500,000
Farm Operating Loans:	
Direct	(611,198,000)
Subsidy	54,580,000
Unsubsidized guaranteed	(1,500,000,000)
Subsidy	52,650,000
Subsidized guaranteed	(505,531,000)
Subsidy	68,550,000
Indian Tribe Land Acquisition Loans	
	(2,000,000)
Subsidy	118,400
Emergency Disaster Loans	
	(25,000,000)
Subsidy	3,362,500
Boll Weevil Eradication Loans	
	(100,000,000)

The conference agreement includes bill language that breaks out the direct loan and subsidy amounts as proposed by the House.

The conference agreement provides \$280,595,000 for administrative expenses of which \$272,595,000 shall be transferred to the Farm Service Agency for this purpose as proposed by the Senate instead of \$282,769,000 for administrative expenses of which \$274,769,000 shall be transferred as proposed by the House.

The conference agreement includes bill language providing that the Committees on Appropriations are to be notified at least 15 days in advance of any transfer of funds as proposed by the House instead of language requiring prior approval as proposed by the Senate.

RISK MANAGEMENT AGENCY

The conference agreement provides \$74,752,000 for the Risk Management Agency (RMA) instead of \$75,142,000 as proposed by the House and \$73,752,000 as proposed by the Senate.

CORPORATIONS

COMMODITY CREDIT CORPORATION FUND OPERATIONS AND MAINTENANCE FOR HAZARDOUS WASTE MANAGEMENT (LIMITATION ON EXPENSES)

The conference agreement includes the account heading "(Limitation on Expenses)" as proposed by the Senate. The House had no such heading.

TITLE II—CONSERVATION PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR NATURAL RESOURCES AND ENVIRONMENT

The conference agreement provides \$730,000 for the Office of the Under Secretary for Natural Resources and Environment as proposed by the Senate instead of \$736,000 as proposed by the House.

NATURAL RESOURCES AND CONSERVATION SERVICE

CONSERVATION OPERATIONS

The conference agreement provides \$779,000,000 for Conservation Operations instead of \$782,762,000 as proposed by the House and instead of \$807,454,000 as proposed by the Senate, of which not less than \$8,515,000 is for snow survey and water forecasting as proposed by the Senate instead of \$7,137,000 as proposed by the House; not less than \$9,849,000 is for operation and establishment of plant materials centers as proposed by the Senate instead of \$9,349,000 as proposed by the House; and, not less than \$21,500,000 for the grazing lands conservation initiative instead of \$20,000,000 as proposed by the House and \$23,000,000 as proposed by the Senate.

The conference agreement does not provide \$30,500,000 for conservation reserve program (CRP) technical assistance as proposed by the House; nor do the conferees include House language directing the Secretary to spend up to \$8,500,000 from CCC Section 11 for CRP technical assistance. The conference agreement includes a provision that allows the Secretary to transfer up to \$13,000,000 from the environmental quality incentives program for CRP technical assistance instead of \$26,000,000 as proposed by the Senate. The conferees note that the CCC Section 11 cap was recently revised upwards from \$36,208,700 to \$56,102,700. The conferees strongly encourage the Secretary, in addition to the funds available for transfer from the environmental quality incentives program, to use CCC Section 11 funds to ensure that CRP technical assistance is fully funded in fiscal year 2002.

In addition to the items in the House and Senate reports that are not changed by the conference agreement, funding is included for the following items: \$300,000 for the Sand Mountain Water Quality Project (AL); \$150,000 for the Central Alabama/Birmingham Water Quality Initiative; \$200,000 for the Gulf Coast Water Quality/conservation initiative (AL); Juneau and Glennallen Offices (AK) \$250,000; \$500,000 to staff each Soil and Water Conservation District (AK); \$375,000 for the Little Red River Irrigation Project (AR); \$125,000 for the Walnut Bayou Irrigation Project (AR); \$150,000 for the Upper Petit Jean Watershed Project (AR); \$375,000 for agriculture enhancement/open space (CA); Manatee Agriculture Reuse System (FL) \$500,000; Georgia Agricultural Water Conservation Initiative \$500,000; Little Wood River Irrigation District Delivery System (ID) \$500,000; conversion to sprinkler irrigation (ID) \$500,000; Hungry Canyon/Loess Hills Erosion Control (IA) \$800,000; \$200,000 for CEMSA with Iowa Soybean Association; Soil erosion control/soil survey (KY) \$1,700,000; Golden Meadows PMC (LA) \$344,000;

Barataria-Terrebonne National Estuary Program (LA) \$125,000; Lyon Canyon Creek Drainage Improvement-Taylorville (MS) \$400,000; Cattle and nutrient management (MS) \$475,000; Chickasaw River-Quitman Planning and Design (MS) \$75,000; Choctaw County Feasibility Study for surface impoundment (MS) \$75,000; Mill Creek Watershed channel modification—Magee (MS) \$900,000; Jamie Whitten PMC (MS) \$275,000; Wildlife Management Institute (MS) \$5,609,000, an increase of \$900,000; Lake Tahoe Basin Soil Conservation Project (CA/NV) \$350,000; Westchester County SWCD (NY) \$325,000; \$200,000 for the refinement, integration, and implementation of computer tools to improve nutrient management planning on dairy farms (NY); \$130,000 for a cooperative agreement with Pace University (NY); Red River Flood Prevention/Environmental Research Center (ND) \$700,000; Oregon Garden, Silverton (OR) \$325,000; Advanced Wetland Plant Research-Hillsboro (OR) \$125,000; study to characterize land use change—Clemson University (SC) \$550,000; GIS based model (SC) \$600,000; field office telecommunications pilot program (TX) \$3,000,000; and Great Lakes Basin Program for Soil and Erosion Sediment \$1,250,000.

The conferees provide \$100,000 for the Weed It Now initiative in the southern Taconic Mountains of Massachusetts, New York and Connecticut.

The conferees provide \$3,000,000, the same amount as fiscal year 2001, for matching funds to the National Fish and Wildlife Foundation. This Federal financial assistance shall be advanced without regard to when expenses are incurred for projects on or benefiting the mission of the Natural Resources Conservation Service.

The conferees continue funding for the Texas plant materials centers at not less than the fiscal year 2001 funding levels.

The conference agreement provides \$250,000 as proposed by the Senate instead of \$150,000 as proposed by the House, for a cooperative agreement with the Wisconsin State Department of Agriculture to expand the Wisconsin grazing lands initiative to augment the funding that this initiative is receiving through the environmental quality incentives program.

The conference agreement provides \$5,000,000, the same as fiscal year 2001, for the continued implementation and acceleration of pilot projects for innovative technology systems resulting in a 75 percent reduction in nutrients of wastewater discharged by animal feeding operations to be managed by Farm Pilot Project Coordination, Inc. The Secretary is directed to release these funds after submitting a report to the Committees on Appropriations that a satisfactory cooperative agreement between the NRCS and Farm Pilot Project Coordination, Inc. has been consummated.

The conference agreement does not include \$1,250,000 for the Seward/Resurrection River North Forest Acres (AK) as proposed by the Senate, or \$1,500,000 for field telecommunications pilot program (NM) as proposed by the House.

WATERSHED SURVEYS AND PLANNING

The conference agreement provides \$10,960,000 for Watershed Surveys and Planning as proposed by the Senate instead of \$11,030,000 as proposed by the House.

WATERSHED AND FLOOD PREVENTION OPERATIONS

The conference agreement provides \$106,590,000 for Watershed and Flood Prevention Operations instead of \$111,143,000 as proposed by the House and \$100,413,000 as proposed by the Senate. The conference agreement includes \$15,000,000 for watersheds authorized under the Flood Control Act of 1936 as proposed by the Senate instead of \$10,000,000 as proposed by the House.

The conferees provide funds for continuing work in connection with the Hickory Creek, Marthasville, West Fork of Big Creek, East Fork of Grand River, McKenzie Creek, Upper Locust Creek, Troublesome Creek, and East Yellow Creek, Missouri.

The conferees provide funds for the following projects in Mississippi: to finish the installation of the remaining channel work on Coonewah Creek, Lee County; for flood control in the Pearl River Basin, Dry Creek watershed, Marion County; for installation of grade stabilization structures in the Skuna River; to provide bank stabilization structures in the Strayhorn Creek Watershed; and for the study, planning and design of flood water retarding structures in the Pellaphalia Creek Watershed, Carthage.

WATERSHED REHABILITATION PROGRAM

The conference agreement includes a new account for the Watershed Rehabilitation Program and provides \$10,000,000 as proposed by the Senate. The House had a similar provision under Watershed Flood Prevention Operations. The conferees expect that priorities under this program be given only to those structures which pose the highest risk to life and property.

RESOURCE CONSERVATION AND DEVELOPMENT

The conference agreement provides \$48,048,000 for Resource Conservation and Development as proposed by the Senate instead of \$48,361,000 as proposed by the House.

The conference agreement includes funds to maintain funding for the eight councils that were funded out of the Fund for Rural America in fiscal year 2001. The conferees provide \$1,125,000 for pay cost as proposed by the Senate instead of \$1,438,000 as proposed by the House. The conference agreement includes \$1,000,000 to bring the per council allocation closer to the \$161,000 level recommended by USDA, and \$3,000,000 to fund the maximum number of pending applications for new councils that the \$3,000,000 will allow.

FORESTRY INCENTIVES PROGRAM

The conference agreement provides \$6,811,000 for the Forestry Incentives Program instead of \$7,811,000 as proposed by the Senate.

The conferees note authorization under the Forestry Incentives Program for removal and site preparation for replanting on private lands which may serve to reduce the potential of wildfires and directs the agency, where appropriate, to provide resources for that purpose, utilizing flexibility regarding minimum productivity requirements.

TITLE III—RURAL DEVELOPMENT PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR RURAL DEVELOPMENT

The conference agreement provides \$623,000 for the Office of the Under Secretary for Rural Development as proposed by the Senate instead of \$628,000 as proposed by the House.

The conferees expect the Department to give consideration to the following requests

for assistance from rural development programs: community facilities grant for the transfer of the Audubon Sugar Institute at the Louisiana State University Agricultural Center; funding for the International Agri-Center, Inc. in Tulare, California; assistance from the distance learning and telemedicine program to the Commonwealth of Kentucky for the Kentucky Telehealth Network, to expand telemedicine services in rural Kentucky; funding for a feasibility study of the Public Market project in Springfield, MA; assistance from community facilities loan and grant programs to build a Regional Health Center by the Community Medical Centers of Fresno, CA; assistance from the rural business opportunity grant program for the Appalachian Information Technology Partnership (WV); assistance for the Women in Technology Project, Hawaii and Wisconsin; assistance to deal with the deteriorating situation that exists within the Pascoag Utility District, RI, due to contamination of the District's groundwater; assistance to the City of Nanticoke, PA for a Downtown Redevelopment Initiative; assistance for the development of sewer service in Kinsman Township, OH; assistance for a wastewater treatment upgrade in Columbiana, OH; a guaranteed business and industry loan for Fayette, AL; Montana Rural Business Accelerator, MT; and assistance for extension of water lines in Lake Milton and Craig Beach, OH.

The conferees note the important work provided through the National Rural Development Partnership, and its associated State Rural Development Councils, and encourage the Department to continue support for these efforts from within available funds.

RURAL COMMUNITY ADVANCEMENT PROGRAM

The conference agreement provides \$806,557,000 for the Rural Community Advancement Program (RCAP) instead of \$767,465,000 as proposed by the House and \$1,004,125,000 as proposed by the Senate.

The conference agreement does not include Senate language that specifies program levels within the total made available under the RCAP for assistance to Federally Recognized Native American Tribes. The conferees are aware of housing, utility, business opportunity, and educational infrastructure needs and direct the Department to allocate program benefits in a manner that best serves the requirements of this population, but expect that up to \$4,000,000 shall be available for community facilities grants to tribal colleges.

The conference agreement adopts Senate language providing \$24,000,000 for rural and native villages in Alaska.

The conference agreement adopts Senate language providing for up to one percent of funds provided for water and waste disposal systems in Alaska for program administration and up to one percent to improve inter-agency coordination instead of one percent as proposed by the House.

The conference agreement provides \$17,465,000 for technical assistance grants for rural water and waste systems.

The conferees provide bill language that of the funds provided for technical assistance for rural water and waste systems, \$5,250,000 be designated for Rural Community Assistance Programs.

The conference agreement adopts language setting aside \$11,000,000 for the circuit rider program and expects that this will provide sufficient funds for a third circuit rider in approximately 15 states, including Mississippi.

The conference agreement adopts Senate language setting aside \$25,000,000 for facilities in rural communities with extreme unemployment and severe economic depression.

The conference agreement adopts Senate language setting aside \$30,000,000 for grants in rural communities with extremely high-energy costs.

The conference agreement adopts Senate language allowing funds provided for guaranteed business and industry loans to be transferred for direct business and industry loans as deemed necessary by the Secretary.

The conferees are aware that raw sewage is spilling into the Talkeetna River, Alaska, and threatens to contaminate the City of Talkeetna's drinking water supply because the sewer system has failed. Within the funds provided for water and waste disposal systems for rural and native villages in Alaska, the managers expect adequate funds to be made available to make emergency and permanent repairs to bring the system into compliance with applicable federal and state clean water requirements.

The following table indicates the distribution of funding for the RCAP:

Community Facilities	\$83,545,000
Business-Cooperative Development	76,500,000
Water and Waste	646,512,000
Total ..	806,557,000

Federally Recognized Native American Tribes	24,000,000
Rural Community Development Initiative	6,000,000
Technical Assistance for Rural Transportation	500,000
Mississippi Delta	2,000,000
Colonias	20,000,000
Alaska Villages	24,000,000
Technical Assistance	17,465,000
Circuit Rider	11,000,000
EZ/EC and REAP	37,624,000
Economic impact initiative grants	25,000,000
High energy costs grants ..	30,000,000

RURAL DEVELOPMENT SALARIES AND EXPENSES

The conference agreement provides \$133,722,000 for Rural Development Salaries and Expenses as proposed by the Senate instead of \$134,733,000 as proposed by the House.

The conferees have provided \$200,000, within available funds, for the Alaska State office to maintain existing field offices, to establish an Assistant State Director position and new field offices to be collocated to the maximum extent possible with the Natural Resources Conservation Service. A staffing plan for the Alaska State office should be submitted by the Rural Development Agency to the Committees on Appropriations no later than December 15, 2001.

RURAL HOUSING SERVICE

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

The conference agreement provides a total subsidy of \$245,887,000 for activities under the Rural Housing Insurance Fund Program Account instead of \$243,887,000 as proposed by the House and \$247,887,000 as proposed by the Senate. The conference agreement provides for an estimated loan program level of \$4,485,846,000 instead of \$4,470,648,000 as proposed by the House and \$4,501,044,000 as proposed by the Senate.

The conference agreement adopts Senate language providing for a transfer of \$422,241,000 to salaries and expenses instead of \$422,910,000 as proposed by the House.

The conference agreement adopts House language that allows up to \$5,986,197 to be transferred from the section 515 rental housing program to the rental assistance program for emergency designations.

The conferees are aware of the storm damage that occurred in Oklahoma on October 9, 2001, and urge the Secretary to give high priority to section 502 loan and grant applications for housing reparations.

The following table indicates loan and subsidy levels provided in the conference agreement:

Rural Housing Insurance Fund Program Account:	
Loan authorizations:	
Single family (sec. 502)	(\$1,079,848,000)
Unsubsidized guaranteed	(3,137,968,000)
Rental housing (sec. 515)	(114,068,000)
Multi-family housing guarantees (sec. 538)	(99,770,000)
Housing repair (sec. 504)	(32,324,000)
Credit sales of acquired property	(11,778,000)
Site loans (sec. 524)	(5,090,000)
Self-help housing land development fund	(5,000,000)
Total, Loan authorizations	(4,485,846,000)

Loan subsidies:	
Single family (sec. 502)	142,108,000
Unsubsidized guaranteed	40,166,000
Rental housing (sec. 515)	48,274,000
Multi-family housing guarantees (sec. 538)	3,921,000
Housing repair (sec. 504)	10,386,000
Credit sales of acquired property	750,000
Site loans (sec. 524)	28,000
Self-help housing land development fund	254,000
Total, Loan subsidies	245,887,000

RHIF administration expenses (transfer to RD) ...	422,241,000
RENTAL ASSISTANCE PROGRAM	

The conference agreement provides \$701,004,000 for the Rental Assistance Program instead of \$693,504,000 as proposed by the House and \$708,504,000 as proposed by the Senate.

MUTUAL AND SELF-HELP HOUSING GRANTS

The conference agreement provides \$35,000,000 for Mutual and Self-Help Housing Grants as proposed by the Senate and \$33,925,000 as proposed by the House.

FARM LABOR PROGRAM ACCOUNT

The conference agreement provides \$31,431,000 for the Farm Labor Program Account as proposed by the House instead of \$28,431,000 as proposed by the Senate.

The conference agreement provides \$13,464,000 for loan subsidies and \$17,967,000 for grants, of which \$15,000,000 is for farm labor housing grants and \$2,967,000 is for grants for migrant and seasonal farmworkers.

RURAL BUSINESS—COOPERATIVE SERVICE

RURAL DEVELOPMENT LOAN FUND PROGRAM ACCOUNT

The conference agreement adopts Senate language providing for a transfer of \$3,733,000 to salaries and expenses instead of \$3,761,000 as proposed by the House.

RURAL COOPERATIVE DEVELOPMENT GRANTS

The conference agreement provides \$7,750,000 for Rural Cooperative Development Grants instead of \$7,500,000 as proposed by the House and \$8,000,000 as proposed by the Senate.

The conference agreement adopts House language providing \$2,500,000 for the appropriate technology transfer for rural areas program instead of \$2,000,000 as proposed by the Senate.

The conference agreement adopts Senate language providing not to exceed \$1,497,000 for cooperatives or associations of cooperatives, whose primary focus is to provide assistance to small, minority producers and whose governing board and/or membership is comprised of at least 75 percent minority.

RURAL EMPOWERMENT ZONES AND ENTERPRISE COMMUNITIES GRANTS

The conference agreement adopts Senate language that makes funds available for grants authorized by the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105-277).

RURAL UTILITIES SERVICE

RURAL ELECTRIFICATION AND TELECOMMUNICATIONS LOANS PROGRAM ACCOUNT

The conference agreement provides a total subsidy of \$2,036,000 for activities under the Rural Electrification and Telecommunications Loans Program Account. The conference agreement provides for an estimated loan program level of \$4,565,934,000 as proposed by the Senate instead of \$4,610,292,000 as proposed by the House.

The conference agreement adopts Senate language providing for a transfer of \$36,000,000 to salaries and expenses instead of \$36,322,000 as proposed by the House. Included in this amount is an increase of \$400,000 for additional administrative expenses due to the recommended loan levels in the electric treasury rate and FFB accounts.

The following table indicates loan and subsidy levels provided in the conference agreement:

Rural Electrification and Telecommunications Loans Program Account:	
Loan authorizations:	
Electric:	
Direct, 5 percent	(\$121,107,000)
Direct, Muni	(500,000,000)
Direct, FFB	(2,600,000,000)
Direct, Treasury rate	(750,000,000)
Guaranteed	(100,000,000)
Subtotal	(4,071,107,000)
Telecommunications:	
Direct, 5 percent	(74,827,000)
Direct, Treasury rate	(300,000,000)
Direct, FFB	(120,000,000)
Subtotal	(494,827,000)
Total, loan authorizations	(4,565,934,000)
Loan subsidies:	
Electric:	
Direct, 5 percent	3,609,000
Direct, Muni	(1)
Direct, FFB	(1)
Direct, Treasury rate	(1)
Guaranteed	80,000
Subtotal	3,689,000
Telecommunications:	
Direct, 5 percent	1,736,000

Direct, Treasury rate	300,000
Direct, FFB	(1)
Subtotal	2,036,000

Total, loan subsidies	5,725,000
RETLP administrative expenses (transfer to RD) ...	36,000,000
Total, Rural Electrification and Telecommunications Loans Program Account	41,725,000

¹ Negative subsidy rates for fiscal year 2002 are calculated for these programs.

RURAL TELEPHONE BANK PROGRAM ACCOUNT

The conference agreement provides \$3,737,000 for the Rural Telephone Bank Program Account as proposed by the Senate instead of \$2,584,000 as proposed by the House.

The conference agreement adopts Senate language providing for a transfer of \$3,082,000 to salaries and expenses instead of \$3,107,000 as proposed by the House.

DISTANCE LEARNING AND TELEMEDICINE PROGRAM

The conference agreement provides \$49,441,000 for the Distance Learning and Telemedicine Program instead of \$26,941,000 as proposed by the House and \$51,941,000 as proposed by the Senate.

The conference agreement includes language setting aside \$22,500,000 to finance broadband transmission and local dial-up service in rural areas, of which at least \$12,500,000 is to be made available for grants to carry out this program.

The conference agreement provides for an estimated loan program level of \$300,000,000 for distance learning and telemedicine loans and \$80,000,000 for broadband telecommunication loans.

LOCAL TELEVISION LOAN GUARANTEE PROGRAM ACCOUNT

The conference agreement provides \$20,000,000 for the Local Television Loan Guarantee Program instead of \$25,000,000 as proposed by the Senate. The House bill provided no funds for this account. The conference agreement provides for an estimated loan program level of \$258,065,000 instead of \$322,580,000 as proposed by the Senate.

The conference agreement adopts Senate language providing for a transfer of \$2,000,000 to salaries and expenses.

TITLE IV—DOMESTIC FOOD PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR FOOD, NUTRITION AND CONSUMER SERVICES

The conference agreement provides \$587,000 for the Office of the Under Secretary for Food, Nutrition and Consumer Services as proposed by the Senate instead of \$592,000 as proposed by the House.

The conferees direct the Department to provide \$100,000 to the State of New York for a pilot program to provide wireless equipment and services capable of supporting Food Stamp Electronic Benefit Transfer transactions in farmers' markets authorized by the Department and operating in the State of New York. The conference agreement does not include language relating to the use of WIC Electronic Benefit Transfer funds for state initiatives to implement pilot programs relating to wireless purchases at farmers' markets.

The conferees are concerned about the effect of rising food and labor costs on school meal programs, and request a report to the Committees on Appropriations on USDA plans to address this subject by June 30, 2002, instead of by January 31, 2002 as proposed by

the House. The response should address all requirements as proposed by the House under this account and by the Senate as proposed in the Child Nutrition Program account.

The conference agreement includes \$10,000,000 under the Commodity Assistance Program to carry out the Senior Farmers Market Program in fiscal year 2002. While this action indicates strong support on the part of the conferees for this program, it does not replace expectations that the Secretary will consider these funds supplemental to resources of the Commodity Credit Corporation, as provided by the Department in fiscal year 2001. In addition, the conferees fully expect the Secretary to work with the appropriate authorization committees to establish this program under law.

The conferees recognize that childhood obesity and adult diseases in children, such as type II diabetes of which poor nutrition is the major contributing factor, have become a serious problem. In response, the conferees believe that nutrition education is crucial to the health and well-being of our nation's children, and the Department should have a significant nutrition education program in our schools, including through in-school educational networks and school menus. Therefore, the conferees urge the Secretary to put an increased emphasis on nutrition education and training.

The conferees are concerned about the nutritional status and obesity levels of our nation's children and are aware of recent studies that indicate a nutritionally adequate diet, which includes increased amounts of quality, fresh produce, is integral to better health and educational preparedness. In order to improve efficiencies and increase levels of fresh produce available to children, the conferees expect the Department to analyze the current levels of fresh produce in its nutrition programs, including the school lunch program, review its method of transportation and efficiency of distribution utilizing Defense facilities, and undertake outreach efforts to increase produce purchases under sections 4 and 11 of the National School Lunch Act and report back to the Committees on Appropriations no later than 120 days after enactment of this Act.

FOOD AND NUTRITION SERVICE

CHILD NUTRITION PROGRAMS

The conference agreement provides \$10,087,246,000 for Child Nutrition Programs as proposed by the Senate instead of \$10,088,746,000 as proposed by the House.

Included in this amount is an appropriated amount of \$4,914,788,000 and a transfer from section 32 of \$5,172,458,000. The transfer amount from section 32 was changed due to updated information available from the Department. Included in the appropriated amount is \$500,000 for a school breakfast pilot project in Wisconsin, as proposed by the Senate. The House had no similar provision.

The conference agreement does not include \$2,000,000 for a National School Lunch Program integrity study as proposed by the House. This study is funded under the Food Program Administration account, as proposed by the Senate.

The conference agreement provides the following for Child Nutrition programs:

<i>Total obligational authority</i>	
Child Nutrition Programs:	
School lunch program	\$5,759,232,000
School breakfast program	1,579,752,000
Child and adult care food program	1,878,179,000

Total obligational authority—Continued

Summer food service program	325,341,000
Special milk program	15,940,000
State administrative expenses	129,929,000
Commodity procurement and support	381,877,000
School meals initiative/Team nutrition	9,991,000
Coordinated review effort	4,507,000
Food safety education	1,998,000
School breakfast pilot project	500,000
Total	10,087,246,000

The conference agreement does not include language relating to study of the effect of rising food and labor costs on school-based child nutrition programs as proposed by the Senate under this account. The conferees request such information under the account of the Office of the Under Secretary for Food, Nutrition and Consumer Services.

The conferees recommend that the Secretary continue the pilot program with the Alisal Union School District in Salinas, California to combine the administration of the summer food service program and the school lunch program.

The conferees are encouraged that the Food and Nutrition Service has made progress on assisting schools with enforcing the Buy American provisions of the Richard B. Russell National School Lunch Act. The conferees are concerned, however, that guidance material being drafted by the agency conflicts with guidance provided on other procurement issues. Accordingly, FNS is directed to ensure that all guidance documents and other material on this topic follow the agency's current procurement principles and not distinguish between the sources of funds used to conduct a procurement.

SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

The conference agreement provides \$4,348,000,000 for the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) instead of \$4,137,086,000 as proposed by the House and \$4,247,086,000 as proposed by the Senate.

The conference agreement provides that the Secretary shall obligate \$10,000,000 for the farmers' market nutrition program within 45 days of enactment of this Act, and that the Secretary may obligate up to an additional \$15,000,000 for this program from funds not needed to meet caseload requirements.

The conference agreement provides that \$10,000,000 shall be available for infrastructure, and that up to an additional \$4,000,000 shall be available for this purpose from funds not needed to meet caseload requirements. The House had proposed \$10,000,000 for infrastructure and the Senate had proposed \$14,000,000. The conferees encourage the Department to continue funding for WIC Electronic Benefit Transfer at the current level of \$6,000,000 from within infrastructure funding.

The conference agreement does not include a provision relating to senior farmers market nutrition activities, as proposed by the House. The Senate had no similar provision.

The conference agreement does not include a provision that allows fiscal year 2001 WIC carryover funds in excess of \$110,000,000 to be transferred to the Rural Community Advancement Program as proposed by the Senate.

The conferees agree to the WIC infant formula study as proposed by the Senate. The

conferees direct that this study be conducted by the GAO instead of the Secretary of Agriculture.

In view of the potential increase in WIC participation levels, the conferees direct the Department to notify the Committees on Appropriations on funds obligated to support the WIC farmers' market and infrastructure programs and to provide a justification for those levels of funding.

FOOD STAMP PROGRAM

The conference agreement provides \$22,991,986,000 for the food stamp program as proposed by the Senate instead of \$21,991,986,000 as proposed by the House. Included in this amount is a reserve of \$2,000,000,000 as proposed by the Senate instead of a reserve of \$1,000,000,000 as proposed by the House.

The conference agreement includes a Senate provision limiting obligations of reserved funds for Employment and Training programs made available in previous fiscal years to \$145,000,000.

The conference agreement includes a Senate provision allowing for purchase of bison meat, in an amount not to exceed \$3,000,000, for the Food Distribution Program on Indian Reservations (FDPIR).

COMMODITY ASSISTANCE PROGRAM

The conference agreement provides \$152,813,000 for the Commodity Assistance Program, as proposed by the House, instead of \$139,991,000 as proposed by the Senate. Included in that amount is \$50,000,000 for administration of TEFAP, and \$102,813,000 for the Commodity Supplemental Food Program.

The conference agreement provides that \$20,820,000 of this appropriation shall be available for administrative expenses of the Commodity Supplemental Food Program, instead of \$21,820,000 as proposed by the House. The Senate had no similar provision.

The conference agreement provides \$10,000,000 for funding of senior farmers' market activities. The House proposed funding for that purpose of up to \$15,000,000 from funds not needed to maintain caseload. The Senate included language that encouraged funding for this purpose through the Commodity Credit Corporation.

The conference agreement rescinds \$3,300,000 of unobligated balances available at the beginning of fiscal year 2002, instead of \$5,300,000 as proposed by the Senate. The House had no similar provision.

The conference agreement provides \$5,000,000 in additional funding to support the participation of five new states in the Commodity Supplemental Food Program (CSFP). These states, Missouri, Wisconsin, North Dakota, South Dakota, and Pennsylvania, have CSFP-approved plans and await funding. The conferees expect that funding to support the state of Washington, which joined the program in late fiscal year 2001, be continued.

FOOD DONATIONS PROGRAM

The conference agreement provides \$150,749,000 for the Food Donations Program as proposed by the Senate instead of \$160,749,000 as proposed by the House. Included in this amount is \$149,668,000 for the Elderly Feeding Program, as proposed by the House, instead of \$149,670,000 as proposed by the Senate. For the needy family program, the conference agreement provides \$1,081,000, instead of \$1,079,000 as proposed by the Senate.

FOOD PROGRAM ADMINISTRATION

The conference agreement provides \$127,546,000 for Food Program Administration

as proposed by the Senate instead of \$126,656,000 as proposed by the House. Included in this amount is not less than \$6,500,000 to improve integrity in the Food Stamp Program and Child Nutrition Program as proposed by the Senate instead of not less than \$4,500,000 as proposed by the House. The House had proposed funding of \$2,000,000 for integrity studies under the Child Nutrition Program account; the conference agreement provides that funding under the FPA account.

The conference agreement includes \$3,000,000 for research, evaluation, and assessment activities and \$1,800,000 to improve FNS information technology. As deemed necessary for the proper administration of the nutrition assistance programs by the Agency, additional recurring studies, evaluations, and program information collections may be undertaken with the amount appropriated herein.

The conferees direct that food program studies and evaluations work must be done in accordance with the statutes governing Federal nutrition assistance programs. These statutes, Section 17 of the Food Stamp Act of 1977, Section 6 of the Richard B. Russell National School Lunch Act, and Section 17 of the Child Nutrition Act of 1966, authorize the use of funds to evaluate and improve the effectiveness of Federal nutrition assistance programs.

The conferees request a report on all integrity studies underway or anticipated for start in fiscal year 2002. This report should include a description of the study purpose, duration, cost, and note whether the study is being conducted by FNS staff or by a contractor. The conferees request that this report be submitted to the Committees on Appropriations by February 1, 2002.

TITLE V—FOREIGN ASSISTANCE AND RELATED PROGRAMS

FOREIGN AGRICULTURAL SERVICE SALARIES AND EXPENSES

The conference agreement provides \$121,813,000 for the Foreign Agricultural Service instead of \$122,631,000 as proposed by the House and instead of \$121,563,000 as proposed by the Senate.

The conference agreement contains a provision prohibiting the disbursement of funds to any rice trade association when the applicable international agreement for such activity is not in effect as proposed by the House.

The conferees are concerned with the current international terrorism crisis and its effect on commodity assistance programs in Southwest Asia and North Africa. Accordingly, the conferees encourage the Foreign Agricultural Service to prioritize its activities with the goal of assisting those countries, including Egypt and Jordan, and other nations that are actively engaged and assisting the U.S. Government in its efforts to combat terrorism.

The conferees are concerned with the recent discovery of BSE in Japan as Japan accounts for almost \$2 billion, approximately 50%, of U.S. beef exports. Even though U.S. beef remains BSE-free, there is rising concern that the discovery of BSE in Japan is resulting in reduced consumption of beef, and subsequently impacting sales of U.S. beef to Japan. The conferees strongly encourage the Secretary to use the Foreign Market Development program to assist the U.S. beef industry in promoting U.S. beef to Japanese consumers.

PUBLIC LAW 480 TITLE I AND TITLE II PROGRAM AND GRANT ACCOUNTS

The conference agreement provides \$126,409,000 for the Title I Program Account

instead of \$122,600,000 as proposed by the House and \$130,218,000 as proposed by the Senate. This funding will provide a loan authorization level of \$154,664,000 instead of \$150,000,000 as proposed by the House and \$159,327,000 as proposed by the Senate.

The conference agreement provides \$850,000,000 for Public Law 480 title II as proposed by the Senate instead of \$835,159,000 as proposed by the House.

The conference agreement provides \$972,000 for a transfer to FSA salaries and expenses as proposed by the Senate instead of \$980,000 as proposed by the House.

The following table reflects the conference agreement for Public Law 480 program accounts:

Public Law 480

Title I—Program account:	
Loan authorization, direct	(154,664,000)
Loan subsidies	126,409,000
Ocean freight differential	20,277,000
Title II—Commodities for disposition abroad:	
Program level	(850,000,000)
Appropriation	850,000,000
Salaries and expenses:	
Foreign Agricultural Service (transfer to FAS)	1,033,000
Farm Service Agency (transfer to FSA)	972,000
Subtotal	2,005,000

Total, Public Law 480:

Program level	(1,004,664,000)
Appropriation	998,691,000

PUBLIC LAW 480 TITLE I OCEAN FREIGHT DIFFERENTIAL GRANTS

The conference agreement includes new bill language that provides for the use of funds to be used for the shipment of commodities under the Agricultural Trade Development and Assistance Act of 1954 and under the Food for Progress Act of 1985, and that funds may be used interchangeably between the Title I program account and ocean freight differential account with prior notice to the Committees on Appropriations.

TITLE VI—RELATED AGENCIES AND FOOD AND DRUG ADMINISTRATION DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION SALARIES AND EXPENSES

The conference agreement provides total appropriations, including Prescription Drug User Fee Act collections, of \$1,345,386,000 for the salaries and expenses of the Food and Drug Administration, as proposed by the Senate, instead of \$1,345,289,000 as proposed by the House, and provides specific amounts by FDA activity as reflected in the following table.

Program	Budget authority	Prescription drug user fees	Total
Foods	312,049,000	0	312,049,000
Human Drugs	246,459,000	106,188,000	352,647,000
Biologics	120,531,000	35,344,000	155,875,000
Animal Drugs and Feeds	82,967,000	0	82,967,000
Medical Devices	179,521,000	0	179,521,000
NCTR	37,082,000	0	37,082,000
Rent and Rent-related activities ...	29,798,000	0	29,798,000
Other Activities ...	76,387,000	13,944,000	90,331,000
Rental Payments to GSA	98,876,000	6,240,000	105,116,000
Net Appropriation ...	1,183,670,000	161,716,000	1,345,386,000

The conference agreement provides the full budget authority increases from the fiscal

year 2001 levels requested in the President's fiscal year 2002 budget for the following activities: \$15,000,000 for BSE prevention and enforcement; \$10,000,000 for adverse event monitoring and reporting; \$10,000,000 for human subject protection; \$9,400,000 for food safety activities; and \$10,297,000 for inspections and import monitoring.

The conference agreement provides an increase of \$45,200,000 over the fiscal year 2001 level to fund pay cost increases as proposed by the House instead of \$40,000,000 as proposed by the Senate.

For other increases requested in the President's fiscal year 2002 budget, the conferees provide: \$4,000,000 for the move of the Center for Drug Evaluation and Research to White Oak, Maryland; and \$3,100,000 for financial management system priorities. The conferees direct that the priority use of the financial management system funds will be to support streamlining and centralizing FDA's existing financial management systems, rather than beginning investment in a new financial system.

The conference agreement provides increases for the generic drugs program and generic drug education, as proposed by both the House and the Senate. The conferees direct an increase of \$2,500,000 above the fiscal year 2001 level for the generic drug program. This amount includes a \$250,000 increase for generic drug education activities, for a total of \$400,000 in fiscal year 2002 funding for that purpose.

The conference agreement provides an increase of \$3,000,000 for activities related to antibiotic drugs. The conference agreement does not include a proviso that \$5,000,000 may be for activities carried out with respect to antibiotic drugs, as proposed by the House. The Senate had no similar provision.

The conference agreement does not include a proviso that \$250,000 may be for activities carried out with regard to food labeling, as proposed by the House. The Senate had no similar provision.

In addition, the conference agreement provides increases from the fiscal year 2001 levels of \$1,500,000 for dietary supplement adverse event monitoring, instead of \$2,000,000 as proposed by the Senate; \$1,000,000 to continue work carried out by the FDA in collaboration with the National Center for Natural Products Research to identify and analyze botanical ingredients in dietary supplements, as proposed by the Senate; \$500,000 for a gene tracking system, as proposed by the Senate; \$500,000 for dietary supplement activities relating to enforcement purposes, instead of \$1,000,000 as proposed by the Senate; and \$1,000,000 for the orphan product grant program, instead of \$2,000,000 as proposed by the Senate. The \$1,000,000 increase for the orphan product grant program includes \$850,000 for orphan product grants and \$150,000 for administrative expenses. The House had no similar proposals.

The conferees continue the fiscal year 2001 level of funding for FDA to fulfill its contract with New Mexico State University's Physical Science Laboratory to conduct method evaluation of rapid testing methods of fresh fruits and vegetables for microbial contamination.

The conference agreement provides an increase of \$500,000 for the Office of Women's Health, instead of \$700,000 as proposed by the House. The Senate language did not provide an increase. The conferees are concerned that the FDA has paid insufficient attention to gender-based research. The conferees direct that the agency develop an agency-wide database focused on women's health activities to include demographic data on clinical

trials. The conferees require a report to the Committees by June 3, 2002, which should include an update on the current pilot program and a capability assessment of the agency's ability to review clinical trial databases, coordinate data collection, and identify areas in which gaps exist.

The conference agreement does not include a provision that an additional \$2,950,000 is available for drug reimportation activities, after certain requirements are met, as proposed by the House. The Senate had no similar provision.

The conference agreement includes language relating to the credit of user fees, as proposed by the Senate. The House included similar language.

The conference agreement provides that fees derived from applications received during fiscal year 2002 shall be subject to the fiscal year 2002 limitation as proposed by the Senate. The House had no similar provision.

The conference agreement directs that no funds be used to develop or establish user fee programs, as proposed by the Senate. The House had no similar provision.

The conferees include program specifications and allow funds to be transferred from one specified activity to another with prior approval of the Committees on Appropriations, as proposed by the Senate. The House had no similar provision.

The conferees request a report to the Committees on Appropriations from FDA on FDA's plans to promulgate regulations to prevent cross-contamination of foods by undeclared allergens. The report is due March 1, 2002, instead of December 31, 2001, as proposed by the House.

The conferees direct the Secretary of Health and Human Services to submit a report to the Committees on Appropriations on the administration of the National Antimicrobial Resistance Monitoring System (NARMS) by May 1, 2002, instead of March 1, 2002, as proposed by the House. This report should include a breakout of all FDA funds allocated to NARMS, other funding sources, overhead costs, and the activities of the NARMS program, including interagency agreements and interactions with non-governmental institutions.

The conferees expect that FDA will continue its work with the Interstate Shellfish Sanitary Commission (ISSC) to promote educational and research activities related to shellfish safety in general, and *Vibrio vulnificus* in particular. The conference agreement directs the use of \$250,000 for this effort from within sums provided for food safety, the same amount proposed by the House and instead of \$200,000 as proposed by the Senate. In addition, the conferees direct that the FDA continue to devote not less than \$200,000 to its efforts in working with the ISSC on assuring the safety and quality of shellfish and development of shellfish regulations, as proposed by the House.

The conference agreement includes a requirement for a report on shellfish safety goals, due to the Committees on Appropriations by December 1, 2002, instead of by March 1, 2002 as proposed by the Senate.

The conferees direct that at least \$2,100,000 of the funds appropriated for FDA activities be used in support of Codex Alimentarius activities, as proposed by the Senate.

The conferees provide \$1,000,000, from within the funds for food safety, to analyze risks associated with biotech foods used for animal feeds, as proposed by the Senate.

The conferees are aware that a small but growing percentage of the population is allergic to latex. While many individuals sen-

sitized to latex may never experience symptoms, severe reactions may be lethal. The FDA states in the 1999 Food Code—Annex 3 that there have been reports of individuals experiencing an allergic reaction from eating food prepared by food handlers wearing latex gloves. Given this, the conferees direct the FDA to report back within nine months of the enactment of this Act on the incidence of latex allergies related to food handling, FDA's monitoring of the situation, and agency plans to eliminate exposure to latex from food handling if data warrants such a decision. The conferees also encourage FDA to consider adding latex to its priority list of food allergens.

The conferees are aware that FDA has proposed rules that include a prohibition on pooling tissue from multiple donors, but allow a waiver under certain circumstances. According to the FDA, these rules are designed to "prevent the introduction, transmission, and spread of communicable diseases." The conferees believe that FDA should only consider granting waivers from the pooling prohibition if it can be demonstrated that the products are as safe, pure, and potent as tissue products that have been processed without pooling. The conferees urge the agency to continue to encourage medical and technological innovation, and to employ a balanced, science-based process to evaluate applications for waivers, with the ultimate goal of ensuring patient safety. The conferees direct FDA to provide the Committees on Appropriations with quarterly reports on the status of such waivers.

The conferees are aware that FDA has never issued Current Good Manufacturing Practice (CGMP) regulations for medical oxygen and other medical gases despite the fact that the agency intended to do so in 1978. The conferees are concerned that FDA's interpretation of CGMP requirements pertaining to the validation of Air Separation Units (ASUs) would benefit from more extensive comment from, and interaction with, the regulated industry. Therefore, the conferees strongly encourage FDA to develop draft guidance on medical gas CGMPs that addresses ASU validation requirements and to report to the Committees on Appropriations regarding the status of these guidelines within six months of the enactment of this Act. The guidance development process should be fully consistent with the agency's good guidance practices and should allow for extensive industry input and interaction. In addition, FDA would be expected to address and respond to each significant comment received as it would in a rulemaking process.

The conferees note that the Food and Drug Administration has received a petition requesting the promulgation of a new standard of identity for yogurt. The conferees agree that the petition should be given full consideration and request the agency to submit a status report on this matter by June 1, 2002.

The conferees strongly encourage FDA to make the availability of safe, effective animal drugs a priority for the agency. FDA should focus on reviewing animal drug applications in a timely, efficient manner with high quality standards. The conferees urge the agency to take action to meet statutory time frames for animal drug application review and to report on its performance to the Committees on Appropriations prior to the fiscal year 2003 appropriations hearings.

Consistent with its continuing interest in the appropriate labeling of irradiated food products, the conferees direct the FDA to report to the Committees on Appropriations by February 1, 2002, on the outcome of recent

focus groups regarding the labeling of irradiated food products and to report on how the results will be integrated into future rule-making decisions.

The conferees are familiar with concerns that have been expressed regarding the impact of regulations promulgated by the Food and Drug Administration (21 CFR Sec. 203.39) on free health care clinics. The conferees encourage the agency to continue its review of the regulations' impacts and direct the agency to include a status report on this matter when it submits its budget request for the next fiscal year.

INDEPENDENT AGENCIES

COMMODITY FUTURES TRADING COMMISSION

The conference agreement provides \$70,700,000 for the Commodity Futures Trading Commission as proposed by the House instead of \$70,400,000 as proposed by the Senate.

TITLE VII—GENERAL PROVISIONS

House and Senate Section 707.—The conference agreement (Section 707) does not include the phrase "commonly known as the Agricultural Act of 1954" as proposed by the Senate.

House and Senate Section 712.—The conference agreement includes language (Section 712) that allows the Local Television Loan Guarantee program to remain available until expended to cover obligations made in fiscal year 2002 as proposed by the Senate and technical corrections as proposed by the House.

House Section 714.—The conference agreement does not include a provision allowing the Natural Resources Conservation Service to enter into cooperative agreements as proposed by the House. This provision was made permanent in P.L. 106-387.

House Section 723 and Senate Section 722.—The conference agreement includes language (Section 722) regarding limitations on the Initiative for Future Agriculture and Food Systems as proposed by the House.

House Section 725 and Senate Section 726.—The conference agreement (Section 725) includes "Food and Drug Administration" in the title of the Appropriations Subcommittee as proposed by the House.

House Section 727 and Senate Section 729.—The conference agreement (Section 728) provides \$2,496,000 for hunger fellowships instead of \$4,000,000 as proposed by the House and \$1,996,000 as proposed by the Senate.

House Section 728 and Senate Section 730.—The conference agreement includes permanent language (Section 729) allowing the deposit of credit card refunds and rebates in the Working Capital Fund as proposed by the House.

House Section 730.—The conference agreement includes language (Section 731) regarding authorization for the National Sheep Industry Improvement Center as proposed by the House.

House Section 731.—The conference agreement includes language (Section 732) regarding limitations on issuing a proposed rule modifying the Animal Welfare Act.

House Section 732.—The conference agreement (Section 733) makes Cabot, AR, Coachella, CA, and Berlin, NH, eligible for Rural Community Advancement Program grants and loans.

House Section 733.—The conference agreement (Section 734) makes Casa Grande, AZ as meeting the requirements of a rural area in section 520 of the Housing Act of 1949 as proposed by the House.

Senate Section 732.—The conference agreement includes language (Section 735) that provides authority for the Secretary to use

up to \$5,000,000 of funds made available under section 27(a) of the Food Stamp Act for administrative costs for the distribution of commodities as proposed by the Senate.

Senate Section 733.—The conference agreement includes language (Section 736) that allows the Secretary to transfer up to \$13,000,000 for technical assistance to implement the Conservation Reserve Program instead of \$26,000,000 as proposed by the Senate.

House Section 734 and Senate Section 734.—The conference agreement (Section 737) makes the City of St. Joseph, MO, eligible for grants and loans administered by the rural development mission area as proposed by the Senate.

House Section 735.—The conference agreement (Section 738) makes Hollister, CA as meeting the requirements of a rural area for grants and loans administered by the Rural Housing Service as proposed by the House.

Senate Section 735.—The conference agreement includes language (Section 743) that extends the eligibility of private organizations to participate in the Child and Adult Care Food Program as proposed by the Senate.

House Section 736.—The conference agreement includes language (Section 739) regarding prohibition of funds for check-off program as proposed by the House.

Senate Section 736.—The conference agreement (Section 744) provides \$150,000 for the Mallard Pointe project in Madison County, MS as proposed by the Senate.

House Section 737 and Senate Section 724.—The conference agreement includes language (Section 740) that prohibits the use of funds to close or relocate certain FDA offices in St. Louis, Missouri.

Senate Section 737.—The conference agreement includes language (Section 745) directing the Secretary to develop and implement a pilot project in the Illinois basin as proposed by the Senate.

House Section 738 and Senate Section 725.—The conference agreement includes language (Section 724) prohibiting the use of funds to reduce staff levels at certain FDA offices in Detroit, Michigan, below the July 31, 1999, levels as proposed by the Senate instead of July 31, 2000, levels as proposed by the House.

Senate Section 738.—The conference agreement (Section 746) provides \$250,000 for a wetlands restoration and water conservation project.

House Section 739.—The conference agreement (Section 741) provides \$75,000,000 for market loss payments for apple producers.

Senate Section 739.—The conference agreement (Section 747) provides \$3,000,000 of the Rural Community Advancement Program for a grant for an integrated ethanol plant, feedlot, and animal waste digestion unit as proposed by the Senate.

Senate Section 740.—The conference agreement provides permanent language (Section 748) instructing the Administrator of the Rural Utilities Service to use the authorities of the Rural Electrification Act of 1936 to finance the acquisition of electricity in predominantly rural areas as proposed by the Senate.

House Section 741.—The conferees do not include a House provision prohibiting the use of funds to eliminate two river navigator positions. The conference agreement, however, does include \$204,000 under the Natural Resources Conservation Service, Conservation Operations account, fully funding those positions.

Senate Section 741.—The conference agreement does not include language (Section 749)

regarding marketing of raw cane sugar or beet sugar as proposed by the Senate.

House Section 742.—The conference agreement does not include language that decreases by \$6,000,000 the amount that can be spent pursuant to section 524(a) of the Federal Crop Insurance Act and increases the amount for the Watershed and Flood Prevention Operations account.

Senate Section 742.—The conference agreement (Section 750) provides not to exceed \$400,000 from available Emergency Watershed Protection Program funds in Arkansas to complete the current construction phase of the Kuhn Bayou Project as proposed by the Senate.

House Section 743.—The conference agreement does not include language prohibiting the use of funds to enforce section 801(g) of the Federal Food, Drug, and Cosmetic Act.

Senate Section 743.—The conference agreement includes language (Section 751) regarding Secure Rural Schools and Community Self-Determination Act of 2000.

House Section 744.—The conference agreement includes language (Section 742) prohibiting the use of funds from being available to any person or entity that has been convicted of violating the Buy American Act as proposed by the House.

Senate Section 744.—The conference agreement includes language (Section 752) that amends the Housing Act of 1949.

House Section 745.—The conference agreement does not include language that reduces the Agriculture Buildings and Facilities and Rental Payments account and increases the Elderly Feeding Program.

Senate Section 745.—The conference agreement includes permanent language (Section 753) making West Virginia State College eligible to receive funds under the Act of August 30, 1890 as proposed by the Senate.

House Section 746.—The conference agreement does not include language that increases the salaries and expenses of the Food and Drug Administration.

Senate Section 746.—The conference agreement includes language (Section 754) making financial and technical assistance relating to the Tanana River as proposed by the Senate.

House Section 747.—The conference agreement does not include language regarding the responsibilities of the Food and Drug Administration with respect to section 505(j) of the Federal Food, Drug, and Cosmetic Act or section 314.53(b) of title 21, Code of Federal Regulations. However, the conferees are concerned that the U.S. patent law allows pharmaceutical manufacturing companies to obtain additional patents for drugs approved by the Food and Drug Administration and submitted for listing in the Approved Drug Products with Therapeutic Equivalence Evaluations, or Orange Book, for changes to their products that, on the merits, may not justify the resulting high pharmaceutical costs to consumers.

The conferees note that U.S. patent law is not within the Appropriations this Committees' jurisdiction. In addition, the FDA has little expertise or responsibility in the field of patent determinations. The conferees also note that the Federal Trade Commission (FTC) is doing a study on pharmaceutical industry practices relating to the Hatch-Waxman Act. The conferees do believe that additional information on this subject would be helpful to those with oversight responsibilities in this area, and request the Secretary of Health and Human Services to instruct the Food and Drug Administration to work with the FTC and provide a report on this subject to the Committees on Appropriations

of the House and Senate within 8 months after completion of the FTC report. The report should provide information on FDA's evaluation of the FTC findings.

In addition, the conferees direct the Secretary to report to the Committees by March 1, 2002, on the best methods to collect and disseminate information on the nature of patent extensions that have been granted on products appearing in the Orange Book, the effect those extensions would have on costs to consumers and a societal cost/benefit analysis in regard to such extensions.

Senate Section 747.—The conference agreement includes language (Section 755) prohibiting the use of funds to the Food and Drug Administration to allow the admission of fish or fish products labeled as "catfish" unless they are from the family Ictaluridae as proposed by the Senate.

Senate Section 748.—The conference agreement includes language (Section 756) that authorizes the Secretary to accept any unused funds that were transferred to the Alaska Railroad Corporation and retransfer such funds as a direct lump sum payment to the City of Valdez as proposed by the Senate.

Senate Section 749.—The conference agreement includes language (Section 757) providing not more than \$5,000,000 of funds of the Commodity Credit Corporation to pay claims of crop damage that resulted from the Bureau of Land Management's use of herbicides during the 2001 calendar year.

Senate Section 750.—The conference agreement includes language (Section 758) regarding a pilot program for enrollment of wetland and buffer acreage in conservation reserve as proposed by the Senate.

Senate Section 751.—The conference agreement includes language (Section 759) regarding tobacco and horses.

Senate Section 752.—The conference agreement includes language (Section 760) making sweet potatoes eligible for crop insurance.

Senate Section 753.—The conference agreement does not include a provision that requires the Secretary of Agriculture to submit a reprogramming request to address tornado damage at the Beltsville Agricultural Research Center. The conferees expect the Secretary to assess the funding requirements for repair and/or replacement of damaged or destroyed facilities, and to take appropriate action to assure that facilities needs are met.

Senate Section 754.—The conference agreement includes language (Section 761) that extends the date for citrus canker eradication payments as proposed by the Senate.

Senate Section 755.—The conference agreement does not include language regarding Mare Reproductive Loss Syndrome. The conferees encourage the Secretary to use the APHIS contingency fund to combat Mare Reproductive Loss Syndrome in Kentucky.

Senate Section 756.—The conference agreement includes language (Section 762) that allows the Secretary to make grants to state agencies for use by regulatory commissions in states with rural communities without local dial-up Internet access or broadband service to establish a competitively, technologically neutral grant program.

Senate Section 757.—The conference agreement includes language (Section 763) regarding the Farmland Protection Program as proposed by the Senate.

Senate Section 758.—The conference agreement (Section 764) makes the City of Caldwell, ID, eligible for grants and loans administered by the Rural Housing Service as proposed by the Senate.

Senate Section 759.—The conference agreement includes language (Section 765) that

amends the Agriculture Marketing Agreement Act of 1937 as proposed by the Senate.

Senate Section 760.—The conference agreement includes language (Section 766) that amends the Richard B. Russell National School Lunch Act as proposed by the Senate.

Senate Section 761.—The conference agreement does not include language regarding West Nile Virus. The conferees encourage the Secretary to use the APHIS contingency fund to combat West Nile Virus in Illinois.

Senate Section 762.—The conference agreement (Section 767) makes the City of Mt. Vernon, WA, eligible for grants and loans administered by the Rural Housing Service as proposed by the Senate.

Section 768.—The conference agreement provides that Watershed and Flood Prevention Operation funds shall be available for technical and financial assistance to implement the Ferry Creek Mainstream Watershed Plan in DuPage County, Illinois.

Section 769.—The conference agreement provides that Watershed and Flood Prevention Operation funds shall be available for technical and financial assistance for a lake level stabilization project in Burnett and Washburn Counties, Wisconsin.

Section 770.—The conference agreement includes language that makes any current Rural Utilities Service borrower within 100 miles of New York City eligible for additional financing, refinancing, collateral flexibility, and deferrals for telecommunications, energy or water projects.

Section 771.—The conference agreement includes language that amends section 17(r)(5) of the Richard B. Russell National School Lunch Act.

Section 772.—The conference agreement includes language that amends section 141 of the Agricultural Market Transition Act.

Section 773.—The conference agreement includes language that authorizes the Secretary to transfer refined sugar to the Southern Minnesota Beet Sugar Co-op.

Section 774.—The conference agreement includes language regarding tobacco.

Section 775.—The conference agreement includes language that amends the Competitive, Special, and Facilities Research Grant Act.

Section 776.—The conference agreement includes language that limits the program authorized by section 524(a) of the Federal Crop Insurance Act to a total of \$4,000,000 in fiscal year 2002.

Section 777.—The conference agreement amends language that amends section 501 of the Agricultural Trade Development and Assistance Act of 1954.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 2002 recommended by the Committee on Conference, with comparisons to the fiscal year 2001 amount, the 2002 budget estimates, and the House and Senate bills for 2002 follow:

[In thousands of dollars]

New budget (obligational) authority, fiscal year 2001	\$76,659,577
Budget estimates of new (obligational) authority, fiscal year 2002	73,976,108
House bill, fiscal year 2002	74,359,843
Senate bill, fiscal year 2002	75,797,465
Conference agreement, fiscal year 2002	75,794,443
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 2001	—865,134

Budget estimates of new (obligational) authority, fiscal year 2002	+1,818,335
House bill, fiscal year 2002	+1,434,600
Senate bill, fiscal year 2002	—3,022

HENRY BONILLA,
JAMES T. WALSH,
JACK KINGSTON,
TOM LATHAM,
JO ANN EMERSON,
VIRGIL H. GOODE, Jr.,
RAY LAHOOD,
C.W. BILL YOUNG,
MARCY KAPTUR,
ROSA L. DELAURO,
MAURICE D. HINCHEY,
SAM FARR,
ALLEN BOYD,
DAVID R. OBEY,

Managers on the Part of the House.

HERB KOHL,
TOM HARKIN,
BYRON L. DORGAN,
DIANNE FEINSTEIN,
RICHARD J. DURBIN,
TIM JOHNSON,
ROBERT C. BYRD,
THAD COCHRAN,
ARLEN SPECTER,
CHRISTOPHER S. BOND,
MITCH MCCONNELL,
CONRAD BURNS,
LARRY CRAIG,
TED STEVENS,

Managers on the Part of the Senate.

CONFERENCE REPORT ON H.R. 2500

Mr. WOLF submitted the following conference report and statement on the bill (H.R. 2500) "making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes":

CONFERENCE REPORT (H. REPT. 107-278)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2500) "making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes", having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2002, and for other purposes, namely:

TITLE I—DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the administration of the Department of Justice, \$91,668,000, of which not to exceed \$3,317,000 is for the Facilities Program 2000, to remain available until expended: Provided, That not to exceed 43 permanent positions and 44 full-time equivalent workyears and \$8,451,000 shall be expended for

the Department Leadership Program exclusive of augmentation that occurred in these offices in fiscal year 2001: Provided further, That not to exceed 41 permanent positions and 48 full-time equivalent workyears and \$4,997,000 shall be expended for the Offices of Legislative Affairs and Public Affairs: Provided further, That the latter two aforementioned offices may utilize non-reimbursable details of career employees within the caps described in the preceding proviso: Provided further, That the Attorney General is authorized to transfer, under such terms and conditions as the Attorney General shall specify, forfeited real or personal property of limited or marginal value, as such value is determined by guidelines established by the Attorney General, to a State or local government agency, or its designated contractor or transferee, for use to support drug abuse treatment, drug and crime prevention and education, housing, job skills, and other community-based public health and safety programs: Provided further, That any transfer under the preceding proviso shall not create or confer any private right of action in any person against the United States, and shall be treated as a reprogramming under section 605 of this Act.

JOINT AUTOMATED BOOKING SYSTEM

For expenses necessary for the nationwide deployment of a Joint Automated Booking System including automated capability to transmit fingerprint and image data, \$1,000,000, to remain available until expended.

NARROWBAND COMMUNICATIONS

For the costs of conversion to narrowband communications, including the cost for operation and maintenance of Land Mobile Radio legacy systems, \$94,615,000, to remain available until expended.

COUNTERTERRORISM FUND

For necessary expenses, as determined by the Attorney General, \$4,989,000, to remain available until expended, to reimburse any Department of Justice organization for: (1) the costs incurred in reestablishing the operational capability of an office or facility which has been damaged or destroyed as a result of any domestic or international terrorist incident; and (2) the costs of providing support to counter, investigate or prosecute domestic or international terrorism, including payment of rewards in connection with these activities: Provided, That any Federal agency may be reimbursed for the costs of detaining in foreign countries individuals accused of acts of terrorism that violate the laws of the United States: Provided further, That funds provided under this paragraph shall be available only after the Attorney General notifies the Committees on Appropriations of the House of Representatives and the Senate in accordance with section 605 of this Act.

ADMINISTRATIVE REVIEW AND APPEALS

For expenses necessary for the administration of pardon and clemency petitions and immigration-related activities, \$173,647,000.

DETENTION TRUSTEE

For necessary expenses of the Federal Detention Trustee who shall exercise all power and functions authorized by law relating to the detention of Federal prisoners in non-Federal institutions or otherwise in the custody of the United States Marshals Service; and the detention of aliens in the custody of the Immigration and Naturalization Service, \$1,000,000: Provided, That the Trustee shall be responsible for overseeing construction of detention facilities or for housing related to such detention; the management of funds appropriated to the Department for the exercise of any detention functions; and the direction of the United States Marshals Service and Immigration and Naturalization Service with respect to the exercise of detention policy setting and operations for the Department.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$50,735,000; including not to exceed \$10,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and for the acquisition, lease, maintenance, and operation of motor vehicles, without regard to the general purchase price limitation for the current fiscal year.

UNITED STATES PAROLE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the United States Parole Commission as authorized by law, \$9,876,000.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For expenses necessary for the legal activities of the Department of Justice, not otherwise provided for, including not to exceed \$20,000 for expenses of collecting evidence, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and rent of private or Government-owned space in the District of Columbia, \$549,176,000; of which not to exceed \$10,000,000 for litigation support contracts shall remain available until expended: Provided, That of the total amount appropriated, not to exceed \$1,000 shall be available to the United States National Central Bureau, INTERPOL, for official reception and representation expenses: Provided further, That notwithstanding any other provision of law, upon a determination by the Attorney General that emergent circumstances require additional funding for litigation activities of the Civil Division, the Attorney General may transfer such amounts to "Salaries and Expenses, General Legal Activities" from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: Provided further, That any transfer pursuant to the previous proviso shall be treated as a reprogramming under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

In addition, for reimbursement of expenses of the Department of Justice associated with processing cases under the National Childhood Vaccine Injury Act of 1986, as amended, not to exceed \$4,028,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

LEGAL ACTIVITIES OFFICE AUTOMATION

For necessary office-automation expenses of organizations funded under the headings "Salaries and Expenses", General Legal Activities, and "Salaries and Expenses", General Administration, and of the United States Attorneys, the United States Marshals Service, the Antitrust Division, the United States Trustee Program, the Executive Office for Immigration Review, and the Community Relations Service, \$15,765,000, to remain available until expended.

SALARIES AND EXPENSES, ANTITRUST DIVISION

For expenses necessary for the enforcement of antitrust and kindred laws, \$130,791,000: Provided, That, notwithstanding any other provision of law, not to exceed \$130,791,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18a), regardless of the year of collection, shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: Provided further, That the sum herein appropriated from the

general fund shall be reduced as such offsetting collections are received during fiscal year 2002, so as to result in a final fiscal year 2002 appropriation from the general fund estimated at not more than \$0.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For necessary expenses of the Offices of the United States Attorneys, including inter-governmental and cooperative agreements, \$1,353,968,000; of which not to exceed \$2,500,000 shall be available until September 30, 2003, for: (1) training personnel in debt collection; (2) locating debtors and their property; (3) paying the net costs of selling property; and (4) tracking debts owed to the United States Government: Provided, That of the total amount appropriated, not to exceed \$8,000 shall be available for official reception and representation expenses: Provided further, That not to exceed \$10,000,000 of those funds available for automated litigation support contracts shall remain available until expended: Provided further, That not to exceed \$2,500,000 for the operation of the National Advocacy Center shall remain available until expended: Provided further, That, in addition to reimbursable full-time equivalent workyears available to the Offices of the United States Attorneys, not to exceed 9,571 positions and 9,776 full-time equivalent workyears shall be supported from the funds appropriated in this Act for the United States Attorneys: Provided further, That, notwithstanding any other provision of law, the Attorney General shall transfer to the Department of Justice Working Capital Fund, unobligated, all unexpended funds appropriated by the first heading of chapter 2 of title II of division B of Public Law 106-246 and by section 202 of division A of appendix H.R. 5666 of Public Law 106-554: Provided further, That the fourth proviso under the heading "Salaries and Expenses, United States Attorneys" in title I of H.R. 3421 of the 106th Congress, as enacted by section 1000(a)(1) of Public Law 106-113 shall apply to amounts made available under this heading for fiscal year 2002.

UNITED STATES TRUSTEE SYSTEM FUND

For necessary expenses of the United States Trustee Program, as authorized by 28 U.S.C. 589a(a), \$147,000,000, to remain available until expended and to be derived from the United States Trustee System Fund: Provided, That, notwithstanding any other provision of law, deposits to the Fund shall be available in such amounts as may be necessary to pay refunds due depositors: Provided further, That, notwithstanding any other provision of law, \$147,000,000 of offsetting collections pursuant to 28 U.S.C. 589a(b) shall be retained and used for necessary expenses in this appropriation and remain available until expended: Provided further, That the sum herein appropriated from the Fund shall be reduced as such offsetting collections are received during fiscal year 2002, so as to result in a final fiscal year 2002 appropriation from the Fund estimated at \$0.

SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION

For expenses necessary to carry out the activities of the Foreign Claims Settlement Commission, including services as authorized by 5 U.S.C. 3109, \$1,136,000.

SALARIES AND EXPENSES, UNITED STATES MARSHALS SERVICE

For necessary expenses of the United States Marshals Service, including the acquisition, lease, maintenance, and operation of vehicles, and the purchase of passenger motor vehicles for police-type use, without regard to the general purchase price limitation for the current fiscal year, \$619,429,000; of which not to exceed \$6,000 shall be available for official reception

and representation expenses; and of which not to exceed \$4,000,000 for development, implementation, maintenance and support, and training for an automated prisoner information system shall remain available until expended: Provided, That, in addition to reimbursable full-time equivalent workyears available to the United States Marshals Service, not to exceed 4,128 positions and 3,993 full-time equivalent workyears shall be supported from the funds appropriated in this Act for the United States Marshals Service.

In addition, for the costs of courthouse security equipment, including furnishings, relocations, and telephone systems and cabling, \$14,267,000, to remain available until expended.

CONSTRUCTION

For planning, constructing, renovating, equipping, and maintaining United States Marshals Service prisoner-holding space in United States courthouses and Federal buildings, including the renovation and expansion of prisoner movement areas, elevators, and saltports, \$15,000,000 to remain available until expended.

FEDERAL PRISONER DETENTION

For expenses, related to United States prisoners in the custody of the United States Marshals Service, but not including expenses otherwise provided for in appropriations available to the Attorney General, \$706,182,000, to remain available until expended.

FEES AND EXPENSES OF WITNESSES

For expenses, mileage, compensation, and per diems of witnesses, for expenses of contracts for the procurement and supervision of expert witnesses, for private counsel expenses, and for per diems in lieu of subsistence, as authorized by law, including advances, \$156,145,000, to remain available until expended; of which not to exceed \$6,000,000 may be made available for planning, construction, renovations, maintenance, remodeling, and repair of buildings, and the purchase of equipment incident thereto, for protected witness safesites; of which not to exceed \$1,000,000 may be made available for the purchase and maintenance of armored vehicles for transportation of protected witnesses; and of which not to exceed \$5,000,000 may be made available for the purchase, installation, and maintenance of secure telecommunications equipment and a secure automated information network to store and retrieve the identities and locations of protected witnesses.

SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

For necessary expenses of the Community Relations Service, \$9,269,000 and, in addition, up to \$1,000,000 of funds made available to the Department of Justice in this Act may be transferred by the Attorney General to this account: Provided, That notwithstanding any other provision of law, upon a determination by the Attorney General that emergent circumstances require additional funding for conflict prevention and resolution activities of the Community Relations Service, the Attorney General may transfer such amounts to the Community Relations Service, from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: Provided further, That any transfer pursuant to the previous proviso shall be treated as a reprogramming under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

ASSETS FORFEITURE FUND

For expenses authorized by 28 U.S.C. 524(c)(1)(A)(ii), (B), (F), and (G), as amended, \$22,949,000, to be derived from the Department of Justice Assets Forfeiture Fund.

RADIATION EXPOSURE COMPENSATION ADMINISTRATIVE EXPENSES

For necessary administrative expenses in accordance with the Radiation Exposure Compensation Act, \$1,996,000.

INTERAGENCY LAW ENFORCEMENT

INTERAGENCY CRIME AND DRUG ENFORCEMENT

For necessary expenses for the detection, investigation, and prosecution of individuals involved in organized crime drug trafficking not otherwise provided for, to include inter-governmental agreements with State and local law enforcement agencies engaged in the investigation and prosecution of individuals involved in organized crime drug trafficking, \$338,577,000, of which \$50,000,000 shall remain available until expended: Provided, That any amounts obligated from appropriations under this heading may be used under authorities available to the organizations reimbursed from this appropriation: Provided further, That any unobligated balances remaining available at the end of the fiscal year shall revert to the Attorney General for reallocation among participating organizations in succeeding fiscal years, subject to the reprogramming procedures set forth in section 605 of this Act.

FEDERAL BUREAU OF INVESTIGATION SALARIES AND EXPENSES

For necessary expenses of the Federal Bureau of Investigation for detection, investigation, and prosecution of crimes against the United States; including purchase for police-type use of not to exceed 1,354 passenger motor vehicles, of which 1,190 will be for replacement only, without regard to the general purchase price limitation for the current fiscal year, and hire of passenger motor vehicles; acquisition, lease, maintenance, and operation of aircraft; and not to exceed \$70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General, \$3,491,073,000; of which not to exceed \$50,000,000 for automated data processing and telecommunications and technical investigative equipment and not to exceed \$1,000,000 for undercover operations shall remain available until September 30, 2003; of which not less than \$459,243,000 shall be for counterterrorism investigations, foreign counterintelligence, and other activities related to our national security; of which not to exceed \$10,000,000 is authorized to be made available for making advances for expenses arising out of contractual or reimbursable agreements with State and local law enforcement agencies while engaged in cooperative activities related to violent crime, terrorism, organized crime, and drug investigations: Provided, That not to exceed \$45,000 shall be available for official reception and representation expenses: Provided further, That of the amount made available under this heading, \$53,000 shall be available only to reimburse Acadian Ambulance & Air Med Services for costs incurred during the December 1999 prison riot in St. Martin Parish Correctional Center, St. Martin Parish, Louisiana: Provided further, That, in addition to reimbursable full-time equivalent workyears available to the Federal Bureau of Investigation, not to exceed 24,935 positions and 24,488 full-time equivalent workyears shall be supported from the funds appropriated in this Act for the Federal Bureau of Investigation.

CONSTRUCTION

For necessary expenses to construct or acquire buildings and sites by purchase, or as otherwise authorized by law (including equipment for such buildings); conversion and extension of federally-owned buildings; and preliminary planning and design of projects; \$33,791,000, to remain available until expended.

DRUG ENFORCEMENT ADMINISTRATION SALARIES AND EXPENSES

For necessary expenses of the Drug Enforcement Administration, including not to exceed \$70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; expenses for conducting drug education and training programs, including travel and related expenses for participants in such programs and the distribution of items of token value that promote the goals of such programs; purchase of not to exceed 1,477 passenger motor vehicles, of which 1,354 will be for replacement only, for police-type use without regard to the general purchase price limitation for the current fiscal year; and acquisition, lease, maintenance, and operation of aircraft, \$1,481,783,000; of which \$33,000,000 for permanent change of station shall remain available until September 30, 2003; of which not to exceed \$1,800,000 for research shall remain available until expended, and of which not to exceed \$4,000,000 for purchase of evidence and payments for information, not to exceed \$10,000,000 for contracting for automated data processing and telecommunications equipment, and not to exceed \$2,000,000 for laboratory equipment, \$4,000,000 for technical equipment, and \$2,000,000 for aircraft replacement retrofit and parts, shall remain available until September 30, 2003; of which not to exceed \$50,000 shall be available for official reception and representation expenses: Provided, That, in addition to reimbursable full-time equivalent workyears available to the Drug Enforcement Administration, not to exceed 7,654 positions and 7,515 full-time equivalent workyears shall be supported from the funds appropriated in this Act for the Drug Enforcement Administration.

IMMIGRATION AND NATURALIZATION SERVICE SALARIES AND EXPENSES

For expenses necessary for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration, as follows:

ENFORCEMENT AND BORDER AFFAIRS

For salaries and expenses for the Border Patrol program, the detention and deportation program, the intelligence program, the investigations program, and the inspections program, including not to exceed \$50,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; purchase for police-type use (not to exceed 3,165 passenger motor vehicles, of which 2,211 are for replacement only), without regard to the general purchase price limitation for the current fiscal year, and hire of passenger motor vehicles; acquisition, lease, maintenance and operation of aircraft; research related to immigration enforcement; for protecting and maintaining the integrity of the borders of the United States including, without limitation, equipping, maintaining, and making improvements to the infrastructure; and for the care and housing of Federal detainees held in the joint Immigration and Naturalization Service and United States Marshals Service Buffalo Detention Facility, \$2,739,695,000; of which not to exceed \$5,000,000 is for payments or advances arising out of contractual or reimbursable agreements with State and local law enforcement agencies while engaged in cooperative activities related to immigration; of which not to exceed \$5,000,000 is to fund or reimburse other Federal agencies for the costs associated with the care, maintenance, and repatriation of smuggled illegal aliens: Provided, That none of the funds available to the Immigration and Naturalization Service shall be available to pay any employee overtime pay in

an amount in excess of \$30,000 during the calendar year beginning January 1, 2002, except that the INS Commissioner may exceed this cap as necessary for national security purposes and in cases of immigration emergencies: Provided further, That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year: Provided further, That, in addition to reimbursable full-time equivalent workyears available to the Immigration and Naturalization Service, not to exceed 20,759 positions and 20,096 full-time equivalent workyears shall be supported from the funds appropriated under this heading in this Act for the Immigration and Naturalization Service: Provided further, That none of the funds provided in this or any other Act shall be used for the continued operation of the San Clemente and Temecula checkpoints unless the checkpoints are open and traffic is being checked on a continuous 24-hour basis.

CITIZENSHIP AND BENEFITS, IMMIGRATION SUPPORT AND PROGRAM DIRECTION

For all programs of the Immigration and Naturalization Service not included under the heading "Enforcement and Border Affairs", \$631,745,000, of which not to exceed \$400,000 for research shall remain available until expended: Provided, That not to exceed \$5,000 shall be available for official reception and representation expenses: Provided further, That the Attorney General may transfer any funds appropriated under this heading and the heading "Enforcement and Border Affairs" between said appropriations notwithstanding any percentage transfer limitations imposed under this appropriations Act and may direct such fees as are collected by the Immigration and Naturalization Service to the activities funded under this heading and the heading "Enforcement and Border Affairs" for performance of the functions for which the fees legally may be expended: Provided further, That not to exceed 40 permanent positions and 40 full-time equivalent workyears and \$4,300,000 shall be expended for the Offices of Legislative Affairs and Public Affairs: Provided further, That unencumbered positions in the aforementioned offices after the date of enactment of this Act shall be filled only by personnel details, temporary transfers of personnel on either a reimbursable or non-reimbursable basis, or any other formal or informal transfer or reimbursement of personnel or funds on either a temporary or long-term basis up to 10 full-time equivalent workyears: Provided further, That the number of positions filled through non-career appointment at the Immigration and Naturalization Service, for which funding is provided in this Act or is otherwise made available to the Immigration and Naturalization Service, shall not exceed six permanent positions and six full-time equivalent workyears: Provided further, That none of the funds available to the Immigration and Naturalization Service shall be used to pay any employee overtime pay in an amount in excess of \$30,000 during the calendar year beginning January 1, 2002, except that the INS Commissioner may exceed this cap as necessary for national security purposes and in cases of immigration emergencies: Provided further, That funds may be used, without limitation, for equipping, maintaining, and making improvements to the infrastructure and the purchase of vehicles for police-type use within the limits of the Enforcement and Border Affairs appropriation: Provided further, That, in addition to reimbursable full-time equivalent workyears available to the Immigration and Naturalization Service, not to exceed 3,100 positions and 3,500 full-time equivalent workyears shall be supported from the funds appropriated under this heading in this Act for the Immigration and Naturalization Service.

CONSTRUCTION

For planning, construction, renovation, equipping, and maintenance of buildings and facilities necessary for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration, not otherwise provided for, \$128,454,000, to remain available until expended: Provided, That no funds shall be available for the site acquisition, design, or construction of any Border Patrol checkpoint in the Tucson sector.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

For expenses necessary for the administration, operation, and maintenance of Federal penal and correctional institutions, including purchase (not to exceed \$685, of which \$10 are for replacement only) and hire of law enforcement and passenger motor vehicles, and for the provision of technical assistance and advice on corrections related issues to foreign governments, \$3,808,600,000: Provided, That the Attorney General may transfer to the Health Resources and Services Administration such amounts as may be necessary for direct expenditures by that Administration for medical relief for inmates of Federal penal and correctional institutions: Provided further, That the Director of the Federal Prison System (FPS), where necessary, may enter into contracts with a fiscal agent/fiscal intermediary claims processor to determine the amounts payable to persons who, on behalf of FPS, furnish health services to individuals committed to the custody of FPS: Provided further, That not to exceed \$6,000 shall be available for official reception and representation expenses: Provided further, That not to exceed \$50,000,000 shall remain available for necessary operations until September 30, 2003: Provided further, That, of the amounts provided for Contract Confinement, not to exceed \$20,000,000 shall remain available until expended to make payments in advance for grants, contracts and reimbursable agreements, and other expenses authorized by section 501(c) of the Refugee Education Assistance Act of 1980, as amended, for the care and security in the United States of Cuban and Haitian entrants: Provided further, That the Director of the Federal Prison System may accept donated property and services relating to the operation of the prison card program from a not-for-profit entity which has operated such program in the past notwithstanding the fact that such not-for-profit entity furnishes services under contracts to the Federal Prison System relating to the operation of pre-release services, halfway houses or other custodial facilities.

BUILDINGS AND FACILITIES

For planning, acquisition of sites and construction of new facilities; purchase and acquisition of facilities and remodeling, and equipping of such facilities for penal and correctional use, including all necessary expenses incident thereto, by contract or force account; and constructing, remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions, including all necessary expenses incident thereto, by contract or force account, \$813,552,000, to remain available until expended, of which not to exceed \$14,000,000 shall be available to construct areas for inmate work programs: Provided, That labor of United States prisoners may be used for work performed under this appropriation: Provided further, That not to exceed 10 percent of the funds appropriated to "Buildings and Facilities" in this or any other Act may be transferred to "Salaries and Expenses", Federal Prison System, upon notification by the Attorney General to the Committees on Appropriations of the House of Representatives and the Senate in compliance with provisions set forth in section 605 of this Act.

FEDERAL PRISON INDUSTRIES, INCORPORATED

The Federal Prison Industries, Incorporated, is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available, and in accord with the law, and to make such contracts and commitments, without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation, including purchase (not to exceed five for replacement only) and hire of passenger motor vehicles.

LIMITATION ON ADMINISTRATIVE EXPENSES,
FEDERAL PRISON INDUSTRIES, INCORPORATED

Not to exceed \$3,429,000 of the funds of the corporation shall be available for its administrative expenses, and for services as authorized by 5 U.S.C. 3109, to be computed on an accrual basis to be determined in accordance with the corporation's current prescribed accounting system, and such amounts shall be exclusive of depreciation, payment of claims, and expenditures which the said accounting system requires to be capitalized or charged to cost of commodities acquired or produced, including selling and shipping expenses, and expenses in connection with acquisition, construction, operation, maintenance, improvement, protection, or disposition of facilities and other property belonging to the corporation or in which it has an interest.

OFFICE OF JUSTICE PROGRAMS

JUSTICE ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended ("the 1968 Act"), and the Missing Children's Assistance Act, as amended, including salaries and expenses in connection therewith, and with the Victims of Crime Act of 1984, as amended, \$185,514,000, to remain available until expended, as authorized by section 1001 of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by Public Law 102-534 (106 Stat. 3524).

In addition, for grants, cooperative agreements, and other assistance authorized by sections 819 and 821 of the Antiterrorism and Effective Death Penalty Act of 1996 and for other counterterrorism programs, \$251,494,000, to remain available until expended.

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For assistance authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322), as amended ("the 1994 Act"); the Omnibus Crime Control and Safe Streets Act of 1968, as amended ("the 1968 Act"); the Victims of Child Abuse Act of 1990, as amended ("the 1990 Act"); and the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106-386); \$2,403,354,000 (including amounts for administrative costs, which shall be transferred to and merged with the "Justice Assistance" account), to remain available until expended as follows:

(1) \$400,000,000 for Local Law Enforcement Block Grants, pursuant to H.R. 728 as passed by the House of Representatives on February 14, 1995, except that for purposes of this Act and retroactive to October 1, 2000, Guam shall be considered as one "State" for all purposes under H.R. 728, notwithstanding any provision of section 108(3) thereof, the Commonwealth of Puerto Rico shall be considered a "unit of local government" as well as a "State", for the purposes set forth in paragraphs (A), (B), (D), (F), and (I) of section 101(a)(2) of H.R. 728, and for establishing crime prevention programs involving cooperation between community residents and law enforcement personnel in order to control, detect, or investigate crime or the prosecution of criminals: Provided, That no funds provided under this heading may be used as match-

ing funds for any other Federal grant program, of which:

(A) \$70,000,000 shall be for Boys and Girls Clubs in public housing facilities and other areas in cooperation with State and local law enforcement: Provided, That funds may also be used to defray the costs of indemnification insurance for law enforcement officers,

(B) \$19,956,000 shall be available for grants, contracts, and other assistance to carry out section 102(c) of H.R. 728;

(2) \$565,000,000 for the State Criminal Alien Assistance Program, as authorized by section 242(j) of the Immigration and Nationality Act, as amended;

(3) \$20,000,000 for the Cooperative Agreement Program;

(4) \$48,162,000 for assistance to Indian tribes, of which:

(A) \$35,191,000 shall be available for grants under section 20109(a)(2) of subtitle A of title II of the 1994 Act;

(B) \$7,982,000 shall be available for the Tribal Courts Initiative; and

(C) \$4,989,000 shall be available for demonstration grants on alcohol and crime in Indian Country;

(5) \$594,489,000 for programs authorized by part E of title I of the 1968 Act, notwithstanding the provisions of section 511 of said Act, of which \$94,489,000 shall be for discretionary grants under the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs;

(6) \$11,975,000 for the Court Appointed Special Advocate Program, as authorized by section 218 of the 1990 Act;

(7) \$2,296,000 for Child Abuse Training Programs for Judicial Personnel and Practitioners, as authorized by section 224 of the 1990 Act;

(8) \$998,000 for grants for televised testimony, as authorized by section 1001(a)(7) of the 1968 Act;

(9) \$184,737,000 for Grants to Combat Violence Against Women, to States, units of local government, as authorized by section 1001(a)(18) of the 1968 Act, of which:

(A) \$1,000,000 shall be for the Bureau of Justice Statistics for grants, contracts, and other assistance for a domestic violence Federal case processing study;

(B) \$5,200,000 shall be for the National Institute of Justice for grants, contracts, and other assistance for research and evaluation of violence against women;

(C) \$10,000,000 shall be for the Office of Juvenile Justice and Delinquency Prevention for the Safe Start Program, to be administered as authorized by part C of the Juvenile Justice and Delinquency Act of 1974, as amended; and

(D) \$200,000 for the Attorney General to conduct a study and prepare a report to be submitted to the Subcommittee on Commerce, Justice and State Appropriations of the Senate and House of Representatives Appropriations Committee on the response of local law enforcement agencies to emergency calls involving domestic violence;

(10) \$64,925,000 for Grants to Encourage Arrest Policies to States, units of local government, and Indian tribal governments, as authorized by section 1001(a)(19) of the 1968 Act;

(11) \$39,945,000 for Rural Domestic Violence and Child Abuse Enforcement Assistance Grants, as authorized by section 40295 of the 1994 Act;

(12) \$4,989,000 for training programs to assist probation and parole officers who work with released sex offenders, as authorized by section 40152(c) of the 1994 Act, and for local demonstration projects;

(13) \$3,000,000 for grants to States and units of local government to improve the process for entering data regarding stalking and domestic violence into local, State, and national crime information databases, as authorized by section 40602 of the 1994 Act;

(14) \$10,000,000 for grants to reduce Violent Crimes Against Women on Campus, as authorized by section 1108(a) of Public Law 106-386;

(15) \$40,000,000 for Legal Assistance for Victims, as authorized by section 1201 of Public Law 106-386;

(16) \$5,000,000 for enhancing protection for older and disabled women from domestic violence and sexual assault as authorized by section 40801 of the 1994 Act;

(17) \$15,000,000 for the Safe Havens for Children Pilot Program as authorized by section 1301 of Public Law 106-386;

(18) \$200,000 for the study of standards and processes for forensic exams of domestic violence, as authorized by section 1405 of Public Law 106-386;

(19) \$7,500,000 for Education and Training to end violence against and abuse of women with disabilities, as authorized by section 1402 of Public Law 106-386;

(20) \$10,000,000 for victim services programs for victims of trafficking, as authorized by section 107(b)(2) of Public Law 106-386;

(21) \$70,000,000 for grants for residential substance abuse treatment for State prisoners, as authorized by section 1001(a)(17) of the 1968 Act: Provided, That States that have in-prison drug treatment programs, in compliance with Federal requirements, may use their residential substance abuse grant funds for treatment, both during incarceration and after release;

(22) \$898,000 for the Missing Alzheimer's Disease Patient Alert Program, as authorized by section 240001(c) of the 1994 Act;

(23) \$50,000,000 for Drug Courts, as authorized by title V of the 1994 Act;

(24) \$1,497,000 for Law Enforcement Family Support Programs, as authorized by section 1001(a)(21) of the 1968 Act;

(25) \$1,995,000 for public awareness programs addressing marketing scams aimed at senior citizens, as authorized by section 250005(3) of the 1994 Act;

(26) \$249,450,000 for Juvenile Accountability Incentive Block Grants, of which \$38,000,000 shall be available for grants, contracts, and other assistance under the Project ChildSafe Initiative, except that such funds shall be subject to the same terms and conditions as set forth in the provisions under this heading for this program in Public Law 105-119, but all references in such provisions to 1998 shall be deemed to refer instead to 2002, and Guam shall be considered a "State" for the purposes of title III of H.R. 3, as passed by the House of Representatives on May 8, 1997; and

(27) \$1,298,000 for Motor Vehicle Theft Prevention Programs, as authorized by section 220002(h) of the 1994 Act: Provided, That funds made available in fiscal year 2002 under subpart 1 of part E of title I of the 1968 Act may be obligated for programs to assist States in the litigation processing of death penalty Federal habeas corpus petitions and for drug testing initiatives: Provided further, That, if a unit of local government uses any of the funds made available under this title to increase the number of law enforcement officers, the unit of local government will achieve a net gain in the number of law enforcement officers who perform non-administrative public safety service.

WEED AND SEED PROGRAM FUND

For necessary expenses, including salaries and related expenses of the Executive Office for Weed and Seed, to implement "Weed and Seed" program activities, \$58,925,000, to remain available until expended, for inter-governmental

agreements, including grants, cooperative agreements, and contracts, with State and local law enforcement agencies, non-profit organizations, and agencies of local government engaged in the investigation and prosecution of violent crimes and drug offenses in "Weed and Seed" designated communities, and for either reimbursements or transfers to appropriation accounts of the Department of Justice and other Federal agencies which shall be specified by the Attorney General to execute the "Weed and Seed" program strategy: Provided, That funds designated by Congress through language for other Department of Justice appropriation accounts for "Weed and Seed" program activities shall be managed and executed by the Attorney General through the Executive Office for Weed and Seed: Provided further, That the Attorney General may direct the use of other Department of Justice funds and personnel in support of "Weed and Seed" program activities only after the Attorney General notifies the Committees on Appropriations of the House of Representatives and the Senate in accordance with section 605 of this Act.

COMMUNITY ORIENTED POLICING SERVICES

For activities authorized by the Violent Crime Control and Law Enforcement Act of 1994, Public Law 103-322 ("the 1994 Act") (including administrative costs), \$1,050,440,000, to remain available until expended: Provided, That prior year balances available in this program shall be used for the direct hiring of law enforcement officers through the Universal Hiring Program: Provided further, That section 1703 (b) and (c) of the 1968 Act shall not apply to non-hiring grants made pursuant to part Q of title I thereof (42 U.S.C. 3796dd et seq.): Provided further, That all prior year balances derived from the Violent Crime Trust Fund for Community Oriented Policing Services may be transferred into this appropriation: Provided further, That the officer redeployment demonstration described in Section 1701(b)(1)(C) shall not apply to equipment, technology, support system or overtime grants made pursuant to part Q of title I thereof (42 U.S.C. 3796 dd et seq.).

Of the amounts provided:

(1) for Public Safety and Community Policing Grants pursuant to title I of the 1994 Act, \$496,014,000 as follows: \$330,000,000 for the hiring of law enforcement officers, including up to \$180,000,000 for school resource officers; \$20,662,000 for training and technical assistance; \$25,444,000 for the matching grant program for Law Enforcement Armor Vests pursuant to section 2501 of part Y of the Omnibus Crime Control and Safe Streets Act of 1968, as amended ("the 1968 Act"); \$35,000,000 to improve tribal law enforcement including equipment and training; \$70,473,000 for policing initiatives to combat methamphetamine production and trafficking and to enhance policing initiatives in "drug hot spots"; and \$14,435,000 for Police Corps education, training, and service under sections 200101-200113 of the 1994 Act;

(2) for crime technology, \$351,632,000 as follows: \$154,345,000 for a law enforcement technology program; \$35,000,000 for grants to upgrade criminal records, as authorized under the Crime Identification Technology Act of 1998 (42 U.S.C. 14601); \$40,000,000 for DNA analysis and backlog reduction of which \$35,000,000 shall be used as authorized by the DNA Analysis Backlog Elimination Act of 2000 (Public Law 106-546) and of which \$5,000,000 shall be available for Paul Coverdell Forensic Sciences Improvement Grants under part BB of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797j et seq.); \$35,000,000 for State and local DNA laboratories as authorized by section 1001(a)(22) of the 1968 Act, and improvements to forensic laboratory general forensic science capacity and capabilities; and \$87,287,000 for

grants, contracts and other assistance to States under section 102(b) of the Crime Identification Technology Act of 1998 (42 U.S.C. 14601), of which \$17,000,000 is for the National Institute of Justice for grants, contracts, and other agreements to develop school safety technologies and training;

(3) for prosecution assistance, \$99,780,000 as follows: \$49,780,000 for a national program to reduce gun violence, and \$50,000,000 for the Southwest Border Prosecutor Initiative to reimburse State, county, parish, tribal, or municipal governments only for Federal costs associated with the prosecution of criminal cases declined by local U.S. Attorneys offices;

(4) for grants, training, technical assistance, and other expenses to support community crime prevention efforts, \$70,202,000 as follows: \$14,967,000 for Project Sentry; \$14,934,000 for an offender re-entry program; \$23,338,000 for the Safe Schools Initiative; and \$16,963,000 for a police integrity program; and

(5) not to exceed \$32,812,000 for program management and administration.

JUVENILE JUSTICE PROGRAMS

For grants, contracts, cooperative agreements, and other assistance authorized by the Juvenile Justice and Delinquency Prevention Act of 1974, as amended ("the Act"), including salaries and expenses in connection therewith to be transferred to and merged with the appropriations for Justice Assistance, \$286,403,000, to remain available until expended, as authorized by section 299 of part I of title II and section 506 of title V of the Act, as amended by Public Law 102-586, of which: (1) notwithstanding any other provision of law, \$6,832,000 shall be available for expenses authorized by part A of title II of the Act, \$88,804,000 shall be available for expenses authorized by part B of title II of the Act, and \$58,513,000 shall be available for expenses authorized by part C of title II of the Act: Provided, That \$26,442,000 of the amounts provided for part B of title II of the Act, as amended, is for the purpose of providing additional formula grants under part B to States that provide assurances to the Administrator that the State has in effect (or will have in effect no later than 1 year after date of application) policies and programs that ensure that juveniles are subject to accountability-based sanctions for every act for which they are adjudicated delinquent; (2) \$11,974,000 shall be available for expenses authorized by sections 281 and 282 of part D of title II of the Act for prevention and treatment programs relating to juvenile gangs; (3) \$9,978,000 shall be available for expenses authorized by section 285 of part E of title II of the Act; (4) \$15,965,000 shall be available for expenses authorized by part G of title II of the Act for juvenile mentoring programs; and (5) \$94,337,000 shall be available for expenses authorized by title V of the Act for incentive grants for local delinquency prevention programs; of which \$12,472,000 shall be for delinquency prevention, control, and system improvement programs for tribal youth; of which \$14,513,000 shall be available for the Safe Schools Initiative including \$5,033,000 for grants, contracts, and other assistance under the Project Sentry Initiative; and of which \$25,000,000 shall be available for grants of \$360,000 to each State and \$6,640,000 shall be available for discretionary grants to States, for programs and activities to enforce State laws prohibiting the sale of alcoholic beverages to minors or the purchase or consumption of alcoholic beverages by minors, prevention and reduction of consumption of alcoholic beverages by minors, and for technical assistance and training: Provided further, That of amounts made available under the Juvenile Justice Programs of the Office of Justice Programs to carry out part B (relating to Federal Assistance for

State and Local Programs), subpart II of part C (relating to Special Emphasis Prevention and Treatment Programs), part D (relating to Gang-Free Schools and Communities and Community-Based Gang Intervention), part E (relating to State Challenge Activities), and part G (relating to Mentoring) of title II of the Juvenile Justice and Delinquency Prevention Act of 1974, and to carry out the At-Risk Children's Program under title V of that Act, not more than 10 percent of each such amount may be used for research, evaluation, and statistics activities designed to benefit the programs or activities authorized under the appropriate part or title, and not more than 2 percent of each such amount may be used for training and technical assistance activities designed to benefit the programs or activities authorized under that part or title.

In addition, for grants, contracts, cooperative agreements, and other assistance, \$10,976,000 to remain available until expended, for developing, testing, and demonstrating programs designed to reduce drug use among juveniles.

In addition, for grants, contracts, cooperative agreements, and other assistance authorized by the Victims of Child Abuse Act of 1990, as amended, \$8,481,000, to remain available until expended, as authorized by section 214B of the Act.

PUBLIC SAFETY OFFICERS BENEFITS

To remain available until expended, for payments authorized by part L of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796), as amended, such sums as are necessary, as authorized by section 6093 of Public Law 100-690 (102 Stat. 4339-4340); and \$4,500,000, to remain available until expended for payments as authorized by section 1201(b) of said Act.

GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

SEC. 101. In addition to amounts otherwise made available in this title for official reception and representation expenses, a total of not to exceed \$45,000 from funds appropriated to the Department of Justice in this title shall be available to the Attorney General for official reception and representation expenses in accordance with distributions, procedures, and regulations established by the Attorney General.

SEC. 102. Authorities contained in the Department of Justice Appropriation Authorization Act, Fiscal Year 1980 (Public Law 96-132; 93 Stat. 1040 (1979)), as amended, shall remain in effect until the effective date of a subsequent Department of Justice Appropriation Authorization Act.

SEC. 103. None of the funds appropriated by this title shall be available to pay for an abortion, except where the life of the mother would be endangered if the fetus were carried to term, or in the case of rape: Provided, That should this prohibition be declared unconstitutional by a court of competent jurisdiction, this section shall be null and void.

SEC. 104. None of the funds appropriated under this title shall be used to require any person to perform, or facilitate in any way the performance of, any abortion.

SEC. 105. Nothing in the preceding section shall remove the obligation of the Director of the Bureau of Prisons to provide escort services necessary for a female inmate to receive such service outside the Federal facility: Provided, That nothing in this section in any way diminishes the effect of section 104 intended to address the philosophical beliefs of individual employees of the Bureau of Prisons.

SEC. 106. Notwithstanding any other provision of law, not to exceed \$10,000,000 of the funds made available in this Act may be used to establish and publicize a program under which publicly advertised, extraordinary rewards may be paid, which shall not be subject to spending limitations contained in sections 3059 and 3072 of

title 18, United States Code: Provided, That any reward of \$100,000 or more, up to a maximum of \$2,000,000, may not be made without the personal approval of the President or the Attorney General and such approval may not be delegated: Provided further, That rewards made pursuant to section 501 of Public Law 107-56 shall not be subject to this section.

SEC. 107. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Justice in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: Provided, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.

SEC. 108. Notwithstanding any other provision of law, \$1,000,000 shall be available for technical assistance from the funds appropriated for part G of title II of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended.

SEC. 109. Section 286 of the Immigration and Nationality Act (8 U.S.C. 1356), as amended, is further amended as follows:

(1) by striking in subsection (d) “\$6”, and inserting “\$7”;

(2) by amending subsection (e)(1), by replacing “No” with “Except as provided in paragraph (3), no”; and

(3) by adding a new paragraph (e)(3) as follows:

“(3) The Attorney General is authorized to charge and collect \$3 per individual for the immigration inspection or pre-inspection of each commercial vessel passenger whose journey originated in the United States or in any place set forth in paragraph (1): Provided, That this authorization shall not apply to immigration inspection at designated ports of entry of passengers arriving by the following vessels, when operating on a regular schedule: Great Lakes international ferries, or Great Lakes Vessels on the Great Lakes and connecting waterways.”

SEC. 110. Section 286(q)(1)(A) of the Immigration and Nationality Act of 1953, as amended, is further amended by striking “6” and inserting “96”.

SEC. 111. (a) Section 1402(d)(3) of the Victims of Crime Act of 1984, is amended by striking the period at the end and inserting “, and for a Victim Notification System.”

(b) Section 1402(c) of the Victims of Crime Act of 1984 is amended to read as it did on October 25, 2001.

SEC. 112. Section 6 of the Hmong Veterans' Naturalization Act of 2000 (Public Law 106-207; 8 U.S.C. 1423 note) (as amended by Public Law 106-415) is amended by striking “18 months” each place such term appears and inserting “36 months”.

SEC. 113. No provision of section 614 of Public Law 107-56 shall incorporate the organization that administers Title I of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322) (Community Oriented Policing Services), its programs and functions, into the Office of Justice Programs, for fiscal year 2002 and thereafter.

SEC. 114. (a) Notwithstanding any provision of title III of the Immigration and Nationality Act (8 U.S.C. 1401 et seq.), the Attorney General shall provide, in accordance with this section, for the granting of posthumous citizenship, as of September 10, 2001, to a person described in subsection (b), if the Attorney General approves an application for such citizenship filed under subsection (e).

(b) A person referred to in subsection (a) is a person who—

(1) while an alien or a noncitizen national of the United States, died as a result of an injury

incurred in one or more of the events described in subsection (c);

(2) was not culpable for any of such events; and

(3) on September 11, 2001, had pending an application for naturalization filed with the Attorney General by the person.

(c)(1) The events described in this subsection are the following:

(A) The hijacking of American Airlines Flight 11 on September 11, 2001, the crash of that aircraft into the World Trade Center in New York, New York, and the subsequent destruction that resulted.

(B) The hijacking of United Airlines Flight 175 on such date, the crash of that aircraft into the World Trade Center in New York, New York, and the subsequent destruction that resulted.

(C) The hijacking of American Airlines Flight 77 on such date, the crash of that aircraft into the Pentagon in Arlington, Virginia, and the subsequent destruction that resulted.

(D) The hijacking of United Airlines Flight 93 on such date, and the crash of that aircraft in Stony Creek Township, Pennsylvania.

(2) Any person who died as a result of an injury incurred while assisting in the emergency response to an event described in paragraph (1) (such as military personnel, law enforcement officers, firefighters, emergency management personnel, search and rescue personnel, medical personnel, engineers and other personnel providing technical assistance, and volunteers) shall be considered to have died as a result of an injury incurred in such event.

(d)(1) Unless otherwise provided by this section, no person may be granted posthumous citizenship under this section who would not otherwise have been eligible for naturalization on the date of the person's death. Unless otherwise provided by this section, any provision of law that specifically bars or prohibits a person from being naturalized as a citizen of the United States shall be applied to the granting of posthumous citizenship under this section.

(2) Notwithstanding section 312 of the Immigration and Nationality Act (8 U.S.C. 1423), or any similar provision of law requiring that a person demonstrate an understanding of the English language or a knowledge and understanding of the fundamentals of the history, and of the principles and form of government, of the United States in order to be naturalized, no such demonstration shall be required for the granting of posthumous citizenship under this section.

(3) No oath of renunciation or allegiance shall be required for the granting of posthumous citizenship under this section.

(4) To the maximum extent practicable, the investigation and examination described in section 335 of the Immigration and Nationality Act (8 U.S.C. 1446) shall be conducted with respect to an application described in subsection (b)(3) in the same manner as they otherwise would have been conducted if the subject of the application had not died.

(e) A request for the granting of posthumous citizenship to a person described in subsection (b) may be filed on behalf of the person only by the next of kin (as defined by the Attorney General) or another representative (as defined by the Attorney General), and must be filed not later than 2 years after the later of—

(1) the date of the enactment of this section; or

(2) the date of the person's death.

(f) If the Attorney General approves such a request to grant a person posthumous citizenship, the Attorney General shall send to the individual who filed the request a suitable document which states that the United States considers the person to have been a citizen of the United States as of September 10, 2001.

(g) Nothing in this section shall be construed as providing for any benefits under the Immigration and Nationality Act for any spouse, son, daughter, or other relative of a person granted posthumous citizenship under this section.

(h)(1) Notwithstanding section 341 of the Immigration and Nationality Act (8 U.S.C. 1452), the Attorney General shall provide, in accordance with this subsection, for the furnishing of a certificate of citizenship to a person described in paragraph (4), if the Attorney General approves under paragraph (3) an application for such certificate described in paragraph (2).

(2) An application described in this paragraph is an application for a certificate of citizenship that was—

(A) filed with the Attorney General under such section 341 by a person who subsequently died as a result of an injury incurred in one or more of the events described in section 114(c) and who was not culpable for any of such events; and

(B) pending on September 11, 2001.

(3) The Attorney General shall consider an application described in paragraph (2) pursuant to the standards under such section 341 and shall approve the application if the applicant would have been eligible to receive a certificate of citizenship on September 11, 2001, if the applicant had not died, except that the requirements of such section relating to the oath of allegiance and presence within the United States shall not apply.

(4) A request for a certificate of citizenship under this subsection may be filed only by the next of kin (as defined by the Attorney General) or another representative (as defined by the Attorney General) of the applicant described in paragraph (2), and must be filed not later than 2 years after the later of—

(A) the date of the enactment of this section; or

(B) the date of the applicant's death.

(i)(1) Notwithstanding section 322 of the Immigration and Nationality Act (8 U.S.C. 1433), the Attorney General shall provide, in accordance with this subsection, for the furnishing of a certificate of citizenship to a parent described in paragraph (2), if, upon the request of the parent, the Attorney General approves under paragraph (3) an application for naturalization described in paragraph (2).

(2) An application described in this paragraph is an application for naturalization that was—

(A) filed with the Attorney General under such section 322 by a parent of a child who subsequently died as a result of an injury incurred in one or more of the events described in section 114(c) and who was not culpable for any of such events; and

(B) pending on September 11, 2001.

(3) The Attorney General shall consider an application described in paragraph (2) pursuant to the standards under such section 322 and shall approve the application if the child would have been eligible to receive a certificate of citizenship on September 11, 2001, if the child had not died, except that the requirements of such section relating to the oath of allegiance shall not apply.

SEC. 115. (a) Section 231(a) of the Immigration and Nationality Act, 8 U.S.C. 1221(a), is amended to read—

“(a) ARRIVAL MANIFEST; FORM AND CONTENTS.—With respect to the arrival of any person by water or by air at any port within the United States from any place outside the United States, it shall be the duty of the master or commanding officer, or authorized agent, owner, or consignee, of the vessel or aircraft transporting such person to deliver to the Service at the port of arrival a list or manifest of the persons transported on such vessel or aircraft. The Attorney General is authorized to extend, by regulation,

the requirements of this subsection to any public or private carrier transporting persons by land to the United States. Such list or manifest shall be prepared and delivered at such time, be in such form, and shall contain such information as the Attorney General shall prescribe by regulation as being necessary for the identification of the persons transported and for the enforcement of the immigration laws. The Attorney General may require in such regulations that the list or manifest be delivered electronically prior to boarding the vessel, aircraft, train or bus at the place of departure, or at such other time reasonably in advance of the arrival of the vessel, aircraft, train or bus in the United States as the Attorney General may direct.”.

(b) Section 231(b) of the Immigration and Nationality Act is amended to read—

“(b) DEPARTURE MANIFEST; FORM AND CONTENTS.—It shall be the duty of the master or commanding officer or authorized agent of every vessel or aircraft taking passengers on board at any port of the United States, who are destined to any place outside the United States, to file with the immigration officers before departure from such port a list or manifest of all such persons transported. The Attorney General is authorized to extend, by regulation, the requirements of this subsection to any public or private carrier transporting persons by land from the United States. Such list or manifest shall be prepared and delivered at such time, be in such form, and shall contain such information as the Attorney General shall prescribe by regulation as being necessary for the identification of the persons transported and for the enforcement of the immigration laws. The Attorney General may require in such regulations that the list or manifest be delivered electronically prior to boarding the vessel, aircraft, train or bus at the place of departure, or at such other time reasonably in advance of the departure of the vessel, aircraft, train or bus from the United States as the Attorney General may direct. No master or commanding officer of any such vessel or aircraft, or operator of any private or public carrier, shall be granted clearance papers until he or she authorized agent has complied with the requirements of this subsection, except that in the case of vessels, aircraft, trains or buses which the Attorney General determines are making regular trips to the United States, the Attorney General may, when expedient, arrange for the delivery of lists of outgoing persons at a later date.”.

(c) Section 231(d) of the Immigration and Nationality Act is amended by—

(1) In the heading, striking “Shipments or Aircraft” and inserting in lieu thereof, “Shipments, Aircraft or Carriers”;

(2) In the first sentence, inserting “, any public or private carrier,” after “or aircraft,”; and

(3) In the second sentence, striking “vessel or aircraft” and inserting in lieu thereof, “vessel, aircraft, train or bus”.

This title may be cited as the “Department of Justice Appropriations Act, 2002”.

TITLE II—DEPARTMENT OF COMMERCE AND RELATED AGENCIES

TRADE AND INFRASTRUCTURE DEVELOPMENT RELATED AGENCIES

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

SALARIES AND EXPENSES

For necessary expenses of the Office of the United States Trade Representative, including the hire of passenger motor vehicles and the employment of experts and consultants as authorized by 5 U.S.C. 3109, \$30,097,000, of which \$1,000,000 shall remain available until expended: Provided, That not to exceed \$98,000 shall be available for official reception and representation expenses.

INTERNATIONAL TRADE COMMISSION SALARIES AND EXPENSES

For necessary expenses of the International Trade Commission, including hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, and not to exceed \$2,500 for official reception and representation expenses, \$51,440,000, to remain available until expended.

DEPARTMENT OF COMMERCE

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For necessary expenses for international trade activities of the Department of Commerce provided for by law, and for engaging in trade promotional activities abroad, including expenses of grants and cooperative agreements for the purpose of promoting exports of United States firms, without regard to 44 U.S.C. 3702 and 3703; full medical coverage for dependent members of immediate families of employees stationed overseas and employees temporarily posted overseas; travel and transportation of employees of the United States and Foreign Commercial Service between two points abroad, without regard to 49 U.S.C. 1517; employment of Americans and aliens by contract for services; rental of space abroad for periods not exceeding 10 years, and expenses of alteration, repair, or improvement; purchase or construction of temporary demountable exhibition structures for use abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed \$327,000 for official representation expenses abroad; purchase of passenger motor vehicles for official use abroad, not to exceed \$30,000 per vehicle; obtaining insurance on official motor vehicles; and rental of tie lines, \$347,547,000, to remain available until expended, of which \$3,000,000 is to be derived from fees to be retained and used by the International Trade Administration, notwithstanding 31 U.S.C. 3302: Provided, That \$67,669,000 shall be for Trade Development, \$27,741,000 shall be for Market Access and Compliance, \$43,346,000 shall be for the Import Administration, \$195,791,000 shall be for the United States and Foreign Commercial Service, and \$13,000,000 shall be for Executive Direction and Administration: Provided further, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities without regard to section 5412 of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4912); and that for the purpose of this Act, contributions under the provisions of the Mutual Educational and Cultural Exchange Act shall include payment for assessments for services provided as part of these activities.

EXPORT ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For necessary expenses for export administration and national security activities of the Department of Commerce, including costs associated with the performance of export administration field activities both domestically and abroad; full medical coverage for dependent members of immediate families of employees stationed overseas; employment of Americans and aliens by contract for services abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed \$15,000 for official representation expenses abroad; awards of compensation to informers under the Export Administration Act of 1979, and as authorized by 22 U.S.C. 401(b); purchase of passenger motor vehicles for official use and motor vehicles for law enforcement use with special requirement vehicles eligible for purchase without regard to any price limitation otherwise

established by law, \$68,893,000, to remain available until expended, of which \$7,250,000 shall be for inspections and other activities related to national security: Provided, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities: Provided further, That payments and contributions collected and accepted for materials or services provided as part of such activities may be retained for use in covering the cost of such activities, and for providing information to the public with respect to the export administration and national security activities of the Department of Commerce and other export control programs of the United States and other governments.

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For grants for economic development assistance as provided by the Public Works and Economic Development Act of 1965, as amended, and for trade adjustment assistance, \$335,000,000, to remain available until expended.

SALARIES AND EXPENSES

For necessary expenses of administering the economic development assistance programs as provided for by law, \$30,557,000: Provided, That these funds may be used to monitor projects approved pursuant to title I of the Public Works Employment Act of 1976, as amended, title II of the Trade Act of 1974, as amended, and the Community Emergency Drought Relief Act of 1977.

MINORITY BUSINESS DEVELOPMENT AGENCY

MINORITY BUSINESS DEVELOPMENT

For necessary expenses of the Department of Commerce in fostering, promoting, and developing minority business enterprise, including expenses of grants, contracts, and other agreements with public or private organizations, \$28,381,000.

ECONOMIC AND INFORMATION INFRASTRUCTURE

ECONOMIC AND STATISTICAL ANALYSIS

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, of economic and statistical analysis programs of the Department of Commerce, \$62,515,000, to remain available until September 30, 2003.

BUREAU OF THE CENSUS

SALARIES AND EXPENSES

For expenses necessary for collecting, compiling, analyzing, preparing, and publishing statistics, provided for by law, \$169,424,000.

PERIODIC CENSUSES AND PROGRAMS

For necessary expenses related to the 2000 decennial census, \$85,238,000, to remain available until expended: Provided, That, of the total amount available related to the 2000 decennial census (\$85,238,000 in new appropriations and \$54,000,000 in deobligated balances from prior years), \$8,606,000 is for Program Development and Management; \$68,330,000 is for Data Content and Products; \$9,455,000 is for Field Data Collection and Support Systems; \$24,462,000 is for Automated Data Processing and Telecommunications Support; \$22,844,000 is for Testing and Evaluation; \$3,105,000 is for activities related to Puerto Rico, the Virgin Islands and Pacific Areas; and \$2,436,000 is for Marketing, Communications and Partnership activities.

In addition, for expenses related to planning, testing, and implementing the 2010 decennial census, \$65,000,000.

In addition, for expenses to collect and publish statistics for other periodic censuses and programs provided for by law, \$171,138,000, to remain available until expended: Provided, That regarding engineering and design of a facility at the Suitland Federal Center, quarterly reports

regarding the expenditure of funds and project planning, design and cost decisions shall be provided by the Bureau, in cooperation with the General Services Administration, to the Committees on Appropriations of the Senate and the House of Representatives: Provided further, That none of the funds provided in this Act or any other Act under the heading "Bureau of the Census, Periodic Censuses and Programs" shall be used to fund the construction and tenant build-out costs of a facility at the Suitland Federal Center.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, as provided for by law, of the National Telecommunications and Information Administration (NTIA), \$14,054,000, to remain available until expended: Provided, That, notwithstanding 31 U.S.C. 1535(d), the Secretary of Commerce shall charge Federal agencies for costs incurred in spectrum management, analysis, and operations, and related services and such fees shall be retained and used as offsetting collections for costs of such spectrum services, to remain available until expended: Provided further, That hereafter, notwithstanding any other provision of law, NTIA shall not authorize spectrum use or provide any spectrum functions pursuant to the National Telecommunications and Information Administration Organization Act, 47 U.S.C. 902-903, to any Federal entity without reimbursement as required by NTIA for such spectrum management costs, and Federal entities withholding payment of such cost shall not use spectrum: Provided further, That the Secretary of Commerce is authorized to retain and use as offsetting collections all funds transferred, or previously transferred, from other Government agencies for all costs incurred in telecommunications research, engineering, and related activities by the Institute for Telecommunication Sciences of NTIA, in furtherance of its assigned functions under this paragraph, and such funds received from other Government agencies shall remain available until expended.

PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND CONSTRUCTION

For grants authorized by section 392 of the Communications Act of 1934, as amended, \$43,466,000, to remain available until expended as authorized by section 391 of the Act, as amended: Provided, That not to exceed \$2,358,000 shall be available for program administration as authorized by section 391 of the Act: Provided further, That, notwithstanding the provisions of section 391 of the Act, the prior year unobligated balances may be made available for grants for projects for which applications have been submitted and approved during any fiscal year.

INFORMATION INFRASTRUCTURE GRANTS

For grants authorized by section 392 of the Communications Act of 1934, as amended, \$15,503,000, to remain available until expended as authorized by section 391 of the Act, as amended: Provided, That not to exceed \$3,097,000 shall be available for program administration and other support activities as authorized by section 391: Provided further, That, of the funds appropriated herein, not to exceed 5 percent may be available for telecommunications research activities for projects related directly to the development of a national information infrastructure: Provided further, That, notwithstanding the requirements of sections 392(a) and 392(c) of the Act, these funds may be used for the planning and construction of telecommunications networks for the provision of educational, cultural, health care, public information, public safety, or other social services: Provided further, That, notwithstanding any other

provision of law, no entity that receives telecommunications services at preferential rates under section 254(h) of the Act (47 U.S.C. 254(h)) or receives assistance under the regional information sharing systems grant program of the Department of Justice under part M of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796h) may use funds under a grant under this heading to cover any costs of the entity that would otherwise be covered by such preferential rates or such assistance, as the case may be.

UNITED STATES PATENT AND TRADEMARK OFFICE SALARIES AND EXPENSES

For necessary expenses of the United States Patent and Trademark Office provided for by law, including defense of suits instituted against the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office, \$843,701,000, to remain available until expended, which amount shall be derived from offsetting collections assessed and collected pursuant to 15 U.S.C. 1113 and 35 U.S.C. 41 and 376, and shall be retained and used for necessary expenses in this appropriation: Provided, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2002, so as to result in a fiscal year 2002 appropriation from the general fund estimated at \$0: Provided further, That during fiscal year 2002, should the total amount of offsetting fee collections be less than \$843,701,000, the total amounts available to the United States Patent and Trademark Office shall be reduced accordingly: Provided further, That an additional amount not to exceed \$282,300,000 from fees collected in prior fiscal years shall be available for obligation in fiscal year 2002, to remain available until expended: Provided further, That from amounts provided herein, not to exceed \$1,000 shall be made available in fiscal year 2002 for official reception and representation expenses.

SCIENCE AND TECHNOLOGY TECHNOLOGY ADMINISTRATION SALARIES AND EXPENSES

For necessary expenses for the Under Secretary for Technology/Office of Technology Policy, \$8,238,000.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

For necessary expenses of the National Institute of Standards and Technology, \$321,111,000, to remain available until expended, of which not to exceed \$282,000 may be transferred to the "Working Capital Fund".

INDUSTRIAL TECHNOLOGY SERVICES

For necessary expenses of the Manufacturing Extension Partnership of the National Institute of Standards and Technology, \$106,522,000, to remain available until expended: Provided, That the Secretary of Commerce is authorized to enter into agreements with one or more nonprofit organizations for the purpose of carrying out collective research and development initiatives pertaining to 15 U.S.C. 278k paragraph (a), and is authorized to seek and accept contributions from public and private sources to support these efforts as necessary.

In addition, for necessary expenses of the Advanced Technology Program of the National Institute of Standards and Technology, \$184,500,000, to remain available until expended, of which not to exceed \$60,700,000 shall be available for the award of new grants.

CONSTRUCTION OF RESEARCH FACILITIES

For construction of new research facilities, including architectural and engineering design, and for renovation of existing facilities, not otherwise provided for the National Institute of

Standards and Technology, as authorized by 15 U.S.C. 278c-278e, \$62,393,000, to remain available until expended.

NATIONAL OCEANIC AND ATMOSPHERIC
ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES
(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of activities authorized by law for the National Oceanic and Atmospheric Administration, including maintenance, operation, and hire of aircraft; grants, contracts, or other payments to nonprofit organizations for the purposes of conducting activities pursuant to cooperative agreements; and relocation of facilities as authorized by 33 U.S.C. 883i, \$2,253,697,000, to remain available until expended: Provided, That fees and donations received by the National Ocean Service for the management of the national marine sanctuaries may be retained and used for the salaries and expenses associated with those activities, notwithstanding 31 U.S.C. 3302: Provided further, That, in addition, \$68,000,000 shall be derived by transfer from the fund entitled "Promote and Develop Fishery Products and Research Pertaining to American Fisheries": Provided further, That grants to States pursuant to sections 306 and 306A of the Coastal Zone Management Act of 1972, as amended, shall not exceed \$2,000,000: Provided further, That, of the \$2,341,697,000 provided for in direct obligations under this heading (of which \$2,253,697,000 is appropriated from the General Fund, \$71,000,000 is provided by transfer, and \$17,000,000 is derived from deobligations from prior years), \$413,911,000 shall be for the National Ocean Service, \$579,196,000 shall be for the National Marine Fisheries Service, \$356,062,000 shall be for Oceanic and Atmospheric Research, \$672,355,000 shall be for the National Weather Service, \$139,627,000 shall be for the National Environmental Satellite, Data, and Information Service, and \$180,546,000 shall be for Program Support: Provided further, That, hereafter, habitat conservation activities under this heading shall be considered to be within the "Coastal Assistance sub-category" in section 250(c)(4)(K) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That, of the amount provided under this heading, \$223,273,000 shall be for the conservation activities defined in section 250(c)(4)(K) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That no general administrative charge shall be applied against an assigned activity included in this Act and, further, that any direct administrative expenses applied against an assigned activity shall be limited to 5 percent of the funds provided for that assigned activity so that total National Oceanic and Atmospheric Administration administrative expenses shall not exceed \$265,025,000: Provided further, That any use of deobligated balances of funds provided under this heading in previous years shall be subject to the procedures set forth in section 605 of this Act: Provided further, That of the amounts provided, \$3,000,000 shall be derived by transfer from the fund entitled "Coastal Zone Management": Provided further, That the Secretary may proceed as he deems necessary to have the National Oceanic and Atmospheric Administration occupy and operate its research facilities which are located at Lafayette, Louisiana: Provided further, That the R/V FAIRWEATHER shall be homeported in Ketchikan, Alaska.

In addition, for necessary retired pay expenses under the Retired Serviceman's Family Protection and Survivor Benefits Plan, and for payments for medical care of retired personnel and their dependents under the Dependents Medical Care Act (10 U.S.C. ch. 55), such sums as may be necessary.

PROCUREMENT, ACQUISITION AND CONSTRUCTION
(INCLUDING TRANSFERS OF FUNDS)

For procurement, acquisition and construction of capital assets, including alteration and modification costs, of the National Oceanic and Atmospheric Administration, \$836,552,000, to remain available until expended: Provided, That unexpended balances of amounts previously made available in the "Operations, Research, and Facilities" account for activities funded under this heading may be transferred to and merged with this account, to remain available until expended for the purposes for which the funds were originally appropriated: Provided further, That of the amounts provided for the National Polar-orbiting Operational Environmental Satellite System, funds shall only be made available on a dollar for dollar matching basis with funds provided for the same purpose by the Department of Defense: Provided further, That of the amount provided under this heading for expenses necessary to carry out conservation activities defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, including funds for the Coastal and Estuarine Land Conservation Program, \$58,487,000 to remain available until expended: Provided further, That the Secretary shall establish a Coastal and Estuarine Land Conservation Program, for the purpose of protecting important coastal and estuarine areas that have significant conservation, recreation, ecological, historical, or aesthetic values, or that are threatened by conversion from their natural or recreational state to other uses: Provided further, That by September 30, 2002, the Secretary shall issue guidelines for this program delineating the criteria for grant awards: Provided further, That the Secretary shall distribute these funds in consultation with the States' Coastal Zone Managers' or Governors' designated representatives based on demonstrated need and ability to successfully leverage funds, and shall give priority to lands which can be effectively managed and protected and which have significant ecological value: Provided further, That grants funded under this program shall require a 100 percent match from other sources: Provided further, That none of the funds provided in this Act or any other Act under the heading "National Oceanic and Atmospheric Administration, Procurement, Acquisition and Construction" shall be used to fund the General Services Administration's standard construction and tenant build-out costs of a facility at the Suitland Federal Center.

PACIFIC COASTAL SALMON RECOVERY

For necessary expenses associated with the restoration of Pacific salmon populations and the implementation of the 1999 Pacific Salmon Treaty Agreement between the United States and Canada, \$110,000,000: Provided, That this amount shall be for the conservation activities defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

In addition, for implementation of the 1999 Pacific Salmon Treaty Agreement, \$47,419,000, of which \$20,000,000 shall be deposited in the Northern Boundary and Transboundary Rivers Restoration and Enhancement Fund, of which \$20,000,000 shall be deposited in the Southern Boundary Restoration and Enhancement Fund, of which \$5,419,000 shall be for a final direct payment to the State of Washington for obligations under the 1999 Pacific Salmon Treaty Agreement, and of which \$2,000,000 is for the Pacific Salmon Commission: Provided, That this amount shall be for the conservation activities defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

COASTAL ZONE MANAGEMENT FUND

Of amounts collected pursuant to section 308 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1456a), not to exceed \$3,000,000 shall be transferred to the "Operations, Research, and Facilities" account to offset the costs of implementing such Act.

FISHERMEN'S CONTINGENCY FUND

For carrying out the provisions of title IV of Public Law 95-372, not to exceed \$952,000, to be derived from receipts collected pursuant to that Act, to remain available until expended.

FOREIGN FISHING OBSERVER FUND

For expenses necessary to carry out the provisions of the Atlantic Tunas Convention Act of 1975, as amended (Public Law 96-339), the Magnuson-Stevens Fishery Conservation and Management Act of 1976, as amended (Public Law 100-627), and the American Fisheries Promotion Act (Public Law 96-561), to be derived from the fees imposed under the foreign fishery observer program authorized by these Acts, not to exceed \$191,000, to remain available until expended.

FISHERIES FINANCE PROGRAM ACCOUNT

For the cost of direct loans, \$287,000, as authorized by the Merchant Marine Act of 1936, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That none of the funds made available under this heading may be used for direct loans for any new fishing vessel that will increase the harvesting capacity in any United States fishery.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For expenses necessary for the departmental management of the Department of Commerce provided for by law, including not to exceed \$5,000 for official entertainment, \$37,652,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended (5 U.S.C. App. 1-11, as amended by Public Law 100-504), \$20,176,000.

GENERAL PROVISIONS—DEPARTMENT OF
COMMERCE

SEC. 201. During the current fiscal year, applicable appropriations and funds made available to the Department of Commerce by this Act shall be available for the activities specified in the Act of October 26, 1949 (15 U.S.C. 1514), to the extent and in the manner prescribed by the Act, and, notwithstanding 31 U.S.C. 3324, may be used for advanced payments not otherwise authorized only upon the certification of officials designated by the Secretary of Commerce that such payments are in the public interest.

SEC. 202. During the current fiscal year, appropriations made available to the Department of Commerce by this Act for salaries and expenses shall be available for hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; services as authorized by 5 U.S.C. 3109; and uniforms or allowances therefore, as authorized by law (5 U.S.C. 5901-5902).

SEC. 203. None of the funds made available by this Act may be used to support the hurricane reconnaissance aircraft and activities that are under the control of the United States Air Force or the United States Air Force Reserve.

SEC. 204. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Commerce in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: Provided, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 205. Any costs incurred by a department or agency funded under this title resulting from personnel actions taken in response to funding reductions included in this title or from actions taken for the care and protection of loan collateral or grant property shall be absorbed within the total budgetary resources available to such department or agency: Provided, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: Provided further, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 206. The Secretary of Commerce may award contracts for hydrographic, geodetic, and photogrammetric surveying and mapping services in accordance with title IX of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 541 et seq.).

SEC. 207. The Secretary of Commerce may use the Commerce franchise fund for expenses and equipment necessary for the maintenance and operation of such administrative services as the Secretary determines may be performed more advantageously as central services, pursuant to section 403 of Public Law 103-356: Provided, That any inventories, equipment, and other assets pertaining to the services to be provided by such fund, either on hand or on order, less the related liabilities or unpaid obligations, and any appropriations made for the purpose of providing capital shall be used to capitalize such fund: Provided further, That such fund shall be paid in advance from funds available to the Department and other Federal agencies for which such centralized services are performed, at rates which will return in full all expenses of operation, including accrued leave, depreciation of fund plant and equipment, amortization of automated data processing (ADP) software and systems (either acquired or donated), and an amount necessary to maintain a reasonable operating reserve, as determined by the Secretary: Provided further, That such fund shall provide services on a competitive basis: Provided further, That an amount not to exceed 4 percent of the total annual income to such fund may be retained in the fund for fiscal year 2002 and each fiscal year thereafter, to remain available until expended, to be used for the acquisition of capital equipment, and for the improvement and implementation of department financial management, ADP, and other support systems: Provided further, That such amounts retained in the fund for fiscal year 2002 and each fiscal year thereafter shall be available for obligation and expenditure only in accordance with section 605 of this Act: Provided further, That no later than 30 days after the end of each fiscal year, amounts in excess of this reserve limitation shall be deposited as miscellaneous receipts in the Treasury: Provided further, That such franchise fund pilot program shall terminate pursuant to section 403(f) of Public Law 103-356.

SEC. 208. Notwithstanding any other provision of law, of the amounts made available elsewhere in this title to the "National Institute of Standards and Technology, Construction of Research Facilities", \$8,000,000 is appropriated to fund a cooperative agreement with the Medical University of South Carolina, \$6,000,000 is appropriated to the Thayer School of Engineering for the nanocrystalline materials and biomass research initiative, \$3,000,000 is appropriated to the Institute for Information Infrastructure Protection at the Institute for Security Technology Studies, \$3,350,000 is appropriated for the Institute for Politics, \$650,000 is appropriated to the Mount Washington Technology Village,

\$6,500,000 is appropriated for a critical infrastructure project at the George Mason University School of Law, \$3,700,000 is appropriated for the Conservation Institute of the Bronx Zoo, \$2,000,000 is appropriated for the Adolescent Mental Health Residential Treatment program at Bronx-Lebanon Hospital Center, \$1,300,000 is appropriated for the Puerto Rican Historical, Cultural and Activities Center, \$5,000,000 is appropriated for the National Infrastructure Institute, and \$2,000,000 is appropriated for the University of South Carolina School of Public Health.

SEC. 209. (a) The Secretary of Commerce shall present with the fiscal year 2003 budget request a detailed description of all projects, programs, and activities to be funded from the "Working Capital Fund" and the "Advances and Reimbursements" account.

(b) The "Working Capital Fund" and "Advances and Reimbursements" account shall be subject to section 605 of this Act beginning in fiscal year 2003.

SEC. 210. (a) Notwithstanding section 102 of the Marine Mammal Protection Act of 1972, as amended, or section 9 of the Endangered Species Act of 1973, the Anchorage Sister Cities Commission of Anchorage, Alaska, may export, on a one-time basis, to the Town of Whitby, in the care of the Scarborough Borough Council, Whitby, North Yorkshire, United Kingdom, two bowhead whale jawbones taken as part of a legal subsistence hunt by Native Alaskans and identified in U.S. Fish and Wildlife Service, Convention on International Trade of Endangered Species, permit 01US037393/9.

(b) The Anchorage Sister Cities Commission shall notify the National Marine Fisheries Service Office of Enforcement 15 days prior to shipment to ensure compliance with all applicable export requirements.

SEC. 211. Section 213(a) of Title II of Division C of Public Law 105-277 is amended by striking the second sentence and inserting in lieu thereof: "There are authorized to be appropriated \$6,700,000 per year to carry out the provisions of this Act through fiscal year 2004."

This title may be cited as the "Department of Commerce and Related Agencies Appropriations Act, 2002".

TITLE III—THE JUDICIARY

SUPREME COURT OF THE UNITED STATES

SALARIES AND EXPENSES

For expenses necessary for the operation of the Supreme Court, as required by law, excluding care of the building and grounds, including purchase or hire, driving, maintenance, and operation of an automobile for the Chief Justice, not to exceed \$10,000 for the purpose of transporting Associate Justices, and hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; not to exceed \$10,000 for official reception and representation expenses; and for miscellaneous expenses, to be expended as the Chief Justice may approve, \$39,988,000.

CARE OF THE BUILDING AND GROUNDS

For such expenditures as may be necessary to enable the Architect of the Capitol to carry out the duties imposed upon the Architect by the Act approved May 7, 1934 (40 U.S.C. 13a-13b), \$37,530,000, which shall remain available until expended.

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

SALARIES AND EXPENSES

For salaries of the chief judge, judges, and other officers and employees, and for necessary expenses of the court, as authorized by law, \$19,287,000.

UNITED STATES COURT OF INTERNATIONAL TRADE

SALARIES AND EXPENSES

For salaries of the chief judge and eight judges, salaries of the officers and employees of

the court, services as authorized by 5 U.S.C. 3109, and necessary expenses of the court, as authorized by law, \$13,064,000.

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

For the salaries of circuit and district judges (including judges of the territorial courts of the United States), justices and judges retired from office or from regular active service, judges of the United States Court of Federal Claims, bankruptcy judges, magistrate judges, and all other officers and employees of the Federal Judiciary not otherwise specifically provided for, and necessary expenses of the courts, as authorized by law, \$3,591,116,000 (including the purchase of firearms and ammunition); of which not to exceed \$27,817,000 shall remain available until expended for space alteration projects and for furniture and furnishings related to new space alteration and construction projects.

In addition, for expenses of the United States Court of Federal Claims associated with processing cases under the National Childhood Vaccine Injury Act of 1986, not to exceed \$2,692,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

DEFENDER SERVICES

For the operation of Federal Public Defender and Community Defender organizations; the compensation and reimbursement of expenses of attorneys appointed to represent persons under the Criminal Justice Act of 1964, as amended; the compensation and reimbursement of expenses of persons furnishing investigative, expert and other services under the Criminal Justice Act of 1964 (18 U.S.C. 3006A(e)); the compensation (in accordance with Criminal Justice Act maximums) and reimbursement of expenses of attorneys appointed to assist the court in criminal cases where the defendant has waived representation by counsel; the compensation and reimbursement of travel expenses of guardians ad litem acting on behalf of financially eligible minor or incompetent offenders in connection with transfers from the United States to foreign countries with which the United States has a treaty for the execution of penal sentences; the compensation of attorneys appointed to represent jurors in civil actions for the protection of their employment, as authorized by 28 U.S.C. 1875(d); and for necessary training and general administrative expenses, \$500,671,000, to remain available until expended as authorized by 18 U.S.C. 3006A(i).

FEES OF JURORS AND COMMISSIONERS

For fees and expenses of jurors as authorized by 28 U.S.C. 1871 and 1876; compensation of jury commissioners as authorized by 28 U.S.C. 1863; and compensation of commissioners appointed in condemnation cases pursuant to rule 71A(h) of the Federal Rules of Civil Procedure (28 U.S.C. Appendix Rule 71A(h)), \$48,131,000, to remain available until expended: Provided, That the compensation of land commissioners shall not exceed the daily equivalent of the highest rate payable under section 5332 of title 5, United States Code.

COURT SECURITY

For necessary expenses, not otherwise provided for, incident to providing protective guard services for United States courthouses and the procurement, installation, and maintenance of security equipment for United States courthouses and other facilities housing Federal court operations, including building ingress-egress control, inspection of mail and packages, directed security patrols, and other similar activities as authorized by section 1010 of the Judicial Improvement and Access to Justice Act (Public Law 100-702), \$220,677,000, of which not to exceed \$10,000,000 shall remain available until expended for security systems or contract costs

for court security officers, to be expended directly or transferred to the United States Marshals Service, which shall be responsible for administering the Judicial Facility Security Program consistent with standards or guidelines agreed to by the Director of the Administrative Office of the United States Courts and the Attorney General.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

SALARIES AND EXPENSES

For necessary expenses of the Administrative Office of the United States Courts as authorized by law, including travel as authorized by 31 U.S.C. 1345, hire of a passenger motor vehicle as authorized by 31 U.S.C. 1343(b), advertising and rent in the District of Columbia and elsewhere, \$61,664,000, of which not to exceed \$8,500 is authorized for official reception and representation expenses.

FEDERAL JUDICIAL CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Judicial Center, as authorized by Public Law 90-219, \$19,735,000; of which \$1,800,000 shall remain available through September 30, 2003, to provide education and training to Federal court personnel; and of which not to exceed \$1,000 is authorized for official reception and representation expenses.

JUDICIAL RETIREMENT FUNDS

PAYMENT TO JUDICIARY TRUST FUNDS

For payment to the Judicial Officers' Retirement Fund, as authorized by 28 U.S.C. 377(o), \$26,700,000; to the Judicial Survivors' Annuities Fund, as authorized by 28 U.S.C. 376(c), \$8,400,000; and to the United States Court of Federal Claims Judges' Retirement Fund, as authorized by 28 U.S.C. 178(l), \$1,900,000.

UNITED STATES SENTENCING COMMISSION

SALARIES AND EXPENSES

For the salaries and expenses necessary to carry out the provisions of chapter 58 of title 28, United States Code, \$11,575,000, of which not to exceed \$1,000 is authorized for official reception and representation expenses.

GENERAL PROVISIONS—THE JUDICIARY

SEC. 301. Appropriations and authorizations made in this title which are available for salaries and expenses shall be available for services as authorized by 5 U.S.C. 3109.

SEC. 302. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Judiciary in this Act may be transferred between such appropriations, but no such appropriation, except "Courts of Appeals, District Courts, and Other Judicial Services, Defender Services" and "Courts of Appeals, District Courts, and Other Judicial Services, Fees of Jurors and Commissioners", shall be increased by more than 10 percent by any such transfers: Provided, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 303. Notwithstanding any other provision of law, the salaries and expenses appropriation for district courts, courts of appeals, and other judicial services shall be available for official reception and representation expenses of the Judicial Conference of the United States: Provided, That such available funds shall not exceed \$11,000 and shall be administered by the Director of the Administrative Office of the United States Courts in the capacity as Secretary of the Judicial Conference.

SEC. 304. Of the unexpended balances transferred to the Commission on Structural Alternatives in Federal Appellate Courts, \$400,000

shall be transferred to, and merged with, funds in the "Federal Judicial Center, Salaries and Expenses" appropriations account to be available only for distance learning.

SEC. 305. Pursuant to section 140 of Public Law 97-92, justices and judges of the United States are authorized during fiscal year 2002, to receive a salary adjustment in accordance with 28 U.S.C. 461: Provided, That \$8,625,000 is appropriated for salary adjustments pursuant to this section and such funds shall be transferred to and merged with appropriations in title III of this Act.

This title may be cited as the "Judiciary Appropriations Act, 2002".

TITLE IV—DEPARTMENT OF STATE AND RELATED AGENCY

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

For necessary expenses of the Department of State and the Foreign Service not otherwise provided for, including employment, without regard to civil service and classification laws, of persons on a temporary basis (not to exceed \$700,000 of this appropriation), as authorized by section 801 of the United States Information and Educational Exchange Act of 1948, as amended; representation to certain international organizations in which the United States participates pursuant to treaties ratified pursuant to the advice and consent of the Senate or specific Acts of Congress; arms control, nonproliferation and disarmament activities as authorized; acquisition by exchange or purchase of passenger motor vehicles as authorized by law; and for expenses of general administration, \$3,142,277,000: Provided, That, of the amount made available under this heading, not to exceed \$4,000,000 may be transferred to, and merged with, funds in the "Emergencies in the Diplomatic and Consular Service" appropriations account, to be available only for emergency evacuations and terrorism rewards: Provided further, That, of the amount made available under this heading, \$270,259,000 shall be available only for public diplomacy international information programs: Provided further, That of the amount made available under this heading, \$694,190,000 shall be available only for information resource management: Provided further, That notwithstanding section 140(a)(5), and the second sentence of section 140(a)(3), of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995, fees may be collected during fiscal years 2002 and 2003, under the authority of section 140(a)(1) of that Act: Provided further, That all fees collected under the preceding proviso shall be deposited in fiscal years 2002 and 2003 as an offsetting collection to appropriations made under this heading to recover costs as set forth under section 140(a)(2) of that Act and shall remain available until expended: Provided further, That, of the amount made available under this heading, \$1,800,000 shall be available for a grant to conduct an international conference on combating sex trafficking: Provided further, That no funds may be obligated or expended for processing licenses for the export of satellites of United States origin (including commercial satellites and satellite components) to the People's Republic of China unless, at least 15 days in advance, the Committees on Appropriations of the House of Representatives and the Senate are notified of such proposed action.

In addition, not to exceed \$1,343,000 shall be derived from fees collected from other executive agencies for lease or use of facilities located at the International Center in accordance with section 4 of the International Center Act, as amended; in addition, as authorized by section 5 of such Act, \$490,000, to be derived from the reserve authorized by that section, to be used for

the purposes set out in that section; in addition, as authorized by section 810 of the United States Information and Educational Exchange Act, not to exceed \$6,000,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from English teaching, library, motion pictures, and publication programs and from fees from educational advising and counseling and exchange visitor programs; and, in addition, not to exceed \$15,000, which shall be derived from reimbursements, surcharges, and fees for use of Blair House facilities.

In addition, for the costs of worldwide security upgrades, \$487,735,000, to remain available until expended.

CAPITAL INVESTMENT FUND

For necessary expenses of the Capital Investment Fund, \$203,000,000, to remain available until expended, as authorized: Provided, That section 135(e) of Public Law 103-236 shall not apply to funds available under this heading.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, \$29,000,000, notwithstanding section 209(a)(1) of the Foreign Service Act of 1980, as amended (Public Law 96-465), as it relates to post inspections.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For expenses of educational and cultural exchange programs, as authorized, \$237,000,000, to remain available until expended: Provided, That not to exceed \$2,000,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from or in connection with English teaching, educational advising and counseling programs, and exchange visitor programs as authorized.

REPRESENTATION ALLOWANCES

For representation allowances as authorized, \$6,485,000.

PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

For expenses, not otherwise provided, to enable the Secretary of State to provide for extraordinary protective services, as authorized, \$9,400,000, to remain available until September 30, 2003.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

For necessary expenses for carrying out the Foreign Service Buildings Act of 1926, as amended (22 U.S.C. 292-300), preserving, maintaining, repairing, and planning for buildings that are owned or directly leased by the Department of State, renovating, in addition to funds otherwise available, the Harry S Truman Building, and carrying out the Diplomatic Security Construction Program as authorized, \$458,000,000, to remain available until expended as authorized, of which not to exceed \$25,000 may be used for domestic and overseas representation as authorized: Provided, That none of the funds appropriated in this paragraph shall be available for acquisition of furniture, furnishings, or generators for other departments and agencies.

In addition, for the costs of worldwide security upgrades, acquisition, and construction as authorized, \$815,960,000, to remain available until expended.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

For expenses necessary to enable the Secretary of State to meet unforeseen emergencies arising in the Diplomatic and Consular Service, \$6,500,000, to remain available until expended as authorized, of which not to exceed \$1,000,000 may be transferred to and merged with the Repatriation Loans Program Account, subject to the same terms and conditions.

REPATRIATION LOANS PROGRAM ACCOUNT

For the cost of direct loans, \$612,000, as authorized: Provided, That such costs, including

the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974. In addition, for administrative expenses necessary to carry out the direct loan program, \$607,000, which may be transferred to and merged with the Diplomatic and Consular Programs account under Administration of Foreign Affairs.

PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

For necessary expenses to carry out the Taiwan Relations Act, Public Law 96-8, \$17,044,000.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the Foreign Service Retirement and Disability Fund, as authorized by law, \$135,629,000.

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For expenses, not otherwise provided for, necessary to meet annual obligations of membership in international multilateral organizations, pursuant to treaties ratified pursuant to the advice and consent of the Senate, conventions or specific Acts of Congress, \$850,000,000: Provided, That any payment of arrearages under this title shall be directed toward special activities that are mutually agreed upon by the United States and the respective international organization: Provided further, That none of the funds appropriated in this paragraph shall be available for a United States contribution to an international organization for the United States share of interest costs made known to the United States Government by such organization for loans incurred on or after October 1, 1984, through external borrowings: Provided further, That, of the funds appropriated in this paragraph, \$100,000,000 may be made available only pursuant to a certification by the Secretary of State that the United Nations has taken no action in calendar year 2001 prior to the date of enactment of this Act to increase funding for any United Nations program without identifying an offsetting decrease elsewhere in the United Nations budget and cause the United Nations to exceed the budget for the biennium 2000-2001 of \$2,535,700,000: Provided further, That if the Secretary of State is unable to make the aforementioned certification, the \$100,000,000 is to be applied to paying the current year assessment for other international organizations for which the assessment has not been paid in full or to paying the assessment due in the next fiscal year for such organizations, subject to the reprogramming procedures contained in section 605 of this Act: Provided further, That funds appropriated under this paragraph may be obligated and expended to pay the full United States assessment to the civil budget of the North Atlantic Treaty Organization.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For necessary expenses to pay assessed and other expenses of international peacekeeping activities directed to the maintenance or restoration of international peace and security, \$844,139,000, of which 15 percent shall remain available until September 30, 2003: Provided, That none of the funds made available under this Act shall be obligated or expended for any new or expanded United Nations peacekeeping mission unless, at least 15 days in advance of voting for the new or expanded mission in the United Nations Security Council (or in an emergency as far in advance as is practicable): (1) the Committees on Appropriations of the House of Representatives and the Senate and other appropriate committees of the Congress are notified of the estimated cost and length of the mission, the vital national interest that will be served, and the planned exit strategy; and (2) a

reprogramming of funds pursuant to section 605 of this Act is submitted, and the procedures therein followed, setting forth the source of funds that will be used to pay for the cost of the new or expanded mission: Provided further, That funds shall be available for peacekeeping expenses only upon a certification by the Secretary of State to the appropriate committees of the Congress that American manufacturers and suppliers are being given opportunities to provide equipment, services, and material for United Nations peacekeeping activities equal to those being given to foreign manufacturers and suppliers: Provided further, That none of the funds made available under this heading are available to pay the United States share of the cost of court monitoring that is part of any United Nations peacekeeping mission.

INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for, to meet obligations of the United States arising under treaties, or specific Acts of Congress, as follows:

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

For necessary expenses for the United States Section of the International Boundary and Water Commission, United States and Mexico, and to comply with laws applicable to the United States Section, including not to exceed \$6,000 for representation; as follows:

SALARIES AND EXPENSES

For salaries and expenses, not otherwise provided for, \$24,705,000.

CONSTRUCTION

For detailed plan preparation and construction of authorized projects, \$5,450,000, to remain available until expended, as authorized.

AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided, for the International Joint Commission and the International Boundary Commission, United States and Canada, as authorized by treaties between the United States and Canada or Great Britain, and for the Border Environment Cooperation Commission as authorized by Public Law 103-182, \$9,911,000, of which not to exceed \$9,000 shall be available for representation expenses incurred by the International Joint Commission.

INTERNATIONAL FISHERIES COMMISSIONS

For necessary expenses for international fisheries commissions, not otherwise provided for, as authorized by law, \$20,480,000: Provided, That the United States' share of such expenses may be advanced to the respective commissions pursuant to 31 U.S.C. 3324.

OTHER

PAYMENT TO THE ASIA FOUNDATION

For a grant to the Asia Foundation, as authorized by the Asia Foundation Act (22 U.S.C. 4402), as amended, \$9,250,000, to remain available until expended, as authorized.

EISENHOWER EXCHANGE FELLOWSHIP PROGRAM TRUST FUND

For necessary expenses of Eisenhower Exchange Fellowships, Incorporated, as authorized by sections 4 and 5 of the Eisenhower Exchange Fellowship Act of 1990 (20 U.S.C. 5204-5205), all interest and earnings accruing to the Eisenhower Exchange Fellowship Program Trust Fund on or before September 30, 2002, to remain available until expended: Provided, That none of the funds appropriated herein shall be used to pay any salary or other compensation, or to enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376; or for purposes which are not in accordance with OMB Circulars A-110 (Uniform Administrative Requirements) and A-122 (Cost Principles for Non-profit Organiza-

tions), including the restrictions on compensation for personal services.

ISRAELI ARAB SCHOLARSHIP PROGRAM

For necessary expenses of the Israeli Arab Scholarship Program as authorized by section 214 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2452), all interest and earnings accruing to the Israeli Arab Scholarship Fund on or before September 30, 2002, to remain available until expended.

EAST-WEST CENTER

To enable the Secretary of State to provide for carrying out the provisions of the Center for Cultural and Technical Interchange Between East and West Act of 1960, by grant to the Center for Cultural and Technical Interchange Between East and West in the State of Hawaii, \$14,000,000: Provided, That none of the funds appropriated herein shall be used to pay any salary, or enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376.

NATIONAL ENDOWMENT FOR DEMOCRACY

For grants made by the Department of State to the National Endowment for Democracy as authorized by the National Endowment for Democracy Act, \$33,500,000, to remain available until expended.

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

For expenses necessary to enable the Broadcasting Board of Governors, as authorized, to carry out international communication activities, \$428,234,000, of which not to exceed \$16,000 may be used for official receptions within the United States as authorized, not to exceed \$35,000 may be used for representation abroad as authorized, and not to exceed \$39,000 may be used for official reception and representation expenses of Radio Free Europe/Radio Liberty; and in addition, notwithstanding any other provision of law, not to exceed \$2,000,000 in receipts from advertising and revenue from business ventures, not to exceed \$500,000 in receipts from cooperating international organizations, and not to exceed \$1,000,000 in receipts from privatization efforts of the Voice of America and the International Broadcasting Bureau, to remain available until expended for carrying out authorized purposes.

BROADCASTING TO CUBA

For necessary expenses to enable the Broadcasting Board of Governors to carry out broadcasting to Cuba, including the purchase, rent, construction, and improvement of facilities for radio and television transmission and reception, and purchase and installation of necessary equipment for radio and television transmission and reception, \$24,872,000, to remain available until expended.

BROADCASTING CAPITAL IMPROVEMENTS

For the purchase, rent, construction, and improvement of facilities for radio transmission and reception, and purchase and installation of necessary equipment for radio and television transmission and reception as authorized, \$25,900,000, to remain available until expended, as authorized.

GENERAL PROVISIONS—DEPARTMENT OF STATE AND RELATED AGENCY

SEC. 401. Funds appropriated under this title shall be available, except as otherwise provided, for allowances and differentials as authorized by subchapter 59 of title 5, United States Code; for services as authorized by 5 U.S.C. 3109; and for hire of passenger transportation pursuant to 31 U.S.C. 1343(b).

SEC. 402. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of State in this Act may be transferred between such appropriations, but

no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: Provided, That not to exceed 5 percent of any appropriation made available for the current fiscal year for the Broadcasting Board of Governors in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: Provided further, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 403. None of the funds made available in this Act may be used by the Department of State or the Broadcasting Board of Governors to provide equipment, technical support, consulting services, or any other form of assistance to the Palestinian Broadcasting Corporation.

SEC. 404. Hereafter, none of the funds appropriated or otherwise made available for the United Nations may be used by the United Nations for the promulgation or enforcement of any treaty, resolution, or regulation authorizing the United Nations, or any of its specialized agencies or affiliated organizations, to tax any aspect of the Internet or international currency transactions.

SEC. 405. Funds appropriated by this Act for the Broadcasting Board of Governors and the Department of State may be obligated and expended notwithstanding section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995, and section 15 of the State Department Basic Authorities Act of 1956, as amended.

SEC. 406. The Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2451 et seq.) is amended by adding at the end the following new section:

"SEC. 114. ALLOCATION OF FUNDS TRANSFERRED TO THE BUREAU OF EDUCATIONAL AND CULTURAL AFFAIRS.

"Of each amount transferred to the Bureau of Educational and Cultural Affairs out of appropriations other than appropriations under the heading 'Educational and Cultural Exchange Programs' for support of an educational or cultural exchange program, notwithstanding any other provision of law, not more than 7.5 percent shall be made available to cover administrative expenses incurred in connection with support of the program. Amounts made available to cover administrative expenses shall be credited to the appropriations under the heading 'Educational and Cultural Exchange Programs' and shall remain available until expended."

SEC. 407. (a) Section 1334 of the Foreign Affairs Reform and Restructuring Act of 1998 (as enacted in division G of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999; Public Law 105-277 and amended by section 404(a) of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001) is amended by striking "October 1, 2001" and inserting "October 1, 2005".

(b) The amendment made by subsection (a) shall take effect as if included in the enactment of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001.

(c) The provisions of law repealed by section 404(c) of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001 (section 404(c) of division A of H.R. 3427, as enacted into law by section 1000(a)(7) of Public Law 106-113; appendix G, 113 Stat. 1501A-446) are hereby reenacted into law.

(d) Notwithstanding any other provision of law, any period of discontinuity of the United States Advisory Commission on Public Diplomacy shall not affect the appointment or terms of service of members of the commission.

SEC. 408. (a) Section 303 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1988 (as enacted into law by section 101(a) of Public Law 100-202) is amended in the first sentence by striking "\$440,000" and inserting "\$620,000".

(b)(1) Section 2(2) of the joint resolution entitled "Joint resolution to authorize participation by the United States in parliamentary conferences of the North Atlantic Treaty Organization", approved July 11, 1956 (22 U.S.C. 1928b) is amended—

(A) by striking "\$100,000" and inserting "\$200,000"; and

(B) by striking "\$50,000" each of the two places it appears and inserting "\$100,000".

(2) Section 2 of the joint resolution entitled "Joint resolution to authorize participation by the United States in parliamentary conferences with Mexico", approved April 9, 1960 (22 U.S.C. 276i) is amended—

(A) by striking "\$80,000" and inserting "\$120,000"; and

(B) by striking "\$40,000" each of the two places it appears and inserting "\$60,000".

(3) Section 2 of the joint resolution entitled "Joint resolution to authorize participation by the United States in parliamentary conferences with Canada", approved June 11, 1959 (22 U.S.C. 276e) is amended—

(A) by striking "\$70,000" and inserting "\$150,000"; and

(B) by striking "\$35,000" each of the two places it appears and inserting "\$75,000".

(4) Section 109(b) of the Department of State Authorization Act, Fiscal Years 1984 and 1985 (22 U.S.C. 276 note) is amended by striking "\$50,000" and inserting "\$100,000".

(c) Notwithstanding any other provision of law, whenever either the House of Representatives or the Senate does not appoint its allotment of members as part of the American delegation or group to a conference or assembly of the British-American Interparliamentary Group, the Conference on Security and Cooperation in Europe (CSCE), the Mexico-United States Interparliamentary Group, the North Atlantic Assembly, or any similar interparliamentary group of which the United States is a member or participates and so notifies the other body of Congress, the other body may make appointments to complete the membership of the American delegation. Any appointment pursuant to this section shall be for the period of such conference or assembly and the body of Congress making such an appointment shall be responsible for the expenses of any member so appointed. Any such appointment shall be made in the same manner in which other appointments to the delegation by such body of Congress are made.

This title may be cited as the "Department of State and Related Agency Appropriations Act, 2002".

**TITLE V—RELATED AGENCIES
DEPARTMENT OF TRANSPORTATION**

MARITIME ADMINISTRATION

MARITIME SECURITY PROGRAM

For necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, \$98,700,000, to remain available until expended.

OPERATIONS AND TRAINING

For necessary expenses of operations and training activities authorized by law, \$89,054,000, of which \$13,000,000 shall remain available until expended for capital improvements at the United States Merchant Marine Academy.

**MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM
ACCOUNT**

For the cost of guaranteed loans, as authorized by the Merchant Marine Act, 1936, \$33,000,000, to remain available until expended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended.

In addition, for administrative expenses to carry out the guaranteed loan program, not to exceed \$3,978,000, which shall be transferred to and merged with the appropriation for Operations and Training.

**ADMINISTRATIVE PROVISIONS—MARITIME
ADMINISTRATION**

Notwithstanding any other provision of this Act, the Maritime Administration is authorized to furnish utilities and services and make necessary repairs in connection with any lease, contract, or occupancy involving Government property under control of the Maritime Administration, and payments received therefore shall be credited to the appropriation charged with the cost thereof: Provided, That rental payments under any such lease, contract, or occupancy for items other than such utilities, services, or repairs shall be covered into the Treasury as miscellaneous receipts.

No obligations shall be incurred during the current fiscal year from the construction fund established by the Merchant Marine Act, 1936, or otherwise, in excess of the appropriations and limitations contained in this Act or in any prior Appropriations Act.

**COMMISSION FOR THE PRESERVATION OF
AMERICA'S HERITAGE ABROAD**

SALARIES AND EXPENSES

For expenses for the Commission for the Preservation of America's Heritage Abroad, \$489,000, as authorized by section 1303 of Public Law 99-83.

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

For necessary expenses of the Commission on Civil Rights, including hire of passenger motor vehicles, \$9,096,000: Provided, That not to exceed \$50,000 may be used to employ consultants: Provided further, That none of the funds appropriated in this paragraph shall be used to employ in excess of four full-time individuals under Schedule C of the Excepted Service exclusive of one special assistant for each Commissioner: Provided further, That none of the funds appropriated in this paragraph shall be used to reimburse Commissioners for more than 75 billable days, with the exception of the chairperson, who is permitted 125 billable days.

**COMMISSION ON INTERNATIONAL RELIGIOUS
FREEDOM**

SALARIES AND EXPENSES

For necessary expenses for the United States Commission on International Religious Freedom, as authorized by title II of the International Religious Freedom Act of 1998 (Public Law 105-292), \$3,000,000, to remain available until expended.

COMMISSION ON OCEAN POLICY

SALARIES AND EXPENSES

For the necessary expenses of the Commission on Ocean Policy, pursuant to Public Law 106-256, \$3,000,000, to remain available until expended: Provided, That the Commission shall present to the Congress within 18 months of appointment its recommendations for a national ocean policy.

**COMMISSION ON SECURITY AND COOPERATION IN
EUROPE**

SALARIES AND EXPENSES

For necessary expenses of the Commission on Security and Cooperation in Europe, as authorized by Public Law 94-304, \$1,499,000, to remain

available until expended as authorized by section 3 of Public Law 99-7.

CONGRESSIONAL-EXECUTIVE COMMISSION ON THE
PEOPLE'S REPUBLIC OF CHINA

SALARIES AND EXPENSES

For necessary expenses of the Congressional-Executive Commission on the People's Republic of China, as authorized, \$1,000,000, to remain available until expended.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Equal Employment Opportunity Commission as authorized by title VII of the Civil Rights Act of 1964, as amended (29 U.S.C. 206(d) and 621-634), the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1991, including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); non-monetary awards to private citizens; and not to exceed \$30,000,000 for payments to State and local enforcement agencies for services to the Commission pursuant to title VII of the Civil Rights Act of 1964, as amended, sections 6 and 14 of the Age Discrimination in Employment Act, the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1991, \$310,406,000: Provided, That the Commission is authorized to make available for official reception and representation expenses not to exceed \$2,500 from available funds.

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Communications Commission, as authorized by law, including uniforms and allowances therefor, as authorized by 5 U.S.C. 5901-5902; not to exceed \$600,000 for land and structure; not to exceed \$500,000 for improvement and care of grounds and repair to buildings; not to exceed \$4,000 for official reception and representation expenses; purchase (not to exceed 16) and hire of motor vehicles; special counsel fees; and services as authorized by 5 U.S.C. 3109, \$245,071,000, of which not to exceed \$300,000 shall remain available until September 30, 2003, for research and policy studies: Provided, That \$218,757,000 of offsetting collections shall be assessed and collected pursuant to section 9 of title I of the Communications Act of 1934, as amended, and shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: Provided further, That the sum herein appropriated shall be reduced as such offsetting collections are received during fiscal year 2002 so as to result in a final fiscal year 2002 appropriation estimated at \$26,314,000: Provided further, That any offsetting collections received in excess of \$218,757,000 in fiscal year 2002 shall remain available until expended, but shall not be available for obligation until October 1, 2002.

FEDERAL MARITIME COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Maritime Commission as authorized by section 201(d) of the Merchant Marine Act, 1936, as amended (46 U.S.C. App. 1111), including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); and uniforms or allowances therefor, as authorized by 5 U.S.C. 5901-5902, \$16,458,000: Provided, That not to exceed \$2,000 shall be available for official reception and representation expenses.

FEDERAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Trade Commission, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901-5902; services as authorized by 5 U.S.C. 3109; hire of

passenger motor vehicles; not to exceed \$2,000 for official reception and representation expenses, \$155,982,000: Provided, That not to exceed \$300,000 shall be available for use to contract with a person or persons for collection services in accordance with the terms of 31 U.S.C. 3718, as amended: Provided further, That, notwithstanding any other provision of law, not to exceed \$155,982,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18a), regardless of the year of collection, shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: Provided further, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2002, so as to result in a final fiscal year 2002 appropriation from the general fund estimated at not more than \$0, to remain available until expended: Provided further, That none of the funds made available to the Federal Trade Commission shall be available for obligation for expenses authorized by section 151 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (Public Law 102-242; 105 Stat. 2282-2285).

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, as amended, \$329,300,000, of which \$310,000,000 is for basic field programs and required independent audits; \$2,500,000 is for the Office of Inspector General, of which such amounts as may be necessary may be used to conduct additional audits of recipients; \$12,400,000 is for management and administration; and \$4,400,000 is for client self-help and information technology.

ADMINISTRATIVE PROVISIONS—LEGAL SERVICES
CORPORATION

None of the funds appropriated in this Act to the Legal Services Corporation shall be expended for any purpose prohibited or limited by, or contrary to any of the provisions of, sections 501, 502, 503, 504, 505, and 506 of Public Law 105-119, and all funds appropriated in this Act to the Legal Services Corporation shall be subject to the same terms and conditions set forth in such sections, except that all references in sections 502 and 503 to 1997 and 1998 shall be deemed to refer instead to 2001 and 2002, respectively.

Section 504(a)(16) of Public Law 104-134 is hereafter amended by striking "if such relief does not involve" and all that follows through "representation".

MARINE MAMMAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Marine Mammal Commission as authorized by title II of Public Law 92-522, as amended, \$1,957,000.

NATIONAL VETERANS BUSINESS DEVELOPMENT
CORPORATION

For necessary expenses of the National Veterans Business Development Corporation as authorized under section 33(a) of the Small Business Act, as amended, \$4,000,000.

PACIFIC CHARTER COMMISSION

SALARIES AND EXPENSES

For necessary expenses for the Pacific Charter Commission, as authorized by the Pacific Charter Commission Act of 2000 (Public Law 106-570), \$1,500,000, to remain available until expended.

SECURITIES AND EXCHANGE COMMISSION

SALARIES AND EXPENSES

For necessary expenses for the Securities and Exchange Commission, including services as authorized by 5 U.S.C. 3109, the rental of space (to

include multiple year leases) in the District of Columbia and elsewhere, and not to exceed \$3,000 for official reception and representation expenses, \$109,500,000 from fees collected in fiscal year 2002 to remain available until expended, and from fees collected in previous fiscal years, \$328,400,000, to remain available until expended; of which not to exceed \$10,000 may be used toward funding a permanent secretariat for the International Organization of Securities Commissions; and of which not to exceed \$100,000 shall be available for expenses for consultations and meetings hosted by the Commission with foreign governmental and other regulatory officials, members of their delegations, appropriate representatives and staff to exchange views concerning developments relating to securities matters, development and implementation of cooperation agreements concerning securities matters and provision of technical assistance for the development of foreign securities markets, such expenses to include necessary logistic and administrative expenses and the expenses of Commission staff and foreign invitees in attendance at such consultations and meetings including: (1) such incidental expenses as meals taken in the course of such attendance; (2) any travel and transportation to or from such meetings; and (3) any other related lodging or subsistence: Provided, That fees and charges authorized by sections 6(b)(4) of the Securities Act of 1933 (15 U.S.C. 77f(b)(4)) and 31(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78ee(d)) shall be credited to this account as offsetting collections: Provided further, That in the event that H.R. 1088, the Investor and Capital Markets Fee Relief Act, or other legislation to amend section 6(b) of the Securities Act of 1933 (15 U.S.C. 77f(b)), and sections 13(e), 14(g), and 31 of the Securities Exchange Act of 1934 (15 U.S.C. 78m(e), 78n(g) and 78ee), is enacted into law prior to the date on which a regular appropriation to the Commission for fiscal year 2003 is enacted, the fees, charges, and assessments authorized by such sections, as amended, shall be deposited and credited to this account as offsetting collections: Provided further, That fees collected as authorized by section 31 of the Securities Exchange Act of 1934 (15 U.S.C. 78ee) for sales transacted on, and with respect to securities registered solely on, an exchange that is initially granted registration as a national securities exchange after February 24, 2000 shall be credited to this account as offsetting collections: Provided further, That for purposes of collections under section 31, a security shall not be deemed registered on a national securities exchange solely because that national securities exchange continues or extends unlisted trading privileges to that security.

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the Small Business Administration as authorized by Public Law 105-135, including hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344, and not to exceed \$3,500 for official reception and representation expenses, \$308,476,000: Provided, That the Administrator is authorized to charge fees to cover the cost of publications developed by the Small Business Administration, and certain loan servicing activities: Provided further, That, notwithstanding 31 U.S.C. 3302, revenues received from all such activities shall be credited to this account, to be available for carrying out these purposes without further appropriations: Provided further, That \$88,000,000 shall be available to fund grants for performance in fiscal year 2002 or fiscal year 2003 as authorized by section 21 of the Small Business Act, as amended.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of

the Inspector General Act of 1978, as amended (5 U.S.C. App.), \$11,464,000.

BUSINESS LOANS PROGRAM ACCOUNT

For the cost of direct loans, \$1,860,000, to be available until expended; and for the cost of guaranteed loans, \$78,000,000, as authorized by 15 U.S.C. 631 note, of which \$45,000,000 shall remain available until September 30, 2003: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That during fiscal year 2002 commitments to guarantee loans under section 503 of the Small Business Investment Act of 1958, as amended, shall not exceed \$4,500,000,000, as provided under section 20(h)(1)(B)(ii) of the Small Business Act: Provided further, That during fiscal year 2002 commitments for general business loans authorized under section 7(a) of the Small Business Act, as amended, shall not exceed \$10,000,000,000 without prior notification of the Committees on Appropriations of the House of Representatives and Senate in accordance with section 605 of this Act: Provided further, That during fiscal year 2002 commitments to guarantee loans for debentures and participating securities under section 303(b) of the Small Business Investment Act of 1958, as amended, shall not exceed the levels established by section 20(h)(1)(C) of the Small Business Act.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, \$129,000,000, which may be transferred to and merged with the appropriations for Salaries and Expenses.

DISASTER LOANS PROGRAM ACCOUNT

For the cost of direct loans authorized by section 7(b) of the Small Business Act, as amended, \$87,360,000, to remain available until expended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended.

In addition, for administrative expenses to carry out the direct loan program, \$122,354,000, which may be transferred to and merged with appropriations for Salaries and Expenses, of which \$500,000 is for the Office of Inspector General of the Small Business Administration for audits and reviews of disaster loans and the disaster loan program and shall be transferred to and merged with appropriations for the Office of Inspector General; of which \$112,000,000 is for direct administrative expenses of loan making and servicing to carry out the direct loan program; and of which \$9,854,000 is for indirect administrative expenses: Provided, That any amount in excess of \$9,854,000 to be transferred to and merged with appropriations for Salaries and Expenses for indirect administrative expenses shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

ADMINISTRATIVE PROVISION—SMALL BUSINESS ADMINISTRATION

Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Small Business Administration in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: Provided, That any transfer pursuant to this paragraph shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

STATE JUSTICE INSTITUTE

SALARIES AND EXPENSES

For necessary expenses of the State Justice Institute, as authorized by the State Justice Insti-

tute Authorization Act of 1992 (Public Law 102-572; 106 Stat. 4515-4516), \$3,000,000: Provided, That not to exceed \$2,500 shall be available for official reception and representation expenses.

UNITED STATES-CANADA ALASKA RAIL COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the "United States-Canada Alaska Rail Commission", as authorized by Title III of Public Law 106-520, \$2,000,000, to remain available until expended.

TITLE VI—GENERAL PROVISIONS

SEC. 601. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 602. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 603. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 604. If any provision of this Act or the application of such provision to any person or circumstances shall be held invalid, the remainder of the Act and the application of each provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

SEC. 605. (a) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2002, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds which: (1) creates new programs; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) reorganizes offices, programs, or activities; or (6) contracts out or privatizes any functions or activities presently performed by Federal employees; unless the Appropriations Committees of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2002, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of \$500,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or (3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Appropriations Committees of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

SEC. 606. None of the funds made available in this Act may be used for the construction, repair (other than emergency repair), overhaul, conversion, or modernization of vessels for the Na-

tional Oceanic and Atmospheric Administration in shipyards located outside of the United States.

SEC. 607. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 608. None of the funds made available in this Act may be used to implement, administer, or enforce any guidelines of the Equal Employment Opportunity Commission covering harassment based on religion, when it is made known to the Federal entity or official to which such funds are made available that such guidelines do not differ in any respect from the proposed guidelines published by the Commission on October 1, 1993 (58 Fed. Reg. 51266).

SEC. 609. None of the funds made available by this Act may be used for any United Nations undertaking when it is made known to the Federal official having authority to obligate or expend such funds: (1) that the United Nations undertaking is a peacekeeping mission; (2) that such undertaking will involve United States Armed Forces under the command or operational control of a foreign national; and (3) that the President's military advisors have not submitted to the President a recommendation that such involvement is in the national security interests of the United States and the President has not submitted to the Congress such a recommendation.

SEC. 610. (a) None of the funds appropriated or otherwise made available by this Act shall be expended for any purpose for which appropriations are prohibited by section 609 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999.

(b) The requirements in subparagraphs (A) and (B) of section 609 of that Act shall continue to apply during fiscal year 2002.

SEC. 611. Hereafter, none of the funds appropriated or otherwise made available to the Bureau of Prisons shall be used to provide the following amenities or personal comforts in the Federal prison system—

(1) in-cell television viewing except for prisoners who are segregated from the general prison population for their own safety;

(2) the viewing of R, X, and NC-17 rated movies, through whatever medium presented;

(3) any instruction (live or through broadcasts) or training equipment for boxing, wrestling, judo, karate, or other martial art, or any bodybuilding or weightlifting equipment of any sort;

(4) possession of in-cell coffee pots, hot plates or heating elements; or

(5) the use or possession of any electric or electronic musical instrument.

SEC. 612. (a) The President shall submit as part of the fiscal year 2003 budget to Congress a proposal to restructure the Department of Justice to include a coordinator of Department of Justice activities relating to combating domestic terrorism, including State and local grant programs subject to the authority of the Attorney General, and who will serve as the Department of Justice representative at interagency meetings on combating terrorism below the Cabinet level.

(b) If the President does not submit a proposal as described in subsection (a), or if Congress fails to enact legislation establishing a new position described in subsection (a), by June 30, 2002, then effective on such date subsections (c) through (f) shall take effect.

(c)(1) Section 504 of title 28, United States Code, is amended by inserting after "General" the following: "and a Deputy Attorney General for Combating Domestic Terrorism".

(2) The Section heading for section 504 of title 28, United States Code, is amended by striking "Attorney" and inserting "Attorneys".

(d) The Deputy Attorney General for Combating Domestic Terrorism (appointed under section 504 of title 28, United States Code, as amended by subsection (c)) shall—

(1) serve as the principal adviser to the Attorney General for combating terrorism, counterterrorism, and antiterrorism policy;

(2) have responsibility for coordinating all functions within the Department of Justice relating to combating domestic terrorism including—

(A) policies, plans, and oversight, as they relate to combating terrorism, counterterrorism, and antiterrorism activities;

(B) State and local preparedness for terrorist events;

(C) security classifications and clearances within the Department of Justice;

(D) contingency operations within the Department of Justice; and

(E) critical infrastructure.

(3) coordinate—

(A) all inter-agency interface between the Department of Justice and other departments, agencies, and entities of the United States, including State and local organizations, engaged in combating terrorism, counterterrorism, and antiterrorism activities; and

(B) the implementation of the national strategy for combating terrorism by State and local entities with responsibilities for combating domestic terrorism; and

(4) recommend changes in the organization and management of the Department of Justice and State and local entities engaged in combating domestic terrorism to the Attorney General.

(e) There is appropriated, out of any money in the Treasury of the United States not otherwise appropriated, for necessary expenses of the Office of the Deputy Attorney General for Combating Domestic Terrorism of the Department of Justice, \$1,000,000, to remain available until expended.

(f) Effective September 30, 2002, there is transferred to the Deputy Attorney General for Combating Domestic Terrorism all authorities, liabilities, funding, personnel, equipment, and real property employed or used by, or associated with, the Office of Domestic Preparedness, the National Domestic Preparedness Office, the Executive Office of National Security, and such appropriate components of the Office of Intelligence Policy and Review as relate to combating terrorism, counterterrorism, and antiterrorism activities.

SEC. 613. Any costs incurred by a department or agency funded under this Act resulting from personnel actions taken in response to funding reductions included in this Act shall be absorbed within the total budgetary resources available to

such department or agency: Provided, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: Provided further, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 614. Hereafter, none of the funds appropriated or otherwise made available to the Federal Bureau of Prisons may be used to distribute or make available any commercially published information or material to a prisoner when it is made known to the Federal official having authority to obligate or expend such funds that such information or material is sexually explicit or features nudity.

SEC. 615. Of the funds appropriated in this Act under the heading "Office of Justice Programs—State and Local Law Enforcement Assistance", not more than 90 percent of the amount to be awarded to an entity under the Local Law Enforcement Block Grant shall be made available to such an entity when it is made known to the Federal official having authority to obligate or expend such funds that the entity that employs a public safety officer (as such term is defined in section 1204 of title 1 of the Omnibus Crime Control and Safe Streets Act of 1968) does not provide such a public safety officer who retires or is separated from service due to injury suffered as the direct and proximate result of a personal injury sustained in the line of duty while responding to an emergency situation or a hot pursuit (as such terms are defined by State law) with the same or better level of health insurance benefits at the time of retirement or separation as they received while on duty.

SEC. 616. None of the funds provided by this Act shall be available to promote the sale or export of tobacco or tobacco products, or to seek the reduction or removal by any foreign country of restrictions on the marketing of tobacco or tobacco products, except for restrictions which are not applied equally to all tobacco or tobacco products of the same type.

SEC. 617. (a) None of the funds appropriated or otherwise made available by this Act shall be expended for any purpose for which appropriations are prohibited by section 616 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999, as amended.

(b) Subsection (a)(1) of section 616 of that Act, as amended, is further amended by striking "Claudy Myrthil".

(c) The requirements in subsections (b) and (c) of section 616 of that Act shall continue to apply during fiscal year 2002.

SEC. 618. None of the funds appropriated pursuant to this Act or any other provision of law may be used for: (1) the implementation of any tax or fee in connection with the implementation of 18 U.S.C. 922(t); and (2) any system to implement 18 U.S.C. 922(t) that does not require and result in the destruction of any identifying information submitted by or on behalf of any person who has been determined not to be prohibited from owning a firearm.

SEC. 619. Notwithstanding any other provision of law, amounts deposited or available in the Fund established under 42 U.S.C. 10601 in any fiscal year in excess of \$550,000,000 shall not be available for obligation until the following fiscal year, with the exception of emergency appropriations made available by Public Law 107-38 and transferred to the Fund.

SEC. 620. None of the funds made available to the Department of Justice in this Act may be used to discriminate against or denigrate the re-

ligious or moral beliefs of students who participate in programs for which financial assistance is provided from those funds, or of the parents or legal guardians of such students.

SEC. 621. None of the funds appropriated or otherwise made available to the Department of State and the Department of Justice shall be available for the purpose of granting either immigrant or nonimmigrant visas, or both, consistent with the Secretary's determination under section 243(d) of the Immigration and Nationality Act, to citizens, subjects, nationals, or residents of countries that the Attorney General has determined deny or unreasonably delay accepting the return of citizens, subjects, nationals, or residents under that section.

SEC. 622. None of the funds made available to the Department of Justice in this Act may be used for the purpose of transporting an individual who is a prisoner pursuant to conviction for crime under State or Federal law and is classified as a maximum or high security prisoner, other than to a prison or other facility certified by the Federal Bureau of Prisons as appropriately secure for housing such a prisoner.

SEC. 623. The requirements of section 312(a)(3) of the Magnuson-Stevens Fishery Conservation and Management Act shall not apply to funds made available by section 2201 of Public Law 106-246.

SEC. 624. (a) Section 203(i) of the Act entitled "An Act to approve a governing international agreement between the United States and the Republic of Poland, and for other purposes", approved November 13, 1998, is amended by striking "2001" and inserting "2006".

(b) Section 203 of such Act, as amended by subsection (a), is further amended by adding at the end the following:

"(j) Not later than December 31, 2001, and every 2 years thereafter, the Pacific State Marine Fisheries Commission shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Resources of the House of Representatives a report on the health and management of the Dungeness Crab fishery located off the coasts of the States of Washington, Oregon, and California."

SEC. 625. Section 140 of Public Law 97-92 (28 U.S.C. 461 note; 95 Stat. 1200) is amended by adding at the end the following: "This section shall apply to fiscal year 1981 and each fiscal year thereafter."

SEC. 626. (a) The President shall submit, by not later than the time of submission of the Budget of the United States Government for Fiscal Year 2003, a legislative proposal to establish a comprehensive program to ensure fair, equitable, and prompt compensation for all United States victims of international terrorism (or relatives of deceased United States victims of international terrorism) that occurred or occurs on or after November 1, 1979.

(b) The legislative proposal shall include, among other things, which types of events should be covered; which categories of individuals should be covered by a compensation program; the means by which United States victims of prior or future acts of international terrorism, including those with hostage claims against foreign states, will be covered; the establishment of a Special Master to administer the program; the categories of injuries for which there should be compensation; the process by which any collateral source of compensation to a victim (or a relative of a deceased victim) for an act of international terrorism shall be offset from any compensation that may be paid to that victim (or that relative) under the program established by this section; and identifiable sources of funds including assets of any state sponsor of terrorism to make payments under the program.

(c) Amend 28 U.S.C. Section 1605(a)(7)(A) by inserting at the end, before the semicolon, the

following: "or the act is related to Case Number 1:00CV03110(ESG) in the United States District Court for the District of Columbia".

SEC. 627. No funds appropriated by this Act may be used by Federal prisons to purchase cable television services, to rent or purchase videocassettes, videocassette recorders, or other audiovisual or electronic equipment used primarily for recreational purposes. The preceding sentence does not preclude the renting, maintenance, or purchase of audiovisual or electronic equipment for inmate training, religious, or educational programs.

SEC. 628. Clause (ii) of section 621(5)(A) of the Communications Satellite Act of 1962 (47 U.S.C. 763(5)(A)) is amended by striking "on or about October 1, 2000," and all that follows through the end and inserting "not later than December 31, 2002, except that the Commission may extend this deadline to not later than June 30, 2003."

SEC. 629. For an additional amount for "Small Business Administration, Salaries and Expenses", \$30,000,000, of which \$1,000,000 shall be available for a grant to Green Thumb, Inc., to expand activities serving small businesses and older entrepreneurs; \$500,000 shall be available for a grant to the New York Small Business Development Center to establish veterans business outreach programs; \$1,000,000 shall be for a grant to the University of West Florida for a virtual business accelerator program; \$1,000,000 shall be for a grant to Hamilton County, Tennessee, to establish a high-tech small business incubator; \$500,000 shall be available for a grant to the Oklahoma Department of Career and Technology Education for a technology-based program for vocational training for economic and job development; \$200,000 shall be available for a grant to Rural Enterprises, Inc., in Durant, Oklahoma, to continue support for a resource center for rural businesses; \$100,000 shall be available for a grant to Oklahoma State University for a center for international trade development; \$300,000 shall be for a grant to the University of Montana to establish an economic development resource center; \$1,000,000 shall be for a grant to George Mason University to conduct an information technology business development program; \$1,500,000 shall be for a grant to Shenandoah University to develop a historical and tourism development facility; \$1,000,000 shall be for a grant to the Software Productivity Consortium to develop a facility to support demonstration programs on information technology and telework; \$1,000,000 shall be for a grant to the Southern Kentucky Tourism Development Association for continuation of a regional tourism promotion initiative; \$1,500,000 shall be for a grant to the Southern Kentucky Economic Development Corporation for regional infrastructure and economic development initiatives; \$450,000 shall be for a grant to Southern Kentucky Rehabilitation Industries for financial assistance and small business development; \$350,000 shall be available for a grant to the Catskill Mountain Foundation to develop facilities and small business assistance programs; \$500,000 shall be for a grant to the East Los Angeles Community Union to redevelop small business assistance facilities; \$300,000 shall be for a grant to the Rockford, Illinois, Health Council for a pilot program on small business health care insurance issues; \$2,000,000 shall be for a grant to the Illinois Coalition for a national demonstration project providing one-stop assistance for technology startup businesses; \$1,000,000 shall be for a grant to James Madison University for library programs and facilities to assist small businesses; \$300,000 shall be for a grant to Lewis and Clark College in Lewiston, Idaho, to develop a virtual business incubator; \$300,000 shall be for a grant to the City of Chesapeake, Virginia, to develop a community and microenterprise development facility;

\$700,000 shall be for a grant to Social Compact for the "Realizing the Dream" initiative; \$1,000,000 shall be for a grant to Soundview Community in Action for a technology access and business improvement project; \$500,000 shall be for a grant to the Urban Justice Center in New York City for a community development project; \$1,000,000 shall be for a grant to the Bronx Child Study Center at the Bronx-Lebanon Hospital Center; \$2,000,000 shall be for a grant to the Los Angeles Conservancy for rebuilding and revitalization; \$2,000,000 shall be to the Rhode Island School of Design for the modernization of a building to establish a small business incubator; \$500,000 shall be for a grant to Johnstown Area Regional Industries for a High Technology Initiative and a Wireless/Digital Technology Program; \$400,000 shall be for a grant to Purdue University for the purposes of constructing the Purdue Regional Technology Center in Lake County, Indiana; \$500,000 shall be for a grant to the NTTC at Wheeling Jesuit University to continue the outreach program to assist small business development; \$400,000 shall be for a grant to the Infotonics Center of Excellence in Rochester, New York, for photonics incubation and business development; \$1,100,000 shall be for a grant to the MountainMade Foundation to fulfill its charter purposes and to continue the initiative developed by the NTTC for promotion, business and sites development, and education of artists and craftspeople; \$500,000 shall be for a grant to the West Virginia High Technology Consortium Foundation to develop a small business commercialization grant program; \$400,000 shall be for a grant to the National Corrections and Law Enforcement Training and Technology Center, Inc., to work in conjunction with the Office of Law Enforcement Technology Commercialization and the Moundsville Economic Development Council for continued operations of the National Corrections and Law Enforcement Training and Technology Center, and for infrastructure improvements associated with this initiative; \$500,000 shall be for a grant to the Chippewa Falls Industrial Development Corporation in Chippewa Falls, Wisconsin, for a business development assistance program; \$400,000 shall be for a grant to the National Center for e-Commerce at Polytechnic University in Brooklyn, New York; \$150,000 shall be for a grant to Portage County, Wisconsin, for the establishment of a revolving loan fund; \$1,000,000 shall be for a grant to the Upper Manhattan Empowerment Zone to develop a community accessible recreational area and economic development site along the Hudson River between 125th and 135th Streets; \$150,000 is for a grant to the Long Island Bay Shore Aquarium to develop a facility; \$500,000 is for a grant to Yonkers, New York, for the Nepperhan Valley Technology Center; and \$500,000 shall be for a grant for Greenpoint Manufacturing and Design Center to acquire certain properties to develop a small business incubator facility: Provided, That Section 633 of Public Law 106-553 is amended with respect to a grant of \$1,000,000 for the City of Oak Ridge, Tennessee, by inserting the words "through a subaward to the Oak Ridge Associated University for renovation and expansion of a facility owned by the Oak Ridge Associated University" after "to support technology and economic development initiatives".

SEC. 630. None of the funds appropriated or otherwise made available by this Act shall be available for cooperation with, or assistance or other support to, the International Criminal Court or the Preparatory Commission. This subsection shall not be construed to apply to any other entity outside the Rome treaty.

TITLE VII—RESCISSIONS DEPARTMENT OF JUSTICE

LEGAL ACTIVITIES ASSETS FORFEITURE FUND (RESCISSION)

Of the unobligated balances available under this heading, \$40,000,000 are rescinded.

DEPARTMENT OF COMMERCE DEPARTMENTAL MANAGEMENT EMERGENCY OIL AND GAS GUARANTEED LOAN PROGRAM ACCOUNT (RESCISSION)

Of the unobligated balances available under this heading from prior year appropriations, \$5,200,000 are rescinded.

RELATED AGENCIES DEPARTMENT OF TRANSPORTATION MARITIME ADMINISTRATION SHIP CONSTRUCTION (RESCISSION)

Of the unobligated balances available under this heading, \$4,400,000 are rescinded.

SECURITIES AND EXCHANGE COMMISSION SALARIES AND EXPENSES (RESCISSION)

Of the unobligated balances available under this heading, \$50,000,000 are rescinded.

SMALL BUSINESS ADMINISTRATION BUSINESS LOANS PROGRAM ACCOUNT (RESCISSION)

Of the unobligated balances available under this heading, \$5,500,000 are rescinded.

This Act may be cited as the "Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2002".

And the Senate agree to the same.

FRANK R. WOLF,
HAROLD ROGERS,
JIM KOLBE,
CHARLES H. TAYLOR,
RALPH REGULA,
TOM LATHAM,
DAN MILLER,
DAVID VITTER,
BILL YOUNG,
JOSE E. SERRANO,
ALAN B. MOLLOHAN,
LUCILLE ROYBAL-ALLARD,
ROBERT E. CRAMER, JR.,
PATRICK J. KENNEDY,
DAVID OBEY,
Managers on the Part of the House.

ERNEST HOLLINGS,
DANIEL K. INOUE,
BARBARA A. MIKULSKI,
PATRICK J. LEAHY,
HERB KOHL,
PATTY MURRAY,
JACK REED,
ROBERT C. BYRD,
JUDD GREGG,
TED STEVENS,
PETE V. DOMENICI,
MITCH MCCONNELL,
KAY BAILEY HUTCHISON,
BEN NIGHTHORSE
CAMPBELL,
THAD COCHRAN,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2500) making appropriations for the Departments of Commerce, Justice, and State, the

Judiciary and Related Agencies for the fiscal year ending September 30, 2002, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report. The legislative intent in the House and Senate versions in H.R. 2500 is set forth in the accompanying House report (H. Rept. 107-139 and the accompanying Senate report (S. 107-42).

Senate amendment: The Senate deleted the entire House bill after the enacting clause and inserted the Senate bill. The conference agreement includes a revised bill.

TITLE I—DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

The conference agreement includes \$91,668,000 for General Administration as proposed by the House, instead \$93,433,000 as proposed by the Senate.

The conference agreement adopts by reference the House report language regarding the planned integration of the Immigration and Naturalization Service (INS) IDENT system and the Federal Bureau of Investigation (FBI) IAFIS system.

The conference agreement adopts by reference the Senate report language regarding a study for the establishment of an International Law Enforcement Training Academy in Mexico.

The conferees continue to be concerned about the security of classified information at the Department. The conferees understand that Federal requirements for storage of classified information mandate that the General Services Administration approved containers are secured with locks that meet or exceed Federal specifications. The conferees expect the Department to report to the Committees no later than March 1, 2002, identifying the number of Department-controlled containers that are not in compliance with the Federal specification.

The conferees are concerned that the Department of Justice has not adequately focused its attention on the growing problem of methamphetamine production and trafficking and the strain this crime is placing on State and local law enforcement resources. The Department of Justice is directed to undertake a review of its current efforts in assisting States and local communities with this growing problem and to prepare a report that (1) defines the scope of the methamphetamine problem nationwide; (2) identifies the regions of the country most adversely affected by methamphetamine production and trafficking; (3) identifies the needs of State and local law enforcement in addressing this issue; and (4) defines the Department's role in providing training, investigative, and clean-up assistance to States and localities. This plan shall be provided to the Committee by February 15, 2002.

The conference agreement includes bill language, as proposed by the House, specifying the amount of funding provided for the Department Leadership Program and the Offices of Legislative and Public Affairs.

JOINT AUTOMATED BOOKING SYSTEM

The conference agreement includes a total of \$15,957,000 for the Joint Automated Booking System (JABS) program as proposed by the House, instead of \$22,500,000 as proposed by the Senate. This includes \$1,000,000 in direct appropriations and a transfer of \$14,957,000 from the Working Capital Fund. The JABS program office may transfer both prior year unobligated and current year JABS funds between components as nec-

essary to accelerate the deployment of the system nationwide without recourse to a reprogramming. The JABS program office is directed to report to the Committees on Appropriations as necessary regarding the status of program deployment.

NARROWBAND COMMUNICATIONS

The conference agreement includes a total of \$104,615,000 for narrowband communications conversion activities as proposed by the House, instead of \$204,549,000 as proposed by the Senate. This includes \$94,615,000 in direct appropriations and a \$10,000,000 transfer from the Working Capital Fund. The conferees note that there is \$105,000,000 in prior year carryover in this account. The conference agreement provides funding necessary to continue implementation of the Department of Justice Wireless Network and for operations and maintenance of legacy systems. The conference agreement does not include language from the Senate report regarding transfers from the Judiciary or the State Department, or availability of funds for this account. Instead, the Wireless Management Office is directed to submit, as part of the fiscal year 2003 President's budget submission, a program plan based on the final list of system requirements and a breakout, by fiscal year and activity, of the total program cost based on the program plan.

COUNTERTERRORISM FUND

The conference agreement includes \$4,989,000 for the Counterterrorism Fund as proposed by the House. The Senate did not fund this program. When combined with \$41,077,000 in prior year carryover, this will make a total of \$46,066,000 available in the Fund for fiscal year 2002 to cover unanticipated, extraordinary expenses as a result of a terrorist threat or incident.

PORT SECURITY

The conference agreement does not include \$39,950,000 for Port Security as proposed by the Senate. The House did not address this matter.

The conferees believe that the Maritime Administration (MARAD) is better suited to administer a port security program. The conferees support any actions taken by MARAD to work with local ports to improve security.

ADMINISTRATIVE REVIEW AND APPEALS

The conference agreement includes \$173,647,000 for Administrative Review and Appeals, instead of \$178,751,000 as proposed by the House and \$45,813,000 as proposed by the Senate.

The conference agreement includes \$12,940,000 for inflationary costs and other adjustments to base. The conferees direct that the Executive Office of Immigration Review fully fund contract court interpreter services as necessary. The conferees adopt by reference the House reporting requirement regarding the detention of criminal aliens, but direct that the Immigration and Naturalization Service prepare this report and submit it to the Committees on Appropriations by December 28, 2001.

DETENTION TRUSTEE

The conference agreement includes \$1,000,000 for the Federal Detention Trustee, instead of \$1,721,000 as proposed by the House, and \$88,884,000 as proposed by the Senate. The conferees note that once again the Department has failed to centralize funding for the Department's detention needs under the Detention Trustee account as required by the fiscal year 2001 conference report. The Attorney General is directed, as part of the fiscal year 2003 budget submission, to include either a funding proposal to fully centralize

all detention funding under the Detention Trustee, or a plan for the orderly shutdown of this office.

OFFICE OF INSPECTOR GENERAL

The conference agreement includes \$50,735,000 for the Office of Inspector General as proposed by the House, instead of \$46,006,000 as proposed by the Senate.

The conference agreement adopts by reference the House report language regarding the provision of \$5,000,000 to expand the Inspector General's authorities in investigating allegations of employee misconduct within the FBI and the Drug Enforcement Administration (DEA).

UNITED STATES PAROLE COMMISSION

SALARIES AND EXPENSES

The conference agreement includes \$9,876,000 for the United States Parole Commission, instead of \$10,915,000 as proposed by the House and \$8,836,000 as proposed by the Senate.

The conferees are aware that the Parole Commission is scheduled to be phased out in November 2002. The conferees are also aware that a substantial parole caseload, the majority of which is District of Columbia prisoners, will exist well into the future. As part of the fiscal year 2003 budget submission, the Attorney General is directed to propose either an extension of the existing Commission or the transfer of the residual caseload to a Federal or District of Columbia agency. In the event the latter is proposed, the budget submission should include a plan for the orderly shutdown of the Parole Commission.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

The conference agreement includes \$549,176,000 for General Legal Activities, instead of \$568,011,000 as proposed by the House and \$527,543,000 as proposed by the Senate.

The conference agreement adopts by reference the House report language and funding levels for the Civil Rights Division to enforce the Victims of Trafficking and Protection Act of 2000 and to investigate and prosecute abuses in facilities for individuals who are mentally ill and developmentally disabled, nursing homes, juvenile correctional facilities, and adult jails and prisons.

The conference agreement adopts by reference the Senate report language and funding levels for the Criminal Division's Child Exploitation and Obscenity section, Computer Crime and Intellectual Property section, and Office of Enforcement Operations, and the Civil Division's All Other Torts section.

Within the Environment and Natural Resources Division's base, the conference agreement adopts by reference the Senate report language on the prosecution of drug labs in Federal parklands and poaching on Federal lands.

The Department is directed to notify the Committees of its fiscal year 2002 spending plan incorporating the above initiatives no later than January 15, 2002. The plan will not be subject to Committee approval unless it alters or fails to incorporate any of the aforementioned items.

THE NATIONAL CHILDHOOD VACCINE INJURY ACT

The conference agreement includes a reimbursement of \$4,028,000 for fiscal year 2002 from the Vaccine Injury Compensation Trust Fund to the Department of Justice, as proposed by the House and Senate.

LEGAL ACTIVITIES OFFICE AUTOMATION

The conference agreement includes \$15,765,000 for Legal Activities Office Automation, instead of \$34,600,000 as proposed by

the Senate. The House provided \$18,835,000 for Legal Activities Office Automation through the "Salaries and Expenses, General Legal Activities" appropriation. The conference agreement adopts the Senate language creating this new account structure.

The conferees expect the Department to provide an additional \$18,835,000 for Legal Activities Office Automation from the Working Capital Fund.

SALARIES AND EXPENSES, ANTITRUST DIVISION

The conference agreement provides \$130,791,000 for the Antitrust Division as proposed by the Senate, instead of \$141,366,000 as proposed by the House. This amount will be offset with Hart-Scott-Rodino fee collections, regardless of the year of collection, resulting in no direct appropriations. The conference agreement adopts the Senate bill language structure.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

The conference agreement includes \$1,353,968,000 for the United States Attorneys as proposed by the House, instead of \$1,260,353,000 as proposed by the Senate.

The conference agreement includes \$9,000,000 for Project Sentry. This will establish new Federal-State partnerships that will support and expand Project Safe Neighborhood, particularly focusing on school safety, and identifying and prosecuting juveniles who violate State and Federal firearms laws and adults who illegally furnish firearms to them.

The conference agreement adopts by reference the House report language regarding habeas corpus overload, and adopts Senate report language regarding fundamental reform of United States Attorneys operations, gun prosecutions in Colorado, and the National Advocacy Center, including the distance learning facility. In addition, the conference agreement provides such sums as may be necessary for court technology and computer and telecommunications coordinators.

The conference agreement directs the United States Attorneys to provide a total of \$10,000,000 for cybercrime and intellectual property enforcement. The direction included in both the House and Senate reports regarding the submission of a report on copyright enforcement is adopted by reference.

The conference agreement does not include language in the Senate bill and report regarding gun surveillance technology and state and local training on child pornography investigations. Instead, both projects were funded under the Office of Justice Programs. The conference agreement includes \$6,500,000 under the Office of Justice Programs, Justice Assistance, to assist State and local law enforcement agencies to acquire the necessary knowledge, equipment, and personnel resources to prevent, interdict, or investigate child sexual exploitation.

UNITED STATES TRUSTEE SYSTEM FUND

The conference agreement provides \$147,000,000 for the United States Trustees, to be funded entirely from offsetting collections, instead of \$145,937,000 as proposed by the House and \$154,044,000 as proposed by the Senate.

The conference agreement adopts by reference the House report language regarding funding various automation projects through the Working Capital Fund, and the Senate report language on the National Advocacy Center.

SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION

The conference agreement includes \$1,136,000 for the Foreign Claims Settlement

Commission as proposed by the House, instead of \$1,130,000 as proposed by the Senate.

SALARIES AND EXPENSES, UNITED STATES MARSHALS SERVICE

The conference agreement includes \$619,429,000 for the U.S. Marshals Service (USMS) salaries and expenses account, instead of \$622,646,000 as proposed by the House and \$644,746,000 as proposed by the Senate. The conference agreement adopts by reference Senate language and funding levels for the Warrant Information Network and other networks and on-line services, including the transfer from the Justice Detainee Information System, recurring costs of the Electronic Surveillance Unit, and the transfer of funds from Human Resources to the Central Courthouse Management Group for safety and health programs. The conference agreement does not adopt Senate language regarding increases to the base, except those specifically addressed below, or the transfer of Justice Prisoner and Alien Transportation System funding from this account to the Detention Trustee. The conference agreement includes \$500,000 for Special Operations Group training, equipment, and facilities maintenance and \$583,000 for permanent changes of station. The latter two items should be treated as permanent increases to the base. The conference agreement does not include Senate language or funding levels referencing courthouse security personnel, terrorism or radios, or House language and funding levels regarding District of Columbia revitalization. The conference agreement includes language providing not to exceed 4,128 positions and 3,993 full time equivalents for the Marshals Service as proposed by the House. The Senate did not include a similar provision.

Overseas Assignments.—The conferees are aware that the U.S. Marshals Service has established a number of foreign offices in U.S. embassies without Congressional approval, using extended temporary duty assignments to circumvent the relocation report process. Therefore, the conferees direct the Justice Management Division to report by November 30, 2001, to the Committees on Appropriations regarding the locations and purposes of all Marshals overseas assignments of greater than 30 days for the previous five years. The Department is directed to terminate all Marshals overseas operations that should have been included in the relocation report. Finally, none of the funds appropriated or otherwise made available by this Act may be used for Marshals overseas temporary duty assignments of greater than 30 days without the approval of the Committees on Appropriations.

Financial Management.—The conferees are concerned that, even with a reformed budget execution process, a small budget shortfall in the Marshals Service at the beginning of the year was left unaddressed until well into the fourth quarter, despite sharp prompting from the Committees on Appropriations. Therefore, the conferees direct the Marshals Service to submit, through the Justice Management Division, within 30 days of the date of enactment of this Act, an overall agency spending plan for the full amount appropriated for fiscal year 2002.

Special Assignments.—The conferees are concerned that special assignment funds, provided for contingencies, are being used to subsidize base activities. This misuse of emergency funding threatens to undermine the budget execution process. Therefore, the conferees direct that management of all operations associated with the New York City and East Africa bombing trials, including

protective details, be returned to the Southern District of New York, that all costs associated with these operations be budgeted out of base funds, and that a multi-agency security review of these operations be undertaken immediately. This review shall be provided to the Committees on Appropriations when completed. In addition, the conferees direct that, within two weeks of the date of enactment of this Act, the Marshals shall identify to the Committees on Appropriations the total amount available for special assignments in fiscal year 2002. Thereafter, obligations of special assignment funds shall require the notification of the Committees on Appropriations.

Fugitive Apprehensions.—The conference agreement provides increases of \$3,150,000 for Electronic Surveillance Unit personnel and equipment and \$5,825,000 for the establishment of dedicated fugitive task forces on both coasts as proposed by the Senate.

Courthouse Security Staffing and Prisoner Transportation.—The total amount of funding provided also includes increases of \$3,625,000 for courthouse security personnel for existing and new courthouses, and \$1,451,000 for prisoner transportation.

Courthouse Security Equipment.—The conference agreement includes a new appropriation for the USMS, "courthouse security equipment," as proposed by the Senate. The House did not include a similar provision. The conference agreement includes \$14,267,000 for these activities, instead of \$5,769,000 as proposed by the House under USMS salaries and expenses and \$18,145,000 as proposed by the Senate. Funding for courthouse security equipment is provided as follows:

USMS courthouse security equipment

[In thousands of dollars]

Detainee Facilities	\$13,069
Fort Smith, AR	200
Denver, CO	1,090
Washington, DC	75
Jacksonville, FL	1,065
Dublin, GA	432
Moscow, ID	50
Bowling Green, KY	330
Bay City, MI	175
Detroit, MI	450
Cape Girardeau, MO	75
East St. Louis, MO	10
Greenville, MS	645
Gulfton, MS	540
Hattiesburg, MS	590
Oxford, MS	1,095
Newark, NJ	300
Columbus, OH	300
Muskogee, OK	920
Aiken, SC	220
Florence, SC	321
Spartanburg, SC	555
Columbia, TN	195
Amarillo, TX	450
Houston, TX	1,063
Laredo, TX	700
Waco, TX	423
Cheyenne, WY	800

Subtotal, Detainee Facilities	13,069
Minor Repair	375
Engineering Services	643
Security Survey	180

Total, USMS Security Equipment

14,267

CONSTRUCTION

The conference agreement includes \$15,000,000 for the USMS construction account, instead of \$6,628,000 as proposed by the House and \$25,812,000 as proposed by the Senate. The conference agreement includes the following distribution of funds:

USMS Construction

[In thousands of dollars]

Detainee Facilities:

Construction:	
Hot Springs, AR	\$1,328
Prescott, AZ	550
Grand Junction, CO	450
Davenport, IA	856
Sioux City, IA	100
Moscow, ID	200
Rock Island, IL	1,250
Rockford, IL	24
Springfield, IL	85
Bay City, MI	685
Flint, MI	248
Natchez, MS	1,000
Billings, MT	850
Raleigh, NC	2,446
Sante Fe, NM	500
New York, NY (40 Foley)	250
Columbus, OH	1,000
Dayton, OH	150
Muskogee, OK	280
Sioux Falls, SD	680
Cheyenne, WY	200
Subtotal, Construction	13,132
Planning, Design & Relocation:	
El Dorado, AR	100
Fayetteville, AR	100
El Centro, CA	32
Ocala, FL	475
Billings, MT	200
Wilmington, NC	125
Columbia, SC	46
Casper, WY	100
Subtotal, Planning, Design & Relocation	1,178
Security Specialists/Construction Engineers	690
Subtotal, Construction	\$15,000

JUSTICE PRISONER AND ALIEN TRANSPORTATION
SYSTEM FUND

The conference agreement does not include funding for the USMS Justice Prisoner and Alien Transportation System account, as proposed by the House, instead of \$53,050,000 as proposed by the Senate.

FEDERAL PRISONER DETENTION

The conference agreement provides \$706,182,000 for Federal Prisoner Detention, instead of \$724,682,000 as proposed by the House and \$687,682,000 as proposed by the Senate. This is an increase of \$110,094,000, or 18 percent, over the fiscal year 2001 appropriation. The Department should notify the Committees on Appropriations by the end of the second quarter regarding the status of obligations in this account.

FEES AND EXPENSES OF WITNESSES

The conference agreement includes \$156,145,000 for Fees and Expenses of Witnesses as proposed by the Senate, instead of \$148,494,000 as proposed by the House.

SALARIES AND EXPENSES, COMMUNITY
RELATIONS SERVICE

The conference agreement includes \$9,269,000 for the Community Relations Service, as proposed by both the House and Senate.

The conference agreement includes a provision allowing the Attorney General to transfer up to \$1,000,000 to this program, as proposed by the House and Senate. The Attorney General is expected to notify the Committees if this transfer authority is exercised. In addition, a provision is included allowing the Attorney General to transfer additional resources, subject to reprogramming requirements, upon a determination

that emergent circumstances warrant additional funding, as proposed by the House.

ASSETS FORFEITURE FUND

The conference agreement provides \$22,949,000 for the Assets Forfeiture Fund as proposed by Senate, instead of \$21,949,000 as proposed by the House.

RADIATION EXPOSURE COMPENSATION

ADMINISTRATIVE EXPENSES

The conference agreement includes \$1,996,000 for administrative expenses for the Radiation Exposure Compensation Act, as proposed by the House and Senate.

PAYMENT TO THE RADIATION EXPOSURE
COMPENSATION TRUST FUND

The conference agreement does not include funding to make payment to the Radiation Exposure Compensation Trust Fund, instead of \$10,776,000 as proposed by the House and Senate.

The conferees believe that the Federal government must meet its obligations to persons, and their families, who were exposed to radiation and who now suffer from related diseases. The conferees note that the compensation payments are based on claimants meeting eligibility criteria and therefore should be scored or treated as mandatory payments under the Budget Act. Such payments were assumed in the fiscal year 2002 congressional budget resolution to be scored as mandatory with enactment of appropriate legislation starting in fiscal year 2002. Supplemental appropriations were provided for fiscal year 2001 with the understanding and expectation that future funding for this purpose would be mandatory and that further discretionary appropriations would not be necessary.

INTERAGENCY LAW ENFORCEMENT

INTERAGENCY CRIME AND DRUG ENFORCEMENT

The conference agreement provides \$338,577,000 for Interagency Crime and Drug Enforcement, instead of \$340,189,000 as proposed by the House and \$336,966,000 as proposed by the Senate. Of the amounts provided, \$500,000 shall be made available to equip the Federal gun range replacing the closed range at Rocky Flats, Colorado, for use by Federal, state and local law enforcement. The conferees adopt by reference the Senate language regarding the Immigration and Naturalization Service 25 percent matching requirement. The distribution of the total available funding, which reflects a permanent reprogramming of \$450,000 from the Tax Division to the Criminal Division, is as follows:

Reimbursements by agency

[In thousands of dollars]

Drug Enforcement Administration	\$111,422
Federal Bureau of Investigation ..	115,444
Immigration and Naturalization Service	15,987
Marshals Service	2,049
U.S. Attorneys	89,623
Criminal Division	1,328
Tax Division	964
Administrative Office	1,760
Total	338,577

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

The conference agreement includes a total of \$3,491,073,000 in new budget authority for the Salaries and Expenses account of the Federal Bureau of Investigation (FBI) as proposed by the House, instead of \$3,425,041,000 as proposed by the Senate. Of this amount,

not less than \$459,243,000 shall be used for counterterrorism investigations, foreign counterintelligence, and other activities related to national security, instead of \$448,467,000 as proposed by the House and \$485,278,000 as proposed by the Senate.

The conference agreement includes an increase of \$122,119,000 for inflationary increases and other adjustments to base to support the FBI's current staffing and operating level as reflected in the budget request. The conference agreement does not adopt the new budget structure proposed by the Senate.

The conference agreement also includes programmatic increases of \$140,472,000. The FBI is reminded that changes in this distribution are subject to the reprogramming requirements in section 605 of this Act.

FBI Salaries and Expenses

[In thousands of dollars]

Activity	Positions	FTE	Amount
Criminal, Security and Other Investigations:			
Organized Criminal Activities	3,778	3,787	\$467,246
White Collar Crime	4,164	4,068	501,066
Other Field Programs	10,362	10,130	1,442,277
Subtotal	18,304	17,985	2,410,589
Law Enforcement Support:			
Training, Recruitment, and Applicants	1,014	985	124,383
Forensic Services	730	697	156,853
Information, Management, Automation & Telecommunications ...	553	554	213,603
Technical Field Support & Services	263	244	164,510
Criminal Justice Services	2,010	2,021	210,354
Subtotal	4,570	4,501	869,703
Program Direction: Management and Administration			
Total, Direct Appropriations	24,935	24,488	\$3,491,073

The conference agreement adopts by reference House language and funding levels for counterintelligence, the 2002 Winter Olympics, the Incident Response Readiness Program, and a comprehensive information technology report, and the Senate language and funding levels regarding technically-trained agent and electronic technician training, Computer Analysis Response Team training, Evidence Response Team supplies, interception capabilities, counter-encryption equipment, white-collar crime computer equipment, forensic research, the forensic audio/video program, regional mitochondrial DNA lab oversight, the National Instant Background Check System, and drug jurisdiction. The conference agreement does not include language or funding levels in the Senate report regarding regional computer forensic labs, regional mitochondrial DNA labs, the Violent Criminal Apprehension Program, or end strength. The conference agreement also adopts by reference the House and Senate report language regarding the Jewelry and Gem program.

Trafficking in Persons.—The conferees expect the FBI to continue its support of the Southeast European Cooperative Initiative with regard to its efforts to combat trafficking in women and children.

Trilogy.—The conference agreement includes a total of \$142,390,000 for Trilogy, of which \$74,730,000 is base funding, \$29,565,000 is derived from a Working Capital Fund transfer, and \$38,095,000 is provided in new direct appropriations.

Quantico Laboratory.—The conference agreement provides a total of \$36,602,000 for laboratory activation, including a transfer of

\$24,837,000 from the Working Capital Fund for laboratory equipment and \$11,765,000 for moving costs, fit out, and operations and maintenance. If prior year recoveries or other funds become available, the FBI should seek a reprogramming to initiate decommissioning and renovation of former lab space in the J. Edgar Hoover Building.

The conference agreement directs the FBI to fully reimburse private ambulance providers for their costs in support of Hostage Rescue Team operations in St. Martin Parish, Louisiana, in December 1999, as proposed by the Senate. The House did not include a similar provision.

The conference agreement includes language limiting the FBI to not exceed 24,935 positions and 24,488 full time equivalents, as proposed by the House. The Senate did not include a similar provision. The conference agreement also includes a provision that provides for up to 1,354 passenger motor vehicles, of which 1,190 will be for replacement only, as proposed by the Senate, instead of 1,236 and 1,142, respectively, as proposed by the House.

CONSTRUCTION

The conference agreement includes \$33,791,000 for construction for the FBI, instead of \$1,250,000 as requested and proposed by the House and \$44,074,000 as proposed by the Senate. This includes funding for an annex at the Engineering Research Facility that will support consolidation of various high technology programs on the FBI Academy campus in Quantico, Virginia.

Hazardous Devices School.—The conferees recognize the FBI's mission to prevent and detect terrorist activities and understand the importance preparedness plays in achieving this mission, particularly as it relates to Weapons of Mass Destruction (WMD). An essential element of an effective U.S. response to WMD incidents rests with first responders, including public safety bomb squads. All state and local bomb technicians are trained and certified at the Hazardous Devices School (HDS) at the Redstone Arsenal in Huntsville, Alabama, which is operated jointly by the FBI and the U.S. Army. The conferees approve of the transfer of \$9,000,000 in no year funds from the Department of Defense to the FBI for the construction of practical training villages for the HDS. These villages will be used for realistic training exercises. Further, the conferees support the transfer from DOD of an additional \$14,000,000 in no year funds to be used by the FBI for the construction of a classroom building at the HDS.

DRUG ENFORCEMENT ADMINISTRATION SALARIES AND EXPENSES

The conference agreement includes \$1,481,783,000 for the Drug Enforcement Administration (DEA) Salaries and Expenses account, instead of \$1,476,083,000 as proposed by the House and \$1,489,779,000 as proposed by the Senate.

Budget and Financial Management.—The conference agreement adopts by reference the language included in the Senate report regarding budget and financial management. The conference agreement includes bill language, as proposed by the House, providing not to exceed 7,654 positions and 7,515 full time equivalents for DEA from funds provided in this Act. The Senate did not include a similar provision. The conference agreement also includes bill language, as proposed by the Senate, to provide two year funding authority for costs associated with permanent change of station. The House bill did not include a similar provision.

The following table represents funding provided under this account:

Activity	Positions	FTE	Amount
Enforcement:			
Domestic Enforcement	2,091	2,042	\$435,183
Foreign Cooperative Investigations	633	600	193,275
Drug and Chemical Diversion	165	166	18,961
State and Local Task Forces	1,699	1,696	244,385
Subtotal	4,804	4,504	891,804
Investigative Support:			
Intelligence	952	967	120,237
Laboratory Services	452	415	60,674
Training	99	98	24,754
Research, Engineering and Technical Operations	582	565	121,270
Automated Data Processing	125	0	159,044
Subtotal	2,210	2,045	\$485,979
Management and Administration	850	841	104,000
TOTAL, DEA	7,654	7,515	1,481,783

DEA is reminded that any deviation from the above distribution is subject to the reprogramming requirements of section 605 of this Act.

The conference agreement provides a net increase of \$68,213,000 for base adjustments as follows: increases totaling \$73,532,000 for pay and other inflationary costs to maintain current operations, offset by a \$5,319,000 reduction for GSA rent decreases. In addition, the conference agreement includes program increases totaling \$53,260,000 as follows:

Special Operations Division.—The conference agreement includes increases totaling \$14,006,000 for drug enforcement investigations of the Special Operations Division, including \$8,223,000 for domestic enforcement, \$242,000 for intelligence, \$164,000 for management and administration and drug and chemical conversion, and \$5,377,000 for research, engineering, and technical operations.

FIREBIRD Implementation.—The conference agreement includes an increase of \$19,400,000 for FIREBIRD implementation, including increases of \$2,500,000 for deployment, \$1,900,000 for network security, and \$15,000,000 for technology renewal. DEA is directed to continue to provide quarterly FIREBIRD status and obligation reports to the Committees on Appropriations.

Forensic Support.—The conference agreement includes an increase of \$13,104,000, as provided by both the House and Senate, to support additional chemists and purchase laboratory equipment. The conference agreement adopts by reference House language regarding distribution of this funding.

In addition, \$6,750,000 is provided to procure one twin engine medium lift helicopter to meet enforcement needs in Hawaii, and one single engine light aircraft helicopter for drug enforcement activities elsewhere. The conferees adopt by reference House and Senate language regarding the Caribbean Initiative, High Intensity Drug Trafficking Areas, heroin, OxyContin, MDMA, methamphetamines, and Special Investigative Units.

In addition, the conference agreement includes a total of \$20,000,000 under the Community Oriented Policing Services Methamphetamine/Drug "Hot Spots" program for DEA to assist State and local law enforcement agencies with the costs associated with methamphetamine clean up.

Drug Diversion Control Fee Account.—The conference agreement includes total funding of \$86,021,000 for DEA's Drug Diversion Control Program for fiscal year 2002, of which \$67,000,000 is from new diversion fee collections and \$19,021,000 is from prior year collections. The conference agreement assumes that the level of balances in the Fee Account is sufficient to fully support diversion control programs in fiscal year 2002.

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

The conference agreement includes \$3,371,440,000 for the salaries and expenses of the Immigration and Naturalization Service (INS) as proposed by the House, instead of \$3,176,037,000 as proposed by the Senate. In addition to the amounts appropriated, the conference agreement assumes that \$2,142,926,000 will be available from offsetting fee collections, instead of \$2,140,610,000 as proposed by the House and \$2,058,723,000 as proposed by the Senate. Thus, including resources provided under the Construction account, the conference agreement provides a total operating level of \$5,642,820,000 for the INS, instead of \$5,640,504,000 as proposed by the House and \$5,506,299,000 as proposed by the Senate. This funding level is an increase of \$841,332,000, or 18 percent, over fiscal year 2001.

INS Organization and Management.—Consistent with the concept of separating immigration enforcement from services, the conference agreement continues to use, as in the last three fiscal years, two accounts, as requested by the President and proposed in the House bill: Enforcement and Border Affairs, and Citizenship and Benefits, Immigration Support and Program Direction. INS enforcement funds are provided in the Enforcement and Border Affairs account. All immigration-related benefits and naturalization, support, and program resources are provided in the Citizenship and Benefits, Immigration Support and Program Direction account. Neither account includes revenues generated in various fee accounts to fund program activities for both enforcement and services functions, which are in addition to the appropriated funds and are discussed below. Funds for INS construction projects continue to be provided in the INS construction account.

The conference agreement includes bill language which provides authority for the Attorney General to transfer funds from one account to another in order to ensure that funds are properly aligned. Such transfers may occur notwithstanding any transfer limitations imposed under this Act, but such transfers are still subject to the reprogramming requirements under Section 605 of this Act. It is expected that any request for transfer of funds will remain within the activities under those headings.

A cap on overtime of \$30,000 per employee per calendar year has been in place the last several years in order to help the INS maintain control over its budget. The conference agreement maintains this limit as provided in the House bill, but provides the INS Commissioner the flexibility to exceed the cap as necessary for national security purposes and in cases of immigration emergencies. The Senate bill limited overtime to \$1,153 per employee per pay period. The INS is directed to submit to the Committees on Appropriations quarterly reports on overtime expenditures by employee, activity and district. It is expected that funding provided in this act for 570 additional Border Patrol agents, 348 additional land border inspectors, new airport

and seaport inspectors funded by the fee increases, as well as additional agents and inspectors that may be funded in other Appropriations Acts during this fiscal year, will reduce the need for overtime beyond \$30,000 per employee for the calendar year.

The conference agreement includes a provision limiting the number of non-career personnel appointments at the INS to six positions, instead of a limit of four positions as proposed by the House and no limit as proposed by the Senate. This level represents an increase of 50 percent above the current ceiling for non-career appointments at INS. The conferees expect the Commissioner to use this increased authority to hire qualified personnel with management and information technology expertise who can contribute to the goal of fundamental INS reform. The conferees will consider a request for additional non-career hiring authority or other personnel authority options above this ceiling during the fiscal year 2003 budget process. The conferees expect that a detailed proposal outlining both the need for such additional authorities and how they relate to proposed INS restructuring and management reforms, to be coordinated with the Department of Justice, the Office of Personnel Management, and the Office of Management and Budget, will accompany the INS fiscal year 2003 budget submission.

The conference agreement also modifies language from the House bill to provide that when positions become vacant in the Offices of Legislative Affairs and Public Affairs, at least ten of these positions be filled with detailees, transfers, or other non-permanent staff, with the goal of rotating staff who have experience in INS field operations through these offices. The Senate bill included a different version of this provision.

Base adjustments.—The conference agreement provides a total increase of \$80,110,000 and 429 full time equivalents for inflationary cost increases and adjustments to base for INS salaries and expenses. The conference agreement does not include transfers to the Exams Fees account or the Breached Bond/Detention account as proposed by the Senate.

ENFORCEMENT AND BORDER AFFAIRS

The conference agreement provides \$2,739,695,000 for this account, instead of \$2,738,517,000 as proposed by the House. The Senate did not provide separate funding for this account. This amount includes an increase of \$74,911,000 and 417 full time equivalents for pay and inflationary adjustments for Border Patrol, Investigations, Detention and Deportation, and Intelligence, as requested. None of these amounts include offsetting fees, which are used to fund both enforcement and services functions. The INS is directed to notify the Committees on Appropriations regarding the assignment of all new border patrol agents and inspectors provided for in this Act as well as any other Appropriations Acts that may be enacted during fiscal year 2002.

Border Control and Management.—The conference agreement includes increases of \$123,331,000 for border control and management, as follows:

Land Border Inspectors.—The conference agreement includes an increase of \$25,408,000 for 348 new land border ports-of-entry inspectors as proposed by the Senate. The House did not include a similar provision. The INS is expected to assign these new inspectors to the highest priority locations, paying particular attention to the Northern Border.

Border Patrol Agents.—The conference agreement includes an increase of \$66,352,000

to hire 570 additional border patrol agents, as proposed by the House, instead of \$75,000,000 as proposed by the Senate. Senate language regarding assignment of border patrol agents is adopted by reference. In addition, an increase of \$2,076,000 is provided for new border patrol vehicles, instead of the funding level referenced by the Senate. The House did not include a similar provision. The conferees understand that the INS spent about \$100,000,000 to acquire 2,762 replacement and enhancement vehicles in fiscal year 2001 using base funds, enhancement funds, and recoveries.

Detention and Removals.—The conference agreement also includes increases of \$20,823,000 for consolidated bed space expansion needs, instead of \$39,388,000 as proposed by the House and no funding as proposed by the Senate. This amount includes an increase of \$10,154,000 for additional detention staff, support staff and removal costs; an increase of \$1,873,000 for detainee transportation vehicles; and an increase of \$8,796,000 for Joint Prisoner and Alien Transportation System (JPATS) requirements to support additional domestic and repatriation movements. The conference agreement does not include the proposed transfer of funds from INS to the JPATS Fund for this activity, which was recommended by the Senate. In addition, the conference agreement also includes an increase of \$8,672,000 as proposed by the House for detainee medical costs. The Senate did not include a similar provision.

Interior Enforcement.—The conference agreement also includes funding as necessary to support an additional Quick Response Team (QRT) for New Jersey, if merited. The INS is directed to consult with the Committees on Appropriations regarding the status of its interior enforcement effort. The conference agreement does not adopt Senate language regarding QRTs.

Border Patrol Equipment and Technology.—The conference agreement adopts by reference the Senate report language and funding levels regarding the Integrated Surveillance Intelligence System systems engineering, and the House language regarding border patrol equipment.

IDENT/IAFIS.—The conference agreement provides a transfer of \$9,000,000 from the Working Capital Fund to the Department of Justice General Administration account to provide for the continued integration of the INS and FBI fingerprint identification systems. This amount reflects a current estimate of the funding need as provided to the Committees on Appropriations by the Department of Justice.

In addition, the conferees adopt by reference House language regarding enforcement of section 212 of the Immigration and Nationality Act. The Senate did not include a similar provision. Further, the INS is directed to ensure that it does not allow any aliens to enter the United States who have been involved in the illegal harvesting of human organs.

The conference agreement adopts by reference House language regarding the Tucson Sector. The conference agreement does not include language on basic training costs as proposed by the Senate. The House did not address this matter.

CITIZENSHIP AND BENEFITS, IMMIGRATION SUPPORT AND PROGRAM DIRECTION

The conference agreement provides \$631,745,000 for this account, instead of \$632,923,000 as proposed by the House. The Senate did not provide separate funding for this account. This amount includes an increase of \$5,199,000 and 12 full time equivalents

for pay and inflationary adjustments for the activities of Citizenship and Benefits, Immigration Support, and Management and Administration, as requested. None of these amounts include offsetting fees, which are used to fund both enforcement and services functions.

Immigration Services.—The conference agreement includes an increase of \$45,000,000, as requested and proposed by the House, to support naturalization and other benefits processing backlog reduction activities. The Senate did not include a similar provision. This amount, when combined with \$35,000,000 in base funding and \$20,000,000 in fees, will provide \$100,000,000 toward reaching a universal six-month processing standard for all immigration applications and petitions. The conference agreement does not include Senate language that transferred \$67,000,000 to the Immigration Service and Infrastructure Account. The House did not address this matter.

In addition, an increase of \$1,000,000 is provided for legal orientation programs, instead of \$2,800,000 as proposed by the Senate, and an increase of \$3,000,000 is provided for alternatives to detention, instead of \$7,300,000 as proposed by the Senate. The House did not include similar provisions.

Further, the conferees adopt by reference Senate direction to provide \$5,500,000 to the Eastern Adjudication Service Center to process immigration self-petitions and U visas under the Violence Against Women Act, and T visas under the Victims of Trafficking and Violence Protection Act, and agree that of this amount, \$500,000 shall be for the Eastern Adjudication Center as directed by the Senate. The House did not contain a similar provision.

The Committees continue to be concerned about the problems of backlogs in application processing and casework, and deficiencies in other services. In the fiscal year 2001 conference report, the INS was directed to conduct a complete review of staffing and resource needs to improve benefits and services in all current INS offices, as well as the need for additional offices, particularly in rural areas. The Committees have yet to receive this review. Therefore, the INS is directed to allocate additional staffing and upgrade offices as necessary for the following areas: Roanoke, Virginia; Omaha, Nebraska; Nashville, Tennessee, as described in the Senate report; Patterson, New Jersey; the Bronx, New York; Las Vegas, Nevada, as described in the Senate report; and the other locations mentioned in the fiscal year 2001 conference report.

In addition to identical provisions included by both the House and Senate, the conference agreement includes the following provisions: (1) a limit of 3,165 passenger motor vehicles, of which 2,211 are for replacement only, as proposed by the House, instead of the Senate proposed limit; (2) a prohibition on the use of funds to operate the San Clemente and Temecula traffic checkpoints unless certain conditions are met, as proposed in the House bill; (3) a provision, as proposed by the House, to make available \$5,000 for official reception and representation expenses; and (4) a provision, as proposed by the House, to permit the INS to equip, maintain, and make infrastructure improvements and purchase vehicles for police type use within the Enforcement and Border Affairs account.

OFFSETTING FEE COLLECTIONS

The conference agreement assumes \$2,142,926,000 will be available from offsetting fee collections, instead of \$2,140,610,000 as

proposed by the House and \$2,058,723,000 as proposed by the Senate, to support activities related to the legal admission of persons into the United States. These activities are funded entirely by fees paid by persons who are either traveling internationally or who are applying for immigration benefits. The following levels are recommended:

Immigration Inspections User Fees.—The conference agreement includes \$591,866,000 of spending from offsetting collections in this account, the same amount requested and proposed by the House, instead of \$656,648,000 as proposed by the Senate. This amount represents a \$97,482,000 increase over fiscal year 2001 spending, including \$20,991,000 for adjustments to base, the full amount requested. The amount also assumes an increase from \$6 to \$7 for the current airline passenger immigration inspection user fee, and \$3 for a new immigration inspection cruise ship passenger fee. The conferees adopt by reference Senate language directing that not less than nine percent of fee collections in this account should be used for technology infrastructure improvements. The House did not address this matter.

The expected increase in fee collections will fund the following safety, service and technology improvements at airports: \$19,927,000, 459 positions and 230 full time equivalents to increase primary inspectors at new and existing airport terminals, as well as at high growth terminals; and \$4,510,000, 60 positions and 30 full time equivalents for additional Immigration Inspectors to expand INS/U.S. Customs Service passenger analysis units at airports to analyze traveler information in advance of plane arrivals in order to identify inadmissible aliens, including criminal aliens, drug traffickers, and terrorists. This funding level will also enable the INS to invest at least \$14,370,000 in its automated entry/exit system that tracks alien arrivals and departures at airports. This funding level will also fund at least \$6,425,000 for upgrades to the National Automated Inspection Lookout System (NAILS), and for additional Live Scan Devices that can send electronic fingerprint submissions to the FBI's Integrated Automated Fingerprint Identification System (IAFIS). The funding level will also provide an additional \$6,512,000 for additional Detention Enforcement Officers, Deportation Officers, and docket clerks, and 200 additional detention beds.

In addition, this level will fund the following safety, service and technology improvements at seaports: \$4,153,000, 54 positions and 27 full time equivalents for new immigration inspectors at newly activated seaport terminals and current understaffed terminals; \$2,273,000, 20 positions and 10 full time equivalents for joint INS/U.S. Customs units to analyze traveler information in advance of ship arrivals; and \$5,545,000 for the automated entry/exit system and upgrades to the NAILS system. The INS is directed to ensure that it allocates funding for base activities, e.g. salaries and expenses, before it undertakes any enhancement activities. The INS shall report to the Committees on Appropriations as necessary should fee revenues decline more than five percent from October projections. Further, should additional fees become available, the INS may submit a reprogramming in accordance with section 605 of this Act.

Immigration Examinations Fees.—The conference agreement includes a total of \$1,376,871,000 to support the adjudication of applications for immigration benefits, the amount requested and proposed by the

House, instead of \$1,258,088,000 as proposed by the Senate. These funds are derived from offsetting collections from persons applying for immigration benefits, including collections from the premium-processing fee, and are in addition to \$80,000,000 in new and continued direct appropriations provided under the Citizenship and Benefits, Immigration Support, and Program Direction account to eliminate the backlog in applications. The conference agreement reflects INS' revised revenue estimates for collections from existing fees, which is \$118,783,000 higher than the amount assumed in the budget request and \$407,020,000 above the amount available in fiscal year 2001. The conference agreement does not adopt the transfer of \$127,834,000 from Examinations Fees funding to the Executive Office of Immigration Review or the transfer of \$147,602,000 in activities from the Salaries and Expenses account to the Examinations Fees account, which were proposed by the Senate. The conference agreement adopts by reference House report language regarding the telephone customer service center and the indexing and conversion of INS microfilm images.

Within the Examinations Fees account, the conference agreement provides \$18,979,000 for adjustments to base as requested.

Land Border Inspections Fees.—The conference agreement includes \$4,490,000 in spending from the Land Border Inspection Fund, instead of \$2,944,000 as proposed by the House and \$1,714,000 as proposed by the Senate. This amount reflects revised estimates of collections. The revenues generated in this account are from Dedicated Commuter Lanes in Blaine and Port Roberts, Washington; Detroit Tunnel and Ambassador Bridge, Michigan; and Otay Mesa, California, as well as from Automated Permit Ports that provide pre-screened local border residents with border crossing privileges by means of automated inspections. The conference agreement adopts the Senate provision, which provides that the Attorney General may expand from 6 to 96 the number of ports of entry qualifying to participate in a fee pilot. The House did not address this matter.

Immigration Breached Bond/Detention Fund.—The conference agreement includes \$120,763,000 in spending from the Breached Bond/Detention Fund as proposed by the Senate, instead of \$139,935,000 as proposed by the House. The conference agreement does not assume the reinstatement of section 245(i) of the Immigration and Nationality Act, which was proposed by the Senate. The conference agreement provides a \$40,000,000 increase, as requested, to fund 1,407 additional detention beds, and \$1,483,000 to fund vehicles to transport detainees. The agreement does not include the base transfer to the Breached Bond/Detention Fund account, as proposed in the Senate report.

Immigration Enforcement Fines.—The conference agreement includes \$22,664,000 in spending from Immigration Enforcement fines, instead of \$12,994,000 as proposed by the House and \$5,510,000 as proposed by the Senate. This level reflects the current estimate of revenues available in this account for fiscal year 2002.

H-1B Fees.—The conference agreement includes \$26,272,000 in spending from the H-1B Fee account, instead of \$16,000,000 proposed by both the House and the Senate. This level reflects the current estimate of revenues available in this account for fiscal year 2002.

CONSTRUCTION

The conference agreement includes \$128,454,000 for construction for INS as pro-

posed by the House, instead of \$205,015,000 as proposed by the Senate. This amount fully funds the Administration's request as proposed in the budget submission. This funding level does not include the Senate proposal to transfer funding from the Bureau of Prisons buildings and facilities account to the INS construction account, the Senate proposal to allow the INS to purchase construction vehicles, or the Senate proposal to comply with Occupational Safety and Health Administration programs.

The conference agreement includes language, as proposed by the House and carried in prior Appropriations Acts, prohibiting funds from being used for site acquisition, design, or construction of a checkpoint in the Tucson Sector. The Senate did not include a similar provision.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

The conference agreement includes \$3,808,600,000 for the salaries and expenses of the Federal Prison System, instead of \$3,830,971,000 as proposed by the House and \$3,786,228,000 as proposed by the Senate. This funding level is an increase of \$308,428,000 above the fiscal year 2001 amount. The conferees note that the Bureau of Prisons submitted a reprogramming on September 27, 2001, for \$37,963,000 to meet increased utility costs incurred during fiscal year 2001.

Activation of New Prisons.—The conference agreement includes an increase of \$72,752,000 to activate a new medium security facility in Petersburg, Virginia and a high security facility in Lee County, Virginia.

Equipment Funding.—The conference agreement also includes an increase of \$9,100,000 for equipment funding the United States Prison in Canaan, Pennsylvania, and the Federal Corrections Institute in Glenville, West Virginia.

Contract Confinement.—The conference agreement includes an increase of \$47,443,000 to fund an additional 1,500 contract beds to accommodate the increasing number of criminal aliens and to support 1,499 general contract inmates beds, including 85 juvenile beds.

The conference agreement provides that of the funding provided, \$11,554,000 is for activation of the Atwater, California facility, and \$13,323,000 is for the activation of the facility at Honolulu, Hawaii. The conference adopts by reference House language regarding drug treatment programs and establishment of faith-based and other pilots, and Senate language regarding a pilot internship at the prison at Yazoo City, Mississippi, \$1,000,000 for a sexual misconduct study, and a feasibility study for Yazoo City, Mississippi. The conference agreement does not include bill language proposed by the Senate designating specific amounts for activation of specific prisons. The House bill did not include such language.

BUILDINGS AND FACILITIES

The conference agreement includes \$813,552,000 for construction, modernization, maintenance, and repair of prison and detention facilities housing Federal prisoners, as provided by the House, instead of \$899,797,000 as provided by the Senate. The conference agreement does not include the proposed transfer from BOP to the INS for construction of detainee facilities as provided in the Senate bill. The conference agreement does not include bill language designating specific amounts for partial site and planning for a specific prison, as proposed by the Senate. The conference agreement provides that of the \$650,047,000 provided for increases as outlined below, \$5,000,000 shall be for partial site

and planning of the USP Northeast/Mid-Atlantic facility, to be located in Berlin, New Hampshire:

[in thousands of dollars]	
Facilities with prior funding:	
Western/USP California	\$147,000
Southeast/USP Coleman, FL	133,000
Southeast/FCI South Carolina ..	106,000
Mid-Atlantic FCI	91,047
INS Long-Term Detainee Capacity:	
USP Western	11,500
FCI Butner, NC Medium	11,500
USP Terre Haute, IN	130,000

Subtotal, Projects with Prior Funding	630,047
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Facilities with no prior funding:	
Female Facility in N. Florida ..	5,000
Female Facility in N. Central Region	5,000
Male Facility for FCI S. Central Region	5,000
Male Facility for USP NE/N Mid Atlantic	5,000

Subtotal, New Sentenced Capacity	20,000
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Total, New Construction Program Increases	650,047
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FEDERAL PRISON INDUSTRIES, INCORPORATED (LIMITATION ON ADMINISTRATIVE EXPENSES)

The conference agreement includes a limitation on administrative expenses of \$3,429,000 for Federal Prison Industries, Incorporated as proposed by both the House and the Senate.

OFFICE OF JUSTICE PROGRAMS JUSTICE ASSISTANCE

The conference agreement includes \$437,008,000 for Justice Assistance, instead of \$408,371,000 as proposed by the House and \$574,538,000 as proposed by the Senate. The distribution of funding is as follows:

JUSTICE ASSISTANCE (Dollars in thousands)

	Amount
National Institute of Justice	\$54,879
Bureau of Justice Statistics	32,335
Missing Children	22,997
Regional Information Sharing System	28,278
White Collar Crime Information Center	9,230
Management and Administration	37,795
Counterterrorism Programs	251,494
Total	437,008

National Institute of Justice (NIJ).—The conference agreement provides \$54,879,000 for NIJ. Within the total amount provided to NIJ, the following initiatives should be funded at least at the current levels:

- National Law Enforcement and Corrections Technology Center system, including \$1,500,000 for the Less than Lethal Technology for Law Enforcement Program, \$2,800,000 for the Office of Law Enforcement Technology Commercialization, Inc., and \$1,500,000 for the Center for Rural Law Enforcement Technology and Training;
- Computerized identification systems;
- Facial Recognition;
- DNA Technology Research and Development; and
- High Intensity Drug Trafficking Areas.

The conference agreement provides \$450,000 for Non-Toxic Drug Detection and Identification Aerosol Technology; \$1,500,000 for the "Breaking the Cycle" Program in Jacksonville, Florida and Lane County, Oregon; and

\$3,000,000 for a prison health research project at the University of Connecticut.

The Office of Justice Programs is expected to review a proposal for a grant to the Kitsap County Medical Examiner's Office that will assist in the development of a new death investigation module for the FBI ViCAP system and provide a grant, if warranted.

The conferees understand that NIJ is currently evaluating the operational utility of the SECURES gunshot detection system in Austin, Texas. This evaluation is scheduled to be completed by August 1, 2002. In the next phase of evaluations, NIJ is expected to consider installing the SECURES gunshot detection system in Richmond, Virginia; San Bernardino, California; and Phoenix, Arizona.

Office of Victims of Crime.—The conference agreement adopts by reference the Senate report language regarding the Victim Assistance to Indian Country and Children's Justice Act programs.

Missing Children.—The conference agreement includes \$22,997,000 for the Missing Children Program. Of this amount, \$11,450,000 is provided for the National Center for Missing and Exploited Children (NCMEC), including \$2,245,000 for the CyberTipline and the Exploited Child Unit, and \$2,700,000 for the Jimmy Ryce Law Enforcement Training Center. The conferees recommend that the NCMEC consult with I-Safe America to provide nationwide Internet Safety Training in grades K-12.

Within the amounts provided, \$6,500,000 is provided for the Internet Crimes Against Children Task Force to form new units to investigate and prevent child sexual exploitation, which are based on the protocols for conducting investigations involving the Internet and online service providers that have been established by the Department of Justice and the NCMEC.

Management and Administration.—The conference agreement provides \$37,795,000 for the management and administration of the Office of Justice Programs (OJP), instead of \$43,491,000 as proposed by the House and \$42,797,000 as proposed by the Senate. Funding is also provided from the "Juvenile Justice" and "State and Local Law Enforcement Assistance" accounts for the administration of grants under these activities. If additional management and administration funds are required, a request for reprogramming or transfer of funds, pursuant to Section 605 of this Act, should be submitted. OJP shall submit to the Committees, by January 15, 2002, a spending plan for all management and administration resources. This plan should reflect all sources of funding, including those derived from program accounts. Beginning with the fiscal year 2003 budget submission, OJP shall identify all management and administration resources in its budget submission, including those derived from program accounts.

Counterterrorism Program.—The conference agreement includes \$251,494,000 for the counterterrorism program, instead of \$220,494,000 as proposed by the House and \$373,800,000 as proposed by the Senate.

The conferees recognize the selfless acts of our Nation's first responders following the September 11, 2001, terrorist attacks on the United States. They are truly our first line of defense. The dedication, professionalism, and heroism of the men and women who serve as police officers, fire fighters, emergency medical personnel, and emergency managers, reflect the true spirit of this great Nation. The conferees extend their sincere gratitude on behalf of the nation to the fire

companies, State and local police departments, and rescue squads who responded without hesitation to the emergencies in New York, Virginia, and Pennsylvania. In their efforts to rescue those in danger, some of these brave men and women made the ultimate sacrifice. The conferees also note that untold numbers of volunteers from States across the Nation also worked shoulder to shoulder in the rescue efforts, and their contributions in the face of this tragedy cannot be praised enough.

The events of September 11 underscore how important it is that this country's first responders have the proper equipment and training in the event of another terrorist act. The conferees recommend the following distribution of funding for counterterrorism equipment grants, training, and research and development programs:

COUNTERTERRORISM PROGRAM

(Dollars in thousands)

	Amount
Equipment Grants:	
State & Other Equipment Grant Program	\$112,740
State & Local Bomb Technician Equipment Program	10,000
Subtotal, Equipment Grants	122,740
Training and Technical Assistance:	
Integrated Training & Technical Assistance Program	35,485
Fort McClellan/Center for Domestic Preparedness	18,716
National Domestic Preparedness Consortium	13,969
Virtual Medical Campus	2,000
Website Pilot Program	2,000
Subtotal, General Training and Assistance	72,170
Exercise, Evaluation, & Improved Response:	
Situational Exercises	3,991
Nunn-Lugar-Domenici Improved Response Plans	2,600
TOPOFF II	2,993
Subtotal, Exercise, Evaluation, & Improved Response	9,584
Research and Development Program:	
Research and Development program	18,000
Dartmouth Institute	18,000
Oklahoma City National Memorial Institute	4,000
New York Center on Catastrophe Preparedness and Response	7,000
Subtotal, Research and Development Program	47,000
Total, Counterterrorism Programs	251,494

The conferees continue the direction regarding the distribution of general equipment grants only in accordance with State-wide plans. The conferees understand that these plans are currently being submitted to OJP.

The conferees are not convinced that sufficient attention is being given to potential chemical and biological threats nationally. Within available resources of the research and development program, OJP should conduct a study, in conjunction with George Mason University, to determine the feasibility for the establishment of a national center for biodefense, which would include the research, development, and production of vaccines to combat biological terrorism.

The conference agreement includes \$7,000,000 to support counterterrorism activities of the Center on Catastrophe Preparedness and Response at New York University (NYU). NYU proposes to bring the expertise of its departments of biomedical science, environmental health, medicine, public health, dentistry, and nursing, among others, to bear on counterterrorism studies. The conferees urge OJP to work with the Center to assure that there is a sufficient focus on chemical and biological threats.

The conferees are aware of the Joint Vulnerability Assessment Tool that provides the Department of Defense with an antiterrorism vulnerability assessment, risk

management, and planning tool. OJP is directed to evaluate whether this program will be beneficial to State and local first responders and emergency planners, and fund its development if warranted.

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

The conference agreement includes \$2,403,354,000 for the State and Local Law Enforcement Assistance Program, instead of \$2,519,575,000 as proposed by the House and \$2,094,990,000 as proposed by the Senate. The conference agreement provides for the following programs:

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE (Dollars in thousands)

	Amount
Local Law Enforcement Block Grant	\$400,000
(Boys and Girls Club)	(70,000)
(National Institute of Justice)	(19,956)
State Criminal Alien Assistance Program	565,000
Cooperative Agreement Program	20,000
Indian Assistance	48,162
(Tribal Prison Construction Program)	(35,191)
(Indian Tribal Courts Program)	(7,982)
(Alcohol and Substance Abuse)	(4,989)
Byrne Grants:	
Discretionary Grants	94,489
Formula Grants	500,000
Total, Byrne Grants	594,489
Violence Against Women Grants	390,565
Victims of Trafficking Grants	10,000
State Prison Drug Treatment	70,000
Drug Courts	50,000
Juvenile Crime Block Grant	249,450
(Project ChildSafe)	(38,000)
Other Crime Control Programs:	
Missing Alzheimer's Patients	898
Law Enforcement Family Support	1,437
Motor Vehicle Theft Prevention	1,298
Senior Citizens Vs. Marketing Scams	1,995
Total, State and Local Assistance	2,403,354

Local Law Enforcement Block Grant.—The conference agreement includes \$400,000,000 for the Local Law Enforcement Block Grant program as proposed by the Senate, instead of \$521,849,000 as proposed by the House. Within the amount provided, the conference agreement includes \$70,000,000 for the Boys and Girls Clubs of America. The conferees expect the Boys and Girls Clubs of America to use a portion of these funds to carry out the Kids2000 Act (Public Law 106-313; 114 Stat. 1260).

Cooperative Agreement Program.—The conference agreement includes \$20,000,000 for the Cooperative Agreement Program, instead of \$35,000,000 as proposed by the House and Senate. Currently, there is over \$20,000,000 of unobligated balances available for this program. The conferees are concerned over the very high level of funding carried forward in the Cooperative Agreement Program. This program is intended to provide guaranteed State and local bed space for Federal detainees in USMS and INS custody. The conferees direct that the USMS, in consultation with INS, provide an implementation plan for these resources no later than January 15, 2002. The plan should include steps that USMS and INS intend to take to ensure that funding is obligated and this bed space is available.

Tribal Prison Construction.—The conference agreement includes \$35,191,000 for the prison construction program as proposed by both the House and Senate. The conferees expect OJP to examine each of the following proposals, provide grants if warranted, and submit a report on its intentions for each proposal: a NANA 28 bed jail for Kotzebue, Alaska; construction of a detention facility within the Spirit Lake Nation; construction of a detention facility for the Lower Brule Sioux Tribe; construction of a detention facility

for the Mississippi Band of Choctaw Indians; and expansion of an adult detention facility for the Gila River Indian reservation.

Edward Byrne Grants to States.—The conference agreement includes \$594,489,000 for the Edward Byrne Memorial State and Local Law Enforcement Assistance Program, of which \$94,489,000 is for discretionary grants and \$500,000,000 is for formula grants under this program. Within the amounts provided for discretionary grants, OJP is expected to review the following proposals, provide grants if warranted, and report to the Committees on its intentions. In addition, up to 10 percent of the funds provided for each program shall be made available for an independent evaluation of that program.

- \$5,000,000 for the National Crime Prevention Council's McGruff campaign;
- \$300,000 for the Women's Center, Vienna, VA;
- \$250,000 for the DuPage County, IL Fire Investigation Task Force for arson investigations;
- \$1,000,000 for the Julian Dixon Courtroom and Advocacy Center at the Southwestern University School of Law in Los Angeles, CA;
- \$1,000,000 for the Night Lights Program expansion in San Bernardino, CA;
- \$2,000,000 for the San Joaquin Valley, CA Rural Agricultural Crime Prevention Program;
- \$3,942,000 for the Center for Court Innovation in New York State, including \$1,000,000 for Onondaga County and surrounding areas;
- \$3,000,000 for the Law Enforcement Innovation Center (LEIC), TN;
- \$300,000 for the Chattanooga Endeavors Program;
- \$15,000 for the New Mexico Technology to Recover Abducted Kids (TRAK);
- \$3,000,000 for the National Fatherhood Initiative;
- \$3,000,000 for the National Center for Justice and the Rule of Law at the University of Mississippi School of Law to sponsor research and produce judicial education seminars and training for judges, court personnel, prosecutors, police agencies, and attorneys;
- \$300,000 for the National Association of Town Watch's National Night Out crime prevention program;
- \$750,000 for a prevent underage drinking demonstration program;
- \$500,000 for BiasHELP of Long Island;
- \$50,000 for the City of San Luis Obispo, CA, for a gang prevention project;
- \$75,000 for the NYPD criminal justice coordination project;
- \$1,100,000 for the National Training and Information Center (NTIC);
- \$1,000,000 for I-SAFE, for teaching children online safety;
- \$500,000 for Community Security Initiatives (CSI) of the Local Initiatives Support Corporation;
- \$600,000 for Atlanta, GA, for a comprehensive homicide reduction initiative;
- \$1,000,000 for Excelsior College in NY for a distance education degree program in criminal justice;
- \$200,000 for Men Against Destruction, Defending Against Drugs and Social Disorder (MAD DADS) of Miami-Dade, FL;
- \$2,235,000 for the Washington Metropolitan Area Drug Enforcement Task Force (MATF);
- \$500,000 for the Northwestern MA District Attorney's Office special prosecution program, for crimes against seniors and the disabled;
- \$500,000 for the expansion of law enforcement counseling programs at the On-Site Academy in Gardner, MA;

- \$350,000 for Turtle Mountain Community College's "Project Peacemaker";
- \$1,000,000 for the Doe Fund's Ready Willing and Able Program;
- \$1,000,000 for the TELACU family-based gang violence prevention program;
- \$20,000 for the Thin Blue Line of Michigan for assistance to law enforcement families in crisis;
- \$400,000 for the National Indian Justice Center;
- \$100,000 for the Rock Island Juvenile Court;
- \$1,000,000 for the National Corrections and Law Enforcement Training and Technology Center in Moundsville, WV;
- \$1,000,000 for the National White Collar Crime Center;
- \$1,000,000 for Kent State University's Institute for the Study and Prevention of Violence;
- \$2,000,000 for the Harold Rogers Prescription Drug Monitoring Program;
- \$6,000,000 for the Police Athletic League;
- \$100,000 for the Will County, IL Juvenile Drug Court;
- \$350,000 for the National Association of Court Management;
- \$1,000,000 for Mothers Against Drunk Driving (MADD);
- \$4,000,000 for Mental Health Courts;
- \$1,500,000 for the Newport News, VA, Achievable Dream Program;
- \$750,000 for the Chicago Project for Violence Prevention;
- \$662,000 for the Virginia Community Policing Institute;
- \$1,000,000 for Roger Williams University in Bristol, RI, for a law enforcement professional training program with the Justice System Research and Training Institute;
- \$1,750,000 for Kristen's Act;
- \$900,000 for the Beyond Missing Program to be coordinated with Office of Justice Programs and the National Center for Missing and Exploited Children;
- \$4,500,000 for the Executive Office of U.S. Attorneys to support the National District Attorneys Association's participation in legal education training at the National Advocacy Center;
- \$500,000 for Santee-Lynches Cops Demonstration Project to reduce violent crime, drug trafficking, and substance abuse;
- \$2,000,000 for continued support for the expansion of Search Group, Inc. and the National Technical Assistance and Training Program to assist States, such as West Virginia, to accelerate the automation of fingerprint identification processes;
- \$2,750,000 for the Drug Abuse Resistance Education (DARE AMERICA) program. The Conferees are concerned that DARE programs effectiveness has been called into question and encourages DARE to continue the restructuring effort currently underway and to report to the Committees on its progress;
- \$150,000 for the Indianapolis Comprehensive Domestic Violence Response Program;
- \$200,000 for the Baker County, Oregon Federal Law Enforcement Training Center;
- \$250,000 for Alfred University's Coordinating County Services for Families and Youth;
- \$1,400,000 to the Springfield, Missouri Police and Fire Training Center;
- \$3,000,000 for the Clearwater, Idaho EDA for the Lewis and Clark Bicentennial Bi-State Public Safety Project;
- \$350,000 for the Albuquerque, NM DWI Resource Center to fund drunk driving awareness and prevention programs;
- \$750,000 to the Nevada National Judicial College;

- \$1,500,000 for the Tools for Tolerance Program;
- \$400,000 for the University of Northern Iowa for the Domestic Violence Services for Women project;
- \$4,000,000 for the Eisenhower Foundation for the Youth Safe Haven program;
- \$500,000 for the Littleton Area Learning Center;
- \$200,000 for Boyle-Mercer County for a Court Appointed Special Advocate;
- \$250,000 for the Regional Prevention Center in Maysville, Kentucky;
- \$1,500,000 to the New Hampshire Department of Safety for Operation Streetsweeper;
- \$400,000 for the Carroll County District Court's Alternate Sentencing Program in New Hampshire;
- \$1,500,000 for the Center for Task Force Training;
- \$1,000,000 for the University of Nebraska, Department of Criminal Justice, for a police professionalism initiative;
- \$350,000 for the Southwest Arkansas Domestic Violence Center for domestic violence prevention activities to fund programmatic and equipment costs;
- \$500,000 for the Southwest Texas State University Law Enforcement Training Center for equipment and program support;
- \$250,000 for the Oklahoma Bureau of Narcotics for the necessary equipment to establish a Mobile Command Post;
- \$500,000 for the Arizona Criminal Justice Commission;
- \$350,000 to the Iowa Department of Public Health to institute a pilot program to rehabilitate nonviolent drug offenders;
- \$350,000 for the Ninth West Judicial District in Arkansas for video conference equipment for remote witness testimony;
- \$200,000 for the Cranston, Rhode Island Police Department's Community Police Division for community policing initiatives;
- \$900,000 for Ridge House Treatment Facility in Reno, Nevada to house low intensity, non-sex offender, non-violent convicts;
- \$110,000 for a Statewide DARE coordinator in Alaska;
- \$300,000 for the National Center for Rural Law Enforcement in Little Rock, Arkansas;
- \$750,000 for the Alaska Native Justice Center Restorative Justice programs;
- \$1,100,000 for rural alcohol interdiction, investigations, and prosecutions in the State of Alaska;
- \$250,000 for the Partners for Downtown Progress program in Alaska;
- \$1,000,000 for Jefferson County, Alabama for an emergency system;
- \$100,000 for the Native American Community Board in Lake Andes, South Dakota for programming and equipment related to the Domestic Violence Shelter and Community Prevention Program;
- \$150,000 for the Wakpa Sica Reconciliation Place in Fort Pierre, South Dakota;
- \$230,000 for the MUSC Innovative Alternatives for Women program;
- \$1,000,000 for the South Carolina U.S. Attorney's Office in Charleston for software, personnel, and equipment related to a gun-fire detection system;
- \$500,000 for Kansas City, Missouri, for the continuation of the Community Security Initiative; and
- \$500,000 for STEP II, for the Washoe County Rehabilitation Program.

Violence Against Women Act.—The conference agreement includes \$390,565,000 to support grants under the Violence Against Women Act, as proposed by both the House and Senate.

The conference agreement provides funding under this account as follows:

VIOLENCE AGAINST WOMEN ACT PROGRAMS	
(Dollars in thousands)	
	Amount
General Grants	\$184,737
(National Institute of Justice)	(5,200)
(Safe Start Program)	(10,000)
(Domestic Violence Federal Case Processing Study)	(1,000)
(Domestic Violence Emergency Calls Study)	(200)
Victims of Child Abuse:	
CASA (Special Advocates)	11,975
Training for Judicial Personnel	2,296
Grants for Televised Testimony	998
Grants to Encourage Arrests Policies	64,925
Rural Domestic Violence Assistance Grants	39,945
Training Programs	4,989
Stalking Database	3,000
Violence on College Campuses	10,000
Civil Legal Assistance	40,000
Elder Abuse Grant Program	5,000
Safe Haven Project	15,000
Domestic Violence Forensic Exams Study	200
Education and Training for Disabled Female Victims	7,500
Total	390,565

The conference agreement adopts by reference Senate report language directing the Department to work with the State of Alaska, the Alaska Native community, and non-profit organizations involved in prevention and treatment of domestic violence to develop a Statewide plan to combat domestic violence.

Substance Abuse Treatment for State Prisoners.—The conference agreement includes \$70,000,000 for grants to States and units of local government for development and implementation of residential substance abuse treatment programs within State correctional facilities and certain local correctional and detention facilities. The conference agreement adopts by reference the House report language regarding expanding the use of these grants to provide treatment for released State prisoners.

Juvenile Accountability Incentive Block Grant.—The conference agreement includes \$249,450,000 for the Juvenile Accountability Incentive Block Grant program as proposed by the House and Senate. Within this amount, \$38,000,000 is available for Project ChildSafe, an initiative that will ensure gun safety locks are available for every handgun in America. An additional \$12,000,000 is included for gun safety locks under Juvenile Justice, for a total funding level of \$50,000,000.

The conferees support the use of gun safety locks and encourage the distribution of safety locks to handgun owners. However, the conferees are concerned with reports that some of these safety locks have failed or do not work on certain handguns. The conferees understand that the Department of Justice is reviewing the availability of national standards for gun safety locks, and that private industry groups have also sought the promulgation of such standards. The Department of Justice is directed to work with various Federal agencies, private industry groups, and other interested parties in the development of national standards for gun safety locks. Funds recommended for Project ChildSafe may be used to offset the cost of this effort. Until such national standards are established, or interim standards identified, no funds shall be obligated for the purchase and distribution of gun safety locks and only locks that meet these standards should be purchased and distributed.

The conferees direct the Department of Justice to submit a report by January 15, 2002 that: (1) reports the status of the development of interim and national standards for handgun safety locks; (2) provides cost esti-

mates for gun safety locks based on the new national standards; and (3) describes how funding for gun safety locks will be distributed to the States.

Senior Citizens Against Marketing Scams.—The conference agreement includes \$1,995,000 for programs to assist law enforcement in preventing and stopping marketing scams against the elderly. The conference agreement adopts by reference the Senate report language requesting OJP to conduct some program sessions at the National Advocacy Center and to coordinate efforts with the Federal Trade Commission.

WEED AND SEED PROGRAM FUND

The conference agreement includes \$58,925,000 for the Weed and Seed program, as proposed by both the House and Senate.

COMMUNITY ORIENTED POLICING SERVICES

The conference agreement includes \$1,050,440,000 for the Community Oriented Policing Services (COPS), instead of \$1,013,498,000 as proposed by the House and \$1,049,659,000 as proposed by the Senate. The conference agreement provides funding under this account as follows:

COMMUNITY ORIENTED POLICING SERVICES	
(Dollars in thousands)	
	Amount
Public Safety and Community Policing:	
COPS Hiring Program	\$330,000
(School Resource Officers)	(180,000)
Training and Technical Assistance	20,662
Tribal Law Enforcement	35,000
Police Corps	14,435
Methamphetamine Enforcement & Clean-up	70,473
Bulletproof Vests	25,444
Subtotal, Public Safety and Community	496,014
Crime-Fighting Technologies:	
Law Enforcement Technology Program	154,345
Crime Identification Technology Act	87,287
(Safe Schools Technology)	(17,000)
National Criminal History Improvement	35,000
Crime Laboratory Improvement Program	35,000
DNA Backlog Elimination	40,000
Subtotal, Crime-Fighting Technologies	351,632
Prosecution Assistance:	
Southwest Border Prosecutors	50,000
Gun Violence Reduction Program	49,780
Subtotal, Prosecution Assistance	99,780
Community Crime Prevention:	
Police Integrity	16,963
Offender Reentry	14,334
School Safety Initiatives	23,338
Project Sentry	14,967
Subtotal, Community Crime Prevention	70,202
Management and Administration	32,812
Total, Community Policing Services	1,050,440

COPS Hiring Program.—The conference agreement includes \$330,000,000 for the COPS hiring program, with up to \$180,000,000 available for the hiring of school resource officers. The conferees understand that approximately \$55,000,000 is available in recoveries. Language has been included making these recoveries available for the direct hiring of law enforcement officers through the COPS Hiring Program.

The conference agreement includes language that allows technology grants to be made from fiscal year 2002 direct appropriations under the COPS Hiring Program not subject to redeployment tracking requirements. However, the conferees expect that requests for technology funds will still demonstrate the time savings expected from implementing these technology grants.

Police Corps.—The conference agreement includes \$14,435,000 for the Police Corps Program. The conferees understand that the Police Corps program has sufficient unobligated balances available to allow the program to maintain its activities in fiscal year 2002 at the prior year level.

Methamphetamine Enforcement and Clean-Up.—The conference agreement includes \$70,473,000 for State and local law enforcement programs to combat methamphetamine production and distribution, to target drug “hot spots,” and to remove and dispose of hazardous materials at clandestine methamphetamine labs.

Within the amount provided, the conferees have included \$20,000,000 to be reimbursed to the DEA for assistance to State and local law enforcement for proper removal and disposal of hazardous materials at clandestine methamphetamine labs.

Within the amounts provided, the Department is expected to review, in consultation with DEA, the following proposals, provide grants if warranted, and report to the Committees on its intentions:

- \$2,100,000 for the Sioux City, IA Regional Methamphetamine Training Center, to provide training to officers from eight states in over 80 classes;

- \$1,000,000 for the Methamphetamine Task Force in East Tennessee, to fight the spread of meth labs in this region;

- \$1,000,000 for the Oklahoma State Bureau of Investigations and Oklahoma Bureau of Narcotics and Dangerous Drug Control, to assist their methamphetamine clean up operations;

- \$1,500,000 for the Western Kentucky Methamphetamine Initiative, in collaboration with Daviess County;

- \$500,000 for the Virginia State Police, to assist their efforts in combating methamphetamine;

- \$500,000 for the Indiana State Police, to assist their efforts in combating methamphetamine;

- \$580,000 for the Marion County, OR, methamphetamine project;

- \$300,000 for the Marathon and Douglas Counties, WI, methamphetamine initiatives;
- \$1,000,000 for the City of Phoenix, AZ, for methamphetamine laboratory cleanup;

- \$200,000 for the Minot State University, ND, rural methamphetamine project;

- \$405,000 for the Jackson County, MS, Sheriff's office methamphetamine initiative;
- \$500,000 for the Riley County, KS Police Department to assist in methamphetamine clean-up operations;

- \$803,000 for the Wichita Police Department clandestine methamphetamine lab equipment package;

- \$500,000 for the Louisiana Methamphetamine Task Force;

- \$461,000 for the Oklahoma City Police Department for a Methamphetamine/Drug Hot Spots Initiative;

- \$4,000,000 for the Washington State Methamphetamine Programs, participants in this program will include Benton County, Chelan County, City of Spokane, Clark County, Cowlitz County, Ferry County, Grant County, Grays Harbor County, King County, Kitsap County, Lewis County, Mason County, Pend Oreille County, Pierce County, Pierce County Alliance, Snohomish County, Spokane County, Stevens County, Thurston County, and Yakima County;

- \$3,000,000 for California Department of Justice, Bureau of Narcotics Enforcement, for the California Methamphetamine Strategy (CALMS);

- \$619,000 for the Mississippi Bureau of Narcotics to combat methamphetamine and

to train officers on the proper recognition, collection, removal, and destruction of methamphetamine;

- \$750,000 for the Methamphetamine Awareness and Prevention Project of South Dakota to expand prevention efforts to include Native American reservations;

- \$500,000 for the Illinois State Police to combat methamphetamine and to train officers in those types of investigations;

- \$1,000,000 for the Iowa Methamphetamine Initiative;

- \$200,000 for the Iowa Tanks-A-Lock Project;

- \$655,000 for the Arkansas Methamphetamine/Drug Hot Spots Initiative, of which \$155,000 shall be used to retain three chemists at the Arkansas Crime Lab;

- \$250,000 for the Wisconsin Ecstasy Awareness Program;

- \$1,000,000 for the Wisconsin Methamphetamine Law Enforcement Initiative;

- \$500,000 for the Arizona Methamphetamine Initiative for personnel, training, and equipment;

- \$400,000 for the Vermont State Multi-Jurisdictional Drug Task Force;

- \$150,000 for methamphetamine training for rural law enforcement officers in Arkansas;

- \$500,000 for the Kansas Bureau of Investigation to combat methamphetamines;

- \$2,000,000 for the Montana Methamphetamine Initiative;

- \$500,000 for the Flathead Valley, Montana Methamphetamine Initiative;
- \$750,000 for the Central Utah Methamphetamine Program;

- \$1,250,000 for the Midwest Methamphetamine Initiative; and

- \$1,100,000 for the Missouri Methamphetamine Initiative.

Law Enforcement Technology Program.—The conference agreement includes \$154,345,000 for continued development of technologies and automated systems to assist State and local law enforcement agencies in investigating, responding to and preventing crime.

Within the amount provided, the COPS office should examine each of the following proposals, provide grants if warranted, and submit a report to the Committees on its intentions for each proposal:

- \$8,000 for the Walker County Jail, AL, for police radio system upgrades;

- \$10,000 for the Powell Police Department, AL, for police equipment upgrades and technology enhancements;

- \$60,000 for the Blountsville Police Department, AL, for an integrated automated fingerprint information system;

- \$3,815,000 for the Simulated Prison Environment Crisis Aversion Tools (SPECAT);

- \$400,000 for Mooresville, NC, for a Silent Dispatch and Automatic Vehicle Locator System;

- \$50,000 for Springfield, MO, for security equipment for the Southside District Police Station;

- \$400,000 for the Springfield, MO Police Department, for in-car video cameras;

- \$3,000,000 for the Alabama law enforcement SmartCOP technology initiative;

- \$1,000,000 for the City of Escondido, CA, for communications technology upgrades;

- \$1,000,000 for Placer County, CA, for public safety communications upgrades;

- \$1,000,000 for Citrus Heights, CA, for technological improvements to centralize the police force;

- \$300,000 for the City of Sierra Madre, CA, for law enforcement equipment for the Emergency Operations Center;

- \$900,000 for the Arcadia Police Department, CA, for the conversion to narrowband radios;

- \$200,000 for the Northeast Wisconsin Technical College Tactical Training Facility, Green Bay, WI, for equipment;

- \$500,000 for the Cache County, UT Sheriff's Department, for law enforcement training simulators;

- \$100,000 for the Aliquippa Police Department, PA, for police equipment, training, and computer resources;

- \$800,000 for the Joint Venture 9-1-1 Communications Center (Tri-Com), IL, for law enforcement communications equipment replacement;

- \$781,000 for the Long Beach Police Department, CA, for imaging technology;

- \$3,000,000 for the video teleconferencing grant program, through INS, to provide local sheriff's offices the ability to identify or arraign apprehended aliens;

- \$735,000 for the Redlands, CA East Valley Community Justice Center, to study and identify new technologies;

- \$750,000 for Inyo County, CA, for public safety radio communications;

- \$625,000 for the Arlington County, VA Police Department and the New Jersey State Police, for Racial Profiling Self-Assessment Software;

- \$45,000 for the Jeffersonton Police Department, KY, for in-car video systems;

- \$75,000 for the Jefferson County, KY Domestic Violence Unit, for the purchase of cameras to be used during investigations;

- \$750,000 for the Louisville, KY Division of Police, for in-car video systems;

- \$1,000,000 for the Sacramento, CA Sheriff's Department, for law enforcement technology systems;

- \$7,500,000 for the Regional Law Enforcement Technology Program in KY;

- \$1,000,000 for Sedgwick County, KS Sheriff's Department, for an integrated records management system;

- \$800,000 for Jefferson County, AL, for law enforcement communication equipment upgrades;

- \$250,000 for Washington Parish, LA Sheriff's Office, for law enforcement technology and automated systems;

- \$250,000 for Tangipahoa Parish, LA Sheriff's Office, for law enforcement technology and automated systems;

- \$125,000 for the City of Harahan, LA Police Department, for law enforcement technology and automated systems;

- \$250,000 for the City of Kenner, LA Police Department, for law enforcement technology and automated systems;

- \$125,000 for the City of Gretna, LA Police Department, for law enforcement technology and automated systems;

- \$500,000 for St. Tammany Parish, LA Sheriff's Office, for automated systems to assist investigations;

- \$500,000 for Orleans Parish, LA Police Department, for law enforcement technology and automated systems;

- \$3,000,000 for the Law Enforcement Online (LEO) Program;

- \$1,500,000 for the Chattanooga, TN Police Department, for law enforcement technology;

- \$1,500,000 for the Oklahoma Department of Public Safety, for in-car video cameras for the Highway Patrol;

- \$35,000 for Allen County, KY, for the law enforcement component of an emergency systems upgrade;

- \$165,000 for Page County, VA, for law enforcement equipment to consolidate 911 services;

- \$1,000,000 for the Virginia State Police, for in-car video cameras;
- \$2,000,000 for the Center for Criminal Justice Technology;
- \$3,500,000 for Pinellas County, FL, law enforcement agencies, for facial recognition technology;
- \$1,000,000 for the City of Mayaguez, PR, for municipal police technology improvements;
- \$1,500,000 for the City of Madison, WI, for laptop computers and video monitoring units in patrol cars;
- \$500,000 for the Las Vegas, NV Metropolitan Police Department's Interagency Cyber Crime Task Force, for technology improvements;
- \$750,000 for the City of Tallahassee, FL, for a joint law enforcement communications upgrade;
- \$1,850,000 for the City of Baltimore, MD, for law enforcement technology upgrades including laptop computers, cameras and wire-tap equipment;
- \$300,000 for the Indianapolis, IN Police Department, for technology enhancements including in-car cameras;
- \$1,235,000 for the Territory of the Virgin Islands, for technology equipment and upgrades;
- \$750,000 for Lane County/Springfield/Eugene, OR, for law enforcement area information records system (AIRS);
- \$750,000 for the City of Austin, TX, for police mobile data computers;
- \$750,000 for the City of Fresno, CA Police Department, for a law enforcement communications system;
- \$100,000 for the NYPD 47th Police Precinct, for equipping a mobile command center;
- \$300,000 for East Palo Alto, CA Police Department, for communications and computer equipment;
- \$250,000 for the Marlboro Police Department in Monmouth County, NJ, for video cameras in patrol cars;
- \$150,000 for Marion County, OR, for mobile probation computers and radio equipment;
- \$625,000 for the East Hazel Crest, IL SSMMA/Regional Law Enforcement Technology Support Center, for technological enhancements;
- \$750,000 for the City of Pawtucket, RI Police Department, for technology upgrades, including a digital radio system;
- \$750,000 for the Town of Portsmouth, RI Police Department, for technology upgrades including computing and communications systems;
- \$750,000 for the Galveston County, TX Sheriff's Office, for the Southeast Texas Region Law Enforcement Technology Project, including data equipment and computers;
- \$87,000 for the Palos Park Police Department, for law enforcement equipment and new technology;
- \$33,000 for the Southwest Major Case Unit, IL, for video surveillance and related technology;
- \$75,000 for the Village of Larchmont, NY Police Department, for closed-circuit surveillance equipment;
- \$20,000 for the Town of Mamaroneck, NY, for police communications equipment;
- \$85,000 for the Village of Mamaroneck, NY Police Department, for an automated fingerprinting system;
- \$100,000 for the City of New Fairfield, CT Police Department, for technology improvements including laptop computers for patrol cars;
- \$210,000 for the Saint Paul, MN Police Department, for police radios;
- \$500,000 for North Attleboro, MA, for technology upgrades at the new police facility;
- \$1,000,000 for the facial recognition and data capture system demonstration for 5 counties in Massachusetts;
- \$750,000 for Jersey City, NJ, for radio system upgrades and fixed radio network equipment;
- \$250,000 for Union City, NJ, for CAD and RMS systems;
- \$500,000 for the Solano County, CA Regional Law Enforcement Training Center, for technology infrastructure;
- \$225,000 for the Holyoke, MA Police Department, for equipment;
- \$1,500,000 for the City of San Francisco, CA, for a geographic information crime mapping system;
- \$300,000 for Wake County, NC, for law enforcement communications;
- \$500,000 for the City of South Bend, IN, for video and audio recording systems in squad cars;
- \$1,801,000 for the Minneapolis, MN Police Department, for an automated resources system;
- \$500,000 for the Santa Ana, CA Police Department Crime Analysis Unit, for equipment purchases;
- \$900,000 for the City of Norfolk, VA Police Department, including \$400,000 for a computer aided dispatch system and \$500,000 for video cameras;
- \$750,000 for Ventura County, CA, for an Integrated Justice Information System;
- \$40,000 for White County, AR, for technology upgrades at the county jail;
- \$750,000 for the City of Abilene, TX, for purchase of emergency response and public safety communications equipment for law enforcement;
- \$750,000 for the Charlevoix-Cheboygan-Emmett, MI Central Dispatch Authority, for computer aided dispatch/records management software;
- \$750,000 for the Citrus County, FL, Emergency Operations and Communications Center, for law enforcement technology enhancements;
- \$90,000 for the San Juan County Criminal Justice Training Authority/City of Farmington, NM, for an automated fingerprint identification system;
- \$3,000,000 for Project Hoosier SAFE-T, for communications systems upgrade;
- \$45,000 for the Griffith, IN Police Department, for in-car video cameras;
- \$50,000 for the Northwest IN Police Department, for an automated fingerprint identification system;
- \$500,000 for the City of Inglewood, CA Police Department, for digital records management and equipment;
- \$500,000 for the City of Gardena, CA, for technology equipment for patrol cars;
- \$1,400,000 for Columbia County, OR, for law enforcement communications;
- \$1,000,000 for Los Angeles County, CA, for law enforcement communications upgrade;
- \$250,000 for Washington State Department of Corrections sex offender monitoring equipment upgrades;
- \$175,000 for the Washington County, NY Board of Supervisors, for a mobile command and communications center;
- \$60,000 for the City of Thibodaux, LA, for in-car video cameras and computers;
- \$100,000 for the New Orleans Metropolitan Crime Commission;
- \$1,549,000 for the San Bernardino County, CA Probation Department, for a case management system;
- \$90,000 for Douglas, WI, for drug interdiction software system;
- \$500,000 for the Borough of Shrewsbury, NJ Police Department, for technology upgrades;
- \$1,500,000 for the Orange County, CA Strategic Integrated Justice System, for the electronic linking of law enforcement communities;
- \$2,000,000 for the Illinois State Police, for the implementation of an integrated records management system;
- \$1,000,000 for the Louisiana State Police, for the Information and Management Systems within the Emergency Operations Center;
- \$1,000,000 for the Washington, DC Metropolitan Council of Government and Police Chiefs' Pawn database;
- \$300,000 for Del Mar College in Corpus Christi, TX, for the Network of Medicolegal Investigative Systems (NOMIS);
- \$500,000 for Orange County, CA District Attorney's Task Force aimed at Catching Killers, Rapists and Sexual Offenders (TrackERS);
- \$5,000,000 to the National Center for Missing and Exploited Children to continue the program created in fiscal year 2000 that provides targeted technology to police departments for the specific purpose of child victimization prevention and response. The technology available to our law enforcement officials to help them find missing children is not at the level it needs to be. Most police departments across the United States do not have personal computers, modems, and scanners. The departments that do rarely have them in areas focusing on crimes against children;
- \$150,000 for Criminal Intelligence Unit in Iberia Parish, Louisiana;
- Up to \$3,000,000 for the acquisition or lease and installation of dashboard mounted cameras for State and local law enforcement on patrol. One camera may be used in each vehicle, which is used primarily for patrols. These cameras are only to be used by State and local law enforcement on patrol;
- \$4,000,000 for the Utah Communications Agency Network (UCAN) for enhancements and upgrades of security and communications infrastructure to assist with law enforcement needs arising from the 2002 Winter Olympics. Of the \$4,000,000 appropriated for UCAN \$1,440,000 is for Salt Lake County, Utah, \$640,000 is for Salt Lake City, Utah, and \$740,000 is for the City of Ogden, Utah;
- \$1,000,000 for the Montana Highway Patrol for computer upgrades;
- \$90,000 for the Billings, Montana Police Department for a firearms training system;
- \$250,000 for a grant to Portland, Oregon Police Department for its Squad Car Unit Identification (SQUID) program;
- \$125,000 for technology equipment to create a traffic enforcement unit in the Muncie, Indiana Police Department;
- \$250,000 for the Cache Valley, Utah Multi-jurisdictional 800 Megahertz Project;
- \$500,000 for the Louisiana Interstate 10 Technology Support Project;
- \$500,000 for teleconferencing equipment for the Montana Supreme Court;
- \$400,000 for a criminal justice records management system for the Missoula, Montana Sheriff's Department;
- \$310,000 to fund technology enhancements for the Douglas County, Colorado Sheriff's Office;
- \$700,000 for the City of Colorado Springs for its CMS and PASS systems;
- \$4,000,000 for the Missouri State Highway Patrol Integration Technology Program;
- \$6,000,000 for the Harrison County Public Safety Automated Systems project;

- \$500,000 for Simpson County, Mississippi's public safety automated technologies system;
- \$725,000 for the City of Jackson Mississippi's public safety automated technologies system;
- \$1,000,000 for the Jersey City Police Department's Crime Identification System to upgrade communications systems;
- \$400,000 for the Berkeley Township Police Department in New Jersey to upgrade communications technology;
- \$4,100,000 for the Southwest Border Anti-Drug Information System of which \$500,000 is to go to the State of Idaho;
- \$375,000 to fund the Bonner Sheriff's Department's Emergency Communications Center;
- \$2,800,000 to fund Minnesota's Criminal Justice Enterprise Architecture;
- \$750,000 for the Ohio Computer Crime Unit to upgrade technology;
- \$600,000 to the National Center for Victims of Crime INFOLINK Program;
- \$500,000 for a grant to Mountain Village to equip a new communications center to improve emergency dispatch services to the region;
- \$750,000 for a grant to Montrose Police Department for the purchase of a trunked communications system;
- \$1,000,000 to fund the Criminal Justice Information System (CJIS), an on-going project within the State of North Carolina;
- \$250,000 for the Macon County, Illinois Sheriff's Department for law enforcement technologies and to modernize equipment;
- \$1,000,000 for communications upgrades for Portsmouth, New Hampshire Police Department;
- \$185,000 to fund computer and technology upgrades for the Charleston, South Carolina Sheriff's Department;
- \$150,000 for Emergency 911 System Enhancements for the Hawaii County Police and Fire Department;
- \$350,000 for a grant to the Colchester and South Burlington Police Departments to fund computer upgrades;
- \$250,000 for a grant to the New Bedford Police Department for communication upgrades to improve the efficiency and effectiveness of local police efforts;
- \$750,000 for a grant to the Vermont Department of Public Safety for mobile communications technology upgrades to respond to and prevent acts of terrorism;
- \$2,200,000 for a grant to the Omaha Police Department and the Douglas County Sheriff's Office to fund technology for improved communications capabilities;
- \$1,500,000 for a grant to Clark County, Nevada to upgrade and replace the 911 and Emergency Response System in Clark County;
- \$500,000 for a grant to the Overland Park Police Department in Kansas for technology enhancements;
- \$139,000 for a grant to the Beaver and Butler County Regional Police Network for communications technology enhancements;
- \$750,000 for a grant to Pennsylvania's Allegheny County Regional Police Network for communications technology enhancements;
- \$125,000 for a grant to the Green Bay Police GangNet Program;
- \$320,000 for a grant to the Nashua Police Department for technology and equipment for training exercises;
- \$550,000 for a grant to Henderson City—County Police Departments for Mobile Data Terminals;
- \$1,000,000 for a grant to the Maine State Police Communications Systems for tech-

nology enhancements to improve its communications infrastructure;

- \$1,000,000 for a grant to the Wasilla Regional Dispatch Center in Alaska for technology and communications upgrades;
- \$2,000,000 for a grant to the Alaska Department of Public Safety for technology and communications upgrades;
- \$37,000 for a grant to the Napoleon, Ohio Police Department for technology upgrades;
- \$4,000,000 for the Consolidated Advanced Technologies for Law Enforcement to improve communications between police cruisers;
- \$4,500,000 for the South Carolina Coastal Plain Police Initiative;
- \$500,000 for a grant to the Boston School Safety Initiative to purchase equipment and technology to reduce school violence;
- \$750,000 for a grant to the Fresno Police Department for technology upgrades;
- \$130,000 for Red River, New Mexico to improve 911 capabilities;
- \$400,000 for a grant to fund the St. Louis Regional Justice Information Service;
- \$1,000,000 for the New Jersey State Police Law Enforcement Training Center;
- \$1,000,000 for the Arkansas State Police for in-car cameras;
- \$1,000,000 for Jefferson County, KY, mobile data terminals;
- \$250,000 for the South Carolina U.S. Attorney's Office in Charleston for technology enhancements related to a gunfire detection system;
- \$185,000 for the Cumberland Plateau Area Drug Task Force for a law enforcement information sharing initiative;
- \$800,000 for the National Sheriff's Association for multi-state ISS; and
- \$500,000 for Berlin, New Hampshire for technology upgrades.

Crime Identification Technology Act.—The conference agreement includes \$87,287,000 to be used and distributed pursuant to the Crime Identification Technology Act of 1998, Public Law 105-251.

Within the overall amounts recommended, the OJP should examine each of the following proposals, provide grants if warranted, and submit a report to the Committees on its intentions for each proposal:

- \$4,000,000 for the Cyber Science Laboratory, for the acquisition and development of new and advanced investigative, analysis, and forensic tools for Federal, State and local law enforcement to help the justice community make better use of technologies;
- \$1,000,000 for the Washington Association of Sheriffs and Police Chiefs (WASPC), for the statewide jail booking, reporting, and victim notification system;
- \$3,500,000 for WEBCHECK, the Ohio background check system, for its integration into the FBI fingerprint system;
- \$6,500,000 for the Virginia Department of Criminal Justice Services, for the Integrated Criminal Justice Information System;
- \$1,700,000 for Buncombe County, NC, for conversion of the City-County Bureau of Identification criminal arrest records into an accessible electronic format;
- \$5,000,000 for the Squad Car Unit Identification (SQUID) program, for remote fingerprint identification programs in Ontario and Rialto, CA; Redlands, CA; and Minneapolis, MN;
- \$1,000,000 for the Las Vegas, NV Metropolitan Police Department, for the Metro Automated Identification Network (MAIN) System;
- \$3,052,000 for the Great Cities Universities Coalition, for criminal justice data gathering and analysis;

- \$500,000 for the San Diego, CA Police Department, for the Criminal Records Management System (CRMS);

- \$2,000,000 for the Wayne Area Justice Information System (WAJIS), MI;
- \$1,679,000 for Hennepin County, MN, for an integrated criminal database system;

- \$3,000,000 for the Mecklenburg County, NC, Criminal Justice Information System (CJIS);

- \$250,000 for the Miami-Dade County Juvenile Assessment Center Demonstration Project;

- \$500,000 for the Mecklenburg, NC Sheriff's Office, for a sex offender registration unit;

- \$500,000 for King County, WA for DNA testing;

- \$4,000,000 to the State Police of New Hampshire, for a VHF trunked digital radio system;

- \$2,500,000 for the Juvenile Justice Information System in Missouri;

- \$1,057,000 for the University of Southern Mississippi to fund crime identification technology training;

- \$762,000 for a grant to the State of Alaska to complete the final phase of the criminal justice management information system replacement;

- \$600,000 for a grant to the State of Alaska for the training of Village Public Safety Officers and small village police officers, and acquisition of emergency response equipment for rural communities;

- \$2,000,000 for a grant to the Alaska Department of Public Safety for the public safety information network to integrate Federal, State, and local criminal records along with social service and other records. The Committee expects the system design to include the capability to provide background checks on potential child care workers for child care providers and families with the permission of the job applicant. The State should consult with the National Instant Background Check System for technical expertise;

- \$900,000 for Critical Incidence Response Technologies in South Carolina;

- \$3,200,000 to fund the Criminal Justice Communications Upgrade in South Carolina;

- \$200,000 for a grant to the Xenia Police Department to investigate child sexual exploitation on the Internet;

- \$200,000 for a grant to Indiana University/Purdue University at Indianapolis to expand the use and deployment of imaging systems to State and local law enforcement agencies;

- \$300,000 for a grant to the Fifth Judicial Circuit of South Dakota to establish a coordinated juvenile arrest tracking system;

- \$6,500,000 for a grant to the State of South Dakota for the development of a statewide communications system;

- \$3,000,000 for the South Carolina State Law Enforcement Secure Communications Upgrade;

- \$3,000,000 for a grant to Milwaukee, Wisconsin, for communications infrastructure equipment;

- \$850,000 for a grant to the South Carolina State Law Enforcement Division for a High Technology Crime Investigative Unit.

Crime Laboratory Improvement Program.—The conference agreement includes \$35,000,000 for the crime laboratory improvement program.

Within the overall amounts recommended, the OJP should examine each of the following proposals, provide grants if warranted, and submit a report to the Committees on its intentions for each proposal:

- \$8,500,000 for the National Forensic Systems Technology Center;

- \$2,000,000 for the University of Connecticut for DNA research;
- \$2,000,000 for the University of New Haven, CT, for DNA research;
- \$3,000,000 for the Iowa State University Midwest Forensics Science Center;
- \$1,000,000 for the Central Gulf Coast Regional Computer Forensics Laboratory;
- \$1,000,000 for the Mississippi Crime Lab to upgrade the lab's capability to analyze DNA in a forensic laboratory;
- \$750,000 to the Northeastern Illinois Public Safety Training Academy for crime lab enhancements;
- \$1,000,000 for the National Forensic Science Institute;
- \$1,000,000 for upgrades to the Iowa Forensic Laboratory;
- \$500,000 for the National Academy for Forensic Computing in Central Piedmont, North Carolina;
- \$60,000 to address the DNA backlog in the Arkansas Crime Laboratory;
- \$1,000,000 for a grant to the Alabama Department of Forensic Sciences;
- \$250,000 for a grant to Virginia's Electronic Fingerprint Archive System;
- \$4,000,000 to the West Virginia University Forensic Identification Program;
- \$1,750,000 for the South Carolina Law Enforcement Division's Laboratory Improvement Program;
- \$777,000 for the South Carolina Law Enforcement Division's Computer Evidence Recovery Facility (CERF); and
- \$800,000 for the Ohio Computer Forensic Lab.

DNA Backlog Elimination.—The conference agreement includes \$40,000,000 to reduce the DNA sample backlog. Within this amount, \$5,000,000 is available for Paul Coverdell Forensics Sciences Improvement grants.

Southwest Border Prosecutions.—The conference agreement includes \$50,000,000 to provide assistance to State and local prosecutors located along the southwest border, including the integration and automation of court management systems. This program will provide financial assistance to Texas, New Mexico, Arizona, and California for the State and local costs associated with the handling and processing of drug and alien cases referred from Federal arrests.

Gun Violence Reduction Program.—The conference agreement includes \$49,780,000 for a new program that will encourage States to increase the prosecution of gun criminals. This program encompasses a broad range of gun violence strategies, including hiring and training of local prosecutors and implementing public awareness campaigns to advertise tough sentences for gun crimes and foster community support.

Project Sentry.—The conference agreement includes \$14,967,000 for Project Sentry. This program will create a new Federal and State partnership establishing safe schools task forces across the country that will prosecute and supervise juveniles who violate Federal and State firearms laws and adults who illegally furnish firearms to them. An additional \$5,033,000 is provided for this initiative through the Juvenile Justice programs, for a total funding level of \$20,000,000.

Safe Schools Initiative.—The conference agreement includes \$23,338,000 for programs aimed at preventing violence in public schools, and to support the assignment of officers to work in collaboration with schools and community-based organizations to address crime and disorder problems, gangs, and drug activities.

Within the amount provided, the COPS office should examine each of the following

proposals, provide grants if warranted, and submit a report to the Committees on its intentions for each proposal:

- \$1,000,000 for Miami-Dade County, FL Public Schools, for technology equipment for school policing activities;
- \$495,000 for the Home Run Program;
- \$1,000,000 for the University of Montana, Pathways to Discovery Project, a community based after-school program for at-risk youth;
- \$500,000 for the Family, Career and Community Leaders of America (FCCLA) "Stop the Violence" program;
- \$750,000 for the New Mexico State University for the After School Services Pilot Program for at-risk youth;
- \$500,000 for the Loudoun County, VA School Probation Program;
- \$350,000 for the Jacksonville, FL collaborative partnership for the Truancy Interdiction Program;
- \$600,000 for the South Carolina Law Enforcement Truancy Initiative;
- \$500,000 for Para Los Ninos collaborative program with the LA County Probation Department;
- \$5,000,000 for the Secure Our Schools Act;
- \$75,000 for DuPage County, IL Safe School Initiative;
- \$150,000 for the Port Chester, NY Public Schools at-risk youth program;
- \$205,000 for King County, WA, for the School Resource Officers Program;
- \$1,701,000 for North Eastern Massachusetts Law Enforcement Council for the School Threat Assessment and Response System (STARS);
- \$3,000,000 for training by the National Center for Missing and Exploited Children for law enforcement officers selected to be part of the Safe Schools Initiative;
- \$500,000 for the New Mexico School Security Technology and Resource Center;
- \$300,000 for the Secure School Program in New Mexico;
- \$250,000 to fund Project Success in Danville, Illinois;
- \$100,000 for the Watch D.O.G.S. Across America in Springdale, Arkansas to enhance school safety;
- \$1,000,000 for the School Violence Resource Center in Little Rock, Arkansas;
- \$500,000 for the Alaska Community in Schools Mentoring program;
- \$2,750,000 for the Partnership for High Risk Youth to improve opportunities for disadvantaged communities and to study social policies and public programs;
- \$100,000 for the Na Keika Law Center in Hawaii;
- \$762,000 for the Northeastern South Dakota Children and Family Initiative in Aberdeen, South Dakota;
- \$1,000,000 for South Dakota Internet Child Safety Project; and
- \$250,000 for the Boy Scouts Learning for Life Program.

JUVENILE JUSTICE PROGRAMS

The conference agreement includes \$305,860,000 for Juvenile Justice programs, instead of \$297,940,000 as proposed by the House and \$333,407,000 as proposed by the Senate. The conference agreement provides for the following programs:

JUVENILE JUSTICE PROGRAMS

(In thousands of dollars)

	Amount
Management/Administration	6,832
State Formula Grants	88,804
Discretionary Grants	58,513
Youth Gangs	11,974

JUVENILE JUSTICE PROGRAMS—Continued

(In thousands of dollars)

	Amount
State Challenge Activities	9,978
Juvenile Mentoring	15,965
Incentive Grants to Prevent Juvenile Crime	94,337
(Enforcing Underage Drinking Laws)	(25,000)
(Indian Youth Grants Program)	(12,472)
(Safe Schools Initiative)	(14,513)
(Project HomeSafe)	(12,000)
Subtotal, Juvenile Prevention Programs	286,403
Drug Prevention Program	10,976
Victims of Child Abuse Act Programs	8,481
Total	305,860

Discretionary Grants for National Programs and Special Emphasis Programs.—The conference agreement includes \$58,513,000 for this discretionary grant program. Within the amounts provided, OJP is expected to review the following proposals, provide grants if warranted, and report to the Committees on its intentions. In addition, up to 10 percent of the funds provided for each program shall be made available for an independent evaluation of that program.

- \$750,000 for the University of South Alabama for youth violence prevention research;
- \$500,000 for the ARISE Foundation for at-risk youth;
- \$1,000,000 for the Youth Crime Watch of America;
- \$1,250,000 for the Teens, Crime and Community program;
- \$3,000,000 for the National Council of Juvenile and Family Courts, which provides continuing legal education in family and juvenile law;
- \$300,000 for Prevent Child Abuse America for the programs of the National Family Support Roundtable;
- \$300,000 for the Detroit, MI Rescue Mission Ministries to support the at risk youth program;
- \$1,900,000 for law related education for continued support;
- \$500,000 for Wichita State University for a juvenile justice program;
- \$3,425,000 for the Hamilton Fish National Institute on School and Community Violence;
- \$250,000 for the Westside Gang Prevention Demonstration Program in Syracuse, NY;
- \$1,000,000 for anti-gambling public service media campaign grants to be provided to in-school educational networks;
- \$200,000 for Pinellas County, FL, for the ABOUT FACE program;
- \$300,000 for the Oregon Museum of Science and Industry for the Science for At-Risk youth program;
- \$350,000 for Greater Philadelphia, PA, and Camden, NJ, for The Rock School at-risk youth program;
- \$300,000 for the Roxbury Family, MA, YMCA for enhanced at-risk youth programs;
- \$500,000 for the West End House in Allston-Brighton, MA;
- \$400,000 for Bronx, NY Neighborhood Enhancement Training and Services (NETS), Inc. for the center for at-risk youth;
- \$2,000,000 for the Wayne County, MI Juvenile Justice Program for prevention activities and services;
- \$700,000 for the Clackamas County, OR, for juvenile detention programs;
- \$750,000 for the Good Knight Child Empowerment Network's Million Knight Campaign for youth violence prevention;
- \$1,300,000 for the Suffolk University Law School Juvenile Justice Center;
- \$100,000 for the Wausau, WI alternative juvenile offender program;

- \$250,000 for Project Juvenile Assistance Diversion Effort (JADE) in Los Angeles for a juvenile delinquency prevention program;
- \$2,000,000 for the L.A.'s BEST youth program;
- \$90,000 for the Glendale, CA, YMCA for "Your House" shelter and case management program for at-risk youth;
- \$1,000,000 for the West Farms Center to assist at-risk youth;
- \$1,000,000 for the Greater Heights Program, to provide mentoring to high-risk youth;
- \$750,000 for the Bronx Youth Conservation Corps "Save a Generation" work and study program;
- \$275,000 for the Sports Foundation, Inc. (SFI), for a focused mentoring program;
- \$300,000 for the "No Workshops... No Jump Shots" project to provide case management, counseling and mandatory workshops for at-risk youth in three cities;
- \$250,000 for a three year grant for Operation Blue Ridge Thunder for their continued work in educating their community to recognize and deter child pornography and in their investigation and resolution of local pornography cases. Funding is contingent upon Operation Blue Ridge Thunder maintaining and promoting the national investigative standards established by the Task Force Board of Directors and OJP, that have served to underwrite the success of these efforts;
- \$3,000,000 for Parents Anonymous;
- \$2,000,000 for Fuller Theological Seminary, for a youth violence and gambling study;
- \$150,000 for the Rapid Response Program in Washington and Hancock Counties, ME;
- \$1,500,000 for Girls and Boys Town, USA;
- \$450,000 for Shelby County, AL Juvenile Justice;
- \$300,000 for Prince William County, VA Juvenile Justice Systems;
- \$412,000 for Utah State University, Youth and Families Promise Program;
- \$2,000,000 for the Strengthening Abuse and Neglect Courts Act;
- \$1,000,000 for a youth violence prevention initiative of the Houston Independent School District;
- \$125,000 for programs for at-risk youth at the Tilles Center, Long Island University;
- \$300,000 for a youth crime prevention initiative at the Institute for International Sport;
- \$250,000 for the Jefferson County Youth Service System;
- \$725,000 for a grant to Iowa Big Brothers and Big Sisters Rural Youth Mentoring Program;
- \$400,000 for the New Mexico Police Athletic League;
- \$250,000 to fund the Youth Development Program in Chicago;
- \$800,000 to the Las Vegas Family Development Foundation;
- \$1,500,000 to fund the University of New Hampshire's Crimes Against Children Research Center;
- \$390,000 for the Juvenile Fire Setters Program;
- \$300,000 for the Chicota Youth Camp in Louisiana;
- \$250,000 for a grant to the At-Risk Early Intention Program in the 16th Judicial District, Louisiana;
- \$750,000 for Utah State University Youth and Families With Promise Program;
- \$200,000 for a teen program in Kuhio Park, Hawaii;
- \$130,000 for a grant to the South Dakota Unified Judicial System to better serve Children in Need of Supervision [CHINS];

- \$150,000 for a grant to the Vermont Coalition of Teen Centers;
- \$500,000 for a grant to Western Kentucky University to develop a Juvenile Delinquency Prevention Project aimed at students who have been removed from school;
- \$500,000 for a grant to establish and enhance after-school programs in Fairbanks, Alaska for at-risk youth through LOVE Social Services;
- \$1,000,000 for a grant to the State of Alaska for a child abuse investigation program;
- \$500,000 for a grant to the Center for Safe Urban Communities at the University of Louisville for studies on ways to prevent youth violence;
- \$1,097,000 for a grant to the City of Baltimore, Maryland to assist in operating and expanding the Police Athletic Leagues Program;
- \$500,000 for a grant to the Johnson County Family Resource Center in Kansas;
- \$500,000 for a grant to Elwin Project in Pennsylvania to reduce placement in institutions and recidivism of mentally ill youth;
- \$400,000 for a grant to the Martin Luther King, Jr. Center for Non-Violence to work with at-risk youth;
- \$250,000 for a grant to Macon, Georgia for an At-Risk Youth Program to help solve the underlying problems of at-risk youth and first time offenders;
- \$800,000 for a grant to Bergen County, New Jersey, to expand its Police Athletic League after-school programs;
- \$100,000 for a grant to fund Deschutes County, Oregon's Juvenile Justice Partnership Program;
- \$1,000,000 for a grant to fund South Dakota's Rural At-Risk Youth Outreach program;
- \$2,000,000 to expand and replicate the Beyond Bars program;
- \$300,000 for the Low Country Children's Center in South Carolina;
- \$1,650,000 to expand the Milwaukee Safe and Sound Program to other Milwaukee neighborhoods and other communities in Wisconsin;
- \$540,000 for a grant for the Milwaukee Summer Stars Program;
- \$75,000 for a grant to fund the Adolescent Behavior Control Program in Rhode Island;
- \$204,000 for a grant to the Children's Advocacy Center at the Crow Creek Sioux Indian Reservation in Fort Thompson, South Dakota for the Children's Safe Place program;
- \$300,000 for the From Darkness to Light Program in South Carolina;
- \$1,000,000 for the Mental Health Screening and Treatment Facility;
- \$400,000 for the Center for Corrections Education at Indiana University of Pennsylvania;
- \$100,000 for Aid of Children of relocated witnesses in Pennsylvania;
- \$175,000 for the Hazard, KY Buckhorn Wilderness Program;
- \$150,000 for a grant to fund Project Safe in Crow Creek, South Dakota; and
- A grant, if warranted, to the Alaska Mentoring Demonstration Project for a statewide at-risk youth mentoring program involving schools and non-profit entities, including Boys and Girls Clubs and Big Brothers-Big Sisters.

Juvenile Mentoring Program (Part G).—The conference agreement includes \$15,965,000 for the juvenile mentoring program. Within the amounts provided, OJP is directed to provide \$5,000,000 for the Big Brothers/Big Sisters of America program.

At-Risk Children's Program (Title V).—The conference agreement includes \$94,337,000 for At-Risk Children's Program.

Safe Schools Initiative.—The conference agreement includes \$14,513,000 within Title V grants for the Safe Schools Initiative. Within this amount \$5,033,000 is provided for Project Sentry. This program will create a new Federal and State partnership establishing safe schools task forces across the country that will prosecute and supervise juveniles who violate Federal and State firearms laws and adults who illegally furnish firearms to them. An additional \$14,967,000 is provided for this initiative through the COPS program, for a total funding level of \$20,000,000.

Within the amounts provided for the safe schools initiative, OJP is expected to review the following proposals, provide grants if warranted, and report to the Committees on its intentions. In addition, up to 10 percent of the funds provided for each program shall be made available for an independent evaluation of that program.

- \$1,500,000 for the "I Have a Dream" Foundation for at-risk youth;
- \$1,000,000 for the YMCA Second Chance School for at-risk youth;
- \$417,000 for Phoenix, AZ to expand Operation Quality Time;
- \$1,300,000 for the Promoting Responsible Behavior and Preventing Violence Program in Montana;
- \$1,000,000 for the Safe Schools Initiative in Macon, Georgia;
- \$200,000 for the Youth Watch Initiative in Jackson, Mississippi;
- \$2,554,000 for the Safe School Education and Community Awareness Program; and
- \$1,500,000 for the Youth Advocates Program.

Tribal Youth Program.—The conference agreement includes \$12,472,000 within the Title V grants for programs to reduce, control, and prevent crime both by and against tribal and Native youth. This program also funds prevention initiatives focusing on alcohol and drugs, including the Alaska Federation of Natives to develop an underage drinking prevention program in rural Alaska that includes assessment and education and focuses on the children of alcoholics.

Enforcing Underage Drinking Laws.—The conference agreement includes \$25,000,000 within the Title V grants for programs to assist States in enforcing underage drinking laws, as proposed by the Senate. Within the amounts provided for underage drinking, \$2,000,000 shall be provided for a grant to fund the Alaska Illegal Drug and Alcohol Use Initiative.

Victims of Child Abuse Act.—The conference agreement includes \$8,481,000 for the various programs authorized under the Victims of Child Abuse Act. The conference agreement adopts by reference the House allocation for this program.

PUBLIC SAFETY OFFICERS BENEFITS

The conference agreement includes \$37,724,000 for Public Safety Officers Benefits, instead of \$35,619,000 as proposed by the House and Senate. This includes \$33,224,000 for the death benefits program and \$4,500,000 for the disability benefits program. The additional amount reflects the increase of disability payments from \$100,000 to \$250,000.

GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

The conference agreement includes the following general provisions for the Department of Justice:

Section 101. The conference agreement includes section 101, as proposed by the House and the Senate, regarding reception and representation expenses.

Sec. 102. The conference agreement includes section 102, as proposed by the House,

which continues certain authorities for the Department of Justice contained in the fiscal year 1980 Department of Justice Appropriations Authorization Act, until enactment of subsequent authorization legislation. The Senate did not include a similar provision.

Sec. 103. The conference agreement includes section 103, as proposed by the House, which prohibits the use of funds to perform abortions in the Federal Prison System. The Senate did not include a similar provision.

Sec. 104. The conference agreement includes section 104, as proposed by the House, which prohibits the use of funds to require any person to perform, or facilitate the performance of, an abortion. The Senate did not include a similar provision.

Sec. 105. The conference agreement includes section 105, as proposed by the House, which states that nothing in the previous section removes the obligation of the Director of the Bureau of Prisons to provide escort services to female inmates who seek to obtain abortions outside a Federal facility. The Senate did not include a similar provision.

Sec. 106. The conference agreement includes section 106, modified from provisions in both the House and Senate bills, which allows the Department of Justice to spend up to \$10,000,000 for rewards for information regarding acts of terrorism or espionage against the United States, in addition to rewards made subject to section 501 of Public Law 107-56.

Sec. 107. The conference agreement includes section 107, as proposed by both the House and the Senate, which continues the current limitations on transfers among Department of Justice accounts.

Sec. 108. The conference agreement includes section 108, as proposed by both the House and Senate, which provides that \$1,000,000 shall be available for technical assistance from funds appropriated for part G of title II of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended.

Sec. 109. The conference agreement includes section 109, as proposed by the House, which increases the current airline passenger immigration inspection fee from \$6 to \$7, and establishes a new \$3 cruise ship passenger immigration inspection fee, instead of a modified fee increase proposed by the Senate.

Sec. 110. The conference agreement includes section 110, as proposed by the Senate, which further amends the Immigration and Nationality Act of 1953, to provide that the Attorney General is authorized to increase from 6 to 96 the number of land border ports of entry pilot projects. The House did not include a similar provision.

Sec. 111. The conference agreement includes section 111, which provides for a victim notification system under the Crime Victims Fund as proposed by the Senate. The House did not include a similar provision.

Sec. 112. The conference agreement includes section 112, which amends Section 6 of the Hmong Veterans' Naturalization Act of 2000 to extend the applicability of that Act from 18 months to 36 months to certain former spouses of deceased Hmong veterans. The House did not include a similar provision.

Sec. 113. The conference agreement includes section 113, which amends P.L. 107-56, regarding a provision related to the Office of Justice Programs.

Sec. 114. The conference agreement includes section 114, which provides for posthumous citizenship for certain people killed in the September 11, 2001 terrorist attacks.

Sec. 115. The conference agreement includes section 115, which amends the Immigration and Nationality Act of 1952, to make mandatory the provision of passenger manifests to the Attorney General from commercial aircraft and vessels entering and departing the United States.

TITLE II—DEPARTMENT OF COMMERCE AND RELATED AGENCIES

TRADE AND INFRASTRUCTURE DEVELOPMENT

RELATED AGENCIES

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

SALARIES AND EXPENSES

The conference agreement includes \$30,097,000 for the salaries and expenses of the Office of the United States Trade Representative (USTR), the same amount proposed in both the House and Senate bills.

INTERNATIONAL TRADE COMMISSION

SALARIES AND EXPENSES

The conference agreement includes \$51,440,000 for the salaries and expenses of the International Trade Commission (ITC), the same amount proposed in both the House and Senate bills.

DEPARTMENT OF COMMERCE

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

The conference agreement includes \$347,547,000 in new budgetary resources for the operations and administration of the International Trade Administration (ITA) for fiscal year 2002, of which \$3,000,000 is derived from fee collections. The House bill proposed \$347,654,000, of which \$3,000,000 is derived from fee collections. The Senate bill proposed \$347,090,000, of which \$3,000,000 is derived from fee collections.

The following table reflects the distribution of funds by activity included in the conference agreement:

Trade Development	\$67,669,000
Market Access and Compliance	27,741,000
Import Administration	43,346,000
U.S. & F.C.S.	195,791,000
Executive Direction and Administration	13,000,000
Fee Collections	(3,000,000)
Total, ITA Direct Appropriation	344,547,000

Trade Development (TD).—The conference agreement provides \$67,669,000 for this activity, instead of \$66,919,000 as proposed in the House bill and \$66,820,000 as proposed in the Senate bill. Of the amounts provided, \$52,919,000 is for the TD base program, \$10,000,000 is for the National Textile Consortium, \$3,000,000 is for the Textile/Clothing Technology Corporation, and \$250,000 is for the export database. Existing members of the National Textile Consortium should receive funding at the fiscal year 2001 level and the remaining \$250,000 is available for Cornell University and UC Davis. Further, the conference agreement includes \$500,000 for continuation of the international global competitiveness initiative, and \$500,000 for travel industry statistics, as proposed by the House report. In addition, \$500,000 is for the international trade center, as proposed by the Senate report.

Market Access and Compliance (MAC).—The conference agreement includes a total of \$27,741,000 for this activity, as proposed in both the House and Senate bills. Of the amounts provided, \$20,941,000 is for the base program, \$500,000 is for the strike force

teams initiative and \$6,300,000 is for the trade enforcement and compliance initiative, as provided in the current year.

Import Administration.—The conference agreement includes \$43,346,000 for the Import Administration, as proposed in the House bill, instead of \$42,859,000 as proposed in the Senate bill.

U.S. and Foreign Commercial Service (US & FCS).—The conference agreement includes \$195,791,000 for the programs of the US & FCS, instead of \$196,791,000 as proposed in the House bill, and \$193,824,000 as proposed in the Senate bill. The agreement includes by reference language regarding the Rural Export Initiative, the Global Diversity Initiative, and base resources, as proposed in the House report. In addition, Senate report language regarding the Appalachian-Turkish Trade Project is adopted by reference.

Executive Direction and Administration.—House report language regarding trade missions, buying power maintenance, and trade show revenues is adopted by reference.

EXPORT ADMINISTRATION

OPERATIONS AND ADMINISTRATION

The conference agreement includes \$68,893,000 for the Bureau of Export Administration (BXA) as proposed in both the House and Senate bills. House and Senate report language regarding allocation of funds is adopted by reference. In addition, the conferees direct the Critical Infrastructure Assurance Office (CIAO) to prepare a report detailing the continuing requirements of this interim program, and to submit the report to the Committees on Appropriations by February 14, 2002.

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

The conference agreement includes \$335,000,000 for Economic Development Administration (EDA) grant programs as proposed in the House bill, instead of \$341,000,000 as proposed in the Senate bill. The conference agreement does not include funding under this heading for one specific project as proposed in the Senate bill.

Of the amounts provided, \$250,000,000 is for Public Works and Economic Development, \$40,900,000 is for Economic Adjustment Assistance, \$24,000,000 is for Planning, \$9,100,000 is for Technical Assistance, including University Centers, \$10,500,000 is for Trade Adjustment Assistance, and \$500,000 is for Research. EDA is expected to allocate the funding as directed in the House report. The authorized, traditional programs provide support for all communities facing economic hardship. Within the funding for Economic Adjustment Assistance, EDA is expected to continue funding for assistance to the timber and coal industries, as in the current year. In addition, EDA is expected to provide resources for communities affected by economic downturns due to United States-Canadian trade-related issues, New England fisheries impacted by regulations, and communities impacted by NAFTA, as directed in the Senate report.

The conference agreement makes funding under this account available until expended, as proposed in the both the House bill and the Senate bill.

SALARIES AND EXPENSES

The conference agreement includes \$30,557,000 for salaries and expenses of the EDA, the same amount as proposed in both the House and Senate bills. This funding will allow EDA to continue its current level of administrative and oversight operations. The

EDA is directed to aggressively pursue all opportunities for reimbursement, deobligations, and use of non-appropriated resources to achieve efficient and effective control of EDA programs.

MINORITY BUSINESS DEVELOPMENT AGENCY MINORITY BUSINESS DEVELOPMENT

The conference agreement includes \$28,381,000 for the programs of the Minority Business Development Agency (MBDA), as proposed in both the House and Senate bills. House report language regarding the Entrepreneurial Technology Apprenticeship Program is adopted by reference.

ECONOMIC AND INFORMATION INFRASTRUCTURE

ECONOMIC AND STATISTICAL ANALYSIS SALARIES AND EXPENSES

The conference agreement includes \$62,515,000 for salaries and expenses of the activities funded under the Economic and Statistical Analysis account, as proposed in both the House and Senate bills. Funding is included to continue updating and improving statistical measurements of the U.S. economy, international transactions, and the effects of e-business.

BUREAU OF THE CENSUS SALARIES AND EXPENSES

The conference agreement includes \$169,424,000 for the Salaries and Expenses of the Bureau of the Census for fiscal year 2002, as proposed in the House bill, instead of \$168,561,000 as proposed in the Senate bill. The distribution of funding is as follows:

Current Economic Statistics	\$111,653,000
Current Demographic Statistics	53,544,000
Survey Development and Data Surveys	4,227,000
Total	169,424,000

The conference agreement adopts Senate report language requiring a report on reimbursements to be submitted with the fiscal year 2003 budget request.

PERIODIC CENSUSES AND PROGRAMS

The conference agreement provides a total spending level of \$375,376,000 for periodic censuses and programs, of which \$321,376,000 is provided as a direct appropriation and \$54,000,000 is from prior year unobligated balances. The House bill proposed \$350,376,000 as a direct appropriation and \$25,000,000 from prior year unobligated balances. The Senate bill proposed \$348,529,000 as a direct appropriation and \$27,000,000 from prior year unobligated balances.

2000 Decennial Census.—The conference agreement includes a total of \$139,238,000 for completion of the 2000 decennial census, of which \$85,238,000 is provided as a direct appropriation, and \$54,000,000 is derived from prior year funding, instead of a direct appropriation of \$111,738,000 as proposed in the House bill, and a direct appropriation of \$112,238,000 as proposed in the Senate bill. The following represents the distribution of total funds provided for the 2000 Census in fiscal year 2002:

Program Development and Management	\$8,606,000
Data Content and Products Field Data Collection and Support Systems	9,455,000
Automated Data Process and Telecommunications Support	24,462,000
Testing and Evaluation	22,844,000

Puerto Rico, Virgin Islands and Pacific Areas	3,105,000
Marketing, Communications and Partnerships ..	2,436,000
Prior year balances	–54,000,000

Total, 2000 Decennial Census	85,238,000
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The conference agreement continues direction from prior years for the Bureau to continue to provide monthly reports on the obligation of funds against each framework. Reallocation of resources among the frameworks listed above is subject to the requirements of section 605 of this Act, as is allocation of any additional unobligated balances not allocated in this conference agreement. Should the operational needs of the decennial census necessitate the transfer of funds between these frameworks, the Bureau may transfer such funds as necessary subject to the standard transfer and reprogramming procedures set forth in section 605 of this Act.

2010 Decennial Census.—The following represents the distribution of total funds provided for preparation of the 2010 Census:

Re-engineered Design Process	\$21,000,000
Long-Form Transitional Database Evaluation	29,000,000
MAF/TIGER Re-engineering	15,000,000

Total, 2010 Decennial Census	65,000,000
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The conference agreement includes frameworks for funding for the 2010 decennial census, as included in the House bill. The Bureau is directed to provide quarterly reports on the obligation of funds against each framework. Reallocation of resources among the frameworks listed above is subject to the requirements of section 605 of this Act, as is the allocation of any additional unobligated balances not allocated in this conference agreement.

Other Periodic Programs.—The conference agreement includes a total of \$171,138,000 for other periodic censuses and programs, as proposed in the House bill, instead of \$171,291,000 as proposed in the Senate bill. The following table represents the distribution of funds provided for non-decennial periodic censuses and related programs:

Economic Statistics Programs	\$57,703,000
Economic Censuses	51,958,000
Census of Governments ..	5,745,000
Demographic Statistics Programs	113,435,000
Intercensal Demographic Estimates	6,048,000
Continuous Measurement Demographic Survey Sample Redesign	12,583,000
Electronic Information Collection (CASIC)	6,254,000
Geographic Support	37,624,000
Data Processing Systems	23,795,000

Total	171,138,000
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NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

SALARIES AND EXPENSES

The conference agreement includes \$14,054,000 for the salaries and expenses of the National Telecommunications and Information Administration (NTIA), as proposed in the Senate bill, instead of \$13,048,000 as proposed in the House bill. The conference agreement includes a House provision re-

garding authorization of spectrum functions. The Senate bill did not include a similar provision. The conference agreement includes House report language regarding reimbursements.

PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND CONSTRUCTION

The conference agreement includes \$43,466,000 for the Public Telecommunications Facilities, Planning and Construction (PTFP) program as proposed in both the Senate and House bills. House and Senate report language is adopted by reference.

INFORMATION INFRASTRUCTURE GRANTS

The conference agreement includes \$15,503,000 for NTIA's Information Infrastructure Grant program as proposed in both the House and Senate bills. Senate report language regarding the overlap of funding under this heading with funding for the Department of Justice, Office of Justice Programs, with respect to law enforcement communication and information networks is adopted by reference. House report language regarding telecommunications research is adopted by reference.

UNITED STATES PATENT AND TRADEMARK OFFICE

SALARIES AND EXPENSES

The conference agreement provides a total funding level of \$1,126,001,000 for the United States Patent and Trademark Office (PTO), instead of \$1,129,001,000 as proposed in the House bill and \$1,139,001,000 as proposed in the Senate bill. Of the amount provided in the conference agreement, \$843,701,000 is to be derived from fiscal year 2002 offsetting fee collections, and \$282,300,000 is to be derived from carryover of prior year fee collections. This amount represents an increase of \$88,993,000 above the fiscal year 2001 operating level for the PTO. The PTO has experienced significant growth in recent years due to increased application filings for patents, and funding is provided to address these increased filings. Due to the decrease in the filing of trademark applications, the conference agreement has not fully funded the budget request.

The conference agreement includes House report language regarding PTO's partnership with the National Inventor's Hall of Fame, Inventure Place, and the International Intellectual Property Institute. In addition, House and Senate report language regarding PTO's 5-year plan and fiscal year 2003 budget structure is adopted by reference. Senate report language under the Commerce "Departmental Management" account regarding global intellectual property counterfeiting and privacy is adopted by reference under this heading.

SCIENCE AND TECHNOLOGY

TECHNOLOGY ADMINISTRATION

SALARIES AND EXPENSES

The conference agreement includes \$8,238,000 for the Technology Administration as proposed in the Senate bill, instead of \$8,094,000 as proposed in the House bill. The conference agreement continues direction as it has since fiscal year 1998 regarding the use of Technology Administration and Department of Commerce resources to support foreign policy initiatives and programs.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

The conference agreement includes \$321,111,000 for the internal (core) research account of the National Institute of Standards and Technology (NIST), instead of

\$348,589,000 as proposed in the House bill and \$343,296,000 as proposed in the Senate bill. The conference agreement does not include a redirection of \$20,617,000 from the Industrial Technology Services account to the Scientific and Technical Research and Services account as proposed in the budget. The conference agreement provides funds for the core research programs of NIST as follows:

Electronics and Electrical Engineering	\$41,286,000
Manufacturing Engineering	20,428,000
Chemical Science and Technology	35,712,000
Physics	33,054,000
Material Sciences and Engineering	56,532,000
Building and Fire Research	19,982,000
Computer Science and Applied Mathematics	49,478,000
Technology Assistance	17,679,000
Baldrige Quality Awards	5,205,000
Research Support	41,755,000
Total	321,111,000

Funding for the Building and Fire Program is provided at the request level, and the remainder of funding is to continue the disaster research program on effects of windstorms on protective structures and other technologies begun in fiscal year 1998.

Funding for the research support program includes \$2,400,000 for the telecommuting demonstration project, as proposed in the House bill.

House report language regarding the placement of NIST personnel overseas is adopted by reference.

INDUSTRIAL TECHNOLOGY SERVICES

The conference agreement includes \$291,022,000 for the NIST external research account, instead of \$119,514,000 as proposed in the House bill, and \$309,337,000 as proposed in the Senate bill.

Manufacturing Extension Partnership Program.—The conference agreement includes \$106,522,000 for the Manufacturing Extension Partnership Program (MEP) as proposed in the House bill, instead of \$105,137,000 as proposed in the Senate bill. The conference agreement includes Senate bill language regarding agreements with non-profit organizations. This language is intended to increase the program's ability to leverage resources and not to increase the outyear costs of the program.

Advanced Technology Program.—The conference agreement includes \$184,500,000 for the Advanced Technology Program (ATP), instead of \$12,992,000 as proposed in the House bill and \$204,200,000 as proposed in the Senate bill. The amount of carryover funding available from fiscal year 2001 is \$33,100,000, providing total available funding for ATP of \$217,600,000 for fiscal year 2002.

The conference agreement includes bill language, modified from the Senate language, designating \$60,700,000 for new ATP awards.

CONSTRUCTION OF RESEARCH FACILITIES

The conference agreement provides \$62,393,000 for construction, renovation and maintenance of NIST facilities, instead of \$20,893,000 as proposed in the House bill and \$43,893,000 as proposed in the Senate bill.

Of the amount provided, \$41,500,000 is for grants and cooperative agreements as referenced in Section 208 of this Act; and \$20,893,000 is for safety, capacity, maintenance, and repair projects at NIST.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

The conference agreement provides a total funding level of \$3,256,098,000 in appropria-

tions for all programs of the National Oceanic and Atmospheric Administration (NOAA), instead of \$3,092,728,000 as proposed in the House bill and \$3,363,285,000 as proposed in the Senate bill. Of these amounts, the conference agreement includes \$2,253,697,000 in the Operations, Research, and Facilities (ORF) account, \$836,552,000 in the Procurement, Acquisition and Construction (PAC) account, and \$158,849,000 in other NOAA accounts.

Both the House and Senate bills display funding for the National Oceanic and Atmospheric Administration in the new revised budget format. The conference agreement adopts Senate report language regarding the fiscal year 2003 budget structure. House report language directing NOAA to provide to the Committees on Appropriations on a quarterly basis the status of obligations against the revised budget format is adopted by reference.

OPERATIONS, RESEARCH, AND FACILITIES

(INCLUDING TRANSFERS OF FUNDS)

The conference agreement includes \$2,253,697,000 for the Operations, Research, and Facilities account of the National Oceanic and Atmospheric Administration, of which \$223,273,000 is within the category of conservation. The House bill proposed \$2,200,298,000, of which \$304,000,000 was under the conservation category, instead of \$2,276,305,000, of which \$33,650,000 was under the conservation category, as proposed in the Senate bill.

In addition to the new budget authority provided, the conference agreement allows a transfer of \$68,000,000 from balances in the account entitled "Promote and Develop Fishery Products and Research Related to American Fisheries", as proposed in both the House and Senate bills. In addition, the conference agreement assumes prior year deobligations totaling \$17,000,000, and a transfer of \$3,000,000 from the Coastal Zone Management Fund to the ORF account.

The conference agreement includes language proposed in the House bill designating the amounts provided under this account for the six NOAA line offices. The Senate bill contained no similar provision. The conference agreement does not include two provisions regarding Executive Direction proposed by the Senate. The House contained no such provisions.

The conference agreement includes language proposed in the House bill making the use of deobligated balances subject to standard reprogramming procedures. The Senate bill proposed a similar provision. In addition, the conference agreement includes language modified from the House and Senate bills limiting administrative charges assessed on assigned activities. In addition, the conference agreement does not include a provision, as proposed in the Senate bill regarding creation of a Business Management Fund. The House bill did not contain a similar provision. As part of the Committees' efforts to plan to continue to improve the NOAA budget structure, the conferees direct NOAA to identify services that could be better managed if centralized. This information is to be provided to the Committees on Appropriations by February 14, 2002.

The conference agreement does not include Senate bill language provisions designating amounts for four specific programs or projects. The House bill did not contain similar provisions.

The conference agreement includes a provision, as proposed in the Senate bill, permitting the Secretary to assess the necessity for NOAA to occupy a certain facility in

Louisiana. The conference agreement does not include additional funding for this purpose, and directs that should permission to occupy this facility be granted, costs would be incurred from National Ocean Service base resources.

The following table reflects the distribution of the funds provided in this conference agreement.

National Ocean Service

(Fiscal Year 2002 Conference)

Navigation Services:

Mapping & Charting:

Base	37,183
Electronic Navigational Charts	3,350
Electronic Navigational Charts—AK	900
Shoreline Mapping	2,000
Coastal Storms	1,000
Joint Hydrographic Center	2,580
Joint Hydrographic Center—Bathymetric study	750
Address Survey Backlog/Contracts	22,450
Increase for Gulf of Mexico and Lake Ponchartrain	4,535
Subtotal, Mapping & Charting	74,748

Geodesy:

Base	20,612
National Spatial Reference System	250
Height Modernization Study—NGS Implementation	250
Height Modernization Study—NC	1,000
Height Modernization Study—CA Spatial Reference	1,000
Geodetic Survey—LA	1,000
Geodetic Survey—WI	500
Geodetic Survey—SC	500
Subtotal, Geodesy	25,112

Tide and Current Data:

Base	13,250
PORTS	4,000
Great Lakes NWLON	2,045
Coastal Storms	1,000

Subtotal, Tide & Current Data

20,295

Total, Navigation Services

120,155

Ocean Resources Conservation & Management:

Estuarine and Coastal Assessment—Ocean Assessment Program:

Base	13,721
Coastal Observation Technology System	500
Alliance Technologies	2,000
Center for Integrated Marine Technologies	2,000
Wave Current Information System	1,000
Sea Grant Program—NH	2,000
Coastal Storms	750
Beaufort/Oxford	3,917
Pfiesteria and HAB Rapid Response	3,925
South Florida Ecosystem	900
Coastal Services Center	18,000
Pacific Coastal Services Center	1,750
Coastal Change Analysis	2,000

Coral Reef Program	14,000	Program Administration	6,382	Charleston Bump Billfish Tagging	150
Harmful Algal Blooms	5,000	National Estuarine Research Reserve System	16,400	Computer Hardware and Software	3,492
Harmful Algal Bloom Research	600	Nonpoint Pollution Implementation Grants	10,000	Cooperative Research—National Cooperative Research	2,750
CICEET—NH	6,550	Marine Protected Areas	3,000	Cooperative Research—SE Cooperative Research	3,000
National Coral Reef Institute—Hawaii	1,000	Subtotal, Coastal Management	104,745	Driftnet Act Implementation—Base	1,800
National Coral Reef Institute—Florida	500	Marine Sanctuary Program:		Driftnet Act Implementation—Pacific Rim Fisheries	150
National Coral Reef Institute—Puerto Rico DNER	500	Base	33,500	Driftnet Act Implementation—Science Observer Russian EEZ	250
National Fish and Wildlife Foundation	1,500	Northwest Straits Citizens Advisory Commission	700	Driftnet Act Implementation—State Participation AK/WA	200
JASON Foundation	2,500	Subtotal, Marine Sanctuary Program	34,200	Expand Stock Assessments—Improve Data Collection	2,000
Narragansett Explore the Bay Program	2,000	Total, Ocean and Coastal Management	138,945	Fish Statistics—Atlantic Coastal Cooperative Statistics Program	2,000
National Ocean Science Education Program	1,500	Total, National Ocean Service	413,911	Fish Statistics—Base	13,900
May River Ecosystem	100			Fish Statistics—National Economics and Social Sciences Research	2,500
New Bedford Oceanarium Research Program	3,000			Fish Statistics—National Fisheries Information System	2,575
Lake Pontchartrain—LA	1,350			Fish Statistics—National Standard 8	1,000
CREST	450			Fisheries Development Program—Product Quality and Safety/Seafood Inspection ..	8,685
CI-CORE	1,750			Fisheries Oceanography	1,000
Subtotal, Ocean Assessment Program	94,763			Great South Bay Hard Clams GULFFIN Data Collection Effort	250
Response and Restoration:				Gulf of Maine Groundfish Survey	3,500
Base	2,078			Gulf of Mexico Consortium	567
Estuarine and Coastal Assessment	2,670			Gulf and South Atlantic Fisheries	2,750
Estuary Restoration Program	1,200			Hawaii Stock Management Plan—Oceanic Institute	400
Damage Assessment Program	5,200			Hawaii Fisheries Development Program—Oceanic Institute	500
Oil Pollution Act of 1990	1,000			Highly Migratory Shark Fishery Research Program	750
Coastal Protection and Restoration	1,000			Highly Migratory Species Research—Pacific	1,500
Spill Response and Restoration Program	2,000			Information Analysis & Dissemination	21,890
Aquatic Resources Environmental Initiative	8,500			Joint Institute for Marine and Atmospheric Research (JIMAR)	2,475
Oil Skimmer—NH	225			Lobster Sampling	150
Regional Restoration program—LA	1,000			MARFIN—Base	2,500
Coastal Remediation Technology	750			MARFIN—NE Activities	250
Lafourche Parish, LA	2,000			MARFIN—Red Snapper	750
Palmyra Atoll Bioremediation	750			MarMap	850
Subtotal, Response and Restoration	28,373			NE Cooperative Research	3,750
Ocean and Coastal Research:				NEC Cooperative Marine Education and Research	200
Base	6,000			Northeast Consortium Cooperative Research	5,000
Fish Forensics/Enforcement ..	1,300			New England Stock Depletion	1,000
MEHRL	1,500			NMFS Facilities Maintenance	4,000
Murrell's Inlet special area ...	300			Observers—Fishery Observers—National Standards	750
Pfiesteria/Toxins Research	1,000			Observers/Training—Atlantic Coast Observers	3,350
Subtotal, Ocean and Coastal Research	10,100			Observers/Training—East Coast Observers	350
Subtotal, Estuarine and Coastal Assessment	133,236			Observers/Training—Hawaii Longline Observer Program	3,000
Coastal Ocean Program:				Observers/Training—North Pacific Marine Resources Observers	1,875
Base	12,890			Observers/Training—North Pacific Observer Program ...	650
ECOHAB	4,200			Observers/Training—West Coast Observers	4,075
Hypoxia	1,085				
South Florida Ecosystems	1,200				
Long-Term Estuary Assessment Consortium	1,200				
Mississippi River/Gulf of Mexico Nutrient Watershed	1,000				
Subtotal, Coastal Ocean Program	21,575				
Total, Ocean Resources Conservation & Assessment	154,811				
Ocean and Coastal Management:					
Coastal Management:					
CZM grants	68,963				

PACFIN Catch Effort Data	3,000	Alaska Steller Sea Lion Recovery Plan—AK Sea Life Center	5,000	Native Marine Mammals—Aleut Pacific Marine Resources Observers	125
Recreational Fishery Harvest Monitoring (RECFIN)	3,450	Alaska Steller Sea Lion Recovery Plan—Base	16,800	Native Marine Mammals—Beluga Whale Committee ...	225
Recreational Fishery Harvest Monitoring (RECFIN)—SC ..	250	Alaska Steller Sea Lion Recovery Plan—N. Pacific University MMC	3,500	Native Marine Mammals—Bristol Bay Native Association	50
Red Snapper Monitoring and Research	5,000	Alaska Steller Sea Lion Recovery Plan—University of AK Gulf Apex Predator	1,000	Native Marine Mammals—Alaska Native Harbor Seal Commission	150
Reduce Fishing Impacts on Essential Fish Habitat	500	Alaska Steller Sea Lion Recovery Plan—Alaska Fisheries Foundation	500	Protected Species Management—Base	3,234
SEAMAP	1,400	Antarctic Research	1,550	Protected Species Management—California Sea Lions	750
Shrimp Pathogens	299	Atlantic Salmon Research	710	Protected Species Management—NFWF Species Management	1,000
South Carolina Taxonomic Center	350	Columbia River—Endangered Species Studies	299	Protected Species Management—State of Maine Salmon Recovery	1,500
West Coast Groundfish	5,220	Dolphin Encirclement	3,300	Southeastern Sea Turtles	300
Subtotal, Science and Technology	230,491	Dolphin/Yellowfin Tuna Research	250	State of Maine Recovery Plan Subtotal, Conservation and Management Services	41,514
Conservation and Management: Base	7,775	Endangered Species Act—Atlantic Salmon	1,717	Subtotal, Protected Resources Research and management Services	150,660
Alaska Near Shore Fisheries	998	Endangered Species Act—Marine Mammals	3,500	Habitat Conservation: Sustainable Habitat Management: Base	1,500
Alaska—Bering Sea Crab	1,000	Endangered Species Act—Other Species	2,700	Blue Crab Advanced Research Consortium	1,500
Alaska—Yukon River Chinook Salmon—Base	1,000	Endangered Species Act—Right Whale Activities	2,250	Charleston Bump	300
Alaska—Yukon River Drainage Fisheries Association ..	499	Endangered Species Act—Right Whale Activities NE Consortium	1,000	Chesapeake Bay Multi-Species Management	500
Alaska—Magnuson Stevens Implementation	2,050	Endangered Species Act—Pacific Salmon Recovery	17,450	Chesapeake Bay Oyster Research	2,000
American Fisheries Act—Base	2,174	Endangered Species Act—Sea Turtles	4,500	Chesapeake Bay Studies	2,750
American Fisheries Act—N. Pacific Council	499	Endangered Species Act—Steller Sea Lions	850	Chesapeake Bay Environmental Education Program	1,200
American Fisheries Act—State of Alaska	499	Habitat Conservation	6,358	Coral Reefs	11,000
Anadromous grants	2,100	Hawaiian Monk Seals	825	Habitat Conservation	2,860
Anadromous Fish Commission—North Pacific/Alaska	750	Hawaiian Sea Turtles	300	Magnuson-Stevens Implementation	850
Cooper River Corridor Management—SC	150	Hawaiian Sea Turtle Research—Data Collection	3,000	Mobile Bay Oyster Recovery	1,000
Columbia River—Hatcheries Operations	11,457	Marine Mammal Protection ..	2,640	Wetland Herbivory Control ...	1,000
Columbia River Hatcheries—Monitoring, Evaluation and Reform	1,700	Marine Mammal Protection—AK Harbor Seal Research ..	900	Subtotal, Sustainable Habitat Management	26,460
Fisheries Management Programs	31,255	Marine Mammal Protection—Base	4,435	Fisheries Habitat Restoration: Connecticut River Partnership	12,400
Halibut/Sablefish	1,200	Marine Mammal Protection—Marine Mammal Strandings ..	4,000	Fisheries Habitat Restoration—Bronx River Restoration	300
HI Community Development Interjurisdictional Fisheries Grants	2,590	Marine Mammal Protection—Erysipelas Research	150	Fisheries Habitat Restoration—Pinellas County Environmental Foundation	1,500
International Fisheries Commissions	400	Protected Species Management—Base	4,275	Fisheries Habitat Restoration—LA DNR	1,385
Interstate Fish Commissions—3 Commissions	750	Protected Species Management—Bottlenose Dolphin Research	2,000	Marsh Restoration—NH	1,000
Interstate Fish Commissions—Atlantic Cooperative Management	7,250	Rancho Nuevo Sea Turtles ...	350	Subtotal, Fisheries Habitat Restoration	18,085
Management of George's Bank	478	Subtotal, Science and Technology	109,146	Subtotal, Habitat Conservation	44,545
National Environmental Policy Act	5,000	Conservation and Management Services: Base	4,985	Enforcement and Surveillance: Enforcement Driftnet Act Implementation/ Base	1,375
National Environmental Policy Act—Hawaiian Sea Turtles	3,000	Alaska—Chinook Salmon Management	150	Enforcement and Surveillance—Base	20,420
Oregon Groundfish Outreach Program	1,000	Alaska—Cook Inlet Beluga	150	Enforcement and Surveillance—Cooperative Agreements with States	2,500
Oregon Groundfish Disaster Assistance	1,500	Alaska Steller Sea Lion Recovery—State Work	2,495		
Oregon Groundfish Cooperative Research	2,000	Atlantic Salmon Recovery Plan	450		
Pacific Salmon Treaty—Base	5,612	Endangered Species Act—Atlantic Salmon	500		
Pacific Salmon Treaty—Chinook Salmon Agreement ...	1,844	Endangered Species Act—Pacific Salmon Recovery	20,500		
Refine Essential Fish Habitat Designations	1,000	Endangered Species Act—Right Whale Activities	2,100		
Regional Councils	14,150	Endangered Species Act—Right Whale Cooperative State Plans	1,500		
Subtotal, Conservation and Management	112,180	Marine Mammal Strandings—Charleston Health and Risk Assessment	800		
Total, Fisheries Research and Management Services ..	342,671	Native Marine Mammals—AK Eskimo Whaling Commission	400		
Protected Resources Research and Management Services: Science and Technology: Base	12,037				

Enforcement and Surveillance—Vessel Monitoring System	2,000	AIRMAP	3,000	Pacific Marine Environmental Laboratory (Washington)	7,389
Subtotal, Enforcement	26,295	International Pacific Research Center	500	Subtotal, Laboratories & Joint Institutes	19,285
Cooperative Enforcement Programs:		Subtotal, Other Partnership Programs	3,750	National Sea Grant College Program:	
Enforcement and Surveillance—Cooperative Agreements with/States	14,775	Total, Climate Research	150,168	National Sea Grant College Program Base	56,410
NH Fish & Game Enforcement Vessel	250	Weather & Air Quality Research: Laboratories & Joint Institutes:		Aquatic Nuisance Species/Zebra Mussel Research	3,000
Subtotal, Cooperative Enforcement Programs	15,025	Aeronomy Laboratory (Colorado)	2,054	Gulf of Mexico Oyster Initiative	1,000
Subtotal, Enforcement and Surveillance	41,320	Atlantic Oceanographic and Meteorological Laboratory (Florida)	3,921	Oyster Disease Research	2,000
Total, National Marine Fisheries Service	579,196	Air Resources Laboratory (CO, ID, NC, NV, TN)	2,077	Subtotal, National Sea Grant College Program	62,410
<i>Oceanic & Atmospheric Research</i>		Climate Monitoring and Diagnostic Laboratory (Colorado)	166	National Undersea Research Program (NURP)	
Climate Research: Laboratories & Joint Institutes:		Environmental Technology Laboratory (Colorado)	6,864	National Undersea Research Program (NURP) Base	13,770
Aeronomy Laboratory (Colorado)	8,111	Forecast Systems Laboratory (Colorado)	10,646	National Institute for Undersea Science and Technology	2,500
Atlantic Oceanographic and Meteorological Laboratory (Florida)	5,691	Geophysical Fluid Dynamics Laboratory (New Jersey)	3,077	Subtotal, National Undersea Research Program	16,270
Air Resources Laboratory (CO, ID, NC, NV, TN)	3,447	National Severe Storms Laboratory (Oklahoma)	7,552	Ocean Exploration	14,000
Climate Diagnostic Center (Colorado)	2,555	Pacific Marine Environmental Laboratory (Washington)	264	Other Partnership Programs:	
Climate Monitoring and Diagnostic Laboratory (Colorado)	5,952	Space Environmental Center (Colorado)	7,242	Arctic Research	1,650
Environmental Technology Laboratory (Colorado)	243	Subtotal, Laboratories & Joint Institutes	43,863	Aquatic Ecosystems	4,300
Forecast Systems Laboratory (Colorado)	156	U.S. Weather Research Program:		Carolina Coastal Ocean Observing and Prediction System	2,800
Geophysical Fluid Dynamics Laboratory (New Jersey)	14,229	U.S. Weather Research Program Base (USWRP)	2,750	Gulf of Maine Council	500
Pacific Marine Environmental Laboratory (Washington)	8,523	Hawaii—3-D Ceilometer in HI Space-Based Wind Profile Lidar Technology	1,000	Lake Champlain Research Consortium	250
Space Environmental Center (Colorado)	236	Air Quality Forecasting Pilot Program	3,000	NISA/Ballast Water Demonstrations	2,250
Subtotal, Laboratories & Joint Institutions	49,143	High Resolution Temperature Forecasting Pilot Program	3,000	NISA/Prevent & Control Invasive Species	800
Climate & Global Change Program:		Subtotal, U.S. Weather Research Program	10,250	NH Milfoil	275
Climate and Global Change (Base)	69,625	Other Partnership Programs:		NOAA Marine Aquaculture Program	2,594
Variability beyond ENSO	1,000	New England Air Quality	1,000	Cooperative Institute for New England Mariculture & Fisheries	3,000
Climate Forcing Agents	1,000	Subtotal, Other Partnership Programs	1,000	Aquaculture Education Program—Cedar Point, MS	1,000
Accelerating Climate Models—IRI	2,100	STORM	349	Pacific Tropical Ornamental Fish	450
Subtotal, Climate & Global Change Program	73,725	Total, Weather & Air Quality Research	55,462	Aquaculture Management Plan—RICRMC	1,500
Climate Observations & Services:		Ocean, Coastal, and Great Lakes Research:		SE Atlantic Marine Monitoring & Pred. Center (UNC)	998
Climate Reference Network ...	3,000	Laboratories & Joint Institutes:		Tsunami Hazard Mitigation (incl. TWEAK)	3,300
Climate Data & Info and CLASS in PAC	1,000	Atlantic Oceanographic and Meteorological Laboratory (Florida)	2,720	Subtotal, Other Partnership Programs	25,667
Baseline Observatories	2,500	AOML Coral Reef Watch	499	Total, Ocean, Coastal, & Great Lakes Research	137,632
Ocean Observations/Ocean Systems	3,500	Environmental Technology Laboratory (Colorado)	445	High Performance Computing & Communications (HPCC)	12,800
ARGO Floats	7,950	Great Lakes Environmental Research Laboratory (Michigan)	8,232	Total, OAR	356,062
Regional Assessments, Education and Outreach	1,750			<i>National Weather Service</i>	
Climate Change Assessments	650			Local Warnings and Forecasts:	
Weather-Climate Connection	900			Local Warnings and Forecasts Base	483,178
Carbon Cycle	2,300			Alaska Data Buoys	1,700
Subtotal, Climate Observations & Services	23,500			New England Data Buoys	750
Other Partnership Programs:				Sustain Cooperative Observer Network	1,890
Central California Ozone Study	250			Mt. Washington Observatory	500
				Susquehanna River Basin Flood System	1,310

N.C. Floodplain Mapping Pilot	4,000	Regional Climate Centers	3,000
Aviation Forecasts	35,596	Environmental Data Systems	
		Modernization	12,335
Subtotal, Local Warnings and		Total, NOAA's Data Centers	
Forecasts	528,924	& Information Services	64,448
Advanced Hydrological Pre-			
diction Service	1,500	Total, NESDIS	139,627
WFO Maintenance	4,390		
Weather Radio Transmitters:		Program Support	
Weather Radio Transmitters		Corporate Services:	
Base	2,320	Under Secretary and Associate	
NOAA Weather Radio Trans-		Offices Base	21,823
mitters—ME	300	Policy Formulation and Direc-	
NOAA Weather Radio Trans-		tion Base	35,000
mitters—NH	230	Minority Serving Institutions ..	15,000
NOAA Weather Radio Trans-			
mitters—SD	350	Total, Corporate Services	71,823
NOAA Weather Radio Trans-			
mitters—WY	374	Office of Marine and Aviation Op-	
NOAA Weather Radio Trans-		erations (OMAO):	
mitters—Big Horn, WY	76	Aviation Operations:	
NOAA Weather Radio Trans-		Aircraft Services	14,684
mitters—WI	450		
North Dakota Ag Weather Net-		Subtotal, Aviation Oper-	
work	270	ations	14,684
Subtotal, Weather Radio			
Transmitters	4,370	Marine Operations:	
Central Forecast Guidance	41,925	Marine Services	63,829
Systems Operation & Mainte-		Fleet Planning and Mainte-	
nance (O&M):		nance	11,120
NEXRAD	39,996	Total, Marine Operations ...	74,949
WSR—88D	3,100		
ASOS	7,650	Total, OMAO	89,633
ASOS—AK Aviation	4,000		
AWIPS	36,500	Facilities:	
Total, Systems Operation &		NOAA Maintenance, Repairs	
Maintenance	91,246	and Safety	3,225
Total, National Weather		Boulder Facilities Operations	4,500
Service	672,355	Columbia River Facilities	3,365
National Environmental Satellite, Data and		Total, NOAA Maintenance,	
Information Service		Repairs and Safety	11,090
Environmental Satellite Observ-			
ing Systems:		Environmental Compliance	2,000
Satellite Command and Control	30,461		
Product Processing and Dis-		Project Planning and Exec-	
tribution	21,000	ution:	
Product Development, Read-		Pribilof Island Cleanup	6,000
iness & Application:			
Product Development, Read-		Total, Project Planning and	
iness & Application	19,518	Execution	6,000
Coral Reef Monitoring	750		
Global Wind Demonstration ..	3,000	Total, Facilities	19,090
Subtotal, Product Develop-		Total, Program Support	180,546
ment, Readiness & Applica-			
tion	23,268	The following narrative provides addi-	
Commercial Remote Sensing		tional information related to certain items	
Licensing & Enforcement	450	included in the preceding table.	
Total, Environmental Sat-		NATIONAL OCEAN SERVICE	
ellite Observing Systems	75,179	The conference agreement includes	
NOAA's Data Centers & Informa-		\$413,911,000 under this account for the activi-	
tion Services:		ties of the National Ocean Service, instead of	
Archive, Access & Assessment:		\$375,609,000 as recommended in the House bill	
Archive, Access & Assessment	26,750	and \$388,840,000 as proposed in the Senate re-	
Climate Database Moderniza-		port.	
tion	15,850	Mapping and Charting.—The conference	
GOES Data Archive Project ..	2,000	agreement provides \$74,748,000 for NOAA's	
Subtotal, Archive, Access &		mapping and charting programs, reflecting	
Assessment	44,600	continued commitment to the navigation	
National Coastal Ocean Data		safety programs of the NOS and concerns	
Development & Management		about the ability of the NOS to continue to	
Center	4,513	meet its mission requirements over the long	
		term. Within the total funding provided	
		under Mapping and Charting, the conference	
		agreement includes House report language	
		urging NOAA to enter into a long-term lease	
		or charter.	
		Estuarine and Coastal Assessment.—Senate	
		report language regarding the Oxford labora-	
		tory is adopted by reference. Of the amounts	

provided for Aquatic Resources Environmen-
tal Initiative, \$500,000 is for Bluegrass
Pride, Inc.

Coastal Ocean Program (COP).—The man-
agers of COP are expected to follow the di-
rection included in the Senate report con-
cerning research on small high-salinity estu-
aries. Of the amounts provided, \$1,200,000 is
for the land use-coastal ecosystem study.

Coastal Zone Management.—The conference
agreement includes \$75,345,000 for this activ-
ity, of which \$68,963,000 is for grants under
sections 306, 306A, and 309 of the Coastal
Zone Management Act (CZMA), and \$6,382,000
is for program administration. In response to
NOAA's report assessing the Coastal Zone
Management program, the conference agree-
ment includes direction to NOAA to begin
designing and implementing performance
measures to validate the continuation of the
Coastal Zone Management program. Due to
fiscal constraints, it is difficult to justify a
currently unauthorized appropriation of this
magnitude without some type of measure-
ment of performance. The conference agree-
ment directs NOAA to provide quarterly re-
ports to the Committees on Appropriations
on progress in meeting these goals.

Marine Sanctuary Program.—The conferees
expect the Northwest Straits Commission to
seek incorporation into the Marine Sanc-
tuary Program.

Marine Protected Areas.—The conference
agreement includes Senate report language
on this subject.

NATIONAL MARINE FISHERIES SERVICE

The conference agreement includes a total
of \$579,196,000 for the National Marine Fish-
eries Service (NMFS), instead of \$542,121,000
as proposed in the House bill and \$546,165,000
as proposed in the Senate report.

The conference agreement does not include
bill language under this heading regarding
changes to the regulations under the Endan-
gered Species Act, as proposed by the Sen-
ate. The conference agreement includes direc-
tion to NMFS to complete the consult-
ative process consistent with the deadlines
and the documentation requirements of sub-
section (a)(2) of section 7 of the Endangered
Species Act.

In addition, funding provided for Pacific Is-
lands Area Office (PIAO) operations are in-
tended to enhance and not supplant funds for
existing operations and programs, including,
among others, the fishery observer program,
and other support.

*Fisheries Research and Management/Science
and Technology.*—The conference agreement
provides \$230,491,000 for fisheries science and
technology.

Of the amounts provided for fishery observ-
ers, \$750,000 is provided to ensure that na-
tional standards are incorporated for all ob-
server programs. The conferees direct NMFS
to provide the Committees on Appropria-
tions with progress reports on the incorpora-
tion of observer data and state fisheries data
into the National Fisheries Information Sys-
tem.

NOAA is directed to continue working with
the Xiphophorus Genetic Stock Center to
improve the understanding of fish genetics
and evolution.

NMFS is directed to continue collaborative
research with the Center for Shark Research
and other qualified institutions to provide
the information necessary for effective man-
agement of the highly migratory shark fish-
ery and conservation of shark fishery re-
sources. In addition, of the funding provided
for Highly Migratory Species research,
\$150,000 is for the Pacific Fisheries Council.

The conference agreement includes direc-
tion to NMFS to fully implement coopera-
tive research programs. The conferees urge

NOAA to leverage State, Federal and local resources to attain the best fisheries science available.

Conservation and Management.—The conference agreement includes Senate report language regarding the North Atlantic Right whales and Hawaiian Sea turtles by reference.

In addition, of the amounts provided for Protected Species—Bottlenose Dolphin, \$750,000 is to continue a program initiated in the prior year, and the remainder is for a new program in Mississippi. Within the funding provided for Marine Mammal Protection/Alaska Harbor Seals, funding is to be allocated according to direction in the Senate report.

Funding for bluefish/striped bass has been provided as follows: \$450,000 for the NMFS base research program, \$827,000 for the Cooperative Marine Education and Research Program in New Jersey, and \$250,000 for other existing bluefish/striped bass research.

Interstate Fish Commissions.—The conference agreement includes \$8,000,000 for this activity, of which \$750,000 is to be equally divided among the three commissions, and \$7,250,000 is for implementation of the Atlantic Coastal Fisheries Cooperative Management Act.

Habitat Conservation.—Within the amounts provided for the Chesapeake Bay, \$1,200,000 is for the Chesapeake Bay Environmental Education Program; of this amount, \$400,000 is for a grant to a consortium to further the educational goals of the Chesapeake 2000 Agreement, and \$800,000 is for the NOAA Chesapeake Bay Office to conduct an environmental educational program in the Chesapeake Bay watershed. In addition, \$2,000,000 is for oyster bed restoration, including \$1,000,000 each for the Maryland Oyster Recovery Partnership and the Virginia Oyster Reef Heritage Foundation. In addition, \$1,500,000 is for the Blue Crab Advanced Research Consortium to be administered by the University of Maryland Biotechnology Institute.

Other.—In addition, within the funds available for the Saltonstall-Kennedy grants program, NMFS is directed to continue ongoing efforts related to *Vibrio vulnificus*.

OCEANIC AND ATMOSPHERIC RESEARCH

The conference agreement includes a total of \$356,062,000 for Oceanic and Atmospheric Research activities, instead of \$317,483,000 as recommended by the House and \$365,430,000 as recommended by the Senate.

Climate Observations and Services.—Senate report language regarding ARGO floats is adopted by reference.

U.S. Weather Research Program (USWRP).—The conferees direct NOAA to collaborate with the AIRMAP program to establish an air quality forecasting pilot program and a high-resolution temperature forecasting pilot program in the northeastern United States.

Climate and Global Change.—Of the amounts provided, \$750,000 is to be allocated as directed in the House report.

STORM.—The conference agreement includes \$349,000 for the final payment to the Science Center for Teaching, Outreach and Research on Meteorology for the collection and analysis of weather data in the Midwest.

National Sea Grant program.—The conference agreement includes \$3,000,000 for the fisheries extension program. This funding is intended to enhance and not supplant funds for the existing extension program.

National Undersea Research Program (NURP).—Of the amounts provided, \$6,885,000 is for research conducted through the east

coast NURP centers and \$6,885,000 is for the west coast NURP centers, including the Hawaiian and Pacific center and the west coast and polar region center. The Committee expects level funding will be available for Aquarius, ALVIN, and program administration.

National Invasive Species Act/Ballast Water Demonstrations.—Funding is included for the Chesapeake Bay and Great Lakes ballast water demonstrations, of which \$2,000,000 is to be split according to the prior year allocation, and an additional \$250,000 is for a new technology system.

Great Lakes Risk Assessment.—The conferees encourage OAR to review a proposal from the University of Notre Dame to conduct a Great Lakes risk assessment and provide funding, if warranted.

NATIONAL WEATHER SERVICE

The conference agreement includes a total of \$672,355,000 for the National Weather Service (NWS), instead of \$659,349,000 as proposed in the House bill, and \$668,620,000 as proposed in the Senate report.

Local Warnings and Forecasts.—The conference agreement includes language in the Senate report regarding Williston, North Dakota, and Erie, Pennsylvania. The National Weather Service (NWS) is directed to ensure that the Federal Aviation Administration (FAA) is implementing the agreement between the NWS and FAA to fully address the requirements for these areas in fiscal year 2002. The NWS is directed to report to the Committees on Appropriations on the progress of implementing this agreement by February 14, 2002.

In addition, funding for the WSR-88D is included as directed in the House report.

NATIONAL ENVIRONMENTAL SATELLITE, DATA AND INFORMATION SERVICE

The conference agreement includes \$139,627,000 for NOAA's satellite and data management programs. In addition, the conference agreement includes \$561,926,000 under the NOAA PAC account for satellite systems acquisition and related activities.

PROGRAM SUPPORT

The conference agreement provides \$180,546,000 for NOAA program support, instead of \$176,112,000 as proposed by the House, and \$150,725,000 as proposed by the Senate. Senate report language regarding the P-3 and the R/V *Ron Brown* is adopted by reference. The *Rude*, *Ferrel*, and *McArthur* are to be retired when the *Swath*, *YTT*, and *T-AGOS* (Hawaii) respectively come on-line. The conference agreement includes direction to the Office of Marine and Aviation Operations to provide detailed quarterly reports to the Committees on Appropriations on its operations.

Of the amounts provided for Pribilof Island Cleanup, \$2,000,000 is for assistance authorized under Section 206(b) of the Fur Seal Act of 1966 (16 USC 11669b), and \$4,000,000 is to carry out Section 3 of Public Law 104-91 (16 USC 1165 note).

The conference agreement includes funding for NOAA's portion of Commerce Administrative Management System (CAMS) implementation based on detailed information provided by NOAA. The conferees direct NOAA to fully implement CAMS by October 10, 2002.

PROCUREMENT, ACQUISITION AND CONSTRUCTION (INCLUDING TRANSFERS OF FUNDS)

The conference agreement includes a total of \$836,552,000 in direct appropriations for the NOAA Procurement, Acquisition and Construction account, and assumes \$3,200,000 in

deobligations from this account. Of the amounts provided, \$58,487,000 is within the conservation category. The following distribution reflects the fiscal year 2002 funding provided for activities within this account:

	PAC	FY02 Conf.
NOS Construction and Acquisition: Coastal and Estuarine Land Conservation Program:		
Bronx River, NY		1,500
East River, South Bronx, NY		1,000
Lake Superior, City of Superior, WI		800
Elkhorn Slough, CA		500
Hackensack, NJ		1,200
Kitsap County, WA		500
Village Point, AL		500
Widewater Peninsula, VA		225
Taskinas Creek, VA		275
Hempstead Harbor, NY		350
Lake Ontario, NY		350
Detroit River—Wyandott/Chrysler, MI		1,000
NY/NJ Partnership		1,500
Warwick, RI		350
Worcester City, MD		350
Orange County, CA		350
Stamford Mill, CT		350
San Pablo Bay, CA		350
Manchester by the sea—Gloucester, MA		350
Camp Salmen, LA		225
Deer Island, MS		3,800
Subtotal, CECP		15,825
NERRS Acquisition/Construction:		
ACE Basin		13,500
Great Bay Partnership		6,000
Base Program		8,412
Subtotal, National Estuarine Research Reserve		27,912
Marine Sanctuaries Construction:		
Florida Keys National Marine Sanctuary		6,500
Humpback Whale National Marine Sanctuary		1,500
National Monitor Sanctuary		5,000
Monterey Bay National Marine Sanctuary		1,250
Stellwagen Bank National Marine Sanctuary		500
Subtotal, Marine Sanctuary Construction		14,750
Other NOS Facilities:		
Kachemak Bay Service Facility		800
Kasitsna Bay Laboratory		5,500
MEHRL		14,000
Beaufort Laboratory		5,000
Coastal Service Center		4,000
Subtotal, Other NOS		29,300
Subtotal, NOS Construction ..		87,787
NMFS Construction:		
Juneau Fisheries Laboratory ...		21,100
Aquatic Resources		5,000
NY Botanical Gardens		4,034
Honolulu lab		3,000
Kodiak Pier		2,000
Ketchikan Facilities		1,500
Santa Cruz Laboratory		550
Subtotal, NMFS Construction ..		37,184
OAR:		
CLASS		3,600

PAC		FY02 Conf.
Research Supercomputing		7,750
Stone Laboratory		350
Norman Consolidation Project		8,000
Total, OAR		19,700
NWS:		
ASOS		5,125
AWIPS		16,264
NEXRAD		8,260
NWS WFO—Huntsville		3,000
NWSTG Backup—CIP		7,460
Radiosonde Network Replacement		4,989
Weather and Climate Supercomputing		15,000
WFO Construction		10,630
Total, NWS		70,728
NESDIS:		
Geostationary Systems		262,474
Polar Orbiting Systems		295,902
Continuity of Critical Facilities		3,550
Total, NESDIS		561,926
Program Support: CAMS		17,127
OMAO/Fleet Replacement:		
ADVENTUROUS Refurbishment		4,200
ALBATROSS IV Repair		3,000
FAIRWEATHER Refurbishment		10,500
GORDON GUNTER		1,500
Naval Surplus Vessels for Coastal Research (YTT)		3,500
Small Waterplane Area Twin Hull Vessel (NH)		5,000
T-AGOS Vessel Conversion (HI—coral reef)		6,000
Fishery Research Vessel Replacement		5,400
Hydrographic Equipment Upgrades		6,200
Subtotal, OMAO		45,300
Total, Program Support		62,427
Total, Procurement, Acquisition, and Construction		839,752

Coastal and Estuarine Land Conservation Program.—The conference agreement includes \$15,825,000 for a new coastal and estuarine land conservation program, similar to a program proposed in the Senate bill. The House bill did not include a similar provision. This program is intended to protect those coastal and estuarine areas with significant conservation, recreation, ecological, historical or aesthetic values, or those that are threatened by conversion from their natural state to other uses. Federal funding must be matched by at least the same amount by other non-Federal sources. The Department of Commerce, including NOAA, is directed to promulgate regulations that are in accordance with the Coastal Zone Management Act. Bill language is included creating this new program.

National Estuarine Research Reserve System (NERRS).—A total of \$27,912,000 is provided for NERRS acquisition and construction, of which \$19,500,000 is not dependent upon receipt of local, state, or private matching funds.

Marine Sanctuaries Construction.—The conference agreement includes \$5,000,000 for the Mariners Museum for the planning, design, engineering and construction of the USS Monitor center.

Other NOS Facilities.—The conference agreement provides \$800,000 for the final Federal share of the Kachemak Bay service facility.

MEHRL.—The conference agreement provides \$14,000,000 for the MEHRL for the proteomics initiative, including the purchase of an 800 Mhz nuclear magnetic resonance (NMR) spectroscopy instrument, construction of necessary housing for this equipment, and associated costs. The conferees understand that the Medical University of South Carolina will provide the necessary expertise to cooperatively manage the instrument with NOAA. The conferees commend the consortium as an exemplar of Federal, State and academic partners working collaboratively through the joint partner process to share facilities, equipment and research.

Systems Acquisition.—Of the funding provided for Polar Orbiting Spacecraft and Launching, \$157,400,000 is for Polar Convergence. The National Polar-orbiting Operational Environmental Satellite System (NPOESS) is a Presidentially-directed program between Department of Defense (DOD), Air Force, Department of Commerce (DOC), National Oceanic Atmospheric Administration (NOAA) and National Aeronautics and Space Administration (NASA). The program was established based on a 50/50 cost sharing agreement between DOD and DOC, while NASA would provide “in kind” services, including a satellite and launch vehicle. The program is required to meet jointly established technical and schedule requirements. Bill language is included to maintain the established cost sharing arrangement. House report language regarding NWS is adopted by reference.

In addition, a total of \$262,474,000 is for the Geostationary Spacecraft and Launching. The conference agreement does not include funding for the GOES-R series in fiscal year 2002 due to scheduling changes.

Construction.—The conference agreement includes \$8,000,000 for above-standard costs of a building in Norman, Oklahoma to house portions of the National Weather Service. The conference agreement does not include funding requested for the Suitland, Maryland facility, as funding is not required in fiscal year 2002.

PACIFIC SALMON COASTAL RECOVERY

The conference agreement includes \$157,419,000 for this account within the conservation category, of which \$110,000,000 is for the Pacific Salmon Recovery Fund, \$5,419,000 is for the final direct payment to the State of Washington as part of the 1999 Pacific Salmon Treaty compromise, \$40,000,000 is for the Treaty, and \$2,000,000 is for the Pacific Salmon Commission.

Of the amounts provided for the Pacific Salmon Recovery Fund, \$34,000,000 is for the State of Washington, \$27,000,000 is for the State of Alaska, \$17,000,000 is for the State of Oregon, \$17,000,000 is for the State of California, \$11,000,000 is for the Pacific Coastal tribes, and \$4,000,000 is for the Columbia River tribes.

Of the amounts provided for the state of Alaska, funding is allocated in accordance with the Senate report; \$250,000 is for the United Fishermen of Alaska, and \$500,000 is for the Klawock Lake habitat project.

Of the amounts provided to the State of Washington, \$1,000,000 is for mass marking, and \$4,000,000 is for the Washington State Department of Natural Resources and other State and Federal agencies for purposes of implementing the State of Washington's Forest and Fish Report. The monies shall be spent in accordance with the terms and con-

ditions of the Report and consistent with the requirements of the Endangered Species Act and Clean Water Act.

Of the amounts provided for Oregon, funding is allocated in accordance with the Senate report.

Should an authorization including the State of Idaho under this program be enacted during fiscal year 2002, the conferees would entertain a reprogramming request for these funds.

Of the amounts provided for the Pacific Salmon Commission, funding is provided to implement salmon research, conservation, and harvest provisions of the 1999 Pacific Salmon Treaty.

Of the amounts provided for the Treaty, \$20,000,000 is for the Northern Transboundary Fund and \$20,000,000 is for the Southern Transboundary Fund. No funding is provided under the Department of State for this purpose.

The conference agreement does not include language proposed in the House bill making funding under this heading subject to express authorization. The Senate bill did not include a similar provision.

None of the \$110,000,000 is for commercial fishing license or vessel buybacks.

COASTAL ZONE MANAGEMENT FUND

The conference agreement includes an appropriation of \$3,000,000 as proposed in both the Senate and House bills. This amount is reflected under the National Ocean Service within the Operations, Research, and Facilities account.

FISHERMEN'S CONTINGENCY FUND

The conference agreement includes \$952,000 for the Fishermen's Contingency Fund, identical to the amounts proposed in both the House and Senate bills.

FOREIGN FISHING OBSERVER FUND

The conference agreement includes \$191,000 for the expenses related to the Foreign Fishing Observer Fund, as proposed in both the Senate and House bills.

FISHERIES FINANCE PROGRAM ACCOUNT

The conference agreement provides \$287,000 in subsidy amounts for the Fisheries Finance Program Account, identical to amounts proposed in both the House and Senate bills.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

The conference agreement includes \$37,652,000 for the departmental management of the Commerce Department, instead of \$35,843,000 as proposed in the House bill, and \$42,062,000 as proposed in the Senate bill. The Commerce Department is directed to continue to submit quarterly reports for implementation of the Commerce Administrative Management System (CAMS).

OFFICE OF INSPECTOR GENERAL

The conference agreement includes \$20,176,000 for the Commerce Department Inspector General, instead of \$21,176,000 as proposed in both the House and Senate bills. The Inspector General is reminded that office closings, staff reductions, or reorganizations are subject to the reprogramming procedures outlined in section 605 of this Act.

GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

The conference agreement includes the following general provisions for the Department of Commerce:

Sec. 201.—The conference agreement includes section 201, included in both the House and Senate bills, regarding certifications of advanced payments.

Sec. 202.—The conference agreement includes section 202, identical in the House and

Senate bills, allowing funds to be used for hire of passenger motor vehicles.

Sec. 203.—The conference agreement includes section 203, identical in the House and Senate bills, prohibiting reimbursement to the Air Force for hurricane reconnaissance planes.

Sec. 204.—The conference agreement includes section 204, identical in the House and Senate bills, providing authority to transfer funds between accounts. The language provides that no account may be decreased by more than 5 percent or increased by more than 10 percent. The language also makes the transfers subject to the Committee's standard reprogramming procedures.

Sec. 205.—The conference agreement includes section 205, identical in the House and Senate bills, providing that any costs incurred by the Department in response to funding reductions to the Department shall not be subject to the reprogramming limitations of this Act.

Sec. 206.—The conference agreement includes section 206, identical in the House and Senate bills, allowing the Secretary to award contracts for certain mapping and charting activities in accordance with the Federal Property and Administrative Services Act.

Sec. 207.—The conference agreement includes section 207, as proposed in both the House and Senate bills, allowing the Department of Commerce Franchise Fund to retain a portion of its earnings from services provided.

Sec. 208.—The conference agreement includes section 208, modified from a provision in the Senate bill, providing \$41,500,000 within the "National Institute of Standards and Technology, Construction of Research Facilities" account for construction of specific projects.

Sec. 209.—The conference agreement includes section 209, modified from a provision in the Senate bill, to clarify requirements for the Department of Commerce Working Capital Fund and the Advances and Reimbursement Account.

Sec. 210.—The conference agreement includes section 210, identical to a provision in the Senate bill, to allow the City of Anchorage, Alaska to export, on a one-time basis, two whale jaw bones acquired in a legal subsistence hunt by Native Alaskans, to its sister city of Whitby of the United Kingdom.

Sec. 211.—The conference agreement includes a new section 211 that amends section 213 of Public Law 105-277, the American Fisheries Act. This change would delete a sunset provision and instead authorize an annual appropriation, making permanent the prohibition on direct pollock fishing by non-American Fisheries Act (AFA) catcher/processors, even though this sector has some pre-AFA pollock history. The conferees understand that North Pacific groundfish fishermen and processors have agreed to work together on a proposal for consideration by the North Pacific Fishery Management Council for non-AFA catcher/processors to maximize utilization of their historic pollock catch. The conferees request that the appropriate Committees be notified immediately should the Secretary determine that the AFA statute precludes the Council from developing a regulation implementing the aforementioned agreement. The substitution of a September 30, 2004 reauthorization date for the original December 31, 2004 sunset date is intended to ensure a full Congressional review of the AFA within six years of its passage, as originally planned. This will also allow consideration of AFA issues during the reauthorization of the Magnuson-Stevens

Fishery Conservation and Management Act. Further, the conferees expect that any further authorization changes to the AFA will be addressed through the authorization committee process.

TITLE III—THE JUDICIARY

SUPREME COURT OF THE UNITED STATES

SALARIES AND EXPENSES

The conference agreement includes \$39,988,000 for the salaries and expenses of the Supreme Court as provided in the Senate bill, instead of \$42,066,000 as provided in the House bill.

The conferees recall that the late Julian Dixon, a member of the House Committee, worked tirelessly to remind the Supreme Court of the importance of fair hiring practices in the selection of law clerks. The Court has responded by providing information regarding its practices. The Court is directed to continue to provide information and make efforts to expand its pool of applicants in a manner to ensure fairness in hiring.

The conference agreement does not adopt language in the Senate report regarding the containment of mandatory costs and additional personnel.

CARE OF THE BUILDING AND GROUNDS

The conference agreement includes \$37,530,000 for the Supreme Court "Care of the Building and Grounds" account, instead of \$70,000,000 as provided in the House bill and \$7,530,000 in the Senate bill. The entire amount shall remain available until expended.

The conference agreement adopts, by reference, language in the House report related to the security and renovation needs of the Supreme Court.

The conference agreement does not include language in the Senate report regarding building renovations.

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

SALARIES AND EXPENSES

The conference agreement includes \$19,287,000 for the United States Court of Appeals for the Federal Circuit as provided in the House bill, instead of \$19,372,000 as provided in the Senate bill.

The conference agreement adopts, by reference, the House report language regarding funding priorities.

UNITED STATES COURT OF INTERNATIONAL TRADE

SALARIES AND EXPENSES

The conference agreement includes \$13,064,000 for the U.S. Court of International Trade, instead of \$13,073,000 as provided in the House bill and \$13,054,000 as provided in the Senate bill.

The conference report adopts, by reference, language in the House and Senate reports regarding the Court and the request for an architectural analysis of the Court's facilities.

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

The conference agreement provides \$3,591,116,000 for the salaries and expenses of the Courts of Appeals, District Courts and Other Judicial Services, instead of \$3,631,940,000 as provided in the House bill and \$3,559,012,000 as provided in the Senate bill. The agreement does not include Senate bill language related to court operations in Wyoming.

The conference agreement adopts, by reference, House report language with respect to non-appropriated funds and workload.

The conference agreement adopts, by reference, Senate report language requesting a study for the Committees on Appropriations by no later than February 1, 2002, on whether changes in the jury system may be necessary, to be prepared by the Administrative Office of the U.S. Courts.

VACCINE INJURY COMPENSATION TRUST FUND

The conference agreement provides \$2,692,000 from the Vaccine Injury Compensation Trust Fund as provided in both the House and Senate bills. The conference report adopts, by reference, the language from both the House and Senate reports.

DEFENDER SERVICES

The conference agreement includes \$500,671,000 for the Federal Judiciary's Defender Services account as provided in the House bill, instead of \$463,756,000 as provided in the Senate bill. The agreement includes House bill language related to training and administrative expenses. It does not include Senate bill language limiting the funding for Federal Defender Organizations.

The conference report adopts, by reference, the House report language. The conferees expect the Judiciary to implement the panel attorney pay increase to \$90 per hour in- and out-of-court, by no later than May 1, 2002.

The conference agreement does not include Senate report language regarding the feasibility of establishing "firewalls" within Federal Defender Organizations.

FEES OF JURORS AND COMMISSIONERS

The conference agreement includes \$48,131,000 for Fees of Jurors and Commissioners, as proposed in the House bill, instead of \$50,131,000 as provided in the Senate bill.

COURT SECURITY

The conference agreement includes \$220,677,000 for the Federal Judiciary's Court Security Account, instead of \$224,433,000 as provided in the House bill and \$209,762,000 as provided in the Senate bill.

The conference report adopts House bill and report language. The language clarifies the responsibilities of the Court Security Program. The conferees expect the courts will submit a report pursuant to section 605 of this bill should new facilities be needed to carry out the program or should court security be expanded at buildings housing court personnel that are leased, operated, or owned by the General Services Administration or by private interests.

The conference agreement does not include Senate bill and report language regarding radios.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

SALARIES AND EXPENSES

The conference agreement includes \$61,664,000 for the Administrative Office of the United States Courts, instead of \$60,029,000 as provided in the House bill and \$58,212,000 as provided in the Senate bill.

The conference agreement adopts, by reference, House report language. It does not include Senate report language regarding captioning initiatives.

FEDERAL JUDICIAL CENTER

SALARIES AND EXPENSES

The conference agreement includes \$19,735,000 for salaries and expenses of the Federal Judicial Center as provided in the House bill, instead of \$19,742,000 as provided in the Senate bill. Section 304 provides an additional \$400,000 available by transfer to the Center, to be used for distance learning. The conference report adopts, by reference, House and Senate report language.

JUDICIAL RETIREMENT FUNDS

PAYMENT TO JUDICIARY TRUST FUNDS

The conference agreement includes \$37,000,000 for payment to various judicial retirement funds, as provided in both the House and Senate bills. The conference agreement adopts, by reference, the House and Senate report language.

UNITED STATES SENTENCING COMMISSION

SALARIES AND EXPENSES

The conference agreement includes \$11,575,000 for the U.S. Sentencing Commission, as provided in the House bill, instead of \$11,327,000 as provided in the Senate bill. The conference adopts, by reference, House and Senate report language.

GENERAL PROVISIONS—THE JUDICIARY

Section 301.—The conference agreement includes a provision included in both the House and Senate bills allowing appropriations to be used for services as authorized by 5 U.S.C. 3109.

Section 302.—The conference agreement includes a provision included in both the House and Senate bills related to the transfer of funds.

Section 303.—The conference agreement includes a provision included in both the House and Senate bills allowing up to \$11,000 of salaries and expenses provided in this title to be used for official representation expenses of the Judicial Conference of the United States.

Section 304.—The conference agreement includes a provision as provided in Section 305 of the Senate bill, which directs a transfer of \$400,000 to the "Federal Judicial Center, Salaries and Expenses" account to be used only for distance learning. House language in Section 304 would have transferred \$400,000 to the "Courts of Appeals, District Courts, and other Judicial Services, Salaries and Expenses".

Section 305.—The conference agreement adopts a provision in the Senate bill authorizing a cost of living salary adjustment for Justices and judges and appropriates \$8,625,000 for this purpose.

Senate Section 304.—The conference agreement does not include a provision making permanent Section 140 of Public Law 97-92 relating to judges pay, but addresses the matter in Title VI, Section 625 of this report.

TITLE IV—DEPARTMENT OF STATE AND RELATED AGENCY

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

The conference agreement includes a total of \$3,630,012,000 for Diplomatic and Consular Programs, instead of \$3,645,735,000 as included in the House bill and \$3,471,168,000 as included in the Senate bill. The conference agreement includes \$3,142,277,000 for State Department activities under this account, and an additional \$487,735,000 to remain available until expended for worldwide security upgrades.

The conference agreement provides \$361,360,000 in requested program increases to improve diplomatic readiness and the security of Department operations, as follows:

Diplomatic Readiness.—The conference agreement includes a program increase of \$106,895,000, the full amount requested, for increased staffing. The conferees expect this amount to support the hiring of 360 new employees in fiscal year 2002. In addition, the conference agreement includes \$18,500,000 for human resources enhancements, including \$3,000,000 for recruitment modernization, \$10,000,000 for service needs incentives,

\$2,000,000 for a student loan repayment program, \$1,000,000 for a spousal employment program, and \$2,500,000 for civil service mobility and mid-level training programs.

Secure Operations.—The conference agreement includes program increases of \$79,412,000 to improve information and telephone security, upgrade the Department's technical and domestic security efforts, and hire an additional 186 diplomatic security employees, including 86 special agents.

Information Technology Investments.—The conference agreement includes a program increase of \$102,746,000 for information technology operations and maintenance, representing a shift of all such costs from the Capital Investment Fund, which will allow the full amount in that account to be available for technology investments.

Overseas Infrastructure.—The conference agreement includes program increases of \$53,807,000 for improvements to the overseas diplomatic support platform provided by the Department. This amount includes \$18,650,000 for the replacement of obsolete equipment, \$5,000,000 for the replacement of unreliable motor vehicles, \$10,000,000 to improve critical operations and maintenance services, \$5,300,000 to improve competitiveness of compensation packages offered to foreign national employees, and \$14,857,000 to support the consolidation of worldwide financial functions.

Further guidance on these and other programs and activities of the Department are offered below.

The conference agreement includes language designating \$270,259,000 for public diplomacy international information programs as proposed in the House bill. The Senate bill did not contain a similar provision. This amount represents the full requested funding level for these program activities. Within the amount provided, the conferees expect that the top priority in resource allocation will be programs related to the effort to combat terrorism. A strong and sustained public diplomacy campaign that successfully communicates objective facts and official messages and policies to target audiences abroad will be critical to the success of this effort. The conferees expect the Department to draw upon the best minds available, inside and outside the Federal government, to develop and convey these messages and policies.

The conference agreement includes language designating \$694,190,000 for information resource management as proposed in the Senate bill. The House bill did not contain a similar provision. This amount represents the full requested funding level for these activities. The conferees note that this amount includes funding for the Diplomatic Telecommunications Service—Program Office (DTS-PO), formerly included under the Capital Investment Fund. In recognition of continuing management challenges regarding DTS-PO, the conferees direct the Department to submit a fiscal year 2002 DTS-PO spending plan to the Committees through the regular reprogramming process before December 15, 2001.

The conference agreement does not include language proposed in the Senate bill designating \$7,800,000 for language, security, leadership, management and professional training. The House bill did not include a similar provision. The conferees expect that, within the funding available under this account, the Department will allocate a similar total to such training programs.

The conference agreement does not include language proposed in the Senate bill designating \$6,000,000 for transfer to the Department of Justice for conversion of State Department radio systems to narrowband. The House bill did not include a similar provision.

The conference agreement does not include language earmarking \$9,000,000 for the East-West Center, as proposed in the Senate bill. The House bill did not contain a similar provision. Funding for the East-West Center is addressed under a separate heading in this title.

The conference agreement does not include an earmark of \$5,000,000 under this account, as proposed in the Senate bill, for a payment to the State of Hawaii for security costs incurred as host of the May, 2001 Asian Development Bank Meeting. The House bill did not include a provision on this matter.

The conference agreement includes a provision, not in the House bill or the Senate bill, to allow the Department to collect and deposit Machine Readable Visa fees as offsetting collections to this account in fiscal years 2002 and 2003 to recover costs. The conference agreement does not include provisions to limit the use of Machine Readable Visa fees in fiscal year 2002 and to make excess collections available in the subsequent fiscal year, as carried in both the House and Senate bills.

The conference agreement does not include language proposed in the Senate bill regarding the extension of Federal allowances and benefits to an American employee of the World Intellectual Property Organization. The House bill did not include a provision on this matter. The conferees expect the Department to make every effort within existing laws and regulations to ensure that this and similar positions with international organizations carry with them appropriate allowances and benefits as befit their status.

In addition, the conferees are concerned by General Accounting Office findings that the United Nations (U.N.) and affiliated organizations continue to fall short of targets for the number of American employees. The conferees strongly encourage the Department to increase resources to recruit qualified Americans for positions in the U.N. system, and to work to remove pay and benefits disincentives to such employment. The conferees direct the Department to report to the Committees on Appropriations no later than March 15, 2002 on what actions can be taken to address these pay, allowances, and benefits concerns.

The conference agreement does not include language carried in last year's Act allowing certain advances for services related to the Panama Canal Commission to be credited to this account and to remain available until expended, as proposed in the Senate bill. The conferees understand that such amounts were credited to this account during fiscal year 2001 and remain available until expended, and that this provision is no longer necessary.

The conference agreement does not include language proposed in the Senate bill designating a total of \$45,419,000 for the implementation of the 1999 Pacific Salmon Treaty Agreement. The conference agreement addresses funding for this treaty under Title II of this Act, as proposed in the House bill.

The conference agreement includes language making \$1,343,000 available from fees collected from other executive agencies for lease or use of facilities at the International Center, as proposed in the House bill. The Senate bill proposed making \$1,252,000 available for such purposes.

The conference agreement includes a citation of authorization legislation carried in

previous years. The Senate bill proposed the deletion of this citation.

The conference agreement includes new language designating \$1,800,000 for a grant to conduct an international conference on combating sex trafficking. The conferees expect the Department's newly-established Office to Monitor and Combat Trafficking in Persons to oversee this conference as a public/private partnership, working closely with the War Against Trafficking Alliance, a consortium of non-governmental organizations, including Shared Hope International, the International Justice Mission, and the Salvation Army. In addition, the conferees encourage the Department to assist other international cooperative efforts to fight trafficking in persons, including providing up to \$200,000 for an upcoming conference on human rights challenges associated with trafficking, sponsored by the Globalization Research Center of the University of Hawaii at Manoa.

The conferees direct the Department to allocate \$5,000,000 for overseas continuing language education for employees and dependents as described in the Senate report.

The conferees direct the Department to report to the Committees on Appropriations on the Bureau of Consular Affairs' programs to assist Americans who have been the victims of violent crimes while traveling or studying overseas. The report shall evaluate the current services provided by the Office of Overseas Citizens Affairs and the adequacy of resources available to it for this purpose. This report shall consider whether and what data should be collected on individual incidents and made available to victims. The report shall also consider whether a database containing information about grants available to assist victims with the high costs associated with the prosecution of a perpetrator in foreign countries—particularly remote or judicially unsophisticated foreign countries—is merited. Finally, the report shall determine how best to make this information available to victims. The conferees expect that Internet technology will be utilized to accomplish this.

Within the amount provided under this heading, the conferees direct the Department to make \$500,000 available to the Northern Forum to support efforts to improve international communication, cooperation and opportunities for economic growth in northern regions of countries including the United States, Canada, China, Finland, Sweden, Japan, and Russia. This funding is provided with the expectation of matching funding from other contributions.

The conferees continue to be concerned about the security of classified information at the Department. The conferees understand that Federal requirements for storage of classified information mandate that containers approved by the General Services Administration are secured with locks that meet or exceed Federal specifications. The conferees expect the Department to report to the Committees no later than March 1, 2002, identifying the number of Department-controlled containers that are not in compliance with the Federal specification.

The conferees understand that a community of democracies conference is planned for October, 2002, in Seoul. The conferees encourage the Department to participate in this conference and to further develop the idea of a coalition of nations that could serve to consolidate and expand democracy, and to deepen collaboration among nations to enhance security and prosperity and pursue common interests. The conferees encourage the Department to work with non-gov-

ernmental organizations with similar aims such as the Council for a Community of Democracies.

The conference agreement includes, by reference, language in the House report on reprogramming of exchange rate savings; reform and restructuring, including the filling of the Deputy Secretary for Management and Resources position; carrying out the recommendations of the Overseas Presence Advisory Panel; implementation of visa laws; the diversity visa program; Sudan; Egypt; Lebanon; overseas schools; the Office of Defense Trade Controls; and the negotiation of extradition treaties.

The conference agreement includes, by reference, language in the Senate report on the Arctic Council, the Bering Straits Commission, the Ambassador's Fund for Cultural Preservation, international conservation of sea turtles, biotechnology, and international trade activities.

The conferees direct the Department to provide \$1,500,000 to continue its educational partnership with Hostos Community College and Columbia University in New York. This model program will support the Department's ongoing efforts to increase minority hiring and diversity by facilitating the preparation of non-traditional and minority students for careers in the Foreign Service and the Department. The conferees also note that the Department has identified additional continuing base funding of at least \$2,000,000 to improve efforts to recruit members of minority groups for careers in the Foreign Service and international affairs. The conference agreement includes resources to continue these efforts, including an additional \$1,000,000 for an ongoing partnership with Howard University.

Within the amount provided under this account, and including any savings the Department identifies, the Department will have the ability to propose that funds be used for purposes not specifically funded by the conference agreement through the normal reprogramming process.

CAPITAL INVESTMENT FUND

The conference agreement includes \$203,000,000 for the Capital Investment Fund as proposed in the House bill, instead of \$210,000,000 as proposed in the Senate bill. This amount, when combined with estimated expedited passport fees of \$63,000,000, will result in a total availability of \$266,000,000 for priority new technology investments. Costs associated with information technology operations and maintenance, formerly supported by amounts under this heading, are instead included under the Diplomatic and Consular Programs account.

The conferees agree that, from the total available funding under this heading, \$106,600,000 shall be for the replacement of computer and communications equipment that posts use for classified operations, and \$109,631,000 shall be for the expansion of desktop Internet access to all Department employees worldwide. The conference agreement includes, by reference, language in the House report regarding the submission of a performance plan and report for these two major initiatives.

The conference agreement also includes, by reference, language in the House report on efforts to establish a common information technology platform at overseas posts.

OFFICE OF INSPECTOR GENERAL

The conference agreement includes \$29,000,000 for the Office of Inspector General, instead of \$29,264,000 as proposed in the House bill and \$28,427,000 as proposed in the

Senate bill. The conference agreement includes, by reference, the guidance included in the House report.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

The conference agreement includes \$237,000,000 for Educational and Cultural Exchange Programs as proposed in the House bill, instead of \$242,000,000 as proposed in the Senate bill. The following chart displays the conference agreement on the distribution of funds by program or activity under this account:

	Amount (in thousands)
Academic Programs:	
Fulbright Programs	\$118,000
Foreign Study Grants for U.S. Undergraduates	1,500
Educational Advising and Student Services	3,500
English Language Programs	3,000
Hubert H. Humphrey Fellowships	6,000
Edmund S. Muskie Fellowships	250
American Overseas Research Centers	2,320
South Pacific Exchanges	500
Tibet Exchanges	500
East Timor Exchanges	500
Disability Exchange Clearinghouse	500
Subtotal, Academic Programs	136,570
Professional and Cultural Programs:	
International Visitor Program	49,000
Citizen Exchange Program	16,000
Congress Bundestag Youth Exchange	2,908
Mike Mansfield Fellowship Program	2,200
Youth Science Leadership Institute of the Americas	100
Irish Institute	250
Atlantic Corridor	250
Interparliamentary Exchanges with Asia	150
Subtotal, Professional and Cultural Exchanges	70,858
North/South Center	1,000
Exchanges Support	28,572
Total, Appropriation	237,000

Deviations from this distribution of funds will be subject to the normal reprogramming procedures under section 605 of this Act. In addition, the conferees understand that at least \$2,200,000 from carryover and recovered balances will be available for obligation in fiscal year 2002. Of this additional amount, the conferees agree to the following allocations: \$250,000 for the Irish Institute, \$250,000 for the Atlantic Corridor, \$300,000 for the Citizen Exchanges Program, \$200,000 for the North/South Center, \$300,000 for exchanges related to workforce development in Africa as described in both the House and Senate reports, \$400,000 for exchanges to build linkages between American and foreign musicians and musical institutions as described in the House report, and \$500,000 for one-time seed funding for five new exchange activities as listed in the Senate chart. Should additional carryover and recovered balances become available, the conferees encourage the Department to consider a proposal for funding from International Partners in Education. The conferees remind the Department that the use of additional carryover beyond that distributed above is subject to the

reprogramming requirements described in section 605 of this Act.

The conference agreement includes language that limits spending from fee collections to \$2,000,000 as proposed in the House bill, instead of \$800,000 as proposed in the Senate bill. The conference agreement also includes language authorizing the crediting of fees from exchange visitor programs to this account as proposed in the House bill.

With respect to exchanges with the successor states of the former Soviet Union, the conferees agree that funding under this heading shall be allocated in recognition of significant amounts available for similar programs via transfer from other funding sources. Accordingly, the Department shall not earmark a percentage allocation of funds provided under this heading to exchanges for that geographic region. Instead, resources under this heading shall be allocated to ensure that the total funding available from all sources for exchange programs does not include geographical inequalities that do not correspond with worldwide policy priorities. The conferees direct the Department to submit a report to the Committees by January 15, 2002, displaying the allocation of total fiscal year 2002 funding from all sources, and total funding under this heading, by geographical region. The report should also include a similar display of fiscal year 2001 actual funding allocations.

The conference agreement includes \$250,000 for the Muskie Fellowships for graduate student exchanges with states of the former Soviet Union. The conferees expect that approximately \$20,000,000 will be made available from other sources in fiscal year 2002 for such exchanges. Within the total amounts made available for such exchanges the conferees urge the Department to place the highest priority on students conducting research or undertaking language training related to the Kazakhstan, Kyrgyzstan, Turkmenistan, Tajikistan, and Uzbekistan.

The conferees agree that the Department, in cooperation with other relevant Federal agencies, should give higher priority to international education and should coordinate efforts to promote exchange programs and U.S. higher education abroad.

The conference agreement includes, by reference, language in the House report on the Congress-Bundestag Youth Exchange Program, the Working Group on International Exchanges and Training, and increased competition in grant programs. The conference agreement also includes language in the Senate report on overseas educational advising.

The conferees are aware of the economic and cultural exchange program, as well as the proposed "sister state" relationship being developed between the City of Lake Charles, Louisiana and the Tver Region of Russia. The conferees support these efforts and encourage the Department to consider supporting the program.

REPRESENTATION ALLOWANCES

The conference agreement includes \$6,485,000 for Representation Allowances as proposed in the House bill, instead of \$9,000,000 as proposed in the Senate bill.

PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

The conference agreement includes \$9,400,000 for Protection of Foreign Missions and Officials as proposed in the House bill, instead of \$10,000,000 as proposed in the Senate bill. The direction included in the House and Senate reports regarding the review of reimbursement claims is adopted by reference.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

The conference agreement includes \$1,273,960,000 for this account, instead of \$1,285,960,000 as proposed in the House bill and \$1,066,951,000 as proposed in the Senate bill.

Worldwide Security Upgrades.—The conference agreement includes \$815,960,000 for the costs of worldwide security upgrades, including \$136,680,000 for continuation of the perimeter security program and \$665,000,000 for capital security projects.

The conferees agree that the amount for capital security projects does not include requirements associated with the construction of U.S. Agency for International Development facilities. Instead, the conferees direct the Department to allocate the entire amount provided for capital security construction to projects at posts that are determined by the Department to be most in need of secure replacement facilities.

The conferees understand that the Department recently realized significant savings as a result of re-evaluating the budget plans for a number of ongoing and planned capital security projects. The conferees expect that the resulting savings will allow the Department to accomplish results under this program that significantly exceed the level of activity described in the budget request. The conferees commend the Department, and encourage the achievement of additional efficiencies that will reduce the cost and increase the pace of standing up new, secure replacement embassy and consular facilities.

The conferees direct the Department to submit a spending plan for worldwide security upgrades within sixty days of the date of enactment of this Act through the normal reprogramming process. In proposing such a spending plan, the Department shall include an assessment of need, and such funding as is appropriate, for security upgrades related to existing housing, schools, and Marine quarters.

Other Capital Programs.—The conference agreement includes \$15,000,000 to be allocated for capital projects that are not based primarily on security vulnerability. The conferees agree that this amount shall not be for a specific project designated in the Department's budget request. The conferees are aware of other non-security capital funding needs, including projects that correspond with proposed post openings, that may be priorities for funding under this activity. The conferees expect the Department to include an allocation of this funding in the spending plan described in the previous paragraph.

The conference agreement includes, by reference, language in the House report on immediate notification of security risks, administrative costs, responding to the recommendations of the Overseas Presence Advisory Panel, and assets management.

The Department is directed to submit, and receive approval for, a financial plan for the funding provided under this account, whether from direct appropriations or proceeds of sales, prior to the obligation or expenditure of funds for capital and rehabilitation projects. The overall spending plan shall include project-level detail, and shall be provided to the Committees on Appropriations not later than 60 days after the date of enactment of this Act. Any deviation from the plan after approval shall be treated as a reprogramming in the case of an addition greater than \$500,000, or as a notification in the case of a deletion, a project cost overrun exceeding 25 percent, or a project schedule

delay exceeding 6 months. Notification requirements also extend to the re-baselining of a given project's cost estimate, schedule, or scope of work.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

The conference agreement includes \$6,500,000 for Emergencies in the Diplomatic and Consular Service account, instead of \$10,000,000 as provided in the House bill and \$5,465,000 as provided in the Senate bill. The conferees understand that an additional \$3,500,000 is available from prior year balances, resulting in a total fiscal year 2002 availability of \$10,000,000 under this account. In addition, the conferees understand that at least \$20,750,000 for terrorism rewards and publicity was made available under this account in Public Law 107-38 to respond to the September 11, 2001 terrorist attacks on the United States.

REPATRIATION LOANS PROGRAM ACCOUNT

The conference agreement includes a total appropriation of \$1,219,000 for the Repatriation Loans Program account as provided in both the House and Senate bills.

PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

The conference agreement includes \$17,044,000 for the Payment to the American Institute in Taiwan account, as provided in both the House and Senate bills. The conference agreement includes, by reference, language in the House bill regarding the submission of a spending plan that includes all funding sources.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

The conference agreement includes \$135,629,000 for the Payment to the Foreign Service Retirement and Disability Fund account, as provided in both the House and Senate bills.

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

The conference agreement includes \$850,000,000 for Contributions to International Organizations to pay the costs assessed to the United States for membership in international organizations as proposed in the House bill, instead of \$1,091,348,000 as proposed in the Senate bill.

The conference agreement includes language requiring that \$100,000,000 may be made available to the U.N. only pursuant to a certification that it has taken no action during calendar year 2001 prior to the enactment of this Act to cause it to exceed the adopted budget for the biennium 2000-2001, as proposed in the House bill. The Senate bill did not include a provision on this matter.

The amount provided by the conference agreement is expected to be sufficient to fully pay assessments to international organizations. The conference agreement anticipates that the Department has prepaid \$15,200,000 of the fiscal year 2002 assessment for the U.N. regular budget, using excess fiscal year 2001 funds. In addition, the Department's recalculation of its fiscal year 2001 request for this account has resulted in a lowering of the request by an additional \$2,400,000, resulting primarily from exchange rate fluctuations. The conference agreement does not include requested funding for Organization for Economic Cooperation and Development headquarters renovation, and anticipates additional savings related to requested activities that are terminating or have yet to be established.

In recognition of the importance of the work of the International Civil Aviation Organization (ICAO), the conference agreement includes full funding for the United States assessment to ICAO. This amount will include support for new and expanded programs in safety and security.

The conference agreement also includes full funding for the United States assessment to the International Atomic Energy Agency (IAEA). The conferees recognize the importance of the role played by the IAEA in efforts to enact stronger global measures to protect nuclear material and facilities against potential acts of terrorism.

The conference agreement includes, by reference, language in the House report on international war crimes tribunals. The conferees urge the Department to work with the U.N. and the tribunals to establish full-time U.N. Office of Internal Oversight Services positions at each of the international tribunals to improve internal controls and to prevent and detect fraud.

The conference agreement also adopts, by reference, language in the House report concerning withdrawal from certain organizations, international organizations reform, and the Pan American Health Organization (PAHO), and directs the Department to provide PAHO with its full United States assessment level for fiscal year 2002.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

The conference agreement provides \$844,139,000 for Contributions for International Peacekeeping Activities as proposed in the House bill, instead of \$773,182,000 as proposed in the Senate bill. The conference agreement does not include a rescission of \$126,600,000 from this account as proposed in title VII of the Senate bill.

The conference agreement provides that of the total funding provided under this heading fifteen percent shall remain available until September 30, 2003, as proposed in the Senate bill. The House bill had no provision on the matter. The conferees expect that before any excess funding is carried over into fiscal year 2003 in this account, the Department shall transfer the maximum allowable amount to the Contributions to International Organizations account to prepay the fiscal year 2003 assessment for the U.N. regular budget.

The conference agreement includes language regarding equal opportunities for American suppliers and a prohibition on funding for court monitoring as proposed in the House bill. The Senate bill did not include provisions on these matters.

The conferees acknowledge the progress made by the UNAMSIL mission in Sierra Leone, but remain concerned about the sincerity of the former combatant groups' commitments to peace and a democratic process. The Committees intend to closely monitor the activities of this mission, and to hold the Department and the U.N. accountable for achieving the goals of the current concept of operation.

The conference agreement includes, by reference, language in the House report on the MINURSO mission in Western Sahara, U.N. peacekeeping reform, and the U.N.'s Office of Internal Oversight Services.

INTERNATIONAL COMMISSIONS

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO SALARIES AND EXPENSES

The conference agreement includes \$24,705,000 for Salaries and Expenses of the International Boundary and Water Commis-

sion (IBWC) as proposed in the House bill, instead of \$7,452,000 as proposed in the Senate bill. The conference agreement includes \$17,199,000 under this heading for operations and maintenance. These activities were funded last year under the "Construction" account. The conference report does not include language in the House report concerning a certain flood warning system.

CONSTRUCTION

The conference agreement includes \$5,450,000 for the Construction account of the IBWC, instead of \$5,520,000 as proposed in the House bill and \$24,154,000 as proposed in the Senate bill. The conferees urge the IBWC to continue cooperative efforts to seek effective, timely and cost-efficient ways to increase the capacity to process excess sewage flows from Mexico. The conferees note that the IBWC and the Department have not yet entered into the dialogue on this matter with the Republic of Mexico that is described in title VIII of Public Law 106-457. The conferees direct the IBWC to report to the Committees on or before March 1, 2002, on proposed short-term and longer-term measures to advance a resolution of this issue.

AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

The conference agreement includes \$9,911,000 for the U.S. share of expenses of the International Boundary Commission; the International Joint Commission, United States and Canada; and the Border Environment Cooperation Commission, instead of \$10,311,000 as proposed in the House bill and \$6,879,000 as proposed in the Senate bill. The conference level includes funding for second year costs of a five-year study of the water regulation plan governing Lake Ontario and the St. Lawrence River.

INTERNATIONAL FISHERIES COMMISSIONS

The conference agreement includes \$20,480,000 for the U.S. share of the expenses of the International Fisheries Commissions and related activities, instead of \$19,780,000 as proposed in the House bill and \$20,780,000 as proposed in the Senate bill. The conference agreement includes the funding distribution requested in the President's budget, plus an additional \$700,000 for the Great Lakes Fisheries Commission, including \$250,000 for treating Lake Champlain with lampricide and lampricide alternatives. The conferees expect that future funding requirements under this account for the Inter-American Tropical Tuna Commission will be less than the \$2,300,000 provided for fiscal year 2002. The conference agreement includes the full requested funding for the Inter-American Sea Turtle Convention Commission.

OTHER

PAYMENT TO THE ASIA FOUNDATION

The conference agreement includes \$9,250,000 for the Payment to the Asia Foundation account as proposed in the House bill, instead of \$8,000,000 as provided in the Senate bill.

EISENHOWER EXCHANGE FELLOWSHIP PROGRAM TRUST FUND

The conference agreement includes language as provided in both the House and Senate bills allowing all interest and earnings accruing to the Trust Fund in fiscal year 2002 to be used for necessary expenses of Eisenhower Exchange Fellowships.

ISRAELI ARAB SCHOLARSHIP PROGRAM

The conference agreement includes language as provided in both the House and Senate bills allowing all interest and earnings

accruing to the Scholarship Fund in fiscal year 2002 to be used for necessary expenses of the Israeli Arab Scholarship Program.

EAST-WEST CENTER

The conference agreement includes \$14,000,000 for operations of the East-West Center as proposed in the Senate bill, instead of \$9,400,000 as proposed in the House bill. The conference agreement does not include an additional earmark from the Department of State's Diplomatic and Consular Programs account as proposed in the Senate bill.

NATIONAL ENDOWMENT FOR DEMOCRACY

The conference agreement includes \$33,500,000 for the National Endowment for Democracy as proposed in the House bill, instead of \$31,000,000 as proposed in the Senate bill.

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

The conference agreement includes \$428,234,000 for International Broadcasting Operations, instead of \$453,106,000 as proposed in the House bill and \$414,752,000 as proposed in the Senate bill. Rather than funding broadcasting to Cuba under this account, as proposed in the House bill, all funding for broadcasting to Cuba is included under a separate account, as proposed in the Senate bill.

The conference agreement includes full requested funding for an initiative to improve and enhance Voice of America (VOA) Arabic broadcasting to the Middle East, as described in the House report. Combined with funding provided under Public Law 107-38, the amount provided under this heading will enable the Broadcasting Board of Governors (BBG) to fully implement this initiative, including broadcasting to Sudan. The BBG shall report to the Committees on Appropriations by March 1, 2002, on proposed performance goals and measures for this new activity.

The conferees expect that the VOA will not air interviews with any official from nations that sponsor terrorism or any representative or member of terrorist organizations, or otherwise afford such individuals opportunities to air inaccurate, propagandistic, or inflammatory messages. The conferees direct the BBG to work closely with the Department of State and the National Security Council and to report to the Committees on Appropriations by December 15, 2001 on the procedures established to ensure this responsibility is upheld.

The conference agreement includes, by reference, language in the House report on reprogramming of savings, and language service review and research. The conference agreement also includes, by reference, language in the Senate report on Radio Free Europe/Radio Liberty broadcasting in Avar, Chechen and Circassian.

The conferees expect the BBG to maintain funding for VOA broadcasting to Africa at least at fiscal year 2001 levels. Should additional resources become available during fiscal year 2002, the conferees encourage the BBG to propose additional funding for VOA broadcasting to Africa through the reprogramming process.

BROADCASTING TO CUBA

The conference agreement includes \$24,872,000, to remain available until expended, for Broadcasting to Cuba under a separate account as proposed in the Senate bill, instead of the same amount within the total for International Broadcasting Operations as proposed in the House bill.

BROADCASTING CAPITAL IMPROVEMENTS

The conference agreement includes \$25,900,000 for the Broadcasting Capital Improvements account as proposed in the House bill, instead of \$16,900,000 as proposed in the Senate bill.

The conference agreement includes, by reference, language in the House report on the allocation of funds to support Arabic broadcasting to the Middle East and to defeat jamming of VOA and Radio Free Asia broadcasting to China, Tibet, Vietnam and North Korea.

GENERAL PROVISIONS—DEPARTMENT OF STATE AND RELATED AGENCY

Section 401.—The conference agreement includes section 401, as proposed in the House bill, permitting use of funds for allowances, differentials, and transportation. The Senate bill included a similar provision with a minor technical difference.

Sec. 402.—The conference agreement includes section 402, as provided in both the House and Senate bills, dealing with transfer authority.

Sec. 403.—The conference agreement includes section 403, as provided in both the House and Senate bills, prohibiting the use of funds by the Department of State or the Broadcasting Board of Governors (BBG) to provide certain types of assistance to the Palestinian Broadcasting Corporation (PBC). Training that supports accurate and responsible broadcasting is not included among the types of assistance prohibited. The conferees agree that neither the Department of State, nor the BBG, shall provide any assistance to the PBC that could support restrictions of press freedoms or the broadcasting of inaccurate, inflammatory messages.

Sec. 404.—The conference agreement includes section 404, as proposed in the Senate bill, prohibiting the use of funds made available in this Act by the United Nations for activities authorizing the United Nations or any of its specialized agencies or affiliated organizations to tax any aspect of the Internet.

Sec. 405.—The conference agreement includes section 405, not included in either the House or Senate bills, waiving provisions of existing legislation that require authorizations to be in place for the State Department and the BBG prior to the expenditure of any appropriated funds.

Sec. 406.—The conference agreement includes section 406, not included in either the House or Senate bills, regarding administrative costs of international educational and cultural exchange programs.

Sec. 407.—The conference agreement includes section 407, not included in either the House or Senate bills, regarding the Advisory Commission on Public Diplomacy.

Sec. 408.—The conference agreement includes section 408, not included in either the House or Senate bills, regarding inter-parliamentary groups.

TITLE V—RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

MARITIME ADMINISTRATION

MARITIME SECURITY PROGRAM

The conference agreement includes \$98,700,000 for the Maritime Security Program as proposed in both the House and Senate bills.

OPERATIONS AND TRAINING

The conference agreement includes \$89,054,000 for the Maritime Administration (MARAD) Operations and Training account as proposed in both the House and Senate bills. The conference agreement includes lan-

guage designating \$13,000,000 of this amount to remain available until expended for capital improvements at the U.S. Merchant Marine Academy. Within the total amount provided, \$47,822,000 is for the operation and maintenance of the U.S. Merchant Marine Academy, including the \$13,000,000 for capital improvements. The Committee directs MARAD to submit, no later than November 30, 2001, and prior to the expenditure of fiscal year 2002 funds, a spending plan for this initiative, subject to the reprogramming requirements under section 605 of this Act. The Committee reminds MARAD that deviations from approved spending plans are also subject to section 605 reprogramming requirements.

The conference agreement includes \$7,457,000 for the State Maritime Academies. Within the amount for State Maritime Academies, \$1,200,000 is for student incentive payments, \$1,200,000 is for scholarship payments, and \$5,057,000 is for schoolship maintenance and repair.

The conference agreement also includes, by reference, language in the House report on the State Maritime Academies "level funding initiative", and on operating programs and general administration budget and full-time equivalent staffing levels. The conference agreement also includes, by reference, language in the Senate report on a review of foreign-owned hopper dredge vessels. The conferees agree that MARAD shall submit a report to the Committees by February 3, 2002, on findings that result from the aforementioned review.

The conference agreement does not include funding in a separate account for disposal of obsolete ships from the National Defense Reserve Fleet as proposed in the House bill. However, the conferees expect MARAD to continue to explore possible alternatives, work with other Federal agencies, and develop plans to reduce the inventory of obsolete vessels on a cost recovery basis. MARAD shall report to the Committees on such plans.

MARITIME GUARANTEED LOAN (TITLE XI)
PROGRAM ACCOUNT

The conference agreement provides \$33,000,000 in subsidy appropriations for the Maritime Guaranteed Loan Program instead of \$30,000,000 as proposed in the House bill and \$100,000,000 as proposed in the Senate bill. The conference agreement does not include language, as proposed in the House bill, placing a limitation on loan levels. However, the conferees agree that during fiscal year 2002 commitments to subsidize Title XI loans shall not exceed \$1,000,000,000 absent a prior reprogramming notification under section 605 of this Act. The conferees adopt, by reference, language in the Senate report concerning the Administration's budget request, and language in the House report regarding quarterly reporting requirements. MARAD has indicated to the Committees that approximately \$7,000,000 in prior year funding remains available in this account, which may be used as additional subsidy budget authority in fiscal year 2002.

The conference agreement includes an additional \$3,978,000 for administrative expenses associated with the Maritime Guaranteed Loan Program as proposed in both the House and Senate bills. The amount for administrative expenses may be transferred to and merged with amounts under the MARAD Operations and Training account.

ADMINISTRATIVE PROVISIONS—MARITIME
ADMINISTRATION

The conference agreement includes provisions, as proposed in both the House and Sen-

ate bills, involving Government property controlled by MARAD, the accounting for certain funds received by MARAD, and a prohibition on obligations from the MARAD construction fund.

COMMISSION FOR THE PRESERVATION OF
AMERICA'S HERITAGE ABROAD

SALARIES AND EXPENSES

The conference agreement provides \$489,000 for the Commission for the Preservation of America's Heritage Abroad, as proposed in both the Senate and House bills. The conference agreement includes by reference Senate report language regarding surveys. The conferees commend the Commission for supporting the Ukrainian Heritage Project outlined in its 2001 Annual Report and for its commitment to assist the Ukrainian Museum-Archives with the implementation of the pilot project.

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

The conference agreement includes \$9,096,000 for the salaries and expenses of the Commission on Civil Rights as proposed in both the House and Senate bills.

COMMISSION ON INTERNATIONAL RELIGIOUS
FREEDOM

SALARIES AND EXPENSES

The conference agreement includes \$3,000,000 for the Commission on International Religious Freedom as proposed in the House bill. The Senate bill did not include funding for this Commission.

COMMISSION ON OCEAN POLICY

SALARIES AND EXPENSES

The conference agreement includes \$3,000,000 for the Commission on Ocean Policy, instead of \$2,500,000 as proposed in the Senate bill. The House bill did not include funding for this Commission.

COMMISSION ON SECURITY AND COOPERATION IN
EUROPE

SALARIES AND EXPENSES

The conference agreement includes \$1,499,000 for the Commission on Security and Cooperation in Europe as proposed in the House bill, instead of \$1,432,000 as proposed in the Senate bill.

CONGRESSIONAL-EXECUTIVE COMMISSION ON
THE PEOPLE'S REPUBLIC OF CHINA

SALARIES AND EXPENSES

The conference agreement includes \$1,000,000 for the Congressional-Executive Commission on the People's Republic of China, instead of \$500,000 as proposed in both the House and Senate bills.

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION

SALARIES AND EXPENSES

The conference agreement includes \$310,406,000 for the salaries and expenses of the Equal Employment Opportunity Commission, as proposed in both the House and Senate bills.

Within the total amount, the conference agreement includes \$30,000,000 for payments to State and local Fair Employment Practices Agencies (FEPAs) for specific services to the Commission as proposed in the House bill, instead of \$33,000,000 as proposed in the Senate bill. The conference agreement includes, by reference, language in the House report regarding the reduction of the backlog of private sector charges, alternative dispute resolution, contract mediation, and utilizing the experience the FEPAs have in mediation as the Commission continues its alternative dispute resolution programs.

FEDERAL COMMUNICATIONS COMMISSION
SALARIES AND EXPENSES

The conference agreement includes a total of \$245,071,000 for the salaries and expenses of the Federal Communications Commission (FCC), instead of \$238,597,000 as provided in the House bill, and \$252,545,000 as proposed in the Senate bill. Of the amounts provided, \$218,757,000 is to be derived from offsetting fee collections, as provided in both the House and Senate bills, resulting in a net direct appropriation of \$26,314,000.

The conference agreement does not include Senate report language regarding excellence in engineering. The conferees recommend that the Commission pursue a modified approach to an "Excellence in Engineering" effort. The purpose of this effort would be to reestablish the engineering preeminence of the Commission, which must be more fluent in technology than the entities it regulates. The conferees recommend that the Commission establish a means by which colleges and universities may submit proposals to advance cooperative efforts towards excellence in engineering. Before any actions are taken in this regard, the Commission shall submit a report to the Committees on Appropriations under the provisions of Section 605 of this Act.

The conferees reiterate concerns about the declining standards of broadcast television and the impact of this decline on America's children. The conferees expect the FCC to continue in its efforts to address these concerns.

FEDERAL MARITIME COMMISSION
SALARIES AND EXPENSES

The conference agreement includes \$16,458,000 for the salaries and expenses of the Federal Maritime Commission, instead of \$15,466,000 as proposed in the House bill and \$17,450,000 as proposed in the Senate bill.

FEDERAL TRADE COMMISSION
SALARIES AND EXPENSES

The conference agreement includes \$155,982,000 for the Federal Trade Commission (FTC) as proposed by the House, instead of \$156,270,000 as proposed by the Senate. This amount will be offset with Hart-Scott-Rodino fee collections, regardless of the year of collection, resulting in no direct appropriations. The conference agreement adopts the Senate bill language structure.

The conferees believe that the FTC should continue to expand its efforts in child protection and expect the Commission to engage in the three initiatives described in the Senate report in fiscal year 2002: consumer research and workshops, an underage shop-per-retail compliance survey, and marketing and data collection. In addition, the conferees expect the FTC to continue its efforts with monitoring the Children's Online Privacy Protection Act.

The conferees are concerned about children gambling through the Internet. The FTC is directed to monitor online gambling sites to determine if these sites are being marketed to children and if proper procedures are in place to prevent participation in gambling activities by persons too young to gamble. The FTC should prepare materials to educate parents about online gambling and its availability to children, and keep the Committees on Appropriations apprised of its efforts in this area.

LEGAL SERVICES CORPORATION
PAYMENT TO THE LEGAL SERVICES
CORPORATION

The conference agreement includes \$329,300,000 for the payment to the Legal

Services Corporation, as proposed by the House and Senate.

ADMINISTRATIVE PROVISIONS—LEGAL SERVICES
CORPORATION

The conference agreement includes language to continue the terms and conditions included under this section in previous Appropriations Acts. The conference agreement includes House language regarding a legal correction to the provisions.

MARINE MAMMAL COMMISSION
SALARIES AND EXPENSES

The conference agreement includes \$1,957,000 for the salaries and expenses of the Marine Mammal Commission, as proposed in the Senate bill, instead of \$1,732,000 as proposed in the House bill. Senate report language regarding a workshop is included by reference.

NATIONAL VETERANS BUSINESS DEVELOPMENT
CORPORATION

The conference agreement includes \$4,000,000 for the Corporation, as proposed in both the House and Senate bills.

PACIFIC CHARTER COMMISSION
SALARIES AND EXPENSES

The conference agreement includes \$1,500,000 for the Pacific Charter Commission, instead of \$2,500,000 as proposed in the House bill. The Senate bill did not include funding for the Commission.

SECURITIES AND EXCHANGE COMMISSION
SALARIES AND EXPENSES

The conference agreement includes \$437,900,000 for the Securities and Exchange Commission (SEC) as proposed in the House bill, instead of \$514,047,000 as proposed in the Senate bill. The conference agreement appropriates \$109,500,000 from fees collected in previous fiscal years, and \$328,400,000 from fees to be collected in fiscal year 2002.

The conference agreement includes language to allow certain offsetting collections to continue to be credited to this account, as proposed in the Senate bill. The conference agreement also includes new language regarding fiscal year 2003 offsetting collections.

Any offsetting fee collections in fiscal year 2002 in excess of \$328,400,000 will remain available for the Securities and Exchange Commission in future years through the regular appropriations process.

The conference agreement includes, by reference, language in the Senate report on Internet fraud and the Office of Economic Analysis, and language in the House report commending recent SEC actions to increase enforcement of disclosure rules.

SMALL BUSINESS ADMINISTRATION
SALARIES AND EXPENSES

The conference agreement provides an appropriation of \$308,476,000 for the Small Business Administration (SBA) Salaries and Expenses account, instead of \$310,581,000 as proposed in the House bill and \$333,233,000 as proposed in the Senate bill.

Operating Expenses.—The conference agreement provides a total of \$161,482,000 for SBA's regular operating expenses under this account. In addition, a total of \$138,854,000 may be transferred to and merged with this account for indirect operating costs from the Business Loans and Disaster Loans program accounts. The conferees also agree that the SBA will have an additional \$3,000,000 in fee receipts available for operating expenses. This will result in a total availability of \$303,336,000 for the operating expenses of the SBA, an increase of \$6,800,000 above the comparable fiscal year 2001 amount.

Relationship with Budget Office.—The conferees expect that Committee inquiries and requests for information and assistance will continue to be coordinated primarily through SBA's Office of the Chief Financial Officer, as is consistent with Committee relationships with the various departments and agencies covered under this Act. The workload generated in the budget process is large and growing, and therefore, a positive, responsive relationship, such as the one that exists between the Committees and the Office of the Chief Financial Officer, is absolutely essential to the appropriations process.

Systems Modernization.—The conference agreement does not include any new funding for systems modernization and workforce transformation. Systems modernization expenditures during fiscal year 2002 from funds provided in previous fiscal years shall be subject to the submission of project spending plans through the reprogramming process in accordance with section 605 of this Act. In early 2001, the SBA revised the scope of the loan monitoring system (LMS) project to focus it on lender oversight and risk management. The conferees direct the SBA to develop a project plan that will provide a basis for future funding and oversight of project activities. The project plan should include: a statement of the objectives and scope of the revised LMS project; the relationship of each business process to mission objectives and performance goals; project management organization information; and a schedule of major project activities, each with a description of accountable officials, resource requirements, deliverables, costs to completion, and target completion dates. The project plan should be updated quarterly and made available to the Committees.

The conferees remain skeptical that the SBA can productively use all the funding obligated to FEDSIM for the loan monitoring system in fiscal year 2002. As an alternative, the conferees expect the SBA to use part of the available systems modernization funding to implement phase II of the joint accounting and administrative system project where the spending would bring about meaningful and more immediate efficiencies to the operation of the SBA.

Non-Credit Programs.—The conference agreement includes the following amounts for non-credit programs. No funding shall be allocated for programs not listed:

Small Business Development Centers	\$88,000,000
7(j) Technical Assistance ...	3,600,000
Microloan Technical Assistance	17,500,000
SCORE	5,000,000
Business Information Centers	500,000
Women's Business Centers	12,000,000
Survey of Women-Owned Businesses	694,000
National Women's Business Council	750,000
US Export Assistance Centers	3,100,000
Advocacy Research	1,100,000
SBIR Federal and State Partnerships	3,000,000
SBIR Technical Assistance	500,000
Drug-free Workplace Grants	3,000,000
PRIME	5,000,000
Veterans Outreach	750,000
BusinessLINC	2,000,000
Regulatory Fairness Boards	500,000
Total	146,994,000

Small Business Development Centers (SBDCs).—Of the amounts provided for SBDCs, the conference agreement includes \$2,000,000 to continue the SBDC Defense transition program, and \$1,000,000 to continue the Environmental Compliance Project, as directed in the House report. In addition, the conference agreement includes language, as proposed in the Senate bill, making funds for the SBDC program available for two years. The conference agreement does not include language proposed in the Senate bill earmarking funds for a certain grant program.

The conference agreement adopts language included in the House report directing the SBA to fully fund LowDoc Processing Centers, to continue activities assisting small businesses to adapt to a paperless procurement environment, and to improve the credibility of budget requests. The conference agreement also adopts language in the Senate report regarding the submission of a plan for the collocation of SBA assistance centers.

OFFICE OF INSPECTOR GENERAL

The conference agreement provides \$11,464,000 for the SBA Office of Inspector General, instead of \$11,927,000 as proposed in the House bill and \$11,000,000 as proposed in the Senate bill. The conference agreement does not include language in the Senate report on OIG activities.

An additional \$500,000 has been provided under the administrative expenses of the Disaster Loans program account to be made available to the Office of Inspector General for work associated with oversight of the Disaster Loans program.

BUSINESS LOANS PROGRAM ACCOUNT

The conference agreement includes \$208,860,000 under the SBA Business Loans program account, instead of \$217,500,000 as proposed in the House bill and \$224,360,000 as proposed in the Senate-reported amendment.

The conference agreement includes \$1,860,000 for the costs of direct loans as proposed in the Senate bill, instead of \$1,500,000 as proposed in the House bill. This amount will support an estimated fiscal year 2002 program level of over \$27,000,000.

7(a) General Business Loans.—The conference agreement provides \$78,000,000 in subsidy appropriations for the 7(a) general business guaranteed loan program, instead of \$87,000,000 as proposed in the House bill and \$93,500,000 as proposed in the Senate bill. When combined with an estimated \$22,000,000 in available carryover balances and recoveries, this amount will subsidize an estimated fiscal year 2002 program level of up to \$9,435,000,000, assuming a subsidy rate of 1.07%. In addition, the conference agreement includes a provision, as proposed in both the House and Senate bills, requiring the SBA to notify the Committees in accordance with section 605 of this Act prior to providing a total program level greater than \$10,000,000,000.

The conference agreement includes required language placing program level limitations on the 504 CDC and the SBIC programs instead of similar language in both the House and Senate reports.

The conferees are concerned that the Administration's prevailing subsidy rate model uses assumptions that do not reflect recent program performance of either the 7(a) program or the 504 program, resulting in the possibility that borrowers and lenders pay higher than necessary fees to participate in the programs. The conferees direct the SBA to work with OMB to develop a new methodology that more accurately calculates the

default rates for these programs while efforts are underway to shift to a full econometric analysis model, and to submit a progress report to the Committees by January 15, 2002. The conferees further expect that the results of this new methodology will be reflected in a reduced appropriations requirement for the 7(a) program in the SBA's fiscal year 2003 budget request.

In addition, the conference agreement includes \$129,000,000 for administrative expenses to carry out the direct and guaranteed loan programs as proposed in both the House and Senate bills, and makes such funds available to be transferred to and merged with appropriations for Salaries and Expenses.

DISASTER LOANS PROGRAM ACCOUNT

The conference agreement includes a total of \$209,714,000 for this account, of which \$87,360,000 is for the subsidy costs for disaster loans and \$122,354,000 is for administrative expenses associated with the disaster loans program. The House bill proposed \$84,510,000 for loans and \$120,354,000 for administrative expenses. The Senate bill provided \$79,510,000 for loans and \$125,354,000 for administrative expenses.

For disaster loans, the conference agreement assumes that the \$87,360,000 subsidy appropriation, when combined with \$30,000,000 in carryover balances and recoveries, will provide a total disaster loan program level of \$800,000,000.

The conference agreement includes language, as proposed in both the House and Senate bills, designating amounts for direct and indirect administrative expenses, and allowing appropriations for indirect administrative costs to be transferred to and merged with appropriations for Salaries and Expenses under certain conditions. The conference agreement includes \$112,000,000 for direct administrative expenses, and \$9,854,000 for indirect administrative expenses. The amount provided for direct administrative expenses, when combined with an estimated \$3,000,000 in carryover balances, will provide a total of \$115,000,000 for this activity.

The conference agreement includes a provision that any amount in excess of \$9,854,000 to be transferred to Salaries and Expenses from the Disaster Loans Program account for indirect administrative expenses shall be treated as a reprogramming of funds under section 605 of this Act. In addition, any such reprogramming shall be accompanied by a report from the Administrator on the anticipated effect of the proposed transfer on the ability of the SBA to cover the full annual requirements for direct administrative costs of disaster loan-making and -servicing.

Of the amounts provided for administrative expenses under this heading, \$500,000 is to be transferred to and merged with the Office of Inspector General account for oversight and audit activities related to the Disaster Loans program.

ADMINISTRATIVE PROVISION—SMALL BUSINESS ADMINISTRATION

The conference agreement includes a provision providing SBA with the authority to transfer funds between appropriations accounts as proposed in both the House and Senate bills.

STATE JUSTICE INSTITUTE SALARIES AND EXPENSES

The conference agreement provides \$3,000,000 for the State Justice Institute, instead of \$6,835,000 as proposed by the House and \$6,225,000 as proposed by the Senate. These funds are available for fiscal year 2002 only. The conferees do not recommend con-

tinued Federal support for the Institute beyond fiscal year 2002. The termination of funding for this program does not necessarily mean the dissolution of the Institute. The conferees encourage the Institute to solicit private donations and resources from State and local agencies.

UNITED STATES—CANADA ALASKA RAIL COMMISSION

SALARIES AND EXPENSES

The conference agreement includes \$2,000,000 for a new commission to explore the feasibility of connecting continental railway systems to the Alaska railway, instead of \$4,000,000 as proposed in the Senate bill. The House bill did not include funding for this commission.

TITLE VI—GENERAL PROVISIONS

The conference agreement includes the following general provisions:

Sec. 601.—The conference agreement includes section 601, identical in both the House and Senate bills, regarding the use of appropriations for publicity or propaganda purposes.

Sec. 602.—The conference agreement includes section 602, identical in both the House and Senate bills, regarding the availability of appropriations for obligation beyond the current fiscal year.

Sec. 603.—The conference agreement includes section 603, identical in both the House and Senate bills, regarding the use of funds for consulting services.

Sec. 604.—The conference agreement includes section 604, as proposed in the House bill, providing that should any provision of the Act be held to be invalid, the remainder of the Act would not be affected. The Senate bill did not include this provision, which has been carried in previous years.

Sec. 605.—The conference agreement includes section 605, identical in both the House and Senate bills, establishing the policy by which funding available to the agencies funded under this Act may be reprogrammed for other purposes.

Sec. 606.—The conference agreement includes section 606, identical to the House bill and section 607 in the Senate bill, regarding the construction, repair or modification of National Oceanic and Atmospheric Administration vessels in overseas shipyards.

Sec. 607.—The conference agreement includes section 607, as proposed in the House bill, regarding the purchase of American-made products. The Senate bill did not include this provision, which has been carried in previous years.

Sec. 608.—The conference agreement includes section 608, as proposed in the House bill, which prohibits funds in the bill from being used to implement, administer, or enforce any guidelines of the Equal Employment Opportunity Commission similar to proposed guidelines covering harassment based on religion published by the EEOC in October, 1993. The Senate bill included a similar provision as section 609 with a minor technical difference.

Sec. 609.—The conference agreement includes section 609, as proposed in the House bill, prohibiting the use of funds for any United Nations peacekeeping mission that involves U.S. Armed Forces under the command or operational control of a foreign national unless the President certifies that the involvement is in the national security interest. The Senate bill included a similar provision as section 610 with a minor technical difference.

Sec. 610.—The conference agreement includes section 610, identical to the House bill

and section 611 in the Senate bill, that prohibits use of funds to expand the U.S. diplomatic presence in Vietnam beyond the level in effect on July 11, 1995, unless the President makes a certification that several conditions have been met regarding Vietnam's cooperation with the United States on POW/MIA issues.

Sec. 611.—The conference agreement includes section 611, proposed as section 612 in the Senate bill, which permanently prohibits the use of funds appropriated or otherwise made available to provide certain amenities for Federal prisoners. The House bill included a similar provision as section 611, but did not propose to make the prohibition permanent or apply the prohibition to non-appropriated funds.

Sec. 612.—The conference agreement includes section 612, modified from language proposed as section 604 in the Senate bill, regarding a restructuring of the Department of Justice to combat terrorism. The House bill did not include a provision on this matter.

Sec. 613.—The conference agreement includes section 613, identical in both the House and Senate bills, which requires agencies and departments funded in this Act to absorb any necessary costs related to downsizing or consolidations within the amounts provided to the agency or department.

Sec. 614.—The conference agreement includes section 614, modified from similar language proposed in both the House and Senate bills, which permanently prohibits funds appropriated or otherwise made available to the Federal Bureau of Prisons from being used to make available any commercially published information or material that is sexually explicit or features nudity to a prisoner.

Sec. 615.—The conference agreement includes section 615, as proposed in the House bill, which limits funding under the Local Law Enforcement Block Grant to 90 percent to an entity that does not provide public safety officers injured in the line of duty, and as a result separated or retired from their jobs, with health insurance benefits equal to the insurance they received while on duty. The Senate bill did not include a similar provision.

Sec. 616.—The conference agreement includes section 616, as proposed in the House bill, which prohibits funds provided in this Act from being used to promote the sale or export of tobacco or tobacco products, or to seek the reduction or removal of foreign restrictions on the marketing of tobacco products, provided such restrictions are applied equally to all tobacco or tobacco products of the same type. This provision is not intended to impact routine international trade services provided to all U.S. citizens, including the processing of applications to establish foreign trade zones. The Senate bill did not contain a provision on this matter.

Sec. 617.—The conference agreement includes section 617, as proposed in the House bill, which extends the prohibition in last year's bill on use of funds to issue a visa to any alien involved in extrajudicial and political killings in Haiti. The provision also removes the name "Claudy Myrthil" from the list of victims, and extends the exemption and reporting requirements from last year's provision. The Senate bill included a similar provision on this matter, but did not remove the name "Claudy Myrthil" from the list of victims.

Sec. 618.—The conference agreement includes section 618, identical in both bills but proposed as section 616 in the Senate bill,

which prohibits a user fee from being charged for background checks conducted pursuant to the Brady Handgun Control Act of 1993, and prohibits implementation of a background check system which does not require or result in destruction of certain information.

Sec. 619.—The conference agreement includes section 619, modified from language proposed in the House bill and as section 617 in the Senate bill, which delays obligation of any receipts deposited or available in the Crime Victims Fund in excess of \$550,000,000 until the following fiscal year. The conferees have taken this action to protect against wide fluctuations in receipts into the Fund, and to ensure that a stable level of funding will remain available for these programs in future years. The conference agreement waives this limitation with regard to funding made available by Public Law 107-38.

Sec. 620.—The conference agreement includes section 620, as proposed in the House bill, which prohibits the use of Department of Justice funds for programs which discriminate against, denigrate, or otherwise undermine the religious beliefs of students participating in such programs. The Senate bill did not contain a provision on this matter.

Sec. 621.—The conference agreement includes section 621, modified from language proposed in the House bill and section 618 in the Senate bill, which prohibits the use of funds appropriated or otherwise made available to the Departments of State and Justice to process visas for citizens of countries that the Attorney General has determined deny or delay accepting the return of deported citizens.

Sec. 622.—The conference agreement includes section 622, identical in both bills but proposed as section 619 in the Senate bill, which prohibits the use of Department of Justice funds to transport a maximum or high security prisoner to any facility other than a facility certified by the Bureau of Prisons as appropriately secure to house such a prisoner.

Sec. 623.—The conference agreement includes section 623, proposed in the Senate bill as section 621, waiving a subsection of the Magnuson-Stevens Fishery Conservation and Management Act as it pertains to funds made available pursuant to that section in the fiscal year 2000 Supplemental Appropriations Act. The House bill did not contain a provision on this matter.

Sec. 624.—The conference agreement includes section 624, proposed in the Senate bill as section 622, that amends existing law to extend the authority of the States of Washington, Oregon, and California to adopt and enforce State laws and regulations governing fishing and processing in the exclusive economic zone adjacent to that State in any Dungeness crab (*Cancer magister*) fishery for which there is no fishery management plan in effect under of the Magnuson-Stevens Fishery Conservation and Management Act. The provision extends the sunset of this authority to September 30, 2006. The provision also requires a biennial report on the health of the fishery from the Pacific State Marine Fisheries Commission. The House bill did not include a provision on this matter.

Sec. 625.—The conference agreement includes section 625, proposed in the Senate bill as section 608, which makes permanent a provision that prohibits the use of funds to increase the salary of a Federal judge or Justice of the Supreme Court, except as may be specifically authorized by Act of Congress. The House bill did not include a provision on this matter.

Sec. 626.—The conference agreement includes section 626, modified from language proposed as section 629 in the Senate bill, addressing the issue of compensation for victims of international terrorism. This provision requires the Administration to fulfill its commitment to the Congress to develop a comprehensive federal response under which individualized awards of compensation would be made available to a U.S. national who is physically injured or killed as a result of an act of international terrorism or to the relatives of deceased United States victims of terrorism. Objections from all quarters have been repeatedly raised against the current ad hoc approach to compensation for victims of international terrorism. Objections and concerns, however, will no longer suffice. It is imperative that the Secretary of State, in coordination with the Departments of Justice and Treasury and other relevant agencies, develop a legislative proposal that will provide fair and prompt compensation to all U.S. victims of international terrorism. A compensation system already is in place for the victims of the September 11 terrorist attacks; a similar system should be available to victims of international terrorism. Any legislative proposal shall provide for compensation for U.S. victims of prior acts of international terrorism, including those with hostage claims against foreign states. Subsection (c) quashes the State Department's motion to vacate the judgment obtained by plaintiffs in Case Number 1:00CV03110(ESG) in the United States District Court for the District of Columbia. Consistent with current law, subsection (c) does not require the United States Government to make any payments to satisfy the judgment. The House bill did not contain a provision on this matter.

Sec. 627.—The conference agreement includes section 627, proposed as section 628 in the Senate bill, prohibiting the use of funds by Federal prisons for cable television services, videocassettes, videocassette recorders, or other audiovisual or electronic equipment used primarily for recreational purposes. The House bill did not include a provision on this matter.

Sec. 628.—The conference agreement includes section 628, modified from language proposed as section 630 in the Senate bill, amending the Communications Satellite Act. The House bill did not contain a provision on this matter.

Sec. 629.—The conference agreement includes section 629, not included in the House or Senate bills, providing additional amounts for the Small Business Administration, Salaries and Expenses account for a number of small business initiatives.

Sec. 630.—The conference agreement includes section 630, proposed in the Senate bill as section 624, prohibiting the use of funds for cooperation with, or assistance or other support to, the International Criminal Court or the Preparatory Commission. The House bill does not include a provision on this matter.

The conference agreement does not include language proposed in both the House and Senate bills regarding civil actions against Japanese corporations for compensation in which the plaintiff alleges that, as an American prisoner of war during World War II, he or she was used as slave or forced labor. The conferees understand that the Administration strongly opposes this language, and is concerned that the inclusion of such language in the Act would be detrimental to the ongoing effort to enlist multilateral support for the campaign against terrorism. The conferees strongly agree that the extraordinary

suffering and injury of our former prisoners of war deserve further recognition, and acknowledge the need for such additional consideration.

The conference agreement includes, by reference, language in the House Report under the heading "Full Compliance with Telework Directive". The conferees expect the Judiciary, and all departments and agencies funded under this Act, to be in full compliance with the timetable established in Public Law 106-346 for the implementation of telework policies.

TITLE VII—RESCISSIONS DEPARTMENT OF JUSTICE

LEGAL ACTIVITIES ASSETS FORFEITURE FUND (RESCISSION)

The conference agreement includes a rescission of \$40,000,000 from unobligated balances under this heading. No rescission was proposed under this account in the House or the Senate bills.

DEPARTMENT OF COMMERCE DEPARTMENTAL MANAGEMENT

EMERGENCY OIL AND GAS GUARANTEED LOAN PROGRAM ACCOUNT (RESCISSION)

The conference agreement includes a rescission of \$5,200,000 from unobligated balances under this heading, instead of \$115,000,000 as proposed in the House bill. The Senate bill did not include a rescission from this account.

RELATED AGENCIES DEPARTMENT OF TRANSPORTATION MARITIME ADMINISTRATION

SHIP CONSTRUCTION (RESCISSION)

The conference agreement includes a rescission of \$4,400,000 from unobligated balances under this heading. No rescission was proposed under this account in the House or Senate bills.

SECURITIES AND EXCHANGE COMMISSION SALARIES AND EXPENSES (RESCISSION)

The conference agreement includes a rescission of \$50,000,000 from unobligated balances under this heading. No rescission was proposed under this account in the House or Senate bills.

SMALL BUSINESS ADMINISTRATION BUSINESS LOANS PROGRAM ACCOUNT (RESCISSION)

The conference agreement includes a rescission of \$5,500,000 from unobligated balances under this heading. No rescission was proposed under this account in the House or Senate bills.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 2002 recommended by the Committee of Conference, with comparisons to the fiscal year 2001 amount, the 2002 budget estimates, and the House and Senate bills for 2002 follow:

(In thousands of dollars)

New budget (obligational) authority, fiscal year 2001	\$39,691,832
Budget estimates of new (obligational) authority, fiscal year 2002	40,807,220
House bill, fiscal year 2002	41,456,015
Senate bill, fiscal year 2002	41,528,131
Conference agreement, fiscal year 2002	41,635,178

Conference agreement compared with:

New budget (obligational) authority, fiscal year 2001	+1,943,346
Budget estimates of new (obligational) authority, fiscal year 2002	+827,958
House bill, fiscal year 2002	+179,163
Senate bill, fiscal year 2002	+107,047

FRANK R. WOLF,
HAROLD ROGERS,
JIM KOLBE,
CHARLES H. TAYLOR,
RALPH REGULA,
TOM LATHAM,
DAN MILLER,
DAVID VITTER,
BILL YOUNG,
JOSE E. SERRANO,
ALAN B. MOLLOHAN,
LUCILLE ROYBAL-ALLARD,
ROBERT E. CRAMER, JR.,
PATRICK J. KENNEDY,
DAVID OBEY,

Managers on the Part of the House.

ERNEST HOLLINGS,
DANIEL K. INOUE,
BARBARA A. MIKULSKI,
PATRICK J. LEAHY,
HERB KOHL,
PATTY MURRAY,
JACK REED,
ROBERT C. BYRD,
JUDD GREGG,
TED STEVENS,
PETE V. DOMENICI,
MITCH MCCONNELL,
KAY BAILEY HUTCHISON,
BEN NIGHTHORSE

CAMPBELL,
THAD COCHRAN,
Managers on the Part of the Senate.

ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned until 12:30 p.m. on Tuesday, November 13, 2001, for morning hour debates.

There was no objection.

Accordingly (at 10 o'clock and 5 minutes a.m.), under its previous order, the House adjourned until Tuesday, November 13, 2001, at 12:30 p.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4560. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Inorganic Chemical Manufacturing Wastes; Land Disposal Restrictions for Newly Identified Wastes; and CERCLA Hazardous Substance Designation and Reportable Quantities [SWH-FRL-7099-2] (RIN: 2050-AE49) received November 6, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4561. A letter from the Assistant Secretary for Legislative Affairs, Department of State,

transmitting the texts of the International Labor Organization Convention No. 183 and Recommendation No. 191 concerning the Revision of the Maternity Protection Convention, pursuant to Art. 19 of the Constitution of the International Labor Organization; to the Committee on International Relations.

4562. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-164, "Securities Temporary Amendment Act of 2001" received November 9, 2001, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

4563. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule—Documentation of Immigrants Under the Immigration and Nationality Act, as Amended—Issuance of New or Replacement Visas—received November 5, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4564. A letter from the Comptroller, Department of Defense, transmitting a copy of the FY 2001 Transfer Status Report; jointly to the Committees on Armed Services and Appropriations.

4565. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 2002-02 concerning Pakistan, pursuant to 22 U.S.C. 2364(a)(1); jointly to the Committees on International Relations and Appropriations.

4566. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a Waiver and Certification of Statutory Provisions Regarding the Palestine Liberation Organization; jointly to the Committees on International Relations and Appropriations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BONILLA; Committee of Conference. Conference report on H.R. 2330. A bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2002, and for other purposes (Rept. 107-275). Ordered to be printed.

Mr. TAUZIN; Committee on Energy and Commerce. H.R. 2985. A bill to amend the Federal Trade Commission Act to increase civil penalties for violations involving certain proscribed acts or practices that exploit popular reaction to an emergency or major disaster declared by the President, and to authorize the Federal Trade Commission to seek civil penalties for such violations in actions brought under section 13 of that Act (Rept. 107-276). Referred to the Committee of the Whole House on the State of the Union.

Mr. TAUZIN; Committee on Energy and Commerce. H.R. 2887. A bill to amend the Federal Food, Drug, and Cosmetic Act to improve the safety and efficacy of pharmaceuticals for children; with an amendment (Rept. 107-277). Referred to the Committee of the Whole House on the State of the Union.

Mr. WOLF; Committee of Conference. Conference report on H.R. 2500. A bill making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes (Rept. 107-278). Ordered to be printed.

TIME LIMITATION OF REFERRED
BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 981. Referral to the Committee on Rules and Government Reform extended for a period ending not later than November 14, 2001.

H.R. 2269. Referral to the Committee on Ways and Means extended for a period ending not later than November 13, 2001.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. NADLER (for himself and Mr. HINCHEY):

H.R. 3272. A bill to establish the Office of World Trade Center Attack Claims to pay claims for injury to businesses and property suffered as a result of the attack on the World Trade Center in New York City that occurred on September 11, 2001, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on

Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. REGULA (for himself, Mr. HOEKSTRA, and Mr. CUNNINGHAM):

H.R. 3273. A bill to amend the Higher Education Act of 1965 to provide student loan borrowers with a choice of lender for loan consolidation; to the Committee on Education and the Workforce.

By Mr. SANDERS:

H.R. 3274. A bill to provide assistance to those individuals most affected by high energy prices and to promote and accelerate energy conservation investments in the United States; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of Texas:

H.R. 3275. A bill to implement the International Convention for the Suppression of Terrorist Bombings to strengthen criminal laws relating to attacks on places of public

use, to implement the International Convention of the Suppression of the Financing of Terrorism, to combat terrorism and defend the Nation against terrorist acts, and for other purposes; to the Committee on the Judiciary.

By Mr. YOUNG of Alaska (for himself and Mr. OBERSTAR):

H.R. 3276. A bill to authorize appropriations for hazardous material transportation safety, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 2035: Ms. WOOLSEY.

H.R. 2349: Ms. BROWN of Florida.

H.R. 3210: Mr. LEACH and Ms. HART.

EXTENSIONS OF REMARKS

WAIVING POINTS OF ORDER
AGAINST CONFERENCE REPORT
ON H.R. 2620, DEPARTMENTS OF
VETERANS AFFAIRS AND HOUS-
ING AND URBAN DEVELOPMENT,
AND INDEPENDENT AGENCIES
APPROPRIATIONS ACT, 2002

SPEECH OF

HON. SHERWOOD L. BOEHLERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 2001

Mr. BOEHLERT. Mr. Speaker, as Chairman of the House Science Committee, I rise in strong support of the FY 2002 VA, HUD and Independent Agencies Appropriations Conference Report. My good friends Chairman WALSH, and Ranking Minority Member MOLLOHAN have put together a conference report that is very good for science, good for the space program, and good for the environment. I thank them for their outstanding leadership.

Chairman WALSH shares my belief that basic research provides the foundation for economic growth and for the tremendous advances we have made in areas like biomedical research. The appropriation for the National Science Foundation contained within this conference report reflects these beliefs. Chairman WALSH is to be commended for the more than 8 percent increase that he has provided for the Foundation.

The bill also contains funding for the National Mathematics and Science Partnerships Program that was proposed by President Bush and that is authorized by my bill—H.R. 1858—that was unanimously reported out of the Science Committee. This program will bring colleges and universities and school districts together to form partnerships to improve the quality of elementary and secondary math and science education. I look forward to working closely with Chairman WALSH and NSF to see that this program is properly implemented.

I want to particularly thank the conferees for including funding for the Noyce Scholarship Program. Named for the co-founder of Intel, this program provides scholarships to talented mathematics, science, and engineering students in exchange for a commitment to teach two years for each year of scholarship. I am passionately committed to attracting young people to the profession of teaching and look forward to welcoming the first class of Noyce Scholars.

I also want to commend the Committee for providing funding for the Tech Talent Act that I introduced on October 15, of this year. This program will encourage colleges and universities to think more creatively about how they educate our future scientists, mathematicians and engineers.

The conferees are also to be commended for a bill that protects and expands NASA's scientific programs in Science, Aeronautics,

and Technology while striking the right balance for the Space Station. This bill sends a clear signal that Congress is not going to bail out NASA for its management failures. It also makes clear that we're willing to work with the Administration to identify additional resources to improve station capabilities, if we see the right management reforms and performance improvements at NASA.

Yesterday, the House Science Committee heard testimony from Tom Young, the Chairman of the International Space Station (ISS) Management and Cost Evaluation (IMCE) Task Force and Sean O'Keefe, the Deputy Director of the Office of Management and Budget. The Task Force concluded that without significant management and budget reforms, NASA would not be able to complete the U.S. Core Complete station within the budget that was agreed upon earlier this year. Mr. Young and Mr. O'Keefe recommended, and I concur, the NASA must be required to demonstrate to Congress that it can manage the U.S. Core Complete Station—both on time and on budget—before any decisions are made to expand the capabilities of the station.

I also want to stress that the ISS was intended to be a research platform that would permit scientists to carry out research that could only be conducted in a space environment. It is important that we not lose this focus upon science and that we closely examine the research program that will be supported by the station. The Science Committee has asked the National Academy of Science to review this research program and I look forward to their findings. I concur with the conferees' recommendation that this study be expanded to evaluate the research programs that could be conducted on the ISS with a three- or a six-person crew.

I particularly appreciate the Committee's commitment to new space technology and its effort to bridge the gap between NASA and the Air Force. By directing a modest amount of funding to the Air Force Research Lab, the bill encourages NASA and the Air Force to pool their efforts on technologies that will benefit both agencies and the American people. Space based radar technology, for example, is vital to our national security, but also has immense applications in Earth science. A development program that reduces the cost of synthetic aperture radar technology will benefit both.

Similarly, the bistatic radar technology developed at the Rome Research Laboratory has immense potential for upgrading our national launch range tracking capabilities at a low cost. By demonstrating this technology, we may finally break the logjam that has undermined our space launch competitiveness.

The conferees have also, at my request, addressed a matter that is of great importance to me—the LANDSAT Data Continuity Mission. The Land Remote Sensing Policy Act of 1992 (P.L. 102-555) directs the LANDSAT

Program to consider options, with preference given to a commercial solution, to maintain the continuity of LANDSAT data beyond LANDSAT 7.

While NASA's Earth Science Program has responded to several of my concerns, I continue to be deeply concerned that NASA's acquisition strategy for the LANDSAT Data Continuity Mission (LDCM) places too much emphasis on government satellite engineering and design during the formulation phase of the program. I urge that the Director of the Office of Science and Technology Policy continue to review this program to ensure that preference is given to technically and economically sound commercial data buy proposals that will meet our nation's data continuity needs. I applaud the conferees for including language in the conference report that restates our expectation that NASA will pursue commercial data purchase approaches to all Earth Science Program Announcements for Opportunity.

Let me turn for a moment to the budget for the Environmental Protection Agency, an agency that Congress should elevate to cabinet level status. I appreciate the efforts of Chairman WALSH and his colleagues in the House and Senate to provide a responsible budget to help meet the nation's environmental needs. On the whole, the conference report is good news for EPA. Clearly, many of us would prefer to see higher funding levels for some of the agency's programs, but the conferees have done an admirable job of balancing competing needs and working within difficult fiscal constraints.

As Chairman of the Science Committee, I am particularly pleased the bill increases funding for the Science and Technology account from \$640 million in the budget request to \$698 million.

Admittedly much of this funding is for site-specific or project-specific activities. Even so, I think it is important to continue a trend of increasing agency resources for basic and applied research, including drinking water research under the Safe Drinking Water Act.

Mr. Speaker, the recent experiences with arsenic confirm the importance of science in making key regulatory decisions. I commend the Administration and the conferees in advancing the effort to replace the 50 parts per billion standard with a more protective 10 parts per billion standard. I hope Congress will provide additional funding to research and develop more cost-effective technologies to meet the SDWA standards as contemplated by Administrator Whitman.

As a member of the Transportation and Infrastructure Committee and the Congressional Water Infrastructure Caucus, I am pleased the conference report rejects the proposed cut to the Clean Water SRF but I'm disappointed it doesn't provide more than \$1.35 billion for the program. I appreciate the constraints facing the conferees but would encourage the Appropriations Committee to find a way to fund

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

November 9, 2001

some of the important water infrastructure and ecosystem restoration programs, such as the new sewer overflow control grants program and the reauthorized Clean Lakes program. I hope there are opportunities down the road to target assistance for such efforts.

I would also continue to note my concern with the Superfund program. The bill provides \$1.27 billion. The Appropriators are doing their best under the circumstances. Congress needs to change the circumstances; comprehensive reform and, at a minimum, a reauthorization of the Corporate Environmental Income Tax (which expired on December 31, 1995) should be the next course of action.

Mr. Speaker, this is a good bill for science, a good bill for the space program, and a good bill for the environment. It aptly illustrates the tremendous leadership provided by my good friend from New York, Chairman WALSH, and I urge my colleagues to support it.

EXTENSIONS OF REMARKS

INTRODUCTION OF THE HAZARDOUS MATERIAL TRANSPORTATION SAFETY REAUTHORIZATION ACT OF 2001

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 9, 2001

Mr. OBERSTAR. Mr. Speaker, I join Chairman YOUNG in introducing (by request) the Administration's bill to reauthorize the U.S. Department of Transportation's (DOT) hazardous materials program. Given the recent threats to our nation's security, it is particularly important that we have in place a program that strengthens the Department of Transportation's inspection and enforcement authority over hazardous materials movements. To address the threats to the security and safety associated with the transportation of hazardous materials, DOT inspectors need clear authority to open and inspect packages they believe might contain hazardous materials and to issue emergency orders to stop unsafe practices that pose an immediate threat to life, property, and the environment.

22203

The bill also addresses the problem of undeclared hazardous materials shipments by mail. The bill authorizes the United States Postal Service to collect fines and recover damages for violations of hazardous materials regulations. The proposal calls for substantial increases in penalties for those who would violate Federal hazardous materials laws and regulations.

However, I have a number of concerns with the Administration's proposal that I hope we will address during consideration of any hazardous materials legislation. This is not the time to compromise on the safety and security of hazardous materials transportation.

The risks from serious hazmat releases to employees of hazmat transporters and the public-at-large are simply too great to allow for legislation that offers anything but the highest level of protection. I look forward to working with the Chairman, the Committee on Transportation and Infrastructure, and the Administration to craft a hazardous materials reauthorization bill that will best meet the needs of hazardous materials transporters, their workers, and the American people.

SENATE—Tuesday, November 13, 2001

The Senate met at 10:30 a.m., and was called to order by the Honorable PATTY MURRAY, a Senator from the State of Washington.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious God, the source of healing in times of grief, we pray for the loved ones and friends of those who died in the crash of American Airlines flight 587. The more we have learned about the 260 people who lost their lives, the more profoundly we have felt the anguish caused by this tragedy. We ask You to comfort their families both here and in the Dominican Republic. Also, we pray for the citizens of Queens, NY, who lost their family members and their homes in this plane crash. Many of the people in this community were heroic firefighters and police who worked so tirelessly to save the lives of others in the World Trade Center terrorist disaster. We live in a violent time of terrorist attacks, human and mechanical failures. Quiet our agitated hearts so we can turn to the work before this Senate today. Strengthen the Senators in their resolve to press on, and all of us in the Senate family with focused attention on the duties of this day. Lift our spirits with the assurance that physical death is not an ending and with the confidence that even now You are comforting those who are enduring the ache and pain of momentous grief. In the name of Him who is the resurrection and the life. Amen.

PLEDGE OF ALLEGIANCE

The Honorable PATTY MURRAY led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, November 13, 2001.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable PATTY MURRAY, a Senator from the State of Washington, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mrs. MURRAY thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The acting majority leader is recognized.

SCHEDULE

Mr. REID. Madam President, as we move to the business at hand, we will begin consideration of S.J. Res. 28, regarding budget points of order. There is a 2-hour time agreement.

The Senate will recess from 12:30 to 2:15 p.m. for the weekly party conferences. At 2:15, the Senate is expected to begin consideration of the stimulus bill. At 4:45 today, the Senate will conduct 15 minutes of debate on the nomination of Edith Brown Clement to be United States Circuit Judge for the Fifth Circuit. At 5 p.m., the Senate will conduct two rollcall votes, first on the Clement nomination and second on passage of S.J. Res. 28.

Madam President, all Senators know we are going to do our very best to recess as early this week as possible for Thanksgiving. We have a tremendous amount of work to do. It will take cooperation on both sides. We hope Senators will recognize there are many important items we have to address today, beginning with debate on the stimulus package. This will go over until tomorrow. We have important conferences. Commerce-State-Justice has been completed. The Agriculture conference has been completed. As soon as the House takes action, we will.

If there were ever a time for people to set aside partisan differences, it would be during this week. We hope that will be the case. The majority leader indicated we will work as long as people want to offer amendments, into the evening if necessary, and move forward as quickly as possible.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

SUSPENSION OF CERTAIN PROVISIONS OF BALANCED BUDGET AND EMERGENCY DEFICIT CONTROL ACT OF 1985

The ACTING PRESIDENT pro tempore. Under the previous order, the

Senate will now proceed to the consideration of S.J. Res. 28, which the clerk will report.

The assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 28) suspending certain provisions of law pursuant to section 258(a)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985.

The ACTING PRESIDENT pro tempore. Under the previous order, the statutory time limit has been reduced to 2 hours to be equally divided and controlled between the chairman and the ranking member of the Budget Committee or their designees.

The Senator from North Dakota.

Mr. CONRAD. Madam President, last Thursday, the Budget Committee reported this joint resolution which would suspend several budget enforcement mechanisms. We reported unfavorably in the Budget Committee by a unanimous vote of 22-to-0. I am certain people wonder why we have a resolution that the budget committee rejected unanimously; how that can happen.

It happens because it is required by law to bring this matter to the floor, even though the Budget Committee has unanimously rejected its elements. The reason for that is, whenever economic growth is below 1 percent for two consecutive quarters, the balanced budget amendment requires that the Congressional Budget Office should issue a low-growth report. They did that on October 31.

The Senate is now required to consider this joint resolution which would suspend five budget enforcement mechanisms. Those mechanisms have elements as follows: points of order against tax cuts or spending that violate the budget resolution; the discretionary spending cap point of order; the point of order enforcing 302(a) and 302(b) spending allocations; the point of order against amendments to reconciliation bills, unless the amendments are deficit-neutral; and sequestration of discretionary and mandatory spending. All of those things would be tossed out and would not apply if we accepted this resolution.

Senator DOMENICI, the ranking member of the Senate Budget Committee, and I, and our Budget Committee colleagues, on a bipartisan basis, are united in opposing the resolution and urge all Senators to vote to defeat it. As I indicated, the Senate is required to take up this resolution. It is required by the Budget Act. However, it would be a mistake to adopt it because that would take away all protections to maintain fiscal discipline.

The economic rationale for suspending budget enforcement procedures during periods of low economic growth is that such procedures might make it more difficult to enact stimulative measures quickly. We have already seen that Congress has responded quickly to enact \$40 billion in supplemental emergency spending. It is important to weigh the real risk that long-term budget discipline will be undermined against the question of putting in place this resolution.

I believe in current circumstances that the risk is too great and it does not make sense to suspend these elements of budget discipline to provide for the easier passage of tax cuts or additional spending. Again, we have seen Congress act quickly to put in place stimulative spending. We have seen Congress act quickly this session to put in place tax cuts.

When the chairmen and ranking members of the House and Senate Budget Committees issued their principles for economic stimulus a month ago, we recognized that we were facing extraordinary circumstances and that Congress and the President would provide the resources necessary to respond to the events of September 11. I am certain our budget enforcement procedures will not prevent that from happening.

I think every Member of this Chamber understands that our top priority is to defend this Nation. In addition, we must work to rebuild that which has been destroyed and we must be prepared to counterattack those who, in such a vicious way, have engaged in a sneak attack on our country.

We also recognize that an economic stimulus package should not undermine long-term fiscal discipline, which is essential to sustained economic growth. I believe preserving our budget enforcement tools will be very important in helping us to adhere to this critical overall principle.

Policies that adhere to the principles laid down by the joint House and Senate Budget Committee leadership are not likely to be held up by our budget enforcement procedures. In contrast, proposals that violate the principles, especially those that worsen the long-term budget outlook by imposing substantial outyear budget costs, should be subject to normal budget procedures.

The suspension resolution would have us decide now, in one fell swoop, whether to suspend budget enforcement for the next 2 years. I think it is very important that everybody understand what would happen if we went against the recommendation of the Budget Committee and threw out these budget procedures. There would be no protections, no special protections for fiscal discipline for the next 2 years. I think such a blanket waiver would be most unwise. We will be much better

off if we continue to look at each bill and amendment individually and retain the ability to invoke budget enforcement procedures against those that threaten our long-term fiscal discipline. This is a fundamental way we protect the integrity of the trust funds of Social Security and Medicare for the long term.

I might add that passing this joint resolution would be unprecedented. We have only gone through this once before, in 1991, the last time the economy was in recession. At that time, the Congressional Budget Office issued three successive low-growth reports leading to the introduction of three resolutions to suspend budget enforcement procedures. Each time, the Budget Committee reported out unfavorably and the resolution was defeated overwhelmingly on the Senate floor in bipartisan votes.

The Senate made the right decision then, and we should make the same decision now. We have the will to enact a stimulus proposal. In fact, one will be on the floor this afternoon. We have the ability to do that under normal budget procedures, and it is critically important to maintain our long-term fiscal discipline.

If there is one thing every economist has told us who has come before the Finance Committee, of which I am a member, and the Budget Committee, of which I am a member, it is that we need to couple short-term stimulus with long-term fiscal discipline. It is that combination of policies that is most likely to allow us to emerge from this economic slowdown.

I refer back to what happened in 1991 because I think it is important for our colleagues to know this. In that year, on three occasions these resolutions came before the Budget Committee and then came to the floor. These resolutions were the same as the one we consider today. They would have suspended all of the budget enforcement procedures.

Here is what happened in the Budget Committee. On January 24, 1991, they reported unfavorably, in a vote of 21-to-0 on that resolution. Then the full Senate voted on January 31, and they defeated it 97-to-2.

I think the record with respect to what occurred is very clear. The same thing happened on May 7, when the resolution was taken up again. A second low-growth report was issued by the Congressional Budget Office, and on May 7 the Senate considered it and defeated it 21-to-0, reporting it unfavorably on a unanimous vote.

The Senate took it up on May 9, again under special procedures, and rejected it 92-to-5. Again, on September 12, another low-growth resolution came before the Senate Budget Committee and it was rejected on a vote of 19-to-2. That one came to the floor of the Senate and was rejected 88-to-8.

I think it is clear that the Senate has determined these procedures ought not to be abandoned, even at a time of sharp economic slowdown, certainly not in the circumstances we face today. So we are here to vote on this joint resolution because the Balanced Budget Act requires us to do so. But Senator DOMENICI and I are united in our strong opposition to the joint resolution. We are joined in that position by every member of the Senate Budget Committee. On a unanimous vote we reported this resolution unfavorably and urge our colleagues to reject it.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico.

Mr. DOMENICI. Madam President, I will be brief. I have a few remarks.

First, S.J. Res. 28 is an automatic resolution. It is required to be introduced by the majority leader and considered by the Budget Committee and the Senate under expedited procedures. That is why we are here today. The resolution is automatic when the Congressional Budget Office notifies the Congress of an economic slowdown, as described in the Budget Act. On October 31 the Department of Commerce of the United States advanced the preliminary report on real economic growth. It showed the economy in the third quarter shrank at the annual rate of .4 percent, the largest fall since October of 1991. The report, which will likely be revised downward even more come the January report, triggered the Congressional Budget Office notification of low growth and subsequently triggered the introduction of the resolution before us today.

The provision in the Balanced Budget and Emergency Deficit Control Act of 1985, sometimes referred to as the Gramm-Rudman-Hollings Act, that necessitated the reporting of this resolution was simply that we did not want to initiate major spending cuts in a time of recession.

I might add, the same section of the law that suspends spending cuts in a time of recession also covers events of war.

S.J. Res. 28 was reported unfavorably from the Budget Committee, as indicated by the chairman of the Budget Committee in his remarks just a few moments ago preceding these. The committee is required to report the resolution without amendment, to be discharged without comment. I concurred with the chairman that the committee should express its disfavor with the resolution to send a signal to the full Senate to disapprove it. I understand a vote on this resolution is scheduled for 5 o'clock today. I ask the Senate to join the chairman of the Budget Committee and me in disapproving the resolution.

If this resolution were somehow to make it to the President for his signature—which he would not sign—it

would effectively eliminate all fiscal discipline, all the enforcement tools we have in Congress all the way through September 2003. I do not think we need to take such drastic action. I think we understand the situation and we can act accordingly on our own, in a normal manner, to take action that is required by the facts as we find them, quarter by quarter. I do not think we need to take the drastic action that is contemplated by the resolution.

Having taken this position on a bipartisan basis, however, does not mean we should not act to address the economic slowdown and the war on terrorism, and I believe the distinguished chairman has indicated so to the Senate. We must take action on the war on terrorism, and obviously with appropriate legislation we must act against the economic slowdown with some kind of a stimulus package that, indeed, could clear this Senate and that would be acceptable to the President of the United States.

We indeed must move in that regard. I understand the Senate's calendar contemplates that we move in that direction. Whether we can reach an accord or not is still another subject.

In my view, the United States is in a recession, a recession that started even before the September 11 attacks of terrorism on the United States.

Industrial production figures through September were down for the twelfth consecutive month. This is the longest decline in industrial production since World War II. Some of us have been talking about that for quite some time. Economists in the United States have been back and forth, but clearly nobody has been giving high marks to the economy. Whether they want to call it a recession or not, clearly it is not in the best of shape.

We must take action as soon as we can get ourselves together. Some must lead in this institution so that we can do something anti-recessionary that is significant in the short term and in the long run take the right kind of steps.

The unemployment rate has risen from 4 percent at the end of last year to 5.4 today, and it is rising. In October alone, we lost over 415,000 jobs, the biggest percentage increase in joblessness in more than 15 years. The Federal Reserve Board has cut short-term interest rates and the discount rates to the lowest level since 1961 and 1955, respectively. Yet even with these low interest rates, most private companies are having a tough time getting credit—a very interesting phenomenon.

Commercial and industrial loans are down compared to last year. I believe it is going to take some time for our country and the world economy to work on its current problems. Restoring lost confidence will play a key role in the recovery. But working off the excess capacities that built up during the boom period of the 1990s will also

be important. We must also maintain the tools of fiscal discipline to convey to the American public and the market that we are keeping an eye not only on the current challenges we face but also on those longer term challenges.

We must maintain the provisions of the Budget Act that provide us with future discipline, and we must deal with both tax and spending legislation today while waiving the Budget Act on a case-by-case basis. I believe that is what we are recommending when we recommend the vote that the Senate should take this afternoon.

Later today we will be considering a bill called the Economic Recovery and Assistance for American Workers Act of 2001 which was reported from the Senate Finance Committee last week. The bill was reported on a partisan basis with no Republican support. It will be subject to a Budget Act 60-vote point of order. But any Republican alternative will also be subject to this same supermajority vote.

These 60-vote points of order would go away if this resolution were to become law. But in an interesting way, with the Budget Act points of order in place and with an almost evenly divided Senate, we are forced to work on a bipartisan basis in order to achieve the 60 votes necessary to enact proposals for spending increases or tax cuts. We all know the only way we are going to produce real stimulus legislation that addresses the economic slowdown is to work together as Republicans and Democrats. I hope we will do that.

We started off right after that ominous day working together, arm in arm, hand in hand. In fact, the people of America looked at us and said: That is fantastic; we haven't seen much like that in a long time.

Now we need to get our argumentative and partisan nature out of the way in the next few days and get on to something that we must do for America and for our people. We need a stimulus package. We need it badly. We need to show the public we can do it together with our President as we did immediately after the acts of terrorism when we did things that we didn't even believe we could do as we look back on them. Some of them were rather hurried. Some might not have been the right medicine. But I think overall the confidence that came from it justified it. It served us well. It will pay significant homage to the Senate in a bipartisan way, as we acted in the public interest exactly at the right time. Let's do it one more time.

We are not going to approve the bill that came out of Finance. We both understand that. If the Republicans have a Republican proposal that doesn't seem as if it will pass, maybe out of those actions will come something better—maybe something that will really work, and I hope it will. I hope I can be

part of that. I am not on the committee that is doing the work. Good luck to them. I hope they can get it done. In the meantime, we ought to start thinking together about what might take place with the proposals coming out of the committee in the event the sequence that the chairman and I discussed this morning is going to happen.

If that happens, we certainly cannot leave the floor and be angry at each other, saying: Too bad. We are mad at them and they are mad at us, and it doesn't matter what happens to America.

That can't be the case. We can't do that. I am very hopeful we will not and that within the next 2 days out of this partisan approach will come something much better—something bipartisan that will do the job.

I thank the chairman for making his remarks brief so I could make mine. I state to the Senators that I am not going to be here for the entire time. I will leave for a while and be available very shortly. The chairman is aware of that. He understands that if anyone wants to be heard on our side, they should come down and seek recognition. I am here now saying to any Republican who wants time within our time limits that they are allocated the time by me unless there is objection. If there is none, that is what we will do on our side.

Madam President, thank you very much. I thank the chairman.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota is recognized.

Mr. CONRAD. Madam President, I thank the Senator from New Mexico, the ranking member of the Budget Committee and the former chairman of the Budget Committee for his remarks, and for his strong support in rejecting the resolution that would abandon fiscal discipline. I think this is another example of our working together in a way that is absolutely great for the country.

After the series of events on September 11, the House and Senate budget committees and Senator DOMENICI and I joined with our House colleagues. We met together to give an update to our colleagues on the fiscal condition of the country. We met with the head of the Office of Management and Budget. We were able to give a report to our colleagues on where we stand at the moment.

We also agreed on a set of principles to apply to a stimulus package. We were able to do that on a bipartisan basis, and I might say without a raised voice and without an angry word between us. We weren't in perfect agreement; certainly not. We compromised. But we did in the end come together around a set of principles that we thought were important.

One of the reasons we thought it was important to come together was that

we believed our Nation needed a stimulus package. I think the evidence overwhelmingly proves that is the case.

This chart shows what has happened to economic growth from 1999 to the most recent quarter. What has triggered our being here today are these last two quarters where you can see that we are below 1-percent growth. We are at .3 percent in the quarter previous to the most recent one. During the most recent one, we saw a negative growth in the Nation's economy. That triggered the resolution that has brought us here today. The Budget Act requires that when you have two quarters of low growth, you then must consider in the Budget Committee and on the floor these provisions to suspend all of the budget points of order—those things that we use to maintain fiscal discipline.

All of the indices are telling us that the economy has hit a difficult period. We can see what happened to civilian unemployment. We can see back in 2000 that we were down at less than 4 percent—a remarkable period. In fact, we are at the lowest level of unemployment in this Nation in 30 years.

But look at what has happened since. Look at what has happened since the events of September 11. Unemployment has risen dramatically, and is still rising. The distinguished occupant of the chair knows this well. She represents the State of Washington. One of the major employers there is Boeing. Boeing has announced the layoffs of tens of thousands of their employees. That is through no fault of theirs. It is not through any inability to compete, but it is because hundreds of contracts for airliners have been canceled by the airline industry. Their loads have been reduced 30 to 50 percent. That is the economic reality for one critical industry in this country; and it is very serious business.

It is not just the airline industry. It is industry after industry that is engaged in massive layoffs. I recently met with financial leaders in New York. They told me they are in the process or getting ready to lay off 20 percent of their employees. These are major financial institutions in this country and in the world, and they are getting ready to lay off massive numbers of their employees because of the economic slowdown. Those numbers are not yet seen in this increase in unemployment that is already in evidence.

It does not end there because we also see consumer confidence has plunged. This chart shows consumer confidence—going back again to 1999, and coming forward to the most recent data—has gone to the lowest level since February of 1994. So clearly, we are being victimized by a very serious economic slowdown.

We know the economy was weakening before September 11, and that

the attack on this country on that date further weakened our economy. And now we see a very serious circumstance develop.

It is critically important that we respond with an economic stimulus package. It is also critical, we believe, that we couple that with long-term fiscal discipline. One part of maintaining long-term fiscal discipline is to maintain the structures in the law that help us to keep in place fiscal discipline. And those are the very things that would be thrown out if this resolution before us is adopted. But we have no alternative but to consider it. Even though the Budget Committee rejected it on a unanimous vote—a totally bipartisan vote—we still understand that if we do not reject it here, it would go into place if the House took similar action and it got to the President and he signed it. I do not believe any of those things will happen. It is not going to pass here. It would not pass in the House. The President would not sign it because it would be a serious policy error.

I know some will say: Gee, why were these procedures put in law? Why is it a requirement that the Budget Committee take it up? Why is it a requirement that it come to the floor under expedited procedures for a vote? The reasons for that are very simple. The concern was, if we got into a serious economic downturn, that there might be a failure to act, that we should not have any hurdles in the way of Congress acting.

That may not be such a bad thought under certain circumstances. We might find ourselves someday in a situation in which we are being blocked from taking action that the majority of us thought was absolutely necessary for the economy to recover. That is not the case now.

We have seen already a stimulus package pass in the House of Representatives. Although some of us would strongly disagree with that stimulus package, we know we are going to be considering a stimulus package on the floor of the Senate this afternoon. We also know we have already taken bipartisan action to provide \$40 billion of assistance to New York and additional funding for defense and intelligence and the funds and resources necessary to combat terrorism. So Congress has taken rapid action, and has demonstrated the ability to act. Beyond that, we also recognize that Congress has acted in terms of support for the airline industry which has been so devastated by the events of September 11 and the aftermath.

We know that Congress can act, that Congress is going to take the additional steps necessary to give lift to the economy, but we also know it needs to be in the framework of long-term fiscal discipline. Some of us be-

lieve—I certainly do—one of the worst things we could do is to take action on long-term changes in our funding and in our tax structure to respond to an immediate downturn, that that could hurt this country very substantially going forward.

We do not want to deepen the hole we already see developing. We can see very clearly that this country faces a serious fiscal challenge going forward. We have already projected that we will be using literally hundreds of billions of dollars of Social Security and Medicare trust fund money to pay for the other functions of Government. That is a mistake. That is not a route we should go down, but that is where we are headed. And to abandon these fiscal disciplines, in the face of an already serious long-term fiscal problem, would be a very serious mistake.

So colleagues, I hope very much that when we vote at 5 o'clock this evening, that this body will follow the leadership of the Budget Committee in rejecting the resolution that would eliminate all of these budget enforcement mechanisms.

Later on this afternoon we are going to consider the Senate version of a stimulus package. As I indicated, on a bipartisan basis, those of us who have the most responsibility for the budget aspects of what we do here—the leaders of the House Budget Committee and the Senate Budget Committee—agreed, on a bipartisan basis, that we should have a stimulus package and we should give lift to the economy in the short term when it is needed, but we should also couple that with long-term fiscal discipline so we do not go deeper into the trust funds of Social Security and Medicare, so we do not put upward pressure on interest rates that could undo all of the good that is attempted to be accomplished by a fiscal stimulus package.

With that, I, again, call on my colleagues to join us in defeating this resolution that is required to be brought before us by the Budget Act, that has already been rejected by an overwhelming bipartisan, unanimous vote in the Senate Budget Committee.

We will have the opportunity to consider that at 5 o'clock this evening. We hope our colleagues in the Senate will join us in a commitment to long-term fiscal discipline.

(Mr. EDWARDS assumed the chair.)

Mr. DURBIN. Will the Senator yield for a question?

Mr. CONRAD. I am happy to yield.

Mr. DURBIN. I thank the Senator. I do not know what the time constraints are for this debate, but I wish to briefly make a point or two. As a former member of the Budget Committee and someone who has followed Senator CONRAD as the new Chair of the Budget Committee, I think you have won a deserved reputation for the kind of fiscal discipline which has really helped this country so much in the last 10 years.

We were able to finally break away from the old deficits in the national debt, which was growing at an unprecedented rate. We saw, over the last 8 or 9 years, an amazing convergence of fiscal discipline, creating annual surpluses and a booming economy, two things which I think the American people would applaud, in terms of economic policy, as the most important things we could achieve.

I think the Senator from North Dakota has been outspoken, as have many of my colleagues, in opposition to some of the tax cuts that have been proposed. Although they are appealing to those who might receive them, you have to take a look and see what they achieve for our economy and what they cost us in the long run.

If I understand the Senator from North Dakota in what he is saying today, it is that, as we try to move toward something that truly moves the economy forward, we should not do it at the expense of the Social Security trust fund, the Medicare trust fund, or long-term deficits. We do not want to see ourselves back into that deficit situation.

I will tell the Senator my concern, and then I will ask him for his response. The House stimulus plan, which gives over \$25 billion to the biggest corporations in America—one corporation, IBM, receiving \$1.4 billion in tax breaks—money that is clearly being given to this corporation, not to build a plant or hire more people but simply as a reward for whatever—and then with the Senate Republican plan, which tries to provide additional tax cuts to the highest wage earners in America—both of these plans will fail to stimulate the economy but will drag us down in terms of future potential deficits.

I would like the Senator, if he could, to contrast what he thinks is the most important effort we can make now to stimulate the economy without driving ourselves back down into deficit.

Mr. CONRAD. Well, I thank the Senator for his question. As I indicated earlier, on a bipartisan basis the House budgeteers and Senate budgeteers agreed to a set of principles to apply to any stimulus package. We did that, and we did it without an angry word exchanged. I applied those principles to what the House package for economic stimulus was. What we found was that it failed every one of the tests we had agreed to apply.

We said the proposal should sunset within 1 year so that we didn't dig the fiscal hole deeper in the outyears. The House bill, unfortunately, fails that principle because 71 percent of its total costs are permanent tax cuts—permanent tax cuts, not temporary measures—designed to lift the economy now, but permanent tax cuts.

Second, we said a substantial portion of the fiscal stimulus should be out

within 6 months. If you are going to give stimulus to the economy, you need to do it quickly. In our history, we have found that every time we have tried to use a fiscal stimulus to give a lift to the economy, we have been too late. That is the history. So we said let's not be too late this time, let's get the money out in the next 6 months when we know we face a problem. Unfortunately, looking at the House package, 40 percent of the 10-year cost occurs after the first year. So, unfortunately, it flunks that test.

Third, we said the size should be about \$60 billion. The House bill costs \$160 billion over 10 years. And targeting—we said the stimulus should go to those most likely to spend the dollars and those most vulnerable in an economic downturn. If you look at the House bill, 35 percent of the tax cuts go to the wealthiest 1 percent; 35 percent goes to the wealthiest 1 percent. Now the problem with that is the wealthiest 1 percent are the least likely to spend the money. That is the whole idea of stimulus—to give lift to the economy. Only 19 percent goes to the bottom 60 percent of taxpayers under the House package. They are giving crumbs to those at the lower end of the economic ladder, who are the very ones most likely to spend it.

Every economist who has come before us has said: Look, get money into the hands of people and companies that will spend it. Don't do what the House did. Part of their package, as the Senator from Illinois referenced, would write a \$2 billion check to a major automobile company in America and \$1.5 billion to another large industrial company in this country—not to hire people or to invest, but to just write them a check.

Amazingly enough, so much of their package has nothing to do with the current economic downturn. It has to do with writing checks to wealthy companies and wealthy individuals, and every economist we have talked to has said that can't be taken as a serious stimulus package.

Mr. DURBIN. Mr. President, I ask the Senator this question: When you put it in terms of what they actually do, when you say the Republican approach in the House and Senate favors large corporations and the wealthiest Americans, while the Democratic approach tries to provide a benefit to working families, to those who have been recently unemployed, and to smaller businesses to deal with depreciation, clearly what emerges from this is a question of justice and fairness. Why in the world would you reward a profitable corporation with over a billion dollars in tax cuts when they don't even promise to create a job? Why would you send a massive amount of tax rebate to somebody making a million dollars a year when, clearly, they are not sacrificing, and then ignore those who are struggling?

That justice and fairness argument is one that we have heard on the floor. I have made it myself. I think most people would react positively to it. We are talking about stimulating the economy, and a question that has to be asked and answered is: Regardless of to whom you give the money, will you get the desired result? If you gave the money to the wealthiest corporations, whether it was fair or not, and America's economy went flying forward, you would say it worked; conversely, if you gave it to those who were recently unemployed, whether it was fair or not, and the economy moved forward, you would say it worked.

Let me ask about the economic effectiveness of the approach of the Republicans versus the approach of the Democrats when it comes to stimulating the economy.

Mr. CONRAD. I don't think there can really be any question about which approach is going to be more effective from an economic standpoint. What virtually every economist who has come before the Finance Committee and the Budget Committee has told us is the following: No. 1, you need to get the money out there into the hands of people and companies quickly so that it gets spent. That is what will stimulate the economy. So to the extent you are getting money into the hands of people who are the most likely to spend it and companies that are the most likely to spend it, you are getting the job done, you are stimulating the economy.

So with respect to individuals, it doesn't make much sense to give the lion's share of the tax cut to the wealthiest because they are the least likely to spend it. Therefore, they are the least likely to stimulate the economy. With respect to companies, it doesn't make much sense to write billion-dollar checks to companies that are already profitable because, again, they are the least likely to spend the money that will stimulate the economy.

Unfortunately, that is what the House Republican package does, as I have indicated, overwhelmingly. Beyond that, they also suffer from the second part of the equation. The first part of the equation is to stimulate the economy in the short term, give it a boost, a lift. The test is getting money into the hands of individuals and companies quickly who will spend the money. That is the economic test.

On the longer term question, every economist, including Chairman Greenspan and former Secretary Rubin, has told us: But you have to couple that with long-term fiscal discipline. You have to demonstrate to the markets that you are not going to just go out and spend money and undermine the tax base and make our long-term fiscal condition worse, because that will put upward pressure on interest rates and

you will undo all of the good you are trying to accomplish with a short-term fiscal stimulus. If you abandon fiscal discipline for the long term, that has the effect of raising interest rates; that has the effect of smothering the economy.

So we have to be smart about this, and we have to adopt two principles: One, yes, stimulate the economy in the short term, but, two, couple it with long-term fiscal discipline so we don't put upward pressure on interest rates and don't undo what we are trying to accomplish.

Mr. DURBIN. Mr. President, I ask the Senator to yield on this question as well: We have focused our discussion this morning on the question of tax policy and the impact of tax cuts on the people or companies that receive them. I want to ask the chairman of the Budget Committee to reflect for a moment on the difference between tax cuts and spending programs at this moment in our economy.

One of my colleagues noted that last night on the television they had the scroll that went across the screen and it said the difference between the economic stimulus package is that the Republicans are for tax cuts and the Democrats are for spending. That certainly doesn't express the contents or the direction of our own stimulus package, which includes tax cuts for working families as well as spending.

Could the Senator reflect on the effectiveness of spending contrasted to tax cuts when it comes to stimulating the economy? What value is there to providing a tax break of \$1.4 billion for a major corporation, as opposed to saying we are going to take \$1.4 billion and invest it in America? As a contrast, President Bush has proposed that to deal with bioterrorism we should give to State and local public health agencies nationwide \$300 million.

That is supposed to respond to our concerns about bioterrorism. I think that is woefully inadequate.

Interestingly enough, the House Republican stimulus package gives \$1.4 billion, almost five times as much, to one corporation, with no promise they will do anything in return.

So will the Senator from North Dakota comment on the use of spending for such things as school modernization, improving law enforcement at airports, protecting our infrastructure, and investing in public health to deal with bioterrorism as an economic stimulus?

Mr. CONRAD. I am happy to. We had a hearing on this before the Senate Budget Committee. We had very distinguished economists from both sides come and give their testimony. It is very clear, both tax cuts and spending can be stimulative.

The first test is: Do they get out in time to be stimulative? That test applies to spending and to tax cuts. The

first test is: Do they get out in time to give lift to the economy when it is weak, No. 1?

No. 2, the question is: Do they go to companies and individuals who will spend the money or invest the money? Because if people save the money, that is not stimulative to the economy in the near term. So that is critically important.

This is not a question of tax cuts versus spending. Our proposal on the Democratic side has a combination of tax cuts and spending, but they are designed to meet both principles, No. 1, that it gets out quickly and, No. 2, that it goes to companies and individuals who will actually spend or invest the money to stimulate the economy.

With respect to tax cuts on the Democratic side, the package of tax cuts we have endorsed include the following: bonus depreciation. Now, why are we doing that? Why are we giving a bonus if one buys capital goods now? If a company makes an investment now to buy equipment, why do we give them a bonus on the depreciation? The reason is, all of the economists who came before us said behavior has to be changed. People who are not buying now have to buy. One way to do that is to give bonus depreciation. Actually, that provision is common in the two approaches, the Republican approach and the Democratic approach.

No. 2, we provide for what we call net operating loss carrybacks so a company that has been hard hit by the events of September 11 and has losses now but had income in previous years can take back the losses now and get a refund against earnings in previous years. That is a provision that is common between the two sides.

The third provision we have is to increase expensing for small businesses. Small businesses that now expense can write off \$25,000 worth of purchases a year. We increase that to \$35,000. Again, that is a provision common to us both.

The fourth tax cut that is in our plan is to provide rebates to those who were left out of the last round. People who pay payroll taxes but not income taxes, they were left out. They did not get anything last time. They are, by the way, the very people most likely to spend the money to actually stimulate the economy.

So those are provisions that are in our bill, that are in the Republican bill as well, with some differences, because both of us recognize those are stimulative.

In addition, we have some spending provisions on homeland security issues. What we are talking about with respect to homeland security is strengthening security at airports, strengthening security at harbors, improving local law enforcement. Those are things the economists have told us may give a double hit. That is, not only will the

spending be stimulative but if people are given a greater sense of security and, in fact, improve their security, that will also help the economy, because one thing we are suffering from now is a lack of confidence, a reduction in consumer confidence.

Frankly, people do not feel safe. That is inhibiting air travel. That is inhibiting economic activity. So to the extent we have spending, that stimulates the economy because it is moving into businesses and buying goods and services from them but it also gives people a greater sense of security that may be the most stimulative part of the package according to economists who came before the Senate Budget Committee.

Mr. DURBIN. I might say to the Senator from North Dakota in asking another question, it seems the point he made is critical, and that was reflected in a piece that appeared in the Washington Post over the weekend by Joseph Stiglitz, in which he talked about the impact of anxiety on the economy. At one point he said, "Anxiety impedes investment." Certainly we know that anxiety breeds pessimism. So what we are trying to do in the economic stimulus package, from the Democratic side, as has been described by the Senator from North Dakota, is to provide tax cuts and tax rebates to the people who can use them, who will spend them for the things they need to survive, as opposed to the Republican approach in the House, which is to give tax cuts to corporations with no strings attached, over a billion dollars that might not result in a single new job, perhaps more dividends for the shareholders but no guarantee of a single new job.

So the tax cuts we are for are focused on the people who will spend them effectively to get the economy moving, and then the spending part of our proposal is focusing on homeland security, issues that genuinely concern people, whether we are talking about bioterrorism and making certain we have a response to it or improving and enhancing law enforcement so wherever we might go there will be an adequate response.

Yesterday I was in New York City when the plane crashed. At that point, they closed everything. They closed down the airports. Many of us changed our plans and rushed over to Penn Station to get the Amtrak train back to Washington. Trains were so crowded many of us had to stand the whole way. It was an indication people were concerned, and they responded to that anxiety by changing their habits. Instead of taking the airplane, they came to Amtrak. That sort of thing is happening across America in ways large and small.

Is it the belief of the Senator from North Dakota that in putting investments in this homeland security we are not only stimulating the economy by putting people to work to do the things

to improve aviation security but we are also trying to build confidence back in this economy which has been shaken not only by bad economic news but by the news since September 11?

Mr. CONRAD. Precisely. I do not know what could be more clear. There are some on the other side who will stand up and decry spending. I did not hear them decrying spending to increase our military preparedness. I think we are all joined as one, understanding we have to strengthen our military to respond to what is happening. But it is not our uniformed military that is on the front lines of response to this crisis. It is also our firefighters and our policemen and all local law enforcement, and those elements of this fight against terrorism need to be buttressed.

Does anybody doubt we need to add money to fight bioterrorism? Does anybody really believe we are prepared to do all of the things necessary to cope with bioterrorism? I do not believe there is a single Member who can possibly believe we do not need to spend more money to protect ourselves against anthrax and smallpox and all the other things that could be used as weapons against this Nation.

Now, that happens to give a double hit. Not only is that spending stimulative to the economy because it buys goods and services; it also provides people greater protection, and we need to do that. We need to strengthen national defense. We need to strengthen law enforcement. We need to strengthen our ability to wage war against those who would engage in terrorist attacks against us.

Yes, that is spending but it is spending for a purpose, and it is an important purpose.

Mr. REID. Will the Senator from North Dakota, the manager of this bill, yield for one question? I will be brief. The Senator has about 15 minutes.

Mr. CONRAD. I am happy to yield to the Senator from Nevada.

Mr. REID. I have heard the Senator from North Dakota and the Senator from Illinois speaking about security and how people feel. I think something that would not cost any money but would be good for the economy is do something about airline security, which has been floating around now for more than a month. We had the terrible incident September 11, with over 6,000 people killed. We had this terrible accident.

This bill is being held up because they don't want people to have the same protection as the firemen and police who lost their lives in New York protecting innocent people.

Do you think it would create economic security if we had airline security?

Mr. CONRAD. Again, I don't know what could be more clear. What some are endorsing is a continuation of the

policy that failed catastrophically on September 11. Some would say that system is good enough; stay with the status quo and have some of these same private contractors, who have failed abysmally, continue.

We saw an incident with one of the companies in Chicago where a guy got on board with seven knives and a stun gun. That system is not working. I don't know what could be more clear. We need tighter airport security. That costs money, but it is an expenditure that we need to make. Yes, it will stimulate the economy. More than that, it will provide greater security to the American people.

As chairman of the Budget Committee, I have had many people come to me with things that need to be done to strengthen local law enforcement, strengthen our national defense, strengthen protection of our borders through the Border Patrol. Those need to be done. We need to do a better job of policing those who come into our country with visas. Right now people come and say they will go to school and nobody checks to see if they showed up at school.

One terrorist who engaged in the attack on September 11 was scheduled to go to a school and never showed up. We have no system for tracking to find out if somebody doesn't show up, why they didn't show up. That costs money. That also will strengthen the security of this country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. I think we are all unhappy with airport security. Despite all of its failings, the private security company and the private airline did catch the guy; and then Government employees came, law enforcement officials, and let him go. We had to go back, find him, and arrest him.

Eight people were fired on the spot as a result of the mistake. If they had been civil servants, they could never have been fired.

The debate is whether we are basically going to add a political rider on airport security. The political rider is to force the President to use Government employees alone. It seems to me that is a political agenda, and it is not a safety agenda. We ought to give the President flexibility. Where Government employees work, use them. Set Federal standards and enforce them. Where private contractors work, and work better, use them.

We have heard all the talk about the Republicans in the House who have this strange idea that if we provide lower taxes, it will induce people to work, save, and invest. All this talk about it being distinctly inferior to the Democrat Senate bill which provides subsidies to watermelon production, bison meat, distilling rum in Puerto Rico and the Virgin Islands, new sub-

sidies for tobacco, and tax cuts for people who don't pay taxes. I guess beauty is in the eye of the beholder. It is up to the American people to decide what makes good economic sense and what doesn't make good economic sense.

We will have an opportunity later today or tomorrow to debate this issue. I do not believe the American people are going to buy this grab bag of spending as a stimulus package. It is always interesting to me, having watched this whole process now going on 24 years, that every time something new happens, everybody in politics goes back and takes all the old, tired, rejected ideas they ever had and dresses them in new clothing. The new opportunity now is stimulus. All the old ideas that never passed the laugh test in the past now have come forward as part of the stimulus package.

I hope we will get serious. I hope we will write a bipartisan bill. I certainly intend to support that.

I didn't come over to talk about those things today. I came to talk about the resolution before the Senate. Under the old Gramm-Rudman law, one of the compromises in getting it adopted was a triggering mechanism where, if you had low economic growth or a projection of low economic growth, there was an opportunity for Congress to opt out of binding restraints on deficit spending. I am pleased we are deciding through the recommendation of the Budget Committee not to opt out of those binding constraints. I congratulate the chairman and the ranking member for their support to vote no on the resolution. I will certainly vote no on it.

However, this is largely symbolic. We are in one of the great spending sprees in American history. Since September 11, we have had a dramatic swing from a commitment to balance the budget and reduce debt and save Social Security to "anything goes" in the way of spending.

Obviously, we were all affected by September 11. I don't think there is any opposition anywhere to doing what we need to do to hunt down and kill these terrorists and to try to help people who were hurt by the terrorists and whose lives have been diminished, wrecked, or lost as a result. However, nobody can claim all of the add-on spending has anything to do with terrorism. What we are going to have to decide pretty quickly is if we have completely given up our commitment to balancing the Federal budget and paying down debt. The only way we can show that is not through some resolution which, again, I applaud. I certainly would be unhappy if we were supporting the waiving of these old budget restrictions which represent the only protection we have against deficit spending, but I would have to say we are now in a situation where appropriators in both parties—it is almost as if

we have three political parties: Republicans, Democrats, and appropriators—are saying even though the President believes he can complete the year with the \$40 billion we have given him to deal with September 11, we are going to force him to take all this money.

The President has said after the first of the year, if it becomes clear he needs more money, he will come back and ask for it and—what I think is even better—tell us what he wants it for. There seems now to be a mad rush to force-feed the President into spending money.

I hope, first of all, we will reject the resolution today, disapprove it, and when we vote on all this new spending, we will remember the gesture we made today, and when a point of order is raised against this new spending, as it will be, we will sustain that point of order.

Finally, simply drifting back and not getting into debate with the very able chairman of the Budget Committee, it is clear the stimulus package that passed the Finance Committee can't pass on the floor of the Senate. I don't believe it has 51 votes, but it certainly does not have 60. I simply urge the majority leader and the minority leader to sit down together and see if we can work out a compromise. We are heading toward Thanksgiving and Christmas. We need to do a stimulus package if one can be put together that helps the economy. In all honesty, I do not believe the stimulus package that passed the Finance Committee would help the economy. My guess is it would probably be harmful. So if that were the only choice, I would simply vote no. But I don't think it is the only choice. I think we can put together a compromise. If we can do that, I suggest we get on with it.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, let me thank the Senator from Texas for his support of the position on the low-growth suspension of the budget points of order. He is a respected member of the Senate Budget Committee, and he joined us in our recommendation to our colleagues that we disapprove the resolution that would abandon the provisions that help us maintain fiscal discipline. I thank him very much for that.

When the Senator says we have been on a spending binge—if we have, he has been part of it. I have gone back and looked at the votes. On the emergency supplemental appropriations bill that provided \$40 billion to respond to the attacks on this country, that vote was unanimous. The Senator from Texas joined on that vote to support \$40 billion to respond to the attacks and help rebuild and repair those things destroyed. On the air transportation safety and system stabilization to rescue

the airline industry that was faced with imminent collapse, the Senator from Texas voted for that, too. Those are the only two things we have passed that are over and above what was agreed to by Republicans and Democrats with respect to the spending provisions for this year.

So when he says we are on a spending binge, let's get this straight. Every Member, with the exception of one in this entire body, voted for the spending we have done in response to the sneak attack on the United States—every single Member, with the exception of one. That one was not the Senator from Texas.

Let me also indicate, in the Senate provision, the stimulus package the Senate has put forward that we will be considering this afternoon, \$5.5 billion of that \$67 billion package is for agricultural economic emergencies. The Senator from Texas ridiculed some of them. They are easy to ridicule. The Washington Post over the weekend, on Sunday, in a column of theirs, ridiculed one of the provisions of which I am a prime mover and a prime supporter. I take this moment to explain what that provision is about and let people judge for themselves: Does it have merit or doesn't it? I believe it does.

Out of a \$67 billion package, there are some \$200 million for commodity purchases, the purchase of commodities for school lunch programs and for other feeding programs. This is typically what we do in a stimulus package. At a time of economic downturn, more people can't feed themselves, they can't feed their families, so we typically buy commodities to strengthen the feeding programs we have in this country. That is a compassionate thing to do. That is the right thing to do. It should not be ridiculed by a Senator or the Washington Post or anybody else. It is the right thing to do.

Let's talk about this provision for the purchase of bison, buffalo—whatever people are calling them. In this commodity program, to buy \$200 million of commodities, there is \$10 million to buy bison. Why? No. 1, it is probably the most nutritious meat anybody can eat because it is low in fat, high in protein, and it goes very well in our feeding programs—\$10 million. But it has an added benefit because the bison industry is flat on its back. It is about to go broke. That will jeopardize thousands of families who are dependent on the bison industry to strengthen their agricultural operations.

I know it is so easy to ridicule these provisions. The Washington Post regularly ridicules anything for farmers because all they can see is that in every farm program there are some who are wealthy people who benefit. I agree with them, that is wrong. I wish we had much stricter payment limitations. I

introduced a bill with the most strict payment limitations anybody has ever introduced, but it did not pass. And they are focusing on the exception rather than the rule.

If they would go to my State, they would find—are there some abuses? Yes. Are there some wealthy people who get farm program benefits? Yes. I wish it didn't happen. But do you know what else they would find? The vast majority of farm families in my State are struggling, they are in deep trouble. Farm prices in real terms are the lowest they have been in 50 years. More than that, in the last month the prices farmers received went down 9.5 percent, the biggest 1-month drop since they started keeping records 91 years ago.

There is a crisis in agriculture. There is a crisis in rural America. Farm families are going under by the thousands. If we do not act and we do not respond, it will get much worse. They can ridicule all they want and go to their cocktail parties here in Washington and believe they really have the moral high ground because they ridiculed spending for feeding programs for people who are hungry and to support hard-working farm families who are on the brink of going under, they can feel smart and smug—go ahead. They are wrong. They are not being very thoughtful.

To suggest somehow this was related to lobbyists—that was the essence of the story in the Washington Post, that lobbyists are writing this stimulus bill. I agree with them with respect to a lot of what I see in the House stimulus bill. That has been well lobbied. But \$10 million to buy food for our feeding programs from farmers who are going under? I have not seen a single lobbyist in this town working for the bison industry. I have not seen one. Not one has come to me—not one. There is no bison industry pact of which I am aware.

When people get smart and smug and ridicule—it is easy to ridicule, really easy. But I don't think it is very smart and I don't think it is very compassionate to ridicule putting money into an economic stimulus package to buy commodities to help hungry people and to help farm families who are going under. I don't see that as very smart, and I don't see that as very compassionate.

I yield the floor.

The PRESIDING OFFICER. If no one yields time, time will be charged equally to both sides.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, let me go back to what this larger discussion is about and the resolution that is before us.

When we are faced with two consecutive quarters of growth below 1 percent, the Budget Act then requires that the Senate Budget Committee consider

a resolution which would eliminate all of the budget protections—all those things we use to maintain fiscal discipline. That has happened. The last two quarters have been below 1-percent growth. So we have before us the resolution to eliminate the budget protections.

The Senate Budget Committee met and on a bipartisan basis rejected the notion of abandoning all of our budget protections—those approaches we use to maintain fiscal discipline. We rejected it and sent what is called the resolution of disapproval to the Senate by a vote of 22–0.

Now the Senate has to vote because there are expedited procedures that bring these provisions to the floor. We will vote at 5 o'clock. The vote will be: Do we set aside the budget points of order that allow us to maintain fiscal discipline? Do we set those aside for the next 2 years? The Budget Committee has said no. I hope the Senate in a resounding way says no this afternoon at 5 o'clock. That is what we have done in the past.

In 1991, when we had a similar circumstance, the Senate Budget Committee rejected the idea and reported unfavorably abandoning fiscal discipline 21–0. The Senate vote was 97–2 against giving up those budget points of order and those protections for fiscal discipline.

Later that year, a second low-growth resolution came before the Senate Budget Committee. It was rejected 21–0. The Senate rejected it 92–5.

In September, again, there was a low-growth resolution. The Senate Budget Committee rejected abandoning fiscal discipline on a vote of 19–2. The Senate rejected it on a vote of 88–8.

Once again, because the economy has been growing at less than 1 percent, this automatic resolution has come before the Budget Committee and has come before the Senate. The question is, Do we eliminate all of those budget points of order that help us to maintain fiscal discipline? The Senate Budget Committee has acted saying no on a vote of 22–0. They voted out a disapproval resolution. Now the full Senate is going to have its chance to register its opinion at 5 o'clock this evening.

I hope that we reject it unanimously and send a clear message to the country and to the market that we intend at the same time we provide fiscal stimulus and a short-term lift for this economy to also maintain long-term fiscal discipline and the integrity of our trust funds.

The PRESIDING OFFICER. All time under the control of the majority has expired.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that between now and

12:30 the Senate go into a period of morning business with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE BUDGET SURPLUS

Mr. NELSON of Florida. I compliment our chairman of the Budget Committee for the leadership he has given us and how steadfast he has been to be conservative in his outlook and his projections on what we should do with the projected budgetary surplus. It was the Senator from North Dakota, our chairman, who kept saying earlier this year: Watch out. These budget projections are too rosy. The budget, as projected over the next 10 years, is going to be considerably less.

Isn't it astounding that before September 11 the debate was over the use of the surplus and whether to pay down or pay off the national debt over a 10-year period. Now we find ourselves in a shrunken surplus with a wartime condition.

I also extend my compliments to the ranking member, our dear friend, the Senator from New Mexico.

The point I want to make is how quickly the landscape shifts—that before September 11, if the Senate had taken the advice of the chairman of the Budget Committee, what we would have done would have been very conservative in our approach as to how we were going to use the projected surplus. We wouldn't have frittered a lot of it away.

As the Senator from North Dakota has pointed out, that surplus was very likely to, if not disappear, be reduced. With the events of September 11, which put us on a wartime footing with new expenditures we had not planned on, combined with the diminished surplus—we were planning back in the summer to use the surplus to pay off the national debt. That is not even in the cards. Indeed, what is happening is the surplus that is left—the surplus in the Social Security trust fund—is going to be used up for other things to the point that we are facing the prospects of deficit financing, which is spending more than we have coming in in tax revenue in any one given year. That, of course, adds to the national debt.

How sad it is that we did not take the advice of the chairman and be conservative in the way that we were going to plan our spending and our tax cuts for the next decade so that we would have a greater cushion when the emergency came, as surely as it was going to come, only it came sooner than we thought; it came on September 11.

I thank the chairman for his leadership and for his knowledge about what this Nation is facing fiscally.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. I thank the Senator from Florida, who is a very valued member of the Senate Budget Committee and also throughout his career has been dedicated to fiscal discipline.

We did make some mistakes earlier this year, unfortunately, collectively, in going too far, I believe, on the tax cut package in the face of a very optimistic set of forecasts but a set of forecasts over a 10-year period that I think almost anybody could have anticipated was unlikely to ever come true. We tried to warn our colleagues repeatedly that it was unlikely to come true; that you could not trust a 10-year forecast, that it was filled with risks, that it was filled with uncertainty, and we ought to be cautious.

Unfortunately, caution was thrown to the wind, and as a result we now face a circumstance where we will have budget deficits in this fiscal year, and perhaps for several years thereafter, and for the next 10 years we will see all of the Medicare trust fund money being used to fund the other operations of Government and a very substantial portion of the Social Security trust fund being used to fund the other operations of Government. That should not be done. That is a mistake.

We will regret it when the baby boomers start retiring in 10 years because, unfortunately, we had a budget in place before September 11 that did not add up, and now it is even further off in the red because of the tragic events of September 11 and the aftermath.

The PRESIDING OFFICER (Mrs. CLINTON). The Senator from Florida.

Mr. NELSON of Florida. Madam President, I would like to address the Senate on another subject in addition to the budget. It is my understanding we are in a period of morning business.

The PRESIDING OFFICER. The Senator is correct.

Mr. NELSON of Florida. Madam President, may I be recognized?

The PRESIDING OFFICER. The Senator from Florida is recognized.

AIRLINE SECURITY

Mr. NELSON of Florida. Madam President, I call to the Senate's attention the fact that the travel and tourism industry is a most important industry to all of our States but especially to 30 of our States. The travel and tourism industry is one of the top three industries in those States. As a result, we see that the reluctance of people to travel, particularly on airliners, is having a devastating economic effect upon areas of the country that are magnets for travel and tourism.

Clearly, two such areas are in my State: Orlando, which is the No. 1 tourist destination in the world, and

Miami, a central hub of travel and tourism throughout the Americas and of a huge cruise ship business to which passengers come by airliner. But you can look at other cities in the country—Atlanta, New York, Las Vegas—you could go to any number of the cities where travel and tourism is a major economic component, and they are devastated.

For example, in Orlando it is very interesting; you see the dramatic effects of people afraid to be on airplanes and thus the reduced airliner traffic. You can go into downtown Orlando, in hotels that are more accommodating to business travel, and you will find that they are doing fairly well. But if you go out on International Drive, outside of Orlando, toward the tourist destinations, you will find hotels that have less than 50-percent occupancy.

Indeed, I talked to the owner of one hotel—it is a hotel with 800 rooms—and they have closed up 600 of the 800 rooms. It does not take too long to understand, with that kind of reduced revenue, suddenly, the owners of those hotels are not going to be able to pay their mortgages, their taxes.

Look at the devastating effects upon employment in the areas where they have laid off so many workers because they do not have the traffic to support all of the employees, and you see how that diminished economic activity ripples through the economy and starts to devastate not only a community but devastates a State. And when you look at the reduction in the sales tax in so many of our States, and the crisis State governments are now facing in their budgets, indeed, you see that it starts to economically devastate the Nation.

Why am I saying all this? I am saying it because we have something we can do about it in this Chamber and in the other Chamber at the other end of the Capitol, because we have in front of us a bill for establishing airline security, with all of these items on which we have generally gotten consensus such as sky marshals, such as reinforced cockpit doors, such as hijack training for airline employees. But we come to this difference of opinion on the screeners, the airport security personnel: Should they be privately contracted or should they be federalized law enforcement officers?

The reason I rise to make these remarks is because I just heard a riveting story by Senator DEBBIE STABENOW of Michigan. On a flight inbound to Reagan National Airport last night, a passenger, perhaps intoxicated, stood up and started walking toward the cockpit.

Now, mind you, the FAA has a regulation that for the last 30 minutes of a flight inbound into Reagan National Airport every passenger must remain seated. It is for the obvious reasons, with Reagan National Airport being so

close to the centers of Government—10 seconds from the Pentagon, 20 seconds from the White House, and 30 seconds from a diverted flight path to the U.S. Capitol—that this was one of the safety precautions the FAA required on inbound and outbound aircraft at Reagan National Airport.

As relayed by Senator STABENOW, they were inbound, and suddenly this rather large gentleman got up and started walking toward the cockpit. What she shared with us was, she was so proud of the professionalism that then occurred, with two sky marshals sitting in first class who immediately got up, without any fuss, and got this passenger on to the floor. Apparently, there was a third Federal law enforcement officer on the plane as well, toward the back of the plane. Everyone was instructed to get their heads down, that they were diverting immediately to Dulles Airport.

The plane landed safely. All of the law enforcement personnel came out to the plane. It was handled very professionally. It was handled very safely.

I tell you this riveting story, just told to me by Senator STABENOW, to make the point that the American public desperately wants to feel safe when they get on an airplane. They want to know that the most highly qualified, highly trained personnel are the ones who are not only on that aircraft, as was just demonstrated by the sky marshals' professional behavior, but they want to know that the most highly trained, qualified law enforcement personnel are the ones who are doing law enforcement checks of the hand-carried baggage and the profiling to try to avoid any kind of incidents in the future that would jeopardize the safety of the American flying public.

Now, it just seems to me that with so much at stake, not only for the safety of people in airplanes but for the economic engine of this country, which is being so devastatingly affected in places such as my State and 30 other States where travel and tourism are one of the top three industries, it would seem to me that we ought to be able to have a meeting of the minds, enact this legislation, and get it to the President, who has said he will sign what the Congress produces, and get on about restoring the confidence of the American public in the safety of flying.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

AIRPORT SECURITY

Mr. DODD. Madam President, I commend my colleague from Florida for a very excellent statement regarding airport security. As many colleagues here, over the weekend, I, too, traveled and met with some airport administrators and officials. Regardless of where you are in the country, the message is the

same. These are people who don't particularly wear any labels of Democrat or Republican, Conservative or Liberal, whatever those labels may mean to some, but to most Americans out there, the issue of being more secure on something as fundamental as air travel is basic.

They don't understand why the Republican House leadership has refused to join the 100 Members of this body and the overwhelming majority of people involved in the airline industry in getting federalization of these workers and making airports as secure as possible.

I served in the Peace Corps in the Dominican Republic and many people were going back home there on that flight yesterday. One young man served in the Navy, and he just received his leave and was going back to visit his parents from the Dominican Republic. Another woman who escaped the World Trade Center tragedy lost her life on the flight yesterday.

Obviously, we don't make any equation of terrorist acts to what happened yesterday upon the preliminary information. But it heightens the security that people want to have in air travel. We call, again today, on the Republican leadership in the House to change their minds and adopt the bill embraced to this body 100-0 and offer the public the security they deserve.

The Senator from Florida made an excellent point.

THE ECONOMIC RECOVERY PACKAGE

Mr. DODD. Madam President, I want to take a minute and talk about the matter before the Senate, which is the economic recovery package, the stimulus package. I say to my colleagues here, and to others, that, again, this is one where the President—I know he is meeting with President Putin, and the subject matter is obviously the war against terrorism in central Asia. But it is also going to be very important in the prosecution of that war that we convey to the American public our deep concern about the present condition of our economy, and that there is clearly a recession.

The unemployment numbers are getting worse. Last month we had the highest increase in unemployment in 20 years. There is every indication that this economic downturn will be with us for some time. We have seen a staggering number of people lose their jobs, particularly at the lower end of the economic spectrum. I hope the President will be asking us to extend unemployment benefits for these people who have lost their jobs. First of all, it is a wonderful way to provide some stimulation because these are dollars that

must be spent. The people on unemployment don't have the luxury, having lost their jobs, of opening up a savings account. They are trying to provide for their needs on a daily basis. Those extended unemployment benefits are dollars that end up in the marketplace. If demand is one of the issues—and I believe it is, based on the economists who have shared their thoughts with us—then clearly those who would receive these unemployment benefits are going to contribute to stimulating the economy.

Providing health care benefits—again, none of us subscribes to the notion that people who are unemployed or lose their jobs are anywhere near as much a victim as those victims on September 11, at the World Trade Center, or the Pentagon, or aboard that airplane in Pennsylvania. But they are all victims.

We know that what happened on September 11 contributed to the economic difficulties that existed on September 10. We know, for instance, that airline travel is down some 20, 30 percent. We know, as a result of that, the hotel industry and the restaurant industry—which, by the way, are the largest employers in America; some 17 million people work in the service industries these are the ones who have been hit immediately. And the people who set tables, who wash dishes, wait on tables, who clean hotel rooms, who work in some of the more difficult and lower paying jobs in the country have lost their work. These are family members, heads of families, and they are out there wondering whether or not the next job is going to be available for them. So they are, in a sense, victims because, clearly, the events of September 11 have impacted their lives.

Many of us are suggesting as part of this economic package that we include extending unemployment benefits and health care, and we say to those people and their families that we wish we could provide you with a job tomorrow. We can't. We wish we could produce one for you immediately. We can't do that. But we can reach out to you and say during the next number of weeks we are going to provide extended unemployment benefits to you and see to it that States get back some dollars from Medicaid and the COBRA program, so you can have health care coverage during this time of difficulty. I don't think that is an exaggerated or excessive request. I hoped, frankly, that the request would be made of us to do this, rather than we making a request of the President and others to support this.

This is America. We are coming together as a people. Everybody who is hurt and has suffered as a result of these tragic events deserves an extended hand to try to see if we can't lift them up.

I was so impressed yesterday while watching the film clips of the people in

New York. Average citizens were racing to help the firemen, helping to extend the hoses to try to put out the fires in the communities that were devastated by the downed aircraft. What a wonderful photograph, in a sense, during a time of tragedy. Average citizens—not firemen or policemen but people in civilian clothes—were running along the streets, grabbing firehoses and helping the departments reach the flames to try to save lives and property. That is my America. That is the America I know.

I want to see my Congress and my national leadership be as those people in the streets of Queens yesterday who were racing along to help out during a time of tragedy. That is what this economic package we have crafted tries to do. It is short term, it is focused, it is fiscally responsible, and it tries to help people who are suffering. That is all we are trying to do—give a tax rebate, a tax cut for the folks who didn't get it last spring so they might have additional dollars in their pockets to provide for family needs, and to see to it that we might invest some dollars as well in hardening up our infrastructure in the country.

Put aside September 11 for a minute. How many times have we heard over the last number of years that if you don't maintain the basic infrastructure of your country—roads, bridges, mass transit systems—economic growth suffers? So this bill will also include some dollars to try to harden up this infrastructure so we will be better prepared to withstand the kinds of terrorist attacks that could occur that would put those pieces of infrastructure in harm's way. This bill will provide some resources for that. Of course, it puts people to work. Imagine that; we might put some people to work by passing this bill.

That is basically the package. It is designed to provide unemployment benefits, health care benefits, dollars for infrastructure, and a tax cut for people who did not get one so they might not only get a break themselves but also contribute to the demand side of the equation which is necessary if this economic stimulus package is going to provide additional lift during this time of difficulty.

I hope in these next couple of days we can come together. We have done it before in the last few weeks. These are not excessive requests. This is a fiscally responsible plan. We have done so much in the last 10 years to put our economy on a footing that none of us imagined would ever be the case: that we would actually be in a situation where we would be talking about eliminating the national debt if we wanted.

How many of us have seen those clocks in almost every city that rapidly show the increase of the national debt? Yet over the last 10 years as the result of some very fine leadership in

Congress, by the Federal Reserve, and obviously the White House, we were able to make a difference to put this country on a path many people thought we could not get on again.

As we talk about an economic recovery package, it must be fiscally responsible. If we are going to spend ourselves once again into huge debt, I cannot imagine anything more that Osama bin Laden or his supporters would like to see than us not only weakened from their attacks on September 11 but that we would weaken our economy either because we made excessive tax cuts or spending additions that were unwise.

As most Americans, I am stunned. I represent the most affluent State in the country, and certainly many of my constituents would benefit directly. They are some of the top income earners in the country. I do not hear my constituents talking about the need for a \$1.3 million tax break for IBM or the Ford Motor Company as a result of repealing the alternative minimum tax.

Where is the sense of contribution? Are they like the people in the streets of Queens running and dragging those hoses along to help put out the fires, somebody who is probably making \$20,000 or \$30,000? Some of them are retired. They were racing along to help stop a fire. How about that coming out of the top income earners in the country to help put out the fire in a sense? That is all we are asking.

The PRESIDING OFFICER. The Senator has consumed 10 minutes.

Mr. DODD. I thank the Chair. I will wrap up by saying I hope we can find some common ground this week and do what the American public expects of us. I would so much love to hear my President ask me to extend these unemployment benefits and provide health care. Presidents in the past have done it.

This President is doing a wonderful job in the battle in central Asia. All of us appreciate his work and the work of his team. I know he is occupied with that now, but we also would like him to appreciate the battle going on at home.

Madam President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. In my capacity as a Senator from the State of New York, I ask unanimous consent that the order for the quorum call be rescinded.

Without objection, it is so ordered.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 p.m. having arrived, the Senate will stand in recess until 2:15 p.m.

Thereupon the Senate, at 12:29 p.m., recessed until 2:17 p.m. and reassembled when called to order by the Presiding Officer (Mr. BAYH).

The PRESIDING OFFICER. The Senator from North Carolina is recognized. Mr. HELMS. I thank the Chair.

CONTINUATION OF AGRICULTURAL PROGRAMS

Mr. HELMS. Mr. President, I speak on some legislation filed by distinguished Senators relative to S. 1673 this past Friday. I am honored to join with my distinguished colleagues in offering legislation to provide the maximum flexibility and stability our farmers need to make proper business decisions based on market conditions.

I am mindful, of course, of agriculture's importance to our country's economy and to America's security. I might add that agriculture is the No. 1 industry in North Carolina. Our farmers rank third in the Nation behind California and Florida in agricultural diversification.

It is with genuine appreciation that I join Senator LINCOLN, Senator HUTCHINSON, and Senator MILLER in working together in crafting this bill. The farm bill we are introducing will be helpful in our guaranteeing that American farmers will continue to provide the American people with the safe and adequate food supply that too many take for granted.

The past several years have been a genuine challenge to farmers, whether their operations are large or small. Farmers and their families have long been the backbone of countless rural communities. Every day, farmers face new challenges by literally dozens of factors beyond their control, from weather to insect infestation, to overreaching regulations that unnecessarily increase the cost of production, to trade barriers imposed by other countries on our farm products.

All these factors make it especially difficult for farmers to earn a profit when prices are at such historic lows as they are today. As farmers begin preparing for a new planting cycle, meeting with their bankers to plan the financial future of their businesses and their families and making difficult decisions relating to capital improvement, they also face the uncertainty that comes with congressional consideration of a new farm bill. Farmers are already reeling from a string of especially difficult years, and this bill that was offered on Friday provides a balanced and bipartisan approach to provide the stability needed to better compete on a global playing field while allowing farmers the flexibility they must have in order to adjust to the world market.

I think the House of Representatives is to be commended for its leadership in so quickly passing a farm bill that is

a positive step toward bringing stability and predictability to American agriculture. The bill we offered Friday in the Senate is built on the concepts adopted by the House which, by the way, developed its bill by soliciting the input of farmers and farm organizations throughout the country for the better part of 2 years.

We believe this bill is particularly well crafted to clear all of the legislative hurdles necessary to present it to the President for his signature by the end of this year.

Although we have had many important national issues to deal with during this historic time, we must not forget the needs of America's farmers.

I appreciate the willingness of my colleagues to work together on a good piece of legislation, and I look forward to our continued cooperation with each other.

Mr. President, I ask unanimous consent that a letter endorsing the bill we introduced this past Friday be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NORTH CAROLINA
FARM BUREAU FEDERATION,
Raleigh, NC, November 7, 2001.

Hon. JESSE HELMS,
U.S. Senate,
Washington, DC.

DEAR SENATOR HELMS: The North Carolina Farm Bureau favors farm policy philosophies that were adopted in the House version (H.R. 2646) of the Farm Bill. We are also supporting your efforts along with Senators Hutchinson and Lincoln to draft a similar bill that includes a well-balanced funding approach among all titles.

All commodity groups were included in the writing of the House Farm Bill. The bill outlines the ideals of farmers by directly addressing farm programs while also making significant investments and improvements in conservation, rural development, export, research, and nutrition programs.

A Farm Bill that reflects the House version will result in a less contentious conference report. This hopefully should allow for a new Farm Bill to be signed into law this year.

Thank you for your hard work in offering a Farm Bill proposal that helps address the challenges that our farmers face today.

Sincerely,

LARRY B. WOOTEN,
President.

The author of this letter, by the way, is the distinguished President of the North Carolina Farm Bureau Federation, Larry Wooten.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

Mrs. LINCOLN. Mr. President, I ask unanimous consent to address the Senator as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. LINCOLN. Mr. President, I am proud to rise to thank my colleague from North Carolina, having had the pleasure of working with him and his

staff on this issue. I thank him very much for the leadership he has provided the State of North Carolina and this great Nation and certainly this body. I have had a wonderful time working with him.

I join my colleagues in introducing a bill of the utmost importance to our farmers. Since the passage of the Freedom to Farm bill in 1996, our farmers have toiled under clouds of uncertainty. Quite simply stated, our Nation needs a farm policy that works for working farmers. That is why, along with Senator HUTCHINSON, Senator HELMS of North Carolina, Senator MILLER of Georgia, Senators BREAUX and LANDRIEU of Louisiana, and Senator SESSIONS of Alabama, I am proud to offer a new alternative.

We have offered a farm bill that will ensure a strong safety net for America's farmers and ranchers. We have offered a farm bill that will increase investment in conservation programs by 80 percent. We have offered a farm bill that provides more effective support for disadvantaged working families through nutrition programs. We have offered a farm bill that will increase and improve our Nation's agricultural trade programs such as the Food Aid Program that sends food to the most needy of nations, many of which are aligned with us in our conflicts today against terrorism across the globe. We have offered a farm bill that will preserve and protect our Nation's forests and environment while investing in rural America.

For too many years, while the American economy at large was posting astonishing and unprecedented gains, our agricultural producers have not benefited from our prosperity. It is not only our farmers who are suffering as a result of failed Government policy; the institutions of small-town and rural America—local banks and merchants, feed and supply stores, equipment dealers, even corner grocers and family-owned hardware stores—are all caught in the web of financial collapse in rural America.

From a letter I received from a young farmer in northeast Arkansas a few months ago, he said his family's farm is nearing "a point of no return," and if the crisis continues he will have to leave the land that his grandfather worked before him.

Our family farmers are farming away their equity. They are farming away their heritage. Their Government has not provided them the safety net they need to be competitive in a global marketplace in order to continue to provide us, the American people and people across the globe, the safest, most affordable and most abundant food supply in the world.

Here is a letter from a bank president in southeast Arkansas who notes that when he moved into his community in 1969, a new John Deere combine sold

for about \$15,000. Today, a comparable model sells for about \$220,000. Fuel for that combine was 15 cents per gallon in 1969, he writes, but today a gallon of diesel fuel costs about \$1.05. He goes on to note that while farmers could expect to receive \$3 for a bushel of rice 33 years ago, today he only gets \$2.70 for that same bushel.

As the costs continue to skyrocket—the input of resources demanded of farmers to be put into their crops—the return on these investments continues to fall below the levels they were paid over 40 years ago.

Here is a letter from a young woman in east Arkansas who works a 60-acre rice and soybean farm with her husband and child. Her husband is so depressed because of his lack of ability to be able to provide for his family he needs counseling and medication and she can't let her child participate in afterschool sports because of the additional costs that are entailed.

She writes that where she and her family once felt pride in their sense of independence and self-sufficiency, today they feel only shame because they have to rely on loans and supplemental income payments to survive.

These stories are not unusual. In many rural areas, they are becoming the norm.

We cannot afford to let our farmers continue to suffer this way. They can't wait another year; their problems are real and they are here today. Our bill will address their problems. Our bill will restore them to a better economic future. Our bill will restore to them their hope so they can build a better future for their children and for the rest of the children in this great Nation.

I am proud to be a coauthor of this bill, and I am proud to say I will take my stand to fight for its passage for the men and women who toil day in and day out as agricultural producers in this great land. We owe them no less.

I yield the floor.

Mr. MILLER. Mr. President, I am pleased to have joined with my colleagues to introduce a bipartisan farm bill—a farm bill that will secure American agriculture into the 21st century.

For the past 4 years, our farmers have experienced an agricultural crisis unlike anything seen since the Great Depression. As they say where I come from, it's been "hell on a holiday."

It has been particularly cruel because until the recent recession came along, our suffering farmers had watched the rest of our economy thrive with tremendous growth and prosperity.

The way we distribute disaster assistance cannot continue. Our farmers cannot wait any longer. The time for a new farm bill is now.

Our bill maintains the freedom for producers to plant the crops that best reflect market conditions. It provides

an adequate safety net during economic and weather disasters, and it allows an 80-percent increase in conservation spending. Let me repeat that: It provides an 80-percent increase in conservation spending. That is nearly double what it is now. In past farm bills that would be unheard of.

The bill also makes dramatic and needed improvements in nutrition programs, trade promotion programs, and forestry incentives. It also—and this is very important—provides greater funding for our nation's research institutions such as the University of Georgia.

I have heard from members of the administration and members of the Agriculture Committee that we must take this first farm bill of the new century in a new policy direction. I do not disagree. I believe that is true. Along those lines, I respectfully point out that our bill includes the most dramatic farm policy change in nearly 70 years. That favorite whipping boy of all farm subsidies, the peanut program, has been turned on its head.

Perhaps, a little history is in order, because where we are advocating going compared to where we have been is as different as night and day.

During the Great Depression, when the South I grew up in was that "one-third" of a nation, President Roosevelt spoke about, the peanut quota system was established for poor farmers.

Quotas eventually became based on poundage and were set each year on the projected needs of domestic manufacturers.

As years went by, they began to be rented sometimes from landowner to farmer. Whether you agree with the policy or not, the peanut quota became a commodity in our neck of the woods.

The quota was passed down in families from generation to generation, and sold much as Coca-Cola or some other stock owned by our city cousins.

This policy, again rightly or wrongly, had seen little change since the early days of the Depression. Many families came to rely on quota support as their only source of retirement. It was their 401k.

And then NAFTA and GATT were passed and the peanut farmers' world was turned upside down. Because then, in the name of globalization, our trade protections for peanuts were lowered, imports were increased, and as a result quotas were gradually reduced.

Many peanut farmers across the country, seeing firsthand that what was good for the goose was not always good for the gander, and realizing what the future would hold if the current policy remained, decided to follow a new path. A way of life for more than three generations was, to use a phrase we understand very well, "gone with the wind."

This policy was so entrenched, because it had lasted so long, that this

change has been difficult. It has not been easy to accept. Where I come from, a small problem that can be easily solved is known as "a short horse—soon curried." Well, this was a big horse, and it has taken a long time not only to curry but to break it.

For months, I, along with many others, called for the peanut community to unite and face reality—to get them to accept the fact that the peanut quota system as their daddies and granddaddies knew it, was gone, to understand that the people in Washington won't support it, and NAFTA and GATT are here to stay.

So, we, their representatives in Congress, urged them to accept this change and work to develop a new, comprehensive policy that would allow peanut farmers to be competitive in world markets and that would compensate those affected by the change. After a lot of discussion, I think that is exactly what we have crafted.

There are never many people happy at a shotgun marriage, and that is what this is. To make such a drastic reform took careful bridge-building to get across these troubled waters. We needed a transition. Anything else would have been unfair and not the American way.

We are willing to face the bad along with the good of fair and open trade. But we also want to maintain a peanut industry that will survive for future generations of peanut farm families.

The peanut program in this bill will be a tough row to hoe, but it is fair and the peanut community can say, "We are now like everyone else."

There is another important point that I wish to make, and it is an issue that strikes at the heart of the entire agricultural industry.

I recently met with a large group of Georgia agriculture leaders, and the message they expressed to me was one of great distress and crisis.

In this time of the lowest interest rates we have seen in years, in this time of generous credit, there are banks all over rural Georgia that will no longer finance a farmer on the basis of future crops or equipment value. It is not that they do not want to help their friend and neighbor, but it is simply too big a risk. The loan officer reluctantly points out that commodity prices are just too low, and they do not see much of a chance for the farmer to repay the loan, no matter how hard he and his family might work, not under our present trade policy.

They also point out that the agricultural economy is so distressed that equipment purchased by farmers for thousands of dollars only a short time ago now has little value because no other farmer can afford to buy it.

The current recession did not bring this on, nor did the events of September 11. Mother Nature and poor market conditions did, and it shows

that our farmers must have a stronger safety net.

In addition, disasters over the past 4 years have exhausted many life savings and left no collateral on which to finance anything. Those who say we ought to wait to pass a new farm bill ought to have to walk a mile in those farmers' shoes. They ought to have to be the ones on the farm who work from daylight to dark and from can to can't. They ought to have to be sitting at that kitchen table after supper when the kids are in bed and hear the discussion about having to give up a farm that has been in the family for generations. Then, when the family farm is put up on an auction block and it goes for pennies on the dollar, what do we say to them then? That is something we can't figure out over lunch at the Palm.

We are going to be talking this week about a stimulus package. We have proposals on stimuli coming out of our ears. It is *creme de la creme* that can be conceived only by those highly paid lobbyists, pushing and pulling, paying and pimping, and promising to get their clients the best breaks and the most generous incentives.

I learned a long time ago that when it comes to how legislation is written—especially here in Washington—it is kind of like that country music song by Freddie Hart about his girlfriend: "If fingerprints showed up on skin, I wonder whose I would find on you."

I am afraid both stimulus bills have a lot of questionable fingerprints on them, and we do not need the FBI to figure out whose they are. Their names, addresses, and their interests are in the top contributor list of both parties.

The legislation I am speaking on today also has fingerprints: Fingerprints from callused hands—the hands of the workers who feed us and clothe us, people who, like the family dog, we just take for granted.

Do I speak too harshly? I am sorry, but because I am not blind to what I see, I cannot be bland in what I say. Of course, we cannot continue to do things as we have always done, and we cannot continue to provide disaster assistance each and every year. But there has to be a transition, some "weaning time," as it is called down on the farm.

Mr. President, this farm bill sets a new policy, a sea change in conservation and peanuts. It addresses the critical needs facing America's farmers. It was written by Senators from both sides of the aisle. I hope that same bipartisan support will pass a new farm policy this year.

UNANIMOUS CONSENT AGREEMENT

Mr. DASCHLE. Mr. President, I have been discussing the schedule for the remainder of the day with the distin-

guished Republican leader. I want to propound a request. It is my understanding that there is an agreement with our colleagues, having consulted with the Republican leader.

I ask unanimous consent that at 2:30 today the Senate proceed to Calendar No. 223, H.R. 3090, the economic recovery/stimulus legislation for debate only until 5 p.m., with no amendments in order during this period; that this time be equally divided and controlled between the chairman and ranking member of the Finance Committee or their designees.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DASCHLE. I yield the floor.

ECONOMIC RECOVERY AND ASSISTANCE FOR AMERICAN WORKERS ACT OF 2001

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3090) to provide tax incentives for economic recovery.

The Senate proceeded to consider the bill which had been reported from the Committee on Finance, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE; ETC.

(a) *SHORT TITLE.*—This Act may be cited as the "Economic Recovery and Assistance for American Workers Act of 2001".

(b) *REFERENCES TO INTERNAL REVENUE CODE OF 1986.*—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) *TABLE OF CONTENTS.*—

Sec. 1. Short title; etc.

TITLE I—SUPPLEMENTAL REBATE FOR INDIVIDUAL TAXPAYERS

Sec. 101. Supplemental rebate.

TITLE II—TEMPORARY BUSINESS RELIEF PROVISIONS

Sec. 201. Special depreciation allowance for certain property.

Sec. 202. Increase in section 179 expensing.

Sec. 203. Carryback of certain net operating losses allowed for 5 years.

TITLE III—TAX INCENTIVES AND RELIEF FOR VICTIMS OF TERRORISM, DISASTERS, AND DISTRESSED CONDITIONS

Subtitle A—Tax Incentives for New York City and Distressed Areas

Sec. 301. Expansion of work opportunity tax credit targeted categories to include certain employees in New York City.

Sec. 302. Tax-exempt private activity bonds for rebuilding portion of New York City damaged in the September 11, 2001, terrorist attack.

Sec. 303. Gain or loss from property damaged or destroyed in New York Recovery Zone.

Sec. 304. Reenactment of exceptions for qualified-mortgage-bond-financed loans to victims of Presidentially declared disasters.

Sec. 305. One-year expansion of authority for Indian tribes to issue tax-exempt private activity bonds.

Subtitle B—Victims of Terrorism Tax Relief

Sec. 310. Short title.

PART I—RELIEF PROVISIONS FOR VICTIMS OF APRIL 19, 1995, AND SEPTEMBER 11, 2001, TERRORIST ATTACKS

Sec. 311. Income and employment taxes of victims of terrorist attacks.

Sec. 312. Estate tax reduction.

Sec. 313. Payments by charitable organizations treated as exempt payments.

Sec. 314. Exclusion of certain cancellations of indebtedness.

PART II—GENERAL RELIEF FOR VICTIMS OF DISASTERS AND TERRORISTIC OR MILITARY ACTIONS

Sec. 321. Exclusion for disaster relief payments.

Sec. 322. Authority to postpone certain deadlines and required actions.

Sec. 323. Internal Revenue Service disaster response team.

Sec. 324. Application of certain provisions to terroristic or military actions.

Sec. 325. Clarification of due date for airline excise tax deposits.

Sec. 326. Coordination with Air Transportation Safety and System Stabilization Act.

PART III—DISCLOSURE OF TAX INFORMATION IN TERRORISM AND NATIONAL SECURITY INVESTIGATIONS

Sec. 331. Disclosure of tax information in terrorism and national security investigations.

TITLE IV—EXTENSIONS OF CERTAIN EXPIRING TAX PROVISIONS

Sec. 401. Allowance of nonrefundable personal credits against regular and minimum tax liability.

Sec. 402. Work opportunity credit.

Sec. 403. Welfare-to-work credit.

Sec. 404. Credit for electricity produced from renewable resources.

Sec. 405. Taxable income limit on percentage depletion for oil and natural gas produced from marginal properties.

Sec. 406. Qualified zone academy bonds.

Sec. 407. Subpart F exemption for active financing.

Sec. 408. Cover over of tax on distilled spirits.

Sec. 409. Delay in effective date of requirement for approved diesel or kerosene terminals.

Sec. 410. Deduction for clean-fuel vehicles and certain refueling property.

Sec. 411. Credit for qualified electric vehicles.

Sec. 412. Parity in the application of certain limits to mental health benefits.

Sec. 413. Combined employment tax reporting.

TITLE V—EXTENSION OF CERTAIN TRADE PROVISIONS EXPIRING IN 2001.

Sec. 501. Generalized System of Preferences.

Sec. 502. Andean Trade Preference Act.

Sec. 503. Reauthorization of trade adjustment assistance.

TITLE VI—HEALTH INSURANCE COVERAGE OPTIONS FOR RECENTLY UNEMPLOYED INDIVIDUALS AND THEIR FAMILIES

Sec. 601. Premium assistance for COBRA continuation coverage for individuals and their families.

Sec. 602. State option to provide temporary medicaid coverage for certain uninsured individuals.

Sec. 603. State option to provide temporary coverage under medicaid for the unsubsidized portion of COBRA continuation premiums.

Sec. 604. Temporary increases of medicaid FMAP for fiscal year 2002.

Sec. 605. Definitions.

TITLE VII—TEMPORARY ENHANCED UNEMPLOYMENT BENEFITS

Sec. 701. Short title.

Sec. 702. Federal-State agreements.

Sec. 703. Temporary supplemental unemployment compensation account.

Sec. 704. Payments to States having agreements under this title.

Sec. 705. Financing provisions.

Sec. 706. Fraud and overpayments.

Sec. 707. Definitions.

Sec. 708. Applicability.

TITLE VIII—EMERGENCY AGRICULTURE ASSISTANCE

Subtitle A—Crop Loss Assistance

Sec. 801. Crop loss assistance.

Sec. 802. Livestock assistance program.

Sec. 803. Commodity purchases.

Subtitle B—Rural Development

Sec. 811. Rural community facilities and utilities.

Sec. 812. Rural telecommunications loans.

Sec. 813. Telemedicine and distance learning services.

Sec. 814. Environmental quality incentives program.

Sec. 815. Farmland protection program.

Subtitle C—Administration

Sec. 821. Commodity Credit Corporation.

Sec. 822. Administrative expenses.

Sec. 823. Regulations.

TITLE IX—ADDITIONAL PROVISIONS

Sec. 901. Credit to holders of qualified Amtrak bonds.

Sec. 902. Broadband Internet access tax credit.

Sec. 903. Citrus tree canker relief.

Sec. 904. Allowance of electronic 1099s.

Sec. 905. Clarification of excise tax exemptions for agricultural aerial applicators.

Sec. 906. Recovery period for certain wireless telecommunications equipment.

Sec. 907. No impact on social security trust funds.

Sec. 908. Emergency designation.

TITLE I—SUPPLEMENTAL REBATE FOR INDIVIDUAL TAXPAYERS

SEC. 101. SUPPLEMENTAL REBATE.

(a) IN GENERAL.—Section 6428 (relating to acceleration of 10 percent income tax rate bracket benefit for 2001) is amended by adding at the end the following new subsection:

“(f) SUPPLEMENTAL REBATE.—

“(1) IN GENERAL.—Each individual who was an eligible individual for such individual’s first taxable year beginning in 2000 and who, before October 16, 2001—

“(A) filed a return of tax imposed by subtitle A for such taxable year, or

“(B) filed a return of income tax with the government of American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, or the Virgin Islands of the United States,

shall be treated as having made a payment against the tax imposed by chapter 1 for such first taxable year in an amount equal to the supplemental refund amount for such taxable year.

“(2) SUPPLEMENTAL REFUND AMOUNT.—For purposes of this subsection, the supplemental refund amount is an amount equal to the excess (if any) of—

“(A)(i) \$600 in the case of taxpayers to whom section 1(a) applies,

“(ii) \$500 in the case of taxpayers to whom section 1(b) applies, and

“(iii) \$300 in the case of taxpayers to whom subsections (c) or (d) of section 1 applies, over

“(B) the amount of any advance refund amount paid to the taxpayer under subsection (e).

“(3) TIMING OF PAYMENTS.—In the case of any overpayment attributable to this subsection, the Secretary shall, subject to the provisions of this title, refund or credit such overpayment as rapidly as possible.

“(4) NO INTEREST.—No interest shall be allowed on any overpayment attributable to this subsection.

“(5) SPECIAL RULE FOR CERTAIN NON-RESIDENTS.—The determination under subsection (c)(2) as to whether an individual who filed a return of tax described in paragraph (1)(B) is a nonresident alien individual shall, under rules prescribed by the Secretary, be made by reference to the possession or Commonwealth with which the return was filed and not the United States.”.

(b) TECHNICAL CORRECTION.—

(1) IN GENERAL.—Subsection (b) of section 6428 is amended to read as follows:

“(b) CREDIT TREATED AS NONREFUNDABLE PERSONAL CREDIT.—For purposes of this title, the credit allowed under this section shall be treated as a credit allowable under subpart A of part IV of subchapter A of chapter 1.”.

(2) CONFORMING AMENDMENTS.—

(A) Subsection (d) of section 6428 is amended to read as follows:

“(d) COORDINATION WITH ADVANCE REFUNDS OF CREDIT.—

“(1) IN GENERAL.—The amount of credit which would (but for this paragraph) be allowable under this section shall be reduced (but not below zero) by the aggregate refunds and credits made or allowed to the taxpayer under subsection (e). Any failure to so reduce the credit shall be treated as arising out of a mathematical or clerical error and assessed according to section 6213(b)(1).

“(2) JOINT RETURNS.—In the case of a refund or credit made or allowed under subsection (e) with respect to a joint return, half of such refund or credit shall be treated as having been made or allowed to each individual filing such return.”.

(B) Paragraph (2) of section 6428(e) is amended to read as follows:

“(2) ADVANCE REFUND AMOUNT.—For purposes of paragraph (1), the advance refund amount is the amount that would have been allowed as a credit under this section for such first taxable year if—

“(A) this section (other than subsections (b) and (d) and this subsection) had applied to such taxable year, and

“(B) the credit for such taxable year were not allowed to exceed the excess (if any) of—

“(i) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

“(ii) the sum of the credits allowable under part IV of subchapter A of chapter 1 (other than the credits allowable under subpart C thereof, relating to refundable credits).”.

(c) CONFORMING AMENDMENTS.—

(1) Paragraph (1) of section 6428(d), as amended by subsection (b), is amended by striking “subsection (e)” and inserting “subsections (e) and (f)”.

(2) Paragraph (2) of section 6428(d), as amended by subsection (b), is amended by striking “subsection (e)” and inserting “subsection (e) or (f)”.

(3) Paragraph (3) of section 6428(e) is amended by striking “December 31, 2001” and inserting “the date of the enactment of the Economic Recovery and Assistance for American Workers Act of 2001”.

(d) REPORTING REQUIREMENT.—For purposes of determining the individuals who are eligible for the supplemental rebate under section 6428(f)

of the Internal Revenue Code of 1986, the governments of American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, and the Virgin Islands of the United States shall provide, at such time and in such manner as provided by the Secretary of the Treasury, the names, addresses, and taxpayer identifying numbers (within the meaning of section 6109 of the Internal Revenue Code of 1986) of residents who filed returns of income tax with such governments for 2000.

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall take effect on the date of the enactment of this Act.

(2) TECHNICALS.—The amendments made by subsection (b) shall take effect as if included in the amendment made by section 101(b)(1) of the Economic Growth and Tax Relief Reconciliation Act of 2001.

TITLE II—TEMPORARY BUSINESS RELIEF PROVISIONS

SEC. 201. SPECIAL DEPRECIATION ALLOWANCE FOR CERTAIN PROPERTY.

(a) IN GENERAL.—Section 168 (relating to accelerated cost recovery system) is amended by adding at the end the following new subsection:

“(k) SPECIAL ALLOWANCE FOR CERTAIN PROPERTY ACQUIRED AFTER SEPTEMBER 10, 2001, AND BEFORE SEPTEMBER 11, 2002.—

“(1) ADDITIONAL ALLOWANCE.—In the case of any qualified property—

“(A) the depreciation deduction provided by section 167(a) for the taxable year in which such property is placed in service shall include an allowance equal to 10 percent of the adjusted basis of the qualified property, and

“(B) the adjusted basis of the qualified property shall be reduced by the amount of such deduction before computing the amount otherwise allowable as a depreciation deduction under this chapter for such taxable year and any subsequent taxable year.

“(2) QUALIFIED PROPERTY.—For purposes of this subsection—

“(A) IN GENERAL.—The term ‘qualified property’ means property—

“(i)(I) to which this section applies which has an applicable recovery period of 20 years or less or which is water utility property,

“(II) which is computer software (as defined in section 167(f)(1)(B)) for which a deduction is allowable under section 167(a) without regard to this subsection,

“(III) which is qualified leasehold improvement property, or

“(IV) which is eligible for depreciation under section 167(g),

“(ii) the original use of which commences with the taxpayer after September 10, 2001,

“(iii) which is—

“(I) acquired by the taxpayer after September 10, 2001, and before September 11, 2002, but only if no written binding contract for the acquisition was in effect before September 11, 2001, or

“(II) acquired by the taxpayer pursuant to a written binding contract which was entered into after September 10, 2001, and before September 11, 2002, and

“(iv) which is placed in service by the taxpayer before January 1, 2003.

“(B) EXCEPTIONS.—

“(i) ALTERNATIVE DEPRECIATION PROPERTY.—The term ‘qualified property’ shall not include any property to which the alternative depreciation system under subsection (g) applies, determined—

“(I) without regard to paragraph (7) of subsection (g) (relating to election to have system apply), and

“(II) after application of section 280F(b) (relating to listed property with limited business use).

“(ii) **ELECTION OUT.**—If a taxpayer makes an election under this clause with respect to any class of property for any taxable year, this subsection shall not apply to all property in such class placed in service during such taxable year.

“(C) **SPECIAL RULES.**—

“(i) **SELF-CONSTRUCTED PROPERTY.**—In the case of a taxpayer manufacturing, constructing, or producing property for the taxpayer's own use, the requirements of clause (iii) of subparagraph (A) shall be treated as met if the taxpayer begins manufacturing, constructing, or producing the property after September 10, 2001, and before September 11, 2002.

“(ii) **SALE-LEASEBACKS.**—For purposes of subparagraph (A)(ii), if property—

“(I) is originally placed in service after September 10, 2001, by a person, and

“(II) sold and leased back by such person within 3 months after the date such property was originally placed in service, such property shall be treated as originally placed in service not earlier than the date on which such property is used under the leaseback referred to in subclause (II).

“(D) **COORDINATION WITH SECTION 280F.**—For purposes of section 280F—

“(i) **AUTOMOBILES.**—In the case of a passenger automobile (as defined in section 280F(d)(5)) which is qualified property, the Secretary shall increase the limitation under section 280F(a)(1)(A)(i) by \$1,600.

“(ii) **LISTED PROPERTY.**—The deduction allowable under paragraph (1) shall be taken into account in computing any recapture amount under section 280F(b)(2).

“(3) **QUALIFIED LEASEHOLD IMPROVEMENT PROPERTY.**—For purposes of this subsection—

“(A) **IN GENERAL.**—The term ‘qualified leasehold improvement property’ means any improvement to an interior portion of a building which is nonresidential real property if—

“(i) such improvement is made under or pursuant to a lease (as defined in subsection (h)(7))—

“(I) by the lessee (or any sublessee) of such portion, or

“(II) by the lessor of such portion,

“(ii) such portion is to be occupied exclusively by the lessee (or any sublessee) of such portion, and

“(iii) such improvement is placed in service more than 3 years after the date the building was first placed in service.

“(B) **CERTAIN IMPROVEMENTS NOT INCLUDED.**—Such term shall not include any improvement for which the expenditure is attributable to—

“(i) the enlargement of the building,

“(ii) any elevator or escalator,

“(iii) any structural component benefiting a common area, and

“(iv) the internal structural framework of the building.

“(C) **DEFINITIONS AND SPECIAL RULES.**—For purposes of this paragraph—

“(i) **BINDING COMMITMENT TO LEASE TREATED AS LEASE.**—A binding commitment to enter into a lease shall be treated as a lease, and the parties to such commitment shall be treated as lessor and lessee, respectively.

“(ii) **RELATED PERSONS.**—A lease between related persons shall not be considered a lease. For purposes of the preceding sentence, the term ‘related persons’ means—

“(I) members of an affiliated group (as defined in section 1504), and

“(II) persons having a relationship described in subsection (b) of section 267; except that, for purposes of this clause, the phrase ‘80 percent or more’ shall be substituted for the phrase ‘more than 50 percent’ each place it appears in such subsection.

“(D) **IMPROVEMENTS MADE BY LESSOR.**—In the case of an improvement made by the person who

was the lessor of such improvement when such improvement was placed in service, such improvement shall be qualified leasehold improvement property (if at all) only so long as such improvement is held by such person.”.

(b) **ALLOWANCE AGAINST ALTERNATIVE MINIMUM TAX.**—

(1) **IN GENERAL.**—Section 56(a)(1)(A) (relating to depreciation adjustment for alternative minimum tax) is amended by adding at the end the following new clause:

“(iii) **ADDITIONAL ALLOWANCE FOR CERTAIN PROPERTY ACQUIRED AFTER SEPTEMBER 10, 2001, AND BEFORE SEPTEMBER 11, 2002.**—The deduction under section 168(k) shall be allowed.”.

(2) **CONFORMING AMENDMENT.**—Clause (i) of section 56(a)(1)(A) is amended by striking “clause (ii)” both places it appears and inserting “clauses (ii) and (iii)”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to property placed in service after September 10, 2001, in taxable years ending after such date.

SEC. 202. INCREASE IN SECTION 179 EXPENSING.

(a) **IN GENERAL.**—The table contained in section 179(b)(1) (relating to dollar limitation) is amended to read as follows:

If the taxable year begins in:	The applicable amount is:
2001	\$24,000.
2002	\$35,000.
2003 or thereafter	\$25,000.”.

(b) **TEMPORARY INCREASE IN AMOUNT OF PROPERTY TRIGGERING PHASEOUT OF MAXIMUM BENEFIT.**—Paragraph (2) of section 179(b) is amended by inserting before the period “(\$325,000 in the case of taxable years beginning during 2002)”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

SEC. 203. CARRYBACK OF CERTAIN NET OPERATING LOSSES ALLOWED FOR 5 YEARS.

(a) **IN GENERAL.**—Paragraph (1) of section 172(b) (relating to years to which loss may be carried) is amended by adding at the end the following new subparagraph:

“(H) In the case of a taxpayer which has a net operating loss for any taxable year ending in 2001, subparagraph (A)(i) shall be applied by substituting ‘5’ for ‘2’ and subparagraph (F) shall not apply.”.

(b) **ELECTION TO DISREGARD 5-YEAR CARRYBACK.**—Section 172 (relating to net operating loss deduction) is amended by redesignating subsection (j) as subsection (k) and by inserting after subsection (i) the following new subsection:

“(j) **ELECTION TO DISREGARD 5-YEAR CARRYBACK FOR CERTAIN NET OPERATING LOSSES.**—Any taxpayer entitled to a 5-year carryback under subsection (b)(1)(H) from any loss year may elect to have the carryback period with respect to such loss year determined without regard to subsection (b)(1)(H). Such election shall be made in such manner as may be prescribed by the Secretary and shall be made by the due date (including extensions of time) for filing the taxpayer's return for the taxable year of the net operating loss. Such election, once made for any taxable year, shall be irrevocable for such taxable year.”.

(c) **TEMPORARY SUSPENSION OF 90 PERCENT LIMIT ON CERTAIN NOL CARRYBACKS.**—Subparagraph (A) of section 56(d)(1) (relating to general rule defining alternative tax net operating loss deduction) is amended to read as follows:

“(A) the amount of such deduction shall not exceed the sum of—

“(i) the lesser of—

“(I) the amount of such deduction attributable to net operating losses (other than the deduction attributable to carrybacks described in clause (ii)(I)), or

“(II) 90 percent of alternative minimum taxable income determined without regard to such deduction, plus

“(ii) the lesser of—

“(I) the amount of such deduction attributable to carrybacks of net operating losses for taxable years ending in 2001, or

“(II) alternative minimum taxable income determined without regard to such deduction reduced by the amount determined under clause (i), and”.

(d) **EFFECTIVE DATE.**—The amendments made by this section shall apply to net operating losses for taxable years ending in 2001.

TITLE III—TAX INCENTIVES AND RELIEF FOR VICTIMS OF TERRORISM, DISASTERS, AND DISTRESSED CONDITIONS

Subtitle A—Tax Incentives for New York City and Distressed Areas

SEC. 301. EXPANSION OF WORK OPPORTUNITY TAX CREDIT TARGETED CATEGORIES TO INCLUDE CERTAIN EMPLOYEES IN NEW YORK CITY.

(a) **IN GENERAL.**—For purposes of section 51 of the Internal Revenue Code of 1986 (relating to work opportunity credit), a New York Recovery Zone business employee shall be treated as a member of a targeted group.

(b) **NEW YORK RECOVERY ZONE BUSINESS EMPLOYEE.**—For purposes of this section—

(1) **IN GENERAL.**—The term “New York Recovery Zone business employee” means, with respect to the period beginning after September 10, 2001, and ending before January 1, 2003, any employee of a New York Recovery Zone business if—

(A) substantially all the services performed during such period by such employee for such business are performed in a trade or business of such business located in an area described in paragraph (2), and

(B) with respect to any employee of such business described in paragraph (2)(B), such employee is certified by the New York State Department of Labor as not exceeding, when added to all other employees previously certified with respect to such period as New York Recovery Zone business employees with respect to such business, the number of employees of such business on September 11, 2001, in the New York Recovery Zone.

(2) **NEW YORK RECOVERY ZONE BUSINESS.**—The term “New York Recovery Zone business” means any business establishment which is—

(A) located in the New York Recovery Zone, or

(B) located in the City of New York, New York, outside the New York Recovery Zone, as the result of the destruction or damage of such establishment by the September 11, 2001, terrorist attack.

(3) **NEW YORK RECOVERY ZONE.**—The term “New York Recovery Zone” means the area located on or south of Canal Street, East Broadway (east of its intersection with Canal Street), or Grand Street (east of its intersection with East Broadway) in the Borough of Manhattan in the City of New York, New York.

(4) **SPECIAL RULES FOR DETERMINING AMOUNT OF CREDIT.**—For purposes of applying subpart E of part IV of subchapter B of chapter 1 of the Internal Revenue Code of 1986 to wages paid or incurred to any New York Recovery Zone business employee—

(A) section 51(a) of such Code shall be applied by substituting “qualified wages” for “qualified first-year wages”,

(B) section 51(d)(12)(A)(i) of such Code shall be applied to the certification of individuals employed by a New York Recovery Zone business before April 1, 2002, by substituting “on or before May 1, 2002” for “on or before the day on which such individual begins work for the employer”.

(C) subsections (c)(4) and (i)(2) of section 51 of such Code shall not apply, and

(D) in determining qualified wages, the following shall apply in lieu of section 51(b) of such Code:

(i) **QUALIFIED WAGES.**—The term “qualified wages” means the wages paid or incurred by the employer for work performed during the period beginning on September 11, 2001, and ending on December 31, 2002, to individuals who are New York Recovery Zone business employees of such employer.

(ii) **ONLY FIRST \$12,000 OF WAGES PER TAXABLE YEAR TAKEN INTO ACCOUNT.**—The amount of the qualified wages which may be taken into account with respect to any individual shall not exceed \$12,000 per taxable year of the employer.

(c) **CREDIT ALLOWED AGAINST REGULAR AND MINIMUM TAX.**—

(1) **IN GENERAL.**—Subsection (c) of section 38 (relating to limitation based on amount of tax) is amended by redesignating paragraph (3) as paragraph (4) and by inserting after paragraph (2) the following new paragraph:

“(3) **SPECIAL RULES FOR NEW YORK RECOVERY ZONE BUSINESS EMPLOYEE CREDIT.**—

“(A) **IN GENERAL.**—In the case of the New York Recovery Zone business employee credit—

“(i) this section and section 39 shall be applied separately with respect to such credit, and

“(ii) in applying paragraph (1) to such credit—

“(I) the tentative minimum tax shall be treated as being zero, and

“(II) the limitation under paragraph (1) (as modified by subclause (I)) shall be reduced by the credit allowed under subsection (a) for the taxable year (other than the New York Recovery Zone business employee credit).

“(B) **NEW YORK RECOVERY ZONE BUSINESS EMPLOYEE CREDIT.**—For purposes of this subsection, the term ‘New York Recovery Zone business employee credit’ means the portion of work opportunity credit under section 51 determined under section 301 of the Economic Recovery and Assistance for American Workers Act of 2001.”.

(2) **CONFORMING AMENDMENT.**—Subclause (II) of section 38(c)(2)(A)(ii) is amended by inserting “or the New York Recovery Zone business employee credit” after “employment credit”.

(3) **EFFECTIVE DATE.**—The amendments made by this subsection shall apply to taxable years ending after September 11, 2001.

(d) **COORDINATION WITH EMERGENCY APPROPRIATIONS.**—Notwithstanding any other provision of law, any amount otherwise available for disaster recovery activities and assistance related to the September 11, 2001, terrorist attack in the City of New York, New York, under the 2001 Emergency Supplemental Appropriations Act for Recovery from and Response to Terrorist Attacks on the United States (Public Law 107-38) shall be reduced by the aggregate 10-year cost to the United States Treasury resulting from the credits allowed under this section, as estimated for purposes of determining whether this Act complies with the Congressional Budget Act of 1974.

SEC. 302. TAX-EXEMPT PRIVATE ACTIVITY BONDS FOR REBUILDING PORTION OF NEW YORK CITY DAMAGED IN THE SEPTEMBER 11, 2001, TERRORIST ATTACK.

(a) **TREATMENT AS QUALIFIED BONDS.**—For purposes of the Internal Revenue Code of 1986, any qualified NYC recovery bond shall be treated as an exempt facility bond under section 141(e) of such Code.

(b) **QUALIFIED NYC RECOVERY BOND.**—For purposes of this section, the term “qualified NYC recovery bond” means any bond which—

(1) is issued by the State of New York or any political subdivision thereof (or any agency, instrumentality or constituted authority on behalf thereof), and

(2) meets the requirements of subsections (c) through (f).

(c) **DESIGNATION REQUIREMENTS.**—A bond meets the requirements of this subsection if it is issued as part of an issue designated as a qualified NYC recovery bond by the Mayor of the City of New York, New York, or an individual specifically appointed to make such designation.

(d) **ISSUANCE AND VOLUME REQUIREMENTS.**—

(1) **IN GENERAL.**—Except as provided in paragraph (3), a bond issued as part of an issue meets the requirements of this subsection if such bond is issued during 2002 (or during the period elected under paragraph (2)) and the aggregate face amount of the bonds issued pursuant to such issue, when added to the aggregate face amount of qualified NYC recovery bonds previously issued, does not exceed \$15,000,000,000.

(2) **ELECTIVE CARRYFORWARD OF UNUSED LIMITATION.**—If the volume cap under paragraph (1) exceeds the aggregate amount of qualified NYC recovery bonds issued during 2002, the issuing authority under subsection (b) may elect to carry forward such excess volume cap for an additional 3-year period under rules similar to the rules of section 146(f) of the Internal Revenue Code of 1986 (other than paragraph (2) thereof).

(3) **CERTAIN CURRENT REFUNDINGS NOT COUNTED.**—For purposes of paragraph (1), there shall not be taken into account any current refunding bond the proceeds of which are used to refund any bond described in paragraph (1) to the extent the face amount of such current refunding bond does not exceed the outstanding face amount of the refunded bond.

(e) **QUALIFIED PROJECT REQUIREMENTS.**—

(1) **IN GENERAL.**—A bond meets the requirements of this subsection if it is issued as part of an issue at least 95 percent of the net proceeds of which are to be used for qualified project costs.

(2) **QUALIFIED PROJECT COSTS.**—For purposes of this subsection—

(A) **IN GENERAL.**—The term “qualified project costs” means—

(i) with respect to a qualified project described in paragraph (3)(A)(i), the costs of acquisition, construction, reconstruction, and renovation of commercial real property and residential rental real property, including—

(I) buildings and their structural components,

(II) fixed tenant improvements, and

(III) public utility property, and

(ii) with respect to a qualified project described in paragraph (3)(A)(ii), the costs of acquisition, construction, reconstruction, and renovation of commercial real property, including—

(I) buildings and their structural components, and

(II) fixed tenant improvements.

(B) **LIMITATIONS.**—

(i) **RESIDENTIAL RENTAL REAL PROPERTY.**—Such term shall not include costs with respect to residential rental real property to the extent such costs for all such property exceed 20 percent of the aggregate face amount of the bonds issued under this section.

(ii) **RETAIL SALES PROPERTY.**—Such term shall not include costs with respect to property used for retail sales of tangible property and functionally related and subordinate property to the extent such costs for all such property exceeds 10 percent of the aggregate face amount of the bonds issued under this section.

(iii) **MOVABLE FIXTURES AND EQUIPMENT.**—Such term shall not include costs with respect to movable fixtures and equipment.

(3) **QUALIFIED PROJECTS.**—For purposes of this subsection—

(A) **IN GENERAL.**—The term “qualified project” means any project—

(i) located within the New York Recovery Zone, or

(ii) located within the City of New York, New York, but outside of the New York Recovery Zone, but only if—

(I) such project consists of at least 100,000 square feet of usable office or other commercial space located in a single building or multiple adjacent buildings, and

(II) the aggregate face amount of the bonds issued to finance such project, when added to the aggregate face amount of all bonds issued to finance all other projects described in this clause, does not exceed \$7,000,000,000.

(B) **NEW YORK RECOVERY ZONE.**—The term “New York Recovery Zone” means the area located on or south of Canal Street, East Broadway (east of its intersection with Canal Street), or Grand Street (east of its intersection with East Broadway) in the Borough of Manhattan in the City of New York, New York.

(f) **GENERAL REQUIREMENTS.**—A bond meets the requirements of this subsection if it is issued as part of an issue which meets the requirements of part IV of subchapter B of chapter 1 of the Internal Revenue Code of 1986 applicable to an exempt facility bond, except as follows:

(1) Sections 142(d) and 150(b)(2) (relating to qualified residential rental project), and section 146 (relating to volume cap) of such Code shall not apply to bonds issued under this section.

(2) The application of section 147(c) of such Code (relating to limitation on use for land acquisition) shall be determined by reference to the aggregate authorized face amount of all bonds issued under this section rather than the net proceeds of each issue.

(3) Section 147(d) of such Code (relating to acquisition of existing property not permitted) shall be applied by substituting “50 percent” for “15 percent” each place it appears.

(4) Section 148(f)(4)(C) of such Code (relating to exception from rebate for certain proceeds to be used to finance construction expenditures) shall apply to construction proceeds of bonds issued under this section.

(5) Rules similar to the rules of section 143(a)(2)(A)(iv) of such Code (relating to use of loan repayments) shall apply to bonds issued under this section.

(g) **BOND INTEREST NOT AN AMT PREFERENCE ITEM.**—For purposes of section 57(a)(5) of the Internal Revenue Code of 1986, a qualified NYC recovery bond shall not be treated as a specified private activity bond.

(h) **SEPARATE ISSUE TREATMENT OF PORTIONS OF AN ISSUE.**—This section shall not apply to the portion of the proceeds of an issue which (if issued as a separate issue) would be treated as a qualified bond or as a bond that is not a private activity bond (determined without regard to subsection (a)), if the issuer elects to so treat such portion.

(i) **NET PROCEEDS.**—For purposes of this section, the term “net proceeds” has the meaning given such term by section 150(a)(3) of the Internal Revenue Code of 1986.

(j) **INTEREST ON DEBT USED TO PURCHASE OR CARRY QUALIFIED NYC RECOVERY BONDS.**—

(1) **IN GENERAL.**—Section 265(b)(3) (relating to exception for certain tax-exempt obligations) is amended—

(A) by inserting “a tax-exempt obligation issued pursuant to section 302 of the Economic Recovery and Assistance for American Workers Act of 2001 or” after “means” in subparagraph (B)(i),

(B) by inserting “other than an obligation issued pursuant to section 302 of the Economic Recovery and Assistance for American Workers Act of 2001” after “of a qualified tax-exempt obligation” in subparagraph (D)(ii), and

(C) by adding at the end of subparagraph (D) the following new clause:

“(iv) **REFUNDINGS OF CERTAIN OBLIGATIONS.**—In the case of a refunding (or a series of refundings) of a qualified tax-exempt obligation that is an obligation issued pursuant to section 302 of the Economic Recovery and Assistance for

American Workers Act of 2001, the refunding obligation shall be treated as a qualified tax-exempt obligation if the refunding obligation meets the requirements of such section.”.

(2) **EFFECTIVE DATE.**—The amendments made by this subsection shall apply to taxable years ending on or after the date of the enactment of this Act.

(k) **COORDINATION WITH EMERGENCY APPROPRIATIONS.**—Notwithstanding any other provision of law, any amount otherwise available for disaster recovery activities and assistance related to the September 11, 2001, terrorist attack in the City of New York, New York, under the 2001 Emergency Supplemental Appropriations Act for Recovery from and Response to Terrorist Attacks on the United States (Public Law 107-38) shall be reduced by the aggregate 10-year cost to the United States Treasury of the qualified NYC recovery bonds issued under this section, as estimated for purposes of determining whether this Act complies with the Congressional Budget Act of 1974.

SEC. 303. GAIN OR LOSS FROM PROPERTY DAMAGED OR DESTROYED IN NEW YORK RECOVERY ZONE.

(a) **GENERAL RULE.**—For purposes of the Internal Revenue Code of 1986, if a taxpayer elects the application of this section with respect to any eligible property, then any gain or loss on the disposition of the property shall be determined without regard to any compensation (by insurance or otherwise) received by the taxpayer for damages sustained to the property as a result of the terrorist attacks occurring on September 11, 2001. Such election shall be made at such time and in such manner as the Secretary of the Treasury may prescribe, and, once made, is irrevocable.

(b) **LIMITATION BASED ON PURCHASE OF REPLACEMENT PROPERTY.**—

(1) **IN GENERAL.**—Subsection (a) shall apply to compensation received with respect to eligible property only to the extent of the cost of any qualified replacement property purchased by the taxpayer.

(2) **ALLOCATION.**—If the aggregate compensation received by a taxpayer with respect to all eligible property exceeds the aggregate cost of all qualified replacement property purchased by the taxpayer, such cost shall be allocated to such eligible property in accordance with rules prescribed by the Secretary.

(3) **SPECIAL RULE FOR CONSOLIDATED GROUPS.**—For purposes of paragraph (1), an affiliated group filing a consolidated return may elect to treat any qualified replacement property purchased by a member of the group as purchased by another member of the group.

(c) **ELIGIBLE PROPERTY.**—For purposes of this section, the term “eligible property” means any tangible property—

(1) which is section 1245 property (as defined in section 1245(a)(3) of the Internal Revenue Code of 1986) or qualified leasehold improvement property (as defined in section 168(k)(3) of such Code),

(2) substantially all of the use of which as of September 11, 2001, was in a business establishment of the taxpayer located in the New York Recovery Zone, and

(3) which was damaged or destroyed in the terrorist attacks of September 11, 2001.

(d) **QUALIFIED REPLACEMENT PROPERTY.**—For purposes of this section—

(1) **IN GENERAL.**—The term “qualified replacement property” means tangible property—

(A) which is described in subsection (c)(1),

(B) which is purchased by the taxpayer on or after September 11, 2001, and placed in service in the City of New York, New York, before January 1, 2007,

(C) the original use of which in such city begins with the taxpayer, and

(D) substantially all of the use of which is reasonably expected to be in connection with a business establishment of the taxpayer located in such city.

(2) **RECAPTURE.**—The Secretary shall, by regulations, provide for the recapture of any Federal tax benefit provided by this section in cases where a taxpayer ceases to use property as qualified replacement property and such recapture is necessary to prevent the avoidance of the purposes of this section.

(e) **COORDINATION WITH OTHER PROVISIONS OF CODE.**—For purposes of the Internal Revenue Code of 1986—

(1) **SPECIAL RULE FOR TREATMENT OF UNRECOGNIZED GAIN IN ELIGIBLE PROPERTY.**—Sections 1245 and 1250 of such Code shall not apply to any gain on the disposition of eligible property not recognized by reason of this section.

(2) **LOSS ELECTION NOT TO APPLY TO ELIGIBLE PROPERTY.**—If a taxpayer elects the application of this section with respect to any eligible property, the taxpayer may not make an election under section 165(i) of such Code with respect to any loss attributable to the property.

(3) **BASIS ADJUSTMENTS OF QUALIFIED REPLACEMENT PROPERTY.**—

(A) **IN GENERAL.**—The basis of any qualified replacement property shall be reduced by the amount of any compensation disregarded by reason of subsection (a).

(B) **SPECIAL RULES FOR RECAPTURE.**—For purposes of sections 1245 and 1250 of such Code, any reduction under subparagraph (A) shall be treated as a deduction allowed for depreciation, except that for purposes of section 1250(b) of such Code, the determination of what would have been the depreciation adjustments under the straight line method shall be made as if there had been no reduction under subparagraph (A).

(4) **SPECIAL RULES FOR APPLYING SECTION 1033.**—For purposes of applying section 1033 of such Code to converted property which is eligible property with respect to which an election under subsection (a) has been made—

(A) the amount realized from the eligible property shall not include any compensation received by the taxpayer which is disregarded by reason of subsection (a), and

(B) any qualified replacement property shall be disregarded in determining whether property was acquired for the purposes of replacing the converted property.

(f) **OTHER DEFINITIONS AND RULES.**—For purposes of this section—

(1) **NEW YORK RECOVERY ZONE.**—The term “New York Recovery Zone” means the area located on or south of Canal Street, East Broadway (east of its intersection with Canal Street), or Grand Street (east of its intersection with East Broadway) in the Borough of Manhattan in the City of New York, New York.

(2) **TIME FOR ASSESSMENT.**—Rules similar to the rules of subparagraphs (C) and (D) of section 1033(a)(2) of such Code shall apply for purposes of this section.

(3) **RELATED PARTY LIMITATION.**—Section 1033(i) of such Code shall apply for purposes of this section.

(g) **COORDINATION WITH EMERGENCY APPROPRIATIONS.**—Notwithstanding any other provision of law, any amount otherwise available for disaster recovery activities and assistance related to the September 11, 2001, terrorist attack in the City of New York, New York, under the 2001 Emergency Supplemental Appropriations Act for Recovery from and Response to Terrorist Attacks on the United States (Public Law 107-38) shall be reduced by the aggregate 10-year cost to the United States Treasury resulting from the enactment of this section, as estimated for purposes of determining whether this Act complies with the Congressional Budget Act of 1974.

SEC. 304. REENACTMENT OF EXCEPTIONS FOR QUALIFIED-MORTGAGE-BOND-FINANCED LOANS TO VICTIMS OF PRESIDENTIALLY DECLARED DISASTERS.

Section 143(k)(11) (relating to special rules for residences located in disaster areas) is amended—

(1) by inserting “damaged or destroyed by a disaster and” after “In the case of a residence”,

(2) by inserting after subparagraph (B) the following new subparagraph:

“(C) Paragraph (4) of this subsection shall be applied by substituting ‘\$25,000’ for ‘\$15,000’.”,

and

(3) by inserting “, and after December 31, 2001, and before January 1, 2003” after “1999” in the last sentence.

SEC. 305. ONE-YEAR EXPANSION OF AUTHORITY FOR INDIAN TRIBES TO ISSUE TAX-EXEMPT PRIVATE ACTIVITY BONDS.

(a) **IN GENERAL.**—Section 7871(c) (relating to additional requirements for tax-exempt bonds) is amended by adding at the end the following new paragraph:

“(4) **EXCEPTION FOR QUALIFIED INDIAN PRIVATE ACTIVITY BONDS.**—

“(A) **IN GENERAL.**—In the case of any qualified Indian private activity bond—

“(i) paragraph (2) shall not apply,

“(ii) such bond shall be treated as a qualified bond under section 141(e), and

“(iii) section 146 shall not apply.

“(B) **QUALIFIED INDIAN PRIVATE ACTIVITY BOND.**—For purposes of this paragraph, the term ‘qualified Indian private activity bond’ means any bond which—

“(i) is issued by a qualified Indian tribal government—

“(I) as part of an issue 95 percent or more of the net proceeds of which are to be used to provide qualified residential rental projects (as determined under section 142(d), by substituting ‘statewide median gross income’ for ‘area median gross income’),

“(II) as part of a qualified mortgage issue (as defined in section 143(a)(2)),

“(III) as part of an issue 95 percent or more of the net proceeds of which are to be used to provide any facility described in section 1394(b)(1) for any business (whether tribally owned or not) that would qualify as an enterprise zone business if the Indian reservation (as defined in section 168(j)(6)) over which the qualified Indian tribal government exercises general governmental authority were treated as an empowerment zone, or

“(IV) as part of an issue to be used for more than 1 of the purposes described in the preceding subclauses, and

“(ii) meets the requirements of subparagraphs (D) and (E).

“(C) **QUALIFIED INDIAN TRIBAL GOVERNMENT.**—For purposes of this paragraph, the term ‘qualified Indian tribal government’ means an Indian tribal government which exercises general governmental authority over an Indian reservation (as so defined) with an unemployment rate among members of the tribe of at least 25 percent. For purposes of the preceding sentence, determinations of unemployment shall be made with respect to any issuance of a bond under this section on the basis of the most recent report published by the Bureau of Indian Affairs under section 17(a) of the Indian Employment, Training and Related Services Demonstration Act of 1992 (25 U.S.C. 3416(a)) before such issuance.

“(D) **DESIGNATION REQUIREMENTS.**—A bond meets the requirements of this subparagraph if it is issued as part of an issue designated as a qualified Indian private activity bond for a purpose described in subclause (I), (II), or (III) of subparagraph (B)(i) by the qualified Indian tribal government.

“(E) VOLUME REQUIREMENTS.—

“(i) IN GENERAL.—A bond issued as part of an issue meets the requirements of this subparagraph if such bond is issued during 2002 (or during the period elected under clause (ii)) and the aggregate face amount of the bonds issued pursuant to such issue, when added to the aggregate face amount of qualified Indian private activity bonds previously issued by such qualified Indian tribal government, does not exceed \$10,000,000.

“(ii) ELECTIVE CARRYFORWARD OF UNUSED LIMITATION.—If the volume cap under clause (i) exceeds the aggregate amount of qualified Indian private activity bonds issued during 2002, the qualified Indian tribal government may elect to carry forward such excess volume cap for an additional 3-year period under rules similar to the rules of section 146(f) (other than paragraph (2) thereof).

“(F) APPLICATION OF SECTION 42 TO RESIDENTIAL RENTAL PROJECTS FINANCED BY BONDS UNDER THIS PARAGRAPH.—In the case of bonds described in subparagraph (B)(i)(I), issuance under the requirements of subparagraph (E) shall be treated as issuance under the requirements of section 146 for purposes of determining the application of section 42 to projects financed by the net proceeds of such bonds.

“(G) SPECIAL RULE FOR DETERMINING ENTERPRISE ZONE BUSINESS.—For purposes of subparagraph (B)(i)(II), an enterprise zone business shall not include any facility a principal business of which is the sale of tobacco products or highway motor fuels, unless the qualified Indian tribal government has entered into an agreement with the State in which such facility is located to collect applicable State taxes on such products or fuels.

“(H) BOND INTEREST NOT AN AMT PREFERENCE ITEM.—For purposes of section 57(a)(5), a bond designated under subparagraph (D) as a qualified Indian private activity bond shall not be treated as a specified private activity bond.

“(I) REPORT.—The Secretary shall compile necessary data from reports required under section 149(e) relating to the issuance of bonds under this paragraph and shall report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate not later than September 30 of any year following the calendar year in which Indian tribal governments issued bonds under this paragraph and the activities for which such bonds were issued.”.

(b) CONFORMING AMENDMENTS.—

(1) Section 7871(c)(2) is amended by striking “paragraph (3)” and inserting “paragraphs (3) and (4)”.

(2) Section 7871 is amended—

(A) by striking clause (iii) of subsection (c)(3)(E), and

(B) by adding at the end the following new subsection:

“(f) NET PROCEEDS.—For purposes of this section, the term ‘net proceeds’ has the meaning given such term by section 150(a)(3).”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after December 31, 2001.

Subtitle B—Victims of Terrorism Tax Relief**SEC. 310. SHORT TITLE.**

This subtitle may be cited as the “Victims of Terrorism Tax Relief Act of 2001”.

PART I—RELIEF PROVISIONS FOR VICTIMS OF APRIL 19, 1995, AND SEPTEMBER 11, 2001, TERRORIST ATTACKS**SEC. 311. INCOME AND EMPLOYMENT TAXES OF VICTIMS OF TERRORIST ATTACKS.**

(a) IN GENERAL.—Section 692 (relating to income taxes of members of Armed Forces on death) is amended by adding at the end the following new subsection:

“(d) CERTAIN INDIVIDUALS DYING AS A RESULT OF APRIL 19, 1995, AND SEPTEMBER 11, 2001, TERRORIST ATTACKS.—

“(1) IN GENERAL.—In the case of any individual who dies as a result of wounds or injury incurred as a result of the terrorist attacks against the United States on April 19, 1995, or September 11, 2001, any tax imposed by this subtitle shall not apply—

“(A) with respect to the taxable year in which falls the date of such individual’s death, and

“(B) with respect to any prior taxable year in the period beginning with the last taxable year ending before the taxable year in which the wounds or injury were incurred.

“(2) EXCEPTIONS.—

“(A) TAXATION OF CERTAIN BENEFITS.—Subject to such rules as the Secretary may prescribe, paragraph (1) shall not apply to the amount of any tax imposed by this subtitle which would be computed by only taking into account the items of income, gain, or other amounts attributable to—

“(i) amounts payable in the taxable year by reason of the death of an individual described in paragraph (1) which would have been payable in such taxable year if the death had occurred by reason of an event other than the terrorist attacks against the United States on April 19, 1995, or September 11, 2001, or

“(ii) amounts payable in the taxable year which would not have been payable in such taxable year but for an action taken after April 19, 1995, or after September 11, 2001 (as the case may be).

“(B) NO RELIEF FOR PERPETRATORS.—Paragraph (1) shall not apply with respect to any individual identified by the Attorney General to have been a participant or conspirator in any such terrorist attack, or a representative of such individual.”.

(b) REFUND OF OTHER TAXES PAID.—Section 692, as amended by subsection (a), is amended by adding at the end the following new subsection:

“(e) REFUND OF OTHER TAXES PAID.—In determining the amount of tax under this section to be credited or refunded as an overpayment with respect to any individual for any period, such amount shall be increased by an amount equal to the amount of taxes imposed and collected under chapter 21 and sections 3201(a), 3211(a)(1), and 3221(a) with respect to such individual for such period.”.

(c) CONFORMING AMENDMENTS.—

(1) Section 5(b)(1) is amended by inserting “and victims of certain terrorist attacks” before “on death”.

(2) Section 6013(f)(2)(B) is amended by inserting “and victims of certain terrorist attacks” before “on death”.

(d) CLERICAL AMENDMENTS.—

(1) The heading of section 692 is amended to read as follows:

“SEC. 692. INCOME AND EMPLOYMENT TAXES OF MEMBERS OF ARMED FORCES AND VICTIMS OF CERTAIN TERRORIST ATTACKS ON DEATH.”.

(2) The item relating to section 692 in the table of sections for part II of subchapter J of chapter 1 is amended to read as follows:

“Sec. 692. Income and employment taxes of members of Armed Forces and victims of certain terrorist attacks on death.”.

(d) EFFECTIVE DATE; WAIVER OF LIMITATIONS.—

(1) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending before, on, or after September 11, 2001.

(2) WAIVER OF LIMITATIONS.—If refund or credit of any overpayment of tax resulting from the amendments made by this section is prevented at any time before the close of the 1-year

period beginning on the date of the enactment of this Act by the operation of any law or rule of law (including res judicata), such refund or credit may nevertheless be made or allowed if claim therefor is filed before the close of such period.

SEC. 312. ESTATE TAX REDUCTION.

(a) IN GENERAL.—Section 2201 is amended to read as follows:

“SEC. 2201. COMBAT ZONE-RELATED DEATHS OF MEMBERS OF THE ARMED FORCES AND DEATHS OF VICTIMS OF CERTAIN TERRORIST ATTACKS.

“(a) IN GENERAL.—Unless the executor elects not to have this section apply, in applying section 2001 to the estate of a qualified decedent, the rate schedule set forth in subsection (c) shall be deemed to be the rate schedule set forth in section 2001(c).

“(b) QUALIFIED DECEDENT.—For purposes of this section, the term ‘qualified decedent’ means—

“(1) any citizen or resident of the United States dying while in active service of the Armed Forces of the United States, if such decedent—

“(A) was killed in action while serving in a combat zone, as determined under section 112(c), or

“(B) died as a result of wounds, disease, or injury suffered while serving in a combat zone (as determined under section 112(c)), and while in the line of duty, by reason of a hazard to which such decedent was subjected as an incident of such service, or

“(2) any individual who died as a result of wounds or injury incurred as a result of the terrorist attacks against the United States on April 19, 1995, or September 11, 2001.

Paragraph (2) shall not apply with respect to any individual identified by the Attorney General to have been a participant or conspirator in any such terrorist attack, or a representative of such individual.

“(c) RATE SCHEDULE.—

“If the amount with respect to which the tentative tax to be computed is:

Not over \$150,000	1 percent of the amount by which such amount exceeds \$100,000.
Over \$150,000 but not over \$200,000.	\$500 plus 2 percent of the excess over \$150,000.
Over \$200,000 but not over \$300,000.	\$1,500 plus 3 percent of the excess over \$200,000.
Over \$300,000 but not over \$500,000.	\$4,500 plus 4 percent of the excess over \$300,000.
Over \$500,000 but not over \$700,000.	\$12,500 plus 5 percent of the excess over \$500,000.
Over \$700,000 but not over \$900,000.	\$22,500 plus 6 percent of the excess over \$700,000.
Over \$900,000 but not over \$1,100,000.	\$34,500 plus 7 percent of the excess over \$900,000.
Over \$1,100,000 but not over \$1,600,000.	\$48,500 plus 8 percent of the excess over \$1,100,000.
Over \$1,600,000 but not over \$2,100,000.	\$88,500 plus 9 percent of the excess over \$1,600,000.
Over \$2,100,000 but not over \$2,600,000.	\$133,500 plus 10 percent of the excess over \$2,100,000.
Over \$2,600,000 but not over \$3,100,000.	\$183,500 plus 11 percent of the excess over \$2,600,000.
Over \$3,100,000 but not over \$3,600,000.	\$238,500 plus 12 percent of the excess over \$3,100,000.
Over \$3,600,000 but not over \$4,100,000.	\$298,500 plus 13 percent of the excess over \$3,600,000.
Over \$4,100,000 but not over \$5,100,000.	\$363,500 plus 14 percent of the excess over \$4,100,000.
Over \$5,100,000 but not over \$6,100,000.	\$503,500 plus 15 percent of the excess over \$5,100,000.
Over \$6,100,000 but not over \$7,100,000.	\$653,500 plus 16 percent of the excess over \$6,100,000.

"If the amount with respect to which the tentative tax to be computed is:

Over \$7,100,000 but not over \$8,100,000.	\$813,500 plus 17 percent of the excess over \$7,100,000.
Over \$8,100,000 but not over \$9,100,000.	\$983,500 plus 18 percent of the excess over \$8,100,000.
Over \$9,100,000 but not over \$10,100,000.	\$1,163,500 plus 19 percent of the excess over \$9,100,000.
Over \$10,100,000	\$1,353,500 plus 20 percent of the excess over \$10,100,000.

"(d) DETERMINATION OF UNIFIED CREDIT.—In the case of an estate to which this section applies, subsection (a) shall not apply in determining the credit under section 2010."

(b) CONFORMING AMENDMENTS.—

(1) Section 2011 is amended by striking subsection (d) and by redesignating subsections (e), (f), and (g) as subsections (d), (e), and (f), respectively.

(2) Section 2053(d)(3)(B) is amended by striking "section 2011(e)" and inserting "section 2011(d)".

(3) Paragraph (9) of section 532(c) of the Economic Growth and Tax Relief Reconciliation Act of 2001 is repealed.

(c) CLERICAL AMENDMENT.—The item relating to section 2201 in the table of sections for subchapter C of chapter 11 is amended to read as follows:

"Sec. 2201. Combat zone-related deaths of members of the Armed Forces and deaths of victims of certain terrorist attacks."

(d) EFFECTIVE DATE; WAIVER OF LIMITATIONS.—

(1) EFFECTIVE DATE.—The amendments made by this section shall apply to estates of decedents—

(A) dying on or after September 11, 2001, and
(B) in the case of individuals dying as a result of the April 19, 1995, terrorist attack, dying on or after April 19, 1995.

(2) WAIVER OF LIMITATIONS.—If refund or credit of any overpayment of tax resulting from the amendments made by this section is prevented at any time before the close of the 1-year period beginning on the date of the enactment of this Act by the operation of any law or rule of law (including *res judicata*), such refund or credit may nevertheless be made or allowed if claim therefor is filed before the close of such period.

SEC. 313. PAYMENTS BY CHARITABLE ORGANIZATIONS TREATED AS EXEMPT PAYMENTS.

(a) IN GENERAL.—For purposes of the Internal Revenue Code of 1986—

(1) payments made by an organization described in section 501(c)(3) of such Code by reason of the death, injury, or wounding of an individual incurred as the result of the terrorist attacks against the United States on September 11, 2001, shall be treated as related to the purpose or function constituting the basis for such organization's exemption under section 501 of such Code if such payments are made using an objective formula which is consistently applied, and

(2) in the case of a private foundation (as defined in section 509 of such Code), any payment described in paragraph (1) shall not be treated as made to a disqualified person for purposes of section 4941 of such Code.

(b) EFFECTIVE DATE.—This section shall apply to payments made on or after September 11, 2001.

SEC. 314. EXCLUSION OF CERTAIN CANCELLATIONS OF INDEBTEDNESS.

(a) IN GENERAL.—For purposes of the Internal Revenue Code of 1986—

(1) gross income shall not include any amount which (but for this section) would be includible in gross income by reason of the discharge (in whole or in part) of indebtedness of any taxpayer if the discharge is by reason of the death of an individual incurred as the result of the terrorist attacks against the United States on September 11, 2001, and

(2) return requirements under section 6050P of such Code shall not apply to any discharge described in paragraph (1).

(b) EFFECTIVE DATE.—This section shall apply to discharges made on or after September 11, 2001, and before January 1, 2002.

PART II—GENERAL RELIEF FOR VICTIMS OF DISASTERS AND TERRORISTIC OR MILITARY ACTIONS

SEC. 321. EXCLUSION FOR DISASTER RELIEF PAYMENTS.

(a) IN GENERAL.—Part III of subchapter B of chapter 1 (relating to items specifically excluded from gross income) is amended by redesignating section 139 as section 140 and inserting after section 138 the following new section:

"SEC. 139. DISASTER RELIEF PAYMENTS.

"(a) GENERAL RULE.—Gross income shall not include—

"(1) any amount received as payment under section 406 of the Air Transportation Safety and System Stabilization Act, or

"(2) any amount received by an individual as a qualified disaster relief payment.

"(b) QUALIFIED DISASTER RELIEF PAYMENT DEFINED.—For purposes of this section, the term 'qualified disaster relief payment' means any amount paid to or for the benefit of an individual—

"(1) to reimburse or pay reasonable and necessary personal, family, living, or funeral expenses incurred as a result of a qualified disaster,

"(2) to reimburse or pay reasonable and necessary expenses incurred for the repair or rehabilitation of a personal residence or repair or replacement of its contents to the extent that the need for such repair, rehabilitation, or replacement is attributable to a qualified disaster,

"(3) by a person engaged in the furnishing or sale of transportation as a common carrier by reason of the death or personal physical injuries incurred as a result of a qualified disaster, or

"(4) if such amount is paid by a Federal, State, or local government, or agency or instrumentality thereof, in connection with a qualified disaster in order to promote the general welfare,

but only to the extent any expense compensated by such payment is not otherwise compensated for by insurance or otherwise.

"(c) QUALIFIED DISASTER DEFINED.—For purposes of this section, the term 'qualified disaster' means—

"(1) a disaster which results from a terroristic or military action (as defined in section 692(c)(2)),

"(2) a Presidentially declared disaster (as defined in section 1033(h)(3)),

"(3) a disaster which results from an accident involving a common carrier, or from any other event, which is determined by the Secretary to be of a catastrophic nature, or

"(4) with respect to amounts described in subsection (b)(4), a disaster which is determined by an applicable Federal, State, or local authority (as determined by the Secretary) to warrant assistance from the Federal, State, or local government or agency or instrumentality thereof.

"(d) COORDINATION WITH EMPLOYMENT TAXES.—For purposes of chapter 2 and subtitle C, a qualified disaster relief payment shall not be treated as net earnings from self-employment, wages, or compensation subject to tax.

"(e) NO RELIEF FOR CERTAIN INDIVIDUALS.—Subsection (a) shall not apply with respect to

any individual identified by the Attorney General to have been a participant or conspirator in a terroristic action (as so defined), or a representative of such individual."

(b) CONFORMING AMENDMENTS.—The table of sections for part III of subchapter B of chapter 1 is amended by striking the item relating to section 139 and inserting the following new items:

"Sec. 139. Disaster relief payments.

"Sec. 140. Cross references to other Acts."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending on or after September 11, 2001.

SEC. 322. AUTHORITY TO POSTPONE CERTAIN DEADLINES AND REQUIRED ACTIONS.

(a) EXPANSION OF AUTHORITY RELATING TO DISASTERS AND TERRORISTIC OR MILITARY ACTIONS.—Section 7508A is amended to read as follows:

"SEC. 7508A. AUTHORITY TO POSTPONE CERTAIN DEADLINES BY REASON OF PRESIDENTIALLY DECLARED DISASTER OR TERRORISTIC OR MILITARY ACTIONS.

"(a) IN GENERAL.—In the case of a taxpayer determined by the Secretary to be affected by a Presidentially declared disaster (as defined in section 1033(h)(3)) or a terroristic or military action (as defined in section 692(c)(2)), the Secretary may specify a period of up to one year that may be disregarded in determining, under the internal revenue laws, in respect of any tax liability of such taxpayer—

"(1) whether any of the acts described in paragraph (1) of section 7508(a) were performed within the time prescribed therefor (determined without regard to extension under any other provision of this subtitle for periods after the date (determined by the Secretary) of such disaster or action),

"(2) the amount of any interest, penalty, additional amount, or addition to the tax for periods after such date, and

"(3) the amount of any credit or refund.

"(b) SPECIAL RULES REGARDING PENSIONS, ETC.—In the case of a pension or other employee benefit plan, or any sponsor, administrator, participant, beneficiary, or other person with respect to such plan, affected by a disaster or action described in subsection (a), the Secretary may specify a period of up to one year which may be disregarded in determining the date by which any action is required or permitted to be completed under this title. No plan shall be treated as failing to be operated in accordance with the terms of the plan solely as the result of disregarding any period by reason of the preceding sentence.

"(c) SPECIAL RULES FOR OVERPAYMENTS.—The rules of section 7508(b) shall apply for purposes of this section."

(b) CLARIFICATION OF SCOPE OF ACTS SECRETARY MAY POSTPONE.—Section 7508(a)(1)(K) (relating to time to be disregarded) is amended by striking "in regulations prescribed under this section".

(c) CONFORMING AMENDMENTS TO ERISA.—

(1) Part 5 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1131 et seq.) is amended by adding at the end the following new section:

"SEC. 518. AUTHORITY TO POSTPONE CERTAIN DEADLINES BY REASON OF PRESIDENTIALLY DECLARED DISASTER OR TERRORISTIC OR MILITARY ACTIONS.

"In the case of a pension or other employee benefit plan, or any sponsor, administrator, participant, beneficiary, or other person with respect to such plan, affected by a Presidentially declared disaster (as defined in section 1033(h)(3) of the Internal Revenue Code of 1986) or a terroristic or military action (as defined in

section 692(c)(2) of such Code), the Secretary may, notwithstanding any other provision of law, prescribe, by notice or otherwise, a period of up to one year which may be disregarded in determining the date by which any action is required or permitted to be completed under this Act. No plan shall be treated as failing to be operated in accordance with the terms of the plan solely as the result of disregarding any period by reason of the preceding sentence."

(2) Section 4002 of Employee Retirement Income Security Act of 1974 (29 U.S.C. 1302) is amended by adding at the end the following new subsection:

"(i) **SPECIAL RULES REGARDING DISASTERS, ETC.**—In the case of a pension or other employee benefit plan, or any sponsor, administrator, participant, beneficiary, or other person with respect to such plan, affected by a Presidentially declared disaster (as defined in section 1033(h)(3) of the Internal Revenue Code of 1986) or a terroristic or military action (as defined in section 692(c)(2) of such Code), the corporation may, notwithstanding any other provision of law, prescribe, by notice or otherwise, a period of up to one year which may be disregarded in determining the date by which any action is required or permitted to be completed under this Act. No plan shall be treated as failing to be operated in accordance with the terms of the plan solely as the result of disregarding any period by reason of the preceding sentence."

(d) **ADDITIONAL CONFORMING AMENDMENTS.**—

(1) Section 6404 is amended—

(A) by striking subsection (h),

(B) by redesignating subsection (i) as subsection (h), and

(C) by adding at the end the following new subsection:

"(i) **CROSS REFERENCE.**—

"For authority of the Secretary to abate certain amounts by reason of Presidentially declared disaster or terroristic or military action, see section 7508A."

(2) Section 6081(c) is amended to read as follows:

"(c) **CROSS REFERENCES.**—

"For time for performing certain acts postponed by reason of war, see section 7508, and by reason of Presidentially declared disaster or terroristic or military action, see section 7508A."

(3) Section 6161(d) is amended by adding at the end the following new paragraph:

"(3) **POSTPONEMENT OF CERTAIN ACTS.**—

"For time for performing certain acts postponed by reason of war, see section 7508, and by reason of Presidentially declared disaster or terroristic or military action, see section 7508A."

(d) **CLERICAL AMENDMENTS.**—

(1) The item relating to section 7508A in the table of sections for chapter 77 is amended to read as follows:

"Sec. 7508A. Authority to postpone certain deadlines by reason of Presidentially declared disaster or terroristic or military actions."

(2) The table of contents for the Employee Retirement Income Security Act of 1974 is amended by inserting after the item relating to section 517 the following new item:

"Sec. 518. Authority to postpone certain deadlines by reason of Presidentially declared disaster or terroristic or military actions."

(e) **EFFECTIVE DATE.**—The amendments made by this section shall apply to disasters and terroristic or military actions occurring on or after September 11, 2001, with respect to any action of the Secretary of the Treasury, the Secretary of

Labor, or the Pension Benefit Guaranty Corporation occurring on or after the date of the enactment of this Act.

SEC. 323. INTERNAL REVENUE SERVICE DISASTER RESPONSE TEAM.

(a) **IN GENERAL.**—Section 7508A, as amended by section 322(a), is amended by adding at the end the following new subsection:

"(d) **DUTIES OF DISASTER RESPONSE TEAM.**—The Secretary shall establish as a permanent office in the national office of the Internal Revenue Service a disaster response team which, in coordination with the Federal Emergency Management Agency, shall assist taxpayers in clarifying and resolving Federal tax matters associated with or resulting from any Presidentially declared disaster (as defined in section 1033(h)(3)) or a terroristic or military action (as defined in section 692(c)(2))."

(b) **EFFECTIVE DATE.**—The amendment made by this section shall take effect on the date of the enactment of this Act.

SEC. 324. APPLICATION OF CERTAIN PROVISIONS TO TERRORISTIC OR MILITARY ACTIONS.

(a) **EXCLUSION FOR DEATH BENEFITS.**—Section 101 (relating to certain death benefits) is amended by adding at the end the following new subsection:

"(i) **CERTAIN EMPLOYEE DEATH BENEFITS PAYABLE BY REASON OF DEATH FROM TERRORISTIC OR MILITARY ACTIONS.**—

"(1) **IN GENERAL.**—Gross income does not include amounts which are received (whether in a single sum or otherwise) if such amounts are paid by an employer by reason of the death of an employee incurred as a result of a terroristic or military action (as defined in section 692(c)(2))."

"(2) **NO RELIEF FOR CERTAIN INDIVIDUALS.**—Paragraph (1) shall not apply with respect to any individual identified by the Attorney General to have been a participant or conspirator in a terroristic action (as so defined), or a representative of such individual."

"(3) **TREATMENT OF SELF-EMPLOYED INDIVIDUALS.**—For purposes of this subsection, the term 'employee' includes a self-employed person (as described in section 401(c)(1))."

(b) **DISABILITY INCOME.**—Section 104(a)(5) (relating to compensation for injuries or sickness) is amended by striking "a violent attack" and all that follows through the period and inserting "a terroristic or military action (as defined in section 692(c)(2))."

(c) **EXEMPTION FROM INCOME TAX FOR CERTAIN MILITARY OR CIVILIAN EMPLOYEES.**—Section 692(c) is amended—

(1) by striking "outside the United States" in paragraph (1), and

(2) by striking "SUSTAINED OVERSEAS" in the heading.

(d) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years ending on or after September 11, 2001.

SEC. 325. CLARIFICATION OF DUE DATE FOR AIRLINE EXCISE TAX DEPOSITS.

(a) **IN GENERAL.**—Paragraph (3) of section 301(a) of the Air Transportation Safety and System Stabilization Act (Public Law 107-42) is amended to read as follows:

"(3) **AIRLINE-RELATED DEPOSIT.**—For purposes of this subsection, the term 'airline-related deposit' means any deposit of taxes imposed by subchapter C of chapter 33 of such Code (relating to transportation by air)."

(b) **EFFECTIVE DATE.**—The amendment made by this section shall take effect as if included in section 301 of the Air Transportation Safety and System Stabilization Act (Public Law 107-42).

SEC. 326. COORDINATION WITH AIR TRANSPORTATION SAFETY AND SYSTEM STABILIZATION ACT.

No reduction in Federal tax liability by reason of any provision of, or amendment made by, this

title shall be considered as being received from a collateral source for purposes of section 402(4) of the Air Transportation Safety and System Stabilization Act (Public Law 107-42).

PART III—DISCLOSURE OF TAX INFORMATION IN TERRORISM AND NATIONAL SECURITY INVESTIGATIONS

SEC. 331. DISCLOSURE OF TAX INFORMATION IN TERRORISM AND NATIONAL SECURITY INVESTIGATIONS.

(a) **DISCLOSURE WITHOUT A REQUEST OF INFORMATION RELATING TO TERRORIST ACTIVITIES, ETC.**—Paragraph (3) of section 6103(i) (relating to disclosure of return information to apprise appropriate officials of criminal activities or emergency circumstances) is amended by adding at the end the following new subparagraph:

"(C) **TERRORIST ACTIVITIES, ETC.**—

"(i) **IN GENERAL.**—Except as provided in paragraph (6), the Secretary may disclose in writing return information (other than taxpayer return information) that may be related to a terrorist incident, threat, or activity to the extent necessary to apprise the head of the appropriate Federal law enforcement agency responsible for investigating or responding to such terrorist incident, threat, or activity. The head of the agency may disclose such return information to officers and employees of such agency to the extent necessary to investigate or respond to such terrorist incident, threat, or activity."

"(ii) **DISCLOSURE TO THE DEPARTMENT OF JUSTICE.**—Returns and taxpayer return information may also be disclosed to the Attorney General under clause (i) to the extent necessary for, and solely for use in preparing, an application under paragraph (7)(D)."

"(iii) **TAXPAYER IDENTITY.**—For purposes of this subparagraph, a taxpayer's identity shall not be treated as taxpayer return information."

"(iv) **TERMINATION.**—No disclosure may be made under this subparagraph after December 31, 2003."

(b) **DISCLOSURE UPON REQUEST OF INFORMATION RELATING TO TERRORIST ACTIVITIES, ETC.**—Subsection (i) of section 6103 (relating to disclosure to Federal officers or employees for administration of Federal laws not relating to tax administration) is amended by redesignating paragraph (7) as paragraph (8) and by inserting after paragraph (6) the following new paragraph:

"(7) **DISCLOSURE UPON REQUEST OF INFORMATION RELATING TO TERRORIST ACTIVITIES, ETC.**—

"(A) **DISCLOSURE TO LAW ENFORCEMENT AGENCIES.**—

"(i) **IN GENERAL.**—Except as provided in paragraph (6), upon receipt by the Secretary of a written request which meets the requirements of clause (iii), the Secretary may disclose return information (other than taxpayer return information) to officers and employees of any Federal law enforcement agency who are personally and directly engaged in the response to or investigation of terrorist incidents, threats, or activities."

"(ii) **DISCLOSURE TO STATE AND LOCAL LAW ENFORCEMENT AGENCIES.**—The head of any Federal law enforcement agency may disclose return information obtained under clause (i) to officers and employees of any State or local law enforcement agency but only if such agency is part of a team with the Federal law enforcement agency in such response or investigation and such information is disclosed only to officers and employees who are personally and directly engaged in such response or investigation."

"(iii) **REQUIREMENTS.**—A request meets the requirements of this clause if—

"(I) the request is made by the head of any Federal law enforcement agency (or his delegate) involved in the response to or investigation of terrorist incidents, threats, or activities, and

"(II) the request sets forth the specific reason or reasons why such disclosure may be relevant to a terrorist incident, threat, or activity."

“(iv) **LIMITATION ON USE OF INFORMATION.**—Information disclosed under this subparagraph shall be solely for the use of the officers and employees to whom such information is disclosed in such response or investigation.

“(B) **DISCLOSURE TO INTELLIGENCE AGENCIES.**—

“(i) **IN GENERAL.**—Except as provided in paragraph (6), upon receipt by the Secretary of a written request which meets the requirements of clause (ii), the Secretary may disclose return information (other than taxpayer return information) to those officers and employees of the Department of Justice, the Department of the Treasury, and other Federal intelligence agencies who are personally and directly engaged in the collection or analysis of intelligence and counterintelligence information or investigation concerning terrorists and terrorist organizations and activities. For purposes of the preceding sentence, the information disclosed under the preceding sentence shall be solely for the use of such officers and employees in such investigation, collection, or analysis.

“(ii) **REQUIREMENTS.**—A request meets the requirements of this subparagraph if the request—

“(I) is made by an individual described in clause (iii), and

“(II) sets forth the specific reason or reasons why such disclosure may be relevant to a terrorist incident, threat, or activity.

“(iii) **REQUESTING INDIVIDUALS.**—An individual described in this subparagraph is an individual—

“(I) who is an officer or employee of the Department of Justice or the Department of the Treasury who is appointed by the President with the advice and consent of the Senate or who is the Director of the United States Secret Service, and

“(II) who is responsible for the collection and analysis of intelligence and counterintelligence information concerning terrorists and terrorist organizations and activities.

“(iv) **TAXPAYER IDENTITY.**—For purposes of this subparagraph, a taxpayer's identity shall not be treated as taxpayer return information.

“(C) **DISCLOSURE UNDER EX PARTE ORDERS.**—

“(i) **IN GENERAL.**—Except as provided in paragraph (6), any return or return information with respect to any specified taxable period or periods shall, pursuant to and upon the grant of an ex parte order by a Federal district court judge or magistrate under clause (ii), be open (but only to the extent necessary as provided in such order) to inspection by, or disclosure to, officers and employees of any Federal law enforcement agency or Federal intelligence agency who are personally and directly engaged in any investigation, response to, or analysis of intelligence and counterintelligence information concerning any terrorist activity or threats. Return or return information opened pursuant to the preceding sentence shall be solely for the use of such officers and employees in the investigation, response, or analysis, and in any judicial, administrative, or grand jury proceedings, pertaining to any such terrorist activity or threat.

“(ii) **APPLICATION FOR ORDER.**—The Attorney General, the Deputy Attorney General, the Associate Attorney General, any Assistant Attorney General, or any United States attorney may authorize an application to a Federal district court judge or magistrate for the order referred to in clause (i). Upon such application, such judge or magistrate may grant such order if he determines on the basis of the facts submitted by the applicant that—

“(I) there is reasonable cause to believe, based upon information believed to be reliable, that the return or return information may be relevant to a matter relating to such terrorist activity or threat, and

“(II) the return or return information is sought exclusively for use in a Federal inves-

tigation, analysis, or proceeding concerning terrorist activity, terrorist threats, or terrorist organizations.

“(D) **SPECIAL RULE FOR EX PARTE DISCLOSURE BY THE IRS.**—

“(i) **IN GENERAL.**—Except as provided in paragraph (6), the Secretary may authorize an application to a Federal district court judge or magistrate for the order referred to in subparagraph (C)(i). Upon such application, such judge or magistrate may grant such order if he determines on the basis of the facts submitted by the applicant that the requirements of subparagraph (C)(ii)(I) are met.

“(ii) **LIMITATION ON USE OF INFORMATION.**—Information disclosed under clause (i)—

“(I) may be disclosed only to the extent necessary to apprise the head of the appropriate Federal law enforcement agency responsible for investigating or responding to a terrorist incident, threat, or activity, and

“(II) shall be solely for use in a Federal investigation, analysis, or proceeding concerning terrorist activity, terrorist threats, or terrorist organizations.

The head of such Federal agency may disclose such information to officers and employees of such agency to the extent necessary to investigate or respond to such terrorist incident, threat, or activity.

“(E) **TERMINATION.**—No disclosure may be made under this paragraph after December 31, 2003.”

(c) **CONFORMING AMENDMENTS.**—

(1) Section 6103(a)(2) is amended by inserting “any local law enforcement agency receiving information under subsection (i)(7)(A),” after “State.”

(2) The heading of section 6103(i)(3) is amended by inserting “OR TERRORIST” after “CRIMINAL.”

(3) Paragraph (4) of section 6103(i) is amended—

(A) in subparagraph (A) by inserting “or (7)(C)” after “paragraph (1)”, and

(B) in subparagraph (B) by striking “or (3)(A)” and inserting “(3)(A) or (C), or (7)”.

(4) Paragraph (6) of section 6103(i) is amended—

(A) by striking “(3)(A)” and inserting “(3)(A) or (C)”, and

(B) by striking “or (7)” and inserting “(7), or (8)”.

(5) Section 6103(p)(3) is amended—

(A) in subparagraph (A) by striking “(7)(A)(ii)” and inserting “(8)(A)(ii)”, and

(B) in subparagraph (C) by striking “(i)(3)(B)(i)” and inserting “(i)(3)(B)(i) or (7)(A)(ii)”.

(6) Section 6103(p)(4) is amended—

(A) in the matter preceding subparagraph (A)—

(i) by striking “or (5),” the first place it appears and inserting “(5), or (7),”, and

(ii) by striking “(i)(3)(B)(i)” and inserting “(i)(3)(B)(i) or (7)(A)(ii).”, and

(B) in subparagraph (F)(ii) by striking “or (5),” the first place it appears and inserting “(5) or (7).”,

(7) Section 6103(p)(6)(B)(i) is amended by striking “(i)(7)(A)(ii)” and inserting “(i)(8)(A)(ii)”.

(8) Section 6105(b) is amended—

(A) by striking “or” at the end of paragraph (2).

(B) by striking “paragraphs (1) or (2)” in paragraph (3) and inserting “paragraph (1), (2), or (3)”,

(C) by redesignating paragraph (3) as paragraph (4), and

(D) by inserting after paragraph (2) the following new paragraph:

“(3) to the disclosure of tax convention information on the same terms as return information

may be disclosed under paragraph (3)(C) or (7) of section 6103(i), except that in the case of tax convention information provided by a foreign government, no disclosure may be made under this paragraph without the written consent of the foreign government, or”.

(9) Section 7213(a)(2) is amended by striking “(i)(3)(B)(i).” and inserting “(i)(3)(B)(i) or (7)(A)(ii).”.

(d) **EFFECTIVE DATE.**—The amendments made by this section shall apply to disclosures made on or after the date of the enactment of this Act.

TITLE IV—EXTENSIONS OF CERTAIN EXPIRING PROVISIONS

SEC. 401. ALLOWANCE OF NONREFUNDABLE PERSONAL CREDITS AGAINST REGULAR AND MINIMUM TAX LIABILITY.

(a) **IN GENERAL.**—Paragraph (2) of section 26(a) is amended—

(1) by striking “RULE FOR 2000 AND 2001.—” and inserting “RULE FOR 2000, 2001, AND 2002.—”, and

(2) by striking “during 2000 or 2001,” and inserting “during 2000, 2001, or 2002.”.

(b) **CONFORMING AMENDMENTS.**—

(1) Section 904(h) is amended by striking “during 2000 or 2001” and inserting “during 2000, 2001, or 2002”.

(2) The amendments made by sections 201(b), 202(f), and 618(b) of the Economic Growth and Tax Relief Reconciliation Act of 2001 shall not apply to taxable years beginning during 2002.

(c) **TECHNICAL CORRECTION.**—Section 24(d)(1)(B) is amended by striking “amount of credit allowed by this section” and inserting “aggregate amount of credits allowed by this subpart”.

(d) **EFFECTIVE DATES.**—

(1) The amendments made by subsections (a) and (b) shall apply to taxable years beginning after December 31, 2001.

(2) The amendment made by subsection (c) shall apply to taxable years beginning after December 31, 2000.

SEC. 402. WORK OPPORTUNITY CREDIT.

(a) **IN GENERAL.**—Subparagraph (B) of section 51(c)(4) is amended by striking “2001” and inserting “2002”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply to individuals who begin work for the employer after December 31, 2001.

SEC. 403. WELFARE-TO-WORK CREDIT.

(a) **IN GENERAL.**—Subsection (f) of section 51A is amended by striking “2001” and inserting “2002”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply to individuals who begin work for the employer after December 31, 2001.

SEC. 404. CREDIT FOR ELECTRICITY PRODUCED FROM RENEWABLE RESOURCES.

(a) **IN GENERAL.**—Subparagraphs (A), (B), and (C) of section 45(c)(3) are each amended by striking “2002” and inserting “2003”.

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act.

SEC. 405. TAXABLE INCOME LIMIT ON PERCENTAGE DEPLETION FOR OIL AND NATURAL GAS PRODUCED FROM MARGINAL PROPERTIES.

(a) **IN GENERAL.**—Subparagraph (H) of section 613A(c)(6) is amended by striking “2002” and inserting “2003”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2001.

SEC. 406. QUALIFIED ZONE ACADEMY BONDS.

(a) **IN GENERAL.**—Paragraph (1) of section 1397E(e) is amended by striking “2000, and 2001” and inserting “2000, 2001, and 2002”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act.

SEC. 407. SUBPART F EXEMPTION FOR ACTIVE FINANCING.

(a) IN GENERAL.—

(1) Section 953(e)(10) is amended—

(A) by striking “2002” and inserting “2003”, and

(B) by striking “2001” and inserting “2002”.

(2) Section 954(h)(9) is amended by striking “2002” and inserting “2003”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 408. COVER OVER OF TAX ON DISTILLED SPIRITS.

(a) IN GENERAL.—Paragraph (1) of section 7652(f) is amended by striking “2002” and inserting “2003”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act.

SEC. 409. DELAY IN EFFECTIVE DATE OF REQUIREMENT FOR APPROVED DIESEL OR KEROSENE TERMINALS.

Paragraph (2) of section 1032(f) of the Taxpayer Relief Act of 1997 (Public Law 105-34) is amended by striking “2002” and inserting “2003”.

SEC. 410. DEDUCTION FOR CLEAN-FUEL VEHICLES AND CERTAIN REFUELING PROPERTY.

(a) IN GENERAL.—Section 179A is amended—

(1) in subsection (b)(1)(B)—

(A) by striking “December 31, 2001,” and inserting “December 31, 2002,” and

(B) in clauses (i), (ii), and (iii), by striking “2002”, “2003”, and “2004”, respectively, and inserting “2003”, “2004”, and “2005”, respectively, and

(2) in subsection (f), by striking “2004” and inserting “2005”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act.

SEC. 411. CREDIT FOR QUALIFIED ELECTRIC VEHICLES.

(a) IN GENERAL.—Section 30 is amended—

(1) in subsection (b)(2)—

(A) by striking “December 31, 2001,” and inserting “December 31, 2002,” and

(B) in subparagraphs (A), (B), and (C), by striking “2002”, “2003”, and “2004”, respectively, and inserting “2003”, “2004”, and “2005”, respectively, and

(2) in subsection (e), by striking “2004” and inserting “2005”.

(b) CONFORMING AMENDMENTS.—

(1) Subparagraph (C) of section 280F(a)(1) is amended by adding at the end the following new clause

“(iii) APPLICATION OF SUBPARAGRAPH.—This subparagraph shall apply to property placed in service after August 5, 1997, and before January 1, 2005.”

(2) Subsection (b) of section 971 of the Taxpayer Relief Act of 1997 is amended by striking “and before January 1, 2005”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 412. PARITY IN THE APPLICATION OF CERTAIN LIMITS TO MENTAL HEALTH BENEFITS.

(a) IN GENERAL.—Subsection (f) of section 9812 is amended by striking “2001” and inserting “2002”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to plan years beginning after December 31, 2001.

SEC. 413. COMBINED EMPLOYMENT TAX REPORTING.

(a) DEMONSTRATION PROJECT.—Section 976 of the Taxpayer Relief Act of 1997 is amended by striking “with the date which is 5 years after the date of the enactment of this Act” and inserting “on December 31, 2002”.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.

TITLE V—EXTENSION OF ADDITIONAL PROVISIONS EXPIRING IN 2001**SEC. 501. GENERALIZED SYSTEM OF PREFERENCES.**

(a) EXTENSION OF DUTY-FREE TREATMENT UNDER SYSTEM.—Section 505 of the Trade Act of 1974 (19 U.S.C. 2465) is amended by striking “September 30, 2001” and inserting “December 31, 2002”.

(b) RETROACTIVE APPLICATION FOR CERTAIN LIQUIDATIONS AND RELIQUIDATIONS.—

(1) IN GENERAL.—

(A) ENTRY OF CERTAIN ARTICLES.—Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law, and subject to paragraph (2), the entry—

(i) of any article to which duty-free treatment under title V of the Trade Act of 1974 would have applied if the entry had been made on September 30, 2001;

(ii) that was made after September 30, 2001, and before the date of enactment of this Act; and

(iii) to which duty-free treatment under title V of that Act did not apply,

shall be liquidated or reliquidated as free of duty, and the Secretary of the Treasury shall refund any duty paid with respect to such entry.

(B) ENTRY.—In this subsection, the term “entry” includes a withdrawal from warehouse for consumption.

(2) REQUESTS.—Liquidation or reliquidation may be made under paragraph (1) with respect to an entry only if a request therefor is filed with the Customs Service, within 180 days after the date of enactment of this Act, that contains sufficient information to enable the Customs Service—

(A) to locate the entry; or

(B) to reconstruct the entry if it cannot be located.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2001.

SEC. 502. ANDEAN TRADE PREFERENCE ACT.

(a) IN GENERAL.—Section 208(b) of the Andean Trade Preference Act (19 U.S.C. 3206(b)) is amended by striking “10 years after December 4, 1991” and inserting “after June 4, 2002”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on December 5, 2001.

SEC. 503. REAUTHORIZATION OF TRADE ADJUSTMENT ASSISTANCE.

(a) ASSISTANCE FOR WORKERS.—Section 245 of the Trade Act of 1974 (19 U.S.C. 2317) is amended by striking “October 1, 1998, and ending September 30, 2001,” each place it appears and inserting “October 1, 2001, and ending December 31, 2002”.

(b) ASSISTANCE FOR FIRMS.—Section 256(b) of the Trade Act of 1974 (19 U.S.C. 2346(b)) is amended by striking “October 1, 1998, and ending September 30, 2001” and inserting “October 1, 2001, and ending December 31, 2002”.

(c) TERMINATION.—Section 285(c) of the Trade Act of 1974 (19 U.S.C. 2771 note) is amended in paragraphs (1) and (2)(A), by striking “September 30, 2001” and inserting “December 31, 2002”.

(d) TRAINING LIMITATION UNDER NAFTA PROGRAM.—Section 250(d)(2) of the Trade Act of 1974 (19 U.S.C. 2331(d)(2)) is amended by striking “October 1, 1998, and ending September 30, 2001” and inserting “October 1, 2001, and ending December 31, 2002”.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act.

TITLE VI—HEALTH INSURANCE COVERAGE OPTIONS FOR RECENTLY UNEMPLOYED INDIVIDUALS AND THEIR FAMILIES**SEC. 601. PREMIUM ASSISTANCE FOR COBRA CONTINUATION COVERAGE FOR INDIVIDUALS AND THEIR FAMILIES.**

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Secretary of the Treasury, in consultation with the Secretary of Labor, shall establish a program under which 75 percent of the premium for COBRA continuation coverage shall be provided for an individual who—

(A) at any time during the period that begins on September 11, 2001, and ends on December 31, 2002, is separated from employment; and

(B) is eligible for, and has elected coverage under, COBRA continuation coverage.

(2) INCLUSION OF CERTAIN INDIVIDUALS.—For purposes of paragraph (1), the spouse, child, or other individual who was an insured under health insurance coverage of an individual who was killed as a result of the terrorist-related aircraft crashes on September 11, 2001, or as a result of any other terrorist-related event occurring during the period described in that paragraph, and who is eligible for, and has elected coverage under, COBRA continuation coverage shall be eligible for premium assistance under the program established under this section.

(3) STATE OPTION TO ELECT ADMINISTRATION OF PROGRAM.—

(A) IN GENERAL.—A State may elect to administer the premium assistance program established under this section if the State submits to the Secretary of the Treasury, not later than January 1, 2002, a plan that describes how the State will administer such program on behalf of the individuals described in paragraph (1) or (2) who reside in the State beginning on that date.

(B) STATE ENTITLEMENT.—In the case of a State that submits a plan under subparagraph (A), the Secretary of the Treasury shall pay to each such State an amount for each quarter equal to the total amount of premium subsidies provided in that quarter on behalf of such individuals.

(4) IMMEDIATE IMPLEMENTATION.—The program established under this section shall be implemented without regard to whether or not final regulations to carry out such program have been promulgated by the date described in paragraph (1).

(b) LIMITATION OF PERIOD OF PREMIUM ASSISTANCE.—

(1) IN GENERAL.—Premium assistance provided in accordance with this section shall end with respect to an individual on the earlier of—

(A) the date the individual is no longer covered under COBRA continuation coverage; or

(B) 12 months after the date the individual is first enrolled in the premium assistance program established under this section.

(2) NO ASSISTANCE AFTER DECEMBER 31, 2002.—No premium assistance (including payment for such assistance) may be provided under this section after December 31, 2002.

(c) PAYMENT ARRANGEMENTS; CREDITING OF ASSISTANCE.—

(1) PROVISION OF ASSISTANCE.—

(A) IN GENERAL.—Premium assistance shall be provided under the program established under this section through direct payment arrangements with a group health plan (including a multiemployer plan), an issuer of health insurance coverage, an administrator, or an employer as appropriate with respect to the individual provided such assistance.

(B) ADDITIONAL OPTION FOR STATE-RUN PROGRAM.—In the case of a State that elects to administer the program established under this section, such assistance may be provided through

the State public employment office or other agency responsible for administering the State unemployment compensation program.

(2) **PREMIUMS PAYABLE BY INDIVIDUAL REDUCED BY AMOUNT OF ASSISTANCE.**—Premium assistance provided under this section shall be credited by the group health plan, issuer of health insurance coverage, or an administrator against the premium otherwise owed by the individual involved for COBRA continuation coverage.

(d) **PROGRAM REQUIREMENTS.**—Premium assistance shall be provided under the program established under this section consistent with the following:

(1) **ALL QUALIFYING INDIVIDUALS MAY APPLY.**—All individuals described in paragraph (1) or (2) of subsection (a) may apply for such assistance at any time during the period described in subsection (a)(1)(A).

(2) **SELECTION ON FIRST-COME, FIRST-SERVED BASIS.**—Such assistance shall be provided to such individuals who apply for the assistance in the order in which they apply.

(e) **LIMITATION ON ENTITLEMENT.**—Nothing in this section shall be construed as establishing any entitlement of individuals described in paragraph (1) or (2) of subsection (a) to premium assistance under this section.

(f) **DISREGARD OF SUBSIDIES FOR PURPOSES OF FEDERAL AND STATE PROGRAMS.**—Notwithstanding any other provision of law, any premium assistance provided to, or on behalf of, an individual under this section, shall not be considered income or resources in determining eligibility for, or the amount of assistance or benefits provided under, any other Federal public benefit or State or local public benefit.

(g) **CHANGE IN COBRA NOTICE.**—

(1) **GENERAL NOTICE.**—

(A) **IN GENERAL.**—In the case of notices provided under section 4980B(f)(6) of the Internal Revenue Code of 1986, section 2206 of the Public Health Service Act (42 U.S.C. 300bb-6), section 606 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1166), or section 8905a(f)(2)(A) of title 5, United States Code, with respect to individuals who, during the period described in subsection (a)(1)(A), become entitled to elect COBRA continuation coverage, such notices shall include an additional notification to the recipient of the availability of premium assistance for such coverage under this section and for temporary medicaid assistance under section 603 for the remaining portion of COBRA continuation premiums.

(B) **ALTERNATIVE NOTICE.**—In the case of COBRA continuation coverage to which the notice provision under such sections does not apply, the Secretary of the Treasury, in consultation with the Secretary of Labor, shall, in coordination with administrators of the group health plans (or other entities) that provide or administer the COBRA continuation coverage involved, assure the provision of such notice.

(C) **FORM.**—The requirement of the additional notification under this paragraph may be met by amendment of existing notice forms or by inclusion of a separate document with the notice otherwise required.

(2) **SPECIFIC REQUIREMENTS.**—Each additional notification under paragraph (1) shall include—

(A) the forms necessary for establishing eligibility and enrollment in the premium assistance program established under this section in connection with the coverage with respect to each covered employee or other qualified beneficiary;

(B) the name, address, and telephone number necessary to contact the administrator and any other person maintaining relevant information in connection with the premium assistance; and

(C) the following statement displayed in a prominent manner:

"You may be eligible to receive assistance with payment of 75 percent of your COBRA con-

tinuation coverage premiums and with temporary medicaid coverage for the remaining premium portion for a duration of not to exceed 12 months."

(3) **NOTICE RELATING TO RETROACTIVE COVERAGE.**—In the case of such notices previously transmitted before the date of enactment of this Act in the case of an individual described in paragraph (1) who has elected (or is still eligible to elect) COBRA continuation coverage as of the date of enactment of this Act, the administrator of the group health plan (or other entity) involved or the Secretary of the Treasury, in consultation with the Secretary of Labor, (in the case described in the paragraph (1)(B)) shall provide (within 60 days after the date of enactment of this Act) for the additional notification required to be provided under paragraph (1).

(4) **MODEL NOTICES.**—Not later than 30 days after the date of enactment of this Act, the Secretary of the Treasury shall prescribe models for the additional notification required under this subsection.

(h) **REPORTS.**—Beginning on January 1, 2002, and every 3 months thereafter until January 1, 2003, the Secretary of the Treasury shall submit a report to Congress regarding the premium assistance program established under this section that includes the following:

(1) The status of the implementation of the program.

(2) The number of individuals provided assistance under the program as of the date of the report.

(3) The average dollar amount (monthly and annually) of the premium assistance provided under the program.

(4) The number and identification of the States that have elected to administer the program.

(5) The total amount of expenditures incurred (with administrative expenditures noted separately) under the program as of the date of the report.

(i) **APPROPRIATION.**—

(1) **IN GENERAL.**—Out of any funds in the Treasury not otherwise appropriated, there is appropriated to carry out this section, such sums as are necessary for each of fiscal years 2002 and 2003.

(2) **OBLIGATION OF FUNDS.**—This section constitutes budget authority in advance of appropriations Acts and represents the obligation of the Federal Government to provide for the payment of premium assistance under this section.

(j) **SUNSET.**—No premium assistance (including payment for such assistance) may be provided under this section after December 31, 2002.

SEC. 602. STATE OPTION TO PROVIDE TEMPORARY MEDICAID COVERAGE FOR CERTAIN UNINSURED INDIVIDUALS.

(a) **STATE OPTION.**—Notwithstanding any other provision of law, a State may elect to provide under its medicaid program under title XIX of the Social Security Act medical assistance in the case of an individual—

(1) who at any time during the period that begins on September 11, 2001, and ends on December 31, 2002, is separated from employment;

(2) who is not eligible for COBRA continuation coverage;

(3) who is uninsured; and

(4) whose assets, resources, and earned or unearned income (or both) do not exceed such limitations (if any) as the State may establish.

(b) **LIMITATION OF PERIOD OF COVERAGE.**—Medical assistance provided in accordance with this section shall end with respect to an individual on the earlier of—

(1) the date the individual is no longer uninsured; or

(2) subject to subsection (c)(4), 12 months after the date the individual first receives such assistance.

(c) **SPECIAL RULES.**—In the case of medical assistance provided under this section—

(1) the Federal medical assistance percentage under section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)) shall be the enhanced FMAP (as defined in section 2105(b) of such Act (42 U.S.C. 1397ee(b)));

(2) a State may elect to apply any income, asset, or resource limitation permitted under the State medicaid plan or under title XIX of such Act;

(3) the provisions of section 1916(g) of the Social Security Act (42 U.S.C. 1396o) shall apply to the provision of such assistance in the same manner as the provisions of such section apply with respect to individuals provided medical assistance only under subclause (XV) or (XVI) of section 1902(a)(10)(A)(ii) of such Act (42 U.S.C. 1396a(a)(10)(A)(ii));

(4) a State may elect to provide such assistance in accordance with section 1902(a)(34) of the Social Security Act (42 U.S.C. 1396a(a)(34)) and any assistance provided with respect to a month described in that section shall not be included in the determination of the 12-month period under subsection (b)(2);

(5) a State may elect to make eligible for such medical assistance a dependent spouse or children of an individual eligible for medical assistance under subsection (a), if such spouse or children are uninsured;

(6) individuals eligible for medical assistance under this section shall be deemed to be described in the list of individuals described in the matter preceding paragraph (1) of section 1905(a) of such Act (42 U.S.C. 1396d(a));

(7) a State may elect to provide such medical assistance without regard to any limitation under sections 401(a), 402(b), 403, and 421 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1611(a), 1612(b), 1613, and 1631) and no debt shall accrue under an affidavit of support against any sponsor of an individual who is an alien who is provided such assistance, and the cost of such assistance shall not be considered as an unreimbursed cost; and

(8) the Secretary of Health and Human Services shall not count, for purposes of section 1108(f) of the Social Security Act (42 U.S.C. 1308(f)), such amount of payments under this section as bears a reasonable relationship to the average national proportion of payments made under this section for the 50 States and the District of Columbia to the payments otherwise made under title XIX for such States and District.

(d) **SUNSET.**—No medical assistance may be provided under this section after December 31, 2002.

SEC. 603. STATE OPTION TO PROVIDE TEMPORARY COVERAGE UNDER MEDICAID FOR THE UNSUBSIDIZED PORTION OF COBRA CONTINUATION PREMIUMS.

(a) **STATE OPTION.**—

(1) **IN GENERAL.**—Notwithstanding any other provision of law, a State may elect to provide under its medicaid program under title XIX of the Social Security Act medical assistance in the form of payment for the portion of the premium for COBRA continuation coverage for which an individual does not receive a subsidy under the premium assistance program established under section 601 in the case of an individual—

(A) who at any time during the period that begins on September 11, 2001, and ends on December 31, 2002, is separated from employment;

(B) who is eligible for, and has elected coverage under, COBRA continuation coverage;

(C) who is receiving premium assistance under the program established under section 601; and

(D) whose family income does not exceed 200 percent of the poverty line.

(2) **INCLUSION OF CERTAIN INDIVIDUALS.**—For purposes of paragraph (1), the spouse, child, or

other individual who was an insured under health insurance coverage of an individual who was killed as a result of the terrorist-related aircraft crashes on September 11, 2001, or as a result of any other terrorist-related event occurring during the period described in that paragraph, and who satisfies the requirements of subparagraphs (B), (C), and (D) of paragraph (1) shall be eligible for medical assistance under this section.

(b) **LIMITATION OF PERIOD OF COVERAGE.**—Medical assistance provided in accordance with this section shall end with respect to an individual on the earlier of—

(1) the date the individual is no longer covered under COBRA continuation coverage; or

(2) 12 months after the date the individual first receives such assistance under this section.

(c) **SPECIAL RULES.**—In the case of medical assistance provided under this section—

(1) such assistance may be provided without regard to—

(A) whether the State otherwise has elected to make medical assistance available for COBRA premiums under section 1902(a)(10)(F) of the Social Security Act (42 U.S.C. 1396a(a)(10)(F)); or

(B) the conditions otherwise imposed for the provision of medical assistance for such COBRA premiums under clause (XII) of the matter following section 1902(a)(10)(G) of the Social Security Act (42 U.S.C. 1396a(a)(10)(G)), or paragraphs (1)(B), (1)(C), (1)(D), and (4) of section 1902(u) of such Act (42 U.S.C. 1396a(u)); and

(2) paragraphs (1), (2), (4), (5), (7), and (8) of subsection (c) of section 602 apply to such assistance in the same manner as such paragraphs apply to the provision of medical assistance under that section.

(d) **SUNSET.**—No medical assistance may be provided under this section after December 31, 2002.

SEC. 604. TEMPORARY INCREASES OF MEDICAID FMAP FOR FISCAL YEAR 2002.

(a) **PERMITTING MAINTENANCE OF FISCAL YEAR 2001 FMAP.**—Notwithstanding any other provision of law, but subject to subsection (d), if the FMAP determined without regard to this section for a State for fiscal year 2002 is less than the FMAP as so determined for fiscal year 2001, the FMAP for the State for fiscal year 2001 shall be substituted for the State's FMAP for fiscal year 2002, before the application of this section.

(b) **GENERAL 1.50 PERCENTAGE POINTS INCREASE.**—Notwithstanding any other provision of law, but subject to subsections (d) and (e), for each State for each calendar quarter in fiscal year 2002, the FMAP (taking into account the application of subsection (a)) shall be increased by 1.50 percentage points.

(c) **FURTHER INCREASE FOR STATES WITH HIGH UNEMPLOYMENT RATES.**—

(1) **IN GENERAL.**—Notwithstanding any other provision of law, but subject to subsections (d) and (e), the FMAP for a high unemployment State for a calendar quarter in fiscal year 2002 (and any subsequent calendar quarter in such fiscal year regardless of whether the State continues to be a high unemployment State for a calendar quarter in such fiscal year) shall be increased (after the application of subsections (a) and (b)) by 1.50 percentage points.

(2) **HIGH UNEMPLOYMENT STATE.**—For purposes of this subsection, a State is a high unemployment State for a calendar quarter if, for any 3 consecutive months beginning on or after June 2001 and ending with the second month before the beginning of the calendar quarter, the State has an unemployment rate that exceeds the national average unemployment rate. Such unemployment rates for such months shall be determined based on publications of the Bureau of Labor Statistics of the Department of Labor.

(d) **1-YEAR INCREASE IN CAP ON MEDICAID PAYMENTS TO TERRITORIES.**—Notwithstanding

any other provision of law, with respect to fiscal year 2002, the amounts otherwise determined for Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, and American Samoa under section 1108 of the Social Security Act (42 U.S.C. 1308) shall each be increased by an amount equal to 3.093 percentage points of such amounts.

(e) **SCOPE OF APPLICATION.**—The increases in the FMAP for a State under this section shall apply only for purposes of title XIX of the Social Security Act and shall not apply with respect to—

(1) disproportionate share hospital payments described in section 1923 of such Act (42 U.S.C. 1396r-4); and

(2) payments under titles IV and XXI of such Act (42 U.S.C. 601 et seq. and 1397aa et seq.).

(f) **STATE ELIGIBILITY.**—A State is eligible for an increase in its FMAP under subsection (b) or (c) only if the eligibility under its State plan under title XIX of the Social Security Act (including any waiver under such title or under section 1115 of such Act (42 U.S.C. 1315)) is no more restrictive than the eligibility under such plan (or waiver) as in effect on October 1, 2001.

SEC. 605. DEFINITIONS.

In this title:

(1) **ADMINISTRATOR.**—The term “administrator” has the meaning given that term in section 3(16)(A) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(16)(A)).

(2) **COBRA CONTINUATION COVERAGE.**—

(A) **IN GENERAL.**—The term “COBRA continuation coverage” means coverage under a group health plan provided by an employer pursuant to title XXII of the Public Health Service Act, section 4980B of the Internal Revenue Code of 1986, part 6 of subtitle B of title I of the Employee Retirement Income Security Act of 1974, or section 8905a of title 5, United States Code.

(B) **APPLICATION TO EMPLOYERS IN STATES REQUIRING SUCH COVERAGE.**—Such term includes such coverage provided by an employer in a State that has enacted a law that requires the employer to provide such coverage even though the employer would not otherwise be required to provide such coverage under the provisions of law referred to in subparagraph (A).

(3) **COVERED EMPLOYEE.**—The term “covered employee” has the meaning given that term in section 607(2) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1167(2)).

(4) **FEDERAL PUBLIC BENEFIT.**—The term “Federal public benefit” has the meaning given that term in section 401(c) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1611(c)).

(5) **FMAP.**—The term “FMAP” means the Federal medical assistance percentage, as defined in section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)).

(6) **GROUP HEALTH PLAN.**—The term “group health plan” has the meaning given that term in section 2791(a) of the Public Health Service Act (42 U.S.C. 300gg-91(a)) and in section 607(1) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1167(1)).

(7) **HEALTH INSURANCE COVERAGE.**—The term “health insurance coverage” has the meaning given that term in section 2791(b)(1) of the Public Health Service Act (42 U.S.C. 300gg-91(b)(1)).

(8) **MULTIEMPLOYER PLAN.**—The term “multiemployer plan” has the meaning given that term in section 3(37) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(37)).

(9) **POVERTY LINE.**—The term “poverty line” has the meaning given that term in section 2110(c)(5) of the Social Security Act (42 U.S.C. 1397j(c)(5)).

(10) **QUALIFIED BENEFICIARY.**—The term “qualified beneficiary” has the meaning given that term in section 607(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1167(3)).

(11) **STATE.**—The term “State” has the meaning given such term for purposes of title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

(12) **STATE OR LOCAL PUBLIC BENEFIT.**—The term “State or local public benefit” has the meaning given that term in section 411(c) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1621(c)).

(13) **UNINSURED.**—

(A) **IN GENERAL.**—The term “uninsured” means, with respect to an individual, that the individual is not covered under—

(i) a group health plan;

(ii) health insurance coverage; or

(iii) a program under title XVIII, XIX, or XXI of the Social Security Act (other than under such title XIX pursuant to section 602).

(B) **EXCLUSION.**—Such coverage under clause (i) or (ii) shall not include coverage consisting solely of coverage of excepted benefits (as defined in section 2791(c) of the Public Health Service Act (42 U.S.C. 300gg-91(c))).

TITLE VII—TEMPORARY ENHANCED UNEMPLOYMENT BENEFITS

SEC. 701. SHORT TITLE.

This title may be cited as the “Temporary Unemployment Compensation Act of 2001”.

SEC. 702. FEDERAL-STATE AGREEMENTS.

(a) **IN GENERAL.**—Any State which desires to do so may enter into and participate in an agreement under this title with the Secretary of Labor (in this title referred to as the “Secretary”). Any State which is a party to an agreement under this title may, upon providing 30 days' written notice to the Secretary, terminate such agreement.

(b) **PROVISIONS OF AGREEMENT.**—

(1) **IN GENERAL.**—Any agreement under subsection (a) shall provide that the State agency of the State will make—

(A) payments of regular compensation to individuals in amounts and to the extent that such payments would be determined if the State law were applied with the modifications described in paragraph (2); and

(B) payments of temporary supplemental unemployment compensation to individuals who—

(i) have exhausted all rights to regular compensation under the State law;

(ii) do not, with respect to a week, have any rights to compensation (excluding extended compensation) under the State law of any other State (whether one that has entered into an agreement under this title or otherwise) nor compensation under any other Federal law (other than under the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note)), and are not paid or entitled to be paid any additional compensation under any Federal or State law; and

(iii) are not receiving compensation with respect to such week under the unemployment compensation law of Canada.

(2) **MODIFICATIONS DESCRIBED.**—The modifications described in this paragraph are as follows:

(A) **ALTERNATIVE BASE PERIOD.**—An individual shall be eligible for regular compensation if the individual would be so eligible, determined by applying—

(i) the base period that would otherwise apply under the State law if this title had not been enacted; or

(ii) a base period ending at the close of the calendar quarter most recently completed before the date of the individual's application for benefits, provided that wage data for that quarter has been reported to the State; whichever results in the greater amount.

(B) **PART-TIME EMPLOYMENT.**—An individual shall not be denied regular compensation under the State law's provisions relating to availability for work, active search for work, or refusal to accept work, solely by virtue of the fact

that such individual is seeking, or is available for, only part-time (and not full-time) work, if—

(i) the individual's employment on which eligibility for the regular compensation is based was part-time employment; or

(ii) the individual can show good cause for seeking, or being available for, only part-time (and not full-time) work.

(C) INCREASED BENEFITS.—

(i) **IN GENERAL.**—The amount of regular compensation (including dependents' allowances) payable for any week shall be equal to the amount determined under the State law (before the application of this subparagraph), plus an amount equal to the greater of—

(I) 15 percent of the amount so determined; or

(II) \$25.

(ii) **ROUNDING.**—For purposes of determining the amount under clause (i)(I), such amount shall be rounded to the dollar amount specified under State law.

(c) **NONREDUCTION RULE.**—Under the agreement, subsection (b)(2)(C) shall not apply (or shall cease to apply) with respect to a State upon a determination by the Secretary that the method governing the computation of regular compensation under the State law of that State has been modified in a way such that—

(1) the average weekly amount of regular compensation which will be payable during the period of the agreement (determined disregarding the modifications described in subsection (b)(2)) will be less than

(2) the average weekly amount of regular compensation which would otherwise have been payable during such period under the State law, as in effect on September 11, 2001.

(d) COORDINATION RULES.—

(1) **REGULAR COMPENSATION PAYABLE UNDER A FEDERAL LAW.**—The modifications described in subsection (b)(2) shall also apply in determining the amount of benefits payable under any Federal law to the extent that those benefits are determined by reference to regular compensation payable under the State law of the State involved.

(2) **TSUC TO SERVE AS SECOND-TIER BENEFITS.**—Notwithstanding any other provision of law, extended benefits shall not be payable to any individual for any week for which temporary supplemental unemployment compensation is payable to such individual.

(e) **EXHAUSTION OF BENEFITS.**—For purposes of subsection (b)(1)(B)(i), an individual shall be considered to have exhausted such individual's rights to regular compensation under a State law when—

(1) no payments of regular compensation can be made under such law because such individual has received all regular compensation available to such individual based on employment or wages during such individual's base period; or

(2) such individual's rights to such compensation have been terminated by reason of the expiration of the benefit year with respect to which such rights existed.

(f) **WEEKLY BENEFIT AMOUNT, TERMS AND CONDITIONS, ETC. RELATING TO TSUC.**—For purposes of any agreement under this title—

(1) the amount of temporary supplemental unemployment compensation which shall be payable to an individual for any week of total unemployment shall be equal to the amount of regular compensation (including dependents' allowances) payable to such individual under the State law for a week for total unemployment during such individual's benefit year;

(2) the terms and conditions of the State law which apply to claims for regular compensation and to the payment thereof shall apply to claims for temporary supplemental unemployment compensation and the payment thereof, except where inconsistent with the provisions of this

title or with the regulations or operating instructions of the Secretary promulgated to carry out this title; and

(3) the maximum amount of temporary supplemental unemployment compensation payable to any individual for whom a temporary supplemental unemployment compensation account is established under section 703 shall not exceed the amount established in such account for such individual.

SEC. 703. TEMPORARY SUPPLEMENTAL UNEMPLOYMENT COMPENSATION ACCOUNT.

(a) **IN GENERAL.**—Any agreement under this title shall provide that the State will establish, for each eligible individual who files an application for temporary supplemental unemployment compensation, a temporary supplemental unemployment compensation account.

(b) AMOUNT IN ACCOUNT.—

(1) **IN GENERAL.**—The amount established in an account under subsection (a) shall be equal to the lesser of—

(A) 50 percent of the total amount of regular compensation (including dependents' allowances) payable to the individual during the individual's benefit year under such law; or

(B) 13 times the individual's weekly benefit amount.

(2) **WEEKLY BENEFIT AMOUNT.**—For purposes of this subsection, an individual's weekly benefit amount for any week is the amount of regular compensation (including dependents' allowances) under the State law payable to such individual for such week for total unemployment.

(3) **RULE OF CONSTRUCTION.**—For purposes of any computation under paragraph (1) (and any determination of amount under section 702(f)(1)), the modification described in section 702(b)(2)(C) (relating to increased benefits) shall be deemed to have been in effect with respect to the entirety of the benefit year involved.

SEC. 704. PAYMENTS TO STATES HAVING AGREEMENTS UNDER THIS TITLE.

(a) **GENERAL RULE.**—There shall be paid to each State which has entered into an agreement under this title an amount equal to—

(1) 100 percent of any regular compensation made payable to individuals by such State by virtue of the modifications which are described in section 702(b)(2) and deemed to be in effect with respect to such State pursuant to section 702(b)(1)(A);

(2) 100 percent of any regular compensation—
(A) which is paid to individuals by such State by reason of the fact that its State law contains provisions comparable to the modifications described in subparagraphs (A) and (B) of section 702(b)(2); but only

(B) to the extent that those amounts would, if such amounts were instead payable by virtue of the State law's being deemed to be so modified pursuant to section 702(b)(1)(A), have been reimbursable under paragraph (1); and

(3) 100 percent of the temporary supplemental unemployment compensation paid to individuals by the State pursuant to such agreement.

(b) **DETERMINATION OF AMOUNT.**—Sums under subsection (a) payable to any State by reason of such State having an agreement under this title shall be payable, either in advance or by way of reimbursement (as may be determined by the Secretary), in such amounts as the Secretary estimates the State will be entitled to receive under this title for each calendar month, reduced or increased, as the case may be, by any amount by which the Secretary finds that the Secretary's estimates for any prior calendar month were greater or less than the amounts which should have been paid to the State. Such estimates may be made on the basis of such statistical, sampling, or other method as may be agreed upon by the Secretary and the State agency of the State involved.

(c) **ADMINISTRATIVE EXPENSES, ETC.**—There is hereby appropriated out of the employment security administration account of the Unemployment Trust Fund (as established by section 901(a) of the Social Security Act (42 U.S.C. 1101(a))) \$500,000,000 to reimburse States for the costs of the administration of agreements under this title (including any improvements in technology in connection therewith) and to provide reemployment services to unemployment compensation claimants in States having agreements under this title. Each State's share of the amount appropriated by the preceding sentence shall be determined by the Secretary according to the factors described in section 302(a) of the Social Security Act (42 U.S.C. 501(a)) and certified by the Secretary to the Secretary of the Treasury.

SEC. 705. FINANCING PROVISIONS.

(a) **IN GENERAL.**—Funds in the extended unemployment compensation account (as established by section 905(a) of the Social Security Act (42 U.S.C. 1105(a))), and the Federal unemployment account (as established by section 904(g) of such Act (42 U.S.C. 1104(g))), of the Unemployment Trust Fund (as established by section 904(a) of such Act (42 U.S.C. 1104(a))) shall be used, in accordance with subsection (b), for the making of payments (described in section 704(a)) to States having agreements entered into under this title.

(b) **CERTIFICATION.**—The Secretary shall from time to time certify to the Secretary of the Treasury for payment to each State the sums described in section 704(a) which are payable to such State under this title. The Secretary of the Treasury, prior to audit or settlement by the General Accounting Office, shall make payments to the State in accordance with such certification by transfers from the extended unemployment compensation account, as so established (or, to the extent that there are insufficient funds in that account, from the Federal unemployment account, as so established) to the account of such State in the Unemployment Trust Fund (as so established).

SEC. 706. FRAUD AND OVERPAYMENTS.

(a) **IN GENERAL.**—If an individual knowingly has made, or caused to be made by another, a false statement or representation of a material fact, or knowingly has failed, or caused another to fail, to disclose a material fact, and as a result of such false statement or representation or of such nondisclosure such individual has received any regular compensation or temporary supplemental unemployment compensation under this title to which he was not entitled, such individual—

(1) shall be ineligible for any further benefits under this title in accordance with the provisions of the applicable State unemployment compensation law relating to fraud in connection with a claim for unemployment compensation; and

(2) shall be subject to prosecution under section 1001 of title 18, United States Code.

(b) **REPAYMENT.**—In the case of individuals who have received any regular compensation or temporary supplemental unemployment compensation under this title to which such individuals were not entitled, the State shall require such individuals to repay those benefits to the State agency, except that the State agency may waive such repayment if it determines that—

(1) the payment of such benefits was without fault on the part of any such individual; and

(2) such repayment would be contrary to equity and good conscience.

(c) RECOVERY BY STATE AGENCY.—

(1) **IN GENERAL.**—The State agency may recover the amount to be repaid, or any part thereof, by deductions from any regular compensation or temporary supplemental unemployment compensation payable to such individual

under this title or from any unemployment compensation payable to such individual under any Federal unemployment compensation law administered by the State agency or under any other Federal law administered by the State agency which provides for the payment of any assistance or allowance with respect to any week of unemployment, during the 3-year period after the date such individuals received the payment of the regular compensation or temporary supplemental unemployment compensation to which such individuals were not entitled, except that no single deduction may exceed 50 percent of the weekly benefit amount from which such deduction is made.

(2) **OPPORTUNITY FOR HEARING.**—No repayment shall be required, and no deduction shall be made, until a determination has been made, notice thereof and an opportunity for a fair hearing has been given to the individual, and the determination has become final.

(d) **REVIEW.**—Any determination by a State agency under this section shall be subject to review in the same manner and to the same extent as determinations under the State unemployment compensation law, and only in that manner and to that extent.

SEC. 707. DEFINITIONS.

For purposes of this title:

(1) **IN GENERAL.**—The terms “compensation”, “regular compensation”, “extended compensation”, “additional compensation”, “benefit year”, “base period”, “State”, “State agency”, “State law”, and “week” have the respective meanings given such terms under section 205 of the Federal-State Extended Unemployment Compensation Act of 1970, subject to paragraph (2).

(2) **STATE LAW AND REGULAR COMPENSATION.**—In the case of a State entering into an agreement under this title—

(A) “State law” shall be considered to refer to the State law of such State, applied in conformance with the modifications described in section 702(b)(2), subject to section 702(c); and

(B) “regular compensation” shall be considered to refer to such compensation, determined under its State law (applied in the manner described in subparagraph (A)); except as otherwise provided or where the context clearly indicates otherwise.

SEC. 708. APPLICABILITY.

(a) **IN GENERAL.**—An agreement entered into under this title shall apply to weeks of unemployment—

(1) beginning after the date on which such agreement is entered into; and

(2) ending before January 1, 2003.

(b) **SPECIFIC RULES.**—

(1) **IN GENERAL.**—Under such an agreement, the following rules shall apply:

(A) **ALTERNATIVE BASE PERIODS.**—The modification described in section 702(b)(2)(A) (relating to alternative base periods) shall not apply except in the case of initial claims filed on or after the first day of the week that includes September 11, 2001.

(B) **PART-TIME EMPLOYMENT AND INCREASED BENEFITS.**—The modifications described in subparagraphs (B) and (C) of section 702(b)(2) (relating to part-time employment and increased benefits, respectively) shall apply to weeks of unemployment described in subsection (a), regardless of the date on which an individual's initial claim for benefits is filed.

(C) **ELIGIBILITY FOR TSUC.**—The payments described in section 702(b)(1)(B) (relating to temporary supplemental unemployment compensation) shall not apply except in the case of individuals exhausting their rights to regular compensation (as described in clause (i) of such section) on or after the first day of the week that includes September 11, 2001.

(2) **REAPPLICATION PROCESS.**—

(A) **ALTERNATIVE BASE PERIODS.**—In the case of an individual who filed an initial claim for

regular compensation on or after the first day of the week that includes September 11, 2001, and before the date that the State entered into an agreement under subsection (a)(1) that was denied as a result of the application of the base period that applied under the State law prior to the date on which the State entered into the such agreement, such individual—

(i) may refile a claim for regular compensation based on the modification described in section 702(b)(2)(A) (relating to alternative base periods) on or after the date on which the State enters into such agreement and before the date on which such agreement terminates; and

(ii) if eligible, shall be entitled to such compensation only for weeks of unemployment described in subsection (a) beginning on or after the date on which the individual files such claim.

(B) **PART-TIME EMPLOYMENT.**—In the case of an individual who before the date that the State entered into an agreement under subsection (a)(1) was denied regular compensation under the State law's provisions relating to availability for work, active search for work, or refusal to accept work, solely by virtue of the fact that such individual is seeking, or available for, only part-time (and not full-time) work, such individual—

(i) may refile a claim for regular compensation based on the modification described in section 702(b)(2)(B) (relating to part-time employment) on or after the date on which the State enters into the agreement under subsection (a)(1) and before the date on which such agreement terminates; and

(ii) if eligible, shall be entitled to such compensation only for weeks of unemployment described in subsection (a) beginning on or after the date on which the individual files such claim.

(3) **NO RETROACTIVE PAYMENTS FOR WEEKS PRIOR TO AGREEMENT.**—No amounts shall be payable to an individual under an agreement entered into under this title for any week of unemployment prior to the week beginning after the date on which such agreement is entered into.

TITLE VIII—EMERGENCY AGRICULTURE ASSISTANCE

Subtitle A—Crop Loss Assistance

SEC. 801. CROP LOSS ASSISTANCE.

(a) **IN GENERAL.**—The Secretary of Agriculture (referred to in this title as the “Secretary”) shall use \$1,800,000,000 of funds of the Commodity Credit Corporation to make emergency financial assistance available to producers on a farm that have incurred qualifying losses for the 2001 crop.

(b) **ADMINISTRATION.**—The Secretary shall make assistance available under this section in the same manner as provided under section 815 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 105-277, 114 Stat. 1549A-55), including using the same loss thresholds for the quantity and economic losses as were used in administering that section.

(c) **USE OF FUNDS FOR CASH PAYMENTS.**—The Secretary may use funds made available under this section to make, in a manner consistent with this section, cash payments not for crop disasters, but for income loss to carry out the purposes of this section.

SEC. 802. LIVESTOCK ASSISTANCE PROGRAM.

(a) **IN GENERAL.**—The Secretary shall use \$500,000,000 of the funds of the Commodity Credit Corporation to make and administer payments for livestock losses to producers for 2001 losses in a county that has received an emergency designation by the President or the Secretary after January 1, 2001.

(b) **ADMINISTRATION.**—The Secretary shall make assistance available under this section in the same manner as provided under section 806 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 105-277, 114 Stat. 1549A-51).

SEC. 803. COMMODITY PURCHASES.

(a) **IN GENERAL.**—The Secretary shall use \$220,000,000 of funds of the Commodity Credit Corporation to purchase agricultural commodities, especially agricultural commodities that have experienced low prices during the 2001 crop year, as determined by the Secretary.

(b) **GEOGRAPHIC DIVERSITY.**—The Secretary is encouraged to purchase agricultural commodities under this section in a manner that reflects the geographic diversity of agricultural production in the United States, particularly agricultural production in the Northeast and Mid-Atlantic States.

(c) **OTHER PURCHASES.**—The Secretary shall ensure that purchases of agricultural commodities under this section are in addition to purchases by the Secretary under any other law.

(d) **TRANSPORTATION AND DISTRIBUTION COSTS.**—The Secretary may use not more than \$20,000,000 of the funds made available under subsection (a) to provide assistance to States to cover costs incurred by the States in transporting and distributing agricultural commodities purchased under this section.

(e) **PURCHASES FOR SCHOOL NUTRITION PROGRAMS.**—The Secretary shall use not less than \$55,000,000 of the funds made available under subsection (a) to purchase agricultural commodities of the type distributed under section 6(a) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1755(a)) for distribution to schools and service institutions in accordance with section 6(a) of that Act.

Subtitle B—Rural Development

SEC. 811. RURAL COMMUNITY FACILITIES AND UTILITIES.

(a) **FUNDING.**—

(1) **IN GENERAL.**—Not later than 30 days after the date of enactment of this Act, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary of Agriculture—

(A) \$130,100,000 for the cost of water or waste disposal direct loans under section 306(a)(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(1));

(B) \$1,074,798,000 for water or waste disposal grants under section 306(a)(2) of that Act;

(C) \$8,362,000 for the cost of community facility direct loans under section 306(a)(1) of that Act; and

(D) \$60,000,000 for community facility grants under paragraph (19), (20), or (21) of section 306(a)(1) of that Act.

(2) **RECEIPT AND ACCEPTANCE.**—The Secretary shall be entitled to receive, shall accept, and shall use in accordance with paragraph (1) the funds transferred under paragraph (1), without further appropriation.

(3) **AVAILABILITY OF FUNDS.**—Funds transferred under paragraph (1) shall remain available until expended.

(4) **APPLICABILITY OF OTHER LAWS.**—For the purposes of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a et seq.), this section shall be treated as if enacted in an Act of appropriation.

(5) **APPROPRIATED AMOUNTS.**—Funds made available under this subsection shall be available to the Secretary—

(A) to provide funds for pending applications for loans, loan guarantees, and grants described in paragraph (1); and

(B) only to the extent that funds for the loans, loan guarantees, and grants appropriated in the annual appropriations Act for fiscal year 2002 have been exhausted.

(b) **COMMUNITY FACILITY GUARANTEED LOANS.**—The Secretary may guarantee an additional \$128,000,000 for community facility guaranteed loans under section 306(a)(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(1)).

SEC. 812. RURAL TELECOMMUNICATIONS LOANS.

(a) **IN GENERAL.**—Not later than 30 days after the date of enactment of this Act, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary of Agriculture to make insured cost of money rural telecommunications loans under sections 305 and 306 of the Rural Electrification Act of 1936 (7 U.S.C. 935, 936) \$40,000,000, to remain available until expended.

(b) **RECEIPT AND ACCEPTANCE.**—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this section the funds transferred under subsection (a), without further appropriation.

(c) **APPLICABILITY OF OTHER LAWS.**—For the purposes of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a et seq.), this section shall be treated as if enacted in an Act of appropriation.

SEC. 813. TELEMEDICINE AND DISTANCE LEARNING SERVICES.

(a) **IN GENERAL.**—The Secretary may make additional loans and grants for the broadband pilot program and for telemedicine and distance learning services under chapter 1 of subtitle D of title XXIII of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 950aaa et seq.).

(b) **AMOUNT OF LOANS.**—The Secretary shall make loans under this section in an amount not to exceed \$400,000,000.

(c) **FUNDING.**—

(1) **IN GENERAL.**—Not later than 30 days after the date of enactment of this Act, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary of Agriculture for the cost of loans and grants under this section \$5,000,000, to remain available until expended.

(2) **RECEIPT AND ACCEPTANCE.**—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this section the funds transferred under paragraph (1), without further appropriation.

(3) **APPLICABILITY OF OTHER LAWS.**—For the purposes of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a et seq.), this subsection shall be treated as if enacted in an Act of appropriation.

SEC. 814. ENVIRONMENTAL QUALITY INCENTIVES PROGRAM.

In addition to funds otherwise available, the Secretary shall use \$1,400,000,000 of funds of the Commodity Credit Corporation to carry out the environmental quality incentives program established under chapter 4 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3839aa et seq.), including technical assistance under the program.

SEC. 815. FARMLAND PROTECTION PROGRAM.

In addition to funds otherwise available, the Secretary shall use \$150,000,000 of funds of the Commodity Credit Corporation to carry out the farmland protection program established under section 388 of the Federal Agriculture Improvement and Reform Act of 1996 (16 U.S.C. 3830 note; Public Law 104-127).

Subtitle C—Administration

SEC. 821. COMMODITY CREDIT CORPORATION.

The Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation to carry out subtitle A.

SEC. 822. ADMINISTRATIVE EXPENSES.

(a) **IN GENERAL.**—In addition to funds otherwise available, not later than 30 days after the date of enactment of this Act, out of any funds in the Treasury not otherwise appropriated, the

Secretary of the Treasury shall transfer to the Secretary of Agriculture to pay the salaries and expenses of the Department of Agriculture in carrying out this title \$104,500,000, to remain available until expended.

(b) **RECEIPT AND ACCEPTANCE.**—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this section the funds transferred under subsection (a), without further appropriation.

SEC. 823. REGULATIONS.

(a) **IN GENERAL.**—The Secretary may promulgate such regulations as are necessary to implement this title.

(b) **PROCEDURE.**—The promulgation of the regulations and administration of this subtitle shall be made without regard to—

(1) the notice and comment provisions of section 553 of title 5, United States Code;

(2) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(3) chapter 35 of title 44, United States Code (commonly known as the “Paperwork Reduction Act”).

(c) **CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.**—In carrying out this section, the Secretary shall use the authority provided under section 808 of title 5, United States Code.

TITLE IX—ADDITIONAL PROVISIONS

SEC. 901. CREDIT TO HOLDERS OF QUALIFIED AMTRAK BONDS.

(a) **IN GENERAL.**—Part IV of subchapter A of chapter 1 (relating to credits against tax) is amended by adding at the end the following new subpart:

“Subpart H—Nonrefundable Credit for Holders of Qualified Amtrak Bonds

“Sec. 54. Credit to holders of qualified Amtrak bonds.

“SEC. 54. CREDIT TO HOLDERS OF QUALIFIED AMTRAK BONDS.

“(a) **ALLOWANCE OF CREDIT.**—In the case of a taxpayer who holds a qualified Amtrak bond on a credit allowance date of such bond which occurs during the taxable year, there shall be allowed as a credit against the tax imposed by this chapter for such taxable year an amount equal to the sum of the credits determined under subsection (b) with respect to credit allowance dates during such year on which the taxpayer holds such bond.

“(b) **AMOUNT OF CREDIT.**—

“(1) **IN GENERAL.**—The amount of the credit determined under this subsection with respect to any credit allowance date for a qualified Amtrak bond is 25 percent of the annual credit determined with respect to such bond.

“(2) **ANNUAL CREDIT.**—The annual credit determined with respect to any qualified Amtrak bond is the product of—

“(A) the applicable credit rate, multiplied by

“(B) the outstanding face amount of the bond.

“(3) **APPLICABLE CREDIT RATE.**—For purposes of paragraph (2), the applicable credit rate with respect to an issue is the rate equal to an average market yield (as of the day before the date of sale of the issue) on outstanding long-term corporate debt obligations (determined in such manner as the Secretary prescribes).

“(4) **CREDIT ALLOWANCE DATE.**—For purposes of this section, the term “credit allowance date” means—

“(A) March 15,

“(B) June 15,

“(C) September 15, and

“(D) December 15.

Such term includes the last day on which the bond is outstanding.

“(5) **SPECIAL RULE FOR ISSUANCE AND REDEMPTION.**—In the case of a bond which is issued

during the 3-month period ending on a credit allowance date, the amount of the credit determined under this subsection with respect to such credit allowance date shall be a ratable portion of the credit otherwise determined based on the portion of the 3-month period during which the bond is outstanding. A similar rule shall apply when the bond is redeemed.

“(c) **LIMITATION BASED ON AMOUNT OF TAX.**—

“(1) **IN GENERAL.**—The credit allowed under subsection (a) for any taxable year shall not exceed the excess of—

“(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

“(B) the sum of the credits allowable under this part (other than this subpart and subpart C).

“(2) **CARRYOVER OF UNUSED CREDIT.**—If the credit allowable under subsection (a) exceeds the limitation imposed by paragraph (1) for such taxable year, such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such taxable year.

“(d) **CREDIT INCLUDED IN GROSS INCOME.**—Gross income includes the amount of the credit allowed to the taxpayer under this section (determined without regard to subsection (c)) and the amount so included shall be treated as interest income.

“(e) **QUALIFIED AMTRAK BOND.**—For purposes of this part, the term “qualified Amtrak bond” means any bond issued as part of an issue if—

“(1) 95 percent or more of the proceeds from the sale of such issue are to be used for expenditures incurred after the date of the enactment of this section for any qualified project,

“(2) the bond is issued by the National Railroad Passenger Corporation, is in registered form, and meets the bond limitation requirements under subsection (f),

“(3) the issuer designates such bond for purposes of this section,

“(4) the issuer certifies that it meets the State contribution requirement of subsection (k) with respect to such project, as in effect on the date of issuance,

“(5) the issuer certifies that it has obtained the written approval of the Secretary of Transportation for such project in accordance with subsection (l),

“(6) the term of each bond which is part of such issue does not exceed 20 years,

“(7) the payment of principal with respect to such bond is the obligation of the National Railroad Passenger Corporation, and

“(8) the issue meets the requirements of subsection (g) (relating to arbitrage).

“(f) LIMITATION ON AMOUNT OF BONDS DESIGNATED.—

“(1) **NATIONAL LIMITATION.**—There is a qualified Amtrak bond limitation for each calendar year. Such limitation is—

“(A) for 2002—

“(i) with respect to qualified projects described in subparagraphs (A), (B), and (C) of subsection (j)(1), \$7,000,000,000, and

“(ii) with respect to the qualified project described in subsection (j)(1)(D), \$2,000,000,000, and

“(B) except as provided in paragraph (4), zero thereafter.

“(2) **LIMITS ON BONDS FOR NORTHEAST RAIL CORRIDOR AND INDIVIDUAL STATES.—**

“(A) **NORTHEAST RAIL CORRIDOR.**—Not more than \$2,000,000,000 of the limitation under paragraph (1) may be designated for qualified projects on the northeast rail corridor between Washington, D.C., and Boston, Massachusetts.

“(B) **INDIVIDUAL STATES.**—Not more than \$2,000,000,000 of the limitation under paragraph (1) may be designated for any individual State. The dollar limitation under this subparagraph is

in addition to the dollar limitation for the qualified projects described in subparagraph (A).

“(3) SET ASIDE FOR BONDS FOR NON-FEDERALLY DESIGNATED HIGH-SPEED RAIL CORRIDOR PROJECTS.—Not less than 15 percent of the limitation under paragraph (1) shall be designated for qualified projects described in subsection (j)(1)(C).

“(4) CARRYOVER OF UNUSED LIMITATION.—If for any calendar year—

“(A) the qualified Amtrak limitation amount, exceeds

“(B) the amount of bonds issued during such year which are designated under subsection (e)(3),

the qualified Amtrak limitation amount for the following calendar year shall be increased by the amount of such excess.

Any carryforward of a qualified Amtrak limitation amount may be carried only to calendar year 2003 or 2004.

“(g) SPECIAL RULES RELATING TO ARBITRATION.—

“(1) IN GENERAL.—Subject to paragraph (2), an issue shall be treated as meeting the requirements of this subsection if as of the date of issuance, the issuer reasonably expects—

“(A) to spend at least 95 percent of the proceeds from the sale of the issue for 1 or more qualified projects within the 3-year period beginning on such date,

“(B) to incur a binding commitment with a third party to spend at least 10 percent of the proceeds from the sale of the issue, or to commence construction, with respect to such projects within the 6-month period beginning on such date, and

“(C) to proceed with due diligence to complete such projects and to spend the proceeds from the sale of the issue.

“(2) RULES REGARDING CONTINUING COMPLIANCE AFTER 3-YEAR DETERMINATION.—If at least 95 percent of the proceeds from the sale of the issue is not expended for 1 or more qualified projects within the 3-year period beginning on the date of issuance, but the requirements of paragraph (1) are otherwise met, an issue shall be treated as continuing to meet the requirements of this subsection if either—

“(A) the issuer uses all unspent proceeds from the sale of the issue to redeem bonds of the issue within 90 days after the end of such 3-year period, or

“(B) the following requirements are met:

“(i) The issuer spends at least 75 percent of the proceeds from the sale of the issue for 1 or more qualified projects within the 3-year period beginning on the date of issuance.

“(ii) Either—

“(I) the issuer spends at least 95 percent of the proceeds from the sale of the issue for 1 or more qualified projects within the 4-year period beginning on the date of issuance, or

“(II) the issuer pays to the Federal Government any earnings on the proceeds from the sale of the issue that accrue after the end of the 3-year period beginning on the date of issuance and uses all unspent proceeds from the sale of the issue to redeem bonds of the issue within 90 days after the end of the 4-year period beginning on the date of issuance.

“(h) RECAPTURE OF PORTION OF CREDIT WHERE CESSATION OF COMPLIANCE.—

“(1) IN GENERAL.—If any bond which when issued purported to be a qualified Amtrak bond ceases to be such a qualified bond, the issuer shall pay to the United States (at the time required by the Secretary) an amount equal to the sum of—

“(A) the aggregate of the credits allowable under this section with respect to such bond (determined without regard to subsection (c)) for taxable years ending during the calendar year in which such cessation occurs and the 2 preceding calendar years, and

“(B) interest at the underpayment rate under section 6621 on the amount determined under subparagraph (A) for each calendar year for the period beginning on the first day of such calendar year.

“(2) FAILURE TO PAY.—If the issuer fails to timely pay the amount required by paragraph (1) with respect to such bond, the tax imposed by this chapter on each holder of any such bond which is part of such issue shall be increased (for the taxable year of the holder in which such cessation occurs) by the aggregate decrease in the credits allowed under this section to such holder for taxable years beginning in such 3 calendar years which would have resulted solely from denying any credit under this section with respect to such issue for such taxable years.

“(3) SPECIAL RULES.—

“(A) TAX BENEFIT RULE.—The tax for the taxable year shall be increased under paragraph (2) only with respect to credits allowed by reason of this section which were used to reduce tax liability. In the case of credits not so used to reduce tax liability, the carryforwards and carrybacks under section 39 shall be appropriately adjusted.

“(B) NO CREDITS AGAINST TAX.—Any increase in tax under paragraph (2) shall not be treated as a tax imposed by this chapter for purposes of determining—

“(i) the amount of any credit allowable under this part, or

“(ii) the amount of the tax imposed by section 55.

“(i) TRUST ACCOUNT.—

“(1) IN GENERAL.—The following amounts shall be held in a trust account by a trustee independent of the National Railroad Passenger Corporation:

“(A) The proceeds from the sale of all bonds designated for purposes of this section.

“(B) The amount of any matching contributions with respect to such bonds.

“(C) The investment earnings on proceeds from the sale of such bonds.

“(D) Any earnings on any amounts described in subparagraph (A), (B), or (C).

“(2) USE OF FUNDS.—Amounts in the trust account may be used only to pay costs of qualified projects and redeem qualified Amtrak bonds, except that amounts withdrawn from the trust account to pay costs of qualified projects may not exceed the aggregate proceeds from the sale of all qualified Amtrak bonds issued under this section.

“(3) USE OF REMAINING FUNDS IN TRUST ACCOUNT.—Upon the redemption of all qualified Amtrak bonds issued under this section, any remaining amounts in the trust account described in paragraph (1) shall be available to the issuer for any qualified project.

“(j) QUALIFIED PROJECT.—For purposes of this section—

“(1) IN GENERAL.—The term ‘qualified project’ means—

“(A) the acquisition, financing, or refinancing of equipment, rolling stock, and other capital improvements (including the introduction of new high-speed technologies such as magnetic levitation systems), including track or signal improvements or the elimination of grade crossings, for the northeast rail corridor between Washington, D.C., and Boston, Massachusetts,

“(B) the acquisition, financing, or refinancing of equipment, rolling stock, and other capital improvements (including the introduction of new high-speed technologies such as magnetic levitation systems), including development of intermodal facilities, track or signal improvements, or the elimination of grade crossings, for the improvement of train speeds or safety (or both) on the high-speed rail corridors designated under section 104(d)(2) of title 23, United States Code, as in effect on the date of the enactment of this section,

“(C) the acquisition, financing, or refinancing of equipment, rolling stock, and other capital improvements, including station rehabilitation or construction, development of intermodal facilities, track or signal improvements, or the elimination of grade crossings, for the improvement of train speeds or safety (or both) for other intercity passenger rail corridors and for the Alaska Railroad, and

“(D) construction, installation of facilities, performance of railroad force account work, and environmental impact studies that facilitate and maximize intercity and regional rail system capacity and connectivity intended to benefit all users, including the National Passenger Rail Corporation, related to the construction of the Trans Hudson Tunnel, an additional railroad passenger tunnel connecting Newark, New Jersey to the City of New York, New York.

“(2) REFINANCING RULES.—For purposes of paragraph (1), a refinancing shall constitute a qualified project only if the indebtedness being refinanced (including any obligation directly or indirectly refinanced by such indebtedness) was originally incurred by the issuer—

“(A) after the date of the enactment of this section,

“(B) for a term of not more than 3 years,

“(C) to finance or acquire capital improvements described in paragraph (1), and

“(D) in anticipation of being refinanced with proceeds of a qualified Amtrak bond.

“(k) STATE CONTRIBUTION REQUIREMENTS.—

“(1) IN GENERAL.—For purposes of subsection (e)(4), the State contribution requirement of this subsection is met with respect to any qualified project if the National Railroad Passenger Corporation has received from 1 or more States, not later than the date of issuance of the bond, matching contributions of not less than 20 percent of the cost of the qualified project.

“(2) NO STATE CONTRIBUTION REQUIREMENT FOR CERTAIN QUALIFIED PROJECTS.—The State contribution requirement of this subsection is zero with respect to any project described in subsection (j)(1)(C) for the Alaska Railroad.

“(3) STATE MATCHING CONTRIBUTIONS MAY NOT INCLUDE FEDERAL FUNDS.—For purposes of this subsection, State matching contributions shall not be derived, directly or indirectly, from Federal funds, including any transfers from the Highway Trust Fund under section 9503.

“(l) DEPARTMENT OF TRANSPORTATION APPROVAL FOR QUALIFIED PROJECTS.—

“(1) IN GENERAL.—The written approval of a qualified project by the Secretary of Transportation required for purposes of subsection (e)(5) shall include—

“(A) the finding by the Inspector General of the Department of Transportation described in paragraph (2),

“(B) the certification by the Secretary of Transportation described in paragraph (3), and

“(C) the agreement by the National Railroad Passenger Corporation described in paragraph (4).

“(2) FINDING BY INSPECTOR GENERAL.—For purposes of paragraph (1), the finding described in this paragraph is a finding by the Inspector General of the Department of Transportation that there is a reasonable likelihood that the proposed project will result in a positive financial contribution to the National Railroad Passenger Corporation and that the investment evaluation process includes consideration of a return on investment, leveraging of funds (including State capital and operating contributions), cost effectiveness, safety improvement, mobility improvement, and feasibility.

“(3) CERTIFICATION.—For purposes of paragraph (1), the certification described in this paragraph is a certification by the Secretary of Transportation that the issuer of the qualified Amtrak bond—

“(A) except with respect to projects described in subsection (j)(1)(C), has entered into a written agreement with the owners of rail properties which are to be improved by the project to be funded by the qualified Amtrak bond, as to the scope and estimated cost of such project and the impact on rail freight capacity, and

“(B) has met the State contribution requirements described in subsection (k).

The National Railroad Passenger Corporation shall not exercise its rights under section 24308(a)(2) of title 49, United States Code, to resolve disputes with respect to a project to be funded by a qualified Amtrak bond, or with respect to the cost of such a project, unless the project is intended to result in railroad speeds of 79 miles per hour or less.

“(4) AGREEMENT BY AMTRAK TO ISSUE ADDITIONAL BONDS FOR PROJECTS OF OTHER CARRIERS.—

“(A) IN GENERAL.—For purposes of paragraph (1), the agreement described in this paragraph is an agreement by the National Railroad Passenger Corporation with the Secretary of Transportation to issue bonds which meet the requirements of this section for use in financing projects described in subparagraph (B).

“(B) PROJECTS COVERED.—For purposes of subparagraph (A), the projects described in this subparagraph are any project described in subsection (j)(1)(B) or (j)(1)(C) for an intercity rail passenger carrier other than the National Railroad Passenger Corporation or for the Alaska Railroad.

“(C) RESPONSIBILITY OF INTERCITY RAIL PASSENGER CARRIER.—Any project financed by bonds referred to in subparagraph (A) shall be carried out by the intercity rail passenger carrier other than the National Railroad Passenger Corporation, through a contract entered into by the National Railroad Passenger Corporation with such carrier.

“(D) INTERCITY RAIL PASSENGER CARRIER DEFINED.—For purposes of this paragraph, the term ‘intercity rail passenger carrier’ means any rail carrier (as defined in section 24102(7) of such title 49, as in effect on the date of the enactment of this section) which is part of the interstate system of rail transportation and which provides intercity rail passenger transportation (as defined in section 24102(5) of such title 49 (as so in effect)).

“(5) ADDITIONAL SELECTION CRITERIA.—In determining projects to be approved under this subsection (other than projects for the Alaska Railroad), or to be included in an agreement under paragraph (4), the Secretary of Transportation—

“(A) shall base such approval on—

“(i) the results of alternatives analysis and preliminary engineering, and

“(ii) a comprehensive review of mobility improvements, environmental benefits, cost effectiveness, and operating efficiencies, and

“(B) shall give preference to—

“(i) projects supported by evidence of stable and dependable financing sources to construct, maintain, and operate the system or extension,

“(ii) projects expected to have a significant impact on air traffic congestion,

“(iii) projects expected to also improve commuter rail operations,

“(iv) projects that anticipate fares designed to recover costs and generate a return on investment, and

“(v) projects that promote regional balance in infrastructure investment and the national interest in ensuring the development of a nationwide high-speed rail transportation network.

“(m) OTHER DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

“(1) BOND.—The term ‘bond’ includes any obligation.

“(2) TREATMENT OF CHANGES IN USE.—For purposes of subsection (e)(1), the proceeds from

the sale of an issue shall not be treated as used for a qualified project to the extent that the issuer takes any action within its control which causes such proceeds not to be used for a qualified project. The Secretary shall specify remedial actions that may be taken (including conditions to taking such remedial actions) to prevent an action described in the preceding sentence from causing a bond to fail to be a qualified Amtrak bond.

“(3) PARTNERSHIP; S CORPORATION; AND OTHER PASS-THRU ENTITIES.—In the case of a partnership, trust, S corporation, or other pass-thru entity, rules similar to the rules of section 41(g) shall apply with respect to the credit allowable under subsection (a).

“(4) BONDS HELD BY REGULATED INVESTMENT COMPANIES.—If any qualified Amtrak bond is held by a regulated investment company, the credit determined under subsection (a) shall be allowed to shareholders of such company under procedures prescribed by the Secretary.

“(5) REPORTING.—Issuers of qualified Amtrak bonds shall submit reports similar to the reports required under section 149(e).”

(b) AMENDMENTS TO OTHER CODE SECTIONS.—

(1) REPORTING.—Subsection (d) of section 6049 (relating to returns regarding payments of interest) is amended by adding at the end the following new paragraph:

“(8) REPORTING OF CREDIT ON QUALIFIED AMTRAK BONDS.—

“(A) IN GENERAL.—For purposes of subsection (a), the term ‘interest’ includes amounts includible in gross income under section 54(d) and such amounts shall be treated as paid on the credit allowance date (as defined in section 54(b)(4)).

“(B) REPORTING TO CORPORATIONS, ETC.—Except as otherwise provided in regulations, in the case of any interest described in subparagraph (A), subsection (b)(4) shall be applied without regard to subparagraphs (A), (H), (I), (J), (K), and (L)(i) of such subsection.

“(C) REGULATORY AUTHORITY.—The Secretary may prescribe such regulations as are necessary or appropriate to carry out the purposes of this paragraph, including regulations which require more frequent or more detailed reporting.”

(2) TREATMENT FOR ESTIMATED TAX PURPOSES.—

(A) INDIVIDUAL.—Section 6654 (relating to failure by individual to pay estimated income tax) is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

“(m) SPECIAL RULE FOR HOLDERS OF QUALIFIED AMTRAK BONDS.—For purposes of this section, the credit allowed by section 54 to a taxpayer by reason of holding a qualified Amtrak bond on a credit allowance date shall be treated as if it were a payment of estimated tax made by the taxpayer on such date.”

(B) CORPORATE.—Section 6655 (relating to failure by corporation to pay estimated income tax) is amended by adding at the end of subsection (g) the following new paragraph:

“(5) SPECIAL RULE FOR HOLDERS OF QUALIFIED AMTRAK BONDS.—For purposes of this section, the credit allowed by section 54 to a taxpayer by reason of holding a qualified Amtrak bond on a credit allowance date shall be treated as if it were a payment of estimated tax made by the taxpayer on such date.”

(3) EXCLUSION FROM GROSS INCOME OF CONTRIBUTIONS BY AMTRAK TO OTHER RAIL CARRIERS.—

(A) IN GENERAL.—Section 118 (relating to contributions to the capital of a corporation) is amended by redesignating subsection (d) as subsection (e) and by inserting after subsection (c) the following new subsection:

“(d) SPECIAL RULE FOR CONTRIBUTIONS BY AMTRAK TO OTHER RAIL CARRIERS.—For pur-

poses of this section, the term ‘contribution to the capital of the taxpayer’ includes any contribution by the National Railroad Passenger Corporation of personal or real property funded by the proceeds of qualified Amtrak bonds under section 54.”

(B) CONFORMING AMENDMENT.—Subsection (b) of such section 118 is amended by striking “subsection (c)” and inserting “subsections (c) and (d)”.

(4) PROTECTION OF HIGHWAY TRUST FUND.—Section 9503 (relating to Highway Trust Fund) is amended by adding at the end the following new subsection:

“(g) SPECIAL RULES RELATING TO NATIONAL RAILROAD PASSENGER CORPORATION.—

“(1) IN GENERAL.—Except as provided in subsection (c), as in effect on the date of the enactment of this subsection, amounts in the Highway Trust Fund may not be used, either directly or indirectly through a State or local transit authority, to provide funds to the National Railroad Passenger Corporation for any purpose, including issuance of any qualified Amtrak bond pursuant to section 54. The preceding sentence may not be waived by any provision of law which is not contained or referenced in this title, whether such provision of law is a subsequently enacted provision or directly or indirectly seeks to waive the application of such sentence.

“(2) CERTIFICATION BY THE SECRETARY.—The issuance of any qualified Amtrak bonds by the National Railroad Passenger Corporation pursuant to section 54 is conditioned on certification by the Secretary, after consultation with the Secretary of Transportation, within 30 days of a request by the issuer, that with respect to funds of the Highway Trust Fund described under paragraph (1), the issuer either—

“(A) has not received such funds during calendar years commencing with 2002 and ending before the calendar year the bonds are issued, or

“(B) has repaid to the Highway Trust Fund any such funds which were received during such calendar years.

“(3) NO RETROACTIVE EFFECT.—Nothing in this subsection shall adversely affect the entitlement of the holders of qualified Amtrak bonds to the tax credit allowed pursuant to section 54 or to repayment of principal upon maturity.”

(c) CLERICAL AMENDMENTS.—

(1) The table of subparts for part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

“Subpart H. Nonrefundable Credit for Holders of Qualified Amtrak Bonds.”

(2) Section 6401(b)(1) is amended by striking “and G” and inserting “G, and H”.

(d) ANNUAL REPORT BY TREASURY ON AMTRAK TRUST ACCOUNT.—The Secretary of the Treasury shall annually report to Congress as to whether the amount deposited in the trust account established by the National Railroad Passenger Corporation under section 54(i) of the Internal Revenue Code of 1986, as added by this section, is sufficient to fully repay at maturity the principal of any outstanding qualified Amtrak bonds issued pursuant to section 54 of such Code (as so added), together with amounts expected to be deposited into such account, as certified by the National Railroad Passenger Corporation in accordance with procedures prescribed by the Secretary of the Treasury.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after the date of the enactment of this Act.

(f) MULTI-YEAR CAPITAL SPENDING PLAN AND OVERSIGHT.—

(1) AMTRAK CAPITAL SPENDING PLAN.—

(A) IN GENERAL.—The National Railroad Passenger Corporation shall annually submit to the President and Congress a multi-year capital spending plan, as approved by the Board of Directors of the Corporation.

(B) **CONTENTS OF PLAN.**—Such plan shall identify the capital investment needs of the Corporation over a period of not less than 5 years and the funding sources available to finance such needs and shall prioritize such needs according to corporate goals and strategies.

(C) **INITIAL SUBMISSION DATE.**—The first plan shall be submitted before the issuance of any qualified Amtrak bonds by the National Railroad Passenger Corporation pursuant to section 54 of the Internal Revenue Code of 1986 (as added by this section).

(2) **OVERSIGHT OF AMTRAK TRUST ACCOUNT AND QUALIFIED PROJECTS.**—

(A) **TRUST ACCOUNT OVERSIGHT.**—The Secretary of the Treasury shall annually report to Congress as to whether the amount deposited in the trust account established by the National Railroad Passenger Corporation under section 54(i) of such Code (as so added) is sufficient to fully repay at maturity the principal of any outstanding qualified Amtrak bonds issued pursuant to section 54 of such Code (as so added), together with amounts expected to be deposited into such account, as certified by the National Railroad Passenger Corporation in accordance with procedures prescribed by the Secretary of the Treasury.

(B) **PROJECT OVERSIGHT.**—The National Railroad Passenger Corporation shall contract for an annual independent assessment of the costs and benefits of the qualified projects financed by such qualified Amtrak bonds, including an assessment of the investment evaluation process of the Corporation. The annual assessment shall be included in the plan submitted under paragraph (1).

SEC. 902. BROADBAND INTERNET ACCESS TAX CREDIT.

(a) **IN GENERAL.**—Subpart E of part IV of chapter 1 (relating to rules for computing investment credit) is amended by inserting after section 48 the following:

“SEC. 48A. BROADBAND CREDIT.

“(a) **GENERAL RULE.**—For purposes of section 46, the broadband credit for any taxable year is the sum of—

“(1) the current generation broadband credit, plus

“(2) the next generation broadband credit.”

“(b) **CURRENT GENERATION BROADBAND CREDIT; NEXT GENERATION BROADBAND CREDIT.**—For purposes of this section—

“(1) **CURRENT GENERATION BROADBAND CREDIT.**—The current generation broadband credit for any taxable year is equal to 10 percent of the qualified expenditures incurred with respect to qualified equipment providing current generation broadband services to qualified subscribers and taken into account with respect to such taxable year.

“(2) **NEXT GENERATION BROADBAND CREDIT.**—The next generation broadband credit for any taxable year is equal to 20 percent of the qualified expenditures incurred with respect to qualified equipment providing next generation broadband services to qualified subscribers and taken into account with respect to such taxable year.

“(c) **WHEN EXPENDITURES TAKEN INTO ACCOUNT.**—For purposes of this section—

“(1) **IN GENERAL.**—Qualified expenditures with respect to qualified equipment shall be taken into account with respect to the first taxable year in which—

“(A) current generation broadband services are provided through such equipment to qualified subscribers, or

“(B) next generation broadband services are provided through such equipment to qualified subscribers.

“(2) **LIMITATION.**—

“(A) **IN GENERAL.**—Qualified expenditures shall be taken into account under paragraph (1) only with respect to qualified equipment—

“(i) the original use of which commences with the taxpayer, and

“(ii) which is placed in service, after December 31, 2001.

“(B) **LEASED EQUIPMENT.**—Except as provided in regulations, rules similar to the rules of section 203(b)(3) of the Tax Reform Act of 1986 shall apply.

“(d) **SPECIAL ALLOCATION RULES.**—

“(1) **CURRENT GENERATION BROADBAND SERVICES.**—For purposes of determining the current generation broadband credit under subsection (a)(1) with respect to qualified equipment through which current generation broadband services are provided, if the qualified equipment is capable of serving both qualified subscribers and other subscribers, the qualified expenditures shall be multiplied by a fraction—

“(A) the numerator of which is the sum of the number of potential qualified subscribers within the rural areas and the underserved areas which the equipment is capable of serving with current generation broadband services, and

“(B) the denominator of which is the total potential subscriber population of the area which the equipment is capable of serving with current generation broadband services.

“(2) **NEXT GENERATION BROADBAND SERVICES.**—For purposes of determining the next generation broadband credit under subsection (a)(2) with respect to qualified equipment through which next generation broadband services are provided, if the qualified equipment is capable of serving both qualified subscribers and other subscribers, the qualified expenditures shall be multiplied by a fraction—

“(A) the numerator of which is the sum of—

“(i) the number of potential qualified subscribers within the rural areas and underserved areas, plus

“(ii) the number of potential qualified subscribers within the area consisting only of residential subscribers not described in clause (i),

which the equipment is capable of serving with next generation broadband services, and

“(B) the denominator of which is the total potential subscriber population of the area which the equipment is capable of serving with next generation broadband services.

“(e) **DEFINITIONS.**—For purposes of this section—

“(1) **ANTENNA.**—The term ‘antenna’ means any device used to transmit or receive signals through the electromagnetic spectrum, including satellite equipment.

“(2) **CABLE OPERATOR.**—The term ‘cable operator’ has the meaning given such term by section 602(5) of the Communications Act of 1934 (47 U.S.C. 522(5)).

“(3) **COMMERCIAL MOBILE SERVICE CARRIER.**—The term ‘commercial mobile service carrier’ means any person authorized to provide commercial mobile radio service as defined in section 20.3 of title 47, Code of Federal Regulations.

“(4) **CURRENT GENERATION BROADBAND SERVICE.**—The term ‘current generation broadband service’ means the transmission of signals at a rate of at least 1,000,000 bits per second to the subscriber and at least 128,000 bits per second from the subscriber.

“(5) **MULTIPLEXING OR DEMULTIPLEXING.**—The term ‘multiplexing’ means the transmission of 2 or more signals over a single channel, and the term ‘demultiplexing’ means the separation of 2 or more signals previously combined by compatible multiplexing equipment.

“(6) **NEXT GENERATION BROADBAND SERVICE.**—The term ‘next generation broadband service’ means the transmission of signals at a rate of at least 22,000,000 bits per second to the subscriber and at least 5,000,000 bits per second from the subscriber.

“(7) **NONRESIDENTIAL SUBSCRIBER.**—The term ‘nonresidential subscriber’ means a person who

purchases broadband services which are delivered to the permanent place of business of such person.

“(8) **OPEN VIDEO SYSTEM OPERATOR.**—The term ‘open video system operator’ means any person authorized to provide service under section 653 of the Communications Act of 1934 (47 U.S.C. 573).

“(9) **OTHER WIRELESS CARRIER.**—The term ‘other wireless carrier’ means any person (other than a telecommunications carrier, commercial mobile service carrier, cable operator, open video system operator, or satellite carrier) providing current generation broadband services or next generation broadband service to subscribers through the radio transmission of energy.

“(10) **PACKET SWITCHING.**—The term ‘packet switching’ means controlling or routing the path of a digitized transmission signal which is assembled into packets or cells.

“(11) **PROVIDER.**—The term ‘provider’ means, with respect to any qualified equipment—

“(A) a cable operator,

“(B) a commercial mobile service carrier,

“(C) an open video system operator,

“(D) a satellite carrier,

“(E) a telecommunications carrier, or

“(F) any other wireless carrier,

providing current generation broadband services or next generation broadband services to subscribers through such qualified equipment.

“(12) **PROVISION OF SERVICES.**—A provider shall be treated as providing services to a subscriber if—

“(A) a subscriber has been passed by the provider’s equipment and can be connected to such equipment for a standard connection fee,

“(B) the provider is physically able to deliver current generation broadband services or next generation broadband services, as applicable, to such subscribers without making more than an insignificant investment with respect to any such subscriber,

“(C) the provider has made reasonable efforts to make such subscribers aware of the availability of such services,

“(D) such services have been purchased by one or more such subscribers, and

“(E) such services are made available to such subscribers at average prices comparable to those at which the provider makes available similar services in any areas in which the provider makes available such services.

“(13) **QUALIFIED EQUIPMENT.**—

“(A) **IN GENERAL.**—The term ‘qualified equipment’ means equipment which provides current generation broadband services or next generation broadband services—

“(i) at least a majority of the time during periods of maximum demand to each subscriber who is utilizing such services, and

“(ii) in a manner substantially the same as such services are provided by the provider to subscribers through equipment with respect to which no credit is allowed under subsection (a)(1).

“(B) **ONLY CERTAIN INVESTMENT TAKEN INTO ACCOUNT.**—Except as provided in subparagraph (C) or (D), equipment shall be taken into account under subparagraph (A) only to the extent it—

“(i) extends from the last point of switching to the outside of the unit, building, dwelling, or office owned or leased by a subscriber in the case of a telecommunications carrier,

“(ii) extends from the customer side of the mobile telephone switching office to a transmission/receive antenna (including such antenna) owned or leased by a subscriber in the case of a commercial mobile service carrier,

“(iii) extends from the customer side of the headend to the outside of the unit, building, dwelling, or office owned or leased by a subscriber in the case of a cable operator or open video system operator, or

“(iv) extends from a transmission/receive antenna (including such antenna) which transmits and receives signals to or from multiple subscribers to a transmission/receive antenna (including such antenna) on the outside of the unit, building, dwelling, or office owned or leased by a subscriber in the case of a satellite carrier or other wireless carrier, unless such other wireless carrier is also a telecommunications carrier.

“(C) **PACKET SWITCHING EQUIPMENT.**—Packet switching equipment, regardless of location, shall be taken into account under subparagraph (A) only if it is deployed in connection with equipment described in subparagraph (B) and is uniquely designed to perform the function of packet switching for current generation broadband services or next generation broadband services, but only if such packet switching is the last in a series of such functions performed in the transmission of a signal to a subscriber or the first in a series of such functions performed in the transmission of a signal from a subscriber.

“(D) **MULTIPLEXING AND DEMULTIPLEXING EQUIPMENT.**—Multiplexing and demultiplexing equipment shall be taken into account under subparagraph (A) only to the extent it is deployed in connection with equipment described in subparagraph (B) and is uniquely designed to perform the function of multiplexing and demultiplexing packets or cells of data and making associated application adaptations, but only if such multiplexing or demultiplexing equipment is located between packet switching equipment described in subparagraph (C) and the subscriber's premises.

“(14) **QUALIFIED EXPENDITURE.**—

“(A) **IN GENERAL.**—The term ‘qualified expenditure’ means any amount—

“(i) chargeable to capital account with respect to the purchase and installation of qualified equipment (including any upgrades thereto) for which depreciation is allowable under section 168, and

“(ii) incurred after December 31, 2001, and before January 1, 2003.

“(B) **CERTAIN SATELLITE EXPENDITURES EXCLUDED.**—Such term shall not include any expenditure with respect to the launching of any satellite equipment.

“(15) **QUALIFIED SUBSCRIBER.**—The term ‘qualified subscriber’ means—

“(A) with respect to the provision of current generation broadband services—

“(i) a nonresidential subscriber maintaining a permanent place of business in a rural area or underserved area, or

“(ii) a residential subscriber residing in a dwelling located in a rural area or underserved area which is not a saturated market, and

“(B) with respect to the provision of next generation broadband services—

“(i) a nonresidential subscriber maintaining a permanent place of business in a rural area or underserved area, or

“(ii) a residential subscriber.

“(16) **RESIDENTIAL SUBSCRIBER.**—The term ‘residential subscriber’ means an individual who purchases broadband services which are delivered to such individual's dwelling.

“(17) **RURAL AREA.**—The term ‘rural area’ means any census tract which—

“(A) is not within 10 miles of any incorporated or census designated place containing more than 25,000 people, and

“(B) is not within a county or county equivalent which has an overall population density of more than 500 people per square mile of land.

“(18) **RURAL SUBSCRIBER.**—The term ‘rural subscriber’ means a residential subscriber residing in a dwelling located in a rural area or nonresidential subscriber maintaining a permanent place of business located in a rural area.

“(19) **SATELLITE CARRIER.**—The term ‘satellite carrier’ means any person using the facilities of a satellite or satellite service licensed by the Federal Communications Commission and operating in the Fixed-Satellite Service under part 25 of title 47 of the Code of Federal Regulations or the Direct Broadcast Satellite Service under part 100 of title 47 of such Code to establish and operate a channel of communications for distribution of signals, and owning or leasing a capacity or service on a satellite in order to provide such distribution.

“(20) **SATURATED MARKET.**—The term ‘saturated market’ means any census tract in which, as of the date of the enactment of this section—

“(A) current generation broadband services have been provided by one or more providers to 85 percent or more of the total number of potential residential subscribers residing in dwellings located within such census tract, and

“(B) such services can be utilized—

“(i) at least a majority of the time during periods of maximum demand by each such subscriber who is utilizing such services, and

“(ii) in a manner substantially the same as such services are provided by the provider to subscribers through equipment with respect to which no credit is allowed under subsection (a)(1).

“(21) **SUBSCRIBER.**—The term ‘subscriber’ means a person who purchases current generation broadband services or next generation broadband services.

“(22) **TELECOMMUNICATIONS CARRIER.**—The term ‘telecommunications carrier’ has the meaning given such term by section 3(44) of the Communications Act of 1934 (47 U.S.C. 153(44)), but—

“(A) includes all members of an affiliated group of which a telecommunications carrier is a member, and

“(B) does not include a commercial mobile service carrier.

“(23) **TOTAL POTENTIAL SUBSCRIBER POPULATION.**—The term ‘total potential subscriber population’ means, with respect to any area and based on the most recent census data, the total number of potential residential subscribers residing in dwellings located in such area and potential nonresidential subscribers maintaining permanent places of business located in such area.

“(24) **UNDERSERVED AREA.**—The term ‘underserved area’ means any census tract which is located in—

“(A) an empowerment zone or enterprise community designated under section 1391,

“(B) the District of Columbia Enterprise Zone established under section 1400,

“(C) a renewal community designated under section 1400E, or

“(D) a low-income community designated under section 45D.

“(25) **UNDERSERVED SUBSCRIBER.**—The term ‘underserved subscriber’ means a residential subscriber residing in a dwelling located in an underserved area or nonresidential subscriber maintaining a permanent place of business located in an underserved area.

“(f) **DESIGNATION OF CENSUS TRACTS.**—The Secretary shall, not later than 90 days after the date of the enactment of this section, designate and publish those census tracts meeting the criteria described in paragraphs (17), (20), and (24) of subsection (e). In making such designations, the Secretary shall consult with such other departments and agencies as the Secretary determines appropriate.”

(b) **CREDIT TO BE PART OF INVESTMENT CREDIT.**—Section 46 (relating to the amount of investment credit) is amended by striking “and” at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting “, and”, and by adding at the end the following: “(4) the broadband credit.”

(c) **SPECIAL RULE FOR MUTUAL OR COOPERATIVE TELEPHONE COMPANIES.**—Section 501(c)(12)(B) (relating to list of exempt organizations) is amended by striking “or” at the end of clause (iii), by striking the period at the end of clause (iv) and inserting “, or”, and by adding at the end the following:

“(v) from the sale of property subject to a lease described in section 48A(c)(2)(B), but only to the extent such income does not in any year exceed an amount equal to the credit for qualified expenditures which would be determined under section 48A for such year if the mutual or cooperative telephone company was not exempt from taxation and was treated as the owner of the property subject to such lease.”

(d) **CONFORMING AMENDMENT.**—The table of sections for subpart E of part IV of subchapter A of chapter 1 is amended by inserting after the item relating to section 48 the following:

“Sec. 48A. Broadband credit.”

(e) **REGULATORY MATTERS.**—

(1) **PROHIBITION.**—No Federal or State agency or instrumentality shall adopt regulations or ratemaking procedures that would have the effect of confiscating any credit or portion thereof allowed under section 48A of the Internal Revenue Code of 1986 (as added by this section) or otherwise subverting the purpose of this section.

(2) **TREASURY REGULATORY AUTHORITY.**—It is the intent of Congress in providing the broadband credit under section 48A of the Internal Revenue Code of 1986 (as added by this section) to provide incentives for the purchase, installation, and connection of equipment and facilities offering expanded broadband access to the Internet for users in certain low income and rural areas of the United States, as well as to residential users nationwide, in a manner that maintains competitive neutrality among the various classes of providers of broadband services. Accordingly, the Secretary of the Treasury shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of section 48A of such Code, including—

(A) regulations to determine how and when a taxpayer that incurs qualified expenditures satisfies the requirements of section 48A of such Code to provide broadband services, and

(B) regulations describing the information, records, and data taxpayers are required to provide the Secretary to substantiate compliance with the requirements of section 48A of such Code.

Until the Secretary prescribes such regulations, taxpayers may base such determinations on any reasonable method that is consistent with the purposes of section 48A of such Code.

(f) **EFFECTIVE DATE.**—The amendments made by this section shall apply to expenditures incurred after December 31, 2001, and before January 1, 2003.

SEC. 903. CITRUS TREE CANCER RELIEF.

(a) **EXPANSION OF PERIOD WITHIN WHICH CONVERTED CITRUS TREE PROPERTY MUST BE REPLACED.**—

(1) **IN GENERAL.**—Section 1033 (relating to period within which property must be replaced) is amended by redesignating subsection (k) as subsection (l) and by inserting after subsection (j) the following new subsection:

“(k) **COMMERCIAL TREES DESTROYED BECAUSE OF CITRUS TREE CANCER.**—In the case of commercial citrus trees which are compulsorily or involuntarily converted under a public order as a result of the citrus tree canker, clause (i) of subsection (a)(2)(B) shall be applied as if such clause reads: ‘4 years after the close of the taxable year in which a State or Federal plant health authority determines that the land on which such trees grew is free from the bacteria that causes citrus tree canker.’”

(2) **EFFECTIVE DATE.**—The amendments made by paragraph (1) shall apply to taxable years

beginning before, on, or after the date of the enactment of this Act.

(b) 10-YEAR RATABLE INCOME INCLUSION FOR CITRUS CANCER TREE PAYMENTS.—

(1) IN GENERAL.—Part I of subchapter Q of chapter 1 (relating to income averaging) is amended by inserting after section 1301 the following new section:

“SEC. 1302. 10-YEAR RATABLE INCOME INCLUSION FOR CITRUS CANCER TREE PAYMENTS.

“(a) IN GENERAL.—At the election of the taxpayer, any amount taken into account as income or gain by reason of receiving a citrus canker tree payment shall be included in the income of the taxpayer ratably over the 10-year period beginning with the taxable year in which the payment is received or accrued by the taxpayer. Any election under the preceding sentence shall be irrevocable.

“(b) CITRUS CANCER TREE PAYMENT.—For purposes of subsection (a), the term ‘citrus canker tree payment’ means a payment made to an owner of a commercial citrus grove to recover income that was lost as a result of the removal of commercial citrus trees to control canker under the amendments to the citrus canker regulations (7 C.F.R. 301) made by the final rule published in the Federal Register by the Secretary of Agriculture on June 18, 2001 (66 Fed. Reg. 32713, Docket No. 00-37-4).”.

(2) CLERICAL AMENDMENT.—The table of sections for part I of subchapter Q of chapter 1 is amended by inserting after the item relating to section 1301 the following new item:

“Sec. 1302. 10-year ratable income inclusion for citrus canker tree payments.”.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to payments made before, on, or after the date of the enactment of this Act.

SEC. 904. ALLOWANCE OF ELECTRONIC 1099S.

Except as otherwise provided by the Secretary of the Treasury, any person required to furnish a statement under any section of subpart B of part III of subchapter A of chapter 61 of the Internal Revenue Code of 1986 for any taxable year ending after the date of the enactment of this Act and before January 1, 2003, may electronically furnish such statement to any recipient who has consented to the electronic provision of the statement in a manner similar to the one permitted under regulations issued under section 6051 of such Code or in such other manner as provided by the Secretary.

SEC. 905. CLARIFICATION OF EXCISE TAX EXEMPTIONS FOR AGRICULTURAL AERIAL APPLICATORS.

(a) NO WAIVER BY FARM OWNER, TENANT, OR OPERATOR NECESSARY.—Subparagraph (B) of section 6420(c)(4) (relating to certain farming use other than by owner, etc.) is amended to read as follows:

“(B) if the person so using the gasoline is an aerial or other applicator of fertilizers or other substances and is the ultimate purchaser of the gasoline, then subparagraph (A) of this paragraph shall not apply and the aerial or other applicator shall be treated as having used such gasoline on a farm for farming purposes.”.

(b) EXEMPTION INCLUDES FUEL USED BETWEEN AIRFIELD AND FARM.—Section 6420(c)(4), as amended by subsection (a), is amended by adding at the end the following new flush sentence:

“For purposes of this paragraph, in the case of an aerial applicator, gasoline shall be treated as used on a farm for farming purposes if the gasoline is used for the direct flight between the airfield and 1 or more farms.”.

(c) EXEMPTION FROM TAX ON AIR TRANSPORTATION OF PERSONS FOR FORESTRY PURPOSES EXTENDED TO FIXED-WING AIRCRAFT.—Subsection (f) of section 4261 (relating to tax on air

transportation of persons) is amended to read as follows:

“(f) EXEMPTION FOR CERTAIN USES.—No tax shall be imposed under subsection (a) or (b) on air transportation—

“(1) by helicopter for the purpose of transporting individuals, equipment, or supplies in the exploration for, or the development or removal of, hard minerals, oil, or gas, or

“(2) by helicopter or by fixed-wing aircraft for the purpose of the planting, cultivation, cutting, or transportation of, or caring for, trees (including logging operations),

but only if the helicopter or fixed-wing aircraft does not take off from, or land at, a facility eligible for assistance under the Airport and Airway Development Act of 1970, or otherwise use services provided pursuant to section 44509 or 44913(b) or subchapter I of chapter 471 of title 49, United States Code, during such use. In the case of helicopter transportation described in paragraph (1), this subsection shall be applied by treating each flight segment as a distinct flight.”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel use or air transportation after December 31, 2001, and before January 1, 2003.

SEC. 906. RECOVERY PERIOD FOR CERTAIN WIRELESS TELECOMMUNICATIONS EQUIPMENT.

(a) 5-YEAR RECOVERY PERIOD FOR CERTAIN WIRELESS TELECOMMUNICATIONS EQUIPMENT.—

(1) IN GENERAL.—Subparagraph (A) of section 168(i)(2) (defining qualified technological equipment) is amended by striking “and” at the end of clause (ii), by striking the period at the end of clause (iii) and inserting “, and”, and by adding at the end the following:

“(iv) any wireless telecommunication equipment.”.

(2) DEFINITION OF WIRELESS TELECOMMUNICATION EQUIPMENT.—Paragraph (2) of section 168(i) is amended by adding at the end the following:

“(D) WIRELESS TELECOMMUNICATION EQUIPMENT.—For purposes of this paragraph—

“(i) IN GENERAL.—The term ‘wireless telecommunication equipment’ means equipment which is—

“(I) used in the transmission, reception, coordination, or switching of wireless telecommunications service, and

“(II) placed in service before September 11, 2002.

For purposes of this clause, the term ‘wireless telecommunications service’ includes any commercial mobile radio service as defined in title 47 of the Code of Federal Regulations.

“(ii) EXCEPTION.—The term ‘wireless telecommunication equipment’ shall not include towers, buildings, T-1 lines, or other cabling which connects cell sites to mobile switching centers.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after September 10, 2001.

SEC. 907. NO IMPACT ON SOCIAL SECURITY TRUST FUND.

(a) IN GENERAL.—Nothing in this Act (or an amendment made by this Act) shall be construed to alter or amend title II of the Social Security Act (or any regulation promulgated under that Act).

(b) TRANSFERS.—

(1) ESTIMATE OF SECRETARY.—The Secretary of the Treasury shall annually estimate the impact that the enactment of this Act has on the income and balances of the trust funds established under section 201 of the Social Security Act (42 U.S.C. 401).

(2) TRANSFER OF FUNDS.—If, under paragraph (1), the Secretary of the Treasury estimates that the enactment of this Act has a negative impact

on the income and balances of the trust funds established under section 201 of the Social Security Act (42 U.S.C. 401), the Secretary shall transfer, not less frequently than quarterly, from the general revenues of the Federal Government an amount sufficient so as to ensure that the income and balances of such trust funds are not reduced as a result of the enactment of this Act.

SEC. 908. EMERGENCY DESIGNATION.

Congress designates as emergency requirements pursuant to section 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985 the following amounts:

(1) An amount equal to the amount by which revenues are reduced by this Act below the recommended levels of Federal revenues for fiscal year 2002, the total of fiscal years 2002 through 2006, and the total of fiscal years 2002 through 2011, provided in the conference report accompanying H. Con. Res. 83, the concurrent resolution on the budget for fiscal year 2002.

(2) Amounts equal to the amounts of new budget authority and outlays provided in this Act in excess of the allocations under section 302(a) of the Congressional Budget Act of 1974 to the Committee on Finance of the Senate for fiscal year 2002, the total of fiscal years 2002 through 2006, and the total of fiscal years 2002 through 2011.

Amend the title so as to read: “An Act to provide incentives for an economic recovery and tax relief for victims of terrorism, and for other purposes.”.

Mr. BAUCUS. Mr. President, I would like to clarify for the record and I ask unanimous consent that the previous order with respect to Executive Calendar No. 511 remain in effect.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Therefore, the order with respect to H.R. 3090 should now reflect that the debate-only limitation will extend until 4:45 today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, we are now on the Economic Recovery Act. I would like to make a few comments on it, if I might. I know I will be followed by my very good friend, a terrific Senator, Mr. GRASSLEY from Iowa.

This is a sober time. Our Nation is at war overseas and at home. Like all Americans, we are struggling to respond, to hold together, to assume our responsibilities. Among other things, we in this Chamber have the responsibility to help get the economy back on track.

The September 11 attacks took a bad economic situation—our economy was deteriorating—and made it significantly worse. I very sadly add, the tragic crash of an American Airlines plane yesterday in New York, I am sure, adds more angst and concern across our country, which has a very direct effect on people's emotions and psychology, but also, to some degree, on the economy, people's willingness to believe in the future.

We had virtually no economic growth in the second quarter of this year, and we have had negative growth in the third quarter of this year, 2001.

In addition, in October unemployment jumped from 4.9 percent to 5.4

percent. That is the largest jump since May of 1980. We also have reports of 638,000 layoffs of American workers announced since September 11.

Manufacturing has been particularly hard hit. Last month, manufacturing lost 142,000 jobs. That was just in the one month of October. That was the 15th consecutive month that manufacturing jobs dropped.

Since July of last year—a little over a year ago—manufacturing has lost an incredible 1.3 million jobs. That is over about 15, 16 months. Manufacturing employment has now fallen to its lowest levels since November 1965.

The problems are not limited to the manufacturing sector. In October, non-manufacturing industries experienced the most dramatic slowdown in business activity since a report by the National Association of Purchasing Managers began in 1997.

Agricultural producers are hurting, too. Net farm business income was at a 10-year low in 1999 and 2000. Still, unless Government assistance is continued, net farm income in 2001 is actually projected to be lower than farm income in 1999 and 2000. The most acute problems are faced by farmers whose farms have been hit by floods, drought, tornadoes, and other national disasters.

Finally, the economies of New York and the surrounding regions have taken an unimaginably severe blow from the events of September 11. It is not just the economy of the New York region that has taken a hit. It is our highly interdependent economy all across our entire country that has suffered as a consequence of the Twin Towers and the Pentagon tragedies as well as the other events that have occurred.

So what can we do? How do we help Americans regain confidence in the future so people want to, for example, buy refrigerators and cars, take family vacations, and have a really good, confident feeling about the future? How do we help businesses believe in the future, invest in new products, design new products and ways of doing things? It is a psychology that really comes down to confidence. How do we help engender the confidence we all desire?

First, there is something—the fancy term is “monetary policy.” That is essentially the Federal Reserve System essentially raising or lowering interest rates to help make borrowing more expensive or less expensive. Basically, I think the Federal Reserve has done a pretty good job.

Last week, the Federal Reserve Board cut short-term interest rates for the 10th time this year—that is a lot of cuts over 1 year—clearly, trying to help make borrowing less expensive, people more inclined to borrow and to spend more, putting more money into the economy. My guess is, more rate cuts will follow.

But monetary policy alone does not appear to be enough. We also have to

pass legislation to stimulate the economy through what is called fiscal policy. Just as a reminder, fiscal policy is when Congress basically either raises taxes or lowers taxes—spends money or does not spend as much—with an economic effect on the economy. To stimulate the economy through traditional garden variety fiscal policy, Congress spends money.

Now, there are a couple of ways to spend money. One is through cutting taxes; that is, in effect, spending money. The other is direct expenditures by the Congress. We are trying to figure out how to stimulate the economy by spending money.

Now, there is no magic, clearly—no magic, no recipe that will send us going back to double-digit growth. Nevertheless, I think there are some simple guidelines that we in Congress can follow to help regain that confidence. Most significantly, the bipartisan leaders of the House and Senate Budget Committees provided us about a month ago with some very important guidelines. This is very important. The leadership of the Budget Committee—Republicans and Democrats, both House and Senate—all got together. That is remarkable. A lot of times around here we are not always on the same page. But all four of them got together because they were thinking of the longer term, about our national budget. They agreed upon a certain set of guidelines they thought were appropriate in an economic stimulus, economic recovery, a package that we might pass.

Let me try to put in my own words what they said. They first said the economic recovery stimulus bill should be temporary—that is, something that is a direct, essentially a 1-year stimulus, upfront now, to help get the economy going. In one respect, I think it is because we have some sense of what the economy is going to be like next year. We don't have much of a sense of 2, 3, 4, 5 years down the road. We need to do what we can to stimulate the economy now and take stock a year from now to see where we are. They also said they should not spend too much over the long run. That is part and parcel with the upfront.

We are very nervous in Congress about longer run, about runups in the Federal budget which tend to cause moderate and long-term interest rates to rise. Why? Because bond traders are thinking, gee, if Congress is spending all this money in the longer term, probably there will be competition for capital, and inflation is going to go up a bit, probably, with all that spending, and the price of bonds goes down as long-term rates stay up. They don't come down like we want them to. They will come down if we say we are going to be responsible and we are not going to spend a lot of money in the out-years. That is very important.

The Budget Committee chairmen—all 4—also said we should get the money into the hands of those who will spend it quickly; that is, they are talking more about a consumer-led stimulus. Get people spending money. Then businesses are going to want to invest, start manufacturing products and selling products to the people who are buying. They said—the budgeteers—consumers who will spend money then help stimulate business. They also said we should spend money on businesses who will spend it on capital equipment. That should be stimulative as well.

One more point: In addition to providing an economic stimulus in this legislation, we also have to lend a hand to the Americans who are really suffering. It is one thing to help put money in the economy; it is also as important—if not more important—to help the Americans who are really suffering and living paycheck to paycheck and trying to make ends meet as a consequence of the terrorist attacks, or because of the recession in which the economy is now. At a time like this, I think it is critical that they are all a part of this, and that we Americans work together to find a good solution. That is what we tried to do in this bill. That is what is contained in the bill the Finance Committee is now presenting to the Senate. I think we have done a pretty good job. The bill has six main elements, every one of which is important.

First, we provide a further tax rebate. You will recall that there are about 130 million taxpayers in our country. When the checks went out in the past summer on the tax bill this Senate passed, 79 million Americans got a full rebate. Individuals got either \$300, or families got \$600, and another 14 million taxpayers got a partial rebate—less than the full \$300 or \$600. Another 34 million American taxpayers got no rebate whatsoever; 34 million got no rebate in the last go-around, last summer. Why? The rebate then was limited to the amount that people paid in income taxes. You have to remember that a family who paid income taxes of less than \$600 did not get a full rebate.

For a family of four, that would be a gross income of about \$30,000. If they made less than that, they didn't get a full rebate. In many cases, they didn't get any rebate. So here is what we do in this bill. This bill provides a second round of tax rebates for people who paid payroll taxes but got only a partial rebate, or no rebate, the last time around. As a result, by the time the second round of checks go out, every one of the 130 million people who paid Federal taxes also will receive a full rebate.

To some extent, this is a matter of simple fairness. After all, some got it last time and the rest of the Americans should get it this time. It is also more

than that. The people who didn't get full rebates earlier tend to have relatively low incomes. Those who got it last time have higher incomes. The people who get it now are likely to spend a higher proportion of the new income they get because they are lower income Americans. They have to spend it, frankly, to make ends meet. That would be a direct stimulus to the economy.

Second, we establish a series of temporary tax incentives. Most significantly, we provide special tax depreciation deductions for a limited time to encourage businesses to invest in new plants and equipment. As it now stands, businesses deduct the cost of new plants and equipment over a period of years. There are various rules that apply. We add a temporary depreciation "bonus" of 10 percent for investments made before the end of next year.

What does that mean? That basically means, whatever your depreciation schedule is, take 10 percent and do it all the first year, expense it more quickly, move it up, which helps your bottom line. It encourages you to invest. Senator HATCH and others have suggested that we make the percentage higher than 10 percent. I am open to that. I am open to a higher percentage if it fits into the framework of our overall bill.

The accelerated depreciation deduction will have a couple effects. First, it will encourage businesses to invest sooner rather than later. That, in turn, will directly stimulate the economy. Further, to the extent some of the additional investments could be put to use right away, it will increase productivity. That is no small matter.

We also provide an even larger depreciation deduction for small businesses by increasing what is called the "expensing" deduction under section 179. This deduction is available only for new investments made in the next 12 months.

Finally, we allow companies a longer period to carry back net operating losses. This change is needed to make the first two investment incentives work efficiently. It also provides a modest break for companies struggling to stay on their feet.

Those are the nationwide investment incentives through tax cuts. It is one way to stimulate the economy through fiscal policy; it is tax cuts. There are lots of ways to do it and that is one way in this bill. That is very important.

The third section of the bill provides tax relief to the area in Lower Manhattan that was devastated by the terrorist attacks of September 11. Yesterday's crash has rekindled our memory of what happened on September 11—the death, the destruction, the horror, and the angst in our national psyche.

The September attacks also had a huge economic effect on New York

City. It was amazing to all of us who have been to Ground Zero and have seen it. Fifteen thousand businesses were destroyed or disrupted and 125,000 workers were displaced. That is just the beginning of it. The Senators from New York and New Jersey can go on and on in much greater detail and describe the magnitude and degree of devastation that New York has suffered.

Every American wants to help, from those who live across the river in New Jersey, to those who live across the country in my State of Montana. All Americans want to help. We are all together in this.

Let me explain how we came up with the New York package. After the attacks, Senators SCHUMER and CLINTON and TORRICELLI and CORZINE, along with Governor Pataki, approached me with a series of tax proposals for New York City. We had lots of discussions. They have been wonderful in representing their people and, second, working to do what is right. We rejected several ideas, but we revised others. After a lot of give and take, we were able to agree on a package that is fair, targeted and, I think, practical.

The basic idea is pretty simple. We provide temporary tax incentives to encourage business to either stay in lower Manhattan or to relocate in New York City.

There are three main provisions. First, we expand the work opportunity tax credit which exists under current law to encourage employers to hire certain categories of individuals.

We create a new category for people who find jobs in lower Manhattan or who used to work there and relocate to another part of New York City.

Second, we allow enhanced cost recovery to encourage businesses that lost property in the attacks to relocate to New York City.

Third, we authorize the issuance of \$10 billion in tax-exempt private activity bonds to rebuild the area damaged by the attacks.

As a related matter, we include an amendment offered by Senator TORRICELLI based on a bill I wrote with Senator GRASSLEY. It provides tax relief to victims of the terrorist attacks, including both attacks of September 11 and the Oklahoma City bombing a couple of years ago.

Clearly, we will be taking stock at the end of this year as to what more is needed for our country, including New York City. This is basically to stem the hemorrhage, to help people at least tread water and not sink. But we are going to be taking a look at this again, and I welcome working with all the people from New York and other parts of the country as we try to find a national economic plan for next year.

The final provision in this part of the bill allows Indian tribes to issue additional types of tax-exempt bonds to

promote economic development. This provision obviously is not related to the September 11 attacks or the recession, but it will help promote economic development in a part of America—Indian country—that has been left behind for far too long.

I will now move on to the fourth section of the bill, unemployment benefits. We all understand the problem. In October, we had the biggest jump in the unemployment rate in 20 years. Work is harder to keep and even harder to find. In response, we have taken an approach that Congress has adopted many times in the past; that is, we extend unemployment benefits by 13 weeks.

We also take a few additional steps. We temporarily increase unemployment benefits by the greater of 15 percent or \$25 a week. These people, because of inflation and the difficulty with making ends meet, deserve that. We make modest and temporary improvements in the operation of the unemployment insurance program. Specifically, we update the reporting period and provide better coverage for people seeking part-time work. One does not have to be a full-time worker to qualify. If you are a part-time worker, you should and do qualify.

Others argue that unemployment insurance is a poor economic stimulus. This surprising argument is contrary to the history of the program and to the overwhelming economic evidence.

Alan Krueger of Princeton University put it this way:

Unemployment insurance is the quintessential economic stimulus: benefits ramp up temporarily in a downturn and reach those most in need.

A similar point was recently made by Joseph Stiglitz, co-winner of the 2001 Nobel Prize for Economics. He said:

First, we should extend the duration and magnitude of the benefits we provide to our unemployed. . . . This is not only the fairest proposal, but also the most effective.

Senior economist Jane Gravelle of the nonpartisan Congressional Research Service recently said this:

Extending unemployment compensation is, in fact, likely to be a more successful policy for stimulating aggregate demand than many other tax/transfer changes.

Remember, one of the main reasons we have an unemployment insurance program is to provide economic stimulus during times of economic downturn. That is the whole point of it. Explaining the program in 1934, President Roosevelt said that it will "act as a stabilizing device in our economic structure and as a method of retarding the rapid downward spiral curve and the onset of severe economic crisis."

To put it bluntly, people who have lost their jobs and are struggling to get by are likely to spend any additional money they get, providing a direct stimulus to the economy.

The next section of the bill helps people maintain health insurance coverage

for themselves and their families. As unemployment rises, the number of uninsured Americans also rise. People are laid off, and they do not have health insurance.

In the recession of the early 1990s, more than half the workers who became unemployed also became uninsured. That is an important point. More than half the workers who lost their jobs in the early 1990s also lost their health insurance. My proposal responds to this in a couple of ways.

The first way is through the so-called COBRA program. That program was enacted in 1987. It allows people to maintain their employer-provided health insurance coverage for 18 months after they leave a job as long as they pay the full premiums themselves. That is current law.

That is also the problem. Simply put, COBRA premiums—that is, paying full freight for health insurance—is very expensive. On average, the cost for individual coverage is \$2,700 a year. As one is laid off, to maintain COBRA health insurance, one has to pay \$2,700 for coverage, and for family coverage, turn that 2 and 7 around and it comes out to \$7,200 or almost \$600 a month. Not many families on unemployment benefits can afford that.

The average unemployment benefit is \$231 a week. As a result, only about 18 percent of the workers who qualify to maintain their health insurance coverage under COBRA actually do so. It stands to reason. It is too expensive, so it is only 18 percent.

Here is what we do. First, we provide a 75 percent subsidy for COBRA coverage. In essence, the Federal Government would pay the portion of the premium that previously had been paid by the employer. This is for only 18 months. It is temporary.

Second, we give States funds and flexibility to pay the remaining 25 percent for people with very low incomes.

Third, we give States funds and flexibility to provide Medicaid coverage for workers who are not eligible for the COBRA program.

Fourth, we increase the matching rate for State Medicaid coverage to make it easier for States to maintain coverage at a time when State budgets are being squeezed. We have heard a lot about this. A lot of State budgets are in tough shape. Most have a constitutional requirement to balance the budget, and they are strapped. It is very difficult. I am not going to get into whether they properly cut taxes in the last 2 years when times were good, but nevertheless, we have to take things as they are, and I think the States do need some help.

Forty-nine States face balanced budget requirements and are likely to cause them to increase taxes and cut spending, even though such steps could deepen the recession. The increase in the matching rate provides fiscal relief

for States at a time when it is badly needed.

All told, these provisions will maintain health insurance for millions of workers who have lost their jobs or stand to lose them in the difficult months ahead.

Like unemployment insurance, this proposal has been criticized pretty sharply. Some argue that covering health insurance costs will not provide an economic stimulus, apart from these people who are out of work and need a little help.

I grant the case is not as straightforward—strictly on the stimulus point—as it is for unemployment insurance, but still the argument for stimulus is very strong. In any event, this part of the proposal is not just designed to provide economic stimulus, it is designed to help people who have lost their jobs to the recession.

Critics also argue the proposal is an indirect way to establish a new entitlement program. We have heard that, too. Some people do not like new entitlement programs, as a matter of philosophy and ideology, never mind what the practical consequences may or may not be.

This is not a new entitlement program. We are responding to a temporary crisis with a temporary solution. The program ends after 1 year on December 31, 2002: It is over; it is the end of the line; it is done.

Finally, critics argue the program will be slow and cumbersome. Let's be candid. There are several competing proposals to provide temporary health insurance coverage. Each raises the same issues: How efficient and how quickly will the dollars be in the hands of people who need it? Whether we are talking about direct payments, COBRA tax credits—that is another idea—block grants to the States—that is the President's idea—we still have to come up with a system that works quickly and effectively. I am less hung up as to which it is. I want people who need health insurance to get health insurance benefits quickly and efficiently.

If someone can come up with a better approach that accomplishes our goal, I am more than willing to listen.

Let me now turn to a section of the bill that is extremely important: The provisions for agriculture and rural economic development.

To set the stage, let me remind colleagues once again about the state of the agricultural economy. We have had an unprecedented streak of bad weather and bad economic conditions. Farmers in parts of the South and northern-tier States have been particularly hard hit. Although some sectors and some regions have begun to recover, farmers' overall earnings from their farming operations—that is, absent Government payments—are down sharply. The current difficulties could not come at a worse time.

A downturn in farm income does not just impact farmers. It wreaks havoc in the rural communities that depend on them. Farmers in economic distress are not able to make their usual purchases of seed, fertilizer, not to mention food and clothing. This puts the agricultural sector at considerable risk.

To ensure the stimulus plan also provides benefits to agriculture-dependent economies in the South, the Midwest, the northern-tier, the bill extends three programs that have been critical to shoring up farm income in the last 3 years. Not a new program, it just extends the current program.

Some of my colleagues have attacked the agriculture section of the bill. They have poked fun at it, circulating pictures of various fruits and vegetables. The farmers and ranchers across this country may not find this all so amusing. They may wonder why the economic problems of ailing corporations demand immediate action but the economic problems of farmers and ranchers deserve only derision.

They are asking that question, and rightfully so: Why do big corporations get assistance in an economic downturn but not farmers and ranchers? Good question. We know the answer. Farmers and ranchers are part of America, too.

Let me be blunt. My constituents, including farmers and ranchers suffering through another disaster, deserve economic relief every bit as much as Americans from urban areas.

Finally, to complete my summary of the bill, we also extend various tax and trade provisions that are scheduled to expire under current law and make a handful of additional changes to the Tax Code. I believe this bill will help us achieve our objective of providing a fiscal stimulus for the economic recovery of our Nation.

It is temporary. It is carefully targeted. It will increase both business investment and consumer demand, heavier on consumer demand which is needed more in this country. Perhaps more importantly, it will extend a helping hand to the people who have lost their jobs and risk losing their health insurance.

On balance, it is a very solid bill that deserves support in this Chamber. Time is critical. I hope we can complete debate quickly. Every day counts for Americans who need assistance and are looking at us. Is the Congress going to stand up and do what it should do, so we have a chance to wrap up our differences with the House before Thanksgiving? It is important we pass this quickly.

I understand others will disagree with my description of the bill. They will say it falls short. They will argue we need more tax cuts, that we do not need to do so much for the unemployed, that there are better ways to

cover health insurance. They will question whether we should have any agriculture provisions in this bill at all.

I say let us have that debate, and let us try to resolve our differences with due respect to each Senator's point of view. Let us get to the bottom, get the facts out, learn the truth, what works, what does not work, so we can get the job done.

After all, the American people are suffering. They have been hit with shock after shock after shock. They look to us for leadership. It is time to provide it.

As the President said, quoting the heroes who jumped the hijackers over Pennsylvania, let's roll.

The PRESIDING OFFICER (Mr. KENNEDY). The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I welcome the opportunity to be with my friend, Chairman BAUCUS, to discuss an economic stimulative package and to declare that if he and I can work together, we are going to get such an economic stimulative package passed as we did in the case of the tax bill that was passed and signed by the President in June, the largest tax reduction in the last 20 years, a needed tax reduction because the American people are being taxed at the highest level since World War II.

About that tax bill, if we had not passed that tax bill with the rebates that went out during August and September, with the flatness of the economy, we would now be discussing what we are going to do about the flatness of the economy because we did not do something last spring. It was fortuitous we were able to pass such a tax bill, and pass it before there was a demonstrated need for it, to get the taxpayers their rebates, to help consumer demand, and to keep the economy going. We would have been considering a tax bill if we had not passed the earlier tax bill, regardless of what happened on September 11.

Obviously, we are now debating because of the terrorist attacks of September 11 and the dramatic downturn in the economy that has resulted because of that terrorist act.

I suggest as we consider this legislation and what ought to be done for economic stimulus because of the September 11 terrorist attacks and the impact that has made on the economy, that everything be directly related to that incident, and that Members of the Senate not try to get anything on the agenda that would not otherwise be legitimately there because of the September 11 happenings.

So I rise for this debate on an economic stimulative package because of the need for it as a result of what happened on September 11 and for no other reason.

Chairman BAUCUS and I shared a goal at the start of this process. We both wanted a bipartisan economic stimula-

tive package that also addressed the needs of people who were hurt because of September 11 and helped those with unemployment benefits and health care needs for dislocated workers. I still have that as my goal.

My discussions this afternoon I want to divide into three parts: The process for this bill; the substance of the bill, looking primarily at similarities between what Democrats think need to be done and what I as a Republican leader think needs to be done—in other words, these are positions taken by our respective caucuses—and finally, how to resolve these differences and get a bipartisan bill through the Senate because I think we all know right now there are not enough votes to get a partisan package of either caucus through this body.

Chairman BAUCUS rightly insisted that the Finance Committee act on this matter. There was talk by the majority leader of skipping the committee and bringing it directly to the floor. As a ranking member of the Finance Committee, I support the chairman. He can count on my support in respecting the jurisdiction of the committee.

Unfortunately, however, in asserting our jurisdiction, we did not operate in a committee process, in a bipartisan tradition. Despite all the speeches to the contrary, the bill we have now on the Senate floor, put forth last Thursday night by the Senate Finance Committee, was designed to be partisan. Why somebody would make that judgment, I don't have the slightest idea. In all the victories I have had on the floor in this Senate in the 21 years I have been a Member, I don't think any have been a partisan victory. I have been able to work with members of the other party in order to get something done.

There is an old saying: You can get anything done if you don't care who gets credit for it.

In that respect, I think designing a partisan package was a way to bring this bill to a stone wall. My job—and I think Chairman BAUCUS shares this with me—is to break down that stone wall, get beyond that, get our people together, get the opposing sides together, and get something to the President with the idea we are here to help the economy and to not help one political party or the other.

The economic stimulus package passed out of the Senate Finance Committee embodied then the Democratic caucus position on the issues we felt ought to stimulate the economy. The bill was precooked and passed out of committee because Democrats decided to deal only with themselves. As unfortunate as that event was, obviously we are out here on the floor of the Senate. Last Thursday is history. It is all water under the bridge.

Equally unfortunate, however, the partisan acts of the Democrats in the

Finance Committee have necessitated a confrontational debate from each side. By choosing a partisan strategy, the Democratic leadership has placed us in a position where, aside from the substantive issues involved, there is necessarily a partisan division. I point this out only because it is a needless barrier to my goal of a bipartisan stimulative package in the tradition of how Senator BAUCUS and I got the tax bill of last spring to the President for signature on June 7.

On the Senate floor, the majority leader does not have an unfettered right to push this bill through on a partisan basis. He has a right to try but he cannot succeed because this bill violates the restrictions of the budget resolution. It is subject to a 60-vote point of order under the rules of the Senate. So, too, if Republicans wanted to push ours, we could not get it passed. It would be subject to a 60-vote point of order. We are in a position where neither side can win.

I am frustrated and disappointed right now because there is so much common ground between us and where the Democrat bill is. I am frustrated because, regardless of this common ground, there is little will on the part of the Democratic caucus to meet our side halfway or even part of the way. That unwillingness doesn't make a lot of sense in a Senate that is divided: 50 Democrats, 49 Republicans, and one Independent.

Where is the common ground? Starting with the economic stimulus itself, basically the President of the United States and Chairman Greenspan gave us a green light to the stimulus exercise. Chairman Greenspan requested we take a hard look at proposals that were temporary, immediate, and efficient. Since his meetings with the President and with us on the Senate Finance Committee, there has also been indication that what he has done on interest rates, although he can still do more and will probably do more, is reaching the end of the road of what can be done through monetary policy, and that there needs to be a stimulative package that parallels, through Congress, what Chairman Greenspan is trying to do through the Federal Reserve System.

We have been working with Chairman Greenspan because we want these programs to complement each other. We also think Chairman Greenspan has a pretty good feel for what it takes to turn this economy around. We sought his advice in a bipartisan way. The President sought his advice. Chairman Greenspan said we needed to pay particular attention to the decline in manufacturing investment.

I have a chart that demonstrates the relationship of consumption expenditures and manufacturing expenditures. As the red line shows, we have had a steady growth in personal consumption

expenditures. We have had more ups and downs with domestic investment, mostly manufacturing investment. In the last three quarters, we have seen a very dramatic turndown in manufacturing investment. It reached a high and dropped. I am glad to hear the chairman of the committee say in his opening remarks that the 10-percent accelerated depreciation they allow in their legislation is negotiable. We think, and Chairman Greenspan thinks, about 30 percent is what it will take to stimulate the economy.

The other side speaks about consumer demand and doing something about consumer demand. The chart shows there has not been an erosion of personal consumption expenditures as there has been a dramatic erosion of manufacturing investment.

Of course, why manufacturing investment and encouragement of that? It is time tested from both Republican and Democrat Presidents, changing tax law from time to time in the last 50 years to stimulate the economy because it enhances productivity; but more importantly, the equipment bought by major corporations is made at another manufacturing place that creates jobs. It is a good way to help the economy in two ways: It creates jobs where the enhanced machinery is manufactured, and it also makes each person working where this is installed more productive, as well.

We need a balance between demand and manufacturing. If we trust Chairman Greenspan, and a lot of people in the United States have confidence in him according to the polls, we need to pay particular attention to the downturn in manufacturing investment and follow Chairman Greenspan's advice.

Now, Democrats and Republicans have agreed to pursue accelerated depreciation as a stimulus. Both caucus plans have this proposal included, but there is an ineffective 10-percent accelerated appreciation in the Democrat plan, compared to the positive 30 percent in the Republican plan. Both caucuses pursued proposals that, while not as stimulative as accelerated depreciation, would still provide much needed relief to struggling businesses.

It is another area of common ground that Democrats propose liberalizing the net operating loss carryback rules, but Republicans propose repealing the corporate alternative minimum tax. Here again, there is room for negotiation and compromise that will lead to a bipartisan agreement.

Republicans put on the table an acceleration of the income tax rate cuts put in place by the bipartisan tax relief bill I spoke of twice this afternoon that was signed by the President on June 7. That included the tax rebates, as well. The Democratic leadership objects strenuously to the proposal because, although this proposal is stimulative—I have not heard otherwise—it re-

opened a statute that a majority of the Democrats did not support last spring.

I recognize acceleration is not viewed as common ground, but I think it begs a question, if we are going to be intellectually honest with each other. How could the Democrats reopen the statute that the President signed June 7 by putting rebates for payroll and nontaxpayers on the table. It appears a bit inconsistent. In one place you can open the bill, but in another place you cannot open that tax bill of last spring.

To those of us on this side, then, it appears the Democratic leadership has taken the positive gesture by the President on rebates because President Bush wants to get money to lower income people to stimulate the economy. So they have taken a positive gesture by the President but have not been flexible in return.

Needless to say, by default, both sides have common ground on the next round of rebate checks. This proposal stimulates consumer demand. Former Secretary Rubin was very keen on some modest level of consumer demand stimulus. So on the investment side and the consumers demand side, both Republicans and Democrats have proposals with similar features, with the Republicans placing more emphasis on investment. But the Democratic leadership has made marginal rate cut acceleration some sort of a deal breaker.

We Republicans want to provide dislocated workers with assistance for coverage for health insurance. First off, I want to clear up some misstatements. Some have incorrectly said that Republican proposals do nothing to help cover the cost of health insurance for dislocated workers. This is baloney.

The President supported health care assistance by proposing funding for health care benefits to laid-off workers. Both the House bill and the Senate Republican caucus position embrace this idea. In negotiations, in particular, I want to say to the Presiding Officer, I was willing to go beyond the President's proposal. I offered to more than triple the amount of money. I also proposed expanding coverage of health benefits to dislocated workers who do not qualify for COBRA, such as small business workers. I then offered Democrats complete flexibility to write the criteria under which the money would be granted so they could be confident in the program doing what they want it to do. So how much more flexible can you be? But the Democratic leadership said no and rejected the offer.

So we do have a common ground on the goal of helping dislocated workers with health care benefits. Are there any differences in how we want to provide this assistance? The answer is yes. The whole point of this bill, though, is to get people health care benefits right now, not down the road. Yet the Democratic leadership proposes to create a

new bureaucracy that will take many months to get up and running. The Democrats' proposal would not be able to get benefits to workers until it is too late. This is a stimulative package to help us out of the recession, not to give people help way beyond the turnaround in the economy.

The reason the Democrats' proposal would do this is because Federal law requires that when a new Federal program is established, regulations must be promulgated and the public be given notice and opportunity to comment. Clearly, these laws affecting new programs are in place for a good reason.

We can avoid this hurdle by using existing programs, especially ones that are tailor made for national emergencies. That is why the President took the approach he did through National Emergency Grant Programs. If there is not enough money there to satisfy people on the other side of the aisle, we can take care of that. But we ought to take care of it in a manner that gets the money to the people in a month, not in a year. Our goal was to use the existing National Emergency Grant Program, one that the Federal Government and States have used for years and have experience with, to ensure benefits can get to dislocated workers in the fastest way possible. No new infrastructure would be required by the Federal Government and States could quickly access much needed funds.

The bottom line is hard-working Americans who have lost their jobs as a result of the September 11 tragedy cannot wait 6, 9, or 12 months for health care insurance. They need help and need it right now. We propose to do just that. But, again, the Democrat leadership was not interested in bipartisan compromises, even when they represented common sense.

I have another problem, though, with the Democratic health package; that is, it places undue burdens on States which are already struggling to respond to adverse impacts of September 11. Requiring a new Federal infrastructure and corresponding new State infrastructures in order to access emergency funds seems to be downright unreasonable.

We should be working our hardest to get money to States immediately for them to get it to their workers who do not have health insurance. We should not penalize them by demanding that they, too, establish extensive new bureaucracies to get money to people in need.

For example, the Democrats' proposal would require many States to enact legislation in order to set up and fund new State infrastructures to certify and deliver COBRA benefits. This is obviously a nonfunded mandate. But in addition, the Democrats' proposal requires States to use their own money. This means only those States

which happen to have extra money in their Medicaid budget could help workers who are not COBRA eligible. I am not aware any State is claiming to have extra Medicaid money burning a hole in its pockets for those people. I think this is just plain wrong.

I propose to provide 100 percent Federal funding through National Emergency Grant Programs to allow States, then, to cover non-COBRA eligibles.

Once again, I asked the Democrat leadership: Why are you insisting on doing this the hard way, especially when there are much more efficient alternatives?

Now I have a few points about extended unemployment benefits to dislocated workers. We want to do more than just provide unemployment checks. First of all, let me make it very clear. Why do you have a stimulus package? It is not to give unemployment checks, even though that is what we are doing. But the idea of stimulating the economy is getting people a job. People want a job; they don't want unemployment checks. We want incentives to get workers back their paychecks.

But both sides agree that providing 13 weeks of additional benefit to workers in need is reasonable. We have done that five times in the last 30 years, I believe.

The Democratic leadership, however, wants to take finite resources and spread them thinly across every State so the needy will not get enough help. I offered to provide unemployment benefits in two ways—kind of take your choice. The first was to allow 13 weeks of benefits to be extended to those States which experienced a significant increase in unemployment. So what is a significant increase in unemployment? In that regard, I was completely flexible.

In fact, I was more than willing to bring the threshold well below what the President proposed.

In addition, I believe that extended unemployment benefits should be made available to particular industries or communities adversely impacted by September 11. This should be the case even if a State as a whole doesn't experience a major increase in unemployment.

So I hope I have made it apparent that on our side we care about dislocated workers and getting them unemployment and health benefits. The differences are grounded in how to do it, and not whether to do it. I still believe that we are not that far apart and our differences can be bridged. If we are willing to take the partisan blinders off and focus on getting help to workers immediately instead of winning ideological points, we can come to agreement on a proposal.

I have been so flexible that I know how Gummy feels.

So, here we are, and I am left asking why we are stuck in this partisan

ditch. We have common ground on the investment side, consumer spending side, unemployment benefits, and health coverage for dislocated workers. Why couldn't we work out an agreement? It seems that there are three reasons.

The first reason is that the Democratic leadership doesn't want two negotiations with Republicans. They don't want to negotiate with Senate Republicans first and then have to negotiate with the White House and House Republicans later in conference. I have to chuckle when I hear this type of objection coming from the Senate Democratic leadership. When I was negotiating the bipartisan tax cut in the Finance Committee, I ran into the same objection from many in the Senate Republican caucus. You know who would bring this up. They said, GRASSLEY, don't negotiate with BAUCUS. If you do, you will have to negotiate further to the left on the Senate floor. One negotiation is better than two.

If I had followed that "one negotiation" directive, we would have had chaos on the Senate floor last spring.

As it turned out—and for reference for people who are fearful that maybe the bipartisan Senate Finance Committee agreement couldn't hold in conference right now—the track record of last spring is that the bipartisan Finance Committee agreement held on the Senate floor and largely stayed intact in conference. But if the House and Senate parties agree to a so-called preconference strategy, which has been talked about within just the last 4 or 5 hours due to our constrained time now that we are getting up against adjournment this fall, I will certainly support that effort and hope it happens.

So you can't proceed because you don't want to negotiate twice. I hope I have proved that is not a problem here in the Senate, if you do it right.

There is a second reason given for not negotiating.

It seems that many in the Senate Democratic caucus want some kind of "payback" against the bipartisan tax relief legislation. In their view, the bipartisan deal was wrong, and with their caucus now running the Senate, they do not want to see it repeated in any way. In their view, a bipartisan Finance Committee deal would have been a bad deal unless it contained all four corners of the Senate Democratic caucus position. As I said, I showed movement on several issues but could not get movement from the other side. Everyone knows that unless both sides move, you can't get a deal.

So here we are with basically the Senate Democratic caucus position as the Finance Committee bill. The bill before us is a partisan product. There is no gesture to the Republican side. The Finance Committee bill says, "Our way or the highway." I only ask, is this what the American people want? I

didn't think so at the time of the tax cut last spring, and I don't think so now.

There is a third reason we can't get a deal. Senate Democrats say the House Republican partisan process necessitate a partisan response. We are kind of engaged in a game of legislative ping pong. That frustration, while understandable, doesn't justify shutting out Senate Republicans. Senate Republicans are not irrelevant. The House passed a partisan tax bill in the Spring, but that did not stop the Senate from passing a bipartisan package which the President signed on June 7. The Senate should not be rendered irrelevant because of partisan politics in the House.

The American people expect us to work together. That is what I have been trying to do over the past few months. Senate Republicans are flexible and willing to move toward Senate Democrats, but it is a two-way street and Democrats must also show movement.

To sum up, we want to get a bipartisan stimulus package. Bipartisanship does not mean adopting the Senate Democratic caucus position.

At this time, we are struck with this partisan, special interest Democratic bill that came out of committee on an 11-to-10 vote. We see that, even the media, like the Washington Post, call this bill a poor excuse for economic stimulus. They blame lobbyists for shaping a stimulus bill. "Special Interests Scramble for Tax Break's, Other Windfalls". The headline of one Post article reads "Lobbyists Shaping Economic Stimulus bill." And it goes on to talk about companies getting tax credits for millionaires and payments going to billionaire bison ranchers.

Let me note, however, that extensions of provisions that expire under current law are matters we should address.

In the Finance Committee, the Democratic leadership lined the votes up, and we on this side were left out. That was an unfortunate outcome for the Finance Committee, which has a great bipartisan tradition.

With some optimism, I noted at the Finance Committee markup that the centrists, a group of some Republicans and some Democrats who consider themselves right in the center of the political spectrum, indicated that things on the Senate floor would be different. I am hopeful of this sentiment expressed by the centrist group and that, combined, we can get enough votes to put together a bill that will get 60 votes to get a bipartisan bill through. I hope this will cause the Democratic leadership then to engage in a bipartisan debate. It is about time the process on this bill changes and reasonable heads prevail.

Mr. President, I suggest the absence of a quorum.

I ask unanimous consent that the Senator from Massachusetts be recognized after the quorum call.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KERRY). Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, today brave young Americans are on the front lines of the fight for freedom from terrorism, and here at home we must work together to defeat the terrorists who would poison our people, panic our society, and paralyze our democracy. An essential point of protecting our homefront is protecting our economy because the state of our Union cannot be strong if the state of our economy is weak.

Even before September 11, the Nation's economy was already weakening. The unemployment rate had been climbing for months. Relatively few new jobs were being created. Companies were announcing a successive round of layoffs. Business investment was being drastically reduced. Profits were rapidly falling.

Last week, consumer confidence dropped to its lowest level in 7 years. And 2 weeks ago, the unemployment rate took the largest jump in 21 years. Nearly 8 million people are now out of work through no fault of their own, left with no pay and no golden parachute. For them and their families, life is a nightmare of missing paychecks, unpaid bills, lost health insurance, and no job on the horizon.

Surely, it is these Americans who deserve our highest priority in Congress. Helping these workers is the quickest way to stimulate our economy. But if we act in the wrong way, a stimulus package could actually harm the economy.

The Republicans would rely almost exclusively on permanent tax cuts that would do little or nothing to promote growth when we need it most, which is right now. Their proposals are neither fair nor will they work. They do not measure up to the high standard required of us. A true stimulus package cannot be a disguise for special interests, nor can it run the risk of imposing large, new, long-term deficits on the Federal budget.

Permanent, new tax cuts, on top of the now nearly \$2 trillion in tax cuts enacted earlier this year, would actually hurt the economy by increasing the cost of long-term borrowing. Such cuts would discourage the kind of business investments we need to encourage.

A true economic stimulus program must meet three criteria:

First, it must have an immediate impact on the economy. The dollars in

the stimulus package must be spent in the economy as soon as possible. The best way to accomplish this goal is to target the funds to the low- and moderate-income families who are the most certain to spend it rather than to save it.

Second, the tax cuts and spending provisions in the plan must be temporary. They must focus on the immediate need to generate economic activity. And they must not impose substantial new long-term costs on the Federal budget.

And third, the package must be fair. It must focus on those who need and deserve the help, who are suffering the most in these difficult days. It must reflect the renewed national spirit of taking care of each other.

The bill reported out of the Finance Committee—and I commend Senator BAUCUS for this, as well as Senator BYRD for the homeland security provisions which are part of the package—rightly gives first priority to the millions of Americans who have lost their jobs in the current seriously sagging economy. It puts money directly in the hands of those who will spend it immediately and will help laid off workers provide health insurance for their families.

Let's look at the proposal of the Finance Committee, which represents the best judgment of the Democrats on this measure. Let's look at the heart and the soul of this particular program.

All we have to do is look at the reports over this past weekend by the Nobel laureate in economics, Joseph Stiglitz:

The United States is in the midst of a recession that may well turn out to be the worst in 20 years, and the Republican-backed stimulus package will do little to improve the economy—indeed, it may make matters worse.

We may be in the midst of the worst recession of the last 20 years, "and the Republican-backed stimulus package will do little to improve the economy—indeed, it may make matters worse." That is not a Democratic statement or comment, and it is repeated by economists across the country.

What have been the proposals? The principal proposals of the Democratic effort have, first of all, included unemployment compensation in order to get resources out to those who are unemployed.

We can ask ourselves, what has been the record of the Senate over the period of recent years? My friend and colleague from Iowa talked about how, in recent years, Republicans had supported unemployment compensation. That is true.

The unemployment insurance benefits were extended four times during the recession in the early 1990s. At its peak, an additional 33 weeks of benefits were provided. On November 15, 1991, the Senate passed an unemployment

compensation bill to add an additional 20 weeks of unemployment benefits for States with high unemployment rates and 13 additional weeks for other States. That vote was 91 to 2. The Republican Senators voting for the extension included Senators BURNS, COCHRAN, CRAIG, DOMENICI, GRAMM, GRASSLEY, JEFFORDS, MCCAIN, MCCONNELL, MURKOWSKI, NICKLES, SMITH, SPECTER, STEVENS, and WARNER, and then-Democratic Senator SHELBY also voted in favor of the extension. The vote was 91 to 2. It represented a bipartisan effort. This is virtually identical to what was considered back at that particular time in 1991.

Then, in 1992, we were still facing the challenges of significant unemployment, and we passed 94 to 2 to supplement the regular benefits. The bill raised the maximum additional weeks to 33 weeks of benefits for States with high unemployment, and 26 weeks for all other States. It was a much more dramatic bill. This bill is much more modest. That vote was 94 to 2. And that included the Republican leader, Senator LOTT, as well as Senator GRASSLEY, and other Republicans.

Then in June of 1992, by a voice vote—and it passed—we had an increase in the unemployment compensation. Then the conference came back, and the vote was 93 to 3. That was in 1992.

Then in 1993, the vote was 79 to 20.

What is it about the Republican leadership that they are opposed to this program now? That is what these workers are asking. Not only the hundreds of thousands of workers who lost their jobs prior to September 11, but all those who have lost their jobs since that time, they say: You have done it before for workers. You have done it when we have needed it. Why aren't you willing to do it now? That is part of the challenge of the Democratic leadership to our Republican friends.

We have listened to the ranking minority member of the Finance Committee who says: Well, we have supported it in the past. We will try to work something out.

You can work it out right now by supporting this very modest proposal. And it is fairly easy to understand why this has been an important provision, why this is a responsible provision. The cost of this proposal: \$14 billion. That is the unemployment proposal. At the present time, we have \$38 billion in Federal unemployment insurance trust funds that have been paid on behalf of the employees. We are talking about taking \$14 billion out of there. We have done it in the past.

What is their resistance? What is their reluctance? Why aren't they willing to look after what is most important in a recession—the real people who are suffering, the workers who are suffering, men and women who want to go to work today and can't go to work

because their jobs have been lost to them? Real people, real families. Those are the people we are caring about. The funds are sufficient, obviously, to take care of that. We have more than enough funds.

Why is this important? As we have seen before, unemployment insurance is an ideal stimulus. It delivers the stimulus where and when it is needed. It provides \$2.15 of positive impact to the GDP for every \$1 that is spent. That has been the history of it, according to the Department of Labor. And it has been relied on by the Congress, and the Senate, going back for a long period of time.

Let's look at what is happening out there in the real world in terms of the levels of newly unemployed not seen since 1992. This chart I have in the Chamber, going from 250,000 to 550,000, shows what is happening in 2001. It shows the greatest increase, as I mentioned, of the number of unemployed workers going right up through the roof. It is virtually the highest we have seen in over 10 years. It is a real problem. The statistics show it. The families show it. We have the resources to be able to afford it. We have enacted that at other times in our history, and done it in a bipartisan way.

Now look at the percentage of unemployed workers receiving unemployment benefits which has declined over the last 25 years.

In 1975, 75 percent of those who were unemployed received unemployment insurance. And then, during the 1980s, the States squeezed back eligibility for workers who were unemployed. We have seen, as a result of that, that we are down now, with figures getting further and further from what they were in 1975. We are finding out that only 38 percent of those workers are receiving the benefits now. We not only have to do something in order to extend unemployment compensation, but we also have to do something about the eligibility and who will be eligible for that program. The Democratic program does just that. It is one of the key important features.

(Mr. TORRICELLI assumed the chair.)

Mr. KENNEDY. This is what is happening out there. Low-wage workers are half as likely to receive unemployment benefits as other unemployed workers, even though low-wage workers are twice as likely to be unemployed. That is because of the change of the rules and regulations in the States. Nationwide, they are twice as likely to be unemployed and they have half as much chance of getting any kind of coverage. In all but 13 States, unemployed workers seeking part-time work are not eligible for unemployment benefits. In all but 12 States, most unemployed low-wage workers are not eligible for unemployment benefits.

The Democratic plan ensures that more than 600,000 low-wage and part-time workers will receive the benefits. These are men and women whose employers are paying into the fund now on their behalf. That is the extraordinary thing. These workers are being paid for in the fund at the present time, but they are not eligible because they have been effectively written out with the redrafting and changes of the unemployment laws in their respective States. There are only 13 States that even provide unemployment help and assistance for part-time workers—those workers who work 30 hours a week or less.

What we have seen in the workforce is that there has been a very important transition to increasing what they call the temps, the part-time workers. Seventy percent of those are women, because they want to go into the workforce, and sometimes to expand their families and then go back into the workforce. They may want to work a certain number of hours, and even though they are paying in under the unemployment compensation, they are being left out; but not under the Democratic program. That is very important.

This chart shows that there are only 13 States that provide unemployment insurance for the part-time workers. This chart shows that only 12 States provide unemployment insurance for the low-wage workers. That is a dramatic difference from other times of recession we have seen.

So this proposal—one very important aspect of it, the unemployment insurance—has been accepted by Republicans historically. The reason they have accepted it is that, as other distinguished economists and the CRS have pointed out, this program is truly a stimulus in terms of the economy. It is fair, temporary, and it works. It provides very important assistance to needy families.

I want to take a minute—and I see others on the floor who wish to speak—on another major part of our program—that is with regard to health insurance, which is important. Many colleagues remember the debate we had on the Patients' Bill of Rights not long ago and what many of our colleagues on the other side of the aisle said:

If we want to look at what the real problem is in America, it is the 44 million people who do not have any health insurance.

That was Senator SANTORUM on June 20.

If you have no insurance, the likelihood of getting good health care in the United States is much less.

That was Senator FRIST.

We will be using the health care coverage for seniors who are taking arthritis medicines, men and women who are being treated with chemotherapy or kidney dialysis, and families waiting for loved ones to have bypass surgery. These are the lives that will be

disrupted, even devastated, as a direct result of this bill. They are talking about the Patients' Bill of Rights.

Then Senator HUTCHISON said:

The Kennedy-McCain bill ignores what I believe is the most important patient protection, and that is affordable health insurance.

Well, Mr. Republican, your problems are solved because under the Democratic program we provide an effective extension of health insurance for those who had it in their previous employment and lost it, and for those who didn't have it but need it in terms of this recession. We have a lot of statements and comments about the importance of extending this. And, we are doing the job.

Let me just review a couple of facts. The typical unemployment benefit is \$925 per month. The health insurance costs are about \$588 per month, which is 63 percent of the unemployment benefit. Only 18 percent of workers today, if they qualify for COBRA, are able to take advantage of it. It doesn't do very much for them. The Senate Democratic plan provides 75-percent premium assistance. CBO estimates this would cover 7.2 million workers.

We listened to my friend from Iowa talk about what the Republicans were doing. Senate Republicans have an inadequate plan that at least would provide a family with 2 weeks of COBRA. There is the \$3 billion, which they say can be used for unemployment compensation, health insurance, and other kinds of activities in the States, leaving it up to the States. We heard that outlined, but the numbers weren't described. If they use it all for health to offset premiums, it will last for 2 weeks for COBRA. So when we recognize the difference, it is very real.

The next chart demonstrates \$925 a month as the average unemployment. In order to recover your COBRA, it is 65 percent of that. As a result, very few are able to do it. If we have the Democratic program, the amount that will be required will only be 16 percent. That will result in about 80 percent of all of those being covered.

This chart shows who recovered. Nearly half of all workers are not eligible for COBRA, including workers in small businesses of fewer than 20, workers in businesses that go out of business, individuals who buy individual coverage, those whose employers do not offer health insurance or cannot afford to take it up. They are excluded. What do we do? They need an affordable health option.

We Democrats are proposing a new Medicaid State option to cover these workers. CBO has estimated that 2½ million workers will benefit from our plan. The Republican plan has no relief for these workers; zero will be included. The administration proposes to take funds from the CHIP program for these workers, to cover the workers they would like to cover, which is basically taking money that is guaranteed

to the States, on which the States rely to provide coverage for uncovered children. It is effectively robbing Peter to pay Paul.

On this chart, if you look at the categories on the Democratic and Republican packages:

Guarantees workers help paying COBRA, who will have COBRA but find difficulty in affording it.

We would help the 7.2 million unemployed Americans. The Republican bill has no guarantee.

Providing help for displaced workers.

We provide 2½ million Americans with coverage. There is no such coverage under the Republicans.

Provide the State fiscal relief by improving Federal Medicaid payments.

That is what they call an "enhanced match," which has been so successful to get children. We provide that, and the best estimate at CBO is that 4 million will be covered.

If one is concerned about health care, this is how it gets done. It is not just what we are saying; it is what the CRS and the CBO says. This is an effective program to deal with the health aspects of this proposal.

If we are talking about something that is going to be temporary, if we are talking about something that is going to be stimulative, if we are talking about something that is fair, these aspects of the Finance Committee proposal meet all of those criteria. It will assist those who are impacted—working families. It will give them some lift. We have done that in a bipartisan way historically.

We ask the question: Where are our Republican friends? Why are they not joining us as they did at other times? If you understand the importance of health care, this is the best way to do it. If they have a better way of doing it, I am sure our leadership and the Finance Committee will welcome that opportunity. This will ensure that workers who need health care for their families are going to be able to maintain their coverage, and the health industry, which is so important to our country, is going to prosper. This is limited to 1 year. It is a 1-year stimulus program.

The democratic plan helps ensure that States do not have to make budget cuts that would undermine any Federal stimulus. States have yearly balanced budget requirements and many are already looking at major budget cuts to meet those requirements. To help keep State economies strong, our plan freezes planned Federal Medicaid cuts and enhances the Medicaid matching rate by up to 3 percent for States that agree not to cut back on their coverage. This plan will provide immediate assistance to States and help assure they do not have to make budget cuts that put us deeper in recession.

The Democratic plan is also a fair balance between tax incentives and

spending incentives for the economy. The tax incentives in the plan meet the three essential criteria for a stimulus—they will put money into the economy now, they do not impose substantial new long-term costs on the federal budget, and they treat fairly those who are most in need.

Seventy percent of Americans today pay more in payroll taxes than in income taxes. Yet many of them received no tax rebate earlier this year. The rebate unfairly ignored these low- and moderate-income families. A one-time rebate of payroll taxes to them now will immediately inject \$15 billion into the economy, placing the dollars in the hands of people who are likely to spend them immediately. Economists tell us that families with modest incomes are likely to spend the extra money they receive right away on needed consumer goods. Those with higher incomes are more likely to save it.

The Democratic bill also includes temporary, targeted tax cuts to stimulate immediate business activity. These changes provide more favorable treatment for new investments now, and they deserve to be supported.

Because the tax cuts in the Democratic plan are truly designed to be an immediate economic stimulus, they do not incur any substantial cost beyond 2003. This point is vital to our economic recovery. Enacting new permanent tax cuts which can trigger large long-term Federal deficits would be counterproductive. Permanent new tax cuts—on top of the nearly \$2 trillion in tax cuts enacted earlier this year—would actually hurt the economy now, by raising the cost of long-term borrowing and discouraging the kinds of investment we need most today.

The House of Representatives passed, by the narrowest of margins, a so-called stimulus package that will not stimulate economic growth in the short term, and will not be affordable in the long term. It merely repackages old, unfair, permanent tax breaks which were rejected by Congress last spring under the new label of "economic stimulus." The American people deserve better.

The long-term cost of the House plan is too high, and less than half of the dollars would reach the economy next year. The House plan offers \$46 billion in tax breaks to big businesses by permanently repealing the corporate alternative minimum tax and by giving permanent new tax cuts for multinational corporations. These provisions are an unacceptable giveaway of public resources.

The alternative suggested by our Republican colleagues in the Senate is also flawed. Their proposal to accelerate the reduction of upper income tax rates would cost \$120 billion over the next decade. Only a small percentage of these dollars—less than one dollar in four—would go into the economy

in 2002. And these dollars would go to those least likely to spend them. The result would be little immediate stimulus, large long-term costs, and a grossly unfair distribution to the wealthiest individuals in our society.

In fact, the House Republican proposal gives \$115 billion in permanent new tax breaks to wealthy individuals and corporations, while the Senate plan would give them \$142 billion in new tax breaks. Yet each of the Republican tax plans provide only \$14 billion for low- and moderate-income families. Under the GOP plan, the tax cuts for corporations and wealthy individuals are permanent, while the cuts for working families are limited to just 1 year. The result is unfair, and it will not provide the economic stimulus that the Nation urgently needs now.

Our Democratic alternative also includes key steps to make our country stronger and safer. It includes needed resources to fight bioterrorism and improve our ability to respond to an attack. It will help detect an attack by strengthening our public health system. It will help treat the victims of an attack by making sure that our hospitals and other health facilities are better prepared. It will expand pharmaceutical stockpiles and develop new treatments. We owe it to the American people to take these steps now, and we need this legislation to do that.

Perhaps never before in history has our Nation faced such grave challenges. The tragedy of September 11 has touched us all. Together, we witnessed a horror we could not have imagined and bravery which inspires us all. The tragedy may have shaken our basic assumptions about the world in which we live, but Americans have not retreated in fear. Instead, they have risen to meet these new challenges. The spirit of September 11 has compelled vast numbers of our fellow citizens to ask what they can do for their communities and our country.

It is time for Congress to do its part. We must respond to the economic crisis the Nation faces. As we do so, we must show our dedication to America's best ideals. As we fight for a safer society, we can also create a more just society at the same time. September 11 has taught all Americans that we need to help each other as never before.

We will not ignore the plight of millions of Americans hurt by this tragedy and by economic forces beyond their control. As we work together to get our economy moving again, we can also work together to see that none are left behind. We have a unique opportunity to give help and hope to every American as we enact a stimulus plan that puts America back to work.

The American people are meeting this challenge, and we must demonstrate to them that Congress is capable of meeting it, too. The test we face now is to pass a stimulus package that

truly lifts the economy, and lifts it fairly and responsibly. The American people are watching this debate closely, and they are waiting for our answer.

I hope Americans who are paying attention to this debate understand the dramatic contrast between what has been suggested by our Republican friends and the proposal that has been advanced by our Finance Committee. Hopefully, we will gain their support.

The PRESIDING OFFICER (Mr. SCHUMER). Who yields time?

Mr. BAUCUS. Mr. President, I yield 15 minutes to the Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. TORRICELLI. Mr. President, I thank the distinguished chairman of the Finance Committee for yielding the time, and I compliment him on his extraordinary leadership in bringing the Senate to this moment.

It may well be that this Nation was headed towards an economic downturn before September 11. We may debate that fact, but there is no mistaking that every State in the Nation is now facing a dramatic change in economic circumstances.

In October, the unemployment rate rose one-half point, to 5.4 percent of working Americans; 400,000 people lost their jobs, including 8,000 in my State of New Jersey alone.

As this has affected our families individually, the economic change has affected our States collectively. Thirty States are now clearly in a position of economic recession.

The Senate is faced with two very different philosophies in dealing with this change of economic circumstances. The Senate Finance Committee, under Chairman BAUCUS leadership, has sought to address both the causes of the downturn and those most dramatically affected by the economic downturn.

The bill, as Senator KENNEDY has illustrated, provides 13 weeks of extended unemployment benefits. It makes many part-time workers eligible. These are the people on the front line of our economic difficulties, and rightfully and exclusively, this bill, among the alternatives before us, provides the most help to families who, through no fault of their own, now find themselves wanting for rent payments, mortgage payments, or tuitions, and only have the bridge of unemployment benefits to get them through the crisis.

In New Jersey, this means 50,000 people will be able to continue their unemployment benefits or face the prospect of no help at all; 11,000 part-time workers in New Jersey, the most vulnerable of the vulnerable, will be able to continue their benefits.

The bill also addresses the reality that as people lose their jobs, their problems are compounded by the emergency situation of also losing health

benefits. The legislation provides a 75-percent subsidy for laid-off workers to purchase COBRA insurance.

As families are vulnerable, so are the States. The National Governors' Association projects State revenues to be \$30 billion less than previously forecast. As we all know, as the States start to reduce their budgets to deal with the budgetary emergencies, the first to suffer will be education and health care.

Twenty-nine States already face \$600 million of projected reductions in what they will be able to provide in health care. The Baucus bill provides \$5 billion directly to States through an increase in Medicaid matching funds.

These provisions are all national in scope. They help every State in the Nation deal with this economic emergency, but, in fact, as acute as the situation is nationally, regionally it is the most severe. While all the Nation is in pain, it is most severe in those areas directly impacted by the terrorist attacks on September 11.

It would be no surprise to anyone in the Senate to know the economic downturn is affecting the New York-New Jersey-Connecticut areas most directly. The attacks not only killed thousands of people, but for those left behind, those whom they loved and their neighbors, the economic impact is particularly acute. Prior to September 11, 300,000 people worked in Lower Manhattan in the impact area. Since the attacks, 125,000 people have been displaced; 19,000 have already left the city; 35 million square feet of office space is currently unavailable.

Indeed, in Battery Park City, home to thousands of New Yorkers in Lower Manhattan, only 30 percent of the tens of thousands of residents have returned to their homes.

The simple truth is, as a matter of employment and residency, Lower Manhattan will never be the same without Federal assistance. This legislation dealing with the economic emergency in the Nation, as it deals with national unemployment, the national health care situation, the national need for stimulus, focuses in particular on the fact there is an acute economic emergency in Manhattan.

The legislation that I offered with Senator SCHUMER and Senator CLINTON contains \$5 billion in economic assistance to New York. I make no apologies for offering this legislation. Almost unbelievably, I have read in the national media that somehow this constitutes some form of special interest legislation.

The terrorists may have attacked buildings that were in New York, but this was an assault on America, on every American, and it tests our concept of national union whether when an individual city, State, or group of people are attacked, whether we respond as a city or State or we respond as a country.

I may live in New Jersey, but on September 11 my country was attacked, and we should all respond as Americans.

If there is a special interest contained in this legislation to deal with residency and employment, the economic stability and the reconstruction of New York, let us identify that special interest.

The interest is, we are all Americans, we are all in this together, and we will respond together. That is the interest being tested.

Now, indeed, the pain may be particular to New York, but it is shared with their neighbors whom I represent in the State of New Jersey. Two hundred thousand New Jersey residents are employed in Lower Manhattan, or they were employed, because 40 percent of the people who worked in the World Trade Center lived with their families in New Jersey. Fifteen thousand people lost their place of employment if they did not also lose their lives. Sixty-six thousand people from New Jersey commuted every day to Lower Manhattan on the PATH railroad system, all of which to Lower Manhattan is now in shambles.

The \$5 billion in tax incentives will apply to the 1.6-square-mile recovery zone around the World Trade Center. That is where people I represent worked every day. They lost their offices. Many lost their companies. Most lost their means of employment with which to feed their families and raise their children.

Special interests? Very special. Keeping these people employed, their families alive and prosperous, that is our special interest.

This \$5 billion in tax incentives includes a \$4,800 employee wage tax credit for existing and new hirers to try to keep employment stability in Lower Manhattan so a bad situation does not get worse; second, \$10 billion in private activity bonding authority to rebuild the real estate in the impacted zone; third, to encourage businesses to stay and reinvest in Lower Manhattan. The bill will allow the cost of replacement property to be deducted as a loss.

There is no better symbol to the world of American resolve, our determination to survive, than to rebuild in this economic zone and to provide stability for employment in the impacted area. That is exactly what we intend to do.

Then there is the question of the Nation's infrastructure. We are not responding properly to the recession, this economic emergency, if we provide for unemployment benefits, provide for health insurance, provide for the areas most acutely impacted, if we do not also do something about the national infrastructure.

I yield to Senator BAUCUS.

Mr. BAUCUS. I thank the Senator. Mr. President, I ask unanimous consent that the Senator from California

be allowed to speak for 5 minutes at the conclusion of the remarks of the Senator from New Jersey.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TORRICELLI. This package is not complete if we deal with unemployment and health benefits and the impacted area of New York, but we do not also do something about the national infrastructure.

The truth is this Nation had a severe infrastructure problem long before there was a recession. Thirty-three percent of the Nation's half million bridges are structurally deficient. Fourteen million children attend schools that are a decade or two beyond the needs of basic repairs. The time to do that work is when we have workers to do it.

In 6 months or a year, as commercial construction activity in the Nation slows and people employed in the building trades add to the ranks of the unemployed, the one means of keeping them working is to do the work for the Nation that already needs to be done. Yet our Republican friends and even some in the media call this a special interest—pork.

Can building a school for a child in a deficient structure ever be a needless expenditure? It may be safe for someone in some media outlet or someone who feels good about their own child to call building a school pork. To me, it is meeting a basic obligation.

I have placed in this bill, and I make no apologies for it, a major national investment in national infrastructure to build high-speed rail lines. It is right and it is proper. As was demonstrated on September 11, this Nation's transportation infrastructure is fragile. When it is interrupted, business stops, employment declines, and the Nation's economy suffers. This economic downturn is an opportunity, once again, to increase employment by modernizing our infrastructure, as we have done in almost every recession in the last 50 years.

As the chart to my left illustrates, as we try now to provide duality in our national transportation infrastructure so the Nation is not entirely dependent on an aircraft system, this chart demonstrates how much each of these Federal Governments contributes to the construction of rail systems.

In Germany, the government provides 21 percent; France, 20 percent; the United Kingdom, almost 18 percent; and the United States of America, .04 percent of our rail system is provided by the Federal Government. It is therefore no wonder the Nation is largely without a modern high-speed rail system outside of the Northeast corridor.

The amendment I provide in this economic stimulus package provides \$9 billion in bonding authority which will be repaid by Amtrak. The Federal Government only pays the interest on

these bonds. It would cost \$4 billion to provide modern systems throughout the country, in the Southeast from Washington to Jacksonville, including Virginia, North and South Carolina and Georgia; a modern high-speed rail system from Orlando-Miami-Tampa; on the gulf coast, from Houston and New Orleans, eventually to Atlanta; and a Midwestern Express covering nine States.

This is the moment. We need to employ people. Ridership is soaring. The demand is clear.

The PRESIDING OFFICER. The Senator has consumed 15 minutes.

Mr. TORRICELLI. I ask unanimous consent for an additional 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TORRICELLI. This is the moment to build this high-speed rail system. It is in this legislation. It is identical to the legislation cosponsored by 56 Senators, including Senator LOTT and Senator DASCHLE. Use this moment to build this system.

The legislation also includes \$2 billion toward the engineering and construction of a new Trans-Hudson tunnel between New York and New Jersey. This is vital. There has not been a rail tunnel built between New York, connecting it with the rest of the Nation, since 1920.

The existing tunnels do not have escape mechanisms. They do not have adequate fire protection. They are old and they are slow. This legislation will immediately begin the engineering and then the funding of a new rail tunnel. So if in any future emergency or terrorist attack we lose the existing tunnels, there will be one safe, modern, fast tunnel to connect New York with the remainder of the Nation and allow in New Jersey an Amtrak for the rest of the country to expand the rail commuter network, which is now at capacity, to get more people out of their automobiles and onto trains, throughout suburban New Jersey, into Manhattan.

Nothing would convince employers to remain in Manhattan longer and invest better than the knowledge there will be a rail network to get employees there in the decades ahead. Our constituents are giving us exactly that message. Ridership is up 45 percent from New Jersey to New York City since September 11. Amtrak now runs 21 trains per hour through the existing tunnel capacity. They need to get that rate to 45. This new tunnel can add 20 trains an hour. We can get people out of their cars. We can get them into safe trains. This legislation contains exactly that capacity.

This is simply a good economic stimulus package. It is good in what it does to the unemployed. It is good in what it does for vulnerable families. It provides the proper public works to get people employed and keep them em-

ployed and make the national investments we need for the coming decades.

I am proud of it. It is the right thing. It is good legislation. I thank Senator BAUCUS. I thank my colleagues for being responsive to New York, New Jersey, and the Connecticut region during this time of crisis. I urge my colleagues to support this legislation and to do so with pride.

I yield the floor.

The PRESIDING OFFICER. The Senator from California is recognized for 5 minutes.

Mrs. BOXER. Seeing no one else on the floor, I ask unanimous consent for an additional 5 minutes for a total of 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, I have not spoken on the floor of the Senate in a long time. The issues have been coming fast and furiously toward us. Today I will discuss with my colleagues in the Senate the very important economic stimulus bill. Beyond that, before I turn to that bill, I will discuss what I consider to be the three most pressing matters to deal with, in addition to our normal appropriations work.

One of those is certainly this economic stimulus package. The last economic data we had showed the greatest loss of jobs in 1 month for 21 years. It has been 21 years since we have lost so many jobs in 1 month. We must take up this economic stimulus bill. We have been hit hard by the terrorists, and before that we were beginning to see a slowdown in our economy. The combination of the two is simply not acceptable.

Another pressing need is aviation security. I say in no uncertain terms I cannot say what the President says to the American people: Get in those planes and fly. I want to say those words, and I will say those words when we have passed the laws we need to pass to make flying as safe as possible.

We do not now screen and check all the bags that are in the underbelly of the planes. We don't check and screen the cargo for bombs. No, we do not. We do not have screeners who are a well-trained security force. We do not have air marshals on every flight. We do not have yet a secure cockpit always locked and not open during the flight.

These are four basic measures we have learned are the key to aviation security. El Al, that runs the Israeli airline, has told us very clearly: There are no secrets; these are the things we have to do. When we do those things, I will look in the eyes of your constituent and mine, and I will say not what I am saying today, which is, yes, it is safer than it was on September 11; but I can look at them and say the skies are as safe as we can make them.

To be a Pollyanna, to stand up and say, come fly with me—as the Frank

Sinatra song goes—I cannot do it. I fly a lot. I am in the air a lot to do my work. As I said, I know we are safer than we were before September 11, but we are nowhere near where we should be. I call on the conferees to get moving. I call on the House Republican leaders to get off their ideological problems and understand the same old way of doing business with private security handling the bags is a failure.

That is something we must do right away. We also need a package for homeland defense or homeland security. Senator BYRD has a wonderful, well-thought-out package which will become, I hope, part of the economic stimulus at a later time. It is modest in its approach but will allow us to vaccinate every man, woman, and child against smallpox and, God forbid if we have to, against anthrax, and develop the kind of work we need to prevent bioterrorism, protect our nuclear powerplants. Again, airport security, chemical plants, and we will give special grants to law enforcement, local and State, and rebuild our public health system so when we have a problem the local people, the first responders, will have the wherewithall to do what it takes.

I am very happy that Senator BYRD will be doing this. It ought to become part of the stimulus package because not only do we need it for the defense of our country, but we also know those dollars will be spent and every one of those dollars will help provide jobs.

That gets me to where we are right now, this economic stimulus package dealing with tax cuts. If you want to see the difference between Republicans and Democrats, if you are sitting at home and scratching your head and saying, aren't these guys and gals all alike, I say take a look at this package. What do the Republicans do, to the tune of more than \$20 billion over 10 years? They give big dollars to those who have them—surprise. They give \$1.4 billion to IBM. The last I checked, they earned \$5.7 billion in the year 2000. The last I checked they were laying off people, not hiring people. Is that what we want to do, reward them for that?

Ford Motor, a \$1 billion refund check; their corporate profits were \$9.4 billion. General Motors, \$833 million? Their corporate profits in 2000 were \$2.9 billion. And, GE, a \$671 million refund check. Their corporate profits were \$9.3 billion.

I do not know how to say this in a way that doesn't sound harsh, but in the nicest way I can say it, it is this. I believe you have said it in your way as well, Mr. President.

For people to use the 9-11 tragedy, which you felt in your State—in your heart, with perhaps a few of you in this body more than any of us—to use 9-11 as an excuse to do something that these Republicans have wanted to do

since the minute they took over control of the Congress, which is to reward their biggest contributors, is nothing less than unpatriotic. It is my feeling. It is how I feel. It is my opinion. It is not a fact. It is my opinion.

Let me say it again. To use 9-11 as an excuse to pay back your biggest contributors—who are laying off people, by the way, and who are doing just fine, thank you very much—is a disgrace.

If you want to see the difference in the parties, look at our tax cuts. They deal with ways to stimulate investment by businesses by giving a bonus depreciation to encourage investments in capital equipment, additional depreciation for small business, net operating loss carrybacks that will help companies that have done well in the last few years but not as well recently to get an immediate tax refund, and we propose giving tax rebates to those who were left out earlier this year.

I know Republicans have that provision as well. But the lion's share of what they do is this—and how about this—escalate the tax breaks so the wealthiest people among us get back \$16,000 a year.

That is not \$16,000 over 10 years. That is \$16,000 in a year. Those are the people earning over \$1 million a year. Thank you—they are doing fine, and they are not going to spend the money.

We had an interesting meeting with the former Treasury Secretary who presided over the greatest economic recovery our country has ever seen, Robert Rubin. He told us that those in that top bracket are not going to spend that money. They are spending everything they can spend.

These corporations are not going to put anybody to work when they get their refund checks. These are the people who are slimming down, who are cutting back. So what kind of economic stimulus is the Republican plan? It is a giveaway to the wealthiest people at the expense of everybody else.

And, might I add, it is a budget buster. It is a budget buster. When you look at the costs of the Grassley plan and the House plan, what are we looking at over the period? We are looking at about \$170 billion over the period. When we look at our plan, even if you add on the homeland security, you are looking at about \$60 billion over the 10-year period.

So they are bringing us right back into the deficit hole where they took us in the first place and it took a Democratic administration to get us out of that mess. Now they are putting us right back in the mess, deficits as far as the eye can see. To do what? Help the richest people in the country, the richest corporations.

I remember the days when there wasn't an alternative minimum tax because I was over on the House side when we decided it was outrageous that the biggest corporations in the

country were paying zero taxes. I remember that.

The PRESIDING OFFICER. The time of the Senator has expired.

Mrs. BOXER. I ask for 5 additional minutes.

The PRESIDING OFFICER. There are 4 minutes remaining before the debate on the nomination.

Mrs. BOXER. I ask for 4 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, I think you were in the House at that time as well, when we closed that terrible loophole and we made sure these companies, these companies that were popping champagne corks on tax day because they paid nothing in the defense of their country, paid nothing to educate one child, they paid nothing to give health care to one child, and we said that was wrong and we walked down the path and we put in a fair alternative minimum tax.

Here they are, boys; they are back. They are back and they are trying to go back to those days when the largest corporations in America paid zero.

Again, to use the 9-11 tragedy as an excuse to do this is beyond my ability to express. I usually don't have too much trouble, but this is horrific.

Let's not go back to those days in the 1980s. I will give an example. Senator ROBERT BYRD told a story about a woman in Milwaukee, the mother of three children, who in 1983 earned \$12,000. On that income, she paid more taxes than Boeing, GE, DuPont, and Texaco put together. Welcome back to those days, if you go with that House plan.

Senator GRASSLEY just does away with this prospectively. The House gives them a rebate for the past. He doesn't do that, but he does away with it for the future. So I will be able to stand up here, if he prevails, and say the same thing next year: A woman earning \$12,000 paid more in taxes than all these corporations together. I do not want to go there.

Here is the bottom line. We have the best economist in the world telling us the House plan and the Senate Republican bill will make things worse. That is Joseph Stiglitz, awarded the Nobel Prize in economics last month. He says the family earning \$50,000 would get zero, but the Republican plan would give \$50,000 over 4 years to families making \$4 million a year.

What are we doing? This is a time we need to get money into this economy. We need to jump-start this economy. It started to go down when President Bush came in. With 9-11, it has gone straight this way. We better do something that gets it going.

So we have a lot of work to do. I can only hope the American people will weigh in, in this debate, and understand the average American with the

Republican plan gets nothing, gets big deficits again that will fall on their children, and the big corporations and the most wealthy among us will be ready to pop their champagne corks.

That is not fair. It is not just. It is not what 9-11 was all about. I hope we can stop it, come together, and have a fair plan for all Americans.

I yield the floor.

The PRESIDING OFFICER. The Chair thanks the Senator from California.

EXECUTIVE SESSION

NOMINATION OF EDITH BROWN CLEMENT, OF LOUISIANA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FIFTH CIRCUIT

The PRESIDING OFFICER. Under the previous order, the hour of 4:45 having arrived, the Senate will now go into executive session and proceed to the consideration of Executive Calendar No. 511, which the clerk will report.

The assistant legislative clerk read the nomination of Edith Brown Clement, of Louisiana, to be United States Circuit Judge for the Fifth Circuit.

The PRESIDING OFFICER. Under the previous order there will be 15 minutes for debate, time to be equally divided by the chairman and ranking member of the Judiciary Committee. At 5 o'clock, a vote will follow on that nomination. Who yields time?

The Senator from Montana.

Mr. BAUCUS. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent the time be equally charged against both sides.

The PRESIDING OFFICER. Without objection, the clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I congratulate the nominee and her family on her nomination, confirmation and what is soon to be her appointment to the United States Court of Appeals for the Fifth Circuit. I also commend the Senators from Louisiana for working with the committee and the majority leader and working with the President to bring this nomination forward and to have the Senate act to confirm Judge Clement.

I take special pride in this confirmation because we are finally bringing some help to the Fifth Circuit. Since 1999, Chief Judge King of the 5th Circuit has declared a state of emergency in the Circuit such that the hearing and determination of cases and controversies could be conducted by panels of three judges selected without regard

to the qualification in 28 U.S.C. section 46(b) that a majority of each panel be composed of judges of the 5th Circuit.

I well recall when delays in the confirmation process over the last several years threw the 2nd Circuit into a similar emergency in March 1998, and how hard I worked to get those five vacancies filled to end that emergency in my Circuit. I am glad that we are proceeding with Judge Clement today in order to try to help the 5th Circuit.

Judge Edith Brown Clement from Louisiana was among the first nominees sent to this committee by the President. Unfortunately, in the wake of the Republican leader's objection to keeping that nomination and many others pending over the August recess, Senate rules required that her nomination be returned to the President without action as the Senate began its August recess. She was nominated again in September to serve on the U.S. Court of Appeals for the Fifth Circuit, which encompasses the States of Texas, Louisiana, and Mississippi.

This is one of the many Circuits that were left with multiple vacancies at the end of the Clinton administration. Since January 23, 1997, Judge Garwood's seat on the 5th Circuit has been vacant. Despite the fact that former President Clinton nominated Jorge Rangel to fill this vacancy in July of 1997, Mr. Rangel never received a hearing and his nomination was returned on October 21, 1998. On September 16, 1999, former President Clinton nominated Enrique Moreno to fill the same vacancy. Once again, the nominee did not receive a hearing.

Since April 7, 1999, the seat previously occupied by Judge Duhe of the 5th Circuit has been vacant. Although former President Clinton nominated Alston Johnson to fill that vacancy only 15 days later, on April 22, 1999, Mr. Johnson was never granted a hearing by the Judiciary Committee in 1999, during all of 2000, or during the first months of this year while his nomination was still pending.

Over the last several years I have commented on those vacancies as I urged action on the nominations of Jorge Rangel, Enrique Moreno, and Alston Johnson to fill those vacancies on the 5th Circuit. None of those nominees were ever provided a hearing or acted upon by the Senate. After 15 months without action, Mr. Rangel asked not to be re-nominated. After 15 months and two nominations, Enrique Moreno's nomination was returned to the President without action. After nearly 23 months and two nominations without action, Mr. Johnson's nomination was withdrawn by President Bush in March of 2001.

The nominations hearing for Judge Clement was the first hearing for a nominee to the 5th Circuit in 7 years—since September 14, 1994. She will likewise be the first judge confirmed to the 5th Circuit in 7 years.

Since July 2001, when the Senate was allowed to reorganize and the committee membership was set, we have maintained a strong effort to consider judicial and executive nominees. With the confirmation of Judge Clement, we reach yet additional milestone. Judge Clement is the fifth nominee to the Courts of Appeals confirmed by the Senate since July 20 this year. We have now confirmed as many Court of Appeals nominees as were confirmed during the first year of the first Bush administration and two more than were confirmed during the first year of the Clinton administration. I thank the Majority Leader, the Judiciary Committee and all Senators for their cooperation in reaching this important goal.

In addition, I note that by confirming our 18th judicial nominee, we have now confirmed more total judges this year than were confirmed in 1989, the first year of the first Bush administration. With the confirmations of Judges Armijo, Bowdre, Friot, and Wooten last week, the Senate confirmed its 10th, 11th, 12th and 13th District Court judges for the year and matched and then exceeded the number of District Court judges confirmed in 1989, which was 10.

With the confirmation of Judge Wooten last week, the Senate confirmed its 17th judge over all and matched the number of judges confirmed in all of the 1996 session. With the confirmation of Judge Clement to the U.S. Court of Appeals for the Fifth Circuit we have exceeded that total for the 1996 session. Of course, in 1996, the Senate majority at that time did not proceed on a single nominee to a Court of Appeals and limited itself to confirming only 17 judges to the District Courts.

Thus, despite all the upheavals we have experienced this year with the shifts in chairmanship and, more importantly, the need to focus our attention on responsible action in the fight against international terrorism, we have matched or beaten the number of confirmations of judges during the first year of first Bush administration and the last year of the first Clinton term.

As a judge on the Court of Appeals, Judge Clement will have a vital role to play in protecting and preserving our civil liberties in the days ahead. Our system of checks and balances requires that the judicial branch review the acts of the political branches. I trust that Judge Clement will take this responsibility seriously and will rely on our rich history of judicial precedent to make wise decisions in the challenging times ahead.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. LEAHY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The Senator from Utah has 1 minute 40 seconds remaining.

Mr. LEAHY. Mr. President, I ask unanimous consent that I be allowed to use the remaining time of the Senator from Utah, unless he appears. I will then immediately yield to him.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I wanted to highlight that the Fifth Circuit is one of those circuits where for the last 6 or 7 years there was a refusal to hold any hearings on the nominees. I think we are changing the way things have been done in the past. On this nomination, there was a hearing within weeks after the nominee had cleared all the paperwork. I applaud the majority leader for bringing this nomination before the Senate.

I also thank the members of the Judiciary Committee, and the distinguished Presiding Officer, who voted for this nominee on a rollcall vote in the committee.

Mr. HATCH. Mr. President, I would like to voice my support for the nomination of Edith Brown Clement to the U.S. Court of Appeals for the Fifth Circuit. She has made a well-respected name for herself both as a litigator and as a Federal district court judge.

Judge Clement graduated from Tulane University School of Law in 1972. After graduation, she accepted a clerkship with U.S. District Judge H.W. Christenberry in the Eastern District of Louisiana. At the culmination of her clerkship, Judge Clement began a 16 year career as a litigator, eventually becoming a partner at the New Orleans firm of Jones, Walker. As a practitioner, she developed an expertise in admiralty and maritime law, and litigated a multitude of complex and nuanced cases.

In 1991, President G.H.W. Bush nominated Judge Clement to be a Federal district judge for the Eastern District of Louisiana—the same court for which she had served as a law clerk more than 15 years earlier. As a judge, she has written extensively on admiralty law as well as issues of general interest to practitioners.

I must note that although Judge Clement's confirmation hearing was held on October 4, she was still receiving written questions from Judiciary Committee members nearly 1 month later. In fact, she received a lengthy set of questions from one member on November 1, the same date her nomination was voted out of committee. Judge Clement nevertheless cooperated fully and answered the questions promptly. I wish to commend her and the Department of Justice for their efforts in complying with the requests of committee members.

During her tenure, Judge Clement has served with honor and distinction.

She has proven herself to be exceptionally qualified for a position on the Fifth Circuit Court of Appeals, and I praise President Bush for recognizing that fact by nominating her to serve on that court. I wholeheartedly support Judge Clement's nomination, and urge my colleagues to do the same.

Mr. FEINGOLD. Mr. President, I will vote to confirm Judge Edith Brown Clement to the U.S. Court of Appeals for the Fifth Circuit today, but I do so with some reservations. I rise today to discuss my concerns for the record and to comment on the issue of privately funded judicial education about which I questioned Judge Clement.

Judge Clement has served for nearly a decade as a U.S. district judge in Louisiana. She is supported by my two colleagues from Louisiana and received a "well-qualified" rating from a majority of the ABA's Standing Committee on the Federal Judiciary. There is nothing in her record as a judge that gives me reason not to support her nomination.

At Judge Clement's hearing before the Judiciary Committee, Senator KOHL asked her two questions concerning her attendance at a number of judicial education seminars sponsored by free-market economics organizations. Let me quote the full exchange between Senator KOHL and Judge Clement:

Senator KOHL. I would like to turn briefly to the topic of privately-funded judicial seminars, or what some have called junkets for judges. Your financial disclosure forms indicate that you have attended a significant number of these seminars in recent years, including a seminar on environmental law hosted by the Foundation for Research on Economics and the Environment.

As you are probably aware, such seminars have come under intense scrutiny based on evidence that the seminars are one-sided and that they are being funded by corporations and special interest groups that have an interest in Federal court litigation. Senator Kerry and Senator Feingold have introduced legislation that would ban these kinds of trips.

Do you think that those Senators are correct to be concerned about these trips, and might you support their kind of legislation?

Judge CLEMENT. Well, as you know, judicial officers are frequently invited to participate as speakers or participants in programs dealing with judicial education, as well as continuing legal education for lawyers, as well as participate in lectures to law students. My experience has shown that the panels and the speakers are from a widely diverse group, that there is a representation from private industry as well as from government and public officials, as well as from the law schools, including the deans of the law schools and the faculty members.

So to that extent, my participation in programs, either as a speaker or as a participant, has reflected that there is a wide variety of opinions expressed. I think it is a very broad-based presentation of issues dealing with constitutional law, as well as antitrust and economic, as well as environmental issues. So to that extent, I don't see a problem with the educational opportunities afforded to the judiciary.

Senator KOHL. Do you plan to continue these types of seminars in terms of your attendance in the event that you are confirmed to the fifth circuit?

Judge CLEMENT. Well, some of the seminars are basic economics which, of course, I have completed. And then there is an advanced economics, which I have completed. Some of the seminars are focused on the Constitution, some are focused on environmental issues. So to the extent that I haven't already been exposed to that information and to the extent that I am impressed with the faculty that's being presented, I would evaluate the opportunity at that time when presented with the invitation.

I was concerned about this exchange for a number of reasons. First, Judge Clement seemed to minimize her participation in judicial education seminars that are put on for judges by outside interest groups. The question Senator KOHL posed was not about her giving a speech or a lecture, but about attending all-expense paid seminars funded by corporate interests with room, board, and airfare worth thousands of dollars to places like Montana and Captiva Island, FL. Judge Clement has taken five such trips from 1994-1998.

I was also concerned by Judge Clement's testimony that the seminars she attended were balanced and broad-based. An exhaustively researched report released last year by the Community Rights Counsel suggests strongly to the contrary. Judge Clement's answers to Senator KOHL's questions suggested that she sees nothing wrong with these trips and would not hesitate to attend similar events in the future if the topic of the seminar interests her.

Because I was concerned about Judge Clement's testimony, I asked a few followup questions in writing. Those questions had not yet been answered when Judge Clement came up for a vote in the Judiciary Committee. That is why I voted "present" in committee.

One of my questions called Judge Clement's attention to a Harvard Environmental Law Review article that specifically discussed one of the seminars that she attended, a trip to Montana in 1996 sponsored by the Foundation for Research on Economics and the Environment, FREE. After discussing the views of the various presenters at that seminar, the authors conclude:

It is easy to see why some corporations and extreme conservative foundations so eagerly fund FREE. FREE's seminars for judges explain how and why judges should strike down Federal environmental laws. FREE's assertion that its seminars present a "very wide range" of viewpoints is true only insofar as they feature both extreme positions like those of Greve, Huffman, and DeCrane, as well as moderate views such as those of Olson and Snow. The seminars offer no views contrary to the seminar's principle themes. No one at the seminar 1. gave a robust defense of existing Federal environmental laws, 2. explained fully why the market fails to protect the environment, or 3. critiqued the legal and constitutional analysis of Huffman and Greve.—D. Kendall and E.

Sorkin, "Nothing for Free: How Private Judicial Seminars are Undermining Environmental Protections and Breaking the Public's Trust," 25 Harv. Env. L. Rev. 405, 447 (2001).

Judge Clement reviewed the article and stated in her response that she remains of the view that this seminar and others she attended "focused on the problems and solutions from varied perspectives." Essentially, Judge Clement refused to acknowledge that these seminars have any bias whatsoever. I found this answer troubling because I believe that most fair-minded observers, even if they do not agree with me that there is a problem with judges taking expense paid trips to receive "education" from a specific corporate point of view, would agree that the seminars in question are slanted in favor of one approach to the law.

I also asked Judge Clement whether she had inquired about the corporate sponsorship of these seminars before attending and if not, how she complied with Judicial Conference Committee on Codes of Conduct Advisory Opinion 67. That opinion states:

It would be improper to participate in such a seminar if the sponsor, or source of funding, is involved in litigation, or likely to be so involved, and the topics covered in the seminar are likely to be in some manner related to the subject matter of such litigation. If there is a reasonable question concerning the propriety of participation, the judge should take such measures as may be necessary to satisfy himself or herself that there is no impropriety. To the extent that this involves obtaining further information from the sponsors of the seminar, the judge should make clear an intent to make the information public if any questions should arise concerning the propriety of the judge's attendance.

The central thrust of this opinion in my view is that judges have the responsibility to inquire about the sources of funding of programs they attend and to take steps to avoid the appearance of impropriety should the funders be involved in litigation before them. Judge Clement's response to my question was troubling. She said she relied entirely on the sponsoring organization's description of their purpose and sponsors. And she added: "Corporate sponsors were never identified, and to this day I do not know who they are." I find this attitude of willful ignorance of the underlying sources of funding for these seminars, an attitude that I fear is shared by many members of the judiciary who go on these trips, very disturbing indeed.

At the very foundation of our system of justice is the notion that judges will be fair and impartial. Strict ethical guidelines have been in effect for years to remove even the hint of impropriety from the conduct of those we entrust with the responsibility of adjudicating disputes and applying the law. One-sided seminars given in wealthy resorts funded by wealthy corporate interests to "educate" our judges in a particular

view of the law cannot help but undermine public confidence in the decisions that judges who attend the seminars ultimately make.

Distinguished judges and academics, most notably former Representative, Court of Appeals Judge, and White House Counsel Abner Mikva, have spoken out against these "judicial junkets." I have worked with Senator KERRY on legislation to address this issue. I hope that the federal judiciary can address this growing public perception problem through its own internal rules, but if it doesn't, I believe that Congress has the responsibility to act to protect the independence and the reputation of the judiciary.

Despite my reservations and concerns about Judge Clement's response to questions on this issue, I will vote for her. One reason is that in answering my questions she did acknowledge the importance of guarding against the appearance of impropriety. And she promised she would guard against such appearances if she is elevated to the 5th Circuit. Furthermore, there is no indication that her opinions as a judge have been unduly influenced by these seminars.

In sum, I want to be clear that I do not believe that taking part in these seminars should disqualify a judge from a subsequent confirmation. I do believe, however, that our judges need to be more attuned to the appearance problem that there participation creates. I hope that in responding to questions on this topic, future nominees will recognize the importance of the public perception of their independence and impartiality.

I ask unanimous consent that the list of trips taken by Judge Clement, to which I previously referred, be inserted in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PUBLICLY DISCLOSED TRIPS BY JUDGE EDITH B. CLEMENT

Date: 3-28-1996
Sponsoring Organization: ABA American Bar Association
Description: EEO, Carlsbad, CA, value \$1069.65; airfare, lodging, meals, and misc. 3/28-29
Date: 1995
Sponsoring Organization: American Hawaii Lines
Description: Cabin upgrade valued at \$2500
Date: 5-16-1995
Sponsoring Organization: Center for Judicial Studies/Liberty Fund
Description: 8th Annual Judicial Seminar, 5/16-21—airfare, lodging, meals and misc. expenses valued \$1405.55 (listed Source as Liberty Fund)
Date: 9-17-1996
Sponsoring Organization: FREE (Foundation for Research on Economics and the Environment)
Description: Montana, 9/17-21, airfare, lodging, meals and misc., value \$1727.28
Date: 10-2-1994
Sponsoring Organization: George Mason University Law & Economics Center (LEC)

Description: George Mason U Economics Institute for Federal Judges 10/2-15; housing & meals value \$3832.88 and reimb. of \$215 for airfare

Date: 4-12-1997

Sponsoring Organization: George Mason University Law & Economics Center (LEC)

Description: George Mason U Antitrust Institute for Federal Judges, Haines City, FL 4/12-18; airfare, lodging, meals, misc., expenses valued \$2090.12

Date: 1-8-1998

Sponsoring Organization: Liberty Fund

Description: 1/8-11 Captiva Island, FL, Freedom and Federalism Seminar—transportation, meals and room

Date: 6-20-1996

Sponsoring Organization: SEAK, Inc.

Description: Expert Witness and Litigation Seminar, Cape Cod, value \$1004.31 6/20-21

Date: 10-5-1995

Sponsoring Organization: SoEastern Admiralty Law Institute

Description: SEALI mtg, 10/5-8; airfare, rental car, lodging and meals valued \$768.86

Date: 5-27-1992

Sponsoring Organization: Tulane Law School

Description: CLE, 4th By the Bay Seminar 5/27-30; meals, mileage and lodging \$339.01

Date: 10-21-1993

Sponsoring Organization: Tulane Law School

Description: CLE, 5th By the Bay Seminar 10/21-23; meals and mileage \$146.97

The PRESIDING OFFICER (Mr. NELSON of Nebraska). All time has expired.

The question is, Will the Senate advise and consent to the nomination of Edith Brown Clement, of Louisiana, to be United States Circuit Judge for the Fifth Circuit? On this question, the yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent.

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 335 Ex.]

YEAS—99

Akaka	Dorgan	Lugar
Allard	Durbin	McCain
Allen	Edwards	McConnell
Baucus	Ensign	Mikulski
Bayh	Enzi	Miller
Bennett	Feingold	Murkowski
Biden	Feinstein	Murray
Bingaman	Fitzgerald	Nelson (FL)
Bond	Frist	Nelson (NE)
Boxer	Graham	Nickles
Breaux	Gramm	Reed
Brownback	Grassley	Reid
Bunning	Gregg	Roberts
Burns	Hagel	Rockefeller
Byrd	Harkin	Santorum
Campbell	Hatch	Sarbanes
Cantwell	Helms	Schumer
Carnahan	Hollings	Sessions
Carper	Hutchinson	Shelby
Chafee	Hutchison	Smith (NH)
Cleland	Inhofe	Smith (OR)
Clinton	Inouye	Snowe
Cochran	Jeffords	Specter
Collins	Kennedy	Stabenow
Conrad	Kerry	Stevens
Corzine	Kohl	Thomas
Craig	Kyl	Thompson
Crapo	Landrieu	Thurmond
Daschle	Leahy	Torricelli
Dayton	Levin	Voinovich
DeWine	Lieberman	Warner
Dodd	Lincoln	Wellstone
Domenici	Lott	Wyden

NOT VOTING—1

Johnson

The nomination was confirmed.

Mr. SCHUMER. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

SUSPENSION OF PROVISIONS OF THE BALANCED BUDGET AND EMERGENCY DEFICIT CONTROL ACT OF 1985—Continued

The PRESIDING OFFICER. The question is on the engrossment and third reading of S. J. Res. 28.

The joint resolution was ordered to be engrossed for a third reading and was read the third time.

Mr. SCHUMER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The PRESIDING OFFICER. The question is, Shall the joint resolution pass? The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 1, nays 99, as follows:

[Rollcall Vote No. 336 Leg.]

YEAS—1

Wellstone

NAYS—99

Akaka	Dorgan	Lott
Allard	Durbin	Lugar
Allen	Edwards	McCain
Baucus	Ensign	McConnell
Bayh	Enzi	Mikulski
Bennett	Feingold	Miller
Biden	Feinstein	Murkowski
Bingaman	Fitzgerald	Murray
Bond	Frist	Nelson (FL)
Boxer	Graham	Nelson (NE)
Breaux	Gramm	Nickles
Brownback	Grassley	Reed
Bunning	Gregg	Reid
Burns	Hagel	Roberts
Byrd	Harkin	Rockefeller
Campbell	Hatch	Santorum
Cantwell	Helms	Sarbanes
Carnahan	Hollings	Schumer
Carper	Hutchinson	Sessions
Chafee	Hutchison	Shelby
Cleland	Inhofe	Smith (NH)
Clinton	Inouye	Smith (OR)
Cochran	Jeffords	Snowe
Collins	Johnson	Specter
Conrad	Kennedy	Stabenow
Corzine	Kerry	Stevens
Craig	Kohl	Thomas
Crapo	Kyl	Thompson
Daschle	Landrieu	Thurmond
Dayton	Leahy	Torricelli
DeWine	Levin	Voinovich
Dodd	Lieberman	Warner
Domenici	Lincoln	Wyden

The joint resolution (S.J. Res. 28) was rejected.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. I ask unanimous consent I be permitted to proceed as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO PETER TORIGIAN

Mr. KERRY. Mr. President, it is a privilege for me today to honor and celebrate one of Massachusetts' most esteemed public servants, Mayor Peter Torigian of Peabody. After 23 years, the dean of Massachusetts mayors is retiring from public office but hopefully not from public life.

The city of Peabody is known as the "Tanner City" for its leather trade dating back to the 1630s, and therefore it is only appropriate that this former leather worker and leather-neck has led Peabody with vigilance, compassion, and integrity for over two decades. Peter's ascent to city hall began in a "three decker" in the heart of Peabody's industrial sector. Born to hard-working Armenian immigrants, Peter was studious and gifted, as well as the star quarterback for the Peabody High School football team. After school, the future mayor worked as a tanner and experienced first-hand the leather factories that were once the life-line of Peabody's industrial economy. He then put in 3 years of his life to the service of the U.S. Marine Corps before returning home to Peabody. As all of us in this body know: Once a Marine, always a Marine. He spent 16 years as a letter carrier for the U.S. Post Office. In a harbinger of things to come he quietly rose through the ranks to presidency of the union local.

Then began his formal public career with his election to the city council in 1968—a tumultuous year in the history of our country—and culminated with his election as mayor in 1979. The longest-serving mayor in Peabody history, his legacy will not be counted just in years but in the progress the city has enjoyed during his tenure. His peers throughout the state honored him with the title of "Best Municipal Executive" in a survey conducted by the Boston Globe, and his management expertise continues to be widely solicited. With an instinctual gift for sharing his knowledge and experience, he was recently appointed to the MBTA Advisory Board, elected as a member to the Metropolitan Planning Organization, and has served as chairman of the Essex County Advisory Board since 1983. The Massachusetts Municipal Association benefited from his service on its board of directors as well as the Local Governors Advisory Committee, which he started serving on in 1983.

The honors and citations, if stacked, reach to the sky; honored by the AARP in 1998, Peabody's Veterans Council in that same year, and honored by the

Anti-Defamation League the year before. His housing efforts won the acclaim of the Citizens for Adequate Housing Community Service Award at the beginning of the 1990s, he was the North Shore Chamber of Commerce's "Man of the Year," in 1991, and was honored by the President of Portugal with "Command of the Special Order of Infant Henry the Navigator" award in 1996.

Every public official is ultimately judged by the impact their policies have after the official has left office. In this way, generations of Peabody's children will be Peter's legacy, since thousands of children went through Peabody public schools during Mayor Torigian's time, and now their children are doing the same. The business growth in Peabody during Peter's term stands in stark contrast to the aged and fading industrial based that he inherited, and now the residents enjoy a robust economic climate while at the same time maintaining the New England flavor of the community.

I am honored to rise today to pay tribute to a remarkable man who has assembled an inspiring and very real list of achievements. I regard myself as fortunate to have him as a friend and colleague in government, and I join the families of Peabody and his peers throughout the State in celebrating his exemplary public service and in wishing him godspeed as he moves on to new horizons.

Mr. KENNEDY. Mr. President, it is a privilege to take this opportunity to pay tribute to Peter Torigian, the outstanding Mayor of Peabody, MA, who is retiring at the end of this year. He has served the people of Peabody with great skill and dedication for the past 22 years, and I know they join me in thanking him for his commitment and dedication to public service.

Mayor Torigian will long be remembered for the revitalization of Peabody's economy. He skillfully guided the transformation of an old manufacturing base into a thriving new office complex known as Centennial Park.

His impressive record of success in promoting economic development in Peabody and throughout the region is well known. He was instrumental in the development of the North Shore Mall, creating thousands of new jobs, the lowest corporate tax rate and the broadest tax base in all of Massachusetts.

He's also done an outstanding job in preserving open space and in cleaning up brownfields in the area. Brook Farm is a magnificent example of Mayor Torigian's commitment to the environment.

Under Mayor Torigian's leadership, Peabody has thrived on its diversity as well. Peabody recently celebrated its 18th annual International Festival, in which thousands of people visited the

city to celebrate its history and its heritage.

And Mayor Torigian's commitment to senior citizens has been unwavering. He created the Peabody Community Life Center, a remarkable center for seniors on the North Shore to gather and enhance their quality of life.

All of us in Massachusetts are grateful for Mayor Torigian's distinguished service to the City of Peabody and to our State, and we're grateful for his friendship. We know that his commitment to public service will continue in other ways, and he will be deeply missed.

The ACTING PRESIDENT pro tempore. The Senator from New York.

THE LOSS OF FLIGHT 587

Mrs. CLINTON. Mr. President, I rise today to express profound sorrow for the loss of life caused by the tragic crash of American Airlines flight 587 in the residential community of Belle Harbor, Rockaway, Queens, and the loss of 246 passengers and 9 crewmembers who were traveling to the Dominican Republic, as well as the loss of life on the ground where the plane crashed. It has added to the immeasurable sadness that New York and America have been forced to bear since the horrific events of September 11.

It is impossible to speak about the destruction that happened yesterday without recognizing the overwhelming sacrifices of the residents of the Rockaways. They have already contributed greatly to the defense of our city and our Nation. The families in this part of Queens have had to attend more funerals in the past 2 months than anyone should have to bear. They have lost many people who worked at the World Trade Center, as well as the numerous firefighters and police officers who make up this close-knit community. The courage and the values of these New Yorkers, these Americans, these public servants, have brought comfort to so many and have stood as a shining example of what is best of America.

I think it is fair to say that our entire country stands in awe of their acts of bravery and self-sacrifice. It was doubly tragic to see the loss of life in this accident and to know that it happened in an area where lives were just beginning to resume some sense of normalcy and then were so horribly disrupted again.

As I walked around the crash area with FEMA Director Joe Allbaugh yesterday, I was able to show him a neighborhood that I think came as a bit of a surprise. Joe has done a very good job, just a terrific job as our FEMA Director, in the time he has been in that position. He responded with just great dispatch and compassion to the World Trade Center attacks.

I think being in Lower Manhattan and seeing the community there was

one view of New York. But being in Belle Harbor, seeing the single-family homes that could be found in so many other communities around our country, was a reminder of the diversity that is New York. We have so many different kinds of neighborhoods. Yet in every one of them we will find people who are stalwart, steadfast, and willing to work hard and play by the rules, and who oftentimes have contributed to the greatness of that city and, in turn, our State and country.

Senator SCHUMER, Congressman WEINER, and I will be asking FEMA to include this tragedy in Queens as part of the presidentially declared disaster. We believe the members of these affected communities, including the Dominican community in Washington Heights, Brooklyn, and elsewhere, and the Rockaway neighborhood where the plane fell to Earth, should have access to the disaster services they need and deserve.

Although all of us in New York and America experienced a terrible shock yesterday upon learning of the crash, we know there was one particular segment of our community that was very hard hit. Initial estimates indicate that anywhere from 150 to 175 of the passengers on board flight 587 were Dominican-Americans, or Dominicans. New York's Dominican community, which is centered in Washington Heights, is a strong and vibrant cultural sector tucked into northern Manhattan, almost on the opposite end of where the World Trade Center once stood.

Our Dominican community, with all of its excitement, its energy, its culture, and colorful history, has contributed greatly to the soul of New York City. Dominican-Americans have made many contributions to business and the arts, to labor and politics, and their contributions are really just beginning. They have also maintained strong ties with the Dominican Republic and the people who live there.

Although it is growing rapidly, New York City's Dominican community is renowned for its smalltown feeling in a city obviously famous for its huge size. But a tragedy such as the one that happened yesterday reverberated across the entire community because virtually everyone knows someone who has lost a loved one.

The community's response to this latest tragedy has been an outpouring of relief. We have seen that a crisis center for families has been already set up in Washington Heights. We have seen Dominican-American elected officials rallying around, serving their constituents. We know the kind of efforts that will be undertaken by the Dominican-American community will bring great comfort and support to those who have lost loved ones.

Now we have to do whatever we can as the larger New York and American

community to stand with and support these families. I spent some time last night at the Ramada Inn, that was set up at JFK Airport for the families to come seeking information and help. It was a grueling and wrenching experience. Many of the families there lost not just one member but several. I met one young man who lost his wife, his daughter, and his mother-in-law because they were going to the Dominican Republic to attend the funeral of a relative.

I met another young man who proudly held the picture of his brother who had just gotten back from his tour of duty on the U.S.S. *Enterprise* in support of our efforts in Afghanistan. He had just come back home and was going down to see friends and relatives. His family was so proud of this young man who had served our country.

There are many stories such as that which we will hear over the days and weeks ahead.

Of course, all that any of us can do is to promise our support and whatever assistance is needed; to offer our thoughts and our prayers; to stand with the government and the people of the Dominican Republic for whom this is a profound and unsettling tragic occurrence; to demonstrate clearly in all that we do that we will stand in the face of whatever comes; that New Yorkers are neither daunted nor beaten down by the continuation of tragedy and challenge; and that our determined spirit as Americans remains undiminished.

I look forward to working with the administration and my colleagues in ensuring that these New Yorkers, like those who were affected on September 11, know that our country stands behind them and with them.

Thank you, Madam President.

MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent that for the next 30 minutes we be in a period of morning business with the majority controlling 15 minutes and the minority controlling 15 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. NICKLES. Madam President, reserving the right to object, I ask the assistant Democrat leader what the intention is at the conclusion of morning business.

Mr. REID. Madam President, at this stage, there is discussion between Senators DASCHLE and LOTT. They will decide within the next 30 minutes what is going out. I thought rather than bounce back and forth and asking permission to go to morning business that we should go off the bill for half an hour, go back to it, and maybe come back in the morning. The two leaders have been visiting. They will decide what is going to happen later tonight.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Ms. STABENOW. Thank you, Madam President.

CONDOLENCES TO NEW YORKERS

Ms. STABENOW. Madam President, I rise for a moment to bring the best wishes and heartfelt condolences again to our colleagues from New York for this additional tragedy that has befallen them. All of my friends and family and the citizens of Michigan have their hearts going out to you. There has been such a difficult time for New York, as well as the entire country.

AIRLINE SECURITY AND THE STIMULUS PACKAGE

Ms. STABENOW. Madam President, I would like to share an experience this evening and commend a group of individuals who were involved in U.S. Airways Flight 969 last evening where I was a passenger going from Pittsburgh to National Airport. It was diverted into Dulles, as many of us have heard. There was a situation where someone stood up in explicit contradiction to the words from the pilot about what was to be done under national policy. Once you are within 30 minutes of Reagan National Airport, passengers are not under any circumstances to leave their seats. Unfortunately, this individual did and headed towards what appeared to be the cockpit.

I commend the air marshals who were on that flight. They responded with professionalism. They responded quickly with what appeared to be a threat to those of us who were on the flight.

I commend the pilot on U.S. Airways Flight 969 who responded with professionalism. He calmed what obviously was a potentially very confusing situation and what could have been great panic. This was the result of the pilot, the flight attendants, and the crew.

I would like to give my thanks and congratulations to everyone who was involved in this incident with the way they conducted themselves.

I was thinking as I sat in the 11th row and the B seat that this is an example of what could happen with national law enforcement officials professionally trained to do our airline security. It reaffirmed my commitment to the belief that we need to do what this Senate did 100 to 0, which is to pass a law that says those who look at the baggage and those who do the security checks of our carry-ons are professionally trained Federal law enforcement officials. I call on my colleagues to bring that bill back from the conference committee with that provision in it.

I don't believe there was a person on that plane last night who was not grateful for the fact that we had Federal law enforcement officials trained to protect the people on that plane; they responded professionally as Federal law enforcement officials.

Every day we are grateful to receive that kind of protection from our Capitol Police as well, and I think our families deserve to have that.

I encourage my colleagues to reflect on what is best for all Americans, and not what is best for the interests of one party or the other.

I can say with great confidence—and it was reaffirmed last night for me—that having Federal law enforcement officials who are trained both on the ground checking the baggage as well as on our airplanes is in the interests of all of our families.

I find it interesting now as we are grappling as a body of the Senate and the House and coming together as Americans to support the President; this is our team on the field. We are the team of Americans. The coach is the President, and we are all there together. We are supporting the President. We want him to be successful. We all need to be successful in fighting these terrorist attacks and making sure that our people are safe.

I think it is also important and it is our responsibility to be able to disagree about a particular play or a particular strategy when the team is on the field.

In this particular case, I urge the President to join us in embracing the principle that we should have Federal law enforcement security at every level of airport and airline security.

I also ask our colleagues to focus now as we stimulate this economy and put money back into people's pockets as well as homeland security. The time is now to act. We know that workers need assistance. We know the economy needs stimulus. The best way to do both of those is to provide relief to workers who need it the most. Economists across the country agree that providing relief to low- and moderate-income families is one of the most successful ways to stimulate the economy. Why? They will immediately take those dollars and go to the grocery store. They will buy shoes for their children who go to school. In Michigan they will go buy a winter coat. They may buy a new car, which we would also be very happy about in the State of Michigan.

People will turn those dollars around because they need to be able to live and to be able to care for their families. Studies have shown that every \$1 invested in unemployment insurance for those who have lost their jobs because of September 11 or other downturns in the economy generates \$2.15 in gross domestic product. Directly, we know that \$1 generates \$2.15.

So I hope this week we will embrace what the Democrats have proposed to stimulate this economy, to put money back in people's pockets, who will then use it to care for their families, to spend in the economy, and that we will invest in those critical homeland security measures that are absolutely necessary for us to move forward as a country.

This is an opportunity to get it right. This is an opportunity for us to take action, action to keep us safe in airports and on airlines, action to keep us safe whether it relates to bioterrorism or food safety or other critical measures that have been proposed for action by the Democratic caucus, and action as it relates to focusing on those who are unemployed and those who are low- and moderate-income families who need to have money in their pocket to help stimulate this economy.

The time to act is now. I call on my colleagues, this week, to put that at the top of the agenda for both of those items.

Madam President, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAUCUS. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. STABENOW). Without objection, it is so ordered.

THE ECONOMIC RECOVERY BILL

Mr. BAUCUS. Madam President, I would like to speak a little about the stimulus economic recovery bill that is now pending, particularly from the point of view of what the provisions are that affect small business.

In the aftermath of September 11, it became clear that our economy generally was going to suffer. I remember reading an article. It was kind of stunning in a certain aspect; that is, if the terrorists were aiming the planes at the "masters of the universe"—New York bond traders, and so forth—it did wreak tremendous devastation and tragedy for so many people who do trade in securities, but to an even greater degree it has affected the economic livelihood of small businesses, shop owners, different communities in the city of New York. It is middle-income and lower-income people, who live in New York and across the country, who are hurt the most, who are hurt more than higher income people.

The loss of life is beyond description. But, in addition, the economic devastation has hit small business more than it has hit big business. And small businesspeople have a much harder time adjusting than do big businesses. So for that reason, because we have limited resources, we want to make

sure we have a balanced solution that very much helps small business.

When the President spoke about an economic stimulus, he made three basic points. One, he wanted us to stimulate the economy. He suggested that it be short-term. He also suggested that any stimulus not have adverse long-term consequences on future budgets. These are principles with which we all agree.

Let me speak now about small business. We say this many times, and I think it is very important to say it again. Small business really is the backbone of America. More new jobs are created by small business than by big business. That is a fact. We tend to forget that. We read reports that such-and-such company is laying off so many people and another company is laying off another thousand people, or several thousand people. We hear that, and those are big companies that have lots of employees, and unfortunately they are laying off relatively large numbers. We don't hear a word about the mom-and-pop businesses in our communities that had to lay off a few people. It is happening all over the country. The numbers are so great. They are also the same businesses that create more jobs. They create more jobs than does big business.

Small business is also the genesis and the fountain of more business ideas. More business ideas are developed by small business than by big business. There is probably a reason for that. A small business has to fight to survive; the margins are so low. If you are opening up a small business, you have to pay that payroll tax the first day, even though you don't have any income. It is very tough. Lots of people have new ideas and they want to start a business. That is the American way.

It is critically important that we not lose sight of small business. In fact, I think we should help small business because in many ways it is the bedrock of our country. Here is what we have done. Let's look at some of the provisions of the bill. One is to increase the amount a business can expense. It is called section 179 of the Tax Code. That section allows businesses to expense rather than depreciate assets, right now, this year, instead of writing it off over a period of time. We increase the limit. By increasing that limit, small business can write off more and invest more than they otherwise could.

Section 179 of the code provides an exception to the normal depreciation rule. That is the limit that a small business can expense. It allows up to \$24,000 in business purchases to be deducted in the year of purchase. The amount is reduced once a business makes \$200,000 worth of purchases in a given year. That is not a lot of money, but that is the limit. We want to allow businesses to deduct more so they purchase more products upfront.

Increasing the amount that can be expensed is the simplest way to stimulate small business to try to expansion. It helps small business keep up with rapid growth and change in the technology sector by reducing the capital costs of the company.

The bill reported by the Finance Committee includes a provision that increases the amount a business can expense from \$24,000 to \$35,000 over a 12-month period. This also raises the maximum amount of qualified purchases from \$200,000 to \$325,000. This provision provides an immediate and focused stimulus. It is only available to companies purchasing equipment, and only if they make the purchases within a 12-month period. I might say that this is a bipartisan provision.

There are a lot of bipartisan provisions in this bill. We hear sometimes about the partisan provisions, but much more in this bill is more bipartisan than not. One is the rebate checks. Both sides agree to that. Both sides agree to the small business 179 expensing limit being raised. Both sides agree to bonus depreciation; it is just a question of how much. Both sides agree to extending unemployment compensation benefits; it is just a question of how much. Both sides agree that we should probably help the people who have lost their health insurance because they have lost their jobs.

Over the last year, more than half of the people who have lost their jobs as a consequence have also lost their health insurance. That is because most people who are laid off had health benefits as part of the job, but they don't anymore.

So this expensing is one of the other bipartisan provisions.

A couple of statistics about small business. In 1996, there were about 5 million corporations, partnerships, and sole proprietorships that had potential 179 investments. Of those 5 million, about 96 percent had gross receipts of \$5 million or below. We are talking small business, not big business. Expanding the amount of investments these companies can make and expense immediately would give these small businesses real incentive to invest and give the economy a needed lift. In Lower Manhattan alone, there are between 14,000 and 16,000 businesses directly affected by the collapse of the Trade Towers. That is according to the Empire State Development Corporation. I daresay there are many more indirectly affected. It is estimated that as many as 105,000 businesses may ultimately be impacted directly or indirectly in New York as a consequence of the disaster of September 11. Those businesses need to bounce back, and this provision, along with other specific provisions in the bill, will go a long way to provide that assistance.

I might say that the 179 provision, where businesses can expense more, is

not only targeted to New York, but to the whole country, because this economic downturn we are experiencing really began about a year or so ago, and it was accelerated by September 11; but the whole country has experienced an economic downturn. That is why this provision will help New York and also the rest of the country.

Madam President, I also believe that tomorrow morning, in the spirit of bipartisanship, we are finally going to sit down and work out an agreement on the stimulus/economic recovery bill. I think the leadership on both sides of the aisle is going to meet with senior tax-writing Senators and House Members and we are going to say: We have had our say, and each party scored its points. Now let's get on to business and do what the American people want—that is, write an economic recovery bill on a bipartisan basis as quickly as possible and help get this country moving.

As the President said recently, in reference to a fellow who helped prevent an airplane disaster in Pennsylvania when he said, "Let's roll," I say to all my friends and colleagues that I very much hope tomorrow, when we have this meeting, we start to roll and put together a bipartisan bill. This section 179 small business expensing provision is one of many which I know we are going to agree to in helping our economy.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAUCUS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEALTH INSURANCE FOR THE UNEMPLOYED

Mr. BAUCUS. Madam President, I want to speak a little bit about health insurance. As I mentioned before, our country's economic downturn has put millions of American workers and their families at risk.

The unemployment rate has increased by 25 percent over the same time last year. In October alone, we lost 415,000 jobs. That is 1 month alone. That is the highest single jump since 1980.

In addition to losing jobs and income, many Americans have lost their health insurance. Clearly, this is something we need to address. Health insurance is necessary because it gives us access to needed health care services and it gives families financial security from medical bills.

Uninsured workers and their families often delay or skip needed treatment. When they do seek care, they often end up heavily in debt. Many of us serving

in this body have encountered many people deeply in debt because of needed health care. Many families even go bankrupt as a result. In fact, half of all bankruptcies are a direct result of health or medical bills, not out-of-control spending by families.

I believe very strongly that giving laid-off workers assistance so they might keep their health insurance is of utmost importance. In my view, helping Americans who lose their jobs hold on to their health insurance is the right thing to do, not just for the families put at risk but for the economy as well.

Some critics have said we should include health insurance coverage in the economic stimulus package. Some say we should not. Some have gone so far as suggesting the President should veto a bill that includes these provisions. It is not stimulus, they say; therefore, the President should veto the bill. I have heard that many times from representatives of the President.

I am the first to admit the arguments that health care coverage is stimulative are not as strong as the arguments for some of the other provisions of the bill. For example, virtually everyone agrees unemployment insurance, while helping people supplement lost income, is also stimulative. In fact, the multiplier effect is \$2.50 for every \$1 spent on unemployment insurance. Nevertheless, there are several reasons I believe health care does represent stimulus, and I would like to review them for my colleagues and for the benefit of the critics.

First, the rate of health insurance coverage is sensitive to economic conditions. Over the past several years, a strong economy has helped to moderate the growth of the uninsured population. The number of uninsured Americans has been growing. In the past several years, the strong economy has helped moderate that growth of uninsured population. Many employers use health care benefits as a way to attract and keep workers in a competitive market.

During the same period, we created CHIP, the Children's Health Insurance Program, to make health insurance coverage available to more children. In times of recession, though, things are much different. Simply put, a downturn in the economy means many more people go uninsured. Employer-sponsored insurance declines, and States struggle to pay their share of the cost of public programs, such as Medicaid and CHIP. I know that is true in my State.

According to a recent study, a 2-percent increase in unemployment will lead to an additional 3.2 million people eligible for Medicaid. That means the October jump in the unemployment rate alone will lead to an additional 800,000 people on Medicaid.

We do not need a report to tell us this. We know this from past experi-

ence. In the recession of the early 1990s, more than half of the workers who lost their jobs became uninsured. Let me repeat that. In the recession of the nineties, more than half of the workers who lost their jobs also as a consequence became uninsured. We cannot let that happen again.

Second, personal spending on health care means less consumer spending. Families with health insurance are able to spend more on other priorities. Families without health insurance spend more out of pocket on health care, making it harder for them to spend on other things.

A study by the Kaiser Family Foundation tells us that nearly one in five uninsured cannot meet their essential expenses. Nearly one in four uninsured cannot pay their full gas, electric, or oil bills; one in seven persons who do not have health insurance cannot pay their full rent or mortgage.

Third, States are facing serious fiscal problems. State budgets are more unstable in the wake of the September 11 attacks. Revenues are declining while the need for spending on important programs is increasing. Sales tax revenues have dropped in States that rely on tourism at the same time disaster relief efforts and unemployment are increasing.

Last month, the Washington Post reported a number of States particularly hard hit by the recession are already calling special legislative sessions and taking dramatic action to reduce spending. Many of these States are thinking about making reductions in Medicaid benefits or cutting eligibility to alleviate budget pressures, despite the fact that more people will likely be turning to States for help with health insurance.

Putting money into the health care system, which represents 13 percent of the national economy and employs millions of people, will itself stimulate the economy. This is particularly true in rural areas where the local hospitals are often the biggest employer.

Including health insurance in an economic stimulus package is of critical importance both to the economy and to the American people.

What about the specifics of my proposal? The health provisions in my package are short term; they are temporary. My bill provides direct subsidies to the purchase of private COBRA coverage. It would give a 75-percent Federal premium subsidy for those eligible for COBRA coverage. Anyone who lost their job after September 11 would be eligible to receive this assistance for up to 12 months. The program would be strictly short term and would end December 31, 2002.

Why focus on COBRA? Because COBRA coverage was specifically designed to help workers maintain their health coverage when they change or lose their jobs. Unfortunately, though,

this coverage is very expensive: \$2,600 a year for individuals and a full \$7,000 for families. That is almost \$600 a month for family coverage.

Consider the average unemployment check is just over \$800 a month, and one realizes why fewer than 20 percent of displaced workers actually sign up for COBRA. It is just too expensive. They cannot afford it.

According to the Congressional Budget Office, the COBRA subsidy will help up to 7 million Americans hold on to their health insurance even after they lose their jobs. But COBRA subsidies will not help everyone who loses their job. It will not help those who are not eligible for COBRA either because they worked for a small employer who is exempt from COBRA or that firm went bankrupt.

To help those workers, my bill also includes a short-term, temporary Medicaid option for individuals and families who are not eligible for COBRA. This is a State option. It is up to the States. They can decide. I propose to give States an enhanced matching rate to encourage States to adopt this new coverage option.

Like the COBRA subsidies, this coverage is available to people who become unemployed after September 11 this year, and like the subsidies, Medicaid coverage will be available for 12 months.

Some say that States cannot afford to take up this option, even with an increased Federal match. I understand that. That point is well taken, and it is one of the reasons I am also proposing to increase the matching rate for Medicaid. By giving States a higher Medicaid match, an F-match, as it is called, States will have an easier time maintaining coverage.

The additional funding may give the States what they need to take up the new coverage option for displaced workers. All told, this may maintain health coverage for millions of people who have lost their jobs or stand to lose them in the difficult months ahead.

I have also heard critics argue my proposal is an indirect way to establish a new entitlement program. It is not. That is not the intention. We are responding to a temporary crisis with a temporary solution. All coverage, whether received through corporate or Medicaid, will be provided on a temporary basis. The program ends after 1 year. It is in the law, black and white, underlined. It is there. It ends in 1 year.

Critics argue the COBRA Program and Medicaid coverage will be slow and cumbersome to implement. First, I disagree. I think we can get the program up and running in short order but not if we wait 6 months for new regulations to be published. My proposal specifically states the program should be implemented regardless of whether a final

rule has been published. That is not new. It is not unusual. It is a step that is taken in times of emergency, and I argue the current economic situation dictates we are in such an emergency.

Let us also be candid. There are several competing proposals to provide temporary health care coverage, and they all raise the same issues. Whether we are talking about direct payments, COBRA, tax credits, as some propose, or block grants to States, as the President has suggested, we have to come up with a system that works quickly and works efficiently.

I say let us work on solving these implementation issues together rather than trying to undermine each other or pointing fingers and saying it cannot be done.

Let me conclude by reiterating how important health care coverage is to Americans and how devastating it can be for a family to lose its coverage. I believe the package of health proposals I have put together will go a long way toward helping those who are truly in need. It will also provide a quick, temporary boost to the economy.

I realize not everyone agrees with our approach, but I do hope we all can agree health insurance coverage is a crucial element of any economic stimulus package. It is the right thing to do, and it is good policy.

I look forward to working with all my colleagues to reach an agreement that keeps our primary goals in mind; that is, stimulating the economy and helping American families.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. I ask unanimous consent there be a period of morning business with Senators allowed to speak for a period not to exceed 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

VA-HUD APPROPRIATIONS

Mr. ROCKEFELLER. Madam President, I was proud to support the entire VA-HUD Appropriations conference report yesterday, including its vital investments for our Nation's veterans. Chairperson MIKULSKI and Ranking Member BOND work hard each and every year to provide investment in a wide range of important agencies and programs, ranging from veterans, to housing, to the National Science Foundation.

This year I am particularly proud of a new investment within the National

Science Foundation, NSF, to promote math and science education. Two new programs have been funded: the Mathematics and Science Partnerships program and the Noyce Scholarships worth \$165 million.

Our elementary and secondary students are currently sadly lacking in their mastery of technical subjects. Although our 4th graders are on a par with the rest of the world, by the time they reach the 12th grade they are in the bottom half of countries of the world. This is an intolerable situation. Our United States students come to college ill equipped to study mathematics, science, and engineering. The partnerships and scholarships funded in this package offer the promise of substantial improvement in the performance of our students.

Under the Mathematics and Science Partnerships programs, universities, businesses, and local educational institutions will form partnerships to develop new programs to teach these subjects. These programs will be watched and evaluated and those that are successful will be incorporated into the mainstream of K-12 education.

The Noyce Scholarships will address a different problem. One of the best predictors of student performance is the quality of the teacher. Too many of our teachers of technical subjects are not well qualified. The scholarships will remedy this situation by supporting students of technical subjects who agree to teach two years for every year of support. This will ensure that many of our urban and rural schools that are particularly in need of good teachers will obtain relief.

President Bush proposed the math and science partnerships in his budget. Working with Senators KENNEDY and ROBERTS, I sponsored legislation in the Senate to authorize the Partnerships and the Noyce Scholarships. The House of Representatives has already passed a similar measure introduced by Congressman BOEHLERT. The VA-HUD appropriations package provide the first year of funding and the down payment to start these key programs to improve math and science education, and invest in our future.

I appreciate the support of my colleagues for the entire package, and I am especially pleased about these new investments in math and science education which represent such promise for the future.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Madam President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of this year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred July 18, 1999 in West Hollywood, CA. Three men attacked two transgendered women with aluminum baseball bats. The assailants yelled anti-gay epithets during the attack. One of the victims required hospitalization for a head injury.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.

CARGO LIABILITY REFORM

Mr. SMITH of Oregon. Madam President, today I take notice of a recent positive development in the creation of a more modern legal regime for international shipping. I was very pleased to see that America's importers and exporters and the ocean carriers that transport America's international trade reached agreement last month on the form and substance of international cargo liability reform.

While this is a field with which most of us are at best only vaguely familiar, it has been the subject of intense debate in maritime circles for many years. In fact, draft reform legislation proposed by the Maritime Law Association of the United States was the subject of a hearing in the Senate Commerce Committee in 1998. Similar draft legislation was also reviewed by the Subcommittee on Surface Transportation and Merchant Marine during the last Congress under the leadership of Senator KAY BAILEY HUTCHISON. Because of the inability of the commercial parties to agree on how or whether to proceed with such a proposal, however, the legislation was never introduced.

Last month, the World Shipping Council, representing the ocean shipping companies serving America's foreign trades, and the National Industrial Transportation League, representing American importers and exporters, announced that they had reached agreement on cargo liability reform. They issued a joint statement outlining their agreement and pledged to work through the process to be established by the U.N. Commission on International Trade Law, (UNCITRAL), to assist in the development and ratification of a new international cargo liability convention. The goal of this effort is to produce an internationally acceptable instrument that can be ratified by the United States and our trading partners.

Most parties are in agreement that the U.S. law governing cargo liability, which dates back to 1936, can benefit from being updated, ideally in the context of a uniform international legal regime. What they have not been able

to agree on, until now, is what real reform should look like.

The shippers and carriers have also agreed on a reasonable timetable for pursuing an international solution, and the shippers will forego their push for U.S. legislation so long as the international process produces an acceptable convention within this timeframe.

I commend the carriers and shippers for agreeing to set aside their decades of differences on this issue and for trying to help produce an agreement that can be adopted by the United States. I also want to commend my colleague, Senator JOHN BREAUX, for his interest and leadership on this very important issue. As the ranking Republican on the Senate Subcommittee for Surface Transportation and Merchant Marine, which Senator BREAUX chairs, I will work closely with him to keep a watchful eye on this process and to consult with the World Shipping Council and the NIT League, as well as with all other interested parties over the next few years to receive progress reports.

I would also encourage the State Department, the Department of Transportation and other agencies within the U.S. Government that may be involved in the multilateral negotiating process to consult regularly with the commercial parties and include them directly in the intergovernmental process.

As you can tell, I have two critical goals for this process: one, I want all relevant parties to work together for a commercially and politically-acceptable agreement for our trading partners; and, two, I want the U.S. Government to be a helpful and productive partner in this process. While these negotiations go on, I will be monitoring things closely, and hope that a positive international agreement can come together in the not-too-distant future.

THE AMERICAN SMALL BUSINESS EMERGENCY RELIEF AND RECOVERY ACT OF 2001

Mr. KERRY. Madam President, I want to submit for the RECORD a managers' substitute amendment to S. 1499, the American Small Business Emergency Relief and Recovery Act of 2001, which incorporates a number of improvements to the emergency relief provided by the bill as introduced. Senator BOND and I have been trying to bring this up before the full Senate, but, for almost one month since October 15, two senators have been blocking its consideration and passage.

The Kerry-Bond bill is a fiscally responsible and measured response to help small businesses that are struggling because they were affected by the attacks on September 11 or because they can't get loans or venture capital from traditional private-sector lenders and investors who are pessimistic about the economy. This legislation makes loan capital and business coun-

seling available to the small businesses in all of our States, and it does so by tailoring many of the Small Business Administration's, SBA, programs.

Let me draw your attention to changes included in the managers' substitute amendment:

One. For businesses located in a declared disaster area or at an airport, or for small businesses that were closed or suspended for related national security reasons by Federal mandate, they may use the disaster loan proceeds to refinance any existing business debt within the bill's loan caps. For one year after approval of such refinancing, principal payments on such refinancings will be deferred and the small business will be required to make interest only payments. Full payments will resume at the end of that year.

Two. For emergency relief loans under section 7(a) of the Small Business Act, the guaranteed percentage was reduced from 95 percent to 90 percent in response to the Administration's concerns that the government's risk was too high at 95 percent.

Three. The size standard applicable for travel agencies with respect to disaster loans and emergency 7(a) loans under the managers' amendment is increased from \$1 million to \$2 million in average annual receipts.

Four. The SBA Administrator's authority to waive or increase size standards and size regulations is applied to both disaster loans and emergency 7(a) guaranteed loans.

Five. In order to encourage lenders to make the emergency and regular 7(a) loans to small businesses adversely affected by the effects of the terrorist attacks of September 11, 2001, the managers' amendment reduces the on-going lenders' fee from one-half of 1 percent to one-quarter of 1 percent.

Six. The requirement of non-Federal match is waived for the Women's Business Centers program with respect to individualized assistance authorized under this Act.

Seven. It requires the SBA to report to the pertinent House and Senate Committees periodically on its implementation of this legislation.

Eight. The managers' amendment increases the authorization levels for the 7(a) and 504 programs by \$2 billion each, and for the Small Business Investment Company participating securities and debentures programs by \$700 million and \$200 million, respectively, to accommodate increased demand anticipated in the wake of the terrorist attacks of September 11, 2001.

Nine. In the loan term provisions for emergency 7(a) loans, a cap of \$3 million was added for the "gross amount of the loans." This clarifies that the other stated caps apply to the SBA-guaranteed portions of the loans.

Ten. To make clear that Congress expects the SBA to implement these emergency relief provisions as quickly

as possible, a section was added requiring SBA to issue interim final rules and implementing guidelines within 20 days of the date of enactment of this legislation.

Eleven. Under the 7(a) stimulus loans, the managers' amendment reduces by half the upfront guarantee fee paid by the borrower, and it establishes a guarantee percentage of 85 percent on all such loans.

Twelve. Under 504 stimulus loans, the managers' amendment reduces by half the annual guarantee fee paid by the borrower, currently .41 percent, and retains the upfront bank fee of 50 basis points, .50 percent.

These are important changes that Senator BOND and I have worked out to make a good bill better. I am very pleased that the Chairman of the House Committee on Small Business, Congressman DON MANZULLO, and Congressman JIM MORAN introduced a bill identical to our managers' amendment on November 6 and appreciate their cooperation throughout this process.

ADDITIONAL STATEMENTS

THANK YOU TO STAFF FOR PUBLIC SERVICE

• Mr. CLELAND. Mr. President, times of adversity have always been fertile soil in which to find triumphs of the human spirit. As an old English proverb so eloquently put it, "A Smooth sea never made a skilled mariner. Trials are not enemies of faith but are opportunities to prove God's faithfulness."

The events of Tuesday, September 11 will never be forgotten. Nor will we forget how this Nation has changed since that fateful day. In the weeks since the horrendous attacks on our country, there has been no shortage of stories about the heroic acts of everyday men and women who put their own lives on the line to help others. By now we've all heard the story of United flight 93 that crashed in rural Pennsylvania. By all accounts, the passengers, after discovering their hijackers sinister plan, rushed the cockpit and sacrificed their own lives in saving people on the ground. These were regular citizens placed in an unimaginable situation. They saved people, likely right here in this building, who never knew they were in danger.

But then we know that whenever times have gotten tough in this country, Americans have always stepped up to answer the call. We remember the story of Clara Barton, a woman who learned about medicine, and rushed to the battlefields of the Civil War to tend to the wounded. There were also the women who filled factories and other places of business during World War II when their husbands, fathers, and brothers left to fight. These women did

what, at the time, had never been done before. They provided needed support, and carried our country during an unparalleled time of need.

Books of American history are full of stories about ordinary people accomplishing unbelievable things. The pages about today's events still awaiting the ink of hindsight will be no different. I would like to say now, that the men and women who work on Capitol Hill will be among the heroes history will remember.

I have been amazed at the strength of the men and women, many of them recently graduated from college, on my staff who have come to work every day since the attacks, prepared and ready to serve their country in the face of possible terrorist attacks or biological warfare. These men and women have risen to the occasion and answered the call of duty. Our interns, on their tour of duty in our Nation's Capitol without pay and far from home, come each day ready to work and willing to serve. Even when the Capitol complex was shut down, the 26,000 men and women who work in the six House and Senate office buildings scrambled to find alternate workspace and were always on call.

These attacks have left us feeling afraid and violated, but, my friends, our Nation has never been stronger. If that fact is ever doubted, just look up to the windows of the Dirksen Building with a flag in almost every window. Go to the offices of members whose colleagues continue to be displaced due to anthrax closings where they share conference rooms, computers and phone lines, all in the name of doing the business of the American people. If the attackers plan was to drive us apart, they have failed. I would like to thank each member of my staff for their service to me, and to this great country.

At this time I would like to place into the RECORD the names of the men and women on my staff who have served in the aftermath of the September 11 attacks.

Cooper Allen, Michael Andel, Daniel Barton, Krista Boyd, Macio Cameron, Amanda Cooper, Adel Durani, Eric Easley, Eileen Force, Elizabeth Gladten, Charlie Godwin, Lori Gregory, Marilouis Hudgins, Elaine Iler, Farrar Johnston, Bill Johnstone, Tamara Jones, Lynn Kimmerly, Jamie Mackay, Neil Martin, Glen Marken, Matt McKenna, Patricia Murphy, Mark Pascu, Michel Pearis, Allison Priebe, Simon Sargent, Mark Stedham, Jane Terry, Steve Tryon, Donni Turner, Andrew Van Landingham, Charlotte Voorde, Derek Walters, and Adnan Zulfiqar.●

NATIONAL OSTEOPATHIC MEDICINE WEEK

● Mr. BOND. Mr. President, November 11-17 is National Osteopathic Medicine

Week, a week when we recognize the more than 47,000 osteopathic physicians, D.O.s, across the country for their contributions to the American healthcare system. This year, we celebrate D.O.s commitment to preventative medicine and end-of-life care. I am especially pleased these festivities are taking place in my home State of Missouri.

During National Osteopathic Medicine, NOM, Week, D.O.s and patients celebrate the benefits of preventative health care by looking at the simple things that can be done to live healthier lives. As physicians who treat people, not just symptoms, the nation's D.O.s are dedicated to helping maintain health through a whole-person patient-centered approach to healthcare. And, within that principle, they recognize death as the legitimate endpoint to the human lifecycle and respect the dignity and special needs of both patients and caregivers.

During NOM Week, D.O.s across the country will explore multidisciplinary perspectives on end-of-life care, the ethical debate of pain management and physician-assisted suicide and ways to remove communications barriers in the physician-patient relationship at end of life. Activities also educate Americans about end-of-life care and related topics, such as advances in pain management, cultural sensitivities toward final stages of life, organ donation, advance directives, and end-of-life care options and financing.

For more than a century, D.O.s have made a difference in the lives and health of my fellow citizens in Missouri as well as all Americans. Overall, more than 100 million patient visits are made each year to D.O.s. Osteopathic physicians are committed to serving the needs of rural and underserved communities and make up 15 percent of the total physician population in towns of 10,000 or less.

D.O.s are certified in nearly 60 specialties and 33 subspecialties. Similar to requirements set for M.D.s, D.O.s must complete and pass: 4 years of medical education at one of 19 osteopathic medical schools; a 1-year internship; a multi-year residency; and a State medical board exam. Throughout this education, D.O.s are trained to understand how the musculoskeletal system influences the condition of all other body systems. Many patients want this extra education as a part of their health care. Individuals may call 866-346-3236 to find a D.O. in their community.

In recognition of NOM Week, I would like to congratulate the over 1,700 D.O.s in Missouri, the 616 students at the Kirksville College of Osteopathic Medicine, 871 students at the University of Health Sciences College of Osteopathic Medicine and the 47,000 D.O.s represented by the American Osteopathic Association for their contribu-

tions to the good health of the American people.●

TRIBUTE TO MAJOR DAVID B. CHANDLER

● Mr. HUTCHINSON. Mr. President, I rise today to recognize Air Force Major David B. Chandler for his service as my military fellow this past year. I commend Major Chandler for his performance, and express my appreciation to him for all his efforts and dedication.

Major Chandler's leadership ability shined throughout his fellowship. During a very busy and challenging year for the Senate, Major Chandler handled a new Congress, a new administration, confirmations, a compressed defense authorization process, and finally, the tragic events of September 11. His composure in the face of all these challenges ensured timely inputs to me, my staff, and to the people of the great State of Arkansas.

He served as one of my key advisors on a variety of national security issues. Major Chandler's efforts with the bipartisan, bicameral C-130 Caucus resulted in a modernization plan supported by members of Congress from 27 States. He assisted me in my duties on the Senate Armed Services Committee, especially relating to my role as the ranking Republican on the Personnel Subcommittee. His hard work was greatly appreciated during Senate deliberations on the FY02 Defense Authorization bill.

Major Chandler has been a credit to the Air Force Legislative Fellows program. The Air Force should be very proud of his service this past year. Certainly, I will follow the development of Major Chandler's career with pride. My appreciation and best wishes go with him, his wife Sheri, and their daughter Shelby.●

MESSAGE FROM THE HOUSE

ENROLLED BILLS SIGNED

At 6:43 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 2620. An act making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2002, and for other purposes.

The following enrolled bill, previously signed by the Speaker of the House, was signed today, November 13, 2001, by the President pro tempore (Mr. BYRD):

H.R. 768. An act to amend the Improving America's Schools Act of 1994 to extend the favorable treatment of need-based educational aid under the antitrust laws, and for other purposes.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. KENNEDY, from the Committee on Health, Education, Labor, and Pensions, without amendment:

S. 727: A bill to provide grants for cardiopulmonary resuscitation (CPR) training in public schools.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BROWNBACK:

S. 1675. A bill to authorize the President to reduce or suspend duties on textiles and textile products made in Pakistan until December 31, 2004; to the Committee on Finance.

By Mr. KERRY:

S. 1676. A bill to amend the Internal Revenue Code of 1986 to provide tax relief for small business, and for other purposes; to the Committee on Finance.

By Mr. BINGAMAN (for himself and Ms. COLLINS):

S. 1677. A bill to amend title I of the Employee Retirement Income Security Act of 1974 to create a safe harbor for retirement plan sponsors in the designation and monitoring of investment advisers for workers managing their retirement income assets; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MCCAIN (for himself, Mr. ALLARD, Mr. LIEBERMAN, Ms. SNOWE, Mr. LEVIN, Mr. MURKOWSKI, Mr. CLELAND, Mr. INHOPE, Ms. LANDRIEU, Mr. BURNS, Mr. DURBIN, Mr. SESSIONS, and Mr. DEWINE):

S. 1678. A bill to amend the Internal Revenue Code of 1986 to provide that a member of the uniformed services or the Foreign Service shall be treated as using a principal residence while away from home on qualified official extended duty in determining the exclusion of gain from the sale of such residence; to the Committee on Finance.

By Mr. CONRAD:

S. 1679. A bill to amend title XVIII of the Social Security Act to accelerate the reduction on the amount of beneficiary copayment liability for medicare outpatient services; to the Committee on Finance.

By Mr. WELLSTONE:

S. 1680. A bill to amend the Soldiers' and Sailors' Civil Relief Act of 1940 to provide that duty of the National Guard mobilized by a State in support of Operation Enduring Freedom or otherwise at the request of the President shall qualify as military service under that Act; to the Committee on Veterans' Affairs.

By Mr. JOHNSON (for himself, Mr. WELLSTONE, Mr. HARKIN, Mr. DASCHLE, and Mr. DORGAN):

S. 1681. A bill to establish the Northern Great Plains Rural Development Authority; to the Committee on Agriculture, Nutrition, and Forestry.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. Res. 178. A resolution congratulating Barry Bonds on his spectacular record-breaking season in 2001 and outstanding career in Major League Baseball; to the Committee on the Judiciary.

By Mr. BOND:

S. Res. 179. A resolution to express the sense of the Senate regarding ensuring quality healthcare for our nation's veterans; to the Committee on Veterans' Affairs.

By Mr. KERRY (for himself, Ms. SNOWE, Mr. HOLLINGS, and Mr. HELMS):

S. Res. 180. A resolution expressing the sense of the Senate regarding the policy of the United States at the 17th Regular Meeting of the International Convention for the Conservation of Atlantic Tunas in Murcia, Spain; considered and agreed to.

By Mr. BENNETT (for himself, Mr. HATCH, Mr. DODD, Mr. MCCONNELL, and Mr. STEVENS):

S. Con. Res. 82. A concurrent resolution authorizing the 2002 Winter Olympics Torch Relay to come onto the Capitol Grounds; considered and agreed to.

By Mr. BROWNBACK (for himself and Mrs. CLINTON):

S. Con. Res. 83. A concurrent resolution providing for a National Day of Reconciliation; considered and agreed to.

ADDITIONAL COSPONSORS

S. 142

At the request of Mr. JOHNSON, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 142, a bill to amend the Packers and Stockyards Act, 1921, to make unlawful for a packer to own, feed, or control livestock intended for slaughter.

S. 280

At the request of Mr. JOHNSON, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 280, a bill to amend the Agriculture Marketing Act of 1946 to require retailers of beef, lamb, pork, and perishable agricultural commodities to inform consumers, at the final point of sale to consumers, of the country of origin of the commodities.

S. 905

At the request of Mr. HARKIN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 905, a bill to provide incentives for school construction, and for other purposes.

S. 990

At the request of Mr. SMITH of New Hampshire, the names of the Senator from New Jersey (Mr. CORZINE) and the Senator from Georgia (Mr. MILLER) were added as cosponsors of S. 990, a bill to amend the Pittman-Robertson Wildlife Restoration Act to improve the provisions relating to wildlife conservation and restoration programs, and for other purposes.

S. 1140

At the request of Mr. HATCH, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 1140, a bill to amend chapter 1 of title

9, United States Code, to provide for greater fairness in the arbitration process relating to motor vehicle franchise contracts.

S. 1169

At the request of Mr. FEINGOLD, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1169, a bill to streamline the regulatory processes applicable to home health agencies under the medicare program under title XVIII of the Social Security Act and the medicaid program under title XIX of such Act, and for other purposes.

S. 1214

At the request of Mr. HOLLINGS, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1214, a bill to amend the Merchant Marine Act, 1936, to establish a program to ensure greater security for United States seaports, and for other purposes.

S. 1350

At the request of Mr. DAYTON, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 1350, a bill to amend the title XVIII of the Social Security Act to provide payment to medicare ambulance suppliers of the full costs of providing such services, and for other purposes.

S. 1396

At the request of Mr. CONRAD, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 1396, a bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for the purchase of a principal residence by a first-time homebuyer.

S. 1409

At the request of Mr. MCCONNELL, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 1409, a bill to impose sanctions against the PLO or the Palestinian Authority if the President determines that those entities have failed to substantially comply with commitments made to the State of Israel.

S. 1498

At the request of Mr. LIEBERMAN, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 1498, a bill to provide that Federal employees, members of the foreign service, members of the uniformed services, family members and dependents of such employees and members, and other individuals may retain for personal use promotional items received as a result of official Government travel.

S. 1552

At the request of Mr. HARKIN, the names of the Senator from Alaska (Mr. STEVENS) and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of S. 1552, a bill to provide for grants through the Small business Administration for losses suffered by general aviation small business concerns

as a result of the terrorist attacks of September 11, 2001.

S. 1563

At the request of Mrs. HUTCHISON, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 1563, a bill to establish a coordinated program of science-based countermeasures to address the threats of agricultural bioterrorism.

S. 1578

At the request of Mr. DORGAN, the names of the Senator from Hawaii (Mr. AKAKA), the Senator from Washington (Mrs. MURRAY), and the Senator from Alaska (Mr. STEVENS) were added as cosponsors of S. 1578, a bill to preserve the continued viability of the United States travel industry.

S. 1594

At the request of Mrs. CLINTON, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 1594, a bill to amend the Public Health Service Act to provide programs to improve nurse retention, the nursing workplace, and the quality of care.

S. 1660

At the request of Mr. JEFFORDS, the names of the Senator from Arizona (Mr. KYL), the Senator from New Mexico (Mr. BINGAMAN), and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 1660, a bill to amend title XVIII of the Social Security Act to specify the update for payments under the medicare physician fee schedule for 2002 and to direct the Medicare Payment Advisory Commission to conduct a study on replacing the use of the sustainable growth rate as a factor in determining such update in subsequent years.

S. CON. RES. 66

At the request of Mr. STEVENS, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. Con. Res. 66, a concurrent resolution to express the sense of the Congress that the Public Safety Officer Medal of Valor should be awarded to public safety officers killed in the line of duty in the aftermath of the terrorist attacks of September 11, 2001.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BROWNBACK:

S. 1675. A bill to authorize the President to reduce or suspend duties on textiles and textile products made in Pakistan until December 31, 2004; to the Committee on Finance.

Mr. BROWNBACK. Madam President, today I rise to introduce the Pakistan Emergency Economic Development and Trade Support Act. This legislation will provide the President with the authority to reduce or suspend any existing duty on imports of textiles and textile products that are produced or manufactured in Pakistan. This Act is vitally important to shore up the eco-

nomie strength of our strategic ally, Pakistan, so central to our Nation's ability to continue to prosecute the war against terrorism.

Currently, Pakistan is providing invaluable basing rights and intelligence assistance to the United States as we continue to degrade and dismantle the Taliban regime in Afghanistan. Taking this action against the Taliban is crucial if we are to successfully locate and destroy Osama bin Laden's al Qaeda terrorist network, which the Taliban is currently harboring within Afghanistan's borders. Al Qaeda continues to represent public enemy number one in the war against terrorism.

Pakistan's bold stand against terror alongside the United States is not made in a vacuum. There are very real economic and social consequences in Pakistan for assisting the United States in our war effort, and it would be a failure of United States foreign policy not to pursue the means of assisting our ally in its time of need.

Textiles and textile products are Pakistan's main export. As a result of the war effort, invaluable orders for textile products made and exported by Pakistan have been canceled due to perceived instability in the region and a lack of confidence that such orders will ultimately be delivered. According to the Pakistan Textile and Apparel Group, Pakistan has witnessed a 64 percent reduction in orders for clothes that would be made from December through February by the 14 largest apparel factories in Lahore, Karachi, and Faisalabad. As a result, employment in these factories has dropped 32 percent from a year ago. The Pakistani government has estimated the overall decline in orders at 40 percent. This has very real consequences for the future of Pakistan, its stability, and its ability to forge a future of economic prosperity for its people.

As we are all aware, a small yet very vocal fundamentalist Islamic minority within Pakistan which has spoken out against the Pakistani government's assistance to the U.S., has called for and implemented damaging general labor strikes, and has encouraged countless numbers of young Pakistanis to cross the border into Afghanistan to fight alongside the Taliban. A further weakened economy and increased unemployment, the clear results of a weak market for Pakistani textile exports, only adds to the influence of fundamentalists in Pakistan, by strengthening social and economic unrest on which fundamentalists prey.

Currently, the Pakistani government is devoting much needed resources to innovative and existing human development programs inside the country. Pakistan is spending a full 2 percent of its gross domestic product, approximately \$2 billion per year, on a program that combines improved primary education, basic health care, and skills

training for income generating activities for the Pakistani people. Pakistan's efforts to utilize human development programs to lift up the Pakistani people are central to stemming the tide of fundamentalist elements in our ally. An already weakened economy, hampered by years of sanctions, combined with increased unemployment only serve to add to existing social dissatisfaction and civil unrest within Pakistan. This undercuts the valuable impact of human development on Pakistan, makes increasing these human development efforts far more difficult, and jeopardizes the long-term stability of our ally.

As a weakened market for Pakistani textile exports ultimately renders human development programs within Pakistan less effective, especially the primary education element, young Pakistanis are faced with the prospect of no education and therefore no quality employment. An all-too-frequent alternative to this prospect is for young Pakistani's to attend Madrasas, Islamic religious schools run by mullahs, where too often basic skills and primary education are supplanted by religious teachings used to indoctrinate young Pakistani's into following the perverted version of Islam followed by Osama bin Laden, al Qaeda, and the Taliban.

I urge all of my colleagues to work with me to provide the President with authority to assist Pakistan in the textile market immediately. Such action is vitally important to the stability of our important ally, and victory in our Nation's war against terrorism. Failing to take quick action only strengthens our enemy.

By Mr. KERRY:

S. 1676. A bill to amend the Internal Revenue Code of 1986 to provide tax relief for small business, and for other purposes; to the Committee on Finance.

Mr. KERRY. Madam President, today I am introducing a package of targeted, affordable tax relief provisions designed to help the Nation's small businesses during this time of economic distress. While the Finance Committee has recently reported a more general stimulus bill to the full Senate, that measure only contains a few items that will help small businesses, which are the lifeblood of our Nation's economy, creating the majority of new jobs. As the Chairman of the Senate Committee on Small Business and Entrepreneurship, I believe that I have an obligation to do more for small businesses, and I hope that several of the provisions in my bill may be accepted by the Finance Committee's Chairman and Ranking Member as the stimulus bill nears Senate passage.

As many of my colleagues are aware, I have also introduced an emergency small business relief bill, S. 1499, which

would provide assistance to small business concerns adversely impacted by the terrorist attacks of September 11. That bill currently has 51 cosponsors, including 15 Republicans. S. 1499 provides loan and investment assistance, as well as other programmatic relief, to small businesses impacted by the attacks, but it does not contain tax provisions. I am introducing this new bill today to complement what I have tried to accomplish with S. 1499. Given that my emergency bill has such widespread support, I plan on offering it as an amendment to the economic stimulus package when it reaches the Senate floor, and I hope that it will be added to the package before it reaches the President's desk. This important legislation has been held hostage to someone else's political agenda for too long one way or another, it's important that we pass it and achieve the agenda of small businesses hurting across this country.

I have titled the bill that I am introducing today "The Affordable Small Business Stimulus Act of 2001." Before outlining the contents of the bill, I want my colleagues to know why I have selected this "affordable" approach.

During this session of Congress, some in Congress have supported what I might call the "kitchen sink" approach. It includes everything on small business's tax wish list, often also including a number of items that do not directly relate to small business, such as a complete repeal of the individual Alternative Minimum Tax. As a result, that approach is very expensive, and not something that could be enacted today given the changed budgetary situation and the fact that we are at war.

I call my bill an "affordable" stimulus package for small business because it is very targeted in the policies that it includes, and, as a result, it will spend our limited resources wisely. It does not include everything that I would like to do for small business on the tax side, but it includes enough to help stimulate this essential component of our economy. Moreover, the bill will help address the tax complexity that many small businesses face because it includes the Single Point Tax Filing Act that has passed the Senate on two previous occasions.

Let me briefly explain the contents of my bill.

First, as in other Senate proposals, my bill increases the expensing limitation for small businesses. My bill raises it to \$35,000, and it increases the phase-out level, above which expensing is not allowed, to \$350,000. The stimulus package that I recently voted for in the Finance Committee temporarily increased these amounts to \$35,000 and \$325,000, respectively. The increases in my bill, however, would be permanent, and both the \$35,000 and \$350,000 limits would be increased annually for inflation beginning in calendar year 2003.

Second, my bill modifies and expands a provision that was signed into law in 1993 regarding new equity investments in small businesses' stock. Under my bill, new investments in companies with capitalization of up to \$100 million at the time of investment will have a 75 percent capital gains exclusion if the investments are held at least three years. The exclusion for such investments will be 100 percent if they are made in a business involved in "critical technologies," as defined by the Commerce Department, or in technologies related to transportation security, personal identification, anti-terrorism, pollution minimization, remediation, or waste management. The 100 percent exclusion would also be allowed for investments in specialized small business investment companies, or SSBICs, which are private venture capital companies licensed by the SBA whose investments are made solely in disadvantaged small businesses. Both the 75 and 100 percent exclusion levels would be available for investments made by both individuals and corporations. In addition, the rollover period for such investments would be increased from 60 days to 180 days. The provision passed in 1993 was too narrow, and I hope that this new, expanded capital gains treatment will help prompt new investments in small and entrepreneurial businesses.

Third, my bill recognizes that the current depreciation schedules for high-tech equipment and software are out of date, given how quickly such items become obsolete in our fast-changing economy. My bill would reduce the recovery period for computers or peripheral equipment from five years to three, and for software from three years to two. This change would be permanent.

Fourth, my bill would make the health insurance expenses of the self-employed fully tax deductible. Under current law, 60 percent is deductible in 2001, 70 percent in 2002, and 100 percent in 2003. My bill would speed up the 100-percent deductibility to this year.

Fifth, to simplify tax filing, my bill would include the Single Point Tax Filing Act. This section would simplify the tax filing process for employers by allowing the Internal Revenue Service and State agencies to combine, on one form, both State and Federal employment tax returns. This provision has been passed by the Senate twice before, but it has not yet become law. There is currently a demonstration project along these lines in Montana, which is working very well. I believe such authority should extend to all States.

Sixth, my bill would extend the existing income averaging provisions to cover fishing as well as farming. In other words, the choice to average income from a farming trade or business under present law would be extended to cover income from the trade or busi-

ness of fishing as well. Under my bill, a farmer or fisherman electing to average his or her income would owe the alternative minimum tax, AMT, only to the extent he or she would have owed AMT had averaging not been elected. This is an important change that will benefit not only people in my State, but also throughout New England and in other regions of the country where fishing is an important industry.

Finally, my bill would modify the tax treatment of investments in debenture small business investment companies, or SBICs, so they are less likely to create unrelated business taxable income, UBTI, liability. The current tax treatment of money borrowed from the government by a debenture SBIC creates taxable income for an otherwise tax-exempt investor, which makes it almost impossible to raise capital from these investors. Free to choose, tax-exempt investors opt to invest in venture capital funds that do not create any UBTI liability. Therefore, my bill would assure that money borrowed from the government by an SBIC does not subject tax-exempt investors to UBTI. In so doing, the bill would encourage greater investment in SBICs, which provide critically needed venture capital to emerging small businesses. These venture capital funds are sorely needed in today's stalled economy.

I believe that "The Affordable Small Business Stimulus Act of 2001" will provide a much-needed stimulus to small business in a way that we can afford. I look forward to working with the Chairman and Ranking Member of the Finance Committee to have some or all of its provisions enacted into law.

By Mr. BINGAMAN (for himself and Ms. COLLINS):

S. 1677. A bill to amend title I of the Employee Retirement Income Security Act of 1974 to create a safe harbor for retirement plan sponsors in the designation and monitoring of investment advisers for workers managing their retirement income assets; to the Committee on Health, Education, Labor, and Pensions.

Mr. BINGAMAN. Madam President, I rise today to introduce legislation with my colleague from Maine, Senator COLLINS, that will significantly help employees get better advice on how to invest their 401(k) plans. The Independent Investment Advice Act of 2001 removes an existing impediment that prevents employers from offering this needed information to their employees. This legislation was carefully prepared with input and consultation with affected groups and interested stakeholders and is supported by the American Association of Retired Persons, AARP, the American Society of Pension Actuaries, ASPA, Committee on Investment of Employee Benefit Assets, CIEBA, the Financial Planning

Association, FPA, and the Small Business Council of America, SBCA.

Over the past several years, the demand by 401(k) plan participants for individualized investment advice has been growing, yet less than a third of employers offer this service. Primarily, employers do not offer this invaluable resource due to concerns about being responsible and ultimately liable for the selection and monitoring of an investment adviser. In general, current law relieves employers of their liability for the actual investment decisions made by their employees in a 401(k) plan. It is therefore illogical to make employers liable for providing their employees with sound, independent investment advice when we have intentionally shifted the burden to employees to invest their retirement funds wisely. The creation of a safe harbor for offering qualified independent investment advisers will remove this inconsistency and facilitate the flow of reliable, informed advice to employees.

The Independent Investment Advice Act of 2001 creates a safe harbor for plan sponsors by giving them clear guidance as to what is necessary to ensure that they will not have liability for the selection and monitoring of qualified investment advisers. Employers will be deemed to have satisfied their fiduciary responsibilities under ERISA with respect to the selection and monitoring of qualified investment advisers, provided they meet the following strict criteria.

First, the employer must contract with qualified investment advisers. Entities such as Federal and most State registered investment advisers, banks and insurance companies will be deemed to be qualified providers of investment advice provided the individual actually offering the advice is a registered investment adviser, registered representative or a registered broker or dealer. The Secretary of Labor has the authority to expand this category for other comparably qualified entities and individuals.

Next, the investment adviser must verify in writing that it has met several standards. The investment adviser must state that it is currently qualified as defined above and acknowledge that it is a fiduciary and as such, solely responsible for the information provided to the participants. The investment adviser must also review the plan documents, including investment options, and guarantee that the relationship with the investment adviser will not be in violation of any existing prohibited transaction rules under ERISA. It must also provide documentation that it has the necessary insurance coverage, as determined by the Secretary of Labor, for potential claims by plan participants.

Finally, before hiring the investment adviser, the plan sponsor must review the verification as previously described

from the investment advisor. It must also review the investment adviser's fee structure and contract. Finally, it must review the Uniform Application for Investment Registration as filed with SEC or comparable filing with the Department of Labor. After reviewing all of these documents, the adviser must determine that there is no material reason to not enter into a contract with the investment advisor. The plan sponsor has a continuous duty to investigate the investment adviser if information is brought to its attention questioning whether the adviser remains qualified or if a significant number of employees register complaints. Based on this review the plan sponsor must determine whether or not to continue using the investment adviser's services.

I look forward to working with my colleagues on both sides of the aisle in advancing this legislation.

By Mr. MCCAIN (for himself, Mr. ALLARD, Mr. LIEBERMAN, Ms. SNOWE, Mr. LEVIN, Mr. MURKOWSKI, Mr. CLELAND, Mr. INHOFE, Ms. LANDRIEU, Mr. BURNS, Mr. DURBIN, Mr. SESSIONS, and Mr. DEWINE):

S. 1678. A bill to amend the Internal Revenue Code of 1986 to provide that a member of the uniformed services or the Foreign Service shall be treated as using a principal residence while away from home on qualified official extended duty in determining the exclusion of gain from the sale of such residence; to the Committee on Finance.

Mr. MCCAIN. Madam President, I, along with Senators ALLARD, LIEBERMAN, SNOWE, LEVIN, MURKOWSKI, CLELAND, INHOFE, LANDRIEU, BURNS, DURBIN, SESSIONS and DEWINE are proud to sponsor this bill to allow members of the Uniformed and Foreign Services, who are deployed or are away on extended active duty, to qualify for the same tax relief on the profit generated when they sell their main residence as other Americans. I am pleased to announce that the Secretary of State greatly appreciates this legislation and the strong support of this measure by the senior uniformed military leadership, the 31-member associations of The Military Coalition, the American Foreign Service Association, and the American Bar Association. Despite such considerable support, I have heard that there are some lower ranking officials from the Office of Management and Budget that may have some minor concerns with this legislation but they have not conveyed their concerns to me or my staff directly.

This bill will not create a new tax benefit. Let me say that again: this bill will not create a new tax benefit, it merely modifies current law to include the time members of the Uniformed and Foreign Services are away from home on active duty when calculating the number of years the homeowner

has lived in their primary residence. In short, this bill is narrowly tailored to remedy a specific dilemma, it treats service members and foreign service officers fairly, by treating them like all other Americans.

The Taxpayer Relief Act of 1997 delivered sweeping tax relief to millions of Americans through a wide variety of important tax changes that affect individuals, families, investors, and businesses. It was also one of the most complex tax laws enacted in recent history.

As with any complex legislation, there are winners and losers. But in this instance, there are unintended losers: service members and Foreign Service Officers.

The 1997 act gives taxpayers who sell their principal residence a much-needed tax break. Prior to the 1997 act, taxpayers received a one-time exclusion on the profit they made when they sold their principal residence, but the taxpayer had to be at least 55 years old and live in the residence for 2 of the 5 years preceding the sale. This provision primarily benefitted elderly taxpayers, while not providing any relief to younger taxpayers and their families.

Fortunately, the 1997 act addressed this issue. Under this law, taxpayers who sell their principal residence on or after May 7, 1997, are not taxed on the first \$250,000 of profit from the sale; joint filers are not taxed on the first \$500,000 of profit they make from selling their principal residence. The taxpayer must meet two requirements to qualify for this tax relief. The taxpayer must: one, own the home for at least 2 of the 5 years preceding the sale; and two, live in the home as their main home for at least 2 years of the last 5 years.

I applaud the bi-partisan cooperation that resulted in this much-needed form of tax relief. The home sales provision sounds great and it is. Unfortunately, the second part of this eligibility test unintentionally and unfairly prohibits many of our men and women in the Armed Forces and Foreign services from qualifying for this beneficial tax relief.

Constant travel across the U.S. and abroad is inherent in the military and Foreign Services. Nonetheless, some service members and Foreign Service Officers choose to purchase a home in a certain locale, even though they will not live there much of the time. Under the new law, if a service man does not have a spouse who resides in the house during his absence or the spouse is also in the military and also must travel, that service member will not qualify for the full benefit of the new home sales provision, because no one "lives" in the home for the required period of time. The law is prejudiced against dual-military couples who are often away on active duty, because they would not qualify for the home sales

exclusion because neither spouse "lives" in the house for enough time to qualify for the exclusion.

This bill simply remedies an inequality in the 1997 law. The bill amends the Internal Revenue Code so that service members and Foreign Service Officers will be considered to be using their house as their main residence for any period that they are away on extended active duty. In short, active and reserve service members will be deemed to be using their house as their main home, even if they are stationed in Bosnia, the Persian Gulf, in the "no man's land," commonly called the DMZ between North and South Korea, or anywhere else on active duty orders.

In 1998 alone, the United States had approximately 37,000 men and women deployed to the Persian Gulf region, preparing to go into combat, if so ordered. There were also 8,000 American troops deployed in Bosnia, and another 70,000 U.S. military personnel deployed in support of other commitments worldwide. That is a total of 108,000 men and women deployed outside of the United States, away from their primary home, protecting and furthering the freedoms we Americans hold so dear. Today since the September 11 attacks on the United States we've asked over 100,000 service members to deploy abroad to seek out and destroy the terrorists and their supporting organizations responsible for this incomprehensible deed.

The average American participates in our Nation's growth through home ownership. Appreciation in the value of a home because of our country's overall economic growth allows everyday Americans to participate in our country's prosperity. Fortunately, the Taxpayer Relief Act of 1997 recognized this and provided this break to lessen the amount of tax most Americans will pay on the profit they make when they sell their homes.

The 1997 home sale provision unintentionally discourages home ownership among members of the Uniformed and Foreign Services, which is bad fiscal policy. Home ownership has numerous benefits for communities and individual homeowners. Owning a home provides Americans with a sense of community and adds stability to our Nation's neighborhoods. Home ownership also generates valuable property taxes for our nation's communities.

We also cannot afford to discourage military service by penalizing military personnel with higher taxes merely because they are doing their job. Military and Foreign service entails sacrifice, such as long periods of time away from friends and family and the constant threat of mobilization into hostile territory. We must not use the tax code to heap additional burdens upon our men and women in uniform.

In my view, the way to decrease the likelihood of further inequities in the

tax code, intentional or otherwise, is to adopt a fairer, flatter tax system that is far less complicated than our current system. But, in the meantime, we must insure that the tax code is as fair and equitable as possible.

The Taxpayer Relief Act of 1997 was designed to provide sweeping tax relief to all Americans, including our men and women in uniform. It is true that there are winners and losers in any tax code, but this inequity was unintended. Enacting this narrowly-tailored remedy to grant equal tax relief to the members of our Uniformed Services restores fairness and consistency to our increasingly complex tax code.

I request unanimous consent that my statement and the letters of support be printed in the RECORD and that the full text of the legislation that I have introduced be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1678

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Military Homeowners Equity Act".

SEC. 2. MEMBER OF UNIFORMED SERVICE AND FOREIGN SERVICE TREATED AS USING PRINCIPAL RESIDENCE WHILE AWAY FROM HOME ON QUALIFIED OFFICIAL EXTENDED DUTY IN DETERMINING EXCLUSION OF GAIN ON SALE OF SUCH RESIDENCE.

(a) IN GENERAL.—Section 121(d) of the Internal Revenue Code of 1986 (relating to special rules) is amended by adding at the end the following:

"(9) DETERMINATION OF USE DURING PERIODS OF QUALIFIED OFFICIAL EXTENDED DUTY WITH UNIFORMED SERVICE OR FOREIGN SERVICE.—

"(A) IN GENERAL.—A taxpayer shall be treated as using property as a principal residence during any period—

"(i) the taxpayer owns such property, and
 "(ii) the taxpayer (or the taxpayer's spouse) is serving on qualified official extended duty as a member of a uniformed service or of the Foreign Service,

but only if the taxpayer owned and used the property as a principal residence for any period before the period of qualified official extended duty.

"(B) QUALIFIED OFFICIAL EXTENDED DUTY.—For purposes of this paragraph—

"(i) IN GENERAL.—The term 'qualified official extended duty' means any period of extended duty during which the member of a uniformed service or the Foreign Service is under a call or order compelling such duty at a duty station which is a least 50 miles from the property described in subparagraph (A) or compelling residence in Government furnished quarters while on such duty.

"(ii) EXTENDED DUTY.—The term 'extended duty' means any period of active duty pursuant to a call or order to such duty for a period in excess of 90 days or for an indefinite period.

"(C) DEFINITIONS.—For purposes of this paragraph—

"(i) UNIFORMED SERVICE.—The term 'uniformed service' has the meaning given such term by section 101(a)(5) of title 10, United States Code.

"(ii) FOREIGN SERVICE OF THE UNITED STATES.—The term 'member of the Foreign Service' has the meaning given the term 'member of the Service' by paragraph (1), (2), (3), (4), or (5) of section 103 of the Foreign Service Act of 1980."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to sales or exchanges on or after the date of the enactment of this Act.

THE MILITARY COALITION,
 Alexandria, VA, November 6, 2001.

Hon. JOHN MCCAIN,
 U.S. Senate,
 Washington, DC.

DEAR SENATOR MCCAIN: The Military Coalition, a consortium of nationally prominent uniformed services and veterans organizations, representing more than 5.5 million members, plus their families and survivors, is grateful to you for introducing The Military Homeowners Equity Act—a bill that would restore capital gains tax equity for military homeowners.

Your legislation is essential to correct a serious oversight in the Taxpayer Relief Act of 1997, which inadvertently penalizes servicemembers who are assigned away from their principal residence for more than three years on government orders. Very often, servicemembers keep their homes while reassigned to overseas or elsewhere in the hopes of returning to their residence. On occasions when this proves impossible, and the home must be sold to permit purchase of a new principal residence, servicemembers find themselves subjected to substantial tax liabilities—all because military orders kept them from occupying their principal residence for at least two of the five years before the sale.

In 1999, both the House and Senate passed corrective legislation (H.R. 865) as part of the Taxpayer Refund and Relief Act of 1999, but the President vetoed this bill over an unrelated issue. Your new bill will be important to resurrect this fairness issue and allow servicemembers to comply with government orders and leave home to serve their country without risking a large capital gains tax liability.

The Military Coalition pledges to work with you to seek inclusion of your bill in the pending economic stimulus package so military members can once again enjoy the same capital gains tax relief already provided to all other Americans.

Sincerely,

THE MILITARY COALITION.
 (Signed by representatives of the following organizations:)

Air Force Association; Air Force Sergeants Association; Army Aviation Assn. of America; Assn. of Military Surgeons of the United States; Assn. of the US Army; Commissioned Officers Assn. of the US Public Health Service, Inc.; CWO & WO Assn. US Coast Guard; Enlisted Association of the National Guard of the US; Fleet Reserve Assn.; Gold Star Wives of America, Inc.; Jewish War Veterans of the USA; Marine Corps League; Marine Corps Reserve Officers Assn.; Military Order of the Purple Heart; National Guard Assn. of the US; Nat'l Military Family Assn. National Order of Battlefield Commissions; Naval Enlisted Reserve Assn.; Naval Reserve Assn.; Navy League of the US; Non Commissioned Officers Assn. of the United States of America; Reserve Officers Assn.; Society of Medical Consultants to the Armed Forces;

The Military Chaplains Assn. of the USA; The Retired Enlisted Assn.; The Retired Officers Assn.; United Armed Forces Assn.; USCG Chief Petty Officers Assn.; US Army Warrant Officers Assn.; Veterans of Foreign Wars of the US; Veterans' Widows International Network, Inc.

AMERICAN FOREIGN
SERVICE ASSOCIATION,

Washington, DC, November 5, 2001.

Hon. JOHN McCAIN,
Senate Russell Building,
Washington, DC.

DEAR SENATOR McCAIN: On behalf of the 23,000 active-duty and retired members of the Foreign Service which the American Foreign Service Association (AFSA) represents, thank you for your leadership and support with your soon-to-be-introduced bill extending to the Uniformed Services and the Foreign Service the tax treatment enjoyed by all other Americans when they sell their principal residence.

As you know this is an important active-duty issue for both the Uniformed Services and the Foreign Service. Your bill, amending section 121(d) of the Internal Revenue Code of 1986, addresses an inequity faced by our members because of the particular nature of our profession. As you are well aware, our careers require us to live for years at a time away from our homes in duty posts around the world in service to our nation. In the case of the Foreign Service, our duty assignments range from 2-4 years. Back-to-back assignments abroad are common. It is not unusual for a member of the Foreign Service to spend six or more years abroad before returning to Washington for an assignment here. With the current two-in-five year occupancy test, many of our members in both the Uniformed Services and the Foreign Service find that we do not have the same flexibility in selling our homes as enjoyed by our fellow Americans. After several years abroad, there are many reasons why we may wish to sell our homes upon returning home. As with other Americans, we would like our homes to reflect and be suited to the changes in our lives—the increase or decrease in the size of our families, divorce, retirement, promotions and the ability to pay more for a house, the schools our children would attend, etc. Yet because of current law, we cannot sell our principal residences without living in them again for two years or else pay a serious tax penalty. Your bill, gratefully, addresses these problems.

The members of the Uniformed Services and the Foreign Service have been faced with this problem since the change in the tax code in 1997. We hope that your provision can become law soon. If we can be of any assistance, please do not hesitate to contact me or Ken Nakamura, AFSA's Director of Congressional Relations at (202) 944-5517 or by e-mail at nakamura@afsa.org.

Sincerely,

JOHN K. NALAND,
President.

OCTOBER 31, 2001.

Hon. JOHN McCAIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR McCAIN: Your efforts to improve the quality of service enjoyed by our Navy-Marine Corps team are greatly appreciated. I would like to extend my support for the legislation that you intend to introduce to correct the tax disadvantage created by The Tax Reform Act of 1997.

The Marine Corps has been tracking several intended to correct this tax disadvantage. As you know, The Tax Reform Act repealed certain portions of the existing law that allowed military members to maintain the status quo with other taxpayers for exclusion of capital gains. The Act provided for an exclusion, obviously not intended to disadvantage military service members or members of the Foreign Service. In order to qualify, a taxpayer must "own and use" the property for two of the five years preceding the sale. Since our personnel seldom remain in one location for over three years, it is difficult to qualify for the exclusion.

Please let me know if there is any way in which I can be of assistance or service.

Semper Fidelis,

J.L. JONES,
General, U.S. Marine Corps,
Commandant of the Marine Corps.

AMERICAN BAR ASSOCIATION,
GOVERNMENTAL AFFAIRS OFFICE,
Washington, DC, November 7, 2001.

Hon. JOHN M. McCAIN,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR McCAIN: On behalf of the American Bar Association, I would like to commend you for your leadership in developing a proposal on the issue of the military homeowners capital gains exemption. Such legislation is needed to correct an inequity that occurred as a result of the Taxpayer Relief Act of 1997 (Public Law No: 105-34).

As you know, Section 121 of the Internal Revenue Code permits a single taxpayer to exclude up to \$250,000 of the capital gains on the sale of a principal residence and permits a married couple filing jointly to exclude up to \$500,000 on such a sale. Yet in order to qualify for such an exclusion, a taxpayer must have owned and used the home as a principal residence for two out of the five years prior to its sale. Otherwise, a taxpayer must pay taxes on all or a pro rata share of the capital gains on the sale of the home.

Unfortunately, this provision penalizes service members who are unable to use a principal residence for two out of the five years prior to its sale, because they are deployed overseas or required to live in military housing. The ABA urges Congress to amend Section 121 of the IRC to either: (1) treat time spent away from a principal residence while away from home on official active duty as counting towards the ownership and use requirement, or (2) suspend the ownership and use requirement for time spent away from a principal residence due to official active duty. Earlier this year, the ABA submitted comments to the Internal Revenue Service on proposed regulations regarding Section 121. A copy of our comments is enclosed for your review.

We want to thank you for your plans to rectify the inequity created for service members by Section 121. We look forward to working with you to establish a military homeowners capital gains exemption.

Sincerely,

ROBERT D. EVANS,
Director.

Mr. ALLARD. Madam President, I want to thank Senator McCAIN for offering the "Military Homeowner Equity Act" and voice my full support as original sponsor. The bill provides tax equity to members of the uniformed services and the Foreign Service by permitting them to benefit from the capital gains tax exemption when they

sell a principal residence, as other Americans enjoy. The bill does so by providing that absences from the principal residence due to serving on a qualified official extended duty as a member of a uniformed or Foreign Service of the United States be treated as using the residence in determining the exclusion of gain from the sale of such residence.

This bill does not create a new benefit, it simply adjusts an oversight and brings fairness and equality to the Code by recognizing the unique circumstances of the members of the uniformed and Foreign Services. This proposed correction is not new to this Congress. The Taxpayer Refund and Relief Act, which passed both the House and Senate during the 106th Congress included provisions to correct this problem. Unfortunately, that bill was vetoed.

The citizens of this country earned the many improvements made to the tax code in the Taxpayer Relief Act of 1997. Under this law, taxpayers who sell their residence are not taxed on the first \$250,000 of profit from the sale, \$500,000 for joint filers. This is a well deserved tax break that encourages and rewards home ownership. The taxpayer must meet two requirements to qualify for this relief. First, they must own the home for at least 2 of the last 5 years, and second they must live in the home for at least 2 of the last 5 years. It is the latter requirement that is not fair or equitable to our service members.

The requirement for a taxpayer to have lived in a principal residence for 2 of the previous 5 years from the date of sale in order to take advantage of the full capital gains exclusion on the sale of a principal residence is difficult if not impossible for our career service members to meet. Unlike most Americans, career members of our military must, as a matter of law, serve throughout the world based on the needs of the nation. Our Foreign Service personnel, on average, spend more than 55 percent of their career abroad, for periods of 2 to 4 years. Consecutive tours keep our uniformed and Foreign Service members away from a "principal residence" far beyond the 5-year test period required in the current tax law. The unique circumstances of our uniformed and Foreign Service members effectively exclude them from taking full advantage of the 1997 changes in the tax law if they wish to sell their home.

Service members move at the direction of the U.S. Government. They pick up and move their families on a regular basis whenever the need of their service requires them to move. It may be possible for service members to purchase a home at some locations, but selling that home and purchasing another at the next location is often not possible. This happens when their new location is overseas, they are assigned

to live in government housing, off-post housing is not available for sale, or home prices in the new area are simply not within their budget. Thus, frequently they are unable to meet the requirement to live in a house 2 of the last 5 years preceding a sale.

Additionally, our career service members need and want to sell their homes for all of the multitude of reasons that most Americans sell. They may have an increase or a decrease in the size of the family or want to change neighborhoods or schools. They may have the ability to afford more because of promotions or salary increases or it may simply be time to retire and leave the service. They should not be penalized for their time away when buying and selling their home was impossible or impractical.

The intent of the capital gains exclusion in the IRS code is to encourage home ownership by exempting capital gains taxes on the sale their home and allow more Americans to enjoy our country's prosperity. Again, the situation that career service members are in makes it difficult, or impossible, to follow this course of action. This bill remedies the situation. I urge my colleagues to join us in co-sponsoring this legislation.

By Mr. CONRAD:

S. 1679. A bill to amend title XVIII of the Social Security Act to accelerate the reduction on the amount of beneficiary copayment liability for Medicare outpatient services; to the Committee on Finance.

Mr. CONRAD. Madam President, today I am introducing the Medicare Beneficiary Liability Reduction Act. This legislation will help America's seniors better afford the costs of receiving needed medical services.

As you may know, most seniors are required to pay a portion of the costs associated with medical care they receive under the Medicare program. In particular, Medicare Part B, which covers physician, laboratory, outpatient and other services, requires most beneficiaries to cover 20 percent of the cost of care they receive. However, there is an anomaly in the Medicare system that has required many beneficiaries to pay much more out-of-pocket for hospital outpatient department, HOPD, services. In particular, prior to 1997, many beneficiaries were required to pay more than 50 percent of the approved Medicare costs for hospital outpatient care. I am concerned that this situation made it difficult for lower income seniors to receive needed outpatient medical services.

To address this problem, I am happy to say that the Congress included measures in the Balanced Budget Act of 1997 that sought to bring beneficiary cost sharing for HOPD care in line with the out-of-pocket requirements for other Medicare Part B services. Unfor-

tunately, while this legislation was a step in the right direction, it will still take nearly 40 years of the cost sharing level to be reduced to the targeted level for some outpatient procedures. Clearly, this prolonged time lag is unacceptable.

In subsequent years, I have supported additional measures to expedite the reduction in seniors' cost sharing liability by placing a limit on how much a senior can be charged in any given year and requiring that the coinsurance level be brought down to 40 percent by 2006. These were important achievements. The legislation I am introducing today takes the final step to bring seniors' copayment rates for HOPD services down to the desired 20 percent level.

In particular, the Medicare Beneficiary Liability Reduction Act would continue to reduce HOPD cost-sharing requirements so that by 2010 and thereafter seniors would be required to pay no more than 20 percent of the allowable Medicare costs for HOPD care. I strongly believe that this legislation will help ensure our nation's seniors are not over-burdened with unfair Medicare cost sharing requirements. I hope my colleagues will join me in supporting this important effort.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1679

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Medicare Beneficiary Liability Reduction Act of 2001".

SEC. 2. ACCELERATING THE RATE OF REDUCTION OF BENEFICIARY COPAYMENT LIABILITY UNDER THE MEDICARE HOSPITAL OUTPATIENT DEPARTMENT PROSPECTIVE PAYMENT SYSTEM.

Section 1833(t)(8)(C)(ii) of the Social Security Act (42 U.S.C. 1395(t)(8)(C)(ii)) is amended—

(1) in clause (v), by striking "and thereafter"; and

(2) by adding at the end the following new subclauses:

"(VI) For procedures performed in 2007, 35 percent.

"(VII) For procedures performed in 2008, 30 percent.

"(VIII) For procedures performed in 2009, 25 percent.

"(IX) For procedures performed in 2010 and thereafter, 20 percent."

By Mr. WELLSTONE:

S. 1680. A bill to amend the Soldiers' and Sailors' Civil Relief Act of 1940 to provide that duty of the National Guard mobilized by a State in support of Operation Enduring Freedom or otherwise at the request of the President shall qualify as military service under that Act; to the Committee on Veterans' Affairs.

Mr. WELLSTONE. Madam President, I rise today to urge your support for amending the Soldiers' and Sailors' Civil Relief Act, SSCRA, to expand the protections of that Act to National Guard personnel protecting our Nation's airports and nuclear facilities. Specifically, this bill will provide civil relief to National Guard personnel mobilized by State governors in support of Operation Enduring Freedom, or who are otherwise called up at the request of the President.

The SSCRA is an important Act that provides help to people who have taken on financial burdens without knowing they would be called up to serve in the military. Today those people are the men and women of our National Guard called-up to protect our nation's airports. Men and women of the National Guard serve the Nation and our States as a unique organization among all branches of the United States armed forces, the Guard is America's community based defense force, located in more than 2,700 cities and towns throughout the Nation. Some 60 of these units are in my home state of Minnesota. National Guard members are integral members of their communities, they and their families live, shop, work, worship and go to schools in our cities and towns. It is this link between the community and its citizen-soldiers that makes the National Guard unique and so vital to our homeland security. It is imperative we give them the protections of the SSCRA they rightly deserve.

I would like to take a moment to explain the protections offered by the SSCRA. Most people have debts or financial obligations of one kind or another, mortgages on family homes, debts related to buying cars, charge account debts from buying things with credit cards, or child-support payments. The SSCRA does not wipe out any debts or other financial obligations of people who have been called up for active duty. But it does give them certain protections. A few of these are especially important because they affect a large number of people: Section 526 states that interest of no more than 6 percent a year can be charged by a lender on a debt which a person on active duty in military service incurred before he or she went on active duty. This is very important. The men and women of our National Guard are people like you and me, they've bought things on credit and have jobs that allow them to pay off that debt. But now, many have taken pay cuts to protect our airports. Capping interest on their debt is important to ensuring their financial security.

Other sections of the SSCRA protect people from being evicted from rental property or from mortgaged property, against cancellation of life insurance, from having their property sold to pay taxes that are due; and from getting

stuck in a lease, some Guardsmen may have recently rented a new apartment only to find their duty is going to send them far from their new property.

Unfortunately, the SSCRA only applies to National Guard personnel mobilized directly by the President of the United States, and does not protect those mobilized by state governors at the request of the President, as is the case with those National Guard now protecting our airports. This distinction is inequitable and actually, makes no sense. Service performed by those mobilized by a governor at the request of the President face the same problems as those mobilized by the President directly. It is only right that they receive the same protections.

Although the President is clearly authorized to mobilize the National Guard himself, on September 27 he instead requested State governors to mobilize their own National Guard personnel. He did so again last Friday. Under this type of mobilization the National Guard remains under the full operational control of the State, providing the necessary flexibility to deal with security issues that are better handled at the State and local level. While National Guard mobilized in this manner receive the general benefits of active duty military personnel, such as VA Veterans status and Tricare family health insurance, they do not receive the additional benefit of civil relief under the SSCRA.

In Minnesota, soldiers have received orders to provide protection at airports until as late as March 28, 2002. These soldiers are serving in a full-time status, six to seven days per week. While the Minnesota National Guard initially began providing security at the Minneapolis/St. Paul, Duluth and Rochester airports, they were recently informed that they will provide security at five additional Minnesota airports. This means they will spend less time with their families and employers. Some of them face the real possibility of financial ruin due to their time away from work. They have mortgages and car payments, things they may have easily expected to be able to pay. Some have college debt and others child support payments. Many have taken pay cuts to leave their professions to come out and protect our airports, to protect us. We must act now to provide them the civil relief they rightly deserve. And we must be aware that National Guard units may soon be asked to secure other facilities such as power plants and water treatment facilities in the near future. Addressing these issues now will ease the burden placed upon these soldiers now and in the future.

It is my belief that the SSCRA was never meant to purposely exclude National Guard mobilized in the manner they have been today, we simply could never have imagined the need for

round-the-clock security at our airports when this Act was written. September 11 changed so many things for us. And it is time we change the SSCRA to ensure we provide benefits to protect those who are protecting us.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE RESOLUTION 178—CONGRATULATING BARRY BONDS ON HIS SPECTACULAR RECORD-BREAKING SEASON IN 2001 AND OUTSTANDING CAREER IN MAJOR LEAGUE BASEBALL

Mrs. FEINSTEIN (for herself and Mrs. BOXER) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 178

Whereas Barry Bonds has brought distinction to Major League Baseball and excellence to the San Francisco Giants, following in the baseball footsteps of his father, Bobby Bonds, and his godfather, Willie Mays;

Whereas Barry Bonds has had an outstanding career that so far includes 3 Most Valuable Player awards, 10 All-Star Game appearances, 8 Rawlings Gold Glove awards, and the distinction of being named Player of the Decade for the 1990s by the Sporting News;

Whereas in 2001, Barry Bonds had 1 of the greatest seasons in Major League Baseball history, achieving 73 home runs, a slugging average of .863, and an on-base percentage of .515;

Whereas Barry Bonds has established himself as the most prolific single-season home run hitter in Major League Baseball history, hitting his 73d home run on October 7, 2001, eclipsing the previous record of 70 home runs set by Mark McGwire in 1998;

Whereas Barry Bonds has attained the rank of 7th place on the all-time Major League Baseball home run list with 567;

Whereas Barry Bonds drove in 136 runs to set a Giants franchise record for runs batted in by a left fielder, and has recorded at least 100 RBI's in each of 10 different seasons;

Whereas of Barry Bonds's 73 home runs, 24 gave San Francisco the lead and 7 tied the game;

Whereas Barry Bonds also hit the 500th home run of his career during the 2001 season, a 2-run game-winning home run which landed in the waters of McCovey Cove, San Francisco;

Whereas Barry Bonds, at age 37, is the oldest player in Major League Baseball history to hit more than 50, 60, and 70 home runs in a single season;

Whereas Barry Bonds has recorded 484 stolen bases in his career, becoming the only Major League Baseball player to both hit more than 400 home runs and steal more than 400 bases;

Whereas Barry Bonds's 233 stolen bases achieved while playing for San Francisco place him 6th on the Giants franchise list behind his father, Bobby, who is 5th with 263 stolen bases;

Whereas Barry Bonds has proven himself to be an active leader not only in the Giants clubhouse but also in the community, donating approximately \$100,000 to the September 11th Fund to aid the victims of the terrorist attacks in New York, Washington, D.C., and Pennsylvania; and

Whereas Barry Bonds has also devoted his time and money to support the Link & Learn Program of the United Way, and has been an active participant in numerous other San Francisco Bay area community efforts: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates Barry Bonds on his spectacular record-breaking season in 2001 and outstanding career in Major League Baseball;

(2) wishes Barry Bonds continued success in the seasons to come; and

(3) thanks Barry Bonds for his contributions to baseball and to his community.

Mrs. FEINSTEIN. Madam President, I rise today to submit a resolution congratulating Barry Bonds of the San Francisco Giants for his historic achievements during the 2001 baseball season and to thank him for his contributions to baseball and his community.

On October 7, 2001 at Pacific Bell Park in San Francisco, Barry Bonds hit his 73rd home run, setting a new record for most home runs in a season, eclipsing the previous mark of 70 set by Mark McGwire of the St. Louis Cardinals in 1998. In addition, during the 2001 campaign Barry Bonds set records for slugging percentage, 16 points above the previous mark, and most walks in a season, surpassing the feats of the immortal Babe Ruth.

Barry Bonds' outstanding play on the field added to what was already a Hall of Fame career: 3 Most Valuable Player awards, 567 career home runs, 7th on the all-time list, the only player with more than 400 home runs and 400 stolen bases, 10 All-Star Game appearances, 8 Gold Glove awards, and the Sporting News' Player of the Decade for the 1990s.

As a native San Franciscan and lifelong San Francisco Giants fan, I could not be prouder of Barry Bonds. His roots in California and the Bay Area run deep. Born in Riverside, he grew up in San Mateo and attended Sierra High School. After attending Arizona State University and beginning his career with the Pittsburgh Pirates, Barry Bonds returned to his hometown team, the Giants, in 1993.

No one should be surprised that Barry Bonds has reached the elite level of baseball players. After all, he is the son of former major league star and San Francisco Giant, Bobby Bonds, and the godson of perhaps the greatest living ball player, the great Willie Mays.

His exploits in baseball are matched by his dedication to the community off the field. Seven years ago he founded the Barry Bonds Family Foundation, headed by his mother, Pat Bonds. The Foundation supports activities and programs opportunities of African American youth in the Bay Area. Barry Bonds and his Foundation are particularly involved in the United Way's "Link and Learn", a program dedicated to raising student achievement through greater parental involvement, access to tutoring and interactive technology.

All baseball fans, even those of the Los Angeles Dodgers, can appreciate Barry Bonds' breathtaking skill, record setting performance, and commitment to his community. During a difficult time for our country, he gave us a reason to return to the ballpark and cheer him on the way to a new home run record. All over the country, fans rose from their seats for every at-bat, celebrated each home run, and even booed their own teams when they intentionally walked him.

At 37 years old, he is in the prime of his baseball career and I am sure he will amaze and dazzle us many more times in the future.

Again, I congratulate Barry Bonds for his season and thank him for all that he has done for baseball and his community. I urge my colleagues to support this resolution.

SENATE RESOLUTION 179—TO EXPRESS THE SENSE OF THE SENATE REGARDING ENSURING QUALITY HEALTHCARE FOR OUR NATION'S VETERANS

Mr. BOND submitted the following resolution; which was referred to the Committee on Veterans' Affairs:

S. RES. 179

Whereas, President George W. Bush and the United States Senate designated this week, November 11 through November 17, 2001, as National Veterans Awareness Week.

Whereas, the United States owes a great debt of gratitude to the veterans who have made untold sacrifices for our Nation;

Whereas, it is the policy of the United States to provide quality healthcare to veterans who have served our Nation in times of peace and war;

Whereas, our Nation's government has an obligation to ensure that veterans receive quality healthcare each and every day of their lives and to protect them from abuse and neglect;

Whereas, the Department of Veterans Affairs has projected a significant increase in the demand for long-term healthcare for veterans over the next decade;

Whereas, the Department of Veterans Affairs has projected the number of veterans age 85 and older will increase threefold, reaching nearly 1.3 million by 2010;

Whereas, the prevalence of chronic health conditions and disabilities increases markedly at advanced age;

Whereas, the Veterans Millennium Health Care and Benefits Act of 1999, required that the Department of Veterans Affairs provided long-term healthcare to eligible veterans

Whereas, President George W. Bush issued an executive order creating a Presidential Task Force to improve healthcare for veterans and military retirees;

Whereas, the General Accounting Office has issued a report finding that the Department of Veterans Affairs cannot be assured that all veterans will receive care in private nursing facilities that meets the standards established by the Department of Veterans Affairs;

Whereas, the General Accounting Office has found that the Department of Veterans Affairs needs to strengthen its oversight of veterans placed in private nursing facilities;

Whereas, the Inspector General for the Department of Veterans Affairs has reported

since 1994 about issues that the Department of Veterans Affairs needs to address to improve the care of veterans in private nursing facilities;

Whereas, the Inspector General for the Department of Veterans Affairs has reported that at least one veteran died after being lost to the Department of Veterans Affairs oversight;

Whereas, the death of even one veteran due to substandard care is unacceptable: Now, therefore, be it

Resolved, That—

(1) the Senate urges the Secretary of the Department of Veterans Affairs to work hand-in-hand with the Secretary of the Department of Health and Human Services and the Administrator for the Centers for Medicare and Medicaid Services, to improve coordination among and between these agencies to provide quality healthcare for the men and women who have served in uniform, and specifically those who require long-term care; and

(2) the President and the Secretary of Veterans Affairs should act promptly and deliberately to protect veterans from the dangers of abuse and neglect and to ensure that they receive the highest quality of long-term healthcare.

SENATE RESOLUTION 180—EXPRESSING THE SENSE OF THE SENATE REGARDING THE POLICY OF THE UNITED STATES AT THE 17TH REGULAR MEETING OF THE INTERNATIONAL CONVENTION FOR THE CONSERVATION OF ATLANTIC TUNAS IN MURCIA, SPAIN

Mr. KERRY (for himself, Ms. SNOWE, Mr. HOLLINGS, and Mr. HELMS) submitted the following resolution; which was considered and agreed to:

S. RES. 180

Whereas certain marine species including Atlantic tunas, swordfish, marlins, sailfishes, and pelagic sharks migrate through broad oceanic expanses and traverse the coastal waters of many nations;

Whereas, of these highly migratory species, tuna and swordfish stocks in particular support major fisheries and are among the most highly valued of marine species;

Whereas due to the transboundary nomadic nature of these highly migratory species, effective efforts to conserve and manage these stocks require international cooperation and coordination;

Whereas the International Convention for the Conservation of Atlantic Tunas (ICCAT) was established in 1966 to provide international management of highly migratory species;

Whereas the highly migratory species managed by ICCAT support extremely important commercial and recreational fisheries in the United States which are vital sources of income to United States fishing communities;

Whereas repeated violations of ICCAT conservation quotas and minimum size requirements, circumvention of compliance penalties and other actions have undermined the ability of ICCAT to establish, maintain and enforce conservation and rebuilding plans for overfished species of fish under ICCAT's management authority;

Whereas the latest scientific information suggests there is extensive mixing of bluefin tuna harvested in the eastern Atlantic and Mediterranean region with bluefin tuna harvested in the western Atlantic;

Whereas the current level of harvest of bluefin tuna harvested in the eastern Atlantic and Mediterranean is excessive and must be reduced, and that due to mixing, management measures in the east directly affect the west;

Whereas a failure of ICCAT member nations to enforce quotas, size limits and other conservation measures adversely affects United States commercial and recreational fishermen: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the United States should make full use of all appropriate diplomatic mechanisms, relevant international laws and agreements, and other appropriate mechanisms to ensure ICCAT member compliance with ICCAT conservation measures and quotas, for all species under ICCAT management authority, including bluefin tuna;

(2) the United States should press for improved monitoring, recording and reporting of harvesting and compliance information by contracting and non-contracting nations to ICCAT, including systems that will increase transparency of such reporting information, in order to provide the scientific information necessary for effective management of these stocks;

(3) the United States should encourage the Commission to identify nations that engage in actions that diminish the effectiveness of the Commission's fishery conservation program, including those engaged in illegal, unreported, or unregulated fishing for these stocks; and

(4) the United States should encourage the Commission to adopt recommendations authorizing the use of enforceable measures, including World Trade Organization-consistent trade measures, to prevent such nations from taking actions that would undermine the effectiveness of conservation and management recommendations of the Commission.

Mr. KERRY. Madam President, I rise today to submit a resolution along with my colleague Ms. SNOWE of Maine, that calls on the United States to make full use of all appropriate diplomatic mechanisms, relevant international laws and agreements, and other appropriate mechanisms to ensure international compliance with the International Commission for the Conservation of Atlantic Tunas, ICCAT, conservation measures for all managed species.

This week a group of committed fishery managers, scientists and industry representatives began travel overseas to represent our nation at the 17th regular meeting of the ICCAT in Murcia, Spain.

This multinational fishery conservation and management body of over 40 nations has a mandate to ensure the sustainability of all Atlantic fisheries for swordfish, billfish and a number of tuna species. Such multinational cooperation is necessary to effectively conserve and manage these species, which migrate widely on the high seas and through jurisdictions of many coastal Atlantic nations. Effective unilateral management of species that migrate through multiple jurisdictions is simply not possible, as was specifically

recognized under the 1995 U.N. Agreement on Straddling Stocks and Highly Migratory Species.

I am sad to report that many ICCAT member nations have failed to comply with basic ICCAT quota and minimum size regulations for several important species. The magnitude of these violations is so great that it could render useless all of the conservation plans that ICCAT have put in place to date. I find this very troubling, particularly given the tremendous burdens placed on U.S. fishermen to improve conservation of these species. They rightly object to being disadvantaged in the marketplace by nations who can sell fish more cheaply because their costs of compliance with the law are essentially zero.

Furthermore, it is my understanding that some ICCAT member nations have undermined essential conservation plans from the outset for several ICCAT species, by simply setting a quota that is in flagrant disregard of the best advice of the scientific community. These species include bluefin tuna and swordfish. Both of these species are extremely important to fishermen along the East Coast.

As I stated earlier compliance to basic conservation measures is absolutely essential to rebuilding our highly valuable stocks of swordfish and tuna. American fishermen have made great sacrifices for the conservation of bluefin tuna and swordfish in order to rebuild these stocks to their maximum sustainable yield. Nothing infuriates law-abiding U.S. fishermen more than having their future conservation gains squandered by nations that openly flout ICCAT's scientifically-based conservation standards. This simply cannot continue.

I strongly urge the U.S. delegation to this year's ICCAT to demand full compliance with all conservation measures, including sound, scientifically based quotas for all managed species. We have learned the hard way that the alternative to pro-active conservation is overfished and depleted stocks. These impacts go beyond financial costs to the fishing industry, and can place severe strains on local communities, national economies, and critical food supply chains. I do not need to remind you, of the devastating impacts overfishing caused in New England. In the 1980s our fishermen, like those of many ICCAT nations do today, believed that our oceans contained unlimited amounts of cod, haddock and yellowtail flounder. But by the early 1990s our stocks crashed causing severe economic harm to fishermen and their coastal communities. U.S. fishermen know firsthand what a fishery crash will mean and they are more than willing to do their part to ensure the same fate does not befall our international fisheries. The truth of the matter is, without compliance by all of ICCAT

member nations, rebuilding these species is a Sisyphean feat, an endless uphill battle. The U.S. cannot lift this boulder alone, we are but a small component of the total fishery. Sound, proactive conservation works, one need only look at Georges Bank today and see how far we have come with cod, haddock and yellowtail flounder.

The truth, is that the fishermen of the United States cannot carry the conservation load by themselves for highly migratory species. But even here in the United States we have shown that it is possible to revive multi-jurisdictional species through coordinated but mandatory conservation measures, the Atlantic states worked together to bring striped bass back from the edge, and the resulting striped bass population has exceeded all expectations. We must ensure that this is a model we successfully export to other nations, and ICCAT is the place we need to do it. The U.S. must demand from our fellow ICCAT members what we already demand from ourselves: use the best science when setting quotas and comply with quotas once they have been set. It is a simple rule, and it works.

Ms. SNOWE. Mr. President, I rise today to join my colleague, Senator KERRY, to submit a resolution expressing the sense of the Senate regarding the policy of the United States at the 17th Regular Meeting of the International Convention for the Conservation of Atlantic Tunas, ICCAT.

We are submitting this resolution today as our delegates prepare for the upcoming ICCAT meeting in Murcia, Spain which begins on November 12, 2001. At this meeting the ICCAT will set international quotas for highly migratory species and recommend conservation and sustainable management measures. The ICCAT is an international body and only has the authority to make recommendations to its member nations. As such, the effective management of highly migratory species, such as bluefin tuna, requires the cooperation of the member nations in this voluntary regime. The sustainable harvest and longterm viability of U.S. bluefin tuna fisheries depends on the compliance with management measures by all member nations. Unfortunately, several member nations routinely take actions that undermine the convention.

In some cases, the conservation efforts of other countries do not directly affect the United States and its fishing industry. That is not the case with highly migratory species, such as the ones managed through ICCAT. Recent scientific studies conducted cooperatively with U.S. fishermen have shown that bluefin tuna caught off the coast of the United States migrate to and from the Eastern Atlantic and the Mediterranean Sea. This means that the traditional notion of the Eastern

Atlantic stock being separate and independent from the Western Atlantic stock is not accurate and the data indicate it is one mixed stock of fish. Therefore, overharvesting of bluefin tuna in the Eastern Atlantic has a direct effect on United States fisheries.

This resolution expresses the Senate's belief that the United States needs to push for improved monitoring, reporting, and compliance with all ICCAT management plans. This will help all nations to identify those that have routinely acted counter to the recommendations of the ICCAT and aid enforcement efforts. It is important for the international community to understand which nations are undermining the recovery efforts of the ICCAT and take action to correct this problem. The United States should push for the necessary changes to create transparency in the conservation and management efforts of all members of the ICCAT. We need to know who is a dedicated partner in these efforts to conserve and sustainably manage highly migratory species.

As chair and ranking member of the Subcommittee on Oceans, Atmosphere, and Fisheries, Senator KERRY and I have been dedicated to improving fisheries management. This resolution is a critical step in ensuring that the international management plan approved by the ICCAT in 1998 meets the sustainable harvest goals that we all fought for. I urge my colleagues to join us and support this resolution.

SENATE CONCURRENT RESOLUTION 82—AUTHORIZING THE 2002 WINTER OLYMPICS TORCH RELAY TO COME ONTO THE CAPITOL GROUNDS

Mr. BENNETT (for himself, Mr. HATCH, Mr. DODD, Mr. MCCONNELL, and Mr. STEVENS) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 82

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. AUTHORIZATION OF THE RUNNING OF 2002 WINTER OLYMPICS TORCH RELAY ONTO THE CAPITOL GROUNDS.

On December 21, 2001, or on such other date as the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate may jointly designate, the 2002 Winter Olympics Torch Relay (in this resolution referred to as the "event") may come onto the Capitol Grounds as part of the ceremony of the 2002 Winter Olympic Games to be held in Salt Lake City, Utah.

SEC. 2. RESPONSIBILITY OF CAPITOL POLICE BOARD.

The Capitol Police Board shall take such actions as may be necessary to carry out the event.

SEC. 3. CONDITIONS RELATING TO PHYSICAL PREPARATIONS.

The Architect of the Capitol may prescribe conditions for physical preparations for the event.

SEC. 4. ENFORCEMENT OF RESTRICTIONS.

The Capitol Police Board shall provide for enforcement of the restrictions contained in section 4 of the Act of July 31, 1946 (40 U.S.C. 193d; 60 Stat. 718), concerning sales, advertisements, displays, and solicitations on the Capitol Grounds, as well as other restrictions applicable to the Capitol Grounds, with respect to the event.

SENATE CONCURRENT RESOLUTION 83—PROVIDING FOR A NATIONAL DAY OF RECONCILIATION

Mr. BROWBACK (for himself and Mrs. CLINTON) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 83

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. USE OF ROTUNDA OF THE CAPITOL.

The rotunda of the Capitol is authorized to be used at any time on November 27, 2001, or December 4, 2001, for a National Day of Reconciliation where—

(1) the 2 Houses of Congress shall assemble in the rotunda with the Chaplain of the House of Representatives and the Chaplain of the Senate in attendance; and

(2) during this assembly, the Members of the 2 Houses may gather to humbly seek the blessings of Providence for forgiveness, reconciliation, unity, and charity for all people of the United States, thereby assisting the Nation to realize its potential as—

(A) the champion of hope;

(B) the vindicator of the defenseless; and

(C) the guardian of freedom.

SEC. 2. PHYSICAL PREPARATIONS FOR THE ASSEMBLY.

Physical preparations for the assembly shall be carried out in accordance with such conditions as the Architect of the Capitol may prescribe.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2117. Mr. DAYTON submitted an amendment intended to be proposed by him to the bill H.R. 3090, to provide tax incentives for economic recovery; which was ordered to lie on the table.

SA 2118. Mr. MCCAIN (for himself, Mr. ALLARD, Mr. LIEBERMAN, Ms. SNOWE, Mr. LEVIN, Mr. MURKOWSKI, Mr. CLELAND, Mr. INHOFE, Ms. LANDRIEU, Mr. BURNS, Mr. DURBIN, Mr. SESSIONS, and Mr. DEWINE) submitted an amendment intended to be proposed by him to the bill H.R. 3090, supra; which was ordered to lie on the table.

SA 2119. Mr. BOND submitted an amendment intended to be proposed by him to the bill H.R. 3090, supra; which was ordered to lie on the table.

SA 2120. Mr. BOND submitted an amendment intended to be proposed by him to the bill H.R. 3090, supra; which was ordered to lie on the table.

SA 2121. Mr. KERRY (for himself and Mr. BOND) submitted an amendment intended to be proposed by him to the bill S. 1499, to provide assistance to small business concerns adversely impacted by the terrorist attacks perpetrated against the United States on September 11, 2001, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2117. Mr. DAYTON submitted an amendment intended to be proposed by him to the bill H.R. 3090, to provide tax incentives for economic recovery; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. ____ . REFUNDABLE CREDIT FOR OUTPATIENT PRESCRIPTION DRUGS FOR MEDICARE BENEFICIARIES.

(a) IN GENERAL.—Subpart C of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to refundable credits) is amended by redesignating section 35 as section 36 and by inserting after section 34 the following new section:

“SEC. 35. OUTPATIENT PRESCRIPTION DRUGS FOR MEDICARE BENEFICIARIES.

“(a) IN GENERAL.—In the case of an eligible individual, there shall be allowed as a credit against the tax imposed by this subtitle an amount equal to the amount paid during the taxable year, not compensated for by insurance or otherwise, for qualified outpatient prescription drugs for such individual.

“(b) LIMITATION.—The amount allowed as a credit under subsection (a) to the taxpayer for the taxable year shall not exceed \$500 (\$1,000 in the case of a joint return by 2 eligible individuals).

“(c) ELIGIBLE INDIVIDUAL.—For purposes of this section, the term ‘eligible individual’ means, with respect to any taxable year, any individual entitled to any benefits under title XVIII of the Social Security Act during such taxable year.

“(d) QUALIFIED OUTPATIENT PRESCRIPTION DRUGS.—For purposes of this section, the term ‘qualified outpatient prescription drugs’ means, with respect to any taxable year, any prescription drug the cost of which is not covered under title XVIII of the Social Security Act during such taxable year.

“(e) SPECIAL RULES.—

“(1) COORDINATION WITH MEDICAL EXPENSE DEDUCTION.—The amount which would (but for this paragraph) be taken into account by the taxpayer under section 213 for the taxable year shall be reduced by the credit (if any) allowed by this section to the taxpayer for such year.

“(2) APPLICATION OF SECTION.—This section shall not apply to any taxable year beginning after December 31, 2001.”

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (2) of section 1324(b) of title 31, United States Code, is amended by inserting before the period “, or from section 35 of such Code”.

(2) The table of sections for subpart C of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by striking the last item and inserting the following new items:

“Sec. 35. Outpatient prescription drugs for medicare beneficiaries.

“Sec. 36. Overpayments of tax.”

(c) NOTIFICATION OF CREDIT.—The Secretary of Health and Human Services shall notify each individual who is or becomes entitled to benefits under title XVIII of the Social Security Act in 2001 of the individual's eligibility for the refundable credit for outpatient prescription drugs under section 35 of the Internal Revenue Code of 1986 (as added by this section).

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

SA 2118. Mr. MCCAIN (for himself, Mr. ALLARD, Mr. LIEBERMAN, Ms.

SNOWE, Mr. LEVIN, Mr. MURKOWSKI, Mr. CLELAND, Mr. INHOFE, Ms. LANDRIEU, Mr. BURNS, Mr. DURBIN, Mr. SESSIONS, and Mr. DEWINE) submitted an amendment intended to be proposed by him to the bill H.R. 3090, to provide tax incentives for economic recovery; which was ordered to lie on the table; as follows:

At the appropriate place in title IX insert the following:

SEC. ____ . MEMBER OF UNIFORMED SERVICE AND FOREIGN SERVICE TREATED AS USING PRINCIPAL RESIDENCE WHILE AWAY FROM HOME ON QUALIFIED OFFICIAL EXTENDED DUTY IN DETERMINING EXCLUSION OF GAIN ON SALE OF SUCH RESIDENCE.

(a) IN GENERAL.—Section 121(d) (relating to special rules) is amended by adding at the end the following:

“(9) DETERMINATION OF USE DURING PERIODS OF QUALIFIED OFFICIAL EXTENDED DUTY WITH UNIFORMED SERVICE OR FOREIGN SERVICE.—

“(A) IN GENERAL.—A taxpayer shall be treated as using property as a principal residence during any period—

“(i) the taxpayer owns such property, and

“(ii) the taxpayer (or the taxpayer's spouse) is serving on qualified official extended duty as a member of a uniformed service or of the Foreign Service,

but only if the taxpayer owned and used the property as a principal residence for any period before the period of qualified official extended duty.

“(B) QUALIFIED OFFICIAL EXTENDED DUTY.—For purposes of this paragraph—

“(i) IN GENERAL.—The term ‘qualified official extended duty’ means any period of extended duty during which the member of a uniformed service or the Foreign Service is under a call or order compelling such duty at a duty station which is a least 50 miles from the property described in subparagraph (A) or compelling residence in Government furnished quarters while on such duty.

“(ii) EXTENDED DUTY.—The term ‘extended duty’ means any period of active duty pursuant to a call or order to such duty for a period in excess of 90 days or for an indefinite period.

“(C) DEFINITIONS.—For purposes of this paragraph—

“(i) UNIFORMED SERVICE.—The term ‘uniformed service’ has the meaning given such term by section 101(a)(5) of title 10, United States Code.

“(ii) FOREIGN SERVICE OF THE UNITED STATES.—The term ‘member of the Foreign Service’ has the meaning given the term ‘member of the Service’ by paragraph (1), (2), (3), (4), or (5) of section 103 of the Foreign Service Act of 1980.”

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to sales or exchanges on or after the date of the enactment of this Act.

SA 2119. Mr. BOND submitted an amendment intended to be proposed by him to the bill H.R. 3090, to provide tax incentives for economic recovery; which was ordered to lie on the table; as follows:

Strike section 202 of the bill and insert the following:

SEC. 202. SMALL BUSINESS ECONOMIC STIMULUS.

(a) INCREASE AND EXPANSION OF SECTION 179 EXPENSING.—

(1) IN GENERAL.—The table contained in section 179(b)(1) (relating to dollar limitation) is amended to read as follows:

"If the taxable year begins in:	The applicable amount is:
2001	\$24,000
2002 or 2003	\$50,000
2004 or thereafter	\$25,000."

(2) TEMPORARY INCREASE IN AMOUNT OF PROPERTY TRIGGERING PHASEOUT OF MAXIMUM BENEFIT.—Paragraph (2) of section 179(b) is amended by inserting before the period "\$400,000 in the case of taxable years beginning during 2002 or 2003".

(3) EXPENSING ALLOWED FOR COMPUTER SOFTWARE AND FOR YEAR IN WHICH PROPERTY PURCHASED.—Section 179 (relating to election to expense certain depreciable business assets) is amended by adding at the end the following new subsection:

"(e) SPECIAL RULES FOR PROPERTY PLACED IN SERVICE IN 2002 or 2003.—

"(1) IN GENERAL.—In the case of eligible property, this section shall be applied with the following modifications:

"(A) The second sentence of subsection (a) shall be applied by inserting 'or, if the taxpayer elects, the taxable year in which the property is purchased' after 'service'.

"(B) The term 'section 179 property' shall include computer software (as defined in section 197(e)(3)(B)) to which section 167 applies and which is acquired by purchase for use in the active conduct of a trade or business.

"(2) ELIGIBLE PROPERTY.—For purposes of this subsection, the term 'eligible property' means property—

"(A) which is section 179 property (as modified by paragraph (1)(B)), and

"(B) which is purchased or placed in service by the taxpayer in a taxable year beginning in 2002 or 2003."

(4) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years beginning after December 31, 2000.

(b) TEMPORARY INCREASE IN DEPRECIATION LIMITS FOR BUSINESS VEHICLES.—

(1) INCREASE IN LIMITATION.—Section 280F(a)(1)(A) (relating to limitation on amount of depreciation for luxury automobiles) is amended—

(A) by striking "\$2,560" in clause (i) and inserting "\$5,400";

(B) by striking "\$4,100" in clause (ii) and inserting "\$8,500";

(C) by striking "\$2,450" in clause (iii) and inserting "\$5,100"; and

(D) by striking "\$1,475" in clause (iv) and inserting "\$3,000".

(2) CONFORMING AMENDMENT.—Section 280F(a)(1)(B)(ii) (relating to disallowed deductions allowed for years after recovery period) is amended by striking "\$1,475" each place that it appears and inserting "\$3,000".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to property placed in service after September 10, 2001, and before January 1, 2004.

(c) TEMPORARY INCREASE IN DEDUCTION FOR BUSINESS MEALS.—

(1) IN GENERAL.—Subsection (n) of section 274 (relating to only 50 percent of meal and entertainment expenses allowed as deduction) is amended by adding at the end the following:

"(4) TEMPORARY INCREASE IN LIMITATION.—With respect to any expense for food or beverages paid or incurred on or after September 11, 2001, and before January 1, 2004, paragraph (1) shall be applied by substituting '100 percent' for '50 percent'."

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to expenses paid or incurred on or after September 11, 2001.

(d) EMERGENCY DESIGNATION.—Congress designates as emergency requirements pursuant to section 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985 an amount equal to the amount by which revenues are reduced by this section, and the amendments made by this section, below the recommended levels of Federal revenues for fiscal year 2002, the total of fiscal years 2002 through 2006, and the total of fiscal years 2002 through 2011, provided in the conference report accompanying H. Con. Res. 83, the concurrent resolution on the budget for fiscal year 2002.

SA 2120. Mr. BOND submitted an amendment intended to be proposed by him to the bill H.R. 3090, to provide tax incentives for economic recovery; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE X—SMALL BUSINESS ECONOMIC RECOVERY

SEC. 1001. SHORT TITLE.

This title may be cited as the "Small Business Leads to Economic Recovery Act of 2001".

SEC. 1002. EMERGENCY DESIGNATION.

Amounts provided under this title are designated by Congress as emergency requirements pursuant section 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985. Such amounts shall be available only to the extent that an official budget request that includes a designation for each amount of the request as an emergency requirement, as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to Congress.

Subtitle A—Small Business Emergency Loan Assistance

SEC. 1011. SHORT TITLE.

This subtitle may be cited as the "Small Business Emergency Loan Assistance Act of 2001".

SEC. 1012. DEFINITIONS.

In this subtitle—

(1) the term "Administration" means the Small Business Administration;

(2) the term "covered loan" means a loan made by the Administration to a small business concern—

(A) under section 7(b) of the Small Business Act (15 U.S.C. 636(b)); and

(B) located in an area which the President has designated as a disaster area as a result of the terrorist attacks perpetrated against the United States on September 11, 2001; and

(3) the term "small business concern" has the same meaning as in section 3 of the Small Business Act (15 U.S.C. 632).

SEC. 1013. DEFERMENT OF DISASTER LOAN PAYMENTS.

(a) IN GENERAL.—Notwithstanding any other provision of law, payments of principal or interest on a covered loan shall be deferred, and no interest shall accrue with respect to a covered loan, during the 2-year period following the date of issuance of the covered loan.

(b) RESUMPTION OF PAYMENTS.—At the end of the 2-year period described in subsection (a), the payment of periodic installments of principal and interest shall be required with respect to a covered loan, in the same manner and subject to the same terms and conditions as would otherwise be applicable to a loan made under section 7(b) of the Small Business Act (15 U.S.C. 636(b)).

SEC. 1014. REFINANCING EXISTING DISASTER LOANS.

(a) IN GENERAL.—Any loan made under section 7(b) of the Small Business Act (15 U.S.C. 636(b)) that was outstanding as to principal or interest on September 11, 2001, may be refinanced by a small business concern that is also eligible to receive a covered loan under this subtitle, and the refinanced amount shall be considered to be part of the covered loan for purposes of this subtitle.

(b) NO AFFECT ON ELIGIBILITY.—A refinancing under subsection (a) by a small business concern shall be in addition to any covered loan eligibility for that small business concern under this subtitle.

SEC. 1015. EMERGENCY RELIEF LOAN PROGRAM.

(a) BUSINESS LOAN AUTHORITY.—Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended by adding at the end the following:

"(31) TEMPORARY LOAN AUTHORITY FOLLOWING TERRORIST ATTACKS.—

"(A) IN GENERAL.—During the 1-year period beginning on the date of enactment of this paragraph, the Administration may make loans under this subsection to a small business concern that has suffered, or that is likely to suffer, significant economic injury as a result of the terrorist attacks perpetrated against the United States on September 11, 2001.

"(B) LOAN TERMS.—With respect to a loan under this paragraph—

"(i) for purposes of paragraph (2)(A), participation by the Administration shall be equal to 95 percent of the balance of the financing outstanding at the time of disbursement of the loan;

"(ii) no fee may be required or charged under paragraph (18);

"(iii) the applicable rate of interest shall not exceed a rate that is one percentage point above the prime rate as published in a national financial newspaper published each business day;

"(iv) no such loan shall be made if the total amount outstanding and committed (by participation or otherwise) to the borrower under this paragraph would exceed \$1,000,000;

"(v) upon request of the borrower, repayment of principal due on a loan made under this paragraph shall be deferred during the 1-year period beginning on the date of issuance of the loan; and

"(vi) the repayment period shall not exceed 7 years, including any period of deferment under clause (v).

"(C) APPLICABILITY.—The loan terms described in subparagraph (B) shall apply to a loan under this paragraph notwithstanding any other provision of this subsection, and except as specifically provided in this paragraph, a loan under this paragraph shall otherwise be subject to the same terms and conditions as any other loan under this subsection.

"(D) SIGNIFICANT ECONOMIC INJURY.—In this paragraph, the term 'substantial economic injury' means an economic harm to a small business concern that results in the inability of the small business concern—

"(i) to meet its obligations as they mature;

"(ii) to pay its ordinary and necessary operating expenses; or

"(iii) to market, produce, or provide a product or service ordinarily marketed, produced, or provided by the business concern."

SEC. 1016. ECONOMIC RECOVERY LOAN AND FINANCING PROGRAMS.

(a) ONE-YEAR SUSPENSION OF SECTION 7(a) FEES.—Section 7(a)(18) of the Small Business Act (15 U.S.C. 636(a)(18)) is amended by adding at the end the following:

“(C) ONE-YEAR WAIVER OF FEES FOLLOWING TERRORIST ATTACKS.—No fee may be collected or charged, and no fee shall accrue under this paragraph during the 1-year period beginning on the date of enactment of the Small Business Terrorism Relief and Economic Stimulus Act of 2001.”.

(b) ONE-YEAR INCREASE IN PARTICIPATION LEVELS.—Section 7(a)(2) of the Small Business Act (15 U.S.C. 636(a)(2)) is amended—

(1) in subparagraph (A), by striking “subparagraph (B)” and inserting “subparagraphs (B) and (E)”;

(2) by adding at the end the following:

“(E) TEMPORARY PARTICIPATION LEVELS FOLLOWING TERRORIST ATTACKS.—During the 1-year period beginning on the date of enactment of the Small Business Terrorism Relief and Economic Stimulus Act of 2001, clauses (i) and (ii) of subparagraph (A) shall be construed to read as follows:

“(i) 85 percent of the balance of the financing outstanding at the time of disbursement of the loan, if such balance exceeds \$150,000; or

“(ii) 90 percent of the balance of the financing outstanding at the time of disbursement of the loan, if such balance is less than or equal to \$150,000.”.

(c) ONE-YEAR SUSPENSION OF OTHER FEES.—Section 503 of the Small Business Investment Act of 1958 (15 U.S.C. 697) is amended—

(1) in subsection (b)(7)(A), by striking “which amount shall” and inserting “which amount shall not be assessed or collected, and no amount shall accrue, during the 1-year period beginning on the date of enactment of the Small Business Terrorism Relief and Economic Stimulus Act of 2001, and which amount shall otherwise”;

(2) in subsection (d)(2), by adding at the end the following: “No fee may be assessed or collected under this paragraph, and no fee shall accrue, during the 1-year period beginning on the date of enactment of the Small Business Emergency Loan Assistance Act of 2001.”.

Subtitle B—Small Business Procurements

SEC. 1021. EXPANSION OF OPPORTUNITY FOR SMALL BUSINESSES TO BE AWARDED DEPARTMENT OF DEFENSE CONTRACTS FOR ARCHITECTURAL AND ENGINEERING SERVICES AND CONSTRUCTION DESIGN.

Section 2855(b)(2) of title 10, United States Code, is amended by striking “\$85,000” and inserting “\$300,000”.

SEC. 1022. PROCUREMENTS OF PROPERTY AND SERVICES IN AMOUNTS NOT IN EXCESS OF \$100,000 FROM SMALL BUSINESSES.

(a) SMALL BUSINESS SET-ASIDES.—Section 15 of the Small Business Act (15 U.S.C. 644) is amended by adding at the end the following: “(q) PROCUREMENTS OF PROPERTY AND SERVICES NOT IN EXCESS OF \$100,000.—

“(1) FEDERAL SUPPLY SCHEDULE ITEMS.—The head of an agency procuring items listed on a Federal Supply Schedule in a total amount not in excess of \$100,000 shall procure the items from a small business concern.

“(2) OTHER PROPERTY AND SERVICES.—The head of an agency procuring property or services not listed on a Federal Supply Schedule in a total amount not in excess of \$100,000 shall procure the property or services from a small business concern registered on PRO-Net or the Centralized Contractor Registration System. Competitive procedures shall be used in the selection of sources for procurements from small business concerns under this subsection.”.

(b) PHASED IMPLEMENTATION.—

(1) FIRST 2 YEARS.—During the 2-year period beginning on the effective date deter-

mined under subsection (c), the requirement of subsection (q)(1) of section 15 of the Small Business Act (as added by subsection (a) of this section) shall apply with respect to 25 percent of the procurements described in that subsection (q)(1) (determined on the basis of amount), and the requirement in subsection (q)(2) of that section shall apply with respect to 25 percent of the procurements described in that subsection (q)(2) (determined on the basis of amount).

(2) ENSUING 2 YEARS.—During the 2-year period beginning on the day after the expiration of the period described in paragraph (1), the requirement of subsection (q)(1) of section 15 of the Small Business Act (as added by subsection (a) of this section) shall apply with respect to 50 percent of the procurements described in that subsection (q)(1) (determined on the basis of amount), and the requirement in subsection (q)(2) of that section shall apply with respect to 50 percent of the procurements described in that subsection (q)(2) (determined on the basis of amount).

(c) EFFECTIVE DATE.—Section 15(q) of the Small Business Act (as added by subsection (a) of this section) shall take effect on the first day of the first month that begins not less than 180 days after the date of enactment of this Act.

SEC. 1023. SOLE SOURCE PROCUREMENTS OF PROPERTY AND SERVICES UNDER THE 2001 EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR RECOVERY FROM AND RESPONSE TO TERRORIST ATTACKS ON THE UNITED STATES.

Notwithstanding the provisions of sections 8(a)(1)(D)(i)(II) and subclauses (I) and (II) of section 31(b)(2)(A)(ii) of the Small Business Act (15 U.S.C. 637(a)(1)(D)(i)(II), 658(b)(2)(A)(ii)(I), and 658 (b)(2)(A)(ii)(II), respectively), a contracting officer may award non-competitive contracts with the budget authority provided by the 2001 Emergency Supplemental Appropriations Act for Recovery From and Response To Terrorist Attacks on the United States (Public Law 107-38) or by subsequent emergency appropriations bill adopted pursuant thereto, if—

(1) such contracts are to be awarded to an eligible Program Participant under section 8(a) or to a qualified HUBZone small business concern under section 3(p)(5) of the Small Business Act (15 U.S.C. 637(a) and 632(p)(5)); and

(2) the head of the procuring agency certifies that the property or services needed by the agency are of such an unusual and compelling urgency that the United States would be seriously harmed by use of competitive procedures, pursuant to—

(A) section 2304(c)(2) of title 10, United States Code; or

(B) section 303(c)(2) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(c)(2)).

SA 2121. Mr. KERRY (for himself and Mr. BOND) submitted an amendment intended to be proposed by him to the bill S. 1499, to provide assistance to small business concerns adversely impacted by the terrorist attacks perpetrated against the United States on September 11, 2001, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “American Small Business Emergency Relief and Recovery Act of 2001”.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) the Nation’s 25,000,000 small businesses employ more than 58 percent of the private workforce, and create 75 percent of all net new jobs;

(2) as a result of the terrorist attacks perpetrated against the United States on September 11, 2001, many small businesses nationwide suffered—

(A) directly because—

(i) they are, or were as of September 11, 2001, located in or near the World Trade Center or the Pentagon, or in a disaster area declared by the President or the Administrator;

(ii) they were closed or their business was suspended for national security purposes at the mandate of the Federal Government; or

(iii) they are, or were as of September 11, 2001, located in an airport that has been closed; and

(B) indirectly because—

(i) they supplied or provided services to businesses that were located in or near the World Trade Center or the Pentagon;

(ii) they are, or were as of September 11, 2001, a supplier, service provider, or complementary industry to any business or industry adversely affected by the terrorist attacks perpetrated against the United States on September 11, 2001, in particular, the financial, hospitality, and travel industries; or

(iii) they are, or were as of September 11, 2001, integral to or dependent upon a business or business sector closed or suspended for national security purposes by mandate of the Federal Government; and

(3) small business owners adversely affected by the terrorist attacks are finding it difficult or impossible—

(A) to make loan payments on existing debts;

(B) to pay their employees;

(C) to pay their vendors;

(D) to purchase materials, supplies, or inventory;

(E) to pay their rent, mortgage, or other operating expenses; or

(F) to secure financing for their businesses.

(b) PURPOSE.—The purpose of this Act is to strengthen the loan, investment, procurement assistance, and management education programs of the Small Business Administration, in order to help small businesses meet their existing obligations, finance their businesses, and maintain and create jobs, thereby providing stability to the national economy.

SEC. 3. DEFINITIONS RELATING TO TERRORIST ATTACKS.

Section 3 of the Small Business Act (15 U.S.C. 632) is amended by adding at the end the following:

“(r) DEFINITIONS RELATING TO TERRORISM RELIEF.—In this Act, the following definitions shall apply with respect to the provision of assistance under this Act in response to the terrorist attacks perpetrated against the United States on September 11, 2001, pursuant to the American Small Business Emergency Relief and Recovery Act of 2001:

“(1) DIRECTLY AFFECTED.—A small business concern is directly affected by the terrorist attacks perpetrated against the United States on September 11, 2001, if it—

“(A) is, or was as of September 11, 2001, located in or near the World Trade Center or the Pentagon, or in a disaster area declared by the President or the Administrator related to those terrorist attacks;

“(B) was closed or its business was suspended for national security purposes at the mandate of the Federal Government; or

“(C) is, or was as of September 11, 2001, located in an airport that has been closed.

“(2) INDIRECTLY AFFECTED.—A small business concern is indirectly affected by the terrorist attacks perpetrated against the United States on September 11, 2001, if it—

“(A) supplied or provided services to any business that was located in or near the World Trade Center or the Pentagon, or in a disaster area declared by the President or the Administrator related to those terrorist attacks;

“(B) is, or was as of September 11, 2001, a supplier, service provider, or complementary industry to any business or industry adversely affected by the terrorist acts perpetrated against the United States on September 11, 2001, in particular, the financial, hospitality, and travel industries; or

“(C) it is, or was as of September 11, 2001, integral to or dependent upon a business or business sector closed or suspended for national security purposes by mandate of the Federal Government.

“(3) ADVERSELY AFFECTED.—The term ‘adversely affected’ means having suffered economic harm to or disruption of the business operations of a small business concern as a direct or indirect result of the terrorist attacks perpetrated against the United States on September 11, 2001.

“(4) SUBSTANTIAL ECONOMIC INJURY.—As used in section 7(b)(4), the term ‘substantial economic injury’ means an economic harm to a small business concern that results in the inability of the small business concern—

“(A) to meet its obligations on an ongoing basis;

“(B) to pay its ordinary and necessary operating expenses; or

“(C) to market, produce, or provide a product or service ordinarily marketed, produced, or provided by the small business concern.”

SEC. 4. DISASTER LOANS AFTER TERRORIST ATTACKS.

(a) IN GENERAL.—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting immediately before the undesignated material following paragraph (3) the following:

“(4) DISASTER LOANS AFTER TERRORIST ATTACKS OF SEPTEMBER 11, 2001.—

“(A) LOAN AUTHORITY.—In addition to any other loan authorized by this section, the Administration may make such loans (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) to a small business concern that has been directly affected and suffered, or that is likely to suffer, substantial economic injury as the result of the terrorist attacks on September 11, 2001, including due to the closure or suspension of its business for National security purposes at the mandate of the Federal Government.

“(B) DEFERMENT OF LOAN PAYMENTS.—

“(i) IN GENERAL.—Notwithstanding any other provision of law, payments of principal and interest on a loan made under this paragraph (other than a refinancing under subparagraph (D)) or paragraph (1) as a result of the terrorist attacks on September 11, 2001, shall be deferred, and no interest shall accrue with respect to such loan, during the 2-year period following the date of issuance of such loan.

“(ii) RESUMPTION OF PAYMENTS.—At the end of the 2-year period described in clause (i), the payment of periodic installments of principal and interest shall be required with respect to such loan, in the same manner and subject to the same terms and conditions as

would otherwise be applicable to any other loan made under this subsection.

“(C) REFINANCING DISASTER LOANS.—

“(i) IN GENERAL.—Any loan made under this subsection that was outstanding as to principal or interest on September 11, 2001, may be refinanced by a small business concern that is also eligible to receive a loan under this paragraph, and the refinanced amount shall be considered to be part of the new loan for purposes of this clause.

“(ii) NO EFFECT ON ELIGIBILITY.—A refinancing under clause (i) by a small business concern shall be in addition to any other loan eligibility for that small business concern under this Act.

“(D) REFINANCING BUSINESS DEBT.—

“(i) IN GENERAL.—Any business debt of a small business concern that was outstanding as to principal or interest on September 11, 2001, may be refinanced by the small business concern if it is also eligible to receive a loan under this paragraph. With respect to a refinancing under this clause, payments of principal shall be deferred, and interest may accrue notwithstanding subparagraph (B), during the 1-year period following the date of refinancing.

“(ii) RESUMPTION OF PAYMENTS.—At the end of the 1-year period described in clause (i), the payment of periodic installments of principal and interest shall be required with respect to such loan, in the same manner and subject to the same terms and conditions as would otherwise be applicable to any other loan made under this subsection.

“(E) TERMS.—A loan under this paragraph shall be made at the same interest rate as economic injury loans under paragraph (2). Any reasonable doubt concerning the repayment ability of an applicant under this paragraph shall be resolved in favor of the applicant.

“(F) NO DISASTER DECLARATION REQUIRED.—For purposes of assistance under this paragraph, no declaration of a disaster area is required for those small business concerns directly affected by the terrorist attacks on September 11, 2001.

“(G) SIZE STANDARD ADJUSTMENTS.—Notwithstanding any other provision of law, for purposes of providing assistance under this paragraph to businesses located in areas of New York, Virginia, and the contiguous areas designated by the President or the Administrator as a disaster area following the terrorist attacks on September 11, 2001, a business shall be considered to be a ‘small business concern’ if it meets otherwise applicable size regulations promulgated by the Administration, and, with respect to the applicable size standard, it is—

“(i) a restaurant having not more than \$8,000,000 in annual receipts;

“(ii) a law firm having not more than \$8,000,000 in annual receipts;

“(iii) a certified public accounting business having not more than \$8,000,000 in annual receipts;

“(iv) a performing arts business having not more than \$8,000,000 in annual receipts;

“(v) a warehousing or storage business having not more than \$25,000,000 in annual receipts;

“(vi) a contracting business having a size standard under the North American Industry Classification System, Subsector 235, and having not more than \$15,000,000 in annual receipts;

“(vii) a food manufacturing business having not more than 1,000 employees;

“(viii) an apparel manufacturing business having not more than 1,000 employees; or

“(ix) a travel agency having not more than \$2,000,000 in annual receipts.

“(5) AUTHORITY TO INCREASE OR WAIVE SIZE STANDARDS AND SIZE REGULATIONS.—

“(A) IN GENERAL.—At the discretion of the Administrator, the Administrator may increase or waive otherwise applicable size standards or size regulations with respect to businesses applying for assistance under this Act in response to the terrorist attacks on September 11, 2001.

“(B) EXEMPTION FROM ADMINISTRATIVE PROCEDURES.—The provisions of subchapter II of chapter 5, of title 5, United States Code, shall not apply to any increase or waiver by the Administrator under subparagraph (A).

“(6) INCREASED LOAN CAPS.—

“(A) AGGREGATE LOAN AMOUNTS.—Except as provided in subparagraph (B), and in addition to amounts otherwise authorized by this Act, the loan amount outstanding and committed to a borrower may not exceed—

“(i) with respect to a small business concern located in the areas of New York, Virginia, or the contiguous areas designated by the President or the Administrator as a disaster area following the terrorist attacks on September 11, 2001—

“(I) \$6,000,000 in total obligations under paragraph (1); and

“(II) \$6,000,000 in total obligations under paragraph (4); and

“(ii) with respect to a small business concern that is not located in an area described in clause (i) and that is eligible for assistance under paragraph (4), \$5,000,000 in total obligations under paragraph (4).

“(B) WAIVER AUTHORITY.—The Administrator may, at the discretion of the Administrator, waive the aggregate loan amounts established under subparagraph (A).

“(7) EXTENDED APPLICATION PERIOD.—Notwithstanding any other provision of law, the Administrator shall accept applications for assistance under paragraphs (1) and (4) until September 10, 2002, with respect to applicants for such assistance as a result of the terrorist attacks on September 11, 2001.

“(8) LIMITATION ON SALES OF LOANS.—No loan under paragraph (1) or (4), made as a result of the terrorist attacks on September 11, 2001, shall be sold until 4 years after the date of the final loan disbursement.”

(b) CLERICAL AMENDMENTS.—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended in the undesignated matter at the end—

(1) by striking “, (2), and (4)” and inserting “and (2)”; and

(2) by striking “, (2), or (4)” and inserting “(2)”.

SEC. 5. EMERGENCY RELIEF LOAN PROGRAM.

(a) LOAN PROGRAM.—Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended by adding at the end the following:

“(31) TEMPORARY LOAN AUTHORITY FOLLOWING TERRORIST ATTACKS.—

“(A) IN GENERAL.—During the 1-year period beginning on the date of enactment of this paragraph, the Administration may make loans under this subsection to a small business concern that has been, or that is likely to be directly or indirectly adversely affected.

“(B) LOAN TERMS.—With respect to a loan under this paragraph—

“(i) for purposes of paragraph (2)(A), participation by the Administration shall be equal to 90 percent of the balance of the financing outstanding at the time of disbursement of the loan;

“(ii) the Administrator shall collect an annual fee in an amount equal to 0.25 percent of the outstanding balance of the deferred participation share of the loan, notwithstanding paragraph (23)(A);

“(iii) no fee may be collected or charged under paragraph (18);

“(iv) the applicable rate of interest shall not exceed a rate that is 2 percentage points above the prime lending rate;

“(v) no such loan shall be made if the total amount outstanding and committed (by participation or otherwise) to the borrower under this paragraph—

“(I) would exceed \$1,000,000; or

“(II) at the discretion of the Administrator, and upon notice to the Congress, would exceed \$2,000,000, as necessary to provide relief in high-cost areas or to high-cost industries that have been adversely affected; or

“(vi) no such loan shall be made if the gross amount of the loan would exceed \$3,000,000;

“(vii) upon request of the borrower, repayment of principal due on a loan made under this paragraph may be deferred during the 1-year period beginning on the date of issuance of the loan; and

“(viii) any reasonable doubt concerning the repayment ability of an applicant for a loan under this paragraph shall be resolved in favor of the applicant.

“(C) APPLICABILITY.—The loan terms described in subparagraph (B) shall apply to a loan under this paragraph notwithstanding any other provision of this subsection, and except as specifically provided in this paragraph, a loan under this paragraph shall otherwise be subject to the same terms and conditions as any other loan under this subsection.

“(D) TRAVEL AGENCIES.—For purposes of loans made under this paragraph, the size standard for a travel agency shall be \$2,000,000 in annual receipts.”

(b) CONFORMING AMENDMENT.—Section 7(a)(23)(A) of the Small Business Act (15 U.S.C. 636(a)(23)(A)) is amended by inserting “other than a loan under paragraph (31) or a loan described in paragraph (2)(E),” after “this subsection.”

SEC. 6. BUSINESS LOAN ASSISTANCE FOLLOWING TERRORIST ATTACKS.

(a) ONE-YEAR WAIVER OF SECTION 7(a) FEES.—Section 7(a)(18) of the Small Business Act (15 U.S.C. 636(a)(18)) is amended by adding at the end the following:

“(C) ONE-YEAR WAIVER OF FEES FOLLOWING TERRORIST ATTACKS.—For loans approved during the 1-year period following the date of enactment of the American Small Business Emergency Relief and Recovery Act of 2001, a fee equal to not more than one half of the amount otherwise required by this paragraph shall be collected or charged under this paragraph.”

(b) ONE-YEAR INCREASE IN PARTICIPATION LEVELS.—Section 7(a)(2) of the Small Business Act (15 U.S.C. 636(a)(2)) is amended—

(1) in subparagraph (A), by striking “subparagraph (B)” and inserting “subparagraphs (B) and (E)”; and

(2) by adding at the end the following:

“(E) TEMPORARY PARTICIPATION LEVELS FOLLOWING TERRORIST ATTACKS.—For loans under this subsection, other than paragraph (31), that are approved during the 1-year period following the date of enactment of the American Small Business Emergency Relief and Recovery Act of 2001—

“(i) the guarantee percentage specified by clause (i) of subparagraph (A) shall be increased to 85 percent (except with respect to loans approved under the SBA Express Pilot Program); and

“(ii) the Administrator shall collect an annual fee in an amount equal to 0.25 percent of the outstanding balance of the deferred

participation share of the loan, notwithstanding paragraph (23)(A).”

(c) REDUCTION OF SECTION 504 FEES.—

(1) IN GENERAL.—Section 503 of the Small Business Investment Act of 1958 (15 U.S.C. 697) is amended—

(A) in subsection (b)(7)(A)—

(i) by redesignating clauses (i) and (ii) as subclauses (I) and (II), respectively, and moving the margins 2 ems to the right;

(ii) by striking “not exceed the lesser” and inserting “not exceed—

“(i) the lesser”; and

(iii) by adding at the end the following:

“(ii) 50 percent of the amount established under clause (i) in the case of a loan made during the 1-year period following the date of enactment of the American Small Business Emergency Relief and Recovery Act of 2001, for the life of the loan; and”; and

(B) by adding at the end the following:

“(i) ONE-YEAR WAIVER OF FEES FOLLOWING TERRORIST ATTACKS.—The Administration may not assess or collect any up front guarantee fee with respect to loans made under this title during the 1-year period following the date of enactment of the American Small Business Emergency Relief and Recovery Act of 2001.”

(2) USE OF FUNDS FOR SECTION 504 PROGRAM.—The provisions of subsections (b)(7)(A), (d)(2), and (i) of section 503 of the Small Business Investment Act of 1958, as amended by this subsection, shall be effective only to the extent that funds are made available under appropriations Acts, which funds shall be utilized to offset the cost (as such term is defined in section 502 of the Federal Credit Reform Act of 1990) to the Administration of making guarantees under those amended provisions.

(d) BUDGETARY TREATMENT OF LOANS AND FINANCINGS.—Assistance made available under any loan made or approved by the Small Business Administration under section 7(a) or 7(b)(4) of the Small Business Act (15 U.S.C. 636(a)) or financings made under title III or V of the Small Business Investment Act of 1958 (15 U.S.C. 697a), during the 1-year period beginning on the date of enactment of this Act, shall be treated as separate programs of the Small Business Administration for purposes of the Federal Credit Reform Act of 1990 only.

(e) USE OF FUNDS FOR 7(a) AND 7(a) EMERGENCY RELIEF LOAN PROGRAMS.—The provisions of paragraphs (2), (18), and (31) of section 7(a) of the Small Business Act, as amended by this Act, shall be effective only to the extent that funds are made available under appropriations Acts, which funds shall be utilized to offset the cost (as such term is defined in section 502 of the Federal Credit Reform Act of 1990) to the Administration of making guarantees under those amended provisions.

SEC. 7. APPROVAL PROCESS.

Notwithstanding any other provision of law, the Administrator of the Small Business Administration may adopt such approval processes as the Administrator determines, after consultation with the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives, to be appropriate in order to make assistance under this Act and the amendments made by this Act available to all eligible small business concerns.

SEC. 8. OTHER SPECIALIZED ASSISTANCE AND MONITORING AUTHORIZED.

(a) ADDITIONAL SBDC AUTHORITY.—

(1) IN GENERAL.—Section 21(c)(3) of the Small Business Act (15 U.S.C. 648(c)(3)) is amended—

(A) in subparagraph (S), by striking “and” at the end;

(B) in subparagraph (T), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(U) providing individualized assistance with respect to financing, refinancing of existing debt, and business counseling to small business concerns adversely affected, directly or indirectly, by the terrorist attacks on September 11, 2001.”

(2) WAIVER OF MATCHING REQUIREMENTS.—Section 21(a)(4) of the Small Business Act (15 U.S.C. 648(a)(4)) is amended by inserting before the period the following: “, except that the matching requirements of this paragraph do not apply with respect to any assistance provided under subsection (c)(3)(U).”

(b) ADDITIONAL SCORE AUTHORITY.—Section 8(b)(1)(B) of the Small Business Act (15 U.S.C. 637(b)(1)(B)) is amended—

(1) by inserting “(i)” after “(B)”; and

(2) by adding at the end the following:

“(ii) The functions of the Service Corps of Retired Executives (SCORE) shall include the provision of individualized assistance with respect to financing, refinancing of existing debt, and business counseling to small business concerns adversely affected by the terrorist attacks on September 11, 2001.”

(c) ADDITIONAL MICROLOAN PROGRAM AUTHORITY.—Section 7(m) of the Small Business Act (15 U.S.C. 636(m)) is amended by adding at the end the following:

“(14) ASSISTANCE AFTER TERRORIST ATTACKS OF SEPTEMBER 11, 2001.—Amounts made available under this subsection may be used by intermediaries to provide individualized assistance with respect to financing, refinancing of existing debt, and business counseling to small business concerns adversely affected by the terrorist attacks on September 11, 2001.”

(d) ADDITIONAL WOMEN'S BUSINESS DEVELOPMENT CENTER AUTHORITY.—Section 29 of the Small Business Act (15 U.S.C. 656) is amended—

(1) in subsection (b)—

(A) in paragraph (2), by striking “and” at the end;

(B) in paragraph (3), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(4) individualized assistance with respect to financing, refinancing of existing debt, and business counseling to small business concerns owned and controlled by women that were adversely affected by the terrorist attacks on September 11, 2001.”; and

(2) in subsection (c), by adding at the end the following:

“(5) WAIVER OF MATCHING REQUIREMENTS.—A recipient organization shall not be subject to the non-Federal funding requirements of paragraph (1) with respect to assistance provided under subsection (b)(4).”

(e) ADDITIONAL SBIC AUTHORITY.—Section 303 of the Small Business Investment Act of 1958 (15 U.S.C. 683) is amended by adding at the end the following:

“(k) AUTHORITY AFTER TERRORIST ATTACKS OF SEPTEMBER 11, 2001.—Small business investment companies are authorized and encouraged to provide equity capital and to make loans to small business concerns pursuant to sections 304(a) and 305(a) of the Small Business Investment Act of 1958, respectively, for the purpose of providing assistance to small business concerns adversely affected by the terrorist attacks on September 11, 2001.”

SEC. 9. STUDY AND REPORT ON EFFECTS ON SMALL BUSINESS CONCERNS.

(a) STUDY.—

(1) IN GENERAL.—The Office of Advocacy of the Small Business Administration shall conduct annual studies for a 5-year period on the impact of the terrorist attacks perpetrated against the United States on September 11, 2001, on small business concerns, and the effects of assistance provided under this Act on such small business concerns.

(2) CONTENTS.—The study conducted under paragraph (1) shall include information regarding—

(A) bankruptcies and business failures that occurred as a result of the events of September 11, 2001, as compared to those that occurred in 1999 and 2000;

(B) the loss of jobs, revenue, and profits in small business concerns as a result of those events, as compared to those that occurred in 1999 and 2000;

(C) the impact of assistance provided under this Act to small business concerns adversely affected by those attacks, including information regarding whether—

(i) small business concerns that received such assistance would have remained in business without such assistance;

(ii) jobs were saved due to such assistance; and

(iii) small business concerns that remained in business had increases in employment and sales since receiving assistance.

(b) REPORT.—The Office of Advocacy shall submit a report to Congress on the studies required by subsection (a)(1), specifically addressing the requirements of subsection (a)(2) in September of each of fiscal years 2002 through 2006.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, \$500,000 for each of fiscal years 2002 through 2006.

SEC. 10. EMERGENCY EQUITABLE RELIEF FOR FEDERAL CONTRACTORS.

(a) GUIDANCE REQUIRED.—

(1) IN GENERAL.—Under guidance issued by the Administrator for Federal Procurement Policy in conjunction with the Administrator of the Small Business Administration, the head of a contracting agency of the United States may increase the price of a contract entered into by the agency that is performed by a small business concern (as defined in section 3 of the Small Business Act) to the extent determined equitable under this section on the basis of loss resulting from security measures taken by the Federal Government at Federal facilities as a result of the terrorist attacks on September 11, 2001.

(2) EXPEDITED ISSUANCE.—Guidance required by paragraph (1) shall be issued under expedited procedures, not later than 20 days after the date of enactment of this Act.

(b) EXPEDITED PROCEDURES.—

(1) IN GENERAL.—The Administrator for Federal Procurement Policy shall prescribe expedited procedures for considering whether to grant an equitable adjustment in the case of a contract of an agency under subsection (a).

(2) REQUIREMENTS.—The procedures required by paragraph (1) shall provide for—

(A) an initial review of the merits of a contractor's request by the contracting officer concerned with the contract;

(B) a final determination of the merits of the contractor's request, including the value of any price adjustment, by the Head of the Contracting Agency, in consultation with the Administrator of the Small Business Administration, taking into consideration the initial review under subparagraph (A); and

(C) payment from the fund established under subsection (d) for the contract's price adjustment.

(3) TIMING.—The procedures required by paragraph (1) shall require completion of action on a contractor's request for adjustment not later than 30 days after the date on which the contractor submits the request to the contracting officer concerned.

(c) AUTHORIZED REMEDIES.—In addition to making a price adjustment under subsection (a), the time for performance of a contract may be extended under this section.

(d) PAYMENT OF ADJUSTED PRICE.—

(1) FUND ESTABLISHED.—The Administrator of the Small Business Administration shall establish a fund for the payment of contract price adjustments under this section. Payments of amounts for price adjustments shall be made out of the fund.

(2) AVAILABILITY.—Notwithstanding any other provision of law, amounts in the fund under this subsection shall remain available until expended.

(e) TERMINATION OF AUTHORITY.—

(1) REQUESTS.—No request for adjustment under this section may be accepted more than 330 days after the date of enactment of this Act.

(2) TERMINATION.—The authority under this section shall terminate 1 year after the date of enactment of this Act.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Small Business Administration to carry out this section, \$100,000,000, including funds for administrative expenses and costs. Any funds remaining in the fund established under subsection (d) 1 year after the date of enactment of this Act shall be transferred to the disaster loan account of the United States Small Business Administration.

SEC. 11. REPORTS TO CONGRESS.

(a) REPORTS REQUIRED.—The Administrator of the Small Business Administration shall submit regular reports to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives regarding the implementation of this Act and the amendments made by this Act, including program delivery, staffing, and administrative expenses related to such implementation.

(b) FREQUENCY OF REPORTS.—The reports required by subsection (a) shall be submitted on November 15, 2001, and December 15, 2001, and quarterly thereafter through December 31, 2003.

SEC. 12. EXPEDITED ISSUANCE OF IMPLEMENTING GUIDELINES.

Not later than 20 days after the date of enactment of this Act, the Administrator of the Small Business Administration shall issue interim final rules and guidelines to implement this Act and the amendments made by this Act.

SEC. 13. INCREASED AUTHORIZATIONS OF APPROPRIATIONS.

Section 20 of the Small Business Act (15 U.S.C. 631 note) is amended—

(1) in subsection (h)(1)(B)—

(A) by striking “\$20,050,000,000” and inserting “\$24,050,000,000”;

(B) by striking “\$15,000,000,000” and inserting “\$17,000,000,000”; and

(C) by striking “\$4,500,000,000” and inserting “\$6,500,000,000”;

(2) in subsection (h)(1)(C)—

(A) by striking “\$3,500,000,000” and inserting “\$4,200,000,000”; and

(B) by striking “\$2,500,000,000” and inserting “\$2,700,000,000”;

(3) in subsection (i)(1)(B)—

(A) by striking “\$21,550,000,000” and inserting “\$25,550,000,000”;

(B) by striking “\$16,000,000,000” and inserting “\$18,000,000,000”; and

(C) by striking “\$5,000,000,000” and inserting “\$7,000,000,000”;

(4) in subsection (i)(1)(C)—

(A) by striking “\$4,000,000,000” and inserting “\$4,700,000,000”; and

(B) by striking “\$3,000,000,000” and inserting “\$3,200,000,000”; and

(5) by adding at the end the following:

“(j) SPECIAL AUTHORIZATIONS OF APPROPRIATIONS FOLLOWING TERRORIST ATTACKS.—In addition to any other amounts authorized by this Act for any fiscal year, there are authorized to be appropriated to the Administration, to remain available until expended—

“(1) for fiscal year 2002 and each fiscal year thereafter, such sums as may be necessary to carry out paragraph (4) of section 7(b), including necessary loan capital and funds for administrative expenses related to making and servicing loans pursuant to that paragraph;

“(2) for fiscal year 2002, \$25,000,000, to be used for activities of small business development centers pursuant to section 21(c)(3)(U)—

“(A) \$2,500,000 of which shall be used to assist small business concerns (as that term is defined for purposes of section 7(b)(4)) located in the areas of New York and the contiguous areas designated by the President as a disaster area following the terrorist attacks on September 11, 2001; and

“(B) \$1,500,000 of which shall be used to assist small business concerns located in areas of Virginia and the contiguous areas designated by the President as a disaster area following those terrorist attacks;

“(3) for fiscal year 2002, \$2,000,000, to be used under the Service Corps of Retired Executives program authorized by section 8(b)(1) for the activities described in section 8(b)(1)(B)(ii);

“(4) for fiscal year 2002, \$5,000,000 for microloan technical assistance authorized under section 7(m)(14);

“(5) for fiscal year 2002, \$2,000,000 to be used for activities of women's business centers authorized by section 29(b)(4);

“(6) for fiscal year 2002 and each fiscal year thereafter, such sums as may be necessary to carry out paragraphs (2)(E), (18)(C), and (31) of section 7(a), including any funds necessary to offset fees and amounts waived or reduced under those provisions, necessary loan capital, and funds for administrative expenses; and

“(7) for fiscal year 2002, and each fiscal year thereafter, such sums as may be necessary to carry out the 1-year suspension of fees under subsections (b)(7)(A), (d)(2), and (i) of section 503 of the Small Business Investment Act of 1958, in response to the terrorist attacks on September 11, 2001, including any funds necessary to offset fees and amounts waived under those provisions and including funds for administrative expenses.”.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. HARKIN. Mr. President, I would like to announce that the Committee on Agriculture, Nutrition, and Forestry will conduct a business meeting on November 13, 2001, in SR-328A at 3 p.m. The purpose of this business meeting will be to discuss the new Federal farm bill.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. HARKIN. Mr. President, I would like to announce that the Committee

on Agriculture, Nutrition, and Forestry will conduct a business meeting on November 14, 2001, in SR-328A at 10 a.m. The purpose of this business meeting will be to discuss the new Federal farm bill.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. HARKIN. Mr. President, I would like to announce that the Committee on Agriculture, Nutrition, and Forestry will conduct a business meeting on November 15, 2001, in SR-328A at 8:30 a.m. The purpose of this business meeting will be to discuss the new Federal farm bill.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. DODD. Mr. President, I wish to announce that the Committee on Rules and Administration will meet on Thursday, November 15, at 9 a.m., in SR-301, Russell Senate Office Building, to receive testimony from the Capitol Police Board on the Perimeter Security Plan and on matters involving security for the Capitol complex.

For further information regarding this hearing, please contact Kennie Gill at the Rules Committee on 224-6352.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet to conduct a business meeting during the session of the Senate on Tuesday, November 13, 2001. The purpose of this business meeting will be to discuss the new Federal farm bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON HOUSING AND TRANSPORTATIONS

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Subcommittee on Housing and Transportation of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, November 13, 2001, at 2:30 p.m., to conduct an oversight hearing on "Lead-Based Paint Poisoning: State and Local Responses."

The PRESIDING OFFICER. Without objection, it is so ordered.

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs be authorized to meet on Tuesday, November 13, 2001, at 9:30 a.m., for a hearing entitled "Review of INS Policy on Releasing Illegal Aliens Pending Deportation Hearing."

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. REID. Mr. President, I ask unanimous consent that Luis Rivera and Gary Swilley, legislative fellows, and Scott Donnelly, Alex Rodriguez, and Jon Stewart, interns with the Committee on Finance, be granted floor privileges during the consideration of H.R. 3090, including all rollcall votes thereon.

I further ask unanimous consent that the following staff of the Joint Committee on Taxation be granted floor privileges during the consideration of H.R. 3090, including all rollcall votes thereon: Thomas A. Barthold, Ray Beman, John H. Bloyer, Nikole Clark, Roger Colinviaux, Brian Derdowski, H. Benjamin Hartley, Harold E. Hirsch, Deirdre James, Lauralee A. Matthews, Patricia McDermott, Brian Meighan, John F. Navratil, Joseph W. Nega, David Noren, Samuel Olchuk, Oren S. Penn, Cecily W. Rock, Heidi Schmid, Mary M. Schmitt, Carolyn E. Smith, and Barry L. Wood.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that my interns, Grace Pandiphurai, Jeremy Mishler, and Brian Fitzgerald, be granted the privilege of the floor for the duration of the economic stimulus debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZING THE 2002 WINTER OLYMPICS TORCH RELAY TO COME ONTO THE CAPITOL GROUNDS

Mr. REID. Madam President, I ask consent the Senate proceed to S. Con. Res. 82, which is at the desk.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 82) authorizing the 2002 Winter Olympic Torch Relay to come onto the Capitol Grounds.

There being no objection, the Senate proceeded to the consideration of the concurrent resolution.

Mr. REID. I ask unanimous consent that the resolution and preamble be adopted, the motion to reconsider be laid on the table, and any statements related to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 82) was agreed to.

The preamble was agreed to.

(The text of the resolution, with its preamble, is printed in today's RECORD under "Statements on Submitted Resolutions.")

NATIONAL DAY OF RECONCILIATION

Mr. REID. I ask unanimous consent the Senate proceed to S. Con. Res. 83, which is at the desk.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 83) providing for a National Day of Reconciliation.

There being no objection, the Senate proceeded to the consideration of the concurrent resolution.

Mr. REID. I ask unanimous consent that the resolution be agreed to, the motion to reconsider be laid on the table, and any statements relating to this resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 83) was agreed to.

(The text of the resolution is printed in today's RECORD under "Statements on Submitted Resolutions.")

POLICY OF THE UNITED STATES AT MEETING OF INTERNATIONAL CONVENTION FOR CONSERVATION OF ATLANTIC TUNAS

Mr. REID. I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 180, introduced earlier today by Senators KERRY and SNOWE.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 180) expressing the sense of the Senate regarding the policy of the United States at the 17th Regular Meeting of the International Convention for the Conservation of Atlantic Tunas in Murcia, Spain.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent that the resolution and preamble be agreed to en bloc, the motion to reconsider be laid on the table, and any statements related thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 180) was agreed to.

The preamble was agreed to.

(The text of the resolution, with its preamble, is printed in today's RECORD under "Statements on Submitted Resolutions.")

MEASURE INDEFINITELY POSTPONED—S. 1460

Mr. REID. Madam President, I ask unanimous consent that S. 1460 be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR WEDNESDAY, NOVEMBER 14, 2001

Mr. REID. I ask unanimous consent when the Senate completes its business

November 13, 2001

CONGRESSIONAL RECORD—SENATE

22277

today, it adjourn until the hour of 10:30 a.m. tomorrow, Wednesday, November 14; that following the prayer and the pledge, the Journal or proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of the Economic Recovery and Homeland Security Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 10:30 A.M.
TOMORROW

Mr. REID. If there is no further business to come before the Senate, I ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:53 p.m., adjourned until Wednesday, November 14, 2001, at 10:30 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate November 13, 2001:

THE JUDICIARY

EDITH BROWN CLEMENT, OF LOUISIANA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FIFTH CIRCUIT.

HOUSE OF REPRESENTATIVES—Tuesday, November 13, 2001

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. WHITFIELD).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
November 13, 2001.

I hereby appoint the Honorable ED WHITFIELD to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed without amendment bills of the House of the following titles:

H. Con. Res. 130. Concurrent Resolution authorizing printing of the book entitled "Asian and Pacific Islander Americans in Congress".

H. Con. Res. 264. Concurrent Resolution expressing the sense of Congress to welcome the Prime Minister of India, Atal Bihari Vajpayee, on the occasion of his visit to the United States, and to affirm that India is a valued friend and partner and an important ally in the campaign against international terrorism.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 3, 2001, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Oregon (Mr. DEFAZIO) for 5 minutes.

AVIATION SECURITY

Mr. DEFAZIO. Mr. Speaker, it has been 2 months since terrorists used our civilian airliners as weapons of mass destruction. Yet we have not made major changes in aviation security here in the United States Congress. A few steps have been taken by executive order, by the FAA administrator, by orders from the President and the Sec-

retary of Transportation. Reinforcement of flight deck doors. We have got people looking over the shoulders of the private security firms, whatever good that does if you do not watch them every second of every day. But the major things that need to be done need to be done by statute, by change in the law. Yet it is not yet done.

How could it take so long? Well, there is a major hang-up and the major hang-up is that the majority whip and the majority leader, the gentleman from Texas (Mr. DELAY) and the gentleman from Texas (Mr. ARMEY), are adamantly and absolutely opposed to true federalization of aviation security at the airports, that is, taking the failing private security firms, putting them out of business, which is what they deserve, and bringing in Federal law enforcement just like we have outside the doors of this Chamber and at many other Federal installations to provide security around the country to make certain that people do not bring weapons on board airplanes and smuggle weapons or bombs into baggage and other critical areas of the airports.

They say, well, we will more closely supervise those private firms. Well, the record is pretty miserable. Since September 11, there have been 24 incidents, major breaches of airport security by these same private firms. Twenty-four in 2 months. That is better than they usually do because actually over the last 5 years they have averaged one breach that was finable or prosecutable a day for the last 5 years. So they are doing better. About 50 percent of the days, they are doing a pretty good job, or at least as far as we know.

But the failures are pretty notable: the guy with the seven knives, the stun gun and the mace in Chicago; the honest passenger on board Southwest Airlines who rang his call button and asked the flight attendant to come and take his loaded gun because he forgot it was in his briefcase and opened his briefcase on the plane; the concourses and planes that had to be returned to concourses because people were waved through security. At Logan, one of the Argenbright folks actually saw a weapon go through the screening device, but they were in the middle of their nap or their trance; and the person was long gone down the concourse before they said, oh, wait a minute, I saw a knife or a weapon about 5 minutes ago, and they had to empty out the concourse.

They say they will do better. I do not believe that these firms will do better. They say they will be better super-

vised. What is better supervision than probation? Argenbright, the largest private security firm in the United States of America, owned by Securicor of Europe, was last year convicted, criminally convicted. Unfortunately, none of their executives went to jail. That might have gotten their attention. They did not. But they were criminally convicted of hiring known felons, maintaining known felons on staff, falsifying documents of the Federal Government regarding the training of employees and the background checks of employees. They were fined \$1.5 million and put on probation. Well, guess what? About a month ago, they were found to be in violation of their probation. For doing what? Hiring and maintaining known felons on staff, falsifying Federal documents. They are going to be fined again, and their probation is going to be extended.

This is closer supervision? What closer supervision can you provide, except, as I said, maybe to put some of these executives of these failing private firms in jail, you will get their attention. Maybe that would shape them up. But I think the cleaner way to deal with this is the way we deal with other Federal Government law enforcement functions, and, that is, to admit it is a law enforcement function and put qualified law enforcement personnel in all of the critical places, in all our airports to assure the safety of the flying public.

Two months is way too long to delay. And it will be extraordinary if because of the opposition to Federal law enforcement by a few Members of the majority that this Congress before the busiest travel weekend of the year, Thanksgiving, does not act in the long-term interests of security and the flying public. We have an opportunity this week. The bill must get done.

ATTORNEY GENERAL'S PATTERN OF DISTURBING ACTIONS IN MIDST OF BATTLE AGAINST TERRORISM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Massachusetts (Mr. FRANK) is recognized during morning hour debates for 5 minutes.

Mr. FRANK. Mr. Speaker, I am troubled by the pattern that appears to be emerging within the U.S. Justice Department under the leadership of the Attorney General of deviating from what ought to be the course of action

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

appropriate right now. We were victimized on September 11 by a fiendish, unfortunately skillful group of mass murderers who wreaked terrible destruction on innocent people. And clearly a tough, effective law enforcement response is one of the things that is called for. We worked hard in the Congress to enhance the law enforcement powers of the Federal authorities. There was virtual unanimity that they should be given increased surveillance powers.

In the end, some of us were disappointed that some safeguards we had devised were not in the final bill and some of us opposed it, but we did not oppose it because we opposed the enhanced surveillance powers. We agreed on those. We should be going further. Congress is partly guilty of having insufficiently funded the Immigration Service and others who are our first line of defense. There is broad support in the Congress and in the country for this kind of increased law enforcement, but I fear that the Attorney General's actions may be jeopardizing that consensus and he is introducing into a subject that ought to be one of virtual unanimity a degree of conflict.

First, we have a couple of issues that ought not to have been pursued at this time. In my judgment, they should not have been pursued at all. But recently the Attorney General, in the midst of telling us that he is going to reorient the FBI and reorient the Justice Department to focus on terrorism, at a time when we know we have done a poor job of keeping track of people admitted into this country for limited periods and limited purposes, we have done a poor job of enforcing those limits, the Attorney General is engaged in a couple of ideological crusades, in both cases ignoring referenda passed by two States. States' rights is sometimes respected by my conservative colleagues; but it is sometimes, I guess when it gets in the way of their ideology, ignored.

The people of Oregon twice voted in a referendum to allow doctors to help with suicides. People outside of Oregon may not like it, that is their right; but that was the vote of the people of Oregon. There was an effort by the Congress to overturn that. While the House passed the bill, the Senate rejected it so the law was not changed. The Attorney General has nonetheless found time in this fight to divert energies into trying to overrule, in effect, the vote of the people of Oregon.

Similarly, the people of California and many other States voted to allow the medical prescription of marijuana. The Attorney General simply again diverted law enforcement efforts to go after people who were guilty only of trying to use marijuana to alleviate their pain.

And even more troubling is what is going on in law enforcement itself. Yes,

all the powers available to law enforcement should be used to protect us against terrorists. But a refusal by the Justice Department to tell us exactly what numbers of people are being detained, how many are being released, what are the conditions of the detention, those serve no law enforcement purpose.

□ 1245

What they do is raise questions in people's minds about whether or not powers are abused. If people fear powers are abused, we will resist granting those powers. In fact, there are powers that ought to be there.

The Attorney General disserves our effort by allowing controversy to exist where it should not. The most recent announcement that monitoring of conversations will now take place between people who have been confined and their lawyers is very disturbing. Remember, we are not talking here about terrorists having their conversations overheard. We are talking about people who have been detained; who have been convicted of no crime; who are guilty, as far as we know, maybe of something, maybe of nothing, but who have not had any adjudication; and we are talking about monitoring their lawyers' conversations.

Now, the Justice Department acknowledges that to do that in a way that was relevant to a trial would not be permissible, so we are told that we will monitor those conversations, but information gained in that monitoring would not be admissible at trial.

Mr. Speaker, I am afraid that invites judicial intervention, so that if they do proceed in some cases with a trial and a conviction, that could be jeopardized.

We have past experience. We have the case of Wen Ho Lee, an American citizen who was accused of espionage, and the FBI abused his rights. A Federal judge criticized the FBI for that.

That is the point we want to make. We are not talking here about defending terrorists; we are not talking about defending people who are guilty. We are talking about the rights of people who have been accused of crimes to prepare their defense.

I hope the Attorney General reconsiders this pattern of disturbing actions.

RECESS

The SPEAKER pro tempore (Mr. WHITFIELD). Pursuant to clause 12 of rule I, the Chair declares the House in recess until 2 p.m.

Accordingly (at 12 o'clock and 46 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. WHITFIELD) at 2 p.m.

PRAYER

The Reverend Vincent A. Cummings, Chaplain, Captain, United States Air Force Reserve, Nashville, Tennessee, offered the following prayer:

Father, we gather here today as public servants, assembled collectively inside this, the United States House of Representatives. Use us as instruments of Your will. We thank You for the life, health, wisdom and love You have bestowed upon our Nation.

First, we ask that You confer upon us, whether rich or poor in spirit, Your most holy traits of mercy and humility. Place a burden on the hearts of these legislators for those who have the least. Let them constantly remember their duties to their citizens, but most of all, those who are the meekest: the homeless, the poor, and the oppressed. Anoint these great men and women to also be protectors of the future, our children, and never allow them to forsake their well-being for the interests of the present.

Continue also to develop the tenets of selfless service and honorable character in all of us, as we serve this great country as its leaders. Teach us to do what is right for all time, not what is acceptable for the moment at hand. Let us also remember that freedom is not free. As witnessed through our Nation's recently shed blood, a price was paid for the liberty we now enjoy. Show us that Your grace must coincide with the justice we diligently pursue. Never again let us have words and promises take the place of deeds and actions.

Finally, hold us accountable to a higher standard when our personal judgment takes place. Examine us upon what we did to make these, our United States of America, a better place for all. Peer into our hearts and see the humility, the grace, and the courage to have made the best decisions for those we serve. But, most of all, judge us on how well we loved our brothers and sisters, the citizens of the United States of America, through our acts as their servant leaders.

May God continue to bless all of you, the elected representatives of the House, and may God continue to bless these, our United States of America. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Tennessee (Mr. CLEMENT) come forward and lead the House in the Pledge of Allegiance.

Mr. CLEMENT led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

INTRODUCTION OF THE REVEREND VINCENT CUMMINGS

(Mr. CLEMENT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CLEMENT. Mr. Speaker, I have the privilege today of introducing to my colleagues my constituent, the Reverend Vincent Cummings, who just gave the prayer.

Reverend Cummings represents the North American Mission Board of the Southern Baptist Convention. He currently serves as Associate Pastor for Calvary Baptist Church located in Nashville, Tennessee. He is also a candidate for the Master of Public Administration degree at Tennessee State University Institute of Government.

In addition, Captain Vincent A. Cummings is a chaplain with the 932nd Airlift Wing, United States Air Force Reserve Command.

As our men and women overseas continue to wage war against terrorism in Afghanistan, people like Chaplain Cummings minister to the spiritual needs of our military. His service is invaluable, and I commend him for his dedication to serving our country. Our National Guard and Reserve forces are playing a critical role in protecting our country at home and abroad.

As a retired member of the Tennessee National Guard, I know firsthand how important our chaplains are. They provide guidance in times of confusion, solace in times of distress, and comfort in times of sadness.

I want to welcome him here today and thank him for his guidance. I want to thank our wonderful chaplain, Chaplain Coughlin, who, as our U.S. House of Representatives chaplain, has made us proud and is a true man of God. God bless.

WESTERN SAHARA

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, the new king of Morocco, King Mohammed VI, seems intent on renewing conflict in Western Sahara. The King recently visited Moroccan troops stationed in the Occupied Territory of Western Sahara to celebrate the 1975 anniversary of the Moroccan invasion. The King initiated new oil contracts for Western Saharan land with American and French companies. The King of Morocco is acting as if Western Sahara is Moroccan territory.

The 1975 International Court of Justice decision clearly states there are no ties, quote, "of territorial sovereignty between the territory of Western Sahara and the Kingdom of Morocco."

The Sahrawi people love democracy and the American people and have rebuffed attempts by rogue nations to get involved in their conflicts. The provocative acts of King Mohammed VI could plunge North Africa into conflict and instability, a perfect opportunity for the terrorist extremists in Morocco to attack innocent Moroccans, Algerians, and others.

Morocco's continued blocking of the referendum for the Sahrawis makes it quite possible that hostilities could resume. I urge the Moroccan Government to stick to the original agreements arrived at under the United Nations.

WE NEED TRADE PROMOTION AUTHORITY

(Mr. DREIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, it has been said that nothing will ever be attempted if all possible objections must first be overcome.

Mr. Speaker, the bipartisan compromise on Trade Promotion Authority has not overcome every possible objection. But it is far closer to that goal than many of us thought possible. We have addressed Members' concerns in a bipartisan fashion, working in good faith to create consensus. Now it appears new objections have been raised. These objections are not constructive. They were meant to derail this legislation, not improve it.

We can always find new reasons to maintain the status quo, but it is time to drop extraneous objections and acknowledge the fundamental benefits of trade.

Trade Promotional Authority will allow us to finally make serious progress in the effort to forge new trade agreements that benefit our constituents. Without TPA we can give up any notion of leading the world in opening new markets, promoting worker protection, and setting international technological standards. And by refusing to entrust our negotiators with the authority to move ahead on trade agreements, we are crippling American industries.

Mr. Speaker, it is time to consider this issue on its merits rather than politics. We must set aside our differences and recognize that the compromise embodied in H.R. 3005 will benefit the American people.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore (Mr. WHITFIELD) laid before the House the

following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, November 13, 2001.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on November 9, 2001 at 4:20 p.m. and said to contain a message from the President whereby he submits a certification report concerning China's accession to the WTO in accordance with P.L. 106-286.

With best wishes, I am

Sincerely,

JEFF TRANDAHLL,
Clerk of the House.

REPORT ON CERTIFICATION OF TERMS AND CONDITIONS FOR ACCESSION OF PEOPLE'S REPUBLIC OF CHINA TO WORLD TRADE ORGANIZATION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 107-146)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Ways and Means and ordered to be printed:

To the Congress of the United States:

In accordance with the requirements of Public Law 106-286, I hereby transmit the attached report certifying that the terms and conditions for the accession of the People's Republic of China to the World Trade Organization are at least equivalent to those agreed between the United States and the People's Republic of China on November 15, 1999.

GEORGE W. BUSH,
THE WHITE HOUSE, November 9, 2001.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, November 9, 2001.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit three sealed envelopes received from the White House on November 9, 2001, at 12:05 p.m. and said to contain messages from the President whereby he transmits a copy of a 6-month periodic report concerning the emergency with Iran first declared in Executive Order 12170 of November 14, 1979; a copy of a notice filed with the *Federal Register* continuing the

emergency with Iran first declared in Executive Order 12170 of November 14, 1979; and a copy of a notice filed with the *Federal Register* continuing the emergency concerning weapons of mass destruction first declared in Executive Order 12938 of November 14, 1994.

With best wishes, I am

Sincerely,

MARTHA C. MORRISON,
Deputy Clerk of the House.

CONTINUATION OF EMERGENCY REGARDING WEAPONS OF MASS DESTRUCTION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 107-147)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the *Federal Register* for publication. The notice states that the national emergency with respect to the unusual and extraordinary threat to the national security, foreign policy, and economy of the United States posed by the proliferation of nuclear, biological, and chemical weapons (weapons of mass destruction) and the means of delivering such weapons declared by Executive Order 12938 on November 14, 1994, is to continue in effect beyond November 14, 2001. The most recent notice continuing this emergency was published in the *Federal Register* on November 13, 2000 (65 Fed. Reg. 68063).

The proliferation of weapons of mass destruction and the means of delivering them continues to pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. Therefore, I have determined that it is necessary to continue the national emergency declared on November 14, 1994, regarding weapons of mass destruction, beyond November 14, 2001.

GEORGE W. BUSH.

THE WHITE HOUSE, November 9, 2001.

PERIODIC REPORT ON NATIONAL EMERGENCY WITH RESPECT TO THE 1979 IRANIAN EMERGENCY AND ASSETS BLOCKING—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 107-148)

The SPEAKER pro tempore laid before the House the following message

from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), I transmit herewith a 6-month periodic report on the national emergency with respect to Iran that was declared in Executive Order 12170 of November 14, 1979.

GEORGE W. BUSH.

THE WHITE HOUSE, November 9, 2001.

CONTINUATION OF IRAN EMERGENCY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 107-149)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice, stating that the Iran emergency declared by Executive Order 12170 on November 14, 1979, is to continue in effect beyond November 14, 2001, to the *Federal Register* for publication. The most recent notice continuing this emergency was published in the *Federal Register* on November 13, 2000 (65 Fed. Reg. 68061).

Our relations with Iran have not yet returned to normal, and the process of implementing the January 19, 1981, agreements with Iran is still underway. For these reasons, I have determined that it is necessary to continue the national emergency declared on November 14, 1979, with respect to Iran, beyond November 14, 2001.

GEORGE W. BUSH.

THE WHITE HOUSE, November 9, 2001.

ANNOUNCEMENT BY SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered,

or on which the vote is objected to under clause 6 of rule XX.

Any record votes on motions to suspend the rules ordered prior to 6:30 p.m. will be taken today.

Record votes on remaining motions to suspend the rules will be taken tomorrow.

□ 1415

ENHANCED PROTECTIVE ACTIVITIES ACT OF 2001

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2541) to enhance the authorities of special agents and provide limited authorities to uniformed officers responsible for the protection of domestic Department of State occupied facilities, as amended.

The Clerk read as follows:

H.R. 2541

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Enhanced Protective Activities Act of 2001".

SEC. 2. STATE DEPARTMENT SPECIAL AGENT AUTHORITIES.

Section 37(a) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2709(a)) is amended—

(1) by striking paragraph (2) and inserting the following:

"(2) in the course of performing the functions set forth in paragraphs (1) and (3), obtain and execute search and arrest warrants, as well as obtain and serve subpoenas and summonses, issued under the authority of the United States;"

(2) in paragraph (3)(F) by inserting "or President-elect" after "President"; and

(3) by striking paragraph (5) and inserting the following:

"(5) in the course of performing the functions set forth in paragraphs (1) and (3), make arrests without warrant for any offense against the United States committed in the presence of the special agent, or for any felony cognizable under the laws of the United States if the special agent has reasonable grounds to believe that the person to be arrested has committed or is committing such felony."

SEC. 3. INTERFERENCE WITH PROTECTIVE FUNCTIONS.

(a) GENERALLY.—Chapter 7 of title 18, United States Code, is amended by adding at the end the following:

"§ 117. Interference with protective functions

"(a) Whoever knowingly and willfully obstructs, resists, or interferes with a Federal law enforcement agent engaged in the performance of the protective functions authorized by section 37 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2709) shall be fined under this title or imprisoned not more than one year, or both.

"(e) Whoever engages in any conduct—

"(1) directed against an individual entitled to protection under section 37 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2709), and

"(2) which would constitute a violation of section 112 or 878 if such individual were a foreign official, an official guest, or an internationally protected person, shall be subject

to the same penalties as are provided for such conduct directed against an individual subject to protection under such section.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of title 18, United States Code, is amended by adding at the end the following:

“117. Interference with protective functions.”.

The SPEAKER pro tempore (Mr. WHITFIELD). Pursuant to the rule, the gentleman from New Jersey (Mr. SMITH) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SMITH).

GENERAL LEAVE

Mr. SMITH of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2541, the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

I rise in strong support of H.R. 2541, a bill to enhance the authorities of the Diplomatic Security Service agents at the U.S. Department of State.

The measure before us includes an amendment that was recommended by the Committee on the Judiciary. The bill was drafted in consultation with the State Department. I want to thank and congratulate the author of the bill, the gentleman from Illinois (Mr. HYDE), the chairman of the Committee on International Relations, and the gentleman from California (Mr. LANTOS), the ranking democrat and member of the committee, who was a principal cosponsor of the legislation.

The provisions clarify and expand the circumstances in which subpoena and arrest authority is available for State Department diplomatic security officers who often find themselves on the front line of defense against terrorism and other threats to our national security.

Mr. Speaker, H.R. 2541 authorizes diplomatic security special agents to obtain and execute search warrants, subpoenas or summonses as those relate to their protective duties and to passport and visa fraud investigations. It also permits agents, in the course of conducting their investigative or protective duties, to make arrests without warrant for offenses committed in their presence or in certain other compelling circumstances, just as other Federal law enforcement officers are now empowered to do.

The bill also allows diplomatic security agents to make misdemeanor arrests of persons obstructing or impeding agents in the performance of their protective functions.

Finally, Mr. Speaker, H.R. 2541 fixes a disconnect in current law in which the Secretary of State may authorize protection of distinguished visitors, but where it does not make it a Federal crime to attack such visitors. Current law only criminalizes attacks on distinguished visitors protected by the Diplomatic Security Services when they are “official” visitors.

There are occasions in which such protective services may appropriately be authorized for visitors who are technically official, such as, for instance, the Dalai Lama or Salman Rushdie. So this legislation ensures that diplomatic security officers will be empowered to arrest people who assault anyone who is lawfully under their protection.

Mr. Speaker, I urge Members to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I yield myself as much time as I might consume, and I rise in strong support of this bill.

I want to thank the gentleman from Illinois (Mr. HYDE) for introducing this legislation, which provides expanded authority to the agents of the Department of State's diplomatic service to enable them to carry out their protective functions more effectively.

These authorities are being requested by the administration, Mr. Speaker. In the current situation, when we are fighting a global war against terrorism, it is absolutely crucial that the State Department have all the authority it needs for the protective and law enforcement functions of the diplomatic service agents.

The agents in our diplomatic service in the Department of State regularly risk life and limb to protect not only our diplomatic facilities both here and abroad, the men and women who work in them, but also foreign officials and important guests of the United States.

The Diplomatic Security Service, Mr. Speaker, is also at the front line of our homeland security efforts as they conduct visa and passport fraud investigations. Our bill provides them with all the authority that they need to effectively carry out these functions.

Mr. Speaker, we have embarked on a new kind of conflict since September 11, 2001. We need to provide all the authorities and all the support not only for our men and women in uniform but also to our diplomats and other government officials who are working actively to make sure that we prevail in this conflict.

I urge all of my colleagues to support this bill.

Mr. Speaker, I yield back the balance of my time.

Mr. SMITH of New Jersey. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by

the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 2541, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. LANTOS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

COMMENDING DAW AUNG SAN SUU KYI ON THE 10TH ANNIVERSARY OF HER RECEIVING THE NOBEL PEACE PRIZE

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 211) commending Daw Aung San Suu Kyi on the 10th anniversary of her receiving the Nobel Peace Prize and expressing the sense of the Congress with respect to the Government of Burma, as amended.

The Clerk read as follows:

H. CON. RES. 211

Whereas since 1962, the people of Burma have lived under a repressive military regime;

Whereas in 1988, the people of Burma rose up in massive prodemocracy demonstrations;

Whereas in response to this call for change, the Burmese military brutally suppressed these demonstrations;

Whereas opposition leader Daw Aung San Suu Kyi was placed under house arrest after these demonstrations;

Whereas in the 1990 Burmese elections, Daw Aung San Suu Kyi led the National League for Democracy and affiliated parties to a landslide victory, winning 80 percent of the parliamentary seats;

Whereas the ruling military regime rejected this election and proceeded to arrest hundreds of members of the National League for Democracy;

Whereas Daw Aung San Suu Kyi's freedom of speech was restricted by the military regime;

Whereas in recognition of her efforts to bring democracy to Burma, Daw Aung San Suu Kyi was awarded the Nobel Peace Prize on October 14, 1991;

Whereas Daw Aung San Suu Kyi remained under unlawful house arrest until 1995;

Whereas even after her release, the Burmese military regime, known as the State Peace and Development Council (SPDC), has continued to ignore the basic human rights of 48,000,000 Burmese citizens and has brutally suppressed any opposition to its authority;

Whereas according to the State Department, the SPDC has made no significant progress toward stopping the practice of human trafficking, whereby thousands of people have been sent to Thailand for the purpose of factory and household work and for sexual exploitation;

Whereas the SPDC has forced civilians to work in industrial, military, and infrastructure construction operations throughout

Burma, and on a large-scale basis has targeted ethnic and religious minorities for this work;

Whereas a Department of Labor report in 2000 described the human rights abuses of forced laborers, including beating, torture, starvation, and summary executions;

Whereas the worldwide scourge of heroin and methamphetamines is significantly aggravated by large-scale cultivation and production of these drugs in Burma;

Whereas the Drug Enforcement Agency has reported that Burma is the world's second largest producer of opium and opiate-based drugs;

Whereas officials in Thailand have estimated that as many as 800 million tablets of methamphetamine will be smuggled into their country this year, contributing to the growing methamphetamine problem in Thailand;

Whereas there are as many as a million internally displaced persons in Burma;

Whereas the SPDC has severely restricted Daw Aung San Suu Kyi's political activities;

Whereas in September 2000, Daw Aung San Suu Kyi was placed under house arrest when she attempted to visit a National League for Democracy party office on the outskirts of Rangoon, and again when she attempted to travel by train to Mandalay;

Whereas Daw Aung San Suu Kyi has recently begun talks with the SPDC which are welcomed by the international community, although the slow pace of the talks reflects on the SPDC's sincerity to move toward national reconciliation;

Whereas the SPDC has recently allowed the National League for Democracy to open some political offices, and has released some political prisoners, although over 1,800 such prisoners are believed to remain imprisoned;

Whereas with the exception of these positive developments the SPDC has made little progress in improving human rights conditions and restoring democracy to the country;

Whereas the SPDC has continued to restrict the political power of Daw Aung San Suu Kyi and the National League for Democracy;

Whereas Daw Aung San Suu Kyi's struggle to assert the rights of her people has spread beyond politics and into popular culture, as evidenced by others championing her cause, most notably the rock group U2 in their song "Walk On", which is banned in Burma; and

Whereas, in the face of oppression, Daw Aung San Suu Kyi has remained an outspoken champion of democracy and freedom: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That—

(1) the Congress commends and congratulates Daw Aung San Suu Kyi on the 10th anniversary of her receiving the Nobel Peace Prize, and recognizes her remarkable contributions and tireless work toward bringing peace and democracy to Burma;

(2) it is the sense of the Congress that the President and Secretary of State should continue to encourage the Government of Burma to restore basic human rights to the Burmese people, to eliminate the practice of human trafficking, to address the manufacture of heroin and methamphetamines, to continue the process of releasing political prisoners, to recognize the results of the 1990 democratic elections, and to allow Daw Aung San Suu Kyi and the National League for Democracy to enjoy unfettered freedom of speech and freedom of movement; and

(3) it is the sense of the Congress that Daw Aung San Suu Kyi should be invited to ad-

dress a joint meeting of the Congress at such time and under such circumstances as will, in the judgment of Daw Aung San Suu Kyi, advance rather than endanger her continued ability to work within Burma for the rights of the Burmese people.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SMITH) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SMITH).

GENERAL LEAVE

Mr. SMITH of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the concurrent resolution now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

I urge a unanimous vote in favor of this important resolution which makes clear that continued strong support of Congress for freedom and democracy in Burma and for the struggle of Nobel Laureate Aung San Suu Kyi and the National League of Democracy to assert the fundamental rights of the Burmese people.

I want to thank and congratulate the gentleman from New York (Mr. KING) and the 35 bipartisan cosponsors of this timely and important resolution.

Mr. Speaker, the manager's amendment, which is included in the text, now makes technical and drafting changes and has been agreed to by the chairman and the gentleman from California (Mr. LANTOS) on the Democratic side of the aisle.

Mr. Speaker, 10 years ago this month, the Nobel Committee recognized what the whole world knew, that the only way to restore peace and prosperity to the once-proud nation of Burma was to restore legitimacy. Burma is different from most other countries in which power is wielded by a totalitarian dictatorship, in that we do not have to theorize what would they do if they had the opportunity. The people had the opportunity, and they chose to govern themselves.

Eleven years ago, the military dictatorship did allow an election, which they figured they would be able to win by fraud and by dividing and conquering the different ethnic groups that comprise the nation of Burma; but to their shock, dismay and surprise, the reformers won with an overwhelming support from all ethnic groups in all parts of the country. So the dictatorship simply canceled the results of the election.

Nevertheless, it laid to rest any doubt about the desire of the Burmese

people, the earnest desire for freedom and democracy and about the fundamental illegitimacy of the military junta that has continued to govern Burma.

This resolution commends and rightfully commends Aung San Suu Kyi on the 10th anniversary of her receiving the Nobel Peace Prize. She is a great leader. That anniversary occurred on October 14 of this year. The resolution also describes the suppression of freedom and democracy by the Burmese military junta and the continuing struggle of Aung San Suu Kyi and the National League for Democracy to assert the rights, legitimate rights, of the Burmese people.

It declares the sense of the Congress that the U.S. Government should continue to encourage the government of Burma to restore basic human rights to the Burmese people; to eliminate the practice of human trafficking; to address the manufacture of heroin; and to continue the process of releasing political prisoners; to recognize the result of the 1990 elections; and to allow Aung San Suu Kyi and the National League for Democracy to enjoy unfettered freedom of speech and freedom of movement.

Finally, Mr. Speaker, this resolution declares a sense of Congress that Aung San Suu Kyi should be invited to address a joint meeting of the Congress. It is my hope that this meeting will occur when Aung San Suu Kyi has taken her rightful place as the leader of a free and democratic Burma.

Mr. Speaker, I reserve the balance of our time.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I might consume, and I rise in strong support of H. Con. Res. 211.

First, I would like to commend my friend and colleague, the gentleman from New York (Mr. KING), for introducing this important legislation and my good friend the gentleman from New Jersey (Mr. SMITH), who has not only been a champion of human rights in Burma but across the globe.

Mr. Speaker, when visitors arrive in my office, they are greeted by a picture of one of the world's most inspirational figures, Nobel Laureate Aung San Suu Kyi. Suu Kyi's picture is a daily reminder to all who come to my office of her ongoing struggle for freedom and democracy in Burma.

As we all know, Aung San Suu Kyi led the National League for Democracy to a landslide victory in the 1990s election in Burma. Instead of accepting results of this election, Burma's brutal totalitarian regime rejected the results of the election, placed Aung San Suu Kyi under house arrest and arrested hundreds of members of her political movement.

Mr. Speaker, it would have been very easy and convenient for Aung San Suu Kyi to leave Burma and live her life in

exile. When her husband was extremely ill in Great Britain and the Burmese Government refused to allow him to come to Burma to see her one more time, she could have left; but she chose to stay.

Facing enormous restrictions on her personal and political freedom, this courageous woman has continued the fight for freedom and democracy in Burma during the 10 years since she won the Nobel Peace Prize.

As Mahatma Gandhi, Martin Luther King, and Nelson Mandela found out, nonviolent struggle can take decades to succeed; and the struggle can be very lonely at times. This is all the more reason for the international community and for the United States to continue to stand with Aung San Suu Kyi in her struggle for freedom and democracy and all the values we share.

Aung San Suu Kyi recently began a dialogue with the Burmese Government, and I certainly hope that it will bear fruit; but we must keep the pressure on that dictatorial regime until democracy prevails in Burma.

To that end, I have introduced legislation which prohibits Burmese imports into the United States until the President determines that the Burmese Government has made progress in reversing its gross violations of internationally recognized human rights and worker rights, implementing democratic government and cooperating with the United States in our counternarcotics efforts. It is my earnest hope that the Committee on Ways and Means will expeditiously consider this legislation.

The resolution before us today, Mr. Speaker, will keep the pressure on the Burmese Government. By continuing to spotlight Aung San Suu Kyi's struggle in Burma and calling on our administration to encourage Burma to change its repressive and destructive policies, we build a stronger international coalition for positive change in Burma.

Before concluding, I also want to acknowledge our colleague, the gentleman from Oregon's (Mr. BLUMENAUER) helpful comments regarding this legislation. The gentleman has suggested that Aung San Suu Kyi could be invited to address a joint session of Congress by video conference. I think this is a creative idea, and we should give it serious thought.

I urge all of my colleagues to support H. Con. Res. 211.

Mr. Speaker, I reserve the balance of my time.

Mr. GILMAN. Mr. Speaker, I wish to thank Chairman HYDE for bringing to the floor H. Con. Res. 211, a resolution Commending Daw Aung San Suu Kyi on the 10th anniversary of her receiving the Nobel Peace Prize and expressing the sense of the Congress with respect to the Government of Burma. I want to commend the gentleman from New York, Congressman KING, for drafting this important resolution.

Daw Suu was under house arrest from 1989 to 1995 after winning a democratic election in 1990 and leading her party, the National League for Democracy, to a landslide victory, winning 80 percent of the parliamentary seats. However, she was rearrested a year ago and has once again been under house arrest since then.

One year ago talks began between her party the National League for Democracy and the military government. Since then we have seen the release of 2180 political prisoners and the opening of approximately 30 NLD offices. While we welcome these actions, Amnesty International reports that there are close to 1800 political prisoners still being held in Burma and at that pace it could be another 10 years before we see them all freed. This is not acceptable.

Human rights abuses continue, narcotics production and trafficking continue and the NLD and ethnic supporters of the democracy movement are not allowed to freely associate or express their views. Just two weeks ago the State Department issued its report on international religious freedom once again citing Burma as a country of concern for religious persecution.

Accordingly Mr. Speaker, I strongly support H. Con. Res. 211 and urge my colleague to support this bill.

Mr. LARSON of Connecticut. Mr. Speaker, I rise today in support of the resolution to honor Ms. Daw Aung San Suu Kyi, a political activist currently under house arrest in Burma. Ms. Suu Kyi has devoted her life to furthering the democratic cause in her native land, in opposition to the brutal military regime now in power.

The government in Burma acts with an overt disrespect for the human rights of the Burmese people. Human trafficking is a very real problem, which the military dictatorship makes no significant effort to curtail. And thanks to the government's involvement, the country ranks second only to Afghanistan in the production of heroin and methamphetamines. All publications, broadcast media, and even artwork are heavily censored. Freedoms of expression and assembly are ignored. The United Nations, Amnesty International, Human Rights Watch, and other groups have routinely reported massacres, torture, rape, detention without trial, massive forced relocations, and forced labor.

This is the government that Ms. Suu Kyi has been fighting for the past thirteen years. For seven of those years she has been under house arrest, subject to a law that permits detention without charge or trial. Yet she continues to advocate non-violent means of restoring democracy to her country. Because of her efforts she has become an international symbol of the fight against oppression and human rights abuses.

In 1991, Ms. Suu Kyi was awarded the Nobel Peace Prize. It is on the tenth anniversary of this occasion that we seek to honor her by recognizing her achievements and expressing our support of her endeavor to free Burma from the repressive and murderous dictatorship under which it suffers.

As many of my constituents already know, I have been following human rights abuses in Burma quite closely. On March 13, 2001, Trinity College in Hartford, Connecticut, hosted an

Inaugural Human Rights Program Awards Ceremony which called attention to three teachers being held as political prisoners in Burma. This program is believed to be the only undergraduate interdisciplinary human rights program in the United States, and is under the skillful direction of its Director, Maryam Elahi.

Eight months ago, a number of the members of the Congressional Human Rights Caucus joined me in writing to the State Peace and Development Council of Burma requesting the immediate release of the three educators who were imprisoned after unfair trials. Neither they nor their lawyers were permitted to speak in court, in a blatant violation of international human rights norms. We have not yet received a response to our letter.

Mr. Speaker, I ask my colleagues to again stand with me in denouncing the human rights abuses perpetrated by the Burmese government and in commemorating the non-violent and pro-democratic efforts of Ms. Suu Kyi by voting for this resolution.

Mr. KING. Mr. Speaker, I want to thank Chairman HYDE and the ranking member, the gentleman from California, Mr. LANTOS, for not only their longstanding commitment to democracy in Burma but their assistance in moving this resolution to the floor of the House. I also want to thank Joseph Rees, Peter Yeo and Jamie McCormick on the International Relations Committee for all their hard work and assistance.

Mr. Speaker, this past October 14th marked the 10th anniversary of Aung San Suu Kyi receiving the Nobel Peace Prize yet, today she remains under house arrest. Barricades surround her residence, her telephone number is cut off and Western journalists face detention if they go within 200 yards. Obviously the suppression of democracy continues in Burma.

The ruling military junta continues to abuse human rights and authorities continue to assist in the drug trade. Human trafficking and the displacement of peoples are persistent and growing problems. Burma's democratically elected government is still being denied the right to take office.

Through it all, Aung San Suu Kyi has been a paragon of personal and political strength. It is my hope that the U.S. Congress and the American people continue to recognize the personal and national struggle for freedom in Burma.

It is imperative that the United States continue to recognize and give hope to those who sacrifice so much in the name of freedom and democracy.

Certainly, Aung San Suu Kyi has inspired so many and given so much—that it would be a travesty for democratic nations to ignore and walk away from the oppression and military control that has become her way of life.

I urge my colleagues to support this resolution and continue their efforts to maintain pressure on the military junta in Burma.

□ 1430

Mr. SMITH of New Jersey. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. WHITFIELD). The question is on the motion offered by the gentleman from

New Jersey (Mr. SMITH) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 211, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. SMITH of New Jersey. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

EXPRESSING SENSE OF CONGRESS THAT PRESIDENT ISSUE PROCLAMATION RECOGNIZING A NATIONAL LAO-HMONG RECOGNITION DAY

Ms. ROS-LEHTINEN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 88) expressing the sense of the Congress that the President should issue a proclamation recognizing a National Lao-Hmong Recognition Day, as amended.

The Clerk read as follows:

H. CON. RES. 88

Whereas the Lao-Hmong, which means "free people", are Laotian members of the Hmong tribe and are noted for their warrior tradition, loyalty, and bravery;

Whereas beginning in 1960 the United States recruited thousands of the Lao-Hmong to fight against the Communist Pathet Lao and North Vietnamese Army regulars in Laos;

Whereas the United States relied heavily on the Lao-Hmong Special Guerrilla Units to engage in direct combat with North Vietnamese troops from 1960 to 1975;

Whereas the Lao-Hmong conducted tactical guerrilla actions, flew thousands of deadly combat missions in support of the Armed Forces and the Central Intelligence Agency, and fought in conventional and guerrilla combat clashes with extreme casualties;

Whereas the Lao-Hmong, although outnumbered, fought against enemy forces to disrupt the flow of troops and war supplies along the Ho Chi Minh Trail.

Whereas the Lao-Hmong protected United States personnel, guarded United States Air Force radar installations, gathered critical intelligence about enemy operations, and undertook rescue missions to save the lives of downed United States pilots;

Whereas more than 35,000 of the Lao-Hmong lost their lives defending the democratic way of life, and many more were seriously injured and disabled;

Whereas thousands of Lao-Hmong suffered grievous injuries and permanent disabilities, and thousands more were captured and sent to Communist concentration camps;

Whereas after the conclusion of the war, many Lao-Hmong soldiers were the victims of acts of retribution and atrocities by the Pathet Lao, causing many of the Lao-Hmong to flee to neighboring Thailand and become refugees; and

Whereas beginning with the City Council of Golden, Colorado, in 1995, various State

and local governments have issued proclamations declaring July 22 as Lao-Hmong Recognition Day, and the issuance of a Presidential proclamation supporting the goals of Lao-Hmong Recognition Day would recognize the bravery, sacrifice, and loyalty to the United States exhibited by the Lao-Hmong in Southeast Asia: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the President should issue a proclamation—

(1) supporting the goals of Lao-Hmong Recognition Day; and

(2) calling on the people of the United States to recognize the service and sacrifice of the men and women of the Lao-Hmong with appropriate ceremonies and activities.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida (Ms. ROS-LEHTINEN).

GENERAL LEAVE

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 88.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of House Concurrent Resolution 88, and I commend the gentleman from Colorado (Mr. TANCREDO) for introducing this important measure.

This resolution expresses congressional support for the goals of Lao-Hmong Recognition Day. It asks the President to issue an appropriate proclamation. That proclamation should recognize the contributions of the Lao-Hmong in defending freedom and democracy. And it should call on Americans to recognize the service and the sacrifice of the Lao-Hmong with appropriate ceremonies and activities.

The Lao-Hmong fought valiantly against the Communist Pathet Lao and the North Vietnamese Army regulars in Laos during the Vietnam War. The United States relied heavily on the Lao-Hmong Special Guerrilla Units to engage in direct combat with North Vietnamese troops from 1960 to 1975. They conducted tactical guerrilla actions. The Lao-Hmong flew thousands of deadly combat missions to support our Armed Forces and the CIA. And they also fought in conventional and guerrilla combat clashes, suffering extreme casualties.

Although outnumbered, the Lao-Hmong fought against enemy forces to disrupt the flow of troops and war supplies along the Ho Chi Minh Trail. They protected United States personnel, guarded our Air Force installations, gathered critical intelligence

about enemy operations, and undertook rescue missions to save the lives of our downed pilots.

Mr. Speaker, this resolution notes that "Lao-Hmong" means "free people." The brave and loyal members of the Hmong tribe paid a steep price for defending their freedom and the democratic way of life. More than 35,000 were killed. Thousands more were seriously injured. Thousands were captured and sent to Communist concentration camps.

The suffering of the Lao-Hmong did not end with the war, because after the war, the Pathet Lao retaliated against the many Lao-Hmong soldiers, committing many atrocities against them. Many became refugees when they were driven from native Laos. About 170,000 or more Hmong now live here with us in the United States.

In 1995, the city council of Golden, Colorado, first established a special day to recognize the contributions of the Lao-Hmong. Since then, a number of State and local governments have also declared July 22 as Lao-Hmong Recognition Day. The Federal Government should recognize and support these efforts as well.

Mr. Speaker, my husband is a decorated Vietnam veteran. He was wounded in that war, so I come to this floor with a special gratitude for the sacrifices and the suffering that the Lao-Hmong endured because they supported the men and women of our military forces in Southeast Asia. As a Cuban American, I feel a special empathy for the pain inflicted on them because they fought against communism.

Mr. Speaker, I strongly urge all Members to support this important resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to join with the gentlewoman from Florida (Ms. ROS-LEHTINEN) in support of this resolution expressing the sense of Congress that the President should issue a proclamation recognizing a National Lao-Hmong Recognition Day.

Mr. Speaker, in the late 1960s, a Central Intelligence Agency agent known only as Colonel Billy, went into Laos to look for Vang Pao, a Hmong military leader. By the age of 18, Vang Pao had led two raids against the North Vietnamese forces that had penetrated into northern Laos. When Colonel Billy found Vang Pao, he asked him if the Hmong would be willing to help stop the Communist advance in Laos. It is reported that Vang Pao said, "For me, I cannot live with communism. I must either leave or fight. I prefer to fight."

Like Vang Pao, thousands of the Lao-Hmong fought against the Communist Pathet Lao and North Vietnamese Army in Laos. Known for their

warrior tradition, loyalty and bravery, the Lao-Hmong Special Guerrilla Units engaged in direct combat with North Vietnamese troops from 1960 to 1975.

The Lao-Hmong conducted tactical guerrilla actions, flew thousands of deadly combat missions in support of the Armed Forces and the CIA, and fought in conventional and guerrilla combat clashes with extreme casualties.

Although outnumbered, the Lao-Hmong fought against enemy forces to disrupt the flow of troops and war supplies along the Ho Chi Minh Trail. The Lao-Hmong protected United States personnel, guarded United States Air Force installations, gathered critical intelligence about enemy operations, and undertook rescue missions to save the lives of downed United States pilots. More than 35,000 of the Lao-Hmong lost their lives defending the democratic way of life and many more were seriously injured and disabled.

H. Con. Res. 88 expresses the sense of Congress that the President should issue a proclamation recognizing a National Lao-Hmong Recognition Day. Let us recognize the Lao-Hmong for their fight for freedom and democracy, a fight, yes, Mr. Speaker, that carries on unto this day.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I commend the distinguished gentleman from Colorado (Mr. TANCRED) for introducing this proclamation and for working so hard to ensure its passage. I also thank the chairman, the gentleman from Indiana (Mr. BURTON), from the Committee on Government Reform, and the ranking member, the gentleman from California (Mr. WAXMAN), for expediting consideration of this important resolution.

Mr. Speaker, it is very appropriate for Congress to pay tribute to the Lao-Hmong at this troubled time in our history. President Reagan referred to the United States as a "shining city on the hill" because it has been a beacon of freedom in a world that is largely unfree.

Honoring the Lao-Hmong reminds us in the long struggle against the evil of communism, many followed the light of that beacon. A diverse array of people around the globe stood shoulder to shoulder with the United States. They, too, paid the heavy price of freedom's defense that is often required.

Evil forces are again warring against the United States and all that we stand for. We have defeated evil before, and we will defeat it again; but we will not have to do it alone. As we found steadfast friends in the Lao-Hmong to fight with us against the evils of communism in Southeast Asia, we will also

find steadfast friends among freedom-loving people around the world to stand with today. I ask all Members to support this resolution.

Mr. GILMAN. Mr. Speaker, I want to commend the gentleman from Colorado, Mr. TANCRED, for crafting H. Con. Res. 88 a resolution expressing the sense of the Congress that the President should issue a proclamation recognizing a National Lao-Hmong Recognition Day.

Mr. Speaker, the Hmong are a brave, loyal and gentle people who fought and died beside our soldiers and pilots during the Vietnam War. Once we packed up and went home many thousands of the Hmong were tortured and butchered by the Pathet Lao and Vietnamese for their steadfast loyalty and trust in us.

The Lao-Hmong conducted tactical guerrilla actions, flew thousands of deadly combat missions in support of the U.S. Armed Forces and the Central Intelligence Agency, and fought in conventional and guerrilla combat clashes. They suffered extreme casualties. In addition, the Lao-Hmong, although outnumbered, fought against enemy forces to disrupt the flow of troops and war supplies along the Ho Chi Minh Trail.

More than 35,000 of the Lao-Hmong lost their lives defending the democratic way of life, and many more were seriously injured and disabled. We owe the Hmong a great deal. What they did for us should never be forgotten.

Accordingly proclaiming a National Lao-Hmong Recognition Day is the very least we can do to recognize their sacrifice and I urge my colleagues to fully support the resolution.

Mr. TANCRED. Mr. Speaker, it is with great pride that I rise to thank and honor, Mr. Speaker, those who served with America to protect democracy in Southeast Asia. The commitment and sacrifice of the Lao Hmong people should never be forgotten. The citations that will be presented will represent a collective thanks from all of us.

The Lao-Hmong, which means "free people," are Laotian members of the Hmong tribe and are noted for their warrior tradition, loyalty, and bravery. Beginning in 1960 the United States recruited thousands of the Lao-Hmong to fight against the Communist Pathet Lao and North Vietnamese Army regulars in Laos. The United States relied heavily on the Lao-Hmong Special Guerrilla Units to engage in direct combat with North Vietnamese troops from 1960 to 1975. The Lao-Hmong conducted tactical guerrilla actions, flew thousands of deadly combat missions in support of the Armed Forces and the Central Intelligence Agency, and fought in conventional and guerrilla combat clashes with extreme casualties. The Lao-Hmong, although outnumbered, fought against enemy forces to disrupt the flow of troops and war supplies along the Ho Chi Minh Trail.

The Lao-Hmong protected United States personnel, guarded United States Air Force radar installations, gathered critical intelligence about enemy operations, and undertook rescue missions to save the lives of downed United States pilots. More than 35,000 of the Lao-Hmong lost their lives defending the democratic way of life, and many more were

seriously injured and disabled. Thousands of Lao-Hmong suffered grievous injuries and permanent disabilities, and thousands more were captured and sent to Communist concentration camps. After the conclusion of the war, many Lao-Hmong soldiers were the victims of acts of retribution and atrocities by the Pathet Lao, causing many of the Lao-Hmong to flee to neighboring Thailand and become refugees.

Beginning with the City Council of Golden, Colorado, in 1995, various state and local governments have issued proclamations declaring July 22 as Lao-Hmong Recognition Day. The issuance of a Presidential Proclamation supporting the goals of Lao-Hmong Recognition Day will recognize the bravery, sacrifice, and loyalty to the United States exhibited by the Lao-Hmong in Southeast Asia. I call on the American people today, Mr. Speaker, to recognize the service and sacrifice of the Lao-Hmong men and women with appropriate ceremonies and activities.

Mr. KIND. Mr. Speaker, I rise today in support of H. Con. Res. 88, expressing the sense of the Congress that the President should issue a proclamation recognizing a National Lao-Hmong Recognition Day.

The United States owes a debt of gratitude to the Hmong veterans, and their families, who served as loyal and dedicated allies during the Vietnam conflict. Through their sacrifices, many American lives were saved in Southeast Asia, and our nation must remain committed to recognizing their service.

Over this past weekend, we honored those who served our nation through Veterans Day parades and celebrations around the country. Many Hmong, however, are not considered veterans by our government even though they participated in covert operations directed by the U.S. Central Intelligence Agency. Between 20,000 to 30,000 Hmong lost their lives during the war and more than 100,000 Hmong were forced to either flee or live in refugee camps. Presidential proclamation of a National Lao-Hmong Recognition Day will represent our resolve as a nation that the Hmong soldiers who fought for the freedom and liberty in Southeast Asia should be honored for their service.

This legislation is also important because it calls on the people of the United States to recognize not only the military service of Lao-Hmong veterans and their families, but to also recognize their valuable contribution to American society. Approximately 170,000 Hmong currently reside in the United States, including 35,000 in my home state of Wisconsin. Their cultural contribution to America's melting pot should be recognized, too, because it is through our diversity and understanding that our nation gains strength.

H. Con. Res. 88 represents America's gratitude to the Lao-Hmong for their sacrifices in defense of American values and freedoms, and I encourage my colleagues to support it.

Mr. KLECZKA. Mr. Speaker, I support H. Con. Res. 88, the National Lao-Hmong Recognition Day, and praise the proud heritage of the Lao-Hmong people who reside in my district and throughout the United States. The Hmong are originally an agrarian people that were scattered across parts of China, Laos, China, Thailand, and Vietnam. The Hmong that now reside in the United States came mainly from Laos as refugees following the Vietnam War.

During the Vietnam War, the Hmong were recruited by the CIA to provide the U.S. with reconnaissance and guerrilla-combat support for military actions in the country of Laos. They were so trusted and effective that they were relied upon to undertake rescue missions to save downed American pilots and protect our military installations. The Hmong are remembered by the Vietnam veterans that they fought beside as loyal, courageous fighters who prevented many American casualties.

Following the United States withdrawal from the region of Southeast Asia, the Hmong people were targeted for persecution by the communist Pathet Lao government in Laos, mainly due to the support they had provided our nation during the war. Many of the Hmong people recall this persecution of systematic imprisonment and killing, leaving them with awful memories of bloody violence and the deaths of loved ones.

To survive, the Hmong showed the same courage and tenacity as when they fought beside our soldiers, leaving their ancestral homelands for America and hoping to adapt to a country, culture and language that bore no resemblance to their own. Before arriving in the U.S., the Hmong were a tribal society without a written language until the mid-20th century. Additionally, many of the Hmong were recruited to be guerrillas at the ages of 12–14 and hence did not attend school after that point. Since 1975, over 200,000 Hmong refugees have resettled in the U.S. Their adjustment to American society has been difficult, but with perseverance and determination the Hmong people have overcome and succeeded.

Last year, I cosponsored and the House passed legislation later enacted into law, which expedites the naturalization of the Hmong who served with special guerrilla units in Laos during the Vietnam war. Yet a comprehensive acknowledgment of the plight and indomitable will of the Hmong-Americans that reside in our country and community is needed. I strongly support this legislation encouraging the President to declare a National Lao-Hmong Recognition Day and calling on the American people to recognize the service and sacrifice of the Hmong people. It is proper for all that the Hmong have done, similar to countless other immigrant groups, as they add one more thread to the fabric of our American society and history.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 88, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The title of the concurrent resolution was amended so as to read: "Concurrent resolution expressing the sense of the Congress that the President should issue a proclamation to recognize the contribution of the Lao-Hmong in defending freedom and democracy and

supporting the goals of Lao-Hmong Recognition Day."

A motion to reconsider was laid on the table.

CELEBRATING 300TH ANNIVERSARY OF WILLIAM PENN'S CHARTER OF PRIVILEGES, 250TH ANNIVERSARY OF THE LIBERTY BELL, AND 225TH ANNIVERSARY OF FIRST PUBLIC READING OF DECLARATION OF INDEPENDENCE

Ms. ROS-LEHTINEN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 254) encouraging the people of the United States to celebrate the 300th anniversary of William Penn's Charter of Privileges, the 250th anniversary of the Liberty Bell, and the 225th anniversary of the first public reading of the Declaration of Independence.

The Clerk read as follows:

H. CON. RES. 254

Whereas William Penn was a distinguished statesman and a principled defender of human rights and religious liberties;

Whereas in 1701, William Penn wrote Charter of Privileges, which set a new standard for religious liberty that profoundly impacted the Nation's history and still provides an example for the world today;

Whereas religious freedom is still one of the most fragile liberties, and today, millions of people around the world are persecuted for their religious beliefs;

Whereas the year 2001 marks the 300th anniversary of the publication of Charter of Privileges;

Whereas the Liberty Bell was designed to commemorate the 50th anniversary of Charter of Privileges and is a powerful reminder of the Nation's commitment to freedom and justice;

Whereas the Liberty Bell became a defining symbol of the abolitionist movement, which sought to rid the Nation of slavery;

Whereas the year 2001 marks the 250th anniversary of the completion of the Liberty Bell; and

Whereas the year 2001 is also the 225th anniversary of the first public reading of the Declaration of Independence, which contains the immortal phrase: "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights": Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) encourages the people of the United States to celebrate the 300th anniversary of William Penn's Charter of Privileges, the 250th anniversary of the Liberty Bell, and the 225th anniversary of the first public reading of the Declaration of Independence; and

(2) encourages the Nation's leaders to reaffirm their commitment to promoting human rights and religious freedom in the Nation and around the world.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida (Ms. ROS-LEHTINEN).

GENERAL LEAVE

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 254.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of House Concurrent Resolution 254 today, and I commend my distinguished colleague, the gentleman from Pennsylvania (Mr. PIRTS), for introducing this resolution and for working so hard to bring it to the floor.

House Concurrent Resolution 254 encourages the people of the United States to celebrate the anniversaries of three important events in the history of Pennsylvania and indeed in our Nation's history. This resolution also encourages our country's leaders to reaffirm our commitment to promoting human rights and religious freedom in the United States and around the world.

The year 2001 marks the anniversaries of three historic events which have profoundly influenced the principles upon which this great Nation was founded. It is the 300th anniversary of William Penn's "Charter of Privileges," the 250th anniversary of the completion of the Liberty Bell, and 225th anniversary of the first public reading of the Declaration of Independence.

William Penn, author of the Charter of Privileges, was a distinguished statesman and a principled defender of human rights and religious liberties. When William Penn wrote the Charter of Privileges in 1701, he set a new standard for religious liberty which impacted the Nation's history and still provides an example for the world today. Both the concepts underlying the "free exercise" and the "establishment" clauses of the First Amendment were embodied in that charter.

Moreover, Mr. Speaker, Mr. Penn felt so strongly about the importance of religious liberty that he guaranteed that this provision of the charter would remain inviolate forever because, in his words, "the happiness of mankind descends so much upon the enjoying of liberty of their consciences." This was the only provision so guaranteed.

The Liberty Bell was designed to commemorate the 50th anniversary of the Charter of Privileges. Later, the Liberty Bell became a defining symbol of the abolitionist movement, which sought to rid our Nation of slavery.

□ 1445

And to this day, Mr. Speaker, it remains one of the most recognized and most powerful reminders of our Nation's commitment to freedom and justice.

The Declaration of Independence has also been one of the most potent symbols of our commitment to liberty. Its first public reading marked the first public utterance of a phrase that has since been revered by Americans and freedom-loving people around the world: "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights."

Mr. Speaker, I encourage all Members to vote for this important resolution. That vote will reaffirm our commitment to promoting human rights and religious freedom in the Nation and around the world, and it will encourage all Americans to reflect upon these important events.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, William Penn was a distinguished statesman and a principled defender of human rights and religious liberty. Born on October 14, 1644, to Anglican parents, William Penn converted to Quakerism after hearing the famous apostle Thomas Loe. He spent much of his time in prison for his radical preaching for personal property and religious rights. In 1672, he wrote the concessions and agreements charter for a group of Quaker colonists who were settling in the newly acquired New Jersey. Among its provisions were the right to trial by jury, the freedom from arbitrary imprisonment for debt, and edict against capital punishment. Penn also strongly urged religious freedom, writing, and I quote, "No men hath power or authority to rule over men's consciences in religious matters."

Penn is more famously known, however, as the founder of Pennsylvania. He designed the city of Philadelphia as a rectangular gridiron with a center square that divided the city into four quadrants. Penn planned for the city's principal public buildings, the meeting house, school, and statehouse. His conception of Philadelphia has been characterized as one of the earliest attempts at utopian city planning and represented the most extensively preplanned American city at that time. I must confess, Mr. Speaker, that every time I visit Philadelphia, I am always amazed at the ideas and concepts that Penn had even at that time.

Penn's Charter of Privileges, which was Pennsylvania's original constitution, speaks of valuable rights and freedoms. In the charter, Penn ensured that no citizen would be discriminated against because of his or her faith, nor would any citizen be denied a role in civil government because of the expression of his or her faith. Penn recognized the role of religion in public life and affirmed its importance.

In 1751, 50 years after Penn wrote the Charter of Privileges, the Pennsylvania

General Assembly commissioned a bell for the statehouse to commemorate the 50th anniversary of the charter. The bell was rung to call the citizens of Philadelphia to the first public reading of the Declaration of Independence and became known as the Liberty Bell as abolitionists adopted it as a symbol of their cause.

H. Con. Res. 254 encourages the people of the United States to celebrate the 300th anniversary of William Penn's Charter of Privileges, the 250th anniversary of the Liberty Bell and the 225th anniversary of the first public reading of the Declaration of Independence.

Given Penn's profound impact on religious liberty and this Nation's history, I urge all of my colleagues to support this resolution, as we shall always remember the words: "We hold these truths to be self-evident, that all men are created equal and endowed by their Creator with certain unalienable rights."

Mr. Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I am very proud to yield 5 minutes to the gentleman from Pennsylvania (Mr. PITTS), the author of this resolution.

Mr. PITTS. Mr. Speaker, I rise in support of H. Con. Res. 254 and to celebrate our American legacy of religious liberty, to honor the 300th anniversary of Penn's Charter of Privileges, Pennsylvania's first constitution, the 250th anniversary of the Liberty Bell, and the 225th anniversary of the first public reading of the Declaration of Independence.

Mr. Speaker, the events of September 11 serve as a powerful reminder that religious faith is deeply embedded in the hearts of many Americans. In times of chaos and uncertainty, many Americans turn to religious faith to reestablish priorities and to gather strength for the days ahead.

Our Founding Fathers knew that our American experiment would only succeed if men and women acted in good faith. Our American way of life is based on the belief that people will do what is right instead of what is easy or convenient. But the Founders also believed that that would happen only for as long as we had faith in God. And so they encouraged religious expression.

William Penn was born in England on October 24, 1644, the son of a wealthy English admiral. He grew up in a time of tremendous tension between England, France and Spain and the New World. He assumed that he would become a soldier, and he did. But in 1681, after the death of his father, Penn was granted a tract of land from King Charles II that later became known as Pennsylvania. Penn called Pennsylvania a holy experiment, a place where religious freedom and religious faith would be celebrated. Penn believed that religious faith contributed to good

government. Penn's beliefs about the role of religion in public life were clearly demonstrated in his Charter of Privileges in 1701.

As a result of Penn's emphasis on religious liberty, Pennsylvania, and particularly Philadelphia, became a haven for those who had been persecuted for their faith. In fact, Philadelphia was one of the only places in the English-speaking world where Roman Catholics could legally worship. A plaque on St. Joseph's Roman Catholic Church in Center City Philadelphia reads:

"In 1734, the provincial council of Philadelphia, defending the liberty of worship granted by William Penn to this colony, successfully withstood the demand of the governor of the province that this church be outlawed and such liberty suppressed."

"Thus was established permanently in our Nation the principle of religious freedom, which was later embodied into the Constitution of the United States of America."

Mr. Speaker, Americans of all faiths are indebted to William Penn's vision of religious pluralism. These days we seem to want to say that it does not matter what a person believes as long as he or she does not believe it very strongly. Well, Mr. Speaker, deep-seated religious faith and a commitment to moral absolutes served as the bedrock of the founding of our Nation. The abolitionist movement, the civil rights movement and the women's suffrage movement all have their roots in religious faith and convictions. Those brave men and women fought diligently to ensure justice in our Nation. Those men and women were not merely invested in religious rhetoric. They earnestly believed that through their work, they were being faithful to God and His precepts.

Philadelphia's famous Liberty Bell was commissioned to honor the 50th anniversary of Penn's Charter of Privileges. The inscription on the Liberty Bell is a quotation from the Bible, the book of Leviticus: "Proclaim liberty through all the land to the inhabitants thereof."

And so, Mr. Speaker, we should not be embarrassed to speak about the religious faith of our forefathers or to speak about our own religious faith. There is nothing to be gained by re-writing history and editing out God or by emptying religious quotations or symbols of their original meaning. There is nothing to be gained from suppressing religious faith in public life.

But there is everything to be gained from working to maintain the kind of pluralistic spirit of William Penn. This spirit allows individuals to hold deep religious convictions, to defend those convictions, and even express those beliefs.

Mr. Speaker, we are all proud of our Nation's history. We recognize that religious bigotry is fundamentally un-

American. Recently, I was deeply disturbed to learn that two Americans who own a diner in Ephrata, Pennsylvania, were singled out for discrimination because of their religious faith and ethnic background. They are Muslims and Egyptian Americans. These two men, owners of a local restaurant, were the subject of groundless rumors and speculation simply because one of them has Osma as his first name.

Religious bigotry is contrary to the spirit of the Declaration of Independence. In this country, we believe all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty and the pursuit of happiness. The role of government is to allow the free expression of religion, not to hinder it. We tamper with religious freedom at our peril.

Mr. Speaker, over the past 2 months, many Americans have been faced with a type of uncertainty that they never thought possible. Yet this fear has caused them to reflect on what it means to be an American.

I urge my colleagues to support the freedoms that made our country great. Support H. Con. Res. 254.

Mr. DAVIS of Illinois. Mr. Speaker, I continue to reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I am proud to yield 5 minutes to the gentleman from Indiana (Mr. PENCE).

Mr. PENCE. Mr. Speaker, I thank the gentlewoman for yielding time.

I rise in strong support of the religious liberty resolution, H. Con. Res. 254, celebrating the 300th anniversary of William Penn's Charter of Privileges and other historic items.

Mr. Speaker, three centuries ago, the Pennsylvania Charter of Privileges was enacted. You may be wondering why a son of Indiana is standing before you to recognize an event that took place in Pennsylvania. Very simply, the liberties we enjoy in the Hoosier State, I believe, were cultivated by this document, the Charter of Privileges from the Keystone State; and I rise in proud support of them.

Called the most famous of all colonial constitutions, the Charter of Privileges proved to be a major breakthrough in the history of government. This is because the charter had at its very core a liberty-of-conscience clause that granted religious liberty to the inhabitants of the Commonwealth of Pennsylvania. What is more, the charter's author, William Penn, ensured that this liberty clause, quote, "shall be kept and remain without alteration, inviolable forever." Other provisions of the charter could be changed by the will of the people, but not the liberty-of-conscience clause.

Mr. Speaker, this marked an enormously important advance in American liberties, one which should be celebrated as we do so today. As a re-

sult of this commitment to religious liberty, Pennsylvania, and especially the city of Philadelphia, became a haven for all religions. Historian Paul Johnson noted that Philadelphia in the 18th century was a bustling center of activity for people of every religious faith. Not coincidentally, Philadelphia also became the home to our Nation's very first independent African American denomination, the African Methodist Episcopal Church.

Mr. Speaker, today in any number of cities and towns across this great land of liberty, you will find dozens of religious denominations represented, even many sharing a street corner or even a building. I would offer that in 1701, such a scene would not likely have been repeated anywhere in the world except in colonial America, perhaps outside of Philadelphia, which was aptly named the City of Brotherly Love. And it was all a result of Pennsylvania's visionary Charter of Liberties.

For it is religious liberty, the freedom to worship the Creator after the dictates of one's own conscience, that provides the firm foundation for all liberties. Thus Thomas Jefferson wrote that all men were created equal and endowed by their Creator with unalienable and inviolable rights.

Mr. Speaker, I submit to you that it is religious liberty which gave birth to this Nation, to our unquenchable thirst for freedom, our unparalleled pursuit of innovation, our unyielding love for representative government, our unabashed sense of a higher national purpose, and our unprecedented tolerance of our fellow man. Each of these symbols that we celebrate today stands in broad opposition to the trends in the world that move in the opposite direction of tolerance.

Mr. Speaker, I simply could not let this moment pass without connecting the dots between this great event in American history and those we also celebrate, the commemoration of the Liberty Bell, the public reading of the Declaration, without reflecting on what we see in tragedies unfolding when religious liberties are forsaken around the globe. In Sudan, slavery and brutality arise out of religious persecution. Tens upon hundreds of thousands are on the brink of death because the Sudanese Government fails to recognize the liberty of conscience that was established in Pennsylvania on our shores 300 years ago. And in Afghanistan, a great religion has been twisted by some into one that supports persecution and violence and murder rather than freedom and transcendence, one that uses terrorism to stifle the voices of religious liberty.

□ 1500

The very shaving of the beards that is happening in the capital of Kabul today is in many ways driven by the

same sentiment that emerged in the Charter of Privileges some 300 years ago.

I urge all of my colleagues to support the religious liberty resolution. I commend my colleague, the gentleman from Pennsylvania (Mr. PRTS), for his visionary commitment to religious liberty and for his own testimony of faith. Let us today reaffirm our commitment three centuries strong on this continent to the freedom of religion and continue to be that shining city on a hill that gives hope to all of the nations.

Mr. DAVIS of Illinois. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I have no further requests for time, but I would say as I yield back the balance of my time that sometimes people ask me why this type of resolution is on the floor, and they are wondering what it really means.

I often will say to them, if you forget where you come from, then it is hard to understand how you got to where you are, and you really would never understand where you need to be going. So it is important that we look back and reflect upon the history and development of our Nation and continue to acknowledge and revere those things which have made America what it is today.

Madam Speaker, I congratulate the gentleman from Pennsylvania.

Madam Speaker, I yield back the balance of my time.

Ms. ROS-LEHTINEN. Madam Speaker, I am proud to yield 3 minutes to the gentleman from Pennsylvania (Mr. GEKAS).

Mr. GEKAS. Madam Speaker, I thank the gentlewoman for yielding me time.

Madam Speaker, to the Members, I want to say that I have a peculiar and unique interest in William Penn, in that after completion of junior high school, the high school I entered was aptly named for these proceedings, William Penn High School. It was then that I first learned of the life and work and significance of William Penn.

As a 14 year old, a wide new world of American history opened for me in the name of William Penn. Our school periodical was named *The Founder*; the yearbook was named *The Sylvania*, so "Pennsylvania." The founder of Pennsylvania and his woods, Penn's Woods, were always firmly ensconced in my educated mind at that point as very significant in American history.

Also I learned in my personal study of William Penn that ours was the only State, I say egotistically, that was named after its founder. The other States, for instance, Washington, the State of Washington was named after George Washington many years after he was President of the United States; Maryland was named after the Queen of Charles I; the Virginias were named honoring Queen Elizabeth; the Carolinas were named after King Charles;

Georgia was named after King George; Louisiana was named after King Louis; New York was named after the Duke of York; and Delaware was named after the first Governor of Virginia, Lord de la Warr. All the rest of the States were named after Indian tribes or Indian phrases or Indian words, thus forming the blend that we are so proud of in our country. But Pennsylvania was the only one which honored its founder.

Those principles which have been so well enunciated on both sides of the aisle in commemoration of the day which we seek to honor in this resolution aptly have put forth the real recititude of having this resolution.

One other little anecdote: The 4th of July, 1776, Declaration of Independence did not reach the capital of Pennsylvania, Harrisburg, until 10 days after the declaration, around July 10th, 11th, 12th or 14th. When it reached there, the founder of Harrisburg, John Harris, convened the entire town to come before him on River Front in Harrisburg, at a mansion which still stands, to read the Declaration of Independence as it was transmitted to him from Philadelphia. Thus, the founder of Harrisburg, who always revered the founder of Pennsylvania, helped found the principles of our country by spreading the word of the Declaration of Independence.

Ms. ROS-LEHTINEN. Madam Speaker, I yield myself the balance of my time.

Madam Speaker, I speak as a former resident of the State of Pennsylvania. When Cuban refugees first started coming over to the United States, there were no jobs in Miami, Florida. The Federal Government had a refugee resettlement program, and we were fortunate enough to be resettled in a town in Pennsylvania called York. My brother and I were very much in love with York, Pennsylvania. It was our first taste of snow. Coming from Havana, we did not get too much of that.

On the weekends, when we could put together the little pennies we had, I remember taking weekend trips with my parents, where we got to see the many historic sites that Pennsylvania had to offer. For me, Pennsylvania will always be just like this wonderful city, and New York also, symbolic images of the freedom and democracy and the liberty that we enjoy so much in our country, and we sometimes take for granted.

I again commend the distinguished gentleman from Pennsylvania (Mr. PITTS) for introducing this important proclamation and for working hard to ensure its passage. In light the challenges facing our Nation today, Madam Speaker, it is certainly appropriate in this time for Congress to reaffirm our commitment to religious liberty and human rights, and it is certainly an appropriate time for all of us as Americans to reflect upon the principles un-

derlying each of these three important historical symbols of our democracy.

Madam Speaker, I urge all Members to support this resolution.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 254.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

NATIONAL WORDS CAN HEAL DAY

Ms. ROS-LEHTINEN. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 235) expressing the sense of the House of Representatives regarding the establishment of a National Words Can Heal Day, as amended.

The Clerk read as follows:

H. RES. 235

Whereas the Jerusalem Fund has launched a Words Can Heal Campaign on September 4, 2001, to reduce verbal violence and gossip and to promote the value and practice of ethical speech in order improve our democracy, build mutual respect, honor, and dignity in our country;

Whereas words used unfairly, whether expressed through excessive anger, unfair criticism, public and private humiliation, bigoted comments, cruel jokes, or rumors and malicious gossip, can traumatize and damage many lives;

Whereas an unwillingness or inability of many parents to control what they say when angry causes the infliction of potentially damaging verbal abuse on many children;

Whereas bigoted words are often used to dehumanize entire religious, racial, and ethnic groups, and can inflame hostility;

Whereas the spreading of negative and often unfair, untrue, or exaggerated comments or rumors about others often inflicts irrevocable damage on the victim of such rumors;

Whereas the Words Can Heal Campaign will raise awareness regarding the damage that can be caused by destructive language; and

Whereas the House of Representatives supports the goals of the Words Can Heal Campaign: Now, therefore be it

Resolved, That it is the sense of the House of Representatives that—

(1) the House of Representatives supports the goals of the Words Can Heal Campaign; and

(2) the President should issue a proclamation calling on the people of the United States to support the goals of such campaign with appropriate programs and activities.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida (Ms. ROS-LEHTINEN).

GENERAL LEAVE

Ms. ROS-LEHTINEN. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 235.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. ROS-LEHTINEN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, the Words Can Heal Campaign, sponsored by the Jerusalem Fund, is a visionary national media and educational campaign designed to reduce verbal violence and gossip. The goal of the campaign is to promote the value and the practice of ethical speech in order to improve our democracy and to build mutual respect, honor and dignity to our country.

The Words Can Heal Campaign launched a media campaign on September 4, 2001, right here in our Nation's Capital. The campaign includes posters in D.C. Metro stations and bus shelters. It includes advertisements in newspapers, such as Roll Call, and publications such as the National Journal, Congressional Quarterly, and television ads on all major networks.

The campaign also includes educational modules for use in schools, in companies, community centers, government offices, houses of worship, every building throughout the Nation. We can all practice and participate in this initiative to improve our society and make a difference in the lives of millions of Americans, one word at a time.

In the aftermath of the tragedy of September 11, the Words Can Heal Campaign is now more important than ever. We must all be committed to unite and strengthen America through the power of words.

Each and every one of us have been touched by the events of September 11, and we as Americans have pulled together as a country to show our true colors. Americans reached out to each other with kind words and helping hands. We embraced each other with words of comfort. And through these difficult days, we as a country have come together in fellowship with expressions of kindness and caring.

As we work our way back to normalcy, let us continue the outpouring of concern that we have shown each other. We should have a new Golden Rule: Say unto others as you would want said unto you.

Mother Teresa once said, "Kind words can be short and easy to speak, but their echoes are truly endless." Her words capture the essence of the Words Can Heal Campaign. Words are powerful. Words can build love, or they can destroy it. Words can be encouraging, or damaging.

We must choose what we say carefully because we cannot take back our

words. Once something is said, it can never be erased. We have all said something which later we have wished that we could take back. The Words Can Heal Pledge is one way to avoid that terrible feeling when you regret what you have said.

It says, "I pledge to think more about the words that I use. I will try to replace words that hurt with words that encourage, engage and enrich. I will try to see how gossip hurts people, including myself, and work to eliminate it from my life. I will not become discouraged when I am unable to choose words perfectly, because making the world a better place is hard work. And I am helping to do that, one word at a time."

The Words Can Heal Pledge helps us to remember what someone says to you can change your entire day.

Words are contagious. A friendly "hello" can spread from one colleague to another, from one brother to sister, one friend to another, from a stranger to a stranger. We must work to avoid harsh words and gossip which makes everyone feel badly.

We can all play a role in this undertaking to improve our society and make a difference in the lives of millions of Americans. Our ability to voice views freely and resolve differences through dialogue and persuasion is fundamental to our American system of democracy, and for that process to work, our words must reflect mutual respect, truth and fairness.

As our dialogue in Congress needs to be civil and ethical, so do communications throughout society.

Please join me in support of the Jerusalem Fund's Words Can Heal Campaign, along with the Executive Director of the Words Can Heal Campaign, Rabbi Irwin Katsof, whom I had the opportunity to meet along with my husband and children in our trip to Jerusalem and Tel Aviv this August, and Rabbi Chaim Feld; also President and CEO of the IAC Group, Ana Maria Fernandez Haar; Senior Fellow of Foreign and Defense Policy Studies, Dr. Jeane Kirkpatrick; New York Mayor Rudolph Giuliani; and Chairman and CEO of Radio Unica, Joaquin Blaya. Both Joaquin Blaya and Ana Maria Fernandez Haar joined Rabbi Katsof and my family on our trip to Israel this summer.

We congratulate and thank all of the cosponsors of House Resolution 235, because now, more than ever, words are vital to the American community.

Madam Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, this resolution is somewhat unusual, but I want to congratulate the gentlewoman from Florida for having the insight and the feeling and the sensitivity and the recogni-

tion that sometimes behavior can be taught and that we can move in the direction that we choose to go.

This resolution, which expresses the sense of Congress regarding a National Words Can Heal Day, seeks to reduce verbal violence and gossip. Imagine, if we could reduce gossip, then obviously that would help to reduce verbal violence. The goal of this effort is to promote the value and practice of ethical speech in order to improve our democracy, build respect, honor and dignity in our country.

□ 1515

The essence of this campaign, which was launched on Tuesday, September 4, right here in Washington, D.C., is reflected in this simple pledge: "I pledge to think more about the words I use. I will try to see how gossip hurts people, including myself, and work to eliminate it from my life. I will try to replace words that hurt with words that encourage, engage, and enrich. I will not become discouraged when I am unable to choose words perfectly, because making the world a better place is hard work. I am pledging to do that one word at a time."

We can all play a role in this effort to improve our society and make a difference in our homes, our schools, our communities, and in the workplace by taking this pledge.

As I read through it, I could not help but recall the teachings of my mother, who always told us that you can catch far more bees with honey than with vinegar. Or she might say, see no evil, hear no evil, speak no evil. Or she might admonish us to speak about others as we would have them speak of us. Then she would force us to read the book of Proverbs, with all of the wisdom that it contains. So it seems to me that the gentlewoman from Florida (Ms. ROS-LEHTINEN) has taken those kinds of teachings and expressions, placed them into a resolution that all Members of this body can adopt; and I would urge my colleagues to take this pledge and, in doing so, support this resolution.

Madam Speaker, I yield back the balance of my time.

Ms. ROS-LEHTINEN. Madam Speaker, I yield myself the balance of my time.

I want to thank the executive directors of the Words Can Heal Campaign, Rabbi Irwin Katsof and Rabbi Chaim Feld, whom I had the pleasure of knowing during my trip to Israel. When they first came to me and showed me their Words Can Heal Campaign pledge, I said that I wanted to get involved in a meaningful way and I thought of this resolution as a way to do it, because words can make a difference, and that is the pledge that we make one word at a time.

In the aftermath of the September 11 terrorist attacks against the United

States, we have borne witness to the ability of words to help in the healing process, as friends and allies offered their condolences and their support to our efforts. We have also felt the brunt of the verbal attacks by enemies of the United States who rejoice in the violence perpetrated against us.

Words matter. The ability to voice views freely and resolve differences through dialogue and persuasion is fundamental to our American style of government and our democracy, as it is to world peace. To reiterate, for that process to work well, our words must reflect mutual respect, truth, understanding, and fairness.

The Words Can Heal effort is a strong first step toward a future generation of Americans and global leaders who will value the power of words and practice ethical speech. It starts with one day. This one day can then become a week, a month, a year, until it is ingrained in our character, in our nature, in our human nature. The potential is limitless. The possibilities are awe-inspiring.

Madam Speaker, I ask my colleagues to support this resolution. The hope for a better future begins today, one word at a time.

Ms. ROS-LEHTINEN. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the resolution, H. Res. 235, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

The title of the resolution was amended so as to read: "Resolution expressing the sense of the House of Representatives in support of the goals of the Words Can Heal Campaign".

A motion to reconsider was laid on the table.

SENSE OF CONGRESS THAT MEN AND WOMEN OF UNITED STATES POSTAL SERVICE HAVE DONE AN OUTSTANDING JOB OF DELIVERING THE MAIL DURING THIS TIME OF NATIONAL EMERGENCY

Mr. MCHUGH. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 257) expressing the sense of the Congress that the men and women of the United States Postal Service have done an outstanding job of delivering the mail during this time of national emergency, as amended.

The Clerk read as follows:

H. CON. RES. 257

Whereas, on September 11, 2001, evil acts of terrorism were perpetrated against the people of the United States and all humanity;

Whereas, in October 2001, reports of anthrax-tainted letters began to surface;

Whereas the United States Postal Service handles approximately 680,000,000 pieces of mail each day;

Whereas our Nation's postal and delivery sector accounts for approximately 8 percent of our gross national product;

Whereas, since September 11, 2001, the United States Postal Service has delivered more than 20,000,000,000 pieces of mail;

Whereas 2 employees of the United States Postal Service have died as a result of anthrax infection;

Whereas a number of employees of the United States Postal Service are being treated for anthrax-like symptoms;

Whereas the more than 800,000 men and women who work for the United States Postal Service have done an outstanding job of collecting, processing, sorting, and delivering the mail during this time of national emergency; and

Whereas the delivery of anthrax through the mail is an attempt to disrupt our ability to communicate through the mail, and threatens the viability of the postal system: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That—

(1) it is the sense of the Congress that the men and women of the United States Postal Service have done an outstanding job of collecting, processing, sorting, and delivering the mail during this time of national emergency; and

(2) Congress will work with the United States Postal Service to assure the safety and well-being of postal workers as they carry out their duties and responsibilities, and of the general public.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. MCHUGH) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. MCHUGH).

GENERAL LEAVE

Mr. MCHUGH. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the concurrent resolution now being considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MCHUGH. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H. Con. Res. 257, as introduced by the gentleman from Illinois (Mr. DAVIS), expresses the sense of Congress that the men and women of the United States Postal Service have done an outstanding job delivering the mail during this time of national emergency. I am very, very pleased, as I know the gentleman from Illinois is, that 47 of our colleagues here in the House have cosponsored this resolution, signifying a broad base of support and recognition of the great sacrifices and contributions that these people make, certainly in recent weeks but, in point of fact, each and every day. We are amending this bill this afternoon, Madam Speaker, with a clarifying change in order to recognize all aspects

of the postal system such as collection, processing, sorting, as well as delivery.

Let me begin by complimenting again the gentleman from Illinois (Mr. DAVIS). I deeply appreciate his leadership, his understanding of the very appropriate nature of moving forward with this resolution at this time. Let me note as well that it is not just appropriate, but I think it is also very fitting, that the House consider this resolution honoring the dedicated people of the Postal Service in this, the same week as we have celebrated and observed our national holiday on Veterans' Day.

As they have literally for centuries, postal employees today are putting their lives on the line each and every day for those of us in America. It is their commitment to this job that is ensuring our Nation can continue to communicate through these difficult times by way of the mail. We as a House grieve for the Postal Service, which lost 2 of its own dedicated, devoted employees to inhaled anthrax, resulting from the bioterrorism attacks of recent days. Postal workers Thomas Morris and Joseph Curseen truly died in the line of duty, and I know we all join in expressing our most heartfelt sympathy and deepest words of appreciation to their families and to their loved ones in this time of great loss for them.

From the days of Ben Franklin to the high speeds of the information highway, the Postal Service has touched the lives of each of us, whether at home or at work, nearly every day of the week. Postal employees maintain an important presence in our busiest urban centers as well as our most tranquil rural communities. They are the friendly faces that deliver that special birthday card, the newest magazine or, quite often, the credit card bill. Yet, many of us, Madam Speaker, fail to realize how important postal workers are in our daily lives, in our daily experiences, until someone or something interferes with that centuries' old system.

Despite the terrorist attacks, the mail handlers, clerks, carriers, supervisors, and postmasters have delivered more than 20 billion pieces of mail since the terrorist attacks of September 11. A recent postal and delivery industry report found that an \$871 billion global business of mailing service providers has been built around the mail. Ninety percent of that money is earned in the United States or by U.S.-based organizations. This industry, taken collectively, has almost 9 million employees. Based on these statistics, the total mailing sector is roughly 8 percent of America's gross national product. Just in my State of New York alone, the annual mailing industry impact totals some \$64.7 billion.

Yet, in spite of this enormous impact and of the continuing outstanding serv-

ice to our Nation provided by postal employees, we would be negligent if we did not recognize that the Postal Service is facing a worsening financial position, threatening its very viability. Even before September 11, the Comptroller General had placed the Postal Service on its high-risk list due to its financial and operational problems. The Postal Service is facing a \$1.8 billion deficit now, on top of the \$1.35 billion estimated deficit it ran in the fiscal year that just ended. Revenues were below projections by \$627 million in the last 2 months alone. Mail volumes are down by levels not seen since the Great Depression.

I know, Madam Speaker, that the Postal Service and its administration is resolute in meeting its challenges, as its employees that we have gathered here to honor and commemorate demonstrate to us each and every day. However, in my opinion, Madam Speaker, without modernizing our Nation's 31-year-old postal laws, the men and women of the Postal Service will have far too few tools to confront a growing challenge. The Postal Service is already requesting billions of dollars in Congress to deal with the crisis; but absent legislative change, the agency will likely have to return for ever-increasing taxpayer assistance.

As President Vincent Sombrotto of the National Association of Letter Carriers recently stated, "If this whole institution collapses, that is as great a threat to the individuals who work in the Postal Service as contracting this anthrax. Their future is at stake."

That is why at this moment when we honor and recognize the Nation's postal employees, I am very pleased to note the work that the gentleman from Illinois (Mr. DAVIS); the gentleman from Indiana (Mr. BURTON), the chairman of the full committee; the gentleman from California (Mr. WAXMAN), the ranking member, and others, including myself, have undertaken to try to produce a substantive draft bill to reform the Postal Service. I know the gentleman from Illinois (Mr. DAVIS) shares my commitment to the men and women of the Postal Service, that we in the Congress must do everything necessary to ensure their safety and well-being as they carry out their duties and responsibilities, particularly in this time of national emergency.

Madam Speaker, I look forward to working with the gentleman from Illinois and many others to help enact postal reform. It seems to me the Postal Service, its 800,000 dedicated employees, and the 281 million Americans who depend on universal service at affordable rates, are depending on us. Fortunately, as has existed from its founding days, the Postal Service has at its core men and women who each day make the mail work and move it to our homes, to our businesses in ways that far too often we take for granted.

So, Madam Speaker, I certainly urge all of our colleagues to support this resolution with amendments to honor the men and women of the Postal Service who, as I have said, do such an incredible job in making sure that the mail arrives on time to its addresses across this great Nation.

Madam Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I am pleased to have introduced this resolution with the gentleman from New York (Mr. MCHUGH), and I also want to take this opportunity and this moment to commend him for his leadership as he labored as chairman of the Postal Subcommittee before its dissolution and continues to be a leading voice for postal reform. Hopefully, as a result of his efforts and the efforts of others, we will soon see a postal bill that all Members of Congress can take a hard look at and move us in the direction that the Postal Service really needs to go.

□ 1530

I also want to thank the gentleman from Indiana (Chairman BURTON); the ranking member, the gentleman from California (Mr. WAXMAN); the majority leader, the gentleman from Texas (Mr. ARMEY); and the minority leader, the gentleman from Missouri (Mr. GEPHARDT), for expediting consideration of this resolution.

The resolution before us today simply honors the men and women of the United States Postal Service for the outstanding manner in which they have carried out their duties since the terrorist attacks of September 11.

Even though we talk about September 11, we can never forget that the Postal Service has kept America connected since the early days of the Pony Express.

The United States Postal Service is a critical element of the Nation's infrastructure. It is the linchpin in the \$900 billion mailing industry that employs 9 million people and is responsible for 8 percent of the gross domestic product.

Members of the Postal Service visit our homes in rural and urban America 6 days a week. Through rain, sleet, snow, hot weather, shiny weather, they are always there. They deliver for us.

The 800,000-plus men and women of the Postal Service are on the front lines of promoting freedom and democracy by binding our Nation together through an elaborate network that touches six major markets: retail, financial services, communications, advertising, logistics, and delivery services. They deliver for us.

The men and women of the Postal Service handle approximately 680 million pieces of mail each day. The Postal Service fuels the Nation's economy and delivers hundreds of millions of

messages and billions of dollars of financial transactions each day to more than 8 million businesses.

Since the terrorist attacks of September 11, Americans and especially postal workers have been confronted with a new enemy, a new challenge: anthrax. Enemies are seeking to disrupt our communications system by sending anthrax through the mail. The men and women of the Postal Service have continued to deliver in spite of this threat and the actuality of its being.

Since September 11, the Postal Service has delivered about 34 billion pieces of mail. That is about five pieces for each person on Earth. They continue to deliver.

Unfortunately, anthrax has touched the lives of some of our Nation's postal workers in a mighty and profound way. To the families of Thomas Morris, Jr., and Mr. Joseph Curseen, postal workers at the Brentwood Postal Facility who died as a result of anthrax infection, our hearts go out to them; and our prayers and gratitude are with them and their families. These two postal workers, as well as thousands and thousands of others, shall never be forgotten.

I want to personally salute the more than 5,000 postal workers from the Seventh Congressional District in Illinois. Moreover, I urge all Members and all Americans to take time out to thank the men and women of the United States Postal Service, because they deliver for us.

I also want to commend the American Postal Workers Union, the largest postal union, representing approximately 365,000 postal workers, and its newly elected president, Mr. William Burris, for seeking to honor the memory of their deceased brothers.

The American Postal Workers Union has designated this week, the week of the Veterans' Day observance, as a time to properly acknowledge that postal workers are heroes, too. The resolution says it is time for us to deliver for the men and women of the post office, and the best way we can possibly do that is by looking at the needs, in a very serious way, of our postal system; by making sure that we provide resources that are needed to make sure that the workplace is safe; and to make sure that men and women who work every day handling the mail can do so without the fear of infection or possibly death.

So we say to the postal workers of America, we say that we want to thank them for the work they have done, the work they continue to do. Because of them, America continues to be strong and vibrant and continues to be the great democracy that we know it is.

Madam Speaker, I reserve the balance of my time.

Mr. MCHUGH. Madam Speaker, I have the privilege of yielding 3 minutes to the gentlewoman from Maryland

(Mrs. MORELLA), someone who, certainly by experience and dedication, is a senior member of the Committee on Government Reform, and someone who has deservedly earned a reputation as a fierce defender of government employees in all branches, in all agencies; and certainly the Postal Service is among them.

Mrs. MORELLA. Madam Speaker, I thank the gentleman for yielding time to me and for his very kind introduction.

Madam Speaker, I rise today in support of expressing our gratitude for postal workers that have done such an outstanding job of delivering mail during this time of national emergency.

I do want to commend the gentleman from Illinois (Mr. DAVIS) and the gentleman from New York (Mr. MCHUGH). They have both worked very, very hard to make sure that our postal system is solvent. I commend them for that.

Indeed, with regard to this resolution, the Nation's postal workers provide a valuable service to Americans by helping to connect our society through the careful and prompt delivery of mail.

Today, more than ever, postal workers are being recognized for their selfless service of delivering the Nation's mail under all circumstances. This includes the usual weather conditions that we have always associated with the Postal Service in the past. We have all said, "Through wind and rain, sleet and snow," but now, for the first time, it is through safety threats against postal workers.

In October, as reports of anthrax-tainted letters began to surface, postal workers' lives were placed in jeopardy and the effective delivery of mail was threatened. Recognizing the importance of the Postal Service through this legislation can help to demonstrate our support and concern for the safety of postal workers as they perform their duties.

The anthrax threat has affected America deeply. Tragically, this has included the deaths of Joseph Curseen and Thomas Morris right here in Washington, D.C. at the Brentwood facility, who were killed in the line of duty. Thousands of other postal workers nationwide have been affected as they have been encouraged to visit hospitals to receive their precautionary antibiotic treatments against anthrax.

Also, the delivery of mail has been disrupted because mail processing facilities were temporarily shut down while postal workers were tested and facilities decontaminated.

The U.S. mail is a vital part of life in America. The Postal Service delivers 680 million pieces of mail daily. The anthrax threat may have disrupted mail service, but postal workers have persevered by delivering over 20 million pieces of mail since the September 11 attacks.

I support the efforts being taken to protect the lives of all the 800,000 men and women who work for the postal service in 38,000 offices, stations, and branches throughout the Nation. These efforts include increased communication and education of postal workers about anthrax, safety measures in handling mail, and the use of protective equipment.

Our postal workers deserve our support in assuring their safety and well-being as they carry out their duties and responsibilities for us. Also, this will help restore Americans' faith in our Postal Service.

Therefore, I urge all Members of this body to support this legislation that expresses our gratitude and concern for the safety of the men and women of the United States Postal Service, who have done such an outstanding job of delivering the mail during this time of national emergency.

Mr. DAVIS of Illinois. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I agree with President Bush and all of those who have referred to the postal workers at the Brentwood station as heroes.

Madam Speaker, I yield 4 minutes to the gentlewoman from Washington, D.C. (Ms. NORTON), who represents her constituents, as well as representing the rest of the Nation, in an outstanding and impeccable way.

Ms. NORTON. Madam Speaker, I thank the gentleman for his words and for his initiative on this resolution. It is the kind of initiative he has consistently shown since he has been a Member of Congress, and I appreciate the hard work of the gentleman from New York (Mr. MCHUGH). I bring both Members the appreciation of the residents of the District of Columbia, in particular.

I have just come from the official Postal Service memorial for two brave and dedicated postal workers who died while getting anthrax at our own Brentwood Post Office. The postmaster was there, the homeland security Secretary was there, All Souls Unitarian Church was full of postal workers, and Members of Congress spoke.

But Madam Speaker, the most touching words, the most profound statements, came from two men who knew the two postal workers, Joseph Curseen and Thomas Morris. They told us they were strong Christian men and dedicated postal workers.

I read from the resolution before us today that the postal workers had done an outstanding job of delivering mail during this time of national emergency because I knew that the postal workers, there were so many of them there, would appreciate knowing Congress recognized their service during this time, and especially after two of their number had been among the first to fall in the homeland war.

But I believe, Madam Speaker, that they especially appreciated section 2 of this resolution, which says, in so many words, that Congress will work with the Postal Service to assure the safety and well-being of our postal workers.

Let me say how much I appreciate the efforts being taken already. The Postal Service has found an alternative site to Brentwood. We need to speed, and we are already about finding ways to assure the safety of postal workers and to protect people who receive mail. As Members might imagine, there is particular anxiety in this city about that. Whatever it takes, we simply must do.

I want to bring to the Members' attention an experience I had. I was on my race walk on Capitol Hill, where I live, on Saturday; and I saw a postal worker beside his postal truck. I did what I am sure everybody does: I stopped to shake his hand and to say thank you.

He said he was pleased that I took the time to do that; but he stopped to say to me, Congresswoman, we still do not have a labor contract. Madam Speaker, the National Association of Letter Carriers, the National Association of Rural Letter Carriers, and the American Postal Workers are working now without a contract.

I have to tell the Members today, as we sat there with an overload of postal workers, they are not happy campers. They are frustrated workers. I know this resolution is much appreciated and certainly much deserved.

The victims compensation amendment, which the gentleman from Missouri (Mr. GEPHARDT), our leader, introduced, and I am an original cosponsor, making it so victims of anthrax may also benefit from the Victims Compensation Fund, that is all very important. It is the kind of thoughtfulness this Congress has shown throughout this crisis since September 11.

But Madam Speaker, all the memorials in the world, all the resolutions, and even this very important one, and even the funds, as well placed as they are, cannot do what a finished contract would do for these workers.

The Postal Service is in a lot of trouble itself, so I understand why there are tough negotiations. Even given that, the Postal Service would go far in encouraging postal workers today, who still work at some risk, and we still cannot entirely guarantee their safety and security, we would go far if we would implement this resolution, because we may need to do so with funds, with a way to help them sign their contract before Christmas. That would be one way to do something for these hundreds of thousands of workers. If I may say so, perhaps it would be the most important way to do something for them.

Mr. MCHUGH. Madam Speaker, it is my pleasure to yield 3 minutes to the

gentleman from New Jersey (Mr. SMITH), who serves in this House as chairman of the Committee on Veterans Affairs; but in the context of this particular resolution, he has the honor of representing Trenton, New Jersey, which is home to the postal facility at Trenton, the processing and delivering center; and he has known firsthand the challenges that the threat of the current situation facing postal employees has wrought.

I want to commend the gentleman for what I know has been his personal attention, his personal visits to that facility in this time of great need, to be as supportive as he possibly could. It is the kind of dedication that he brings to all facets of his service.

□ 1545

Mr. SMITH of New Jersey. Madam Speaker, I want to thank the gentleman from New York (Mr. MCHUGH) for his courtesy and for his excellent service on the committee and in the Congress, and I want to thank the gentleman from Illinois (Mr. DAVIS) for offering this important resolution.

It is extremely important that we recognize the tremendous service of our postal employees, especially in this time of national emergency. Equally important, as the second clause, and resolving clause, points out, we will work with the U.S. Postal Service to assure the safety and well-being of postal workers as they carry out their duties and responsibilities to the general public.

Certainly the challenge we face now is to ensure that every piece of mail that goes through the system, is guaranteed to be pristine and clean. This will take a considerable purchase, procurement of the kind of detectors that exist, they are off the shelf. We need to be willing to make that kind of payment to ensure that every letter carrier, every postal worker and everyone who works within the system and everyone who gets mail is not going to become contaminated.

We certainly know firsthand what that is all about in Mercer County, in central New Jersey, Hamilton and Trenton. In Hamilton, the John K. Rafferty postal facility on Route 130 was shut down and continues to be shut down. There have been seven people affected by anthrax in my state. One was not a postal worker, but she worked in the building complex where my district office is located. Thankfully, they have all made great recoveries because of the marvels of antibiotics and Cipro in particular.

Again, I think by recognizing that they are on the front line, we need to put postal workers on a pedestal and thank them from the bottom of our hearts for their courage and their commitment to public service during these very trying times.

I would point out that Vito Cetta, who is the postmaster in charge of the

central Jersey area, and Joe Sautello have done marvelous jobs. Yes, there has been second guessing from time to time. When do you close? When do you keep a facility open? When do you test? We were pushing very hard that all of the 44 different feeder sites of the main facility be tested. Lo and behold, when they did the testing, four of those sites suffered from cross-contamination, which we will all recall CDC and others said at the onset cannot happen. Well, it did, and there were areas and perhaps even people who were contaminated.

Let me also thank Tony DiStephano, who heads up the letter carriers union. I met with Tony many times during this crisis, obviously many times before. He and the letter carriers have been tenacious. They want to deliver the mail, they want to do their jobs, but they want to do it in a way that mitigates and hopefully eliminates the possibility of contamination.

Bill Lewis from the APWU has also done a great job under very, very trying circumstances. But they want to do their jobs. They want to be on the job because they know the mail moves the country. Our economy is absolutely dependent upon the work they do.

Finally, I want to say I have a bill pending before the Committee on Financial Services that I hope will move quickly. Many people have not received their bills, and often when they sent in their checks, their remittances, they were held up getting to their Visa, credit card or mortgage company. This bill would establish a grace period of 30 days. Our hope is that this might be done voluntarily, but there are going to be big gaps. So hopefully this legislation will move very quickly so that we can ensure that people's credit histories are not penalized and that the finance charges are not levied against them.

We have learned a lot from this. Again, I want to conclude by saying that Postmaster General Potter has been vigilant. He deserves high praise as well. He has convened his own group to meet, to figure out what the protocols ought to be when opening and closing postal facilities. They are literally writing the book as they go, day in and day out. I want to commend him for the job he is doing.

Madam Speaker, I thank my friend for yielding me time.

Mr. DAVIS of Illinois. Madam Speaker, I yield 4 minutes to the distinguished gentlewoman from California (Ms. WATSON).

Ms. WATSON of California. Madam Speaker, I am proud to be one of the 47 cosponsors of this resolution honoring our Nation's postal workers.

I would like to thank the gentleman from Illinois (Mr. DAVIS) for drafting this resolution, as well as the gentleman from New York (Mr. McHUGH) for his support.

I grew up in the post office. My mother worked for the Postal Service in Los Angeles at the Old Terminal Annex for 3 decades. And as a working parent, one could say that she raised my sisters, my brother and myself there. I myself worked there for seven Christmas seasons, sorting the Christmas mail.

My mother worked hard for the post office, as do all the other postal workers who each day labor to keep millions of letters, checks, cards, packages, and even bills moving around our country. These hard-working Americans provide a vital link for each and every community across our country, across our world, no matter how remote.

One irony of the Information Age is that it has made us more dependent on the mail. There has to be some way to get packages we order over the World Wide Web; and the Postal Service has seen their duties expanded with the expansion of the Internet. It should come as no surprise then that postal workers would be on the front lines, exposed to a bioterrorist threat that tried to exploit our society's infrastructure for the free exchange of information.

What is surprising and galling is that it took so long for the authorities to respond to the threat that anthrax posed to our postal workers. When anthrax was discovered on Capitol Hill, Congress moved quickly to seal off the impacted buildings and protect ourselves and our staff. It pains me that the authorities failed to act in a similar manner to protect the postal workers who faced an even greater threat of exposure. It took the death of postal worker Thomas Morris, Jr. for postal officials and law enforcement to acknowledge that they had failed to respond in time to the threat anthrax posed to Postal Service employees.

The debate in this resolution is not the forum to analyze what went wrong to lead to the unnecessary deaths of Thomas Morris and the others, or the dangerous exposure of his colleagues to anthrax. However, I hope that this is an opportunity to celebrate the contributions of American postal workers, and I hope that with our greater awareness of their roles comes a renewed commitment to provide for their safety.

Madam Speaker, one might remember and recall that I dedicated a post office in the 32nd district to our late Congressman Julian Dixon. I think he would be very proud of the work that is being done here with the gentleman from Illinois (Mr. DAVIS) and the gentleman from New York (Mr. McHUGH) and all of the other colleagues of Congress to recognize our committed, loyal and dedicated postal workers.

Mr. McHUGH. Madam Speaker, I have no further requests for time, and I reserve the balance of my time.

Mr. DAVIS of Illinois. Madam Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Madam Speaker, I thank the distinguished gentleman for his leadership on this issue, and the leadership of the majority, as well, on this very important issue.

So many of us live with our Postal Service workers as neighbors. They are our friends. They are community activists. They help support our community. And I applaud this resolution to acknowledge the work that they have done through the years.

In Houston, my postal workers every holiday season gather to collect food goods and gifts to give to the needy in our community. We have gone through a terrible and tragic time. But I was gratified in visiting the postal workers at the Franklin Street Station in Houston, one of the largest centers in Houston, and to hear both their concern as I toured their facility in the early stages of the impact of the anthrax threat, but also hearing their commitment to service to the American people.

I too have worked for the U.S. Postal Service. It was always the commitment of the Postal Service, I recall, as a person growing up, rain or shine, the mail would go; and I recall working during the holiday season to ensure that that would happen. It is tragic that we lost two valiant lives, men that were on the front line serving their country and serving the American public.

I want to say to the postal workers that as the tragedy occurred, let us make a commitment to you, that we will not fail you again. I believe that part of the tragedy was because of the lack of information and knowledge in the public health system about how anthrax was able to travel. We believed it was through an open envelope, and the envelope was opened in the Hart Building. But those mistakes should never be made ever again.

I offer my deepest apologies and sympathy to those who lost their lives and their families. But it is now important for us to join together with the U.S. Postal Service in making sure that every employee has every protection that they desire and deserve. If it is rubber gloves and a right kind of facial mask that has been dictated by the science, then they should have it. If it is sanitizing all the mail, then they should have it. If it is closing down units because there has been anthrax or anything else discovered there, they should have it.

As we move forward to fight terrorism as a unified nation, we must make sure that we commend and acknowledge those men and women who continue to press forward in the service of their country, our men and women in the military; but the U.S. Postal Service every day carries our economy forward and our service to those forward.

Let me thank you very much for this legislation. I hope my colleagues will

unanimously support this very fine piece of legislation.

Mr. DAVIS of Illinois. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, in closing, let me just ask all of my colleagues and all Americans to remember those postal workers and others still suffering from inhalation of anthrax. As I understand it, we still have a postal worker who is hospitalized. Our thoughts and prayers go out to them, their families friends and coworkers.

Madam Speaker, I also want to thank the Postmaster General for agreeing to work with us as we try and get a handle on how to most effectively and safely carry out the work of our Postal Service.

Again, I want to thank my ranking member, the gentleman from California (Mr. WAXMAN) and the gentleman from Indiana (Chairman BURTON), who have indicated that they will be working with the National Academy of Sciences and the Postal Service as they convene a conference with a panel of experts to discuss and evaluate how to respond to threats in the mail. The conference, being held all day tomorrow, will focus the expertise of the Nation's top scientists on the biological threats confronting the Postal Service.

I commend all of the unions, the letter carriers, mail handlers, supervisors unions as well as the APWU for the outstanding work they have done delivering the mail, but also for the outstanding work that they were doing trying to help shape a new system, trying to help make sure that we can reform the Postal Service so that it does not linger and does not have the fear of not being able to carry out its duties and responsibilities.

And again, I want to thank my colleague, the gentleman from New York (Mr. McHUGH) for his continuing leadership. It is always indeed a pleasure to work with him.

Madam Speaker, I would urge passage of this resolution.

Mr. McHUGH. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, before I yield back the balance of my time, let me just say that the old saying, you do not know what you have got until it is gone is perhaps somewhat applicable here. Fortunately, the Postal Service is not gone. It is still with us. And that too is a tribute to these hard-working men and women who do so much for us in such an efficient and yet such a quiet way.

□ 1600

I do think it is unfortunate that the tragedies that we have spoken about here today, the loss of life, those who are still struggling to regain their health had to occur to make us once again appreciate the great job that the

employees of the Postal Service do for each and every American in their efforts to deliver the mail.

This resolution is, as I said earlier, a most-fitting recognition of that and, again, my praise and appreciation, particularly to the gentleman from Illinois (Mr. DAVIS) for his leadership in that regard; but it seems to me that if we do not take the next step in expressing our concern into real ways that ensure to the greatest extent possible that these 800,000-plus employees are never again asked to make the kinds of sacrifices they have made in the past weeks, we will still have failed; and I know the gentleman from Illinois (Mr. DAVIS), the gentleman from California (Mr. WAXMAN), the gentleman from Indiana (Mr. BURTON), and so many others are anxious to work together to ensure that that does not happen.

Madam Speaker, with a final sense of appreciation to those great employees and a final sense and word of consolation to the families of the two fallen postal workers, I reserve the balance of my time.

Mrs. MCCARTHY of New York. Madam Speaker, I rise in support of H. Con. Res. 257, of which I am a cosponsor.

The U.S. Postal Service delivers more than 200 billion pieces of mail a year and handles about 680 million pieces of mail each day. Letter carriers work tirelessly six days a week, providing over 136 billion homes and business with an invaluable service. Unfortunately, as a result of the September 11 terrorist attacks and the national anthrax scare, the U.S. Postal Service has been placed on the front lines of our war against terrorism. Three pieces of mail were recently confirmed as being contaminated with anthrax. On a grand scale, that's a low ratio, but not when human lives are concerned.

The three letters exposed workers from a wide array of postal distribution centers to anthrax and many are being treated medically as a precaution. But despite the risk of anthrax infection, our Postal Service continues to sort the mail. 34 billion pieces of mail were delivered since September 11, equaling about five pieces for each person in the world. I visited my local postal facilities and am reassured by the steps they are taking to protect their workers on Long Island.

This resolution, H. Con. Res. 257, commends the hard-working men and women of the United States Postal Service for their commitment to mail delivery during this time of national emergency. Postal workers are known for delivering mail no matter what the situation and I'm proud of their work in the face of terrorism.

Mr. McHUGH. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from New York (Mr. McHUGH) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 257, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. DAVIS of Illinois. Madam Speaker, on that I demand the yeas and nays. The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

REAL INTERSTATE DRIVER EQUITY ACT OF 2001

Mr. LATOURETTE. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 2546) to amend title 49, United States Code, to prohibit States from requiring a license or fee on account of the fact that a motor vehicle is providing interstate pre-arranged ground transportation service, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2546

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Real Interstate Driver Equity Act of 2001".

SEC. 2. REGULATION OF INTERSTATE PRE-ARRANGED GROUND TRANSPORTATION SERVICE.

Section 14501 of title 49, United States Code, is amended by adding at the end the following:

"(d) PRE-ARRANGED GROUND TRANSPORTATION.—

"(1) IN GENERAL.—No State or political subdivision thereof and no interstate agency or other political agency of 2 or more States shall enact or enforce any law, rule, regulation, standard or other provision having the force and effect of law requiring a license or fee on account of the fact that a motor vehicle is providing pre-arranged ground transportation service if the motor carrier providing such service—

"(A) meets all applicable registration requirements under chapter 139 for the interstate transportation of passengers;

"(B) meets all applicable vehicle and intrastate passenger licensing requirements of the State or States in which the motor carrier is domiciled or registered to do business; and

"(C) is providing such service pursuant to a contract for—

"(i) travel from one State, including intermediate stops, to a destination in another State; or

"(ii) travel from one State, including one or more intermediate stops in another State, to a destination in the original State.

"(2) MATTERS NOT COVERED.—Nothing in this subsection shall be construed—

"(A) as subjecting taxicab service to regulation under chapter 135 or section 31138;

"(B) as prohibiting or restricting an airport, train, or bus terminal operator from contracting to provide preferential access or facilities to one or more providers of pre-arranged ground transportation service; and

"(C) as restricting the right of any State or political subdivision of a State to require that any individual operating a vehicle providing prearranged ground transportation service originating in the State or political subdivision have submitted to a criminal background investigation of the records of the State in which the operator is domiciled, by the motor carrier providing such service or by the State or political

subdivision by which the operator is licensed to provide such service, as a condition of providing such service.”.

SEC. 3. DEFINITIONS.

(a) *IN GENERAL.*—Section 13102 of title 49, United States Code, is amended—

(1) by redesignating paragraphs (17), (18), (19), (20), (21), and (22) as paragraphs (18), (19), (21), (22), (23), and (24), respectively;

(2) by inserting after paragraph (16) the following:

“(17) *PRE-ARRANGED GROUND TRANSPORTATION SERVICE.*—The term ‘pre-arranged ground transportation service’ means transportation for a passenger (or a group of passengers) that is arranged in advance (or is operated on a regular route or between specified points) and is provided in a motor vehicle with a seating capacity not exceeding 15 passengers (including the driver).”; and

(3) by inserting after paragraph (19) (as so redesignated) the following:

“(20) *TAXICAB SERVICE.*—The term ‘taxicab service’ means passenger transportation in a motor vehicle having a capacity of not more than 8 passengers (including the driver), not operated on a regular route or between specified places, and that—

“(A) is licensed as a taxicab by a State or a local jurisdiction; or

“(B) is offered by a person that—

“(i) provides local transportation for a fare determined (except with respect to transportation to or from airports) primarily on the basis of the distance traveled; and

“(ii) does not primarily provide transportation to or from airports.”.

(b) *CONFORMING AMENDMENTS.*—

(1) *MOTOR CARRIER TRANSPORTATION.*—Section 13506(a)(2) of title 49, United States Code, is amended to read as follows:

“(2) a motor vehicle providing taxicab service;”.

(2) *MINIMUM FINANCIAL RESPONSIBILITY.*—Section 31138(e)(2) of such title is amended to read as follows:

“(2) providing taxicab service (as defined in section 13102);”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. LATOURETTE) and the gentleman from New Jersey (Mr. PASCRELL) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. LATOURETTE).

Mr. LATOURETTE. Madam Speaker, I yield myself such time as I may consume.

The Real Interstate Driver Equity Act of 2001, H.R. 2546, was introduced by our colleague, the gentleman from Missouri (Mr. BLUNT). This legislation is needed to solve a problem that arises when a for-hire motor carrier travels across a State line in interstate commerce.

During testimony before the Committee on Transportation and Infrastructure, sort of an anomaly presented itself where if someone wanted to hire a car in Cleveland, Ohio, for instance, and take it over to Pittsburgh, Pennsylvania, to watch the Browns beat up on the Pittsburgh Steelers, as we hope will happen next month, the car for-hire could drop the person at the stadium in Pittsburgh but could not pick them back up and bring them back to Ohio without a dual licensure.

The gentleman from Ohio (Mr. BLUNT) and his co-sponsors, I know the gentleman from New Jersey (Mr. ANDREWS), have put their finger right on the pulse of what we need to do to solve this problem and hence have introduced H.R. 2546.

On November 7 of this year, the House Committee on Transportation and Infrastructure ordered by a voice vote that this bill be reported with one amendment.

Madam Speaker, it is my pleasure to yield such time as he may consume to the gentleman from Missouri (Mr. BLUNT), the primary author of the legislation.

Mr. BLUNT. Madam Speaker, I thank the gentleman from Ohio (Mr. LATOURETTE) and the members of his committee for bringing this bill to the floor today. Certainly, I also want to thank the gentleman from New Jersey (Mr. ANDREWS), the gentleman from New Jersey (Mr. PALLONE), the gentleman from Colorado (Mr. TANCREDI), and almost 20 others who have joined with us as co-sponsors on this bill.

In my district in southwest Missouri, we frankly do not have lots of limousine transportation; but we do make lots of limousines. In fact, I think we may be the biggest manufacturer of limousines anywhere in the country; and for those men and women who work to make limousines and for those many businesses, large and mostly small, and our friends in this industry who provide this service at a time when we are more and more concerned about all kinds of transportation and transportation security, this bill really solves a transportation security problem for many people.

It solves just simply a problem created in doing business every day for the small businesses that provide this great service to so many Americans, whether it is to go to that football game Mr. LATOURETTE mentioned or simply to travel from Newark Airport to the City of New York where someone can take a passenger. But as of today they could not wait for that same passenger and take them back to the airport. That passenger is deprived of the security of knowing that the person they contracted with to take them somewhere can be there and be ready to take them back or in Washington, D.C., where limousine operators have to carry three separate license plates, one for the District of Columbia, one for Maryland, one for Virginia, and are forced to change those license plates whenever they cross the boundaries in order to avoid the fines that otherwise come with the inconsistent regulation that now dominates this particular service.

Under this bill, limousine and sedan companies will be able to travel across State lines as long as they meet certain requirements, like registering with the Department of Transportation

as an interstate carrier and ensuring that all their travel is prearranged.

It is also important to note that even though drivers may travel over State boundaries, they are not allowed to pick up additional business while they are on their trip. For example, if a limousine takes a person from Los Angeles to Las Vegas, they can take their client back to Los Angeles; but they cannot engage in short-term fares while waiting for the return trip.

Some cities were concerned that they would not be able to ensure out-of-state drivers had the proper security clearance. We added an amendment in committee that ensures that these States and localities will be able to require any individual operating within their jurisdiction have the proper criminal background check.

This legislation was written in cooperation with the taxi association, the limousine association, the paratransit authority, various regional airports and the City of New York. I believe we have worked on all sides to produce a compromise bill that will help small business owners while ensuring that States and localities will be able to protect their citizens.

Again, this has been a bipartisan effort. We are grateful to the committee for bringing this bill to the floor and to all those representing small business and representing the people who manufacture limousines and sedans who have worked to make this bill possible.

Mr. PASCRELL. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 2546, as reported by the committee, makes it unlawful for a State or political subdivision of a State, an interstate agency or a political agency of two or more States to impose any license or fee on account of the fact that a motor vehicle is providing prearranged ground transportation service in interstate commerce.

I want to commend the gentleman from Missouri (Mr. BLUNT) and the gentleman from New Jersey (Mr. ANDREWS). I think they have tried in the past, and here we have it on the floor today.

The company providing the service must be properly registered to provide service in interstate commerce and must meet all the licensing requirements of the State in which it is domiciled or registered to do business.

This legislation is extremely critical, Madam Speaker, for limousine firms in my own State of New Jersey as they attempt to keep their businesses afloat after September 11.

The for-hire vehicle industry is made up of 18,600 companies nationally that provide local for-hire passenger transportation service. These services include taxicabs and black cars and airport shuttles, executive sedans and limousines. There are approximately

254,000 vehicles that transport over 2 billion passengers in 1 year.

Massive layoffs in this predominantly small business industry are estimated to number 80,000 out of a total of 162,000 nationally. This is a workforce that will be cut in half, and I am hopeful that this bill can ease the burden.

We are not just talking about owner-operators and drivers. We are talking about coach builders, as the gentleman from Missouri (Mr. BLUNT) spoke of, dealers, the thousands of vendors who do business with this industry.

Madam Speaker, I am pleased that the bill before us addresses the concerns expressed by airport, train and bus terminal operators, as well as the City of New York, regarding prior drafts of the bill. The bill does not restrict an airport, a train or a bus terminal operator from contracting to provide preferential process or access to one or more providers or pre-arranged ground transportation service, nor does it restrict the rights of any State or political subdivision to require that ground transportation operators submit to criminal background checks as a condition of providing the service.

Finally, this bill reaffirms that taxicab services are exempt from the economic and minimum liability regulations of the Federal Government.

This is an imminently sensible compromise, Madam Speaker. This is a piece of legislation we have supported for years. I urge my colleagues to join us in support of the bill.

Madam Speaker, I reserve the balance of my time.

Mr. LATOURETTE. Madam Speaker, I yield myself such time as I might consume, and I just want to emphasize a point that our colleague and the author of the bill, the gentleman from Missouri (Mr. BLUNT), made during his remarks, and that is, during the full committee markup of this legislation, there was some concern expressed by principally the gentlewoman from Nevada (Ms. BERKLEY) and the concern of some cities that a car would come into town on a 2-day trip, perhaps, and while waiting for their fare to take them back to Los Angeles or wherever, they came in, would engage in transporting others to different places within Las Vegas to the detriment of locally licensed vendors.

The gentleman from Missouri (Mr. BLUNT) and his co-sponsors have very carefully crafted the bill to ensure that that fear is not realized, and I commend him for making that change and being sensitive to some of the concerns raised and, as a matter of fact, the only concerns raised in the committee about the bill; and as I say, it passed the committee by voice vote.

Madam Speaker, I reserve the balance of my time.

Mr. PASCRELL. Madam Speaker, I yield 4 minutes to the gentleman from

New Jersey (Mr. ANDREWS), my friend and a long-time leader in this area.

Mr. ANDREWS. Madam Speaker, I thank the gentleman from New Jersey (Mr. PASCRELL), my friend and neighbor, for yielding the time to me; and I am proud to rise as a co-sponsor and supporter of the legislation.

Let me begin by thanking the gentleman from Missouri (Mr. BLUNT) without whom this legislation would not have gotten on the floor; his legislative skill and his partnership in this effort are truly appreciated, and I thank the gentleman for his work.

I also want to extend my appreciation to the gentleman from Ohio (Mr. LATOURETTE) and the gentleman from New Jersey (Mr. PASCRELL). The gentleman from New Jersey (Mr. PASCRELL) was one of the earliest and most significant co-sponsors of this bill, and I know that the small business people in his district and across the country appreciate his leadership on this.

Let me also express my appreciation to the gentleman from Alaska (Mr. YOUNG) and the gentleman from Minnesota (Mr. OBERSTAR) and the majority and minority staffs of the committee for their excellent cooperation in bringing us to this point.

I also want to thank my friend and constituent Don Kensey, Madam Speaker, who is with us today who first brought this to my attention several years ago in my office in New Jersey.

This legislation is good for the traveling passenger. It is good for the small business person, and I believe it is good for highway safety. It is good for the traveling passenger because it gives him or her more choices as to how to get to where they want to go, and with transportation being something in a state of confusion today or anxiety, having one more safe and secure choice to go from south Jersey, where I live, to New York City or to go from Los Angeles to Las Vegas and back or from Cleveland to Pittsburgh to watch the Steelers, I will not say defeat the Browns since the gentleman from Ohio (Mr. LATOURETTE) still has control of the time, take on the Browns, these are choices people ought to be able to make; and because of this legislation, they will be able to.

Second, there are, as the gentleman from New Jersey (Mr. PASCRELL) said, thousands of small business people around this country who are profoundly affected by this legislation. These are men and women who are living from paycheck to paycheck, who are scraping to get their businesses going; and by giving them the chance to compete on a fair and level playing field, we are enhancing their ability to employ their employees and to move their passengers and customers around the country.

Finally, I think the legislation is very much needed for highway safety

purposes because face it, very often, these vehicles are employed by people who are out for that great, good time in celebration of a wedding, celebration of a graduation, a special occasion in the family where people want to relax and enjoy themselves and should not be behind the wheel.

□ 1615

Madam Speaker, when they employ one of these vehicles, it permits them to travel safely, to make the highways safer for each one of us.

Following up on something the gentleman from New Jersey (Mr. PASCRELL) said, this industry, because of its close relationship to air travel, is in a state of great distress. From the leadership of gentleman from New Jersey (Mr. PASCRELL) on the Committee on Small Business, and the gentleman from Missouri (Mr. BLUNT) and others on the majority side are trying to find ways through the Small Business Administration and other vehicles, other agencies, to try to help this segment of the air travel industry through a grave and difficult crisis.

Madam Speaker, I hope that today is simply the first step in a broad and comprehensive effort to help this integral and important part of our air transportation system stay in business and stay intact.

Madam Speaker, I extend my thanks for the cooperation of the gentleman from Missouri (Mr. BLUNT). I urge my colleagues to carefully consider the legislation, give it their affirmative vote and pass this legislation.

Mr. PASCRELL. Madam Speaker, I yield back the balance of my time.

Mr. LATOURETTE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I enter into the RECORD an exchange of letters between the Committee on Transportation and Infrastructure and the Committee on Commerce and Energy on the bill under consideration, H.R. 2546.

The letters referred to are as follows:

HOUSE OF REPRESENTATIVES,

COMMITTEE ON ENERGY AND COMMERCE,

Washington, DC, November 13, 2001.

Hon. DON YOUNG,

Chairman, Committee on Transportation, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN YOUNG: I am writing with regard to H.R. 2546, the Real Interstate Driver Equity Act of 2001. As you know, Rule X of the Rules of the House of Representatives grants the Committee on Energy and Commerce jurisdiction over interstate commerce. H.R. 2546 deals in significant part within such matters, and is therefore within the jurisdiction of my Committee.

I recognize your desire to bring this legislation before the House in an expeditious manner. Accordingly, I will not exercise my Committee's right to a referral. By agreeing to waive its consideration of the bill, however, the Energy and Commerce Committee does not waive its jurisdiction over H.R. 2546. In addition, the Energy and Commerce Committee reserves its authority to seek conferees on any provisions of the bill that are

within its jurisdiction during any House-Senate conference that may be convened on this legislation. I ask for your commitment to support any request by the Commerce Committee for conferees on H.R. 2546 or similar legislation.

I request that you include this letter as a part of the Committee's report on H.R. 2546 and as part of the Record during consideration of the legislation on the House floor.

Thank you for your attention to these matters.

Sincerely,

W.J. "BILLY" TAUZIN,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON TRANSPORTATION AND
INFRASTRUCTURE,

Washington, DC, November 13, 2001.

Hon. W.J. (BILLY) TAUZIN,
Chairman, Committee on Energy and Commerce,
Rayburn House Office Building, Wash-
ington, DC.

DEAR CHAIRMAN TAUZIN: Thank you for your letter of November 13, 2001, regarding H.R. 2546, the "Real Interstate Driver Equity Act of 2001" and for your willingness to waive consideration of provisions in the bill that are under your committee's jurisdiction under House Rules.

I agree that your waiving consideration of relevant provisions of H.R. 2546 does not waive your committee's jurisdiction over the bill. I also acknowledge your right to seek conferees on any provisions that are within the your committee's jurisdiction during any House-Senate conference on H.R. 2546 or similar legislation, and would support your request for conferees on such provisions.

Your letter and this response will be included in the record during floor consideration of the bill.

Thank you for your cooperation in this matter.

Sincerely,

DON YOUNG,
Chairman.

Mr. SHAYS. Madam Speaker, I rise in strong support of the Real Interstate Driver Equity Act.

I was disappointed when I learned from ground transportation operators in my southwestern Connecticut district that a Stamford couple attending a play in Manhattan could hire a Connecticut car service to bring them to the city, but the same service couldn't bring the client back to Stamford without purchasing a costly additional permit from New York! This is absurd.

Car services based in Connecticut that take clients to and from New York City—duly licensed and insured under the guidelines of the Federal Highway Administration—should not have to purchase additional permits from a local government in order to provide round trip service.

This common sense legislation simply says that a licensed livery company cannot be subject to additional permitting requirements to complete a round trip into another state. The Livery Permit issued by the Federal Highway Administration is the only permit that should be necessary to conduct interstate commerce.

Just as I do not need to obtain separate drivers' licenses from D.C., Maryland, Delaware, New Jersey and New York in order to drive home to Connecticut at the end of the week, local governments should not have the authority to hold interstate commerce hostage to discriminatory pricing schemes.

Mr. PETRI. Madam Speaker, the Real Interstate Driver Equity Act of 2001 (H.R. 2546) was introduced by Representative ROY BLUNT of Missouri. This legislation is needed to solve a problem that arises when a for-hire vehicle, usually a limousine or sedan, travels across a state line in interstate commerce.

As the law is written today, state and local jurisdictions can require for-hire vehicles to be licensed in multiple states. In some instances, if they do not pay for additional licenses they can only drop their passenger in another state. They cannot make incidental stops. They cannot return the same passenger to the state of origin.

An example that illustrates the problem with the current framework is that of a traveler who arranges to be picked up at an airport. On the way home to another state, they wish to stop and have dinner within the same state in which they arrived. This seems like a reasonable situation. What could go wrong with this arrangement? Unfortunately, that stopover could result in the car being ticketed, towed and impounded. The customer is stranded to look for a way to get home and the car service is left without a car and with hundreds or even thousands of dollars in fines and fees.

This is not a fair practice and H.R. 2546 corrects the problem. For-hire vehicles providing prearranged ground transportation should be able to engage in interstate commerce. This legislation would not allow a carrier to operate in another jurisdiction with spontaneous new clients as though they were licensed within that jurisdiction. The legislation also protects the right of transportation terminal operators to provide preferential access and States and political subdivisions to require criminal background checks.

The for-hire vehicle industry utilizes nearly 250,000 vehicles to move more than two billion passengers each year. With the economic downturn, they are an industry that has been hard hit and have requested financial support from the Congress.

With the current budgetary climate, I am doubtful that the Congress will be able to provide direct fiscal relief. However, H.R. 2546 will reduce a burden that costs for-hire vehicle operators business and costs consumers efficient travel and convenience. Representative BLUNT's bill is the next best thing to directing financial relief in these trying times.

I am pleased to report that after more than two years of consideration, this legislation has reached the House Floor. The Committee on Transportation and Infrastructure has been working with the sponsor and other interested parties to resolve the areas of controversy. As amended at Committee, H.R. 2546 has addressed all of the various concerns. I urge our colleagues to support this legislation.

Mr. LATOURETTE. Madam Speaker, I urge my colleagues to support this good piece of legislation, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and pass the bill, H.R. 2546, as amended.

The question was taken; and (two-thirds having voted in favor thereof)

the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

JAMES L. WATSON UNITED STATES COURT OF INTERNATIONAL TRADE BUILDING

Mr. LATOURETTE. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 2841) to designate the building located at 1 Federal Plaza in New York, New York, as the "James L. Watson United States Court of International Trade Building."

The Clerk read as follows:

H.R. 2841

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The building located at 1 Federal Plaza in New York, New York, shall be known and designated as the "James L. Watson United States Court of International Trade Building".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the building referred to in section 1 shall be deemed to be a reference to the "James L. Watson United States Court of International Trade Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. LATOURETTE) and the gentleman from New Jersey (Mr. PASCRELL) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. LATOURETTE).

Mr. LATOURETTE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 2841 designates the building located at 1 Federal Plaza in New York as the "James L. Watson United States Court of International Trade Building." I thank the ranking member and senior member of the Committee on Ways and Means, the gentleman from New York (Mr. RANGEL), for bringing this legislation to the attention of the committee and urging that we move on it in an expeditious fashion.

Judge Watson was born in Harlem, New York. He was the son of parents that had both been born in Jamaica, and his father served as a municipal court judge for 18 years. Judge Watson served with the Buffalo Soldiers in the 371st Infantry Regiment, 92nd Division, in World War II. He was wounded in Italy and returned to the United States decorated with a Purple Heart and the Infantry Combat Badge.

After returning from the war, he graduated from New York University in 1947 and Brooklyn Law School in 1951. Judge Watson was elected to the New York State Senate in 1954. While serving in the State Senate, in 1962 President John Kennedy chose him to accompany Vice President Johnson to

the Jamaican Independence celebration. In 1963, Judge Watson was elected to the New York City Civil Court.

He served on the City Civil Court until President Johnson appointed him to what was known as the United States Customs Court and that is now known as the United States Court of International Trade in 1966. The nine members of the United States Customs Court could be assigned to sit in any Federal District Court in the Nation.

Because of his previous experience in the City Civil Court, in his first year on the Federal bench, Judge Watson was assigned to hear cases in California, Oregon, Washington, Atlanta, Tampa, Houston, El Paso, San Antonio and Dallas on civil and criminal matters. He was the first African American to sit on the Federal bench in the deep South.

Judge Watson worked to help modernize his court under the Customs Court Act of 1970. As chairman of the Court's Rules and Practices Committee, he reworked the rules and facilitated the modernization of the court with the introduction of computers. He took senior status in 1991. He passed away in Harlem earlier this year.

Madam Speaker, Judge Watson was a dedicated Federal judge and an exemplary public servant. This action is fitting to designate the Court of International Trade Building in his honor. I support the bill and urge my colleagues to do the same.

Madam Speaker, I reserve the balance of my time.

Mr. PASCARELL. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I am in strong support of H.R. 2841, sponsored by the gentleman from New York (Mr. RANGEL). Madam Speaker, what a great feeling to start out in the judge's chambers as a law clerk, and be able to come to the floor of the House of Representatives to introduce legislation that would be a fitting response, a fitting response to years of service and dedication.

Judge Watson served on the United States Court of International Trade. It was a lifetime appointment by President Lyndon Johnson. He was a former New York State Senator and a civil court judge. His career spanned 36 years, and he set a record of 70 appearances serving as a visiting judge in districts around this great Nation.

On several occasions, he was the first African American judge to hold court in parts of the deep South, the Virgin Islands and Puerto Rico. Compassion and evenhandedness are the best mirror when one holds it up to his decisions and written documents which he placed into the record. In World War II, yes, he served as an infantryman with the legendary black 92nd Buffalo Soldiers Division. What a legacy they left this great democracy.

He was seriously wounded in combat in Italy and received the Purple Heart, the Battle Star, the Combat Infantry Badge and a U.S. Army commendation. He attended New York University and Brooklyn Law School. Upon graduation, he established a private practice with retired Judge Bruce Wright; Lisle Carter, former Assistant Secretary of the Department of Health and Human Services; and Jacob Smith.

This is a very special dedication today. In March 1966, President Johnson named Judge Watson to the United States Customs Court, which was later renamed the Court of International Trade. During his year on the International Court, Judge Watson helped develop a modern court system, rewrote many of the court's rules, and introduced computers into the court.

He was noted for a judicial style that was very fair and very balanced. His personal ability to settle many civil cases out of court helped avoid costly expenses and the unpredictability of an often-long trial. He was a lifelong resident of Harlem, a sought-after public speaker, and an insightful adviser to all local politicians. His family is well known and very active in civic affairs. His cousins include Bruce Llewellyn, chairman of Coca-Cola; Secretary of State Colin Powell; and Dorothy Llewellyn Cropper, a New York Supreme Court Justice.

His life was full of success, friendship, his devoted family and his loving wife. It is fitting and proper to honor the distinguished Judge Watson with this designation.

Madam Speaker, I reserve the balance of my time.

Mr. LATOURETTE. Madam Speaker, I reserve the balance of my time.

Mr. PASCARELL. Madam Speaker, I yield such time as he may consume to the gentleman from New York (Mr. RANGEL).

Mr. RANGEL. Madam Speaker, this is a great privilege and honor for me, and one that I have never really enjoyed before, to talk about a friend that has passed away and at the same time to talk about trying to leave something that is made out of steel and concrete as a memory for him.

This is difficult because Judge Watson was anything but a monument. He was just a living example of what a great country that we live in. It is true, as the distinguished gentleman from New Jersey (Mr. PASCARELL) said, he came from a family that is well known, a family of hard workers and high achievers. But still that same family, as the gentleman pointed out, really never left the Harlem community. They were always there as mentors for those who wanted to help themselves.

Judge Watson served as a guide and a symbol of what can happen in this great country when people try to make something out of their lives. So wheth-

er he was a lawyer or whether he was a judge, he was always somebody that we just called plain old "Skiz."

It is remarkable how his family was able to visit with him, his daughter Chris and other daughter Karen, while he was on his death bed. I have never in my life heard of anyone that was leaving that was so concerned about his friends and family that he mapped out everything that he would like to see happen before he left us, and had a chance to tell each and every one how much he loved them.

Madam Speaker, I just think that it is fitting that all of the judges have come together to request that this building that they have worked in, the International Trade Court, be named after one of them because he was representative of all of their feelings. Even though he did retire in name only, on the complex cases he was called in, and he welcomed the opportunity to continue to serve as he served in combat and was wounded and received the Purple Heart for his World War II services.

If there was any award that we could possibly give a civilian that loved his country and his community until literally the day that he died, then Skiz, or Judge Watson, would be the person.

It is a privilege for me from the community, from the City and State of New York, to be the sponsor of this legislation. Its passage would mean that generations to follow will know who Skiz was and what he meant to our great country.

Mr. PASCARELL. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I thank the gentleman from New York (Mr. RANGEL) for being here, because this is a proposal that is presented with heartfelt knowledge of a great American.

Madam Speaker, I yield back the balance of my time.

□ 1630

Mr. LATOURETTE. Madam Speaker, I yield myself the balance of my time.

Madam Speaker, I again thank the gentleman from New York (Mr. RANGEL) for bringing this matter to our attention. I thank the chairman of the full committee, the gentleman from Alaska (Mr. YOUNG), and the distinguished ranking member, the gentleman from Minnesota (Mr. OBERSTAR), as well as my good friend, the gentleman from New Jersey (Mr. PASCARELL).

I urge all Members to support this legislation.

Mr. OBERSTAR. Madam Speaker, H.R. 2841 is a bill to designate the court of international trade in New York City in honor of Judge James L. Watson. Judge Watson, a native New Yorker born in Harlem in 1922, lived and worked his entire life in New York. He served in the New York State Senate and as a Civil Court Judge before his appointment by

President Johnson to the federal bench in 1966.

During World War II, he served in the legendary Buffalo Soldiers Division. He was awarded the Purple Heart, the Battle Star, the Combat Infantry Badge, and a U.S. Army commendation. After the war, he began private practice and became actively involved in local politics. In 1963, he was appointed to the Civil Court of New York and hired our Colleague CHARLIE RANGEL as one of his staff attorneys. During his years on the Court of International Trade, he modernized the court system and played a major role in rewriting the court's rules. He was instrumental in introducing computers into judicial activity.

Judge Watson was the Nation's most senior African-American federal judge. He enjoyed a national reputation for handling our fair sentences. He was a sought-after public speaker, served on the Board of Visitors of Fordham University, and on the board of the Harlem YMCA. His colleagues, politicians, and even other lawyers, sought his wise advice and safe counsel. Judge Watson's life serves as a model of diligence, hard work, and fairness.

It is a well-deserved honor to designate the very building in which Judge Watson served with distinction for over three decades as the "James L. Watson United States Court of International Trade Building."

I urge all Members to support this bill.

Mr. LATOURETTE. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and pass the bill, H.R. 2841.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. LATOURETTE. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 2841 and H.R. 2546, the measures just considered by the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

FRANK R. LAUTENBERG AVIATION SECURITY COMPLEX

Mr. LOBIONDO. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 2776) to designate buildings 315, 318, and 319 located at the Federal Aviation Administration's William J. Hughes Technical Center in Atlantic City, New Jersey, as the "Frank R. Lautenberg Aviation Security Complex".

The Clerk read as follows:

H.R. 2776

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

Buildings 315, 318, and 319 located at the Federal Aviation Administration's William J. Hughes Technical Center in Atlantic City, New Jersey, shall be known and designated as the "Frank R. Lautenberg Aviation Security Complex".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the buildings referred to in section 1 shall be deemed to be a reference to the "Frank R. Lautenberg Aviation Security Complex".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. LOBIONDO) and the gentleman from New Jersey (Mr. PASCRELL) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. LOBIONDO).

Mr. LOBIONDO. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in strong support of H.R. 2776, to designate buildings 315, 318, and 319 located at the William J. Hughes FAA Technical Center as the Frank R. Lautenberg Aviation Security Complex. During his stellar 18-year career in the United States Senate, Frank Lautenberg was a strong voice for the improvement of aviation security in our Nation, a topic that has sadly gained more attention in the weeks following September 11. Twice before, he took a central and key role in examining the causes of aviation disasters. In 1988, after the bombing of Pan Am Flight 103, he chaired the first congressional hearings looking into the disaster and was one of only four congressional Members to serve on President George H.W. Bush's Presidential Commission on Aviation Security and Terrorism.

Eight years later, in response to the TWA 800 disaster, Senator Lautenberg supported a commission investigation into the incident and, along with his colleagues, sponsored legislation that appropriated more than \$400 million for the acquisition of new explosive detection devices and other aviation security improvements.

The complex referred to in my legislation is located at the FAA Technical Center in Egg Harbor Township, in my district. The tech center is our Nation's top research and development facility where nearly every advance in aircraft safety and security is born and tested by some of the most remarkable and dedicated professionals in the field. The work they are doing is tremendously important, and I salute them for their efforts. In fact, I introduced this bill on the suggestion of the tech center employees and their leadership, and I have been happy to have their support on this issue as I have worked

with House leadership to bring this bill to a vote today.

The dedication of the government and private sector employees working today at the tech center mirrors the longtime dedication of Senator Lautenberg to the cause of aviation safety. It is our shared goal that Congress continue to do everything possible to find the right solutions that will ensure the traveling public will be able to fly safely and securely. Sadly, yesterday's tragedy in New York City reminds us of the constant need for new and better innovations in aircraft safety technology. I also hope that the naming of this facility will not only honor the Senator but will also serve as a reminder of the vigilance he displayed in working to protect the traveling public and the vigilance needed to spur new advances.

I would like to thank the gentleman from Alaska (Mr. YOUNG), the gentleman from Minnesota (Mr. OBERSTAR), the gentleman from Florida (Mr. MICA), and all my cosponsors of the bill, the gentleman from New Jersey (Mr. MENENDEZ), the gentleman from New Jersey (Mr. SAXTON), the gentleman from New Jersey (Mr. HOLT), the gentleman from New Jersey (Mr. PALLONE), the gentleman from New Jersey (Mr. PAYNE), the gentleman from New Jersey (Mr. PASCRELL), and the gentleman from New Jersey (Mr. ROTHMAN), for their support.

Madam Speaker, I reserve the balance of my time.

Mr. PASCRELL. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in strong support of H.R. 2776. This bill designates buildings 315, 318, and 319 located at the Federal Aviation Administration's William J. Hughes, named after another great American from New Jersey, a great Congressman, Technical Center in Atlantic City as the Frank R. Lautenberg Aviation Security Complex. I commend the gentleman from New Jersey (Mr. LOBIONDO) for always reaching across the aisle sincerely and the entire New Jersey delegation support of this good legislation.

In this time of uncertainty and uneasiness about aviation, I can think of no more fitting tribute to a man who changed our way of thinking about aviation. Senator Lautenberg is a great American and a son of my hometown of Paterson, New Jersey. The son of immigrants, Frank Lautenberg came from a working-class background. In fact, his father worked in the silk mills in Paterson located around the same area where I grew up.

After graduating high school, he served the United States citizens by joining the Army Signal Corps in Europe. Upon his return, Senator Lautenberg began a life of public service to the citizens of the Garden State. The impact he has had on our Nation's

health, safety and security is significant; and that is why we honor him today. He is the author of laws that have shaped the lives and enriched the health and safety of Americans.

Throughout his 19 years of public service, Frank Lautenberg distinguished himself as a thoughtful and energetic leader. He advocated passionately for transportation issues, including aviation security. The terrorist attack over Lockerbie, Scotland, propelled the President to create the President's Commission on Aviation Security and Terrorism. Frank Lautenberg served with distinction on the Pan Am 103 commission, and worked over the last several years on a number of initiatives to promote and to fund aviation security.

Frank Lautenberg's leadership in the Senate laid the foundation to enhancing aviation security. The commission's 1990 report found the Nation's civilian aviation security system to be seriously flawed and made 64 recommendations to correct those flaws. The Aviation Security Improvement Act of 1990 incorporated those recommendations.

In 1996, spurred on by the tragedy of TWA 800, that tremendous explosion, President Clinton organized another commission, the 1996 White House Commission on Aviation Safety and Security. The commission made 31 recommendations for enhancing aviation security that were ardently supported by Senator Lautenberg. He subsequently led efforts in the Senate to include measures in the 1996 FAA Reauthorization Act and the Omnibus Consolidated Appropriations Act of 1997 to not only intensify security but also to appropriate needed funds for new explosives-detection technology.

I was able to visit the Atlantic City facility earlier this year with my friend, the gentleman from New Jersey (Mr. LOBIONDO), and the rest of our subcommittee. The work that they are doing in that facility is remarkable. It will assist us for generations to come in terms of aviation security. The research conducted at the Federal Aviation Administration's technical center is on the cutting edge. I must tell my friend from New Jersey, as many times as I passed there before I became a Congressman, never did I see what was going on in there. I was absolutely floored at the work that is being done in our behalf and the citizens of this great Nation. The programs housed in those buildings, to be renamed in honor of Senator Lautenberg, are key to successful research.

At the core is building 315, the aviation security laboratory, which was dedicated to the victims of Pan Am 103. Research in the ASL focuses on bulk explosives detection and certification testing. Buildings 318 and 319 are dedicated to bulk luggage and luggage containers testing, and explosives trace

detection equipment operations and testing, respectively. This is critical to the aviation industry in our Nation. If we do what we have to do in the next 2 weeks, we will begin to continue to finish the package which we started a few years ago.

Madam Speaker, I thank my New Jersey colleagues for introducing this measure; and I urge my colleagues' support for H.R. 2776.

Madam Speaker, I reserve the balance of my time.

Mr. LOBIONDO. Madam Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Madam Speaker, I want to commend my good friend and colleague, the gentleman from New Jersey (Mr. LOBIONDO), for this meaningful resolution and for his sensitivity and his bipartisanship in proffering it today and for naming the tech center, which is an outstanding center in New Jersey in his district, after Frank Lautenberg.

Madam Speaker, while I had serious differences with Senator Lautenberg from time to time especially on safeguarding unborn children there is no doubt that Frank worked tirelessly for the State of New Jersey. A self-made millionaire, he knew that hard work and industry are key ingredients in any endeavor. He was a great friend of Amtrak. We all know how vital Amtrak is to the Northeast Corridor and New Jersey in particular. The ridership continually climbs, not just because of aviation safety issues but because people like it; it is relatively inexpensive; and it gets you there on time and schedule, permits maximum flexibility in personal or professional planning.

He also worked very hard with me and as he did with other Members of our delgation. For example we recently had a specific need in Manasquan. We wanted to get a new state of the art motorized lifeboat, for sea rescues and recovery. Senator Lautenberg and I worked the procurement of the boat from both ends of the Capitol and succeeded.

He helped lead the effort against smoking on commercial aircraft. My mother died from lung cancer as a result of smoking and my family and I miss her dearly. We know that something on the order of 400,000 to 500,000 people will die from smoking every year. It's an outrage. Yet, having a flight attendant as a sister-in-law and a brother who is a pilot and 757 captain, we know that secondhand smoke can be very deleterious to one's health and can lead to lung cancer and emphysema and other anomalies attributable to smoking.

Finally, one seemingly obscure provision that Senator Lautenberg took the lead on that really does not make the front page, and it is something that I have worked with him on for many

years, and that was known as the Lautenberg amendment. It was an amendment designed to assist, to facilitate emigration of Soviet Jews and other persecuted people in the Soviet Union as well as Indochinese nationals, to give them a special and a vitally necessary protection and refugee status.

Madam Speaker, normal refugee procedures require an adjudication of that case on a case-by-case basis. The record clearly indicated that many people, worthy individuals, were being improperly screened out and being left behind in a the country where tyranny did its terrible misdeeds to those individuals. Because the Soviets, for example, imposed such egregious repression on Jews and whole categories of people by reason of their inclusion and identification with that group, the Lautenberg amendment first adopted in 1990 stipulated that if the whole group was affected, they as individuals would be able to get the kind of protection refugee status that would lead to their freedom.

□ 1645

The Lautenberg amendment has resulted in freedom for thousands of people. Again, it never made a big splash in the media, but it is a very humanitarian piece of legislation for which he is the author.

I thank again my good friend, the gentleman from New Jersey (Mr. LOBIONDO), for sponsoring this bill.

Mr. PASCRELL. Madam Speaker, I yield 5 minutes to the gentleman from New Jersey (Mr. PAYNE), a very close associate of Senator Lautenberg.

Mr. PAYNE. Madam Speaker, I thank the gentleman for yielding me time and allowing me to express my appreciation for the work done by Senator Lautenberg. Let me commend, in addition to the gentleman from New Jersey (Mr. PASCRELL), the gentleman from New Jersey (Mr. LOBIONDO) for bringing this legislation to the floor.

I am pleased to rise in support of this measure to designate three buildings located at the Federal Aviation Administration's William J. Hughes Technical Center in Atlantic City as the Frank R. Lautenberg Aviation Security Complex after one of New Jersey's most distinguished and dedicated public servants, my friend and my former colleague, Senator Frank Lautenberg.

Senator Lautenberg is well known throughout New Jersey and the Nation for his prolific legislative achievements, but even before his election to the United States Senate, he worked tirelessly in pursuit of the American dream. He is proof that this country is great, because of what he was able to do even before he was elected to the United States Senate.

His is indeed a classic American success story. Born to immigrant parents, as we have heard, who were forced to move consistently in search of work,

his father worked in the mills, his mother worked in other types of jobs during World War II, at Prudential doing work there, but he set his goals for himself in his early life. He remembered what his parents told him, that he could be anything he wanted to be, and he never wavered in the quest to fulfill his aspirations.

After completing high school in Nutley, New Jersey, he enlisted in the Army, serving in the Army Signal Corps in Europe during World War II. After the war, he earned a degree in economics from Columbia University, using the GI Bill, which was a bill where America said we are going to educate our returning veterans. So many Americans were able to lift themselves up because the Federal Government made a determination that we should help our returning servicemen. As a matter of fact, that program, where many people talk about government is too big, that set the United States of America far ahead of the world, and that is why we have been able to achieve the prominence that we have today.

After the war and after he earned his degree, then he got into the spirit of American entrepreneurship and joined two boyhood friends in establishing a payroll service company, Automatic Data Processing, ADP.

Senator Lautenberg was a champion of the revitalization efforts throughout New Jersey. Following my election to the House of Representatives in 1988, I was always able to count on Senator Lautenberg as an advocate of major economic development efforts, including the world-class Performing Arts Center in Newark, New Jersey, which helped to stimulate economic development; and now Newark is moving back to the prominence that it once had: the development of the waterfront; millions of dollars in funding for Urban Core mass transit programs, including the Newark-Elizabeth Rail Link, Bergen Rail, and throughout the State.

Senator Lautenberg gained a national reputation as a powerful voice for environmental protection, fighting for safe drinking water, clean air, a ban on ocean dumping of sewage, clean beaches, prevention of oil spills and a strong Superfund bill to clean up toxic sites.

Senator Lautenberg has worked to improve educational opportunities in our Nation so that coming generations will have the chance to live the American dream as he has. Senator Lautenberg helped author the Hope Scholarship, which provides a \$1,500 tax credit for college students. He fought to improve our public schools by providing important resources, including new computers, so that students will be prepared for high-tech jobs in the future. He even put his own money up to say that any kids who graduate from the elementary school that he went to

could go to college, and he would pay the way.

A strong supporter of affirmative action, Senator Lautenberg has fought discrimination based on race, religion, disability or sexual orientation. He was a staunch supporter of the Americans With Disabilities Act, and in 1991 he supported the Civil Rights Act strongly. He has supported full funding for the Legal Service Corporation to ensure that all individuals have access to legal protection.

In addition to his work here, I had the opportunity to travel to Israel with Senator Lautenberg, where an entire community center for education, for the help of young children in Israel, is there as a contribution that he has done.

So his work has been worldwide, and I think it is no more fitting and proper today, as has been indicated by my colleague from Paterson, that when air transportation is being questioned, when there is, as we know, the horrible act of yesterday, where a tremendous accident happened over in New York, that we need to be sure that we have the opportunity to name a facility in the name of such a great person.

So I urge my colleagues to support this resolution honoring the great former colleague, Senator Frank Lautenberg.

Mr. PASCRELL. Madam Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Madam Speaker, I thank my friend from Paterson for yielding me time, and I thank my friend the gentleman from New Jersey (Mr. LOBIONDO) also for advancing this legislation to recognize an important function, an important center, but especially to recognize an important American.

Former Senator Frank Lautenberg has left a mark on America that we all should recognize. In education, his support for public schools; in law, his support to provide good legal advice for the less advantaged; in arts and culture; in the environment, clean air, clean water, excellent legislation dealing with open space and Superfund.

But we all know him best for his work in transportation. In 14 years as ranking member and chairman of the Subcommittee on Transportation of the Committee on Appropriations, he made a mark on almost every aspect of transportation in America. It is not just building things and funding infrastructure, there is much of that that we can point to; but it was other things, such as we have heard mentioned today.

He recognized that smoking is not just an annoyance; that other people's smoke actually is a health hazard, and he banned smoking in airplanes.

But what I particularly remember is the work that he did to stop drunk driving. With his 0.08 alcohol level leg-

islation, he saved so many lives that you could fill a sports stadium with the young adults who are alive today because of what he did. But, of course, the difficult point is, no one knows who those are, whose lives were saved, so we could not find them to fill the stadium. But, believe me, there are countless tragedies that have been prevented because of Frank Lautenberg's 0.08 alcohol legislation.

So, throughout the area of transportation he has left an important mark, and it is fitting that we recognize him now in one area where he contributed something that is particularly relevant today, and that is transportation, specifically airline security.

I commend my friends for advancing this legislation, and I urge its passage to the rest of my colleagues.

Mr. PASCRELL. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, before yielding back, I just want to thank again the gentleman from New Jersey (Mr. LOBIONDO) for his diligent work, and I want to thank the gentleman from Alaska (Chairman YOUNG) and the ranking member, the gentleman from Minnesota (Mr. OBERSTAR) for helping us get to the floor here, and thank all the Members from the New Jersey delegation.

Madam Speaker, I yield back the balance of my time.

Mr. LOBIONDO. Madam Speaker, I yield myself such time as I may consume to close.

Madam Speaker, I would like to say that it was an honor for me to serve with Senator Lautenberg. I learned a great deal from the Senator about effective and positive public service. He was someone that led by example, and his leadership and vision will have a lasting impact on our aviation security. This indeed is a fitting tribute to a great leader that I am very proud to call my friend.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from New Jersey (Mr. LOBIONDO) that the House suspend the rules and pass the bill, H.R. 2776.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. LOBIONDO. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2776.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

KLAMATH BASIN EMERGENCY OPERATION AND MAINTENANCE REFUND ACT OF 2001

Mr. WALDEN of Oregon. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 2828) to authorize refunds of amounts collected from the Klamath Project irrigation and drainage districts for operation and maintenance of the Project's transferred and reserved works for water year 2001, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2828

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Klamath Basin Emergency Operation and Maintenance Refund Act of 2001".

SEC. 2. QUALIFIED KLAMATH PROJECT ENTITY DEFINED.

In this Act, the term "qualified Klamath Project entity" means an entity that—

(1) has executed a water supply contract with the United States for water from the Upper Klamath Lake and the Klamath River of the Klamath Project pursuant to the reclamation laws, including the Act of June 17, 1902 (32 Stat. 388), and Acts amendatory thereof or supplementary thereto;

(2) distributes water received under the contract;

(3) received a severely limited irrigation supply from the Upper Klamath Lake and the Klamath River based on the Bureau of Reclamation 2001 annual operations plan dated April 6, 2001; and

(4) was not reimbursed for its operation and maintenance expenses for 2001 pursuant to State law.

SEC. 3. REFUND AND WAIVER OF ASSESSMENTS AND CHARGES FOR OPERATION AND MAINTENANCE OF KLAMATH RECLAMATION PROJECT.

(a) IN GENERAL.—The Secretary of the Interior is authorized to pay to each qualified Klamath Project entity an amount equal to the amount assessed or charged to members of the qualified Klamath Project entity, or to other persons receiving water or drainage service from such an entity, for operation and maintenance of Klamath Project transferred and reserved works for 2001.

(b) CONDITIONS.—Payment under this section may be made to a qualified Klamath Project entity only after the entity has—

(1) provided to the Secretary documentation satisfactory to the Bureau of Reclamation, demonstrating the total amount assessed or charged to members of the entity or to persons receiving service from the entity; and

(2) executed a binding agreement under which the funds paid to the entity under this section shall be distributed to each member of the entity or persons receiving service from the entity in an amount equal to the amount collected by the entity from the member or person for operation and maintenance for 2001.

(c) WAIVER OF REMAINING AND ADDITIONAL CHARGES.—The Secretary may waive any requirement that a qualified Klamath Project entity pay remaining or additional charges for operation and maintenance of Klamath Project reserved works for 2001.

(d) PAYMENTS AND WAIVERS FOR INDIVIDUALS.—The Secretary—

(1) may pay, to any individual within the Klamath Project who holds a contract entered into pursuant to the Act of February 21, 1911 (36 Stat. 925; 43 U.S.C. 523–525), popularly known as the "Warren Act", and who is not within a district that receives a payment pursuant to subsection (a) and a waiver under subsection (c), an amount equal to the amount collected from such individual for operation and maintenance of Klamath Project reserved works for 2001; and

(2) may forego collection from such individual of charges for operation and maintenance of such works for the remainder of 2001.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

Amounts not paid by a qualified Klamath Project entity to the Bureau of Reclamation for the operation and maintenance of the reserved works for 2001 shall be funded from the appropriations authorized by this Act. Costs incurred by the Bureau of Reclamation in carrying out this Act shall not be reimbursable.

SEC. 5. NO SUPPLEMENTAL OR ADDITIONAL BENEFIT.

Activities under this Act or funded pursuant to this Act shall not be considered a supplemental or additional benefit under the Act of June 17, 1902 (32 Stat. 388), and all Acts amendatory thereof or supplementary thereto.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oregon (Mr. WALDEN) and the gentleman from West Virginia (Mr. RAHALL) each will control 20 minutes.

The Chair recognizes the gentleman from Oregon (Mr. WALDEN).

Mr. WALDEN of Oregon. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 2828 gives hope to those people whose livelihoods face ruin as a result of the Interior Department's decision to shut off water to some 1,200 farm families of the Klamath Basin for the first time in the nearly 100-year history of the Bureau of Reclamation's Klamath Project.

Many of these farm families are proud veterans or descendants of American veterans who wore our country's uniform and fought for freedom. The Federal Government lured them to this basin with a promise of water and land for life. They were encouraged by the Federal Government to settle the land and to feed the country.

Last summer, without water, parched fields turned to dust and farm families began to stare bankruptcy in the face. To make matters even worse, these same farmers were paying for the operation and maintenance of the myriad of canals and waterways this year, paying for a project that would deliver them virtually no water. You know, in America you should not have to pay for something you do not receive, and that is where this legislation rights a wrong.

I want to thank the gentleman from Utah (Chairman HANSEN) and the ranking member, the gentleman from West Virginia (Mr. RAHALL) for their co-operation and support of this legislation. This measure results from testimony at a field hearing we held earlier this year in Klamath Falls. It is very much appreciated that we had that opportunity.

I also want to thank my colleagues, the gentleman from Oregon (Mr. DEFAZIO) and the gentlewoman from Oregon (Ms. HOOLEY), for their bipartisan cosponsorship and support of H.R. 2828. We continue to work together to find real solutions to the very real and difficult problems confronting the farmers, the tribes and the environment of the Klamath Basin. Rest assured, in the months ahead we will continue to bring legislation to address other very significant issues in this basin.

H.R. 2828 provides both a measure of fairness and a measure of emergency relief. It authorizes the Bureau of Reclamation to return or waive fees paid by irrigation districts and, ultimately, by their patrons this year. It puts money back in the hands of the farmers who so desperately need it.

H.R. 2828 will authorize the Secretary of Interior to pay each qualified Klamath Project entity an amount of money that was assessed them for operation and maintenance of the Klamath Project for 2001.

Section 2 defines the qualified Klamath Project as an entity that, one, has a water supply contract with the Bureau of Reclamation for water from the Upper Klamath Lake and Klamath River; two, distributes water received under the water supply contract; and three, received a severely limited supply based on the 2001 annual operations plan issued April 6, 2001; and finally, four, did not already receive refund payments.

□ 1700

Mr. Speaker, this bill is the fair thing to do for the people who have experienced such terrible hardship. I hope that all of my colleagues can support this straightforward bill.

Mr. Speaker, I reserve the balance of my time.

Mr. RAHALL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the pending legislation would enable the Secretary of the Interior to waive or refund operation and maintenance payments for certain irrigation districts which contract with the Bureau of Reclamation for water from the Klamath Project. This measure is being advanced because while many water districts have paid their operation and maintenance expenses, due to drought conditions, they ultimately did not receive water from the Klamath Project.

While I am not opposed to this bill, I do want to note for the record that the United States has experienced additional expenses due to the reaction of certain individuals to the drought-related reduction in Klamath water deliveries. For instance, when the drought caused the Interior Department to not deliver water, certain individuals took it upon themselves to pry open the headgates of Klamath Lake to

release water. This has caused the Government to expend approximately \$750,000 guarding the headgates of the Klamath Project from further acts of lawlessness.

Certainly, these funds would have been better spent developing long-term solutions to the water problems in the Klamath Basin.

For the time being, however, recognizing the hard work put into this measure by the gentleman from Oregon (Mr. DEFAZIO) and the gentleman from Oregon (Mr. WALDEN), I do urge its adoption.

Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

Mr. WALDEN of Oregon. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CULBERSON). The question is on the motion offered by the gentleman from Oregon (Mr. WALDEN) that the House suspend the rules and pass the bill, H.R. 2828, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to authorize payments to certain Klamath Project water distribution entities for amounts assessed by the entities for operation and maintenance of the Project's transferred works for 2001, to authorize refunds to such entities of amounts collected by the Bureau of Reclamation for reserved works for 2001, and for other purposes."

A motion to reconsider was laid on the table.

RONALD REAGAN BOYHOOD HOME NATIONAL HISTORIC SITE

Mr. RADANOVICH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 400) to authorize the Secretary of the Interior to establish the Ronald Reagan Boyhood Home National Historic Site, and for other purposes, as amended.

The Clerk read as follows:

H.R. 400

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RONALD REAGAN BOYHOOD HOME NATIONAL HISTORIC SITE.

(a) ACQUISITION OF PROPERTY.—As soon as practicable after the date of the enactment of this Act, the Secretary shall purchase with donated or appropriated funds, at fair market value and from a willing owner only, fee simple, unencumbered title to the Property and to any personal property related to the Property which the Secretary determines to be appropriate for the purposes of this Act.

(b) ESTABLISHMENT OF HISTORIC SITE.—After the Property is acquired by the Secretary, the Secretary shall designate the Property as the Ronald Reagan Boyhood Home National Historic Site.

(c) LAND DESCRIPTION.—The Secretary shall ensure that a copy of the land descrip-

tion referred to in subsection (f)(2) is on file and available for public inspection in the appropriate offices of the National Park Service.

(d) MANAGEMENT OF HISTORIC SITE.—

(1) COOPERATIVE AGREEMENT.—The Secretary shall enter into a cooperative agreement with the Ronald Reagan Boyhood Home Foundation for the management, operation, and use of the Historic Site. The cooperative agreement shall provide for the preservation of the Property in a manner that preserves the historical significance thereof and upon such terms and conditions as the Secretary considers necessary to protect the interests of the United States.

(2) GENERAL MANAGEMENT PLAN.—Not later than 2 years after the date of the enactment of this Act, the Secretary, in consultation with the Ronald Reagan Boyhood Home Foundation, shall complete a general management plan for the Historic Site that defines the role and responsibility of the Secretary with regard to the interpretation and the preservation of the Historic Site.

(e) APPLICABILITY OF OTHER LAWS.—The Secretary shall administer the Historic Site in accordance with the provisions of this Act and the provisions of laws generally applicable to national historic sites, including the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (16 U.S.C. 1-4), and the Act entitled "An Act to provide for the preservation of historic American sites, buildings, objects and antiquities of national significance, and for other purposes", approved August 21, 1935 (16 U.S.C. 461 et seq.).

(f) DEFINITIONS.—For the purposes of this Act, the following definitions apply:

(1) HISTORIC SITE.—The term "Historic Site" means the Ronald Reagan Boyhood Home National Historic Site.

(2) PROPERTY.—The term "Property" means the property commonly known as the Ronald Reagan Boyhood Complex located in Dixon, Illinois, (including any structures thereon), further described as follows:

The North Half (N½) of Lot Three (3), Block One Hundred and Three (103), of the original Town (now City) of Dixon, Lee County, Illinois, and more commonly known as 816 South Hennepin Avenue, Dixon, Illinois. (Reagan Boyhood Home)

The South Half (S½) of Lot Two (2), Block One Hundred and Three (103), of the original Town (now City) of Dixon, Lee County, Illinois, and more commonly known as 810 South Hennepin Avenue, Dixon, Illinois. (Visitors Center)

The South two-thirds (S⅔) of Lot Four (4) in Block One Hundred Three (103) in the original Town (now City) of Dixon, Lee County, Illinois, and more commonly known as 821 South Galena Avenue, Dixon, Illinois. (Parking Lot)

The Westerly Ninety feet of the Southerly One half (S½) of Lot 3 in Block 103 in the Town (now City) of Dixon, Lee County, Illinois. (Park with statue of President Reagan)

Legal title to all of the foregoing is: Fifth Third Bank, as successor trustee to First Bank/Dixon (later known as Grand Premier Trust) as trustee under Trust Agreement dated August 15, 1980 and known as Trust No. 440.

Said property is also located within an historical district created by the City of Dixon pursuant to Ordinance No. 1329 dated June 16, 1986 as amended. The historical district was created pursuant to Title VI, Chapter 16 of the City Code of the City of Dixon.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. RADANOVICH) and the gentleman from West Virginia (Mr. RAHALL) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. RADANOVICH).

Mr. RADANOVICH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 400, introduced by the gentleman from Illinois (Mr. HASTERT), the Speaker of the House, would authorize and direct the Secretary of the Interior to purchase the site of Ronald Reagan's boyhood home in Dixon, Illinois, at its fair market value and, once acquired, designate it as the Ronald Reagan Boyhood Home National Historic Site.

In addition, the National Park Service would be required to enter into a cooperative agreement with the Ronald Reagan Boyhood Home Foundation, the site's current owner, to operate the new historic site and within 2 years develop a general management plan that would define the roles of the two parties interpreting and preserving the historic site.

Mr. Speaker, establishing the boyhood home as a National Historic Site will ensure long-term preservation of the museum and its eligibility for funding from the National Park Service. I urge an "aye" vote on the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. RAHALL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to state at the outset that I support the pending legislation. Let me assure my colleagues on the Democratic side of the aisle that this bill is much different than other measures that we have seen to purportedly honor former President Reagan.

This measure does not contain the irony of naming an airport after a President whose only claim to fame when it came to aviation was to bust the air traffic controllers union. It does not propose to circumvent all established procedures and force-feed a memorial to him on the Mall, as some have proposed.

Instead, the pending legislation would establish a Ronald Reagan Boyhood Home National Historic Site in the same fashion as we have designated such sites to other former Presidents, for example, the Truman National Historic Site in Independence, Missouri, and the Garfield National Historic Park in Mentor, Ohio.

In this regard, it is a fact that Ronald Reagan resided in this particular home in Dixon, Illinois, during a portion of his teenage years. The home has already been fully restored and is being operated as a museum. So it is fitting that this legislation include this site as a unit of the national park system. It is our hope that this addition will assist those in seeking insight into the former President's life and work.

Let us move forward on this particular designation to Ronald Reagan, but please let it be the last of them, at least in this Congress.

Mr. Speaker, I reserve the balance of my time.

Mr. RADANOVICH. Mr. Speaker, I yield 5 minutes to the gentleman from Colorado (Mr. HEFLEY), a member of the Committee on Resources.

Mr. HEFLEY. Mr. Speaker, I rise in opposition to this bill, not because of its subject matter, but because of the way it is being done.

Seven years ago, I began work on the National Park Service Reform Act. I authored that bill because I believed then, and I believe now, that Park Service units should be designated on the basis of what they are, not because they are the pet project of someone in a powerful position. Instead, they should be the end result of a logical, thoughtful process of evaluation by the Park Service that must maintain them.

This bill before us has none of that. Instead, it straightforwardly designates the Ronald Reagan Boyhood Home in Decatur, Illinois, as a National Park unit, without study by the Park Service or indeed any real idea of what the Park Service's role in this will be or how they will manage it.

Now, Ronald Reagan is a political and personal hero of mine, and I think Decatur's efforts to preserve his home are a wonderful example of what private citizens can do to preserve something worthwhile. They had this site in tip-top shape and have no problem waiting a year for designation until the Park Service does a study. In fact, they told us that was perfectly fine, to wait the year and do like every other single bill of this nature that came through the committee while I was chairman of the committee was done. Democrat and Republican bills alike, they all went to a study by the Park Service first. These people have no problem with that. That is perfectly all right.

The board members, though, are getting up in years; and they would like the designation as insurance that their work will be continued after they are gone. So they do not want it to string on too long, and I do not either. They are proud of that work, and they should be proud of that work. By looking at them and what they have accomplished, maybe we can see a little of where Ronald Reagan got his beliefs.

So at full committee I offered an amendment to give the Park Service 1 year to study the Ronald Reagan home, again like every other bill of this nature that came through there in the last few months, and then report back to us about how they would manage this site. That amendment was passed unanimously at the Subcommittee on the Park Service markup; but in the full committee they elected to act on the base text because that is the way

the Speaker and/or the Speaker's staff wanted it to be acted on, again, violating all the rules we had done for everybody else. It passed the full committee until one Member was persuaded to switch their vote.

Now, I have absolutely no doubt that the Reagan home will be found worthy of National Park designation. But the way it is being done here is an affront to what we have been working for. We have been working for logical processes here, so that someone who just happens to be in the right spot, maybe it is the Committee on Appropriations, maybe it is the Speaker's office, maybe it is the minority leader's office, somebody who happens to be in the right spot can have their way just because they are in the right spot. It should not be that way. There should be a logical process.

So we are working for logical processes, and we are working for fairness. We treated in this committee everybody's suggestions, everybody's ideas, every Democrat's idea, every Republican's idea, with the same even-handed fairness and the same approach, except this one.

I introduced the Park Reform Act because I believe everybody's ideas should be judged by the same rules. My ideas should, my colleagues' ideas should, and the Speaker's ideas should. Make no mistake, this bill is before us in this form today only because the Speaker wants it, and that is not right.

For this reason, I must oppose this suspension.

Mr. RADANOVICH. Mr. Speaker, I yield 5 minutes to the gentleman from Indiana (Mr. SOUDER), a member of the Committee on Resources.

Mr. SOUDER. Mr. Speaker, first let me speak to the underlying bill, which I strongly support and have supported since its introduction in the Congress.

Ronald Reagan was not only an inspiration in my life, but many others. His speech for Barry Goldwater is what inspired me to get interested in politics when I was 14 years old. He inspired the bulk of the young conservatives, the middle-aged conservatives, and the older conservatives in America to a philosophy of government. To many of us, he stands as our conservative hero, much like Franklin Roosevelt is for liberals.

Therefore, it is important that we recognize his sites and his importance to a strong political movement in America, not just some of his later sites, but also his early birth sites. For Teddy Roosevelt, we have multiple sites in the Park Service, for Franklin Roosevelt and for Abraham Lincoln and for others on the Mall. It is important that we have recognition for Ronald Reagan as one of those pillars of leadership in American history.

Ronald Reagan's roots are in the Midwest, much like Abraham Lincoln's; and as a member of the Subcommittee on National Parks, Recre-

ation and Public Lands, among many Westerners, let me add a concern that I have. The National Park Service has consistently opposed anything that has come up from the Midwest. We do not have the grand big Rocky Mountains, we do not have the ocean beaches, we do not have a lot of the things that they have in the West; but we do have a fair amount of historic sites. This happened when we got to the Underground Railroad. This has happened with a series of sites that the National Park Service has opposed.

This bill has not moved until this year because it was opposed. Those of us in the Midwest, while we understand that the National Park Service is concerned that we keep adding units to the National Park Service without expending money at the same rate we are expanding units and, therefore, building a backlog; and we understand the concern of the Western States for constantly opposing new things because they are concerned with the backlog that those things are not going to be funded. Those of us in the Midwest, particularly when it comes to sites like Ronald Reagan's boyhood home, have concerns.

I share the concern of our former chairman, the gentleman from Colorado (Mr. HEFLEY), about the proliferation of heritage areas, about the proliferation of sites, whoever wants to stick something in a bill; but this Ronald Reagan Boyhood Home is not that standard. Part of the reason they had to get somebody to switch in full committee was because I was in another markup at the time of it, sprinted over, as did the gentleman from California (Mr. POMBO), and because they managed to get the one person to switch, they did not get our votes. This bill would have passed in the committee had we been there. For that I apologize for any confusion.

But the fact is, this is a deserving bill. We need this site in the Midwest. The Speaker is right to put his weight behind this. I support him in these efforts. We in the Midwest for too long have been shorted. Ronald Reagan deserves these tributes. He deserves these tributes while he is still alive. No one disputes the historic nature of this building or the importance of Dixon, Illinois, and his Midwestern upbringing, to his leadership of America and the values he was anchored in.

Mr. RAHALL. Mr. Speaker, I yield myself such time as I may consume.

If I might just respond to some of the comments made in opposition to this bill, in particular, by the gentleman from Colorado (Mr. HEFLEY). I do not view this particular legislation as a pet project of a powerful person, regardless of it being the Speaker's bill. I have been contacted, I know, from Democratic Members on my side of the aisle in support of this legislation, including

the gentleman from Illinois (Mr. LIPINSKI) and the gentleman from Illinois (Mr. COSTELLO).

I happen to believe that it would be a waste of taxpayers' money for the National Park Service to study this matter. The facts are the facts. As I said in my opening statement, Ronald Reagan lived at this site. I do not believe we need a study to determine that. The home has been restored. It is being operated as a museum. So I do not believe that taxpayers' money would necessarily be spent wisely to conduct a study of these very same facts.

I can assure the gentleman from Colorado that I am not being swayed because it is the Speaker's bill. I am on the minority side of the aisle. So I would close and urge adoption of the bill.

Mr. Speaker, I yield back the balance of my time.

Mrs. BIGGERT. Mr. Speaker, I rise in strong support of H.R. 400, a bill to establish the Ronald Reagan Boyhood Home National Historic Site, in Dixon, Illinois. This bill would allow the Secretary of the Interior to acquire the Reagan boyhood home to ensure that this important historical structure is protected for future generations to enjoy.

Ronald Reagan holds a special place in the hearts and minds of the citizens of northern Illinois. Many believe that President Reagan was a Californian. But his core values and bold conservatism were the product of a childhood in Illinois.

Ronald Reagan continues today to serve as a model of optimism and hope. In his very first inaugural address, President Reagan set the tone for his eight years in office when he proclaimed that, "no arsenal or no weapon in the arsenals of the world is so formidable as the will and moral courage of free men and women."

President Reagan truly was the "Great Communicator." One of my favorite lines of his was when he said that the best view of big government is in the rear view mirror as you're driving away from it. Throughout his presidency, Reagan used his trademark humor and wit to unite a nation, end the Cold War, and restore prosperity. He championed the notion of individual responsibility and accountability.

And most importantly he made people feel good about being proud of our great nation. President Reagan once said that he would like to go down in history as the President who made Americans believe in themselves again.

There is no more appropriate time than now to remember Ronald Reagan, one of our great patriots and most inspired Presidents. There is no better way to do that than to preserve the boyhood home where he spent his formative years. I am proud to support this bill and urge its passage.

Mr. HASTERT. Mr. Speaker, I rise today in support of H.R. 400 which would establish the

Ronald Reagan Boyhood Home National Historic Site in Dixon, Illinois. This legislation would allow the Secretary of the Interior to acquire the Reagan boyhood home from the Ronald Reagan Boyhood Home Foundation to ensure that this important historical structure is protected and maintained in perpetuity.

First, I would like to thank Chairman HANSEN, Chairman RADANOVICH, Ranking Member RAHALL, and Ranking Member CHRISTENSEN for their hard work on behalf of this legislation. I would also like to thank the 154 cosponsors of this legislation, including every member of the Illinois Congressional Delegation.

In my mind, and in the minds of all my colleagues from Illinois, there is no doubt this important property deserves federal recognition. Preservation of properties of historical significance is a necessary and important function of government.

Ronald Reagan occupies a special place in the heart of Northern Illinoisans, to say nothing of the rest of the country. We take great pride in the record of our native son. As our 40th President, Ronald Reagan steered this country through some very difficult times. I am sure many of us can recall the atmosphere in America when he took office in 1981. We were mired in recession, in the midst of a Cold War with the Soviet Union, and there was a real sense that America had seen its better days. By the time President Reagan left office, we were in the middle of unprecedented economic growth, peace and freedom were on the rise in every corner of the globe, and we had experienced a re-birth of the American spirit. Ronald Reagan's belief in limited government, lower taxes, and individual freedom had transformed American politics and re-ignited our spirit of optimism.

Many of us believe that his success as president stems in no small part from his upbringing in Illinois. And, while his path to greatness took him to many places, I believe what he learned growing up in Illinois never left him.

Although born in Tampico, Illinois, Ronald Reagan has always considered Dixon his hometown. In his youth, as it is today, Dixon represents a traditional, rural, Midwestern town. In Dixon, Ronald Reagan attended school, played football, worked as a lifeguard, and developed the values that would shape his future life in politics. In fact, many of the images of Reagan in his youth, which we are all familiar with, were taken in Dixon and the surrounding area.

The history of Ronald Reagan's life in Dixon is typical of most raised in small Midwestern towns. His parents, Nelle and Jack, instilled in him a sense of fair play, duty to others, and a respect for hard work. Ronald Reagan was thirteen when he entered Dixon's Northside High School. At Northside, "Dutch" Reagan played football and basketball, ran track, and performed in school plays. Athletic achievement and theatrical performances in school plays increased his popularity at Northside, and in his senior year, Reagan was elected student body president. As was the custom of the time, yearbooks generally included mottoes written by the student to describe attributes or perspective outlooks. Ronald Reagan's reads "life is just one grand sweet song, so start the music." Ambitious, full of

life, and ready to take on the world, Reagan graduated from Northside High School in 1928.

After High School, he was admitted to Eureka College on a partial football scholarship—he lettered in football all four years. Reagan washed dishes at his fraternity house and at the girl's dormitory on campus for spending money. Reagan worked as a lifeguard and swimming coach in the summer months as well. As a freshman, Ronald Reagan was already a proven leader—he organized and led a student strike in protest of the decision by college administrators to reduce the number of courses offered. The demonstration resulted in the resignation of the college president and a return to the old curriculum. While at Eureka he also made it possible for his older brother Neal, who was then working at cement plant, to go to college by getting him a job, a partial scholarship, and a deal deferring his tuition until after graduation.

The Depression hit Dixon, Illinois especially hard. The Reagan's were forced to sublet their home and live in one room. Jack and Nelle's next-door neighbor at times cooked for them, and handed meals through the window. The Depression had an enormous impact on Ronald Reagan—he often recalled the uncertainty of the times by re-telling the story of his father expecting a bonus check and instead being fired on Christmas Eve 1931. The trying times of the Great Depression touched the lives of every American and the Reagan's were no exception. The charitable kindness received and practiced by the Reagan's helped them to survive and thrive when hard times came.

After college, Ronald Reagan set out on a one-day swing of nearby small-town radio stations where he was offered five dollars and round trip bus fair to broadcast a University of Iowa football game. Early in 1933, World of Chiropractic radio (WOC), a subsidiary of WHO radio in Des Moines, hired him as a full timer announcer for \$100 a month—a lot of money at the time. He had enough money to help his parents and send \$10 a month spending money to his brother Neil while he finished college at Eureka. At first, Reagan's oratory was neither polished, nor very professional but he learned to rehearse and sound spontaneous. As we all know, Reagan's weakness became one of his trademark virtues.

From his job at a small radio station in Iowa Reagan went on to serve in the Army during World War II, become a movie star, president of the Screen Actors Guild, a traveling spokesman for General Electric, Governor of the state of California, and ultimately, President of the United States. Wherever he went, however, he carried the lessons he learned growing up in Dixon, Illinois with him.

I believe that, as a Nation, we must preserve and protect places of historical interest for future generations. The affection, we as a Nation, have for the 40th President of the United States is demonstrated by the fact that so many important things now bear his name—the airport which serves the nation's Capitol, a federal building, and the Navy's newest aircraft carrier.

In my mind, however, there is another important piece of Reagan's life that deserve preservation. I believe that Reagan's life in Dixon, Illinois is critical to understanding the

man and the presidency. But don't take my world for it—Take the word of the tens of thousands of visitors who tour his boyhood home every year.

Mr. Speaker, I am proud to represent Ronald Reagan's boyhood home of Dixon, Illinois in Congress and I am proud to sponsor legislation that will ensure that the opportunity to experience the place where he was raised will be available to all Americans for years to come. I urge my colleagues to support this important legislation.

Mr. RADANOVICH. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. RADANOVICH) that the House suspend the rules and pass the bill, H.R. 400, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

HEALING OPPORTUNITIES IN PARKS AND THE ENVIRONMENT PASS ACT

Mr. RADANOVICH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2976) to provide for the issuance of a special entrance pass for free admission to any federally owned area which is operated and maintained by a Federal agency and used for outdoor recreation purposes to the survivors, victims' immediate families, and police, fire, rescue, recovery, and medical personnel directly affected by the September 11, 2001, terrorist hijackings and the attacks on the World Trade Center and the Pentagon, and for other purposes.

The Clerk read as follows:

H.R. 2976

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Healing Opportunities in Parks and the Environment Pass Act".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) The trauma associated with the terrorist hijackings and attacks of September 11, 2001, has been significant for the survivors, victims' immediate families, and police, fire, rescue, recovery, and medical personnel directly involved in this national tragedy.

(2) America's system of national parks, forests, and public lands provides significant opportunities to renew, refresh, and strengthen the physical, mental, and spiritual well-being of those who use them.

(b) PURPOSE.—It is the purpose of this Act to help those directly impacted by the tragic events of September 11, 2001, by enhancing opportunities for the use of America's national parks, forests, and public lands as a means of aiding in their recovery from the trauma associated with these tragic events.

SEC. 3. HOPE PASS.

(a) ISSUANCE.—The Secretary of the Interior shall make available at no cost to qualified individuals a special entrance pass which shall be known as the "Hope Pass" and shall provide for free admission into any federally owned area which is operated and maintained by a Federal agency and used for outdoor recreation purposes.

(b) QUALIFIED INDIVIDUALS.—A qualified individual shall be—

(1) an individual who was present at the World Trade Center, the Pentagon, or the site of the aircraft crash at Shanksville, Pennsylvania, at the time, or in the immediate aftermath of the terrorist-related aircraft crashes of September 11, 2001;

(2) an individual who had an immediate family member killed as a direct result of the terrorist-related aircraft crashes of September 11, 2001; or

(3) any police, fire, rescue, recovery, or medical personnel who directly responded to the terrorist-related aircraft crashes of September 11, 2001.

(c) CONDITIONS.—Each Hope Pass shall—

(1) be issued upon acceptance by the Secretary of the Interior of an application from a qualified applicant which shall include a signed statement attesting to the applicant's eligibility for the pass;

(2) be valid for the life of the qualified pass holder; and

(3) provide free admission to qualified pass holders and their immediate family when accompanied by the qualified pass holder.

(d) NONELIGIBILITY.—No individual identified by the Attorney General of the United States to have been a participant or conspirator in the terrorist-related aircraft crashes of September 11, 2001, or their family shall be eligible to receive a Hope Pass.

□ 1715

The SPEAKER pro tempore (Mr. CULBERSON). Pursuant to the rule, the gentleman from California (Mr. RADANOVICH) and the gentleman from West Virginia (Mr. RAHALL) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. RADANOVICH).

Mr. RADANOVICH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2976, the Healing Opportunities in our Parks and Environment Act, was introduced by the gentleman from West Virginia (Mr. RAHALL).

September 11 is a day not one of us will ever forget. The events of that day are seared deep into our memories. Each one of us will recall where we were, what we were doing, and how the events of the day impacted us personally.

Some, of course, were impacted more directly. Many lost family members, were injured, or narrowly escaped harm; or because in the course of carrying out their duties as medical or rescue workers, were called upon to aid survivors and victims. As a Nation, we deeply appreciate the great sacrifices made as a consequence of the events of September 11.

Following these tragic and emotional events, many have sought refuge in the natural beauty of America's natural

parks and public lands. These lands have the ability to serve, at least in part, as a healing opportunity to those who were most affected by these terrible events.

H.R. 2976 would create a new HOPE pass to authorize entry into our federally owned parks and public land for victims, families, survivors, and medical and rescue personnel and their immediate families when accompanied by a holder. Some think this new pass can serve in some small measure as an attempt to help heal the wounds of this tragic event. I urge an "aye" vote on the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. RAHALL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to commend the gentleman from California (Mr. RADANOVICH) and thank him for his help on this legislation. He is the chairman of the subcommittee. I would like to thank the chairman of the full committee, the gentleman from Utah (Mr. HANSEN), for his support, as well.

Over the last 2 months, Members of Congress have stepped outside party boundaries, joining together and unanimously supporting millions of dollars in aid to victims, families, and rescue workers affected by the September 11 attacks.

However, in addition to financial assistance, I believe it is important for us to provide other forms of relief for these victims and their families during the grieving and recovery process.

In times of crisis, many of us find solace in our religion. In addition, we can find solace in that great cathedral of nature. That is the premise of this bill, the Healing Opportunities in the Parks and Our Environment, or HOPE, Act.

Simply put, this legislation would direct the Secretary of the Interior to create a program under which the survivors and families of the victims of the attacks on the World Trade Center and the Pentagon, as well as the emergency personnel who responded to that crisis, may visit our national parks, forests, and public lands free of charge.

This program is modeled after what is known as the Golden Eagle Pass, with the exception that it would be valid for a lifetime.

Ralph Waldo Emerson said, "Nature is a symbol of the spirit," and "Nature turns all malfeasance to good." There may come a time when a fireman, a nurse, or a survivor who has seen far too much pain and suffering may decide that a day at the lake with his or her family would provide welcome relief.

Let us continue to aid these victims and family members as we already have financially. Let us provide them Emerson's symbol of spirit to aid in their healing. In this way, we can strive to keep hope alive in the wake of

the tragic events of September 11, and indeed, of only yesterday, when an airliner once again went down in New York City, as we recover and we rebuild.

Mr. Speaker, I urge adoption of the legislation, and I yield back the balance of my time.

Mr. RADANOVICH. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. RADANOVICH) that the House suspend the rules and pass the bill, H.R. 2976.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. RADANOVICH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2828, H.R. 400, and H.R. 2976, the three bills just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

EMERGENCY SECURITIES RESPONSE ACT OF 2001

Mr. OXLEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3060) to amend the Securities Exchange Act of 1934 to augment the emergency authority of the Securities and Exchange Commission.

The Clerk read as follows:

H.R. 3060

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Emergency Securities Response Act of 2001".

SEC. 2. EXTENSION OF EMERGENCY ORDER AUTHORITY OF THE SECURITIES EXCHANGE COMMISSION.

(a) EXTENSION OF AUTHORITY.—Paragraph (2) of section 12(k) of the Securities Exchange Act of 1934 (15 U.S.C. 78l(k)(2)) is amended to read as follows:

"(2) EMERGENCY ORDERS.—(A) The Commission, in an emergency, may by order summarily take such action to alter, supplement, suspend, or impose requirements or restrictions with respect to any matter or action subject to regulation by the Commission or a self-regulatory organization under the securities laws, as the Commission determines is necessary in the public interest and for the protection of investors—

"(i) to maintain or restore fair and orderly securities markets (other than markets in exempted securities);

"(ii) to ensure prompt, accurate, and safe clearance and settlement of transactions in securities (other than exempted securities); or

"(iii) to reduce, eliminate, or prevent the substantial disruption by the emergency of

(I) securities markets, investment companies, or any other significant portion or segment of such markets, or (II) the transmission or processing of securities transactions.

"(B) An order of the Commission under this paragraph (2) shall continue in effect for the period specified by the Commission, and may be extended. Except as provided in subparagraph (C), the Commission's action may not continue in effect for more than 30 business days, including extensions. If the actions described in subparagraph (A) involve a security futures product, the Commission shall consult with and consider the views of the Commodity Futures Trading Commission. In exercising its authority under this paragraph, the Commission shall not be required to comply with the provisions of section 553 of title 5, United States Code, or with the provisions of section 19(c) of this title.

"(C) An order of the Commission under this paragraph (2) may be extended to continue in effect for more than 30 business days if, at the time of the extension, the Commission finds that the emergency still exists and determines that the continuation of the order beyond 30 business days is necessary in the public interest and for the protection of investors to attain an objective described in clause (i), (ii), or (iii) of subparagraph (A). In no event shall an order of the Commission under this paragraph (2) continue in effect for more than 90 calendar days."

(b) DEFINITION OF EMERGENCY.—Paragraph (6) of section 12(k) of the Securities Exchange Act of 1934 (15 U.S.C. 78l(k)(6)) is amended to read as follows:

"(6) DEFINITION OF EMERGENCY.—For purposes of this subsection, the term 'emergency' means—

"(A) a major market disturbance characterized by or constituting—

"(i) sudden and excessive fluctuations of securities prices generally, or a substantial threat thereof, that threaten fair and orderly markets; or

"(ii) a substantial disruption of the safe or efficient operation of the national system for clearance and settlement of transactions in securities, or a substantial threat thereof; or

"(B) a major disturbance that substantially disrupts, or threatens to substantially disrupt—

"(i) the functioning of securities markets, investment companies, or any other significant portion or segment of the securities markets; or

"(ii) the transmission or processing of securities transactions."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. OXLEY) and the gentleman from New York (Mr. LAFALCE) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. OXLEY).

GENERAL LEAVE

Mr. OXLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. OXLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of H.R. 3060, the Emergency Securities Response Act. This legislation will provide the Securities and Exchange Commission with a vitally important tool to ensure the continued health and operation of our Nation's financial marketplace in the event of an emergency that threatens our securities markets, as did the attacks on September 11, 2001.

September 11 was a dark day in our Nation's history. The terrorist attacks inflicted great human and physical loss in our country and, in particular, in New York City, the financial capital of the world.

The damage to lower Manhattan, home of the world's largest stock market and the heart of our Nation's financial marketplace, suspended the operation of the U.S. equities markets for the longest period since World War I.

Mr. Speaker, those were indeed 4 days in which traders were incapable of getting to those markets; and our discussions up there with the major players, the New York Stock Exchange, the NASDAQ, the American Stock Exchange, indicated how severe the damage was, particularly for the inability of the traders of the New York Stock Exchange to even get physically into the exchange, not to mention, of course, the problems that they had with the electrical systems and with the telephone system.

Had it not been for the hard work of Verizon with the power company, with all people working at NASDAQ and in the New York Stock Exchange and the American Stock Exchange, literally they would have been unable to open even that Monday after September 11.

I had the honor to appear in New York with the Treasury Secretary and the Chairman of the Securities and Exchange Commission to witness the reopening and closing of the markets that day, and it was a proud day for all Americans that those markets were up and running, providing the kind of liquidity and the kind of market activity that we have come to expect from those great markets.

To facilitate the successful reopening of those equities markets, the Securities and Exchange Commission used, for the first time, emergency powers granted in the wake of the market crash of 1987 to ease certain regulatory restrictions temporarily. The measures the Commission took helped to increase liquidity and promote stability.

The Commission and its Chairman, Harvey Pitt, along with the financial markets and firms based in New York, as well as those outside New York, who pitched in to help their competitors and colleagues, deserve special recognition for their efforts in restoring normalcy to those markets.

However, the Commission's emergency authority under current law is

unnecessarily and dangerously restrictive. For example, that authority permits the Commission to provide emergency relief for only 10 business days, and is limited to the Securities and Exchange Act of 1934, only one of the several Federal securities laws.

This authority should be flexible enough to be useful where relief is necessary for a longer period of time, or under Federal securities laws other than the Exchange Act.

I am pleased to bring to the floor legislation that will accomplish those goals. H.R. 3060, the Emergency Securities Response Act, will enhance the Commission's authority to take actions in the wake of an emergency to reduce, eliminate, or prevent a substantial disruption of the securities markets or investment company operations.

This bipartisan legislation, introduced with the committee's ranking member, the gentleman from New York (Mr. LAFALCE), extends the maximum duration of an SEC emergency order to 30 business days, and under certain circumstances, up to a total of 90 calendar days.

It also extends the Commission's emergency authority to apply to all the Federal securities laws.

I want to explain to the Members, Mr. Speaker, that it was only because of the efforts, just to use one example, the emergency powers in regard to corporate buy-backs, that it was decided by the Chairman of the SEC, and I think wisely, that he should use his emergency authority to suspend certain regulations as it related to the ability of corporations to buy back their own stock.

The fact is that by doing so, he was able to stabilize the market. Those people who were selling stocks short on the first day of trading after it opened up had to be concerned and wary about the prospects that those corporations could come in and buy back their stock, stabilize those stock prices, and indeed, perhaps make life difficult for the short sellers. Indeed, in many cases, that is exactly what happened.

While the markets were down on that particular day by some 600 points in the case of the New York Stock Exchange, they were able to trade effectively, and the liquidity was there in the marketplace. As a matter of fact, the markets that day handled a record volume of trades without a glitch; again, I think testament to the ingenuity and the hard work of those people in the marketplace. So my hat is off to all of those people for their good work, and my hat is also off to the SEC for taking the leadership in this important issue.

While I hope this authority will never have to be used, and all of us share that, it is a safety measure our financial markets simply cannot do without. I urge all of my colleagues to support H.R. 3060.

Mr. Speaker, I am including for the RECORD an exchange of correspondence between myself and the Chairman of the Committee on Energy and Commerce regarding this legislation:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, November 13, 2001.

Hon. MICHAEL G. OXLEY,
Chairman, Committee on Financial Services,
Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN OXLEY: It is my understanding that the Committee on Financial Services desires to consider H.R. 3060, the Emergency Securities Response Act of 2001, on the House floor under suspension of the Rules in the near future.

Recognizing your desire to act on H.R. 3060 expeditiously, my Committee will not seek a sequential referral of the bill when you file your report. In exchange, I request that your Committee not seek a sequential referral of H.R. 1101, the Public Utility Holding Company Act of 2001, should it be reported in a form substantially similar to the introduced bill, or seek a referral of comparable legislation designed to restructure the electricity industry, should such legislation be introduced or reported.

I would appreciate your written response to this request.

Sincerely,

W.J. "BILLY" TAUZIN,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FINANCIAL SERVICES,
Washington, DC, November 13, 2001.

Hon. W. J. "BILLY" TAUZIN,
Chairman, Committee on Energy and Commerce,
Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN TAUZIN: Thank you for your letter concerning H.R. 3060.

I appreciate your agreeing not to pursue a sequential referral of this legislation. In exchange, my Committee will not seek a sequential referral of H.R. 1101, the Public Utility Holding Company Act of 2001, should it be reported in a form substantially similar to the introduced bill, or seek a referral of comparable legislation designed to restructure the electricity industry, should such legislation be introduced or reported.

Again, thank you for consideration.

Sincerely,

MICHAEL G. OXLEY,
Chairman.

Mr. Speaker, I reserve the balance of my time.

Mr. LAFALCE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the bill. First of all, I want to say that I agree fully with every word spoken by the distinguished chairman of the Committee on Financial Services, the gentleman from Ohio (Mr. OXLEY). The SEC played a very crucial role in the recovery of our financial markets from the devastating effects of the attacks of September 11.

In addition to the important role the Commission played in coordinating market participants throughout the crisis, the emergency orders issued by the SEC helped provide needed liquidity and stability to the markets and market participants.

□ 1730

The actions of the SEC helped to ensure an orderly reopening of markets, something that was in the interests of our economy and of all investors. While the SEC used the emergency authority available to it very effectively after September 11, I believe this authority would be strengthened by allowing the SEC to extend emergency actions beyond the 10 business days allowed under current law.

I was concerned after September 11 as to whether the emergency authority available to the SEC was adequate. I expressed these concerns when the Chairman of the SEC, Harvey Pitt, appeared before our Committee on Financial Services on September 26 on the status of the recovery.

The Chairman told the committee that enhancements to the SEC's authority would be useful in enabling it to respond effectively to emergencies. The formal legislative request he later submitted asked that we provide the Commission with additional emergency authority to respond to any future crisis both by extending the potential length of emergency orders and by extending the authority to clearly cover all of the Federal securities loss.

Our Committee on Financial Services worked with the Commission to craft an appropriate framework for any future emergency actions that the SEC may need to take.

The bill permits the SEC to issue emergency orders for 30 business days, which I believe will give it the flexibility needed to ensure that it can respond in a timely and effective manner to any future situation. To issue an emergency order, the SEC will have to find that an emergency exists, that an emergency order is necessary in the public interest and for the protection of investors, and that it is necessary to restore fair and orderly markets, that it is necessary to ensure prompt and accurate securities clearance and settlement, or to prevent substantial disruption to the securities markets or portions of such markets.

Further, our bill provides the Commission with the authority in limited circumstances to extend the emergency orders for an additional 90 days upon a finding that the emergency continues to exist, and that extension of the order continues to be necessary in the public interest.

As became clear after September 11, serious disruptions in communications, computer systems, transportation, and many other systems, as well as physical damage to facilities, can have a profound impact on the securities market and market participants. This bill will give the SEC an expanded set of tools to deal with such emergencies throughout the securities markets no matter what the underlying cause of the emergency may be.

Mr. Speaker, I want to commend all the members of committee, the staff of

our committee, both Republican and Democrat, and the staff and members of the SEC. I urge everyone to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. OXLEY. Mr. Speaker, I am awaiting the subcommittee chairman, the gentleman from Louisiana (Mr. BAKER) who has indicated he would come over to the floor.

If I could inquire of the Chair as to how much time is remaining on this side.

The SPEAKER pro tempore (Mr. CULBERSON). The gentleman from Ohio (Mr. OXLEY) has 14 minutes remaining. The gentleman from New York (Mr. LAFALCE) has 16 minutes remaining.

Mr. MARKEY. Mr. Speaker, I rise in reluctant opposition to H.R. 3060, the Emergency Securities Response Act.

This legislation amends a provision that I authored, which the Congress approved as part of the H.R. 3657, Market Reform Act of 1990, to give the SEC the power to suspend trading of securities and to issue emergency orders consistent with the public interest and the protection of investors (See CONGRESS RECORD, September 28, 1990, at H8376-8383). This provision grew out of the investigations that the Subcommittee on Telecommunications and Finance, which I then chaired, carried out into the 1987 stock market crash. One of the things we found was that the SEC lacked many of the types of emergency authorities that the CFTC had, and we felt it was desirable that they be granted broader emergency authorities.

My objection to the legislation is not that it expands the SEC's authority to suspend trading or issue emergency orders from 10 days up to 30 days, with further extensions of up to 90 days possible. Indeed, in an earlier version of this legislation (H.R. 4997, introduced in 1988, I had actually proposed allowing the SEC to exercise its emergency authorities for periods of up to 30 days). So, I have no problem with doing so today.

Instead, my concerns about the bill we are debating today is that it expands the range of coverage of this emergency provision from the Securities Exchange Act of 1934 to the full range of federal securities laws. This has the effect of expanding coverage of the provision to cover all the federal securities laws. And while there may be some good reasons to extend these authorities to the Securities Act of 1933, the Investment Company Act of 1940, the Investment Advisors Act of 1940, the Trust Indenture Act of 1939, and the Securities Investors Protection Act of 1970, I believe that the effect of this provision is to extend the reach of section 12(k) of the Securities Exchange Act of 1934 (15 U.S.C. 781(k)(2)) to allow the SEC to issue exemptions from the Public Utilities Holding Company Act of 1935 (known as "PUHCA"), which regulates the activities of large, multi-state, electric or natural gas holding companies.

While the Financial Services Committee may successfully have absconded with the Energy and Commerce Committee's securities jurisdiction, the last time I checked PUHCA was within the jurisdiction of the Energy and

Commerce Committee. Our Committee has held no hearings or had any other process with respect to whether granting the SEC emergency powers to grant exemptions to PUHCA was warranted or in the public interest. Given the Commission's rather shoddy record in recent years of administering the Act, I am not comfortable with granting such an exemption today. I am particularly concerned when I have seen no justification from the SEC or its staff for giving the SEC such authority, no analysis of the possible impact of this on PUHCA or on our nation's electricity or natural gas markets, and no indication that the lack of such authority has posed any problems for PUHCA-companies post-September 11.

I would also note that while H.R. 3060 has provisions requiring the SEC to consult with and consider the views of the CFTC whenever exercising its emergency authorities with respect to a stock-index future, there is no similar requirement with respect to the FERC when PUHCA is concerned. Given the fact that PUHCA and the Federal Power Act were passed simultaneously, and that both laws deal with regulation of energy markets, such consultation may be needed in this area as well. We at least should have been given the chance to consider it.

At the very minimum, the Energy and Commerce Committee should have been given a referral of this bill so that it could consider the need for this provision and any amendments to it affecting matters within our jurisdiction. I have been informed that in lieu of such a referral, the Majority may have exchanged letters on this matter. However, no one on the Minority of the Committee has been granted access to these letters, so I have no idea what they say or whether the Committee's substantive and jurisdictional interests have been preserved.

This is not the proper way to legislate. I object to bringing up this bill today.

Mr. LAFALCE. Mr. Speaker, I yield back the balance of my time.

Mr. OXLEY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. OXLEY) that the House suspend the rules and pass the bill, H.R. 3060.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BONILLA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the conference report to accompany H.R. 2330, and that I may include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

CONFERENCE REPORT ON H.R. 2330, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

Mr. BONILLA. Mr. Speaker, pursuant to the previous order of the House, I call up the conference report on the bill (H.R. 2330) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2002, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to the order of the House of Thursday, November 8, 2001, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of November 9, 2001, at page H7962.)

The SPEAKER pro tempore. The gentleman from Texas (Mr. BONILLA) and the gentlewoman from Ohio (Ms. KAPTUR) each will control 30 minutes.

The Chair recognizes the gentleman from Texas (Mr. BONILLA).

Mr. BONILLA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to bring before the House today the conference report on H.R. 2330, providing appropriations for Agriculture, Rural Development, the Food and Drug Administration and Related Agencies for fiscal year 2002.

Mr. Speaker, I want to acknowledge the good work of my friend, the gentlewoman from Ohio (Ms. KAPTUR), my ranking member who has contributed greatly to this process. It has been a real pleasure working with her and all the members of the subcommittee in getting to this point today. It has really been a pleasure, and I want to acknowledge that as we present this conference report.

Mr. Speaker, I believe we have produced a good, bipartisan conference agreement that does a lot to advance important nutrition, research and rural development programs and still meet our conference allocations on discretionary and mandatory spending. My goal this year has been to produce a bipartisan bill, and I believe we have done a good job in reaching that goal.

This conference agreement does have significant increases over fiscal year 2001 for programs that have always enjoyed strong bipartisan support, and they include: Agriculture Research Service, \$83 million for salaries and expenses and \$45 million for buildings and facilities; Cooperative State Research Education and Extension Service, \$45 million; Animal and Plant Health Inspection Service, \$83 million; Food

Safety and Inspection Service, \$20 million; Farm Service Agency, \$240 million; Federal Crop Insurance Corporation Fund \$232 million; Natural Resources Conservation Service, \$55 million; Rural Economic and Community Development Programs, \$101 million; Domestic Food Programs, \$3.7 billion, including the Food Stamp Program, \$1.9 billion in reserve to respond to economic conditions; and WIC, \$305 million to respond to economic conditions that may worsen; the Foreign Assistance and Related Programs including Public Law 480, \$34 million; and the Food and Drug Administration, \$120 million.

Mr. Speaker, we all refer to this bill as an "agriculture bill," but it does far more than assist basic agriculture. It also supports human nutrition, the environment, and food and drug and medical safety. This is a bill that will deliver benefits to every one of our citizens every day.

I would say to all Members, if they can support this conference agreement, they can tell all of their constituents that they voted to improve their lives while maintaining fiscal responsibility.

The conference agreement is a bipartisan product with a lot of hard work and input from both sides of the aisle. I would like to thank my friend, the gentleman from Florida (Mr. YOUNG), chairman of the full Committee on Appropriations, as well as the gentleman from Wisconsin (Mr. OBEY), the distinguished ranking member of the Committee on Appropriations, who put in a lot of hard work and contributed to this effort.

Mr. Speaker, I would also like to thank all of my subcommittee colleagues, the gentleman from New York (Mr. WALSH), the gentleman from Georgia (Mr. KINGSTON), the gentleman from Washington (Mr. NETHERCUTT), the gentleman from Iowa (Mr. LATHAM), the gentlewoman from Missouri (Mrs. EMERSON), the gentleman from Virginia (Mr. GOODE), the gentleman from Illinois (Mr. LAHOOD), the gentlewoman from Connecticut (Ms. DELAURO), the gentleman from New York (Mr. HINCHEY), the gentleman from California (Mr. FARR), and the gentleman from Florida (Mr. BOYD).

Mr. Speaker, I would again like to single out in particular the ranking

member, who has put so much effort into this bill, and my friend, the gentlewoman from Ohio (Ms. KAPTUR), for all her hard work.

Mr. Speaker, we have tried our best to put together a good, solid bill that works for all of America. Much of it is compromise, to be sure, but I believe it is a good compromise and good policy.

In closing, I would also like to thank the subcommittee staff for all of their hard work. None of this could get done without the strong, good commitment, the hard work that the staff puts in day in and day out: Hank Moore, the subcommittee clerk; Martin Delgado; Maureen Holohan; Joanne Orndorff; Leslie Barrack; Martha Foley of the staff of the gentleman for Wisconsin (Mr. OBEY), and Jim Richards, a great American, who is in my personal Congressional office. Without their good work we would not have a bill here today.

Mr. Speaker, I would urge all of my colleagues to support this conference agreement.

Mr. Speaker, I include at this point in the RECORD tabular material related to this bill.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES

APPROPRIATIONS BILL, 2002 (H.R. 2330)

(Amounts in thousands)

	FY 2001 Enacted	FY 2002 Request	House	Senate	Conference	Conference vs. enacted
TITLE I - AGRICULTURAL PROGRAMS						
Production, Processing, and Marketing						
Office of the Secretary	2,908	2,992	3,015	2,992	2,992	+84
Supplemental appropriations (P.L. 107-20)	3,000					-3,000
Executive Operations:						
Chief Economist	7,446	7,648	7,704	7,548	7,704	+258
National Appeals Division	12,394	12,766	12,869	12,766	12,869	+475
Office of Budget and Program Analysis	6,750	6,978	7,041	6,978	7,041	+291
Office of the Chief Information Officer	10,029	10,261	10,325	10,261	10,029	
Common computing environment	39,912	59,369	59,369	59,369	59,369	+19,457
Office of the Chief Financial Officer	5,160	5,335	5,384	5,335	5,384	+224
Total, Executive Operations	81,691	102,357	102,692	102,357	102,396	+20,705
Office of the Assistant Secretary for Administration	628	647	652	647	647	+19
Agriculture buildings and facilities and rental payments	182,345	187,581	177,647	187,581	187,647	+5,302
Payments to GSA	(125,266)	(130,266)	(130,266)	(130,266)	(130,266)	(+5,000)
Building operations and maintenance	(31,136)	(31,372)	(31,438)	(31,372)	(31,438)	(+302)
Repairs, renovations, and construction	(25,943)	(25,943)	(15,943)	(25,943)	(25,943)	
Hazardous materials management	15,665	15,665	15,665	15,665	15,665	
Departmental administration	35,931	37,079	37,398	37,079	37,079	+1,148
Outreach for socially disadvantaged farmers	2,993	2,993	2,993	3,493	3,243	+250
Office of the Assistant Secretary for Congressional Relations	3,560	3,684	3,718	3,684	3,718	+158
Office of Communications	8,604	8,894	8,975	8,894	8,894	+290
Office of the Inspector General	68,715	70,839	71,429	70,839	70,839	+2,124
Office of the General Counsel	31,012	32,627	32,937	32,627	32,627	+1,615
Office of the Under Secretary for Research, Education and Economics	555	573	578	573	573	+18
Economic Research Service	66,891	67,200	67,200	67,200	67,200	+309
National Agricultural Statistics Service	100,550	113,786	114,546	113,786	113,786	+13,236
Census of Agriculture	(14,967)	(25,350)	(25,456)	(25,350)	(25,350)	(+10,383)
Agricultural Research Service	896,835	915,591	971,365	999,438	979,464	+82,629
Buildings and facilities	74,037	30,462	78,862	99,625	118,987	+44,950
Total, Agricultural Research Service	970,872	946,053	1,050,227	1,099,063	1,098,451	+127,579
Cooperative State Research, Education, and Extension Service:						
Research and education activities	505,079	407,319	507,452	542,842	542,062	+36,983
Native American Institutions Endowment Fund	(7,100)	(7,100)	(7,100)	(7,100)	(7,100)	
Extension activities	432,475	413,404	436,029	433,546	439,473	+6,998
Integrated activities	41,849	41,849	43,355	42,350	42,853	+1,004
Total, Cooperative State Research, Education, and Extension Service	979,403	862,572	986,836	1,018,738	1,024,388	+44,985
Office of the Under Secretary for Marketing and Regulatory Programs	634	654	660	654	654	+20
Animal and Plant Health Inspection Service:						
Salaries and expenses	529,397	702,925	587,386	602,754	620,490	+91,093
Supplemental appropriations (P.L. 107-20)	5,000					-5,000
AQI user fees	(84,813)	(84,813)	(84,813)	(84,813)	(84,813)	
Buildings and facilities	9,848	5,189	7,189	5,189	7,189	-2,659
Total, Animal and Plant Health Inspection Service	544,245	706,114	594,575	607,943	627,579	+83,434
Agricultural Marketing Service:						
Marketing Services	65,191	71,430	71,774	71,430	71,430	+6,239
Standardization user fees	(4,000)	(5,000)	(5,000)	(5,000)	(5,000)	(+1,000)
(Limitation on administrative expenses, from fees collected)	(60,596)	(60,596)	(60,596)	(60,596)	(60,596)	
Funds for strengthening markets, income, and supply (transfer from section 32)	13,438	13,874	13,995	13,874	13,995	+557
Payments to states and possessions	1,347	1,347	1,347	1,347	1,347	
Total, Agricultural Marketing Service	79,976	86,651	87,116	86,651	86,772	+6,796
Grain Inspection, Packers and Stockyards Administration:						
Salaries and expenses	31,350	32,907	33,117	34,000	33,117	+1,767
Limitation on inspection and weighing services	(42,463)	(42,463)	(42,463)	(42,463)	(42,463)	
Office of the Under Secretary for Food Safety	459	476	481	476	476	+17
Food Safety and Inspection Service	695,171	715,542	720,652	715,747	715,642	+20,471
Lab accreditation fees 1/	(998)	(1,000)	(1,000)	(1,000)	(1,000)	(+2)
Total, Food Safety and Inspection Service	695,171	715,542	720,652	715,747	715,642	+20,471
Total, Production, Processing, and Marketing	3,907,158	3,999,886	4,113,529	4,210,689	4,234,485	+327,327
Farm Assistance Programs						
Office of the Under Secretary for Farm and Foreign Agricultural Services	588	606	611	606	606	+18

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES
APPROPRIATIONS BILL, 2002 (H.R. 2330) — continued
 (Amounts in thousands)

	FY 2001 Enacted	FY 2002 Request	House	Senate	Conference	Conference vs. enacted
Farm Service Agency:						
Salaries and expenses	826,563	939,030	945,993	939,030	939,030	+ 112,467
(Transfer from export loans)	(588)	(790)	(797)	(790)	(790)	(+ 202)
(Transfer from P.L. 480)	(813)	(972)	(980)	(972)	(972)	(+ 159)
(Transfer from ACIF)	(264,731)	(272,595)	(274,769)	(272,595)	(274,769)	(+ 10,038)
Subtotal, Transfers from program accounts.....	(266,132)	(274,357)	(276,546)	(274,357)	(276,531)	(+ 10,399)
Total, salaries and expenses	(1,092,695)	(1,213,387)	(1,222,539)	(1,213,387)	(1,215,561)	(+ 122,866)
State mediation grants	2,993	2,993	2,993	3,993	3,493	+ 500
Dairy indemnity program	450	100	100	100	100	-350
Agricultural conservation program (supplemental appropriations, P.L. 107-20).....	-45,000					+ 45,000
Subtotal, Farm Service Agency	785,006	942,123	949,086	943,123	942,623	+ 157,617
Agricultural Credit Insurance Fund Program Account:						
Loan authorizations:						
Farm ownership loans:						
Direct.....	(127,722)	(128,000)	(128,000)	(146,996)	(146,996)	(+ 19,274)
Guaranteed.....	(868,086)	(1,000,000)	(1,000,000)	(1,000,000)	(1,000,000)	(+ 131,914)
Subtotal.....	(995,808)	(1,128,000)	(1,128,000)	(1,146,996)	(1,146,996)	(+ 151,188)
Farm operating loans:						
Direct.....	(522,891)	(600,000)	(600,000)	(611,198)	(611,198)	(+ 88,307)
Unsubsidized guaranteed	(1,075,468)	(1,500,000)	(1,500,000)	(1,500,000)	(1,500,000)	(+ 424,532)
Subsidized guaranteed	(369,100)	(500,000)	(500,000)	(505,531)	(505,531)	(+ 136,431)
Subtotal.....	(1,967,459)	(2,600,000)	(2,600,000)	(2,616,729)	(2,616,729)	(+ 649,270)
Indian tribe land acquisition loans	(2,002)	(2,000)	(2,000)	(2,000)	(2,000)	(-2)
Emergency disaster loans	(24,947)	(25,000)	(25,000)	(25,000)	(25,000)	(+ 53)
Boll weevil eradication loans	(100,000)	(100,000)	(100,000)	(100,000)	(100,000)	
Total, Loan authorizations	(3,090,216)	(3,855,000)	(3,855,000)	(3,890,725)	(3,890,725)	(+ 800,509)
Loan subsidies:						
Farm ownership loans:						
Direct.....	13,756	3,366	3,366	3,866	3,866	-9,890
Guaranteed.....	4,427	4,500	4,500	4,500	4,500	+ 73
Subtotal.....	18,183	7,866	7,866	8,366	8,366	-9,817
Farm operating loans:						
Direct.....	47,251	53,580	53,580	54,580	54,580	+ 7,329
Unsubsidized guaranteed	14,738	52,650	52,650	52,650	52,650	+ 37,912
Subsidized guaranteed	30,119	67,800	67,800	68,550	68,550	+ 38,431
Subtotal.....	92,108	174,030	174,030	175,780	175,780	+ 83,672
Indian tribe land acquisition	322	118	118	118	118	-204
Emergency disaster loans	6,120	3,363	3,363	3,363	3,363	-2,757
Total, Loan subsidies.....	116,733	185,377	185,377	187,627	187,627	+ 70,894
ACIF expenses:						
Salaries and expense (transfer to FSA).....	264,731	272,595	274,769	272,595	272,595	+ 7,864
Administrative expenses	4,130	8,000	8,000	8,000	8,000	+ 3,870
Total, ACIF expenses.....	268,861	280,595	282,769	280,595	280,595	+ 11,734
Total, Agricultural Credit Insurance Fund	385,594	465,972	468,146	468,222	468,222	+ 82,628
(Loan authorization)	(3,090,216)	(3,855,000)	(3,855,000)	(3,890,725)	(3,890,725)	(+ 800,509)
Total, Farm Service Agency.....	1,170,600	1,408,095	1,417,232	1,411,345	1,410,845	+ 240,245
Risk Management Agency.....	65,453	74,752	75,142	73,752	74,752	+ 9,299
Total, Farm Assistance Programs.....	1,236,641	1,483,453	1,492,985	1,485,703	1,486,203	+ 249,562
Corporations						
Federal Crop Insurance Corporation:						
Federal crop insurance corporation fund	2,804,660	3,037,000	3,037,000	3,037,000	3,037,000	+ 232,340

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES
APPROPRIATIONS BILL, 2002 (H.R. 2330) — continued
 (Amounts in thousands)

	FY 2001 Enacted	FY 2002 Request	House	Senate	Conference	Conference vs. enacted
Commodity Credit Corporation Fund:						
Reimbursement for net realized losses	25,264,441	23,116,000	23,116,000	23,116,000	23,116,000	-2,148,441
Operations and maintenance for hazardous waste management (limitation on administrative expenses)	(5,000)	(5,000)	(5,000)	(5,000)	(5,000)	.....
Total, Corporations	28,069,101	26,153,000	26,153,000	26,153,000	26,153,000	-1,916,101
Total, title I, Agricultural Programs	33,212,900	31,636,339	31,759,514	31,849,392	31,873,688	-1,339,212
(By transfer)	(266,132)	(274,357)	(276,546)	(274,357)	(276,531)	(+ 10,399)
(Loan authorization)	(3,090,216)	(3,855,000)	(3,855,000)	(3,890,725)	(3,890,725)	(+ 800,509)
(Limitation on administrative expenses)	(108,059)	(108,059)	(108,059)	(108,059)	(108,059)	.....
TITLE II - CONSERVATION PROGRAMS						
Office of the Under Secretary for Natural Resources and Environment	709	730	736	730	730	+21
Natural Resources Conservation Service:						
Conservation operations	712,545	773,454	782,762	807,454	778,000	+66,455
Watershed surveys and planning	10,844	10,960	11,030	10,960	10,960	+116
Watershed and flood prevention operations	99,224	100,413	111,143	100,413	106,590	+7,366
Supplemental appropriations (P.L. 107-20)	35,500	.....	.....	.....	.....	-35,500
Watershed rehabilitation program .....	.....	.....	.....	10,000	10,000	+10,000
Resource conservation and development	41,923	43,048	48,361	48,048	48,048	+6,125
Forestry incentives program	6,311	.....	.....	7,811	6,811	+500
Agricultural Conservation Program (rescission) .....	.....	.....	-45,000	.....	.....	.....
Total, Natural Resources Conservation Service	906,347	927,875	908,296	984,686	961,409	+55,062
Total, title II, Conservation Programs	907,056	928,605	909,032	985,416	962,139	+55,083
TITLE III - RURAL DEVELOPMENT PROGRAMS						
Office of the Under Secretary for Rural Development	604	623	628	623	623	+19
Rural Development:						
Rural community advancement program	760,864	692,125	767,465	1,004,125	806,557	+45,693
(By transfer) .....	.....	.....	.....	(13,000)	.....	.....
RD expenses:						
Salaries and expenses	130,084	133,722	134,733	133,722	133,722	+3,638
(Transfer from RHIF)	(408,333)	(419,741)	(422,910)	(422,241)	(422,241)	(+ 13,903)
(Transfer from RDLFP)	(3,632)	(3,733)	(3,761)	(3,733)	(3,733)	(+101)
(Transfer from RETLP)	(34,640)	(35,804)	(36,322)	(36,000)	(36,000)	(+1,360)
(Transfer from RTB)	(2,993)	(3,082)	(3,107)	(3,082)	(3,082)	(+89)
(Transfer from TLP) .....	.....	.....	.....	(2,000)	(2,000)	(+2,000)
Total, RD expenses	(579,682)	(595,882)	(600,833)	(600,778)	(600,778)	(+21,096)
Total, Rural Development	890,948	825,847	902,198	1,137,847	940,279	+49,331
Rural Housing Service:						
Rural Housing Insurance Fund Program Account:						
Loan authorizations:						
Single family (sec. 502)	(1,071,628)	(1,064,650)	(1,064,650)	(1,095,046)	(1,079,848)	(+8,220)
Unsubsidized guaranteed	(3,136,429)	(3,137,963)	(3,137,968)	(3,137,968)	(3,137,968)	(+1,539)
Subtotal, Single family	(4,208,057)	(4,202,618)	(4,202,618)	(4,233,014)	(4,217,816)	(+9,759)
Housing repair (sec. 504)	(32,324)	(32,324)	(32,324)	(32,324)	(32,324)	.....
Rental housing (sec. 515)	(114,070)	(114,068)	(114,068)	(114,068)	(114,068)	(-2)
Site loans (sec. 524)	(5,152)	(5,090)	(5,090)	(5,090)	(5,090)	(-62)
Multi-family housing guarantees (sec. 538)	(99,780)	(99,770)	(99,770)	(99,770)	(99,770)	(-10)
Multi-family housing credit sales	(1,779)	(1,778)	(1,778)	(1,778)	(1,778)	(-1)
Single family housing credit sales	(10,000)	(10,000)	(10,000)	(10,000)	(10,000)	.....
Self-help housing land development fund	(4,998)	(5,000)	(5,000)	(5,000)	(5,000)	(+2)
Total, Loan authorizations	(4,476,160)	(4,470,648)	(4,470,648)	(4,501,044)	(4,485,846)	(+9,686)
Loan subsidies:						
Single family (sec. 502)	176,371	140,108	140,108	144,108	142,108	-34,263
Unsubsidized guaranteed	7,384	40,166	40,166	40,166	40,166	+32,782
Subtotal, Single family	183,755	180,274	180,274	184,274	182,274	-1,481
Housing repair (sec. 504)	11,456	10,386	10,386	10,386	10,386	-1,070
Rental housing (sec. 515)	56,202	48,274	48,274	48,274	48,274	-7,928
Site loans (sec. 524) .....	.....	28	28	28	28	+28
Multi-family housing guarantees (sec. 538)	1,517	3,921	3,921	3,921	3,921	+2,404
Multi-family housing credit sales	872	750	750	750	750	-122
Self-help housing land development fund	278	254	254	254	254	-24
Total, Loan subsidies	254,080	243,887	243,887	247,887	245,887	-8,193

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES
APPROPRIATIONS BILL, 2002 (H.R. 2330) — continued
 (Amounts in thousands)

	FY 2001 Enacted	FY 2002 Request	House	Senate	Conference	Conference vs. enacted
RHIF administrative expenses (transfer to RD).....	408,333	419,741	422,910	422,241	422,241	+ 13,908
Rental assistance program:						
(Sec. 521).....	672,604	687,604	687,604	702,604	695,104	+ 22,500
(Sec. 502(c)(5)(D)).....	5,900	5,900	5,900	5,900	5,900	.....
Total, Rental assistance program.....	678,504	693,504	693,504	708,504	701,004	+ 22,500
Total, Rural Housing Insurance Fund.....	1,340,917	1,357,132	1,360,301	1,378,632	1,369,132	+ 26,215
(Loan authorization).....	(4,476,160)	(4,470,648)	(4,470,648)	(4,501,044)	(4,485,846)	(+ 9,698)
Mutual and self-help housing grants.....	33,925	33,925	33,925	35,000	35,000	+ 1,075
Rural housing assistance grants.....	43,903	38,914	38,914	38,914	38,914	-4,989
Farm labor program account.....	29,934	28,431	31,431	28,431	31,431	+ 1,497
Subtotal, grants and payments.....	107,762	101,270	104,270	102,345	105,345	-2,417
Total, Rural Housing Service.....	1,448,679	1,458,402	1,464,571	1,480,977	1,474,477	+ 25,798
(Loan authorization).....	(4,476,160)	(4,470,648)	(4,470,648)	(4,501,044)	(4,485,846)	(+ 9,698)
Rural Business-Cooperative Service:						
Rural Development Loan Fund Program Account:						
(Loan authorization).....	(38,172)	(38,171)	(38,171)	(38,171)	(38,171)	(-1)
Loan subsidy.....	19,433	16,494	16,494	16,494	16,494	-2,939
Administrative expenses (transfer to RD).....	3,632	3,733	3,761	3,733	3,733	+ 101
Total, Rural Development Loan Fund.....	23,065	20,227	20,255	20,227	20,227	-2,838
Rural Economic Development Loans Program Account:						
(Loan authorization).....	(14,969)	(14,966)	(14,966)	(14,966)	(14,966)	(-3)
Direct subsidy.....	3,902	3,616	3,616	3,616	3,616	-286
Rural cooperative development grants.....	6,486	6,486	7,500	8,000	7,750	+ 1,264
Rural empowerment zones and enterprise community grants.....	.....	14,967	14,967	14,967	14,967	+ 14,967
Total, Rural Business-Cooperative Service.....	33,453	45,296	46,338	46,810	46,560	+ 13,107
(Loan authorization).....	(53,141)	(53,137)	(53,137)	(53,137)	(53,137)	(-4)
Rural Utilities Service:						
Rural Electrification and Telecommunications Loans Program Account:						
Loan authorizations:						
Electric:						
Direct, 5%.....	(121,128)	(121,107)	(121,107)	(121,107)	(121,107)	(-21)
Direct, Municipal rate.....	(294,358)	(294,358)	(794,358)	(500,000)	(500,000)	(+ 205,642)
Direct, FFB.....	(1,600,000)	(1,600,000)	(2,600,000)	(2,600,000)	(2,600,000)	(+ 1,000,000)
Direct, Treasury rate.....	(500,000)	(500,000)	(500,000)	(750,000)	(750,000)	(+ 250,000)
Guaranteed electric.....	(100,000)	(100,000)	(100,000)	(100,000)	(100,000)	.....
Subtotal, Electric.....	(2,615,486)	(2,615,465)	(4,115,465)	(4,071,107)	(4,071,107)	(+ 1,455,621)
Telecommunications:						
Direct, 5%.....	(74,835)	(74,827)	(74,827)	(74,827)	(74,827)	(-8)
Direct, Treasury rate.....	(300,000)	(300,000)	(300,000)	(300,000)	(300,000)	.....
Direct, FFB.....	(120,000)	(120,000)	(120,000)	(120,000)	(120,000)	.....
Subtotal, Telecommunications.....	(494,835)	(494,827)	(494,827)	(494,827)	(494,827)	(-8)
Total, Loan authorizations.....	(3,110,321)	(3,110,292)	(4,610,292)	(4,565,934)	(4,565,934)	(+ 1,455,613)
Loan subsidies:						
Electric:						
Direct, 5%.....	12,064	3,609	3,609	3,609	3,609	-8,455
Guaranteed electric.....	10	80	80	80	80	+ 70
Direct, Municipal rate.....	20,458	.....	.....	.....	.....	-20,458
Subtotal, Electric.....	32,532	3,689	3,689	3,689	3,689	-28,843
Telecommunications:						
Direct, 5%.....	7,753	1,736	1,736	1,736	1,736	-6,017
Direct, Treasury rate.....	.....	300	300	300	300	+ 300
Subtotal, Telecommunications.....	7,753	2,036	2,036	2,036	2,036	-5,717
Total, Loan subsidies.....	40,285	5,725	5,725	5,725	5,725	-34,560

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES
APPROPRIATIONS BILL, 2002 (H.R. 2330) — continued
 (Amounts in thousands)

	FY 2001 Enacted	FY 2002 Request	House	Senate	Conference	Conference vs. enacted
RETLP administrative expenses (transfer to RD).....	34,640	35,604	36,322	36,000	36,000	+1,360
Total, Rural Electrification and Telecommunications Loans Program Account.....	74,925	41,329	42,047	41,725	41,725	-33,200
(Loan authorization)	(3,110,321)	(3,110,292)	(4,610,292)	(4,565,934)	(4,565,934)	(+1,455,613)
Rural Telephone Bank Program Account:						
(Loan authorization)	(174,615)		(174,615)	(174,615)	(174,615)	
Direct loan subsidy	2,584		2,584	3,737	3,737	+1,153
RTB administrative expenses (transfer to RD).....	2,993	3,082	3,107	3,082	3,082	+89
Total, Rural Telephone Bank Program Account	5,577	3,082	5,691	6,819	6,819	+1,242
High energy costs grants (by transfer)		(24,000)	(24,000)	(24,000)	(24,000)	(+24,000)
Distance learning and telemedicine program:						
(Loan authorization)	(400,000)	(300,000)	(300,000)	(300,000)	(300,000)	(-100,000)
(Loan authorization) (proposal)		(100,000)	(100,000)	(100,000)	(80,000)	(+80,000)
Grants/loans subsidy costs	26,941	26,941	26,941	51,941	49,441	+22,500
Local Television loan program account:						
(Loan authorization)				(322,580)	(258,065)	(+258,065)
Direct loan subsidy				25,000	20,000	+20,000
LTLF administrative expenses (transfer to RD).....				2,000	2,000	+2,000
Total, Rural Utilities Service	107,443	71,352	74,679	127,485	119,985	+12,542
(Loan authorization)	(3,684,936)	(3,510,292)	(5,184,907)	(5,463,129)	(5,378,614)	(+1,693,678)
Total, title III, Rural Economic and Community Development Programs...	2,481,127	2,401,520	2,488,414	2,793,742	2,581,924	+100,797
(By transfer)	(449,598)	(486,160)	(490,100)	(504,056)	(491,056)	(+41,458)
(Loan authorization)	(8,214,237)	(8,034,077)	(9,708,692)	(10,017,310)	(9,917,597)	(+1,703,360)
TITLE IV - DOMESTIC FOOD PROGRAMS						
Office of the Under Secretary for Food, Nutrition and Consumer Services.....	569	587	592	587	587	+18
Food and Nutrition Service:						
Child nutrition programs.....	4,407,445	4,729,490	4,746,038	4,746,038	4,914,288	+506,843
Transfer from section 32.....	5,127,579	5,357,256	5,340,708	5,340,708	5,172,458	+44,879
Discretionary spending	6,486	2,000	2,000	500	500	-5,986
Total, Child nutrition programs.....	9,541,510	10,088,746	10,088,746	10,087,246	10,087,246	+545,736
Special supplemental nutrition program for women, infants, and children (WIC)	4,043,086	4,137,086	4,137,086	4,247,086	4,348,000	+304,914
Food stamp program:						
Expenses	18,618,228	19,556,436	19,556,436	19,556,436	19,556,436	+938,208
Reserve	100,000	1,000,000	1,000,000	2,000,000	2,000,000	+1,900,000
Nutrition assistance for Puerto Rico	1,301,000	1,335,550	1,335,550	1,335,550	1,335,550	+34,550
The emergency food assistance program	100,000	100,000	100,000	100,000	100,000	
Total, Food stamp program.....	20,119,228	21,991,986	21,991,986	22,991,986	22,991,986	+2,872,758
Commodity assistance program	139,991	139,991	152,813	139,991	152,813	+12,822
Rescission.....		-5,300		-5,300	-3,300	-3,300
Food donations programs:						
Needy family program	1,081	1,081	1,081	1,081	1,081	
Elderly feeding program	149,670	149,668	159,668	149,668	149,668	-2
Total, Food donations programs.....	150,751	150,749	160,749	150,749	150,749	-2
Food program administration.....	116,550	125,546	126,656	127,546	127,546	+10,996
Total, Food and Nutrition Service.....	34,111,116	36,628,804	36,658,036	37,739,304	37,855,040	+3,743,924
Total, title IV, Domestic Food Programs.....	34,111,685	36,629,391	36,658,628	37,739,891	37,855,627	+3,743,942
TITLE V - FOREIGN ASSISTANCE AND RELATED PROGRAMS						
Foreign Agricultural Service:						
Salaries and expenses, direct appropriation.....	115,170	121,563	122,631	121,563	121,813	+6,643
(Transfer from export loans)	(3,224)	(3,224)	(3,224)	(3,224)	(3,224)	
(Transfer from P.L. 480)	(1,033)	(1,033)	(1,033)	(1,033)	(1,033)	
Total, Program level.....	(119,427)	(125,820)	(126,888)	(125,820)	(126,070)	(+8,643)
Public Law 480 Program and Grant Accounts:						
Title I - Program account:						
Loan authorization, direct.....	(159,327)	(139,399)	(150,000)	(159,327)	(154,664)	(-4,663)
Loan subsidy	113,935	113,935	122,800	130,218	126,409	+12,474
Ocean freight differential	20,277	20,277	20,277	20,277	20,277	

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES
APPROPRIATIONS BILL, 2002 (H.R. 2330) — continued
 (Amounts in thousands)

	FY 2001 Enacted	FY 2002 Request	House	Senate	Conference	Conference vs. enacted
Title II - Commodities for disposition abroad:						
Program level.....	(835,159)	(835,159)	(835,159)	(850,000)	(850,000)	(+14,841)
Appropriation.....	835,159	835,159	835,159	850,000	850,000	+14,841
Salaries and expenses:						
Foreign Agricultural Service (transfer to FAS).....	1,033	1,033	1,033	1,033	1,033	.....
Farm Service Agency (transfer to FSA).....	813	972	960	972	972	+159
Subtotal.....	1,846	2,005	2,013	2,005	2,005	+159
Total, Public Law 480:						
Program level.....	(835,159)	(835,159)	(835,159)	(850,000)	(850,000)	(+14,841)
Appropriation.....	971,217	971,376	960,049	1,002,500	998,691	+27,474
CCC Export Loans Program Account (administrative expenses):						
Salaries and expenses (Export Loans):						
General Sales Manager (transfer to FAS).....	3,224	3,224	3,224	3,224	3,224	.....
Farm Service Agency (transfer to FSA).....	588	790	767	790	790	+202
Total, CCC Export Loans Program Account.....	3,812	4,014	4,021	4,014	4,014	+202
Total, title V, Foreign Assistance and Related Programs.....	1,090,199	1,096,953	1,106,701	1,128,077	1,124,518	+34,319
(By transfer).....	(4,257)	(4,257)	(4,257)	(4,257)	(4,257)	.....
TITLE VI - FOOD AND DRUG ADMINISTRATION AND RELATED AGENCIES						
DEPARTMENT OF HEALTH AND HUMAN SERVICES						
Food and Drug Administration						
Salaries and expenses, direct appropriation.....	1,066,173	1,173,673	1,183,573	1,183,670	1,183,670	+117,497
Prescription drug user fee act.....	(149,273)	(161,716)	(161,716)	(161,716)	(161,716)	(+12,443)
Subtotal.....	(1,215,446)	(1,335,389)	(1,345,289)	(1,345,386)	(1,345,386)	(+129,940)
Export and certification.....	(5,992)	(6,181)	(6,181)	(6,181)	(6,181)	(+189)
Payments to GSA.....	(104,736)	(105,116)	(105,116)	(105,116)	(105,116)	(+380)
Drug reimportation.....		2,950				.....
Buildings and facilities.....	31,281	34,281	34,281	34,281	34,281	+3,000
Total, Food and Drug Administration.....	1,097,454	1,210,904	1,217,854	1,217,951	1,217,951	+120,497
INDEPENDENT AGENCIES						
Commodity Futures Trading Commission.....	67,850	70,400	70,700	70,400	70,700	+2,850
Farm Credit Administration (limitation on administrative expenses).....	(36,719)	(36,700)	(36,700)	(36,700)	(36,700)	(-19)
Total, title VI, Related Agencies and Food and Drug Administration.....	1,165,304	1,281,304	1,288,554	1,288,351	1,288,651	+123,347
TITLE VII - GENERAL PROVISIONS						
Hunger fellowships.....	1,996	1,996	4,000	1,996	2,496	+500
National Sheep Industry Improvement Center revolving fund.....	5,000		1,000		1,000	-4,000
Limit crop insurance education.....			-6,000		-6,000	-6,000
Mallard Pointe conservation.....				150	150	+150
Jamestown conservation.....				450	250	+200
Child and adult care feeding program.....				10,000	10,000	+10,000
CCC Apple market loss.....			150,000		75,000	+75,000
Klamath Basin (supplemental appropriations, P.L. 107-20).....	20,000					-20,000
Food Stamp program (supplemental appropriations, P.L. 107-20).....	-39,500					+39,500
Global food for education (supplemental appropriations, P.L. 107-20).....	22,949					-22,949
Yakima Basin (supplemental appropriations, P.L. 107-20).....	2,000					-2,000
APHIS transfer to Alaska (supplemental appropriations,						
Dairy price support extension.....					15,000	+15,000
Sugar beets.....					5,000	+5,000
Tobacco.....					5,000	+5,000
Total, title VII, General provisions.....	12,445	1,996	149,000	12,596	107,896	+95,451
TITLE VIII - FY 2001						
NATURAL DISASTER ASSISTANCE AND OTHER						
EMERGENCY APPROPRIATIONS						
CHAPTER 1						
DEPARTMENT OF AGRICULTURE						
Office of the Chief Information Officer:						
Common computing environment (contingent emergency						
appropriations).....	19,457					-19,457
Departmental administration (contingent emergency appropriations).....	200					-200

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES
APPROPRIATIONS BILL, 2002 (H.R. 2330) — continued
 (Amounts in thousands)

	FY 2001 Enacted	FY 2002 Request	House	Senate	Conference	Conference vs. enacted
Farm Service Agency						
Salaries and expenses (contingent emergency appropriations).....	49,890					-49,890
Emergency conservation program (contingent emergency appropriations)...	79,824					-79,824
Federal Crop Insurance Corporation						
Federal crop insurance corporation fund (emergency appropriations)	12,971					-12,971
Natural Resources Conservation Service						
Watershed and flood prevention operations (contingent emergency appropriations)	109,758					-109,758
Rural Development						
Rural community advancement program (contingent emergency appropriations)	199,560					-199,560
Total, Department of Agriculture	471,660					-471,660
General Provisions						
Conservation technical assistance (contingent emergency appropriations)	34,923					-34,923
CCC Disease loss compensation (contingent emergency appropriations)	19,000					-19,000
Dairy assistance (contingent emergency appropriations)	473,000					-473,000
CCC Livestock assistance program (contingent emergency appropriations)...	488,922					-488,922
WRP Additional acreage enrollments (contingent emergency appropriations)	117,000					-117,000
CCC Sheep loss assistance (contingent emergency appropriations)	2,395					-2,395
CCC Citrus canker compensation (contingent emergency appropriations)	57,872					-57,872
CCC Apple/potatoes market loss and quality (contingent emergency appropriations)	137,696					-137,696
CCC Honey assistance (contingent emergency appropriations)	20,000					-20,000
CCC Livestock indemnity program (contingent emergency appropriations)...	9,978					-9,978
CCC Wool/mohair assistance (contingent emergency appropriations)	19,956					-19,956
CCC Crop loss disaster assistance (contingent emergency appropriations)...	1,622,000					-1,622,000
CCC Cranberry assistance (contingent emergency appropriations)	19,956					-19,956
Shared appreciation loan arrangements (contingent emergency appropriations)	2,000					-2,000
SC grain dealer's guarantee fund (contingent emergency appropriations).....	2,495					-2,495
Puerto Rico food stamp block grant.....	-5,000					+5,000
Hawaii sugar transportation cost assistance (contingent emergency appropriations)	7,184					-7,184
Rural development cooperative grants (contingent emergency appropriations)	9,978					-9,978
Business and industry loans:						
(Loan authorization)	(1,160,232)					(-1,160,232)
Loan subsidy (contingent emergency appropriations)	9,978					-9,978
CCC Tobacco quota compensation (contingent emergency appropriations).	3,000					-3,000
CCC Cooperative assistance (contingent emergency appropriations)	19,956					-19,956
CCC Burley tobacco (contingent emergency appropriations)	50,000					-50,000
CCC LDP delinquent borrower (contingent emergency appropriations)	5,000					-5,000
Food stamp excess shelter allowance (contingent emergency appropriations)	15,000					-15,000
Food stamp vehicle allowance (contingent emergency appropriations)	25,000					-25,000
Total, General Provisions.....	3,167,289					-3,167,289
Total, title VIII, FY 2001	3,638,949					-3,638,949
TITLE X - ANTI-DUMPING						
Anti-dumping	39,912					-39,912
Grand total:						
New budget (obligational) authority	76,659,577	73,976,108	74,359,843	75,797,465	75,794,443	-865,134
Appropriations	(73,015,628)	(73,961,406)	(74,359,843)	(75,802,765)	(75,797,743)	(+2,782,115)
Rescission		(-5,300)		(-5,300)	(-3,300)	(-3,300)
Emergency appropriations	(12,971)					(-12,971)
Contingent emergency appropriations	(3,630,978)					(-3,630,978)
(By transfer)	(719,987)	(764,774)	(770,903)	(782,670)	(771,844)	(+51,857)
(Loan authorization)	(11,463,780)	(12,028,476)	(13,713,692)	(14,067,362)	(13,962,986)	(+2,499,206)
(Limitation on administrative expenses)	(144,778)	(144,759)	(144,759)	(144,759)	(144,759)	(-19)

1/ In addition to appropriation.

Mr. Speaker, I reserve the balance of my time.

Ms. KAPTUR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, obviously I rise in very strong support of this bill and say it is truly an improvement over the original measure that passed the House 4 months ago. The conference committee actually did make it better. And while there are individual items with which we could each disagree, and those items will continue to be a focus for myself and other subcommittee members as we move ahead with other appropriations bills during this session, the product before us truly is worthy of our support.

Let me reciprocate to my very able colleague and fairly new chairman of our committee, the gentleman from Texas (Mr. BONILLA) for successfully guiding us through the challenges surrounding his first bill as our subcommittee chair. And I think that the buoyant attitude of the members and the cooperative spirit in which they worked is due to the tone that he set on the subcommittee.

Mr. Speaker, I want to issue my own thanks to our subcommittee staff that worked so very hard, such long hours, and they are never covered by C-SPAN, and the American people do not get to see the depth of their dedication: Hank Moore and Martin Delgado, Maureen Holohan, Joanne Orndorff, Jim Richards, and our detailee, Leslie Barrack, as well as Roger Szemraj from our own office and Julie Little as well. They just did an outstanding job of representing the interests of this House in this conference.

I wanted to pay special thanks to Martha Foley, who is our lone minority staff member, who ably and successfully represented our side of the aisle in painstaking negotiations with the other body. I am just so pleased she is able to be with us here on the floor today. I hope that all of her relatives and friends are watching because she surely deserves the appreciation of the American people.

Mr. Speaker, we bring to you a conference report that is \$860 million below the enacted level for the last fiscal year, but it is \$1.8 billion over the administration's request and \$1.4 billion over the original bill that passed the House.

Now, should anyone have concerns about these points of comparison, let me respectfully point out that our needs today are far different from those that were submitted with the President's budget earlier this year, and they are substantially different from those that our Nation faced prior to September 11.

As I pointed out earlier this year, we are touched in our country by agriculture many times each day. It might be in the food we eat, the fabrics we wear, the biofuels that are being pro-

duced or the medications or vitamins that are prescribed. We are touched each day by research, by education, by training, by our food and animal, plant and health inspection services and by marketing services.

This bill continues the essential points that nearly 80 percent of the spending in this bill is mandatory. When one combines all the food assistance programs and the farm price support programs, only about 20 percent of what we can really affect in the bill is discretionary. Over half is what is projected to be spent in this measure is for food programs. That includes Food Stamps, the Women, Infant and Children Food Program and the Child and Elderly Nutrition Programs.

Now, there are significant accomplishments in this conference bill. We have provided an increase of \$211 million for the WIC program over the initial House bill. With recent economic difficulties and increasing unemployment, we have added funds that are available in the program, should we need them. In fact, we have established a \$2 billion reserve for the Food Stamp Program to reflect these concerns, the largest reserve we have ever had in this program.

I might just mention, if you look at New York City and many of the service workers that worked in the World Trade Center who are contract workers and have no benefits, those families absolutely have the right to be fed, to have a good holiday season; and this program will help cushion the blows that this economy and the situation we are facing with regard to terrorism is having on American families.

□ 1745

So we provided the largest reserve we ever have in the history of this program.

We have provided \$10 million in supplemental funding for the Senior Farmers Market Nutrition program, an effort that has been more successful than anyone had anticipated and one which we hope will be continued as a part of the regular farm bill.

Both these funds are to support the program in addition to the other resources from the Commodity Credit Corporation that we hope the Secretary will use to sustain and hopefully expand this program to the full \$25 million level.

Let me also mention we have the strongest possible language included in the statement of managers to be certain the Secretary of Agriculture understands that we expect her to continue the Global Food for Education program. This program can help boys and girls throughout the world get the necessary food while receiving education; and when we think about what is going on in Afghanistan and the surrounding region, it is particularly vital that we see the impact that this pro-

gram can have in the months and years ahead.

We have so many Members here in the House to thank, Members like the gentleman from Massachusetts (Mr. McGOVERN), the gentleman from Ohio (Mr. HALL), and certainly our retired Members from the other body, Bob Dole and George McGovern, for inspiring and carrying us through on the vision for this program and what it can do around the world.

The House did go along in this measure also with the higher Senate level for title II of the Food for Peace Program, PL-480, as the House had instructed before we went to conference. I respectfully and seriously thank the gentleman from Texas (Mr. BONILLA) and the staff for their efforts in securing this important funding.

We do have some successes with increasing food safety funding, particularly with respect to the Food and Drug Administration. The bill provides 10.7 percent over last year's level, and we know how important that agency is now in safeguarding our food supply and the safety of our pharmaceuticals.

It also includes the additional funds to fully fund the pay increases so essential to keeping staff in place and adding staff where necessary so that we can deal with threats to public health and ensuring public health and safety here at home.

We also included an increase of \$15 million over last year for BSE prevention and enforcement. This is commonly known as mad cow disease. We have seen what it has done in other parts of the world, and we know that increasing monitoring of imports and inspection of feed mills here at home is essential to keeping that tragedy out of the American food chain.

We have included additional funds for food safety activities, including our import inspections and monitoring activities; and we have also important successes in this bill on funding for animal welfare, for rural development, for water and housing programs and research programs at our 1890 Institutions.

I know that the gentlewoman from North Carolina (Mrs. CLAYTON), who has worked so hard in order to increase funding, will speak on this matter very shortly; and we thank her so very much for her leadership and dedication on this important improvement to what our country offers, not just here at home but around the world.

Let me just say as I wrap up here, I am concerned about inadequate funding levels for food safety activities, particularly in the wake of what happened on September 11; and I am really encouraged that Secretary Thompson has recommended over \$61 million in supplemental funds for the purpose of strengthening FDA's food safety and security activities. This truly is a step in the right direction, but only a step;

and we look forward to working with the Bush administration on improving those numbers.

We also had research funding requests from hundreds and hundreds of members that had to be reduced due to limits imposed in this bill. Hopefully in future years, we will be able to find a way to meet these important research activities which are the seed bed for innovation and advancement in our Nation.

Let me also say that the gentleman from New York (Mr. HINCHY) was such a leader on this matter in our subcommittee, and this deals with the assistance to specialty-crop producers, particularly apple producers, that in the conference bill we have provided \$75 million to assist those who have been so adversely affected by weather and drought conditions. In our original bill we had hoped to get \$150 million. We just did not have the funds. We just did not have the allocation to do that; and I wanted to again recognize the gentleman from New York (Mr. HINCHY), the gentleman from New York (Mr. WALSH), and the gentleman from Washington (Mr. NETHERCUTT), who have my personal commitment to work with them to make sure producers get the help they need.

On two final points, let me just say the conferees were successful in retaining language to retain the pork check-off program. We expect the Department to honor the votes of producers to terminate that program or to put any settlement agreement to a new vote.

Finally, and this is truly emotional for all Americans, we were so pleased to be able to work with the able gentleman from Massachusetts (Mr. MEEHAN) to include language naming our very well-respected Farmer to Farmer program as the John Ogonowski Farmer to Farmer Program. John Ogonowski was the pilot of American Airlines Flight 11 which crashed into one of the World Trade Towers and citizen of Massachusetts.

He had exemplified the intent of the Farmer to Farmer program in reaching out among others to Cambodian producers, new immigrants to our shores, who had the need of improved skills to maximize their farming proficiencies, and naming this program for him offers the program an example of an outstanding American who knew both the responsibilities and joy of helping others to improve their situation while taking satisfaction from the accomplishment that such help provides.

Today, in the Sun newspaper from Massachusetts, there was a story that talks about American Airlines pilot John Ogonowski, and it talks about the former Under Secretary of Agriculture August Schumacher, who was a friend of John Ogonowski, and talked about how he was a fourth generation farm boy who never forgot his roots and he made real differences with his new

entry programs for farmers in our country. John Ogonowski's father, Alexander Ogonowski, also a farmer, was overwhelmed when he learned of this great honor for his son and American patriot; and he said it is a little too much right now to even comment on.

As we move this bill to the floor today, we especially honor pilot John Ogonowski, and all those who fly on behalf of our commercial airlines and all those in service to our country in every walk of life. We owe them the freedom of expression that we enjoy here in this Chamber today.

I include for the RECORD the article from the Sun newspaper.

**BILL AIMS TO RENAME U.S. FARM PROGRAM
FOR LATE DRACUT PILOT**

(By Kathleen Deely)

DRACUT.—A federal program in which U.S. farmers help their counterparts overseas will be named after deceased Dracut resident John Ogonowski if a bill before Congress is approved.

Ogonowski, who died piloting American Airlines Flight 11 when it was hijacked and crashed into the World Trade Center on Sept. 11, had for years harvested hay and produce on his 150-acre farm on Marsh Hill Road.

Renaming the Department of Agriculture's Farmer-to-Farmer program after Ogonowski has been included in the federal Agriculture Appropriation bill for 2002. The House and Senate are expected to pass the legislation, which will then go to President Bush for his signature, in the next few weeks.

John's sister, Carol Ogonowski, said naming the program after her brother is "one of many tributes that John deserves."

"John would be honored. It's only a fitting tribute to his life that touched so many others," she said.

The program is similar to the New Entry Sustainable Farming Project that Ogonowski ran for Cambodian farmers on his Whitegate Farm for several years. The partnership between Tufts University, the University of Massachusetts Extension Service and the state Department of Food and Agriculture helps immigrants grow their native vegetables and learn the farming industry.

Likewise, the program provides agricultural technical assistance to developing countries around the world and increases food production there.

The idea to name the program after Ogonowski came from August Schumacher Jr., the former undersecretary for farming and international agricultural programs, who was a friend of Ogonowski.

U.S. Rep. Martin Meehan, a Lowell Democrat, worked to have the name changed included in the 2002 agriculture bill.

"John was a fourth-generation farm boy who never forgot his roots," said Meehan. "He made a real difference with his New Entry programs."

Attaching Ogonowski, who was a full-time pilot, to the project makes sense, those who knew him said, because farming was his true passion.

John's father, Alexander Ogonowski, also a farmer, was overwhelmed when he learned of the honor.

"It's a little too much right now," he said.

Mr. Speaker, I yield 3 minutes to the gentlewoman from Connecticut (Ms. DELAURO), a member of the subcommittee without whose excellent work this bill would not have been possible.

Ms. DELAURO. Mr. Speaker, I thank the gentlewoman from Ohio (Ms. KAPTUR) for yielding me the time, and I rise in strong support of this conference report.

It addresses the many and often competing priorities of agriculture, health and nutrition; and I want to say thanks to the gentleman from Texas (Mr. BONILLA), the chairman; and the gentlewoman from Ohio (Ms. KAPTUR), the ranking member, for their leadership, and the subcommittee and associate staff for their hard work.

Connecticut is a leader in New England's agriculture, in eggs, peaches, milk production per cow. Like other farmers, Connecticut farmers are facing the toughest times since the Great Depression: plunging commodity prices, urban sprawl which puts it in the top 10 States in lost farm land. This spring, record low temperatures eliminated almost 40 percent of our peach and pear crops.

I am proud of the funding for programs that reach out and help our farmers: rural development, conservation, pest management, and commodity marketing assistance. I am also proud of the extension of dairy price supports through May 31, 2002. This program is an essential safety net for Connecticut's dairy farmers, all the more so since reauthorization of the Northeast Dairy Compact has not happened yet.

The compact is vital to the very existence of Connecticut's 228 dairy farms, each one a small family farm, and their way of life. In 2000, it returned \$4.8 million in income back to these dairy farms. This is an average of \$21,000 per farmer. Congress must address this issue. Without the compact, New England's farms are lost.

The conference report also funds coverage for more than 7.5 million WIC participants. I cannot emphasize enough how important WIC is in addressing the economic problems that this country faces. As unemployment increases, so does the number of families eligible for WIC. This essential nutrition, which currently serves approximately 47 percent of all infants born in the United States, provides low-income mothers and their children with nutritious supplemental food packages, nutrition education and counseling and a gateway to pre- and post-natal health care.

WIC does more than help families get through tough times. It contributes to better birth outcomes and reductions in childhood anemia.

This bill also funds safety efforts, but we do need to do more to protect American families from potential bioterrorist threats. Each year, 5,000 Americans die from food-borne illnesses; 76 million get ill, and 325,000 are hospitalized.

FDA inspects all types of food except meat, poultry and eggs. Yet, to cover

the 37,000 companies that make this food, the FDA has only 400 inspectors. For the 4.1 million imported food items, the FDA has less than 120 inspectors. These inspectors can barely cover 1 percent of the food coming into the country. In today's times, this is a crisis waiting to happen unless we do something.

I also want to work through the supplemental funding process to provide assistance to America's apple farmers. There are apple farmers in the State of Connecticut and the plunging market prices for apples are destroying the years of hard work put in by these dedicated men and women. We must be there for them.

Once again, I am proud of the work of the conference committee. I am proud to serve on the agriculture appropriations subcommittee. My thanks to the gentleman from Texas (Mr. BONILLA) and to the gentlewoman from Ohio (Ms. KAPTUR) for their leadership throughout the year in support of America's farmers and America's families.

Ms. KAPTUR. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. FARR), a very distinguished member of our subcommittee, and I just hope that his constituents know how hard he works on their behalf. It is truly a joy to have someone with his vision and abilities working on this subcommittee.

Mr. FARR of California. Mr. Speaker, I thank the gentlewoman from Ohio (Ms. KAPTUR) for yielding me the time.

I rise in strong support of this bill. I was just back here thinking that this is the one appropriations bill that comes to the floor with aroma and with taste. This is about food, and we often do not appreciate how much work goes into supporting the diversity of agriculture in the United States. We hear a lot of debate about the commodity programs in this country and the debate we ought to have. It is healthy.

What my colleagues do not know is all of the agriculture in this country gets not one bit of help from our U.S. Department of Agriculture except in academic areas like research dollars for finding alternatives to pesticides and herbicides; to research dollars that improve the nutritional quality of food for our school children and for adults and senior citizens; for programs that really benefit agriculture without giving a direct subsidy to crops such as marketing promotions where we are able to assist with local raised money to promote crops grown in America and other countries.

I would like to thank the chairman of this committee because he has taken the lead in being able to put specialty crops back up where they need to be, giving them more attention. In my district, one county, we grow 85 different crops. That is more crops than any other State, other than the State of California, grows in the United States.

One of the things that we are working on and continue to work on that with the authorization from the Committee on Agriculture is the ability to buy out development rights from farmers so that the agriculture can remain protected forever in agricultural areas and that we can preserve the prime agricultural lands of the United States just as we would preserve the great forests and the great river basins of this country.

Lastly, one of the things that this committee is very actively involved in and I hope we will move even more so in the direction is that we have spent a lot of money in this country determining what are the nutritional values of food that ought to be served, particularly to school children and infants; but we do not buy that same food. We need to shift our buying policy from the U.S. Government to buy more of the foods that we advertise and recommend as healthy foods. Those are organic foods that are fresh fruits and vegetables. Those are the specialty crops of America.

This bill moves a lot of that policy forward; and I would like to compliment the committee, I would like to compliment the Secretary of Agriculture for her good work in working closely with this committee, and I would like to think that in a bipartisan way the Democrats and Republicans can come together and unite around agriculture in America, and this is the bill for it.

I urge an "aye" vote.

□ 1800

Ms. KAPTUR. Mr. Speaker, I yield 4 minutes to the gentlewoman from North Carolina (Mrs. CLAYTON), a distinguished member of the authorizing committee who I must say works tirelessly to connect the work of the authorizing committee to the Committee on Appropriations, and certainly in her work on the 1890 colleges and assistance to Africa, there is no better advocate in this House.

Mrs. CLAYTON. Mr. Speaker, I rise today to express my support for the conference report before us, and to thank the chairman and the ranking member for their diligent work on this bill. I thank the ranking member of the full committee, the gentleman from Wisconsin (Mr. OBEY) and his diligent staff for their efforts.

As always, this appropriation bill has required them to make many difficult choices and to weigh many competing priorities. However, in so doing, they have chosen well and have provided this House with a conference report that deserves quick passage. I would like to thank the appropriators especially for their efforts in two areas. First of all, as mentioned, I would like to express my thanks to the chairman and the ranking member for increasing the funding for research and extension

of the Historically Black Colleges and Universities.

The minority-serving land grants, including the Historically Black Colleges and Universities, the American Indian College and Hispanic-serving Institutions, have long played a positive role in advancing the interests of the minority agricultural community.

This bill increases funding for both research and extension at the Black Colleges and Universities. The chairman and the ranking member have been very helpful in this effort and they deserve to be recognized for their friendship with the minority land grant universities.

Finally, I thank the chairman and ranking member for their efforts in maximizing the funds available to all of the nutrition programs in this bill. This is an agricultural commodity and nutrition bill.

Providing nutritious food for American children and working families is one of the most important responsibilities of this bill. Unfortunately, the shameful hunger always outpaces the limited dollars available to address this plague. I know that making decisions about how best to spend our nutrition dollars are always difficult ones, and I commend the gentlemen.

They also deserve a thanks for their efforts to ensure that the innovative and popular Senior Farmer's Market Program can continue, and for their diligence in working to preserve the integrity and increase the caseload of the WIC program.

This conference report provides \$10 million so that this popular program for seniors will continue. This report also expresses its expectation that the administration will do its part by releasing funds from the Commodity Credit Corporation for the program. I add my voice to this, and urge the administration to follow the recommendation of the conference report by releasing \$15 million so that we can strengthen and expand the Senior Farmers Market Program.

We must continue to increase funds to nutrition programs and to eradicate hunger from our midst. We could not have a more lofty goal for this Congress. There is no excuse for hungry families in America today. This bill is one small part of a problem that requires our continuous effort, but it is indeed a very important part which benefits millions of Americans. I urge my colleagues to support this program. I thank the entire committee and the chairman and the ranking member for their support.

Ms. KAPTUR. Mr. Speaker, I yield myself 2 minutes for the purpose of conducting a colloquy with the gentleman from Texas (Chairman BONILLA).

Ms. KAPTUR. Mr. Speaker, the gentleman knows that members of our subcommittee have been concerned

about food safety, and we know that contaminated food products cause an estimated 76 million food-borne illnesses annually in our country. Seafood represents more than 10 percent of the documented illnesses in the United States.

The conferees have accepted report language offered by the other body that calls for the Food and Drug Administration to report by January 1 regarding implementation of regulations by the General Accounting Office with respect to the compliance of seafood producer with HACCP, the Hazard Analysis and Critical Control Points.

That language concluded by calling for the development of food safety technologies that could ensure constant safe temperatures of seafood throughout the food chain. As a point of clarification, since some might construe the phrase "food chain" in a fashion different than we intend, would the chairman agree with me that our intent is to review the development of food safety technologies through the food supply chain?

Mr. BONILLA. Mr. Speaker, will the gentlewoman yield?

Ms. KAPTUR. I yield to the gentleman from Texas.

Mr. BONILLA. Mr. Speaker, I would agree with the gentlewoman that our intent with respect to the accepted language is the "food supply chain."

Ms. KAPTUR. Mr. Speaker, I thank the chairman for his concurrence.

Mr. NETHERCUTT. Mr. Speaker, I rise in support of the Conference Report to accompany H.R. 2330, the Fiscal Year 2002 Agriculture and Related Agencies Appropriations bill. I also wish to express some concern with the level of resources dedicated to FDA pre-market device review functions.

The rapid increase in private and public sector biomedical research efforts will contribute to the development of many new breakthrough technologies to improve healthcare in the near term. It is my concern that FDA does not have sufficient resources dedicated to the pre-market review function at the Center for Devices and Radiological Health to quickly review these products so they may be used safely with patients. In the House version of the Agriculture and Related Agencies Appropriations bill, we directed the FDA to provide updates on medical device application review performance in January and July 2002. I urge the agency to adhere to this language and provide these reports to the members of our Committee on a timely basis. I also look forward to working with the Administration in the coming months to ensure that next year's budget includes a request for sufficient resources to meet the statutory review times for medical devices.

Mr. MEEHAN. Mr. Speaker, I rise today to express my appreciation that this year's Agriculture Appropriations Conference Report will rename the U.S. Department of Agriculture's (USDA) Farmer-to-Farmer Program after Captain John Ogonowski, who died on September 11, 2001 while piloting American Airlines' Flight 11.

Captain John Ogonowski was a highly respected resident of Dracut, Massachusetts, a pilot, and a fourth-generation farmer of his 150-acre farm. John also sponsored a program for Southeastern Asian immigrants to learn to farm and maintain their agriculture heritage through the New Entry Sustainable Farming Project—a partnership between Tufts University, the University of Massachusetts Extension Service, and Massachusetts's Department of Food and Agriculture. He provided land to these immigrants and became a close friend to many.

Similar to the program that John sponsored, the USDA Farmer-to-Farmer Program will be renamed the John Ogonowski Farmer-to-Farmer Program. This program provides assistance to farmers in developing countries to help increase food production and distribution, and improve the effectiveness of farming and marketing operations.

John made a notable difference in the lives of many immigrants learning to farm, and it is only fitting that the Farmer-to-Farmer Program, which embodies John's commitment to training new farmers, will now carry his name.

It is comforting to know that John's family and friends will have this lasting tribute to him, which encompasses his love of the land and his commitment to helping others. If his family, including the members I have gotten to know—his wife, Margaret; his children, Laura, Caroline, and Mary Katharine; and his brother, James—are any indication of the kind of person John was, then he was a truly magnificent man, both in spirit and in his deeds. Their strength of heart and commitment to John's legacy, combined with tributes like this, will ensure that John's memory never dies.

I am grateful for the willingness of Chairman BONILLA and Ranking Member KAPTUR to include this designation in the Conference Report. I also want to thank August Schumacher, Jr., John's friend and the former Under Secretary for Farming and International Agriculture Programs, for his commitment to remembering John. I imagine that John would be truly grateful, and modest, in his acceptance of such an honor.

Mr. BENTSEN. Mr. Speaker, I rise to express my strong support for the Fiscal Year (FY) 2002 Agriculture Appropriations legislation (H.R. 2330) that would provide \$75.9 billion in funds for the U.S. Department of Agriculture, the Food and Drug Administration, and other related agencies. I believe we must support our nation's agriculture programs and am very pleased that this year's bill includes sufficient federal funding for nutrition research programs.

I am particularly pleased that this legislation includes \$979 million in additional federal funding for the Agriculture Research Service (ARS), a division of the U.S. Department of Agriculture. The ARS conducts and funds a variety of research projects, including nutrition research. The ARS provides funding for six human nutrition research centers, including the Children's Nutrition Research Center (CNRC) at Baylor College of Medicine in Houston, Texas. The CNRC is the only human nutrition research center which focuses primarily on pediatric nutrition and helps to make recommendations about childhood diets.

As the representatives for the CNRC, I applaud the innovative pediatric nutrition re-

search which the CNRC conducts each year. I am also pleased that this bill includes an additional \$400,000 for the CNRC so they can expand their pediatric nutrition research next year. I believe that this investment will not only save lives but also reduce health care costs as we learn more about what is the best, most nutritional food for our children to eat. This additional funding will fund valuable research which will help families to provide nutritional food for their children so that these children will live longer, healthier lives.

There are many examples of CNRC's research which will have a direct impact on our lives. For instance, CNRC researchers are currently examining the nutritional factors necessary for optimal health and development of infants and children of all ages. Another CNRC study is working to identify the factors that influence children's eating habits and how best to help children and families to adopt healthier habits to avoid the long-term health problems linked to poor nutrition, such as obesity, diabetes, stroke, and osteoporosis. The CNRC is also doing research on the nutrition of mothers and their infants during pregnancy and lactation. These studies will examine the optimal dietary calorie, protein, and mineral requirements for maternal health during pregnancy and lactation. With this study, mothers and their infants will learn more about the necessary nutrients they need to maintain optimal health during pregnancy and lactation.

I urge my colleagues to support this bill which provides necessary funding for agriculture and nutrition research programs.

Mr. BEREUTER. Mr. Speaker, this Member rises in support of the conference report for H.R. 2330, the Agriculture appropriations legislation for fiscal year 2002.

This Member would like to commend the distinguished gentleman from Texas (Mr. BONILLA), the Chairman of the Agriculture Appropriations Subcommittee, and the distinguished gentlewoman from Ohio (Ms. KAPTUR), the ranking member of the Subcommittee, for their hard work in bringing this conference report to the Floor.

Mr. Speaker, this Member certainly recognizes the severe budget constraints under which the full Appropriations Committee and the Agriculture Appropriations Subcommittee operated. In light of this constraints, this Member is grateful and pleased that this legislation includes funding for several important projects of interest to the state of Nebraska.

First, this Member is pleased that the conference report provides \$452,000 for the Midwest Advanced Food Manufacturing Alliance (MAFMA). The Alliance is an association of twelve leading research universities and corporate partners. Its purpose is to develop and facilitate the transfer of new food manufacturing and processing technologies.

The MAFMA awards grants for research projects on a peer review basis. These awards must be supported by an industry partner willing to provide matching funds. During the seventh year of competition, MAFMA received 39 proposals requesting a total of \$1,382,555. Eleven proposals were funded for a total of \$348,147. Matching funds from industry for these funded projects total \$605,601 with an additional \$57,115 from in-kind funds. These figures convincingly demonstrate how successful the Alliance has been in leveraging

support from the food manufacturing and processing industries.

Mr. Speaker, the future viability and competitiveness of the U.S. agricultural industry depends on its ability to adapt to increasing world-wide demand for U.S. exports of intermediate and consumer good exports. In order to meet these changing world-wide demands, agricultural research must also adapt to provide more emphasis on adding value to our basic farm commodities. The Midwest Advanced Food Manufacturing Alliance can provide the necessary cooperative link between universities and industries for the development of competitive food manufacturing and processing technologies. This will, in turn, ensure that the United States agricultural industry remains competitive in a increasingly competitive global economy.

This Member is also pleased that the conference report includes \$196,000 to fund the National Drought Mitigation Center (NDMC) at the University of Nebraska-Lincoln. This project is in its fourth year and has assisted numerous states and cities in developing drought plans and developing drought response teams. Given the nearly unprecedented levels of drought in several parts of our country, this effort is obviously important.

Another important project funded by this conference report is the Alliance for Food Protection, a joint project between the University of Nebraska and the University of Georgia, which received \$293,000 under the conference report. The mission of this Alliance is to assist the development and modification of food processing and preservation technologies. This technology will help ensure that Americans continue to receive the safest and highest quality food possible.

This Member is also pleased that the legislation funds the following ongoing Cooperative State Research, Education, and Extension Service (CSREES) projects at the University of Nebraska-Lincoln:

Food Processing Center, \$42,000; Non-food agricultural products, \$64,000; Sustainable agricultural systems, \$59,000; Rural Policy Research Institute (RUPRI) (a joint effort with Iowa State University and the University of Missouri), \$1,040,000.

This Member would also note that the conference report includes a loan subsidy of \$3.9 million for the Section 538 rural rental multifamily housing loan guarantee program, which is to support \$99.77 million in loan authorizations. The program provides a Federal guarantee on loans made to eligible persons by private lenders. Developers will bring ten percent of the cost of the project to the table, and private lenders will make loans for the balance. The lenders will be given a 100% Federal guarantee on the loans they make. Unlike the current Section 515 direct loan Program, where the full costs are borne by the Federal Government, the only costs to the Federal Government under the 538 Guarantee Program will be for administrative costs and potential defaults.

Mr. Speaker, this Member certainly appreciates the appropriations for the \$40.166 million loan subsidy for the Department of Agriculture's Section 502 Unsubsidized Loan Guarantee Program, which is to support \$3.1 billion in loan authorizations. The program has

been very effective in rural communities by guaranteeing loans made by approved lenders to eligible income households in small communities of up to 20,000 residents in non-metropolitan areas and in rural areas. The program provides guarantees for 30-year fixed-rate mortgages for the purchase of an existing home or the construction of a new home.

Mr. Speaker, in conclusion, this Member supports the conference report for H.R. 2330 and urges his colleagues to approve it.

Mr. HINCHEY. Mr. Speaker, I would like to speak in support of the FY 2002 Agriculture Appropriation conference report. On the whole, it is a very good bill, and I commend Chairman BONILLA and Ranking Member KAPTUR and the entire Subcommittee staff and minority staff for their efforts. As good as it is, it does have several shortcomings that I will address in a minute.

AGRICULTURAL RESEARCH

I am pleased, however, at the level of support for agricultural research in this bill. Basic research is one of the best investments the government can make, but it's too easy for critics to poke fun at projects in this bill without ever considering the importance of the underlying research. USDA scientists and their collaborators at land grant universities work every day to ensure our food security, to preserve the competitiveness of American agriculture in a global economy, and to fight against bioterrorism.

I am proud to represent Cornell University, which is the recipient of many of these special research grants. By way of illustration, Cornell scientists are using USDA funds to investigate the causes and cures of fire blight, a disease that is infecting apple orchards across the country. In the five years of this research program, they have made progress in disease detection, development of biological controls, controlling the problems of antibiotic resistance, development of disease-resistant cultivars and rootstocks, plant nutrition, and chemical control. It will take at least another five years before we can evaluate the long-term success of preliminary findings.

FARMERS MARKETS

The FY 2002 agriculture bill is also notable for its support of farmers market programs. Farmers markets are also one of the best investments we can make in American agriculture. Not only do they provide farmers with a direct market for their crops, but they also give city residents access to fresh, locally-grown produce. Many of the farmers in my district live within 100 miles of New York City and sell their produce in the dozens of markets throughout the City. Most of these markets would not exist if not for programs that allow low-income families to use their food stamp and WIC benefits at the markets. I am also pleased that the conference report funds the new senior farmers market coupon program for low-income elderly shoppers.

I would like to point out one provision that is especially important to the farmers' market community in my state. The bill contains funds for a pilot program in New York to implement wireless handheld technology in the markets. This innovation is critical to the survival of farmers markets in low income communities, as food stamps and WIC benefits are increasingly delivered electronically through electronic

benefit transfer (EBT) cards. Because farmers markets operate outdoors with limited access to electricity or telephone lines, it is much more difficult for people to use their EBT cards in the markets. New York has been testing this technology on a limited basis with great success, and will be able to use these funds to expand the program into more markets across the State. It is my hope that this pilot will prove to be so successful that the Department will adopt it as a model for a nationwide wireless EBT program.

RURAL BROADBAND DEPLOYMENT

Another provision in this bill will provide greatly needed assistance to help New York retain jobs and employers displaced by the September 11 terrorist attacks on New York City. These events have created a massive need for the City and surrounding communities to replace millions of square feet of office space equipped with advanced telecommunications services including broadband service. The New York City metropolitan area is experiencing a huge demand for this type of office space, both for immediate relocation as well as for remote, redundant back-up locations.

My colleagues in the New York Congressional delegation, the Mayor, and the Governor want to keep as many of these displaced jobs in New York as possible. We believe that the Rural Utilities Service telecommunications loan and grant programs have a key role to play in this effort. There are existing RUS broadband borrowers in the Hudson River Valley of New York who can help accommodate companies who are trying to resume normal business operations just outside of the city. This provision will make it possible for these borrowers to respond quickly to preserve New York jobs.

We already know that New York will need to deploy additional broadband communications services rapidly to accommodate the increasing demand emerging in some of the rural areas in upstate New York. Connecting businesses, data facilities, and telecommuters to New York city are critical to recovery efforts. The conference report give the Administrator of RUS certain flexibilities and encouragement to expeditiously process loan applications from existing RUS broadband borrowers who are responding to recovery and rebuilding effort in New York.

The measure is self-executing, needs no new regulation, and requires no additional funding. It provides needed regulatory flexibility so the RUS can work with qualified, existing borrowers to receive additional financing to respond to this crisis. It also allows the RUS to modify terms of a borrower's existing loan, in order to provide operational flexibility to better respond to this crisis.

There are already several RUS borrowers in New York State. One, Hudson Valley DataNet, has already qualified for the broadband program and is providing broadband services in the Hudson Valley area, less than 100 miles north of New York City. This region of New York will be essential to the recovery effort for many companies seeking to restore operations, as well as companies seeking remote, secure, redundant data locations. Given the dramatic increase in demand for new deployment, however, the RUS needs this new authority to help:

- Carriers respond to the intense need to deploy services immediately for the recovery effort. These companies will need help to expedite their applications through RUS procedures, redefine terms of existing loans, and make adjustments to some of the existing program requirements to accommodate the recovery effort in New York State;

- Communities in the Hudson Valley, which are surrounded by rural areas that fall just above the 20,000-population limit for the broadband program that could benefit from some RUS process flexibility;

- RUS borrowers who wish to receive RUS financing to extend or acquire facilities into New York city for the express purpose of providing high capacity service connections into the Hudson Valley. These direct connections will provide a means for City-based companies to have broadband access to their secure redundant data site in the Hudson Valley.

This measure will not have an adverse impact on other borrowers or future borrowers participating in RUS loan and grant programs. The language permits the Administrator to use some flexibility in handling applications related to the recovery effort in New York and expedite processing. Any project funded through this authority will be fully scrutinized for financial feasibility. Providing regulatory flexibility to the RUS to process applications related to the recovery effort in New York will help many companies and their employees resume normal operations and restore the area's economy.

APPLE MARKET LOSS ASSISTANCE

As I mentioned at the beginning of my statement, there are parts of this bill that are not as great as the few I have highlighted. In particular, I am very disturbed that the conference report cuts the Apple Market Loss Assistance Program to \$75 million, a 50 percent reduction from the House-passed bill. I worked very hard with my colleagues JIM WALSH and JOHN SWEENEY to include this provision in the House version of H.R. 2330. The Appropriations Committee approved \$150 million for the Apple Market Loss Assistance Program by a very strong bipartisan vote, and the House passed it overwhelmingly.

The U.S. apple industry is suffering serious financial hardship for the fifth straight year. Though the causes can be attributed to a variety of factors, the essence of the problem is low prices, compounded by bad weather and plant diseases. Between 1995 and 1998, U.S. apple prices fell precipitously, down 27 percent. In 1998, apple prices fell more than 20 percent in a single year, to their lowest point in over a decade. Prices never rebounded in 1999, and were hard hit again in 2000. During the last five years, the overall value of the U.S. apple production fell 25 percent—and losses from the 2000 crop alone are estimated to be nearly \$500 million.

A good share of the apple industry's trouble comes from the illegal dumping of apple juice concentrate by China, an issue that the U.S. has since addressed. Even so, increased tariffs have not made a significant improvement in the price of apple juice in the late year. In addition to low prices, apple producers in New York and the northeast incurred "quality losses"—reduction in sales prices resulting from severe hail damage to

their crops. In Michigan, growers suffered a crippling epidemic of fire blight that destroyed thousands of acres of orchards.

The newspapers have been full of reports of growers pulling up their orchards and selling prime farmland for real estate development because they can no longer make a living from apples. Our Apple Market Loss Assistance Program is a very modest lifeline to farmers who are barely hanging on. While I am very grateful for the \$75 million, it is not nearly enough to combat the conditions I have described.

The cut to the Apple Market Loss Assistance program is one more example of how U.S. agricultural policy shortchanges specialty crops at the expense of program crops. Most of the money delivered by U.S.D.A. this year is mandatory spending dictated by the authorizing committee, that we do not have the authority to touch. Not a dollar of those billions goes to specialty crop growers. The same is true for the additional billions that we pay in supplemental and emergency payments every year.

I worked very hard with many of my colleagues to correct this imbalance earlier this year when the farm bill was on the floor. Unfortunately, our effort fell short by a few votes. It is my hope that the other body will pass a farm bill that evens out our priorities and results in a better deal for specialty crop growers in the end. Until that time, the greatly reduced Apple Market Loss Assistance Program is the only help we can offer our growers.

Ms. KAPTUR. Mr. Speaker, I yield back the balance of my time.

Mr. BONILLA. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

PUT OUR CHILDREN FIRST RESOLUTION OF 2001

Mr. HERGER. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 228) expressing the sense of the Congress that the children who lost one or both parents or a guardian in the September 11, 2001, World Trade Center and Pentagon tragedies (including the aircraft crash in Somerset County, Pennsylvania) should be provided with all necessary assistance, services, and benefits and urging the heads of Federal agencies responsible for providing such assistance, services and benefits to give the highest possible priority to providing such assistance, services and benefits to those children, as amended.

The Clerk read as follows:

H. CON. RES. 228

Resolved by the House of Representatives (the Senate concurring), That this resolution may

be cited as the "Put Our Children First Resolution of 2001".

SEC. 2. (a) The Congress is grateful to the Federal, State, and local agencies for their actions to deliver prompt services to the children and families impacted by the events of September 11, 2001, and recognizes their efforts to expedite and streamline these important services.

(b) It is the sense of the Congress that the children who lost 1 or both parents or a guardian in the September 11, 2001, World Trade Center and Pentagon tragedies (including the aircraft crash in Somerset County, Pennsylvania) should be provided with such immediate assistance, services, and benefits for which they are eligible and which are necessary for their well-being, including—

- (1) foster care assistance;
- (2) adoption assistance;
- (3) medical, nutritional, and psychological care;
- (4) educational services; and
- (5) such additional care or services as may be necessary.

(c) The Congress urges each Federal, State, and local agency responsible for providing assistance, services, and benefits referred to in subsection (b) to—

(1) act without delay to provide such assistance, services, and benefits to children described in that paragraph; and

(2) to the maximum extent possible, take such steps as are necessary to ensure that such assistance, services, and benefits are provided in the case of any such child within 60 days of the date of the determination of the death of the child's parent, parents, or guardian.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. HERGER) and the gentleman from New York (Mr. RANGEL) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. HERGER).

Mr. HERGER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H. Con. Res. 228, as amended, offered by the gentlewoman from Texas (Ms. JACKSON-LEE). The resolution expresses Congress' gratitude for the efforts of numerous Federal, State and local agencies in moving quickly to provide services and support to children and families affected by the tragedies of September 11. It urges continued swift assistance.

Since the events of September 11, this Congress has worked with great speed to respond to the Nation's emergency needs. We provided \$40 billion in emergency funding to respond to the tragedies and shore up our national security.

The House passed important legislation to stimulate the economy and support the unemployment and health care needs of dislocated workers. Sweeping new airline measures passed each body which should become law shortly.

Defense and other appropriation measures were amended to account for our new national security and other needs.

At the same time, workers on the front lines of our social services agencies, especially in the New York City

and Northern Virginia areas, respond quickly to deliver services and support.

I would like to take a moment to report on the activities of the U.S. Department of Health and Human Services agency and the State and City of New York in responding to the needs of children and families affected by the attack on our country.

HHS began responding to the attack the very day it happened providing disaster medical assistance teams, medical supplies, and mental health assistance to the affected areas. Within days HHS released emergency funds for child care, temporary food and shelter, emergency meals, child welfare services and health care. In total, HHS provided more than \$126 million for these essential services. HHS also used its emergency powers to cut through red tape to speed aid to the needs of children and families affected.

Similarly, the City and State of New York have reacted with speed and compassion to transform routine service programs into disaster response teams. What we have seen and salute today is the quick responses by so many local service providers to the needs of our fellow citizens, and especially families with children who lost one or even both parents in the September attacks.

These responses reinforced to terrorists and the world what we already knew, that we can shake America but we cannot break America. We will respond and we will rebound even stronger than before.

Perhaps the most striking examples of America coming together to respond to this tragedy have been the numerous occasions of neighbors helping neighbors and public and private agencies working together with government and charitable funds to support needy families.

Charitable donations have come from people across the economic spectrum, from the wealthiest Americans to the sixth and seventh and eighth grade classes of Oakland, California who sold red, white and blue hair ribbons to raise \$500; or for the K through 7 youngsters of Wyandatt Grammar School in Oroville, California in my district who sold pumpkins and raised \$831 for the fund.

This resolution applauds the efforts that have already been made to support families in need and calls on continued appropriate Federal, State and local support for these children and families affected by the tragic events of September 11. I urge its adoption.

Mr. Speaker, I reserve the balance of my time.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, one does not know the strength of a family or a community or indeed a country until we have been hit hard by a disaster; and certainly our country and my city was hit hard on September 11. But we just do not know

how long it is going to take and what the response is going to be until things like this happen, because yesterday morning Flight 587, an American Airlines flight, took off from Kennedy headed for Santo Domingo. It crashed 2 minutes later. 260 people lost their lives; 9 of these people were part of the crew. Almost all of these people were Dominican. Almost half came from my congressional district, and this morning I was there with the survivors as they were looking for social services and trying to identify those who have been lost.

Mr. Speaker, I say this because all of us in the Congress and the country really have to treat each other with more civility and more dignity and be more aware of those who give their lives and help ease the pain when communities suffer something like this. These people who left to go to Santo Domingo for Thanksgiving or Christmas to have family reunions left behind people who will never see them again.

□ 1815

It is just a reliving in a lesser way the nearly 5,000 people who are dead or presumed to be dead as a result of the tragedy of September 11.

We cannot restore these families, we cannot bring back the lives, but we can talk about the services that have been available, the courageous people who have tried to save lives, those that continue to give spiritual and social services. We can thank Members of Congress such as the gentlewoman from Texas (Ms. JACKSON-LEE) for reminding us and being able to never allow us to forget that we have to be ever vigilant, we have to be ever prepared to give these prompt services to families and especially to children of these families. Getting in the habit of caring, getting in the habit of loving, getting in the habit of recognizing that we all are just one family makes it easier for us to respond and makes it easier for the affected families to try to bring their lives together. I think that the Congress does well by giving support to this legislation.

Mr. Speaker, I ask unanimous consent that the sponsor of this legislation, the gentlewoman from Texas (Ms. JACKSON-LEE), be allowed to control the remainder of my time on this bill.

The SPEAKER pro tempore (Mr. LATOURETTE). Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. HERGER. Mr. Speaker, I yield 3 minutes to the gentlewoman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. Mr. Speaker, I thank the gentleman for yielding time, and I appreciate all the work that the gentlewoman from Texas has done on this resolution.

Mr. Speaker, I rise in support of the Put Our Children First resolution. I be-

lieve that this measure will help to ensure that children impacted by the terrorist attacks of September 11 will receive the assistance, services and benefits they need.

Words cannot express the effect of September 11 on the children who lost one or both parents in New York, Pennsylvania, or at the Pentagon. I know all of us have been stunned to learn that as many as 10,000 children lost one or both parents at the World Trade Center. I strongly believe that we have an obligation to do all that we can to help these young people move forward with their lives. In the coming weeks and months, each child will require something different and something special. Some children will require everything from medical care, and others may need foster care and adoption assistance. Still others will require the experienced ear of a therapist, counselor, or a psychologist.

Our country has seen a remarkable display of unity in the 8 weeks since September 11. I know of the hard work and assistance of countless individuals who have put their lives on the line to help others. As the rest of the country returns to a more normal routine, we must not forget that the events of September 11 will affect these children forever. The Put Our Children First resolution urges our Federal agencies responsible for assistance to these children, the Department of Health and Human Services, the Department of Education and others, to continue their hard work and to provide the necessary services to each affected child without delay. This is the least we can do.

Mr. Speaker, I urge my colleagues to support this important resolution. Again, I thank the sponsor of this bill, the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself such time as I may consume.

I thank the Members who have come to the floor for their support and kind words. This has been a long journey for those who have suffered and for the effort to ensure that as we work together in Federal and local and State agencies that we put our children first. I would like to thank the majority leader, the gentleman from Texas (Mr. ARMEY); and the minority leader, the gentleman from Missouri (Mr. GEPHARDT); the chairman of the Committee on Ways and Means, the gentleman from California (Mr. THOMAS), to whom I spoke very frequently about this bill and its language; the gentleman from New York (Mr. RANGEL), the ranking member, who worked very closely with myself and my staff; the gentleman from California (Mr. HERGER), as well, for his leadership and support; the gentleman from Texas (Mr. GONZALEZ); and members of their staff: Kirk Boyle, Siobahn Abell, Dan Turton, Janis

Mays, Allison Giles, Bob Winters, Matt Weidinger, John Kelliher, Nick Gwyn and Kevin Kimble. We would not want to leave anyone out who was able to help us move this legislation, for I think it is important for this Congress to stand on the floor of the House and mention and be concerned about our children. I would like to thank my staff, Rajah Manno, for his assistance as well.

I believe that this is an important day. We realize that there has been a great deal of effort to nurture those children who have lost a parent, a guardian or parents. In the shadow of the tragedy that happened on yesterday, the terrible airplane crash, let me offer my deepest sympathies to New York and to Queens, New York, again; but as your mayor said, I know that this too will be one that they will rise to overcome, but I understand the deep pain.

This will be a long journey for those whose children would be impacted by the loss of individuals on that airplane and in that neighborhood. This has been a long journey for those children on September 11 who as well lost their parents. In a ceremony on Veterans' Day, the President of the United States joined in honoring those who lost their lives at the World Trade Center from around the world. In looking at writings that were on the railing of the platform where the ceremony was held on Veterans' Day, there were several writings. One of them simply said, "I love you, Daddy. Love, Lucy."

How many daddies and mommies and others were lost on September 11? The reason we proposed this legislation and now bring it to the floor is because we believe that this will be a long journey and the long journey will last into these children's lives for as long as they live; for September 11, a day of infamy, will be in America's lives and in American history for as long as we survive.

Today, 2 months after the tragedies, estimates of the number of children impacted vary greatly. Unofficial estimates place the number between 10,000 based on various news sources and cited several weeks ago on National Public Radio by Senator HILLARY RODHAM CLINTON and 15,000 cited in an editorial in the Times on September 26, 2001. We do know that 4,000 children qualify as orphans under the Twin Towers Orphan Fund and some 1,500 children were left by the 700 missing Cantor Fitzgerald employees alone. Dennis Buckley of Lynbrook, a successful broker at Cantor Fitzgerald, left three little girls: Mary Kate, 6; Megan, 4; and Michele, 20 months. Daniel Harlin, 41, a Manhattan firefighter who lived in Kent in Putnam County, left behind his wife and their three children aged 9, 7, and 2. So whatever the official numbers are, as Mayor Giuliani correctly noted, these num-

bers are simply more than any of us can bear.

As chair of the Congressional Children's Caucus, I call on this Congress to recognize the uncounted victims of these tragedies, the children, the children who remain, not being able to call out to daddy or mommy and not being able to call out to their guardian, their grandmother or grandfather. This resolution today puts in the forefront the needs that they may have. It likewise applauds those local governments who have already been on the front line. But we want to emphasize that the children over a long period of time when maybe the dust settles and maybe the degree of publicity will no longer be there, they will need foster care assistance, adoption assistance, medical and nutritional and psychological assistance, educational services, such as additional care or services as might be necessary in light of this tragedy.

A story was written in the Washington Post just a couple of weeks ago; and it commented on one of the young victims, if you will, who had lost their parents. It indicated that he had a hard time going to sleep. He was 5 years old. And when he went to sleep, he had nightmares. We want to be able to shore up those services with Federal assistance from Health and Human Services to ensure that the children will be protected. This legislation asks that we expedite these services for these children, and we ask that the services be rendered to them within 60 days of designation of a death certificate.

At a recent Congressional Children's Caucus briefing on October 12, Cindy Freidmutter, executive director of the Evan B. Donaldson Adoption Institute in New York, spoke to this issue. She noted that after September 11, the adoption institute proposed the Permanency Project to minimize further trauma and uncertainty in the lives of children who lost one or both parents. One of the most important aspects is getting children to a caregiver, a relative or somewhere where they can stay for a period of time, where they have a stable family structure, because repeated changes in caregivers for displaced children can cause irreparable harm.

Second, children who lost their parent benefit by having a permanent caregiver who is a family member or a close family friend, and when possible it is beneficial for such children to remain with their siblings. Separation from remaining biological family members can cause those children significant additional trauma. So we ask today that this Congress goes on record in embracing the children who lost their families during that terrible tragedy and also goes on record to ensure that we would have the kind of attention that is necessary to them over a long period of time.

We are very gratified that the leadership of this Congress has seen fit to move this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. HERGER. Mr. Speaker, I yield 4 minutes to the gentlewoman from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased that the gentleman has yielded me this time, and I am very honored to be a cosponsor of this resolution along with the gentlewoman from Texas. Together we cochair the Congressional Children's Caucus. We had a series of briefings on this terrible tragedy, because in scenes worse than a horror movie, Americans witnessed the hijacked planes slam into the World Trade Center and the Pentagon and fall to the ground in Pittsburgh; and in the blink of an eye thousands of lives were snatched and Americans lost our sense of safety. These acts of terror tested the courage and the strength of Americans, but it helped us to grow stronger and more united.

Today we are pulling together to rebuild our Nation and working toward a heightened sense of security. But as we restore our lives, we must not forget the children who lost a parent or a guardian in the September 11 attacks. For millions who watched the carnage, the harrowing images will be imprinted forever in our memory. But for the children who lost a parent in this catastrophic act of terror, their lives will never be the same again.

Today, as an original cosponsor of H. Con. Res. 228, I am proud to join my colleague, the gentlewoman from Texas (Ms. JACKSON-LEE), who has worked tirelessly to see this bill through. I thank the many cosponsors that are listed on our bill here today. This resolution calls for the immediate benefits to children who lost one or both parents or a guardian in the multiple tragedies. It will call for children of the 9-11 victims to receive foster care, medical assistance and psychological services which they so desperately need.

It has been 2 months since the evil terrorist attack upon America and still many surviving family members, particularly children of the September 11 attack, have yet to receive the benefits they need and they deserve. We recognize that all the money and the services in the world could never replace the beloved one that they have lost, and we know that they are still in grief. But although money cannot mend their scars, the passage of this resolution can provide the necessary bandages to help heal their deep wounds. Children who lost a parent or a guardian in this national tragedy need psychological and other services right now. That is why we are asking tonight that our colleagues vote for H. Con. Res. 228 to help those victims, to help the surviving family members get the help that they need and get it now.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield 3 minutes to the distinguished gentlewoman from Ohio (Mrs. JONES).

□ 1830

Mrs. JONES of Ohio. Mr. Speaker, I want to thank the gentlewoman from Texas (Ms. JACKSON-LEE) again for coming into my congressional district very recently to be of assistance to me and to my colleagues.

Mr. Speaker, I rise in support of House Concurrent Resolution 228, a bill to expedite services and benefits to children who lost parents or a guardian during the September 11 attacks.

In my former life, I served as the Cuyahoga County Prosecutor. One of the things I learned in that capacity was the fact that children who witness violence are often more harmed than the children who are actually within the violent situation. It is so important that our colleagues today act on behalf of those children. They have lost parents, they have lost guardians, and they have witnessed, day after day, month after month, week after week, a repetition of that violence: by seeing it on TV; through the description of the World Trade Center towers; by listening to people talk about terrorism; by being engulfed with all that has gone on in our country. It is our obligation as Members of Congress to step up to the plate and support those young people. Without our support and encouragement, that in fact would not happen.

The fact that in our country we have not given parity to mental health even makes this issue of greater importance. You think about the health care benefits that many of these children might well not have as a result of their parents or guardians being out of work; in fact, it may not give them adequate coverage to be able to receive the type of mental health care that they are entitled to under the circumstances.

I encourage my colleagues to support this resolution, to provide the educational services that are necessary for these young people, to be able to continue their lives and be useful citizens in our country, the assistance for adoption and foster care. We have talked about this over and over again on the floor of the House, the importance of having a strong family around young people to help them grow and to build, to help provide support for them, even through adoption or through foster care.

I am confident that there are many parents and many families out here who would love to take in an additional child, but financial situations may not allow them to do so. For us to be able to encourage these families to take on more children, to be supportive, to provide guidance, I often say to people when we talk to them, my son Mervyn is 18, and I used to tell

him all the time there were times when I thought I wanted to be his friend, but he needed a parent more than he needed a friend. These people in fact need parents who will stand up and teach them the right way and help them work through this whole loss that they have had.

So I am pleased to rise with my colleagues in support of this resolution, and would encourage all of my colleagues to vote in favor of it.

I thank the gentlewoman from the State of Texas for her hard work and other Members who have worked on this resolution.

Mr. HERGER. Mr. Speaker, I urge support of H. Con. Res. 228, as amended, and yield back the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to indicate to this House that although this legislation is being sponsored today, debated today and, I hope, passed, this will be a very long journey for these children. It is important that we set a framework and establish, if you will, a national forum for these children to have the protection that they need.

In closing, I would just like to thank the 40-plus cosponsors, many of them from New York, and thank the cochair of the Congressional Children's Caucus, the gentlewoman from Florida (Ms. ROS-LEHTINEN), who worked so very closely with me as we proceeded to bring this legislation to the attention of our colleagues through special orders.

I do want to thank, as well, the co-chairs of the Women's Caucus for supporting this legislation, the distinguished gentlewoman from Ohio and the distinguished gentlewoman from California (Ms. MILLENDER-MCDONALD). I thank them very much for their support, as well as the gentlewoman from Illinois who spoke on this legislation.

I also want to pay tribute to the Calderon family, who visited with us just a few weeks ago. They lost their mother, Lizzie. Their 4-year-old daughter and 20-month-old son, even as we tried to listen to their story, the two children were calling for "Mommy." These are the children that we are trying to emphasize as we go forward with this legislation.

Similarly, as I read stories about the tragedy of yesterday's airplane crash, it was noted that one parent left her children with her relatives as she was en route to the Dominican Republic to handle family business. Those children would fall in the category of being able to have services rendered to them with an eye toward expediting those services.

Mr. Speaker, I include for the RECORD letters of support from the National Mental Health Association, the Orphan Foundation of America, Save the Children and the Children's Na-

tional Medical Center in support of H. Con. Res. 228, as amended.

NATIONAL MENTAL HEALTH

ASSOCIATION,

Alexandria, VA, September 24, 2001.

Hon. SHEILA JACKSON LEE,
U.S. House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE JACKSON LEE: On behalf of the National Mental Health Association, the country's oldest and largest non-profit organization addressing all aspects of mental health and mental illness, I am writing to lend our full support for H. Con. Res. 228, which you introduced in the House of Representatives on September 14, 2001.

We endorse the purpose of this timely resolution, which is to express the desire of Congress to provide immediate relief to the children who suffered the irreplaceable loss of parents or guardians due the tragedies that befell our nation on September 11, 2001. As this resolution recognizes, it is vital to prioritize the delivery of benefits and services already available under federal law to children who have incurred these great losses in the World Trade Center, Pentagon and Somerset County, Pennsylvania tragedies. Importantly, the resolution recognizes that the delivery of crucial services and benefits is sometimes delayed due to statutory or administrative delay, often leaving those in need waiting for relief. It is essential that the children who suffered such a great loss as a result of this tragedy not suffer again because of delayed access to needed services and benefits.

We will urge all Members of Congress to join you and the resolution's 57 co-sponsors in supporting this legislation, as we believe it is essential that Congress demonstrate its support for our nation's children, who are our most innocent victims of this tragedy.

Thank you for introducing H. Con. Res. 228.

Sincerely,

MICHAEL M. FAENZA, MSSW

President and CEO.

ORPHAN FOUNDATION OF AMERICA,

Reston, VA, September 24, 2001.

Hon. SHEILA JACKSON LEE,
U.S. House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE JACKSON LEE: On behalf of the Orphan Foundation of America (OFA), I am writing to lend our full support of H. Con. Res. 228, which you introduced in the House of Representatives on September 14, 2001.

OFA endorses the purpose of this timely resolution; it is vital to prioritize the delivery of benefits and services already available under federal law to children who have lost parent(s) or guardians as a result of the tragedy that befell our nation on September 11, 2001. The resolution recognizes that the delivery of crucial services and benefits is sometimes delayed due to statutory or administrative delay and it seeks to remedy that for those who need services.

We will urge all Members of Congress to join you and the resolution's 57 cosponsors in supporting this legislation. Thank you for introducing H. Con. Res. 228.

Sincerely,

EILEEN MCCAFFREY,

Executive Director.

SAVE THE CHILDREN,

Washington, DC, September 25, 2001.

Hon. SHEILA JACKSON LEE,
U.S. House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE JACKSON LEE: On behalf of Save the Children, I am writing to

lend our support for H. Con. Res. 228, which you introduced in the House of Representatives on September 14, 2001.

We endorse the purpose of the resolution, which is to express the desire of Congress to provide immediate relief to the children who suffered the irreplaceable loss of parents or guardians due to the September 11, 2001 tragedies. As this resolution recognizes, it is vital to prioritize the delivery of benefits and services already available under federal law to children who have incurred losses in the World Trade Center, Pentagon, and Somerset County, Pennsylvania.

Save the Children applauds your efforts in recognizing the immediate needs of the children who suffered such a great loss as a result of this tragedy. We see this as an essential first step and hope that we can continue to build upon this initiative to meet the long-term needs of children everywhere who have been affected by these tragedies and potential future events.

We look forward to working with you.

Sincerely,

KATHLEEN CONNOLLY,
*Director, Public Policy
and Advocacy, U.S.
Programs.*

CHILDREN'S NATIONAL MEDICAL CENTER,
Washington, DC, September 24, 2001.

Hon. SHEILA JACKSON-LEE,
*U.S. House of Representatives,
Washington, DC.*

DEAR REPRESENTATIVE JACKSON-LEE: On behalf of our organization, I am writing to lend our full support for H. Con. Res. 228, which you introduced in the House of Representatives on September 14, 2001.

We endorse the purpose of this timely resolution, which is to express the desire of Congress to provide immediate relief to the children who suffered the irreplaceable loss of parents or guardians due to the tragedies that befell our nation on September 11, 2001. As this resolution recognizes, it is vital to prioritize the delivery of benefits and services already available under federal law to children who have incurred these great losses in the World Trade Center, Pentagon and Somerset County, Pennsylvania tragedies. Importantly, the resolution recognizes that the delivery of crucial services and benefits is sometimes delayed due to statutory or administrative delay, often leaving those in need waiting for relief. It is essential that the children who suffered such a great loss as a result of this tragedy not suffer again because of delayed access to needed services and benefits.

We will urge all Members of Congress to join you and the resolution's 57 co-sponsors in supporting this legislation, as we believe it is essential that Congress demonstrate its support for our nation's children, who are our most innocent victims of this tragedy.

Thank you for introducing H. Con. Res. 228.

Sincerely,

PARAMJIT JOSHI, M.D.,
*Professor and Chair,
Psychiatry and Behavioral Sciences.*

NATIONAL ASSOCIATION OF
SCHOOL PSYCHOLOGISTS,
Bethesda, MD, September 28, 2001.

Hon. SHEILA JACKSON-LEE,
*U.S. House of Representatives,
Washington, DC.*

DEAR REPRESENTATIVE JACKSON-LEE: On behalf of the National Association of School Psychologists (NASP), I am writing to lend our full support for H. Con. Res. 228, which

you introduced in the House of Representatives on September 14, 2001. NASP represents over 22,000 school psychologists who work with families and educators to promote youngsters' healthy development and learning. NASP strongly supports public policies that meet the mental health needs of all Americans and particularly those of children and youth.

We endorse the purpose of this timely resolution, which is to express the desire of Congress to provide immediate relief to the children who suffered the irreplaceable loss of parents or guardians due to the tragedies that befell our nation on September 11, 2001. As this resolution recognizes, it is vital to prioritize the delivery of benefits and services already available under federal law to children who have incurred these great losses in the World Trade Center, Pentagon and Somerset County, Pennsylvania tragedies. Importantly, the resolution recognizes that the delivery of crucial services and benefits is sometimes delayed due to statutory or administrative delay, often leaving those in need waiting for relief. It is essential that the children who suffered such a great loss as a result of this tragedy not suffer again because of delayed access to needed services and benefits.

We will urge all Members of Congress to join you and the resolution's numerous co-sponsors in supporting this legislation, as we believe it is essential that Congress demonstrate its support for our nation's children, who are our most innocent victims of this tragedy.

Thank you for introducing H. Con. Res. 228.

Sincerely,

LIBBY K. NEALIS,
Director of Public Policy.

CHILD WELFARE LEAGUE
OF AMERICA, INC.,
Washington, DC, September 25, 2001.

Hon. SHEILA JACKSON-LEE,
*House of Representatives,
Washington, DC.*

DEAR REPRESENTATIVE JACKSON-LEE: On behalf of the Child Welfare League of America (CWLA), I am writing to lend our support for H. Con. Res. 228, which you introduced in the House of Representatives on September 14, 2001.

We endorse the purpose of this timely resolution, which is to express the desire of Congress to provide immediate relief to the children who suffered the irreplaceable loss of parents or guardians due to the tragedies that befell our nation on September 11th. As this resolution recognizes, it is vital to prioritize the delivery of benefits and services already available under federal law to children who have incurred these great losses in the World Trade Center, Pentagon and Somerset County, Pennsylvania tragedies. Importantly, the resolution recognizes that the delivery of crucial services and benefits is sometimes delayed due to statutory or administrative delay, often leaving those in need waiting for relief. It is essential that the children who suffered such a great loss as a result of this tragedy not suffer again because of delayed access to needed services and benefits.

We will urge all Members of Congress to join you and the resolution's co-sponsors in supporting this legislation. We believe it is essential that Congress demonstrate its support for our nation's children, who are our most innocent victims of this tragedy.

Sincerely,

SHAY BILCHIK,
Executive Director.

AMERICAN ACADEMY OF CHILD &
ADOLESCENT PSYCHIATRY,
Washington, DC.

Hon. SHEILA JACKSON-LEE,
*House of Representatives,
Washington, DC.*

DEAR REPRESENTATIVE JACKSON-LEE: On behalf of the American Academy of Child and Adolescent Psychiatry, I offer our full support for H. Con. Res. 228, which you introduced in the House of Representatives on September 14, 2001.

We endorse the purpose of this timely resolution, which expresses the desire of Congress to provide immediate relief to the children who suffered the irreplaceable loss of parents or guardians due to the tragedies that befell our nation on September 11, 2001. As this resolution recognizes, it is vital to prioritize the delivery of benefits and services already available under federal law to children who have incurred these great losses in the World Trade Center, Pentagon and Somerset County, Pennsylvania tragedies.

The resolution recognizes that the delivery of crucial services and benefits is sometimes delayed due to statutory or administrative delay, often leaving those in need waiting for relief. It is essential that the children who suffered such a great loss as a result of this tragedy not suffer again because of delayed access to needed services and benefits.

We will urge all Members of Congress to join you and the resolution's 57 co-sponsors in supporting this legislation, as we believe it is essential that Congress demonstrate its support for our nation's children, who are our most innocent victims of this tragedy.

Thank you for introducing H. Con. Res. 228.

Sincerely,

CLARICE J. KESTENBAUM, M.D.,
President.

Mr. Speaker, I would simply like to thank again my colleagues for their support, and I would ask for their unanimous support of this legislation, recognizing that it is our responsibility to be our brothers' and sisters' keepers, but in particular, the keepers of America's children, our most precious resource.

Mr. Speaker, I'd also like to take this opportunity to thank everyone responsible for bringing this important resolution to the floor: Majority Leader DICK ARMEY, Minority Leader DICK GEPHARDT, Ways and Means Chairman BILL THOMAS, Ways and Means Ranking Member CHARLIE RANGEL, Congressman WALLY HERGER, Congressman CHARLES GONZALEZ, and Members of their staffs including Kirk Boyle, Dan Turton, Janice Mays, Allison Giles, Bob Winters, Matt Weidinger, John Kelliher, Nick Gwyn, and Kevin Kimble. Your good work on this legislation demonstrates the greatest spirit of bi-partisanship.

The tragedies of September 11, 2001 are fresh in our hearts and minds. The thousands of victims from over 80 countries around the world evidence that these were truly attacks against all humanity.

As the world grieves these deaths, yesterday's disaster of American Airlines Flight 587 increases our grief even still. Flight 587 took the lives of at least 262 people when it crashed into the New York section of Rockaway, Queens just three minutes after taking off from John F. Kennedy International Airport en route to Santo Domingo, Dominican Republic. While the preliminary investigation is

being treated as an accident, this tragedy, like that of September 11, 2001, remind us of the fragility of human life and the need to maintain our efforts to strengthen our airline security efforts. So as we all pray for those of September 11, 2001, America and the world also pray for the victims and families of American Airlines Flight 587.

We must remember the victims. But perhaps the greatest victims of September 11, 2001 are the yet-to-be counted children who's parents or guardians never came home on September 11, 2001, and never will.

Today, two months after the tragedies, estimates of the numbers of children impacted vary greatly. Unofficial estimates place the number between 10,000, based on various news sources and cited several weeks ago on National Public Radio by Senator HILLARY RODHAM CLINTON, and 15,000, cited in an editorial in the Times on Sept. 26, 2001. We do know that 4,000 children qualify as "orphans" under the Twin Towers Orphan Fund, and some 1,500 children were left by the 700 missing Canter Fitzgerald employees alone. Dennis Buckley of Lynbrook, a successful broker at Cantor Fitzgerald, left three little girls—Mary Kate, 6, Megan, 4, and Michele, 20 months.

Daniel Harlin, 41, a Manhattan firefighter who lived in Kent in Putnam County, left behind his wife and their three children, aged 9, 7, and 2. So whatever the official numbers are, as Mayor Rudolph W. Giuliani correctly noted, these numbers are simply "more than any of us can bear."

As chair of the Congressional Children's Caucus, I call on Congress to recognize the uncounted victims of these tragedies: the children. Their slain parents and guardians were the passengers and crew of Flight 77, Flight 11, Flight 93, and Flight 175. They served our great Nation at the Pentagon, both as civilians and military, and they were the thousands of innocent civilians and rescue workers killed or injured at the World Trade Center on September 11, 2001.

My resolution before us today, H. Con. Res. 228, addresses this great need. It expresses the sense of the Congress that the children who lost one or both parents or a guardian in the September 11, 2001, World Trade Center and Pentagon tragedies (including the aircraft crash in Somerset County, Pennsylvania) should be provided with all necessary assistance, services, and benefits and urging Federal, State, or local agencies responsible for providing such assistance, services, and benefits to move expeditiously in providing such assistance, services and benefits to those children.

This resolution is non-controversial. It expedites the delivery of benefits currently available under federal law to children who have lost their parent(s) or guardian in this horrific tragedy. Those benefits should include: (1) foster care assistance; (2) adoption assistance; (3) medical, nutritional, and psychological care; (4) educational services; and (5) such additional care or services as may be necessary in light of this tragedy.

Additionally, we urge such agencies, to act without delay and to the maximum extent possible, to take such steps as necessary to ensure that such assistance, services and bene-

fits are provided within 60 days of the date of the determination of the death of the child's parent or guardian.

Much of the funds that would be utilized for services in this legislation would come from the Social Security block grant (SSBG). The SSBG is a flexible source of funds that states may use to support a wide variety of social services activities.

In FY 1999, the largest expenditures for services under the SSBG were for child day care, foster care for children, and prevention and intervention services.

There are no federal eligibility criteria for SSBG participants. Thus, states have total discretion to set their own eligibility criteria (with exception of the welfare reform law's income limit of 200% of poverty for recipients of services funded by TANF allotments that are transferred to SSBG). States also have wide discretion over the use of these funds. Federal law establishes the following broad goals toward which social services must be directed:

Achieving or maintaining economic self-support to prevent, reduce, or eliminate delinquency;

Achieving or maintaining self-sufficiency, including reduction or prevention of dependency;

Preventing or remedying neglect, abuse, or exploitation of children and adults unable to protect their own interests, or preserving, rehabilitating or reuniting families;

Preventing or reducing inappropriate institutional care by providing for community-based care, home-based care, or other forms of less intensive care; and

Securing referral or admission for institutional care when other forms of care are not appropriate, or providing services to individuals in institutions.

Federal law also provides the following examples of social services that may relate to these broad goals:

Child care, protective services for children and adults, services for children and adults in foster care, health support services, and services to meet special needs of children, aged, mentally retarded, blind, emotionally disturbed, physically handicapped, alcoholics and drug addicts.

H. Con. Res. 228 would express to the States that these funds be expeditiously distributed to the proper agencies so that needed services for the children who lost parents or a guardian during the attacks of September 11 may be rendered.

Mr. Speaker, this resolution is greatly needed now.

FOSTER CARE AND ADOPTION SERVICES

These services are crucial to any child who has lost their parent(s) or guardian. The importance of providing such services expeditiously cannot be underestimated, particularly in light of compounding emotional trauma endured by these children.

At a recent Congressional Children's Caucus briefing held on October 12th, 2001, Cindy Freidmutter, Executive Director of the Evan B. Donaldson Adoption Institute in New York spoke to this issue. She noted that after September 11, the Adoption Institute proposed the Permanency Project to minimize further trauma and uncertainty in the lives of children who lost one or both parents in the attacks.

This project is needed due to the uncertain future faced by children who have lost their parent(s) or guardian. For many of these children, extended family members become decision-makers and permanent caregivers for these children. Some children, however, may not have a relative or friend to assume parental responsibility and eventually enter the public welfare system. Other children find themselves moved around from relative to relative.

Best practices and research in the fields of adoption and child welfare dictate that two considerations should be paramount in offering crisis services to these children and their families/caregivers. First, it is critical to quickly institute and support a stable family structure because repeated changes in caregivers for displaced children can cause irreparable harm. Second, children who have lost their parent benefit by having a permanent caregiver who is a family member or close family friend, and when possible, it is beneficial for such children to remain with their siblings. Separation from remaining biological family members can cause these children significant additional trauma.

This resolution recognizes these needs, and to the greatest extent possible, provides for services that best serve these children.

MEDICAL AND NUTRITIONAL SERVICES

Without a parent or guardian to provide regular medical and nutritional services, children face worsening situations still. This resolution helps to ensure that such services are available.

PSYCHOLOGICAL SERVICES

According to the National Mental Health Association, children who experience such trauma are at extreme risk of mental disorders, particularly in situations such as this, where ongoing trauma exists due to the loss of parents or a guardian. For example, children who lost a parent in the Bosnian War still experience chronic depression, post traumatic stress disorder, and grief, even years after the Bosnian War ended. These children have been further deprived of a normal grieving process due to difficult and painful thoughts in the way in which their loved one died. As a result, these children needed and continue to need intensive and long-term mental health services.

Importantly, the trauma that the Bosnian War children endured closely parallels that of the children who lost parents or a guardian in the September 11, 2001 tragedies because the circumstances and violence of the loss is analogous.

The combination of witnessing and experiencing traumatic events and multiple environmental and family factors further contributes to various mental health problems. Statistics indicate that only one in five children with a serious emotional disturbance receive mental health speciality services. That's why I introduced H.R. 75, the Give a Kid a Chance Omnibus Mental Health Services Act of 2001 to promote mental health among all children and their families and to provide early intervention services to ameliorate identified mental health problems in children and adolescents. This legislation is greatly needed, but the resolution before us today, H. Con. Res. 228, effectively addresses the issue of mental health in our children in light of these tragedies.

Mental health is indispensable to personal well-being, family and interpersonal relationships, and contribution to community or society. This resolution recognizes the need for such services and helps to make them available.

EDUCATIONAL SERVICES

Clearly, children displaced from their homes, communities, and families must be stabilized as soon as possible, before further damage is done. One of the most important factors in providing such stability immediately, and in preventing further de-stabilization is maintaining the level of education that existed prior to the loss of the parent(s) or guardian. This resolution helps provide for such services.

OTHER SERVICES

Finally, other services may be deemed appropriate in light of the situation as it progresses. While it is impossible to anticipate and enumerate every conceivable situation calling for the need for such services, this resolution recognizes the need for common sense and discretion in determining what services are needed given the particular situation as it applies to children.

UPDATE ON MR. CALDERON AND HIS CHILDREN

Mr. Calderon is 39 years old and moved to New York City from the Dominican Republic 7 years ago. He and his children currently reside in the Washington Heights neighborhood of Manhattan.

At an October 12 briefing sponsored by the Congressional Children's Caucus, Mr. Calderon spoke about his wife Lizie Martinez-Calderon, who is still missing from the attack at the World Trade Center.

Lizie was employed with Aon Financial Group, which was located on the 100th floor of Tower 2. They were married in 1996.

The Calderons have two young children, Naomi, 4 years old, and Neftali, 20 months. Mr. Calderon is a school bus driver, but was forced to take a leave of absence in order to care for his children.

As a result of that briefing, which included a panel of experts whose agencies deliver services to families, Mr. Calderon is now able to provide for his children. The American Red Cross, with the personal assistance of Ron Houle, presented Mr. Calderon with 2 months rent, and will be providing food and winter clothes for his children shortly. Mr. Calderon is also expecting financial assistance from the Red Cross to help with living expenses and to help secure a future for his children. Because of this greatly needed assistance, Mr. Calderon is able to return to his job in a few weeks.

AFGHAN CHILDREN

While H. Con. Res. 228 specifically speaks on the children who lost parents during the September 11 attacks, there are millions of children in Afghanistan who will lose a father and/or mother as a result of the War Against Terrorism. A generation of Afghan children is at risk. We cannot forget these children and they will be the focus on an upcoming briefing cosponsored by the Children's Caucus.

As Members of Congress, we bear the great burden of providing and protecting these children. This is perhaps our greatest and most sacred responsibility. So today I urge us all to come together as parents, as leaders, and as

Americans to provide these children with the services and benefits that they so desperately need and are entitled to.

Let us pass H. Con. Res. 228, the Put Our Children First Resolution of 2001 because children are our first and greatest responsibility. May God bless the Children, and may God bless the United States of America.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. HERGER) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 228, as amended. The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Ms. JACKSON-LEE of Texas. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will now resume on questions postponed earlier today.

Votes will be taken in the following order:

H.R. 2330, by the yeas and nays;

H.R. 2541, by the yeas and nays.

Any other questions postponed today will remain postponed until tomorrow.

Under clause 8 of rule XX, the filing of the conference report on H.R. 2500 has vitiated the motion to instruct conferees offered by the gentleman from California (Mr. ROHRBACHER), which was debated on Thursday, November 8, 2001, and on which further proceedings were postponed.

The Chair will reduce to a minimum of 5 minutes the time for electronic voting on the second vote in this series.

CONFERENCE REPORT ON H.R. 2330, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

The SPEAKER pro tempore. The pending business is the question of agreeing to the conference report on the bill, H.R. 2330, on which the yeas and nays are ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the conference report.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 379, nays 33, not voting 20, as follows:

[Roll No. 436]

YEAS—379

Abercrombie	Doolittle	Kirk
Ackerman	Doyle	Klecicka
Aderholt	Dreier	Knollenberg
Allen	Duncan	Kolbe
Andrews	Dunn	Kucinich
Armey	Edwards	LaFalce
Baca	Ehlers	LaHood
Bachus	Ehrlich	Lampson
Baird	Emerson	Langevin
Baker	Engel	Lantos
Baldacci	English	Largent
Ballenger	Eshoo	Larsen (WA)
Barcia	Etheridge	Larson (CT)
Barr	Evans	Latham
Bartlett	Everett	LaTourette
Barton	Farr	Leach
Becerra	Fattah	Lee
Bentsen	Ferguson	Levin
Bereuter	Fletcher	Lewis (CA)
Berkley	Foley	Lewis (KY)
Berman	Forbes	Linder
Berry	Ford	Lipinski
Biggert	Fossella	LoBiondo
Billrakis	Frank	Loggren
Bishop	Frelinghuysen	Lowey
Blagojevich	Frost	Lucas (KY)
Blumenauer	Gallely	Luther
Blunt	Ganske	Lynch
Boehlert	Gekas	Maloney (CT)
Boehner	Gephardt	Maloney (NY)
Bonilla	Gibbons	Manzullo
Bonior	Gilchrest	Markey
Bono	Gilman	Matheson
Borski	Gonzalez	Matsui
Boswell	Goode	McCarthy (MO)
Boucher	Goodlatte	McCarthy (NY)
Boyd	Gordon	McCollum
Brady (PA)	Granger	McCrery
Brady (TX)	Graves	McGovern
Brown (FL)	Green (TX)	McHugh
Brown (OH)	Greenwood	McInnis
Brown (SC)	Grucci	McIntyre
Bryant	Gutierrez	McKeon
Burr	Hall (OH)	McKinney
Burton	Hall (TX)	McNulty
Buyer	Hansen	Meehan
Callahan	Harman	Meek (FL)
Calvert	Hart	Meeks (NY)
Camp	Hastings (WA)	Mica
Cannon	Hayes	Millender-
Cantor	Hayworth	McDonald
Capito	Herger	Miller, Dan
Capps	Hill	Miller, George
Capuano	Hilleary	Miller, Jeff
Cardin	Hilliard	Mollohan
Carson (IN)	Hinchey	Moore
Carson (OK)	Hinojosa	Moran (KS)
Castle	Hobson	Moran (VA)
Chambliss	Hoeffel	Morella
Clay	Hoekstra	Murtha
Clayton	Holden	Myrick
Clement	Holt	Nadler
Clyburn	Honda	Neal
Coble	Hooey	Nethercutt
Collins	Horn	Ney
Combest	Houghton	Northup
Condit	Hoyer	Norwood
Conyers	Hunter	Nussle
Cooksey	Hyde	Oberstar
Costello	Inslee	Obey
Coyne	Isakson	Olver
Cramer	Issa	Ortiz
Crenshaw	Istook	Osborne
Crowley	Jackson (IL)	Ose
Culberson	Jackson-Lee	Otter
Cummings	(TX)	Owens
Cunningham	Jefferson	Oxley
Davis (CA)	Jenkins	Pallone
Davis (FL)	John	Pascarell
Davis (IL)	Johnson (CT)	Pastor
Davis, Jo Ann	Johnson (IL)	Payne
Deal	Jones (NC)	Pelosi
DeFazio	Jones (OH)	Pence
DeGette	Kanjorski	Peterson (MN)
Delahunt	Kaptur	Peterson (PA)
DeLauro	Keller	Phelps
DeLay	Kelly	Pickering
DeMint	Kennedy (MN)	Platts
Deutsch	Kennedy (RI)	Pombo
Diaz-Balart	Kildee	Pomeroy
Dicks	Kilpatrick	Portman
Dingell	King (NY)	Price (NC)
Dooley	Kingston	Pryce (OH)

Putnam	Sessions	Thornberry
Quinn	Shaw	Thune
Radanovich	Sherman	Thurman
Rahall	Shimkus	Tiahrt
Ramstad	Shows	Tiberi
Rangel	Shuster	Tierney
Regula	Simmons	Towns
Rehberg	Simpson	Traficant
Reynolds	Skeen	Turner
Riley	Skelton	Udall (CO)
Rivers	Slaughter	Udall (NM)
Rodriguez	Smith (MI)	Upton
Roemer	Smith (NJ)	Velázquez
Rogers (KY)	Smith (TX)	Visclosky
Rogers (MI)	Smith (WA)	Vitter
Ros-Lehtinen	Snyder	Walden
Ross	Solis	Walsh
Rothman	Souder	Wamp
Roukema	Spratt	Waters
Roybal-Allard	Stearns	Watkins (OK)
Rush	Stenholm	Watson (CA)
Ryun (KS)	Strickland	Watt (NC)
Sabo	Stump	Waxman
Sanchez	Stupak	Weldon (PA)
Sanders	Sununu	Weller
Sandlin	Sweeney	Whitfield
Sawyer	Tanner	Wickert
Saxton	Tauscher	Wilson
Schaffer	Tauzin	Wolf
Schakowsky	Taylor (MS)	Woolsey
Schiff	Terry	Wu
Schrock	Thomas	Wynn
Scott	Thompson (CA)	Young (AK)
Serrano	Thompson (MS)	Young (FL)

NAYS—33

Akin	Hefley	Pitts
Baldwin	Hostettler	Rohrabacher
Barrett	Israel	Royce
Bass	Johnson, Sam	Ryan (WI)
Chabot	Kerns	Sensenbrenner
Crane	Kind (WI)	Shadegg
Davis, Tom	McDermott	Shays
Doggett	Menendez	Tancred
Flake	Miller, Gary	Taylor (NC)
Green (WI)	Paul	Toomey
Gutknecht	Petri	Weldon (FL)

NOT VOTING—20

Cox	Hulshof	Reyes
Cubin	Johnson, E. B.	Sherwood
Filner	Lewis (GA)	Stark
Gillmor	Lucas (OK)	Watts (OK)
Goss	Mascara	Weiner
Graham	Mink	Wexler
Hastings (FL)	Napolitano	

□ 1857

Messrs. WELDON of Florida, BARRETT of Wisconsin, and AKIN changed their vote from “yea” to “nay.”

Mr. GEORGE MILLER of California and Ms. SLAUGHTER changed their vote from “nay” to “yea.”

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall No. 436, I was in my Congressional District on official business. Had I been present, I would have voted “yea.”

ENHANCED PROTECTIVE ACTIVITIES ACT OF 2001

The SPEAKER pro tempore (Mr. LATOURETTE). The pending business is the question of suspending the rules and passing the bill, H.R. 2541, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 2541, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 410, nays 0, not voting 22, as follows:

[Roll No. 437]

YEAS—410

Abercrombie	Crane	Herger
Ackerman	Crenshaw	Hill
Aderholt	Crowley	Hilleary
Akin	Culberson	Hilliard
Allen	Cummings	Hinchee
Andrews	Cunningham	Hinojosa
Armey	Davis (CA)	Hobson
Baca	Davis (FL)	Hoeffel
Bachus	Davis (IL)	Hoekstra
Baird	Davis, Jo Ann	Holden
Baker	Deal	Holt
Baldacci	DeFazio	Honda
Baldwin	DeGette	Hooley
Ballenger	Delahunt	Horn
Barcia	DeLauro	Hostettler
Barr	DeLay	Houghton
Barrett	DeMint	Hunter
Bartlett	Deutsch	Hyde
Barton	Diaz-Balart	Inlee
Bass	Dicks	Isakson
Becerra	Dingell	Israel
Bentsen	Doggett	Issa
Bereuter	Dooley	Istook
Berkley	Doolittle	Jackson (IL)
Berman	Doyle	Jackson-Lee
Berry	Dreier	(TX)
Biggart	Duncan	Jefferson
Bilirakis	Dunn	Jenkins
Bishop	Edwards	John
Blagojevich	Ehlers	Johnson (CT)
Blumenauer	Ehrlich	Johnson (IL)
Blunt	Emerson	Johnson, E. B.
Boehlert	Engel	Johnson, Sam
Boehner	English	Jones (NC)
Bonilla	Eshoo	Jones (OH)
Bonior	Etheridge	Kanjorski
Bono	Evans	Kaptur
Borski	Everett	Keller
Boswell	Farr	Kelly
Boucher	Fattah	Kennedy (MN)
Boyd	Ferguson	Kennedy (RI)
Brady (PA)	Flake	Kerns
Brady (TX)	Fletcher	Kildee
Brown (FL)	Foley	Kilpatrick
Brown (OH)	Forbes	Kind (WI)
Brown (SC)	Ford	King (NY)
Bryant	Frank	Kingston
Burr	Frelinghuysen	Kirk
Burton	Frost	Klecza
Buyer	Galleghy	Knollenberg
Callahan	Ganske	Kolbe
Calvert	Gekas	Kucinich
Camp	Gephardt	LaFalce
Cannon	Gibbons	LaHood
Cantor	Gilchrest	Lampson
Capito	Gilman	Langevin
Capps	Gonzalez	Lantos
Capuano	Goode	Largent
Cardin	Goodlatte	Larsen (WA)
Carson (IN)	Gordon	Larson (CT)
Carson (OK)	Granger	Latham
Castle	Graves	LaTourette
Chabot	Green (TX)	Leach
Chambliss	Green (WI)	Lee
Clay	Greenwood	Levin
Clayton	Grucci	Lewis (CA)
Clement	Gutierrez	Lewis (KY)
Clyburn	Gutknecht	Linder
Coble	Hall (OH)	Lipinski
Collins	Hall (TX)	LoBiondo
Combest	Hansen	Lofgren
Condit	Harman	Lowey
Conyers	Hart	Lucas (KY)
Cooksey	Hastings (WA)	Luther
Costello	Hayes	Lynch
Coyne	Hayworth	Maloney (CT)
Cramer	Hefley	Maloney (NY)

Manzullo	Pickering	Smith (TX)
Markey	Pitts	Smith (WA)
Matheson	Platts	Snyder
Matsui	Pombo	Solis
McCarthy (MO)	Pomeroy	Souder
McCarthy (NY)	Portman	Spratt
McCollum	Price (NC)	Stearns
McCrery	Pryce (OH)	Stenholm
McDermott	Putnam	Strickland
McGovern	Quinn	Stump
McHugh	Radanovich	Stupak
McInnis	Rahall	Sununu
McIntyre	Ramstad	Sweeney
McKeon	Rangel	Tancred
McKinney	Regula	Tanner
McNulty	Rehberg	Tauscher
Meehan	Reynolds	Tauzin
Meek (FL)	Riley	Taylor (MS)
Meeks (NY)	Rivers	Taylor (NC)
Menendez	Rodriguez	Terry
Mica	Roemer	Thomas
Millender-McDonald	Rogers (KY)	Thompson (CA)
Miller, Dan	Rogers (MI)	Thompson (MS)
Miller, Gary	Rohrabacher	Thornberry
Miller, George	Ros-Lehtinen	Thune
Miller, Jeff	Ross	Thurman
Mollohan	Rothman	Tiahrt
Moore	Roukema	Tiberi
Moran (KS)	Roybal-Allard	Tierney
Moran (VA)	Royce	Toomey
Morella	Rush	Towns
Murtha	Ryan (WI)	Traficant
Myrick	Ryun (KS)	Turner
Nadler	Sabo	Udall (CO)
Neal	Sanchez	Udall (NM)
Nethercutt	Sanders	Upton
Ney	Sandlin	Velázquez
Northup	Sawyer	Visclosky
Norwood	Saxton	Vitter
Nussle	Schaffer	Walden
Oberstar	Schakowsky	Walsh
Obey	Schiff	Walsh
Oliver	Schrock	Wamp
Ortiz	Scott	Waters
Osborne	Sensenbrenner	Watkins (OK)
Ose	Serrano	Watson (CA)
Otter	Sessions	Watt (NC)
Owens	Shadegg	Waxman
Oxley	Shaw	Weldon (FL)
Pallone	Shays	Weldon (PA)
Pascarella	Sherman	Weller
Pastor	Shimkus	Whitfield
Paul	Shows	Wicker
Payne	Shuster	Wilson
Pelosi	Simmons	Wolf
Pence	Simpson	Woolsey
Peterson (MN)	Skeen	Wu
Peterson (PA)	Skelton	Wynn
Petri	Slaughter	Young (AK)
Phelps	Smith (MI)	Young (FL)
	Smith (NJ)	

NOT VOTING—22

Cox	Hastings (FL)	Reyes
Cubin	Hoyer	Sherwood
Davis, Tom	Hulshof	Stark
Filner	Lewis (GA)	Watts (OK)
Fossella	Lucas (OK)	Weiner
Gillmor	Mascara	Wexler
Goss	Mink	
Graham	Napolitano	

□ 1910

So (two-thirds having voted in favor thereof) the rules were suspended, and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall No. 437, I was in my Congressional District on official business. Had I been present, I would have voted “yea.”

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2500, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

Mr. REYNOLDS, from the Committee on Rules, submitted a privileged report (Rept. No. 107-287) on the resolution (H. Res. 286) waiving points of order against the conference report to accompany the bill (H.R. 2500) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2779

Ms. SCHAKOWSKY. Mr. Speaker, I ask unanimous consent to withdraw my name as a cosponsor of H.R. 2779.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

PROMOTING SAFE AND STABLE FAMILIES AMENDMENTS OF 2001

Mr. HERGER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2873) to extend and amend the program entitled Promoting Safe and Stable Families under title IV-B, subpart 2 of the Social Security Act, and to provide new authority to support programs for mentoring children of incarcerated parents; to amend the Foster Care Independent Living program under title IV-E of that act to provide for educational and training vouchers for youths aging out of foster care, and for other purposes, as amended.

The Clerk read as follows:

H. R. 2973

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Promoting Safe and Stable Families Amendments of 2001".

SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. References.

TITLE I—PROMOTING SAFE AND STABLE FAMILIES

Subtitle A—Grants to States for Promoting Safe and Stable Families

- Sec. 101. Findings and purpose.
- Sec. 102. Definition of family support services.
- Sec. 103. Reallotments.
- Sec. 104. Payments to States.
- Sec. 105. Evaluations, research, and technical assistance.
- Sec. 106. Authorization of appropriations; reservation of certain amounts.
- Sec. 107. State court improvements.

Subtitle B—Mentoring Children of Prisoners
Sec. 121. Program authorized.

TITLE II—FOSTER CARE AND INDEPENDENT LIVING

- Sec. 201. Educational and training vouchers for youths aging out of foster care.
- Sec. 202. Reallocation and extension of funds.

TITLE III—EFFECTIVE DATE

- Sec. 301. Effective date.

SEC. 3. REFERENCES.

Except as otherwise specified in this Act, an amendment made by this Act to a section or other provision shall be considered an amendment to the section or other provision of the Social Security Act.

TITLE I—PROMOTING SAFE AND STABLE FAMILIES

Subtitle A—Grants to States for Promoting Safe and Stable Families

SEC. 101. FINDINGS AND PURPOSE.

Section 430 (42 U.S.C. 629) is amended to read as follows:

"SEC. 430. FINDINGS AND PURPOSE.

"(a) FINDINGS.—The Congress finds that there is a continuing urgent need to protect children and to strengthen families as demonstrated by the following:

"(1) Family support programs directed at specific vulnerable populations have had positive effects on parents, children, or both. The vulnerable populations for which programs have been shown to be effective include teenage mothers with very young children and families that have children with special needs.

"(2) Family preservation programs have been shown to provide extensive and intensive services to families in crisis.

"(3) The time lines established by the Adoption and Safe Families Act of 1997 have made the prompt availability of services to address family problems (and in particular the prompt availability of appropriate services and treatment addressing substance abuse) an important factor in successful family reunification.

"(4) The rapid increases in the annual number of adoptions since the enactment of the Adoption and Safe Families Act of 1997 have created a growing need for postadoption services and for service providers with the particular knowledge and skills required to address the unique issues adoptive families and children may face.

"(b) PURPOSE.—The purpose of this program is to enable States to develop and establish, or expand, and to operate coordinated programs of community-based family support services, family preservation services, time-limited family reunification services, and adoption promotion and support services to accomplish the following objectives:

"(1) To prevent child maltreatment among families at risk through the provision of supportive family services.

"(2) To assure children's safety within the home and preserve intact families in which children have been maltreated, when the family's problems can be addressed effectively.

"(3) To address the problems of families whose children have been placed in foster care so that reunification may occur in a safe and stable manner in accordance with the Adoption and Safe Families Act of 1997.

"(4) To support adoptive families by providing support services as necessary so that they can make a lifetime commitment to their children."

SEC. 102. DEFINITIONS.

(a) INCLUSION OF INFANT SAFE HAVEN PROGRAMS AMONG FAMILY PRESERVATION SERVICES.—Section 431(a)(1) (42 U.S.C. 629a(a)(1)) is amended—

(1) by striking "and" at the end of subparagraph (D);

(2) by striking the period at the end of subparagraph (E) and inserting "; and"; and

(3) by adding at the end the following:
"(F) infant safe haven programs to provide a way for a parent to safely relinquish a newborn infant at a safe haven designated pursuant to a State law."

(b) FAMILY SUPPORT SERVICES.—Section 431(a)(2) (42 U.S.C. 629a(a)(2)) is amended by inserting "to strengthen parental relationships and promote healthy marriages," after "environment."

SEC. 103. REALLOTMENTS.

Section 433 (42 U.S.C. 629c) is amended by adding at the end the following:

"(d) REALLOTMENTS.—The amount of any allotment to a State under this section for any fiscal year that the State certifies to the Secretary will not be required for carrying out the State plan under section 432 shall be available for reallotment using the allotment methodology specified in this section. Any amount so reallotted to a State is deemed part of the allotment of the State under the preceding provisions of this section."

SEC. 104. PAYMENTS TO STATES.

(a) IN GENERAL.—Section 434(a) (42 U.S.C. 629d(a)) is amended—

(1) by striking paragraph (2);
(2) by striking all that precedes subparagraph (A) of paragraph (1) and inserting the following:

"(a) ENTITLEMENT.—Each State that has a plan approved under section 432 shall be entitled to payment of the lesser of—"; and

(3) by redesignating subparagraphs (A) and (B) of paragraph (1) as paragraphs (1) and (2), respectively, and by indenting the provisions 2 ems to the left.

(b) CONFORMING AMENDMENTS.—Section 434(b) (42 U.S.C. 629d(b)) is amended—

(1) in paragraph (1)—
(A) by striking "paragraph (1) or (2)(B) of"; and

(B) by striking "described in this subpart" and inserting "under the State plan under section 432"; and

(2) in paragraph (2), by striking "subsection (a)(1)" and inserting "subsection (a)".

SEC. 105. EVALUATIONS, RESEARCH, AND TECHNICAL ASSISTANCE.

Section 435 (42 U.S.C. 629e) is amended—

(1) by striking all that precedes "the effectiveness" in paragraph (1) of subsection (a), including the heading for section 435 and the caption for subsection (a), and inserting the following:

"SEC. 435. EVALUATIONS; RESEARCH; TECHNICAL ASSISTANCE.

"(a) EVALUATIONS.—

"(1) IN GENERAL.—The Secretary shall evaluate and report to the Congress biennially on";

(2) by adding at the end of subsection (a) the following:

"(3) TIMING OF REPORT.—Beginning in 2003, the Secretary shall submit the biennial report required by this subsection not later than April 1 of every other year, and shall include in each such report the funding level, the status of ongoing evaluations, findings to date, and the nature of any technical assistance provided to States under subsection (d)."; and

(3) by adding at the end the following:

"(c) RESEARCH.—The Secretary shall give priority consideration to the following topics for research and evaluation under this subsection, using rigorous evaluation methodologies where feasible:

"(1) Promising program models in the service categories specified in section 430(b), particularly time-limited reunification services and postadoption services.

"(2) Multi-disciplinary service models designed to address parental substance abuse and to reduce its impacts on children.

“(3) The efficacy of approaches directed at families with specific problems and with children of specific age ranges.

“(4) The outcomes of adoptions finalized after enactment of the Adoption and Safe Families Act of 1997.

“(d) TECHNICAL ASSISTANCE.—To the extent funds are available therefor, the Secretary shall provide technical assistance that helps States and Indian tribes to—

“(1) develop research-based protocols for identifying families at risk of abuse and neglect of use in the field;

“(2) develop treatment models that address the needs of families at risk, particularly families with substance abuse issues;

“(3) implement programs with well-articulated theories of how the intervention will result in desired changes among families at risk;

“(4) establish mechanisms to ensure that service provision matches the treatment model; and

“(5) establish mechanisms to ensure that postadoption services meet the needs of the individual families and develop models to reduce the disruption rates of adoption.”.

SEC. 106. AUTHORIZATION OF APPROPRIATIONS; RESERVATION OF CERTAIN AMOUNTS.

(a) MANDATORY FUNDING.—

(1) IN GENERAL.—Subpart 2 of part B of title IV (42 U.S.C. 629–629e) is amended by adding at the end the following:

“SEC. 436. AUTHORIZATION OF APPROPRIATIONS; RESERVATION OF CERTAIN AMOUNTS.

“(a) AUTHORIZATION.—There are authorized to be appropriated to carry out the provisions of this subpart \$305,000,000 for each of fiscal years 2002 through 2006.

“(b) RESERVATION OF CERTAIN AMOUNTS.—From the amount specified in subsection (a) for a fiscal year, the Secretary shall reserve amounts as follows:

“(1) EVALUATION, RESEARCH, TRAINING, AND TECHNICAL ASSISTANCE.—The Secretary shall reserve \$6,000,000 for expenditure by the Secretary—

“(A) for research, training, and technical assistance costs related to the program under this subpart; and

“(B) for evaluation of State programs based on the plans approved under section 432 and funded under this subpart, and any other Federal, State, or local program, regardless of whether federally assisted, that is designed to achieve the same purposes as the State programs.

“(2) STATE COURT IMPROVEMENTS.—The Secretary shall reserve \$10,000,000 for grants under section 438.

“(3) INDIAN TRIBES.—The Secretary shall reserve 1 percent for allotment to Indian tribes in accordance with section 433(a).”.

(2) CONFORMING AMENDMENTS.—Section 433 (42 U.S.C. 629c) is amended—

(A) in subsection (a), by striking “section 430(d)(3)” and inserting “section 436(b)(3)”;

(B) in subsection (b)—

(i) by striking “section 430(b)” and inserting “section 436(a)”;

(ii) by striking “section 430(d)” and inserting “section 436(b)”;

(C) in subsection (c)(1)—

(i) by striking “section 430(b)” and inserting “section 436(a)”;

(ii) by striking “section 430(d)” and inserting “section 436(b)”.

(b) DISCRETIONARY FUNDING.—Subpart 2 of part B of title IV (42 U.S.C. 629–629e) is further amended by adding at the end the following:

“SEC. 437. DISCRETIONARY GRANTS.

“(a) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.—In addition to any amount appropriated pursuant to section 436, there are au-

thorized to be appropriated to carry out this section \$200,000,000 for each of fiscal years 2002 through 2006.

“(b) RESERVATION OF CERTAIN AMOUNTS.—From the amount (if any) appropriated pursuant to subsection (a) for a fiscal year, the Secretary shall reserve amounts as follows:

“(1) EVALUATION, RESEARCH, TRAINING, AND TECHNICAL ASSISTANCE.—The Secretary shall reserve 3.3 percent for expenditure by the Secretary for the activities described in section 436(b)(1).

“(2) STATE COURT IMPROVEMENTS.—The Secretary shall reserve 3.3 percent for grants under section 438.

“(3) INDIAN TRIBES.—The Secretary shall reserve 2 percent for allotment to Indian tribes in accordance with subsection (c)(1).

“(c) ALLOTMENTS.—

“(1) INDIAN TRIBES.—From the amount (if any) reserved pursuant to subsection (b)(3) for any fiscal year, the Secretary shall allot to each Indian tribe with a plan approved under this subpart an amount that bears the same ratio to such reserved amount as the number of children in the Indian tribe bears to the total number of children in all Indian tribes with State plans so approved, as determined by the Secretary on the basis of the most current and reliable information available to the Secretary.

“(2) TERRITORIES.—From the amount (if any) appropriated pursuant to subsection (a) for any fiscal year that remains after applying subsection (b) for the fiscal year, the Secretary shall allot to each of the jurisdictions of Puerto Rico, Guam, the Virgin Islands, the Northern Mariana Islands, and American Samoa an amount determined in the same manner as the allotment to each of such jurisdictions is determined under section 421.

“(3) OTHER STATES.—From the amount (if any) appropriated pursuant to subsection (a) for any fiscal year that remains after applying subsection (b) and paragraph (2) of this subsection for the fiscal year, the Secretary shall allot to each State (other than an Indian tribe) which is not specified in paragraph (2) of this subsection an amount equal to such remaining amount multiplied by the food stamp percentage (as defined in section 433(c)(2)) of the State for the fiscal year.

“(d) GRANTS.—The Secretary may make a grant to a State which has a plan approved under this subpart in an amount equal to the lesser of—

“(1) 75 percent of the total expenditures by the State for activities under the plan during the fiscal year or the immediately succeeding fiscal year; or

“(2) the allotment of the State under subsection (c) for the fiscal year.

“(e) APPLICABILITY OF CERTAIN RULES.—The rules of subsections (b) and (c) of section 434 shall apply in like manner to the amounts made available pursuant to this section.”.

SEC. 107. STATE COURT IMPROVEMENTS.

(a) SCOPE OF ACTIVITIES.—Section 13712 of the Omnibus Budget Reconciliation Act of 1993 (42 U.S.C. 670 note) is amended—

(1) in subsection (a), by striking paragraph (2) and inserting the following:

“(2) to implement improvements the highest state courts deem necessary as a result of the assessments, including—

“(A) to provide for the safety, well-being, and permanence of children in foster care, as set forth in the Adoption and Safe Families Act of 1997 (Public Law 105–89); and

“(B) to implement a corrective action plan, as necessary, resulting from reviews of child and family service programs under section 1123A of this Act.”; and

(2) in subsection (c)(1), in the matter preceding subparagraph (A), by inserting “and improvement” after “assessment”.

(b) ALLOTMENTS.—Section 13712(c)(1) of such Act (42 U.S.C. 670 note) is amended by striking all that follows “shall be entitled to payment,” and inserting “for each of fiscal years 2002 through 2006, from the amount reserved pursuant to section 436(b)(2) (and the amount, if any, reserved pursuant to section 437(b)(2)), of an amount equal to the sum of \$85,000 plus the amount described in paragraph (2) of this subsection for the fiscal year.”.

(c) FEDERAL SHARE.—Section 13712(d) of such Act (42 U.S.C. 670 note) is amended—

(1) in the heading, by striking “USE OF GRANT FUNDS” and inserting “FEDERAL SHARE”;

(2) by striking “to pay—” and all that follows and inserting “to pay not more than 75 percent of the cost of activities under this section in each of fiscal years 2002 through 2006.”.

(d) CONFORMING AMENDMENTS.—Section 13712 of such Act (42 U.S.C. 670 note) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking “of title IV of the Social Security Act”;

and

(B) in paragraph (1)(A), by striking “of title IV of such Act”;

(2) in subsection (c)(2), by striking “section 430(d)(2) of the Social Security Act” and inserting “section 436(b)(2) (and the amount, if any, reserved pursuant to section 437(b)(2))”.

(e) TRANSFER AND REDESIGNATION.—Section 13712 of such Act (42 U.S.C. 670 note), as amended by the preceding provisions of this section, is redesignated as section 438 and is transferred to the end of subpart 2 of part B of title IV of the Social Security Act.

Subtitle B—Mentoring Children of Prisoners

SEC. 121. PROGRAM AUTHORIZED.

Subpart 2 of part B of title IV (42 U.S.C. 629–629e) is further amended by adding at the end the following:

“SEC. 439. GRANTS FOR PROGRAMS FOR MENTORING CHILDREN OF PRISONERS.

“(a) FINDINGS AND PURPOSE.—

“(1) FINDINGS.—

“(A) In the period between 1991 and 1999, the number of children with a parent incarcerated in a Federal or State correctional facility increased by more than 100 percent, from approximately 900,000 to approximately 2,000,000. In 1999, 2.1 percent of all children in the United States had a parent in Federal or State prison.

“(B) Prior to incarceration, 64 percent of female prisoners and 44 percent of male prisoners in State facilities lived with their children.

“(C) Nearly 90 percent of the children of incarcerated fathers live with their mothers, and 79 percent of the children of incarcerated mothers live with a grandparent or other relative.

“(D) Parental arrest and confinement lead to stress, trauma, stigmatization, and separation problems for children. These problems are coupled with existing problems that include poverty, violence, parental substance abuse, high-crime environments, intrafamilial abuse, child abuse and neglect, multiple care givers, and/or prior separations. As a result, these children often exhibit a broad variety of behavioral, emotional, health, and educational problems that are often compounded by the pain of separation.

“(E) Empirical research demonstrates that mentoring is a potent force for improving children’s behavior across all risk behaviors affecting health. Quality, one-on-one relationships that provide young people with caring role models for future success have profound, life-changing potential. Done right, mentoring markedly advances youths’ life prospects. A widely cited 1995 study by Public/Private Ventures measured the impact of one Big Brothers Big Sisters program and found significant effects in the lives of youth—cutting first-time drug use by almost half and first-time alcohol use by about a third, reducing school absenteeism by half, cutting

assaultive behavior by a third, improving parental and peer relationships, giving youth greater confidence in their school work, and improving academic performance.

“(2) **PURPOSE.**—The purpose of this section is to authorize the Secretary to make competitive grants to applicants in areas with substantial numbers of children of incarcerated parents, to support the establishment or expansion and operation of programs using a network of public and private community entities to provide mentoring services for children of prisoners.

“(b) **DEFINITIONS.**—In this section:

“(1) **CHILDREN OF PRISONERS.**—The term ‘children of prisoners’ means children one or both of whose parents are incarcerated in a Federal, State, or local correctional facility. The term is deemed to include children who are in an ongoing mentoring relationship in a program under this section at the time of their parents’ release from prison, for purposes of continued participation in the program.

“(2) **MENTORING.**—The term ‘mentoring’ means a structured, managed program in which children are appropriately matched with screened and trained adult volunteers for one-on-one relationships, involving meetings and activities on a regular basis, intended to meet, in part, the child’s need for involvement with a caring and supportive adult who provides a positive role model.

“(3) **MENTORING SERVICES.**—The term ‘mentoring services’ means those services and activities that support a structured, managed program of mentoring, including the management by trained personnel of outreach to, and screening of, eligible children; outreach to, education and training of, and liaison with sponsoring local organizations; screening and training of adult volunteers; matching of children with suitable adult volunteer mentors; support and oversight of the mentoring relationship; and establishment of goals and evaluation of outcomes for mentored children.

“(c) **PROGRAM AUTHORIZED.**—From the amounts appropriated under subsection (h) for a fiscal year that remain after applying subsection (h)(2), the Secretary shall make grants under this section for each of fiscal years 2002 through 2006 to State or local governments, tribal governments or tribal consortia, faith-based organizations, and community-based organizations in areas that have significant numbers of children of prisoners and that submit applications meeting the requirements of this section, in amounts that do not exceed \$5,000,000 per grant.

“(d) **APPLICATION REQUIREMENTS.**—In order to be eligible for a grant under this section, the chief executive officer of the applicant must submit to the Secretary an application containing the following:

“(1) **PROGRAM DESIGN.**—A description of the proposed program, including—

“(A) a list of local public and private organizations and entities that will participate in the mentoring network;

“(B) the name, description, and qualifications of the entity that will coordinate and oversee the activities of the mentoring network;

“(C) the number of mentor-child matches proposed to be established and maintained annually under the program;

“(D) such information as the Secretary may require concerning the methods to be used to recruit, screen support, and oversee individuals participating as mentors, (which methods shall include criminal background checks on the individuals), and to evaluate outcomes for participating children, including information necessary to demonstrate compliance with requirements established by the Secretary for the program; and

“(E) such other information as the Secretary may require.

“(2) **COMMUNITY CONSULTATION; COORDINATION WITH OTHER PROGRAMS.**—A demonstration that, in developing and implementing the program, the applicant will, to the extent feasible and appropriate—

“(A) consult with public and private community entities, including religious organizations, and including, as appropriate, Indian tribal organizations and urban Indian organizations, and with family members of potential clients;

“(B) coordinate the programs and activities under the program with other Federal, State, and local programs serving children and youth; and

“(C) consult with appropriate Federal, State, and local corrections, workforce development, and substance abuse and mental health agencies.

“(3) **EQUAL ACCESS FOR LOCAL SERVICE PROVIDERS.**—An assurance that public and private entities and community organizations, including religious organizations and Indian organizations, will be eligible to participate on an equal basis.

“(4) **RECORDS, REPORTS, AND AUDITS.**—An agreement that the applicant will maintain such records, make such reports, and cooperate with such reviews or audits as the Secretary may find necessary for purposes of oversight of project activities and expenditures.

“(5) **EVALUATION.**—An agreement that the applicant will cooperate fully with the Secretary’s ongoing and final evaluation of the program under the plan, by means including providing the Secretary access to the program and program-related records and documents, staff, and grantees receiving funding under the plan.

“(e) **FEDERAL SHARE.**—

“(1) **IN GENERAL.**—A grant for a program under this section shall be available to pay a percentage share of the costs of the program up to—

“(A) 75 percent for the first and second fiscal years for which the grant is awarded; and

“(B) 50 percent for the third and each succeeding such fiscal years.

“(2) **NON-FEDERAL SHARE.**—The non-Federal share of the cost of projects under this section may be in cash or in kind. In determining the amount of the non-Federal share, the Secretary may attribute fair market value to goods, services, and facilities contributed from non-Federal sources.

“(f) **CONSIDERATIONS IN AWARDING GRANTS.**—In awarding grants under this section, the Secretary shall take into consideration—

“(1) the qualifications and capacity of applicants and networks of organizations to effectively carry out a mentoring program under this section;

“(2) the comparative severity of need for mentoring services in local areas, taking into consideration data on the numbers of children (and in particular of low-income children) with an incarcerated parent (or parents) in the areas;

“(3) evidence of consultation with existing youth and family service programs, as appropriate; and

“(4) any other factors the Secretary may deem significant with respect to the need for or the potential success of carrying out a mentoring program under this section.

“(g) **EVALUATION.**—The Secretary shall conduct an evaluation of the programs conducted pursuant to this section, and submit to the Congress not later than April 15, 2005, a report on the findings of the evaluation.

“(h) **AUTHORIZATION OF APPROPRIATIONS; RESERVATION OF CERTAIN AMOUNTS.**—

“(1) **AUTHORIZATION.**—There are authorized to be appropriated to carry out this section \$67,000,000 for each of fiscal years 2002 and 2003, and such sums as may be necessary for each succeeding fiscal year.

“(2) **RESERVATION.**—The Secretary shall reserve 2.5 percent of the amount appropriated for each fiscal year under paragraph (1) for expenditure by the Secretary for research, technical assistance, and evaluation related to programs under this section.”

TITLE II—FOSTER CARE AND INDEPENDENT LIVING

SEC. 201. EDUCATIONAL AND TRAINING VOUCHERS FOR YOUTHS AGING OUT OF FOSTER CARE.

(a) **PURPOSE.**—Section 477(a) (42 U.S.C. 677(a)) is amended—

(1) by striking “and” at the end of paragraph (4);

(2) by striking the period at the end of paragraph (5) and inserting “; and”; and

(3) by adding at the end the following new paragraph:

“(6) to make available vouchers for education and training, including postsecondary training and education, to youths who have aged out of foster care.”

(b) **EDUCATIONAL AND TRAINING VOUCHERS.**—Section 477 (42 U.S.C. 677) is amended by adding at the end the following:

“(i) **EDUCATIONAL AND TRAINING VOUCHERS.**—The following conditions shall apply to a State educational and training voucher program under this section:

“(1) Vouchers under the program may be available to youths otherwise eligible for services under the State program under this section.

“(2) For purposes of the voucher program, youths adopted from foster care after attaining age 16 may be considered to be youths otherwise eligible for services under the State program under this section.

“(3) The State may allow youths participating in the voucher program on the date they attain 21 years of age to remain eligible until they attain 23 years of age, as long as they are enrolled in a postsecondary education or training program and are making satisfactory progress toward completion of that program.

“(4) The voucher or vouchers provided for an individual under this section—

“(A) may be available for the cost of attendance at an institution of higher education, as defined in section 102 of the Higher Education Act of 1965; and

“(B) shall not exceed the lesser of \$5,000 per year or the total cost of attendance, as defined in section 472 of that Act.

“(5) The amount of a voucher under this section may be disregarded for purposes of determining the recipient’s eligibility for, or the amount of, any other Federal or Federally supported assistance, except that the total amount of educational assistance to a youth under this section and under other Federal and Federally supported programs shall not exceed the total cost of attendance, as defined in section 472 of the Higher Education Act of 1965, and except that the State agency shall take appropriate steps to prevent duplication of benefits under this and other Federal or Federally supported programs.

“(6) The program is coordinated with other appropriate education and training programs.”

(c) **CERTIFICATION.**—Section 477(b)(3) (42 U.S.C. 677(b)(3)) is amended by adding at the end the following:

“(J) A certification by the chief executive officer of the State that the State educational and training voucher program under this section is in compliance with the conditions specified in subsection (i), including a statement describing methods the State will use—

“(i) to ensure that the total amount of educational assistance to a youth under this section and under other Federal and Federally supported programs does not exceed the limitation specified in subsection (i)(5); and

“(ii) to avoid duplication of benefits under this and any other Federal or Federally assisted benefit program.”.

(d) **INCREASED AUTHORIZATIONS OF APPROPRIATIONS.**—Section 477(h) (42 U.S.C. 677(h)) is amended by striking “there are authorized” and all that follows and inserting the following: “there are authorized to be appropriated to the Secretary for each fiscal year—

“(1) \$140,000,000, which shall be available for all purposes under this section; and

“(2) an additional \$60,000,000, which are authorized to be available for payments to States for education and training vouchers for youths who age out of foster care, to assist the youths to develop skills necessary to lead independent and productive lives.”.

(e) **ALLOTMENTS TO STATES.**—Section 477(c) (42 U.S.C. 677(c)) is amended—

(1) in paragraph (1)—

(A) by striking “(1) IN GENERAL.—From the amount specified in subsection (h)” and inserting “(1) GENERAL PROGRAM ALLOTMENT.—From the amount specified in subsection (h)(1)”;

(B) by striking “which bears the same ratio” and inserting “which bears the ratio”; and

(C) by striking “as the number of children in foster care” and all that follows and inserting “equal to the State foster care ratio, as adjusted in accordance with paragraph (2).”; and

(2) by adding at the end the following new paragraphs:

“(3) **VOUCHER PROGRAM ALLOTMENT.**—From the amount, if any, appropriated pursuant to subsection (h)(2) for a fiscal year, the Secretary may allot to each State with an application approved under subsection (b) for the fiscal year an amount equal to the State foster care ratio multiplied by the amount so specified.

“(4) **STATE FOSTER CARE RATIO.**—In this subsection, the term ‘State foster care ratio’ means the ratio of the number of children in foster care under a program of the State in the most recent fiscal year for which the information is available to the total number of children in foster care in all States for the most recent fiscal year.”.

(f) **PAYMENTS TO STATES.**—

(1) **IN GENERAL.**—Section 474(a)(4) (42 U.S.C. 674(a)(4)) is amended to read as follows:

“(4) an amount equal to the amount (if any) by which—

“(A) the lesser of—

“(i) 80 percent of the amounts expended by the State during the fiscal year in which the quarter occurs to carry out programs in accordance with the State application approved under section 477(b) for the period in which the quarter occurs (including any amendment that meets the requirements of section 477(b)(5)); or

“(ii) the amount allotted to the State under section 477(c)(1) for the fiscal year in which the quarter occurs, reduced by the total of the amounts payable to the State under this paragraph for all prior quarters in the fiscal year; exceeds

“(B) the total amount of any penalties assessed against the State under section 477(e) during the fiscal year in which the quarter occurs.”.

(2) **DISCRETIONARY GRANTS.**—Section 474 (42 U.S.C. 674) is amended by adding at the end the following:

“(e) **DISCRETIONARY GRANTS FOR EDUCATIONAL AND TRAINING VOUCHERS FOR YOUTHS AGING OUT OF FOSTER CARE.**—From amounts appropriated pursuant to section 477(h)(2), the Secretary may make a grant to a State with a plan approved under this part, for a calendar quarter, in an amount equal to the lesser of—

“(1) 80 percent of the amounts expended by the State during the quarter to carry out programs for the purposes described in section 477(a)(6); or

“(2) the amount, if any, allotted to the State under section 477(c)(3) for the fiscal year in which the quarter occurs, reduced by the total of the amounts payable to the State under this subsection for such purposes for all prior quarters in the fiscal year.”.

SEC. 202. REALLOCATION AND EXTENSION OF FUNDS.

(a) **REALLOCATION OF UNUSED FUNDS.**—Section 477(d) (42 U.S.C. 677(d)) is amended by adding at the end the following:

“(4) **REALLOCATION OF UNUSED FUNDS.**—If a State does not apply for funds under this section for a fiscal year within such time as may be provided by the Secretary, the funds to which the State would be entitled for the fiscal year shall be reallocated to 1 or more other States on the basis of their relative need for additional payments under this section, as determined by the Secretary.”.

(b) **TEMPORARY EXTENSION OF AVAILABILITY OF INDEPENDENT LIVING FUNDS.**—Notwithstanding section 477(d)(3) of the Social Security Act, payments made to a State under section 477 of such Act for fiscal year 2000 shall remain available for expenditure by the State through fiscal year 2002.

TITLE III—EFFECTIVE DATE

SEC. 301. EFFECTIVE DATE.

(a) **IN GENERAL.**—Subject to subsection (b), the amendments made by this Act shall take effect on the date of the enactment of this Act.

(b) **DELAY PERMITTED IF STATE LEGISLATION REQUIRED.**—In the case of a State plan under subpart 2 of part B or part E of the Social Security Act that the Secretary of Health and Human Services determines requires State legislation (other than legislation appropriating funds) in order for the plan to meet the additional requirements imposed by the amendments specified in subsection (a) of this section, the State plan shall not be regarded as failing to comply with the requirements of such part solely on the basis of the failure of the plan to meet the additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of the enactment of this Act. For purposes of the preceding sentence, in the case of a State that has a 2-year legislative session, each year of the session shall be deemed to be a separate regular session of the State legislature.

The **SPEAKER** pro tempore (Mr. OTTER). Pursuant to the rule, the gentleman from California (Mr. HERGER) and the gentleman from Maryland (Mr. CARDIN) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. HERGER).

Mr. HERGER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is with great pleasure that I bring to the floor today H.R. 2873, the Promoting Safe and Stable Families Amendments of 2001.

This legislation reauthorizes and increases by a total of \$1 billion over 5 years Federal support for a broad range of services to support fragile families and prevent abuse and neglect of our Nation's children.

This legislation was first proposed by President Bush, and I am pleased that the version before us today authorizes the full amount of new funding the President sought.

As we work to reauthorize the promoting safe and stable families program, I have had the great fortune of

meeting courageous people who share their love and their homes by adopting children with special needs.

I learned stories of personal triumph from young people thriving after a lifetime of bouncing from home to home in the foster care system.

I also learned of many of our colleagues here in the Congress who have opened their homes to foster and adopted children, and how their lives are better because of it.

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In these times of national uncertainty, I am pleased to report that recent legislation changes, designed to better support abused and neglected children, are working. For example, since the signing of the Adoption and Safe Families Act of 1997, more than 133,000 children have been adopted from foster care. That is a 56 percent increase over the previous 3-year period.

Mr. Speaker, I include for the RECORD a recent Washington Post article describing how adoptions in Maryland and Virginia increased by 84 percent over the last 5 years.

The text of the article is as follows:

[From the Region, Sat., Nov. 3, 2001]

MD., VA. FOSTER-CARE ADOPTIONS UP

RISE IN FUNDING, CHANGE IN FEDERAL LAW CREDITED FOR INCREASE

(By Michael E. Ruane)

Maryland and Virginia officials yesterday announced substantial increases in the number of children who have been adopted from foster care over the last five years.

Maryland's Department of Human resources said there had been a 23 percent increase in the number of foster-care adoptions in the last year, and an 84 percent increase over the last five years.

Maryland officials said 852 children were adopted from foster care in fiscal 2001, an increase of 161 over the previous year.

This year's adoptions were almost double the state's 462 foster-care adoptions in 1996. The announcement was made to coincide with National Adoption Awareness Month this month.

Virginia said its foster-care adoptions rose from 291 in 1997 to 592 in 2001. Figures could not be obtained yesterday from the District.

The most dramatic increase in Maryland was in Baltimore, the officials said, where 514 adoptions were finalized this year, compared with 160 five years ago.

“These are good trends for us,” said Stephanie Johnson Pettaway, adoption manager with the Maryland Human Resources' social services administration.

Officials from both states credited the federal Adoption and Safe Families Act of 1997 for much of the increases.

“This law has allowed more flexibility to improve adoption rates,” said Charles Ingram, spokesman for the Virginia Department of Social Services. “We've put a great effort into this.”

The act has also provided more money for the adoption process.

“That act mandated that some of the monies that went to states for foster care and child welfare services . . . be given to the states to be used specifically to increase and encourage the number of adoptions,” Pettaway said.

“The money then helped to fuel some of the programs that we needed to do to move

adoptions," she said. Among other things, it helped pay private agencies that recruited adoptive parents and performed home studies, she said.

But adopting parents also played a vital role. Pettaway said she believes that lately there has been a renewed public interest in families, and a recognition that many children lack a family. She said there are also increasing numbers of parents who have already raised their children but still have the energy and the love to raise more.

"It's a fantastic feeling to just know that you've opened your home to some little folks," said Margurite Addison, 56, Pikesville, who, with her husband, William, 53, has adopted three foster children and is in the process of adopting a fourth. "How can you not open your home?"

"This is love that you can see every day," she said, noting that she and her husband have raised six children of their own. "It's a feeling that only an adoptive parent can" explain.

As the article states, "Officials from both States credited the Federal Adoption and Safe Families Act of 1997 for much of the increases." We have reason to be proud of the success of 1997 law and we must build on this momentum. That is what H.R. 2873 does.

Our legislation also authorizes two bipartisan priority initiatives sought by the President: first, a new mentoring program for the children of prisoners; and second, new education vouchers worth up to \$5,000 per youth aging out of foster care. President Bush is to be commended for his vision in proposing such important and promising new initiatives.

Mr. Speaker, I also would like to thank my colleagues on the Committee on Ways and Means for their support in moving this legislation forward, that includes the gentleman from Maryland (Mr. CARDIN), the ranking member on the Subcommittee on Human Resources, who first joined me in introducing H.R. 2873 in September. I also thank my fellow Republican subcommittee members including the gentlewoman from Connecticut (Mrs. JOHNSON), the gentleman from Oklahoma (Mr. WATKINS), the gentleman from Michigan (Mr. CAMP) and the gentleman from Pennsylvania (Mr. ENGLISH), among many others who have taken a personal interest in moving this legislation forward.

But most of all, I commend the families and social service providers who work every day to protect children from harm and to provide loving and permanent homes for children. Their personal commitment to these children means more than any government program. It is my hope that passing this legislation today would serve to recognize the importance of their efforts and demonstrate our resolve to further strengthen families in the years to come.

Mr. Speaker, I reserve the balance of my time.

Mr. CARDIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. CARDIN. Mr. Speaker, first let me thank the gentleman from Cali-

fornia (Mr. HERGER) for his leadership on these issues and for bringing forward this legislation. The two of us have worked together in a bipartisan spirit in order to move legislation that is important for America's families.

Promoting Safe and Stable Families is a very important program. It deals with the most vulnerable families that we have in our community. These are children at risk, at risk of being put into foster care. This program has enjoyed strong bipartisan support because it protects the family unit; it protects our most vulnerable children.

I support this suspension, this bill, because we have already seen a 6-week expiration of this program. This program expired at the beginning of the fiscal year, and if we do not reauthorize it, the States would see an immediate reduction of Federal funds dedicated to these very important programs, including case worker oversight, substance abuse treatment, mental health services, respite care, domestic violence assistance and other related services.

Mr. Speaker, though I must express my real disappointment that this legislation does not include the full requests requested by President Bush and included in the budget resolution that was passed by the Congress, we had approved an additional \$200 million a year for the next 5 years in the Safe and Stable Families Program, the legislation we are considering this evening does not provide for that \$200 million increase.

As the gentleman from California (Mr. HERGER) properly pointed out, we authorize, but we do not include it under the basic guarantee to our States. That is not adequate.

I might say, on the tuition vouchers for children in foster care, the President also requested that we provide those funds. It was included in the budget, and we are not including it in the legislation before us. That is very unfortunate. We are talking about children who will not receive the services as a result of these additional funds not being made available. We estimate in 2002 alone 76,000 families would have benefited from that extra \$200 million that will not be made available.

The gentleman from California (Mr. HERGER) also points out that we have authorized additional money. The problem is, our appropriators have already acted and they have only provided \$70 million of the additional \$327 million that the President requested. We had the ability in this legislation to make sure those funds were available and it was provided for in our budget resolution. We have should have done better.

There are some that say we can no longer afford this because of the September 11 tragedies. We do not want the terrorists to win. The terrorists should not prevent us from taking care of our families. We have already passed

in this body legislation that would spend during this period \$150 billion, primarily on tax relief. Cannot we afford, Mr. Speaker, another \$1 billion for our children?

So although I support this legislation, it is important that we authorize the program, it is important that the funding continue to our local governments to provide these services. We should have done better. We should have done what the President asked us to do and with what our own budget resolution would have provided.

I hope, as this legislation make its way through the other body, that we will find the resolve to include the extra monies as a mandatory expenditure, as requested by the President, and that we can in fact live up to our commitment to America's families.

Mr. Speaker, I reserve the balance of my time.

Mr. HERGER. Mr. Speaker, I would like to mention that we have authorized an increase for \$1 billion over 5 years. The appropriators have already appropriated an additional \$70 million dollars for this year; that is an increase that is larger than the last 4 years put together. So I do believe we are putting the dollars forward to ensure that these very important programs are funded.

Mr. Speaker, I yield 3 minutes to the gentlewoman from Pennsylvania, Ms. HART.

Ms. HART. Mr. Speaker, how can we forget the story of the teenager in New Jersey who delivered a baby in a restroom, abandoned the child in a trash can and returned to her high school prom? Or perhaps you recall the new story of an infant discovered in a backyard and the infant was mauled by a hungry dog. In fact, in my district alone, three abandoned infants have been found this year, including one this last week. Fortunately, he was found alive and is recovering.

The Safe and Stable Families amendments include money to help inform young women that there are safe havens available. There are opportunities for them to avoid this tragedy, the death of an infant. It is impossible to know the exact number of infants who are abandoned each year, but media accounts remind us that this is a growing problem nationwide. Between 1991 and 1998, for example, the number of abandoned babies discovered nationwide almost doubled.

These young women are often scared and they hide their pregnancies out of this fear, and then they abandon their children, hoping someone will find them; or just abandon them out of fear, not thinking clearly. But in response to this problem many States, in fact 30, beginning with the State of Texas, enacted Safe Haven laws. These laws provide for an alternative for these young women, that they can leave their children somewhere safe, whether it is a

hospital or police station, without being prosecuted for abandonment.

This legislation throughout these States saves two lives. It saves the baby, Mr. Speaker, and also the young woman who is afraid and alone and not thinking clearly.

As of last week, as I mentioned, a total of 30 States have passed Safe Haven Laws as well, but many are considering Safe Haven laws as well. We must help on the Federal level to prevent this tragedy of newborn babies being abandoned or killed. Safe Haven laws encourage responsible behavior by these women, but these young women will not take advantage of them if they are not aware of them.

The Promoting Safe and Stable Families amendments allow the State to use some of their block grant money to help solve the problem of infant abandonment. This amendment would allow these States to use their block grants to fund public information campaigns and provide education and training to assist the States as they implement these new laws. This is similar to my legislation, H.R. 2018, the Safe Haven Support Act which has 76 co-sponsors of both parties.

Mr. Speaker, I commend the gentleman from California (Mr. HERGER) and the members of the committee for their work on this important issue, because it means, again, saving the baby's life but also saving the life of a young mother.

Mr. CARDIN. Mr. Speaker, I reserve the balance of my time.

Mr. HERGER. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Pennsylvania (Mr. ENGLISH), a member of the subcommittee.

Mr. ENGLISH. Mr. Speaker, I thank the gentleman for yielding me time. I especially want to thank the chairman of the subcommittee for his extraordinary efforts to move this legislation forward.

Mr. Speaker, President Kennedy once said, "Every American ought to have the right to be treated as he would wish to be treated, as one would wish his children to be treated." That is not the case.

Mr. Speaker, across the United States thousands of children each day are abused and neglected. According to the most recent statistics, 826,000 children were the victims of neglect and abuse in 1999. That works out to about 12 children out of every 1,000. In Pennsylvania alone, more than 5,000 children each year are the victims of significant negligence or abuse.

If you think about it, that is a cumulative burden to our society that is truly massive. It is a massive cumulative burden with multiplying social problems and costs.

Mr. Speaker, I know this is not how we wish to be treated, let alone how we wish our children to be treated.

The Safe and Stable Families Act of 2001 authorizes funding to protect the Nation's children from that abuse with funding rising from \$305 million to \$505 million. Under this plan, Pennsylvania will receive at least \$13.6 million to support vital programs that give children a safe start, enhancing preventive services for families in crisis, as well as family reunification and adoption promotion service.

This legislation provides States with the tools that they need to preserve and support families, promote adoption and provide overall support for children. This legislation is critical because it shows that Congress is committed to ensuring that all children live in safe, permanent and loving homes.

Through this legislation we also create a Federal program that will allow local governments to reach out to the children of prisoners, developing outreach or mentoring programs. This bill works to ensure the safety and welfare of children while strengthening and preserving the family.

Mr. Speaker, I urge my colleagues to join me in supporting this bill so that every child, regardless of race, religion or socioeconomic status, has a safe place to call home, a stable family life and the opportunity to achieve the American dream.

Mr. COLLINS. Mr. Speaker, I thank Chairman BILL THOMAS and Subcommittee Chairman WALLY HERGER for their effort on this important legislation, the Promoting Safe and Stable Families Amendments of 2001 (H.R. 2873).

H.R. 2873 reauthorizes the Promoting Safe and Stable Families program, which is the primary federal resource to prevent child abuse and neglect. This legislation takes important steps to help strengthen parental relationships and promote healthy marriages. It is for this reason that I offer my strong support for this important legislation.

I support H.R. 2873 because it recognizes the importance of a loving and stable family in the life of a child. While many Americans, such as myself, have been blessed to grow up in loving families, there are too many that do not have such a family. Recognizing this fact and the need for a loving, nurturing and disciplined home in the life of a child, Truett Cathy, the founder and CEO of Chik-Fil-A restaurants, established WinShape Homes in 1987.

Mr. Cathy started WinShape Homes to provide a loving, nurturing home for those children who are victims of circumstances and need a stable, secure family environment in which to grow and mature. Since 1987, WinShape Homes have served over 250 children. Currently, there are approximately 125 children in WinShape's eleven homes. These homes strive to meet all the physical, emotional, and spiritual needs of the children, and they stress character building, manners, proper dress, and hygiene. WinShape accepts boys and girls ages 6–16 regardless of race, culture, or religion. While WinShape Homes cannot adopt the children in their care, these

homes function as loving and stable families for these children. A person never graduates from WinShape, even after marriage. Simply put, a WinShape family member is a family member for life.

Mr. Speaker, while I support this legislation and its goals, I am concerned about a related issue resulting from the Adoption and Safe Families Act of 1997 (ASFA) and the unintended consequences it could have on some children, particularly those who have found a loving home at WinShape. Rightfully, ASFA seeks to end the "foster care drift" that results when children are abused or neglected by their birth parents by placing these children in loving, adoptive homes. In this regard, ASFA has enjoyed great success. Unfortunately, ASFA's provisions do not adequately address the unique situation found in the families at WinShape Homes.

The problem for places like WinShape has resulted from ASFA's structure which pits family reunification against adoption. Under ASFA, states are required to hold "permanency" hearings no later than 12 months after placement in foster care to determine whether parental unification with the child or termination of parental rights should take place. Because WinShape Homes cannot adopt children, children at WinShape Homes may face these "termination proceedings." As a result, a child could potentially be removed from the loving family at WinShape and placed in an entirely new family environment. In addition, while WinShape places a priority on maintaining sibling relationships, such termination proceedings may result in breaking this family bond and separating one sibling from the others through the adoptive process.

Mr. Speaker, as this important work to place children in loving, stable homes continues, I ask that the Members of this House examine these provisions regarding "termination proceedings" and permanent living arrangements, such as WinShape Homes, that provide a loving and stable home for so many children. In so doing, the House will only improve on the success of the Adoption and Safe Families Act.

Once again, I thank both Chairman THOMAS and Chairman HERGER for their work to promote safe and stable families for our children. I look forward to working with them, the House Leadership and all of my colleagues in this House to ensure that more American children grow up in loving and stable families.

Mr. PORTMAN. Mr. Speaker, I rise today in support of H.R. 2873, the Safe and Stable Families Amendments of 2001. This legislation will increase funding for important programs that protect our nation's children from abuse and neglect. In addition to increasing funding for existing programs, this bill will also create a new program to provide mentoring services for the children of prisoners, and to provide educational opportunities for youth, aging out of foster care.

I especially appreciate the commitment Congress is showing to these programs because I've witnessed the success of these programs firsthand. My district is fortunate to be home to Beech Acres, a community-based organization that provides highly-tailored services to over 17,000 children and families per year. Jim Mason, the President of Beech Acres, has

been a leader in pioneering creative programs for parenting.

At Beech Acres, Jim established an innovative Educational Advocacy Center for children to help provide those who have been abused, are in foster care, or have special challenges with the continuity and support that they need. The funds authorized in this bill will be helpful to Beech Acres.

I'm also pleased that the Infant Safe Haven programs was added as an allowable activity within the Safe and Stable Families program. I know that my colleague from California, Representative HERGER, has been working with Representative MELISSA HART to find a way to address the problem of parents who want to relinquish their new born children, and I appreciate their hard work.

This legislation will help make critical improvements in our nation's child protection services. Too often, these children have been neglected first by their parents, and then by society. With this bill, we are continuing our commitment to give these children the support and attention they deserve. I encourage all my colleagues to support its passage.

Mr. CARDIN. Mr. Speaker, I yield back the balance of my time.

Mr. HERGER. Mr. Speaker, I urge support for H.R. 2873, as amended.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. HERGER) that the House suspend the rules and pass the bill, H.R. 2873, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

□ 1930

BEST PHARMACEUTICALS FOR CHILDREN ACT

Mr. TAUZIN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2887) to amend the Federal Food, Drug, and Cosmetic Act to improve the safety and efficacy of pharmaceuticals for children, as amended.

The Clerk read as follows:

H.R. 2887

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Best Pharmaceuticals for Children Act".

SEC. 2. PEDIATRIC STUDIES OF ALREADY-MARKETED DRUGS.

(a) *IN GENERAL.*—Section 505A of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a) is amended—

(1) by striking subsection (b); and
(2) by redesignating subsections (c) through (k) as subsections (b) through (j), respectively.

(b) *CONFORMING AMENDMENTS.*—Section 505A of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a) is amended in subsection (b) (as redesignated by subsection (a)(2) of this section)—

(1) by inserting after "the Secretary" the following: "determines that information relating to the use of an approved drug in the pediatric population may produce health benefits in that population and"; and

(2) by striking "concerning a drug identified in the list described in subsection (b)".

SEC. 3. RESEARCH FUND FOR THE STUDY OF DRUGS LACKING EXCLUSIVITY.

Part B of title IV of the Public Health Service Act (42 U.S.C. 284 et seq.) is amended—

(1) by redesignating the second section 409C (relating to clinical research) as section 409G;

(2) by redesignating the second section 409D (relating to enhancement awards) as section 409H; and

(3) by adding at the end the following:

"SEC. 409I. PROGRAM FOR PEDIATRIC STUDIES OF DRUGS LACKING EXCLUSIVITY.

"(a) *LIST OF DRUGS LACKING EXCLUSIVITY FOR WHICH PEDIATRIC STUDIES ARE NEEDED.*—

"(1) *IN GENERAL.*—Not later than 1 year after the date of enactment of this section, the Secretary, acting through the Director of the National Institutes of Health and in consultation with the Commissioner of Food and Drugs and experts in pediatric research, shall develop, prioritize, and publish an annual list of approved drugs for which—

"(A)(i) there is an approved application under section 505(j) of the Federal Food, Drug, and Cosmetic Act;

"(ii) there is a submitted application that could be approved under the criteria of section 505(j) of the Federal Food, Drug, and Cosmetic Act;

"(iii) there is no patent protection or market exclusivity protection under the Federal Food, Drug, and Cosmetic Act; or

"(iv) there is, under section 505A(c)(4)(C) of the Federal Food, Drug, and Cosmetic Act, a referral for inclusion on such list; and

"(B) additional studies are needed to assess the safety and effectiveness of the use of the drug in the pediatric population.

"(2) *CONSIDERATION OF AVAILABLE INFORMATION.*—In developing the list under paragraph (1), the Secretary shall consider, for each drug on the list—

"(A) the availability of information concerning the safe and effective use of the drug in the pediatric population;

"(B) whether additional information is needed;

"(C) whether new pediatric studies concerning the drug may produce health benefits in the pediatric population; and

"(D) whether reformulation of the drug is necessary;

"(b) *CONTRACTS FOR PEDIATRIC STUDIES.*—The Secretary shall award contracts to entities that have the expertise to conduct pediatric clinical trials (including qualified universities, hospitals, laboratories, contract research organizations, federally funded programs such as pediatric pharmacology research units, other public or private institutions, or individuals) to enable the entities to conduct pediatric studies concerning one or more drugs identified in the list described in subsection (a).

"(c) *PROCESS FOR CONTRACTS AND LABELING CHANGES.*—

"(1) *WRITTEN REQUEST TO HOLDERS OF APPROVED APPLICATIONS FOR DRUGS LACKING EXCLUSIVITY.*—

"(A) *IN GENERAL.*—The Commissioner of Food and Drugs, in consultation with the Director of National Institutes of Health, may issue a written request (which shall include a timeframe for negotiations for an agreement) for pediatric studies concerning a drug identified in the list described in subsection (a) to all holders of an approved application for the drug under section 505 of the Federal Food, Drug, and Cosmetic

Act. Such a written request shall be made in a manner equivalent to the manner in which a written request is made under subsection (a) or (b) of section 505A of the Federal Food, Drug, and Cosmetic Act, including with respect to information provided on the pediatric studies to be conducted pursuant to the request.

"(B) *PUBLICATION OF REQUEST.*—If the Commissioner of Food and Drugs does not receive a response to a written request issued under subparagraph (A) within 30 days of the date on which a request was issued, the Secretary, acting through the Director of National Institutes of Health and in consultation with the Commissioner of Food and Drugs, shall publish a request for contract proposals to conduct the pediatric studies described in the written request.

"(C) *DISQUALIFICATION.*—A holder that receives a first right of refusal shall not be entitled to respond to a request for contract proposals under subparagraph (B).

"(D) *GUIDANCE.*—Not later than 270 days after the date of enactment of this section, the Commissioner of Food and Drugs shall promulgate guidance to establish the process for the submission of responses to written requests under subparagraph (A).

"(2) *CONTRACTS.*—A contract under this section may be awarded only if a proposal for the contract is submitted to the Secretary in such form and manner, and containing such agreements, assurances, and information as the Secretary determines to be necessary to carry out this section.

"(3) *REPORTING OF STUDIES.*—

"(A) Upon completion of a pediatric study in accordance with a contract awarded under this section, a report concerning the study shall be submitted to the Director of National Institutes of Health and the Commissioner of Food and Drugs. The report shall include all data generated in connection with the study.

"(B) *AVAILABILITY OF REPORTS.*—Each report submitted under subparagraph (A) shall be considered to be in the public domain, and shall be assigned a docket number by the Commissioner of Food and Drugs. An interested person may submit written comments concerning such pediatric studies to the Commissioner of Food and Drugs, and the written comments shall become part of the docket file with respect to each of the drugs.

"(C) *ACTION BY COMMISSIONER.*—The Commissioner of Food and Drugs shall take appropriate action in response to the reports submitted under subparagraph (A) in accordance with paragraph (4).

"(4) *REQUEST FOR LABELING CHANGES.*—During the 180-day period after the date on which a report is submitted under paragraph (3)(A), the Commissioner of Food and Drugs shall—

"(A) review the report and such other data as are available concerning the safe and effective use in the pediatric population of the drug studied; and

"(B) negotiate with the holders of approved applications for the drug studied for any labeling changes that the Commissioner of Food and Drugs determines to be appropriate and requests the holders to make; and

"(C)(i) place in the public docket file a copy of the report and of any requested labeling changes; and

"(ii) publish in the Federal Register a summary of the report and a copy of any requested labeling changes.

"(5) *DISPUTE RESOLUTION.*—If, not later than the end of the 180-day period specified in paragraph (4), the holder of an approved application for the drug involved does not agree to any labeling change requested by the Commissioner of Food and Drugs under that paragraph—

"(A) the Commissioner of Food and Drugs shall immediately refer the request to the Pediatric Advisory Subcommittee of the Anti-Infective Drugs Advisory Committee; and

“(B) not later than 90 days after receiving the referral, the Subcommittee shall—

“(i) review the available information on the safe and effective use of the drug in the pediatric population, including study reports submitted under this section; and

“(ii) make a recommendation to the Commissioner of Food and Drugs as to appropriate labeling changes, if any.

“(6) FDA DETERMINATION.—Not later than 30 days after receiving a recommendation from the Subcommittee under paragraph (5)(B)(ii) with respect to a drug, the Commissioner of Food and Drugs shall consider the recommendation and, if appropriate, make a request to the holders of approved applications for the drug to make any labeling change that the Commissioner of Food and Drugs determines to be appropriate.

“(7) FAILURE TO AGREE.—If a holder of an approved application for a drug, within 30 days after receiving a request to make a labeling change under paragraph (6), does not agree to make a requested labeling change, the Commissioner may deem the drug to be misbranded under the Federal Food, Drug, and Cosmetic Act.

“(8) RECOMMENDATION FOR FORMULATION CHANGES.—If a pediatric study completed under public contract indicates that a formulation change is necessary and the Secretary agrees, the Secretary shall send a nonbinding letter of recommendation regarding that change to each holder of an approved application.

“(d) CONFIDENTIAL COMMERCIAL INFORMATION; TRADE SECRETS.—Nothing in this section requires or authorizes the use or disclosure of confidential commercial information or trade secrets.

“(e) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—For the purpose of carrying out this section, there are authorized to be appropriated \$200,000,000 for fiscal year 2002, and such sums as may be necessary for each of the fiscal years 2003 through 2007.

“(2) AVAILABILITY.—Any amount appropriated under paragraph (1) shall remain available to carry out this section until expended.”.

SEC. 4. WRITTEN REQUEST TO HOLDERS OF APPROVED APPLICATIONS FOR DRUGS THAT HAVE MARKET EXCLUSIVITY.

Section 505A of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a) is amended in subsection (c) (as redesignated by section 2(a)(2) of this Act) by adding at the end the following:

“(4) WRITTEN REQUEST TO HOLDERS OF APPROVED APPLICATIONS FOR DRUGS THAT HAVE MARKET EXCLUSIVITY.—

“(A) REQUEST AND RESPONSE.—If the Secretary makes a written request for pediatric studies under subsection (b) to the holder of an application approved under section 505(b)(1), the holder, not later than 180 days after receiving the written request, shall respond to the Secretary as to the intention of the holder to act on the request by—

“(i) indicating when the pediatric studies will be initiated, if the holder agrees to the request; or

“(ii) indicating that the holder does not agree to the request.

“(B) NO AGREEMENT TO REQUEST.—

“(i) REFERRAL.—If the holder does not agree to a written request within the time period specified in subparagraph (A), and if the Secretary determines that there is a continuing need for information relating to the use of the drug in the pediatric population (including neonates as appropriate), the Secretary shall refer the drug to the Foundation for Pediatric Research established under section 499A of the Public Health Service Act (referred to in this paragraph as the ‘Foundation’) for consideration for the conduct of the pediatric studies described in the written request.

“(ii) PUBLIC NOTICE.—The Secretary shall give public notice of a referral under clause (i), including notice of the name of the drug, the name of the manufacturer, and the indication to be studied.

“(C) LACK OF FUNDS.—If, on referral of a drug under subparagraph (B)(i), the Foundation certifies to the Secretary that the Foundation does not have funds available to conduct the requested studies, the Secretary shall refer the drug for inclusion on the list established under section 409I of the Public Health Service Act for the conduct of the studies.

“(D) CONFIDENTIAL COMMERCIAL INFORMATION; TRADE SECRETS.—Nothing in this paragraph requires or authorizes the use or disclosure of confidential commercial information or trade secrets.

“(E) NO REQUIREMENT TO REFER.—Nothing in this subsection shall be construed to require that every declined written request shall be referred to the Foundation.”.

SEC. 5. TIMELY LABELING CHANGES FOR DRUGS GRANTED EXCLUSIVITY; DRUG FEES.

(a) ELIMINATION OF USER FEE WAIVER FOR PEDIATRIC SUPPLEMENTS.—Section 736(a)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379h(a)(1)) is amended—

(1) by striking subparagraph (F); and

(2) by redesignating subparagraph (G) as subparagraph (F).

(b) LABELING CHANGES.—

(1) DEFINITION OF PRIORITY SUPPLEMENT.—Section 201 of the Federal Food Drug, and Cosmetic Act (21 U.S.C. 321) is amended by adding at the end the following:

“(kk) PRIORITY SUPPLEMENT.—The term ‘priority supplement’ means a drug application referred to in section 101(4) of the Food and Drug Administration Modernization Act of 1997 (111 Stat. 2298).”.

(2) TREATMENT AS PRIORITY SUPPLEMENTS.—Section 505A of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a), as amended by section 2(a)(2) of this Act, is amended by adding at the end the following:

“(k) LABELING SUPPLEMENTS.—

“(1) PRIORITY STATUS FOR PEDIATRIC SUPPLEMENTS.—Any supplement to an application under section 505 proposing a labeling change pursuant to a report on a pediatric study under this section—

“(A) shall be considered to be a priority supplement; and

“(B) shall be subject to the performance goals established by the Commissioner for priority drugs.

“(2) DISPUTE RESOLUTION.—If the Commissioner determines that an application with respect to which a pediatric study is conducted under this section is approvable and that the only open issue for final action on the application is the reaching of an agreement between the sponsor of the application and the Commissioner on appropriate changes to the labeling for the drug that is the subject of the application—

“(A) not later than 180 days after the date of submission of the application—

“(i) the Commissioner shall request that the sponsor of the application make any labeling change that the Commissioner determines to be appropriate; and

“(ii) if the sponsor of the application does not agree to make a labeling change requested by the Commissioner by that date, the Commissioner shall immediately refer the matter to the Pediatric Advisory Subcommittee of the Anti-Infective Drugs Advisory Committee;

“(B) not later than 90 days after receiving the referral, the Pediatric Advisory Subcommittee of the Anti-Infective Drugs Advisory Committee shall—

“(i) review the pediatric study reports; and

“(ii) make a recommendation to the Commissioner concerning appropriate labeling changes, if any;

“(C) the Commissioner shall consider the recommendations of the Pediatric Advisory Subcommittee of the Anti-Infective Drugs Advisory Committee and, if appropriate, not later than 30 days after receiving the recommendation, make a request to the sponsor of the application to make any labeling change that the Commissioner determines to be appropriate; and

“(D) if the sponsor of the application, within 30 days after receiving a request under subparagraph (C), does not agree to make a labeling change requested by the Commissioner, the Commissioner may deem the drug that is the subject of the application to be misbranded.”.

SEC. 6. OFFICE OF PEDIATRIC THERAPEUTICS.

(a) ESTABLISHMENT.—The Secretary of Health and Human Services shall establish an Office of Pediatric Therapeutics within the Office of the Commissioner of Food and Drugs.

(b) DUTIES.—The Office of Pediatric Therapeutics shall be responsible for oversight and coordination of all activities of the Food and Drug Administration that may have any effect on a pediatric population or the practice of pediatrics or may in any other way involve pediatric issues.

(c) STAFF.—The staff of the Office of Pediatric Therapeutics shall include—

(1) employees of the Department of Health and Human Services who, as of the date of enactment of this Act, exercise responsibilities relating to pediatric therapeutics;

(2) 1 or more additional individuals with expertise concerning ethical issues presented by the conduct of clinical research in the pediatric population; and

(3) 1 or more additional individuals with expertise in pediatrics who shall consult and collaborate with all components of the Food and Drug Administration concerning activities described in subsection (b).

SEC. 7. NEONATES.

Section 505A of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a) is amended in subsection (f) (as redesignated by section 2(a)(2) of this Act) by inserting “(including neonates in appropriate cases)” after “pediatric age groups”.

SEC. 8. SUNSET.

Section 505A of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a) is amended by striking subsection (i) (as redesignated by section 2(a)(2) of this Act) and inserting the following:

“(i) SUNSET.—A drug may not receive any 6-month period under subsection (a) or (b) unless—

“(1) on or before October 1, 2007, the Secretary makes a written request for pediatric studies of the drug;

“(2) on or before October 1, 2007, an approvable application for the drug is submitted under section 505(b)(1); and

“(3) all requirements of this section are met.”.

SEC. 9. DISSEMINATION OF PEDIATRIC INFORMATION.

Section 505A of the Federal Food, Drug, and Cosmetic Act, as amended by section 5(b)(2) of this Act, is amended by adding at the end the following:

“(l) DISSEMINATION OF PEDIATRIC INFORMATION.—

“(1) IN GENERAL.—Not later than 180 days after the date of submission of a report on a pediatric study under this section, the Commissioner shall make available to the public a summary of the medical and clinical pharmacology reviews of pediatric studies conducted for the supplement, including by publication in the Federal Register.

“(2) EFFECT OF SUBSECTION.—Nothing in this subsection alters or amends in any way section 552 of title 5 or section 1905 of title 18, United States Code.”.

SEC. 10. CLARIFICATION OF INTERACTION OF MARKET EXCLUSIVITY UNDER SECTION 505A OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT AND MARKET EXCLUSIVITY AWARDED TO AN APPLICANT FOR APPROVAL OF A DRUG UNDER SECTION 505(j) OF THAT ACT.

Section 505A of the Federal Food, Drug, and Cosmetic Act, as amended by section 9 of this Act, is amended by adding at the end the following:

“(m) CLARIFICATION OF INTERACTION OF MARKET EXCLUSIVITY UNDER THIS SECTION AND MARKET EXCLUSIVITY AWARDED TO AN APPLICANT FOR APPROVAL OF A DRUG UNDER SECTION 505(j).—

“(1) IN GENERAL.—If a 180-day period under section 505(j)(5)(B)(iv) overlaps with a 6-month extension under this section, so that the applicant for approval of a drug under section 505(j) entitled to the 180-day period under that section loses a portion of the 180-day period to which the applicant is entitled for the drug, the 180-day period shall be extended—

“(A) if the 180-day period would, but for this subsection, expire after the 6-month extension, by the number of days of the overlap; or

“(B) if the 180-day period would, but for this subsection, expire during the 6-month extension, by 6 months.

“(2) EFFECT OF SUBSECTION.—Under no circumstances shall application of this section result in an applicant for approval of a drug under section 505(j) being enabled to commercially market the drug to the exclusion of a subsequent applicant for approval of a drug under section 505(j) for more than 180 days.”.

SEC. 11. PROMPT APPROVAL OF GENERIC DRUGS WHEN PEDIATRIC INFORMATION ADDED TO LABELING.

(a) IN GENERAL.—Section 505A of the Federal Food, Drug, and Cosmetic Act, as amended by section 10 of this Act, is amended by adding at the end the following subsection:

“(n) PROMPT APPROVAL OF GENERIC DRUGS WHEN PEDIATRIC INFORMATION ADDED TO LABELING.—

“(1) IN GENERAL.—A drug for which an application has been submitted or approved under section 505(j) and which otherwise meets all other applicable requirements under that section shall be considered eligible for approval and shall not be considered misbranded under section 502 even when its labeling omits a pediatric indication or other aspect of labeling pertaining to pediatric use that is protected by patent or by market exclusivity pursuant to clause (iii) or (iv) of section 505(j)(5)(D).

“(2) LABELING OF GENERIC DRUG.—Notwithstanding the provisions of clause (iii) or (iv) of section 505(j)(5)(D), the Secretary may require that the labeling of a drug approved under section 505(j) that omits pediatric labeling pursuant to paragraph (1) include—

“(A) a statement that the drug is not labeled for the protected pediatric use; and

“(B) any warnings against unsafe pediatric use that the Secretary considers necessary.

“(3) RULE OF CONSTRUCTION.—Paragraphs 1 and 2 of this subsection do not affect—

“(A) the availability or scope of exclusivity under this section;

“(B) the availability or scope of exclusivity under section 505 for pediatric formulations; or

“(C) except as expressly provided in paragraph (1) and (2), the operation of section 505.”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) take effect on the date of the enactment of this Act, including with respect to applications under section 505(j) of the Federal Food, Drug, and Cosmetic Act that are approved or pending on that date.

SEC. 12. ADVERSE-EVENT REPORTING.

(a) TOLL-FREE NUMBER IN LABELING.—Not later than one year after the date of the enact-

ment of this Act, the Secretary of Health and Human Services shall promulgate a final rule requiring that the labeling of each drug for which an application is approved under section 505 of the Federal Food, Drug, and Cosmetic Act (regardless of the date on which approved) include the toll-free number maintained by the Secretary for the purpose of receiving reports of adverse events regarding drugs. With respect to the final rule:

(1) The rule shall provide for the implementation of such labeling requirement in a manner that the Secretary considers to be most likely to reach the broadest consumer audience.

(2) In promulgating the rule, the Secretary shall seek to minimize the cost of the rule on the pharmacy profession.

(3) The rule shall take effect not later than 60 days after the date on which the rule is promulgated.

(b) DRUGS WITH PEDIATRIC MARKET EXCLUSIVITY.—

(1) IN GENERAL.—During the one-year beginning on the date on which a drug receives a period of market exclusivity under 505A of the Federal Food, Drug, and Cosmetic Act, any report of an adverse event regarding the drug that the Secretary of Health and Human Services receives shall be referred to the Office of Pediatric Therapeutics established under section 6 of this Act. In considering the report, the Director of such Office shall provide for the review of the report by the Pediatric Advisory Subcommittee of the Anti-Infective Drugs Advisory Committee, including obtaining any recommendations of such Subcommittee regarding whether the Secretary should take action under the Federal Food, Drug, and Cosmetic Act in response to the report.

(2) RULE OF CONSTRUCTION.—Paragraph (1) may not be construed as restricting the authority of the Secretary of Health and Human Services to continue carrying out the activities described in such paragraph regarding a drug after the one-year period described in such paragraph regarding the drug has expired.

SEC. 13. FOUNDATION FOR PEDIATRIC RESEARCH.

Title IV of the Public Health Service Act (42 U.S.C. 281 et seq.) is amended by adding at the end the following part:

“PART J—FOUNDATION FOR PEDIATRIC RESEARCH

“SEC. 499A. ESTABLISHMENT AND DUTIES OF FOUNDATION.

“(a) IN GENERAL.—The Secretary, acting through the Director of NIH and in consultation with the Commissioner of Food and Drugs, shall establish a nonprofit corporation to be known as the Foundation for Pediatric Research (hereafter in this section referred to as the ‘Foundation’). The Foundation shall not be an agency or instrumentality of the United States Government.

“(b) PURPOSE OF FOUNDATION.—The purpose of the Foundation shall be to collect funds and award grants for research on drugs listed by the Secretary pursuant to section 409I(a)(1)(A).

“(c) CERTAIN ACTIVITIES OF FOUNDATION.—

“(1) IN GENERAL.—In carrying out subsection (b), the Foundation may solicit and accept gifts, grants, and other donations, establish accounts, and invest and expend funds in support of a program to encourage donations for the conduct of studies of drugs referred to in subsection (b).

“(2) FEES.—The Foundation may assess fees for the provision of professional, administrative and management services by the Foundation in amounts determined reasonable and appropriate by the Executive Director.

“(3) AUTHORITY OF FOUNDATION.—The Foundation shall be the sole entity responsible for carrying out the activities described in this subsection.

“(d) BOARD OF DIRECTORS.—

“(1) COMPOSITION.—

“(A) The Foundation shall have a Board of Directors (hereafter referred to in this section as the ‘Board’), which shall be composed of ex officio and appointed members in accordance with this subsection. Appointed members of the Board shall be the voting members.

“(B) The ex officio members of the Board shall be—

“(i) the Chairman and ranking minority member of the Subcommittee on Health (Committee on Energy and Commerce) or their designees, in the case of the House of Representatives;

“(ii) the Chairman and ranking minority member of the Committee on Health, Education, Labor and Pensions or their designees, in the case of the Senate;

“(iii) the Director of NIH; and

“(iv) the Commissioner of Food and Drugs.

“(C) The ex officio members of the Board under subparagraph (B) shall appoint to the Board 11 individuals from among a list of candidates to be provided by the National Academy of Science. Of such appointed members—

“(i) 5 shall be representative of the experts in pediatric medicine and research field;

“(ii) 1 shall be a biomedical ethicist; and

“(iii) 5 shall be representatives of the general public, which may include representatives of affected industries.

“(D)(i) Not later than 30 days after the date of the enactment of the Best Pharmaceuticals for Children Act, the Director of NIH shall convene a meeting of the ex officio members of the Board to—

“(I) incorporate the Foundation and establish the general policies of the Foundation for carrying out the purposes of subsection (b), including the establishment of the bylaws of the Foundation; and

“(II) appoint the members of the Board in accordance with subparagraph (C).

“(ii) Upon the appointment of the members of the Board under clause (i)(II), the terms of service of the ex officio members of the Board as members of the Board shall terminate.

“(E) The agreement of not less than three-fifths of the members of the ex officio members of the Board shall be required for the appointment of each member to the initial Board.

“(F) No employee of the National Institutes of Health shall be appointed as a member of the Board.

“(2) CHAIR.—

“(A) The ex officio members of the Board under paragraph (1)(B) shall designate an individual to serve as the initial Chair of the Board.

“(B) Upon the termination of the term of service of the initial Chair of the Board, the appointed members of the Board shall elect a member of the Board to serve as the Chair of the Board.

“(3) TERMS AND VACANCIES.—

“(A) The term of office of each member of the Board appointed under paragraph (1)(C) shall be 5 years, except that the terms of offices for the initial appointed members of the Board shall expire as determined by the ex officio members and the Chair.

“(B) Any vacancy in the membership of the Board shall be filled in the manner in which the original position was made and shall not affect the power of the remaining members to execute the duties of the Board.

“(C) If a member of the Board does not serve the full term applicable under subparagraph (A), the individual appointed to fill the resulting vacancy shall be appointed for the remainder of the term of the predecessor of the individual.

“(D) A member of the Board may continue to serve after the expiration of the term of the member until a successor is appointed.

“(4) **COMPENSATION.**—Members of the Board may not receive compensation for service on the Board. Such members may be reimbursed for travel, subsistence, and other necessary expenses incurred in carrying out the duties of the Board, as set forth in the bylaws issued by the Board.

“(5) **MEETINGS AND QUORUM.**—A majority of the members of the Board shall constitute a quorum for purposes of conducting the business of the Board.

“(6) **CERTAIN BYLAWS.**—

“(A) In establishing bylaws under this subsection, the Board shall ensure that the following are provided for:

“(i) Policies for the selection of the officers, employees, and agents of the Foundation.

“(ii) Policies, including ethical standards, for the acceptance, solicitation, and disposition of donations and grants to the Foundation and for the disposition of the assets of the Foundation. Policies with respect to ethical standards shall ensure that officers, employees and agents of the Foundation (including members of the Board) avoid encumbrances that would result in a conflict of interest, including a financial conflict of interest or a divided allegiance. Such policies shall include requirements for the provision of information concerning any ownership or controlling interest in entities related to the activities of the Foundation by such officers, employees and agents and their spouses and relatives.

“(iii) Policies for the conduct of the general operations of the Foundation.

“(B) In establishing bylaws under this subsection, the Board shall ensure that such bylaws (and activities carried out under the bylaws) do not—

“(i) reflect unfavorably upon the ability of the Foundation to carry out its responsibilities or official duties in a fair and objective manner; or

“(ii) compromise, or appear to compromise, the integrity of any governmental agency or program, or any officer or employee involved in such program.

“(e) **INCORPORATION.**—The initial members of the Board shall serve as incorporators and shall take whatever actions necessary to incorporate the Foundation.

“(f) **NONPROFIT STATUS.**—The Foundation shall be considered to be a corporation under section 501(c) of the Internal Revenue Code of 1986, and shall be subject to the provisions of such section.

“(g) **EXECUTIVE DIRECTOR.**—

“(1) **IN GENERAL.**—The Foundation shall have an Executive Director who shall be appointed by the Board and shall serve at the pleasure of the Board. The Executive Director shall be responsible for the day-to-day operations of the Foundation and shall have such specific duties and responsibilities as the Board shall prescribe.

“(2) **COMPENSATION.**—The rate of compensation of the Executive Director shall be fixed by the Board.

“(h) **POWERS.**—In carrying out subsection (b), the Foundation shall operate under the direction of its Board, and may—

“(1) adopt, alter, and use a corporate seal, which shall be judicially noticed;

“(2) provide for 1 or more officers, employees, and agents, as may be necessary, define their duties, and require surety bonds or make other provisions against losses occasioned by acts of such persons;

“(3) hire, promote, compensate, and discharge officers and employees of the Foundation, and define the duties of the officers and employees;

“(4) with the consent of any executive department or independent agency, use the information, services, staff, and facilities of such in carrying out this section;

“(5) sue and be sued in its corporate name, and complain and defend in courts of competent jurisdiction;

“(6) modify or consent to the modification of any contract or agreement to which it is a party or in which it has an interest under this part;

“(7) establish a process for the selection of candidates for positions under subsection (c);

“(8) solicit, accept, hold, administer, invest, and spend any gift, devise, or bequest of real or personal property made to the Foundation;

“(9) enter into such other contracts, leases, cooperative agreements, and other transactions as the Executive Director considers appropriate to conduct the activities of the Foundation; and

“(10) exercise other powers as set forth in this section, and such other incidental powers as are necessary to carry out its powers, duties, and functions in accordance with this part.

“(i) **ADMINISTRATIVE CONTROL.**—No participant in the program established under this part shall exercise any administrative control over any Federal employee, nor shall the Foundation attempt to influence an executive branch agency or employee.

“(j) **GENERAL PROVISIONS.**—

“(1) **FOUNDATION INTEGRITY.**—The members of the Board shall be accountable for the integrity of the operations of the Foundation and shall ensure such integrity through the development and enforcement of criteria and procedures relating to standards of conduct (including those developed under subsection (d)(6)(A)(ii), financial disclosure statements, conflict of interest rules, recusal and waiver rules, audits and other matter determined appropriate by the Board.

“(2) **FINANCIAL CONFLICTS OF INTEREST.**—Any individual who is an officer, employee, or member of the Board of the Foundation may not (in accordance with policies and requirements developed under subsection (d)(6)(A)(ii) personally or substantially participate in the consideration or determination by the Foundation of any matter that would directly or predictably affect any financial interest of the individual or a relative (as such term is defined in section 109(16) of the Ethics in Government Act of 1978) of the individual, of any business organization or other entity, or of which the individual is an officer or employee, or is negotiating for employment, or in which the individual has any other financial interest.

“(3) **AUDITS; AVAILABILITY OF RECORDS.**—The Foundation shall—

“(A) provide for annual audits of the financial condition of the Foundation; and

“(B) make such audits, and all other records, documents, and other papers of the Foundation, available to the Secretary and the Comptroller General of the United States for examination or audit.

“(4) **REPORTS.**—

“(A) Not later than 5 months following the end of each fiscal year, the Foundation shall publish a report describing the activities of the Foundation during the preceding fiscal year. Each such report shall include for the fiscal year involved a comprehensive statement of the operations, activities, financial condition, and accomplishments of the Foundation.

“(B) With respect to the financial condition of the Foundation, each report under subparagraph (A) shall include the source, and a description of, all gifts or grants to the Foundation of real or personal property, and the source and amount of all gifts or grants to the Foundation of money. Each such report shall include a specification of any restrictions on the purposes for which gifts or grants to the Foundation may be used.

“(C) The Foundation shall make copies of each report submitted under subparagraph (A) available for public inspection, and shall upon request provide a copy of the report to any individual for a charge not exceeding the cost of providing the copy.

“(D) The Board shall annually hold a public meeting to summarize the activities of the Founda-

tion and distribute written reports concerning such activities and the scientific results derived from such activities.

“(5) **SERVICE OF FEDERAL EMPLOYEES.**—Federal employees may serve on committees advisory to the Foundation and otherwise cooperate with and assist the Foundation in carrying out its function, so long as the employees do not direct or control Foundation activities.

“(6) **RELATIONSHIP WITH EXISTING ENTITIES.**—The Foundation may, pursuant to appropriate agreements, acquire the resources of existing nonprofit private corporations with missions similar to the purposes of the Foundation.

“(7) **INTELLECTUAL PROPERTY RIGHTS.**—The Board may adopt written standards with respect to the ownership of any intellectual property rights derived from the collaborative efforts of the Foundation prior to the commencement of such efforts.

“(8) **NATIONAL INSTITUTES OF HEALTH AMENDMENTS OF 1990.**—The activities conducted in support of the National Institutes of Health Amendments of 1990 (Public Law 101-613), and the amendments made by such Act, shall not be nullified by the enactment of this section.

“(9) **LIMITATION OF ACTIVITIES.**—The Foundation shall exist solely as an entity to collect funds and award grants for research on drugs listed by the Secretary pursuant to section 409I(a)(1)(A).

“(10) **TRANSFER OF FUNDS.**—The Foundation may transfer funds to the National Institutes of Health. Any funds transferred under this paragraph shall be subject to all Federal limitations relating to federally-funded research.

“(k) **DUTIES OF THE DIRECTOR.**—

“(1) **APPLICABILITY OF CERTAIN STANDARDS TO NON-FEDERAL EMPLOYEES.**—In the case of any individual who is not an employee of the Federal Government and who serves in association with the National Institutes of Health, with respect to financial assistance received from the Foundation, the Foundation may not provide the assistance of, or otherwise permit the work at the National Institutes of Health to begin until a memorandum of understanding between the individual and the Director of NIH, or the designee of such Director, has been executed specifying that the individual shall be subject to such ethical and procedural standards of conduct relating to duties performed at the National Institutes of Health, as the Director of NIH determines is appropriate.

“(2) **SUPPORT SERVICES.**—The Director of NIH shall provide facilities, utilities and support services to the Foundation.

“(l) **REPORTS OF STUDIES; LABELING CHANGES.**—

“(1) **IN GENERAL.**—Upon completion of a pediatric study conducted pursuant to this section, a report concerning the study shall be submitted to the Director of National Institutes of Health and the Commissioner of Food and Drugs. The report shall include all data generated in connection with the study.

“(2) **AVAILABILITY OF REPORTS; ACTION BY FOOD AND DRUG ADMINISTRATION; LABELING CHANGES.**—With respect to a report submitted under paragraph (1), the provisions of paragraphs (3)(B) through (8) of section 409I(c) apply to such report to the same extent and in the same manner as such provision apply to a report submitted under section 409I(c)(3)(A).

“(m) **FUNDING.**—

“(1) **AUTHORIZATION OF APPROPRIATIONS.**—For the purpose of carrying out this part, there are authorized to be appropriated such sums as may be necessary for fiscal year 2002 and each subsequent fiscal year.

“(2) **LIMITATION REGARDING OTHER FUNDS.**—Amounts appropriated under any provision of law other than paragraph (1) may not be expended to establish or operate the Foundation.”

SEC. 14. STUDY CONCERNING RESEARCH INVOLVING CHILDREN.

(a) **CONTRACT WITH INSTITUTE OF MEDICINE.**—The Secretary of Health and Human Services shall enter into a contract with the Institute of Medicine for—

(1) the conduct, in accordance with subsection (b), of a review of—

(A) Federal regulations in effect on the date of the enactment of this Act relating to research involving children;

(B) federally-prepared or supported reports relating to research involving children; and

(C) federally-supported evidence-based research involving children; and

(2) the submission to the appropriate committees of Congress, by not later than 2 years after the date of enactment of this Act, of a report concerning the review conducted under paragraph (1) that includes recommendations on best practices relating to research involving children.

(b) **AREAS OF REVIEW.**—In conducting the review under subsection (a)(1), the Institute of Medicine shall consider the following:

(1) The written and oral process of obtaining and defining “assent”, “permission” and “informed consent” with respect to child clinical research participants and the parents, guardians, and the individuals who may serve as the legally authorized representatives of such children (as defined in subpart A of part 46 of title 45, Code of Federal Regulations).

(2) The expectations and comprehension of child research participants and the parents, guardians, or legally authorized representatives of such children, for the direct benefits and risks of the child's research involvement, particularly in terms of research versus therapeutic treatment.

(3) The definition of “minimal risk” with respect to a healthy child or a child with an illness.

(4) The appropriateness of the regulations applicable to children of differing ages and maturity levels, including regulations relating to legal status.

(5) Whether payment (financial or otherwise) may be provided to a child or his or her parent, guardian, or legally authorized representative for the participation of the child in research, and if so, the amount and type of payment that may be made.

(6) Compliance with the regulations referred to in subsection (a)(1)(A), the monitoring of such compliance (including the role of institutional review boards), and the enforcement actions taken for violations of such regulations.

(7) The unique roles and responsibilities of institutional review boards in reviewing research involving children, including composition of membership on institutional review boards.

(c) **REQUIREMENTS OF EXPERTISE.**—The Institute of Medicine shall conduct the review under subsection (a)(1) and make recommendations under subsection (a)(2) in conjunction with experts in pediatric medicine, pediatric research, and the ethical conduct of research involving children.

SEC. 15. STUDY ON EFFECTS OF THIS ACT.

Not later than October 1, 2006, the Comptroller General of the United States shall submit to the Congress and the Secretary of Health and Human Services a report that describes the following:

(1) The effectiveness of the amendments made by this Act in ensuring that all drugs used by children are tested and properly labeled, including—

(A) the number and importance for children of drugs that are being tested as a result of such amendments, and the importance for children, health care providers, parents, and others of labeling changes made as a result of such testing;

(B) the number and importance for children of drugs that are not being tested for their use not-

withstanding the amendments, and possible reason for this; and

(C) the number of drugs for which pediatric testing has been done, for which a period of market exclusivity has been granted, and for which labeling changes required the use of the dispute resolution process established pursuant to the amendments, together with a description of the outcomes of such process, including a description of the disputes and the recommendations of the advisory committee.

(2) The economic impact of the amendments made by this Act, including an estimate of—

(A) costs to taxpayers in the form of higher expenditures by Medicaid and other government programs;

(B) costs to consumers as a result of any delay in the availability of lower cost generic equivalents of drugs tested and granted exclusivity pursuant to such amendments, and loss of revenue by the generic drug industry and any other affected industry as a result of any such delay; and

(C) benefits to the government, to private insurers, and to consumers resulting from decreased health care costs, including—

(i) decreased hospitalizations, due to more appropriate and more effective use of medications in children as a result of testing and re-labeling because of such amendments;

(ii) direct and indirect benefits associated with fewer physician visits not related to hospitalization;

(iii) benefits to children from missing less time at school and being less affected by chronic illnesses, thereby allowing a better quality of life;

(iv) benefits to consumers from lower health insurance premiums due to lower treatment costs and hospitalization rates; and

(v) benefits to employers from reduced need for employees to care for family members.

(3) The nature and types of studies in children of drugs granted a period of market exclusivity pursuant to the amendments made by this Act, including a description of the complexity of such studies, the number of study sites necessary to obtain appropriate data, and the numbers of children involved in any clinical studies, and the cost of such studies for each type of study identified.

(4) The increased pediatric research capability, both private and government-funded, associated with the amendments made by this Act.

SEC. 16. MINORITY CHILDREN AND PEDIATRIC-EXCLUSIVITY PROGRAM.

(a) **PROTOCOLS FOR PEDIATRIC STUDIES.**—Section 505A of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a) is amended in subsection (c)(2) (as redesignated by section 2(a)(2) of this Act) by inserting after the first sentence the following: “In reaching an agreement regarding written protocols, the Secretary shall take into account adequate representation of children of ethnic and racial minorities.”

(b) **STUDY BY GENERAL ACCOUNTING OFFICE.**—

(1) **IN GENERAL.**—The Comptroller General of the United States shall conduct a study for the purpose of determining the following:

(A) The extent to which children of ethnic and racial minorities are adequately represented in studies under section 505A of the Federal Food, Drug, and Cosmetic Act; and to the extent ethnic and racial minorities are not adequately represented, the reasons for such under representation and recommendations to increase such representation.

(B) Whether the Food and Drug Administration has appropriate management systems to monitor the representation of the children of ethnic and racial minorities in such studies.

(C) Whether drugs used to address diseases that disproportionately affect racial and ethnic minorities are being studied for their safety and effectiveness under section 505A of the Federal Food, Drug, and Cosmetic Act.

(2) **DATE CERTAIN FOR COMPLETING STUDY.**—Not later than January 10, 2003, the Comptroller General shall complete the study required in paragraph (1) and submit to the Congress a report describing the findings of the study.

SEC. 17. TECHNICAL AND CONFORMING AMENDMENTS.

Section 505A of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a) is amended—

(1)(A) by striking “(j)(4)(D)(ii)” each place such term appears and inserting “(j)(5)(D)(ii)”;

and

(B) by striking “(j)(4)(D)” each place such term appears and inserting “(j)(5)(D)”;

(2)(A) in subsection (c) (as redesignated by section 2(a)(2) of this Act), in each of paragraphs (1) through (3), by striking “subsection (a) or (c)” and inserting “subsection (a) or (b)”;

and

(B) in subsection (d) (as so redesignated), in the last sentence, by striking “subsection (a) or (c)” and inserting “subsection (a) or (b)”.

The SPEAKER pro tempore (Mr. OTTER). Pursuant to the rule, the gentleman from Louisiana (Mr. TAUZIN) and the gentleman from Ohio (Mr. BROWN) each will control 20 minutes.

The Chair recognizes the gentleman from Louisiana (Mr. TAUZIN).

GENERAL LEAVE

Mr. TAUZIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and insert extraneous material on H.R. 2887, the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. TAUZIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of the Greenwood-Eshoo Best Pharmaceuticals for Children Act, and I urge swift passage of this bipartisan bill.

For years, drugs used in children were not tested for children. To address this situation, the gentleman from Pennsylvania (Mr. GREENWOOD) and the gentleman from California (Mr. WAXMAN) worked together in 1997 to provide manufacturers with an incentive to test these drugs in children. The incentive adopted then was an additional 6 months of exclusivity to be added to existing exclusivity or patent protection for testing drugs at the request of the FDA.

No one denies that this incentive has worked. According to the FDA, the pediatric exclusivity provision has done more to generate clinical studies and useful prescribing information for the pediatric population of our country than any regulatory or legislative process to date. Put another way, this bill, this act, has done more to test drugs for children in America than any other legislative initiative in the history of this Congress.

According to the American Academy of Pediatrics, the incentive has advanced therapeutics for infants, children, and adolescents in ways that

were not possible in the several decades prior to the passage of the law.

Every children's group in America supports this reauthorization. Without this reauthorization, the law expires. Every children's group is urging us to adopt this bill and to reauthorize this good law. That is why the Committee on Energy and Commerce reported the bill by a strong 41 to six bipartisan vote.

In fact, at the Committee on Energy and Commerce we have the support of Members, such as the gentleman from Michigan (Mr. STUPAK), the gentleman from Texas (Mr. GREEN), the gentleman from Colorado (Ms. DEGETTE), the gentleman from Maryland (Mr. WYNN), the gentleman from New York (Mr. ENGEL), the gentleman from Illinois (Mr. RUSH); and the list goes on.

While some may object to this bill today, this is a matter that was so bipartisan that it has already passed the Senate with unanimous consent.

A handful of Members oppose this reauthorization by saying that pediatric exclusivity has provided a windfall to the industry that has increased costs to consumers. Here are the facts: while some companies have benefited financially for testing their drugs in children, the GAO notes that while there has been some concern that exclusivity may be sought and granted primarily for drugs that generate substantial revenue, most of the drugs studied are not the top sellers.

In fact, 20 of the 37 drugs which have been granted exclusivity for performing these tests in children, at the request of the FDA, 20 of the 37 drugs fall outside the top 200 in terms of drug sale revenue. Further, the FDA estimates that the cost of this provision adds about one-half of one percent to the Nation's pharmaceutical bill; but according to Tufts University, it saves us \$7 billion in medical costs because we now know what levels to prescribe drugs for children and what children can take what drugs and which children cannot, depending on the weight and age and many other factors.

Another argument against the bill is that it costs too much. Frankly, I, too, was surprised by the CBO score on this bill. While the CBO estimates that the bill will result in direct savings and revenue increases over the next 5 years, they also estimate that it will result in increased discretionary spending over this period.

The flaw in the CBO score is that they assume that the new public fund for the study of generic drugs will study 165 drugs over the next 5 years. That is simply unrealistic. The American Academy of Pediatrics has told our committee that only 30 to 50 generic drugs will need to be studied under this program, not the 165 that was identified by the CBO; and assuming that the experts in pediatric medicine are correct, rather than CBO, this

reduces the score by more than \$400 million.

The American Academy of Pediatrics, the Coalition for Children's Health, the National Association of Children's Hospitals, and the Elizabeth Glaser Pediatric AIDS Foundation are all telling us to please pass the Greenwood-Eshoo legislation now. If the program is not reauthorized this year, it expires. So I urge my colleagues, please pass this legislation.

I commend the gentlewoman from California (Ms. ESHOO) for her diligent work on this and the gentleman from Pennsylvania (Mr. GREENWOOD) for their leadership in getting this legislation to the floor.

Mr. Speaker, I reserve the balance of my time.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I know of no Member of Congress who opposes testing drugs for use in children. I know of no Member of Congress who believes it is okay that drug safety and efficacy and dosage information is available for adults but not for children.

The question is, how much must Americans pay the drug industry to secure this kind of testing? By keeping lower-priced generics off the market, the 6-month exclusivity provisions cost the Federal Government, employer-sponsored health plans, seniors, all of us, literally billions, billions of dollars in inflated drug prices.

The Federal Government instead could pay the companies two, three, four, even five times the cost of doing these tests. It would still cost less than 6 months of exclusivity, but that would be direct government spending and we cannot have that.

The drug industry and my friends in the majority have made it very clear, if the Nation wants prescription drugs to be tested for use in children, we have to help the drug industry choke off its competition. The most profitable industry in the world has convinced us it deserves another multi-billion dollar windfall for conducting \$4 million tests.

I thought committee deliberations on this legislation might produce some legitimate argument, but no such luck. The line of reasoning behind this bill goes something like this: 6-month exclusivity works, they tell us. So would handing the drug industry a blank check and asking them to rob us blind. Does that make it a good idea?

Typically policy-makers weigh both the benefits and the costs when formulating public policy. Why are we only weighing the benefits here?

They tell us pediatric exclusivity is the most successful program in our history when it comes to increasing the number of pediatric tests. It is also the only program attempted that offers any economic incentive for pediatric

testing. Attempts in the past relied on subtle persuasion, not any kind of economic incentives.

Third, they tell us the carrot works better than the stick. Yes, but how big does the carrot need to be? Do drug companies need to earn a 600 percent to 1,500 percent return on their investment or they will refuse to make sure that their drugs are safe for kids?

They assert that pediatric exclusivity uses marketplace incentives, it is a free market solution. Pediatric exclusivity is not a free market solution. It does not use marketplace incentives. In free markets, competition and demand drive behavior. Monopolies, as this extends, are anathema to free markets.

They tell us that FDA says pediatric exclusivity represents about only a half of 1 percent of the Nation's pharmaceutical bill. If the added costs of pediatric exclusivity were spread evenly over all drug purchases, then the impact would be minimal.

The lost savings, however, are not spread over every purchase. They are imposed only on the consumers who use Prilosec or Vasotec or one of the drugs eligible for exclusivity.

So a constituent calls one of us and says the price of a prescription suddenly doubled, I would make her feel better by saying that increase represents only one half of 1 percent of all prescription drug prices? I do not think so.

They tell us when we factor in lower children's health care costs, pediatric exclusivity actually saves money. I wonder if the authors of this research actually factored in the higher health care costs that accrue when seniors, who cannot afford the inflated drug prices associated with 6-month exclusivity, when they remain ill, or when children who may remain ill, whose parents cannot afford inflated drug prices.

Why do I oppose this legislation? It is costing my constituents too much. It is costing employer-sponsored health care plans too much. It costs the State and Federal Government too much.

Generic competition, remember, typically cuts a drug's price in half initially; and over time, the price difference grows so that consumers are paying 80 percent, even 90 percent, less for a generic drug than this bill wants to keep off the market. For drugs like Prilosec, Prozac, and Zocor, exclusivity adds \$70 to each prescription, and the manufacturer of these drugs will take home an additional, as committee testimony proved, an additional \$500 million to \$1.6 billion for drug tests that cost about \$4 million each. That is why many of us on this side are opposed to this legislation.

I am opposed to considering this bill as a suspension, not only because this Congress should have the opportunity to consider alternatives, but because

the gentleman from Michigan (Mr. STUPAK) should have the opportunity to amend the labeling provisions in this bill. Drug companies are rewarded with more market exclusivity before the labels on the drugs are changed to reflect the pediatric information.

Consumers are paying a huge bill, for which they receive a vague promise that labels will change eventually to reflect new information. That makes no sense.

For the sake of children, for seniors, for every consumer, the gentleman from Michigan (Mr. STUPAK) wants to improve this bill. We should revisit this bill.

I urge a "no" vote with the best interests of children, their families, consumers, taxpayers, all of us. That means voting no.

Mr. Speaker, I reserve the balance of my time.

Mr. TAUZIN. Mr. Speaker, I am pleased to yield 4 minutes to the gentlewoman from California (Ms. ESHOO), the co-sponsor of this important legislation.

Ms. ESHOO. Mr. Speaker, I thank the distinguished chairman of our committee for his leadership on this, and I am proud to be the Democratic sponsor with the gentleman from Pennsylvania (Mr. GREENWOOD) of the Best Pharmaceuticals for Children Act.

This legislation extends the pediatric exclusivity provision, which is one of the most successful programs created by Congress to inspire medical therapeutic advances for children. Prior to its enactment, 80 percent of all medications had never been tested for use by children, even though most were widely used by pediatricians to treat them. Many of these drugs carry disclaimers stating that they were not approved for children, and pediatricians were literally cutting pills in half and thirds and in quarters, guessing, and essentially experimenting on children as they used anecdotal information or guesswork to use the medications for them. Obviously, this was not acceptable for our Nation's children.

In 1997, the Congress passed a pediatric exclusivity provision as part of the FDA Modernization Act, which I sponsored with the gentleman from Texas (Mr. BARTON) at the time. This provision has made a dramatic change in the way pediatricians are practicing and administering medicine to children.

Now they have the necessary dosage guidance on drug labels to administer drugs safely to children, but there are many more drugs that can and should be used in the pediatric population. This bill ensures that those drugs will also be studied and that information on safe use will be provided to pediatricians.

Because previous attempts for drug studies for children had actually failed, this provision was given a 4-year life

span. It expires in January of 2002. That is why we are here today.

The incentive that was granted to drug companies to study drugs for children was to give them 6 months of additional market exclusivity. Some of my colleagues on my side of the aisle do not think that that is right. Actually, the proof is in the pudding because it has worked.

Since the law has been in place, the FDA has received close to 250 proposed pediatric study requests from pharmaceutical companies and has issued nearly 200 requests to conduct over 400 pediatric studies. If this were a business, we would have to say it was good because this never happened before. Yes, there is a carrot that has been taken a bite out of. I think that some of my colleagues do not think that this is good enough.

By comparison, in the 7 years prior to enactment of this provision, only 11 studies were completed. The FDA has granted market exclusivity extensions for 33 products; 20 of them include new labeling information for pediatricians and parents. So I think that better informed decisions are being made and children are being taken better care of.

During our committee deliberations, a number of proposals by my colleagues, the gentleman from New Jersey (Mr. PALLONE), who is here, and the gentlewoman from Colorado (Ms. DEGETTE) were adopted and are part of the underlying bill.

The bill before us also makes some significant improvements, improvements that we thought needed to be made over what we have learned over the last 4 years by creating an off-patient drug fund within NIH and setting up a public-private foundation to support the research necessary for these important drugs.

The bill also addresses some concerns that were raised by both the FDA and the GAO with regard to labeling. The bill enhances the labeling process and provides the FDA commissioner the authority to misbrand a drug if drug companies actually drag their heels and do not do what we are looking for.

Twenty-eight national children's health advocacy groups support this bill's passage. Among them are the American Academy of Pediatrics, the March of Dimes, and the National Association of Children's Hospitals.

This bill deserves to be passed overwhelmingly by the House of Representatives. We should follow in the other body's footsteps, which passed this, by the way, on a unanimous consent.

So I thank the gentleman from Louisiana (Mr. TAUZIN) and the gentleman from Pennsylvania (Mr. GREENWOOD) for their leadership. It has been a pleasure working with my colleagues.

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Mr. BROWN of Ohio. Mr. Speaker, I yield 4½ minutes to the gentleman

from Michigan (Mr. STUPAK) who has worked hard on making this bill fairer for consumers and fairer for children and fairer for consumers of prescription drugs.

Mr. STUPAK. Mr. Speaker, I rise tonight to urge Members to vote against H.R. 2887, the Pediatric Exclusivity Act, as it is on the suspension calendar with controversial provisions.

First approved in 1997, pediatric exclusivity granted the drug companies an extra 6 months extension on their patents if they would provide a study to determine if the drug was beneficial to young people. Upon completion of that study, the FDA grants a pediatric exclusivity to the drug which the drug companies then used as a marketing tool to promote and increase drug sales.

The grant of pediatric exclusivity only takes place upon completion of a study without anyone knowing what the study says about the safety, the effectiveness and dosage requirements for young people. There is no requirement to change the labeling on the drug to reflect the changes needed. There is no label to tell the doctors what is the proper dosage, how to dispense and use the drug safely. Before we grant pediatric exclusivity to a drug and it is then marketed as being FDA approved for pediatric use, we should at least know what is the effect of the drug on young people.

Under the current bill, after the study is completed, exclusivity is granted, but whether the drug helps or hurts young people remains a secret and is not disclosed to doctors, patients, or their families. Physicians, patients, and their families should have a right to know about the drug before they ingest it.

If Members take a look at this chart, Lodine was approved on December 6, 1999; it was 9 months later before we had a label change. What did the label tell the doctors, an approximately two times lower dose than has been recommended for adults. For 9 months they did not know to lower the dosage.

Buspar is another drug that got pediatric exclusivity just for doing a study. Safety and effectiveness were not established in patients. The drug did not even work on young people.

Fluvoxamine, approved on January 3, 2000. On September 28, 2000, they make a label change. What does it say? Girls 8 to 11 years of age may require lower dosage. Why does it take 8 months for a doctor and a family to know?

How about Propofol, granted August 11, 1999? Label change February 23, 2001, 18 months later. Serious bradycardia can result from it. It is not indicated for pediatric ICU sedation, as safety has not been established. Incidence of mortality, twice as great.

Mr. Speaker, we need to know that before this drug is put out on the market and it is marketed by the drug

companies as being FDA approved for pediatric use. Why should it take 2 to 18 months, and an average of 9 months? Under the current bill, it can go as much as 11 months.

Pediatric exclusivity, the only time labeling is not required is when we are dealing with pediatric exclusivity. Why should we endanger our children?

I cannot offer an amendment, the amendment I offered in committee, I cannot offer it because we are under the suspension calendar. I am asking Members to reject this bill on the suspension calendar. Let us make it better.

Even the FDA says the goal of pediatric exclusivity is labeling. We need to put the label on so we have the information before the doctor prescribes and before the consumer takes this drug. I cannot understand why the majority would not want doctors, patients, and families to know the effect a drug may have on their children.

What is the proper dosage? What is the effectiveness of the drug? And is the drug safe for our children? Why do we have to wait an average of 9 months to find out after this drug is dispensed to our children whether a drug is safe and did the child receive the proper dosage? We need to know that before children take the drug, not 9 or 11 months after.

Mr. Speaker, defeat this legislation on the suspension calendar so we can offer an amendment to tell the drug companies no pediatric exclusivity until a drug is properly labeled, before our children take that drug. Defeat this bill on suspension. Bring it back to the floor with the Stupak amendment to tie pediatric exclusivity to proper labeling.

Mr. TAUZIN. Mr. Speaker, I yield myself 1 minute to respond to the gentleman from Michigan.

First of all, the gentleman knows that he offered three amendments to the committee, two of which were accepted; and the gentleman voted for the bill in committee.

On the last part, I want to make it clear to the House that current law section 502(n) and 301(z) in the regulations that interpret that law prohibit the marketing of exclusivity until the pediatric indication is on the label. That is the law today. What we do in this bill is go further. We make it a priority review on the pediatric indication, and we put a time certain after which it is misbranding if the pediatric indication is not on the label.

The point I am making is that the problem the gentleman is concerned about is already covered in the law as a violation. A pharmaceutical company is prohibited under the law today to market a drug's exclusivity without the pediatric indication being on the label. That is, under current law, prohibited.

Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. BILIRAKIS).

Mr. BILIRAKIS. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. STUPAK. Mr. Speaker, will the gentleman yield?

Mr. BILIRAKIS. I yield to the gentleman from Michigan.

Mr. STUPAK. Mr. Speaker, it has been good working with the majority. We cannot agree on this amendment. Even the FDA has asked for this amendment. When they testified before our committee in January, they said the weakness is labeling. "The goal of pediatric exclusivity should be labeling," that is a quote from the FDA.

Section 552 does not work in the real world; that is why we need this amendment.

Mr. BILIRAKIS. Mr. Speaker, I rise in support of the bill. If it is not broken, do not fix it. According to the FDA, "The pediatric exclusivity provision has been highly effective in generating pediatric studies on many drugs and in providing useful new information and product labeling"; that is a quote from them.

The American Academy of Pediatrics states that they "cannot overstate how important this legislation has been in advancing children's therapeutics." The Greenwood-Eshoo legislation reauthorizes this important program, which has worked, for an additional 6 years. It keeps the present incentive in place and makes important improvements. The legislation ensures that off-patent generic drugs are studied, and tightens the time line for making labeling changes.

We heard from the gentleman from Michigan (Mr. STUPAK) before. He believes that this program does not do enough to ensure that pediatricians get access to labeling information. We have worked diligently to address these concerns. The gentleman from Michigan (Mr. STUPAK) I think would be the first one to agree. For 5 hours today, staff has worked together on the bill. Agreement was reached. The gentleman from Michigan (Mr. STUPAK) was concerned, as we all are, that in fact the providers are made aware of any problems that result or any potential problems that result as a result of the testing.

We agreed that there would be language in the legislation that would require the manufacturer to share a summary of the tests and whatnot with all providers. That was agreed to by the gentleman from Michigan (Mr. STUPAK), or at least by his staff. I will put it that way. As I understand it, there is a change of mind in that regard.

We agree that the providers should know. We have worked very diligently to address that. Our bill does make pediatric, what we call "priority supplements," which will speed up the process for getting new labels. Second, by giving the Secretary authority to deem drugs misbranded, we guarantee label

changes will be made. We believe, and children's groups agree, that the changes we make are the right compromises to maintain the incentives and get labels changed.

Mr. Speaker, I would like to acknowledge the hard work of the gentleman from Pennsylvania (Mr. GREENWOOD) and the gentlewoman from California (Ms. ESHOO). Their bill enjoys strong bipartisan support. The companion bill passed the Senate without opposition. This bill favorably passed the Committee on Energy and Commerce by a 41-to-6 vote.

I thank the staff that worked so very long and hard on this legislation, including John Ford and David Nelson with the minority; Eric Olson with the office of the gentlewoman from California (Ms. ESHOO); Brent Del Monte with the majority staff; Alan Eisenberg from the office of the gentleman from Pennsylvania (Mr. GREENWOOD); and finally, Mr. Steve Tilton, of my staff. I ask all Members to support this legislation.

Mr. BROWN of Ohio. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. WAXMAN) the original author of the Waxman-Hatch Act, who understands the importance of generic drugs and generic competition.

Mr. WAXMAN. Mr. Speaker, before the Greenwood-Eshoo bill which is now under consideration, there was a law called the Greenwood-Waxman bill. It was passed in 1997. It was an attempt to get the pharmaceutical companies to do studies on the dosage and the reactions of drugs for children.

I supported that bill, as the original cosponsor, but I think it was a mistake because we are overpaying for the work of the pharmaceutical companies to test for children. The cost of exclusivity, which was the price we said we would pay for them to do these tests, has exploded beyond any relation to the cost of a drug company doing the pediatric studies.

In the case of one heartburn drug, exclusivity provided between a 30,000 and a 60,000 percent return on the company's investment. The trial was estimated to have cost between \$2 and \$4 million. The exclusivity is estimated to be worth more than \$1.2 billion. In turn, this windfall contributes to skyrocketing insurance premiums, rapid growth in Medicaid budgets and the soaring out-of-pocket costs for seniors on Medicare.

As with each of the delays the drug companies use to postpone generic competition, each time we extend patents or exclusivity, it costs patients money. If we look at just 25 more drugs that are coming up for exclusivity soon, this law will add at least \$11 to \$12 billion to the Nation's health care bill. The entire budget of the National Institute of Child Health is less than one-tenth of these windfalls, in fact, less than gained for the heartburn drug

alone. This is irresponsible public policy. It is bad for the budget, bad for helping us secure a Medicare drug benefit, and bad for the American public that pays for these drugs.

But the supporters of the drug say, if we do not pay this highway robbery to the drug companies, the companies will stop doing research on children. That is not true. We do not have to pay that much. In subcommittee and in committee, I offered an amendment to provide generous, but not excessive payments to the drug companies to do pediatric trials. We would have paid them twice the cost of doing the trial, 100 percent return on their investment should be enough for anyone.

Although I offered to accept a friendly amendment that would have made it 200 percent, 300, 400, or 500 percent profit, but not even that was good enough for the pharmaceutical manufacturers.

This debate is about how seriously distorted the pharmaceutical marketplace has become, and no wonder senior citizens and people with disabilities and insurers are screaming about drug costs. I am particularly concerned that this legislation results in a windfall for drug makers without even getting the public health and pediatric benefits that were promised.

If we are getting anything back from drug companies, it is supposed to be new information for parents and pediatricians. But as the gentleman from Michigan (Mr. STUPAK) has pointed out, even drugs that are given exclusivity have not been getting their labels changed. He has an amendment that would link the exclusivity to the actual label change. The label change is important. That is what we are paying for. It is the information about the pediatric trials; and the drug companies are getting their side of the bargain, an extended patent period. But the consumers, especially the pediatricians, are not getting what we are bargaining for, which is the information for them to make the best judgment for children.

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I would have hoped that the House would have given a chance to debate and support the Stupak amendment and not put this bill on the suspension calendar. I think on the substance of it, it is a bill that is poorly thought out in light of the experience we have had, and I will oppose the bill. But I would also oppose it because the suspension calendar is not the appropriate place for this legislation where an important amendment like the Stupak amendment should be given a chance to be debated.

Mr. TAUZIN. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from New York (Mr. TOWNS) for whom all of us share great sympathy

and concern tonight as New York again experiences another tragedy.

Mr. TOWNS. Mr. Speaker, how soon we forget.

I would like to remind my colleagues of the practice of pediatric medicine before 1997. We need to remember just how difficult it was for physicians to know the proper dosages of certain medicines for their small patients. Is half of an adult dose enough, too much or too little? Before 1997, many children were denied access to medicines because drugs were not produced in dosable forms that could be used by pediatric patients. It was not very encouraging to be a pediatrician prescribing medicine to children, breaking pills in half, breaking pills into quarters; and it was mostly guesswork.

Let me remind my colleagues of what happened in 1997 that changed the practice of pediatric medicine. Let me remind my colleagues, because it happened right here on this floor. We passed the Better Pharmaceuticals for Children Act, which was enacted into law as part of the Food and Drug Administration Modernization Act. You remember this, I hope. Our colleagues saw the importance of enacting this legislation and providing an incentive for research-based pharmaceutical companies to conduct research on pediatric indications for medicines. The Better Pharmaceuticals for Children Act provided additional market exclusivity as an incentive for pediatric studies on new and existing pharmaceuticals. This act will expire on January 1, 2002, unless we pass this legislation before us today to reauthorize it.

Let us pass it so we can protect our little ones, because the health of our children has been greatly improved as a result of this act. Let us not go away saying that we should continue to do guesswork.

Mr. BROWN of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. DEUTSCH), who believes that Astrazeneca's \$4 million investment in Prilosec and \$1.4 billion in higher prices to consumers is wrong.

Mr. DEUTSCH. Mr. Speaker, there really is no such thing as a free lunch, and what this legislation does is it gives 6 months of additional exclusivity for these companies.

Again, I think it is interesting, first of all these companies develop these drugs without knowing that they would get the additional 6-month exclusivity, so this was not a factor in any of the research to develop the drugs. None of these drugs are being developed because of it. It really is a gift of this additional 6 months of exclusivity.

When we are talking about these billions of dollars, the \$1.4 billion for Prilosec or for Prozac about \$900 million or for Pepcid \$200 million or for

Zestril \$300 million or for Claritin \$580 million, what are we talking about? We are talking about additional profit for these companies. That is not make-believe profit. That profit, that monopoly profit, is coming from our constituents, from us, out of our society, for monopoly reasons, for no good reasons, because the reality is that these drugs would be developed for an incredibly, it seems almost unreal the numbers, the magnitude of what we are talking about.

The gentleman from California (Mr. WAXMAN) mentioned in the committee that he offered a 100 percent return, 200 percent return, 300 percent return, 400 percent return. It is almost like the Biblical tale when they are saying how many righteous people does it need to save the city. And the reality is it did not matter. It did not matter how many righteous people were needed. It does not matter how much profit could be made, because that is what the majority and the supporters of this bill want to see happen. The drugs would be developed, anyway.

As the ranking Democrat on the subcommittee in the introduction to this debate said, we are all for increasing the availability of prescription drugs for children. In fact, there is nothing about the proposals that we offered in the committee, the substantive proposals, that would make less. In fact, they probably would make more because of the availability of not just doing it for drugs that are blockbusters but for other drugs. But those amendments were rejected in the committee.

I urge my colleagues to defeat this bill on suspension. We have the opportunity on a regular order basis to offer amendments. And also to educate our colleagues as much as we possibly can about this. I think this is one of these issues that the light of day shines very brightly; and as it shines very brightly, I believe that in fact it would lead to a program such as some of the proposals in the committee that would not have the \$10 billion of these drugs, the 24 drugs that we are talking about, \$10 billion that literally is taken out of the pockets of our constituents and given as additional monopoly profits, total monopoly profits to the drug companies. That is the cost of this bill. For my colleagues or anyone who votes for it, I think that should be your standard. You are paying \$10 billion for what the reality is you can pay maybe \$40 million for. The scale is that dramatic. There is no reason for us to be doing that.

Defeat the bill. I urge my colleagues to vote "no."

ESTIMATED COST TO CONSUMERS OF A SIX-MONTH PEDIATRIC EXCLUSIVITY EXTENSION FOR 24 POPULAR DRUGS

Drug	Manufacture	Status of Exclusivity	2000 Sales	Cost to Consumers	Benefit to Brand-Name Drug Manufacturers
Prilosec	ASTRAZENECA	Received	\$4,102,195,000	\$676,862,175	\$1,435,768,250
Prozac	ELI LILLY	Received	2,567,107,000	423,572,655	898,487,450
Pepcid	MERCK	Received	568,684,000	93,832,860	199,039,400
Daypro	SEARLE	Received	163,783,000	27,024,195	57,324,050
Plendil	ASTRAZENECA	Likely to Receive	169,716,000	28,003,140	59,400,600
Zestril	ASTRAZENECA	Likely to Receive	833,359,000	137,504,235	291,675,650
Claritin	SHERING	Received	1,667,347,000	275,112,255	583,571,450
Mevacor	MERCK	Likely to Receive	216,661,000	35,749,065	75,831,350
Monopril	BRISTOL MYERS SQUIBB	Likely to Receive	233,969,000	38,604,885	81,989,150
Paxil	SMITHLINE BEECHAM	Likely to Receive	1,807,955,000	298,312,575	632,784,250
Viracept	AGOURON	Likely to Receive	315,510,000	52,059,150	110,428,500
Zocor	MERCK	Likely to Receive	2,207,042,000	364,161,930	772,464,700
Zolof	PFIZER	Likely to Receive	1,890,416,000	311,918,640	661,545,600
Ultram	JOHNSON RW	Received	601,465,000	99,241,725	210,512,750
Celebrex	SEARLE	Likely to Receive	2,015,508,000	332,558,820	705,427,800
Cipro	BAYER	Likely to Receive	1,023,657,000	168,903,405	358,279,950
Flovent	GLAXO WELLCOME	Likely to Receive	647,980,000	106,916,700	226,793,000
Serevent	GLAXO WELLCOME	Likely to Receive	448,923,000	74,072,295	157,123,050
Glucophage	BRISTOL MYERS SQUIBB	Received	1,629,157,000	268,810,905	570,204,950
Avandia	SMITHLINE BEECHAM	Likely to Receive	617,629,000	101,908,785	216,170,150
Duragesic	ALZA	Likely to Receive	352,934,000	58,234,110	123,526,900
Prevacid	TAP PHARM	Likely to Receive	2,832,602,000	467,379,330	991,410,700
Imitrex	GLAXO WELLCOME	Likely to Receive	747,631,000	123,359,115	261,670,850
Norvasc	PFIZER	Likely to Receive	1,597,091,000	263,520,015	558,981,850
Total-24 Drugs			29,258,321,000	4,827,622,965	10,240,412,350

Mr. TAUZIN. Mr. Speaker, we have heard from the laymen. It is time now to hear from the distinguished gentleman from Georgia (Mr. NORWOOD), to whom I yield 2 minutes.

Mr. NORWOOD. Mr. Speaker, I think that it is perfectly clear to me and perhaps to other Members that there really are people in our body that just do not like the pharmaceutical industry. It is a little baffling to me. I do not impugn their motives, I do not question their motives, I just do not understand it because this is a bill not about profits; but this is a bill about making sure that medications that are produced for adults are then further studied for children. I do not understand exactly why a system that has worked so well and has produced what we wanted it to do should be attacked so tonight.

I have time only to make just one point, but the pharmaceutical industry does not choose which drug is to be studied. Therefore, it does not choose which drug can have 6 months' extension on its patent. Not every drug is eligible for pediatric exclusivity. The decision about whether to issue a written request, that rests with the FDA. That is not based on dollars and cents. It is based on which medication needs to be studied. If there is no written request, there is no opportunity for pediatric exclusivity which means the 6 months' extension on their patent. Hence, and for sure, blockbuster drugs like Rogaine and Viagra will never gain the ability to have pediatric exclusivity.

Lastly, I think just on labeling, I want to point out to you that when you go to the drug store and you get your little plastic vial and it has a label on it, the label on the medication is the doctor's orders. The pediatrician has written to the pharmacist what we want on the label. And to imply that pediatricians in this country simply do not have enough sense to understand that a drug produced for an adult has to be changed for a child is wrong. I give them credit to know that they worry about what they write and what

kind of prescription they write, and they carefully put the label through the pharmacies on the drug.

I encourage my colleagues to vote for this and let us go forward and study these drugs for the children of this country that has proven to be reliable, the system that we have been under lately.

Mr. BROWN of Ohio. Mr. Speaker, how much time does each side have?

THE SPEAKER pro tempore (Mr. OTTER). Each side has 3 minutes remaining.

Mr. BROWN of Ohio. Mr. Speaker, I yield the balance of my time to the gentleman from New Jersey (Mr. PALLONE), who knows that Eli Lilly's \$4 million investment in Prozac and \$900 million increase in profits robs consumers.

Mr. PALLONE. Mr. Speaker, I listened to what the gentleman from Georgia (Mr. NORWOOD) said about perhaps some of us who are opposed to this bill not liking the pharmaceutical industry. Let me say that is not true. The pharmaceutical industry is a major industry in my State and particularly in my district. But the point that I think those of us opposed to this bill are trying to make is that there is no reason to continue a Federal program that can provide the same service for much less cost to the consumer at a time when we know that the high cost of prescription drugs is making it difficult for consumers to have access to them.

We all agree in this debate, Mr. Speaker, that we have an enormous responsibility to our children. I have three children, 4, 6, and 8 years old. Above all else, we must ensure that the prescription medications our children may have to take are in fact tested appropriately and deemed safe for children. But the intent of this law was to create an incentive for companies to discover new pediatric uses for their products in exchange for 6 months of exclusivity for the work done.

There are several drawbacks. When the other side says that this program

works, I would maintain that it does not work. It certainly does not work as well as it should. According to the HHS report on the pediatric exclusivity provision, the FDA's interpretation of the law has in essence been granting companies patent extensions without receiving the pediatric benefits it was intended to generate. The report states that the incentive has naturally tended to produce pediatric studies on those products where the exclusivity has the greatest value to the product's sponsor. This has left some drugs of importance to children, but for which the incentive has little or no value, unstudied.

Additionally, I am concerned that granting 6 months of exclusivity has a very dramatic financial impact on consumers. This type of a patent extension serves as yet another obstacle that blocks access to generic drugs for consumers, forcing seniors and others to pay higher prices because lower-cost alternatives are needlessly kept off the market. The HHS report states again that the Secretary finds that the impact of the lack of lower-cost generic drugs on some patients, especially those without health insurance and the elderly, may be significant.

Mr. Speaker, I cannot emphasize enough that testing of drugs for pediatric use is essential. Again, I have small children so I understand that. However, I feel that reauthorizing the pediatric exclusivity provision would simply provide tightly budgeted dollars to an industry that can afford to protect children's health with less of an incentive. I said in committee and I will say again on the floor, I do not think the pharmaceutical industry needs an incentive to conduct studies to ensure safety for children. Frankly, I think they should do it as a public service. But as the gentleman from California (Mr. WAXMAN) said, we are not asking them to do it for free. We have stated many times that we would provide twice the cost for profit or 200 percent or 300 percent, whatever. We

offered all these amendments in committee. But the bottom line is that they are getting a windfall, and it is too much of a windfall. This was something we tried, but it does not have to be repeated again because it is not helpful to the consumer.

Mr. TAUZIN. Mr. Speaker, I am pleased to yield the balance of my time to close on this important bill, which is supported by every children's health group in America, to the gentleman from Pennsylvania (Mr. GREENWOOD), the author of the legislation and the chairman of the Subcommittee on Oversight and Investigations.

Mr. GREENWOOD. Mr. Speaker, I thank the gentleman for yielding time, and I thank him for his great support in moving this legislation to the floor tonight. It has been a good debate; but I think at the end of the debate it is time to get our focus back on what this bill is about. It is about children. That is why it is called the Best Pharmaceuticals for Children Act.

In the history of medicine in America, we could never figure out a way to get the drug companies to do studies on children, delicate children, children who get sick from taking drugs. We could never find a way to get these studies done so we could bring the benefits of modern medicine that the elderly enjoy, that the middle-aged enjoy, fully to the children of America.

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It could not be done. In 1997, my Democratic proponent of this bill, the gentleman from California (Mr. WAXMAN) and I, wrote legislation that did that. We broke the impasse after all of those years, and we have just begun to reap the benefits from it. The children of America have just begun to reap the benefits from it.

The Federal Food and Drug Administration said, "The pediatric exclusivity provision has done more to generate clinical studies and useful prescribing information for the pediatric population than any other regulatory or legislative process to date," period. That practically says it all.

But there are two arguments that have been raised. The gentleman from Michigan (Mr. STUPAK) raises a relatively arcane argument about labeling. This bill is all about labeling. This bill is about making sure that when a doctor sees a sick child and a doctor thinks medicine is good for that child, the doctor can open the box, pull out the pills, read the label and find what is the best dosage for children.

How do we do that? We do that by creating an incentive for these studies to be done. And when the pediatric exclusivity is determined has nothing to do with how the product is marketed. The fact of the matter is, we give them 6 months exclusivity, and in return, we get decades and decades and decades of good knowledge about how to make sick children well.

You can take my word for that, or you can take the word of the gentleman from Michigan (Mr. STUPAK) on that, or you can take the words of the General Accounting Office, which said "The pediatric exclusivity provision has been successful in encouraging drug sponsors to generate needed information about how drugs worked in children. The infrastructure for conducting pediatric trials has been greatly strengthened."

Now, there is a second argument. The second argument is this question about are we paying the drug companies too much to do these tests?

The basic premise of the bill is this: If the FDA asks you to study your drug on children and you do the study, you add 6 months to your patent before it expires. It is the same for everyone.

Now, the tortured logic of the opposition is, here is what we should do: If your drug is so successful in reducing suffering in America, so successful in curing the disease, you get penalized; now, if you have a drug that is not so successful, not a lot of people take it, it does not seem to be all that popular with the medical community, well, we will let you make more.

We want to penalize success, and to penalize these companies for easing the pain and the suffering of Americans through the products they make is ridiculous. We ought to all get behind this bill, like every children's health group in America has, and support it overwhelmingly because it deserves that kind of support.

Today, Mr. Speaker, I am happy that the House is considering H.R. 2887, the Best Pharmaceuticals for Children Act.

This bill is the essence of bipartisan policy. It was reported out of the Energy and Commerce Committee by a vote of 41–6, and the Health Subcommittee by a vote of 24–5. Chairman TAUZIN and Chairman BILIRAKIS thank you for your leadership in moving this bill from committee to the floor.

Mr. Speaker, I am also pleased to have worked with Ms. ESHOO and the 16 other members of the minority who have cosponsored this legislation.

H.R. 2887 represents public policy at its best. There are now 197 drugs being studied that are undergoing 400 studies with respect to how these drugs affect kids. Contrast this with the change from the prior 6 years, when only 11 studies had been done.

As the Food and Drug Administration itself said in its report to Congress, the Better Pharmaceuticals for Children Act has had "unprecedented success," and "the pediatric exclusivity provision had done more to generate clinical studies and useful prescribing information than any other regulatory or legislative process to date."

This act has helped get drugs to kids who need them, let us better understand how drugs work in kids, and also know when we should and should not be giving kids certain drugs. Or as Linda Suydam, the FDA representative who testified before the Health Subcommittee earlier this year pointed out, "The results speak for themselves."

Let me give an example of how this has worked:

Take LODINE, which is prescribed for juvenile rheumatoid arthritis. This drug did not have safety and effectiveness in children established prior to this program. With the studies, we have determined a new indication for children 6–16 years in age and recommended a higher dosage in younger children.

Contrast this with the traditional mindset of just "taking the pill and breaking it in half" to determine the dosage for children.

This has been an incredibly effective law. But we can do even better.

Six of the 10 most used drugs by children have not been studied because they are off-patient. This bill will provide the funds for the studies to be completed on those off-patient drugs that are used so often to treat our children. Furthermore, we have developed a foundation to provide resources for the completion of these studies that will have so much value.

Some will argue that this is a Republican bill, helping drug companies. Nothing could be further from the truth. This bill, which I am proud to work on with Ms. ESHOO, is the very essence of bipartisanship. It passed out of the subcommittee by a vote of 24–5. And today, we have more Democrat cosponsors than Republican, including several members of the committee.

Some of my colleagues on the opposite side of the aisle will try to suggest that this bill is both costly and helps blockbuster drugs stay-off competition. This provision is not about blockbuster drugs. Over half of the 38 drugs that have been granted exclusivity do not even make the list of top 200 selling drugs.

Simply put, this bill is good policy. It is sound. It is tested. It is tried. It works.

We need to reauthorize pediatric exclusivity. Vote yes on H.R. 2887.

Mr. DINGELL. Mr. Speaker, I rise to oppose passage of H.R. 2887, a bill that would continue a program that grants drug companies an additional six month period of market exclusivity, if they conduct tests on the use of their drugs for children. Make no mistake; there is complete agreement on the part of all Members that improved testing and labeling of prescription drugs for use in children is a good thing. The only question for debate is how to accomplish that important public health objective.

In 1997, when this law was enacted, the economy was healthier and drugs were cheaper. Even then, I expressed concern about the detrimental impact this provision could have the availability of generic drugs. It is now my view that we made a mistake in enacting the pediatric exclusivity law. First, it establishes a voluntary "incentive" for activity that should instead simply be required. Second, assuming that we choose to provide an incentive, the exclusivity program is more expensive, less equitable, and less efficient than any number of alternatives.

Let there be no doubt. The central feature of this bill, exclusivity, is about further increasing the profits of an already bloated industry—an industry that does not seem to be able to moderate its pricing practices even as it increasingly burdens its customers, American consumers, and taxpayers. For example, one

drug, Prilosec, earned an additional \$1.4 billion during the six months of additional monopoly pricing that AstraZeneca enjoyed. Another drug, Prozac, earned Eli Lilly an additional \$900 million.

Indeed, of the 38 drugs that have been granted pediatric exclusivity, less than 20 of them now have pediatric labeling. The companies are not even required to make public the results of the studies they agreed to perform. The Committee rejected, unwisely in my view, an amendment by Representative Stupak that would have closed this dangerous loophole in the law by conditioning the grant of exclusivity to actual pediatric labeling. Don't just take my word for it. The American Academy of Pediatrics, the Food and Drug Administration (FDA), and many supporters of this legislation have declared that the absence of pediatric labeling of drugs used by children presents serious health risks to them.

How much did these studies cost the manufacturers? An average of less than \$4 million each. How much did this cost American consumers? For only 24 drugs that either have received or will likely receive pediatric exclusivity under this bill, their sponsors will net \$11.5 billion and cost consumers \$5.4 billion over the five fiscal years of the program. Depending on future price increases, the total windfall to the brand name pharmaceutical industry could easily exceed \$20 billion. The Prilosec windfall alone is worth more to AstraZeneca than the Administration's entire 2002 budget request for the FDA.

The impact of pediatric exclusivity falls directly on those who consume the drugs that get the exclusivity. Who are these people? They include seniors, many that cannot afford the prescription drugs they need. And, ironically, pediatric exclusivity can hurt the very people it is intended to help because many unemployed, uninsured, and working poor cannot afford the expensive drugs needed by their children.

During the Subcommittee and Full Committee mark-ups, Democratic colleagues offered amendments that were collectively aimed at enhancing the protection afforded to children when they take prescription drugs and designing programs that minimize and equitably allocate the financial burden. Unfortunately, we will not be allowed to offer those amendments today. Any of them would have saved consumers billions and offered the same or better benefits in the accurate labeling of these medicines for children. But the Republican Leadership has chosen to hide behind process and avoid votes on these ideas. I urge my colleagues to vote no so we can have the opportunity to craft a more efficient and equitable way to accomplish this important public health objective.

Several potential, and very serious, abuses of the Hatch-Waxman procedures have been uncovered during the course of the discussions with the FDA regarding the technical provisions of this bill. We learned that one company, Bristol Meyers Squibb, had apparently succeeded in convincing FDA that it was entitled to all additional 3½ years of exclusivity for the same pediatric study of its drug, Glucophage, that Bristol Meyers Squibb they had submitted to acquire the initial six months of monopoly marketing. Three of those years

of alleged exclusivity were based on the company's claim that a study of some 68 pediatric patients was sufficient to merit a new indication of use claim under Section 505(j) of the Act. Normally, such claims only result in differential labeling between a product that was the subject of a new trial and other therapeutically equivalent products on the market. However, Bristol has apparently succeeded in convincing at least some of the decisionmakers in FDA that the differential labeling regarding pediatric use may constitute a safety risk if not found on equivalent generic products. Because FDA has granted three-year exclusivity to the pediatric label of Glucophage, Bristol has argued that no generic may be marketed during the pendency of its labeling exclusivity.

Most Members recognize this argument as a fundamental abuse of the system and were the FDA and the Bush Administration to accept the claim, consumers would be harmed. I am happy to note that H.R. 2887 closes this potential loophole by instructing the FDA to approve generic drugs without proprietary pediatric labeling awarded to product sponsors under the Hatch-Waxman Act.

However, this is merely a partial fix of the abuses that can arise from decisions of the FDA that performing 505(j) studies for "new indications" allows the grant of exclusivity for studies that merely segment the population for which there is an already approved treatment. While differential pediatric labeling may not prevent the development of a competitive market for a drug product, generic labeling or labeling based on race, gender or a host of other distinctions within a population could "evergreen" the monopoly enjoyed by a drug manufacturer and the inflated prices charged all consumers.

Not surprisingly, attempts to close this potential three-year loophole were opposed by the brand name industry. We can now expect a rush of petitions to the FDA to approve special labeling for sub-populations that, in many cases, will cost consumers billions of dollars for each drug. Even worse, such studies would divert research dollars into preserving existing monopolies instead of developing new products, the purpose of government protection. This would be quite a legacy for the FDA, for the Bush Administration, and for the House Republican Leadership.

Ms. DEGETTE. Mr. Speaker, I rise today in support of H.R. 2887, the "Best Pharmaceuticals Act for Children." Passage of this bill will continue to enhance our understanding of which medications are safe and efficacious for children by reauthorizing the pediatric exclusivity program.

I thank Chairman TAUZIN and Mr. GREENWOOD for including two of my provisions in this bill. Their inclusion will help to ensure that the program works for all children. These provisions will aid in increasing the representation of ethnic and racial minority children in clinical trials covered under the Act. It certainly has the potential of impacting the families of half my constituents—49.5 percent of who are ethnic or racial minorities.

My provisions require General Accounting Office to conduct a study to examine the extent to which minority children are adequately represented in studies covered by Act. The study will also explore whether drugs used to

treat diseases that disproportionately affect ethnic and racial minorities are being studied for their safety and efficacy. This line of inquiry is key as myriad diseases including diabetes, heart disease, sickle cell anemia, and others disproportionately affect ethnic and racial minorities, we must ensure that medications used to treat these ailments are studied.

Additionally, the bill permits the Secretary of Health and Human Services to take into account the presence of adequate representation of ethnic and racial minority children when negotiating written protocols with clinical sponsors. This additional language highlights the need to include this population among study participants.

Mr. Speaker, both additions to the bill help to ensure that all children, white, black, and brown receive the best health care possible. The demographic changes that are anticipated over the next decade magnify the importance of this issue.

While I am in support of this measure, I am concerned that its placement on the suspension calendar precludes Members who have concerns about the bill from bringing their issues and proposed solutions to the House floor for consideration by all Members. I hope their issues are addressed as we work out the differences between the Senate and House passed versions.

Ms. HARMAN. Mr. Speaker, I would like to thank my colleague from California for the opportunity to speak in support of this important legislation.

The Best Pharmaceuticals for Children Act is about harnessing the promise of the most advanced pharmaceuticals for the most vulnerable members of our society. Dr. Jay Lieberman, a pediatric disease specialist from my district, has told me that literally every day he sees children with serious, sometimes life-threatening infections, on whom he must use antibiotics and other drugs that have not been tested to determine how safe they are for children.

"Are we using too much drug?" he asks. "Not enough? Will there be adverse effects in children that have not been seen in adults? We can only hope that our sickest infants and children don't die because of our ignorance."

We must do all we can to end this ignorance, and thanks to the extension of patent exclusivity for companies that test their pharmaceuticals for children, we have already accomplished much. Over the past four years, pharmaceutical companies have dramatically increased the number of pediatric trials for new prescription drugs. More products are being labeled with the proper dosage for children and potentially harmful interactions, and more companies are conducting research into special drug formulations for children.

Today we have the opportunity to act to renew and strengthen the legislation that has made this possible. I urge all my colleagues to vote for the Best Pharmaceuticals for Children Act.

Mr. UPTON. Mr. Speaker, as an original cosponsor of H.R. 2887, The Best Pharmaceuticals for Children Act, I am very pleased that we are taking it up tonight under the Suspension Calendar. As the FDA's report to Congress earlier this year indicated, "the pediatric exclusivity provision has been highly effective in generating pediatric studies and in

providing useful new information on product labels." It is important that we reauthorize this very effective program to protect and improve children's health.

The bill before us today makes some important improvements in current law. Under current law, there is little incentive to perform the studies necessary to label off-patent drugs for pediatric use. This bill establishes a federally funded program operated through the NIH and the FDA to contract for studies of off-label drugs. It also establishes a nongovernmental foundation to fund these studies as well as other pediatric research. I have confidence that this foundation's work will be generously supported by the pharmaceutical industry, which indicated in a recent letter to Chairman Tauzin that "such a charitable foundation is an excellent idea."

Third, the bill provides the user fees that the FDA has requested to speed up the consideration of applications for labeling changes to reflect pediatric use and gives priority status to the review of these applications.

Fourth, the bill establishes an Office of Pediatric Therapeutics at the FDA to coordinate and oversee pediatric activities across the agency.

Mr. Speaker, I urge all of my colleagues to join me in supporting the Best Pharmaceuticals for Children Act. In the interest of children's health, we cannot allow the pediatric exclusivity provisions to expire at the end of this year.

Ms. JACKSON-LEE of Texas. Mr. Speaker, on October 11, 2001, the Committee on Energy and Commerce favorably reported H.R. 2887, the "Best Pharmaceuticals for Children Act." I commend the Committee for its great work to reauthorize legislation to promote labeling of prescription drugs for use in children. As the Chairwoman of the Congressional Children's Caucus, I am concerned that a section of this legislation may violate the Takings Clause of the United States Constitution. As a member of the Committee on the Judiciary, I have vigorously sought to protect private property rights and to pursue just compensation for those whose property rights are violated. My analysis of section 11 of H.R. 2887, brings me to the conclusion that it would violate current exclusive rights of manufacturers and in turn expose the U.S. government to substantial claims for just compensation. Attached are legal memoranda prepared by the law firm of Wilmer, Cutler & Pickering that validate my concerns:

MEMORANDUM TO THE HOUSE ENERGY AND COMMERCE COMMITTEE

Subject: Legal Analysis of the Proposed Amendment to the Hatch-Waxman Act Concerning Approval of Generic Versions of Drugs Without Pediatric Labeling

Congress and the FDA have long sought to encourage pharmaceutical manufacturers to continue researching and refining their products once they are on the market. They have been particularly concerned with developing much-needed clinical research into the efficacy and safety of existing adult drugs for children. To give manufacturers an incentive to engage in research and develop new uses for their products, current law gives manufacturers a three-year exclusive right to market their products with any FDA-approved labeling changes that are based on new clinical research. (Since drugs cannot

now be marketed without FDA-approved labeling, this restriction is the equivalent of a three-year exclusive right to market the products themselves.) To provide an extra incentive to conduct clinical research regarding children's health, current law grants manufacturers an additional six-month extension of market exclusivity for any FDA-approved label change based on pediatric clinical trials.

In exchange for this promise of exclusive marketing rights, manufacturers have spent tens of millions of dollars to conduct research into whether their adult products are safe and effective for children and to develop appropriate dosage, indication, and other labeling information for pediatric use. Bristol-Myers Squibb ("BMS"), for example, has spent significant resources on pediatric trials for Glucophage, its type 2 diabetes medicine, and has developed guidelines for the product's safe and effective use for children. BMS did this work at the express request of the FDA, which was concerned that none of the oral type 2 diabetes treatments on the market were approved for pediatric use.

On October 11, however, the House Commerce Committee adopted a proposed amendment to these provisions that would strip away these exclusive marketing rights for existing products like Glucophage. The proposed legislation would likely be found to take pharmaceutical manufacturers' intellectual property within the meaning of the Fifth Amendment, thereby exposing the Treasury to massive claims for just compensation. The proposed legislation also renege on the express quid pro quo the government has promised manufacturers like BMS, exposing the United States to breach of contract litigation similar to that following the savings and loan crisis. In sum, the proposed legislation presents a certain risk of litigation and a substantial risk of large judgments against the Treasury.

I. THE PROPOSED LEGISLATION WOULD EFFECT A "TAKING" OF PRIVATE PROPERTY FOR WHICH "JUST COMPENSATION" WOULD LIKELY BE REQUIRED

The Takings Clause of the Fifth Amendment to the United States Constitution provides that the federal government may not take "private property . . . for public use, without just compensation." U.S. Const. amend V. The Supreme Court has concluded that intellectual property—including exclusive rights to use such property—is protected by this Clause, and that when such property is taken for a "public use," compensation to the owner of the property must be made. See *Ruckelshaus v. Monsanto Co.*, 467 U.S. 986, 1001–1004 (1984).

Pharmaceutical manufacturers' current exclusive rights to market their products are no different from patents or other intellectual property and would be protected by the Takings Clause. The proposed legislation may interfere with BMS's (and other manufacturers' rights) in at least two distinct ways. First, under current law, including the pertinent FDA regulations governing the "misbranding" of prescription drugs, BMS has the exclusive right to distribute Glucophage for both adult as well as pediatric use. Two separate provisions of the Federal Food Drug and Cosmetic Act ("FDCA") provide BMS with the exclusive right to label Glucophage for pediatric use. As a result of this statutory exclusivity, another manufacturer may not distribute Glucophage bearing labeling for pediatric use until June 15, 2004.

But the legal effect of the statutory exclusivity is broader than mere pediatric use.

Under the FDA's "misbranding" regulations, manufacturers of prescription drugs must provide labeling information related to pediatric as well as adult use. See 21 C.F.R. §201.57(f)(9). A drug that is "misbranded" may not be marketed or distributed, see, e.g., 21 U.S.C. §352(a), and as a result, generic manufacturers are prevented by current law from distributing Glucophage at all. In short, when BMS obtained the exclusive right to pediatric labeling, the legal effect of that exclusive right was to obtain the exclusive right to market Glucophage for adult as well as pediatric use. According to the proposed legislation, however, BMS would lose this exclusive right, because a generic manufacturer of Glucophage would be deemed to be in compliance with the FDA's labeling laws without including the required pediatric use by including on their labels "a statement that the drug is not labeled for the protected pediatric use" and "any warnings against unsafe pediatric use that the Secretary considers necessary."

Second, the proposed legislation would, as a practical matter, eviscerate the exclusive right to pediatric labeling that BMS obtained under federal law. Once the generic versions are introduced into the market, even though they are not specifically labeled for pediatric use, doctors may nonetheless prescribe those same drugs to children for off-label use. This fairly common practice would eliminate the value of the market exclusivity for pediatric labeling to which BMS is entitled under federal law.

These two incursions onto BMS's rights maybe deemed to constitute a compensable taking of its intellectual property. Courts typically consider several factors when determining whether a governmental action constitutes a taking, including "the character of the governmental action," "its economic impact," and "its interference with reasonable investment-backed expectations." *Ruckelshaus*, 467 U.S. at 1005. Similar to *Ruckelshaus*, "force of [the third factor]"—interference with reasonable, investment-backed expectations—"is so overwhelming . . . that it disposes of the taking question." *Id.* at 1005. BMS obtained the statutory exclusivity only after making substantial investments in clinical studies, doing so in the reasonable expectation that its exclusivity to market Glucophage would be extended for an additional three and one-half years. Even assuming that the BMS did not receive a de jure exclusive right to market Glucophage for all uses, it certainly had the reasonable expectation that its right to exclusive pediatric use would not be later eviscerated by a new labeling regime.

But the other factors also play a key role. The new legislation would have a distinct "economic impact" on BMS, by preventing it from enjoying the valuable intellectual property rights that the FDCA and the pertinent FDA regulations conferred. And unlike traditional forms of economic regulation, "the character of the governmental action" would suggest that a taking occurred, because the proposed statute would effectively divest BMS of the intellectual property described above.

Accordingly, the proposed legislation presents a substantial risk that the federal government will be forced to compensate BMS for the loss of its valuable intellectual property. Given the large expected sales of Glucophage, the amount of compensation required could likewise be large.

II. THE PROPOSED LEGISLATION WOULD BREACH THE GOVERNMENT'S IMPLIED CONTRACT WITH MANUFACTURERS SUCH AS BMS.

As the FDA recognized when it authorized BMS to begin clinical trials on Glucophage

in children, the absence of information on the use of oral drugs to treat type 2 diabetes in children is a significant public health issue. Type 2 diabetes has become, in recent years, increasingly prevalent in children, recent epidemiological studies indicate that up to forty percent of newly diagnosed diabetic children have type 2 disease. Until last year, however, none of the fourteen oral medications approved for treatment of type 2 diabetes had been approved by the FDA for use in children.

Based on this treatment gap, in 1998 the FDA issued a written request to BMS seeking initiation of clinical studies regarding the safety and effectiveness of Glucophage in children; pursuant to this request, BMS agreed to conduct such studies. By responding favorably to the FDA's request for clinical trials, BMS stood to reap several significant advantages with respect to its exclusivity over Glucophage. Under the exclusivity provisions of the FFDCA, 21 U.S.C. §355a, completion of a pediatric clinical trial in accordance with the FDA's specifications entitles the patent holder to six months' additional exclusivity over the drug. Moreover, under provisions of the Hatch-Waxman Act, 21 U.S.C. §355(j)(5)(D)(iv), and the regulations promulgated thereunder, 21 CFR §314.108(b)(5)(ii), the FDA may grant three years' further exclusivity for labeling changes made possible by clinical investigations. In December 2000, the FDA granted BMS that three-year extension with respect to pediatric indications for Glucophage. In devoting time and resources to its pediatric clinical trials on Glucophage, BMS therefore reasonably relied on its statutory right to six months' exclusivity for following the FDA's pediatric clinical study guidelines, and it right to additional exclusivity under Hatch-Waxman if its research culminated in FDA-approved labeling changes.

By undoing the benefits promised to BMS for completing clinical trials on Glucophage, the proposed legislation would be a breach of contract. As the Supreme Court recently held with respect to Congress's abortive bailout of the savings and loan industry, "[w]hen the United States enters into contract relations, its rights and duties therein are governed generally by the law applicable to contracts between private individuals." *United States v. Winstar Corp.*, 518 U.S. 839, 895 (1996) (plurality opinion). The Court affirmed the core principle of *Winstar* last year in *Mobil Oil Exploration & Producing S.E., Inc., v. United States*, 530 U.S. 604 (2000). In that case, the Court was asked to analyze the validity of the Outer Continental Shelf Lands Act ("OCSLA"), which barred offshore drilling for which oil companies had previously paid the United States \$158 million to receive permits. The court found that the passage of OCSLA violated the oil companies' rights under the contract, and that the government was required to return the \$158 million. *Id.* at 624. This was the case, according to the Court, despite the fact that the permits the oil companies received only entitled them to pursue drilling if they subsequently fulfilled certain regulatory requirements. *Id.* at 621. As the Court found, "[t]he oil companies gave the United States [a benefit] in return for a contractual promise to follow the terms of pre-existing statute and regulations. The new statute prevented the Government from keeping that promise. The breach substantially impaired the value of the contracts. And therefore the Government must give the companies their money back." *Id.* at 624 (internal citations and quotation marks omitted).

Just as was the case in the S & L and oil drilling situations, the proposed legislation here would deprive the party contracting with the government—in this case, BMS—the right to the benefit of the bargain it had struck with the United States. This breach by the government would entitle BMS to bring suit in the Court of Federal Claims under several theories of contract law, and would expose the United States to expensive and protracted litigation.

The SPEAKER pro tempore (Mr. FORBES). All time has expired.

The question is on the motion offered by the gentleman from Louisiana (Mr. TAUZIN) that the House suspend the rules and pass the bill, H.R. 2887, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. BROWN of Ohio. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

AMERICAN SPIRIT FRAUD PREVENTION ACT

Mr. TAUZIN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2985) to amend the Federal Trade Commission Act to increase civil penalties for violations involving certain proscribed acts or practices that exploit popular reaction to an emergency or major disaster declared by the President, and to authorize the Federal Trade Commission to seek civil penalties for such violations in actions brought under section 13 of that Act.

The Clerk read as follows:

H.R. 2985

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "American Spirit Fraud Prevention Act".

SEC. 2. INCREASE IN PENALTIES FOR UNFAIR OR DECEPTIVE ACTS OR PRACTICES EXPLOITING REACTION TO CERTAIN EMERGENCIES AND MAJOR DISASTERS.

(a) VIOLATIONS OF PROHIBITION AGAINST UNFAIR OR DECEPTIVE ACTS OR PRACTICES.—Section 5(m)(1) of the Federal Trade Commission Act (15 U.S.C. 45(m)(1)) is amended by adding at the end the following:

"(D) In the case of a violation involving an unfair or deceptive act or practice in an emergency period or disaster period, the amount of the civil penalty under this paragraph shall be double the amount otherwise provided in this paragraph, if the act or practice exploits popular reaction to the national emergency, major disaster, or emergency that is the basis for such period.

"(E) In this paragraph—

"(i) the term 'emergency period' means the period that—

"(I) begins on the date the President declares a national emergency under the Na-

tional Emergencies Act (50 U.S.C. 1601 et seq.); and

"(II) ends on the expiration of the 1-year period beginning on the date of the termination of the national emergency; and

"(ii) the term 'disaster period' means the 1-year period beginning on the date the President declares an emergency or major disaster under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.)."

(b) VIOLATIONS OF OTHER LAWS ENFORCED BY THE FEDERAL TRADE COMMISSION.—Section 13 of the Federal Trade Commission Act (15 U.S.C. 53) is amended by adding at the end the following:

"(e)(1) If a person, partnership, or corporation is found, in an action under subsection (b), to have committed a violation involving an unfair or deceptive act or practice in an emergency period or a disaster period, and if the act or practice exploits popular reaction to the national emergency, major disaster, or emergency that is the basis for such period, the court, after awarding equitable relief (if any) under any other authority of the court, shall hold the person, partnership, or corporation liable for a civil penalty of not more than \$22,000 for each such violation.

"(2) In this subsection—

"(A) the term 'emergency period' means the period that—

"(i) begins on the date the President declares a national emergency under the National Emergencies Act (50 U.S.C. 1601 et seq.); and

"(ii) ends on the expiration of the 1-year period beginning on the date of the termination of the national emergency; and

"(B) the term 'disaster period' means the 1-year period beginning on the date the President declares an emergency or major disaster under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.)."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Louisiana (Mr. TAUZIN) and the gentleman from New York (Mr. TOWNS) each will control 20 minutes.

The Chair recognizes the gentleman from Louisiana (Mr. TAUZIN).

GENERAL LEAVE

Mr. TAUZIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2985.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. TAUZIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, September 11 brought this country face-to-face with what was once thought to be an unimaginable series of events. However, these cowardly acts of terrorism sparked in this country an unprecedented level of generosity, an outpouring of spirit, of patriotism, but also of dollars.

Immediately, from every corner of this country, charities were inundated with money, with food, with clothing. Hospitals saw long lines of people offering to donate blood. Here in this Capitol complex Members and wives and husbands and staff lined up to donate

blood. Shelters for the injured and homeless sprang up out of office buildings, restaurants and small businesses. Financial donations alone exceeded \$1 billion.

If there is ever any silver lining in this national tragedy that this awful atrocity created upon the people of this land, it is this: We saw the incarnation of the American spirit again, the true strength of our country, the true, indeed, the blessed meaning of the United States of America.

But as with this and any disaster, there are unscrupulous people who will take advantage of that generosity. Unfortunately, this national emergency was no different. On the heels of the September 11 atrocities, we heard stories of scam telemarketers and scam charities trying to collect for "disaster relief" and crooks appearing to be affiliated with fire department fund-raising groups going door-to-door asking for funds. H.R. 2985 is aimed directly at these scam artists.

The American Spirit Fraud Prevention Act declares frauds during these times to be different. H.R. 2985 allows the Federal Trade Commission to increase civil penalties for unfair and deceptive acts or practices that exploit this Nation's reaction to a national emergency or a national disaster. With this bill, the FTC can collect up to \$22,000 in civil penalties for each and every violation. This will send a strong and unequivocal message to criminals hoping to prey on the kindness of strangers, "You will pay."

I want to thank the gentleman from Georgia (Mr. DEAL) and the gentleman from New Hampshire (Mr. BASS), the original sponsors of the American Spirit Fraud Prevention Act. This is an excellent bill. I strongly urge its passage. I hope those who would scam the generosity of Americans in this tragic time will pay attention tonight, because, if they do not, the FTC will see you in court.

Mr. Speaker, I reserve the balance of my time.

Mr. TOWNS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as ranking member on this Subcommittee on Commerce, Trade and Consumer Protection, I am pleased to join the gentleman from Florida (Chairman STEARNS), the chairman of the subcommittee, in cosponsoring H.R. 2985, the American Spirit Fraud Prevention Act. The Committee on Energy and Commerce has reported the bill to the House by voice vote and without any amendments.

Mr. Speaker, this legislation says to any con artist, do not even think about it, trying to capitalize on national emergencies or disasters. It will not be worth it.

For con artists that exploit popular reaction to a presidentially declared emergency or major disaster, this bill requires the Federal Trade Commission

to double the maximum civil penalties from \$11,000 to \$22,000 per violation. The courts have said that each day the fraud occurs constitutes a separate violation subject to the full civil penalties. In other words, it says crime does not pay. At \$22,000 a day, it will be very costly for any scam artist to perpetrate frauds that exploit the tragedy of September 11 in New York City.

Fortunately, we have not seen a lot of fraud involving the horrific events of September 11. The FTC reports that it is investigating each and every complaint that is made. So far, no frauds have been identified by the FTC investigation, but let me tell you, those investigations are continuing.

Although there is no evidence yet of collections for phony charities or sales of gas masks or other products that do not perform as advertised, the best way to prevent fraud is to make sure it is well known that fraud simply will not be tolerated. Experience has shown that, given the opportunity, fraud will occur. This legislation makes clear that the price has just gone way up for taking advantage of people in a time of crisis.

Mr. Speaker, I urge my colleagues to vote for H.R. 2985, the American Spirit Fraud Prevention Act.

Mr. Speaker, I reserve the balance of my time.

Mr. TAUZIN. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from New Hampshire (Mr. BASS), one of the two authors of the legislation.

Mr. BASS. Mr. Speaker, I thank the distinguished chairman of the committee for yielding me time.

Mr. Speaker, a little more than 2 months ago, America was visited by an unspeakable horror. For the first time in more than a century and a half, this Nation was attacked viciously on its own home territory.

In the weeks since September 11, the Nation has mourned, has expressed anger, has been anxious, concerned, but also very generous. The American spirit it has reached levels that now stands as a symbol of this Nation's greatness and ability to support a just cause, the relief of the victims of these tragedies and their families.

But we have also seen the darker side of humanity. Reports of people using this tragedy and the generous American spirit for their own gain have appeared. The Department of Justice, the Federal Trade Commission and the States attorneys general have some powers to prosecute those engaged in fraud and deceptive practices, but we must make it clear that we will severely punish those who aim to take advantage of America's charity or an organization's good name during an emergency.

Congress must also make sure that consumers are not inundated with false and deceptive claims about goods and

services that would exploit the circumstances of an emergency or disaster. Whether it is selling Cipro or other drugs under false information or offering fraudulent terrorist insurance, these practices must carry a penalty commensurate with their nature. We cannot let the detestable actions of so few mar the pride and patriotism we all share over the phenomenal generosity and outpouring of support from across America and the world. We cannot let the fear and anxiety of our citizens be preyed upon by scam artists peddling their cheats and swindles.

I have no doubt that the victims, their families and friends and all Americans are as humbled as I am with the response of this country. Now we need to ensure that those who would abuse this determined American spirit are equally staggered at our response.

The American Spirit Fraud Prevention Act would double the penalties the FTC could levy during times of presidentially declared emergencies and disasters if the offending action aimed to exploit the crisis. These times, sadly, occur more often than one might think, and the attempts to profit from them follow just as regularly. All hope of profit and gain must be removed from the equation of these people.

I just want to say that this effort would not have been possible without the support of the bill's coauthor, my friend, the gentleman from Georgia (Mr. DEAL); the gentleman from Louisiana (Chairman TAUZIN); the gentleman from Florida (Chairman STEARNS); the ranking member, the gentleman from New York (Mr. TOWNS); and the entire Committee on Energy and Commerce. I thank you all for your help with this, and I urge its prompt passage.

Mr. TOWNS. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, this legislation gives the FTC the power to protect the consumers. Quite often, when people are grieving, they become extremely vulnerable, and people will go in and take advantage of them. But this legislation says that the teeth are there now, and that the FTC can protect people that have these kinds of problems.

It is my understanding that we have not had a lot of this up to this point, but I think it would be foolish for us not to put the legislation in place to let people know that if you do do it, you will be penalized and you will be penalized severely. I think this legislation does that.

I want to thank my colleagues on the other side, of course, the gentleman from Florida (Mr. STEARNS), and of course, the gentleman from Louisiana (Mr. TAUZIN), and all the others on the Democratic side for the support of this legislation; because coming from New York and knowing in terms of the kind of tragedies that we have had over the past few months, in terms of September 11, and then yesterday in terms

of the crash in Queens, New York, we have had some tough times. I think that we need to make certain that the people do not go through a double kind of tough time by people coming in and defrauding them.

Mr. Speaker, I reserve the balance of my time.

Mr. TAUZIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me thank my good friend, the gentleman from New York (Mr. TOWNS) for his statement and strong support of this legislation. More importantly, I thank him for his excellent cooperation on this and so many pieces of legislation that we have worked together on in the Committee on Energy and Commerce. You are indeed, sir, a great public servant. I want to thank you for that.

Let me also clarify something: This bill amends the FTC statutes to deal with fraud and scam artists. It does not affect the issue that was heard before our committee just recently on the question of what is being done with the funds raised by legitimate charities, such as the United Way and Red Cross. This does not deal with that. I do not want this bill confused with those good charities who do such good work around our country.

□ 2030

On the other hand, I want to use this opportunity to urge the American Red Cross, who I understand will be here tomorrow for a press conference on the issue raised at our hearings, I think just last week on the subject matter, I want to urge the American Red Cross to reconsider its position. Americans all over this land, in small towns and hamlets and in rural settings, rose to the call of the Red Cross to donate money to the victims and their families in New York and here in Washington and the families in Pennsylvania who suffered on September 11, and raised the unprecedented, I think, \$547 million for the Red Cross for that special purpose.

To divert those funds to some other purpose, I believe, in my humble opinion, would not be consistent with honoring the donations of these many millions of Americans to the families who suffered so horribly on September 11. Those donations were made not to the Red Cross, but through the Red Cross to those families. I think the more the Red Cross does, the more the United Way does and the other charities do to get that money to those families, the more the American public will appreciate it, and I think even be more generous to the Red Cross and the United Way and other charities when they are called upon again to respond for whatever tragedies we may suffer, tornadoes or earthquake disasters this country may face in the future.

I understand the Red Cross may tomorrow simply say, if you do not like

what we are doing with the money, call us and we will refund it. That is not a good answer. That is a terrible answer. Americans do not want a refund. They want the money they donated for those families to go to those families and they want the Red Cross and other charities to honor those donations.

So again as a friend of the Red Cross, as a supporter of the Red Cross, as a great supporter of the United Way, this Congress has always supported those institutions, I want to urge the Red Cross again to reconsider their position. Those monies were not donated for a reserve account, they were donated through you to the families who suffered on September 11. You ought to have the decency to make sure those families get that money as quickly as you can, because doggone it, that is what Americans intended when they sent that money into you in such record amounts.

Mr. DEAL of Georgia. Mr. Speaker, the tragic events of September 11, 2001 were a blow to this nation. The attacks showed we were vulnerable to an outside attack. As bad as these attacks were, they did showcase the spirit of America. We, as Americans, did not roll over, we came together and showed the world why this land is great.

One way many decided to help was through financial donations to any one of numerous charitable organizations to help those in need. As we have seen over the past several months, Americans have been very generous in their giving. The best of America has been on display. However, just underneath the surface of these kind souls, is a group of individuals that try to take advantage of tragic events and people's generosity.

There are people out there who try to scam money and say it is for relief efforts. They use the telephone and Internet in order to solicit donations. The problems lies in the fact that even though on the surface these solicitations seem legitimate, they are not. The money usually goes directly into the person's pocket and never is used to help those in need. For this reason, I am proud to have been able to work with the gentleman from New Hampshire on this bill. It is important to make the penalties for fraud during times of national emergency so high, no one will attempt such deeds. It is also important that we send a message to the American people that such frauds will not be tolerated and they can feel safe in the fact that anyone who perpetrates such crimes will be punished. Let the American spirit shine through and may we continue to help those in need.

Mr. TAUZIN. Mr. Speaker, I urge adoption of the bill, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. FORBES). The question is on the motion offered by the gentleman from Louisiana (Mr. TAUZIN) that the House suspend the rules and pass the bill, H.R. 2985.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

PRaising JOSEPH VINCENT PATERNO FOR HIS STEADFAST COMMITMENT TO ACADEMICS, SERVICE, AND CITIZENSHIP, AND CONGRATULATING HIM FOR HIS MANY COACHING ACCOMPLISHMENTS

Mr. ISAKSON. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 276) praising Joseph Vincent Paterno for his steadfast commitment to academics, service, and citizenship, and congratulating Joseph Vincent Paterno for his many coaching accomplishments, including his 324th career coaching victory.

The Clerk read as follows:

H. RES. 276

Whereas Joseph Vincent Paterno coached the Penn State Nittany Lions football team to a 29 to 27 victory over the Ohio State Buckeyes on October 27, 2001, at Beaver Stadium in Happy Valley with 108,327 patrons in attendance;

Whereas that victory was Joe Paterno's 324th career coaching victory, making him the winningest Division I-A football coach in NCAA history;

Whereas Joe Paterno launched what he termed "The Great Experiment" on February 19, 1966, upon being named the head football coach at the Pennsylvania State University (Penn State);

Whereas Joe Paterno defined "The Great Experiment" as a demonstration that Division I student-athletes can achieve greatness on the field while excelling in the classroom, and can become valuable assets to the community in their postgraduate endeavors;

Whereas Joe Paterno has nurtured 21 first-team Academic All-Americans, 14 Hall of Fame Scholar-Athletes, and 17 NCAA postgraduate scholarship winners;

Whereas from 1996 to 2000 Joe Paterno nurtured 69 Academic All-Big Ten football honorees, more than any other Big Ten Conference institution during that period;

Whereas according to the 2000 NCAA Graduation Rate Report, the 4-year graduation rate of Joe Paterno's Penn State players was 76.5 percent, significantly above the 48 percent national average;

Whereas Joe Paterno and his wife Sue have continually demonstrated their loyalty and commitment to Penn State through volunteer efforts and contributions, including a \$3,500,000 gift—the most generous gift ever given to a university by a coach and his family—for academic scholarships, faculty endowments, and campus construction projects;

Whereas immediately following his first national championship in January of 1983, Joe Paterno bypassed the customary acceptance speech and instead pressed the University's Board of Trustees to make Penn State number one in academics as well as athletics and began advocating for the libraries of Penn State;

Whereas Joe and Sue Paterno subsequently served as Co-Chairs of the Campaign for the Library which raised \$11,000,000 for an expansion effort that would double the size of the existing library at Penn State's University Park campus;

Whereas the Paternos' generosity and vision were recognized by the vote of Penn

State's Board of Trustees to name the new world-class library after the Paternos, and at the dedication of the Paterno Library at Penn State's University Park campus that occurred on September 8, 2000;

Whereas Joe Paterno has received countless awards for being a role model and mentor for his players, a community leader, and a humanitarian and philanthropist who exhibits and promotes the time-honored values of selflessness, equality, dignity, educational achievement, and community service;

Whereas Joe Paterno has accumulated all 324 of his coaching wins at Penn State, where he is currently in his 52d season as an assistant or head coach;

Whereas Joe Paterno has been on the coaching staff during more than half of all the football games played at Penn State since the football program began in 1887;

Whereas Joe Paterno's coaching career has spanned 11 United States Presidential administrations;

Whereas Joe Paterno led Penn State to 2 national championships, in 1982 and 1986;

Whereas Joe Paterno led Penn State to 5 perfect seasons, in 1968, 1969, 1973, 1986, and 1994;

Whereas Joe Paterno has won 20 bowl games at Penn State, an NCAA record;

Whereas Joe Paterno is the only coach to have won all 4 traditional New Year's Day Bowl games—the Rose, Sugar, Cotton, and Orange Bowls—as well as the Fiesta Bowl;

Whereas the American Football Coaches Association has named Joe Paterno the Coach of the Year an unprecedented 4 times, in 1968, 1978, 1982, and 1986;

Whereas Joe Paterno has coached 55 first-team All-Americans;

Whereas Joe and Sue Paterno are blessed with 5 children and 9 grandchildren;

Whereas Joe Paterno's traditional game-day attire of coat and tie, rolled pantleg cuffs, white socks, and black football shoes is recognized in sporting circles across the Nation;

Whereas Joe Paterno is affectionately known as "JoePa" to his extended Penn State family and to the rest of the football world; and

Whereas Joe Paterno received a touching retrospective from his high school mentor at the Brooklyn Preparatory School, the late Father Thomas Bermingham, who said: "The Father gave me the sense that I was being handed a treasure. Joe is a treasure." Now, therefore, be it

Resolved,

SECTION. 1. JOSEPH VINCENT PATERNO.

The House of Representatives—

(1) praises Joseph Vincent Paterno for his steadfast commitment to academics, service, and citizenship;

(2) congratulates Joseph Vincent Paterno for his many coaching accomplishments, including his 324th career coaching victory; and

(3) thanks Joseph Vincent Paterno for his contributions to college football, to the Commonwealth of Pennsylvania, and to the Nation.

SEC. 2. TRANSMITTAL.

The Clerk of the House of Representatives shall transmit a copy of this resolution to Joseph Vincent Paterno and to the President of the Pennsylvania State University.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. ISAKSON) and the gentleman from New Jersey (Mr. PAYNE) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia (Mr. ISAKSON).

GENERAL LEAVE

Mr. ISAKSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.Res. 276.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. ISAKSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am privileged to stand in this House tonight and commend the resolution to the gentleman from Pennsylvania, commending Coach Joe Paterno, the coach of the Nittany Lions at Penn State University, who, on October 27, in Happy Valley, Beaver Stadium, before 106,000 people, the Penn State Nittany Lions defeated the Ohio State Buckeyes by a score of 29 to 27. That victory, the 324th in the career of Joe Paterno, established him as the winningest coach in the history of NCAA Division I college football.

But for those who know Coach Paterno the best, this is but a small part of his legacy that he has left to American athletics and American academics. When Coach Paterno was hired in February of 1966 to become the head coach of the Nittany Lions, he pronounced that he was going to attempt what he called "The Great Experiment." He believed it was possible to establish excellence in university athletics and in collegiate athletics while, at the same time, having academic excellence and excellence in community service.

In the 35 years since his being hired as head coach of Penn State University, he has done exactly that: two national championships; four times Coach of the Year in the NCAA, unprecedented. A tremendous number of All-Americans who were academic All-Americans; NCAA postgraduate fellows, and the litany goes on and on. He, his wife, together, in one event, contributed \$3.5 million to Penn State University for academic excellence and the pursuit of better academics for that great university. He is steadfast in his promotion of and giving to the library at Penn State University.

Coach Paterno's success on the athletic field as a coach is unprecedented in our country. His example as a role model to all of those that lead student athletes is equally unprecedented.

Coach Paterno was recruited at Brown University to be a quarterback, one of the few colleges in America to recruit this gentleman. In one of his great seasons at Brown University, he finished a record of eight wins and one loss. Following their last victory in that season, proclaiming his excellence, a sports writer wrote, "Paterno is indeed unusual. He can't pass. He can't run. He just thinks and wins."

Coach Joe Paterno thought enough of America's youth and the power of ath-

letics to join in together with the power of academics and learning, to produce the highest ratio of student athletes graduating from their institution of any university in Division I in the NCAA. I am pleased, Mr. Speaker, to be a part of this commendation today to Joseph Vincent Paterno, the head coach of Penn State University, the winningest coach in Division I NCAA history.

Mr. Speaker, I reserve the balance of my time.

Mr. PAYNE. Mr. Speaker, I yield myself such time as I may consume.

I, too, rise in support of H.Res. 276, praising Joseph Vincent Paterno for his steadfast commitment to academics, service, and citizenship, and congratulating Joe Vincent Paterno for his many coaching accomplishments, including his 324th career coaching victory.

During this time of tribulation and trial and uncertainty and terrorism, accidental plane crashes, it is a pleasure to be able to stand up to praise a great American person that exemplifies what America is all about, a man who stands for commitment, stands for the mind, the body, and the spirit.

Joe Paterno is one of the greatest coaches of all times. As has been indicated, he served for 16 years as an assistant coach with Penn State University after playing at Brown and then went on to coach for a total of 51 years. He has been head coach since 1966.

We have heard of his accomplishments. He led the team to 19 bowl victories, more than any other person in his profession. He is the only coach to win four New Year's Day bowl games: the Rose Bowl, the Sugar Bowl, the Cotton Bowl, the Orange Bowl. He also won the Fiesta Bowl. He had five perfect seasons. He had seven undefeated regular seasons. Twenty of his teams that he coached finished in the top 10. Twenty-six of his teams finished in the top 20, and 26 times his team was rated the best in the East.

He went on to break the record of Pop Warner with his 322nd, and then on to beat Bear Bryant with his 323rd, and finally, to have the record with his 324th victory.

He has been selected to the National Football Foundation and Coaches Football Hall of Fame as the first active coach ever to received its Distinguished Americans Award. He has won Coach of the Year honors an unprecedented four times with balloting from his colleagues, an award that is given by one's peers. Paterno sent more than 200 players to the National Football League, two of whom, his linebackers, Jack Ham and fullback Franco Harris, have been enshrined into the Pro Football Hall of Fame. As a matter of fact, Joe Paterno changed football, finding out that if you have a good quarterback, one good running back, but a host of good linebackers, you can become the national champs.

As a matter of fact, many of his outstanding linebackers came from our State of New Jersey. One reason that Rutgers has not done well and that Penn State has is that Joe Paterno learned that the best football players in the country, especially defensive linebackers that he wanted to highlight, lived in New Jersey. So Joe Paterno would come to the Newark Boys and Girls Clubs Annual Banquet where the all-state team was unfolded by New Jersey's only major paper, the Newark Star Ledger. Joe Paterno would always speak at that dinner and end up with commitments from half of New Jersey's top ball players.

So we certainly appreciate Joe Paterno and what he has meant to New Jersey. I have been in his company on a number of occasions at some of those dinners 10, 15, 20 years ago. One of my local fellows graduated from Seton Hall Prep School; Chet Parlavecchio was one of those linebackers that Joe Paterno took to Penn State. Chet became the cocaptain of the football team and became one of the outstanding players.

As has been indicated, Joe Paterno did not only mold good outstanding ball players, he also was well respected and one of the most admired figures in college athletics because he also had a commitment to academics. This is what Joe Paterno said: "The players who have been most important to the success of Penn State teams have just naturally kept their priorities straight. Football a high second, but academics an undisputed first." That is what Joe called "The Great Experiment," to prove that athletes could also be good students. He changed the image of what an athlete could be.

He is highly recognized for his support of scholarships, as we have heard, \$3.5 million that he has contributed to Penn State academics areas. Penn State has produced at least one first team All-American in 30 years in academics. They have graduated over 68 percent of their entering class teams and have had 80 percent of men going to the school for 4 years. Penn State has had 20 first-team academic All-Americans, 14 Hall of Fame scholar athletes, and 16 NCAA postgraduate scholarship winners. He has really done a great job. He is the recipient of three honorary degrees, one from his alma mater, a Doctor of Laws from Brown, a Doctor of Human Letters from Gettysburg College, and a Doctor of Laws from Allegheny College.

So it is a pleasure for us to change the focus here this evening, but to pay tribute to a great American, a person, as I have indicated, that I have been proud to know, a person that I respect as a former high school football coach and track coach back at South Side High School. When I was a teacher, I could really appreciate the combination between athletics and sports. So

he is really what we call the real stuff. He is really what makes America great, and I ask my colleagues to support this legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. ISAKSON. Mr. Speaker, I am pleased to yield such time as he may consume to the distinguished gentleman from Pennsylvania (Mr. PETERSON), the author of this legislation.

Mr. PETERSON of Pennsylvania. Mr. Speaker, I thank the gentleman for yielding me this time.

It is a delight and a privilege tonight to stand here and honor one of America's greatest, my friend, and my colleagues' friend, Mr. Joe Paterno. Mr. Speaker, H.Res. 276, we had hoped to make it H.Res. 324 to honor his 324 victories, but the bureaucracy would not let us do that. But I am pleased to report that this resolution is sponsored by the entire Pennsylvania delegation. They were excited to do that.

□ 2045

If Members had ever had the chance to sit down, meet, and talk with Joe Paterno, it was quickly obvious why he is so successful. I remember vividly one time I sat in his office, expecting to spend 5 or 10 minutes with him, and I was there most of an hour. He oozes enthusiasm. He is real. He is genuine. We talked football, we talked education, and we talked a little politics.

Mr. Speaker, Joe Paterno set the standard that education comes first, then athletics, a priority that all coaches should follow. Joe Paterno coached Penn State's Nittany Lions football team to a 29-to-27 victory over the Ohio State Buckeyes on October 27, 2001, at Beaver Stadium in Happy Valley with over 108,000 patrons in attendance. That victory was Joe Paterno's 324th career coaching victory, making him the winningest Division I-A football coach in NCAA history.

But Joe Paterno was much more than a college football coach, Mr. Speaker, as is shown by this resolution's referral to the Committee on Education and the Workforce, that says a lot.

After being named head football coach, he launched what he termed "The Great Experiment," and the gentleman from Georgia (Mr. ISAKSON) shared that with us. Mr. Paterno's experiment is succeeding in spades. He nurtured 21 first-time Academic All-Americans, 14 Hall of Fame scholar athletes, and 17 NCAA postgraduate scholarship winners.

From 1996 to 2000, he nurtured nine Academic All-Big-Ten football honorees, more than any other Big Ten Conference institutions during that period.

According to the 2000 NCAA Graduation Rate Report, the 4-year graduation rate of Joe Paterno's Penn State players was 76.5 percent, more than 50 percent above the 48 percent national average.

Mr. Speaker, Coach Paterno's contributions did not end there. He and his wife, Sue, have been so unselfish with their time and their resources over the years. Joe and Sue have continually demonstrated their loyalty and commitment to Penn State through volunteer efforts and contributions, including a \$3.5 million gift, the most generous gift ever given to a university by a coach and his family, for academic scholarships, faculty endowments, and campus construction projects.

Immediately following his first national championship in January of 1983, Joe Paterno bypassed the customary acceptance speech and instead pressed the university's board of trustees to make Penn State number one in academics as well as athletics, and began advocating for the libraries of Penn State.

Joe and Sue Paterno then served as cochair of the campaign for the library, which raised \$11 million for an expansion effort that would double the size of the existing library at Penn State's University Park campus.

The Paternos' generosity and vision were recognized by vote of Penn State's board of trustees to name the new world-class library after the Paternos, and at the dedication of the Paterno Library of Penn State's University Park campus, that occurred on September 8, 2000.

Furthermore, Mr. Speaker, Joe Paterno has received countless awards for being a role model and mentor for his players, a community leader, a humanitarian, and a philanthropist who exhibits and promotes the time-honored values of selflessness, equality, dignity, educational achievement, and community service.

On the field, Joe is in a class by himself. He has accumulated all 324 of his coaching wins, now 325, where he is currently in his 52nd season as head coach. He has been on the coaching staff during more than half of all of the football games played at Penn State since the football program began in 1887, over half.

He has led Penn State to two national championships, in 1982 and 1986. He led them to five perfect seasons, in 1968, 1969, 1973, 1986, and 1994.

He has won 20 bowl games at Penn State, an NCAA record. He is the only coach to have won all four traditional New Year's Day bowl games, and the Fiesta Bowl.

I clearly remember on many occasions, and even recently, when he did not allow one or more of his star players to play in a bowl game. It was more important that they kept the rules than for him to win the bowl game, a message that I think will be felt by those young men and appreciated the rest of their lives.

The American Football Coaches Association has named Joe Paterno the Coach of the Year four times, in 1968, 1978, 1982, and 1986.

Mr. Speaker, JoePa, as he is affectionately known to his extended Penn State family and to the rest of the football world, has coached 55 first-team All-Americans.

In conclusion, I would like to read the closing of this resolution, as well as relay a touching quotation which sums up Joe Paterno best.

First, the resolution reads, "The U.S. House of Representatives praises Joseph Vincent Paterno for his steadfast commitment to academics, service, and citizenship;

And congratulates Joseph Vincent Paterno for his many coaching accomplishments, including his 324th career victory;

And thanks Joseph Vincent Paterno for his contributions to college football, to the Commonwealth of Pennsylvania, and to the Nation.

Finally, Mr. Speaker, Joe received a touching retrospective from his high school mentor at the Brooklyn Prep School, the late Father Thomas Bermingham, who said, "The Father gave me the sense that I was being handed a treasure."

Yes, Joe is a treasure, our treasure.

Joe, we are so proud of your accomplishments and for the privilege to honor you tonight.

Mr. ISAKSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it has been said that Joe Paterno has few peers. That is an accurate statement. We are very fortunate to have in this House one of those peers, the former coach of the Nebraska Cornhuskers, the gentleman from Nebraska (Mr. OSBORNE).

Mr. Speaker, I yield 3 minutes to the gentleman from Nebraska (Mr. OSBORNE).

Mr. OSBORNE. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I, too, rise to recognize Joe Paterno. Joe's records have been well documented with the tremendous career that he has had with over 52 years at Penn State.

I would like to speak to the issue more as a friend. I have known Joe for roughly 25 years. We have been together often, both professionally and on social occasions. Our teams played against each other on five different occasions. So I have gotten to know him pretty well.

I guess what I would like to focus on are some things about Joe that I have really appreciated as a fellow coach.

First of all, there is the issue of longevity. Fifty-two years at one school is unheard of. I do not know of any other coach, even Amos Alonzo Stagg, who has done anything to approximate that number of years, 36 years as a head coach. There is a lot of wear and tear in 52 years of coaching and in 36 years as a head coach. The local folks know you best, so being at one school for 52 years is very similar to being elected to public office 52 straight years, be-

cause that is kind of what goes on in the coaching profession.

So he has been a survivor, he has been a great competitor over a long period of time.

Secondly, Joe cared about his players. I think that is probably the greatest compliment that you can pay a coach, because at its worst, coaching can be manipulative, at its best it can be nurturing. Joe was somebody who genuinely cared about the well-being of his players beyond the playing field.

We have talked at some length about graduation rates. There have been a lot of different figures thrown out here tonight. I do not know exactly what the figure is, but obviously he put academics first. If a player did not go to class, he did not get to play, and his academic record was tremendous.

He always was very interested in decorum and discipline. His players always wore coats and ties when they went on the road. I do not believe that he ever had a team that I can remember that countenanced any kind of trash talking or insubordinate behavior on the playing field. I always appreciated that when we played against him.

Then I guess also I would mention that Joe cared about the game of football. In the off season, it is easy to take some time off, but Joe always went to the NCAA meetings and went to the coaches' meetings. He was very instrumental in accomplishing some NCAA legislation that was really critical to college football, and of course the fact that he was recognized four times as Coach of the Year by his peers would indicate how much coaches esteemed Joe and appreciated his work.

Lastly, I would just say that he is a quality person, fun to be around, with a good sense of humor, and a good family man. He and Sue had five children, three grandchildren. His generosity has been mentioned many times.

In conclusion, I would just like to congratulate Joe, not only for achieving a great milestone, but more importantly, I would like to congratulate him for the way in which he accomplished this milestone. We appreciate him very much.

Mr. ISAKSON. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I also want to commend the gentleman from Pennsylvania (Mr. PETERSON) for House Resolution 276. But I have to admit I have goosebumps following the great gentleman from Nebraska (Mr. OSBORNE) to talk about one of my heroes.

I rise tonight to honor the achievements of a Pennsylvania icon, Joseph Vincent Paterno. Coach Paterno, or JoePa, as he is affectionately known, became part of the Penn State football

family in 1950 as an assistant coach. In 1966 he was promoted to the position of head coach, a title he has held for 35 years and counting.

His success at Penn State is unparalleled: 325 career victories, 20 victories in bowl games, two national championships, four-time Coach of the Year, and six undefeated seasons.

While Joe Paterno has unquestionably set the standard of excellence on the football field, it is his accomplishments off the field that truly make him a cut above the rest.

Among the hundreds and thousands of Penn State players Joe Paterno has coached are an astounding 21 first-team Academic All-Americans. Penn State football players concentrate on academics first and football second. The proof of this is that while the average graduation rate for NCAA college football schools is 48 percent, Penn State players have a remarkable 4-year graduation rate of 76.5 percent.

Joe Paterno does more than coach football. He is a mentor, a teacher, a friend, and an inspiration to all those that he has touched. Coach Paterno's influence and work have extended far beyond the football field. His service to the community of State College and the Pennsylvania State University System is unmatched.

From an unprecedented gift of \$3.5 million to Penn State University in 1997 to his chairmanship of the \$11 million campaign to expand Penn State's library, Joe Paterno has made education and community development his top priority.

To honor JoePa's devotion to excellence in education, the Penn State Board of Trustees voted to name a wing of the library in his honor.

I congratulate Coach Paterno on the landmark record of 324 career victories, and thank him for all he has done for Pennsylvania, and best wishes for 324 more.

Mr. GEKAS. Mr. Speaker, I rise today to pay tribute to Mr. Joe Paterno, Head Coach for the Penn State Nittany Lions. Coach Paterno just celebrated his 324th career football victory and continues a steadfast commitment to coaching, community service and education. The 2001 football season has undoubtedly been a remarkable and memorable time for Mr. Paterno and all Penn State fans and alumni.

On October 27, 2001, Coach Paterno rallied the Nittany Lions to a 29-27 victory over the Ohio State Buckeyes. This memorable triumph marked Coach Paterno's 324th career coaching victory, making him the winningest Division I-A football coach in NCAA history, a record which will, beyond question, stand for some years to come. That victory surpassed the former record of 323 wins held by the legendary Paul "Bear" Bryant. Amazingly, all 324 wins were recorded at Penn State, where Paterno is currently in his fifty-second season as a coach.

Over the years, Coach Paterno's career has far exceeded that of any other collegiate

coach. He led teams to nineteen bowl victories, more than anyone in his profession. He became the only coach to win four New Year's Day games—the Rose, Sugar, Cotton and Orange Bowls. He captured national championships in 1982 and 1986 and had teams finish undefeated, but uncrowned, in 1968, 1969, 1973 and 1994. A few of Coach Paterno's honors include winning the Coach of the Year Award an unprecedented four times in balloting by the American Football Coaches Association. He was selected by the National Football Foundation and College Football Hall of Fame as the first active coach ever to receive its "Distinguished American Award" and appeared on the cover of *Sports Illustrated* as its 1986 Sportsman of the Year.

While holding these prestigious records and awards is certainly an honor for Coach Paterno, it is just one facet of his many accomplishments and commitments throughout the years. Coach Paterno and his wife, Sue, have continually shown their loyalty and commitment to education through their generous contributions and volunteer efforts. The Paterno's have donated more than \$3.5 million for academic scholarships, faculty endowments and campus construction projects. This is the most money ever donated to a university by a coach and his family. The Paterno's served as Co-Chairs of the Campaign for the Library, which raised \$11 million for an expansion effort that would double the size of the existing library at Penn State's University Park campus.

Mr. Speaker, it is with great pleasure that I commend and congratulate a fellow Pennsylvanian, Coach Joe Paterno, for his many coaching accomplishments, including his 324th career coaching victory, and thank him and his family for their contributions to the community, nation and college football. I am certain Coach Paterno will continue to be a community leader, a philanthropist and most of all, a role model and mentor to many. Thank you JoPa.

Mr. DOYLE. Mr. Speaker, as a proud graduate of the Penn State Class of 1975 and as the only current Democratic Member of Congress to have graduated from Pennsylvania State University, it gives me great pleasure to honor a great institution of Pennsylvania and college football, Coach Joseph Paterno. As an original cosponsor of this legislation, want to extend my heartfelt appreciation and admiration for JoPa's achievements in athletics and academics.

Today, we are considering House Resolution 276, praising Joseph Paterno for his steadfast commitment to academics, service, and citizenship. Additionally, Coach Paterno has managed to win 324 college football games during his tenure in Happy Valley, surpassing football legends like Paul "Bear" Bryant and Pop Warner.

On the way to achieving this unprecedented milestone, JoPa has led the Nittany Lions to 19 bowl victories, more than any other Division 1-A football coach in history, and was selected by the National Football Foundation and the College Football Hall of Fame to receive the prestigious "Distinguished American" Award, becoming the first active football coach ever to receive the award.

During his acceptance speech at the 1991 Hall of Fame induction, Coach Paterno said:

"What are coaches? Number one, we're teachers and we're educators . . . we probably have more influence over our young people than anyone other than families."

We could laud Coach Paterno all day on his outstanding achievements on the football field, and deservedly so, but JoPa always stressed academic success and dedication to community to all his players. He has insisted upon a "total person" approach towards cultivating his players, encouraging and developing responsibilities to academics and personal lifestyle in addition to athletic ability.

The Paterno approach not only produces winning collegiate football teams, but also develops educated, well-rounded and successful college graduates. The Grant Experiment of Coach Paterno has produced 20 first-team Academic All-Americans, 14 Hall of Fame Scholar-Athletes, and 16 NCAA postgraduate scholarship winners. The Penn State football team has a 68 percent graduation rate . . . well above the national norm 50 percent. The four-year average rate for the team was 74 percent.

Indeed, Paterno said, "The purpose of college football is to serve education, not the other way around."

Joe and Sue Paterno have given much of their lives to college football during Joe's 51 year career at my alma mater, and in 1997, announced their intention to give \$3.5 million dollars to endow new faculty positions and scholarships, thus continuing their commitment to academic success. As part of this endowment, special new construction projects are being undertaken, including the Pasquerilla Spiritual Center, a new interfaith chapel as well as an all sports museum to be built on campus.

Coach Paterno once said "A great library is the heart of a great university." He and his wife established the Paterno Libraries endowment in 1984, growing the fund to over \$4 million dollars. The Paternos have ensured greatness for library facilities and academics at Penn State by serving as co-chairs of the campaign to expand the Pattee Library. Their efforts helped raise \$14 million to expand the library, including a personal contribution of \$250,000. The expansion doubled the size of the library, and the University dedicated the new wing in September of last year, aptly naming the new expansion the Paterno Library.

In conclusion Mr. Speaker, I sincerely hope the Members of the House of Representatives will join me in recognizing the contributions Coach Paterno has given to America, not just as a successful football coach, but as an example of loyalty, dedication, and commitment to improving oneself in life. I salute JoPa, and wish him the very best of luck.

Mr. WOLF. Mr. Speaker, I rise today in support of H. Res. 276, to honor Joe Paterno for his commitment to academics, service and citizenship and to congratulate Penn State Coach Paterno for his many coaching accomplishments including his 324th career coaching victory.

I thank my colleague, Congressman JOHN PETERSON, who represents the 5th District of Pennsylvania which includes my alma mater, The Pennsylvania State University, for sponsoring this resolution.

This resolution is a fitting tribute to one of the giants of American college football. It acknowledges the accomplishments of Joe Paterno on the football field as the winning major college football coach in history. He surpassed the former record of 323 wins held by the legendary Paul "Bear" Bryant when the Nittany Lions came from behind to defeat Big Ten rival Ohio State by a score of 29-27 on October 27.

What makes the record so special, especially for Penn State alumni and fans, is that all those wins have come as Coach Paterno paced the sidelines as head coach for Penn State, where he has spent his entire coaching career.

This resolution also recognizes Joe Paterno for being a mentor and role model for his players. When he launched "The Great Experiment" upon taking the helm in 1966 as head football coach at Penn State, he wanted to demonstrate that Division I college student-athletes could achieve greatness on the football field while also excelling in the classroom and becoming valuable assets to their communities after receiving their degrees and leaving the gridiron.

There can be no doubt that "The Great Experiment" has been successful. Joe's teams have twice been national champions. They have had five perfect seasons. They hold the NCAA record for post-season bowl wins at 20. Joe is the only coach to have won all four traditional New Year's Day bowl games—the Rose, Sugar, Cotton and Orange—as well as the Fiesta Bowl. Joe has been named "Coach of the Year" by the American Football Coaches Association an unprecedented four times. He's coached 55 first-team football All-Americans.

As significant as all those records and accolades are, there are other statistics in Coach Paterno's coaching career to which I believe he would give greater import. That's the value of "The Great Experiment" at Penn State which Joe Paterno places on the student side of student-athlete.

He has coached 21 first-term Academic All-Americans; 14 Hall of Fame Scholar-Athletes; and 17 NCAA postgraduate scholarship winners. In addition, between 1996 and 2000 under Joe's tutelage, Penn State had 69 Academic All-Big Ten football honorees, more than any other big Ten Conference institution during those years. Joe takes great pride in the number of young men in his football program who receives their degrees from Penn State, and in the 2000 NCAA Graduation Rate Report, the four-year graduation rate of Coach Paterno's players was over 76 percent. The national average is 48 percent.

In 1983 shortly after his first national championship, he challenged Penn State's Board of Trustees to make the University number one in academics as well as athletics and began his crusade for the libraries at Penn State. With his wife Sue, Joe served as co-chair of the Campaign for the Library which raised \$11 million to expand and double the size of the existing library on Penn State's University Park campus. In a fitting tribute to Joe and Sue, the new world-class facility dedicated last September bears the name Paterno Library.

Joe and Sue Paterno are generous in their tireless work and commitment to Penn State,

not only through their volunteer efforts, but through their financial contributions. Their \$3.5 million gift to Penn State for academic scholarships, faculty endowments and campus building projects is the most generous ever given to a university by a coach and his family.

Joe Paterno is one of those rare and wonderful individuals whose life is grounded in the highest of values, integrity, and service and who is true to his God, his family and his fellow man. Penn State and the Commonwealth of Pennsylvania have been blessed with his presence and now it is fitting that the people's House recognize his commitment to academics, service and citizenship and congratulate and thank him for his contributions to college football and to the nation.

We salute Coach Paterno, his wife Sue and his family, all the teams he has lead over the years to victory and all the young men who have not only learned how to play football under his tutelage, but who have learned life lessons from one of the best teachers they could ever have.

Mr. ISAKSON. Mr. Speaker, I ask Members to adopt the resolution.

I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. FORBES). The question is on the motion offered by the gentleman from Georgia (Mr. ISAKSON) that the House suspend the rules and agree to the resolution, H. Res. 276.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

SENSE OF CONGRESS THAT SCHOOLS SHOULD SET ASIDE TIME TO ALLOW CHILDREN TO PRAY FOR, OR QUIETLY REFLECT ON BEHALF OF THE NATION DURING THIS TIME OF STRUGGLE

Mr. ISAKSON. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 239) expressing the sense of Congress that schools in the United States should set aside a sufficient period of time to allow children to pray for, or quietly reflect on behalf of, the Nation during this time of struggle against the forces of international terrorism.

The Clerk read as follows:

H. CON. RES. 239

Whereas section 4 of title 4, United States Code, establishes the Pledge of Allegiance to the Flag and describes such Pledge as including the phrase "one Nation under God, indivisible, with liberty and justice for all";

Whereas in 1954 President Dwight D. Eisenhower, referring to the reference to God in the Pledge of Allegiance to the Flag, said that the Nation had reaffirmed "the transcendence of religious faith in America's heritage and future; in this way we shall constantly strengthen those spiritual weapons which forever will be our country's most powerful resource in peace and war"; and

Whereas President George W. Bush has asked the people of the United States to pray for those who suffered as a result of the atrocities committed against the United States on September 11, 2001: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that schools in the United States should set aside a sufficient period of time to allow children to pray for, or quietly reflect on behalf of, the Nation during this time of struggle against the forces of international terrorism.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. ISAKSON) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia (Mr. ISAKSON).

GENERAL LEAVE

Mr. ISAKSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Concurrent Resolution 239.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. ISAKSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this resolution encourages and does not require the schools of America to set aside a sufficient period of time for children in America to pray for or reflect on our Nation in this time of battle and tribulation because of the terrorist acts.

Mr. Speaker, I am confident that there will be those who express concern that prayer and schools might be mentioned in the same resolution, but at the outset of this debate it should be quite clear that this is clearly an option and not a mandate.

A lot of things have become quite clear in the United States of America since September 11. It has become politically correct to sing God Bless America rather than fight songs at athletic events. All of us have reflected passionately and quietly and, many times, sadly on the blessings we have individually received and the blessings of this Nation. But we should be vigilant, even in the most terrible trying times possible, to recognize and preserve the constitutional freedoms that make this country great.

Our Constitution prohibits us in this government from establishing religion, but it preserves forever the right of Americans to practice their religion.

□ 2100

Mr. Speaker, there have been many great enemies to the citizens of America in our history. From 1950 through the early 1990s the Soviet Union was one. That was a government that believed that prayer and religion should be nonexistent, and it was basically a cornerstone of that nation. They built

an Iron Curtain in Eastern Europe. They preserved themselves for 40 years or a little over, but eventually they died.

On the other extreme there is America's enemy today, the Taliban, that not only establish a religion but force its practice, and only its practice, with the most horrible of retribution to anybody that thinks or meditates differently.

Mr. Speaker, the gentleman from North Carolina (Mr. JONES) has brought to this House a resolution which falls clearly in between those two extremes and precisely why the United States of America was founded in the first place. The gentleman from North Carolina (Mr. JONES) has asked and is asking this house to adopt a resolution that says to our schools, it is appropriate if you choose to establish a period of time, if you will, for those who would pray for our Nation in this time of trouble, to do so in the way they see fit, voluntarily, and for others to reflect on this Nation in our time of peril and distress.

It mandates nothing. It requires nothing. But it recognizes as the motto above the chair of the Speaker which states that in the America we founded, we place the trust in our people, that they could freely worship in the way they saw fit, pay tribute to the God of their choice, and enjoy living in a nation where they had sufficient time to practice their faith their way.

Mr. Speaker, I encourage the Members of this House to adopt this concurrent resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, while no one can quarrel with what the supporters of this resolution suggest they want, and that is for reflection and time for children to consider what is going on in this country, once we suggest that the school is going to set aside time for the children to pray or reflect quietly, it does not say that they shall pray quietly, it does not say they shall pray silently, I believe we are now treading into the question of the school setting the content of that prayer.

There is nothing today that prevents schoolchildren from praying voluntarily at their own time on behalf of this Nation or people in harm or the victims of terrorism; but what we should not do is, we should not have the school dictating that should take place at an appointed time and place.

If the schools want to have a moment of silence, the child may then pick that moment of silence to reflect in any manner or pray in any manner that they want, but this resolution goes beyond that. I am afraid that this resolution is really about, once again, trying to introduce some form of content or

prayer into the schools under the guise of the tragedies of September 11 and the events that have occurred since then. We should really not do that.

We should really understand that we are very clear about the rights of children to pray in school. If the student groups meet on student property, then religious groups have an equal right to meet on school property and to pray; and the courts have protected students' individual rights to pray in a non-disruptive manner and have approved attempts by school districts to accommodate students in this resolution.

But this resolution is different than that, because while it is voluntary from the Congress and it is voluntary for the school to do it, but once the school sets aside time to pray for the country in that manner, then I believe they have crossed the line.

I wish that we would understand that we have every right to call for people to reflect and to pray in the interest in this country; and they will or they will not. Hopefully they have, and millions and millions of Americans and their children and their families have made that decision to pray in their places of worship, to pray around the dinner table, to pray in their homes before they go to sleep at night or when they first wake up in the morning or whatever suits them. I hope that that would continue.

But I think that this resolution is mistaken. And I think that this resolution is ill-considered and I would hope that the Congress would not pass it.

Mr. Speaker, I reserve the balance of my time.

Mr. ISAKSON. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, I rise in very strong support of H. Con. Res. 239, a timely and very necessary call for prayer and/or spiritual reflection during this time of extreme challenge.

Mr. Speaker, as the father of four, I know that kids have vexing questions and myriad doubts and concerns over the recent spate of horrific terrorist acts. In the minds of many of our young people and in the minds of the old alike, cruelty, mass murder, terrorism defy easy answers. It seems to me that prayer or spiritual reflection in all venues, not just in the church, not just at home, but in all venues, including school, fosters healing and fosters reconciliation.

The why of it, the questions concerning the essence of good and evil defy simply logic. To understand the depravity of September 11 requires all of us to look deeply at the hearts and at matters spiritual.

The gentleman from North Carolina's (Mr. JONES) modest call for prayer or, and I emphasize the word "or," quiet reflection is a positive, constructive, liberating and very necessary thing.

Our young people need encouragement to pray and they need encouragement to reflect.

Frankly, I find it bewildering and disappointing that this modest proposal should engender any opposition at all. There is nothing dangerous or risky about encouraging and even admonishing children to pray and to reflect. The gentleman from North Carolina (Mr. JONES) does not prescribe any specific prayer, nor is there anything in this resolution concerning specific content.

I would hope that our children would be inspired not only to pray, but to pray for wisdom and understanding and strength, and also to pray for the victims and their families and their friends. There are a lot of hurting people out there. They need prayer. And I think we should encourage our kids to pray.

I would hope America's young people would pray for reconciliations among people of disparate and often conflicting perspectives, and to pray for justice for those who perpetrate these crimes and cruelty.

Mr. Speaker, prayer and spiritual reflection are as necessary as food and oxygen, and without it, our kids are deprived of the most essential element in building character. This is an excellent resolution and I hope we get a unanimous vote.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 4 minutes to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, we find ourselves in the wake of September 11 and we are using the tragedy to pass controversial legislation. It is not the first time, of course. Just a few days ago we repealed the alternative minimum tax, a tax on corporations who have loopholes and deductions and were paying no tax at all. We had an alternative minimum tax for them to pay, and under the name of economic stimulus, this House voted to repeal that tax.

In the name of airline security in the wake of September 11, we had a bill that included tort reform that had been defeated year after year. In the name of antiterrorist crime legislation, we had wiretap authority that applied to cases that had nothing to do with terrorism, in fact, in some cases had nothing to do with any alleged crime. And we passed excessive wiretap authority in the wake of September 11.

Now we are using September 11 to try to pass prayer in public school. The last time we had hearings on the issue of prayer in public school, we had deliberations, subcommittee and committee, and when it came to the floor, it was defeated. It was defeated because we know that children can already pray in public school today. They have that option. They do not need the bill. They can pray. If the teacher passes

out a math test, they can pray. Before the meal, they can say grace. That is okay. That is allowed today.

What we cannot do is instruct the children to pray whether they want to or not. This resolution not only tells them to pray, but tells them what to pray for, and reserves, according to the resolution, a sufficient period of time during the day for prayer or quiet reflection, whatever that sufficient period of time during the day means. I mean, some religions require prayers several times a day. Some religions have prayers that are relatively long, others relatively short. I do not know who decides.

I received a letter today from Reverend Barry Lynn, the Executive Director of Americans United, who said in his letter, "Students already have an individual right to pray voluntarily in school as long as they are not disruptive. This resolution, however, is a radical departure from constitutional standards because it calls for a mandatory time of classroom prayer on a specific topic. This resolution instructs children specifically what to pray for. Under our constitutional separation of church and state, it is the job of parents and clergy, not the government, to tell children when to pray, how to pray and what to pray for."

He cites Justice Anthony Kennedy who explained in *Lee v. Weisman*, a 1992 case, "The First Amendment's religious clauses mean that religious beliefs and religious expression are too precious to either be proscribed or prescribed by the state."

Mr. Speaker, because we know that children can already pray and because this resolution has not gone through the regular process, it encourages school districts to violate the Constitution. It is ambiguous, and it uses the September 11 tragedy as an excuse to pass legislation which has failed in the past when subjected to the regular process.

I would urge my colleagues to defeat this resolution.

Mr. ISAKSON. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from North Carolina (Mr. JONES), the author of this resolution.

Mr. JONES of North Carolina. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, let me say to my liberal friends on the other side, we very seldom agree, but I respect you. I always have and I always will. On this subject, I am a little bit disappointed. It is not a nonbinding resolution.

We come on this floor every day and we pray. And all we are saying to children who are hurting badly because of September 11, because of evil people who have come to this country and killed their fellow Americans, all we are saying to fifth graders, sixth graders, seventh graders, that we as a Congress encourage.

This Nation was founded on Judeo-Christian principles. Whether people like it or not, before Madelyn Murray, they prayed in the schools. If you look at recent rulings that I am going to make reference to in just a moment on a Virginia case, it is coming back whether we like it or not.

In a country that respects different religions, whether you are Muslim, whether you are Catholic, whether you are a Jew, whether you are Protestant, we cannot pass a nonbinding resolution to say we as a Congress, who pray every day, are saying to the children of America in a nonbinding way that America needs your prayers. Whether you are young, whether you are old, America is hurting and hurting badly.

Mr. Speaker, I go back to my district like everybody on that side and on this side and I go into the school rooms and I listen to the children. At times, like my good friends on the other side who oppose this nonbinding resolution, I listen to the children. Whether they are in the high school, the elementary school or the middle school, they are constantly asking what is happening. The terrorists, where are they in this country? What will happen next? And for this body to be able to say to the young people, we are not telling you that you must reflect, we are not telling you that you must pray, but we as a Congress pray.

The President of the United States has asked that we pray. The governors of the States, both liberal and conservative, have asked that we pray. And to have this resolution on the floor just to show support and encouragement to the children of America to reflect or pray, I just respect, again, but I do not understand the opposition to this, but I respect it because that is what makes America great, that we can disagree. I do respect that.

□ 2115

I also want to read, if I might, just a moment from the Washington Post, says Virginia minute of silence survives test in high court. Fourth circuit ruling allowed to stand without comment. Virginia's requirement that public school children start their day with a minute of silence passed constitutional muster yesterday when U.S. Supreme Court let stand a lower court ruling that the law does not violate the First Amendment. The law, which took effect last year, requires that all students observe a minute of quiet during which they may meditate, pray or engage in other silent activity.

The law has been challenged by seven Virginia families backed by the volunteer lawyers from the American Civil Liberties Union. They argue that including prayer among the approved activities violated the constitutional ban on State-sponsored religion and conflicted with a 1985 ruling in an Alabama case that struck down a moment of silent law that also included prayer.

The ACLU argument was rejected at every court level, and public schools have been observing the moment of silence since July of the year 2000.

Let me say to the gentleman from California (Mr. GEORGE MILLER), with whom I have served on the Committee on Resources and have great respect for his intellectual ability, as well as the other gentleman that has spoken, this is from a news article. It has got firemen around a flag, a moment of silence at ground zero. A moment of silent at ground zero.

It says: Students pray at school events, this is 2 weeks ago, despite restrictions. Search for spiritual solace continues. God has made a comeback at the Nation's public schools as students and educators look for spiritual solace in the wake of the September 11 terrorist attacks. At a high school in Texas, athletes and cheerleaders and members of the band broke into an open recitation of the Lord's prayer as they gathered in the end zone before a football game last week.

I do not know, and if I mispronounce this, please forgive me, Rancho Carmel, California, and the gentleman from California (Mr. GEORGE MILLER) can tell me if I did or did not, I want to read from a minister named David Overstreet of the National Network of Youth Ministries in Rancho Carmel, California. I do not know if that is the gentleman from California's (Mr. GEORGE MILLER) district or someone else's. Let me tell my colleague what he said: Our kids today are reaching out for something and the reality is that these kids are seeking peace, the real peace that is provided by God, observed Reverend David Overstreet.

Again, I respect each and everyone that will speak in opposition to this nonbinding resolution, but I will say from the bottom of my heart that a Nation founded on Judeo-Christian principles, if America's future, which is the children of America, cannot be encouraged in this time of war and the death of over 6,000 fellow Americans to have a moment to reflect or a moment of prayer and all we are talking about is passing a resolution, the sense of the Congress, it is nonbinding; but I do again respect those who are in opposition, and I am sure I might have another opportunity before we conclude.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself 1 minute.

Let me just say these two points. One, I have supported for a long time a moment of silence, and I think it is quite proper and quite helpful to young children. Two, this Nation was founded on Christian-Judeo principles. It was also founded on constitutional principles; and we live under the Constitution, and there is a clash from time to time.

What my colleagues do not get to do is to have the State organize the prayer. A moment of silence could not be

more important than at this time, and more and more schools can do it; and as my colleague pointed out, the court clearly has said that that is, in fact, allowable. But what the schools do not get to do is they do not get to organize the times and conditions of that prayer as called for, and this may be nonbinding, but the Congress on a binding or nonbinding, they ought not to be calling for unconstitutional acts. That is not meeting our charge under our responsibilities in this office.

Mr. Speaker, I yield 8 minutes to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Speaker, as a person of faith, I believe in the power of prayer. Like millions of Americans, I have prayed often for the victims of the terrorist attacks of September 11, and my prayers tonight are also with America's servicemen and -women now in harm's way in our war against terrorism.

What makes our Nation different, what makes our Nation different from Afghanistan is that in America citizens do not need their government to tell them when and how to pray. The millions and millions of prayers offered up by Americans since September 11 did not occur because the Federal Government dictated or suggested them to do so in legislation. Rather, those prayers occurred because of citizens' personal faith and choice to pray. That is as it should be in a free society.

One might ask, well, what could be wrong with a congressional resolution suggesting that public schools should set aside time for prayer or quiet reflection for our Nation? I would suggest there are several things wrong with this resolution.

First, in the first amendment to our Constitution, our Founding Fathers made it clear that government involvement in religion should be considered with the utmost care. In fact, they dedicated the first 16 words of the Bill of Rights to the principle that religion is a private matter, not a government responsibility.

Whether one supports or opposes this resolution, to bring legislation to this House floor that deals with the fundamental matter of religion and prayer, without a single committee hearing, without any testimony, is wrong. In my opinion, such a frivolous handling of the issue of prayer demeans the sanctity of religious faith.

Second, this resolution may or may not be constitutional. The gentleman from North Carolina (Mr. JONES) does not know for sure. This resolution is worded differently from the Virginia law. Would it not be better to discuss those vital questions in a committee hearing of constitutional scholars before we vote on this matter on the floor of the House rather than after?

Third, this resolution sets a dangerous precedent by suggesting what the subject should be of school children's prayers. As a parent, I want my

children to pray for our Nation in this time of need; but as a citizen, I will say here and everywhere, that the U.S. Congress has absolutely no right telling my children how to pray. The Federal Government and this House has no business telling any citizen, much less children, what the subject of their prayers should be.

If the gentleman from North Carolina (Mr. JONES), President Bush or I want to encourage others to pray for our Nation, there is nothing wrong with that; but there is something terribly wrong with the United States Congress passing legislation that tells my children what they should pray about in a public, tax-supported school. The gentleman from North Carolina (Mr. JONES) has no right to tell my children or anyone else's children how, when or about what they should pray.

In addition, this resolution refers to former President Eisenhower's description of religion and prayers as "spiritual weapons." I have great respect for President Eisenhower, but millions of Americans of deep faith might not agree that religion and prayer should be thought of as "weapons."

Does this Congress really have the wisdom and the constitutional authority to start dictating or suggesting the subject of school children's private prayers? If so, are we then to set up a congressional committee, vote on what subjects are and are not appropriate for prayer in public schools? It seems to me that process would be more appropriate in the Taliban's Afghanistan than in the United States.

The fourth problem is that this resolution says "a sufficient period of time" should be allowed for prayer or quiet reflection in our schools. Does this resolution envision Federal, State or local governments having debates on what is "sufficient time to pray"? To someone, a 1-minute prayer might be appropriate. In many religions, a 1-minute prayer would be considered superficial. To Muslim children, only one prayer a day would be considered sacrilegious.

Under the recent Supreme Court decision the gentleman from North Carolina (Mr. JONES) addressed, schools will face complex and difficult decisions in determining whether or how to establish time for prayer and meditation. Congress should not complicate that matter tonight for local schools by getting into the debate of defining what is "sufficient" time to pray and what the subject of children's prayers, however well intentioned, should be.

Mr. Speaker, it is already legal for children to pray in school. No law, no government body has the power to outlaw private prayer. Children may already pray quietly in the classroom or out loud before and after school. They may pray out loud during their lunch periods during school. The only prohibition, and rightly so, is against gov-

ernment-organized, government-sanctioned prayers in our public schools.

Mr. Speaker, another serious objection I have to this legislation is that it frankly implies that congressional action is needed to encourage American citizens to pray. Nothing could be further from the truth.

All of human history, including the world today, has proven that religion and prayer flourish best when politicians and government stay out of our matters of personal faith. It was wrong when House Republicans in the last Congress tried to pass a similar resolution dictating that it was the "necessary duty" of Americans to pray. Fortunately, that measure failed.

My hope is that Members of this House will recognize that it is just as wrong to dictate to school children or to even suggest to school children through legislative action of this Congress the subject of their prayers.

Mr. Speaker, this legislation is unnecessary at best. At worst it raises serious constitutional questions and sets the dangerous precedent of Congress suggesting the subject of our children's prayers.

As an individual, I hope that American citizens will continue to pray for our Nation; but as a matter of conscience, those prayers should be their choice, not Congress', not the gentleman from North Carolina's (Mr. JONES), and not mine.

Americans do not want and Americans do not need government getting involved in our prayers or our personal faith. Vote "no" on this resolution.

Mr. ISAKSON. Mr. Speaker, could the Chair advise both sides of the remaining time, please.

The SPEAKER pro tempore (Mr. FORBES). The gentleman from Georgia (Mr. ISAKSON) has 6 minutes remaining. The gentleman from California (Mr. GEORGE MILLER) has 5 minutes remaining.

Mr. ISAKSON. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from North Carolina (Mr. JONES).

Mr. JONES of North Carolina. Mr. Speaker, I would like to say to the gentleman from Texas (Mr. EDWARDS) that, again, whether my colleague agrees or disagrees, this is nonbinding. It does not have the power of the law behind it. It is just for the Congress to make a statement to the children of America.

I have three military bases in my district. I have Camp Lejeune Marine Base in Jacksonville, I have Cherry Point Marine Air Station, and Seymour Air Force Base; and I go to a lot of the schools where kids have parents in uniform; and I know the questions and concerns they have been asking since September 11. If by chance, whether this resolution passes or not, if by chance the children will have that moment to reflect or whatever they

might do, I am telling my colleague it is just extremely important.

Let me share one thing with my colleagues that Billy Graham, who is a well-known man of our Lord and Savior, his daughter Ann was on the CBS Early Morning Show, and Jane Clayson asked her and I will read this, Mr. Speaker, how could God let something like this happen. Ann Graham gave an extremely profound and insightful response, and I would like to read her response.

She said, I believe that God is deeply saddened by this just as we but for years we have been telling God to get out of the schools, to get out of the government and to get out of our lives. She further stated, In being the gentleman that He is, meaning God, I believe that He has calmly backed out. How can we expect God to give us His blessings and His protections if we demand that He leaves us alone. That is one person's opinion.

□ 2130

The point I am trying to make, Mr. Speaker, is that again, I am just one Member of 435. I think it is important that this Congress in a nonbinding way say that we understand that the children of America are hurting, and if the children of America would like to have a moment of prayer or a moment to reflect, then God bless the children of America.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Speaker, let me first respond to the statement of the gentleman from North Carolina (Mr. JONES). He said, "God has made a comeback in our schools." Frankly, the God I pray to never left the schools. And the God I pray to is so powerful that no government body in any nation has the ability to take God or prayers out of our schools.

The gentleman, it is interesting, talks about the importance of this resolution and says it is a nonbinding resolution. Well, the gentleman needs to make up his mind. If it has no impact, perhaps we should not be taking the time of the Congress tonight to debate it. But if it does have impact, I would argue the case, with which many religious conservative organizations, including many Christian organizations in this country, that would agree with my position that government ought not to be suggesting or dictating prayers; and especially should not be dictating what the content of American citizens and school children's prayers should be.

The fact is, if Members read the resolution, it does not just say schools should consider as one option possible prayers. Schools should, should set aside a sufficient period of time. That word is with all of the authority and respect that the institution and the

United States Congress might have in this country.

It also, by the way, talks about what to pray for. It does not mention, as the gentleman from California (Mr. GEORGE MILLER) mentioned, silent prayers or out-loud prayers. If silent, that is not what this resolution says. If these prayers are out loud, my question is, who is going to decide in the classroom whose prayer is heard and what prayer is given. Are we going to have third graders deciding who is going to give the prayer on the subject that Congress has suggested they should pray about?

It would be helpful before the end of the debate if the gentleman could answer the question raised by the gentleman from California (Mr. GEORGE MILLER) as to whether his resolution contemplates prayers being given out loud in our classrooms. If so, I would suggest that raises use constitutional questions. If not, then the gentleman needs to rewrite his resolution, which is exactly why we should have had a committee hearing on an issue of such great importance.

This resolution should not be on the floor of the House tonight.

Mr. ISAKSON. Mr. Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1½ minutes to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Mr. Speaker, first of all, I want to say I do not question the sincerity of the gentleman from North Carolina. He is a man of principle. We are talking about the resolution, not talking about the distinguished gentleman from North Carolina.

This is a controversial resolution. It might be constitutional; it might not. If we worked on it consistent with the Virginia supreme court case, we might make it constitutional, but it is very controversial. It prescribes what the prayer is. Therefore, it ought not, without any hearings at all, be adopted.

Mr. Speaker, if we want to help our children, we might help them by having school psychologists in the school. Child health care with mental health parity, I think that would help the children. Smaller class sizes, that would help the children. There are a lot of ways we can help the children rather than spending time on the floor of the House debating a resolution such as this.

I would hope that we defeat the resolution and not suspend the rules.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I grew up as a Catholic believing that God was all-knowing and ever-present; and it was not until I came to Congress and listened to these debates that I thought anybody would ever believe that a superintendent of schools or a teacher or a congressman could separate me from my God.

My God was always present. I could reach out and converse with God, rely on God, pray to God. Then I came to the Congress, and there were Members saying people could drive God out of school, drive God out of Congress, drive God out of here, drive God out of there. Maybe, I do not know; but it was never the God I understood that would travel with me throughout my life, that would always be there for me.

I find it interesting that somehow people believe children's faith is so weak that it can be dismissed like that by some school official, despite the teachings of their families, church and peers. I find it interesting that somehow God just disappears. It is an incredible statement that I do not understand regarding the underestimation of the American people's faith in their God.

Mr. ISAKSON. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I commend the gentleman from North Carolina (Mr. JONES) for bringing this resolution, I commend the gentleman from Virginia, the gentleman from Texas, the gentleman from New Jersey, and the gentleman from California.

I am not a religious philosopher by any stretch, and I would not stretch to say I am a constitutional expert. But I am reminded, as I listen to this debate, that it is one of the reasons I am most proud to be an American. Both the gentleman from North Carolina (Mr. JONES) and the gentleman from New Jersey (Mr. SMITH) and the gentlemen on the other side have raised the consciousness of our country in this debate. Their arguments are not based on grounds that are against religion. They are based on the fundamentals and protection of religion, as our Constitution intends it to be, and I respect that.

I am somewhat reminded of a quote from Floyd Patterson shortly before he went into the ring to fight a title bout for the heavyweight championship of the world. Known to be a religious man, he was asked by a sportswriter, "Mr. Patterson, is God on your side?" And he said, "I only hope God knows I am on his side."

Regardless of the opinions in this debate, it is my conclusive belief that every Member of Congress falls in that same category as Mr. Patterson. While we may have differences on the intent of this legislation, it is patently clear it is permissive, not mandatory; respectful, not dictatorial; and it recognizes that at a time and place of tragedy in our country, it is only appropriate that America's children have the opportunity in their own way to reflect or to pray.

Mr. Speaker, I commend the gentleman from North Carolina (Mr. JONES) and those on both sides of the debate. I urge Members to adopt the resolution.

Mr. BOEHNER. Mr. Speaker, I am proud to support House Concurrent Resolution 239.

The atrocities committed against the United States on September 11, the ongoing threats to our national security, and the realization that ordinary Americans can be targets in the struggle against the forces of domestic and international terrorism have left our Nation searching for comfort. They have also led many of us to pray and reflect on behalf of the Nation, each in our own way, and according to our own understanding of God. When events occur that confound and enrage and hurt us so deeply, it is natural for humankind, and Americans especially, to take time to seek wisdom and consolation from the Creator. I believe such times of spirituality are something to be encouraged, especially among our children.

This House Concurrent Resolution makes clear Congress's support that America's schools should set aside a sufficient period of time to allow children to pray for, or quietly reflect on behalf of, the Nation during the difficult days we now face. I believe such "moments of silence" merely given students a choice—not a mandate—to pray and reflect, and are not only constitutional, but also consistent with this Nation's heritage of recognizing that America is indeed "one Nation under God," as so many students around this great land recite each school day.

As President Eisenhower once said, referring to the reference to God in the Pledge of Allegiance, our Nation is one that reaffirms "the transcendence of religious faith in America's heritage and future; in this way we shall constantly strengthen those spiritual weapons which forever will be our country's most powerful resource in peace and war." It is appropriate that our schools encourage their students to seek comfort and answers—and strength—in their faith.

I urge my colleagues to support House Concurrent Resolution 239.

Mr. ISAKSON. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. FORBES). The question is on the motion offered by the gentleman from Georgia (Mr. ISAKSON) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 239.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. JONES of North Carolina. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

RESERVISTS EDUCATION PROTECTION ACT OF 2001

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3240) to amend title 38, United States Code, to restore certain education benefits of individuals being ordered to active duty as part of Operation Enduring Freedom.

The Clerk read as follows:

H.R. 3240

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Reservists Education Protection Act of 2001".

SEC. 2. RESTORATION OF CERTAIN EDUCATION BENEFITS OF INDIVIDUALS BEING ORDERED TO ACTIVE DUTY AS PART OF OPERATION ENDURING FREEDOM.

(a) IN GENERAL.—Sections 3013(f)(2)(A), 3231(a)(5)(B)(i), and 3511(a)(2)(B)(i) of title 38, United States Code, are each amended by striking “, in connection with the Persian Gulf War, to serve on active duty under section 672 (a), (d), or (g), 673, 673b, or 688 of title 10;” and inserting “to serve on active duty under section 688, 12301(a), 12301(d), 12301(g), 12302, or 12304 of title 10;”.

(b) CONFORMING AMENDMENTS.—Sections 3013(f)(2)(B) and 3231(a)(5)(B)(ii) of such title are each amended by striking “, in connection with such War.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on September 11, 2001.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SMITH) and the gentleman from Illinois (Mr. EVANS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as chairman of the Committee on Veterans' Affairs, I strongly encourage Members to support H.R. 3240, the Reservist Education Protection Act of 2001, and am pleased that the gentleman from Illinois (Mr. EVANS) has joined me in sponsoring this. We are up to 34 Members who have cosponsored this important legislation.

Mr. Speaker, as many as 10,000 of the 50,000 Reservists and Guard members the President called to active duty on September 18, 2001, may have had their education interrupted by their selfless service to our Nation. These service members should not lose any of the educational benefits they have earned because they answered the call to duty. The Reservist Education Protection Act of 2001 would reinstate VA educational entitlement to those called up for Operation Enduring Freedom, as well as those called up in future national emergencies.

This bipartisan legislation would allow any service member who is mobilized after September 11 and had to disenroll from college or other schools to regain any monthly VA educational entitlement payments lost due to the call-up. Our bill accomplishes this by increasing the number of months of VA education entitlement equal to the months deducted for the incomplete course. These men and women would also regain time to attend school by extending the 10 years that they already have to use their benefit by a pe-

riod equal to the period of active duty for which they were called up, plus 4 months. For example, if a service member is mobilized for 6 months, he or she would have 10 months added to his or her 10-year delimiting period.

Mr. Speaker, in 1991, during the Persian Gulf War, Congress addressed this same issue and protected VA educational entitlements under both the chapter 30 Montgomery GI bill active duty program and the then-chapter 106 program for members of the Selected Reserve. Such protections were for the Persian Gulf War only.

I would note that the service members using the current chapter 1606 Montgomery GI bill program under title 10, U.S. Code, are already protected.

Let us tell the men and women mobilized that Congress stands with them as they serve our Nation during Operation Enduring Freedom. I urge support of H.R. 3240.

Mr. Speaker, I reserve the balance of my time.

Mr. EVANS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I strongly support the measure before us and salute the chairman, the gentleman from New Jersey (Mr. SMITH).

Qualifying veterans, members of the Guard and Reserve and service members serving on active duty are eligible for veterans' educational benefits administered by the Department of Veterans Affairs. Those eligible for VA education benefits are entitled to receive a specified number of monthly payments to further their education.

During a period of conflict, active duty servicemen and Reservists may need to leave school before an academic term has been completed in order to perform military service in the Nation's defense. Although these men and women have used a part of their VA education benefits to begin a term of study, they are unable to complete their academic work. Unfortunately, under current law, the entitlement these men and women have used is not restored for their future use even though their studies have been interrupted to serve this Nation.

During the Gulf War, Congress addressed this issue to protect the education benefits of our men and women in uniform. Chapter 30 in title 38, as well as chapter 1606 in title 10, were amended to provide for reinstating a veteran student's entitlement to provide for reinstating a veteran student's entitlement to education benefits if the courses in which he was enrolled were interrupted for active duty service.

□ 2145

This applied equally to chapter 1606 and chapter 30 beneficiaries and, importantly, the reinstated benefits had to be “in connection with the Persian

Gulf War.” In 1999, Congress amended this law by deleting the limiting language for chapter 1606. Because of this deletion, current chapter 1606 beneficiaries who discontinue school for active duty service will indeed have their entitlements reinstated.

Mr. Speaker, in the case of an individual who has been receiving educational benefits from the VA, but is prevented from completing his or her coursework as a result of changed military duties or because of activation, this bill would rightfully restore his or her entitlement that was being used for interrupted schooling. Thus, upon returning to school, H.R. 3240 would permit the individual to resume their educational pursuit with the amount of entitlement they possessed before entering the interrupted academic term.

The Nation devoted this past weekend to its solemn recognition of the brave men and women who have served this country. In the natural extension of this spirit and in the best interests of the future of the men and women in the Armed Forces, I strongly urge my colleagues to support H.R. 3240.

The name of the gentleman from New Jersey is strongly associated with this bill. I look forward to working with him in the implementation of this legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

I thank the gentleman for his kind comments. We do work, I think, very well as a team on behalf of veterans.

GENERAL LEAVE

Mr. SMITH of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include any extraneous material to the bill, H.R. 3240.

The SPEAKER pro tempore (Mr. FORBES). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. SIMMONS. Mr. Speaker, I rise today in support of H.R. 3240, the Reservists Education Protection Act of 2001, and I commend Chairman SMITH and Ranking Member EVANS for their leadership in introducing this bill today.

This bipartisan bill restores important Veterans Administration education benefits to those active duty, reserve and guard personnel who have been called up for Operation Enduring Freedom.

It has been estimated that up to 10,000 of the 50,000 reservists and guard members recently called up to active duty by President Bush as a result of the September 11th attacks on the United States will lose educational assistance benefits if they are forced to withdraw from school. Many of these men and women will also lose the tuition they have already paid for their education to date.

As a Vietnam Veteran, I know the value of educational benefits to military personnel returning from a war zone and trying to develop

their skills to get a decent job. As someone who has spent over 30 years in the U.S. Army Reserve, I also know that educational benefits are one of the most popular tools we use to retain and keep quality personnel in military. It is critically important that we preserve and protect the Montgomery GI Bill benefits that are offered to our service members.

Under the provisions of this legislation, those military personnel who are using their Montgomery GI Bill benefits and who are called up for Operation Enduring Freedom will have their monthly benefits restored.

Active duty service members, reservists, guard personnel and veterans enrolled in the Post-Vietnam Era Veterans' Educational Assistance Program, and the Survivors and Dependents Educational Assistance Program, will also be included within this legislation.

Service members will regain essential time to attend school by extending their Montgomery GI Bill date by the time of their mobilization tour of duty, plus four months, to the 10-year period of eligibility they already have. Congress provided similar relief during the War in the Gulf.

I urge my colleagues to support those patriotic service men and women who are responding to the call of duty at this challenging time. Preserve and protect their educational benefits while they are off fighting international terrorists who have viciously attacked our Nation. Pray that they get back safely and help them get back to school when they do return.

Mr. FILNER. Mr. Speaker and colleagues, I express my strong support for H.R. 3240, the Reservists Education Protection Act of 2001.

We are facing a situation in which many of the men and women, currently pursuing their education with VA educational benefits, may need to leave school before the academic term is completed when they are called to serve in the war against terrorism. As many as 8,000 to 10,000 of the reservists, now being called up, will have no reinstatement of their educational benefits for classes that were interrupted.

This legislation will restore their entitlement for benefits and allow them to complete their education which has been interrupted by our fight against terrorism.

We are in a new type of war, one which seeks to deter those who seemingly have no moral compass and who are willing to kill innocent civilians in great numbers. Now, more than ever, we need to support our brave soldiers who are putting their lives on hold to protect our nation, and indeed, to protect the world. As a co-sponsor of this bill, I urge my colleagues to support H.R. 3240!

Mr. SMITH of New Jersey. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 3240.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

FAST TRACK PROFITEERING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, on the evening of September 11, some gas stations in northeast Ohio and across the country raised the price of gas to \$4, \$5, even \$6 a gallon. Many people called that war profiteering.

Unfortunately over the last 9 weeks or so, something not much different has occurred here on Capitol Hill. You might call it political profiteering.

First, Congress passed a bailout bill giving the airline industry \$15 billion in cash and loan guarantees with virtually no strings attached: no sacrifices for the airline executives, no assistance for the 100,000 unemployed airline workers, no money for any kind of airline safety.

Then 3 weeks ago, in the name of stimulating the economy, this Chamber passed new tax cuts and accelerated others for the richest people and companies in America. Again, very little was included in the plan for laid-off workers and those among us who needed assistance the most.

Then a couple of weeks ago, political profiteering reached new heights. That week, the Bush administration's trade representative, Bob Zoellick, sought to link the trade negotiating authority known as Fast Track to our Nation's antiterrorism efforts. He went further by claiming that those of us who oppose Fast Track are a bit indifferent to terrorism and perhaps unpatriotic. According to Mr. Zoellick, free trade is the way to combat terrorism around the world; and if you do not support it, then you do not support real American values.

Unfortunately, Mr. Speaker, Fast Track and free trade do not embody American values as well as our trade representative has indicated. In Qatar, where this week's World Trade Organization ministerial is being held, the people do not have freedom of speech, they do not have freedom of assembly, they do not have freedom of religion, freedom of association, and they do not have free elections. Qatar's human rights record may not be in line with American values, but it is familiar territory to many of corporate America's trading partners.

Supporters of Fast Track say interaction with the developing world spreads democracy, but as we engage developing countries in trade and investment, democratic countries are losing ground to dictatorships and to

authoritarian developing countries. Democratic India is less desirable for Western investors than authoritarian China. Democratic Taiwan is losing out to autocratic Indonesia. In 1989, 57 percent of developing country exports in the manufacturing sector came from democracies. Since then, exports from democracies fell to 22 percent. Fully 65 percent of developing country exports come from totalitarian/authoritarian nations. The fact is Western investors want to go to places like China and Indonesia, which are dictatorships, because they have pliable work forces, they have authoritarian governments, and they are very predictable for Western businesses. Western corporations want to invest in countries that have poor or nonexistent environmental standards, that have below poverty wages, that have no worker benefits, that have no opportunities to bargain collectively.

As American investment moves to those dictatorships where they do not have the values that we have, American working families lose out. Our trade agreements go to great lengths to protect investors and protect property rights; but they do nothing to protect workers in this country or in developing countries, and they do little to protect the environment.

Mr. Zoellick's call for an absolute trade negotiating authority in the name of patriotism must be recognized for what it is, pure and simple political profiteering. We have all watched with pride the indomitable spirit of working Americans in response to the events of September 11. The right response for us to defend the jobs and values of these same Americans is a "no" vote on trade promotion authority.

AIRLINE SAFETY AND COAST GUARD PROFESSOR OF THE YEAR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Ms. BROWN) is recognized for 5 minutes.

Ms. BROWN of Florida. Mr. Speaker, yesterday's plane crash was another devastating blow to the residents of New York and the citizens of this great Nation. Although we do not know the cause yet, I have been hearing it called a "routine plane crash." I want to repeat that, a routine plane crash. God help us all if we ever accept a plane crash as routine.

I was in New York yesterday, and I had to take the train back to Washington. In fact, I chose to take the train back to Washington. I was talking to the train conductor who said that U.S. lawmakers have failed the American public. This is what our citizens think of this House and this Congress.

How many planes must go down before we truly deal with safety? Not just who screens the baggage but the safety

of the entire transportation system, including ports, rail, bridges, tunnels and, maybe after yesterday, more thorough safety inspections for airplanes. Does this country and this Congress have to wait until another disaster strikes again to act to protect our transportation infrastructure?

We do not want the American people to feel that we have failed them. I do not hold out much hope, but I am asking the conferees to support the other body's version of airline security so that we can move on to other areas of homeland security.

I also want to take the time tonight to talk about four heroes in the field of education. Earlier today, I attended a luncheon honoring four outstanding college professors. I especially am proud of Commander Vincent Wilczynski, an engineering professor at the Coast Guard Academy. He is the first service academy professor to receive this distinguished award in its 20-year history. The members of the Subcommittee on Coast Guard and Maritime Transportation and the entire Congress are very proud of the commander and all educators like him who strive for excellence in their classrooms every day. Although this award ceremony only lasted a few hours, their contribution to these young minds will be felt for many years to come.

U.S. PROFESSORS OF THE YEAR PROGRAM WINNERS' BIOS

CDR Vincent Wilczynski is associate professor of mechanical engineering at the U.S. Coast Guard Academy. Wilczynski was instrumental in establishing the mechanical engineering major at the Academy, and earning its accreditation. A strong advocate for linking engineering principles to practical applications, he guides students through research and analysis to real-world design problems.

Wilczynski extends his impact beyond the walls of the Academy by working with high school students across the nation in FIRST (For Inspiration of Science and Technology), a non-profit organization that brings students together with distinguished professionals and introduces students to mentoring, leadership, entrepreneurship, and professional behavior.

CDR Wilczynski holds a Ph.D. in mechanical engineering from The Catholic University of America and an M.S. in Naval Architecture and Marine Engineering from Massachusetts Institute of Technology.

Cornelius Carter is associate professor of dance at The University of Alabama in Tuscaloosa. Carter founded the Alabama Repertory Dance Theatre in his first year of teaching to create an environment that would prepare young Alabama dancers to compete for the best national internships and memberships in professional dance companies, and for scholarships to graduate academic dance programs.

One colleague affectionately called Carter "a one-man gang", as he collaborates with local high schools, mentoring at-risk students and expanding cultural horizons of those outside the university's dance program.

Carter holds a Master of Fine Arts in Dance from University of Hawaii at Manoa,

Honolulu, and has taught dance at the American Ballet Theater, Harvard Summer Dance Program, and this summer, at the Ailey School at Lincoln Center in New York City.

Clarence Romero is associate professor of psychology at Riverside Community College in Riverside, Calif. He spearheaded Latino Educators of Tomorrow (LET), a teacher preparation program that encourages students to overcome mental and physical barriers, to set personal goals and accept responsibilities. LET reinforces the idea that students are the masters of their own destinies.

Romero's teaching philosophy was profoundly impacted by an exercise in which he asked his students to make him "student for a day". The students told him, "Teachers tell; they don't listen. They don't know who we are or what we're all about." Romero understood, and strives to make his students active participants in an education process that has real life applicability.

He holds a Ph.D. in psychology from University of Riverside, and has served as an instructor, chief administrative officer, counselor and student personnel worker.

Laura Duhan Kaplan is associate professor of philosophy at The University of North Carolina at Charlotte. She developed "narrative philosophy", a teaching style in which students use stories from their own everyday lives to unpack the meaning of difficult theoretical concepts proposed by famous philosophers. She writes extensively on how her method affects student understanding, highlighting student's writing about their learning experience.

Kaplan served as coordinator of Women's Studies at UNC Charlotte for seven years, and is credited with tripling program enrollment. She established numerous other interdisciplinary programs, including a Junior Great Books course for middle school students, and is working toward establishing a Jewish Studies program at UNC Charlotte.

Kaplan holds Ph.D. in philosophy and education from Claremont Graduate School and has taught more than twenty different courses from pre-freshman to graduate level.

STATE WINNERS

Alabama: Stephen Chew, Professor and Chair, Psychology, Samford University.

Alaska: Ping-Tung Chang, Professor, Mathematics, University of Alaska Anchorage.

Arizona: Albert Celozza, Faculty, Liberal Arts, Phoenix College.

Arkansas: Helen Robbins, Associate Professor, English, Lyon College.

California: Nicole Weekes, Assistant Professor, Psychology, Pomona College.

Colorado: Charles Ferguson, Assistant Professor, Biology, University of Colorado at Denver.

Connecticut: David Sloane, Professor, English and Education, University of New Haven.

District of Columbia: Gerald Feldman, Associate Professor, Physics, George Washington University.

Florida: June Main, Professor, Education, Jacksonville University.

Georgia: Ulf Kirchdorfer, Associate Professor, English, Darton College.

Idaho: John Freemuth, Professor, Political Science, Boise State University.

Illinois: Constance Mixon, Instructor, Political Science, Richard J. Daley, Chicago.

Indiana: Mary Johnson, Assistant Professor, Micro Biology, Indiana State University.

Iowa: Terence Kleven, Associate Professor, Religion, Central College.

Kansas: C. Rick Snyder, Professor, Clinical Psychology, University of Kansas.

Kentucky: James Wagner, Assistant Professor, Biology, Transylvania University.

Louisiana: Teresa A. Summers, Professor & Division Head, Textiles, Apparel Design & Merchandising, Louisiana University.

Maryland: Sylvia Sorkin, Professor, Computer Science, The Community College of Baltimore County, Essex.

Massachusetts: Kevin Smith, Associate Professor, Physics, Boston University.

Michigan: Bernard J. O'Connor, Professor, Political Science Eastern Michigan University.

Minnesota: James Bartruff, Professor, Theatre Arts, Minnesota State University Moorhead.

Mississippi: Michael M. Neumann, Professor, Mathematics, Mississippi State University.

Missouri: Vicki Ritts, Associate Professor, Psychology, St. Louis Community College.

Montana: John Photiades, Professor, Economics, The University of Montana-Missoula.

Nebraska: David Iaquina, Professor, Sociology, Nebraska Wesleyan University.

Nevada: Dale Holcombe, Professor, Animal Biotechnology, University of Nevada, Reno.

New Hampshire: Randall S. Hanson, Associate Professor, Colby-Sawyer College.

New Jersey: Robert Clark, Associate Professor, Biological Sciences, Cumberland County College.

New Mexico: Mary Fanelli Ayala, Associate Professor, Modern Languages, Eastern New Mexico University.

New York: Frances Bronet, Associate Professor, Architecture, Rensselaer Polytechnic Institute.

North Carolina: Althea Riddick, Chair, Business and Office Technology, College of the Albemarle.

Ohio: Robert Welker, Professor, Education, Wittenberg University.

Oklahoma: Sue Ellen Read, Professor, Teacher Education, Northeastern State University.

Oregon: Becky Houck, Professor, Biology, University of Portland.

Pennsylvania: Gary S. Smith, Professor, History, Grove City College.

Rhode Island: Roger Lebrun, Professor, Entomology, University of Rhode Island.

South Carolina: Mary Stepling, Assistant Professor, Speech Language Pathology, Columbia College.

South Dakota: Michael Roche, Professor, Political Science, The University of South Dakota.

Tennessee: David Julseth, Associate Professor, Foreign Language, Belmont University.

Texas: Robert Webking, Professor, Political Science, The University of Texas at El Paso.

Utah: David Lancy, Professor, Anthropology, Utah State University.

Vermont: Lyndon Carew Jr., Professor, Animal Sciences & Nutrition, Food Science, University of Vermont.

Virginia: Cheryl Jorgensen-Earp, Associate Professor, Communication Studies, Lynchburg College.

West Virginia: John J. Renton, Professor, Geology, West Virginia University.

Wisconsin: Scott Hartsel, Professor, Chemistry, University of Wisconsin-Eau Claire.

Wyoming: Carol Frost, Professor, Geology & Geophysics, University of Wyoming.

CHOICES FACING CONGRESS AND AMERICAN PEOPLE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Maine (Mr. ALLEN) is recognized for 60 minutes as the designee of the minority leader.

Mr. ALLEN. Mr. Speaker, I am pleased to be joined by my friend, the gentleman from Connecticut (Mr. LARSON). We are here tonight to talk about some of the choices that face us in Congress and face the American people as well. I know this is a time when all of us are preoccupied with the conflict in Afghanistan and the war against terrorism here in the United States. There is so much to do both on the foreign front and on the domestic front that perhaps we have not spent all the attention we need to on certain aspects of both the economic stimulus and the effort to protect Americans here at home. That is really what I want to talk about tonight.

I want to begin by referring to the economic stimulus package that passed this House 2 weeks ago by a vote of 218 to 214, only a four-vote margin. If any two people in the majority had switched their votes, that bill would not have passed. So it obviously was one of the more controversial items that we have had in the last few weeks in front of this House.

Now, from my point of view, what that so-called economic stimulus bill looked like was the same old tax cuts to the same old people that we have seen here before. Not quite the same old people because in this case it was the same old corporations. My friends on the Republican side of the aisle had concluded that the only way to stimulate this economy was to give hundreds of millions of dollars in some cases and more than a billion dollars in other cases to some of the wealthiest corporations in this country.

In order to understand an important part of this bill that we passed 2 weeks ago, you have to understand something called the alternative minimum tax. The alternative minimum tax is assessed both against individuals and against corporations. It is assessed only against wealthier individuals and wealthier corporations in both cases because they have so many tax credits, so many deductions, so many loopholes that if they did not pay the alternative minimum tax, they would not be paying much of a tax at all.

In the economic stimulus package, so-called, that the Republicans passed 2 weeks ago, there was a repeal of the alternative minimum tax for corporations.

□ 2200

This will cost the American taxpayers \$25 billion. This was not just a repeal of the Alternative Minimum Tax looking forward, it was a repeal and a

rebate of the Alternative Minimum Tax paid by companies like IBM, Ford, General Motors, General Electric and several hundred or even several thousand other corporations.

Tonight I want to talk about how much of a rebate those corporations will get that are in the top 16 of the beneficiaries of the largesse of my friends on the Republican side of the aisle. Let us turn to this particular chart.

In the economic stimulus package, H.R. 3090, IBM would receive a rebate of over \$1.4 billion. That is right, \$1.4 billion in a check going from the Federal Government to IBM, all in the name of stimulating the economy. Now, a majority, though not all of American taxpayers, recently got a rebate of \$300. But IBM gets a rebate of \$1.4 billion to cover the minimum tax that it had been paying since 1986.

Number two on the list is the Ford Motor Company. Ford gets \$1 billion, \$1 billion in a rebate, a check from the Federal Government. All of this is in the package, in the name of economic stimulus.

Now, you might ask, well, does either IBM or Ford have to invest this money in anything? Are there any strings to this money, any conditions, anything that would assure that this money is going to be invested by IBM, Ford, General Motors, General Electric or any other companies that are the beneficiaries of this largesse? The answer is no. No strings, no conditions. Straight to the bottom line. Probably the stock would go up the next day if this happened, if this bill were passed by the Senate. But that is what you have got.

Let me just read through a few of the larger beneficiaries of the House Republican economic stimulus bill. As I said, IBM gets \$1.4 billion; Ford Motor Company gets \$1 billion; General Motors gets \$833 million; General Electric gets \$671 million; the Texas Utility Company, TXU, gets \$608 million; DaimlerChrysler, \$600 million; and on down the list.

Now, before I call on my colleagues, who I am sure are as astonished as I am by simply writing checks to profitable, huge American corporations in the name of economic stimulus, I want to refer to one of the alternatives just a moment.

The Homeland Security Task Force of the Democratic Caucus has put together a bill to deal with the threat of bioterrorism in the United States. We have looked at a wide range of different risks to this country, and we have come up with a series of proposals to deal with those risks. Now, this bill, as I said, deals with the range of threats, threats presented by anthrax, smallpox, other threats to our food safety, emergency planning, coordination, all of those kinds of things.

I recently held a meeting in my district with police and fire officials and

EMT technicians, all of whom are under great stress since September 11. They have had extensive overtime, extensive extra expenses as a result of September 11. What they wanted was not just more funding, they wanted more training and they wanted better communication with Federal and State officials.

Let us just take a look for a moment at the priorities of our caucus, the Democratic Caucus, as compared to those tax cuts for the larger corporations in this country.

What we have decided as a caucus is we ought to spend about \$1.4 billion acquiring and researching vaccines and antibiotics. This presents a choice. We are threatened by anthrax, we know. There is always a risk of smallpox or other diseases out there that could be the subject of a terrorist attack. We think we need to deal with this threat and we need to deal with it now. \$1.4 billion will do it. That happens to be the same number that the House Republicans would write a check to IBM for, the same number.

One more example. We need to improve the ability of our local responders to deal with these kinds of medical emergencies. We can do that across this entire country for \$1 billion. \$1 billion, the same amount that our friends on the Republican side of the aisle believe should go to Ford Motor Company in a check; no strings, no conditions whatsoever.

We can go on down this list for some period of time and draw some of these contrasts, and we will do that in the course of this hour. But I would like to yield to my friend the gentleman from Connecticut (Mr. LARSON), who has been deeply concerned about the implications of these priorities. I know that he, like all of us, is puzzled that, given the choices that are presented to this Congress, the majority would make a decision that seems so out of sync with the needs of this country.

Mr. LARSON of Connecticut. I thank the gentleman from Maine for yielding, and commend him for bringing to the attention of the body the importance of this issue.

The hard truth with most special orders, for those of you that are viewing at home, is that it is very difficult for us to get our message across when we are in the minority, so oftentimes we have to rely on voices beyond this Chamber. It is our sincere hope that we reach you, that we reach members of the media, so they can continue to take this case before the American public.

The American public in turn responds, because, after all, this is a time of war. We are currently a Nation at war, and though the war appears to be going well at this time and the President has the full support of Congress and the Nation and it is important for us to stay united as a country, we find

that some of the things that divide us are the very issues that the gentleman from Maine (Mr. ALLEN) is addressing this evening.

Let me say from the outset that I have always felt, and I believe most Americans believe this way as well, that in a time of crisis, in a time of war, it is a time for shared sacrifice; that the entire Nation has to pull together. Witness the valiant efforts of the rescuers at the World Trade Center, Mr. Beamer and those citizens aboard Flight 93, and, of course, the heroes at the Pentagon as well.

How can anyone go home this past weekend and talk to veterans and be able to look them in the eye and say, I am sorry, we will not be able to afford prescription drug relief for you because we have got to provide a tax cut for the wealthy?

I am sorry that perhaps there will not be enough vaccine to go around, because we have got to provide a tax cut for the wealthiest corporations?

I am sorry that there will not be airport security, because it will be too costly to afford in lieu of the tax cuts that we are providing?

I am sorry that we will continue to have to send our senior citizens to Canada to get prescription drugs that they can afford, because we have got to provide a tax cut for the wealthy?

It is obscene. It hurts when you have to go home and look at people who, in so many respects in the great irony of all this, we are talking to a generation that has lived through a second day of infamy, the first being December 7, 1941, the second being September 11. And of all the people we are asking to sacrifice, we are asking them to sacrifice.

Where does this money come from? It comes from the Social Security surplus. Instead of the money going into the Social Security surplus to deal with future generations retiring, it is going, instead, in windfall proportions to corporations and the very wealthy.

It is time for us to recognize what the gentleman from Massachusetts (Mr. FRANK) and others have recognized, that we need to freeze the existing tax cut that we have made, and then look at this giveaway of the repeal of the Alternative Minimum Tax and focus on the direct needs that the gentleman is pointing out here for homeland security.

How can we turn our backs on these frontline defenses for this Nation? It was not lost on any Member of Congress that it was not the FBI, it was not CIA, it was not the military or FAA or FEMA that responded first; it was local firefighters, police, emergency medical teams, allied health professionals and hospitals. They are crying out for this money, as are governors and members of General Assemblies across this Nation, because they are fearful that with a tax cut going to

the select few, there will be little money left for them to send out to our municipalities. There is \$8.7 billion utilized in terrorism today, with only \$300 million going out to our municipalities, meaning that \$8.4 billion stays within the Beltway.

These municipalities fear a top-down solution foisted upon them by the Federal Government; another mandate that will go unfunded, while we fund a tax cut for the wealthiest corporations, and, frankly, at a time when most of them are not even asking for it.

This is a time of shared sacrifice. The patriotic thing to do at this time is to make sure that the Nation is safe and secure; that there are vaccines available for everyone; that our frontline defenders are appropriately equipped and trained; and that our seniors, who have sacrificed much already, are able to get the prescription drugs that they need, and not have to face the God-awful choice between heating their homes, putting nutritious meals on their table and taking the drugs their doctors have told them they must take to survive.

That is why we are so concerned, and that is why, frankly, I am so angered by what is going on, because there is a great opportunity in this Nation to come together. The President has done a remarkable job in unifying this Nation and bringing about the war effort and getting everyone to focus, as we should, at rooting out terrorism. But if we root out terrorism and in the process do nothing to help the people in our own Nation, where are we?

We have stood on the shoulders of another generation for too long. It is time for us to reach back and uplift our own generation of elders in this country who are going without, and should not be made to sacrifice yet again while we provide huge and massive tax cuts to the wealthy few.

Mr. ALLEN. Mr. Speaker, I thank the gentleman for those comments. What he says about shared sacrifice is exactly the point. It is not what some of these large American corporations seem to be in the mood to do though.

I thought I would go back to this chart for a moment. The House Republicans passed this economic stimulus package, and, as you can see, we have listed on this one chart the 16 corporations that get the largest checks from the Federal Government if this bill becomes law. It ranges from the \$1.4 billion check that IBM would get to the \$102 million check that K-Mart would get. But the repeal of the Alternative Minimum Tax in total represents a give-back to corporations across the country of \$25 billion; \$25 billion in checks to the largest corporations in the country.

When you contrast that with not only prescription drugs and education and so many of the alternatives that the gentleman from Connecticut men-

tioned, but if you just looked at the Democratic proposal to deal with bioterrorism, the kinds of things that are here, not just acquiring and researching vaccines and antibiotics, that is pretty obvious. But, for example, improving the public health infrastructure. No one can question that that is not a very important priority today. Or improving border security and strengthening the Coast Guard. That is a no-brainer. It needs to be done. Protecting our water supply or addressing threats to mail delivery.

These are not frivolous things that maybe we ought to do in 3 or 4 years if and when we can find the money. These are things that need to be done now; need to be done now and should be done now. And the truth is, this entire bill comes to \$7.5 billion, less than one-third of the entire tax cut that would go to corporations under the repeal of the Alternative Minimum Tax.

□ 2215

These are the choices we face as a Congress, and we need to make the right choice; and so far, this House has not done that.

We are joined tonight by the gentleman from North Carolina (Mr. ETHERIDGE), and we are pleased to have him here to speak on these issues. I yield to the gentleman.

Mr. ETHERIDGE. Mr. Speaker, I thank the gentleman from Maine for yielding to me. I could not help but think that as we talk about this issue tonight how we got here. Our colleagues need to remember how we got here. Because I think it is important to also put it into perspective. We got here because we face one of the greatest challenges I think that we have faced as a Nation as a result of the September 11 attack, probably the greatest challenge we have faced since World War II. It will forever be a day when it was remembered when evil visited the shores of America unlike any time in the history of this country, when we lost more people in one day than probably any time since the Civil War, and even before that event, our economy was sort of teetering on the brink of a recession, certainly a slowdown, and that attack probably did push us to the edge.

It really bothers me, and I want to reflect on that, that we are working so hard to collect to help support our troops overseas and work with the White House on these issues that our colleagues would take that opportunity and use that situation to turn in and fail to realize that this so-called stimulus package that they rammed through the House on a partisan vote, it is just the wrong way to go. It is the wrong way to go. It is really about, in the end, having spent a number of

years in business and as a legislator before I came here and the superintendent of schools, I am always reminded that in the end, it is always about people. It is about people.

In October, we saw the unemployment rate jump a half a point, to 5.4 percent, a 5-year high. It was the biggest monthly increase in over 20 years. Let me repeat that again. The biggest monthly increase in over 20 years. And what do we do? How do we respond to that? We do not respond to it by reaching out and helping those who are hurting so badly. We want to help those who are already doing okay. That is really not how we got to the best economy probably in our lifetime, and we are not going to get back there that same way.

We know that no sector of the economy has been immune to this; but as the gentleman said, we had an opportunity to pass a very good stimulus package that would help get the economy going, help to get people working and get our economy moving again; and that is the kind of thing we need to have, not massive cuts for the wealthiest corporations who really would be happy to get it, I assume, and they would love to have it and the stockholders would be glad to have it.

However, it is not going to help the kind of people I talked with today in Raleigh at a press conference. I talked to a lady who has been laid off who has two children who worked for Midway Airlines when they went bankrupt and shut down after September 11, and she is now unemployed and is now drawing unemployment. She said, I believe she told me she filled out something like 30-some applications in a bad economy, and she is still filling out applications. Another lady who has worked 33 years for the same company and she said, you know, you cannot imagine how bad it is to have to back up your truck to the place you worked for 33 years and they closed their doors, and all that you have worked for all your life is loaded into the back of a truck and you drive home. She said, my unemployment benefits run out January 1, and I do not know where I am going to work. She said, I am a proud person. I want to work. And I am still making applications, trying to get a job. That is what we ought to be about. We ought to be working together to get that done. That is how we stimulate the economy. Pass things that put people to work.

Mr. Speaker, I think the House Republican leadership was absolutely wrong when they rammed through their special interest tax break and called it a stimulus package. It was not a stimulus package, and they know it. The American people do not need assurance that these tax cuts will get our economy back on its feet. They need jobs. I talked to people today who want a job. They just want to work. That is

all they ask. They do not need pats on the back and rhetoric about the strength and spirit of the American worker. They need a job. That is all they want.

Mr. Speaker, praise does not pay the bills, and you cannot cash encouragement. We need a package that will produce real results for those affected by the economic downturn. That is all they ask. They are just asking for a helping hand, a bridge, from now until the economy gets going.

So how do we create those jobs? There are ways we can do it. The gentleman has laid out some of them tonight in a package of things we need to spend money for. They are appropriate. They are things we have in the pipeline. They are things we ought to be doing. The security of our airports. Construction projects that will help make America safer and productive. Sure, part of them are building roads that we are going to build any way, just speed them up. We could spend a little money building a few school buildings. Is it not amazing what that would do for America? It would improve education. It would say to our children that education really is the most important thing we want them to be about in their young lives, and it would put in place a lot of good-paying jobs in America.

Mr. Speaker, there are things that we could be doing, working together, instead of playing the same old games that lead to nowhere, to help those special interest projects that are not going to pass. They are not going to pass Congress this year. So why are we still here, almost at Thanksgiving, not doing the work of the American people? I think the leadership has a responsibility, and I have always said, get out of the way or let somebody else do it, and it is time we get the job done for the American people. I yield back to the gentleman.

Mr. ALLEN. Mr. Speaker, I thank the gentleman for those comments. There really are so many ways we could go at this problem. Aviation security is one area where we need action and we need action now. I mean, we are hung up in this ideological debate about whether the security screeners at airports should be Federal employees or not; and the leadership on the other side here does not want any more Federal employees, as if that were a bad thing in itself. We know, of course, that if the security screeners were Federal employees, they would be paid probably twice as much, they would have some benefits, and they would stay on the job longer than the average of 9 months, which is the average length of time that a security screener in this country now stays on the job.

Now, we have done a contrast here with the bioterrorism act that House Democrats have put together, but there are so many other ways to go at this problem.

Mr. Speaker, it is interesting that the Democratic Chair of the Committee on Budget in the other body and the ranking Republican in the other body and the Republican Chair of the Committee on the Budget in the House and the ranking Democrat on the Committee on the Budget in the House, those four leading budget experts came together and they said, we need a stimulus package that is focused on the near term, focused on the next year, and that any tax cuts that are enacted should be temporary. They should be confined to that year, because that is when we need the stimulus. But the repeal of the alternative minimum tax is forever, and it is not only forever going forward, it is 15 years going back. We are going to rebate \$25 billion in past taxes paid on a minimum base by some of the larger corporations in this country. It is a mistake.

I yield to the gentleman from North Carolina.

Mr. ETHERIDGE. Mr. Speaker, I thank the gentleman for yielding. The gentleman has really touched on a very important point, because as we look at where we are today, where we want to get to tomorrow and next year and the year after for our children and hopefully our grandchildren, it really is important to be preparing and be making decisions that will not negatively affect our opportunity as a Nation and for those in business. What we do not want to do is build into any kind of economic stimulus package inflation. There is a reason why the long-term rates have not come down. All of this is in that.

The gentleman touched on earlier the whole issue of health care, and I feel like I need to share that with my colleagues tonight, about the ladies I talked to today in Raleigh and the conference we had. They were talking about the need, and this economic stimulus package really ought to deal with these issues, people who have lost their jobs and lost their health care and have children and have families. This lady said today, she said, you know, as bad as it is losing a job and a paycheck, you cannot imagine how difficult it would be to wake up one morning and get a call from your employer and say, do not come to work today. You are no longer employed.

So that is a shock enough, but all of a sudden when you realize your health care is gone with it. Now, you can buy into COBRA, but she shared with us the numbers today, and I do not remember the exact numbers, so I will not share those with my colleagues tonight; but what it amounted to is that her weekly unemployment checks over the month for her and her two children would have almost taken up every cent she got in unemployment to cover the cost for health care, with no money left to eat with and pay bills, et cetera.

Any package we get ought to have opportunity for people to get from here

to there and cover some benefits, pay down the cost so that they can be covered for them and their children. I mean, that is humane. Why would we not do that? Why would our colleagues not understand? When we send children to school and they leave in the morning, if an accident happens, they have no insurance, what are we doing to families? How can we say we are for families when we do not want to help children? That is what a stimulus package ought to be about. I do not understand it. I am sure the American people do not understand it either. We ought to take care of that.

I yield back to the gentleman.

Mr. ALLEN. Mr. Speaker, I appreciate the gentleman's comments, because focusing on health care is very important. I mean, there is not a worker laid off in the country today who does not understand that when we qualify under COBRA, we wind up paying for the whole cost yourself; and when you have been laid off, the chances are good that you are not going to have the money to buy the health insurance you need. It is a tremendously serious problem.

I yield again to the gentleman from Connecticut.

Mr. LARSON of Connecticut. Mr. Speaker, I thank the gentleman from Maine, and I thank the gentleman from North Carolina for his insight. I think it is always instructive when we hear what is going on back in people's districts, as the gentleman's discussion with the woman in Raleigh revealed today.

I want to go back to something I said at the outset. My wife often asks me, she says, geez, you know, when you are speaking before the body, it is an empty Chamber. Is this the way Congress works? The hard truth, and we talk about legislation being rammed through, it is oftentimes missed by the public. There was about an hour's worth of debate, 30 minutes on each side, on an issue that is extraordinarily important to people. This past Veterans' Day, when we go home and face what Tom Brokaw aptly called the greatest generation ever, how do we look them in the eye and tell them what is going on? Here is a generation that is four square behind this effort to root out terrorism. All they want is to make sure that the land that they fought for, the freedoms that they fought for persevere and their children and grandchildren are safe and secure from terror.

□ 2230

That is the wish of every American. So they selflessly say, look, we will make more sacrifices, whatever it takes to make sure that we have a country free of terrorist attack, free of the horrific calamity that befell this Nation on September 11.

We have to get voices beyond this Chamber, like Mr. Brokaw and others,

who recognize that the time for platitudes and promises and lip service is over; that we have chronicled this generation in books, in song, and in movies. Yet, when it comes to sustaining them and allowing them to live out their final days in dignity, what we give them is alternative minimum tax reductions for the wealthiest corporations; and tell them not to worry, though, we will mention them in the next speech at Veteran's Day or Memorial Day, or when we pause again to pay respects to the greatest generation ever, when what we should be doing is providing them with prescription drug relief and making sure that we have a stimulus package that, as the gentleman from North Carolina (Mr. ETHERIDGE) says, reaches out and impacts people.

I know American corporations believe this, as well. We have many fine corporations in this country. Why the headlong, wrongheaded proposal of a few on the other side leads this Nation, at a time when we are coming together in unity, on such a destructive path is puzzling.

But look in the eyes of a veteran and try to tell them that this is the course we have laid out for them.

Mr. ALLEN. Mr. Speaker, I thank the gentleman for those comments, Mr. Speaker. The point the gentleman is really making is that in this body we have choices. We have choices about what we are going to do. And the choice, when we look at the tax cuts, the corporate tax cuts in the Republican economic stimulus package, and compare them to some of the things that we have been talking about tonight, some of the profoundly important needs of the country, we can see that there is a choice, there is a difference.

Let us take just one. I put this one point up to deal with one of the lines in the two previous charts we were using. Here is a choice that is a real choice that is faced by all of us in this Chamber.

Now, under the Republican economic stimulus package there is an \$833 million handout to General Motors, a check for \$833 million for General Motors. Now, I know the auto industry is having some problems, but they are still selling a lot of cars, and \$833 million in my book makes no sense. But this has already passed.

By the same token, I talked to all sorts of constituents in Maine who are concerned about the food supply. We have come up with a proposal to make significant improvements in protecting agriculture and our food supply that would cost \$725 million, over \$100 million less than the check that would be given to General Motors under the Republican bill. That is a fundamental choice that we have.

Members can substitute something else if they would like, but the fact is

that our bill dealing with bioterrorism may never come up in the Chamber because the leadership on the other side will not allow it to come up. But they have an economic stimulus bill to come up that thinks, proposes, somehow believes that if we just write a check to General Motors for \$833 million, that that will help somebody besides those who own General Motors stock, even though there are no conditions, no requirement to keep jobs, no requirement to invest; nothing, just a handout for past taxes paid.

Those are the kinds of choices we face, and to date, this Congress is not making the right decisions.

I yield to the gentleman from North Carolina (Mr. ETHERIDGE).

Mr. ETHERIDGE. Mr. Speaker, I thank my friend, the gentleman from Maine, because he is absolutely right.

On that point, there was another piece in the economic stimulus package that I think our colleagues need to remember. I remember what former Treasury Secretary Robert Rubin had to say about the stimulus package that passed, and what one of the alternatives we had in ours was that was so important, because in the previous package, they were left out. That was the low-income individuals who helped pay taxes but they did not get a rebate. In our package, that was in there as an alternative; I think it is appropriate.

These were people, Mr. Speaker, that were left out in the original Bush tax plan, in the first rebate. These folks would put that money right back in the economy. Secretary Rubin has said and others have said that that is really where we ought to be putting it.

Those folks would put it in the economy immediately, buying things and spending it on such "luxury items" as food, clothing, medicine, heat and shelter; things that help get the economy going. If we say it turns over six or seven times, that is really what we need.

I got a telephone call this weekend, and will not share the lady's name. She is a very proud lady. She would not want her name shared. She has worked all of her life. She is probably in her early 80s now, or late 70s, I would say, or mid-70s, to be a little more accurate. But she was calling about prescription medicine, the issue the gentleman raised earlier.

She said, "You know, I would not want people to know, but I do not have the money to meet my medical bills each month and pay for my food and lodging. I just do not get enough money. When is Congress going to fulfill the promise that every politician made in the last election, Democrat and Republican? I remember the ads," she said.

I agree with her. I remember the ads, too. I am not sure our colleagues on the other side remember those ads and those commitments they made. We

now have a chance to do that in some way as part of this package. Promises made ought to be promises kept.

I do not remember all these numbers the gentleman has shared that they had in their tax bill in TV ads during the last election. We may see them in the next election.

Mr. LARSON of Connecticut. Mr. Speaker, if the gentleman will continue to yield, to further that point, if we were to be a nation concerned about shared sacrifice, what we would truly do at this point, at this critical point in our history, during a time of war, is freeze all the tax cuts until we have done the kind of assessment in this Nation that will provide our people with what they need.

As we have said over and over again, it is a time of shared sacrifice, but the American public does not see that. What they see is a Congress that is mired in providing a so-called stimulus package.

I cannot recall any war in this Nation's history where the first order of business and the top priority was to provide the Nation's leading corporations and wealthiest few with a tax cut, that is what is obscene, while at the same time prevailing upon the Nation to come together, to be more vigilant, to be more patriotic, to become involved, to not look the other way, to not be deferential.

Yet, what they see coming out of Congress is more pork for the few, while we ask the deserving many to go without, and they have gone without for too long. Those promises were made and those promises were made before September 11, but September 11 can serve as December 7 of 1941 did: as a rallying point for this Nation to come together in shared sacrifice for the common good of all Americans. That can only happen, that can only happen, if we invest in people and not the elite few.

Mr. ALLEN. The gentleman is so correct, Mr. Speaker. IBM is going to get \$1.4 billion in a check from the Federal Government, and IBM is not sacrificing anything in the course of this great national effort to deal with terrorism both abroad and at home.

But one of my concerns, among others, is the long-term effect of these permanent give-backs on the economy as a whole, because these are not targeted. These are not 1-year tax cuts to stimulate investment.

I think we can make a case for that. We can make a case for a targeted tax cut to stimulate investment in the next year and in the next year only. But these are permanent, Mr. Speaker. These tax cuts that are being proposed not only are going to some of the largest corporations in the country, instead of going to, for example, acquiring vaccines and antibiotics, but they are not going to stimulate the economy.

Alan Greenspan pointed out that the last tax cut, the personal tax cut, the one passed in July, that tax cut, he concluded, of every dollar of that tax cut, approximately 20 cents was actually spent. The rest was either saved or it went to pay down credit card debt or something else.

If we provide a tax cut to those people who are really struggling, who have lost their jobs, who did not even earn enough money to get a \$300 tax cut the last time, they have no choice, because they live from paycheck to paycheck. They will spend that money because that is the way it is, and that will help stimulate economic growth in this country.

Moreover, these permanent, long-term tax cuts for the wealthiest individuals and the largest corporations in the country will have the effect of draining the Federal Treasury, which means that we will not be paying down the national debt anything like we were talking about just before this summer. That will not happen.

As a result, the Federal Government will be taking money or will be borrowing money in the future that otherwise could go into the private sector, but we have lost our fiscal discipline. We have lost the ability in this Chamber now to say that we are going to constrain ourselves, we are not going to go overboard in spending, and we are not going to go overboard in tax cuts.

The hard truth is, we have gone so far overboard on tax cuts for the wealthiest individuals and the largest corporations that we are endangering our long-term economic security. We are acting in such a way that we will drive up interest rates for home mortgages, that will drive up interest rates for business loans, because the Federal Government will have to borrow more and more simply to stay afloat.

It is bad economic policy, and it will do great harm to the kinds of people that we are concerned about who are simply trying to get by, to pay the bills, to keep a job, and to keep their families together.

Mr. LARSON of Connecticut. If the gentleman will continue to yield, to add insult to injury, I might just say, adding insult to injury in the proposal in the so-called stimulus package under subsection S of the IRS Code provides and in fact encourages these same corporations to make investments overseas while we are laying people off in the United States of America.

It encourages overseas investments because those overseas investments would not be subject to our taxes here in this country. At the same time, we are laying people off here in our own country.

This is wrongheaded public policy, and it needs to be changed.

Mr. ALLEN. Mr. Speaker, I yield to the gentleman from North Carolina (Mr. ETHERIDGE).

Mr. ETHERIDGE. Very briefly, and I thank the gentleman for this special order this evening, I think he is absolutely correct. As I look at the gentleman's chart and think of the choices, if we look at the vaccines and antibiotics we know we are going to need to face the challenges we face on bioterrorism, this is not a long-term commitment, this is a one-time thing. When we acquire it and get to that point, we will have it.

We need to remember, too, that in addition to the commitments of those folks at home for jobs and opportunity, bridging the gap for the problems we face now, we also have that commitment to our seniors, that greatest generation the gentleman talked about, that paid in their Social Security dollars, and some others are paying in, that we were going to maintain that promise and commitment to them.

There is not an endless supply of resources. This money will come out of those dollars. If we make it permanent, we will permanently impede our ability to meet the commitment to that greatest generation and others when they reach retirement age. That is bad public policy, it is wrong, and we have absolutely violated our commitment to them and to the commitments we made, as I said, last year and the year before that that we were not going to get into that money.

We are in a crisis now, and people know we have to deal with immediate things. But these kinds of public policies are not in the best interests of this country, they are not in the best interests of our people, and they certainly are not in the best interests of the future, when we want to have economic activity at the levels we have seen before for our children and our grandchildren.

I thank the gentleman because I think he is absolutely right. We can make good public policy. We can have a stimulus package that truly helps those who have a need and gets us back on the track to employment opportunities for the people who really need them.

□ 2245

Mr. ALLEN. The gentleman from North Carolina (Mr. ETHERIDGE) makes an important point and it is worth elaborating on.

If we write a check to IBM for \$1.4 billion, that money comes out of the Federal Treasury. That is where it comes from. It is not available, for example, to acquire vaccines and antibiotics and we are going to have to do this. The President has said we have to do this. It is clear we have to do this. How much we have to do is the subject of debate, but we know we have to have more vaccines and antibiotics developed and acquired and stored and available.

Now, if this \$1.4 billion that is just simply given back to IBM is not available, the money for acquiring vaccines

and antibiotics will be coming out of the general revenues of the Federal Government, but we are already well into the Social Security surplus. So what does that mean? That means that this \$1.4 billion is coming out of the Social Security surplus.

Who pays into the Social Security fund and how much do they pay? Well, 7.5 percent from the employees, 7.5 percent from the employer up to about \$80,000. And there we have to it, and that is where that money is coming from. Essentially, it is all coming, it is all coming from salaries of \$80,000 and below.

Now, there will be some people who earn more than \$80,000 but they are only paying their Social Security taxes on that first \$80,000 or 82- or 83-, whatever the limit is now. So what we are doing is, we are getting to a place where we are funding with general revenues of the United States. We are actually starting to have a flat tax that hits the people at the lower end of the income scale much harder than the people at the upper end of the income scale, who are better able to afford it.

We developed a progressive tax system in this country because we believed it was fair. And now as we slide back into deficits and as we do these handouts for the largest corporations in the country, the effect is to lean even harder on the ordinary people of this country, who are just getting up every day, trying to keep their jobs, support their families, somehow pay for their health care; and these are the people who we are asking to sacrifice, even as we write a check to IBM, according to the Republican House proposal, for \$1.4 billion.

Mr. Speaker, I yield to the gentleman from Connecticut (Mr. LARSON).

Mr. LARSON of Connecticut. Mr. Speaker, let me compliment again the gentleman from Maine (Mr. ALLEN) for the fine job he has done. I think many Americans can recall the great voice from outside this chamber, when writing about the Harvest of Shame, was Edward R. Murrow. And he talked eloquently and was able to visually bring home to so many Americans problems associated with poverty, of just a small element of society. And yet it was very powerful and resounding. It is my belief that we are going to need the same kind of voices beyond this Chamber as well to demonstrate to the American public in a resounding manner, a public that is tired of promises and platitudes, and not fulfilling the commitment to the people that we are sworn to serve here in this Chamber.

I believe that it is going to take voices beyond this Chamber to bring these issues home. But I commend the very strong voice, the gentleman from Maine (Mr. ALLEN) who has so tirelessly and eloquently stated the plight of the elderly with regard to prescription drugs, and this evening has laid

out in very specific fashion, albeit a very narrow tax in terms of the repeal of the alternative minimum tax. But just that tax alone, when contrasted to what could be provided to the American public, it has got to make people very disturbed and upset when they see the tax cut juxtaposed against what could be homeland security relief for so many of our front line responders in municipalities and cities all across this Nation. I commend the gentleman again.

Mr. ALLEN. Mr. Speaker, I thank the gentleman. I appreciate his being with me tonight during this special order.

In 1854 Abraham Lincoln wrote, "The role of governments is to do those things that a community of individuals cannot do or cannot do so well alone."

What he was talking about is, our governments are there to do things that we, of necessity, do together. And so many of the things that relate to homeland security are just that. We cannot have an individual Coast Guard. We cannot protect our borders individual by individual. We cannot deal with the threat of terrorism. We cannot provide vaccines. We cannot deal with all of these threats to our existence, these national security threats, as individuals. We can only do it through our government, our governments really at all levels.

It is a tragedy that in the aftermath of September 11, when we think about the way people in this country have responded, this is, in my opinion, the greatest sense of common purpose, the most resolve, the greatest unity that we have had in my lifetime. And to squander that unity, that resolve, by returning to an old agenda of giving corporate tax breaks in the \$25 billion range for this one tax cut alone, at a time when the country as a whole needs attention, not just aviation security, not just threats of bioterrorism but trying to deal with health care and education needs in this country, it is a tragedy that we would be so divided this way.

It is my hope that there will be a reconsideration of this issue, and that in the other body and in whatever conference emerges, that we will find a new way to express our common purpose, our common goals, the things we have to do together to deal with the threats that we are faced with today.

If we do that, I think that the sense of unity, the kind of resolve, the determination that we have, the sense that we are all in this together as the people of New York feel, as the people of Maine feel, and the people of Connecticut, and the people all across this country, if we do that, then I think this sense of common purpose can be preserved for a long time to come.

But if we degenerate into the same old tax breaks for the wealthiest individuals and the largest corporations in

this country, if we degenerate into that, we will have lost an opportunity to pull ourselves together and lead this country over the next 10 years to a place we have not been before. That is our challenge. We have choices and we need to make better choices than we made 2 weeks ago.

Mr. Speaker, I thank the gentleman for being with me.

ANTI-AMERICAN SENTIMENT

The SPEAKER pro tempore (Mr. FORBES). Under the Speaker's announced policy of January 3, 2001, the gentleman from Colorado (Mr. TANCREDO) is recognized for 60 minutes as the designee of the majority leader.

Mr. TANCREDO. Mr. Speaker, as we face the calamity and the calamitous events of September 11 and recognize what our Nation now needs to do in response to that, we also recognize that there are literally hundreds, thousands, perhaps, hundreds of thousands of incidents of incredible patriotism that have been expressed by the average American citizen. We have seen the many pictures on TV and the representations of the flag being held aloft, and it is truly inspiring. And it is indeed necessary for our country to survive, to have that kind of united agreement upon our principles about who we are and what we are trying to accomplish in this conflict.

But recently it has come to my attention, and I am sure to the attention of many of my colleagues, that we are also reaping what the seeds of political correctness that have been sown in this Nation over the last several years are producing for us.

For years we have, I should not say we perhaps, because it is predominantly liberal political thought that has initiated a hatred for everything American, for everything with expressions of what might be called patriotic. Textbooks all over our land for the last 20 years or more have been purged of anything resembling an appreciation of those who fought and died for our freedom.

We make fun of the people who constructed the most brilliant political document ever to be conceived of by the mind of men on this planet. And we taught our children to ignore or even deride these people and our heritage. We look down upon any act of patriotism. It was not perceived to be politically correct.

Our media, of course, aided and abetted this anti-American spirit under the guise of an intellectual superiority and political correctness. Our courts on far too many occasion have encouraged this anti-American sentiment by interpreting the Constitution in a way that would have had Madison and Adams spinning in their graves.

All of these things, in fact, comprise old news. No one is really surprised

about that. We have talked about it certainly on this floor. I know many, many individuals have expressed their concern over the past years about the way in which American children were being taught in terms of our heritage and appreciation of those values that we call American.

By and large, as I say, Americans have reacted to the events of September 11 with great courage and great patriotism. But amazingly, amazingly there were many places in America where expressions of anti-American sentiment are still prevalent. Oftentimes, of course, they are college campuses where this goes on.

As recently as September 22, a gentleman by the name of Zewdalem Kebede, he is a recent American immigrant, he is from Ethiopia, he was studying in the campus library at San Diego State University, when he overheard a group of Saudi students discussing the suicide bombings of the Pentagon and the World Trade Center. They started talking about September 11, he said, and with the action that they were deeply pleased. They were happy.

The anti-American group, speaking in Arabic, thought that no one would be able to hear what they were saying. Kebede, who speaks fluent Arabic, surprised the anti-American students by interrupting their conversation in their native tongue. Guys, what are you talking about? And you are being unfair, he said. How do you feel happy when those 5,000 to 6,000 people are buried in two or three buildings. He said, You are proud of these terrorists. You should feel shame.

Kebede claims he addressed his fellow students in Arabic because he did not want to embarrass them in front of others. A Saudi student sitting at a nearby table then angrily confronted Kebede in English. The ensuing conversation grew heated. Thirty minutes later the police came for Kebede.

They informed him that a complaint had been issued against him. Soon the University Center for Student Rights ordered him to attend a disciplinary meeting because it was alleged he had been verbally abusive to other students. He received a letter ordering him not to respond to his accusers or he would face sanctions.

This is all from a story written by Daniel Flynn in *Human Events* the week of October 29, 2001.

□ 2300

The university, after a lot of outrage was expressed by some Members of the alumni especially, concluded the matter with an October 9 letter threatening disciplinary action against the political science senior: "You are admonished to conduct yourself as a responsible member of the campus community in the future," San Diego's missive warned. Of course, I and many

others would say that is exactly what Mr. Kebede was doing on September 22. He was conducting himself in a completely responsible manner, and yet he is the one attacked by the institution, by some of his fellow students.

Unfortunately, what happened to Mr. Kebede at San Diego is not an isolated incident. At Marquette University, undergraduates were blocked from holding a moment of silence around the American flag on September 11. The gesture, the school's president and advisers felt, might be "offensive" to foreign students. The administration felt that it showed too much nationalism or patriotism and respect to foreign students.

At Lehigh University, the vice provost for student affairs initially reacted to the tragedy of September 11 by banning the display of the American flag. Lehigh spokesman explained, "The idea was to keep from offending some of our students, and maybe the result was much to the contrary."

When officials at Arizona State removed the American flag from a school cafeteria out of fear that it might offend international students, Syrian immigrant Oubai Shahbandar introduced a bill in the student senate, paving the way for its return. Shahbandar's bill was defeated, but the ensuing bad publicity he generated against the school forced the administration's hand. The alumni threatened to pull their funding for the school. Money talked and the flag was returned.

Professor Robert Jensen of the University of Houston pronounced that, "My primary anger is directed at the leaders of this country." That is his response to September 11. "The attacks on the Pentagon and the World Trade Center are," he said, "no more despicable than the massive acts of terrorism, the deliberate killing of civilians for political purposes that the U.S. Government has committed in my lifetime. We are just as guilty," he concluded.

University of New Mexico Professor Richard Berthold bluntly declared, "Anyone who would blow up the Pentagon would get my vote."

Undergraduates writing in campus newspapers echoed this hatred against the United States, and I cannot imagine that we would be too surprised at that. Is that not just exactly the results that these professors would want? Is that not exactly what these students had been taught for years, that it is always our fault; that there is nothing in this country worth dying for; that there is nothing special, nothing of uniqueness that would give us the right to defend our way of life? That is what they have been taught.

I remember, Mr. Speaker, it was years ago now, but it was a demonstration against the war in Vietnam, and there was a young man at my college, and he was carrying a banner, a poster;

and it said there is nothing worth dying for, and I remember thinking to myself even at the time here is a fellow who is tan, just coming back from spring break, somewhere probably in the Bahamas. That is where a lot of the folks went in those days at spring break. He was certainly well dressed. He was well fed, well taken care of. It was apparent that he was not at all in need of any physical help or he was certainly well off and certainly a representation of the average American student on a college campus; and here he was carrying a sign saying that there was nothing worth dying for, not home, not heart, not kith, not kin, nothing worth dying for.

We had hoped that that sentiment would be squelched by life's reality, frankly. It is understandable that idealistic students would seek this alternative way of expressing themselves or this way of expressing themselves, perhaps, because it is a part of growing up and being disruptive and that sort of thing, but it goes deeper than that I believe, Mr. Speaker.

I believe that it infects our institutions, and it will infect our society to our great detriment. These students, who I started to mention, who wrote in various campus publications about America's involvement in Afghanistan, one of them said, "We are kidding ourselves in thinking we have been wronged."

This is Lisa Mann of Wake Forest University. She added, "Sometimes it's our fault."

"We sponsor dictators who maim. We defend corporations that enslave, and then we have the arrogance to pretend we are safe and untouchable," said a West Virginia University student, Joshua Green.

In light of the current destructive nationalism that calls for a war, a Duke student opined, the sight of the flag burning would be preferable to its display.

Mr. Kebede found out the hard way that if one loves America they are going to get in trouble, especially if they are on a campus and especially if they express that opinion. He was harassed by the university simply for disagreeing with people who welcomed the killing of thousands of Americans on September 11.

All that he is guilty of, Kebede insists, is loving his adoptive country. Is that a crime, he asks? At San Diego State, unfortunately, some people think it should be.

Public colleges that force patriotic students to remove American flags because they are potentially offensive and threaten to expel students who scold terrorists, cheering foreign students should immediately lose their government funding. This is something I agree with entirely. These examples that I have given and others that I will add to it are so disconcerting that I

think it deserves our attention in this body.

I am going to go on and add a few more. At Central Michigan University, a school administrator told several students to remove a patriotic poster and an American flag from their dormitory. A residential adviser said that pro-American items were offensive.

At Pennsylvania State University, a professor was told that his Web site, which advocated military action against terrorists, was insensitive and perhaps even intimidating. Under Penn State speech codes, intimidating language is grounds for dismissal.

At Florida Gulf Coast University, Dean of Library Services Kathleen Hoeth demanded that employees remove "proud to be an American" stickers from their work areas on the grounds that they might offend international students.

At the University of North Carolina in Wilmington, a professor is under an investigation for harassment after he told a female student that he supported U.S. military action in Afghanistan. The student said that the position made her feel uncomfortable.

These things are incredible; and they are, as I say, worthy of our note.

Recently, and this one is, I suppose, striking closer to home as one that really got me thinking about the issue to a greater extent, a few weeks ago Marcellee Gralapp, the Boulder, Colorado, Boulder Public Library's art director, recently turned down employee requests to hang a large flag from the glass entrance of the main branch. She said, "It would compromise our objectivity and we do have many flags outside," she said. "The idea is to make the environment of the library politically neutral to every one of the two to 3,000 Boulder residents that walk in each day," she said. "We have people of every faith and culture work walking into this building and we want everybody to feel welcome." "Library employees," she said, "can wear flag pins and ribbons," but she urges them to do it thoughtfully, whatever that means.

Now this has caused quite a stir in the Colorado papers because the same time that this particular library/art director had turned down a request to hang a large flag in front of the library, she approved a bizarre sort of artistic representation, I do not even know how graphically I can describe what was in the library. Suffice it to say that it offended the sensibilities of many members of the community, one to the point where the gentleman actually took down the display.

□ 2310

As I say, it is very graphic, and I will not go into it here. It is a comparison of attitude. That is something that is very, very difficult. If I can describe it here, it would be very difficult to describe this particular display as artis-

tic in any shape or form, and yet it was approved to put up, and an American flag was not approved to put up because it might offend somebody.

That is where we are, Mr. Speaker.

I cannot imagine, frankly, that an American flag flying can offend anyone in the United States of America. I know we offend people or it is offensive to people like bin Laden and his supporters. We see them burning it every day on the news. We see other terrorists throughout the world who do take offense at the American flag, and that is dutifully carried by all of the media throughout the world, whatever they do to the flag. There is little that we can do about that except to stand in revulsion of it.

But here in the United States of America, Mr. Speaker, here, where that flag has draped the coffin of so many men and women who have given everything, their lives, their limbs, their health, for us to enjoy the freedom that we every day experience here. To be offended by that symbol is incredible, of course, to most of us. I would assume everyone in this Chamber would agree that it is incomprehensible.

I would add, Mr. Speaker, as dramatic as this statement may seem, or I guess some would say bombastic, the reality is if one enjoys the freedoms provided by this country, if one enjoys the economic benefit provided by our system, by a free enterprise, capitalistic system, if one has sought that and come across our borders, oftentimes illegally, and has gained access to that freedom and economic opportunity, if you are offended, if you indeed take offense at the sight of an American flag flying from any building, from any porch, from any car antenna, if you take umbrage at that and if you are offended by that sight, then I say, get the hell out of the United States of America.

I do not believe there are millions of people who respond that way, but I believe there are some, undeniably, who do, who do take offense, and that is what these incredibly ultra-politically-correct librarians and school superintendents and principals are trying to reflect, because they themselves to a large extent take offense at the sight of the American flag, at the sight of its depiction. I say to them the same thing. How can you take advantage of everything this country has to offer and be offended by its symbol? It is truly incredible to me.

I will be attacked, of course, for being closed-mind and chauvinistic and all the rest of those things, I recognize that; but perhaps someone can explain to me in the midst of the attacks that I know will come as soon as I get back to the office, the phones have a tendency to light up when this subject is discussed, but perhaps someone can take the time to explain to me why I

should not be offended personally at someone who says that they take offense at the flying of the flag.

Mr. Speaker, to that end, I have introduced H.R. 3201 which prohibits any department or agency of the United States from transferring any funds to any individual or entity that prohibits the display of the flag in the United States of America. That is it. It is one sentence.

I recognize full well that these people may have the absolute right to hate the United States as much as they do, to hate everything that we stand for. They have that right, but they do not have the right to command the tax dollars from hard-working Americans who do love this country, they do not have the right to take that money and then so callously disregard the system and the people who have created this wonderful experiment in freedom we call America.

Mr. Speaker, I would just go on now to one other topic, and that is the topic of immigration and immigration reform. To a certain extent my previous remarks did reflect my concerns about massive immigration, legal and illegal into this country. Immigration that has had incredibly detrimental effects, massive immigration that has had massive detrimental effects.

I want to go on with a series of discussions I have been having on the floor of the House over the last several weeks in which I have indicated that there are innumerable stories which have been brought to my attention with regard to the issue of immigration and the problems inherent in the system that we presently operate, or perhaps I should say the lack of a system that we presently operate.

We are just building a file of incredible, but true and let me get something here, Mr. Speaker. This is an e-mail address that we have, Tom.Tancredo@mail.house.gov, and the fax number is (202) 226-4623. We use this for people to communicate with us. There is no way to do that through the regular mail, and yet we have had lots of people, actually several thousand people, try to communicate with us about this issue, about immigration reform, expressing their concerns and opinions and their willingness to try to do something about it, and also bringing to my attention and to the attention of the body some of the incidents which I call unbelievable but true.

Here is one more for this evening. This comes from an article originally published in the New Times Broward Palm Beach on November 8, 2001.

"The INS' Mary Schneider warned of the terrorist threat, but no one listened to her. More than 2 years before the September 11 attack, a seasoned Federal immigration officer named Mary Schneider vehemently complained that Islamic visitors who were possibly terrorists were moving into

the Orlando area. She told INS officials that hundreds of aliens, some of whom she suspected were tied to Osama bin Laden, were illegally gaining residence. She further alleged that several INS supervisors had accepted bribes in return for allowing those aliens to remain in the country.

"Rather than investigate Ms. Schneider's complaints thoroughly, the INS began a campaign of retaliation against the 21-year immigration employee that nearly led to her termination."

□ 2320

Ms. Schneider has information from five informants on long-running, extensive, felony bribery conspiracies engaged in by Orlando INS and staff at former congressional offices, unnamed. The bribery ring involved over 50 Islamic Muslim Moroccans, an unknown number of whom had ties to Ihab Ali, an Egyptian who lived in Orlando before he was imprisoned in 1999 in New York City for ties to Osama bin Laden and East Africa embassy bombings.

INS officials stole cash and jewelry from illegal aliens who had been detained, she claims.

Records of more than 200 felony immigration fraud cases were secretly removed from her office.

Whatever the merit of her allegations, Ms. Schneider's warnings certainly proved prophetic. Numerous Orlando ties to the suicide bombings and bin Laden have been uncovered both before and after the attacks, so many that the Orlando Sentinel recently suggested that Central Florida should be dubbed "Terroristland."

Ms. Schneider has retained the services of an attorney. Her one-time attorney, Mr. Ross, said that the INS and the FBI both dropped the ball in a big way. "I was shocked that the Justice Department never investigated this. I don't think INS officials thought that what happened on September 11 would ever happen. Now people are actually going to look at this. Had the government followed Schneider's philosophy, we probably would have stopped some very bad people."

Schneider would say, "We are in danger. They are sending these terrorists into this country and I can't understand why more isn't being done. They are going to commit acts of terrorism in this country. She happened to hit the nail right on the head."

This is just one individual. We have had literally scores of communications of a similar nature, many of them from INS officials, who today have told us that they are willing to provide testimony. One of them is actually going to provide testimony to this body. Mr. Speaker, I am the chairman of the Immigration Reform Caucus here and our caucus will hold a hearing on Thursday, this week, at which one of these individuals, a 30-year INS employee,

perhaps we will have two but we know right now of one for sure who we were able to obtain whistleblower status for and eventually the INS agreed to allow him to testify when they recognized they really could not stop it although they threatened to fire him shortly after his decision to speak to various congressmen was made known. But he is going to be here.

As I say, we have had all kinds of information like this, from INS agents who are good, solid Americans wanting to do their job and who recognize that the organization for which they work is incredibly corrupt and incompetent. Those are strong words, I recognize, Mr. Speaker; but they are the only ones that accurately portray the system itself. Corrupt and incompetent.

She alleges, as I said, INS officials stealing cash and jewelry from illegal aliens who had been detained. She suggests that a bribery ring was involved and that many officials, even staff at a former, quote, unnamed congressional office was involved. These things have got to be dealt with. The INS refused to deal with it. Even the Justice Department refused to deal with it.

Mohammed Atta, a name all too well known to everyone in the United States now as the ringleader of the group of 19 terrorists who hijacked the planes on September 11, Mohammed Atta here on a visa, left the country and did so illegally. He was to fill out a particular form, he did not do that, saying that I am going to leave the country, I will be returning on a certain day. He did not do it. He left; he came back. He came back through Miami in January of this year. He should have been stopped at that point in time. The INS actually recognized that he had not in fact informed them, he had breached his contract, if you will, which is what a visa really is; and they could have at that time denied him entrance into the United States.

Mohammed Atta could have been stopped from coming back into the United States, at least in January. But the INS overlooked it, chose not to pay the slightest bit of attention to it. The INS time and time and time again, far too numerous to lay out in any 1-hour Special Order, but so many times that it is beyond imagination. It is unfathomable that this agency could be in charge of our security, our border security. They have put almost all of their resources into what I call immigration social work. When I was on a talk radio show in Denver not too long ago, shortly after I was on the radio the person running the show called the INS and had a spokesman for the INS come on. They said something like, isn't it your job to go after these people who are here illegally and get rid of them? And she said, well, kind of in a way. But really, she said, our main focus is to explain to these people why they are here illegally and then help them get benefits.

Mr. Speaker, I may be just confused about what I thought the INS was all about; but I think that that statement, that paraphrase in a nutshell describes the problem and the problem with which we must deal, and we must deal with it before leaving here this year. We have spent countless hours in the discussion of the degree to which we can make our airports more secure by improving the quality of the people that actually do the baggage screening. I have yet to hear any discussion of the literally hundreds of thousands of other people who have access to planes every single day, whether they be baggage handlers, whether they be food service workers, whether they be the people who repair the airplanes.

None of them fall under the scrutiny of this particular piece of legislation that we are spending an inordinate amount of time debating and was brought up many times by our friends on the other side here just a little bit ago. Is it not the least bit peculiar, is it not the least bit odd that we spend this amount of time focusing on one small part of the entire airport security problem, one tiny part, frankly, the baggage screening people, a very small number relatively speaking, but the sound and fury coming from this body and the other body about this would make you think that if we just solved this problem, we will all be okay, we can rest easy at night if we just simply make baggage screeners Federal employees, as if somehow magically by changing who their employer is, we will make these people much more competent. It is idiotic.

I personally, of course, support our efforts to try to improve airline security. I certainly support the House's bill which does so in a fashion far more definitive, far greater than the other body. As a person who flies twice a week, as most of the Members of this body do, I have a very personal stake in this thing of airline security. And contrary to the allegations made by our friends on the other side of massive payments and massive influence-peddling by these corporations who want to maintain it, I have never heard from any of them; and I want to know what Member of this body would vote for a piece of legislation that he or she thought did not enhance the security to the greatest extent possible, because he or she flies a lot and my family flies a lot and my grandchildren get on planes all the time. I am not going to do anything that is going to minimize or even jeopardize their safety if I possibly can.

I have voted for and I believe the House bill is better. But all that said, Mr. Speaker, it begs the question, is that all there is to security in this country? The baggage screeners and bombing Afghanistan, that is what we have done so far. We have not even accomplished the former. I totally, totally support the President's actions in

Afghanistan. I, of course, wish he had declared war; I wish he would have come to this body and asked for a declaration of war, because that is the constitutional way to handle this particular issue and crisis. Nonetheless, we are where we are. We have accomplished great things. The courage, the fortitude of our fighting men and women have persevered again. As the President said from that very podium the night he addressed the Nation, I know you will again make us proud, and they have.

□ 2330

And they have. But while we are fighting this struggle, again, I hesitate to call it a war, it actually is not, we have not declared war, but while we are fighting, involved in this struggle in Afghanistan, risking the lives of men and women in the uniform of the United States, we have paid literally no attention whatsoever to the most basic issue of security, of national security. It is not just bombing the terrorists in caves in Afghanistan; it is trying to stop those terrorists and their colleagues from coming across the borders of the United States.

If they get in here, I will worry about how they can get through a security checkpoint at an airport. We will do everything we can to stop them. But why would we not try to stop them at the border is the question that is begged by this discussion. Why would we not? Why have we not chosen to move as dramatically, as quickly, as expeditiously toward improving the security of our own borders as we have at enhancing the security of the people who look at the baggage going through the mechanism at the airport?

There are plenty of reasons, of course. It is, again, politically incorrect, going back to a discussion of the first part of my remarks. It is politically incorrect for us to talk about border security, because we are talking about then inhibiting the ability of people to come into the United States. And since most of the people coming into the United States, both legally and illegally, are coming from south of our border, it is an assumption that if you talk about immigration reform you are naturally talking about and expressing sort of a anti-Hispanic sentiment.

Mr. Speaker, I, for one, could not care less about the ethnicity of the people that are coming. It is the fact that our borders are insecure, and it is the fact that too many are coming, that I believe we must address. It does not matter from where. I am not talking about whether they are from Mexico, or Belgium. The issue is, who should control the borders of a Nation? Should we actually? Is it the right of the United States to say who gets into the country and who does not? And if we say some do not, then

should we not also say that it is our responsibility to try to prevent them from doing so illegally?

What part of this discussion is so hard for us in this body to comprehend? Why have we chosen not to deal with this? Many bills have been introduced. They have not seen the light of day. Even the administration has been reluctant to deal with the issue of immigration reform and border security, except in the most cursory ways, except talking about certain visa changes, changes in certain visa requirements.

Now, I am for strengthening visa requirements, Mr. Speaker, do not get me wrong. I am especially amazed at some of the more bizarre examples. This is another one of those incredible but true stories we could tell about immigration.

Up until just a short while ago, until we passed the anti-terrorism bill in this Congress and it was signed by the President just a short time ago, it was absolutely legal for anyone, well, put it this way: It was okay for someone to come to a consulate anywhere around the world, fill out a visa application and say on it I am a Member of al Qaeda, the terrorist network that is committed to the overthrow of your government, and I hate America, and I agree with all of the things al Qaeda has stated about the United States.

You could do that, and under our laws, that alone was not a reason to keep you out of the United States, because of something the other body and the leadership of the gentleman of Massachusetts sometime ago passed a law saying that just because someone has these political affiliations, they should not be kept out of the United States.

Incredible. Incredible, but true. Now, we reversed that when we passed the anti-terrorism bill. We added that one clause that says yes, they could be kept out. That is great. I am happy. But, Mr. Speaker, let us be serious about this. Does anybody think for a moment that a terrorist, potential or real, is going to be even remotely intimidated by the fact that they cannot now attest to their allegiance to a terrorist network when they fill out their visa form, and so therefore they are going to say gee, you know, Mr. bin Laden, I wanted to go into the United States and wreak some havoc upon their people and kill as many as I possibly could, but, you know, I could not get my visa, so I just went home.

Who thinks that? Who thinks that is going to stop them? Why would they not do exactly what millions of other people do every single year, walk across the border, north or south of the United States? Walk into the country, as perhaps at least six of the 19 hijackers did?

When we asked the INS for information about these people, they said, oh,

we are not sure. We will let you know. So they sent us eventually a document that indicated that ten of the people were here illegally because they had either overstayed their visas or were not doing what their visa was approved for. But, unfortunately, six of the 19, they said, we have no idea. This is the sort of, I call it the logo, if you will, of the INS. It is a shrugging the shoulders. I do not know. I have no idea. I do not know where these people came from. I have no idea what they were doing here. I do not know how. Maybe they snuck in. Could have been. We do not know.

Where are the hundreds thousands of people, you could ask the INS, that have been ordered deported by immigration law judges across this country? Three hundred thousand people, Mr. Speaker, even the INS now agrees with this, we forced them into telling the truth about the numbers. Three hundred thousand, they say, so therefore I believe that is a very significant underestimate. But let us assume they are right, 300,000 people have been deported.

No, they have not been deported, they have only been ordered deported. They have been brought up for trial, for rape, murder, robbery, fraud, for you name it. Not just, by the way, for overstaying their visa. That never gets you in front of a court.

There are literally millions of people in the United States here illegally. It is estimated that 700,000 to 800,000 enter illegally through the visa process, who end up staying as permanent residents of the United States every single year. So we asked the INS about that. They go, oh, I am not sure. I do not know. I am not positive. I cannot tell you about that.

Where are the 300,000? I do not know. They say we cannot go look for these people. They were ordered deported, but we just do not have the resources. We have got other things to do. We have to show them how to get benefits.

That is the mentality of the INS, to show them how to get benefits. As I say, there are hundreds of people who are dedicated workers. I do not want to say thousands. I do not know if there are thousands in INS, but at least hundreds, I am sure, who are dedicated to the cause, dedicated to doing a good job, and they are thwarted by an agency that is completely and totally out of control. It is corrupt and it is incompetent. I repeat that allegation, and I want someone to prove me wrong, because, unfortunately, we today give them the responsibility of keeping our borders safe and secure.

Does anybody feel good about that? The people who have e-mailed us at this e-mail address or faxed us at that number, most of them, I would say 90 percent of them, do not feel comfortable with that, Mr. Speaker. They do not like the fact that the INS ignores the responsibility for protecting

the border, for not just the protection of the border, but then for internal investigations; what to do about the people who got here, who are here illegally. To ignore them completely is something that is akin to a death wish for the country.

Now, I know that most of the people who come into the United States illegally do not do so to do us harm. They do so mostly for personal benefit. Naturally. That is probably why most of our ancestors came.

□ 2340

But we cannot be that unconcerned. We do not know. It is not in our ability to be able to stand at the border and say, I know you are coming across the border illegally, but you appear to have no ill intent. You appear to be just coming across to get a job, send some money back home, improve your own life, maybe go back, maybe not. And we cannot determine that from the person who is coming across with the purpose of killing as many Americans as he or she can possibly kill. We cannot really decide that at the borders. So we have to do the next best thing. We have to secure the border from all illegal immigration. We have to call up the National Guard in each of the States that border Mexico or Canada and ask them to please use their resources, the National Guard, in defense of our borders. If that is not good enough, then we should put our own active duty troops on the border. We should use all the technology available to us, the sensing devices. We should use air flight.

Mr. Speaker, we should do everything we possibly can to make sure that no one comes across that border that we do not know about. Hard? Absolutely. Foolproof? Absolutely not. No matter how hard we try, someone probably will get through. No matter how hard we try, someone with the intent to kill or commit acts of atrocity in the United States may get through. But that does not excuse us from trying.

We have laws on the books, Mr. Speaker, against any one of thousands of various kinds of human behaviors, and those laws are violated pretty regularly and yet, no one suggests that we should simply ignore them because they are violated. We should do everything we can to protect our borders, everything we can. We should do everything we can to find the people who are here in the United States illegally and deport them. If we need workers, if we need workers in particular industries, fine. Establish a guest worker program that allows people to come in, allows their rights to be protected, and allows them to return home at the end of a contractual period of time, and an enforcement mechanism that makes sure that they do so, like a bond established for part of their wages or that the employer has to put up, part of the wages,

that they can only be claimed once they return home. If we can convince this Congress, Mr. Speaker, that we need 10 million of these people every year, okay, that is fine, but bring them in here legally. Their lives are improved, their rights, they are not exploited by unscrupulous employers. That is fine with me. Then we determine how many people should be coming through just legally. Is it 1 million as it is today? I do not think so. It should be far fewer.

But regardless of what we determine to be the legal process whereby anybody gets into this country, we should do everything in our power to make sure that the illegal process that is used is slammed shut, at least to the best extent possible, to the greatest extent possible. Because as I have said oftentimes here on the floor of the House, and as I will repeat tonight, if, God forbid, another event of the nature of those that occurred on September 11, another event like that occurs, or like those occur and it is perpetrated by someone who comes across this border and is either here illegally at the time or enters illegally to do it, and we have not done everything in our power in this Congress to prevent that; I am not saying that it is foolproof, I emphasize that, it may still happen, but if we had not done everything in our power, then we are not just irresponsible, we are culpable. We have to live with that.

Mr. Speaker, I choose not to. I choose to know that I will do everything I could possibly do to bring to the attention of my colleagues and to the American people the seriousness of this debate on immigration reform. It is a matter now of life and death.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HASTINGS of Florida (at the request of Mr. GEPHARDT) for today and the balance of the week on account of personal reasons.

Mr. MASCARA (at the request of Mr. GEPHARDT) for today on account of personal reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. LARSON of Connecticut) to revise and extend their remarks and include extraneous material:)

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. DEFazio, for 5 minutes, today.

Mr. FALLONE, for 5 minutes, today.

Ms. BROWN of Florida, for 5 minutes, today.

Ms. WATSON of California, for 5 minutes, today.

Ms. McKINNEY, for 5 minutes, today.

Mr. LARSON of Connecticut, for 5 minutes, today.

ENROLLED BILL SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker.

H.R. 2620. An act making appropriation for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2002, and for other purposes.

ADJOURNMENT

Mr. TANCREDI. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 45 minutes p.m.), the House adjourned until tomorrow, November 14, 2001, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4567. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Wisconsin [WI107-01-7337a; FRL-7064-4] received November 6, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4568. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Indiana; Oxides of Nitrogen Regulations [IN 131b; FRL-7077-7] received November 6, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4569. A letter from the Director, Office of Management and Budget, transmitting a draft of proposed legislation entitled the, "Managerial Flexibility Act of 2001"; jointly to the Committees on Government Reform, Armed Services, International Relations, Intelligence (Permanent Select), Energy and Commerce, the Budget, Resources, Transportation and Infrastructure, Science, the Judiciary, and House Administration.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. THOMAS: Committee on Ways and Means. H.R. 2269. A bill to amend title I of the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to promote the provision of retirement investment advice to workers managing their retirement income assets; with an amendment (Rept. 106-262 Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. H.R. 2776. A bill to designate buildings 315, 318, and 319 located at the Federal Aviation Administration's William J. Hughes Technical Center in Atlantic City, New Jersey, as the "Frank R. Lautenberg Aviation Security Complex" (Rept. 107-279). Referred to the House Calendar.

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. H.R. 2841. A bill to designate the building located at 1 Federal Plaza in New York, New York, as the "James L. Watson United States Court of International Trade Building" (Rept. 107-280). Referred to the House Calendar.

Mr. THOMAS: Committee on Ways and Means. H.R. 2873. A bill to extend and amend the program entitled Promoting Safe and Stable Families under title IV-B, subpart 2 of the Social Security Act, and to provide new authority to support programs for mentoring children of incarcerated parents; to amend the Foster Care Independent Living program under title IV-E of that Act to provide for educational and training vouchers for youths aging out of foster care, and for other purposes; with an amendment (Rept. 107-281). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. H.R. 2546. A bill to amend title 49, United States Code, to prohibit States from requiring a license or fee on account of the fact that a motor vehicle is providing interstate pre-arranged ground transportation service, and for other purposes; with an amendment (Rept. 107-282). Referred to the Committee of the Whole House on the State of the Union.

Mr. OXLEY: Committee on Financial Services. H.R. 3060. A bill to amend the Securities Exchange Act of 1934 to augment the emergency authority of the Securities and Exchange Commission (Rept. 107-283). Referred to the Committee of the Whole House on the State of the Union.

Mr. HANSEN: Committee on Resources. H.R. 2828. A bill to authorize refunds of amounts collected from Klamath Project irrigation and drainage districts for operation and maintenance of the Project's transferred and reserved works for water year 2001, and for other purposes; with amendments (Rept. 107-284). Referred to the Committee of the Whole House on the State of the Union.

Mr. HANSEN: Committee on Resources. H.R. 1913. A bill to require the valuation of nontribal interest ownership of subsurface rights within the boundaries of the Acoma Indian Reservation, and for other purposes; with an amendment (Rept. 107-285). Referred to the Committee of the Whole House on the State of the Union.

Mr. HANSEN: Committee on Resources. H.R. 2976. A bill to provide for the issuance of a special entrance pass for free admission to any federally owned area which is operated and maintained by a Federal agency and used for outdoor recreation purposes to the survivors, victims' immediate families, and police, fire, rescue, recovery, and medical personnel directly affected by the September 11, 2001, terrorist hijackings and the attacks on the World Trade Center and the Pentagon, and for other purposes (Rept. 107-286). Referred to the Committee of the Whole House on the State of the Union.

Mr. LINDER: Committee on Rules. House Resolution 286. Resolution waiving points of order against the conference report to accompany the bill (H.R. 2500) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and re-

lated agencies for the fiscal year ending September 30, 2002, and for other purposes (Rept. 107-287). Referred to the House Calendar.

Mr. THOMAS: Committee on Ways and Means. H.R. 2768. A bill to amend title XVIII of the Social Security Act to provide regulatory relief and contracting flexibility under the Medicare Program; with an amendment (Rept. 107-288 Pt. 1). Ordered to be printed.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 2768. Referral to the Committee on Energy and Commerce extended for a period ending not later than November 16, 2001.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. RUSH (for himself, Mr. SANDERS, Mr. CLAY, Ms. JACKSON-LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. MCKINNEY, Mr. OWENS, Mr. PAYNE, Mr. TOWNS, Mr. DAVIS of Illinois, and Mr. GONZALEZ):

H.R. 3277. A bill to expand the moratorium on foreclosure on FHA single family mortgage loans of borrowers affected by the events of September 11, 2001, to employees of air carriers and aircraft manufacturers who are involuntarily separated after such date and to further extend such moratorium; to the Committee on Financial Services.

By Mr. CAMP (for himself, Mr. JEFFERSON, Mr. BARTON of Texas, Mr. STARK, Mr. ENGLISH, Mr. BONIOR, Mrs. THURMAN, Mr. GORDON, Mr. SHIMKUS, Ms. ESHOO, Mr. RUSH, Mr. DOYLE, Mr. TOWNS, Mrs. JONES of Ohio, and Mr. EHLERS):

H.R. 3278. A bill to amend title XVIII of the Social Security Act to provide for coverage of cholesterol and blood lipid screening under the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MARKEY:

H.R. 3279. A bill to require the Nuclear Regulatory Commission to ensure that sufficient stockpiles of potassium iodide tablets have been established near nuclear power plants and that appropriate plans for their utilization exist; to the Committee on Energy and Commerce.

By Mrs. MINK of Hawaii:

H.R. 3280. A bill to amend title 37, United States Code, to reduce the number of consecutive days of deployment required before a member of a reserve component of the uniformed services is entitled to the higher rate of the basic allowance for housing; to the Committee on Armed Services.

By Mrs. MINK of Hawaii:

H.R. 3281. A bill to amend the Internal Revenue Code of 1986 to allow individuals a temporary deduction for travel expenses for the costs of travel after September 11, 2001, and before September 12, 2002; to the Committee on Ways and Means.

By Mr. REHBERG:

H.R. 3282. A bill to designate the Federal building and United States courthouse lo-

cated at 400 North Main Street in Butte, Montana, as the "Mike Mansfield Federal Building and United States Courthouse"; to the Committee on Transportation and Infrastructure.

By Ms. SCHAKOWSKY (for herself, Ms. PELOSI, Mr. RUSH, Mr. BLAGOJEVICH, Ms. BROWN of Florida, Mr. PAYNE, Ms. LEE, Ms. NORTON, Ms. KILPATRICK, Mrs. CHRISTENSEN, Mr. JACKSON of Illinois, Mr. HINCHEY, Ms. DELAURO, Mrs. MINK of Hawaii, Mr. LIPINSKI, Mr. MORAN of Virginia, Mr. EVANS, and Mrs. CLAYTON):

H.R. 3283. A bill to direct the Consumer Product Safety Commission to promulgate a consumer product safety standard under section 7(a) of the Consumer Product Safety Act for each durable infant or toddler product, and for other purposes; to the Committee on Energy and Commerce.

By Mr. STARK:

H.R. 3284. A bill to amend title XVIII of the Social Security Act to provide for a complete transition period for the reduction of Medicare beneficiary copayment for hospital outpatient department services furnished under the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WEINER (for himself, Mr. CONYERS, Mr. FOSSELLA, Mr. GILMAN, Mr. GRUCCI, Mr. KING, Mrs. MALONEY of New York, Mrs. MCCARTHY of New York, Mr. NADLER, Mr. OWENS, Mr. REYNOLDS, Mr. SERRANO, Mr. SWEENEY, and Ms. HARMAN):

H.R. 3285. A bill to provide for the sharing of certain foreign intelligence information with local law enforcement personnel, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Intelligence (Permanent Select), Financial Services, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WELDON of Florida (for himself, Mrs. MYRICK, Mr. GALLEGLY, Mr. DOOLITTLE, Mr. SCHAFFER, Mr. GOODE, and Mr. DEAL of Georgia):

H.R. 3286. A bill to provide for a temporary moratorium on visas for certain aliens, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WYNN:

H.R. 3287. A bill to redesignate the facility of the United States Postal Service located at 900 Brentwood Road, NE, in Washington, D.C., as the "Joseph Curseen, Jr. and Thomas Morris, Jr. Processing and Distribution Center"; to the Committee on Government Reform.

By Mr. GEKAS (for himself, Mr. KANJORSKI, Mr. PITTS, and Mr. PLATTS):

H. Con. Res. 267. Concurrent resolution expressing the sense of the Congress concerning the security of nuclear facilities in the United States; to the Committee on Armed Services, and in addition to the Committees on Energy and Commerce, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of

such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MORELLA (for herself and Mrs. MALONEY of New York):

H. Con. Res. 268. Concurrent resolution expressing the sense of Congress that women from all ethnic groups in Afghanistan should participate in the economic and political reconstruction of Afghanistan; to the Committee on International Relations.

By Ms. ROS-LEHTINEN (for herself, Mr. BILIRAKIS, Mrs. MALONEY of New York, Mr. MENENDEZ, Mr. SHERMAN, Mr. PALLONE, Mr. HINCHEY, Mr. CAPUANO, Mr. CROWLEY, and Mr. TIERNEY):

H. Con. Res. 269. Concurrent resolution calling for a United States effort to end restrictions on the freedoms and human rights of the enslaved people in the occupied area of Cyprus; to the Committee on International Relations.

By Mr. FORBES (for himself and Mr. KENNEDY of Minnesota) (both by request):

H. Res. 287. A resolution honoring the continuing service and commitment of the members of the National Guard and Reserve units activated in support of Operation Enduring Freedom; to the Committee on Armed Services.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 17: Mrs. CAPPS.
H.R. 111: Mr. ANDREWS.
H.R. 162: Mr. HASTINGS of Florida, Mr. SAXTON, and Ms. MCCOLLUM.
H.R. 527: Mr. CAMP.
H.R. 782: Mr. UPTON and Mrs. MINK of Hawaii.
H.R. 783: Mr. MCHUGH.
H.R. 1041: Mr. CARDIN.
H.R. 1090: Mr. MCGOVERN, Mr. DICKS, and Mr. WICKER.
H.R. 1170: Ms. SOLIS.
H.R. 1178: Mr. ENGLISH, Mr. ETHERIDGE, and Mr. HASTINGS of Florida.
H.R. 1265: Mr. INSLEE.
H.R. 1296: Mr. GRAVES, Ms. VELÁZQUEZ, Mr. CULBERSON, and Mr. SANDLIN.
H.R. 1318: Mr. ENGLISH and Mr. TANCREDI.
H.R. 1405: Mr. HYDE.
H.R. 1433: Mr. ENGLISH.
H.R. 1436: Mr. LUTHER, Mr. GRAVES, and Mr. JOHNSON of Illinois.

H.R. 1465: Mr. HALL of Ohio.
H.R. 1624: Mrs. BIGGERT and Mr. STUMP.
H.R. 1733: Mr. HINCHEY, Mrs. MINK of Hawaii, and Mr. CROWLEY.
H.R. 1734: Mr. ANDREWS.
H.R. 1782: Mr. PETERSON of Pennsylvania and Ms. HART.
H.R. 1798: Mr. INSLEE.
H.R. 2023: Mr. FORBES.
H.R. 2125: Mr. EVANS, Mr. HAYES, Mr. RADANOVICH, Mr. SMITH of Washington, Mr. WEINER, Mr. INSLEE, Mrs. BIGGERT, and Mr. JENKINS.
H.R. 2219: Mr. MCINTYRE.
H.R. 2220: Mr. BECERRA and Ms. WATSON.
H.R. 2349: Mr. BLAGOJEVICH and Mrs. CHRISTENSEN.
H.R. 2442: Ms. HART.
H.R. 2459: Mr. GEORGE MILLER of California.
H.R. 2573: Mr. KILDEE, Mr. LUTHER, and Ms. LOFGREN.
H.R. 2592: Mr. MCGOVERN.
H.R. 2623: Ms. KAPTUR.
H.R. 2629: Mr. WELLER, Mr. SCHROCK, and Mrs. LOWEY.
H.R. 2709: Mr. TIERNEY.
H.R. 2749: Mr. SMITH of Washington.
H.R. 2794: Mr. LEACH.
H.R. 2795: Mr. BARTLETT of Maryland and Mr. HERGER.
H.R. 2835: Mr. HYDE, Mr. HORN, Mr. LATOURETTE, and Mr. GILMAN.
H.R. 2839: Mr. BAIRD.
H.R. 2896: Mr. SANDLIN.
H.R. 2946: Mr. SHERMAN and Mr. KILDEE.
H.R. 2960: Mr. KERNS.
H.R. 2970: Mr. NEAL of Massachusetts and Mr. TOM DAVIS of Virginia.
H.R. 3029: Mr. GRUCCI.
H.R. 3046: Ms. HART and Ms. WOOLSEY.
H.R. 3054: Mr. PASTOR, Ms. DELAURO, Mr. FROST, Mrs. THURMAN, Mr. FALCOMA, Ms. SLAUGHTER, Mr. REYNOLDS, Ms. KAPTUR, Ms. LOFGREN, and Mr. ACEVEDO-VILA.
H.R. 3087: Ms. WOOLSEY, Mr. PAUL, and Mr. HILL.
H.R. 3105: Mr. MCCREY.
H.R. 3106: Ms. HOOLEY of Oregon.
H.R. 3161: Mr. BLUMENAUER, Mr. HINOJOSA, Mr. SCHIFF, Mr. BARRETT, Ms. BERKLEY, and Mr. SIMMONS.
H.R. 3175: Mr. KING, Mr. ENGEL, Mr. ENGLISH, and Mr. SHUSTER.
H.R. 3176: Mr. KENNEDY of Minnesota and Mr. RYUN of Kansas.
H.R. 3178: Mrs. TAUSCHER, Ms. HART, and Mr. INSLEE.
H.R. 3183: Mr. CALVERT.

H.R. 3201: Mr. SCHAFER, Mr. EVERETT, Mr. HOSTETTLER, and Mr. KENNEDY of Minnesota.
H.R. 3210: Mr. BEREUTER, Mr. LATOURETTE, and Ms. PRYCE of Ohio.

H.R. 3215: Mr. EHLERS, Mr. BALLENGER, Mr. TANCREDI, Mr. STUMP, Mr. CALLAHAN, Mr. BROWN of South Carolina, Mr. CULBERSON, Mr. BOEHLERT, Mr. LATOURETTE, Mr. COBLE, Mr. LIPINSKI, Mr. DELAY, and Mr. FOLEY.

H.R. 3217: Mrs. JONES of Ohio, Mr. LIPINSKI, Mr. MCGOVERN, Mrs. THURMAN, and Mr. ACKERMAN.

H.R. 3219: Mr. KING, Mr. COOKSEY, Mr. PALLONE, Mr. ISRAEL, Ms. JACKSON-LEE of Texas, Ms. ROYBAL-ALLARD, Mr. WAXMAN, and Mr. FRANK.

H.R. 3230: Mr. WELDON of Florida.

H.R. 3235: Mr. ALLEN, Mr. SANDERS, Ms. ROYBAL-ALLARD, Ms. KAPTUR, and Mrs. JONES of Ohio.

H.R. 3238: Mr. TIERNEY and Mr. BONIOR.

H.R. 3240: Mr. BALLENGER.

H.R. 3246: Mr. STRICKLAND.

H.R. 3267: Mr. GEORGE MILLER of California.

H.J. Res. 21: Ms. LEE.

H. Con. Res. 77: Mr. HORN.

H. Con. Res. 222: Mr. PENCE and Mr. McNULTY.

H. Con. Res. 249: Mr. BOEHLERT, Mrs. KELLY, Mr. LARSON of Connecticut, Ms. MCKINNEY, and Mr. REYNOLDS.

H. Con. Res. 257: Mr. WYNN, Mr. GEORGE MILLER of California, Mr. PALLONE, Mr. BLUMENAUER, and Mrs. MCCARTHY of New York.

H. Con. Res. 260: Mr. WATT of North Carolina, Mr. CONYERS, Mrs. CLAYTON, Mrs. JONES of Ohio, Ms. CARSON of Indiana, Mrs. MEEK of Florida, and Mr. CLYBURN.

H. Res. 235: Mr. ENGLISH.

H. Res. 265: Mrs. BONO.

H. Res. 276: Mr. WOLF and Mr. OSBORNE.

H. Res. 281: Mr. HOFFEL, Mr. BURTON of Indiana, Mr. KIRK, Mr. ABERCROMBIE, Mr. BROWN of Ohio, Mr. FARR of California, Mr. BORSKI, Mr. CHABOT, Mr. DICKS, and Mrs. CAPPS.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 2779: Ms. SCHAKOWSKY.

EXTENSIONS OF REMARKS

HONORING PAULINE KIEWER

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 2001

Mr. RADANOVICH. Mr. Speaker, I rise today to honor Pauline Kiewer for being named "Registered Nurse of the Year" by the Central Valley Coalition of Nursing Organizations. Kiewer will receive the award in the Education category.

In her 30 years as a nursing educator, Pauline has gained a reputation as a strong advocate for nursing education. She has mastered the ability to blend the science of nursing, the art of education, and the importance of relationships into effective nursing education.

Pauline has been an active member of her community. She is a mentor, volunteer, and supporter for the Hope Now For Youth organization. She is a member of First Presbyterian Church, where she has served as a church elder and a Sunday school teacher, Christian education director, and choir director. Pauline is a member of the Nursing Leadership Council and the Chairman of the Paradigm Program. She is also the Central Valley liaison for the Differentiated Practice Research Project.

Mr. Speaker, I want to congratulate Pauline Kiewer for being named "Registered Nurse of the Year" in the category of Education by the Central Valley Coalition of Nursing Organizations. I urge my colleagues to join me in wishing Pauline Kiewer many more years of continued success.

TRIBUTE TO ROBERT A. TROTT

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 2001

Mr. KNOLLENBERG. Mr. Speaker, today I pay tribute to Robert A. Trott, a former constituent of Michigan's 11th Congressional District. Mr. Trott, enjoying his 74th year on this earth, passed away on October 22, 2001.

Mr. Trott spent most of his life in Michigan before he retired in 1992 and moved to Ohio. He grew up in Rochester and attended the Detroit College of Law. After his graduation, he eventually worked his way up to become senior vice president of mortgage servicing for Advance Mortgage Corporation in Detroit.

In 1976, he founded the Trott & Trott law firm with the assistance of his first wife, Rose, who predeceased him in 1986. It has grown over the years to become one of the largest firms in the Nation conducting residential default procedures. It employs over 250 people representing clients nationwide and is now run by Mr. Trott's son, David Trott.

Robert Trott was committed to his law firm and he was committed to serving his profes-

sion; he was a member of the State Bar of Michigan, a member of the Bankruptcy Rules Committee for the Eastern District of Michigan, and he was chairman of the Servicing Committee of the Mortgage Bankers Association of America.

But most of all, Mr. Trott was committed to his family. As a husband, father, and grandfather, he had a kind heart and gave unselfishly to his family. He used to tell his family that he was always in their corner rooting for them. Mr. Trott taught his finally about many things, but most importantly, he taught and gave them love.

Mr. Speaker, Robert Trott achieved many great goals which has improved Michigan's community, but his biggest contribution was his commitment to his family. I send my prayers to everyone who knew Bob, especially his wife Jo Ann, his son and daughter-in-law David and Kathlenn, and his three grandchildren, Duke, Courtney, and Taylor Rose, during this difficult time.

HONORING MAMA PAT PATRICK

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 2001

Mrs. CAPPS. Mr. Speaker, today I would like to pay special tribute to a woman who has exhibited extraordinary efforts in uniting the Santa Barbara community through music.

On November 10, 2001, the Beacon of Light Foundation honored Mama Pat for her 21 years of community service. Mama Pat founded the Inner Light Community Gospel Choir in 1980 with the goal of introducing African-American gospel music to the Santa Barbara community. Citizens from all walks of life and backgrounds demonstrated a willingness and desire to sing gospel music. The choir is non-denominational and interracial, and has done wonders for bringing diverse cultures together. The choir has been a wonderful way of uniting multiple ethnicities and sharing musical traditions among cultures.

Mama Pat is also a member of the international organization, the Gospel Music Workshop of America, which was founded by the Reverend James Cleveland. She was responsible for introducing the Inner Light Community Gospel Choir to this organization. Since its induction, the Inner Light Community Gospel Choir has performed throughout the United States and Scotland.

In addition to her musical contributions to the community, Mama Pat has also been instrumental in educating the community about African-American history. She worked hard to obtain the Black History Flags that fly along State Street in Santa Barbara every February in honor of Black History Month.

Mama Pat is such a wonderful individual who has made such extraordinary accomplish-

ments in the Santa Barbara community that it is only fitting that we pay tribute to her today.

PERSONAL EXPLANATION

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 2001

Mr. BURTON of Indiana. Mr. Speaker, due to a serious illness in my family, I was regrettably unable to be present for legislative business scheduled for November 6-8, 2001. Had I been present I would have voted "yea" on rollcall votes numbered 426-434.

CONGRATULATING NANCY PITIGLIANO

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 2001

Mr. RADANOVICH. Mr. Speaker, I rise today to congratulate Nancy Pitigliano for receiving a 2001 Common Threads Award. This award is presented to women in agriculture who have made a remarkable contribution to their community through volunteer work and philanthropy.

Nancy Pitigliano has worked at the state and federal level to advance the cause of farmers and ranchers in California agriculture. Nancy and her husband, Charlie, operate a custom farming and harvesting company. She is active in the Tulare County Farm Bureau, where she currently holds the office of first vice-president. She has been involved with the Farm Bureau Youth Leadership, California Farm Bureau Federation Water Advisory Committee, California Women for Agriculture, San Joaquin River Coalition, Friant Farm PAC, Breast Cancer Awareness, World Ag Expo, Tulare Les Petit Children's Home Society, Tulare Garden Club, and St. Aloysius Church.

Mr. Speaker, I rise today to congratulate Nancy Pitigliano for earning a 2001 Common Threads Award. She has shown outstanding involvement, not only in agriculture, but also in strengthening her community. I urge my colleagues to join me in wishing Ms. Pitigliano a bright future and continued success.

TRIBUTE TO RENÉE STEVENS

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 2001

Mr. KNOLLENBERG. Mr. Speaker, I rise today to pay tribute to a remarkable young

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

lady from my State, Miss Reneé Stevens. I am pleased to report she is in Orlando, FL, preparing to compete for the national title of "Miss American Coed for 2002."

American Coed State Pageants have been held nationwide annually for the past 18 years to recognize and reward outstanding young women for their past and present accomplishments. Last Memorial Day, Miss Stevens was given the crown and title of "Miss Michigan American Coed 2001." She was judged on poise, appearance, and presentation during interviews and an evening gown competition.

Miss Stevens, a 2000 graduate from Troy High School, will now compete in the National Miss American Coed Pageant. Nationwide, State winners and State pageant finalists will be competing in the 18th annual national scholarship competition to be crowned "Miss American Coed for 2002."

Mr. Speaker, there is no doubt Miss Stevens will make Michigan proud by representing her home State. I congratulate Reneé and wish her continued success in all her future endeavors.

HONORING THOMAS J. SULLIVAN

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 2001

Mrs. CAPPS. Mr. Speaker, today I would like to pay tribute to an extraordinary citizen of California's Central Coast, Tom Sullivan. Because of his longtime dedication to the United Way, the organization honored him on November 9, 2001, in San Luis Obispo, CA.

Although Mr. Sullivan has been with the San Luis Obispo chapter of the United Way since 1988, he has served the United Way for over half a century, beginning in 1950 when he was living in Texas. Countless communities throughout the United States have benefited from Mr. Sullivan's dedication as a volunteer, and he recently received a lifetime appointment as the Director Emeritus of the Board of Directors.

In addition to the United Way, Mr. Sullivan has been a board member for numerous other organizations, including the American Red Cross, the Salvation Army, the San Luis Obispo County Latino Outreach Council, the San Luis Obispo County Sheriff's Advisory Council, and the San Luis Obispo International Film Festival. He is also a member of the Cuesta College Cultural Diversity Committee, a member of the Community Advisory Group of the Grizzly Academy-CA National Guard, a member of the County of San Luis Obispo Economic Advisory Committee, a Director of the San Luis Obispo County Economic Vitality Corporation, and a Regent of the Newman Catholic Center. And I'm sure that, if possible, this list will only continue to grow until every last San Luis Obispo County organization has benefited in some way from Mr. Sullivan's remarkable community dedication.

Tom Sullivan is a truly extraordinary individual, and I am so proud to represent a citizen of his caliber. He has been a tremendous asset to his community, and I wish him the best of luck in his new position with the United

Way. He has truly earned it, and will be an irreplaceable asset to the board.

ALL SAINTS EPISCOPAL SCHOOL
RECOGNIZED FOR EXCELLENCE

HON. LARRY COMBEST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 2001

Mr. COMBEST. Mr. Speaker, I rise today to commend All Saints Episcopal School from my home town in Lubbock, TX, for their outstanding efforts to help those who were affected by the tragic events of September 11. Due to heightened security issues in Washington, DC, 25 students from All Saints were forced to cancel their school trip to our Nation's capital. Nonetheless, on September 24, 2001, the All Saints Episcopal school chapel held a service and donated the offering to the New York City Relief Fund. All Saints Episcopal was able to make a donation of nearly \$8,000 to the victims' families through the American Red Cross.

This U.S.A. Blue Ribbon School of Excellence is also participating in an ongoing endeavor to raise money for the Afghan Children's Relief fund. More than 10 million children in Afghanistan suffer from the effects of Taliban repressive policies. Over the past 20 years Afghan children and their families have faced war, earthquakes, drought, and poverty. Now, many of them live in refugee camps where there is not enough food and water, or warm blankets to protect them from the cold winds of the brutal Afghan winter. The students' donation to the American Fund for Afghan Children will help feed and shelter children living in this cruel environment.

The students' motivation set an inspirational path which should encourage Americans to continue this humanitarian effort. It is with great pride that I recognize All Saints Episcopal School for their tremendous accomplishments and dedication to the United States.

HONORING MOVSES JANBAZIAN

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 2001

Mr. RADANOVICH. Mr. Speaker, I rise today to honor the memory of Movses B. Janbazian for his prominent leadership in the nation's Armenian community. Reverend Janbazian died in his office on October 25, 2000, of a massive heart attack.

Janbazian was the executive director of the Armenian Missionary Association of America, a 30,000 member group that provides relief and missionary service around the world. Janbazian, a native of Anjar, Lebanon, had headed the group since 1987.

Mr. Janbazian was also an ordained pastor and served on the board of trustees at Haigazian University in Lebanon. His work was always done with the best interests of the Armenian community in mind.

Mr. Speaker, I rise to honor Movses B. Janbazian for his life-long dedication to the

nation's Armenian community. I urge my colleagues to join me in honoring the memory of Movses B. Janbazian.

TRIBUTE TO LONG BRANCH ELKS
LODGE 742

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 2001

Mr. PALLONE. Mr. Speaker, I call attention to the chair and my colleagues, a distinguished group of residents from the 6th district of New Jersey. Long Branch Lodge 742 of the Benevolent and Protective Order of Elks will celebrate its 100th anniversary on December 8, 2001.

The Elks Lodge has occupied the same small building on Garfield Street in Long Branch since its founding in 1901. The lodge has served the community of Long Branch and hosted gala fairs and many important events in Long Branch's history.

Lodge 742, known as "the lodge by the sea" has served the elite lodge of south central New Jersey since its inception.

Lodge 742 has the distinction of being the lodge to host the first ever reunion of the New Jersey State Elks Association in June 1914. It has hosted a total of over 10,000 participants in events over the past 100 years.

The lodge is much more than a building, more than just a group for historical curiosity, and more than just an address on Garfield Street. The lodge is a representation of the people of Long Branch, its history, society, and longevity. The lodge has had 742 members over its history and has contributed so much to the grandeur and excitement of the city of Long Branch.

Now entering its second century of "Elkdom", I would like to congratulate the Long Branch Elks Lodge, its 372 current members, its city and its people on this momentous occasion.

PERSONAL EXPLANATION

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 2001

Mrs. JONES of Ohio. Mr. Speaker, had I been present on Tuesday, November 6, 2001, the record would reflect that I would have voted:

On Roll 426, H.R. 768, On Motion to Suspend the Rule and Agree to Senate Amendments, Need-Based Educational Aid Act, "yea."

On Roll 427, H.R. 1408, On Motion to Suspend the Rules and Pass, as Amended, Financial Services Antifraud Network Act, "yea."

On Roll 428, S. 1447, On Motion to Instruct Conferees, Aviation Security Act, "yea."

Had I been present on Wednesday, November 7, 2001, the record would reflect that I would have voted:

On Roll 429, H.R. 2998, On Motion to Suspend the Rules and Pass, as Amended, Radio Free Afghanistan Act, "yea."

On Roll 430, H.R. 852, On Motion to Suspend the Rules and Pass, Nathaniel R. Jones and Frank J. Battisti Federal Building and United States Courthouse Act, "yea."

On Roll 431, H.R. 3167, Gerald B.H. Solomon Freedom Consolidation Act, "yea."

On Roll 432, H. Con. Res. 262, On Motion to Suspend the Rules and Agree, Negotiations to Be Held at Doha, Qatar, "yea."

I was unable to return to Congress on November 6th and 7th due to pressing matters in my district.

TRIBUTE TO BARBARA YAROSLAVSKY

HON. HOWARD L. BERMAN

OF CALIFORNIA

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 2001

Mr. BERMAN and Mr. WAXMAN. Mr. Speaker, we are honored to pay tribute to our good friend of many years, Barbara Yaroslavsky. Barbara is being presented the prestigious Tzedek (Justice) Award on December 2, 2001 by the Labor Zionist Alliance in Los Angeles. We cannot think of a more deserving recipient of this award.

Barbara has a long and remarkable history of philanthropy, community service and as a strong voice for education and health care rights. When Barbara volunteers to sit on a board or task force, she doesn't just show up. She actively participates and often finds herself leading the group, always compassionately and wisely.

Barbara has served for the last six years on the Mayor's Task Force on Volunteerism. Last year she also worked as a consultant on several successful educational projects for the Host Committee, which brought the Democratic Convention to Los Angeles.

Barbara is a fierce advocate for education and has served as vice president for the Bureau of Jewish Education. Barbara also serves on the board of LA's Best, a nationally recognized organization for after school programs in 101 schools throughout Los Angeles. She is a member of the task force of Koreh L.A., the literacy program of the Jewish Community Relations Committee (JCRC). She is active on the Undergraduate Student Scholarship Committee at the University of California at San Diego. She is committed to bringing every child a stimulating, challenging, and quality education.

Barbara is equally committed to access to health care, which she believes is a right, not a privilege. She is an active member of the Friends of the LA Free Clinic and co-chairs its president's council. The Los Angeles Free Clinic is a vital asset within Los Angeles' health care system, serving over 50,000 clients. Barbara has seen to it that the clinic maintain its strong presence in the community in this uncertain time of health care availability.

The Tzedek Award honors Barbara for her legacy of community service and her passionate work on behalf of the Jewish commu-

nity. Barbara chairs the Jewish Public Affairs Committee of California and recently led an important mission to Sacramento to meet with elected officials on legislative issues including charitable choice, gun control and affordable housing. She is also a member of the administrative committee of the Jewish Labor Committee and participates in the Latino Jewish dialogue.

We are honored to call Barbara Yaroslavsky our friend, and we ask our colleagues to join us in recognizing her distinguished record of accomplishments.

IN HONOR OF AMERICAN VETERANS

HON. J. RANDY FORBES

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 2001

Mr. FORBES. Mr. Speaker, I rise to honor the veterans of this great land. In 1918, on the eleventh hour of the eleventh day in the eleventh month, the world rejoiced and celebrated. After four years of bitter war, an armistice was signed. The "war to end all wars" was over. A year later, Armistice Day was declared in the United States, to remember the sacrifices that men and women made in order to ensure a lasting peace. Later this holiday was renamed Veterans' Day, and while it has traditionally been a day of parades and speeches by politicians, this year it means much more than that. This day is America's chance to thank those who have protected them, even when the threat against the homeland was not so clearly defined. This day is America's chance to honor those who lost their lives in service to our nation. This day is America's chance to unite behind the men and women who are now wearing the uniform that generations of heroes wore before them.

As our nation's 1.3 million active servicemembers fight this war, let us not forget that thousands of our nation's veterans are dying each day. Congress has made some great strides on behalf of our veterans this year. Since January, the House has passed legislation that will benefit the 2.3 million disabled veterans or survivors of disabled veterans, increasing their benefits by \$2.7 billion. We have expanded the available hours of the VA's toll free information service. We have expanded health and life insurance coverage for surviving dependants of veterans, and we have provided \$550 million over the next two years to repair and renovate VA medical facilities. Finally, we have increased GI Bill educational benefits to qualifying servicemembers by 70%.

We are on the right track, but we need to keep pressing forward. We need to make a real effort to make progress on remaining issues. Implementing concurrent receipt, making further improvements on military retiree health care, cutting the red tape for veterans claims. Our veterans sacrificed their lives and liberties. We should make every effort to show our gratitude by taking action on the issues that concern them. I appreciate all the hard work of our leadership and our Veterans Affairs Committee members, and encourage my colleagues to join in this important effort.

RECOGNIZING THE LIFELONG DEDICATION TO CHILDREN OF ANI "MICHELLE" TWITCHELL

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 2001

Mrs. MORELLA. Mr. Speaker, I rise today in recognition of one of my constituents, Ani "Michelle" Twitchell, who has used her life experience to impact the lives of numerous young people. In fact, it is safe to say that she has dedicated her own life to the improvement of all young lives.

Ms. Twitchell has recently composed a book, in which she assumes a necessary task in these troubling times. Her book, titled "What Happening," addresses the questions preschool age children may be asking their parents and teachers in the face of the Nation's crisis. A press release reads, "[Twitchell] mentally imagines herself in the classroom telling stories about police sirens, fire engines and ambulances to her young pre-schoolers and answering their questions." Far from opportunities, the book's theme represents a profound love for children and a desire to inspire strength in the midst of confusion.

I am hardly surprised that Ms. Twitchell has taken on such a task. As I stated, her life's path has led her to an unmatched level of dedication to children's education. She grew up in Princess Town, Trinidad and Tobago, in a family of six children, where she was consistently called upon to act as a parent. At the age of 20, she was widowed with a five month old son. Seeking a better life for herself and her child, she came to this country wishing to raise all children as healthy and strong individuals.

At present, her story finds her as a teacher and Health and Safety Coordinator for the Kindercare facility in Germantown, Maryland, with three beautiful sons, aged five and seven and eighteen. She has long dreamed of establishing a boarding school for abandoned children. Perhaps her book will serve as a stepping stone to the realization of this dream.

War and terrorism are more than evils to be fought with intelligence and weapons. They are frightening strangers in the minds of young children, which we have disburly little ability to explain in terms familiar to pre-schoolers. Neither public condemnation nor news coverage provide meaning for our young. While we are all affected in these times of terror, only our children lack the life experience to help them through their fear.

I am proud of Ms. Twitchell, I am thankful for her words, and I believe we are all blessed by the love in her heart. Please join me in thanking Ms. Ani "Michelle" Twitchell for her unmatched contribution to our children's wellbeing.

November 13, 2001

GOVERNMENT GUARANTEE OF
GINNIE MAE AND FREDDIE MAC

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 2001

Mr. NEY. Mr. Speaker, as the Vice Chairman of the Capital Markets Subcommittee of the Financial Services, I wanted to join in the concern expressed by the Subcommittee Chairman RICHARD BAKER about a proposal to expand the government guarantee provided by Ginnie Mae (the Government National Mortgage Association) into the conventional mortgage market.

Last week H.R. 3206, "The Home Ownership Expansion and Opportunities Act of 2001," was introduced in the House of Representatives. While I strongly support the spirit and intent of this proposal, I am deeply concerned that the unintended consequence of the bill will be to make the American Taxpayer liable for unnecessary risk in the event of an economic downturn.

Over the past few years, under the leadership of Chairman BAKER, the Financial Services Capital Markets Subcommittee has spent considerable time examining the potential of an "implied" government guarantee of Fannie Mae and Freddie Mac. I am concerned, because H.R. 3206, as introduced, would expand the express government backing of Ginnie Mae into the conventional home loan market. This could place American Taxpayers at a greater risk of assuming more default risk for home mortgages.

Our housing finance system is the model of the world. Combining the conventional mortgage market, the government market of FHA and VA, and the jumbo market, the national homeownership rate is close to 68%. The housing sector is the bulwark of the economy and I am very willing to consider good public policy to help more Americans achieve the dream of home ownership. I worry, however, that H.R. 3206 is an unnecessary expansion of a federal government guarantee that inappropriately puts American Taxpayers at risk.

WAIVING POINTS OF ORDER
AGAINST CONFERENCE REPORT
ON H.R. 2620, DEPARTMENTS OF
VETERANS AFFAIRS AND HOUSING
AND URBAN DEVELOPMENT,
AND INDEPENDENT AGENCIES
APPROPRIATIONS ACT, 2002

SPEECH OF

HON. TIM ROEMER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 2001

Mr. ROEMER. Mr. Speaker, today I rise in opposition to the VA-HUD bill. My frustrations concerning NASA's international space station and its ongoing budget woes have been echoed by the independent Management and Cost Evaluation Task Force. This panel recently reported to Congress that the space station is faced with crippling cost overruns.

Congress almost got it right in 1993 when the space station survived by just one single

EXTENSIONS OF REMARKS

vote. We recognized then that NASA could not afford the station. In the years that followed, this behemoth has squeezed the budgets of the so-called "smaller, faster, cheaper" missions. Not since the Hubble Space Telescope repair and the Mars Pathfinder missions has the American public been rewarded by the fantastic discoveries offered by our space program.

Now the independent task force has told us that overall management of the whole program and its total costs has been inadequate. As a result of budget overruns and schedule delays, NASA must reorganize the entire space station program, redefine the scientific objectives and drastically cut spending to keep the current three-person crew financially feasible. The panel further reported that plans to complete the basic U.S. part of the station over the next 5 years with the \$8.3 billion allotted to the program are not credible.

No one has a good estimate of how much the space station will cost. GAO estimated years ago that it would cost American taxpayers more than \$100 billion to build and operate over its lifetime. Now it is clear that there will be no worthwhile scientific research to show for it. The station's eight original scientific research objectives are gone along with the crew return vehicle, which might have allowed an adequate number of crew members to conduct research.

Regardless, the station is now limited to a crew of only three—the number of astronauts that can fit inside a Russian Soyuz re-entry vehicle. That is why Europe, Japan, Canada and other international partners will not be able to conduct research. Instead, they will spend their time simply preserving and keeping in orbit a behemoth that can't afford the manpower to yield any new meaningful science.

I am also concerned that this bill comes up short on critically important housing programs that serve this country's most vulnerable citizens and families. Many accounts within the Department of Housing and Urban Development are simply zeroed out under this legislation. For example, the Public Housing Drug Elimination Grant program has been eliminated. Funding for empowerment zones is cut by 78 percent, public housing modernization by 5 percent, and community development block grants by 2 percent.

Mr. Speaker, additional cuts to distressed public housing revitalization and fair housing and equal opportunity activities will not help alleviate the shortage of adequate housing in America's inner cities and rural areas. I cannot support efforts to cut off poor and rural families from finding decent housing in these areas.

CONGRATULATING WILLIAM
McFARLANE

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 2001

Mr. RADANOVICH. Mr. Speaker, I rise today to honor William (Bill) McFarlane for receiving the 2000 Agriculturist of the Year

Award. The award is given by the Greater Fresno Area Chamber of Commerce to an individual who exemplifies leadership and integrity in California's Central Valley agricultural business community.

Bill McFarlane is a native of Fresno. He grew up on a small farm near Clovis. In 1948, McFarlane and his father formed a farming partnership and expanded their farming operations. His family currently continues to operate the farm, which has about 1,000 acres of almonds, oranges, and wheat. McFarlane and McFarlane also own a farm in Butte County on which rice is the principal crop. Their family farming operations was active for 25 years in western Fresno County, producing almonds, tomatoes, cotton, garlic, melons, and lettuce.

Bill is currently a member of the Advisory Committee for the Clovis Unified School District's Reagan Educational Center Agriculture Department. He also serves on the Friends of Agriculture Extension for the University of California Cooperative Extension. He is a past chairman of Blue Diamond Growers and a previous president of the Central California Almond Growers Association.

McFarlane is a past recipient of the Special Recognition Award from the Fresno County Farm Bureau and the Co-op Farmer of the Year from the Agricultural Council of California.

Mr. Speaker, I rise to congratulate William McFarlane on his 2000 Agriculturist of the Year Award. I ask my colleagues to join me in congratulating Mr. McFarlane and wishing him many more years of continued success.

COMMENDING VETERANS OF
SUSSEX COUNTY, NEW JERSEY

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 2001

Mrs. ROUKEMA. Mr. Speaker, I rise today in recognition of the outstanding veterans we are so fortunate to have in our community in Sussex County, New Jersey. On Saturday, November 10, 2001, a County Salute to all Military Veterans from Sussex County will be held at the Sussex County Fairgrounds. On this day, we will honor the veterans of Sussex County and celebrate the spirit of those who have fought so bravely to preserve our tradition of democracy.

As Veterans' Day approaches, the eyes of the nation turn to the service and sacrifice of those who serve. As a nation, we owe these men and women our gratitude. I believe that the government has made solemn promises to its citizens who served in the armed forces that must be kept! I believe that Congress must make sure that this promise is not broken. By ensuring that we maintain a system of reliable, effective and compassionate benefits, this nation both keeps its promise and honors veterans.

In my 22 years in the House of Representatives, I have kept in close contact with our veterans of New Jersey. And I have learned that none of the legislation we pass in Congress can provide real assistance to veterans if our veterans do not know these benefits exist.

That is precisely why I have cosponsored the Veterans Right to Know Act. This bill requires the Veterans Administration (VA) to inform veterans about eligibility for benefits and health care services whenever a veterans first applies for any benefits. In my conversations with veterans and veterans' leaders, this legislation is a top priority.

In addition to this bill, the Congress has taken important steps in keeping our promise to veterans. This June, the President signed into law our Veterans' Survivor Benefits Improvement Act. I co-sponsored this bill which created new life insurance and health care benefits for up to 2 million eligible spouses and children of veterans.

I strongly supported the 21st Century Montgomery GI Bill Enhancement Act which we passed in the House. This bill increases the Montgomery GI Bill education benefit by 70 percent over the next 3 years and raises the value of VA education benefits from \$23,400 annually to \$39,600.

I have co-sponsored the Veterans Hospital Emergency Repair Act which authorizes \$550 million over two years for much over-due-repair of dilapidated and obsolete Veterans medical facilities. This bill was also strongly supported in the House.

And just this week, on Thursday, November 8, 2001, the House and Senate both approved of the final appropriations for veterans for the Fiscal Year 2002. This budget increases the total spending for VA programs by \$4.3 billion, including a \$1.2 billion increase in VA health care. There will also be a 16 percent boost in funding for the Veterans Benefits Administration (VBA) to remedy the backlog of compensation claims as well as an additional \$300 million for the Veterans Hospital Emergency Repair Act. I am proud that Congress could pass this legislation before we return to our districts to honor our veterans.

There can be no compromise when it comes to our veterans. Defending the Constitution of the United States is the greatest duty the nation can ask of its citizens. These men and women answered the call to duty and performed it to the highest standard. I will do everything in my power to ensure that the promises made to our veterans are kept.

Today we must prove to the world our commitment to preserving peace and democracy. We are showing the world the pride we have in our country and the values that we hold dear. It is because of our veterans that we have this tradition of freedom. They defended the idea so many years ago. They fought and sacrificed to ensure our peace. They are the inspiration which keeps the dream of democracy alive for us and everyone around the world. And this weekend in Sussex County, we bring this point home as we honor the heroes in our midst. Let us renew the dreams and the spirit of brotherhood that brought this nation through more than two centuries of struggle and kept it vibrant and free.

Finally let me state as clearly as I can: I am committed to ensuring that Congress will take all appropriate actions to ensure that our veterans are properly supported. They were there when the nation called; now we must be there when they need our help.

Mr. Speaker, I ask my colleagues to join me in honoring the Veterans of Sussex County,

New Jersey, that will be recognized this weekend at the County Salute to all Military Veterans from Sussex County. And I urge my colleagues to join me in keeping our promise to our nation's heroes—our veterans.

RECOGNIZING MR. ROMANO PRODI, PRESIDENT OF THE EUROPEAN UNION, AND HIS REMARKS TO THE CYPRUS HOUSE OF REPRESENTATIVES

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 2001

Mr. PALLONE. Mr. Speaker, on October 25, Romano Prodi, President of the European Commission, spoke before the plenary of the Cyprus House of Representatives while on a two-day official visit to Cyprus.

During his speech, Mr. Prodi stated that Cyprus will join the EU and will be among the first candidate countries to do so. As a strong advocate of Cyprus' accession to the European Union, I believe that Cyprus' accession would be good for the stability of the region, as well as for the prospects for serious and good faith negotiations between the parties in Cyprus.

To that end, I am honored to submit for the CONGRESSIONAL RECORD the introduction and text of Mr. Prodi's historic speech to the Cyprian House of Representatives.

INTRODUCTORY STATEMENT OF THE PRESIDENT OF THE HOUSE OF REPRESENTATIVES, MR. DEMETRIUS CHRISTOFIAS

It is with particular pleasure and great excitement that I have the privilege to welcome to the House of Representatives of the Republic of Cyprus the President of the European Commission Mr. Romano Prodi.

Mr. Romano Prodi is a distinguished personality of international calibre who has associated his name with the steady furtherance of the cause of European integration. At the helm of the European Commission since 1999 the systematic and principled culture on his part of the European voice effuses common values, beliefs and civilization originating from our common European heritage.

Your visit to Cyprus, Mr. President, is taking place at difficult times which humanity is experiencing in a tragic way today. It is comforting to note that with your firm positions you have struck the right note and given the right way of addressing terrorism by making clear that the reaction of the international community, with which the Cyprus Republic has aligned itself against terrorism, is not a war against cultures or a conflict of religions. It is imperative that the European Union oppose a united world of peace, democracy, equality, prosperity and international understanding and solidarity with Man in its epicentre against every sort of terrorists.

The Cyprus Republic believing unwaveringly in the future of Europe continues its efforts firmly and decisively for the harmonization of its national legislation with the *acquis communautaire*. The Cyprus Parliament plays its own part and faces with responsibility as a first priority the harmonization process. Our progress in our accession negotiations is due to a great extent to

the common effort of all the political powers in Cyprus but also to the general support offered by public opinion. These efforts made by Cyprus but also the proven dedication to democratic institutions and European ideals and principles are acknowledged and clearly recorded in the latest progress report by the European Commission on Cyprus.

As regards the process for the solution of the Cyprus problem, I would like to emphatically stress that the President of the Republic participates with the support of the National Council in the effort under the auspices of the UN Secretary-General with all goodwill for the solution of the problem on the basis of United Nations Resolutions and the High Level Agreements. I would like to underline that our expectation is that a united Cyprus join the European Union. I would like at the same time, however, to point out that our will must not be misinterpreted. It is not possible for Cyprus to accept the absurd demands made by Turkey and the Turkish occupation leader Mr. Denktash which are followed by threats. Especially his unrealistic claim for a direct or an indirect recognition of the occupation regime as a state entity just to reach a settlement to the Cyprus problem.

I would like to avail myself of the opportunity of your presence here, Mr. President, to express the warmest thanks on behalf of the Cyprus people for the firm promotion by the European Commission of the provision of the Helsinki Summit decision which envisages that the solution of the Cyprus problem is not a prerequisite for the accession of Cyprus to the European Union as well as for the conviction that Cyprus will become a member of the European Union during the first wave of enlargement.

With these few thoughts, Mr. President of the European Commission, I welcome you once again to the Cyprus Parliament.

SPEECH BY MR. ROMANO PRODI, PRESIDENT OF THE EUROPEAN COMMISSION

In these changing and difficult times, I was particularly moved at being invited to speak today to the elected representatives of the people of Cyprus. For democracy is at the heart of our system of government in Europe.

Democracy is the guarantee not only of human rights and fundamental freedoms but also of security, stability and well being. Especially at the present time, when the international community faces so many challenges.

The European Union is a community of law and, you, the legislators of Cyprus, are working every day to ensure that your country becomes part of this community and strengthens it.

This is all the more important in the light of the appalling attacks on the United States on 11 September.

The European Union has expressed its solidarity with the innocent victims and is contributing vigorously to the fight against terrorism.

Cyprus, like the other candidates for EU membership, immediately expressed its abhorrence for those attacks and aligned itself with the EU position on terrorism and the operations to eliminate it.

But deeds are even more important than words. Cyprus has taken practical measures to combat illegal arms sales and transshipments and to freeze funds that might be used to sponsor terrorism. These, and the other steps taken by Cyprus since 11 September, are deeply appreciated in the European Union. Recent events vividly bring to mind the *raison d'être* of the enlargement

process, and indeed, of the European Union itself.

The European Union exists to put an end to the conflicts of the past and to bring peace, justice and well being to our peoples.

It has achieved this to a remarkable extent over almost half a century. Today, peace, justice and well being are steadily being spread throughout Europe as preparations for enlargement go ahead.

This enlargement will benefit not only the old and new member states but also neighboring countries, with which we have close ties. No new dividing lines will be drawn across our continent. Indeed, each new candidate will bring to the EU its own political, economic, cultural, historical and geographical heritage, thus enriching Europe as a whole.

Cyprus's own heritage includes a tradition of good public administration, a vibrant economy, the talent and creativity of its people and the close links they have established in the Mediterranean region and beyond.

The flow of benefits is, of course, reciprocal. The European Union will bring to Cyprus a model of peace and reconciliation, the freedom of the single market and a set of institutions and policies that meet the needs of all member states.

However, those institutions and policies need redesigning to enable them to meet the challenges of the twenty-first century. Next year, Cyprus—together with the other candidate countries and the existing Member States—will be taking part in a structured debate on our future policies and how best to run the Union. "Who should do what" is one of the key questions.

The debate will lead to a new Inter-Governmental Conference in 2004, and Cyprus will already be invited to join in preparations for that IGC.

Another key issue in the great debate is how to involve Europe's citizens more closely in designing and implementing European policies. After all, the European Union exists for its citizens and must be built by them.

In particular, we need their support for enlargement. People naturally fear the unknown, and political leaders (both in existing member states and in the candidate countries) should take time to explain to the general public why enlargement is in everyone's interest.

It will boost not only economic prosperity but also political security and stability in Europe. We must spell this out to our citizens, who may be perplexed by the technical nature of the accession negotiations.

Cyprus is advancing well in these negotiations. This is above all a reflection of your own efforts as legislators in putting into place a system of laws containing the same principles and provisions as European Union law.

Parliament is working expeditiously and your fast-track procedure for transposing EU laws and rules, the "acquis", is a model of its kind, on which I congratulate you.

It is thanks to your efforts, and to the efforts of your government and negotiators, that Cyprus is amongst the frontrunners in the accession process.

Your country's preparations for membership must continue to be pursued vigorously. A number of politically or technically difficult issues such as taxation, competition, agriculture, justice and home affairs still have to be resolved. Further legislative work must also be done in some fields on which negotiations have been provisionally concluded, such as telecommunications and the free movement of goods.

We are aware that you are planning a major tax reform, partly aimed at adapting your tax regime to the EU system. We will follow with interest the progress of the reform legislation through this House.

Of course, passing the necessary laws is not the end of the story: those laws also have to be implemented effectively in each candidate country. Monitoring the candidates' progress in this respect is, of course, the Commission's job. But, as you know, the existing Member States are also closely following this progress, particularly in sensitive areas such as the environment, maritime transport, competition and the prevention of money laundering.

I am personally very pleased to see the high degree of consensus Cyprus has achieved on the transposition of EU law. It is a sign of your country's healthy democracy that there is genuine diversity of political views and genuine competition between political parties, yet there is also underlying agreement on fundamental principles. This unity in diversity is the very essence of politics and society in Europe today.

Diversity is of course one of main characteristics of Cyprus. It is a source of richness and of pride but it has also, over the years, been a source of recurrent conflict. The European Union lends its full support to efforts to resolve the Cyprus problem and salutes in particular the continuing work of Kofi Annan, the United Nations Secretary General, and his special representative, Alvaro de Soto. The European Union would be delighted if their efforts were to bear fruit before enlargement, though—as you know—this is not a pre-condition for Cyprus's accession.

How inspiring it would be for Europe, and for the world at large, if Cyprus were to heal its wounds and if Greek and Turkish Cypriots were to enter the European Union together on the basis of a settlement which took into account the interests and concerns of all parties!

The United Nations, and others working towards a settlement, are well aware of those concerns. In the months since the proximity talks were, alas, suspended, they have been working hard in the common interest of all citizens of Cyprus. We were disappointed that the Turkish Cypriot leadership did not accept the UN Secretary-General's invitation to resume talks in September. Despite these disappointments, however, the UN is persevering in its efforts and the European Union gives them our full backing.

I very much welcome the recent improvement in relations between Greece and Turkey and hope that this will facilitate the search for a settlement of the Cyprus question. I am profoundly convinced that a settlement is within reach.

Let me stress that the European Union, with its *acquis*, will never be an obstacle to finding a solution to the Cyprus problem. The European Union never seeks to determine the constitutional arrangements or the security arrangements of its member states. Such matters are up to them.

I am confident that the European Union can accommodate whatever arrangements the parties themselves agree to in the context of a political settlement. As an EU Member State Cyprus will of course have to participate in the Council of Ministers "with one voice".

The European Commission is seeking to broaden understanding of the *acquis*, and related issues, throughout Cyprus. Given a political settlement, EU membership will bring

benefits to all Cypriots and in particular will enable those in the northern part of the island to catch up rapidly in terms of economic performance and living standards.

Following a settlement, both Greek and Turkish Cypriots will participate in the work of EU institutions, helping run the Union and shape its future.

Meanwhile, projects involving both communities on the island can address specific problems, dispel misconceptions and improve understanding.

Projects of this sort deserve the active support of all political leaders. They also demonstrate in practical terms the commitment of the people of this island to overcoming the problems of the past and reaching a settlement.

There is a window of opportunity now for Greek and Turkish Cypriots to reach an agreement before Cyprus's accession. Every effort should be made to take full advantage of this opportunity. History would not look kindly on those who knowingly let this opportunity slip.

A political settlement before Cyprus's accession is our strong preference. But let me make one thing clear. Cyprus will join the European Union, and it will be among the first candidate countries to do so.

The timetable is set out. We are aiming to complete negotiations with all countries that are sufficiently prepared by the end of next year, with a view to accession in 2004. We hope that Cypriot citizens will participate in the European elections in 2004. There can be no question of delaying an historic process in which the security, stability and well being of Europe as a whole is involved.

During my visit to Cyprus, I shall be meeting citizens from various walks of life, including both Greek and Turkish Cypriot trade unionists. I detect a yearning on the part of all Cypriots to be part of the European project.

As President of the European Commission I say to all the people of Cyprus "Welcome! The European Union will only be complete when you, and the other European peoples who aspire to membership, are ready to join us".

Thank you.

DOMESTIC VIOLENCE SERVICE CENTER 25TH ANNIVERSARY

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 2001

Mr. KANJORSKI. Mr. Speaker, I rise today to call to the attention of the House of Representatives an important anniversary which will be commemorated in my district on Nov. 13. The Domestic Violence Service Center (DVSC) will observe the 25th anniversary of its founding. I am pleased to have the opportunity to commend the center for its tireless dedication to helping women and children in crisis.

Originally called Womencenter when it was first conceived in October 1976, the DVSC began as an assessment agency to focus on the needs of area women. The pleas for help from battered women in the first six months were overwhelming. Because of this, the Womencenter refocused its purpose to address the issue of domestic violence and how it affects women and children in the Wyoming

Valley. A task force was formed to study the issue. The result of that meeting was the founding of the Pennsylvania Coalition Against Domestic Violence (PCADV). The first coalition of its kind in the United States, the PCADV is still a leader in victims' rights issues in the State and the Nation.

In 1977, the Womencenter received a grant to develop a full-time domestic violence program. Services expanded and a liaison with Legal Services of Northeastern Pennsylvania was established.

A speakers' bureau was begun to promote community awareness. In 1978, the task force established the first shelter for battered women in Northeastern Pennsylvania. Within one week, the unadvertised shelter was completely filled to capacity. That June, the Womencenter incorporated as the Domestic Violence Service Center. A board was formed and the first officers were elected.

The number of clients served by the DVSC has grown from approximately 700 in the 1985–86 fiscal year to more than 2,400 per year at present. The Domestic Violence Service Center has served the area as a shelter, an advocacy agency, an outreach center, and a counseling center.

The DVSC has been on the forefront of public education of domestic violence and involved with other social service agencies and the District Attorney's office in creating a county-wide protocol for the handling of domestic violence cases. The center has coordinated with local police forces to create a common protocol in handling the actual distress calls and has coordinated with local health care providers to develop a family violence medical protocol that has been adopted by all hospitals in the county as well as by numerous home health care professionals and physicians' offices. Most recently, in July 2001, the center received funding to support its partnership with Northeast Counseling Services to implement a Mental Health Advocacy Project, a first of its kind in the state. The project will cross-train mental health and domestic violence staff and provide informed services to clients of both agencies.

Led by President Mary Ellen Roberts and Executive Director Ellen Moyle Harris, the DVSC serves as an example to the entire State of Pennsylvania. The center also plays a leadership role statewide through representation on PCADV committees including ones that handle legal advocacy, contracts, legislative and planning matters. In addition, Pat Kwetkauskie, a DVSC representative, chairs the Pennsylvania Medical Advocacy Task Force and has also chaired a committee of the former Attorney General's Domestic Violence Task Force. DVSC staff and training team volunteers have also presented workshops and lectures at state, regional and national conferences. At a statewide PCADV conference in 1991, 12 members of the DVSC board, staff and advisory committee were honored with Leadership in Action awards.

The DVSCs Court Advocacy, Medical Advocacy, STOP Violence Against Women Projects continue to be integral parts of DVSC services, and the center continues to provide technical assistance to agencies in other counties that are interested in duplicating DVSC programs.

Most importantly, the Domestic Violence Service Center has provided shelter for thousands of battered women who flee their homes, often in the middle of the night, afraid for their lives and the lives of their children.

Mr. Speaker, the impact of domestic violence affects the entire community. Each year, the center conducts a solemn and poignant candlelight vigil at the Luzerne County Courthouse to commemorate Domestic Violence Month. I have had the honor of participating in this event. I am proud to commend the hard-working staff, board of directors, and volunteers on their dedicated effort to help those who would otherwise be trapped indefinitely in a crisis situation. Through their work and dedication, they offer a place for women and children to turn to break the cycle of violence. Although this anniversary is not a celebration, it is a call to each of us to help stop this devastation of the American family. Mr. Speaker, I hope this anniversary will expand public awareness of the important work that the DVSC does.

SUPPORT FOR H.R. 3253, DEPARTMENT OF VETERANS AFFAIRS MEDICAL EMERGENCY PREPAREDNESS CENTERS

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 2001

Mr. EVANS. Mr. Speaker, as an original co-sponsor of H.R. 3253, the National Medical Emergency Preparedness Act of 2001, I strongly support this important legislation which will improve our national ability to respond to acts of terrorism and other medical emergencies. I look forward to quick action on this legislation and commend my friend and colleague, Chris Smith, for authoring this measure.

The National Medical Emergency Preparedness Act of 2001 would create National Medical Preparedness Centers within the Department of Veterans Affairs. These centers would have several important missions. In addition to training medical personnel to recognize the symptoms of exposure to chemical, biological and radiological weapons, the National Medical Preparedness Centers will provide important national leadership in the development of new diagnostic tests, vaccines, and treatments for chemical, biological and radiological terrorist threats.

Last month, on October 15, the Committee on Veterans Affairs received testimony on VA contingency missions to the Department of Defense in times of war or national emergency and as a participant in the Federal Response Plan during disasters. Federal agencies described a critical role for the Department and expounded upon additional roles, given the resources, the Department could play.

In response to that hearing, H.R. 3253 was introduced. The National Medical Emergency Preparedness Centers established by this legislation will provide important contributions to innovation and leadership in the detection of biological, chemical, and radiological hazards, the development of vaccines to prevent dev-

astating consequences we have seen from exposures to toxins such as anthrax and effective treatment for exposures to pathogenic materials.

VA has many successful models of Centers that combine research, education and training, and patient treatment. Among such "centers of excellence" are its Geriatric Research Education and Clinical Centers, its Mental Illness Research Education and Clinical Centers, its Parkinson's Disease Research Education and Clinical Centers and other centers selected on a competitive basis in order to create living laboratories for applying state-of-the-art care to patients that need it. The synergies of these centers' missions combine to produce innovative research and technologies to their respective fields.

VA has much to offer the Nation in establishing Centers that can build upon its existing expertise, but break new ground in further exploring areas that directly affect the lives of all Americans. I believe the benefits to our public health would far outweigh the \$20 million annual cost to fund these Centers. As we continue our quest to protect our homeland, we must find leaders within the community to assist our efforts to protect Americans. VA can and should be part of this leadership team.

RECOGNIZING EL PASO COMMUNITY COLLEGE PRESIDENT, DR. RAMON DOMINGUEZ

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 2001

Mr. REYES. Mr. Speaker, I rise today to recognize an individual who has done an exceptional job at the El Paso Community College (EPCC). Dr. Ramon Dominguez is retiring from EPCC after 28 years of public service to this institution, the 4th largest community college in the state of Texas. Dr. Dominguez has done an outstanding job in overseeing the day-to-day operations of the college's five branches and an operating budget of about \$77 million. He has provided leadership and direction to the 2,800 employees and about 24,000 students, 82 percent of whom are Hispanic.

Dr. Dominguez is easy going and has a soothing nature about him. He received overwhelming support from the faculty, staff, and students when he became the President of the Community College in May of 2000. Shortly after being sworn in as President, Dr. Dominguez began reorganizing EPCC's top administration. He demonstrated his beliefs in being highly inclusive and sharing the governing of EPCC. He also showed that he is approachable, fair, willing to listen, hard-working and committed to the students and the college.

Dr. Dominguez graduated from the University of Texas at El Paso (UTEP) in 1971 with a secondary education degree. As soon as he completed college, Dr. Dominguez began his focus on serving people. He has always held the goals of teaching, counseling, and mentoring as his top priorities and has contributed greatly to the success of others, especially the students.

Dr. Dominguez began at EPCC as an instructor for the Veterans Upward Bound Program where he used teaching and counseling skills to work with veterans that were returning from the military, specifically Vietnam. He then spent 15 years as a counselor. In fact, Dr. Dominguez was so committed to serving his students better as a guidance counselor that he returned to school and received his masters in counsel and guidance from UTEP. He went on to earn an Educational Specialist in Administration Degree at New Mexico State University (NMSU) and finally a PhD in Administration with a minor in counseling and guidance. Before becoming the President of EPCC, Dr. Dominguez served the Community College as an assistant vice president of Student Services, executive vice president, and as the interim president twice.

Mr. Speaker, this institution played an important role in my life and it continues to play an important role in the lives of the residents of our city. I am proud of the fact that in 1977, I received an Associates Degree from the El Paso Community College. The El Paso Community College continues to provide educational opportunities and support services that prepare individuals to improve their quality of life. I applaud the role that this institution has played in El Paso and the leadership, dedication, and service that Dr. Dominguez has provided to this school and its students.

At the dawn of this new century, I see community colleges such as the El Paso Community College as playing a critical role. I believe that community colleges must expand and become more accessible to all people who desire personal enrichment, growth, and development. Over the years, community colleges have assisted many people who would otherwise not have access to higher education by providing them with quality, affordable education. It is critically important to give our students every opportunity to compete in this new global economy. I applaud the efforts and the work that Dr. Dominguez has contributed to further these goals and the role that El Paso Community College continues to play in the fabric of El Paso.

Dr. Dominguez has guided the El Paso Community College well. I know that this institution will continue to flourish and educate future generations of El Pasoans. Dr. Dominguez is a pillar of integrity in the El Paso community and I want to thank him on behalf of El Paso and wish him well in all his future endeavors.

INTERNET GAMBLING BILL

HON. TIM ROEMER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 2001

Mr. ROEMER. Mr. Speaker, I rise today in strong support of the Internet Gambling Bill introduced on November 1, 2001. This important legislation, authored by Representative GOODLATTE, provides a much-needed update to existing law, which is no longer adequate to prohibit gambling on the Internet.

Minors can easily use the Internet to access illegal content, including Internet gambling

websites. This is a dangerous loophole to existing law. Gambling is a potentially addictive habit which should be restricted to adults.

As technology continues to change the way we communicate and learn we must ensure that our laws change and adapt concurrently. Regulations previously used to prevent gambling over telephone lines are no longer sufficient to address gambling over the Internet, which increasingly relies on wireless communications. The Internet Gambling Bill modernizes existing law by bringing the current prohibition against interstate gambling up to speed with the development of new technology.

This important legislation also defines gambling more specifically to include interactive games on the Internet, including poker and blackjack which are not clearly included in current law. Violations under the act are punishable by prison terms of up to five years.

Gambling on the Internet has become increasingly prevalent in recent years. More than 650 Internet gambling websites operated just last year. In 1999, the total revenue associated with Internet gambling exceeded \$1.2 billion, an 80 percent increase from the previous year.

It is time to stop illegal gambling on the Internet. This legislation is an important first step.

DEDICATION OF THE PURPLE HEART MONUMENT IN PARAMUS, NEW JERSEY

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 2001

Mrs. ROUKEMA. Mr. Speaker, I rise today to commend the Military Order of the Purple Heart Chapter 522 of Paramus, New Jersey, as they dedicate a Purple Heart Monument today in Paramus. In this time of remembrance for those killed on September 11th, it is important to remember all who have put their lives on the line for our nation. Our nation's veterans offer us wisdom and guidance in these troubled times. I thank Chapter 522 for honoring our veterans as we support and defend our country in this new war.

Decades ago, President Ronald Reagan addressed the Memorial Day ceremonies at Arlington National Cemetery. His words were profound: "No one wants peace more than the soldier, for the soldier understands better than anyone, the pain and destruction of war." Implicit in his message is that preserving the peace is an everyday job. It's a job that requires hard work. It's a job that requires firm resolution. It's a job that absolutely requires sacrifice.

I stand here today and honor the Military Order of the Purple Heart with great pride. These are the Americans who have done the hard work. Who have displayed the firm resolution. Who have sacrificed. These are our nation's heroes.

As we commemorate those who have fought for our country with this Purple Heart Monument, the eyes of the nation turn to the service and sacrifice of our veterans. Our nation thanks you.

Mr. Speaker, I urge my colleagues to join me in honoring Chapter 522 of the Military Order of the Purple Heart, and all who have served and those who have died for our country. May God bless them and God bless America.

67TH ANNIVERSARY OF UKRAINE FAMINE AND 25TH ANNIVERSARY OF UKRAINIAN HELSINKI GROUP

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 2001

Mr. SMITH of New Jersey. Mr. Speaker, I rise to commemorate the memory of innocent victims of an abominable act perpetrated against the people of Ukraine in 1932-33. Seven million innocent men, women and children were murdered so that one man, Soviet dictator Joseph Stalin, could consolidate control over Ukraine. The Ukrainian people resisted the Soviet policy of forced collectivization. The innocent died a horrific death at the hands of a tyrannical dictatorship which had crushed their freedom.

In an attempt to break the spirit of an independent-minded and nationally-conscious Ukrainian peasantry, and ultimately to secure collectivization, Stalin ordered the expropriation of all foodstuffs in the hands of the rural population. The grain was shipped to other areas of the Soviet Union or sold on the international market. Peasants who refused to turn over grain to the state were deported or executed. Without food or grain, mass starvation ensued. This manmade famine was the consequence of deliberate policies which aimed to destroy the political, cultural and human rights of the Ukrainian people. In short, food was used as a weapon in what can only be described as an organized act of terrorism designed to suppress a people's love of their land and the basic liberty to live as they choose.

This month also marks an important milestone in more recent Ukrainian history. Twenty-five years ago, on November 9, 1976, 10 courageous men and women formed the Ukrainian Public Group to Promote the Implementation of the Helsinki Accords. The work of the Ukrainian Helsinki Group focused on monitoring human rights violations and on the Ukrainian national question as an integral component of human rights issues. The Ukrainian Helsinki Group eventually became the largest of its kind among similar groups in the Soviet Union, but also the most repressed by the Soviet regime. Of the 37 Ukrainians who eventually joined the Group, virtually all were subjected to lengthy terms in labor camps and internal exile. Three—Oleksiy Tykhy, Yuri Lytvyn and Vasyl Stus—died in the mid-1980s while serving camp terms under extremely harsh conditions. Their courageous, active commitment to human rights and freedom for the people of Ukraine laid the foundation for the historic achievement of Ukrainian independence in 1991.

As we honor the memory of the millions of innocent victims of the Ukrainian Famine, let us also not forget to honor the work and, in

some instances, the martyrdom, of the valiant members of the Ukrainian Helsinki Group.

While similar atrocities are highly unlikely, Ukraine has yet to realize its full democratic potential. Despite the real progress made in the decade since independence, the unsolved murders of Georgiy Gongadze and other journalists and political figures, the assaults on media freedoms, the pervasive corruption, and the lack of respect for the rule of law demonstrate a democratic deficit that must be overcome. An independent, sovereign, democratic Ukraine—in which respect for the dignity of human beings is the cornerstone—is the best guarantee that the horrors of the last century become truly inconceivable.

**PAYING TRIBUTE TO TECHNICAL
SERGEANT RONALD A. GISEL**

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 2001

Mr. ROGERS of Michigan. Mr. Speaker, I rise today to congratulate Technical Sergeant Ronald Gisel as one of this year's U.S. Air Force's 12 Outstanding Airmen of the Year.

Mr. Speaker, this is a huge accomplishment, and one that clearly shows this man's commitment to serving the United States of America. As the noncommissioned officer in charge of 31 ceremonial guardsmen who performed more than 700 Air Force and Joint Service ceremonies, Sergeant Gisel proves himself to be a professional of the highest caliber. His superior job performance is noticeable to all he comes in contact with. He is certainly worthy of recognition!

A man of firm beliefs and unselfish commitment to helping others, Sergeant Gisel is a fine role model for the young adults in high school and to the two-home schooled junior high school students in which he mentors. His values and beliefs are reflected in his dedication to his work and his relationships with his family, friends, and people in the community.

Indeed, Sergeant Gisel is an excellent example to all. Therefore, Mr. Speaker, I respectfully ask my colleagues to join me in paying tribute to Technical Sergeant Ronald A. Gisel for being recognized as one of the U.S. Air Force's 12 Outstanding Airmen of the Year.

HONORING CAROLE BLACK, PRESIDENT & CEO, LIFETIME ENTERTAINMENT SERVICES

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 2001

Ms. SOLIS. Mr. Speaker, today's woman has many role models that have paved the path to our success. Elizabeth Cady Stanton, Susan B. Anthony and Eleanor Roosevelt created a momentum for the women's movement that still gains speed today as modern women climb new mountains.

One of these modern women is Carole Black, President & CEO of Lifetime Entertainment

Services. Ms. Black has demonstrated her commitment to supporting other women by making sure that women are informed.

Black's ideas and influence reach more than 83 million homes in our great country and have propelled Lifetime's ratings to set new records. Lifetime's recent successes are rooted in Blacks' commitment to entertain, inform and support women by dramatically increasing the Network's original programming slate and expanding its marketing and public affairs efforts.

Carole Black also has greatly expanded Lifetime's advocacy initiatives, using the media to make a positive difference in the lives of women. Issues that have been recognized include the following: the fight against breast cancer; women in the arts; the importance of early childhood education and access to affordable, quality child care; and the fight to instill self-esteem in thousands of women. Carole Black is working with Lifetime Entertainment to recognize the issues that directly affect our lives—and our families.

Black's leadership and vision have led to her recognition as one of "America's 100 Most Important Women" by Ladies' Home Journal Magazine and one of "New York's 100 Most Influential Women in Business" by Crain's New York Business Magazine. The Hollywood Reporter has named her repeatedly as one of the "Top Women in Entertainment." Most recently, Ms. Black was honored at the Women in Cable & Telecommunications Gala for her incredible contributions.

Most recently, Black was named one of Fortune Magazine's Top 50 Women in Business. In June 2000, Black was honored to participate with national and world leaders, such as United Nations Secretary General Kofi Annan, Her Majesty Queen Noor of Jordan, and Secretary of Health and Human Services Donna Shalala, in Beijing Plus 5: Women 2000, the historic international conference to promote women's rights. In November 2000, Black served as one of 15 United States delegates to "The 2nd Organization for Economic Cooperation and Development (OECD) Conference on Women Entrepreneurs" in Paris, France.

As a television industry leader, Black champions diversity not only through Lifetime's on-air programming and countless public affairs initiatives but also through involvement with several industry organizations for which she serves on the Board of Directors, including The Walter Kaitz Foundation, Cable Positive and the T. Howard Foundation. For her dedication to this important issue, Black earned the YWCA Racial Justice Award in April 2000, the National Hispanic Media Coalition Impact Award in February 2001 and the Imagen Foundation Inspiration Award in June 2001.

Carole Black also is dedicated to using her knowledge to educate the future leaders of America. Black serves on the Harvard University John F. Kennedy School of Government Women's Leadership Board and is a Trustee of the American Women in Radio & Television, New York Women in Communications, New York Women in Film, Women in Cable & Telecommunications and the Women's Sports Foundation.

Carole Black is a great role model for our young women to follow. She is an inspiration

and an educator, a tough executive and a visionary. But most importantly, she is a woman and a friend to each person who is touched by her work. As a role model to many, Ms. Black keeps the momentum of the women's movement rolling and would have made our foremothers proud.

I ask my colleagues to join me in commending this dedicated public servant.

**WMUL-FM FORTIETH
ANNIVERSARY**

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 2001

Mr. RAHALL. Mr. Speaker, in 1895, Guglielmo Marconi transmitted electrical signals through the air. This first radio broadcast went from one end of Marconi's house to the other. The second stretched from his laboratory out to his garden. Six years later he sent a signal from England to America.

Like the acclaimed Italian inventor, WMUL-FM radio started out small: a ten-watt transmitter in a science building basement. Yet, in the spirit of Marconi himself, the Marshall University broadcasters were blazing new trails and determined to expand the range, quality, and influence of their signal. It was 1961.

Now, in their fortieth year, WMUL-FM has a \$100,000 a year budget, broadcasts an 1,150 watt signal, and transmits from state-of-the-art digital studios. The Marshall students who staff it, and the professors who teach them, are nationally-recognized radio professionals. Since 1985, they have won 435 awards. WMUL-FM alumni have worked at all levels in local, regional, and national electronic media, distinguishing themselves regularly regardless of the competition.

I congratulate Marshall University and WMUL-FM radio for four decades' service to the Marshall and Huntington communities. Their commitment is impressive and their accomplishments inspiring. Marconi would approve of the electronic signals that WMUL-FM sends through the air.

**TRIBUTE TO LARISA JAFFE,
PEACE CORPS VOLUNTEER**

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 2001

Mr. CAPUANO. Mr. Speaker, I rise to commemorate the life and service of Larisa Jaffe, a Peace Corps volunteer, who lost her life in Zimbabwe in October of this year. Dr. Jaffe was a naturalized American citizen. She came to the United States from the former Soviet Union where she had earned a doctorate in geology. A woman of great intellectual energy, she taught at the Monterey Institute of International Studies in California and at West High School in Salt Lake City, Utah. She became certified as an emergency medical technician and volunteered her services to Planned Parenthood and to hospices for the terminally ill.

At the age of sixty-two, she arrived in Zimbabwe as a Peace Corps volunteer. She served in the city of Mutare as the Information Officer for CADEC, the Catholic Development Commission. She developed HIV/AIDS awareness and education materials and assisted the staff with computers and information technology. She devoted much of her time to the more than 2000 children orphaned by AIDS in the Mutare region. Tragically, her work ended with her death, a suspected homicide. Police took into custody as suspects two citizens of Zimbabwe.

Dr. Jaffe's daughter, Julia Ravinsky, lives in Massachusetts where a memorial service was conducted on October 26. Ms. Ravinsky spoke of her mother's great love of adventure and her even greater love of humankind. She showed slides of her mother riding camels and elephants and mingling joyously with the peoples of three continents. I salute Julia's bravery as well as her mother's.

Two Peace Corps officials eulogized Larisa Jaffe. Acting Deputy Director Lloyd O. Pierson presented an American and a Peace Corps flag and a letter of condolence from President and Mrs. Bush. He spoke of the significance of the Peace Corps in these difficult times. I quote Mr. Pierson: "Larisa's contributions to the Peace Corps and to our country will never be forgotten. The tragic events of September 11 have shown more than ever the need for more individuals, like Larisa, committed and courageous, who are willing to answer the call to service and respond to the challenge of the Peace Corps mission." I thank Mr. Pierson for traveling to Massachusetts to acknowledge Dr. Jaffe's contribution and to comfort her family and friends.

Lois Hobson, Country Director of the Peace Corps for Zimbabwe, accompanied Dr. Jaffe's remains on the sad journey home. I want to thank her personally for bringing Julia's mother home. Director Hobson spoke of her friendship with Larisa Jaffe, of Larisa's fearlessness, her openness, her refusal to find cultural differences obstacles to understanding and cooperation. I quote her remarks in part, "Mutare's mountains impressed her deeply, often prompting her to tell others how comfortable she felt in Mutare, how much she loved the city and the people. When she was required to travel to Harare, she was always in a hurry to return to the beautiful city at the foot of the mountains. Industrious, creative, energetic, feisty, brave, courageous—this was Larisa. Stubborn, independent, mature, sometimes naive, determined, loving, kind. This too was Larisa. We all miss her."

Mr. Pierson is right that we need to remember Larisa Jaffe. She came to the United States as a refugee. She embraced our principles and our customs. She believed that all persons are created free and equal. She believed in volunteering. Like many of those who perished on September 11, she knew our country, her adopted country, to be a land of hope and opportunity. Her example will continue to inspire us.

AIRLINE WORKER MORTGAGE RELIEF ACT OF 2001

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 2001

Mr. RUSH. Mr. Speaker, on September 13, 2001, in response to the September 11th tragedy, Secretary Mel Martinez of HUD directed all FHA-approved lenders to provide a 90-day mortgage forbearance for families with FHA insured mortgages who were affected by the recent terrorist attacks. "Affected, borrowers are those individuals who were passengers or crew on the four hijacked airliners (American Airlines 11 and 77, United Airlines 93 and 175), individuals employed on September 11, 2001, in or near the World Trade Center, or in the Pentagon, and individuals whose financial viability was affected by the . . . events of [that] day." (HUD Mortgage Letter 01-21).

As evidenced by the \$15 billion bail out that followed the events of September 11, the effects felt by the airline industry were amongst the most immediate and devastating experienced within the corporate world. It follows naturally, that the devastation experienced by the airlines will ultimately be felt by the 150,000+ employees whose financial viability has, or will soon be affected by the ongoing wave of post-September 11th lay offs. And while the language of HUD Letter 01-21 may be read to include airline industry workers, the ambiguity of that language leaves open the possibility of denial under the letter. This group is simply, which has been so obviously affected by the events of September 11th, cannot be forgotten.

The Airline Mortgage Relief Act of 2001 addresses the ambiguous language of HUD Letter 01-21 by explicitly applying the aforementioned moratorium to laid off employees of foreign and domestic air carriers and laid off employees of manufacturers aircraft used by foreign or domestic carriers. The bill also expands for all eligible borrowers, the 90-day forbearance to 180 days from enactment; and requires the Secretary of HUD to inform mortgagees of the moratorium.

In light of HUD Letter 01-21, as well as recent Congressional concerns over the health of the airline industry, the Airline Worker Mortgage Relief Act of 2001 would afford Congress the perfect opportunity to give as much attention to unemployed airline industry workers, as has been given to their former corporate employers.

INTRODUCTION OF THE MEDICARE CHOLESTEROL SCREENING COVERAGE ACT OF 2001

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 2001

Mr. CAMP. Mr. Speaker, today, I introduce the Medicare Cholesterol Screening Coverage Act of 2001.

Most Americans know that too much cholesterol in their diet is harmful. Many Americans

might not realize, however, that cholesterol levels are the number one indicators of their risk of heart disease. With one simple blood test every five years, doctors can quickly uncover and track a person's risk. This is why the federal government, doctors, health groups like the American Heart Association, and many other science based groups and studies agree—Americans should have their cholesterol checked by their doctor to prevent heart disease in their future.

It is interesting—two major federal guidelines on cholesterol screening were updated in May of this year by the National Heart Lung and Blood Institute (NHLBI) at the National Institutes of Health, and by the U.S. Preventative Services Task Force. Both agencies, recommendations agree, stating that every American over the age of twenty should have their cholesterol levels tested every five years.

But read further in the guidelines, and you find the really good news for seniors. While the former federal guidelines on cholesterol screening had suggested that those over 75 do not need to be tested, the most recent guidelines threw that upper age limit out the window. We now know that seniors with high cholesterol can be effectively treated for this disorder and consequently lower their risk of damaging heart disease. For many, treatment can be as simple as adjusting your diet and increasing levels of physical activity.

While Congress looks at ways to update the Medicare System, we must also take every opportunity to make the Medicare program better for seniors—and this is one such opportunity. My bill immediately benefits seniors in Medicare by providing a new benefit that will save lives and reduce disability from heart disease and stroke.

The Medicare Cholesterol Screening Coverage Act of 2001 will add coverage of preventive cholesterol screenings to all seniors in the Medicare Program. It seems counter intuitive that the two-thirds of the Medicare beneficiaries currently eligible for cholesterol screening are those who have already been struck with a cardiovascular illness or other lipid-related diseases. Congress needs to make the Medicare program a more forward thinking program, and this bill is a huge step in that direction. While we have taken steps like this in the past, we have done little to prevent the number one cause of death in the United States—heart disease.

The numbers are staggering regarding heart disease. Each year, more than a million Americans have heart attacks, and about a half a million people die from heart disease. In addition, coronary heart disease accounts for nearly half of the total mortality of Americans over 65.

Regrettably heart attack and stroke victims aren't always given a second chance to lower cholesterol levels. Thus the first step in saving lives must be to identify those in need of treatment. This can only be accomplished by regular cholesterol and blood lipid screening.

By passing this bill, Congress will be helping to provide Americans with the knowledge they need to live longer, healthier and happier lives. As Congress considers further improvements to the Medicare program, I urge my colleagues to support this important effort.

PRESIDENT BUSH'S PROFOUND REMARKS TO THE UNITED NATIONS GENERAL ASSEMBLY

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 2001

Mr. WOLF. Mr. Speaker, I want to share with our colleagues President Bush's remarks delivered to the United Nations General Assembly on Saturday, November 10.

The President boldly articulates the present crisis confronting civilization, underscoring the resolve and courage necessary for victory.

PRESIDENT BUSH SPEAKS TO UNITED NATIONS REMARKS BY THE PRESIDENT, TO UNITED NATIONS GENERAL ASSEMBLY, U.N. HEAD-QUARTERS, NEW YORK, NEW YORK

THE PRESIDENT: Thank you. Mr. Secretary General, Mr. President, distinguished delegates, and ladies and gentlemen. We meet in a hall devoted to peace, in a city scarred by violence, in a nation awakened to danger, in a world uniting for a long struggle. Every civilized nation here today is resolved to keep the most basic commitment of civilization: We will defend ourselves and our future against terror and lawless violence.

The United Nations was founded in this cause. In a second world war, we learned there is no isolation from evil. We affirmed that some crimes are so terrible they offend humanity, itself. And we resolved that the aggressions and ambitions of the wicked must be opposed early, decisively, and collectively, before they threaten us all. That evil has returned, and that cause is renewed.

A few miles from here, many thousands still lie in a tomb of rubble. Tomorrow, the Secretary General, the President of the General Assembly, and I will visit that site, where the names of every nation and region that lost citizens will be read aloud. If we were to read the names of every person who died, it would take more than three hours.

Those names include a citizen of Gambia, whose wife spent their fourth wedding anniversary, September the 12th, searching in vain for her husband. Those names include a man who supported his wife in Mexico, sending home money every week. Those names include a young Pakistani who prayed toward Mecca five times a day, and died that day trying to save others.

The suffering of September the 11th was inflicted on people of many faiths and many nations. All of the victims, including Muslims, were killed with equal indifference and equal satisfaction by the terrorist leaders. The terrorists are violating the tenets of every religion, including the one they invoke.

Last week, the Sheikh of Al-Azhar University, the world's oldest Islamic institution of higher learning, declared that terrorism is a disease, and that Islam prohibits killing innocent civilians. The terrorists call their cause holy, yet, they fund it with drug dealing; they encourage murder and suicide in the name of a great faith that forbids both. They dare to ask God's blessing as they set out to kill innocent men, women and children. But the God of Isaac and Ishmael would never answer such a prayer. And a murderer is not a martyr; he is just a murderer.

Time is passing. Yet, for the United States of America, there will be no forgetting Sep-

tember the 11th. We will remember every rescuer who died in honor. We will remember every family that lives in grief. We will remember the fire and ash, the last phone calls, the funerals of the children.

And the people of my country will remember those who have plotted against us. We are learning their names. We are coming to know their faces. There is no corner of the Earth distant or dark enough to protect them. However long it takes, their hour of justice will come.

Every nation has a stake in this cause. As we meet, the terrorists are planning more murder—perhaps in my country, or perhaps in yours. They kill because they aspire to dominate. They seek to overthrow governments and destabilize entire regions.

Last week, anticipating this meeting of the General Assembly, they denounced the United Nations. They called our Secretary General a criminal and condemned all Arab nations here as traitors to Islam.

Few countries meet their exacting standards of brutality and oppression. Every other country is a potential target. And all the world faces the most horrifying prospect of all: These same terrorists are searching for weapons of mass destruction, the tools to turn their hatred into holocaust. They can be expected to use chemical, biological and nuclear weapons the moment they are capable of doing so. No hint of conscience would prevent it.

This threat cannot be ignored. This threat cannot be appeased. Civilization, itself, the civilization we share, is threatened. History will record our response, and judge or justify every nation in this hall.

The civilized world is now responding. We act to defend ourselves and deliver our children from a future of fear. We choose the dignity of life over a culture of death. We choose lawful change and civil disagreement over coercion, subversion, and chaos. These commitments—hope and order, law and life—unite people across cultures and continents. Upon these commitments depend all peace and progress. For these commitments, we are determined to fight.

The United Nations has risen to this responsibility. On the 12th of September, these buildings opened for emergency meetings of the General Assembly and the Security Council. Before the sun had set, these attacks on the world stood condemned by the world. And I want to thank you for this strong and principled stand.

I also thank the Arab Islamic countries, that have condemned terrorist murder. Many of you have seen the destruction of terror in your own lands. The terrorists are increasingly isolated by their own hatred and extremism. They cannot hide behind Islam. The authors of mass murder and their allies have no place in any culture, and no home in any faith.

The conspiracies of terror are being answered by an expanding global coalition. Not every nation will be a part of every action against the enemy. But every nation in our coalition has duties. These duties can be demanding, as we in America are learning. We have already made adjustments in our laws and in our daily lives. We're taking new measures to investigate terror and to protect against threats.

The leaders of all nations must now carefully consider their responsibilities and their future. Terrorist groups like at Qaeda depend upon the aid or indifference of governments. They need the support of a financial infrastructure, and safe havens to train and plan and hide.

Some nations want to play their part in the fight against terror, but tell us they lack the means to enforce their laws and control their borders. We stand ready to help. Some governments still turn a blind eye to the terrorists, hoping the threat will pass them by. They are mistaken. And some governments, while pledging to uphold the principles of the U.N., have cast their lot with the terrorists. They support them and harbor them, and they will find that their welcome guests are parasites that will weaken them, and eventually consume them.

For every regime that sponsors terror, there is a price to be paid. And it will be paid. The allies of terror are equally guilty of murder and equally accountable to justice.

The Taliban are now learning this lesson—that regime and the terrorists who support it are now virtually indistinguishable. Together they promote terror abroad and impose a reign of terror on the Afghan people. Women are executed in Kabal's soccer stadium. They can be beaten for wearing socks that are too thin. Men are jailed for missing prayer meetings.

The United States, supported by many nations, is bringing justice to the terrorists in Afghanistan. We're making progress against military targets, and that is our objective. Unlike the enemy, we seek to minimize, not maximize, the loss of innocent life.

I'm proud of the honorable conduct of the American military. And my country grieves for all the suffering the Taliban has brought upon Afghanistan, including the terrible burden of war. The Afghan people do not deserve their present rulers. Years of Taliban misrule has brought nothing but misery and starvation. Even before this current crisis, 4 million Afghans depended on food from the United States and other nations, and millions of Afghans were refugees from Taliban oppression.

I make this promise to all the victims of that regime: The Taliban's days of harboring terrorists and dealing in heroin and brutalizing women are drawing to a close. And when that regime is gone, the people of Afghanistan will say with the rest of the world: good riddance.

I can promise, too, that America will join the world in helping the people of Afghanistan rebuild their country. Many nations, including mine, are sending food and medicine to help Afghans through the winter. America has air-dropped over 1.3 million packages of rations into Afghanistan. Just this week, we air-lifted 20,000 blankets and over 200 tons of provisions into the region. We continue to provide humanitarian aid, even while the Taliban tried to steal the food we send.

More help eventually will be needed. The United States will work closely with the United Nations and development banks to reconstruct Afghanistan after hostilities there have ceased and the Taliban are no longer in control. And the United States will work with the U.N. to support a post-Taliban government that represents all of the Afghan people.

In this war of terror, each of us must answer for what we have done or what we have left undone. After tragedy, there is a time for sympathy and condolence. And my country has been very grateful for both. The memorials and vigils around the world will not be forgotten. But the time for sympathy has now passed; the time for action has now arrived.

The most basic obligations in this new conflict have already been defined by the United Nations. On September the 28th, the Security Council adopted Resolution 1373. Its requirements are clear: Every United Nations

member has a responsibility to crack down on terrorist financing. We must pass all necessary laws in our own countries to allow the confiscation of terrorist assets. We must apply those laws to every financial institution in every nation.

We have a responsibility to share intelligence and coordinate the efforts of law enforcement. If you know something, tell us. If we know something, we'll tell you. And when we find the terrorists, we must work together to bring them to justice. We have a responsibility to deny any sanctuary, safe haven or transit to terrorists. Every known terrorist camp must be shut down, its operators apprehended, and evidence of their arrest presented to the United Nations. We have a responsibility to deny weapons to terrorists and to actively prevent private citizens from providing them.

These obligations are urgent and they are binding on every nation with a place in this chamber. Many governments are taking these obligations seriously, and my country appreciates it. Yet, even beyond Resolution 1373, more is required, and more is expected of our coalition against terror.

We're asking for a comprehensive commitment to this fight. We must unite in opposing all terrorists, not just some of them. In this world there are good causes and bad causes, and we may disagree on where the line is drawn. Yet, there is no such thing as a good terrorist. No national aspiration, no remembered wrong can ever justify the deliberate murder of the innocent. Any government that rejects this principle, trying to pick and choose its terrorist friends, will know the consequences.

We must speak the truth about terror. Let us never tolerate outrageous conspiracy theories concerning the attacks of September the 11th; malicious lies that attempt to shift the blame away from the terrorists, themselves, away from the guilty. To inflame ethnic hatred is to advance the cause of terror.

The war against terror must not serve as an excuse to persecute ethnic and religious minorities in any country. Innocent people must be allowed to live their own lives, by their own customs, under their own religion. And every nation must have avenues for the peaceful expression of opinion and dissent. When these avenues are closed, the temptation to speak through violence grows.

We must press on with our agenda for peace and prosperity in every land. My country is pledged to encouraging development and expanding trade. My country is pledged to investing in education and combatting AIDS and other infectious diseases around the world. Following September 11th, these pledges are even more important. In our struggle against hateful groups that exploit poverty and despair, we must offer an alternative of opportunity and hope.

The American government also stands by its commitment to a just peace in the Middle East. We are working toward a day when two states, Israel and Palestine, live peacefully together within secure and recognize borders as called for by the Security Council resolutions. We will do all in our power to bring both parties back into negotiations. But peace will only come when all have sworn off, forever, incitement, violence and terror.

And, finally, this struggle is a defining moment for the United Nations, itself. And the world needs its principled leadership. It undermines the credibility of this great institution, for example, when the Commission on Human Rights offers seats to the world's most persistent violators of human rights.

The United Nations depends, above all, on its moral authority—and that authority must be preserved.

The steps I described will not be easy. For all nations, they will require effort. For some nations, they will require great courage. Yet, the cost of inaction is far greater. The only alternative to victory is a nightmare world where every city is a potential killing field.

As I've told the American people, freedom and fear are at war. We face enemies that hate not our policies, but our existence; the tolerance of openness and creative culture that defines us. But the outcome of this conflict is certain: There is a current in history and it runs toward freedom. Our enemies resent it and dismiss it, but the dreams of mankind are defined by liberty—the natural right to create and build and worship and live in dignity. When men and women are released from oppression and isolation, they find fulfillment and hope, and they leave poverty by the millions.

These aspirations are lifting up the peoples of Europe, Asia, Africa and the Americas, and they can lift up all of the Islamic world.

We stand for the permanent hopes of humanity, and those hopes will not be denied. We're confident, too, that history has an author who fills time and eternity with his purpose. We know that evil is real, but good will prevail against it. This is the teaching of many faiths, and in that assurance we gain strength for a long journey.

It is our task—the task of this generation—to provide the response to aggression and terror. We have no other choice, because there is no other peace.

We did not ask for this mission, yet there is honor in history's call. We have a chance to write the story of our times, a story of courage defeating cruelty and light overcoming darkness. This calling is worthy of any life, and worthy of every nation. So let us go forward, confident, determined, and unafraid.

Thank you very much. (Applause.)

REGARDING H.R. 3162

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 2001

Mr. UDALL of New Mexico. Mr. Speaker, I rise today in opposition to H.R. 3162 because I support combating terrorism in a way that ensures the protection of our freedom and liberties as well as our security. Unfortunately, H.R. 3162 provides sweeping new authority to law enforcement without also providing strong safeguards against the abuse of these new powers, and I cannot support it.

This issue is so important because it combines two of the most sacred responsibilities of the American government—protection of citizens' safety and the preservation of their liberty. Throughout our history, our government has sought the proper balance between the needs of law enforcement to conduct investigations in pursuit of suspected criminals and the needs of law-abiding citizens to live free from unnecessary government intrusion into their lives and activities. Until September 11, 2001, many felt we were equipped with the investigative tools they needed to investigate suspected criminals and prevent serious

crimes. Since then, however, the need for new tools has become apparent.

The terrorist attacks of September 11 showed all Americans that new protections are needed to keep Americans safe and to uncover the activities of those who would do us future harm. The terrible acts shocked the world with their brutality, and I strongly support the President as he moves to eliminate future terrorist threats both at home and abroad. I also believe that the law enforcement community needs to modernize its capabilities to address the new threats we face as a nation but that we should not act hastily without fully understanding how the new powers will affect American freedom.

In response to the newly apparent need for changes in the law pertaining to criminal investigations, the House Judiciary Committee held hearings on the issue and crafted a thoughtfully designed bill to address the needs of law enforcement. The Committee's bill, H.R. 2975—the PATRIOT Act, passed in an incredibly rare unanimous and bipartisan vote of 36–0. H.R. 2975 received widespread support among members of the House, and I was prepared to support its passage through the House. It was a comprehensive bill that would have given important new authority to law enforcement while maintaining strong protections for the liberty and freedom of all citizens. H.R. 2975 would also have retained the crucial oversight of criminal investigations and prosecutions by impartial judges charged with ensuring that law enforcement acts fairly and responsibly.

The version of H.R. 2975 that reached the floor, however, was not the version I and many of my colleagues supported. Through a series of late-night negotiations held by a very small group of legislators, the language of H.R. 2975 was amended and altered to remove many of the vital protections contained in the original bill. I believe that laws affecting the civil liberties of Americans are among the most important considered by the Congress, and I could not in good conscience vote for a bill that I believe will threaten the liberties and freedoms we cherish.

In the days following the passage of H.R. 2975 by the House, the conference committee of the House and Senate created a new bill, H.R. 3162, designed to eliminate the differences in the versions of anti-terrorism legislation already passed by both chambers. In spite of some hard work by the negotiators, I am unable to support this new bill because it does not strike the right balance between protecting our liberties and providing for the security of our citizens.

Let me share with you a few of the bill's troublesome provisions to illustrate how it fails to protect our liberties and prevent abuse of the new powers. First, Federal prosecutors and the FBI are given broad access to very sensitive medical, educational, and financial records about individuals without having to show evidence of a crime and without a court order. Second, the CIA and other intelligence agencies are once again given the authority to conduct surveillance on Americans because they will be tasked with identifying priority targets for intelligence operations within the United States. The last time this happened, during the 1970s, the Congress discovered

numerous serious abuses of this power. Finally, this new legislation expands the power of the federal government to conduct secret searches. These secret searches can be conducted against suspected terrorist activity but can also be used in routine criminal investigations not related to terrorism. These are only a few of the broad, sweeping powers granted to the federal government in this new law.

As a former federal prosecutor and New Mexico's Attorney General, I am both familiar with the needs of law enforcement to pursue suspects and a strong supporter of law enforcement. I also am a strong supporter of civil liberties and believe that the fourth amendment to our Constitution must be guarded against encroachment, even in the name of security. In opposing H.R. 3162, I was expressing my belief that the needs of law enforcement can be met without eroding our liberty. My experience shows that this belief is true, and my convictions tell me that it is right.

A TRIBUTE TO SARGENT SHRIVER,
ONE OF AMERICA'S GREATEST
PUBLIC SERVANTS

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 2001

Mr. HOYER. Mr. Speaker, as our nation moves forward from September 11, we know that the answer to profound loss and tragedy can only be found in faith and determination.

Ours is a story of perseverance, of courage, of sacrifice. The American journey has not been paved by ease. Our quest for freedom, democracy and decency has never been free. Yet, we are strengthened by the fact that each generation of Americans prepares its place in history from the shoulders of those who preceded.

Thus, it's with great honor that I pay tribute, on the occasion of his 86th birthday, to one of the greatest public servants in the history of our nation and a great American—Robert Sargent Shriver, Jr.

Sargent Shriver's devotion to this nation—and humanity—sets an example for all to emulate and a high bar that only a few will ever hope to exceed.

A native of the State of Maryland, and in fact a member of one of the Free State's founding families, Sargent Shriver has dedicated his life to improving the lives of others.

A few years ago, Sarge was asked to explain his lifelong commitment to public service. "I just feel my faith," he said. "A life of service is like catching a disease. In a family it's passed on. . . . Our five children are all involved in service. It's in their veins."

There is no doubt that this generation and future generations of Americans are the beneficiaries of his life of service.

After graduating from Yale Law School in 1941, Sarge enlisted in the Navy, where he received the Navy Unit Citation and the Submarine Medal for service in both the Atlantic and Pacific.

After World War II, Sarge accepted a position as assistant editor with Newsweek magazine. He later went into business with Joseph

Kennedy, President Kennedy's father, and met Eunice, his wife of more than 48 years.

Sarge then moved his family to Chicago, where he served on the Board of Education. In 1956, he was elected President of the Board, the youngest person to serve in such a position in any major American city.

And in 1960, he joined the Presidential campaign of then-Senator Kennedy. After the election, he was asked by President Kennedy to create the Peace Corps and in March 1961 was appointed its founding Director.

Sarge's vision for the Peace Corps was straight-forward and strong: "to permit Americans to participate directly, personally, and effectively in this struggle for human dignity."

In nearly six years at the Peace Corps, Sarge developed programs in 55 countries with more than 14,500 volunteers. Forty years later, the solid foundation that he created has only strengthened and expanded. Today, 163,000 Peace Corps volunteers have served in 135 countries.

As CBS television commentator Charles Osgood said just a few weeks ago: "Much has changed since 1960, but two things have not: Americans still pray for peace and they still join the Peace Corps."

However, while Sarge is rightly identified as the founding father of this great American idea, his contributions to the Peace Corps do not tell the whole story.

Sarge also served as the first Director of the Office of Economic Opportunity under President Johnson. Then, between 1964 and 1968, he created VISTA, Head Start, Community Action, Foster Grandparents, Job Corps, Legal Services, Indian and Migrant Opportunities and Neighborhood Health Services.

And, then, from 1968 to 1970, he served as U.S. Ambassador to France, before being nominated in 1972 to serve as the Vice Presidential candidate on the Democratic Party's ticket with George McGovern.

I dare say that few Americans have given so much to help so many. Yet, in the twilight of this incredible life, Sarge and Eunice continue to give. For example, Eunice is the Founder and Honorary Chair and Sarge the Past-President and current Chairman of the Board of the Special Olympics.

To call this record of public service exemplary is a vast understatement. Words cannot adequately convey the decency and humanity that has been brought into the lives of millions worldwide through the work of Sargent Shriver—international lawyer, ambassador, humanitarian. His life's work shall live on long after this and succeeding generations have passed the torch of public service to their progeny.

"Serve, serve, serve," Sarge was known to say, "because in the end it is the servants who save us all."

Mr. Speaker, today I honor a great American and wish him only the best as he begins this, his 87th year of public service to the United States and the cause of humanity.

HONORING BRADFORD L. COWGILL
FOR DEDICATED SERVICE TO
THE GREATER LEXINGTON COM-
MUNITY

HON. ERNIE FLETCHER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 2001

Mr. FLETCHER. Mr. Speaker, I rise today to honor Mr. Bradford L. Cowgill for his lifelong commitment and dedicated service to his hometown—Lexington, Kentucky. Brad, born to Sue Ann Bradford Cowgill and the late Ben L. Cowgill, attended Fayette County Public Schools, graduating from Henry Clay High School. He received his bachelor's degree in political science and economics from Vanderbilt University and returned to Lexington to receive his Juris Doctor degree from the University of Kentucky School of Law. While at UK, Brad founded and served as editor of the law school newspaper, *Dicta*, and was a member of the Moot Court Board.

Following graduation, Brad joined the Lexington law firm of Brown, Sledd and McCann, where he became partner in 1982. In 1985, the firm merged with Wyatt, Tarrant & Combs. Currently, Brad's practice is concentrated in corporate matters and commercial litigation, with emphasis on construction-related claims and clients. He is a regular lecturer on construction law topics and is a member of the Forum Committee on the Construction Industry of the American Bar Association. Active in leadership positions in the Kentucky Bar Association, Brad is a former chairman of the Continuing Legal Education Commission and served as chairman of the 1990 Annual Meeting of Kentucky Attorneys.

Brad's commitment to improving the Lexington community is demonstrated by mentioning the current activities in which he is involved. He currently serves as Chairman of the United Way of the Bluegrass, Chairman of the Lexington Community College council and the following boards: Governors Scholar Program, the Lexington YMCA, Bluegrass Tomorrow and the New Century Lexington Partnership. He has served as an executive committee member and general counsel to the Greater Lexington Chamber of Commerce and on the boards of Lexington United and the Better Business Bureau. He has also served for three years as board chairman of Saint Joseph Hospital.

In 1993, Brad served as Council-Member-At-Large of the Lexington-Fayette Urban County Government by appointment of Mayor Pam Miller. In 1994, he founded TEAM (Toward Efficiency in Administration and Management) Lexington, Inc., a non-profit organization that conducted a nine-month study of the personnel policies and practices of the Urban County Government. In 1995, Brad and others founded the New Century Lexington Partnership, which was a community-wide visioning and planning program undertaken by Lexington's major organizations and institutions. Brad has also served as Chairman of the Lexington-Fayette Historic Commission and of the Lexington Transit Authority.

Brad's service not only includes a multitude of civic and government activities, he is committed to improving public education in Fayette

County. He recently served on the Superintendent's Advisory and Key Communicators Committees for the Fayette County Public Schools. In 1992-93, Brad co-authored COMPEL IV, a Chamber of Commerce study of the Fayette County Public School administration. He has served on the Task Force on Excellence in the Fayette County Schools and is a 1980 and 1990 graduate of Leadership Lexington.

Brad's accomplishments are shared with his wife, Margaret, and his three children: Bo, 20; Ben, 17; and Ann, 14.

Central Kentucky is a better place because of Brad's active involvement in the Lexington community. His commitment to improving the lives of others around him is commendable. Today, Mr. Speaker, I salute and thank Mr. Bradford L. Cowgill for dedication to the Lexington community.

H.R. 3150 "AVIATION SECURITY
ACT"

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 2001

Mr. OWENS. Mr. Speaker, the time to maintain the status quo is over. The attacks of September 11th along with the recent Anthrax scare have left the public frightened and confused over who will ultimately take responsibility. Repeatedly the President has called on the American public to return to business as usual; that can only happen once the House follows the Senate's lead by passing a comprehensive Aviation Security Bill. The eyes of the American public are focused squarely on this chamber. Just recently the American Federation of Government Employees commented "Airport security, is a national defense concern. It should not be the responsibility of profit-driven companies to protect travelers, given the war-like dangers of today's world. For-profit contractors are notorious for "cutting corners" on essential services."

The key to solving our nation's aviation crisis will not simply go away by deputizing airline screeners. The American people demand a common sense approach that will restore consumer confidence by improving airline security. However, the window of opportunity is now beginning to close; now is the time to act responsibly before millions of people choose another form of transportation during the holiday season. To ensure the attacks of September 11th never occur again this House must follow the Senate's lead and pass a comprehensive bill that strengthens employee training and security background checks. We must act now to prevent future tragedies from occurring within our Nation's borders!

Since the September 11th tragedy consumer confidence in the airline industry has virtually disappeared. Nearly every major carrier has announced that thousands of employees will be laid off over the next year. The American people continue to look to us for leadership and guidance during such troubling times. Unfortunately, the Republican leadership has squandered an opportunity to restore consumer confidence and continue the bipar-

tisan effort to stabilize the aviation industry. Mr. Speaker, quite simply H.R. 3150 is a farce, a scam, a way to trick the American people into believing that the Republican leadership truly cares about workers and citizens who depend on the airline industry. Anyone who closely examines the bill will find that the Republican House leadership has chosen to protect airline industry "fat cats" and ignore the voice of the American people.

Rewarding the same private screening companies that have continuously failed to protect the American public is outrageous. The Republican leadership can not pretend to have the interests of the American people in mind when airport baggage companies are poised to make millions of dollars through new contracts. The GOP bill does not mirror the language in the Oberstar amendment which federalizes airport screeners and transfers their day to day oversight from the Transportation Department to the Justice Department. The Democratic alternative takes a stand the Republican leadership refuses to take; we provide strong oversight and place the responsibility for the safety of the American people firmly in the hands of the federal government.

MEDICARE OUTPATIENT COPAY-
MENT REDUCTION ACT OF 2001

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 2001

Mr. STARK. Mr. Speaker, today, I am introducing legislation to reduce the coinsurance amounts that Medicare beneficiaries are required to pay for hospital outpatient services. For most Medicare services, beneficiaries are required to pay 20 percent of the allowed payment amount, and Medicare pays 80 percent. However, for hospital outpatient services, Medicare beneficiaries are required to pay much higher copayments—up to 90 percent for some services.

These higher coinsurance levels are based on an historical artifact of the Medicare method of paying for hospital outpatient services. Prior to implementation of the hospital outpatient prospective payment system (HO-PPS) just last year, Medicare paid for hospital outpatient services based on a hospital's "costs" for those services. However, coinsurance amounts were based on 20 percent of the hospital's "charges" for those services, which were much higher than its "costs". Therefore, over time, coinsurance levels for hospital outpatient services grew until they now average almost 50 percent, and are more than 90 percent for some services.

The Balanced Budget Act (BBA) of 1997, which mandated the implementation of the hospital outpatient prospective payment system, would have reduced coinsurance levels to 20 percent over time; however, the Medicare Payment Advisory Commission (MedPAC) estimated that this reduction would have occurred over 30 to 40 years for most services, and up to 60 years for some services. The Balanced Budget Refinement Act (BBRA) limited the highest coinsurance levels to the dollar amount of the hospital inpatient

deductible in any year (\$792 in 2001); this limit affected coinsurance amounts for about 20 services.

The Beneficiary Improvement and Protection Act (BIPA) of 2000 accelerated the reduction in beneficiary coinsurance levels by reducing coinsurance in increments of 5 percent each year until it reaches 40 percent in 2006. MedPAC estimates that without further legislation, it would take an additional 23 years after 2006 to reduce beneficiary coinsurance levels to 20 percent for all hospital outpatient services. In its March 2001 report to Congress, MedPAC recommended that the Congress continue to reduce beneficiary coinsurance in increments of 5 percent each year to achieve a coinsurance level of 20 percent in 2010.

Mr. Speaker, my bill would implement the MedPAC recommendation. It would reduce beneficiary coinsurance rates in increments of 5 percent each year beginning in 2007 until the coinsurance rate for all hospital outpatient services is 20 percent in 2010.

Mr. Speaker, high coinsurance rates are particularly devastating for Medicare beneficiaries who have no supplemental insurance. MedPAC estimates that in 1998, 14.4 percent of Medicare beneficiaries had no supplemental insurance. Most of those individuals were "near poor"—with incomes too high to qualify for Medicaid or the Qualified Medicare Beneficiary (QMB) program, but with incomes too low to be able to afford supplemental insurance. Thus, almost 6 million Medicare beneficiaries have no supplemental insurance and must pay cost sharing amounts out-of-pocket. MedPAC reports that the number and percentage of Medicare beneficiaries without supplemental insurance grows each year as premiums for such insurance increases, and a recent report by the American Academy of Actuaries estimated that one-fourth of recent increases in Medigap premiums are due to the costs of outpatient coinsurance.

MedPAC also reports that coinsurance amounts are much higher for certain services than others. Those with the highest coinsurance are the "high tech" services, such as radiology services and cancer chemotherapy services. Thus, high coinsurance greatly limits access to these services for "near poor" Medicare beneficiaries, and MedPAC analyses confirm that use of these services is much lower for "near poor" beneficiaries than for beneficiaries with supplemental insurance.

Mr. Speaker, it is wrong to limit Medicare services to the "near poor" simply because they are not poor enough to qualify for Medicaid, nor wealthy enough to be able to purchase supplemental insurance. I urge the Congress to accept the MedPAC recommendation and enact legislation to reduce coinsurance for hospital outpatient services to 20 percent by 2010.

MILWAUKEE KIWANIS
CELEBRATE 85 YEARS OF SERVICE

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 2001

Mr. KLECZKA. Mr. Speaker, on Wednesday, November 14, 2001, the Kiwanis Club of

Milwaukee will commemorate 85 years of dedicated and altruistic service provided to the people of our community.

Chartered in November, 1916 as the 73rd club under Kiwanis International, the Kiwanis Club of Milwaukee began as a service organization of 158 businessmen. Since its humble beginnings, the Milwaukee branch has established itself firmly within Southeastern Wisconsin while providing untethered leadership and generosity for those in need.

Committed to eliminating the devastating effects of iodine deficiency disorders (IDD), Kiwanis International launched its first Worldwide Service Project in 1994 pledging to raise \$75 million in partnership with UNICEF to eradicate this very debilitating but preventable condition. The Milwaukee Club's commitment to raise over \$60,000 for the Worldwide Service Project insured that 1.5 million individuals will not suffer from disorders including stillbirths and cretinism. This gift will also allow future generations to grow up healthy and confident that their children will reach their full physical and mental potential free of IDD.

The Kiwanis Club of Milwaukee also actively reaches out a hand to help its fellow neighbors. By working with Milwaukee Public Schools and YMCA Holton Youth Center, the Milwaukee Club has made an commitment to improve the lives of numerous youth by volunteering their time to tutor in an inner city Milwaukee school and by providing mentors, organizing book drives, and donating computers to Holton Youth Center's library to help the young participants to continually achieve success in their own lives.

Dedicated to expanding the horizons of all citizens, the Kiwanis Club of Milwaukee, along with Curative Care Network of Milwaukee, worked to form the fifth Aktion Club in the world. This innovative program gives developmentally handicapped adults the opportunity to actively provide community service throughout their neighborhood. This year the Milwaukee Kiwanis Club and Aktion Club are joining together in the annual Milwaukee River Cleanup and the holiday season's bell-ringing campaign.

Through their contributions and service projects, the Kiwanis Club of Milwaukee has established itself as an important resource for thousands of individuals. It is with great pleasure that I extend my heartfelt congratulations to the Kiwanis Club of Milwaukee as they commemorate this milestone, and extend best wishes for continued success in their next 85 years.

A TRIBUTE TO LETITIA HOADLEY WHITE

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 2001

Mr. LEWIS of California. Mr. Speaker, I would like today to pay tribute to Letitia Hoadley White, a congressional staff member who has spent two decades representing the highest values we in Congress want to provide to our constituents: courtesy, commitment and a dedication to public service.

Letitia Hoadley joined my staff on November 9, 1981, as a receptionist. She quickly showed a sensitivity toward constituents, and an eagerness to help them solve their problems. It wasn't long before people began calling our office looking specifically for "that young lady who was so nice on the phone."

Her intelligence and willingness to go the extra mile led to her promotion to executive secretary after just a month, and to legislative correspondent in less than a year. Letitia wasn't sure she wanted the second promotion—it paid more and had more responsibility, but she worried she would miss the chance to talk to and help the people who called and came in our front door. Happily, she agreed to take the new job, and did it so well we promoted her to legislative assistant four months later.

Letitia has always been someone I could turn to for the most difficult jobs. When it appeared we would never convince Congress in 1983 to pay for a flood control project that would protect more than a million Southern California residents, she helped convince colleagues from four counties to work together—and got the project started in our district.

She has also shared with me a desire to encourage innovation and small business. Years ago, I asked Letitia to help me make sure the Pentagon provided increased funding for rapid development of a radical new technology—unmanned aerial vehicles. Through her work, we managed to move up testing and evaluation of the Predator UAV program by two years. Now, of course, it is one of the most highly touted new weapons in our war against terrorism.

After years of toiling in the legislative trenches and solving problems for my constituents and district, Letitia became an appropriations associate in 1986, and now works directly with the Defense Appropriations Subcommittee. Since taking that job, she has taken the dedication to constituent service to a new level.

Appropriations staff members have a special role in Congress, helping to ensure that our government spending meets the needs of the public and stays within our budget. At the same time, they must help us to win the support of a majority of Congress, since these spending bills must pass every year. New staff members working on appropriations would do well to learn from Letitia, who has made an art of providing "constituent" service to other House members and the agencies we oversee.

She is the epitome of what we mean when we speak of dwelling on the positive. She looks for the good in people, and really works at building on their strengths. At the same time, she uses every bit of her energy to help them succeed in what they need. The members of the Defense Appropriations Subcommittee, on both sides of the aisle, will attest to Letitia's intelligence, hard work, courtesy and optimism. She is one of the primary reasons we are able to pass a \$300 billion spending bill with almost no debate or rancor.

Twenty years after she took her first call as a receptionist, Letitia still jumps to answer the telephone when she is in the front office. She will still spend 15 minutes talking to constituents who are in town for a visit, and then take on the most technical meetings with generals and assistant cabinet secretaries. She will un-

dertake any job and work nights, weekends and through her vacation to get it done. And she lives by a rule I often quote: It's amazing what we can accomplish if we don't worry about who gets the credit.

Mr. Speaker, we often think of our congressional staff members as our "family," and many times during the year they spend more time with us than their real families. We certainly owe a debt of gratitude to Letitia's husband, Dick White, for being understanding when she must work long hours—and then take more work home. I ask you and my colleagues to join in thanking Letitia for her dedication to the American people, and wishing her well in the years to come.

H. RES. 264, PROVIDING FOR CONSIDERATION OF H.R. 2975; TO COMBAT TERRORISM

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 2001

Mr. UDALL of New Mexico. Mr. Speaker, I rise today to object to this rule in the strongest possible terms. I believe that both the path taken and the point at which we have arrived this morning are an affront to the democratic process and are stunning examples of a breakdown in the systems that have served our country and the Congress for over two hundred years.

The issues addressed in this legislation are of profound importance to the safety and security of our constituents and to the continued safety of the country as a whole. I believe that there is no more important duty undertaken by a member of this body than to protect the welfare of his or her constituents while also protecting the civil liberties for which so many Americans have given their lives. The procedural tactics employed this morning in the name of expediency, however, threaten not only to derail a legislative process that would have resulted in a widely supported bill to protect Americans, it also threatens to undermine the civil liberties enjoyed by Americans and the democratic principles enshrined in this very chamber.

The outrage of this morning is tremendously disturbing to me and many of my colleagues. Rather than allowing a widely supported bill—passed unanimously by a committee that is often viewed as one of the most partisan in the Congress—to come to the floor for debate and a vote, the leadership of this body has decided to craft an alternative bill in the dead of night without providing the membership of the body at-large sufficient time to study its contents. I cannot understand why the leadership would threaten the wonderful spirit of bipartisanship that has flourished in the Congress over the last month by resorting to these types of procedural tactics and back-room deal making.

I arrived at the Capitol this morning buoyed by the prospects that a thoughtfully deliberated and considered bill would be presented on the floor of the House for additional debate and consideration. I was monumentally disappointed to discover, however, that the bill

had been pulled and replaced by an unstudied substitute, the contents of which remain largely a mystery to even many senior members of the Judiciary Committee. At nearly two hundred pages of esoteric and technical language, the bill is beyond the length that a member of this body may be reasonably assumed to have read and understood.

By opposing this unfair rule, I am standing in support of fairness and the democratic process. I fully understand the need to implement new measures that will allow law enforcement to respond to the new threats posed to the United States by those who would do us harm, but I must urge my colleagues to oppose the rule. By defeating this rule, we will allow sufficient time to pass so that we may, in good conscience, examine this new bill and cast our votes confident that we understand its contents and its implications for law enforcement and democracy.

TRIBUTE TO KIM GREGURICH

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 2001

Mr. SHIMKUS. Mr. Speaker, I rise today to pay tribute to Pleasant Hill, Illinois, as well as all Americans who have given their support to the cause of bringing home our POWs.

Like thousands of other Americans, Kim is the owner of a POW/MIA bracelet—a copper band inscribed with the name of a soldier who was either listed as missing in action or as a prisoner of war during our time in Vietnam. The name on Kim's bracelet is Lieutenant Commander Robert Shumaker, a pilot shot down in 1965. She has had the bracelet for over thirty years; she bought it to show her support of our armed forces, and promised never to take it off unless her POW was released. These bracelets were a method of putting public pressure on the Vietnamese government to send our soldiers home.

It worked. Lieutenant Commander Shumaker was released on the Flight to Freedom in 1975 in part, he says, because the Vietnamese knew how closely the American people were watching them. Ms. Gregurich heard that happy report on the radio and was finally able to take off her bracelet.

Now, twenty-six years later, she has decided to go one step further—she has taken the initiative to locate Mr. Shumaker and send him the copper band. "I wasn't sure if it would be a bad memory," she said, "but I just wanted him to know that there was one more person thinking about him while he was gone."

But Mr. Speaker, while Ms. Gregurich's tale is heartwarming, it is also a sad reminder—many Americans have not yet been able to take off their bracelets. There are 1,948 Americans that are still missing and unaccounted for from the Vietnam War; there are another 58,000 whose fate we know all too well. These men and women will never come home; so, like Ms. Gregurich, I will hold a bracelet for each of them in my heart.

Mr. Speaker, Ms. Gregurich and others who put their hearts into this support deserve our thanks; and them men and women who fought

and died for our country deserve our eternal gratitude. May God bless them, and may God bless the United States of America.

COMMENDING THE WORK OF THE INTERNATIONAL UNION OF OPERATING ENGINEERS

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 2001

Mr. RAHALL. Mr. Speaker, I want to note the vital contribution the International Union of Operating Engineers (IUOE) has made to the daunting clean up task at the World Trade Center's "Red Zone," better known as "Ground Zero." The IUOE's National Hazardous Materials (Hazmat) Program is based in Beaver, West Virginia. I am proud to represent them in Congress as part of the Third Congressional District of West Virginia.

Don Carson, the Director of IUOE's Hazmat program, and a team of workers from the Beaver facility were among the first out-of-state workers to be sent to work at Ground Zero immediately after the September 11th terrorist attacks. Mr. Carson has sent me heart-wrenching pictures of the twisted metal that show the depth of the tragedy and the danger of the rescue work. But that danger has not deterred any of the workers who have been involved in the rescue, and now recovery, effort.

Ever since the tragedy occurred, IUOE, and the Hazmat Center, have played a major role in the rescue and recovery effort. In fact, Mr. Carson has been coordinating the Hazmat workers' activities based out of a command post trailer parked on the right field warning track of a baseball field near Stuyvesant High School.

Today, Mr. Carson sent me an article from the New York Daily News. The article describes how Mr. Carson "has been handing out respirators, hardhats and protective vests since the attacks."

The workers' health has come into question as the long weeks pass since the attacks. They have developed a cough that doctors refer to as the "World Trade Center cough." Don Carson and IUOE's Hazmat Center are trying to tackle this. They are working with the Occupational Safety and Health Administration and the New York City Department of Health (DOH) to conduct a respirator fit test and orientation for all workers assigned to Ground Zero. The workers must have a DOH sticker affixed to the credentials in order to work in the Red Zone.

After the workers take their respirator fit test, they will be given an American flag hard hat.

The News article notes that these workers "battle constant danger, fumes and fatigue, as well as their own emotions. 'Our guys have seen things that God never intended,' said Bobby Gray, 46, the union's master mechanic. 'But they soldier through.'"

The IUOE workers have "pulled bodies from the rubble, cleared hills of jagged steel and recovered million of dollars in gold bullion trapped under the fallen towers."

The farther down the workers go below ground level, the more dangerous it gets. They must drill 8-inch cables into the concrete retaining wall—the "bathtub wall"—that circles the World Trade Center site to make sure it is anchored to the bedrock.

If the "bathtub wall" would burst, the Hudson River would rush in and flood the site. But the IUOE workers press on, risking this incredible danger as they drill the holes.

The News article follows the IUOE workers' tasks as they operate "twenty five cranes, 75 excavators and countless front-loaders, pay-loaders and machine drills." For example, crane operator Steve Nolan operates a 438-foot crane, navigating a one-and-one-half ton man-basket from inside the rig's cab.

"A crane like this is not to be run by the seat of your pants," Nolan said. "If you have an oops" on a job like this people are dead."

"Even when I'm wrecking a building, it's usually a happy job because we are replacing it with something new," said Steve Nolan. "When I sit in the crane, I ask myself. 'What kind of sick hatred could do this?'"

NORTH CAROLINA'S ELECTRIC CO-OPERATIVES STRENGTHENING PUBLIC SCHOOLS

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 2001

Mr. ETHERIDGE. Mr. Speaker, I rise today to take this opportunity to recognize a great partnership of the public school system and private sector in my congressional district in North Carolina, "Bright Ideas." Bright Ideas is sponsored by North Carolina's 27 electric cooperatives. Each cooperative and their statewide association, the North Carolina Association of Electric Cooperatives, make grants directly to classroom teachers. Bright Ideas allows teachers with imagination and creativity to go the extra mile and, of course, students and the educational process are the ultimate beneficiaries.

As a democratic nation, we enjoy and cherish unmatched rights and freedom. We are a land where individuals, regardless of background and circumstances of birth, can aspire to do great things. We need more "Bright Ideas," not only in North Carolina but also throughout the nation. And we must make sure there is no pulling back, no reduction of support for our public schools as a result of the crises we face. It would be yet another tragedy if we somehow lost sight of our priorities and our public schools suffered. The Greek philosopher, Aristotle said 2500 years ago that, "The fate of empires depends on the education of youth." As we work to ensure a secure future for our nation in light of unprecedented assaults on our way of life, it is important to remember this fact.

During these uncertain times we must not lose sight of education as the foundation of our democratic and free society. We invest in our people by investing in our public education system. As we fight to preserve our way of life, public education—that solid rock upon which our society is built—absolutely must remain a top priority. And support must continue

to come from both the public and private sectors.

North Carolina's electric cooperatives are as committed to the public schools and to North Carolina's classroom teachers as they were in 1994 when they made their first Bright Ideas grant. Since then, the cooperatives have made almost \$2.5 million in Bright Ideas grants to classroom teachers all across North Carolina to encourage creative instruction. This year alone they have budgeted almost \$400,000 for grants. The North Carolina Association of Electric Cooperatives and the 27 local cooperatives are providing the funds.

Bright Ideas projects are designed to spark the imagination of students through hands-on projects and to make learning experiences exciting, enjoyable and rewarding. In 2001, hundreds of North Carolina classrooms will become "Bright Ideas Classrooms," and 70,000 students will have unique educational experiences that would not have been possible without this investment from the private sector.

When I am asked, "What can we do to help improve public school education?" I often point to Bright Ideas as an example. This one program says a lot about the impact companies and organizations can have with a modest investment in our public schools and good teaching. Creative partnerships are desperately needed in most school systems to provide laboratory and telecommunications equipment, extra-classroom experiences, resources for athletic teams and bands who often receive little public funding, and grants for classroom teachers, such as those North Carolina's electric cooperatives provide through "Bright Ideas."

Bright Ideas is not a one-size-fits-all grant program. It is unique because it begins in the classroom where teachers and students put their heads together and devise their own learning initiatives. Then the teacher asks the cooperatives to fund the project they have devised.

Our President has urged us to not allow our lives to be further disrupted by the September 11 tragedies. I would add that while doing that we should make sure that our priorities remain firm. Former president Lyndon Johnson, who faced tremendous challenges during his administration, said, "At the desk where I sit, I have learned one great truth. The answer for all our national problems—the answer for all the problems of the world—comes to a single word. The word is 'education.'"

Continue to focus on improving public education. One great way to do that is to encourage public-private partnerships such as the Bright Ideas program in North Carolina that our electric cooperatives have initiated and, working closely with teachers, made so effective.

America's future is bright, and one reason is Bright Ideas. I salute North Carolina's electric cooperatives for their continuing commitment to this program that enhances teaching in our public school classrooms, and I commend Bright Ideas.

EXTENSIONS OF REMARKS

HONORING COMMANDER VINCENT
WILCZYNSKI

HON. ROB SIMMONS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 2001

Mr. SIMMONS. Mr. Speaker, I rise to honor and pay tribute to Commander Vincent Wilczynski, an Associate Professor of Mechanical Engineering at the U.S. Coast Guard Academy in New London, Connecticut. A resident of Old Lyme, he is a Commander in the U.S. Coast Guard, an educator, an administrator and civic leader in our community.

Joined by various members of the U.S. Coast Guard Academy, the U.S. Coast Guard, friends, and family, he was honored today by the Council for Advancement and Support of Education and the Carnegie Foundation who recognized CDR Wilczynski's achievements throughout the years by honoring him with the "2001 Professor of the Year for a Baccalaureate Institution" award presented at the National Press Club. He was chosen from a group of over 400 extremely qualified nominees.

CDR Wilczynski is a 1983 U.S. Coast Guard Academy graduate, and received his masters and doctorate degrees from Massachusetts Institute of Technology and Catholic University. He has served in the Department of Engineering for the United States Coast Guard Academy for almost nine years. During this time he has introduced innovative and creative techniques to the classrooms and laboratories. He was instrumental in establishing the mechanical engineering major at the academy, and earning its accreditation, and has been a mentor to hundreds of cadets—many of whom are now commissioned officers.

CDR Wilczynski has also extended his dedication to teaching beyond the U.S. Coast Guard Academy. He has been a tireless proponent of community service programs that are helping to motivate elementary and high school students to pursue technical educations. He has also been teaching today's youth in high schools across the country through the FIRST (For Inspiration of Science and Technology) Robotics Competition.

Mr. Speaker, CDR Wilczynski has reached out and touched the lives of many individuals throughout the nation through his innovative teaching. He has given us 18 years of service as an officer in the U.S. Coast Guard, and continues to serve the nation faithfully.

Commander Wilczynski has truly distinguished himself and the U.S. Coast Guard Academy as the 2001 Professor of the Year. And he is the first member of the faculty of any of our service academies to be so honored in the 20-year history of this award.

Mr. Speaker, I urge Members of the House of Representatives to join me in heartfelt appreciation for the service this dedicated man has provided to our country.

November 13, 2001

INTRODUCTION OF SENSE OF THE
CONGRESS CONCERNING THE SE-
CURITY OF NUCLEAR FACILITIES
IN THE UNITED STATES

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 2001

Mr. GEKAS. Mr. Speaker, today, I introduce a sense of the Congress measure related to the very real and present concern for the security of our nuclear facilities in the new post September 11 era.

Throughout my public life I have represented in the Pennsylvania legislature and here in Congress the many neighborhoods and communities surrounding the Three Mile Island nuclear facility. I remember well the infamous incident at TMI in 1979. I served as a state senator at the time and, minutes after the warning came that an incident had occurred, I was at the site trying to gather information and allay public concerns. In the many years that have followed, I have worked consistently to ensure that security at TMI was beyond reproach, and I think with great effect. Nuclear power plant security has and will always be of paramount importance to me.

It has been twenty-two years since the TMI incident. I believe the security of TMI today remains as tight as ever. However, in light of the terrorist attacks that destroyed the World Trade Center, damaged the Pentagon, and murdered over 5,000 innocent civilians, we must be even more vigilant. A recent credible threat to TMI provoked concerns on the part of many in my District about the ability of TMI and other nuclear facilities to repulse a possible terrorist attack. Happily, the threat to TMI turned out to be noncredible. But the concerns exist. I believe the Nuclear Regulatory Commission handled the incident appropriately. They assure me that future terrorist threats can be dealt with to ensure that a nuclear incident does not occur as a result. Yet, we cannot know with absolute certainty that we are forever safe from such a threat. I firmly believe that a thorough, federal study of the security measures in place now and those needed in the future, at all of nation's nuclear facilities should be conducted immediately.

There are over 103 nuclear facilities located at 64 sites in 31 different States. Each has a different security plan registered with the Nuclear Regulatory Commission, yet the overall responsibility for the security of all such facilities remains a federal issue. My legislation would reconfirm the national responsibility for nuclear plant security, and calls upon the President to order an interagency study of security at nuclear facilities be conducted immediately by the NRC, the Defense Department, the Department of Transportation, Federal Bureau of Investigation and Central Intelligence Agency.

I am pleased with the steps Governor Ridge of the Office of Homeland Defense continues to take to prepare the country for future acts of terrorism. One of those steps was to recently issue, in conjunction with the NRC, an alert to Governors to take necessary steps to bolster security at our Nation's nuclear power plants. Thirty-one States are home to over a

hundred nuclear facilities. Twenty-two Governors, after receiving the Homeland Defense security alert, ordered State troopers and local officers to temporarily augment the private security at the facilities in their States. Nine Governors, including Governor Schweiker of Pennsylvania, decided to call up National Guard units to bolster security at their nuclear facilities. However, the use of National Guard forces has raised many questions. Why some States and not others? How large a force will be necessary? How long will they be there? Are they properly trained for such a mission? Are their efforts coordinated with law enforcement and private security? And, who will fund these units?

My legislation calls upon President Bush to make the use of military forces at nuclear plants a primary focus of the federal inter-agency study to be commissioned. The Department of Defense and Nuclear Regulatory Commission must move forward with other relevant agencies towards developing standards to ensure that units of the National Guard,

Coast Guard, Army and Air Force are used appropriately, are adequately trained, and highly coordinated with law enforcement and private security forces. Moreover, my resolution calls upon the President to recognize the need for federal funding for National Guard units called upon to perform security duties at nuclear power plants nationally. The National Guard has a unique dual role. They serve under State authority or federal authority, depending on their mission. President Bush has recognizing the national importance of protecting our national transportation system by funding National Guard units stationed at airports and train stations across the country. This resolution calls upon the President to similarly recognize the national importance of nuclear plant security by funding those units sent to nuclear power plants.

Additionally, my resolution calls upon the President to direct the FDA, NRC and FEMA to take all necessary steps to begin stockpiling supplies of potassium iodide in communities within the Emergency Planning Zones of each

of the 64 nuclear power sites across the country. Potassium iodine can effectively counteract some of the more serious debilitating effects of radiation poisoning. A potential accident at a nuclear facility can result in leakage of radioactive iodine. Studies show that use of potassium iodide tablets can prevent the onset of thyroid cancer, a by-product of radioactive iodine exposure. Stockpiling of potassium iodide tablets simply makes sense. It is another important way we can do everything within reason to make sure our communities are free from the fear of insecurity.

Mr. Speaker, I commend the Bush Administration for the actions taken to make America more secure. More will be done. My sense of the Congress resolution helps point the Government in the direction it must move over the next months. I thank Mr. KANJORSKI, Mr. PITTS and Mr. PLATTS of the Commonwealth of Pennsylvania for their active support in joining me in this measure. And, I ask that all Members of Congress and the Senate support our measure.

HOUSE OF REPRESENTATIVES—Wednesday, November 14, 2001

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. SIMPSON).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
November 14, 2001.

I hereby appoint the Honorable MICHAEL K. SIMPSON to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

As the fire of autumn fades and the darkening days overtake us, be with us, Lord, our God. Let Your spirit bear witness within this assembly how the horror of September events have affected us and how we have responded both in word and in deed. Now lead us as we enter the next season of war.

Let not the chilling events of terrorism freeze our soul or temper our creativity to look at all things in new ways. Take us inside with our winter questions and our desires to find hidden but safe corners of peace.

Guide the conversations and debates over the tables of this Chamber, as well as the tables of American families, business and law. Restrain us from talk of war as if we were talking about the weather or a sporting event, knowing there is nothing we can do to change things. Rather, let our words be born of determined silence, careful listening, and reflective prayer.

It is You alone, O God, who can bring good out of evil and life from a frozen will. We turn to You in prayer because it is there that every perception can change. Even how we understand ourselves and what has happened to us. Because it is You who takes us through every season of life, to You be the honor, power and glory, now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Georgia (Mr. LINDER) come forward and lead the House in the Pledge of Allegiance.

Mr. LINDER led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed concurrent resolutions of the following titles in which the concurrence of the House is requested:

S. Con. Res. 82. Concurrent resolution authorizing the 2002 Winter Olympics Torch Relay to come onto the Capitol Grounds.

S. Con. Res. 83. Concurrent resolution providing for a National Day of Reconciliation.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair announces that there will be 15 one-minutes per side.

PRESIDENT LEADS AMERICA'S WAR AGAINST TERRORISM

(Mr. FOLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOLEY. Mr. Speaker, I do not know how many of my colleagues caught the USA Today when it talked about the Clinton administration's war on terrorism and how it failed, and how after repeated bombings, whether it be the embassies, the USS *Cole*, Khobar Towers, on each and every incident, then President Clinton suggested, "I'm going to get these terrorists, we're going to find them, and we're going to bring them to justice." It never happened.

Currently we are seeing success in Afghanistan. We are seeing a Commander in Chief pursue terrorism, to pull it out by the root, to remove this insidious and destructive force from America and from the world. I applaud our President at a time when Americans are rallying behind our flag and asking God for his blessings. We are going to get bin Laden, we are going to get those terrorists who are still here in America, and we will not stop this time. Our President will not yield, and

he will not end the campaign against those terrorists until we have successfully concluded the mission.

IRAN OPENS NEW MUSEUM GLORIFYING TERRORISM

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Radio France has reported that Iran has opened a new museum, ladies and gentlemen. It is called the Glass Palace. The Glass Palace is a depiction of the September 11 destruction of the World Trade Center. Iran reports said they have this museum to glorify terrorism and mark the 22nd anniversary of the taking of American hostages in Iran. Unbelievable.

While Uncle Sam continues to spoon-feed this guy Khatami, they are celebrating American tragedies. Beam me up. I say it is time to throw this Khatami guy out and recognize the democratic resistance located in Paris, France, trying to overthrow this regime and bring some democracy to Iran.

President Bush has made some great decisions. He would be wise to look at what is happening in Iran.

COMMENDING GAYLE BAINBRIDGE AS PRESIDENT-ELECT OF WOMEN'S CHAMBER OF COMMERCE OF MIAMI-DADE COUNTY

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to commend Gayle Bainbridge as the President-elect of the Women's Chamber of Commerce of Miami-Dade County. Gayle is a partner with USI Florida-Kolisch Insurance of Coral Gables, the fifth largest fully integrated risk and financial services provider in the world.

Due to Gayle's expertise, she serves as an expert witness and has taught insurance professionals their post-licensure courses. Her community activities include the Alumni Associations of both Southwest Miami Senior High and Florida International University; Board of Directors at the Coral Gables Chamber of Commerce; member of the Women in International Trade, the Commercial Real Estate Women Association; and the Miami Chapter President of Business Network International.

Gayle exemplifies the ideals upon which the Women's Chamber was founded, an outstanding female professional who leads by example.

Gayle Bainbridge will excel as President-elect of the Women's Chamber and will motivate young women to strive, to achieve, and to become successful in the business arena.

AIRLINE SECURITY

(Ms. SOLIS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SOLIS. Mr. Speaker, I rise today in support of a strong airline security bill that federalizes airline screeners. Airline security is a national issue. Eight weeks have passed since the attacks on the World Trade Center, and we still do not have a sound airline security bill. How much longer do we have to wait?

We have heard numerous reports of passengers with knives and guns passing security checkpoints supervised by the companies that Republicans want to keep overseeing our security. These private companies' only interest is profit, not national security. Current baggage screeners are poorly paid, lack at times proper training and suffer from high turnover rates. Federalization means less employee turnover, more experience and better wages.

Those who protect our skies should be treated with the respect that their job demands. That respect means higher wages, more training and better qualified individuals. All of these objectives can be achieved by federalization of the airline security. Federalization means universal standards.

We need a sound airport security bill that would give the government the responsibility of overseeing safety. In a recent Washington poll, 82 percent of the public support federalizing airport security.

PROTECT NATIONAL SECURITY BY ASSURING OUR ENERGY SUPPLY

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, yesterday President Bush decided to refill our national strategic petroleum reserves to full capacity. This is very critical and very important and I applaud his decision. During this time of war, the last thing that our Nation needs to worry about is its energy supply. Obviously our President has the foresight to try to prevent a domestic energy shortage as we saw last year, and so did this Chamber and this House when we passed the Energy Security Act months ago. Yet the Democratic leadership in that other body refuses to act on this critical issue.

A majority of our energy supply comes from one world region, the Middle East. According to the Energy Department, the United States increased its oil imports between 1973 and 1996 by 40 percent. During these times of war, concentrating oil imports from any one region places America's energy and economic security at great risk.

It is time to reduce our dependency on foreign oil. It is time for the Democratic leadership in the other body to act and pass the Energy Security Act so it can be signed into law.

AIRPORT SECURITY

(Mrs. MALONEY of New York asked and was given permission to address the House for 1 minute.)

Mrs. MALONEY of New York. Mr. Speaker, 2 days ago New York suffered another tragedy in the skies, another day of mayhem, carnage, fire and tears. As we pray for the families of the victims, Americans are again doubting whether it is safe to fly. We need to pass a strong airport security bill quickly. We have the best military in the world, the best law enforcement agencies, the best firefighters and police officers and world-class security right here at the Capitol. All of these people are public employees and many of them are union members.

When we get serious about protecting our people, we put government employees on the front lines. It is time to get serious about airport security. That means x-raying every single bag that goes into the belly of an airplane, and it means replacing today's flawed system with the full resources, manpower and focus of the Federal Government.

Federalize airport security.

FREEDOM

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, today in Kabul and other cities in northern Afghanistan, men are shaving off their beards. Women are going outside unescorted by male relatives, and without wearing burqas to cover themselves head to toe. Children are playing music on their tape recorders. These may seem like minor things, but they are minor things that the Afghan people have been denied for too long.

We need to remind ourselves that our freedoms are not free. They were won by patriots who sometimes gave their lives. I am talking about the freedom to worship according to your beliefs. If you do that in Afghanistan, you are put to death. I am talking about the freedom of the press. If you try to publish a newspaper in Iraq, you are thrown in jail, never to return. I am talking about the freedom of assembly. If you try to organize a political rally

in North Korea, you will wake up in a concentration camp.

We are truly blessed in this country and those freedoms are worth defending. That is why we are at war, for freedom.

CONGRESS NEEDS TO PASS AIRLINE SECURITY AND AN ECONOMIC STIMULATION BILL

(Mr. HINCHEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HINCHEY. Mr. Speaker, I am afraid that this Congress is becoming less and less relevant to the important concerns of people all across our country. Last month, a record number of Americans lost their jobs. Yet a program to stimulate the national economy is still hanging fire here while people try to profiteer by providing huge tax cuts for the wealthy while providing no help for people who are out of work.

The same thing is true with airline security. We have a bill that has been in conference now for weeks. It is more than 2 months since the disaster struck the World Trade Center and the Pentagon. Yet we have no program to provide security for the Americans who are traveling by air across our country and internationally.

It is time this Congress got to work and produced airline security and a proper economic stimulation bill. These are the things that are of most concern to the American people.

□ 1015

PROVIDE JOBS, NOT WELFARE

(Mr. TOOMEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TOOMEY. Mr. Speaker, it is true; there are hundreds, there are thousands, of good and decent people who are losing their jobs across the Lehigh Valley that I represent, certainly across Pennsylvania and across America. These losses are hitting our families, our neighbors, our friends. No one is immune to this risk.

The fact is, the people that I represent do not want to know how long they can stay out of work; they want to know how quickly they can get back to work. And it is our responsibility to have policy that helps to create an environment of opportunity so they can get back to work, because that is what they want, and that means lowering the huge tax barrier that stands between employers and employees, creating that opportunity to create those new jobs.

In this House we passed an economic stimulus bill that moves in that direction of creating more job opportunities, but the Democratic majority leader in the other chamber refuses to

bring a bill to the floor. That chamber insists on dickering and dithering and bickering and political squabbling. They are talking about a so-called stimulus bill that will do nothing but line the pork-barrel politics and try to help out their own political futures and do nothing for creating jobs.

It is long past time to have that type of squabbling. It time to lower the tax barrier and give people the opportunity to get back to work.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON). Members are reminded to avoid personal references to individual Members of the other body.

PAYING TRIBUTE TO THE VICTIMS OF SEPTEMBER 11, 2001

(Mr. WATT of North Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WATT of North Carolina. Mr. Speaker, I am delighted today to join with my Republican colleague, the gentlewoman from North Carolina (Mrs. MYRICK), from the adjoining Congressional district to me, to start what we hope will be a bipartisan effort to pay tribute to all the victims of the events of September 11.

Here is the way we hope this will work: We want to try to set aside five 1-minutes each day and recruit our colleagues to join with us, to just come and make 1-minute statements about the victims of the events of September 11. If this starts to catch on, then perhaps we will come and try to do a bigger 1 hour special order, or, perhaps before the event is over, try to do a major day of tribute to the victims of the events of September 11.

I would like to invite my colleagues to join with us in this effort. We will provide the materials and information to our colleagues to make this possible, and hope that they will join us in this effort to pay tribute to those victims of the September 11 events.

HONORING THE VICTIMS OF SEPTEMBER 11, 2001

(Mrs. MYRICK asked and was given permission to address the House for 1-minute and to revise and extend his remarks.)

Mrs. MYRICK. Mr. Speaker, as my colleague and friend, the gentleman from North Carolina (Mr. WATT) has just said, we hope to be able to tell you something about these people who lost their lives.

September 11 will be forever etched in the psyche of the American people, and we cannot change that. But what we can change and tell you about is the

good that came out of the event and all the new American heroes that we have, people who totally did things at that time that normally we do not do in our everyday lives. But when they were called upon, they did what was right.

So we hope this does catch on, that other people will be willing to join us in sharing all the good that came from that, and let you know how tremendous these people were that lost their lives on September 11.

AIRLINE SECURITY IS NATIONAL SECURITY

(Mr. RODRIGUEZ asked and was given permission to address the House for 1-minute and to revise and extend his remarks.)

Mr. RODRIGUEZ. Mr. Speaker, aviation security is matter of national security, protecting our skies is a matter of national defense, and we should not leave national security to the private companies that contract to the lowest bidder.

The current system is broken. Contracting to the lowest bidder has created a workforce that suffers from high turnover rates, from low pay and low morale. Baggage screeners should be a highly skilled, highly trained workforce that serves the frontline for our national defense.

There is a broad, bipartisan support of this particular effort. The Washington Post poll showed 82 percent of Americans support Federal Government taking over the airport screening. The Airport Pilots Association endorsed this. The Association of Flight Attendants endorsed this. The U.S. Conference of Mayors endorsed federalization. The Senate also endorses it, by 100 to zero. 100 Senators voted in favor of it.

The U.S. should be a leader in airline security. The size and complexity of our system requires a Federal workforce that is professional, well-trained and well-paid. We ask that we reconsider, and ask the House to pass the bill and federalize them as quickly as possible.

PASS AIRLINE SECURITY MEASURE REQUESTED BY PRESIDENT

(Mr. PENCE asked and was given permission to address the House for 1-minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, as the smoke rises from Rockaway in Queens, New York, we grieve with those who grieve and mourn with those who mourn. Questions remain about the cause, and yet Congressional action on airport security languishes, mired as it is in the politics of the moment.

As the gentlewoman from New York City who has lost friends in the last week said so eloquently, it is time, Mr. Speaker, to get serious. To get serious

about airport security we need only do one thing, and that is listen to the President of the United States and his National Security team and give them the airport security measures and protocols that they have requested, which happen to be the version that passed in the United States House of Representatives.

Mr. Speaker, I urge the Members of the conference committee to be strong and courageous and do the work; that before we go home to give thanks, we would give the American people an airport security bill that will work and that they so richly deserve.

AVIATION SECURITY IS NATIONAL SECURITY

(Ms. DELAURO asked and was given permission to address the House for 1-minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, just last week an individual breached several security checkpoints at Chicago's O'Hare Airport with six knives, a stun gun and a can of mace. How many more examples like this will be reported in the press before we pass comprehensive airline security legislation making the security of the flying public a function of Federal law enforcement.

Why not? As the aviation security conferees meet to work out an agreement, I urge them to adopt the Senate bill. It passed 100 to 0, and it makes airline security the function of Federal, professionally-trained law enforcement officials.

The Border Patrol, FBI, INS and Customs Service are all Federal agencies that exist to protect the public. Capitol Police are Federal employees. They protect all of us. Why should we settle for anything less for the traveling public?

Aviation security is national security. It should not be left to private companies who contract with the lowest bidder who have been in violation of law.

As we quickly approach Thanksgiving, the busiest travel time of the year, let us do the right thing. Let us pass an airline security bill that makes airport security a critical component of our national security and a function of Federal law enforcement.

PASS TRADE PROMOTION AUTHORITY

(Mr. LINDER asked and was given permission to address the House for 1-minute and to revise and extend his remarks.)

Mr. LINDER. Mr. Speaker, in today's increasingly global world, we have two choices: We can lead, or we can follow. Historically, the United States has led the race for global competitiveness, and free and fair trade has been a significant factor in our economic growth.

However, as we stand by and watch other nations learn from and then surpass our example, we are quickly falling behind and jeopardizing our economic prosperity.

While America sits on the sidelines of international trade negotiations, the European Union has completed 27 free trade agreements and is negotiating another 15. While America has watched, Mexico has completed trade agreements with 25 countries. While President Bush has been without Trade Promotion Authority, other countries have assumed the lead in setting international standards and practices. In fact, there are more than 130 preferential trade agreements globally, and the United States is party to only two.

Mr. Speaker, it is time for Congress to squelch this new American timidity with regard to trade. We must return to our tradition of leadership, and not endless pursuit of protectionism. We must work to open markets, eliminate tariffs and barriers, and ensure that our Nation remains at the forefront of economic success. We must pass Trade Promotion Authority.

TIME TO ACT ON WORK LEFT UNDONE

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1-minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I speak this morning only on one singular topic, the work left undone. So many of us have focused on September 11, and the charge of the American people has been to act. I thank them for having the opportunity to debate House Concurrent Resolution 228 on the floor of the House, to support promoting and giving benefits to children who have lost their parents. But I think we must now also pass an aviation security bill. It is national security, and we must federalize it.

Something else is left undone, and that is to help my fellow Texans, Dayna Curry and Heather Mercer. Since Kabul has fallen, these young Christian women are finding themselves traveling throughout Afghanistan, being taken by the Taliban who knows where they are.

This Congress must stand up and fight for them and help them return home to their family. Let us give their families the best Thanksgiving they have ever had. Let us care about Dayna and Heather, two young women who wanted to do nothing more but to help the people of Afghanistan. Give them their freedom. That is work undone. Let us work to find Heather and Dayna.

RENEW TRADE PROMOTION AUTHORITY

(Mr. ISAKSON asked and was given permission to address the House for 1-

minute and to revise and extend his remarks.)

Mr. ISAKSON. Mr. Speaker, I rise today to talk about the benefits of H.R. 3005, a bill to renew America's Trade Promotion Authority and support our President's key role in trade.

America is the world's most powerful economy. Even prior to September 11, we were facing difficulties. Given our enormous presence in the world, America's leadership in trade is integral, not only to our economic recovery, but to the world's.

H.R. 3005 is a bipartisan compromise that focuses on increasing the environmental and labor dimension of U.S. trade policy, increasing the rights of workers and protection of the environment, and opening trade markets abroad for the health of our own economy.

Now is an important time for America to be a model for the rest of the world. TPA is necessary to help guide us through these difficult times, both at home and abroad.

America has come to represent stability in this uncertain world. Let us pass H.R. 3005 and provide trade opportunities to build our global economy.

TAKING A LEADERSHIP ROLE ON TRADE

(Mr. DREIER asked and was given permission to address the House for 1-minute and to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, the very important question pending out there, following along the lines of the speeches of the gentleman from Georgia (Mr. ISAKSON) and the gentleman from Georgia (Mr. LINDER), is will the United States of America step up to the plate and play its very important global leadership role?

I am convinced that, in a bipartisan way, this House will say yes. They will say yes, because we know that granting Trade Promotion Authority to the President so that he can pry open new markets around the world is not just about our important global leadership role, but it is also about creating jobs here in the United States.

I have had a difficult time understanding how, over the years, people have argued that it is anti-union to be pro-free trade. The fact of the matter is, working men and women in this country will be the beneficiaries if we can break down those tariff barriers that exist in Latin America, Asia and other parts of the world.

Mr. Speaker, it is very important for us to stand up, and when we do have this vote, we need to have Democrats and Republicans alike join with us saying that we are going to provide significant leadership globally, and we are going to create job opportunities for people right here in the United States of America.

COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

The Speaker pro tempore laid before the House the following communication from the chairman of the Committee on Transportation and Infrastructure, which was read and, without objection, referred to the Committee on Appropriations.

COMMITTEE ON TRANSPORTATION
AND INFRASTRUCTURE,

Washington, DC, November 8, 2001.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives, The Capitol,
Washington, DC.

DEAR MR. SPEAKER: Enclosed please find copies of resolutions approved by the Committee on Transportation and Infrastructure on November 7, 2001, in accordance with 40 U.S.C. §606.

Sincerely,

DON YOUNG,
Chairman.

Enclosure.

COMMITTEE RESOLUTION—LEASE—71
STEVENSON STREET, SAN FRANCISCO, CA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to section 7 of the Public Buildings Act of 1959, (40 U.S.C. §606), appropriations are authorized to lease up to approximately 148,305 rentable square feet of space including 23 inside parking spaces for the Department of Labor and Department of Defense currently located in leased space at 71 Stevenson Street, San Francisco, CA, at a proposed total annual cost of \$12,605,925 for a lease term of five years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

COMMITTEE RESOLUTION—LEASE—550 KEARNY
STREET, SAN FRANCISCO, CA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to section 7 of the Public Buildings Act of 1959, (40 U.S.C. §606), appropriations are authorized to lease up to approximately 46,712 rentable square feet of space including 14 inside parking spaces for the Executive Office of Immigration Review and the Immigration and Naturalization Service currently located in leased space at 550 Kearny Street, San Francisco, CA, at a proposed total annual cost of \$3,970,520 for a lease term of two years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

COMMITTEE RESOLUTION—LEASE—MULTIPLE
AGENCIES, SAN FRANCISCO, CA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to section 7 of the Public Buildings Act of 1959, (40 U.S.C. §606),

appropriations are authorized to lease up to approximately 69,677 rentable square feet of space including 8 inside parking spaces for the National Labor Relations Board, Equal Employment Opportunity Commission, Federal Trade Commission, Department of Energy—Federal Energy Regulatory Commission, and Federal Labor Relations currently located in leased space at 901 Market Street, San Francisco, CA, at a proposed total annual cost of \$5,922,545 for a lease term of seven years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

COMMITTEE RESOLUTION—LEASE—800 NORTH CAPITOL STREET, NW, WASHINGTON, DC

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to section 7 of the Public Buildings Act of 1959, (40 U.S.C. § 606), appropriations are authorized to lease up to approximately 218,720 rentable square feet of space including 50 inside parking spaces for the National Park Service, Federal Maritime Commission, Department of Labor, and other tenants currently located in leased space at 800 North Capitol Street, NW in Washington, D.C., at a proposed total annual cost of \$9,842,400 for a lease term of ten years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

COMMITTEE RESOLUTION—LEASE—NATIONAL LABOR RELATIONS BOARD, WASHINGTON, DC

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to section 7 of the Public Buildings Act of 1959, (40 U.S.C. § 606), appropriations are authorized to lease up to approximately 272,408 rentable square feet of space including 10 inside parking spaces for the National Labor Relations Board currently located in leased space at Franklin Court, 1099 14th Street, NW in Washington, D.C. at a proposed total annual cost of \$12,258,360 for a lease term of ten years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

COMMITTEE RESOLUTION—LEASE AMENDMENT—IMMIGRATION AND NATURALIZATION SERVICE, MIAMI, FL

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to section 7 of the Public Buildings Act of 1959, (40 U.S.C. § 606), appropriations are authorized to lease up to approximately 226,000 rentable square feet of space including 133 parking spaces for the Immigration and Naturalization Service cur-

rently located in leased space at 7880 Biscayne Boulevard, 77 SE 5th Street and 18441 NW 2nd Avenue, Miami, Florida, at a proposed total annual cost of \$6,102,000 for a lease term of fifteen years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

COMMITTEE RESOLUTION—LEASE—U.S. ATTORNEYS, NEW YORK, NY

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to section 7 of the Public Buildings Act of 1959, (40 U.S.C. § 606), appropriations are authorized to lease up to approximately 67,316 rentable square feet of space of the U.S. Attorneys currently located in leased space at 100 Church Street, New York, New York, at a proposed total annual cost of \$3,493,700 for a lease term of ten years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

COMMITTEE RESOLUTION—LEASE—U.S. ARMY CORPS OF ENGINEERS, PHILADELPHIA, PA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to section 7 of the Public Buildings Act of 1959, (40 U.S.C. § 606), appropriations are authorized to lease up to approximately 114,000 rentable square feet of space including 25 inside parking spaces for the U.S. Army Corps of Engineers currently located in leased space at 100 Penn Square East, Philadelphia, Pennsylvania, at a proposed total annual cost of \$3,420,000 for a lease term of ten years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

COMMITTEE RESOLUTION—LEASE—DEPARTMENT OF VETERANS AFFAIRS, PHOENIX, AZ

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to section 7 of the Public Buildings Act of 1959, (40 U.S.C. § 606), appropriations are authorized to lease up to approximately 105,675 rentable square feet of space including 400 surface parking spaces for the Department of Veterans Affairs currently located in leased space at 3225 North Central Avenue in Phoenix, Arizona, at a proposed total annual cost of \$3,487,275 for a lease term of fifteen years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

COMMITTEE RESOLUTION—LEASE—U.S. BANKRUPTCY COURT, SAN FRANCISCO, CA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to section 7 of the Public Buildings Act of 1959, (40 U.S.C. § 606), appropriations are authorized to lease up to approximately 45,175 rentable square feet of space including 4 parking spaces for the U.S. Bankruptcy Court currently located in leased space at 235 Pine Street, San Francisco, California, at a proposed total annual cost of \$3,839,875 for a lease term of three years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

COMMITTEE RESOLUTION—LEASE—DEPARTMENT OF STATE, WASHINGTON, DC

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to section 7 of the Public Buildings Act of 1959, (40 U.S.C. § 606), appropriations are authorized to lease up to approximately 39,648 rentable square feet of space including 15 parking spaces for the Department of State currently located in leased space at 400 C Street, SW, Washington, D.C. at a proposed total annual cost of \$17,669,160 for a lease term of ten years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

COMMITTEE RESOLUTION—LEASE—ENVIRONMENTAL PROTECTION AGENCY, WASHINGTON, DC

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to section 7 of the Public Buildings Act of 1959, (40 U.S.C. § 606), appropriations are authorized to lease up to approximately 97,000 rentable square feet of space including 15 parking spaces for the Environmental Protection Agency currently located at 501 3rd Street, NW, Washington, D.C. at a proposed total annual cost of \$4,365,000 for a lease term of ten years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

COMMITTEE RESOLUTION—LEASE—ENVIRONMENTAL PROTECTION AGENCY, ARLINGTON, VA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to section 7 of the

Public Buildings Act of 1959, (40 U.S.C. §606), appropriations are authorized to lease up to approximately 322,379 rentable square feet of space and 17 inside parking spaces for the Environmental Protection Agency currently located in leased space at Crystal Gateway 1 and Crystal Mall 2-3-4 in Crystal City area of Arlington, Virginia, at a proposed total annual cost of \$10,960,886 for a lease term of ten years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

COMMITTEE RESOLUTION—LEASE—EXECUTIVE OFFICE OF THE PRESIDENT, WASHINGTON, DC

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to section 7 of the Public Buildings Act of 1959, (40 U.S.C. §606), appropriations are authorized to lease up to approximately 58,665 rentable square feet of space and 15 parking inside spaces for the Executive Office of the President, Office of National Drug Control Policy currently located in leased space at 750 17th Street, NW, Washington, D.C. at a proposed total annual cost of \$2,639,925 for a lease term of ten years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

COMMITTEE RESOLUTION—LEASE—FEDERAL BUREAU OF INVESTIGATION, TAMPA, FL

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to section 7 of the Public Buildings Act of 1959, (40 U.S.C. §606), appropriations are authorized to lease up to approximately 112,700 rentable square feet of space and 139 parking spaces for the Federal Bureau of Investigation currently located in the R.L. Timberlake, Jr. Federal Building at 500 Zack Street, the Spencer Building at 603-11 E. Cass Street and in leased space at Riverside Plaza, Tampa, Florida, at a proposed total annual cost of \$3,662,750 for a lease term of fifteen years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

COMMITTEE RESOLUTION—LEASE—DEPARTMENT OF VETERANS AFFAIRS, CHICAGO, IL

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to section 7 of the Public Buildings Act of 1959, (40 U.S.C. §606), appropriations are authorized to lease up to approximately 113,000 rentable square feet of space for the Department of Veterans Affairs currently located in the John C. Kluczynski Federal Building at 536 S. Clark Street, Chicago, Illinois and the Hines Hospital in

Hines, Illinois, at a proposed total annual cost of \$4,859,000 for a lease term of ten years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

COMMITTEE RESOLUTION—LEASE—MINERAL MANAGEMENT SERVICE, METAIRIE, LA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to section 7 of the Public Buildings Act of 1959, (40 U.S.C. §606), appropriations are authorized to lease up to approximately 203,624 rentable square feet of space and 100 outside parking spaces for the Mineral Management Service currently located in leased space at 1201 Elmwood Blvd, Metairie, Louisiana, at a proposed total annual cost of \$5,905,096 for a lease term of ten years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

COMMITTEE RESOLUTION—LEASE—EXECUTIVE OFFICE OF THE PRESIDENT, NORTHERN VIRGINIA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to section 7 of the Public Buildings Act of 1959, (40 U.S.C. §606), appropriations are authorized to lease up to approximately 257,400 rentable square feet of space and 1,100 parking spaces for the Executive Office of the President currently located in the NW Federal Credit Union, Vienna, Virginia, and two leased buildings whose locations are classified, at a proposed total annual cost of \$9,935,640 for a lease term of fifteen years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

COMMITTEE RESOLUTION—ALTERATION—AMENDMENT—U.S. POST OFFICE AND COURTHOUSE, PITTSBURGH, PA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to Section 7 of the Public Buildings Act of 1959, (40 U.S.C. §606), appropriations are authorized for the alteration of the U.S. Post Office and Courthouse located at 7th Avenue and Grant Street, Pittsburgh, Pennsylvania, at an additional estimated construction cost of \$11,659,000 and an additional management and inspection cost of \$900,000, for a combined additional estimated cost of \$12,559,000. This resolution amends the Committee resolution of June 21, 2000, which authorized a total estimated project cost of \$57,840,000 for the Post Office and Courthouse in Pittsburgh, Pennsylvania.

COMMITTEE RESOLUTION—SITE AND DESIGN—UNITED STATES COURTHOUSE, AUSTIN, TX

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to Section 7 of the Public Buildings Act of 1959, (40 U.S.C. §606), appropriations are authorized for site and design for the Construction of a 190,737 gross square foot United States Courthouse, including 55 inside parking spaces, located in Austin Texas, at site cost of \$9,000,000 and design cost of \$3,923,000 for a combined site and design cost of \$12,923,000, a prospectus for which is attached to, and included in, this resolution.

Provided, That any design shall, to the maximum extent possible incorporate shared or collegial space, consistent with efficient court operations that will minimize the size and cost of the building to be constructed.

Provided further, That any design shall incorporate changes in the 1997 United States Courts Design Guide, including the implementation of a policy on shared courtrooms.

COMMITTEE RESOLUTION—SITE AND DESIGN—UNITED STATES COURTHOUSE, JACKSON, MS

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to Section 7 of the Public Buildings Act of 1959, (40 U.S.C. §606), appropriations are authorized for site and design for the construction of a 345,963 gross square foot United States Courthouse, including 68 inside parking spaces, located in Jackson, Mississippi, at site cost of \$6,500,000 and design cost of \$6,731,000 for a combined site and design cost of \$13,231,000, a prospectus for which is attached to, and included in, this resolution.

Provided, That any design shall, to the maximum extent possible incorporate shared or collegial space, consistent with efficient court operations that will minimize the size and cost of the building to be constructed.

Provided further, That any design shall incorporate changes in the 1997 United States Courts Design Guide, including the implementation of a policy on shared courtrooms.

COMMITTEE RESOLUTION—SITE AND DESIGN—UNITED STATES COURTHOUSE, FORT PIERCE, FL

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to Section 7 of the Public Buildings Act of 1959, (40 U.S.C. §606), appropriations are authorized for site and design for the construction of a 111,075 gross square foot United States Courthouse, including 15 inside parking spaces, located in Fort Pierce, Florida, at site cost of \$2,195,000 and design cost of \$2,370,000 for a combined site and design cost of \$4,565,000, a prospectus for which is attached to, and included in, this resolution.

Provided, That any design shall, to the maximum extent possible incorporate shared or collegial space, consistent with efficient court operations that will minimize the size and cost of the building to be constructed.

Provided further, That any design shall incorporate changes in the 1997 United States Courts Design Guide, including the implementation of a policy on shared courtrooms.

COMMITTEE RESOLUTION—UNITED STATES DISTRICT COURT, GREEN BAY, WI

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to Section 11(b) of the Public Buildings Act of 1959, (40 U.S.C. §610), the Administrator of General Services

shall investigate the feasibility and need to construct or acquire a facility to house the United States District in Green Bay, Wisconsin. The analysis shall include a full and complete evaluation including, but not limited to: (i) the identification and cost of potential sites and (ii) 30 year present value evaluations of all options; including lease, purchase, and Federal construction, and the purchase options of lease with an option to purchase or purchase contract. The Administrator shall submit a report to Congress within 60 days.

COMMITTEE RESOLUTION—LEASE—IMMIGRATION AND NATURALIZATION SERVICES, PHOENIX, AZ

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to Section 7 of the Public Buildings Act of 1959, (40 U.S.C. § 606), appropriations are authorized to lease up to approximately 127,577 rentable square feet of space and 146 secured parking spaces for the Immigration and Naturalization Services currently located in leased space at 3002-3006 West Clarendon, 2035 North Central Avenue and 400 North Fifth Street in Phoenix, Arizona, at a proposed total annual cost of \$4,210,041 for a lease term of ten years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

COMMITTEE RESOLUTION—LEASE—DRUG ENFORCEMENT ADMINISTRATION, ALAMEDA/CONTRA COSTA COUNTY, CA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to section 7 of the Public Buildings Act of 1959, (40 U.S.C. § 606), appropriations are authorized to lease up to approximately 52,119 rentable square feet of space and 11 outside parking spaces for the Drug Enforcement Administration currently located at 390 Main Street in San Francisco, California, at a proposed total annual cost of \$3,231,378 for a lease term of fourteen years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

COMMITTEE RESOLUTION—LEASE—INTERNAL REVENUE SERVICE, FRESNO, CA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to section 7 of the Public Buildings Act of 1959, (40 U.S.C. § 606), appropriations are authorized to lease up to approximately 122,000 rentable square feet of office space and 690 structured secure parking spaces for the Internal Revenue Service currently located at 2867 S. East Street in Fresno, California, at a proposed total annual cost of \$4,270,000 for a lease term of fifteen years, a prospectus for which is attached to and included in this resolution.

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to section 7 of the

Public Buildings Act of 1959, (40 U.S.C. § 606), appropriations are authorized to lease up to approximately 107,200 rentable square feet of warehouse space and 120 surface secure parking spaces for the Internal Revenue Service currently located at 2898 South Orange Avenue in Fresno, California, at a proposed total annual cost of \$2,572,800 for a lease term of fifteen years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

COMMITTEE RESOLUTION—LEASE—DEPARTMENT OF TRANSPORTATION, PRINCE GEORGE'S COUNTY, MD

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to section 7 of the Public Buildings Act of 1959, (40 U.S.C. § 606), appropriations are authorized to lease up to approximately 130,000 rentable square feet of space and 7 parking spaces for the National Aeronautical Charting Office of the Department of Transportation currently located at Herbert C. Hoover Building in Washington, DC and in two leased locations in Prince George's County, Maryland, at a proposed total annual cost of \$3,120,000 for a lease term of ten years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

COMMITTEE RESOLUTION—LEASE—DEPARTMENT OF DEFENSE, ALEXANDRIA, VA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to section 7 of the Public Buildings Act of 1959, (40 U.S.C. § 606), appropriations are authorized to lease up to approximately 565, 128 rentable square feet of space and 40 outside parking spaces for the department of Defense currently located at the AMC Building, 5001 Eisenhower Avenue in Alexandria Virginia, at a proposed total annual cost of \$19,214,352 for a lease term of ten years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

COMMITTEE RESOLUTION—LEASE—DEPARTMENT OF HEALTH AND HUMAN SERVICES, SEATTLE, WA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to section 7 of the Public Buildings Act of 1959, (40 U.S.C. § 606), appropriations are authorized to lease up to approximately 120,265 rentable square feet of space and 22 inside parking spaces for the Department of Health and Human Services currently located at 2201 Sixth Avenue in Seattle, Washington, at a proposed total an-

nual cost of \$5,411,925 for a lease term of ten years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

COMMITTEE RESOLUTION—LEASE—CORPS OF ENGINEERS, JACKSONVILLE, FL

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to section 7 of the Public Buildings Act of 1959, (40 U.S.C. § 606), appropriations are authorized to lease up to approximately 167,000 rentable square feet of space and 122 outside parking spaces for the Corps of Engineers currently located at the Charles E. Bennett Federal Building, 400 W. Bay Street, and in leased space at Bell South Tower Building, 301 W. Bay Street in Jacksonville, Florida, at a proposed total annual cost of \$4,175,000 for a lease term of ten years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

COMMITTEE RESOLUTION—LEASE—INTERNAL REVENUE SERVICE, FRESNO, CA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to section 7 of the Public Buildings Act of 1959, (40 U.S.C. § 606), appropriations are authorized to lease up to approximately 178,000 rentable square feet of space and 800 structured parking spaces for the Internal Revenue Service located at East Butler Avenue in Fresno, California, at a proposed total annual cost of \$6,230,000 for a lease term of fifteen years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

COMMITTEE RESOLUTION—LEASE—FEDERAL BUREAU OF INVESTIGATION, CHICAGO, IL

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to section 7 of the Public Buildings Act of 1959, (40 U.S.C. § 606), appropriations are authorized to lease up to approximately 393,674 rentable square feet of space and 520 parking spaces for the Federal Bureau of Investigation currently located in several Federal and leased locations in Chicago, Illinois, at a proposed total annual cost of \$20,667,885 for a lease term of fourteen years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

COMMITTEE RESOLUTION—DESIGN—PASO DEL NORTE BORDER STATION EL PASO, TX

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to Section 7 of the Public Buildings Act of 1959, (40 U.S.C. § 606), appropriations are authorized for design for the construction of a 115,139 gross square foot United States Border Station, including 375 outside parking spaces, located in El Paso, Texas, at a design cost of \$2,200,000, a prospectus for which is attached to, and included in, this resolution.

COMMITTEE RESOLUTION—SITE AND DESIGN—UNITED STATES BORDER STATION, CHAMPLAIN, NY

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to Section 7 of the Public Buildings Act of 1959, (40 U.S.C. § 606), appropriations are authorized for site and design for the construction of a 72,612 gross square foot United States Border Station, including 510 outside parking spaces, located in Champlain, New York, at site cost of \$409,000 and design cost of \$3,391,000 for a combined site and design cost of \$3,800,000, a prospectus for which is attached to, and included in, this resolution.

COMMITTEE RESOLUTION—AMENDMENT, ALTERATION—FRANK M. JOHNSON, JR. FEDERAL BUILDING—UNITED STATES COURTHOUSE, MONTGOMERY, AL

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to Section 7 of the Public Buildings Act of 1959, (40 U.S.C. § 606), appropriations are authorized for alteration of the Frank M. Johnson, Jr. Federal Building—United States Courthouse located at 15 Lee Street, Montgomery, Alabama at an additional management and inspection cost and additional estimated construction cost of \$4,000,000 for a combined estimated total project cost of \$16,594,000, a prospectus for which is attached to, and included in, this resolution. This resolution amends the Committee Resolution approved on May 27, 1999, which authorized management and inspection cost of \$959,000 and an estimated construction cost of \$10,647,000, for a combined estimated total project cost of \$11,606,000.

COMMITTEE RESOLUTION—AMENDMENT—UNITED STATES COURTHOUSE, ORLANDO, FL

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to Section 7 of the Public Buildings Act of 1959, (40 U.S.C. § 606), appropriations are authorized for additional design for the construction of a 257,050 gross square foot United States Courthouse, including 35 inside parking spaces and 200 surface parking spaces, located in Orlando, Florida, at additional design cost of \$4,000,000. This resolution amends the Committee resolution approved May 17, 1994, which authorized site acquisition at a cost of \$7,724,000, which was amended by Committee resolution approved July 23, 1997, authorizing additional site acquisition by \$748,000, and which amends Committee resolution approved October 29, 1997 which authorized \$2,972,000 for design, a prospectus for which is attached to, and included in, this resolution.

Provided, That any design shall, to the maximum extent possible incorporate shared or collegial space, consistent with efficient court operations that will minimize the size and cost of the building to be constructed.

Provided further, That any design shall incorporate changes in the 1997 United States Courts Design Guide, including the implementation of a policy on shared courtrooms.

COMMITTEE RESOLUTION—FEDERAL BUILDING AND UNITED STATES COURTHOUSE, CHARLOTTE, NC

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to Section 11(b) of the Public Buildings Act of 1959, (40 U.S.C. § 610), the Administrator of General Services shall investigate the feasibility and need to construct a U.S. courthouse in Charlotte, NC. The Administrator may consider utilizing the United States Postal Service as the developer of the facility. Additionally, the Committee directs the Administrator to study with the City of Charlotte and the United States Postal Service all proposals to mitigate the cost to the Federal government of acquiring land for the new United States courthouse. In addition, the Administrator is directed to include in the aforementioned proposals all methods to provide for the consolidation of federal offices as well as space for the U.S. Courts. The analysis shall include a full and complete evaluation including, but not limited to: (i) the identification and cost of potential sites, including United States Postal Service sites and city owned sites and (ii) 30 year present value evaluations of all options; including lease, purchase, Federal construction, United States Postal Service construction, and the purchase options of lease with an option to purchase or purchase contract. The Administrator shall submit a report to Congress within 60 days.

COMMITTEE RESOLUTION—AMENDMENT—UNITED STATES COURTHOUSE, SALT LAKE CITY, UT

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to Section 7 of the Public Buildings Act of 1959, (40 U.S.C. § 606), appropriations are authorized for additional site for the construction of a 229,300 gross square foot United States Courthouse annex, including 78 inside parking spaces, located in Salt Lake City, Utah, at additional design site cost of \$5,680,000. This resolution amends the Committee resolution approved September 27, 1996, which authorized site acquisition at a cost of \$6,901,000, and amends Committee resolution approved July 23, 1997, authorizing design cost of \$4,918,000, a prospectus for which is attached to, and included in, this resolution.

Provided, That any design shall, to the maximum extent possible incorporate shared or collegial space, consistent with efficient court operations that will minimize the size and cost of the building to be constructed.

Provided further, that any design shall incorporate changes in the 1997 United States Courts Design Guide, including the implementation of a policy on shared courtrooms.

There was no objection.

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2500, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call

up House Resolution 286 ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 286

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 2500) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore. The gentleman from Georgia (Mr. LINDER) is recognized for 1 hour.

Mr. LINDER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Ohio (Mr. HALL), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, H. Res. 286 is a rule providing for the consideration of the conference report for H.R. 2500, the fiscal year 2002 Commerce, Justice, State appropriations bill.

The rule waives all points of order against the conference report, and against its consideration. It also provides that the conference report shall be considered as read.

The underlying bill, H.R. 2500, provides a total of roughly \$42 billion in funding for a variety of various departments and agencies, about \$1 billion more than the current fiscal year and \$700 million more than President Bush's budget request.

□ 1030

This bill represents the eighth appropriations conference report that we have been able to bring to the floor, as the Congress works with the Bush administration to put into place a fiscal year 2002 budget. As the Congress continues to make progress on moving appropriations bills through the legislative process, we can hopefully make progress toward completing our legislative agenda for this year as quickly as possible.

I urge my colleagues to support this rule so that we may proceed with general debate and consideration of this bipartisan bill.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I want to thank the gentleman from Georgia (Mr. LINDER) for yielding me this time, and I yield myself such time as I may consume.

This rule will allow for consideration of the conference report to accompany H.R. 2500. The rule waives all points of order against the conference report.

The bill responds to America's need for increased domestic security following the attacks of September 11.

The bill funds important activities of the Justice Department that will counter the threat of terrorists. It also funds much needed security improvements in our Nation's embassies overseas. It also increases money for protection of the courts.

The bill also funds our Nation's dues payment to the United Nations, and that will help strengthen the United Nations, which is needed even more than ever during these troubled times.

I want to commend the gentleman from Virginia (Mr. WOLF), the chairman of the Subcommittee on Commerce, Justice, State, and the Judiciary, and the gentleman from New York (Mr. SERRANO), the subcommittee ranking member, for their work on this bill. In recent years, these appropriations bills, or especially this one, was one of the most controversial and among the last to be considered. Under the able leadership of the gentleman from Virginia (Mr. WOLF), who is new to the chairmanship of the subcommittee, the bill has moved with speed and bipartisanship.

I want to take this opportunity to express concerns about the decreasing number of special agents of the FBI. Special agents help investigate a wide range of criminal activities, including organized crime, drug dealing, civil rights violations, foreign counterintelligence, terrorism, government fraud, and bank robberies. Not only has the number of special agents decreased, but many are nearing retirement age and the FBI could find itself in a critical shortage.

For example, in the FBI office in the City of Dayton, which is my district, the number of special agents has declined by 50 percent in the last 20 years, while the responsibility of the office has increased, and the problem is only made worse with the recent increased demand on the FBI to focus resources on fighting terrorists. Other traditional activities of the FBI will suffer unless more agents are hired. I hope that the FBI can use the funding in this bill to hire more special agents.

Finally, I note that the Senate version of this bill contained the Clean Diamonds Act that would have begun to put an end to the scourge of conflict diamonds. These are diamonds that are mined in parts of Africa that are controlled by brutal rebels who use their profits to maintain the grip on the territory. Recently we learned that some of the profits help fund Osama bin Laden and his terrorist network. Unfortunately, the provisions of that Act were stripped out of this conference report.

The Clean Diamonds Act is supported by a remarkable coalition of human rights, faith groups, and the diamond industry, including Amnesty International, World Vision, Oxfam American, Physicians for Human Rights, Jewelers of America, and the World Diamond Council.

During a recent colloquy on the House floor, the gentleman from California (Mr. THOMAS), the chairman of the Committee on Ways and Means, promised to move the Clean Diamonds Act's House companion, H.R. 2722, as a separate bill. I appreciate the efforts of the chairman, the gentleman from California (Mr. THOMAS), as well as the gentleman from New York (Mr. RANGEL), and certainly the gentleman from New York (Mr. HOUGHTON) to strengthen a bill proposed by the administration on this subject. I also want to thank Ambassador Zoellick and his staff and the staff at the State Department for their efforts.

If the House fails to take up this bill, or if we settle for a weak substitute, we will hurt ourselves, the Americans and Africans who deserve protection from terrorists and rebels, and the jewelers in every community in this country. I want to take this opportunity to urge the Bush administration to work with this effort.

Mr. Speaker, it is important for the House to pass this conference report so we can move closer to completing all of the regular appropriation bills. I urge adoption of the rule and of the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. LINDER. Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentleman from Ohio (Mr. HALL), and I thank the gentleman from Georgia (Mr. LINDER).

As a member of the Committee on the Judiciary, this is an important appropriations bill. I want to thank the gentleman from Virginia (Mr. WOLF) and the gentleman from New York (Mr. SERRANO) for their leadership. I rise to support the rule and I rise to support the bill, with concerns, with qualifications.

Let me first acknowledge the importance of supporting the COPS Program, which includes \$1.1 billion for community-oriented policing. That is going to be particularly helpful, Mr. Speaker, because so many of our first responders are under extreme stress as we work in the shadow of September 11, and these dollars will be very helpful. Legal Services Corporation, I still believe in the value of the sixth amendment and providing for legal services to all Americans. I had hoped that there could be more money, but I appreciate the appropriations there.

We are disappointed in the cut in the Small Business Administration and hope that maybe as we work our will, that this may be fixed soon in the next year's appropriation. Many of our small businesses across America are being hurt, and we should be reminded of the support that they need in these

times. It is good to see that those individuals who lost sponsors of citizenship rights, meaning they were sponsoring individuals to become citizens, were able to continue that process by granting those individuals the right to proceed towards citizenship, even though their sponsors were killed on September 11.

I am disappointed however, again, that we did not follow the Senate's guide and extend 245(i). I believe we are going to have to bring that bill up separately. This is legal amnesty, access to citizenship. Immigration does not equate to terrorism. We have to be reminded of our values in this country, and that is that people who come here for justice and to escape prosecution and persecution, we should not penalize them. We should separate them from those who have come to do evil and to do misdeeds. These are not the people that we are dealing with.

I also would like to ask this House to bring that bill up, as it is important that 245(i) get passed.

I am pleased, however, that we have looked at the Advanced Technology Program and we are funding that. Hopefully, I will be able to join in that program with a technology center in the Fifth Ward of Houston, Texas, trying to ensure that we close the digital divide. It is extremely important.

I have been working on the Homeland Security Task Force with the gentleman from New Jersey (Mr. MENENDEZ), who is chair of that task force. Many Members are working very, very hard. We realize how important it is to restructure the INS. I believe that an approach I have offered, H.R. 1562, to restructure the INS with the head Deputy Attorney General or the Associate Attorney General is the way to go. But this bill at least acknowledges minimally the importance of adding more Border Patrol, the importance of providing services to increase the opportunity for people who have been waiting in line for 20 years because their paperwork has been lost or the INS has not processed them to move forward on helping these individuals access citizenship.

What I believe is missing here, however, is more dollars to secure not only the southern border, but the northern border. That is where we need additional assistance in technology, and we are going to have to be able to work our will on a homeland security supplemental, I hope, or dollars going into a supplemental that include homeland security. We need infrared technology. We need to expand the biometric card that will allow us to utilize that card. It is extremely important.

Let me conclude, Mr. Speaker, and show my appreciation for again local law enforcement grants that are going to provide block grants to local law enforcement, again, first responders, the utilization for that. The violence

against women grants that we have worked so hard for provides \$391 million.

I close finally on something that is extremely important. I chair the Congressional Children's Caucus, along with the gentlewoman from Florida (Ms. ROS-LEHTINEN), and I want to express my appreciation for the \$1 million for a youth violence prevention initiative that will be utilized by the Houston Independent School District and the City of Houston. This is extremely important, because even as we confront these terrible incidences that have occurred in our Nation, let us not forget our children. Let us teach them to be peaceful and nonviolent. Let us help save their lives.

I rise again to support the rule and the legislation, with concerns, and I hope we can work our will on some of those concerns.

Mr. LINDER. Mr. Speaker, I continue to reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Utah (Mr. MATHESON).

Mr. MATHESON. Mr. Speaker, I recognize that much of this bill I am very supportive of, but I want to talk about one component that has been left out of this bill.

Many years ago, about 1990, Congress passed something called the Radiation Exposure Compensation Act. At that time, Congress admitted, the Federal Government admitted that it had lied to people in this country about the safety, the safety of open air nuclear testing, the safety of those who worked in the uranium mines. I have constituents in my State, in my State who are dying from these conditions. Congress admitted they were at fault, that the Federal Government lied to these folks and they said, we are going to compensate you for this.

But something interesting happened in the past year. We did not appropriate enough money. So we had people literally dying that were sent letters saying, well, you do qualify for this compensation, we just do not have money from Congress to pay you.

Now, we took care of it this year on a short-term basis with a supplemental appropriation, and that was fine and good. We got payments to some of those folks before they died, but there is no reason for us to have to go through this on a year-by-year basis. We should make this a mandatory component. It is not in the Commerce-State-Justice conference report that we are looking at now.

It is my understanding, however, that on the Senate side there is discussion about making this a more permanent program in the defense authorization. I hope that we can reach agreement on that. We have not had that bill move through the House yet. But it is imperative, it is imperative that we recognize the wrongs that we have

committed and that we provide these good folks with compensation.

I can tell my colleagues from my own personal experience, my family had many people living in southern Utah during the open air nuclear testing during the 1950s. Many people have died of cancer at an early age. There is no question that it is related to what was going on with the open air testing, and they were told, they were told by the government that it was safe. Yet we found out later on the government only did that open air nuclear testing when the prevailing winds took the fallout to the least populated areas, which happened to be southern Utah.

So as I say, while many aspects of this bill I support, I am disappointed that this was omitted from this conference report. I hope and urge Congress to take up this matter in the defense authorization bill.

Mr. HALL of Ohio. Mr. Speaker, with that, I would just say please support the rule and the bill. I think it is in pretty good shape.

Mr. Speaker, I yield back the balance of my time.

Mr. LINDER. Mr. Speaker, I urge support for the rule and the bill.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 10 o'clock and 43 minutes a.m.), the House stood in recess subject to the call of the Chair.

□ 1258

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. HASTINGS of Washington) at 12 o'clock and 58 minutes p.m.

GENERAL LEAVE

Mr. WOLF. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the conference report accompanying H.R. 2500, and that I may include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

CONFERENCE REPORT ON H.R. 2500, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

Mr. WOLF. Mr. Speaker, pursuant to House Resolution 286, I call up the conference report on the bill (H.R. 2500) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to the rule, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of Friday, November 9, 2001 at page H7986.)

The SPEAKER pro tempore. The gentleman from Virginia (Mr. WOLF) and the gentleman from New York (Mr. SERRANO) each will control 30 minutes.

The Chair recognizes the gentleman from Virginia (Mr. WOLF).

Mr. WOLF. Mr. Speaker, I yield myself such time as I may consume.

Today I am pleased to bring to the House floor the conference report on the fiscal year 2002 Commerce, Justice, State and Judiciary appropriations. The conference report represents a sound bill, funding continuing and expanded operations for the Departments and agencies under the subcommittee's jurisdiction, most importantly, those that would help make America safer in the wake of the September 11, 2001, terrorist attack on the United States.

The bill provides resources for critical programs to both prosecute those responsible and prevent future attacks. We have provided significant increases for the Federal Bureau of Investigation, the Immigration and Naturalization Service, the State Department, and State and local law enforcement. These increases will provide the tools and resources necessary to fight terrorism here in America, make our borders more secure, and build a multilateral coalition against terrorism.

Today, I would like to thank the gentleman from New York (Mr. SERRANO), the ranking member of our subcommittee, for his support throughout this entire process. He has helped us get a strong bill through the House, and I appreciate it very much.

□ 1300

I would also like to extend my sympathies to my colleague with respect to the terrorist attacks on New York City. His community lost family and friends, and I, along with my colleagues, send our heartfelt sympathies to all the families who lost so many in these horrendous attacks and in the plane crash on Monday in New York. Twenty-seven of my constituents, and

many others from the Northern Virginia region, were also killed in the attack on the Pentagon, and we are indeed privileged to have the ability to work on a bill that will help our communities recover from the events of September 11 and will have a positive impact on the security needs of our great Nation.

I also want to extend my thanks to Chairman HOLLINGS and Senator GREGG, and to all the members of our subcommittee; the gentleman from Kentucky (Mr. ROGERS), the gentleman from North Carolina (Mr. TAYLOR), the gentleman from Ohio (Mr. REGULA), the gentleman from Iowa (Mr. LATHAM), the gentleman from Florida (Mr. MILLER), and the gentleman from Louisiana (Mr. VITTER) of the majority, and in addition to the gentleman from New York (Mr. SERRANO), our ranking member, the gentleman from West Virginia (Mr. MOLLOHAN), the gentlewoman from California (Ms. ROYBAL-ALLARD), the gentleman from Alabama (Mr. CRAMER), the gentleman from Rhode Island (Mr. KENNEDY) of the minority.

Today, I believe we have written a bill that will support the country as it strives to meet its new challenges and as it works to secure freedom from fear and terrorism.

At this point I want to take a few moments to thank our staff for the hard work in bringing the bill to the floor. Mr. Speaker, this staff of fine, young professionals has worked tirelessly, day and night, weekend after weekend to put this bill together. The staff of the Subcommittee on Commerce, Justice and State epitomizes the top-notch professionals who are in the legislative branch. They are unsung heroes. Because of their hard work, we are sending a bill to the President that will enhance the security of all Americans in the fight against terrorism.

On the majority staff, I am grateful to Leslie Albright, Carrie Hines, Christine Kojak, Julie Miller, Mike Ringler, and Gail Del Balzo, the Staff Director.

I also express my appreciation to the minority staff. This bill is truly in every sense of the word a bipartisan effort, and I cannot say enough about the hard work the minority staff put into the bill. On the minority side, there is one person in particular this year we would like to recognize. Sally Chadbourne has served this committee well for the better part of the last 10 years, and we will miss her professionalism and knowledge of the bill. We understand she is moving to Maine. Has she ever been in Maine in January? But she is moving to Maine and Maine's gain is our loss.

In addition to Sally Chadbourne, the Minority Clerk, I appreciate the work of Lucy Hand, Nadine Berg, Rob Nabors and Christine Maloy.

All these staff members have worked very hard over the past several

months, staying on the job to make sure that the Department of Justice and State, the U.S. Marshals Service, and the FBI have the resources they need to fight the war on terrorism. They have spent a lot of time away from their families, and we are grateful for their hard work.

This is a good bill, and I urge all to support it. It provides the necessary increases to the FBI, the INS, and the State Department as they battle on the front lines against terrorist organizations that have attempted to disrupt the fabric of our society.

In summary, Mr. Speaker, the bill provides as follows: A total of \$21.5 billion for the Department of Justice to fight terrorism, strengthen immigration enforcement, and support State and local law enforcement. This includes an increase of \$66 million to fund an additional 570 border patrol agents, and \$25 million to fund an additional 38 land border inspectors.

The bill provides language that makes it mandatory, for all commercial aircraft and vessels arriving and departing the United States to provide the Immigration and Naturalization Service and the U.S. Customs Service the passenger manifest lists.

Now, some countries do this, and there are a number of airlines that already do this, but there are a number from certain regions of the world that do not do this. This will make it mandatory so that INS can see who is coming into the country before they come in.

Following this new provision, the bill also provides for a \$1 immigration inspection fee increase for air travelers and a new \$3 immigration inspection fee on cruise ship passengers. These changes will enable the INS to continue development of the system it uses to track entry and exit of airline and cruise ship passengers, and supports the joint INS/Customs passenger analysis units that identify, prior to arrival, inadmissible aliens, drug traffickers, and terrorists.

The bill includes legislative language that would grant posthumously, citizenship to people who died in the September 11 terrorist attacks while they were in the process of becoming American citizens. This was the idea of the gentleman from New York (Mr. SERRANO), and we appreciate his efforts in offering that.

This bill also includes \$7.7 billion for the State Department, including a \$795 million increase over the current year for critical diplomatic readiness and embassy security needs.

We provide additional resources to address the growing problems of trafficking in persons and have provided funding for United Nations peacekeeping. There are over 50,000 people, mainly women, some children, who are brought to this country for sexual trafficking. Now, with regard to this legis-

lation, and following on the work that the gentleman from New Jersey (Mr. SMITH) did on the authorization, we are funding that effort both with the FBI and also the State Department to deal with this issue in a very aggressive way, whereby women are no longer subjected to this terrible crime, not only in this country but around the world.

Following this, the bill also includes language directing the State Department to allocate funding as necessary to complete funding for a memorial at the U.S. Embassy in Beirut, honoring the Americans killed in a bombing at the U.S. Marine Barracks in Lebanon on October 23, 1983. In April, we were in Lebanon, and we broke away and went out to the site where the Marines had been bombed.

Now, I had visited that site with former Congressman and Senator Dan Coats in early January 1984. We went back to the site, and there was no monument, nothing in recognition of the Marines who gave their lives. There was a young woman on the embassy staff who was working on the construction of a monument at the American embassy.

This report will help provide the funds in cooperation with the private sector money to build a monument on the site or at the embassy recognizing those who have given their lives.

I would also say I challenge the Lebanese government, the good friends we are with that government, to allow and have some sort of monument or recognition on the site where the Marines were actually killed, and I will look forward to seeing that memorial someday. This report will make sure that there is some recognition somewhere in that country they gave their lives on behalf of this country.

This bill also provides \$5.5 billion for the Commerce Department to protect our environment and enhance trade promotion efforts, a \$272 million increase over fiscal year 2001.

We are also providing an increase of \$353 million, for a total of \$4.3 billion, for the Judiciary, for the protection of the courts and our judicial process. This funding level also provides for the initial stage of the renovation of the Supreme Court, which is very, very necessary.

Overall, Mr. Speaker, this conference report is a sound and fair resolution on the many issues that we faced in our conference. We have come a long way towards devising an acceptable bill.

Before I finish and urge the Members to support this, I would also like to pay tribute to Geoff Gleason on my staff, who worked for many years for Congressman Solomon. When Mr. Solomon left the Congress, he came to my office. He has worked on all these appropriation issues and I wanted to give a special note of thanks to Geoff for his help in putting this effort together.

With that, Mr. Speaker, I urge all my colleagues to support this conference report that will make a big difference towards a safer and stronger America.

Mr. Speaker, I submit for the RECORD documents relating to the conference report:

First is a letter which describes concerns about changes to the ORBIT Act.

Following is the tabular material we submit with our bill.

U.S. SENATE,

Washington, DC, November 1, 2001.

Hon. ROBERT BYRD,
Chairman, Senate Committee on Appropriations,
Washington DC.

Hon. C.W. BILL YOUNG,
Chairman, House Committee on Appropriations,
Washington, DC.

DEAR MR. CHAIRMEN: We are writing with respect to a provision that was added on the floor of the Senate on September 13 to the Commerce, Justice, State, and the Judiciary Appropriations bill. This provision would amend an important statutory requirement

contained in the Open-market Reorganization for the Betterment of International Telecommunications Act ("ORBIT Act"), which was enacted in the previous Congress.

The ORBIT Act requires that, shortly after they are privatized, Inmarsat and Intelsat must conduct initial public offerings of their respective securities. This requirement is intended to dilute substantially the ownership of the newly privatized entities by their former owners. The last date for the Inmarsat IPO is December 31, 2001; for Intelsat it is December 31, 2002. The recent Senate action would change the Inmarsat date to June 30, 2003.

We are concerned about the precedent this may set for changes in the ORBIT Act's obligations for Intelsat. The ORBIT Act recognized that the composition of Intelsat's ownership presents a significant competitive issue; this issue remains after privatization because the ownership has not changed and will not change until there is an IPO.

Intelsat privatized in mid-July of this year. By December 31, 2002, Intelsat will have had almost a year and a half to determine the best timing for an IPO. This is entirely

sufficient in light of the ORBIT Act's desire to improve the competitive environment in international communications at the earliest practicable time. Many U.S. companies and consumers will be adversely affected if Intelsat's present ownership is not substantially diluted by the ORBIT Act deadline. While we understand the circumstances surrounding Inmarsat's current inability to meet the statutory deadline, Intelsat's statutory deadline has an additional year and we oppose its extension. Any proposal to extend Intelsat's statutory deadline must be to subjected to timely hearings and adequate consideration by the House and Senate authorizing committees.

Thank you for considering our views with respect to international satellite policy and the appropriations measure you have under consideration.

Sincerely,

JOHN BREAUX,

U.S. Senator.

EDWARD MARKEY,

U.S. Representative.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES
APPROPRIATIONS BILL, 2002 (H.R. 2500)
 (Amounts in thousands)

	FY 2001 Enacted	FY 2002 Request	House	Senate	Conference	Conference vs. enacted
TITLE I - DEPARTMENT OF JUSTICE						
General Administration						
Salaries and expenses	88,518	93,433	91,668	93,433	91,668	+3,150
Joint automated booking system	15,880	15,957	15,957	22,500	1,000	-14,880
Narrowband communications	204,549	104,606	104,615	204,549	94,615	-109,934
(By transfer)				(9,580)		
Deputy Attorney General for Combatting Terrorism				23,000	1,000	+1,000
Counterterrorism fund	4,989	4,989	4,989		4,989	
Telecommunications carrier compliance fund	100,488					-100,488
Defense function	100,488					-100,488
Port Security				39,950		
Administrative review and appeals:						
Direct appropriation	160,708	178,499	178,751	45,813	173,647	+12,939
Detention trustee	998	1,718	1,721	88,884	1,000	+2
Office of Inspector General	41,484	45,495	50,735	46,006	50,735	+9,251
Total, General administration	718,102	444,697	448,436	564,135	418,654	-299,448
United States Parole Commission						
Salaries and expenses	8,836	10,862	10,915	8,836	9,876	+1,040
Legal Activities						
General legal activities:						
Direct appropriation	534,592	566,822	568,011	527,543	549,176	+14,584
(By transfer)				(350)		
Vaccine injury compensation trust fund (permanent)	4,019	4,028	4,028	4,028	4,028	+9
Legal activities office automation				34,600	15,765	+15,765
Antitrust Division	120,838	140,873	141,366	130,791	130,791	+9,953
Offsetting fee collections - carryover	-25,000	-51,550	-36,000			+25,000
Offsetting fee collections - current year	-95,838	-88,423	-105,366	-130,791	-130,791	-34,953
Direct appropriation						
United States Attorneys:						
Direct appropriation	1,247,631	1,346,289	1,353,968	1,260,353	1,353,968	+106,337
United States Trustee System Fund	125,997	154,044	145,937	154,044	147,000	+21,003
Offsetting fee collections	-119,997	-147,044	-138,937	-147,044	-140,000	-20,003
Interest on U.S. securities	-6,000	-7,000	-7,000	-7,000	-7,000	-1,000
Direct appropriation						
Foreign Claims Settlement Commission	1,105	1,130	1,136	1,130	1,136	+31
United States Marshals Service:						
Salaries and expenses (non-CSE)	571,435	619,818	622,646	644,746	619,429	+47,994
Courthouse security equipment				18,145	14,267	+14,267
Construction	18,088	6,621	6,628	25,812	15,000	-3,088
Justice prisoner and alien transportation system fund	13,470			53,050		-13,470
Total, United States Marshals Service	602,993	626,439	629,274	741,753	648,696	+45,703
Federal prisoner detention	596,088	724,682	724,682	687,682	706,182	+110,094
Fees and expenses of witnesses	125,573	156,145	148,494	156,145	156,145	+30,572
Community Relations Service	8,456	9,269	9,269	9,269	9,269	+813
Assets forfeiture fund	22,949	22,949	21,949	22,949	22,949	
Total, Legal activities	3,143,406	3,457,753	3,460,811	3,445,452	3,467,314	+323,906
Radiation Exposure Compensation						
Administrative expenses	1,996	1,996	1,996	1,996	1,996	
Payment to radiation exposure compensation trust fund	10,776	10,776	10,776	10,776		-10,776
Supplemental appropriations (P.L. 107-20)	20,000					-20,000
Total, Radiation Exposure Compensation	32,772	12,772	12,772	12,772	1,996	-30,776
Interagency Law Enforcement						
Interagency crime and drug enforcement	325,181	338,106	340,189	336,966	338,577	+13,396
Federal Bureau of Investigation						
Salaries and expenses	2,791,795	3,050,472	3,042,606	2,839,763	3,031,830	+240,035
(By transfer)				(12,557)		
Counterintelligence and national security	436,887	455,387	448,467	485,278	459,243	+22,556
Direct appropriation	3,228,482	3,505,859	3,491,073	3,425,041	3,491,073	+262,591

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES
APPROPRIATIONS BILL, 2002 (H.R. 2500) — continued
 (Amounts in thousands)

	FY 2001 Enacted	FY 2002 Request	House	Senate	Conference	Conference vs. enacted
Construction	16,850	1,250	1,250	44,074	33,791	+ 17,141
Total, Federal Bureau of Investigation	3,245,132	3,507,109	3,462,323	3,469,115	3,524,864	+ 279,732
Drug Enforcement Administration						
Salaries and expenses	1,443,869	1,547,929	1,543,083	1,556,779	1,567,804	+ 124,135
Diversion control fund	-83,543	-67,000	-67,000	-67,000	-86,021	-2,478
Total, Drug Enforcement Administration	1,360,126	1,480,929	1,476,083	1,489,779	1,481,783	+ 121,657
Immigration and Naturalization Service						
Salaries and expenses	3,118,999	3,388,001	3,371,440	3,176,037	3,371,440	+ 252,441
Enforcement and border affairs	(2,541,453)	(2,737,341)	(2,738,517)		(2,739,895)	(+ 198,242)
Citizenship and benefits, immigration support and program direction	(577,546)	(650,660)	(632,923)		(631,745)	(+ 54,199)
Fee accounts:						
Immigration user fee	(494,384)	(591,866)	(591,866)	(656,648)	(591,866)	(+ 97,482)
Land border inspection fund	(1,670)	(1,714)	(2,944)	(1,714)	(4,490)	(+ 2,820)
Immigration examinations fund	(969,851)	(1,258,088)	(1,376,871)	(1,258,088)	(1,376,871)	(+ 407,020)
Breached bond fund	(80,800)	(120,763)	(139,935)	(120,763)	(120,763)	(+ 40,163)
Immigration enforcement fines	(1,850)	(5,510)	(12,994)	(5,510)	(22,664)	(+ 20,814)
H-1b Visa fees	(1,125)	(16,000)	(16,000)	(16,000)	(26,272)	(+ 25,147)
Subtotal, Fee accounts	(1,549,480)	(1,993,941)	(2,140,610)	(2,058,723)	(2,142,926)	(+ 593,446)
Construction	133,009	126,410	128,454	205,015	128,454	-4,555
(By transfer)				(66,524)		
Total, Immigration and Naturalization Service	(4,801,488)	(5,510,352)	(5,640,504)	(5,506,299)	(5,642,820)	(+ 841,332)
Appropriations	(3,252,008)	(3,516,411)	(3,499,894)	(3,381,052)	(3,499,894)	(+ 247,886)
(Fee accounts)	(1,549,480)	(1,993,941)	(2,140,610)	(2,058,723)	(2,142,926)	(+ 593,446)
Federal Prison System						
Salaries and expenses	3,500,172	3,829,437	3,845,971	3,786,228	3,808,600	+ 308,428
Prior year carryover	-31,000		-15,000			+ 31,000
Direct appropriation	3,469,172	3,829,437	3,830,971	3,786,228	3,808,600	+ 339,428
Buildings and facilities	833,822	833,273	813,552	899,797	813,552	-20,270
Federal Prison Industries, Incorporated (limitation on administrative expenses)	3,421	3,429	3,429	3,429	3,429	+ 8
Total, Federal Prison System	4,306,415	4,666,139	4,647,952	4,689,454	4,625,581	+ 319,166
Office of Justice Programs						
Justice assistance	417,299	407,677	408,371	574,538	437,008	+ 19,709
(By transfer)	(6,632)	(6,632)	(6,632)	(6,647)	(6,632)	
State and local law enforcement assistance:						
Direct appropriations:						
Local law enforcement block grant	521,849	400,000	521,849	400,000	400,000	-121,849
Boys and Girls clubs (earmark)	(60,000)		(60,000)	(80,000)	(70,000)	(+ 10,000)
Police athletic league (earmark)			(6,000)			
Grants, contracts, and other assistance (earmark)	(19,956)	(19,956)	(19,956)	(19,956)	(19,956)	
State prison grants	684,990					-684,990
Indian assistance	12,971	48,162	48,162	48,162	48,162	+ 35,191
Tribal prison construction		(35,191)	(35,191)	(35,191)	(35,191)	(+ 35,191)
Indian tribal courts program	(7,982)	(7,982)	(7,982)	(7,982)	(7,982)	
Indian grants	(4,989)	(4,989)	(4,989)	(4,989)	(4,989)	
State criminal alien assistance program	399,120	265,000	565,000	265,000	565,000	+ 165,880
Cooperative agreement program		35,000	35,000	35,000	20,000	+ 20,000
Byrne grants (formula)	498,900	500,000	500,000	498,500	500,000	+ 1,100
Byrne grants (discretionary)	68,898		70,000	84,625	94,489	+ 25,591
Juvenile crime block grant	249,450	249,450	249,450	249,450	249,450	
Drug courts	49,890	50,000	50,000	50,000	50,000	+ 110
Violence Against Women grants	288,044	390,565	390,565	390,565	390,565	+ 102,521
State prison drug treatment	62,861	73,861	73,861	68,000	70,000	+ 7,139
Other crime control programs	5,687	5,688	5,688	5,688	5,688	+ 1
Assistance for victims of trafficking			10,000		10,000	+ 10,000
Total, State and local law enforcement	2,842,660	2,017,726	2,519,575	2,094,890	2,403,354	-439,306
Weed and seed program fund	33,925	58,925	58,925	58,925	58,925	+ 25,000

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES
APPROPRIATIONS BILL, 2002 (H.R. 2500) — continued
 (Amounts in thousands)

	FY 2001 Enacted	FY 2002 Request	House	Senate	Conference	Conference vs. enacted
Community oriented policing services:						
Direct appropriations:						
Public safety and community policing grants.....	582,216	320,249	470,249	530,890	496,014	-86,202
Methamphetamine	(48,393)	(48,393)	(48,393)	(49,493)	(70,473)	(+ 22,080)
Management administration	31,755	32,812	32,994	32,812	32,812	+ 1,057
Crime fighting technologies	269,406	355,404	363,611	331,429	351,632	+ 82,226
Safe schools initiative	(17,462)	(17,000)	(17,000)	(17,000)	(17,000)	(-462)
Upgrade criminal history records	(34,923)	(35,000)	(35,000)	(35,000)	(35,000)	(+ 77)
DNA identification/crime lab	(29,934)	(70,000)	(75,000)	(95,000)	(75,000)	(+ 45,066)
COPS technology	(139,692)	(100,000)	(150,000)	(155,487)	(154,345)	(+ 14,653)
Community prosecutors	99,780	99,780	99,780	99,780	99,780	
Crime prevention	46,897	46,864	46,864	54,748	70,202	+ 23,305
Total, Community oriented policing services.....	1,030,054	855,109	1,013,498	1,049,659	1,050,440	+ 20,386
Juvenile justice programs.....	297,940	297,940	297,940	333,407	305,880	+ 7,920
Public safety officers benefits program:						
Death benefits.....	33,224	33,224	33,224	33,224	33,224	
Disability benefits.....	2,395	2,395	2,395	2,395	4,500	+ 2,105
Total, Public safety officers benefits program	35,619	35,619	35,619	35,619	37,724	+ 2,105
Total, Office of Justice Programs	4,657,497	3,672,996	4,333,928	4,147,138	4,293,311	-364,186
Total, title I, Department of Justice	21,049,475	21,107,774	21,723,303	21,544,699	21,661,850	+ 612,375
(By transfer)	(6,632)	(6,632)	(6,632)	(95,658)	(6,632)	
TITLE II - DEPARTMENT OF COMMERCE AND RELATED AGENCIES						
TRADE AND INFRASTRUCTURE DEVELOPMENT						
Office of the United States Trade Representative						
Salaries and expenses	29,452	30,097	30,097	30,097	30,097	+ 645
International Trade Commission						
Salaries and expenses	47,994	51,440	51,440	51,440	51,440	+ 3,446
Total, Related agencies	77,446	81,537	81,537	81,537	81,537	+ 4,091
DEPARTMENT OF COMMERCE						
International Trade Administration						
Operations and administration.....	336,702	332,590	347,654	347,090	347,547	+ 10,845
Offsetting fee collections	-3,000	-3,000	-3,000	-3,000	-3,000	
Direct appropriation.....	333,702	329,590	344,654	344,090	344,547	+ 10,845
Export Administration						
Operations and administration.....	57,477	61,643	61,643	61,643	61,643	+ 4,166
CWC enforcement	7,234	7,250	7,250	7,250	7,250	+ 16
Total, Export Administration	64,711	68,893	68,893	68,893	68,893	+ 4,182
Economic Development Administration						
Economic development assistance programs.....	410,973	335,000	335,000	341,000	335,000	-75,973
Salaries and expenses	27,938	30,557	30,557	30,557	30,557	+ 2,619
Total, Economic Development Administration.....	438,911	365,557	365,557	371,557	365,557	-73,354
Minority Business Development Agency						
Minority business development.....	27,254	28,381	28,381	28,381	28,381	+ 1,127
Total, Trade and Infrastructure Development.....	942,024	873,958	889,022	894,458	888,915	-53,109
ECONOMIC AND INFORMATION INFRASTRUCTURE						
Economic and Statistical Analysis						
Salaries and expenses	53,627	62,515	62,515	62,515	62,515	+ 8,888
Bureau of the Census						
Salaries and expenses	156,881	168,561	169,424	168,561	169,424	+ 12,543
Periodic censuses and programs.....	275,798	374,835	350,376	348,529	321,376	+ 45,578
Total, Bureau of the Census.....	432,679	543,396	519,800	517,090	490,800	+ 58,121

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES
APPROPRIATIONS BILL, 2002 (H.R. 2500) — continued
 (Amounts in thousands)

	FY 2001 Enacted	FY 2002 Request	House	Senate	Conference	Conference vs. enacted
National Telecommunications and Information Administration						
Salaries and expenses	11,412	14,054	13,048	14,054	14,054	+2,642
Public telecommunications facilities, planning and construction	43,404	43,466	43,466	43,466	43,466	+62
Information infrastructure grants	45,400	15,503	15,503	15,503	15,503	-29,897
Total, National Telecommunications and Information Administration	100,216	73,023	72,017	73,023	73,023	-27,193
United States Patent and Trademark Office						
Current year fee funding	782,119	856,701	846,701	856,701	843,701	+61,582
(Prior year carryover)	(254,889)	(282,300)	(282,300)	(282,300)	(282,300)	(+27,411)
Total, Patent and Trademark Office	(1,037,008)	(1,139,001)	(1,129,001)	(1,139,001)	(1,126,001)	(+88,993)
Offsetting fee collections	-782,119	-856,701	-846,701	-856,701	-843,701	-61,582
Total, Economic and Information Infrastructure	586,522	678,934	654,332	652,628	626,338	+39,816
SCIENCE AND TECHNOLOGY						
Technology Administration						
Under Secretary for Technology/ Office of Technology Policy						
Salaries and expenses	8,062	8,238	8,094	8,238	8,238	+176
National Institute of Standards and Technology						
Scientific and technical research and services	311,929	347,288	348,589	343,296	321,111	+9,182
Industrial technology services	250,285	119,266	119,514	309,337	291,022	+40,737
Construction of research facilities	34,802	20,893	20,893	43,893	62,393	+27,591
Total, National Institute of Standards and Technology	597,016	487,447	488,996	696,526	674,526	+77,510
National Oceanic and Atmospheric Administration						
Operations, research, and facilities	1,865,058	2,009,309	1,893,298	2,239,655	2,027,424	+162,366
Conservation		168,000	304,000	33,650	223,273	+223,273
(By transfer from Promote and Develop Fund)	(67,850)	(68,000)	(68,000)	(68,000)	(68,000)	(+150)
(By transfer from Coastal zone management)	3,193	3,000	3,000	3,000	3,000	-193
Total, Operations, research and facilities	1,868,251	2,180,309	2,200,298	2,276,305	2,253,697	+385,446
Procurement, acquisition and construction	681,397	738,861	723,000	857,200	778,065	+96,668
Conservation		26,000	26,000	83,410	58,487	+58,487
Total, Procurement, acquisition and construction	681,397	764,861	749,000	940,610	836,552	+155,155
Coastal and ocean activities	419,076					-419,076
Pacific coastal salmon recovery	73,837	20,000	25,000			-73,837
Conservation		90,000	110,000	137,940	157,419	+157,419
Coastal zone management fund	-3,200	-3,000	-3,000	-3,000	-3,000	+200
Fishermen's contingency fund	950	952	952	952	952	+2
Foreign fishing observer fund	191	191	191	191	191	
Fisheries finance program account	287	287	287	287	287	
Environmental improvement and restoration fund		10,000	10,000	10,000	10,000	+10,000
Total, National Oceanic and Atmospheric Administration	3,040,789	3,063,600	3,092,728	3,363,285	3,256,096	+215,309
Total, Science and Technology	3,645,867	3,559,285	3,589,818	4,068,049	3,938,862	+292,995
Appropriations	(3,645,867)	(3,275,285)	(3,149,818)	(3,813,049)	(3,499,683)	(-146,184)
Conservation		(284,000)	(440,000)	(255,000)	(439,179)	(+439,179)
Departmental Management						
Salaries and expenses	35,841	37,652	35,843	42,062	37,652	+1,811
Office of Inspector General	19,956	21,176	21,176	21,176	20,176	+220
Total, Departmental management	55,797	58,828	57,019	63,238	57,828	+2,031
Total, Department of Commerce	5,152,764	5,089,468	5,108,654	5,596,836	5,430,406	+277,642
Total, title II, Department of Commerce and related agencies	5,230,210	5,171,005	5,190,191	5,678,373	5,511,943	+281,733
Appropriations	(5,230,210)	(4,887,005)	(4,750,191)	(5,423,373)	(5,072,764)	(-157,446)
Conservation		(284,000)	(440,000)	(255,000)	(439,179)	(+439,179)
(By transfer)	(67,850)	(68,000)	(68,000)	(68,000)	(68,000)	(+150)

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES
APPROPRIATIONS BILL, 2002 (H.R. 2500) — continued
 (Amounts in thousands)

	FY 2001 Enacted	FY 2002 Request	House	Senate	Conference	Conference vs. enacted
TITLE III - THE JUDICIARY						
Supreme Court of the United States						
Salaries and expenses:						
Salaries of justices.....	1,698	1,698	1,808	1,698	1,808	+110
Other salaries and expenses.....	35,814	40,416	40,258	38,290	38,180	+2,366
Total, Salaries and expenses.....	37,512	42,114	42,066	39,988	39,988	+2,476
Care of the building and grounds.....	7,513	117,742	70,000	7,530	37,530	+30,017
Total, Supreme Court of the United States.....	45,025	159,856	112,066	47,518	77,518	+32,493
United States Court of Appeals for the Federal Circuit						
Salaries and expenses:						
Salaries of judges.....	2,021	2,021	2,079	2,021	2,079	+58
Other salaries and expenses.....	15,874	18,425	17,208	17,351	17,208	+1,334
Total, Salaries and expenses.....	17,895	20,446	19,287	19,372	19,287	+1,392
United States Court of International Trade						
Salaries and expenses:						
Salaries of judges.....	1,525	1,525	1,633	1,525	1,633	+108
Other salaries and expenses.....	10,907	11,587	11,440	11,529	11,431	+524
Total, Salaries and expenses.....	12,432	13,112	13,073	13,054	13,064	+632
Courts of Appeals, District Courts, and Other Judicial Services						
Salaries and expenses:						
Salaries of judges and bankruptcy judges.....	248,000	250,000	250,434	250,000	250,434	+2,434
Other salaries and expenses.....	3,104,879	3,485,774	3,381,506	3,309,012	3,340,682	+235,803
Direct appropriation.....	3,352,879	3,735,774	3,631,940	3,559,012	3,591,116	+238,237
Vaccine Injury Compensation Trust Fund.....	2,596	2,692	2,692	2,692	2,692	+96
Defender services.....	434,043	521,517	500,671	463,756	500,671	+66,628
Fees of jurors and commissioners.....	59,436	50,131	48,131	50,131	48,131	-11,305
Court security.....	199,136	228,433	224,433	209,762	220,677	+21,541
Total, Courts of Appeals, District Courts, and Other Judicial Services.....	4,048,090	4,538,547	4,407,867	4,285,353	4,363,287	+315,197
Administrative Office of the United States Courts						
Salaries and expenses.....	58,212	63,029	60,029	58,212	61,664	+3,452
Federal Judicial Center						
Salaries and expenses.....	18,736	20,323	20,235	19,742	19,735	+999
Judicial Retirement Funds						
Payment to Judiciary Trust Funds.....	35,700	37,000	37,000	37,000	37,000	+1,300
United States Sentencing Commission						
Salaries and expenses.....	9,909	12,400	11,575	11,327	11,575	+1,666
General Provisions						
Judges pay raise (sec. 304).....	8,782	8,000		8,625	8,625	-157
Total, title III, the Judiciary.....	4,254,781	4,872,713	4,681,132	4,500,203	4,611,755	+356,974
TITLE IV - DEPARTMENT OF STATE						
Administration of Foreign Affairs						
Diplomatic and consular programs.....	2,758,076	3,217,405	3,158,000	3,061,805	3,142,277	+384,201
Worldwide security upgrade.....	409,098	487,735	487,735	409,363	487,735	+78,637
Total, Diplomatic and consular programs.....	3,167,174	3,705,140	3,645,735	3,471,168	3,630,012	+462,838
Capital investment fund.....	96,787	210,000	203,000	210,000	203,000	+106,213
Office of Inspector General.....	28,427	29,264	29,264	28,427	29,000	+573
Educational and cultural exchange programs.....	231,078	242,000	237,000	242,000	237,000	+5,922
Representation allowances.....	6,485	9,000	6,485	9,000	6,485	
Protection of foreign missions and officials.....	15,433	10,000	9,400	10,000	9,400	-6,033
Embassy security, construction and maintenance.....	416,059	475,046	470,000	405,391	458,000	+41,941
Worldwide security upgrade.....	661,541	815,960	815,960	661,560	815,960	+154,419
Emergencies in the diplomatic and consular service.....	5,465	15,500	10,000	5,465	6,500	+1,035
(By transfer).....	(3,991)	(4,000)	(4,000)	(4,000)	(4,000)	(+9)
Commission on Holocaust Assets in U.S. (by transfer).....	(1,397)					(-1,397)

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES
APPROPRIATIONS BILL, 2002 (H.R. 2500) — continued
 (Amounts in thousands)

	FY 2001 Enacted	FY 2002 Request	House	Senate	Conference	Conference vs. enacted
Repatriation Loans Program Account:						
Direct loans subsidy	590	612	612	612	612	+22
Administrative expenses	603	607	607	607	607	+4
(By transfer)	(998)	(1,000)	(1,000)	(1,000)	(1,000)	(+2)
Total, Repatriation loans program account.....	1,193	1,219	1,219	1,219	1,219	+26
Payment to the American Institute in Taiwan	16,309	17,044	17,044	17,044	17,044	+735
Payment to the Foreign Service Retirement and Disability Fund	131,224	135,629	135,629	135,629	135,629	+4,405
Total, Administration of Foreign Affairs	4,777,175	5,685,802	5,580,736	5,196,903	5,549,249	+772,074
International Organizations and Conferences						
Contributions to international organizations, current year assessment	868,917	878,767	850,000	1,091,348	850,000	-18,917
Contributions for international peacekeeping activities, current year	844,139	844,139	844,139	773,182	844,139	.....
Total, International Organizations and Conferences	1,713,056	1,722,906	1,694,139	1,864,530	1,694,139	-18,917
International Commissions						
International Boundary and Water Commission, United States and Mexico:						
Salaries and expenses	7,126	7,452	24,705	7,452	24,705	+17,579
Construction	22,900	25,654	5,520	24,154	5,450	-17,450
American sections, international commissions	6,726	10,311	10,311	6,879	9,911	+3,185
International fisheries commissions	19,349	19,780	19,780	20,780	20,480	+1,131
Total, International commissions	56,101	63,197	60,316	59,265	60,546	+4,445
Other						
Payment to the Asia Foundation	9,230	9,250	9,250	8,000	9,250	+20
Eisenhower Exchange Fellowship program trust fund	499	500	500	500	500	+1
Israeli Arab scholarship program	374	375	375	375	375	+1
East-West Center	13,470	13,500	9,400	14,000	14,000	+530
National Endowment for Democracy	30,931	31,000	33,500	31,000	33,500	+2,569
Total, Department of State	6,800,836	7,506,530	7,388,216	7,174,573	7,361,559	+760,723
RELATED AGENCY						
Broadcasting Board of Governors						
International Broadcasting Operations	398,093	428,234	453,106	414,752	428,234	+30,141
Broadcasting to Cuba	22,046	24,872	.....	24,872	24,872	+2,826
Broadcasting capital improvements	20,313	16,900	25,900	16,900	25,900	+5,587
Total, Broadcasting Board of Governors	440,452	470,006	479,006	456,524	479,006	+38,554
Total, title IV, Department of State	7,041,288	7,976,536	7,867,222	7,631,097	7,840,565	+799,277
(By transfer)	(6,386)	(5,000)	(5,000)	(5,000)	(5,000)	(-1,386)
TITLE V - RELATED AGENCIES						
DEPARTMENT OF TRANSPORTATION						
Maritime Administration						
Maritime security program	98,483	.....	98,700	98,700	98,700	+217
Operations and training	86,719	89,054	89,054	89,054	89,054	+2,335
Ship disposal .....	.....	10,000	10,000	.....	.....	.....
Maritime Guaranteed Loan (Title XI) Program Account:						
Guaranteed loans subsidy	29,934	.....	30,000	100,000	33,000	+3,066
Administrative expenses	3,978	3,978	3,978	3,978	3,978	.....
Total, Maritime guaranteed loan program account	33,912	3,978	33,978	103,978	36,978	+3,066
Total, Maritime Administration	219,114	103,032	231,732	291,732	224,732	+5,618
Commission for the Preservation of America's Heritage Abroad						
Salaries and expenses	489	489	489	489	489	.....
Commission on Civil Rights						
Salaries and expenses	8,880	9,096	9,096	9,096	9,096	+216
Commission on International Religious Freedom						
Salaries and expenses .....	.....	3,000	3,000	.....	3,000	+3,000
Commission on Ocean Policy						
Salaries and expenses	998	.....	.....	2,500	3,000	+2,002

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES
APPROPRIATIONS BILL, 2002 (H.R. 2500) — continued
 (Amounts in thousands)

	FY 2001 Enacted	FY 2002 Request	House	Senate	Conference	Conference vs. enacted
Commission on Security and Cooperation in Europe						
Salaries and expenses	1,367	1,499	1,499	1,432	1,499	+132
Congressional-Executive Commission on the People's Republic of China						
Salaries and expenses	499	500	500	500	1,000	+501
Equal Employment Opportunity Commission						
Salaries and expenses	303,195	310,406	310,406	310,406	310,406	+7,211
Federal Communications Commission						
Salaries and expenses	229,494	248,545	238,597	252,545	245,071	+15,577
Offsetting fee collections - current year.....	-200,146	-218,757	-218,757	-218,757	-218,757	-18,611
Direct appropriation.....	29,348	29,788	19,840	33,788	26,314	-3,034
Federal Maritime Commission						
Salaries and expenses	15,466	16,450	15,466	17,450	16,458	+992
Federal Trade Commission						
Salaries and expenses	147,154	156,270	155,982	156,270	155,982	+8,828
Offsetting fee collections - carryover.....	-1,900					+1,900
Offsetting fee collections - current year.....	-145,254	-156,270	-155,982	-156,270	-155,982	-10,728
Direct appropriation.....						
Legal Services Corporation						
Payment to the Legal Services Corporation.....	329,274	329,300	329,300	329,300	329,300	+26
Marine Mammal Commission						
Salaries and expenses	1,696	1,732	1,732	1,957	1,957	+261
National Veterans Business Development Corporation						
Salaries and expenses		4,000	4,000	4,000	4,000	+4,000
Pacific Charter Commission						
Salaries and expenses			2,500		1,500	+1,500
Securities and Exchange Commission						
Current year fees	127,519	109,500	109,500	109,500	109,500	-18,019
2000 fees	294,351	328,400	328,400	404,547	328,400	+34,049
Direct appropriation.....	421,870	437,900	437,900	514,047	437,900	+16,030
Small Business Administration						
Salaries and expenses	367,824	321,219	310,581	333,233	308,476	-59,346
Office of Inspector General.....	11,927	11,927	11,927	11,000	11,464	-463
Business Loans Program Account:						
Direct loans subsidy	2,245	1,500	1,500	1,880	1,860	-385
Guaranteed loans subsidy	162,801		87,000	93,500	78,000	-84,801
Administrative expenses.....	128,716	129,000	129,000	129,000	129,000	+284
Total, Business loans program account.....	293,762	130,500	217,500	224,360	208,860	-84,902
Disaster Loans Program Account:						
Direct loans subsidy	75,972		84,510	79,510	87,360	+11,386
Administrative expenses.....	108,116	75,354	120,354	125,354	122,354	+14,236
Gainsharing		3,000				
Total, Disaster loans program account	184,088	78,354	204,864	204,864	209,714	+25,626
Total, Small Business Administration.....	857,601	542,000	744,872	773,457	738,514	-119,087
State Justice Institute						
Salaries and expenses 1/.....	6,835	15,000	6,835	6,225	3,000	-3,835
United States - Canada Alaska Rail Commission						
Salaries and expenses				4,000	2,000	+2,000
Total, title V, Related agencies.....	2,196,632	1,804,192	2,119,167	2,300,379	2,114,165	-82,467
TITLE VII - RESCISSIONS						
DEPARTMENT OF JUSTICE						
Legal Activities						
Assets forfeiture fund (rescission)					-40,000	-40,000

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES
APPROPRIATIONS BILL, 2002 (H.R. 2500) — continued
 (Amounts in thousands)

	FY 2001 Enacted	FY 2002 Request	House	Senate	Conference	Conference vs. enacted
Drug Enforcement Administration						
Drug diversion fund (rescission)	-8,000					+ 8,000
DEPARTMENT OF COMMERCE						
Departmental Management						
Emergency oil and gas guaranteed loan program account (rescission)		-115,000	-115,000		-5,200	-5,200
Supplemental appropriations (P.L. 107-20)	-114,800					+ 114,800
Emergency steel guaranteed loan program account (rescission)		-10,000	-10,000			
DEPARTMENT OF STATE AND RELATED AGENCIES						
DEPARTMENT OF STATE						
Contributions for International Peacekeeping activities (rescission)				-126,620		
RELATED AGENCIES						
DEPARTMENT OF TRANSPORTATION						
Maritime Administration						
Maritime Guaranteed Loan (Title XI) Program Account:						
Guaranteed loans subsidy (rescission)	-7,644					+ 7,644
Ship construction (rescission)					-4,400	-4,400
Securities and Exchange Commission						
Salaries and expenses (rescission)					-50,000	-50,000
Small Business Administration						
Business Loans Program Account:						
Guaranteed loans subsidy (rescission)					-5,500	-5,500
Total, title VII, Rescissions	-130,444	-125,000	-125,000	-126,620	-105,100	+ 25,344
TITLE IX						
Wildlife conservation and restoration planning	49,890					-49,890
Grand total:						
New budget (obligational) authority	39,891,832	40,807,220	41,456,015	41,528,131	41,635,178	+ 1,943,346
Appropriations	(39,822,276)	(40,648,220)	(41,141,015)	(41,399,751)	(41,301,099)	(+ 1,478,823)
Conservation		(284,000)	(440,000)	(255,000)	(439,179)	(+ 439,179)
Rescissions	(-130,444)	(-125,000)	(-125,000)	(-126,620)	(-105,100)	(+ 25,344)
(By transfer)	(80,868)	(79,632)	(79,632)	(168,658)	(79,632)	(-1,236)

1/ The President's budget proposed \$6.85 million for State Justice Institute.

Mr. Speaker, I reserve the balance of my time.

Mr. SERRANO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of the conference report to accompany H.R. 2500, the Commerce-Justice-State-Judiciary and Related Agencies Appropriations bill.

At the outset, I want to thank the chairman, the gentleman from Virginia (Mr. WOLF), for the good working relationship we developed this year and for his insisting on a bipartisan process on the bill. Throughout, I and my staff and the subcommittee Democrats have been kept informed and consulted on our priorities.

I want to acknowledge the contribution of other members of the subcommittee and their staffers. I also want to thank the bipartisan staff for the long hours and weekends they put in working to prepare for the conference. They even found off-site locations to continue conference talks when the Capitol and office buildings were closed due to the anthrax testing situation.

They are, as we know, Gail Del Balzo, Mike Ringler, Christine Ryan Kojak, Leslie Albright, Julie Miller, Carrie Hines, and Geoff Gleason for the majority; and Rob Nabors, Christine Maloy, Lucy Hand, and Nadine Berg for the minority.

Now, as Chairman WOLF did, we are going to take a little extra time here to say a special thanks and to say goodbye in a most dramatic way to Sally Chadbourne, who is leaving us at the end of the year, which makes this her last Commerce-Justice-State bill.

Now, Sally has been in the appropriations business longer than I have been in the House, and she is among the most intelligent, professional, creative, experienced, and I could go on and on in English or in Spanish, person I have had the pleasure to work with. She also has a good sense of humor, which as we all know is very important on our committee but especially these days, a great advantage when things get grim.

I thank her for her many contributions and I wish her and Del all the best in their new life in Maine, and I trust Governor Baldacci will not let her skills go to waste in the future, and I am glad he is in the House.

This has been a fair, bipartisan process all year, as is obvious in the passage votes, 408 to 19 in the House, which must be a record, and 97 to nothing in the Senate, which means three people were missing. Going into conference, the two bodies brought quite different priorities to the table, and the negotiation was tough, but it was also fair and bipartisan, and I am pleased to support the results.

Important national needs are addressed, particularly in the wake of the events of September 11. In this agreement we strengthen the basic capac-

ities of our Federal law enforcement and diplomatic agencies on which they will build with additional resources from the supplemental budget.

We also provide resources to strengthen our economy and aid in its recovery, protect the environment, and protect the rights of our people.

Priorities of Members on both sides of the aisle have largely been included. If it had been entirely up to me, I would have maintained at least the House level for the Small Business Administration, and I would have kept the Senate provision restoring section 245(i) and dropped the one on the International Criminal Court. But it was not entirely up to me, and I think most Members will agree that this is a good outcome and a bipartisan one at that.

Our chairman has described the conference agreement so I will not take the time to repeat the details. I will simply close by urging the House to support the conference report so we can get this important funding in place as soon as possible.

Mr. Speaker, I want to thank my Chairman WOLF, and I want to thank all Members of the House, because as the chairman has mentioned, it was the city that I represent that was hit so hard on September 11, and so much of what is in this bill deals with that issue and deals with the future of how we deal with issues like that.

Just a few minutes before coming on the House floor, I found out that another 7 to 12 families were affected by the loss of Flight 587, folks from the South Bronx that were on that flight, small business folks that are there. And so my city continues to feel this pain and this anguish and to ask itself what is happening to us and what is happening to our country.

So in anticipation of all that will be done for New York City, I want to thank this House and especially this committee, and, secondly, for the fact that so much in this bill addresses those issues.

Lastly, I want to thank my chairman and all members of the committee and the Senate for allowing a provision that I had introduced to be included in this bill. It was something that is very dear to my heart, and that is that so many of the folks who died on September 11 had wanted so much to be part of our Nation, that even though they were not American citizens they had applied for citizenship before September 11. They never lived to see that citizenship come to be part of their family, something that I can tell my colleagues is cherished by so many immigrants who come into the South Bronx and other areas of our country. Well, there is a provision in this bill that retroactively to September 10 grants citizenship to those folks who died on September 11. So that if they wanted to live as American citizens, they at least got the opportunity to have died as American citizens.

Now, let us understand why this was important to me. Those who attacked New York on that day, those who attacked the Pentagon, those who created the situation in Pennsylvania with the fallen plane were attacking Americans. They did not distinguish whether an individual was a visitor here or an American citizen. As far as they were concerned, they were attacking our country, they were attacking our people.

And so this provision, in my opinion, will go a long way to honor the memory of those who wanted to be Americans and who died before they could fulfill their dream.

With that in mind, I thank the chairman for his support.

Mr. Speaker, I reserve the balance of my time.

Mr. WOLF. Mr. Speaker, I yield myself such time as I may consume before yielding to the gentleman from Kentucky (Mr. ROGERS) for whatever time he may use, because I wanted to also call to the body's attention to page 88 of the Statement of the Managers. We have tried a new process, which is somewhat unique, in grant programs: the Byrne grants; the Juvenile Justice grants; Safe Schools, the other grant programs. We carry the following language. We say, "In addition, up to 10 percent of the funds provided for each program shall be made available for an independent evaluation of that program."

By doing this, we, in essence, take 10 percent of that money to evaluate the merits of the program with regard to future years. This is a new and different approach, but in order to get a handle on spending and make sure we are spending in a wise way, this idea, I think, has a lot of merit. I wanted to bring that to the body's attention.

□ 1315

Mr. WOLF. Mr. Speaker, I yield such time as he may consume to the gentleman from Kentucky (Mr. ROGERS).

Mr. ROGERS of Kentucky. Mr. Speaker, I want to take a few minutes to congratulate the gentleman from Virginia (Mr. WOLF) and the gentleman from New York (Mr. SERRANO), the ranking member, for a great job on a difficult bill. I have the pleasure of serving on this subcommittee, and of course served as chairman for the last 6 years. I know the difficulty that they faced when they tried to put together these numbers.

And also, I thank the staff. We sometimes do not thank them enough; but they spend long hours, weekends included, nighttimes included, that sometimes we do not notice or the world does not notice. I thank the staff for a great job on this bill.

Some of the things I particularly like about the bill have been mentioned already, so I will not be repetitive here. I really appreciate the chairman including in this bill the requirement

that airlines before they are granted permission to land here must furnish to our authorities before they take off overseas a list of the passengers that are to be brought here on a particular airplane. That will give our authorities the chance at least to be sure that we do not fly in on our own planes terrorists who are bent upon our destruction. I think that is a very important part of this bill. It will fit very nicely with the provisions that we will carry in the Subcommittee on Transportation appropriations bill for the FAA. I appreciate the chance to work closely with the chairman and the ranking member on that particular issue.

Mr. Speaker, other things about the bill which I think are handled extremely well is an increase in the Department of Justice. That is important. It is increased by \$612 million over the current year's level, and included in that is large increases for the U.S. Attorneys, the Marshals Service, the FBI, the Drug Enforcement Administration. The immigration services is increased dramatically by \$841 million, which will help us patrol better on the borders of the Nation.

Then not to forget where most law enforcement takes place on the local level, there are nice increases for the State and local law enforcement efforts throughout the country, as I say, where most of the law enforcement takes place, if it takes place at all.

I appreciate the heavy increases for funding in the Department of Justice, as well as the Judiciary. There is an increase of \$357 million above current levels for our court system, the Federal court system throughout the Nation, including the U.S. Supreme Court.

Then in the State Department, the subcommittee provides extra funding for embassy security, protecting Americans who are working overseas in our embassies and consulates, a \$462 million increase for the diplomatic and consular programs. And then they fully fund, in fact \$232 million above what was requested, the worldwide security upgrade programs at our embassies and consulates. That includes the full \$665 million for the capital improvements program.

Mr. Speaker, those are some of the highlights of the bill that struck me as being very important. There are others, but I will not take the time of the Members to go into them; but I congratulate again the gentleman from Virginia (Mr. WOLF) and the ranking member, the gentleman from New York (Mr. SERRANO). It is a pleasure to work on this subcommittee with gentlemen of this caliber and character and that work together so well in a bipartisan fashion for what is best for our Nation.

I want to add my congratulations and thanks to Sally Chadbourne, who will be leaving us at the end of the year. She has been on this subcommittee staff I think almost as long

as I have been a Member, and we will not talk about that time at this point in time. She has been a very valued member of the staff and works in a bipartisan fashion. As the gentleman from New York (Mr. SERRANO) said, she has a good sense of humor; but that does not interfere with the serious work that she does for the subcommittee. I urge unanimous support for this great bill.

Mr. SERRANO. Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. DICKS).

Mr. DICKS. Mr. Speaker, I want to congratulate the gentleman from Virginia (Mr. WOLF) and the gentleman from New York (Mr. SERRANO) and the outstanding staff for their great work on this bill. This is obviously one of the most important appropriations bills that we deal with. Of course, one issue dear to this Member's heart has been the conservation spending provisions of both this and the Subcommittee on the Interior appropriations bill.

Last year we made a commitment, we the appropriators, that we were going to substantially increase funding for conservation. When we add up the money, \$440 million in this bill, and the \$1.320 billion in the Interior bill, we have kept the commitment that was made last year. Some people favored CARA, another approach, an entitlement which would have taken this jurisdiction away from the Committee on Appropriations.

We said no, we wanted to create a trust fund, like the Violent Crime Trust Fund, for conservation that would still leave the authority within the committee to decide how the money would be appropriated on an annual basis. The base that year was \$752 million, and we went up to \$1.6 billion; and this year we are at \$7.60 billion.

I appreciate the leadership of our committee on the House side. I know this was not easy dealing with the other body, but we prevailed on these issues. I think this money will be used, as it is being used in the Pacific Northwest for the Pacific Coast Salmon Restoration initiative in a very effective way, both on the Columbia River and on Puget Sound.

I want to congratulate all the staff, but particularly Sally Chadbourne, who has been terrific to work with. She and Del are going up to Maine, and I hope that they will come back from time to time to give us good advice and counsel. I congratulate her on her outstanding career in the House of Representatives and let her know how much we appreciate her good work.

Mr. WOLF. Mr. Speaker, I yield 5 minutes to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Speaker, I thank the gentleman for yielding me this time.

I congratulate the gentleman from Virginia (Chairman WOLF) on what a

great job he did with this conference report, with this bill from the beginning. I also thank the gentleman from New York (Mr. SERRANO) and the chairman of the full Committee on Appropriations and the ranking member for their guidance. I want to applaud the hard work of the members of the committee under the leadership that they have enjoyed, and extend my appreciation for a job well done.

Of particular interest to me are the appropriations for several critically important scientific organizations funded by this legislation, the National Institute of Standards and Technology and the National Oceanic Atmospheric Administration. These institutions represent some of the best and the brightest the scientific community has to offer. I was pleased to see the robust funding granted these organizations.

NIST is the premier institution for standards in this country, and its work in this area is unparalleled. Its state-of-the-art facilities boast numerous advanced laboratories, and its scientific discoveries have remained on the forefront. Not one, but two Nobel prizes have been awarded to this institution in the last 5 years. Yet on the 100th anniversary of this oldest national lab of the country, the original budget proposal was to reduce NIST funding by almost 20 percent. With the hard work of the committee and lobbying on the part of many Members of Congress, I am pleased that NIST funding has increased nearly 13 percent. This prestigious institution will use it well. This additional funding will help ensure the success of many important initiatives, such as the advanced technology program. This is an important economic development program. The National Academy of Sciences calls it effective and successful. Our efforts to save this initiative have led to robust funding not just for program continuance but also for additional grants.

The President recently nominated a superb candidate for director of NIST, Dr. Arden Bement. He is a proven leader who will provide strong, effective stewardship of NIST. I hope this thoughtful choice for director signals a renewed commitment to this well-deserving institution.

Incidentally, on our antiterrorism front, NIST has been there leading the way.

NOAA has also fared better than the initial proposal. This agency administers a number of programs that are important to the daily lives of Americans, such as the National Weather Service. It is also the lead agency charged with the monitoring and prediction of changes in the Earth's climate. These research efforts are of vital national and international importance. I am pleased they are well financed.

Finally, I thank the conferees and the chairman and ranking member for

fully funding the Violence Against Women Act grants that are within the Department of Justice. The \$391 million will strengthen programs like STOP grants that assist local and State law enforcement, pro-arrest grants that will remove batterers from the home, civil legal assistance grants which allow victims and their children to maintain independence from an abusive home, and for supervised visitation centers that allow children to interact with both parents in a safe environment.

I thank Attorney General Ashcroft for joining Congress in our efforts to eradicate domestic violence. Funding the Violence Against Women Act programs in the Department of Justice has been crucial to these endeavors. I strongly urge my colleagues to support this conference report, and again I congratulate the chairman and ranking member of this important subcommittee and of the full Committee on Appropriations for this effort. Let all Members vote for it unanimously.

Mr. SERRANO. Mr. Speaker, I yield 2 minutes to the gentleman from Maine (Mr. BALDACC).

Mr. BALDACC. Mr. Speaker, I thank the ranking member for yielding me this time.

I also thank the ranking member for his hard work on this report and being very sensitive to the membership and allowing for their input in the legislation. I appreciate his leadership, and I know that all of us care very deeply about what is happening back in New York and the constant tragedies that they are confronted with.

I also would like to welcome Sally to Maine. We are looking forward to her joining the State and the State to be richer for her and her husband to join us. We look forward to being able to do many great things from Maine.

As we say, Sally, as Maine goes, so goes the Nation.

Mr. WATTS of Oklahoma. Mr. Speaker, today the House will consider H.R. 2500 to appropriate funds for the Departments of Commerce, Justice and State. I rise in strong support of this important piece of legislation, and I sincerely thank Chairman WOLF for providing the critical resources which are included in this bill.

H.R. 2500 includes funding for the National Oceanic and Atmospheric Administration, or NOAA. This is an agency that is vital to the detection and prediction of severe weather throughout the United States.

Norman, Oklahoma, is home to the National Severe Storms Laboratory, the Storm Prediction Center and other weather-related agencies which fall under the jurisdiction of NOAA and the Department of Commerce. The employees of these agencies perform weather research that is crucial to the prediction of severe storms around the country. They are the professionals responsible for providing the warning information to the local meteorologists in the event of inclement weather.

The National Severe Storms Laboratory (NSSL) in Norman, has occupied the same

building since 1972. At that time, the NSSL had approximately 36 federal employees and eight University of Oklahoma (OU) affiliates. Twenty-eight years later, those numbers have grown to 54 federal employees, roughly 79 University employees and two National Research Council post-doctoral candidates.

Over the past five years, I have been privileged to work with officials at the University of Oklahoma in securing funding for the planning and development of a new, state-of-the-art weather center building to be located on the University campus. This bill includes funding for above-standard costs of this new building in Norman which will house, under one roof, all of these agencies which are now in different locations throughout Norman. NOAA is partnering with the University of Oklahoma in the construction of this new National Weather Center in Norman. This new facility will integrate NOAA components with OU's School of Meteorology and all its associated meteorological research functions. For NOAA, this new facility will provide 100,000 square feet of modernized space for the NSSL, the Storm Prediction Center, the Norman Weather Forecast Office, and the Training and Applications branches of the Operational Support Facility.

This new, fully integrated facility will locate University faculty and students literally "across the hall" from federal researchers and forecasters. The planning done to date by the NOAA-University partnership suggests that many significant new synergies will arise from this integrated design. The resulting research and development efforts promise not only to enhance national environmental security through improved forecasts and monitoring of potentially hazardous weather, but also to provide new methods and techniques that will enhance our national competitiveness in the global market place.

Mr. Speaker, this bill also includes funding for the Department of Commerce to assist the Continental Gateway Authority, in McClain County, Oklahoma, for design and development of an International Trade Processing Center, which will include an automated processing system that will expedite trade transactions for businesses and government agencies. I have been honored to have the opportunity to work with officials from the Continental Gateway Authority on this project since its inception.

The Continental Gateway Authority was formed to pursue ways to expand economic development in central Oklahoma. One way is by developing an International Trade Processing Center that will include an industrial park, international trade services and intermodal transportation services. In light of the important role which the Interstate 35 NAFTA trade corridor will continue to play in national and international trade, the economic impact of such a facility will be very beneficial to the State of Oklahoma, as well as the rest of the nation, by providing this much-needed service.

Mr. Speaker, I would also like to commend Chairman WOLF and the members of the Committee for their continued work in assisting our nation's law enforcement officers. This bill provides necessary and needed resources to many law enforcement agencies around the country. In particular, I would like to thank the Committee for its work in providing resources to Oklahoma's law enforcement community.

Oklahoma is one of the nation's leaders in methamphetamine production. Over the past two years, the Oklahoma State Bureau of Investigation has cleaned up nearly 1,500 meth labs. The Oklahoma State Bureau of Investigation, Oklahoma Bureau of Narcotics and Dangerous Drugs Control, and the Oklahoma Highway Patrol are all a part of the battle against these meth labs. I commend Chairman WOLF for giving these crime fighting agencies the tools they need to turn the tide against crime.

Mr. Speaker, once again, I rise in strong support of H.R. 2500, which will provide the necessary funding to provide advanced warning and protection to the people of the United States in times of severe weather, as well as promoting international trade in the central United States and working to stop the expansion of the methamphetamine epidemic that is sweeping parts of the nation. I urge my colleagues in the House to join me in casting their votes in favor of H.R. 2500.

Mr. UDALL of Colorado. Mr. Speaker, I support his rule and will support the conference report.

However, I do have some concerns about particular parts of the conference report.

In particular, I have noted that the conference report does not include any funds for payments under the Radiation Exposure Compensation Act, or "RECA."

The people covered by RECA include uranium miners and miller and some others who worked to support the nuclear weapons program or who were exposed to its fallout. They were exposed to radiation. And because of that exposure they are sick, with cancers and other serious diseases. Many of them are residents of Colorado and other western States.

When Congress enacted the RECA law, we promised to pay compensation for their illnesses, but we have not fully kept that promise. We have been slow in appropriating enough money for this purpose—and, earlier this year the Justice Department ran out of funds to make RECA payments. As a result, people who should have been getting checks were instead getting letters—IOW letters, you could call them. What the letter said was that payment would await further appropriations. What they mean was that we in the Congress had not met a solemn obligation.

That shameful situation was temporarily resolved when the first supplemented appropriations bill provided funds to resume payments. But those funds will not be adequate to continue payments in the future—more money will be needed before very long, and unless it is provided in a timely way, the Justice Department will again have to send out IOWs instead of check.

We should not let that happen. We should change the law so that in the future RECA payments will not depend on annual appropriations. They should be paid automatically, and I am cosponsoring legislation to make that change. But in the meantime, Congress must appropriate the needed funds.

I understand why RECA funds were dropped from this conference report. Clearly, the conferees on this bill expect that funds for RECA payments or fiscal year 2002 and several years thereafter will be included in the defense authorization bill, because the version of that bill adopted in the other body so provides.

I also hope that will be the outcome, since that Senate provision—even if it does not provide for permanent funding—would be a definite improvement over the current situation. But the conferees on the defense authorization bill have not yet completed their work and we do not yet know whether the RECA funds will be included in the conference report on that legislation.

So, Mr. Speaker, that is why I am concerned about omitting RECA funds from this conference report. And that is why the passage of this conference report will make it all the more important for the House conferees on the defense authorization bill to accept the Senate's provisions related to RECA payments.

I also am concerned about the funds provided for construction at NIST facilities, including some in my own district, and at the appropriate time I will seek to engage the bill's managers in a brief colloquy on that subject.

Mr. HONDA. Mr. Speaker, I rise today express my support for the Commerce-Justice-State Appropriations (CJS) conference report, an extremely important measure for this nation at this time, but I must also express my profound disappointment that a provision that was in both the House and Senate versions of the bill did not make it into the final the conference report.

The CJS conference report is important for this nation because it provides a \$5.6 billion for the Immigration and Naturalization Service, \$3.5 billion for the FBI, and \$185 million for the Advanced Technology Program, all areas that are important to meet the new challenges we face as a nation today. Other programs that are funded under this bill that I strongly support are the Violence Against Women Act and the Minority Business Development Agency. However, I feel that the provision that was stricken should have been kept in the bill. The provision simply stated:

None of the funds made available in this act may be used by the Department of Justice or the Department of State to file a motion in this court opposing the civil action against any Japanese person or corporations for compensation or reparation in which the plaintiff alleges that as an American prisoner of during World War II, he or she was used as slave or forced labor.

On July 18, the House voted by an overwhelming 395 to 33 margin to include language in the bill that comports with these instructions, and on September 10, the other body included identical language in their version of the bill.

Clearly, it was the desire of both Houses of Congress to have this language included in the final conference report. No one can deny that our brave veterans who were prisoners of war in Japan and forced into slave labor deserve to have their day in court. They should not have to fight their own government to get a fair hearing.

The conferees of this bill stated that the Administration strongly opposed this provision, and is concerned that the inclusion of such language in the bill would be detrimental to the ongoing effort that the inclusion of such language in the bill would be detrimental to the ongoing effort to enlist multilateral support for the campaign against terrorism. I am encouraged that the conferees indicated that

they agree that the extraordinary suffering and injury of our former prisoners of war deserve further recognition, and acknowledge the need to address this matter.

Mr. ETHERIDGE. Mr. Speaker, I rise in support of the Conference Agreement on H.R. 2500, the Fiscal Year 2002 Commerce, Justice, State Appropriations bill.

In the wake of the September 11 terrorist attacks, strengthening law enforcement at the federal level has never been more important. This conference agreement includes \$2.5 billion for the Federal Bureau of Investigation (FBI), a nine-percent increase over last year's funding level. Over \$450 million of this total will be used for counterterrorism investigations, foreign counterintelligence activities, and other initiatives vital to our national security.

I am also pleased that this agreement provides additional resources to help keep terrorists from entering our country. The conference agreement includes \$5.6 billion for the Immigration and Naturalization Service (INS), \$841 million more than last year's total. This funding increase will allow the INS to hire over 200 additional inspectors at airports to analyze traveler information in advance of plane arrivals to identify inadmissible aliens, drug traffickers and terrorists. The agreement also allocates \$2.7 billion to help keep our borders safe and secure. This money will be used, in part, to hire 348 additional land border inspectors and 570 additional border patrol agents.

The conference agreement to H.R. 2500 also includes \$1.1 billion for the Justice Department's Community Oriented Policing Services (COPS) Program. I am especially pleased that conferees chose to include \$300,000 from the COPS Technology Program, for an interconnect Module for Wake County, North Carolina. Mr. Speaker, within Wake County, almost 20 agencies have law enforcement and emergency management responsibilities. These agencies are not able to communicate with each other by radio because of incompatible equipment and varying bandwidths. In the event of a multi-jurisdictional catastrophe like the world witnessed on September 11, responding officers from different departments in Wake County would be unable to communicate with each other. I am pleased that the Interconnect Module technology will interface these different radio systems, allowing radio communication among all law enforcement and emergency management departments in Wake County and the surrounding areas. Mr. Speaker, in the aftermath of the terrorist attacks, it is vital that America's emergency responders be prepared to take quick action in the event of a catastrophe. This initiative will make a difference to enhance the safety and security of the people of North Carolina.

Mr. Speaker, while I do believe this is a good agreement, I am disappointed that conferees elected to omit a Senate provision that would have permanently extended the Section 245(i) Visa Program. The Section 245(i) visa Program allows illegal immigrants to apply for permanent residency while remaining in the country. While the terrorist attacks have put immigration reform on the backburner, it should not prevent Congress from answering the call for fairness and justice in our immigration laws. Immigration has played critical role in America's history, and immigrants have

made significant contributions to our economy and our society. It is my sincere hope that Congress will extend the Section 245(i) Visa Program before the end of this year.

Mr. Speaker, our country is facing new challenges different than those any of us could have just imagined a few short months ago. But we must face these challenges head-on. The first responsibility of the federal government is to ensure the safety of our people, and I am pleased that this conference agreement will help law enforcement agencies across the country better protect our citizens and keep our people safe.

Mr. GREEN of Texas. Mr. Speaker, I rise to commend the Chairman and Ranking Member for their hard work on this appropriations bill.

I would, however, like to quickly discuss a program that the conference agreement did not fund.

I am disappointed that funding for the disposal of obsolete ships from the National Defense Reserve Fleet by MARAD was not included in the final product, even though it was included in the House bill.

MARAD is required by law to dispose of obsolete merchant-type vessels in the National Defense Reserve Fleet by the end of 2006. Currently, there exists a backlog of 115 ships awaiting disposal and more ships will be added to the list of disposal candidates.

According to the Department of Transportation Office of Inspector General, the number of ships awaiting disposal is growing, and these ships pose an immediate environmental threat in Virginia, Texas and California.

In an effort to increase the efficiency of the program and to save taxpayer money, MARAD employed a General Agent in 2001 to facilitate the timely disposal of vessels.

The General Agent, utilizing approved commercial prime/subcontracting procedures, was tasked with acquiring all services necessary to dismantle and dispose of the ships in a manner which is safe for workers and the environment and that represents best value.

I understand that the conferees have directed MARAD to develop plans to reduce the inventory of obsolete vessels on a cost recovery basis. I want to encourage MARAD to continue with the General Agent model. In addition, I want to encourage MARAD to use whatever discretionary funds it might have available to continue with the ship disposal program under the existing contracts.

MARAD through its General Agent will have succeeded in scrapping six ships with the first \$10 million of appropriated funds. The scrapping has been done in accordance with EPA hazardous material disposal standards; has proceeded ahead of schedule; and has been on budget.

The Navy ship disposal program, in contrast, spent \$13.1 million scrapping four ships within the NDRF, resulting in a substantially higher per ship disposal cost when compared with the MARAD program.

I ask my colleagues on this subcommittee to support adding the \$10 million that had been approved by the House to any supplemental appropriations bill that might be considered before the end of this Congress.

Mr. Speaker, I again want to thank the Chairman and Ranking Member of this subcommittee for their hard work and appreciate

any assistance they might be able to provide to deal with this important issue.

Mrs. JONES of Ohio. Mr. Speaker, for the past year I have worked with my distinguished colleague from Ohio, Representative STEVEN LATOURETTE in support of a very exciting education initiative at the Great Lakes Science Center (GSLC) in Cleveland, Ohio.

Last year, we placed report language in the FY 2001 Commerce Justice State appropriations bill encouraging NOAA and the Federal Maritime Administration of USDOT to work with the Great Lakes Science Center in support of an initiative to develop an Underwater Simulator capturing the environment of the Great Lakes. The GLSC is only five years old and has already served 3 million visitors including well over 600,000 through educational programs. It has hosted the world's annual conference of science museums. Its educational programs of school tours, summer programs, and "hands-on" science exhibits have been a source of inspiration and learning to children and adults throughout our region. The proposed Underwater Simulator would not only recreate an underwater experience modeled on the Great Lakes, but would contain inter-active programs capable of teaching mapping, navigation and scientific exploration. This would be an extremely exciting experience, capable of accommodating 15–20 visitors at one time. The State of Ohio has already supplied initial funding for the development of the Simulator and the Science is also prepared to share costs.

Mr. Speaker, I regret to say that despite the active efforts of our offices, the modest cost involved each agency would be asked to contribute and last year's report language, both NOAA and the Maritime Administration demonstrated no serious interest in assisting this project. Mr. President, I am serving notice to both agencies that I will continue to work with my colleagues in an effort that these two agencies work with us to develop this Simulator project.

This is a project of great potential significance for the entire Great Lakes region and to the entire nation. NOAA and MARAD should both understand that we intend to aggressively continue our efforts in FY 2002.

□ 1330

Mr. SERRANO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. WOLF. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, following this vote, the Chair will put the question on two motions to suspend the rules on which further proceedings were postponed yesterday.

Votes will be taken in the following order:

House Concurrent Resolution 211, by the yeas and nays;

House Concurrent Resolution 257, by the yeas and nays.

Proceedings on the remaining suspensions debated yesterday will resume tomorrow.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

The vote was taken by electronic device, and there were—yeas 411, nays 15, not voting 6, as follows:

[Roll No. 438]

YEAS—411

Abercrombie	Cooksey	Greenwood
Ackerman	Costello	Grucci
Aderholt	Cox	Gutierrez
Akin	Coyne	Gutknecht
Allen	Cramer	Hall (OH)
Andrews	Crane	Hall (TX)
Armedy	Crenshaw	Hansen
Baca	Crowley	Harman
Bachus	Culberson	Hart
Baird	Cummings	Hastings (WA)
Baker	Cunningham	Hayes
Baldacci	Davis (CA)	Hayworth
Baldwin	Davis (FL)	Herger
Ballenger	Davis (IL)	Hill
Barcia	Davis, Jo Ann	Hilleary
Barr	Davis, Tom	Hilliard
Barrett	Deal	Hinchey
Bartlett	DeFazio	Hinojosa
Barton	DeGette	Hobson
Bass	Delahunt	Hoeffel
Becerra	DeLauro	Hoekstra
Bentsen	DeLay	Holden
Bereuter	DeMint	Holt
Berkley	Deutsch	Honda
Berman	Diaz-Balart	Hooey
Berry	Dicks	Horn
Biggert	Dingell	Houghton
Billakis	Doggett	Hoyer
Bishop	Dooley	Hulshof
Blagojevich	Doolittle	Hunter
Blumenauer	Doyle	Hyde
Blunt	Dreier	Inslee
Boehlert	Dunn	Isakson
Boehner	Edwards	Israel
Bonilla	Ehlers	Issa
Bonior	Ehrlich	Istook
Bono	Emerson	Jackson (IL)
Borski	Engel	Jackson-Lee
Boswell	English	(TX)
Boucher	Eshoo	Jefferson
Boyd	Etheridge	Jenkins
Brady (PA)	Evans	John
Brady (TX)	Everett	Johnson (CT)
Brown (FL)	Farr	Johnson (IL)
Brown (OH)	Fattah	Johnson, E. B.
Brown (SC)	Ferguson	Johnson, Sam
Bryant	Finler	Jones (OH)
Burr	Fletcher	Kanjorski
Burton	Foley	Kaptur
Buyer	Forbes	Keller
Callahan	Ford	Kelly
Calvert	Fossella	Kennedy (MN)
Camp	Frank	Kennedy (RI)
Cannon	Frelinghuysen	Kildee
Cantor	Frost	Kilpatrick
Capito	Gallely	Kind (WI)
Capps	Ganske	King (NY)
Capuano	Gekas	Kingston
Cardin	Gephardt	Kirk
Carson (IN)	Gibbons	Klecicka
Carson (OK)	Gilchrest	Knollenberg
Castle	Gillmor	Kolbe
Chabot	Gilman	Kucinich
Chambliss	Gonzalez	LaFalce
Clay	Goode	LaHood
Clayton	Goodlatte	Lampson
Clement	Gordon	Langevin
Clyburn	Goss	Lantos
Coble	Graham	Largent
Collins	Granger	Larsen (WA)
Combest	Graves	Larson (CT)
Condit	Green (TX)	Latham
Conyers	Green (WI)	LaTourette

Leach	Otter	Slaughter
Lee	Owens	Smith (MI)
Levin	Oxley	Smith (NJ)
Lewis (CA)	Pallone	Smith (TX)
Lewis (GA)	Pascarell	Smith (WA)
Lewis (KY)	Pastor	Snyder
Linder	Payne	Solis
Lipinski	Pelosi	Souder
LoBiondo	Pence	Spratt
Lofgren	Peterson (MN)	Stark
Lowe	Peterson (PA)	Stearns
Lucas (KY)	Phelps	Stenholm
Lucas (OK)	Pickering	Strickland
Luther	Pitts	Stump
Lynch	Platts	Stupak
Maloney (CT)	Pombo	Sununu
Maloney (NY)	Pomeroy	Sweeney
Manzullo	Portman	Tanner
Markey	Price (NC)	Tauscher
Mascara	Pryce (OH)	Tauzin
Matheson	Putnam	Taylor (MS)
Matsui	Quinn	Taylor (NC)
McCarthy (MO)	Rahall	Terry
McCarthy (NY)	Ramstad	Thomas
McCollum	Rangel	Thompson (CA)
McCrery	Regula	Thompson (MS)
McDermott	Rehberg	Thornberry
McGovern	Reyes	Thune
McHugh	Reynolds	Thurman
McInnis	Riley	Tiahrt
McIntyre	Rivers	Tiberi
McKeon	Rodriguez	Tierney
McKinney	Roemer	Toomey
McNulty	Rogers (KY)	Towns
Meehan	Rogers (MI)	Trafficant
Meek (FL)	Ros-Lehtinen	Turner
Menendez	Ross	Udall (CO)
Mica	Rothman	Udall (NM)
Millender-McDonald	Roukema	Upton
Miller, Dan	Roybal-Allard	Velázquez
Miller, Gary	Rush	Visclosky
Miller, George	Ryun (KS)	Vitter
Miller, Jeff	Sabo	Walden
Mollohan	Sanchez	Walsh
Moore	Sanders	Wamp
Moran (KS)	Sandlin	Waters
Moran (VA)	Sawyer	Watkins (OK)
Morella	Saxton	Watson (CA)
Murtha	Schakowsky	Watt (NC)
Myrick	Schiff	Watts (OK)
Nadler	Schrock	Waxman
Napolitano	Scott	Weiner
Neal	Serrano	Weldon (FL)
Nethercutt	Shadegg	Weller
Ney	Shaw	Wexler
Northup	Shays	Whitfield
Norwood	Sherman	Wicker
Nussle	Sherwood	Wilson
Oberstar	Shimkus	Wolf
Obey	Shows	Woolsey
Oliver	Shuster	Wu
Ortiz	Simmons	Wynn
Osborne	Simpson	Young (AK)
Ose	Skeen	Young (FL)
	Skelton	

NAYS—15

Duncan	Kerns	Ryan (WI)
Flake	Paul	Schaffer
Hefley	Petri	Sensenbrenner
Hostettler	Rohrabacher	Sessions
Jones (NC)	Royce	Tancred

NOT VOTING—6

Cubin	Meeks (NY)	Radanovich
Hastings (FL)	Mink	Weldon (PA)

□ 1353

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Pursuant to clause 8 of rule XX, the Chair will reduce to 5 minutes the minimum time

for electronic voting on two motions to suspend the rules on which the Chair has postponed further proceedings.

COMMENDING DAW AUNG SAN SUU KYI ON THE 10TH ANNIVERSARY OF HER RECEIVING THE NOBEL PEACE PRIZE

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 211, as amended.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 211, as amended, on which the yeas and nays are ordered.

This will be a 5 minute vote.

The vote was taken by electronic device, and there were—yeas 420, nays 0, not voting 12, as follows:

[Roll No. 439]

YEAS—420

Abercrombie	Capuano	Everett
Ackerman	Cardin	Farr
Aderholt	Carson (IN)	Fattah
Akin	Carson (OK)	Ferguson
Allen	Castle	Filner
Andrews	Chabot	Flake
Armey	Chambliss	Fletcher
Baca	Clay	Foley
Bachus	Clayton	Forbes
Baird	Clement	Ford
Baker	Clyburn	Fossella
Baldacci	Coble	Frelinghuysen
Baldwin	Collins	Frost
Ballenger	Combust	Galleghy
Barcia	Condit	Ganske
Barr	Cooksey	Gekas
Barrett	Costello	Gephardt
Bartlett	Cox	Gibbons
Barton	Coyne	Gilchrest
Bass	Cramer	Gillmor
Becerra	Crane	Gilman
Bentsen	Crenshaw	Gonzalez
Bereuter	Crowley	Goode
Berkley	Culberson	Goodlatte
Berman	Cummings	Gordon
Berry	Cunningham	Graham
Biggert	Davis (CA)	Granger
Bilirakis	Davis (FL)	Graves
Bishop	Davis (IL)	Green (TX)
Blagojevich	Davis, Jo Ann	Green (WI)
Blumenauer	Deal	Greenwood
Blunt	DeFazio	Grucci
Boehlert	DeGette	Gutierrez
Boehner	Delahunt	Gutknecht
Bonilla	DeLauro	Hall (OH)
Bonior	DeLay	Hall (TX)
Bono	DeMint	Hansen
Borski	Deutsch	Harman
Boswell	Diaz-Balart	Hart
Boucher	Dicks	Hastings (WA)
Boyd	Dingell	Hayes
Brady (PA)	Doggett	Hayworth
Brady (TX)	Dooley	Hefley
Brown (FL)	Doolittle	Herger
Brown (OH)	Doyle	Hill
Brown (SC)	Dreier	Hilleary
Burr	Duncan	Hilliard
Burr	Dunn	Hinchee
Burton	Edwards	Hinojosa
Buyer	Ehlers	Hobbs
Callahan	Ehrlich	Hoeffel
Calvert	Emerson	Hoekstra
Camp	Engel	Holden
Cannon	English	Holt
Cantor	Eshoo	Honda
Capito	Etheridge	Hooley
Capps	Evans	Horn

Hostettler	Meehan	Schiff
Houghton	Meek (FL)	Schrock
Hoyer	Menendez	Scott
Hulshof	Mica	Sensenbrenner
Hunter	Millender-	Serrano
Hyde	McDonald	Sessions
Inslee	Miller, Dan	Shadegg
Isakson	Miller, Gary	Shaw
Israel	Miller, George	Shays
Issa	Miller, Jeff	Sherman
Istook	Mollohan	Sherwood
Jackson (IL)	Moore	Shimkus
Jackson-Lee	Moran (KS)	Shows
(TX)	Moran (VA)	Shuster
Jefferson	Morella	Simmmons
Jenkins	Murtha	Simpson
John	Myrick	Skeen
Johnson (CT)	Nadler	Skelton
Johnson (IL)	Napolitano	Slaughter
Johnson, E. B.	Neal	Smith (MI)
Johnson, Sam	Nethercatt	Smith (NJ)
Jones (NC)	Ney	Smith (TX)
Jones (OH)	Northup	Smith (WA)
Kanjorski	Norwood	Snyder
Kaptur	Nussle	Solis
Keller	Oberstar	Souder
Kelly	Obey	Spratt
Kennedy (MN)	Olver	Stark
Kennedy (RI)	Ortiz	Stearns
Kerns	Osborne	Stenholm
Kildee	Ose	Strickland
Kilpatrick	Otter	Stump
Kind (WI)	Owens	Stupak
King (NY)	Oxley	Sununu
Kingston	Pallone	Sweeney
Kirk	Pascarell	Tancred
Klecza	Pastor	Tanner
Knollenberg	Paul	Tauscher
Kolbe	Payne	Tauzin
Kucinich	Pence	Taylor (MS)
LaFalce	Peterson (MN)	Taylor (NC)
LaHood	Peterson (PA)	Terry
Lampson	Petri	Thomas
Langevin	Phelps	Thompson (CA)
Lantos	Pickering	Thompson (MS)
Largent	Pitts	Thornberry
Larsen (WA)	Platts	Thune
Larson (CT)	Pombo	Thurman
Latham	Portman	Tiahrt
LaTourette	Price (NC)	Tiberi
Leach	Pryce (OH)	Tierney
Lee	Putnam	Toomey
Levin	Quinn	Towns
Lewis (CA)	Rahall	Traficant
Lewis (GA)	Ramstad	Turner
Lewis (KY)	Rangel	Udall (CO)
Linder	Regula	Udall (NM)
Lipinski	Rehberg	Upton
LoBiondo	Reyes	Velázquez
Lofgren	Reynolds	Visclosky
Lowey	Riley	Vitter
Lucas (KY)	Rivers	Walden
Lucas (OK)	Rodriguez	Walsh
Luther	Roemer	Wamp
Lynch	Rogers (KY)	Waters
Maloney (CT)	Rogers (MI)	Watkins (OK)
Maloney (NY)	Rohrabacher	Watson (CA)
Manzullo	Ros-Lehtinen	Watt (NC)
Markey	Ross	Watts (OK)
Mascara	Rothman	Waxman
Matheson	Roukema	Weiner
Matsui	Roybal-Allard	Weldon (FL)
McCarthy (MO)	Royce	Weller
McCarthy (NY)	Rush	Wexler
McColum	Ryan (WI)	Whitfield
McCrery	Ryun (KS)	Wickert
McDermott	Sabo	Wilson
McGovern	Sanchez	Wolf
McHugh	Sanders	Woolsey
McInnis	Sandlin	Wu
McIntyre	Sawyer	Wynn
McKeon	Saxton	Young (AK)
McKinney	Schaffer	Young (FL)
McNulty	Schakowsky	

NOT VOTING—12

Conyers	Goss	Pelosi
Cubin	Hastings (FL)	Pomeroy
Davis, Tom	Meeks (NY)	Radanovich
Frank	Mink	Weldon (PA)

□ 1402

So (two-thirds having voted in favor thereof) the rules were suspended and

the concurrent resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SENSE OF CONGRESS THAT MEN AND WOMEN OF UNITED STATES POSTAL SERVICE HAVE DONE AN OUTSTANDING JOB OF DELIVERING THE MAIL DURING THIS TIME OF NATIONAL EMERGENCY

The SPEAKER pro tempore (Mr. HASTINGS of Washington). The unfinished business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 257, as amended.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. MCHUGH) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 257, as amended, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 418, nays 0, not voting 14, as follows:

[Roll No. 440]

YEAS—418

Abercrombie	Callahan	Doolittle
Ackerman	Calvert	Doyle
Aderholt	Camp	Dreier
Akin	Cannon	Duncan
Allen	Cantor	Dunn
Andrews	Capito	Edwards
Armey	Capps	Ehlers
Baca	Capuano	Ehrlich
Bachus	Cardin	Emerson
Baird	Carson (IN)	Engel
Baker	Carson (OK)	English
Baldacci	Castle	Eshoo
Baldwin	Chabot	Etheridge
Ballenger	Chambliss	Evans
Barcia	Clay	Everett
Barr	Clayton	Farr
Barrett	Clement	Fattah
Bartlett	Clyburn	Ferguson
Barton	Coble	Filner
Bass	Collins	Flake
Becerra	Combust	Fletcher
Bentsen	Condit	Foley
Bereuter	Conyers	Forbes
Berkley	Cooksey	Ford
Berman	Costello	Fossella
Berry	Cox	Frelinghuysen
Biggert	Coyne	Frost
Bilirakis	Cramer	Galleghy
Bishop	Crane	Ganske
Blagojevich	Crenshaw	Gekas
Blumenauer	Crowley	Gephardt
Blunt	Culberson	Gibbons
Boehlert	Cummings	Gilchrest
Boehner	Cunningham	Gillmor
Bonilla	Davis (CA)	Gilman
Bonior	Davis (FL)	Gonzalez
Bono	Davis (IL)	Goode
Borski	Deal	Goodlatte
Boswell	DeFazio	Gordon
Boucher	DeGette	Graham
Boyd	Delahunt	Granger
Brady (PA)	DeLauro	Graves
Brady (TX)	DeLay	Green (TX)
Brown (FL)	DeMint	Green (WI)
Brown (OH)	Deutsch	Greenwood
Brown (SC)	Diaz-Balart	Grucci
Burr	Dicks	Gutierrez
Burr	Dingell	Gutknecht
Burton	Doggett	Hall (OH)
Buyer	Dooley	Hall (TX)

Hansen	McCarthy (MO)	Sabo
Harman	McCarthy (NY)	Sanchez
Hart	McCollum	Sanders
Hastings (WA)	McCrery	Sandlin
Hayes	McDermott	Sawyer
Hayworth	McGovern	Saxton
Hefley	McHugh	Schaffer
Herger	McInnis	Schakowsky
Hilleary	McIntyre	Schiff
Hilliard	McKeon	Schrock
Hinchee	McKinney	Scott
Hinojosa	McNulty	Sensenbrenner
Hobson	Meehan	Serrano
Hoeffel	Meek (FL)	Sessions
Hoekstra	Menendez	Shadegg
Holden	Mica	Shaw
Holt	Millender-	Shays
Honda	McDonald	Sherman
Hooley	Miller, Dan	Sherwood
Horn	Miller, Gary	Shimkus
Hostettler	Miller, George	Shows
Houghton	Miller, Jeff	Shuster
Hoyer	Mollohan	Simmons
Hulshof	Moore	Simpson
Hunter	Moran (KS)	Skeen
Hyde	Moran (VA)	Skelton
Inslee	Morella	Slaughter
Isakson	Murtha	Smith (MI)
Israel	Myrick	Smith (NJ)
Issa	Nadler	Smith (TX)
Istook	Napolitano	Smith (WA)
Jackson (IL)	Neal	Snyder
Jackson-Lee	Nethercutt	Solis
(TX)	Ney	Souder
Jefferson	Northup	Spratt
Jenkins	Norwood	Stark
John	Nussle	Stearns
Johnson (CT)	Oberstar	Stenholm
Johnson (IL)	Obey	Strickland
Johnson, E. B.	Olver	Stump
Johnson, Sam	Ortiz	Stupak
Jones (NC)	Osborne	Sununu
Jones (OH)	Ose	Sweeney
Kanjorski	Otter	Tancred
Kaptur	Owens	Tanner
Keller	Oxley	Tauscher
Kelly	Pallone	Tauzin
Kennedy (MN)	Pascrell	Taylor (MS)
Kennedy (RI)	Pastor	Taylor (NC)
Kerns	Paul	Terry
Kildee	Payne	Thomas
Kilpatrick	Pence	Thompson (CA)
Kind (WI)	Peterson (MN)	Thompson (MS)
King (NY)	Peterson (PA)	Thornberry
Kingston	Petri	Thune
Kirk	Phelps	Thurman
Klecza	Pickering	Tiahrt
Kucinich	Pitts	Tiberi
LaFalce	Platts	Tierney
LaHood	Pombo	Toomey
Lampson	Pomeroy	Towns
Langevin	Portman	Trafficant
Lantos	Price (NC)	Turner
Largent	Pryce (OH)	Udall (CO)
Larsen (WA)	Putnam	Udall (NM)
Larson (CT)	Quinn	Upton
Latham	Radanovich	Velázquez
LaTourette	Rahall	Visclosky
Leach	Ramstad	Vitter
Lee	Rangel	Walden
Levin	Regula	Walsh
Lewis (CA)	Rehberg	Wamp
Lewis (GA)	Reyes	Waters
Lewis (KY)	Reynolds	Watkins (OK)
Linder	Riley	Watson (CA)
Lipinski	Rivers	Watt (NC)
LoBiondo	Rodriguez	Watts (OK)
Lofgren	Roemer	Waxman
Lowe	Rogers (KY)	Weiner
Lucas (KY)	Rogers (MI)	Weldon (FL)
Lucas (OK)	Rohrabacher	Weller
Luther	Ros-Lehtinen	Wexler
Lynch	Ross	Whitfield
Maloney (CT)	Rothman	Wicker
Maloney (NY)	Roukema	Wilson
Manzullo	Roybal-Allard	Wolf
Markey	Royce	Woolsey
Mascara	Rush	Wynn
Matheson	Ryan (WI)	Young (AK)
Matsui	Ryun (KS)	Young (FL)

NOT VOTING—14

Cubin	Frank	Hill
Davis, Jo Ann	Goss	Knollenberg
Davis, Tom	Hastings (FL)	

□ 1412

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

The title was amended so as to read: "Concurrent resolution expressing the sense of the Congress that the men and women of the United States Postal Service have done an outstanding job of collecting, processing, sorting, and delivering the mail during this time of national emergency."

A motion to reconsider was laid on the table.

Stated for:

Mr. KOLBE. Mr. Speaker, earlier today, I was on the House Floor but inadvertently failed to vote during passage of H. Con. Res. 257. Had I voted, I would have voted "yea."

□ 1415

PAYING TRIBUTE TO THE LIFE OF FORMER CONGRESSMAN ROBERT ECKHARDT

(Mr. GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GREEN of Texas. Mr. Speaker, I rise today to bring the news that former Member of Congress Robert "Bob" Eckhardt passed away yesterday in Austin, Texas. He was 88 years old, and is survived by three daughters.

Bob Eckhardt actually was in District 8 from Texas, which is now represented by the gentleman from Texas (Mr. BRADY), but I represent most of the population in the geographic area that in the 1970s was part of Congressional District 8.

Bob Eckhardt served in the U.S. House of Representatives from 1967 to 1981, representing the Eighth Congressional District. He was born in Austin, Texas, and he graduated from the University of Texas Law School, served in the Army Air Corps during World War II, and prior to his election to Congress he served in the Texas House of Representatives.

I can say it best, I guess, with quoting the Houston Chronicle editorial in this morning's paper about Bob Eckhardt:

"Known in Congress as a serious scholar and a fervent ideologue, Eckhardt immersed himself and associates in complicated formulas and details that made him a master of the legislative process. Articulate and loquacious, irreverent and eccentric, Eckhardt customarily traveled by bicycle wearing his trademark bow tie, white suit and Panama hat, even years after he left Congress. He could incorporate a quote from Shakespeare or the Constitution in almost any debate. . .

"His anti-pollution initiatives for air and water sometimes chafed the oil and chemical business," industries in the district I now represent. "The toxic Substance Control Act, a landmark for occupational health and safety, was one of his proudest achievements."

Mr. Speaker, I ask my colleagues in the House of Representatives to join me in expressing our sincere condolences to the family of Congressman Robert "Bob" Eckhardt, and we pay tribute to his very distinguished life.

Mr. WAXMAN. Mr. Speaker, will the gentleman yield?

Mr. GREEN of Texas. I yield to the gentleman from California.

Mr. WAXMAN. Mr. Speaker, I was very distressed to hear about the passing of our former colleague, Bob Eckhardt. I am probably one of the few Members today serving that served at the same time with him.

He was a member of the Committee on Commerce. I must say he was a unique Member. He was a scholar, a man of enormous integrity, an expert in areas like the War Powers Act and the energy issues. He was a man you could always go to and get a clear-headed point of view. He was very, very thoughtful and highly regarded. He was eccentric, which made him even more beloved by those of us who knew him.

I want to join the gentleman in extending my condolences to his family, and my regrets to the people of Texas and to the House of Representatives and the American people for our loss of Bob Eckhardt.

Mr. GREEN of Texas. Mr. Speaker, I thank the gentleman from California. I know the gentleman served with him. I was a State Representative in the seventies when he was my Member of Congress.

He was a man of integrity, honor, commitment, and service. He was a great man who gave himself selflessly for the betterment of others.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. SHIMKUS). Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

B-1B LANCER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Dakota (Mr. THUNE) is recognized for 5 minutes.

Mr. THUNE. Mr. Speaker, I am very pleased to see the progress we are making in the war in Afghanistan and the turn it has taken for the better in the last week. We have seen cities like Mazar-e Sharif and Kabul and Kandahar perhaps falling, and systematically the resistance is moving forward. We are making progress.

I believe there is no reason other than the success of the concentrated bombing campaign, which has been led by Colonel Ed Rice, the 28th Air Expeditionary Wing commander and the commander at Ellsworth Air Force Base in South Dakota.

The reason we have met with such considerable success over there is due to the air power we have been able to project. The B-1B Lancer is a huge part of that success.

Mr. Speaker, I would simply note for the RECORD that the B-1 bomber brings a tremendous number of assets and attributes to the campaign. It is the only supersonic bomber in the Air Force. The speed that it travels at allows it to integrate seamlessly into huge fighter strike packages.

In terms of range, the large fuel load allows it to fly from great distances and loiter for hours over the battlefield.

It is flexible. It can carry a wide variety of munitions. It can carry more weapons than any other aircraft in the Air Force inventory.

Its lethality: The B-1 has the largest payload of any U.S. bomber. It is the monster truck of the U.S. bomber fleet.

Its ability to deliver a large number of weapons is what makes it so valuable to warfighting. It can carry 84 500-pound "dumb" bombs and 24 2,000-pound precision munitions.

A single B-1 flying just one combat mission over Afghanistan is able to destroy 24 different targets. That is economy of force. Because of the B-1s' huge payload, fewer combat aircraft had to go into harm's way during this war on terrorism.

Mr. Speaker, the B-1 has had a remarkable combat history: In Desert Fox, its combat debut in Iraq in 1999, with the Allied force there and the effort that went forward. The B-1 created an unparalleled record in Kosovo that may be unsurpassed in history, in which it completed 100 of 100 combat missions and took off on time 100 percent of the time. Just seven B-1s dropped 20 percent of the bombs, over 2½ million pounds of munitions, during that conflict.

Now, currently in Enduring Freedom in Afghanistan, B-1s are currently flying a large percentage of the bomber missions in Afghanistan and have destroyed a large percentage of the total targets. B-1s are dropping precision weapons and carpet bombing Taliban strongholds on a continuous basis. Mr. Speaker, the B-1 is playing a huge and important role in the war.

I would be remiss, too, Mr. Speaker, if I did not acknowledge the folks from South Dakota and my home State from Ellsworth Air Force Base who are doing a remarkable job in Afghanistan.

Ellsworth Air Force Base has deployed a large number of air crew members, maintenance, and support personnel to support the war on ter-

rorism. South Dakota soldiers and airmen prepare meals and load bombs. Airmen from South Dakota put themselves in harm's way.

The Ellsworth Air Force commander, as I said earlier, Colonel Rice, commands all B-1 and B-52 operations over Afghanistan. In the war on terrorism, the men and women of Ellsworth Air Force Base, South Dakota, have shouldered a huge responsibility in an effort to make America safe against the evil that lurks in terrorist camps and caves throughout the world.

Air Force B-2, B-1, and B-52 bombers flew about 10 percent of the combat missions over Afghanistan, but dropped more than 80 percent of the tonnage expended, hitting 70 percent of the aim points identified, and damaged or destroyed about three-quarters of all the targets in this operation.

Mr. Speaker, today I would like to pay special tribute to the folks from South Dakota and Ellsworth Air Force Base, and to Commander Ed Rice, for the tremendous effort those folks have played in leading us to the successes we are seeing and the progress we are making in winning the war on terrorism.

I would also acknowledge the important role that the B-1 bomber has played in this very important mission. We would not be where we are today, Mr. Speaker, were the B-1 not the workhorse in Afghanistan.

I believe it is significant in light of the discussions we are currently having about military strategy and force structure as we head into the future that the B-1 bomber, in its role in Afghanistan, that we acknowledge the tremendous success, the tremendous assets and attributes that this particular plane and weapons systems is able to possess and bring to our military arsenal, and our ability to protect America and to keep it safe in this new century against the evils of terrorism and other threats that may be projected against the United States.

Mr. Speaker, today I would simply close by, again, acknowledging the men and women at Ellsworth Air Force Base, 28th Bomber Wing, and the B-1 as the workhorse of the bomber fleet we are using to win the war in Afghanistan.

CONFERENCE COMMITTEE FAILS TO MEET TODAY TO FINISH WORK ON AIRLINE SECURITY LEGISLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, I was shocked to find out that the conferees on the House aviation security package have just canceled the conference at the behest of the House leadership for today.

That is extraordinary to me. It has been more than 2 months since the terrorist attacks, nearly 1 month since the Senate passed a bill 100 to 0, and next week is Thanksgiving, the busiest travel weekend of the year, at least historically in terms of aviation, although concerns about the system might crimp that a bit this year.

Yet, the conferees did not manage to work over the weekend. The conferees met yesterday for an hour and a half and did not manage to work late into the night. Today the conference is canceled. We hear that the Republicans are going to caucus with the White House but not include Democrats in the discussions. It sounds a little bit like a formula for disaster.

What is the system that they are defending? Here is the system that the Republican leadership is defending.

At Boston, part of a concourse, and this is yesterday, at Logan Airport was evacuated. Five hundred passengers were rescreened after an exit door was left unattended by the private security firm.

Chicago: A gentleman who boarded a flight in Miami was just randomly rechecked boarding a flight to Hong Kong in Chicago, having gone through screening, private screening, in Miami, and was found to have large cutting implements in his luggage; apparently innocent, he is a chef, but these are not allowed on the plane. We cannot even take our cuticle scissors. Yesterday he had something that more resembled meat cleavers.

Of course, there have been 24 major security violations prior to yesterday, and we are up to 26. Basically, they get about a 50 percent batting average; that is, every other day it seems like there are no known major security breaches in the screening system. However, before September 11, the private screening companies, over the last 5 years, averaged one security breach a day that was serious enough to be prosecuted or fined, one a day.

This is the largest private security firm in the United States of America, Argenbright Security, owned by Securicor of Europe. They have some problems. They were found last year to have committed felony criminal offenses. They had hired and maintained known felons on staff and falsified documents to the Federal Government.

Of course, they provide security at the largest airport in Texas, and they are being very ably defended by the majority whip and the majority leader: Let us keep these people in business, they are doing such a great job.

Guess what: They were just found to have violated their probation which they were put on last year for their criminal violations, and their probation has been extended another 5 years.

They are saying, well, we will more closely supervise people. What provides closer supervision than probation? I

guess if we started putting the CEOs in jail maybe we would get their attention. But right now I think that is the closest supervision they can provide, yet we are delaying the conference, delaying the bill, to defend the right of these pathetically failing companies to stay in business.

They say, well, we will have very strict Federal standards. We will set wages and benefits. The Federal Government will train the people, the Federal Government will supervise the people. They will be put in uniforms that look like Federal uniforms, but they will not be Federal uniforms. They will be made faux deputies; they will be deputized by the Federal Government but given no powers, and they will be given badges that look like Federal badges. They are going to do all of that.

What is the role left for these failing private security companies except to collect their ill-gotten gains, their profits? We will end up with more supervisors under that system because of all the promises they have had to make.

They say, we know it does not work very well, so we will put Federal supervisors at every screening point. We will put Federal supervisors at every conveyor belt. We will put Federal supervisors at every boarding gate.

By the time the Republicans finish defending the failing private security firms, they have created a Rube Goldberg that is twice as big as the Federal system would be if the solution had been adopted as was adopted 100 to 0 by the United States Senate more than a month ago.

But we cannot agree on that, and today we cannot even meet to discuss it. Last weekend they did not have time to stay in town and discuss it. Thanksgiving is looming very near in the future. They talk about not delivering a turkey bill. I will tell the Members what, the biggest turkey or the biggest bad April fool, out of date, will be if we do not give the American people a robust overhaul of this system before the busiest travel weekend of the year.

□ 1430

HONOR THE FALLEN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mrs. JO ANN DAVIS) is recognized for 5 minutes.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I began last week with the help of my colleagues to read a growing list of over 3,000 individuals who perished on September 11, 2001. This list, provided by the Congressional Research Service, includes the names of many of the victims of the recent horrific attacks on our great Nation.

I stand before this House to pay my respects to our fallen brothers and sis-

ters; and I ask my colleagues again to join me today, and for as many days as it takes, in this ongoing effort to honor those individuals who lost their lives or are still missing.

Elena Ledesma; Alexis Leduc; Daniel John Lee; Dong Lee; Richard Y.C. Lee; Juanita Lee; Lorraine Lee; Myung-woo Lee; Yang-Der Lee; Kathryn Blair Lee; David Shufee Lee; Hyun-joon Paul Lee; Jong-min Lee; Stuart Soo-Jin Lee; Gary H. Lee; Stephen Lefkowitz; Adriana Legro; Edward J. Lehman; Eric Andrew Lehrfeld; David Ralph Leistman; David Prudencio Lemagne; Joseph A. Lenihan; John Joseph Lennon, Jr.; John Robinson Lenoir; Jorge Luis Leon; Matthew G. Leonard; Michael Lepore; Charles A. Lesperance; Jeffrey Earle LeVein; John Dennis Levi; Neil D. Levin; Alisha Caren Levin; Robert M. Bob Levine; Shai Levinhar; Daniel C. Lewin; Jennifer Lewis; Kenneth Lewis; Adam J. Lewis; Margaret S. Lewis; Ye Wei Liang; Daniel F. Libretti; Ralph M. Licciardi; Edward Lichtschein; Steven B. Lillianthal; Carlos R. Lillo; Craig Lilore; Arnold A. Lim; Darya Lin; Weirong Lin; Tomas Gallegos Linares; Nickie Lindo; Thomas B. Linehan, Jr.; Robert T. Linnane; Alan Linton; Diane T. Lipari; Kenneth P. Lira; Francisco Liriano; Lorraine Lisi; Vincent M. Litto; Ming-Hao Liu; Joseph Livera; Alexandru Liviu; Nancy Liz.

Mr. Speaker, this is by no means the entire list, but I thank my colleagues who have already joined me in reading these names and putting them in our RECORD, and I ask my other colleagues to continue to step forward and to read these names, that we may write them down in the history books so they will be remembered as people, as family members, as opposed to numbers.

DENOUNCING THE TREATMENT OF WOMEN AND CHILDREN IN AFGHANISTAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Ms. MILLENDER-MCDONALD) is recognized for 5 minutes.

Ms. MILLENDER-MCDONALD. Mr. Speaker, again I rise to express my outrage to the American people about the brutal treatment directed against women and children by the Taliban regime.

The Women's Caucus, on which I serve as one of its Chairs, had the privilege of meeting with Defense Secretary Rumsfeld, Assistant Secretary Wolfowitz, and Tori Clarke, the assistant Deputy Secretary for public affairs at the Pentagon on Thursday to discuss the war on terrorism.

As the women of this House expressed their concern for the women and children of Afghanistan, we were at ease to know that our administration supports our concerns 110 percent.

We have vowed to work with the Secretary to ensure that women and children are benefactors of any aid packages to the region and that any attempts to return prosperity to Afghanistan includes the input of women-led NGOs and the Afghani people.

We also discussed the importance of informing the American people about how ridiculous the Taliban truly is. In order to do that, we must continue to bring attention to their treatment of women and children in the region.

Tonight I will focus on the children of Afghanistan, defenseless victims in this web of persecution. In addition to women, children have also been denied their most basic rights to health, education, family life, and all too often have themselves been targets.

Mr. Speaker, in addition, an increasing number of Afghan children are being drawn into war by the ruling Taliban. However, things have changed this week and we are hopeful for the better.

My heart goes out to the children of Afghanistan who will be left with the scars and mental anguish of having watched their mothers being beaten in the streets or executed. Sadly, Afghani children face more hardship than simply witnessing the abuse of their mothers.

The United Nations estimates that 2 million Afghan children are either refugees living in overcrowded shelters in neighboring countries or are internally displaced. About 25 percent of children inside Afghanistan die before age 5 years of diseases that could be cured by commonly-available medicine. This is as a result of women being denied or not receiving proper health care for themselves or their children.

The question must also be raised about who is carrying for the over-1 million orphaned children of Afghanistan. Already an extremely poor country and a poor nation, Afghanistan is experiencing its worst drought in living memory. The Afghan people are desperate for food, medicine, and shelter. With harsh Afghan winter coming on, the prices will only get worst.

Experts estimate that Afghanistan needs 1,500 tons of food relief daily. So far, the United States has only dropped about 1 percent of that need. Approximately 1.7 million children are at risk this winter from freezing and starvation. A significant increase in food, shelter, education and health care services is necessary to ward off starvation, disease and death.

We must ensure that more aid is directed to the region and increased donations are directed to the U.N. funds so that children in this war-torn nation can receive assistance before the harsh winter sets in.

Reports of children being recruited by the Taliban is also very disturbing. These reports indicate that there has been increased recruitment of children

to perform service. I have witnessed horrific displays of young boys on the battle front who appear barely in their teens carrying assault rifles and even rocket-propelled grenade launches on television. We must continue to uphold efforts to stop this practice.

Mr. Speaker, I applaud the administration's commitment to the women and children of Afghanistan; and the Women's Caucus looks forward to working closely with Secretary Rumsfeld to ensure dramatic increases in the United States' efforts to provide long-term humanitarian assistance.

As I have said each time I have come to this floor to address this issue, I stand in full support of providing direct funding to Afghan women-led organizations like the Revolutionary Association of the Women of Afghanistan, which is RAWA, to ensure that the primary benefactors are women and children. If we are to have durable peace in Afghanistan, it is important, Mr. Speaker, to provide hope and rehabilitation to the Afghani children and youth in order to make them a constructive force for the rebuilding of their country.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2269, RETIREMENT SECURITY ADVICE ACT OF 2001

Ms. PRYCE of Ohio, from the Committee on Rules, submitted a privileged report (Rept. No. 107-289) on the resolution (H. Res. 288) providing for consideration of the bill (H.R. 2269) to amend title I of the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to promote the provision of retirement investment advice to workers managing their retirement income assets, which was referred to the House Calendar and ordered to be printed.

REPUBLICAN POSITION ON AIRLINE SECURITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. FOLEY) is recognized for 5 minutes.

Mr. FOLEY. Mr. Speaker, there have been some troubling comments made by our colleagues relative to the Republican position on airline security. There have been many comments made that we somehow do not treat this urgent matter with the due diligence that it deserves; and I want to underscore, as chairman of the Travel and Tourism Caucus, the co-chairman along with the gentleman from California (Mr. FARR), that we take this very seriously; and I want to also underscore as a Floridian, tourism is our number one enterprise in our State.

It seems like we are all bickering over a potential whether we should hire 28,000-some workers and whether

those workers be part of the Federal system. Let me suggest to my colleagues that under the Republican version of the bill that is languishing in the other body for failure to compromise on some other positions, we suggest that we could do a blending at the discretion of the President and the Transportation Secretary, former Democratic Chairman Norman Mineta, that we look to see what is most appropriate for securing the terminals at our airports throughout our Nation.

Let me ask anybody who has owned a business or hired people before how long it takes to do background and training to get a workforce ready. Multiply that by 28,000 individuals, and my colleagues will see the complexity of the problem. It may not be a big problem for LaGuardia or JFK or Washington Reagan National or John Wayne and some of the larger airports in our country; but think of some of the smaller regional and rural airports where we must man that same security checkpoint.

Every Republican supports strict Federal rules and regulations. Every Republican is not satisfied with the status quo. Those that have accused us of somehow trying to be supportive of the current contract holders of this service are absolutely unequivocally wrong. In my case in Palm Beach County, I would love for the President of the United States and Mr. Mineta to contract with the Palm Beach County Sheriff's Department professional law enforcement officers, members of the Police Benevolent Association Union or Fraternal Order of Police Union, allow them to be contracted with to be on-site security screeners for our airports.

We can do that in a matter of 72 hours, deploying those people to that important checkpoint. That is what the flexibility provides the President the right to do; but under their version, it cannot be done that way.

We may hire 28,000 people ultimately, who knows. We will continue to negotiate and try and prevail in the opinion which we believe is the correct one, that we have a blending of responsibilities; but if we do not secure the entirety of the airport system, including those who work at the ramps, those who load the luggage, those who bring in the food carts, or those who clean the planes, we will have left a gaping hole in the security of our airplanes and our airports.

I applaud everyone in this Chamber who has worked hard on trying to get an aviation safety bill passed. I regret some are using false rhetoric in describing our leadership and others as not caring about public safety. I take umbrage and challenge those types of statements because they are absolutely, factually incorrect. We want safety. We want security. We will not

back away from these issues; but when my colleagues use one little political call that by hiring these 28,000 we have ensured some degree of safety, we are misleading people because it will take far too long, potentially 3 to 5 years, to even get this workforce up and running, and that in fact does not bring security to date. Our bill does.

I urge the other body to act. I urge them to compromise. I look forward to a bill for the President to sign and returning safety to our skies.

CONGRATULATIONS TO CYNTHIA PLASCENCIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GREEN) is recognized for 5 minutes.

RESPONSE TO REPUBLICAN'S POSITION ON AIRLINE SECURITY

Mr. GREEN of Texas. Mr. Speaker, I will respond to my colleague from the other side of the aisle. I am not here for that purpose, but just to say that it took 3 weeks to get a bill on the floor of the House, and we were in a parliamentary situation where we did not have any choice but to try to keep it out of conference committee. We lost and so it is still in conference committee. It is almost 2 weeks now since it went in there.

I do not necessarily think they all ought to be federalized either, but I think we should have moved on it a month ago, and we are not in charge. The Republicans are. And it took 3 weeks to get a bill on the floor of the House.

Let me get back to what I really wanted to talk about, Mr. Speaker.

This last week, last Monday on Veterans' Day, our holiday, I had a chance to go to one of our middle schools in my district, Burbank Middle School, and I rise to congratulate a young Burbank Middle School constituent, Cynthia Plascencia, for winning the Burbank Middle School essay contest on why tobacco is not for her. This contest is sponsored by the Texas Department of Health; and it is called A Week Without Tobacco or, in Spanish, Semana Sin Tobacco. I would like to submit a copy of Cynthia's essay for the RECORD.

Cynthia's essay gets to the real reasons why she does not smoke and why she does not want to let anything come between her and her dreams. Cynthia is not swayed by statistics, but I think I need to mention just a few because they highlight just what we are up against.

TOBACCO: WHY IT'S NOT FOR ME

Tobacco. A pleasant get away for some people, a disgusting habit for others. Now most 13 year old nerds, ahem, I mean, kids would argue that tobacco is bad. I'm cool with that, but when they are asked why it's bad, some would probably respond, "Uh, I dunno. My dad told me it was." At least to

me that isn't enough evidence to argue with. But I am not one of those kids who sit there and say, "Well, 14,000,000 people die every day of lung cancer. 7,000,000 die every hour. 100,000 die every minute." That may be more evidence, but statistics isn't going to stop a 14 year old from smoking a cigarette. There's more to it than that. Enter my mind, and learn about what goes on in a kid's head; what we think, what we know, what we are. After all, no one knows what a kid thinks, but a kid.

Maybe the main reason why I don't smoke is because of my family. Everyone thinks they should look out for number 1, but with me it's never been like that. My family has always been my main priority. I needed guidance, it came from my family. I needed family support, it came from my family. I needed money—Well you get the point. My family comes first, and I would never do anything that would disappoint them. By smoking I would make myself feel great for, what, 5 minutes. Then what? Mood swings, head aches, smelly breath, yellow teeth, asthma, and by the time you realize the mistake you've made, it's too late. You're at the end of your rope. And I think the biggest devastation for me is seeing my parents mourn the death of their daughter. It pains me to see my family suffer. And for what? A cigarette? It's not worth it.

My education. A biggie in my life. At times a burden, but it's all right. It's important that I finish my education and get a good career. You see, I come from a big family. I have about 19 cousins. All of my cousins that are older than me, and my brother, haven't succeeded in life. Either they don't have the economic support, or they just don't want to do anything with their lives. There's seven of them. What about the other 11? Who is going to be their role model? In the end I am the one they're going to look up to. And if tobacco ever got involved in my life, I don't think I would be able to carry out my purpose. No one in my family has graduated high school with honor. And I'm not going to let tobacco stop me from being the first.

Now, I see that I have to be my own person. I'm not my brother. I'm not my father. I am me. If I smoked, I would be less than what I am. And I've never demeaned myself for anyone, or for anything. So, I guess what I'm trying to prove is that tobacco is not going to stop me from the best. And I don't need statistics to tell me that.

□ 1445

Forty-seven million American adults are smokers. Ninety percent of them started smoking before they were 18. Three thousand teenagers will become regular smokers each day. So when we finish this day, we can count 3,000 more young people that will become smokers. Already this year more than 1 million kids, a million children, have become smokers. Three hundred forty thousand of those kids will die as a result of becoming smokers.

Mr. Speaker, to look at these numbers, one would think we would never be able to win the battle against this dangerous and deadly habit. But I believe that Cynthia Plascencia and her friends are smarter than that. They know smoking not only causes them to have bad breath, stained teeth, and smelly clothes, they know it interferes with them achieving their dreams. They know they will not be able to

reach for the stars if they have to be hooked up to a respirator. They know that cancer, heart disease, stroke and asthma will not help them reach their goals. They know they will never meet their athletic goals if they cannot catch their breath. And they know they will not do well in school if they cannot concentrate.

After reading Cynthia's essay, I believe that teenagers today, when armed with the right information, will know better than to start smoking.

We have learned that there are programs that work. Study after study have proven that anti-smoking education campaigns significantly reduce tobacco use among kids. Community-based programs, public education, school-based programs, assistance for smokers who want to quit, enforcement of youth access laws are all important components of an anti-smoking campaign. But most importantly, we must get to the children before they start smoking. We need to work to see that all students, like Cynthia Plascencia, know that it is just not worth it to start smoking.

Cynthia is an example of the culture we must create in our children, where it is not cool to smoke. Because kids see friends, family, and movie stars smoking, they think it is a way to gain social acceptance. If that myth disappears, kids will be less tempted to start smoking.

Everyone must realize that smoking is like crack or heroin, it is addictive and it will take a person's life at a much earlier age.

Mr. Speaker, tomorrow is the Great American Smokeout. Millions of Americans will stop smoking for the day. Let us hope that they take it a step further and give up smoking for life.

UNFINISHED BUSINESS ASSOCIATED WITH SEPTEMBER 11 EVENTS

The SPEAKER pro tempore (Mr. SHIMKUS). Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I have often risen to this floor over the last couple of weeks and spoken about the unfinished business of this House, and I again rise to my feet.

Let me, first of all, make a very brief comment about airline security. We had a deal, Mr. Speaker. We had a bill passed by 101 in the other body. We had the opportunity in this House to likewise pass that bill and immediately place it on the President's desk. The Republican majority chose not to do that, causing a conference and causing delay.

In the course of that delay, an individual went into O'Hare Airport with seven knives, a stun gun, and pepper spray. Now, I have legislation that I

will be offering that criminalizes the carrying of knives and instruments of danger on airplanes, but I would much rather be passing a comprehensive airline security bill, and I hope we will do that.

I offer that in the spirit of bipartisanship and I offer that in the spirit of the voice of the American people. I have heard their voices, and I think their voices sing the same refrain: Help us protect ourselves and help us protect those who travel the airlines of America and around the world.

I also feel compelled to come to this floor to acknowledge the needs of two young women, Dayna Curry, who celebrated her birthday while incarcerated in an Afghanistan jail, and Heather Mercer, 24, both of them from the State of Texas. Let me thank their Congressperson, the gentleman from Texas (Mr. EDWARDS), for his untiring efforts on their behalf.

I rise today as a mother, as the Chair of the Congressional Children's Caucus, as a woman, to ask whether or not these young ladies have been forgotten along with the other detainees. We now find out that with the Taliban they have been absconded off to the southern part of Afghanistan. We do not know where they are. We are told by Afghanistan detention center guards that they were nice young women; that they were taken away in the dark of night; that we do not know where they are. We believe they may be going off to a southern city.

We understand the conditions they were living in were none to be proud of. There was no four star and five star hotel. We understand that they tried to stay positive by singing songs and praying. We understand that they do not separate from each other. They are two Americans, I think there is a total of eight, and they are united.

We also understand that family members have not been able to talk with them; that they have not been able to meet with outside officials since their lawyers' last visit in late October. Who amongst us, Mr. Speaker, would tolerate that here in the United States or accept that?

These young women cannot be forgotten. And even though there may be some inner workings, some negotiation, I think the voice of the United States should be strong: We want our hostages returned. We want these young women returned. These young women were not violating any laws other than merciful efforts to help people to have a better life.

The Taliban should be challenged. Yes, they may be running away, the Northern Alliance may be victorious, they may be in Kabul, but we must stand up for these young women. I am looking to the State Department to begin to ask the hard questions about these young women, and I want to join with my colleague, the gentleman from

Texas (Mr. EDWARDS), to demand for their release, but also for a voice of the United States, the kind of voice we had with the hostages in Iran.

Let us have a voice as we parallel to fight terrorism and to fight against the Taliban. Have them give our people back and let our voices be loud.

Mr. Speaker, let me briefly thank the gentlewoman from Virginia (Mrs. JO ANN DAVIS) for what she has been doing in acknowledging those who lost their lives on September 11, 2001. As I begin to call their names, and I may not be able to conclude it, but I want to call their names and ask apologies of their families if I mispronounce them:

Harold Lizcano, Martin Lizzul, George Llanes, Elizabeth Claire "Beth" Logler, Catherine Lisa LoGuidice, Jerome Lohez, Michael Lomax, Stephen V. Long, Laura M. Longing, Salvatore Lopes, David Lopez, Maclovio "Joe" Lopez, George Lopez, Manuel "Manny" L. Lopez, Leobarbo Lopez, Daniel Lopez, Israel P. Lopez, Luis M. Lopez, Chet Louie, Stuart Seid Louis, Joseph Lovero, Sara Low, Michael W. Lowe, Garry Lozier, John Peter Lozowsky, Charles Peter Lucania, Edward "Ted" Hobbs Luckett, II, Mark G. Ludvigsen, Lee Charles Ludwig, Sean Thomas Lugano, Daniel Lugo, Jin Lui, Marie Lukas, William Lum, Jr., Michael P. Lunden, Christopher Lunder, Anthony Luparello, Gary Lutnick, Linda Luzzicone, Alexander Lygin, CeeCee Lyles, and Lyn Corea Gray.

They are all people. They lost their lives on September 11, 2001. It is the challenge of this House to pay tribute to them in the works we do and also to bring our hostages home.

TRIBUTE TO BENNY H. POTTER

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WATSON) is recognized for 5 minutes.

Ms. WATSON of California. Mr. Speaker, Veterans Day, a few days ago, was very significant to someone in my district. I want to pay tribute to Benny H. Potter, a resident of the West Adams community in Los Angeles. He lived there for a decade, and was a veteran of the Second World War. He passed away recently. He was greatly loved and respected by all in the community who knew him.

Mr. Benny, or Uncle Benny as he was affectionately called, was born on August 21, 1919, in Albuquerque, New Mexico. His family migrated to Los Angeles in 1925. During World War II, he was assigned to the 10th Cavalry Division, which sent him to North Africa to serve under General George Patton. He later served in Italy and Germany and had the honor of marching in the V-E Day Parade in Paris, France.

Mr. Potter served his country with distinction. His family recently received a letter of commendation from

the President of the United States for his distinguished service. He received four decorations for his service: The American Campaign Medal, the European-African-Middle Eastern Campaign Medal, the Good Conduct Medal, and the Victory Medal.

At Mr. Potter's memorial service, four generations of relatives spoke. Two generations still live in the West Adams area. Numerous friends and neighbors saluted him with songs and words of praise, and I promised to give him the flag in his memory that I received after I served as Ambassador to Micronesia because he so well represented our country and our family abroad.

At 81 years of age, Benny Potter was still the neighborhood gardener and handyman. He would bring magazines to elderly neighbors and was always ready with uplifting stories or sage advice for everyday problems. Mr. Potter was also the hub of an informal neighborhood news network. One neighbor described him by saying simply: "He was the best. He was CNN, the Sports Channel, the Weather Bureau, and he was my friend."

On this Veterans Day past, I think we should look back on all the contributions of our veterans, as we will be looking forward on those who have fought in this most recent war in Afghanistan. Veterans like Benny Potter risked their lives to protect our country and their communities. But once back home, his contributions continued.

Benny H. Potter, a man who never met a stranger, leaves a legacy of which we all may be proud, and he made us so much better. He serves as a shining example of the spirit which drove our veterans to serve their communities in both war and peace and the spirit with which many of our young men and women will be coming back from fighting in a country so far away that they really did not know where it was on the map. This is a tribute to that kind of spirit that honors our country and makes us the greatest country in the world.

PEDIATRIC EXCLUSIVITY BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. STUPAK) is recognized for 5 minutes.

Mr. STUPAK. Mr. Speaker, I rise today to urge Members to vote against H.R. 2887, the Pediatric Exclusivity bill, as it will appear on the suspension calendar tomorrow. It has a number of controversial provisions.

First approved in 1997, pediatric exclusivity granted the drug companies an extension of 6 months under patents if they would provide a study to determine if the drug was beneficial to young people. The FDA invites drug companies to do a study on what effect

the drug may have on young people. Upon completion of the study, the FDA then grants a pediatric exclusivity to the drug, which the drug companies then use as a marketing tool to promote and increase drug sales.

The grant of pediatric exclusivity takes place after the drug company study is completed, without anyone knowing what the study says about the safety, the effectiveness, or the dosage requirement for young people. There is no requirement to change the labeling on a drug to reflect the changes that may be needed when a drug is dispensed to young people. There is no label to tell doctors, patients, or their families on the proper dosage or on how to dispense or use the drug.

□ 1500

Before we grant pediatric exclusivity to a drug and before this pediatric exclusivity is marketed as approved for pediatric use, we should know what is the effect of this drug on young people.

Under the bill that will be before us tomorrow, H.R. 2887, after a study is completed, exclusivity is granted; but the results of the study, the results may not be disclosed to the doctors, patients and their families for up to 11 months. The physician, the patient and the family has a right to know about the drug the patient is about to ingest. Why does it take 11 months?

This chart highlights the problems with pediatric exclusivity. There have been 33 drugs granted pediatric exclusivity, and only 20 have been relabeled; and it takes an average of 9 months to do that. The average time from the granting of pediatric exclusivity is 9 months. For 9 months, doctors, patients and their families have no idea if the child is receiving a proper dosage and if the drug is really safe.

On this chart, exclusivity granted, and below in parentheses was when the label was provided. In Lodine, it took 9 months for them to change the label, and after the label was changed, approximately two times a lower dose recommended. It should have been cut in half. Nobody knew that for 9 months.

Buspar, if Members take a look at it, 2 months after exclusivity is granted, they finally say safety and effectiveness were not established in patients 6 to 17 years old. In other words, it did not do anything. They are marketing it as a drug to help the patient.

How about Fluxvoxamine. Again, exclusivity granted January 3, 2000. Eight months later the label is changed. It says it may require lower dosage, and it gives an age group.

Propofol, exclusivity is granted August 11, 1999; but they did not change the label to let the doctors, patients, and families know until 18 months later. It says here "may result in serious bradycardia." It goes on to say it is

not indicated for pediatric ICU sedation, as safety has not been established. That is information doctors need to know.

The worse thing is, the incidence of mortality doubles from 4 percent to 9 percent. That is information we need to know. Doctors, patients, and families should know this information before we grant pediatric exclusivity. My amendment would require not just a study but proper labeling on the drug before it is granted pediatric exclusivity and marketed.

Pediatric exclusivity is the only time that labeling is not a prerequisite to granting a drug approval. Why would we want to endanger our children?

Mr. Speaker, I cannot offer my amendment under the suspension calendar. In order to have an opportunity to offer my amendment to protect the health and safety of our young people in this country, we must defeat the bill under the suspension calendar and send the bill to the Committee on Rules where I will be given an opportunity to offer my amendment.

I do not understand why the majority does not want doctors, patients, and families to know the effect of the drug, what is the effectiveness of the drug, and is the drug safe for our children. Tomorrow I ask Members to defeat the bill under suspension so we can bring it back to the floor.

STRATEGY FOR GLOBAL FIGHT AGAINST TERRORISM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. ANDREWS) is recognized for 5 minutes.

Mr. ANDREWS. Mr. Speaker, I rise today to call for the creation of a new organization very much like the NATO organization to help us in the global fight against terrorism. NATO was the most successful organization in the modern history of the world for creating a cooperative defense structure. In fewer than 50 years, its principal enemy imploded without NATO ever having to declare war or engage in serious hostilities against that enemy, the former Soviet Union. Why did NATO succeed? I believe it succeeded for three reasons. First, there was a clear and obvious threat and enemy, the former Soviet Union.

Second, defense against that threat was larger than any one country could handle. It required cooperation among Nations.

Third, it was much more intelligent and efficient to have that cooperation so that costs, both economic and military, could be shared.

The synergy that was created by the integration of the NATO countries permitted those NATO countries to forcefully make the argument to the rest of the world that the way of life that is based upon the rule of law, tolerance

and freedom and the free enterprise system was far superior to the world view that NATO was opposed to.

Today we are faced with a very different threat. It is the threat of an international network of terrorists who seek to destroy anyone who does not share their view of life and the world. That threat is not manageable by any one country. Even this one, as mighty and as powerful as it is, cannot defeat the threat of terrorism by itself.

President Bush and the members of his administration have done an exemplary job since September 11, 2001, in knitting together an alliance of civilized nations and peoples everywhere in revulsion against the acts of September 11. That same kind of integration is necessary on a permanent basis to win the war against terrorism.

Finally, the resources that are needed, the money, the intelligence, the arms, are much more powerful if they are multiplied and shared among nations.

I believe that the first place to start with the creation of this new NATO is on the question of the development and deployment of national missile defense. As our President this week meets with President Putin of Russia, they have made great progress toward agreement between our two countries on the necessity of developing and deploying a weapon shield that would prevent innocent people from being attacked by an accidental or rogue strike of an intercontinental ballistic missile.

I believe that shield must be constructed by far more than just two nations. I believe that to succeed against the new common enemy of the terrorist network, against the likelihood or certainty that that network will achieve the ability to deploy and use strategic weapons, that we need the creation of a new type of structure that follows and tracks NATO. We need a NATO for the 21st century. It should not be bound by geography the way the NATO that followed World War II was.

I believe it should not even be bound by ideology as the first NATO was. It needs to be bound together by the common interest in preparing for the likelihood, some would say the certainty, of attack by terrorists with strategic weapons. Our President is taking an important first step in that regard in his meetings with the Russian president this week. I and the members of the other body wish him well. We need to build on the success that I believe will come this week.

In the defense authorization bill which passed this Chamber and is now in conference with the other body, there is report language that was inserted at my request that encourages the administration to build on an existing regional missile defense system called the MEADS system. Presently, Italy and Spain have joined with the United States in pursuing this system.

I believe that this instruction to the Department of Defense and our administration can lay the foundation for the development of a new NATO for the 21st century that will reach across nations, across oceans, across ideological divides to build and deploy a common defense shield against the use of the worst weapons of destruction by the worst destroyers that we have seen in the modern history of the world.

On September 11, 2000, people would have said it was alarmist to worry about the construction of such a shield. On August 11, 2001, others still would have said that. But no one can say after the events of September 11, 2001, that any hideous evil is beyond the reach and imagination of people who are sworn to destroy us in these terrorist networks.

We can hope that they do not get access to the weapons of mass destruction, or assume that they will. I believe we must prevent them from getting them with every fiber of our strength, but we also must assume that there will be failures and they will get access to these weapons. The only way to sustain a defense against this likelihood or probability is the creation of a defensive shield. I believe the only way to successfully create that shield is to follow the lessons of our predecessors when they built NATO: recognize the common threat of terrorism, recognize the futility of any one nation dealing with that common threat by itself, recognize the advantages of knitting together the resources of many nations to build that shield.

When we do, the prosperity that will result, the humanity that will result, the respect among nations that will result, will provide the best evidence for those who are not under the shield that they should change their own governments, change their own countries and come within the protective shield of that umbrella.

Mr. Speaker, it is not a partisan issue. It is not an issue between the legislative and executive branch. It is a matter of necessity. It is our time to learn the lessons which followed World War II, to build on the successes of World War II and build a permanent structure for peace, not only on the land but in the skies and in the heavens.

I believe that the proper way to do that is by the construction and maintenance of a NATO-type structure that will defend us in space and in the air against the threat of errant or rogue or terrorist intercontinental ballistic missiles. I would urge Congress to follow that course.

AIRLINE SAFETY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Ms. BROWN) is recognized for 5 minutes.

Ms. BROWN of Florida. Mr. Speaker, Monday's plane crash was another devastating blow to the residents of New York and the citizens of this great Nation. Although we do not know the cause yet, I have been hearing it called a routine plane crash. God help us all if we ever accept a plane crash as routine.

I was in New York Monday and had to take the train back to D.C. I was talking to the train conductor who said that the U.S. lawmakers have failed the American people. This is what our citizens think of this Congress. How many planes must go down before we truly deal with the safety issue? Not just who screened the baggage, but the safety of the entire transportation infrastructure, including ports, rails, bridges, tunnels, and maybe after yesterday, more safety inspectors for airplanes. Does this Congress have to wait until another disaster strikes again to act to protect our transportation infrastructure?

Mr. Speaker, we do not want the American people to feel that we have failed them. I do not hold much hope, but I ask the conferees to support the Senate version of the airline security bill so we can move on to other areas of homeland security.

There is something that the American public needs to know. At this very moment, American flight schools are training pilots from countries sponsoring terrorism. All those terrorists need to do is pay in cash, and those schools will teach them anything they need to know. Preventing those with ill intent from acquiring flight skills, which they can use in a hijacking, is just as important if not more important as other issues being addressed in this legislation.

It saddens me to know that the terrorists accused of these hideous acts on September 11 received their flight training at Florida flight schools. Obviously, current law regulating who may receive training and what kind of training they receive is insufficient. The other body passed a version that addressed this matter by requiring aliens and other individuals, as determined by the Department of Transportation, to acquire a certificate indicating completion of a background investigation by the Attorney General prior to beginning flight training.

□ 1515

Under this section, a background check consists of a criminal, immigration status and security check. Flight training includes in-flight training, training in a simulator and any other form or aspect of training as defined by the Secretary of Transportation.

I encourage the conferees to support the language of the other body. We have waited weeks for this legislation to reach the floor and we should not leave for Thanksgiving vacation until

the American people feel safe to fly in their own country.

ECONOMIC STIMULUS FOR AMERICA

The SPEAKER pro tempore (Mr. OSBORNE). Under the Speaker's announced policy of January 3, 2001, the gentleman from Texas (Mr. ARMEY) is recognized for 60 minutes as the designee of the majority leader.

Mr. ARMEY. Mr. Speaker, I want to appreciate you presiding over the body, the Chamber, today.

Mr. Speaker, I was tempted to ask unanimous consent that the body agree with me that Oklahoma be number one, but I would not want to put you in a position of having to object from the chair.

The SPEAKER pro tempore. Without objection.

Mr. ARMEY. The Speaker is a gentleman for sure.

Mr. Speaker, I am here today with some of my colleagues to talk about a serious subject, but let me begin by paying my respects to this great country. America is such a great country. We Americans are such hardworking people. We go to work, take care of our families, look after things in our community, we work hard, pay our bills, pay our taxes. Beyond that, maybe we save a little bit of something for our old age or our children's education or any number of dreams we might have.

We go to the private capital markets and put that savings where it will be safe and where it will grow and hope that those sacrifices we make today will give us a better day. And all of that activity that we do in what one of my favorite economists, Alfred Marshall, called the ordinary business of life, all that we do has resulted in this great land building the greatest economy in the history of the world. The wonders of product from which Americans consume daily and routinely are just magnificent and frankly the envy of the world.

But every economic system, every economy, every great Nation at a time can find a period of economic distress. We have a whole body of economic thought, financial analysis, study, by which we respond to a very simple question: If the economy falls on hard times and if in that period of time people are losing their jobs, production falls, investment falls off, the energy seems to be sapped from the economy, what by way of government policy can be done?

There are basically two areas by which we can respond to this. It is called countercyclical monetary and fiscal policy. We can respond by monetary policy to try to expand the money supply and encourage growth for the economy. In that, Chairman Greenspan and the Federal Reserve Board have been more than thorough in their ef-

forts along that line. We have brought, through their efforts, interest rates down to as low a level as possible. We in the Congress of the United States need to turn our eyes toward the Federal Reserve Board and say, "Thank you, ladies and gentlemen, you have done so much, and we appreciate your effort." And at the same time we need to recognize that more can be done and in particular that more that can be done must come from us.

For reasons that are not altogether clear to everyone, the American economy began to downturn sometime last year. I remember the downturn became clearly evident to us, to the point that now Vice President DICK CHENEY as a candidate for that office spoke about it during that campaign season. I can remember how he was berated by his opposition for, as they said, talking down the economy, an unfortunate reaction in that while we had to have somebody who would say, "Hey, there is serious trouble on the waters and we need to be ready to respond to it," we really did not as a Nation need others to say, "Hush up, let's not recognize our problems."

So we went forward with that. And as the new administration took office, it took office with an understanding of this economic distress and a resolve to do something about it. And, of course, the President acted swiftly. I am proud to say this body worked hand in hand with the President as we passed earlier this year the one thing that we might do, that we could do, that we should have done and that we did do to stimulate the performance of the economy, which was to cut taxes. That tax reduction that we did in June of this past year has already showed up in the lives of most Americans. We have seen it by adjustments in our withholding taxes at work, we have seen it by the rebate of overtaxes from last year. And that may have been all that we needed to move this economy back to a good growth cycle where the jobs could have been not only sustained but in fact expanded.

Then on September 11, with that horrible, heinous act that was perpetrated in this country by international terrorists and the Nation took a blow, one that broke your heart in so many ways, most of which we have responded to and most of the correction for which is well under way today as we see by events in Afghanistan, we committed this Nation to wiping out international terrorism, and this Nation is doing the job. Is it not marvelous, Mr. Speaker, the extent to which the Congress, from both sides of the aisle, cooperate with the President in this very important job of ridding the world of these villainous characters that would perpetrate such horrible acts?

But another part of the blow that we took on that day was a blow to our economy, and that blow to that economy really sent us to some extent

back. Make no mistake about it, the American economy is still the strongest economy in the world and we are still doing well, but it is not performing as it can be, as it should be, and people are losing their jobs. They look to us to do something about it. The President of the United States has, after mobilizing all the resources, asking for and receiving as much as \$100 billion of new spending for these critical defense and security needs the Nation has, turned his attention to what else we could do and asked for us to give a pro-growth, job-creating tax reduction to the American people. We studied on that, the White House studied on that, others in town studied on that, and there developed a, I might say, scholarly consensus that if in fact you were going to use reduction in taxes to stimulate the performance of the economy, put us back on a growth path and, indeed, in the final analysis create jobs so that your neighbors can go back to work, your sons and daughters can graduate next spring and find those jobs that you have been hoping for, that we would have to concentrate our efforts on the investment side of the tax ledger.

Chairman Greenspan in one meeting that I attended said it, I thought so perfectly, when he said, every dollar's worth of tax money left in the hands of the American people for investment purposes will leverage to higher rates of growth than dollars left in consumer hands. And so, at the President's request, the House of Representatives created a tax bill that focused on investment, growth and jobs.

Let me talk about a few of the things in that tax bill that are being frankly misunderstood and publicly maligned. One of the other points that was made by Chairman Greenspan is that we ought to take all the good ideas on tax reduction and line them up and do what is known in the discipline of economics and finance as a cost-benefit analysis to see which of these will give you the most growth result as a consequence of their implementation. That was done. And there was a consensus that again was articulated before us by the Chairman when he said, the first most necessary thing that we must do is put an end to the alternative minimum tax as applied to corporations.

Why is that so important? First, we should understand that the alternative minimum tax says to a corporation, if you are having a bad year, sales are off, revenues are down, you don't have earnings but indeed have losses and would thereby under the normal Tax Code of this land be exempt of any tax liability, we are going to bring in a special punitive tax so that we can extract revenue from you even though you have no earnings from which to pay those revenues.

This is an insane tax. This is a kick-them-while-they-are-down tax. This is

a tax that says take away whatever they might have to perhaps get back on their feet as a business fallen on hard times and give it over to the government. Take away what you might have to put some of your employees back to work and give it over to the government. And he is so right. We must get rid of that. And in doing so, we have been advised by virtually everyone, rebate to these firms those liabilities they have already existing under this insane tax so that they in fact can recoup among themselves from the revenues they have acquired through their own sales because of the productive effort of their employees who had the good fortune of having a job in the good times so that they may have the revenues with which to actually make the investments that would put people back to work.

This is being maligned in the discourse over tax policy in America today by the uninitiated and economically naive as some kind of a tax break for big corporations. Well, corporations do not pay taxes; people pay taxes. And the people that pay those taxes are the people who own the corporations. And the people who own the corporations are many times those same workers that had enough good fortune to have something called an IRA, a Keogh plan, a 401(k), some precious little area of savings where they had a chance to hold something of value in their lives and the owners of the corporation.

And so those people that work hard, save their money, put it in whatever instrument they think is safe for their retirement years, get this special punitive tax and have that money taken away. We in the House understood the good common sense of leaving resources in the hands of investors and avoiding the practice in current law of kicking people while they are down and we put a repeal of the AMT in our bill.

Another piece of advice we got from so many quarters was, let people expense some portion of their new inventory for some period of time. Why is that important? We are living in a high tech society. The driving engine indeed not only of the American economy but of the world economy is all of this modern computerized electronics. And it is exciting. There is a discovery, an invention a day. I always say every time there is another college dropout, there is a new electronic wonder coming before us. That means rapid obsolescence because the innovation, the creation, the invention is going on so fast. That means that if you are going to invest in these new wonders of productivity that make it possible for us to work smarter instead of harder and get more output per unit of input and keep more people working at higher wages, you have to be able to write some of that off early so that you have the time to recover them. And so we put that in, 30 percent tax write-off in

the first year, as an incentive for people to invest in the wonders of American genius as invented and innovated in the world of work.

Then we took a lesson that was taught to us, I thought, at least taught to me as a young economics student back in 1962 and 1963 by President John F. Kennedy, who is not one of our guys, he is one of their guys, speaking in partisan terms for just that very slight moment, Mr. Speaker, who said if you cut the tax rate that applies to people out there working, they have a desire to work harder. That is not a new notion. That notion was first taught to me in 1958 by Mike Berg, the chairman on the construction crew on which I worked when he said, "We're not going to work overtime because the tax rate on my overtime is so high it's not worth my while to do it."

□ 1530

It was worth my while to work overtime, because I was not making as much money as Mike and the marginal rate was lower on me and I got to keep more on what I got to earn. But the lesson was very clear, ingrained in my 18-year-old mind by the foreman of a construction crew that did not even have the benefit of a high school degree, that if in fact you tax people more for an extra hour's work, they are less willing to do that hour's work. And nobody in Washington got it, except John F. Kennedy, and all the professors in America applauded him for teaching it to them.

So the lesson has been around a long time. So we did accelerate the reduction in the marginal tax rate that applies to individuals, so Mike Berg would work overtime, bless his heart, and the rest of us on the crew could do the same. That would be good, because we would work harder, we would work longer, we would earn more, we would spend more, and, as we spent more, somebody else would have a new job because they had to replace an inventory, and that is called economic growth.

Now, these are some of the ideas that are just plain common sense, watching the world in which you live each and every day of your life work the way you work in it, and having enough sense seeing what is going on around you, that are being disparaged by some of the people in this debate.

The House passed a good growth tax bill. It will put people back to work. In fact, the analysis tells us it will put as many as 170,000 Americans back to work in its first year alone. That is not enough, but it is something.

Now, the other body, Mr. Speaker, has decided that they know better than the President of the United States, they know better than the House of Representatives, they know better than John F. Kennedy, they know better, even indeed, than Mike Berg, bless his heart. They said no, we do not want

to cut people's taxes. We do not want to do anything for people who are greedy, because people who want to keep their own money that they earn are greedy, especially if they are people that also saved for a large part of their life, bought stocks and made investments so they could be part owners in corporations. They are greedy. The other body, of course, being a righteous place, has no time for such folks as that.

So, what did they do instead? They say let us put a bill together where instead of letting people keep their own money and take care of their own business for themselves, we will keep their money and spend it on those people that we perceive to be needy, not greedy.

This little old graph we have here with all these cute icons here, which were generated, by the way, by Windows, shows you some of the people that they felt needed these special government programs. Apple producers, apricot producers, asparagus producers, producers of bell peppers. You have a special provision for business on meat. I do not know how PETA feels about that, but they are taking care of killing the Buffalo. Blueberries, cabbage, cantaloupe, cauliflower, cherries, corn, cucumbers, egg plants, flowers. Investment bankers, they have a bucket in there that says a special program for the unemployed should now be made available for investment bankers, bless their heart. Movie makers, onions, potatoes, strawberries, tuna fish. Charlie the tuna gets a spending program under the other body's bill. Tomatoes, peas and pears.

I want to do a little bit of fundamental calculation here and say that blueberries, cabbage, cantaloupe and cauliflower do not add up to growth in jobs. They add up to special government spending programs to take that money that is earned by people who are making a living and give it over to other people. It will not stimulate the economy.

They say well, spending will stimulate the economy. Let me remind you, we have already appropriated since the 11th of September \$100 billion of new government spending. That spending is for anti-terrorism and a lot of things, and it is important.

What we need to do is one simple thing: Do we have the decency to respect the productive economic work genius of the American people and say to the American people, let us leave in your hands more of the money that you earned, so that you can rebuild your economy that supports us in Washington so well? That is the only decent question that can be asked in this circumstance.

Not only is it a matter of decency, it is a matter of what will work. What will work. Do we want to put people back to work in America, or do we

want to give people a greater opportunity to be more dependent upon the Federal Government? That is what this debate is about, and we should make no mistake about it.

I have got to tell you, Mr. Speaker, I love America. I even, on most occasions, like our government. But my momma did not raise me to be dependent upon the Federal Government. She raised me to get a job, go to work, pay my taxes, take care of my family, save some of my money to help build a business that enables somebody else to go to work, so by their productive efforts sometime in the future I can enjoy my retirement from the savings I have. That is who we are in this country. We are not a nation of people who believes they are supported by the government. We are a nation of people who know that it is by our sacrifice that we support the government.

One of the areas in which we could do that, and should have done so even in the House and will do so in a more complete way someplace in the future, is to put a permanent end to this awful injustice called the death tax. We have with us today, Mr. Speaker, a champion of justice in this regard, the gentlewoman from Washington (Ms. DUNN), who believes that if you work hard all your life and you build something of value to your life's work and you come to the end of your days, you ought to be able to leave that to your children instead of the government. Bless her heart.

Furthermore, in the practical side of things, she understands that if you are free to leave the fruit of your life's labor to your children, rather than the government, you are going to work harder, produce a little more, build a bigger business and create greater job opportunities for a lot of people. She is the champion of this.

I see we have the gentlewoman from Washington (Ms. DUNN) here. If the gentlewoman would like to contribute to this discourse, we would certainly like to hear from her on this.

I yield to the gentlewoman from Washington.

Ms. DUNN. Mr. Speaker, I thank the Majority Leader very much. I want to thank the Majority Leader, the gentleman from Texas (Mr. ARMEY), for organizing this public explanation of the stimulus package. I think it is terribly important that we get the message out to people all over the country that there is a difference, and it should not be surprising that there is a difference in the way this body and the Republicans versus the Senate and their Democrats approach stimulating the economy.

If you look at it very carefully and you review the approach, as the gentleman from Texas has done, it is very clear the debate we are having today is a debate about private sector growth versus growth in government spending. That is what this really is about.

I think the House bill is a very balanced bill. I think it is a responsible bill. It is a bill that is balanced between assistance for people who are out there earning in the job market and business tax cuts that will generate economic growth, and do that through creating new jobs or keeping jobs that are currently in the economy and are currently threatened by our lagging economy.

The business tax cuts have been demonized, as the gentleman from Texas said, by the opposition. They have been called giveaways to wealthy corporations. In reality, the expensing and depreciation provisions actually give companies a greater incentive to invest, and we believe that private investment is the linchpin for economic growth. That is why we have focused our time and attention on this and developed a plan that produces some very, very serious incentives for investment.

The corporate AMT repeal has drawn a whole lot of criticism from our opponents. It actually rids our Tax Code of a very unnecessary-now layer of taxation that ties up needed cash. In 1987, roughly 15,000 companies paid the AMT, or the Alternative Minimum Tax. Fifteen years later, 30,000 companies are caught up in this very complicated tax regime.

The exemptions which earlier provided an incentive for corporations not to pay taxes to avoid paying regular income taxes now are gone, and there is no reason to keep this AMT, because it just forces a company to calculate taxes in two different ways. It takes their time, it takes their money, it takes their manpower that they should be focusing on other things that will make their companies successful. That is why the nonpartisan Joint Committee on Taxation has identified the repeal of the corporate AMT as a way to make the Tax Code more equitable and more efficient and, of course, simpler.

Worst of all, as the economy continues to slow down, companies will be caught up in this very complicated calculation, and that is the last thing that we should be doing today, especially for small businesses and especially during a potential recession period. We should not be punishing our companies with complicated, expensive, unnecessary paperwork.

The House bill also directs personal tax relief to hard-working, middle-class Americans. We have reduced the 28 percent tax rate to 25 percent immediately, immediately, and that means that a family with \$55,000 in earnings could save several hundred dollars in taxes every year from now on. This is money that can be used to pay for clothes or buy braces for children or make a car payment or buy a new washer or dryer or buy children's tennis shoes to prepare for school in the

fall. In my own home State of Washington, 660,000 taxpayers will benefit from this reduction in the marginal rate from 28 percent to 25 percent.

A further huge simplification of the Tax Code takes place through the reduction in the capital gains tax, eliminating that 5 year holding period that has complicated the Tax Code down to a holding period of 1 year. It allows almost everybody to be able to pay capital gains at the rate of 18 percent. It is 2 percent, but it is a lot of dollars if you are thinking about selling your house. I think it will unlock assets that might have been held before to wait for a lower capital gains. This bill includes that.

The House bill also addresses the needs of unemployed workers. In my part of the Nation, this is terribly important. We are losing up to 30,000 jobs at the Boeing Corporation alone. Another 900 at the Nordstrom Corporation. We know that these people want to work, and we know that their most pressing needs are in the short-term. So our bill, very much unlike the Senate bill, does not create another health care entitlement program, but it directs dollars in the form of block grants to the governors of the states all over the Nation, and eventually to the workers themselves, the flexibility to face their specific needs. So they can cover those health care premiums and they can cover the retraining that is necessary if somebody has lost a job.

Washington State, wracked by recent layoffs, will receive about \$256 million out of this grant that will aid unemployed workers through retraining programs and health care coverage.

In comparison, the Senate bill is a road map to bigger government. The Senate bill is a road map to greater spending. We have already spent since September 11 \$100 billion to increase spending and to give help to New York City and to other parts of our Nation. We know that is very important. The Senate bill is more spending, and we do not need additional spending.

What will providing tax exempt bonds for Amtrak do to benefit our economy in the short-term, which is the goal of this stimulus package? What about the host of emergency agricultural subsidies? The narrow tax benefits that are aimed at bison ranchers and citrus growers, they are not what the President had in mind when he outlined his approach to the stimulus.

The Senate bill's greatest failure is it really does, when you get down to the bottom line, leave out the average taxpayer. There is not one single American income tax payer that will receive a benefit from the Senate bill. That is terribly important. It is just the contrary of what we try to do in our immediate stimulus by putting dollars back into the pockets of the folks who earned these dollars.

Compare this to the House bill. For example, simply from that reduction in the 28 percent tax rate to 25 percent, 25 million Americans will be immediately benefited by a decrease in their withholding taxes.

By any objective measure, Mr. Speaker, the House bill will stimulate growth in the private sector. I do hope that the Senate will realize that the best way to increase consumer spending is to put more money in the pockets of working Americans, not into new government programs.

□ 1545

I hope that we can bring to conference two strong bills so that the result will stimulate this lagging economy and stimulate it immediately to help all Americans help us get back on our feet.

Mr. ARMEY. Mr. Speaker, I think one of the points that the gentlewoman from Washington made that we ought to really focus on is that in the House-passed bill, we accelerate to this moment a reduction in taxes from 28 to 25 percent for those hard-working, middle-income Americans who pay those taxes. And in that bill passed by the other body, there is not one penny's worth of tax reduction to anyone who pays income taxes in America. Quite frankly, that misses the mark of fairness and it misses the mark of inspiration or encouragement to more work. I thank the gentlewoman.

We also have with us today another member of the committee; the Committee on Ways and Means is obviously very proud of their work because we have them well represented here. Mr. Speaker, I yield to the gentleman from Florida (Mr. FOLEY), one of the really effective people on that committee that has worked so hard on this tax bill, and I believe the gentleman from Florida too is very pleased with what we have done and what might come of the House bill for job opportunities in America.

Mr. FOLEY. Mr. Speaker, let me thank the majority leader for his comments and for his bringing us together to discuss this important bill on the floor. I asked the gentleman's staff whether I would get 3 credit hours for the wind-up there, because I think it is important. I want to let everyone know I did not graduate from college. I started a little family business when I was 20 years old. I was in my second year of community college. I started a small restaurant and then pursued my entrepreneurial dreams of having my own business.

It is interesting when this bill is being described, and obviously, some on the other side of the aisle, some in the other Chamber, zero in on one or two issues and they try and create this impression that the bill that is passed by the House Committee on Ways and Means and then adopted by the floor is

exclusively about one simple provision. If we can obfuscate the truth and create dust or clutter or create an element of doubt in the mind of the taxpayer or the person reading the newspaper, then maybe we have been successful in distorting the fine product that is before us today.

I do not think one needs a degree from college to understand what it is like in the real world earning money, for providing for family, paying bills on time, and it certainly does not take an economic genius to realize people are hurting now and the economy is suffering. It was suffering before September 11, it became more dramatic after September 11.

I do not understand about the other side of the aisle's argument, and I think it largely was the reason that a certain gentleman from Tennessee failed to make it to the White House, is that they actually punish people under their approach for success.

Now, follow me, if you will. The other side of the aisle spends a lot of time on education. We need good education. We need to give more money for education. And then when you are educated and successful, they then turn the argument around and say, but excuse me, we are going to raise your taxes. We are going to take more money from you. We are going to crimp your lifestyle by taking money out of your wallet and transferring it to some program that we deem important, we, the potentate, the Federal Government, telling you how to use your money, you all do not get a say in it. We just take it from you and deploy it.

Now, when they are criticizing the bill, I do not hear them speaking of important issues that were important to the gentleman from New York (Mr. RANGEL) like the work opportunity tax credit, the welfare to work tax credit. Hardly sounds like tax cuts for the rich. We work on domestic energy sources, including wind production, biomass, things that will stimulate and remove our dependency on foreign oil. They do not talk about that. They do not talk about qualified zone academy bonds. They did not talk about a number of the things that are in this bill that provide real stimulus.

We talk about capital gains. Yes, capital gains to some sound like a buzzword for rich people. Forty-eight percent of the American public is now investing in equities. Maybe something as simple as buying your first share of stock or maybe adding to your portfolio to secure a more meaningful retirement. But by allowing you under your bill to keep more of your money and manage your resources more wisely, we create the economic stimulus for the economy to weather this rather difficult period.

Now, we can bay at the moon and we can single out corporations; in fact, let me raise this other point that I think

is important, because there was some conversation about tax benefits to corporations, and I think the gentleman from Texas (Mr. ARMEY) raised the point very brilliantly. But where are the people from Detroit, the Members of Congress? Because the people that are apparently benefiting under this bill, those corporations that employ a large number of workers in America, Ford and GM and some of the names they mentioned in hysteria, they were here defending them in other debates on energy consumption, on SUV vehicles; they were saying, if we did this provision we would hurt Detroit. They are not here on the aisle or talking or conversing with us or trying to pass this bill that may help the workers at Ford, not the corporate chieftains at Ford but the workers.

So I commend this bill and I thank the majority leader for giving us the chance to verbalize and to suggest to the other side, rather than focusing your ill intentions on one specific provision of the bill, read the bill. Read the benefits. Look at the constituents who will benefit.

I draw that one more suggestion, that if you look at work opportunity tax credits, welfare to work tax credits, these do not seem like unusual proposals. These seem like hard-hitting proposals that help average Americans who are struggling today. This bill accomplishes it.

Mr. Speaker, I commend the gentleman for bringing us together, and I look forward to other debates from Members of Congress.

Mr. ARMEY. Mr. Speaker, I thank the gentleman from Florida for his remarks. Let me make an observation based on his concluding remarks. These are not unusual, strange, or new proposals. These are exactly the proposals that were applauded across this land in 1962 when first proposed by then President John F. Kennedy. They worked in 1962. The only thing that was different is by 1962, we had never enacted anything in our Tax Code that was as inane as the alternative minimum tax. So if we want to look at it this way, we can say this is trying to get us where Kennedy got us to in 1962, and I have to say, looking at some of the leaders in the other body, I do not understand what their beef was that they were applauding in 1962.

We now have, Mr. Speaker, one of my favorite Texans, the gentleman from Texas (Mr. SESSIONS), my neighbor, a distinguished member of the Committee on Rules, a hard-working, saving sort of fellow who understands what it is like to meet a payroll from the working end. I appreciate the opportunity to yield some time to the gentleman from Texas (Mr. SESSIONS).

Mr. SESSIONS. Mr. Speaker, I appreciate the gentleman yielding, my friend, the majority leader, who just a matter of a few years ago was Pro-

fessor or Dr. DICK ARMEY, the Professor of Economics at North Texas University in Denton.

Mr. Speaker, what we are talking about here is a stimulation package, a stimulus package that would give the American people back more of their hard-earned money, and what has been talked about here today is the Democrat plan versus the Republican plan. The plan that our colleagues on the other side of the aisle have presented is one whereby this government would spend more money on pork. The gentleman had the pork that was on the board.

Our plan, as Republicans, is really quite simple. What we want to do is we want to, instead of having the government spend money to stimulate the economy, we would like to give people back, taxpayers, their hard-earned money.

Today I would like to spend just a few minutes to show the differences in a comparison of what the two bills do when we talk about giving more take-home pay to the American public, the people who get up and go to work every single day, as I did when I was in the private sector for 16 years, and never missed a day of work. I loved it. I love serving this body, and I try and give the same vigor and vitality to this body, just like many hard-working people in their jobs give to their companies so that they can take care of their families.

Our Economic Security and Recovery Act is known as H.R. 3090. If we look at H.R. 3090, it will increase by an average of \$708 the disposable income of a family each year over the next 4 years as compared to \$176 by the competing plan offered by the Democrats. That is \$708 more take-home pay on average for a family of 4 compared to \$176.

Secondly, a recent survey showed that 90 percent of consumers have delayed making major purchases. They have quit buying things as a result of the economic circumstance that we have here. What we are going to do is put more dollars in people's hands where they can have not only the ability to make this decision to buy more, but that they can get it done quickly. We are not going to wait. We are going to give it to the American public now.

The number of Americans claiming unemployment insurance benefits rose to an 18-year high of almost 3.7 million, which is an increase over the previous year of \$1.5 million. While the Democrats focus really solely on the unemployment benefits, we as Republicans want to ensure that they get their jobs back. This is about job creation and job growth. H.R. 3090, as has been predicted, would produce twice the number of jobs that the Senate proposal would do. Also, we want to make sure that we make it easier for investment, people to invest in this country, which will produce jobs. H.R. 3090 will in-

crease investment by \$9.5 billion each year as compared to just \$1.2 billion each year under the Senate plan.

But we sometimes have to dig deeper. We have to look at the facts of the case, and the facts of the case that produce this money back to people comes from us offering a rebate to people. The people who got the \$300 checks this year represented a lot of Americans and they needed that money, but there were a lot of Americans that only got \$150 rather than the \$300. The Republican plan, the economic stimulus plan gives money back to the middle class workers of this country, and that is going to provide \$13 billion over 10 years where people will get this money back.

Secondly, we are going to reduce the tax burden on people, on Americans who get up and go to work every day. We are going to change those in the 28 percent tax bracket today to effective immediately this tax year, to the 25 percent tax bracket. One might say, boy, you are helping out some middle class people, yes, but how much money? \$53.6 billion over 10 years. That is what Republicans are trying to do. We are trying to take this package and instead of having government spending to stimulate the economy, we are trying to make sure that people who work for a living have more take-home pay, to where they can make decisions about how they want their money spent, how they can make decisions about the things that are important to them and their families and give them back the power.

The fact of the matter is this: money equals power. And if you have the money, you have the power. In this instance, one party wants the money in Washington so they have the power, and in the same circumstance, another party, the Republican Party, wants to give money back to people, because we believe the middle class of this country, the people who work for the money, deserve to get it back.

I applaud the gentleman from Texas, our majority leader (Mr. ARMEY), not only for being the catalyst of today's presentation, but him embodying the things which I believe in of what this economic stimulus package is about.

□ 1600

I am proud to call him my friend, and I am very pleased to participate today. I want to thank the majority leader for the time.

Mr. ARMEY. I thank the gentleman from Texas.

Mr. Speaker, I should point out that the tax provisions for individuals described by the gentleman from Texas, when found in the House bill, represent some portion of or virtually 100 percent of the bill that goes to tax reduction incentives for growth through consumption and investment.

The tax provisions he cited in the other body's bill represent only 30 percent of the total package, and 70 percent of the total package go on spending programs, programs we are talking about here.

We are really blessed, Mr. Speaker, to have somebody from the great State of Nebraska here, most notably the gentleman from Omaha, Nebraska (Mr. TERRY), because Omaha is one of the great meat processing centers of this great Nation.

I am guessing that perhaps, Mr. Speaker, the gentleman from Omaha can help us wrestle with one of the detailed questions in the other body's proposal. They have a special proposal for buffalo meat, processing, growing, and slaughtering buffalo.

There is also on the Great Plains of America a special hybrid animal called a beefalo, which is a crossbreed between a cow and a buffalo. The question we are asking, and where we are puzzled in terms of the fine-tuning of this other body's package, is if we give a subsidy for buffalo meat, do we only give, then, half a subsidy for beefalo meat?

These are the kinds of details that have to be worked out when we are trying to spread the pork around. We have to make sure that we cover the buffalo and beefalo, and do so equitably. We have to work and help that. So I am very proud to have the gentleman from Omaha here to help me wrestle with these detailed questions that are left unanswered by the other body.

Mr. Speaker, I yield to the gentleman from Nebraska (Mr. TERRY).

Mr. TERRY. Mr. Speaker, I do appreciate that, I say to the majority leader and recovering professor of economics from north Texas. The great majority leader teases me about my past as a lawyer.

But not only are there such complications as the beefalo, and whether or not those that raise the mixed breeds of buffalo and cattle would be entitled to a 50 percent subsidy, but considering that the Colorado Buffalos are the next team on our schedule and standing in our way of a national championship, I doubt there would be any Nebraskans that would tolerate congressional support of buffalos to any degree.

Mr. ARMEY. I have no doubt that the Speaker would agree with the gentleman, Mr. Speaker.

Mr. TERRY. Yes, Mr. Speaker. But this is a very serious matter, even though we jest about such silly things in the Senate bill, and how their philosophy is to focus on these individual pork projects, as opposed to the stimulus package we have laid out for the people of America.

Shortly before we voted on this stimulus package in the House, Mr. Speaker, and shortly before our mail was stopped by anthrax threats, I received

a letter from a mother in Omaha. As the father of three young boys, when I get letters from young mothers, they are particularly touching, but this one even more so, because she talked about how her husband, the breadwinner of this family, the one who puts the food on the table for her children in their small household, had just been laid off. It was really a heart-wrenching story.

Frankly, Omaha is better off. Our unemployment rate has gone up significantly, but it is better than most communities around the Nation. Yet, this is still very real about people losing their jobs. At this point in time we read almost weekly reports of consumer confidence being way off, manufacturing and trade sales are weakest. We got some good news with the auto industry because of some zero percent financing in attempts to sell new cars.

I really believe that this is the time, now is the time for us in Congress to not be timid but to do what it takes to stimulate the economy, because we are talking about people's jobs. We must stand resolute, I say to the gentleman from Texas (Mr. ARMEY), the majority leader, and all of my colleagues here in Congress, and to focus our stimulus package on job creation and retention of those jobs. It is called capital investments.

It is not trying to find a specific industry from one's particular area that we want to just help out, or because somebody we know raises buffalo. We have to think much broader and deeper than that.

One of the things that I am proud about our stimulus package is that it creates 160,000 jobs over the next year, and as much as 220,000 jobs by 2004. So at a time when we are receiving letters from mothers worried about the loss of their bread, we are passing a stimulus package that can create and retain jobs. I am rather proud of that. The average family of four could see an increase in their take-home pay, what they use to put that bread and butter on the table, of about \$940.

As the gentleman has said and as the gentleman from Texas (Mr. SESSIONS) has said, the rapid reduction of the 28 percent income tax rate to 25 percent, and making that so it is good now, that reduction now, that is huge for those individual filers. That is money in their pockets. That is real.

I want to talk particularly, in the few minutes left that I have here, about two tax matters in particular that I think are important to stimulating the economy and reversing the economic trend.

The first is to encourage increased productivity through the release of assets by reducing capital gains taxes. I really strongly believe that this should be a key pillar component of our stimulus package, and it is not. As I understand, that has been stripped out of the Senate version.

Now, hopefully there can be enough economists in this world who can stimulate them to put it back in, but it is just absurd to me that that has been stripped out.

Capital gains tax relief, as the gentleman mentioned in his speech, encourages the investment that will, I believe, revitalize American businesses.

According to the congressional Joint Economic Committee, and I want to read this so I get it straight for the RECORD here, and the Joint Economic Committee is bipartisan, nonbipartisan, it says, "A capital gains tax reduction would help promote economic growth, benefit taxpayers across the income spectrum, and mitigate the unfair effects of taxing inflation-generated gains."

Savings and investment drive the companies that drive the job market. American business will use the injection of additional investment capital from a reduction in capital gains to create business opportunities, to streamline their businesses and become more effective and powerful, to continue the research and development efforts, and, again, to improve productivity. With the expansion that increased investment creates, companies can increase their capacities to produce. That means more jobs. That means more jobs.

It just baffles me how people cannot grasp that simple thing. I am not on the Committee on Ways and Means or a tax professor or economic professor, but that is just a simple premise of business, as the gentleman from Florida (Mr. FOLEY) had pointed out.

I hear the arguments, and again it just bothers me, that we are giving to the rich and we should be paying off the debt, or that it could destabilize the stock market, which are really bogus arguments, when we think them through.

First of all, that it could destabilize the market, we are transferring one asset: There is a buyer, there is a seller. How that is destabilizing is beyond me when it is just a simple transfer of assets. Yet, when we think about a change of ownership in capital, what occurs? A taxable event. The gentleman from Washington pointed this out, and it is just an important thing that we need to not lose sight of.

There are a lot of businesses, there are a lot of individuals, that are holding onto their assets right now, Mr. Majority leader, because they do not want to sell because of the punitive current nature of our capital gains tax. They expect and want a capital gains reduction, and they are waiting for Congress to act.

There will be a swirl of activity when we reduce that. But until we reduce it and create that swirl, they are going to continue to hold on. What we need to tell people, and somehow inform the press, is that when there is that swirl

of activity, we have a taxable event and actually increase the dollars that can come out. It is a win-win situation, and the people that hold those assets win because their assets are worth more because we are not taking more of their money, but yet it creates the event.

Would the gentleman expand on that, as an economics professor?

Mr. ARMEY. I want to thank the gentleman, Mr. Speaker. Actually, the great insight was given on this by a famous economist named Frederic Bastiat 200 years ago when he made the point that the poor man makes his living off the rich man's assets, particularly his capital assets.

The gentleman from Nebraska (Mr. TERRY) I think at this point perhaps might want to agree with me that we should bring in the distinguished gentleman from Wisconsin (Mr. RYAN), who is looking at my board of icons here and seeing nothing for cheese, and is being somewhat disgruntled with the other body for leaving cheese off.

If I may say very quickly before I yield to the gentleman from Wisconsin, as I said, these icons were all generated by Windows 98, one of the great softwares in America.

We could not find an icon to represent chicken manure, but I did not want to let the hour pass without making the point that we should not be disappointed in our colleagues on the other side of the building. There are in fact special provisions for, get this, processing chicken manure as a way to generate electricity, as their idea of how to resolve our current energy crisis. They are comprehensive in their folly, and we should not leave anything out, nor fail to comment.

So not making an association between his favorite football team and chicken manure, I would love to yield to the gentleman from Wisconsin (Mr. RYAN).

Mr. RYAN of Wisconsin. Mr. Speaker, I, on behalf of the Green Bay Packers, will not take offense at that. I thank the majority leader, and unfortunately, I can understand we cannot be perfect in yielding.

I think there is an interesting comment that was in an editorial recently quoting an old Forest Gump line. That comment is, "Stimulus is as stimulus does. It is not a stimulus package if it does not stimulate the economy."

We can take a look at the two different approaches that are being taken right now, because we now see what the Senate has to offer. I am pleased that they have an alternative in place. That is important. For this place to work, we have to get ideas on the table, we have to push legislation, and then we have to get them through and onto the President's desk.

But we have two different ideas here. In the Senate, we have an idea. It is an old idea, an idea that has been around

a long, long time ago. Some call it Keynesian economics. I think we have a lot of new converts to that school of thought.

Their idea is to spend more money: spending, spending to try and get our economy back on its feet. But I would argue, Mr. Majority leader and Mr. Speaker, that spending more money is not going to fix our economy. If we thought that spending more money on top of the two plus trillion budget today would get us out of recession, it would have already worked, because right now we are spending more than we ever have in the history of the Federal Government. We are spending more in the Federal Government than the rate of inflation, about two to three times the rate of inflation. We have already spent over \$100 billion in emergency spending since the beginning of the year, and in the wake of this terrorist tragedy.

So spending more money here in Washington, artificially keeping taxes high, is not the answer. But when we look at the recessions of the past, when we take a look at all of the jobs that have been lost, we look at what has worked and what has not worked, that is what we did in the House side.

When we look at the past when we cut taxes on capital, when we made it easier to invest in America and invest in jobs, when we lowered the tax on risk, the tax on capital, guess what: We had more investment and we had more jobs.

There are not a lot of things that Congress really can do to grow the economy. We have the Federal Reserve and monetary policy, we have the Congress and fiscal policy. There is one thing that we can get wrong and there is one thing that we can get right.

The thing that we can get wrong is that we can spend, spend, spend and raise that baseline of spending, and dig ourselves deeper into debt for the future, so that we send our children and their grandchildren an even larger bill in the form of greater debt.

But the one thing that we can get right in fiscal policy here in Congress is that we can look at who creates jobs in this country, how jobs are created, and what can we do to make it easier to create jobs. When we look at that, we see that there are a lot of taxes that are levied on capital, a lot of taxes that are levied on investment.

When we look at this recession, like other recessions it started with a big drop in investment, a 72 percent decline in venture capital. Venture capital a year ago was about \$35 billion. Today it is \$8 billion. That is the seed corn that starts every small business.

When we see the small businesses dying on the vine all over the place, small businesses closing their doors, huge layoffs at our largest employers across the country, we see a huge decline in investment in those companies, in those businesses.

The one thing that we can control is we can make investment cheaper, we can make risk-taking less risky, by reducing the price on those investments, the price on risk. That means reducing the tax on those things by making it easier through the Tax Code, by lowering the bias against saving, the bias against investment, by making it easier for businesses to reinvest in their corporations, by making it easier for the market to take risks, to take capital risks, to invest in new ideas.

That way we can create jobs. Every time we have cut the capital gains tax, every time we have accelerated depreciation, every time we have cut marginal income tax rates across-the-board in this last century, every time we have done that we have created more jobs. We have improved the growth of the economy.

□ 1615

And we duly increased revenue coming into the Federal Government in those sources. So we see that there is a big difference here. On the one side we are focused on one thing and one thing only, jobs; getting people back to work, making sure that they are working.

On the other body's side, they want to spend more money here in Washington, and that is the difference. And the problem with that kind of thinking is, the problem with the idea that we need to have more rebates and more spending is that we are going to get consumers to all of the sudden spend more money. Consumers are not going to spend more money if they do not have jobs, if they are losing more jobs.

So I think what we have to be in the House is really admirable. We need to build on this; and we have to learn the lessons of the past, and, that is, simply spending more money in Washington is not going to get people back to work. But making it easier for Americans, for small, medium and large businesses to invest in their people, in their companies, making it easier to create jobs, that is what we can do. And we can help here in Congress to make it easier to create jobs. That is what we are trying to do.

Mr. Speaker, I thank the majority leader.

Mr. ARMEY. Mr. Speaker, if I could make a couple of concluding observations. First of all, I want to thank everybody participating.

Mr. Speaker, the difference between the two propositions that are advanced in the House, already passed the House and that which they are working in the Senate, in the other body they are saying, let us show you what we can do for our friends with your money. What the House said was, let us see what you can do for yourselves if you keep your money.

I think we have addressed America in the appropriate way. And finally it is said, Mr. Speaker, that a recession is

when your neighbor is out of a job. A depression is when you are out of a job. Well, everyone in this legislative body on both sides of the building have neighbors out of jobs. We are the only ones of their neighbors that they can say, if you do your job right, I am get my job back. They have a right to expect that of us. And we have an obligation to understand, if we do our job wrong and they do not get their job back, we will have a depression.

HATE CRIMES IN AMERICA

The SPEAKER pro tempore (Mr. FORBES). Under the Speaker's announced policy of January 3, 2001, the gentlewoman from California (Ms. WOOLSEY) is recognized for 60 minutes as the designee of the minority leader.

Ms. WOOLSEY. Mr. Speaker, I rise with my colleagues today to address hate crimes, an important issue that is being ignored by this Congress.

First, I would like to thank my Democratic colleagues for joining me today to talk about the importance of tolerance and why we must disavow hateful acts, acts that are being committed across this Nation in the wake of September 11. Their participation shows the commitment we as a Congress must make to protect our children and our families and all Americans from hate.

Mr. Speaker, I do not have to tell you that hate crimes are not new. The problem today is they are not just isolated incidents. Instead, they represent an alarming nationwide trend. This trend is shown on the chart to my right.

As the chart clearly shows compared to the number of incidents reported in the first 8 months of 2001, hate crimes against Muslim and Arab Americans have increased dramatically since September 11. Nationwide reports indicate a 162 percent increase in the number of new hate crimes. As of August, 2001, there were 366 incidents reported across our country.

But in the wake of September 11, this number has risen to 959 reported accounts of assault, intimidation, racial profiling, deaths, and public harassment. This dramatic increase is found in several States in particular, including New York, Pennsylvania, Kentucky, and Massachusetts.

Sadly, in the case of my home State of California, hate crimes have risen by 225 percent. This underlines the seriousness of a new wave of hate crimes, especially when California is the most diverse State in our Union and certainly a State that thrives because of our diverse population.

Many of my colleagues know the popular saying, "As goes California, goes the Nation." Well, we want that to be true in most cases; but in the case of hate crimes, we must face the fact and realize that California's 225 percent in-

crease could become common place across the Nation if we do not act now to stem the tide.

Mr. Speaker, that is why the communities that I represent and the communities across the Nation, including Marin and Sonoma Counties, just north of the Golden Gate Bridge, the counties that I work for, are actually horrified by these acts of hate, these acts of fear, ignorance, and bigotry. In particular, our constituents are outraged that countless stories of harassment and shootings and bias are being directed at our children.

We have read about the hate crimes being committed, the threat to a turban-wearing Sikh in Connecticut, the attack of a woman on a Maryland college campus, rocks thrown through the open bedroom window in Roanoke, Virginia. But then we learn that the victim in Connecticut was a second grader, the woman was a teenager attacked by fellow young adults, and the child who was barely missed from being hit by a rock was only 2 years old. The tragedy, the unacceptable nature of hate crimes becomes all the more clear when we learn of these stories.

It is unacceptable that throughout our country Muslim or Muslim-appearing children are fearful of attacks on their own streets, in their homes, and at their schools in the wake of September 11. As a result, some Muslim private schools have canceled classes; parents are being asked to help patrol school yards; and according to the American Arab Anti-Discrimination Committee, parents are keeping their children home from both public and private schools.

In fact, law enforcement officials and leaders in Arab American and Muslim communities are preparing for more trouble because children are still being attacked by fellow classmates and schools are being vandalized.

Last week, two Malaysian students at Indiana University were assaulted, and an Afghan student in New York was attacked by a fellow student; and only last month a threatening note found at a Palmdale, California, high school forced five Muslim American students home for their own safety.

I ask my colleagues, is this what we want to teach our children? I know the answer is a resounding no; but the fact remains that children and their families are suffering as a result of ignorance, fear, and hate.

Mr. Speaker, it is unacceptable; and it is exactly why this Congress must send a very strong message that hate crimes will not be tolerated. That is why we must strengthen our existing laws to protect families and children against all hate crimes.

Fortunately, we have a bipartisan bill. It is legislation in this House that has 199 cosponsors, and this legislation will help combat these hateful crimes.

The gentleman from Michigan's (Mr. CONYERS) bill, H.R. 1343, Local Law En-

forcement Hate Crimes Prevention Act, will add teeth to the existing laws by making it easier for Federal law enforcement to investigate and prosecute crimes motivated by race, color, religion and national origin, as well as adding gender, sexual orientation and disability.

Yet even with an overwhelming number of bipartisan cosponsors, I told my colleagues this bill has 199 bipartisan cosponsors, this legislation has been cast aside by the Republican leadership, and that is just plain wrong. If there is ever a time that we needed to be passing hate crime legislation, that time is now.

That is why I am here today, Mr. Speaker, to encourage the Republican leadership to address this important issue, to urge them to bring the Conyers bill to the floor; and I have with me my colleague, the gentleman from Ohio (Mr. SAWYER), who is going to talk to us about an incident in Ohio. I thank him for joining me.

Mr. SAWYER. Mr. Speaker, I am grateful to my always thoughtful colleague, the gentlewoman from California (Ms. WOOLSEY), for her work on this important issue. I join her in thanks to the gentleman from Michigan (Mr. CONYERS) for his effort, his always civil, thoughtful, and insightful approach to issues of this kind.

I am not here to make a speech so much as I am to tell a story, but I hope that it is one of those stories that will illustrate what brings both of us and others later on this afternoon to the floor on this subject.

I do not believe, I certainly do not want to believe, that it is a story of hatred, but it is a story I believe of ignorance; and it is the kind of ignorance which, unchecked, leads to hatred. It is the kind of ignorance which, unchecked, gives license to hateful behavior; and it is the kind of ignorance which needs to be addressed at its core.

I am going to try to make sure that I do not mention the name of the institution because I tell you that the place where this occurred is well known to most Americans. It is a wonderful institution. When I get done, I hope you will agree with me, that they have made a serious mistake or may well have made a serious mistake; and I think it is important that they have the room and the latitude in which to reconsider that mistake.

The story is basically this: it begins shortly before nine o'clock on the morning of September 11. Dr. Taranjit Sangari, a physician, was coming off of his work in the ICU, and was talking with a colleague of his in their native Punjabi. His English is perfectly usable, but they were sharing a joke; and as they walked past a group of people who were unknown to them and who did not know either physician, were speaking animatedly and laughing.

Ms. WOOLSEY. Would the gentleman yield just a minute?

Mr. SAWYER. Surely.

Ms. WOOLSEY. That was before September 11?

Mr. SAWYER. This was on the morning of September 11, just before 9 o'clock. As we all know, the events were unfolding at this very moment.

Ms. WOOLSEY. Right.

Mr. SAWYER. In as much as the doctor had been in the intensive care unit, he had had no access to a television. He saw people gathered around a television, had no idea what was going on; and the truth of the matter is that later on in the day, he was accused of inappropriate behavior in an area occupied by patients.

He was accused of celebrating what was being revealed on the television at that point, laughing about it, gesturing, when, in fact, in all probability, since they were both speaking in Punjabi, no one could have told what they were saying, and he had no idea and no opportunity to know what had happened in the world. I quote from his account as he spoke, in writing, to the appeals committee of the institution at which he works.

He says: "I am a Sikh from India. I have never been to the Middle East nor have I been to Pakistan. To accuse a Sikh of sympathizing with any terrorist reflects a complete misunderstanding and ignorance of the history of the Sikhs. If anything, anyone who knows anything about Sikhs and their history should have expected that a Sikh would have had a deeply rooted antipathy for the culture that produced the terrorists. I do not. I practice tolerance and acceptance of all cultures and religions, including Muslims. It is unfortunate that my accusers do not subscribe to the same values."

"On September 11 I made the mistake of wearing a turban and a beard to work and joking with a colleague while speaking Punjabi. I wear the traditional ceremonial turban and beard of Sikh men. At the time I spoke with my colleague I had no understanding whatsoever that terrorists had attacked the World Trade Center. When I laughed with my friend, I was teasing him and sharing a joke I had heard earlier that morning. Obviously, as a dark-skinned, bearded man in a turban speaking in a strange tongue and laughing on the very morning of the terrorist attacks I was prejudged by my accusers."

□ 1630

I did not know at the time that terrorists had attacked the targets in New York and Washington and my accusers did not know me."

The tragic fact is that over the course of the next month, in an attempt to relay the experience that he had been through, he found himself a month later in front of a panel where he was afforded very little opportunity to defend himself. The meeting was

held without third party observers or disinterested coworkers. Dr. Sangari was unable to identify or confront his accusers or to bring witnesses. He was not permitted to read witness statements. He was not permitted to have counsel. And, in fact, he has lost his residency at this extraordinary institution without anything that most of us here, regardless of our views of any of this, would regard as due process.

I tell this story because on the one hand I very much hope that this institution will reconsider the way in which it reached its conclusion, but even more importantly, I think it is critically important for those of us who gather here and those who listen to these words to understand that this is as fundamental a violation of the principles for which we struggle and which were attacked on that day. It is every bit as much a travesty, although on a far smaller scale, as the tragedy that has taken place throughout this country and throughout the world.

My hope is that we will learn from this kind of experience; that we will recognize the obligation we all have to one another; that we will understand the enormously important role that Diaspora communities from all over the world can play in assuring the security that we all enjoy in this country; and in recognizing that truly we are all in this together and that a miscarriage of justice through total failure of process is as much an attack on all of the rest of us as it is on Dr. Sangari.

I thank the gentlewoman for the opportunity to tell that story and hope it speaks for itself.

Ms. WOOLSEY. If the gentleman will yield a minute, I want to ask him a question about this.

Mr. SAWYER. Certainly.

Ms. WOOLSEY. So the turban was something the young resident wore daily?

Mr. SAWYER. He wears it daily. He wears a beard daily.

Ms. WOOLSEY. The beard, yes. The language. Had he, in the past, been speaking Punjabi?

Mr. SAWYER. He has, from time to time. His English, I have to tell say, is as usable as yours or mine. But he was sharing a social moment, as I am told. He was sharing a social moment with his friend. It was no more, no less than that.

Ms. WOOLSEY. I thank the gentleman very much for sharing that story. That is just an example of what we are up against, and that was pretty far-reaching as far as dealing with something like that.

Mr. SAWYER. This is a serious issue the gentlewoman brings before us today and I am grateful to her.

Ms. WOOLSEY. That was a rock or a bullet in a different form against that young man. I thank the gentleman.

Now I would like to introduce another colleague, the gentlewoman from

Illinois (Ms. SCHAKOWSKY), and I thank her for joining us this afternoon.

Ms. SCHAKOWSKY. I want to thank the gentlewoman from California for this opportunity. When I heard that she had dedicated an hour to making a special call for tolerance and to disavow hate crimes, I did not want to pass up the opportunity. And based on my district, I felt a special obligation and desire to come down here and speak.

I represent certainly the most diverse district in Illinois, and probably one of the most diverse districts in the country. People view my district on the north side of Chicago, and some of the near northern suburbs, as a kind of gateway to the United States. Immigrants from all over the globe make their home in Chicago, in my district, seeking to become citizens, to send their children to school, to create their livelihood, to fulfill the American Dream that they brought with them from all parts of the world to live out in our country and to seek the promise of freedom and tolerance and the ability to practice their religions.

Generally, that has been true in the district. We all get along, we celebrate together and work together. There is every religion being practiced there and lots of good solid community feelings. But I knew, as soon as we identified those attacks on the Twin Towers as a terrorist attack, and as soon as it was identified as being wrought by terrorists that were using the name of Islam in their attacks, that there was going to be fear in my district among the Muslim and Arab American community in particular. Then I started hearing about comments that were being made to Sikhs.

Again, I think it is important to just note that that reflects a misunderstanding of Sikhs to begin with. But nonetheless, I think anybody who was dark skinned, darker skinned or different, was feeling a sense of fear. So what I decided to do, just to address that a little bit, was the Sunday after the terrorist attack I invited people in the district to take a walk down Devon Avenue.

Now, people who know Chicago know that it is a commercial street that has many, many shops of people of Pakistani origin, from India, and in a certain section there is a lot of immigrants from the former Soviet Union, an orthodox Jewish community, and so everybody works and lives in that neighborhood. About a thousand people joined for a peaceful walk down the street. There were no speeches. We just joined arms and walked together, some chanting "Long Live USA," with different accents, different faces, and there was certainly a solemnity about it because of the terrible incident, but there was a comfort and a joy about that, too.

But when I talked to people on the walk and subsequently, and every week

that I have gone back, I know that there is a lot of fear and that it is grounded. And when I look at the chart that is here, I am sorry to see that, under hate crimes against Muslim and Arab Americans by State, Illinois was not doing so well before September 11, but in the 2 months since that we certainly have had way too many.

So I was hearing from women who were reluctant to go out of the house with their heads covered, who were talking about keeping their children home from school, who were fearful about security around the mosque, who were changing their behavior as a result of threats that were made to them. Not all the comments were hate crimes in the sense of violence or attacks, but hurtful comments that were being made to them on the street or things that were said to taxicab drivers, some of them who decided actually not to drive for a while. I do not know if they are back to driving.

So I guess the thing that should be of concern to all of us is that what the September 11 attack has done is made us reflect on what are the things that are most precious about the United States, about the lives that we live as individuals and the values that we share. And I think none is more precious than the value of tolerance, of individual freedom to be who you are in this country. The recognition that we are a Nation of immigrants, a people coming from all over the world who want to live here, and that we open our arms to those who want to share our values and live them out in their lives, and that when we turn on one another, then in a devastating way the terrorists have struck a blow and that we have to guard against that with as much fervor as we fight the terrorist threat externally. As we search for Osama bin Laden, we also have to search for tolerance. We cannot turn one against another.

I think as leaders of this country, we want to create that sense in our districts, to make sure that we help infuse, to create the culture of tolerance back home in our districts. So that when we check those numbers next month and next year, we see that they have fallen. And, hopefully, with the passage of the Hate Crimes Prevention Act as well that we not just talk about it but we put in to the words of our laws that we stand firmly against intolerance.

I again want to express my appreciation for the opportunity to come down here and just support the words of the gentlewoman from California and to speak on behalf of my district and my community.

Ms. WOOLSEY. Well, I thank the gentlewoman from Illinois for coming and for being such an outspoken colleague for human rights and civil liberties and humanity in general. I think what the gentlewoman has done, and I

compliment her on taking ahold of the issue immediately after September 11, she has prevented some hate crimes, I am certain of that.

And one of the ways we can know that, if my colleagues will look at Virginia and Maryland on this chart, both those States were addressing the issues before September 11. Hence, they do not have an increase in hate crimes in their communities. They were already dealing with something they knew was sensitive and must be addressed and they needed their communities working together.

So the gentlewoman made that difference, too, and I thank her.

I am now honored to introduce my colleague, the gentlewoman from North Carolina (Mrs. CLAYTON). I thank her for joining us.

Mrs. CLAYTON. I want to thank the gentlewoman from California for her continuous and tireless work on this legislation and so many other pieces of legislation. This legislation to pass hate crime legislation was a valuable piece of legislation prior to September 11 and certainly it has been made more essential now since we have had the incident of September 11.

The gentlewoman from Illinois, I think, said it correctly and very eloquently; that what we have come to as a Nation is to begin to value ourselves as Americans, but in that process we have come to value what it is to be an American and what we stand for. And what are those principles? Certainly the principle of diversity, tolerance, freedom to worship, freedom to speak, and that we do not associate misdeeds or crimes with certain people who look a certain way. We call that profiling. We must not profile people because we know they are related to a certain religion that may not be our own faith as Christians and because we think someone in that religion might have done something that is evil and that is unacceptable and so then we brand everyone.

Certainly hate crime legislation was to allow us to treat incidents of crime, assault, speech or violence against someone because they were different for just what it was, that it was only because they were different and, therefore, it was labeled appropriately as hate crime. Now, since this incident has come about, we cannot imagine that we would not want to pass this legislation.

Really, when I think about it, I am astonished that we have not embraced this. Just as we embraced giving the police more authority for tools to arrest people because they had violated the Criminal Code in terms of physical assault or for murder or for destruction of property, we should also be aiding law enforcement with tools to arrest and for prosecution and administering of the law and prevention in this realm of crime, because they are a combina-

tion. That is what terrorism has the effect of doing, is creating an environment where we hate each other, and so it brings terror to us and it alters our thinking and our reasoning.

I would think that we would want to enable and empower our law enforcement with this very tool to say that, as we are getting those who indeed perpetrated this heinous, unthinkable, horrific crime against us, we also want tools that would constrain and prosecute and convict individuals who are perpetrating these crimes.

□ 1645

One would think there would be some balance in this. More importantly, it reinforces who we are as Americans, what it is we are all about, is the freedom and liberty of being separate and different and being able to worship as we want to and being able to speak freely about issues that may not be a popular issue or be able to have an independent thought that goes against the norm. That is what it means to be free, and those are our civil liberties that we are so envied for throughout the world. That is what our young men and women go into the military and fight and die for.

It is a precious right to be an American, and anything that violates that would be the taking away of those liberties. I commend the gentlewoman and would just review what are we afraid of in this law. It is really very straightforward. It gives local authorities, meaning State and local government, the empowerment and authorizes the Attorney General to provide technical, forensic, prosecutorial and other assistance in the criminal investigation or prosecution of any crime that, one, constitutes a crime of violence under the Federal law; two, is motivated by prejudice; and also it authorizes the Attorney General to award assistance and grants to give them information and technical assistance through resources that we can provide.

It further directs the U.S. Sentencing Commission to study and provide sentencing for juveniles who commit hate crimes. It is a range of services and tools both for enforcement, both for prevention and intervention, and gives some guidance on how to deal with young people who are guilty of that.

Even more important, what are we teaching our young people when we are not speaking out for them? Our young people learn a lot from us, and we should set the example. Young people many times have an opportunity to be very cruel to each other, but young people are also quick learners. They know when it is unacceptable, and we ought to set the mark because they want to achieve the high mark. I thank the gentlewoman for challenging us and our colleagues. We just need a few more. There is an extraordinary, large list of bipartisan support; and I urge

the leadership to bring this up for a vote.

Ms. WOOLSEY. Mr. Speaker, I thank the gentlewoman. She has confirmed that the time is now. It is time to vote for expanding the intelligence community's privileges and giving law enforcement more tools as far as going after terrorists. I think the time is now to show our young people that we do not tolerate hate crimes, that we do not paint everybody with the same brush. If one person has shown that they are evil, that does not mean everybody that looks like that person is evil, and that there is no excuse for the United States Congress not to pass a hate crimes bill before we recess for the year.

Mrs. CLAYTON. We can almost pass this on suspension.

Ms. WOOLSEY. Mr. Speaker, it has 199 cosponsors. It is bipartisan. Let us make it happen. I thank the gentlewoman.

Now I am delighted to be joined by the gentlewoman from California (Ms. SOLIS).

Ms. SOLIS. Mr. Speaker, I rise today to support H.R. 1343, the hate crimes bill sponsored by the gentlewoman from California (Ms. WOOLSEY), and I am a cosponsor of the legislation. I am glad that we are beginning that discussion here on the floor tonight.

As Members know, this Nation has seen a sharp rise in hate crimes against individuals perceived to be Muslims or of Arab descent. There have been over 1,140 complaints since September 11. That is more than triple the number of all last year. I am not proud of the fact that California has seen one of the largest increases in hate crimes of all of the States this year. Since September 11 in Los Angeles County, the county that I represent, there have been 156 reported incidents of hate crimes against Arabs or Muslims. That includes two homicides. This is a huge increase over last year when there were 12 reported incidents in Los Angeles County.

I am alarmed at the senseless acts of cowardice which have included physical assaults, hate mail, public harassment and even death. We hear reports of hate groups throughout the country, particularly in the Midwest, that are calling out for people to become recruits and to join in to harass people who look different from them. I think this is wrong, and I think the gentlewoman's legislation will help move us in a direction that will help inform young people to prevent these heinous crimes.

In my own congressional district, I would like to share that, in fact, shortly after the September 11 incident, there was an Egyptian shopkeeper who owned a store in the city of San Gabriel for the last 20 years. People would come and have coffee at his shop. At 3:00 in the afternoon on a Saturday,

two young men shot him point-blank. They did not take one dime from the cash register. They thought he was a radical Muslim or something of that nature. Unfortunately, his family is now grieving.

Ms. WOOLSEY. Mr. Speaker, I think we can assume that it was a hate crime.

Ms. SOLIS. Yes. Indeed, the FBI is looking at it. They have not declared that it is a hate crime, and I am urging them to continue that investigation.

Along with that, there were other incidents reported where young women attending a local community college in my district were assaulted because they were wearing scarves over their heads. They literally had to have gentlemen of their own descent walk them to classrooms. They were doing nothing wrong. They were students going to class.

The other things that have come up as well, hate crimes against people who look Muslim and Arab who look like me. I have been asked if I am of Middle Eastern descent in Washington, D.C. In my own district, one Latino gentleman was chased on the freeway and beaten by two individuals who thought he was from the Middle East. I would like our laws to go after individuals who abuse our rights and freedoms.

Ms. WOOLSEY. And if the gentlewoman were from the Middle East, she would be proud of it; and it does not mean that she is an evil-doer or was going to do something wrong because she came from some part of the world.

Ms. SOLIS. We need to educate and teach our young people that diversity is our strength, particularly in places like Southern California where we exchange different languages, different cultures; and we enjoy that strength. We have unifying symbolisms there that people can join. We need to talk about that more forcefully here on the floor as the gentlewoman is doing tonight. I commend the gentlewoman, and on behalf of the people in the 31st Congressional District, I know that they want to see some improvement with respect to hate crimes legislation.

One of my cities has had numerous hate crimes against African Americans because there are very few there. That has created a big problem in that city. We need to provide support, financial support, whether it be through our law enforcement efforts to do more sensitivity training and outreach, community policing, but also in the schools and even in our churches and mosques and other centers of religious teaching where people can begin to break down those barriers and really begin to have a thoughtful discussion on what it is to be an American, what that really means.

Ms. WOOLSEY. If the gentlewoman would yield, on this chart are Virginia and Maryland, the difference between the increase since September 8 was

hardly even experienced because those two communities have been working with their Muslim American and their Arab American communities, and understood the sensitivities and what needed to be done. So when September 11 happened, their communities were already sensitive and caring about each other. So it works if we put the energy into it.

Mr. Speaker, now is the time because we are putting energy into these areas. We voted for an airline bailout bill for \$15 billion. We can put energy into that. We can put energy into a stimulus package that gives huge tax breaks to the large corporations in the country. So certainly we have time to bring the legislation of the gentleman from Michigan (Mr. CONYERS) to the House floor and it could pass on a suspension in a minute. We have started the drum beat, and we are not going to stop.

Another reason we are not going to stop is another reality that hate groups are using, they are using the events of September 11 to gain new recruits, and they are specifically targeting the youth. It was reported in last Saturday's Washington Post that white supremacy groups have recently used images of the burning World Trade Center towers on fliers as a way to argue that the United States needs to close its borders to new residents. Some are using the images on their magazine covers and Web sites to increase support and numbers at their rallies. In the last year, 33 percent of white nationalist groups engaged in efforts to recruit and organize young people. This is a 10 percent increase over the year before. For example, the National Alliance members in Columbus, Ohio, blanketed the University of Ohio with fliers warning against interracial relationships. Fliers featuring a skull and crossbones with the slogan "Race mixers beware" were slipped under the doors of African American professors at the University of Illinois at Champaign-Urbana.

Unfortunately, such incidents are not confined to one university. Such efforts to simultaneously terrorize and recruit are becoming disturbingly commonplace on campuses, and we must pass legislation that makes a statement to our youth and to Americans in general that we do not tolerate hate crimes in the United States of America.

Ms. SOLIS. Mr. Speaker, I also read that article. It appeared in one of my local papers, in the San Gabriel Valley Tribune. I hope our law enforcement will do the utmost that they can to find out who the individuals are that are spreading this hateful type of literature on the Internet, and other means that they are using to provoke people in the community. It is horrible that goes on.

Mr. Speaker, I see young people in my district putting flags on their cars

and trunks, but at the same time some of those youths think that taking their frustrations out on a group of people is just senseless, and we have to stop it.

Ms. WOOLSEY. There is a lot of anger and we need to find ways for people to deal with anger and their differences, and the entire situation in the Mideast tells us that we have to do that.

□ 1700

We can start at home. It is very important that we start at home. I thank the gentlewoman so much for joining me.

Ms. SOLIS. I thank the gentlewoman from California for this special order.

Ms. WOOLSEY. Mr. Speaker, I have the privilege of introducing the Democratic leader, the gentleman from Missouri (Mr. GEPHARDT), and I thank him very much for joining us.

Mr. GEPHARDT. I thank the gentlewoman from California for taking this time, this special order, and bringing up this matter that is so important to all Americans. I admire the work that she has done consistently over a long period of time to try to get hate crimes legislation passed here in the House of Representatives.

Mr. Speaker, last year we came very close to making this bill the law of the land. Bipartisan majorities supported it in both Houses of Congress. We argued that the country needed to take a strong stand against brutal crimes committed against people because of who they are. We said attacks on Americans because of race, color, national origin, religion, sexual orientation, gender or disability were attacks not just on individuals but assaults against all Americans. We argued that law enforcement agents at all levels should have better tools and resources to find those responsible for these crimes and to see that they were brought to justice. We had heard too many stories of people beaten and brutalized and murdered because of who they were.

Matthew Shepherd was tied to a post and left to die by two men because he was gay. James Byrd, Jr. was tied to a truck and dragged through the streets and killed because he was black. Ricky Brydsong was shot dead on the streets of Chicago because he was an African American. Children at a Jewish community center in Los Angeles were fired upon and then the perpetrator went and killed a Filipino American.

There are countless other stories of people who have been victimized or assaulted that did not make headlines and went unreported. But in the end, the Republican leadership thwarted the will of the majority and blocked the bill from being enacted.

Today, in light of the events of September 11, I believe with all my heart that this law is needed more than ever before. We need to bring this bill up

and pass it in order to increase the power of law enforcement officials and send a message to the entire country and to the world that hate crimes in the United States will not be tolerated. We need to demonstrate today that we will not let terrorists with hate in their hearts divide the greatest country in the history of the world. We will not let them turn Americans against one another in the most diverse society on the face of the Earth. We will not let them instill fear of our fellow citizens because of appearances or perceptions or heritage or backgrounds. We must, and I repeat must, pay close attention to divisions breaking out among our citizens in the wake of September 11.

We need to avoid the mistakes of our past in targeting certain citizens. We need to remember what happened in World War II to Japanese Americans and to my colleagues and friends, the gentleman from California (Mr. HONDA) and Norm Mineta, who were put in camps because of who they were.

We need to send a clear message to all that we will never accept or condone violence or hatred against any of our citizens. We need to put a stop to recent attacks on American Muslims and Arab Americans.

A Pakistani store owner was shot and killed a few days after September 11 because of who he was. Two girls were beaten at a college in Illinois because they were of Middle Eastern descent. A gas station owner in Arizona was shot and killed in his store because he was a Sikh who was wearing a turban.

The attacks must stop. These attacks are un-American. They violate not just the rights of individuals but they are an affront to us all. They are crimes against all of us, and we must strengthen our law enforcement and our society to better deal with these acts.

I recall what Abraham Lincoln said during the wrenching challenge of the Civil War: "Think anew and act anew. Rise with the occasion and then we will save our country."

I urge my colleagues opposed to this legislation to think anew, to act anew, to bring this bill up and work with us to renew the spirit of tolerance that makes America great.

I thank the gentlewoman for holding this special order.

Ms. WOOLSEY. I thank the gentleman for joining us and being willing to work with us, because it is time. It is time to pass hate crimes legislation, Mr. Leader.

Mr. GEPHARDT. I thank the gentlewoman. I obviously agree.

Ms. WOOLSEY. Mr. Speaker, I want to take this time to thank my colleagues for participating in this special order. This Congress can no longer ignore the need for hate crimes legislation. As I stated earlier, my colleagues' participation this evening sets an ex-

ample of the commitment we as a Congress share in protecting our children and families from hate. Hate crimes legislation must be a priority. The Conyers bill, H.R. 1343, must be brought to the floor and passed and passed immediately. I have tried to do my part by sending out letters to my colleagues with information about hate crimes, the record of what is happening across the country, what is happening against Arab and Muslim Americans.

Mr. Speaker, organizing these speeches today is not the end of what we are going to do. We are going to work with all of our colleagues to ensure that this issue is addressed by the Republican leadership and it is one of my top priorities. We heard from our leader, Leader GEPHARDT, it is very important to him. We are going to continue this drumbeat until the Republican leadership allows this Congress to debate hate crimes and to vote on hate crimes and protect our children now and in the future from hate.

Mr. CUMMINGS. Mr. Speaker, under the Violent Crime Control and Law Enforcement Act of 1994, Congress has defined a hate crime as "any act of violence against a person or property based on the victims' race, color, gender, national origin, religion, sexual orientation or disability."

We have all seen the many forms that crimes of hate can take. We have witnessed crimes perpetrated against persons based on their ethnicity or race; due to a person's sexual orientation; or based on a person's religion. Recently, we have witnessed numerous, heinous crimes against Muslims and Sikhs based on their identity and religion. These are crimes of hate perpetrated against Americans and should be prosecuted with a heightened sense of responsibility.

FBI statistics reveal that in 1999, a total of 7,876 bias-motivated criminal incidents were reported. Of these incidents: 4,295 were motivated by racial bias; 1,411 by religious bias; 1,317 by sexual-orientation bias; 829 by ethnicity/national origin bias; 19 by disability bias; and 5 by multiple bias.

As we discuss this issue, I believe that there are two questions our nation must answer.

First, why should we care?

I submit to you today that we should care because our nation was built on a foundation of democracy and independence for all. Our Declaration of Independence states: "We hold these truths to be self evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the Pursuit of Happiness."

We all take pride in these words, but we all have a duty, as American people, to recognize that this principle applies to all of our nation's citizens regardless of their race or national origin, gender, sexual orientation, religion, or disability status.

I believe that in this time of national emergency it is critical that we remain a "unified America" and reach out across our differences in ethnicity, race, and religion to respect each other and to celebrate the differences. We must all remember that although we are a

melting pot of various cultures, ideals, and physical makeups, we are all one human race.

As one 16-year-old recently wrote:

He prayed—it wasn't my religion.
He ate—it wasn't what I ate.
He spoke—it wasn't my language.
He dressed—it wasn't what I wore.
He took my hand—it wasn't the color of mine.

But when he laughed—it was how I laughed, and when he cried—it was how I cried.

The second question our nation must answer is "How can we put an end to hate violence?"

The American people must take action. We must have a united and determined partnership of elected officials, law enforcement entities, businesses, community organizations, churches and religious organizations, and schools.

Congress must also take action. Yes, statistics have shed light on the prevalence of hate crimes in our society. However, hate crimes are often under reported. Although we gather significant information as a result of the Hate Crimes Statistics Act, this act makes the reporting of hate crimes by state and local jurisdictions voluntary, leaving gaps in information from key jurisdictions. (For example, of the 100 most populous cities in the U.S., 10 did not participate in the reporting of hate crime data in 1997.) We should encourage all jurisdictions to collect, record, and report hate crime data so that we may have a true understanding of the depth and nature of this issue.

It is also our duty to ensure that our nation's laws fully protect all of its citizens. Our existing civil rights laws protect citizens against crimes involving acts of violence because of race, color, religion, or national origin. The Local Law Enforcement Hate Crimes Prevention Act of 2001 (H.R. 1343) would for the first time broaden federal jurisdiction under civil rights law by adding gender, disability, and sexual orientation to the categories protected by these laws. In addition, it would remove limits on the prosecution of hate crimes that are not committed under "federally protected" activities under existing civil rights laws, such as voting, attending school, serving on a jury, or traveling for purposes of interstate commerce.

As such, I call for immediate consideration and passage of the Hate Crimes Prevention Act which would allow prosecution of serious, violent hate crimes, regardless of whether a federally protected right was being exercised.

Nonaction translates into not caring.

Nonaction translates into condoning the hatred that continues to permeate this nation.

But most significant, nonaction translates into silence.

And as Martin Luther King stated: "We will remember not the words of our enemies, but the silence of our friends."

Mr. CONYERS. Mr. Speaker, since the April 3, 2001 introduction of H.R. 1343, the Hate Crimes Prevention Act, 199 members from both sides of the aisle have added their voices to the call for comprehensive legislation that will provide assistance to state and local law enforcement and amend federal law to streamline the investigation and prosecution of hate crimes.

The events of September 11th have demonstrated the destructive power of

hate to rend the fabric of a community and a nation. Domestically, hate crimes statistics are a disturbing barometer of the state of the nation. In spite of national success in lowering overall crime rates, hate crimes have proven resistant to that trend. Data collected for 2000, pursuant to the 1990 Hate Crimes Statistics Act, documented 8152 hate crimes, an increase of 3.5 percent from 1999 figures.

Overall, racial bias accounted for 54.3 percent of incidents, with religious bias accounting for 16.5 percent, sexual orientation 16 percent and ethnicity 12.4 percent of incidents. Notably, anti-black bias accounted for 35.6 percent of all racial bias and anti-Semitism accounted for 75.5 percent of all religious bias incidents.

In the wake of the terrorist attacks, the Arab-American Anti-Discrimination Committee has investigated, documented and referred to federal authorities over 450 incidents. These incidents include the murders of an a Muslim Pakistani store owner in Dallas, TX, and an Indian-American gas station owner in Mesa, AZ, where a suspect was arrested shouting, "I stand for America all the way."

The Department of Justice, however, has initiated only approximately 40 investigations of hate crimes directed against institutions or people of Arab or Middle-Eastern decent. As the James Byrd and Matthew Shepard tragedies suggest, the investigation and prosecution of this flood of hate crimes will strain the resources of state and local law enforcement agencies.

Current law limits federal jurisdiction to federally protected activities, such as voting for even covered classes of persons, so all these incidents will not be subject to federal jurisdiction. Moreover, current law does not permit federal involvement in a range of cases involving crimes motivated by bias against the victim's sexual orientation, gender or disability. This loophole is particularly significant given the fact that ten states have no hate crime laws on the books, and another 21 states have extremely weak hate crimes laws.

Our bill will remove these hurdles, so the federal government will no longer be handicapped in its efforts to assist in the investigation and prosecution of hate crimes. Through an Intergovernmental Assistance Program, federal authorities will be able to provide technical, forensic or prosecutorial assistance to state and local law enforcement officials. In addition, the legislation authorizes the Attorney General to make grants to state and local law enforcement agencies that have incurred extraordinary expenses associated with the investigation and prosecution of hate crimes.

The Hate Crimes Prevention Act of 2001 is a constructive and measured response to a problem that continues to

plague or nation—violence motivated by prejudice. It is vital that both government and individuals distinguish the beliefs of the Arab-American and Muslim communities from the perpetrators of September 11th's violence, and recognize that these Americans share our values and contribute significantly to our communities.

All Americans should stand to condemn any acts of bigotry, violence or discrimination against Arab-Americans, South Asians and American Muslims and call upon Americans of every faith and heritage to stand together in this time of national crisis. Our sense of community with fellow Americans of Arab and South Asian decent and those of the Islamic faith should not be counted as another casualty of September 11th's senseless violence.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MEEKS of New York (at the request of Mr. GEPHARDT) for today and the balance of the week on account of a death in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

The following Members (at the request of Mr. McNULTY) to revise and extend their remarks and include extraneous material:)

Mr. DEFAZIO, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Ms. MILLENDER-MCDONALD, for 5 minutes, today.

Ms. MCKINNEY, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. GREEN of Texas, for 5 minutes, today.

Mr. ANDREWS, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Ms. WATSON of California, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Ms. BROWN of Florida, for 5 minutes, today.

Mrs. CLAYTON, for 5 minutes, today.

Mr. SCOTT, for 5 minutes, today.

Mr. STUPAK, for 5 minutes, today.

(The following Members (at the request of Mr. RYAN of Wisconsin) to revise and extend their remarks and include extraneous material:)

Mr. THUNE, for 5 minutes, today.

Mr. GANSKE, for 5 minutes, November 21.

Mr. SOUDER, for 5 minutes, today and November 15.

Mrs. JO ANN DAVIS of Virginia, for 5 minutes, today.

Mr. DUNCAN, for 5 minutes, November 15.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. FOLEY, for 5 minutes, today.

SENATE CONCURRENT RESOLUTION REFERRED

A concurrent resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 83. Concurrent resolution providing for a National Day of Reconciliation; to the Committee on Transportation and Infrastructure.

BILL PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on November 13, 2001 he presented to the President of the United States, for his approval, the following bill.

H.R. 768. To amend the Improving America's Schools Act of 1994 to extend the favorable treatment of need-based educational aid under the antitrust laws, and for other purposes.

ADJOURNMENT

Ms. WOOLSEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 8 minutes p.m.), the House adjourned until tomorrow, Thursday, November 15, 2001, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4570. A letter from the Under Secretary, Acquisition, Technology, and Logistics, Department of Defense, transmitting the Selected Acquisition Reports (SARS) for the quarter ending September 30, 2001, pursuant to 5 U.S.C. 2432; to the Committee on Armed Services.

4571. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision; Interim Final Determination that State has Corrected the Deficiencies [CA 249-0307; FRL-7102-4] received November 9, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4572. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Standards of Performance for Large Municipal Waste Combustors for Which Construction Is Commenced After September 20, 1994 or for Which Modification or Reconstruction Is Commenced After June 19, 1996 and Emission Guidelines and Compliance Times for Large Municipal Waste Combustors That are Constructed On or Before September 20, 1994 [AD-FRL-7100-8] (RIN: 2060-AJ52) received November 6, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4573. A letter from the Principal Deputy Associate Administrator, Environmental

Protection Agency, transmitting the Agency's final rule—Revisions to the California State Implementation Plan, California State Implementation Plan Revision; San Joaquin Valley Unified Air Pollution Control District, and South Coast Air Quality Management District [CA 169-0272a; FRL-7100-6] received November 9, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4574. A letter from the Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Army's Proposed Letter(s) of Offer and Acceptance (LOA) to Egypt for defense articles and services (Transmittal No. 02-10), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

4575. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of waived missile sanctions against the Government of Pakistan essential to the national security of the United States, pursuant to 50 U.S.C. 1703(c); to the Committee on International Relations.

4576. A letter from the Chief Counsel, Office of Foreign Assets Control, Department of the Treasury, transmitting the Department's final rule—Blocked Persons, Specially Designated Nationals, Specially Designated Terrorists, Foreign Terrorist Organizations, and Specially Designated Narcotics Traffickers: Additional Designations of Terrorism-Related Blocked Persons—received November 7, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

4577. A letter from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—Pennsylvania Regulatory Program [PA-132-FOR] received November 13, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4578. A letter from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—Indiana Regulatory Program [SPATS No. IN-152-FOR; State Program Amendment No. 2001-1] received November 13, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4579. A letter from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—North Dakota Regulatory Program [SPATS No. ND-042-FOR; Amendment No. XXXI] received November 13, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4580. A letter from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting the annual report of the Office of Justice Programs for Fiscal Year 2000, pursuant to 42 U.S.C. 3712(b); to the Committee on the Judiciary.

4581. A letter from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting the Department's final rule—Medicare Program; Prospective Payment System for Hospital Outpatient Services: Criteria for Establishing Additional Pass-Through Categories for Medical Devices [CMS-1179-IFC] (RIN: 0938-AK59) received November 8, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk

for printing and reference to the proper calendar, as follows:

Mr. DREIER: Committee on Rules. H.R. 981. A bill to provide a biennial budget for the United States Government; with an amendment (Rept. 107-200 Pt. 2).

Ms. PRYCE of Ohio: Committee on Rules. House Resolution 288. Resolution providing for consideration of the bill (H.R. 2269) to amend title I of the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to promote the provision of retirement investment advice to workers managing their retirement income assets (Rept. 107-289). Referred to the House Calendar.

Mr. THOMAS: Committee on Ways and Means. H.R. 3009. A bill to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; with an amendment (Rept. 107-290). Referred to the Committee of the Whole House on the State of the Union.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII the committee on Government Reform discharged from further consideration. H.R. 981 referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. CONYERS (for himself, Ms. MCCOLLUM, Mr. SABO, Mr. MORAN of Virginia, Mr. POMEROY, Ms. LEE, Mr. OBERSTAR, Mr. PETERSON of Minnesota, Mr. LUTHER, Mr. RAMSTAD, Mr. KENNEDY of Minnesota, Mr. GUTKNECHT, and Mrs. MEEK of Florida):

H.R. 3288. A bill to amend the Clayton Act to make the antitrust laws applicable to the elimination or relocation of major league baseball franchises; to the Committee on the Judiciary.

By Ms. BERKLEY:

H.R. 3289. A bill to provide for interagency planning for preparing for, defending against, and responding to the consequences of terrorist attacks against the Yucca Mountain Project, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CAPPS:

H.R. 3290. A bill to authorize the Secretary of Energy to guarantee loans to facilitate nuclear nonproliferation programs and activities of the Government of the Russian Federation, and for other purposes; to the Committee on International Relations.

By Mr. FRANK:

H.R. 3291. A bill to amend title 10, United States Code, to provide that consensual sexual activity between adults shall not be a violation of the Uniform Code of Military Justice; to the Committee on Armed Services.

By Mr. HOUGHTON (for himself and Mrs. THURMAN):

H.R. 3292. A bill to establish an informatics grant program for hospitals and skilled nursing facilities and to encourage health care providers to make major information technology advances by establishing a Medical

Information Technology Advisory Board that will develop and disseminate standards for the electronic sharing of medical information; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LUCAS of Oklahoma (for himself and Mr. WATKINS):

H.R. 3293. A bill to establish a coordinated program of science-based countermeasures to address the threats of agricultural bioterrorism; to the Committee on Agriculture.

By Mrs. MCCARTHY of New York (for herself, Mr. ABERCROMBIE, Mr. ISRAEL, Ms. HART, Mr. PALLONE, Mr. CROWLEY, Mr. NADLER, Mr. WEINER, Mr. TOWNS, Mr. OWENS, Ms. VELÁZQUEZ, Mrs. MALONEY of New York, Mr. SERRANO, Mr. ENGEL, Mrs. LOWEY, Mr. GILMAN, Mr. HINCHEY, Ms. SLAUGHTER, and Mr. MCGOVERN):

H.R. 3294. A bill to provide for the distribution of assets frozen pursuant to Executive Order 13224 and similar Executive orders to the State of New York, the State of Pennsylvania, and the Department of Defense to cover cleanup and reconstruction costs associated with the terrorist attacks of September 11, 2001; to the Committee on International Relations, and in addition to the Committees on Transportation and Infrastructure, and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NEY (for himself, Mr. HOYER, Mr. BLUNT, Mr. FATTAH, Mr. EHLERS, Mr. PRICE of North Carolina, Mr. MICA, Mr. LANGEVIN, Mr. LINDER, Mr. HASTINGS of Florida, Mr. DOOLITTLE, Mr. DAVIS of Florida, Mr. REYNOLDS, Mr. REYES, Mr. BUYER, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BOEHLERT, Mr. LEWIS of Georgia, Mr. CASTLE, Mr. HINOJOSA, Mr. PORTMAN, Mrs. MEEK of Florida, Mr. ENGLISH, Mrs. THURMAN, Mr. LATOURETTE, Mr. WYNN, Mr. KING, Mr. SPRATT, Mr. TIBERI, Mr. RUSH, Mr. DIAZ-BALART, Mr. THOMPSON of Mississippi, Mr. HORN, Ms. MCKINNEY, Mr. HAYES, Mrs. JONES of Ohio, Mr. COOKSEY, Mr. DINGELL, Mr. WALDEN of Oregon, Mr. CUMMINGS, Mr. FOLEY, Mr. ACKERMAN, Mr. GREENWOOD, Ms. BROWN of Florida, Mr. WOLF, Mr. CARDIN, Mr. BALLENGER, Mr. ANDREWS, Mr. FORBES, Mr. BAIRD, Ms. HART, Mrs. CAPPS, Mr. LAHOOD, Mr. BARCIA, Mr. FLETCHER, Mr. CARSON of Oklahoma, Mr. GRUCCI, Mr. HILL, Mr. AKIN, Mr. ETHERIDGE, Mr. PLATTS, Mr. CROWLEY, Mr. TERRY, Mr. HOLT, Mr. MATHESON, Ms. MCCARTHY of Missouri, Mr. MOORE, Mr. PASCRELL, Mrs. TAUSCHER, Mr. STARK, Mr. POMEROY, Mr. LARSEN of Washington, Mr. HOFFFEL, Mr. GANSKE, Mr. BROWN of Ohio, Mrs. CLAYTON, Mr. WELDON of Pennsylvania, and Mr. LEWIS of California):

H.R. 3295. A bill to establish a program to provide funds to States to replace punch card

voting systems, to establish the Election Assistance Commission to assist in the administration of Federal elections and to otherwise provide assistance with the administration of certain Federal election laws and programs, to establish minimum election administration standards for States and units of local government with responsibility for the administration of Federal elections, and for other purposes; to the Committee on House Administration, and in addition to the Committees on the Judiciary, Science, Government Reform, and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 162: Mr. BECERRA, Mr. CLAY, Mr. FATTAH, Mr. MARKEY, Mrs. MEEK of Florida, Mr. SCOTT, Mr. THOMPSON of Mississippi, Mr. WATT of North Carolina, and Ms. LOFGREN.

H.R. 218: Mr. ROGERS of Kentucky and Mr. ISRAEL.

H.R. 511: Mr. SHERMAN and Mr. MANZULLO.

H.R. 602: Mr. GRUCCI.

H.R. 604: Mr. BROWN of South Carolina and Mrs. MINK of Hawaii.

H.R. 650: Mr. ROGERS of Kentucky.

H.R. 690: Mrs. NAPOLITANO.

H.R. 782: Mr. MORAN of Virginia.

H.R. 783: Mr. FALDOMAEGA.

H.R. 792: Ms. MCCOLLUM and Mr. HOLT.

H.R. 981: Mr. BURTON of Indiana, Mr. SMITH of New Jersey, and Mr. BARTLETT of Maryland.

H.R. 1162: Mr. ROSS.

H.R. 1198: Ms. BERKLEY.

H.R. 1289: Ms. LOFGREN.

H.R. 1353: Mr. KIND.

H.R. 1485: Mr. MCINTYRE, Mr. FRANK, Mr. MCHUGH, Mr. BACA, and Mr. BRADY of Pennsylvania.

H.R. 1487: Mr. HALL of Texas.

H.R. 1582: Mr. FALDOMAEGA.

H.R. 1786: Mr. SHERWOOD.

H.R. 1808: Ms. LEE, Ms. KAPTUR, Mrs. MEEK of Florida, Mr. SANDERS, Ms. HART, Mr. MCGOVERN, Mr. CUMMINGS, Mr. UNDERWOOD, and Mrs. JONES of Ohio.

H.R. 1822: Mr. SHUSTER, Mr. EVANS, Mr. JOHNSON of Illinois, and Mr. WU.

H.R. 2012: Mrs. CAPPS, Mr. PLATTS, and Mr. OLVER.

H.R. 2037: Mr. PORTMAN, Mr. COX, Mr. BOYD, and Mr. JEFF MILLER of Florida.

H.R. 2088: Mr. BRYANT and Mr. SKELTON.

H.R. 2348: Ms. MILLENDER-MCDONALD, Ms. WATERS, and Mrs. JONES of Ohio.

H.R. 2357: Mr. MCINNIS, Mr. AKIN, and Mr. COX.

H.R. 2374: Mr. NEAL of Massachusetts.

H.R. 2379: Mr. MORAN of Virginia.

H.R. 2435: Mr. FORBES.

H.R. 2484: Mr. FROST.

H.R. 2598: Mr. GUTIERREZ.

H.R. 2623: Mrs. MEEK of Florida, Mr. BERMAN, and Mr. SNYDER.

H.R. 2678: Mr. ISAKSON, Mr. UPTON, Mrs. MORELLA, Mr. SMITH of Texas, Mr. BOUCHER, and Mr. OWENS.

H.R. 2722: Mr. WAMP, Mr. FORBES, Mr. TOWNS, Mrs. JOHNSON of Connecticut, Mrs.

JONES of Ohio, Mr. MCHUGH, Mrs. ROUKEMA, Ms. MCKINNEY, Ms. HARMAN, Mr. UDALL of New Mexico, and Mr. BECERRA.

H.R. 2782: Mr. BONIOR.

H.R. 2835: Mr. MCGOVERN, Ms. MCKINNEY, Mr. UNDERWOOD, and Mr. FROST.

H.R. 2847: Mr. LEACH and Mr. BONIOR.

H.R. 2850: Mr. PLATTS.

H.R. 2901: Ms. PELOSI and Mr. LARSON of Connecticut.

H.R. 2916: Mrs. MINK of Hawaii and Mr. WU.

H.R. 2949: Mr. COOKSEY and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 3009: Mr. KIRK, Mr. DIAZ-BALART, Mr. SHAW, Mr. KNOLLENBERG, Mr. MORAN of Virginia, Mr. CANTOR, Mr. JEFFERSON, Mr. RANGEL, Mr. RAMSTAD, Mrs. TAUSCHER, Mr. GOSS, Mr. HYDE, Mr. PORTMAN, Mr. ENGLISH, Mr. KOLBE, Mr. MCDERMOTT, Mr. BRADY of Texas, Ms. PRYCE of Ohio, Mr. ROYCE, and Mr. DREIER.

H.R. 3011: Mr. SCHIFF.

H.R. 3015: Mrs. MINK of Hawaii.

H.R. 3019: Mr. ACKERMAN and Mr. CROWLEY.

H.R. 3026: Mr. CLEMENT.

H.R. 3046: Mr. WELDON of Florida, Mr. PLATTS, Mr. EVANS, Mr. LAHOOD, and Mr. KENNEDY of Minnesota.

H.R. 3050: Mr. OTTER.

H.R. 3054: Mr. WEINER.

H.R. 3074: Mr. SCHAFER, Mr. WAMP, Mr. JONES of North Carolina, Mr. GOODE, Mr. TANCREDO, and Mr. KINGSTON.

H.R. 3076: Mr. SCHAFER, Mr. WAMP, Mr. JONES of North Carolina, Mr. GOODE, Mr. TANCREDO, and Mr. KINGSTON.

H.R. 3087: Mr. PASCRELL.

H.R. 3088: Mr. SCHIFF, Mrs. MORELLA, Mrs. CLAYTON, Ms. BROWN of Florida, Mr. REYNOLDS, Mr. KILDEE, Mr. MCHUGH, Mr. MORAN of Virginia, and Mr. RANGEL.

H.R. 3109: Mr. DICKS, Mr. STRICKLAND, and Ms. MCCARTHY of Missouri.

H.R. 3175: Mr. SAXTON and Mr. MCDERMOTT.

H.R. 3192: Mr. SWEENEY, Mr. KING, Mr. KIRK, Mr. BOEHLERT, Mr. HOUGHTON, Mr. FRELINGHUYSEN, Mrs. ROUKEMA, Mr. LEACH, Mr. GANSKE, Mr. UPTON, Mrs. KELLY, and Mr. EHLERS.

H.R. 3209: Mr. SWEENEY and Mr. OXLEY.

H.R. 3221: Mr. PLATTS.

H.R. 3230: Mr. LOBIONDO and Mr. ISSA.

H.R. 3277: Ms. NORTON, Mr. LIPINSKI, and Mr. JACKSON of Illinois.

H.R. 3286: Mr. STUMP, Mr. TANCREDO, and Mr. PAUL.

H.J. Res. 23: Mr. NEY.

H.J. Res. 54: Mr. PITTS and Mr. HOSTETTLER.

H. Con. Res. 60: Mr. PETRI.

H. Con. Res. 195: Mr. COYNE.

H. Con. Res. 222: Mr. BACHUS and Mr. SCHROCK.

H. Con. Res. 249: Mr. FOSSELLA.

H. Con. Res. 250: Mr. TERRY and Ms. BERKLEY.

H. Con. Res. 253: Ms. WOOLSEY, Mr. CRANE, Mr. FALDOMAEGA, and Mr. ETHERIDGE.

H. Con. Res. 266: Mr. GRUCCI, Mr. BARTLETT of Maryland, Ms. HART, Mr. MCGOVERN, and Mr. UNDERWOOD.

H. Con. Res. 267: Mr. FOLEY.

H. Res. 281: Ms. KAPTUR, Mr. McNULTY, Mr. HORN, Mrs. NAPOLITANO, and Mr. FALDOMAEGA.

H. Res. 284: Mr. GOODE and Mr. McNULTY.

SENATE—Wednesday, November 14, 2001

The Senate met at 10:30 a.m. and was called to order by the Honorable JON S. CORZINE, a Senator from the State of New Jersey.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, we praise You for the religious freedom we enjoy in America. Thank You that the fabric of that freedom was woven by lodestar leaders like William Penn who in 1701 published a charter of privileges ensuring that everyone would be given liberty to worship You according to the dictates of his or her beliefs and conscience. We are moved by the fact that the bell celebrating the jubilee founding of Pennsylvania was cast in 1751 and became the Liberty Bell which rang during the first reading of the Declaration of Independence in 1776. Last night, an exact replica cast by the same works in England was dedicated to be taken around the Nation and rung. The words cast into this Spirit of Liberty Bell are the same as the original from Leviticus 25:10. "Proclaim liberty throughout the land unto all the inhabitants." As this Spirit of Liberty Bell rings throughout the land, help us to rededicate ourselves to maintain religious freedom in our own lives. Forgive any prejudice in our hearts and purge from us any vestige of judgmentalism for people whose expression of faith in You differs from our own. As we battle against terrorists and nations who persecute people because of their religious beliefs, help us make America a nation where we live by George Washington's motto: "To bigotry, give no sanction . . . to persecution, no assistance." In Your liberating name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JON S. CORZINE led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, November 14, 2001.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby

appoint the Honorable JON S. CORZINE, a Senator from the State of New Jersey, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. CORZINE thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. DASCHLE. Mr. President, I will use my leader time in order to make a statement on the economic recovery-homeland security bill. It is our expectation that we will be introducing the bill in its modified form at about 11:15. But until then, obviously Senators are welcome to address this or other issues in morning business. I invite them to do so.

MORNING BUSINESS

Mr. DASCHLE. Mr. President, I ask unanimous consent the Senate conduct a period of morning business for up to 45 minutes, between now and 11:15.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ECONOMIC RECOVERY AND HOMELAND SECURITY

Mr. DASCHLE. Mr. President, 5 months ago, America had a projected budget surplus of \$2.7 trillion over the next 10 years. The stock market was soaring. The question before us was one that most leaders could only dream of: "What should we do with our prosperity?"

At that time, the debate was focused on tax cuts—how much, for whom, and could we also provide for America's unmet needs? Regardless of one's view about that debate or its outcome, there can be no doubt that this is a very different moment.

Two months ago, more than 6,000 innocent men and women lost their lives to terrorism. In the weeks since, a wave of anthrax attacks has taken lives, closed offices, and sown fear.

Our President, rightfully, has assembled an international coalition to fight those who attacked us, and those who aided them. We are at war.

The Federal Government is helping those areas destroyed and damaged by the attacks to rebuild. We passed legis-

lation to keep our airlines flying, and to give our law enforcement the tools needed to fight terror.

Our economy, which was already weakening before September 11, has continued to deteriorate.

The question facing America is no longer, "What should we do with our prosperity?" The question now is, "How do we protect our citizens, strengthen an ailing economy, and win this war against terrorism?"

I believe history will judge this Congress by how well we answer that question.

Shortly after September 11, I visited a call center in Rapid City, SD, that handles United Airlines' frequent flyer program. The 235 people there were working hard—helping people get tickets and arranging travel in the chaotic days after September 11. It was a tough job, on the phone hour after hour, helping scared, angry, and confused callers. All they could do was to ask people to be patient and to be understanding.

In the past couple of weeks, nearly 50 of those hard-working employees have lost their jobs. Like most hard-working people in America, these people don't expect or want the government to do anything for them that they can do for themselves. But now, due to no fault of their own—no lack of skill or ambition or work ethic—they are no longer working.

They are not alone. More than 7 million Americans are out of work. Last month, the unemployment rate took its largest jump in 21 years. For too long, we have asked America's laid off workers to be patient and understanding. Too many Americans fear for their future. Because of what our nation has experienced in the last 2 months, they fear for their safety. We need an economic recovery plan that addresses both fears and offers real help.

Today, Democrats are offering a plan that will help bring back America's economic prosperity and help workers who have lost their jobs. It is a plan that strengthens our homeland defense in the process. This is, simply, the right plan for the right time.

In the weeks following the September 11 attacks, Democrats and Republicans in the Senate asked the experts, including Federal Reserve Chairman Alan Greenspan and former Treasury Secretary Robert Rubin: What are the most effective steps we can take to shore up our economy?

Here is what they told us: Put money into the hands of low- and middle-income workers; they are the ones who will spend it quickly. Make sure that

workers who have lost their jobs receive unemployment benefits. And cut taxes for businesses—but limit the tax cuts to those that actually help create jobs.

They told us that any plan to stimulate the economy should help people regain the sense of security they need to shop, travel, and invest.

Finally, they said our plan must be affordable and temporary. After all, the baby boomers will start retiring in less than a decade, and we should not be taking on major long-term spending or revenue obligations that will make it even more difficult to meet our responsibilities to Social Security and Medicare.

Our plan heeds that simple but sound advice. It includes unemployment insurance and health care for laid-off workers, tax cuts for individuals and businesses, and investments in our homeland security. It does all of these things in a way that is fiscally responsible and fundamentally fair. I would like to take a moment and outline the four key components of our plan.

First, it provides unemployment insurance for laid-off workers.

Providing unemployment insurance to laid-off workers isn't just the right thing to do. It's the smart thing to do. It puts money into the hands of people who are most likely to spend it immediately. As Robert Rubin has said, unemployment insurance is "a near-perfect stimulus."

But more than half of unemployed workers are not covered under the current unemployment insurance system, even though they pay into it. Many of these are the part-time and temporary workers who often most need the help.

And for those who are eligible for unemployment insurance, the benefits often do not last long enough. Next year, an estimated 5 million Americans will use all 26 weeks of their benefits, and still be without a job.

Our plan extends unemployment benefits an additional 13 weeks in all 50 States; it expands coverage to millions of workers who are not covered under the current system.

During the first Bush Administration, when we were facing a recession, Democrats and Republicans agreed to extend unemployment insurance—four times. We were able to agree that extending unemployment benefits was the right approach to an economic slowdown then, we should be able to agree that it is the right approach now.

Second, we provide health coverage for workers.

Democrats also believe that extending health coverage for laid-off workers and their families should be part of any real economic recovery package. The average cost of COBRA health coverage for a family is \$588 a month—half the monthly unemployment benefit.

That is simply too much money for families hit by a layoff. As a result,

only about 20 percent of dislocated workers who are eligible for COBRA coverage actually purchase it. Too often, when a head of a household is out of work, parents and children go without health insurance.

That is wrong.

We propose paying up to 75 percent of the cost of COBRA coverage, giving States the option to provide Medicaid coverage to those who aren't eligible for COBRA, and providing a temporary increase in the Medicaid payment rate for States, so that States will not have to cut Medicaid or raise taxes in order to keep their budgets balanced.

Third, we provide tax cuts for families and for businesses that invest and create jobs.

Most economists agree: to jump start the economy, individual tax cuts should put money quickly into the hands of middle- and low-income people—because they are the people who are mostly likely to spend it immediately.

Our plan provides tax rebates for the 45 million low-income taxpayers who pay Federal payroll taxes but got little or no rebate at all last summer.

Our plan also includes new business new tax cuts to encourage job creation and investment. In sum, these are tax cuts that will help Wall Street and Main Street.

Fourth, we provide for strengthening homeland security.

We can pass tax cut after tax cut. In the end, no tax cut—even the right tax cuts—will stimulate the economy if people are afraid to travel or go about their business.

If we are serious about repairing damage to America's economy—and avoiding future terrorism-related financial disasters—we must strengthen America's homeland security so people can feel safer getting on a plane, going about their business, and living their lives.

That is why our plan includes \$15 billion for homeland defense. It will help protect Americans from threats such as the recent anthrax attacks that have so shaken our nation and our own offices, as well as other biological, chemical, and nuclear threats. It will strengthen our transportation security and help protect our food and water supply.

All told, our plan costs \$74 billion in the first year, and \$84 billion over 10 years. It is both effective and responsible, and we believe it is the right approach for America's economic recovery and future safety.

Regrettably, Republicans have chosen to take a different approach.

Many things, as I said, about America changed on Sept. 11. One thing that seemed to change—for the better—is the way Washington works. Democrats and Republicans in Congress have been working together, and Congress has been working well with White House.

This unprecedented level of consultation and bipartisanship is what has, to date, allowed us to respond so quickly to the attacks and the ongoing terrorist threat.

It was my hope that we would follow that same bipartisan approach on the subject of economic stimulus as well. Indeed, that is how the process began. Early on, Chairman BAUCUS led a bipartisan series of meetings with Senator GRASSLEY, their House counterparts, outside experts, and the Administration.

Unfortunately, Republican leaders in the House withdrew from that effort. Instead, they pushed through—on a party line vote—a bill that is not a recovery bill at all but merely another laundry list of tax cuts—just another page out of the Republican Party's pre-existing tax cut agenda.

Although they masquerade as stimulus plans, no serious observer believes that the Republican proposals are anything of the kind.

The centerpiece of the Senate Republican proposal is a plan to accelerate by 4 years the rate cuts in the \$2 trillion tax cut enacted earlier this year.

Speeding up the rate cuts would cost \$121 billion over 10 years. That amounts to 69 percent of the total cost of their plan.

And what would Americans get for their \$121 billion? Most would get very little.

But the top 1 percent of taxpayers—people making an average of \$1.1 million a year—would get an additional \$16,000 tax cut next year. They would get additional tax cuts the year after that, and the year after that, and the year after that.

In total, over the next 4 years, the Senate Republican plan would give a \$52,000 tax cut bonus to every millionaire in America—the very people who are least likely to spend it and help the economy.

America needs a plan that will help the economy now, not years from now. We need a plan that puts money in the hands of people who need it most, not the people who need it least.

I have yet to understand how giving millionaires tens of thousands of dollars in additional tax breaks 3 and 4 years from now will stimulate the economy today.

The second-largest part of the Senate Republican plan would spend \$22 billion to repeal the corporate alternative minimum tax, or AMT.

The corporate AMT was enacted as part of the Tax Reform Act of 1986 because certain corporations, using legions of tax lawyers, had become so clever at exploiting loopholes in the tax code that they were able to pay no taxes at all.

So Congress said to those corporations: regardless of how many loopholes you can exploit, you must pay at least a minimum tax.

Now Republicans want to do away with the minimum tax, forever. How will returning to the days when certain profitable corporations paid no taxes at all stimulate our economy now?

Small businesses create most of the new jobs in America, and most of them are not incorporated. So they won't get a penny from repealing the corporate AMT.

If this proposal does not seem fair or stimulative, that is because it is not.

What is perhaps even more troubling about the Republican approach is what it fails to address.

The Republican plan provides next to nothing for workers who have lost their jobs. And it provides nothing at all for homeland security.

When you read their plan for the first time, you assume it is missing a page. Not a dime for bioterrorism preparedness? Not a nickel for food safety or for security at our nuclear plants? Can this really be a plan to restore confidence and stimulate the economy?

Evidently, these items weren't omitted because of cost concerns. Quite the contrary. The Republican plan is more than twice the size of our plan. And the exploding price tag of the Senate Republican plan—\$175 billion over 10 years—may not even account for its true cost.

It will not make America safer. It will not help the economy. In fact, it may do real economic harm by driving up long-term interest rates.

Now, if the Republican plan sounds familiar, that is because it is. It is a collection of leftover tax breaks that our friends on the other side of the aisle weren't able to pass last spring.

Reading their plan, it's as though September 11 never happened. They have re-labeled these tax breaks as, "stimulus," but they are really just more of the same pre-September 11 tax cut agenda that we have heard our Republican colleagues talk about for months, if not years.

Tax cuts for wealthy Americans and profitable businesses do not solve every problem—and they will not solve this one.

The Republican plan is not about getting the most stimulus per dollar spent. It is not about getting help to those who most need it. It is not about strengthening our national security. It is about ideology.

It is about seizing on a moment of crisis in order to advance unrelated political goals. It is driven by a conservative Republican orthodoxy that is so rigid, and so myopic, that it cannot or will not see what is obvious to every fair-minded observer: this is the wrong plan for America, especially at this moment in our history.

I will say one thing for this approach: it has managed to achieve a degree of unanimity. It has been unanimously rejected by economists, Governors, State legislators, editorial writers, and business leaders.

Two weeks ago, Senator LOTT and I received a letter from the National Governors' Association, signed by its Chairman, Governor John Engler, Republican of Michigan, and its Vice-chairman, Governor Paul Patton, Democrat of Kentucky. The NGA is a majority Republican group that represents all of America's governors—29 Republicans and 19 Democrats, and 2 Independents.

The Governors asked us, as we consider economic stimulus, to "help protect health and human services for vulnerable Americans, address employment and training for dislocated workers, and stimulate the national economy through targeted capital investment."

Interestingly, they make no mention of huge new tax breaks for profitable corporations. No mention of huge new tax breaks for the wealthiest Americans.

Republican leaders got this letter. Sadly, I don't think they got the message.

Mr. President, I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL GOVERNORS ASSOCIATION,
Washington, DC, October 25, 2001.

Hon. THOMAS A. DASCHLE,
Majority Leader, U.S. Senate,
Washington, DC.

Hon. TRENT LOTT,
Minority Leader, U.S. Senate,
Washington, DC.

DEAR SENATOR DASCHLE AND SENATOR LOTT: The nation's Governors appreciate the bipartisan efforts of Congress to develop an economic stimulus package. On October 4, we sent you a list of policy options to consider in developing your final plan. We are updating our recommendations to reflect the recently clarified size and focus of the options you are considering. Our recommendations also reflect the further deterioration of states' fiscal positions as detailed in the "economy.com" report sent to your earlier this week.

With respect to our fiscal position, most states have made a series of spending cuts. Many are now implementing a second round and in some cases a third. A number of states now have revenue shortfalls in excess of \$1 billion and many are scheduling special legislative sessions to address mounting fiscal problems. The cumulative states' current revenue shortfall is \$10 billion and growing. Moreover, new and unprecedented state responsibilities for homeland security are exacerbating serious fiscal conditions.

The House economic stimulus bill, if enacted, would further reduce state revenues by at least \$5 billion annually. This revenue reduction would dramatically increase existing state shortfalls and result in significant state budget cuts. These cuts, in turn, would hamper the effectiveness of any federal stimulus package. Similarly, absent any changes in the Health Insurance Portability and Accountability Act (HIPAA) or new federal funding for HIPAA implementation in state-administered programs, states will have little choice but to divert scarce funds to comply with this federal mandate. This means

that significantly less state funds will be available of reduction, critical state services, capital investment, infrastructure improvement, and additional efforts to respond to bioterrorism and other threats to homeland security.

Specifically, the Governors offer the following recommendations to Congress in the attached documents to help protect health and human services of vulnerable Americans, address employment and training for dislocated workers, and stimulate the national economy through targeted capital investment.

Congress has many difficult tasks to complete before recessing for the year. As a bipartisan group of government leaders, the Governors look forward to working with you.

Sincerely,

JOHN ENGLER,

Chairman.

PAUL E. PATTON,

Vice Chairman.

PROTECTIONS FOR VULNERABLE AMERICANS

Temporary Increase in Medicaid FMAP for children and Families.—Congress should temporarily increase the federal medical assistance percentage (FMAP) in Medicaid by 10 percent for acute care services for families and children. The territories should receive comparable relief. This will lessen the pressure on states and territories to cut Medicaid health care benefits or reduce the number of people served.

Medicaid FMAP Hold Harmless Provision.—Congress should provide a "hold harmless" provision for states that were scheduled to have their Medicaid FMAP reduced for fiscal 2002. These reduced rates were based on outdated per capita income data collected at a time when state and federal economies were in much better health.

TANF Supplemental.—The Governors continue to urge Congress to approve a one-year extension of supplemental grants under the Temporary Assistance to Needy Families program (TANF). Without an extension of the TANF supplemental grants this year, 17 states will face a substantial cut in funding for programs that assist families in moving from welfare to work.

Health Care for Dislocated Workers.—As Congress considers proposals to assist dislocated workers in gaining access to health insurance, Congress must recognize that states will not have available funds for any new matching requirements or options.

EMPLOYMENT AND TRAINING FOR DISLOCATED WORKERS

Expansion of Eligibility for Unemployment Benefits.—By temporarily modifying existing Disaster Unemployment Assistance (DUA) eligibility requirements, the DUA program (already in operation or on ready standby in all states) could be used only to provide Unemployment Insurance (UI) equivalent benefits to individuals affected by declared disasters, but also to those affected by resulting economic contraction. These UI-equivalent benefits would be particularly beneficial for those who do not qualify for UI benefits due to insufficient duration of employment or level of earnings.

Extension of Unemployment Benefits.—Congress also should temporarily extend the duration of regular UI benefits through 100 percent federal funding to ensure that unemployed workers can secure employment prior to the termination of UI benefits.

Acceleration of Reed Act Distributions.—Congress should accelerate distribution to state accounts of excess funds (as defined by the Reed Act) being held in the Federal Unemployment Trust Fund. This could be

achieved by retaining the 0.25 percent ceiling on the Federal Unemployment Account. The immediate transfer of an estimated \$9.3 billion can be used by states only for providing UI benefits, employment services, and program administration.

Increase Funding for Dislocated Workers Employment and Job Training Services.—Fiscal 2001 funds for this Workforce Investment Act (WIA) programs were rescinded by \$177.5 million, while the President's proposed fiscal 2002 budget requests a reduction of \$207 million. Congress should restore these funds.

STIMULATE THE ECONOMY THROUGH CAPITAL INVESTMENT

State Match.—Temporarily reduce or eliminate state match requirements for capital investment programs.

Federal Investment.—Increase federal funding for infrastructure investment critical to homeland security.

Private Activity Volume Cap.—Lift the private activity volume cap, which would accelerate housing and economic development construction activities.

Mr. DASCHLE. Mr. President, there is another important point that must be made today. Five months ago, when we last considered a huge tax cut that mostly benefitted the wealthiest Americans, the money to pay for it was to come from the non-Social Security surplus.

Today those surpluses are gone. So whatever is spent on this stimulus package will, at least over the next 5 years, come mainly out of Social Security and Medicare funds. We may even return to deficit spending, if we are not careful. That is why we must be even more prudent, and more vigilant, about what is included in this economic recovery package.

The Democratic plan has a one-year cost of \$74 billion. Over 10 years, its cost increases to \$84 billion. As I said, the Republican plan costs \$89 billion in 2002. Over 10 years, it explodes to \$175 billion—and it runs the risk of damaging our long-term economic health.

Their plan costs more but does less for our economy, less for laid off workers, and nothing for homeland security.

I hope every Senator will ask himself or herself a simple question: Would my constituents want their Social Security and Medicare money to be spent on this proposal?

Democrats have tried to write our package with this concern in mind. We think the American people want us to invest in bioterrorism preparedness, for example.

But would Americans want their Social Security payroll tax money spent on new tax cuts for the wealthy or on huge permanent new tax breaks for profitable corporations? I don't think so.

In fact, it seems especially unjust when you consider that Americans at the lower end of the income scale pay payroll taxes on every dollar of their income. Meanwhile, wealthy Americans pay zero in Social Security payroll taxes on all income above \$80,000.

In other words, the Republican plan would spend the hard-earned Social Se-

curity payroll tax dollars of ordinary workers at the bottom and use them to pay for tax cuts for corporations and people at the top.

We have been told that Senate Republicans will attempt to raise a budget point of order against this bill.

Let me make clear what that means. A budget point of order is a procedural technicality aimed at killing this bill by saying that what our nation is now facing is not an emergency.

A vote for this procedural motion is a vote to kill unemployment insurance for laid off workers.

It is a vote to kill health care for struggling families.

It is a vote to kill tax cuts for businesses that create jobs and for people who did not get a rebate in the last round.

It is a vote to kill funding to build our national pharmaceutical stockpile, security at our nuclear power plants, protections for our bridges, tunnels, and ports, and the safety of our food and water supply.

This is a vote to kill all of these items by saying that this is not an emergency.

Thousands of people have lost their lives. Millions of people are out of work. We are at war abroad, and we are facing threats to our safety here at home.

If that's not an emergency, I don't know what is.

There is still time for us to come together and pass an economic recovery plan that will work for the nation.

In the days since September 11, we have seen more clearly than ever that we are indeed one nation, indivisible.

The victims of those attacks were from all races and ethnicities, all segments of society.

The heroes who came to their aid didn't ask, What's in it for me?

As we look to lift up the economy for all Americans, the most fortunate among us should not be asking what's in it for them.

Those workers I met in Rapid City aren't looking to us to solve all of their problems. They are just looking for a little help to get through one of the most difficult times of their lives.

It may be difficult for us to reach agreement, but for them—and for our nation—it is vitally important that we do so.

I strongly believe that with every challenge comes an opportunity, and right now we have an opportunity to help those who are hurting, lift our economy, and secure our Nation.

We will be judged on whether we seize it.

I hope and pray that we will.

I yield the floor.

EXTENSION OF MORNING BUSINESS

Mr. REID. Mr. President, if the Senator will yield, I ask unanimous con-

sent that morning business be extended until 11:30 and that the time be divided equally between the Democrats and Republicans.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. BAUCUS. Mr. President, what is the parliamentary position?

The ACTING PRESIDENT pro tempore. Morning business is to last until 11:15 with no division of time.

Mr. BAUCUS. Mr. President, I see that the Senator from Texas wishes to speak.

The ACTING PRESIDENT pro tempore. The Senator from Kentucky has the floor.

Mr. BUNNING. Mr. President, there is no objection to the request.

Mr. GRAMM. Mr. President, is there a unanimous consent request pending?

The ACTING PRESIDENT pro tempore. Yes, there is.

Mr. GRAMM. Mr. President, could it be repeated?

Mr. REID. Mr. President, we have morning business now until 11:15. The leader used his leader time, and I asked unanimous consent that morning business be extended until 11:30 with the time to be equally divided between Republicans and Democrats.

Mr. GRAMM. Mr. President, I would like to amend that. I don't know who else will come to speak. I would like to amend that to say I will be recognized to follow the Senator from Kentucky, if no one else is here.

Mr. BAUCUS. I object.

Mr. REID. Mr. President, what we have tried to do—as I explained to Senator BUNNING this morning—is, until there is some reason not to do so, we would alternate back and forth. I would also think it would be appropriate that Senators speaking during morning business be limited to 10 minutes each. I do not know how long the Senator from Kentucky wishes to speak.

Mr. BUNNING. I have a little more than 10 minutes.

Mr. REID. I am sure the Senator could get that.

So anyway, Mr. President, my request is that we extend morning business until 11:30, and the time be equally divided between Democrats and Republicans.

Mr. GRAMM. Reserving the right to object, if the chairman would like to speak after the Senator from Kentucky, that would be fine. Having come over and having listened to the majority leader's speech, I would like to be sure that somewhere within that time I get an opportunity to speak.

Mr. REID. I say to my friend from Texas, I know Senator BUNNING has been here all morning. He was here when I arrived this morning before 10:30. When he completes his comments, I do not know if the chairman wishes to speak.

Mr. BAUCUS. Mr. President, perhaps I can help matters out. I see three speakers who wish to speak.

Mr. REID. I think maybe what we should do is extend the morning business time until 11:45, with Senator BUNNING having 15 minutes, Senator BAUCUS having 15 minutes, and Senator GRAMM having 15 minutes.

Mr. BAUCUS. That is fine.

The PRESIDING OFFICER (Mr. NELSON of Florida). Is there objection?

Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Kentucky.

ECONOMIC STIMULUS

Mr. BUNNING. Mr. President, I rise in support of a strong economic stimulus package to help create jobs and to kick-start our economy. Right now, I don't think there is a doubt in anyone's mind that we have fallen into a recession.

Consumer confidence is down. Lay-offs are up. Economic activity has slowed dramatically. After years of economic good times, we are skidding into a sharp downturn.

Before the horrific terrorist attacks on September 11, our economy was already teetering on the brink. But that day sent us over the edge. In the third quarter, gross domestic product ended up actually shrinking by an estimated four-tenths of 1 percent. When the revised figures come out, I am afraid that number will fall even further down, maybe a full percentage point.

I think there is a chance that the fourth quarter could be worse and we could see GDP contraction of minus 2 or 3 percentage points, plus unemployment rising from 5.4 percent—which it is now—to well over 6 percent. In other words we have hit the wall.

Now we have to ask: What is the best way to get America moving again. That is the issue confronting the Senate. Do we try to cut taxes and provide for efficient, long-term growth that will create jobs or do we go for more Federal spending and a short-term approach, as the majority leader suggested?

To make things worse, September 11 compounded our problems. It made consumers more nervous and investors more anxious. It pushed a number of vital industries—airlines and transportation, investment companies, and tourism—to the edge of the cliff, and some over the edge.

Congress has already acted quickly to help the airlines and to shore up parts of our economy that were badly wounded by September 11. Now we need to figure out what we can do to set consumers' and investors' minds at ease and to help convince them that even though we are at war, it is time to get going with our lives and our business.

I believe that we must act quickly, but we must act correctly. The wrong economic package could make things worse.

The best way I know to create jobs is to provide incentives to business to grow and to expand. And the best way I know to convince business to get moving is taking in the language they understand: dollars and cents. The dollars and cents that every businessman and businesswoman in America knows best is taxes.

We need to cut taxes on business now, and not just nickel and dime stuff. We need real tax reductions that will have a broad impact across the economy and send a signal to the entire business community that Washington understands their problems and is going to do everything possible to help.

It is not time to pick or choose with help for just a few industries. Our whole economy is hurting, and we need general relief across the board.

I know that every time we have this debate the opponents of tax cuts, like our majority leader, shake their fists and point their fingers and cry out that tax cuts only benefit the rich. After awhile, they start to sound like a broken record. What the opponents of tax cuts in an economic jobs package need to understand is that these tax cuts are for businesses—and not corporate executives. No one seriously thinks and talks about helping rich people and hurting poor people.

The question is how we can best act to spur business right now to create real, long-term, permanent jobs. We have all heard from our people back home—the experts who are out there everyday trying to brow their businesses and to expand their companies—about the real, broad-based tax cuts that can make a difference.

We need to cut corporate AMT taxes, the punitive tax goes out of its way to punish enterprising employers, particularly those who are losing their shirt in this economy. Companies need better expensing rules and accelerated depreciation schedules so they can write off costs faster and free up their capital for investment and more job creation. And we need to slash capital gains taxes so that money can flow more quickly to businesses that are ready to invest and spend now.

I don't think anyone in this body really believes that by trying to cut business taxes and create jobs we are really helping rich people. The American people don't buy those class warfare arguments, and they are a lot smarter than many in Congress give them credit. There is a world of business between cutting taxes on rich individuals and cutting taxes on business that create jobs and help families put food on their table. There is nothing better than giving a job to somebody who really wants to work.

As our economy grew over the past decade, as middle-class Americans invested in the market and watched their savings grow, more and more we came

to understand that what is good for business in America is good for the American people and the American worker. In the past, when the economy took a turn for the worse, Congress too often took the easy way out. Instead of pushing for tax reductions and promoting growth, we went for the public checkbook and tried to buy our way out of recession with more Government spending. But considering how quickly our budget surplus is shrinking. It doesn't make any sense to write checks that the Treasury might not be able to pay without going into debt once again.

More than anything else, we must not return to the bad old days of Federal deficits and stagnant growth. It may feel good for Congress to pass more spending as a gesture to show "we care," but everyone knows that in the long-run the Government doesn't create jobs—business does—and caring means we have a job for anyone who wants to work.

More spending might help for a little bit, but I worry that it would just be a band-aid approach when our economy needs serious, long-term treatment. Extra spending on public works is sometimes necessary, but it is not a long-term solution to our economic problem. It is only a temporary fix.

And no one has ever accused Government spending, and money for projects funded through Government programs, of getting into the economy faster than tax cuts that would right now put money into the hands of private entrepreneurs.

In short, Mr. President, the best way to get our economy back on track is to cut taxes.

Reducing taxes frees capital. It lets business react swiftly to market conditions and to make crucial decisions quickly. And it affects the bottom line right now.

I do not think I am plowing any new ground here.

We have heard a lot of these arguments before. But I can't remember a time when the debate was as important as it is now.

We are at war. Our economy needs help. It is time to act now and to act swiftly.

I urge my colleagues to pass an economic jobs bill now, one that really does what it's meant to do—create jobs.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I understand that later in the day a point of order will be made against the bill under section 205 of the concurrent resolution on the budget for fiscal year 2001. The essence of the point of order will be to challenge the emergency designation contained in section 908 of the bill.

I am not sure whether that is the correct ruling. It is debatable. But my expectation is the Parliamentarian will

rule that the bill is subject to the Budget Act for that reason.

My view, however, is that the point of order should be waived. Why? Because the bill clearly responds to an emergency. Indeed, my good friend from Kentucky just said: We are at war. He said: Let's get moving now. Let's pass a good stimulus bill.

I don't want to put words in the mouth of my friend from Kentucky, but certainly he believes—and the rest of the Members of this body believe—that there is a very great need for us to act extremely quickly. We also know that many people are in very difficult straits, not to mention the huge tragedy of the thousands of people who were killed in the trade towers which were destroyed, the Pentagon destruction, the anthrax scares, other terrorism scares in the country. We need to move quickly. If that is not an emergency, I am hard pressed to say what is. There may be other emergencies that are even greater. I will not dispute that point. But this clearly is an emergency, too. These are not ordinary times. We are in a different era. It is very difficult.

Let me provide a bit of information. When legislation is considered in the Senate, there are very strict rules to enforce budgetary discipline, as there should be. The embodiment of these rules is the annual budget resolution which is debated every spring. We have updates and so forth, but essentially we have a long debate on the budget resolution. The debate allows the Congress to look at all of its needs—taxes and spending—and construct a budget blueprint for the coming year. It is a guess, an anticipation, an estimate of what we will need for the coming year.

The budget resolution sets a floor for revenues and ceilings for spending. And there are points of order that can be made against any legislation which reduces the revenues below the floor or increases spending above one of the ceilings.

These points of order can only be waived with 60 votes. That is how the budget resolution is enforced. But, wisely, there is a safety valve. We cannot with certainty predict the future. Thank goodness. If Congress and the President agree that there is an unforeseen emergency that requires legislation that cuts taxes or raises spending, then there is a safety valve for getting the legislation enacted.

The safety valve is simple. Congress must include language in the legislation which designates that the legislation is being enacted to cope with an emergency. Then the points of order enforcing the revenue floor and spending ceilings become inoperative.

That makes sense. In an emergency, for the good of the country, we may need to respond in a way that was not contemplated when we wrote the budget resolution. But there is one final

hurdle to face. In the Senate, the language in the bill that designates the legislation as an emergency is itself subject to a point of order. If the point of order is raised and there are not 60 votes to waive it, then the language designating the legislation as an emergency is deleted from the bill.

This is very serious because without the emergency designation in the bill, the entire bill would be subject to a point of order that can only be waived by 60 votes. In that case, the entire bill can be killed with the votes of only 41 Senators. So it is important to keep the emergency designation in the legislation.

Having presented the background, let me explain how the budget process unfolded this year. The budget resolution for this year, fiscal year 2002, was considered in the spring, many months ago. It was passed in early May. We voted on it in this body. At that time the economy was not too strong, but it did not appear to be facing an emergency. The economy had grown at a rate of 1.9 percent in the fourth quarter of the previous year, calendar year 2000. It grew at a slower rate, 1.2 percent, in the first quarter of 2001. These are somewhat weak growth rates, but they are not terrible ones.

Manufacturing was hurting. May was the 10th consecutive month of job loss in manufacturing, but the national unemployment rate was still only 4.2 percent. American consumers were not in a downturn. Retail sales had grown at a 5.2-percent rate in the first quarter of this year and were continuing to grow at the same rate, 5.2 percent, in the second quarter this year.

So the view at the time, at the time the budget resolution was passed, was that the economy needed a boost in fiscal year 2001, which ended on October 1, but the economy should be doing nicely as we progressed through the first two quarters of fiscal year 2002. It needed a short-term boost. But most of us thought—the economists thought, most people who spend their lives thinking about these things thought—that in the first two quarters of next year, January through the end of June, we would be doing a little better.

The budget resolution that we passed last May made room for an \$85 billion tax cut during the remainder of fiscal year 2001. This meant there were no 60-vote points of order that could be raised against a bill containing an \$85 billion tax cut in that fiscal year.

In contrast, the budget resolution made room for a smaller stimulus in fiscal year 2002 because there was an expectation that we would not need as much. It allowed approximately \$50 billion for tax cuts in fiscal year 2002 as part of the President's 10-year tax cut plan. That was part of the deal, part of the understanding. That is what the expectations were.

It allowed an additional stimulative tax cut of \$15 billion in fiscal year 2002,

but the \$65 billion total was smaller than the \$85 billion allowed for fiscal year 2001 because it was judged that more than that was not needed, and that was because no one expected the economy to be really weak in fiscal year 2002.

That was then. This is now. Unfortunately, as we moved through the summer into September, there was a surprise. The economy became much weaker than anyone had predicted. Manufacturing continued to lose jobs. By the end of August, manufacturing had lost jobs for 13 consecutive months.

Real GDP growth was almost zero in the second calendar quarter of this year. Many taxpayers were saving part or all of their tax rebates that went out last summer rather than spending them. They are starting to tighten up, getting more nervous, fearful, not spending, and that clearly means a weaker economy.

The Federal Reserve was still cutting interest rates, but that seemed like it might not be enough to turn the economy around. And then disaster struck. It is not necessary to recount the horrors of September 11, but it is important to talk about what the events of September 11 did to the economy. Here are some of the main results:

Airline travel declined precipitously. Airlines laid off thousands of employees post-September 11. Industries that depend on air travel—such as hotels and car rentals—also declined precipitously. They dropped off. Business confidence was shaken. Businesses cut back on investments even more than they had been doing. Consumer confidence began to drop precipitously, threatening consumer spending, which had been one bright spot in the economy.

The results of all those blows to the economy became very clear when the unemployment figures for October were released early this month. Unemployment jumped from 4.9 percent to 5.4 percent. That is the largest jump in more than 20 years. Manufacturing fell to levels last seen in 1965.

Now, non-manufacturing also took a hit. The slowdown in non-manufacturing industries was the most dramatic since the inception of a key report by the National Association of Purchase Managers in 1997.

Agriculture producers are hurting too. Net farm business income was at the year low in 1999 and 2000. Unless Government assistance is continued, net farm income in 2001 is projected to be even lower. The most acute problems are faced by farmers whose operations have been hit by floods, drought, tornadoes, and other natural disasters.

So that is why we are here today. Clearly, our economy is in an emergency situation. It needs emergency help. Both parties agree that we need some combination of tax cuts and

spending increases right now to try to invigorate the economy. This is an important point. We are elected to serve our people, to make judgments—the best judgments on the best information that we have, given all the facts we can lay our hands on. We have to do it responsibly, with integrity, and we have to do it with due consideration and thoughtfulness.

Remember, budget projections are merely estimates as to what the future will hold for us, even though we have virtually no idea of what, in fact, is going to be happening 2, 3, 4, 5 years from now. These budget estimates, prepared by the CBO and OMB, swing dramatically over very short periods of time—just little changes in projected inflation, growth, and unemployment have huge effects on the 10-year estimates. It is the best we can do given the information we have.

Given all of that, I urge my colleagues not to be too hung up on technicalities, on provisions that are in the Budget Act. They are very good. Those provisions should be there, but we have to exercise our judgment as to whether those provisions should be enforced now or not.

The world is watching us to see what we do in this situation—those businesspeople in the markets overseas. If we do too little, they are going to say America is not standing up.

I think there is a fair expectation that our economy will continue to sink, or that it will not be picked up as much as it could. That is a point made by all the people I have talked to—economists and CEOs across the country—about what is the proper stimulus package. I urge us to exercise our independent judgment as the right thing to do.

Mr. President, my time has about expired.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BAUCUS. I thank the Chair.

The PRESIDING OFFICER. The Senator from Texas is recognized for not to exceed 15 minutes.

GIVING FLEXIBILITY TO THE PRESIDENT

Mr. GRAMM. Mr. President, I came over this morning to urge bipartisan ship on the stimulus package—something we have not had in the Senate. I have to say that, while I have deep affection for the majority leader, I was somewhat taken aback by the tone of his speech. I don't think we are going to benefit ourselves here today by getting into a lengthy debate about the stimulus packages that are before us. I simply wish to make the following points:

First of all, I do believe the American people have been proud of the fact that, since September 11, we have had a level of bipartisanship in Congress that we

have not had in a very long time. I think it is a natural thing. I think the American people should expect us to come together in a period of crisis, and I think they have a right to be disappointed when we don't.

Most of the legislation we have done to this point has been bipartisan. We have had a few sticking points along the way. We are in conference today on airport security. The President would like to have the flexibility to use Government employees where it makes sense, to set Federal standards and use private contractors where it makes sense. Some people have said if you are going to do it, you have to use 100-percent Government employees. They say Government employees are more reliable. Critics say that, with Government employees, you can't fire them; you can't provide incentive pay; you can't reward excellence. It is a lengthy debate.

My own opinion is that when in doubt in a period of crisis, you ought to give the President the benefit of the doubt. I hope we will adopt that bill and give him the flexibility to use Government employees where he thinks they will work best, and to use private contractors under Federal standards where they would work best. It is easy to impugn partisan motives to people in that debate, but I do not think it is very helpful.

I have to say the majority leader gave a lengthy discussion about the tax cuts for the rich in the House plan. It is a funny thing; I guess if you went all over the world today and listened to legislative bodies debate, we would probably be the only great legislative body in the world, and maybe the only body in the world, that is still engaged in class conflict. It was rejected in the Soviet Union. It has been rejected in the Third World.

Our whole history is living proof that in America you give ordinary people extraordinary opportunities and they do extraordinary things and they get rich as a result of it, and is anybody any worse off because of it? I do not think so.

I have been blessed, as I am sure many of my colleagues have been blessed, to have many different jobs. I would guess if I went back to when I first got a job throwing a newspaper or working for Krogers or working for Sam Houston Peanut Company, I may have had 30 jobs in my life. But nobody poorer than I ever hired me, and I never felt hostile to people who had been successful, who had money, who were able to invest it and create opportunities for people like me.

I do not understand this effort to try to breed hate based on people's income. One of the reasons it is so utterly unfair is that it is not as if in America the only people who have income or wealth are people who are born with it. In fact, everywhere, every day, in every

city and town in America, we see ordinary people who become extraordinarily successful. Why that ought to be a point of conflict I do not understand.

There has been a lot of discussion about the elements of the Senate bill. Great sport has been made about provisions of turning chicken manure into energy. I thought that was a bad idea when it was first debated, and I still don't think it is a very good idea.

We are trying to pass a farm bill to pay farmers \$5 billion of additional money not to grow because of overproduction, and in the stimulus bill before us we are paying people \$150 million not to convert agricultural land to other uses. On the one hand, we pay them not to produce, and then on the other hand, we pay them to keep land in production. None of that seems to make any sense to me.

Rather than getting into all the details, I will talk about what a stimulus package is, and I am not going to try to appeal to authority, I am going to try to appeal to logic.

When I was a boy studying economics, economists believed in a set of principles. They reached those conclusions based on the study of history and, by and large, economists would normally agree on certain things. Today economists are like lawyers: You just hire one, and they give you the opinion you want, and they give you the best justification they can to do it, just as a good lawyer who is appointed by the court to defend a killer makes the best defense he can make for the guy because it is his job, even though he knows the man is guilty.

Today you can hire economists to say whatever you want them to say and make the most outrageous argument imaginable. You can find somebody who will do it, either because they have a political agenda or because they have their own economic agenda.

Let me talk about stimulus from the point of view of logic, and just see if what I have to say makes any sense.

First of all, if you want to stimulate the economy and you have a relatively small amount of money, you have options. We have sort of talked about \$75 billion or \$80 billion here. One option would be just to put it in small bills and fly it over cities and dump it out. People could find it and spend it. Is that a stimulus? In a sense, one could say it is. People pick up these \$20 bills, they take them and spend them. The only problem is we took the \$20 bills from taxpayers. Are we really any better off as a result of having dropped the money out of airplanes? I think the plain truth is, no.

The same thing is true about giving tax cuts to people who did not pay any taxes. Quite frankly, I know it is going to be in the final package and the President signed on to it in a compromise—negotiating before the negotiations started in a good will gesture,

which is one of the reasons I love the President, even though I do not always agree with what he is agreeing to.

In trying to get this moving, he agreed we were going to give tax cuts to people who did not pay any taxes. That is like dropping money out of airplanes. I do not think it stimulates the economy because we took the money from taxpayers and are giving it to people who did not pay taxes.

If we want to stimulate the economy, we have to find a way with the \$75 billion to get people to spend not only it but other things. We get that done by finding ways of spending the money that encourage other people to spend their money. Unfortunately, the other people who are spending their money are people who have money and, hence, almost any stimulus package that is worth anything could be criticized that somebody who is wealthy is going to be stimulated to invest their money and they at least think they are going to benefit.

The point is, America cannot be saved except at a profit. The fact that somebody will make money based on a stimulus package is the end objective.

There are two ways we can go about a stimulus package. If I could write the stimulus package, I would write it as follows: First, I would have cut the capital gains tax rate. It does not cost us anything for 2 years. Our experience with it, beginning at the end of the Second World War, has been almost uniformly positive. I have argued for it incessantly. The President decided not to propose it because he saw it as polarizing.

I also believe that making the tax cut permanent would stimulate the economy and bring stability to the economy. It is very destabilizing to have a tax cut that is going to dramatically change and, in fact, go away in 9 years. All over America today, people who could be investing are taking \$20,000 per child and locking it up in IRAs and in gifts to their children and grandchildren to try to avoid the death tax, even though we claim we repealed it. It is coming back in 9 years. So people who expect to live 9 years are using up their resources planning for it.

A decision was made that making the tax cut permanent would be too provocative in a partisan sense, and so that was not enough.

Senator GRASSLEY put together a good package given what we had already agreed to take off the table. I want to make the point—and I make it because Senator BYRD is here. Senator Byrd is going to propose some infrastructure spending. It has a disadvantage and an advantage, but it is one of the few proposals that is being made other than those that are targeted in the sense of targeting investment, tax cuts.

There is no doubt about the fact that accelerated depreciation—allowing

people to spend so if they buy new capital equipment to create jobs or open a factory they can write off more of it quicker—there is no question about the fact that a little bit of money there produces a substantial economic response.

I think we should be doing more of that. When people ask what cutting tax rates and accelerating the tax cut has to do with incentives to invest, do they not realize that 80 percent of the income tax paid by the top 1 percent of taxpayers is paid by small businesses filing under subchapter S as individuals? The top tax rate is really a small business tax rate. When people are saying the average person in that tax bracket will earn \$600,000 or \$700,000 a year, that average person is really Joe Brown and Son hardware store in Texas or West Virginia somewhere, and it is really their rate about which we are talking.

I see that as a very important incentive. I have to say when I look at the list of things we are doing, such as giving movie producers and recording artists and authors tax breaks, I would much prefer lowering the tax that affects investment or spending money on highways as compared to that kind of expenditure.

Let me turn to the whole question of infrastructure, and then I want to sum up before I run out of time.

In fact, how much time do I have?

The PRESIDING OFFICER. The Senator has 2 minutes 27 seconds.

Mr. GRAMM. The advantage of infrastructure is that by improving infrastructure, private investment can be induced. We get the impact not only of building a north/south interstate highway system in Texas, which is what we need—I do not know what they need in West Virginia, but I know we are way behind on highway construction, despite the success we have had recently in which the Senator has been a leader. But we can get a multiplier effect by the private sector investing as infrastructure is improved.

If we are going to use infrastructure as part of a stimulus package, we have to find a way to speed it up because in the postwar period not much infrastructure spending ever really got going until the recession was over.

I will sum up by saying what I think we need to do. First of all, I am going to make a point of order against the pending amendment, not the underlying bill. The point of order is that the pending amendment violates the budget rules. We decided in the 2001 budget that emergency designations for non-defense matters were being abused, and we eliminated them; they violate the Budget Act. But they are being used in violation of the Budget Act, and therefore there is a 60-vote point of order.

Everyone knows the bill before us is not going to become law. So why not

make it clear that is the case, so we can end these partisan debates that I know discourage people back home, and sit down around a table and work up a compromise. Compromise means some people get some things they want and other people get things they want.

It seems to me we agree on providing incentives for investment through expensing and through accelerated depreciation. It is in both bills. There has to be a compromise level. We differ greatly as to what we really believe will stimulate the economy. The logical thing to do, it seems to me, is to take half of the funds and do it through stimulation by lowering marginal tax rates to encourage investment, which is what I believe works, and then taking the other half as the Democrats want to use it and spend it, whether they spend it on infrastructure or whether they spend it in terms of health benefits.

In terms of health benefits, it is one thing to help people with health insurance, but it is another thing to set up a bureaucracy that probably would not even be in place until the recession was over. So in terms of spending money on health, I think there could be a compromise.

In terms of setting up this bureaucracy, I do not think the President would agree with that and I do not think that could happen. We have to sit down and work out a compromise. I think the Nation wants us to do it. The sooner we can get on with it, the better off we will be.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

ECONOMIC RECOVERY AND ASSISTANCE FOR AMERICAN WORKERS ACT OF 2001

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 3090, which the clerk will report.

The bill clerk read as follows:

A bill (H.R. 3090) to provide tax incentives for economic recovery.

The PRESIDING OFFICER. The Senator from Montana.

COMMITTEE AMENDMENT, WITHDRAWN

Mr. BAUCUS. On behalf of the Finance Committee, I withdraw the committee amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2125

Mr. BAUCUS. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Montana [Mr. BAUCUS] proposes an amendment numbered 2125.

Mr. BAUCUS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from West Virginia reserves the right to object.

Mr. BYRD. I ask unanimous consent to be recognized when the Senator from Montana yields the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I remove my reservation.

The PRESIDING OFFICER. Without objection, the reading of the amendment is dispensed with.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I say to my good friend from West Virginia, I intend to speak for only 2 or 3 minutes.

Mr. BYRD. The Senator may take whatever time he wants.

Mr. BAUCUS. Mr. President, the amendment I have offered makes several changes to the bill reported by the Finance Committee. It deletes the rural development provisions in sections 811 and 815 of the bill. These provisions generated considerable controversy, with some Senators questioning whether they provided economic stimulus. I support the provisions, and I think they are very important to the rural economy, but a similar set of provisions is being developed as part of a farm bill, and I think it is appropriate to defer to that debate at that time.

I note that I have not deleted provisions providing agriculture disaster assistance to farmers and ranchers because I think they are critical provisions of the bill.

My amendment also incorporates three Medicaid provisions which were filed in the committee but we did not have time to consider. One proposed amendment by Senator BINGAMAN temporarily increases the caps for States with extremely low disproportionate share hospitals. That is the so-called DSH cap.

The second proposed amendment by Senator LINCOLN establishes a 6-month moratorium on changes to the Medicare upper payment limit rules.

The third proposed amendment by Senator BREAUX revises and simplifies the transitional medical assistance program.

I also have provisions relating to the taxation of life insurance companies. Senator KERRY proposed a committee amendment addressing section 809 of the code to maintain balance. The amendment I am offering also addresses section 815.

There are also a few other corrections contained in the amendment. That is essentially a brief explanation of the amendment I am offering.

At this point, we are on the bill. I might say neither side has enough votes to pass the bill. The Senator from Texas correctly said we might as well get to negotiations and get to the heart of the matter because the current bill probably does not have the sufficient 60 votes to get it passed and enacted.

The same is true for the alternative bill proposed by the President and/or the minority party. There are not 60 votes for that either. So I agree very much with the main import of the point made by the Senator from Texas; namely, let us get on with it. Let us sit down. Let us start negotiating.

We are doing the country a disservice by continuing a partisan, rhetorical harangue, one side against the other. It is something I do not like. It is something I know most Senators do not like. I hope the leadership of both bodies, both the House and the Senate, on both sides of the aisle, find a way for us to put together negotiations where the leadership of the Finance Committee and of the House Ways and Means Committee, in conjunction with the White House, can sit down and put together a good, solid economic stimulus package quickly so Americans are served in the way they deserve to be.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. REED). Under the previous order, the Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I thank the Chair.

Many times my colleagues have seen me reach into my shirt pocket and pull out the Constitution of the United States. The distinguished whip, the majority whip, also carries a copy of that Constitution, as do several other Senators on both sides of the aisle. I have supplied them with this shirt pocket copy. I will refer to it as the "shirt pocket copy."

Alexander the Great put foremost, among all books, among all histories and among all literature, "The Iliad." Alexander the Great's copy of "The Iliad" was referred to as the "casket copy." He slept with "The Iliad" under his pillow.

I do not sleep with the Constitution under my pillow, but I carry it next to my heart, the Constitution of the United States.

Now, let's read for a moment the preamble of the Constitution. Those who have shirt pocket copies, take out your Constitutions; and those of you who don't happen to have a shirt pocket copy, take the Constitution off the desk or the shelf, if it is nearby.

The Preamble reads as follows:

WE THE PEOPLE of the United States, in Order to form a more perfect Union—

Now, the President of the United States has said he wants to set a new tone in Washington: Do away with partisanship; do away with all the quibbling, the argumentation, as it were, to form a more perfect union. That is the way I would interpret what he said.

I continue to read from the Preamble of the Constitution:

... establish Justice, insure domestic Tranquility, provide for the common defence—

Let me read that again: "provide for the common defence." It doesn't say anything about defending ourselves in Afghanistan. It says "provide for the common defence." It means to provide for the defense of our homeland, as well. "Provide for the common defence." "Common" means common. It is everywhere. It is common to all. It doesn't single out any particular person, place, territory, or city. It provides for the common defence.

I continue to read:

... promote the general Welfare—

That doesn't say promote the welfare of the rich; it doesn't say promote the welfare of Sophia, WV, my little hometown which you can hardly see on a map. "Provide for the common defence, promote the general Welfare." The Preamble isn't talking about those people who are on welfare rolls. It says "promote"—that means to push forward, to lift up, to advocate. To "promote the general Welfare and secure the Blessings of Liberty."

Aha, that word liberty!—"and secure the Blessings of Liberty"—to whom? "... to ourselves and our Posterity, do ordain and establish this CONSTITUTION for the United States of America."

Who said this? It says "do ordain and establish this CONSTITUTION. . . ."

In speaking of liberty to ourselves, who is doing the talking? Who is doing the talking? Let me tell you who is doing the talking. I will start with New Hampshire, Nicholas Gilman and John Langdon were the signatories for New Hampshire.

Next we will take Massachusetts. Who were the signatories? Rufus King and Nathaniel Gorham.

Then what is the next State? Connecticut. William Samuel Johnson and—who is that fellow who signed all those great documents from Connecticut? Who was he? Roger Sherman, Connecticut.

What is the next State? New York. New York, Alexander Hamilton. Only had one signator, the great State of New York.

And on down. Those were the men who signed this document. Immortal? This Constitution will live as long as the Earth stands. Immortal document, this is, indeed. These are the 39 signers.

I have just read the preamble to the Constitution. I have done so because it adequately and perfectly fits as the preamble to what I am going to say

and what I am going to advocate. I am going to talk about the homeland defense piece of this measure before the Senate. Defense; homeland defense. The preamble of the Constitution introduces the preamble, as it were, to that portion of the package which my staff and I, at the request of the distinguished majority leader, developed for this amendment. "Homeland defense," that is the title of this amendment. "Homeland" defense. Not homeland infrastructure. Not homeland pork. But "homeland defense."

Mr. President, hear me now! Fear has gripped the American people. It threatens the U.S. economy. I don't call my portion of this package a stimulus package. I am not calling it a "stimulus" although it does help to stimulate the economy. Anything that puts confidence back into the hearts and minds and pocketbooks and book-keeping ledgers of the American people is a stimulus to the economy. But to those who thought they would see Robert Byrd bring out a package with a lot of infrastructure in it are sorely dismayed and disappointed. It "ain't" here.

Infrastructure is needed in this country to be sure. If you want something that is true stimulus, put \$1 billion into highways and you will employ 43,000 people. Or put \$1 billion into school construction and you will employ 24,000 people.

But I am not doing that. I was asked at first by the majority leader to develop some options that would help to stimulate the economy. So my staff and I—I have excellent staff; they are not excelled by anybody anywhere in the world. That is what I think of them. My excellent staff and I were asked to prepare some options. We did that. We did a \$10 billion option, a \$5 billion option, a \$20 billion option, a \$30 billion option. So we have options all over the place. And in more than one of them I had infrastructure, something that would provide jobs.

But then something happened. We know, because we have read chapter and verse of the recent history in which we saw the awesome, terrible, horrific picture of two airplanes sailing into the Twin Towers in New York City. We saw the showers of bricks and mortar falling upon people, upon firefighters, upon policemen, upon men and women and children. And then there came anthrax, a weapon that has been spread among us.

I haven't been in my office in the Hart Building in weeks. The office is closed. My staff people are not in there. I haven't read the mail that has been sent to my office in the Hart Building in weeks. There are other Senators here who can say the same, on both sides of the aisle.

Fear has gripped the American people, and it threatens the U.S. economy. You can see it. You can see it in the

vacant streets of our major cities on the weekends. Walk the streets of Washington on the weekends. You can see it in the half-full airplanes taking off from our airports—half full. Some of them not half full. You can see it in the empty shopping malls less than 2 weeks before the start of the holiday shopping season—less than 2 weeks. Go to the shopping malls. Go to the national parks.

Here is a headline: "National Park Entrance Fees to be Waived." Aha, you can go for free.

National Park entrance fees to be waived over Veterans Day weekend to inspire national unity, hope, and healing.

So we see a repetition of the free passes, for example, that Metro issued here in the city, and in Northern Virginia, free passes that were issued by Metro so that people would ride, hopefully, into Washington, DC, and shop, spend money to stimulate the economy. There were the restaurants in Washington, DC, that offered a free glass of wine to the people who would come to those restaurants.

Now I have just read that the national park entrance fees were to be waived over Veterans Day weekend, which has just passed—for what reason? To inspire national unity, national hope, and national healing.

You can see it on Wall Street. Just watch Lou Dobbs. Watch him on television every day. You can see this fear spreading like oil, slowly, slowly—fear. You can see it on Wall Street. At one point, on Monday, November 12, the day after Armistice Day, Veterans Day, the Dow Jones Industrial Average dropped 198 points following the news of a possible terrorist attack on American Airlines flight 587. We saw the drop in the Dow Jones after the plane crashed in the streets of Queens, New York. Wall Street was already trying to recover from the troubling economic news of recent weeks. The Commerce Department reported on October 31 that the economy contracted by .4 percent between July and September of this year, the first quarter of negative growth since 1991—10 years.

The Labor Department reported on November 2 that the economy shed 415,000 jobs in October, increasing the unemployment rate to 5.4 percent from 4.9 percent in September, the largest jump since 1980.

Wall Street has been able to shrug off negative economic news in recent months, but traders seem less able to do so recently. The lingering anthrax scare has spread to victims beyond the news media and the Federal Government. The Attorney General has issued vague yet sobering warnings to the American people about anticipated terrorist attacks. National Guard troops can be seen patrolling the Golden Gate Bridge.

The American people, facing the fears of a new era, are looking to their

elected leaders—you, Mr. President, the Presiding Officer and you, Mr. President, at the other end of Pennsylvania Avenue—and me and other Members of this body and members of other legislative bodies, looking to their Government for reassurance. Parents want to hear that their children will be safe in their own neighborhoods. Families want assurances that it is safe to take that vacation they had planned earlier this year. The American people want assurances that they can open letters free from worries about biological weapons. They are looking to their elected leaders for security.

If a son asks his father for bread, will the father give the son a stone? If the son asks for a fish, will the father give him a serpent? If the son asks for an egg, will the father give the son a scorpion? Go back to the Gospel of Luke. The people are asking for "bread," in the form of Security. What do we, as elected representatives, give to our people when they ask for bread? Do we give them a stone when they ask for safety? What do we give them? A tax cut?

The people are looking to their elected leaders for security. What do we give them?

Do we reject this package which I shall explain momentarily? Do we reject it when the people ask for security against anthrax, when they ask for security against possible smallpox epidemics? What do we give them? Do we give them a stone?

When the people ask that the loopholes be closed along the northern border and the southern border, when they ask for security from terrorists who would come across those borders when they are not patrolled; when the people ask for security against terrorists who would slink across the borders, do we give them a stone? Do we give them a scorpion? Do we give them a serpent? Do we respond to their cries when they want safety? What do we give them?

We can start to alleviate the concerns of the American people right here—today—by addressing those vulnerabilities the terrorists are seeking to exploit.

My staff and I have crafted a \$15 billion package which would be a first step in giving back to the American people a small part of the sense of security that was blasted away on September 11.

A point of order will be made against the package that contains this "bread." Our people ask for bread. That is a good metaphor when one thinks of the security for which people are asking us.

A point of order will be made claiming that there is no emergency. The point of order will be made based on the claim that this \$15 billion package is not an "emergency."

Hear me now! Keep in mind that a point of order is being lodged against

this homeland defense measure. And, keep in mind the preamble of the Constitution of the United States—that phrase which says “provide for the common defense”.

The first bit of this graph that I point to is that section—that piece of the overall pie chart—which reads “Bioterrorism Prevention and Response.” See it? “Bioterrorism Prevention and Response—Food Safety, \$4 billion.”

Ask the one physician in this body, the one surgeon. Ask Dr. Frist, Senator FRIST from Tennessee, if he thinks that we need \$4 billion for bioterrorism prevention and response and food safety. Ask him. He is a renowned physician. I know he is a politician, too. So was Jesus a great physician. He was a politician also. Ask Senator FRIST if this is “pork.” Ask him if it is “pork” to provide \$4 billion for bioterrorism prevention and response and food safety.

We must reassure the American people whether their elected leaders are doing all they can to prepare against a biological or chemical attack. Anthrax, smallpox, and the plague are no longer the stuff of fiction but are deadly realities.

My proposal includes \$4 billion for bioterrorism prevention and response and food safety. This is money that would primarily be used for upgrading State and local lab capacities—get this now—State and local health departments, for example, in Raleigh County in southern West Virginia, and Sophia, WVA, my little town of 1,180 souls.

Ask the Governors of the States, Republicans and Democrats, whether they need that money to upgrade State and local Lab capacities. Ask the mayors throughout the country if they need this. These funds would help local health departments to train emergency health responders in recognizing the symptoms of an incidence of bioterrorism, and would enhance the ability to diagnose and to treat such illnesses as anthrax and smallpox.

My proposal will also allow State and local governments to plan for a variety of emergencies and to upgrade State and local information sharing systems.

Preparation and prevention are critical to waging the war against terrorism that is currently being fought. Where? On our home soil. That is getting pretty close to home, isn't it, on our own soil. We would do well to remember that it was a doctor in Florida who had just received training from the Centers for Disease Control and Prevention, CDC, who thought to test for anthrax when treating the first victims of that unusual disease. It is an unusual disease. But it is an old disease.

Read about it. Read about the 10 plagues of Egypt. Read about the murrain on the cattle, and the boils on human beings. Go to a dictionary and look up the word “murrain.” It means,

for example, anthrax among the cattle, the camels, and other livestock. Look at how old it is. It has been around a long time—thousands of years.

Here is a headline in today's paper. I will read it.

State Department Fears—

There is that word “fear” again

State Department Fears Another Anthrax-Tainted Letter.

What does this say?

Well, Cassius was nearsighted. I am not nearsighted, but I do need glasses to read. So here we go. I quote from this. The title of the article in today's paper of Wednesday, November 14, 2001, is: “State Department fears another anthrax-tainted letter.” I will just read a few excerpts from this news story in the Washington Times.

The State Department said yesterday it is searching worldwide for another anthrax-tainted letter.

At least one letter like the one sent to Senate Majority Leader TOM DASCHLE is packed in with State Department mail that was halted last month, said the department's top spokesman, Richard Boucher.

Meanwhile, the last of the Washington-area survivors of inhalation anthrax left the hospital yesterday after a 25-day stay.

The high concentration of spores on a single sorter indicates “that there is a letter like the one sent to Sen. Daschle that has moved through our mail system,” Mr. Boucher said. “We are now proceeding to go look at all the mail that we have held up, frozen, sealed off, in mailrooms in this building, annexes and around the world.”

There it is. So these funds—\$4 billion—would also be used to expand the Federal pharmaceutical stockpile by contracting for the development of 300 million doses of smallpox vaccine to be delivered by the end of 2002 to prepare for a potential outbreak of that dreaded disease.

No American has been vaccinated for smallpox since 1972, and the medical community is debating whether those who were vaccinated may still possess any degree of immunity.

Now, I was one of those children in the public schools of West Virginia many decades ago who were vaccinated for smallpox. That is where I received my vaccination. The scar is still there on my left arm.

Let's see what this headline says in the Washington Post of Wednesday, November 7, 2001. Here it is: “HHS”—that is Health and Human Services—“Set to Order Smallpox Vaccine for All Americans.” And it ain't free. It is not free. Let me just read excerpts from this story:

Health and Human Services Secretary Tommy G. Thompson said yesterday that he expects to sign a contract this weekend to purchase enough smallpox vaccine for every American but that he has warned the White House—

Hear him. Hear Tommy Thompson down there at the White House. Hear him.

...he has warned the White House the cost could be quadruple the \$509 million he originally estimated—or equivalent to the department's entire \$1.9 billion bioterrorism budget. . . .

The previously announced administration effort to vaccinate all Americans against smallpox, a deadly disease that was eradicated in the 1970s, took on a renewed sense of urgency as one of the leading smallpox authorities warned it was conceivable that former Soviet scientists were helping to “weaponize” the smallpox virus for nations such as Iran, Iraq, Libya, and North Korea.

These are referred to as “rogue states.”

“Many [Russian] scientists are really quite desperate for money”—

Cicero said: “There is no fortress that money cannot buy.”

And here we read a warning by Donald A. Henderson, director of the new Office of Public Health Preparedness.

U.S. intelligence indicates that several have been recruited by “rogue states” and were in a position to smuggle out a vial of the virus That's a very great worry.”

He said: “Many [Russian] scientists are really quite desperate for money.”

In addition, Henderson said, there is evidence that the former Soviet Union succeeded in weaponizing the virus and manufacturing up to 100 tons annually at a plant outside Moscow.

Mr. President, I ask unanimous consent to have both of these newspaper articles printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. BYRD. If anthrax can make the public jittery—and we have seen that it can and has made the public jittery—the prospect of smallpox, a contagious and vicious disease, could incite panic—panic! Funds in this bill, in my amendment, will be used to upgrade lab security at the National Institutes of Health and at the CDC, and to improve security at the U.S. Department of Agriculture labs, by hiring additional inspectors for import inspections, food supply monitoring, and lab equipment. There you are.

Now, the next section of the chart I wish to point out is the section denominated “Federal, State, and Local Antiterrorism Law Enforcement, \$3 billion.”

Federal, State, and local law enforcement officials have been working around the clock since September 11. When it comes to law enforcement and homeland defense—remember what the preamble said, “provide for the common defense”—this is where the rubber meets the road.

My package includes \$3 billion for Federal, State, and local antiterrorism law enforcement.

Of that \$3 billion, this package includes \$1 billion for Federal law enforcement antiterrorism investments. This money would be used to improve communications among Federal agencies, for the Coast Guard to increase

surveillance and improve communications with the Defense Department and other civilian terrorist/disaster response agencies, for the FAA to increase the number of safety inspectors and research on new safety technologies, and for the Drug Enforcement Agency, the U.S. Attorneys, the Judiciary, and the U.S. Marshals Service to improve security in courtrooms, for example, camera, x-ray machines and mylar on windows, and provide better facilities for police.

The remaining \$2 billion would be allocated for State and local law enforcement—again, State and local. Senators talk with your local mayors. Talk with your mayors in your home States. Talk with the police departments. See what they have to say.

The remaining \$2 billion would be allocated for State and local antiterrorism investments to improve the capacity of State and local police departments across the Nation to prevent and respond to terrorist attacks.

Municipal officials need billions of dollars—call them on the phone; hear what they say—municipal officials need billions of dollars for their cities' hazardous materials response teams to fully equip their search and rescue teams and to outfit the law enforcement officials who likely will be first at the scene of a chemical or biological attack.

Remember the day before yesterday? Who were the first people to go out to the scene of the plane crash? That wasn't a chemical or biological attack, but it was a sudden and terrible emergency. Who were the first? The policemen, the firemen, the paramedics.

Here is a letter addressed to me by the National Governors Association, addressed to me and my counterpart on the Appropriations Committee, Senator Ted Stevens. In writing to us about an economic stimulus package, this letter from the National Governors Association says:

Our recommendations also reflect the further deterioration of states' fiscal positions as detailed in the "economy.com" report sent to you earlier this week. With respect to our fiscal position,—

This is the National Governors Association talking now—

most states have made a series of spending cuts. Many are now implementing a second round, and in some cases a third. A number of states now have revenue shortfalls in excess of \$1 billion and many are scheduling special legislative sessions to address mounting fiscal problems.

And a Senator will soon make a point of order against this to say it is not an emergency, that this situation that prevails over this country and about which the National Governors Association is writing is not an emergency. Tell that to the National Governors Association!

I read further from the letter:

The cumulative states' current revenue shortfall is \$10 billion and growing. More-

over, new and unprecedented state responsibilities for homeland security are exacerbating serious fiscal conditions.

Let me read that sentence again for those who would say that this is not an emergency. Here is what the Governors say: New and unprecedented—what is an emergency? Something that is new, unanticipated?

Moreover, new and unprecedented state responsibilities for homeland security are exacerbating serious fiscal conditions.

Tell the Governors, tell the mayors, tell the chiefs of police of the departments throughout the land that this is not an emergency that we are dealing with and that a point of order should lie against this amendment because it is not an emergency?

Mr. REID. May I ask the Senator a question?

Mr. BYRD. Yes. I am glad to yield.

Mr. REID. I know the Senator from West Virginia is a parliamentary expert on what goes on in the Senate. Did I hear the Senator right; he has heard, as I have, that they are going to raise a point of order that the homeland defense part of the bill is not an emergency?

Mr. BYRD. Not an emergency.

Mr. REID. Am I hearing the Senator right, that there is going to be a point of order raised that that which he has laid out dealing with our security is not an emergency?

Mr. BYRD. Yes, that is exactly what they are going to say.

I say to all Senators, a point of order is going to be made against this package because those who offer the point of order say it is not an emergency and, therefore, it should be stricken from the bill. Not an emergency? Let them tell that to the Governors of the country.

I continue to read the letter from the National Governors Association:

Similarly, absent any changes in the Health Insurance Portability and Accountability Act (HIPAA) or new federal funding for HIPAA implementation in state-administered programs, states will have little choice but to divert scarce funds to comply with this federal mandate. This means that significantly less state funds will be available for education, critical state services, capital investment, infrastructure improvement, and additional efforts to respond to bioterrorism and other threats to homeland security.

Luke said, if the son asks his father for bread, will the father give him a stone? Here are the cities of this land asking their elected officials for "bread" as it were. Those who make the point of order will say: Give them a stone. Let them eat stones. Let them have a stone for security. Let them have a stone to protect them against a smallpox epidemic; give them a stone!

I hope that Senators, when they vote on this point of order, will understand that the people back home are going to remember all of us, how we vote when the people, when the mayors, when the

Governors, when the law enforcement officers of this country ask for "bread," when they ask for security, when they ask for money to provide security to those little towns and hamlets and cities all across this land, I hope that those who vote for this iniquitous point of order, will be remembered by the people of this country come the next election.

Let's talk now about the FEMA firefighters program. This package contains \$600 million in grants to State and local communities to expand and improve firefighting programs through FEMA firefighting grants. Over 50 percent of that funding goes to volunteer fire departments in rural communities in the countryside, and the volunteer fire department is the first and only entity available to deal with the crisis.

Last year Congress took action to begin to address this serious deficiency by creating a Federal program to provide direct assistance to fire departments. Administered by the Federal Emergency Management Agency, FEMA, the Assistance to Firefighters Grant Program received an initial appropriation of \$100 million. This funding was quickly depleted by tremendous demand. The Agency received more than 31,000 applications, totaling nearly \$3 billion in requested funds, almost 30 times the amount appropriated.

To those who would say that this package is wasteful spending, to those who would say it is porkbarrel spending, I say that one-half, a full 50 percent, would be allocated for bioterrorism prevention and antiterrorism law enforcement; Federal, State, and local antiterrorism law enforcement, \$3 billion.

Now as to transportation vulnerabilities, much has been done in the weeks following the September 11 attacks to improve our transportation security. I am not talking about building highways at the moment—to anyone whose skin might quiver at my use of the word "transportation." This is transportation security. But each step we have taken to plug the holes in our transportation security has revealed another hole that must be filled. This package includes \$2.2 billion to address simultaneously these vulnerabilities. Municipal officials need funds to protect their mass transit system. Of that \$2.2 billion, this package provides \$1.2 billion for enhanced surveillance of transit stations and improved emergency response systems.

Amtrak requires funding to address the critical safety vulnerabilities of its facilities, including tunnels. Have you ever gone through a tunnel on a train? Go to West Virginia. You will travel through several tunnels on Amtrak. But this money that we are talking about includes tunnels in and around New York City. It must improve its station surveillance. Out of that \$2.2

billion, this package provides \$760 million for that purpose. The purpose is this: Amtrak requires funding to address the critical safety vulnerabilities of its facilities, including tunnels in and around New York.

Another \$150 million would be used to improve the security at our Nation's ports, ferries, and freight rail. This is a recommendation by Senator FRITZ HOLLINGS. I have been surprised to find that only 2 percent of the cargo that comes by sea to our Nation's ports is inspected and only one-third of the cargo that crosses over the boundaries by truck is inspected. This package finds moneys for addressing these border and these port security needs.

Airport security. Airports have to respond to the substantial costs of the FAA's new, rigorous security directives issued since September 11. Airports need funds to increase the visibility of law enforcement personnel for deterring, identifying, and responding to potential security threats. Additional staff is needed to conduct security and employee identification checks throughout airports. Airports with tighter budgets, particularly smaller airports in rural areas, are unable to absorb these new costs. This package provides \$1.2 billion to hire law enforcement personnel to improve protection of secure areas at airports.

We have read recently a great deal about postal security. The distinguished Senator from North Dakota, Mr. DORGAN, just a few days ago—last week, as a matter of fact—as chairman of the Treasury Postal appropriations subcommittee, conducted hearings and had the Postal Service people up before the subcommittee to testify. It was a great hearing. The Senator from North Dakota rendered a tremendous service to the American people in holding this hearing.

Today, the American public and Postal Service employees find themselves the victims of terrorism by mail. The people are afraid to open letters. I used to reach into the mailbox when I was hardly tall enough to reach it; I would reach into the mailbox with glee and pull out a letter. I remember the first letter that was written to me when I was elected to the House. After I was sworn in as a Member of the House of Representatives in 1953, the first letter that was written to me—and I would have been 35 years old, so that was quite a long time back—came from my two daughters, and it carried on it three 1-cent stamps. We didn't have any fear of anthrax in those days. We used to open the mail with our hearts beating in our chests, with thankfulness, with expectation—but not expectation concerning a death-dealing letter.

People today are afraid to open letters from distant kin. Suddenly postal workers are confronting attacks from something much more frightening than

the vicious dogs that have long haunted the mail routes. A letter from an unknown source today is reason to call 911. America cannot function like this. America cannot go on functioning like this. Remember that phrase in the preamble of the Constitution about the "general welfare"? America should not have to function like this. This package contains \$1.1 billion for this.

How much did the administration request? The Administration requested \$175 million. That is a drop in the bucket. This package contains \$1.1 billion to begin to make the security changes necessary to keep the mail moving and allow the Postal Service to respond to this and future terrorist attacks.

Now, about the security of our borders, to which I alluded a little while ago, for border security there is allotted \$1.1 billion. Our border security is dangerously underfunded. We want America to remain always the land of the free, but we want it also to be protected. Our borders must be secure. Our borders leak like a sieve. Try holding water in a sieve. Our borders leak like a sieve, and the leaking should cause us severe alarm.

The Immigration and Naturalization Service conducts some 500 million inspections at our ports of entry each year—500 million inspections. Hundreds of millions of visitors enter the country without visas through the visa waiver program, or other legal exemptions. Yet how many inspectors are there to process these hundreds of millions of visitors? There are only 4,775 INS inspectors. Yes, you heard me. There are only 4,775 INS inspectors to process these hundreds of millions of visitors. That is 1 inspector—just 1—for every 104,712 foreign nationals who cross our borders.

Just to make it easy, call it 100,000, rounding it. So you have one inspector—just one—for every 100,000 foreign nationals who cross our borders. And, some Senators would make a point of order against this package to say that it is not an emergency? When our borders leak like a sieve, they say that this is not an emergency?

The U.S. Customs Service currently has the resources to inspect only 2 percent of the cargo arriving by sea. It inspects only about one-third of the truck cargo crossing the southern border. Almost nothing is more urgent than to quickly move to close these hideous gaps in our ability to monitor the goods and people who move across our borders.

This package provides \$1.1 billion for additional Border Patrol agents and screening facilities, primarily on the northern border, and to fully implement database improvement projects.

It is not enough that we authorize these additional expenditures in the antiterrorism bill. It is an empty promise if we fail to provide the resources to

back up that authorization. We must provide the funds, and we must do so quickly.

The next item on my chart is designated as Federal computer modernization, \$1 billion. There are more than 40 Federal agencies and tens of thousands of Federal workers who are working together to fight terrorism, but many of these agencies cannot pass along to each other information on suspected terrorists. They cannot pass that information along. Their computer systems simply do not work together. Their computer systems do not talk to one another.

This package provides \$1 billion for Federal computer system improvements so that Federal agencies that participate in our counterterrorism program can communicate with each other and provide more comprehensive information about threats and those who would carry them out. And, there are those who would say a point of order will lie against this because we do not have an emergency! Computer compatibility is critical to our ability to rapidly assess threats and to respond to them throughout the Nation.

How about those nuclear powerplants? How about those electric power projects? How about those national landmarks such as the Washington Monument, the Lincoln Memorial, the Statue of Liberty that beckons to peoples from across the sea? We need only to look across the Potomac to comprehend the threat to our Federal facilities and national landmarks in this war on terror.

I will never forget that day standing in my Capitol office. I was one of those slow movers. I will not be slow the next time. The next time those police tell me to get out of this building, I am going, and I will get out of there ahead of the police.

But that day I was slow moving. "Why should I go, I said?" "I will not be any safer out there than I am in here," so I was slow to move. I looked out the window on the morning of September 11 and watched the smoke rise from the direction of the Pentagon. Any Federal building or national landmark in this country could be the next target. This Capitol could be the next target.

In October, the CIA received a warning from an intelligence service in Western Europe about the possibility of a terrorist attack on the Three Mile Island nuclear facility in Pennsylvania. While the threat later proved not to be credible, it underscored the breadth of the danger to our homeland—to our homeland, America the beautiful.

The State police and the National Guard have stepped up patrols of these plants, and the Coast Guard is enforcing new rules barring boats from the waters near any nuclear plant. Likewise, utilities around the country have stepped up security at their plants

since the September 11 terrorist attacks, but utility officials admit that the Nation's power grid is just too large to be fully protected from wanton attacks.

My proposal includes \$900 million to increase security at Federal facilities throughout the country, at nuclear plants, at our national treasures, such as the Washington Monument. Some of that funding would be directed toward enhancing security at State Department facilities. These security precautions are essential. These are investments that will have to be made in the future if we are to cope with the continuing threat of terrorism.

Mr. President, over 6 weeks ago, on October 2, an agreement was reached with the administration so that the Congress could act expeditiously on the fiscal year 2002 appropriations bill. That agreement to limit spending in the 13 appropriations bills to \$686 billion is being fully implemented.

The Senate has passed this fiscal year appropriations bills on a bipartisan basis by an average vote of 91 to 7. That is bipartisan, is it not, an average vote of 91 for and 7 against on all of the appropriations bills that have thus been passed? We lack only one of the 13 bills, one that has not been passed by the Senate.

We have lived up to our agreement. The Senate has lived up to its agreement. Republicans and Democrats on both sides of the aisle have lived up to this agreement. However, there was no agreement to limit our response to the September 11 attacks in the \$40 billion appropriations supplemental passed on September 14. Who could have foreseen those two planes plowing head on into the brick and mortar, the cement, the steel of those Twin Towers? Is this an emergency? Who could have foreseen that? Who could have foreseen how the world would change? Who could have foreseen the emergency responses that would be required?

In the weeks since, the reality of our post-September 11 world has taken hold, has seized the American psyche. We are now faced with security threats that were not foreseen last month, that were not foreseen the month before last, that were not foreseen and still seem unimaginable, the stuff of nightmares. Anthrax appeared like a vampire in the night, sapping us of our customary optimism. The threat of smallpox may face us for the first time in more than 20 years.

Since October 2, the Attorney General has issued another warning about an eminent terrorist attack.

That is since October 2. That is since the letter referring to the agreement concerning the top line of \$686 billion. We have received information about a possible terrorist attack on the Three Mile Island nuclear facility in Pennsylvania since October 2, that letter of agreement among the executive and

legislative branches that the top line would be \$686 billion.

The National Guard troops have been dispatched to protect the Golden Gate Bridge since October 2.

The President has given the American people a pep talk. God bless him. He is a nice fellow. I like him. The President has given the American people a pep talk telling them they are now living in a different world and urging them to answer a call to war in our own land.

And yet, there are those who would say this is not an emergency? Yet, we have war, not just in Afghanistan but also in our own land. Tell that to the farmer sitting by that cold stove on the plains. Tell that to the coal miner as he emerges from the dark bowels of the earth after a hard day's work. Tell that to the mother who has children she takes to school in her own automobile. Tell all of these that there is no emergency. Tell them that there is no war going on.

A few days ago, President Bush asked the House and Senate leadership and the Appropriations Committee chairmen and ranking members to come to the White House; let us reason together. He wanted us to come to the White House to discuss the completion of the appropriations bills. I went.

While the meeting was intended to be a discussion as a need to provide additional funding in response to the attacks of September 11, the President used the meeting as an opportunity to tell us that he would veto the Defense appropriations bill if Congress included additional spending beyond the \$686 billion top line for the 13 appropriations bills and the \$40 billion level approved by Congress on September 14 in response to the September 11 attacks.

I assure the Senate that we are not breaking the \$686 billion top line agreement on spending in the fiscal year 2002 bill. We have worked hard in the Senate to produce bipartisan bills that conform to that October 2 agreement. We took a handshake, and it was an old-time handshake. We are keeping our word. So far, the Senate has passed 12 of the 13 bills by an average vote of 91 to 7. Each of those bills has been consistent with the \$686 billion top line.

After the House takes up the defense bill, the Senate will take up a \$317 billion defense bill that would also conform with the \$686 billion deal. However, \$40 billion approved by Congress on September 14 is clearly not enough to respond to the September 11 attacks.

Why is \$40 billion not enough? The President has proposed that \$21 billion of the \$40 billion go to DOD, and that \$1.5 billion go to foreign aid programs. The President has proposed less than \$9 billion for New York.

Hear me, Governor Pataki, hear me! The President has proposed less than \$9

billion for New York City despite our promise of \$20 billion to New York City. That leaves less than \$9 billion for homeland defense, and that is simply not enough.

One cannot make a silk purse out of a sow's ear. One cannot make a violin out of a cigar box.

That leaves us with a choice of not meeting our commitment to New York or not providing for a strong homeland defense. That is a choice I do not want to make. That is a choice I will not make. That simply is not acceptable. That is not living up to our word. That is not keeping our commitment. That is breaking our word.

The world has changed. The world has changed since Congress approved the \$40 billion supplemental on September 14. The threat of terrorism is no longer theoretical. It is real. When Congress approved the \$40 billion package, we were only beginning to learn of the extent of the damage and the anthrax attacks that had occurred. The President's proposal does not provide sufficient resources for responding to the threat of bioterrorism or threats to the American food supply. Nor does it include sufficient resources to protect our Nation's transportation system for our airports, mass transit, river ports, seaports, or Amtrak. Nor does it provide sufficient resources to improve security at our borders or to improve security at nuclear powerplants and labs, or at our Nation's dams and reservoirs. That is why I have included \$15 billion for homeland defense in this bill.

On November 7, several press reports indicated the White House is weary that any additional spending approved now will be built upon in coming years, and I shall quote an AP story.

What it had to say is this: Possibly forces President Bush to confront an endless stream of budget deficits just as he prepares for reelection in 2004.

Watch out now. In order to respond to the White House anxiety about this spending, I intend to offer an amendment, if I have the opportunity to do so. Let me offer this amendment. I intend to offer an amendment to direct the Congressional Budget Office and the Office of Management and Budget to not include the funds contained in the homeland defense title of this bill in any calculations of so-called baseline spending for fiscal year 2003 and future years. So I say to the White House, go to sleep, sleep quietly. Sleep soundly, White House. Let me offer this amendment. This amendment will wipe away those fears.

Under this amendment, these homeland defense funds would not be used to inflate the amount of spending necessary to maintain current services in future years. I remind my colleagues, without this amendment the Congressional Budget Office and the Office of Management and Budget would be expected to add over \$177 billion—it

would start with \$15 billion—to add over \$177 billion over the next 10 years. That is not my intent. That is why I have an amendment ready.

Let me say to all Senators, this Senator has no hidden agenda in offering this package, no hidden agenda. I assure Senators and assure the Senate that the \$15 billion in spending contained in this bill is not intended to result in a permanent increase in spending. This spending is intended to address the clear inadequacy of Federal, State, and local capabilities to respond to a clear and present danger to our homeland defense.

I am not interested in playing the game of baseline bingo. The amendment I offer would make it clear that it is a one-time \$15 billion expenditure. I hope a point of order will not be made.

We must have a recrudescence of confidence in the determination of our elected officials to recognize terrorist attacks before they happen and take every possible step to minimize them if they do. The administration has responded to this by advocating additional money for bioterrorism prevention and additional National Guard troops at our Nation's airports. That is necessary, but it is not enough. We cannot expect the American people to take comfort in our efforts if we only address the threat of the day, whether it be anthrax or airline security. We cannot wait until there is an attack on a nuclear facility. We cannot wait until there is an attack on our mass transit system. We cannot wait until there is an attack on our food supply before we react. We have to take preventive steps now before an attack kills more of our innocent citizens. We must anticipate our vulnerability, not wait for them to be shown to us on CNN.

The economy will continue to rise and fall, like the tides of the sea, but a sense of security for the American people is something that must not be allowed to wax and wane. The Congress has the opportunity before it adjourns for the year to show the American people that their elected officials have made every effort to prevent future terrorist attacks. We can take preemptive steps to combat terrorism on the homefront, with a health care system that can respond to bioterrorism, a safer food supplier, more secure airports and railroads, stringent border security, and State and local law enforcement that is trained and prepared to handle a terrorist attack.

It is not enough that we make improvements to airport security or bioterrorism prevention. We cannot protect ourselves if we only focus on our vulnerabilities after they have been exploited by homicidal maniacs. We must be more prepared than that. A focus on every aspect of our homeland defense is essential in order to reveal and repair every weakness that we may find.

These are basic safety precautions. These basic safety precautions must be implemented before the Congress adjourns for the year. We cannot wait for another year and another Congress to convene before we come to grips with the horrible reality of another disaster like the Twin Towers or the deadly attack on the Pentagon. Every man, woman, and child in America expects our utmost now. Let us act before it is too late.

Mr. President, this is an emergency. On a monument to Benjamin Hill—great Senator and great orator—to be seen in the city of Atlanta, GA, are these words:

Who saves his country, saves all things, saves himself, and all things saved do bless him. Who lets his country die, lets all things die, dies himself ignobly and all things dying curse him!

Mr. President, let us act to save our country.

(EXHIBIT No. 1)

[From the Washington Times, Nov. 14, 2001]

STATE DEPARTMENT FEARS ANOTHER

ANTHRAX-TAINTED LETTER

(By Guy Taylor)

The State Department said yesterday it is searching worldwide for another anthrax-tainted letter.

At least one letter like the one sent to Senate Majority Leader Tom Daschle is packed in with State Department mail that was halted last month, said the department's top spokesman, Richard Boucher.

Meanwhile, the last of the Washington-area survivors of inhalation anthrax left the hospital yesterday after a 25-day stay.

Leroy Richmond, 57, of Stafford County, Va., is believed to have contracted the disease when the Daschle letter went through the District's Brentwood Mail Processing Center.

Another Brentwood postal worker left the hospital Friday, the same day an employee at a State Department mail-handling facility in Sterling, Va., went home.

The State Department closed its mail system Oct. 24 when the Sterling employee came down with inhalation anthrax. It also notified posts worldwide to seal and shut down pouch mail.

Mr. Boucher said eight out of 55 samples taken from the Sterling facility tested positive for anthrax. Two of the samples came from two separate mail sorters and six were found on a third sorter.

The high concentration of spores on a single sorter indicates "that there is a letter like the one sent to Sen. Daschle that has moved through our mail system," Mr. Boucher said. "We are now proceeding to go look at all the mail that we have held up, frozen, sealed off, in mailrooms in this building, annexes and around the world."

Officials have to assume that there is a contaminated letter of some kind in the system, and that it will eventually be found in a mailroom or pouch bag, he said. "If there had been a letter that had gone beyond that into our system, we assume by now we would have seen it."

As officials were looking for the real anthrax letter yesterday, the U.S. Capitol police were dealing with reports of a phony one found on the desk of one of their own officers.

The officer has been suspended and accused of leaving a note and a powdery substance at his post in the Cannon House office building.

The substance was not hazardous but the department was taking the situation very seriously, according to U.S. Capitol Police Lt. Dan Nichols.

Federal officials during recent weeks have tried to get across the message to anthrax hoaxers that their pranks will be penalized harshly.

In a radio address last week, President Bush said "sending false alarms is a serious criminal offense."

Lt. Nichols said a criminal investigation into the incident is under way and findings will be sent to the U.S. Attorney's Office and the police department's internal affairs division.

The suspended officer was not identified. If convicted of a hoax, he faces up to five years in prison and as much as \$3 million in fines.

"He's been accused of this, and he's suspended without pay, but he hasn't been charged with anything yet," said Jim Forbes, a spokesman for U.S. Rep. Bob Ney, Ohio Republican, who heads the committee that oversees U.S. Capitol Police.

Mr. Forbes said there is no reason this officer would be exempt from charges similar to those faced by other anthrax hoaxers.

"He's not exempt from anything," Mr. Forbes said.

[From the Washington Post, Nov. 7, 2001]

HHS SET TO ORDER SMALLPOX VACCINE FOR ALL AMERICANS

(By Ceci Connolly)

Health and Human Services Secretary Tommy G. Thompson said yesterday that he expects to sign a contract his weekend to purchase enough smallpox vaccine for every American but that he has warned the White House the cost could be quadruple the \$509 million he originally estimated—or equivalent to the department's entire \$1.9 billion bioterrorism budget.

Thompson said that he was disappointed the bids from three companies came in around \$8 a dose but that he hopes to settle on a lower price in final negotiations on Friday, as he did in his recent talks on the antibiotic Cipro.

In addition to the 54 million doses already on order, Thompson said he plans to stockpile 250 million doses of new vaccine, or enough for "every man, woman and child" in the country.

The previously announced administration effort to vaccinate all Americans against smallpox, a deadly disease that was eradicated in the 1970's, took on a renewed sense of urgency as one of the leading smallpox authorities warned it was conceivable that former Soviet scientists were helping to "weaponize" the smallpox virus for nations such as Iran, Iraq, Libya and North Korea.

Many [Russian] scientists are really quite desperate for money," said Donald A. Henderson, director of the new Office of Public Health Preparedness. U.S. intelligence indicates that several have been recruited by "rogue states" and were in a position to smuggle out a vial of the virus, he said. "That's a very great worry."

In addition, Henderson said, there is evidence that the former Soviet Union succeeded in weaponizing the virus and manufactured up to 100 tons annually at a plant outside Moscow. He described experiments in which the Soviets planned to place smallpox warheads atop intercontinental ballistic missiles. It is unclear whether any warheads were tested.

"We do not have the confidence that the Russians are not at this moment proceeding with research on biological weapons," Henderson said, noting that as recently as the

early 1990s Russian scientists tried to combine the smallpox and Ebola viruses in search of an even deadlier agent.

As the man who led the effort to eradicate smallpox in the 1970s, Henderson is familiar with the potential consequences of a reemergence of the disease. Because it is contagious and cannot be treated with existing drugs, its virus is widely considered to be the most potent biological weapon.

"The likelihood of a smallpox release is much smaller than an anthrax release," he said. "We're worried about it because it could be far more serious."

A person infected with smallpox often develops a fever and, later, a rash. Smallpox vaccine administered within two or three days of exposure has been effective in preventing the illness from developing, he said. Historically, 30 percent of people infected with the smallpox virus have died, he said, estimating that the eradication of the disease two decades ago has saved 60 million people and protected 240 million others from illness.

Since the Sept. 11 terrorist attacks and the subsequent anthrax attacks, Henderson has advocated an aggressive smallpox strategy, including the stockpiling of vaccine. He reiterated yesterday that he would not support widespread, mandatory vaccination but that he wants to have the vaccine on hand in the event of an attack.

"A smallpox outbreak anywhere in the world is potentially an international disaster," Henderson said at a bioterrorism conference at the Johns Hopkins Paul H. Nitze School of Advanced International Studies. For that reason, he said, federal health officials have begun informal talks with Japan, Brazil and several countries in Europe on the stockpiling of smallpox vaccine.

If even a single case emerged, Henderson said, he would assume that it was the work of terrorists and would rapidly order quarantines and vaccinations to "build a barrier of immunity."

The United States has about 15.4 million doses of the old smallpox vaccine available, and government researchers say it may be possible to dilute those doses to vaccinate 50 million to 77 million people. Thompson recently expanded and accelerated a contract with OraVex Inc. (subsequently bought by British drugmaker Acambis PLC) for the delivery of 54 million doses by the end of next year.

A task force appointed by Thompson is reviewing the three bids and debating safety, efficacy and possible human clinical trials. Already, hundreds of volunteers in the United States are receiving the vaccine as part of a rushed study on the efficacy of diluting the old vaccine.

Later this week, newly formed smallpox teams at the Centers for Disease Control and Prevention will take a crash course on the virus with two former CDC experts. The class will focus on identifying, isolating and treating the disease, said spokesman Tom Skinner. More than 100 CDC epidemiologists have also received the vaccine, he said.

SOFTWARE TECHNOLOGY INDUSTRY

Mrs. CLINTON. Mr. President, I strongly support the amendment of the distinguished senior Senator from West Virginia, the chairman of the Appropriations Committee, Mr. BYRD. The chairman has put together this very well conceived \$15 billion package of appropriations to address the Homeland security needs as quickly as humanly possible.

I call to the attention of the distinguished Senator from West Virginia the devastating impact that the tragic events of September 11, 2001 had upon the software/information technology industry in and around New York City. Eighty-five percent of these software/information technology companies employ less than 100 persons. The survival of this industry is vital to the recovery efforts of New York City and to the national interest. Accordingly, it would be my hope that, in their administration of the programs for which funding is provided herein, all agencies are strongly encouraged to develop proposals which, to the maximum extent possible, take into account the dire circumstances faced by these companies.

Would the chairman agree?

Mr. BYRD. I thank the junior Senator from New York for her support of my amendment. Yes, I do agree with the Senator that the various agencies which receive funding under my amendment should take notice of this colloquy and take all appropriate action to encourage applicants to work with the companies which the Senator from New York has described.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I know the Senator from Texas has been here for several hours and I will finish in one moment.

I say to the Senator from West Virginia, I was privileged to be able to listen to the speech, and I am better for having done it. I have so much respect and admiration for the Senator. One thing that always amazes me is the great memory of Senator BYRD, reciting the signers of the Constitution from memory, and of course ending the remarks with this statement of Senator Hill. I appreciate very much having the privilege of listening to the Senator from West Virginia.

Mr. BYRD. I thank the distinguished whip.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, first I thank Senator BYRD for his speech. I want to clarify exactly where we are, exactly what the rules of the Senate are, the issues I believe are involved, and then I will make a point of order. I think I can do all that fairly briefly.

We have before the Senate a bill which is the House bill, H.R. 3090. That bill has been brought to the floor of the Senate. Now there is an amendment to that bill in the nature of a substitute, which is pending. Part of that substitute is Senator BYRD's \$15 billion amendment, but \$67 billion has to do with tax and spending provisions as diverse as giving Federal funding for health insurance for the unemployed and an innumerable list of large and small items to be given some form of subsidy or tax treatment.

In the 2001 budget, we reached a conclusion about a provision we added to

the old Gramm-Rudman law in 1990, which gave emergency designations, where you wrote a budget, the budget was binding, but if the Congress and the President agreed, there was not a point of order against a provision. It was decided in the 2001 budget that this process had been greatly abused and so it was changed. It was changed so there would still be an emergency provision for defense-related matters, but there would not be an emergency provision to waive or get by the budget constraints that we had imposed on ourselves for non-defense matters.

The point of order that I will make is not a point of order that Senator BYRD's provisions are not emergencies. They are not a point of order against provisions that would use poultry waste to create energy. It is simply a point of order that says we do not have a procedure whereby you can protect yourself in advance against a budget point of order except in strictly defined areas related to national defense, so that the waiver that is written into the bill is basically a waiver which is banned under the budget process as it was amended by the 2001 budget. That is the point of order that I will make.

Senator BYRD has given a list of concerns that we all share. I do not believe any Member of the Senate is less concerned about security of our homeland and our people than any other Member of the Senate. The President, whether he is right or whether he is wrong, said the \$40 billion that we have given him, which he is in the process of spending—\$20 billion of which we will have an opportunity to set partial priorities on—is sufficient through the end of the year. At the beginning of next year, if more funds are needed, he would like the opportunity as President to review the need, to involve the Cabinet officers and members of the executive branch and potentially independent agencies in doing a comprehensive review, and to send a request to the Congress for those funds.

The question proposed by the Byrd amendment, which is only a small part of the bill against which I make a point of order, is the basic approach that we should act now and that we should set these priorities as Congress. I believe it is a joint process involving the President and the Congress. The President has said that he would veto a bill that breaks the budget caps, even with the best of objectives. I make this point of order, not because it solves our problem by killing the underlying substitute, but because I see it as an important step in the right direction.

The problem is we have our ideas as Republicans. Democrats have their ideas as Democrats. In this case, for the first time since September 11, we in the Senate have not successfully been able to come together on a bipartisan basis. So rather than spending the rest of this week making partisan speeches

where Democrats point out and vilify some part of the Republican stimulus proposal and we pick out some small provision and burrow in on it—rather than waste the week in doing that, my objective in making the point of order is to make it clear that the provision before us cannot pass and begin the process whereby we go into negotiations, hopefully involving the House and the Senate, Democrats and Republicans and the White House, to try to come up with a stimulus package.

I think the American people want us to work together. Working together means I am not going to get everything I want. Our Democrat colleagues are not going to get everything they want. But in the end, I believe we can produce something that will be worthy of being adopted.

Mr. President, I make a point of order that section 909 of amendment No. 2125 to H.R. 3090 is in violation of section 205 of House Concurrent Resolution 290, the fiscal year 2001 budget resolution. Sustaining this point of order will not bring down the bill itself. The House bill will still be there. It will then be subject to amendment if we work out a bipartisan compromise. But it will pull down the committee substitute.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I move to waive section 205 of H. Con. Res. 290, the concurrent resolution on the budget for fiscal year 2001, for the purposes of the pending amendment.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. GRAMM. Mr. President, I ask for the yeas and nays on the underlying amendment.

The PRESIDING OFFICER. Is there objection to this request?

Mr. BYRD. Mr. President, reserving the right to object.

Mr. REID. Objection to what?

The PRESIDING OFFICER. Is there objection to the request of the Senator from Texas.

Mr. BAUCUS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAMM. Mr. President, I ask unanimous consent that the yeas and nays be ordered on the underlying committee substitute.

The PRESIDING OFFICER. Is there objection to it being in order to request the yeas and nays?

Mr. REID. I want to be sure the record is clear it is the Baucus substitute.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. I object to the request. As I understand it, the Senator is asking the yeas and nays be ordered by unanimous consent. I am opposed to that.

Mr. GRAMM. Will the Senator please yield?

Mr. BYRD. Yes.

Mr. GRAMM. We had gotten the yeas and nays on the point of order before I had an opportunity. We had talked to the leadership on your side about ordering the yeas and nays on the amendment. And because we had ordered the yeas and nays on the point of order, it was not in order for me to simply request it. So, therefore, I asked unanimous consent.

Mr. REID. Will the Senator from Texas yield?

Mr. GRAMM. Yes.

Mr. REID. I would say through you to my friend from West Virginia, the Senator from Texas indicated to us he was going to ask for the yeas and nays on the Baucus amendment. We acknowledge he was going to do that. From a parliamentary standpoint, he should have done that before he raised the point of order. Now that he raised the point of order, he can't ask for the yeas and nays unless it is by unanimous consent. As far as we are concerned over here, at least me representing the arrangement we had earlier in the day, we knew that is what you were going to do. I would say to my friend from West Virginia, if you have some objection, that is the status of the parliamentary procedure. We knew he was going to do it. He didn't do it when he should have.

Mr. BYRD. Is the Senator asking unanimous consent that the yeas and nays be ordered?

Mr. GRAMM. I could ask it either way. I could ask unanimous consent it be in order to ask for the yeas and nays. Why don't I do that.

I ask unanimous consent that it be in order to ask for the yeas and nays on the underlying Baucus amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. GRAMM. Mr. President, I ask for the yeas and nays on the underlying Baucus amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Will the Senator withhold his request for a quorum call?

Mr. BYRD. Mr. President, I withdraw my suggestion.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I was present for most of the presentation by my colleague from West Virginia, Sen-

ator BYRD. I will not repeat much of what he described as an emergency with respect to the provisions that he has offered dealing with homeland defense.

But there is a time, it seems to me, for leadership. I recall reading in John Adams's book a letter he had written to his wife, Abigail, in which he described the difficult times in trying to form this new country and find leadership. He expressed great woe to his wife, Abigail, saying: Where are the leaders? Where are the people who will rise up and provide leadership at this urgent time in this country? Then he lamented: There is only us: Washington, Jefferson, Franklin, Madison.

Of course, over a couple of centuries we have discovered that the "only us" represented some of the greatest leadership in human history.

But I think it is important to ask again, Where is the leadership when we need leadership?

We have an economy that is in very difficult trouble. The economy was very weak prior to September 11. But on September 11, terrorist attacks cut a hole in the belly of this country's economy.

The question for us is, What do we do? Do we do nothing? Do we say this is simply the normal movements of an economy, the expansion and contraction of an economy, or do we recognize that something different and unusual has happened that requires an urgent response by the U.S. Congress? I believe the latter is the case.

We have an economy in which we have buyers and sellers, consumers and producers, demand and supply, and we have an economy in which for two centuries in a market system we have expansion and contraction. It is called the business cycle. No one has been able to interrupt the business cycle very much. We can establish some stabilizers here in Congress to try to even out some of the movement of the economy, but the business cycle is central. It is like the tide. But we are not here to talk about the business cycle. We are here to talk about an economy that was on a down cycle in the contraction phase when on September 11 it was dealt an enormous blow.

As a result, we have had hundreds of thousands of people having to go home at night and say to their family: I have lost my job. Last month alone, 415,000 people had to go home and tell their family: I have lost my job. It wasn't my fault, I am sure they said, but I have lost my job.

This economy is in very deep trouble. This Congress has a very substantial responsibility at some point to come together with this President and find ways to respond to it.

There are a couple of proposals we have offered today. One is a set of proposals by Senator BAUCUS, and the other is a set of expenditures dealing

with homeland defense offered by Senator BYRD. Both of them have the capacity to provide a lift to this economy. Both of them represent a menu of items that will be helpful to an economy during troubled times.

Some others say: Well, this economy works only when you pour something in the top and it filters down to the bottom. That is trickle-down economics. Even during tough times, we see those who believe in the trickle-down theory at work to formulate a package to try to deal with what is called "economic recovery" or "stimulus"—kind of representing the trickle-down approach. Just pour something in the top and somehow it all comes down to the bottom.

We have seen during tough times on other occasions where some had the responsibility and said: Let's do nothing. Let's just sit for a while and see what happens. Let's just wait and see.

Herbert Hoover had that notion. He said: We will wait and see and let everything take its course. He felt there was no need for intervention. Of course, we sank deeper and deeper into a recession and then a depression.

We know from those experiences that there are things we can do. We also know from the experiences of the past century or so that this economy rests on a mattress of hope and confidence. If people aren't confident, they do things that express their concern about the future. They defer decisions to make purchases of cars or homes or to take vacations and so on. If they are confident, they make exactly the opposite judgment. They feel secure about a job. They feel good about the future. They take that vacation, buy that car and invest in that home. This is all about confidence.

I have said before that some view this system of ours like the engine room in a ship of state. If you just go to the engine room and take a look at all the gauges, dials, nozzles, and letters, then adjust all of them—M-1B over here, and investment tax credits over there, and accelerated depreciation—you just get all these knobs and letters and dials going just right and somehow the ship of state comes along. In fact, that is not the case at all.

There is a lot we don't know about the economy. What we do know, however, is that engine room in the ship of state runs almost exclusively on the American people's confidence about our country and its future. How do we at this point in time respond when we had a troubled economy, then that economy took this horrible blow on September 11, and as a result of that we see a contraction, hundreds of thousands of families losing their jobs? How do we then respond? What do we do to offer confidence to the American people?

The September 11 tragedy was followed by the anthrax attacks in sev-

eral places in this country. It has been very unsettling to the American people—being attacked in this country through the mail and using the Postal Service as a delivery mechanism for terror. It has caused great concern to virtually everyone.

In fact, a county sheriff in North Dakota called my office about a week or so ago and said someone in his county had called him. They had gotten a letter from me and wondered whether it was safe to open a letter from Senator DORGAN because they heard about all of this anthrax. All of a sudden, they get a letter from Washington, DC, in the mailbox. I was responding to their letter, perhaps. They wondered whether it was safe.

In every part of the country people worry about these issues.

You have the September 11 terrorist attack—this act of mass murder by mad men. Then you have the anthrax attack. Then you have an economy that is in very deep trouble. Last month's figures show 415,000 people are now newly unemployed. What do we do about that?

The interesting thing about the newly unemployed is in almost all cases they are the people at the bottom going up the economic ladder. They are the people who know about second-hand, second shifts, second mortgages, and second jobs. They are the folks who deal with all of those issues in their daily lives. Now they deal with the issue of being laid off. The question for Congress from them is, What can we do here? What can we do to try to get them back on their feet?

That is a way of saying that part of this stimulus package must be to address those issues. Addressing those issues, according to almost all economists, is to provide stimulus to this economy.

Nearly one-half of the people who have been laid off don't have unemployment benefits at all. Providing unemployment benefits and extending it for those who do have it is a certain way to put some money into this economy. It is important to do so. These are folks who were working and who were laid off through no fault of their own. They, too, are victims of terrorism.

When we debate these issues, we have some who do not think those folks are very important. They say that is spending. Just spending on those folks is not the right thing. During every economic downturn we have had, our first responsibility was to help those who needed help—to provide a helping hand, to reach out and say they are not alone.

Will Rogers talked about the inclination of some with whom we serve. It has been ageless, of course. He said:

The unemployed here ain't eating regular, but we will get round to them as soon as we get everybody else fixed up OK.

It seems to me, part of a package to provide hope and encouragement to this country and to try to stimulate this economy is to take a look at those who have been victims of these terrorist attacks and victims of a downturn in this economy and say to them: We can give you some help.

Nearly every economist in this country says when you extend unemployment benefits to help to those people who have lost their jobs, this is money that goes right into the economy.

Some have said—in fact, I have heard it in recent days—if you provide unemployment benefits, it reduces the urge for those folks to look for work. Look for work? They were working. They lost their jobs because of the economy. Does anybody think any one of these people would have chosen not to work? Half of them do not have unemployment benefits. Does anybody here think they would have chosen that unfortunate circumstance where they have to go home after work some night and say, "By the way, I want you to know, I have lost my job?" I do not think that is something that someone would choose. We have a responsibility to help.

So Will Rogers described the circumstances that still exist. Fortunately, it exists only in a small pocket here in the Congress. Most people understand the responsibility to do this.

We need to extend unemployment benefits. We need to provide some short-term help with the health insurance needs of those unemployed folks called COBRA. We can do all of that.

Now let me turn, just for a moment, to the remarks of Senator BYRD, because what he said is very important. Part of economic recovery in this country is, as I said, giving people confidence about this country, where we are headed, and what kind of security exists. So the package that Senator BYRD offers today is one that deals with homeland defense, bioterrorism prevention and response, and food safety. I went to a dock in Seattle, WA, one day just to see what happens at these docks. I come from a State that does not have dock facilities. We are a landlocked State right in the middle of our country, the State of North Dakota. So I was at the Seattle docks, talking to people about what is coming into our ports and how they deal with it. I saw these container ships being unloaded with these large cranes. Then they took me over to an inspection site. They opened the back of one of these containers, which was now resting on an 18-wheel truck, because they just drive these trucks underneath and drop the container, and then run the trucks off someplace to the rest of the country.

What they had opened was a container of frozen broccoli from Poland. It was bagged in, I believe, 100-pound bags. They took a knife and opened a bag of this frozen broccoli from Poland.

I asked the people who were showing me all of this: Do you know where this broccoli was produced in Poland? Do you have any idea?

They said: Oh, no, we wouldn't have any idea about that.

I asked: Do you have any idea what kind of chemicals were applied to this frozen broccoli from Poland?

They said: No, we wouldn't have any notion of that.

I asked: How many of these containers with frozen broccoli or frozen asparagus or peas, or whatever else is coming in in our food supply, are actually opened? The one you open, you do not know much about. All you can tell is it is green and frozen and it is a vegetable, but how many of these containers actually get opened?

They said: Oh, probably just 2 or 3 percent. The rest of them just move right on through.

It is a steel container with frozen vegetables, and it hits these shores. It is put on top of 18-wheelers, and off it goes someplace to a distribution center and then someplace to a restaurant and then someplace to a dinner plate. And we do not have the foggiest idea how it was produced, what chemicals were used or whether someone deciding to introduce bioterrorism in America's food supply found a way into that container. We do not have the foggiest notion about what the circumstances are with that broccoli.

Senator BYRD, in his proposal, says that, too, is an issue of homeland defense, protecting America's food supply. Should American consumers, with the threat of bioterrorism, inspect more than 2 percent of the food coming into this country, of those commodities coming into this country? I believe they should inspect more than that. So that is homeland defense.

Senator BYRD's homeland defense proposal also invests in State and local antiterrorism law enforcement. Investing in that kind of law enforcement is not only necessary, it also improves confidence. It also will stimulate confidence in this economy.

Remember, on September 11, while we all watched television, with great horror, others in this country were doing something quite different. Men and women, making \$40,000 and \$50,000 a year, wearing the badges of law enforcement and firefighters, were running up the stairs of the Trade Center. They were running up the stairs on the 20th, 30th, 40th, and 50th floors. And as people evacuated those buildings, they saw the first responders—the firefighters and law enforcement folks—going up. They did not do it because of their salary. They do not make much money. They did it because they were the first responders required to protect this country and their city.

State and local antiterrorism law enforcement, Senator BYRD says in his proposal. Do we need that kind of in-

vestment? You bet we do in virtually every reach of this country.

FEMA firefighters grant program: Absolutely necessary.

The Federal antiterrorism law enforcement, border security, airport security: I've been very concerned about the northern border. I am concerned about all of our borders around this country. You cannot provide security in America unless you have security of your borders. You must know who is coming in, and make sure those who are associated with terrorists or known terrorists are not allowed in.

On the northern border we have a wonderful, long 4,000-mile border with a great neighbor, the country of Canada. We are so fortunate to be able to share that border with a good neighbor. But it is true, on 4,000 miles of border, we have 128 ports of entry, and over 100 of them are part time. In most cases, at 10 o'clock at night, the security between the United States and Canada is an orange rubber cone that someone puts in the middle of the road as they shut the station down. That orange rubber cone that cannot shoot, cannot think, cannot talk, and cannot tell a terrorist from a tow truck. It is supposed to be security. Do we need to do something about that? The answer is, clearly, yes. And Senator BYRD, in his proposal of homeland defense, does that.

Airport security, mass transit security, Amtrak security, nuclear powerplants: I will not go through all of it, but I think Senator BYRD did it in a very thorough way. I will only say this: Can anyone come to this Senate and tell us this is not a set of emergency needs that are required at this point in this country? Does anybody really believe these are not emergency needs? I do not believe that someone can make the case that, A, this is not an emergency; and, B, these are not necessary.

Let me turn for a moment to the proposals on taxation. One way to provide economic stimulus and recovery and confidence is to get the economy moving again through tax incentives. We have done that before. Some are more successful and some are less successful.

There are some common provisions in both the House and the Senate bills that makes sense. Additional expensing makes sense. Some bonus depreciation makes sense. I happen to think a targeted investment tax credit would make some sense.

I want to make a couple of points about some provisions that have been kicking around here that are in either the House or the Senate Republican proposals that make no sense at all. What we have to do is get to the core of what works, to provide some help to this country's economy. One of things that happened—this is in the House of Representatives stimulus bill—is they decided to give retroactive tax cuts in the form of payments to some of the

largest corporations in the country, retroactively refunding the alternative minimum taxes that were paid by the companies.

I was in the other body, and I was on the House Ways and Means Committee when we wrote the 1986 Tax Reform Act. I was one of those who helped write the alternative minimum tax. It has turned into something that we did not intend back then, but, nonetheless, the reason we did it is we had all these stories. I recall one of them was General Electric making \$1 billion and paying zero in taxes—zero. We decided that was not fair and it was not something we wanted to see happen. So we thought, if someone is able to zero out their tax liability with all kinds of other devices, let's have an alternative minimum tax, so those who have earned substantial profits will at least pay some taxes. That is called the alternative minimum tax.

The stimulus package enacted by the House of Representatives says that we are going to give back immediate tax refunds for all the alternative minimum taxes paid back to 1986. So we will send IBM a check for \$1.4 billion, Ford Motor a check for \$1 billion.

Can you imagine that? How is that going to stimulate the economy? Tom Paxton once wrote a song, when Chrysler got a bailout, saying: "I'm changing my name to Chrysler." Now maybe he would write a song saying: "I'm changing my name to Ford."

Are we going to give refunds of billions of dollars to refund the alternative minimum tax that corporations pay? How does that help this country's economy?

In the Washington Post this past weekend, there was a fascinating op-ed piece written by a Nobel Prize-winning economist, Joseph Stiglitz. He wrote:

What worries me now is that the new proposals, particularly the one passed by the Republican-controlled House, are also likely to be ineffective. The House plan would rely heavily on tax cuts for corporations and upper income individuals. The bill would put zero—yes, zero—into the hands of a typical family of four with an annual income of \$50,000. Giving tax relief to the corporations for past investments may pad their balance sheets but will not lead to more investments now when we need it.

Then he wrote:

The Senate Republican bill, which the administration backs, in some ways would make things even worse by granting bigger benefits to very high earners. For instance, the \$50,000 family would still get zero but this plan would give \$500,000 over four years to families making \$5 million a year and much of that after (one hopes) the economy has recovered. It directs very little money to those who would spend it and offers few incentives for investment now.

The point is, we are required to not only do something but to do the right thing. This economy is contracting. The economy declined by .4 percent in the third quarter. The new figures will

likely show we are in a recession. Almost everyone in the field of economics believes that. It could very well be a very deep recession.

Factory orders dropped 5.8 percent in September, the lowest level since March of 1997. Corporate profits dropped 72 percent in the third quarter. Unemployment is 5.4 percent, up a percent and a half from last year; 415,000 job cuts in the month of October alone.

Consumer confidence is way off. Consumer spending has plunged. We have substantial excess capacity in our economy. That is why putting substantial money into the top in the form of a billion dollars here and a billion dollars there to one corporation is not going to do very much if you have substantial excess capacity.

The problem is that the economy is in deep trouble. The question is, What do we do? The answer is, What we do ought to be temporary, No. 1; No. 2, it ought to be immediate. The legislation brought to us from the House fails on both counts. The proposal that is offered by Senator BAUCUS and Senator BYRD succeeds on both counts.

I mentioned a moment ago the alternative minimum tax retroactive refund, \$7.4 billion for 16 large companies. Senator BYRD talked about the need for investment in this country, the need for helping people who are out of work with extended unemployment benefits during tough times. That amount, \$7.4 billion, could help State and local governments hire the first responders, fire and police protectors, and training. It could help deal with the U.S. Postal Service needs.

I did not mention but Senator BYRD talked about the need that is required now by the Postal Service to find the technology to irradiate the mail, make sure the mails are safe. It is a whole series of things dealing with the use of money. Bioterrorism, if we are going to pass a bioterrorism bill, how do we pay for that? Law enforcement, infrastructure, all of these are needs that we must address.

Some believe this is not an emergency. I very seriously disagree with that. Clearly, this country is facing an emergency situation with an economy that is in a very steep decline.

My hope is that we will decide in the coming week or so that there is a way for the Republicans and Democrats, for the House and Senate and the President, to engage in the kind of negotiations that will lead to an economic recovery or stimulus package that, A, is immediate and, B, is temporary, one that recognizes the requirement that we have to do this now.

I regret very much that a point of order was just raised. I understand why it was raised, but I regret it was raised because I believe a point of order also exists against the underlying Republican bill that is at the desk. The bill that came over from the House also has

a point of order against it. It substantially delays things here in the Senate to begin battling points of order. Either we are going to do a stimulus package or we are not. If we are going to do a stimulus package or an economic recovery package, let's get serious about it.

What I see in some of these bills, especially the one at the desk from the House, reminds me of what my mother used to call supper. When asked, "What is for supper?" she often would say, "Leftovers." We all knew what leftovers meant. It meant whatever else was left in the refrigerator.

That is what we got from the House in their so-called stimulus package—all the leftovers they hadn't gotten done in previous bills, having nothing to do with making something immediate or temporary, just leftovers, just the old things they always wanted to do. Give a refund of \$1.4 billion to IBM because they paid an alternative minimum tax since 1986. That doesn't make any sense. That is not going to stimulate the country. It is just the same old nonsense.

I started talking about John Adams in his book lamenting to Abigail about, where was the leadership? Where is the leadership? he said, during the formative time of this country when they needed leadership. He said: Regretfully, there is only us, Washington, Franklin, Jefferson, Madison. Of course "only us" turned out to be quite substantial leadership, the greatest leadership certainly in this country's history, perhaps in the history of the world, the organization of free government.

The question is, Where is the leadership now? The leadership offered by Senator BAUCUS and Senator BYRD, assisted by Senator DASCHLE, in trying to put together legislation that will give hope and confidence to the American people—I hope as well the leadership of the President and others who will join us in very serious negotiations in the coming days—will allow us to pass legislation that will give us the opportunity to say, as Churchill asked the English to say, "this was our finest hour."

We need to do this in a serious way. This country faces a serious challenge. My hope is we do it sooner rather than later. Again, I regret very much a point of order was raised because there is not only a point of order against the legislation that has been offered today, there exists a point of order against the underlying House bill; there is a point of order that lay against the Senate Republican bill; there is a point of order against all of this. The question is, do we have an emergency in this country or don't we? Those who, like Herbert Hoover, want to sit around and say, let's just wait and see what happens, will do this country no service. Let's decide we will take action now. We will do it on a bipartisan basis,

with Republicans and Democrats in cooperation with the President, and do it in a way that will make this country proud of the service given by Congress and the President.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, it is very important that we debate and understand where we are going on the stimulus package. I agree with what many people have said: We do need an economic stimulus. We have been in a recession for 15, 16 months. September 11 has pushed us down even further. The economists may say we have to wait until we have two successive quarters of negative growth, but everybody knows the economy has been going downhill.

I also agree that what we need to do needs to be immediate, needs to be stimulative, and should not be permanent; it should be temporary.

I have a great deal of problems with what has been produced by the House and what has been produced by the Finance Committee. A newspaper that is common to the area the occupant of the chair and I serve—I often don't agree with it—had an editorial today referring to one part of the Senate Finance Committee bill and talked about chicken manure and applied that appellation to both bills, the one that came out of the House and one that came out of the Finance Committee. I wouldn't go so far myself as to say that. I would say, as we say back home, I have a minimum amount of high enthusiasm for either one of those bills.

Now, on either one of them, one can say these are needed things. Any bill that provides for research in science and building infrastructure, things normally in the course of appropriations, I would support. We need to build highways. We need to do research. There are a lot of problems with which we need to pick up. Similarly, when you are talking about tax relief and tax cuts, the long-term good of the economy requires that we lower marginal tax rates and get rid of the craziness that the alternative minimum tax imposes, particularly on individuals and small businesses. But I don't think this is the time to do it. I think we need to take care of those people who are hurting. That is why I think we ought to provide something that has unemployment compensation and grants to the States to help with health care.

I also believe we need to help small business. I have filed a couple of amendments that do several things for small business. Frankly, small business was largely left out of the Senate Finance Committee and the House bills. Small business is the driving engine of our economy, and nobody seemed to care about small business. They are the ones taking it in the teeth in many areas. So I filed amendments that do

several things. First, my amendment provides for much more generous loan terms for small businesses that have been directly or indirectly affected by the September 11 terrorist attacks, by deferring and/or forgiving interest on these loans and lowering fees. In other words, it says to small business that if you are willing to take the chance now to invest and grow your business as this economy starts to turn around, we are going to give you a break on the amount you have to pay up front. You can defer paying interest until we come out of this. That makes a lot of sense.

I think, also, we need to encourage and ensure that small business gets a share of Government procurement as part of these stimulus packages. We pass small business bills that give all kinds of benefits to small business and then the bureaucrats find ways around them. We need to tighten up and eliminate those loopholes so when the Federal Government spends money, a part of that money goes to small businesses for the purchase of goods or services.

On the tax front, if there is one thing we can do to help small business it is to raise the amount of new equipment that they can expense. Today, if a small business owner buys a piece of equipment, he can expense up to \$24,000 of the purchase price. My proposal is to increase that limit to \$50,000 that can be written off immediately so they can get an immediate tax break and don't have to depreciate it. We would also raise the limit on vehicles. Right now, you can only depreciate about \$14,000 on vehicles. A lot of vehicles—particularly vans and trucks used by small business—cost well above that amount and they can't depreciate the full cost of the vehicle. So it is a real burden on small business to buy them.

For restaurants, which are dominated by small businesses, we ought to restore the full 100-percent business meal deduction. These are things we can do on an immediate basis that will have an immediate impact on small businesses, their suppliers, equipment manufacturers, and our economy as a whole.

I also happen to favor one of the simplest, most direct approaches to get money into the pockets of working men and women who can spend it right away. Senator DOMENICI has developed a concept of having a December tax holiday on FICA, the Social Security payments all working Americans make each year. Under this proposal, any payments that are owed during December by employees or employers would not be sent in, leaving more in each worker's pay check and more for the business to protect jobs. The General Treasury would reimburse the Social Security fund so there would be no loss to Social Security Trust Fund while protecting retirees' benefits. This is one way we could get money into the pockets of people who will spend it in December.

One of the things people are talking about is the expansion of the tax rebates that started in July. The rebate the President suggested is fine, but most people say it is unworkable because you can't get the rebate out until January and there's a good chance it will slow down the processing of returns and mailing of refunds in the upcoming tax filing season. I think everybody realizes that to get a strong economy we need the money in the pockets of the working men and women in America now, not tomorrow. So I would like to see a serious consideration to the December FICA tax holiday that Senator DOMENICI has constructed.

I have several more amendments at the desk. If we are going to be here and have a vote-a-rama on a long list of amendments, you can count me in because I think these things ought to be considered. I believe there is also discussion, on the other hand, by the leadership that if the point of order is sustained, there will be serious negotiations so that a final package will come to the floor. Obviously, that is not in my hands. But I raise these points about small business and the need to stimulate the small business sector of our economy, which would be helped by easier loans, greater expensing, more Government contracts, and which would be helped by the plan that Senator DOMENICI has conceived. I hope when he introduces it, he will add me as a cosponsor.

These things will help. I think they will give the kind of economic stimulus we need right away, and if there is to be a negotiated agreement—House-Senate, Republican-Democrat, and the White House—I hope they will take into account these vitally important provisions for small business, and perhaps avoid the paths that will be best addressed in other legislative action at other times.

I urge the managers of the bill to consider the impact this stimulus package can and must have on small business.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I am glad to yield to my colleague from New Mexico. He has a brief matter he wants to bring to the Senate's attention.

Mr. DOMENICI. I thank the Senator. I didn't hear the Senator. Did he say a time certain?

Mr. KENNEDY. I understand that the Senator wanted 2, 3 minutes. I am glad to accommodate.

Mr. DOMENICI. Since I was part of the history of this, I wanted to recall it and let everybody know what we are debating here. Again, this point of order was established in the 2000 budget resolution, and then it was made permanent in the 2001 budget resolution. It was designed to specifically address what was said over and over at

that point to be a misuse of the "emergency" designation that had become a popular mechanism for getting around the spending limits established in both law and in our budget resolution.

So in the 2001 budget resolution, we established a very clear set of priorities designating domestic spending as an "emergency." All those criteria had to be met to allow the spending or tax cuts to be placed outside the budget blueprint.

Again, let me read those criteria because that is what we are debating. They were the following five criteria that had to be met: one, the provision must be necessary, essential, and vital; two, the provision must come about suddenly and quickly; three, the provision must be urgent, pressing, and compelling; four, the provision must have been unforeseen, unanticipated, unpredictable; and five, the provision must not be permanent.

Senator PHIL GRAMM raised an appropriate point. The Senate has the authority to waive the issue before us and decide whether the underlying bill and the amendment to the bill meet all of these criteria. I haven't studied both bills, and I essentially looked only at the underlying tax bill that came out of the Finance Committee. I remind everybody that we have declared a huge amount of money as an emergency already. We are at \$70 billion since the budget resolution that we have declared to be emergency because of the disaster that beset our people and the State of New York, Washington, DC, and obviously the crash in Pennsylvania.

I just read the criteria. With reference to the tax bill, I ask rhetorically: Does spending money to buy meat, blueberries, watermelons, cucumbers, and other items, meet the emergency criteria of being urgent and necessary at this time? Do citrus canker tax credits rise to the level of a needed emergency tax cut today? Do payments to rum producers in Puerto Rico and the Virgin Islands qualify as emergency spending? I am just asking the question. Perhaps people think they do. Senator GRAMM was wondering about not only these but whatever other ones he might have had in mind.

Do we think expanding the work opportunity tax credit to provide \$4,800 for every bond trader and stockbroker in Lower Manhattan meets the criteria of essential and necessary? Do we think the \$2 billion pricetag for this provision is what we had in mind when we passed this tax credit for low-income, single-parent mothers?

I submit, if this point of order is not waived, then obviously we will be back thinking about a bill that is bipartisan. I recommend that we not grant the waiver, and then I recommend strongly that we get busy on a bipartisan bill, showing the American people we can create a stimulus for our growth that

includes tax measures and other items, that it can be done in a bipartisan fashion, and we ought to get on with it.

I thank Senator KENNEDY for yielding, and I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I imagine our fellow Americans who have been watching the Senate this afternoon are wondering whether this institution can function effectively in dealing with the problems they are facing every single day, particularly those who have lost their jobs in recent times through no fault of their own.

They are proud men and women who work hard, play by the rules, go to their jobs every day, and have found out in recent times, before and after September 11, that their services are no longer needed. They are 137,000 workers in the transportation industry; 136,000 in the hospitality, tourism, and entertainment industry; 57,000 in the communications and utilities industry; 226,000 in manufacturing; 14,000 in the retail industry; 44,000 more in the service sector industry; and in the finance, insurance, real estate industries, 24,000 more.

There it is in raw figures, but it does not reflect the challenges those families are going through every single day when they are denied, in too many instances, unemployment compensation, even though they have contributed to it, because of the change in the rules, or they find it virtually impossible to find new employment because of the changed economic conditions.

These are our fellow Americans, workers, proud men and women, who have provided for their families and, now, every day go home and have to look into the eyes of their children, and look into the eyes of their loved ones, and say: I was not able to get any employment today, and our savings are going down further and further.

We know there is an emergency. It defies any possible understanding of the use of the word in the English language that there is not an emergency in the United States today. Tell that to the brave men and women behind the lines in Afghanistan. Tell it to their relatives at home.

Tell that to the National Guard troops who have been called up in my State serving in the air wing. Tell it to the reservists who have been called up from Westover, Barnes Air Force Base, the MPs who have been called up, many from the private sector. Tell it to them, we do not have an emergency.

Tell it to the families of the postal workers who died from anthrax that we do not have an emergency.

Tell it to the Attorney General and the President of the United States who said we have to be on a heightened state of alert. When did we hear that in the last years? When did we last hear warnings from an Attorney General

and from a President about how we have to have a heightened state of alert? All Americans have to be on a heightened state of alert.

This is defined as an emergency any way you look at it. We are facing an emergency, and we are facing an emergency in a most profound way in the state of our economy. We have seen it in our States, and if we have not seen it, we have not been paying attention to our constituents. Maybe it has not reached some areas of this country, but I would like those Members to rise up and tell us about how their States have not been affected or impacted, because every indication is we are in an emergency.

We have had the first decline in the GDP in more than 8 years. We have the largest increase in the unemployment rate in 21 years. I will not take the time this afternoon to read into the RECORD when a number of our colleagues, many on the other side of the aisle, said: Use the emergency provisions for incidental factors. There are lists of them. I have lists of them. We are not talking about that. We are talking about the greatest increase in unemployment in 21 years. We are talking about the three-quarters of a million newly unemployed and the plunge in consumer confidence in our economy.

We have heard the words of some economists. We all saw the reports this last weekend. The Nobel laureate, Joseph Stiglitz, talked about this as well, and his statements have been mentioned in this Chamber:

The United States is in the midst of a recession that may well turn out to be the worst in 20 years, and the Republican-backed stimulus will do little to improve the economy; indeed, it may make matters worse.

There it is, Mr. Republican. It is not just Democrats saying it. Families in America understand it is an emergency. Those who are serving in the Armed Forces and are being called up know it is an emergency. Economists understand it is an emergency. And people are asking: Are we in the Congress of the United States going to do something about it?

Evidently, we are going to be denied that opportunity by the use of procedural actions of which the American people are sick and tired.

The American people understand. Why are you not doing what you did in the 1970s or in the 1990s in the unemployment insurance program? We have examples of the unemployment insurance program helping workers. Why are you not doing what you did then? Why aren't Republicans and Democrats working hand in hand to provide assistance to those who are unemployed?

We did it in 1991 by a 91-to-2 vote in the Senate. We provided a more generous package than is being proposed by the Democrats now. Then in 1992, by a 94-to-2 vote, Republicans and Demo-

crats provided extended unemployment compensation. Again in 1992, July of 1992, by a 93-to-3 vote, we provided an extension of unemployment compensation—each time trying to provide additional protection for workers who were being excluded and, we extended unemployment insurance again later on in 1993 by a vote of 79 to 20. That is the history of trying to provide help to these families in a much more extensive way, with a generous kind of commitment. People say, why can they not agree to that this afternoon? Why are roadblocks being put in their way to deal with that this afternoon? Why can we not get about that which will help my friend or my neighbor, somebody who has lost his job? But, no. Instead, we are going to have a procedural vote. We are going to have procedural votes in order to deny us the opportunity to do so.

We have a similar situation in health care. This is one of the most valuable qualities of life for all of our fellow citizens. The central challenge we face is trying to ensure we are going to have adequate health care. I enjoyed being in this Senate when we debated a patients' bill of rights. How often I listened during the course of the day to those voices that said we cannot pass a patients' bill of rights because it is going to increase premiums by 1 percent and we are going to create all of these uninsured.

We have thousands of uninsured who have been losing their coverage, and I am waiting to hear those same voices say, "let us do something about them." I have not heard it yet. Back when we were on the floor debating whether a patient was going to have the best health care based on a decision of the doctor instead of the bottom line of the insurance company, my Republican colleagues gave long speeches saying that we should be focused instead on covering the uninsured. That is what we were battling for—to protect American families.

We are told we cannot go to that radical concept because we are going to see thousands, tens of thousands, hundreds of thousands more people who will lose their health insurance.

We have it now. We are seeing it every single day in increasing numbers. Where are those voices that say, "Let us do something about it?" I do not hear them. They refuse to make the recommendations or suggestions to do it, and the one that they have made is completely indefensible.

I ask, where is their program for health insurance? We provide, under the program that is before us now, assistance for those that have COBRA. We provide assistance for those that are not eligible for COBRA. The reasons for that are the size of the companies and other technical reasons such as whether the workers receive COBRA or they do not. We look out for both.

If one looks at the Republican plan, the total Republican plan they say is a pot of money that can be used for unemployment or it can be used for health insurance or they can use it for some other social services such as child care. They mentioned all of this, but if you just applied it to the premiums of COBRA eligible workers, you get only 2 weeks of coverage.

I hope our colleagues are not going to be saying we are for covering those who have health insurance. I have heard some of those speeches, but I have not heard them say or defend their particular program. Here it is.

We believe in the importance of making sure working families who have been separated from their jobs, through no fault of their own, have health care coverage because we know what happens to them. The average payment on unemployment insurance is \$925, and to maintain their premiums now would take 65 percent of that \$925. That is why about 15 percent of the total workers, without any kind of help, actually utilize COBRA.

I commend Senator BAUCUS and the Finance Committee for their proposals, both on unemployment and on this particular proposal, and Senator BYRD for the strong support he has given to our homeland security proposal. Under the proposal that has been advanced by the Finance Committee, it is down to 16 percent. We have heard as recently as today from a very lovely lady who lost her job in Philadelphia. She had worked in the service industry in Philadelphia for a number of years, and she now finds herself unemployed. She says it is going to be difficult to find the resources to do it, but, by God, she thought she could get herself together because it is so necessary for her family.

We are not as interested in talking about what the other side is against, although we know they are against our proposal. We want the American people to understand what we are for. This is what the Democratic proposal will do. It will guarantee help in paying the COBRA premiums. That would help 7.2 million Americans. We do this. We provide help for displaced workers that are not eligible for the COBRA; 2.5 million fellow Americans, they will be eligible.

We provide State fiscal relief for improving the maximum Federal Medicaid payments, similar to what has been successful in the CHIP program which virtually every State accepted with the increasing match. We do that. That helps maintain coverage for 4 million Medicaid beneficiaries. All across the board we have had these evaluated by CBO and the others who maintain and support the conclusions I have stated. In the Republican plan, there is no guarantee.

If one is interested in providing some assistance to workers, the program that Senator BAUCUS and others have

proposed makes the most sense. It makes the most sense in terms of ensuring that workers and workers' needs are going to be attended to, and it also provides support for health care. So I hope our colleagues will change their mind on this particular issue.

On September 11, America sustained an unprecedented terrorist attack. The risk and the danger of future attacks is very real. The President and leading figures in the administration repeatedly warn the American people of the need for unprecedented vigilance. So we are facing a true national emergency by any reasonable definition.

What the objectors seek to block is the appropriation, as well, of \$15 billion for homeland defense. They object to the expenditure of \$4 billion that would enhance our ability to prevent bioterrorist attacks and protect our citizens should such an attack occur. They object to the expenditure of \$4 billion to strengthen the ability of Federal, State and local law enforcement to combat terrorism. They object to expenses to improve border security, airport security, mass transit security. They even object to funds needed to enhance security at the Nation's nuclear powerplants. If providing the necessary funds so these homeland defense initiatives can begin immediately is not an emergency, then what is?

The point I want to conclude with is, it is ironic the same Members who object so strenuously to spending \$15 billion to strengthen the Nation's capacity to defend ourselves from terrorist attacks are supporting a bill which would retroactively repeal the corporate minimum tax and give the largest corporations \$25 billion in direct payments from the U.S. Treasury.

We do not have the money to look out after the premiums for hard workers. We do not have the money to provide help for unemployment insurance. We do not have the resources to deal with helping the States meet these crises, but we do evidently in that budget that clears OMB, clears Mr. Daniels, have the ability to get \$25 billion in direct payments from the U.S. Treasury, payments to repeal the corporate minimum tax and to return taxes they have paid in past years.

Is giving major corporations hundreds of millions of dollars each based on taxes they paid 10 or 15 years ago a higher priority for America than strengthening homeland defense? Is retroactive repeal of the corporate AMT an emergency? Could we not devote \$15 billion to defending America? It would still need \$10 billion for corporate refunds. Those same Members support accelerating upper income brackets, and if they believe we can afford such an expensive tax cut in the midst of an unprecedented national crisis, how can they claim we cannot afford \$15 billion to better protect America from terrorism?

Those who deny we are facing a national emergency today and would justify—in fact, demand—congressional action to strengthen homeland defense are suffering from the worst case of political myopia I have ever seen. In all my years in the Senate I have never seen a clearer choice for Senators.

Mr. REID. I ask my friend—Senator BYRD spoke earlier today, prior to the point of order having been filed, and I asked: Did I hear, Senator BYRD, they are going to file a point of order that this is not an emergency?

And he answered: Yes, they are. They have filed a point of order that the plan now before the Senate, the Baucus plan, together with the Byrd plan, is not an emergency.

Can the Senator from Massachusetts give me any ideas, any reason, how this could not be an emergency? Does the Senator have any idea how this could not be an emergency? How could anyone in good conscience say this is not an emergency?

Mr. KENNEDY. I have great difficulty in understanding that. I think anyone watching this debate in Nevada or Massachusetts would come to that same conclusion when they see the loss of jobs taking place in your State and mine and all of the 50 States; when they see members of their family being called up for the National Guard, or when they have members of their family who have been activated and sent over the Indian Ocean on aircraft carriers and dropped behind the lines in Afghanistan; when they have listened to a President of the United States call upon all members to be on a heightened sense of alert, and we listened to the Attorney General of the United States say, once again, it is time for us to be on heightened alert; when we have seen the significant economic indicators over the period of these past several months, all going in an adverse direction after a long period of economic growth and price stability; and where we have heard the leading economists say, look, we are facing a challenging time.

It can get a lot worse if we do the Republican plan or no plan. I wonder why we ought to be gambling with the wellbeing of the people of Nevada or Massachusetts. I wonder if the people of Massachusetts truly understand what is happening in the Senate. They are wondering why we aren't acting. You will say because we are having a point of order. They will ask what a point of order is. They will wonder in Massachusetts, perhaps, whether it is a restaurant in Chicopee. They will be asking: There is a point of order and we are not taking action?

Why is one of the great institutions failing to deal with this economic challenge when we have at our best days been willing to do it in a bipartisan way?

Mr. REID. I appreciate the statement of the Senator. The people of Nevada

are wondering how possibly we are not doing anything, No. 1, on airline security. On airline security we are doing nothing.

People on the other side are not willing to talk about this is too much money or maybe they don't like the way we are spending the money. They are saying: We don't want this because we don't believe there is an emergency in this country, and we are going to raise a point of order that this is not emergency spending because there is no emergency.

I have trouble following that reasoning. I wondered if the Senator from Massachusetts had any line of reasoning to amplify the reasoning on the other side. It appears he does not.

Mr. KENNEDY. I think the Senator has made this very clear.

As to airport security, people back in Massachusetts are saying: You Members of Congress have the Federal protection, don't you?

There will be families coming down here to visit who have to show their briefcases. That security isn't auctioned off to the lowest bidder. We have looked out after ourselves in this respect and at the cost of lives. We have had courageous policemen who lost their lives in the line of duty, protecting Members of Congress.

On the other hand, we are told we cannot have that kind of protection for the American people. I don't know whether the Senator saw a letter to the editor—perhaps this is too serious to joke about—that said maybe we ought to have two kinds of security: those which are deemed private, and let the Republicans go through those; and the others who are Federal workers, let the Democrats go through those.

It is really too serious to be joking about and certainly in the wake of the extraordinary tragedy earlier this week where, to all indications, it appears to be a mechanical problem, but at least in people's minds and in families' thoughts they wonder about the security and the fact we have not been able to work this out, to guarantee the best in security.

As pointed out by other Members of the Senate, we don't auction off the Secret Service. We don't auction off who will be out there in the Food and Drug Administration to make sure our drugs are going to be safe and efficacious. We don't auction off the FBI. We don't auction off the Alcohol, Tobacco and Firearms employees. We don't auction those off to the private sector. We want to make sure Americans are protected.

I find it extraordinary that the strong initiative which passed successfully in the Senate that ensures that kind of protection still is unable to be completed through the two bodies.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I thank the Senator from Massachusetts for his com-

ments. I think historians will record that he is probably one of the most forceful advocates for working families in the history of the Senate.

I have a statement by Joseph Welcome, a mold maker who lost his job. His wife, who was in the travel industry, lost her job.

He said yesterday: My wife and I have worked hard our entire lives. We earned everything we got. Unfortunately, like many thousands of Americans, we have run into hard times. We want to use the system as it was intended to be used to get us back to work as fast as possible with a marketable skill set. Unfortunately, that cannot be done in 6 months in today's economy. That is why we need your help now, not 6 months or a year from now. We need it now or we may very well become a statistic on the welfare roles, putting even more of a tax burden on the American public.

My colleagues on the other side of the aisle will argue this is not an emergency. Last month saw the biggest 1-month increase in unemployment in 21 years. Nearly 7.5 million Americans are now out of work. But, of course, those who are discouraged workers and are not counted as unemployed are not included in the statistics. Those who can only find part-time jobs and cannot really support their families on those jobs are not included in the statistics.

And all of the working poor people who work almost 52 weeks a year, 40 hours a week, and still do not make poverty wages, they are not included either. Analysts warn that another 1 or 2 million workers could lose their jobs over the next 12 months. I think it could be worse than that. The unemployment rate is 5.4 percent, up .5 percent from the previous month, and it is going to continue to go up. Consumer confidence is at the lowest level it has been in 7 years.

All of this combined with lagging consumer confidence can perpetuate a downward spiral. Consumers, fearful about the future, will spend less, which will cause us to sink even deeper into recession.

These are difficult economic times. For many families in Minnesota and in the country, this is also a situation where time is not neutral; time is not on their side. If they do not get an extension of unemployment benefits, if they do not have any health care coverage for themselves and their loved ones, it will be broken dreams and broken lives and broken families. And my colleagues on the other side of the aisle want to cast a vote saying this is not an emergency.

If you were out of work and you didn't know where your next dollar was going to come from and you were going to run out of unemployment benefits and you were terrified that you would not be able to support health care coverage for your wife or your husband or

your loved ones, you sure as heck would consider this to be an emergency. Sometimes we are all too generous with the suffering of others.

Most economists agree on certain things if we are going to have a successful economic stimulus package. This is not just about justice and helping those people who are flat on their back. This is also about how do we get this economy going again? What kind of investments do we need to make? All economists I know say that for an economic stimulus package to be successful, it must be immediate, have an immediate effect; it must be temporary; it must put resources in the hands of those who will spend it to stimulate the economy; and that it will not be harmful to our long-term economic interests.

The Republican proposals by the House and the Senate and supported by this administration fail to meet all of these tests, and the Democratic plan meets all these criteria.

Taxes? The Republican plan provides tax relief for millionaires and profitable corporations, even if those corporations cut jobs. The Democratic plan provides tax cuts for working families and businesses that invest and create jobs.

The Republican plan spends \$121 billion to speed up the tax cut rates in the \$2 trillion tax cut enacted earlier this year. Under the Republican plan, every millionaire in America will receive over \$50,000 in tax cuts over the next 4 years and, by contrast, the Republican plan would put zero into a typical family of four with an annual income of \$50,000 a year, precisely the kind of family, if given help, that is more likely to consume and put resources back into our economy.

The Republican plan has numerous tax breaks for multinational corporations. The most egregious is the repeal of the alternative minimum tax. Refunds go all the way back to 1986, 15 years ago; \$22 billion cost over 10 years. As Nobel Prize winner Joseph Stiglitz said:

The GOP plan would put zero, yes zero into the hands of a typical family of 4 with an annual income of \$50,000 a year. Giving tax relief to corporations for past investments and AMT repeal may pad their balance sheets but will not lead to more investment now when we need it. Bailouts for airlines did not stop them from laying off workers and adding to the country's unemployment problem.

The Democratic plan, by contrast, provides immediate tax rebates to 45 million Americans who did not receive rebates last summer, which will spur consumer spending and immediate tax relief to businesses, which will spur investment.

Mr. President, 44 percent of the individual tax cuts in the Republican plan go to the wealthiest 1 percent—it is Robin Hood in reverse—the people who are least likely to spend the savings, while only 18 percent goes to low- and moderate-income families.

Colleagues, get the tax breaks or tax rebates or whatever you want to call it—if you are going to do that—into the hands of people who will go out and buy a washing machine because they need it, and they will spend, and that is what we need for the economy. Don't go forward with Robin-Hood-in-reverse tax cuts and corporation tax breaks for multinational corporations which are already doing fine and are not going to necessarily even spend in the economy.

Even worse, most of the Republican tax cuts take effect after the current economic crisis may very well have ended. By definition, they are not economic stimulus effects.

The last point I make on the tax cut is telling. The Republican plan is not an economic stimulus plan; it is a shamefaced effort to use our current crisis; that is to say, the misery of hard-working men and women who have lost their jobs and health insurance in this economic downturn, as an excuse for lining the pockets of wealthy individuals and multinational corporations. It is the antithesis of sound fiscal policy. It is unfair, and it is ineffective.

Unemployment—my gosh, people are out of work. Our plan says let's add 13 weeks to unemployment insurance. Our plan, under the work of Senator BAUCUS and many other Senators on our side, says let's reform unemployment insurance and let's cover part-time workers. Economists tell you every dollar of unemployment insurance paid to unemployed workers expands the economy by \$2.15. This is a win-win. Can't we help people flat on their backs who, in turn, will consume with that additional assistance?

What happened to people in New York, what happened to people at the Pentagon, what happened to people in Pennsylvania, what has happened in our country has taught all of us that we need each other as never before. There is a great sense of community. People are trying to help one another. I think we understand in a certain profound sense that we all do better when we all do better. Can't some of that community spirit apply to what we are doing in the Senate?

Don't tell all of the men and women who are out of work in Minnesota and all across the country, and their children, it is not an emergency. It is an emergency for them. It is an emergency for their families. And it is an emergency for our country.

The Republican plan says that if you go beyond New York and you go beyond Virginia and you go beyond Pennsylvania, you have to have had a 30-percent increase in unemployment before any of what meager benefits they have even kick in. Minnesota, as I look over past history, in some of the worst recessions did not have a 30-percent increase in unemployment. I am a Senator from Minnesota. I have to fight

for the people in Minnesota. I have to make sure that for people who are in such difficult times through no fault of their own, we are going to have a safety net. The Republican plan will not help these people at all.

Health care coverage in the Republican plan is literally an asterisk. Their plan does not guarantee one dime to laid-off workers to maintain coverage. In fact, Treasury Secretary O'Neill says he would strongly encourage President Bush to veto any economic recovery plan that includes health care coverage for laid-off workers. The administration said last week that if we had too much by way of unemployment insurance and health care coverage, then people would not have an incentive to go back to work. Do you know how insulting that is to hard-working people?

Our plan says we will cover 75 percent of COBRA coverage. Mr. Welcome said yesterday: My God, I can't afford 4, 5, or 6—I can't even remember—hundred dollars of a month. I can't afford that kind of coverage. We help families like the Welcome family.

Then, for those families who work for small businesses, so they are not eligible for COBRA, we expand medical assistance coverage in the States. In addition, we respond to the Governors of our States. And what were the Governors of our States saying? They were saying: Please add on more to the Federal contribution to medical assistance because we are in a recession; we have more people out of work; we no longer have the surpluses. These are hard economic times, and we need some additional help.

The Republican plan does not respond one bit to the economic pain that we hear about from people in the country.

We are being told by this procedural move by my colleague from Texas that this is not an emergency.

I met with some families in Minnesota 2 weeks ago. We were in one of the workers' homes. There were some television cameras. I said: Are you sure you want to do this? They said they did. It was a seminar-type discussion. I hardly talked at all. Tell me what your concerns are. These are people who have long work experience. They had been working most of their adult lives. They are out of work through no fault of their own. I think more than anything else, they talked about health care coverage. They certainly are hoping for unemployment benefits to tide them over. A number of them, interestingly enough, talked about job training.

If I had my way, we would add some provisions, including some money for workforce development. But, most importantly, they talked about their fears that there would be no health care coverage at all for their families.

Senators, again I hate to put it this way, but if it were your family, if you

were out of work, if you were worried that you wouldn't be able to afford COBRA, and there wouldn't be enough to help you if you were eligible for COBRA, and if there were not a specific benefit that would enable you to still be able to provide health care coverage for your families, I guarantee you would consider it an emergency.

It is an emergency for many families in our country. We must respond to this economic pain. In the words of Rabbi Hillel, if not now, when?

Then there is homeland defense, Senator BYRD's proposal on which many of us worked. I have said a lot of times, as I am sure every Senator has—I guess we reached different conclusions—with fire chiefs, first responders, they told me. I sure learned it back then. People are anxious and people are worried. Please get an infrastructure of public safety and, yes, public health.

Dr. Michael Home is from Minnesota. Dr. Home has made their case in a compelling way. Get the money to our communities because people will be safe where they live, where they work, and where their children go to school. We need the resources.

In the homeland defense part of this bill that we brought to the floor, it is an obvious marriage. On the one hand, we get the money to first responders. I have been pushing for public safety, for firefighters, and for public health money so that we have the antibiotics and the vaccines, so people are trained, so that emergency doctors are trained, so that our public health nurses are trained; food safety; border security; airport security. At the same time, Senators, you create jobs.

I don't really know what is going on here. I think there are probably two things.

No. 1, I think too many of my colleagues on the other side, by definition, with their objection, don't quite get this as an emergency.

No. 2, given what they want to do with all of these tax cuts, and repeal corporate taxes going back to 1986, let me assume they are doing this in good faith, because they always do it in good faith, in which case I have to believe they believe in the same trickle-down economics we have been through before, which put us in such desperate shape. We have been through this trickle-down economic strategy, or philosophy, or policy. It left us with double-digit inflation, double-digit interest rates, and an economy in shatters.

Paul Krugman in today's New York Times has an op-ed piece that makes this point. I ask unanimous consent that his full op-ed piece be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Nov. 14, 2001]

OTHER PEOPLE'S MONEY

(By Paul Krugman)

You may have seen the story about the businessman who allegedly used the attack on the World Trade Center to make off with other people's money. According to his accusers, Andrei Koudachev stole \$105 million that had been invested with his firm, falsely asserting that the sum had been lost in the collapse of the towers. It's not entirely clear whether he is accused of stealing the money before Sept. 11, then using the disaster to cover his tracks, or of taking the money after the fact; maybe both.

It's too bad that so many of our leaders are trying to pull the same trick.

Just before Sept. 11, political debate was dominated by the growing evidence that last spring's tax cut was not, in fact, consistent with George W. Bush's pledge not to raid the projected \$2.7 trillion Social Security surplus. After the attack, everyone dropped the subject. At this point, it seems that nobody will complain as long as the budget as a whole doesn't go into persistent deficit.

But two months into the war on terrorism, we're starting to get a sense of how little this war will actually cost. And it's time to start asking some hard questions.

At the beginning of the week we learned that the war is currently costing around \$1 billion per month. Oddly, this was reported as if it were a lot of money. But it's only about half of 1 percent of the federal budget. In monetary terms, not only doesn't this look like World War II, it looks trivial compared with the gulf war. No mystery there; how hard is it for a superpower to tip the balance in the civil war of a small, poor nation? At this rate, even five years of war on terrorism would cost only \$60 billion.

True, the terrorist attack has also forced increased spending at home. But Mr. Bush has threatened to veto any spending on domestic security beyond the \$40 billion already agreed. And even that sum is in doubt. Half of the \$40 billion was money promised to New York; last week New York's Congressional delegation, Republicans and Democrats alike, demanded that Mr. Bush disburse the full sum, openly voicing doubt about whether he would honor his promise.

So the budgetary cost of the war on terrorism, abroad and at home, looks like fairly small change. Even counting the measures that are likely to pass despite Mr. Bush's threat, I have a hard time coming up with a total cost that exceeds \$200 billion. Compare that with the \$2.7 trillion Social Security surplus. What will happen to the remaining \$2.5 trillion?

Again, no mystery: much of the money was actually gone before Sept. 11, swallowed by last spring's tax cut, which will in the end reduce revenue by around \$1 trillion more than the numbers you usually hear. And the administration's allies in Congress are striving energetically to give away the rest in tax breaks for big corporations and wealthy individuals.

The new round of tax cuts is supposedly intended as post-terror economic stimulus. But recent remarks by Dick Armey give the game away. Defending the bill he and Tom DeLay rammed through the House—the one that gives huge retroactive tax cuts to big corporations—he asserted that it would create 170,000 jobs next year. That would add a whopping 0.13 percent to employment in this country. So thanks to Mr. Armey's efforts next year's unemployment rate might be 6.4 percent instead of 6.5. Aren't you thrilled?

Let's do the math here. This bill has a \$100 billion price tag in its first year, more than

\$200 billion over three years. So even on Mr. Armey's self-justifying estimate, we're talking about giving at least \$600,000 inn corporate tax breaks for every job created. That's trickle-down economics without the trickle-down.

Ten weeks ago this bill, or the equally bad bill proposed by Senate Republicans, wouldn't have stood a chance. But now people who want to give the Social Security surplus to campaign donors think they can get away with it, because they can blame Osama bin Laden for future budget shortfalls.

They say every cloud has a silver lining. The dust cloud that rose when the towers fell has certainly helped politicians who don't want you to see what they're up to.

Mr. WELLSTONE. Mr. President, as he said:

The new round of tax cuts is supposedly intended as post-terror economic stimulus. But recent remarks by Dick Armey give the game away. Defending the bill he and Tom DeLay rammed through the House—the one that gives huge retroactive tax cuts to big corporations—he asserted that it would create 170,000 jobs next year. That would add a whopping 0.13 percent to employment in this country. So thanks to Mr. Armey's efforts next year's unemployment rate might be 6.4 percent instead of 6.5. Aren't you thrilled?

Let's do the math here. This bill has a \$100 billion price tag in its first year, more than \$200 billion over three years. So even on Mr. Armey's self-justifying estimate, we're talking about giving at least \$600,000 in corporate tax breaks for every job created. That's trickle-down economics without the trickle-down.

That is what my colleagues on the other side of the aisle are proposing, trickle-down economics without the trickle down. At the same time, they are now trying to make the case that we don't have an emergency, so we can't get an extension of unemployment benefits to people who are flat on their backs, we can't make sure they have health care coverage for their families or for their children and their loved ones. They are profoundly mistaken.

If these are the differences between Democrats and Republicans, then these are differences that make a difference. I could not be prouder than to stand out here on the floor and get a chance to be 1 of 100 Members who get to speak for what we have proposed as an economic recovery plan. It is not all that I would want—my colleagues know me; I always push for more and more and more—but I think it would make a difference.

I am so profoundly disappointed that we have out here a procedural objection.

My gosh, go to town and talk in the Cafe Wilmer or any number of other coffee shops in Minnesota. People say: Say what? There was a procedural objection that this wasn't an emergency? Say what? But you know that I don't have to explain that. Senators on the other side of the aisle and those who support the Senator from Texas will have to explain that.

I would like to finish with one other point. This is a small point. I see my

colleague from Iowa out here on the floor, and a Senator whom I like so much that I will have to get into this with him as well.

I note that today there is a meeting of the "bankruptcy reform" conference committee. Colleagues and Senator GRASSLEY, a good friend, being out of work is the No. 1 reason that people file for bankruptcy. Medical bills are the No. 2 reason. This is no time to be pushing through this bankruptcy bill, which is too punitive and too harsh and which will make it hard for people to rebuild their lives.

I always thought the credit card companies got way more than they deserved. I never thought it was balanced. But this is no time, colleagues, to push through a harsh bankruptcy bill in these economic times.

There are too many colleagues out here who want to speak. If I continue to go on, it could be for another 3 hours. So I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I thank the Senator from Minnesota for giving me an opportunity to talk about bankruptcy. I haven't had a chance.

Mr. WELLSTONE. I want the floor back.

Mr. GRASSLEY. I haven't had that opportunity for a long time. By the way, I am supposed to be in the conference in 2 minutes. I am not going to be there because I want to respond to the Senator about not only bankruptcy but also about these tax provisions. That is to remind the Senate—particularly the 17 Members of the Senate, or maybe it was only 15 Members of the Senate, including the Senator from Minnesota, who voted against the bankruptcy bill. I hope a vote of 84 to 15, or something like that, tells you what a good piece of legislation we had.

But in regard to bankruptcy, to allay anybody's fears about what bankruptcy legislation does, even at a time when we are in the midst of a war on terrorism, and we have had an economic downturn because of that terrorist activity, anybody who cannot pay their debt will still be able to go into bankruptcy.

What we are trying to do through this bankruptcy reform legislation that is now in conference between the House and the Senate is for those who have the ability to repay—who under present law can go into chapter 7 and get off scot-free—will have to pay.

We are talking about people with the ability to repay their debts and who are gaming the system to get away with financial murder. They are not going to be able to do that anymore.

In regard to the comments of the Senator from Minnesota and other Senators who have talked about the non-concern people on this side of the aisle might have about people who are unemployed because of the terrorist attacks of September 11, the whole purpose of this legislation is to address

economic problems that exist because of the terrorist attacks of September 11.

Where we have separation from people in the other political party is the fact that a lot of people on the other side of the aisle are taking advantage of the September 11 terrorist attacks, and also the economic problems resulting therefrom, to put a lot of legislation on the agenda that would not otherwise be on the agenda.

What we are trying to do is what Chairman Greenspan advises us to do—to do those things that are stimulative and related to the downturn in the economy, directly related to the proposition of September 11.

First of all, I do not think the Senator from Minnesota gives the President any credit for being concerned about low-income people who are hurt as a result of this because in a way of addressing, in a bipartisan way, the stimulus needs of our Nation, the President has already provided for tax payments, rebates, whatever you want to call them, to low-income people to help the demand and consumer side of the ledger. And, obviously, that proposal by our President that is in the Republican proposal as well has somehow not come to the attention of the Senator from Minnesota. So I bring that to his attention, that the President of the United States has already addressed that.

Second, we have followed the advice of Chairman Greenspan, who said there ought to be incentives for investment in manufacturing. As the chart I showed you yesterday—that is not in this Chamber today—indicates, there has been a very steady increase in consumer spending over the last 10 years. Until recently, there was a very steady increase in manufacturing investment. But in the last three or four quarters, there has been a tremendous downturn in investment in manufacturing. Chairman Greenspan believes that by accelerating depreciation, we will be able to create jobs, stimulate the manufacturing economy, and get that segment of the economy back on the road to recovery and create a lot of jobs in the process.

So, again, I do not think Republicans can be accused of not being sympathetic when we are following the advice of Chairman Greenspan on fiscal and tax policies. His point of view ought to be respected in that area the same way a large share of the country respects his view on monetary policy, as now 10 times he has reduced the rate of inflation to help the economy.

The Senator from Minnesota must also not be aware of the fact that our proposal has in it help for those who are going to lose health insurance because of being unemployed. In fact, if you look at the Democrat proposal, again, as I said yesterday, by the time they get their program implemented,

we will be out of a recession. And, we have a plan that will get help to the people who do not have health insurance within 30 days after the bill is signed by the President of the United States.

Their plan creates Federal bureaucracy, a new Federal program, Federal rules and regulations. Just think of the months it is going to take to get all that in place. Plus, there is an unfunded mandate on the States to put a parallel bureaucracy and program in place for the purpose of dispensing help to people who are unemployed but probably 9 to 12 months down the road.

We already have a program in place where we can get help to those people within 1 month after the President signs the bill.

To say that we have no concern about the unemployed, then let me ask the Senator from Minnesota, how come we have provisions in our bill to extend unemployment compensation by 13 weeks, which is not exactly, but is along the same lines of what their party suggests?

So all along there is a division that is being drawn between Republicans and Democrats that is not the tradition of this Senate, surely not the tradition of the Senate Finance Committee that writes tax legislation and unemployment and health-insurance-type legislation. There is no point in having it because this Senate will get nothing done unless it is done in a bipartisan way.

I hope we have set the stage for some votes this afternoon that will show that this Senate is only going to address the stimulative needs of this economy in a bipartisan way. The sooner we get that bipartisan process underway, the better. I think that will happen.

(Mr. JOHNSON assumed the chair.)

Mr. GRASSLEY. But I also want to address some remarks that were made yesterday by Senator BOXER regarding the Republican caucus stimulative proposal. Under normal circumstances, I would just let these types of remarks go unanswered as typical political rhetoric, tinged with inflammatory untruths. But these days are hardly normal circumstances because the Senate is not working in its usual bipartisan way. So I want to respond to those remarks.

The American people have called upon us to act, both in the defense of our country and to restore our economy. Everyone in this Chamber recognizes the impact of the horrific events of September 11 and their impact on the economy.

Republicans and Democrats have different ideas on the best way to stimulate the economy. There is nothing new about this. They merely represent different approaches to the same problem.

For the past month and a half, I have been pleading with Democrats to find

the common ground in our differing approaches. The American people expect us to work together to find common ground for our Nation's common good. Stimulating the economy and winning the war on terrorism is the most immediate. This can and must be done, and it will be done before we adjourn for this year.

But just when we hope that constructive bipartisanship can begin, it is slapped down by the type of accusations that were made yesterday by the Senator from California. I would like to state what has been stated by Senator BOXER.

Senator BOXER said the Republican approach for stimulating the economy was using the events of September 11 to—and I quote—“pay back” its “biggest contributors.”

She called the Republican approach “nothing less than unpatriotic.”

As I said, normally I would dismiss such reckless remarks as typical politics, designed to pit American against American to gain a political edge. But these are not normal times. These are times when Americans expect us to work together.

What is truly shocking, and offensive for that matter, in the Senator's comments is that many items in the Republican Senate caucus proposal are items that were recommended by Chairman Greenspan, former Treasury Secretary Robert Rubin, or are included in Senator BAUCUS's Democratic proposal.

Bonus depreciation, small business expensing, net operating loss carrybacks, cash payments to taxpayers—tax rebates, if you want to call them that—enhanced unemployment benefits, additional health insurance coverage, are all areas that are contained in both a Republican proposal and a Democrat proposal. These are areas of common ground. So to call the Republican approach “unpatriotic” is destructive. It is a distortion.

Most disturbing is the Senator's own admission that her accusations are baseless. When stating that the House economic stimulus bill was a “reward to their biggest contributors,” Senator BOXER said—and I quote—“It is how I feel. It is my opinion. It's not a fact.”

This type of inflammatory rhetoric is useless. It does nothing to further America's economic recovery, and it does nothing to further a bipartisan solution, a solution that is absolutely necessary for the Senate to get to a final product.

I hope, for the sake of the American people, this sort of nonsense will stop. It is time to put dignity back into the debates of the Senate Chamber.

Senator BOXER did have two specific objections to the House bill. It was the House bill she objected to, not the Senate bill. The House bill is not the Republican Senate caucus proposal. They differ significantly, including with regard to two issues to which Senator

BOXER objects. Nonetheless, when a Senator expresses concern about a legislative proposal, the Senator's concerns should be addressed in a responsible and dignified manner. That is what I would like to do.

Senator BOXER objected to accelerating the income tax cuts scheduled to occur in 2004 and 2006. She also objected to alternative minimum tax relief for American businesses. I will explain why the Republican caucus believes those issues are important to economic recovery.

One of the greatest weaknesses of Senator BAUCUS' stimulus package now before the Senate is that not one dime, not one red cent, goes to provide relief for people who go to work every day, pay their bills, and may be clinging to their jobs with their fingertips during this economic downturn. We believe that reducing the Government's take from these people's paychecks will give them more resources to ride out the current economic downturn and will spur increased consumer demand over the next year.

Besides, money spent by individuals in the private sector turns over many times more in the economy and does more economic good than if spent here through the Federal budget. It is really just a matter of common sense, then. People need more of their money during tight economic times. If they have more money available, they feel more financially secure and are more likely to spend.

We only are talking about speeding up a decision that Congress made earlier this year, a bill signed by the President June 7, a product of the bipartisan of the Senate Finance Committee. Last summer this Senate debated and decided the issue of individual income tax cuts. The Republican caucus proposal would simply accelerate into next year the individual income tax cuts that are currently scheduled to go into effect in the years 2004 and 2006.

If we make them effective next year, they will immediately stimulate the economy. If we wait until 2004 and 2006, the economy does not benefit from those reductions at a time when it must. That time is right now because of the terrorist attacks of September 11 and the downturn in the economy.

We will talk more about individual income tax cuts later. I turn to Senator BOXER's primary objection—alternative minimum tax relief for American businesses.

I would like to propose a terrible idea. Why don't we enact a provision that increases taxes when companies are struggling to stay afloat and then reduces their taxes when the companies are profitable? I think my colleagues would agree that sounds like a dumb idea. I would offer an amendment on this, but the problem is, we have already enacted it. It is what we call the alternative minimum tax.

Republicans have been vilified by Democrats for including AMT repeal in an economic stimulus package. Let's ask the question: Why do we include corporate AMT in an economic stimulus package? Because corporate AMT worsens an economic downturn when it increases taxes as corporate profits decline.

Explain that again. If that doesn't sound reasonable, it isn't reasonable. But that is what the law is, because AMT, the alternative minimum tax, is imposed only when the AMT tax exceeds the amount of regular corporate income tax. AMT is calculated by starting with regular taxable income and then adding back certain deductions that were taken in computing the regular taxable income. One of the most significant deduction add-backs is depreciation.

Consider this very simple example. If regular taxable income falls to zero, then a depreciation add-back will create alternative minimum tax taxable income which will be taxed at the AMT rate of 20 percent, even though the company owes no regular income tax.

Regular income tax does not have to fall to zero for this to occur. When investment costs and other expenses increase in proportion to a company's taxable income, which occurs during an economic downturn, the company may still owe alternative minimum tax.

Companies that have these higher fixed costs include manufacturing, construction, mining, energy, utilities, wholesale/retail, transportation, agriculture, and other capital intensive industries.

In 1997, a study for the Brookings Institution concluded that manufacturing firms could be subjected to alternative minimum tax when their sales decline by just a mere 5 percent. This was largely because of higher fixed costs. So one can see the profound effect that a small economic downturn has on increasing corporate AMT.

The Joint Committee on Taxation has recommended that the corporate alternative minimum tax be repealed because it is ineffective and inefficient.

With the Joint Committee on Taxation are professional people who work for both Republicans and Democrats. They don't work for the majority. They don't work for the minority. They work for the Congress as a whole. This is their recommendation.

So now you may ask: How would repealing the AMT have a stimulative effect? The answer is simple: The alternative minimum tax is a job killer. The alternative minimum tax creates a strong disincentive for companies to undertake new investments or to keep employees on the payroll. Any activity that reduces a company's regular taxable income, such as keeping employees during an economic downturn, increases the likelihood of it becoming subject to the alternative minimum tax.

This is because as regular income decreases, the AMT add-backs become larger as a percentage of regular income. As I said, when investment costs and other expenses are large relative to a company's taxable income, the company may end up owing alternative minimum tax. This is particularly true for capital investments, which may throw off depreciation deductions. In fact, increased investment expenditures by a company during periods of low profitability can cause a company to switch from the regular tax to the alternative minimum tax. Therefore, companies that try to maintain a constant level of investment and continued employment during an economic downturn are more likely to pay larger amounts of AMT. That is why the alternative minimum tax is a job killer.

We want to create jobs. Particularly we want to create jobs and we have a Government incentive for increasing jobs at a time of economic downturn.

More importantly, the alternative minimum tax increases the tax burden during an economic downturn which may result in deeper and more prolonged economic weakness by reducing business activity.

So here we have a tax policy already in place that is making the economic downturn worse. According to a recent Treasury study, during the economic slowdowns between 1989 and 1991, nearly 50 percent of America's largest corporations were subjected to the alternative minimum tax. We can't afford to repeat that pattern again.

As Chairman Greenspan said: Enhance investment in manufacturing.

That is what accelerated depreciation is about. So that is why we have to do something with a tax policy that is already on the books and already is there exacerbating an already bad situation. So please keep in mind that some alternative minimum tax add-back items, such as depreciation, relate to fixed investment decisions that were made years ago during profitable periods. They didn't anticipate what they might be in right now. But they are going to be penalized for it and penalized in a way that hurts the economy.

It is inconsistent, then, to consider including bonus depreciation provisions in our stimulus packages, which we do, at the same time we punish prior investments through the AMT. I notice that the Democrats' bill exempts bonus depreciation from the alternative minimum tax. So I don't know why a Democrat Senator would blast away at the alternative minimum tax, when even their proposal makes it quite obvious that there is something that doesn't add up here, doesn't meet the test of common sense.

So Democrats recognize the counterproductive effect that the alternative minimum tax has on investment. I also said that the alternative minimum tax

increases taxes when companies are struggling to stay afloat, and then it reduces taxes when companies are profitable. This is because any alternative minimum tax paid to the Government today may offset regular taxes owed in a later year. In effect, the AMT is a prepayment of a taxpayer's future income tax liability—and it operates as a no-interest loan from companies to the Federal Government.

As of today, companies in America have made about \$25 billion in loans to the Federal Government by prepaying their real tax liability through the alternative minimum tax. This is where the controversy kicked up concerning the House bill, and it is the thing to which Senator BOXER most objected.

The House bill—not the Senate Republican bill—paid back in the year 2002 all of the alternative minimum tax prepayments that I just talked about, these interest-free loans that have been extracted from American companies over the years.

The reason for this is to provide instant cash liquidity for companies that are facing the present economic crunch. We would propose something different. Senate Republicans would allow the alternative minimum tax to offset only a percentage of the regular tax as it is incurred. That way a corporation can never completely zero out their tax liability with AMT credits. So I hope she will consider this and that this will address Senator BOXER's concerns.

In addition, we would not accelerate the AMT tax credits or refund them next year. This should address another one of Senator BOXER's concerns. Yes, we would also repeal the alternative minimum tax, and I know that doesn't satisfy some Senators. I hope these other two provisions of our bill would do.

If Senators will stop the shouting and stop talking past each other and stop making false accusations, we can find common ground to address at least part of each other's concerns. It is possible to reach consensus on a bipartisan bill that will stimulate the economy. We must do it soon.

I urge the Senate to do its job and come up with a bipartisan stimulus package—one that can be passed by this Chamber, sent to conference, and signed by the President. The American people are waiting and they are watching.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Ms. STABENOW. Mr. President, I agree with our esteemed colleague who just spoke that, in fact, the American people are watching us very closely today to determine whether or not we understand the emergency that so many workers and small businesses and others in our economy are experiencing at this moment. All we have to

do is ask the people who have lost their jobs in the airlines alone. We had an emergency in which we had to act immediately to help the airline industry a few days after September 11. We rallied to do that, with the understanding—at least it was my understanding—that we would come back quickly and make sure that not only the companies were helped to the tune of \$15 billion, but that the workers with the airlines and the airports would be helped.

So all you have to do is ask the people who have been unemployed as a result of September 11, or other economic circumstances, who work for the airlines, the travel agents, the airport vendors, the restaurants, and the travel destination cities that have been hurt. All we have to do in Michigan is ask our auto workers, who have found that because of the slowdown they are facing layoffs, or have been laid off—and also the small businessowners in Michigan, as well as Michigan farmers.

I congratulate the chairman of the Finance Committee for his leadership and work in putting together, with Senator BAUCUS and Senator BYRD, a package that makes sense for Americans, for American business, for American workers, for our communities. But we know that, frankly, there are two different views of the world at work. We have, first of all, one world that brings us all together behind the President to face the current challenges and threats to our country. We are together on that. I support the President and want him to succeed, as we all need to succeed together. But on the economic front, on the homefront, we have two different views of the world that have been expressed, both in this Chamber and between those of us who support the legislation in front of us and the House Republicans on the other side.

Frankly, they are very different kinds of economics. One is supply side economics; give the dollars to those at the top, the largest businesses, the wealthy individuals in the country, and it will trickle down. We say we don't have time for trickle down. We don't even know if it is going to trickle down. I have folks in Michigan still waiting for the 1980s money to trickle down to them. We say put money directly into people's pockets, small businesses, the farmers, the unemployed workers, and the moderate and low-income taxpayers' pockets.

We are backed up by those who say this is the right thing to do economically. I think we have the best of all worlds in this proposal. It is the best thing to do economically and it is the right thing to do for people. Joseph Stiglitz, the cowinner of the 2001 Nobel Prize in economics, stated:

We should extend the duration and magnitude of the benefits we provide to our unemployed. This is not only the fairest pro-

posal, but it is also the most effective. People who become unemployed cut back on their expenditures. Giving them more money will directly increase their expenditures.

Common sense. What is more likely to happen? To give the billions of dollars to the major corporations, which the House does through the alternative minimum tax—and I have a different view of what the alternative minimum tax is about. My understanding is that it was put in place to guarantee that everybody, regardless of how wealthy they are or how many tax credits or deductions they can take, pays some form of contribution—contributions to national defense, to public health and safety, to education, to public services. The alternative minimum tax says that everybody in America ought to make a contribution.

The House Republicans say that not only should some folks not have to make a contribution to our current national defense cost, or bioterrorism cost, or efforts to clean up from terrorist attacks, or education, or roads, or health care, and all of the other public services that we have; we should retroactively pay them for 15 years. There is over \$45 billion involved in the proposal on the House side, and it goes to two major tax cuts, one of which, the AMT, says not only are we going to take away your tax liability in the future, but we do not think you should have paid anything in the past either, and we are going to retroactively, to the tune of billions of dollars, give you back your contributions.

I have a lot of small businesses, a lot of farmers, a lot of auto workers, retailers, service industry folks, waiters, waitresses, all kinds of hard-working folks in Michigan who would love to have someone tell them: We are going to give you back the taxes you paid for the last 15 years.

Nationwide, nearly 7 million people are now unemployed. Unemployment in my State of Michigan now totals over 268,000 people, and those are not even the most current numbers as of November. That is a jump of 74,000 people in the last year and a jump of nearly 30,000 people just since July.

This is an emergency for them. This is an emergency for 268,000 people, many of whom have children for whom they are caring. They want to make sure their children have what they need and that their families can put food on the table, have the health care they need and that their children have the resources to go to school, possibly pay for mom and dad who need some help in their older years. These are people who have worked hard and believe in the American dream and are now counting on us to believe in them and act in a way that shows they are a priority.

Our plan is the best economically, and it is the right thing to do. We help

these families by extending unemployment benefits so they can buy groceries and pay their bills. It will provide health insurance, which has been talked about today, by helping pay for COBRA to continue health insurance, and we expand assistance to States through the Medicaid Program.

Consumer spending represents two-thirds of our gross domestic product. Any stimulus package that ignores this crucial section of our economy is doomed to fail. Every economist about whom I have been reading and talking to has said the same thing: It is consumer spending, stupid. That means we have to put money in people's pockets so they can turn around and spend that on behalf of their daily needs.

It is consumers who are going to buy airline tickets, computers, cars, clothes, and, I might say, coming from the great State of Michigan, we hope they buy a lot of cars. It is consumers who are going to go out to dinner, see a movie, and help get things back to normal, as the President has asked us to do.

Unfortunately, the bill passed by the House and endorsed by the President does little to stimulate the economy or to help the unemployed. It does little to energize the consumer sector of our economy. It does little to help our small businesses that are too often overlooked as tax policy is made and as other policies are determined.

The House-passed bill overwhelmingly and unfairly gives tax cuts to those, frankly, who are not hurting under this economy: the wealthiest Americans who do not have an economic emergency, and tax cuts to the largest multinational companies that we want to be successful but not at the expense of our small businesses or our working men and women.

I congratulate Senator BYRD and my colleagues who have been working to increase our public investments in our homeland security efforts. We all know we have to focus investments on bioterrorism. We have to strengthen our public health system. We need to focus on those areas that will keep us safe at home, as well as supporting our national defense abroad.

I encourage and urge all Senators to come together to look at the facts, to look at what works, look at what the economists are saying as to how best to provide an economic stimulus and recovery, to put the people of our country first as we move forward, and to do so quickly.

This is an emergency. This is an emergency for American families. This is an emergency for Americans, and we need to act quickly to demonstrate that we understand and that we support them.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, for the information of my colleagues, we are

working to have a vote around 5:15 p.m. or 5:30 p.m. If Senators want to speak, they should come to the Chamber. That is the general intention at this time. If anyone objects, they should let us know.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Mr. President, it is interesting to listen to our friends on the other side of the aisle. It is amazing the message we get. The message is: Let's get a bill; we need to do it right away. Everyone agrees with that. We know what needs to be done to get a bill. I happen to be on the committee that is involved, and we know how the bill got to this point. It passed entirely with a partisan vote, all Democrats, no Republicans. Republicans did not have participation in the bill. So this is a bill that is totally partisan. That bill is not going to pass.

We need to work on a bill together. There is willingness to do that. Talking about passing a bill without recognizing what needs to be done is amazing to me. It is clear what has to be done.

Senators from both sides of the aisle need to join with the administration and, indeed, with the Members of the House to put together a bill which we can pass. This business of continuing to talk about the need and then denying the opportunity to get together is hard to understand.

Everybody here wants to pass a bill. There is no question about that. The question is, How do we do it? And that becomes increasingly clear. There are not going to be enough votes to do it without working together. This constant conversation about we need to do this right away is silly. We all want to do something to help the unemployed. We all want to do something for those who need help with health care.

We all want to provide more incentives to develop jobs.

Talk about an emergency. How much have we spent in the last 2 months? About \$55 billion. The President has said: You do not need to spend more money now. When we need more money for terrorism overseas or terrorism in this country, I will ask for it. And we responded when he asked for the money. Colleagues are now beginning to use that technique for passing all kinds of projects they always wanted. They are very questionable as far as being an emergency.

We need to come together and bring before the Senate a bill that represents the interests of all participating parties and pass it. We can do that. Until that time comes, the chances are we are not going to be successful in moving a bill along.

The substitute, of course, spends about \$67 billion in the year 2002: About \$21 billion on temporary business tax relief and \$46 billion on spending proposals, including Federal payments of

individual tax insurance premiums under COBRA, extended unemployment insurance for displaced workers, expanded Federal support for Amtrak, numerous agricultural products, and other unrelated provisions.

Secretary O'Neill recently said the proposal is heavy on spending but will have little stimulative effect on the economy.

Moreover, some of its provisions would have an adverse effect on employment. An editorial yesterday in the Washington Post made the following observation: The stimulus package that passed through the committee last week includes money for citrus growers and buffalo farmers producing electricity from chicken waste. It includes a tax break in aviation fuel for crop dusters; a wage credit designed to encourage firms to hire welfare recipients was extended to businesses in Lower Manhattan.

So we all want to get this bill passed, and I think we have a technique before us where we can do that. We can come together and we can configure a package that does what all of us want, and that is to assist those people who now need assistance and provide stimulus for the economy so we can get jobs and growth back before us and to do it quickly. Those options are available to us as soon as we are willing to recognize what needs to be done to cause that to happen.

The President has called upon the Congress, specifically the Senate, to adopt an economic package, including these kinds of things in the outline.

Timing: We need to pass it and get it to his desk, the President said, before the end of November. We can do that.

Tax cuts: We make sure our tax relief encourages investment, encourages the flow of capital.

We need to reform the alternative minimum tax in corporate America so corporate America does not have to get penalized during times of declining earnings.

Create jobs: So often I do not think we really look down the road as to what we want to be the outcome. If we can help people, we should, but the real purpose is to create jobs and to create a stronger economy.

Worker assistance: The President said we need to spend money on helping workers who lost their jobs as a result of the attacks on September 11. We need to extend and expand unemployment benefits to those workers, said the President. I know we need to expand what they call national emergency grants which will give the Governors the latitude to take Federal monies and apply the money to special worker needs.

We need an energy plan that encourages conservation, exploration, and production. That probably brings about a kick to the economy more quickly than most anything else we can do.

So these are the issues that have already been talked about, and they are common. We have a bill that is passed by one party without consultation with the other. And we expect to get that passed? It is not going to happen.

We can do something, and we can do something with the House if we can come together and put together a plan where there is some involvement, bring it to the Senate to pass it and pass it quickly so we can move forward to accomplish that which all of us want to accomplish.

I see the minority leader in the Chamber, and I yield the floor.

The PRESIDING OFFICER. The Republican leader.

Mr. LOTT. Mr. President, who has control of the time on this side?

The PRESIDING OFFICER. We are not under a time control situation.

Mr. LOTT. Mr. President, I yield myself such time as I may consume.

I do want to comment on a couple of issues. First of all, I want to talk about the job security stimulus package. Before I do that, I want to talk about the aviation security package that is being considered now in conference.

My point has been all along there is plenty of room for disagreement, but there is also plenty of room for agreement. We need to get this done. We knew we had to get this done before this past Monday when we had the crash, very unfortunately, in New York again. We cannot help but have such sympathy and concern and feeling for the people of New York who have been hit hard again. There are no indications as to exactly what caused that accident, but it did once again cause people to be sensitive and nervous about the safety of flying.

We in the Congress need to put aside our ideological or even regional disagreements because some of it is a little bit regional. In some parts of the country our airports are all small, regional airports, not the super big ones. We have a little different view of the world than they might have in Chicago or New York or Los Angeles. We ought to put that aside and get this job done. I believe I see movement now, that both sides are beginning to say there is a way we can get this package agreed to.

First of all, there is a misperception. We are going to federalize aviation security, period. There is a matter of degrees perhaps, but we are going to require perimeter protection. We are going to require there be a safe and a good screening provision at all of our airports. We are going to require there be an additional check at the gate. We are going to require cockpit safety. We are going to have sky marshals, and the Federal Government is going to require it and provide the money through a fee system that will be paid for by tickets. We are going to say this is what our requirements are, these are

the guidelines, this is the management. We are going to make this happen.

The House added several provisions that were good, and we had some good ones in the Senate, by the way, that are not in the House provisions. We ought to take the good ones from both of those bills. The House added some provisions we did not have only because they acted 3 weeks after we did and they found some additional problems and some additional things that could be done which they included in their package. Let's take those. I believe Senator HOLLINGS, as well as Senator MCCAIN and Senator HUTCHISON, are prepared to do that.

Then it boils down to this question of how do you deal with the screeners themselves. I believe from discussions I have had today with those who are involved, they are beginning to come up with a way that would allow us to move immediately to some changes but give some options, some flexibility, to the administration and to the individual airports. What they want in Billings may be different from what we want in Biloxi and Gulfport, MS. What they want at LaGuardia may surely be different than what they want in Rapid City, SD. Give some options.

In some places, they may want and have the ability to do local law enforcement. The next place maybe a private company has been doing a good job or they have the capability to do a good job. In other areas they may need to go to a federalized system.

I do not know all the parameters of what is being discussed, but in my conversations today with Senator HOLLINGS and Congressman YOUNG, the chairman in the House, Senator MCCAIN and Senator HUTCHISON, I believe they have narrowed it down to where we can get this done. So I would urge our conferees and the leadership of those conferees, in a bipartisan way, in a nonpartisan way, to get an agreement. It is doable today and the Senate could vote tomorrow.

That would be such a tremendous indication to the American people we are serious, that we are continuing our efforts as we have over the past 2 months to get the job done for America. Forget the philosophy, the party, the region, any of that other stuff we quite often get tangled up with. It would be so important to send this bill to the President's desk the weekend before the Thanksgiving holidays.

Will it guarantee there will be immediate safety within the limits of human endeavor? No. But it would be a positive sign that would be well received, and it is the right thing to do.

I think that kind of attitude also applies to this job security or stimulus bill, as it is quite often referred to. On this bill we have kind of fallen back to our old ways. We have the House position. We have the Senate position. We have the Republican position. We have

the Democrat position. We have the spending position. We have lots of wonderful ideas. We have the tax cut provisions.

What we have is such a hodgepodge and such a weighted bill now that it is not going to happen. What we need to do is go back to the beginning. We all agreed there should be a package to stimulate economic growth and job security. The President, Republicans, Democrats, the House, the Senate, we all said, yes, we need to get this done.

Will it be a magic wave of the wand to make sure we have that growth? No. But it could be helpful.

We agreed we wanted it to be a targeted bill, one that would have some immediate positive effect on growth, not 6 months from now, not a year from now, but right now. When we started off, I thought everybody agreed on that provision.

We also said we do not want to do something that is going to be negative in the long term. We do not want to do something that gobbles up a big swath of money, taking us deeper into deficit spending after 3 years of having balanced budgets and surpluses, and cause interest rates in the long term to go back up. We all agreed we did not want to do that, and we all agreed we wanted to do it in a way that would have an immediate stimulative effect. We kind of lost sight of that.

I do not want to be too critical of the House bill, but a lot of what they would do would take effect over a period of years. I like that, personally, but that is not quite exactly what we had talked about when we started.

In the Finance Committee we got carried away with a lot of spending. There are not many people going to be able to convince anybody that it is going to have an immediate stimulative effect. It may be justifiable. It may be something I would be for in the normal course of events. But it does not meet the criteria we started out talking about.

I have never heard so many good ideas in my life. Oh, my goodness, yes, let's do this, let's do that. Every House Member has a different idea of what we could do to help this sector or that sector of the economy. It wouldn't cost too much, it would only be a billion here and a billion there and, as Everett Dirksen would say, soon it adds up to real money. That is what we have come to.

We need to go back to the beginning and do specifically what we said we would do. We have to do the human need things. We have to provide more unemployment compensation. We are going to do that. The Democrats need to understand we understand that. We are going to do that. We can argue over exactly how you do it, but it is going to be 13 weeks additional unemployment compensation. The conferees, I am sure, will argue about how that would

apply to the States and what criteria have to be met before that happens, and they will work it out. It is a 15-minute discussion, truthfully.

We are going to make sure people who lost their jobs are going to have health insurance coverage. There are about three different good plans out there to be considered. We do not like creating a new mandatory health program in COBRA. We don't like that because we think, while it might start off well intentioned and small, it will explode to a massive program. But there are some other options suggested by the centrist group, suggested by the President, suggested by CHUCK GRASSLEY, the ranking member of the committee. We can work through that. But the important point is we are going to get that done. We have to get that done.

We are going to have rebates for the low-income workers who did not get the rebate in the earlier round this year. I personally think that is not a good idea. I didn't like it earlier, to tell you the truth, because I doubt the positive impact that it really has in terms of a stimulus in the economy. I think a lot of people will save it, pay down their credit cards. The argument is, maybe the lower income people will need it and spend it at Christmastime and all that. Maybe it will work. But there is no use debating that because that is agreed to. We are going to do that. The President has agreed to that. Democrats want it, Republicans agree to it, so why are we fussing around about it? It is a done deal.

Those are the three things the Democrats say they care about the most. Republicans say we understand and we are going to have to do those three things. We are going to have to allow the tax committee workers to work out the details. But I trust them. Senator DASCHLE and I have talked about this. I have talked to the chairman of the Finance Committee, Senator BAUCUS from Montana, and CHUCK GRASSLEY. I have faith they are going to work this out.

On our side of the aisle, we would argue that while that is the right thing to do, it is the human thing to do, it is not really that stimulative in terms of getting more than a dollar back for a dollar invested. So we need to do that which will have an immediate and dramatic impact on the economy. Yes, we do talk about tax relief. We talk about individual tax rate cuts. We talk about the importance of the accelerated depreciation for companies to write off the cost of their equipment faster.

By the way, I think Democrats agree to that, too. The difference is the Democrats say we want to do it at 10 percent over 2 years. Republicans say we want a 30-percent bonus over 3 years. Is there a middle ground in there anywhere? Does anybody see it? Of course. So if we agree on the basic

principle, then we have to work through the percentages and number of years. We can do that.

I do think—I have always thought—the alternative minimum tax is counterproductive, counterstimulative, and does undermine the capital formation we need to have invested in the economy.

It may not be the perfect answer. Maybe there is another good idea out there. I think Senator DOMENICI has an interesting idea with regard to the December holiday on the payroll tax. I am not saying that should be in there. It is not one that was considered, I don't think, by the committee, but maybe there is another brilliant idea out there somewhere. I think we ought to go for those basics, though, and get this job done and try not to do any damage, try to have some positive effect, and get it done.

Others have suggested we need additional spending, homeland security. A lot of what is in that bill we may eventually do. We may need to do it at some point. It hasn't been requested by the administration and hasn't even been analyzed by the committees of jurisdiction, authorization or appropriations. To come in here and attach that to the stimulus and say this is going to stimulate growth in the economy because it would spend money somewhere down the line doesn't meet the basic principles with which we started. Some of the features to which I was most attracted I understand have even been taken out.

So I think we need to do it.

There has been discussion that Senator DASCHLE legitimately does not want to have to negotiate a package on the floor of the Senate and then go do another one in conference and then maybe do a third one with the administration. Let's skip all that. We are not going to get a result here in the Senate as we are now set up. This is partisan, political. It is not bipartisan. It is not in the spirit in which we have been working in the last 2 months. We need to take a timeout and say, all right, let's skip all these hurdles and let's go right to the end game. Let's get the right people in the room and say: Get this job done.

I trust the people who would be involved. I trust CHARLIE RANGEL. I trust BILL THOMPSON and MAX BAUCUS and CHUCK GRASSLEY. They are the experts. They have done it before. Last year I negotiated on a bill involving the CBI enhancement and the African free trade bill with CHARLIE RANGEL and BILL ARCHER, and we got it done. A lot of people said it would never happen: You will never make that happen; it is impossible. MAX BAUCUS was involved in that effort, and others. We got it done.

So I think the idea we would go ahead and go to this, the conference effort after these two votes this after-

noon, is the right thing to do. The American people, would they be hearing the Senate is deadlocked? No, that is not what they would hear. What they would see and what they would hear is the Congress once again is going to the bottom line to come together on the right thing for America. Yes, they stated their partisan political positions and they were beginning to drift back to their old ways, but then they said no, we pulled back from the brink and brinkmanship and said we are going to go to negotiations that will get us a package.

As we are headed right now, none of this is going to pass. We are stalled out here. We could have 20 or 25 votes by Friday and have nothing but blood all over the place and partisanship to the maximum degree. Is that what the American people want? No.

Do they want us to find a way to come together and get a result? Yes. Is it going to immediately provide this great boost to the economy? I don't know. It may not. But psychologically it would help and substantively I believe it could help.

So when we have these two votes, I hope, and I call on my colleagues, let's not make this an emergency designation. This is a stimulus package. Let's not waive the points of order. Let's go to negotiation. Let's get it started. Let's get it started tonight.

I want to say—and I don't want to get him in trouble—Senator DASCHLE has been very reasonable and I think willing to pursue this type of approach. So have all the other players. That is what we have to have. It is a bold move. It does take leadership.

But why are we here? To stake out positions? To prevail in partisan battle? There will be another day for that. I hope it is a long time off. Let's continue to do business the way we have done in the past, the way we have dealt with each other, the way we have met with each other, the way we have tried to bridge the partisan and the political gap because of the tragedies with which we have had to deal. We have that opportunity here once again. Let's keep it going. I think we can be successful if we use that approach.

I yield the floor.

Mr. BAUCUS. Madam President, I ask unanimous consent that at 5:15 p.m. today the Senate proceed to vote on the Baucus motion to waive the relevant sections of the Budget Act with respect to the emergency designation, without intervening action or debate; provided further that at 4:55 p.m., the following each receive 5 minutes of closing debate, and in the order listed: Senator GRASSLEY, Senator BAUCUS, Senator LOTT, and Senator DASCHLE, or their designees.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I would like to address this legislation of great importance to my State, to my city, and of great importance to America. Before the substance of my remarks, I would particularly like to thank Senator BAUCUS, chairman of the committee, Senator BYRD, Senator DASCHLE, Senator REID—all of the leadership and all our colleagues who have stood up for New York and for America in our hour of need.

I would like to speak to the part of the legislation that affects New York. Then I would like to talk generally about the bill as well.

Before I do, I would like to address the specific vote that we face immediately; that is, the point of order as to whether we are in an emergency or not.

Am I dreaming? Are we debating whether America is in an emergency situation? Are we wondering whether our troops are overseas fighting for what could be if we did nothing the survival of this Nation?

No emergency? Tell that to the people of my city who are recovering from the most devastating attack America has ever faced.

No emergency? Tell that to anyone who goes to an airport and sees the airport mostly empty and to the millions of others who will not fly.

No emergency? Tell that to the people who live near our nuclear powerplants and are worried about what might happen there.

No emergency? It is almost as if we came together after Pearl Harbor and said there is no emergency.

America has been attacked. We are in a brand new situation where every one of us is on the front lines because terrorists can use technology to attack every one of us.

I remember Secretary Rumsfeld saying that in this war more civilians will die than military personnel because of terrorism.

No emergency? Good morning. Am I dreaming? Am I dreaming that we are debating whether there is an emergency and that many will vote for the fact that we are not in an emergency in America? If this is not an emergency, what is?

We have been attacked. Our whole nation is changing. People are afraid. The economy is tied in a knot because people do not want to go out and do the things they took for granted before September 11. I hope we are not going to fiddle while Rome burns.

That seems to be what the other side is saying. They can make a whole lot of arguments about the proposal with which Senator BAUCUS has led the Finance Committee. I will disagree with many of them. I might agree with some of them. But I don't know who on God's Earth thinks we are not in the middle of an emergency. It is just utterly amazing.

I would like each person who votes at 5 o'clock that we are not in an emer-

gency situation to go home and explain it. I would like them to explain it to my constituents in New York City and Rockaway. I would like them to explain it to the millions of Americans who are afraid to walk into tall buildings or go over a bridge or take an airplane ride.

No emergency? Who are we kidding?

If there were ever a time when people in the rest of the country were going to scratch their heads and say there must be something in the water in Washington because if we ask for this vote, it might seem as if the only 100 people, or 51 people in the country who do not think this is an emergency are in this great Senate of the United States.

We are certainly in an emergency. It is a far greater emergency than all the rest of the emergency spending bills that I have voted for in my 21 years in this Congress. When we have a flood, there is emergency spending. When we have a hurricane, there is emergency spending. When we have earthquakes, there is emergency spending. And when terrorists and cowardly people take two airplanes and plunge them into the World Trade Center, and another and plunge it into the Pentagon, and a fourth that we didn't know where it was, and then for weeks there is anthrax and we can't go back to our office buildings and in every corner of America people are afraid to open up the mail, we do not have an emergency?

Good morning. Go talk to your constituents. Go look at the numbers. There is certainly an emergency.

I think it is an ultimate act of political trickery almost—certainly convolution—to say there is not an emergency. Is there a Member of this body who has not voted for emergency spending when there was an emergency?

Sometimes you just stop and think and say: What is happening? Why is there a disconnect between Washington and the rest of America? It is because sometimes perhaps too many get carried away with their own words and their own ideological beliefs, and they end up with the conclusion that is patently ridiculous. It is patently ridiculous to vote on a bill that has been designed to help our country in one of its most troubled times and say there is not an emergency.

Let me talk about two other parts of the bill.

Again, I thank Senator BAUCUS and all the members of the Finance Committee. I thank Senator DASCHLE and Senator REID. I thank all of my colleagues on both sides of the aisle who understand that New York is certainly in an emergency.

Despite our confidence that this nightmare will soon be over, New Yorkers are uncertain about the future. Very few Americans believe our city is off the terrorist list, and this

belief is beginning to take a severe toll on our economy. Yesterday, tragedy—whether it was accident or not—rekindled that anxiety.

With Chairman BYRD and Senator DASCHLE at the helm, and with the broad support from our Senate colleagues and the great job being done by our colleagues in the House, Republicans and Democrats, I am confident that we will ultimately get the disaster aid needed to begin to rebuild our damaged and destroyed infrastructure. I thank all of them for that support. But that is for a later discussion.

What I am here to talk about today is the need for the tax provisions for New York that Chairman BAUCUS has included in his economic stimulus package. These provisions are designed to counter the uncertainty and fear that we believe may lead companies to walk away from us.

Mayor Giuliani, the architect of New York's renaissance in the 1990s, and now the hero in the eyes of so many in this Nation, will tell anyone who will ask that the key to the city's economic revival begins and ends with the safety and the people's confidence that the city is a safe place to live and work.

His great city is now threatened not by petty criminals but by mad men half a world away hiding in caves while murdering innocent men, women, and children. This uncertainty and the fear coupled with the sheer magnitude of logistical problems created by the attack threaten the entire economy of this city, the State of New York, and, I believe, the Nation as well.

Working or living in New York City, or Manhattan right now is not a pretty picture.

Our streets are littered with 37 miles of high-voltage electricity lines that are but one prankster away from shutting off power to our Nation's financial center.

Over 40 percent of Lower Manhattan's subway infrastructure has been destroyed, adding hours to the daily commute of over 375,000 people who work in the city.

All major river crossings—the Brooklyn, Manhattan, Williamsburg, and Queensboro Bridges, and the Midtown, Lincoln, and Holland Tunnels—into and out of Manhattan are subject to nightmarish traffic jams because of security requirements. Yesterday, for instance, they were all shut down because of the flight 587 crash.

Nearly 25 million square feet of commercial office space is destroyed or heavily damaged. The amount destroyed—nearly 20 million square feet—surpasses the entire office space inventory of cities such as Miami and Atlanta.

Over 125,000 jobs have at least temporarily vanished from the area, and the city estimates that at least 30,000 are gone for good.

Noxious fumes continue to emanate from the hole at the World Trade Center site creating great concern among

workers and residents for their personal health.

There is a possibility that the Hudson River will bust through a retaining wall and flood the area as the debris is removed.

Insurance companies are demanding 100 percent increases from companies doing business in New York—simply because they are located in a confirmed terrorist target zone. Some insurance companies refuse to provide insurance at any cost.

Mayor Giuliani had to cut \$1 billion from the city budget just to prevent an immediate fiscal meltdown at a time when the need for city services is at an all-time high.

The city of New York is staring at a \$3 billion deficit next year as a direct result of this crisis. The State's revenue loss is projected to be \$9 to \$12 billion.

The Comptroller of New York City places the economic loss to the city of New York and its businesses at \$105 billion in the next 2 years.

The incident has caused the first decline in city gross product in over 9 years.

In short, we have taken a hit for the Nation. When the terrorists attacked New York, they were attacking our financial center, they were attacking America, and they were attacking the free world. None of the problems I described above was of our making. None of these problems was the result of a single thing we had or had not done. And none of the assistance that we have requested on either the appropriations or tax side exceeds what we need to simply stay afloat as we begin this daunting rebuilding effort.

The assistance that Senator BAUCUS included for New York in the stimulus package is designed to send a message that the Federal Government will not walk away and allow terrorists to destroy New York City's economy. I believe people from all over America believe that. It boils down to specifically three complementary provisions, where Senator CLINTON and I, working with the business community, the labor community, the small business community, nonprofits, and Mayor Giuliani and Governor Pataki could come to the conclusion they are our highest priorities. Frankly, we submitted a larger list. The Finance Committee pared it down. But this is about our bare needs:

A \$4,800 per employee tax credit to companies that retain jobs—and do not abandon New York—in the area immediately around ground zero; the creation of a special kind of private activity bond to lower the cost of rebuilding New York; and finally, a provision that would permit companies that replace equipment destroyed in the World Trade Center bombing to take a special deduction if they replace that property in New York.

Not a single aspect of these proposals is designed to take businesses from another part of the country or to accomplish job creation goals we could not obtain before September 11, 2001. We have been fully supported by our colleague on the Senate Finance Committee, Senator TORRICELLI of New Jersey, as well as Senator CORZINE of New Jersey and Senators DODD and LIEBERMAN of Connecticut, all of whom have stood by and understand that New York's problem is a metropolitan area problem.

These provisions are simply designed to help us overcome some of the enormous obstacles that Osama bin Laden placed in New York City's way.

So I, once again, thank Chairman BAUCUS and the members of the Finance Committee. I see my colleague from New Jersey has come into the Chamber. I thank him for his steadfast dedication and his treating our area as one.

You have all done the right thing, not only by the people of New York, who are suffering right now, but by the people of America. I believe the Nation, with this stimulus bill, will be much the better.

I thank all of you on the Finance Committee who have supported us for your hard work. And I pledge my complete and total support for this package.

On another point—and that is about this package—we have put together a package that is designed to put money in the hands of people, A, who need it most, and, B, who will spend it the quickest.

When I looked at the House bill, I was amazed; such a high percentage of the benefits do not even come into effect in 2003, 2004, 2005. Without debating the merits of those provisions, it was obvious someone put their ideological wishes ahead of a need to stimulate the economy.

When I even look at the alternative Senate bill, we all know that many of the larger companies that will get these benefits, especially the ones in the bill of my good friend from Iowa, will not spend them immediately. Many of these companies have enough capital to spend on their own. When they see a business investment, they will spend it. They will when they see an opportunity. Right now they do not see an opportunity because average people do not have the money to buy the products that they might create.

I have talked to large numbers of businesspeople in finance and manufacturing and services. Most of them are afraid to state this publicly, but when they talk to you privately, they say they don't understand the House bill, they don't really even understand the Senate bill that came from the other side, even though it might benefit their companies. Their greatest worry is that the economy is hurdling south,

and that recession becomes deep recession, and deep recession becomes deeper recession, and God knows what after that.

To sit here and say that we do not have an emergency, and to sit here and say we are going to give money to people who are not going to spend it immediately, when this is supposed to be a stimulus bill, makes no sense.

So I fully support the Finance Committee package put forward by Senator BAUCUS, not only because it helps New York, which is extremely important to me and is *sine qua non*, but because if you want to stimulate the economy and you can ask 100 objective people, non-Democrat, non-Republican, not coming from a business or labor perspective, eliminate the ideologues from the left or the right, almost every one of them would choose the package of the Democratic Finance Committee.

In conclusion, Madam President, No. 1, we have an emergency, if we ever had one, and we ought to move this bill forward.

No. 2, New York needs help, not just to benefit New York but to help America get an important part of our economy on its feet, and this bill does it.

And No. 3, if there was ever a question about the need to stimulate the economy now, by giving average folks the money they need to buy the things that will get the economy going again, this is the time and this bill does it.

Madam President, I yield back my time.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. VOINOVICH. Madam President, before the tragic events of September 11, one of most pressing issues facing this Nation was what to do about the economy. From the spring of 2000 until September 10 of this year, all the indicators pointed to an economic slowdown, if not a mild recession, for fiscal year 2002.

Since September 11, the economy has far worsened. Hundreds of thousands of people have been laid off. Businesses and industry are in dire financial shape, and consumer confidence has plummeted. Several friends of mine in the retail industry have predicted a nuclear winter for the retail industry this holiday season, and many Ohio manufacturers I have talked to have told me they have never seen things as bad.

Given the challenges these turbulent times present, I say to my colleagues in the Senate—and to the American people as well—we need to focus on those measures that will stabilize and grow the U.S. economy. The need for fiscal discipline is more important today than ever before.

I am worried that Congress, in its haste to enact measures to eliminate the scourge of terrorism at home and abroad and counter our recession, is overlooking the Nation's long-term fiscal integrity. Earlier in this calendar

year, the Congressional Budget Office indicated that the United States would have a fiscal year 2002 on-budget surplus of \$125 billion and a Social Security surplus of \$156 billion. However, given the worsening economic condition of our Nation over the past year, the most recent calculations of the Senate Budget Committee show that the Federal Government is on track to have a unified or combined surplus of \$52 billion in the current fiscal year.

In essence, the Budget Committee is saying that the on-budget surplus CBO estimated for fiscal year 2002 has been totally wiped out, gone. Two-thirds of the \$156 billion in Social Security surplus no longer exists.

What is more, the stimulus package the Senate is considering will cost approximately \$75 to \$100 billion. To pay for that package, the \$52 billion in Social Security surplus will be gobbled up, and the Federal Government is going to have to issue somewhere between \$23 and \$50 billion of new debt this fiscal year.

In addition, the Federal Government likely will end up a lot further in the financial hole because Congress will pass additional supplemental spending measures as the fiscal year progresses and disasters and other emergency issues inevitably arise. The President said he may be coming back to Congress later this fiscal year for more money as he finds the need to respond to some of the issues that some of my colleagues have been talking about.

My point in going through these numbers is to highlight the fact that each and every additional dollar this Congress appropriates in fiscal year 2002 is going to require the U.S. Treasury to issue new debt. We are right back to where we were in 1997, the last year the Federal Government had to issue new debt. As we debate the economic stimulus package, efforts to fight terrorism or anything else to do for that matter, we must constantly ask ourselves a vital question: Do these new spending initiatives or tax cuts warrant issuing new debt to pay for them? The question I am asking the various constituencies who visit me asking for more money from the Government is whether or not their request is worthy enough to borrow money from our fellow Americans to pay for it? That is the question. Again, the circumstances warrant borrowing money to fight terrorism and to boost the economy. I supported the \$40 billion emergency supplemental that we passed following the September 11th attacks, and much of that supplemental is going to respond to the needs we have heard about this afternoon.

Extraordinary times require Congress to take extraordinary actions. We will spend what it takes to defend this Nation from our enemies and to respond to the needs of our country. The fact that the Federal Government will,

once again, have to issue new debt to fund any new spending highlights how critical it is that we appropriate these funds wisely.

Earlier this year I supported the budget resolution and the tax cut. I saw a plan whereby increased spending increases would be limited and we would use the Social Security surplus to pay down debt. It wasn't too many weeks ago we were talking about this in the Senate. Unfortunately, this is not what has happened. Even before the events of September 11, Congress was on track to increase overall discretionary spending by 8 percent. That follows a 14.5-percent increase in non-defense discretionary spending the year before and another 8.6-percent increase in spending the year before that.

This pace of spending increases is just unsustainable. I support the need for a stimulus package. I have been working with members of the Centrist Coalition to craft a balanced bill that will help spark our economy by getting businesses to boost investment and which helps raise consumer confidence and gets the American people spending again and responds to the financial and health care needs of the unemployed.

Sadly, though, the bill reported out of the Finance Committee last week appears as if Christmas has come a month early. In fact, some of the provisions of the majority stimulus measure as well as the measure that was passed by the House, are nothing more than handouts for any number of special interest groups.

For example, under the majority stimulus bill, Amtrak would receive \$4.4 billion in tax breaks and \$3.5 billion to subsidize farm products, including up to \$10 million for bison farmers for the Midwest.

For each employee they have, Wall Street investment bankers would receive a \$4,800 tax credit, a credit originally designed for use in training individuals moving from welfare to work.

Mr. TORRICELLI. Will the Senator yield for a question?

The PRESIDING OFFICER. Will the Senator from Ohio yield?

Mr. VOINOVICH. I will yield for a question.

Mr. TORRICELLI. The Senator cited \$4.4 billion worth of tax breaks for Amtrak. What provision would that be? I am the author of the Amtrak provisions. I am unaware of any tax breaks for Amtrak. Amtrak, being a public corporation, doesn't pay taxes. So it would be hard to give them a break. Nevertheless, the Senator made a statement about a provision of which I don't know. For purposes of the institution, my colleagues would like to know what tax breaks Amtrak has as a special interest?

Mr. VOINOVICH. According to the information I have, under the majority stimulus package, they would end up getting a \$4.4 billion benefit. And if I

stand corrected, I am more than happy to check that.

Mr. TORRICELLI. The Senator is very kind to yield. For that, I am very grateful. I would like the record to be correct. Amtrak doesn't pay taxes so it can't get a tax break. The provision is that the States can issue bonds to build high-speed rail lines, and the Federal Government will pay the interest on it. So the Federal Government, in fact, is helping the States. The tax breaks go to the States that we represent, not Amtrak, not any projects, not any special interests, the States of the Union. I include in that the State of Ohio. I thank the Senator for yielding to me.

Mr. VOINOVICH. I thank the Senator for refreshing my memory.

The fact is, tax breaks would be given to individuals who purchase State issued bonds. However, in effect, the U.S. Treasury ends up paying \$4.4 billion in interest for Amtrak on those bonds by giving up tax revenue from individuals who purchase such bonds. That is the point I was making.

The movie industry would receive expedited depreciation for their capital assets. Chicken farmers would get a tax credit extension for converting chicken waste to energy. The list goes on and on.

Over in the House, one of the biggest items in their stimulus package would repeal the corporate minimum tax and repay more than \$20 billion retroactive to 1986 and give some of the major corporations in this country a big tax bonus.

As reported in the November 11 edition of the Washington Post, 16 companies in particular, many in the energy field, would receive more than \$7 billion in immediate tax refunds. While a number of the specific proposals in either package might give a boost to certain areas of the economy, we need a bill that will give us what truly are the best stimulus proposals, the ones that will give us the biggest bang for the buck for both the economy and our unemployed workers.

Another important factor we should consider is whether these provisions stimulate the economy in the short run without causing a fiscal hangover that lasts many years. In brief, they need to be temporary.

One such provision I support as part of the stimulus package is a temporary extension of unemployment benefits for up to 13 additional weeks for those who have been hit hardest by the recession. In addition, I believe families who through no fault of their own find themselves relying on unemployment benefits should not have these benefits reduced further through taxation. Therefore, I propose, as part of the package, an interim suspension of the taxation of unemployment benefits. We should do that.

Several weeks ago I met with Federal Reserve Chairman Alan Greenspan to

discuss the state of the economy and the need for a stimulus package. Perhaps the most important point he made to me was that the Congress should consider the net effect of any stimulus package, not just the gross amount of the dollars involved. In other words, don't just focus on the size of the tax cuts or the dollars spent but look at the net effect on the economy when all is said and done.

If the stimulus package that Congress adopts leads to chronic budget deficits, either through increased spending or revenue reductions, it is going to drive up interest rates. Make no mistake about it, the financial markets are watching us.

The Senate lays claim to the title "world's most deliberative body." As George Washington said, "We pour legislation into the senatorial saucer to cool it."

At this time in our history, it is critical that the Senate takes on its role and thinks carefully about the long-term fiscal consequences of its actions. Intellectually, this means Congress must hold the line on spending and that any increased spending should be limited to measures that truly raise domestic and international security and efforts that truly stimulate our economy.

I also remind my colleagues that the events of the past couple of months, momentous as they have been, do not change the fact that the baby boomers are aging and approaching retirement. When 2011 rolls around, the baby boomers will start to retire by the tens of millions.

Unavoidably, the cost of a host of Federal social programs also will increase significantly. Chiefly, I am talking about Medicare. A few years latter, the Social Security Program will begin to pay out more money in benefits than it will collect in payroll taxes. The difference between those inflows and outflows is going to have to come out of general revenues, or more borrowing. What we are doing today will have a large impact down the road.

In order for this Nation to deal with these looming responsibilities, it is critical that we have our fiscal house in order and have a robust economy. The first obvious step to ensuring that we can meet these obligations is to get spending under control and return to reducing the national debt, as we did the last 3 years.

I am heartened that our President said he will veto an emergency supplemental spending measure being developed by some of my colleagues. I stand squarely behind the President, and so do 36 signatories of a letter Senator BUNNING and I circulated several months ago. This letter reinforced the fact that we would uphold a Presidential veto of excessive spending.

The fact that the Treasury will once again be issuing new debt to finance

the operations of the Federal Government makes it that much more important that Congress work together—work together—on a bipartisan basis to make the hard choices and prioritize our spending.

As I have traveled across my State over the past 2 months, I have seen the anxiety on the faces of my constituents. The thing that is giving them a great deal of comfort is the fact that they believe the President is doing a good job, that he is 100 percent focused on protecting the Nation's interests and he has put those interests ahead of partisan politics.

The American people also believe Congress is doing the same thing, and we must not let them down. One of the things we need to do is understand that we are facing a much different ball game than we have ever faced before. This is not 5 years ago, 10 years ago, 15 years ago; this is a new ball game for all of us. The people have anxiety; they are fearful and angry. They are looking at us, and they are wondering: Are you going to work together for our interests, or are you going to go back to partisan politics again and put your particular party's interests above those of the people?

Madam President, we can work together, and we must if we expect to get a bill to the President by the end of the month. The eyes of America are upon us to see if we have learned that this Nation's interests are bigger than our own partisan interests.

I pray that the Holy Spirit enlightens this body to understand the enormous impact our decision will have on the future of our Nation and on the quality of life of its citizens.

I yield the floor.

Mr. LEAHY. Mr. President, I rise today to commend Senators BAUCUS and BYRD for crafting a reasonable and appropriate economic stimulus bill. The package they have brought forward balances tax relief, assistance for unemployed workers, and spending for homeland security and economic recovery. With the United States economy in recession for the first time in over a decade, now is the time for Congress to act to help hard working Americans. The Baucus-Byrd legislation will strengthen consumer confidence as well as public safety.

An already struggling economy was dealt a crippling blow by the September 11th terrorist attacks. In order to best jumpstart the economy, each part in the stimulus package has a substantial effect in the short-term, the greatest impact for the money spent, and no great cost in later years. I believe that the Baucus-Byrd stimulus package is directed toward boosting business and consumer confidence in the future.

America's workers need assistance now. Today, with more than 7 million Americans out of work, the Nation is

suffering through its highest level of unemployment in 20 years. More than half of unemployed people do not qualify for unemployment, and the vast majority cannot afford health coverage under our current system. As of mid-September, there were 10,888 unemployed people in Vermont, a seasonally-adjusted unemployment rate of 3.2 percent. Approximately 27,200 Vermonters will claim unemployment insurance in the next year, according to estimates from the Department of Labor's National Employment Law Project. Of those, 3,536 will exhaust their unemployment benefits during that time.

The Senate's economic recovery plan addresses these problems by providing unemployment insurance and health coverage for laid-off workers, tax rebates for middle and low-income people who need immediate relief, and tax incentives for small businesses to encourage immediate investment in new plants and equipment.

One of my primary goals in the wake of the September 11th attacks has been to increase the security of our border with Canada. Over the past decade or more, the northern border has continually been shortchanged. While the number of Border Patrol agents along the southern border has increased over the last few years to over 8,000, the number at the northern border has remained the same as a decade ago at 300. Even as the northern border was increasingly discussed as an attractive route of entry into the United States for terrorists, Congress failed to rectify this imbalance.

We began to make up for this pattern of neglect with passage of the USA PATRIOT Act last month. That law authorized a tripling of the number of Border Patrol officers, INS Inspectors, and Customs agents in the States that share a border with Canada. It also authorized \$50 million each to the INS and Customs to improve the technology used in monitoring the border and to purchase additional equipment. This law provides the basis for improving our security, but we must now ensure that these proposals are funded. This stimulus bill provides the first step.

Senator BYRD proposes an additional \$327 million for U.S. Customs—\$31 million to be used for new staffing which could result in as many as 350 new agents. Coupled with the 285 new agents for the northern border funded in the Treasury Postal Appropriations bill earlier this year, we are on the way to addressing the shortfalls felt by the Customs Service in the north.

This bill also appropriates over \$700 million for INS to improve INS facilities and border infrastructure to help better secure our country. While I had hoped more money and attention would have been dedicated to the staffing

shortfalls, I am confident we can expand these initiatives in the supplemental appropriations bill scheduled to move after the Thanksgiving holiday. We will need to show continued vigilance on this issue. For too long, we have ignored the needs of the northern border and been complacent about our security. We no longer can afford such complacency.

The proposal would also include \$600 million for additional FEMA firefighting grants. This money would allow state and local communities to expand and improve their firefighting programs. Over 50 percent of the funding would go to volunteer fire departments in rural communities.

Again, I thank the Chairman of the Finance Committee and the Chairman of the Appropriations Committee, for bringing forward this important legislation. America's national security must not be left behind as Congress considers an economic stimulus package.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. TORRICELLI. Madam President, in the legislation before the Senate on economic recovery, we are, of course, focused on those who have lost their jobs, those businesses and unions that are in distress, and our various communities.

But there are some American families for whom September 11 is not a memory; it is a crisis in their lives that they wake up with every morning. I am speaking about the families of those who perished—the 5,000 husbands and wives and thousands of children for whom September 11 will be a day they will live with for the rest of their lives.

Nearly 600 of the dead were from my State of New Jersey. Senator CORZINE and I have begun meeting with the husbands and wives of those deceased. It is an experience I wish every Senator could share. It becomes so common to speculate on whether September 11 has changed America forever. I don't know. But I know that when I meet with these widows and widowers, America has forever changed for them.

We debate the economic consequences for our country. I want you to consider the economic consequences for them, what the morning was like, not of September 11 but of September 12, when a husband or a wife was gone. It could have been a young family in a new home, with a new baby. Families wanted to mourn, but there wasn't a lot of time because in 2 weeks a mortgage payment was due, in 3 months a tuition payment was due, that weekend there were groceries to buy, and there were no more paychecks. For them, it is a crisis that never goes away.

In the legislation before the Senate, there may be things Senators like and there may be things they do not like. There may be points of controversy. I trust there is one thing upon which we

can all agree. I am very grateful that, on a unanimous and bipartisan basis, Members of the Senate accepted, under Senator BAUCUS's leadership, an amendment I offered that will change the tax status of families who lost a family member on September 11 at the World Trade Center, the Pentagon, or through the anthrax attacks in recent weeks.

The amendment I offered is based on an aspect of current American law. If, under the statutes of our country, a member of the military is lost in an engagement abroad, or a civilian employee is killed by a terrorist act abroad, they will incur no tax liability to the U.S. Government for that year. When that provision was written, I have no doubt it did not occur to Members of the Congress that victims would not be people in the service abroad but would be civilians at home; that the front lines would not be in Latin America, Africa, or Asia but in New York, New Jersey, or Virginia. But that is the world in which we live. The laws must be changed accordingly.

The Finance Committee, therefore, has put before the Senate a provision that changes the tax laws to relieve the liability of these tragic families.

First, income tax liability for this year and last year is waived. No further payments will be paid and refunds will be received when appropriate.

Second, we recognize that many of those who worked at the World Trade Center or even in the Pentagon were not salaried employees of considerable means but may have been performing janitorial services or were service employees or worked in the restaurant at the World Trade Center. With modest means, their families face great obligations to plan their futures. They may not have paid Federal income tax. Therefore, the second provision waives FICA taxes or payroll taxes that were paid and may be owing for these families.

Third, many of the families of the deceased are now in the process of examining the wills of the dead that say what is available for children, wives, or husbands. Under the Finance Committee legislation, there is estate tax relief for the first \$3 million in assets from Federal and State estate taxes. There is \$8.5 million of Federal estate tax relief.

It is generous, but it is appropriate. Whatever money is to be left for many of these families is all the income they will know for the rest of their lives. It is theirs. That is what the deceased husbands or wives would have wanted. It is for their children and for their futures, not the Government.

Fourth, the bill provides help for those who were fortunate enough to survive the attacks, but for those thousands who had injuries current law excludes disability benefits from income if a U.S. employee is injured in a ter-

rorist attack outside the United States. This legislation will extend the same benefit to those citizens of the United States injured in a terrorist attack and receiving disability benefits.

Fifth, there is no better statement about America than the hundreds of millions of dollars donated to private charities since September 11, but there is the question of the tax liability of families who receive some of this assistance from employers, friends, family, or charities. Under the provision of the bill, we have made it far easier for charitable organizations to make payments to victims and their families and for companies to establish private foundations to help the survivors with short- and long-term needs.

Indeed, any payment from an employer to a victim or family for personal, living, family, or funeral expenses will be tax exempt.

It clarifies that payments made by airlines, as well as Federal, State, and local governments as a result of the attacks are also not to be taxed.

The Senate may debate much of this legislation. As one Senator who represents hundreds of these victims and their families, much may be negotiable. Some things may be excluded, but one thing must stand. When this year is concluded, no American who found a member of their family on the front line of the war against terrorism should be held liable for taxation of the U.S. Government for charitable, governmental, family, or other assistance. What last dollars these family members may have earned for their wives or husbands or children surely by justice must be their own. On this provision, we should all insist.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Madam President, I inquire of the time remaining. I understand there are several of us who want to speak.

The PRESIDING OFFICER. There is 12 minutes remaining before controlled time begins.

Mr. MURKOWSKI. I wonder if I may speak for 3½ minutes.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Madam President, I inquire, under the agreement, how much time was I allocated?

The PRESIDING OFFICER. There is no allocation of time for the Senator from Louisiana.

Ms. LANDRIEU. I ask unanimous consent that the Senator from Alaska have 3 minutes, that I have 7 minutes of the remaining time, and I see the Senator from Delaware. How about 5, 5, and 5?

The PRESIDING OFFICER. That will exceed available time.

Mr. MURKOWSKI. I correct the Senator from Louisiana; I asked for 3½ minutes.

Ms. LANDRIEU. I ask unanimous consent for 3½ minutes for the Senator from Alaska, 4½ minutes for myself, and the remaining time for the Senator from Delaware.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Alaska.

Mr. MURKOWSKI. Madam President, I thank my colleague for her cooperation. I will be brief. We are talking about a stimulus package, and I want to address a specific stimulus package that I think is most appropriate relative to the business at hand before this body.

As we all know, the question of stimulus means different things to different people. Senator CRAIG of Idaho offered an amendment, H.R. 4, on the stimulus bill today. I intend to pursue that and bring that matter up.

It is important to understand just what H.R. 4 does. It is the legislative portion of the President's comprehensive energy program that aims to secure America's energy future with new national energy strategies that reduce energy demand, increase energy supply, and enhance our energy infrastructure and our energy security. It is truly a stimulus bill.

It is supported by an extraordinary group of Americans: the veterans groups, the American Legion, Veterans of Foreign Wars, Vietnam Veterans. I could go on and on. It is supported by the Hispanic groups. It is supported by those over 60, America's labor community, senior citizens, small business, on and on.

Why is it so significant inasmuch as it is and should be a part of this bill? I challenge each Member of this body to identify a greater stimulus associated with the House bill, H.R. 4, which is now part of the stimulus package, in stimulating the economy with at least 250,000 direct jobs associated with the building and opening of ANWR. Furthermore, the revenue of about \$3.6 billion going into the Federal Treasury from lease sales would go directly to offset some of the cost of our war on terrorism.

What would it cost the taxpayers? Not one red cent. As we look at the stimulus package objectively, let us recognize what it is. It is a spending package, but this portion is not. This would be funded by the private sector. The oil industry would bid on these leases in my State of Alaska, the revenue would flow to the Federal Government, and the employment would stimulate the economy and jobs.

There would be at least six new tankers built in U.S. shipyards that would be operated by U.S. crews, and it would fly under the American flag. This is hundreds of millions of dollars of expenditures that would be stimulated by opening up this area. Can we do it safely? Certainly.

The arguments against opening ANWR are the same that prevailed 27

years ago against opening Prudhoe Bay. We have the technology to do it. The American labor community supports it. It is the right thing to do to stimulate the economy, and we should not wait any longer. It is truly a stimulus. It belongs as part of this bill.

I hope my colleagues will reflect on a better stimulus they can identify that meets that criteria: It does not cost the taxpayer one red cent; 250,000 direct jobs; generation of about \$3.6 billion directly into the revenue stream of this Nation.

My time is up. I thank my colleagues. I ask for their consideration. We will have a vote on this amendment.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Madam President, I am proud to support the Baucus-Byrd stimulus and economic recovery package and believe that it is exactly the right package at this time to defend, protect, and make our Nation stronger.

The preamble to our Constitution states that the purpose of our Federal Government is "in Order. . .to provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity."

The Framers of our Constitution, Madam President, as you know, were very deliberate; they were very exact; they were very careful in the wording of these documents that helped to create and sustain our Nation. For that reason, it strikes me as very important that the first priority of our Government is to provide for the common defense. I believe the Baucus-Byrd stimulus economic recovery package does exactly that. Let me explain.

We fund a military operation whose sole purpose is to protect American lives, our property, and our well-being. Our lives, our property, and our well-being are at risk because of the attack we are under.

This is a two-pronged war in which we are engaged: We are engaged in Afghanistan on the ground trying to find the people and groups responsible for the attack on the United States and our allies, and we on the homefront are trying to keep our Nation standing up under this attack.

I ask my colleagues: What would it matter or what difference would it make to a businessperson if his or her business were destroyed by a terrorist in a direct attack or if his or her business were destroyed due to the impact of a terrorist attack?

The business is lost just the same. We can come to this Chamber in a bipartisan spirit and support our military, and I do. The military is to protect our interest, our lives and our livelihood. There are thousands of families who have been directly hit by a terrorist on our shores. There have been thousands of businesses and mil-

lions of people in jeopardy because of that attack.

This Government, under the Constitution, and all that we know about our Government, has a responsibility to those individuals to help provide economic recovery. That simply is what this package does. This is not an entitlement. This is not a special interest. Our country exists to help us protect and defend ourselves, and that is what workers and businesses are trying to do. They have been attacked, and Government has a right to respond and respond in this way.

The package before us provides some very important help to keep these businesses open, to help people continue to receive a paycheck so they can pay down their mortgages. Think about this: Our Army, our Navy, our Air Force and Marines are assembled all over the world to keep Americans or keep foreign armies from taking homes away. Whether they come on to our shore and take our homes away by confiscating the building or whether homes are taken away because the homeowners inside cannot pay their mortgage, what difference does it make? The home is gone.

Senator BAUCUS has been working morning, noon, and night to come up with a package to help Americans pay their mortgage. We can ask Americans who live in Louisiana or Montana, what difference does it make if they do not have their house? So let us craft a stimulus package that helps businesses stay open, workers pay their mortgage, people be able to use their benefits.

This package that has been put together by Senator BAUCUS, Senator DASCHLE, Senator REID, and the Democrats recognizes the responsibility for common defense. It also recognizes it does not really make a difference how a person loses their home. The loss is the same, and let us fashion a package that helps them.

Give 75 percent of COBRA premiums for displaced workers. In Louisiana, these premiums cost \$7,000. That represents 75 percent of the unemployment check. So if we do not provide health care, it is as if a foreign army came and took over a hospital and stood at the door with a machine gun and said, no, we know that you are dying and need surgery, but you are not going to have access to this hospital. If we do not give COBRA payments, it is the exact same. People cannot use the hospital. It is the same thing for unemployment.

So I want to strongly urge this package for Louisiana, for our Nation, and to say that for the nonproliferation issues it is a direct risk to our Nation if we do not invest in ridding this world of weapons of mass destruction.

I yield back my time.

The PRESIDING OFFICER. The Senator's time has expired.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. My colleagues have heard me say a number of times, reflecting back on the last 8 years when I served as Governor of Delaware, that we always had in place a litmus test that we applied when we considered proposed tax cuts. The litmus test was that those proposed tax cuts should be fair. They should stimulate the economy and create jobs. They should simplify the Tax Code. And they should be consistent with a balanced budget. We need a similar set of guiding principles as we debate the stimulus package that is before us, and as it turns out there is such a set of guiding principles.

The process of working out a bipartisan economic stimulus package began shortly after the attacks of September 11. The White House and congressional leaders from both parties met jointly and, in consultation with Chairman Greenspan and former Treasury Secretary Robert Rubin, they agreed upon a bipartisan set of principles for an affective and responsible package. Those principles were agreed to jointly by the bipartisan leadership of the House and Senate budget committees, as well as by the Centrist Coalition here in the Senate.

I stated at the outset of this process that I would use these bipartisan principles as my guide as we considered economic stimulus legislation here in the Senate. I have conveyed that message to all of my constituents who have written me on this subject or who have talked to me about the issue at town hall meetings. I also conveyed the same message very early on to Chairman BAUCUS and both leaders.

Since this debate has, unfortunately, become much more partisan of late than it was in the beginning, it's helpful to look back at those bipartisan principles that we started with. Chairman BAUCUS deserves great credit for sticking to the spirit as well as the letter of those principles from beginning to end, even as he has come under great pressure from all sides.

First, the bipartisan principles stated that a stimulus package should accomplish three objectives: restore consumer demand; increase business investment; and help those most vulnerable in an economic downturn.

On the consumer side, the Baucus package provides, as the President has requested, rebate checks to the 45 million taxpayers who either did not get checks this fall or only got partial checks this fall.

On the business side, the Baucus package provides specific tax incentives to encourage businesses to invest again in America and to do so immediately. In particular, the Baucus package includes a provision the President requested to allow businesses, large and small, to recover immediately a greater portion of their investment costs.

In terms of assistance to those most affected by the current downturn, the

Baucus plan provides help to those workers who have been laid off since September 11, in the way of an extension of unemployment insurance and an added hand in maintaining health coverage for themselves and their families. Additionally, the Baucus package provides assistance to the City of New York to help with that city's heroic efforts to recover and rebuild from the devastating events of September 11.

Second, the bipartisan budget committee principles stated that a stimulus package should equal approximately one percent of GDP, including the fiscal impact of all of the various actions taken by Congress since September 11. The size of the Baucus package, at \$70 billion over the next 12 months, is slightly less than the \$75 billion requested by the President. On the other hand, when combined with the other measures passed since September 11, it is slightly more than the one percent of GDP proposed by Chairman Greenspan and Secretary Rubin and agreed to by the bipartisan leadership of the budget committees.

Third, the bipartisan budget committee principles stated that measures included in a stimulus package should be limited in time, so as not to push up long-term interest rates and so as not to make permanent our recent reliance on the Social Security trust fund to make up for renewed on-budget deficits. The recommendation of the bipartisan leadership of the two budget committees was that all measures should sunset within one year. The sunsets in the Baucus package conform with that recommendation.

Fourth and finally, the bipartisan budget committee principles stated that to keep the nation on track to pay off the national debt over the next decade, outyear offsets should make up over time for the cost of near-term economic stimulus. And this is really where Chairman BAUCUS deserves great credit. The cost of his plan over the next decade—the effect it will have on long-term interest rates and on our ability to finance the retirement of the baby boom generation—is one-third less than the stimulative impact of his plan over the next 12 months.

This combination of significant short-term stimulus with relatively little long-term cost is precisely what the bipartisan leadership of the budget committees called for at the outset of this process, but it is easier said than done. Just consider that the package passed by our counterparts in the House is 60 percent more costly over the next decade than it is stimulative over the next 12 months, or that the alternative our friends on the other side of the aisle are offering here in the Senate is nearly 50 percent more costly over the next decade than it is stimulative over the next 12 months.

I regret that this process has become as partisan as it has. I have been very

heartened since September 11 to see the President and Members of Congress from both parties working together in a bipartisan, bicameral fashion to craft commonsense solutions to the uncommon challenges facing our country. I believe deeply that the very best thing we could do right now to restore the confidence of consumers, investors, and business leaders alike would be to work together to pass a bipartisan economic stimulus package.

I believe there is still an opportunity to come together across party lines and between the two chambers to achieve a reasonable compromise that will serve the best interests of the country and extend the spirit of bipartisan cooperation here in the Congress. The only way we can hope to reach agreement on the fine details at the end of the day, however, is if we remain true throughout the process to the broad principles that we agreed to at the outset.

I believe that Chairman BAUCUS has kept faith with the bipartisan principles that were proposed by Chairman Greenspan and Secretary Rubin and were agreed to by the bipartisan leadership of the budget committees and by the Centrist Coalition. I believe that he has negotiated in good faith. For that reason, Chairman BAUCUS has my support. I hope he will have the support of all centrists here in the Senate, whether Democrat, Republican, or Independent.

The PRESIDING OFFICER. The time of the Senator has expired.

Under the previous order, the Senator from Iowa is recognized.

Mr. GRASSLEY. Madam President, I believe I am recognized for 5 minutes?

The PRESIDING OFFICER. The Senator is correct.

Mr. GRASSLEY. Our leader also would have 5 minutes. I have talked to Senator LOTT, and he said since he spoke this afternoon perhaps Senator NICKLES would like to speak. So I hope Senator NICKLES or somebody else from our leadership can come and speak. If they do not, I will be glad to do it for them, but right now I will take 5 minutes.

Madam President, over the last several days, we have heard about how this process of getting to a stimulus package started with a set of principles that presumably both Republicans and Democrats on the budget process, as well as the finance process, have agreed to.

Democratic Senators have particularly been reminding us of this process of having a stimulus package agreed to with a whole set of principles. They have been reminding us of this, and they have particularly been reminding us as they criticize the House bill on the stimulus. They also used it to criticize a proposal I released a few weeks ago that represented the thinking of the Republican caucus.

As is often the case, not every principle fits everything they want to talk about, and so what one of the principal proponents of the bill that is before the Senate—and that is the Democratic caucus bill—has failed to mention is that none of the stimulus provisions should be industry specific.

It seems that adhering to principle is in the eye of the beholder because the bill that came out of the Finance Committee and is before us now as modified is laden with industry-specific provisions, contrary to one of the principles that has been talked about in the stimulus package that is agreed to.

We have specific measures in this bill before us targeted to Amtrak, to broad band, as well as specific agricultural crops and even bison, if one can believe it. We have an incredible expansion of the work opportunity tax credit. I have supported this tax credit which was meant to help welfare recipients find work, but in the Finance Committee bill before us this credit has been grotesquely distorted to give this tax credit to companies in New York investment firms and banks who hire millionaire stockbrokers and lawyers.

Can you believe that? Tax credits for millionaires; that is what the Democrat bill stands for.

Another principle Democrats have emphasized is these measures should be temporary, and they insist any tax measures cannot be more than 1 year long, but we have all kinds of spending measures in this mix that will have long-term impact. We also have a bond provision in the Democrat plan that the taxpayers will be paying for not 1 year but over 30 years. If that does not establish a double standard, I do not know what does.

We have a Washington Post editorial that is on a chart behind me. I am not going to go into detail about reading the whole article, but the headline is "Meet Patriotic Pork." The editorial argues that Members are cloaking their underlying agenda under the name of patriotism and in the fight against terrorism. The editorial criticizes the House bill, which I also agree goes too far, but the editorial goes on to say that "the Senators who larded this bill in committee ought to be ashamed of themselves."

Madam President, that kind of says it in a nutshell. My objective is to work to make this bill a product of which we will not be ashamed; we will have a product of which neither Democrats nor Republicans will be ashamed. I know we will have a product of which the chairman of the committee, Senator BAUCUS, will not be ashamed. And I will be for it.

We need to get that process going. We need to do whatever it takes to make sure this bill will accomplish our goals, then, of helping the economy and the American people. Right now, it is obvious it does neither and our coun-

try deserves better. So this partisan, pork-ridden, lobbyist-written bill needs to be stopped, and we will stop it. Once this happens, then as things go in the Senate, reasonable heads will prevail, and we can sit down and work out a bipartisan compromise that meets the greatest needs of the Senators and we can vote for it.

I ask unanimous consent to have printed in the RECORD a statement of position of administration policy.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXECUTIVE OFFICE OF THE
PRESIDENT,

OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, November 14, 2001.
Statement of Administration Policy

H.R. 3090—Economic Recovery and Assistance for American Workers Act of 2001

The Administration opposes passage of H.R. 3090 as reported by the Senate Finance Committee. The Administration believes that it is crucial for Congress to quickly pass a stimulus bill that will help get the economy going again following the terrorist attacks of September 11th. This bill in its present form will not accomplish this goal.

Instead of providing broad-based tax relief to restore economic growth, this bill is an assembly of provisions that do not provide immediate economic stimulus and are not appropriate to this bill. For instance, \$5 billion is set aside for agricultural programs, including payments for bison meat, and more than \$4 billion is directed to tax credit bonds for Amtrak.

Furthermore, some of the proposals in H.R. 3090 as reported by the Senate Finance Committee would require at least six months to one year to take effect due to their unprecedented nature, the need for new Federal regulations, and the requirement for new health insurance authorizations from State legislatures. Proposals that effectively start next summer and purportedly end next winter will neither provide immediate assistance for displaced workers nor rapid stimulus for the economy. Indeed, economic growth could suffer substantially as a result of these provisions. In contrast to the President's proposal to give prompt aid to displaced workers and provide broad-based tax relief that will speed their reemployment, this bill's unprecedented expansion of unemployment insurance and the new health care entitlements would likely increase unemployment by hundreds of thousands of workers next year.

These provisions have one feature in common however: each is likely to permanently expand the size and scope of the Federal government and its control over programs, such as unemployment insurance, that have always been under State purview.

The Administration also notes that the proposed expansion of the work opportunity tax credit is duplicative since the Administration has decided it will direct \$700 million in Community Development Block Grant (CDBG) funds to New York to aid businesses affected by the terrorist attacks. The Administration's decision was the result of consultations with both New York State and city officials.

The Administration is opposed to efforts to attach additional discretionary spending to the bill. The Administration and Congress agreed to limit discretionary spending to \$686 billion and to provide \$40 billion for the

emergency response to the terrorist attacks. These funds are more than adequate to meet foreseeable needs. This agreement should be upheld.

The Administration urges the Senate to work together across party lines to pass a responsible economic stimulus package that will provide an immediate boost to the economy. The President believes that the best way to retain and create jobs is through tax relief that improves incentives to work and invest while restoring consumer and business confidence. The President has set out the following four principles for achieving these goals:

Accelerating marginal income tax rate reductions to provide more money for consumers to spend and for entrepreneurs and small businesses to retain and create more jobs;

Giving relief to low and moderate income workers to put more money back in their pockets;

Providing partial expensing to encourage businesses to invest and make new purchases; and

Eliminating the corporate alternative minimum tax, which, if unchecked, imposes job-killing higher taxes during an economic downturn.

The President has also called for swift action to help dislocated workers, through extensions of unemployment benefits and health care assistance programs that can be implemented without delay.

Unlike the version of H.R. 3090 reported by the Senate Finance Committee, the President's framework would boost the economy, help displaced workers get back to work quickly, and create several hundred thousand more jobs. Accordingly, the Administration urges the Senate to reject the Finance Committee approach and instead to work in a bipartisan manner to craft an economic stimulus package that reflects the President's principles and encompasses provisions that will provide an immediate and effective stimulus to the Nation's economy.

PAY-AS-YOU-GO SCORING

Any law that would reduce receipts or increase direct spending is subject to the pay-as-you-go requirements of the Balanced Budget and Emergency Deficit Control Act. Accordingly, H.R. 3090, or any substitute amendment in lieu thereof that would reduce revenues or increase direct spending, will be subject to the pay-as-you-go requirements. OMB's scoring estimates are under development. The Administration will work with Congress to ensure that any unintended sequester of spending does not occur under current law or the enactment of any other proposals that meet the President's objectives.

Mr. GRASSLEY. Madam President, this so called stimulus package includes a lot of money for agriculture. Since I am the only working family farmer in the Senate, I think it's important that I point out the biggest problems with the agriculture spending we are considering.

The first problem that I see involves the section on commodity purchases. This section has been described by the chairman as a list of agriculture commodities which have experienced low prices in the 2000 or 2001 crop year. Due to what has been described as an "economic shortfall" experienced by these commodities the chairman would like to institute a short-term purchase program.

In the past, when I sat on the Agriculture Committee, we did provide short-term relief for specific commodities. But before we provided that relief and spent tax dollars we justified that spending by reviewing economic data which defined the problems specific commodities were experiencing.

I know that the Agriculture Subcommittee on Appropriations has also worked on similar assistance packages, and I would bet my farm on the fact that they also justify the cost by reviewing the loss.

My point is that if we are going to spend hundreds of millions of dollars on these commodities, doesn't the other side need to at least show us the data that led them to include these commodities? I am the ranking member on the committee, and I have not heard from one farmer in America that this is needed. Let us start this discussion as any committee with jurisdiction over this issue would. Show us the average price of these commodities and what percentage of loss they have experienced. At least show us when and where the loss occurred.

While we are talking about where, where are these commodities located? Specifically, which regions of the country benefit from this section. We would have asked this question in the Agriculture Committee, why is no one asking it now? Where are these commodities being produced?

For instance, where is the majority of bison slaughtered? I did a little research and found that one cooperative in North Dakota processes over 60 percent of America's bison meat. In fact, this facility, is the world's first processing plant devoted exclusively to bison meat.

I am not trying to tell everyone that there might not be a need for us to purchase bison meat. Who knows, maybe the Senators from North Dakota can show us that there is a real need for bison to receive some sort of assistance. But, under this bill, even billionaires who dabble in bison ranching will get taxpayer assistance.

What I am trying to demonstrate is that this isn't the committee of jurisdiction for USDA programs and if the Democrats want to give the Finance Committee jurisdiction over USDA because the Agriculture Committee cannot handle its own workload, we should review this as the Agriculture Committee should, or as any committee should review an issue before spending American tax dollars.

The second problem I see is the re-establishment of the Natural Disaster Program. Under this program, producers are compensated if their crop losses are more than 35 percent of historic yields. We enacted this program last year to help farmers deal while we were getting the Agriculture Risk Protection Act up to speed. For those of you who do not remember, the Agri-

culture Risk Protection Act was the crop insurance bill we spent \$8 billion taxpayer dollars on to avoid this specific scenario.

Congress allocated \$8 billion dedicated to getting the government out of the disaster business by making crop insurance more affordable. The chairman would like to reinstitute a program that compensates producers if their yields fall off. Sounds a lot like crop insurance to me.

Why are we trying to provide payments to producers who have chosen not to buy insurance? I can see why we did this in the past, but now that the law is in place the U.S. government is subsidizing the cost of insurance on wheat at about 55 percent for the family farmer.

The message we will be sending is, "there is no need to take care of your own risk, Uncle Sam will help you cover your losses. And in turn you punish the family farmers who bought insurance to manage their own risk."

I know that under this program there is a small premium for producers who carry insurance, but this program does not allow more than the worth of the crop. So, if the farmer has insurance that covers his loss, he does not get much out of this program.

It looks like to me we are questioning the policy established in the crop insurance law that the majority of us supported. Isn't this really a question that should be debated at length? Shouldn't the long-term ramifications of this decision at least be considered?

How do we tell farmers to follow the direction established in the crop insurance law and manage their own risk by purchasing affordable insurance tools while we are rewarding those that have chosen to save their money and take on more risk by not purchasing crop insurance?

If the Finance Committee is now the committee of jurisdiction for crop insurance, I think these questions should be addressed.

The third point I want to bring up is the \$3 billion to clear the "backlog" of Rural Development loan and grant applications at USDA. I realize that this is now being deleted from the chairman's bill, but the Senate was subjected to this awful policy during the markup and up until today, so I think it is worth mentioning.

When I read that provision for the first time my first thought was, "How important is it to clear the backlog at Rural Development quickly?"

The reason I ask this question is due to the fact that the legislation required funds be made available only after the next fiscal year 2002 Ag. Appropriation funds had been exhausted.

Don't we usually provide enough funds based on the need and ability of USDA to process the applications during the next fiscal year?

Under the chairman's proposal, we would have had to first spend the fiscal

year 2002 allocation before we used this new money. How many new jobs would this money have created in six months? Not many if we didn't run out of fiscal year 2002 funds until August or September.

It is sad that the press had to inform the other side how poor this idea was instead of the Republicans and Democrats working together because I guarantee you, if anyone on the Democratic side of the aisle had asked me I would have pointed this out immediately. This was terrible policy.

Just to let everyone know, I contacted USDA about the provision the Democrats pulled and they told me that if those funds had been made available USDA would have needed an extra \$100 million in salaries and expenses to get all of the possible loans and grants out the door within a year.

My final point is that if this amendment had been successful we would have been asking a mission area of USDA to engage in the single largest expansion of any mission in years, and to do so without an undersecretary.

In summary, the Senate Agriculture Committee seems to be unable to manage its own business so I guess it is trying to "pass the buck" to the Finance Committee. These are not light-hearted issues and the impact of these provisions will affect both short and long term policy considerations and precedents.

Madam President, I'd like to take a few minutes to respond to remarks made earlier today by our distinguished majority leader. The majority leader criticized three of the four proposals in the Senate Republican Caucus' stimulus proposal.

The three proposals the majority leader criticized are: one, the acceleration of the marginal tax rate cuts from the bipartisan tax relief package enacted earlier this year; two, the repeal of the corporate alternative minimum tax; and three, the 30 percent bonus depreciation.

I would like to address his general criticisms of the proposals. Senator DASCHLE made the following points: one, the proposals were the same old "leftover" tax cut proposals; two, that Senate Republicans were using the September 11 events to push "ideological" measures; and three, that these proposals had been "unanimously" rejected by economists, editors, governors, and others.

I will respond to these general criticisms one by one.

On the first one, the "leftover" argument, I would like to point out that, with the exception of the marginal rate acceleration, none of these proposals were included in any tax cut bill considered by the House or Senate for this year or last year for that matter. As a matter of fact, bonus depreciation has not been on the table for nearly a decade. These proposals arose subsequent

to September 11 as a response to the major economic problem of declining business investment. So let us not characterize these proposals as left-overs.

Let us go to the "ideological" point. Again, with the exception of the marginal rate acceleration, these proposals were not Republican agenda items. I ask: Does anyone recall signs at the Republican Convention with "bonus depreciation" or corporate AMT relief?

This charge was coupled with an allegation that Republican Senators were using the events of September 11 to advance these so-called ideological proposals. Of course, these proposals were specifically designed to respond to the economic downturn. Indeed, in a gesture of bipartisanship that has not been reciprocated, Republicans, led by the President, put on the table a proposal that certainly cannot be called a Republican priority, a supplemental rebate. In another gesture of bipartisanship, again with no reciprocation by the Democratic Leadership, Republicans, led by President Bush, took off the table, an arguably stimulative proposal, capital gains tax cuts.

Actions speak louder than words.

I agree with one part of the majority leader's statement. That is, neither side should use the events of September 11 to advance ideological objectives.

I have pointed out two significant examples of Republicans acting in anti-ideological manner. Where in the Democratic caucus proposal, or Democratic leadership's actions, have we seen similar anti-ideological behavior?

Indeed, it appears that the events of September 11 are being used as another "salami slice" tactic to get to a Democratic ideological objective. That objective is a Government-run universal health care system. Just take a look at the new COBRA entitlement, labeled as temporary here.

Now, I would like to address the majority leader's third general criticism. That criticism is that economists and editors have unanimously rejected the Senate Republican caucus stimulus proposal.

I guess if you only include some economists that have served in Democratic administrations or some editors that identify themselves with the Democratic agenda, then I would agree with the majority leader. For instance, much is made of Joseph Stiglitz's criticisms. There is a lot of talk about his Nobel Prize, but you do not hear that he chaired the Council of Economic Advisors in the Clinton Administration. I guarantee there are Nobel Prize winners who worked in Republican administrations who would not agree with Joseph Stiglitz. In fact, they would have problems with the Democratic package.

As an example of the diversity of opinion, you only have to review the

statements of Glen Hubbard, the current chair of the President's Council of Economic Advisors.

The charge that economists have "unanimously" rejected the Senate Republican caucus stimulus package is not borne out by the facts.

With respect to the charge that editors and opinion writers have "unanimously" rejected, I would like to print in the RECORD a couple of articles. One is an article by Kevin Hassett, who was a witness before the Senate Budget Committee. Another is an article from the *National Review*. These are only two of many articles that show that there is support for elements of the Republican caucus position. In addition, even the Governors' letter cited by the majority leader does not reject the Senate Republican caucus stimulus package. I also ask unanimous consent to print in the RECORD an editorial from the *Washington Post*, that is highly critical of the Finance Committee's stimulus bill, by pointing out that high-priced lobbyists help put the Democratic bill together.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Asian Wall Street Journal, Nov. 7, 2001]

A SILVER LINING

(By Kevin A. Hassett)

The U.S. Federal Reserve's 50-basis-point rate cut Tuesday came in response to a flurry of extremely negative economic reports and increasingly widespread pessimism about the American economy. As the federal funds rate nears zero, many observers believe that there is little room for further significant interest rate reductions. With the economy still declining and the Fed out of ammunition, additional government stimulus must now be of the fiscal variety.

Corporate tax cuts are a natural fiscal stimulus candidate. The corporate sector has dropped the sharpest this year, and business investment has historically responded impressively to tax cuts. Yet U.S. Senate Democrats have staunchly opposed Republican efforts to provide corporate tax relief. "I'm not even enamored any longer with the word stimulus," said Senate Majority Leader Tom Daschle last week, preferring instead to launch a giant government spending spree. Such measures reflect the emerging Democratic view that the "Bush economy" is nearing depression, and only a New Deal can save it.

But if you look closely, things aren't that bad. Marginal tax-rate cuts might well have difficulty stimulating business activity if there is significant excess capacity. But the data don't support such a negative view. Indeed, despite rumors to the contrary, the American economy was most likely not in a recession on Sept. 10. The monetary and fiscal stimulus adopted earlier in the year appears to have done its job quite well.

That positive news emerged last week when the U.S. Commerce Department reported that the gross domestic product declined 0.4 percent in the third quarter. Negative GDP growth is a strong sign of a recession, but analysis of the background data suggests that the number would have been comfortably positive absent the attack. First, before the attack, chain-store sales in-

dicated that consumer spending in September was at about the same healthy level posted in August. Second, border closings created turmoil in the auto sector, where just-in-time inventory techniques led to significant production interruptions.

It is a simple adding-up exercise to correct for these two factors, and doing so leads to a surprising conclusion. If September consumption had continued at the pace registered at the start of the month and auto production had not jammed up, the economy would have dodged recession in the third quarter. GDP would have been more than a percentage point higher—safely nestled in positive territory.

Although that did not happen, it does put to rest the view that the terrorist attacks pushed an already devastated Bush economy into a steep downward spiral. The economy was doing better than expected, and this was likely because of well-timed economic policy. Consumer spending has been particularly strong in interest-sensitive sectors.

Another bit of positive news lurking in the third-quarter data confirms the view that business tax cuts in particular could be effective now. The government data available do not explicitly report third-quarter productivity, but it is possible to figure this out by using techniques that are also relied upon by Fed economists (and undoubtedly reported to board members Tuesday).

These calculations are striking. Even with the sharp declines in output that occurred at the end of the third quarter, productivity increased by more than two percentage points. As economic data watching goes, that remarkable observation is as good as it gets.

Historically, productivity has almost always declined sharply just before a recession and softened further during a recession. This "procyclical productivity" pattern is so reliable that an entire literature exists exploring its cause. The current consensus appears to be that productivity drops near recessions because firms are reluctant to lay off idle workers when demand shrinks, and the proportion of workers that are not productive increases sharply. Perhaps that describes the past, but it has not happened this time. High-tech investments have allowed firms to adjust on the fly and continue to squeeze more output out of fewer inputs.

In February, Fed Chairman Alan Greenspan marveled at the strong productivity numbers posted in late 2000 when the economy was softening. The increase was, he remarked in a Senate Banking Committee hearing, "at a pace sufficiently impressive to provide strong support for the view that the rate of growth of structural productivity remains well above its pace of a decade ago." It's important to note that this high rate of productivity has continued over the past few quarters, even as the economy has softened.

Why is this so important? If productivity were declining, then firms would be faced with many more painful decisions in coming months. Capital investments that were intended to improve the bottom line would have failed. Should plants then be closed? As it is, it looks like the inventory and investment corrections that occurred in the 12 months before Sept. 11 had achieved their desired effects. The "overhangs" that presage sharp economic disruptions were not apparent in the data, and a healthy response to marginal tax-rate reductions is quite plausible.

But, of course, other factors are present. And they help to explain why, despite the good news, economic activity has dropped so sharply.

After years of highly mathematical research in dusty journals, many economists now believe that the root cause lies in the distinction between risk and ambiguity that was first described by University of Chicago economist Frank Knight in the 1920s. Knight argued that there is a difference between a circumstance with known probabilities—like a coin flip—and a situation with high ambiguity, where the probabilities of different outcomes are not known. Subsequently, researchers have confirmed Knight's observation both in theory and with observation.

There are profound differences in behavior when people face the two different types of uncertainty. Most important, when ambiguity is high, consumers and firms often act as if the worst possible outcome will occur for sure. Thus, after the terrorists attacked, the U.S. entered an ambiguous world with many horrible possibilities and no probabilities. Predictably, businesses and consumers assumed that a deep recession would occur with certainty. Their extremely cautious response to the assumption helped make the recession more likely.

So the core fundamentals of the economy remain surprisingly strong. If there is a recession, it will have been caused by the terrorist attacks. Therein lies both the hope and the challenge to policy makers. Absent a rapid and clearly visible victory in the war on terrorism, consumers and firms will only gradually return to normal, and a long and deep recession is possible. Yet the underlying strengths suggest that there is ample opportunity, and that corporate tax cuts could ignite further productivity enhancing investments. The stimulus bill that passed the U.S. House of Representatives took a step in that direction. It's time that the Senate stop bickering and do the House one better.

[From the NRO Financial, Nov. 8, 2001]

THE NEW DANCE OF THE CRACKPOTS

(By John Hood)

In this indispensable guide to the New Deal, *The Roosevelt Myth*, journalist John T. Flynn wrote about the pivotal couple of years leading up to the 1936 presidential election. Roosevelt's early efforts had failed to bring the country out of depression, and so a bewildering array of left-wing politicians and journalists offered their own strategies for getting the economy moving again. It was, in Flynn's picturesque words, "*The Dance of the Crackpots.*"

Its main result was to shove FDR further to the left. His administration created new credit and spending programs to steal the thunder of Huey Long and other radicals, and to induce an artificial inflationary spurt in activity just before the election—a winning political strategy that nonetheless resulted in another painful recession in 1937-'38.

As American battles international terrorism and a slowing economy, we are now witnessing a new Dance of the Crackpots. Denigrating President Bush's \$1.3 trillion tax cut enacted by Congress earlier this year, critics are coming out of the woodwork to offer increasingly silly and outdated proposals to "stimulate demand" and "escape the liquidity trap." While draped in New Economy language, these ideas are basically the same old Keynesian claptrap that the crackpots of the 1930s indulged in—although, unlike present-day advocates, the 1930s crackpots had the excuse that most of their pet ideas had yet to be proven false through experience.

On prominent exponent of the new (old) philosophy is Robert Rubin, Clinton's former

Treasury Secretary. Advising the Congress on how to fashion a "bipartisan" stimulus package, Rubin recommended a focus on spending programs and tax credits directed to poor Americans. "People at the bottom of the income scale spend all the money they earn," he reportedly told congressional leaders. "If you give it to them, they're going to spend it. If you give it to me, it's not going to affect my spending patterns."

Newsweek columnist Jonathan Alter made a similar point in a column criticizing supply-side tax cuts suggested by House Majority Leader Dick Armey of Texas. Armey "claims to be an economist," Alter sneered. "But he obviously never learned about a little concept familiar to every college freshman called 'supply and demand.' Our supply—or capacity—is just fine right now; in fact, we've got too much of it. The problem is consumer demand. It's dangerously flat."

According to Rubin and his journalistic echo chamber, government stimulus is needed because Americans aren't spending enough. This statement is absurd. To say that Americans aren't spending "enough" is to presuppose that there is some level of spending that is correct, and that government officials can know such a level. Furthermore, such a singular focus on broad abstractions like "supply" and "demand" leaves these hapless pump-primers without a connection to the real economy of individual goods and services exchanged by individual human beings.

It is simply nonsensical to talk about the economy in only aggregate terms. For example, there was a great deal of excess capacity in America's buggy-whip manufacturing sector in the early 20th century. Was that a sign of inadequate consumer spending? Of course not. It was a sign that Americans were changing their consumer patterns in response to changes in technology. When households reduce their spending on consumer goods, opting instead to pay down debt or accumulate savings, they aren't failing to buy "enough" stuff to keep the economy afloat. They are simply changing their preferences in favor of future consumption (perhaps of more expensive, more capital-intensive durable goods) and away from some goods currently being produced.

Contrary to the crackpot theories of Rubin, Alter, New York Times columnist Paul Krugman, and other neo-Keynesians, recessions don't signify "too much supply and not enough demand." Recessions aren't creatures of human irrationality. They signify a mismatch between what companies are making and what their customer actually want at the time. Moreover, they often signify a mismatch of time preferences, as consumers signal (through more savings) that they are willing to finance new investment today in order to buy something they value more in the future. As long as capital markets are free to coordinate the interests of producers and consumers, the latter's increased savings will increase the pool of loanable funds and thus encourage entrepreneurs (with lower interest rates) to pursue new investments to satisfy consumer demands.

In other words, it is perfectly rational in a time of recession for the government to focus its fiscal policy on removing barriers to investment. These barriers include large inflationary or deflationary changes in money (because these destroy the ability of interest rates to communicate time preferences accurately to entrepreneurs) and excessive taxes on investment activities. The U.S. tax code retains a strong and counter-

productive bias against savings and investment, so proposals to accelerate depreciation, reduce marginal tax rates on capital gains, and reduce double-taxation of corporate dividends are exactly the right medicine if the goal is to speed the recovery of the American economy.

The answer to "excess capacity" in buggy-whip manufacturing was not for the government to stimulate demand for buggy whips. It was to allow industry to make needed investments in automobile production. Similarly, American consumers are signaling that the current mix of investment is not generating what they want. So financial, physical, and human capital must be redirected to new uses. This necessary adjustment will happen more rapidly, and more successfully, if Washington will ignore the new Dance of the Crackpots and gets its fiscal act together.

[From The Washington Post, Nov. 13, 2001]

MEET PATRIOTIC PORK

In normal times, pork-barrel spending is offensive. When the nation is at war, it's considerably worse. But the patriotism felt by most citizens since the terrorist attacks has done nothing to restrain lobbyists' habit of putting special interests ahead of national interests. Indeed, some apparently can't tell the difference. Kenneth Kies of PricewaterhouseCoopers, who has been pushing tax breaks that would profit clients such as GE and IBM Corp., told The Post it would have been "irresponsible" and even unpatriotic for him to behave otherwise.

The provision that Mr. Kies advances would reduce taxes on corporations' overseas investment income. It's hard to see how this measure, which would encourage firms to keep money outside the country, would do anything to stimulate the American economy. Yet, Mr. Kies has sought to include it in the stimulus package being prepared in the Senate. Meanwhile, other lobbyists have pressed for equally egregious giveaways. The stimulus bill that passed through committee last week includes money for citrus growers and buffalo farmers and producing electricity from chicken waste. It includes a tax break on aviation fuel for crop-dusters. A wage credit designed to encourage firms to hire welfare recipients has been extended to businesses in lower Manhattan that hire anyone.

As it fights a war on terrorism, the United States also faces the threat of a global recession that could be the worst in years. Thousands of ordinary workers have already lost their jobs, and many thousands more may do so. The economic stimulus will succeed only if it pumps money into the bits of the economy where it will stimulate demand effectively. That means targeting it at business investment and at less well-off consumers, not tossing cash at random supplicants.

The senators who larded the bill in committee ought to feel ashamed of themselves, but they're not the only ones. It seems to us that lobbyists such as Mr. Kies and clients such as General Electric and IBM also bear some responsibility. Normally in Washington we assume that such corporations will grasp for whatever they can get; it's up to those in Congress to resist their more egregious grasplings. But do the chairmen of GE and IBM really want to pursue their narrow self-interest at a time when everyone else is being asked to think of the common good—at a time of war? Imagine the stir it would cause, and the impact it could have, if just one of them said, "Better spend the money on the troops. We'll be back when the

war is over." It's not too late for them to show what patriotism might really mean.

Mr. GRASSLEY. Madam President, let us be accurate when we describe each side's proposals. Upon careful consideration, it is clear:

First, the Senate Republican Caucus stimulus proposal is not made up of "leftover" tax cuts;

Second, the Senate Republicans are not using September 11 as a device to advance "ideological" proposals; and

Third, the proposals in the Senate Republican Caucus stimulus package have not been "unanimously" rejected by economists, editors, and opinion makers.

Madam President, I wish to discuss what I consider to be a crucial component of this economic stimulus package: health insurance assistance for dislocated workers.

We all know about the high cost of health insurance. For dislocated workers, its even higher. That's because worker continuation or "COBRA" coverage is extremely expensive: coverage for a family can cost as much as \$500 or \$600 per month.

And workers who do not qualify for COBRA coverage—because they worked for State or local governments or in small businesses that are exempt—also face high health care costs.

So when it comes to providing health insurance assistance to dislocated workers, both sides in this debate are in agreement: People need help, and they need it now.

Where we disagree is on how we get there. I have endorsed a program that is already up and running, that has been tried and tested and tailored for the very purpose of providing ready help—not red tape—in emergencies like this.

The Democrats, on the other hand, have endorsed the creation of a new Federal bureaucracy, consumed by red tape, that would take many months to get up and running.

First, let's talk about structure. For any program to work efficiently, it needs a backbone. The National Emergency Grant program has been in place since 1998. The Labor Department has been getting funds to States quickly and seamlessly for several years.

In fact, since September 11th, 3 States have already received funds totaling \$37 million, 3 more States are on the verge of approval, and 13 additional State applications are expected. Clearly these numbers indicate the success the National Emergency Grant program has already achieved.

By comparison, the new COBRA subsidy program that the Democrats favor has no backbone at all. There is no structure currently in place at the Labor Department or any other Federal agency to administer this new benefit.

Next, let's take a look at process.

At the Federal level, the National Emergency Grant program requires

nothing more than a new set of grant criteria allowing States to use funds for health insurance. The criteria is being drafted under the Labor Department's existing authority, and can be made effective immediately.

In contrast, the new COBRA subsidy program proposed by the Democrats requires the deployment of an entirely new Federal program, requiring Congressional authorization and a formal regulatory process under the Administrative Procedures Act before any benefits could be delivered.

Moreover, communications and oversight mechanisms would have to be established, and agencies would have to redirect resources to meet program goals.

At the State level, the National Emergency Grant program is familiar to governors and other State officials. The program relies on an existing, streamlined process that has been in place since 1998. All States have mechanisms in place to apply for grants and deliver benefits.

By comparison, the Democrat-endorsed new Federal subsidy program would impose new and costly mandates on States, which would have to authorize and set-up new systems and departments to comply with the program's rules before workers could start receiving benefits. In many instances, action at the State level would be frozen until State legislatures acted to authorize and fund the new mandates.

Finally, let's address the most important question, the one that this whole debate should turn on.

How long will this all take? How do the two approaches compare when it comes to getting workers health care assistance quickly?

The National Emergency Grant program can guarantee payments to States within 15 days of an application's approval. That speed is simply unsurpassed, and it's the chief reason I support using the grant program today.

The new Federal subsidy program, by contrast, would tie up funds in red tape until next summer. Under almost any scenario, financial assistance would not be available until federal regulations are issued, finalized and made effective, a process that could take 6 months, at a minimum.

The bottom line is the Democrats' proposal would not be able to get benefits to workers until it's too late. In addition to a lengthy process at the Federal level, States are faced with undue burdens of setting up new systems to coordinate with the Federal Government and finding new resources to do so.

The Democratic approach, while well-intentioned, reinvents the wheel. The National Emergency Grant program, by comparison, needs no re-invention. It is ready to go.

And so I urge my colleagues to opt for a system that's ready to go and to

support the speedy delivery of funds to our dislocated workers through the National Emergency Grant program.

Mr. GRASSLEY. Madam President, I also wish to discuss a Medicaid provision in the Democrats' economic stimulus package that would provide for an expansion of the Medicaid program to a new group of individuals.

In order to fully evaluate the potential effectiveness of this proposal, it is important to take a look at State fiscal health.

The economic slow-down coupled with increased demands on health care safety net programs is creating major strains on State budgets.

Just this year, 44 States have revenues below original forecasts; 28 States have implemented or considered Medicaid cuts; 7 States have convened special legislative sessions to address budget shortfalls; and 11 States have determined a need for supplemental appropriations for Medicaid.

Today, Medicaid expenditures are 7.5 percent higher than they were in 1999, and on average account for 19.5 percent of State spending. Therefore, Medicaid is a primary target for State budget cutbacks during economic downturns.

States have reported a current cumulative revenue shortfall of \$10 billion, and predict this number to continue to grow. Moreover, new and unprecedented State responsibilities for homeland security are exacerbating serious fiscal conditions.

Therefore, any new State Medicaid option, no matter how generous the Federal match, is not an attractive proposal to States.

States simply do not have the resources to take up a new option under the Medicaid program because States cannot absorb the State share of new Medicaid enrollees.

In fact, a spokesperson for the National Governor's Association recently stated that any proposal, including a Medicaid expansion, that requires State funding would have "zero take-up."

Aside from the budget constraints that prevent a Medicaid expansion from being a viable health care proposal for dislocated workers, Medicaid expansions are not a timely response to addressing emergencies.

In order to develop a new Medicaid eligibility category, States would have to develop a State plan amendment. This entails a planning period that includes: setting income levels and time frames; creating outreach materials and caseworker training; and obtaining approval from the legislature—assuming the legislature is still in session and many aren't—and finally, getting approval from CMS.

By the time this process runs its course, the 12 month window would likely be over. Even if the 12 month period isn't over, it wouldn't be an immediate benefit either to health coverage or as a fiscal stimulus.

A more immediate and expeditious approach to making health care coverage available to displaced workers would be through the National Emergency Grant program.

This program should be expanded to allow States the opportunity to cover health care premiums, including COBRA premiums, for displaced workers and their dependents.

The National Conference of State Legislatures agrees that flexible Federal funds would be the best approach to empowering States to effectively address State-specific needs of dislocated workers.

There are a number of ways that States could use National Emergency Grant funds to provide immediate health care access to dislocated workers and their families including using State employee health systems to unemployed individuals, utilizing community health centers, or contracting with insurers.

The National Emergency Grant program requires nothing more than a new set of grant criteria allowing States to use funds for health insurance. The NEG proposal is an expedient means of making health coverage available to dislocated workers and their families.

Mr. AKAKA. Madam President, I rise in support of the economic stimulus package reported by the Committee on Finance.

Following the terrorist attacks on September 11, the slowdown in our Nation's economy has been a matter of increasing concern. The ripple effect of the tragic events on September 11 has affected millions of Americans who are dealing with the economic repercussions. Hundreds of thousands of workers have lost their jobs, and consumer and business confidence has eroded during this time of uncertainty. The decrease in economic activity is affecting companies ranging from small businesses to corporations, not to mention entire industries such as the airline and tourism industries.

There is no doubt that an economic stimulus package would help to boost our Nation's weak economy. While the prospects for long-term growth remain strong, the terrorist attacks exacerbated weaknesses in many business sectors and diminished hopes for a quick revival of an already faltering economy and it now appears that the country will experience a period of economic weakness and rising unemployment before returning to a period of strong growth. A stimulus package that is well-defined and specifically targeted for maximum effectiveness can play an important role in promoting a rapid economic recovery.

As we all know, there are contrasting views among the members of Congress as to what components should be included in a stimulus package to maximize the stimulative effect on the economy. I believe that the economic

stimulus package should encourage increased spending as soon as possible to rejuvenate the economy, assist people who are most vulnerable during the economic slowdown, and restore business and consumer confidence. However, it is important that fiscal discipline over the long-term be maintained in order to ensure economic growth in the future. As such, legislation to stimulate the economy should only be on a short-term basis so that the budget can return to surplus as the economy recovers.

Given the importance of taking prompt action to stimulate the economy which is on the brink of a recession, I commend the Senator from Montana for his efforts in reporting an economic stimulus package out of the Finance Committee that can be considered on the Senate floor. I support components of the legislation, including provisions aimed at addressing the needs of America's newly-unemployed workers. In addition to losing their health benefits, the unemployed have no income to pay out-of-pocket for their health care needs. Under the Consolidated Omnibus Budget Reconciliation Act of 1985, COBRA, employers with 20 or more employees must offer continued health insurance coverage to qualified employees and their families who lose health coverage when they lose their jobs. Unemployed workers are required to pay up to 102 percent of the full premium, which averages about \$220 per month for an individual and \$558 per month for a family. Only about 20 percent of eligible workers use their COBRA option because premiums are so expensive. The bill drafted by the distinguished Chairman of the Finance Committee will assist workers who are COBRA-eligible by providing a 75 percent COBRA subsidy for up to twelve months. This subsidy will help to ensure that many of the workers and their families who could not previously afford COBRA coverage will be able to retain their health insurance. States would be allowed to cover the remaining 25 percent of the COBRA premium for low-income COBRA-eligible individuals and their families.

While the subsidy for COBRA will help a number of Americans, many of the workers who will lose their jobs in the coming year will not be eligible for COBRA coverage. These workers face an even greater barrier to health care access and include individuals who worked for small businesses, were in the individual health insurance market, worked in companies that have gone bankrupt, and those who could not afford health insurance before they were laid off. The bill by the Senator from Montana would help these workers who are not COBRA-eligible by giving states the option to add a new eligibility category to Medicaid. This new category would allow states to cover laid-off workers who are not COBRA-eligible for up to 12 months.

Another critical component of the stimulus legislation is the temporary increase in the Federal Medical Assistance Percentage, FMAP, rate for States. The Federal Government currently pays between 50 percent and 83 percent of the cost of Medicaid in each state, depending on the state's per capita income in the three calendar years that are most recently available. On average, the Federal Government pays 57 percent. Medicaid matching rates for fiscal year 2002 are based on state per capita income data from 1997, 1998, and 1999—years in which the national economy was strong. Consequently, matching rates are slated to be reduced for 29 states in 2002. The reduction in FMAP rates has worsened an already bleak fiscal outlook for many states. In August, the Congressional Budget Office projected that Medicaid expenditures in 2002 would be nine percent higher in 2002 than in 2001, while states projected that their revenues would rise just 2.4 percent. Rising Medicaid expenditures have long been a serious concern to states. The repercussions of the terrorist attacks on September 11 are leading most analysts to expect even higher state Medicaid costs because the economic downturn will make more people eligible for Medicaid and lower state revenues. It is during difficult financial times that the Medicaid program becomes a primary target of State budget cuts. Yet, people need Medicaid during these times more than ever.

The FMAP increase proposed by the Finance Committee has three main components. First, States that would have received a lower FMAP rate would be "held harmless" and retain their fiscal year 2001 matching rate. Second, all States would receive a rate increase of 1.5 percent. Finally, States with higher than average unemployment rates over the previous three months would receive an additional 1.5 percent rate increase. To receive these FMAP increases, States would be required to maintain current eligibility levels. The temporary increase in the FMAP is an important component of our Nation's economic stimulus policy. Medicaid is the largest Federal grant-in-aid to states. Temporarily increasing the Federal matching rate could have broad positive ramifications for State budgets, the impact of which would be rapid and would not require additional Federal or State bureaucracy. These changes would provide much needed health care to people in need by providing states the resources to do so.

While Congress has taken certain actions to address the aftershocks of the terrorist attacks, we must also restore consumer confidence which has steadily declined since the attacks. In Hawaii, where we were just beginning to recover from our economic recession of 9 years, we find ourselves once again

facing an economic downturn. The State Department of Labor is currently working on the unemployment rates for October 2001 and has indicated that the number of people filing unemployment claims will be substantially higher than those filing in September. This is disconcerting to me because in September 2001, tourism was down by 40 percent and more than 11,000 people who work in the industry were unemployed. More specifically, 8,803 people in Hawaii filed claims for partial or full unemployment benefits in the 15-day period from September 17, the Monday following the attacks, to Monday, October 1. On that Monday, the State Department of Labor estimated that 1,012 workers filed claims statewide for unemployment. Before the attacks, the state of Hawaii received on the average 1,400 claims a week. These statistics do not show what the cost has been to families in Hawaii where both parents are, or in many cases were, working in the travel or tourism-related industries. These families are finding that they do not have the money to pay for their mortgage, health insurance for themselves and their children, and basic necessities.

The economic stimulus legislation reported by the Finance Committee will help the people of Hawaii and the nation pay their mortgages, provide healthcare to their children, and put food on the table. It will provide 13 additional weeks of benefits to workers whose regular unemployment compensation has expired, require states to use the most recent earnings data to determine eligibility and benefits, provide coverage to part-time workers, and supplement the amount of benefits.

Some of my colleagues have argued that extending unemployment benefits and providing a health care subsidy will not stimulate the economy, I must strongly disagree. I believe, as many of my colleagues have stated during this debate, that this is exactly what our economy and the American people need to revitalize consumer confidence. As recent research has shown, the Unemployment Insurance system is eight times as effective as the entire tax system in mitigating the impact of a recession. In addition, the Unemployment Insurance system is able to target the very sector of society that needs the most economic stimulus. I remind everyone that in every recession during the past 30 years, including the 1990–1991 recession under President George Bush, unemployment insurance benefits were extended.

It is clear that an economic stimulus package is needed to support our economy during these uncertain times and to promote a rapid recovery. We have seen the Federal Reserve Board cut interest rates ten times this year with limited economic effect. Congress has also taken actions to provide some of that stimulus through emergency

spending for recovery efforts and to assist the airline industry. It is critical that Congress promptly pass an economic stimulus package that will rejuvenate our faltering economy while assisting households who have been especially hard hit by the downturn in the economy. An economic stimulus package that promotes economic activity and includes components to extend unemployment insurance benefits and health care subsidies will greatly assist in getting our country's economy moving again.

The PRESIDING OFFICER (Mr. DAYTON). Under the previous order, the Senator from Montana is recognized.

Mr. BAUCUS. Madam President, I thank my good friend from Iowa, Senator GRASSLEY, for his help on this bill.

The choice in the vote before us, about to occur in 15 minutes, is very simple. Do we want to proceed to help provide the stimulus to the American economy? Do we want to help provide health insurance benefits to people who have lost their health insurance because of their lost jobs? Do we want to provide an extension of unemployment benefits? Do we want to help New York City, which has been wrecked and devastated by the tragedy of September 11? Do we want to give disaster assistance to farmers and ranchers whose incomes are lower year by year.

Do we want to do these things or not? That is the sole question before us. That is all it comes down to.

I am astounded that we hear these arguments that this is not an emergency. I have been in this body for 20-some years, and we have voted for many items designated as emergencies that were far less of an emergency than what has happened to our country since September 11.

What were they? Let me tell you. First of all, the stand-alone bills we have passed in this body: Unemployment insurance, in 1993, \$5.7 billion. That was designated an emergency, so we passed it.

IRS reform, if you can believe, \$130 million—emergency. I don't know what the emergency was, but that is what Congress decided.

The airline bill this year, \$17 billion over 10 years.

What were some other emergencies? We have had Hurricane Andrew. We had floods in various States, and we have designated those all as emergencies, this Senate did, and they were emergencies.

And there have been more emergency designations. The Los Angeles riots in 1992 was designated an emergency. We provided additional dollars to help Los Angeles recover from the riots in 1992. The terrorist bombing in Oklahoma City—we designated that as an emergency to help Oklahoma City, as we should have.

Peacekeeping in Bosnia—we designated additional dollars for our mili-

tary, our Defense Department, because that was an emergency, fighting in Bosnia. That was designated an emergency, as well it should have been.

Other natural disasters, hurricanes and floods.

I, for the life of me, cannot understand this argument that we hear from the other side that what has happened to this country since September 11 is not an emergency, particularly in comparison to past events that were designated emergencies. There is a provision in the Budget Act which says if we go over the technical spending limits, it has to be an emergency to avoid a budget point of order. That is entirely up to the discretion of the Senate. In fact, the Congressional Budget Office, in this document, says:

Emergency spending is generally whatever the Congress and the President deem it to be.

It is up to us to decide whether this is an emergency or not. We all know what has happened to New York City, what has happened to our economy—900,000 people out of work since this spring. That is the entire population of my State of Montana—900,000 people out of work. Most people who lose their health insurance do so because they have lost their jobs.

This is a super-emergency compared with the other events that this body has designated emergencies. Why is this not an emergency, too? Where are we? What are we thinking of? Hello? Wake up, Senate. Wake up and see what is happening to the country. Wake up and see what is happening in New York City.

If all of us in the Senate were to go to Ground Zero, we would know that is an emergency. Some have and some have not. All should.

The same occurs all across the country. Homes lost, people tossed out of work, farms and ranches going down the tubes because either they don't have crops, it is a disaster, a drought or a flood, or they are not getting their income. What is going on here? Of course it is an emergency.

Meanwhile, we have heard, and I am disappointed to have to say this, characterizations and mischaracterizations, representations and misrepresentations, of what is in the Senate bill. Senators, some of them, have taken easy shots, not getting to the heart of the matter. That is regrettable.

I will sum up in 10 seconds. This is clearly an emergency, and I urge Senators to vote to waive the point of order, stop the roadblock. Let's roll. Let's help America.

The PRESIDING OFFICER (Mr. DAYTON). The assistant Republican leader.

Mr. NICKLES. Mr. President, it is with regret I urge my colleagues to not support our friends and colleagues on the other side. I will just take issue with a few things that have been stated.

First, I compliment Senator GRASSLEY and Senator BAUCUS because they worked together earlier this year in a bipartisan way and we passed tax relief. It was done by a bipartisan vote in the Finance Committee, done by a bipartisan vote in the Senate, and by and large that bill became law. Senator BAUCUS and others alluded to the fact that we have already passed emergency legislation providing \$40 billion to assist in the aftermath of the September 11 events. That was done in a bipartisan fashion.

When we provided airline relief, that was done in a bipartisan fashion. Unfortunately, the bill we have before us, the so-called stimulus bill, has not been done in a bipartisan fashion. The makeup of the Senate is so balanced that it cannot happen. Democrats cannot pass a Democrat-only bill. The Republicans cannot pass a Republican-only bill. So we are going to have to work together.

Regrettably, that has not yet happened. The result is in the bill that passed out of the Finance Committee, now modified by Senator BYRD's amendment, and modified by additional amendments made by the chairman or the Democratic leader, we have a bill that not only will not stimulate I think but may depress the economy. We have a bill that is not supported by both sides. We have a bill that obviously will not become law.

We have a statement by the administration that says:

The administration opposes passage of H.R. 3990 as reported by the Senate Finance Committee.

The President said he doesn't like it. It is strongly opposed for lots of reasons. That is in direct contrast to the bipartisan work that many of us as leaders did, meeting with the President several times after the September 11 events to say let's work together. President Bush agreed to the \$40 billion. We haven't even spent the \$40 billion. I am looking at the list that has \$15 billion of new spending. That is in direct contradiction of the agreement we made with the President, that we have in writing from the President, the agreement that said \$686 billion and, oh, yes, we will do \$40 billion of the emergency spending. We have not spent that \$40 billion. Then they say we want another \$15 billion.

I do not doubt many of those provisions requested in the \$15 billion will be in the second \$20 billion that is yet to be appropriated, yet to be allocated, in some cases yet to be requested.

The administration hasn't requested those. They are receiving input and requests from a lot of different agencies. But they haven't requested it yet. Yet we are trying to say that is the deal from last month. Now we are coming up with a new deal. Last year's spending grew by over 14 percent. This year, we are going to spend about 8 percent.

Now we have added \$40 billion. Some people say, let us add \$15 billion on top of it. We may well support those attempts.

But I wouldn't be a bit surprised if we could not put those in the \$20 billion additional upon which we have already agreed.

Looking at the substance of this legislation, there is nothing in this legislation to really stimulate the economy. I was a businessman prior to coming to the Senate. I guess spending \$35,000, which might be 1 percent of this bill, or maybe a smaller amount, might be useful; or 10 percent to appreciate for 1 year might move spending up a little bit. That is almost nothing.

Looking at all the other provisions in here, I was kind of shocked. Some of this is similar.

What is it about having a new sugar beet program? Sugar beet disaster program? What does that have to do with anything? What is stimulative about having the Federal Government buying apples, apricots, asparagus, bell peppers, bison meat, cranberries, dried plums, lemons, peaches, and onions? What is stimulative about that? Are we going to spend up to \$3 billion doing that?

Then I look and I see other items. I see the Amtrak program that the Congressional Budget Office says is a crummy way to do it. We are going to do it through allowing a tax credit, and so on.

The Congressional Budget Office did an analysis in September of this year and said, in other words, that the tax credit funding mechanism would essentially be a new and more expensive way for the Federal Government to assist Amtrak. They say it would be a lot more expensive. We could just write them a check or allow them to use tax-exempt bonds. No. We came in with a whole new game that is a lot more expensive.

This bill is not stimulative. It won't help the economy. It is not bipartisan. We need to defeat this package and go back to work—Democrats and Republicans together—and pass a package that can be supported by Members on both sides of the aisle.

The PRESIDING OFFICER. Under the previous order, the majority leader is recognized.

Mr. DASCHLE. Mr. President, let me just pick up where my colleagues from Oklahoma left off.

We have been ready for weeks to work in a bipartisan fashion. No one has worked harder at reaching out to our Republican colleagues than the man sitting at my right, Senator BAUCUS, the manager of this bill. He has tried on several occasions not only with the Republican colleagues in the Senate but with those in the House, and every time he was told, no, we can't do that because we have to offer our own package.

Don't talk to us about bipartisan until you are ready to do it.

I must say this is a facade—this notion that somehow the only way to deal with whatever concerns the Senator from Oklahoma may have with regard to this bill is to raise a point of order on this bill. If they do like a particular provision, let them do what we do in the Senate. Let them offer an amendment. If you do not like a particular provision, offer an amendment.

Let there be no doubt that the vote we are about to take on this point of order which refuses to allow an emergency designation is a vote to kill homeland security for the remainder of this year. It is a vote to say no to our effort to protect our country from bioterrorism. It is a vote to say no to important security for airports, ports, highways, and tunnels. It is a vote to say no to additional help for law enforcement as we consider the vast array of issues we have to confront. It is a vote to say no adequate unemployment compensation for 7½ million unemployed workers. It is a vote to say no to helping these families keep their health insurance. It is a vote to say no to those 34 million workers out there who didn't get a nickel in a rebate last summer.

There is a lot riding on this bill. This isn't just a point of order and some parliamentary vote you can hide behind, this is a real vote. This is all we have to protect, for the remainder of this year, our opportunities to ensure that a meaningful economic recovery and homeland security package can be passed. That is it—this vote. I hope everybody understands that there isn't a second or a third chance here.

I don't know what will happen if we fail a pass this particular test. But I know this: it delays for a long period of time the help we can provide for all of those who are saying we don't have time any longer. We have to get on with protecting this country and the vast array of new challenges we face as a country. We have to provide this unemployment insurance for people whose benefits are running out and for those part-time workers are receiving no benefits at all.

I hope our Republican colleagues will understand that. I hope they will join all 51 members of this caucus who are prepared to say, yes, this is an emergency; yes, we need to move on; yes. We need to work together in a bipartisan way; yes, let's do it tonight.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to the motion to waive section 205 of House Concurrent Resolution 290. The yeas and nays have been ordered, and the clerk will call the roll. The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Texas (Mr. GRAMM) and the Senator from Arizona (Mr. MCCAIN) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 51, nays 47, as follows:

[Rollcall Vote No. 337 Leg.]

YEAS—51

Akaka	Dodd	Levin
Baucus	Dorgan	Lieberman
Bayh	Durbin	Lincoln
Biden	Edwards	Mikulski
Bingaman	Feingold	Miller
Boxer	Feinstein	Murray
Breaux	Graham	Nelson (FL)
Byrd	Harkin	Nelson (NE)
Cantwell	Hollings	Reed
Carnahan	Inouye	Reid
Carper	Jeffords	Rockefeller
Cleland	Johnson	Sarbanes
Clinton	Kennedy	Schumer
Conrad	Kerry	Stabenow
Corzine	Kohl	Torricelli
Daschle	Landrieu	Wellstone
Dayton	Leahy	Wyden

NAYS—47

Allard	Enzi	Nickles
Allen	Fitzgerald	Roberts
Bennett	Frist	Santorum
Bond	Grassley	Sessions
Brownback	Gregg	Shelby
Bunning	Hagel	Smith (NH)
Burns	Hatch	Smith (OR)
Campbell	Helms	Snowe
Chafee	Hutchinson	Specter
Cochran	Hutchison	Stevens
Collins	Inhofe	Thomas
Craig	Kyl	Thompson
Crapo	Lott	Thompson
DeWine	Lugar	Thurmond
Domenici	McConnell	Voinovich
Ensign	Murkowski	Warner

NOT VOTING—2

Gramm	McCain
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The PRESIDING OFFICER. On this vote the yeas are 51, the nays are 47.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and section 909 of the amendment containing the emergency designation is stricken.

Mr. HATCH. Mr. President, I move to reconsider the vote.

Mr. CRAIG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOMENICI. Mr. President, the pending amendment No. 2125 would cause the aggregate level of revenues to fall below the level set out in the most recent agreed-to concurrent resolution of the budget. I raise a point of order under section 311(a)(2) of the Congressional Budget Act of 1974.

Mr. BAUCUS. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive the applicable sections of that act for the purposes of the pending amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is this a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. BAUCUS. Mr. President, very briefly, for the information of my colleagues, this second point of order challenges the amendment for going below the revenue floor and for going

above the spending ceilings of the budget resolution.

The amendment does, in fact, violate the revenue floor and spending ceiling. That is true. It is also true that the House bill, which will then come up, also violates the Budget Act for the same reasons, as does the bill offered by my good friend from Iowa, as does the White House proposal. They all do.

The reason is because we have an emergency here. There are problems with which we have to deal. That is why. I wish this waiver would pass, but I know it won't.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I yield the floor. Let's vote.

The PRESIDING OFFICER. The question is on agreeing to the motion. The yeas and nays are ordered and the clerk will call the roll.

Mr. NICKLES. I announce that the Senator from Texas (Mr. GRAMM) and the Senator from Arizona (Mr. MCCAIN) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 51, nays 47, as follows:

[Rollcall Vote No. 338 Leg.]

YEAS—51

Akaka	Dodd	Levin
Baucus	Dorgan	Lieberman
Bayh	Durbin	Lincoln
Biden	Edwards	Mikulski
Bingaman	Feingold	Miller
Boxer	Feinstein	Murray
Breaux	Graham	Nelson (FL)
Byrd	Harkin	Nelson (NE)
Cantwell	Hollings	Reed
Carnahan	Inouye	Reid
Carper	Jeffords	Rockefeller
Cleland	Johnson	Sarbanes
Clinton	Kennedy	Schumer
Conrad	Kerry	Stabenow
Corzine	Kohl	Torricelli
Daschle	Landrieu	Wellstone
Dayton	Leahy	Wyden

NAYS—47

Allard	Enzi	Nickles
Allen	Fitzgerald	Roberts
Bennett	Frist	Santorum
Bond	Grassley	Sessions
Brownback	Gregg	Shelby
Bunning	Hagel	Smith (NH)
Burns	Hatch	Smith (OR)
Campbell	Helms	Snowe
Chafee	Hutchinson	Specter
Cochran	Hutchison	Stevens
Collins	Inhofe	Thomas
Craig	Kyl	Thompson
Crapo	Lott	Thompson
DeWine	Lugar	Thurmond
Domenici	McConnell	Voinovich
Ensign	Murkowski	Warner

NOT VOTING—2

Gramm	McCain
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The PRESIDING OFFICER. On this vote, the yeas are 51, the nays are 47.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

Mr. REID. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. FEINGOLD. Mr. President, I supported a motion to waive the Budget Act with respect to a point of order raised against the substitute amendment to H.R. 3090, even though there are a number of provisions in that amendment that are troubling.

Just a few weeks ago, this body voted to provide emergency funding to the nation's airlines. We recognize the special situation caused by the terrorist attacks of September 11, and understood that if we failed to act, the consequences for those firms, and for the economy as a whole, could well have been devastating.

At the time of that vote, I noted that we also needed to address the problems facing the workers in those firms. This legislation will do that, in part, and it will also provide assistance to other families who have been thrown out of work by the economic slowdown, and should provide the weakened economy with a boost.

Unfortunately, a number of special interests have taken advantage of this human and economic adversity to advance their own agenda. The measure that passed the other body is teeming with special interest tax breaks that do little or nothing for the economy as a whole in the short term, and seriously jeopardize our long term budget position. The substitute amendment before us is vastly superior in this respect. It provides far more benefit for our economy in the short term, while minimizing the long term impact.

Nevertheless, there are a number of special interest spending and tax provisions in the amendment that raise serious questions, such as provisions that provide money for citrus growers and buffalo farmers and tax breaks for electricity produced from chicken waste and aviation fuel for crop-dusters. A provision common to both the substitute amendment and the House-passed bill would reduce taxes on corporations' overseas investment income. As the Washington Post noted in a recent editorial: "It's hard to see how this measure, which would encourage firms to keep money outside the country, would do anything to stimulate the American economy."

The substitute amendment before us, even with its flaws, is far more fiscally responsible than the House bill, but as this legislation proceeds there is a real risk that it will continue to pick up still more special interest provisions. Indeed, the House version is largely a lobbyist's wish list. Unless this body is able to restrain itself, and resist efforts to advance special interest spending and tax breaks, the costs of a fiscal stimulus measure will outweigh any benefit it provides to our economy.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period for morning business with Senators allowed to speak of a period not to exceed 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

FARM POLICY THAT WORKS

Mrs. LINCOLN. Mr. President, I joined my colleague from Arkansas, Senator HUTCHINSON, to introduce a bill of the utmost importance to our farmers.

Since the passage of the Freedom to Farm bill in 1996, our farmers have toiled under clouds of uncertainty. Quite simply stated, our Nation needs a farm policy that works for working farmers.

That is why I and Senator HUTCHINSON, along with Senator HELMS of North Carolina, Senator MILLER of Georgia, and Senators BREAUX and LANDRIEU of Louisiana, are proud to offer a new alternative.

We offer a farm bill that will ensure a strong safety net for America's farmers and ranchers.

We offer a farm bill that will increase investment in conservation programs by 80 percent.

We offer a farm bill that provides more effective support for disadvantaged working families through nutrition programs.

We offer a farm bill that will increase and improve our Nation's agricultural trade programs, such as the Food Aid program that sends food to the neediest nations.

We offer a farm bill that will preserve and protect our Nation's forests and environment while investing in rural America.

For too many years, while the American economy at large was posting astonishing and unprecedented gains, our agricultural producers have not benefited from our prosperity.

It is not only our farmers who are suffering as a result of failed government policy. The institutions of small-town and rural America local banks and merchants, feed and supply stores, equipment dealers, even corner groceries and family-owned hardware stores are all caught in the web of financial collapse.

Here is a letter I received from a young farmer in northeast Arkansas just a few months ago. He says that his family's farm is nearing "a point of no return," and that if the crisis continues, he will have to leave the land that his grandfather worked.

Here is a letter from a bank president in southeast Arkansas, who notes that when he moved to his community in 1969, a new John Deere combine sold for about \$15,000. Today, a comparable model sells for \$220,000. Fuel for that combine cost 15 cents per gallon in

1969, he writes; today, a gallon of diesel fuel costs \$1.05. He goes on to note that while a farmer could expect to receive \$3 for a bushel of rice 32 years ago, today he only gets \$2.7 for the same bushel. The costs skyrocket, but the returns on these investments continue to fall.

Here is a letter from a young woman in east Arkansas who works a 600-acre rice and soybean farm with her husband and child. Her husband is so depressed that he needs counseling and medication. She can't let her child participate in after-school sports because of the additional costs entailed. She writes that where she and her family once felt pride in their sense of independence and self-sufficiency, today they feel only shame at having to rely on loans and supplemental income payments to get by.

These stories are not unusual. In many rural areas, they are becoming the norm. We cannot afford to let our farmers continue suffering like this. They can't wait another year for us to pass a farm bill. Their problems are here today.

Our bill will address their problems. Our bill will restore to them a better economic future. Our bill will restore to them their hope, so that they can build a better future for their children.

I am proud to be a coauthor of this bill, and I am proud to say that I will take my stand to fight for its passage.

LOCAL LAW ENFORCEMENT ACT
OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of this year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred March 29, 1997 in Huntington Beach, CA. Michael Reign Caywood, 21, allegedly beat and robbed a gay man in his home. The assailant, who allegedly has ties to white supremacist groups, was charged with assault and residential robbery in connection with a hate crime.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.

ADDITIONAL STATEMENTS

NOVARTIS PHARMACEUTICALS

• Mr. BROWNBACK. Mr. President, more than at any other time in my ca-

reer we are a nation that is unified. We are a nation that, recognizing a common goal, is rallying with a knowledge that we will achieve a remarkable thing. It is extraordinary to witness.

One of the things that has always made this nation great, is that when we witness that which is extraordinary, we try to emulate it. You see it one thousand times a day, from the magnitude of contributions that have flooded to relieve every heroic firefighter's family, to the full sized flags flying from the back of Topeka pickup trucks, to the once rare act offering a smile and a bid of good morning to a stranger on the street.

And these acts of unity have not been the lot of individuals alone, nor have they been reserved to a response to the tragedy of September 11. It is one of these acts of unity—one of these recognitions of a common goal—that brings me to the floor today.

Last week the Novartis Pharmaceuticals Corporation announced their new CareCard drug discount program to aid the needy elderly who lack prescription drug coverage. This new program will translate to a savings of 30 to 40 percent off of retail pharmaceutical prices for the seniors with the greatest need. For this remarkable thing, Novartis deserves our thanks.

Over the past several years, the issue of the increasing cost of prescription drugs for seniors has remained a dominant story. Nearly every American has read of seniors forced to choose between the food to sustain them, the rent to shelter them or the medicine to keep them well. Because our antiquated Medicare system includes only very limited prescription drug coverage, the neediest senior have to figure out a way to pay for their medication.

In the absence of Congressional action to fundamentally reform and modernized the Medicare system in a way that would include prescription drug coverage, companies, like Novartis, have acted. In the case of the CareCard program, Novartis is offering seniors age 65 or older, with an annual income of less than 300 percent of the Federal Poverty Level who do not currently have prescription drug coverage substantial discounts on their products. This program could translate to \$10 million Americans who may now be able to afford the medicine they need.

All of this said, Mr. President, that we congratulate Novartis for stepping up and making these discounts available to seniors, should not serve as an excuse for Congress to continue not to act. That Novartis has done the right thing, is not reason for us to do nothing. Medicare is a 36 year old program that has not kept up with our health care economy. We must modernize Medicare. We must reform Medicare. We must make prescription drug coverage available for all seniors; and we must act soon. •

MESSAGES FROM THE HOUSE

At 10:57 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2330) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2002, and for other purposes.

At 2:17 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 400. An act to authorize the Secretary of the Interior to establish the Ronald Reagan Boyhood Home National Historic Site, and for other purposes.

H.R. 2541. An act to enhance the authorities of special agents and provide limited authorities to uniformed officers responsible for the protection of domestic Department of State occupied facilities.

H.R. 2546. An act to amend title 49, United States Code, to prohibit States from requiring a license or fee on account of the fact that a motor vehicle is providing interstate pre-arranged ground transportation service, and for other purposes.

H.R. 2776. An act to designate buildings 315, 318, and 319 located at the Federal Aviation Administration's William J. Hughes Technical Center in Atlantic City, New Jersey, as the "Frank R. Lautenberg Aviation Security Complex."

H.R. 2828. An act to authorize payments to certain Klamath Project water distribution entities for amounts assessed by the entities for operation and maintenance of the Project's transferred works for 2001, to authorize refunds to such entities of amounts collected by the Bureau of Reclamation for reserved works for 2001, and for other purposes.

H.R. 2841. An act to designate the building located at 1 Federal Plaza in New York, New York, as the "James L. Watson United States Court of International Trade Building."

H.R. 2873. An act to extend and amend the program entitled Promoting Safe and Stable Families under title IV-B, subpart 2 of the Social Security Act, and to provide new authority to support programs for mentoring children of incarcerated parents; to amend the Foster Care Independent Living program under title IV-E of that Act to provide for educational and training vouchers for youths aging out of foster care, and for other purposes.

H.R. 2976. An act to provide for the issuance of a special entrance pass for free admission to any federally owned area which is operated and maintained by a Federal agency and used for outdoor recreation purposes to the survivors, victims' immediate families, and police, fire, rescue, recovery, and medical personnel directly affected by the September 11, 2001, terrorist hijackings and the attacks on the World Trade Center and the Pentagon, and for other purposes.

H.R. 2985. An act to amend the Federal Trade Commission Act to increase civil penalties for violations involving certain pro-

scribed acts or practices that exploit popular reaction to an emergency or major disaster declared by the President, and to authorize the Federal Trade Commission to seek civil penalties for such violations in actions brought under section 13 of that Act.

H.R. 3060. An act to amend the Securities Exchange Act of 1934 to augment the emergency authority of the Securities and Exchange Commission.

H.R. 3240. An act to amend 38, United States Code, to restore certain education benefits of individuals being ordered to active duty as part of Operation Enduring Freedom.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 88. Concurrent resolution expressing the sense of the Congress that the President should issue a proclamation to recognize the contribution of the Lao-Hmong in defending freedom and democracy and supporting the goals of Lao-Hmong Recognition Day.

H. Con. Res. 254. Concurrent resolution encouraging the people of the United States to celebrate the 300th anniversary of William Penn's Charter of Privileges, the 250th anniversary of the Liberty Bell, and the 225th anniversary of the first public reading of the Declaration of Independence.

The message further announced that the House has agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2500) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2541. An act to enhance the authorities of special agents and provide limited authorities to uniformed officers responsible for the protection of domestic Department of State occupied facilities; to the Committee on Foreign Relations.

H.R. 2546. An act to amend title 49, United States Code, to prohibit States from requiring a license or fee on account of the fact that a motor vehicle is providing interstate pre-arranged ground transportation service, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 2828. An act to authorize refunds of amounts collected from Klamath Project irrigation and drainage districts for operation and maintenance of the Project's transferred and reserved works for water year 2001, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 2841. An act to designate the building located at 1 Federal Plaza in New York, New York, as the "James L. Watson United States Court of International Trade Building"; to the Committee on Environment and Public Works.

H.R. 2976. An act to provide for the issuance of a special entrance pass for free admission to any federally owned area which is operated and maintained by a Federal agency and used for outdoor recreation purposes to the survivors, victims' immediate

families, and police, fire, rescue, recovery, and medical personnel directly affected by the September 11, 2001, terrorist hijackings and the attacks on the World Trade Center and the Pentagon, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 2985. An act to amend the Federal Trade Commission Act to increase civil penalties for violations involving certain proscribed acts or practices that exploit popular reaction to an emergency or major disaster declared by the President, and to authorize the Federal Trade Commission to seek civil penalties for such violations in actions brought under section 13 of that Act; to the Committee on Commerce, Science, and Transportation.

H.R. 3060. An act to amend the Securities Exchange Act of 1934 to augment the emergency authority of the Securities and Exchange Commission; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 3240. An act to amend 38, United States Code, to restore certain education benefits of individuals being ordered to active duty as part of Operation Enduring Freedom; to the Committee on Veterans' Affairs.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 88. Concurrent resolution expressing the sense of the Congress that the President should issue a proclamation recognizing a National Lao-Hmong Recognition Day; to the Committee on the Judiciary.

H. Con. Res. 254. Concurrent resolution encouraging the people of the United States to celebrate the 300th anniversary of William Penn's Charter of Privileges, the 250th anniversary of the Liberty Bell, and the 225th anniversary of the first public reading of the Declaration of Independence; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BYRD, from the Committee on Appropriations:

Special Report entitled "Further Revised Allocations to Subcommittees of Budget Totals for Fiscal Year 2002" (Rept. No. 107-98).

By Mr. BIDEN, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Res. 174: A resolution expressing appreciation to the United Kingdom for its solidarity and leadership as an ally of the United States and reaffirming the special relationship between the two countries.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. BIDEN for the Committee on Foreign Relations.

*Raymond F. Burghardt, of Florida, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Socialist Republic of Vietnam.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Raymond Francis Burghardt, Jr.
Post: Ambassador to the Socialist Republic of Vietnam.

Contributions, amount, date, donee:

1. Self: None.
2. Spouse: Susan Day Burghardt, none.
3. Children and Spouses: Helen D. Burghardt, none; Caroline D. Burghardt, none.
4. Parents: Raymond F. Burghardt Sr. and Marguerite S. Burghardt: \$50, 1998, Republican Nat'l Committee; \$100, 1997, Republican Nat'l Committee.
5. Grandparents (deceased).
6. Brothers and Spouses: none.
7. Sisters and Spouses: none.

*Ronald Weiser, of Michigan, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Slovak Republic.

Nominee: Ronald Weiser.

Post: Ambassador to the Slovak Republic.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, donee.

1. Self: \$1,000, 03/13/97, Friends of Senator D'Amato; \$1,000, 04/04/97, Matt Fong, U.S. Senate Committee; \$500, 09/05/97, Knollenberg for Congress Committee; \$1,000, 10/07/97, Nick Smith for Congress; \$250, 11/20/97, Kit Bond for Senate; \$1,000, 12/03/97, Touma for Congress; \$5,000, 12/30/97, Campaign for a New American Century-Ped A/C; \$500, 01/08/98, Nick Smith for Congress Committee; \$1,000, 02/04/98, Voinovich for Senate; \$500, 05/06/98, Murkowski 1998; \$250, 05/17/98, Nick Smith for Congress Committee; \$1,000, 07/17/98, Hickey for US House of Representatives; \$500, 07/23/98, Munsell for Congress; \$300, 08/07/98, Voinovich for Senate; \$500, 08/13/98, Palmer for US Congress; \$1,000, 09/29/98, Hickey for US House of Representatives; \$1,000, 10/06/98, Citizens for Kasich; \$1,000, 03/31/99, Gov George W Bush Pres. Expl. Comm.; \$500, 05/03/99, Ashcroft for Senate; \$1,000, 05/06/99, Keep Our Majority Political Action Committee (KOMPAC); \$2,000, 05/26/99, Rogers for Congress; \$500, 07/06/99, KYL for Senate; \$350, 07/27/99, Whitman for U.S. Senate; \$1,000, 11/16/99, Bush for Presidents Compliance Committee; \$1,000, 01/10/00, Chuck Yob for Congress; \$1,000, 01/17/00, Chuck Yob for Congress; \$300, 05/30/00, Cantor for Congress; \$1,000, 08/14/00, Berry For Congress; \$10,000, 08/14/00, NRSC Non-Federal Account; \$250, 11/02/00, Nick Smith for Congress Committee.

2. Spouse: \$1,000, 03/13/97, Friends of Senator D'Amato; \$5,000, 01/17/98, Campaign For A New American Century; \$250, 05/17/98, Nick Smith For Congress Committee; \$1,000, 07/17/98, Hickey for US House of Representatives; \$500, 08/26/98, Touma for Congress Committee; \$1,000, 09/16/98, Hickey for US House of Representatives; \$1,000, 03/31/99, Gov George W Bush Pres. Expl. Comm.; \$1,000, 04/29/99, George Allen; \$2,000, 06/25/99, Rogers For Congress; \$2,000, 06/30/99, Abraham Senate 2000; \$350, 07/30/99, Whitman for US Senate; \$500, 10/06/99, Frist 2000 Inc.; \$5,000, 12/29/99, Governors Leadership Fund; \$250, 03/11/00, Friends for Slade Gorton; \$2,000, 06/28/00, Chuck Yob for Congress; \$1,000, 08/08/00, Friends of Carol Berry for Congress; \$250, 11/02/00, Nick Smith For Congress Committee.

3. Children and Spouses: Elizabeth Weiser Caswell, \$1,000, 3/31/99, Bush for President Inc.; \$1,000, 5/12/99, Emily's List; \$100, 6/1/99, Feinstein 2000; \$500, 7/3/00, California Women Vote 2000; \$500, 7/20/00, Emily's List; \$500, 9/20/

- 00, Emily's List; \$100, 2000, Hillary Clinton (NY-US Senate); \$100, 2000, Eleanor Jordan (KY-US House of Representatives); \$100, 2000, Montana Women Vote!; \$100, 9/1/00, Gore; \$100, 2000, Bradley; \$20, 2000, CA Democratic Party. Royal E. Caswell III, none. Marc Weiser, \$1,000, 2/23/96, Alexander for President, Inc.; \$1,000, 3/31/99, Bush for President Inc.; \$500, 7/31/99, Nicholson for US Senate.

4. Parents: Robert Weiser, deceased; Meta Weiser, none.

5. Grandparents: Deceased.

6. Brothers and spouses: Richard Weiser, none; Abigail Weiser, none.

7. Sisters and Spouses: N/A.

*J. Richard Blankenship, of Florida, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Commonwealth of The Bahamas.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: James Richard Blankenship.

Post: Ambassador Commonwealth of the Bahamas.

Contributions, amount, date, donee.

1. Self: \$1,000, 2000, George W. Bush for President, Inc.; \$5,000, 2,000, Republican Party of Florida Federal Account (\$1,000 refunded July 26, 2001); \$20,000, 2000, Republican National Committee.

2. Spouse: Kandra L. Blankenship, \$1,000, 2000, George W. Bush for President, Inc.

3. Children and Spouses: None.

4. Parents: Dean Blankenship, \$200, 1999, Republican National Committee; \$440, 2000, Republican National Committee; \$1,000, 2000, George W. Bush for President, Inc.; \$100, 2000, Republican National Committee; \$100, 2001, Ann Blankenship, \$1,000, 2000, George W. Bush for President, Inc. Christine M. Blankenship, and Helen D. Jones, none.

5. Grandparents: All deceased.

6. Brothers and Spouses: Dean B. Blankenship Jr., none; Jennifer Blankenship, none.

7. Sisters and Spouses: Lynne Driscoll and Phillip A. Driscoll, none; Deanna Regan and William Regan, none.

*George L. Argyros, Sr., of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Spain, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to Andorra.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: George L. Argyros.

Post: Ambassador to Spain.

Contributions, amount, date, donee.

1. Self and Affiliates

State of California 1997: Arnel Development Company, \$1,000, 5/16/97, The Lincoln Club of Orange County; Casa Madrid Investments, \$200, 12/8/97, Mayor Tom Daly Officeholder; George L. Argyros, \$1,000, 4/9/97, Riordan for Mayor, '97; \$500, 5/16/97, Lincoln Club of Orange County; \$1,000, 6/12/97, Curt Pringle for Controller; \$250, 9/10/97, Jim Morrissey Office Holder Account; \$200, 11/21/97, Mike Capizzi for Attorney General; Walnut Jeffrey Partnership, \$250, 5/16/97, John B. Withers for Water Board.

State of California 1998: Arker, Inc., \$2,500, 4/29/98, Mike Capizzi for Attorney General; \$500, 5/12/98, Ken Maddox for Assembly; \$249, 5/14/98, Friends of Craig Wilson; \$1,000, 5/18/98, Anthony "Tony" Rackaukas for District Attorney; \$999, 5/27/98, Friends of Cynthia Coad; \$999, 5/27/98, John Hedges for Supervisor; \$999, 5/27/98, Lou Lopez for Supervisor; \$5,000, 5/29/98, Mike Capizzi for Attorney General; \$10,000, 5/29/98, Friends of Curt Pringle; \$25,000, 6/4/98, California Republican Party Team California Account; \$2,500, 8/25/98, Bill Jones for Secretary of State; \$250, 8/25/98, Citizens for Joanne Coontz; \$10,000, 8/25/98, Curt Pringle for State Treasurer; \$10,000, 8/25/98, Senate Republican Leadership Fund; \$2,500, 8/25/98, Tim Leslie for Lieutenant Governor; \$249, 9/28/98, Committee to Elect Linda Dixon; \$10,000, 10/6/98, Bill Leonard for Assembly Committee; \$249, 10/21/98, Claude Parish; \$999, 10/27/98, Friends of Cynthia Coad for Supervisor; \$999, 10/27/98, Lou Lopez for Supervisor; \$249, 10/27/98, Tod Ridgeway for Newport Beach City Council; \$5,000, 10/28/98, Assembly Republican Leadership Fund; \$25,000, 10/28/98, Lungren for Governor; \$2,500, 10/30/98, Bill Jones for Secretary of State; \$5,000, 10/30/98, Curt Pringle for State Treasurer; \$300, 10/30/98, Savvas Roditis for City Council; \$999, 10/30/98, Zemel for Mayor; Arnel Development Company, \$8,400, 2/19/98, Team NOEL '98; \$1,500, 4/1/98, The Lincoln Club of Orange County; Arnel Management Co., \$1,005, 10/21/98, RHIEPAC; \$663, 10/21/98, RHIEPAC; \$2,332, 10/21/98, RHIEPAC; George L. Argyros, \$5,000, 9/28/98; Dave Stirling for Attorney General; \$249, 9/29/98, Committee to Elect Len Miller; \$628, 10/1/98, Jim Silvia, Orange County Supervisor.

State of California 1999: Anaheim Villager/Casa, Madrid/Hampton Pointe, \$250, 5/12/99, Friends of Shirley McCracken; Arnel Development Company, \$350, 10/29/99, Friends of Chuck Smith; Arnel Retail Group, Inc., \$250, 3/24/99, Committee to Re-elect Mayor Pete Fajardo; \$250, 3/29/99, Committee to elect Manuel "Manny" Ontal, Jr.; George L. Argyros, \$1,000, 2/17/99, Retain Chief Justice George Committee; \$1,000, 3/10/99, Friends of Tom Daly; \$500, 10/5/99, Committee to Elect Don McKinney; \$10,000, 10/13/99, Righimer Assembly 2000; \$1,000, 10/20/99, Maddox for Assembly; \$2,500, 11/10/99, Friends of Senator Ross Johnson; \$15,000, 11/23/99, Victory 2000/California Republican Party; \$5,000, 11/23/99, Victory 2000/California Republican Party; \$10,000, 11/27/99, San Francisco Republican Party of 1999; GLA Financial Corporation, \$1,500, 3/1/99, The Lincoln Club of Orange County; \$1,000, 5/26/99, Friends of Cynthia Coad for Supervisor; \$1,000, 6/7/99, Friends of Mike Carona; \$5,000, 7/14/99, Kathleen Connell Committee; \$2,000, 7/28/99, Friends of Philip Angelides; \$500, 8/3/99, Friends of Marilyn Brewer; \$10,000, 8/18/99, Citizens for Dean Andal; Judie Argyros, \$5,000, 12/1/99, Victory 2000/California Republican Party.

State of California 2000: Arker, Inc., \$300, 9/29/00, Bill Borden for City Council; \$249, 11/2/00, Friends of Heather K. Somers; \$500, 9/29/00, Friends of Senator Ross Johnson; \$300, 9/29/00, Gil Cooper for City Council; \$300, 9/29/00, Committee to Re-elect Pamela Julien for H.B. City Council; Arnel Retail Group, Inc., \$1,000, 4/6/00, Committee to Elect Daryl Sweeney; Cinnamon Creek Westminster, \$300, 11/2/00, Friends of Frank Fry; Creekside Plaza Investment Co., \$500, 9/29/00, Miguel Pulido for Mayor; George L. Argyros, \$999, 10/26/00, Lynn Daucher for Assembly; GLA Financial Corporation, \$500, 1/19/00, Committee to Elect James Cox; \$5,000, 3/3/00, Kathleen Connell Committee; \$5,000, 3/6/00, Friends of Philip Angelides; \$2,000, 4/11/00, The Lincoln

Club of Orange County State PAC; \$75,000, 5/1/00, Republican National Committee—California Account; \$500, 5/8/00, Soboroff for Mayor; \$2,000, 5/31/00, Friends of Bill Jones; \$500, 6/14/00, Steve Cooley for District Attorney; \$1,000, 6/14/00, The Society of the Plastics Industry PAC; \$10,000, 12/19/00, Friends of Bill Jones; \$1,000, 12/12/00, Kathleen Connell for Mayor; \$250, 10/2/00, Ken Maddox for Assembly; \$5,000, 10/17/00, Newport Beach Tomorrow; \$500, 7/27/00, Scott Stiner for Orange City Council; Sutton Place Investment Co., \$200, 11/2/00, Friends of Frank Fry.

State of California 2001: Arker, Inc., \$2,000, 02/25/01, Lincoln Club—State PAC; Arnel Retail Group, Inc., \$1,000, 02/13/01, Sweeney for Mayor; George L. Argyros, \$500, 02/06/01, Friends of Chuck Smith; Sunbird Aviation Services (In-kind contribution), \$3,319, 01/21/01, Friends of Bill Jones.

1997 Non-California and Federal: George L. Argyros, \$500, 3/12/97, Susan Brooks for Congress; \$1,000, 9/10/97, Matt Fong for U.S. Senate; \$1,000, 9/10/97, Royce Campaign Committee; \$10,000, 10/22/97, GOPAC; GLA Financial Corporation, \$25,000, 11/3/97, National Republican Senatorial Committee; Judie Argyros, \$1,000, 9/19/97, Matt Fong for U.S. Senate.

1998 Non-California and Federal: Arker, Inc., \$5,000, 8/25/98, ASPAC Corporate Account; \$1,000, 8/30/98, Kempthorne for Governor; Arnel Development Company, \$500, 1/13/98, Jeb Bush for Governor; George L. Argyros, \$4,500, 1/8/98, Republican Party of Florida; \$1,000, 1/21/98, Congressman Joe Barton Committee; \$1,000, 2/23/98, Friends of Lisa Hughes; \$1,000, 3/25/98, The Mary Bono Committee; \$1,000, 3/25/98, Committee to Re-elect Congressman Dana Rohrabacher; \$10,000, 4/20/98, Governor George Bush Committee; \$250, 6/15/98, Judge Jim Gray for Congress; \$500, 6/15/98, Ken Calvert for Congress; \$760, 8/5/98, Hull for Governor '98; \$1,000, 8/5/98, Matt Fong, U.S. Senate; \$2,000, 9/28/98, The Governor Thompson Committee; \$250,000, 9/30/98, Republican National State Election Committee; \$1,000, 10/27/98, McCain for Senate '98; \$1,000, 10/27/98, Royce Campaign Committee; \$1,000, 10/28/98, Committee to Re-elect Congressman Dana Rohrabacher; GLA Financial Corporation, \$5,000, 8/14/98, Freedom & Free Enterprise Non-Federal PAC; Judie Argyros, \$1,000, 8/12/98, Matt Fong, U.S. Senate; \$1,000, 10/27/98, Committee to Re-elect Congressman Dana Rohrabacher.

1999 Non-California and Federal: George L. Argyros, \$1,000, 3/10/99, Gov. George W. Bush Exploratory Committee, Inc.; \$1,000, 3/10/99, Wilson for President Committee; \$1,000, 3/24/99, American Renewal PAC; \$1,000, 6/23/99, Committee to Re-elect Dana Rohrabacher; \$1,000, 6/23/99, Gary Miller for Congress; \$1,000, 8/16/99, McCain 2000; \$1,000, 9/1/99, Royce Campaign Committee; \$1,000, 11/23/99, Lieberman 2000; \$1,000, 11/23/99, Mike Stoker for Congress; GLA Financial Corporation, \$1,000, 6/28/99, Independent Womens Action Project; \$5,000, 10/13/99, Friends of Pataki Committee; Judie Argyros, \$1,000, 3/18/99, Gov. George W. Bush Exploratory Committee, Inc.; \$1,000, 3/18/99, Wilson for President Committee.

2000 Non-California and Federal: George L. Argyros, \$400, 6/22/00, CRNC Delegation; \$500, 1/19/00, Rogan for Congress; \$1,000, 4/11/00, Friends of Dylan Glenn 2000; \$1,000, 6/27/00, The Mary Bono Committee; \$1,000, 9/15/00, Tom Campbell for U.S. Senate; \$1,000, 9/20/00, Lazio 2000; \$500, 10/26/00, Rogan for Congress; \$5,000, 11/14/00, Bush-Cheney Recount Fund; \$1,000, 11/23/00, Lieberman 2000; \$1,000, 12/4/00, Bob Smith for U.S. Senate; GLA Financial Corporation, \$5,000, 5/23/00, The 2000 Repub-

lican House-Senate; \$10,000, 10/2/00, Small Business Survival Committee; Judie Argyros, \$1,000, 3/7/00, Gary Miller for Congress; \$1,000, 9/30/00, Lazio 2000; \$1,000, 9/30/00, Tom Campbell for U.S. Senate.

2001 Non-California and Federal: George L. Argyros, \$125,000, 1/5/01, RNSEC; GLA Financial Corporation, \$50,000, 1/8/01, Presidential Inaugural Committee; HBI Financial, Inc., \$50,000, 1/8/01, Presidential Inaugural Committee.

2. Spouse: Judie Argyros, \$5,000, 12/1/99, Victory 2000 Calif. Rep. Party; \$1,000, 9/19/97, Matt Fong for U.S. Senate; \$2,500, 6/30/98, Building our Bases—PAC; \$1,000, 8/12/98, Matt Fong for U.S. Senate; \$1,000, 10/27/01, Committee To Re-elect Cong. Dana Rohrabacher; \$1,000, 3/18/99, Gov. George W. Bush Exploratory Committee, Inc.; \$1,000, 3/18/99, Wilson for President Comm.; \$1,000, 3/7/00, Gary Miller for Congress; \$1,000, 9/30/00, Lazio 2000; \$1,000, 9/30/00, Tom Campbell for U.S. Senate.

3. Children and Spouses: George L. Argyros Jr., none; Melissa Mitchell, none; Brad Mitchell, none; Stephanie Gehl, none; Jeff Gehl, none.

4. Parents: Olga Argyros, none; Leon George Argyros, none.

5. Grandparents: N/A.

6. Brothers and Spouses: N/A.

7. Sisters and Spouses: Lenore Trigonis, none; Kim Trigonis, none; Selia Poulos, none; George Poulos, none.

*Larry Miles Dinger, of Iowa, a Career Member of the Foreign Service, to be Ambassador to the Federated States of Micronesia.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Larry Miles Dinger.

Post: Ambassador to the Federated States of Micronesia.

Contributions, amount, date, donee:

1. Self: None.

2. Spouse: Paula Gaffery Dinger, none.

3. Children and Spouses: Cristina Maria Dinger, none; James Thomas Dinger, none; William Lyle Dinger, none.

4. Parents: Lyle Dinger, deceased; Lauraine Dinger, none.

5. Grandparents: William and Estella Miles, deceased; William and Christina Dinger, deceased.

6. Brothers and Spouses: John and Michie Dinger, none; Glen and Elizabeth Dinger, none.

7. Sisters and Spouses: Jan and Daniel Duggan, none.

*Darryl Norman Johnson, of Washington, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Thailand.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Darryl N. Johnson.

Post: Ambassador to Thailand.

Contributions, amount, date, donee:

1. Self: None.

2. Spouse: Kathleen Forance, Johnson, \$100, 2000, Democratic Natl. Committee.

3. Children and Spouses: Darawan Gideos and David Gideos, none; Lauren E. Johnson,

none; Gregory Johnson and Ellen Richards, \$100, \$25, 2000 Gore/Leiberman; 1998, Carol Mosely Braun for Senate.

4. Parents: Laurell E. Johnson, (deceased); Norman B. Johnson, \$50/yr Republican National Committee.

5. Grandparents: Deceased.

6. Brother and Spouses: Linn V. Johnson, none; Brian R. Johnson and Sue Johnson, \$175, 2000, Paul McCarthy for Congress (6th District of Massachusetts).

7. Sisters and Spouses: N/A.

Lyons Brown, Jr., of Kentucky, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Austria.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Nominee: W.L. Lyons Brown, Jr.

Post: Ambassador to the Republic of Austria.

Contributions, amount, date, donee:

1. Self: \$125, 1/8/01, Ky. Society of Washington—1 ticket to 2001 Inaugural Bluegrass Ball; \$1,750, 1/8/01, RNSEC-Team 100 Gold Pass for 2001 Presidential Inaugural; \$1,336, 1/8/01, Hotel Charges for Attending Presidential Inaugural; \$100, 1/8/01, RBNSEC—1 ticket for 2001 Inaugural Parade; \$125, 1/8/01, RNSEC—1 ticket for 2001 Inaugural Balls; \$7,500, 3/17/01, Kentucky Victory 2002; \$5,000, 11/13/00, Bush/Cheney Recount Fund; \$80,000, 4/10/00, Republican National State Elections Committee; \$20,000, 4/10/00, Republican National Committee; \$1,000, 3/27/00, Anne Northup for Congress; \$10,000, 12/14/99, 1999 State Victory Fund Committee; \$1,000, 5/77/99, Gov. George W. Bush Presidential, Exploratory Committee; \$1,000, 4/27/99, Anne Northup for Congress; \$15,000, 4/23/99, Republican National Committee; \$1,000, 4/23/99, McConnell Senate Committee '02 Primary; \$1,000, 4/23/99, McConnell Senate Committee '02 General Election; \$1,000, 3/30/99, Elizabeth Dole for President Exploratory Committee; \$2,500, 7/16/98, Republican Party of Kentucky—Non-Federal Fund; \$1,000, 6/25/98, Anne Northup for Congress; \$1,000, 6/20/98, Citizens for Bunning; \$15,000, 5/27/98, Republican National Committee; \$1,000, 12/19/97, Anne Northup for Congress; \$5,000, 10/16/97, Republican Party of Kentucky; \$1,000, 9/26/97, Citizens for Bunning; \$250, 7/18/97, Campaign America; \$15,000, 5/2/97, Republican National Committee.

2. Spouse: Alice Cary Brown, \$125, 1/8/01, Ky. Society of Washington—1 ticket to 2001 Inaugural Bluegrass Ball; \$1,750, 1/8/01, RNSEC—Team 100 Gold Pass for 2001 Presidential Inaugural. \$100, 1/8/01, RNSEC—1 ticket for 2001 Inaugural Parade; \$125, 1/8/01, RNSEC—1 ticket for 2001 Inaugural Balls; \$7,500, 3/17/01, Kentucky Victory 2002; \$1,000, 6/21/99, Anne Northup for Congress; \$1,000, 5/7/99, Gov. George W. Bush Presidential Exploratory Committee; \$1,000, 3/30/99, Elizabeth Dole for President Exploratory Committee; \$1,000, 3/8/99, McConnell Senate Committee '02 Primary; \$1,000, 3/8/99, McConnell Senate Committee '02 General Election; \$1,000 6/25/98, Anne Northup for Congress.

3. Children and Spouses: William Lee Lyons Brown III and Susanna S. Brown, none; Alice Cary Brown-Epstein and Stephen E. Epstein, none; Stuart Randolph Brown and Joanna Warburton Brown, none.

4. Parents: Mrs. W.L. Lyons Brown, \$250, 10/23/00, Republican National Committee; \$200,

10/13/00, National Republican Senatorial Committee; \$200, 9/6/00, NRCC; \$20,000 5/25/00, RNC Presidential Trust; \$1,000, 6/14/99, Lincoln Chaffee U.S. Senate; \$1,000 6/22/99 Bush for President Inc.; \$1,000 4/7/99, McConnell Senate Committee '02 Primary; \$1,000, 4/7/99, McConnell Senate Committee '02 General Election; \$24,900, 11/23/99 1999 State Victory Fund Committee—\$5,000 of which was designated for the Republican Party of KY.

5. Grandparents: Deceased.

6. Brothers and Spouses: Martin S. Brown, \$500, 5/24/00, Gore 2000 Inc.; \$1,000, 3/23/00, Friends of Roger Kahn Inc.; \$250, 3/15/00, Frist 2000 Inc.; \$1,000, 3/9/00, Gore 2000 Inc.; \$1,000, 3/9/00, Gore 2000 Inc.; \$1,000, 5/5/99, Friends of Roger Kahn Inc.; \$1,000, 2/24/99, Alexander for President Inc.; \$1,000, 11/13/98, Frist 2000 Inc. Elizabeth Brown: \$1,000, 11/16/00, DNC; \$1,000, 6/10/99, Alexander for President Inc.; \$500, 5/24/00, Gore 2000 Inc.

Owsley Brown: \$200, 2/23/00, Van Hilleary for Congress; \$1,000, 1/13/00, Anne Northrup for Congress; \$250, 8/17/00, Friends of Roger Kahn Inc.; \$4,200, 9/30/00, Brown-Forman Corp. PAC; \$1,000 6/17/99, Friends of Roger Kahn Inc.; \$1,000, 6/30/99, Bush for President Inc.; \$3,750, 7/12/99, Brown-Forman Corp. PAC; \$500, 4/24/98, Rose for Congress; \$250, 4/28/98, Greenwood for Congress; \$3,500, 8/24/98, Brown-Forman Corp. PAC; \$250, 10/2/97, Citizens for Bunning; \$3,250, 7/25/97, Brown-Forman Corp. PAC.

Christina Brown: \$1,000, 11/16/00, America Women Vote 2000; \$2,500, 10/9/00, DNC-Non-Federal Individual; \$1,000, 6/14/00, Eleanor Jordan for Congress; \$1,000, 4/20/00, Eleanor Jordan for Congress; \$1,000, 4/20/00, Eleanor Jordan for Congress; \$250, 6/29/99, Forbes 2000 Inc.; \$1,000, 6/30/99, Elizabeth Dole for President Exploratory Committee Inc.; \$1,000, 5/26/99, Bill Bradley for President Inc.; \$1,000, 10/5/98, Gorman for Congress; \$500, 5/8/98, Friends of Virginia Woodward for Congress; \$500, 4/29/98, Friends of Jonathan Miller; \$500, 6/19/97, Friends of Jonathan Miller.

7. Sisters and Spouses: Ina Brown Bond, \$5,000, 1/14/00, Republican Party of KY; \$500, 10/31/00, Brown-Forman Corp. PAC; \$2,500, 7/24/00, KY State Democratic Central Executive Committee; \$5,000, 5/31/00, RNC; \$500, 3/10/00, Anne Northup for Congress; \$500, 3/10/00, Anne Northup for Congress; \$1,000, 6/30/99, Bush for President Inc.; \$1,000, 8/17/99, Bush for President Inc.; \$500, 7/29/99, Anne Northup for Congress; \$250, 10/14/98, Anne Northup for Congress; \$250, 3/31/98, Anne Northup for Congress; \$1,000, 11/14/97, KY State Democratic Central Executive Committee; \$1,000, 7/24/97, Anne Northup for Congress.

Allen M. Bond, III, \$1,000, 6/30/99, Bush for President Inc.

*William D. Montgomery, of Pennsylvania, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federal Republic of Yugoslavia.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: William Dale Montgomery.

Post: Yugoslavia.

Contributions, amount, date, and donee:

1. Self: None.

2. Spouse: Lynne Germain Montgomery, none.

3. Children and Spouses: Alexander, Amelia, Katarina, none.

4. Parents: Deceased.

5. Grandparents: Deceased.

6. Brothers and Spouses: None.

7. Sisters and Spouses: Merrie Montgomery King, none; Cynthia Montgomery Wernerfelt and Birger Wernerfelt, none.

*Melvin F. Sembler, of Florida, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Italy.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Melvin F. Sembler.

Post: Ambassador—Italy.

Contributions, amount, date, donee:

1. Self: \$350, 5/19/97, Citizens for Gilman; \$1,000, 5/27/97, Missourians for Kit Bond; \$1,000, 6/30/97, Friends of Charlie Crist; \$1,000, 7/16/97, Coverdell Good Government Committee; \$1,000, 9/30/97, Fossella for Congress; \$1,000, 10/14/97, Souder for Congress; \$1,000, 10/20/97, Friends of Connie Mack; \$1,000, 11/11/97, D'Amato for Senate; \$1,000, 12/23/97, Friends of Charlie Crist; \$1,000, 1/9/98, Frist 2000; \$1,000, 1/23/98, Darrell Issa for U.S. Senate; \$1,000, 4/7/98, Abraham Senate 2000; \$500, 4/37/98, Fox for Congress; \$500, 4/27/98, Mike Bilirakis for Congress; \$500, 4/27/98, Congressman Bill Young Campaign; \$250, 5/14/98, American Renewal PAC; \$1,000, 6/30/98, Citizens for Bunning; \$1,000, 8/10/98, American Renewal PAC; \$5,000, 9/2/98, Senate Victory 98; \$1,000, 9/8/98, Housemann for Congress; \$1,000, 9/8/9, Coverdell for Senate; \$1,000, 9/14/98, Puerto Rico 21st Millennium PAC (NY); \$1,000, 10/9/98, The National PAC; \$1,000, 10/26/98, Friends of Newt Gingrich; \$1,000, 12/30/98, Abraham Senate 2000; \$500, 3/8/99, Int'l Council of Shopping Centers PAC; \$1,000, 3/8/99, Gov. George W. Bush Presidential Exploratory Committee; \$1,000, 3/10/99, Kyl for Senate; \$1,000, 5/7/99, George Allen Exploratory Committee; \$1,000, 5/7/99, Ashcroft 2000; \$1,000, 5/7/99, McConnell Senate Committee; \$1,000, 5/14/99, McCollum for Senate; \$1,000, 6/11/99, American Renewal PAC; \$1,000, 6/16/99, Whitman for U.S. Senate; \$1,000, 8/2/99, Whitman for Senate; \$1,000, 10/22/99, Friends of Scott McInnis; \$1,000, 12/15/99, The National PAC; \$1,000, 12/15/00, Issa for Congress; \$1,000, 1/11/00, Adam Putnam for Congress; \$1,000, 1/26/00, Bob Franks for U.S. Senate; \$500, 2/22/00, Bilirakis for Congress; \$1,000, 3/15/00, Friends of Giuliani; \$1,000, 3/15/00, Weingarten for Congress; \$1,000, 3/15/00, Bill Roth for Senate; \$1,000, 4/12/00, Mike Rogers for Congress; \$500, 6/19/00, Int'l Council of Shopping Centers PAC; \$1,000, 6/19/00, Scott McInnis.

2. Spouse: Betty Sembler, \$1,000, 6/2/97, The Hatch Election Committee; \$250, 8/28/97, Fox for Congress; \$50, 9/8/97, Republican National Committee; \$250, 9/19/97, Nielson Congress '98; \$250, 9/23/97 Citizens of Gilman; \$2000, 10/17/97, Friends of Connie Mack; \$1,000, 11/25/97, Souder for Congress 98 General Election; \$1,000, 12/23/97, Friends of Charlie Crist; \$100, 2/2/98, Bordonaro for Congress; \$1,000, 2/2/98, Friends of Charlie Crist; \$250, 2/20/98, Nielson for Congress 98; \$1,000, 4/7/98, Abraham for Senate; \$500, 4/27/98, Fox for Congress; \$250, 5/22/98, American Renewal PAC; \$500, 6/16/98, Heather Wilson for Congress (special election); \$1,500, 6/18/98, Heather Wilson for Congress (special election); \$100, 6/24/98, Fox for Congress; \$500, 7/21/98, Souder for Congress; \$500, 7/21/98, Friends of Scott McInnis; \$500, 8/26/98, American Renewal PAC; \$500, 9/17/98, Heather Wilson for Congress (special election); \$569, 10/10/98, Citizens for Gilman;

\$1,000, 10/26/98, Friends of Newt Gingrich; \$250, 12/2/98, John Isakson for Congress; \$1,000, 1/6/99, Abraham Senate 2000; \$250, 1/13/99, Georgians for Isakson; \$1,000, 3/8/99, Governor George W. Bush Exploratory Committee; \$1,000, 3/17/99, Friends of Connie Mack; \$1,000, 4/7/99, Adam Smith PAC; \$500, 6/11/99, Dewine for U.S. Senate; \$500, 6/16/99, American Renewal PAC; \$1,000, 6/30/99, Watts for Congress; \$500, 8/3/99, Souder for Congress, Inc.; \$1,000, 10/14/99, Jon Kyl for U.S. Senate; \$1,000, 10/14/99, Bill McCollum for U.S. Senate; \$1,000, 11/3/99, Anne Northrup for Congress; \$1,000, 11/10/99, Friends of Scott McInnis; \$1,000, 12/9/99, Bill McCollum for U.S. Senate; \$1,000, 3/11/00, Bush for President; \$100, 4/10/00, Dewine for U.S. Senate; \$1,000, 4/12/00, Clay Shaw for Congress; \$500, 5/5/00, Mike Rogers for Congress; \$1,000, 5/18/00, Bush for President, Inc.; (\$500), 7/31/01, Heather Wilson for Congress (special election—refund).

3. Children and Spouses: M. Steven Sembler, \$500, 9/9/97, Mark Souder for Congress; \$1,000, 3/12/99, George W. Bush Exploratory Committee; \$1,000, 10/29/99, Jon Kyl for Senator. Diane Sembler, \$500, 9/27/97, Souder for Congress, Inc.; \$500, 3/31/99, Bush for President, Inc.; \$1,000, 11/24/99, Jon Kyl for U.S. Senate; \$1,000, 8/31/00, Bill McCollum for U.S. Senate; \$1,000, 10/31/00, Bill McCollum for U.S. Senate. Brent Sembler, \$1,000, 10/20/97, Souder for Congress; \$1,000, 10/27/97, Friends of Connie Mack; \$2,000, 11/24/97, Friends of Charlie Crist; \$1,000, 4/8/98, Abraham Senate 2000; \$1,000, 10/23/98, Newt Gingrich; \$1,000, 4/4/99, George W. Bush for President; \$500, 9/7/99, Republican Party of Florida Federal Campaign Account; \$1,000, 11/23/99, Jon Kyl for U.S. Senate; \$1,000, 12/9/99, Bill McCollum for U.S. Senate; \$500, 2/28/00, Mike Bilirakis for Congress; \$1,000, 8/30/00, Bill McCollum for U.S. Senate; \$1,000 9/27/00, Adam Putnam for Congress; \$5,000, 9/29/00, Republican Party of Florida Federal Campaign Account; \$500, 3/19/00, Republican Party of Florida Federal Campaign Account. Debbie Sembler, \$1,000, 12/16/97, Friends of Charlie Crist; \$500, 5/15/99, Bill McCollum Campaign; \$1,000, 11/8/99, Jon Kyl for U.S. Senate. Gregory Sembler; \$500, 2/13/97, Friends of Connie Mack; \$500, 9/16/98, Souder for Congress; \$500, 10/17/97, Souder for Congress; \$1,000, 4/6/98, Abraham Senate 2000; \$1,000, 10/22/98, Friends of Newt Gingrich; \$1,000, 5/10/99, George W. Bush Presidential Exploratory Committee; \$500, 9/7/99, Republican Party of Florida Federal Campaign Account; \$1,000, 11/18/99, Jon Kyl for U.S. Senate; \$800, 12/8/99, Bill McCollum; \$100, 2/25/00, Friends of Giuliani; \$100, 4/11/00, Bill McCollum; \$500, 5/19/00, Bill McCollum; \$100, 7/13/00, Rick Lazio; \$400, 8/30/00, Bill McCollum. Elizabeth Sembler, \$500, 2/10/97, Friends of Connie Mack; \$500, 2/10/97, Friends of Connie Mack; \$500, 2/13/97, Friends of Connie Mack; \$500, 10/24/97, Adam Smith; \$500, 11/9/97, Friends of Connie Mack; \$1,000, 3/25/99, Bush for President; \$200, 11/13/99, Bill McCollum.

4. Parents: Deceased.

5. Grandparents: Deceased.

6. Brothers and spouses: Eugene Sembler (deceased).

7. Sisters and spouses: Sidney and Delores Krakower, none; Herschel and Norma Rich, none.

Stephan Michael Minikes, of the District of Columbia, to be U.S. Representative to the Organization for Security and Cooperation in Europe, with the rank of Ambassador.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform

me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Stephan Michael Minikes.

Post: U.S. Representative to the Organization for Security and Cooperation in Europe, with the rank of Ambassador.

Contributions, amount, date, donee:

1 Self: \$1,000, 1/22/97, Cong. Bud Shuster; \$500, 3/4/97, Cong. Nancy Johnson; \$425, 4/15/97, Reid & Priest PAC; \$1,000, 4/16/97, Cong. John Murtha; \$500, 5/15/97, Cong. Curt Weldon; \$500, 5/20/97, Gov. Rob Andrews; \$500, 6/12/97, Cong. Scott McInnis; \$1,000, 6/24/97, Sen. Arlen Specter; \$2,000, 7/29/97, Democratic Congressional Campaign Committee; \$200, 8/20/97, Cong. Regula; \$425, 8/27/97, Reid & Priest PAC; \$500, 9/10/97, Cong. Joe McDade; \$500, 11/13/97, Cong. Tom Foglietta; \$500, 12/23/97, Cong. Rob Andrews; \$1,000, 1/30/98, Cong. Bud Shuster; \$500, 3/3/98, Cong. LaTourette; \$457, 4/21/98, Reid & Priest PAC; \$1,000, 5/1/98, Cong. John Murtha; \$500, 5/14/98, Cong. Fattah; \$500, 9/24/98, Sen. Leahy; \$1,000, 10/8/98, National Republican Congressional Corporate Account—Cong. Weldon; \$350, 10/9/98, Thelen Reid & Priest PAC; \$250, 10/19/98, Cong. Bob Brady; \$500, 3/23/99, Cong. LaTourette; \$500, 3/23/99, Cong. Scott McInnis; \$370, 3/31/99, Thelen Reid & Priest PAC; \$1,000, 4/13/99, Cong. Pete Sessions; \$1,000, 5/3/99, Cong. John Murtha; \$1,000, 6/21/99, Gov. George W. Bush Presidential Exploratory Committee; \$370 19/21/99, Thelen Reid & Priest PAC; \$1,000, 10/21/99, Sen. Santorum; \$1,000, 10/22/99, Governor's Leadership Fund (Gov. Engler/Michigan); \$1,000, 11/16/99, GELAC Fund; \$1,000, 2/9/00, Friends of Jim Oberstar; \$1,000, 2/28/00, Cong. Pete Sessions; \$1,000, 3/24/00, Cong. Scott McInnis; \$355, 3/24/00, Thelen Reid & Priest PAC; \$1,000, 5/24/00, Murtha for Congress; \$1,000, 5/25/00, Bob Brady for Congress; \$500, 6/28/00, Rogan for Congress; \$1,000, 6/30/00, Dickey for Congress; \$335, 7/27/00, Thelen Reid & Priest PAC; \$1,000, 10/24/00, Victory 2000 (Alabama Rep. Shelby); \$1,000, 10/25/00, Victory 2000 (Cheney event); \$1,000, 10/28/00, Andrews for Congress; \$1,000, 1/25/01, PETE Pac; \$500, 4/3/01, Cantwell for Senate; \$395, 5/3/01, Thelen Reid & Priest PAC; \$7,500, 5/8/01, Presidential Gala Table; \$15,000, 5/15/01, Republican National Finance Committee; \$1,000, 6/8/01, Murtha for Congress; \$1,000, 6/8/01, Weldon for Congress; \$1,000, 6/8/01, Borski for Congress.

2. Spouse: Dianne C. Minikes, \$100, 6/23/98, Committee to Re-elect Nancy Dacek; \$1,000, 6/21/99, Gov. George W. Bush, Presidential Exploratory Committee; \$1,000, 2/28/00, Pete Sessions for Cong. \$1,000, 5/22/00, Weldon for Congress; \$1,000, 5/22/00, Bush for President Compliance Committee; \$20,000, 5/31/00, RNC Presidential Trust; \$1,000, 6/22/00, Sandhill PAC (Sen. Hagel).

3. Children and Spouses: Alexandra C. Minikes, \$1,000, 6/30/99, Gov. George W. Bush, Presidential Exploratory Committee.

4. Parents: Deceased.

5. Grandparents: Deceased.

6. Brothers and Spouses: N/A.

7. Sisters and Spouses: N/A.

* Cynthia Shepard Perry, of Texas, to be United States Director of the African Development Bank for a term of five years.

* Jose A. Fourquet, of New Jersey, to be United States Executive Director of the Inter-American Development Bank for a term of three years.

* Charles Lawrence Greenwood, Jr., of Florida, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, for the rank of Ambassador during his tenure of service as Coordinator for Asia Pacific Economic Cooperation (APEC).

* Ernest L. Johnson, of Louisiana, to be an Alternate Representative of the United States of America to the Fifty-sixth Session of the General Assembly of the United Nations.

* William J. Hybl, of Colorado, to be Representative of the United States of America to the Fifty-sixth Session of the General Assembly of the United Nations.

* Nancy Cain Marcus, of Texas, to be an Alternate Representative of the United States of America to the Fifty-sixth Session of the General Assembly of the United Nations.

* Constance Berry Newman, of Illinois, to be an Assistant Administrator of the United States Agency for International Development.

* Christopher Bancroft Burnham, of Connecticut, to be Chief Financial Officer, Department of State.

* Robert M. Beecroft, of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, for the rank of Ambassador during his tenure of service as Head of Mission, Organization for Security and Cooperation in Europe (OSCE), Bosnia and Herzegovina.

* Charles Lester Pritchard, of Virginia, for the rank of Ambassador during his tenure of service as Special Envoy for Negotiations with the Democratic People's Republic of Korea (DPRK) and United States Representative to the Korean Peninsula Energy Development Organization (KEDO).

* John Marshall, of Virginia, to be an Assistant Administrator of the United States Agency for International Development.

* Christopher Bancroft Burnham, of Connecticut, to be an Assistant Secretary of State (Resource Management).

Mr. BIDEN. Mr. President, for the Committee on Foreign Relations I report favorably the following nomination lists in the Foreign Service which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Foreign Service nomination of Terence J. Donovan.

Foreign Service nominations beginning Keith E. Brown and ending Olivier C. Carduner, which nominations were received by the Senate and appeared in the Congressional Record on October 16, 2001.

By Mr. LIEBERMAN for the Committee on Governmental Affairs.

Odessa F. Vincent, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first

and second times by unanimous consent, and referred as indicated:

By Mr. CORZINE:

S. 1682. A bill to designate buildings 315, 318, and 319 located at the William J. Hughes Technical Center of the Federal Aviation Administration in Atlantic City, New Jersey, as the "Frank R. Lautenberg Aviation Security Complex"; to the Committee on Commerce, Science, and Transportation.

By Mr. HARKIN:

S. 1683. A bill to amend the Emergency Food Assistance Act of 1983 to permit States to use administrative funds to pay costs relating to the processing, transporting, and distributing to eligible recipient agencies of donated wild game; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DORGAN (for himself, Mr.

CRAIG, Mr. BAUCUS, Mr. GRASSLEY, Mr. BAYH, Mr. BENNETT, Mr. CARPER, Ms. COLLINS, Mr. CRAPO, Mr. ENSIGN, Mr. HOLLINGS, Mr. HUTCHINSON, Mr. INHOFE, Mr. KYL, Mrs. LINCOLN, Mr. MURKOWSKI, Mrs. MURRAY, Mr. SMITH of Oregon, and Mr. FRIST):

S. 1684. A bill to provide a 1-year extension of the date for compliance by certain covered entities with the administrative simplification standards for electronic transactions and code sets issued in accordance with the Health Insurance Portability and Accountability Act of 1996; to the Committee on Finance.

By Mr. DODD (for himself, Mr. DEWINE, and Ms. COLLINS):

S. 1685. A bill to meet the needs of children when preparing for and responding to acts of terrorism; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KENNEDY (for himself, Mr. KERRY, Mr. REID, Mr. WELLSTONE, and Mrs. CLINTON):

S. 1686. A bill to amend title XVIII of the Social Security Act to provide for patient protection by limiting the number of mandatory overtime hours a nurse may be required to work in certain providers of services to which payments are made under the medicare program; to the Committee on Finance.

By Mr. HELMS:

S. 1687. A bill to extend the temporary suspension of duty with respect to Diclofenac; to the Committee on Finance.

By Mr. HELMS:

S. 1688. A bill to extend the temporary suspension of duty with respect to Thidiazuron; to the Committee on Finance.

By Mr. HELMS:

S. 1689. A bill to extend the temporary suspension of duty with respect to Deltamethrin; to the Committee on Finance.

By Mr. HELMS:

S. 1690. A bill to extend the temporary suspension of duty with respect to Phenmedipham; to the Committee on Finance.

By Mr. HELMS:

S. 1691. A bill to extend the temporary suspension of duty with respect to Desmedipham; to the Committee on Finance.

By Mr. HELMS:

S. 1692. A bill to extend the temporary suspension of duty with respect to Ethofumesate; to the Committee on Finance.

By Mr. HELMS:

S. 1693. A bill to extend the temporary suspension of duty with respect to Tralometrin; to the Committee on Finance.

By Mr. HELMS:

S. 1694. A bill to suspend temporarily the duty on butiril; to the Committee on Finance.

By Mr. HELMS:

S. 1695. A bill to suspend temporarily the duty on bronate; to the Committee on Finance.

By Mr. HELMS:

S. 1696. A bill to suspend temporarily the duty on asulox; to the Committee on Finance.

By Mr. HELMS:

S. 1697. A bill to suspend temporarily the duty on cyclanilide; to the Committee on Finance.

By Mr. HELMS:

S. 1698. A bill to suspend temporarily the duty on iprodione; to the Committee on Finance.

By Mr. HELMS:

S. 1699. A bill to suspend temporarily the duty on foramsulfuron; to the Committee on Finance.

By Mr. HELMS:

S. 1700. A bill to suspend temporarily the duty on acetamidiprid; to the Committee on Finance.

By Mr. HELMS:

S. 1701. A bill to suspend temporarily the duty on fosetyl-Al; to the Committee on Finance.

By Mr. HELMS:

S. 1702. A bill to suspend temporarily the duty on endosulfan; to the Committee on Finance.

By Mr. HELMS:

S. 1703. A bill to suspend temporarily the duty on ethoprop; to the Committee on Finance.

By Mr. WELLSTONE (for himself, Mr. DAYTON, and Mr. HARKIN):

S. 1704. A bill to amend the Clayton Act to make the antitrust laws applicable to the elimination or relocation of major league baseball franchises; to the Committee on the Judiciary.

By Mr. HATCH (for himself, Mr. SCHUMER, and Mr. SPECTER):

S.J. Res. 29. A joint resolution amending title 36, United States Code, to designate September 11 as Patriot Day; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 198

At the request of Mr. CRAIG, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 198, a bill to require the Secretary of the Interior to establish a program to provide assistance through States to eligible weed management entities to control or eradicate harmful, non-native weeds on public and private land.

S. 673

At the request of Mr. HAGEL, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 673, a bill to establish within the executive branch of the Government an interagency committee to review and coordinate United States non-proliferation efforts in the independent states of the former Soviet Union.

S. 948

At the request of Mr. LOTT, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 948, a bill to amend title 23, United States Code, to require the Secretary of Transportation to carry out a grant program for providing financial assist-

ance for local rail line relocation projects, and for other purposes.

S. 1020

At the request of Mr. HARKIN, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 1020, a bill to amend title XVIII of the Social Security Act to improve the provision of items and services provided to medicare beneficiaries residing in rural areas.

S. 1058

At the request of Mr. HUTCHINSON, the names of the Senator from Nebraska (Mr. HAGEL), the Senator from Missouri (Mr. BOND), and the Senator from Minnesota (Mr. WELLSTONE) were added as cosponsors of S. 1058, a bill to amend the Internal Revenue Code of 1986 to provide tax relief for farmers and the producers of biodiesel, and for other purposes.

S. 1201

At the request of Mr. HATCH, the name of the Senator from Tennessee (Mr. FRIST) was added as a cosponsor of S. 1201, a bill to amend the Internal Revenue Code of 1986 to provide for S corporation reform, and for other purposes.

S. 1271

At the request of Mr. VOINOVICH, the names of the Senator from Kentucky (Mr. BUNNING), the Senator from Georgia (Mr. CLELAND), the Senator from Delaware (Mr. CARPER), and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 1271, a bill to amend chapter 35 of title 44, United States Code, for the purpose of facilitating compliance by small business concerns with certain Federal paperwork requirements, to establish a task force to examine the feasibility of streamlining paperwork requirements applicable to small business concerns, and for other purposes.

S. 1317

At the request of Mr. SCHUMER, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 1317, a bill to amend title XVIII of the Social Security Act to provide for equitable reimbursement rates under the medicare program to Medicare+Choice organizations.

S. 1500

At the request of Mr. KYL, the names of the Senator from Georgia (Mr. CLELAND) and the Senator from New Mexico (Mr. DOMENICI) were added as cosponsors of S. 1500, a bill to amend the Internal Revenue Code of 1986 to provide tax and other incentives to maintain a vibrant travel and tourism industry, to keep working people working, and to stimulate economic growth, and for other purposes.

S. 1503

At the request of Mr. ROCKEFELLER, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1503, a bill to extend and amend the Promoting Safe and

Stable Families Program under subpart 2 of part B of title IV of the Social Security Act, to provide the Secretary of Health and Human Services with new authority to support programs mentoring children of incarcerated parents, to amend the Foster Care Independent Living Program under part E of title IV of the Social Security Act to provide for educational and training vouchers for youths aging out of foster care, and for other purposes.

S. 1518

At the request of Mr. BOND, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 1518, a bill to improve procedures with respect to the admission to, and departure from, the United States of aliens.

S. 1661

At the request of Mrs. FEINSTEIN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1661, a bill to set up a certification system for research facilities that possess dangerous biological agents and toxins, and for other purposes.

S. 1671

At the request of Mr. GRASSLEY, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 1671, a bill to amend the Trade Act of 1974 to provide for duty-free treatment under the Generalized System of Preferences (GSP) for certain hand-knotted or hand-woven carpets and leather gloves.

S. 1673

At the request of Mr. HUTCHINSON, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 1673, a bill to provide for the continuation of agricultural programs through fiscal year 2011.

S. 1675

At the request of Mr. BROWNBACK, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 1675, a bill to authorize the President to reduce or suspend duties on textiles and textile products made in Pakistan until December 31, 2004.

S. CON. RES. 44

At the request of Mr. FITZGERALD, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S.Con.Res. 44, a concurrent resolution expressing the sense of the Congress regarding National Pearl Harbor Remembrance Day.

S. CON. RES. 79

At the request of Mr. THURMOND, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S.Con.Res. 79, a concurrent resolution expressing the sense of Congress that public schools may display the words "God Bless America" as an expression of support for the Nation.

STATEMENTS ON INTRODUCED
BILLS AND JOINT RESOLUTIONS

By Mr. CORZINE:

S. 1682. A bill to designate buildings 315, 318, and 319 located at the William J. Hughes Technical Center of the Federal Aviation Administration in Atlantic City, New Jersey, as the "Frank R. Lautenberg Aviation Security Complex"; to the Committee on Commerce, Science, and Transportation.

Mr. CORZINE. Mr. President, today I am introducing legislation to honor one of the finest Senators to represent my State of New Jersey, Frank R. Lautenberg. My bill would designate specific buildings located at the Federal Aviation Administration's William J. Hughes Technical Center in Atlantic City, New Jersey as the "Frank R. Lautenberg Aviation Security Complex."

Designating these buildings as the Frank R. Lautenberg Aviation Security Complex would be an appropriate tribute to Senator Lautenberg. No one has been a greater champion for transportation interests in the United States Senate. Senator Lautenberg consistently made transportation a top priority and served for many years as Chairman of the Transportation Appropriations Subcommittee, as well as serving on the Environment and Public Works Committee. Over the years, he accumulated a long list of related accomplishments.

For example, he authored legislation to ban smoking on all flights within the United States, which provides relief from secondhand smoke to thousands of air travelers annually. He was a staunch defender of Amtrak, successfully led efforts to protect its funding in the face of those who oppose our national passenger rail system, and developed landmark legislation to authorize the issuance of bonds to support high speed rail. He also wrote the law that increases the legal drinking age from 18 to 21, which has been credited with saving countless lives on our nation's highways.

I also would note that Senator Lautenberg played an important role in supporting the Technical Center in Atlantic City, so it is especially appropriate that he be honored at the Center.

Senator Lautenberg always worked hard to steer Federal funds to New Jersey for both road and rail projects, and had considerable success. These projects have been immensely important in easing traffic congestion in New Jersey, our Nation's most densely populated State. As a member of the committees that will reauthorize the transportation bill, the Environment and Public Works and Banking Committees, I hope to continue Senator Lautenberg's legacy in this area. In particular, I am hoping to work for funding of a new commuter rail tunnel across the Hudson River that would

link New Jersey and Midtown Manhattan.

Beyond his many successes in the area of transportation, Frank Lautenberg had many other accomplishments during his 18-year career in the Senate. He authored legislation barring people convicted of domestic violence from owning a gun. He wrote the Right-to-Know Act, which requires companies to disclose the chemicals they produce and store. He wrote the Public and Assisted Housing Drug Elimination Act, which has made a huge difference in improving the lives of residents of public housing. Also, as the Ranking Member of the Senate Budget Committee, he played a major role in debates over fiscal policy, and in the development of the Balanced Budget Act of 1997, which helped lead to our first budget surpluses after a long history of deficits.

Designating these buildings as the Frank R. Lautenberg Aviation Security Complex is a small but important way we can pay tribute to a man who has contributed so much to our State and our Nation. I personally am honored to serve as his successor in the Senate, and I hope that the Congress will act quickly on this important legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1682

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF FRANK R. LAUTENBERG AVIATION SECURITY COMPLEX.

Buildings 315, 318, and 319 located at the William J. Hughes Technical Center of the Federal Aviation Administration in Atlantic City, New Jersey, shall be known and designated as the "Frank R. Lautenberg Aviation Security Complex".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the buildings referred to in section 1 shall be deemed to be a reference to the Frank R. Lautenberg Aviation Security Complex.

By Mr. HARKIN:

S. 1683. A bill to amend the Emergency Food Assistance Act of 1983 to permit States to use administrative funds to pay costs relating to the processing, transporting, and distributing to eligible recipient agencies of donated wild game; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. HARKIN. Mr. President, since September 11 we have all seen the generous spirit of volunteerism in our communities. Americans have given blood, donated to soup kitchens and clothing drives, all in record numbers. Although this tragedy has heightened the levels of giving, Americans were helping each other through the tough

times long before September 11. I rise today to recognize one type of program that is helping to feed families caught up in the economic downturn.

Take Tim Powers. Tim lives in Lisbon, IA. During the week, he works hard at Whitetails Unlimited, but on the weekends, Tim runs a game donation program. First, Tim negotiates with local butchers for reduced rates on the meat processing. Then, he reaches out to local hunting groups and lets them know they can donate their extra game to Iowa's soup kitchens. It is a great way to help those in need, it's all volunteer, and it makes sense. Similar programs have popped up across America, like Hunters for the Hungry, Farmers and Hunters Feeding the Hungry, and Sportsmen Against Hunger.

Tim Powers and these organizations remind us all that hunting isn't simply a sport. It takes me back to my childhood in Cumming, IA. I was one of six kids and my father was a coal miner, so there were some hard times. Often, hunting helped to decide how well my family would eat. Believe me, that will motivate you to become a good shot. And we hunted just about anything that moved, not just deer but ducks, pheasants, and rabbits.

But when we did have more than enough to feed the family, we shared it with the neighbors. It was the right thing to do. And today, Tim Powers and others are keeping that type of community spirit alive.

These efforts are desperately needed. Buying meat is expensive and food banks are already stretched too thin. In 1997 alone, more than 26 million Americans sought emergency food assistance. And the Department of Agriculture reports that during between 1996 and 1998 approximately 10 million U.S. households did not have access to enough food to meet their basic needs.

Game donation programs can make a difference in the fight against hunger. One of the only problems, however, is the cost of the meat processing. Tim Powers convinced his employer, Whitetails Unlimited, that this program needs their support. Once a year they sponsor a dinner to fundraise for him, last year he raised enough money to process about 50 deer. That is a miracle for the soup kitchens in Linn County and it can happen in other places as well. There are thousands of hunters who would like to do so much more, but the funds for processing always fall short.

Time and again, hunters have shown that we enjoy the activity and we're happy to go out of our way if that activity also serves to provide meat for those who are less fortunate. The only catch is the cost of processing. I hear it again and again, local programs spring up but can't raise enough funds to sustain the cost of processing. With game donation programs in a community everybody wins. The meat goes from

hunters in the area to needy families within the State, there is nothing more basic than a community taking care of its own. We need to do whatever we can to help sustain these local programs.

That is why I am introducing the Hunters Help the Hungry Act. This legislation would authorize states to use administrative funds from the Emergency Food Assistance Program, TEFAP, to pay for the processing costs of donated wild game. TEFAP is a USDA food distribution program through which commodity foods are made available to the States. Food is then provided to food banks, soup kitchens, and food pantries for distribution to the public.

In addition, my legislation would increase the authorization of TEFAP administrative funds from \$50 million to \$70 million. This increase is intended to cover the potential cost of game donation programs in every State, however, the legislation gives States the flexibility to use those funds for their current TEFAP programs, if they so choose.

I want to stress this point: States would not be required to use any of the additional funds for the hunting-donation programs. My bill would simply provide them with the option and the flexibility to use a portion of their TEFAP administrative funds to process donated game. The remainder of the funds would cover traditionally allowable expenses like transportation and storage costs, and gleaning and other activities.

In addition, the USDA Secretary would have the ability to place a cap on the percentage of administrative funds that could be used to process game meat. As always, the TEFAP program will continue to be primarily focused on commodities. My legislation would simply give States the flexibility to support local game donation programs as a part of their anti-hunger efforts.

This legislation is rooted in basic common sense and traditional American values, values that America's hunters understand. Too often our hunters are only mentioned on the Senate floor when it comes time to debate a crime bill. Instead, my legislation thanks America's hunters and supports the good they do in our communities. I think it just makes sense, and I hope that my colleagues will support it.

By Mr. DODD (for himself, Mr. DEWINE, and Ms. COLLINS):

S. 1685. A bill to meet the needs of children when preparing for and responding to acts of terrorism; to the Committee on Health, Education, Labor, and Pensions.

Mr. DODD. Mr. President, I am pleased to join with my colleague from Ohio, Senator DEWINE, and my colleague from Maine, Senator COLLINS, in

introducing legislation today to strengthen our Nation's ability to protect children during times of terrorism and bioterrorism.

It's a terrible thing that we have to be here to talk about how to protect children from terrorism. But, as all of us know only too well, the terrorist incidents of September 11 have changed the world for all of us. In order to ensure that the needs of children are not overlooked as a national terrorism response package is drafted, we are introducing this legislation today specifically geared toward the needs of children. Our bill would: strengthen emergency and rescue services for children; ensure that all needed medicines in the case of bioterrorist attack can be safely used for children; ensure that the mental health needs of children directly affected by terrorist and bioterrorist attacks are addressed; and, enable the Secretary of HHS to determine and respond to other unique needs that children may have related to terrorism.

Shockingly, not all ambulances, hospitals and emergency personnel are prepared to handle children's emergencies, let alone emergencies related to terrorism. In fact, fewer than half of all hospitals with emergency departments have the equipment necessary to stabilize seriously injured children.

Our bill will expand the Emergency Medical Services for Children Grant Program administered by the Department of Health and Human Services. Those first on the ground need to be prepared to deal with the specific needs of children in any type of terrorist or bioterrorist attack.

Children are especially vulnerable to the chemical and biological agents that could be deployed in a terrorist attack. Nerve gas agents, such as Sarin gas for example, are denser than water and concentrate lower to the ground, in the breathing zone of children. And the more permeable skin of newborns and children puts them at risk of greater exposure to toxins that may be absorbed.

It is crucial to secure information on dosage, possible side effects and the effectiveness of various agents in our children. Just a few weeks ago, the Senate unanimously passed the reauthorization of a law I authored with Senator DEWINE to address the appalling lack of pediatric information about the drugs we used for our kids. The law, which has been an unparalleled success, provides a market incentive for drug companies to test their products for use in kids and to create kid-friendly drug formulations.

Our re-authorization of this law will ensure that all approved drugs that are identified as important for children will get studied, either by the manufacturer or by a third party with pediatric clinical expertise. These third party studies will be paid for using private

dollars from an NIH Foundation or using the \$20 million authorized in the bill for this purpose.

Today, we are asking the Secretary to do the same for medicines that can be used to protect our kids in a bioterrorist attack. Our proposal authorizes funding to ensure that the products that are important for children will get studied by manufacturers and by qualified third parties to determine how a child's body breaks down and absorbs the medicine, potential risks, and effectiveness.

Without adequate information about how a drug works in kids of different ages and sizes, children are more likely to be under- or over-dosed or to experience dangerous side effects. By instructing the Secretary to contract our needed studies, we can ensure that we get vital information on the medicines needed most for our kids.

Since September 11 our children have been faced with images and emotions that are difficult for them to understand and deal with. They have seen airplanes crashing into places where people work, they have seen people fleeing from collapsing buildings, they have family members searching and grieving for missing loved ones, they have heard about people being poisoned and dying from the mail. All of this is beyond belief. These are very complicated and stressful times for all of us, but especially for children.

Children sense the anxiety and tension in adults around them. And, like adults, children experience the same feelings of helplessness and lack of control that disaster-related stress can bring about. Unlike adults, however, children have little experience to help them place their current situation into perspective.

Our proposal authorizes the Secretary of Health and Human Services to provide immediate emergency mental health and substance abuse prevention and treatment services to those children residing in communities directly affected by terrorism. This new authority will double the amount of emergency funding for mental health services and ensure that children's mental health needs are specifically addressed. This new initiative will provide approximately \$17.5 million in emergency funds for children's mental health services.

To deal with other unique needs of children, we provide the Secretary of Health and Human Services with broad authority to allocate emergency crisis response grants. Such grants could be made at the Secretary's discretion to schools, child care centers, Head Start centers, or other entities dealing with children to assist in developing evacuation plans, in training personnel to understand children's needs related to terrorism, and how to communicate effectively with children and parents about terrorism. Millions of children

spend more than half their waking hours with teachers and other caregivers. These professionals must be able to understand what children are going through and be prepared to help them get through it. As we've seen over the last few weeks, in practice, this is not always as easy to do as it sounds.

The President has asked that all Americans get back to normal. It is our responsibility to provide our children affected by these tragic events with the best tools and resources to get back to normal.

I ask unanimous consent that a summary of our legislation and the text of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1685

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Kids and Terrorism Preparedness Act".

SEC. 2. EMERGENCY MEDICAL AND RESCUE SERVICES FOR CHILDREN.

(a) IN GENERAL.—Section 1910(a) of the Public Health Service Act (42 U.S.C. 300w-9(a)) is amended—

(1) by striking "may make grants to States or accredited schools of medicine in States to support a program of demonstration projects for the expansion and improvement of emergency medical services for children" and inserting "may make grants to, or enter into contracts with, States, local government entities, Indian tribes, accredited schools of medicine, and nonprofit children's hospitals to improve emergency medical services for children who need treatment for trauma or critical care";

(2) by inserting before the first period the following: "including injury prevention activities and data collection";

(3) by striking "3-year" and inserting "4-year"; and

(4) by striking "4th" and inserting "5th".

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated \$45,000,000 to carry out section 1910 of the Public Health Service Act (42 U.S.C. 300w-9).

SEC. 3. APPROPRIATE MEDICINES FOR CHILDREN IN THE FACE OF BIOTERRORISM.

(a) MEETINGS.—The Secretary of Health and Human Services, in consultation with Commissioner of the Food and Drug Administration, the Director of the National Institutes of Health, and the heads of other appropriate Federal entities, shall convene meetings with drug manufacturers, biotechnology manufacturers, and medical device manufacturers to formulate a plan for the development of new, and enhancement of existing, countermeasures (including diagnostics, drugs, vaccines, biologics, and medical devices) that may be appropriate to prevent and treat children who are exposed to biological agents and chemical, radiological, or nuclear toxins.

(b) NOTICE OF PRODUCTS AND REFERRALS.—The Secretary of Health and Human Services shall give public notice of the products (including diagnostics, drugs, vaccines, biologics, and medical devices) that should be studied with respect to children, in response to bioterrorist threats.

(c) CONTRACTS, GRANTS, AND COOPERATIVE AGREEMENTS.—The Secretary of Health and Human Services shall award contracts, grants, or cooperative agreements to manufacturers described in subsection (a), and other entities with the appropriate capacity and expertise, to conduct needed studies relating to children.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out this section for fiscal year 2002.

SEC. 4. CHILDREN'S MENTAL HEALTH.

Section 501(m) of the Public Health Service Act (42 U.S.C. 290aa(m)) is amended—

(1) in paragraph (1)—

(A) by striking "2.5 percent" and inserting "5 percent"; and

(B) by striking "paragraph (2)" and inserting "paragraphs (2) and (3)";

(2) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(3) by inserting after paragraph (1), the following:

"(2) CONDITION.—A condition of paragraph (1) is that 2.5 percent of the funds subject to paragraph (1) may only be available for the provision of emergency mental health and substance abuse treatment and prevention services to children who are directly affected by terrorist acts."

SEC. 5. CRISIS RESPONSE GRANTS TO ADDRESS CHILDREN'S NEEDS.

Title III of the Public Health Service Act is amended by inserting after section 319G (42 U.S.C. 247d-7) the following:

"SEC. 319H. CRISIS RESPONSE GRANTS TO ADDRESS CHILDREN'S NEEDS.

"(a) IN GENERAL.—The Secretary may award grants to eligible entities described in subsection (b) to enable such entities to increase the coordination and development of bioterrorism preparedness efforts relating to the needs of children.

"(b) ELIGIBILITY.—To be an eligible entity under this subsection, an entity shall—

"(1) be a State, political subdivision of a State, a consortium of 2 or more States or political subdivisions of States, a public or private non-profit agency or organization, or other organization that serves children as determined appropriate by the Secretary; and

"(2) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

"(c) USE OF FUNDS.—An entity shall use amounts received under a grant under this section to carry out activities for the coordination and development of bioterrorism preparedness efforts relating to the physical and health-related needs of children.

"(d) FUNDING.—The Secretary may use amounts appropriated under the 2001 Emergency Supplemental Appropriations Act for Recovery from and Response to Terrorist Attacks on the United States (Public Law 107-38) to carry out this section."

KIDS AND TERRORISM PREPAREDNESS ACT OF 2001—SUMMARY

As America prepares to gird itself against terrorist threats, our children's parents, teachers, caretakers, and emergency response personnel must be given new tools and instruments to protect them. For example, they must be trained in emergency response and evacuation plans developed by local authorities to protect children during times of terrorist threats or incidents. Children must have appropriate medicines in the appropriate dosages to help protect them from chemical and biological agents that

might be deployed in a terrorist attack. They must also have access to mental health services to address the emotional trauma that can accompany acts of terrorism.

EMERGENCY MEDICAL AND RESCUE SERVICES FOR CHILDREN

Increases federal support for EMS training to ensure that first responders (i.e., firefighters, police, paramedics, etc.) are trained and equipped to address the specific medical needs of children.

More than doubles the resources available through the Department of Health and Human Services Emergency Medical Services for Children program from \$18.9 million per year to \$45 million.

APPROPRIATE MEDICINES FOR CHILDREN IN THE FACE OF BIOTERRORISM

Authorizes funds to enable the Secretary of HHS, in consultation with the FDA, NIH, and the pharmaceutical, biotech, and device industries, to ensure that every medicine identified for potential use for kids in responding to bioterrorism can be studied to determine proper pediatric dosing and effectiveness. This is critical because children are simply not smaller versions of adults—their bodies react to drugs differently. Without adequate information about how a drug works in kids of different ages and sizes, they are more likely to be under- or overdosed or to experience dangerous side effects.

CHILDREN'S MENTAL HEALTH

Establishes grants for Emergency Mental Health Services for Children that would ensure that children directly affected by terrorist acts would be able to receive a comprehensive array of community-based mental health services. With these grants, communities could develop integrated systems of care that coordinate services among multiple child-serving agencies in incorporating parental involvement at every stage of service delivery. These grants would be administered by the Center for Mental Health Services (CMHS), housed within the Substance Abuse and Mental Health Services Administration (SAMHSA). The Emergency Mental Health Services for Children grants would be funded at about \$17.5 million per year—up to 2.5 percent of total SAMHSA appropriations.

CRISIS RESPONSE GRANTS ADDRESSING CHILDREN'S NEEDS

The Secretary may provide grants to eligible entities to increase the coordination and the development of bioterrorism preparedness efforts relating to the needs of children. Such grants would be provided at the discretion of the Secretary using information the Secretary identifies as being critical to meeting the physical and health-related needs of children. The Secretary may use funds from emergency appropriations made available earlier this year.

Mr. DEWINE. Mr. President, I rise today to join my friends and colleagues, Senator DODD and Senator COLLINS, to introduce the "Kids and Terrorism Preparedness Act." I want to thank Senators DODD and COLLINS, for their commitment and dedication to protecting America's children. They are two of this Nation's strongest advocates on behalf of kids, and I have enjoyed working together with them on a variety of children's health and safety issues.

Most recently, just a few short weeks ago, Senator DODD and I were able to pass our Best Pharmaceuticals for

Children Act, which is going to help make sure that children get the right kinds of medicines when they are sick and in the proper dosages.

As the father of eight and grandfather of six, I can tell you from firsthand experience that we can not treat children the same way we treat adults. This is true for prescribing medicines to protect children when they are sick. And, it is also true in implementing measures to protect our nation against terrorism, especially chemical and biological terrorism.

This is why it is so important that as we begin to re-assess how we respond to terrorist attacks, we think long and hard about the differences between adults and children. The bill we are introducing today goes a long way toward ensuring that the needs of kids are taken into consideration. It goes a long way toward making sure that those who respond to terrorist attacks are prepared to treat and deal with children and their unique needs.

We have to realize that children simply are not small adults. For example, children breathe faster than adults, which means they will inhale poisons and chemicals more quickly than adults.

Children lose body heat faster than adults and so if a child needed a decontamination shower as a result of a chemical attack, firefighters and emergency crews will need to take special precautions for children, like setting up heat lamps to keep them warm so they do not go into shock. It also means providing those kids with a safe, comfortable environment to ease their fears.

Children often can not swallow pills. We need to make sure that we have antibiotics or other medicines that are in forms, like liquids, that children can take.

And obviously, children are physically smaller than adults, they are lower to the ground, which can put them in the direct path of some agents, like chlorine or sarin gas, both of which are heavier than air and settle lower to the ground where children would be breathing.

I have talked to firefighters and pediatricians in Ohio, who have told me that they simply are under-prepared right now to treat children's needs. The reality is that today fewer than half of our Nation's hospitals with emergency departments have the necessary equipment to treat sick and injured kids. We need to change that, and soon.

The bill we are introducing today will help change things. First, our bill would increase the funding of the Emergency Medical Services for Children block grant from \$17 million to \$45 million. By doing so, we are helping the first responders, those at the local level, get the training they need to meet the special needs of children.

Furthermore, our bill gives the Secretary of the Department of Health and Human Services, HHS, the flexibility to provide \$17.5 million in grants to eligible entities to address children's mental health needs and provide substance abuse prevention and treatment options for children in the event of a terrorist emergency.

The bill also allows the Secretary of HHS to provide grants to eligible entities to enable such entities to increase the coordination and the development of bio-terrorism preparedness efforts relating to the needs of special populations, including children. Such grants are provided at the discretion of the secretary using information the secretary identifies as being critical to meeting the physical and health-related needs of children.

In conclusion, children represent a huge portion, 30 percent, almost one-third, of our Nation's population. We have an obligation to protect them. And, our bill today, is a step toward doing just that. I urge my colleagues to join us in support of this legislative effort. It is a good bill and one that can make very real, very positive differences in the lives of America's children.

Ms. COLLINS. Mr. President, I am pleased to join with my colleagues, Senator DODD and Senator DEWINE in introducing the Kids and Terrorism Preparedness Act to strengthen our ability to protect our children as our Nation prepares for and responds to acts of terrorism.

Every generation has a defining event. Our parents will never forget the attack on Pearl Harbor, and the baby boomers will never forget the day President Kennedy was shot. This generation will always remember September 11 and the horrific images of the two airliners slamming into the twin towers of the World Trade Center.

These terrorist attacks have evolved into an ongoing crisis that has created some particularly difficult challenges for our Nation's children. Thousands of children lost a family member or loved one on September 11. Tens of thousands more are close to another child who suffered an immediate loss. Millions of other children across the country watched the repeated broadcasts of the fiery crashes, workers falling to their deaths, the terrible building collapses and the panic that followed. These images have enacted an emotional and psychological toll on all Americans, but children are particularly vulnerable. Moreover, the current anthrax scare has only added to the anxiety of children who now fear that their own houses may not be a sanctuary against a bioterrorist attack delivered through the mail.

As our Nation takes steps to plan and prepare for future attacks, it is critical that we consider the unique needs of children who are more susceptible to

biological and chemical attacks. Since they are smaller than adults, they may get sick from smaller amounts of harmful substances. They have a higher respiratory rate than adults, which means that they would get relatively larger doses of an inhaled substance in the same period of time. Moreover, some dense chemical agents, like chlorine and sarin, accumulate close to the ground, right in the breathing zone of children.

The problem is compounded because our current tools to combat terrorism are now always sensitive to children's needs. For example, Cipro, which is being widely prescribed for people who have been exposed to anthrax, is generally not recommended for use by children because of concerns that it can impair bone and joint growth. It is clear that immediate steps must be taken to develop drugs and vaccines appropriate for children that can be used to respond to a bioterrorist threat or attack.

Children also need different sized medical equipment from adults. I am therefore extremely troubled that, at present, many ambulances and emergency departments do not have child-sized equipment and supplies, such as oxygen masks, IV-tubes and neck braces. We must therefore do more to support our Emergency Medical Services workers and ensure that they are trained and equipped to meet the specific medical needs of children.

The legislation we are introducing today will help us to meet these special needs of children as our nation prepares to defend itself against terrorist threats. For example, it more than doubles the resources available through the Department of Health and Human Services Emergency Medical Services for Children program to ensure that first responders, our firefighters, our police, and our paramedics, are trained and equipped to handle the special medical needs of children.

It also authorizes grants to enable the Secretary of Health and Human Services, in consultation with the Food and Drug Administration, the National Institutes of Health, and the pharmaceutical, biotech, and device industries, to formulate a plan for the development of new, and enhancement of existing, drugs, vaccines, diagnostics, and medical devices that may be appropriate to prevent and treat children who are exposed to a bioterrorist attack. This is critical because children are not simply smaller versions of adults, their bodies react to drugs differently.

To help meet the mental health needs of children in crisis, the legislation authorizes grants to be administered by the Center for Mental Health Services within the Substance Abuse and Mental Health Services Administration for emergency mental health

prevention and treatment services for children who are directly affected by terrorist acts. To deal with other unique needs of children, our bill provides the Secretary of Health and Human Services with broad authority to allocate emergency crisis response grants. Such grants could be made at the Secretary's discretion to State and local governments or public or private non-profit organizations serving children to increase the coordination and the development of bioterrorism preparedness efforts relating to the needs of children.

These are difficult and dangerous times, but all is not bleak. We can take great comfort from the extraordinary resources with which America is blessed. Besides our spiritual muscle, we have a proof of economic, scientific, and material strength which we have only just begun to tap. The legislation we are introducing today will help to strengthen our response to the terrorist threat by ensuring that the special needs of children are not overlooked, and I urge all of my colleagues to join us as cosponsors.

By Mr. KENNEDY (for himself, Mr. KERRY, Mr. REID, Mr. WELLSTONE, and Mrs. CLINTON):

S. 1686. A bill to amend title XVIII of the Social Security Act to provide for patient protection by limiting the number of mandatory overtime hours a nurse may be required to work in certain providers of services to which payments are made under the Medicare Program; to the Committee on Finance.

Mr. KENNEDY. Mr. President, it is a privilege to join my colleagues, Senator KERRY, Senator REID, Senator WELLSTONE, and Senator CLINTON, in introducing the Safe Nursing and Patient Care Act.

Current Federal safety standards limit work hours for pilots, flight attendants, truck drivers, railroad engineers and other professionals, in order to protect the public safety. However, no similar limitation currently exists for the Nation's nurses, who care for many of our most vulnerable Americans.

The Safe Nursing and Patient Care Act will limit mandatory overtime for nurses in order to protect patient safety and improve working conditions for nurses. Across the country, the widespread practice of mandatory overtime means that over-worked nurses are often required to provide care in circumstances that are unacceptable. Restricting mandatory overtime will ensure that nurses are ready and able to provide the highest quality of care to their patients.

As Linda McMahon, an emergency room nurse at Brockton Hospital in Massachusetts said, "After no supper break, no time to go to the bathroom, you're on your feet for a solid 8½

hours, and then they look at you and say you're going to work for another shift."

Some hospitals are taking action to deal with this serious problem. Brockton Hospital in Brockton, MA, and St. Vincent Hospital in Worcester, MA both recently agreed to limit mandatory overtime as part of negotiations following successful strikes by nurses. These limits will protect patients and improve working conditions for nurses, and they will also have a significant role in the recruitment and retention of nurses in the future.

Job dissatisfaction and overtime hours are major factors in the current shortage of nurses. Nationally, the shortfall is expected to rise to 20 percent in the coming years. The goal of the Safe Nursing and Patient Care Act will play an important role in improving the quality of life for nurses, so that more persons will enter the nursing profession and remain in it.

The bill limits mandatory overtime to declared states of emergency. Clearly, there are times when other options are exhausted and hospitals need additional help, and the bill takes account of such needs. The bill requires health providers to inform nurses of these new rights, and nurses who report violations are guaranteed protection from workplace discrimination. In addition, the bill requires the Agency for Health Care Research and Quality to report to Congress on appropriate standards for the maximum numbers of hours a nurse may work in a wide variety of health settings without compromising patient care.

Improving working conditions for nurses is an essential part of our ongoing effort to reduce medical errors, improve patient outcomes, and encourage more Americans to become and remain nurses. The power of providers to force nurses to work beyond what is safe for themselves and their patients is one of the major disincentives to pursuing or continuing a career in nursing. The Safe Nursing and Patient Care Act is a significant step that Congress can take to support the Nation's nurses and I urge my colleagues to support it.

By Mr. WELLSTONE (for himself, Mr. DAYTON, and Mr. HARKIN):

S. 1704. A bill to amend the Clayton Act to make the antitrust laws applicable to the elimination or relocation of major league baseball franchises; to the Committee on the Judiciary.

Mr. WELLSTONE. Mr. President, today, along with Senators DAYTON and HARKIN, I am introducing the "Fairness in Antitrust in National Sports, FANS, Act of 2001." The goal of this important legislation is to limit major league baseball's antitrust exemption as it relates to decisions to eliminate or relocate a major league baseball team.

This is an important piece of legislation, made necessary by major league baseball owners' unfortunate decision last week to eliminate two teams, with the prospect of at least two more eliminations to come. I am pleased to say that Representative JOHN CONYERS, along with a number of other Members, including the entire Minnesota delegation, will be introducing an identical measure in the House today as well.

I have said on other occasions that I think this so-called "contraction" decision by major league baseball is a betrayal by owners who have put their own profits before loyalty to fans and their communities.

I know that there are a number of efforts to respond to this decision by the owners. The bill we are introducing today is but one of those. I expect the bill to be referred to the Judiciary Committees in the House and Senate and our hope is that the Committees in both Houses will be able to organize prompt hearings.

Our country has tremendously urgent priorities. We have the war in Afghanistan, the war against terrorism, and our urgent need for economic stimulus legislation to keep our nation from plummeting even further into recession. Unfortunately, however, major league baseball owners did not give us a choice on timing. They have picked a particularly inauspicious time to announce their unilateral, short-sighted and self-serving decision, so we must respond. Because they have further announced their intention to name in the near future the particular teams they plan to eliminate, we have no choice but to urge quick consideration of this legislation.

As I noted, the bill would limit baseball's antitrust exemption as it relates to decisions to eliminate or relocate a major league baseball team. The legislation subjects the owners to the antitrust laws when they unilaterally decide to eliminate or relocate a team.

In all other respects, the bill tracks the Curt Flood Act of 1997, which repealed the antitrust laws as they apply to the employment of major league baseball players. As with the Curt Flood Act, the bill is carefully crafted to ensure that it does not limit any prerogatives of the minor leagues.

We proceed from a pragmatic desire to achieve a broad base of support in Congress. With the help of the Administration, we could push this measure forward.

As Senator DAYTON and I noted last week in a letter to the President, achieving Congressional action on this legislation will be exceedingly difficult in view of other urgent legislative issues facing Congress and the Administration. We will need the President to weigh in on this and I once again call on him to do so.

Mr. President, we must act to hold major league baseball owners accountable for their decisions. I urge my colleagues to join us in co-sponsoring this measure.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2122. Mr. THOMAS submitted an amendment intended to be proposed by him to the bill H.R. 3090, to provide tax incentives for economic recovery; which was ordered to lie on the table.

SA 2123. Mr. THOMAS submitted an amendment intended to be proposed by him to the bill H.R. 3090, supra; which was ordered to lie on the table.

SA 2124. Mr. CRAIG submitted an amendment intended to be proposed by him to the bill H.R. 3090, supra; which was ordered to lie on the table.

SA 2125. Mr. BAUCUS proposed an amendment to the bill H.R. 3090, supra.

SA 2126. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 3090, supra; which was ordered to lie on the table.

SA 2127. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 3090, supra; which was ordered to lie on the table.

SA 2128. Mrs. LINCOLN submitted an amendment intended to be proposed by her to the bill H.R. 3090, supra; which was ordered to lie on the table.

SA 2129. Mrs. LINCOLN submitted an amendment intended to be proposed by her to the bill H.R. 3090, supra; which was ordered to lie on the table.

SA 2130. Mrs. LINCOLN submitted an amendment intended to be proposed by her to the bill H.R. 3090, supra; which was ordered to lie on the table.

SA 2131. Mrs. LINCOLN submitted an amendment intended to be proposed by her to the bill H.R. 3090, supra; which was ordered to lie on the table.

SA 2132. Mr. SMITH of Oregon submitted an amendment intended to be proposed by him to the bill H.R. 3090, supra; which was ordered to lie on the table.

SA 2133. Mr. SMITH of Oregon submitted an amendment intended to be proposed by him to the bill H.R. 3090, supra; which was ordered to lie on the table.

SA 2134. Mr. SMITH of Oregon submitted an amendment intended to be proposed by him to the bill H.R. 3090, supra; which was ordered to lie on the table.

SA 2135. Mr. SMITH of New Hampshire (for himself, Mr. INHOFE, and Mr. THOMAS) submitted an amendment intended to be proposed by him to the bill H.R. 3090, supra; which was ordered to lie on the table.

SA 2136. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill H.R. 3090, supra; which was ordered to lie on the table.

SA 2137. Mr. SPECTER (for himself and Mr. SANTORUM) submitted an amendment intended to be proposed by him to the bill H.R. 3090, supra; which was ordered to lie on the table.

SA 2138. Mr. GRAHAM (for himself, Mrs. LINCOLN, and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill H.R. 3090, supra; which was ordered to lie on the table.

SA 2139. Mr. GRAHAM (for himself and Mr. TORRICELLI) submitted an amendment intended to be proposed by him to the bill H.R. 3090, supra; which was ordered to lie on the table.

SA 2140. Mr. KERRY (for himself, Mr. LIEBERMAN, and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the bill H.R. 3090, supra; which was ordered to lie on the table.

SA 2141. Ms. COLLINS (for herself and Mr. WARNER) submitted an amendment intended to be proposed by her to the bill H.R. 3090, supra; which was ordered to lie on the table.

SA 2142. Mr. SMITH of New Hampshire (for himself and Mr. JEFFORDS) submitted an amendment intended to be proposed by him to the bill H.R. 3090, supra; which was ordered to lie on the table.

SA 2143. Mr. SMITH of New Hampshire submitted an amendment intended to be proposed by him to the bill H.R. 3090, supra; which was ordered to lie on the table.

SA 2144. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 3090, supra; which was ordered to lie on the table.

SA 2145. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 3090, supra; which was ordered to lie on the table.

SA 2146. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 3090, supra; which was ordered to lie on the table.

SA 2147. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 3090, supra; which was ordered to lie on the table.

SA 2148. Mr. JEFFORDS (for himself and Mr. SMITH of New Hampshire) submitted an amendment intended to be proposed by him to the bill H.R. 3090, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2122. Mr. THOMAS submitted an amendment intended to be proposed by him to the bill H.R. 3090, to provide tax incentives for economic recovery; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . MODIFICATIONS TO SMALL ISSUE BOND PROVISIONS.

(a) INCREASE IN AMOUNT OF QUALIFIED SMALL ISSUE BONDS PERMITTED FOR FACILITIES TO BE USED BY RELATED PRINCIPAL USERS.—

(1) IN GENERAL.—Clause (i) of section 144(a)(4)(A) (relating to \$10,000,000 limit in certain cases) is amended by striking “\$10,000,000” and inserting “\$20,000,000”.

(2) COST-OF-LIVING ADJUSTMENT.—Section 144(a)(4) is amended by adding at the end the following:

“(G) COST-OF-LIVING ADJUSTMENT.—In the case of a taxable year beginning in a calendar year after 2002, the \$20,000,000 amount under subparagraph (A) shall be increased by an amount equal to—

“(i) such dollar amount, multiplied by

“(ii) the cost-of-living adjustment under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting ‘calendar year 2001’ for ‘calendar year 1992’ in subparagraph (B) thereof.”

(3) CLERICAL AMENDMENT.—The heading of paragraph (4) of section 144(a) is amended by striking “\$10,000,000” and inserting “\$20,000,000”.

(4) EFFECTIVE DATE.—The amendments made by this subsection shall apply to—

(A) obligations issued after the date of the enactment of this Act, and

(B) capital expenditures made after such date with respect to obligations issued on or before such date.

(b) DEFINITION OF MANUFACTURING FACILITY.—

(1) IN GENERAL.—Section 144(a)(12)(C) (relating to definition of manufacturing facility) is amended to read as follows:

“(C) MANUFACTURING FACILITY.—For purposes of this paragraph, the term ‘manufacturing facility’ means any facility which is used in—

“(i) the manufacturing or production of tangible personal property (including the processing resulting in a change in the condition of such property),

“(ii) the manufacturing, development, or production of specifically developed software products or processes if—

“(I) it takes more than 6 months to develop or produce such products,

“(II) the development or production could not with due diligence be reasonably expected to occur in less than 6 months, and

“(III) the software product or process comprises programs, routines, and attendant documentation developed and maintained for use in computer and telecommunications technology, or

“(iii) the manufacturing, development, or production of specially developed biobased or bioenergy products or processes if—

“(I) it takes more than 6 months to develop or produce,

“(II) the development or production could not with due diligence be reasonably expected to occur in less than 6 months, and

“(III) the biobased or bioenergy product or process comprises products, processes, programs, routines, and attendant documentation developed and maintained for the utilization of biological materials in commercial or industrial products, for the utilization of renewable domestic agricultural or forestry materials in commercial or industrial products, or for the utilization of biomass materials.

“(D) RELATED FACILITIES.—For purposes of subparagraph (C), the term ‘manufacturing facility’ includes a facility which is directly and functionally related to a manufacturing facility (determined without regard to subparagraph (C)) if—

“(i) such facility, including an office facility and a research and development facility, is located on the same site as the manufacturing facility, and

“(ii) not more than 40 percent of the net proceeds of the issue are used to provide such facility,

but shall not include a facility used solely for research and development activities.”

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to obligations issued after the date of the enactment of this Act.

SA 2123. Mr. THOMAS submitted an amendment intended to be proposed by him to the bill H.R. 3090, to provide tax incentives for economic recovery; which was ordered to lie on the table; as follows:

At the appropriate place in title IX, insert the following:

SEC. 9 ____ . FEDERAL-AID HIGHWAY PROGRAMS.

(a) INCREASE IN OBLIGATION AUTHORITY.—

(1) IN GENERAL.—In addition to any obligation authority provided by any other law enacted before, on, or after the date of enactment of this Act, \$5,000,000,000 in obligation authority shall be made available for fiscal year 2002 for obligation of funds apportioned under section 104(b) of title 23, United States Code.

(2) DISTRIBUTION OF OBLIGATION AUTHORITY.—The obligation authority made available by paragraph (1) shall be distributed—

(A) to each State in accordance with the percentage specified for the State in section 105(b) of title 23, United States Code; and

(B) subject to the redistribution of unused obligation authority using the method prescribed in section 1102(d) of the Transportation Equity Act for the 21st Century (23 U.S.C. 104 note; 112 Stat. 117).

(b) TEMPORARY INCREASE OF FEDERAL SHARE.—

(1) DEFINITION OF QUALIFYING PROJECT.—In this section, the term “qualifying project” means a construction project under title 23, United States Code, with respect to which a project agreement is executed during the period beginning October 1, 2001, and ending September 30, 2002.

(2) INCREASED FEDERAL SHARE.—Notwithstanding any other provision of law, the Federal share of the cost of a qualifying project shall be a percentage of the cost of the qualifying project specified by the State, up to 100 percent.

(3) REPAYMENT.—

(A) IN GENERAL.—A State that receives an increased Federal share under paragraph (2) with respect to 1 or more qualifying projects shall repay to the United States the total amount of the increased Federal share with respect to all such qualifying projects of the State not later than September 30, 2003.

(B) TREATMENT.—Each repayment by a State under subparagraph (A) shall be deposited in the Highway Trust Fund and credited to the appropriate apportionment accounts of the State.

SA 2124. Mr. CRAIG submitted an amendment intended to be proposed by him to the bill H.R. 3090, to provide tax incentives for economic recovery; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following and redesignate accordingly:

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Securing America’s Future Energy Act of 2001” or the “SAFE Act of 2001”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

- Sec. 1. Short title and table of contents.
- Sec. 2. Energy policy.

DIVISION A

Sec. 100. Short title.

TITLE I—ENERGY CONSERVATION

Subtitle A—Reauthorization of Federal Energy Conservation Programs

Sec. 101. Authorization of appropriations.

Subtitle B—Federal Leadership in Energy Conservation

Sec. 121. Federal facilities and national energy security.

Sec. 122. Enhancement and extension of authority relating to Federal energy savings performance contracts.

Sec. 123. Clarification and enhancement of authority to enter utility incentive programs for energy savings.

Sec. 124. Federal central air conditioner and heat pump efficiency.

Sec. 125. Advanced building efficiency testbed.

Sec. 126. Use of interval data in Federal buildings.

Sec. 127. Review of Energy Savings Performance Contract program.

Sec. 128. Capitol complex.

Subtitle C—State Programs

Sec. 131. Amendments to State energy programs.

Sec. 132. Reauthorization of energy conservation program for schools and hospitals.

Sec. 133. Amendments to Weatherization Assistance Program.

Sec. 134. LIHEAP.

Sec. 135. High performance public buildings.

Subtitle D—Energy Efficiency for Consumer Products

Sec. 141. Energy Star program.

Sec. 141A. Energy sun renewable and alternative energy program.

Sec. 142. Labeling of energy efficient appliances.

Sec. 143. Appliance standards.

Subtitle E—Energy Efficient Vehicles

Sec. 151. High occupancy vehicle exception.

Sec. 152. Railroad efficiency.

Sec. 153. Biodiesel fuel use credits.

Sec. 154. Mobile to stationary source trading.

Subtitle F—Other Provisions

Sec. 161. Review of regulations to eliminate barriers to emerging energy technology.

Sec. 162. Advanced idle elimination systems.

Sec. 163. Study of benefits and feasibility of oil bypass filtration technology.

Sec. 164. Gas flare study.

Sec. 165. Telecommuting study.

TITLE II—AUTOMOBILE FUEL ECONOMY

Sec. 201. Average fuel economy standards for nonpassenger automobiles.

Sec. 202. Consideration of prescribing different average fuel economy standards for nonpassenger automobiles.

Sec. 203. Dual fueled automobiles.

Sec. 204. Fuel economy of the Federal fleet of automobiles.

Sec. 205. Hybrid vehicles and alternative vehicles.

Sec. 206. Federal fleet petroleum-based non-alternative fuels.

Sec. 207. Study of feasibility and effects of reducing use of fuel for automobiles.

TITLE III—NUCLEAR ENERGY

Sec. 301. License period.

Sec. 302. Cost recovery from Government agencies.

Sec. 303. Depleted uranium hexafluoride.

Sec. 304. Nuclear Regulatory Commission meetings.

Sec. 305. Cooperative research and development and special demonstration projects for the uranium mining industry.

Sec. 306. Maintenance of a viable domestic uranium conversion industry.

Sec. 307. Paducah decontamination and decommissioning plan.

Sec. 308. Study to determine feasibility of developing commercial nuclear energy production facilities at existing Department of Energy sites.

Sec. 309. Prohibition of commercial sales of uranium by the United States until 2009.

TITLE IV—HYDROELECTRIC ENERGY

Sec. 401. Alternative conditions and fishways.

Sec. 402. FERC data on hydroelectric licensing.

TITLE V—FUELS

Sec. 501. Tank draining during transition to summertime RFG.

Sec. 502. Gasoline blendstock requirements.

Sec. 503. Boutique fuels.

Sec. 504. Funding for MTBE contamination.

TITLE VI—RENEWABLE ENERGY

Sec. 601. Assessment of renewable energy resources.

Sec. 602. Renewable energy production incentive.

Sec. 603. Study of ethanol from solid waste loan guarantee program.

Sec. 604. Study of renewable fuel content.

TITLE VII—PIPELINES

Sec. 701. Prohibition on certain pipeline route.

Sec. 702. Historic pipelines.

TITLE VIII—MISCELLANEOUS PROVISIONS

Sec. 801. Waste reduction and use of alternatives.

Sec. 802. Annual report on United States energy independence.

Sec. 803. Study of aircraft emissions.

DIVISION B

Sec. 2001. Short title.

Sec. 2002. Findings.

Sec. 2003. Purposes.

Sec. 2004. Goals.

Sec. 2005. Definitions.

Sec. 2006. Authorizations.

Sec. 2007. Balance of funding priorities.

TITLE I—ENERGY CONSERVATION AND ENERGY EFFICIENCY

Subtitle A—Alternative Fuel Vehicles

Sec. 2101. Short title.

Sec. 2102. Definitions.

Sec. 2103. Pilot program.

Sec. 2104. Reports to Congress.

Sec. 2105. Authorization of appropriations.

Subtitle B—Distributed Power Hybrid Energy Systems

Sec. 2121. Findings.

Sec. 2122. Definitions.

Sec. 2123. Strategy.

Sec. 2124. High power density industry program.

Sec. 2125. Micro-cogeneration energy technology.

Sec. 2126. Program plan.

Sec. 2127. Report.

Sec. 2128. Voluntary consensus standards.

Subtitle C—Secondary Electric Vehicle Battery Use

Sec. 2131. Definitions.

Sec. 2132. Establishment of secondary electric vehicle battery use program.

Sec. 2133. Authorization of appropriations.

Subtitle D—Green School Buses

Sec. 2141. Short title.

Sec. 2142. Establishment of pilot program.

Sec. 2143. Fuel cell bus development and demonstration program.

Sec. 2144. Authorization of appropriations.

Subtitle E—Next Generation Lighting Initiative

Sec. 2151. Short title.

Sec. 2152. Definition.

Sec. 2153. Next Generation Lighting Initiative.

Sec. 2154. Study.

Sec. 2155. Grant program.

Subtitle F—Department of Energy Authorization of Appropriations

Sec. 2161. Authorization of appropriations.

Subtitle G—Environmental Protection Agency Office of Air and Radiation Authorization of Appropriations

Sec. 2171. Short title.
 Sec. 2172. Authorization of appropriations.
 Sec. 2173. Limits on use of funds.
 Sec. 2174. Cost sharing.
 Sec. 2175. Limitation on demonstration and commercial applications of energy technology.
 Sec. 2176. Reprogramming.
 Sec. 2177. Budget request format.
 Sec. 2178. Other provisions.

Subtitle H—National Building Performance Initiative

Sec. 2181. National Building Performance Initiative.

TITLE II—RENEWABLE ENERGY

Subtitle A—Hydrogen

Sec. 2201. Short title.
 Sec. 2202. Purposes.
 Sec. 2203. Definitions.
 Sec. 2204. Reports to Congress.
 Sec. 2205. Hydrogen research and development.
 Sec. 2206. Demonstrations.
 Sec. 2207. Technology transfer.
 Sec. 2208. Coordination and consultation.
 Sec. 2209. Advisory Committee.
 Sec. 2210. Authorization of appropriations.
 Sec. 2211. Repeal.

Subtitle B—Bioenergy

Sec. 2221. Short title.
 Sec. 2222. Findings.
 Sec. 2223. Definitions.
 Sec. 2224. Authorization.
 Sec. 2225. Authorization of appropriations.

Subtitle C—Transmission Infrastructure Systems

Sec. 2241. Transmission infrastructure systems research, development, demonstration, and commercial application.
 Sec. 2242. Program plan.
 Sec. 2243. Report.

Subtitle D—Department of Energy Authorization of Appropriations

Sec. 2261. Authorization of appropriations.

TITLE III—NUCLEAR ENERGY

Subtitle A—University Nuclear Science and Engineering

Sec. 2301. Short title.
 Sec. 2302. Findings.
 Sec. 2303. Department of Energy program.
 Sec. 2304. Authorization of appropriations.
 Subtitle B—Advanced Fuel Recycling Technology Research and Development Program

Sec. 2321. Program.

Subtitle C—Department of Energy Authorization of Appropriations

Sec. 2341. Nuclear Energy Research Initiative.
 Sec. 2342. Nuclear Energy Plant Optimization program.

Sec. 2343. Nuclear energy technologies.
 Sec. 2344. Authorization of appropriations.

TITLE IV—FOSSIL ENERGY

Subtitle A—Coal

Sec. 2401. Coal and related technologies programs.

SUBTITLE B—OIL AND GAS

Sec. 2421. Petroleum-oil technology.
 Sec. 2422. Natural gas.
 Sec. 2423. Natural gas and oil deposits report.
 Sec. 2424. Oil shale research.

Subtitle C—Ultra-Deepwater and Unconventional Drilling

Sec. 2441. Short title.
 Sec. 2442. Definitions.
 Sec. 2443. Ultra-deepwater program.

Sec. 2444. National Energy Technology Laboratory.

Sec. 2445. Advisory Committee.
 Sec. 2446. Research Organization.
 Sec. 2447. Grants.
 Sec. 2448. Plan and funding.
 Sec. 2449. Audit.
 Sec. 2450. Fund.
 Sec. 2451. Sunset.

Subtitle D—Fuel Cells

Sec. 2461. Fuel cells.

SUBTITLE E—DEPARTMENT OF ENERGY AUTHORIZATION OF APPROPRIATIONS

Sec. 2481. Authorization of appropriations.

TITLE V—SCIENCE

Subtitle A—Fusion Energy Sciences

Sec. 2501. Short title.
 Sec. 2502. Findings.
 Sec. 2503. Plan for fusion experiment.
 Sec. 2504. Plan for fusion energy sciences program.
 Sec. 2505. Authorization of appropriations.

Subtitle B—Spallation Neutron Source

Sec. 2521. Definition.
 Sec. 2522. Authorization of appropriations.
 Sec. 2523. Report.
 Sec. 2524. Limitations.

Subtitle C—Facilities, Infrastructure, and User Facilities

Sec. 2541. Definition.
 Sec. 2542. Facility and infrastructure support for nonmilitary energy laboratories.
 Sec. 2543. User facilities.

Subtitle D—Advisory Panel on Office of Science

Sec. 2561. Establishment.
 Sec. 2562. Report.

Subtitle E—Department of Energy Authorization of Appropriations

Sec. 2581. Authorization of appropriations.

TITLE VI—MISCELLANEOUS

Subtitle A—General Provisions for the Department of Energy

Sec. 2601. Research, development, demonstration, and commercial application of energy technology programs, projects, and activities.

Sec. 2602. Limits on use of funds.
 Sec. 2603. Cost sharing.
 Sec. 2604. Limitation on demonstration and commercial application of energy technology.

Sec. 2605. Reprogramming.

Subtitle B—Other Miscellaneous Provisions

Sec. 2611. Notice of reorganization.
 Sec. 2612. Limits on general plant projects.
 Sec. 2613. Limits on construction projects.
 Sec. 2614. Authority for conceptual and construction design.
 Sec. 2615. National Energy Policy Development Group mandated reports.
 Sec. 2616. Periodic reviews and assessments.

DIVISION D

Sec. 4101. Capacity building for energy-efficient, affordable housing.
 Sec. 4102. Increase of CDBG public services cap for energy conservation and efficiency activities.

Sec. 4103. FHA mortgage insurance incentives for energy efficient housing.

Sec. 4104. Public housing capital fund.

Sec. 4105. Grants for energy-conserving improvements for assisted housing.

Sec. 4106. North American Development Bank.

DIVISION E

Sec. 5000. Short title.

Sec. 5001. Findings.
 Sec. 5002. Definitions.
 Sec. 5003. Clean coal power initiative.
 Sec. 5004. Cost and performance goals.
 Sec. 5005. Authorization of appropriations.
 Sec. 5006. Project criteria.
 Sec. 5007. Study.
 Sec. 5008. Clean coal centers of excellence.

DIVISION F

Sec. 6000. Short title.

TITLE I—GENERAL PROTECTIONS FOR ENERGY SUPPLY AND SECURITY

Sec. 6101. Study of existing rights-of-way on Federal lands to determine capability to support new pipelines or other transmission facilities.

Sec. 6102. Inventory of energy production potential of all Federal public lands.

Sec. 6103. Review of regulations to eliminate barriers to emerging energy technology.

Sec. 6104. Interagency agreement on environmental review of interstate natural gas pipeline projects.

Sec. 6105. Enhancing energy efficiency in management of Federal lands.

Sec. 6106. Efficient infrastructure development.

TITLE II—OIL AND GAS DEVELOPMENT

Subtitle A—Offshore Oil and Gas

Sec. 6201. Short title.
 Sec. 6202. Lease sales in Western and Central Planning Area of the Gulf of Mexico.

Sec. 6203. Savings clause.
 Sec. 6204. Analysis of Gulf of Mexico field size distribution, international competitiveness, and incentives for development.

Subtitle B—Improvements to Federal Oil and Gas Management

Sec. 6221. Short title.
 Sec. 6222. Study of impediments to efficient lease operations.

Sec. 6223. Elimination of unwarranted denials and stays.

Sec. 6224. Limitations on cost recovery for applications.

Sec. 6225. Consultation with Secretary of Agriculture.

Subtitle C—Miscellaneous

Sec. 6231. Offshore subsalt development.
 Sec. 6232. Program on oil and gas royalties in kind.

Sec. 6233. Marginal well production incentives.

Sec. 6234. Reimbursement for costs of NEPA analyses, documentation, and studies.

Sec. 6235. Encouragement of State and provincial prohibitions on offshore drilling in the Great Lakes.

TITLE III—GEOTHERMAL ENERGY DEVELOPMENT

Sec. 6301. Royalty reduction and relief.

Sec. 6302. Exemption from royalties for direct use of low temperature geothermal energy resources.

Sec. 6303. Amendments relating to leasing on Forest Service lands.

Sec. 6304. Deadline for determination on pending noncompetitive lease applications.

Sec. 6305. Opening of public lands under military jurisdiction.

Sec. 6306. Application of amendments.

Sec. 6307. Review and report to Congress.

Sec. 6308. Reimbursement for costs of NEPA analyses, documentation, and studies.

TITLE IV—HYDROPOWER

- Sec. 6401. Study and report on increasing electric power production capability of existing facilities.
- Sec. 6402. Installation of powerformer at Folsom power plant, California.
- Sec. 6403. Study and implementation of increased operational efficiencies in hydroelectric power projects.
- Sec. 6404. Shift of project loads to off-peak periods.

TITLE V—ARCTIC COASTAL PLAIN DOMESTIC ENERGY

- Sec. 6501. Short title.
- Sec. 6502. Definitions.
- Sec. 6503. Leasing program for lands within the Coastal Plain.
- Sec. 6504. Lease sales.
- Sec. 6505. Grant of leases by the Secretary.
- Sec. 6506. Lease terms and conditions.
- Sec. 6507. Coastal Plain environmental protection.
- Sec. 6508. Expedited judicial review.
- Sec. 6509. Rights-of-way across the Coastal Plain.
- Sec. 6510. Conveyance.
- Sec. 6511. Local government impact aid and community service assistance.
- Sec. 6512. Revenue allocation.

- TITLE VI—CONSERVATION OF ENERGY BY THE DEPARTMENT OF THE INTERIOR**
- Sec. 6601. Energy conservation by the Department of the Interior.
- Sec. 6602. Amendment to Buy Indian Act.

TITLE VII—COAL

- Sec. 6701. Limitation on fees with respect to coal lease applications and document.
- Sec. 6702. Mining plans.
- Sec. 6703. Payment of advance royalties under coal leases.
- Sec. 6704. Elimination of deadline for submission of coal lease operation and reclamation plan.

TITLE VIII—INSULAR AREAS ENERGY SECURITY

- Sec. 6801. Insular areas energy security.

DIVISION G

- Sec. 7101. Buy American.

SEC. 2. ENERGY POLICY.

It shall be the sense of the Congress that the United States should take all actions necessary in the areas of conservation, efficiency, alternative energy sources, technology development, and domestic production to reduce the United States dependence on foreign energy sources from 56 percent to 45 percent by January 1, 2012, and to reduce United States dependence on Iraqi energy sources from 700,000 barrels per day to 250,000 barrels per day by January 1, 2012.

DIVISION A

SEC. 100. SHORT TITLE.

This division may be cited as the “Energy Advancement and Conservation Act of 2001”.

TITLE I—ENERGY CONSERVATION

Subtitle A—Reauthorization of Federal Energy Conservation Programs

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Section 660 of the Department of Energy Organization Act (42 U.S.C. 7270) is amended as follows:

- (1) By inserting “(a)” before “Appropriations”.
- (2) By inserting at the end the following new subsection:
- “(b) There are hereby authorized to be appropriated to the Department of Energy for fiscal year 2002, \$950,000,000; for fiscal year 2003, \$1,000,000,000; for fiscal year 2004,

\$1,050,000,000; for fiscal year 2005, \$1,100,000,000; and for fiscal year 2006, \$1,150,000,000, to carry out energy efficiency activities under the following laws, such sums to remain available until expended:

“(1) Energy Policy and Conservation Act, including section 256(d)(42 U.S.C. 6276(d)) (promote export of energy efficient products), sections 321 through 346 (42 U.S.C. 6291–6317) (appliances program).

“(2) Energy Conservation and Production Act, including sections 301 through 308 (42 U.S.C. 6831–6837) (energy conservation standards for new buildings).

“(3) National Energy Conservation Policy Act, including sections 541–551 (42 U.S.C. 8251–8259) (Federal Energy Management Program).

(4) Energy Policy Act of 1992, including sections 103 (42 U.S.C. 13458) (energy efficient lighting and building centers), 121 (42 U.S.C. 6292 note) (energy efficiency labeling for windows and window systems), 125 (42 U.S.C. 6292 note) (energy efficiency information for commercial office equipment), 126 (42 U.S.C. 6292 note) (energy efficiency information for luminaires), 131 (42 U.S.C. 6348) (energy efficiency in industrial facilities), and 132 (42 U.S.C. 6349) (process-oriented industrial energy efficiency).”.

Subtitle B—Federal Leadership in Energy Conservation

SEC. 121. FEDERAL FACILITIES AND NATIONAL ENERGY SECURITY.

(a) PURPOSE.—Section 542 of the National Energy Conservation Policy Act (42 U.S.C. 8252) is amended by inserting “, and generally to promote the production, supply, and marketing of energy efficiency products and services and the production, supply, and marketing of unconventional and renewable energy resources” after “by the Federal Government”.

(b) ENERGY MANAGEMENT REQUIREMENTS.—Section 543 of the National Energy Conservation Policy Act (42 U.S.C. 8253) is amended as follows:

- (1) In subsection (a)(1), by striking “during the fiscal year 1995” and all that follows through the end and inserting “during—
- “(1) fiscal year 1995 is at least 10 percent;
- “(2) fiscal year 2000 is at least 20 percent;
- “(3) fiscal year 2005 is at least 30 percent;
- “(4) fiscal year 2010 is at least 35 percent;
- “(5) fiscal year 2015 is at least 40 percent;
- and
- “(6) fiscal year 2020 is at least 45 percent,

less than the energy consumption per gross square foot of its Federal buildings in use during fiscal year 1985. To achieve the reductions required by this paragraph, an agency shall make maximum practicable use of energy efficiency products and services and unconventional and renewable energy resources, using guidelines issued by the Secretary under subsection (d) of this section.”.

(2) In subsection (d), by inserting “Such guidelines shall include appropriate model technical standards for energy efficiency and unconventional and renewable energy resources products and services. Such standards shall reflect, to the extent practicable, evaluation of both currently marketed and potentially marketable products and services that could be used by agencies to improve energy efficiency and increase unconventional and renewable energy resources.” after “implementation of this part.”.

(3) By adding at the end the following new subsection:

“(e) STUDIES.—To assist in developing the guidelines issued by the Secretary under subsection (d) and in furtherance of the purposes of this section, the Secretary shall conduct

studies to identify and encourage the production and marketing of energy efficiency products and services and unconventional and renewable energy resources. To conduct such studies, and to provide grants to accelerate the use of unconventional and renewable energy, there are authorized to be appropriated to the Secretary \$20,000,000 for each of the fiscal years 2003 through 2010.”.

(c) DEFINITION.—Section 551 of the National Energy Conservation Policy Act (42 U.S.C. 8259) is amended as follows:

(1) By striking “and” at the end of paragraph (8).

(2) By striking the period at the end of paragraph (9) and inserting “; and”.

(3) By adding at the end the following new paragraph:

“(10) the term “unconventional and renewable energy resources” includes renewable energy sources, hydrogen, fuel cells, cogeneration, combined heat and power, heat recovery (including by use of a Stirling heat engine), and distributed generation.”.

(d) EXCLUSIONS FROM REQUIREMENT.—The National Energy Conservation Policy Act (42 U.S.C. 7201 and following) is amended as follows:

(1) In section 543(a)—

(A) by striking “(1) Subject to paragraph (2)” and inserting “Subject to subsection (c)”; and

(B) by striking “(2) An agency” and all that follows through “such exclusion.”.

(2) By amending subsection (c) of such section 543 to read as follows:

“(c) EXCLUSIONS.—(1) A Federal building may be excluded from the requirements of subsections (a) and (b) only if—

“(A) the President declares the building to require exclusion for national security reasons; and

“(B) the agency responsible for the building has—

“(i) completed and submitted all federally required energy management reports; and

“(ii) achieved compliance with the energy efficiency requirements of this Act, the Energy Policy Act of 1992, Executive Orders, and other Federal law;

“(iii) implemented all practical, life cycle cost-effective projects in the excluded building.

“(2) The President shall only declare buildings described in paragraph (1)(A) to be excluded, not ancillary or nearby facilities that are not in themselves national security facilities.”.

(3) In section 548(b)(1)(A)—

(A) by striking “copy of the”; and

(B) by striking “sections 543(a)(2) and 543(c)(3)” and inserting “section 543(c)”.

(e) ACQUISITION REQUIREMENT.—Section 543(b) of such Act is amended—

(1) in paragraph (1), by striking “(1) Not” and inserting “(1) Except as provided in paragraph (5), not”; and

(2) by adding at the end the following new paragraph:

“(5)(A)(i) Agencies shall select only Energy Star products when available when acquiring energy-using products. For product groups where Energy Star labels are not yet available, agencies shall select products that are in the upper 25 percent of energy efficiency as designated by FEMP. In the case of electric motors of 1 to 500 horsepower, agencies shall select only premium efficiency motors that meet a standard designated by the Secretary, and shall replace (not rewind) failed motors with motors meeting such standard. The Secretary shall designate such standard within 90 days of the enactment of paragraph, after considering recommendations by

the National Electrical Manufacturers Association. The Secretary of Energy shall develop guidelines within 180 days after the enactment of this paragraph for exemptions to this section when equivalent products do not exist, are impractical, or do not meet the agency mission requirements.

“(ii) The Administrator of the General Services Administration and the Secretary of Defense (acting through the Defense Logistics Agency), with assistance from the Administrator of the Environmental Protection Agency and the Secretary of Energy, shall create clear catalogue listings that designate Energy Star products in both print and electronic formats. After any existing federal inventories are exhausted, Administrator of the General Services Administration and the Secretary of Defense (acting through the Defense Logistics Agency) shall only replace inventories with energy-using products that are Energy Star, products that are rated in the top 25 percent of energy efficiency, or products that are exempted as designated by FEMP and defined in clause (i).

“(iii) Agencies shall incorporate energy-efficient criteria consistent with Energy Star and other FEMP designated energy efficiency levels into all guide specifications and project specifications developed for new construction and renovation, as well as into product specification language developed for Basic Ordering Agreements, Blanket Purchasing Agreements, Government Wide Acquisition Contracts, and all other purchasing procedures.

“(iv) The legislative branch shall be subject to this subparagraph to the same extent and in the same manner as are the Federal agencies referred to in section 521(1).

“(B) Not later than 6 months after the date of the enactment of this paragraph, the Secretary of Energy shall establish guidelines defining the circumstances under which an agency shall not be required to comply with subparagraph (A). Such circumstances may include the absence of Energy Star products, systems, or designs that serve the purpose of the agency, issues relating to the compatibility of a product, system, or design with existing buildings or equipment, and excessive cost compared to other available and appropriate products, systems, or designs.

“(C) Subparagraph (A) shall apply to agency acquisitions occurring on or after October 1, 2002.”

(f) **METERING.**—Section 543 of such Act (42 U.S.C. 8254) is amended by adding at the end the following new subsection:

“(f) **METERING.**—(1) By October 1, 2004, all Federal buildings including buildings owned by the legislative branch and the Federal court system and other energy-using structures shall be metered or submetered in accordance with guidelines established by the Secretary under paragraph (2).

“(2) Not later than 6 months after the date of the enactment of this subsection, the Secretary, in consultation with the General Services Administration and representatives from the metering industry, energy services industry, national laboratories, colleges of higher education, and federal facilities energy managers, shall establish guidelines for agencies to carry out paragraph (1). Such guidelines shall take into consideration each of the following:

“(A) Cost.

“(B) Resources, including personnel, required to maintain, interpret, and report on data so that the meters are continually reviewed.

“(C) Energy management potential.

“(D) Energy savings.

“(E) Utility contract aggregation.

“(F) Savings from operations and maintenance.

“(3) A building shall be exempt from the requirement of this section to the extent that compliance is deemed impractical by the Secretary. A finding of impracticability shall be based on the same factors as identified in subsection (c) of this section.”

(g) **RETENTION OF ENERGY SAVINGS.**—Section 546 of such Act (42 U.S.C. 8256) is amended by adding at the end the following new subsection:

“(e) **RETENTION OF ENERGY SAVINGS.**—An agency may retain any funds appropriated to that agency for energy expenditures, at buildings subject to the requirements of section 543(a) and (b), that are not made because of energy savings. Except as otherwise provided by law, such funds may be used only for energy efficiency or unconventional and renewable energy resources projects.”

(h) **REPORTS.**—Section 548 of such Act (42 U.S.C. 8258) is amended as follows:

(1) In subsection (a)—

(A) by inserting “in accordance with guidelines established by and” after “to the Secretary.”;

(B) by striking “and” at the end of paragraph (1);

(C) by striking the period at the end of paragraph (2) and inserting “; and”; and

(D) by adding at the end the following new paragraph:

“(3) an energy emergency response plan developed by the agency.”

(2) In subsection (b)—

(A) by striking “and” at the end of paragraph (3);

(B) by striking the period at the end of paragraph (4) and inserting “; and”; and

(C) by adding at the end the following new paragraph:

“(5) all information transmitted to the Secretary under subsection (a).”

(3) By amending subsection (c) to read as follows:

“(c) **AGENCY REPORTS TO CONGRESS.**—Each agency shall annually report to the Congress, as part of the agency’s annual budget request, on all of the agency’s activities implementing any Federal energy management requirement.”

(i) **INSPECTOR GENERAL ENERGY AUDITS.**—Section 160(c) of the Energy Policy Act of 1992 (42 U.S.C. 8262f(c)) is amended by striking “is encouraged to conduct periodic” and inserting “shall conduct periodic”.

(j) **FEDERAL ENERGY MANAGEMENT REVIEWS.**—Section 543 of the National Energy Conservation Policy Act (42 U.S.C. 8253) is amended by adding at the end the following:

“(g) **PRIORITY RESPONSE REVIEWS.**—Each agency shall—

“(1) not later than 9 months after the date of the enactment of this subsection, undertake a comprehensive review of all practicable measures for—

“(A) increasing energy and water conservation, and

“(B) using renewable energy sources; and

“(2) not later than 180 days after completing the review, develop plans to achieve not less than 50 percent of the potential efficiency and renewable savings identified in the review. The agency shall implement such measures as soon thereafter as is practicable, consistent with compliance with the requirements of this section.”

SEC. 122. ENHANCEMENT AND EXTENSION OF AUTHORITY RELATING TO FEDERAL ENERGY SAVINGS PERFORMANCE CONTRACTS.

(a) **EXPANSION OF DEFINITION OF ENERGY SAVINGS TO INCLUDE WATER.**—

(1) **ENERGY SAVINGS.**—Section 804(2) of the National Energy Conservation Policy Act (42 U.S.C. 8287c(2)) is amended to read as follows:

“(2) The term “energy savings” means a reduction in the cost of energy or water, from a base cost established through a methodology set forth in the contract, used in an existing federally owned building or buildings or other federally owned facilities as a result of—

“(i) the lease or purchase of operating equipment, improvements, altered operation and maintenance, or technical services;

“(ii) the increased efficient use of existing energy sources by solar and ground source geothermal resources, cogeneration or heat recovery (including by the use of a Stirling heat engine), excluding any cogeneration process for other than a federally owned building or buildings or other federally owned facilities; or

“(iii) the increased efficient use of existing water sources.”

(2) **ENERGY SAVINGS CONTRACT.**—Section 804(3) of the National Energy Conservation Policy Act (42 U.S.C. 8287c(3)) is amended to read as follows:

“(3) The terms “energy savings contract” and “energy savings performance contract” mean a contract which provides for the performance of services for the design, acquisition, installation, testing, operation, and, where appropriate, maintenance and repair, of an identified energy or water conservation measure or series of measures at one or more locations.”

(3) **ENERGY OR WATER CONSERVATION MEASURE.**—Section 804(4) of the National Energy Conservation Policy Act (42 U.S.C. 8287c(4)) is amended to read as follows:

“(4) The term “energy or water conservation measure” means—

“(A) an energy conservation measure, as defined in section 551(4) (42 U.S.C. 8259(4)); or

“(B) a water conservation measure that improves water efficiency, is life cycle cost effective, and involves water conservation, water recycling or reuse, improvements in operation or maintenance efficiencies, retrofit activities, or other related activities, not at a Federal hydroelectric facility.”

(4) **CONFORMING AMENDMENT.**—Section 801(a)(2)(C) of the National Energy Conservation Policy Act (42 U.S.C. 8287(a)(2)(C)) is amended by inserting “or water” after “financing energy”.

(b) **EXTENSION OF AUTHORITY.**—Section 801(c) of the National Energy Conservation Policy Act (42 U.S.C. 8287(c)) is repealed.

(c) **CONTRACTING AND AUDITING.**—Section 801(a)(2) of the National Energy Conservation Policy Act (42 U.S.C. 8287(a)(2)) is amended by adding at the end the following new subparagraph:

“(E) A Federal agency shall engage in contracting and auditing to implement energy savings performance contracts as necessary and appropriate to ensure compliance with the requirements of this Act, particularly the energy efficiency requirements of section 543.”

SEC. 123. CLARIFICATION AND ENHANCEMENT OF AUTHORITY TO ENTER UTILITY INCENTIVE PROGRAMS FOR ENERGY SAVINGS.

Section 546(c) of the National Energy Conservation Policy Act (42 U.S.C. 8256(c)) is amended as follows:

(1) In paragraph (3) by adding at the end the following: “Such a utility incentive program may include a contract or contract term designed to provide for cost-effective electricity demand management, energy efficiency, or water conservation.”

(2) By adding at the end of the following new paragraph:

“(6) Federal agencies are encouraged to participate in State or regional demand side reduction programs, including those operated by wholesale market institutions such as independent system operators, regional transmission organizations and other entities. The availability of such programs, and the savings resulting from such participation, should be included in the evaluation of energy options for Federal facilities.”.

SEC. 124. FEDERAL CENTRAL AIR CONDITIONER AND HEAT PUMP EFFICIENCY.

(a) **REQUIREMENT.**—Federal agencies shall be required to acquire central air conditioners and heat pumps that meet or exceed the standards established under subsection (b) or (c) in the case of all central air conditioners and heat pumps acquired after the date of the enactment of this Act.

(b) **STANDARDS.**—The standards referred to in subsection (a) are the following:

(1) For air-cooled air conditioners with cooling capacities of less than 65,000 Btu/hour, a Seasonal Energy Efficiency Ratio of 12.0.

(2) For air-source heat pumps with cooling capacities less than 65,000 Btu/hour, a Seasonal Energy Efficiency Ratio of 12 SEER, and a Heating Seasonal Performance Factor of 7.4.

(c) **MODIFIED STANDARDS.**—The Secretary of Energy may establish, after appropriate notice and comment, revised standards providing for reduced energy consumption or increased energy efficiency of central air conditioners and heat pumps acquired by the Federal Government, but may not establish standards less rigorous than those established by subsection (b).

(d) **DEFINITIONS.**—For purposes of this section, the terms “Energy Efficiency Ratio”, “Seasonal Energy Efficiency Ratio”, “Heating Seasonal Performance Factor”, and “Coefficient of Performance” have the meanings used for those terms in Appendix M to Subpart B of Part 430 of title 10 of the Code of Federal Regulations, as in effect on May 24, 2001.

(e) **EXEMPTIONS.**—An agency shall be exempt from the requirements of this section with respect to air conditioner or heat pump purchases for particular uses where the agency head determines that purchase of a air conditioner or heat pump for such use would be impractical. A finding of impracticability shall be based on whether—

(1) the energy savings pay-back period for such purchase would be less than 10 years;

(2) space constraints or other technical factors would make compliance with this section cost-prohibitive; or

(3) in the case of the Departments of Defense and Energy, compliance with this section would be inconsistent with the proper discharge of national security functions.

SEC. 125. ADVANCED BUILDING EFFICIENCY TESTBED.

(a) **ESTABLISHMENT.**—The Secretary of Energy shall establish an Advanced Building Efficiency Testbed program for the development, testing, and demonstration of advanced engineering systems, components, and materials to enable innovations in building technologies. The program shall evaluate government and industry building efficiency concepts, and demonstrate the ability of next generation buildings to support individual and organizational productivity and health as well as flexibility and technological change to improve environmental sustainability.

(b) **PARTICIPANTS.**—The program established under subsection (a) shall be led by a university having demonstrated experience

with the application of intelligent workplaces and advanced building systems in improving the quality of built environments. Such university shall also have the ability to combine the expertise from more than 12 academic fields, including electrical and computer engineering, computer science, architecture, urban design, and environmental and mechanical engineering. Such university shall partner with other universities and entities who have established programs and the capability of advancing innovative building efficiency technologies.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Secretary of Energy to carry out this section \$18,000,000 for fiscal year 2002, to remain available until expended, of which \$6,000,000 shall be provided to the lead university described in subsection (b), and the remainder shall be provided equally to each of the other participants referred to in subsection (b).

SEC. 126. USE OF INTERVAL DATA IN FEDERAL BUILDINGS.

Section 543 of the National Energy Conservation Policy Act (42 U.S.C. 8253) is amended by adding at the end the following new subsection: “(h) **USE OF INTERVAL DATA IN FEDERAL BUILDINGS.**—Not later than January 1, 2003, each agency shall utilize, to the maximum extent practicable, for the purposes of efficient use of energy and reduction in the cost of electricity consumed in its Federal buildings, interval consumption data that measure on a real time or daily basis consumption of electricity in its Federal buildings. To meet the requirements of this subsection each agency shall prepare and submit at the earliest opportunity pursuant to section 548(a) to the Secretary, a plan describing how the agency intends to meet such requirements, including how it will designate personnel primarily responsible for achieving such requirements, and otherwise implement this subsection.”.

SEC. 127. REVIEW OF ENERGY SAVINGS PERFORMANCE CONTRACT PROGRAM.

Within 180 days after the date of the enactment of this Act, the Secretary of Energy shall complete a review of the Energy Savings Performance Contract program to identify statutory, regulatory, and administrative obstacles that prevent Federal agencies from fully utilizing the program. In addition, this review shall identify all areas for increasing program flexibility and effectiveness, including audit and measurement verification requirements, accounting for energy use in determining savings, contracting requirements, and energy efficiency services covered. The Secretary shall report these findings to the Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate, and shall implement identified administrative and regulatory changes to increase program flexibility and effectiveness to the extent that such changes are consistent with statutory authority.

SEC. 128. CAPITOL COMPLEX.

(a) **ENERGY INFRASTRUCTURE.**—The Architect of the Capitol, building on the Master Plan Study completed in July 2000, shall commission a study to evaluate the energy infrastructure of the Capital Complex to determine how the infrastructure could be augmented to become more energy efficient, using unconventional and renewable energy resources, in a way that would enable the Complex to have reliable utility service in the event of power fluctuations, shortages, or outages.

(b) **AUTHORIZATION.**—There is authorized to be appropriated to the Architect of the Capitol to carry out this section, not more than \$2,000,000 for fiscal years after the enactment of this Act.

Subtitle C—State Programs

SEC. 131. AMENDMENTS TO STATE ENERGY PROGRAMS.

(a) **STATE ENERGY CONSERVATION PLANS.**—Section 362 of the Energy Policy and Conservation Act (42 U.S.C. 6322) is amended by inserting at the end the following new subsection:

“(g) The Secretary shall, at least once every 3 years, invite the Governor of each State to review and, if necessary, revise the energy conservation plan of such State submitted under subsection (b) or (e). Such reviews should consider the energy conservation plans of other States within the region, and identify opportunities and actions carried out in pursuit of common energy conservation goals.”.

(b) **STATE ENERGY EFFICIENCY GOALS.**—Section 364 of the Energy Policy and Conservation Act (42 U.S.C. 6324) is amended by inserting “Each State energy conservation plan with respect to which assistance is made available under this part on or after the date of the enactment of Energy Advancement and Conservation Act of 2001, shall contain a goal, consisting of an improvement of 25 percent or more in the efficiency of use of energy in the State concerned in the calendar year 2010 as compared to the calendar year 1990, and may contain interim goals.” after “contain interim goals.”.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—Section 365(f) of the Energy Policy and Conservation Act (42 U.S.C. 6325(f)) is amended by striking “for fiscal years 1999 through 2003 such sums as may be necessary” and inserting “\$75,000,000 for fiscal year 2002, \$100,000,000 for fiscal years 2003 and 2004, \$125,000,000 for fiscal year 2005”.

SEC. 132. REAUTHORIZATION OF ENERGY CONSERVATION PROGRAM FOR SCHOOLS AND HOSPITALS.

Section 397 of the Energy Policy and Conservation Act (42 U.S.C. 6371f) is amended by striking “2003” and inserting “2010”.

SEC. 133. AMENDMENTS TO WEATHERIZATION ASSISTANCE PROGRAM.

Section 422 of the Energy Conservation and Production Act (42 U.S.C. 6872) is amended by striking “for fiscal years 1999 through 2003 such sums as may be necessary” and inserting “\$273,000,000 for fiscal year 2002, \$325,000,000 for fiscal year 2003, \$400,000,000 for fiscal year 2004, and \$500,000,000 for fiscal year 2005”.

SEC. 134. LIHEAP.

(a) **AUTHORIZATION OF APPROPRIATIONS.**—Section 2602(b) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621(b)) is amended by striking the first sentence and inserting the following: “There are authorized to be appropriated to carry out the provisions of this title (other than section 2607A), \$3,400,000,000 for each of fiscal years 2001 through 2005.”.

(b) **GAO STUDY.**—The Comptroller General of the United States shall conduct a study to determine—

(1) the extent to which Low-Income Home Energy Assistance (LIHEAP) and other government energy subsidies paid to consumers discourage or encourage energy conservation and energy efficiency investments when compared to structures of the same physical description and occupancy in compatible geographic locations;

(2) the extent to which education could increase the conservation of low-income households who opt to receive supplemental income instead of Low-Income Home Energy Assistance funds;

(3) the benefit in energy efficiency and energy savings that can be achieved through the annual maintenance of heating and cooling appliances in the homes of those receiving Low-Income Home Energy Assistance funds; and

(4) the loss of energy conservation that results from structural inadequacies in a structure that is unhealthy, not energy efficient, and environmentally unsound and that receives Low-Income Home Energy Assistance funds for weatherization.

SEC. 135. HIGH PERFORMANCE PUBLIC BUILDINGS.

(a) PROGRAM ESTABLISHMENT AND ADMINISTRATION.—

(1) ESTABLISHMENT.—There is established in the Department of Energy the High Performance Public Buildings Program (in this section referred to as the “Program”).

(2) IN GENERAL.—The Secretary of Energy may, through the Program, make grants—

(A) to assist units of local government in the production, through construction or renovation of buildings and facilities they own and operate, of high performance public buildings and facilities that are healthful, productive, energy efficient, and environmentally sound;

(B) to State energy offices to administer the program of assistance to units of local government pursuant to this section; and

(C) to State energy offices to promote participation by units of local government in the Program.

(3) GRANTS TO ASSIST UNITS OF LOCAL GOVERNMENT.—Grants under paragraph (2)(A) for new public buildings shall be used to achieve energy efficiency performance that reduces energy use at least 30 percent below that of a public building constructed in compliance with standards prescribed in Chapter 8 of the 2000 International Energy Conservation Code, or a similar State code intended to achieve substantially equivalent results. Grants under paragraph (2)(A) for existing public buildings shall be used to achieve energy efficiency performance that reduces energy use below the public building baseline consumption, assuming a 3-year, weather-normalized average for calculating such baseline. Grants under paragraph (2)(A) shall be made to units of local government that have—

(A) demonstrated a need for such grants in order to respond appropriately to increasing population or to make major investments in renovation of public buildings; and

(B) made a commitment to use the grant funds to develop high performance public buildings in accordance with a plan developed and approved pursuant to paragraph (5)(A).

(4) OTHER GRANTS.—

(A) GRANTS FOR ADMINISTRATION.—Grants under paragraph (2)(B) shall be used to evaluate compliance by units of local government with the requirements of this section, and in addition may be used for—

(i) distributing information and materials to clearly define and promote the development of high performance public buildings for both new and existing facilities;

(ii) organizing and conducting programs for local government personnel, architects, engineers, and others to advance the concepts of high performance public buildings;

(iii) obtaining technical services and assistance in planning and designing high performance public buildings; and

(iv) collecting and monitoring data and information pertaining to the high performance public building projects.

(B) GRANTS TO PROMOTE PARTICIPATION.—Grants under paragraph (2)(C) may be used for promotional and marketing activities, including facilitating private and public financing, promoting the use of energy service companies, working with public building users, and communities, and coordinating public benefit programs.

(5) IMPLEMENTATION.—

(A) PLANS.—A grant under paragraph (2)(A) shall be provided only to a unit of local government that, in consultation with its State office of energy, has developed a plan that the State energy office determines to be feasible and appropriate in order to achieve the purposes for which such grants are made.

(B) SUPPLEMENTING GRANT FUNDS.—State energy offices shall encourage qualifying units of local government to supplement their grant funds with funds from other sources in the implementation of their plans.

(b) ALLOCATION OF FUNDS.—

(1) IN GENERAL.—Except as provided in paragraph (3), funds appropriated to carry out this section shall be provided to State energy offices.

(2) PURPOSES.—Except as provided in paragraph (3), funds appropriated to carry out this section shall be allocated as follows:

(A) Seventy percent shall be used to make grants under subsection (a)(2)(A).

(B) Fifteen percent shall be used to make grants under subsection (a)(2)(B).

(C) Fifteen percent shall be used to make grants under subsection (a)(2)(C).

(3) OTHER FUNDS.—The Secretary of Energy may retain not to exceed \$300,000 per year from amounts appropriated under subsection (c) to assist State energy offices in coordinating and implementing the Program. Such funds may be used to develop reference materials to further define the principles and criteria to achieve high performance public buildings.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Energy to carry out this section such sums as may be necessary for each of the fiscal years 2002 through 2010.

(d) REPORT TO CONGRESS.—The Secretary of Energy shall conduct a biennial review of State actions implementing this section, and the Secretary shall report to Congress on the results of such reviews. In conducting such reviews, the Secretary shall assess the effectiveness of the calculation procedures used by the States in establishing eligibility of units of local government for funding under this section, and may assess other aspects of the State program to determine whether they have been effectively implemented.

(e) DEFINITIONS.—For purposes of this section:

(1) HIGH PERFORMANCE PUBLIC BUILDING.—The term “high performance public building” means a public building which, in its design, construction, operation, and maintenance, maximizes use of unconventional and renewable energy resources and energy efficiency practices, is cost-effective on a life cycle basis, uses affordable, environmentally preferable, durable materials, enhances indoor environmental quality, protects and conserves water, and optimizes site potential.

(2) RENEWABLE ENERGY.—The term “renewable energy” means energy produced by solar, wind, geothermal, hydroelectric, or biomass power.

(3) UNCONVENTIONAL AND RENEWABLE ENERGY RESOURCES.—The term “unconven-

tional and renewable energy resources” means renewable energy, hydrogen, fuel cells, cogeneration, combined heat and power, heat recovery (including by use of a Stirling heat engine), and distributed generation.

Subtitle D—Energy Efficiency for Consumer Products

SEC. 141. ENERGY STAR PROGRAM.

(a) AMENDMENT.—The Energy Policy and Conservation Act (42 U.S.C. 6201 and following) is amended by inserting the following after section 324:

“SEC. 324A. ENERGY STAR PROGRAM.

“(a) IN GENERAL.—There is established at the Department of Energy and the Environmental Protection Agency a program to identify and promote energy-efficient products and buildings in order to reduce energy consumption, improve energy security, and reduce pollution through labeling of products and buildings that meet the highest energy efficiency standards. Responsibilities under the program shall be divided between the Department of Energy and the Environmental Protection Agency consistent with the terms of agreements between the two agencies. The Administrator and the Secretary shall—

“(1) promote Energy Star compliant technologies as the preferred technologies in the marketplace for achieving energy efficiency and to reduce pollution;

“(2) work to enhance public awareness of the Energy Star label; and

“(3) preserve the integrity of the Energy Star label.

For the purposes of carrying out this section, there is authorized to be appropriated for fiscal years 2002 through 2006 such sums as may be necessary, to remain available until expended.

“(b) STUDY OF CERTAIN PRODUCTS AND BUILDINGS.—Within 180 days after the date of the enactment of this section, the Secretary and the Administrator, consistent with the terms of agreements between the two agencies (including existing agreements with respect to which agency shall handle a particular product or building), shall determine whether the Energy Star label should be extended to additional products and buildings, including the following:

“(1) Air cleaners.

“(2) Ceiling fans.

“(3) Light commercial heating and cooling products.

“(4) Reach-in refrigerators and freezers.

“(5) Telephony.

“(6) Vending machines.

“(7) Residential water heaters.

“(8) Refrigerated beverage merchandisers.

“(9) Commercial ice makers.

“(10) School buildings.

“(11) Retail buildings.

“(12) Health care facilities.

“(13) Homes.

“(14) Hotels and other commercial lodging facilities.

“(15) Restaurants and other food service facilities.

“(16) Solar water heaters.

“(17) Building-integrated photovoltaic systems.

“(18) Reflective pigment coatings.

“(19) Windows.

“(20) Boilers.

“(21) Devices to extend the life of motor vehicle oil.

“(c) COOL ROOFING.—In determining whether the Energy Star label should be extended to roofing products, the Secretary and the Administrator shall work with the roofing

products industry to determine the appropriate solar reflective index of roofing products.”

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents of the Energy Policy and Conservation Act is amended by inserting after the item relating to section 324 the following new item:

“Sec. 324A. Energy Star program.”

SEC. 141A. ENERGY SUN RENEWABLE AND ALTERNATIVE ENERGY PROGRAM.

(a) AMENDMENT.—The Energy Policy and Conservation Act (42 U.S.C. 6201 and following) is amended by inserting the following after section 324A:

“SEC. 324B. ENERGY SUN RENEWABLE AND ALTERNATIVE ENERGY PROGRAM.

“(a) PROGRAM.—There is established at the Environmental Protection Agency and the Department of Energy a government-industry partnership program to identify and promote the purchase of renewable and alternative energy products, to recognize companies that purchase renewable and alternative energy products for the environmental and energy security benefits of such purchases, and to educate consumers about the environmental and energy security benefits of renewable and alternative energy. Responsibilities under the program shall be divided between the Environmental Protection Agency and the Department of Energy consistent with the terms of agreements between the two agencies. The Administrator of the Environmental Protection Agency and the Secretary of Energy—

“(1) establish an Energy Sun label for renewable and alternative energy products and technologies that the Administrator or the Secretary (consistent with the terms of agreements between the two agencies regarding responsibility for specific product categories) determine to have substantial environmental and energy security benefits and commercial marketability.

“(2) establish an Energy Sun Company program to recognize private companies that draw a substantial portion of their energy from renewable and alternative sources that provide substantial environmental and energy security benefits, as determined by the Administrator or the Secretary.

“(3) promote Energy Sun compliant products and technologies as the preferred products and technologies in the marketplace for reducing pollution and achieving energy security; and

“(4) work to enhance public awareness and preserve the integrity of the Energy Sun label.

For the purposes of carrying out this section, there is authorized to be appropriated \$10,000,000 for each of fiscal years 2002 through 2006.

(b) STUDY OF CERTAIN PRODUCTS, TECHNOLOGIES, AND BUILDINGS.—Within 18 months after the enactment of this section, the Administrator and the Secretary, consistent with the terms of agreements between the two agencies, shall conduct a study to determine whether the Energy Sun label should be authorized for products, technologies, and buildings in the following categories:

“(1) Passive solar, solar thermal, concentrating solar energy, solar water heating, and related solar products and building technologies.

“(2) Solar photovoltaics and other solar electric power generation technologies.

“(3) Wind.

“(4) Geothermal.

“(5) Biomass.

“(6) Distributed energy (including, but not limited to, microturbines, combined heat

and power, fuel cells, and stirling heat engines).

“(7) Green power or other renewables and alternative based electric power products (including green tag credit programs) sold to retail consumers of electricity.

“(8) Homes.

“(9) School buildings.

“(10) Retail buildings.

“(11) Health care facilities.

“(12) Hotels and other commercial lodging facilities.

“(13) Restaurants and other food service facilities.

“(14) Rest area facilities along interstate highways.

“(15) Sports stadia, arenas, and concert facilities.

“(16) Any other product, technology or building category, the accelerated recognition of which the Administrator or the Secretary determines to be necessary or appropriate for the achievement of the purposes of this section.

Nothing in this subsection shall be construed to limit the discretion of the Administrator or the Secretary under subsection (a)(1) to include in the Energy Sun program additional products, technologies, and buildings not listed in this subsection. Participation by private-sector entities in programs or studies authorized by this section shall be (A) voluntary, and (B) by permission of the Administrator or Secretary, on terms and conditions the Administrator or the Secretary (consistent with agreements between the agencies) deems necessary or appropriate to carry out the purposes and requirements of this section.

“(c) DEFINITION.—For the purposes of this section, the term “renewable and alternative energy” shall have the same meaning as the term “unconventional and renewable energy resources” in Section 551 of the National Energy Conservation Policy Act (42 U.S.C. 8259).”

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents of the Energy Policy and Conservation Act is amended by inserting after the item relating to section 324A the following new item:

“Sec. 324B. Energy Sun renewable and alternative energy program.”

SEC. 142. LABELING OF ENERGY EFFICIENT APPLIANCES.

(a) STUDY.—Section 324(e) of the Energy Policy and Conservation Act (42 U.S.C. 6294(e)) is amended as follows:

(1) By inserting “(1)” before “The Secretary, in consultation”.

(2) By redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively.

(3) By adding the following new paragraph at the end:

“(2) The Secretary shall make recommendations to the Commission within 180 days of the date of the enactment of this paragraph regarding labeling of consumer products that are not covered products in accordance with this section, where such labeling is likely to assist consumers in making purchasing decisions and is technologically and economically feasible.”

(b) NONCOVERED PRODUCTS.—Section 324(a)(2) of the Energy Policy and Conservation Act (42 U.S.C. 6294(a)(2)) is amended by adding the following at the end:

“(F) Not later than 1 year after the date of the enactment of this subparagraph, the Commission shall initiate a rulemaking to prescribe labeling rules under this section applicable to consumer products that are not covered products if it determines that labeling of such products is likely to assist con-

sumers in making purchasing decisions and is technologically and economically feasible.

“(G) Not later than 3 months after the date of the enactment of this subparagraph, the Commission shall initiate a rulemaking to consider the effectiveness of the current consumer products labeling program in assisting consumers in making purchasing decisions and improving energy efficiency and to consider changes to the label that would improve the effectiveness of the label. Such rulemaking shall be completed within 15 months of the date of the enactment of this subparagraph.”

SEC. 143. APPLIANCE STANDARDS.

(a) STANDARDS FOR HOUSEHOLD APPLIANCES IN STANDBY MODE.—(1) Section 325 of the Energy Policy and Conservation Act (42 U.S.C. 6295) is amended by adding at the end the following:

“(u) STANDBY MODE ELECTRIC ENERGY CONSUMPTION BY HOUSEHOLD APPLIANCES.—

(1) In this subsection:

“(A) The term “household appliance” means any device that uses household electric current, operates in a standby mode, and is identified by the Secretary as a major consumer of electricity in standby mode, except digital televisions, digital set top boxes, digital video recorders, any product recognized under the Energy Star program, any product that was on the date of the enactment of this Act subject to an energy conservation standard under this section, and any product regarding which the Secretary finds that the expected additional cost to the consumer of purchasing such product as a result of complying with a standard established under this section is not economically justified within the meaning of subsection (o).

“(B) The term “standby mode” means a mode in which a household appliance consumes the least amount of electric energy that the household appliance is capable of consuming without being completely switched off (provided that, the amount of electric energy consumed in such mode is substantially less than the amount the household appliance would consume in its normal operational mode).

“(C) The term “major consumer of electricity in standby mode” means a product for which a standard prescribed under this section would result in substantial energy savings as compared to energy savings achieved or expected to be achieved by standards established by the Secretary under subsections (o) and (p) of this section for products that were, at the time of the enactment of this subsection, covered products under this section.

“(2)(A) Except as provided in subparagraph (B), a household appliance that is manufactured in, or imported for sale in, the United States on or after the date that is 2 years after the date of the enactment of this subsection shall not consume in standby mode more than 1 watt.

“(B) In the case of analog televisions, the Secretary shall prescribe, on or after the date that is 2 years after the date of the enactment of this subsection, in accordance with subsections (o) and (p) of section 325, an energy conservation standard that is technologically feasible and economically justified under section 325(o)(2)(A) (in lieu of the 1 watt standard under subparagraph (A)).

“(3)(A) A manufacturer or importer of a household appliance may submit to the Secretary an application for an exemption of the household appliance from the standard under paragraph (2).

“(B) The Secretary shall grant an exemption for a household appliance for which an

application is made under subparagraph (A) if the applicant provides evidence showing that, and the Secretary determines that—

“(i) it is not technically feasible to modify the household appliance to enable the household appliance to meet the standard;

“(ii) the standard is incompatible with an energy efficiency standard applicable to the household appliance under another subsection; or

“(iii) the cost of electricity that a typical consumer would save in operating the household appliance meeting the standard would not equal the increase in the price of the household appliance that would be attributable to the modifications that would be necessary to enable the household appliance to meet the standard by the earlier of—

“(I) the date that is 7 years after the date of purchase of the household appliance; or

“(II) the end of the useful life of the household appliance.

“(C) If the Secretary determines that it is not technically feasible to modify a household appliance to meet the standard under paragraph (2), the Secretary shall establish a different standard for the household appliance in accordance with the criteria under subsection (1).

“(4)(A) Not later than 1 year after the date of the enactment of this subsection, the Secretary shall establish a test procedure for determining the amount of consumption of power by a household appliance operating in standby mode.

“(B) In establishing the test procedure, the Secretary shall consider—

“(i) international test procedures under development;

“(ii) test procedures used in connection with the Energy Star program; and

“(iii) test procedures used for measuring power consumption in standby mode in other countries.

“(5) FURTHER REDUCTION OF STANDBY POWER CONSUMPTION.—The Secretary shall provide technical assistance to manufacturers in achieving further reductions in standby mode electric energy consumption by household appliances.

“(v) STANDBY MODE ELECTRIC ENERGY CONSUMPTION BY DIGITAL TELEVISIONS, DIGITAL SET TOP BOXES, AND DIGITAL VIDEO RECORDERS.—The Secretary shall initiate on January 1, 2007 a rulemaking to prescribe, in accordance with subsections (o) and (p), an energy conservation standard of standby mode electric energy consumption by digital television sets, digital set top boxes, and digital video recorders. The Secretary shall issue a final rule prescribing such standards not later than 18 months thereafter. In determining whether a standard under this section is technologically feasible and economically justified under section 325(o)(2)(A), the Secretary shall consider the potential effects on market penetration by digital products covered under this section, and shall consider any recommendations by the FCC regarding such effects.”

(2) Section 325(o)(3) of the Energy Policy and Conservation Act (42 U.S.C. 6295(n)(1)) is amended by inserting at the end of the paragraph the following: “Notwithstanding any provision of this part, the Secretary shall not amend a standard established under subsection (u) or (v) of this section.”

(b) STANDARDS FOR NONCOVERED PRODUCTS.—Section 325(m) of the Energy Policy and Conservation Act (42 U.S.C. 6295(m)) is amended as follows:

(1) Inserting “(1)” before “After”.

(2) Inserting the following at the end:

“(2) Not later than 1 year after the date of the enactment of the Energy Advancement

and Conservation Act of 2001, the Secretary shall conduct a rulemaking to determine whether consumer products not classified as a covered product under section 322(a) (1) through (18) meet the criteria of section 322(b)(1) and is a major consumer of electricity. If the Secretary finds that a consumer product not classified as a covered product meets the criteria of section 322(b)(1), he shall prescribe, in accordance with subsections (o) and (p), an energy conservation standard for such consumer product, if such standard is reasonably probable to be technologically feasible and economically justified within the meaning of subsection (o)(2)(A). As used in this paragraph, the term “major consumer of electricity” means a product for which a standard prescribed under this section would result in substantial aggregate energy savings as compared to energy savings achieved or expected to be achieved by standards established by the Secretary under paragraphs (o) and (p) of this section for products that were, at the time of the enactment of this paragraph, covered products under this section.”

(c) CONSUMER EDUCATION ON ENERGY EFFICIENCY BENEFITS OF AIR CONDITIONING, HEATING AND VENTILATION MAINTENANCE.—Section 337 of the Energy Policy and Conservation Act (42 U.S.C. 6307) is amended by adding the following new subsection after subsection (b):

“(c) HVAC MAINTENANCE.—For the purpose of ensuring that installed air conditioning and heating systems operate at their maximum rated efficiency levels, the Secretary shall, within 180 days of the date of the enactment of this subsection, develop and implement a public education campaign to educate homeowners and small business owners concerning the energy savings resulting from regularly scheduled maintenance of air conditioning, heating, and ventilating systems. In developing and implementing this campaign, the Secretary shall consider support by the Department of public education programs sponsored by trade and professional and energy efficiency organizations. The public service information shall provide sufficient information to allow consumers to make informed choices from among professional, licensed (where State or local licensing is required) contractors. There are authorized to be appropriated to carry out this subsection \$5,000,000 for fiscal years 2002 and 2003 in addition to amounts otherwise appropriated in this part.”

(d) EFFICIENCY STANDARDS FOR FURNACE FANS, CEILING FANS, AND COLD DRINK VENDING MACHINES.—

(1) DEFINITIONS.—Section 321 of the Energy Policy and Conservation Act (42 U.S.C. 6291) is amended by adding the following at the end thereof:

“(32) The term “residential furnace fan” means an electric fan installed as part of a furnace for purposes of circulating air through the system air filters, the heat exchangers or heating elements of the furnace, and the duct work.

“(33) The terms “residential central air conditioner fan” and “heat pump circulation fan” mean an electric fan installed as part of a central air conditioner or heat pump for purposes of circulating air through the system air filters, the heat exchangers of the air conditioner or heat pump, and the duct work.

“(34) The term “suspended ceiling fan” means a fan intended to be mounted to a ceiling outlet box, ceiling building structure, or to a vertical rod suspended from the ceiling, and which as blades which rotate below

the ceiling and consists of an electric motor, fan blades (which rotate in a direction parallel to the floor), an optional lighting kit, and one or more electrical controls (integral or remote) governing fan speed and lighting operation.

“(35) The term “refrigerated bottled or canned beverage vending machine” means a machine that cools bottled or canned beverages and dispenses them upon payment.”

(2) TESTING REQUIREMENTS.—Section 323 of the Energy Policy and Conservation Act (42 U.S.C. 6293) is amended by adding the following at the end thereof:

“(f) ADDITIONAL CONSUMER PRODUCTS.—The Secretary shall within 18 months after the date of the enactment of this subsection prescribe testing requirements for residential furnace fans, residential central air conditioner fans, heat pump circulation fans, suspended ceiling fans, and refrigerated bottled or canned beverage vending machines. Such testing requirements shall be based on existing test procedures used in industry to the extent practical and reasonable. In the case of residential furnace fans, residential central air conditioner fans, heat pump circulation fans, and suspended ceiling fans, such test procedures shall include efficiency at both maximum output and at an output no more than 50 percent of the maximum output.”

(3) STANDARDS FOR ADDITIONAL CONSUMER PRODUCTS.—Section 325 of the Energy Policy and Conservation Act (42 U.S.C. 6295) is amended by adding the following at the end thereof:

“(w) RESIDENTIAL FURNACE FANS, CENTRAL AIR AND HEAT PUMP CIRCULATION FANS, SUSPENDED CEILING FANS, AND VENDING MACHINES.—

“(1) The Secretary shall, within 18 months after the date of the enactment of this subsection, assess the current and projected future market for residential furnace fans, residential central air conditioner and heat pump circulation fans, suspended ceiling fans, and refrigerated bottled or canned beverage vending machines. This assessment shall include an examination of the types of products sold, the number of products in use, annual sales of these products, energy used by these products sold, the number of products in use, annual sales of these products, energy used by these products, estimates of the potential energy savings from specific technical improvements to these products, and an examination of the cost-effectiveness of these improvements. Prior to the end of this time period, the Secretary shall hold an initial scoping workshop to discuss and receive input to plans for developing minimum efficiency standards for these products.

“(2) The Secretary shall within 24 months after the date on which testing requirements are prescribed by the Secretary pursuant to section 323(f), prescribe, by rule, energy conservation standards for residential furnace fans, residential central air conditioner and heat pump circulation fans, suspended ceiling fans, and refrigerated bottled or canned beverage vending machines. In establishing these standards, the Secretary shall use the criteria and procedures contained in subsections (l) and (m). Any standard prescribed under this section shall apply to products manufactured 36 months after the date such rule is published.”

(4) LABELING.—Section 324(a) of the Energy Policy and Conservation Act (42 U.S.C. 6294(a)) is amended by adding the following at the end thereof:

“(5) The Secretary shall within 6 months after the date on which energy conservation

standards are prescribed by the Secretary for covered products referred to in section 325(w), prescribe, by rule, labeling requirements for such products. These requirements shall take effect on the same date as the standards prescribed pursuant to section 325(w)."

(5) COVERED PRODUCTS.—Section 322(a) of the Energy Policy and Conservation Act (42 U.S.C. 6292(a)) is amended by redesignating paragraph (19) as paragraph (20) and by inserting after paragraph (18) the following:

"(19) Beginning on the effective date for standards established pursuant to subsection (v) of section 325, each product referred to in such subsection (v)."

Subtitle E—Energy Efficient Vehicles

SEC. 151. HIGH OCCUPANCY VEHICLE EXCEPTION.

(a) IN GENERAL.—Notwithstanding section 102(a)(1) of title 23, United States Code, a State may, for the purpose of promoting energy conservation, permit a vehicle with fewer than 2 occupants to operate in high occupancy vehicle lanes if such vehicle is a hybrid vehicle or is fueled by an alternative fuel.

(b) HYBRID VEHICLE DEFINED.—In this section, the term "hybrid vehicle" means a motor vehicle—

(1) which draws propulsion energy from on-board sources of stored energy which are both—

(A) an internal combustion or heat engine using combustible fuel; and

(B) a rechargeable energy storage system;

(2) which, in the case of a passenger automobile or light truck—

(A) for 2002 and later model vehicles, has received a certificate of conformity under section 206 of the Clean Air Act (42 U.S.C. 7525) and meets or exceeds the equivalent qualifying California low emission vehicle standard under section 243(e)(2) of the Clean Air Act (42 U.S.C. 7583(e)(2)) for that make and model year; and

(B) for 2004 and later model vehicles, has received a certificate that such vehicle meets the Tier II emission level established in regulations prescribed by the Administrator of the Environmental Protection Agency under section 202(i) of the Clean Air Act (42 U.S.C. 7521(i)) for that make and model year vehicle; and

(3) which is made by a manufacturer.

(c) ALTERNATIVE FUEL DEFINED.—In this section, the term "alternative fuel" has the meaning such term has under section 301(2) of the Energy Policy Act of 1992 (42 U.S.C. 13211(2)).

SEC. 152. RAILROAD EFFICIENCY.

(a) LOCOMOTIVE TECHNOLOGY DEMONSTRATION.—The Secretary of Energy shall establish a public-private research partnership with railroad carriers, locomotive manufacturers, and a world-class research and test center dedicated to the advancement of railroad technology, efficiency, and safety that is owned by the Federal Railroad Administration and operated in the private sector, for the development and demonstration of locomotive technologies that increase fuel economy and reduce emissions.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Energy \$25,000,000 for fiscal year 2002, \$30,000,000 for fiscal year 2003, and \$35,000,000 for fiscal year 2004 for carrying out this section.

SEC. 153. BIODIESEL FUEL USE CREDITS.

Section 312(c) of the Energy Policy Act of 1992 (42 U.S.C. 13220(c)) is amended—

(1) by striking "NOT" in the subsection heading; and

(2) by striking "not".

SEC. 154. MOBILE TO STATIONARY SOURCE TRADING.

Within 90 days after the enactment of this section, the Administrator of the Environmental Protection Agency is directed to commence a review of the Agency's policies regarding the use of mobile to stationary source trading of emission credits under the Clean Air Act to determine whether such trading can provide both nonattainment and attainment areas with additional flexibility in achieving and maintaining healthy air quality and increasing use of alternative fuel and advanced technology vehicles, thereby reducing United States dependence on foreign oil.

Subtitle F—Other Provisions

SEC. 161. REVIEW OF REGULATIONS TO ELIMINATE BARRIERS TO EMERGING ENERGY TECHNOLOGY.

(a) IN GENERAL.—Each Federal agency shall carry out a review of its regulations and standards to determine those that act as a barrier to market entry for emerging energy-efficient technologies, including, but not limited to, fuel cells, combined heat and power, and distributed generation (including small-scale renewable energy).

(b) REPORT TO CONGRESS.—No later than 18 months after the date of the enactment of this section, each agency shall provide a report to Congress and the President detailing all regulatory barriers to emerging energy-efficient technologies, along with actions the agency intends to take, or has taken, to remove such barriers.

(c) PERIODIC REVIEW.—Each agency shall subsequently review its regulations and standards in the manner specified in this section no less frequently than every 5 years, and report their findings to Congress and the President. Such reviews shall include a detailed analysis of all agency actions taken to remove existing barriers to emerging energy technologies.

SEC. 162. ADVANCED IDLE ELIMINATION SYSTEMS.

(a) DEFINITIONS.—

(1) ADVANCED IDLE ELIMINATION SYSTEM.—The term "advanced idle elimination system" means a device or system of devices that is installed at a truck stop or other location (for example, a loading, unloading, or transfer facility) where vehicles (such as trucks, trains, buses, boats, automobiles, and recreational vehicles) are parked and that is designed to provide to the vehicle the services (such as heat, air conditioning, and electricity) that would otherwise require the operation of the auxiliary or drive train engine or both while the vehicle is stationary and parked.

(2) EXTENDED IDLING.—The term "extended idling" means the idling of a motor vehicle for a period greater than 60 minutes.

(b) RECOGNITION OF BENEFITS OF ADVANCED IDLE ELIMINATION SYSTEMS.—Within 90 days after the date of the enactment of this subsection, the Administrator of the Environmental Protection Agency is directed to commence a review of the Agency's mobile source air emissions models used under the Clean Air Act to determine whether such models accurately reflect the emissions resulting from extended idling of heavy-duty trucks and other vehicles and engines, and shall update those models as the Administrator deems appropriate. Additionally, within 90 days after the date of the enactment of this subsection, the Administrator shall commence a review as to the appropriate emissions reductions credit that should be allotted under the Clean Air Act

for the use of advanced idle elimination systems, and whether such credits should be subject to an emissions trading system, and shall revise Agency regulations and guidance as the Administrator deems appropriate.

SEC. 163. STUDY OF BENEFITS AND FEASIBILITY OF OIL BYPASS FILTRATION TECHNOLOGY.

(a) STUDY.—The Secretary of Energy and the Administrator of the Environmental Protection Agency shall jointly conduct a study of oil bypass filtration technology in motor vehicle engines. The study shall analyze and quantify the potential benefits of such technology in terms of reduced demand for oil and the potential environmental benefits of the technology in terms of reduced waste and air pollution. The Secretary and the Administrator shall also examine the feasibility of using such technology in the Federal motor vehicle fleet.

(b) REPORT.—Not later than 6 months after the enactment of this Act, the Secretary of Energy and the Administrator of the Environmental Protection Agency shall jointly submit a report containing the results of the study conducted under subsection (a) to the Committee on Energy and Commerce of the United States House of Representatives and to the Committee on Energy and Natural Resources of the United States Senate.

SEC. 164. GAS FLARE STUDY.

(a) STUDY.—The Secretary of Energy shall conduct a study of the economic feasibility of installing small cogeneration facilities utilizing excess gas flares at petrochemical facilities to provide reduced electricity costs to customers living within 3 miles of the petrochemical facilities. The Secretary shall solicit public comment to assist in preparing the report required under subsection (b).

(b) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Secretary of Energy shall transmit a report to the Congress on the results of the study conducted under subsection (a).

SEC. 165. TELECOMMUTING STUDY.

(a) STUDY REQUIRED.—The Secretary, in consultation with Commission, and the NTIA, shall conduct a study of the energy conservation implications of the widespread adoption of telecommuting in the United States.

(b) REQUIRED SUBJECTS OF STUDY.—The study required by subsection (a) shall analyze the following subjects in relation to the energy saving potential of telecommuting:

(1) Reductions of energy use and energy costs in commuting and regular office heating, cooling, and other operations.

(2) Other energy reductions accomplished by telecommuting.

(3) Existing regulatory barriers that hamper telecommuting, including barriers to broadband telecommunications services deployment.

(4) Collateral benefits to the environment, family life, and other values.

(c) REPORT REQUIRED.—The Secretary shall submit to the President and the Congress a report on the study required by this section not later than 6 months after the date of the enactment of this Act. Such report shall include a description of the results of the analysis of each of the subject described in subsection (b).

(d) DEFINITIONS.—As used in this section:

(1) SECRETARY.—The term "Secretary" means the Secretary of Energy.

(2) COMMISSION.—The term "Commission" means the Federal Communications Commission.

(3) NTIA.—The term "NTIA" means the National Telecommunications and Information Administration of the Department of Commerce.

(4) **TELECOMMUTING.**—The term “telecommuting” means the performance of work functions using communications technologies, thereby eliminating or substantially reducing the need to commute to and from traditional worksites.

TITLE II—AUTOMOBILE FUEL ECONOMY
SEC. 201. AVERAGE FUEL ECONOMY STANDARDS FOR NONPASSENGER AUTOMOBILES.—

Section 32902(a) of title 49, United States Code, is amended—

(1) by inserting “(1)” after “NONPASSENGER AUTOMOBILES.—”; and

(2) by adding at the end the following:

“(2) The Secretary shall prescribe under paragraph (1) average fuel economy standards for automobiles (except passenger automobiles) manufactured in model years 2004 through 2010 that are calculated to ensure that the aggregate amount of gasoline projected to be used in those model years by automobiles to which the standards apply is at least 5 billion gallons less than the aggregate amount of gasoline that would be used in those model years by such automobiles if they achieved only the fuel economy required under the average fuel economy standard that applies under this subsection to automobiles (except passenger automobiles) manufactured in model year 2002.”.

SEC. 202. CONSIDERATION OF PRESCRIBING DIFFERENT AVERAGE FUEL ECONOMY STANDARDS FOR NONPASSENGER AUTOMOBILES.

(a) **IN GENERAL.**—The Secretary of Transportation shall, in prescribing average fuel economy standards under section 32902(a) of title 49, United States Code, for automobiles (except passenger automobiles) manufactured in model year 2004, consider the potential benefits of—

(1) establishing a weight-based system for automobiles, that is based on the inertia weight, curb weight, gross vehicle weight rating, or another appropriate measure of such automobiles; and

(2) prescribing different fuel economy standards for automobiles that are subject to the weight-based system.

(b) **SPECIFIC CONSIDERATIONS.**—In implementing this section the Secretary—

(1) shall consider any recommendations made in the National Academy of Sciences study completed pursuant to the Department of Transportation and Related Agencies Appropriations Act, 2000 (Public Law 106-346; 114 Stat. 2763 et seq.); and

(2) shall evaluate the merits of any weight-based system in terms of motor vehicle safety, energy conservation, and competitiveness of and employment in the United States automotive sector, and if a weight-based system is established by the Secretary a manufacturer may trade credits between or among the automobiles (except passenger automobiles) manufactured by the manufacturer.

SEC. 203. DUAL FUELED AUTOMOBILES.

(a) **PURPOSES.**—The purposes of this section are—

(1) to extend the manufacturing incentives for dual fueled automobiles, as set forth in subsections (b) and (d) of section 32905 of title 49, United States Code, through the 2008 model year; and

(2) to similarly extend the limitation on the maximum average fuel economy increase for such automobiles, as set forth in subsection (a)(1) of section 32906 of title 49, United States Code.

(b) **AMENDMENTS.**—

(1) **MANUFACTURING INCENTIVES.**—Section 32905 of title 49, United States Code, is amended as follows:

(A) Subsections (b) and (d) are each amended by striking “model years 1993-2004” and inserting “model years 1993-2008”.

(B) Subsection (f) is amended by striking “Not later than December 31, 2001, the Secretary” and inserting “Not later than December 31, 2005, the Secretary”.

(C) Subsection (f)(1) is amended by striking “model year 2004” and inserting “model year 2008”.

(D) Subsection (g) is amended by striking “Not later than September 30, 2000” and inserting “Not later than September 30, 2004”.

(2) **MAXIMUM FUEL ECONOMY INCREASE.**—Subsection (a)(1) of section 32906 of title 49, United States Code, is amended as follows:

(A) Subparagraph (A) is amended by striking “the model years 1993-2004” and inserting “model years 1993-2008”.

(B) Subparagraph (B) is amended by striking “the model years 2005-2008” and inserting “model years 2009-2012”.

SEC. 204. FUEL ECONOMY OF THE FEDERAL FLEET OF AUTOMOBILES.

Section 32917 of title 49, United States Code, is amended to read as follows:

“SEC. 32917. STANDARDS FOR EXECUTIVE AGENCY AUTOMOBILES

“(a) **BASELINE AVERAGE FUEL ECONOMY.**—The head of each executive agency shall determine, for all automobiles in the agency’s fleet of automobiles that were leased or bought as a new vehicle in fiscal year 1999, the average fuel economy for such automobiles. For the purposes of this section, the average fuel economy so determined shall be the baseline average fuel economy for the agency’s fleet of automobiles.

“(b) **INCREASE OF AVERAGE FUEL ECONOMY.**—The head of an executive agency shall manage the procurement of automobiles for that agency in such a manner that—

“(1) not later than September 30, 2003, the average fuel economy of the new automobiles in the agency’s fleet of automobiles is not less than 1 mile per gallon higher than the baseline average fuel economy determined under subsection (a) for that fleet; and

“(2) not later than September 30, 2005, the average fuel economy of the new automobiles in the agency’s fleet of automobiles is not less than 3 miles per gallon higher than the baseline average fuel economy determined under subsection (a) for that fleet.

“(c) **CALCULATION OF AVERAGE FUEL ECONOMY.**—Average fuel economy shall be calculated for the purposes of this section in accordance with guidance which the Secretary of Transportation shall prescribe for the implementation of this section.

“(d) **DEFINITIONS.**—In this section:

“(1) The term “automobile” does not include any vehicle designed for combat-related missions, law enforcement work, or emergency rescue work.

“(2) The term “executive agency” has the meaning given that term in section 105 of title 5.

“(3) The term “new automobile”, with respect to the fleet of automobiles of an executive agency, means an automobile that is leased for at least 60 consecutive days or bought, by or for the agency, after September 30, 1999.”.

SEC. 205. HYBRID VEHICLES AND ALTERNATIVE VEHICLES.

(a) **IN GENERAL.**—Section 303(b)(1) of the Energy Policy Act of 1992 is amended by adding the following at the end: “Of the total number of vehicles acquired by a Federal fleet in fiscal years 2004 and 2005, at least 5 percent of the vehicles in addition to those covered by the preceding sentence shall be alternative fueled vehicles or hybrid vehicles

and in fiscal year 2006 and thereafter at least 10 percent of the vehicles in addition to those covered by the preceding sentence shall be alternative fueled vehicles or hybrid vehicles.”.

(b) **DEFINITION.**—Section 301 of such Act is amended by striking “and” at the end of paragraph (13), by striking the period at the end of paragraph (14) and inserting “; and” and by adding at the end the following:

“(15) The term “hybrid vehicle” means a motor vehicle which draws propulsion energy from onboard sources of stored energy which are both—

“(A) an internal combustion or heat engine using combustible fuel; and

“(B) a rechargeable energy storage system.”.

SEC. 206. FEDERAL FLEET PETROLEUM-BASED NONALTERNATIVE FUELS.

(a) **IN GENERAL.**—Title III of the Energy Policy Act of 1992 (42 U.S.C. 13212 et seq.) is amended as follows:

(1) By adding at the end thereof the following:

“SEC. 313. CONSERVATION OF PETROLEUM-BASED FUELS BY THE FEDERAL GOVERNMENT FOR LIGHT-DUTY MOTOR VEHICLES.

“(a) **PURPOSES.**—The purposes of this section are to complement and supplement the requirements of section 303 of this Act that Federal fleets, as that term is defined in section 303(b)(3), acquire in the aggregate a minimum percentage of alternative fuel vehicles, to encourage the manufacture and sale or lease of such vehicles nationwide, and to achieve, in the aggregate, a reduction in the amount of the petroleum-based fuels (other than the alternative fuels defined in this title) used by new light-duty motor vehicles acquired by the Federal Government in model years 2004 through 2010 and thereafter.

“(b) **IMPLEMENTATION.**—In furtherance of such purposes, such Federal fleets in the aggregate shall reduce the purchase of petroleum-based nonalternative fuels for such fleets beginning October 1, 2003, through September 30, 2009, from the amount purchased for such fleets over a comparable period since enactment of this Act, as determined by the Secretary, through the annual purchase, in accordance with section 304, and the use of alternative fuels for the light-duty motor vehicles of such Federal fleets, so as to achieve levels which reflect total reliance by such fleets on the consumptive use of alternative fuels consistent with the provisions of section 303(b) of this Act. The Secretary shall, within 120 days after the enactment of this section, promulgate, in consultation with the Administrator of the General Services Administration and the Director of the Office of Management and Budget and such other heads of entities referenced in section 303 within the executive branch as such Director may designate, standards for the full and prompt implementation of this section by such entities. The Secretary shall monitor compliance with this section and such standards by all such fleets and shall report annually to the Congress, based on reports by the heads of such fleets, on the extent to which the requirements of this section and such standards are being achieved. The report shall include information on annual reductions achieved of petroleum-based fuels and the problems, if any, encountered in acquiring alternative fuels and in requiring their use.”.

(2) By amending section 304(b) of such Act to read as follows:

“(b) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to

the Secretary or, as appropriate, the head of each Federal fleet subject to the provisions of this section and section 313 of this Act, such sums as may be necessary to achieve the purposes of section 313(a) and the provisions of this section. Such sums shall remain available until expended.”.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by adding at the end of the items relating to title III the following:

“Sec. 313. Conservation of petroleum-based fuels by the Federal Government for light-duty motor vehicles.”.

SEC. 207. STUDY OF FEASIBILITY AND EFFECTS OF REDUCING USE OF FUEL FOR AUTOMOBILES.

(a) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Transportation shall enter into an arrangement with the National Academy of Sciences under which the Academy shall study the feasibility and effects of reducing by model year 2010, by a significant percentage, the use of fuel for automobiles.

(b) SUBJECTS OF STUDY.—The study under this section shall include—

(1) examination of, and recommendation of alternatives to, the policy under current Federal law of establishing average fuel economy standards for automobiles and requiring each automobile manufacturer to comply with average fuel economy standards that apply to the automobiles it manufactures;

(2) examination of how automobile manufacturers could contribute toward achieving the reduction referred to in subsection (a);

(3) examination of the potential of fuel cell technology in motor vehicles in order to determine the extent to which such technology may contribute to achieving the reduction referred to in subsection (a); and

(4) examination of the effects of the reduction referred to in subsection (a) on—

(A) gasoline supplies;

(B) the automobile industry, including sales of automobiles manufactured in the United States;

(C) motor vehicle safety; and

(D) air quality.

(c) REPORT.—The Secretary shall require the National Academy of Sciences to submit to the Secretary and the Congress a report on the findings, conclusion, and recommendations of the study under this section by not later than 1 year after the date of the enactment of this Act.

TITLE III—NUCLEAR ENERGY

SEC. 301. LICENSE PERIOD.

Section 103 c. of the Atomic Energy Act of 1954 (42 U.S.C. 2133(c)) is amended—

(1) by striking “(c). Each such” and inserting the following:

“(c). LICENSE PERIOD.—

“(1) IN GENERAL.—Each such”; and

(2) by adding at the end the following:

“(2) COMBINED LICENSES.—In the case of a combined construction and operating license issued under section 185 b., the initial duration of the license may not exceed 40 years from the date on which the Commission finds, before operation of the facility, that the acceptance criteria required by section 185 b. are met.”.

SEC. 302. COST RECOVERY FROM GOVERNMENT AGENCIES.

Section 161 w. of the Atomic Energy Act of 1954 (42 U.S.C. 2201(w)) is amended—

(1) by striking “for or is issued” and all that follows through “1702” and inserting “to the Commission for, or is issued by the Commission, a license or certificate”; and

(2) by striking “483a” and inserting “9701”; and

(3) by striking “, of applicants for, or holders of, such licenses or certificates”.

SEC. 303. DEPLETED URANIUM HEXAFLUORIDE.

Section 1(b) of Public Law 105-204 is amended by striking “fiscal year 2002” and inserting “fiscal year 2005”.

SEC. 304. NUCLEAR REGULATORY COMMISSION MEETINGS.

If a quorum of the Nuclear Regulatory Commission gathers to discuss official Commission business the discussions shall be recorded, and the Commission shall notify the public of such discussions within 15 days after they occur. The Commission shall promptly make a transcript of the recording available to the public on request, except to the extent that public disclosure is exempted or prohibited by law. This section shall not apply to a meeting, within the meaning of that term under section 552(b)(2) of title 5, United States Code.

SEC. 305. COOPERATIVE RESEARCH AND DEVELOPMENT AND SPECIAL DEMONSTRATION PROJECTS FOR THE URANIUM MINING INDUSTRY.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary \$10,000,000 for each of fiscal years 2002, 2003, and 2004 for—

(1) cooperative, cost-shared, agreements between the Department of Energy and domestic uranium producers to identify, test, and develop improved in situ leaching mining technologies, including low-cost environmental restoration technologies that may be applied to sites after completion of in situ leaching operations; and

(2) funding for competitively selected demonstration projects with domestic uranium producers relating to—

(A) enhanced production with minimal environmental impacts;

(B) restoration of well fields; and

(C) decommissioning and decontamination activities.

(b) DOMESTIC URANIUM PRODUCER.—For purposes of this section, the term “domestic uranium producer” has the meaning given that term in section 1018(4) of the Energy Policy Act of 1992 (42 U.S.C. 2296b-7(4)), except that the term shall not include any producer that has not produced uranium from domestic reserves on or after July 30, 1998.

SEC. 306. MAINTENANCE OF A VIABLE DOMESTIC URANIUM CONVERSION INDUSTRY.

There are authorized to be appropriated to the Secretary \$800,000 for contracting with the Nation’s sole remaining uranium converter for the purpose of performing research and development to improve the environmental and economic performance of United States uranium conversion operations.

SEC. 307. PADUCAH DECONTAMINATION AND DECOMMISSIONING PLAN.

The Secretary of Energy shall prepare and submit a plan to Congress within 180 days after the date of the enactment of this Act that establishes scope, cost, schedule, sequence of activities, and contracting strategy for—

(1) the decontamination and decommissioning of the Department of Energy’s surplus buildings and facilities at the Paducah Gaseous Diffusion Plant that have no future anticipated reuse; and

(2) the remediation of Department of Energy Material Storage Areas at the Paducah Gaseous Diffusion Plant.

Such plan shall inventory all surplus facilities and buildings, and identify and rank health and safety risks associated with such facilities and buildings. Such plan shall inventory all Department of Energy Material Storage Areas, and identify and rank health

and safety risks associated with such Department of Energy Material Storage Areas. The Department of Energy shall incorporate these risk factors in designing the sequence and schedule for the plan. Such plan shall identify funding requirements that are in addition to the expected outlays included in the Department of Energy’s Environmental Management Plan for the Paducah Gaseous Diffusion Plan.

SEC. 308. STUDY TO DETERMINE FEASIBILITY OF DEVELOPING COMMERCIAL NUCLEAR ENERGY PRODUCTION FACILITIES AT EXISTING DEPARTMENT OF ENERGY SITES.

(a) IN GENERAL.—The Secretary of Energy shall conduct a study to determine the feasibility of developing commercial nuclear energy production facilities at Department of Energy sites in existence on the date of the enactment of this Act, including—

(1) options for how and where nuclear power plants can be developed on existing Department of Energy sites;

(2) estimates on cost savings to the Federal Government that may be realized by locating new nuclear power plants on Federal sites;

(3) the feasibility of incorporating new technology into nuclear power plants located on Federal sites;

(4) potential improvements in the licensing and safety oversight procedures of nuclear power plants located on Federal sites;

(5) an assessment of the effects of nuclear waste management policies and projects as a result of locating nuclear power plants located on Federal sites; and

(6) any other factors that the Secretary believes would be relevant in making the determination.

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report describing the results of the study under subsection (a).

SEC. 309. PROHIBITION OF COMMERCIAL SALES OF URANIUM BY THE UNITED STATES UNTIL 2009.

Section 3112 of the USEC Privatization Act (42 U.S.C. 2297h-10) is amended by adding at the end the following new subsection:

“(g) PROHIBITION ON SALES.—With the exception of sales pursuant to subsection (b)(2) (42 U.S.C. 2297h-10(b)(2)), notwithstanding any other provision of law, the United States Government shall not sell or transfer any uranium (including natural uranium concentrates, natural uranium hexafluoride, enriched uranium, depleted uranium, or uranium in any other form) through March 23, 2009 (except sales or transfers for use by the Tennessee Valley Authority in relation to the Department of Energy’s HEU or Tritium programs, or the Department of Energy research reactor sales program, or any depleted uranium hexafluoride to be transferred to a designated Department of Energy contractor in conjunction with the planned construction of the Depleted Uranium Hexafluoride conversion plants in Portsmouth, Ohio, and Paducah, Kentucky, to any natural uranium transferred to the U.S. Enrichment Corporation from the Department of Energy to replace contaminated uranium received from the Department of Energy when the U.S. Enrichment Corporation was privatized in July, 1998, or for emergency purposes in the event of a disruption in supply to end users in the United States). The aggregate of sales or transfers of uranium by the United States Government after March 23, 2009, shall not exceed 3,000,000 pounds U3O8 per calendar year.”.

TITLE IV—HYDROELECTRIC ENERGY **SEC. 401. ALTERNATIVE CONDITIONS AND FISHWAYS.**

(a) **ALTERNATIVE MANDATORY CONDITIONS.**—Section 4 of the Federal Power Act (16 U.S.C. 797) is amended by adding at the end the following:

“(h)(1) Whenever any person applies for a license for any project works within any reservation of the United States, and the Secretary of the department under whose supervision such reservation falls deems a condition to such license to be necessary under the first proviso of subsection (e), the license applicant or any other party to the licensing proceeding may propose an alternative condition.

“(2) Notwithstanding the first proviso of subsection (e), the Secretary of the department under whose supervision the reservation falls shall accept the proposed alternative condition referred to in paragraph (1), and the Commission shall include in the license such alternative condition, if the Secretary of the appropriate department determines, based on substantial evidence provided by the party proposing such alternative condition, that the alternative condition—

“(A) provides no less protection for the reservation than provided by the condition deemed necessary by the Secretary; and

“(B) will either—

“(i) cost less to implement, or

“(ii) result in improved operation of the project works for electricity production, as compared to the condition deemed necessary by the Secretary.

“(3) Within 1 year after the enactment of this subsection, each Secretary concerned shall, by rule, establish a process to expeditiously resolve conflicts arising under this subsection.”

(b) **ALTERNATIVE FISHWAYS.**—Section 18 of the Federal Power Act (16 U.S.C. 811) is amended by—

(1) inserting “(a)” before the first sentence; and

(2) adding at the end the following:

“(b)(1) Whenever the Commission shall require a licensee to construct, maintain, or operate a fishway prescribed by the Secretary of the Interior or the Secretary of Commerce under this section, the licensee or any other party to the proceeding may propose an alternative to such prescription to construct, maintain, or operate a fishway.

“(2) Notwithstanding subsection (a), the Secretary of the Interior or the Secretary of Commerce, as appropriate, shall accept and prescribe, and the Commission shall require, the proposed alternative referred to in paragraph (1), if the Secretary of the appropriate department determines, based on substantial evidence provided by the party proposing such alternative, that the alternative—

“(A) will be no less effective than the fishway initially prescribed by the Secretary, and

“(B) will either—

“(i) cost less to implement, or

“(ii) result in improved operation of the project works for electricity production, as compared to the fishway initially prescribed by the Secretary.

“(3) Within 1 year after the enactment of this subsection, the Secretary of the Interior and the Secretary of Commerce shall each, by rule, establish a process to expeditiously resolve conflicts arising under this subsection.”

SEC. 402. FERC DATA ON HYDROELECTRIC LICENSING.

(a) **DATA COLLECTION PROCEDURES.**—The Federal Energy Regulatory Commission

shall revise its procedures regarding the collection of data in connection with the Commission's consideration of hydroelectric licenses under the Federal Power Act. Such revised data collection procedures shall be designed to provide the Commission with complete and accurate information concerning the time and costs to parties involved in the licensing process. Such data shall be available for each significant stage in the licensing process and shall be designed to identify projects with similar characteristics so that analyses can be made of the time and costs involved in licensing proceedings based upon the different characteristics of those proceedings.

(b) **REPORTS.**—Within 6 months after the date of the enactment of this Act, the Commission shall notify the Committee on Energy and Commerce of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate of the progress made by the Commission under subsection (a), and within 1 year after such date of the enactment, the Commission shall submit a report to such Committees specifying the measures taken by the Commission pursuant to subsection (a).

TITLE V—FUELS

SEC. 501. TANK DRAINING DURING TRANSITION TO SUMMERTIME RFG.

Not later than 60 days after the enactment of the Act, the Administrator of the Environmental Protection Agency shall commence a rulemaking to determine whether modifications to the regulations set forth in 40 CFR Section 80.78 and any associated regulations regarding the transition to high ozone season reformulated gasoline are necessary to ensure that the transition to high ozone season reformulated gasoline is conducted in a manner that minimizes disruptions to the general availability and affordability of gasoline, and maximizes flexibility with regard to the draining and inventory management of gasoline storage tanks located at refineries, terminals, wholesale and retail outlets, consistent with the goals of the Clean Air Act. The Administrator shall propose and take final action in such rulemaking to ensure that any modifications are effective and implemented at least 60 days prior to the beginning of the high ozone season for the year 2002.

SEC. 502. GASOLINE BLENDSTOCK REQUIREMENTS.

Not later than 60 days after the enactment of this Act, the Administrator of the Environmental Protection Agency shall commence a rulemaking to determine whether modifications to product transfer documentation, accounting, compliance calculation, and other requirements contained in the regulations of the Administrator set forth in section 80.102 of title 40 of the Code of Federal Regulations relating to gasoline blendstocks are necessary to facilitate the movement of gasoline and gasoline feedstocks among different regions throughout the country and to improve the ability of petroleum refiners and importers to respond to regional gasoline shortages and prevent unreasonable short-term price increases. The Administrator shall take into consideration the extent to which such requirements have been, or will be, rendered unnecessary or inefficient by reason of subsequent environmental safeguards that were not in effect at the time the regulations in section 80.102 of title 40 of the Code of Federal Regulations were promulgated. The Administrator shall propose and take final action in such rulemaking to ensure that any modifications are

effective and implemented at least 60 days prior to the beginning of the high ozone season for the year 2002.

SEC. 503. BOUTIQUE FUELS.

(a) **JOINT STUDY.**—The Administrator of the Environmental Protection Agency and the Secretary of Energy shall jointly conduct a study of all Federal, State, and local requirements regarding motor vehicle fuels, including requirements relating to reformulated gasoline, volatility (Reid Vapor Pressure), oxygenated fuel, diesel fuel and other requirements that vary from State to State, region to region, or locality to locality. The study shall analyze—

(1) the effect of the variety of such requirements on the price of motor vehicle fuels to the consumer;

(2) the availability and affordability of motor vehicle fuels in different States and localities;

(3) the effect of Federal, State, and local regulations, including multiple fuel requirements, on domestic refineries and the fuel distribution system;

(4) the effect of such requirements on local, regional, and national air quality requirements and goals;

(5) the effect of such requirements on vehicle emissions;

(6) the feasibility of developing national or regional fuel specifications for the contiguous United States that would—

(A) enhance flexibility in the fuel distribution infrastructure and improve fuel fungibility;

(B) reduce price volatility and costs to consumers and producers;

(C) meet local, regional, and national air quality requirements and goals; and

(D) provide increased gasoline market liquidity;

(7) the extent to which the Environmental Protection Agency's Tier II requirements for conventional gasoline may achieve in future years the same or similar air quality results as State reformulated gasoline programs and State programs regarding gasoline volatility (RVP); and

(8) the feasibility of providing incentives to promote cleaner burning fuel.

(b) **REPORT.**—By December 31, 2001, the Administrator of the Environmental Protection Agency and the Secretary of Energy shall submit a report to the Congress containing the results of the study conducted under subsection (a). Such report shall contain recommendations for legislative and administrative actions that may be taken to simplify the national distribution system for motor vehicle fuel, make such system more cost-effective, and reduce the costs and increase the availability of motor vehicle fuel to the end user while meeting the requirements of the Clean Air Act. Such recommendations shall take into account the need to provide lead time for refinery and fuel distribution system modifications necessary to assure adequate fuel supply for all States.

SEC. 504. FUNDING FOR MTBE CONTAMINATION.

Notwithstanding any other provision of law, there is authorized to be appropriated to the Administrator of the Environmental Protection Agency from the Leaking Underground Storage Trust Fund not more than \$200,000,000 to be used for taking such action, limited to assessment, corrective action, inspection of underground storage tank systems, and groundwater monitoring in connection with MTBE contamination, as the Administrator deems necessary to protect human health and the environment from releases of methyl tertiary butyl ether (MTBE) from underground storage tanks.

TITLE VI—RENEWABLE ENERGY

SEC. 601. ASSESSMENT OF RENEWABLE ENERGY RESOURCES.

(a) **RESOURCE ASSESSMENT.**—Not later than 1 year after the date of the enactment of this Act, and each year thereafter, the Secretary of Energy shall publish an assessment by the National Laboratories of all renewable energy resources available within the United States.

(b) **CONTENTS OF REPORT.**—The report published under subsection (a) shall contain each of the following:

(1) A detailed inventory describing the available amount and characteristics of solar, wind, biomass, geothermal, hydroelectric and other renewable energy sources.

(2) Such other information as the Secretary of Energy believes would be useful in developing such renewable energy resources, including descriptions of surrounding terrain, population and load centers, nearby energy infrastructure, location of energy and water resources, and available estimates of the costs needed to develop each resource.

SEC. 602. RENEWABLE ENERGY PRODUCTION INCENTIVE.

Section 1212 of the Energy Policy Act of 1992 (42 U.S.C. 13317) is amended as follows:

(1) In subsection (a) by striking “and which satisfies” and all that follows through “Secretary shall establish.” and inserting “. The Secretary shall establish other procedures necessary for efficient administration of the program. The Secretary shall not establish any criteria or procedures that have the effect of assigning to proposals a higher or lower priority for eligibility or allocation of appropriated funds on the basis of the energy source proposed.”.

(2) In subsection (b)—

(A) by striking “a State or any political” and all that follows through “nonprofit electrical cooperative” and inserting “an electricity-generating cooperative exempt from taxation under section 501(c)(12) or section 1381(a)(2)(C) of the Internal Revenue Code of 1986, a public utility described in section 115 of such Code, a State, Commonwealth, territory, or possession of the United States or the District of Columbia, or a political subdivision thereof, or an Indian tribal government or subdivision thereof.”; and

(B) By inserting “landfill gas,” after “wind, biomass.”.

(3) In subsection (c) by striking “during the 10-fiscal year period beginning with the first full fiscal year occurring after the enactment of this section” and inserting “before October 1, 2013”.

(4) In subsection (d) by inserting “or in which the Secretary finds that all necessary Federal and State authorizations have been obtained to begin construction of the facility” after “eligible for such payments”.

(5) In subsection (e)(1) by inserting “landfill gas,” after “wind, biomass.”.

(6) In subsection (f) by striking “the expiration of” and all that follows through “of this section” and inserting “September 30, 2023”.

(7) In subsection (g)—

(A) by striking “1993, 1994, and 1995” and inserting “2003 through 2023”; and

(B) by inserting “Funds may be appropriated pursuant to this subsection to remain available until expended.” after “purposes of this section.”.

SEC. 603. STUDY OF ETHANOL FROM SOLID WASTE LOAN GUARANTEE PROGRAM.

The Secretary of Energy shall conduct a study of the feasibility of providing guarantees for loans by private banking and invest-

ment institutions for facilities for the processing and conversion of municipal solid waste and sewage sludge into fuel ethanol and other commercial byproducts, and not later than 90 days after the date of the enactment of this Act shall transmit to the Congress a report on the results of the study.

SEC. 604. STUDY OF RENEWABLE FUEL CONTENT.

(a) **STUDY.**—The Administrator of the Environmental Protection Agency and the Secretary of Energy shall jointly conduct a study of the feasibility of developing a requirement that motor vehicle fuel sold or introduced into commerce in the United States in calendar year 2002 or any calendar year thereafter by a refiner, blender, or importer shall, on a 6-month average basis, be comprised of a quantity of renewable fuel, measured in gasoline-equivalent gallons. As part of this study, the Administrator and Secretary shall evaluate the use of a banking and trading credit system and the feasibility and desirability of requiring an increasing percentage of renewable fuel to be phased in over a 15-year period.

(b) **REPORT TO CONGRESS.**—Not later than 6 months after the date of the enactment of this Act, the Administrator and the Secretary shall transmit to the Congress a report on the results of the study conducted under this section.

TITLE VII—PIPELINES

SEC. 701. PROHIBITION ON CERTAIN PIPELINE ROUTE.

No license, permit, lease, right-of-way, authorization or other approval required under Federal law for the construction of any pipeline to transport natural gas from lands within the Prudhoe Bay oil and gas lease area may be granted for any pipeline that follows a route that traverses—

(1) the submerged lands (as defined by the Submerged Lands Act) beneath, or the adjacent shoreline of, the Beaufort Sea; and

(2) enters Canada at any point north of 68 degrees North latitude.

SEC. 702. HISTORIC PIPELINES.

Section 7 of the Natural Gas Act (15 U.S.C. 717(f)) is amended by adding at the end the following new subsection:

“(i) Notwithstanding the National Historic Preservation Act, a transportation facility shall not be eligible for inclusion on the National Register of Historic Places unless—

“(1) the Commission has permitted the abandonment of the transportation facility pursuant to subsection (b) of this section, or

“(2) the owner of the facility has given written consent to such eligibility.

Any transportation facility deemed eligible for inclusion on the National Register of Historic Places prior to the date of the enactment of this subsection shall no longer be eligible unless the owner of the facility gives written consent to such eligibility.”.

TITLE VIII—MISCELLANEOUS PROVISIONS

SEC. 801. WASTE REDUCTION AND USE OF ALTERNATIVES.

(a) **GRANT AUTHORITY.**—The Secretary of Energy is authorized to make a single grant to a qualified institution to examine and develop the feasibility of burning post-consumer carpet in cement kilns as an alternative energy source. The purposes of the grant shall include determining—

(1) how post-consumer carpet can be burned without disrupting kiln operations;

(2) the extent to which overall kiln emissions may be reduced; and

(3) how this process provides benefits to both cement kiln operations and carpet suppliers.

(b) **QUALIFIED INSTITUTION.**—For the purposes of subsection (a), a qualified institution is a research-intensive institution of higher learning with demonstrated expertise in the fields of fiber recycling and logistical modeling of carpet waste collection and preparation.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Secretary of Energy for carrying out this section \$275,000 for fiscal year 2002, to remain available until expended.

SEC. 802. ANNUAL REPORT ON UNITED STATES ENERGY INDEPENDENCE.

(a) **REPORT.**—The Secretary of Energy, in consultation with the heads of other relevant Federal agencies, shall include in each report under section 801(c) of the Department of Energy Organization Act a section which evaluates the progress the United States has made toward obtaining the goal of not more than 50 percent dependence on foreign oil sources by 2010.

(b) **ALTERNATIVES.**—The information required under this section to be included in the reports under section 801(c) of the Department of Energy Organization Act shall include a specification of what legislative or administrative actions must be implemented to meet this goal and set forth a range of options and alternatives with a cost/benefit analysis for each option or alternative together with an estimate of the contribution each option or alternative could make to reduce foreign oil imports. The Secretary shall solicit information from the public and request information from the Energy Information Agency and other agencies to develop the information required under this section. The information shall indicate, in detail, options and alternatives to—

(1) increase the use of renewable domestic energy sources, including conventional and nonconventional sources;

(2) conserve energy resources, including improving efficiencies and decreasing consumption; and

(3) increase domestic production and use of oil, natural gas, nuclear, and coal, including any actions necessary to provide access to, and transportation of, these energy resources.

SEC. 803. STUDY OF AIRCRAFT EMISSIONS.

The Secretary of Transportation and the Administrator of the Environmental Protection Agency shall jointly commence a study within 60 days after the enactment of this Act to investigate the impact of aircraft emissions on air quality in areas that are considered to be in nonattainment for the national ambient air quality standard for ozone. As part of this study, the Secretary and the Administrator shall focus on the impact of emissions by aircraft idling at airports and on the contribution of such emissions as a percentage of total emissions in the nonattainment area. Within 180 days of the commencement of the study, the Secretary and the Administrator shall submit a report to the Committees on Energy and Commerce and Transportation and Infrastructure of the United States House of Representatives and to the Committees on Environment and Public Works and Commerce, Science, and Transportation of the United States Senate containing the results of the study and recommendations with respect to a plan to maintain comprehensive data on aircraft emissions and methods by which such emissions may be reduced, without increasing individual aircraft noise, in order to assist in the attainment of the national ambient air quality standards.

DIVISION B

SEC. 2001. SHORT TITLE.

This division may be cited as the "Comprehensive Energy Research and Technology Act of 2001".

SEC. 2002. FINDINGS.

The Congress finds that—

(1) the Nation's prosperity and way of life are sustained by energy use;

(2) the growing imbalance between domestic energy production and consumption means that the Nation is becoming increasingly reliant on imported energy, which has the potential to undermine the Nation's economy, standard of living, and national security;

(3) energy conservation and energy efficiency help maximize the use of available energy resources, reduce energy shortages, lower the Nation's reliance on energy imports, mitigate the impacts of high energy prices, and help protect the environment and public health;

(4) development of a balanced portfolio of domestic energy supplies will ensure that future generations of Americans will have access to the energy they need;

(5) energy efficiency technologies, renewable and alternative energy technologies, and advanced energy systems technologies will help diversify the Nation's energy portfolio with few adverse environmental impacts and are vital to delivering clean energy to fuel the Nation's economic growth;

(6) development of reliable, affordable, and environmentally sound energy efficiency technologies, renewable and alternative energy technologies, and advanced energy systems technologies will require maintenance of a vibrant fundamental scientific knowledge base and continued scientific and technological innovations that can be accelerated by Federal funding, whereas commercial deployment of such systems and technologies are the responsibility of the private sector;

(7) Federal funding should focus on those programs, projects, and activities that are long-term, high-risk, noncommercial, and well-managed, and that provide the potential for scientific and technological advances; and

(8) public-private partnerships should be encouraged to leverage scarce taxpayer dollars.

SEC. 2003. PURPOSES.

The purposes of this division are to—

(1) protect and strengthen the Nation's economy, standard of living, and national security by reducing dependence on imported energy;

(2) meet future needs for energy services at the lowest total cost to the Nation, including environmental costs, giving balanced and comprehensive consideration to technologies that improve the efficiency of energy end uses and that enhance energy supply;

(3) reduce the air, water, and other environmental impacts (including emissions of greenhouse gases) of energy production, distribution, transportation, and use through the development of environmentally sustainable energy systems;

(4) consider the comparative environmental impacts of the energy saved or produced by specific programs, projects, or activities;

(5) maintain the technological competitiveness of the United States and stimulate economic growth through the development of advanced energy systems and technologies;

(6) foster international cooperation by developing international markets for domesti-

cally produced sustainable energy technologies, and by transferring environmentally sound, advanced energy systems and technologies to developing countries to promote sustainable development;

(7) provide sufficient funding of programs, projects, and activities that are performance-based and modeled as public-private partnerships, as appropriate; and

(8) enhance the contribution of a given program, project, or activity to fundamental scientific knowledge.

SEC. 2004. GOALS.

(a) IN GENERAL.—Subject to subsection (b), in order to achieve the purposes of this division under section 2003, the Secretary should conduct a balanced energy research, development, demonstration, and commercial application portfolio of programs guided by the following goals to meet the purposes of this division under section 2003.

(1) ENERGY CONSERVATION AND ENERGY EFFICIENCY—

(A) For the Building Technology, State and Community Sector, the program should develop technologies, housing components, designs, and production methods that will, by 2010—

(i) reduce the monthly energy cost of new housing by 20 percent, compared to the cost as of the date of the enactment of this Act;

(ii) cut the environmental impact and energy use of new housing by 50 percent, compared to the impact and use as of the date of the enactment of this Act; and

(iii) improve durability and reduce maintenance costs by 50 percent compared to the durability and costs as of the date of the enactment of this Act.

(B) For the Industry Sector, the program should, in cooperation with the affected industries, improve the energy intensity of the major energy-consuming industries by at least 25 percent by 2010, compared to the energy intensity as of the date of the enactment of this Act.

(C) For Power Technologies, the program should, in cooperation with the affected industries—

(i) develop a microturbine (40 to 300 kilowatt) that is more than 40 percent more efficient by 2006, and more than 50 percent more efficient by 2010, compared to the efficiency as of the date of the enactment of this Act; and

(ii) develop advanced materials for combustion systems that reduce emissions of nitrogen oxides by 30 to 50 percent while increasing efficiency 5 to 10 percent by 2007, compared to such emissions as of the date of the enactment of this Act.

(D) For the Transportation Sector, the program should, in cooperation with affected industries—

(i) develop a production prototype passenger automobile that has fuel economy equivalent to 80 miles per gallon of gasoline by 2004;

(ii) develop class 7 and 8 heavy duty trucks and buses with ultra low emissions and the ability to use an alternative fuel that has an average fuel economy equivalent to—

(I) 10 miles per gallon of gasoline by 2007; and

(II) 13 miles per gallon of gasoline by 2010;

(iii) develop a production prototype of a passenger automobile with zero equivalent emissions that has an average fuel economy of 100 miles per gallon of gasoline by 2010; and

(iv) improve, by 2010, the average fuel economy of trucks—

(I) in classes 1 and 2 by 300 percent; and

(II) in classes 3 through 6 by 200 percent, compared to the fuel economy as of the date of the enactment of this Act.

(2) RENEWABLE ENERGY.—

(A) For Hydrogen Research, to carry out the Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990, as amended by subtitle A of title II of this division.

(B) For bioenergy:

(i) The program should reduce the cost of bioenergy relative to other energy sources to enable the United States to triple bioenergy use by 2010.

(ii) For biopower systems, the program should reduce the cost of such systems to enable commercialization of integrated power-generating technologies that employ gas turbines and fuel cells integrated with bio-energy gasifiers within 5 years after the date of the enactment of this Act.

(iii) For biofuels, the program should accelerate research, development, and demonstration on advanced enzymatic hydrolysis technology for making ethanol from cellulosic feedstock, with the goal that between 2010 and 2015 ethanol produced from energy crops would be fully competitive in terms of price with gasoline as a neat fuel, in either internal combustion engines or fuel cell vehicles.

(C) For Geothermal Technology Development, the program should focus on advanced concepts for the long term. The first priority should be high-grade enhanced geothermal systems; the second priority should be lower grade, hot dry rock, and geopressured systems; and the third priority should be support of field demonstrations of enhanced geothermal systems technology, including sites in lower grade areas to demonstrate the benefits of reservoir concepts to different conditions.

(D) For Hydropower, the program should provide a new generation of turbine technologies that will increase generating capacity and will be less damaging to fish and aquatic ecosystems.

(E) For Concentrating Solar Power, the program should strengthen ongoing research, development, and demonstration combining high-efficiency and high-temperature receivers with advanced thermal storage and power cycles, with the goal of making solar-only power (including baseload solar power) widely competitive with fossil fuel power by 2015. The program should limit or halt its research and development on power-tower and power-trough technologies because further refinements to these concepts will not further their deployment, and should assess the market prospects for solar dish/engine technologies to determine whether continued research and development is warranted.

(F) For Photovoltaic Energy Systems, the program should pursue research, development, and demonstration that will, by 2005, increase the efficiency of thin film modules from the current 7 percent to 11 percent in multi-million watt production; reduce the direct manufacturing cost of photovoltaic modules by 30 percent from the current \$2.50 per watt to \$1.75 per watt by 2005; and establish greater than a 20-year lifetime of photovoltaic systems by improving the reliability and lifetime of balance-of-system components and reducing recurring cost by 40 percent. The program's top priority should be the development of sound manufacturing technologies for thin-film modules, and the program should make a concerted effort to integrate fundamental research and basic engineering research.

(G) For Solar Building Technology Research, the program should complete research and development on new polymers and manufacturing processes to reduce the

cost of solar water heating by 50 percent by 2004, compared to the cost as of the date of the enactment of this Act.

(H) For Wind Energy Systems, the program should reduce the cost of wind energy to three cents per kilowatt-hour at Class 6 (15 miles-per-hour annual average) wind sites by 2004, and 4 cents per kilowatt-hour in Class 4 (13 miles-per-hour annual average) wind sites by 2015, and further if required so that wind power can be widely competitive with fossil-fuel-based electricity in a restructured electric industry. Program research on advanced wind turbine technology should focus on turbulent flow studies, durable materials to extend turbine life, blade efficiency, and higher efficiency operation in low quality wind regimes.

(I) For Electric Energy Systems and Storage, including High Temperature Superconducting Research and Development, Energy Storage Systems, and Transmission Reliability, the program should develop high capacity superconducting transmission lines and generators, highly reliable energy storage systems, and distributed generating systems to accommodate multiple types of energy sources under common interconnect standards.

(J) For the International Renewable Energy and Renewable Energy Production Incentive programs, and Renewable Program Support, the program should encourage the commercial application of renewable energy technologies by developed and developing countries, State and local governmental entities and nonprofit electric cooperatives, and by the competitive domestic market.

(3) NUCLEAR ENERGY.—

(A) For university nuclear science and engineering, the program should carry out the provisions of subtitle A of title III of this division.

(B) For fuel cycle research, development, and demonstration, the program should carry out the provisions of subtitle B of title III of this division.

(C) For the Nuclear Energy Research Initiative, the program should accomplish the objectives of section 2341(b) of this Act.

(D) For the Nuclear Energy Plant Optimization Program, the program should accomplish the objectives of section 2342(b) of this Act.

(E) For Nuclear Energy Technologies, the program should carry out the provisions of section 2343 of this Act.

(F) For Advanced Radioisotope Power Systems, the program should ensure that the United States has adequate capability to power future satellite and space missions.

(4) FOSSIL ENERGY.—

(A) For core fossil energy research and development, the program should achieve the goals outlined by the Department's Vision 21 Program. This research should address fuel-flexible gasification and turbines, fuel cells, advanced-combustion systems, advanced fuels and chemicals, advanced modeling and systems analysis, materials and heat exchangers, environmental control technologies, gas-stream purification, gas-separation technology, and sequestration research and development focused on cost-effective novel concepts for capturing, reusing or storing, or otherwise mitigating carbon and other greenhouse gas emissions.

(B) For offshore oil and natural gas resources, the program should investigate and develop technologies to—

(i) extract methane hydrates in coastal waters of the United States, in accordance with the provisions of the Methane Hydrate Research and Development Act of 2000; and

(ii) develop natural gas and oil reserves in the ultra-deepwater of the Central and Western Gulf of Mexico. Research and development on ultra-deepwater resource recovery shall focus on improving the safety and efficiency of such recovery and of sub-sea production technology used for such recovery, while lowering costs.

(C) For transportation fuels, the program should support a comprehensive transportation fuels strategy to increase the price elasticity of oil supply and demand by focusing research on reducing the cost of producing transportation fuels from natural gas and indirect liquefaction of coal.

(5) SCIENCE.—The Secretary, through the Office of Science, should—

(A) develop and maintain a robust portfolio of fundamental scientific and energy research, including High Energy and Nuclear Physics, Biological and Environmental Research, Basic Energy Sciences (including Materials Sciences, Chemical Sciences, Engineering and Geosciences, and Energy Biosciences), Advanced Scientific Computing, Energy Research and Analysis, Multiprogram Energy Laboratories-Facilities Support, Fusion Energy Sciences, and Facilities and Infrastructure;

(B) maintain, upgrade, and expand, as appropriate, and in accordance with the provisions of this division, the scientific user facilities maintained by the Office of Science, and ensure that they are an integral part of the Department's mission for exploring the frontiers of fundamental energy sciences; and

(C) ensure that its fundamental energy sciences programs, where appropriate, help inform the applied research and development programs of the Department.

(b) REVIEW AND ASSESSMENT.—The Secretary shall perform an assessment that establishes measurable cost and performance-based goals, or that modifies the goals under subsection (a), as appropriate, for 2005, 2010, 2015, and 2020 for each of the programs authorized by this division that would enable each such program to meet the purposes of this division under section 2003. Such assessment shall be based on the latest scientific and technical knowledge, and shall also take into consideration, as appropriate, the comparative environmental impacts (including emissions of greenhouse gases) of the energy saved or produced by specific programs.

(c) CONSULTATION.—In establishing the measurable cost and performance-based goals under subsection (b), the Secretary shall consult with the private sector, institutions of higher learning, national laboratories, environmental organizations, professional and technical societies, and any other persons as the Secretary considers appropriate.

(d) SCHEDULE.—The Secretary shall—

(1) issue and publish in the Federal Register a set of draft measurable cost and performance-based goals for the programs authorized by this division for public comment—

(A) in the case of a program established before the date of the enactment of this Act, not later than 120 days after the date of the enactment of this Act; and

(B) in the case of a program not established before the date of the enactment of this Act, not later than 120 days after the date of establishment of the program;

(2) not later than 60 days after the date of publication under paragraph (1), after taking into consideration any public comments received, transmit to the Congress and publish in the Federal Register the final measurable cost and performance-based goals; and

(3) update all such cost and performance-based goals on a biennial basis.

SEC. 2005. DEFINITIONS.

For purposes of this division, except as otherwise provided—

(1) the term “Administrator” means the Administrator of the Environmental Protection Agency;

(2) the term “appropriate congressional committees” means—

(A) the Committee on Science and the Committee on Appropriations of the House of Representatives; and

(B) the Committee on Energy and Natural Resources and the Committee on Appropriations of the Senate;

(3) the term “Department” means the Department of Energy; and

(4) the term “Secretary” means the Secretary of Energy.

SEC. 2006. AUTHORIZATIONS.

Authorizations of appropriations under this division are for environmental research and development, scientific and energy research, development, and demonstration, and commercial application of energy technology programs, projects, and activities.

SEC. 2007. BALANCE OF FUNDING PRIORITIES.

(a) SENSE OF CONGRESS.—It is the sense of the Congress that the funding of the various programs authorized by titles I through IV of this division should remain in the same proportion to each other as provided in this division, regardless of the total amount of the funding made available for those programs.

(b) REPORT TO CONGRESS.—If for fiscal year 2002, 2003, or 2004 the amounts appropriated in general appropriations Acts for the programs authorized in titles I through IV of this division are not in the same proportion to one another as are the authorizations for such programs in this division, the Secretary and the Administrator shall, within 60 days after the date of the enactment of the last general appropriations Act appropriating amounts for such programs, transmit to the appropriate congressional committees a report describing the programs, projects, and activities that would have been funded if the proportions provided for in this division had been maintained in the appropriations. The amount appropriated for the program receiving the highest percentage of its authorized funding for a fiscal year shall be used as the baseline for calculating the proportional deficiencies of appropriations for other programs in that fiscal year.

TITLE I—ENERGY CONSERVATION AND ENERGY EFFICIENCY

Subtitle A—Alternative Fuel Vehicles

SEC. 2101. SHORT TITLE.

This subtitle may be cited as the “Alternative Fuel Vehicle Acceleration Act of 2001”.

SEC. 2102. DEFINITIONS.

For the purposes of this subtitle, the following definitions apply:

(1) ALTERNATIVE FUEL VEHICLE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the term “alternative fuel vehicle” means a motor vehicle that is powered—

(i) in whole or in part by electricity, including electricity supplied by a fuel cell;

(ii) by liquefied natural gas;

(iii) by compressed natural gas;

(iv) by liquefied petroleum gas;

(v) by hydrogen;

(vi) by methanol or ethanol at no less than 85 percent by volume; or

(vii) by propane.

(B) EXCLUSIONS.—The term “alternative fuel vehicle” does not include—

(i) any vehicle designed to operate solely on gasoline or diesel derived from fossil fuels, regardless of whether it can also be operated on an alternative fuel; or

(ii) any vehicle that the Secretary determines, by rule, does not yield substantial environmental benefits over a vehicle operating solely on gasoline or diesel derived from fossil fuels.

(2) **PILOT PROGRAM.**—The term “pilot program” means the competitive grant program established under section 2103.

(3) **ULTRA-LOW SULFUR DIESEL VEHICLE.**—The term “ultra-low sulfur diesel vehicle” means a vehicle powered by a heavy-duty diesel engine that—

(A) is fueled by diesel fuel which contains sulfur at not more than 15 parts per million; and

(B) emits not more than the lesser of—

(i) for vehicles manufactured in—

(I) model years 2001 through 2003, 3.0 grams per brake horsepower-hour of nonmethane hydrocarbons and oxides of nitrogen and .01 grams per brake horsepower-hour of particulate matter; and

(II) model years 2004 through 2006, 2.5 grams per brake horsepower-hour of nonmethane hydrocarbons and oxides of nitrogen and .01 grams per brake horsepower-hour of particulate matter; or

(ii) the emissions of nonmethane hydrocarbons, oxides of nitrogen, and particulate matter of the best performing technology of ultra-low sulfur diesel vehicles of the same type that are commercially available.

SEC. 2103. PILOT PROGRAM.

(a) **ESTABLISHMENT.**—The Secretary shall establish a competitive grant pilot program to provide not more than 15 grants to State governments, local governments, or metropolitan transportation authorities to carry out a project or projects for the purposes described in subsection (b).

(b) **GRANT PURPOSES.**—Grants under this section may be used for the following purposes:

(1) The acquisition of alternative fuel vehicles, including—

(A) passenger vehicles;

(B) buses used for public transportation or transportation to and from schools;

(C) delivery vehicles for goods or services;

(D) ground support vehicles at public airports, including vehicles to carry baggage or push airplanes away from terminal gates; and

(E) motorized two-wheel bicycles, scooters, or other vehicles for use by law enforcement personnel or other State or local government or metropolitan transportation authority employees.

(2) The acquisition of ultra-low sulfur diesel vehicles.

(3) Infrastructure necessary to directly support an alternative fuel vehicle project funded by the grant, including fueling and other support equipment.

(4) Operation and maintenance of vehicles, infrastructure, and equipment acquired as part of a project funded by the grant.

(c) **APPLICATIONS.**—

(1) **REQUIREMENTS.**—The Secretary shall issue requirements for applying for grants under the pilot program. At a minimum, the Secretary shall require that applications be submitted by the head of a State or local government or a metropolitan transportation authority, or any combination thereof, and shall include—

(A) at least one project to enable passengers or goods to be transferred directly from one alternative fuel vehicle or ultra-low sulfur diesel vehicle to another in a linked transportation system;

(B) a description of the projects proposed in the application, including how they meet the requirements of this subtitle;

(C) an estimate of the ridership or degree of use of the projects proposed in the application;

(D) an estimate of the air pollution emissions reduced and fossil fuel displaced as a result of the projects proposed in the application, and a plan to collect and disseminate environmental data, related to the projects to be funded under the grant, over the life of the projects;

(E) a description of how the projects proposed in the application will be sustainable without Federal assistance after the completion of the term of the grant;

(F) a complete description of the costs of each project proposed in the application, including acquisition, construction, operation, and maintenance costs over the expected life of the project;

(G) a description of which costs of the projects proposed in the application will be supported by Federal assistance under this subtitle; and

(H) documentation to the satisfaction of the Secretary that diesel fuel containing sulfur at not more than 15 parts per million is available for carrying out the projects, and a commitment by the applicant to use such fuel in carrying out the projects.

(2) **PARTNERS.**—An applicant under paragraph (1) may carry out projects under the pilot program in partnership with public and private entities.

(d) **SELECTION CRITERIA.**—In evaluating applications under the pilot program, the Secretary shall consider each applicant's previous experience with similar projects and shall give priority consideration to applications that—

(1) are most likely to maximize protection of the environment;

(2) demonstrate the greatest commitment on the part of the applicant to ensure funding for the proposed projects and the greatest likelihood that each project proposed in the application will be maintained or expanded after Federal assistance under this subtitle is completed; and

(3) exceed the minimum requirements of subsection (c)(1)(A).

(e) **PILOT PROJECT REQUIREMENTS.**—

(1) **MAXIMUM AMOUNT.**—The Secretary shall not provide more than \$20,000,000 in Federal assistance under the pilot program to any applicant.

(2) **COST SHARING.**—The Secretary shall not provide more than 50 percent of the cost, incurred during the period of the grant, of any project under the pilot program.

(3) **MAXIMUM PERIOD OF GRANTS.**—The Secretary shall not fund any applicant under the pilot program for more than 5 years.

(4) **DEPLOYMENT AND DISTRIBUTION.**—The Secretary shall seek to the maximum extent practicable to achieve nationwide deployment of alternative fuel vehicles through the pilot program, and shall ensure a broad geographic distribution of project sites.

(5) **TRANSFER OF INFORMATION AND KNOWLEDGE.**—The Secretary shall establish mechanisms to ensure that the information and knowledge gained by participants in the pilot program are transferred among the pilot program participants and to other interested parties, including other applicants that submitted applications.

(f) **SCHEDULE.**—

(1) **PUBLICATION.**—Not later than 3 months after the date of the enactment of this Act, the Secretary shall publish in the Federal Register, Commerce Business Daily, and

elsewhere as appropriate, a request for applications to undertake projects under the pilot program. Applications shall be due within 6 months of the publication of the notice.

(2) **SELECTION.**—Not later than 6 months after the date by which applications for grants are due, the Secretary shall select by competitive, peer review all applications for projects to be awarded a grant under the pilot program.

(g) **LIMIT ON FUNDING.**—The Secretary shall provide not less than 20 percent and not more than 25 percent of the grant funding made available under this section for the acquisition of ultra-low sulfur diesel vehicles.

SEC. 2104. REPORTS TO CONGRESS.

(a) **INITIAL REPORT.**—Not later than 2 months after the date grants are awarded under this subtitle, the Secretary shall transmit to the appropriate congressional committees a report containing—

(1) an identification of the grant recipients and a description of the projects to be funded;

(2) an identification of other applicants that submitted applications for the pilot program; and

(3) a description of the mechanisms used by the Secretary to ensure that the information and knowledge gained by participants in the pilot program are transferred among the pilot program participants and to other interested parties, including other applicants that submitted applications.

(b) **EVALUATION.**—Not later than 3 years after the date of the enactment of this Act, and annually thereafter until the pilot program ends, the Secretary shall transmit to the appropriate congressional committees a report containing an evaluation of the effectiveness of the pilot program, including an assessment of the benefits to the environment derived from the projects included in the pilot program as well as an estimate of the potential benefits to the environment to be derived from widespread application of alternative fuel vehicles and ultra-low sulfur diesel vehicles.

SEC. 2105. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary \$200,000,000 to carry out this subtitle, to remain available until expended.

Subtitle B—Distributed Power Hybrid Energy Systems

SEC. 2121. FINDINGS.

The Congress makes the following findings:

(1) Our ability to take advantage of our renewable, indigenous resources in a cost-effective manner can be greatly advanced through systems that compensate for the intermittent nature of these resources through distributed power hybrid systems.

(2) Distributed power hybrid systems can—

(A) shelter consumers from temporary energy price volatility created by supply and demand mismatches;

(B) increase the reliability of energy supply; and

(C) address significant local differences in power and economic development needs and resource availability that exist throughout the United States.

(3) Realizing these benefits will require a concerted and integrated effort to remove market barriers to adopting distributed power hybrid systems by—

(A) developing the technological foundation that enables designing, testing, certifying, and operating distributed power hybrid systems; and

(B) providing the policy framework that reduces such barriers.

(4) While many of the individual distributed power hybrid systems components are

either available or under development in existing private and public sector programs, the capabilities to integrate these components into workable distributed power hybrid systems that maximize benefits to consumers in a safe manner often are not coherently being addressed.

SEC. 2122. DEFINITIONS.

For purposes of this subtitle—

(1) the term “distributed power hybrid system” means a system using 2 or more distributed power sources, operated together with associated supporting equipment, including storage equipment, and software necessary to provide electric power onsite and to an electric distribution system; and

(2) the term “distributed power source” means an independent electric energy source of usually 10 megawatts or less located close to a residential, commercial, or industrial load center, including—

- (A) reciprocating engines;
- (B) turbines;
- (C) microturbines;
- (D) fuel cells;
- (E) solar electric systems;
- (F) wind energy systems;
- (G) biopower systems;
- (H) geothermal power systems; or
- (I) combined heat and power systems.

SEC. 2123. STRATEGY.

(a) REQUIREMENT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall develop and transmit to the Congress a distributed power hybrid systems strategy showing—

- (1) needs best met with distributed power hybrid systems configurations, especially systems including one or more solar or renewable power sources; and
- (2) technology gaps and barriers (including barriers to efficient connection with the power grid) that hamper the use of distributed power hybrid systems.

(b) ELEMENTS.—The strategy shall provide for development of—

(1) system integration tools (including databases, computer models, software, sensors, and controls) needed to plan, design, build, and operate distributed power hybrid systems for maximum benefits;

(2) tests of distributed power hybrid systems, power parks, and microgrids, including field tests and cost-shared demonstrations with industry;

(3) design tools to characterize the benefits of distributed power hybrid systems for consumers, to reduce testing needs, to speed commercialization, and to generate data characterizing grid operations, including interconnection requirements;

(4) precise resource assessment tools to map local resources for distributed power hybrid systems; and

(5) a comprehensive research, development, demonstration, and commercial application program to ensure the reliability, efficiency, and environmental integrity of distributed energy resources, focused on filling gaps in distributed power hybrid systems technologies identified under subsection (a)(2), which may include—

(A) integration of a wide variety of advanced technologies into distributed power hybrid systems;

(B) energy storage devices;

(C) environmental control technologies;

(D) interconnection standards, protocols, and equipment; and

(E) ancillary equipment for dispatch and control.

(c) IMPLEMENTATION AND INTEGRATION.—

The Secretary shall implement the strategy transmitted under subsection (a) and the re-

search program under subsection (b)(5). Activities pursuant to the strategy shall be integrated with other activities of the Department's Office of Power Technologies.

SEC. 2124. HIGH POWER DENSITY INDUSTRY PROGRAM.

(a) IN GENERAL.—The Secretary shall develop and implement a comprehensive research, development, demonstration, and commercial application program to improve energy efficiency, reliability, and environmental responsibility in high power density industries, such as data centers, server farms, telecommunications facilities, and heavy industry.

(b) AREAS.—In carrying out this section, the Secretary shall consider technologies that provide—

(1) significant improvement in efficiency of high power density facilities, and in data and telecommunications centers, using advanced thermal control technologies;

(2) significant improvements in air-conditioning efficiency in facilities such as data centers and telecommunications facilities;

(3) significant advances in peak load reduction; and

(4) advanced real time metering and load management and control devices.

(c) IMPLEMENTATION AND INTEGRATION.—Activities pursuant to this program shall be integrated with other activities of the Department's Office of Power Technologies.

SEC. 2125. MICRO-COGENERATION ENERGY TECHNOLOGY.

The Secretary shall make competitive, merit-based grants to consortia of private sector entities for the development of micro-cogeneration energy technology. The consortia shall explore the creation of small-scale combined heat and power through the use of residential heating appliances. There are authorized to be appropriated to the Secretary \$20,000,000 to carry out this section, to remain available until expended.

SEC. 2126. PROGRAM PLAN.

Within 4 months after the date of the enactment of this Act, the Secretary, in consultation with other appropriate Federal agencies, shall prepare and transmit to the Congress a 5-year program plan to guide activities under this subtitle. In preparing the program plan, the Secretary shall consult with appropriate representatives of the distributed energy resources, power transmission, and high power density industries to prioritize appropriate program areas. The Secretary shall also seek the advice of utilities, energy services providers, manufacturers, institutions of higher learning, other appropriate State and local agencies, environmental organizations, professional and technical societies, and any other persons the Secretary considers appropriate.

SEC. 2127. REPORT.

Two years after date of the enactment of this Act and at 2-year intervals thereafter, the Secretary, jointly with other appropriate Federal agencies, shall transmit a report to Congress describing the progress made to achieve the purposes of this subtitle.

SEC. 2128. VOLUNTARY CONSENSUS STANDARDS.

Not later than 2 years after the date of the enactment of this Act, the Secretary, in consultation with the National Institute of Standards and Technology, shall work with the Institute of Electrical and Electronic Engineers and other standards development organizations toward the development of voluntary consensus standards for distributed energy systems for use in manufacturing and using equipment and systems for connection with electric distribution systems, for ob-

taining electricity from, or providing electricity to, such systems.

Subtitle C—Secondary Electric Vehicle Battery Use

SEC. 2131. DEFINITIONS.

For purposes of this subtitle, the term—

(1) “battery” means an energy storage device that previously has been used to provide motive power in a vehicle powered in whole or in part by electricity; and

(2) “associated equipment” means equipment located at the location where the batteries will be used that is necessary to enable the use of the energy stored in the batteries.

SEC. 2132. ESTABLISHMENT OF SECONDARY ELECTRIC VEHICLE BATTERY USE PROGRAM.

(a) PROGRAM.—The Secretary shall establish and conduct a research, development, and demonstration program for the secondary use of batteries where the original use of such batteries was in transportation applications. Such program shall be—

(1) designed to demonstrate the use of batteries in secondary application, including utility and commercial power storage and power quality;

(2) structured to evaluate the performance, including longevity of useful service life and costs, of such batteries in field operations, and evaluate the necessary supporting infrastructure, including disposal and reuse of batteries; and

(3) coordinated with ongoing secondary battery use programs underway at the national laboratories and in industry.

(b) SOLICITATION.—(1) Not later than 6 months after the date of the enactment of this Act, the Secretary shall solicit proposals to demonstrate the secondary use of batteries and associated equipment and supporting infrastructure in geographic locations throughout the United States. The Secretary may make additional solicitations for proposals if the Secretary determines that such solicitations are necessary to carry out this section.

(2)(A) Proposals submitted in response to a solicitation under this section shall include—

(i) a description of the project, including the batteries to be used in the project, the proposed locations and applications for the batteries, the number of batteries to be demonstrated, and the type, characteristics, and estimated life-cycle costs of the batteries compared to other energy storage devices currently used;

(ii) the contribution, if any, of State or local governments and other persons to the demonstration project;

(iii) the type of associated equipment to be demonstrated and the type of supporting infrastructure to be demonstrated; and

(iv) any other information the Secretary considers appropriate.

(B) If the proposal includes a lease arrangement, the proposal shall indicate the terms of such lease arrangement for the batteries and associated equipment.

(c) SELECTION OF PROPOSALS.—

(1)(A) The Secretary shall, not later than 3 months after the closing date established by the Secretary for receipt of proposals under subsection (b), select at least 5 proposals to receive financial assistance under this section.

(B) No one project selected under this section shall receive more than 25 percent of the funds authorized under this section. No more than 3 projects selected under this section shall demonstrate the same battery type.

(2) In selecting a proposal under this section, the Secretary shall consider—

(A) the ability of the proposer to acquire the batteries and associated equipment and to successfully manage and conduct the demonstration project, including the reporting requirements set forth in paragraph (3)(B);

(B) the geographic and climatic diversity of the projects selected;

(C) the long-term technical and competitive viability of the batteries to be used in the project and of the original manufacturer of such batteries;

(D) the suitability of the batteries for their intended uses;

(E) the technical performance of the battery, including the expected additional useful life and the battery's ability to retain energy;

(F) the environmental effects of the use of and disposal of the batteries proposed to be used in the project selected;

(G) the extent of involvement of State or local government and other persons in the demonstration project and whether such involvement will—

(i) permit a reduction of the Federal cost share per project; or

(ii) otherwise be used to allow the Federal contribution to be provided to demonstrate a greater number of batteries; and

(H) such other criteria as the Secretary considers appropriate.

(3) **CONDITIONS.**—The Secretary shall require that—

(A) as a part of a demonstration project, the users of the batteries provide to the proposer information regarding the operation, maintenance, performance, and use of the batteries, and the proposer provide such information to the battery manufacturer, for 3 years after the beginning of the demonstration project;

(B) the proposer provide to the Secretary such information regarding the operation, maintenance, performance, and use of the batteries as the Secretary may request during the period of the demonstration project; and

(C) the proposer provide at least 50 percent of the costs associated with the proposal.

SEC. 2133. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary, from amounts authorized under section 2161(a), for purposes of this subtitle—

- (1) \$1,000,000 for fiscal year 2002;
- (2) \$7,000,000 for fiscal year 2003; and
- (3) \$7,000,000 for fiscal year 2004.

Such appropriations may remain available until expended.

Subtitle D—Green School Buses

SEC. 2141. SHORT TITLE.

This subtitle may be cited as the “Clean Green School Bus Act of 2001”.

SEC. 2142. ESTABLISHMENT OF PILOT PROGRAM.

(a) **ESTABLISHMENT.**—The Secretary shall establish a pilot program for awarding grants on a competitive basis to eligible entities for the demonstration and commercial application of alternative fuel school buses and ultra-low sulfur diesel school buses.

(b) **REQUIREMENTS.**—Not later than 3 months after the date of the enactment of this Act, the Secretary shall establish and publish in the Federal register grant requirements on eligibility for assistance, and on implementation of the program established under subsection (a), including certification requirements to ensure compliance with this subtitle.

(c) **SOLICITATION.**—Not later than 6 months after the date of the enactment of this Act, the Secretary shall solicit proposals for grants under this section.

(d) **ELIGIBLE RECIPIENTS.**—A grant shall be awarded under this section only—

(1) to a local governmental entity responsible for providing school bus service for one or more public school systems; or

(2) jointly to an entity described in paragraph (1) and a contracting entity that provides school bus service to the public school system or systems.

(e) TYPES OF GRANTS.—

(1) **IN GENERAL.**—Grants under this section shall be for the demonstration and commercial application of technologies to facilitate the use of alternative fuel school buses and ultra-low sulfur diesel school buses in lieu of buses manufactured before model year 1977 and diesel-powered buses manufactured before model year 1991.

(2) **NO ECONOMIC BENEFIT.**—Other than the receipt of the grant, a recipient of a grant under this section may not receive any economic benefit in connection with the receipt of the grant.

(3) **PRIORITY OF GRANT APPLICATIONS.**—The Secretary shall give priority to awarding grants to applicants who can demonstrate the use of alternative fuel buses and ultra-low sulfur diesel school buses in lieu of buses manufactured before model year 1977.

(f) **CONDITIONS OF GRANT.**—A grant provided under this section shall include the following conditions:

(1) All buses acquired with funds provided under the grant shall be operated as part of the school bus fleet for which the grant was made for a minimum of 5 years.

(2) Funds provided under the grant may only be used—

(A) to pay the cost, except as provided in paragraph (3), of new alternative fuel school buses or ultra-low sulfur diesel school buses, including State taxes and contract fees; and

(B) to provide—

(i) up to 10 percent of the price of the alternative fuel buses acquired, for necessary alternative fuel infrastructure if the infrastructure will only be available to the grant recipient; and

(ii) up to 15 percent of the price of the alternative fuel buses acquired, for necessary alternative fuel infrastructure if the infrastructure will be available to the grant recipient and to other bus fleets.

(3) The grant recipient shall be required to provide at least the lesser of 15 percent of the total cost of each bus received or \$15,000 per bus.

(4) In the case of a grant recipient receiving a grant to demonstrate ultra-low sulfur diesel school buses, the grant recipient shall be required to provide documentation to the satisfaction of the Secretary that diesel fuel containing sulfur at not more than 15 parts per million is available for carrying out the purposes of the grant, and a commitment by the applicant to use such fuel in carrying out the purposes of the grant.

(g) **BUSES.**—Funding under a grant made under this section may be used to demonstrate the use only of new alternative fuel school buses or ultra-low sulfur diesel school buses—

(1) with a gross vehicle weight of greater than 14,000 pounds;

(2) that are powered by a heavy duty engine;

(3) that, in the case of alternative fuel school buses, emit not more than—

(A) for buses manufactured in model years 2001 and 2002, 2.5 grams per brake horsepower-hour of nonmethane hydrocarbons and oxides of nitrogen and .01 grams per brake horsepower-hour of particulate matter; and

(B) for buses manufactured in model years 2003 through 2006, 1.8 grams per brake horse-

power-hour of nonmethane hydrocarbons and oxides of nitrogen and .01 grams per brake horsepower-hour of particulate matter; and

(4) that, in the case of ultra-low sulfur diesel school buses, emit not more than—

(A) for buses manufactured in model years 2001 through 2003, 3.0 grams per brake horsepower-hour of nonmethane hydrocarbons and oxides of nitrogen and .01 grams per brake horsepower-hour of particulate matter; and

(B) for buses manufactured in model years 2004 through 2006, 2.5 grams per brake horsepower-hour of nonmethane hydrocarbons and oxides of nitrogen and .01 grams per brake horsepower-hour of particulate matter, except that under no circumstances shall buses be acquired under this section that emit nonmethane hydrocarbons, oxides of nitrogen, or particulate matter at a rate greater than the best performing technology of ultra-low sulfur diesel school buses commercially available at the time the grant is made.

(h) **DEPLOYMENT AND DISTRIBUTION.**—The Secretary shall seek to the maximum extent practicable to achieve nationwide deployment of alternative fuel school buses through the program under this section, and shall ensure a broad geographic distribution of grant awards, with a goal of no State receiving more than 10 percent of the grant funding made available under this section for a fiscal year.

(i) **LIMIT ON FUNDING.**—The Secretary shall provide not less than 20 percent and not more than 25 percent of the grant funding made available under this section for any fiscal year for the acquisition of ultra-low sulfur diesel school buses.

(j) **DEFINITIONS.**—For purposes of this section—

(1) the term “alternative fuel school bus” means a bus powered substantially by electricity (including electricity supplied by a fuel cell), or by liquefied natural gas, compressed natural gas, liquefied petroleum gas, hydrogen, propane, or methanol or ethanol at no less than 85 percent by volume; and

(2) the term “ultra-low sulfur diesel school bus” means a school bus powered by diesel fuel which contains sulfur at not more than 15 parts per million.

SEC. 2143. FUEL CELL BUS DEVELOPMENT AND DEMONSTRATION PROGRAM.

(a) **ESTABLISHMENT OF PROGRAM.**—The Secretary shall establish a program for entering into cooperative agreements with private sector fuel cell bus developers for the development of fuel cell-powered school buses, and subsequently with not less than 2 units of local government using natural gas-powered school buses and such private sector fuel cell bus developers to demonstrate the use of fuel cell-powered school buses.

(b) **COST SHARING.**—The non-Federal contribution for activities funded under this section shall be not less than—

(1) 20 percent for fuel infrastructure development activities; and

(2) 50 percent for demonstration activities and for development activities not described in paragraph (1).

(c) **FUNDING.**—No more than \$25,000,000 of the amounts authorized under section 2144 may be used for carrying out this section for the period encompassing fiscal years 2002 through 2006.

(d) **REPORTS TO CONGRESS.**—Not later than 3 years after the date of the enactment of this Act, and not later than October 1, 2006, the Secretary shall transmit to the appropriate congressional committees a report that—

(1) evaluates the process of converting natural gas infrastructure to accommodate fuel cell-powered school buses; and

(2) assesses the results of the development and demonstration program under this section.

SEC. 2144. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary for carrying out this subtitle, to remain available until expended—

- (1) \$40,000,000 for fiscal year 2002;
- (2) \$50,000,000 for fiscal year 2003;
- (3) \$60,000,000 for fiscal year 2004;
- (4) \$70,000,000 for fiscal year 2005; and
- (5) \$80,000,000 for fiscal year 2006.

Subtitle E—Next Generation Lighting Initiative

SEC. 2151. SHORT TITLE.

This subtitle may be cited as “Next Generation Lighting Initiative Act”.

SEC. 2152. DEFINITION.

In this subtitle, the term “Lighting Initiative” means the “Next Generation Lighting Initiative” established under section 2153(a).

SEC. 2153. NEXT GENERATION LIGHTING INITIATIVE.

(a) ESTABLISHMENT.—The Secretary is authorized to establish a lighting initiative to be known as the “Next Generation Lighting Initiative” to research, develop, and conduct demonstration activities on advanced lighting technologies, including white light emitting diodes.

(b) RESEARCH OBJECTIVES.—The research objectives of the Lighting Initiative shall be to develop, by 2011, advanced lighting technologies that, compared to incandescent and fluorescent lighting technologies as of the date of the enactment of this Act, are—

- (1) longer lasting;
- (2) more energy-efficient; and
- (3) cost-competitive.

SEC. 2154. STUDY.

(a) IN GENERAL.—Not later than 6 months after the date of the enactment of this Act, the Secretary, in consultation with other Federal agencies, as appropriate, shall complete a study on strategies for the development and commercial application of advanced lighting technologies. The Secretary shall request a review by the National Academies of Sciences and Engineering of the study under this subsection, and shall transmit the results of the study to the appropriate congressional committees.

(b) REQUIREMENTS.—The study shall—

- (1) develop a comprehensive strategy to implement the Lighting Initiative; and
- (2) identify the research and development, manufacturing, deployment, and marketing barriers that must be overcome to achieve a goal of a 25 percent market penetration by advanced lighting technologies into the incandescent and fluorescent lighting market by the year 2012.

(c) IMPLEMENTATION.—As soon as practicable after the review of the study under subsection (a) is transmitted to the Secretary by the National Academies of Sciences and Engineering, the Secretary shall adapt the implementation of the Lighting Initiative taking into consideration the recommendations of the National Academies of Sciences and Engineering.

SEC. 2155. GRANT PROGRAM.

(a) IN GENERAL.—Subject to section 2603 of this Act, the Secretary may make merit-based competitive grants to firms and research organizations that conduct research, development, and demonstration projects related to advanced lighting technologies.

(b) ANNUAL REVIEW.—

(1) IN GENERAL.—An annual independent review of the grant-related activities of firms and research organizations receiving a grant under this section shall be conducted by a

committee appointed by the Secretary under the Federal Advisory Committee Act (5 U.S.C. App.), or, at the request of the Secretary, a committee appointed by the National Academies of Sciences and Engineering.

(2) REQUIREMENTS.—Using clearly defined standards established by the Secretary, the review shall assess technology advances and progress toward commercialization of the grant-related activities of firms or research organizations during each fiscal year of the grant program.

(c) TECHNICAL AND FINANCIAL ASSISTANCE.—The national laboratories and other Federal agencies, as appropriate, shall cooperate with and provide technical and financial assistance to firms and research organizations conducting research, development, and demonstration projects carried out under this subtitle.

Subtitle F—Department of Energy Authorization of Appropriations

SEC. 2161. AUTHORIZATION OF APPROPRIATIONS.

(a) OPERATION AND MAINTENANCE.—In addition to amounts authorized to be appropriated under section 2105, section 2125, and section 2144, there are authorized to be appropriated to the Secretary for subtitle B, subtitle C, subtitle E, and for Energy Conservation operation and maintenance (including Building Technology, State and Community Sector (Nongrants), Industry Sector, Transportation Sector, Power Technologies, and Policy and Management) \$625,000,000 for fiscal year 2002, \$700,000,000 for fiscal year 2003, and \$800,000,000 for fiscal year 2004, to remain available until expended.

(b) LIMITS ON USE OF FUNDS.—None of the funds authorized to be appropriated in subsection (a) may be used for—

- (1) Building Technology, State and Community Sector—
 - (A) Residential Building Energy Codes;
 - (B) Commercial Building Energy Codes;
 - (C) Lighting and Appliance Standards;
 - (D) Weatherization Assistance Program; or
 - (E) State Energy Program; or
- (2) Federal Energy Management Program.

Subtitle G—Environmental Protection Agency Office of Air and Radiation Authorization of Appropriations

SEC. 2171. SHORT TITLE.

This subtitle may be cited as the “Environmental Protection Agency Office of Air and Radiation Authorization Act of 2001”.

SEC. 2172. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Administrator for Office of Air and Radiation Climate Change Protection Programs \$121,942,000 for fiscal year 2002, \$126,800,000 for fiscal year 2003, and \$131,800,000 for fiscal year 2004 to remain available until expended, of which—

- (1) \$52,731,000 for fiscal year 2002, \$54,800,000 for fiscal year 2003, and \$57,000,000 for fiscal year 2004 shall be for Buildings;
- (2) \$32,441,000 for fiscal year 2002, \$33,700,000 for fiscal year 2003, and \$35,000,000 for fiscal year 2004 shall be for Transportation;
- (3) \$27,295,000 for fiscal year 2002, \$28,400,000 for fiscal year 2003, and \$29,500,000 for fiscal year 2004 shall be for Industry;
- (4) \$1,700,000 for fiscal year 2002, \$1,800,000 for fiscal year 2003, and \$1,900,000 for fiscal year 2004 shall be for Carbon Removal;
- (5) \$2,500,000 for fiscal year 2002, \$2,600,000 for fiscal year 2003, and \$2,700,000 for fiscal year 2004 shall be for State and Local Climate; and
- (6) \$5,275,000 for fiscal year 2002, \$5,500,000 for fiscal year 2003, and \$5,700,000 for fiscal

year 2004 shall be for International Capacity Building.

SEC. 2173. LIMITS ON USE OF FUNDS.

(a) PRODUCTION OR PROVISION OF ARTICLES OR SERVICES.—None of the funds authorized to be appropriated by this subtitle may be used to produce or provide articles or services for the purpose of selling the articles or services to a person outside the Federal Government, unless the Administrator determines that comparable articles or services are not available from a commercial source in the United States.

(b) REQUESTS FOR PROPOSALS.—None of the funds authorized to be appropriated by this subtitle may be used by the Environmental Protection Agency to prepare or initiate Requests for Proposals for a program if the program has not been authorized by Congress.

SEC. 2174. COST SHARING.

(a) RESEARCH AND DEVELOPMENT.—Except as otherwise provided in this subtitle, for research and development programs carried out under this subtitle, the Administrator shall require a commitment from non-Federal sources of at least 20 percent of the cost of the project. The Administrator may reduce or eliminate the non-Federal requirement under this subsection if the Administrator determines that the research and development is of a basic or fundamental nature.

(b) DEMONSTRATION AND COMMERCIAL APPLICATION.—Except as otherwise provided in this subtitle, the Administrator shall require at least 50 percent of the costs directly and specifically related to any demonstration or commercial application project under this subtitle to be provided from non-Federal sources. The Administrator may reduce the non-Federal requirement under this subsection if the Administrator determines that the reduction is necessary and appropriate considering the technological risks involved in the project and is necessary to meet the objectives of this subtitle.

(c) CALCULATION OF AMOUNT.—In calculating the amount of the non-Federal commitment under subsection (a) or (b), the Administrator may include personnel, services, equipment, and other resources.

SEC. 2175. LIMITATION ON DEMONSTRATION AND COMMERCIAL APPLICATIONS OF ENERGY TECHNOLOGY.

The Administrator shall provide funding for scientific or energy demonstration or commercial application of energy technology programs, projects, or activities of the Office of Air and Radiation only for technologies or processes that can be reasonably expected to yield new, measurable benefits to the cost, efficiency, or performance of the technology or process.

SEC. 2176. REPROGRAMMING.

(a) AUTHORITY.—The Administrator may use amounts appropriated under this subtitle for a program, project, or activity other than the program, project, or activity for which such amounts were appropriated only if—

(1) the Administrator has transmitted to the appropriate congressional committees a report described in subsection (b) and a period of 30 days has elapsed after such committees receive the report;

(2) amounts used for the program, project, or activity do not exceed—

(A) 105 percent of the amount authorized for the program, project, or activity; or

(B) \$250,000 more than the amount authorized for the program, project, or activity, whichever is less; and

(3) the program, project, or activity has been presented to, or requested of, the Congress by the Administrator.

(b) REPORT.—(1) The report referred to in subsection (a) is a report containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of the proposed action.

(2) In the computation of the 30-day period under subsection (a), there shall be excluded any day on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain.

(c) LIMITATIONS.—(1) In no event may the total amount of funds obligated pursuant to this subtitle exceed the total amount authorized to be appropriated by this subtitle.

(2) Funds appropriated pursuant to this subtitle may not be used for an item for which Congress has declined to authorize funds.

SEC. 2177. BUDGET REQUEST FORMAT.

The Administrator shall provide to the appropriate congressional committees, to be transmitted at the same time as the Environmental Protection Agency's annual budget request submission, a detailed justification for budget authorization for the programs, projects, and activities for which funds are authorized by this subtitle. Each such document shall include, for the fiscal year for which funding is being requested and for the 2 previous fiscal years—

(1) a description of, and funding requested or allocated for, each such program, project, or activity;

(2) an identification of all recipients of funds to conduct such programs, projects, and activities; and

(3) an estimate of the amounts to be expended by each recipient of funds identified under paragraph (2).

SEC. 2178. OTHER PROVISIONS.

(a) ANNUAL OPERATING PLAN AND REPORTS.—The Administrator shall provide simultaneously to the Committee on Science of the House of Representatives—

(1) any annual operating plan or other operational funding document, including any additions or amendments thereto; and

(2) any report relating to the environmental research or development, scientific or energy research, development, or demonstration, or commercial application of energy technology programs, projects, or activities of the Environmental Protection Agency, provided to any committee of Congress.

(b) NOTICE OF REORGANIZATION.—The Administrator shall provide notice to the appropriate congressional committees not later than 15 days before any reorganization of any environmental research or development, scientific or energy research, development, or demonstration, or commercial application of energy technology program, project, or activity of the Office of Air and Radiation.

Subtitle H—National Building Performance Initiative

SEC. 2181. NATIONAL BUILDING PERFORMANCE INITIATIVE.

(a) INTERAGENCY GROUP.—Not later than 3 months after the date of the enactment of this Act, the Director of the Office of Science and Technology Policy shall establish an Interagency Group responsible for the development and implementation of a National Building Performance Initiative to address energy conservation and research and development and related issues. The National Institute of Standards and Technology shall provide necessary administrative support for the Interagency Group.

(b) PLAN.—Not later than 9 months after the date of the enactment of this Act, the

Interagency Group shall transmit to the Congress a multiyear implementation plan describing the Federal role in reducing the costs, including energy costs, of using, owning, and operating commercial, institutional, residential, and industrial buildings by 30 percent by 2020. The plan shall include—

(1) research, development, and demonstration of systems and materials for new construction and retrofit, on the building envelope and components; and

(2) the collection and dissemination in a usable form of research results and other pertinent information to the design and construction industry, government officials, and the general public.

(c) NATIONAL BUILDING PERFORMANCE ADVISORY COMMITTEE.—A National Building Performance Advisory Committee shall be established to advise on creation of the plan, review progress made under the plan, advise on any improvements that should be made to the plan, and report to the Congress on actions that have been taken to advance the Nation's capability in furtherance of the plan. The members shall include representatives of a broad cross-section of interests such as the research, technology transfer, architectural, engineering, and financial communities; materials and systems suppliers; State, county, and local governments; the residential, multifamily, and commercial sectors of the construction industry; and the insurance industry.

(d) REPORT.—The Interagency Group shall, within 90 days after the end of each fiscal year, transmit a report to the Congress describing progress achieved during the preceding fiscal year by government at all levels and by the private sector, toward implementing the plan developed under subsection (b), and including any amendments to the plan.

TITLE II—RENEWABLE ENERGY

Subtitle A—Hydrogen

SEC. 2201. SHORT TITLE.

This subtitle may be cited as the “Robert S. Walker and George E. Brown, Jr. Hydrogen Energy Act of 2001”.

SEC. 2202. PURPOSES.

Section 102(b) of the Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990 is amended to read as follows:

“(b) PURPOSES.—The purposes of this Act are—

“(1) to direct the Secretary to conduct research, development, and demonstration activities leading to the production, storage, transportation, and use of hydrogen for industrial, commercial, residential, transportation, and utility applications;

“(2) to direct the Secretary to develop a program of technology assessment, information dissemination, and education in which Federal, State, and local agencies, members of the energy, transportation, and other industries, and other entities may participate; and

“(3) to develop methods of hydrogen production that minimize adverse environmental impacts, with emphasis on efficient and cost-effective production from renewable energy resources.”

SEC. 2203. DEFINITIONS.

Section 102(c) of the Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990 is amended—

(1) by redesignating paragraphs (1) through (3) as paragraphs (2) through (4), respectively; and

(2) by inserting before paragraph (2), as so redesignated by paragraph (1) of this section, the following new paragraph:

“(1) ‘‘advisory committee’’ means the advisory committee established under section 108;”.

SEC. 2204. REPORTS TO CONGRESS.

Section 103 of the Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990 is amended to read as follows:

“SEC. 103. REPORTS TO CONGRESS.

“(a) REQUIREMENT.—Not later than 1 year after the date of the enactment of the Robert S. Walker and George E. Brown, Jr. Hydrogen Energy Act of 2001, and biennially thereafter, the Secretary shall transmit to Congress a detailed report on the status and progress of the programs and activities authorized under this Act.

“(b) CONTENTS.—A report under subsection (a) shall include, in addition to any views and recommendations of the Secretary—

“(1) an assessment of the extent to which the program is meeting the purposes specified in section 102(b);

“(2) a determination of the effectiveness of the technology assessment, information dissemination, and education program established under section 106;

“(3) an analysis of Federal, State, local, and private sector hydrogen-related research, development, and demonstration activities to identify productive areas for increased intergovernmental and private-public sector collaboration; and

“(4) recommendations of the advisory committee for any improvements needed in the programs and activities authorized by this Act.”.

SEC. 2205. HYDROGEN RESEARCH AND DEVELOPMENT.

Section 104 of the Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990 is amended to read as follows:

“SEC. 104. HYDROGEN RESEARCH AND DEVELOPMENT.

“(a) ESTABLISHMENT OF PROGRAM.—The Secretary shall conduct a hydrogen research and development program relating to production, storage, transportation, and use of hydrogen, with the goal of enabling the private sector to demonstrate the technical feasibility of using hydrogen for industrial, commercial, residential, transportation, and utility applications.

“(b) ELEMENTS.—In conducting the program authorized by this section, the Secretary shall—

“(1) give particular attention to developing an understanding and resolution of critical technical issues preventing the introduction of hydrogen as an energy carrier into the marketplace;

“(2) initiate or accelerate existing research and development in critical technical issues that will contribute to the development of more economical hydrogen production, storage, transportation, and use, including critical technical issues with respect to production (giving priority to those production techniques that use renewable energy resources as their primary source of energy for hydrogen production), liquefaction, transmission, distribution, storage, and use (including use of hydrogen in surface transportation); and

“(3) survey private sector and public sector hydrogen research and development activities worldwide, and take steps to ensure that research and development activities under this section do not—

“(A) duplicate any available research and development results; or

“(B) displace or compete with the privately funded hydrogen research and development activities of United States industry.

“(c) **EVALUATION OF TECHNOLOGIES.**—The Secretary shall evaluate, for the purpose of determining whether to undertake or fund research and development activities under this section, any reasonable new or improved technology that could lead or contribute to the development of economical hydrogen production, storage, transportation, and use.

“(d) **RESEARCH AND DEVELOPMENT SUPPORT.**—The Secretary is authorized to arrange for tests and demonstrations and to disseminate to researchers and developers information, data, and other materials necessary to support the research and development activities authorized under this section and other efforts authorized under this Act, consistent with section 106 of this Act.

“(e) **COMPETITIVE PEER REVIEW.**—The Secretary shall carry out or fund research and development activities under this section only on a competitive basis using peer review.

“(f) **COST SHARING.**—For research and development programs carried out under this section, the Secretary shall require a commitment from non-Federal sources of at least 20 percent of the cost of the project. The Secretary may reduce or eliminate the non-Federal requirement under this subsection if the Secretary determines that the research and development is of a basic or fundamental nature.”.

SEC. 2206. DEMONSTRATIONS.

Section 105 of the Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990 is amended—

(1) in subsection (a), by striking “, preferably in self-contained locations.”;

(2) in subsection (b), by striking “at self-contained sites” and inserting “, which shall include a fuel cell bus demonstration program to address hydrogen production, storage, and use in transit bus applications”;

(3) in subsection (c), by inserting “NON-FEDERAL FUNDING REQUIREMENT.—” after “(c)”.

SEC. 2207. TECHNOLOGY TRANSFER.

Section 106 of the Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990 is amended to read as follows:

“SEC. 106. TECHNOLOGY ASSESSMENT, INFORMATION DISSEMINATION, AND EDUCATION PROGRAM.

“(a) **PROGRAM.**—Secretary shall, in consultation with the advisory committee, conduct a program designed to accelerate wider application of hydrogen production, storage, transportation, and use technologies, including application in foreign countries to increase the global market for the technologies and foster global economic development without harmful environmental effects.

“(b) **INFORMATION.**—The Secretary, in carrying out the program authorized by subsection (a), shall—

“(1) undertake an update of the inventory and assessment, required under section 106(b)(1) of this Act as in effect before the date of the enactment of the Robert S. Walker and George E. Brown, Jr. Hydrogen Energy Act of 2001, of hydrogen technologies and their commercial capability to economically produce, store, transport, or use hydrogen in industrial, commercial, residential, transportation, and utility sector; and

“(2) develop, with other Federal agencies as appropriate and industry, an information exchange program to improve technology transfer for hydrogen production, storage, transportation, and use, which may consist of workshops, publications, conferences, and a database for the use by the public and private sectors.”.

SEC. 2208. COORDINATION AND CONSULTATION.

Section 107 of the Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990 is amended—

(1) by amending paragraph (1) of subsection (a) to read as follows:

“(1) shall establish a central point for the coordination of all hydrogen research, development, and demonstration activities of the Department; and”; and

(2) by amending subsection (c) to read as follows:

“(c) **CONSULTATION.**—The Secretary shall consult with other Federal agencies as appropriate, and the advisory committee, in carrying out the Secretary’s authorities pursuant to this Act.”.

SEC. 2209. ADVISORY COMMITTEE.

Section 108 of the Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990 is amended to read as follows:

“SEC. 108. ADVISORY COMMITTEE.

“(a) **ESTABLISHMENT.**—The Secretary shall enter into appropriate arrangements with the National Academies of Sciences and Engineering to establish an advisory committee consisting of experts drawn from domestic industry, academia, Governmental laboratories, and financial, environmental, and other organizations, as appropriate, to review and advise on the progress made through the programs and activities authorized under this Act.

“(b) **COOPERATION.**—The heads of Federal agencies shall cooperate with the advisory committee in carrying out this section and shall furnish to the advisory committee such information as the advisory committee reasonably deems necessary to carry out this section.

“(c) **REVIEW.**—The advisory committee shall review and make any necessary recommendations to the Secretary on—

“(1) the implementation and conduct of programs and activities authorized under this Act; and

“(2) the economic, technological, and environmental consequences of the deployment of hydrogen production, storage, transportation, and use systems.

“(d) **RESPONSIBILITIES OF THE SECRETARY.**—The Secretary shall consider, but need not adopt, any recommendations of the advisory committee under subsection (c). The Secretary shall provide an explanation of the reasons that any such recommendations will not be implemented and include such explanation in the report to Congress under section 103(a) of this Act.”.

SEC. 2210. AUTHORIZATION OF APPROPRIATIONS.

Section 109 of the Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990 is amended to read as follows:

“SEC. 109. AUTHORIZATION OF APPROPRIATIONS.

“(a) **RESEARCH AND DEVELOPMENT; ADVISORY COMMITTEE.**—There are authorized to be appropriated to the Secretary to carry out sections 104 and 108—

“(1) \$40,000,000 for fiscal year 2002;

“(2) \$45,000,000 for fiscal year 2003;

“(3) \$50,000,000 for fiscal year 2004;

“(4) \$55,000,000 for fiscal year 2005; and

“(5) \$60,000,000 for fiscal year 2006.

“(b) **DEMONSTRATION.**—There are authorized to be appropriated to the Secretary to carry out section 105—

“(1) \$20,000,000 for fiscal year 2002;

“(2) \$25,000,000 for fiscal year 2003;

“(3) \$30,000,000 for fiscal year 2004;

“(4) \$35,000,000 for fiscal year 2005; and

“(5) \$40,000,000 for fiscal year 2006.”.

SEC. 2211. REPEAL.

(a) **REPEAL.**—Title II of the Hydrogen Future Act of 1996 is repealed.

(b) **CONFORMING AMENDMENT.**—Section 2 of the Hydrogen Future Act of 1996 is amended by striking “titles II and III” and inserting “title III”.

Subtitle B—Bioenergy

SEC. 2221. SHORT TITLE.

This subtitle may be cited as the “Bioenergy Act of 2001”.

SEC. 2222. FINDINGS.

Congress finds that bioenergy has potential to help—

- (1) meet the Nation’s energy needs;
- (2) reduce reliance on imported fuels;
- (3) promote rural economic development;
- (4) provide for productive utilization of agricultural residues and waste materials, and forestry residues and byproducts; and
- (5) protect the environment.

SEC. 2223. DEFINITIONS.

For purposes of this subtitle—

(1) the term “bioenergy” means energy derived from any organic matter that is available on a renewable or recurring basis, including agricultural crops and trees, wood and wood wastes and residues, plants (including aquatic plants), grasses, residues, fibers, and animal and other organic wastes;

(2) the term “biofuels” includes liquid or gaseous fuels, industrial chemicals, or both;

(3) the term “biopower” includes the generation of electricity or process steam or both; and

(4) the term “integrated bioenergy research and development” includes biopower and biofuels applications.

SEC. 2224. AUTHORIZATION.

The Secretary is authorized to conduct environmental research and development, scientific and energy research, development, and demonstration, and commercial application of energy technology programs, projects, and activities related to bioenergy, including biopower energy systems, biofuels energy systems, and integrated bioenergy research and development.

SEC. 2225. AUTHORIZATION OF APPROPRIATIONS.

(a) **BIOPOWER ENERGY SYSTEMS.**—There are authorized to be appropriated to the Secretary for Biopower Energy Systems programs, projects, and activities—

(1) \$45,700,000 for fiscal year 2002;

(2) \$52,500,000 for fiscal year 2003;

(3) \$60,300,000 for fiscal year 2004;

(4) \$69,300,000 for fiscal year 2005; and

(5) \$79,600,000 for fiscal year 2006.

(b) **BIOFUELS ENERGY SYSTEMS.**—There are authorized to be appropriated to the Secretary for biofuels energy systems programs, projects, and activities—

(1) \$53,500,000 for fiscal year 2002;

(2) \$61,400,000 for fiscal year 2003;

(3) \$70,600,000 for fiscal year 2004;

(4) \$81,100,000 for fiscal year 2005; and

(5) \$93,200,000 for fiscal year 2006.

(c) **INTEGRATED BIOENERGY RESEARCH AND DEVELOPMENT.**—There are authorized to be appropriated to the Secretary for integrated bioenergy research and development programs, projects, and activities, \$49,000,000 for each of the fiscal years 2002 through 2006. Activities funded under this subsection shall be coordinated with ongoing related programs of other Federal agencies, including the Plant Genome Program of the National Science Foundation. Of the funds authorized under this subsection, at least \$5,000,000 for each fiscal year shall be for training and education targeted to minority and social disadvantaged farmers and ranchers.

(d) **INTEGRATED APPLICATIONS.**—Amounts authorized to be appropriated under this subtitle may be used to assist in the planning,

design, and implementation of projects to convert rice straw and barley grain into biopower or biofuels.

Subtitle C—Transmission Infrastructure Systems

SEC. 2241. TRANSMISSION INFRASTRUCTURE SYSTEMS RESEARCH, DEVELOPMENT, DEMONSTRATION, AND COMMERCIAL APPLICATION.

(a) IN GENERAL.—The Secretary shall develop and implement a comprehensive research, development, demonstration, and commercial application program to ensure the reliability, efficiency, and environmental integrity of electrical transmission systems. Such program shall include advanced energy technologies and systems, high capacity superconducting transmission lines and generators, advanced grid reliability and efficiency technologies development, technologies contributing to significant load reductions, advanced metering, load management and control technologies, and technology transfer and education.

(b) TECHNOLOGY.—In carrying out this subtitle, the Secretary may include research, development, and demonstration on and commercial application of improved transmission technologies including the integration of the following technologies into improved transmission systems:

- (1) High temperature superconductivity.
- (2) Advanced transmission materials.
- (3) Self-adjusting equipment, processes, or software for survivability, security, and failure containment.
- (4) Enhancements of energy transfer over existing lines.
- (5) Any other infrastructure technologies, as appropriate.

SEC. 2242. PROGRAM PLAN.

Within 4 months after the date of the enactment of this Act, the Secretary, in consultation with other appropriate Federal agencies, shall prepare and transmit to Congress a 5-year program plan to guide activities under this subtitle. In preparing the program plan, the Secretary shall consult with appropriate representatives of the transmission infrastructure systems industry to select and prioritize appropriate program areas. The Secretary shall also seek the advice of utilities, energy services providers, manufacturers, institutions of higher learning, other appropriate State and local agencies, environmental organizations, professional and technical societies, and any other persons as the Secretary considers appropriate.

SEC. 2243. REPORT.

Two years after the date of the enactment of this Act, and at 2-year intervals thereafter, the Secretary, in consultation with other appropriate Federal agencies, shall transmit a report to Congress describing the progress made to achieve the purposes of this subtitle and identifying any additional resources needed to continue the development and commercial application of transmission infrastructure technologies.

Subtitle D—Department of Energy Authorization of Appropriations

SEC. 2261. AUTHORIZATION OF APPROPRIATIONS.

(a) OPERATION AND MAINTENANCE.—There are authorized to be appropriated to the Secretary for Renewable Energy operation and maintenance, including activities under subtitle C, Geothermal Technology Development, Hydropower, Concentrating Solar Power, Photovoltaic Energy Systems, Solar Building Technology Research, Wind Energy Systems, High Temperature Superconducting Research and Development, En-

ergy Storage Systems, Transmission Reliability, International Renewable Energy Program, Renewable Energy Production Incentive Program, Renewable Program Support, National Renewable Energy Laboratory, and Program Direction, and including amounts authorized under the amendment made by section 2210 and amounts authorized under section 2225, \$535,000,000 for fiscal year 2002, \$639,000,000 for fiscal year 2003, and \$683,000,000 for fiscal year 2004, to remain available until expended.

(b) WAVE POWERED ELECTRIC GENERATION.—Within the amounts authorized to be appropriated to the Secretary under subsection (a), the Secretary shall carry out a research program, in conjunction with other appropriate Federal agencies, on wave powered electric generation.

(c) ASSESSMENT OF RENEWABLE ENERGY RESOURCES.—

(1) IN GENERAL.—Using funds authorized in subsection (a), of this section, the Secretary shall transmit to the Congress, within 1 year after the date of the enactment of this Act, an assessment of all renewable energy resources available within the United States.

(2) RESOURCE ASSESSMENT.—Such report shall include a detailed inventory describing the available amount and characteristics of solar, wind, biomass, geothermal, hydroelectric, and other renewable energy sources, and an estimate of the costs needed to develop each resource. The report shall also include such other information as the Secretary believes would be useful in siting renewable energy generation, such as appropriate terrain, population and load centers, nearby energy infrastructure, and location of energy resources.

(3) AVAILABILITY.—The information and cost estimates in this report shall be updated annually and made available to the public, along with the data used to create the report.

(4) SUNSET.—This subsection shall expire at the end of fiscal year 2004.

(d) LIMITS ON USE OF FUNDS.—None of the funds authorized to be appropriated in subsection (a) may be used for—

- (1) Departmental Energy Management Program; or
- (2) Renewable Indian Energy Resources.

TITLE III—NUCLEAR ENERGY

Subtitle A—University Nuclear Science and Engineering

SEC. 2301. SHORT TITLE.

This subtitle may be cited as “Department of Energy University Nuclear Science and Engineering Act”.

SEC. 2302. FINDINGS.

The Congress finds the following:

(1) United States university nuclear science and engineering programs are in a state of serious decline, with nuclear engineering enrollment at a 35-year low. Since 1980, the number of nuclear engineering university programs has declined nearly 40 percent, and over two-thirds of the faculty in these programs are 45 years of age or older. Also, since 1980, the number of university research and training reactors in the United States has declined by over 50 percent. Most of these reactors were built in the late 1950s and 1960s with 30-year to 40-year operating licenses, and many will require relicensing in the next several years.

(2) A decline in a competent nuclear workforce, and the lack of adequately trained nuclear scientists and engineers, will affect the ability of the United States to solve future nuclear waste storage issues, operate existing and design future fission reactors in the

United States, respond to future nuclear events worldwide, help stem the proliferation of nuclear weapons, and design and operate naval nuclear reactors.

(3) The Department of Energy’s Office of Nuclear Energy, Science and Technology, a principal Federal agency for civilian research in nuclear science and engineering, is well suited to help maintain tomorrow’s human resource and training investment in the nuclear sciences and engineering.

SEC. 2303. DEPARTMENT OF ENERGY PROGRAM.

(a) ESTABLISHMENT.—The Secretary, through the Office of Nuclear Energy, Science and Technology, shall support a program to maintain the Nation’s human resource investment and infrastructure in the nuclear sciences and engineering consistent with the Department’s statutory authorities related to civilian nuclear research, development, and demonstration and commercial application of energy technology.

(b) DUTIES OF THE OFFICE OF NUCLEAR ENERGY, SCIENCE AND TECHNOLOGY.—In carrying out the program under this subtitle, the Director of the Office of Nuclear Energy, Science and Technology shall—

- (1) develop a robust graduate and undergraduate fellowship program to attract new and talented students;
- (2) assist universities in recruiting and retaining new faculty in the nuclear sciences and engineering through a Junior Faculty Research Initiation Grant Program;
- (3) maintain a robust investment in the fundamental nuclear sciences and engineering through the Nuclear Engineering Education Research Program;
- (4) encourage collaborative nuclear research among industry, national laboratories, and universities through the Nuclear Energy Research Initiative;
- (5) assist universities in maintaining reactor infrastructure; and
- (6) support communication and outreach related to nuclear science and engineering.

(c) MAINTAINING UNIVERSITY RESEARCH AND TRAINING REACTORS AND ASSOCIATED INFRASTRUCTURE.—The Secretary, through the Office of Nuclear Energy, Science and Technology, shall provide for the following university research and training reactor infrastructure maintenance and research activities:

- (1) Refueling of university research reactors with low enriched fuels, upgrade of operational instrumentation, and sharing of reactors among universities.
- (2) In collaboration with the United States nuclear industry, assistance, where necessary, in relicensing and upgrading university training reactors as part of a student training program.

(3) A university reactor research and training award program that provides for reactor improvements as part of a focused effort that emphasizes research, training, and education.

(d) UNIVERSITY-DOE LABORATORY INTERACTIONS.—The Secretary, through the Office of Nuclear Energy, Science and Technology, shall develop—

- (1) a sabbatical fellowship program for university faculty to spend extended periods of time at Department of Energy laboratories in the areas of nuclear science and technology; and
- (2) a visiting scientist program in which laboratory staff can spend time in academic nuclear science and engineering departments.

The Secretary may under subsection (b)(1) provide for fellowships for students to spend time at Department of Energy laboratories

in the areas of nuclear science and technology under the mentorship of laboratory staff.

(e) OPERATIONS AND MAINTENANCE.—To the extent that the use of a university research reactor is funded under this subtitle, funds authorized under this subtitle may be used to supplement operation of the research reactor during the investigator's proposed effort. The host institution shall provide at least 50 percent of the cost of the reactor's operation.

(f) MERIT REVIEW REQUIRED.—All grants, contracts, cooperative agreements, or other financial assistance awards under this subtitle shall be made only after independent merit review.

(g) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall prepare and transmit to the appropriate congressional committees a 5-year plan on how the programs authorized in this subtitle will be implemented. The plan shall include a review of the projected personnel needs in the fields of nuclear science and engineering and of the scope of nuclear science and engineering education programs at the Department and other Federal agencies.

SEC. 2304. AUTHORIZATION OF APPROPRIATIONS.

(a) TOTAL AUTHORIZATION.—The following sums are authorized to be appropriated to the Secretary, to remain available until expended, for the purposes of carrying out this subtitle:

- (1) \$30,200,000 for fiscal year 2002.
- (2) \$41,000,000 for fiscal year 2003.
- (3) \$47,900,000 for fiscal year 2004.
- (4) \$55,600,000 for fiscal year 2005.
- (5) \$64,100,000 for fiscal year 2006.

(b) GRADUATE AND UNDERGRADUATE FELLOWSHIPS.—Of the funds authorized by subsection (a), the following sums are authorized to be appropriated to carry out section 2303(b)(1):

- (1) \$3,000,000 for fiscal year 2002.
- (2) \$3,100,000 for fiscal year 2003.
- (3) \$3,200,000 for fiscal year 2004.
- (4) \$3,200,000 for fiscal year 2005.
- (5) \$3,200,000 for fiscal year 2006.

(c) JUNIOR FACULTY RESEARCH INITIATION GRANT PROGRAM.—Of the funds authorized by subsection (a), the following sums are authorized to be appropriated to carry out section 2303(b)(2):

- (1) \$5,000,000 for fiscal year 2002.
- (2) \$7,000,000 for fiscal year 2003.
- (3) \$8,000,000 for fiscal year 2004.
- (4) \$9,000,000 for fiscal year 2005.
- (5) \$10,000,000 for fiscal year 2006.

(d) NUCLEAR ENGINEERING EDUCATION RESEARCH PROGRAM.—Of the funds authorized by subsection (a), the following sums are authorized to be appropriated to carry out section 2303(b)(3):

- (1) \$8,000,000 for fiscal year 2002.
- (2) \$12,000,000 for fiscal year 2003.
- (3) \$13,000,000 for fiscal year 2004.
- (4) \$15,000,000 for fiscal year 2005.
- (5) \$20,000,000 for fiscal year 2006.

(e) COMMUNICATION AND OUTREACH RELATED TO NUCLEAR SCIENCE AND ENGINEERING.—Of the funds authorized by subsection (a), the following sums are authorized to be appropriated to carry out section 2303(b)(5):

- (1) \$200,000 for fiscal year 2002.
- (2) \$200,000 for fiscal year 2003.
- (3) \$300,000 for fiscal year 2004.
- (4) \$300,000 for fiscal year 2005.
- (5) \$300,000 for fiscal year 2006.

(f) REFUELING OF UNIVERSITY RESEARCH REACTORS AND INSTRUMENTATION UPGRADES.—Of the funds authorized by subsection (a), the following sums are authorized to be appropriated to carry out section 2303(c)(1):

- (1) \$6,000,000 for fiscal year 2002.
- (2) \$6,500,000 for fiscal year 2003.
- (3) \$7,000,000 for fiscal year 2004.
- (4) \$7,500,000 for fiscal year 2005.
- (5) \$8,000,000 for fiscal year 2006.

(g) RELICENSING ASSISTANCE.—Of the funds authorized by subsection (a), the following sums are authorized to be appropriated to carry out section 2303(c)(2):

- (1) \$1,000,000 for fiscal year 2002.
- (2) \$1,100,000 for fiscal year 2003.
- (3) \$1,200,000 for fiscal year 2004.
- (4) \$1,300,000 for fiscal year 2005.
- (5) \$1,300,000 for fiscal year 2006.

(h) REACTOR RESEARCH AND TRAINING AWARD PROGRAM.—Of the funds authorized by subsection (a), the following sums are authorized to be appropriated to carry out section 2303(c)(3):

- (1) \$6,000,000 for fiscal year 2002.
- (2) \$10,000,000 for fiscal year 2003.
- (3) \$14,000,000 for fiscal year 2004.
- (4) \$18,000,000 for fiscal year 2005.
- (5) \$20,000,000 for fiscal year 2006.

(i) UNIVERSITY-DOE LABORATORY INTERACTIONS.—Of the funds authorized by subsection (a), the following sums are authorized to be appropriated to carry out section 2303(d):

- (1) \$1,000,000 for fiscal year 2002.
- (2) \$1,100,000 for fiscal year 2003.
- (3) \$1,200,000 for fiscal year 2004.
- (4) \$1,300,000 for fiscal year 2005.
- (5) \$1,300,000 for fiscal year 2006.

Subtitle B—Advanced Fuel Recycling Technology Research and Development Program

SEC. 2321. PROGRAM.

(a) IN GENERAL.—The Secretary, through the Director of the Office of Nuclear Energy, Science and Technology, shall conduct an advanced fuel recycling technology research and development program to further the availability of proliferation-resistant fuel recycling technologies as an alternative to aqueous reprocessing in support of evaluation of alternative national strategies for spent nuclear fuel and the Generation IV advanced reactor concepts, subject to annual review by the Secretary's Nuclear Energy Research Advisory Committee or other independent entity, as appropriate.

(b) REPORTS.—The Secretary shall report on the activities of the advanced fuel recycling technology research and development program, as part of the Department's annual budget submission.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section—

- (1) \$10,000,000 for fiscal year 2002; and
- (2) such sums as are necessary for fiscal year 2003 and fiscal year 2004.

Subtitle C—Department of Energy
Authorization of Appropriations

SEC. 2341. NUCLEAR ENERGY RESEARCH INITIATIVE.

(a) PROGRAM.—The Secretary, through the Office of Nuclear Energy, Science and Technology, shall conduct a Nuclear Energy Research Initiative for grants to be competitively awarded and subject to peer review for research relating to nuclear energy.

(b) OBJECTIVES.—The program shall be directed toward accomplishing the objectives of—

- (1) developing advanced concepts and scientific breakthroughs in nuclear fission and reactor technology to address and overcome the principal technical and scientific obstacles to the expanded use of nuclear energy in the United States;
- (2) advancing the state of nuclear technology to maintain a competitive position in

foreign markets and a future domestic market;

(3) promoting and maintaining a United States nuclear science and engineering infrastructure to meet future technical challenges;

(4) providing an effective means to collaborate on a cost-shared basis with international agencies and research organizations to address and influence nuclear technology development worldwide; and

(5) promoting United States leadership and partnerships in bilateral and multilateral nuclear energy research.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section—

- (1) \$60,000,000 for fiscal year 2002; and
- (2) such sums as are necessary for fiscal year 2003 and fiscal year 2004.

SEC. 2342. NUCLEAR ENERGY PLANT OPTIMIZATION PROGRAM.

(a) PROGRAM.—The Secretary, through the Office of Nuclear Energy, Science and Technology, shall conduct a Nuclear Energy Plant Optimization research and development program jointly with industry and cost-shared by industry by at least 50 percent and subject to annual review by the Secretary's Nuclear Energy Research Advisory Committee or other independent entity, as appropriate.

(b) OBJECTIVES.—The program shall be directed toward accomplishing the objectives of—

- (1) managing long-term effects of component aging; and
- (2) improving the efficiency and productivity of existing nuclear power stations.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section—

- (1) \$15,000,000 for fiscal year 2002; and
- (2) such sums as are necessary for fiscal years 2003 and 2004.

SEC. 2343. NUCLEAR ENERGY TECHNOLOGIES.

(a) IN GENERAL.—The Secretary, through the Office of Nuclear Energy, Science and Technology, shall conduct a study of Generation IV nuclear energy systems, including development of a technology roadmap and performance of research and development necessary to make an informed technical decision regarding the most promising candidates for commercial application.

(b) REACTOR CHARACTERISTICS.—To the extent practicable, in conducting the study under subsection (a), the Secretary shall study nuclear energy systems that offer the highest probability of achieving the goals for Generation IV nuclear energy systems, including—

- (1) economics competitive with any other generators;
- (2) enhanced safety features, including passive safety features;
- (3) substantially reduced production of high-level waste, as compared with the quantity of waste produced by reactors in operation on the date of the enactment of this Act;
- (4) highly proliferation-resistant fuel and waste;
- (5) sustainable energy generation including optimized fuel utilization; and
- (6) substantially improved thermal efficiency, as compared with the thermal efficiency of reactors in operation on the date of the enactment of this Act.

(c) CONSULTATION.—In conducting the study under subsection (a), the Secretary shall consult with appropriate representatives of industry, institutions of higher education, Federal agencies, and international, professional, and technical organizations.

(d) REPORT.—

(1) IN GENERAL.—Not later than December 31, 2002, the Secretary shall transmit to the appropriate congressional committees a report describing the activities of the Secretary under this section, and plans for research and development leading to a public/private cooperative demonstration of one or more Generation IV nuclear energy systems.

(2) CONTENTS.—The report shall contain—

(A) an assessment of all available technologies;

(B) a summary of actions needed for the most promising candidates to be considered as viable commercial options within the five to ten years after the date of the report, with consideration of regulatory, economic, and technical issues;

(C) a recommendation of not more than three promising Generation IV nuclear energy system concepts for further development;

(D) an evaluation of opportunities for public/private partnerships;

(E) a recommendation for structure of a public/private partnership to share in development and construction costs;

(F) a plan leading to the selection and conceptual design, by September 30, 2004, of at least one Generation IV nuclear energy system concept recommended under subparagraph (C) for demonstration through a public/private partnership;

(G) an evaluation of opportunities for siting demonstration facilities on Department of Energy land; and

(H) a recommendation for appropriate involvement of other Federal agencies.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section and to carry out the recommendations in the report transmitted under subsection (d)—

(1) \$20,000,000 for fiscal year 2002; and

(2) such sums as are necessary for fiscal year 2003 and fiscal year 2004.

SEC. 2344. AUTHORIZATION OF APPROPRIATIONS.

(a) OPERATION AND MAINTENANCE.—There are authorized to be appropriated to the Secretary to carry out activities authorized under this title for nuclear energy operation and maintenance, including amounts authorized under sections 2304(a), 2321(c), 2341(c), 2342(c), and 2343(e), and including Advanced Radioisotope Power Systems, Test Reactor Landlord, and Program Direction, \$191,200,000 for fiscal year 2002, \$199,000,000 for fiscal year 2003, and \$207,000,000 for fiscal year 2004, to remain available until expended.

(b) CONSTRUCTION.—There are authorized to be appropriated to the Secretary—

(1) \$950,000 for fiscal year 2002, \$2,200,000 for fiscal year 2003, \$1,246,000 for fiscal year 2004, and \$1,699,000 for fiscal year 2005 for completion of construction of Project 99-E-200, Test Reactor Area Electric Utility Upgrade, Idaho National Engineering and Environmental Laboratory; and

(2) \$500,000 for fiscal year 2002, \$500,000 for fiscal year 2003, \$500,000 for fiscal year 2004, and \$500,000 for fiscal year 2005, for completion of construction of Project 95-E-201, Test Reactor Area Fire and Life Safety Improvements, Idaho National Engineering and Environmental Laboratory.

(c) LIMITS ON USE OF FUNDS.—None of the funds authorized to be appropriated in subsection (a) may be used for—

(1) Nuclear Energy Isotope Support and Production;

(2) Argonne National Laboratory-West Operations;

(3) Fast Flux Test Facility; or

(4) Nuclear Facilities Management.

TITLE IV—FOSSIL ENERGY**Subtitle A—Coal****SEC. 2401. COAL AND RELATED TECHNOLOGIES PROGRAMS.**

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary \$172,000,000 for fiscal year 2002, \$179,000,000 for fiscal year 2003, and \$186,000,000 for fiscal year 2004, to remain available until expended, for other coal and related technologies research and development programs, which shall include—

(1) Innovations for Existing Plants;

(2) Integrated Gasification Combined Cycle;

(3) Advanced combustion systems;

(4) Turbines;

(5) Sequestration Research and Development;

(6) Innovative technologies for demonstration;

(7) Transportation Fuels and Chemicals;

(8) Solid Fuels and Feedstocks;

(9) Advanced Fuels Research; and

(10) Advanced Research.

(b) LIMIT ON USE OF FUNDS.—Notwithstanding subsection (a), no funds may be used to carry out the activities authorized by this section after September 30, 2002, unless the Secretary has transmitted to the Congress the report required by this subsection and 1 month has elapsed since that transmission. The report shall include a plan containing—

(1) a detailed description of how proposals will be solicited and evaluated, including a list of all activities expected to be undertaken;

(2) a detailed list of technical milestones for each coal and related technology that will be pursued;

(3) a description of how the programs authorized in this section will be carried out so as to complement and not duplicate activities authorized under division E.

(c) GASIFICATION.—The Secretary shall fund at least one gasification project with the funds authorized under this section.

Subtitle B—Oil and Gas**SEC. 2421. PETROLEUM-OIL TECHNOLOGY.**

The Secretary shall conduct a program of research, development, demonstration, and commercial application on petroleum-oil technology. The program shall address—

(1) Exploration and Production Supporting Research;

(2) Oil Technology Reservoir Management/Extension; and

(3) Effective Environmental Protection.

SEC. 2422. NATURAL GAS.

The Secretary shall conduct a program of research, development, demonstration, and commercial application on natural gas technologies. The program shall address—

(1) Exploration and Production;

(2) Infrastructure; and

(3) Effective Environmental Protection.

SEC. 2423. NATURAL GAS AND OIL DEPOSITS REPORT.

Two years after the date of the enactment of this Act, and at 2-year intervals thereafter, the Secretary of the Interior, in consultation with other appropriate Federal agencies, shall transmit a report to the Congress assessing the contents of natural gas and oil deposits at existing drilling sites off the coast of Louisiana and Texas.

SEC. 2424. OIL SHALE RESEARCH.

There are authorized to be appropriated to the Secretary of Energy for fiscal year 2002 \$10,000,000, to be divided equally between

grants for research on Eastern oil shale and grants for research on Western oil shale.

Subtitle C—Ultra-Deepwater and Unconventional Drilling**SEC. 2441. SHORT TITLE.**

This subtitle may be cited as the “Natural Gas and Other Petroleum Research, Development, and Demonstration Act of 2001”.

SEC. 2442. DEFINITIONS.

For purposes of this subtitle—

(1) the term “deepwater” means water depths greater than 200 meters but less than 1,500 meters;

(2) the term “Fund” means the Ultra-Deepwater and Unconventional Gas Research Fund established under section 2450;

(3) the term “institution of higher education” has the meaning given that term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001);

(4) the term “Research Organization” means the Research Organization created pursuant to section 2446(a);

(5) the term “ultra-deepwater” means water depths greater than 1,500 meters; and

(6) the term “unconventional” means located in heretofore inaccessible or uneconomic formations on land.

SEC. 2443. ULTRA-DEEPWATER PROGRAM.

The Secretary shall establish a program of research, development, and demonstration of ultra-deepwater natural gas and other petroleum exploration and production technologies, in areas currently available for Outer Continental Shelf leasing. The program shall be carried out by the Research Organization as provided in this subtitle.

SEC. 2444. NATIONAL ENERGY TECHNOLOGY LABORATORY.

The National Energy Technology Laboratory and the United States Geological Survey, when appropriate, shall carry out programs of long-term research into new natural gas and other petroleum exploration and production technologies and environmental mitigation technologies for production from unconventional and ultra-deepwater resources, including methane hydrates. Such Laboratory shall also conduct a program of research, development, and demonstration of new technologies for the reduction of greenhouse gas emissions from unconventional and ultra-deepwater natural gas or other petroleum exploration and production activities, including sub-sea floor carbon sequestration technologies.

SEC. 2445. ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—The Secretary shall, within 3 months after the date of the enactment of this Act, establish an Advisory Committee consisting of 7 members, each having extensive operational knowledge of and experience in the natural gas and other petroleum exploration and production industry who are not Federal Government employees or contractors. A minimum of 4 members shall have extensive knowledge of ultra-deepwater natural gas or other petroleum exploration and production technologies, a minimum of 2 members shall have extensive knowledge of unconventional natural gas or other petroleum exploration and production technologies, and at least 1 member shall have extensive knowledge of greenhouse gas emission reduction technologies, including carbon sequestration.

(b) FUNCTION.—The Advisory Committee shall advise the Secretary on the selection of an organization to create the Research Organization and on the implementation of this subtitle.

(c) COMPENSATION.—Members of the Advisory Committee shall serve without compensation but shall receive travel expenses,

including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

(d) **ADMINISTRATIVE COSTS.**—The costs of activities carried out by the Secretary and the Advisory Committee under this subtitle shall be paid or reimbursed from the Fund.

(e) **DURATION OF ADVISORY COMMITTEE.**—Section 14 of the Federal Advisory Committee Act shall not apply to the Advisory Committee.

SEC. 2446. RESEARCH ORGANIZATION.

(a) **SELECTION OF RESEARCH ORGANIZATION.**—The Secretary, within 6 months after the date of the enactment of this Act, shall solicit proposals from eligible entities for the creation of the Research Organization, and within 3 months after such solicitation, shall select an entity to create the Research Organization.

(b) **ELIGIBLE ENTITIES.**—Entities eligible to create the Research Organization shall—

(1) have been in existence as of the date of the enactment of this Act;

(2) be entities exempt from tax under section 501(c)(3) of the Internal Revenue Code of 1986; and

(3) be experienced in planning and managing programs in natural gas or other petroleum exploration and production research, development, and demonstration.

(c) **PROPOSALS.**—A proposal from an entity seeking to create the Research Organization shall include a detailed description of the proposed membership and structure of the Research Organization.

(d) **FUNCTIONS.**—The Research Organization shall—

(1) award grants on a competitive basis to qualified—

(A) research institutions;

(B) institutions of higher education;

(C) companies; and

(D) consortia formed among institutions and companies described in subparagraphs (A) through (C) for the purpose of conducting research, development, and demonstration of unconventional and ultra-deepwater natural gas or other petroleum exploration and production technologies; and

(2) review activities under those grants to ensure that they comply with the requirements of this subtitle and serve the purposes for which the grant was made.

SEC. 2447. GRANTS.

(a) **TYPES OF GRANTS.**—

(1) **UNCONVENTIONAL.**—The Research Organization shall award grants for research, development, and demonstration of technologies to maximize the value of the Government's natural gas and other petroleum resources in unconventional reservoirs, and to develop technologies to increase the supply of natural gas and other petroleum resources by lowering the cost and improving the efficiency of exploration and production of unconventional reservoirs, while improving safety and minimizing environmental impacts.

(2) **ULTRA-DEEPWATER.**—The Research Organization shall award grants for research, development, and demonstration of natural gas or other petroleum exploration and production technologies to—

(A) maximize the value of the Federal Government's natural gas and other petroleum resources in the ultra-deepwater areas;

(B) increase the supply of natural gas and other petroleum resources by lowering the cost and improving the efficiency of exploration and production of ultra-deepwater reservoirs; and

(C) improve safety and minimize the environmental impacts of ultra-deepwater developments.

(3) **ULTRA-DEEPWATER ARCHITECTURE.**—The Research Organization shall award a grant to one or more consortia described in section 2446(d)(1)(D) for the purpose of developing and demonstrating the next generation architecture for ultra-deepwater production of natural gas and other petroleum in furtherance of the purposes stated in paragraph (2)(A) through (C).

(b) **CONDITIONS FOR GRANTS.**—Grants provided under this section shall contain the following conditions:

(1) If the grant recipient consists of more than one entity, the recipient shall provide a signed contract agreed to by all participating members clearly defining all rights to intellectual property for existing technology and for future inventions conceived and developed using funds provided under the grant, in a manner that is consistent with applicable laws.

(2) There shall be a repayment schedule for Federal dollars provided for demonstration projects under the grant in the event of a successful commercialization of the demonstrated technology. Such repayment schedule shall provide that the payments are made to the Secretary with the express intent that these payments not impede the adoption of the demonstrated technology in the marketplace. In the event that such impedance occurs due to market forces or other factors, the Research Organization shall renegotiate the grant agreement so that the acceptance of the technology in the marketplace is enabled.

(3) Applications for grants for demonstration projects shall clearly state the intended commercial applications of the technology demonstrated.

(4) The total amount of funds made available under a grant provided under subsection (a)(3) shall not exceed 50 percent of the total cost of the activities for which the grant is provided.

(5) The total amount of funds made available under a grant provided under subsection (a)(1) or (2) shall not exceed 50 percent of the total cost of the activities covered by the grant, except that the Research Organization may elect to provide grants covering a higher percentage, not to exceed 90 percent, of total project costs in the case of grants made solely to independent producers.

(6) An appropriate amount of funds provided under a grant shall be used for the broad dissemination of technologies developed under the grant to interested institutions of higher education, industry, and appropriate Federal and State technology entities to ensure the greatest possible benefits for the public and use of government resources.

(7) Demonstrations of ultra-deepwater technologies for which funds are provided under a grant may be conducted in ultra-deepwater or deepwater locations.

(c) **ALLOCATION OF FUNDS.**—Funds available for grants under this subtitle shall be allocated as follows:

(1) 15 percent shall be for grants under subsection (a)(1).

(2) 15 percent shall be for grants under subsection (a)(2).

(3) 60 percent shall be for grants under subsection (a)(3).

(4) 10 percent shall be for carrying out section 2444.

SEC. 2448. PLAN AND FUNDING.

(a) **TRANSMITTAL TO SECRETARY.**—The Research Organization shall transmit to the Secretary an annual plan proposing projects and funding of activities under each paragraph of section 2447(a).

(b) **REVIEW.**—The Secretary shall have 1 month to review the annual plan, and shall approve the plan, if it is consistent with this subtitle. If the Secretary approves the plan, the Secretary shall provide funding as proposed in the plan.

(c) **DISAPPROVAL.**—If the Secretary does not approve the plan, the Secretary shall notify the Research Organization of the reasons for disapproval and shall withhold funding until a new plan is submitted which the Secretary approves. Within 1 month after notifying the Research Organization of a disapproval, the Secretary shall notify the appropriate congressional committees of the disapproval.

SEC. 2449. AUDIT.

The Secretary shall retain an independent, commercial auditor to determine the extent to which the funds authorized by this subtitle have been expended in a manner consistent with the purposes of this subtitle. The auditor shall transmit a report annually to the Secretary, who shall transmit the report to the appropriate congressional committees, along with a plan to remedy any deficiencies cited in the report.

SEC. 2450. FUND.

(a) **ESTABLISHMENT.**—There is established in the Treasury of the United States a fund to be known as the "Ultra-Deepwater and Unconventional Gas Research Fund" which shall be available for obligation to the extent provided in advance in appropriations Acts for allocation under section 2447(c).

(b) **FUNDING SOURCES.**—

(1) **LOANS FROM TREASURY.**—There are authorized to be appropriated to the Secretary \$900,000,000 for the period encompassing fiscal years 2002 through 2009. Such amounts shall be deposited by the Secretary in the Fund, and shall be considered loans from the Treasury. Income received by the United States in connection with any ultra-deepwater oil and gas leases shall be deposited in the Treasury and considered as repayment for the loans under this paragraph.

(2) **ADDITIONAL APPROPRIATIONS.**—There are authorized to be appropriated to the Secretary such sums as may be necessary for the fiscal years 2002 through 2009, to be deposited in the Fund.

(3) **OIL AND GAS LEASE INCOME.**—To the extent provided in advance in appropriations Acts, not more than 7.5 percent of the income of the United States from Federal oil and gas leases may be deposited in the Fund for fiscal years 2002 through 2009.

SEC. 2451. SUNSET.

No funds are authorized to be appropriated for carrying out this subtitle after fiscal year 2009. The Research Organization shall be terminated when it has expended all funds made available pursuant to this subtitle.

Subtitle D—Fuel Cells

SEC. 2461. FUEL CELLS.

(a) **IN GENERAL.**—The Secretary shall conduct a program of research, development, demonstration, and commercial application on fuel cells. The program shall address—

- (1) Advanced Research;
- (2) Systems Development;
- (3) Vision 21-Hybrids; and
- (4) Innovative Concepts.

(b) **MANUFACTURING PRODUCTION AND PROCESSES.**—In addition to the program under subsection (a), the Secretary, in consultation with other Federal agencies, as appropriate, shall establish a program for the demonstration of fuel cell technologies, including fuel cell proton exchange membrane technology, for commercial, residential, and transportation applications. The program shall specifically

focus on promoting the application of and improved manufacturing production and processes for fuel cell technologies.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—Within the amounts authorized to be appropriated under section 2481(a), there are authorized to be appropriated to the Secretary for the purpose of carrying out subsection (b), \$28,000,000 for each of fiscal years 2002 through 2004.

Subtitle E—Department of Energy

Authorization of Appropriations

SEC. 2481. AUTHORIZATION OF APPROPRIATIONS.

(a) **OPERATION AND MAINTENANCE.**—There are authorized to be appropriated to the Secretary for operation and maintenance for subtitle B and subtitle D, and for Fossil Energy Research and Development Headquarters Program Direction, Field Program Direction, Plant and Capital Equipment, Cooperative Research and Development, Import/Export Authorization, and Advanced Metallurgical Processes \$282,000,000 for fiscal year 2002, \$293,000,000 for fiscal year 2003, and \$305,000,000 for fiscal year 2004, to remain available until expended.

(b) **LIMITS ON USE OF FUNDS.**—None of the funds authorized to be appropriated in subsection (a) may be used for—

- (1) Gas Hydrates.
- (2) Fossil Energy Environmental Restoration; or
- (3) Research, development, demonstration, and commercial application on coal and related technologies, including activities under subtitle A.

TITLE V—SCIENCE

Subtitle A—Fusion Energy Sciences

SEC. 2501. SHORT TITLE.

This subtitle may be cited as the “Fusion Energy Sciences Act of 2001”.

SEC. 2502. FINDINGS.

The Congress finds that—

- (1) economic prosperity is closely linked to an affordable and ample energy supply;
- (2) environmental quality is closely linked to energy production and use;
- (3) population, worldwide economic development, energy consumption, and stress on the environment are all expected to increase substantially in the coming decades;
- (4) the few energy options with the potential to meet economic and environmental needs for the long-term future should be pursued as part of a balanced national energy plan;
- (5) fusion energy is an attractive long-term energy source because of the virtually inexhaustible supply of fuel, and the promise of minimal adverse environmental impact and inherent safety;
- (6) the National Research Council, the President's Committee of Advisers on Science and Technology, and the Secretary of Energy Advisory Board have each recently reviewed the Fusion Energy Sciences Program and each strongly supports the fundamental science and creative innovation of the program, and has confirmed that progress toward the goal of producing practical fusion energy has been excellent, although much scientific and engineering work remains to be done;
- (7) each of these reviews stressed the need for a magnetic fusion burning plasma experiment to address key scientific issues and as a necessary step in the development of fusion energy;
- (8) the National Research Council has also called for a broadening of the Fusion Energy Sciences Program research base as a means to more fully integrate the fusion science community into the broader scientific community; and

(9) the Fusion Energy Sciences Program budget is inadequate to support the necessary science and innovation for the present generation of experiments, and cannot accommodate the cost of a burning plasma experiment constructed by the United States, or even the cost of key participation by the United States in an international effort.

SEC. 2503. PLAN FOR FUSION EXPERIMENT.

(a) **PLAN FOR UNITED STATES FUSION EXPERIMENT.**—The Secretary, on the basis of full consultation with the Fusion Energy Sciences Advisory Committee and the Secretary of Energy Advisory Board, as appropriate, shall develop a plan for United States construction of a magnetic fusion burning plasma experiment for the purpose of accelerating scientific understanding of fusion plasmas. The Secretary shall request a review of the plan by the National Academy of Sciences, and shall transmit the plan and the review to the Congress by July 1, 2004.

(b) **REQUIREMENTS OF PLAN.**—The plan described in subsection (a) shall—

- (1) address key burning plasma physics issues; and
- (2) include specific information on the scientific capabilities of the proposed experiment, the relevance of these capabilities to the goal of practical fusion energy, and the overall design of the experiment including its estimated cost and potential construction sites.

(c) **UNITED STATES PARTICIPATION IN AN INTERNATIONAL EXPERIMENT.**—In addition to the plan described in subsection (a), the Secretary, on the basis of full consultation with the Fusion Energy Sciences Advisory Committee and the Secretary of Energy Advisory Board, as appropriate, may also develop a plan for United States participation in an international burning plasma experiment for the same purpose, whose construction is found by the Secretary to be highly likely and where United States participation is cost effective relative to the cost and scientific benefits of a domestic experiment described in subsection (a). If the Secretary elects to develop a plan under this subsection, he shall include the information described in subsection (b), and an estimate of the cost of United States participation in such an international experiment. The Secretary shall request a review by the National Academies of Sciences and Engineering of a plan developed under this subsection, and shall transmit the plan and the review to the Congress not later than July 1, 2004.

(d) **AUTHORIZATION OF RESEARCH AND DEVELOPMENT.**—The Secretary, through the Fusion Energy Sciences Program, may conduct any research and development necessary to fully develop the plans described in this section.

SEC. 2504. PLAN FOR FUSION ENERGY SCIENCES PROGRAM.

Not later than 6 months after the date of the enactment of this Act, the Secretary, in full consultation with FESAC, shall develop and transmit to the Congress a plan for the purpose of ensuring a strong scientific base for the Fusion Energy Sciences Program and to enable the experiments described in section 2503. Such plan shall include as its objectives—

- (1) to ensure that existing fusion research facilities and equipment are more fully utilized with appropriate measurements and control tools;
- (2) to ensure a strengthened fusion science theory and computational base;
- (3) to ensure that the selection of and funding for new magnetic and inertial fusion research facilities is based on scientific innovation and cost effectiveness;

(4) to improve the communication of scientific results and methods between the fusion science community and the wider scientific community;

(5) to ensure that adequate support is provided to optimize the design of the magnetic fusion burning plasma experiments referred to in section 2503;

(6) to ensure that inertial confinement fusion facilities are utilized to the extent practicable for the purpose of inertial fusion energy research and development;

(7) to develop a roadmap for a fusion-based energy source that shows the important scientific questions, the evolution of confinement configurations, the relation between these two features, and their relation to the fusion energy goal;

(8) to establish several new centers of excellence, selected through a competitive peer-review process and devoted to exploring the frontiers of fusion science;

(9) to ensure that the National Science Foundation, and other agencies, as appropriate, play a role in extending the reach of fusion science and in sponsoring general plasma science; and

(10) to ensure that there be continuing broad assessments of the outlook for fusion energy and periodic external reviews of fusion energy sciences.

SEC. 2505. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary for the development and review, but not for implementation, of the plans described in this subtitle and for activities of the Fusion Energy Sciences Program \$320,000,000 for fiscal year 2002 and \$335,000,000 for fiscal year 2003, of which up to \$15,000,000 for each of fiscal year 2002 and fiscal year 2003 may be used to establish several new centers of excellence, selected through a competitive peer-review process and devoted to exploring the frontiers of fusion science.

Subtitle B—Spallation Neutron Source

SEC. 2521. DEFINITION.

For the purposes of this subtitle, the term “Spallation Neutron Source” means Department Project 99-E-334, Oak Ridge National Laboratory, Oak Ridge, Tennessee.

SEC. 2522. AUTHORIZATION OF APPROPRIATIONS.

(a) **AUTHORIZATION OF CONSTRUCTION FUNDING.**—There are authorized to be appropriated to the Secretary for construction of the Spallation Neutron Source—

- (1) \$276,300,000 for fiscal year 2002;
- (2) \$210,571,000 for fiscal year 2003;
- (3) \$124,600,000 for fiscal year 2004;
- (4) \$79,800,000 for fiscal year 2005; and
- (5) \$41,100,000 for fiscal year 2006 for completion of construction.

(b) **AUTHORIZATION OF OTHER PROJECT FUNDING.**—There are authorized to be appropriated to the Secretary for other project costs (including research and development necessary to complete the project, preoperations costs, and capital equipment not related to construction) of the Spallation Neutron Source \$15,353,000 for fiscal year 2002 and \$103,279,000 for the period encompassing fiscal years 2003 through 2006, to remain available until expended through September 30, 2006.

SEC. 2523. REPORT.

The Secretary shall report on the Spallation Neutron Source as part of the Department's annual budget submission, including a description of the achievement of milestones, a comparison of actual costs to estimated costs, and any changes in estimated project costs or schedule.

SEC. 2524. LIMITATIONS.

The total amount obligated by the Department, including prior year appropriations,

for the Spallation Neutron Source may not exceed—

- (1) \$1,192,700,000 for costs of construction;
- (2) \$219,000,000 for other project costs; and
- (3) \$1,411,700,000 for total project cost.

Subtitle C—Facilities, Infrastructure, and User Facilities

SEC. 2541. DEFINITION.

For purposes of this subtitle—

(1) the term “nonmilitary energy laboratory” means—

- (A) Ames Laboratory;
- (B) Argonne National Laboratory;
- (C) Brookhaven National Laboratory;
- (D) Fermi National Accelerator Laboratory;
- (E) Lawrence Berkeley National Laboratory;
- (F) Oak Ridge National Laboratory;
- (G) Pacific Northwest National Laboratory;
- (H) Princeton Plasma Physics Laboratory;
- (I) Stanford Linear Accelerator Center;
- (J) Thomas Jefferson National Accelerator Facility; or

(K) any other facility of the Department that the Secretary, in consultation with the Director, Office of Science and the appropriate congressional committees, determines to be consistent with the mission of the Office of Science; and

(2) the term “user facility” means—

(A) an Office of Science facility at a nonmilitary energy laboratory that provides special scientific and research capabilities, including technical expertise and support as appropriate, to serve the research needs of the Nation's universities, industry, private laboratories, Federal laboratories, and others, including research institutions or individuals from other nations where reciprocal accommodations are provided to United States research institutions and individuals or where the Secretary considers such accommodation to be in the national interest; and

(B) any other Office of Science funded facility designated by the Secretary as a user facility.

SEC. 2542. FACILITY AND INFRASTRUCTURE SUPPORT FOR NONMILITARY ENERGY LABORATORIES.

(a) **FACILITY POLICY.**—The Secretary shall develop and implement a least-cost nonmilitary energy laboratory facility and infrastructure strategy for—

- (1) maintaining existing facilities and infrastructure, as needed;
- (2) closing unneeded facilities;
- (3) making facility modifications; and
- (4) building new facilities.

(b) **PLAN.**—The Secretary shall prepare a comprehensive 10-year plan for conducting future facility maintenance, making repairs, modifications, and new additions, and constructing new facilities at each nonmilitary energy laboratory. Such plan shall provide for facilities work in accordance with the following priorities:

(1) Providing for the safety and health of employees, visitors, and the general public with regard to correcting existing structural, mechanical, electrical, and environmental deficiencies.

(2) Providing for the repair and rehabilitation of existing facilities to keep them in use and prevent deterioration, if feasible.

(3) Providing engineering design and construction services for those facilities that require modification or additions in order to meet the needs of new or expanded programs.

(c) **REPORT.**—

(1) **TRANSMITTAL.**—Within 1 year after the date of the enactment of this Act, the Sec-

retary shall prepare and transmit to the appropriate congressional committees a report containing the plan prepared under subsection (b).

(2) **CONTENTS.**—For each nonmilitary energy laboratory, such report shall contain—

(A) the current priority list of proposed facilities and infrastructure projects, including cost and schedule requirements;

(B) a current ten-year plan that demonstrates the reconfiguration of its facilities and infrastructure to meet its missions and to address its long-term operational costs and return on investment;

(C) the total current budget for all facilities and infrastructure funding; and

(D) the current status of each facilities and infrastructure project compared to the original baseline cost, schedule, and scope.

(3) **ADDITIONAL ELEMENTS.**—The report shall also—

(A) include a plan for new facilities and facility modifications at each nonmilitary energy laboratory that will be required to meet the Department's changing missions of the twenty-first century, including schedules and estimates for implementation, and including a section outlining long-term funding requirements consistent with anticipated budgets and annual authorization of appropriations;

(B) address the coordination of modernization and consolidation of facilities among the nonmilitary energy laboratories in order to meet changing mission requirements; and

(C) provide for annual reports to the appropriate congressional committees on accomplishments, conformance to schedules, commitments, and expenditures.

SEC. 2543. USER FACILITIES.

(a) **NOTICE REQUIREMENT.**—When the Department makes a user facility available to universities and other potential users, or seeks input from universities and other potential users regarding significant characteristics or equipment in a user facility or a proposed user facility, the Department shall ensure broad public notice of such availability or such need for input to universities and other potential users.

(b) **COMPETITION REQUIREMENT.**—When the Department considers the participation of a university or other potential user in the establishment or operation of a user facility, the Department shall employ full and open competition in selecting such a participant.

(c) **PROHIBITION.**—The Department may not redesignate a user facility, as defined by section 2541(b) as something other than a user facility for avoid the requirements of subsections (a) and (b).

Subtitle D—Advisory Panel on Office of Science

SEC. 2561. ESTABLISHMENT.

The Director of the Office of Science and Technology Policy, in consultation with the Secretary, shall establish an Advisory Panel on the Office of Science comprised of knowledgeable individuals to—

(1) address concerns about the current status and the future of scientific research supported by the Office;

(2) examine alternatives to the current organizational structure of the Office within the Department, taking into consideration existing structures for the support of scientific research in other Federal agencies and the private sector; and (3) suggest actions to strengthen the scientific research supported by the Office that might be taken jointly by the Department and Congress.

SEC. 2562. REPORT.

Within 6 months after the date of the enactment of this Act, the Advisory Panel

shall transmit its findings and recommendations in a report to the Director of the Office of Science and Technology Policy and the Secretary. The Director and the Secretary shall jointly—

(1) consider each of the Panel's findings and recommendations, and comment on each as they consider appropriate; and (2) transmit the Panel's report and the comments of the Director and the Secretary on the report to the appropriate congressional committees within 9 months after the date of the enactment of this Act.

Subtitle E—Department of Energy

Authorization of Appropriations

SEC. 2581. AUTHORIZATION OF APPROPRIATIONS.

(a) **OPERATION AND MAINTENANCE.**—Including the amounts authorized to be appropriated for fiscal year 2002 under section 2505 for Fusion Energy Sciences and under section 2522(b) for the Spallation Neutron Source, there are authorized to be appropriated to the Secretary for the Office of Science (also including subtitle C, High Energy Physics, Nuclear Physics, Biological and Environmental Research, Basic Energy Sciences (except for the Spallation Neutron Source), Advanced Scientific Computing Research, Energy Research Analysis, Multiprogram Energy Laboratories-Facilities Support, Facilities and Infrastructure, Safeguards and Security, and Program Direction) operation and maintenance \$3,299,558,000 for fiscal year 2002, to remain available until expended.

(b) **RESEARCH REGARDING PRECIOUS METAL CATALYSIS.**—Within the amounts authorized to be appropriated to the Secretary under subsection (a), \$5,000,000 for fiscal year 2002 may be used to carry out research in the use of precious metals (excluding platinum, palladium, and rhodium) in catalysis, either directly through national laboratories, or through the award of grants, cooperative agreements, or contracts with public or non-profit entities.

(c) **CONSTRUCTION.**—In addition to the amounts authorized to be appropriated under section 2522(a) for construction of the Spallation Neutron Source, there are authorized to be appropriated to the Secretary for Science—

(1) \$19,400,000 for fiscal year 2002, \$14,800,000 for fiscal year 2003, and \$8,900,000 for fiscal year 2004 for completion of construction of Project 98-G-304, Neutrons at the Main Injector, Fermi National Accelerator Laboratory;

(2) \$11,405,000 for fiscal year 2002 for completion of construction of Project 01-E-300, Laboratory for Comparative and Functional Genomics, Oak Ridge National Laboratory;

(3) \$4,000,000 for fiscal year 2002, \$8,000,000 for fiscal year 2003, and \$2,000,000 for fiscal year 2004 for completion of construction of Project 02-SC-002, Project Engineering Design (PED), Various Locations;

(4) \$3,183,000 for fiscal year 2002 for completion of construction of Project 02-SC-002, Multiprogram Energy Laboratories Infrastructure Project Engineering Design (PED), Various Locations; and (5) \$18,633,000 for fiscal year 2002 and \$13,029,000 for fiscal year 2003 for completion of construction of Project MEL-001, Multiprogram Energy Laboratories, Infrastructure, Various Locations.

(d) **LIMITS ON USE OF FUNDS.**—None of the funds authorized to be appropriated in subsection (c) may be used for construction at any national security laboratory as defined in section 3281(1) of the National Defense Authorization Act for Fiscal Year 2000 (50 U.S.C. 2471(1)) or at any nuclear weapons production facility as defined in section 3281(2)

of the National Defense Authorization Act for Fiscal Year 2000 (50 U.S.C. 2471(2)).

TITLE VI—MISCELLANEOUS

Subtitle A—General Provisions for the Department of Energy

SEC. 2601. RESEARCH, DEVELOPMENT, DEMONSTRATION, AND COMMERCIAL APPLICATION OF ENERGY TECHNOLOGY PROGRAMS, PROJECTS, AND ACTIVITIES.

(a) **AUTHORIZED ACTIVITIES.**—Except as otherwise provided in this division, research, development, demonstration, and commercial application programs, projects, and activities for which appropriations are authorized under this division may be carried out under the procedures of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5901 et seq.), the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.), or any other Act under which the Secretary is authorized to carry out such programs, projects, and activities, but only to the extent the Secretary is authorized to carry out such activities under each such Act.

(b) **AUTHORIZED AGREEMENTS.**—Except as otherwise provided in this division, in carrying out research, development, demonstration, and commercial application programs, projects, and activities for which appropriations are authorized under this division, the Secretary may use, to the extent authorized under applicable provisions of law, contracts, cooperative agreements, cooperative research and development agreements under the Stevenson-Wylder Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.), grants, joint ventures, and any other form of agreement available to the Secretary.

(c) **DEFINITION.**—For purposes of this section, the term “joint venture” has the meaning given that term under section 2 of the National Cooperative Research and Production Act of 1993 (15 U.S.C. 4301), except that such term may apply under this section to research, development, demonstration, and commercial application of energy technology joint ventures.

(d) **PROTECTION OF INFORMATION.**—Section 12(c)(7) of the Stevenson-Wylder Technology Innovation Act of 1980 (15 U.S.C. 3710a(c)(7)), relating to the protection of information, shall apply to research, development, demonstration, and commercial application of energy technology programs, projects, and activities for which appropriations are authorized under this division.

(e) **INVENTIONS.**—An invention conceived and developed by any person using funds provided through a grant under this division shall be considered a subject invention for the purposes of chapter 18 of title 35, United States Code (commonly referred to as the Bayh-Dole Act).

(f) **OUTREACH.**—The Secretary shall ensure that each program authorized by this division includes an outreach component to provide information, as appropriate, to manufacturers, consumers, engineers, architects, builders, energy service companies, universities, facility planners and managers, State and local governments, and other entities.

(g) **GUIDELINES AND PROCEDURES.**—The Secretary shall provide guidelines and procedures for the transition, where appropriate, of energy technologies from research through development and demonstration to commercial application of energy technology. Nothing in this section shall preclude the Secretary from—

(1) entering into a contract, cooperative agreement, cooperative research and development agreement under the Stevenson-Wylder Technology Innovation Act of 1980 (15

U.S.C. 3701 et seq.), grant, joint venture, or any other form of agreement available to the Secretary under this section that relates to research, development, demonstration, and commercial application of energy technology; or

(2) extending a contract, cooperative agreement, cooperative research and development agreement under the Stevenson-Wylder Technology Innovation Act of 1980, grant, joint venture, or any other form of agreement available to the Secretary that relates to research, development, and demonstration to cover commercial application of energy technology.

(h) **APPLICATION OF SECTION.**—This section shall not apply to any contract, cooperative agreement, cooperative research and development agreement under the Stevenson-Wylder Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.), grant, joint venture, or any other form of agreement available to the Secretary that is in effect as of the date of the enactment of this Act.

SEC. 2602. LIMITS ON USE OF FUNDS.

(a) **MANAGEMENT OF OPERATING CONTRACTS.**—

(1) **COMPETITIVE PROCEDURE REQUIREMENT.**—None of the funds authorized to be appropriated to the Secretary by this division may be used to award a management and operating contract for a federally owned or operated nonmilitary energy laboratory of the Department unless such contract is awarded using competitive procedures or the Secretary grants, on a case-by-case basis, a waiver to allow for such a deviation. The Secretary may not delegate the authority to grant such a waiver.

(2) **CONGRESSIONAL NOTICE.**—At least 2 months before a contract award, amendment, or modification for which the Secretary intends to grant such a waiver, the Secretary shall submit to the appropriate congressional committees a report notifying the committees of the waiver and setting forth the reasons for the waiver.

(b) **PRODUCTION OR PROVISION OF ARTICLES OR SERVICES.**—None of the funds authorized to be appropriated to the Secretary by this division may be used to produce or provide articles or services for the purpose of selling the articles or services to a person outside the Federal Government, unless the Secretary determines that comparable articles or services are not available from a commercial source in the United States.

(c) **REQUESTS FOR PROPOSALS.**—None of the funds authorized to be appropriated to the Secretary by this division may be used by the Department to prepare or initiate Requests for Proposals for a program if the program has not been authorized by Congress.

SEC. 2603. COST SHARING.

(a) **RESEARCH AND DEVELOPMENT.**—Except as otherwise provided in this division, for research and development programs carried out under this division, the Secretary shall require a commitment from non-Federal sources of at least 20 percent of the cost of the project. The Secretary may reduce or eliminate the non-Federal requirement under this subsection if the Secretary determines that the research and development is of a basic or fundamental nature.

(b) **DEMONSTRATION AND COMMERCIAL APPLICATION.**—Except as otherwise provided in this division, the Secretary shall require at least 50 percent of the costs directly and specifically related to any demonstration or commercial application project under this division to be provided from non-Federal sources. The Secretary may reduce the non-Federal requirement under this subsection if

the Secretary determines that the reduction is necessary and appropriate considering the technological risks involved in the project and is necessary to meet the objectives of this division.

(c) **CALCULATION OF AMOUNT.**—In calculating the amount of the non-Federal commitment under subsection (a) or (b), the Secretary may include personnel, services, equipment, and other resources.

SEC. 2604. LIMITATION ON DEMONSTRATION AND COMMERCIAL APPLICATION OF ENERGY TECHNOLOGY.

Except as otherwise provided in this division, the Secretary shall provide funding for scientific or energy demonstration and commercial application of energy technology programs, projects, or activities only for technologies or processes that can be reasonably expected to yield new, measurable benefits to the cost, efficiency, or performance of the technology or process.

SEC. 2605. REPROGRAMMING.

(a) **AUTHORITY.**—The Secretary may use amounts appropriated under this division for a program, project, or activity other than the program, project, or activity for which such amounts were appropriated only if—

(1) the Secretary has transmitted to the appropriate congressional committees a report described in subsection (b) and a period of 30 days has elapsed after such committees receive the report;

(2) amounts used for the program, project, or activity do not exceed—

(A) 105 percent of the amount authorized for the program, project, or activity; or

(B) \$250,000 more than the amount authorized for the program, project, or activity, whichever is less; and

(3) the program, project, or activity has been presented to, or requested of, the Congress by the Secretary.

(b) **REPORT.**—(1) The report referred to in subsection (a) is a report containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of the proposed action.

(2) In the computation of the 30-day period under subsection (a), there shall be excluded any day on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain.

(c) **LIMITATIONS.**—(1) In no event may the total amount of funds obligated by the Secretary pursuant to this division exceed the total amount authorized to be appropriated to the Secretary by this division.

(2) Funds appropriated to the Secretary pursuant to this division may not be used for an item for which Congress has declined to authorize funds.

Subtitle B—Other Miscellaneous Provisions

SEC. 2611. NOTICE OF REORGANIZATION.

The Secretary shall provide notice to the appropriate congressional committees not later than 15 days before any reorganization of any environmental research or development, scientific or energy research, development, or demonstration, or commercial application of energy technology program, project, or activity of the Department.

SEC. 2612. LIMITS ON GENERAL PLANT PROJECTS.

If, at any time during the construction of a civilian environmental research and development, scientific or energy research, development, or demonstration, or commercial application of energy technology project of the Department for which no specific funding level is provided by law, the estimated cost (including any revision thereof) of the

project exceeds \$5,000,000, the Secretary may not continue such construction unless the Secretary has furnished a complete report to the appropriate congressional committees explaining the project and the reasons for the estimate or revision.

SEC. 2613. LIMITS ON CONSTRUCTION PROJECTS.

(a) LIMITATION.—Except as provided in subsection (b), construction on a civilian environmental research and development, scientific or energy research, development, or demonstration, or commercial application of energy technology project of the Department for which funding has been specifically provided by law may not be started, and additional obligations may not be incurred in connection with the project above the authorized funding amount, whenever the current estimated cost of the construction project exceeds by more than 10 percent the higher of—

(1) the amount authorized for the project, if the entire project has been funded by the Congress; or

(2) the amount of the total estimated cost for the project as shown in the most recent budget justification data submitted to Congress.

(b) NOTICE.—An action described in subsection (a) may be taken if—

(1) the Secretary has submitted to the appropriate congressional committees a report on the proposed actions and the circumstances making such actions necessary; and

(2) a period of 30 days has elapsed after the date on which the report is received by the committees.

(c) EXCLUSION.—In the computation of the 30-day period described in subsection (b)(2), there shall be excluded any day on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain.

(d) EXCEPTION.—Subsections (a) and (b) shall not apply to any construction project that has a current estimated cost of less than \$5,000,000.

SEC. 2614. AUTHORITY FOR CONCEPTUAL AND CONSTRUCTION DESIGN.

(a) REQUIREMENT FOR CONCEPTUAL DESIGN.—(1) Subject to paragraph (2) and except as provided in paragraph (3), before submitting to Congress a request for funds for a construction project that is in support of a civilian environmental research and development, scientific or energy research, development, or demonstration, or commercial application of energy technology program, project, or activity of the Department, the Secretary shall complete a conceptual design for that project.

(2) If the estimated cost of completing a conceptual design for a construction project exceeds \$750,000, the Secretary shall submit to Congress a request for funds for the conceptual design before submitting a request for funds for the construction project.

(3) The requirement in paragraph (1) does not apply to a request for funds for a construction project, the total estimated cost of which is less than \$5,000,000.

(b) AUTHORITY FOR CONSTRUCTION DESIGN.—

(1) The Secretary may carry out construction design (including architectural and engineering services) in connection with any proposed construction project that is in support of a civilian environmental research and development, scientific or energy research, development, or demonstration, or commercial application of energy technology program, project, or activity of the Department if the total estimated cost for such design does not exceed \$250,000.

(2) If the total estimated cost for construction design in connection with any construction project described in paragraph (1) exceeds \$250,000, funds for such design must be specifically authorized by law.

SEC. 2615. NATIONAL ENERGY POLICY DEVELOPMENT GROUP MANDATED REPORTS.

(a) THE SECRETARY'S REVIEW OF ENERGY EFFICIENCY, RENEWABLE ENERGY, AND ALTERNATIVE ENERGY RESEARCH AND DEVELOPMENT.—Upon completion of the Secretary's review of current funding and historic performance of the Department's energy efficiency, renewable energy, and alternative energy research and development programs in response to the recommendations of the May 16, 2001, Report of the National Energy Policy Development Group, the Secretary shall transmit a report containing the results of such review to the appropriate congressional committees.

(b) REVIEW AND RECOMMENDATIONS ON USING THE NATION'S ENERGY RESOURCES MORE EFFICIENTLY.—Upon completion of the Office of Science and Technology Policy and the President's Council of Advisors on Science and Technology reviewing and making recommendations on using the Nation's energy resources more efficiently, in response to the recommendation of the May 16, 2001, Report of the National Energy Policy Development Group, the Director of the Office of Science and Technology Policy shall transmit a report containing the results of such review and recommendations to the appropriate congressional committees.

SEC. 2616. PERIODIC REVIEWS AND ASSESSMENTS.

The Secretary shall enter into appropriate arrangements with the National Academies of Sciences and Engineering to ensure that there be periodic reviews and assessments of the programs authorized by this division, as well as the measurable cost and performance-based goals for such programs as established under section 2004, and the progress on meeting such goals. Such reviews and assessments shall be conducted at least every 5 years, or more often as the Secretary considers necessary, and the Secretary shall transmit to the appropriate congressional committees reports containing the results of such reviews and assessments.

DIVISION D

SEC. 4101. CAPACITY BUILDING FOR ENERGY-EFFICIENT, AFFORDABLE HOUSING.

Section 4(b) of the HUD Demonstration Act of 1993 (42 U.S.C. 9816 note) is amended—

(1) in paragraph (1), by inserting before the semicolon at the end the following: “, including capabilities regarding the provision of energy efficient, affordable housing and residential energy conservation measures”; and

(2) in paragraph (2), by inserting before the semicolon the following: “, including such activities relating to the provision of energy efficient, affordable housing and residential energy conservation measures that benefit low-income families”.

SEC. 4102. INCREASE OF CDBG PUBLIC SERVICES CAP FOR ENERGY CONSERVATION AND EFFICIENCY ACTIVITIES.

Section 105(a)(8) of the Housing and Community Development Act of 1974 (42 U.S.C. 5305(a)(8)) is amended—

(1) by inserting “or efficiency” after “energy conservation”; and

(2) by striking “, and except that” and inserting “; except that”; and

(3) by inserting before the period at the end the following: “; and except that each percentage limitation under this paragraph on the amount of assistance provided under this title that may be used for the provision of

public services is hereby increased by 10 percent, but such percentage increase may be used only for the provision of public services concerning energy conservation or efficiency”.

SEC. 4103. FHA MORTGAGE INSURANCE INCENTIVES FOR ENERGY EFFICIENT HOUSING.

(a) SINGLE FAMILY HOUSING MORTGAGE INSURANCE.—Section 203(b)(2) of the National Housing Act (12 U.S.C. 1709(b)(2)) is amended, in the first undesignated paragraph beginning after subparagraph (B)(iii) (relating to solar energy systems)—

(1) by inserting “or paragraph (10)”; and

(2) by striking “20 percent” and inserting “30 percent”.

(b) MULTIFAMILY HOUSING MORTGAGE INSURANCE.—Section 207(c) of the National Housing Act (12 U.S.C. 1713(c)) is amended, in the second undesignated paragraph beginning after paragraph (3) (relating to solar energy systems and residential energy conservation measures), by striking “20 percent” and inserting “30 percent”.

(c) COOPERATIVE HOUSING MORTGAGE INSURANCE.—Section 213(p) of the National Housing Act (12 U.S.C. 1715e(p)) is amended by striking “20 per centum” and inserting “30 percent”.

(d) REHABILITATION AND NEIGHBORHOOD CONSERVATION HOUSING MORTGAGE INSURANCE.—Section 220(d)(3)(B)(iii) of the National Housing Act (12 U.S.C. 1715k(d)(3)(B)(iii)) is amended by striking “20 per centum” and inserting “30 percent”.

(e) LOW-INCOME MULTIFAMILY HOUSING MORTGAGE INSURANCE.—Section 221(k) of the National Housing Act (12 U.S.C. 1715l(k)) is amended by striking “20 per centum” and inserting “30 percent”.

(f) ELDERLY HOUSING MORTGAGE INSURANCE.—The proviso at the end of section 213(c)(2) of the National Housing Act (12 U.S.C. 1715v(c)(2)) is amended by striking “20 per centum” and inserting “30 percent”.

(g) CONDOMINIUM HOUSING MORTGAGE INSURANCE.—Section 234(j) of the National Housing Act (12 U.S.C. 1715y(j)) is amended by striking “20 per centum” and inserting “30 percent”.

SEC. 4104. PUBLIC HOUSING CAPITAL FUND.

Section 9(d)(1) of the United States Housing Act of 1937 (42 U.S.C. 1437g(d)(1)) is amended—

(1) in subparagraph (I), by striking “and” at the end;

(2) in subparagraph (K), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following new subparagraph:

“(L) improvement of energy and water-use efficiency by installing fixtures and fittings that conform to the American Society of Mechanical Engineers/American National Standards Institute standards A112.19.2-1998 and A112.18.1-2000, or any revision thereto, applicable at the time of installation, and by increasing energy efficiency and water conservation by such other means as the Secretary determines are appropriate.”.

SEC. 4105. GRANTS FOR ENERGY-CONSERVING IMPROVEMENTS FOR ASSISTED HOUSING.

Section 251(b)(1) of the National Energy Conservation Policy Act (42 U.S.C. 8231(1)) is amended—

(1) by striking “financed with loans” and inserting “assisted”; and

(2) by inserting after “1959,” the following: “which are eligible multifamily housing projects (as such term is defined in section 512 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C.

1437f note)) and are subject to a mortgage restructuring and rental assistance sufficiency plans under such Act.”; and

(3) by inserting after the period at the end of the first sentence the following new sentence: “Such improvements may also include the installation of energy and water conserving fixtures and fittings that conform to the American Society of Mechanical Engineers/American National Standards Institute standards A112.19.2-1998 and A112.18.1-2000, or any revision thereto, applicable at the time of installation.”.

SEC. 4106. NORTH AMERICAN DEVELOPMENT BANK.

Part 2 of subtitle D of title V of the North American Free Trade Agreement Implementation Act (22 U.S.C. 290m-290m-3) is amended by adding at the end the following:

“SEC. 545. SUPPORT FOR CERTAIN ENERGY POLICIES.

“Consistent with the focus of the Bank’s Charter on environmental infrastructure projects, the Board members representing the United States should use their voice and vote to encourage the Bank to finance projects related to clean and efficient energy, including energy conservation, that prevent, control, or reduce environmental pollutants or contaminants.”.

DIVISION E

SEC. 5000. SHORT TITLE.

This division may be cited as the “Clean Coal Power Initiative Act of 2001”.

SEC. 5001. FINDINGS.

Congress finds that—

(1) reliable, affordable, increasingly clean electricity will continue to power the growing United States economy;

(2) an increasing use of electro-technologies, the desire for continuous environmental improvement, a more competitive electricity market, and concerns about rising energy prices add importance to the need for reliable, affordable, increasingly clean electricity;

(3) coal, which, as of the date of the enactment of this Act, accounts for more than ½ of all electricity generated in the United States, is the most abundant fossil energy resource of the United States;

(4) coal comprises more than 85 percent of all fossil resources in the United States and exists in quantities sufficient to supply the United States for 250 years at current usage rates;

(5) investments in electricity generating facility emissions control technology over the past 30 years have reduced the aggregate emissions of pollutants from coal-based generating facilities by 21 percent, even as coal use for electricity generation has nearly tripled;

(6) continuous improvement in efficiency and environmental performance from electricity generating facilities would allow continued use of coal and preserve less abundant energy resources for other energy uses;

(7) new ways to convert coal into electricity can effectively eliminate health-threatening emissions and improve efficiency by as much as 50 percent, but initial deployment of new coal generation methods and equipment entails significant risk that generators may be unable to accept in a newly competitive electricity market; and

(8) continued environmental improvement in coal-based generation and increasing the production and supply of power generation facilities with less air emissions, with the ultimate goal of near-zero emissions, is important and desirable.

SEC. 5002. DEFINITIONS.

In this division:

(1) **COST AND PERFORMANCE GOALS.**—The term “cost and performance goals” means the cost and performance goals established under section 5004.

(2) **SECRETARY.**—The term “Secretary” means the Secretary of Energy.

SEC. 5003. CLEAN COAL POWER INITIATIVE.

(a) **IN GENERAL.**—The Secretary shall carry out a program under—

(1) this division;

(2) the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5901 et seq.);

(3) the Energy Reorganization Act of 1974 (42 U.S.C. 5801 et seq.); and

(4) title XIII of the Energy Policy Act of 1992 (42 U.S.C. 13331 et seq.), to achieve cost and performance goals established by the Secretary under section 5004.

SEC. 5004. COST AND PERFORMANCE GOALS.

(a) **REVIEW AND ASSESSMENT.**—The Secretary shall perform an assessment that establishes measurable cost and performance goals for 2005, 2010, 2015, and 2020 for the programs authorized by this division. Such assessment shall be based on the latest scientific, economic, and technical knowledge.

(b) **CONSULTATION.**—In establishing the cost and performance goals, the Secretary shall consult with representatives of—

(1) the United States coal industry;

(2) State coal development agencies;

(3) the electric utility industry;

(4) railroads and other transportation industries;

(5) manufacturers of advanced coal-based equipment;

(6) institutions of higher learning, national laboratories, and professional and technical societies;

(7) organizations representing workers;

(8) organizations formed to—

(A) promote the use of coal;

(B) further the goals of environmental protection; and

(C) promote the production and generation of coal-based power from advanced facilities; and

(9) other appropriate Federal and State agencies.

(c) **TIMING.**—The Secretary shall—

(1) not later than 120 days after the date of the enactment of this Act, issue a set of draft cost and performance goals for public comment; and

(2) not later than 180 days after the date of the enactment of this Act, after taking into consideration any public comments received, submit to the Committee on Energy and Commerce and the Committee on Science of the House of Representatives, and to the Senate, the final cost and performance goals.

SEC. 5005. AUTHORIZATION OF APPROPRIATIONS.

(a) **CLEAN COAL POWER INITIATIVE.**—Except as provided in subsection (b), there are authorized to be appropriated to the Secretary to carry out the Clean Coal Power Initiative under section 5003 \$200,000,000 for each of the fiscal years 2002 through 2011, to remain available until expended.

(b) **LIMIT ON USE OF FUNDS.**—Notwithstanding subsection (a), no funds may be used to carry out the activities authorized by this Act after September 30, 2002, unless the Secretary has transmitted to the Committee on Energy and Commerce and the Committee on Science of the House of Representatives, and to the Senate, the report required by this subsection and 1 month has elapsed since that transmission. The report shall include, with respect to subsection (a), a 10-year plan containing—

(1) a detailed assessment of whether the aggregate funding levels provided under sub-

section (a) are the appropriate funding levels for that program;

(2) a detailed description of how proposals will be solicited and evaluated, including a list of all activities expected to be undertaken;

(3) a detailed list of technical milestones for each coal and related technology that will be pursued;

(4) recommendations for a mechanism for recoupment of Federal funding for successful commercial projects; and

(5) a detailed description of how the program will avoid problems enumerated in General Accounting Office reports on the Clean Coal Technology Program, including problems that have resulted in unspent funds and projects that failed either financially or scientifically.

(c) **APPLICABILITY.**—Subsection (b) shall not apply to any project begun before September 30, 2002.

SEC. 5006. PROJECT CRITERIA.

(a) **IN GENERAL.**—The Secretary shall not provide funding under this division for any project that does not advance efficiency, environmental performance, and cost competitiveness well beyond the level of technologies that are in operation or have been demonstrated as of the date of the enactment of this Act.

(b) **TECHNICAL CRITERIA FOR CLEAN COAL POWER INITIATIVE.**—

(1) **GASIFICATION.**—(A) In allocating the funds authorized under section 5005(a), the Secretary shall ensure that at least 80 percent of the funds are used only for projects on coal-based gasification technologies, including gasification combined cycle, gasification fuel cells, gasification coproduction and hybrid gasification/combustion.

(B) The Secretary shall set technical milestones specifying emissions levels that coal gasification projects must be designed to and reasonably expected to achieve. The milestones shall get more restrictive through the life of the program. The milestones shall be designed to achieve by 2020 coal gasification projects able—

(i) to remove 99 percent of sulfur dioxide;

(ii) to emit no more than .05 lbs of NO_x per million BTU;

(iii) to achieve substantial reductions in mercury emissions; and

(iv) to achieve a thermal efficiency of 60 percent (higher heating value).

(2) **OTHER PROJECTS.**—For projects not described in paragraph (1), the Secretary shall set technical milestones specifying emissions levels that the projects must be designed to and reasonably expected to achieve. The milestones shall get more restrictive through the life of the program. The milestones shall be designed to achieve by 2010 projects able—

(A) to remove 97 percent of sulfur dioxide;

(B) to emit no more than .08 lbs of NO_x per million BTU;

(C) to achieve substantial reductions in mercury emissions; and

(D) to achieve a thermal efficiency of 45 percent (higher heating value).

(c) **FINANCIAL CRITERIA.**—The Secretary shall not provide a funding award under this division unless the recipient has documented to the satisfaction of the Secretary that—

(1) the award recipient is financially viable without the receipt of additional Federal funding;

(2) the recipient will provide sufficient information to the Secretary for the Secretary to ensure that the award funds are spent efficiently and effectively; and

(3) a market exists for the technology being demonstrated or applied, as evidenced

by statements of interest in writing from potential purchasers of the technology.

(d) **FINANCIAL ASSISTANCE.**—The Secretary shall provide financial assistance to projects that meet the requirements of subsections (a), (b), and (c) and are likely to—

(1) achieve overall cost reductions in the utilization of coal to generate useful forms of energy;

(2) improve the competitiveness of coal among various forms of energy in order to maintain a diversity of fuel choices in the United States to meet electricity generation requirements; and

(3) demonstrate methods and equipment that are applicable to 25 percent of the electricity generating facilities that use coal as the primary feedstock as of the date of the enactment of this Act.

(e) **FEDERAL SHARE.**—The Federal share of the cost of a coal or related technology project funded by the Secretary shall not exceed 50 percent.

(f) **APPLICABILITY.**—Neither the use of any particular technology, nor the achievement of any emission reduction, by any facility receiving assistance under this title shall be taken into account for purposes of making any determination under the Clean Air Act in applying the provisions of that Act to a facility not receiving assistance under this title, including any determination concerning new source performance standards, lowest achievable emission rate, best available control technology, or any other standard, requirement, or limitation.

SEC. 5007. STUDY.

(a) **IN GENERAL.**—Not later than 1 year after the date of the enactment of this Act, and once every 2 years thereafter through 2016, the Secretary, in cooperation with other appropriate Federal agencies, shall transmit to the Committee on Energy and Commerce and the Committee on Science of the House of Representatives, and to the Senate, a report containing the results of a study to—

(1) identify efforts (and the costs and periods of time associated with those efforts) that, by themselves or in combination with other efforts, may be capable of achieving the cost and performance goals;

(2) develop recommendations for the Department of Energy to promote the efforts identified under paragraph (1); and

(3) develop recommendations for additional authorities required to achieve the cost and performance goals.

(b) **EXPERT ADVICE.**—In carrying out this section, the Secretary shall give due weight to the expert advice of representatives of the entities described in section 5004(b).

SEC. 5008. CLEAN COAL CENTERS OF EXCELLENCE.

As part of the program authorized in section 5003, the Secretary shall award competitive, merit-based grants to universities for the establishment of Centers of Excellence for Energy Systems of the Future. The Secretary shall provide grants to universities that can show the greatest potential for advancing new clean coal technologies.

DIVISION F

SEC. 6001. SHORT TITLE.

This division may be cited as the “Energy Security Act”.

TITLE I—GENERAL PROTECTIONS FOR ENERGY SUPPLY AND SECURITY

SEC. 6101. STUDY OF EXISTING RIGHTS-OF-WAY ON FEDERAL LANDS TO DETERMINE CAPABILITY TO SUPPORT NEW PIPELINES OR OTHER TRANSMISSION FACILITIES.

(a) **IN GENERAL.**—Within 1 year after the date of the enactment of this Act, the head

of each Federal agency that has authorized a right-of-way across Federal lands for transportation of energy supplies or transmission of electricity shall review each such right-of-way and submit a report to the Secretary of Energy and the Chairman of the Federal Energy Regulatory Commission regarding—

(1) whether the right-of-way can be used to support new or additional capacity; and

(2) what modifications or other changes, if any, would be necessary to accommodate such additional capacity.

(b) **CONSULTATIONS AND CONSIDERATIONS.**—In performing the review, the head of each agency shall—

(1) consult with agencies of State, tribal, or local units of government as appropriate; and

(2) consider whether safety or other concerns related to current uses might preclude the availability of a right-of-way for additional or new transportation or transmission facilities, and set forth those considerations in the report.

SEC. 6102. INVENTORY OF ENERGY PRODUCTION POTENTIAL OF ALL FEDERAL PUBLIC LANDS.

(a) **INVENTORY REQUIREMENT.**—The Secretary of the Interior, in consultation with the Secretary of Agriculture and the Secretary of Energy, shall conduct an inventory of the energy production potential of all Federal public lands other than national park lands and lands in any wilderness area, with respect to wind, solar, coal, and geothermal power production.

(b) **LIMITATIONS.**—

(1) **IN GENERAL.**—The Secretary shall not include in the inventory under this section the matters to be identified in the inventory under section 604 of the Energy Act of 2000 (43 U.S.C. 6217).

(2) **WIND AND SOLAR POWER.**—The inventory under this section—

(A) with respect to wind power production shall be limited to sites having a mean average wind speed—

(i) exceeding 12.5 miles per hour at a height of 33 feet; and

(ii) exceeding 15.7 miles per hour at a height of 164 feet; and (B) with respect to solar power production shall be limited to areas rated as receiving 450 watts per square meter or greater.

(c) **EXAMINATION OF RESTRICTIONS AND IMPEDIMENTS.**—The inventory shall identify the extent and nature of any restrictions or impediments to the development of such energy production potential.

(d) **GEOTHERMAL POWER.**—The inventory shall include an update of the 1978 Assessment of Geothermal Resources by the United States Geological Survey.

(e) **COMPLETION AND UPDATING.**—The Secretary—

(1) shall complete the inventory by not later than 2 years after the date of the enactment of this Act; and

(2) shall update the inventory regularly thereafter.

(f) **REPORTS.**—The Secretary shall submit to the Committee on Resources of the House of Representatives and to the Committee on Energy and Natural Resources of the Senate and make publicly available—

(1) a report containing the inventory under this section, by not later than 2 years after the effective date of this section; and

(2) each update of such inventory.

SEC. 6103. REVIEW OF REGULATIONS TO ELIMINATE BARRIERS TO EMERGING ENERGY TECHNOLOGY.

(a) **IN GENERAL.**—Each Federal agency shall carry out a review of its regulations

and standards to determine those that act as a barrier to market entry for emerging energy-efficient technologies, including fuel cells, combined heat and power, and distributed generation (including small-scale renewable energy).

(b) **REPORT TO CONGRESS.**—No later than 18 months after date of the enactment of this Act, each agency shall provide a report to the Congress and the President detailing all regulatory barriers to emerging energy-efficient technologies, along with actions the agency intends to take, or has taken, to remove such barriers.

(c) **PERIODIC REVIEW.**—Each agency shall subsequently review its regulations and standards in this manner no less frequently than every 5 years, and report their findings to the Congress and the President. Such reviews shall include a detailed analysis of all agency actions taken to remove existing barriers to emerging energy technologies.

SEC. 6104. INTERAGENCY AGREEMENT ON ENVIRONMENTAL REVIEW OF INTERSTATE NATURAL GAS PIPELINE PROJECTS.

(a) **IN GENERAL.**—The Secretary of Energy, in coordination with the Federal Energy Regulatory Commission, shall establish an administrative interagency task force to develop an interagency agreement to expedite and facilitate the environmental review and permitting of interstate natural gas pipeline projects.

(b) **TASK FORCE MEMBERS.**—The task force shall include a representative of each of the Bureau of Land Management, the United States Fish and Wildlife Service, the Army Corps of Engineers, the Forest Service, the Environmental Protection Agency, the Advisory Council on Historic Preservation, and such other agencies as the Secretary of Energy and the Federal Energy Regulatory Commission consider appropriate.

(c) **TERMS OF AGREEMENT.**—The interagency agreement shall require that agencies complete their review of interstate pipeline projects within a specific period of time after referral of the matter by the Federal Energy Regulatory Commission.

(d) **SUBMITTAL OF AGREEMENT.**—The Secretary of Energy shall submit a final interagency agreement under this section to the Congress by not later than 6 months after the effective date of this section.

SEC. 6105. ENHANCING ENERGY EFFICIENCY IN MANAGEMENT OF FEDERAL LANDS.

(a) **SENSE OF THE CONGRESS.**—It is the sense of Congress that Federal land managing agencies should enhance the use of energy efficient technologies in the management of natural resources.

(b) **ENERGY EFFICIENT BUILDINGS.**—To the extent economically practicable, the Secretary of the Interior and the Secretary of Agriculture shall seek to incorporate energy efficient technologies in public and administrative buildings associated with management of the National Park System, National Wildlife Refuge System, National Forest System, and other public lands and resources managed by such Secretaries.

(c) **ENERGY EFFICIENT VEHICLES.**—To the extent economically practicable, the Secretary of the Interior and the Secretary of Agriculture shall seek to use energy efficient motor vehicles, including vehicles equipped with biodiesel or hybrid engine technologies, in the management of the National Park System, National Wildlife Refuge System, and other public lands and managed by the Secretaries.

SEC. 6106. EFFICIENT INFRASTRUCTURE DEVELOPMENT.

(a) **IN GENERAL.**—The Secretary of Energy and the Chairman of the Federal Energy

Regulatory Commission shall jointly undertake a study of the location and extent of anticipated demand growth for natural gas consumption in the Western States, herein defined as the area covered by the Western System Coordinating Council.

(b) **CONTENTS.**—The study under subsection (a) shall include the following:

(1) A review of natural gas demand forecasts by Western State officials, such as the California Energy Commission and the California Public Utilities Commission, which indicate the forecasted levels of demand for natural gas and the geographic distribution of that forecasted demand.

(2) A review of the locations of proposed new natural gas-fired electric generation facilities currently in the approval process in the Western States, and their forecasted impact on natural gas demand.

(3) A review of the locations of existing interstate natural gas transmission pipelines, and interstate natural gas pipelines currently in the planning stage or approval process, throughout the Western States.

(4) A review of the locations and capacity of intrastate natural gas pipelines in the Western States.

(5) Recommendations for the coordination of the development of the natural gas infrastructure indicated in paragraphs (1) through (4).

(c) **REPORT.**—The Secretary shall report the findings and recommendations resulting from the study required by this section to the Committee on Energy and Commerce of the House of Representatives and to the Committee on Energy and Natural Resources of the Senate no later than 6 months after the date of the enactment of this Act. The Chairman of the Federal Energy Regulatory Commission shall report on how the Commission will factor these results into its review of applications of interstate pipelines within the Western States to the Committee on Energy and Commerce of the House of Representatives and to the Committee on Energy and Natural Resources of the Senate no later than 6 months after the date of the enactment of this Act.

TITLE II—OIL AND GAS DEVELOPMENT

Subtitle A—Offshore Oil and Gas

SEC. 6201. SHORT TITLE.

This subtitle may be referred to as the "Royalty Relief Extension Act of 2001".

SEC. 6202. LEASE SALES IN WESTERN AND CENTRAL PLANNING AREA OF THE GULF OF MEXICO.

(a) **IN GENERAL.**—For all tracts located in water depths of greater than 200 meters in the Western and Central Planning Area of the Gulf of Mexico, including that portion of the Eastern Planning Area of the Gulf of Mexico encompassing whole lease blocks lying west of 87 degrees, 30 minutes West longitude, any oil or gas lease sale under the Outer Continental Shelf Lands Act occurring within 2 years after the date of the enactment of this Act shall use the bidding system authorized in section 8(a)(1)(H) of the Outer Continental Shelf Lands Act (30 U.S.C. 1337(a)(1)(H)), except that the suspension of royalties shall be set at a volume of not less than the following:

(1) 5 million barrels of oil equivalent for each lease in water depths of 400 to 800 meters.

(2) 9 million barrels of oil equivalent for each lease in water depths of 800 to 1,600 meters.

(3) 12 million barrels of oil equivalent for each lease in water depths greater than 1,600 meters.

(b) **RELATIONSHIP TO EXISTING AUTHORITY.**—Except as expressly provided in this section,

nothing in this section is intended to limit the authority of the Secretary of the Interior under the Outer Continental Shelf Lands Act (43 U.S.C. 1301 et seq.) to provide royalty suspension.

SEC. 6203. SAVINGS CLAUSE.

Nothing in this subtitle shall be construed to affect any offshore pre-leasing, leasing, or development moratorium, including any moratorium applicable to the Eastern Planning Area of the Gulf of Mexico located off the Gulf Coast of Florida.

SEC. 6204. ANALYSIS OF GULF OF MEXICO FIELD SIZE DISTRIBUTION, INTERNATIONAL COMPETITIVENESS, AND INCENTIVES FOR DEVELOPMENT.

(a) **IN GENERAL.**—The Secretary of the Interior and the Secretary of Energy shall enter into appropriate arrangements with the National Academy of Sciences to commission the Academy to perform the following:

(1) Conduct an analysis and review of existing Gulf of Mexico oil and natural gas resource assessments, including—

(A) analysis and review of assessments recently performed by the Minerals Management Service, the 1999 National Petroleum Council Gas Study, the Department of Energy's Offshore Marginal Property Study, and the Advanced Resources International, Inc. Deepwater Gulf of Mexico model; and

(B) evaluation and comparison of the accuracy of assumptions of the existing assessments with respect to resource field size distribution, hydrocarbon potential, and scenarios for leasing, exploration, and development.

(2) Evaluate the lease terms and conditions offered by the Minerals Management Service for Lease Sale 178, and compare the financial incentives offered by such terms and conditions to financial incentives offered by the terms and conditions that apply under leases for other offshore areas that are competing for the same limited offshore oil and gas exploration and development capital, including offshore areas of West Africa and Brazil.

(3) Recommend what level of incentives for all water depths are appropriate in order to ensure that the United States optimizes the domestic supply of oil and natural gas from the offshore areas of the Gulf of Mexico that are not subject to current leasing moratoria. Recommendations under this paragraph should be made in the context of the importance of the oil and natural gas resources of the Gulf of Mexico to the future energy and economic needs of the United States.

(b) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Interior shall submit a report to the Committee on Resources in the House of Representatives and the Committee on Energy and Natural Resources in the Senate, summarizing the findings of the National Academy of Sciences pursuant to subsection (a) and providing recommendations of the Secretary for new policies or other actions that could help to further increase oil and natural gas production from the Gulf of Mexico.

Subtitle B—Improvements to Federal Oil and Gas Management

SEC. 6221. SHORT TITLE.

This subtitle may be cited as the "Federal Oil and Gas Lease Management Improvement Demonstration Program Act of 2001".

SEC. 6222. STUDY OF IMPEDIMENTS TO EFFICIENT LEASE OPERATIONS.

(a) **IN GENERAL.**—The Secretary of the Interior and the Secretary of Agriculture shall jointly undertake a study of the impediments to efficient oil and gas leasing and op-

erations on Federal onshore lands in order to identify means by which unnecessary impediments to the expeditious exploration and production of oil and natural gas on such lands can be removed.

(b) **CONTENTS.**—The study under subsection (a) shall include the following:

(1) A review of the process by which Federal land managers accept or reject an offer to lease, including the timeframes in which such offers are acted upon, the reasons for any delays in acting upon such offers, and any recommendations for expediting the response to such offers.

(2) A review of the approval process for applications for permits to drill, including the timeframes in which such applications are approved, the impact of compliance with other Federal laws on such timeframes, any other reasons for delays in making such approvals, and any recommendations for expediting such approvals.

(3) A review of the approval process for surface use plans of operation, including the timeframes in which such applications are approved, the impact of compliance with other Federal laws on such timeframes, any other reasons for delays in making such approvals, and any recommendations for expediting such approvals.

(4) A review of the process for administrative appeal of decisions or orders of officers or employees of the Bureau of Land Management with respect to a Federal oil or gas lease, including the timeframes in which such appeals are heard and decided, any reasons for delays in hearing or deciding such appeals, and any recommendations for expediting the appeals process.

(c) **REPORT.**—The Secretaries shall report the findings and recommendations resulting from the study required by this section to the Committee on Resources of the House of Representatives and to the Committee on Energy and Natural Resources of the Senate no later than 6 months after the date of the enactment of this Act.

SEC. 6223. ELIMINATION OF UNWARRANTED DENIALS AND STAYS.

(a) **IN GENERAL.**—The Secretary shall ensure that unwarranted denials and stays of lease issuance and unwarranted restrictions on lease operations are eliminated from the administration of oil and natural gas leasing on Federal land.

(b) **PREPARATION OF LEASING PLAN OR ANALYSIS.**—In preparing a management plan or leasing analysis for oil or natural gas leasing on Federal lands administered by the Bureau of Land Management or the Forest Service, the Secretary concerned shall—

(1) identify and review the restrictions on surface use and operations imposed under the laws (including regulations) of the State in which the lands are located;

(2) consult with the appropriate State agency regarding the reasons for the State restrictions identified under paragraph (1);

(3) identify any differences between the State restrictions identified under paragraph (1) and any restrictions on surface use and operations that would apply under the lease; and

(4) prepare and provide upon request a written explanation of such differences.

(c) **REJECTION OF OFFER TO LEASE.**—

(1) **IN GENERAL.**—If the Secretary rejects an offer to lease Federal lands for oil or natural gas development on the ground that the land is unavailable for oil and natural gas leasing, the Secretary shall provide a written, detailed explanation of the reasons the land is unavailable for leasing.

(2) **PREVIOUS RESOURCE MANAGEMENT DECISION.**—If the determination of unavailability

is based on a previous resource management decision, the explanation shall include a careful assessment of whether the reasons underlying the previous decision are still persuasive.

(3) **SEGREGATION OF AVAILABLE LAND FROM UNAVAILABLE LAND.**—The Secretary may not reject an offer to lease Federal land for oil and natural gas development that is available for such leasing on the ground that the offer includes land unavailable for leasing. The Secretary shall segregate available land from unavailable land, on the offeror's request following notice by the Secretary, before acting on the offer to lease.

(d) **DISAPPROVAL OR REQUIRED MODIFICATION OF SURFACE USE PLANS OF OPERATIONS AND APPLICATION FOR PERMIT TO DRILL.**—The Secretary shall provide a written, detailed explanation of the reasons for disapproving or requiring modifications of any surface use plan of operations or application for permit to drill with respect to oil or natural gas development on Federal lands.

(e) **PRESERVATION OF FEDERAL AUTHORITY.**—Nothing in this section or in any identification, review, or explanation prepared under this section shall be construed—

(1) to limit the authority of the Federal Government to impose lease stipulations, restrictions, requirements, or other terms that are different than those that apply under State law; or

(2) to affect the procedures that apply to judicial review of actions taken under this subsection.

SEC. 6224. LIMITATION ON COST RECOVERY FOR APPLICATIONS.

Notwithstanding sections 304 and 504 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1734, 1764) and section 9701 of title 31, United States Code, the Secretary shall not recover the Secretary's costs with respect to applications and other documents relating to oil and gas leases.

SEC. 6225. CONSULTATION WITH SECRETARY OF AGRICULTURE.

Section 17(h) of the Mineral Leasing Act (30 U.S.C. 226(h)) is amended to read as follows:

“(h)(1) In issuing any lease on National Forest System lands reserved from the public domain, the Secretary of the Interior shall consult with the Secretary of Agriculture in determining stipulations on surface use under the lease.

“(2)(A) A lease on lands referred to in paragraph (1) may not be issued if the Secretary of Agriculture determines, after consultation under paragraph (1) and consultation with the Regional Forester having administrative jurisdiction over the National Forest System Lands concerned, that the terms and conditions of the lease, including any prohibition on surface occupancy for lease operations, will not be sufficient to adequately protect such lands under the National Forest Management Act of 1976 (16 U.S.C. 1600 et seq.).

“(B) The authority of the Secretary of Agriculture under this paragraph may be delegated only to the Undersecretary of Agriculture for Natural Resources and Environment.

“(3) The Secretary of Agriculture shall include in the record of decision for a determination under paragraph (2)(A)—

“(A) any written statement regarding the determination that is prepared by a Regional Forester consulted by the Secretary under paragraph (2)(A) regarding the determination; or

“(B) an explanation why such a statement by the Regional Forester is not included.

Subtitle C—Miscellaneous

SEC. 6231. OFFSHORE SUBSALT DEVELOPMENT.

Section 5 of the Outer Continental Shelf Lands Act of 1953 (43 U.S.C. 1334) is amended by adding at the end the following:

“(k) **SUSPENSION OF OPERATIONS FOR SUBSALT EXPLORATION.**—Notwithstanding any other provision of law or regulation, to prevent waste caused by the drilling of unnecessary wells and to facilitate the discovery of additional hydrocarbon reserves, the Secretary may grant a request for a suspension of operations under any lease to allow the reprocessing and reinterpretation of geophysical data to identify and define drilling objectives beneath allochthonous salt sheets.”

SEC. 6232. PROGRAM ON OIL AND GAS ROYALTIES IN KIND.

(a) **APPLICABILITY OF SECTION.**—Notwithstanding any other provision of law, the provisions of this section shall apply to all royalty in kind accepted by the Secretary of the Interior under any Federal oil or gas lease or permit under section 36 of the Mineral Leasing Act (30 U.S.C. 192), section 27 of the Outer Continental Shelf Lands Act (43 U.S.C. 1353), or any other mineral leasing law, in the period beginning on the date of the enactment of this Act through September 30, 2006.

(b) **TERMS AND CONDITIONS.**—All royalty accruing to the United States under any Federal oil or gas lease or permit under the Mineral Leasing Act (30 U.S.C. 181 et seq.) or the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) shall, on the demand of the Secretary of the Interior, be paid in oil or gas. If the Secretary of the Interior makes such a demand, the following provisions apply to such payment:

(1) Delivery by, or on behalf of, the lessee of the royalty amount and quality due under the lease satisfies the lessee's royalty obligation for the amount delivered, except that transportation and processing reimbursements paid to, or deductions claimed by, the lessee shall be subject to review and audit.

(2) Royalty production shall be placed in marketable condition by the lessee at no cost to the United States.

(3) The Secretary of the Interior may—

(A) sell or otherwise dispose of any royalty oil or gas taken in kind (other than oil or gas taken under section 27(a)(3) of the Outer Continental Shelf Lands Act (43 U.S.C. 1353(a)(3)) for not less than the market price; and

(B) transport or process any oil or gas royalty taken in kind.

(4) The Secretary of the Interior may, notwithstanding section 3302 of title 31, United States Code, retain and use a portion of the revenues from the sale of oil and gas royalties taken in kind that otherwise would be deposited to miscellaneous receipts, without regard to fiscal year limitation, or may use royalty production, to pay the cost of—

(A) transporting the oil or gas,

(B) processing the gas, or

(C) disposing of the oil or gas.

(5) The Secretary may not use revenues from the sale of oil and gas royalties taken in kind to pay for personnel, travel, or other administrative costs of the Federal Government.

(c) **REIMBURSEMENT OF COST.**—If the lessee, pursuant to an agreement with the United States or as provided in the lease, processes the royalty gas or delivers the royalty oil or gas at a point not on or adjacent to the lease area, the Secretary of the Interior shall—

(1) reimburse the lessee for the reasonable costs of transportation (not including gathering) from the lease to the point of delivery or for processing costs; or

(2) at the discretion of the Secretary of the Interior, allow the lessee to deduct such transportation or processing costs in reporting and paying royalties in value for other Federal oil and gas leases.

(d) **BENEFIT TO THE UNITED STATES REQUIRED.**—The Secretary may receive oil or gas royalties in kind only if the Secretary determines that receiving such royalties provides benefits to the United States greater than or equal to those that would be realized under a comparable royalty in value program.

(e) **REPORT TO CONGRESS.**—For each of the fiscal years 2002 through 2006 in which the United States takes oil or gas royalties in kind from production in any State or from the Outer Continental Shelf, excluding royalties taken in kind and sold to refineries under subsection (h), the Secretary of the Interior shall provide a report to the Congress describing—

(1) the methodology or methodologies used by the Secretary to determine compliance with subsection (d), including performance standards for comparing amounts received by the United States derived from such royalties in kind to amounts likely to have been received had royalties been taken in value;

(2) an explanation of the evaluation that led the Secretary to take royalties in kind from a lease or group of leases, including the expected revenue effect of taking royalties in kind;

(3) actual amounts received by the United States derived from taking royalties in kind, and costs and savings incurred by the United States associated with taking royalties in kind; and

(4) an evaluation of other relevant public benefits or detriments associated with taking royalties in kind.

(f) **DEDUCTION OF EXPENSES.**—

(1) **IN GENERAL.**—Before making payments under section 35 of the Mineral Leasing Act (30 U.S.C. 191) or section 8(g) of the Outer Continental Shelf Lands Act (30 U.S.C. 1337(g)) of revenues derived from the sale of royalty production taken in kind from a lease, the Secretary of the Interior shall deduct amounts paid or deducted under subsections (b)(4) and (c), and shall deposit such amounts to miscellaneous receipts.

(2) **ACCOUNTING FOR DEDUCTIONS.**—If the Secretary of the Interior allows the lessee to deduct transportation or processing costs under subsection (c), the Secretary may not reduce any payments to recipients of revenues derived from any other Federal oil and gas lease as a consequence of that deduction.

(g) **CONSULTATION WITH STATES.**—The Secretary of the Interior—

(1) shall consult with a State before conducting a royalty in kind program under this title within the State, and may delegate management of any portion of the Federal royalty in kind program to such State except as otherwise prohibited by Federal law; and

(2) shall consult annually with any State from which Federal oil or gas royalty is being taken in kind to ensure to the maximum extent practicable that the royalty in kind program provides revenues to the State greater than or equal to those which would be realized under a comparable royalty in value program.

(h) **PROVISIONS FOR SMALL REFINERIES.**—

(1) **PREFERENCE.**—If the Secretary of the Interior determines that sufficient supplies of crude oil are not available in the open market to refineries not having their own source of supply for crude oil, the Secretary may grant preference to such refineries in

the sale of any royalty oil accruing or reserved to the United States under Federal oil and gas leases issued under any mineral leasing law, for processing or use in such refineries at private sale at not less than the market price.

(2) **PRORATION AMONG REFINERIES IN PRODUCTION AREA.**—In disposing of oil under this subsection, the Secretary of the Interior may, at the discretion of the Secretary, prorate such oil among such refineries in the area in which the oil is produced.

(i) **DISPOSITION TO FEDERAL AGENCIES.**—

(1) **ONSHORE ROYALTY.**—Any royalty oil or gas taken by the Secretary in kind from onshore oil and gas leases may be sold at not less than the market price to any department or agency of the United States.

(2) **OFFSHORE ROYALTY.**—Any royalty oil or gas taken in kind from Federal oil and gas leases on the Outer Continental Shelf may be disposed of only under section 27 of the Outer Continental Shelf Lands Act (43 U.S.C. 1353).

(j) **PREFERENCE FOR FEDERAL LOW-INCOME ENERGY ASSISTANCE PROGRAMS.**—In disposing of royalty oil or gas taken in kind under this section, the Secretary may grant a preference to any person, including any State or Federal agency, for the purpose of providing additional resources to any Federal low-income energy assistance program.

SEC. 6233. MARGINAL WELL PRODUCTION INCENTIVES.

To enhance the economics of marginal oil and gas production by increasing the ultimate recovery from marginal wells when the cash price of West Texas Intermediate crude oil, as posted on the Dow Jones Commodities Index chart, is less than \$15 per barrel for 180 consecutive pricing days or when the price of natural gas delivered at Henry Hub, Louisiana, is less than \$2.00 per million British thermal units for 180 consecutive days, the Secretary shall reduce the royalty rate as production declines for—

(1) onshore oil wells producing less than 30 barrels per day;

(2) onshore gas wells producing less than 120 million British thermal units per day;

(3) offshore oil wells producing less than 300 barrels of oil per day; and

(4) offshore gas wells producing less than 1,200 million British thermal units per day.

SEC. 6234. REIMBURSEMENT FOR COSTS OF NEPA ANALYSES, DOCUMENTATION, AND STUDIES.

(a) **IN GENERAL.**—The Mineral Leasing Act (30 U.S.C. 181 et seq.) is amended by inserting after section 37 the following:

“REIMBURSEMENT FOR COSTS OF CERTAIN ANALYSES, DOCUMENTATION, AND STUDIES

“SEC. 38. (a) **IN GENERAL.**—Effective October 1, 2003, the Secretary of the Interior may, through royalty credits, reimburse a person who is a lessee, operator, operating rights owner, or applicant for an oil or gas lease under this Act for amounts paid by the person for preparation by the Secretary (or a contractor or other person selected by the Secretary) of any project-level analysis, documentation, or related study required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to the lease.

“(b) **CONDITIONS.**—The Secretary may provide reimbursement under subsection (b) only if—

“(1) adequate funding to enable the Secretary to timely prepare the analysis, documentation, or related study is not appropriated;

“(2) the person paid the costs voluntarily; and

“(3) the person maintains records of its costs in accordance with regulations prescribed by the Secretary.”.

(b) **APPLICATION.**—The amendments made by this section shall apply with respect to any lease entered into before, on, or after the date of the enactment of this Act.

(c) **DEADLINE FOR REGULATIONS.**—The Secretary shall issue regulations implementing the amendments made by this section by not later than 90 days after the date of the enactment of this Act.

SEC. 6235. ENCOURAGEMENT OF STATE AND PROVINCIAL PROHIBITIONS ON OFFSHORE DRILLING IN THE GREAT LAKES.

(a) **FINDINGS.**—The Congress finds the following:

(1) The water resources of the Great Lakes Basin are precious public natural resources, shared and held in trust by the States of Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania, and Wisconsin, and the Canadian Province of Ontario.

(2) The environmental dangers associated with off-shore drilling in the Great Lakes for oil and gas outweigh the potential benefits of such drilling.

(3) In accordance with the Submerged Lands Act (43 U.S.C. 1301 et seq.), each State that borders any of the Great Lakes has authority over the area between that State's coastline and the boundary of Canada or another State.

(4) The States of Illinois, Michigan, New York, Pennsylvania, and Wisconsin each have a statutory prohibition of off-shore drilling in the Great Lakes for oil and gas.

(5) The States of Indiana, Minnesota, and Ohio do not have such a prohibition.

(6) The Canadian Province of Ontario does not have such a prohibition, and drilling for and production of gas occurs in the Canadian portion of Lake Erie.

(b) **ENCOURAGEMENT OF STATE AND PROVINCIAL PROHIBITIONS.**—The Congress encourages—

(1) the States of Illinois, Michigan, New York, Pennsylvania, and Wisconsin to continue to prohibit off-shore drilling in the Great Lakes for oil and gas;

(2) the States of Indiana, Minnesota, and Ohio and the Canadian Province of Ontario to enact a prohibition of such drilling; and

(3) the Canadian Province of Ontario to require the cessation of any such drilling and any production resulting from such drilling.

TITLE III—GEOTHERMAL ENERGY DEVELOPMENT

SEC. 6301. ROYALTY REDUCTION AND RELIEF.

(a) **ROYALTY REDUCTION.**—Section 5(a) of the Geothermal Steam Act of 1970 (30 U.S.C. 1004(a)) is amended by striking “not less than 10 per centum or more than 15 per centum” and inserting “not more than 8 per centum”.

(b) **ROYALTY RELIEF.**—

(1) **IN GENERAL.**—Notwithstanding section 5 of the Geothermal Steam Act of 1970 (30 U.S.C. 1004(a)) and any provision of any lease under that Act, no royalty is required to be paid—

(A) under any qualified geothermal energy lease with respect to commercial production of heat or energy from a facility that begins such production in the 5-year period beginning on the date of the enactment of this Act; or

(B) on qualified expansion geothermal energy.

(2) **3-YEAR APPLICATION.**—Paragraph (1) applies only to commercial production of heat or energy from a facility in the first 3 years of such production.

(c) **DEFINITIONS.**—In this section:

(1) **QUALIFIED EXPANSION GEOTHERMAL ENERGY.**—The term “qualified expansion geothermal energy”—

(A) subject to subparagraph (B), means geothermal energy produced from a generation facility for which the rated capacity is increased by more than 10 percent as a result of expansion of the facility carried out in the 5-year period beginning on the date of the enactment of this Act; and

(B) does not include the rated capacity of the generation facility on the date of the enactment of this Act.

(2) **QUALIFIED GEOTHERMAL ENERGY LEASE.**—The term “qualified geothermal energy lease” means a lease under the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.)—

(A) that was executed before the end of the 5-year period beginning on the date of the enactment of this Act; and

(B) under which no commercial production of any form of heat or energy occurred before the date of the enactment of this Act.

(d) **EFFECTIVE DATE.**—The provisions of this section shall take effect on October 1, 2003.

SEC. 6302. EXEMPTION FROM ROYALTIES FOR DIRECT USE OF LOW TEMPERATURE GEOTHERMAL ENERGY RESOURCES.

(a) **IN GENERAL.**—Section 5 of the Geothermal Steam Act of 1970 (30 U.S.C. 1004) is amended—

(1) in paragraph (c) by redesignating subparagraphs (1) and (2) as subparagraphs (A) and (B);

(2) by redesignating paragraphs (a) through (d) in order as paragraphs (1) through (4);

(3) by inserting “(a) **IN GENERAL.**—“ AFTER “SEC. 5.”; AND

(4) by adding at the end the following new subsection:

“(b) **EXEMPTION FOR USE OF LOW TEMPERATURE RESOURCES.**—

“(1) **IN GENERAL.**—In lieu of any royalty or rental under subsection (a), a lease for qualified development and direct utilization of low temperature geothermal resources shall provide for payment by the lessee of an annual fee of not less than \$100, and not more than \$1,000, in accordance with the schedule issued under paragraph (2).

“(2) **SCHEDULE.**—The Secretary shall issue a schedule of fees under this section under which a fee is based on the scale of development and utilization to which the fee applies.

“(3) **DEFINITIONS.**—In this subsection:

“(A) **LOW TEMPERATURE GEOTHERMAL RESOURCES.**—The term “low temperature geothermal resources” means geothermal steam and associated geothermal resources having a temperature of less than 195 degrees Fahrenheit.

“(B) **QUALIFIED DEVELOPMENT AND DIRECT UTILIZATION.**—The term “qualified development and direct utilization” means development and utilization in which all products of geothermal resources, other than any heat utilized, are returned to the geothermal formation from which they are produced.”.

(b) **EFFECTIVE DATE.**—The provisions of this section shall take effect on October 1, 2003.

SEC. 6303. AMENDMENTS RELATING TO LEASING ON FOREST SERVICE LANDS.

The Geothermal Steam Act of 1970 is amended—

(1) in section 15(b) (30 U.S.C. 1014(b))—

(A) by inserting “(1)” after “(b)”; and

(B) in paragraph (1) (as designated by subparagraph (A) of this paragraph) in the first sentence—

(i) by striking “with the consent of, and” and inserting “after consultation with the Secretary of Agriculture and”; and

(ii) by striking “the head of that Department” and inserting “the Secretary of Agriculture”; and

(2) by adding at the end the following:

“(2)(A) A geothermal lease for lands withdrawn or acquired in aid of functions of the Department of Agriculture may not be issued if the Secretary of Agriculture, after the consultation required by paragraph (1) and consultation with any Regional Forester having administrative jurisdiction over the lands concerned, determines that no terms or conditions, including a prohibition on surface occupancy for lease operations, would be sufficient to adequately protect such lands under the National Forest Management Act of 1976 (16 U.S.C. 1600 et seq.).

“(B) The authority of the Secretary of Agriculture under this paragraph may be delegated only to the Undersecretary of Agriculture for Natural Resources and Environment.

“(3) The Secretary of Agriculture shall include in the record of decision for a determination under paragraph (2)(A)—

“(A) any written statement regarding the determination that is prepared by a Regional Forester consulted by the Secretary under paragraph (2)(A) regarding the determination; or

“(B) an explanation why such a statement by the Regional Forester is not included.”.

SEC. 6304. DEADLINE FOR DETERMINATION ON PENDING NONCOMPETITIVE LEASE APPLICATIONS.

Not later than 90 days after the date of the enactment of this Act, the Secretary of the Interior shall, with respect to each application pending on the date of the enactment of this Act for a lease under the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.), issue a final determination of—

(1) whether or not to conduct a lease sale by competitive bidding; and

(2) whether or not to award a lease without competitive bidding.

SEC. 6305. OPENING OF PUBLIC LANDS UNDER MILITARY JURISDICTION.

(a) IN GENERAL.—Except as otherwise provided in the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.) and other provisions of Federal law applicable to development of geothermal energy resources within public lands, all public lands under the jurisdiction of a Secretary of a military department shall be open to the operation of such laws and development and utilization of geothermal steam and associated geothermal resources, as that term is defined in section 2 of the Geothermal Steam Act of 1970 (30 U.S.C. 1001), without the necessity for further action by the Secretary or the Congress.

(b) CONFORMING AMENDMENT.—Section 2689 of title 10, United States Code, is amended by striking “including public lands,” and inserting “other than public lands,”.

(c) TREATMENT OF EXISTING LEASES.—Upon the expiration of any lease in effect on the date of the enactment of this Act of public lands under the jurisdiction of a military department for the development of any geothermal resource, such lease may, at the option of the lessee—

(1) be treated as a lease under the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.), and be renewed in accordance with such Act; or

(2) be renewed in accordance with the terms of the lease, if such renewal is authorized by such terms.

(d) REGULATIONS.—The Secretary of the Interior, with the advice and concurrence of the Secretary of the military department concerned, shall prescribe such regulations to carry out this section as may be necessary. Such regulations shall contain guidelines to assist in determining how much, if

any, of the surface of any lands opened pursuant to this section may be used for purposes incident to geothermal energy resources development and utilization.

(e) CLOSURE FOR PURPOSES OF NATIONAL DEFENSE OR SECURITY.—In the event of a national emergency or for purposes of national defense or security, the Secretary of the Interior, at the request of the Secretary of the military department concerned, shall close any lands that have been opened to geothermal energy resources leasing pursuant to this section.

SEC. 6306. APPLICATION OF AMENDMENTS.

The amendments made by this title apply with respect to any lease executed before, on, or after the date of the enactment of this Act.

SEC. 6307. REVIEW AND REPORT TO CONGRESS.

The Secretary of the Interior shall promptly review and report to the Congress regarding the status of all moratoria on and withdrawals from leasing under the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.) of known geothermal resources areas (as that term is defined in section 2 of that Act (30 U.S.C. 1001), specifying for each such area whether the basis for such moratoria or withdrawal still applies.

SEC. 6308. REIMBURSEMENT FOR COSTS OF NEPA ANALYSES, DOCUMENTATION, AND STUDIES.

(a) IN GENERAL.—The Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.) is amended by adding at the end the following:

“REIMBURSEMENT FOR COSTS OF CERTAIN ANALYSES, DOCUMENTATION, AND STUDIES

“Sec. 38. (a) IN GENERAL.—Effective October 1, 2003, The Secretary of the Interior may, through royalty credits, reimburse a person who is a lessee, operator, operating rights owner, or applicant for a lease under this Act for amounts paid by the person for preparation by the Secretary (or a contractor or other person selected by the Secretary) of any project-level analysis, documentation, or related study required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to the lease.

“(b) CONDITIONS.—The Secretary shall provide reimbursement under subsection (a) only if—

“(1) adequate funding to enable the Secretary to timely prepare the analysis, documentation, or related study is not appropriated;

“(2) the person paid the costs voluntarily; and

“(3) the person maintains records of its costs in accordance with regulations prescribed by the Secretary.”.

(b) APPLICATION.—The amendments made by this section shall apply with respect to any lease entered into before, on, or after the date of the enactment of this Act.

(c) DEADLINE FOR REGULATIONS.—The Secretary shall issue regulations implementing the amendments made by this section by not later than 90 days after the date of the enactment of this Act.

TITLE IV—HYDROPOWER

SEC. 6401. STUDY AND REPORT ON INCREASING ELECTRIC POWER PRODUCTION CAPABILITY OF EXISTING FACILITIES.

(a) IN GENERAL.—The Secretary of the Interior shall conduct a study of the potential for increasing electric power production capability at existing facilities under the administrative jurisdiction of the Secretary.

(b) CONTENT.—The study under this section shall include identification and description in detail of each facility that is capable, with

or without modification, of producing additional hydroelectric power, including estimation of the existing potential for the facility to generate hydroelectric power.

(c) REPORT.—The Secretary shall submit to the Congress a report on the findings, conclusions, and recommendations of the study under this section by not later than 12 months after the date of the enactment of this Act. The Secretary shall include in the report the following:

(1) The identifications, descriptions, and estimations referred to in subsection (b).

(2) A description of activities the Secretary is currently conducting or considering, or that could be considered, to produce additional hydroelectric power from each identified facility.

(3) A summary of action that has already been taken by the Secretary to produce additional hydroelectric power from each identified facility.

(4) The costs to install, upgrade, or modify equipment or take other actions to produce additional hydroelectric power from each identified facility.

(5) The benefits that would be achieved by such installation, upgrade, modification, or other action, including quantified estimates of any additional energy or capacity from each facility identified under subsection (b).

(6) A description of actions that are planned, underway, or might reasonably be considered to increase hydroelectric power production by replacing turbine runners.

(7) A description of actions that are planned, underway, or might reasonably be considered to increase hydroelectric power production by performing generator uprates and rewinds.

(8) The impact of increased hydroelectric power production on irrigation, fish, wildlife, Indian tribes, river health, water quality, navigation, recreation, fishing, and flood control.

(9) Any additional recommendations the Secretary considers advisable to increase hydroelectric power production from, and reduce costs and improve efficiency at, facilities under the jurisdiction of the Secretary.

SEC. 6402. INSTALLATION OF POWERFORMER AT FOLSOM POWER PLANT, CALIFORNIA.

(a) IN GENERAL.—The Secretary of the Interior may install a powerformer at the Bureau of Reclamation Folsom power plant in Folsom, California, to replace a generator and transformer that are due for replacement due to age.

(b) REIMBURSABLE COSTS.—Costs incurred by the United States for installation of a powerformer under this section shall be treated as reimbursable costs and shall bear interest at current long-term borrowing rates of the United States Treasury at the time of acquisition.

(c) LOCAL COST SHARING.—In addition to reimbursable costs under subsection (b), the Secretary shall seek contributions from power users toward the costs of the powerformer and its installation.

SEC. 6403. STUDY AND IMPLEMENTATION OF INCREASED OPERATIONAL EFFICIENCIES IN HYDROELECTRIC POWER PROJECTS.

(a) IN GENERAL.—The Secretary of Interior shall conduct a study of operational methods and water scheduling techniques at all hydroelectric power plants under the administrative jurisdiction of the Secretary that have an electric power production capacity greater than 50 megawatts, to—

(1) determine whether such power plants and associated river systems are operated so as to maximize energy and capacity capabilities; and

(2) identify measures that can be taken to improve operational flexibility at such plants to achieve such maximization.

(b) **REPORT.**—The Secretary shall submit a report on the findings, conclusions, and recommendations of the study under this section by not later than 18 months after the date of the enactment of this Act, including a summary of the determinations and identifications under paragraphs (1) and (2) of subsection (a).

(c) **COOPERATION BY FEDERAL POWER MARKETING ADMINISTRATIONS.**—The Secretary shall coordinate with the Administrator of each Federal power marketing administration in—

(1) determining how the value of electric power produced by each hydroelectric power facility that produces power marketed by the administration can be maximized; and

(2) implementing measures identified under subsection (a)(2).

(d) **LIMITATION ON IMPLEMENTATION OF MEASURES.**—Implementation under subsections (a)(2) and (b)(2) shall be limited to those measures that can be implemented within the constraints imposed on Department of the Interior facilities by other uses required by law.

SEC. 6404. SHIFT OF PROJECT LOADS TO OFF-PEAK PERIODS.

(a) **IN GENERAL.**—The Secretary of the Interior shall—

(1) review electric power consumption by Bureau of Reclamation facilities for water pumping purposes; and

(2) make such adjustments in such pumping as possible to minimize the amount of electric power consumed for such pumping during periods of peak electric power consumption, including by performing as much of such pumping as possible during off-peak hours at night.

(b) **CONSENT OF AFFECTED IRRIGATION CUSTOMERS REQUIRED.**—The Secretary may not under this section make any adjustment in pumping at a facility without the consent of each person that has contracted with the United States for delivery of water from the facility for use for irrigation and that would be affected by such adjustment.

(c) **EXISTING OBLIGATIONS NOT AFFECTED.**—This section shall not be construed to affect any existing obligation of the Secretary to provide electric power, water, or other benefits from Bureau of Reclamation facilities.

TITLE V—ARCTIC COASTAL PLAIN DOMESTIC ENERGY

SEC. 6501. SHORT TITLE.

This title may be cited as the “Arctic Coastal Plain Domestic Energy Security Act of 2001”.

SEC. 6502. DEFINITIONS.

In this title:

(1) **COASTAL PLAIN.**—The term “Coastal Plain” means that area identified as such in the map entitled “Arctic National Wildlife Refuge”, dated August 1980, as referenced in section 1002(b) of the Alaska National Interest Lands Conservation Act of 1980 (16 U.S.C. 3142(b)(1)), comprising approximately 1,549,000 acres.

(2) **SECRETARY.**—The term “Secretary”, except as otherwise provided, means the Secretary of the Interior or the Secretary’s designee.

SEC. 6503. LEASING PROGRAM FOR LANDS WITHIN THE COASTAL PLAIN.

(a) **IN GENERAL.**—The Secretary shall take such actions as are necessary—

(1) to establish and implement in accordance with this title a competitive oil and gas leasing program under the Mineral Leasing

Act (30 U.S.C. 181 et seq.) that will result in an environmentally sound program for the exploration, development, and production of the oil and gas resources of the Coastal Plain; and

(2) to administer the provisions of this title through regulations, lease terms, conditions, restrictions, prohibitions, stipulations, and other provisions that ensure the oil and gas exploration, development, and production activities on the Coastal Plain will result in no significant adverse effect on fish and wildlife, their habitat, subsistence resources, and the environment, and including, in furtherance of this goal, by requiring the application of the best commercially available technology for oil and gas exploration, development, and production to all exploration, development, and production operations under this title in a manner that ensures the receipt of fair market value by the public for the mineral resources to be leased.

(b) **REPEAL.**—Section 1003 of the Alaska National Interest Lands Conservation Act of 1980 (16 U.S.C. 3143) is repealed.

(c) **COMPLIANCE WITH REQUIREMENTS UNDER CERTAIN OTHER LAWS.**—

(1) **COMPATIBILITY.**—For purposes of the National Wildlife Refuge System Administration Act of 1966, the oil and gas leasing program and activities authorized by this section in the Coastal Plain are deemed to be compatible with the purposes for which the Arctic National Wildlife Refuge was established, and that no further findings or decisions are required to implement this determination.

(2) **ADEQUACY OF THE DEPARTMENT OF THE INTERIOR’S LEGISLATIVE ENVIRONMENTAL IMPACT STATEMENT.**—The “Final Legislative Environmental Impact Statement” (April 1987) on the Coastal Plain prepared pursuant to section 1002 of the Alaska National Interest Lands Conservation Act of 1980 (16 U.S.C. 3142) and section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) is deemed to satisfy the requirements under the National Environmental Policy Act of 1969 that apply with respect to actions authorized to be taken by the Secretary to develop and promulgate the regulations for the establishment of a leasing program authorized by this title before the conduct of the first lease sale.

(3) **COMPLIANCE WITH NEPA FOR OTHER ACTIONS.**—Before conducting the first lease sale under this title, the Secretary shall prepare an environmental impact statement under the National Environmental Policy Act of 1969 with respect to the actions authorized by this title that are not referred to in paragraph (2). Notwithstanding any other law, the Secretary is not required to identify non-leasing alternative courses of action or to analyze the environmental effects of such courses of action. The Secretary shall only identify a preferred action for such leasing and a single leasing alternative, and analyze the environmental effects and potential mitigation measures for those two alternatives. The identification of the preferred action and related analysis for the first lease sale under this title shall be completed within 18 months after the date of the enactment of this Act. The Secretary shall only consider public comments that specifically address the Secretary’s preferred action and that are filed within 20 days after publication of an environmental analysis. Notwithstanding any other law, compliance with this paragraph is deemed to satisfy all requirements for the analysis and consideration of the environmental effects of proposed leasing under this title.

(d) **RELATIONSHIP TO STATE AND LOCAL AUTHORITY.**—Nothing in this title shall be considered to expand or limit State and local regulatory authority.

(e) **SPECIAL AREAS.**—

(1) **IN GENERAL.**—The Secretary, after consultation with the State of Alaska, the city of Kaktovik, and the North Slope Borough, may designate up to a total of 45,000 acres of the Coastal Plain as a Special Area if the Secretary determines that the Special Area is of such unique character and interest so as to require special management and regulatory protection. The Secretary shall designate as such a Special Area the Sadlerochit Spring area, comprising approximately 4,000 acres as depicted on the map referred to in section 6502(1).

(2) **MANAGEMENT.**—Each such Special Area shall be managed so as to protect and preserve the area’s unique and diverse character including its fish, wildlife, and subsistence resource values.

(3) **EXCLUSION FROM LEASING OR SURFACE OCCUPANCY.**—The Secretary may exclude any Special Area from leasing. If the Secretary leases a Special Area, or any part thereof, for purposes of oil and gas exploration, development, production, and related activities, there shall be no surface occupancy of the lands comprising the Special Area.

(4) **DIRECTIONAL DRILLING.**—Notwithstanding the other provisions of this subsection, the Secretary may lease all or a portion of a Special Area under terms that permit the use of horizontal drilling technology from sites on leases located outside the area.

(f) **LIMITATION ON CLOSED AREAS.**—The Secretary’s sole authority to close lands within the Coastal Plain to oil and gas leasing and to exploration, development, and production is that set forth in this title.

(g) **REGULATIONS.**—

(1) **IN GENERAL.**—The Secretary shall prescribe such regulations as may be necessary to carry out this title, including rules and regulations relating to protection of the fish and wildlife, their habitat, subsistence resources, and environment of the Coastal Plain, by no later than 15 months after the date of the enactment of this Act.

(2) **REVISION OF REGULATIONS.**—The Secretary shall periodically review and, if appropriate, revise the rules and regulations issued under subsection (a) to reflect any significant biological, environmental, or engineering data that come to the Secretary’s attention.

SEC. 6504. LEASE SALES.

(a) **IN GENERAL.**—Lands may be leased pursuant to this title to any person qualified to obtain a lease for deposits of oil and gas under the Mineral Leasing Act (30 U.S.C. 181 et seq.).

(b) **PROCEDURES.**—The Secretary shall, by regulation, establish procedures for—

(1) receipt and consideration of sealed nominations for any area in the Coastal Plain for inclusion in, or exclusion (as provided in subsection (c)) from, a lease sale;

(2) the holding of lease sales after such nomination process; and

(3) public notice of and comment on designation of areas to be included in, or excluded from, a lease sale.

(c) **LEASE SALE BIDS.**—Bidding for leases under this title shall be by sealed competitive cash bonus bids.

(d) **ACREAGE MINIMUM IN FIRST SALE.**—In the first lease sale under this title, the Secretary shall offer for lease those tracts the Secretary considers to have the greatest potential for the discovery of hydrocarbons, taking into consideration nominations received pursuant to subsection (b)(1), but in no case less than 200,000 acres.

(e) **TIMING OF LEASE SALES.**—The Secretary shall—

(1) conduct the first lease sale under this title within 22 months after the date of the enactment of this title; and

(2) conduct additional sales so long as sufficient interest in development exists to warrant, in the Secretary's judgment, the conduct of such sales.

SEC. 6505. GRANT OF LEASES BY THE SECRETARY.

(a) **IN GENERAL.**—The Secretary may grant to the highest responsible qualified bidder in a lease sale conducted pursuant to section 6504 any lands to be leased on the Coastal Plain upon payment by the lessee of such bonus as may be accepted by the Secretary.

(b) **SUBSEQUENT TRANSFERS.**—No lease issued under this title may be sold, exchanged, assigned, sublet, or otherwise transferred except with the approval of the Secretary. Prior to any such approval the Secretary shall consult with, and give due consideration to the views of, the Attorney General.

SEC. 6506. LEASE TERMS AND CONDITIONS.

(a) **IN GENERAL.**—An oil or gas lease issued pursuant to this title shall—

(1) provide for the payment of a royalty of not less than 12½ percent in amount or value of the production removed or sold from the lease, as determined by the Secretary under the regulations applicable to other Federal oil and gas leases;

(2) provide that the Secretary may close, on a seasonal basis, portions of the Coastal Plain to exploratory drilling activities as necessary to protect caribou calving areas and other species of fish and wildlife;

(3) require that the lessee of lands within the Coastal Plain shall be fully responsible and liable for the reclamation of lands within the Coastal Plain and any other Federal lands that are adversely affected in connection with exploration, development, production, or transportation activities conducted under the lease and within the Coastal Plain by the lessee or by any of the subcontractors or agents of the lessee;

(4) provide that the lessee may not delegate or convey, by contract or otherwise, the reclamation responsibility and liability to another person without the express written approval of the Secretary;

(5) provide that the standard of reclamation for lands required to be reclaimed under this title shall be, as nearly as practicable, a condition capable of supporting the uses which the lands were capable of supporting prior to any exploration, development, or production activities, or upon application by the lessee, to a higher or better use as approved by the Secretary;

(6) contain terms and conditions relating to protection of fish and wildlife, their habitat, and the environment as required pursuant to section 6503(a)(2);

(7) provide that the lessee, its agents, and its contractors use best efforts to provide a fair share, as determined by the level of obligation previously agreed to in the 1974 agreement implementing section 29 of the Federal Agreement and Grant of Right of Way for the Operation of the Trans-Alaska Pipeline, of employment and contracting for Alaska Natives and Alaska Native Corporations from throughout the State;

(8) prohibit the export of oil produced under the lease; and

(9) contain such other provisions as the Secretary determines necessary to ensure compliance with the provisions of this title and the regulations issued under this title.

(b) **PROJECT LABOR AGREEMENTS.**—The Secretary, as a term and condition of each lease

under this title and in recognizing the Government's proprietary interest in labor stability and in the ability of construction labor and management to meet the particular needs and conditions of projects to be developed under the leases issued pursuant to this title and the special concerns of the parties to such leases, shall require that the lessee and its agents and contractors negotiate to obtain a project labor agreement for the employment of laborers and mechanics on production, maintenance, and construction under the lease.

SEC. 6507. COASTAL PLAIN ENVIRONMENTAL PROTECTION.

(a) **NO SIGNIFICANT ADVERSE EFFECT STANDARD TO GOVERN AUTHORIZED COASTAL PLAIN ACTIVITIES.**—The Secretary shall, consistent with the requirements of section 6503, administer the provisions of this title through regulations, lease terms, conditions, restrictions, prohibitions, stipulations, and other provisions that—

(1) ensure the oil and gas exploration, development, and production activities on the Coastal Plain will result in no significant adverse effect on fish and wildlife, their habitat, and the environment;

(2) require the application of the best commercially available technology for oil and gas exploration, development, and production on all new exploration, development, and production operations; and

(3) ensure that the maximum amount of surface acreage covered by production and support facilities, including airstrips and any areas covered by gravel berms or piers for support of pipelines, does not exceed 2,000 acres on the Coastal Plain.

(b) **SITE-SPECIFIC ASSESSMENT AND MITIGATION.**—The Secretary shall also require, with respect to any proposed drilling and related activities, that—

(1) a site-specific analysis be made of the probable effects, if any, that the drilling or related activities will have on fish and wildlife, their habitat, and the environment;

(2) a plan be implemented to avoid, minimize, and mitigate (in that order and to the extent practicable) any significant adverse effect identified under paragraph (1); and

(3) the development of the plan shall occur after consultation with the agency or agencies having jurisdiction over matters mitigated by the plan.

(c) **REGULATIONS TO PROTECT COASTAL PLAIN FISH AND WILDLIFE RESOURCES, SUBSISTENCE USERS, AND THE ENVIRONMENT.**—Before implementing the leasing program authorized by this title, the Secretary shall prepare and promulgate regulations, lease terms, conditions, restrictions, prohibitions, stipulations, and other measures designed to ensure that the activities undertaken on the Coastal Plain under this title are conducted in a manner consistent with the purposes and environmental requirements of this title.

(d) **COMPLIANCE WITH FEDERAL AND STATE ENVIRONMENTAL LAWS AND OTHER REQUIREMENTS.**—The proposed regulations, lease terms, conditions, restrictions, prohibitions, and stipulations for the leasing program under this title shall require compliance with all applicable provisions of Federal and State environmental law and shall also require the following:

(1) Standards at least as effective as the safety and environmental mitigation measures set forth in items 1 through 29 at pages 167 through 169 of the "Final Legislative Environmental Impact Statement" (April 1987) on the Coastal Plain.

(2) Seasonal limitations on exploration, development, and related activities, where nec-

essary, to avoid significant adverse effects during periods of concentrated fish and wildlife breeding, denning, nesting, spawning, and migration.

(3) That exploration activities, except for surface geological studies, be limited to the period between approximately November 1 and May 1 each year and that exploration activities shall be supported by ice roads, winter trails with adequate snow cover, ice pads, ice airstrips, and air transport methods, except that such exploration activities may occur at other times, if—

(A) the Secretary determines, after affording an opportunity for public comment and review, that special circumstances exist necessitating that exploration activities be conducted at other times of the year; and

(B) the Secretary finds that such exploration will have no significant adverse effect on the fish and wildlife, their habitat, and the environment of the Coastal Plain.

(4) Design safety and construction standards for all pipelines and any access and service roads, that—

(A) minimize, to the maximum extent possible, adverse effects upon the passage of migratory species such as caribou; and

(B) minimize adverse effects upon the flow of surface water by requiring the use of culverts, bridges, and other structural devices.

(5) Prohibitions on public access and use on all pipeline access and service roads.

(6) Stringent reclamation and rehabilitation requirements, consistent with the standards set forth in this title, requiring the removal from the Coastal Plain of all oil and gas development and production facilities, structures, and equipment upon completion of oil and gas production operations, except that the Secretary may exempt from the requirements of this paragraph those facilities, structures, or equipment that the Secretary determines would assist in the management of the Arctic National Wildlife Refuge and that are donated to the United States for that purpose.

(7) Appropriate prohibitions or restrictions on access by all modes of transportation.

(8) Appropriate prohibitions or restrictions on sand and gravel extraction.

(9) Consolidation of facility siting.

(10) Appropriate prohibitions or restrictions on use of explosives.

(11) Avoidance, to the extent practicable, of springs, streams, and river system; the protection of natural surface drainage patterns, wetlands, and riparian habitats; and the regulation of methods or techniques for developing or transporting adequate supplies of water for exploratory drilling.

(12) Avoidance or reduction of air traffic-related disturbance to fish and wildlife.

(13) Treatment and disposal of hazardous and toxic wastes, solid wastes, reserve pit fluids, drilling muds and cuttings, and domestic wastewater, including an annual waste management report, a hazardous materials tracking system, and a prohibition on chlorinated solvents, in accordance with applicable Federal and State environmental law.

(14) Fuel storage and oil spill contingency planning.

(15) Research, monitoring, and reporting requirements.

(16) Field crew environmental briefings.

(17) Avoidance of significant adverse effects upon subsistence hunting, fishing, and trapping by subsistence users.

(18) Compliance with applicable air and water quality standards.

(19) Appropriate seasonal and safety zone designations around well sites, within which

subsistence hunting and trapping shall be limited.

(20) Reasonable stipulations for protection of cultural and archeological resources.

(21) All other protective environmental stipulations, restrictions, terms, and conditions deemed necessary by the Secretary.

(e) CONSIDERATIONS.—In preparing and promulgating regulations, lease terms, conditions, restrictions, prohibitions, and stipulations under this section, the Secretary shall consider the following:

(1) The stipulations and conditions that govern the National Petroleum Reserve-Alaska leasing program, as set forth in the 1999 Northeast National Petroleum Reserve-Alaska Final Integrated Activity Plan/Environmental Impact Statement.

(2) The environmental protection standards that governed the initial Coastal Plain seismic exploration program under parts 37.31 to 37.33 of title 50, Code of Federal Regulations.

(3) The land use stipulations for exploratory drilling on the KIC-ASRC private lands that are set forth in Appendix 2 of the August 9, 1983, agreement between Arctic Slope Regional Corporation and the United States.

(f) FACILITY CONSOLIDATION PLANNING.—

(1) IN GENERAL.—The Secretary shall, after providing for public notice and comment, prepare and update periodically a plan to govern, guide, and direct the siting and construction of facilities for the exploration, development, production, and transportation of Coastal Plain oil and gas resources.

(2) OBJECTIVES.—The plan shall have the following objectives:

(A) Avoiding unnecessary duplication of facilities and activities.

(B) Encouraging consolidation of common facilities and activities.

(C) Locating or confining facilities and activities to areas that will minimize impact on fish and wildlife, their habitat, and the environment.

(D) Utilizing existing facilities wherever practicable.

(E) Enhancing compatibility between wildlife values and development activities.

SEC. 6508. EXPEDITED JUDICIAL REVIEW.

(a) FILING OF COMPLAINT.—

(1) DEADLINE.—Subject to paragraph (2), any complaint seeking judicial review of any provision of this title or any action of the Secretary under this title shall be filed in any appropriate district court of the United States—

(A) except as provided in subparagraph (B), within the 90-day period beginning on the date of the action being challenged; or

(B) in the case of a complaint based solely on grounds arising after such period, within 90 days after the complainant knew or reasonably should have known of the grounds for the complaint.

(2) VENUE.—Any complaint seeking judicial review of an action of the Secretary under this title may be filed only in the United States Court of Appeals for the District of Columbia.

(3) LIMITATION ON SCOPE OF CERTAIN REVIEW.—Judicial review of a Secretarial decision to conduct a lease sale under this title, including the environmental analysis thereof, shall be limited to whether the Secretary has complied with the terms of this division and shall be based upon the administrative record of that decision. The Secretary's identification of a preferred course of action to enable leasing to proceed and the Secretary's analysis of environmental effects under this division shall be presumed to be correct unless shown otherwise by clear and convincing evidence to the contrary.

(b) LIMITATION ON OTHER REVIEW.—Actions of the Secretary with respect to which review could have been obtained under this section shall not be subject to judicial review in any civil or criminal proceeding for enforcement.

SEC. 6509. RIGHTS-OF-WAY ACROSS THE COASTAL PLAIN.

(a) EXEMPTION.—Title XI of the Alaska National Interest Lands Conservation Act of 1980 (16 U.S.C. 3161 et seq.) shall not apply to the issuance by the Secretary under section 28 of the Mineral Leasing Act (30 U.S.C. 185) of rights-of-way and easements across the Coastal Plain for the transportation of oil and gas.

(b) TERMS AND CONDITIONS.—The Secretary shall include in any right-of-way or easement referred to in subsection (a) such terms and conditions as may be necessary to ensure that transportation of oil and gas does not result in a significant adverse effect on the fish and wildlife, subsistence resources, their habitat, and the environment of the Coastal Plain, including requirements that facilities be sited or designed so as to avoid unnecessary duplication of roads and pipelines.

(c) REGULATIONS.—The Secretary shall include in regulations under section 6503(g) provisions granting rights-of-way and easements described in subsection (a) of this section.

SEC. 6510. CONVEYANCE.

In order to maximize Federal revenues by removing clouds on title to lands and clarifying land ownership patterns within the Coastal Plain, the Secretary, notwithstanding the provisions of section 1302(h)(2) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3192(h)(2)), shall convey—

(1) to the Kaktovik Inupiat Corporation the surface estate of the lands described in paragraph 2 of Public Land Order 6959, to the extent necessary to fulfill the Corporation's entitlement under section 12 of the Alaska Native Claims Settlement Act (43 U.S.C. 1611); and

(2) to the Arctic Slope Regional Corporation the subsurface estate beneath such surface estate pursuant to the August 9, 1983, agreement between the Arctic Slope Regional Corporation and the United States of America.

SEC. 6511. LOCAL GOVERNMENT IMPACT AID AND COMMUNITY SERVICE ASSISTANCE.

(a) FINANCIAL ASSISTANCE AUTHORIZED.—

(1) IN GENERAL.—The Secretary may use amounts available from the Coastal Plain Local Government Impact Aid Assistance Fund established by subsection (d) to provide timely financial assistance to entities that are eligible under paragraph (2) and that are directly impacted by the exploration for or production of oil and gas on the Coastal Plain under this title.

(2) ELIGIBLE ENTITIES.—The North Slope Borough, Kaktovik, and other boroughs, municipal subdivisions, villages, and any other community organized under Alaska State law shall be eligible for financial assistance under this section.

(b) USE OF ASSISTANCE.—Financial assistance under this section may be used only for—

(1) planning for mitigation of the potential effects of oil and gas exploration and development on environmental, social, cultural, recreational and subsistence values;

(2) implementing mitigation plans and maintaining mitigation projects; and

(3) developing, carrying out, and maintaining projects and programs that provide new

or expanded public facilities and services to address needs and problems associated with such effects, including firefighting, police, water, waste treatment, medivac, and medical services.

(c) APPLICATION.—

(1) IN GENERAL.—Any community that is eligible for assistance under this section may submit an application for such assistance to the Secretary, in such form and under such procedures as the Secretary may prescribe by regulation.

(2) NORTH SLOPE BOROUGH COMMUNITIES.—A community located in the North Slope Borough may apply for assistance under this section either directly to the Secretary or through the North Slope Borough.

(3) APPLICATION ASSISTANCE.—The Secretary shall work closely with and assist the North Slope Borough and other communities eligible for assistance under this section in developing and submitting applications for assistance under this section.

(d) ESTABLISHMENT OF FUND.—

(1) IN GENERAL.—There is established in the Treasury the Coastal Plain Local Government Impact Aid Assistance Fund.

(2) USE.—Amounts in the fund may be used only for providing financial assistance under this section.

(3) DEPOSITS.—Subject to paragraph (4), there shall be deposited into the fund amounts received by the United States as revenues derived from rents, bonuses, and royalties under on leases and lease sales authorized under this title.

(4) LIMITATION ON DEPOSITS.—The total amount in the fund may not exceed \$10,000,000.

(5) INVESTMENT OF BALANCES.—The Secretary of the Treasury shall invest amounts in the fund in interest bearing government securities.

(e) AUTHORIZATION OF APPROPRIATIONS.—To provide financial assistance under this section there is authorized to be appropriated to the Secretary from the Coastal Plain Local Government Impact Aid Assistance Fund \$5,000,000 for each fiscal year.

SEC. 6512. REVENUE ALLOCATION.

(a) FEDERAL AND STATE DISTRIBUTION.—

(1) IN GENERAL.—Notwithstanding section 6504 of this Act, the Mineral Leasing Act (30 U.S.C. 181 et seq.), or any other law, of the amount of adjusted bonus, rental, and royalty revenues from oil and gas leasing and operations authorized under this title—

(A) 50 percent shall be paid to the State of Alaska; and

(B) the balance shall be deposited into the Renewable Energy Technology Investment Fund and the Royalties Conservation Fund as provided in this section.

(2) ADJUSTMENTS.—Adjustments to bonus, rental, and royalty amounts from oil and gas leasing and operations authorized under this title shall be made as necessary for overpayments and refunds from lease revenues received in current or subsequent periods before distribution of such revenues pursuant to this section.

(3) TIMING OF PAYMENTS TO STATE.—Payments to the State of Alaska under this section shall be made semiannually.

(b) RENEWABLE ENERGY TECHNOLOGY INVESTMENT FUND.—

(1) ESTABLISHMENT AND AVAILABILITY.—There is hereby established in the Treasury of the United States a separate account which shall be known as the "Renewable Energy Technology Investment Fund".

(2) DEPOSITS.—Fifty percent of adjusted revenues from bonus payments for leases issued under this title shall be deposited into

the Renewable Energy Technology Investment Fund.

(3) **USE, GENERALLY.**—Subject to paragraph (4), funds deposited into the Renewable Energy Technology Investment Fund shall be used by the Secretary of Energy to finance research grants, contracts, and cooperative agreements and expenses of direct research by Federal agencies, including the costs of administering and reporting on such a program of research, to improve and demonstrate technology and develop basic science information for development and use of renewable and alternative fuels including wind energy, solar energy, geothermal energy, and energy from biomass. Such research may include studies on deployment of such technology including research on how to lower the costs of introduction of such technology and of barriers to entry into the market of such technology.

(4) **USE FOR ADJUSTMENTS AND REFUNDS.**—If for any circumstances, adjustments or refunds of bonus amounts deposited pursuant to this title become warranted, 50 percent of the amount necessary for the sum of such adjustments and refunds may be paid by the Secretary from the Renewable Energy Technology Investment Fund.

(5) **CONSULTATION AND COORDINATION.**—Any specific use of the Renewable Energy Technology Investment Fund shall be determined only after the Secretary of Energy consults and coordinates with the heads of other appropriate Federal agencies.

(6) **REPORTS.**—Not later than 1 year after the date of the enactment of this Act and on an annual basis thereafter, the Secretary of Energy shall transmit to the Committee on Science of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on the use of funds under this subsection and the impact of and efforts to integrate such uses with other energy research efforts.

(c) **ROYALTIES CONSERVATION FUND.**—

(1) **ESTABLISHMENT AND AVAILABILITY.**—There is hereby established in the Treasury of the United States a separate account which shall be known as the "Royalties Conservation Fund".

(2) **DEPOSITS.**—Fifty percent of revenues from rents and royalty payments for leases issued under this title shall be deposited into the Royalties Conservation Fund.

(3) **USE, GENERALLY.**—Subject to paragraph (4), funds deposited into the Royalties Conservation Fund—

(A) may be used by the Secretary of the Interior and the Secretary of Agriculture to finance grants, contracts, cooperative agreements, and expenses for direct activities of the Department of the Interior and the Forest Service to restore and otherwise conserve lands and habitat and to eliminate maintenance and improvements backlogs on Federal lands, including the costs of administering and reporting on such a program; and

(B) may be used by the Secretary of the Interior to finance grants, contracts, cooperative agreements, and expenses—

(i) to preserve historic Federal properties;

(ii) to assist States and Indian Tribes in preserving their historic properties;

(iii) to foster the development of urban parks; and

(iv) to conduct research to improve the effectiveness and lower the costs of habitat restoration.

(4) **USE FOR ADJUSTMENTS AND REFUNDS.**—If for any circumstances, refunds or adjustments of royalty and rental amounts deposited pursuant to this title become warranted,

50 percent of the amount necessary for the sum of such adjustments and refunds may be paid from the Royalties Conservation Fund.

(d) **AVAILABILITY.**—Moneys covered into the accounts established by this section—

(1) shall be available for expenditure only to the extent appropriated therefor;

(2) may be appropriated without fiscal-year limitation; and

(3) may be obligated or expended only as provided in this section.

TITLE VI—CONSERVATION OF ENERGY BY THE DEPARTMENT OF THE INTERIOR SEC. 6601. ENERGY CONSERVATION BY THE DEPARTMENT OF THE INTERIOR.

(a) **IN GENERAL.**—The Secretary of the Interior shall—

(1) conduct a study to identify, evaluate, and recommend opportunities for conserving energy by reducing the amount of energy used by facilities of the Department of the Interior; and

(2) wherever feasible and appropriate, reduce the use of energy from traditional sources by encouraging use of alternative energy sources, including solar power and power from fuel cells, throughout such facilities and the public lands of the United States.

(b) **REPORTS.**—The Secretary shall submit to the Congress—

(1) by not later than 90 days after the date of the enactment of this Act, a report containing the findings, conclusions, and recommendations of the study under subsection (a)(1); and

(2) by not later than December 31 each year, an annual report describing progress made in—

(A) conserving energy through opportunities recommended in the report under paragraph (1); and

(B) encouraging use of alternative energy sources under subsection (a)(2).

SEC. 6602. AMENDMENT TO BUY INDIAN ACT.

Section 23 of the Act of June 25, 1910 (25 U.S.C. 47; commonly known as the "Buy Indian Act") is amended by inserting "energy products, and energy by-products," after "printing,".

TITLE VII—COAL

SEC. 6701. LIMITATION ON FEES WITH RESPECT TO COAL LEASE APPLICATIONS AND DOCUMENTS.

Notwithstanding sections 304 and 504 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1734, 1764) and section 9701 of title 31, United States Code, the Secretary shall not recover the Secretary's costs with respect to applications and other documents relating coal leases.

SEC. 6702. MINING PLANS.

Section 2(d)(2) of the Mineral Leasing Act (30 U.S.C. 202a(2)) is amended—

(1) by inserting "(A)" after "(2)"; and

(2) by adding at the end the following:

"(B) The Secretary may establish a period of more than 40 years if the Secretary determines that the longer period—

"(i) will ensure the maximum economic recovery of a coal deposit; or

"(ii) the longer period is in the interest of the orderly, efficient, or economic development of a coal resources."

SEC. 6703. PAYMENT OF ADVANCE ROYALTIES UNDER COAL LEASES.

(a) **IN GENERAL.**—Section 7(b) of the Mineral Leasing Act of 1920 (30 U.S.C. 207(b)) is amended to read as follows:

"(b)(1) Each lease shall be subjected to the condition of diligent development and continued operation of the mine or mines, except where operations under the lease are in-

terrupted by strikes, the elements, or casualties not attributable to the lessee.

"(2)(A) The Secretary of the Interior, upon determining that the public interest will be served thereby, may suspend the condition of continued operation upon the payment of advance royalties.

"(B) Such advance royalties shall be computed based on the average price for coal sold in the spot market from the same region during the last month of each applicable continued operation year.

"(C) The aggregate number of years during the initial and any extended term of any lease for which advance royalties may be accepted in lieu of the condition of continued operation shall not exceed 20.

"(3) The amount of any production royalty paid for any year shall be reduced (but not below zero) by the amount of any advance royalties paid under such lease to the extent that such advance royalties have not been used to reduce production royalties for a prior year.

"(4) This subsection shall be applicable to any lease or logical mining unit in existence on the date of the enactment of this paragraph or issued or approved after such date.

"(5) Nothing in this subsection shall be construed to affect the requirement contained in the second sentence of subsection (a) relating to commencement of production at the end of 10 years."

(b) **AUTHORITY TO WAIVE, SUSPEND, OR REDUCE ADVANCE ROYALTIES.**—Section 39 of the Mineral Leasing Act (30 U.S.C. 209) is amended by striking the last sentence.

SEC. 6704. ELIMINATION OF DEADLINE FOR SUBMISSION OF COAL LEASE OPERATION AND RECLAMATION PLAN.

Section 7(c) of the Mineral Leasing Act (30 U.S.C. 207(c)) is amended by striking "and not later than three years after a lease is issued,".

TITLE VIII—INSULAR AREAS ENERGY SECURITY

SEC. 6801. INSULAR AREAS ENERGY SECURITY.

Section 604 of the Act entitled "An Act to authorize appropriations for certain insular areas of the United States, and for other purposes", approved December 24, 1980 (Public Law 96-597; 94 Stat. 3480-3481), is amended—

(1) in subsection (a)(4) by striking the period and inserting a semicolon;

(2) by adding at the end of subsection (a) the following new paragraphs:

"(5) electric power transmission and distribution lines in insular areas are inadequate to withstand damage caused by the hurricanes and typhoons which frequently occur in insular areas and such damage often costs millions of dollars to repair; and

"(6) the refinement of renewable energy technologies since the publication of the 1982 Territorial Energy Assessment prepared pursuant to subsection (c) reveals the need to reassess the state of energy production, consumption, infrastructure, reliance on imported energy, and indigenous sources in regard to the insular areas."

(3) by amending subsection (e) to read as follows:

"(e)(1) The Secretary of the Interior, in consultation with the Secretary of Energy and the chief executive officer of each insular area, shall update the plans required under subsection (c) by—

"(A) updating the contents required by subsection (c);

"(B) drafting long-term energy plans for such insular areas with the objective of reducing, to the extent feasible, their reliance on energy imports by the year 2010 and maximizing, to the extent feasible, use of indigenous energy sources; and

“(C) drafting long-term energy transmission line plans for such insular areas with the objective that the maximum percentage feasible of electric power transmission and distribution lines in each insular area be protected from damage caused by hurricanes and typhoons.

“(2) Not later than May 31, 2003, the Secretary of the Interior shall submit to Congress the updated plans for each insular area required by this subsection.”; and

(4) by amending subsection (g)(4) to read as follows:

“(4) POWER LINE GRANTS FOR TERRITORIES—

“(A) IN GENERAL.—The Secretary of the Interior is authorized to make grants to governments of territories of the United States to carry out eligible projects to protect electric power transmission and distribution lines in such territories from damage caused by hurricanes and typhoons.

“(B) ELIGIBLE PROJECTS.—The Secretary may award grants under subparagraph (A) only to governments of territories of the United States that submit written project plans to the Secretary for projects that meet the following criteria:

“(i) The project is designed to protect electric power transmission and distribution lines located in one or more of the territories of the United States from damage caused by hurricanes and typhoons.

“(ii) The project is likely to substantially reduce the risk of future damage, hardship, loss, or suffering.

“(iii) The project addresses one or more problems that have been repetitive or that pose a significant risk to public health and safety.

“(iv) The project is not likely to cost more than the value of the reduction in direct damage and other negative impacts that the project is designed to prevent or mitigate. The cost benefit analysis required by this criterion shall be computed on a net present value basis.

“(v) The project design has taken into consideration long-term changes to the areas and persons it is designed to protect and has manageable future maintenance and modification requirements.

“(vi) The project plan includes an analysis of a range of options to address the problem it is designed to prevent or mitigate and a justification for the selection of the project in light of that analysis.

“(vii) The applicant has demonstrated to the Secretary that the matching funds required by subparagraph (D) are available.

“(C) PRIORITY.—When making grants under this paragraph, the Secretary shall give priority to grants for projects which are likely to—

“(i) have the greatest impact on reducing future disaster losses; and

“(ii) best conform with plans that have been approved by the Federal Government or the government of the territory where the project is to be carried out for development or hazard mitigation for that territory.

“(D) MATCHING REQUIREMENT.—The Federal share of the cost for a project for which a grant is provided under this paragraph shall not exceed 75 percent of the total cost of that project. The non-Federal share of the cost may be provided in the form of cash or services.

“(E) TREATMENT OF FUNDS FOR CERTAIN PURPOSES.—Grants provided under this paragraph shall not be considered as income, a resource, or a duplicative program when determining eligibility or benefit levels for Federal major disaster and emergency assistance.

“(F) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this paragraph \$5,000,000 for each fiscal year beginning after the date of the enactment of this paragraph.”.

DIVISION G

SEC. 7101. BUY AMERICAN.

No funds authorized under this Act shall be available to any person or entity that has been convicted of violating the Buy American Act (41 U.S.C. 10a–10c).

SA 2125. Mr. BAUCUS proposed an amendment to the bill H.R. 3090, to provide tax incentives for economic recovery; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; ETC.

(a) SHORT TITLE.—This Act may be cited as the “Economic Recovery and Homeland Defense Act of 2001”.

(b) REFERENCES TO INTERNAL REVENUE CODE OF 1986.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—

Sec. 1. Short title; etc.

TITLE I—SUPPLEMENTAL REBATE FOR INDIVIDUAL TAXPAYERS

Sec. 101. Supplemental rebate.

TITLE II—TEMPORARY BUSINESS RELIEF PROVISIONS

Sec. 201. Special depreciation allowance for certain property.

Sec. 202. Increase in section 179 expensing.

Sec. 203. Carryback of certain net operating losses allowed for 5 years.

TITLE III—TAX INCENTIVES AND RELIEF FOR VICTIMS OF TERRORISM, DISASTERS, AND DISTRESSED CONDITIONS

Subtitle A—Tax Incentives for New York City and Distressed Areas

Sec. 301. Expansion of work opportunity tax credit targeted categories to include certain employees in New York City.

Sec. 302. Tax-exempt private activity bonds for rebuilding portion of New York City damaged in the September 11, 2001, terrorist attack.

Sec. 303. Gain or loss from property damaged or destroyed in New York Recovery Zone.

Sec. 304. Reenactment of exceptions for qualified-mortgage-bond-financed loans to victims of Presidentially declared disasters.

Sec. 305. One-year expansion of authority for Indian tribes to issue tax-exempt private activity bonds.

Subtitle B—Victims of Terrorism Tax Relief

Sec. 310. Short title.

PART I—RELIEF PROVISIONS FOR VICTIMS OF APRIL 19, 1995, AND SEPTEMBER 11, 2001, TERRORIST ATTACKS

Sec. 311. Income and employment taxes of victims of terrorist attacks.

Sec. 312. Estate tax reduction.

Sec. 313. Payments by charitable organizations treated as exempt payments.

Sec. 314. Exclusion of certain cancellations of indebtedness.

PART II—GENERAL RELIEF FOR VICTIMS OF DISASTERS AND TERRORISTIC OR MILITARY ACTIONS

Sec. 321. Exclusion for disaster relief payments.

Sec. 322. Authority to postpone certain deadlines and required actions.

Sec. 323. Internal Revenue Service disaster response team.

Sec. 324. Application of certain provisions to terroristic or military actions.

Sec. 325. Clarification of due date for airline excise tax deposits.

Sec. 326. Coordination with Air Transportation Safety and System Stabilization Act.

TITLE IV—EXTENSIONS OF CERTAIN EXPIRING TAX PROVISIONS

Sec. 401. Allowance of nonrefundable personal credits against regular and minimum tax liability.

Sec. 402. Work opportunity credit.

Sec. 403. Welfare-to-work credit.

Sec. 404. Credit for electricity produced from renewable resources.

Sec. 405. Taxable income limit on percentage depletion for oil and natural gas produced from marginal properties.

Sec. 406. Qualified zone academy bonds.

Sec. 407. Subpart F exemption for active financing.

Sec. 408. Cover over of tax on distilled spirits.

Sec. 409. Delay in effective date of requirement for approved diesel or kerosene terminals.

Sec. 410. Deduction for clean-fuel vehicles and certain refueling property.

Sec. 411. Credit for qualified electric vehicles.

Sec. 412. Parity in the application of certain limits to mental health benefits.

Sec. 413. Combined employment tax reporting.

TITLE V—EXTENSION OF CERTAIN TRADE PROVISIONS EXPIRING IN 2001.

Sec. 501. Generalized System of Preferences.

Sec. 502. Andean Trade Preference Act.

Sec. 503. Reauthorization of trade adjustment assistance.

TITLE VI—HEALTH INSURANCE

Subtitle A—Health Insurance Coverage Options for Recently Unemployed Individuals and Their Families

Sec. 601. Premium assistance for COBRA continuation coverage for individuals and their families.

Sec. 602. State option to provide temporary medicaid coverage for certain uninsured individuals.

Sec. 603. State option to provide temporary coverage under medicaid for the unsubsidized portion of COBRA continuation premiums.

Sec. 604. Temporary increases of medicaid FMAP for fiscal year 2002.

Sec. 605. Definitions.

Subtitle B—Other Provisions

Sec. 611. Inclusion of Indian women with breast or cervical cancer in optional medicaid eligibility category.

Sec. 612. Increase in floor for treatment as an extremely low DSH State to 3 percent in fiscal year 2002.

Sec. 613. Moratorium on changes to certain upper payment limits under medicaid.

Sec. 614. Revision and simplification of the Transitional Medical Assistance Program (TMA).

TITLE VII—TEMPORARY ENHANCED UNEMPLOYMENT BENEFITS

- Sec. 701. Short title.
- Sec. 702. Federal-State agreements.
- Sec. 703. Temporary supplemental unemployment compensation account.
- Sec. 704. Payments to States having agreements under this title.
- Sec. 705. Financing provisions.
- Sec. 706. Fraud and overpayments.
- Sec. 707. Definitions.
- Sec. 708. Applicability.

TITLE VIII—EMERGENCY AGRICULTURE ASSISTANCE

Subtitle A—Income Loss Assistance

- Sec. 801. Income loss assistance.
- Sec. 802. Livestock assistance program.
- Sec. 803. Commodity purchases.

Subtitle B—Administration

- Sec. 811. Commodity Credit Corporation.
- Sec. 812. Administrative expenses.
- Sec. 813. Regulations.

TITLE IX—ADDITIONAL PROVISIONS

- Sec. 901. Credit to holders of qualified Amtrak bonds.
- Sec. 902. Broadband Internet access tax credit.
- Sec. 903. Citrus tree canker relief.
- Sec. 904. Allowance of electronic 1099s.
- Sec. 905. Clarification of excise tax exemptions for agricultural aerial applicators.
- Sec. 906. Recovery period for certain wireless telecommunications equipment.
- Sec. 907. Special rules for taxation of life insurance companies for 2001 and 2002.
- Sec. 908. No impact on social security trust funds.
- Sec. 909. Emergency designation.

TITLE X—HOMELAND DEFENSE

TITLE I—SUPPLEMENTAL REBATE FOR INDIVIDUAL TAXPAYERS

SEC. 101. SUPPLEMENTAL REBATE.

(a) IN GENERAL.—Section 6428 (relating to acceleration of 10 percent income tax rate bracket benefit for 2001) is amended by adding at the end the following new subsection:

“(f) SUPPLEMENTAL REBATE.—

“(1) IN GENERAL.—Each individual who was an eligible individual for such individual's first taxable year beginning in 2000 and who, before October 16, 2001—

“(A) filed a return of tax imposed by subtitle A for such taxable year, or

“(B) filed a return of income tax with the government of American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, or the Virgin Islands of the United States, shall be treated as having made a payment against the tax imposed by chapter 1 for such first taxable year in an amount equal to the supplemental refund amount for such taxable year.

“(2) SUPPLEMENTAL REFUND AMOUNT.—For purposes of this subsection, the supplemental refund amount is an amount equal to the excess (if any) of—

“(A)(i) \$600 in the case of taxpayers to whom section 1(a) applies,

“(ii) \$500 in the case of taxpayers to whom section 1(b) applies, and

“(iii) \$300 in the case of taxpayers to whom subsections (c) or (d) of section 1 applies, over

“(B) the amount of any advance refund amount paid to the taxpayer under subsection (e).

“(3) TIMING OF PAYMENTS.—In the case of any overpayment attributable to this sub-

section, the Secretary shall, subject to the provisions of this title, refund or credit such overpayment as rapidly as possible.

“(4) NO INTEREST.—No interest shall be allowed on any overpayment attributable to this subsection.

“(5) SPECIAL RULE FOR CERTAIN NON-RESIDENTS.—The determination under subsection (c)(2) as to whether an individual who filed a return of tax described in paragraph (1)(B) is a nonresident alien individual shall, under rules prescribed by the Secretary, be made by reference to the possession or Commonwealth with which the return was filed and not the United States.”.

(b) TECHNICAL CORRECTION.—

(1) IN GENERAL.—Subsection (b) of section 6428 is amended to read as follows:

“(b) CREDIT TREATED AS NONREFUNDABLE PERSONAL CREDIT.—For purposes of this title, the credit allowed under this section shall be treated as a credit allowable under subpart A of part IV of subchapter A of chapter 1.”.

(2) CONFORMING AMENDMENTS.—

(A) Subsection (d) of section 6428 is amended to read as follows:

“(d) COORDINATION WITH ADVANCE REFUNDS OF CREDIT.—

“(1) IN GENERAL.—The amount of credit which would (but for this paragraph) be allowable under this section shall be reduced (but not below zero) by the aggregate refunds and credits made or allowed to the taxpayer under subsection (e). Any failure to so reduce the credit shall be treated as arising out of a mathematical or clerical error and assessed according to section 6213(b)(1).

“(2) JOINT RETURNS.—In the case of a refund or credit made or allowed under subsection (e) with respect to a joint return, half of such refund or credit shall be treated as having been made or allowed to each individual filing such return.”.

(B) Paragraph (2) of section 6428(e) is amended to read as follows:

“(2) ADVANCE REFUND AMOUNT.—For purposes of paragraph (1), the advance refund amount is the amount that would have been allowed as a credit under this section for such first taxable year if—

“(A) this section (other than subsections (b) and (d) and this subsection) had applied to such taxable year, and

“(B) the credit for such taxable year were not allowed to exceed the excess (if any) of—

“(i) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

“(ii) the sum of the credits allowable under part IV of subchapter A of chapter 1 (other than the credits allowable under subpart C thereof, relating to refundable credits).”.

(c) CONFORMING AMENDMENTS.—

(1) Paragraph (1) of section 6428(d), as amended by subsection (b), is amended by striking “subsection (e)” and inserting “subsections (e) and (f)”.

(2) Paragraph (2) of section 6428(d), as amended by subsection (b), is amended by striking “subsection (e)” and inserting “subsection (e) or (f)”.

(3) Paragraph (3) of section 6428(e) is amended by striking “December 31, 2001” and inserting “the date of the enactment of the Economic Recovery and Assistance for American Workers Act of 2001”.

(d) REPORTING REQUIREMENT.—For purposes of determining the individuals who are eligible for the supplemental rebate under section 6428(f) of the Internal Revenue Code of 1986, the governments of American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puer-

to Rico, and the Virgin Islands of the United States shall provide, at such time and in such manner as provided by the Secretary of the Treasury, the names, addresses, and taxpayer identifying numbers (within the meaning of section 6109 of the Internal Revenue Code of 1986) of residents who filed returns of income tax with such governments for 2000.

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall take effect on the date of the enactment of this Act.

(2) TECHNICALS.—The amendments made by subsection (b) shall take effect as if included in the amendment made by section 101(b)(1) of the Economic Growth and Tax Relief Reconciliation Act of 2001.

TITLE II—TEMPORARY BUSINESS RELIEF PROVISIONS

SEC. 201. SPECIAL DEPRECIATION ALLOWANCE FOR CERTAIN PROPERTY.

(a) IN GENERAL.—Section 168 (relating to accelerated cost recovery system) is amended by adding at the end the following new subsection:

“(k) SPECIAL ALLOWANCE FOR CERTAIN PROPERTY ACQUIRED AFTER SEPTEMBER 10, 2001, AND BEFORE SEPTEMBER 11, 2002.—

“(1) ADDITIONAL ALLOWANCE.—In the case of any qualified property—

“(A) the depreciation deduction provided by section 167(a) for the taxable year in which such property is placed in service shall include an allowance equal to 10 percent of the adjusted basis of the qualified property, and

“(B) the adjusted basis of the qualified property shall be reduced by the amount of such deduction before computing the amount otherwise allowable as a depreciation deduction under this chapter for such taxable year and any subsequent taxable year.

“(2) QUALIFIED PROPERTY.—For purposes of this subsection—

“(A) IN GENERAL.—The term ‘qualified property’ means property—

“(i)(I) to which this section applies which has an applicable recovery period of 20 years or less or which is water utility property,

“(II) which is computer software (as defined in section 167(f)(1)(B)) for which a deduction is allowable under section 167(a) without regard to this subsection,

“(III) which is qualified leasehold improvement property, or

“(IV) which is eligible for depreciation under section 167(g),

“(ii) the original use of which commences with the taxpayer after September 10, 2001,

“(iii) which is—

“(I) acquired by the taxpayer after September 10, 2001, and before September 11, 2002, but only if no written binding contract for the acquisition was in effect before September 11, 2001, or

“(II) acquired by the taxpayer pursuant to a written binding contract which was entered into after September 10, 2001, and before September 11, 2002, and

“(iv) which is placed in service by the taxpayer before January 1, 2003.

“(B) EXCEPTIONS.—

“(i) ALTERNATIVE DEPRECIATION PROPERTY.—The term ‘qualified property’ shall not include any property to which the alternative depreciation system under subsection (g) applies, determined—

“(I) without regard to paragraph (7) of subsection (g) (relating to election to have system apply), and

“(II) after application of section 280F(b) (relating to listed property with limited business use).

“(ii) ELECTION OUT.—If a taxpayer makes an election under this clause with respect to any class of property for any taxable year, this subsection shall not apply to all property in such class placed in service during such taxable year.

“(C) SPECIAL RULES.—

“(i) SELF-CONSTRUCTED PROPERTY.—In the case of a taxpayer manufacturing, constructing, or producing property for the taxpayer's own use, the requirements of clause (iii) of subparagraph (A) shall be treated as met if the taxpayer begins manufacturing, constructing, or producing the property after September 10, 2001, and before September 11, 2002.

“(ii) SALE-LEASEBACKS.—For purposes of subparagraph (A)(ii), if property—

“(I) is originally placed in service after September 10, 2001, by a person, and

“(II) sold and leased back by such person within 3 months after the date such property was originally placed in service, such property shall be treated as originally placed in service not earlier than the date on which such property is used under the leaseback referred to in subclause (II).

“(D) COORDINATION WITH SECTION 280F.—For purposes of section 280F—

“(i) AUTOMOBILES.—In the case of a passenger automobile (as defined in section 280F(d)(5)) which is qualified property, the Secretary shall increase the limitation under section 280F(a)(1)(A)(i) by \$1,600.

“(ii) LISTED PROPERTY.—The deduction allowable under paragraph (1) shall be taken into account in computing any recapture amount under section 280F(b)(2).

“(3) QUALIFIED LEASEHOLD IMPROVEMENT PROPERTY.—For purposes of this subsection—

“(A) IN GENERAL.—The term ‘qualified leasehold improvement property’ means any improvement to an interior portion of a building which is nonresidential real property if—

“(i) such improvement is made under or pursuant to a lease (as defined in subsection (h)(7))—

“(I) by the lessee (or any sublessee) of such portion, or

“(II) by the lessor of such portion,

“(ii) such portion is to be occupied exclusively by the lessee (or any sublessee) of such portion, and

“(iii) such improvement is placed in service more than 3 years after the date the building was first placed in service.

“(B) CERTAIN IMPROVEMENTS NOT INCLUDED.—Such term shall not include any improvement for which the expenditure is attributable to—

“(i) the enlargement of the building,

“(ii) any elevator or escalator,

“(iii) any structural component benefiting a common area, and

“(iv) the internal structural framework of the building.

“(C) DEFINITIONS AND SPECIAL RULES.—For purposes of this paragraph—

“(i) BINDING COMMITMENT TO LEASE TREATED AS LEASE.—A binding commitment to enter into a lease shall be treated as a lease, and the parties to such commitment shall be treated as lessor and lessee, respectively.

“(ii) RELATED PERSONS.—A lease between related persons shall not be considered a lease. For purposes of the preceding sentence, the term ‘related persons’ means—

“(I) members of an affiliated group (as defined in section 1504), and

“(II) persons having a relationship described in subsection (b) of section 267; except that, for purposes of this clause, the phrase ‘80 percent or more’ shall be sub-

stituted for the phrase ‘more than 50 percent’ each place it appears in such subsection.

“(D) IMPROVEMENTS MADE BY LESSOR.—In the case of an improvement made by the person who was the lessor of such improvement when such improvement was placed in service, such improvement shall be qualified leasehold improvement property (if at all) only so long as such improvement is held by such person.”.

(b) ALLOWANCE AGAINST ALTERNATIVE MINIMUM TAX.—

(1) IN GENERAL.—Section 56(a)(1)(A) (relating to depreciation adjustment for alternative minimum tax) is amended by adding at the end the following new clause:

“(iii) ADDITIONAL ALLOWANCE FOR CERTAIN PROPERTY ACQUIRED AFTER SEPTEMBER 10, 2001, AND BEFORE SEPTEMBER 11, 2002.—The deduction under section 168(k) shall be allowed.”.

(2) CONFORMING AMENDMENT.—Clause (i) of section 56(a)(1)(A) is amended by striking “clause (ii)” both places it appears and inserting “clauses (ii) and (iii)”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after September 10, 2001, in taxable years ending after such date.

SEC. 202. INCREASE IN SECTION 179 EXPENSING.

(a) IN GENERAL.—The table contained in section 179(b)(1) (relating to dollar limitation) is amended to read as follows:

“If the taxable year begins in:	The applicable amount is:
2001	\$24,000
2002	\$35,000
2003 or thereafter	\$25,000.”.

(b) TEMPORARY INCREASE IN AMOUNT OF PROPERTY TRIGGERING PHASEOUT OF MAXIMUM BENEFIT.—Paragraph (2) of section 179(b) is amended by inserting before the period “(\$325,000 in the case of taxable years beginning during 2002)”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

SEC. 203. CARRYBACK OF CERTAIN NET OPERATING LOSSES ALLOWED FOR 5 YEARS.

(a) IN GENERAL.—Paragraph (1) of section 172(b) (relating to years to which loss may be carried) is amended by adding at the end the following new subparagraph:

“(H) In the case of a taxpayer which has a net operating loss for any taxable year ending in 2001, subparagraph (A)(i) shall be applied by substituting ‘5’ for ‘2’ and subparagraph (F) shall not apply.”.

(b) ELECTION TO DISREGARD 5-YEAR CARRYBACK.—Section 172 (relating to net operating loss deduction) is amended by redesignating subsection (j) as subsection (k) and by inserting after subsection (i) the following new subsection:

“(j) ELECTION TO DISREGARD 5-YEAR CARRYBACK FOR CERTAIN NET OPERATING LOSSES.—Any taxpayer entitled to a 5-year carryback under subsection (b)(1)(H) from any loss year may elect to have the carryback period with respect to such loss year determined without regard to subsection (b)(1)(H). Such election shall be made in such manner as may be prescribed by the Secretary and shall be made by the due date (including extensions of time) for filing the taxpayer's return for the taxable year of the net operating loss. Such election, once made for any taxable year, shall be irrevocable for such taxable year.”.

(c) TEMPORARY SUSPENSION OF 90 PERCENT LIMIT ON CERTAIN NOL CARRYBACKS.—Subparagraph (A) of section 56(d)(1) (relating to general rule defining alternative tax net op-

erating loss deduction) is amended to read as follows:

“(A) the amount of such deduction shall not exceed the sum of—

“(i) the lesser of—

“(I) the amount of such deduction attributable to net operating losses (other than the deduction attributable to carrybacks described in clause (ii)(I)), or

“(II) 90 percent of alternative minimum taxable income determined without regard to such deduction, plus

“(ii) the lesser of—

“(I) the amount of such deduction attributable to carrybacks of net operating losses for taxable years ending in 2001, or

“(II) alternative minimum taxable income determined without regard to such deduction reduced by the amount determined under clause (i), and”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to net operating losses for taxable years ending in 2001.

TITLE III—TAX INCENTIVES AND RELIEF FOR VICTIMS OF TERRORISM, DISASTERS, AND DISTRESSED CONDITIONS

Subtitle A—Tax Incentives for New York City and Distressed Areas

SEC. 301. EXPANSION OF WORK OPPORTUNITY TAX CREDIT TARGETED CATEGORIES TO INCLUDE CERTAIN EMPLOYEES IN NEW YORK CITY.

(a) IN GENERAL.—For purposes of section 51 of the Internal Revenue Code of 1986 (relating to work opportunity credit), a New York Recovery Zone business employee shall be treated as a member of a targeted group.

(b) NEW YORK RECOVERY ZONE BUSINESS EMPLOYEE.—For purposes of this section—

(1) IN GENERAL.—The term “New York Recovery Zone business employee” means, with respect to the period beginning after September 10, 2001, and ending before January 1, 2003, any employee of a New York Recovery Zone business if—

(A) substantially all the services performed during such period by such employee for such business are performed in a trade or business of such business located in an area described in paragraph (2), and

(B) with respect to any employee of such business described in paragraph (2)(B), such employee is certified by the New York State Department of Labor as not exceeding, when added to all other employees previously certified with respect to such period as New York Recovery Zone business employees with respect to such business, the number of employees of such business on September 11, 2001, in the New York Recovery Zone.

(2) NEW YORK RECOVERY ZONE BUSINESS.—The term “New York Recovery Zone business” means any business establishment which is—

(A) located in the New York Recovery Zone, or

(B) located in the City of New York, New York, outside the New York Recovery Zone, as the result of the destruction or damage of such establishment by the September 11, 2001, terrorist attack.

(3) NEW YORK RECOVERY ZONE.—The term “New York Recovery Zone” means the area located on or south of Canal Street, East Broadway (east of its intersection with Canal Street), or Grand Street (east of its intersection with East Broadway) in the Borough of Manhattan in the City of New York, New York.

(4) SPECIAL RULES FOR DETERMINING AMOUNT OF CREDIT.—For purposes of applying subpart E of part IV of subchapter B of chapter 1 of the Internal Revenue Code of 1986 to wages paid or incurred to any New York Recovery Zone business employee—

(A) section 51(a) of such Code shall be applied by substituting "qualified wages" for "qualified first-year wages",

(B) section 51(d)(12)(A)(i) of such Code shall be applied to the certification of individuals employed by a New York Recovery Zone business before April 1, 2002, by substituting "on or before May 1, 2002" for "on or before the day on which such individual begins work for the employer",

(C) subsections (c)(4) and (i)(2) of section 51 of such Code shall not apply, and

(D) in determining qualified wages, the following shall apply in lieu of section 51(b) of such Code:

(i) **QUALIFIED WAGES.**—The term "qualified wages" means the wages paid or incurred by the employer for work performed during the period beginning on September 11, 2001, and ending on December 31, 2002, to individuals who are New York Recovery Zone business employees of such employer.

(ii) **ONLY FIRST \$12,000 OF WAGES PER TAXABLE YEAR TAKEN INTO ACCOUNT.**—The amount of the qualified wages which may be taken into account with respect to any individual shall not exceed \$12,000 per taxable year of the employer.

(C) **CREDIT ALLOWED AGAINST REGULAR AND MINIMUM TAX.**—

(1) **IN GENERAL.**—Subsection (c) of section 38 (relating to limitation based on amount of tax) is amended by redesignating paragraph (3) as paragraph (4) and by inserting after paragraph (2) the following new paragraph:

"(3) **SPECIAL RULES FOR NEW YORK RECOVERY ZONE BUSINESS EMPLOYEE CREDIT.**—

"(A) **IN GENERAL.**—In the case of the New York Recovery Zone business employee credit—

"(i) this section and section 39 shall be applied separately with respect to such credit, and

"(ii) in applying paragraph (1) to such credit—

"(I) the tentative minimum tax shall be treated as being zero, and

"(II) the limitation under paragraph (1) (as modified by subclause (I)) shall be reduced by the credit allowed under subsection (a) for the taxable year (other than the New York Recovery Zone business employee credit).

"(B) **NEW YORK RECOVERY ZONE BUSINESS EMPLOYEE CREDIT.**—For purposes of this subsection, the term "New York Recovery Zone business employee credit" means the portion of work opportunity credit under section 51 determined under section 301 of the Economic Recovery and Assistance for American Workers Act of 2001."

(2) **CONFORMING AMENDMENT.**—Subclause (II) of section 38(c)(2)(A)(ii) is amended by inserting "or the New York Recovery Zone business employee credit" after "employment credit".

(3) **EFFECTIVE DATE.**—The amendments made by this subsection shall apply to taxable years ending after September 11, 2001.

SEC. 302. TAX-EXEMPT PRIVATE ACTIVITY BONDS FOR REBUILDING PORTION OF NEW YORK CITY DAMAGED IN THE SEPTEMBER 11, 2001, TERRORIST ATTACK.

(a) **TREATMENT AS QUALIFIED BONDS.**—For purposes of the Internal Revenue Code of 1986, any qualified NYC recovery bond shall be treated as an exempt facility bond under section 141(e) of such Code.

(b) **QUALIFIED NYC RECOVERY BOND.**—For purposes of this section, the term "qualified NYC recovery bond" means any bond which—

(1) is issued by the State of New York or any political subdivision thereof (or any

agency, instrumentality or constituted authority on behalf thereof), and

(2) meets the requirements of subsections (c) through (f).

(c) **DESIGNATION REQUIREMENTS.**—A bond meets the requirements of this subsection if it is issued as part of an issue designated as a qualified NYC recovery bond by the Mayor of the City of New York, New York, or an individual specifically appointed to make such designation.

(d) **ISSUANCE AND VOLUME REQUIREMENTS.**—

(1) **IN GENERAL.**—Except as provided in paragraph (3), a bond issued as part of an issue meets the requirements of this subsection if such bond is issued during 2002 (or during the period elected under paragraph (2)) and the aggregate face amount of the bonds issued pursuant to such issue, when added to the aggregate face amount of qualified NYC recovery bonds previously issued, does not exceed \$15,000,000,000.

(2) **ELECTIVE CARRYFORWARD OF UNUSED LIMITATION.**—If the volume cap under paragraph (1) exceeds the aggregate amount of qualified NYC recovery bonds issued during 2002, the issuing authority under subsection (b) may elect to carry forward such excess volume cap for an additional 3-year period under rules similar to the rules of section 146(f) of the Internal Revenue Code of 1986 (other than paragraph (2) thereof).

(3) **CERTAIN CURRENT REFUNDINGS NOT COUNTED.**—For purposes of paragraph (1), there shall not be taken into account any current refunding bond the proceeds of which are used to refund any bond described in paragraph (1) to the extent the face amount of such current refunding bond does not exceed the outstanding face amount of the refunded bond.

(e) **QUALIFIED PROJECT REQUIREMENTS.**—

(1) **IN GENERAL.**—A bond meets the requirements of this subsection if it is issued as part of an issue at least 95 percent of the net proceeds of which are to be used for qualified project costs.

(2) **QUALIFIED PROJECT COSTS.**—For purposes of this subsection—

(A) **IN GENERAL.**—The term "qualified project costs" means—

(i) with respect to a qualified project described in paragraph (3)(A)(i), the costs of acquisition, construction, reconstruction, and renovation of commercial real property and residential rental real property, including—

(I) buildings and their structural components,

(II) fixed tenant improvements, and

(III) public utility property, and

(ii) with respect to a qualified project described in paragraph (3)(A)(ii), the costs of acquisition, construction, reconstruction, and renovation of commercial real property, including—

(I) buildings and their structural components, and

(II) fixed tenant improvements.

(B) **LIMITATIONS.**—

(i) **RESIDENTIAL RENTAL REAL PROPERTY.**—Such term shall not include costs with respect to residential rental real property to the extent such costs for all such property exceed 20 percent of the aggregate face amount of the bonds issued under this section.

(ii) **RETAIL SALES PROPERTY.**—Such term shall not include costs with respect to property used for retail sales of tangible property and functionally related and subordinate property to the extent such costs for all such property exceeds 10 percent of the aggregate face amount of the bonds issued under this section.

(iii) **MOVABLE FIXTURES AND EQUIPMENT.**—Such term shall not include costs with respect to movable fixtures and equipment.

(3) **QUALIFIED PROJECTS.**—For purposes of this subsection—

(A) **IN GENERAL.**—The term "qualified project" means any project—

(i) located within the New York Recovery Zone, or

(ii) located within the City of New York, New York, but outside of the New York Recovery Zone, but only if—

(I) such project consists of at least 100,000 square feet of usable office or other commercial space located in a single building or multiple adjacent buildings, and

(II) the aggregate face amount of the bonds issued to finance such project, when added to the aggregate face amount of all bonds issued to finance all other projects described in this clause, does not exceed \$7,000,000,000.

(B) **NEW YORK RECOVERY ZONE.**—The term "New York Recovery Zone" means the area located on or south of Canal Street, East Broadway (east of its intersection with Canal Street), or Grand Street (east of its intersection with East Broadway) in the Borough of Manhattan in the City of New York, New York.

(f) **GENERAL REQUIREMENTS.**—A bond meets the requirements of this subsection if it is issued as part of an issue which meets the requirements of part IV of subchapter B of chapter 1 of the Internal Revenue Code of 1986 applicable to an exempt facility bond, except as follows:

(1) Sections 142(d) and 150(b)(2) (relating to qualified residential rental project), and section 146 (relating to volume cap) of such Code shall not apply to bonds issued under this section.

(2) The application of section 147(c) of such Code (relating to limitation on use for land acquisition) shall be determined by reference to the aggregate authorized face amount of all bonds issued under this section rather than the net proceeds of each issue.

(3) Section 147(d) of such Code (relating to acquisition of existing property not permitted) shall be applied by substituting "50 percent" for "15 percent" each place it appears.

(4) Section 148(f)(4)(C) of such Code (relating to exception from rebate for certain proceeds to be used to finance construction expenditures) shall apply to construction proceeds of bonds issued under this section.

(5) Rules similar to the rules of section 143(a)(2)(A)(iv) of such Code (relating to use of loan repayments) shall apply to bonds issued under this section.

(g) **BOND INTEREST NOT AN AMT PREFERENCE ITEM.**—For purposes of section 57(a)(5) of the Internal Revenue Code of 1986, a qualified NYC recovery bond shall not be treated as a specified private activity bond.

(h) **SEPARATE ISSUE TREATMENT OF PORTIONS OF AN ISSUE.**—This section shall not apply to the portion of the proceeds of an issue which (if issued as a separate issue) would be treated as a qualified bond or as a bond that is not a private activity bond (determined without regard to subsection (a)), if the issuer elects to so treat such portion.

(i) **NET PROCEEDS.**—For purposes of this section, the term "net proceeds" has the meaning given such term by section 150(a)(3) of the Internal Revenue Code of 1986.

(j) **INTEREST ON DEBT USED TO PURCHASE OR CARRY QUALIFIED NYC RECOVERY BONDS.**—

(1) **IN GENERAL.**—Section 265(b)(3) (relating to exception for certain tax-exempt obligations) is amended—

(A) by inserting “a tax-exempt obligation issued pursuant to section 302 of the Economic Recovery and Assistance for American Workers Act of 2001 or” after “means” in subparagraph (B)(i),

(B) by inserting “other than an obligation issued pursuant to section 302 of the Economic Recovery and Assistance for American Workers Act of 2001” after “of a qualified tax-exempt obligation” in subparagraph (D)(ii), and

(C) by adding at the end of subparagraph (D) the following new clause:

“(iv) REFUNDINGS OF CERTAIN OBLIGATIONS.—In the case of a refunding (or a series of refundings) of a qualified tax-exempt obligation that is an obligation issued pursuant to section 302 of the Economic Recovery and Assistance for American Workers Act of 2001, the refunding obligation shall be treated as a qualified tax-exempt obligation if the refunding obligation meets the requirements of such section.”.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years ending on or after the date of the enactment of this Act.

SEC. 303. GAIN OR LOSS FROM PROPERTY DAMAGED OR DESTROYED IN NEW YORK RECOVERY ZONE.

(a) GENERAL RULE.—For purposes of the Internal Revenue Code of 1986, if a taxpayer elects the application of this section with respect to any eligible property, then any gain or loss on the disposition of the property shall be determined without regard to any compensation (by insurance or otherwise) received by the taxpayer for damages sustained to the property as a result of the terrorist attacks occurring on September 11, 2001. Such election shall be made at such time and in such manner as the Secretary of the Treasury may prescribe, and, once made, is irrevocable.

(b) LIMITATION BASED ON PURCHASE OF REPLACEMENT PROPERTY.—

(1) IN GENERAL.—Subsection (a) shall apply to compensation received with respect to eligible property only to the extent of the cost of any qualified replacement property purchased by the taxpayer.

(2) ALLOCATION.—If the aggregate compensation received by a taxpayer with respect to all eligible property exceeds the aggregate cost of all qualified replacement property purchased by the taxpayer, such cost shall be allocated to such eligible property in accordance with rules prescribed by the Secretary.

(3) SPECIAL RULE FOR CONSOLIDATED GROUPS.—For purposes of paragraph (1), an affiliated group filing a consolidated return may elect to treat any qualified replacement property purchased by a member of the group as purchased by another member of the group.

(c) ELIGIBLE PROPERTY.—For purposes of this section, the term “eligible property” means any tangible property—

(1) which is section 1245 property (as defined in section 1245(a)(3) of the Internal Revenue Code of 1986) or qualified leasehold improvement property (as defined in section 168(k)(3) of such Code),

(2) substantially all of the use of which as of September 11, 2001, was in a business establishment of the taxpayer located in the New York Recovery Zone, and

(3) which was damaged or destroyed in the terrorist attacks of September 11, 2001.

(d) QUALIFIED REPLACEMENT PROPERTY.—For purposes of this section—

(1) IN GENERAL.—The term “qualified replacement property” means tangible property—

(A) which is described in subsection (c)(1),

(B) which is purchased by the taxpayer on or after September 11, 2001, and placed in service in the City of New York, New York, before January 1, 2007,

(C) the original use of which in such city begins with the taxpayer, and

(D) substantially all of the use of which is reasonably expected to be in connection with a business establishment of the taxpayer located in such city.

(2) RECAPTURE.—The Secretary shall, by regulations, provide for the recapture of any Federal tax benefit provided by this section in cases where a taxpayer ceases to use property as qualified replacement property and such recapture is necessary to prevent the avoidance of the purposes of this section.

(e) COORDINATION WITH OTHER PROVISIONS OF CODE.—For purposes of the Internal Revenue Code of 1986—

(1) SPECIAL RULE FOR TREATMENT OF UNRECOGNIZED GAIN IN ELIGIBLE PROPERTY.—Sections 1245 and 1250 of such Code shall not apply to any gain on the disposition of eligible property not recognized by reason of this section.

(2) LOSS ELECTION NOT TO APPLY TO ELIGIBLE PROPERTY.—If a taxpayer elects the application of this section with respect to any eligible property, the taxpayer may not make an election under section 165(i) of such Code with respect to any loss attributable to the property.

(3) BASIS ADJUSTMENTS OF QUALIFIED REPLACEMENT PROPERTY.—

(A) IN GENERAL.—The basis of any qualified replacement property shall be reduced by the amount of any compensation disregarded by reason of subsection (a).

(B) SPECIAL RULES FOR RECAPTURE.—For purposes of sections 1245 and 1250 of such Code, any reduction under subparagraph (A) shall be treated as a deduction allowed for depreciation, except that for purposes of section 1250(b) of such Code, the determination of what would have been the depreciation adjustments under the straight line method shall be made as if there had been no reduction under subparagraph (A).

(4) SPECIAL RULES FOR APPLYING SECTION 1033.—For purposes of applying section 1033 of such Code to converted property which is eligible property with respect to which an election under subsection (a) has been made—

(A) the amount realized from the eligible property shall not include any compensation received by the taxpayer which is disregarded by reason of subsection (a), and

(B) any qualified replacement property shall be disregarded in determining whether property was acquired for the purposes of replacing the converted property.

(f) OTHER DEFINITIONS AND RULES.—For purposes of this section—

(1) NEW YORK RECOVERY ZONE.—The term “New York Recovery Zone” means the area located on or south of Canal Street, East Broadway (east of its intersection with Canal Street), or Grand Street (east of its intersection with East Broadway) in the Borough of Manhattan in the City of New York, New York.

(2) TIME FOR ASSESSMENT.—Rules similar to the rules of subparagraphs (C) and (D) of section 1033(a)(2) of such Code shall apply for purposes of this section.

(3) RELATED PARTY LIMITATION.—Section 1033(i) of such Code shall apply for purposes of this section.

SEC. 304. REENACTMENT OF EXCEPTIONS FOR QUALIFIED-MORTGAGE-BOND-FINANCED LOANS TO VICTIMS OF PRESIDENTIALLY DECLARED DISASTERS.

Section 143(k)(11) (relating to special rules for residences located in disaster areas) is amended—

(1) by inserting “damaged or destroyed by a disaster and” after “In the case of a residence”;

(2) by inserting after subparagraph (B) the following new subparagraph:

“(C) Paragraph (4) of this subsection shall be applied by substituting ‘\$25,000’ for ‘\$15,000’;” and

(3) by inserting “, and after December 31, 2001, and before January 1, 2003” after “1999” in the last sentence.

SEC. 305. ONE-YEAR EXPANSION OF AUTHORITY FOR INDIAN TRIBES TO ISSUE TAX-EXEMPT PRIVATE ACTIVITY BONDS.

(a) IN GENERAL.—Section 7871(c) (relating to additional requirements for tax-exempt bonds) is amended by adding at the end the following new paragraph:

“(4) EXCEPTION FOR QUALIFIED INDIAN PRIVATE ACTIVITY BONDS.—

“(A) IN GENERAL.—In the case of any qualified Indian private activity bond—

“(i) paragraph (2) shall not apply,

“(ii) such bond shall be treated as a qualified bond under section 141(e), and

“(iii) section 146 shall not apply.

“(B) QUALIFIED INDIAN PRIVATE ACTIVITY BOND.—For purposes of this paragraph, the term ‘qualified Indian private activity bond’ means any bond which—

“(i) is issued by a qualified Indian tribal government—

“(I) as part of an issue 95 percent or more of the net proceeds of which are to be used to provide qualified residential rental projects (as determined under section 142(d), by substituting ‘statewide median gross income’ for ‘area median gross income’),

“(II) as part of a qualified mortgage issue (as defined in section 143(a)(2)),

“(III) as part of an issue 95 percent or more of the net proceeds of which are to be used to provide any facility described in section 1394(b)(1) for any business (whether tribally owned or not) that would qualify as an enterprise zone business if the Indian reservation (as defined in section 168(j)(6)) over which the qualified Indian tribal government exercises general governmental authority were treated as an empowerment zone, or

“(IV) as part of an issue to be used for more than 1 of the purposes described in the preceding subclauses, and

“(ii) meets the requirements of subparagraphs (D) and (E).

“(C) QUALIFIED INDIAN TRIBAL GOVERNMENT.—For purposes of this paragraph, the term ‘qualified Indian tribal government’ means an Indian tribal government which exercises general governmental authority over an Indian reservation (as so defined) with an unemployment rate among members of the tribe of at least 25 percent. For purposes of the preceding sentence, determinations of unemployment shall be made with respect to any issuance of a bond under this section on the basis of the most recent report published by the Bureau of Indian Affairs under section 17(a) of the Indian Employment, Training and Related Services Demonstration Act of 1992 (25 U.S.C. 3416(a)) before such issuance.

“(D) DESIGNATION REQUIREMENTS.—A bond meets the requirements of this subparagraph if it is issued as part of an issue designated as a qualified Indian private activity bond for a purpose described in subclause (I), (II),

or (III) of subparagraph (B)(i) by the qualified Indian tribal government.

“(E) VOLUME REQUIREMENTS.—

“(i) IN GENERAL.—A bond issued as part of an issue meets the requirements of this subparagraph if such bond is issued during 2002 (or during the period elected under clause (ii)) and the aggregate face amount of the bonds issued pursuant to such issue, when added to the aggregate face amount of qualified Indian private activity bonds previously issued by such qualified Indian tribal government, does not exceed \$10,000,000.

“(ii) ELECTIVE CARRYFORWARD OF UNUSED LIMITATION.—If the volume cap under clause (i) exceeds the aggregate amount of qualified Indian private activity bonds issued during 2002, the qualified Indian tribal government may elect to carry forward such excess volume cap for an additional 3-year period under rules similar to the rules of section 146(f) (other than paragraph (2) thereof).

“(F) APPLICATION OF SECTION 42 TO RESIDENTIAL RENTAL PROJECTS FINANCED BY BONDS UNDER THIS PARAGRAPH.—In the case of bonds described in subparagraph (B)(i)(I), issuance under the requirements of subparagraph (E) shall be treated as issuance under the requirements of section 146 for purposes of determining the application of section 42 to projects financed by the net proceeds of such bonds.

“(G) SPECIAL RULE FOR DETERMINING ENTERPRISE ZONE BUSINESS.—For purposes of subparagraph (B)(i)(III), an enterprise zone business shall not include any facility a principal business of which is the sale of tobacco products or highway motor fuels, unless the qualified Indian tribal government has entered into an agreement with the State in which such facility is located to collect applicable State taxes on such products or fuels.

“(H) BOND INTEREST NOT AN AMT PREFERENCE ITEM.—For purposes of section 57(a)(5), a bond designated under subparagraph (D) as a qualified Indian private activity bond shall not be treated as a specified private activity bond.

“(I) REPORT.—The Secretary shall compile necessary data from reports required under section 149(e) relating to the issuance of bonds under this paragraph and shall report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate not later than September 30 of any year following the calendar year in which Indian tribal governments issued bonds under this paragraph and the activities for which such bonds were issued.”.

(b) CONFORMING AMENDMENTS.—

(1) Section 7871(c)(2) is amended by striking “paragraph (3)” and inserting “paragraphs (3) and (4)”.

(2) Section 7871 is amended—

(A) by striking clause (iii) of subsection (c)(3)(E), and

(B) by adding at the end the following new subsection:

“(f) NET PROCEEDS.—For purposes of this section, the term ‘net proceeds’ has the meaning given such term by section 150(a)(3).”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after December 31, 2001.

Subtitle B—Victims of Terrorism Tax Relief

SEC. 310. SHORT TITLE.

This subtitle may be cited as the “Victims of Terrorism Tax Relief Act of 2001”.

PART I—RELIEF PROVISIONS FOR VICTIMS OF APRIL 19, 1995, AND SEPTEMBER 11, 2001, TERRORIST ATTACKS

SEC. 311. INCOME AND EMPLOYMENT TAXES OF VICTIMS OF TERRORIST ATTACKS.

(a) IN GENERAL.—Section 692 (relating to income taxes of members of Armed Forces on death) is amended by adding at the end the following new subsection:

“(d) CERTAIN INDIVIDUALS DYING AS A RESULT OF APRIL 19, 1995, AND SEPTEMBER 11, 2001, TERRORIST ATTACKS.—

“(1) IN GENERAL.—In the case of any individual who dies as a result of wounds or injury incurred as a result of the terrorist attacks against the United States on April 19, 1995, or September 11, 2001, any tax imposed by this subtitle shall not apply—

“(A) with respect to the taxable year in which falls the date of such individual's death, and

“(B) with respect to any prior taxable year in the period beginning with the last taxable year ending before the taxable year in which the wounds or injury were incurred.

“(2) EXCEPTIONS.—

“(A) TAXATION OF CERTAIN BENEFITS.—Subject to such rules as the Secretary may prescribe, paragraph (1) shall not apply to the amount of any tax imposed by this subtitle which would be computed by only taking into account the items of income, gain, or other amounts attributable to—

“(i) amounts payable in the taxable year by reason of the death of an individual described in paragraph (1) which would have been payable in such taxable year if the death had occurred by reason of an event other than the terrorist attacks against the United States on April 19, 1995, or September 11, 2001, or

“(ii) amounts payable in the taxable year which would not have been payable in such taxable year but for an action taken after April 19, 1995, or after September 11, 2001 (as the case may be).

“(B) NO RELIEF FOR PERPETRATORS.—Paragraph (1) shall not apply with respect to any individual identified by the Attorney General to have been a participant or conspirator in any such terrorist attack, or a representative of such individual.”.

(b) REFUND OF OTHER TAXES PAID.—Section 692, as amended by subsection (a), is amended by adding at the end the following new subsection:

“(e) REFUND OF OTHER TAXES PAID.—In determining the amount of tax under this section to be credited or refunded as an overpayment with respect to any individual for any period, such amount shall be increased by an amount equal to the amount of taxes imposed and collected under chapter 21 and sections 3201(a), 3211(a)(1), and 3221(a) with respect to such individual for such period.”.

(c) CONFORMING AMENDMENTS.—

(1) Section 5(b)(1) is amended by inserting “and victims of certain terrorist attacks” before “on death”.

(2) Section 6013(f)(2)(B) is amended by inserting “and victims of certain terrorist attacks” before “on death”.

(d) CLERICAL AMENDMENTS.—

(1) The heading of section 692 is amended to read as follows:

“SEC. 692. INCOME AND EMPLOYMENT TAXES OF MEMBERS OF ARMED FORCES AND VICTIMS OF CERTAIN TERRORIST ATTACKS ON DEATH.”.

(2) The item relating to section 692 in the table of sections for part II of subchapter J of chapter 1 is amended to read as follows:

“Sec. 692. Income and employment taxes of members of Armed Forces and victims of certain terrorist attacks on death.”.

(d) EFFECTIVE DATE; WAIVER OF LIMITATIONS.—

(1) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending before, on, or after September 11, 2001.

(2) WAIVER OF LIMITATIONS.—If refund or credit of any overpayment of tax resulting from the amendments made by this section is prevented at any time before the close of the 1-year period beginning on the date of the enactment of this Act by the operation of any law or rule of law (including res judicata), such refund or credit may nevertheless be made or allowed if claim therefor is filed before the close of such period.

SEC. 312. ESTATE TAX REDUCTION.

(a) IN GENERAL.—Section 2201 is amended to read as follows:

“SEC. 2201. COMBAT ZONE-RELATED DEATHS OF MEMBERS OF THE ARMED FORCES AND DEATHS OF VICTIMS OF CERTAIN TERRORIST ATTACKS.

“(a) IN GENERAL.—Unless the executor elects not to have this section apply, in applying section 2001 to the estate of a qualified decedent, the rate schedule set forth in subsection (c) shall be deemed to be the rate schedule set forth in section 2001(c).

“(b) QUALIFIED DECEDENT.—For purposes of this section, the term ‘qualified decedent’ means—

“(1) any citizen or resident of the United States dying while in active service of the Armed Forces of the United States, if such decedent—

“(A) was killed in action while serving in a combat zone, as determined under section 112(c), or

“(B) died as a result of wounds, disease, or injury suffered while serving in a combat zone (as determined under section 112(c)), and while in the line of duty, by reason of a hazard to which such decedent was subjected as an incident of such service, or

“(2) any individual who died as a result of wounds or injury incurred as a result of the terrorist attacks against the United States on April 19, 1995, or September 11, 2001. Paragraph (2) shall not apply with respect to any individual identified by the Attorney General to have been a participant or conspirator in any such terrorist attack, or a representative of such individual.

“(c) RATE SCHEDULE.—

“If the amount with respect to which the tentative tax to be computed is:		The tentative tax is:
Not over \$150,000		1 percent of the amount by which such amount exceeds \$100,000.
Over \$150,000 but not over \$200,000.		\$500 plus 2 percent of the excess over \$150,000.
Over \$200,000 but not over \$300,000.		\$1,500 plus 3 percent of the excess over \$200,000.
Over \$300,000 but not over \$500,000.		\$4,500 plus 4 percent of the excess over \$300,000.
Over \$500,000 but not over \$700,000.		\$12,500 plus 5 percent of the excess over \$500,000.
Over \$700,000 but not over \$900,000.		\$22,500 plus 6 percent of the excess over \$700,000.
Over \$900,000 but not over \$1,100,000.		\$34,500 plus 7 percent of the excess over \$900,000.
Over \$1,100,000 but not over \$1,600,000.		\$48,500 plus 8 percent of the excess over \$1,100,000.
Over \$1,600,000 but not over \$2,100,000.		\$88,500 plus 9 percent of the excess over \$1,600,000.
Over \$2,100,000 but not over \$2,600,000.		\$133,500 plus 10 percent of the excess over \$2,100,000.

"If the amount with respect to which the tentative tax to be computed is:

Over \$2,600,000 but not over \$3,100,000.	but not	\$183,500 plus 11 percent of the excess over \$2,600,000.
Over \$3,100,000 but not over \$3,600,000.	but not	\$238,500 plus 12 percent of the excess over \$3,100,000.
Over \$3,600,000 but not over \$4,100,000.	but not	\$298,500 plus 13 percent of the excess over \$3,600,000.
Over \$4,100,000 but not over \$5,100,000.	but not	\$363,500 plus 14 percent of the excess over \$4,100,000.
Over \$5,100,000 but not over \$6,100,000.	but not	\$503,500 plus 15 percent of the excess over \$5,100,000.
Over \$6,100,000 but not over \$7,100,000.	but not	\$653,500 plus 16 percent of the excess over \$6,100,000.
Over \$7,100,000 but not over \$8,100,000.	but not	\$813,500 plus 17 percent of the excess over \$7,100,000.
Over \$8,100,000 but not over \$9,100,000.	but not	\$983,500 plus 18 percent of the excess over \$8,100,000.
Over \$9,100,000 but not over \$10,100,000.	but not	\$1,163,500 plus 19 percent of the excess over \$9,100,000.
Over \$10,100,000		\$1,353,500 plus 20 percent of the excess over \$10,100,000.

"(d) DETERMINATION OF UNIFIED CREDIT.—In the case of an estate to which this section applies, subsection (a) shall not apply in determining the credit under section 2010."

(b) CONFORMING AMENDMENTS.—

(1) Section 2011 is amended by striking subsection (d) and by redesignating subsections (e), (f), and (g) as subsections (d), (e), and (f), respectively.

(2) Section 2053(d)(3)(B) is amended by striking "section 2011(e)" and inserting "section 2011(d)".

(3) Paragraph (9) of section 532(c) of the Economic Growth and Tax Relief Reconciliation Act of 2001 is repealed.

(c) CLERICAL AMENDMENT.—The item relating to section 2201 in the table of sections for subchapter C of chapter 11 is amended to read as follows:

"Sec. 2201. Combat zone-related deaths of members of the Armed Forces and deaths of victims of certain terrorist attacks."

(d) EFFECTIVE DATE; WAIVER OF LIMITATIONS.—

(1) EFFECTIVE DATE.—The amendments made by this section shall apply to estates of decedents—

(A) dying on or after September 11, 2001, and

(B) in the case of individuals dying as a result of the April 19, 1995, terrorist attack, dying on or after April 19, 1995.

(2) WAIVER OF LIMITATIONS.—If refund or credit of any overpayment of tax resulting from the amendments made by this section is prevented at any time before the close of the 1-year period beginning on the date of the enactment of this Act by the operation of any law or rule of law (including res judicata), such refund or credit may nevertheless be made or allowed if claim therefor is filed before the close of such period.

SEC. 313. PAYMENTS BY CHARITABLE ORGANIZATIONS TREATED AS EXEMPT PAYMENTS.

(a) IN GENERAL.—For purposes of the Internal Revenue Code of 1986—

(1) payments made by an organization described in section 501(c)(3) of such Code by reason of the death, injury, or wounding of an individual incurred as the result of the terrorist attacks against the United States on September 11, 2001, shall be treated as related to the purpose or function constituting the basis for such organization's exemption under section 501 of such Code if such payments are made using an objective formula which is consistently applied, and

(2) in the case of a private foundation (as defined in section 509 of such Code), any payment described in paragraph (1) shall not be treated as made to a disqualified person for purposes of section 4941 of such Code.

(b) EFFECTIVE DATE.—This section shall apply to payments made on or after September 11, 2001.

SEC. 314. EXCLUSION OF CERTAIN CANCELLATIONS OF INDEBTEDNESS.

(a) IN GENERAL.—For purposes of the Internal Revenue Code of 1986—

(1) gross income shall not include any amount which (but for this section) would be includible in gross income by reason of the discharge (in whole or in part) of indebtedness of any taxpayer if the discharge is by reason of the death of an individual incurred as the result of the terrorist attacks against the United States on September 11, 2001, and

(2) return requirements under section 6050P of such Code shall not apply to any discharge described in paragraph (1).

(b) EFFECTIVE DATE.—This section shall apply to discharges made on or after September 11, 2001, and before January 1, 2002.

PART II—GENERAL RELIEF FOR VICTIMS OF DISASTERS AND TERRORISTIC OR MILITARY ACTIONS

SEC. 321. EXCLUSION FOR DISASTER RELIEF PAYMENTS.

(a) IN GENERAL.—Part III of subchapter B of chapter 1 (relating to items specifically excluded from gross income) is amended by redesignating section 139 as section 140 and inserting after section 138 the following new section:

"SEC. 139. DISASTER RELIEF PAYMENTS.

"(a) GENERAL RULE.—Gross income shall not include—

"(1) any amount received as payment under section 406 of the Air Transportation Safety and System Stabilization Act, or

"(2) any amount received by an individual as a qualified disaster relief payment.

"(b) QUALIFIED DISASTER RELIEF PAYMENT DEFINED.—For purposes of this section, the term 'qualified disaster relief payment' means any amount paid to or for the benefit of an individual—

"(1) to reimburse or pay reasonable and necessary personal, family, living, or funeral expenses incurred as a result of a qualified disaster,

"(2) to reimburse or pay reasonable and necessary expenses incurred for the repair or rehabilitation of a personal residence or repair or replacement of its contents to the extent that the need for such repair, rehabilitation, or replacement is attributable to a qualified disaster,

"(3) by a person engaged in the furnishing or sale of transportation as a common carrier by reason of the death or personal physical injuries incurred as a result of a qualified disaster, or

"(4) if such amount is paid by a Federal, State, or local government, or agency or instrumentality thereof, in connection with a qualified disaster in order to promote the general welfare, but only to the extent any expense compensated by such payment is not otherwise compensated for by insurance or otherwise.

"(c) QUALIFIED DISASTER DEFINED.—For purposes of this section, the term 'qualified disaster' means—

"(1) a disaster which results from a terrorist or military action (as defined in section 692(c)(2)),

"(2) a Presidentially declared disaster (as defined in section 1033(h)(3)),

"(3) a disaster which results from an accident involving a common carrier, or from any other event, which is determined by the Secretary to be of a catastrophic nature, or

"(4) with respect to amounts described in subsection (b)(4), a disaster which is determined by an applicable Federal, State, or

local authority (as determined by the Secretary) to warrant assistance from the Federal, State, or local government or agency or instrumentality thereof.

"(d) COORDINATION WITH EMPLOYMENT TAXES.—For purposes of chapter 2 and subtitle C, a qualified disaster relief payment shall not be treated as net earnings from self-employment, wages, or compensation subject to tax.

"(e) NO RELIEF FOR CERTAIN INDIVIDUALS.—Subsection (a) shall not apply with respect to any individual identified by the Attorney General to have been a participant or conspirator in a terroristic action (as so defined), or a representative of such individual."

(b) CONFORMING AMENDMENTS.—The table of sections for part III of subchapter B of chapter 1 is amended by striking the item relating to section 139 and inserting the following new items:

"Sec. 139. Disaster relief payments.

"Sec. 140. Cross references to other Acts."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending on or after September 11, 2001.

SEC. 322. AUTHORITY TO POSTPONE CERTAIN DEADLINES AND REQUIRED ACTIONS.

(a) EXPANSION OF AUTHORITY RELATING TO DISASTERS AND TERRORISTIC OR MILITARY ACTIONS.—Section 7508A is amended to read as follows:

"SEC. 7508A. AUTHORITY TO POSTPONE CERTAIN DEADLINES BY REASON OF PRESIDENTIALLY DECLARED DISASTER OR TERRORISTIC OR MILITARY ACTIONS.

"(a) IN GENERAL.—In the case of a taxpayer determined by the Secretary to be affected by a Presidentially declared disaster (as defined in section 1033(h)(3)) or a terroristic or military action (as defined in section 692(c)(2)), the Secretary may specify a period of up to one year that may be disregarded in determining, under the internal revenue laws, in respect of any tax liability of such taxpayer—

"(1) whether any of the acts described in paragraph (1) of section 7508(a) were performed within the time prescribed therefor (determined without regard to extension under any other provision of this subtitle for periods after the date (determined by the Secretary) of such disaster or action),

"(2) the amount of any interest, penalty, additional amount, or addition to the tax for periods after such date, and

"(3) the amount of any credit or refund.

"(b) SPECIAL RULES REGARDING PENSIONS, ETC.—In the case of a pension or other employee benefit plan, or any sponsor, administrator, participant, beneficiary, or other person with respect to such plan, affected by a disaster or action described in subsection (a), the Secretary may specify a period of up to one year which may be disregarded in determining the date by which any action is required or permitted to be completed under this title. No plan shall be treated as failing to be operated in accordance with the terms of the plan solely as the result of disregarding any period by reason of the preceding sentence.

"(c) SPECIAL RULES FOR OVERPAYMENTS.—The rules of section 7508(b) shall apply for purposes of this section."

(b) CLARIFICATION OF SCOPE OF ACTS SECRETARY MAY POSTPONE.—Section 7508(a)(1)(K) (relating to time to be disregarded) is amended by striking "in regulations prescribed under this section".

(c) CONFORMING AMENDMENTS TO ERISA.—

(1) Part 5 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1131 et seq.) is amended by adding at the end the following new section:

“SEC. 518. AUTHORITY TO POSTPONE CERTAIN DEADLINES BY REASON OF PRESIDENTIALLY DECLARED DISASTER OR TERRORISTIC OR MILITARY ACTIONS.

“In the case of a pension or other employee benefit plan, or any sponsor, administrator, participant, beneficiary, or other person with respect to such plan, affected by a Presidentially declared disaster (as defined in section 1033(h)(3) of the Internal Revenue Code of 1986) or a terroristic or military action (as defined in section 692(c)(2) of such Code), the Secretary may, notwithstanding any other provision of law, prescribe, by notice or otherwise, a period of up to one year which may be disregarded in determining the date by which any action is required or permitted to be completed under this Act. No plan shall be treated as failing to be operated in accordance with the terms of the plan solely as the result of disregarding any period by reason of the preceding sentence.”.

(2) Section 4002 of Employee Retirement Income Security Act of 1974 (29 U.S.C. 1302) is amended by adding at the end the following new subsection:

“(i) **SPECIAL RULES REGARDING DISASTERS, ETC.**—In the case of a pension or other employee benefit plan, or any sponsor, administrator, participant, beneficiary, or other person with respect to such plan, affected by a Presidentially declared disaster (as defined in section 1033(h)(3) of the Internal Revenue Code of 1986) or a terroristic or military action (as defined in section 692(c)(2) of such Code), the corporation may, notwithstanding any other provision of law, prescribe, by notice or otherwise, a period of up to one year which may be disregarded in determining the date by which any action is required or permitted to be completed under this Act. No plan shall be treated as failing to be operated in accordance with the terms of the plan solely as the result of disregarding any period by reason of the preceding sentence.”.

(d) **ADDITIONAL CONFORMING AMENDMENTS.**—

(1) Section 6404 is amended—

(A) by striking subsection (h),

(B) by redesignating subsection (i) as subsection (h), and

(C) by adding at the end the following new subsection:

“(i) **CROSS REFERENCE.**—

“For authority of the Secretary to abate certain amounts by reason of Presidentially declared disaster or terroristic or military action, see section 7508A.”.

(2) Section 6081(c) is amended to read as follows:

“(c) **CROSS REFERENCES.**—

“For time for performing certain acts postponed by reason of war, see section 7508, and by reason of Presidentially declared disaster or terroristic or military action, see section 7508A.”.

(3) Section 6161(d) is amended by adding at the end the following new paragraph:

“(3) **POSTPONEMENT OF CERTAIN ACTS.**—

“For time for performing certain acts postponed by reason of war, see section 7508, and by reason of Presidentially declared disaster or terroristic or military action, see section 7508A.”.

(d) **CLERICAL AMENDMENTS.**—

(1) The item relating to section 7508A in the table of sections for chapter 77 is amended to read as follows:

“Sec. 7508A. Authority to postpone certain deadlines by reason of Presidentially declared disaster or terroristic or military actions.”.

(2) The table of contents for the Employee Retirement Income Security Act of 1974 is amended by inserting after the item relating to section 517 the following new item:

“Sec. 518. Authority to postpone certain deadlines by reason of Presidentially declared disaster or terroristic or military actions.”.

(e) **EFFECTIVE DATE.**—The amendments made by this section shall apply to disasters and terroristic or military actions occurring on or after September 11, 2001, with respect to any action of the Secretary of the Treasury, the Secretary of Labor, or the Pension Benefit Guaranty Corporation occurring on or after the date of the enactment of this Act.

SEC. 323. INTERNAL REVENUE SERVICE DISASTER RESPONSE TEAM.

(a) **IN GENERAL.**—Section 7508A, as amended by section 322(a), is amended by adding at the end the following new subsection:

“(d) **DUTIES OF DISASTER RESPONSE TEAM.**—The Secretary shall establish as a permanent office in the national office of the Internal Revenue Service a disaster response team which, in coordination with the Federal Emergency Management Agency, shall assist taxpayers in clarifying and resolving Federal tax matters associated with or resulting from any Presidentially declared disaster (as defined in section 1033(h)(3)) or a terroristic or military action (as defined in section 692(c)(2)).”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall take effect on the date of the enactment of this Act.

SEC. 324. APPLICATION OF CERTAIN PROVISIONS TO TERRORISTIC OR MILITARY ACTIONS.

(a) **EXCLUSION FOR DEATH BENEFITS.**—Section 101 (relating to certain death benefits) is amended by adding at the end the following new subsection:

“(i) **CERTAIN EMPLOYEE DEATH BENEFITS PAYABLE BY REASON OF DEATH FROM TERRORISTIC OR MILITARY ACTIONS.**—

“(1) **IN GENERAL.**—Gross income does not include amounts which are received (whether in a single sum or otherwise) if such amounts are paid by an employer by reason of the death of an employee incurred as a result of a terroristic or military action (as defined in section 692(c)(2)).”.

“(2) **NO RELIEF FOR CERTAIN INDIVIDUALS.**—Paragraph (1) shall not apply with respect to any individual identified by the Attorney General to have been a participant or conspirator in a terroristic action (as so defined), or a representative of such individual.”.

“(3) **TREATMENT OF SELF-EMPLOYED INDIVIDUALS.**—For purposes of this subsection, the term ‘employee’ includes a self-employed person (as described in section 401(c)(1)).”.

(b) **DISABILITY INCOME.**—Section 104(a)(5) (relating to compensation for injuries or sickness) is amended by striking “a violent attack” and all that follows through the period and inserting “a terroristic or military action (as defined in section 692(c)(2)).”.

(c) **EXEMPTION FROM INCOME TAX FOR CERTAIN MILITARY OR CIVILIAN EMPLOYEES.**—Section 692(c) is amended—

(1) by striking “outside the United States” in paragraph (1), and

(2) by striking “SUSTAINED OVERSEAS” in the heading.

(d) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years ending on or after September 11, 2001.

SEC. 325. CLARIFICATION OF DUE DATE FOR AIRLINE EXCISE TAX DEPOSITS.

(a) **IN GENERAL.**—Paragraph (3) of section 301(a) of the Air Transportation Safety and System Stabilization Act (Public Law 107-42) is amended to read as follows:

“(3) **AIRLINE-RELATED DEPOSIT.**—For purposes of this subsection, the term ‘airline-related deposit’ means any deposit of taxes imposed by subchapter C of chapter 33 of such Code (relating to transportation by air).”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall take effect as if included in section 301 of the Air Transportation Safety and System Stabilization Act (Public Law 107-42).

SEC. 326. COORDINATION WITH AIR TRANSPORTATION SAFETY AND SYSTEM STABILIZATION ACT.

No reduction in Federal tax liability by reason of any provision of, or amendment made by, this title shall be considered as being received from a collateral source for purposes of section 402(4) of the Air Transportation Safety and System Stabilization Act (Public Law 107-42).

TITLE IV—EXTENSIONS OF CERTAIN EXPIRING PROVISIONS

SEC. 401. ALLOWANCE OF NONREFUNDABLE PERSONAL CREDITS AGAINST REGULAR AND MINIMUM TAX LIABILITY.

(a) **IN GENERAL.**—Paragraph (2) of section 26(a) is amended—

(1) by striking “RULE FOR 2000 AND 2001.” and inserting “RULE FOR 2000, 2001, AND 2002.”, and

(2) by striking “during 2000 or 2001,” and inserting “during 2000, 2001, or 2002.”.

(b) **CONFORMING AMENDMENTS.**—

(1) Section 904(h) is amended by striking “during 2000 or 2001” and inserting “during 2000, 2001, or 2002”.

(2) The amendments made by sections 201(b), 202(f), and 618(b) of the Economic Growth and Tax Relief Reconciliation Act of 2001 shall not apply to taxable years beginning during 2002.

(c) **TECHNICAL CORRECTION.**—Section 24(d)(1)(B) is amended by striking “amount of credit allowed by this section” and inserting “aggregate amount of credits allowed by this subpart”.

(d) **EFFECTIVE DATES.**—

(1) The amendments made by subsections (a) and (b) shall apply to taxable years beginning after December 31, 2001.

(2) The amendment made by subsection (c) shall apply to taxable years beginning after December 31, 2000.

SEC. 402. WORK OPPORTUNITY CREDIT.

(a) **IN GENERAL.**—Subparagraph (B) of section 51(c)(4) is amended by striking “2001” and inserting “2002”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply to individuals who begin work for the employer after December 31, 2001.

SEC. 403. WELFARE-TO-WORK CREDIT.

(a) **IN GENERAL.**—Subsection (f) of section 51A is amended by striking “2001” and inserting “2002”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply to individuals who begin work for the employer after December 31, 2001.

SEC. 404. CREDIT FOR ELECTRICITY PRODUCED FROM RENEWABLE RESOURCES.

(a) **IN GENERAL.**—Subparagraphs (A), (B), and (C) of section 45(c)(3) are each amended by striking “2002” and inserting “2003”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act.

SEC. 405. TAXABLE INCOME LIMIT ON PERCENTAGE DEPLETION FOR OIL AND NATURAL GAS PRODUCED FROM MARGINAL PROPERTIES.

(a) IN GENERAL.—Subparagraph (H) of section 613A(c)(6) is amended by striking “2002” and inserting “2003”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2001.

SEC. 406. QUALIFIED ZONE ACADEMY BONDS.

(a) IN GENERAL.—Paragraph (1) of section 1397E(e) is amended by striking “2000, and 2001” and inserting “2000, 2001, and 2002”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act.

SEC. 407. SUBPART F EXEMPTION FOR ACTIVE FINANCING.

(a) IN GENERAL.—

(1) Section 953(e)(10) is amended—

(A) by striking “2002” and inserting “2003”, and

(B) by striking “2001” and inserting “2002”.

(2) Section 954(h)(9) is amended by striking “2002” and inserting “2003”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 408. COVER OVER OF TAX ON DISTILLED SPIRITS.

(a) IN GENERAL.—Paragraph (1) of section 7652(f) is amended by striking “2002” and inserting “2003”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act.

SEC. 409. DELAY IN EFFECTIVE DATE OF REQUIREMENT FOR APPROVED DIESEL OR KEROSENE TERMINALS.

Paragraph (2) of section 1032(f) of the Taxpayer Relief Act of 1997 (Public Law 105-34) is amended by striking “2002” and inserting “2003”.

SEC. 410. DEDUCTION FOR CLEAN-FUEL VEHICLES AND CERTAIN REFUELING PROPERTY.

(a) IN GENERAL.—Section 179A is amended—

(1) in subsection (b)(1)(B)—

(A) by striking “December 31, 2001,” and inserting “December 31, 2002,” and

(B) in clauses (i), (ii), and (iii), by striking “2002”, “2003”, and “2004”, respectively, and inserting “2003”, “2004”, and “2005”, respectively, and

(2) in subsection (f), by striking “2004” and inserting “2005”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act.

SEC. 411. CREDIT FOR QUALIFIED ELECTRIC VEHICLES.

(a) IN GENERAL.—Section 30 is amended—

(1) in subsection (b)(2)—

(A) by striking “December 31, 2001,” and inserting “December 31, 2002,” and

(B) in subparagraphs (A), (B), and (C), by striking “2002”, “2003”, and “2004”, respectively, and inserting “2003”, “2004”, and “2005”, respectively, and

(2) in subsection (e), by striking “2004” and inserting “2005”.

(b) CONFORMING AMENDMENTS.—

(1) Subparagraph (C) of section 280F(a)(1) is amended by adding at the end the following new clause

“(iii) APPLICATION OF SUBPARAGRAPH.—This subparagraph shall apply to property placed in service after August 5, 1997, and before January 1, 2005.”.

(2) Subsection (b) of section 971 of the Taxpayer Relief Act of 1997 is amended by striking “and before January 1, 2005”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 412. PARITY IN THE APPLICATION OF CERTAIN LIMITS TO MENTAL HEALTH BENEFITS.

(a) IN GENERAL.—Subsection (f) of section 9812 is amended by striking “2001” and inserting “2002”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to plan years beginning after December 31, 2001.

SEC. 413. COMBINED EMPLOYMENT TAX REPORTING.

(a) DEMONSTRATION PROJECT.—Section 976 of the Taxpayer Relief Act of 1997 is amended by striking “with the date which is 5 years after the date of the enactment of this Act” and inserting “on December 31, 2002”.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.

TITLE V—EXTENSION OF ADDITIONAL PROVISIONS EXPIRING IN 2001.

SEC. 501. GENERALIZED SYSTEM OF PREFERENCES.

(a) EXTENSION OF DUTY-FREE TREATMENT UNDER SYSTEM.—Section 505 of the Trade Act of 1974 (19 U.S.C. 2465) is amended by striking “September 30, 2001” and inserting “December 31, 2002”.

(b) RETROACTIVE APPLICATION FOR CERTAIN LIQUIDATIONS AND RELIQUIDATIONS.—

(1) IN GENERAL.—

(A) ENTRY OF CERTAIN ARTICLES.—Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law, and subject to paragraph (2), the entry—

(i) of any article to which duty-free treatment under title V of the Trade Act of 1974 would have applied if the entry had been made on September 30, 2001;

(ii) that was made after September 30, 2001, and before the date of enactment of this Act; and

(iii) to which duty-free treatment under title V of that Act did not apply, shall be liquidated or reliquidated as free of duty, and the Secretary of the Treasury shall refund any duty paid with respect to such entry.

(B) ENTRY.—In this subsection, the term “entry” includes a withdrawal from warehouse for consumption.

(2) REQUESTS.—Liquidation or reliquidation may be made under paragraph (1) with respect to an entry only if a request therefor is filed with the Customs Service, within 180 days after the date of enactment of this Act, that contains sufficient information to enable the Customs Service—

(A) to locate the entry; or

(B) to reconstruct the entry if it cannot be located.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2001.

SEC. 502. ANDEAN TRADE PREFERENCE ACT.

(a) IN GENERAL.—Section 208(b) of the Andean Trade Preference Act (19 U.S.C. 3206(b)) is amended by striking “10 years after December 4, 1991” and inserting “after June 4, 2002”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on December 5, 2001.

SEC. 503. REAUTHORIZATION OF TRADE ADJUSTMENT ASSISTANCE.

(a) ASSISTANCE FOR WORKERS.—Section 245 of the Trade Act of 1974 (19 U.S.C. 2317) is

amended by striking “October 1, 1998, and ending September 30, 2001,” each place it appears and inserting “October 1, 2001, and ending December 31, 2002,”.

(b) ASSISTANCE FOR FIRMS.—Section 256(b) of the Trade Act of 1974 (19 U.S.C. 2346(b)) is amended by striking “October 1, 1998, and ending September 30, 2001” and inserting “October 1, 2001, and ending December 31, 2002,”.

(c) TERMINATION.—Section 285(c) of the Trade Act of 1974 (19 U.S.C. 2771 note) is amended in paragraphs (1) and (2)(A), by striking “September 30, 2001” and inserting “December 31, 2002”.

(d) TRAINING LIMITATION UNDER NAFTA PROGRAM.—Section 250(d)(2) of the Trade Act of 1974 (19 U.S.C. 2331(d)(2)) is amended by striking “October 1, 1998, and ending September 30, 2001” and inserting “October 1, 2001, and ending December 31, 2002”.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act.

TITLE VI—HEALTH INSURANCE

Subtitle A—Health Insurance Coverage Options for Recently Unemployed Individuals and Their Families

SEC. 601. PREMIUM ASSISTANCE FOR COBRA CONTINUATION COVERAGE FOR INDIVIDUALS AND THEIR FAMILIES.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Secretary of the Treasury, in consultation with the Secretary of Labor, shall establish a program under which 75 percent of the premium for COBRA continuation coverage shall be provided for an individual who—

(A) at any time during the period that begins on September 11, 2001, and ends on December 31, 2002, is separated from employment; and

(B) is eligible for, and has elected coverage under, COBRA continuation coverage.

(2) INCLUSION OF CERTAIN INDIVIDUALS.—For purposes of paragraph (1), the spouse, child, or other individual who was an insured under health insurance coverage of an individual who was killed as a result of the terrorist-related aircraft crashes on September 11, 2001, or as a result of any other terrorist-related event occurring during the period described in that paragraph, and who is eligible for, and has elected coverage under, COBRA continuation coverage shall be eligible for premium assistance under the program established under this section.

(3) STATE OPTION TO ELECT ADMINISTRATION OF PROGRAM.—

(A) IN GENERAL.—A State may elect to administer the premium assistance program established under this section if the State submits to the Secretary of the Treasury, not later than January 1, 2002, a plan that describes how the State will administer such program on behalf of the individuals described in paragraph (1) or (2) who reside in the State beginning on that date.

(B) STATE ENTITLEMENT.—In the case of a State that submits a plan under subparagraph (A), the Secretary of the Treasury shall pay to each such State an amount for each quarter equal to the total amount of premium subsidies provided in that quarter on behalf of such individuals.

(4) IMMEDIATE IMPLEMENTATION.—The program established under this section shall be implemented without regard to whether or not final regulations to carry out such program have been promulgated by the date described in paragraph (1).

(b) LIMITATION OF PERIOD OF PREMIUM ASSISTANCE.—

(1) IN GENERAL.—Premium assistance provided in accordance with this section shall end with respect to an individual on the earlier of—

(A) the date the individual is no longer covered under COBRA continuation coverage; or

(B) 12 months after the date the individual is first enrolled in the premium assistance program established under this section.

(2) NO ASSISTANCE AFTER DECEMBER 31, 2002.—No premium assistance (including payment for such assistance) may be provided under this section after December 31, 2002.

(c) PAYMENT ARRANGEMENTS; CREDITING OF ASSISTANCE.—

(1) PROVISION OF ASSISTANCE.—

(A) IN GENERAL.—Premium assistance shall be provided under the program established under this section through direct payment arrangements with a group health plan (including a multiemployer plan), an issuer of health insurance coverage, an administrator, or an employer as appropriate with respect to the individual provided such assistance.

(B) ADDITIONAL OPTION FOR STATE-RUN PROGRAM.—In the case of a State that elects to administer the program established under this section, such assistance may be provided through the State public employment office or other agency responsible for administering the State unemployment compensation program.

(2) PREMIUMS PAYABLE BY INDIVIDUAL REDUCED BY AMOUNT OF ASSISTANCE.—Premium assistance provided under this section shall be credited by the group health plan, issuer of health insurance coverage, or an administrator against the premium otherwise owed by the individual involved for COBRA continuation coverage.

(d) PROGRAM REQUIREMENTS.—Premium assistance shall be provided under the program established under this section consistent with the following:

(1) ALL QUALIFYING INDIVIDUALS MAY APPLY.—All individuals described in paragraph (1) or (2) of subsection (a) may apply for such assistance at any time during the period described in subsection (a)(1)(A).

(2) SELECTION ON FIRST-COME, FIRST-SERVED BASIS.—Such assistance shall be provided to such individuals who apply for the assistance in the order in which they apply.

(e) LIMITATION ON ENTITLEMENT.—Nothing in this section shall be construed as establishing any entitlement of individuals described in paragraph (1) or (2) of subsection (a) to premium assistance under this section.

(f) DISREGARD OF SUBSIDIES FOR PURPOSES OF FEDERAL AND STATE PROGRAMS.—Notwithstanding any other provision of law, any premium assistance provided to, or on behalf of, an individual under this section, shall not be considered income or resources in determining eligibility for, or the amount of assistance or benefits provided under, any other Federal public benefit or State or local public benefit.

(g) CHANGE IN COBRA NOTICE.—

(1) GENERAL NOTICE.—

(A) IN GENERAL.—In the case of notices provided under section 4980B(f)(6) of the Internal Revenue Code of 1986, section 2206 of the Public Health Service Act (42 U.S.C. 300bb-6), section 606 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1166), or section 8905a(f)(2)(A) of title 5, United States Code, with respect to individuals who, during the period described in subsection (a)(1)(A), become entitled to elect COBRA continuation coverage, such notices shall include an additional notification to the recipient of the availability of premium assistance for

such coverage under this section and for temporary medicaid assistance under section 603 for the remaining portion of COBRA continuation premiums.

(B) ALTERNATIVE NOTICE.—In the case of COBRA continuation coverage to which the notice provision under such sections does not apply, the Secretary of the Treasury, in consultation with the Secretary of Labor, shall, in coordination with administrators of the group health plans (or other entities) that provide or administer the COBRA continuation coverage involved, assure the provision of such notice.

(C) FORM.—The requirement of the additional notification under this paragraph may be met by amendment of existing notice forms or by inclusion of a separate document with the notice otherwise required.

(2) SPECIFIC REQUIREMENTS.—Each additional notification under paragraph (1) shall include—

(A) the forms necessary for establishing eligibility and enrollment in the premium assistance program established under this section in connection with the coverage with respect to each covered employee or other qualified beneficiary;

(B) the name, address, and telephone number necessary to contact the administrator and any other person maintaining relevant information in connection with the premium assistance; and

(C) the following statement displayed in a prominent manner:

“You may be eligible to receive assistance with payment of 75 percent of your COBRA continuation coverage premiums and with temporary medicaid coverage for the remaining premium portion for a duration of not to exceed 12 months.”

(3) NOTICE RELATING TO RETROACTIVE COVERAGE.—In the case of such notices previously transmitted before the date of enactment of this Act in the case of an individual described in paragraph (1) who has elected (or is still eligible to elect) COBRA continuation coverage as of the date of enactment of this Act, the administrator of the group health plan (or other entity) involved or the Secretary of the Treasury, in consultation with the Secretary of Labor, (in the case described in the paragraph (1)(B)) shall provide (within 60 days after the date of enactment of this Act) for the additional notification required to be provided under paragraph (1).

(4) MODEL NOTICES.—Not later than 30 days after the date of enactment of this Act, the Secretary of the Treasury shall prescribe models for the additional notification required under this subsection.

(h) REPORTS.—Beginning on January 1, 2002, and every 3 months thereafter until January 1, 2003, the Secretary of the Treasury shall submit a report to Congress regarding the premium assistance program established under this section that includes the following:

(1) The status of the implementation of the program.

(2) The number of individuals provided assistance under the program as of the date of the report.

(3) The average dollar amount (monthly and annually) of the premium assistance provided under the program.

(4) The number and identification of the States that have elected to administer the program.

(5) The total amount of expenditures incurred (with administrative expenditures noted separately) under the program as of the date of the report.

(i) APPROPRIATION.—

(1) IN GENERAL.—Out of any funds in the Treasury not otherwise appropriated, there is appropriated to carry out this section, such sums as are necessary for each of fiscal years 2002 and 2003.

(2) OBLIGATION OF FUNDS.—This section constitutes budget authority in advance of appropriations Acts and represents the obligation of the Federal Government to provide for the payment of premium assistance under this section.

(j) SUNSET.—No premium assistance (including payment for such assistance) may be provided under this section after December 31, 2002.

SEC. 602. STATE OPTION TO PROVIDE TEMPORARY MEDICAID COVERAGE FOR CERTAIN UNINSURED INDIVIDUALS.

(a) STATE OPTION.—Notwithstanding any other provision of law, a State may elect to provide under its medicaid program under title XIX of the Social Security Act medical assistance in the case of an individual—

(1) who at any time during the period that begins on September 11, 2001, and ends on December 31, 2002, is separated from employment;

(2) who is not eligible for COBRA continuation coverage;

(3) who is uninsured; and

(4) whose assets, resources, and earned or unearned income (or both) do not exceed such limitations (if any) as the State may establish.

(b) LIMITATION OF PERIOD OF COVERAGE.—Medical assistance provided in accordance with this section shall end with respect to an individual on the earlier of—

(1) the date the individual is no longer uninsured; or

(2) subject to subsection (c)(4), 12 months after the date the individual first receives such assistance.

(c) SPECIAL RULES.—In the case of medical assistance provided under this section—

(1) the Federal medical assistance percentage under section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)) shall be the enhanced FMAP (as defined in section 2105(b) of such Act (42 U.S.C. 1397ee(b)));

(2) a State may elect to apply any income, asset, or resource limitation permitted under the State medicaid plan or under title XIX of such Act;

(3) the provisions of section 1916(g) of the Social Security Act (42 U.S.C. 1396g) shall apply to the provision of such assistance in the same manner as the provisions of such section apply with respect to individuals provided medical assistance only under subclause (XV) or (XVI) of section 1902(a)(10)(A)(ii) of such Act (42 U.S.C. 1396a(a)(10)(A)(ii));

(4) a State may elect to provide such assistance in accordance with section 1902(a)(34) of the Social Security Act (42 U.S.C. 1396a(a)(34)) and any assistance provided with respect to a month described in that section shall not be included in the determination of the 12-month period under subsection (b)(2);

(5) a State may elect to make eligible for such medical assistance a dependent spouse or children of an individual eligible for medical assistance under subsection (a), if such spouse or children are uninsured;

(6) individuals eligible for medical assistance under this section shall be deemed to be described in the list of individuals described in the matter preceding paragraph (1) of section 1905(a) of such Act (42 U.S.C. 1396d(a));

(7) a State may elect to provide such medical assistance without regard to any limitation under sections 401(a), 402(b), 403, and 421

of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1611(a), 1612(b), 1613, and 1631) and no debt shall accrue under an affidavit of support against any sponsor of an individual who is an alien who is provided such assistance, and the cost of such assistance shall not be considered as an unreimbursed cost; and

(8) the Secretary of Health and Human Services shall not count, for purposes of section 1108(f) of the Social Security Act (42 U.S.C. 1308(f)), such amount of payments under this section as bears a reasonable relationship to the average national proportion of payments made under this section for the 50 States and the District of Columbia to the payments otherwise made under title XIX for such States and District.

(d) **SUNSET.**—No medical assistance may be provided under this section after December 31, 2002.

SEC. 603. STATE OPTION TO PROVIDE TEMPORARY COVERAGE UNDER MEDICAID FOR THE UNSUBSIDIZED PORTION OF COBRA CONTINUATION PREMIUMS.

(a) **STATE OPTION.**—

(1) **IN GENERAL.**—Notwithstanding any other provision of law, a State may elect to provide under its medicaid program under title XIX of the Social Security Act medical assistance in the form of payment for the portion of the premium for COBRA continuation coverage for which an individual does not receive a subsidy under the premium assistance program established under section 601 in the case of an individual—

(A) who at any time during the period that begins on September 11, 2001, and ends on December 31, 2002, is separated from employment;

(B) who is eligible for, and has elected coverage under, COBRA continuation coverage;

(C) who is receiving premium assistance under the program established under section 601; and

(D) whose family income does not exceed 200 percent of the poverty line.

(2) **INCLUSION OF CERTAIN INDIVIDUALS.**—For purposes of paragraph (1), the spouse, child, or other individual who was an insured under health insurance coverage of an individual who was killed as a result of the terrorist-related aircraft crashes on September 11, 2001, or as a result of any other terrorist-related event occurring during the period described in that paragraph, and who satisfies the requirements of subparagraphs (B), (C), and (D) of paragraph (1) shall be eligible for medical assistance under this section.

(b) **LIMITATION OF PERIOD OF COVERAGE.**—Medical assistance provided in accordance with this section shall end with respect to an individual on the earlier of—

(1) the date the individual is no longer covered under COBRA continuation coverage; or

(2) 12 months after the date the individual first receives such assistance under this section.

(c) **SPECIAL RULES.**—In the case of medical assistance provided under this section—

(1) such assistance may be provided without regard to—

(A) whether the State otherwise has elected to make medical assistance available for COBRA premiums under section 1902(a)(10)(F) of the Social Security Act (42 U.S.C. 1396a(a)(10)(F)); or

(B) the conditions otherwise imposed for the provision of medical assistance for such COBRA premiums under clause (XII) of the matter following section 1902(a)(10)(G) of the Social Security Act (42 U.S.C. 1396a(a)(10)(G)), or paragraphs (1)(B), (1)(C),

(1)(D), and (4) of section 1902(u) of such Act (42 U.S.C. 1396a(u)); and

(2) paragraphs (1), (2), (4), (5), (7), and (8) of subsection (c) of section 602 apply to such assistance in the same manner as such paragraphs apply to the provision of medical assistance under that section.

(d) **SUNSET.**—No medical assistance may be provided under this section after December 31, 2002.

SEC. 604. TEMPORARY INCREASES OF MEDICAID FMAP FOR FISCAL YEAR 2002.

(a) **PERMITTING MAINTENANCE OF FISCAL YEAR 2001 FMAP.**—Notwithstanding any other provision of law, but subject to subsection (d), if the FMAP determined without regard to this section for a State for fiscal year 2002 is less than the FMAP as so determined for fiscal year 2001, the FMAP for the State for fiscal year 2001 shall be substituted for the State's FMAP for fiscal year 2002, before the application of this section.

(b) **GENERAL 1.50 PERCENTAGE POINTS INCREASE.**—Notwithstanding any other provision of law, but subject to subsections (d) and (e), for each State for each calendar quarter in fiscal year 2002, the FMAP (taking into account the application of subsection (a)) shall be increased by 1.50 percentage points.

(c) **FURTHER INCREASE FOR STATES WITH HIGH UNEMPLOYMENT RATES.**—

(1) **IN GENERAL.**—Notwithstanding any other provision of law, but subject to subsections (d) and (e), the FMAP for a high unemployment State for a calendar quarter in fiscal year 2002 (and any subsequent calendar quarter in such fiscal year regardless of whether the State continues to be a high unemployment State for a calendar quarter in such fiscal year) shall be increased (after the application of subsections (a) and (b)) by 1.50 percentage points.

(2) **HIGH UNEMPLOYMENT STATE.**—For purposes of this subsection, a State is a high unemployment State for a calendar quarter if, for any 3 consecutive months beginning on or after June 2001 and ending with the second month before the beginning of the calendar quarter, the State has an unemployment rate that exceeds the national average unemployment rate. Such unemployment rates for such months shall be determined based on publications of the Bureau of Labor Statistics of the Department of Labor.

(d) **1-YEAR INCREASE IN CAP ON MEDICAID PAYMENTS TO TERRITORIES.**—Notwithstanding any other provision of law, with respect to fiscal year 2002, the amounts otherwise determined for Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, and American Samoa under section 1108 of the Social Security Act (42 U.S.C. 1308) shall each be increased by an amount equal to 3.093 percentage points of such amounts.

(e) **SCOPE OF APPLICATION.**—The increases in the FMAP for a State under this section shall apply only for purposes of title XIX of the Social Security Act and shall not apply with respect to—

(1) disproportionate share hospital payments described in section 1923 of such Act (42 U.S.C. 1396r-4); and

(2) payments under titles IV and XXI of such Act (42 U.S.C. 601 et seq. and 1397aa et seq.).

(f) **STATE ELIGIBILITY.**—A State is eligible for an increase in its FMAP under subsection (b) or (c) only if the eligibility under its State plan under title XIX of the Social Security Act (including any waiver under such title or under section 1115 of such Act (42 U.S.C. 1315)) is no more restrictive than the

eligibility under such plan (or waiver) as in effect on October 1, 2001.

SEC. 605. DEFINITIONS.

In this subtitle:

(1) **ADMINISTRATOR.**—The term “administrator” has the meaning given that term in section 3(16)(A) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(16)(A)).

(2) **COBRA CONTINUATION COVERAGE.**—

(A) **IN GENERAL.**—The term “COBRA continuation coverage” means coverage under a group health plan provided by an employer pursuant to title XXII of the Public Health Service Act, section 4980B of the Internal Revenue Code of 1986, part 6 of subtitle B of title I of the Employee Retirement Income Security Act of 1974, or section 8905a of title 5, United States Code.

(B) **APPLICATION TO EMPLOYERS IN STATES REQUIRING SUCH COVERAGE.**—Such term includes such coverage provided by an employer in a State that has enacted a law that requires the employer to provide such coverage even though the employer would not otherwise be required to provide such coverage under the provisions of law referred to in subparagraph (A).

(3) **COVERED EMPLOYEE.**—The term “covered employee” has the meaning given that term in section 607(2) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1167(2)).

(4) **FEDERAL PUBLIC BENEFIT.**—The term “Federal public benefit” has the meaning given that term in section 401(c) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1611(c)).

(5) **FMAP.**—The term “FMAP” means the Federal medical assistance percentage, as defined in section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)).

(6) **GROUP HEALTH PLAN.**—The term “group health plan” has the meaning given that term in section 2791(a) of the Public Health Service Act (42 U.S.C. 300gg-91(a)) and in section 607(1) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1167(1)).

(7) **HEALTH INSURANCE COVERAGE.**—The term “health insurance coverage” has the meaning given that term in section 2791(b)(1) of the Public Health Service Act (42 U.S.C. 300gg-91(b)(1)).

(8) **MULTIEMPLOYER PLAN.**—The term “multiemployer plan” has the meaning given that term in section 3(37) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(37)).

(9) **POVERTY LINE.**—The term “poverty line” has the meaning given that term in section 2110(c)(5) of the Social Security Act (42 U.S.C. 1397jj(c)(5)).

(10) **QUALIFIED BENEFICIARY.**—The term “qualified beneficiary” has the meaning given that term in section 607(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1167(3)).

(11) **STATE.**—The term “State” has the meaning given such term for purposes of title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

(12) **STATE OR LOCAL PUBLIC BENEFIT.**—The term “State or local public benefit” has the meaning given that term in section 411(c) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1621(c)).

(13) **UNINSURED.**—

(A) **IN GENERAL.**—The term “uninsured” means, with respect to an individual, that the individual is not covered under—

(i) a group health plan;

(ii) health insurance coverage; or

(iii) a program under title XVIII, XIX, or XXI of the Social Security Act (other than under such title XIX pursuant to section 602).

(B) EXCLUSION.—Such coverage under clause (i) or (ii) shall not include coverage consisting solely of coverage of excepted benefits (as defined in section 2791(c) of the Public Health Service Act (42 U.S.C. 300gg-91(c)).

Subtitle B—Other Provisions

SEC. 611. INCLUSION OF INDIAN WOMEN WITH BREAST OR CERVICAL CANCER IN OPTIONAL MEDICAID ELIGIBILITY CATEGORY.

(a) IN GENERAL.—Notwithstanding any other provision of law, during fiscal year 2002, the subsection (aa) of section 1902 of the Social Security Act (42 U.S.C. 1396a) added by section 2(a)(2) of the Breast and Cervical Cancer Prevention and Treatment Act of 2000 (Public Law 106-354; 114 Stat. 1381) shall be applied as if “, but applied without regard to paragraph (1)(F) of such section” were inserted before the period in paragraph (4).

(b) TECHNICAL AMENDMENTS.—

(1) Section 1902 of the Social Security Act (42 U.S.C. 1396a), as amended by section 702(b) of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (as enacted into law by section 1(a)(6) of Public Law 106-554) (114 Stat. 2763A-572), is amended by redesignating the subsection (aa) added by such section as subsection (bb).

(2) Section 1902(a)(15) of the Social Security Act (42 U.S.C. 1396a(a)(15)), as added by section 702(a)(2) of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (as so enacted into law) (114 Stat. 2763A-572), is amended by striking “subsection (aa)” and inserting “subsection (bb)”.

(3) Section 1915(b) of the Social Security Act (42 U.S.C. 1396n(b)), as amended by section 702(c)(2) of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (as so enacted into law) (114 Stat. 2763A-574), is amended by striking “1902(aa)” and inserting “1902(bb)”.

(4) The amendments made this subsection shall take effect as if included in the enactment of section 702 of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (as enacted into law by section 1(a)(6) of Public Law 106-554) (114 Stat. 2763A-572).

SEC. 612. INCREASE IN FLOOR FOR TREATMENT AS AN EXTREMELY LOW DSH STATE TO 3 PERCENT IN FISCAL YEAR 2002.

Section 1923(f)(5) of the Social Security Act (42 U.S.C. 1396r-4(f)(5)) is amended—

(1) by striking “In the case of” and inserting the following:

“(A) IN GENERAL.—In the case of”;

(2) by adding at the end the following new subparagraph:

“(B) FISCAL YEAR 2002.—With respect to fiscal year 2002, subparagraph (A) shall be applied—

“(i) as if ‘fiscal year 2000’ were substituted for ‘fiscal year 1999’;

“(ii) as if ‘August 31, 2001’ were substituted for ‘August 31, 2000’;

“(iii) as if ‘3 percent’ were substituted for ‘1 percent’ each place it appears;

“(iv) as if ‘fiscal year 2002’ were substituted for ‘fiscal year 2001’; and

“(v) without regard to the second sentence of that subparagraph.”.

SEC. 613. MORATORIUM ON CHANGES TO CERTAIN UPPER PAYMENT LIMITS UNDER MEDICAID.

(a) IN GENERAL.—Except as provided in subsection (b), during the period that begins

on October 1, 2001, and ends on March 31, 2002, the Secretary of Health and Human Services (in this section referred to as the “Secretary”) may not implement any modification to the upper payment limit requirements under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) for services furnished by non-State government-owned or operated hospitals.

(b) EXCEPTION.—The Secretary may implement any changes to such limits that were published in the Federal Register as a final rule before October 1, 2001.

SEC. 614. REVISION AND SIMPLIFICATION OF THE TRANSITIONAL MEDICAL ASSISTANCE PROGRAM (TMA).

(a) OPTION OF CONTINUOUS ELIGIBILITY FOR 12 MONTHS; OPTION OF CONTINUING COVERAGE FOR UP TO AN ADDITIONAL YEAR.—

(1) OPTION OF CONTINUOUS ELIGIBILITY FOR 12 MONTHS BY MAKING REPORTING REQUIREMENTS OPTIONAL.—Section 1925(b) of the Social Security Act (42 U.S.C. 1396r-6(b)) is amended—

(A) in paragraph (1), by inserting “, at the option of a State,” after “and which”;

(B) in paragraph (2)(A), by inserting “Subject to subparagraph (C)—” after “(A) NOTICES.—”;

(C) in paragraph (2)(B), by inserting “Subject to subparagraph (C)—” after “(B) REPORTING REQUIREMENTS.—”;

(D) by adding at the end the following new subparagraph:

“(C) STATE OPTION TO WAIVE NOTICE AND REPORTING REQUIREMENTS.—A State may waive some or all of the reporting requirements under clauses (i) and (ii) of subparagraph (B). Insofar as it waives such a reporting requirement, the State need not provide for a notice under subparagraph (A) relating to such requirement.”; and

(E) in paragraph (3)(A)(iii), by inserting “the State has not waived under paragraph (2)(C) the reporting requirement with respect to such month under paragraph (2)(B) and if” after “6-month period if”.

(2) STATE OPTION TO EXTEND ELIGIBILITY FOR LOW-INCOME INDIVIDUALS FOR UP TO 12 ADDITIONAL MONTHS.—Section 1925 of such Act (42 U.S.C. 1396r-6) is further amended—

(A) by redesignating subsections (c) through (f) as subsections (d) through (g); and

(B) by inserting after subsection (b) the following new subsection:

“(c) STATE OPTION OF UP TO 12 MONTHS OF ADDITIONAL ELIGIBILITY.—

“(1) IN GENERAL.—Notwithstanding any other provision of this title, each State plan approved under this title may provide, at the option of the State, that the State shall offer to each family which received assistance during the entire 6-month period under subsection (b) and which meets the applicable requirement of paragraph (2), in the last month of the period the option of extending coverage under this subsection for the succeeding period not to exceed 12 months.

“(2) INCOME RESTRICTION.—The option under paragraph (1) shall not be made available to a family for a succeeding period unless the State determines that the family’s average gross monthly earnings (less such costs for such child care as is necessary for the employment of the caretaker relative) as of the end of the 6-month period under subsection (b) does not exceed 185 percent of the official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981) applicable to a family of the size involved.

“(3) APPLICATION OF EXTENSION RULES.—The provisions of paragraphs (2), (3), (4), and

(5) of subsection (b) shall apply to the extension provided under this subsection in the same manner as they apply to the extension provided under subsection (b)(1), except that for purposes of this subsection—

“(A) any reference to a 6-month period under subsection (b)(1) is deemed a reference to the extension period provided under paragraph (1) and any deadlines for any notices or reporting and the premium payment periods shall be modified to correspond to the appropriate calendar quarters of coverage provided under this subsection; and

“(B) any reference to a provision of subsection (a) or (b) is deemed a reference to the corresponding provision of subsection (b) or of this subsection, respectively.”.

(b) STATE OPTION TO WAIVE RECEIPT OF MEDICAID FOR 3 OF PREVIOUS 6 MONTHS TO QUALIFY FOR TMA.—Section 1925(a)(1) of such Act (42 U.S.C. 1396r-6(a)(1)) is amended by adding at the end the following: “A State may, at its option, also apply the previous sentence in the case of a family that was receiving such aid for fewer than 3 months, or that had applied for and was eligible for such aid for fewer than 3 months, during the 6 immediately preceding months described in such sentence.”.

(c) CMS REPORT ON ENROLLMENT AND PARTICIPATION RATES UNDER TMA.—Section 1925 of such Act (42 U.S.C. 1396r-6), as amended by subsection (a)(2)(A), is amended—

(1) by further redesignating subsection (g) as subsection (i); and

(2) by inserting after subsection (f) the following new subsection:

“(g) ADDITIONAL PROVISIONS.—

“(1) COLLECTION AND REPORTING OF PARTICIPATION INFORMATION.—

“(A) IN GENERAL.—Each State shall—

“(i) collect and submit to the Secretary, in a format specified by the Secretary, information on average monthly enrollment and average monthly participation rates for adults and children under this section; and

“(ii) make such information publicly available.

“(B) TIMING OF SUBMISSION.—Information required to be submitted under subparagraph (A)(i) shall be submitted under that subparagraph at the same time and frequency in which other enrollment information under this title is submitted to the Secretary.

“(C) ANNUAL REPORT TO CONGRESS.—The Secretary shall submit to Congress annual reports concerning such rates using the information required to be submitted under subparagraph (A)(i).”.

(d) COORDINATION OF WORK.—Section 1925(g) of such Act (42 U.S.C. 1396r-6), as added by subsection (c), is amended by adding at the end the following new paragraph:

“(2) COORDINATION WITH ADMINISTRATION FOR CHILDREN AND FAMILIES.—The Administrator of the Centers for Medicare & Medicaid Services, in carrying out this section, shall work with the Assistant Secretary for the Administration for Children and Families to develop guidance or other technical assistance for States regarding best practices in guaranteeing access to transitional medical assistance under this section.”.

(e) ELIMINATION OF TMA REQUIREMENT FOR STATES THAT EXTEND COVERAGE TO CHILDREN AND PARENTS THROUGH 185 PERCENT OF POVERTY.—

(1) IN GENERAL.—Section 1925 of such Act (42 U.S.C. 1396r-6), as amended by subsection (c), is further amended by inserting after subsection (g) the following new subsection:

“(h) PROVISIONS OPTIONAL FOR STATES THAT EXTEND COVERAGE TO CHILDREN AND PARENTS THROUGH 185 PERCENT OF POVERTY.—A State may (but is not required to)

meet the requirements of subsections (a) and (b) if it provides for medical assistance under this title (whether under section 1931, through a waiver under section 1115, or otherwise) to families (including both children and caretaker relatives) the average gross monthly earning of which (less such costs for such child care as is necessary for the employment of a caretaker relative) is at or below a level that is at least 185 percent of the official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981) applicable to a family of the size involved."

(2) CONFORMING AMENDMENTS.—Section 1925 of such Act (42 U.S.C. 1396r-6) is further amended, in subsections (a)(1) and (b)(1), by inserting ", but subject to subsection (h)," after "Notwithstanding any other provision of this title," each place it appears.

(f) REQUIREMENT OF NOTICE FOR ALL FAMILIES LOSING TANF.—Subsection (a)(2) of section 1925 of such Act (42 U.S.C. 1396r-6) is amended by adding after and below subparagraph (B), the following:

"Each State shall provide, to families whose aid or assistance under part A or E of title IV has terminated but whose eligibility for medical assistance under this title continues, written notice of their ongoing eligibility for such medical assistance. If a State makes a determination that any member of a family whose aid or assistance under part A or E of title IV is being terminated is also no longer eligible for medical assistance under this title, the notice of such determination shall be supplemented by a 1-page notification form describing the different ways in which individuals and families may qualify for such medical assistance and explaining that individuals and families do not have to be receiving aid or assistance under part A or E of title IV in order to qualify for such medical assistance."

(g) EXTENDING USE OF OUTSTATIONED WORKERS TO ACCEPT APPLICATIONS FOR TRANSITIONAL MEDICAL ASSISTANCE.—Section 1902(a)(55) of the Social Security Act (42 U.S.C. 1396a(a)(55)) is amended by inserting "and under section 1931" after "(a)(10)(A)(i)(IX)".

(h) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the amendments made by this section shall apply to calendar quarters beginning on or after October 1, 2001, without regard to whether final regulations to carry out such amendments have been promulgated by such date.

(2) NOTICE REQUIREMENT.—The amendment made by subsection (f) shall take effect on the date that is 6 months after the date of enactment of this Act.

(3) EXTENSION OF EFFECTIVE DATES FOR STATE LAW AMENDMENT.—In the case of a State plan for medical assistance under title XIX of the Social Security Act which the Secretary of Health and Human Services determines requires State legislation (other than legislation appropriating funds) in order for the plan to meet the additional requirements imposed by the amendments made by this section, the State plan shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet these additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of the enactment of this Act. For purposes of the previous sentence, in the case of a State that

has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.

TITLE VII—TEMPORARY ENHANCED UNEMPLOYMENT BENEFITS

SEC. 701. SHORT TITLE.

This title may be cited as the "Temporary Unemployment Compensation Act of 2001".

SEC. 702. FEDERAL-STATE AGREEMENTS.

(a) IN GENERAL.—Any State which desires to do so may enter into and participate in an agreement under this title with the Secretary of Labor (in this title referred to as the "Secretary"). Any State which is a party to an agreement under this title may, upon providing 30 days' written notice to the Secretary, terminate such agreement.

(b) PROVISIONS OF AGREEMENT.—

(1) IN GENERAL.—Any agreement under subsection (a) shall provide that the State agency of the State will make—

(A) payments of regular compensation to individuals in amounts and to the extent that such payments would be determined if the State law were applied with the modifications described in paragraph (2); and

(B) payments of temporary supplemental unemployment compensation to individuals who—

(i) have exhausted all rights to regular compensation under the State law;

(ii) do not, with respect to a week, have any rights to compensation (excluding extended compensation) under the State law of any other State (whether one that has entered into an agreement under this title or otherwise) nor compensation under any other Federal law (other than under the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note)), and are not paid or entitled to be paid any additional compensation under any Federal or State law; and

(iii) are not receiving compensation with respect to such week under the unemployment compensation law of Canada.

(2) MODIFICATIONS DESCRIBED.—The modifications described in this paragraph are as follows:

(A) ALTERNATIVE BASE PERIOD.—An individual shall be eligible for regular compensation if the individual would be so eligible, determined by applying—

(i) the base period that would otherwise apply under the State law if this title had not been enacted; or

(ii) a base period ending at the close of the calendar quarter most recently completed before the date of the individual's application for benefits, provided that wage data for that quarter has been reported to the State; whichever results in the greater amount.

(B) PART-TIME EMPLOYMENT.—An individual shall not be denied regular compensation under the State law's provisions relating to availability for work, active search for work, or refusal to accept work, solely by virtue of the fact that such individual is seeking, or is available for, only part-time (and not full-time) work, if—

(i) the individual's employment on which eligibility for the regular compensation is based was part-time employment; or

(ii) the individual can show good cause for seeking, or being available for, only part-time (and not full-time) work.

(C) INCREASED BENEFITS.—

(i) IN GENERAL.—The amount of regular compensation (including dependents' allowances) payable for any week shall be equal to the amount determined under the State law (before the application of this subparagraph), plus an amount equal to the greater of—

(I) 15 percent of the amount so determined; or

(II) \$25.

(ii) ROUNDING.—For purposes of determining the amount under clause (i)(I), such amount shall be rounded to the dollar amount specified under State law.

(c) NONREDUCTION RULE.—Under the agreement, subsection (b)(2)(C) shall not apply (or shall cease to apply) with respect to a State upon a determination by the Secretary that the method governing the computation of regular compensation under the State law of that State has been modified in a way such that—

(1) the average weekly amount of regular compensation which will be payable during the period of the agreement (determined disregarding the modifications described in subsection (b)(2)) will be less than

(2) the average weekly amount of regular compensation which would otherwise have been payable during such period under the State law, as in effect on September 11, 2001.

(d) COORDINATION RULES.—

(1) REGULAR COMPENSATION PAYABLE UNDER A FEDERAL LAW.—The modifications described in subsection (b)(2) shall also apply in determining the amount of benefits payable under any Federal law to the extent that those benefits are determined by reference to regular compensation payable under the State law of the State involved.

(2) TSUC TO SERVE AS SECOND-TIER BENEFITS.—Notwithstanding any other provision of law, extended benefits shall not be payable to any individual for any week for which temporary supplemental unemployment compensation is payable to such individual.

(e) EXHAUSTION OF BENEFITS.—For purposes of subsection (b)(1)(B)(i), an individual shall be considered to have exhausted such individual's rights to regular compensation under a State law when—

(1) no payments of regular compensation can be made under such law because such individual has received all regular compensation available to such individual based on employment or wages during such individual's base period; or

(2) such individual's rights to such compensation have been terminated by reason of the expiration of the benefit year with respect to which such rights existed.

(f) WEEKLY BENEFIT AMOUNT, TERMS AND CONDITIONS, ETC. RELATING TO TSUC.—For purposes of any agreement under this title—

(1) the amount of temporary supplemental unemployment compensation which shall be payable to an individual for any week of total unemployment shall be equal to the amount of regular compensation (including dependents' allowances) payable to such individual under the State law for a week for total unemployment during such individual's benefit year;

(2) the terms and conditions of the State law which apply to claims for regular compensation and to the payment thereof shall apply to claims for temporary supplemental unemployment compensation and the payment thereof, except where inconsistent with the provisions of this title or with the regulations or operating instructions of the Secretary promulgated to carry out this title; and

(3) the maximum amount of temporary supplemental unemployment compensation payable to any individual for whom a temporary supplemental unemployment compensation account is established under section 703 shall not exceed the amount established in such account for such individual.

SEC. 703. TEMPORARY SUPPLEMENTAL UNEMPLOYMENT COMPENSATION ACCOUNT.

(a) **IN GENERAL.**—Any agreement under this title shall provide that the State will establish, for each eligible individual who files an application for temporary supplemental unemployment compensation, a temporary supplemental unemployment compensation account.

(b) **AMOUNT IN ACCOUNT.**—

(1) **IN GENERAL.**—The amount established in an account under subsection (a) shall be equal to the lesser of—

(A) 50 percent of the total amount of regular compensation (including dependents' allowances) payable to the individual during the individual's benefit year under such law; or

(B) 13 times the individual's weekly benefit amount.

(2) **WEEKLY BENEFIT AMOUNT.**—For purposes of this subsection, an individual's weekly benefit amount for any week is the amount of regular compensation (including dependents' allowances) under the State law payable to such individual for such week for total unemployment.

(3) **RULE OF CONSTRUCTION.**—For purposes of any computation under paragraph (1) (and any determination of amount under section 702(f)(1)), the modification described in section 702(b)(2)(C) (relating to increased benefits) shall be deemed to have been in effect with respect to the entirety of the benefit year involved.

SEC. 704. PAYMENTS TO STATES HAVING AGREEMENTS UNDER THIS TITLE.

(a) **GENERAL RULE.**—There shall be paid to each State which has entered into an agreement under this title an amount equal to—

(1) 100 percent of any regular compensation made payable to individuals by such State by virtue of the modifications which are described in section 702(b)(2) and deemed to be in effect with respect to such State pursuant to section 702(b)(1)(A);

(2) 100 percent of any regular compensation—

(A) which is paid to individuals by such State by reason of the fact that its State law contains provisions comparable to the modifications described in subparagraphs (A) and (B) of section 702(b)(2); but only

(B) to the extent that those amounts would, if such amounts were instead payable by virtue of the State law's being deemed to be so modified pursuant to section 702(b)(1)(A), have been reimbursable under paragraph (1); and

(3) 100 percent of the temporary supplemental unemployment compensation paid to individuals by the State pursuant to such agreement.

(b) **DETERMINATION OF AMOUNT.**—Sums under subsection (a) payable to any State by reason of such State having an agreement under this title shall be payable, either in advance or by way of reimbursement (as may be determined by the Secretary), in such amounts as the Secretary estimates the State will be entitled to receive under this title for each calendar month, reduced or increased, as the case may be, by any amount by which the Secretary finds that the Secretary's estimates for any prior calendar month were greater or less than the amounts which should have been paid to the State. Such estimates may be made on the basis of such statistical, sampling, or other method as may be agreed upon by the Secretary and the State agency of the State involved.

(c) **ADMINISTRATIVE EXPENSES, ETC.**—There is hereby appropriated out of the employment security administration account of the

Unemployment Trust Fund (as established by section 901(a) of the Social Security Act (42 U.S.C. 1101(a))) \$500,000,000 to reimburse States for the costs of the administration of agreements under this title (including any improvements in technology in connection therewith) and to provide reemployment services to unemployment compensation claimants in States having agreements under this title. Each State's share of the amount appropriated by the preceding sentence shall be determined by the Secretary according to the factors described in section 302(a) of the Social Security Act (42 U.S.C. 501(a)) and certified by the Secretary to the Secretary of the Treasury.

SEC. 705. FINANCING PROVISIONS.

(a) **BENEFITS.**—There is hereby appropriated, without fiscal year limitation, out of funds in the Treasury not otherwise appropriated such sums as may be necessary for the making of payments (described in section 704(a)) to States having agreements entered into under this title.

(b) **ADDITIONAL AMOUNTS.**—There is hereby appropriated, without fiscal year limitation, out of funds in the Treasury not otherwise appropriated \$6,000,000,000 to the extended unemployment compensation account (as established by section 905(a) of the Social Security Act (42 U.S.C. 1105(a))).

SEC. 706. FRAUD AND OVERPAYMENTS.

(a) **IN GENERAL.**—If an individual knowingly has made, or caused to be made by another, a false statement or representation of a material fact, or knowingly has failed, or caused another to fail, to disclose a material fact, and as a result of such false statement or representation or of such nondisclosure such individual has received any regular compensation or temporary supplemental unemployment compensation under this title to which he was not entitled, such individual—

(1) shall be ineligible for any further benefits under this title in accordance with the provisions of the applicable State unemployment compensation law relating to fraud in connection with a claim for unemployment compensation; and

(2) shall be subject to prosecution under section 1001 of title 18, United States Code.

(b) **REPAYMENT.**—In the case of individuals who have received any regular compensation or temporary supplemental unemployment compensation under this title to which such individuals were not entitled, the State shall require such individuals to repay those benefits to the State agency, except that the State agency may waive such repayment if it determines that—

(1) the payment of such benefits was without fault on the part of any such individual; and

(2) such repayment would be contrary to equity and good conscience.

(c) **RECOVERY BY STATE AGENCY.**—

(1) **IN GENERAL.**—The State agency may recover the amount to be repaid, or any part thereof, by deductions from any regular compensation or temporary supplemental unemployment compensation payable to such individual under this title or from any unemployment compensation payable to such individual under any Federal unemployment compensation law administered by the State agency or under any other Federal law administered by the State agency which provides for the payment of any assistance or allowance with respect to any week of unemployment, during the 3-year period after the date such individuals received the payment of the regular compensation or temporary supplemental unemployment compensation

to which such individuals were not entitled, except that no single deduction may exceed 50 percent of the weekly benefit amount from which such deduction is made.

(2) **OPPORTUNITY FOR HEARING.**—No repayment shall be required, and no deduction shall be made, until a determination has been made, notice thereof and an opportunity for a fair hearing has been given to the individual, and the determination has become final.

(d) **REVIEW.**—Any determination by a State agency under this section shall be subject to review in the same manner and to the same extent as determinations under the State unemployment compensation law, and only in that manner and to that extent.

SEC. 707. DEFINITIONS.

For purposes of this title:

(1) **IN GENERAL.**—The terms "compensation", "regular compensation", "extended compensation", "additional compensation", "benefit year", "base period", "State", "State agency", "State law", and "week" have the respective meanings given such terms under section 205 of the Federal-State Extended Unemployment Compensation Act of 1970, subject to paragraph (2).

(2) **STATE LAW AND REGULAR COMPENSATION.**—In the case of a State entering into an agreement under this title—

(A) "State law" shall be considered to refer to the State law of such State, applied in conformance with the modifications described in section 702(b)(2), subject to section 702(c); and

(B) "regular compensation" shall be considered to refer to such compensation, determined under its State law (applied in the manner described in subparagraph (A)); except as otherwise provided or where the context clearly indicates otherwise.

SEC. 708. APPLICABILITY.

(a) **IN GENERAL.**—An agreement entered into under this title shall apply to weeks of unemployment—

(1) beginning after the date on which such agreement is entered into; and

(2) ending before January 1, 2003.

(b) **SPECIFIC RULES.**—

(1) **IN GENERAL.**—Under such an agreement, the following rules shall apply:

(A) **ALTERNATIVE BASE PERIODS.**—The modification described in section 702(b)(2)(A) (relating to alternative base periods) shall not apply except in the case of initial claims filed on or after the first day of the week that includes September 11, 2001.

(B) **PART-TIME EMPLOYMENT AND INCREASED BENEFITS.**—The modifications described in subparagraphs (B) and (C) of section 702(b)(2) (relating to part-time employment and increased benefits, respectively) shall apply to weeks of unemployment described in subsection (a), regardless of the date on which an individual's initial claim for benefits is filed.

(C) **ELIGIBILITY FOR TSUC.**—The payments described in section 702(b)(1)(B) (relating to temporary supplemental unemployment compensation) shall not apply except in the case of individuals exhausting their rights to regular compensation (as described in clause (i) of such section) on or after the first day of the week that includes September 11, 2001.

(2) **REAPPLICATION PROCESS.**—

(A) **ALTERNATIVE BASE PERIODS.**—In the case of an individual who filed an initial claim for regular compensation on or after the first day of the week that includes September 11, 2001, and before the date that the State entered into an agreement under subsection (a)(1) that was denied as a result of the application of the base period that applied under the State law prior to the date

on which the State entered into the such agreement, such individual—

(i) may refile a claim for regular compensation based on the modification described in section 702(b)(2)(A) (relating to alternative base periods) on or after the date on which the State enters into such agreement and before the date on which such agreement terminates; and

(ii) if eligible, shall be entitled to such compensation only for weeks of unemployment described in subsection (a) beginning on or after the date on which the individual files such claim.

(B) PART-TIME EMPLOYMENT.—In the case of an individual who before the date that the State entered into an agreement under subsection (a)(1) was denied regular compensation under the State law's provisions relating to availability for work, active search for work, or refusal to accept work, solely by virtue of the fact that such individual is seeking, or available for, only part-time (and not full-time) work, such individual—

(i) may refile a claim for regular compensation based on the modification described in section 702(b)(2)(B) (relating to part-time employment) on or after the date on which the State enters into the agreement under subsection (a)(1) and before the date on which such agreement terminates; and

(ii) if eligible, shall be entitled to such compensation only for weeks of unemployment described in subsection (a) beginning on or after the date on which the individual files such claim.

(3) NO RETROACTIVE PAYMENTS FOR WEEKS PRIOR TO AGREEMENT.—No amounts shall be payable to an individual under an agreement entered into under this title for any week of unemployment prior to the week beginning after the date on which such agreement is entered into.

TITLE VIII—EMERGENCY AGRICULTURE ASSISTANCE

Subtitle A—Income Loss Assistance

SEC. 801. INCOME LOSS ASSISTANCE.

(a) IN GENERAL.—The Secretary of Agriculture (referred to in this title as the “Secretary”) shall use \$1,800,000,000 of funds of the Commodity Credit Corporation to make emergency financial assistance available to producers on a farm that have incurred qualifying income losses in calendar year 2001.

(b) ADMINISTRATION.—The Secretary shall make assistance available under this section in the same manner as provided under section 815 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 105-277; 114 Stat. 1549A-55), including using the same loss thresholds for the quantity and economic losses as were used in administering that section.

(c) USE OF FUNDS FOR CASH PAYMENTS.—The Secretary may use funds made available under this section to make, in a manner consistent with this section, cash payments not for crop disasters, but for income loss to carry out the purposes of this section.

SEC. 802. LIVESTOCK ASSISTANCE PROGRAM.

(a) IN GENERAL.—The Secretary shall use \$500,000,000 of the funds of the Commodity Credit Corporation to make and administer payments for livestock losses to producers for 2001 losses in a county that has received an emergency designation by the President or the Secretary after January 1, 2001.

(b) ADMINISTRATION.—The Secretary shall make assistance available under this section in the same manner as provided under sec-

tion 806 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 105-277; 114 Stat. 1549A-51).

SEC. 803. COMMODITY PURCHASES.

(a) IN GENERAL.—The Secretary shall use \$220,000,000 of funds of the Commodity Credit Corporation to purchase agricultural commodities, especially agricultural commodities that have experienced low prices during the 2001 calendar year, as determined by the Secretary.

(b) GEOGRAPHIC DIVERSITY.—The Secretary is encouraged to purchase agricultural commodities under this section in a manner that reflects the geographic diversity of agricultural production in the United States, particularly agricultural production in the Northeast and Mid-Atlantic States.

(c) OTHER PURCHASES.—The Secretary shall ensure that purchases of agricultural commodities under this section are in addition to purchases by the Secretary under any other law.

(d) TRANSPORTATION AND DISTRIBUTION COSTS.—The Secretary may use not more than \$20,000,000 of the funds made available under subsection (a) to provide assistance to States to cover costs incurred by the States in transporting and distributing agricultural commodities purchased under this section.

(e) PURCHASES FOR SCHOOL NUTRITION PROGRAMS.—The Secretary shall use not less than \$55,000,000 of the funds made available under subsection (a) to purchase agricultural commodities of the type distributed under section 6(a) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1755(a)) for distribution to schools and service institutions in accordance with section 6(a) of that Act.

Subtitle B—Administration

SEC. 811. COMMODITY CREDIT CORPORATION.

The Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation to carry out this title.

SEC. 812. ADMINISTRATIVE EXPENSES.

(a) IN GENERAL.—In addition to funds otherwise available, not later than 30 days after the date of enactment of this Act, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary of Agriculture to pay the salaries and expenses of the Department of Agriculture in carrying out this title \$50,400,000, to remain available until expended.

(b) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this section the funds transferred under subsection (a), without further appropriation.

SEC. 813. REGULATIONS.

(a) IN GENERAL.—The Secretary may promulgate such regulations as are necessary to implement this title.

(b) PROCEDURE.—The promulgation of the regulations and administration of this subtitle shall be made without regard to—

(1) the notice and comment provisions of section 553 of title 5, United States Code;

(2) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(3) chapter 35 of title 44, United States Code (commonly known as the “Paperwork Reduction Act”).

(c) CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—In carrying out this section, the Secretary shall use the authority provided under section 808 of title 5, United States Code.

TITLE IX—ADDITIONAL PROVISIONS

SEC. 901. CREDIT TO HOLDERS OF QUALIFIED AMTRAK BONDS.

(a) IN GENERAL.—Part IV of subchapter A of chapter 1 (relating to credits against tax) is amended by adding at the end the following new subpart:

“Subpart H—Nonrefundable Credit for Holders of Qualified Amtrak Bonds

“Sec. 54. Credit to holders of qualified Amtrak bonds.

“SEC. 54. CREDIT TO HOLDERS OF QUALIFIED AMTRAK BONDS.

“(a) ALLOWANCE OF CREDIT.—In the case of a taxpayer who holds a qualified Amtrak bond on a credit allowance date of such bond which occurs during the taxable year, there shall be allowed as a credit against the tax imposed by this chapter for such taxable year an amount equal to the sum of the credits determined under subsection (b) with respect to credit allowance dates during such year on which the taxpayer holds such bond.

“(b) AMOUNT OF CREDIT.—

“(1) IN GENERAL.—The amount of the credit determined under this subsection with respect to any credit allowance date for a qualified Amtrak bond is 25 percent of the annual credit determined with respect to such bond.

“(2) ANNUAL CREDIT.—The annual credit determined with respect to any qualified Amtrak bond is the product of—

“(A) the applicable credit rate, multiplied by

“(B) the outstanding face amount of the bond.

“(3) APPLICABLE CREDIT RATE.—For purposes of paragraph (2), the applicable credit rate with respect to an issue is the rate equal to an average market yield (as of the day before the date of sale of the issue) on outstanding long-term corporate debt obligations (determined in such manner as the Secretary prescribes).

“(4) CREDIT ALLOWANCE DATE.—For purposes of this section, the term ‘credit allowance date’ means—

“(A) March 15,

“(B) June 15,

“(C) September 15, and

“(D) December 15.

Such term includes the last day on which the bond is outstanding.

“(5) SPECIAL RULE FOR ISSUANCE AND REDEMPTION.—In the case of a bond which is issued during the 3-month period ending on a credit allowance date, the amount of the credit determined under this subsection with respect to such credit allowance date shall be a ratable portion of the credit otherwise determined based on the portion of the 3-month period during which the bond is outstanding. A similar rule shall apply when the bond is redeemed.

“(c) LIMITATION BASED ON AMOUNT OF TAX.—

“(1) IN GENERAL.—The credit allowed under subsection (a) for any taxable year shall not exceed the excess of—

“(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

“(B) the sum of the credits allowable under this part (other than this subpart and subpart C).

“(2) CARRYOVER OF UNUSED CREDIT.—If the credit allowable under subsection (a) exceeds the limitation imposed by paragraph (1) for such taxable year, such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such taxable year.

“(d) CREDIT INCLUDED IN GROSS INCOME.—Gross income includes the amount of the

credit allowed to the taxpayer under this section (determined without regard to subsection (c)) and the amount so included shall be treated as interest income.

“(e) **QUALIFIED AMTRAK BOND.**—For purposes of this part, the term ‘qualified Amtrak bond’ means any bond issued as part of an issue if—

“(1) 95 percent or more of the proceeds from the sale of such issue are to be used for expenditures incurred after the date of the enactment of this section for any qualified project,

“(2) the bond is issued by the National Railroad Passenger Corporation, is in registered form, and meets the bond limitation requirements under subsection (f),

“(3) the issuer designates such bond for purposes of this section,

“(4) the issuer certifies that it meets the State contribution requirement of subsection (k) with respect to such project, as in effect on the date of issuance,

“(5) the issuer certifies that it has obtained the written approval of the Secretary of Transportation for such project in accordance with subsection (l),

“(6) the term of each bond which is part of such issue does not exceed 20 years,

“(7) the payment of principal with respect to such bond is the obligation of the National Railroad Passenger Corporation, and

“(8) the issue meets the requirements of subsection (g) (relating to arbitrage).

“(f) **LIMITATION ON AMOUNT OF BONDS DESIGNATED.**—

“(1) **NATIONAL LIMITATION.**—There is a qualified Amtrak bond limitation for each calendar year. Such limitation is—

“(A) for 2002—

“(i) with respect to qualified projects described in subparagraphs (A), (B), and (C) of subsection (j)(1), \$7,000,000,000, and

“(ii) with respect to the qualified project described in subsection (j)(1)(D), \$2,000,000,000, and

“(B) except as provided in paragraph (4), zero thereafter.

“(2) **LIMITS ON BONDS FOR NORTHEAST RAIL CORRIDOR AND INDIVIDUAL STATES.**—

“(A) **NORTHEAST RAIL CORRIDOR.**—Not more than \$2,000,000,000 of the limitation under paragraph (1) may be designated for qualified projects on the northeast rail corridor between Washington, D.C., and Boston, Massachusetts.

“(B) **INDIVIDUAL STATES.**—Not more than \$2,000,000,000 of the limitation under paragraph (1) may be designated for any individual State. The dollar limitation under this subparagraph is in addition to the dollar limitation for the qualified projects described in subparagraph (A).

“(3) **SET ASIDE FOR BONDS FOR NON-FEDERALLY DESIGNATED HIGH-SPEED RAIL CORRIDOR PROJECTS.**—Not less than 15 percent of the limitation under paragraph (1) shall be designated for qualified projects described in subsection (j)(1)(C).

“(4) **CARRYOVER OF UNUSED LIMITATION.**—If for any calendar year—

“(A) the qualified Amtrak limitation amount, exceeds

“(B) the amount of bonds issued during such year which are designated under subsection (e)(3),

the qualified Amtrak limitation amount for the following calendar year shall be increased by the amount of such excess. Any carryforward of a qualified Amtrak limitation amount may be carried only to calendar year 2003 or 2004.

“(g) **SPECIAL RULES RELATING TO ARBITRAGE.**—

“(1) **IN GENERAL.**—Subject to paragraph (2), an issue shall be treated as meeting the requirements of this subsection if as of the date of issuance, the issuer reasonably expects—

“(A) to spend at least 95 percent of the proceeds from the sale of the issue for 1 or more qualified projects within the 3-year period beginning on such date,

“(B) to incur a binding commitment with a third party to spend at least 10 percent of the proceeds from the sale of the issue, or to commence construction, with respect to such projects within the 6-month period beginning on such date, and

“(C) to proceed with due diligence to complete such projects and to spend the proceeds from the sale of the issue.

“(2) **RULES REGARDING CONTINUING COMPLIANCE AFTER 3-YEAR DETERMINATION.**—If at least 95 percent of the proceeds from the sale of the issue is not expended for 1 or more qualified projects within the 3-year period beginning on the date of issuance, but the requirements of paragraph (1) are otherwise met, an issue shall be treated as continuing to meet the requirements of this subsection if either—

“(A) the issuer uses all unspent proceeds from the sale of the issue to redeem bonds of the issue within 90 days after the end of such 3-year period, or

“(B) the following requirements are met:

“(i) The issuer spends at least 75 percent of the proceeds from the sale of the issue for 1 or more qualified projects within the 3-year period beginning on the date of issuance.

“(ii) Either—

“(I) the issuer spends at least 95 percent of the proceeds from the sale of the issue for 1 or more qualified projects within the 4-year period beginning on the date of issuance, or

“(II) the issuer pays to the Federal Government any earnings on the proceeds from the sale of the issue that accrue after the end of the 3-year period beginning on the date of issuance and uses all unspent proceeds from the sale of the issue to redeem bonds of the issue within 90 days after the end of the 4-year period beginning on the date of issuance.

“(h) **RECAPTURE OF PORTION OF CREDIT WHERE CESSATION OF COMPLIANCE.**—

“(1) **IN GENERAL.**—If any bond which when issued purported to be a qualified Amtrak bond ceases to be such a qualified bond, the issuer shall pay to the United States (at the time required by the Secretary) an amount equal to the sum of—

“(A) the aggregate of the credits allowable under this section with respect to such bond (determined without regard to subsection (c)) for taxable years ending during the calendar year in which such cessation occurs and the 2 preceding calendar years, and

“(B) interest at the underpayment rate under section 6621 on the amount determined under subparagraph (A) for each calendar year for the period beginning on the first day of such calendar year.

“(2) **FAILURE TO PAY.**—If the issuer fails to timely pay the amount required by paragraph (1) with respect to such bond, the tax imposed by this chapter on each holder of any such bond which is part of such issue shall be increased (for the taxable year of the holder in which such cessation occurs) by the aggregate decrease in the credits allowed under this section to such holder for taxable years beginning in such 3 calendar years which would have resulted solely from denying any credit under this section with respect to such issue for such taxable years.

“(3) **SPECIAL RULES.**—

“(A) **TAX BENEFIT RULE.**—The tax for the taxable year shall be increased under paragraph (2) only with respect to credits allowed by reason of this section which were used to reduce tax liability. In the case of credits not so used to reduce tax liability, the carryforwards and carrybacks under section 39 shall be appropriately adjusted.

“(B) **NO CREDITS AGAINST TAX.**—Any increase in tax under paragraph (2) shall not be treated as a tax imposed by this chapter for purposes of determining—

“(i) the amount of any credit allowable under this part, or

“(ii) the amount of the tax imposed by section 55.

“(i) **TRUST ACCOUNT.**—

“(1) **IN GENERAL.**—The following amounts shall be held in a trust account by a trustee independent of the National Railroad Passenger Corporation:

“(A) The proceeds from the sale of all bonds designated for purposes of this section.

“(B) The amount of any matching contributions with respect to such bonds.

“(C) The investment earnings on proceeds from the sale of such bonds.

“(D) Any earnings on any amounts described in subparagraph (A), (B), or (C).

“(2) **USE OF FUNDS.**—Amounts in the trust account may be used only to pay costs of qualified projects and redeem qualified Amtrak bonds, except that amounts withdrawn from the trust account to pay costs of qualified projects may not exceed the aggregate proceeds from the sale of all qualified Amtrak bonds issued under this section.

“(3) **USE OF REMAINING FUNDS IN TRUST ACCOUNT.**—Upon the redemption of all qualified Amtrak bonds issued under this section, any remaining amounts in the trust account described in paragraph (1) shall be available to the issuer for any qualified project.

“(j) **QUALIFIED PROJECT.**—For purposes of this section—

“(1) **IN GENERAL.**—The term ‘qualified project’ means—

“(A) the acquisition, financing, or refinancing of equipment, rolling stock, and other capital improvements (including the introduction of new high-speed technologies such as magnetic levitation systems), including track or signal improvements or the elimination of grade crossings, for the northeast rail corridor between Washington, D.C., and Boston, Massachusetts,

“(B) the acquisition, financing, or refinancing of equipment, rolling stock, and other capital improvements (including the introduction of new high-speed technologies such as magnetic levitation systems), including development of intermodal facilities, track or signal improvements, or the elimination of grade crossings, for the improvement of train speeds or safety (or both) on the high-speed rail corridors designated under section 104(d)(2) of title 23, United States Code, as in effect on the date of the enactment of this section,

“(C) the acquisition, financing, or refinancing of equipment, rolling stock, and other capital improvements, including station rehabilitation or construction, development of intermodal facilities, track or signal improvements, or the elimination of grade crossings, for the improvement of train speeds or safety (or both) for other intercity passenger rail corridors and for the Alaska Railroad, and

“(D) construction, installation of facilities, performance of railroad force account work, and environmental impact studies that facilitate and maximize intercity and regional rail system capacity and

connectivity intended to benefit all users, including the National Passenger Rail Corporation, related to the construction of the Trans Hudson Tunnel, an additional railroad passenger tunnel connecting Newark, New Jersey to the City of New York, New York.

“(2) REFINANCING RULES.—For purposes of paragraph (1), a refinancing shall constitute a qualified project only if the indebtedness being refinanced (including any obligation directly or indirectly refinanced by such indebtedness) was originally incurred by the issuer—

“(A) after the date of the enactment of this section,

“(B) for a term of not more than 3 years,

“(C) to finance or acquire capital improvements described in paragraph (1), and

“(D) in anticipation of being refinanced with proceeds of a qualified Amtrak bond.

“(k) STATE CONTRIBUTION REQUIREMENTS.—

“(1) IN GENERAL.—For purposes of subsection (e)(4), the State contribution requirement of this subsection is met with respect to any qualified project if the National Railroad Passenger Corporation has received from 1 or more States, not later than the date of issuance of the bond, matching contributions of not less than 20 percent of the cost of the qualified project.

“(2) NO STATE CONTRIBUTION REQUIREMENT FOR CERTAIN QUALIFIED PROJECTS.—The State contribution requirement of this subsection is zero with respect to any project described in subsection (j)(1)(C) for the Alaska Railroad.

“(3) STATE MATCHING CONTRIBUTIONS MAY NOT INCLUDE FEDERAL FUNDS.—For purposes of this subsection, State matching contributions shall not be derived, directly or indirectly, from Federal funds, including any transfers from the Highway Trust Fund under section 9503.

“(1) DEPARTMENT OF TRANSPORTATION APPROVAL FOR QUALIFIED PROJECTS.—

“(1) IN GENERAL.—The written approval of a qualified project by the Secretary of Transportation required for purposes of subsection (e)(5) shall include—

“(A) the finding by the Inspector General of the Department of Transportation described in paragraph (2),

“(B) the certification by the Secretary of Transportation described in paragraph (3), and

“(C) the agreement by the National Railroad Passenger Corporation described in paragraph (4).

“(2) FINDING BY INSPECTOR GENERAL.—For purposes of paragraph (1), the finding described in this paragraph is a finding by the Inspector General of the Department of Transportation that there is a reasonable likelihood that the proposed project will result in a positive financial contribution to the National Railroad Passenger Corporation and that the investment evaluation process includes consideration of a return on investment, leveraging of funds (including State capital and operating contributions), cost effectiveness, safety improvement, mobility improvement, and feasibility.

“(3) CERTIFICATION.—For purposes of paragraph (1), the certification described in this paragraph is a certification by the Secretary of Transportation that the issuer of the qualified Amtrak bond—

“(A) except with respect to projects described in subsection (j)(1)(C), has entered into a written agreement with the owners of rail properties which are to be improved by the project to be funded by the qualified Amtrak bond, as to the scope and estimated cost of such project and the impact on rail freight capacity, and

“(B) has met the State contribution requirements described in subsection (k).

The National Railroad Passenger Corporation shall not exercise its rights under section 24308(a)(2) of title 49, United States Code, to resolve disputes with respect to a project to be funded by a qualified Amtrak bond, or with respect to the cost of such a project, unless the project is intended to result in railroad speeds of 79 miles per hour or less.

“(4) AGREEMENT BY AMTRAK TO ISSUE ADDITIONAL BONDS FOR PROJECTS OF OTHER CARRIERS.—

“(A) IN GENERAL.—For purposes of paragraph (1), the agreement described in this paragraph is an agreement by the National Railroad Passenger Corporation with the Secretary of Transportation to issue bonds which meet the requirements of this section for use in financing projects described in subparagraph (B).

“(B) PROJECTS COVERED.—For purposes of subparagraph (A), the projects described in this subparagraph are any project described in subsection (j)(1)(B) or (j)(1)(C) for an intercity rail passenger carrier other than the National Railroad Passenger Corporation or for the Alaska Railroad.

“(C) RESPONSIBILITY OF INTERCITY RAIL PASSENGER CARRIER.—Any project financed by bonds referred to in subparagraph (A) shall be carried out by the intercity rail passenger carrier other than the National Railroad Passenger Corporation, through a contract entered into by the National Railroad Passenger Corporation with such carrier.

“(D) INTERCITY RAIL PASSENGER CARRIER DEFINED.—For purposes of this paragraph, the term ‘intercity rail passenger carrier’ means any rail carrier (as defined in section 24102(7) of such title 49, as in effect on the date of the enactment of this section) which is part of the interstate system of rail transportation and which provides intercity rail passenger transportation (as defined in section 24102(5) of such title 49 (as so in effect)).

“(5) ADDITIONAL SELECTION CRITERIA.—In determining projects to be approved under this subsection (other than projects for the Alaska Railroad), or to be included in an agreement under paragraph (4), the Secretary of Transportation—

“(A) shall base such approval on—

“(i) the results of alternatives analysis and preliminary engineering, and

“(ii) a comprehensive review of mobility improvements, environmental benefits, cost effectiveness, and operating efficiencies, and

“(B) shall give preference to—

“(i) projects supported by evidence of stable and dependable financing sources to construct, maintain, and operate the system or extension,

“(ii) projects expected to have a significant impact on air traffic congestion,

“(iii) projects expected to also improve commuter rail operations,

“(iv) projects that anticipate fares designed to recover costs and generate a return on investment, and

“(v) projects that promote regional balance in infrastructure investment and the national interest in ensuring the development of a nationwide high-speed rail transportation network.

“(m) OTHER DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

“(1) BOND.—The term ‘bond’ includes any obligation.

“(2) TREATMENT OF CHANGES IN USE.—For purposes of subsection (e)(1), the proceeds from the sale of an issue shall not be treated as used for a qualified project to the extent

that the issuer takes any action within its control which causes such proceeds not to be used for a qualified project. The Secretary shall specify remedial actions that may be taken (including conditions to taking such remedial actions) to prevent an action described in the preceding sentence from causing a bond to fail to be a qualified Amtrak bond.

“(3) PARTNERSHIP; S CORPORATION; AND OTHER PASS-THRU ENTITIES.—In the case of a partnership, trust, S corporation, or other pass-thru entity, rules similar to the rules of section 41(g) shall apply with respect to the credit allowable under subsection (a).

“(4) BONDS HELD BY REGULATED INVESTMENT COMPANIES.—If any qualified Amtrak bond is held by a regulated investment company, the credit determined under subsection (a) shall be allowed to shareholders of such company under procedures prescribed by the Secretary.

“(5) REPORTING.—Issuers of qualified Amtrak bonds shall submit reports similar to the reports required under section 149(e).”

(b) AMENDMENTS TO OTHER CODE SECTIONS.—

(1) REPORTING.—Subsection (d) of section 6049 (relating to returns regarding payments of interest) is amended by adding at the end the following new paragraph:

“(8) REPORTING OF CREDIT ON QUALIFIED AMTRAK BONDS.—

“(A) IN GENERAL.—For purposes of subsection (a), the term ‘interest’ includes amounts includible in gross income under section 54(d) and such amounts shall be treated as paid on the credit allowance date (as defined in section 54(b)(4)).

“(B) REPORTING TO CORPORATIONS, ETC.—Except as otherwise provided in regulations, in the case of any interest described in subparagraph (A), subsection (b)(4) shall be applied without regard to subparagraphs (A), (H), (I), (J), (K), and (L)(i) of such subsection.

“(C) REGULATORY AUTHORITY.—The Secretary may prescribe such regulations as are necessary or appropriate to carry out the purposes of this paragraph, including regulations which require more frequent or more detailed reporting.”

(2) TREATMENT FOR ESTIMATED TAX PURPOSES.—

(A) INDIVIDUAL.—Section 6654 (relating to failure by individual to pay estimated income tax) is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

“(m) SPECIAL RULE FOR HOLDERS OF QUALIFIED AMTRAK BONDS.—For purposes of this section, the credit allowed by section 54 to a taxpayer by reason of holding a qualified Amtrak bond on a credit allowance date shall be treated as if it were a payment of estimated tax made by the taxpayer on such date.”

(B) CORPORATE.—Section 6655 (relating to failure by corporation to pay estimated income tax) is amended by adding at the end of subsection (g) the following new paragraph:

“(5) SPECIAL RULE FOR HOLDERS OF QUALIFIED AMTRAK BONDS.—For purposes of this section, the credit allowed by section 54 to a taxpayer by reason of holding a qualified Amtrak bond on a credit allowance date shall be treated as if it were a payment of estimated tax made by the taxpayer on such date.”

(3) EXCLUSION FROM GROSS INCOME OF CONTRIBUTIONS BY AMTRAK TO OTHER RAIL CARRIERS.—

(A) IN GENERAL.—Section 118 (relating to contributions to the capital of a corporation)

is amended by redesignating subsection (d) as subsection (e) and by inserting after subsection (c) the following new subsection:

“(d) **SPECIAL RULE FOR CONTRIBUTIONS BY AMTRAK TO OTHER RAIL CARRIERS.**—For purposes of this section, the term ‘contribution to the capital of the taxpayer’ includes any contribution by the National Railroad Passenger Corporation of personal or real property funded by the proceeds of qualified Amtrak bonds under section 54.”

(B) **CONFORMING AMENDMENT.**—Subsection (b) of such section 118 is amended by striking “subsection (c)” and inserting “subsections (c) and (d)”.

(4) **PROTECTION OF HIGHWAY TRUST FUND.**—Section 9503 (relating to Highway Trust Fund) is amended by adding at the end the following new subsection:

“(g) **SPECIAL RULES RELATING TO NATIONAL RAILROAD PASSENGER CORPORATION.**—

“(1) **IN GENERAL.**—Except as provided in subsection (c), as in effect on the date of the enactment of this subsection, amounts in the Highway Trust Fund may not be used, either directly or indirectly through a State or local transit authority, to provide funds to the National Railroad Passenger Corporation for any purpose, including issuance of any qualified Amtrak bond pursuant to section 54. The preceding sentence may not be waived by any provision of law which is not contained or referenced in this title, whether such provision of law is a subsequently enacted provision or directly or indirectly seeks to waive the application of such sentence.

“(2) **CERTIFICATION BY THE SECRETARY.**—The issuance of any qualified Amtrak bonds by the National Railroad Passenger Corporation pursuant to section 54 is conditioned on certification by the Secretary, after consultation with the Secretary of Transportation, within 30 days of a request by the issuer, that with respect to funds of the Highway Trust Fund described under paragraph (1), the issuer either—

“(A) has not received such funds during calendar years commencing with 2002 and ending before the calendar year the bonds are issued, or

“(B) has repaid to the Highway Trust Fund any such funds which were received during such calendar years.

“(3) **NO RETROACTIVE EFFECT.**—Nothing in this subsection shall adversely affect the entitlement of the holders of qualified Amtrak bonds to the tax credit allowed pursuant to section 54 or to repayment of principal upon maturity.”

(c) **CLERICAL AMENDMENTS.**—

(1) The table of subparts for part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

“Subpart H. Nonrefundable Credit for Holders of Qualified Amtrak Bonds.”

(2) Section 6401(b)(1) is amended by striking “and G” and inserting “G, and H”.

(d) **ANNUAL REPORT BY TREASURY ON AMTRAK TRUST ACCOUNT.**—The Secretary of the Treasury shall annually report to Congress as to whether the amount deposited in the trust account established by the National Railroad Passenger Corporation under section 54(i) of the Internal Revenue Code of 1986, as added by this section, is sufficient to fully repay at maturity the principal of any outstanding qualified Amtrak bonds issued pursuant to section 54 of such Code (as so added), together with amounts expected to be deposited into such account, as certified by the National Railroad Passenger Corporation in accordance with procedures prescribed by the Secretary of the Treasury.

(e) **EFFECTIVE DATE.**—The amendments made by this section shall apply to obligations issued after the date of the enactment of this Act.

(f) **MULTI-YEAR CAPITAL SPENDING PLAN AND OVERSIGHT.**—

(1) **AMTRAK CAPITAL SPENDING PLAN.**—

(A) **IN GENERAL.**—The National Railroad Passenger Corporation shall annually submit to the President and Congress a multi-year capital spending plan, as approved by the Board of Directors of the Corporation.

(B) **CONTENTS OF PLAN.**—Such plan shall identify the capital investment needs of the Corporation over a period of not less than 5 years and the funding sources available to finance such needs and shall prioritize such needs according to corporate goals and strategies.

(C) **INITIAL SUBMISSION DATE.**—The first plan shall be submitted before the issuance of any qualified Amtrak bonds by the National Railroad Passenger Corporation pursuant to section 54 of the Internal Revenue Code of 1986 (as added by this section).

(2) **OVERSIGHT OF AMTRAK TRUST ACCOUNT AND QUALIFIED PROJECTS.**—

(A) **TRUST ACCOUNT OVERSIGHT.**—The Secretary of the Treasury shall annually report to Congress as to whether the amount deposited in the trust account established by the National Railroad Passenger Corporation under section 54(i) of such Code (as so added) is sufficient to fully repay at maturity the principal of any outstanding qualified Amtrak bonds issued pursuant to section 54 of such Code (as so added), together with amounts expected to be deposited into such account, as certified by the National Railroad Passenger Corporation in accordance with procedures prescribed by the Secretary of the Treasury.

(B) **PROJECT OVERSIGHT.**—The National Railroad Passenger Corporation shall contract for an annual independent assessment of the costs and benefits of the qualified projects financed by such qualified Amtrak bonds, including an assessment of the investment evaluation process of the Corporation. The annual assessment shall be included in the plan submitted under paragraph (1).

SEC. 902. BROADBAND INTERNET ACCESS TAX CREDIT.

(a) **IN GENERAL.**—Subpart E of part IV of chapter 1 (relating to rules for computing investment credit) is amended by inserting after section 48 the following:

“SEC. 48A. BROADBAND CREDIT.

“(a) **GENERAL RULE.**—For purposes of section 46, the broadband credit for any taxable year is the sum of—

“(1) the current generation broadband credit, plus

“(2) the next generation broadband credit.

“(b) **CURRENT GENERATION BROADBAND CREDIT.**—NEXT GENERATION BROADBAND CREDIT.—For purposes of this section—

“(1) **CURRENT GENERATION BROADBAND CREDIT.**—The current generation broadband credit for any taxable year is equal to 10 percent of the qualified expenditures incurred with respect to qualified equipment providing current generation broadband services to qualified subscribers and taken into account with respect to such taxable year.

“(2) **NEXT GENERATION BROADBAND CREDIT.**—The next generation broadband credit for any taxable year is equal to 20 percent of the qualified expenditures incurred with respect to qualified equipment providing next generation broadband services to qualified subscribers and taken into account with respect to such taxable year.

“(c) **WHEN EXPENDITURES TAKEN INTO ACCOUNT.**—For purposes of this section—

“(1) **IN GENERAL.**—Qualified expenditures with respect to qualified equipment shall be taken into account with respect to the first taxable year in which—

“(A) current generation broadband services are provided through such equipment to qualified subscribers, or

“(B) next generation broadband services are provided through such equipment to qualified subscribers.

“(2) **LIMITATION.**—

“(A) **IN GENERAL.**—Qualified expenditures shall be taken into account under paragraph (1) only with respect to qualified equipment—

“(i) the original use of which commences with the taxpayer, and

“(ii) which is placed in service, after December 31, 2001.

“(B) **LEASED EQUIPMENT.**—Except as provided in regulations, rules similar to the rules of section 203(b)(3) of the Tax Reform Act of 1986 shall apply.

“(d) **SPECIAL ALLOCATION RULES.**—

“(1) **CURRENT GENERATION BROADBAND SERVICES.**—For purposes of determining the current generation broadband credit under subsection (a)(1) with respect to qualified equipment through which current generation broadband services are provided, if the qualified equipment is capable of serving both qualified subscribers and other subscribers, the qualified expenditures shall be multiplied by a fraction—

“(A) the numerator of which is the sum of the number of potential qualified subscribers within the rural areas and the underserved areas which the equipment is capable of serving with current generation broadband services, and

“(B) the denominator of which is the total potential subscriber population of the area which the equipment is capable of serving with current generation broadband services.

“(2) **NEXT GENERATION BROADBAND SERVICES.**—For purposes of determining the next generation broadband credit under subsection (a)(2) with respect to qualified equipment through which next generation broadband services are provided, if the qualified equipment is capable of serving both qualified subscribers and other subscribers, the qualified expenditures shall be multiplied by a fraction—

“(A) the numerator of which is the sum of—

“(i) the number of potential qualified subscribers within the rural areas and underserved areas, plus

“(ii) the number of potential qualified subscribers within the area consisting only of residential subscribers not described in clause (i),

which the equipment is capable of serving with next generation broadband services, and

“(B) the denominator of which is the total potential subscriber population of the area which the equipment is capable of serving with next generation broadband services.

“(e) **DEFINITIONS.**—For purposes of this section—

“(1) **ANTENNA.**—The term ‘antenna’ means any device used to transmit or receive signals through the electromagnetic spectrum, including satellite equipment.

“(2) **CABLE OPERATOR.**—The term ‘cable operator’ has the meaning given such term by section 602(5) of the Communications Act of 1934 (47 U.S.C. 522(5)).

“(3) **COMMERCIAL MOBILE SERVICE CARRIER.**—The term ‘commercial mobile service carrier’ means any person authorized to provide commercial mobile radio service as defined in section 20.3 of title 47, Code of Federal Regulations.

“(4) CURRENT GENERATION BROADBAND SERVICE.—The term ‘current generation broadband service’ means the transmission of signals at a rate of at least 1,000,000 bits per second to the subscriber and at least 128,000 bits per second from the subscriber.

“(5) MULTIPLEXING OR DEMULTIPLEXING.—The term ‘multiplexing’ means the transmission of 2 or more signals over a single channel, and the term ‘demultiplexing’ means the separation of 2 or more signals previously combined by compatible multiplexing equipment.

“(6) NEXT GENERATION BROADBAND SERVICE.—The term ‘next generation broadband service’ means the transmission of signals at a rate of at least 22,000,000 bits per second to the subscriber and at least 5,000,000 bits per second from the subscriber.

“(7) NONRESIDENTIAL SUBSCRIBER.—The term ‘nonresidential subscriber’ means a person who purchases broadband services which are delivered to the permanent place of business of such person.

“(8) OPEN VIDEO SYSTEM OPERATOR.—The term ‘open video system operator’ means any person authorized to provide service under section 653 of the Communications Act of 1934 (47 U.S.C. 573).

“(9) OTHER WIRELESS CARRIER.—The term ‘other wireless carrier’ means any person (other than a telecommunications carrier, commercial mobile service carrier, cable operator, open video system operator, or satellite carrier) providing current generation broadband services or next generation broadband service to subscribers through the radio transmission of energy.

“(10) PACKET SWITCHING.—The term ‘packet switching’ means controlling or routing the path of a digitized transmission signal which is assembled into packets or cells.

“(11) PROVIDER.—The term ‘provider’ means, with respect to any qualified equipment—

“(A) a cable operator,
 “(B) a commercial mobile service carrier,
 “(C) an open video system operator,
 “(D) a satellite carrier,
 “(E) a telecommunications carrier, or
 “(F) any other wireless carrier,
 providing current generation broadband services or next generation broadband services to subscribers through such qualified equipment.

“(12) PROVISION OF SERVICES.—A provider shall be treated as providing services to a subscriber if—

“(A) a subscriber has been passed by the provider’s equipment and can be connected to such equipment for a standard connection fee,

“(B) the provider is physically able to deliver current generation broadband services or next generation broadband services, as applicable, to such subscribers without making more than an insignificant investment with respect to any such subscriber,

“(C) the provider has made reasonable efforts to make such subscribers aware of the availability of such services,

“(D) such services have been purchased by one or more such subscribers, and

“(E) such services are made available to such subscribers at average prices comparable to those at which the provider makes available similar services in any areas in which the provider makes available such services.

“(13) QUALIFIED EQUIPMENT.—

“(A) IN GENERAL.—The term ‘qualified equipment’ means equipment which provides current generation broadband services or next generation broadband services—

“(i) at least a majority of the time during periods of maximum demand to each subscriber who is utilizing such services, and

“(ii) in a manner substantially the same as such services are provided by the provider to subscribers through equipment with respect to which no credit is allowed under subsection (a)(1).

“(B) ONLY CERTAIN INVESTMENT TAKEN INTO ACCOUNT.—Except as provided in subparagraph (C) or (D), equipment shall be taken into account under subparagraph (A) only to the extent it—

“(i) extends from the last point of switching to the outside of the unit, building, dwelling, or office owned or leased by a subscriber in the case of a telecommunications carrier,

“(ii) extends from the customer side of the mobile telephone switching office to a transmission/receive antenna (including such antenna) owned or leased by a subscriber in the case of a commercial mobile service carrier,

“(iii) extends from the customer side of the headend to the outside of the unit, building, dwelling, or office owned or leased by a subscriber in the case of a cable operator or open video system operator, or

“(iv) extends from a transmission/receive antenna (including such antenna) which transmits and receives signals to or from multiple subscribers to a transmission/receive antenna (including such antenna) on the outside of the unit, building, dwelling, or office owned or leased by a subscriber in the case of a satellite carrier or other wireless carrier, unless such other wireless carrier is also a telecommunications carrier.

“(C) PACKET SWITCHING EQUIPMENT.—Packet switching equipment, regardless of location, shall be taken into account under subparagraph (A) only if it is deployed in connection with equipment described in subparagraph (B) and is uniquely designed to perform the function of packet switching for current generation broadband services or next generation broadband services, but only if such packet switching is the last in a series of such functions performed in the transmission of a signal to a subscriber or the first in a series of such functions performed in the transmission of a signal from a subscriber.

“(D) MULTIPLEXING AND DEMULTIPLEXING EQUIPMENT.—Multiplexing and demultiplexing equipment shall be taken into account under subparagraph (A) only to the extent it is deployed in connection with equipment described in subparagraph (B) and is uniquely designed to perform the function of multiplexing and demultiplexing packets or cells of data and making associated application adaptations, but only if such multiplexing or demultiplexing equipment is located between packet switching equipment described in subparagraph (C) and the subscriber’s premises.

“(14) QUALIFIED EXPENDITURE.—

“(A) IN GENERAL.—The term ‘qualified expenditure’ means any amount—

“(i) chargeable to capital account with respect to the purchase and installation of qualified equipment (including any upgrades thereto) for which depreciation is allowable under section 168, and

“(ii) incurred after December 31, 2001, and before January 1, 2003.

“(B) CERTAIN SATELLITE EXPENDITURES EXCLUDED.—Such term shall not include any expenditure with respect to the launching of any satellite equipment.

“(15) QUALIFIED SUBSCRIBER.—The term ‘qualified subscriber’ means—

“(A) with respect to the provision of current generation broadband services—

“(i) a nonresidential subscriber maintaining a permanent place of business in a rural area or underserved area, or

“(ii) a residential subscriber residing in a dwelling located in a rural area or underserved area which is not a saturated market, and

“(B) with respect to the provision of next generation broadband services—

“(i) a nonresidential subscriber maintaining a permanent place of business in a rural area or underserved area, or

“(ii) a residential subscriber.

“(16) RESIDENTIAL SUBSCRIBER.—The term ‘residential subscriber’ means an individual who purchases broadband services which are delivered to such individual’s dwelling.

“(17) RURAL AREA.—The term ‘rural area’ means any census tract which—

“(A) is not within 10 miles of any incorporated or census designated place containing more than 25,000 people, and

“(B) is not within a county or county equivalent which has an overall population density of more than 500 people per square mile of land.

“(18) RURAL SUBSCRIBER.—The term ‘rural subscriber’ means a residential subscriber residing in a dwelling located in a rural area or nonresidential subscriber maintaining a permanent place of business located in a rural area.

“(19) SATELLITE CARRIER.—The term ‘satellite carrier’ means any person using the facilities of a satellite or satellite service licensed by the Federal Communications Commission and operating in the Fixed-Satellite Service under part 25 of title 47 of the Code of Federal Regulations or the Direct Broadcast Satellite Service under part 100 of title 47 of such Code to establish and operate a channel of communications for distribution of signals, and owning or leasing a capacity or service on a satellite in order to provide such distribution.

“(20) SATURATED MARKET.—The term ‘saturated market’ means any census tract in which, as of the date of the enactment of this section—

“(A) current generation broadband services have been provided by one or more providers to 85 percent or more of the total number of potential residential subscribers residing in dwellings located within such census tract, and

“(B) such services can be utilized—

“(i) at least a majority of the time during periods of maximum demand by each such subscriber who is utilizing such services, and

“(ii) in a manner substantially the same as such services are provided by the provider to subscribers through equipment with respect to which no credit is allowed under subsection (a)(1).

“(21) SUBSCRIBER.—The term ‘subscriber’ means a person who purchases current generation broadband services or next generation broadband services.

“(22) TELECOMMUNICATIONS CARRIER.—The term ‘telecommunications carrier’ has the meaning given such term by section 3(44) of the Communications Act of 1934 (47 U.S.C. 153(44)), but—

“(A) includes all members of an affiliated group of which a telecommunications carrier is a member, and

“(B) does not include a commercial mobile service carrier.

“(23) TOTAL POTENTIAL SUBSCRIBER POPULATION.—The term ‘total potential subscriber population’ means, with respect to

any area and based on the most recent census data, the total number of potential residential subscribers residing in dwellings located in such area and potential nonresidential subscribers maintaining permanent places of business located in such area.

“(24) **UNDERSERVED AREA.**—The term ‘underserved area’ means any census tract which is located in—

“(A) an empowerment zone or enterprise community designated under section 1391,

“(B) the District of Columbia Enterprise Zone established under section 1400,

“(C) a renewal community designated under section 1400E, or

“(D) a low-income community designated under section 45D.

“(25) **UNDERSERVED SUBSCRIBER.**—The term ‘underserved subscriber’ means a residential subscriber residing in a dwelling located in an underserved area or nonresidential subscriber maintaining a permanent place of business located in an underserved area.

“(f) **DESIGNATION OF CENSUS TRACTS.**—The Secretary shall, not later than 90 days after the date of the enactment of this section, designate and publish those census tracts meeting the criteria described in paragraphs (17), (20), and (24) of subsection (e). In making such designations, the Secretary shall consult with such other departments and agencies as the Secretary determines appropriate.”

(b) **CREDIT TO BE PART OF INVESTMENT CREDIT.**—Section 46 (relating to the amount of investment credit) is amended by striking “and” at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting “, and”, and by adding at the end the following:

“(4) the broadband credit.”

(c) **SPECIAL RULE FOR MUTUAL OR COOPERATIVE TELEPHONE COMPANIES.**—Section 501(c)(12)(B) (relating to list of exempt organizations) is amended by striking “or” at the end of clause (iii), by striking the period at the end of clause (iv) and inserting “, or”, and by adding at the end the following:

“(v) from the sale of property subject to a lease described in section 48A(c)(2)(B), but only to the extent such income does not in any year exceed an amount equal to the credit for qualified expenditures which would be determined under section 48A for such year if the mutual or cooperative telephone company was not exempt from taxation and was treated as the owner of the property subject to such lease.”

(d) **CONFORMING AMENDMENT.**—The table of sections for subpart E of part IV of subchapter A of chapter 1 is amended by inserting after the item relating to section 48 the following:

“Sec. 48A. Broadband credit.”

(e) **REGULATORY MATTERS.**—

(1) **PROHIBITION.**—No Federal or State agency or instrumentality shall adopt regulations or ratemaking procedures that would have the effect of confiscating any credit or portion thereof allowed under section 48A of the Internal Revenue Code of 1986 (as added by this section) or otherwise subverting the purpose of this section.

(2) **TREASURY REGULATORY AUTHORITY.**—It is the intent of Congress in providing the broadband credit under section 48A of the Internal Revenue Code of 1986 (as added by this section) to provide incentives for the purchase, installation, and connection of equipment and facilities offering expanded broadband access to the Internet for users in certain low income and rural areas of the United States, as well as to residential users nationwide, in a manner that maintains

competitive neutrality among the various classes of providers of broadband services. Accordingly, the Secretary of the Treasury shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of section 48A of such Code, including—

(A) regulations to determine how and when a taxpayer that incurs qualified expenditures satisfies the requirements of section 48A of such Code to provide broadband services, and

(B) regulations describing the information, records, and data taxpayers are required to provide the Secretary to substantiate compliance with the requirements of section 48A of such Code.

Until the Secretary prescribes such regulations, taxpayers may base such determinations on any reasonable method that is consistent with the purposes of section 48A of such Code.

(f) **EFFECTIVE DATE.**—The amendments made by this section shall apply to expenditures incurred after December 31, 2001, and before January 1, 2003.

SEC. 903. CITRUS TREE CANCER RELIEF.

(a) **EXPANSION OF PERIOD WITHIN WHICH CONVERTED CITRUS TREE PROPERTY MUST BE REPLACED.**—

(1) **IN GENERAL.**—Section 1033 (relating to period within which property must be replaced) is amended by redesignating subsection (k) as subsection (l) and by inserting after subsection (j) the following new subsection:

“(k) **COMMERCIAL TREES DESTROYED BECAUSE OF CITRUS TREE CANCER.**—In the case of commercial citrus trees which are compulsorily or involuntarily converted under a public order as a result of the citrus tree canker, clause (i) of subsection (a)(2)(B) shall be applied as if such clause reads: ‘4 years after the close of the taxable year in which a State or Federal plant health authority determines that the land on which such trees grew is free from the bacteria that causes citrus tree canker’.”

(2) **EFFECTIVE DATE.**—The amendments made by paragraph (1) shall apply to taxable years beginning before, on, or after the date of the enactment of this Act.

(b) **10-YEAR RATABLE INCOME INCLUSION FOR CITRUS CANCER TREE PAYMENTS.**—

(1) **IN GENERAL.**—Part I of subchapter Q of chapter 1 (relating to income averaging) is amended by inserting after section 1301 the following new section:

“SEC. 1302. 10-YEAR RATABLE INCOME INCLUSION FOR CITRUS CANCER TREE PAYMENTS.

“(a) **IN GENERAL.**—At the election of the taxpayer, any amount taken into account as income or gain by reason of receiving a citrus canker tree payment shall be included in the income of the taxpayer ratably over the 10-year period beginning with the taxable year in which the payment is received or accrued by the taxpayer. Any election under the preceding sentence shall be irrevocable.

“(b) **CITRUS CANCER TREE PAYMENT.**—For purposes of subsection (a), the term ‘citrus canker tree payment’ means a payment made to an owner of a commercial citrus grove to recover income that was lost as a result of the removal of commercial citrus trees to control canker under the amendments to the citrus canker regulations (7 C.F.R. 301) made by the final rule published in the Federal Register by the Secretary of Agriculture on June 18, 2001 (66 Fed. Reg. 32713, Docket No. 00-37-4).”

(2) **CLERICAL AMENDMENT.**—The table of sections for part I of subchapter Q of chapter 1 is amended by inserting after the item relating to section 1301 the following new item:

“Sec. 1302. 10-year ratable income inclusion for citrus canker tree payments.”

(3) **EFFECTIVE DATE.**—The amendments made by this subsection shall apply to payments made before, on, or after the date of the enactment of this Act.

SEC. 904. ALLOWANCE OF ELECTRONIC 1099S.

Except as otherwise provided by the Secretary of the Treasury, any person required to furnish a statement under any section of subpart B of part III of subchapter A of chapter 61 of the Internal Revenue Code of 1986 for any taxable year ending after the date of the enactment of this Act and before January 1, 2003, may electronically furnish such statement to any recipient who has consented to the electronic provision of the statement in a manner similar to the one permitted under regulations issued under section 6051 of such Code or in such other manner as provided by the Secretary.

SEC. 905. CLARIFICATION OF EXCISE TAX EXEMPTIONS FOR AGRICULTURAL AERIAL APPLICATORS.

(a) **NO WAIVER BY FARM OWNER, TENANT, OR OPERATOR NECESSARY.**—Subparagraph (B) of section 6420(c)(4) (relating to certain farming use other than by owner, etc.) is amended to read as follows:

“(B) if the person so using the gasoline is an aerial or other applicator of fertilizers or other substances and is the ultimate purchaser of the gasoline, then subparagraph (A) of this paragraph shall not apply and the aerial or other applicator shall be treated as having used such gasoline on a farm for farming purposes.”

(b) **EXEMPTION INCLUDES FUEL USED BETWEEN AIRFIELD AND FARM.**—Section 6420(c)(4), as amended by subsection (a), is amended by adding at the end the following new flush sentence:

“For purposes of this paragraph, in the case of an aerial applicator, gasoline shall be treated as used on a farm for farming purposes if the gasoline is used for the direct flight between the airfield and 1 or more farms.”

(c) **EXEMPTION FROM TAX ON AIR TRANSPORTATION OF PERSONS FOR FORESTRY PURPOSES EXTENDED TO FIXED-WING AIRCRAFT.**—Subsection (f) of section 4261 (relating to tax on air transportation of persons) is amended to read as follows:

“(f) **EXEMPTION FOR CERTAIN USES.**—No tax shall be imposed under subsection (a) or (b) on air transportation—

“(1) by helicopter for the purpose of transporting individuals, equipment, or supplies in the exploration for, or the development or removal of, hard minerals, oil, or gas, or

“(2) by helicopter or by fixed-wing aircraft for the purpose of the planting, cultivation, cutting, or transportation of, or caring for, trees (including logging operations),

but only if the helicopter or fixed-wing aircraft does not take off from, or land at, a facility eligible for assistance under the Airport and Airway Development Act of 1970, or otherwise use services provided pursuant to section 44509 or 44913(b) or subchapter I of chapter 471 of title 49, United States Code, during such use. In the case of helicopter transportation described in paragraph (1), this subsection shall be applied by treating each flight segment as a distinct flight.”

(d) **EFFECTIVE DATE.**—The amendments made by this section shall apply to fuel use or air transportation after December 31, 2001, and before January 1, 2003.

SEC. 906. RECOVERY PERIOD FOR CERTAIN WIRELESS TELECOMMUNICATIONS EQUIPMENT.

(a) 5-YEAR RECOVERY PERIOD FOR CERTAIN WIRELESS TELECOMMUNICATIONS EQUIPMENT.—

(1) IN GENERAL.—Subparagraph (A) of section 168(i)(2) (defining qualified technological equipment) is amended by striking “and” at the end of clause (ii), by striking the period at the end of clause (iii) and inserting “, and”, and by adding at the end the following:

“(iv) any wireless telecommunication equipment.”.

(2) DEFINITION OF WIRELESS TELECOMMUNICATION EQUIPMENT.—Paragraph (2) of section 168(i) is amended by adding at the end the following:

“(D) WIRELESS TELECOMMUNICATION EQUIPMENT.—For purposes of this paragraph—

“(i) IN GENERAL.—The term ‘wireless telecommunication equipment’ means equipment which is—

“(I) used in the transmission, reception, coordination, or switching of wireless telecommunications service, and

“(II) placed in service before September 11, 2002.

For purposes of this clause, the term ‘wireless telecommunications service’ includes any commercial mobile radio service as defined in title 47 of the Code of Federal Regulations.

“(ii) EXCEPTION.—The term ‘wireless telecommunication equipment’ shall not include towers, buildings, T-1 lines, or other cabling which connects cell sites to mobile switching centers.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after September 10, 2001.

SEC. 907. SPECIAL RULES FOR TAXATION OF LIFE INSURANCE COMPANIES FOR 2001 AND 2002.

(a) REDUCTION IN MUTUAL LIFE INSURANCE COMPANY DEDUCTIONS NOT TO APPLY IN 2001.—

(1) IN GENERAL.—Section 809 (relating to reduction in certain deductions of material life insurance companies) is amended by adding at the end the following:

“(j) DIFFERENTIAL EARNINGS RATE TREATED AS ZERO FOR 2001.—Notwithstanding subsection (c) or (f), the differential earnings rate shall be treated as zero for purposes of computing both the differential earnings amount and the recomputed differential earnings amount for a mutual life insurance company’s first taxable year beginning in 2001.”

(2) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2000.

(b) DISTRIBUTIONS DURING 2002 TO SHAREHOLDERS FROM PRE-1984 POLICYHOLDERS SURPLUS ACCOUNT.—

(1) IN GENERAL.—Section 815 (relating to distributions to shareholders from pre-1984 policyholders surplus account) is amended by adding at the end the following:

“(g) SPECIAL RULES APPLICABLE DURING 2002.—In the case of a stock life insurance company’s first taxable year beginning in 2002—

“(1) the amount under subsection (a)(2) for such taxable year shall be treated as zero, and

“(2) notwithstanding subsection (b), in determining any subtractions from an account under subsections (c)(3) and (d)(3), any distribution to shareholders during such taxable year shall be treated as made first out of the policyholders surplus account, then out of the shareholders surplus account, and finally out of other accounts.”

(2) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 908. NO IMPACT ON SOCIAL SECURITY TRUST FUND.

(a) IN GENERAL.—Nothing in this Act (or an amendment made by this Act) shall be construed to alter or amend title II of the Social Security Act (or any regulation promulgated under that Act).

(b) TRANSFERS.—

(1) ESTIMATE OF SECRETARY.—The Secretary of the Treasury shall annually estimate the impact that the enactment of this Act has on the income and balances of the trust funds established under section 201 of the Social Security Act (42 U.S.C. 401).

(2) TRANSFER OF FUNDS.—If, under paragraph (1), the Secretary of the Treasury estimates that the enactment of this Act has a negative impact on the income and balances of the trust funds established under section 201 of the Social Security Act (42 U.S.C. 401), the Secretary shall transfer, not less frequently than quarterly, from the general revenues of the Federal Government an amount sufficient so as to ensure that the income and balances of such trust funds are not reduced as a result of the enactment of this Act.

SEC. 909. EMERGENCY DESIGNATION.

Congress designates as emergency requirements pursuant to section 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985 the following amounts:

(1) An amount equal to the amount by which revenues are reduced by this Act below the recommended levels of Federal revenues for fiscal year 2002, the total of fiscal years 2002 through 2006, and the total of fiscal years 2002 through 2011, provided in the conference report accompanying H. Con. Res. 83, the concurrent resolution on the budget for fiscal year 2002.

(2) Amounts equal to the amounts of new budget authority and outlays provided in this Act in excess of the allocations under section 302(a) of the Congressional Budget Act of 1974 to the Committee on Finance of the Senate for fiscal year 2002, the total of fiscal years 2002 through 2006, and the total of fiscal years 2002 through 2011.

TITLE X—HOMELAND DEFENSE**CHAPTER 1****DEPARTMENT OF AGRICULTURE****OFFICE OF THE SECRETARY**

For an additional amount for “Office of the Secretary”, \$95,000,000.

DEPARTMENTAL ADMINISTRATION

For an additional amount for “Departmental Administration”, \$20,000,000.

OFFICE OF THE INSPECTOR GENERAL

For an additional amount for “Office of the Inspector General”, \$15,000,000.

AGRICULTURAL RESEARCH SERVICE**SALARIES AND EXPENSES**

For an additional amount for “Salaries and Expenses”, \$40,000,000.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE**SALARIES AND EXPENSES****(INCLUDING TRANSFER OF FUNDS)**

For an additional amount for “Salaries and Expenses”, \$267,100,000, of which \$115,000,000 may be transferred and merged with the Agriculture Quarantine Inspection User Fee Account, and of which \$108,000,000 shall remain available until September 30, 2003.

BUILDINGS AND FACILITIES

For an additional amount for “Buildings and Facilities”, \$14,081,400, to remain available until September 30, 2003.

FOOD SAFETY AND INSPECTION SERVICE

For an additional amount for “Food Safety and Inspection Service”, \$23,900,000.

FOOD AND NUTRITION SERVICE**SPECIAL SUPPLEMENTAL NUTRITION PROGRAM****FOR WOMEN, INFANTS, AND CHILDREN (WIC)**

For an additional amount for “Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)”, \$39,000,000.

DEPARTMENT OF HEALTH AND HUMAN SERVICES**FOOD AND DRUG ADMINISTRATION****SALARIES AND EXPENSES**

For an additional amount for “Salaries and Expenses”, \$164,300,000.

INDEPENDENT AGENCY**COMMODITY FUTURES TRADING COMMISSION**

For an additional amount for “Commodity Futures Trading Commission”, \$10,196,000.

CHAPTER 2**DEPARTMENT OF JUSTICE****GENERAL ADMINISTRATION****LEGAL ACTIVITIES OFFICE AUTOMATION**

For an additional amount for “Legal Activities Office Automation”, \$56,000,000, to remain available until September 30, 2003.

SECTION 405 PATRIOT ACT ACTIVITIES

For necessary expenses for “Patriot Act Activities”, \$100,000,000, to remain available until September 30, 2003, for a report on the feasibility of enhancing the Integrated Automated Fingerprint Identification System (IAFIS) of the Federal Bureau of Investigation and other identification systems and for implementation of such enhancements as deemed necessary, as authorized by Section 405 of Public Law 107-56.

LEGAL ACTIVITIES**SALARIES AND EXPENSES, UNITED STATES****MARSHALS SERVICE**

For an additional amount for “Salaries and Expenses”, \$25,000,000.

COURT SECURITY

For an additional amount for “Court Security”, \$25,000,000, to remain available until September 30, 2003.

CONSTRUCTION

For an additional amount for “Construction”, \$36,000,000, to remain available until September 30, 2003.

FEDERAL BUREAU OF INVESTIGATION**SALARIES AND EXPENSES**

For an additional amount for “Salaries and Expenses”, \$573,000,000, to remain available until September 30, 2003, for necessary computer modernization and infrastructure improvements.

DRUG ENFORCEMENT ADMINISTRATION**SALARIES AND EXPENSES**

For an additional amount for “Salaries and Expenses”, \$600,000 for continuing expenses associated with the September 11, 2001 terrorist attacks, to remain available until September 30, 2002, and \$58,400,000 for communications interception, intelligence capabilities, and increased security measures, to remain available until September 30, 2003.

IMMIGRATION AND NATURALIZATION SERVICE**SALARIES AND EXPENSES**

For an additional amount for “Salaries and Expenses”, \$25,100,000, to remain available until September 30, 2003, for the Student and Exchange Visitor Program (SEVP).

CONSTRUCTION

For an additional amount for "Construction", \$700,000,000, to remain available until September 30, 2003, for construction, maintenance, repair and rehabilitation.

OFFICE OF JUSTICE PROGRAMS
JUSTICE ASSISTANCE

For an additional amount for "Justice Assistance", \$2,000,000,000, to remain available until September 30, 2003, for grants, cooperative agreements, and other assistance authorized by sections 819 and 821 of the Antiterrorism and Effective Death Penalty Act of 1996 and for other counter terrorism programs.

THE JUDICIARY

SUPREME COURT OF THE UNITED STATES
CARE OF THE BUILDINGS AND GROUNDS

For an additional amount for "Care of the Building and Grounds", \$20,000,000 for security upgrades and enhancements for the Supreme Court building, to remain available until September 30, 2003.

COURTS OF APPEALS, DISTRICT COURTS, AND
OTHER JUDICIAL SERVICES
COURT SECURITY

For an additional amount for "Court Security", \$36,000,000, to remain available until September 30, 2003.

DEPARTMENT OF STATE AND RELATED
AGENCY

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS
DIPLOMATIC AND CONSULAR PROGRAMS

For an additional amount for "Diplomatic and Consular Programs", \$45,661,000, to remain available until September 30, 2002. In addition, for an additional amount for the costs of worldwide security upgrades, \$182,900,000, to remain available until September 30, 2003.

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

For an additional amount for "International Broadcasting Operations", \$4,700,000.

RELATED AGENCY

DEPARTMENT OF TRANSPORTATION

MARITIME ADMINISTRATION

OPERATIONS AND TRAINING

For an additional amount for "Operations and Training", \$11,000,000, to remain available until September 30, 2003, for a port security program. Of this amount, \$6,000,000 shall be for port assessments and \$5,000,000 shall be for security personnel training.

MARITIME GUARANTEED LOAN (TITLE XI)
PROGRAM ACCOUNT

For an additional amount for the "Maritime Guaranteed Loan Program Account", \$12,000,000, to remain available until September 30, 2003, for port security infrastructure upgrades and equipment.

CHAPTER 3

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY CORPS OF
ENGINEERS—CIVIL

OPERATION AND MAINTENANCE, GENERAL

For an additional amount for "Operation and Maintenance, General", \$150,000,000 for increased security at critical Corps of Engineers owned and operated facilities.

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION WATER AND
RELATED RESOURCES

For an additional amount for "Water and Related Resources", \$35,000,000, to enhance

preparedness for possible attacks against Bureau of Reclamation dams, power plants, and other critical features.

DEPARTMENT OF ENERGY

ATOMIC ENERGY DEFENSE ACTIVITIES

NATIONAL NUCLEAR SECURITY
ADMINISTRATION

WEAPONS ACTIVITIES

For an additional amount for "Weapons Activities", \$294,000,000 to increase the security of the Nation's nuclear weapons complex.

DEFENSE NUCLEAR NONPROLIFERATION

For an additional amount for "Defense Nuclear Non-proliferation", \$205,000,000 for non-proliferation and verification research and development, international material protection, control, and accounting, and other non-proliferation safety and security upgrades.

INDEPENDENT AGENCY

NUCLEAR REGULATORY COMMISSION

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", \$15,000,000 to enhance security at the Nation's nuclear power plants.

CHAPTER 4

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For expenses necessary for the protection and use of the Dalton Highway and the Trans-Alaska Pipeline System, \$4,500,000: *Provided*, That of that amount, up to \$4,250,000 may be made available to the State of Alaska to assist the Federal Government in its security functions.

NATIONAL PARK SERVICE

CONSTRUCTION

For an additional amount for "Construction", \$13,500,000, for the installation of permanent protective barriers at monuments and memorials within the National Capital Region.

CHAPTER 5

DEPARTMENT OF HEALTH AND HUMAN
SERVICES

OFFICE OF THE SECRETARY

PUBLIC HEALTH AND SOCIAL SERVICES

EMERGENCY FUND

For an additional amount for emergency expenses necessary to support activities related to countering potential biological, disease, and chemical threats to civilian populations, for "Public Health and Social Services Emergency Fund", \$3,311,000,000. Of this amount, \$1,302,000,000 shall be for the Centers for Disease Control and Prevention for improving State and local capacity; \$50,000,000 shall be for grants to hospitals for improving response capabilities; \$90,000,000 shall be for upgrading capacity at the centers for Disease Control and Prevention; \$83,000,000 shall be for improving disaster response teams and the Office of the Secretary; \$116,000,000 shall be for research and development on vaccines, antibiotics and anti-virals; \$4,000,000 shall be for training and education regarding effective workplace responses to bioterrorism; \$593,000,000 shall be for the National Pharmaceutical Stockpile; \$1,000,000,000 shall be for the purchase and deployment of the smallpox vaccine; and \$73,000,000 shall be for improving laboratory security at the National Institutes of Health and the centers for Disease Control and Prevention. At the discretion of the Secretary, these amounts may be transferred between categories subject to normal reprogramming procedures.

CHAPTER 6

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY OF
TRANSPORTATION

SALARIES AND EXPENSES

For necessary expenses for aviation security activities, \$1,200,000,000: *Provided*, That not to exceed \$1,200,000,000 in fees authorized for this purpose shall be credited to this appropriation as offsetting collections and use for necessary and authorized expenses under this heading: *Provided further*, That the Secretary of Transportation may transfer amounts made available under this heading to other federal agencies consistent with authorizing law governing aviation security activities: *Provided further*, That no funds provided under this heading shall be available for obligation unless an act authorizing the collection of such fees and the crediting of such fees to serve as offsetting collections to the appropriation account for aviation security activities is enacted into law.

COAST GUARD

OPERATING EXPENSES

For an additional amount for the operation and maintenance of the Coast Guard, not otherwise provided for, \$70,000,000.

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

For an additional amount for necessary expenses of the Federal Aviation Administration, not otherwise provided for, \$10,000,000.

RESEARCH, ENGINEERING, AND DEVELOPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For an additional amount for necessary expenses for research, engineering, and development, \$100,000,000, to be derived from the Airport and Airway Trust Fund.

GRANTS-IN-AID FOR AIRPORTS

(AIRPORT AND AIRWAY TRUST FUND)

To enable the Federal Aviation Administrator to compensate airports for a portion of the direct costs associated with new, additional or revised security requirements imposed on airport operators by the Administrator on or after September 11, 2001, \$1,000,000,000.

FEDERAL RAILROAD ADMINISTRATION

SAFETY AND OPERATIONS

For an additional amount to enable the Federal Railroad Administrator to make grants for the purpose of enhancing security of the nation's freight railroads, \$50,000,000.

CAPITAL GRANTS TO THE NATIONAL RAILROAD
PASSENGER CORPORATION

For an additional amount of necessary expenses of capital improvements of the National Railroad Passenger Corporation as authorized by 49 U.S.C. 24104(a), \$760,062,000.

FEDERAL TRANSIT ADMINISTRATION

FORMULA GRANTS

For an additional amount to enable the Federal Transit Administrator to make formula grants to the nation's transit systems for the purpose of enhancing security at said systems, \$500,000,000: *Provided*, That the provisions of 49 U.S.C. 5307(e) and 49 U.S.C. 5311(g)(2) shall not apply to funds made available under this paragraph.

CAPITAL INVESTMENT GRANTS

For an additional amount to enable the Federal Transit Administrator to make discretionary grants to the nation's transit systems for the purpose of enhancing security at said systems and for the operation and capital expansion of systems severely impacted by the September 11, 2001, terrorist

attacks on the United States, \$750,000,000: *Provided*, That in administering funds made available under this paragraph, the Federal Transit Administrator shall consult with other appropriate federal agencies so as to direct funds to the most vulnerable and most severely impacted transit systems: *Provided further*, That the provisions of 49 U.S.C. 5309(h) shall not apply to funds made available under this paragraph.

CHAPTER 7

DEPARTMENT OF THE TREASURY

UNITED STATES CUSTOMS SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", \$327,000,000 shall be available until September 30, 2003; of this amount, not to exceed \$125,000,000 shall be available for the procurement and deployment of non-intrusive and counterterrorism inspection technology; \$31,070,000 shall be available for increased staffing to combat terrorism; not less than \$77,500,000 shall be available for equipment and infrastructure improvements to combat terrorism; of which not less than \$68,130,000 shall be available for seaport security; of which not to exceed \$25,300,000 shall be used to establish a backup data center.

U.S. POSTAL SERVICE

PAYMENT TO THE POSTAL SERVICE FUND

For an additional payment to the Postal Service Fund to enable the Postal Service to build and establish a system for sanitizing and screening mail matter, to protect postal employees and postal customers from exposure to biohazardous material, and to replace or repair Postal Service facilities destroyed or damaged in New York City as a result of the September 11, 2001, terrorist attacks, \$1,120,000,000, to remain available until September 30, 2003.

INDEPENDENT AGENCY

GENERAL SERVICES ADMINISTRATION

REAL PROPERTY ACTIVITIES

FEDERAL BUILDINGS FUND

LIMITATION ON AVAILABILITY OF REVENUE

For an additional amount, and to be deposited into the Federal Buildings Fund, \$85,000,000, for Capital Improvements to United States-Canada and United States-Mexico Border Facilities: *Provided*, That these funds shall not be available for expenses in connection with a construction, repair, alteration, or acquisition project for which a prospectus, if required by the Public Buildings Act of 1959, as amended, has not been approved, except that necessary funds may be expended for required expenses in connection with the development of a proposed prospectus.

FUNDS APPROPRIATED TO THE PRESIDENT

INFORMATION TECHNOLOGY SYSTEMS TO ENHANCE HOMELAND DEFENSE AND INFORMATION SECURITY

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for expenses related to improving Federal agency information technology systems associated with homeland defense and information security, \$1,000,000,000, to remain available until September 30, 2003: *Provided*, That these projects may include, but are not limited to, efforts to improve the Federal Government's information security systems; to protect critical infrastructure; to provide stronger defenses against natural and man-made threats to the nation; and to enable Federal agencies to take advantage of information technology in sharing information and conducting transactions with one another and with state and

local governments in furtherance of the above goals: *Provided further*, That the funds made available shall be transferred, as necessary, by the Director of the Office of Management and Budget to all affected Federal Departments and Agencies, for expenses necessary to ensure that information technology that is used or acquired by the Federal government meets one or more of these goals: *Provided further*, That none of the funds provided under this heading may be transferred to any Department or Agency until fifteen days after the Director of the Office of Management and Budget has submitted to the House and Senate Committees on Appropriations, the House Committee on Government Reform and the Senate Governmental Affairs Committee a proposed allocation and plan for that Department or Agency to improve information technology systems: *Provided further*, That the transfer authority provided in this paragraph is in addition to any other transfer authority contained elsewhere in this or any other Act.

The Director of the Office of Management and Budget shall establish procedures for accepting and reviewing proposals for funding, and shall consult with interagency councils, including the Chief Information Officers Council, the Chief Financial Officers Council, and procurement councils, in establishing procedures and reviewing proposals. When reviewing proposals, the Director of the Office of Management and Budget shall observe and incorporate the following procedures—

(1) a project requiring substantial involvement or funding from a Department must be approved by a senior official with agency-wide authority on behalf of the Secretary or agency head, who shall report directly to the Secretary or agency head;

(2) agencies must demonstrate measurable mission benefits commensurate with the proposed costs;

(3) funded projects must adhere to fundamental capital planning and processes;

(4) agencies must assess the results of funded projects;

(5) agencies shall identify in their proposals resource commitments from any other agencies involved, and shall include plans for potential continuation of projects after funds from this appropriation are exhausted; and

(6) after considering the recommendations to the interagency councils, the Director of the Office of Management and Budget shall have final authority to determine which of the candidate projects shall be funded.

CHAPTER 8

INDEPENDENT AGENCY

FEDERAL EMERGENCY MANAGEMENT AGENCY

EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE

For an additional amount for "Emergency management planning and assistance", \$600,000,000 for programs as authorized by section 33 of the Federal Fire Prevention and Control Act of 1974, as amended (15 U.S.C. 2201 et seq.): *Provided*, That up to 5 percent of this amount shall be transferred to "Salaries and expenses" for program administration.

CHAPTER 9

GENERAL PROVISION, THIS TITLE

SEC. 901. No part of any appropriation contained in this title shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SA 2126. Mr. KYL submitted an amendment intended to be proposed by

him to the bill H.R. 3090, to provide tax incentives for economic recovery; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. ____ PERMANENT REPEAL OF ESTATE TAXES.

Section 901 of the Economic Growth and Tax Relief Reconciliation Act of 2001 is amended—

(1) by striking "this Act" and all that follows through "2010." in subsection (a) and inserting "this Act (other than title V) shall not apply to taxable, plan, or limitation years beginning after December 31, 2010.", and

(2) by striking "estates, gifts, and transfers" in subsection (b).

SA 2127. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 3090, to provide tax incentives for economic recovery; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. ____ PERSONAL TRAVEL CREDIT.

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 (relating to non-refundable personal credits) is amended by inserting after section 25B the following new section:

"SEC. 25C. PERSONAL TRAVEL CREDIT.

"(a) ALLOWANCE OF CREDIT.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the qualified personal travel expenses which are incurred and paid by the taxpayer on or after the date of the enactment of this section and before January 1, 2002.

"(b) MAXIMUM CREDIT.—The credit allowed to a taxpayer under subsection (a) for any taxable year shall not exceed \$500 (\$1,000, in the case of a joint return).

"(c) QUALIFIED PERSONAL TRAVEL EXPENSES.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified personal travel expenses' means reasonable expenses in connection with 1 qualifying personal trip away from the taxpayer's residence for—

"(A) travel by aircraft, rail, watercraft, or motor vehicle, and

"(B) lodging while away from home at any commercial lodging facility.

Such term does not include expenses for meals, entertainment, amusement, or recreation.

"(2) QUALIFYING PERSONAL TRIP.—

"(A) IN GENERAL.—The term 'qualifying personal trip' means travel within the United States (including the Commonwealth of Puerto Rico and the possessions of the United States)—

"(i) the farthest destination of which is at least 100 miles from the taxpayer's residence,

"(ii) involves an overnight stay at a commercial lodging facility and

"(iii) which is taken on or after the date of the enactment of this section.

"(B) ONLY PERSONAL TRAVEL INCLUDED.—Such term shall not include travel if, without regard to this section, any expenses in connection with such travel are deductible in connection with a trade or business or activity for the production of income.

"(3) COMMERCIAL LODGING FACILITY.—The term 'commercial lodging facility' includes any hotel, motel, resort, rooming house, or campground.

“(d) SPECIAL RULES.—

“(1) DENIAL OF CREDIT TO DEPENDENTS.—No credit shall be allowed under this section to any individual with respect to whom a deduction under section 151 is allowable to another taxpayer for a taxable year beginning in the calendar year in which such individual's taxable year begins.

“(2) EXPENSES MUST BE SUBSTANTIATED.—No credit shall be allowed by subsection (a) unless the taxpayer substantiates by adequate records or by sufficient evidence corroborating the taxpayer's own statement the amount of the expenses described in subsection (c)(1).

“(e) DENIAL OF DOUBLE BENEFIT.—No deduction shall be allowed under this chapter for any expense for which credit is allowed under this section.”.

(b) CONFORMING AMENDMENTS.—

(1) Section 24(b)(3)(B), as added and amended by the Economic Growth and Tax Relief Reconciliation Act of 2001, is amended by striking “23 and 25B” and inserting “23, 25B, and 25C”.

(2) Section 25(e)(1)(C) is amended by striking “23 and 1400C” and by inserting “23, 25C, and 1400C”.

(3) Section 25(e)(1)(C), as amended by the Economic Growth and Tax Relief Reconciliation Act of 2001, is amended by inserting “25C,” after “25B.”.

(4) Section 25B, as added by the Economic Growth and Tax Relief Reconciliation Act of 2001, is amended by striking “section 23” and inserting “sections 23 and 25C”.

(5) Section 26(a)(1), as amended by the Economic Growth and Tax Relief Reconciliation Act of 2001, is amended by striking “and 25B” and inserting “25B, and 25C”.

(6) Section 1400C(d) is amended by inserting “and section 25C” after “this section”.

(7) Section 1400C(d), as amended by the Economic Growth and Tax Relief Reconciliation Act of 2001, is amended by striking “and 25B” and inserting “25B, and 25C”.

(8) The table of sections for subpart A of part IV of subchapter A of chapter 1 is amended by inserting before the item relating to section 26 the following new item:

“Sec. 25C. Personal travel credit.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

SA 2128. Mrs. LINCOLN submitted an amendment intended to be proposed by her to the bill H.R. 3090, to provide tax incentives for economic recovery; which was ordered to lie on the table; as follows:

At the end add the following:

TITLE XI—SUBCHAPTER S MODERNIZATION

SEC. 1101. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This title may be cited as the “Subchapter S Modernization Act of 2001”.

(b) TABLE OF CONTENTS.—The table of contents is as follows:

Sec. 1101. Short title; table of contents.

Subtitle A—Eligible Shareholders of an S Corporation

Sec. 1111. Members of family treated as 1 shareholder.

Sec. 1112. Nonresident aliens allowed to be shareholders.

Sec. 1113. Expansion of bank S corporation eligible shareholders to include IRAs.

Sec. 1114. Increase in number of eligible shareholders to 150.

Subtitle B—Qualification and Eligibility Requirements of S Corporations

Sec. 1121. Issuance of preferred stock permitted.

Sec. 1122. Safe harbor expanded to include convertible debt.

Sec. 1123. Repeal of excessive passive investment income as a termination event.

Sec. 1124. Modifications to passive income rules.

Sec. 1125. Adjustment to basis of S corporation stock for certain charitable contributions.

SUBTITLE C—TREATMENT OF S CORPORATION SHAREHOLDERS

Sec. 1131. Treatment of losses to shareholders.

Sec. 1132. Transfer of suspended losses incident to divorce.

Sec. 1133. Use of passive activity loss and at-risk amounts by qualified subchapter S trust income beneficiaries.

Sec. 1134. Deductibility of interest expense incurred by an electing small business trust to acquire S corporation stock.

Sec. 1135. Disregard of unexercised powers of appointment in determining potential current beneficiaries of ESBT.

Sec. 1136. Clarification of electing small business trust distribution rules.

Sec. 1137. Allowance of charitable contributions deduction for electing small business trusts.

Sec. 1138. Shareholder basis not increased by income derived from cancellation of S corporation's debt.

Sec. 1139. Back to back loans as indebtedness.

SUBTITLE D—EXPANSION OF S CORPORATION ELIGIBILITY FOR BANKS.

Sec. 1141. Exclusion of investment securities income from passive income test for bank S corporations.

Sec. 1142. Treatment of qualifying director shares.

Sec. 1143. Recapture of bad debt reserves.

SUBTITLE E—QUALIFIED SUBCHAPTER S SUBSIDIARIES

Sec. 1151. Relief from inadvertently invalid qualified subchapter S subsidiary elections and terminations.

Sec. 1152. Information returns for qualified subchapter S subsidiaries.

Sec. 1153. Treatment of the sale of interest in a qualified subchapter S subsidiary.

Sec. 1154. Exception to application of step transaction doctrine for restructuring in connection with making qualified subchapter S subsidiary elections.

SUBTITLE F—ADDITIONAL PROVISIONS

Sec. 1161. Elimination of all earnings and profits attributable to pre-1983 years.

Sec. 1162. No gain or loss on deferred intercompany transactions because of conversion to S corporation or qualified S corporation subsidiary.

Sec. 1163. Treatment of charitable contribution and foreign tax credit carryforwards.

Sec. 1164. Distributions by an S corporation to an employee stock ownership plan.

Sec. 1165. Special rules of application.

Subtitle A—Eligible Shareholders of an S Corporation

SEC. 1111. MEMBERS OF FAMILY TREATED AS 1 SHAREHOLDER.

(a) IN GENERAL.—Paragraph (1) of section 1361(c) (relating to special rules for applying subsection (b)) is amended to read as follows:

“(1) MEMBERS OF FAMILY TREATED AS 1 SHAREHOLDER.—

“(A) IN GENERAL.—For purpose of subsection (b)(1)(A)—

“(i) except as provided in clause (ii), a husband and wife (and their estates) shall be treated as 1 shareholder, and

“(ii) in the case of a family with respect to which an election is in effect under subparagraph (E), all members of the family shall be treated as 1 shareholder.

“(B) MEMBERS OF THE FAMILY.—For purpose of subparagraph (A)(ii), the term ‘members of the family’ means the common ancestor, lineal descendants of the common ancestor and the spouses (or former spouses) of such lineal descendants or common ancestor.

“(C) COMMON ANCESTOR.—For purposes of this paragraph, an individual shall not be considered a common ancestor if, as of the later of the effective date of this paragraph or the time the election under section 1362(a) is made, the individual is more than 6 generations removed from the youngest generation of shareholders.

“(D) EFFECT OF ADOPTION, ETC.—In determining whether any relationship specified in subparagraph (B) or (C) exists, the rules of section 152(b)(2) shall apply.

“(E) ELECTION.—An election under subparagraph (A)(ii)—

“(i) must be made with the consent of shareholders (including those that are family members) holding in the aggregate more than one-half of the shares of stock in the corporation on the day the election is made,

“(ii) in the case of—

“(I) an electing small business trust, shall be made by the trustee of the trust, and

“(II) a qualified subchapter S trust, shall be made by the beneficiary of the trust,

“(iii) under regulations, shall remain in effect until terminated, and

“(iv) shall apply only with respect to 1 family in any corporation.”.

(b) RELIEF FROM INADVERTENT INVALID ELECTION OR TERMINATION.—Section 1362(f) (relating to inadvertent invalid elections or terminations), as amended by section 1151, is amended—

(1) by inserting “or under section 1361(c)(1)(A)(ii)” after “section

1361(b)(3)(B)(ii)” in paragraph (1), and

(2) by inserting “or under section 1361(c)(1)(E)(ii)” after “section 1361(b)(3)(C)” in paragraph (1)(B).

(c) EFFECTIVE DATES.—

(1) SUBSECTION (a).—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2001.

(2) SUBSECTION (b).—The amendments made by subsection (b) shall apply to elections and terminations made after December 31, 2001.

SEC. 1112. NONRESIDENT ALIENS ALLOWED TO BE SHAREHOLDERS.

(a) NONRESIDENT ALIENS ALLOWED TO BE SHAREHOLDERS.—

(1) IN GENERAL.—Paragraph (1) of section 1361(b) (defining small business corporation) is amended—

(A) by adding “and” at the end of subparagraph (B),

(B) by striking subparagraph (C), and

(C) by redesignating subparagraph (D) as subparagraph (C).

(2) CONFORMING AMENDMENTS.—Paragraph (4) and (5)(A) of section 1361(c) (relating to

special rules for applying subsection (b)) are each amended by striking “subsection (b)(1)(D)” and inserting “subsection (b)(1)(C)”.

(b) NONRESIDENT ALIEN SHAREHOLDER TREATED AS ENGAGED IN TRADE OR BUSINESS WITHIN UNITED STATES.—

(1) IN GENERAL.—Section 875 is amended—

(A) by striking “and” at the end of paragraph (1),

(B) by striking the period at the end of paragraph (2) and inserting “, and”, and

(C) by adding at the end the following new paragraph:

“(3) a nonresident alien individual shall be considered as being engaged in a trade or business within the United States if the S corporation of which such individual is a shareholder is so engaged.”.

(2) APPLICATION OF WITHHOLDING TAX ON NONRESIDENT ALIEN SHAREHOLDERS.—Section 1446 (relating to withholding tax on foreign partners’ share of effectively connected income) is amended by redesignating subsection (f) as subsection (g) and by inserting after subsection (e) the following new subsection:

“(f) S CORPORATION TREATED AS PARTNERSHIP, ETC.—For purposes of this section—

“(1) an S corporation shall be treated as a partnership,

“(2) the shareholders of such corporation shall be treated as partners of such partnership,

“(3) any reference to section 704 shall be treated as a reference to section 1366, and

“(4) no withholding tax under subsection (a) shall be required in the case of any income realized by such corporation and allocable to a shareholder which is an electing small business trust (as defined in section 1361(e)).”.

(3) CONFORMING AMENDMENTS.—

(A) The heading of section 875 is amended to read as follows:

“SEC. 875. PARTNERSHIPS; BENEFICIARIES OF ESTATES AND TRUSTS; S CORPORATIONS.”.

(B) The heading of section 1446 is amended to read as follows:

“SEC. 1446. WITHHOLDING TAX ON FOREIGN PARTNERS’ AND S CORPORATION SHAREHOLDERS’ SHARE OF EFFECTIVELY CONNECTED INCOME.”.

(4) CLERICAL AMENDMENTS.—

(A) The item relating to section 875 in the table of sections for subpart A of part II of subchapter N of chapter 1 is amended to read as follows:

“Sec. 875. Partnerships; beneficiaries of estates and trusts; S corporations.”.

(B) The item relating to section 1446 in the table of sections for subchapter A of chapter 3 is amended to read as follows:

“Sec. 1446 Withholding tax on foreign partners’ and S corporation shareholders’ share of effectively connected income.”.

(C) PERMANENT ESTABLISHMENT OF PARTNERS AND S CORPORATION SHAREHOLDERS.—Section 894 (relating to income affected by treaty) is amended by redesignating subsection (c) as subsection (d) and by inserting after subsection (b) the following new subsection:

“(c) PERMANENT ESTABLISHMENT OF PARTNERS AND S CORPORATION SHAREHOLDERS.—If a partnership or S corporation has a permanent establishment in the United States (within the meaning of a treaty to which the United States is a party) at any time during a taxable year of such entity, a nonresident alien individual or foreign corporation which

is a partner in such partnership, or a nonresident alien individual who is a shareholder in such S corporation, shall be treated as having a permanent establishment in the United States for purposes of such treaty.”.

(c) APPLICATION OF OTHER WITHHOLDING TAX RULES ON NONRESIDENT ALIEN SHAREHOLDERS.—

(1) SECTION 1441.—Section 1441 (relating to withholding of tax on nonresident aliens) is amended by redesignating subsection (g) as subsection (h) and by inserting after subsection (f) the following new subsection:

“(g) S CORPORATION TREATED AS PARTNERSHIP, ETC.—For purposes of this section—

“(1) an S corporation shall be treated as a partnership,

“(2) the shareholders of such corporation shall be treated as partners of such partnership, and

“(3) no deduction or withholding under subsection (a) shall be required in the case of any item of income realized by such corporation and allocable to a shareholder which is an electing small business trust (as defined in section 1361(e)).”.

(2) SECTION 1445.—Section 1445(e) (relating to special rules relating to distributions, etc., by corporations, partnerships, trusts, or estates) is amended by redesignating paragraph (6) as paragraph (7) and by inserting after paragraph (5) the following new paragraph:

“(6) S CORPORATION TREATED AS PARTNERSHIP, ETC.—For purposes of this section—

“(A) an S corporation shall be treated as a partnership, and

“(B) the shareholders of such corporation shall be treated as partners of such partnership, and

“(C) no deduction or withholding under subsection (a) shall be required in the case of any gain realized by such corporation and allocable to a shareholder which is an electing small business trust (as defined in section 1361(e)).”.

(d) CONFORMING AMENDMENT.—Section 1361(e)(2) is amended by inserting “(including a nonresident alien)” after “person” the first place it appears.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 1113. EXPANSION OF BANK S CORPORATION ELIGIBLE SHAREHOLDERS TO INCLUDE IRAS.

(a) IN GENERAL.—Section 1361(c)(2)(A) (relating to certain trusts permitted as shareholders) is amended by inserting after clause (v) the following new clause:

“(vi) In the case of a corporation which is a bank (as defined in section 581), a trust which constitutes an individual retirement account under section 408(a), including one designated as a Roth IRA under section 408A, but only to the extent of the stock held by such trust in such bank as of the date of the enactment of this clause.”.

(b) TREATMENT AS SHAREHOLDER.—Section 1361(c)(2)(B) (relating to treatment as shareholders) is amended by adding at the end the following new clause:

“(vi) In the case of a trust described in clause (vi) of subparagraph (A), the individual for whose benefit the trust was created shall be treated as a shareholder.”.

(c) SALE OF STOCK IN IRA RELATING TO S CORPORATION ELECTION EXEMPT FROM PROHIBITED TRANSACTION RULES.—Section 4975(d) (relating to exemptions) is amended by striking “or” at the end of paragraph (14), by striking the period at the end of paragraph (15) and inserting “; or”, and by adding at the end the following new paragraph:

“(16) a sale of stock held by a trust which constitutes an individual retirement account under section 408(a) to the individual for whose benefit such account is established if such sale is pursuant to an election under section 1362(a).”.

(d) CONFORMING AMENDMENT.—Section 512(e)(1) is amended by inserting “1361(c)(2)(A)(vi) or” before “1361(c)(6)”.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to trusts which constitute individual retirement accounts on the date of the enactment of this Act.

SEC. 1114. INCREASE IN NUMBER OF ELIGIBLE SHAREHOLDERS TO 150.

(a) IN GENERAL.—Section 1361(b)(1)(A) (defining small business corporation) is amended by striking “75” and inserting “150”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2001.

Subtitle B—Qualification and Eligibility Requirements of S Corporations

SEC. 1121. ISSUANCE OF PREFERRED STOCK PERMITTED.

(a) IN GENERAL.—Section 1361 (defining S corporation) is amended by adding at the end the following new subsection:

“(f) TREATMENT OF QUALIFIED PREFERRED STOCK.—

“(1) IN GENERAL.—For purposes of this subchapter—

“(A) qualified preferred stock shall not be treated as a second class of stock, and

“(B) no person shall be treated as a shareholder of the corporation by reason of holding qualified preferred stock.

“(2) QUALIFIED PREFERRED STOCK DEFINED.—For purposes of this subsection, the term ‘qualified preferred stock’ means stock which meets the requirements of subparagraphs (A), (B), and (C) of section 1504(a)(4). Stock shall not fail to be treated as qualified preferred stock merely because it is convertible into other stock.

“(3) DISTRIBUTIONS.—A distribution (not in part or full payment in exchange for stock) made by the corporation with respect to qualified preferred stock shall be includible as ordinary income of the holder and deductible to the corporation as an expense in computing taxable income under section 1363(b) in the year such distribution is received.”.

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (1) of section 1361(b) is amended by inserting “, except as provided in subsection (f),” before “which does not”.

(2) Subsection (a) of section 1366 is amended by adding at the end the following new paragraph:

“(3) ALLOCATION WITH RESPECT TO QUALIFIED PREFERRED STOCK.—The holders of qualified preferred stock (as defined in section 1361(f)) shall not, with respect to such stock, be allocated any of the items described in paragraph (1).”.

(3) So much of clause (ii) of section 354(a)(2)(C) as precedes subclause (II) is amended to read as follows:

“(ii) RECAPITALIZATION OF FAMILY-OWNED CORPORATIONS AND S CORPORATIONS.—

“(I) IN GENERAL.—Clause (i) shall not apply in the case of a recapitalization under section 368(a)(1)(E) of a family-owned corporation or S corporation.”.

(4) Subsection (a) of section 1373 is amended by striking “and” at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting “, and”, and by adding at the end the following new paragraph:

“(3) no amount of an expense deductible under this subchapter by reason of section 1361(f)(3) shall be apportioned or allocated to such income.”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 1122. SAFE HARBOR EXPANDED TO INCLUDE CONVERTIBLE DEBT.

(a) **IN GENERAL.**—Subparagraph (B) of section 1361(c)(5) (defining straight debt) is amended by striking clauses (ii) and (iii) and inserting the following new clauses:

“(ii) in any case in which the terms of such promise include a provision under which the obligation to pay may be converted (directly or indirectly) into stock of the corporation, such terms, taken as a whole, are substantially the same as the terms which could have been obtained on the effective date of the promise from a person which is not a related person (within the meaning of section 465(b)(3)(C)) to the S corporation or its shareholders, and

“(iii) the creditor is—

“(I) an individual,

“(II) an estate,

“(III) a trust described in paragraph (2),

“(IV) an exempt organization described in paragraph (6), or

“(V) a person which is actively and regularly engaged in the business of lending money.”

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 1123. REPEAL OF EXCESSIVE PASSIVE INVESTMENT INCOME AS A TERMINATION EVENT.

(a) **IN GENERAL.**—Section 1362(d) (relating to termination) is amended by striking paragraph (3).

(b) **CONFORMING AMENDMENTS.**—

(1) Section 1362(f)(1) is amended by striking “or (3)”.

(2) Clause (i) of section 1042(c)(4)(A) is amended by striking “section 1362(d)(3)(C)” and inserting “section 1375(b)(4)”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 1124. MODIFICATIONS TO PASSIVE INCOME RULES.

(a) **INCREASED LIMIT.**—

(1) **IN GENERAL.**—Subsection (a)(2) of section 1375 (relating to tax imposed when passive investment income of corporation having accumulated earnings and profits exceeds 25 percent of gross receipts) is amended by striking “25 percent” and inserting “60 percent”.

(2) **CONFORMING AMENDMENTS.**—

(A) Subparagraph (J) of section 26(b)(2) is amended by striking “25 percent” and inserting “60 percent”.

(B) Clause (i) of section 1375(b)(1)(A) is amended by striking “25 percent” and inserting “60 percent”.

(C) The heading for section 1375 is amended by striking “25 percent” and inserting “60 percent”.

(D) The table of sections for part III of subchapter S of chapter 1 is amended by striking “25 percent” in the item relating to section 1375 and inserting “60 percent”.

(b) **REPEAL OF PASSIVE INCOME CAPITAL GAIN CATEGORY.**—

(1) **IN GENERAL.**—Subsection (b) of section 1375 (relating to tax imposed when passive investment income of corporation having accumulated earnings and profits exceeds 60 percent of gross receipts), as amended by subsection (a), is amended by striking paragraphs (3) and (4) and inserting the following new paragraph:

“(3) **PASSIVE INVESTMENT INCOME DEFINED.**—

“(A) **IN GENERAL.**—Except as otherwise provided in this paragraph, the term ‘passive in-

vestment income’ means gross receipts derived from royalties, rents, dividends, interest, and annuities.

“(B) **EXCEPTION FOR INTEREST ON NOTES FROM SALES OF INVENTORY.**—The term ‘passive investment income’ shall not include interest on any obligation acquired in the ordinary course of the corporation’s trade or business from its sale of property described in section 1221(a)(1).

“(C) **TREATMENT OF CERTAIN LENDING OR FINANCE COMPANIES.**—If the S corporation meets the requirements of section 542(c)(6) for the taxable year, the term ‘passive investment income’ shall not include gross receipts for the taxable year which are derived directly from the active and regular conduct of a lending or finance business (as defined in section 542(d)(1)).

“(D) **TREATMENT OF CERTAIN DIVIDENDS.**—If an S corporation holds stock in a C corporation meeting the requirements of section 1504(a)(2), the term ‘passive investment income’ shall not include dividends from such C corporation to the extent such dividends are attributable to the earnings and profits of such C corporation derived from the active conduct of a trade or business.

“(E) **COORDINATION WITH SECTION 1374.**—The amount of passive investment income shall be determined by not taking into account any recognized built-in gain or loss of the S corporation for any taxable year in the recognition period. Terms used in the preceding sentence shall have the same respective meaning as when used in section 1374.”

(2) **CONFORMING AMENDMENTS.**—Section 1375(d) is amended by striking “subchapter C” both places it appears and inserting “accumulated”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 1125. ADJUSTMENT TO BASIS OF S CORPORATION STOCK FOR CERTAIN CHARITABLE CONTRIBUTIONS.

(a) **IN GENERAL.**—Paragraph (1) of section 1367(a) (relating to adjustments to basis of stock of shareholders, etc.) is amended by striking “and” at the end of subparagraph (B), by striking the period at the end of subparagraph (C) and inserting “, and”, and by adding at the end the following new subparagraph:

“(D) the excess of the amount of the shareholder’s proportionate share of any charitable contribution made by the S corporation over the shareholder’s proportionate share of the adjusted basis of the property contributed.”

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

Subtitle C—Treatment of S Corporation Shareholders

SEC. 1131. TREATMENT OF LOSSES TO SHAREHOLDERS.

(a) **LIQUIDATIONS.**—Section 331 (relating to gain or loss to shareholders in corporate liquidations) is amended by redesignating subsection (c) as subsection (d) and by inserting after subsection (b) the following new subsection:

“(c) **LOSS ON LIQUIDATIONS OF S CORPORATION.**—

“(1) **IN GENERAL.**—The portion of any net loss recognized by a shareholder of an S corporation (as defined in section 1361(a)(1))—

“(A) on amounts received by such shareholder in a distribution in complete liquidation of such S corporation, or

“(B) on an installment obligation received by such shareholder with respect to a sale or exchange by the corporation during the 12-

month period beginning on the date a plan of complete liquidation is adopted if the liquidation is completed during such 12-month period,

which does not exceed the ordinary income basis of stock of such S corporation in the hands of such shareholder shall not be treated as a loss from the sale or exchange of a capital asset but shall be treated as an ordinary loss.

“(2) **ORDINARY INCOME BASIS.**—For purposes of this subsection, the ordinary income basis of stock of an S corporation in the hands of a shareholder of such S corporation shall be an amount equal to the portion of such shareholder’s basis in such stock which is equal to the aggregate increases in such basis under section 1367(a)(1) resulting from such shareholder’s pro rata share of ordinary income of such S corporation attributable to the complete liquidation.”

(b) **SUSPENDED PASSIVE ACTIVITY LOSSES.**—Paragraph (3) of section 1371(b) is amended to read as follows:

“(3) **TREATMENT OF S YEAR AS ELAPSED YEAR; PASSIVE LOSSES.**—Nothing in paragraphs (1) and (2) shall prevent treating a taxable year for which a corporation is an S corporation as a taxable year for purposes of determining the number of taxable years to which an item may be carried back or carried forward nor prevent the allowance of a passive activity loss deduction to the extent provided by section 469(g).”

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 1132. TRANSFER OF SUSPENDED LOSSES INCIDENT TO DIVORCE.

(a) **IN GENERAL.**—Section 1366(d) (relating to special rules for losses and deductions) is amended by adding at the end the following new paragraph:

“(4) **TRANSFER OF SUSPENDED LOSSES AND DEDUCTIONS WHEN STOCK IS TRANSFERRED INCIDENT TO DIVORCE.**—For purposes of paragraph (2), the transfer of any shareholder’s stock in an S corporation incident to a decree of divorce shall include any loss or deduction described in such paragraph attributable to such stock.”

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to transfers made after the date of the enactment of this Act.

SEC. 1133. USE OF PASSIVE ACTIVITY LOSS AND AT-RISK AMOUNTS BY QUALIFIED SUBCHAPTER S TRUST INCOME BENEFICIARIES.

(a) **IN GENERAL.**—Section 1361(d)(1) (relating to special rule for qualified subchapter S trust) is amended—

(1) by striking “and” at the end of subparagraph (A),

(2) by striking the period at the end of subparagraph (B) and inserting “, and”, and

(3) by adding at the end the following new subparagraph:

“(C) for purposes of applying sections 465 and 469(g) to the beneficiary of the trust, the disposition of the S corporation stock by the trust shall be treated as a disposition by such beneficiary.”

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply to transfers made after the date of the enactment of this Act.

SEC. 1134. DEDUCTIBILITY OF INTEREST EXPENSE INCURRED BY AN ELECTING SMALL BUSINESS TRUST TO ACQUIRE S CORPORATION STOCK.

(a) **IN GENERAL.**—Subparagraph (C) of section 641(c)(2) (relating to modifications) is amended by inserting after clause (iii) the following new clause:

“(iv) Any interest expense incurred to acquire stock in an S corporation.”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 1135. DISREGARD OF UNEXERCISED POWERS OF APPOINTMENT IN DETERMINING POTENTIAL CURRENT BENEFICIARIES OF ESBT.

(a) **IN GENERAL.**—Section 1361(e)(2) (defining potential current beneficiary) is amended—

(1) by inserting “(determined without regard to any unexercised (in whole or in part) power of appointment during such period)” after “of the trust” in the first sentence, and

(2) by striking “60-day” in the second sentence and inserting “1-year”.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 1136. CLARIFICATION OF ELECTING SMALL BUSINESS TRUST DISTRIBUTION RULES.

(a) **IN GENERAL.**—Section 641(c)(1) (relating to special rules for taxation of electing small business trusts) is amended—

(1) by striking “and” at the end of subparagraph (A),

(2) by redesignating subparagraph (B) as subparagraph (C), and

(3) by inserting after subparagraph (A) the following new subparagraph:

“(B) any distribution attributable to the portion treated as a separate trust shall be treated separately from any distribution attributable to the portion not so treated, and”.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after December 31, 1996.

SEC. 1137. ALLOWANCE OF CHARITABLE CONTRIBUTIONS DEDUCTION FOR ELECTING SMALL BUSINESS TRUSTS.

(a) **IN GENERAL.**—Section 641(c)(2)(C) (relating to modifications), as amended by section 1134(a), is amended by inserting after clause (iv) the following new clause:—

“(v) Deductions described in section 642(c)(1).”.

(b) **CONFORMING AMENDMENT.**—Section 512(e) (relating to special rules applicable to S corporations) is amended by redesignating subparagraph (3) as subparagraph (4) and by inserting after subparagraph (2) the following new subparagraph:

“(3) AMOUNTS RECEIVED FROM AN ELECTING SMALL BUSINESS TRUST.—Notwithstanding any other provision of this part, amounts received by an organization described in section 511(a)(2) from an electing small business trust (as defined in section 1361(e)) shall be taken into account in computing the unrelated business taxable income of such organization to the extent such amount is deducted by such trust under section 641(c)(2)(C)(v).”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 1138. SHAREHOLDER BASIS NOT INCREASED BY INCOME DERIVED FROM CANCELLATION OF S CORPORATION'S DEBT.

(a) **IN GENERAL.**—Section 1366(a)(1) (relating to determination of shareholder's tax liability) is amended by inserting “but not including income excludable from gross income under section 108” after “tax-exempt income”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to discharges of indebtedness occurring after December 31, 2000.

SEC. 1139. BACK TO BACK LOANS AS INDEBTEDNESS.

(a) **IN GENERAL.**—Section 1366(d) (relating to special rules for losses and deductions) is amended by adding at the end the following new paragraph:

“(4) **LOANS INCLUDED IN INDEBTEDNESS OF AN S CORPORATION.**—For purposes of subsection (d), the indebtedness of an S corporation to the shareholder shall include any loans made or acquired (by purchase, gift, or distribution from another person) by a shareholder to the S corporation, regardless of whether the funds loaned by the shareholder to the S corporation were obtained by the shareholder by means of a recourse loan from another person (whether related or unrelated to the shareholder).”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to taxable years beginning after December 31, 2001.

Subtitle D—Expansion of S Corporation Eligibility for Banks.

SEC. 1141. EXCLUSION OF INVESTMENT SECURITIES INCOME FROM PASSIVE INCOME TEST FOR BANK S CORPORATIONS.

(a) **IN GENERAL.**—Section 1374(b)(3) (defining passive investment income) is amended by adding at the end the following new subparagraph:

“(E) **EXCEPTION FOR BANKS; ETC.**—In the case of a bank (as defined in section 581), a bank holding company (as defined in section 246A(c)(3)(B)(ii)), or a qualified subchapter S subsidiary which is a bank, the term ‘passive investment income’ shall not include—

“(i) interest income earned by such bank, bank holding company, or qualified subchapter S subsidiary, or

“(ii) dividends on assets required to be held by such bank, bank holding company, or qualified subchapter S subsidiary to conduct a banking business, including stock in the Federal Reserve Bank, the Federal Home Loan Bank, or the Federal Agricultural Mortgage Bank or participation certificates issued by a Federal Intermediate Credit Bank.”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to taxable years beginning after December 31, 1996.

SEC. 1142. TREATMENT OF QUALIFYING DIRECTOR SHARES.

(a) **IN GENERAL.**—Section 1361 (defining S corporation), as amended by section 1121(a), is amended by adding at the end the following new subsection:

“(g) **TREATMENT OF QUALIFYING DIRECTOR SHARES.**—

“(1) **IN GENERAL.**—For purposes of this subchapter—

“(A) qualifying director shares shall not be treated as a second class of stock, and

“(B) no person shall be treated as a shareholder of the corporation by reason of holding qualifying director shares.

“(2) **QUALIFYING DIRECTOR SHARES DEFINED.**—For purposes of this subsection, the term ‘qualifying director shares’ means any shares of stock in a bank (as defined in section 581) or in a bank holding company registered as such with the Federal Reserve System—

“(i) which are held by an individual solely by reason of status as a director of such bank or company or its controlled subsidiary; and

“(ii) which are subject to an agreement pursuant to which the holder is required to dispose of the shares of stock upon termination of the holder's status as a director at the same price as the individual acquired such shares of stock.

“(3) **DISTRIBUTIONS.**—A distribution (not in part or full payment in exchange for stock)

made by the corporation with respect to qualifying director shares shall be includible as ordinary income of the holder and deductible to the corporation as an expense in computing taxable income under section 1363(b) in the year such distribution is received.”.

(b) **CONFORMING AMENDMENTS.**—

(1) Section 1361(b)(1) is amended by inserting “, except as provided in subsection (f),” before “which does not”.

(2) Section 1366(a) is amended by adding at the end the following new paragraph:

“(3) **ALLOCATION WITH RESPECT TO QUALIFYING DIRECTOR SHARES.**—The holders of qualifying director shares (as defined in section 1361(f)) shall not, with respect to such shares of stock, be allocated any of the items described in paragraph (1).”.

(3) Section 1373(a) is amended by striking “and” at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting “, and”, and adding at the end the following new paragraph:

“(3) no amount of an expense deductible under this subchapter by reason of section 1361(f)(3) shall be apportioned or allocated to such income.”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after December 31, 1996.

SEC. 1143. RECAPTURE OF BAD DEBT RESERVES.

Notwithstanding section 481 of the Internal Revenue Code of 1986, with respect to any S corporation election made by any bank in taxable years beginning after December 31, 1996, such bank may recognize built-in gains from changing its accounting method for recognizing bad debts from the reserve method under section 585 or 593 of such Code to the charge-off method under section 166 of such Code either in the taxable year ending with or beginning with such an election.

Subtitle E—Qualified Subchapter S Subsidiaries

SEC. 1151. RELIEF FROM INADVERTENTLY INVALID QUALIFIED SUBCHAPTER S SUBSIDIARY ELECTIONS AND TERMINATIONS.

(a) **IN GENERAL.**—Section 1362(f) (relating to inadvertent invalid elections or terminations) is amended—

(1) by inserting “or under section 1361(b)(3)(B)(ii)” after “subsection (a)” in paragraph (1),

(2) by inserting “or under section 1361(b)(3)(C)” after “subsection (d)” in paragraph (1)(B),

(3) by inserting “or a qualified subchapter S subsidiary, as the case may be” after “small business corporation” in paragraph (3)(A),

(4) by inserting “or a qualified subchapter S subsidiary, as the case may be” after “S corporation” in paragraph (4), and

(5) by inserting “or a qualified subchapter S subsidiary, as the case may be” after “S corporation” in the matter following paragraph (4).

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after December 31, 1996.

SEC. 1152. INFORMATION RETURNS FOR QUALIFIED SUBCHAPTER S SUBSIDIARIES.

(a) **IN GENERAL.**—Section 1361(b)(3)(A) (relating to treatment of certain wholly owned subsidiaries) is amended by inserting “and in the case of information returns required under part III of subchapter A of chapter 61” after “Secretary”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 1153. TREATMENT OF THE SALE OF INTEREST IN A QUALIFIED SUBCHAPTER S SUBSIDIARY.

(a) IN GENERAL.—Section 1361(b)(3) (relating to treatment of certain wholly owned subsidiaries) is amended by adding at the end the following new subparagraph:

“(E) SPECIAL RULE ON TERMINATION.—The tax treatment of the disposition of the stock of the qualified subchapter S subsidiary shall be determined as if such disposition were—

“(i) a sale of the undivided interest in the subsidiary’s assets based on the percentage of the stock transferred, and

“(ii) followed by a deemed contribution by the S corporation and the transferee in a section 351 transaction.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 1996.

SEC. 1154. EXCEPTION TO APPLICATION OF STEP TRANSACTION DOCTRINE FOR RESTRUCTURING IN CONNECTION WITH MAKING QUALIFIED SUBCHAPTER S SUBSIDIARY ELECTIONS.

(a) IN GENERAL.—Section 1361(b)(3) (relating to treatment of certain wholly owned subsidiaries), as amended by section 1153, is amended by redesignating subparagraphs (C), (D), and (E), as subparagraphs (D), (E), and (F), respectively, and by inserting after subparagraph (B) the following new subparagraph:

“(C) TREATMENT OF ELECTION.—The election under subparagraph (B)(ii) shall be treated as a liquidation of the qualified subchapter S subsidiary to which section 332 applies.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to elections effective after December 31, 2001.

Subtitle F—Additional Provisions**SEC. 1161. ELIMINATION OF ALL EARNINGS AND PROFITS ATTRIBUTABLE TO PRE-1983 YEARS.**

(a) IN GENERAL.—Subsection (a) of section 1311 of the Small Business Job Protection Act of 1996 is amended to read as follows:

“(a) IN GENERAL.—If a corporation was an electing small business corporation under subchapter S of chapter 1 of the Internal Revenue Code of 1986 for any taxable year beginning before January 1, 1983, the amount of such corporation’s accumulated earnings and profits (as of the beginning of any taxable year beginning after December 31, 1982) shall be reduced by an amount equal to the portion (if any) of such accumulated earnings and profits which were accumulated in any taxable year beginning before January 1, 1983, for which such corporation was an electing small business corporation under such subchapter S.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 1996.

SEC. 1162. NO GAIN OR LOSS ON DEFERRED INTERCOMPANY TRANSACTIONS BECAUSE OF CONVERSION TO S CORPORATION OR QUALIFIED S CORPORATION SUBSIDIARY.

With respect to taxable years beginning before, on, or after July 12, 1995, the regulations under section 1502 of the Internal Revenue Code of 1986 shall not cause gain or loss to be recognized by reason of an election under section 1361(b)(3)(B) or 1362(a) of such Code.

SEC. 1163. TREATMENT OF CHARITABLE CONTRIBUTION AND FOREIGN TAX CREDIT CARRYFORWARDS.

(a) CHARITABLE CONTRIBUTION CARRYFORWARDS.—The last sentence of section 1374(b)(2) (relating to net operating loss carryforwards from C years allowed) is

amended by inserting “or a charitable contribution carryforward under section 170(d)(2)” after “capital loss carryforward”.

(b) FOREIGN TAX CREDIT CARRYFORWARDS.—The last sentence of section 1374(b)(3)(B) (relating to business credit carryforwards from C years allowed) is amended by inserting “and the foreign tax credit carryforward under section 904” after “section 53”.

(c) TREATMENT OF ADDITIONAL CARRYFORWARDS.—Section 1374(b) (relating to amount of tax) is amended by adding at the end the following new paragraph:

“(5) TREATMENT OF ADDITIONAL CARRYFORWARDS.—The Secretary under regulations shall provide treatment similar to the preceding paragraphs of this subsection for other carryforwards attributable to taxable years for which an S corporation was a C corporation.”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 1164. DISTRIBUTIONS BY AN S CORPORATION TO AN EMPLOYEE STOCK OWNERSHIP PLAN.

(a) IN GENERAL.—Section 1368(f) (relating to distributions) is amended by adding at the end the following new subsection:

“(f) DISTRIBUTIONS BY AN S CORPORATION TO AN EMPLOYEE STOCK OWNERSHIP PLAN.—Any distribution described in subsection (a) to an employee stock ownership plan (as defined in section 4975(e)(7)) shall be treated as a dividend under section 404(k)(2)(A).”.

(b) TECHNICAL AMENDMENT.—Section 404(a)(9)(C) (relating to S corporations) is amended to read as follows:

“(C) S CORPORATIONS.—The deduction provided in this paragraph shall not apply to an S corporation.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions received after the date of the enactment of this Act.

SEC. 1165. SPECIAL RULES OF APPLICATION.

(a) WAIVER OF LIMITATIONS.—If refund or credit of any overpayment of tax resulting from the application of any amendment made by this Act is prevented at any time before the close of the 1-year period beginning on the date of the enactment of this Act by the operation of any law or rule of law (including res judicata), such refund or credit may nevertheless be made or allowed if claimed therefor is filed before the close of such period.

(b) TREATMENT OF CERTAIN ELECTIONS UNDER PRIOR LAW.—For purposes of section 1362(g) of the Internal Revenue Code of 1986 (relating to election after termination), any termination or revocation under section 1362(d) of such Code (as in effect on the day before enactment of this Act) shall not be taken into account.

SA 2129. Mr. LINCOLN submitted an amendment intended to be proposed by her to the bill H.R. 3090, to provide tax incentives for economic recovery; which was ordered to lie on the table; as follows:

At an appropriate place in title IX and insert the following:

SEC. ____ TAX INCENTIVES FOR QUALIFIED UNITED STATES INDEPENDENT FILM AND TELEVISION PRODUCTION.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 (relating to business related credits) is amended by adding at the end the following new section:

“SEC. 45G. UNITED STATES INDEPENDENT FILM AND TELEVISION PRODUCTION WAGE CREDIT.

“(a) AMOUNT OF CREDIT.—

“(1) IN GENERAL.—For purposes of section 38, the United States independent film and television production wage credit determined under this section with respect to any employer for any taxable year is an amount equal to 25 percent of the qualified wages paid or incurred during such taxable year.

“(2) HIGHER PERCENTAGE FOR PRODUCTION EMPLOYMENT IN CERTAIN AREAS.—In the case of qualified wages for any qualified United States independent film and television production located in an area eligible for designation as a low-income community under section 45D or eligible for designation by the Delta Regional Authority as a distressed county or isolated area of distress, paragraph (1) shall be applied by substituting ‘35 percent’ for ‘25 percent’.

“(b) ONLY FIRST \$25,000 OF WAGES PER YEAR TAKEN INTO ACCOUNT.—The amount of qualified wages paid or incurred to each qualified employee which may be taken into account for a taxable year shall not exceed \$25,000.

“(c) QUALIFIED WAGES.—For purposes of this section—

“(1) IN GENERAL.—The term ‘qualified wages’ means—

“(A) any wages paid or incurred by an employer for services performed in the United States by an employee while such employee is a qualified employee, and

“(B) the employee fringe benefit expenses of the employer allocable to such services performed by such employee.

“(2) QUALIFIED EMPLOYEE.—

“(A) IN GENERAL.—The term ‘qualified employee’ means, with respect to any period, any employee of an employer if substantially all of the services performed during such period by such employee for such employer are performed in an activity related to any qualified United States independent film and television production in a trade or business of the employer.

“(B) CERTAIN INDIVIDUALS NOT ELIGIBLE.—Such term shall not include—

“(i) any individual described in subparagraph (A), (B), or (C) of section 51(i)(1), and

“(ii) any 5-percent owner (as defined in section 416(i)(1)(B)).

“(3) COORDINATION WITH OTHER WAGE CREDITS.—No credit shall be allowed under any other provision of this chapter for wages paid to any employee during any taxable year if the employer is allowed a credit under this section for any of such wages.

“(4) WAGES.—The term ‘wages’ has the same meaning as when used in section 51.

“(5) EMPLOYEE FRINGE BENEFIT EXPENSES.—The term ‘employee fringe benefit expenses’ means the amount allowable as a deduction under this chapter to the employer for any taxable year with respect to—

“(A) employer contributions under stock bonus, pension, profit-sharing, or annuity plan,

“(B) employer-provided coverage under any accident or health plan for employees, and

“(C) the cost of life or disability insurance provided to employees.

Any amount treated as wages under paragraph (1)(A) shall not be taken into account under this subparagraph.

“(d) QUALIFIED UNITED STATES INDEPENDENT FILM AND TELEVISION PRODUCTION.—For purposes of this section—

“(1) IN GENERAL.—The term ‘qualified United States independent film and television production’ means any production of any motion picture (whether released theatrically, for television or cable programming, or directly to video cassette or any

other format) or any seasonal television series (including any pilot production) if—

“(A) 75 percent of the total wages of the production are qualified wages,

“(B) the production is created primarily for use as public entertainment or for educational purposes, and

“(C) the total cost of wages of the production is more than \$200,000 but less than \$10,000,000.

Such term shall not include any production if records are required under section 2257 of title 18, United States Code, to be maintained with respect to any performer in such production (reporting of books, films, etc. with sexually explicit conduct).

“(2) **PUBLIC ENTERTAINMENT.**—The term ‘public entertainment’ includes a motion picture film, video tape, or television program intended for initial broadcast via the public broadcast spectrum or delivered via cable distribution, or productions that are submitted to a national organization in existence on July 27, 2001, that rates films for violent or adult content. Such term does not include any film or tape the market for which is primarily topical, is otherwise essentially transitory in nature, or is produced for private noncommercial use.

“(3) **INFLATION ADJUSTMENT.**—

“(A) **IN GENERAL.**—In the case of any taxable year beginning in a calendar year after 2001, the \$10,000,000 amount contained in paragraph (1)(C) shall be increased by an amount equal to—

“(i) such dollar amount, multiplied by

“(ii) the cost-of-living adjustment under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting ‘calendar year 2000’ for ‘calendar year 1992’ in subparagraph (B) thereof.

“(B) **ROUNDING.**—If any increase determined under subparagraph (A) is not a multiple of \$500,000, such amount shall be rounded to the nearest multiple of \$500,000.

“(e) **CONTROLLED GROUPS.**—For purposes of this section—

“(1) all employers treated as a single employer under subsection (a) or (b) of section 52 shall be treated as a single employer for purposes of this subpart, and

“(2) the credit (if any) determined under this section with respect to each such employer shall be its proportionate share of the wages giving rise to such credit.

“(f) **APPLICATION OF CERTAIN OTHER RULES.**—For purposes of this section, rules similar to the rules of section 51(k) and subsections (c) and (d) of section 52 shall apply.

“(g) **APPLICATION OF SECTION.**—This section shall not apply to taxable years beginning after December 31, 2004.”

(b) **CREDIT TREATED AS BUSINESS CREDIT.**—Section 38(b) is amended by striking “plus” at the end of paragraph (14), by striking the period at the end of paragraph (15) and inserting “, plus”, and by adding at the end the following new paragraph:

“(16) the United States independent film and television production wage credit determined under section 45G(a).”

(c) **NO CARRYBACKS.**—Subsection (d) of section 39 (relating to carryback and carryforward of unused credits) is amended by adding at the end the following:

“(11) **NO CARRYBACK OF SECTION 45G CREDIT BEFORE EFFECTIVE DATE.**—No portion of the unused business credit for any taxable year which is attributable to the United States independent film and television production wage credit determined under section 45G may be carried back to a taxable year ending before the date of the enactment of section 45G.”

(d) **DENIAL OF DOUBLE BENEFIT.**—Subsection (a) of section 280C is amended by inserting “45G(a),” after “45A(a).”

(e) **CONFORMING AMENDMENT.**—The table of sections for subpart C of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

“Sec. 45G. United States independent film and television production wage credit.”

(f) **EFFECTIVE DATE.**—The amendments made by this section shall apply to amounts paid or incurred after the date of the enactment of this Act in taxable years ending after such date.

SA 2130. Mrs. LINCOLN submitted an amendment intended to be proposed by her to the bill H.R. 3090, to provide tax incentives for economic recovery; which was ordered to lie on the table; as follows:

At an appropriate place in title IX insert the following:

SEC. ____ AMORTIZATION OF REFORESTATION EXPENDITURES AND REFORESTATION TAX CREDIT.

(a) **REMOVAL OF CAP ON AMORTIZABLE BASIS.**—

(1) **IN GENERAL.**—Section 194 (relating to amortization of reforestation expenditures) is amended by striking subsection (b) and by redesignating subsections (c) and (d) as subsections (b) and (c), respectively.

(2) **CONFORMING AMENDMENT.**—Subsection (b) of section 194, as redesignated by paragraph (1), is amended by striking paragraph (4).

(b) **INCREASE IN CAP ON REFORESTATION CREDIT.**—Paragraph (1) of section 48(b) (relating to reforestation credit) is amended—

(1) by inserting “of the first \$25,000” after “10 percent”, and

(2) by striking “(after the application of section 194(b)(1))”.

(c) **EFFECTIVE DATES.**—

(1) **AMORTIZATION PROVISIONS.**—The amendments made by subsection (a) shall apply to additions to capital account made after December 31, 2001.

(2) **TAX CREDIT PROVISIONS.**—The amendments made by subsection (b) shall apply to property acquired after December 31, 2001.

SA 2131. Mrs. LINCOLN submitted an amendment intended to be proposed by her to the bill H.R. 3090, to provide tax incentives for economic recovery; which was ordered to lie on the table; as follows:

On page 11, line 17, strike “or”.

On page 11, line 19, strike the comma and insert “, or”.

On page 11, between lines 19 and 20, insert: “(V) which is qualified retail improvement property,

On page 16, line 25, strike the end quotation marks and the second period.

On page 16, after line 25, insert:

“(4) **QUALIFIED RETAIL IMPROVEMENT PROPERTY.**—For purposes of this subsection—

“(A) **IN GENERAL.**—The term ‘qualified retail improvement property’ means any improvement to an interior portion of a building which is primarily used or held for use in a qualified retail business at the location of such improvement, but only if such improvement is placed in service more than 3 years after the date the building was first placed in service.

“(B) **CERTAIN IMPROVEMENTS NOT INCLUDED.**—The term ‘qualified retail improve-

ment’ does not include any improvement of a type described in clauses (i) through (iv) of subsection (k)(3)(B).

“(C) **QUALIFIED RETAIL BUSINESS.**—For purposes of this paragraph—

“(i) **IN GENERAL.**—The term ‘qualified retail business’ means a trade or business of selling tangible personal property to the general public.

“(ii) **TREATMENT OF CERTAIN SALES OF INTANGIBLE PROPERTY OR SALES.**—Any sale of intangible property or services shall be considered a sale of tangible property if such sale is incidental to the sale of tangible property. A trade or business shall not fail to be treated as a qualified retail business by reason of sales of intangible property or services if such sales (other than sales that are incidental to the sale of tangible personal property) represent less than 10 percent of the total sales of the trade or business at the location.”

SA 2132. Mr. SMITH of Oregon submitted an amendment intended to be proposed by him to the bill H.R. 3090, to provide tax incentives for economic recovery; which was ordered to lie on the table; as follows:

Strike section 602(a) and insert the following:

(a) **STATE OPTION.**—

(1) **IN GENERAL.**—Notwithstanding any other provision of law, a State may elect to provide under its medicaid program under title XIX of the Social Security Act medical assistance in the case of an individual—

(A) who at any time during the period that begins on September 11, 2001, and ends on December 31, 2002, is separated from employment;

(B) who is not eligible for COBRA continuation coverage;

(C) who is uninsured; and

(D) whose assets, resources, and earned or unearned income (or both) do not exceed such limitations (if any) as the State may establish.

(2) **EXPANDED ELIGIBILITY FOR CERTAIN STATES WITH HIGH UNEMPLOYMENT.**—In the case of a State that, during the period that begins on January 1, 2000, and ends on December 31, 2002, has an unemployment rate that exceeds 5.0 percent for more than 2 consecutive months, the State may apply paragraph (1)(A) as if “January 1, 2000” were substituted for “September 11, 2001”.

SA 2133. Mr. SMITH of Oregon submitted an amendment intended to be proposed by him to the bill H.R. 3090, to provide tax incentives for economic recovery; which was ordered to lie on the table; as follows:

At the appropriate place in the bill, insert the following:

“Section 45(c)(3)(A) of the Internal Revenue Code of 1986 (relating to wind facility) is amended by striking ‘January 1, 2002’ and inserting ‘January 1, 2007.’”

SA 2134. Mr. SMITH of Oregon submitted an amendment intended to be proposed by him to the bill H.R. 3090, to provide tax incentives for economic recovery; which was ordered to lie on the table; as follows:

Strike section 201 and insert the following:

SEC. 201. SPECIAL DEPRECIATION ALLOWANCE FOR CERTAIN PROPERTY ACQUIRED AFTER SEPTEMBER 10, 2001, AND BEFORE SEPTEMBER 11, 2004.

(a) IN GENERAL.—Section 168 (relating to accelerated cost recovery system) is amended by adding at the end the following new subsection:

“(k) SPECIAL ALLOWANCE FOR CERTAIN PROPERTY ACQUIRED AFTER SEPTEMBER 10, 2001, AND BEFORE SEPTEMBER 11, 2004.—

“(1) ADDITIONAL ALLOWANCE.—In the case of any qualified property—

“(A) the depreciation deduction provided by section 167(a) for the taxable year in which such property is placed in service shall include an allowance equal to 30 percent of the adjusted basis of the qualified property, and

“(B) the adjusted basis of the qualified property shall be reduced by the amount of such deduction before computing the amount otherwise allowable as a depreciation deduction under this chapter for such taxable year and any subsequent taxable year.

“(2) QUALIFIED PROPERTY.—For purposes of this subsection—

“(A) IN GENERAL.—The term ‘qualified property’ means property—

“(i) (I) to which this section applies which has an applicable recovery period of 20 years or less or which is water utility property, or

“(II) which is computer software (as defined in section 167(f)(1)(B)) for which a deduction is allowable under section 167(a) without regard to this subsection,

“(ii) the original use of which commences with the taxpayer after September 10, 2001,

“(iii) which is—

“(I) acquired by the taxpayer after September 10, 2001, and before September 11, 2004, but only if no written binding contract for the acquisition was in effect before September 11, 2001, or

“(II) acquired by the taxpayer pursuant to a written binding contract which was entered into after September 10, 2001, and before September 11, 2004, and

“(iv) which is placed in service by the taxpayer before January 1, 2005.

“(B) EXCEPTIONS.—

“(i) ALTERNATIVE DEPRECIATION PROPERTY.—The term ‘qualified property’ shall not include any property to which the alternative depreciation system under subsection (g) applies, determined—

“(I) without regard to paragraph (7) of subsection (g) (relating to election to have system apply), and

“(II) after application of section 280F(b) (relating to listed property with limited business use).

“(ii) ELECTION OUT.—If a taxpayer makes an election under this clause with respect to any class of property for any taxable year, this subsection shall not apply to all property in such class placed in service during such taxable year.

“(iii) REPAIRED OR RECONSTRUCTED PROPERTY.—Except as otherwise provided in regulations, the term ‘qualified property’ shall not include any repaired or reconstructed property.

“(iv) QUALIFIED LEASEHOLD IMPROVEMENT PROPERTY.—The term ‘qualified property’ shall not include any qualified leasehold improvement property (as defined in section 168(e)(6)).

“(C) SPECIAL RULES RELATING TO ORIGINAL USE.—

“(i) SELF-CONSTRUCTED PROPERTY.—In the case of a taxpayer manufacturing, constructing, or producing property for the taxpayer's own use, the requirements of clause (iii) of subparagraph (A) shall be treated as

met if the taxpayer begins manufacturing, constructing, or producing the property after September 10, 2001, and before September 11, 2004.

“(ii) SALE-LEASEBACKS.—For purposes of subparagraph (A)(ii), if property—

“(I) is originally placed in service after September 10, 2001, by a person, and

“(II) sold and leased back by such person within 3 months after the date such property was originally placed in service, such property shall be treated as originally placed in service not earlier than the date on which such property is used under the lease-back referred to in subclause (II).

“(D) COORDINATION WITH SECTION 280F.—For purposes of section 280F—

“(i) AUTOMOBILES.—In the case of a passenger automobile (as defined in section 280F(d)(5)) which is qualified property, the Secretary shall increase the limitation under section 280F(a)(1)(A)(i) by \$4,600.

“(ii) LISTED PROPERTY.—The deduction allowable under paragraph (1) shall be taken into account in computing any recapture amount under section 280F(b)(2).”

(b) ALLOWANCE AGAINST ALTERNATIVE MINIMUM TAX.—

(1) IN GENERAL.—Section 56(a)(1)(A) (relating to depreciation adjustment for alternative minimum tax) is amended by adding at the end the following new clause:

“(iii) ADDITIONAL ALLOWANCE FOR CERTAIN PROPERTY ACQUIRED AFTER SEPTEMBER 10, 2001, AND BEFORE SEPTEMBER 11, 2004.—The deduction under section 168(k) shall be allowed.”

(2) CONFORMING AMENDMENT.—Clause (i) of section 56(a)(1)(A) is amended by striking “clause (ii)” both places it appears and inserting “clauses (ii) and (iii)”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after September 10, 2001, in taxable years ending after such date.

SA 2135. Mr. SMITH of New Hampshire (for himself, Mr. INHOFE, and Mr. THOMAS) submitted an amendment intended to be proposed by him to the bill H.R. 3090, to provide tax incentives for economic recovery; which was ordered to lie on the table; as follows:

At the appropriate place in title IX, insert the following:

SEC. 9. FEDERAL-AID HIGHWAY PROGRAMS.

(a) INCREASE IN OBLIGATION AUTHORITY.—

(1) IN GENERAL.—In addition to any obligation authority provided by any other law enacted before, on, or after the date of enactment of this Act, \$5,000,000,000 in obligation authority shall be made available for fiscal year 2002 for obligation of funds apportioned under section 104(b) of title 23, United States Code.

(2) DISTRIBUTION OF OBLIGATION AUTHORITY.—The obligation authority made available by paragraph (1) shall be distributed—

(A) to each State in accordance with the percentage specified for the State in section 105(b) of title 23, United States Code; and

(B) subject to the redistribution of unused obligation authority using the method prescribed in section 1102(d) of the Transportation Equity Act for the 21st Century (23 U.S.C. 104 note; 112 Stat. 117).

(b) TEMPORARY INCREASE OF FEDERAL SHARE FOR PROJECTS CARRIED OUT USING INCREASE IN OBLIGATION AUTHORITY.—

(1) DEFINITION OF QUALIFYING PROJECT.—In this section, the term “qualifying project” means a construction project under title 23, United States Code, with respect to which a project agreement is executed during the pe-

riod beginning October 1, 2001, and ending September 30, 2002.

(2) INCREASED FEDERAL SHARE.—

(A) IN GENERAL.—Subject to subparagraph (B), notwithstanding any other provision of law, the Federal share of the cost of a qualifying project shall be a percentage of the cost of the qualifying project specified by the State, up to 100 percent.

(B) LIMITATION.—Subparagraph (A) shall apply only to obligation authority distributed under subsection (a)(2).

(3) REPAYMENT.—

(A) IN GENERAL.—A State that receives an increased Federal share under paragraph (2) with respect to 1 or more qualifying projects shall repay to the United States the total amount of the increased Federal share with respect to all such qualifying projects of the State not later than September 30, 2003.

(B) TREATMENT.—Each repayment by a State under subparagraph (A) shall be deposited in the Highway Trust Fund and credited to the appropriate apportionment accounts of the State.

(c) USE OF INCREASE IN OBLIGATION AUTHORITY.—

(1) HIGHWAY INFRASTRUCTURE SECURITY ASSESSMENTS AND PLANS.—

(A) IN GENERAL.—Each State shall use not less than 1 percent of the obligation authority distributed under subsection (a)(2) to assess and develop a plan to improve the protection, security, and emergency response capabilities of the transportation system of the State.

(B) REQUIRED ELEMENTS.—Under subparagraph (A), a State shall—

(i) conduct a system-wide assessment of the scope and future implications of security and emergency response concerns;

(ii) develop and apply criteria to identify critical infrastructure and assess the vulnerability of the critical infrastructure to physical threats; and

(iii) evaluate the functional, structural, and informational capacity of key corridors for the purposes of—

(I) management of a major incident;

(II) disaster evacuation; and

(III) military deployment.

(C) COORDINATION.—A plan under subparagraph (A) shall be developed subject to subsections (b) and (d) of section 135 of title 23, United States Code.

(2) DEVELOPMENT AND IMPLEMENTATION OF OTHER PLANS AND PLAN ELEMENTS.—In addition to the uses described in paragraph (1), a State may use the obligation authority referred to in paragraph (1)(A) to develop and implement plans, processes, guidelines, standards, procedures, and intelligent transportation systems—

(A) to protect critical infrastructure and information systems; or

(B) to ensure optimum performance of the transportation system of the State in the event of a disaster or emergency.

(3) FEDERAL SHARE.—

(A) IN GENERAL.—Subject to subparagraph (B), notwithstanding any other provision of law, the Federal share of the cost of a project described in paragraph (1) or (2) shall be 100 percent.

(B) LIMITATIONS.—Subparagraph (A) shall apply only to the extent that obligation authority is distributed under subsection (a)(2), and obligated in fiscal year 2002, for the project.

SA 2136. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill H.R. 3090, to provide tax incentives for economic recovery;

which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . There is appropriated to the Department of Transportation for the Federal Railroad Administration for fiscal year 2002, out of any funds in the Treasury not otherwise appropriated, \$350,000,000 for capital grants to be made by the Secretary of Transportation for rehabilitation, preservation, or improvement of railroad track (including roadbed, bridges, and related track structures) of class II and class III railroads. Funds appropriated by the preceding sentence shall remain available until expended.

SA 2137. Mr. SPECTER (for himself and Mr. SANTORUM) submitted an amendment intended to be proposed by him to the bill H.R. 3090, to provide tax incentives for economic recovery; which was ordered to lie on the table; as follows:

At the end of title IX, add the following:

SEC. . THREE-YEAR RECLASSIFICATION OF CERTAIN COUNTIES FOR PURPOSES OF REIMBURSEMENT UNDER THE MEDICARE PROGRAM.

(a) IN GENERAL.—Notwithstanding any other provision of law, effective for discharges occurring during fiscal years 2002, 2003, and 2004, for purposes of making payments under subsections (d) and (j) of section 1886 of the Social Security Act (42 U.S.C. 1395ww) to hospitals (including rehabilitation hospitals and rehabilitation units under such subsection (j))—

(1) in Columbia, Lackawanna, Luzerne, Wyoming, and Lycoming Counties, Pennsylvania, such counties are deemed to be located in the Newburgh, New York-PA Metropolitan Statistical Area;

(2) in Northumberland County, Pennsylvania, such county is deemed to be located in the Harrisburg-Lebanon-Carlisle, Pennsylvania Metropolitan Statistical Area; and

(3) in Mercer County, Pennsylvania, such county is deemed to be located in the Youngstown-Warren, Ohio Metropolitan Statistical Area.

(b) RULES.—The reclassifications made under subsection (a) shall be treated as decisions of the Medicare Geographic Classification Review Board under paragraph (10) of section 1886(d) of the Social Security Act (42 U.S.C. 1395ww(d)), except that payments shall be made under such section to any hospital reclassified into—

(1) the Newburgh, New York-PA Metropolitan Statistical Area as of October 1, 2001, as if the counties described in subsection (a)(1) had not been reclassified into such Area under such subsection;

(2) the Harrisburg-Lebanon-Carlisle, Pennsylvania Metropolitan Statistical Area as of October 1, 2001, as if the county described in subsection (a)(2) had not been reclassified into such Area under such subsection; and

(3) the Youngstown-Warren, Ohio Metropolitan Statistical Area as of October 1, 2001, as if the county described in subsection (a)(3) had not been reclassified into such Area under such subsection.

SA 2138. Mr. GRAHAM (for himself, Mrs. LINCOLN, and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill H.R. 3090, to provide tax incentives for economic recovery; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. . SPECIAL RULE FOR MEMBERS OF UNIFORMED SERVICES AND FOREIGN SERVICE IN DETERMINING EXCLUSION OF GAIN FROM SALE OF PRINCIPAL RESIDENCE.

(a) IN GENERAL.—Subsection (d) of section 121 (relating to exclusion of gain from sale of principal residence) is amended by adding at the end the following new paragraph:

“(9) MEMBERS OF UNIFORMED SERVICES AND FOREIGN SERVICE.—

“(A) IN GENERAL.—The running of the 5-year period described in subsection (a) shall be suspended with respect to an individual during any time that such individual or such individual's spouse is serving on qualified official extended duty as a member of the uniformed services or of the Foreign Service.

“(B) QUALIFIED OFFICIAL EXTENDED DUTY.—For purposes of this paragraph—

“(i) IN GENERAL.—The term ‘qualified official extended duty’ means any period of extended duty as a member of the uniformed services or a member of the Foreign Service during which the member serves at a duty station which is at least 50 miles from such property or is under Government orders to reside in Government quarters.

“(ii) UNIFORMED SERVICES.—The term ‘uniformed services’ has the meaning given such term by section 101(a)(5) of title 10, United States Code, as in effect on the date of the enactment of this paragraph.

“(iii) FOREIGN SERVICE OF THE UNITED STATES.—The term ‘member of the Foreign Service’ has the meaning given the term ‘member of the Service’ by paragraph (1), (2), (3), (4), or (5) of section 103 of the Foreign Service Act of 1980, as in effect on such date of enactment.

“(iv) EXTENDED DUTY.—The term ‘extended duty’ means any period of active duty pursuant to a call or order to such duty for a period in excess of 90 days or for an indefinite period.”

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to sales and exchanges after the date of the enactment of this Act.

SA 2139. Mr. GRAHAM (for himself, and Mr. TORRICELLI) submitted an amendment intended to be proposed by him to the bill H.R. 3090, to provide tax incentives for economic recovery; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. . METHOD OF ACCOUNTING FOR DEPOSITS RECEIVED BY ACCRUAL BASIS TOUR OPERATORS.

In the case of a tour operator using an accrual method of accounting, amounts received from or on behalf of passengers in advance of the departure of a tour arranged by such operator—

(1) shall be treated as properly accounted for under the Internal Revenue Code of 1986 if they are accounted for under a method permitted by section 3 of Revenue Procedure 71-21, and

(2) for purposes of Revenue Procedure 71-21, shall be deemed earned as of the date the tour departs.

SA 2140. Mr. KERRY (for himself, Mr. LIEBERMAN, and Mr. KENNEDY) an submitted an amendment intended to be proposed by him to the bill H.R. 3090, to provide tax incentives for economic

recovery; which was ordered to lie on the table; as follows:

At the end of title IX, insert the following:

SEC. . ALTERNATIVE MINIMUM TAX RELIEF WITH RESPECT TO INCENTIVE STOCK OPTIONS EXERCISED DURING 2000.

In the case of an incentive stock option (as defined in section 422 of the Internal Revenue Code of 1986) exercised during calendar year 2000, the amount taken into account under section 56(b)(3) of such Code by reason of such exercise shall not exceed the amount that would have been taken into account if, on the date of such exercise, the fair market value of the stock acquired pursuant to such option had been an amount equal to 150 percent of its fair market value as of April 15, 2001 (or, if such stock is sold or exchanged on or before such date, 150 percent of the amount realized on such sale or exchange).

SA 2141. Ms. COLLINS (for herself and Mr. WARNER) submitted an amendment intended to be proposed by her to the bill H.R. 3090, to provide tax incentives for economic recovery; which was ordered to lie on the table; as follows:

At the end of title IX, insert the following:

SEC. . ADJUSTED GROSS INCOME DETERMINED BY TAKING INTO ACCOUNT CERTAIN EXPENSES OF ELEMENTARY AND SECONDARY SCHOOL TEACHERS.

(a) IN GENERAL.—Section 62(a)(2) (relating to certain trade and business deductions of employees) is amended by adding at the end the following:

“(D) CERTAIN EXPENSES OF ELEMENTARY AND SECONDARY SCHOOL TEACHERS.—The deductions allowed by section 162 which consist of expenses, not in excess of \$1,000, paid or incurred by an eligible educator—

“(i) by reason of the participation of the educator in professional development courses related to the curriculum and academic subjects in which the educator provides instruction or to the students for which the educator provides instruction, and

“(ii) in connection with books, supplies (other than nonathletic supplies for courses of instruction in health or physical education), computer equipment (including related software and services) and other equipment, and supplementary materials used by the eligible educator in the classroom.”

(b) ELIGIBLE EDUCATOR.—Section 62 is amended by adding at the end the following:

“(d) DEFINITION; SPECIAL RULES.—

“(1) ELIGIBLE EDUCATOR.—

“(A) IN GENERAL.—For purposes of subsection (a)(2)(D), the term ‘eligible educator’ means, with respect to any taxable year, an individual who is a kindergarten through grade 12 teacher, instructor, counselor, principal, or aide in a school for at least 900 hours during a school year.

“(B) SCHOOL.—The term ‘school’ means any school which provides elementary education or secondary education (kindergarten through grade 12), as determined under State law.

“(2) COORDINATION WITH EXCLUSIONS.—A deduction shall be allowed under subsection (a)(2)(D) for expenses only to the extent the amount of such expenses exceeds the amount excludable under section 135, 529(c)(1), or 530(d)(2) for the taxable year.”

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning in calendar years 2002 and 2003.

SA 2142. Mr. SMITH of New Hampshire (for himself and Mr. JEFFORDS)

submitted an amendment intended to be proposed by him to the bill H.R. 3090, to provide tax incentives for economic recovery; which was ordered to lie on the table; as follows:

At the appropriate place in title IX, insert the following:

SEC. 9 . WATER SECURITY GRANTS.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Environmental Protection Agency.

(2) ELIGIBLE ENTITY.—The term “eligible entity” means a publicly- or privately-owned drinking water or wastewater facility.

(3) ELIGIBLE PROJECT OR ACTIVITY.—

(A) IN GENERAL.—The term “eligible project or activity” means a project or activity carried out by an eligible entity to address an immediate physical security need.

(B) INCLUSIONS.—The term “eligible project or activity” includes a project or activity relating to—

- (i) security staffing;
- (ii) detection of intruders;
- (iii) installation and maintenance of fencing, gating, or lighting;
- (iv) installation of and monitoring on closed-circuit television;
- (v) rekeying of doors and locks;
- (vi) site maintenance, such as maintenance to increase visibility around facilities, windows, and doorways;
- (vii) development, acquisition, or use of guidance manuals, educational videos, or training programs; and
- (viii) a program established by a State to provide technical assistance or training to water and wastewater facility managers, especially such a program that emphasizes small or rural eligible entities.

(C) EXCLUSIONS.—The term “eligible project or activity” does not include any large-scale or system-wide project that includes a large capital improvement or vulnerability assessment.

(b) ESTABLISHMENT OF PROGRAM.—

(1) IN GENERAL.—The Administrator shall establish a program to allocate to States, in accordance with paragraph (2), funds for use in awarding grants to eligible entities under subsection (c).

(2) ALLOCATION TO STATES.—Not later than 30 days after the date on which funds are made available to carry out this section, the Administrator shall allocate the funds to States in accordance with the formula for the distribution of funds described in section 1452(a)(1)(D) of the Safe Drinking Water Act (42 U.S.C. 300j–12(a)(1)(D)).

(3) NOTICE.—Not later than 30 days after the date described in paragraph (2), each State shall provide to each eligible entity in the State a notice that funds are available to assist the eligible entity in addressing immediate physical security needs.

(c) AWARD OF GRANTS.—

(1) APPLICATION.—An eligible entity that seeks to receive a grant under this section shall submit to the State in which the eligible entity is located an application for the grant in such form and containing such information as the State may prescribe.

(2) CONDITION FOR RECEIPT OF GRANT.—An eligible entity that receives a grant under this section shall agree to expend all funds provided by the grant not later than September 30 of the fiscal year in which this Act is enacted.

(3) DISADVANTAGED, SMALL, AND RURAL ELIGIBLE ENTITIES.—A State that awards a grant under this section shall ensure, to the maximum extent practicable in accordance with

the income and population distribution of the State, that a sufficient percentage of the funds allocated to the State under subsection (b)(2) are available for disadvantaged, small, and rural eligible entities in the State.

(d) ELIGIBLE PROJECTS AND ACTIVITIES.—

(1) IN GENERAL.—A grant awarded by a State under subsection (c) shall be used by an eligible entity to carry out 1 or more eligible projects or activities.

(2) COORDINATION WITH EXISTING TRAINING PROGRAMS.—In awarding a grant for an eligible project or activity described in subsection (a)(3)(B)(vii), a State shall, to the maximum extent practicable, coordinate with training programs of rural water associations of the State that are in effect as of the date on which the grant is awarded.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$50,000,000 for the fiscal year in which this Act is enacted.

SA 2143. Mr. SMITH of New Hampshire submitted an amendment intended to be proposed by him to the bill H.R. 3090, to provide tax incentives for economic recovery; which was ordered to lie on the table; as follows:

At the appropriate place in title IX, insert the following:

SEC. 9 . OPERATION AND MAINTENANCE OF WHITE MOUNTAIN NATIONAL FOREST.

For a program under which the Secretary of Agriculture shall employ former employees of the American Tissue Mills in the cities of Berlin and Gorham in the State of New Hampshire to carry out operation and maintenance projects at White Mountain National Forest in the State of New Hampshire, there is appropriated \$1,750,000, to remain available until expended.

SA 2144. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 3090, to provide tax incentives for economic recovery; which was ordered to lie on the table; as follows:

At the appropriate place in title IX, insert the following:

SEC. . SPECIAL RULE FOR CERTAIN AIRCRAFT CONTRACTS WITH RESPECT TO BONUS DEPRECIATION PROVISION.

(a) IN GENERAL.—Section 168(k)(2)(C) (relating to special allowance for certain property acquired after September 10, 2001, and before September 22, 2002), as added by this Act, is amended by adding at the end the following:

“(iii) CERTAIN AIRCRAFT CONTRACTS DISREGARDED FOR PURPOSE OF BINDING CONTRACT LIMITATION.—

“(I) IN GENERAL.—For purposes of subparagraph (A)(iii)(I), a qualified domestic aircraft contract shall be disregarded for purposes of determining whether a written binding contract for the acquisition of a domestic aircraft was in effect before September 11, 2001.

“(II) QUALIFIED DOMESTIC AIRCRAFT CONTRACT.—For purposes of this clause, the term ‘qualified domestic aircraft contract’ means a contract in effect before September 11, 2001, for the acquisition of one or more domestic aircraft if less than 50 percent of the stated purchase price for such aircraft had been paid to the seller of the aircraft on or before September 11, 2001.

“(III) DOMESTIC AIRCRAFT.—For purposes of this clause, the term ‘domestic aircraft’

means aircraft manufactured or assembled predominantly in the United States by a domestic corporation, and for use by a domestic corporation engaged in the business of transporting persons or property by air.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after September 10, 2001, in taxable years ending after such date.

SA 2145. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 3090, to provide tax incentives for economic recovery; which was ordered to lie on the table; as follows:

At the appropriate place in title IX, insert the following:

SEC. . ADVANCE REFUNDINGS FOR CERTAIN AIRPORT BONDS.

(a) IN GENERAL.—Paragraph (2) of section 149(d) is amended by inserting at the end the following new sentence: “The preceding sentence shall not apply to a bond issued after September 11, 2001, and before January 1, 2005, to advance refund a qualified airport facility bond (as defined in paragraph (7)).”.

(b) POST-SEPTEMBER 11, 2001 ADVANCE REFUNDINGS.—Clause (i) of section 149(d)(3)(A) is amended by striking “or” at the end of subclause (I), by inserting “or” at the end of subclause (II), and by adding the following new subclause:

“(III) the 1st advance refunding after September 11, 2001, and before January 1, 2002, of the original bond if the original bond was issued before September 12, 2001, for an airport (within the meaning of section 142(a)(1)) without regard to whether the refunding bond or the refunded bond is a private activity bond.”.

(c) DEFINITION OF QUALIFIED AIRPORT FACILITY BOND.—Section 149(d) is amended by redesignating paragraph (7) as paragraph (8) and by inserting after paragraph (6) the following new paragraph:

“(7) QUALIFIED AIRPORT FACILITY BOND.—For purposes of this subsection, the term ‘qualified airport facility bond’ means a private activity bond which was outstanding on September 11, 2001, and the proceeds of which were used—

“(A) to provide airport facilities within the meaning of section 142(a)(1) generally available to members of the general public, or

“(B) to finance the costs of issuance of such bonds as described in section 147(g).”.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SA 2146. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 3090, to provide tax incentives for economic recovery; which was ordered to lie on the table; as follows:

At the end of title IX, insert the following:

SEC. . TECHNICAL CORRECTION TO DEFINITION OF HARD CIDER.

(a) IN GENERAL.—Paragraph (6) of section 5041(b) (relating to rates of tax) is amended to read as follows:

“(6) 22.6 cents per wine gallon on hard cider which is a still, carbonated, or sparkling wine—

“(A) which is prepared by fermenting apple or pear juice, either fresh or diluted, without at any time—

“(i) adding alcoholic liquors or fortifying with alcohol, or

“(ii) using any fruit product other than apples and pears, except that flavoring may be added as provided in subparagraph (C)(iii),

“(B) which contains at least one-half of 1 percent and less than 7 percent alcohol by volume, and

“(C) with respect to which, at any time before or after fermentation—

“(i) apple juice, pear juice, water, or sugar, or any combination, may be added, and

“(ii) the cider may be flavored using natural flavorings or natural food products other than apples or pears, but only if such flavorings and products do not exceed 5 percent by volume of the finished cider.”

(b) **EFFECTIVE DATE.**—The amendment made by this section shall take effect on the date of the enactment of this Act.

SA 2147. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 3090, to provide tax incentives for economic recovery; which was ordered to lie on the table; as follows:

At the end of title IX, insert the following:

SEC. ____ CHARITABLE CONTRIBUTIONS OF CERTAIN ITEMS CREATED BY THE TAXPAYER.

(a) **IN GENERAL.**—Subsection (e) of section 170 (relating to certain contributions of ordinary income and capital gain property) is amended by adding at the end the following new paragraph:

“(7) **SPECIAL RULE FOR CERTAIN CONTRIBUTIONS OF LITERARY, MUSICAL, OR ARTISTIC COMPOSITIONS.**—

“(A) **IN GENERAL.**—In the case of a qualified artistic charitable contribution—

“(i) the amount of such contribution shall be the fair market value of the property contributed (determined at the time of such contribution), and

“(ii) no reduction in the amount of such contribution shall be made under paragraph (1).

“(B) **QUALIFIED ARTISTIC CHARITABLE CONTRIBUTION.**—For purposes of this paragraph, the term ‘qualified artistic charitable contribution’ means a charitable contribution of any literary, musical, artistic, or scholarly composition, or similar property, or the copyright thereon (or both), but only if—

“(i) such property was created by the personal efforts of the taxpayer making such contribution no less than 18 months prior to such contribution,

“(ii) the taxpayer—

“(I) has received a qualified appraisal of the fair market value of such property in accordance with the regulations under this section, and

“(II) attaches to the taxpayer’s income tax return for the taxable year in which such contribution was made a copy of such appraisal,

“(iii) the donee is an organization described in subsection (b)(1)(A),

“(iv) the use of such property by the donee is related to the purpose or function constituting the basis for the donee’s exemption under section 501 (or, in the case of a governmental unit, to any purpose or function described under subsection (c)).

“(v) the taxpayer receives from the donee a written statement representing that the donee’s use of the property will be in accordance with the provisions of clause (iv), and

“(vi) the written appraisal referred to in clause (ii) includes evidence of the extent (if any) to which property created by the personal efforts of the taxpayer and of the same type as the donated property is or has been—

“(I) owned, maintained, and displayed by organizations described in subsection (b)(1)(A), and

“(II) sold to or exchanged by persons other than the taxpayer, donee, or any related person (as defined in section 465(b)(3)(C)).

“(C) **MAXIMUM DOLLAR LIMITATION; NO CARRYOVER OF INCREASED DEDUCTION.**—The increase in the deduction under this section by reason of this paragraph for any taxable year—

“(i) shall not exceed the artistic adjusted gross income of the taxpayer for such taxable year, and

“(ii) shall not be taken into account in determining the amount which may be carried from such taxable year under subsection (d).

“(D) **ARTISTIC ADJUSTED GROSS INCOME.**—For purposes of this paragraph, the term ‘artistic adjusted gross income’ means that portion of the adjusted gross income of the taxpayer for the taxable year attributable to—

“(i) income from the sale or use of property created by the personal efforts of the taxpayer which is of the same type as the donated property, and

“(ii) income from teaching, lecturing, performing, or similar activity with respect to property described in clause (i).

“(E) **PARAGRAPH NOT TO APPLY TO CERTAIN CONTRIBUTIONS.**—Subparagraph (A) shall not apply to any charitable contribution of any letter, memorandum, or similar property which was written, prepared, or produced by or for an individual while the individual is an officer or employee of any person (including any government agency or instrumentality) unless such letter, memorandum, or similar property is entirely personal.

“(F) **COPYRIGHT TREATED AS SEPARATE PROPERTY FOR PARTIAL INTEREST RULE.**—In the case of a qualified artistic charitable contribution, the tangible literary, musical, artistic, or scholarly composition, or similar property and the copyright on such work shall be treated as separate properties for purposes of this paragraph and subsection (f)(3).”

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to contributions made after the date of the enactment of this Act in taxable years ending after such date.

SA 2148. Mr. JEFFORDS (for himself and Mr. SMITH of New Hampshire) submitted an amendment intended to be proposed by him to the bill H.R. 3090, to provide tax incentives for economic recovery; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

TITLE ____—WATER INFRASTRUCTURE SECURITY AND RESEARCH DEVELOPMENT

SEC. ____01. SHORT TITLE.

This title may be cited as the “Water Infrastructure Security and Research Development Act”.

SEC. ____02. DEFINITIONS.

In this title:

(1) **ADMINISTRATOR.**—The term “Administrator” means the Administrator of the Environmental Protection Agency.

(2) **RESEARCH INSTITUTION.**—

(A) **IN GENERAL.**—The term “research institution” means a public or private nonprofit institution or other entity that—

(i) has the expertise to perform research on the security of water supply systems; and

(ii) complies with any applicable laws (including regulations) for the safeguarding of sensitive information.

(B) **INCLUSION.**—The term “research institution” includes a national laboratory.

(3) **WATER SUPPLY SYSTEM.**—

(A) **IN GENERAL.**—The term “water supply system” means a public water system (as de-

fined in section 1401 of the Safe Drinking Water Act (42 U.S.C. 300f)) or a publicly owned treatment works (as defined in section 212 of the Federal Water Pollution Control Act (33 U.S.C. 1292)).

(B) **INCLUSIONS.**—The term “water supply system” includes—

(i) a water source, including—

(I) surface water in a lake, reservoir, or other impoundment;

(II) flowing water in a river; or

(III) ground water in an aquifer;

(ii) a system of aqueducts, tunnels, reservoirs, or pumping facilities to convey water from the water source;

(iii) a treatment facility;

(iv) a distribution system carrying finished water to users through a system of mains and subsidiary pipes; or

(v) a wastewater collection and treatment system.

SEC. ____03. WATER INFRASTRUCTURE SECURITY GRANT PROGRAM.

(a) **IN GENERAL.**—The Administrator shall establish a program under which the Administrator shall make grants to, and enter into cooperative agreements with, research institutions to improve the protection and security of water supply systems by carrying out eligible projects described in subsection (c) on technologies and processes that address physical and cyber threats to water supply systems.

(b) **CONSULTATION.**—The Administrator shall consult with the Director of Central Intelligence to ensure that programs conducted pursuant to this title appropriately protect classified information.

(c) **ELIGIBLE PROJECTS.**—To be eligible for assistance under subsection (a), a project shall—

(1) assess security issues for water supply systems by—

(A) conducting system-specific and system-wide assessments of the scope of and future implications of security issues for water supply systems; and

(B) developing and refining vulnerability assessment tools for water supply systems to identify—

(i) physical vulnerabilities, including biological, chemical, and radiological contamination; and

(ii) cyber vulnerabilities;

(2) protect water supply systems from a potential threat by—

(A) developing technologies, processes, guidelines, standards, and procedures that protect—

(i) the physical assets of water supply systems, including protection from the impact of biological, chemical, and radiological contamination;

(ii) information systems, including process controls and supervisory control and data acquisition; and

(iii) cyber systems at water supply systems;

(B) developing real-time monitoring systems to protect against biological, chemical, or radiological attack; and

(C) developing educational and awareness programs for water supply systems;

(3) develop technologies and processes for addressing the mitigation, response, and recovery of biological, chemical, and radiological contamination of water supply systems;

(4) implement the requirements of Presidential Decision Directive 63 by refining and operating the Information Sharing and Analysis Center to capture and share information concerning threats, malevolent events, and best practices; or

(5) test and evaluate new technologies and processes by—

(A) developing regional pilot facilities to demonstrate upgraded security systems, assess new technologies, and determine the effect of enhanced security on operations and costs of the water supply system; or

(B) conducting demonstrations of other technologies and processes to protect water supply systems.

(d) SELECTION CRITERIA.—

(1) IN GENERAL.—The Administrator, in consultation with representatives of appropriate Federal and State agencies, water supply systems, and other appropriate public and private entities, shall establish guidelines, procedures, and criteria for the award of assistance under subsection (a).

(2) REQUIREMENTS.—The Administrator shall ensure that projects carried out under this title reflect the needs of water supply systems of various sizes and geographic areas of the United States.

(3) TRANSMISSION TO CONGRESS.—The Administrator shall transmit to the Committee on Science of the House of Representatives and the Committee on Environment and Public Works of the Senate a copy of the guidelines, procedures, and criteria established under paragraph (1).

(4) PUBLICATION.—Not earlier than 30 days after the date on which the Administrator transmits to Congress the guidelines, procedures, and criteria under paragraph (3), the Administrator shall publish the guidelines, procedures, and criteria in the Federal Register.

(e) AMOUNT.—Assistance with respect to any 1 project carried out under this title shall not exceed \$1,000,000 in any 1 year.

(f) COST SHARING.—

(1) FEDERAL SHARE.—The Federal share of the cost of carrying out—

(A) a project under subsection (c)(5) shall be 50 percent; and

(B) a project under paragraphs (1) through (4) of subsection (c) shall be 100 percent.

(2) NON-FEDERAL SHARE.—The non-Federal share of the cost of carrying out a project under subsection (c)(5) may be provided in cash or in-kind.

(g) INFORMATION SHARING.—As soon as practicable after the results of a project carried out under this title have been evaluated, the Administrator shall disseminate to water supply systems information on the results of the project through—

(1) the Information Sharing and Analysis Center; or

(2) other appropriate means.

(h) REPORT.—The Administrator shall, as appropriate, periodically submit to the Committee on Science of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the status of the program established under subsection (a).

SEC. 04. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this title \$12,000,000 for each of fiscal years 2002 through 2007, to remain available until expended.

SEC. 05. ASSISTANCE FOR ARSENIC REQUIREMENTS.

For each of fiscal years 2002 and 2003, from unobligated funds available to the Administrator, the Administrator shall use \$20,000,000 to provide assistance for small water supply systems to comply with requirements relating to arsenic in drinking water.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet to conduct a business meeting during the session of the Senate on Wednesday, November 14, 2001. The purpose of this business meeting will be to discuss the new Federal farm bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, November 14 at 9:30 a.m. to conduct a hearing. The committee will receive testimony on the nomination of Kathleen Clarke to be Director of the Bureau of Land Management, Department of the Interior.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works, Subcommittee on Superfund, Toxics, Risk, and Waste Management be authorized to meet on Wednesday, November 14, 2001 at 2 p.m. to conduct a hearing on S. 1602, the Chemical Site Security Act of 2001. The hearing will be held in Rm. SD-406.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, November 14, 2001, at 10:30 a.m. to hold a business meeting.

Agenda

Nominations

George Argyros, Sr., of California, to be Ambassador to Spain, and to serve concurrently and without additional compensation as Ambassador to Andorra.

Robert Beecroft, of Maryland, for rank of Ambassador during his tenure of service as Head of Mission, Organization for Security and Cooperation in Europe (OSCE), Bosnia and Herzegovina.

Lyons Brown, Jr., of Kentucky, to be Ambassador to the Republic of Austria. Raymond Burghardt, of New York, to be Ambassador to Vietnam.

Larry Dinger, of Iowa, to be Ambassador to Federated States of Micronesia.

Charles Greenwood, Jr., of Florida, for rank of Ambassador as Coordinator for Asia Pacific Economic Cooperation (APEC).

Darryl Johnson, of Washington, to be Ambassador to the Kingdom of Thailand.

Stephan Minikes, of the District of Columbia, to be U.S. Representative to the Organization for Security and Cooperation in Europe, with the rank of Ambassador.

William Montgomery, of Pennsylvania, to be Ambassador to the Federal Republic of Yugoslavia.

Charles Pritchard, of the District of Columbia, for rank of Ambassador as Special Envoy for Negotiations with the Democratic People's Republic of Korea and U.S. Representative to Korean Peninsula Energy Development Organization.

Melvin Sembler, of Florida, to be Ambassador to Italy.

Ronald Weiser, of Michigan, to be Ambassador to the Slovak Republic.

Additional nominees to be announced.

Legislation

S. . An original bill to authorize appropriations under the Arms Export Control Act and the Foreign Assistance Act of 1961 for security assistance for fiscal years 2002 and 2003, and for other purposes.

Treaties

Treaty Doc. 106-6, International Convention for the suppression of Terrorist Bombings, adopted by the United Nations General Assembly on December 15, 1997, and signed on behalf of the United States of America on January 12, 1998.

Treaty Doc. 106-41, Protocol Relating to the Madrid Agreement Concerning the International registration of marks adopted at Madrid June 27, 1989, which entered into force December 1, 1995.

Treaty Doc. 106-49, International Convention for the Suppression of the Financing of Terrorism, adopted by the United Nations General Assembly on December 9, 1999, and signed on behalf of the United States of America on January 10, 2000.

The presiding officer. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, November 14, 2001, at 4 p.m., to hold a nomination hearing.

Agenda

Nominees

Panel 1: Gaddi H. Vasquez, of California, to be Director of the Peace Corps, to be introduced by the Honorable Christopher Cox, U.S. House of Representatives, Washington, DC; and Josephine K. Olsen, of Maryland, to be Deputy Director of the Peace Corps.

Panel 2: Public witnesses to be announced.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Wednesday, November 14, 2001, at 9:15 a.m., to hold a business meeting to consider pending committee business.

Agenda

Legislation

S. 1498/H.R. 2456, a bill to provide that Federal employees, members of the foreign service, members of the uniformed services, family members and dependents of such employees and members, and other individuals may retain for personal use promotional items received as a result of official Government travel. (Contacts: Larry Novey, Nanci Langley and Alison Bean)

S. 1382, District of Columbia Family Court Act of 2001. (Contacts: Marianne Upton, Cynthia Gooen Lesser, Johanna Hardy, and Mason Alinger)

H.R. 1499, District of Columbia College Access Act Technical Corrections Act of 2001. (Contacts: Marianne Upton, Cynthia Gooen Lesser, Johanna Hardy, and Mason Alinger)

H.R. 2199, District of Columbia Police Coordination Amendment Act of 2001. (Contacts: Marianne Upton, Cynthia Gooen Lesser, Johanna Hardy, and Mason Alinger)

H.R. 2061, a bill to amend the charter of Southeastern University of the District of Columbia. (Contacts: Marianne Upton, Cynthia Gooen Lesser, Johanna Hardy, and Mason Alinger)

S. 1562, a bill to amend title 39, United States Code, with respect to cooperative mailings. (Contacts: Nanci Langley, Susan Propper, and Alison Bean)

H.R. 2336, a bill to make permanent the authority to redact financial disclosure statements of judicial employees and judicial officers. (Contacts: Larry Novey and Fred Ansell)

H.R. 2559, a bill to amend chapter 90 of title 5, United States Code, relating to Federal long-term care insurance. (Contacts: Nanci Langley, Larry Novey, and Alison Bean)

Postal Office naming bills: (Contacts: Nanci Langley, Jason Yanussi, Alison Bean, and Ann Fisher)

—S. 1184/H.R. 2261, a bill to designate the facility of the United States Postal Service located at 2853 Candler Road in Decatur, Georgia, as the “Earl T. Shinhoster Post Office.”

—S. 1381/H.R. 2454, a bill to redesignate the facility of the United States Postal Service located at 5472 Crenshaw Boulevard in Los Angeles, California, as the “Congressmen Julian C. Dixon Post Office Building.”

—S. 737, a bill to designate the facility of the United States Postal Service located at 811 South Main Street in Yerington, Nevada, as the “Joseph E. Dini, Jr. Post Office.”

—H.R. 1766, a bill to designate the facility of the United States Postal Service located at 4270 John Marr Drive in Annandale, Virginia, as the “Stan Parris Post Office Building.”

Nominations (Contacts: Marianne Upton, Cynthia Gooen Lesser, Johanna Hardy, and Mason Alinger)

Odessa F. Vincent to be an Associate Judge for the Superior Court of the District of Columbia.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. REID. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to hold a closed hearing on Intelligence Matters on Wednesday, November 14, 2001 at 3:15 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FISHERIES, WILDLIFE, AND WATER

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works, Subcommittee on Fisheries, Wildlife, and Water be authorized to meet on Wednesday, November 14, 2001 at 9:30 a.m. to conduct a hearing on national water supply issues. The hearing will be held in the Rm. SD-406.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INTERNATIONAL SECURITY, PROLIFERATION AND FEDERAL SERVICES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs' Subcommittee on International Security, Proliferation and Federal Services be authorized to meet on Wednesday, November 14, 2001 at 2:30 p.m. for a hearing entitled “Combating Proliferation of Weapons of Mass Destruction (WMD) with Non-Proliferation Programs: Non-Proliferation Assistance Coordination Act of 2001.”

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INTERNATIONAL TRADE AND FINANCE

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on International Trade and Finance of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, November 14, 2001, at 2:30 p.m., to conduct an oversight hearing on “Hawala and Underground Terrorist Financing Mechanisms.”

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, RESTRUCTURING AND THE DISTRICT OF COLUMBIA

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs and the Subcommittee on Oversight of Government Management, Restructuring and the

District of Columbia be authorized to meet on Wednesday, November 14, 2001 at 10:30 a.m. for a hearing entitled “Has Airline Security Improved?”

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands and Forests of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, November 14, at 2:30 p.m. to conduct a hearing. The subcommittee will receive testimony on the investigative report of the Thirtymile Fire and the prevention of future fire fatalities.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TECHNOLOGY, TERRORISM, AND GOVERNMENT INFORMATION

Mr. REID. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee on Technology, Terrorism and Government Information be authorized to meet to conduct a hearing on Wednesday, November 14, 2001, at 10:00 a.m. in Dirksen 226.

Witness List

Panel I: Michael Kirkpatrick, Assistant Director, Criminal Justice Information Systems Division, Federal Bureau of Investigation; and Monte Belger, Acting Deputy Administrator, Federal Aviation Administration.

Panel II: Joseph J. Atick, Chairman and CEO, Visionics Corp.; Joanna Lau, Chairman and CEO, Lau Technologies, the parent company of Viisage Technology, Inc.; Valerie J. Lyons, Executive Vice President, Identix, Inc.; Bill Willis, Chief Technology Officer, Iridian Technologies, Inc.; and Martin Huddart, General Manager, Recognition Systems, Inc., Ingersoll-Rand Co.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURES INDEFINITELY POSTPONED—S. 1171, S. 1172, S. 1398

Mr. REID. Mr. President, I ask unanimous consent that the following calendar items be indefinitely postponed: Calendar No. 79, S. 1171; Calendar No. 80, S. 1172; Calendar No. 146, S. 1398.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. For the information of the Senate, these items were Senate-numbered appropriations bills. The House versions of these bills have been signed into law.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to executive session to consider Executive

Calendar No. 530; that the nomination be confirmed, the motion to reconsider be laid on the table, any statements be printed in the RECORD, the President be immediately notified of the Senate's action, and the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination considered and confirmed is as follows:

EXECUTIVE OFFICE OF THE PRESIDENT

Mark W. Everson, of Texas, to be Controller, Office of Federal Financial Management, Office of Management and Budget.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

ORDERS FOR THURSDAY,
NOVEMBER 15, 2001

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 10 a.m., Thursday, November 15; that immediately following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and there be a period for morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MODIFICATION OF ORDER FOR
MORNING BUSINESS

Mr. REID. Mr. President, I earlier asked unanimous consent that the Senate go into a period of morning business tomorrow morning beginning at 10 o'clock.

I want to modify that request. I ask unanimous consent that Senator REID of Nevada and Senator ENSIGN be allowed to speak for 10 minutes each during the morning business time tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—CONFERENCE REPORT ACCOMPANYING H.R. 2330

Mr. REID. Mr. President, I ask unanimous consent that at 10:30 a.m. tomorrow the Senate proceed to the consideration of the conference report accompanying H.R. 2330, the Agriculture appropriations bill; that when the conference report is considered, it be under the following limitations: That there be a time limitation of 60 minutes for debate, with the time equally divided and controlled between the chairman and ranking member of the subcommittee or their designees, with 20 minutes of the chairman's time under the control of Senator BYRD and 15 minutes of the ranking member's time under the control of Senator MCCAIN; that upon the use or yielding back of time, the Senate, without further intervening action or debate, proceed to vote on adoption of the conference report.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I amend the unanimous consent agreement that was just granted by the Chair. I ask unanimous consent that after the vote on adoption of the conference report, the Senate return to morning business, with Senators allowed to speak therein for a period not to exceed 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 10 A.M.
TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:31 p.m., adjourned until Thursday, November 15, 2001, at 10 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate November 14, 2001:

EXECUTIVE OFFICE OF THE PRESIDENT

MARK W. EVERSON, OF TEXAS, TO BE CONTROLLER, OFFICE OF FEDERAL FINANCIAL MANAGEMENT, OFFICE OF MANAGEMENT AND BUDGET.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

EXTENSIONS OF REMARKS

CONGRATULATING STEVEN
KISTER

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 2001

Mr. RADANOVICH. Mr. Speaker, I rise today to honor Steven Kister for winning the American Vineyard Grower-of-the-Year Award. Mr. Kister is the current president of the Raisin Bargaining Association, making him and his father the only father and son to have both been elected as president of the RBA.

In June of 1999, Kister became a member of the new California Raisin Marketing Board (CRMB), focusing on increasing the market demand for raisins through such actions as increasing consumer awareness of the nutritional value of raisins.

Kister dedicates much of his time to dealing with issues of importance to growers, such as labor shortages, government regulations and the cost of production. In addition, Mr. Kister has worked to bring together members of the agricultural and urban communities in California's great Central Valley for their mutual benefit.

Mr. Kister is a third generation farmer in Kerman, where he lives with his wife, Linda, and their two children, Claire and Eric.

Mr. Speaker, it is with great honor that I pay tribute to Mr. Steven Kister and his long-standing commitment and dedication to the San Joaquin Valley and California agriculture. I ask my colleagues to join me in congratulating Steven and wishing him many more years of continued success.

NOTING THE CLOSING OF AN ERA;
THE RELOCATION OF JOLLY
RANCHER CANDIES

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 2001

Mr. UDALL of Colorado. Mr. Speaker, I rise today to honor the contributions of the Jolly Rancher candy company and to express sadness that its factory in Wheat Ridge, Colorado, is closing next year after 53 years of production.

Bill and Dorothy Harmsen opened the Jolly Rancher factory in Wheat Ridge in 1949. They named the factory Jolly Rancher for the welcoming and western sound of the name. The couple started the business with chocolate and ice cream production. However, they soon found nation-wide success in its line of fruit flavored hard candy.

Bill and Dorothy sold the factory to Beatrice foods in 1966, but still stayed personally involved with production. Bill was known to

come down to the factory in his bathrobe in the middle of the night if there was a problem. As a result of their hard work, the company grew, and has earned fame as a favorite all over the world.

Currently, the factory produces about one million pounds of candy every week and employs three hundred and twenty people. The factory was eventually sold to Hershey who has decided to shut down the original production facility in Wheat Ridge and relocate it to another location.

The growth and success of the Jolly Rancher factory is a real life example of the American Dream; with hard work and ingenuity anything is possible.

Perhaps more impressive than the company's success, is the impact that the factory has made on the surrounding community. While the factory produces the flavor of the day, the aroma encompasses the surrounding community. The fruit fragrance makes mouths water and tests the culinary aptitude of children as they try to guess the flavor that the factory is making that day. Adults in the area remember touring the factory as children and being permitted to taste warm Jolly Ranchers right off the assembly line. Trick or treaters would go to the factory every Halloween to have loads of candy dumped into their Halloween sacks.

This Colorado confectionery has delighted the sweet tooth of the community for decades. It is a landmark and member of the community. I join with others in the community to express my disappointment that this fixture of the community and example of small business success is being relocated.

HONORING DANIEL S. GOLDIN AS
THE LONGEST SERVING ADMIN-
ISTRATOR OF THE NATIONAL
AERONAUTICS AND SPACE AD-
MINISTRATION

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 2001

Mr. GORDON. Mr. Speaker, I rise today to commend Dan Goldin, who is leaving his position as administrator of the National Aeronautics and Space Administration. Dan, who was appointed on April 1, 1992, is the longest-serving administrator in the history of NASA. On March 5, 2001, his time in office surpassed that of James Fletcher, who held the previous record of nearly nine years during two separate terms.

As ranking member of the Committee on Science's Subcommittee on Space and Aeronautics, I have worked with Dan for many years. I have learned that his passion is not limited to the exploration of space. He also cares deeply about the possibilities of science

and space to inspire life on Earth. I certainly know that many students in Middle Tennessee have been encouraged and inspired by Dan's vision for space exploration.

Dan initiated his tenure at NASA by leading an agency-wide process to define a NASA Strategic Plan as the consensus definition of the agency's mission and goals. The core guidance in this document states: "NASA's mission success starts with safety. A commitment to safety permeates everything we do." Dan has not wavered in enforcing this priority in every aspect of the agency on the ground and in space.

During Dan's tenure, the International Space Station went from the drawing boards to a fully functional, permanently staffed orbital research laboratory. He directed the Space Station redesign, holding together the coalition of international participants while incorporating the former Soviet Union hardware elements into the design. By developing the cooperative Mir research program with Russia, he enabled Space Station partners to conduct long-term space flight research even before the International Space Station was operational.

Dan's comprehensive strategy for space exploration is exemplified by the "Origins Program." He initiated this program with objectives to understand how the universe has evolved, to learn how life began on Earth, and to see if life exists elsewhere. He formulated a rescue plan for the installation of a "contact lens" on the Hubble Space Telescope, leading to startling discoveries of the cosmos. Dan has challenged the Origins scientists to search for Earth-like planets within 100 light years of Earth. He also has laid the foundation to complete the first scientific census of the solar system and to send the first probe into interstellar space.

Dan has been a vigorous proponent for increased exploration of Mars. He has established a series of robotic missions that will visit the planet every two years for the next decade and has assured that the public will share in the excitement of Mars exploration. His direction to provide Internet access for the Mars Pathfinder mission resulted in more than three-quarters of a billion "hits" from people tuning in to the site.

In 1998, Aviation Week & Space Technology magazine honored Dan with the Laurel Award for outstanding achievement in aviation and aerospace. The award was presented along with the commentary that Dan has "delivered on his promise to reshape NASA into a model government agency."

This year Dan was awarded one of one of France's highest and most distinguished honors: the "Officer of the Legion of Honor." This award recognized his contribution to the development and broadening of American-French civil space cooperation through cooperative ventures including the International Space Station, Mars exploration, Earth observations, and the flight of French astronauts aboard the Space Shuttle.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Under Dan's leadership NASA has reached out to honor the victims of last month's terrorist attacks in New York. The next mission of the Space Shuttle Endeavour will carry "Flags for Heroes and Families." Thousands of American flags will be carried into space by Endeavor and its seven member crew and, upon return to Earth, will be distributed to the victims' families and survivors of the September 11 attacks.

Dan always recognized NASA's potential to inspire students to elect careers in science, mathematics and engineering. His personal leadership and the NASA programs that he supported have involved hundreds of students in hands-on research experiences. NASA's Summer High School Apprenticeship Research Program not only allows the students to actually participate in research, but it also pays them a salary as well. This intensive science and engineering apprenticeship program is specifically designed to attract and increase underrepresented students' participation and success rates in mathematics, science, technology and engineering courses.

Mr. Speaker, the nation is fortunate to have such outstanding public servants as Administrator Goldin. He has led NASA and its international partners in exploring the frontiers of space and inspiring benefits to life on Earth. Accordingly, it is appropriate today that we recognize and highly commend Daniel Goldin as the longest serving administrator of NASA and that we express our appreciation for his leadership of the nation's space program.

LARISSA JAFFE MEMORIAL

HON. JIM MATHESON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 2001

Mr. MATHESON. Mr. Speaker, it is with great sorrow that I rise today to speak of the death of Ms. Larissa Jaffe of Salt Lake City, Utah. Ms. Jaffe was a 63-year-old Peace Corp volunteer in Zimbabwe when she was killed in a suspected homicide. Although the two men who are believed to be the perpetrators of this heinous crime have been apprehended, the loss to Ms. Jaffe's family, the Peace Corps, and indeed, the United States is great.

Ms. Jaffe is a perfect example of what every American should hope to be. A Russian immigrant, she had a strong commitment to education. When she became a naturalized citizen of the United States, she already held a PhD in geology from the Academy of Sciences in Moscow. While living in the US she obtained a Masters Degree in foreign language instruction and a technical degree in data processing. She was a certified teacher in Utah, a certified nursing assistant in California, and an emergency medical technician.

While Ms. Jaffe lived a life of learning, she enjoyed teaching others as well. She was a teacher in Utah, Massachusetts and California. She had experience in medical research and even worked analyzing the effectiveness of health care institutions.

In 1994 and 1995, she fulfilled her desires to travel by traveling to over two-dozen countries in a solo trek around the world. She vis-

ited South America and Southeast Asia extensively, and explored Morocco, Russia and Australia. Her desire for adventure culminated in her decision to give two years out of her life to serve in the Peace Corps in Zimbabwe.

Of all that can be said of her, the words of Peace Corps Acting Deputy Director Lloyd Pierson are the most fitting. He said, "Mrs. Jaffe's death is an enormous loss to Peace Corps. . . . From all that I have come to know about Mrs. Jaffe, she was industrious, innovative, creative and motivated. She was an inspiration and role model to her colleagues and the staff."

TRIBUTE TO UNITED STATES ARMY MAJOR DWAYNE WILLIAMS

HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 2001

Mr. CRAMER. Mr. Speaker, I rise today to recognize and honor United States Army Major Dwayne Williams. Major Williams was a man who dedicated his life to God and his country. He had recently completed the Army Command General College officer course and was assigned to work at the Pentagon in July. Unfortunately, Major Williams was assigned to an Army wing of the Pentagon that was struck by the hijacked plane on September 11, 2001, and lost his life to the terrorist attack.

Major Williams, only 40 years old, already had an impressive record of service to our nation. He started as a paratrooper and served with the elite rangers at Fort Benning, Georgia and later served in the Persian Gulf War. He spent three years in Egypt at the American embassy and then two years as a company commander at Fort Jackson, South Carolina.

Major Dwayne Williams had strong ties to the 511 District of Alabama, where his parents still reside. Major Williams was a star football player at Jacksonville High School and later at the University of North Alabama. He leaves behind his wife Tammy and his two children, Tyler and Kelsie; his parents, Horace and Pearl Williams; and his three brothers, Roy Williams, Air Force Staff Sergeant Troy Williams, and Army Sergeant 1st Class Kim Williams. Major Dwayne Williams was an eighteen year veteran of the United States Army and will be greatly missed by his family and friends, and also by the country that he dutifully and selflessly served for many years.

HONORING THE SMALL BUSINESS ADMINISTRATION'S FRESNO DISTRICT OFFICE

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 2001

Mr. RADANOVICH. Mr. Speaker, I rise today to honor the Small Business Administration's (SBA) Fresno District Office for their contributions and efforts in the community. The U.S. Small Business Administration is an independent agency of the federal government

to aid, counsel, assist and protect the interests of small business concerns, to preserve free competitive enterprise and to maintain and strengthen the overall economy of our nation.

The Fresno District Office has been transformed into one of the most user-friendly vital economic development resources for the business community in the Central Valley. Over the past five years, the Fresno District Office has assisted over 3,893 businesses with loans totaling \$1.1 billion. The Fresno District Office works by a simple motto: be visible, proactive and responsive to the business community and other resource partners.

The Fresno District Office has had a presence in Fresno, California for over thirty years, working with and assisting local businesses. In 2000, the Fresno District Office was the recipient of the Fresno Bee's prestigious "Central California Excellence in Business Award" for Finance/Banking/Insurance. The SBA Fresno District Office is the first Federal Agency to receive this award. This is a testament to the SBA's dedication to economic development and high standards of customer service.

Although the SBA has grown and evolved in the years since it was established in 1953, the bottom line mission remains the same: they help Americans start, build and grow businesses. Through an extensive network of field offices and partnerships with public and private organizations, SBA delivers its services to people throughout the United States, Puerto Rico, the U.S. Virgin Islands and Guam.

Mr. Speaker, I rise to honor the Fresno District Office of the Small Business Administration for their contributions to the economy of the California Central Valley. I urge my colleagues to join me in wishing the Fresno District Office of the SBA many more years of continued success.

IN HONOR OF MAYOR D.L. "DON" PARSONS

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 2001

Mr. UDALL of Colorado. Mr. Speaker, I rise today to honor the public service of the Mayor of Northglenn, D.L. "Don" Parsons. Mayor Parsons is retiring this year, after serving the City of Northglenn for 14 years.

Mr. Parsons was born in Brewster, Kansas and graduated from Kansas State University with a degree in Business Administration. He was President and CEO of the Rocky Mountain Natural Gas Company and Manager of State Legislation for KN Energy, Inc. Mr. Parsons currently heads up his own consulting firm, specializing in utility management, rates and finance. In addition to being an active member of Colorado's oil and gas community, the Mayor has dedicated much of his time to improving the quality of life for the people of Northglenn.

After being elected to public office in 1987, Mr. Parsons has brought economic development to his city, while allowing it to maintain its small town identity. Northglenn is a great place to live and raise children, and this is a direct reflection of Don Parsons' guidance and leadership.

Mr. Speaker, please join me in honoring Mayor Parsons for his vision and his hard work. I would like to thank him for his years of public service. His dedication to those who elected him is admirable, and I wish him much success in all his future endeavors.

HONORING VICTIMS OF AMERICAN
AIRLINES FLIGHT 587

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 2001

Mr. RANGEL. Mr. Speaker, I rise today to honor the victims who lost their lives in the crash of American Airlines flight #587 on Monday, November 13, 2001 and to offer my condolences and support to their families and friends. In the last two months, New York has witnessed such horrific losses and today we mourn the loss of more than another 250 friends. The flight that crashed was heading to the Dominican Republic and the list of passengers reflects the Dominican presence in New York City—a vibrant community that is an integral part of our National cultural mosaic and part of the wonderfully diverse constituency that is my privilege to serve in the U.S. Congress. Our attention now turns to the Dominican people, both here and in their motherland, who suffered a grievous loss.

As I read the news reports, I notice the family relations on the flight which ties our community to a small country in the Caribbean. Mothers taking children to visit a never seen homeland. Nephews visiting aunts. Husbands returning to bring wives to their new lives. Parents on first vacations without the children. All the stories reflect lives prematurely ended leaving loved ones.

We cannot reverse the tragic event of yesterday and only time will perhaps reveal the circumstances that caused it, allowing us to better understand why. Today we can stand with the Dominican community and offer our assistance in the healing and restoring of their lives. We can let them know that they are not alone during this time and that we pledge to provide every available resource to them.

To the people of my district and its people of Dominican heritage: The past years we have worked side by side to improve the lives of our people and we have seen many wonderful changes. Your presence has enriched my life and contributed to the diversity that defines Upper Manhattan. I am so proud to represent you. Last night, in Washington Heights, I saw your tears and felt your pain. Please know that I mourn with you for your loss is my own. Mi apoyo, compasión, y solidaridad va para todos mis hermanos dominicanos. Frente a la tragedia y la adversidad, mi corazón esta con todos ustedes.

HONORING SYLVIA COHEN

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 2001

Mr. PALLONE. Mr. Speaker, it is with great pleasure that I recognize a distinguished resi-

dent of my district, Mrs. Sylvia Cohen, and congratulate her on receiving New Jersey's Deal Shore Hadassah Woman of the Year award.

For the past three decades, Sylvia has put forth a tireless effort as an active member of the Shore area's Jewish community. Sylvia is committed to Jewish causes and became active in the United Jewish Appeal, well before it even became the Jewish Federation. In addition, she currently serves on the Board of Directors of the Jewish Federation and is co-chair of the Business and Professional Women's Division. Furthermore, Sylvia also serves on the Monmouth University Scholarship Ball Committee, the Board of the Jewish Community Center of Greater Monmouth County, and is president of the Temple Bath Torah's Sisterhood in Ocean Township. Throughout all of her hard work and fundraising to ensure the success of these local Jewish organizations, Sylvia has remained inspired by and devoted to the Jewish community.

In her personal life, Sylvia has shown an equal level of commitment, passion, and dedication. She and her husband, Ray Cohen, have successfully established and operated two small businesses in their hometown of Deal, New Jersey. As involved as Sylvia has been and continues to be in the community and her businesses, her greatest pride is her family. She and her husband have raised five daughters and five grandchildren. Sylvia has set an example for her family as two of her daughters have both been honored by their local Hadassah chapters as Woman of the Year, as well.

Mrs. Cohen certainly serves as an example for both her family and her community. Her devotion and hard work are extraordinary and can further serve as an example for us all. Mr. Speaker, it is with pleasure that I ask you to join me in distinguishing Mrs. Sylvia Cohen for a lifetime of dedication to her family and to her Jewish community.

BEST PHARMACEUTICALS FOR
CHILDREN ACT

SPEECH OF

HON. ALBERT RUSSELL WYNN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 2001

Mr. WYNN. Mr. Speaker, I rise today in strong support of the "Best Pharmaceuticals for Children Act of 2001", a bill I am proud to cosponsor.

Mr. Speaker, most pharmaceuticals have not been tested and labeled for pediatric safety and use. We've heard it time and time again, children are not small adults. With that in mind, why would we cut an adult dosage of medication in half and assume it's appropriate for treating a child's condition? It isn't, and that is why this legislation is so important.

This legislation re-authorizes a program that has proven to be the most effective way to generate studies of medications in children. Before the law was passed, 80 percent of drugs given to children had been tested only on adults. Since then, 60 studies have been conducted to assess the safety and effective-

ness of medicines used in children, and another 400 are under way. Physicians who prescribe medications for children, and parents who administer them, now have more information about appropriate dosages, as well as, the side effects of medications in the pediatric population. It has truly been a remarkable achievement for children's health.

As part of the authorization of these "pediatric exclusivity" provisions, FDA was required to submit a report to Congress describing the results of the program and commenting on its success. FDA's report, submitted in January, stated that an unprecedented number of pediatric studies had been conducted and crucially important new pediatric labels were improving medical care for children.

According to a GAO study, "as of April 1, 2001, 28 drugs had been granted marketing exclusivity extensions, and research results have provided new and useful information about how drugs work in children, which have been incorporated into labels for 18 drugs." This information, previously unavailable to parents and doctors, includes new information about dosing, important new safety considerations, extension of dosing, safety, and efficacy data to younger patients, along with development of age-appropriate formulations.

Because Congress was uncertain as to whether this program would be successful, it chose to "sunset" the provisions at the end of calendar year 2001. It is now time to re-authorize this highly successful program, to ensure that its accomplishments continue and that pediatric studies and labeling for many more drug products will be achieved. The 6-month period of exclusivity assures priority of pediatric studies, and helps to justify establishing infrastructure necessary for doing pediatric studies. The exclusivity has been the primary driver in building capacity and expertise in pediatric drug development. The ability of a pediatric research program to pursue unique pediatric illnesses, and pediatric-predominant diseases is dependent on such R&D resource allocations.

As a proud cosponsor of H.R. 2887, I encourage all of my colleagues to follow Representative ESHOO's leadership in supporting the continuation of this successful research program.

HONORING CHANNAHON FIRE
PROTECTION DISTRICT

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 2001

Mr. WELLER. Mr. Speaker, I rise today to honor the Channahon Fire Protection District (FPD) for its years of excellent service and commitment to the community.

The Channahon Fire Protection District was organized over 50 years ago. It protects over 38 square miles which includes Interstate 55, 11 miles of the I & M Canal, over 11 miles of the Des Plaines River as well as more than 8,000 residents.

Last year, the Channahon FPD responded to over 700 calls which is quite remarkable when you consider that 90 percent of the 45

members on the department are volunteers. Channahon FPD was also successful in winning two Fire Act Grants during the first year they were offered.

Channahon FPD believes in a commitment to excellence as shown by their continuing education programs for Department members. Tragically, the Channahon Fire Protection District recently experienced the loss of Firefighter Kenneth J. Frayne in the line of duty. Ken was a four-year member of the department and died while performing dive rescue training. Ken was twenty-eight years old and left behind his wife of three years, Deborah Frayne. I know the entire Department will miss Ken and his dedication to the service. I will keep Ken and Deborah in my thoughts and prayers.

Since the attack on September 11, 2001, the whole country is more aware of the importance of our firefighters and their critical role in our national defense and security. Channahon FPD members and volunteers are excellent examples of our nation's citizens at their finest. It has been my privilege to serve Channahon FPD as part of my 11th Congressional District. I look forward to serving and working with them in the years to come.

Mr. Speaker, I urge this body to identify and recognize other institutions in their own districts whose actions have so greatly benefited and strengthened America's communities.

CONGRATULATING PRINCIPAL
MICHAEL J. OTTO

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 2001

Mr. GRAVES. Mr. Speaker, it is with much pride that I rise today to congratulate one of Missouri's educators. With emphasis placed on the need to reform our public schools and ensure that our children receive quality instruction, it pleases me to know that Graden Elementary School is on the right path. I ask that you join me in congratulating Principal Michael J. Otto, recently named a recipient of the 2001 National Distinguished Principals award.

The U.S. Department of Education, along with the National Association of Elementary School Principals, began this program in 1984 to honor those principals that exemplify the vital leadership necessary to guide our school communities. Education Secretary Paige commented that, "Principals today—more than ever before—are critical leaders in the effort to improve America's public schools. I applaud these outstanding principals for their dedication, achievements, tirelessness, and leadership. I look forward to working with principals across the nation . . . to improve the performance of all students so that no child is left behind." I could not agree more with Secretary Paige's comments. I find it admirable that the recipients were nominated by their peers, further demonstrating the effects of their commitment to educational excellence.

I am honored to represent a man who has given so much of himself to provide our schoolchildren not only with excellent instruc-

tion, but also inspiration. Again, I congratulate Principal Michael J. Otto and commend him for his diligent work on behalf of our schoolchildren.

RECOGNIZING ROB ATWILL

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 2001

Mr. RADANOVICH. Mr. Speaker, I rise today to recognize Rob Atwill for being named an Extension Specialist Award finalist by the Friends of Agricultural Extension. The Friends of Agricultural Extension will recognize Rob at their annual awards dinner.

Rob is a Veterinary Medicine Extension Specialist at the U.C. Veterinary Medical Training & Research Center in Tulare, CA. He is conducting research on the subject of "The Interface Between Water Quality, Animal Agriculture, and Human Health—with particular emphasis on the fate and distribution of water-borne pathogens from animal agricultural systems." Rob's efforts to develop responsible data to determine the extent and risk of microbial movement from dairy lagoons and other such systems has been invaluable to our livestock industry. His work has helped develop responsible handling techniques and provide factual insight on which to base regulatory guidelines.

Mr. Speaker, I congratulate Rob Atwill for being named an Extension Specialist Award finalist by the Friends of Agricultural Extension. I urge my colleagues to join me in wishing Rob Atwill many more years of continued success.

SCHOOLBUS SAFETY ACT OF 2001

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 2001

Mr. UDALL of Colorado. Mr. Speaker, today, I am introducing the Schoolbus Safety Act of 2001, legislation designed to close a loophole in federal regulations that can threaten the safety of children who ride a bus to and from school.

As my colleagues may know, the sale of new 15-passenger vans to carry school-age children has been banned since 1974 because they do not have the same safety features as school buses and because the vans are more likely to roll over when carrying many passengers. However, current regulations allow schools to purchase used 15-passenger vans—the loophole my legislation addresses.

School buses and 15-passenger vans are radically different vehicles. A school bus must meet numerous mandated federal safety standards. School buses have multiple horizontal and vertical steel beams bonded together in such a manner that essentially wraps the passengers in a cage of steel. The inside and outside of the bus is further reinforced by thick sheets of steel.

A school bus is generally heavier than a comparable sized passenger vehicle and has

exit doors, superior roof structure, an interior aisle, significant interior seat padding, driver visibility, fuel system integrity, and a far superior center of gravity and stability. In addition school buses have special warning light and pedestrian control systems and are generally painted a bright yellow, which are all significant safety features.

The traditional 15-passenger van is structurally and generally a significantly different vehicle. These vans were originally rated as "light trucks" and, as such, were not required to meet passenger safety standards. Therefore, the area behind the driver is anticipated only to carry cargo and does not have side bar protection which accompanies normal passenger vehicles, including mini vans.

The numbers tell the whole story. When evaluating the relative safety of all passenger vehicles and school buses per road mile, studies show that school buses are markedly safer vehicles. In 1994, there were 21,813 deaths in passenger vehicles, which translates to .86 deaths every 100 million miles. In school buses, there were two occupant deaths, which translate into .005 deaths per 100 million road miles. In other words, passenger vehicles per road mile had a fatality rate 170 times higher than school buses.

School buses are the safest form of mechanized transportation that exists. School buses are 34 times safer than train travel and 4 times safer than commercial aviation.

My legislation removes the nearly 30 year old loophole in the federal regulations that allows used vans to be purchased while new vans are banned. In addition, this bill extends the ban from sale of vans to leasing, renting and buying, thereby making the buyers accountable as well as the seller. These changes will insure that the intent of the 1974 law is finally realized. The bill also would strengthen the penalties on those who violate this important safety provision.

In light of numerous high profile cases involving colleges and universities, my bill extends the definition of "schools" for these provisions to include "postsecondary" institutions.

The legislation raises the prescribed penalty for breaking this law from "not more than \$1000" to "not more than \$25000", thereby giving the enforcement agencies something to make it worth their while to pursue. This provision is important because from 1974 until 1997, the National Highway Traffic Safety Administration (NHTSA), which had responsibility for administering the law, did not initiate one single enforcement proceeding in the entire country.

Finally, the bill mandates that fines collected under this legislation would be pooled into an account under the Secretary of Transportation for use in enforcing these provisions.

Mr. Speaker, as a nation, we long ago decided that the means by which we transport our children to and from school and school-related activities, should be as safe as possible. This bill will go a long way in ensuring that safety for our children.

PERSONAL EXPLANATION

HON. J.C. WATTS, JR.

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 2001

Mr. WATTS of Oklahoma. Mr. Speaker, as I notified the House, I was unable to be in Washington on November 13, 2001 due to very important obligations in Oklahoma that evening. Unfortunately, I missed recorded votes yesterday, and I ask that the RECORD reflect that I would have voted "aye" on the following: recorded vote No. 436 on H.R. 2330 and recorded vote No. 437 on H.R. 2541.

PAYING TRIBUTE TO UNIFIED INDUSTRIES INC.

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 2001

Mr. ROGERS of Michigan. Mr. Speaker, I rise today to congratulate Unified Industries Inc. of Howell, Michigan for earning the title of Clean Corporate Citizen in the state of Michigan. Unified Industries' Howell facility manufactures overhead material handling systems used primarily in the automotive industry, and they have done so for nearly 50 years. Unified Industries is Michigan's 40th Clean Corporate Citizen, an honor reserved solely for those businesses which demonstrate extraordinary environmental stewardship.

The Clean Corporate Citizen program was proposed by Governor John Engler in his 1996 State of the State address. Its purpose is to encourage environmentally conscious behavior within Michigan's business community and reward those who demonstrate such behavior.

Mr. Speaker, this honor is a difficult one to earn. Participants must go beyond simply meeting standard environmental requirements. They must show themselves to be a step above the rest, by implementing strong environmental management concepts, and abiding by them in their daily operations. With this honor, Unified Industries has demonstrated their commitment to Michigan's environment.

Therefore Mr. Speaker, I ask that my colleagues join me in congratulating Unified Industries, its management, and all of its employees for making our environment a priority for their company, and for setting an example for which Michigan can be proud.

AGRICULTURAL BIOTERRORISM COUNTERMEASURES ACT OF 2001

HON. FRANK D. LUCAS

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 2001

Mr. LUCAS of Oklahoma. Mr. Speaker, the tragic events of September 11, 2001 have made all Americans appreciate our freedom and democracy more than ever. As we continue to get our lives back to normal, we must also realize how much has changed.

Terrorism does not have to be directed only toward people. It can be directed at our modes of transportation, our communications infrastructure, or even our food supply.

The United States Department of Agriculture along with the Food and Drug Administration is in charge of ensuring that Americans have a safe and abundant food supply.

I would like to make it absolutely clear that because of USDA and FDA Americans enjoy the benefit of the safest food supply in the world. However, USDA and FDA have not had to clearly focus on how to prevent terrorism, bioterrorism, agroterrorism or whatever term you prefer to use in describing threats to America's food supply.

Prevention is the key and long term planning should be the goal to continued food safety. Congress needs to take positive steps to help USDA perform what we ask of it. Today I am dropping a bill to help with prevention and long term planning.

This legislation authorizes money to be spent on USDA's Agriculture Research Service laboratories so that there is adequate plant and animal research being performed to combat bioterrorism. Some of USDA's most important research facilities need to be modernized in order for the U.S. to stand ready in our new fight.

The bill also provides funds to the Oklahoma City Counter Terrorism Institute for research to make sure that USDA, the Department of Justice, and other law enforcement and emergency preparedness organizations cooperate and have the proper techniques in place in the event of bioterrorism events. Further, Oklahoma State is authorized to receive a grant to establish a food safety research center.

The Secretary of Agriculture will develop rapid response field test kits that can be quickly deployed to State and local agencies to determine if an act of bioterrorism has occurred. These are intended to quickly discover and confirm outbreaks of plant or animal diseases, pathogens, or other bioterrorism agents.

The intramural agricultural bioterrorism research and development section of the bill will make USDA's ARS programs focus on enhancing regulatory agencies response time, encouraging academic and private sector partners to work together to maximize research benefits, strengthening linkages with the intelligence community to learn what research needs are most important and encouraging ARS to work with international organizations to control the spread of plant and animal diseases.

The consortium for countermeasures against agricultural bioterrorism is truly valuable. Those colleges and universities that turn out animal and plant doctors will coordinate with Federal Agencies such as USDA to develop the long term program needed to combat bioterrorism. Furthermore, competitive grants will be provided through USDA that are directed toward the protection of the domestic food supply.

The Animal and Plant Health Inspection Service (APHIS) will be authorized to receive more funds to increase inspections at points of origin and to improve surveillance at points of entry. They will also be required to develop new and better techniques working with State

and local agencies to control the outbreaks of plant and animal diseases.

The Food Safety Inspection Service (FSIS) will be charged with enhancing its ability to inspect the safety of meat and poultry products. Like APHIS, FSIS will be expected to work with State and local agencies on creating the best possible means of sharing information and technology in order to reach the best results possible.

This legislation is designed for the long-term benefit of producers and consumers alike.

IN MEMORY OF EDWARD GERAGHTY

HON. CAROLYN MCCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 2001

Mrs. MCCARTHY of New York. Mr. Speaker, I rise in memory of Deputy Chief Edward Geraghty of Rockville Centre, NY. On Tuesday, September 11, 2001, Deputy Chief Geraghty and many of his fellow firefighters lost their lives while trying to save victims of the World Trade Center terrorist bombing. Ed and his men from Battalion 9 quickly responded to the World Trade Center on the morning of September 11, and they rushed into the bombed buildings to help those trapped inside.

An unknown number of people were saved by firefighters like Ed, who received the posthumous promotion from battalion chief to deputy chief, retroactive to September 10.

More than a thousand mourners gathered at St. Agnes Cathedral to honor Ed on Thursday, October 25. He is survived by his wife, Mary, and his three sons, Connor, 14, James, 11, and Colin, 4. Ed also leaves behind his father, Jim, a retired FDNY captain, his mother, Norma, his sisters, Lynn, Janet, and Maureen, and his brothers, Steve and Timmy, both New York City firefighters.

I first met Ed's wife when she was a little girl. Mary grew up across the street from my husband Dennis and I, and as she got older, she began to babysit for our son, Kevin. She deserved the best, and that is exactly what she got when she met Ed. He was a true family man who coached his sons' soccer and baseball teams. Nothing came before his family. He also made countless contributions to the community of Rockville Centre, like starting an infamous running club. On Christmas, Ed's favorite holiday, he volunteered for the Adopt-A-Family program, which distributed gifts to less fortunate children.

Ed joined the New York City Fire Department in November 1978, and he served as a volunteer in both Elmont and Baldwin. Fire safety skills and procedures were important to Ed. He received his masters degree in fire science from John Jay College, and he designed a national safety program called Back to the Basics.

Ed's oldest son Connor eulogized his father with the following, "One goal that I am setting for myself is to follow in your footsteps to be such a great man to my family, my community and the nation just like you." I believe Connor exemplified his father's heroism and courage

by circulating a petition to establish a National Firefighters Day on September 11 in honor of his father and all other firefighters.

Today, I honor Ed Geraghty's memory. I know firefighters like Ed are heroes every day of their lives, and they leave a lasting impression all those who cross their paths. Ed's conviction and drive to help those in need is a testament to his family, friends, and coworkers. I know Mary, and I have seen the difference he has made in her life. I know the lessons he taught his sons will live on.

Thank you Connor, for making a difference.

IN HONOR OF PAUL WARNKE

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 2001

Mr. MARKEY. Mr. Speaker, I rise today in order to honor the late Paul Warnke, who worked tirelessly to protect our country from the danger of nuclear war and to promote reductions in the world's nuclear arsenals. Paul passed away on October 31, just two weeks prior to the announcements made by President Bush and President Putin that the two superpowers would begin a process of drastic reduction in the number of deployed nuclear weapons. No one worked harder to see such policies implemented than Paul.

Paul Warnke was a son of Massachusetts. Born in Webster in 1920 and growing up in Marlborough, he went to college at Yale University and graduated in 1941. He joined the war effort and served in the U.S. Coast Guard for the next 5 years. After his military duty, he went to law school at Columbia University. A classic story is that his first choice, the journalism school, was full, so he crossed the street to sign up at the law school. But for a quirk of fate, we might instead be celebrating Paul Warnke, the great journalist.

In the years that followed, he pursued a legal career in trade regulations and anti-trust law. Then, in 1966, he was hired as general counsel at the Defense Department and a year later became Assistant Secretary of Defense for International Security Affairs, where he served for the next two years. During his time at the Defense Department, not only did he object to the prosecution of the Vietnam War, he also became sensitive to the crucial importance of arms control between the United States and the Soviet Union.

In 1975, he wrote an article in *Foreign Policy*, "Apes on a Treadmill", in which he cautioned that the arms race was potentially a futile but expensive exercise. Citing Secretary of State Henry Kissinger's warning that an unlimited arms buildup between the U.S. and the Soviet Union could lead to successive periods of escalation and equilibrium, Paul wrote, "Perhaps, then, we are not racing together toward Armageddon. Maybe the continued expenditure of billions for quantitative additions and qualitative improvements does not bring doomsday any closer. Instead, it may be that we are jogging in tandem on a treadmill to nowhere."

Noting the advantage that the U.S. had over the Soviet Union in the numbers and tech-

nology of nuclear weapons, Paul recognized the role that the U.S. could play in initiating a halt in the nuclear arms race. Hence, in the 1975 article, he advocated a six-month delay in the further addition of multiple warheads to land-and sea-based missiles and in the development of the *Trident* submarine and the B-1 bomber, in hopes that it would yield "reciprocal restraint" by the Soviet Union. Considering the current situation, in which economic conditions in Russia are pressuring it to reduce its nuclear arsenal, the U.S. again has the advantage and the same opportunity to take a leadership role. A quarter of a century later, Paul's words still apply.

In 1977, Paul Warnke was nominated by President Jimmy Carter to be the director of the Arms Control and Disarmament Agency and the chief arms control negotiator. He was confirmed to both posts and went on to serve with great distinction in the second Strategic Arms Limitation Talks, or SALT II. The SALT II treaty was signed on June 18, 1979, by President Carter and General Secretary Brezhnev but unfortunately was never ratified. However, both the U.S. and the Soviet Union informally agreed not to undercut the SALT II numerical limits throughout the 1980 until they were later supplanted by the START strategic arms reductions.

I first became acquainted with Paul during his service as ACDA chief, but came to know him much more personally when we worked together on the nuclear freeze resolution in the early 1980s. While there were many in the arms control "intelligentsia" that looked down their noses at the concept of a nuclear freeze, which had originated as a grass roots movement to break the deadlock between the U.S. and the Soviet Union in the early years of the Reagan Administration, Paul was able to see in the freeze a powerful mechanism for action to halt the arms race. While fully comfortable with the arcane jargon of nuclear arms control, he was also endowed with the power to explain complex concepts in terms that were readily comprehensible to the lay person. But even more importantly, he saw through the complicated details of the strategic relationship to an essential truth—that both the U.S. and Soviet Union had far more weaponry than was needed for deterrence purposes, and that freezing the qualitative and quantitative arms race, followed by reductions in the size of these arsenals would better advance our security interests.

And so, during the 1980s, Paul became one of the leading voices within the United States in support of a nuclear weapons freeze followed by reductions of strategic nuclear weapons. He spoke out frequently on issues of nuclear arms control, in articles, op-ed pieces, and numerous speeches and panel discussions throughout the country. He also testified before the Congress on these issues on several occasions. And in a 1986 interview, he also gave his opinions on research on ABM, or anti-ballistic missile, systems. "[W]hat we ought to do is recognize that there is nothing that can be gained by engaging in a nuclear competition in space. At a minimum it will cost us billions and billions of dollars, but what is more likely is it will diminish the security of the United States." Our current administration would do well to heed Paul's words from a decade and a half ago.

Paul continued his good work into the 1990s. Concerned not just about nuclear weapons, he scrutinized the conventional arms trade while serving on the Presidential Advisory Board on Arms Proliferation Policy which was established in 1995. And in 1998, Paul co-wrote an article with Jeremy Stone of the Federation of American Scientists in which they argued for de-alerting nuclear weapons, that is, standing down missiles from a launch-on-warning posture. This is an effort with which I have been personally involved, and I wish that Paul were still here to help with that fight.

Paul was a forceful actor and spokesman for the cause of arms control. We will miss his leadership, but his legacy is the insight and guidance that he provided. For this reason we celebrate this great man today.

WELCOMING REVEREND SAMUEL
ALBARIAN

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 2001

Mr. RADANOVICH. Mr. Speaker, I rise today to welcome Reverend Samuel Albarian to his new post at California's oldest Armenian Church. Reverend Albarian has been named the Director of Armenian Ministries of the First Armenian Presbyterian Church of Fresno.

Reverend Albarian is a native of Lebanon. He and his family fled to the Dominion of Canada when civil war erupted in Beirut in the late 1970's. In Canada he became active in the First Armenian Evangelical Church (FAEC) of Montreal, serving as counselor and director in the FAEC vacation bible school ministry and chairperson of the youth and college group programs.

In 1985, Reverend Albarian earned a D.E.C. in Pure and Applied Sciences from CEGEP Vanier College in St. Laurent, Quebec. In 1991, he earned a Bachelor of Science Degree in Computer Science from Concordia University in Montreal. Reverend Albarian then worked as a quality assurance analyst programmer at Eicon Technology in Canada until 1994. The following year he moved to California and enrolled at the Talbot School of Theology. In 1998, Reverend Albarian earned his Master of Divinity Degree from Talbot.

Reverend Albarian served a one-year pastoral internship at Calvary Armenian Congregational Church (CACC) in Northern California. In 1999, he was named Associate Pastor for Youth Ministries at CACC. Reverend Albarian and his wife, Tamar, have one son, Timothy.

Mr. Speaker, I want to welcome Reverend Samuel Albarian and his family to the First Armenian Presbyterian Church of Fresno. I urge my colleagues to join me in wishing Reverend Albarian and his family many more years of continued success.

TRIBUTE TO EDWIN GULICK

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 2001

Mr. WOLF. Mr. Speaker, I would like to take this opportunity, on the day of Edwin Gulick's retirement from the John Marshall Soil and Water Conservation District, to pay tribute to his lifelong conservation efforts.

Edwin Gulick has volunteered for the past 38 years as an appointed Soil and Water Conservation District director in Fauquier County. During that time he served for eight years on the Virginia Soil and Water Conservation Board.

In 1962, when part of Fauquier County was included in the Culpeper Soil and Water Conservation District, Edwin Gulick was Fauquier County's representative. Then in 1963 he was elected to the Board of Directors, where he served until 1966 when the John Marshall District was formed. He has been serving Fauquier County as director ever since.

Mr. Gulick was a founding director of the John Marshall Soil & Water Conservation District and served as chairman for 21 years.

In 1970 Edwin received a Western Union Telegram from Virginia Senator Harry Byrd which authorized the Soil and Conservation Service to assist local organizations in preparing watershed work plans under the authority of the Watershed Protection and Flood Prevention Act. This included the Cedar Run Watershed. He was instrumental in the development of the Cedar Run Watershed Project and his diligent efforts have come to fruition with the completion of the Licking Run Dam in 1985 and the Airlie Dam in 1992.

He served on the Virginia Association of Soil and Water Conservation District's District Operation and Rurban Committees.

He also represented the Cedar Run community by serving on the Agricultural Stabilization County Committee in 1967.

Edwin Gulick has always employed sound conservation practices on his beef and grain farm and is a true steward of conservation, wildlife and natural resources.

Mr. Gulick's service-oriented approach to his community reaches far beyond the conservation realm. He served on the Fauquier School Board, the Fauquier Livestock Exchange, the Agricultural Advisory Committee, the Historical Committee and the Catlett-Calverton Ruritan Club. He is also a Vestryman and Trustee of Saint Stephen's Episcopal Church.

I commend him for his work and wish him a happy retirement.

H.R. 1343, THE LOCAL LAW ENFORCEMENT HATE CRIMES PREVENTION ACT OF 2001

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 2001

Mrs. JONES of Ohio. Mr. Speaker, I rise today in support of the Muslims, Sikhs or persons of Middle Eastern and South Asian de-

scent. As you know, since September 11, there have been numerous reports of violent assaults, harassment, and threats against men, women and children targeted solely because of their religious beliefs, ethnicity or nationality. An urgent, vigorous response is required to stop these shameful crimes.

State governments and local police need the tools to fight and prosecute these crimes. H.R. 1343, The Local Law Enforcement Hate Crimes Prevention Act of 2001 gives the State and local authorities the tools and federal assistance they need. We must elevate the status of hate crimes within federal law to ensure that the punishment fits the seriousness of the crime committed.

Significant gaps still exist in protecting all Americans from hate-motivated crimes. The Hate Crimes Prevention Act (HCPA) would strengthen existing hate crime law in two primary ways: first, it would extend the protection of hate crimes law to those who are victimized because of their gender, sexual orientation or disability; second, it would remove unnecessary judicial impediments to prosecuting hate-based violence.

Monitoring groups, such as the Council on American-Islamic Relations, have received several hundred complaints alleging retaliatory attacks against Muslims, Arab Americans, South Asians and others. A shooting rampage in Mesa, Arizona, left one Sikh man dead, with additional shots fired at a Lebanese clerk and the home of an Afghan family. An Egyptian-American grocer was shot and killed near his store in San Gabriel, California, and a storeowner from Pakistan was shot dead in Dallas, Texas.

Beatings and other violent assaults were reported across the country, as were death and bomb threats. At several U.S. universities, foreign students from the Middle East and South Asia have been targeted for attacks, and some have chosen to leave the country because they feared additional attacks. Mosques and Sikh temples have been shot at, vandalized, and defaced. A man in Parma, Ohio drove his car into a Mosque. Throughout the country affected, community members have been afraid to leave their homes, go to work or wear traditional clothing for fear of possible hate crimes against them.

The horrific terrorist attacks of September 11 have forced the people of the US to confront a number of terribly difficult decisions: Should the US respond to the assaults with its own attack, or should we refuse to fight violence with violence? How should the nation balance its desire for freedom with its need for security? And how can we best maintain our commitment to diversity and tolerance and not let scapegoating tear the nation apart?

I rise today to reiterate my support for the H.R. 1343, The Local Law Enforcement Hate Crimes Prevention Act of 2001. I urge people around the United States to reaffirm their commitment to peace, justice, and tolerance during this traumatic time. Retaliation will offer no consolation. The architects of the September 11 attacks must be apprehended and brought to justice in full compliance. And persons who commit hate crimes must be apprehended and brought to justice as well.

COMMENDING THE ALAMEDA FOOD BANK'S STUDY ON THE STATE OF HUNGER IN ALAMEDA COUNTY

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 2001

Mr. STARK. Mr. Speaker, I rise today to commend the Alameda County Food Bank for their comprehensive study, *Hunger: The Faces and Facts 2001*, which examines the causes and the extent of hunger in Alameda County, California.

This study shows that each month thousands of low-income families cannot afford well-balanced meals in Alameda County. Although many families never imagined they would need assistance, their barren cupboards and empty pockets have led them to their local soup kitchens and food pantries. According to the study, 45 percent of the respondents reported that they had to choose between paying for food or paying for rent in the past 12 months.

The study reports that the demand for emergency food has increased steadily over the past decade, even during the most recent economic boom. As the government safety net programs are weakened and as our economy continues to struggle, the numbers will rise even higher.

The report shows that the food stamp program is not doing an effective job of informing low-income families that they are eligible for food stamps. Only 21 percent of households that get help from food banks receive food stamps, while an estimated 80 percent have incomes that would qualify them for the food stamp program. This represents a sharp decrease from the 37 percent of respondents who received food stamps according to the Alameda County Food Bank's 1997 study.

Congress' decision to reduce the benefit in 1996 has adversely affected poor people. Ninety percent of households receiving food stamps stated that their benefits did not last the entire month, reporting that on average, benefits last 2.2 weeks.

This study demonstrates that Congress needs to greatly improve the food stamp program to address the mounting hunger problem in Alameda County and the United States. As Congress makes decisions on reforming the food stamp program in the Farm Security Act of 2001, it needs to increase the food stamp benefit amount and improve the program's outreach to ensure that poor families know they are eligible for the program.

I commend the Alameda County Food Bank for its work on relieving hunger among poor families. I also congratulate them on publishing this very important report to explain the causes and the extent of hunger in Alameda County. Now, I call on Congress to take note of the evidence presented in this report and to reauthorize and improve the food stamp program so that it relieves hunger in the United States.

TRIBUTE TO BURT HUNT

HON. GRACE F. NAPOLITANO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 2001

Mrs. NAPOLITANO. Mr. Speaker, I rise today to pay tribute to Burt Hunt, a treasured Principal of Alvarado Intermediate School in my community of Rowland Heights, California. With great respect, he is retiring from the Rowland Unified District after thirty-six grateful years in education. Mr. Burt Hunt exemplifies what it means to be a public servant. His life has been dedicated to serving others and helping students achieve a higher standard in their academic education.

Mr. Burt's major contributions to the community have touched the lives of many. Burt began his career as a teacher at Hurly Elementary School, which was a poverty-stricken area. He then moved on to become the principal of Blandford Elementary School in 1974 and then moved back to Hurly Elementary School as the principal. Here, with his leadership, Hurly Elementary proudly became a California Distinguished School. In 1988, Burt became the principal of Alvarado Intermediate School, where he began a program of reform that stressed the academic, social, and emotional need of his students. The program showed students improving academically and those with remedial needs began to have success.

In 1994, Alvarado Intermediate School proudly became the first secondary school in the District to gain recognition as a California Distinguished School. With the leadership of Burt, Alvarado Intermediate School was again recognized by becoming the District's first National Blue Ribbon School.

It is with great honor that I commend Burt Hunt for his commitment to helping the children of his community become educated. His presence as a leader as a principal will be sorely missed. However, his tradition and leadership will be remembered and continued by those who knew him.

TRIBUTE TO ROBERT W. WILLIAMS, JR.

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 2001

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to Robert W. Williams Jr. of South Carolina, who is a recipient of the National Distinguished Presidential Award from the National Rural Electric Cooperative Association (NRECA). His service to South Carolina includes countless hours attracting new industry and better jobs to the Pee Dee area of South Carolina. His commitment to rural initiatives has afforded a better quality of life to innumerable South Carolinians.

Mr. Williams embarked upon his career in rural electrification as chief engineer at Onconee Electric Membership located in Dudley, Georgia. In 1966, he became general manager of Onconee. During that time, he

served as special advisor on rural electrification to the Shah of Iran at the behest of the United States State Department and helped develop a national electrification plan for the entire country.

As National Rural Electric Cooperative Association team leader for 4 years in the Philippines, he directed the Philippines Government's Department of Economic Development on National and International Finance for National Electrification Programs and successfully lobbied the Philippine Congress to pass a National Electrification Act that he initially drafted. Mr. Williams was awarded the Philippine's highest civilian award for his service by President Ferdinand Marcos of the Philippines.

Mr. Williams joined Pee Dee Electric in 1971 as General Manager. He has also served as Executive Vice President and currently serves as President and CEO. His visionary leadership at Pee Dee Electric Cooperative has earned the cooperative the rank of number 1 electric cooperative in South Carolina and in the top 5% nationally.

He is a fierce advocate of education and economic development in the Pee Dee region. He serves on the Francis Marion University Board of Trustees, the Francis Marion University Foundation board, and serves as the Finance and Investments Officer on the School's Foundation Board of Trustees. He has been awarded honorary membership in the Francis Marion School of Business honor society, Beta Gamma Sigma. He is a past Vice Chairman of the Florence County Economic Development Authority.

From 1976 to 1987, Robert Williams served as a member, national director, and Chairman of the National Retirement, Safety and Insurance Committee with the National Rural Electric Cooperative Association, Washington DC. He served as National Director and President of the National Rural Telecommunication Cooperative from 1984 to 1996, and as Vice Chairman and Director of the South Carolina Aeronautics Commission from 1992 to 1994. He became the president of Pee Dee Electric, Inc. in 1984 and President of Pee Dee Service Corporation in 1988 and currently holds those positions, as well.

Mr. Williams' many accomplishments and achievements include: being awarded the Order of the Palmetto, South Carolina's highest civilian award, in 1995, and being honored with a tribute from the Pee Dee Electric Cooperative Board of Trustees for his numerous contributions to the community.

Mr. Speaker, I ask you to join me today in honoring Mr. Robert W. Williams Jr. for the extraordinary service he has provided for the residents of South Carolina. He is a personal friend and trusted advisor. I sincerely thank Mr. Williams for the outstanding contributions he has given to the State of South Carolina through his distinguished service to the field of rural electrification and economic development. I congratulate him on all of his accomplishments, and wish him good luck and Godspeed in his future endeavors.

THE FAIRNESS IN ANTITRUST IN NATIONAL SPORTS (FANS) ACT

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 2001

Mr. CONYERS. Mr. Speaker, I am pleased to introduce today the "Fairness in Antitrust in National Sports Act"—better known as the "FANS Act".

After one of the greatest World Series of all time that gave a much needed boost to the entire Country, I was shocked by Major League Baseball's decision just two days later to eliminate two teams as early as December 15th of this year.

This is why it is imperative that Congress move quickly on the FANS Act to insure that anti-competitive decisions by Major League Baseball concerning the elimination or relocation of teams are subject to the antitrust laws like all other professional sports and businesses. I want to make clear that the particular modifications to the antitrust laws made by the FANS Act is not intended to imply that baseball's antitrust exemption currently exists beyond the scope of the court's decision in *Piazza v. Major League Baseball*.

Any time 30 of the wealthiest and most influential individuals get together behind closed doors and agree to reduce output, that cannot be a good thing for anyone but the monopolists. If GM and Ford got together and jointly agreed to cut production, people would be outraged. That is exactly what baseball has done.

In 1922 the Supreme court erroneously held that baseball was a "game" that did not involve "interstate commerce" and was therefore beyond the reach of the antitrust laws. The Supreme Court upheld the exemption in a case brought in 1972 by Curt Flood, one of the greatest players of his time. But now that professional baseball is a \$3 Billion annual business and the time has long since passed when it can be contended that baseball does not constitute "interstate commerce." This is why in 1998, I led the way in repealing the exemption as it applies to labor disputes, in the well named "Curt Flood Act"—now it is time to finish the job.

The elimination of baseball teams from a particular city, be it Minnesota, Montreal or Florida, will result in the loss of millions of dollars in revenue to the local economy and the loss of thousands of jobs. Not just the jobs of baseball players, but the jobs of ticket takers, food vendors, security personnel, and numerous others.

A little competition is good for everyone. If the antitrust laws can apply to major league football, basketball, and hockey, there is no reason in the world they cannot apply to major league baseball. Let's level the playing field once and for all.

TRIBUTE TO MACKAY, IDAHO

HON. MICHAEL K. SIMPSON

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 2001

Mr. SIMPSON. Mr. Speaker, I rise today to proudly pay tribute to the city of Mackay,

Idaho. Mackay is celebrating 100 years as the "top of Idaho."

With an elevation of 5,897 feet, Mackay is nestled near Mt. Borah, Idaho's highest mountain. Gold, silver, lead and copper were discovered in the White Knob Mountains above Mackay in the 1880s. Over 100 years, the area yielded nearly one million tons of ore resulting in 41,996 ounces of gold, 1.7 million ounces of silver, 15.1 million pounds of lead, 5.49 pounds of zinc, and 62.2 pounds of copper.

What started Mackay was mining millionaire John Mackay's vision of a 12-mile electric mountain railway system to transport ore down the mountain. Because of the massive project of building the railway system, John Mackay planned the town around the railroads final stop. Named after himself, the town Mackay was officially incorporated on October 14, 1901.

In its 100 years, Mackay has seen the best of the mining boom. During World War I, the mines around Mackay supplied ore for red metal. By 1917, Mackay was a thriving town of 400 with a post office, movie house, many businesses, saloons and pool halls.

At one point, the town grew to be home to roughly 5,000 residents. The mining boom, coupled with range livestock, dairy, and crops created a positive economic environment in which the town flourished and its residents enjoyed their prosperity.

Unfortunately, however, the history of the West is checkered with cycles of boom and bust, many of which center around the West's most precious commodity—water. When Mackay and the surrounding region were hit by a severe drought, tempers rose and times grew more desperate—including a farmer revolt in 1933 that led to the dynamiting of a headgate in a last ditch effort to release water held behind a dam.

In 1983, the Mt. Borah earthquake leveled the Mackay City Hall and damaged several businesses. Despite its trials, Mackay continues to be a destination spot for many. With its breathtaking views and proximity to Idaho's scenic rivers and pristine backcountry, Mackay showcases the best Idaho has to offer.

Mackay is a town that epitomizes the rugged West and my home state of Idaho. Mackay's residents are hard working Idahoans, who love their town, state and country. I want to add my heart-felt congratulations to the citizens of this beautiful place that literally is the top of Idaho.

A TRIBUTE TO THE MAYOR OF
RICHMOND, CALIFORNIA—THE
HONORABLE ROSEMARY CORBIN

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 2001

Mr. GEORGE MILLER of California. Mr. Speaker, I am proud to pay tribute today to a great mayor, a dedicated public servant, and a wonderful person as she ends a truly remarkable and successful 8-year career as Mayor of the City of Richmond, California.

Rosemary Corbin has made a tremendous difference for the people of Richmond and the

entire Bay Area of San Francisco. She is a leader and a fighter and she gets things done. I am proud to have been able to work closely with her over the years to coordinate federal and local efforts to protect our environment, create jobs, clean up blighted neighborhoods, reduce crime, improve affordable housing, attract business investment, and protect the rights of working men and women.

She was an important local voice in our successful efforts to secure critically needed funds for California and local communities for coastal protection, open space preservation, and urban recreation opportunities.

She was part of the dedicated team that I was privileged to work with to establish the Rosie the Riveter Memorial and National Historic Park dedicated to preserving the history of the contribution of Richmond and tens of thousands of women and minorities to the World War II homefront effort.

She fully utilized federal funds provided for the highly successful community policing effort. She has been vigilant in her efforts to turn Richmond's "brownfields" into "greenfields." And Mayor Corbin should be very proud of one of her last acts in office, winning a federal court ruling against the Bush Administration on labor policy.

Mayor Corbin also played a key role in developing the Federal Regional Task Force and focusing its efforts on the community of North Richmond. The task force consists of all of the major federal agencies in Region IX and is intended to identify and coordinate essential services to help rebuild this troubled community.

Rosemary Corbin has been a tireless public servant. She served as mayor from 1993 through this year, and served on the Richmond City Council from 1985–1993. She serves on countless boards and committees, supporting the work of local, state and national organizations. And recently, she has become a spokesperson on behalf of cities to ensure they receive adequate resources to do their part to respond to the threat of terrorism.

The people of Richmond could not have asked for more from their mayor over the past eight years. She has been a tireless defender of their interests. She is creative, energetic, and compassionate. She has kept her attention focused on the needs of her city and its surrounding community. She should be proud of her service. I am proud to have served with her. And I am confident that she will continue in her own way to contribute to the betterment of our community.

Mr. Speaker, I ask that the House of Representatives join with me in congratulating Rosemary Corbin on her eight years of exemplary service as Mayor of the great city of Richmond, California.

SENSE OF CONGRESS THAT MEN
AND WOMEN OF UNITED STATES
POSTAL SERVICE HAVE DONE AN
OUTSTANDING JOB OF DELIV-
ERING THE MAIL DURING THIS
TIME OF NATIONAL EMERGENCY

SPEECH OF

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 2001

Mr. CUMMINGS. Madam Speaker, I stand today to honor the nearly 800,000 postal employees (including 49,000 employees with disabilities and 251,000 veterans) who faithfully serve this nation by: delivering 200 billion pieces of mail each year to 134 million addresses, including 20 million post office boxes; carrying more mail to more people over a larger geographic area than any other country; serving 7 million customers daily at one of 38,000 postal retail outlets; collecting mail from more than 312,000 street mail collection boxes; and as individual carriers, delivering about 2,300 pieces of mail a day to 500 addresses.

Postal employees carry out these duties despite adverse environmental and weather conditions, including difficult terrain, extreme heat, rain, sleet and cold. They now face a different kind of adverse condition—a war. Our war on terrorism has placed postal workers at the front lines of a battle against those who seek to harm our nation's citizens by contaminating a valuable and critical component of our society's way of life—the mail. This is not a duty they signed up for, but it is one that they have faced, accepted and carried out with grace, dignity and fortitude!

Despite the tragic terrorism perpetrated on our soil and the deaths of two of their colleagues, postal employees have delivered about 34 billion pieces of mail since September 11 in the face of a continued threat to their health and lives.

Recently, I met with postal workers from my district. They are proud to work for the postal service, but are concerned for their safety. They assured me that neither rain, snow, nor anthrax laced letters would keep them from delivering the mail. However, with that renewed pledge and resolve, they wanted my assurance that the government cared about them.

H. Con. Res. 257 provides this body with the opportunity to thank them for their resolve and all they have done to keep the mail flowing. The men and women of the U.S. Postal Service have done an outstanding job of delivering the mail during this time of national emergency. Further, I believe that is our duty to assure their safety and well-being as they continue to carry out their duties and responsibilities. As such, I urge my colleagues to support this bill, our postal workers and our U.S. mail system!

TRIBUTE TO RUTH SINGLETON
SMITH

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 2001

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to Ruth Singleton Smith of Florence, South Carolina, who is a respected member of the community and who has played a major role in several political campaigns, including my own. Mrs. Smith's career achievements and accomplishments exemplify her extraordinary contributions to the state of South Carolina.

Mrs. Smith was born in Florence County, attended Florence County Public Schools, and graduated from Wilson High School in 1945. She is a graduate of South Carolina State College, American University, and Temple Business School.

Mrs. Smith traveled extensively throughout the world with her husband, the late Willie Lesley Smith, who was a career Army serviceman. Upon his retirement in 1965, the Smiths returned to Florence, South Carolina and Mrs. Smith became the Public Relations Director for WBTW TV 13 of Florence. She held that position until her retirement in 1992. She also served as WBTW Liaison for Corporate, Business, and Government Relations from 1992 to 1996. Currently she is the Community Coordinator of Health Education at McLeod Regional Medical Center. She joined the medical center in 1997 and since then she has been responsible for creating, developing, and maintaining health programs for the indigent within the community.

I would like to express my appreciation for Mrs. Smith's deep interest and active participation in politics on both the local, state, and national levels. She has demonstrated strong commitment to the Democratic process through her many years of educating voters about the need and right to vote. She has served as a Poll Manager, and she served as a political consultant for a number of political campaigns, including: Florence Mayoral, Florence City Council, Florence County Council, Florence County Solicitor's, and Florence County Sheriff Campaigns. She was also actively involved with South Carolina State Representative, Senatorial, Attorney General, Adjutant General, and Governor Campaigns. She also worked on the U.S. Senatorial Campaign of Ernest Hollings and on the Carter/Mondale and Clinton/Gore Presidential Campaigns. She also served as manager in the Pee Dee region during my own bid for Congress. I will always remember that she told me "I'll get you to Washington even if I have to carry you on my own back".

Mrs. Smith displayed true enthusiasm and commitment when she ran at-large for Florence County Council. Although her bid was unsuccessful, her tremendous spirits were not weakened.

Mrs. Smith is a lifelong member of Mt. Zion AME Church, choir member, and President of the Richard Allen Club. She is Commissioner for the Florence Housing Authority; the Mental Health Commission; the Executive Board of the NAACP; and the billboard Committee

under the leadership of the Florence City Council.

Mr. Speaker, I ask you to join me today in honoring Mrs. Ruth Singleton Smith for the incredible service she has provided to the residents of South Carolina. I sincerely thank Mrs. Smith for the outstanding contributions she has given to the state of South Carolina through her distinguished service to the fields of health, public relations, and politics. I would like to thank her for her continual support and wish her good luck and Godspeed.

PERSONAL EXPLANATION

HON. PORTER J. GOSS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 2001

Mr. GOSS. Mr. Speaker, I was unavoidably detained on my return from my district in Southwest Florida, as a result, I was not able to be present for rollcall votes 436 and 437. Had I been present, I would have voted yes for rollcall vote 436 and yes for rollcall vote 437. I request that this statement appear at the appropriate place in the RECORD.

PERSONAL EXPLANATION

HON. FRANK MASCARA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 2001

Mr. MASCARA. Mr. Speaker, on November 13, 2001, I was unavoidably absent and missed rollcall votes numbered 436 and 437. For the record, I would have voted aye on both of these votes.

MORE THAN ONE ROUTE TO
SAFER SKIES

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 2001

Mr. BEREUTER. Mr. Speaker, this Member commends to his colleagues the following editorial from the November 12, 2001, Norfolk Daily News. The editorial offers insightful comments on the issue of aviation security and the proper role for the Federal Government.

Since the tragic events of September 11, 2001, much attention has been focused on the need to improve security at our nation's airports and in our airplanes. Clearly, there are a number of areas that need prompt improvement. The bill approved by the House on November 1, 2001, (with bipartisan support) would do much to strengthen our nation's aviation security.

The House-passed bill creates a new Transportation Security Administration within the Department of Transportation. It also Federalizes the airline security screening process and requires strict, new standards. However, the House version gives the President the flexibility to determine which option provides the

highest degree of security—either using Federal employees or developing a Federal-private sector coordination. This Member hopes that an agreement will be reached soon which allows the aviation security legislation to be sent to the President.

UNANIMITY NOT SAME AS RIGHT

SENATE, HOUSE HAVE IMPORTANT DIFFERENCES
ABOUT FEDERAL ROLE

It was of special interest that in the debate about federalizing airport security personnel, the U.S. Senate was unanimously in favor. The rare 100-0 margin may have influenced the vote in the House, but not enough to carry the majority in the lower chamber.

A measure designed to change the present system, but not to the point of federalizing all the workers, passed the House by a narrow margin. That leaves the outcome to negotiations between members of the House and Senate.

Some believe these wide differences point to unnecessary partisanship. We see it based on important principles of governance. For the proponents of federalization, Sen. John McCain described it not altogether accurately: "This is about law enforcement, and law enforcement is a federal function." But law enforcement is also a local and state responsibility. There is actually a division of responsibilities, which need not be a weakness unless agencies do not cooperate.

The Sept. 11 attacks on the World Trade Center and the Pentagon succeeded not so much because of failures in airport screening procedures (box cutters and small knives were not considered dangerous as guns), as because of deficiencies in another system that is unarguably and totally a federal responsibility. That is, the system to protect America's borders, to bar illegal entry or access by those who intend harm. Of course, this is a virtually impossible task to perform error-free in so vast a land.

That it is an immensely difficult job—especially for a nation whose legal system has come near the point of ascribing the rights inherent in citizenship to aliens, legal and illegal—does not mean failures are to be excused. It means that they should be examined carefully, to try to reduce future risks to American citizens and legal immigrants.

The point is that efforts to date to meet this unique responsibility through the exclusive employment of agents of the federal government have not created a risk-free environment. Nor will adding airport screeners to the ranks of civil servants.

Competent people to help with that task, with better equipment and more authority to challenge passengers, and with extra direction from federal authorities, could do the screening. It is useful to remember that it is far easier to remove a poor performer from civilian ranks than from the civil service. There should be bipartisan acknowledgment of that fact.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose

22592

EXTENSIONS OF REMARKS

November 14, 2001

of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily

Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, November 15, 2001 may be found in the Daily Digest of today's RECORD.

No committee meetings are scheduled.

HOUSE OF REPRESENTATIVES—Thursday, November 15, 2001

The House met at 10 a.m.

Imam Yahya Hendi, Muslim Chaplain, Georgetown University, Washington, D.C., offered the following prayer:

A reading from the Holy Koran, the Muslims' Holy Scripture, chapter 5, verses 8 and 9:

"And remember the favor of God unto you, and His covenant, which He ratified with you, when you said: 'we hear and we obey.' Fear God, for God knows well the secrets of your hearts. O you of faith! Stand up firmly for God, as witnesses to fair dealings. Let not the hatred of others to you make you swerve to wrong and depart from justice. Be just, that is next to righteousness. Fear God for God is well-acquainted with all that you do."

And now let us bow our heads before God and pray:

Loving God!

Source of justice, goodness and generosity!

We ask You to guide the men and women of this Congress with Your divine light, to empower them with Your wisdom, to enable them to be agents of peace in this Nation and around the world.

Help them lead us to act as brothers and sisters. Empower them to help us work out our differences. Help them help us confront hatred wherever it exists that we all may live as one Nation, united, under God.

God!

Receive our thanks and hear our prayers. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Ohio (Mr. KUCINICH) come forward and lead the House in the Pledge of Allegiance.

Mr. KUCINICH led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOMING IMAM YAHYA HENDI

(Mr. LAFALCE asked and was given permission to address the House for 1 minute.)

Mr. LAFALCE. Mr. Speaker, as we begin Ramadan, we are especially pleased to have a Muslim Imam give our opening prayer to the House of Representatives. I am honored to welcome Imam Yahya Hendi as our guest chaplain this morning, and I thank him very much for those inspiring words and reading from the Koran.

Imam Hendi currently serves as the Muslim chaplain at Georgetown University, which is where I first heard him. He also serves as spokesman and member of the Islamic Jurisprudence Council of North America and directs the "PEACE" office of the Muslim American Society. Now an American citizen, Imam Hendi was born in Nablus in the Palestinian Territories and educated at the University of Jordan in Amman and the Hartford Seminary in Connecticut. He was one of the Muslim leaders who met with President Bush in the aftermath of the September 11 tragedy.

I asked Chaplain Dan Coughlin to invite Imam Hendi to deliver our opening prayer today to mark the commencement of Ramadan, the Islamic holy month of fasting and spiritual renewal. Observance of Ramadan begins tomorrow evening at dusk, and fasting will commence at sunrise on Saturday.

There are 1.5 billion Muslims in the world, including almost 7 million in the United States alone. During these troubled times, I believe it is important to show all Muslims and the world our good will toward the Muslim community and our respect for the Islamic faith.

Again, our thanks and appreciation to Imam Yahya Hendi for offering our opening prayer this morning.

COMMUNICATION FROM THE HONORABLE GARY A. CONDIT, MEMBER OF CONGRESS

The SPEAKER pro tempore (Mr. HANSEN) laid before the House the following communication from the Honorable GARY A. CONDIT, Member of Congress:

NOVEMBER 14, 2001.

HON. DENNIS J. HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House of Representatives, that my office has been served with a grand jury subpoena for documents issued by the Superior Court of the District of Columbia.

After consultation with the Office of General Counsel, I will make the determinations required by Rule VIII.

Sincerely,

GARY A. CONDIT,
Member of Congress.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. There will be 10 one-minutes on each side today.

WELCOMING IMAM YAHYA HENDI

(Mr. GILMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GILMAN. Mr. Speaker, I am delighted to join in welcoming visiting chaplain Imam Hendi as we greet the onset of the holy month of Ramadan.

Islam is a way of life for millions of Americans, and we in the Congress want them and all Americans to know of our Nation's view that Islam should be understood as a faith that firmly upholds the values of respect for the individual human being, the value of the family, and justice for all. We join the growing American Muslim community in condemning those who try to tell us otherwise and who commit crimes against humanity in the name of Islam.

Congress has expressed itself formally in condemnation of those who, in the wake of the events of September 11, took illegal actions against people solely because they were, or seemed to be, Muslims. Moreover, we support the President in his forthright expressions against all such illegal actions, his prosecution of those who commit such crimes; and we join President Bush's assurances that our efforts in Operation Enduring Freedom against terrorism are not directed against Islam or against Muslims.

Mr. Speaker, to the contrary, we embrace our fellow citizens who are Muslims and all those of the Muslim faith who are temporary or permanent residents here as adherents of one of the three great religions in the monotheistic tradition.

Accordingly, Mr. Speaker, at the beginning of this holy month, we extend our warmest greetings to the American Muslim community; and we wish them a blessed Ramadan.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

AMERICAN JURISPRUDENCE
SYSTEM

(Mr. KUCINICH asked and was given permission to address the House for 1 minute.)

Mr. KUCINICH. Mr. Speaker, we all agree that terrorists should be brought to justice. But what kind of justice? The American jurisprudence system is the envy of the free world with its emphasis on due process. Yet the recent executive order substitutes our American justice system for military tribunals, where officers sit as judge and jury with secret evidence, secret witnesses, secret verdicts, and even secretly handed-down death sentences.

This order is not reflective of the workings of the great solons of the law whose likenesses ring this Chamber. This is not reflective of Jeffersonian democracy. This is Kafka's trial writ large. We cannot, we should not let the actions of terrorists cause us to reject our American system of justice. The ultimate terror in a democracy is the destruction of constitutional principles.

Let us defend against terrorism, and may we always remain one Nation, under God, indivisible with liberty and justice for all.

URGING ACTION ON AIRLINE SECURITY AND ECONOMIC STIMULUS BILL

(Mr. FOLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOLEY. Mr. Speaker, if you read Roll Call today, you will realize that the majority leader of the other Chamber decided at a very important engagement with President Putin to make a joke about his height. A few months ago, he seemed to make the same reference to our own President when he questioned his international stature. The gentleman must obviously have a height fetish. Rather than focusing on things we can do for our country, he is making fun of the gentleman's stature.

Our President has led us successfully in Afghanistan. The words from the field include: "The Taliban's on the run"; "we're focusing in on bin Laden"; and "we're going to achieve our goal because the United States and its allies remain committed to the end of terrorism."

I salute our President. I urge the majority leader of the other body to quickly take up the airline security bill which the House passed which includes options for localities to hire the kind of screeners they need to protect the traveling public. I also urge him to take up the economic stimulus bill that is ready at his desk and ready for the American economy.

ANNOUNCEMENT BY THE SPEAKER
PRO TEMPORE

The SPEAKER pro tempore. Members are reminded not to make mention of Members of the other body.

WELCOMING IMAM YAHYA HENDI

(Ms. KAPTUR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. KAPTUR. Mr. Speaker, as co-chair of the new Democratic Caucus working group on Central Asia and the Middle East, please let me warmly welcome Imam Yahya Hendi to the people's House.

His prayer ascends to the God of us all, who "shows us the straight way, the way of those on whom grace is bestowed, and whose portion is not wrath, so we will not go astray."

Mr. Speaker, I am fortunate to represent a region of our Nation where Muslims for generations along with faith-filled people from all denominations and those of secular persuasion have joined together in an interfaith mission to promote tolerance, understanding, and to advance social justice.

We have built homes for the poor through Habitat for Humanity. We work together in the campaign to erase hatred. Ours is a peaceful community and a patriotic community. Indeed, in my district, Muslims have made history. They have become prominent citizens in all walks of life: medicine, engineering, law, business, education, and entertainment.

Our citizens built the first mosque in Ohio and the third in our Nation. And just after September 11, people of faith joined hands around our Perrysburg mosque in a strong show of unity with our common bond to the Creator of us all.

During the upcoming Ramadan, Christmas, and Hanukkah seasons, may our national mosaic shaped by people who have come here willingly from throughout the world shine beautifully as an example of how people can live together with respect for one another and without fear.

□ 1015

CONGRATULATIONS TO CORAL GABLES FIRST UNITED METHODIST CHURCH ON ITS 75TH ANNIVERSARY

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, this year marks the 75th anniversary of the Coral Gables First United Methodist Church, and I congratulate its clergy and its parishioners.

Since July of 1926, when 100 Coral Gable citizens gathered to charter a

United Methodist church, First United has been a spiritual beacon to its community.

With the current leadership of Senior Pastor John Harrington, the church continues its mission of serving south Florida by reaching out to all communities with its message of hope and love. Church members operate a "Pastor's Pantry" and a "Sharing Place" to provide immediate food and clothing needs to the destitute.

The Church also supports many ministries: Habitat for Humanity, the Community Partnership for the Homeless, the Agape Women's Center, and the Riverside House, just to name a few. Funding missions all over the world that bring the promise of Jesus Christ and that relieve suffering in the world have always been priorities for the Coral Gables First United Methodist Church.

Mr. Speaker, I ask my congressional colleagues to join me and the Matson family in congratulating the Coral Gables First United Methodist Church. May it continue serving with love and devotion as a spiritual center for many of our south Florida residents.

CHINA IS DESTABILIZING THE
WORLD WITH AMERICAN CASH

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute.)

Mr. TRAFICANT. Mr. Speaker, a report said China is selling missiles to our enemies. The report said China sold missiles and technology to Iran, Iraq, Libya, Syria, and Pakistan. In addition, China sold nuclear technology to Iran and Pakistan, and it has been confirmed by American officials. The report further said that these Chinese sales will enable Iran to deploy nuclear warheads in the near future.

Beam me up here. China is destabilizing the world with American cash. That is no laughing matter. I yield back all those American flags that were recently passed out at the Wizards game that were made in China.

THE TIME IS NOW TO PASS AN
AIRLINE SECURITY BILL

(Mrs. MYRICK asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MYRICK. Mr. Speaker, I rise today to urge my colleagues to pass an airline security bill.

The holiday season is going to begin next week, and millions of Americans will be flying to see their loved ones. It is ridiculous that Congress is dragging their feet. It should have been done weeks ago.

We need to make sure that the skies are safe for all people so they feel secure. It is understandable that folks are still anxious about flying. That is

why we must act. We must reach a compromise. We must restore confidence in the American public so they will fly on the planes, and we must send a message to the terrorists that they are not going to scare us into changing our way of life.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. HANSEN). The Chair will extend the number of 1-minute speeches to 15 on each side.

IN RECOGNITION OF THE HOLY MONTH OF RAMADAN

(Mr. BONIOR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BONIOR. Mr. Speaker, I rise in recognition of the beginning of the holy month of Ramadan. For nearly 7 million Muslims in America and more than 1 million worldwide, this is a period of introspection and faith. As Muslims prepare for the daily fast, they begin a month of deep spirituality and communal observance.

Like many things related to Islam in America, Ramadan is not well understood by most Americans. The word "Ramadan" comes from the Arabic root word for "parched thirst" and "sun-baked ground."

Some say the word expresses the hunger and thirst felt by those who spent the month in fasting. Others suggest it is so-called because, during Ramadan, hearts and souls are more readily receptive to the admonition and to the words of God, just as sand and stone are receptive to the sun's heat.

Ramadan is a beautiful work that truly captures the spiritual and the physical renewal of this most treasured time for Muslims. Americans have benefited immensely from learning more about these traditions.

I join my colleagues today in sending our message of solidarity and warm greetings for a blessed beginning to the holy month of Ramadan for all Muslims, here at home and around the world.

YUCCA MOUNTAIN JEOPARDIZES NATIONAL SECURITY

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, yesterday the Nuclear Regulatory Commission joined the Department of Energy in what appears to be a collusion to ignore public safety. An NRC statement said that it believes that the Department of Energy has done all the work

necessary for approval to license Yucca Mountain. Earlier this week, the Yucca project chief for the DOE said that the analysis for terrorist threats would not, I repeat, would not, be included in a final report to the Secretary of Energy.

Well, Mr. Speaker, the last time I checked, we were at war with terrorism; and it seems to me that a giant mountain filled with 77,000 tons of nuclear material located near Las Vegas, Nevada, makes an unfortunate, yet attractive, target for these evil terrorists. It is simply reckless and irresponsible for the DOE and the NRC to ignore the threat of terrorism.

It is obvious that the DOE and NRC are on a mission to store nuclear waste at Yucca Mountain at any price. Unfortunately, that price may be the safety of the American people.

PUTTING BOOKS IN THE HANDS OF CHILDREN

(Mr. DAVIS of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAVIS of Illinois. Mr. Speaker, I just left a wonderful event at Union Station sponsored by First Book, Coca Cola, and Scholastic Educational Services.

We all know that the mission of First Book is to put a book in the hands of children and encourage them to read. They are going to be there the rest of the day, so I am encouraging people to go by, sign this giant book, because for every signature that they get, some child is going to get their very own book to read.

RECOGNIZING THE VISION AND ACHIEVEMENTS OF HARRY W. COLMERY

(Mr. RYUN of Kansas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RYUN of Kansas. Mr. Speaker, I rise today to recognize the vision and achievements of Mr. Harry W. Colmery of Topeka, Kansas. Mr. Colmery's efforts led to the enactment of the GI Bill of Rights in 1944. This bill made a college education possible for 2 million veterans and has also allowed for more than 2 million others to buy homes for their families.

In December of 1943, Harry Colmery, the National Commander of the American Legion, wrote the first draft of what became the Servicemen's Readjustment Act, known as the GI Bill. Thanks to the work of Mr. Colmery and others, his bill was signed into law by President Roosevelt some 6 months later.

The GI Bill continues to serve as a fitting reward to servicemen and women who have risked their lives to

protect our freedom. Millions were able to better themselves and their families through higher education.

For this reason, I am asking President Bush to posthumously award the Presidential Medal of Freedom to Harry W. Colmery, and I ask my colleagues to join me.

AVIATION SECURITY

(Mr. HOLT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOLT. Mr. Speaker, if we want to revitalize the airline industry, we have to get people back on the planes. It is clear that people do not feel safe flying. Airlines are losing money, and the number of passengers is way down. Yet, here we are, more than 2 months after the events of September 11 without an agreement on airline security.

To prevent future attacks and to restore the public's confidence in flying, we must take steps. We cannot just hope that the same security companies that have committed gross violations of current law will do a better job in the future. We have Federal oversight of private, for-profit companies right now; and the current system is not working. This is a very real problem, and it deserves a real solution.

Mr. Speaker, Congress should stay in session and pass an aviation security bill that protects the flying public.

WE NEED A REAL ECONOMIC STIMULUS PACKAGE FOR AMERICA

(Mr. TOOMEY asked and was given permission to address the House for 1 minute.)

Mr. TOOMEY. Mr. Speaker, hundreds of thousands of Americans are losing jobs. We need an economic stimulus package now that will lower the Federal tax burden and, thereby, increase incentives to work, to save, to invest, to start new small businesses, to hire new workers.

We need to create an environment of opportunity, to help people get back to work, because the people that I represent of the Lehigh Valley and the Upper Perkiomen Valleys of Pennsylvania, they do not want to know how long they can stay out of work; they want to know how quickly they can get back to work.

The President has proposed and the House has passed a meaningful, tax-lowering, back-to-work economic stimulus package. And what is the other Chamber doing? Instead of a real economic stimulus package, the majority party in the other Chamber has proposed a package mostly consisting of unproductive government spending.

Unbelievably, less than 30 percent of the Senate Democrats' stimulus bill, so-called stimulus bill, is dedicated to

actually increasing any incentives for new job creation. Instead, there is all manner of new spending. There is an expansion of authority for Indian tribes to issue tax exempt private bonds, there are increases in subsidies to bison ranchers and pumpkin growers, there is a tax credit proposed for using poultry waste to produce electricity.

Mr. Speaker, this is not economic stimulus; it is pork barrel spending. We need real economic stimulus.

CONGRESS MUST MOVE QUICKLY TO SAFEGUARD AIRLINE SECURITY

(Ms. WATSON of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WATSON of California. Mr. Speaker, our airline industry is vital to America's economic health. Our airlines not only employ over 1 million Americans, but they also provide the mobility upon which our modern economy and society is based.

In the wake of September 11, Congress passed a short-term boost for the airline industry. But the only way to ensure the long-term stability of our air transport system is to reassure the public that air travel is safe.

In contrast to the speed with which this Congress enacted the \$15 billion quick-fix for airlines, the House dragged its feet on passing an airline security bill.

This week, another aircraft accident has caused further alarm for the flying public. While there is no reason to believe terrorism was involved, Americans need assurances that air travel is safe.

Mr. Speaker, please urge the conferees to finish their work this week and give us an aviation security bill that, like the original Senate version, can be passed unanimously into law.

TIME TO FEDERALIZE AIRPORT SECURITY

(Mr. HEFLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HEFLEY. Mr. Speaker, we need airport security, we want airport security, and we must have airport security.

When I say that, I do not mean Argenbright Security. Did we ever hear a worse oxymoron than using the term "Argenbright" and "security" in the same sentence? How can one claim to be a security company and let a man get through with seven knives, a can of Mace, and a stun gun? That is not security.

How can airlines keep hiring this company? Southwest and United up in Baltimore just hired them again to

manage their security. How can anyone put confidence in a company that has repeatedly been fined for violations? How can anyone put confidence in a company that either does not do background checks or does them in such a shoddy way that felons can slip through their screening? How can anyone put confidence in a company when they are hiring new immigrants from the Third World to do their security checking?

What we are doing is not working. We need a change. The first change we need is to recognize that airport security is a Federal responsibility. Now, whether they are all Federal employees or not is not the point, but it is a Federal responsibility.

The other body needs to stop stonewalling and negotiate in good faith and get us an airport security bill today. The American public is losing its patience.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind Members that they should not characterize actions of the other body.

GLARING INADEQUACIES IN AIRPORT SECURITY DEMAND FEDERALIZATION OF AIRPORT SCREENERS

(Ms. WATERS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WATERS. Mr. Speaker, the gentleman from Texas (Mr. DELAY) and too many Republicans are holding the airline security bill hostage. They refuse to federalize airport screeners.

September 11 revealed the glaring inadequacies in airline security. Since September 11, a passenger entered the cockpit of an airplane and attempted to attack the pilot. In another well-publicized incident, a passenger was allowed to get past screeners with seven knives, a can of Mace and a stun gun. Just a few days ago, at Boston Logan International Airport, an Argenbright security guard left her checkpoint unattended for several minutes, allowing people to walk through unchecked.

The American public does not feel safe, and we should be ashamed of the fact that we cannot get an airline security bill passed in this House. Enough is enough. We should not go home until we get it done this weekend.

Mr. Speaker, I challenge all of the Members of the House, but particularly those who are holding up this issue based on whether or not they will agree to federalize those screeners, to stop the politicking, to stop playing with people's lives. Let us get on with airline security.

□ 1030

URGING SENATE ACTION ON HUMAN CLONING BAN

(Mr. FERGUSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FERGUSON. Mr. Speaker, time is running out. With each passing day, scientists come closer and closer to cloning a human being. Step-by-step, they are completing a process whereby human life, the most sacred of gifts, is cheapened and devalued through mass production.

Mr. Speaker, I applaud my colleagues in the House for their hard work earlier this year in passing the Human Cloning Prohibition Act. But now is not the time to rest. Now is the time to continue our work and urge our Senate colleagues to listen to the voice of the American people and to vote to ban human cloning.

Mr. Speaker, I am proud of the Senate's compromise to bring this bill to the floor in a few months. Unfortunately, the time line for cloning science is set to outpace our own schedule.

Therefore, I urge my Senate colleagues to act now to bring this bill to a vote and to outpace this unethical misuse of science that would demean nature's work and degrade human life.

TRIBUTE TO MICHAEL G. MCGINTY OF FOXBORO, MASSACHUSETTS

(Mr. WATT of North Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WATT of North Carolina. Mr. Speaker, on yesterday, my colleague, the gentlewoman from North Carolina (Mrs. MYRICK), and I announced, in the midst of all of the important other agendas that are going on in the House, an effort to pay tribute to all of the people who were killed in the September 11 disaster.

Today I rise to pay tribute to Michael G. McGinty, who, during his life in an Air Force family, moved many times. So when he and his wife, Cynthia, bought their first home in Foxboro, Massachusetts, he put down roots, planted flowers to attract birds and butterflies, and became chairman of the deacons at Bethany Congregational Church.

But his great joy in life was being the father of David and Daniel. Ms. McGinty says, "I'm the one who would say it was time to do homework, but he would come and make it fun and games."

The night before Mr. McGinty left for his meeting at the World Trade Tower, he and his wife had a great conversation where everything clicked, and they felt really good about their family and children. She said, "I am so glad

that the last conversation we had was a really good one.”

I pay tribute to Michael McGinty today.

TRADE PROMOTION AUTHORITY

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, I rise to discuss the issue of trade promotion authority today.

The benefits of international trade have been clear for decades. Trade fosters not only economic growth, but also the growth of free and democratic societies around the world. As the most prosperous Nation in the world, we understand the importance of expanding trade, and expanding trade helps spread our values overseas.

It is not a coincidence that many of the economies most engaged in trade have also pursued political freedom. South Korea, Taiwan, and Mexico are just three examples. If economic isolation were the answer, then Cuba and North Korea would be among the wealthiest and most prosperous countries in the world.

Now more than ever the U.S. has a moral obligation to lead the fight for democracy around the world. Free trade offers one of the best ways to promote a democratic society. We must lead by example. Support trade promotion authority.

THE AVIATION SECURITY BILL

(Mr. CROWLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CROWLEY. Mr. Speaker, over the last 2 months we have seen reports of knives, guns, mace, and stun guns slip past keystone cop security guards at our Nation's airports, and still the GOP defends the third-rate rent-a-cops at our airports.

Two days ago, one of the airport screeners at Logan Airport in Boston who was tasked with protecting the traveling public left her checkpoint unattended for 4 minutes while passengers gained unfettered access to the gate area.

There have been over 90 breaches of security since September 11. In the words of our colleague from Ohio, “Beam us all up. Have we totally lost it? Have we learned nothing from the events of September 11?” I find it incredible that negotiation for this bill have dragged on this long.

There is no compromise when it comes to the security of our aviation system. The status quo has failed us, and continues to fail us every day. We must do away with private security firms at these checkpoints and implement the federalization of our airport security apparatus immediately.

This country has suffered enough, and we have an obligation to protect each and every one of our citizens. We must do that today.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. HANSEN). With reference to a previous speaker, the Chair reiterates that Members should not urge action by the other body.

TRADE

(Mr. LINDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LINDER. Mr. Speaker, as Americans struggle with economic uncertainty, Congress seeks to stimulate our stalled economy and create new jobs. However, I daresay that many of my colleagues have overlooked one of the most consistent and dependable solutions available, one that Congress has the ability to foster: Trade.

Recent studies have found that if global trade barriers were cut by one-third, the world economy would increase by more than \$600 billion a year. Eliminating trade barriers altogether would increase the global economy by nearly \$2 trillion.

The infusion of this much capital into the world market would serve as an engine of economic growth and improve the standard of living for all Americans.

Also, it would be unwise to ignore the fact that, since 1990, more than 20 million new jobs have been created in the United States.

It is not merely coincidental that this increase corresponds to the enactment of trade agreements such as NAFTA and GATT. In fact, trade has stimulated job creation, resulting not only in new jobs, but in higher wages in those jobs supported by exports.

As we seek to alleviate economic hardship, the U.S. must look beyond our borders to increase interaction with our trading partners, and Congress can facilitate this by supporting trade promotion authority.

RAMADAN GREETING

(Mr. DINGELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DINGELL. Mr. Speaker, it is highly appropriate that we welcome Imam Yahya Hendi. This body represents all Americans, and it is extremely appropriate, then, that we should welcome the Imam today to help celebrate the commencement of the holy month of Ramadan, which is set to begin tomorrow.

Islam is not only one of the world's great religions, but it is one of the great American religions. American Muslims have immigrated to this country from all corners of the globe, and in all parts of the United States Muslims are valued, integral members of our communities.

It is an honor for me to represent the largest Arab American community in the United States. As Ramadan begins, I extend my personal greetings to all Muslim Americans, particularly my friends and constituents in Michigan's 16th District.

Mr. Speaker, I also send best wishes to our Muslim friends and allies in the Middle East and South Asia, as well as Muslims in all corners of the world. To our allies in the Islamic world, I would also like to express my gratitude for their friendship, particularly at this difficult time. As President Bush has pointed out, the United States is not at war with Islam. We are at war with terrorism.

Mr. Speaker, some of what has been said over the last couple of months has painted a highly inaccurate picture of Islam. Islam is not a religion of division and intolerance, but rather, a religion which values diversity and understanding. It is, above all else, a religion of peace and progress.

Americans must not tolerate injustices committed out of ignorance against any group of Americans, particularly against Muslim Americans, who share with us the horror of the events of September 11, which to them are particularly offensive because the Muslim community feels it is grossly improper that the perpetrators expressly attempted to use that faith as an excuse for a horrible crime.

In this month of introspection, faith, prayer, and cleansing, I again wish to relay my greetings and best wishes to the Muslims in southeast Michigan and in the United States, as well as all the Muslims in the world.

IN HONOR OF TUBBY RAYMOND'S 300TH WIN

(Mr. CASTLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CASTLE. Mr. Speaker, I rise today to honor and pay tribute to a football legend, the great Harold Tubby Raymond, head coach of the University of Delaware Fighting Blue Hens.

A lover of sports since he was a kid, Tubby played football and baseball in college. Unable to hit the curve ball, Tubby realized early on that his future was in coaching, and what a future he has had. Tubby won his 300th game on Saturday, November 10, 2001. He became one of only nine elite coaches to win so many games.

Most importantly, Tubby won them all at the University of Delaware.

Three national championships, 14 Lambert Cups, four NAAC Coach of the Year awards, and 300 wins, all earned doing something he loves: Coaching young men to be extraordinary football players.

Tubby Raymond is more than your average football coach. Revered and respected by his peers, Tubby's name is synonymous with Bear Bryant, Joe Paterno, Eddie Robinson, and so many other football legends.

What many people do not know is that he is also an accomplished artist who paints portraits of senior players each week. What began as fun many years ago has turned into a tradition cherished by his players, while providing Tubby with a great escape.

Predictable as ever, upon winning his 300th game, Tubby Raymond gave the credit to his players, coaches, and fans who supported the Blue Hens during his 35-year career.

A great friend to all Delawareans, I want to join with his family, friends, and the football community in congratulating Tubby and wishing him a belated 74th birthday, and many more wins.

THE HIV AIDS CRISIS IN HAITI

(Mrs. MEEK of Florida asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MEEK of Florida. Mr. Speaker, according to the World Bank, more than half a million people are living with HIV/AIDS in the Caribbean region, and the prevalence among adults 15 to 49 has reached 2 percent.

In Haiti, the situation is dramatically worse. Estimates reach as high as 12 percent of the urban population, and 5 percent for the rural population. We must speak very strongly for Haiti. We must speak very strongly against this HIV epidemic or pandemic that is going across our world.

The epidemic has spread beyond the high-risk population to the general population. Mr. Speaker, a regional strategic plan is in place to reduce the spread and impact of the epidemic in Haiti and throughout the Caribbean, but Haiti desperately needs the financial support of the United States, the World Bank, and the international community to implement it.

I have yet to understand why the United States is holding up its aid to Haiti. Mr. Speaker, Haiti has made considerable progress politically. It has now met virtually all of the conditions established by the United States.

I appeal to the Congress to press for relief for Haiti.

TRADE PROMOTION AUTHORITY FOR PRESIDENT BUSH

(Mr. DREIER asked and was given permission to address the House for 1

minute and to revise and extend her remarks.)

Mr. DREIER. Mr. Speaker, virtually every Member of Congress is talking about the need for us to turn around the economic challenges that we have faced leading up to September 11, and the situation which certainly was exacerbated with what took place on September 11.

We have right now an effort going on to put together an economic security bill which deals with putting in place both spending, opportunities to help those who are at the lower end of the economic spectrum, and also tax reductions, which are designed to encourage economic growth.

I think it is important for us to note that as we look towards job creation and economic growth, one of the most important things that this institution can do is to create an opportunity for President Bush and his team to go out and pry open new markets for U.S. goods and services throughout the world.

It is very apparent that within this hemisphere, every single one of the democratically elected leaders is committed to our goal of establishing a Free Trade Area of the Americas. Their goal is to have this done by 2005. Some of the countries would like to move it up even quicker.

But Mr. Speaker, unless we grant the President trade promotion authority, the ability to put together that very important Free Trade Area of the Americas and other agreements would be greatly diminished.

We will, in the not too distant future, be facing an opportunity to do something that will create jobs, help the workers in this country, and encourage economic growth, so I hope very much that, in a bipartisan way, our colleagues will join in support of trade promotion authority.

HAITI AND FUNDING FROM THE INTER-AMERICAN DEVELOPMENT BANK

(Ms. LEE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LEE. Mr. Speaker, I rise to urge the United States to lift its block on approved loans by the Inter-American Development Bank to Haiti.

Haiti is now in the midst of a political impasse that began months after the May, 2000 elections, and has become a national crisis. The United States has since blocked foreign assistance, as well as international financial institutions' funding for Haiti.

Meanwhile, a severe humanitarian disaster looms large over the population of 8 million people, including a devastating HIV/AIDS pandemic, extreme poverty, and high infant mortality rates.

We must address this injustice. The people of Haiti need our support. Our country can help alleviate human suffering in this country in the Western Hemisphere. We must release these approved loans. They are not grants, mind you, but they are loans to Haiti.

□ 1045

NOT ENOUGH DISASTER RELIEF

(Mrs. MALONEY of New York asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MALONEY of New York. Mr. Speaker, after the September 11 attacks, the administration told us it would do whatever it takes to help New York recover. Forty billion dollars was quickly approved, \$20 billion to fight terrorism and \$20 billion for disaster relief primarily for New York.

Well, yesterday, the Committee on Appropriations allocated that \$40 billion and New York got less than \$10 billion.

Now we want to know, what will it take for New York to get its fair share? Will it take a mass exodus from the city? Because people and businesses are making decisions to stay or go right now and New York's future hangs in the balance.

We are told that we will get the money eventually. I want to congratulate two of my Republican colleagues, the gentleman from New York (Mr. WALSH) and the gentleman from New York (Mr. SWEENEY), for their courage in saying eventually is not soon enough. That money was allocated for this year. Now we have to go and hunt for it somewhere else.

New York is one of the economic centers of America and it should not take this much trouble for America to give New York help.

HUMANITARIAN CRISIS IN HAITI

(Mrs. CHRISTENSEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CHRISTENSEN. Mr. Speaker, I rise to speak of humanitarian crisis, not half a world away in Afghanistan, but in our own hemispheric neighborhood of Haiti.

Mr. Speaker, airline security, the economy and the war have our full attention, and rightfully so, but closer to us in Haiti, the last election has been hopelessly deadlocked with no resolution in sight.

To compound the problem, because of the opposition of some to the outcome of those elections, our country and international financial institutions which hold the lifeline of aid dollars to this struggling democracy have blocked the release of loans to Haiti.

This has created a crippling effect of economic consequences where the poorest country in our hemisphere cannot

meet its financial obligations and food, medicine and life itself have been hung in the balance for 8 million people.

Let us not make the same mistake and ignore another country's turmoil, until a disaster too great for the imagination or easy recovery unfolds.

The people of Haiti need food, medicine and funds to combat an HIV infection rate of 4 percent of the population, an infant mortality rate of 74 deaths out of every 1,000 babies born and to improve their quality of life.

Mr. Speaker, the people of Haiti have voted and they know who they want to govern them. Let us respect that and allow the dollars for food and medicine to flow.

LAYING ON THE TABLE HOUSE RESOLUTIONS 179, 182, 217, 220, 236, 237, 258, 267 AND 268

Ms. PRYCE of Ohio. Mr. Speaker, I ask unanimous consent to lay on the table House Resolutions 179, 182, 217, 220, 236, 237, 258, 267 and 268.

The SPEAKER pro tempore (Mr. HANSEN). Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

RETIREMENT SECURITY ADVICE ACT OF 2001

Ms. PRYCE of Ohio. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 288 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 288

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 2269) to amend title I of the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to promote the provision of retirement investment advice to workers managing their retirement income assets. The bill shall be considered as read for amendment. In lieu of the amendments recommended by the Committee on Education and the Workforce and the Committee on Ways and Means now printed in the bill, the amendment in the nature of a substitute printed in part A of the report of the Committee on Rules accompanying this resolution shall be considered as adopted. The previous question shall be considered as ordered on the bill, as amended, and on any further amendment thereto to final passage without intervening motion except: (1) one hour and 40 minutes of debate on the bill, as amended, with one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce and 40 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means; (2) the further amendment printed in part B of the report of the Committee on Rules, if offered by Representative George Miller of California or his designee, which shall be in order without intervention of any point of order, shall be considered as read, and shall be separately debatable for one

hour equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentlewoman from Ohio (Ms. PRYCE) is recognized for 1 hour.

Ms. PRYCE of Ohio. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. FROST), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 288 is an appropriate but fair rule providing for the consideration of H.R. 2269, the Retirement Security Advice Act of 2001, and it is consistent with previous rules that our committee has reported and the House has adopted on bills affecting tax policy.

This rule provides for 100 minutes of general debate in the House with 60 minutes equally divided and controlled by the gentleman from Ohio (Chairman BOEHNER) and the ranking member of the Committee on Education and the Workforce, the gentleman from California (Mr. GEORGE MILLER). The remaining 40 minutes are equally divided between the gentleman from California (Mr. THOMAS) and the ranking minority member of the Committee on Ways and Means, the gentleman from New York (Mr. RANGEL).

In lieu of the amendments recommended by the Committee on Education and the Workforce and the Committee on Ways and Means, the amendment printed in Part A of the Committee on Rules report accompanying this resolution shall be considered as adopted.

I would simply note for my colleagues that this Part A amendment combines the provisions reported by the respective committees into one amendment. After general debate, it will be in order to consider only the substitute amendment offered by the gentleman from California (Mr. GEORGE MILLER) or his designee, printed in Part B of the Committee on Rules report and is debatable for 1 hour.

Finally, the rule permits the minority to offer a motion to recommit, with or without instructions.

The resume waives all points of order against consideration of the bill as amended, as well as the amendment in the nature of a substitute.

Mr. Speaker, today in America more and more working men and women are investing. We are no longer living in a world where only the richest Americans participate in the stock market. Today's workers are using worker-directed or 401(k)-type plans to manage and grow their retirement funds. In fact, it is estimated that some 43 million workers are, in part, managing nearly \$1.5 trillion dollars in assets through defined contribution plans.

Unfortunately, current law does not reflect the new world that we live in. For the average worker trying to get ahead, raising a family or simply pursuing the American dream in any way they choose, managing their retirement funds can be a daunting, difficult and sometimes costly task, and current law is keeping them from getting the direction that they need.

Back home, I know many young people who are in their early careers or newly married. I see them and their spouses trying to understand today's complex financial reality. And these are smart kids. They know that you can never be too young to begin planning for your future. But with a future that involves starting a family, purchasing a home and a car, planning for children's educational needs, understanding investments for retirement is just one more difficult piece of a very complicated puzzle.

Everyone who enters the workforce has dreams of one day returning to full-time private life. Some dream of a house on the shore or a ranch out west. Others dreams are more modest, a small home close to family and friends. But the common theme of all retirement dreams is security, comfort and a small reward for a lifetime's work.

Planning for retirement today is not like it was when our mothers and fathers and even some of us were new to the workforce. Retirement planning does not simply involve Social Security and a savings accounts. Today's retirement planning requires an understanding of the many investment options and their attendant risk and benefits.

To be sure, planning for the future through investment is a welcome aspect of our country's financial progress and the continued expansion of options for American workers. But we would be remiss if we did not make sure that the law kept up with these widening options.

We must recognize that with the wealth of investment options available to workers, there must also be options for advice and direction. Workers need access to sound advice to help them maximize their retirement security as well as minimize their risk.

H.R. 2269, the Retirement Security Advice Act responds to this need and provides Americans with access to this help.

It allows employers to provide their workers with access to high quality, professional investment advice. It retains critical safeguards and includes new protections to ensure that participants will receive advice solely in their best interests.

Advice will be provided by fiduciary advisors who will be personally liable for failure to act solely in the interest of a worker and subject to both criminal and civil sanctions through the Department of Labor for any breach of

their fiduciary duty. It is also important to note that all existing securities and State insurance protections will continue to apply as well.

H.R. 2269 also includes a strict, plain-language disclosure requirement to inform participants about any and all potential fees or possible conflicts of interest when advice is first given. Finally, it works to educate and empower workers who have full control over their investment decisions and help to close the investment advice gap.

Mr. Speaker, like President Bush, I too trust Americans to manage their own money. Indeed, everyone should be a part owner in the American dream. This legislation will finally allow employers to sponsor investment advice for their workers and empower them to make decisions based on solid and experienced judgment. Today's workers have more choices for their future. Let us make sure they have the tools to know which choice is best for them.

Mr. Speaker, I urge all my colleagues to support this rule and the underlying legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I yield myself such time as I may consume, and thank my colleague, the gentlewoman from Ohio (Ms. PRYCE) for yielding me the customary 30 minutes.

Mr. Speaker, both the underlying bill and the Democratic substitute address an issue of great importance to the millions of Americans who will depend upon participant-directed pension accounts for their retirement income.

Nowadays, fewer and fewer employees have traditional pension plans. That means that more and more will depend heavily on investments for their retirement income. Currently, approximately 42 million workers participate in such accounts.

It is very important that these workers have access to sound financial planning and advice to help them make the most of their investments. It is also critical that the advice they receive is unbiased and in their best interests, not for the benefit of the advisor or counselor or the businesses they represent.

The Democratic substitute makes important improvements in the underlying bill. Specifically, the Andrews-Rangel substitute allows employees to receive investment advice and education from their employers, while still being protected from conflicts of interest and unqualified investment advisors.

The rule provides an hour and 40 minutes of debate on the bill and another hour on the substitute. Let us pass this rule so we may get on with the debate of this issue of importance to the American worker.

Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

Ms. PRYCE of Ohio. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

□ 1100

Mr. BOEHNER. Mr. Speaker, pursuant to House Resolution 288, I call up the bill (H.R. 2269) to amend title 1 of the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to promote the provision of retirement investment advice to workers managing their retirement income assets, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. HANSEN). Pursuant to House Resolution 288, the bill is considered read for amendment.

The text of H.R. 2269 is as follow:

H.R. 2269

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Retirement Security Advice Act of 2001".

SEC. 2. PROHIBITED TRANSACTION EXEMPTION FOR THE PROVISION OF INVESTMENT ADVICE.

(a) AMENDMENTS TO THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—

(1) IN GENERAL.—Section 408(b) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1108(b)) is amended by adding at the end the following new paragraph:

"(14) If the requirements of subsection (g) are met—

"(A) the provision of investment advice referred to in section 3(21)(A)(ii) provided by a fiduciary adviser (as defined in subsection (g)(4)(A)) to an employee benefit plan or to a participant or beneficiary of an employee benefit plan,

"(B) the sale, acquisition, or holding of securities or other property (including any lending of money or other extension of credit associated with the sale, acquisition, or holding of securities or other property) pursuant to such investment advice, and

"(C) the direct or indirect receipt of fees or other compensation by the fiduciary adviser or an affiliate thereof (or any employee, agent, or registered representative of the fiduciary adviser or affiliate) in connection with the provision of such investment advice."

(2) REQUIREMENTS.—Section 408 of such Act is amended further by adding at the end the following new subsection:

"(g)(1) The requirements of this subsection are met in connection with the provision of advice referred to in section 3(21)(A)(ii), provided to an employee benefit plan or a participant or beneficiary of an employee benefit plan by a fiduciary adviser with respect to such plan, in connection with any sale or acquisition of a security or other property for purposes of investment of amounts held by such plan, if—

"(A) in the case of the initial provision of such advice with regard to a security or other property, by such fiduciary adviser to such plan, participant, or beneficiary, the fiduciary adviser provides to the recipient of

such advice, at the time of or before the initial provision of such advice, a clear and conspicuous description, in writing (including by means of electronic communication), of—

"(i) all fees or other compensation relating to such advice that the fiduciary adviser or any affiliate thereof is to receive (including compensation provided by any third party) in connection with the provision of such advice or in connection with such acquisition or sale,

"(ii) any material affiliation or contractual relationship of the fiduciary adviser or affiliates thereof in such security or other property,

"(iii) any limitation placed on the scope of the investment advice to be provided by the fiduciary adviser with respect to any such sale or acquisition, and

"(iv) the types of services offered by the fiduciary adviser in connection with the provision of investment advice by the fiduciary adviser,

"(B) in the case of the initial or any subsequent provision of such advice to such plan, participant, or beneficiary, the fiduciary adviser, throughout the 1-year period following the provision of such advice, maintains the information described in clauses (i) through (iv) of subparagraph (A) in currently accurate form for availability, upon request and without charge, to the recipient of such advice,

"(C) the fiduciary adviser provides appropriate disclosure, in connection with any such acquisition or sale, in accordance with all applicable securities laws,

"(D) such acquisition or sale occurs solely at the direction of the recipient of such advice,

"(E) the compensation received by the fiduciary adviser and affiliates thereof in connection with such acquisition or sale is reasonable, and

"(F) the terms of such acquisition or sale are at least as favorable to such plan as an arm's length transaction would be.

"(2) A fiduciary adviser referred to in paragraph (1) who has provided advice referred to in such paragraph shall, for a period of not less than 6 years after the provision of such advice, maintain any records necessary for determining whether the requirements of the preceding provisions of this subsection and of subsection (b)(14) have been met. A transaction prohibited under section 406 shall not be considered to have occurred solely because the records are lost or destroyed prior to the end of the 6-year period due to circumstances beyond the control of the fiduciary adviser.

"(3)(A) Subject to subparagraph (B), a plan sponsor or other person who is a fiduciary shall not be treated as failing to meet the requirements of this part solely by reason of the provision of investment advice referred to in section 3(21)(A)(ii) (or solely by reason of contracting for or otherwise arranging for the provision of such investment advice), if—

"(i) such advice is provided by a fiduciary adviser pursuant to an arrangement between such plan sponsor or other fiduciary and such fiduciary adviser for the provision by such fiduciary adviser of investment advice referred to in such section, and

"(ii) the terms of such arrangement require compliance by the fiduciary adviser with the requirements of this subsection.

"(B) Nothing in subparagraph (A) shall be construed to exempt a plan sponsor or other person who is a fiduciary from any requirement of this part for the prudent selection and periodic review of a fiduciary adviser with whom the plan sponsor or other person

enters into an arrangement for the provision of advice referred to in section 3(21)(A)(ii). Such plan sponsor or other person who is a fiduciary has no duty under this part to monitor the specific investment advice given by the fiduciary adviser to any particular recipient of such advice.

“(C) Nothing in this part shall be construed to preclude the use of plan assets to pay for reasonable expenses in providing investment advice referred to in section 3(21)(A)(ii).

“(4) For purposes of this subsection and subsection (b)(14)—

“(A) The term ‘fiduciary adviser’ means, with respect to a plan, a person who is a fiduciary of the plan by reason of the provision of investment advice by such person to the plan or to a participant or beneficiary and who is—

“(i) registered as an investment adviser under the Investment Advisers Act of 1940 (15 U.S.C. 80b-1 et seq.) or under the laws of the State in which the fiduciary maintains its principal office and place of business,

“(ii) a bank or similar financial institution referred to in section 408(b)(4),

“(iii) an insurance company qualified to do business under the laws of a State,

“(iv) a person registered as a broker or dealer under the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.),

“(v) an affiliate of a person described in any of clauses (i) through (iv), or

“(vi) an employee, agent, or registered representative of a person described in any of clauses (i) through (v).

“(B) The term ‘affiliate’ means an affiliated person, as defined in section 2(a)(3) of the Investment Company Act of 1940 (15 U.S.C. 80a-2(a)(3)).

“(C) The term ‘registered representative’ means a person described in section 3(a)(18) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(18)) or section 202(a)(17) of the Investment Advisers Act of 1940 (15 U.S.C. 80b-2(a)(17)).”

(b) AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1986.—

(1) IN GENERAL.—Subsection (d) of section 4975 of the Internal Revenue Code of 1986 (relating to exemptions from tax on prohibited transactions) is amended—

(A) in paragraph (14), by striking “or” at the end;

(B) in paragraph (15), by striking the period at the end and inserting “; or”; and

(C) by adding at the end the following new paragraph:

“(16) If the requirements of subsection (f)(7) are met—

“(A) the provision of investment advice referred to in subsection (e)(3)(B) provided by a fiduciary adviser (as defined in subsection (f)(7)(C)(i)) to a plan or to a participant or beneficiary of a plan,

“(B) the sale, acquisition, or holding of securities or other property (including any extension of credit associated with the sale, acquisition, or holding of securities or other property) pursuant to such investment advice, and

“(C) the direct or indirect receipt of fees or other compensation by the fiduciary adviser or an affiliate thereof (or any employee, agent, or registered representative of the fiduciary adviser or affiliate) in connection with the provision of such investment advice.”

(2) REQUIREMENTS.—Subsection (f) of such section 4975 (relating to other definitions and special rules) is amended by adding at the end the following new paragraph:

“(7) REQUIREMENTS FOR EXEMPTION FOR INVESTMENT ADVICE PROVIDED BY FIDUCIARY ADVISERS.—

“(A) IN GENERAL.—The requirements of this paragraph are met in connection with the provision of advice referred to in subsection (e)(3)(B), provided to a plan or a participant or beneficiary of a plan by a fiduciary adviser with respect to such plan, in connection with any sale or acquisition of a security or other property for purposes of investment of amounts held by such plan, if—

“(i) in the case of the initial provision of such advice by such fiduciary adviser to such plan, participant, or beneficiary, the fiduciary adviser provides to the plan, participant, or beneficiary, at the time of or before the initial provision of such advice, a description, in writing or by means of electronic communication, of—

“(I) all fees or other compensation relating to such advice that the fiduciary adviser or any affiliate thereof is to receive (including compensation provided by any third party) in connection with the provision of such advice or in connection with such acquisition or sale,

“(II) any material affiliation or contractual relationship of the fiduciary adviser or affiliates thereof in such security or other property,

“(III) any limitation placed on the scope of the investment advice to be provided by the fiduciary adviser with respect to any such sale or acquisition, and

“(IV) the types of services offered by the fiduciary adviser in connection with the provision of investment advice by the fiduciary adviser,

“(ii) in the case of the initial or any subsequent provision of such advice to such plan, participant, or beneficiary, the fiduciary adviser, throughout the 1-year period following the provision of such advice, maintains the information described in subclauses (I) through (IV) of clause (i) in currently accurate form for availability, upon request and without charge, to the recipient of such advice,

“(iii) the fiduciary adviser provides appropriate disclosure, in connection with any such acquisition or sale, in accordance with all applicable securities laws,

“(iv) such acquisition or sale occurs solely at the discretion of the recipient of such advice,

“(v) the compensation received by the fiduciary adviser and affiliates thereof in connection with such acquisition or sale is reasonable, and

“(vi) the terms of such acquisition or sale are at least as favorable to such plan as an arm’s length transaction would be.

“(B) MAINTENANCE OF RECORDS.—A fiduciary adviser referred to in subparagraph (A) who has provided advice referred to in such subparagraph shall, for a period of not less than 6 years after the provision of such advice, maintain any records necessary for determining whether the requirements of the preceding provisions of this subsection and of subsection (d)(16) have been met. A prohibited transaction described in subsection (c)(1) shall not be considered to have occurred solely because the records are lost or destroyed prior to the end of the 6-year period due to circumstances beyond the control of the fiduciary adviser.

“(C) DEFINITIONS.—For purposes of this paragraph and subsection (d)(16)—

“(i) FIDUCIARY ADVISER.—The term ‘fiduciary adviser’ means, with respect to a plan, a person who is a fiduciary of the plan by reason of the provision of investment advice

by such person to the plan or to a participant or beneficiary and who is—

“(I) registered as an investment adviser under the Investment Advisers Act of 1940 (15 U.S.C. 80b-1 et seq.) or under the laws of the State in which the fiduciary maintains its principal office and place of business,

“(II) a bank or similar financial institution referred to in subsection (d)(4),

“(III) an insurance company qualified to do business under the laws of a State,

“(IV) a person registered as a broker or dealer under the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.),

“(V) an affiliate of a person described in any of subclauses (I) through (IV), or

“(VI) an employee, agent, or registered representative of a person described in any of subclauses (I) through (V).

“(ii) AFFILIATE.—The term ‘affiliate’ means an affiliated person, as defined in section 2(a)(3) of the Investment Company Act of 1940 (15 U.S.C. 80a-2(a)(3)).

“(iii) REGISTERED REPRESENTATIVE.—The term ‘registered representative’ means a person described in section 3(a)(18) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(18)) or section 202(a)(17) of the Investment Advisers Act of 1940 (15 U.S.C. 80b-2(a)(17)).”

SEC. 3. EFFECTIVE DATE.

The amendments made by this Act shall apply with respect to advice referred to in section 3(21)(A)(ii) of the Employee Retirement Income Security Act of 1974 or section 4975(e)(3)(B) of the Internal Revenue Code of 1986 provided on or after January 1, 2002.

The SPEAKER pro tempore. In lieu of the amendments recommended by the Committees on Education and the Workforce and Ways and Means printed in the bill, the amendment in the nature of a substitute printed in part A of House Report 107-289 is adopted.

The text of H.R. 2269, as amended pursuant to House Resolution 288, is as follows:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Retirement Security Advice Act of 2001”.

SEC. 2. PROHIBITED TRANSACTION EXEMPTION FOR THE PROVISION OF INVESTMENT ADVICE.

(a) AMENDMENTS TO THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—

(1) EXEMPTION FROM PROHIBITED TRANSACTIONS.—Section 408(b) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1108(b)) is amended by adding at the end the following new paragraph:

“(14)(A) Any transaction described in subparagraph (B) in connection with the provision of investment advice described in section 3(21)(A)(ii), in any case in which—

“(i) the investment of assets of the plan is subject to the direction of plan participants or beneficiaries,

“(ii) the advice is provided to the plan or a participant or beneficiary of the plan by a fiduciary adviser in connection with any sale, acquisition, or holding of a security or other property for purposes of investment of plan assets, and

“(iii) the requirements of subsection (g) are met in connection with the provision of the advice.

“(B) The transactions described in this subparagraph are the following:

“(i) the provision of the advice to the plan, participant, or beneficiary;

“(ii) the sale, acquisition, or holding of a security or other property (including any

lending of money or other extension of credit associated with the sale, acquisition, or holding of a security or other property) pursuant to the advice; and

“(iii) the direct or indirect receipt of fees or other compensation by the fiduciary adviser or an affiliate thereof (or any employee, agent, or registered representative of the fiduciary adviser or affiliate) in connection with the provision of the advice or in connection with a sale, acquisition, or holding of a security or other property pursuant to the advice.”.

(2) REQUIREMENTS.—Section 408 of such Act is amended further by adding at the end the following new subsection:

“(g) REQUIREMENTS RELATING TO PROVISION OF INVESTMENT ADVICE BY FIDUCIARY ADVISERS.—

“(1) IN GENERAL.—The requirements of this subsection are met in connection with the provision of investment advice referred to in section 3(21)(A)(ii), provided to an employee benefit plan or a participant or beneficiary of an employee benefit plan by a fiduciary adviser with respect to the plan in connection with any sale, acquisition, or holding of a security or other property for purposes of investment of amounts held by the plan, if—

“(A) in the case of the initial provision of the advice with regard to the security or other property by the fiduciary adviser to the plan, participant, or beneficiary, the fiduciary adviser provides to the recipient of the advice, at a time reasonably contemporaneous with the initial provision of the advice, a written notification (which may consist of notification by means of electronic communication)—

“(i) of all fees or other compensation relating to the advice that the fiduciary adviser or any affiliate thereof is to receive (including compensation provided by any third party) in connection with the provision of the advice or in connection with the sale, acquisition, or holding of the security or other property,

“(ii) of any material affiliation or contractual relationship of the fiduciary adviser or affiliates thereof in the security or other property,

“(iii) of any limitation placed on the scope of the investment advice to be provided by the fiduciary adviser with respect to any such sale, acquisition, or holding of a security or other property,

“(iv) of the types of services provided by the fiduciary adviser in connection with the provision of investment advice by the fiduciary adviser, and

“(v) that the adviser is acting as a fiduciary of the plan in connection with the provision of the advice,

“(B) the fiduciary adviser provides appropriate disclosure, in connection with the sale, acquisition, or holding of the security or other property, in accordance with all applicable securities laws,

“(C) the sale, acquisition, or holding occurs solely at the direction of the recipient of the advice,

“(D) the compensation received by the fiduciary adviser and affiliates thereof in connection with the sale, acquisition, or holding of the security or other property is reasonable, and

“(E) the terms of the sale, acquisition, or holding of the security or other property are at least as favorable to the plan as an arm's length transaction would be.

“(2) STANDARDS FOR PRESENTATION OF INFORMATION.—The notification required to be provided to participants and beneficiaries under paragraph (1)(A) shall be written in a

clear and conspicuous manner and in a manner calculated to be understood by the average plan participant and shall be sufficiently accurate and comprehensive to reasonably apprise such participants and beneficiaries of the information required to be provided in the notification.

“(3) EXEMPTION CONDITIONED ON CONTINUED AVAILABILITY OF REQUIRED INFORMATION ON REQUEST FOR 1 YEAR.—The requirements of paragraph (1)(A) shall be deemed not to have been met in connection with the initial or any subsequent provision of advice described in paragraph (1) to the plan, participant, or beneficiary if, at any time during the provision of advisory services to the plan, participant, or beneficiary, the fiduciary adviser fails to maintain the information described in clauses (i) through (iv) of subparagraph (A) in currently accurate form and in the manner described in paragraph (2) or fails—

“(A) to provide, without charge, such currently accurate information to the recipient of the advice no less than annually,

“(B) to make such currently accurate information available, upon request and without charge, to the recipient of the advice, or

“(C) in the event of a material change to the information described in clauses (i) through (iv) of paragraph (1)(A), to provide, without charge, such currently accurate information to the recipient of the advice at a time reasonably contemporaneous to the material change in information.

“(4) MAINTENANCE FOR 6 YEARS OF EVIDENCE OF COMPLIANCE.—A fiduciary adviser referred to in paragraph (1) who has provided advice referred to in such paragraph shall, for a period of not less than 6 years after the provision of the advice, maintain any records necessary for determining whether the requirements of the preceding provisions of this subsection and of subsection (b)(14) have been met. A transaction prohibited under section 406 shall not be considered to have occurred solely because the records are lost or destroyed prior to the end of the 6-year period due to circumstances beyond the control of the fiduciary adviser.

“(5) EXEMPTION FOR PLAN SPONSOR AND CERTAIN OTHER FIDUCIARIES.—

“(A) IN GENERAL.—Subject to subparagraph (B), a plan sponsor or other person who is a fiduciary (other than a fiduciary adviser) shall not be treated as failing to meet the requirements of this part solely by reason of the provision of investment advice referred to in section 3(21)(A)(ii) (or solely by reason of contracting for or otherwise arranging for the provision of the advice), if—

“(i) the advice is provided by a fiduciary adviser pursuant to an arrangement between the plan sponsor or other fiduciary and the fiduciary adviser for the provision by the fiduciary adviser of investment advice referred to in such section,

“(ii) the terms of the arrangement require compliance by the fiduciary adviser with the requirements of this subsection, and

“(iii) the terms of the arrangement include a written acknowledgment by the fiduciary adviser that the fiduciary adviser is a fiduciary of the plan with respect to the provision of the advice.

“(B) CONTINUED DUTY OF PRUDENT SELECTION OF ADVISER AND PERIODIC REVIEW.—Nothing in subparagraph (A) shall be construed to exempt a plan sponsor or other person who is a fiduciary from any requirement of this part for the prudent selection and periodic review of a fiduciary adviser with whom the plan sponsor or other person enters into an arrangement for the provision of advice referred to in section 3(21)(A)(ii). The plan

sponsor or other person who is a fiduciary has no duty under this part to monitor the specific investment advice given by the fiduciary adviser to any particular recipient of the advice.

“(C) AVAILABILITY OF PLAN ASSETS FOR PAYMENT FOR ADVICE.—Nothing in this part shall be construed to preclude the use of plan assets to pay for reasonable expenses in providing investment advice referred to in section 3(21)(A)(ii).

“(6) DEFINITIONS.—For purposes of this subsection and subsection (b)(14)—

“(A) FIDUCIARY ADVISER.—The term ‘fiduciary adviser’ means, with respect to a plan, a person who is a fiduciary of the plan by reason of the provision of investment advice by the person to the plan or to a participant or beneficiary and who is—

“(i) registered as an investment adviser under the Investment Advisers Act of 1940 (15 U.S.C. 80b-1 et seq.) or under the laws of the State in which the fiduciary maintains its principal office and place of business,

“(ii) a bank or similar financial institution referred to in section 408(b)(4),

“(iii) an insurance company qualified to do business under the laws of a State,

“(iv) a person registered as a broker or dealer under the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.),

“(v) an affiliate of a person described in any of clauses (i) through (iv), or

“(vi) an employee, agent, or registered representative of a person described in any of clauses (i) through (v) who satisfies the requirements of applicable insurance, banking, and securities laws relating to the provision of the advice.

“(B) AFFILIATE.—The term ‘affiliate’ of another entity means an affiliated person of the entity (as defined in section 2(a)(3) of the Investment Company Act of 1940 (15 U.S.C. 80a-2(a)(3))).

“(C) REGISTERED REPRESENTATIVE.—The term ‘registered representative’ of another entity means a person described in section 3(a)(18) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(18)) (substituting the entity for the broker or dealer referred to in such section) or a person described in section 202(a)(17) of the Investment Advisers Act of 1940 (15 U.S.C. 80b-2(a)(17)) (substituting the entity for the investment adviser referred to in such section).”.

(b) AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1986.—

(1) EXEMPTION FROM PROHIBITED TRANSACTIONS.—Subsection (d) of section 4975 of the Internal Revenue Code of 1986 (relating to exemptions from tax on prohibited transactions) is amended—

(A) in paragraph (14), by striking “or” at the end;

(B) in paragraph (15), by striking the period at the end and inserting “; or”; and

(C) by adding at the end the following new paragraph:

“(16) any transaction described in subsection (f)(7)(A) in connection with the provision of investment advice described in subsection (e)(3)(B), in any case in which—

“(A) the investment of assets of the plan is subject to the direction of plan participants or beneficiaries,

“(B) the advice is provided to the plan or a participant or beneficiary of the plan by a fiduciary adviser in connection with any sale, acquisition, or holding of a security or other property for purposes of investment of plan assets, and

“(C) the requirements of subsection (f)(7)(B) are met in connection with the provision of the advice.”.

(2) ALLOWED TRANSACTIONS AND REQUIREMENTS.—Subsection (f) of such section 4975 (relating to other definitions and special rules) is amended by adding at the end the following new paragraph:

“(7) PROVISIONS RELATING TO INVESTMENT ADVICE PROVIDED BY FIDUCIARY ADVISERS.—

“(A) TRANSACTIONS ALLOWABLE IN CONNECTION WITH INVESTMENT ADVICE PROVIDED BY FIDUCIARY ADVISERS.—The transactions referred to in subsection (d)(16), in connection with the provision of investment advice by a fiduciary adviser, are the following:

“(i) the provision of the advice to the plan, participant, or beneficiary;

“(ii) the sale, acquisition, or holding of a security or other property (including any lending of money or other extension of credit associated with the sale, acquisition, or holding of a security or other property) pursuant to the advice; and

“(iii) the direct or indirect receipt of fees or other compensation by the fiduciary adviser or an affiliate thereof (or any employee, agent, or registered representative of the fiduciary adviser or affiliate) in connection with the provision of the advice or in connection with a sale, acquisition, or holding of a security or other property pursuant to the advice.

“(B) REQUIREMENTS RELATING TO PROVISION OF INVESTMENT ADVICE BY FIDUCIARY ADVISERS.—The requirements of this subparagraph (referred to in subsection (d)(16)(C)) are met in connection with the provision of investment advice referred to in subsection (e)(3)(B), provided to a plan or a participant or beneficiary of a plan by a fiduciary adviser with respect to the plan in connection with any sale, acquisition, or holding of a security or other property for purposes of investment of amounts held by the plan, if—

“(i) in the case of the initial provision of the advice with regard to the security or other property by the fiduciary adviser to the plan, participant, or beneficiary, the fiduciary adviser provides to the recipient of the advice, at a time reasonably contemporaneous with the initial provision of the advice, a written notification (which may consist of notification by means of electronic communication)—

“(I) of all fees or other compensation relating to the advice that the fiduciary adviser or any affiliate thereof is to receive (including compensation provided by any third party) in connection with the provision of the advice or in connection with the sale, acquisition, or holding of the security or other property,

“(II) of any material affiliation or contractual relationship of the fiduciary adviser or affiliates thereof in the security or other property,

“(III) of any limitation placed on the scope of the investment advice to be provided by the fiduciary adviser with respect to any such sale, acquisition, or holding of a security or other property,

“(IV) of the types of services provided by the fiduciary adviser in connection with the provision of investment advice by the fiduciary adviser, and

“(V) that the adviser is acting as a fiduciary of the plan in connection with the provision of the advice,

“(ii) the fiduciary adviser provides appropriate disclosure, in connection with the sale, acquisition, or holding of the security or other property, in accordance with all applicable securities laws,

“(iii) the sale, acquisition, or holding occurs solely at the direction of the recipient of the advice,

“(iv) the compensation received by the fiduciary adviser and affiliates thereof in connection with the sale, acquisition, or holding of the security or other property is reasonable, and

“(v) the terms of the sale, acquisition, or holding of the security or other property are at least as favorable to the plan as an arm's length transaction would be.

“(C) STANDARDS FOR PRESENTATION OF INFORMATION.—The notification required to be provided to participants and beneficiaries under subparagraph (B)(i) shall be written in a clear and conspicuous manner and in a manner calculated to be understood by the average plan participant and shall be sufficiently accurate and comprehensive to reasonably apprise such participants and beneficiaries of the information required to be provided in the notification.

“(D) EXEMPTION CONDITIONED ON MAKING REQUIRED INFORMATION AVAILABLE ANNUALLY, ON REQUEST, AND IN THE EVENT OF MATERIAL CHANGE.—The requirements of subparagraph (B)(i) shall be deemed not to have been met in connection with the initial or any subsequent provision of advice described in subparagraph (B) to the plan, participant, or beneficiary if, at any time during the provision of advisory services to the plan, participant, or beneficiary, the fiduciary adviser fails to maintain the information described in subclauses (I) through (IV) of subparagraph (B)(i) in currently accurate form and in the manner required by subparagraph (C), or fails—

“(i) to provide, without charge, such currently accurate information to the recipient of the advice no less than annually,

“(ii) to make such currently accurate information available, upon request and without charge, to the recipient of the advice, or

“(iii) in the event of a material change to the information described in subclauses (I) through (IV) of subparagraph (B)(i), to provide, without charge, such currently accurate information to the recipient of the advice at a time reasonably contemporaneous to the material change in information.

“(E) MAINTENANCE FOR 6 YEARS OF EVIDENCE OF COMPLIANCE.—A fiduciary adviser referred to in subparagraph (B) who has provided advice referred to in such subparagraph shall, for a period of not less than 6 years after the provision of the advice, maintain any records necessary for determining whether the requirements of the preceding provisions of this paragraph and of subsection (d)(16) have been met. A transaction prohibited under subsection (c)(1) shall not be considered to have occurred solely because the records are lost or destroyed prior to the end of the 6-year period due to circumstances beyond the control of the fiduciary adviser.

“(F) EXEMPTION FOR PLAN SPONSOR AND CERTAIN OTHER FIDUCIARIES.—A plan sponsor or other person who is a fiduciary (other than a fiduciary adviser) shall not be treated as failing to meet the requirements of this section solely by reason of the provision of investment advice referred to in subsection (e)(3)(B) (or solely by reason of contracting for or otherwise arranging for the provision of the advice), if—

“(i) the advice is provided by a fiduciary adviser pursuant to an arrangement between the plan sponsor or other fiduciary and the fiduciary adviser for the provision by the fiduciary adviser of investment advice referred to in such section,

“(ii) the terms of the arrangement require compliance by the fiduciary adviser with the requirements of this paragraph,

“(iii) the terms of the arrangement include a written acknowledgment by the fiduciary

adviser that the fiduciary adviser is a fiduciary of the plan with respect to the provision of the advice, and

“(iv) the requirements of part 4 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 are met in connection with the provision of such advice.

“(G) DEFINITIONS.—For purposes of this paragraph and subsection (d)(16)—

“(i) FIDUCIARY ADVISER.—The term ‘fiduciary adviser’ means, with respect to a plan, a person who is a fiduciary of the plan by reason of the provision of investment advice by the person to the plan or to a participant or beneficiary and who is—

“(I) registered as an investment adviser under the Investment Advisers Act of 1940 (15 U.S.C. 80b-1 et seq.) or under the laws of the State in which the fiduciary maintains its principal office and place of business,

“(II) a bank or similar financial institution referred to in subsection (d)(4),

“(III) an insurance company qualified to do business under the laws of a State,

“(IV) a person registered as a broker or dealer under the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.),

“(V) an affiliate of a person described in any of subclauses (I) through (IV), or

“(VI) an employee, agent, or registered representative of a person described in any of subclauses (I) through (V) who satisfies the requirements of applicable insurance, banking, and securities laws relating to the provision of the advice.

“(ii) AFFILIATE.—The term ‘affiliate’ of another entity means an affiliated person of the entity (as defined in section 2(a)(3) of the Investment Company Act of 1940 (15 U.S.C. 80a-2(a)(3))).

“(iii) REGISTERED REPRESENTATIVE.—The term ‘registered representative’ of another entity means a person described in section 3(a)(18) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(18)) (substituting the entity for the broker or dealer referred to in such section) or a person described in section 202(a)(17) of the Investment Advisers Act of 1940 (15 U.S.C. 80b-2(a)(17)) (substituting the entity for the investment adviser referred to in such section).”

SEC. 3. EFFECTIVE DATE.

The amendments made by this Act shall apply with respect to advice referred to in section 3(21)(A)(ii) of the Employee Retirement Income Security Act of 1974 or section 4975(e)(3)(B) of the Internal Revenue Code of 1986 provided on or after January 1, 2002.

The SPEAKER pro tempore. After debate on the bill, as amended, it shall be in order to consider a further amendment printed in part B of the report, if offered by the gentleman from California (Mr. GEORGE MILLER), or his designee, which shall be considered read, and shall be debatable for 60 minutes, equally divided and controlled by the proponent and an opponent.

The gentleman from Ohio (Mr. BOEHNER) and the gentleman from New Jersey (Mr. ANDREWS) each will control 30 minutes of debate on the bill, and the gentleman from California (Mr. THOMAS) and the gentleman from Washington (Mr. MCDERMOTT) each will control 20 minutes of debate on the bill.

The Chair recognizes the gentleman from Ohio (Mr. BOEHNER).

GENERAL LEAVE

Mr. BOEHNER. Mr. Speaker, I ask unanimous consent that all Members

may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on H.R. 2269.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. BOEHNER. Mr. Speaker, I yield myself such time as I may consume.

My colleagues, this week we found that for the first time in our Nation's history, more than half of all American families have invested in the stock market. I think that is enormously significant. For years, certainly when I was growing up, we thought of the stock market as something only the wealthy cared about. And for the most part, it was. As late as 1982, fewer than 15 percent of all American households held stocks, bonds, or mutual funds. Right now, the number is 52 percent. Today, the working class and the investor class are one and the same.

It is these new entrants into the investment markets that H.R. 2269, the Retirement Security Advice Act, is meant to help. We have seen an explosion in the number of 401(k) plans and IRAs, defined contribution plans in which the employee decides how much to invest and how to invest. As we see from this chart next to us, more than 48 million Americans participate in defined contribution plans today. These plans offer great opportunities for investors, but they also pose many risks. The best way to maximize opportunities and to minimize risk is to have access to high-quality investment advice.

But access to advice has not kept pace with participation in these defined contribution plans. Every day, workers who are trying to figure out how to best invest their money go to their employers and ask for guidance. Sadly, current law cripples employers who want to provide it.

So, how did we get to this point? The 1974 Employee Retirement Income Security Act, enacted long before the advent of 401(k)s and other defined contribution plans, continues to needlessly deny many employers the opportunity to provide their workers with investment advice benefits that could help them enhance their retirement savings.

We have heard from employers that they want to provide this service as a benefit to help retain skilled workers. We have heard from workers that they want quality advisers to guide investment decisions. The authors of ERISA never intended for millions of individuals to have to become investment experts. To illustrate this point, we have the chart next to me. Betty Shepard, the Human Resources administrator at Mohawk Industries Carpet Company in Kennesaw, Georgia, testified before our committee that, and I will quote "Without this bill, I fear that many of our employees may overreact to market fluctuations and listen to the com-

mentary of family, friends or the media to make retirement planning decisions."

We know from survey after survey that a large majority of employees do not have access to quality investment guidance. In fact, as we see from this chart, only 16 percent of 401(k) participants have investment advice options available through their retirement plan, according to the Spectrum Group.

It is this investment advice gap that H.R. 2269 seeks to close, and it does it in several ways. First, it streamlines the employer's duty in selecting and monitoring investment advisers. Employers will not be responsible for every piece of advice or every transaction, but when general problems arise, they must respond to them. Employers tell us this will give them the clear guidance they need to offer quality investment advice to their employees as a benefit. The following chart summarizes how this bill changes current law.

Second, the bill maximizes competition in the investment advice market by allowing many of the most highly regarded investment firms to offer investment advice through employers. It will also protect workers by clearly requiring advisers to act at all times in the workers' best interest, and, if they have any possible conflicts of interest, to disclose them early and clearly.

If they breach that fiduciary duty, they will be subject to civil litigation and even criminal prosecution by the Labor Department. The Department of Labor, which has the responsibility for protecting workers, tells us that this structure gives it all the authority necessary to protect workers from abuses. But competition is the best consumer protection available, and our bill creates a competitive marketplace that would be flexible and dynamic enough to respond to worker needs.

I think everyone in this House shares the same ultimate goal of providing quality investment advice to workers who critically need it, and I urge Members today to support this bill. Employers, workers, both the Commerce and Treasury Secretaries, and the Nation's chief pension law enforcement official all support this commonsense measure. It takes a balanced approach for increasing worker access to advice while including safeguards to protect their investments without discouraging employers from offering any advice at all.

I want to thank my colleague, the gentleman from Texas (Mr. SAM JOHNSON), who, as a Member of the Committee on Ways and Means and also as chairman of our Subcommittee on Employer-Employee Relations, has been instrumental in moving this bill through the two committees; and I want to thank him for the vital role he has played in this process.

Mr. Speaker, we must ensure that the American dream is within the

grasp of all of our Nation's workers, not just a select few. Access to quality investment advice is one way we can help rank-and-file workers maximize their retirement security.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore. Without objection, the time originally allotted to the gentleman from California (Mr. THOMAS) will be controlled by the gentleman from Texas (Mr. SAM JOHNSON).

There was no objection.

Mr. ANDREWS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in opposition to the bill; and later in the debate the gentleman from New York (Mr. RANGEL), the ranking member of the Committee on Ways and Means, and myself will offer a substitute which we believe is a more positive alternative.

I want to proceed by agreeing with the gentleman from Ohio (Mr. BOEHNER), the chairman, and my friend, the gentleman from Texas (Mr. SAM JOHNSON), the subcommittee chairman, that there is a serious problem that requires a remedy, and that problem is the fact that there are millions of Americans, a majority of Americans, who now hold interest in the equity markets, in the stock markets, and that many of these Americans do not receive adequate advice as to the options and strategies they should follow in investing their money.

There are too many people who get their investment advice from a neighbor, over the back yard fence, or through hearsay at an office gathering, or what have you, and we all agree that that is a situation that we want to change.

I also want to say that Chairman BOEHNER and Chairman JOHNSON have been open and fair throughout this process, and I hope that we are able to continue working together as the legislation advances to the other body so that we may reach a mutually agreeable solution, and I thank the chairman for his openness and fairness throughout this process.

We think that this bill is the wrong way to give investment advice because we think it is flawed in four essential ways:

First of all, it is important to understand that this bill will make it possible for a person to receive investment advice about their pension assets, perhaps along with their home the most important assets a person owns, from someone who has a vested interest in that decision, in addition to or other than the interest of the pension. In other words, an employee of an insurance company or a bank or a financial services company can give advice to a pensioner that would result in that pensioner putting valuable pension assets into a fund where the advisor would do better or where the advisor would profit from the result of that decision. That is an important conflict of

interest that we think is a very serious and troubling one.

The bill does not properly reconcile that conflict of interest in four important ways:

First of all, its disclosure provisions do not adequately or contemporaneously disclose to the investor what the risks are. If there is to be such advice given, we believe, Mr. Speaker, that the person receiving the advice should know with great clarity exactly what the nature of a potential conflict is at the time he or she is making the decision. It is not good enough to receive that disclosure months or even years before one makes the decision. It is not good enough that that disclosure be confusing, presented in the verbiage of financial planning professionals and not the commonsense language most of us would be able to understand. Because the bill does not provide for adequate disclosure of potential or real conflicts by investment advisers, it is flawed.

Secondly, the bill does not provide for adequate qualifications of the investment advisers. If someone is going to be giving investment advice to American pensioners and American workers, that someone ought to be trained and qualified and accountable. There is a serious loophole in the underlying bill with respect to that training and qualification. Where there are cases where employees of large banks, large insurance companies, large financial services companies do not have that kind of adequate training, as we read the bill, they would still be able to give such advice. We believe that only people who are duly licensed and trained and qualified should be giving such advice.

The third major flaw of this bill is it does not take adequate measures to make the investor aware that there are alternatives, in many cases better alternatives to receiving advice other than receiving advice from a conflicted advisor; that there is someone else to whom the pensioner could turn, someone else to whom the employee could turn who has no stake in the outcome of his or her decision, who has no conflict of interest. We believe that if conflicted advice is to be given at all, it should only be given where there is a clear disclosure of the available option of an independent advisor for that worker or retiree, so that the person receiving the advice knows that there is someone to whom she or he can turn who has no stake whatsoever in the outcome to have the decision other than the best interests of the investor.

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Finally, this bill is significantly flawed because it does not provide adequate remedies if someone receives advice that is wrong and that is a breach of fiduciary duties. The bill recognizes the fact that the fiduciary relationship

between the adviser and the investor continues under this bill.

But what happens if the advisor breaches that duty. Well, the bill would permit present law to continue, and present law permits the recovery of the lost investment; it does not permit the recovery of damages for the consequences of that lost investment. As a practical reality that means that a person who gets bad advice that is a breach of the fiduciary duty of the advisor will never get his or her claim to a court of competent jurisdiction and will never be made whole again. Once the horse has left the barn, it cannot be returned because the remedies are not sufficient under this bill.

Mr. Speaker, for these four reasons we think that this bill is flawed. That is why our position in opposing this is supported by the voice of working people in this country, the AFL-CIO and the American Association of Retired Persons.

Finally, I would recognize that the gentleman from Ohio (Mr. BOEHNER) made reference to Ms. Shepard who is the human resources administrator at Mohawk Industries. I would like to read for the RECORD some remarks she made in the October 21, 2001 issue of the New York Times. At the appropriate time I will submit the entire article for inclusion in the RECORD.

"Betty Shepard, human resources administrator at Mohawk Industries, said it had not offered advice because rules and liability were unclear," for the employer. That is my insertion. "We want to give employees a way to get easy access to reliable investment advice within the confines of the law." Ms. Shepard, who testified before Congress last summer in favor of the bill said she "would prefer hiring an impartial advisor to assist employees." Well, so would we.

We believe that the four reasons that I have outlined today that are weaknesses in this bill justify a vote against the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first of all, the process is entirely voluntary for the employees. The workers have full control over their investment decisions, not the investment advisor. H.R. 2269 does not require any employer to contract with an investment advisor, and no employee is under any obligation to accept or follow any of the advice.

Furthermore, it requires financial service providers to fully disclose their fees and any potential conflict because investment advice may be offered only by fiduciary advisers, qualified entities that are already fully regulated under other Federal and State laws. The courts have consistently held that fiduciary duty is the highest form of finan-

cial responsibility to which an investment advisor can be held under the law.

This bill authorizes, contrary to what the gentleman tried to imply, the individual participant and the Department of Labor can seek both criminal and civil penalties for infractions of such fiduciary duty. Comprehensive disclosure will inform participants of any financial interest advisors may have, the nature of the advisor's affiliation, if any, and any limits that may be placed on the advisor's ability.

Mr. Speaker, it is a privilege to serve as the chairman of the Subcommittee on Employer-Employee Relations under the wing of the gentleman from Ohio (Mr. BOEHNER), and I am also the only Member of the House on both committees. I am pleased to report that both committees have passed this bill, and it was passed with bipartisan support. Now, more than ever, economic security goes hand in hand with retirement security. People are concerned when they watch their nest egg dwindle.

Russell Morgan, a defined contribution consultant at Watson Wyatt Worldwide in Dallas, a management consulting firm, said "Employees are having a tough time doing it on their own. For those who choose poorly, retirement may not be an option." That is just plain wrong.

It is obvious that people need investment advice and they need it now. This bill does just that. This measure removes the obstacles for employers to provide millions of workers access to professional investment advice.

The bill requires financial service providers to fully disclose their fees and any potential conflicts, as I said before. This bill protects people from fly-by-night groups or people trying to make a quick buck. There are a number of safeguards.

One, under this bill, sound investment advice can only be offered by fiduciary advisers, qualified entities that are already fully regulated under other Federal and State laws. Courts have consistently held that fiduciary duty is the highest form of financial responsibility to which an investment advisor can be held under the law.

Two, this bill authorizes the individual plan participant and the Department of Labor to seek both criminal and civil penalties for infractions of fiduciary duty.

Three, comprehensive disclosure will inform participants of any financial interest, outside interest, that advisors may have. The nature of the advisor's affiliation, if any, with the available investment options, and any limits that may be placed on the advisor's ability to provide advice, these types of disclosure obligations, along with fiduciary duties, have worked well in regulating the conduct of advisors under Federal security laws for more than 60

years in protecting innocent people from scams and fraud.

Both committees have worked hard to take a balanced approach to increasing access to advice while including safeguards to protect employers and employees.

Without this bill, employees will continue to fend for themselves in today's roller-coaster market when it comes to planning their retirement. Help people who want to help themselves and vote for this bill. It is the right thing to do.

Mr. Speaker, I reserve the balance of my time.

Mr. McDERMOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2269 is a bill that is sort of sitting out here, and there does not seem to be much interest. There are not many people over here, but this is a very important bill. American industry has moved away from fixed benefit pension systems and given people 401(k)s. People on this floor, we have 401(k)s, those of us who came after a certain date. We do not have a fixed benefit for all of our money. We have to put it in the stock market and see what happens.

In 1974, we set up a restriction that the advice investors got had to come from somebody that was disinterested. In the last few years, the stock market has gone crazy and everybody has been watching their 401(k) go up, up, up. Somebody must have gotten the idea that they were left out of the process, so they came with this piece of legislation.

This legislation eliminates workers' protections. All of us want our workers to have people give them some advice, but we also know something about human nature. Human nature says if I am going to recommend something that is in my interest or something that is not in my interest, but might be good for workers, I have a tension. I have a conflict whether I recommend investors buy my product or whether investors buy the product over here that might be better for them.

Members know everybody is not above slanting things. Everybody wants an advantage, as long it comes to them. What the present law does is prevent somebody who is offering a product from benefiting from it. What this piece of legislation does is say, we are going to let anybody give advice, no criteria whatsoever for what they know about, financial instruments or anything else. They can recommend, if they work in the trust department of a bank, they can make a recommendation; and the American workers are putting their pension, a substantial portion of what their future pension is, in the hands of people who have a vested interest in directing them in a particular direction.

Mr. Speaker, that, in my view, is not responsible on the part of Congress. I

do not think we should be doing this. We have an alternative which the gentleman from New York (Mr. RANGEL) and the gentleman from New Jersey (Mr. ANDREWS) will put forward that corrects this.

Members say included in this there is disclosure. I do not know how many Members in this Congress can honestly say that they have ever read any contract they have been involved in, such as a life insurance policy, automobile insurance policy, a policy related to homeowners insurance and whatever information that is given about investments.

Do Members read all of the way down that Charlie Brown, who is making the investment offerings or giving advice, also makes 3 percent on everything that is bought from XYZ Company? How many Members see that? Would it be the requirement that the person making the advice say, I want to bring investor's attention to page 3, line 1, that says I am going to make money off this if I recommend XYZ Company. There is nothing like that in this bill.

My belief is that this is a bad piece of legislation; if we do not adopt the Rangel-Andrews amendment or the alternative, we will be doing a disservice to the American people.

I do not know how many Members have been getting advice on their 401(k)s in this place, but I bet there are not very many Members who have made much money in the last little while. Probably they would have been smarter to get out of stocks and into government securities. Who was telling us that? Nobody.

That is what we are saying to the workers out there. Workers are going to have somebody who is running a company who says buy the stock in our company, put that in your 401(k). Of course, if the company goes belly up or whatever, we do some financial shenanigans like Enron has done and the investor gets clobbered, too bad. The investor has Enron stock, right, while the guys at the top are doing all kinds of things that are getting them in trouble with the Securities and Exchange Commission.

I think the advice should come from somebody who does not have a vested interest. I think we should all vote against this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. BOEHNER. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. CULBERSON).

Mr. CULBERSON. Mr. Speaker, the Members of this Congress have many reasons to support this legislation, and again I believe it illustrates a fundamental difference between the Republican and Democrat philosophy. We trust people to manage their own money and their lives with intelligence. Nearly 42 million Americans have saved about \$1.7 trillion in 401(k)

plans, and under current law those people must either hire their own investment advisor, rely on an employer-sponsored advisor, or make investment decisions on their own; whereas this legislation, the Retirement Security Advice Act, will give workers access to professional investment advice from the administrators of their own plan for the first time, as long as those advisors make a full disclosure concerning any potential conflict.

The bill also protects employees by holding the financial advisor, not the employer, personally liable and subject to other criminal penalties if they act on behalf of any interest other than that of the investment portfolio or those who contribute to it.

□ 1130

Finally, Mr. Speaker, the best part of this legislation is that it is completely voluntary. The bill strengthens retirement security and gives workers access to expert investment advice when they need it. I urge my colleagues to join me in supporting it.

Mr. ANDREWS. Mr. Speaker, I yield myself 20 seconds. I would simply say that it is of very little comfort to a pensioner who has just lost everything in their 401(k) that the Department of Labor may someday institute some civil proceeding. People need to get their money back, and under this bill they do not.

Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. GEORGE MILLER), the ranking member of our full committee.

Mr. GEORGE MILLER of California. Mr. Speaker, I thank the gentleman from New Jersey for yielding time and I rise in opposition to this legislation.

It has been said time and again, and we all agree, that pension plan participants need to get additional advice on the investment of their moneys. We have made the point that for the new generation of workers, these pension plans, the 401(k) plans, are going to become an ever more important part of their future retirement and that we must take care with the investment of those funds by these employees to make sure that in fact that will be there when they decide to retire.

We also know that these funds, unlike their Social Security retirement, are subject to the ups and downs of the market. It will be important how they make these investment decisions because the timing of when they retire may not necessarily coincide with the good cycle in the market, as many people have found out over the last 2 years. We now hear more and more of our constituents telling us because of the loss of the markets, because of the placement of their investments, they are going to have to work a couple of more years, they are not going to be able to retire like they thought, or one of the wage earners in the family is

going to have to continue to work. So these funds are subject to the volatility of the market, but that is understood. And it is also understood that we believe that over the long run people will be better off with the investment of these funds in their 401(k)s.

The question then comes, the question of the type of advice that they can be given by their employer. We know that there were many, many employers over the last many years that basically made a decision that the 401(k) funds if they were a publicly held corporation would be invested in the stock of that corporation. Obviously in many, many instances the workers in that corporation lost much of their investment, some of them did very well; but the concentration of the money in those funds, the failure to diversify that investment in many instances harmed the employees; and now we require that they be given other alternatives, that they be given other options so that they too can diversify their portfolio and they are not locked into a single stock.

But the question now that arises in this legislation when we give them the option of that advice, do we give them the right to have an independent review of their account, an independent advisor who is in the business of advising, not necessarily in the business of advising and also managing stocks and portfolios for this client and for other clients?

I think it is just basic and fundamental about treating workers with a set of rights about the dominion over their funds. The notion that somehow this changes the expense of it and is not worthwhile, this advice given to a group of participants is not that expensive but it may be terribly, terribly expensive to the employee if they do not get advice that is not conflicted.

We have great brand names. We have Lehman Brothers, we have Merrill Lynch, we have Charles Schwab. We have houses that now are not just any longer investment banks, they are not just any longer stock brokerages. They run the gamut. They are wholly owned subsidiaries of Citicorp, or in fact they own other subsidiaries; and what we have are very complicated financial arrangements.

In many instances, we have seen over the last couple of years, and especially in the downturn in the market, that a number of these companies hold on to advice long beyond the time when the prudent ordinary person would decide to sell that stock. It has become a standing joke now. I think they even have theme music on CNBC in the morning for those advisors who will not give up their recommendation to buy stocks even though the stock now has been down for 7 or 8 months in a row; it has lost 70 to 90 percent of its value, and they are still telling them to be in there. Lo and behold, when you

start to look at some of this, as the stock exchanges have, you find out that they hold a position or they are managing the money for the executives of the company, not necessarily do they hold a position in that company, but they hold another position with the executives in managing their portfolios. They do not want to upset them, so they are telling the old American public, "Buy this stock. We're on our way back." The fact of the matter is people have been torched. That is subject to disciplinary actions again.

But in this legislation, that conflicted advice necessarily is not out of order here because they have a system of disclosure, and that disclosure is given once a year and then you are on your way. What you find out is the way the bill is written, under the law, that the fiduciary relationship that we keep talking about does not really exist because the law is set up that the person whose funds it is, the employee, has to make a decision, buy this stock, make this investment, put it in this fund. Once they do that act, they relieve the advisor under the law of all responsibility.

Obviously, they should be making the decisions; but the way this legislation is written, once they do that, they have cleared the decks in terms of liability under any sense of fiduciary relationships under the law, because as we see under section 404 of the ERISA law: "No person who is otherwise a fiduciary shall be liable under this part for any loss, or by reason of any breach, which results from such participant's, or beneficiary's exercise of control." Then you go to the law, and the law says the beneficiary must exercise control. At that point we are home free.

I just think that we have to understand now that the change in the marketplace, the interlocking relationship between a whole range of financial services, a whole range of financial entities requires that in fact we have the means by which the employee can get independent advice to make their decision on. I do not believe that this legislation as it is currently configured does that. That is why I would hope that Members would support the Andrews-Rangel substitute, which I think is a very reasonable compromise. It provides for minimum advisor qualifications. Imagine that, having somebody who is in fact qualified to make this determination advising the individual.

How about having meaningful disclosure? We just passed here legislation where we told the banks that they had to disclose what they are going to do with your financial data. What we found out is people got in the mail, sometimes they got two or three pages, sometimes they got one page, they got little tiny print; and the Congress is running around saying to the banks, Gee, that's not the disclosure we in-

tended. It was the disclosure the banks intended. That is why they sent it out. Most people did not recognize it when they got it. But it satisfied disclosure. So we thought you ought to have meaningful disclosure in this case since you are playing with people's future retirements. We also think you ought to have meaningful recourse when you get bad advice, when you get the wrong advice. Of course, this legislation as it is currently written does not really provide for that.

But most importantly, what we believe you ought to have is an employee who is trying to make these decisions, decisions that they must make today that can impact their livelihood 20 and 30, 40 years down the road, that they ought to have some access to independent advice through their employer so that they can in fact make that decision.

So I would hope that we would support the substitute by the gentleman from New Jersey (Mr. ANDREWS) and the gentleman from New York (Mr. Rangel); and then I think we would have a workable piece of legislation that would do what we all recognize must be done in terms of giving employees greater options about the investment and more information about how to invest their money, but to make sure that that is offered in a fair and open manner to the employees.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. FOLEY), a distinguished member of the Committee on Ways and Means.

Mr. FOLEY. Mr. Speaker, I thank the gentleman from Texas (Mr. SAM JOHNSON) and the gentleman from Ohio (Mr. BOEHNER) for their leadership on this issue.

In this bill there are adequate disclosure requirements. This is a good bill. I have heard some interesting debate today about whether the person should have an investment in the firm or not; should they be strictly giving advice. There are two schools of thought to that. I particularly like somebody whose money is riding along with mine investing in the market. If they are willing to put in their equity, I am a little comforted by the fact that maybe they are interested in the risk/reward.

I remember in Palm Beach County, we had a bank that sold a preferred note and on the front of the note, it was an 11 percent coupon. But huge disclosure: "This is a risky investment. This is not FDIC insured."

What happened was the consumer, the constituent, decided because of greed that they were willing to gamble on that. Of course when the bank went bankrupt and they lost their money, they started blaming the advisor, the person who sold them the bill. But on every document it was very emphatic, that this was risk based, highly speculative, no guarantees; and everybody

then looks to the little print and says, Oh, boy, I didn't really read that. Well, you could not miss it.

This legislation updates important remedies for those who invest. I have a 401(k) here in Congress and they send me advice and they tell me that over the last several years government funds have done such, 401(k) or equities has done such. It is my decision to make whether I invest in equity bonds or other fixed incomes. I can choose the more speculative route of equities. They make it clear that that is risk based. That advice is mine for the taking. If I do not want to use it and want to test the fates and roll it all in my equity portfolio, I have the right to do that. In this bill, every American has that right.

This bill, or the base text prior to this bill, has not been updated since 1974. That is like asking people in this Chamber to drive a 1974 automobile. This provides a great balance between the ability of those savers, those consumers, to increase their retirement funds through prudent investment. It is specific. The solutions, the benefits and the problems listed in the Retirement Security Advice Act should allay any fears.

Let me underscore. Today, 42 million workers invest more than \$2 trillion of assets in a 401(k). This legislation would update these rules to reflect this new pension environment. In addition, the bill would encourage employers to offer investment advisory services by clarifying liability rules that currently discourage employees from hiring employee investment advisors.

It is a balanced, fair, fundamentally sound way for consumers to ready their portfolios for retirement. I encourage the House adoption of this important measure and thank the respective chairmen for their leadership on the issue.

Mr. McDERMOTT. Mr. Speaker, I yield 4 minutes to the gentleman from North Dakota (Mr. POMEROY).

Mr. POMEROY. I thank the gentleman for yielding time.

Mr. Speaker, I think the biggest problem today for plan participants of 401(k)s is that they have been given responsibility for the investment of their retirement funds without being given access to information to help them make informed decisions as they deal with something as important as trying to find optimal earnings on their retirement savings.

I think many of us in puzzling with our Thrift Savings Plan options think, This is hard, this is confusing, I don't quite know if I am doing this in the right way. I will tell my colleagues, looking at my returns from the last little while, I am quite sure I am not doing it the right way. I could use more advice. An awful lot of people in the workforce today are thinking exactly the same thing. And so we need a

strategy to get them more advice. I think the chairman's strategy represents a very excellent and constructive way of approaching it. The chairman and I are in strong agreement that as we try and get more advice to plan participants, we do not want to put people at risk of heavy sales practices that might be against their interest and have them investing in funds that are inappropriate for their situations.

Therefore, if we have the following standards in a new investment advice regimen advanced by this legislation, I think you can actually get more advice and still protect the employee's interest. You need to have the fiduciary standard apply so that the advisor must be providing advice solely for the interest of the plan participant or the employee. You have got to have some type of administrative recourse so that if the individual violates that advice, you can withdraw that individual's license. You can take away their employment. You can put them out of business.

I used to be an insurance regulator. There is not a better policing mechanism than being able to put the guy out of business to make certain that they are providing advice that is appropriate and comports with the legal requirements.

Thirdly, you need to have fee disclosure. These things have cost loads. Increasingly, employers have shifted all of the expense to the employees on the loads of 401(k)s. Employees need to know what it is going to cost them as they look at these different options. Having a disclosure plan and in fact having a uniform disclosure format of fees is going to help the individual make sure they know what they are getting into as they make various investment options. And so with this legislation, subject to some further amendment, we are able actually to achieve the goal of getting more investment advice out there and helping people with their choices.

I do not think that the opponents of this legislation have reflected enough upon the disservice we do to those in the workforce by giving them the responsibility of investing their own money but depriving them of the information to do it. Defined contribution plans presently represent 90 percent of all retirement savings plans in the workforce. There are \$1.5 trillion worth of investment in 401(k) plans. But still we have less than a quarter of employer-sponsored defined contribution plans provide for advice to the workers in terms of how to invest within those plans.

I have held a number of round tables across North Dakota visiting with employees, visiting with employers, about how we can do a better job with facilitating retirement savings in this country. Information in terms of how to best handle their retirement money is

a constant theme raised not by the big bad industry that some on this side of the aisle would talk about, but by employees themselves or by employers reflecting what employees are asking for. We can do a better job, and this legislation will do it.

Mr. BOEHNER. Mr. Speaker, I yield myself such time as I may consume, and I yield to the gentleman from North Dakota (Mr. POMEROY).

Mr. POMEROY. I thank the gentleman for yielding.

Mr. Speaker, defined contribution plans which place the burden of investment decisions on workers will be the primary source of retirement income for an increasing number of workers. Unfortunately, these workers have little access to professional investment advice which could help them grow their retirement savings in a prudent manner. Current law restricts many sources of advice to workers. We must get additional advice to participants. I salute the gentleman from Ohio for his earnest efforts in trying to achieve this goal.

This bill goes a long way in giving workers access to professional investment advice. In addition, it provides two important features that will help insulate workers from advisors who may otherwise pose a conflict of interest, a fiduciary duty owed to the worker and a disclosure of all fees and conflicts. We agree that the fiduciary duty of an advisor is a high standard not to be taken lightly and that any advisor breaching this duty should not be able to continue to give advice. We also agree that the bill's disclosure requirements will give workers a clear picture of what fees would impact their accounts and what conflicts the advisor has with any offered recommendation. However, this bill, with a few modifications, can provide further protections to workers without burdening financial institutions. I am glad that we have been able to reach an agreement in regard to these modifications.

Unfortunately, we are considering this bill under a modified closed rule and cannot make these modifications on the floor today. These modifications would require the disclosure of the availability of independent advice providers and require the Secretary to draft model disclosure forms for fees. The disclosure would remind participants that independent advice can be sought outside of the plan context and the model disclosure forms will assist service providers in complying with the disclosure requirements. Furthermore, these models will ensure uniformity among the disclosures to the reasonable understanding of the average plan participant.

Lastly, we have agreed to provide further clarity in this bill with regard to banks by restricting the provision of investment advice to their trust departments. It is my belief that every

advisor giving advice under this bill should be individually licensed by a Federal or State regulatory agency so that when an advisor breaches his fiduciary duty to a participant, the regulator will have the authority to put the bad actor out of business.

However, I understand that banks operate under a special regulatory scheme in which some investment advisors are not individually licensed but work within their bank's trust department. I am satisfied that these investment advisors working within trust departments under an umbrella trust license can be subject to the same administrative sanctions as registered investment advisors, insurance agents and broker dealers under this bill.

Therefore, with these three modifications, we can provide further protections to workers without burdening financial institutions. As this bill moves through the legislative process, I ask for the chairman's support to make these modifications.

Mr. BOEHNER. Mr. Speaker, in reclaiming my time, I want to thank the gentleman from New Jersey (Mr. ANDREWS), who has worked on this bill with me over the last several years. Although we may be in some slight disagreement today over how much protection is available in this bill, he has been a faithful partner as we have tried to reach some accord. The gentleman from North Dakota and I have also been working together to try to bring the protections in this bill into a proper balance. I want to thank him for bringing these pertinent modifications to my attention.

I support the changes that the gentleman has described which will further protect workers' retirement income security. I support the creation of a model disclosure form as well as a requirement for advisors to disclose to plan participants that independent advice is available. In addition, I support the gentleman's proposed changes to the qualification section which would ensure that only licensed individuals provide this advice; or in the case of banks, such advice be provided by trust or custody department employees who are individually accountable to State or Federal regulators.

During conference negotiations with the Senate, I will work with my colleague from North Dakota and others to make these modifications for the further protection of workers managing their retirement income assets.

Mr. POMEROY. I thank the gentleman.

Mr. ANDREWS. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from California (Ms. SANCHEZ).

Ms. SANCHEZ. Mr. Speaker, many Americans have little knowledge about investing their own money. Mutual funds, stocks and bonds are very complicated instruments to which people

pay little attention, especially when they have got other things to do all day long.

□ 1145

I know firsthand how complex these instruments can be because of my professional experience as an investment advisor.

In concept, the Retirement Security Advice Act is a great idea. We must find ways to ensure that all Americans participating in retirement savings plans are making decisions that will help them in the long run. All Americans should have access to licensed investment professionals who can advise them on what they should be investing in, how risky their portfolio should be and when to change plans.

There is a major weakness in the current version of the bill, however. The bill allows registered, licensed banks or similar financial institutions to provide financial investment advice. The problem is that the language is not strong enough. It allows bank tellers or any unrelated subsidiary of these financial institutions to provide this advice.

Would you want investment advice from a bank teller? How about from a member of the cleanup crew at an investment banking firm? These examples may be extreme, but they are possible under the current language in this bill.

I want to make sure that all Americans are provided with the best opportunity to invest their retirement savings. Think of the time period we just went through right now. I have a father-in-law who is a banker, and he has plenty of people who would call him and say, "I just went to a cocktail party, and why am I not getting 38 percent return this year?" And no matter how much he tried to talk them through about their plan and their situation, they would basically say, "I am taking my funds to somebody else who will put me in these types of investments."

Now, my father-in-law has licenses. He has been in the investment banking world a long time. He has character, he has integrity. He also makes his living with that license. He protects it. And he would say, "Well, if that is what you have to do, that is what you are going to do, but I will not put you in those types of investments."

Imagine if you have someone who has no license and the pressure comes on. What do you do then? Well, you end up being in things you really should not be in.

Sometimes we forget about the people that we are really working to assist here. This bill is targeted at those who could not otherwise afford investment advice. They are working-class Americans who teach our children, build our infrastructure and make this country strong.

You probably would not take gourmet cooking advice from the fry cook at McDonald's, so why should people take investment advice from those who may not be qualified to give it?

Let us do the right thing for all Americans. Let us make sure that this advice is given by licensed individuals. There are plenty of different types of licenses. We do not have to start a new regulatory situation here.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. PORTMAN), who is a member of the Committee on Ways and Means and who has a long history of working on retirement issues.

Mr. PORTMAN. Mr. Speaker, I thank the chairman very much for yielding me time, and I congratulate him as a Member of the Committee on Ways and Means, but also as the chairman of the Subcommittee on Social Security that got this legislation to the floor today. He wears two hats, and he has done a great job in moving what is a needed piece of legislation to the floor.

Also, of course, I want to commend my colleague, the gentleman from Ohio (Mr. BOEHNER), who has spent years on this issue, understanding that there is a need to change the ERISA laws, which are way out of date.

As more and more people have moved into the defined contribution plans, the 401(k)s, the 403(b)s and the 457s, 90 percent of folks now are in these defined contribution plans. The law has not changed to allow them to get the type of advice they need. Only 16 percent of workers out there in these plans are getting any advice, only 16 percent, yet 75 percent of them say in surveys, they are desperate to get that kind of advice.

So this is a very important change in the law that has to be made in order to allow people, those school teachers, those folks who are in retirement plans all over this country who need this kind of advice, to be able to make better decisions.

Recently this Congress took the lead on retirement security by passing legislation that dramatically expands the availability of defined contribution and defined benefit options. We allowed everybody to put more money away in their 401(k), for instance. We simplified all the rules and regulations for all of the pension plans, to help small businesses to get into this area.

We also allowed portability, to be able to move your plan from job to job and to be able to integrate those plans in a seamless way into one account. This is extremely important, and we think it will allow for millions, millions more Americans, to have the kind of retirement security they need and to have the kind of peace of mind in retirement that all of us deserve.

That was passed overwhelmingly by this House, and it is great legislation.

The gentleman from Maryland (Mr. CARDIN) and I worked on that for years together.

But now we need to take the next big step, which is education. It is providing people with the means to understand the importance of retirement savings, first, on a broad sense, but also to understand what their options are in terms of what they can invest in if they are indeed going to be among those who benefit from this expansion that this Congress has pushed forward to get people into 401(k)s, 403(b)s, defined benefit plans and so on.

So this is the next logical step, and I commend the chairman and the gentleman from Ohio (Mr. BOEHNER) for moving this forward, and the gentleman from California (Chairman THOMAS) for getting it to the floor today.

Now, we have heard some discussion here about what some people see as some of the deficiencies in this legislation. I would just remind people, read the legislation. If you are going to offer this advice, you have to be licensed or have to be a bank trust officer. That is in the legislation.

The gentleman from North Dakota (Mr. POMEROY), who is going to support the bill on the floor today, who worked very hard on this legislation over the years and also helped us with all the portability provisions in the Portman-Cardin bill, has just indicated he is going to support it because the chairman has agreed to even some other slight modifications to ensure that you do not have the conflicts of interest that would otherwise occur if you did not have that fiduciary duty, to be sure that people who do offer this advice are qualified, and, finally, to be sure you have the kind of disclosure that is necessary.

This legislation increases that disclosure. As it has gone through the process in the Committee on Ways and Means, we were sure that there would be yearly disclosure, disclosure upon request, and disclosure if there is a material change.

Again, this legislation is sorely needed. We wanted to encourage people to save more for retirement. One of the impediments now is the lack of good advice and the lack of good education.

So I commend those on both sides of the aisle who have brought this legislation to the floor. Let us pass it today in a bipartisan way and send a strong message to the Senate that it is about time to help people out there be able to make the kind of wise decisions they should be making for their own retirement.

□ 1200

Mr. ANDREWS. Mr. Speaker, may I inquire of the Chair how much time the Committee on Education and the Workforce minority has remaining.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Ohio

(Mr. BOEHNER) has 19 minutes remaining; the gentleman from New Jersey (Mr. ANDREWS) has 11½ minutes remaining; the gentleman from Texas (Mr. SAM JOHNSON) has 9 minutes remaining; and the gentleman from Washington (Mr. MCDERMOTT) has 10½ minutes remaining.

Mr. ANDREWS. Mr. Speaker, I yield myself 20 seconds.

Mr. Speaker, the gentleman from Ohio (Mr. PORTMAN), my friend, just spoke about his representation that one needs to be a trust officer of a bank. I would respectfully disagree. Page 10 of the bill, line 12, indicates an employee, agent, or registered representative of a person describing an institution who satisfies the requirements is qualified. So if there are no local applicable banking or securities laws; a mere employee of a bank or an insurance company is qualified to give the advice.

So the gentlewoman from California (Ms. SANCHEZ) was correct in our description.

Mr. Speaker, I yield 4 minutes to the gentleman from Massachusetts (Mr. TIERNEY), a committee member.

Mr. TIERNEY. Mr. Speaker, I thank the gentleman from New Jersey for yielding me this time.

Like many Members, I represent people who have worked hard and whose entire hope for a secure retirement may well rest on the success of their 401(k): leather workers, jet engine assemblers, teachers, nurses, and other hard-working, intelligent folks who are bright and able, but many of whom have little experience in understanding investment fundamentals. They may lack the time or even the knowledge to work through a mountain of financial information. They need advice that is given by a provider that meets at least minimum standards, one who is qualified and one who is subject to the laws of ERISA's fiduciary standards, standards of trust, and one who is free from financial conflict, free from divided loyalties; and they need an advisor who will put the worker's or investor's interests first, above profit.

Consider this following example: two mutual funds, each posting annual gains of 12 percent consistently for 30 years. One fund has an expense fee of 1 percent, the other an expense fee of 2 percent. If you invested \$10,000 in each fund, the fund with the lower expense fee at the end of 30 years would earn \$229,000, but the one with the higher expense fee of 2 percent would have only \$174,000. The mutual fund would pocket the difference of \$55,000.

Obviously, there may be little incentive for the advisor connected to the mutual fund to highlight the significance of this conflict, of his or her potential gain in steering someone to the higher fee investment. Why should we allow such a conflict of interest to exist when it is not necessary?

Perhaps that is why the fund industry is lobbying so hard for this bill, but workers and retirees are not asking for its passage. These hard-working people, like other investors, need and want good, sound advice; but allowing money managers to make recommendations that will generate more income for themselves hardly falls into the realm of independent advice.

In 1974, Congress chose to ban transactions between pension plans and parties with a conflict of interest, except under very narrow circumstances; and they did that for a simple reason. There is too great a danger that a party with a conflict of interest will act in its own best interests rather than exclusively for the benefit of the workers. That concern is no less valid today.

Studies by the financial industry itself have found broker conflicts have harmed advice received by individuals, audit conflicts have undercut the value of audits on financial firms, analyst reports have shown significant evidence of bias in comparing ratings. The law, ERISA, was designed to protect against just these types of issues.

Our shared goal should be to increase access to investment advice for individual account plan participants. We need not obliterate long-standing protections for plan participants in order to do that. Surveys show that the most important reason advice may not now be offered is that employers have fears that they may be held liable for advice gone bad. The remedy for that, and it is in the bill, is that Congress should encourage more employers to provide independent advice by addressing employer liability. It should clarify that an employer would not be liable for specific advice if it undertook due diligence selecting and monitoring the advice provided. It is as simple as that. There is no need for conflicted advice.

Many plans already provide for investment education. Many plans now provide independent investment advice through financial institutions and other firms without conflict. Clarifying that employers would not be liable if they undertake due diligence with respect to advice providers would further increase advice as necessary.

Disclosure alone will not mitigate potential problems. The alternative bill in adding some protections and mandating a choice of alternative advice that is not conflicted is a better idea, but the best idea remains a prohibition against conflicted advice. Congress, by clearing up the liability issue, can encourage independent, unbiased investment advice that will better enable employers to improve their long-term retirement security, while minimizing the potential for employee dissatisfaction and possible litigation. This is what is in the best interests of the plan participants and, in fact, the best interests of the plan; and it certainly is in the best interests of the

hard-working people in my district who need to know that their retirement is secure.

Mr. BOEHNER. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from California (Mr. DOOLEY).

Mr. DOOLEY of California. Mr. Speaker, I rise in support of H.R. 2269, and I appreciate all of the work that has gone in to crafting this piece of legislation.

In my estimation, this legislation is long overdue. What we are seeing is an increasing number of working people that are participating in plans that require a defined contribution. They need to have access to the information that allows them to make the decisions that are going to maximize the returns on their investments and their retirement accounts.

This is inevitable, as we are seeing more and more people that are coming to expect that they will have more choices, more choices in the consumer products that they are accessing, as well as more choices in the financial alternatives they have to meet their retirement needs.

I think this legislation takes a very balanced approach, and especially with some of the modifications that were agreed to by the gentleman from Ohio (Mr. BOEHNER) that were offered by the gentleman from North Dakota (Mr. POMEROY), and I think it also addresses some of the remaining concerns. It does provide for adequate disclosure. It does provide for fiduciary responsibility. Sometimes I think we are being a little bit condescending to a lot of the people who are participating in these plans when we are not giving them the credit for engaging in their own due diligence by trying to determine what the costs will be and what the values are of the various instruments of investment that they are going to be considering.

Mr. Speaker, most people today are becoming increasingly aware that you have to consider the cost of a particular plan. Most people are becoming aware that there is increasing risk and volatility with different mechanisms that you could invest in.

I remember when Mr. LIEBERMAN was engaged in his last campaign and he said, it is interesting, when I would be making some visits to labor groups and, in particular, I went into a firehouse and met with some firemen there, and he said, their questions to me were not about some of the challenges they face in their jobs, he says, their questions were all about their 401(k) plans and the investments that they were making. He said they had more information than most people that he had come into contact with often on Wall Street.

Mr. Speaker, this bill takes a balanced approach. I urge its passage. I thank all of the people involved in this.

Mr. BOEHNER. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio

(Mr. OXLEY), the chairman of the Committee on Financial Services.

Mr. OXLEY. Mr. Speaker, I want to thank the gentleman from Ohio, my good friend, for his leadership on this issue, and the gentleman from Texas.

This is an important piece of legislation that really represents bringing ERISA into the 21st century. Let us face it, ERISA was passed almost a quarter of a century ago; and times have changed. I am convinced, after looking at this piece of legislation, that the responsibilities of the investment advisors are fully covered and regulated by the Securities and Exchange Commission, and by various State regulations. I think nobody needs to fear that these folks will not be regulated. They have been regulated over the years and will continue to be so to make sure that the investors are protected.

I was reminded of a story the gentleman from California raised about the visit to the firehouse by Senator LIEBERMAN. I had a similar situation in my office just last year where I had a young worker from my congressional district who had come in to talk to me. He was a member of the machinist union. He did not want to talk about those kinds of issues that he had just heard over at the machinist union. He wanted to talk about investments; he wanted to talk about his future, his financial future. He told me he was 30 years old, he had a couple of kids, he had an IRA, he had a 401(k) plan, and he was interested in the future of Social Security, and he was also interested in his ability to make sound decisions of his investments and his future.

That really is a striking example, I think, that we are seeing all over the country. We have over half of the households today who are invested in equities, over half of the households. That is a sea change in the way America looks at its investment opportunities. That is a huge change. Just 20, 25 years ago, two-thirds of people's savings were in bank deposits. Today, two-thirds of their savings are in equities. That is a huge change that we have seen in this country. Let us treat these workers, these folks like adults. Let us not say to them they need to make decisions on their own. They need the kind of advice that this bill provides them. I urge strong support for this legislation.

Mr. McDERMOTT. Mr. Speaker, I yield 4 minutes to the gentleman from New York (Mr. LAFALCE).

Mr. LAFALCE. Mr. Speaker, I rise in opposition to H.R. 2269. I was listening to the distinguished chairman of the House Committee on Financial Services just now, and I have the honor of serving as the ranking member. I guess we have heard different things at the committee hearings and drawn different conclusions.

I heard about the tremendous conflicts of interest that existed within se-

curities firms. Absolutely outrageous, individuals getting participations within IPOs and then giving analyst advice concerning those IPOs. That is just one small example.

I heard testimony that in the year 2000, of all of the recommendations that were given regarding stocks, 1 percent were sell recommendations, 1 percent in the year 2000.

I heard testimony that talked about earnings management or earnings manipulation, earnings manipulation on the part of the chief financial officers and the chief executive officers of major corporations, Fortune 500 companies; earnings management, earnings manipulation by the audit committees of the board of directors, all, of course, with stock options and a vested interest in what those earnings were. And earnings management and earnings manipulation on the part of the accounting firms who often had a conflict of interest also.

Mr. Speaker, disclosure does not do the trick. Disclosure does not protect the investor. In a day when we have converted from primarily defined benefit plans to overwhelmingly defined contribution plans, the need for a strong prophylactic ERISA is greater than ever. We eviscerate those protections within ERISA and we say, well, let us disclose the conflicts. That is grossly inadequate.

Surely we need to come up with better investment advice for the participants within pension plans, but we also need to protect against conflicts. The bill does not do that. The alternative does. Maybe that is why the representatives of the employees in the 401(k) plans, the AFL-CIO and so many others, the Consumer Federation of America, et cetera, say support the substitute, but reject the bill that has been reported out of committee.

Mr. BOEHNER. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from California (Mr. McKEON), a subcommittee chairman over in our committee.

Mr. McKEON. Mr. Speaker, I thank the gentleman for yielding.

I rise today in strong support of H.R. 2269, the Retirement Security Service Act. I want to thank the gentleman from Ohio (Mr. BOEHNER) and the gentleman from Texas (Mr. SAM JOHNSON), the subcommittee chairman, for bringing this important legislation to the floor for our consideration.

Many workers might not know it, but there is an outdated provision within a 27-year-old Federal law that unintentionally prohibits their employers from providing access to high-quality investment advice. The Employee Retirement Income Security Act, also known as ERISA, was written in 1974 at a time when no one had heard of 401(k) plans and no one ever imagined that so many people would participate in the stock market like they do today.

□ 1215

Under ERISA, the mutual funds, banks, and insurance companies that administer 401(k)s can only provide general investment education directly to participants in those plans. They are prohibited from providing advice about a person's specific investments.

Since last year when the market began to slide and the economy began showing signs of weakness, many workers have watched their retirement savings dwindle. People need sound advice, especially during these times, to maximize their investment opportunities by making it possible for workers to be able to get the same kind of advice that wealthy individuals are able to pay for out of pocket.

H.R. 2269 would do just that. This legislation modernizes ERISA to let employers give their employees access to high-quality, tailored investment advice, as long as financial advisors fully disclose their fees and any potential conflicts.

I have heard some scare talk here about, we need to protect people from charlatans or from people who would take advantage of them. But I think that we need to give the people credit for understanding and being able to separate advice. The important thing is that they should be able to get it.

This bill retains important safeguards and includes new protections to ensure that participants receive advice that is solely in their best interests. The measure requires that advice be given only by fiduciary advisors which are qualified, fully regulated entities, like insurance companies and banks, that would be held liable for any failure to act solely in the interests of the worker.

Moreover, the whole process is completely voluntary, because the bill does not require any employer to contract with investment advisers, and no employee will be obligated to accept any advice.

As Members can see, Mr. Speaker, H.R. 2269 provides assistance for hard-working Americans so that they can wisely plan their retirement years. Therefore, I strongly urge all my colleagues to support this much-needed legislation.

Mr. ANDREWS. Mr. Speaker, I am pleased to yield 3 minutes to the distinguished gentlewoman from Hawaii (Mrs. MINK), a member of our committee.

Mrs. MINK of Hawaii. Mr. Speaker, I thank the gentleman for yielding time to me.

I rise today, Mr. Speaker, to urge a no vote on H.R. 2269, the Retirement Security Advice Act of 2001.

When Congress enacted the Employee Retirement Income Security Act, known as ERISA, in 1964, the goal was to protect employee pension benefits, which it has done tenaciously since enactment.

In the ensuing 27 years, employees have seen significant changes to their pension plans. Many companies no longer offer predefined benefit plans, and many workers place their retirement funds in stock markets using 401(k) and other similar investment plans.

According to the Investment Company Institute, over 42 million people use 401(k)s and other similar plans. Last year, the total value of these plans reached \$2.6 trillion. These plans offer higher returns and, of course, higher risks.

In today's market, the value of one's investments could change drastically in the course of a year or even 1 day. With the highly volatile stock market, no one questions the need for providing good, sound, reliable advice to invest one's retirement funds. We must therefore ensure that the underlying principles behind ERISA remain intact. We must protect the interests of workers and their beneficiaries.

H.R. 2269 fails to provide the basic protections that all workers deserve. The bill allows unqualified individuals to provide investment advice. We should make advisers obtain Federal and State licenses or other qualified certifications. They should not be connected in any way to the investment industry or investment companies who could benefit from the advice given.

Advisors often receive financial rewards for recommending certain investments over others, but H.R. 2269 does not require advisors to clearly disclose their incentives for making a particular recommendation. Advisors can bury disclosures in a mound of paperwork that the average investor will not read or understand. Advisors who will make money on giving advice should clearly and continually warn workers of any conflicts of interest.

Proponents of the bill say, well, the advice is free. This is not true. Each investment that the worker makes will pay from 1 to 1.5 percent of the money invested to the broker. There is big money at stake involved in the advice given and the advice taken. The bill allows investment companies to make billions of dollars every year.

Advisors entangled with payoffs, depending upon the advice given to the worker, should be absolutely forbidden in this access provision.

The bill does not provide any remedy or penalties for tainted advice. I urge this House to reject this legislation.

Mr. BOEHNER. Mr. Speaker, I am pleased to yield 2 minutes to the gentlewoman from Illinois (Mrs. BIGGERT), a member of our committee.

Mrs. BIGGERT. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, when a person has a cold, he can go to his local drugstore and choose among dozens of different cold remedies. When he is not sure which medicine is appropriate, there is

a pharmacist available who can provide expert advice and help him to make the best selection.

Yet, when it comes to 401(k) plans in the workplace, Congress, in effect, has gagged the pharmacist. Employers pay good money to provide an excellent benefit to their employees, 401(k) plans run by professionals, yet our 27-year-old law, ERISA, effectively silences those investment professionals, denying employees a major part of the benefit their employer has intended for them.

Now, more than ever, Americans investing their retirement income in 401(k) plans need access to critical investment advice that will help them achieve their financial goals. The Retirement Security Advice Act of 2001 updates our laws so workers can have access to high-quality professional investment advice. These advisors will be required to fully disclose their fees and any potential conflicts. This legislation also establishes important safeguards to ensure that investors' goals are met.

Mr. Speaker, let us stop gagging the pharmacist or silencing the investment advisor. Let us make it easier for the 42 million Americans who participate in 401(k) plans to choose among investments. Let us pass H.R. 2269, which will increase employee participation and enable more workers to live out their American dreams.

I urge my colleagues to support the Retirement Security Advice Act of 2001.

Mr. BOEHNER. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. HOLT), a member of our committee.

Mr. HOLT. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in support of the Retirement Security Advice Act of 2001. We need to be sure that the law allows families to have a wide range of investment advice as they plan for their retirement. As we do so, we need to ensure that there are adequate protections for these workers.

Under the bill, there are protections. The advisors are subject to a fiduciary duty and will be personally liable for failure to act solely in the interest of the worker. Under the bill, the Labor Department is authorized to seek both criminal and civil penalties if an advisor breaches that responsibility.

The language also contains provisions to ensure that there is full disclosure in plain language to the workers of fees and conflicts of interest. These disclosures and fiduciary protections are significantly stronger than the average investor has today.

Now, the bill is not perfect. I believe that we may strengthen the bill by adding provisions to make sure that workers know where they can get a financial second opinion. I want to express my appreciation to the gentleman from Ohio (Chairman BOEHNER)

for representing my views and agreeing to take these into consideration in conference. I want to continue to work with him and the gentleman from California (Chairman THOMAS) on this subject as the bill moves through the legislative process.

This bill gives workers important new options they do not now have. That is why we want to do it. It modernizes the law to reflect the realities of the real world, the way people actually invest and plan their retirements today. This is a step forward and worthy of support.

Mr. ANDREWS. Mr. Speaker, I am happy to yield 3 minutes to the gentleman from California (Ms. WOOLSEY), a real authority on human resources and employee relations.

Ms. WOOLSEY. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, H.R. 2269 is a prime example of how a good idea can be turned into a bad bill. It is a good idea to make investment advice available to employees at their workplace. Of course it is a good idea. But allowing self-interested advisors, those who could benefit from the advice they give, in the workplace is not a good idea; it is an extremely bad idea. But that is exactly what H.R. 2269 does.

Please remember why ERISA was enacted in the first place. It was enacted to protect workers from abuses related to their benefits. So ERISA now prohibits investment advisors from coming to a workplace and providing employees with investment advice if there is any reason to think that the advisor might benefit from recommending one investment or another.

ERISA was enacted to protect workers from abuses related to their benefits, and this protection has worked for over 25 years. But with H.R. 2269, we are saying that it is okay to have investment sales folks at the workplace under the guise of the employer's endorsement providing investment advice to their employees.

Think about this: We have employees with 401(k) plans, many of whom have little or no knowledge of high finance. The employer brings an investment advisor to the workplace. That has to appear as if the employer endorses whatever this advisor is selling. Members cannot tell me that most employees will not be strongly inclined to accept the investment advice given them under those circumstances.

If the advice is poor or, heaven forbid, the advice is downright wrong, or if it is some kind of scam in the short run, there is no protection for that employee.

There is hope, however. Fortunately, we have a substitute to H.R. 2269. That is the Andrews substitute. The Andrews substitute keeps the good idea of making investment advice available to employees in the workplace, but it builds on the protections in current

law that employees need and must have and must be able to depend on.

The Andrews substitute is a win-win for employees, and I urge my colleagues to vote against H.R. 2269 unless the substitute is included.

PARLIAMENTARY INQUIRY

Mr. BOEHNER. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman will state it.

Mr. BOEHNER. Mr. Speaker, we just have the remaining time we expect to use. Who has the right to close, or what would the order of closing be?

The SPEAKER pro tempore. The Committee on Ways and Means will finish their time first, and then the gentleman from Ohio (Mr. BOEHNER) has the right to close.

Mr. BOEHNER. I thank the Chair.

Mr. McDERMOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, sometimes when I come out on this floor I think I have entered the French theater of the absurd.

We are having a bill brought here to us about financial advice. I remember, when this year started, that we had \$5.6 trillion in surplus, and all the discussion was about what should we do with it: Shall we pay off the debt? Shall we save it for Social Security? Shall we save it for Medicare?

The decision was, oh, the first thing we should do is give about \$2 trillion of it away.

□ 1230

We are going to do that with a tax break. We said it is 130 trillion, but it turned out to be more like two, and so we go.

We have now spent all the Social Security money. That is the advice we are giving to the American people, and then we say, we want to turn you over to the hands of these nice salesmen, they will take care of you. We have taken away their medical security. We have not even put the money that they contributed into the Medicare program. If we were under ERISA, we would be before the courts for the way we are handling the investments of our constituents.

We got so wild around here with our tax cuts and all the problems after they figured it all out, and said, well, we need an economic stimulus bill. So we come out here with a nonsense bill, give it another \$161 billion off to major companies in this country. This is our advice to America. This is what we think and then this bill is the follow-on.

That nonsense of the stimulus package has run into the ditch over in the Senate. I never thought I would count on another body to save us from ourselves. I know they are going to save us from this bill ultimately. This really looks to me like, the other bill, sort of a fund-raising bill, and when I stand

here and think about it and listen to all this talk, I cannot help thinking about my grandfather.

He was an Irish immigrant, went to the second grade. He could read the newspaper a little bit and he could sign his name. That was the basis of his education. He was a hod carrier down in central Illinois, and in the 1920s, there was a scam in this country. A guy named Samuel Insull was selling energy stock or utility stock all over the country, and the whole rage in this little town where my grandparents lived, Streator, Illinois, everybody was buying Insull stock, you have got to buy Insull stock, you are going to get rich, real rich real quick. Everybody in the neighborhood was borrowing and putting their money into the Insull business.

My grandmother came to my grandfather and said, well, Jim, I think we should buy some of that Insull stock, and he said to her, if this is such a good idea, why are those boys from Chicago down here in the cornfield selling it to us? He did not put any of his money in. He said we have got \$500 in the bank. I tell you what, Jane, you can take your 250 and put it in the stock, but I am keeping mine in the bank.

She followed his advice, and they had their money when Insull went belly up in 1929, and everybody in Streator, Illinois, lost every blooming dime they had put in it.

Investment advice to ordinary people is a big issue. If you are a hod carrier or you are a cab driver or you are doing any one of a number of jobs in this country and you are suddenly faced with this question of what should I do with my money for when I get old and somebody comes to you who has a conflict of interest about it, what do you do at that point? You say to your employer, give me another advisor.

The bill does not allow that. It does not say you can give me this guy with the vested interest, but I would also like one who is just sort of on my side maybe, and maybe I can get back at him if he gives me bad advice. We say to the workers of this country, we are going to take this away from you at the very time when we are acting financially as irresponsible as we could be.

We are the Congress. If it was run by the House of Representatives, we would be borrowing money right now to give back to the companies of this country \$25 billion they paid back in 1986. That is the kind of financial advice we are giving this country. We are saying, well, we are going to stimulate things, we are going to give money back to IBM and Ford and all those companies while they are laying people off. We give \$15 billion to the airlines because we do not want them to get in trouble, right, and all those investment people are out there selling those stocks,

right, keep buying that American Airlines and United Airlines and all those stocks.

So we give them \$15 billion. We are going to stabilize it. We do not give one single penny to the workers for their health insurance or for their unemployment, and they lay off 100,000 people in the airline industry, and Boeing lays off 30,000 because when the airline industry goes down, so does Boeing go down and everybody else; but they have still got their 401(k), and we say, well, we are going to give you an advisor to tell you what to do with your money, and that is business.

I say this is bad legislation. It looks to me like a fund-raising piece, not a real serious effort to take care of people's investments. If the amendments that were offered here were accepted, all of us would be in favor of it. We think people ought to have advice, but it has got to be advice that is not conflicted, that does not have its own pocket interest, and I think that we will have a substitute offered by the gentleman from New Jersey (Mr. ANDREWS) and the gentleman from New York (Mr. RANGEL) which will fix this bill, but I urge people to vote against the bill.

Mr. Speaker, I yield back the balance of my time.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I yield myself such time as I may consume.

There is a broad consensus that workers need access to expert investment advice. I did not know we were going to talk about tax relief and other subjects, but there are only 16 percent of 401(k) participants that have access to investment advice through their retirement plans, and only 17 percent have access through outside advisors. Seventy-five percent of full-time employees surveyed said they would take advantage of individualized advice service if their employers offered it, and we have been hearing about banks.

Banks are regularly examined. Examinations occur frequently. Bank tellers cannot provide investment advice. Bank trust departments have a long history of trust investment, and they have been managing trusts for over two centuries. Banks manage over \$2 trillion in employment benefit trusts, and banks have strong capital, which provides added protection for funds being invested. I doubt there is a bank in this country that would allow their trust department to make bad advice because the bank would be out of business.

Recent market volatility tells us investment decisions must be based on solid and experienced judgment. Yet, as of today, we continue to deny our employees the same tools that corporations and unions are allowed to use in making sound investment decisions for their defined benefit plans. This bill changes that. Simply put, this measure

ends investment ignorance and provides workers full control over their investment decisions. It repeals an outdated 1974 law that denies millions of Americans access to investment advice that could help them make the most of their retirement savings.

No longer will wealthy individuals be the only ones to enjoy the luxury of being able to afford their own professional investment advice. Now low and middle income Americans will have the same choice.

Since individuals bear the risk of stock market volatility in their 401(k) accounts, they are the ones who must have advice on how to better diversify their portfolios so they are financially prepared for retirement.

H.R. 2269 will permit employers to offer investment advice as an employee benefit. This legislation does not require any employer to contract with an investment advisor and no employee is under any obligation to accept or follow any advice.

This bill is good policy for today's workers and tomorrow's retirees. That is why the bill has been endorsed by the Department of Labor, the Department of Treasury and the Department of Commerce.

In testifying before my subcommittee, Department of Labor Assistant Secretary Ann Combs praised the bill and said, "We believe the bill creates a strong protective framework for the provision of investment advice to participants. Both the Committee on Ways and Means and the Committee on Education and the Workforce have worked hard to take a balanced approach for increasing worker access to advice while including safeguards to protect employees' interests."

I urge Members to join all of us in supporting H.R. 2269. Without it, millions of Americans will be in the dark in protecting and growing their retirement nest egg.

Mr. Speaker, I yield back the balance of my time.

Mr. ANDREWS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I urge my colleagues to vote against this bill. People need investment advice, that is true, but it is also true they are getting it from the independent sources that are out there in increasingly high numbers.

Just 2 years ago only 17 percent of employers were offering investment advice options; today it is up to 31 percent, nearly double, and it is growing. When someone goes for investment advice and the advice is being given by a conflicted advisor, that conflict ought to be disclosed at the time of the decision. That does not happen under this bill.

The advisor ought to be completely qualified and accountable. That does not happen under this bill. The person receiving the advice ought to know that he or she has other independent

choices. That does not happen under this bill. And if the advice that is given is bad and hurts the investor, there ought to be adequate remedies to make that investor whole. That does not happen under this bill.

For all of these reasons, and the others stated by my colleagues, I would urge a vote against the underlying legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. BOEHNER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I think all of us agree that we want to do everything possible to improve the retirement security of all American workers. And I think, based on what we have heard here today, all of the Members believe that providing investment advice for those employees who have self-directed pension accounts is vital.

In 1974, when ERISA was enacted, 95 percent of pension assets were in defined benefit programs. And no one in 1974 with the enactment of ERISA ever envisioned that we would have the number of self-directed accounts, such as 401(k) accounts, and the amount of participation and the huge shift in assets away from defined benefit plans towards defined contribution plans.

What that has done is leave us in a situation today, where millions of American workers have trillions of dollars in their retirement savings, that basically they are left to their own ability to hire an investment advisor, because under the law as written in 1974, we have so protected and insulated American workers that there is really no place they can turn for advice. And so where do they turn for advice? They turn to Bob at the coffee shop.

So what we are trying to do here in this bill today is to provide a mechanism for providing specific investment advice to employees while providing safeguards to protect their retirement security. We believe that there has to be a balance between the offering of the advice and the amount of protections.

Is there risk involved in this bill? Yes, there is. Do we think American workers are smart enough and bright enough to make these decisions? Yes, they are.

It is a completely voluntary program for employers and employees. Once the advice is given within the safeguards that will be outlined in this bill, the employee has no inhibitions about making their own decisions about how they want to allocate their assets and their needs based on their own retirements.

The problem that we have with the additional safeguards that are being proposed here is that they will so restrict the ability to get advice that we will get what we have today and that is no advice at all. Now, if our goal truly

is to provide more investment advice for American workers, we have got to strike a balance, a balance that will work for employers and those who would be there to provide advice.

Now, we are hearing an awful lot of criticism about people who sell products and the fact that under this bill they would be able to give advice after they have disclosed any potential conflicts, after they have disclosed their fees, and with other protections.

Now, what they really want to do is, they want to eliminate this sector from being able to give advice. These are the most respected investment firms in the country, with the best track record of investment advice in the country, that we would want to shove out of this market and prevent these people from giving their expertise and advice to the American workers. I just do not think that that makes any sense in the marketplace we are in. And so I think if we all step back and look at where we are trying to go, I have worked with Members on both sides of the aisle trying to craft a proper set of balances.

□ 1245

And in the debate today, the gentleman from North Dakota (Mr. POMEROY) and I came to an agreement to add additional protections to this bill that I do think will protect American workers more without hindering the ability of employers or their agents to provide the kind of investment advice that American workers so sorely need and want today.

So I would ask my colleagues, as we continue to move this process along, that we continue to work together to try to find the right balance, because, as we know, the action in the House today will not be the end of the process. It is actually the beginning of the process. This bill will have to go through the Senate, and I am confident that we will be able to continue to move this in a strong bipartisan manner.

I ask all of my colleagues today to support the underlying bill and do what we can to help American workers increase their retirement security.

Mr. STARK. Mr. Speaker, I oppose H.R. 2269, the falsely named Retirement Security Advice Act of 2001, introduced by Representative BOEHNER. The bill not only neglects to provide any type of security for workers' retirement, but it actually puts worker retirement plans at greater risk for fraudulent activity.

Workers need independent financial advice, not advice plagued by self-interest. Current pension law ensures that those who manage or administer assets of a pension plan cannot engage in any transaction under the plan in which they have a financial or other conflict of interest. These rules, known as the prohibited transaction rules, are designed to ensure that the best interest of the investor is maintained. When these rules are eliminated, as H.R. 2269 calls for, the integrity of the pension system is threatened by fraud and abuse.

For example, one of our nation's premier investment companies, Prudential, in 1996, agreed to pay at least \$410 million in restitution and fines to compensate investors who suffered losses to fraud as far back as 1980. Many Wall Street brokerage firms sold limited partnerships in the 1980's to customers seeking tax deductions and the potential for profit from asset appreciation. However, these investments were typically suitable only for wealthy investors because of their speculative nature. Prudential made nearly \$1 billion in commissions and fees from the sale of its partnerships. In addition to the limited partnership claims, widespread securities law violations were made at various Prudential branches across the country. These practices included:

Lying about risk—Selling risky real estate and energy partnerships to pension funds, retirees and other individual investors who were told their investments were safe.

Lying about return—Publishing promotional material that misled investors about the return they could expect on their money.

Turning a blind eye to a subsidiary—Inadequately supervising the subsidiary that advertised and sold the partnerships.

Turning a blind eye to employees—Inadequately supervising employees in nine branch offices, whose fraudulent practices resulted in losses of hundreds of thousands of dollars from customers.

Churning—Trading excessively without authorization in clients' accounts to increase brokers' commissions.

The settlement affected 8 million investors in every state, the District of Columbia and Puerto Rico. Many of the investors were elderly and faced the risk of not being compensated in their lifetime.

Workers should have access to investment advice they can be certain is neither influenced by corporate profit motives or driven by a company's need to unload undesirable financial products. H.R. 2269 undermines that certainty by permitting advisors to provide plan participants with self-interested advice regarding the investment options under the plan, as well as asset allocation. Under H.R. 2269, both financially sophisticated and financially inexperienced workers would lose access to independent investment advice under their 401(k) plans. Clearly, this provides less security than employees currently receive and has the potential for fraudulent activity that would be virtually impossible to remedy under our judicial system.

The fraudulent Prudential activity illustrates the need for unbiased, independent investment advice for employees. We cannot allow motivation and campaign contributions from the securities, banking and insurance industry to imperil the pensions of 42 million workers who participate in self-directed pension plans. It is easy to see who will benefit from this bill when organizations like Prudential and Citigroup support the bill and organizations that oppose it include AARP and the AFL-CIO.

Workers won't get the critical independent advice from the Boehner bill, but they will from the Democratic substitute bill. The Democratic substitute bill requires that if a conflict of interest exists, that the investment advisor would

be required to provide additional independent advice at no additional charge to the investor. If Prudential is going to make a greater profit by advising the investor to invest in Prudential funds, then an independent advisor with no such direct profit interest, must be available to either validate Prudential's advice or provide alternative advice to give the employee a less biased opinion.

The debate is clear. The bill before us will hurt the retirement of millions of workers, but it will increase profits for investment advisors and investment companies. I urge my colleagues to vote for the Democratic substitute bill and vote no on H.R. 2269.

Mr. CARDIN. Mr. Speaker, over the past twenty years, this country has witnessed a revolution in the way American workers save for their retirement. The central feature of this revolution has been the shift from defined benefit to defined contribution plans, and, in particular, the explosion in the growth of 401(k) plans. Through employer-sponsored 401(k) plans, tens of millions of middle class Americans have entered the investment class, many of them encountering their first exposure to the workings of the stock markets.

This trend has important implications with respect to the retirement security of these workers. Under the defined benefit model, the risk and responsibility for making prudent investments rests with the employer. At the end of the day, the employer is on the hook to provide the promised benefits. Should the employer fail to meet this obligation, the federal government, through the Pension Benefit Guaranty Corporation, provides added protection to make sure those benefits will be there when workers retire.

In the 401(k) world, however, the risk and the responsibility rest with the worker. Individual investment choices and decisions can make a huge difference in terms of the size of the retirement nest egg that a worker accumulates. For many workers, this reality leads to one very basic question: "Where should I put my money?"

This bill recognizes the need to provide workers with a responsible, reliable answer to that question. I commend the gentleman from Ohio, the Chairman of the Education and the Workforce Committee, for his leadership on this issue. He has recognized that the need for retirement investment advice for America's workers is great, and deserves our thanks for bringing this issue to the fore.

The bill does two things to make it more possible for workers to get investment advice. First, it provides liability relief for employers. Currently, surveys of employers tell us that a major impediment to employers retaining investment advice firms for their employees is the concern that they, the employer, will ultimately be held responsible for the specific advice provided. The bill before the House says that if the employer exercises prudence in selecting the adviser, he or she will not be subject to liability for the advice provided. This is a good, sensible reform, and I support it.

The second issue addressed by the bill goes to the current restrictions within ERISA dealing with "prohibited transactions." ERISA contains important protections that prevent investment advisers from advising plan participants to invest in products where the adviser

has a conflict of interest. It is a sensible protection, and one that should only be lifted with great care.

The bill before us does not, in my judgment, provide satisfactory protections for workers faced with investment advisers providing conflicted advice. The bill will require advisers to disclose that they are in a position to make money on the advice they are offering. That is an important provision, and the disclosure provisions were strengthened by the amendment presented by the Chairman of the Ways and Means Committee.

But disclosure of the conflict by itself is not enough. Workers need to know more than that the person sitting in front of them will make money if their advice is followed. They need to have a full range of investment options. They need to know the range of fees that are charged for different types of investments, and how those fees will affect their long-term returns.

In short, this bill does not provide any assurance or requirement that workers will have the information they need to make prudent investment decisions. On the other hand, at the end of this debate, we will have a substitute that attempts to address these problems. I certainly commend the gentleman from New Jersey for his work on this issue and for his longstanding commitment to expanding retirement savings opportunities for American workers. But I am concerned that the substitute imposes requirements that will make it unlikely that employers will take the necessary first step of providing investment advice to their workers.

Mr. Speaker, America's workers need investment advice on their retirement savings accounts. Unfortunately, today we have two choices. The Republican bill takes the position that bad advice is better than no advice, and the substitute takes the position that no advice is better than bad advice. The right answer, of course, is that what the 42 million Americans who participate in a 401(k) account need is not bad advice, or no advice, but good advice. We need to put together a bill that will give employers, workers, and the investment community the chance to get that job done.

Mr. CRANE. Mr. Speaker, I rise in strong support of the Retirement Security Advice Act of 2001. As a cosponsor of this legislation, I would like to commend Mr. JOHNSON of Texas, Chairman THOMAS, and Chairman BOEHNER for crafting common sense legislation that will help millions of hard-working Americans plan more wisely for their retirement.

Mr. Speaker, while ERISA law is quite complicated, this legislation is quite simple. It allows employers to provide their workers with access to professional investment advice as long as the investment advisers fully disclose their fees and any potential conflicts. At the same time, it establishes significant safeguards to ensure that these workers receive advice that is solely in their best interests.

Under current law, employers are discouraged from providing this service because employers may be held liable for specific advice that is provided to their employees. H.R. 2269 removes the barrier to employers contracting with advice providers and their workers by clarifying that employers are not responsible for the individual advice given by professional advisers to individual participants.

Under this legislation, investment advice may only be offered by "fiduciary advisors"—qualified entities that are already fully regulated under other federal and state laws, such as registered investment advisers, registered broker dealers, insurance companies, and banks. Existing federal and state laws that regulate individual industries will continue to apply. Moreover, employers will remain responsible under ERISA fiduciary rules for the prudent selection and periodic review of any investment advisor.

I urge my colleagues to support H.R. 2269 as amended by the rule.

Mr. BOEHNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LAHOOD). All time for general debate on this bill has expired.

AMENDMENT IN THE NATURE OF A SUBSTITUTE
OFFERED BY MR. ANDREWS

Mr. ANDREWS. Mr. Speaker, as the designee of the gentleman from California (Mr. GEORGE MILLER), I offer an amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute printed in part B of House Report 107-289 offered by Mr. ANDREWS:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Retirement Security Advice Act of 2001".

SEC. 2. PROHIBITED TRANSACTION EXEMPTION FOR THE PROVISION OF INVESTMENT ADVICE.

(a) AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1986.—

(1) IN GENERAL.—Subsection (d) of section 4975 of the Internal Revenue Code of 1986 (relating to exemptions from tax on prohibited transactions) is amended by striking "or" at the end of paragraph (14), by striking the period at the end of paragraph (15) and inserting "or"; and by adding at the end the following new paragraph:

"(16) any transaction described in subsection (f)(7)(A) in connection with the provision of investment advice described in subsection (e)(3)(B), in any case in which—

"(A) the plan provides for individual accounts and permits a participant or beneficiary to exercise control over assets in his or her account,

"(B) the advice is qualified investment advice provided to a participant or beneficiary of the plan by a fiduciary adviser in connection with any sale, acquisition, or holding of a security or other property for purposes of investment of plan assets, and

"(C) the requirements of subsection (f)(7)(B) are met in connection with each instance of the provision of the advice."

(2) RULES RELATING TO INVESTMENT ADVICE PROVIDED BY FIDUCIARY ADVISERS.—Subsection (f) of section 4975 of such Code (relating to other definitions and special rules) is amended by adding at the end the following new paragraph:

"(7) INVESTMENT ADVICE PROVIDED BY FIDUCIARY ADVISERS.—

"(A) ALLOWABLE TRANSACTIONS.—The transactions described in this subsection, in connection with the provision of investment advice by a fiduciary adviser, are the following:

"(i) the provision of the advice to the participant or beneficiary;

"(ii) the sale, acquisition, or holding of a security or other property (including any lending of money or other extension of credit associated with the sale, acquisition, or holding of a security or other property) pursuant to the advice; and

"(iii) the direct or indirect receipt of fees or other compensation by the fiduciary adviser or an affiliate thereof (or any employee, agent, or registered representative of the fiduciary adviser or affiliate) in connection with the provision of the advice.

"(B) REQUIREMENTS FOR EXEMPTION FROM PROHIBITED TRANSACTIONS WITH RESPECT TO PROVISION OF INVESTMENT ADVICE.—The requirements of this subparagraph are met in connection with the provision of qualified investment advice provided to a participant or beneficiary of an employee benefit plan by a fiduciary adviser with respect to the plan in connection with any sale, acquisition, or holding of a security or other property for purposes of investment of amounts held by the plan, if the requirements of the following clauses are met:

"(i) WRITTEN OR ELECTRONIC DISCLOSURES.—At a time contemporaneous with the provision of the advice in connection with the sale, acquisition, or holding of the security or other property, the fiduciary adviser shall provide to the recipient of the advice a clear and conspicuous notification, written (or by electronic means) in a manner to be reasonably understood by the average plan participant pursuant to regulations which shall be prescribed by the Secretary (including mathematical examples), of the following:

"(I) INTERESTS HELD BY THE FIDUCIARY ADVISER.—Any interest of the fiduciary adviser in, or any affiliation or contractual relationship of the fiduciary adviser (or affiliates thereof) with any third party having an interest in, the security or other property.

"(II) RELATED FEES OR COMPENSATION IN CONNECTION WITH THE PROVISION OF THE ADVICE.—All fees or other compensation relating to the advice (including fees or other compensation itemized with respect to each security or other property with respect to which the advice is provided) that the fiduciary adviser (or any affiliate thereof) is to receive (including compensation provided by any third party) in connection with the provision of the advice or in connection with the sale, acquisition, or holding of the security or other property.

"(III) ONGOING FEES OR COMPENSATION IN CONNECTION WITH THE SECURITY OR PROPERTY INVOLVED.—All fees or other compensation that the fiduciary adviser (or any affiliate thereof) is to receive, on an ongoing basis, in connection with any security or other property with respect to which the fiduciary adviser gives the advice.

"(IV) APPLICABLE LIMITATIONS ON SCOPE OF ADVICE.—Any limitation placed (in accordance with the requirements of this subsection) on the scope of the advice to be provided by the fiduciary adviser with respect to the sale, acquisition, or holding of the security or other property.

"(V) TYPES OF SERVICES GENERALLY OFFERED.—The types of services offered by the fiduciary adviser in connection with the provision of qualified investment advice by the fiduciary adviser.

"(VI) FIDUCIARY STATUS OF THE FIDUCIARY ADVISER.—That the fiduciary advisor is a fiduciary of the plan.

"(ii) DISCLOSURE BY FIDUCIARY ADVISER IN ACCORDANCE WITH APPLICABLE SECURITIES LAWS.—The fiduciary adviser shall provide appropriate disclosure, in connection with

the sale, acquisition, or holding of the security or other property, in accordance with all applicable securities laws.

“(iii) TRANSACTION OCCURRING SOLELY AT DIRECTION OF RECIPIENT OF ADVICE.—The sale, acquisition, or holding of the security or other property shall occur solely at the direction of the recipient of the advice.

“(iv) REASONABLE COMPENSATION.—The compensation received by the fiduciary adviser and affiliates thereof in connection with the sale, acquisition, or holding of the security or other property shall be reasonable.

“(v) ARM’S LENGTH TRANSACTION.—The terms of the sale, acquisition, or holding of the security or other property shall be at least as favorable to the plan as an arm’s length transaction would be.

“(C) CONTINUED AVAILABILITY OF INFORMATION FOR AT LEAST 1 YEAR.—The requirements of subparagraph (B)(i) shall be deemed not to have been met in connection with the initial or any subsequent provision of advice described in subparagraph (B) if, at any time during the 1-year period following the provision of the advice, the fiduciary adviser fails to maintain the information described in subclauses (I) through (IV) of subparagraph (B)(i) in currently accurate form or to make the information available, upon request and without charge, to the recipient of the advice.

“(D) EVIDENCE OF COMPLIANCE MAINTAINED FOR AT LEAST 6 YEARS.—A fiduciary adviser referred to in subparagraph (B) who has provided advice referred to in such subparagraph shall, for a period of not less than 6 years after the provision of the advice, maintain any records necessary for determining whether the requirements of the preceding provisions of this paragraph and of subsection (d)(16) have been met. A transaction prohibited under subsection (c)(1) shall not be considered to have occurred solely because the records are lost or destroyed prior to the end of the 6-year period due to circumstances beyond the control of the fiduciary adviser.

“(E) MODEL DISCLOSURE FORMS.—The Secretary shall prescribe regulations setting forth model disclosure forms to assist fiduciary advisers in complying with the disclosure requirements of under this paragraph.

“(F) ANNUAL REVIEWS BY THE SECRETARY.—The Secretary shall conduct annual reviews of randomly selected fiduciary advisers providing qualified investment advice to participants and beneficiaries. In the case of each review, the Secretary shall review the following:

“(i) COMPLIANCE BY ADVICE COMPUTER MODELS WITH REASONABLE INVESTMENT METHODOLOGIES.—The extent to which advice computer models employed by the fiduciary adviser comply with reasonable investment methodologies.

“(ii) COMPLIANCE WITH DISCLOSURE REQUIREMENTS.—The extent to which disclosures provided by the fiduciary adviser have complied with the requirements of this subsection.

“(iii) EXTENT OF VIOLATIONS.—The extent to which any violations of fiduciary duties have occurred in connection with the provision of the advice.

“(iv) EXTENT OF REPORTED COMPLAINTS.—The extent to which complaints to relevant agencies have been made in connection with the provision of the advice. Any proprietary information obtained by the Secretary shall be treated as confidential.

“(G) DUTY OF CONFLICTED FIDUCIARY ADVISER TO PROVIDE FOR ALTERNATIVE INDEPENDENT ADVICE.—

“(i) IN GENERAL.—In connection with any qualified investment advice provided by a fiduciary adviser to a participant or beneficiary regarding any security or other property, if the fiduciary adviser—

“(I) has an interest in the security or other property, or

“(II) has an affiliation or contractual relationship with any third party that has an interest in the security or other property, the requirements of subparagraph (B) shall be treated as not met in connection with the advice unless the fiduciary adviser has arranged, as an alternative to the advice that would otherwise be provided by the fiduciary adviser, for qualified investment advice with respect to the security or other property provided by at least one alternative investment adviser meeting the requirements of clause (ii).

“(ii) INDEPENDENCE AND QUALIFICATIONS OF ALTERNATIVE INVESTMENT ADVISER.—Any alternative investment adviser whose qualified investment advice is arranged for by a fiduciary adviser pursuant to clause (i)—

“(I) shall have no material interest in, and no material affiliation or contractual relationship with any third party having a material interest in, the security or other property with respect to which the investment adviser is providing the advice, and

“(II) shall meet the requirements of a fiduciary adviser under subparagraph (H)(ii) and (iii), except that an alternative investment adviser may not be a fiduciary of the plan other than in connection with the provision of the advice.

“(iii) SCOPE AND FEES OF ALTERNATIVE INVESTMENT ADVICE.—Any qualified investment advice provided pursuant to this subparagraph by an alternative investment adviser shall be of the same type and scope, and provided under the same terms and conditions (including no additional charge to the participant or beneficiary), as apply with respect to the qualified investment advice to be provided by the fiduciary adviser.

“(H) FIDUCIARY ADVISER DEFINED.—For purposes of this paragraph and subsection (d)(16)—

“(i) IN GENERAL.—The term ‘fiduciary adviser’ means, with respect to a plan, a person who—

“(I) is a fiduciary of the plan by reason of the provision of qualified investment advice by such person to a participant or beneficiary,

“(II) meets the qualifications of clause (ii), and

“(III) meets the additional requirements of clause (iii).

“(ii) QUALIFICATIONS.—A person meets the qualifications of this clause if such person—

“(I) is registered as an investment adviser under the Investment Advisers Act of 1940 (15 U.S.C. 80b-1 et seq.),

“(II) if not registered as an investment adviser under such Act by reason of section 203A(a)(1) of such Act (15 U.S.C. 80b-3a(a)(1)), is registered under the laws of the State in which the fiduciary maintains its principal office and place of business, and, at the time the fiduciary last filed the registration form most recently filed by the fiduciary with such State in order to maintain the fiduciary’s registration under the laws of such State, also filed a copy of such form with the Secretary,

“(III) is registered as a broker or dealer under the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.),

“(IV) is a bank or similar financial institution referred to in subsection (d)(4),

“(V) is an insurance company qualified to do business under the laws of a State, or

“(VI) is any other comparable qualified entity which satisfies such criteria as the Secretary determines appropriate consistent with the purpose of this subsection.

“(iii) ADDITIONAL REQUIREMENTS WITH RESPECT TO CERTAIN EMPLOYEES OR OTHER AGENTS OF CERTAIN ADVISERS.—A person meets the additional requirements of this clause if every individual who is employed (or otherwise compensated) by such person and whose scope of duties includes the provision of qualified investment advice on behalf of such person to any participant or beneficiary is—

“(I) a registered representative of such person,

“(II) an individual described in subclause (I), (II), or (III) of clause (ii), or

“(III) such other comparable qualified individual who satisfies such criteria as the Secretary determines appropriate consistent with the purpose of this subsection.

“(I) ADDITIONAL DEFINITIONS.—For purposes of this paragraph and subsection (d)(16)—

“(i) QUALIFIED INVESTMENT ADVICE.—The term ‘qualified investment advice’ means, in connection with a participant or beneficiary, investment advice referred to in subsection (e)(3)(B) which—

“(I) consists of an individualized recommendation to the participant or beneficiary with respect to the purchase, sale, or retention of securities or other property for the individual account of the participant or beneficiary, in accordance with generally accepted investment management principles, and

“(II) takes into account all investment options under the plan.

“(ii) REGISTERED REPRESENTATIVE.—The term ‘registered representative’ of another entity means a person described in section 3(a)(18) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(18)) (substituting such entity for the broker or dealer referred to in such section) or a person described in section 202(a)(17) of the Investment Advisers Act of 1940 (15 U.S.C. 80b-2(a)(17)) (substituting such entity for the investment adviser referred to in such section).’.

(3) ASSUMPTION OF LIABILITY.—Subsection (b) of section 4975 of such Code is amended—

(A) by striking “PERSON.—In” and inserting “PERSON.—

“(1) IN GENERAL.—In”, and moving the text 2 ems to the right, and

(B) by adding at the end the following new paragraph:

“(2) ASSUMPTION OF LIABILITY.—If a court determines that a fiduciary advisor has breached his fiduciary responsibility as a result of a failure to meet the requirements of subparagraph (B), (C), (D), or (G) of subsection (e)(7), then, notwithstanding any other provision of this title or the Employee Retirement Income Security Act of 1974, the fiduciary advisor shall be liable for any monetary losses suffered by a participant or beneficiary as a result of such breach.”.

(b) AMENDMENTS TO THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—

(1) IN GENERAL.—Section 408(b) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1108(b)) is amended by adding at the end the following new paragraph:

“(14)(A) Any transaction described in subparagraph (B) in connection with the provision of investment advice described in section 3(21)(A)(ii), in any case in which—

“(i) the plan provides for individual accounts and permits a participant or beneficiary to exercise control over assets in his or her account,

“(ii) the advice is qualified investment advice provided to a participant or beneficiary

of the plan by a fiduciary adviser in connection with any sale, acquisition, or holding of a security or other property for purposes of investment of plan assets, and

“(iii) the requirements of subsection (g) are met in connection with each instance of the provision of the advice.

“(B) The transactions described in this subparagraph are the following:

“(i) the provision of the advice to the participant or beneficiary;

“(ii) the sale, acquisition, or holding of a security or other property (including any lending of money or other extension of credit associated with the sale, acquisition, or holding of a security or other property) pursuant to the advice; and

“(iii) the direct or indirect receipt of fees or other compensation by the fiduciary adviser or an affiliate thereof (or any employee, agent, or registered representative of the fiduciary adviser or affiliate) in connection with the provision of the advice.”.

(2) REQUIREMENTS.—Section 408 of such Act is amended further by adding at the end the following new subsection:

“(g) REQUIREMENTS FOR EXEMPTION FROM PROHIBITED TRANSACTIONS WITH RESPECT TO PROVISION OF INVESTMENT ADVICE.—

“(1) IN GENERAL.—The requirements of this subsection are met in connection with the provision of qualified investment advice provided to a participant or beneficiary of an employee benefit plan by a fiduciary adviser with respect to the plan in connection with any sale, acquisition, or holding of a security or other property for purposes of investment of amounts held by the plan, if the requirements of the following subparagraphs are met:

“(A) WRITTEN DISCLOSURES.—At a time contemporaneous with the provision of the advice in connection with the sale, acquisition, or holding of the security or other property, the fiduciary adviser shall provide to the recipient of the advice a clear and conspicuous notification, written in a manner to be reasonably understood by the average plan participant pursuant to regulations which shall be prescribed by the Secretary (including mathematical examples), of the following:

“(i) INTERESTS HELD BY THE FIDUCIARY ADVISER.—Any interest of the fiduciary adviser in, or any affiliation or contractual relationship of the fiduciary adviser (or affiliates thereof) with any third party having an interest in, the security or other property.

“(ii) RELATED FEES OR COMPENSATION IN CONNECTION WITH THE PROVISION OF THE ADVICE.—All fees or other compensation relating to the advice (including fees or other compensation itemized with respect to each security or other property with respect to which the advice is provided) that the fiduciary adviser (or any affiliate thereof) is to receive (including compensation provided by any third party) in connection with the provision of the advice or in connection with the sale, acquisition, or holding of the security or other property.

“(iii) ONGOING FEES OR COMPENSATION IN CONNECTION WITH THE SECURITY OR PROPERTY INVOLVED.—All fees or other compensation that the fiduciary adviser (or any affiliate thereof) is to receive, on an ongoing basis, in connection with any security or other property with respect to which the fiduciary adviser gives the advice.

“(iv) APPLICABLE LIMITATIONS ON SCOPE OF ADVICE.—Any limitation placed (in accordance with the requirements of this subsection) on the scope of the advice to be provided by the fiduciary adviser with respect

to the sale, acquisition, or holding of the security or other property.

“(v) TYPES OF SERVICES GENERALLY OFFERED.—The types of services offered by the fiduciary adviser in connection with the provision of qualified investment advice by the fiduciary adviser.

“(vi) FIDUCIARY STATUS OF THE FIDUCIARY ADVISER.—That the fiduciary adviser is a fiduciary of the plan.

“(B) DISCLOSURE BY FIDUCIARY ADVISER IN ACCORDANCE WITH APPLICABLE SECURITIES LAWS.—The fiduciary adviser shall provide appropriate disclosure, in connection with any the sale, acquisition, or holding of the security or other property, in accordance with all applicable securities laws.

“(C) TRANSACTION OCCURRING SOLELY AT DIRECTION OF RECIPIENT OF ADVICE.—The sale, acquisition, or holding of the security or other property shall occur solely at the direction of the recipient of the advice.

“(D) REASONABLE COMPENSATION.—The compensation received by the fiduciary adviser and affiliates thereof in connection with the sale, acquisition, or holding of the security or other property shall be reasonable.

“(E) ARM'S LENGTH TRANSACTION.—The terms of the sale, acquisition, or holding of the security or other property shall be at least as favorable to the plan as an arm's length transaction would be.

“(2) CONTINUED AVAILABILITY OF INFORMATION FOR AT LEAST 1 YEAR.—The requirements of paragraph (1)(A) shall be deemed not to have been met in connection with the initial or any subsequent provision of advice described in paragraph (1) if, at any time during the 1-year period following the provision of the advice, the fiduciary adviser fails to maintain the information described in clauses (i) through (iv) of subparagraph (A) in currently accurate form or to make the information available, upon request and without charge, to the recipient of the advice.

“(3) EVIDENCE OF COMPLIANCE MAINTAINED FOR AT LEAST 6 YEARS.—A fiduciary adviser referred to in paragraph (1) who has provided advice referred to in such paragraph shall, for a period of not less than 6 years after the provision of the advice, maintain any records necessary for determining whether the requirements of the preceding provisions of this subsection and of subsection (b)(14) have been met. A transaction prohibited under section 406 shall not be considered to have occurred solely because the records are lost or destroyed prior to the end of the 6-year period due to circumstances beyond the control of the fiduciary adviser.

“(4) MODEL DISCLOSURE FORMS.—The Secretary shall prescribe regulations setting forth model disclosure forms to assist fiduciary advisers in complying with the disclosure requirements of under this subsection.

“(5) EXEMPTION FOR EMPLOYERS CONTRACTING FOR QUALIFIED INVESTMENT ADVICE.—

“(A) RELIANCE ON CONTRACTUAL ARRANGEMENTS.—Subject to subparagraph (B), a plan sponsor or other person who is a fiduciary (other than a fiduciary adviser) shall not be treated as failing to meet the requirements of this part solely by reason of the provision of qualified investment advice (or solely by reason of contracting for or otherwise arranging for the provision of the investment advice), if—

“(i) the advice is provided by a fiduciary adviser pursuant to an arrangement between the plan sponsor or other fiduciary and the fiduciary adviser for the provision by the fi-

duciary adviser of qualified investment advice, and

“(ii) the terms of the arrangement require compliance by the fiduciary adviser with the requirements of this subsection.

“(B) CONTINUED DUTY FOR EMPLOYER TO PRUDENTLY SELECT AND REVIEW FIDUCIARY ADVISERS.—Nothing in subparagraph (A) shall be construed to exempt a plan sponsor or other person who is a fiduciary from any requirement of this part for the prudent selection and periodic review of a fiduciary adviser with whom the plan sponsor or other person enters into an arrangement for the provision of qualified investment advice. The plan sponsor or other person who is a fiduciary shall not be liable under this part with respect to the specific qualified investment advice given by the fiduciary adviser to any particular recipient of the advice. Pursuant to regulations which shall be prescribed by the Secretary, the fiduciary adviser shall provide appropriate disclosures to the plan sponsor to enable the plan sponsor to fulfill its fiduciary responsibilities under this part. In connection with the provision of the advice by a fiduciary adviser on an ongoing basis, such regulations shall provide for such disclosures on at least an annual basis.

“(C) PLAN ASSETS MAY BE USED TO PAY REASONABLE EXPENSES.—Nothing in this part shall be construed to preclude the use of plan assets to pay for reasonable expenses in providing qualified investment advice.

“(6) ANNUAL REVIEWS BY THE SECRETARY.—The Secretary shall conduct annual reviews of randomly selected fiduciary advisers providing qualified investment advice to participants and beneficiaries. In the case of each review, the Secretary shall review the following:

“(A) COMPLIANCE BY ADVICE COMPUTER MODELS WITH GENERALLY ACCEPTED INVESTMENT MANAGEMENT PRINCIPLES.—The extent to which advice computer models employed by the fiduciary adviser comply with generally accepted investment management principles.

“(B) COMPLIANCE WITH DISCLOSURE REQUIREMENTS.—The extent to which disclosures provided by the fiduciary adviser have complied with the requirements of this subsection.

“(C) EXTENT OF VIOLATIONS.—The extent to which any violations of fiduciary duties have occurred in connection with the provision of the advice.

“(D) EXTENT OF REPORTED COMPLAINTS.—The extent to which complaints to relevant agencies have been made in connection with the provision of the advice.

Any proprietary information obtained by the Secretary shall be treated as confidential.

“(7) DUTY OF CONFLICTED FIDUCIARY ADVISER TO PROVIDE FOR ALTERNATIVE INDEPENDENT ADVICE.—

“(A) IN GENERAL.—In connection with any qualified investment advice provided by a fiduciary adviser to a participant or beneficiary regarding any security or other property, if the fiduciary adviser—

“(i) has an interest in the security or other property, or

“(ii) has an affiliation or contractual relationship with any third party that has an interest in the security or other property, the requirements of paragraph (1) shall be treated as not met in connection with the advice unless the fiduciary adviser has arranged, as an alternative to the advice that would otherwise be provided by the fiduciary adviser, for qualified investment advice with respect to the security or other property provided by at least one alternative investment adviser meeting the requirements of subparagraph (B).

“(B) INDEPENDENCE AND QUALIFICATIONS OF ALTERNATIVE INVESTMENT ADVISER.—Any alternative investment adviser whose qualified investment advice is arranged for by a fiduciary adviser pursuant to subparagraph (A)—

“(i) shall have no material interest in, and no material affiliation or contractual relationship with any third party having a material interest in, the security or other property with respect to which the investment adviser is providing the advice, and

“(ii) shall meet the requirements of a fiduciary adviser under paragraph (7)(A), except that an alternative investment adviser may not be a fiduciary of the plan other than in connection with the provision of the advice.

“(C) SCOPE AND FEES OF ALTERNATIVE INVESTMENT ADVICE.—Any qualified investment advice provided pursuant to this paragraph by an alternative investment adviser shall be of the same type and scope, and provided under the same terms and conditions (including no additional charge to the participant or beneficiary), as apply with respect to the qualified investment advice to be provided by the fiduciary adviser.

“(8) FIDUCIARY ADVISER DEFINED.—For purposes of this subsection and subsection (b)(14)—

“(A) IN GENERAL.—The term ‘fiduciary adviser’ means, with respect to a plan, a person—

“(i) who is a fiduciary of the plan by reason of the provision of qualified investment advice by such person to a participant or beneficiary,

“(ii) who—

“(I) is registered as an investment adviser under the Investment Advisers Act of 1940 (15 U.S.C. 80b-1 et seq.),

“(II) if not registered as an investment adviser under such Act by reason of section 203A(a)(1) of such Act (15 U.S.C. 80b-3a(a)(1)), is registered under the laws of the State in which the fiduciary maintains its principal office and place of business, and, at the time the fiduciary last filed the registration form most recently filed by the fiduciary with such State in order to maintain the fiduciary's registration under the laws of such State, also filed a copy of such form with the Secretary,

“(III) is registered as a broker or dealer under the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.),

“(IV) is a bank or similar financial institution referred to in section 408(b)(4),

“(V) is an insurance company qualified to do business under the laws of a State, or

“(VI) is any other comparable entity which satisfies such criteria as the Secretary determines appropriate, and

“(iii) who is an entity meeting the requirements of subparagraph (B).

“(B) ADDITIONAL REQUIREMENTS WITH RESPECT TO CERTAIN EMPLOYEES OR OTHER AGENTS OF CERTAIN ADVISERS.—The requirements of this subparagraph are met if every individual who is employed (or otherwise compensated) by a person described in subparagraph (A)(ii) and whose scope of duties includes the provision of qualified investment advice on behalf of such person to any participant or beneficiary is—

“(i) a registered representative of such person,

“(ii) an individual described in subclause (I), (II), or (III) of subparagraph (A)(ii), or

“(iii) such other comparable qualified individual as may be designated in regulations of the Secretary.

“(9) ADDITIONAL DEFINITIONS.—For purposes of this subsection and subsection (b)(14)—

“(A) QUALIFIED INVESTMENT ADVICE.—The term ‘qualified investment advice’ means, in

connection with a participant or beneficiary, investment advice referred to in section 3(21)(A)(ii) which—

“(i) consists of an individualized recommendation to the participant or beneficiary with respect to the purchase, sale, or retention of securities or other property for the individual account of the participant or beneficiary, in accordance with generally accepted investment management principles, and

“(ii) takes into account all investment options under the plan.

“(B) AFFILIATE.—The term ‘affiliate’ of another entity means an affiliated person of such entity (as defined in section 2(a)(3) of the Investment Company Act of 1940 (15 U.S.C. 80a-2(a)(3))).

“(C) REGISTERED REPRESENTATIVE.—The term ‘registered representative’ of another entity means a person described in section 3(a)(18) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(18)) (substituting such entity for the broker or dealer referred to in such section) or a person described in section 202(a)(17) of the Investment Advisers Act of 1940 (15 U.S.C. 80b-2(a)(17)) (substituting such entity for the investment adviser referred to in such section).”

(c) ENFORCEMENT.—

(1) LIABILITY FOR BREACH.—

(A) LIABILITY IN CONNECTION WITH INDIVIDUAL ACCOUNT PLANS.—Section 409 of such Act (29 U.S.C. 1109) is amended by adding at the end the following new subsection:

“(c)(1) In any case in which the provision by a fiduciary adviser of qualified investment advice to a participant or beneficiary regarding any security or other property consists of a breach described in subsection (a), the fiduciary adviser shall be personally liable to make good to the individual account of the participant or beneficiary any losses to the individual account resulting from the breach, and to restore to the individual account any profits of the fiduciary adviser which have been made through use of assets of the individual account by—

“(A) the fiduciary adviser, or

“(B) any other party with respect to whom a material affiliation or contractual relationship of the fiduciary adviser resulted in a violation of section 408(g)(1)(A) in connection with the advice.

“(2) In the case of any action under this title by a participant or beneficiary against a fiduciary adviser for relief under this subsection in connection with the provision of any qualified investment advice—

“(A) if the participant or beneficiary shows that the fiduciary adviser had any interest in, or had any affiliation or contractual relationship with a third party having an interest in, the security or other property, there shall be a presumption (rebuttable by a preponderance of the evidence) that the fiduciary adviser failed to meet the requirements of subparagraphs (A) and (B) of section 404(a)(1) in connection with the provision of the advice, and

“(B) the dispute may be settled by arbitration, but only pursuant to terms and conditions established by agreement entered into voluntarily by both parties after the commencement of the dispute.

“(3) For purposes of this subsection, the terms ‘fiduciary adviser’ and ‘qualified investment advice’ shall have the meanings provided such terms in subparagraphs (A) and (B), respectively, of section 406(g)(7).”

(B) LIMITATION ON EXEMPTION FROM LIABILITY.—Section 404(c) of such Act (29 U.S.C. 1104(c)) is amended—

(i) by redesignating paragraph (2) as paragraph (3) (and by adjusting the margination

of such paragraph to full measure and adjusting the margination of subparagraphs (A) through (B) thereof accordingly); and

(ii) by inserting after paragraph (1) the following new paragraph:

“(2)(A) In any case in which—

“(i) a participant or beneficiary exercises control over the assets in his or her account by means of a sale, acquisition, or holding of a security or other property with regard to which qualified investment advice was provided by a fiduciary adviser, and

“(ii) any transaction in connection with the exercise of such control is not a prohibited transaction solely by reason of section 408(b)(14),

paragraph (1) shall not apply with respect to the fiduciary adviser in connection with the provision of the advice.

“(B) For purposes of this subsection, the terms ‘fiduciary adviser’ and ‘qualified investment advice’ shall have the meanings provided such terms in subparagraphs (A) and (B), respectively, of section 406(g)(7).”

(2) ATTORNEY'S FEES.—Section 502(g) of such Act (29 U.S.C. 1132(g)) is amended—

(A) in paragraph (1), by inserting “or (3)” after “paragraph (2)”; and

(B) by adding at the end the following new paragraph:

“(3) In any action under this title by the participant or beneficiary against a fiduciary adviser for relief under section 409(c) in which the plaintiff prevails, the court shall allow a reasonable attorney's fee and costs of action to the prevailing plaintiff.”

(3) APPLICABILITY OF STATE FRAUD LAWS.—Section 514(b) of such Act (29 U.S.C. 1144(b)) is amended—

(A) by redesignating paragraph (9) as paragraph (10); and

(B) by inserting after paragraph (8) the following new paragraph:

“(9) Nothing in this title shall be construed to supersede any State action for fraud against a fiduciary adviser for any act or failure to act by the fiduciary adviser constituting a violation of section 409(c).”

SEC. 3. EFFECTIVE DATE.

The amendments made by this Act shall apply with respect to advice referred to in section 3(21)(A)(ii) of the Employee Retirement Income Security Act of 1974 or section 4975(e)(3)(B) of the Internal Revenue Code of 1986 provided on or after January 1, 2002.

The SPEAKER pro tempore. Pursuant to House Resolution 288, the gentleman from New Jersey (Mr. ANDREWS) and a Member opposed each will control 30 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this piece of legislation is about a person who is at the age of 30 or 40 in his or her life and starting to think about retirement, hopefully sooner than that, and they find they have a few thousand dollars in an account, in an IRA or a 401(k). They pick up the newspaper and they see wild fluctuations in the Dow Jones average, and they hear from some of their neighbors that they are doing great in their investments, and from others they are not doing so well; and they realize they need some help. They need some good sound advice as to what to do with this very crucial asset.

Both sides of this debate agree that the present situation is not very good;

that the advice does come from people who are like Bob at the coffee shop, the friend of the gentleman from Ohio (Mr. BOEHNER), someone who is not really qualified, that people get advice through hearsay, and we think something should be done about that. The proposal the gentleman from New York (Mr. RANGEL) and myself are putting forward now, we think, is a more sensible way to address this need.

We think that when this individual goes to get advice as to what to do with his or her money, that there ought to be some choices of the advisor. We do not rule out the prospect of an advisor who has an interest in a fund that he or she is advising about. We do say, though, that if such advice is going to be given, if the person giving the advice has a vested interest in our hypothetical investor putting his or her money in one fund as opposed to another, if there is a higher commission or some other gain that derives to that advisor, we say the following:

Each time a decision is made by the investor as to what to do, the advisor has to tell the investor in plain language, in plain math, in an understandable way what the nature of the advisor's interest is. The advisor has to say to the investor, You know, if you put your money in fund A instead of fund B, I make a little more money than I otherwise would, and you ought to know that before you make the decision.

Our substitute says that the person giving that advice must be qualified, and not most of the time but all of the time. The person giving the advice must have proper education. The person giving the advice must be part of a regulated industry, whether he or she is a broker or some other form of advisor. And if the person gives advice that is in violation of law, that is a violation of what we call the fiduciary duty, then the person must lose their license, and not most of the time, but all of the time, to make sure that the advisor is properly qualified.

Our substitute says that there must be some mechanism so that when our investor goes to ask for advice, and the advice may be given by a conflicted advisor, by someone having an interest in one or more of the funds, the employee should also be told that there is at least one other choice; that if they do not want to take advice from this person who has an interest in some of the funds that he or she is advising about, there is somewhere else that individual can go, to a person who has no interest whatsoever in the advice that he or she is giving. At least one other option on the menu so that the investor knows that there is somewhere else to go.

Finally, this substitute differs from the underlying bill because the substitute provides that if the advisor gives advice that is so bad that it is a violation of the law, so bad that it sub-

verts and violates the fiduciary duty of that advisor, the investor can be made whole. He or she can get their pension money back, get back any lost profits or gains they would have had while they were waiting to get it back, and can get the cost of recovering those funds back in attorneys' fees as well. The investor does not have to wait for some bureaucracy in Washington to take action on his or her behalf; they do not have to hope that they can get represented in a case that is not worth very much money to an attorney, but worth an awful lot to them. They have the ability to be made whole.

The proposal that the gentleman from New York and I are putting forward provides for more advice for people who need it, but it does so in a way that is careful and it does so in a way that does not subvert and discard the 27-year history of the ERISA statute that has provided safer pensions and sounder investments for our citizens.

Mr. Speaker, I urge Members of both sides to consider this proposal, and I urge a "yes" vote on it.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore. Does the gentleman from Ohio (Mr. BOEHNER) claim the time in opposition?

Mr. BOEHNER. Mr. Speaker, I am opposed to the amendment, and I do so claim the time.

The SPEAKER pro tempore. The gentleman from Ohio is recognized for 30 minutes.

Mr. BOEHNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I first want to thank the gentleman from New Jersey (Mr. ANDREWS) and the gentleman from New York (Mr. RANGEL) for the serious and hard work they have brought to our debate today. The entire process has been marked by bipartisan respect, and I am glad to see that is continuing today. I look forward to working with both my friends as this process continues.

Nonetheless, I must oppose their amendment because it falls into the trap of so overprotecting people from one set of dangers that, instead, we push them into another. If the Andrews-Rangel amendment were adopted, we could say that workers would never receive misleading or self-serving advice, but it is almost certain that they would not receive any advice at all. Despite my good friends' intentions, I believe the substitute would practically guarantee that no employers would provide investment advice at all to their workers.

First, the substitute unnecessarily intrudes upon an extensive and effective regulatory regime that protects investors who are paying for advice with their own money outside of an ERISA plan. In addition to this regulatory scheme, which includes banking, securities, insurance laws, regulations, and agencies at the Federal and State

levels, the substitute requires Department of Labor qualitative oversight on computer models of advice, the substantive qualifications of financial advisors, and the adequacy of disclosure forms. Now, this not only creates overlapping and confusing jurisdiction between the Department of Labor and the Securities and Exchange Commission, it adds additional and unnecessary regulations to existing securities laws.

H.R. 2269, the underlying bill, seeks to reduce and streamline regulatory burdens on employers and financial advisors rather than to create additional rules and regulations. The new and unnecessary burdens created by the substitute will only drive up the cost of investment advice, discourage competition, and, in the end, mean that fewer numbers of American workers will ever get real investment advice.

The substitute also requires that if investment advice is offered, two investment advisors must be offered to plan participants. Employers have told us that this simply will not work. When we are trying to make investment advice more accessible and affordable, I do not see any sense in driving up costs and compliance effort by, in effect, forcing employers to select and monitor two advisors instead of just one.

Finally, the substitute creates huge problems with ERISA's remedy structure and would subject employers to a stream of unfair and costly lawsuits by reversing the burden of proof and dramatically increasing ERISA's already intimidating remedies provisions. The substitute also erodes ERISA's careful preemption which gives employers legal certainty and clarity amongst our 50 States.

The underlying bill is meant to make very minor change to ERISA to allow employers to offer investment advice to their employees. H.R. 2269 works within the existing ERISA structure to do this without affecting ERISA's important protections or modifying the flexibility that courts have to fashion appropriate remedies within ERISA.

Amending ERISA's remedy structure will likely have unintended consequences on all ERISA claims. And before significantly changing ERISA's structure, we should look at the remedies offered in more detail. ERISA's current remedies structure permits courts to flexibly fashion appropriate remedies, including attorneys' fees, economic damages, disgorgement of profits, and banning advisors. Moreover, reversing the assumption of proof will not protect plan participants, but will only line the pockets of trial attorneys. So I urge my colleagues to vote against the substitutes for these reasons.

Put yourself in the place of an employer. Why would you offer investment advice to your workers if your litigation risks were so high that you

might lose your entire business? Or in the place of an advisor, why would you even try to enter the investment advice market when, by doing so, would subject yourself to 50 different standards of litigation, 50 States under a standard of proof that guarantees you costly litigation, even if you have done nothing wrong?

H.R. 2269 effectively protects plan participants in a way that still makes employer-provided investment advice economically viable to employers and their employees. The fiduciary duty that it imposes on employers and advisors alike is the highest duty of loyalty in the law. Its disclosure requirements are actually more consumer friendly than the Andrews-Rangel substitute because it requires disclosure on an annual basis, or when there is a material change in disclosure. And it provides for the most vital consumer protection of all, a vibrant competitive marketplace, by opening the field to many of the most highly regarded investment advice firms in the country. The underlying bill reaches the right balance of increasing worker access to advice while safeguarding the interests of the American workers without discouraging employers from offering any advice at all.

Mr. Speaker, the Andrews-Rangel substitute, I do not believe, will protect workers; and I do think it will discourage any employer from offering advice. This will not help workers that desperately need this kind of advice to try to increase their own retirement securities. So I urge my colleagues to oppose the substitute.

Mr. Speaker, I reserve the balance of my time.

Mr. ANDREWS. Mr. Speaker, I yield myself 30 seconds.

The liability provisions in this substitute do not impose new liability upon employers. What they do is impose new responsibility and liability upon advisors who breach their fiduciary duty.

And the employer-protection provisions in this substitute are essentially identical to those in the underlying bill.

Mr. Speaker, I yield 4 minutes to the gentleman from Washington (Mr. McDERMOTT), a member of the Committee on Ways and Means.

Mr. McDERMOTT. Mr. Speaker, I rise in support of the Andrews-Rangel substitute. I told a story earlier which sort of makes you wonder about why it is that the employee groups are not here saying this is such a good deal. Where is the AFL-CIO? Why are they not running in here? Why is the AARP not coming in here saying we want old folks to have this investment? Because the bill is not a good one, that is why.

Now, the substitute that has been offered, really deals with the four issues that we need to deal with: one is the disclosure of conflicts, and that has to

be done in a way that people actually hear it and know what is going on. Under the disclosure requirements contained in this substitute, plan participants or beneficiaries under the plan would receive adequate disclosure of fees and other compensation that would be received by the advisor with respect to the product being recommended.

□ 1300

So they would know at the time they are getting this pitch, who is doing what.

Secondly, the qualification of advisors. We hear a lot of talk about banks are regulated. Yes, banks are regulated. But the fact is that under the Investors' Advisors Act, that is, the Federal law that controls advisors on money, banks are exempted. So all this talk about banks are regulated, blah, blah, blah, but not in this area. Our substitute closes that loophole.

Now, the ability to get some nonconflicted advice, investors should be able to have at least two, one that is selling something and someone who is not selling something.

The fourth area is the question of remedies. If someone sells us something, and most Americans do not know what is going on in the stock market, if somebody says this is the thing to buy, and they know that it is about to take a dive, maybe they have even sold short. Who knows? I do not know that. Here is somebody that is giving me that advice. We close that possibility by the conflicted question, and then we give a remedy.

Mr. Speaker, to do any less than this is to say to people, yes, we are going to give Members another chance. Maybe Members can get it in the Senate or in the conference committee; or maybe we will pass a bill next year and fix this. This ought to be fixed right now. We have the opportunity. We know what the problems are.

We have the chairman suggesting he agrees with the gentleman from North Dakota (Mr. POMEROY). We should be able to do it. There is a real question here that we cannot do what we all agree from the chairman on down is the thing to do. I urge Members to vote for this Andrews-Rangel substitute, and then we will have a pretty good bill.

PERMISSION TO POSTPONE FURTHER CONSIDERATION OF H.R. 2269

Mr. FLETCHER. Mr. Speaker, I ask unanimous consent that during consideration of H.R. 2269 pursuant to House Resolution 288, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to a time designated by the Speaker on this legislative day.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the re-

quest of the gentleman from Kentucky?

There was no objection.

Mr. FLETCHER. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. SAM JOHNSON).

(Mr. SAM JOHNSON of Texas asked and was given permission to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, we talk about two advisors. I do not know how we keep both of them from being bad. As I mentioned, our measure removes the obstacles for employers to provide millions of workers professional investment advice.

The bill requires financial service providers to fully disclose their fees and any potential conflicts. In this bill's current form, we protect people from fly-by-night groups and scam artists looking to make a fast buck.

There are a number of safeguards that will protect workers and ensure that they receive investment advice on their 401(k) plans that is in their best interest. The pension fund managers at corporations and unions who make decisions about their defined benefit funds have access to professional portfolio managers. Now this bill will give rank and file the same protections.

The Democrat substitute will not help people. It will just add layers of bureaucracy and could prevent people from seeking advice. People value their time, and they do not have time to seek and sift through paperwork and bureaucracy and two advisors. Importantly, our bill retains critical safeguards and includes new protections to guarantee that people receive sound investment advice. Since employees will work with a plan fiduciary advisor, people will be protected by State law, Federal law, as well as the SEC. People value their time, and they do not have time to sift through a whole bunch of new regulations. That is just wrong.

Mr. Speaker, I urge my colleagues to reject the Democrat substitute and pass H.R. 2269 the way it is.

Mr. ANDREWS. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, as I said earlier, H.R. 2269 is a prime example of how a good idea can become a bad bill. Is it a good idea to make investment advice available to employees at the work site? Of course it is. But it is a bad idea to allow self-interested advisors, those who could benefit from the advice given, into the workplace. That is exactly what H.R. 2269 does.

Currently ERISA prohibits investment advisors from coming to a workplace to provide employees with investment advice if there is any reason to think that the advisor might benefit from recommending one investment over another. We must remember that ERISA was enacted to protect workers from abuses related to their benefits.

With H.R. 2269, we will allow investment sales folks onto the work premises under the guise of the employers' endorsement without protecting the workers significantly, or at least enough to make sure that they are in good hands when they have heard the advice.

Fortunately, we have an alternative to H.R. 2269, and that is the Andrews substitute. We do not need to wait for employees to be bilked by some scam artist to make H.R. 2269. We can pass the Andrews amendment and then we have a good bill.

The Andrews substitute starts with the same good idea of bringing investment advisors to the workplace, but the Andrews substitute includes strict standards to protect employees from receiving tainted advice. The Andrews substitute requires meaningful disclosure of the advisors' affiliations in a way that is easily understandable to all employees, and it allows employees to meet with an independent advisor if there is a conflict of interest.

The Andrews substitute keeps the good idea of making investment advice available to employees at the workplace, but it builds on the protections in current laws that employees need and must depend on. The Andrews substitute is a win-win for employees, and I urge my colleagues to support it as the correct and safe way to provide investment advice at the workplace.

Mr. FLETCHER. Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina (Mr. BALLENGER).

Mr. BALLENGER. Mr. Speaker, as an employer with employees who have 401(k) plans back home, I am pleased that the House is voting on a bill to ensure professional investment advice for rank-and-file workers and their individual needs.

I urge my colleagues to reject the Andrews-Rangel substitute which would, in fact, reduce the number of employers and financial advisors willing to offer their advice to employees. This is just the opposite of what the worker needs at a time when they are nervous about their retirement assets. It is just more government regulation.

The substitute is bad because it increases the cost for advisory services by requiring two fiduciary advisors as options. It undermines the current ERISA remedies, and erodes the pre-emption statute, and adds more Federal regulation in areas already regulated by Federal and State entities, areas in which the Department of Labor has no expertise. And it reverses the burden of proof in lawsuits against employers and financial advisors which surely will attract our friends, the trial lawyers. It will reduce the number of employers that are willing to have a 401(k) plan.

Mr. Speaker, it is important that my colleagues support the bipartisan Boehner bill endorsed by Labor, Com-

merce, Department of Treasury, along with the National Association of Manufacturers and the National Rural Electric Coop. These groups speak for a great many of the employers and employees in my district, and I support the Boehner bill as a much-needed update of the current law.

This bill gives protection and access to today's employees who seek investment advice to maximize their retirement savings. The primary focus of this act is to give participants advice solely in their best interest. The bill achieves this by including strict disclosure requirements, with sanctions, to inform plan participants about any potential fees or conflicts of interest in what average investors have today.

Most important, workers will have full control over their investment decisions. I urge the House to reject the substitute amendment and pass the Boehner bill today.

Mr. ANDREWS. Mr. Speaker, I reserve the balance of my time.

Mr. FLETCHER. Mr. Speaker, I yield such time as he may consume to the gentleman from Georgia (Mr. ISAKSON).

Mr. ISAKSON. Mr. Speaker, the intentions of the gentleman from New Jersey (Mr. ANDREWS) in the substitute are as noble as the intentions of the authors of the underlying bill, but I happen to favor the underlying bill for a couple of reasons that, hopefully, Members will listen closely to.

To be against the underlying bill and for the substitute, Members have to presume we cannot trust employees or IRA-SEP beneficiaries, independent contractors, to have information and then make a decision.

Secondly, and most importantly, Members need to understand that most Americans today, unlike 25 years ago, are going to need to depend on 401(k)s, IRA-SEPs or other self-directed plans for their retirement. I ran as a trustee of a 401(k) plan for my company for 22 years, offered an IRA-SEP plan for the 800 contractors we had.

I understand the firewall that prohibits the employer from giving any advice and the limited amount of advice that becomes accessible to either IRA-SEP or 401(k) beneficiaries.

It is wrong to presume that an employer would intentionally, willfully or wantfully allow bad advice to come to their employees. To the contrary, it is the security blanket which binds those people to the company. In this time when we are needing the best information possible, we should trust our employees to be able to allow access for their employees and independent contractors to credible, competent financial advice.

In the substitute, Members trust the Department of Labor to determine who can give the right advice. In the underlying bill, Members trust the employer, whose most valued asset is their employees, to be able to offer credible ad-

vice through advisors to their employees and independent contractors.

Mr. Speaker, I urge Members to adopt the underlying bill and reject the substitute.

Mr. FLETCHER. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Mr. Speaker, I rise in opposition to the motion to recommit of the gentleman from New Jersey (Mr. ANDREWS). I understand some of his concerns and share some of the gentleman's concerns, but I wanted to speak because overall this is a very strong bill. It is one that we need to pass.

I believe that some of the comments that have been made here in this debate have been inappropriate and indeed anticapitalist and antibusiness. To argue that workers should not get financial advice or to argue that businesses are somehow going to trick their employees or bring in charlatans is in many ways beyond the pale of debate here in Congress.

Quite frankly, some advice may be bad; but much of the advice out in the financial world is bad right now. Employees, at present, can go to the Internet and get all sorts of mail at home that has no anchor. No employer is completely infallible. No employer can bring in somebody who is going to give perfect advice that everybody is going to get rich from.

□ 1315

But I would say that most employers in America are not like Samuel Insull from the 1900s. Give me a break.

Most employers know that if they brought in somebody with a conflict of interest, that would be out there and informed at their plant immediately. If they had somebody who was a charlatan ripping off, you would have all sorts of contract negotiation problems, not to mention that if it is a smaller company that is not unionized, the people probably have their kids go to school in the same place, they eat in the same restaurants, they live in the same town. To imply that employers are somehow likely to want to rip off their employees or give them bad advice at a time when this would be a way to help them and improve their relations with their own workforce is absurd.

The problem is that our law is arcane. It has been out of date for a number of years. As more and more employees in America have flexibility, they need to have the same advice that the management is getting, that the business leaders are getting and we should not discriminate against employees.

Mr. ANDREWS. Mr. Speaker, I yield 2½ minutes to the gentleman from Tennessee (Mr. FORD).

Mr. FORD. Mr. Speaker, I am a little disappointed that we are actually in the midst of having this debate today

before actually completing work on an aviation security bill and before completing work on a stimulus package for people all across this great Nation. Hopefully, the encouraging news we have heard today about progress being made on that bill will not only give assurance or perhaps provide a vehicle for us to pass something before we leave here but provide the American people with some comfort as they prepare to travel on the busiest holiday of the year.

I rise today, Mr. Speaker, with a lot of disappointment about the package that has come before the House and with great concern. I rise to support the gentleman from New Jersey (Mr. ANDREWS), who has worked so tirelessly with Members on both sides of the aisle to find some sort of agreement acceptable, one that would balance the needs of advisors with investors. I might add that the Andrews substitute achieves the twin goals of investor education and choice far better than the base bill. The substitute offered by the gentleman from New Jersey presents the best opportunity, particularly in my eyes and I am sure many even on the other side, to achieve these goals.

First, the Andrews substitute would ensure that individuals were aware of all potential conflicts by requiring that the disclosure be contemporaneous with each occasion on which advice is rendered, something all of us should be for. Although most advisors would act professionally and be up front, as we would say, this provision would prevent an unscrupulous firm from burying one line of disclosure boiler plate in a 10-page document filled with legalese.

Second, the substitute would ensure that the advice is provided by qualified, licensed and regulated professionals. This provision would simply ensure that the advice is at least as good as they promised it to be. I have heard my friends on the other side talk about this, and why we do not guarantee this and mandate this is beyond me.

Finally, as the gentleman from New Jersey said so well in his opening statement, the substitute empowers consumers to make a choice should they determine that a potential conflict necessitates declining that advice, meaning, as the gentleman from New Jersey said, that the advisor would have to consent to providing the investor a different advisor if he or she so chose.

Any Member with misgivings about the scope of this bill should carefully consider the serious implications uncovered in a series of hearings held this past year. I would urge a "yes" vote on the substitute. I have not made my mind up on final passage, but I would certainly urge a "yes" vote on the Andrews substitute.

Mr. ANDREWS. Mr. Speaker, I yield myself such time as I may consume.

The arguments we have heard against the substitute that the gentleman from New York (Mr. RANGEL) and I have put forward essentially boil down to two arguments: one is that employers would get sued if the substitute were adopted; and the second is that investment advice would be too expensive for investment advice firms to give if the substitute were adopted. Each of these arguments is incorrect.

Liability protection provisions in this substitute are essentially identical for employers as those that are in the base bill. If an employer does not engage in any independent act of negligence or illegality, the employer is not liable under the substitute, as is the case in the base bill. In fact, the substitute adds provisions, adds protections to employers which do not exist under present law to provide a safe harbor for employers who hire investment advisors. So the argument that this somehow is going to unleash a flood of litigation against employers is reminiscent of the similar false point made under the patients' bill of rights debate and it is equally wrong.

The second argument that somehow or another the expense that is going to be imposed upon advisor firms is going to preclude them from giving advice is equally wrong. It is not very expensive to tell an employee that there is somewhere else he or she can go to get advice. It took me about 4 seconds to say it. It would not take much longer for the advisor to say it, either. It is not very expensive to say to an investor that before you put your money in this fund, you ought to know that I as your advisor make more money if you put the money in the fund than if you do not. It took me about 4 seconds to say it, and it would take about 4 seconds for the advisor to say it as well. The additional cost that would be imposed upon investment advice firms I am sure would be gladly borne by those firms in order to win the commissions which they rightfully earn by giving the advice in the first place.

Our substitute, I believe, covers the key grounds. It says that a conflicted advisor must give full, timely and understandable disclosure. It says that every person giving advice, not most people giving advice but every person giving advice must be duly qualified and accountable to lose his or her license if they breach their fiduciary duty.

It says that every person receiving advice from a conflicted advisor must know that there are other choices to whom the person can turn that are not conflicted. And it says that if a fiduciary duty is breached, if bad advice is given and a pensioner or worker suffers, there is somewhere to go to be made whole, not to get back most of what you lost or some of what you lost

but to get back all of what you lost if your advisor has broken the law.

Our substitute deserves the support of Members on both sides of the aisle. We respectfully ask its adoption.

Mr. Speaker, I yield back the balance of my time.

Mr. FLETCHER. Mr. Speaker, I yield myself such time as I may consume.

As we come to the close of this debate on the substitute, certainly we appreciate the work of the gentleman from New Jersey and the, I think, attempt to certainly make sure that we protect workers as they get advice on their investments.

As we have seen over the last number of years, and as I recall owning a business and providing retirement plans for my employees, there has been a substantial shift from what we call defined benefits to defined contributions, to the 401(k)s and 403(b)s and other such accounts. It becomes imperative with that shift that we allow advice to be made to the employees and that we do it in such a way where it is efficient, where it does not drive up the administrative cost, and where the employees can be assured that there is the appropriate accountability.

The gentleman from Ohio (Mr. BOEHNER), the chairman of this committee, has worked for over 6 years; and I think he has put together an excellent, balanced bill which meets those requirements. It certainly provides an ability for employers to continue to offer good retirement plans of the defined contribution sort. It also provides the ability for them to offer advice so that their employees can make the best investment and have the most money when they retire at the end of their work livelihood. It additionally provides for great accountability. There is a disclosure that must be made if there are conflicts of interest.

I think the difference we see between these two bills is the balance, of how much are we going to go toward trying to, what I would say build a box that is padded so no one gets themselves bruised. In a world where we have freedom here, people are going to make mistakes. That is part of what freedom is about. How much are we going to restrict that freedom in order to try to make sure that we protect individuals? There needs to be a balance that is struck, and I think the substitute goes too far. It does not allow the freedom that will encourage businesses to offer the kind of advice that is needed. It will restrict in the long run the ability, and there are differences in the liability sections, there are some very vague portions here where the liability not only to the fiduciary advisor but, as it says on page 33, or any other party with respect to whom a material affiliation or contractual relationship of the fiduciary advisor resulted in a violation of that section, certainly that

could include, in the vagueness of it, the employer and possibly any other person. So I think it does open up a substantial liability and some vagueness which makes that liability unpredictable. The bill we are looking at, the base bill, has strong accountability.

When you talk about getting advice from someone, I was even thinking that all the advice that we get in whatever purchases we make, and I go back to the individual who offers me advice on buying suits, a guy named Harlan Logan. He is in Lexington, Kentucky. I know every suit I buy from Harlan Logan, he is going to make money. He should make money. He should be able to make a good, honest living for doing what he says. But that does not keep him from giving me good advice on what he is saying to me, and that is clearly disclosed. In the bill we have here, that conflict of interest, as you call it, is disclosed. It is disclosed at request. It is mandated to be disclosed on an annual basis initially and if there are any significant changes.

I think the substitute bill here, the amendment, really impedes the ability of employers to do what the purpose of this bill intends to do and that is provide employees with good advice and to make sure that they have a good retirement plan.

I would encourage Members to vote against that bill.

Mr. Speaker, I yield the balance of my time to the gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. I thank the gentleman for yielding time.

Mr. Speaker, I want to thank the gentleman from Kentucky (Mr. FLETCHER) for his work on this bill and the gentleman from Texas (Mr. SAM JOHNSON) and all of the work that they have put into it over the last several years. I want to thank the gentleman from New Jersey (Mr. ANDREWS), who has worked closely with me as we have developed this bill. Obviously it does not have as many protections as he would like at this point in time. But as I have pledged to him over the years, we will continue to work through this process.

We have got a strong bipartisan bill. We have added new protections or at least have an agreement to add some additional protections based on a colloquy I had with the gentleman from North Dakota (Mr. POMEROY). But I think all of us know that the substitute that we have before us just goes way too far. While it is well meaning and well intended, expanding litigation in our country is not going to create an environment for employers or their advisors to want to give investment advice which I believe the substitute does. The extra regulatory burdens that are contained in the substitute will again discourage employers and their advisors from engaging in making sure that the American workers get

the kind of investment advice they need if they are going to increase their retirement security.

Why is this investment advice so sorely needed? Because we have got all kinds of problems out there, with people who are underinvested in their self-directed accounts, having their money in low-yield instruments for long periods of time when we know that over a course of 10, 20, 30 years, equities would provide a much greater return and much greater retirement security.

On the other end of the spectrum, we know that we have got employees who are overinvested in one sector or another and we have seen this happen, especially in the technology sector, when people were overinvested in that industry and what has happened to their self-directed accounts over the last 18 months to 2 years.

□ 1330

So we know investment advice is necessary.

We heard the gentleman from Kentucky (Mr. FLETCHER) talk about the advice that he got from his tailor. Let us say that an employee today outside of his employment with his own savings, his or her own money, if they want to go to a broker, a mutual fund, and they ask for advice, guess what? They get all kinds of advice. Why? Because outside of ERISA, outside of an employer-provided plan, there is plenty of advice.

What we are trying to do here is make sure that those same employees within the employer plan have the same kind of access to that advice that they have outside of the employer's plan.

So, Mr. Speaker, I would ask my colleagues to vote no on the Andrews-Rangel substitute and to support final passage.

Mr. FLETCHER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to House Resolution 288, the previous question is ordered on the bill, as amended, and on the amendment offered by the gentleman from New Jersey (Mr. ANDREWS).

Pursuant to the previous order of the House, further consideration of the bill is postponed.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed with amendments a bill of the House of the following title:

H.R. 2540. An act to amend title 38, United States Code, to make various improvements to veterans benefits programs under laws administered by the Secretary of Veterans Affairs, and for other purposes.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 162

Mr. BONILLA (during debate on H.R. 2269). Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 162.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 1 o'clock and 30 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1439

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. LAHOOD) at 2 o'clock and 39 minutes p.m.

RETIREMENT SECURITY ADVICE ACT OF 2001

The SPEAKER pro tempore. Pursuant to the previous order of the House, proceedings will now resume on the bill, H.R. 2269.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the amendment in the nature of a substitute offered by the gentleman from New Jersey (Mr. ANDREWS).

The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

Mr. ANDREWS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 180, nays 243, not voting 9, as follows:

[Roll No. 441]

YEAS—180

Abercrombie	Barrett	Borski
Ackerman	Berkley	Boswell
Allen	Berman	Boucher
Andrews	Berry	Brady (PA)
Baca	Bishop	Brown (FL)
Baldacci	Blagojevich	Brown (OH)
Baldwin	Blumenauer	Capps
Barcia	Bonior	Capuano

Carson (IN)	Jones (OH)	Pallone	Kingston	Petri	Smith (NJ)	Bilirakis	Hastings (WA)	Platts
Carson (OK)	Kanjorski	Pascarell	Kirk	Phelps	Smith (TX)	Blumenauer	Hayes	Pombo
Clay	Kaptur	Pastor	Knollenberg	Pickering	Smith (WA)	Blunt	Hayworth	Pomeroy
Clayton	Kennedy (RI)	Payne	Kolbe	Pitts	Snyder	Boehlert	Hefley	Portman
Clyburn	Kildee	Pelosi	LaHood	Platts	Souder	Boehner	Herger	Pryce (OH)
Condit	Kilpatrick	Peterson (MN)	Larsen (WA)	Pombo	Stearns	Bonilla	Hill	Putnam
Conyers	Kind (WI)	Price (NC)	Larson (CT)	Pomeroy	Stenholm	Bono	Hilleary	Quinn
Costello	Klecicka	Rahall	Latham	Portman	Stump	Boswell	Hinojosa	Radanovich
Coyne	Kucinich	Rangel	LaTourette	Pryce (OH)	Sununu	Boyd	Hobson	Ramstad
Crowley	LaFalce	Reyes	Leach	Putnam	Sweeney	Brady (TX)	Hoekstra	Regula
Cummings	Lampson	Rivers	Lewis (CA)	Quinn	Tancred	Brown (SC)	Holt	Rehberg
Davis (IL)	Langevin	Rodriguez	Lewis (KY)	Radanovich	Tanner	Bryant	Hooley	Reyes
DeFazio	Lantos	Roemer	Linder	Ramstad	Tauzin	Burr	Horn	Reynolds
DeGette	Lee	Ross	LoBiondo	Regula	Taylor (MS)	Burton	Hostettler	Riley
Delahunt	Levin	Rothman	Lucas (KY)	Rehberg	Taylor (NC)	Buyer	Houghton	Roemer
DeLauro	Lewis (GA)	Roybal-Allard	Lucas (OK)	Reynolds	Terry	Callahan	Hulshof	Rogers (KY)
Deutsch	Lipinski	Rush	Manzullo	Riley	Thomas	Calvert	Hunter	Rogers (MI)
Dicks	Lofgren	Matheson	Matheson	Rogers (KY)	Thompson (CA)	Camp	Hyde	Rohrabacher
Dingell	Lowey	McCrery	Sabo	Rogers (MI)	Thornberry	Cannon	Inslee	Ros-Lehtinen
Doggett	Luther	McHugh	Sanchez	Rohrabacher	Thune	Cantor	Isakson	Roukema
Doyle	Lynch	McInnis	Sanders	Ros-Lehtinen	Tiahrt	Capito	Israel	Royce
Edwards	Maloney (CT)	McKeon	Sandlin	Roukema	Tiberi	Carson (OK)	Issa	Ryan (WI)
Engel	Maloney (NY)	Mica	Sawyer	Royce	Toomey	Castle	Istook	Ryun (KS)
Eshoo	Markey	Miller, Dan	Schakowsky	Ryan (WI)	Traficant	Chabot	Jenkins	Sabo
Etheridge	Mascara	Miller, Gary	Schiff	Ryun (KS)	Upton	Chambliss	John	Sanchez
Evans	Matsui	Miller, Jeff	Mascara	Saxton	Vitter	Clement	Johnson (CT)	Sandlin
Farr	McCarthy (MO)	Moran (KS)	Scott	Schaffer	Walden	Coble	Johnson (IL)	Saxton
Fattah	McCarthy (NY)	Morella	Serrano	Schrock	Walsh	Collins	Johnson, Sam	Schaffer
Filner	McCollum	Myrick	Sherman	Sensenbrenner	Wamp	Combust	Jones (NC)	Schiff
Ford	McDermott	Nethercutt	Shows	Sessions	Watkins (OK)	Condit	Kelly	Schrock
Frank	McGovern	Ney	Slaughter	Shadegg	Watts (OK)	Cooksey	Kennedy (MN)	Sensenbrenner
Frost	McIntyre	Spratt	Solis	Shaw	Weldon (FL)	Cox	Kerns	Sessions
Gephardt	McKinney	Stark	Spratt	Shays	Weldon (PA)	Cramer	Kind (WI)	Shadegg
Gonzalez	McNulty	Strickland	Stark	Sherwood	Weller	Crane	King (NY)	Shaw
Green (TX)	Meehan	Stupak	Nussle	Shimkus	Whitfield	Crenshaw	Kingston	Shays
Gutierrez	Meek (FL)	Tauscher	Osborne	Shuster	Wicker	Crowley	Kirk	Sherman
Harman	Menendez	Thompson (MS)	Ose	Simmons	Wilson	Culberson	Knollenberg	Sherwood
Hilliard	Miller, George	Thurman	Otter	Simpson	Wolf	Cunningham	Kolbe	Shimkus
Hinche	McDonald	Tierney	Oxley	Skeen	Wu	Davis (CA)	LaHood	Shuster
Hinojosa	Mink	Towns	Paul	Skelton	Young (AK)	Davis (FL)	Larsen (WA)	Simmons
Hoefel	Mollohan	Turner	Pence	Smith (MI)	Young (FL)	Davis, Jo Ann	Larson (CT)	Simpson
Holden	Moore	Udall (CO)	Peterson (PA)			Davis, Tom	Latham	Skeen
Holt	Moran (VA)	Udall (NM)				Deal	LaTourette	Skelton
Honda	Murtha	Velázquez	Barton	Ganske	Keller	DeLay	Leach	Smith (MI)
Hooley	Nadler	Visclosky	Becerra	Hall (OH)	Largent	DeMint	Lewis (CA)	Smith (NJ)
Hoyer	Napolitano	Waters	Cubin	Hastings (FL)	Meeks (NY)	Diaz-Balart	Lewis (KY)	Smith (TX)
Inslee	Neal	Watson (CA)				Dicks	Linder	Smith (WA)
Israel	Oberstar	Watt (NC)				Dooley	LoBiondo	Snyder
Jackson (IL)	Obey	Waxman				Doolittle	Lucas (KY)	Souder
Jackson-Lee	Oliver	Weiner				Dreier	Lucas (OK)	Souder
(TX)	Ortiz	Wexler				Duncan	Maloney (CT)	Stearns
Jefferson	Owens	Woolsey				Dunn	Maloney (NY)	Stenholm
Johnson, E. B.		Wynn				Ehlers	Manzullo	Stump
						Ehrlich	Matheson	Sununu
						Emerson	Matsui	Sweeney
						English	McCarthy (MO)	Tancred
						Everett	McCarthy (NY)	Tanner
						Ferguson	McCrery	Tauscher
						Flake	McHugh	Tauzin
						Fletcher	McInnis	Taylor (MS)
						Foley	McIntyre	Taylor (NC)
						Forbes	McKeon	Terry
						Ford	Mica	Thomas
						Fossella	Miller, Dan	Thompson (CA)
						Frelinghuysen	Miller, Gary	Thornberry
						Frost	Miller, Jeff	Thune
						Gallegly	Moore	Tiahrt
						Ganske	Moran (KS)	Tiberi
						Gekas	Moran (VA)	Toomey
						Gibbons	Morella	Traficant
						Gilchrest	Myrick	Turner
						Gillmor	Neal	Upton
						Gilman	Nethercutt	Vitter
						Gonzalez	Ney	Walden
						Goode	Northup	Walsh
						Goodlatte	Norwood	Wamp
						Gordon	Nussle	Watkins (OK)
						Goss	Ortiz	Watts (OK)
						Graham	Osborne	Weldon (FL)
						Granger	Ose	Weldon (PA)
						Graves	Otter	Weller
						Green (WI)	Oxley	Whitfield
						Greenwood	Paul	Wicker
						Grucci	Pence	Wilson
						Gutknecht	Peterson (MN)	Wolf
						Hall (TX)	Peterson (PA)	Wu
						Hansen	Petri	Young (AK)
						Harman	Pickering	Young (FL)
						Hart	Pitts	

NOT VOTING—9

□ 1501

Mr. NEY changed his vote from “yea” to “nay.”

Mr. DICKS and Ms. MCKINNEY changed their vote from “nay” to “yea.”

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. BOEHNER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This vote will be followed by three 5-minute votes.

The vote was taken by electronic device, and there were—ayes 280, noes 144, not voting 8, as follows:

[Roll No. 442]

AYES—280

NOES—144

Aderholt	Baker	Bass	Abercrombie	Baca	Berkley
Akin	Ballenger	Bentsen	Ackerman	Baldacci	Berman
Armey	Barcia	Bereuter	Allen	Baldwin	Bishop
Bachus	Barr	Berry	Andrews	Barrett	Blagojevich
Baird	Bartlett	Biggart			

Bonior	Jackson-Lee	Owens
Borski	(TX)	Pallone
Boucher	Jefferson	Pascarell
Brady (PA)	Johnson, E. B.	Pastor
Brown (FL)	Jones (OH)	Payne
Brown (OH)	Kanjorski	Pelosi
Capps	Kaptur	Phelps
Capuano	Kennedy (RI)	Price (NC)
Cardin	Kildee	Rahall
Carson (IN)	Kilpatrick	Rangel
Clay	Klecza	Rivers
Clayton	Kucinich	Rodriguez
Clyburn	LaFalce	Ross
Conyers	Lampson	Rothman
Costello	Langevin	Roybal-Allard
Coyne	Lantos	Rush
Cummings	Lee	Sanders
Davis (IL)	Levin	Sawyer
DeFazio	Lewis (GA)	Schakowsky
DeGette	Lipinski	Scott
Delahunt	Lofgren	Serrano
DeLauro	Lowe	Shows
Deutsch	Luther	Slaughter
Dingell	Lynch	Solis
Doggett	Markey	Spratt
Doyle	Mascara	Stark
Edwards	McCollum	Strickland
Engel	McDermott	Stupak
Eshoo	McGovern	Thompson (MS)
Etheridge	McKinney	Thurman
Evans	McNulty	Tierney
Farr	Meehan	Towns
Fattah	Meek (FL)	Udall (CO)
Filner	Menendez	Udall (NM)
Frank	Millender-	Velázquez
Gephardt	McDonald	Visclosky
Green (TX)	Miller, George	Waters
Gutierrez	Mink	Watson (CA)
Hilliard	Mollohan	Watt (NC)
Hinche	Murtha	Waxman
Hoefel	Nadler	Weiner
Holden	Napolitano	Wexler
Honda	Oberstar	Woolsey
Hoyer	Obey	Wynn
Jackson (IL)	Oliver	

NOT VOTING—8

Hall (OH)	Largent
Hastings (FL)	Meeks (NY)
Keller	

□ 1518

Mr. LYNCH changed his vote from "aye" to "no."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to clause 8 of rule XX, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed on Tuesday, November 13, 2001, in the order in which that motion was entertained.

Votes will be taken in the following order:

House Concurrent Resolution 228, by the yeas and nays;

H.R. 2887, by the yeas and nays;

House Concurrent Resolution 239, by the yeas and nays.

PUT OUR CHILDREN FIRST
RESOLUTION OF 2001

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 228, as amended.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. HERGER) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 228, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 418, nays 0, not voting 14, as follows:

[Roll No. 443]

YEAS—418

Abercrombie	Crenshaw	Hastings (WA)
Ackerman	Crowley	Hayes
Aderholt	Culberson	Hayworth
Akin	Cummings	Hefley
Allen	Cunningham	Herger
Andrews	Davis (CA)	Hill
Arney	Davis (FL)	Hilleary
Baca	Davis (IL)	Hilliard
Bachus	Davis, Jo Ann	Hinche
Baird	Davis, Tom	Hinojosa
Baker	Deal	Hobson
Baldacci	DeFazio	Hoefel
Baldwin	DeGette	Hoekstra
Ballenger	Delahunt	Holden
Barcia	DeLauro	Holt
Barr	DeLay	Honda
Barrett	DeMint	Hooley
Bartlett	Deutsch	Horn
Bass	Diaz-Balart	Hostettler
Bentsen	Dicks	Houghton
Bereuter	Dingell	Hoyer
Berkley	Doggett	Hulshof
Berman	Dooley	Hunter
Berry	Doolittle	Hyde
Biggert	Doyle	Inslee
Bilirakis	Dreier	Isakson
Bishop	Duncan	Israel
Blagojevich	Dunn	Issa
Blumenauer	Edwards	Istook
Blunt	Ehlers	Jackson (IL)
Boehrlert	Ehrlich	Jackson-Lee
Boehner	Emerson	(TX)
Bonilla	Engel	Jefferson
Bonior	English	Jenkins
Bono	Eshoo	John
Borski	Etheridge	Johnson (CT)
Boswell	Evans	Johnson (IL)
Boucher	Everett	Johnson, E. B.
Boyd	Farr	Johnson, Sam
Brady (PA)	Fattah	Jones (NC)
Brady (TX)	Ferguson	Jones (OH)
Brown (FL)	Filner	Kanjorski
Brown (OH)	Flake	Kaptur
Brown (SC)	Fletcher	Kelly
Bryant	Foley	Kennedy (MN)
Burr	Forbes	Kennedy (RI)
Burton	Fossella	Kerns
Buyer	Frank	Kildee
Callahan	Frelinghuysen	Kilpatrick
Calvert	Frost	Kind (WI)
Camp	Gallegly	King (NY)
Cannon	Ganske	Kingston
Cantor	Gekas	Klecza
Capito	Gephardt	Knollenberg
Capps	Gibbons	Kolbe
Capuano	Gilchrest	Kucinich
Cardin	Gillmor	LaFalce
Carson (IN)	Gilman	LaHood
Carson (OK)	Gonzalez	Lampson
Castle	Goode	Langevin
Chabot	Goodlatte	Lantos
Chambliss	Gordon	Larsen (WA)
Clay	Goss	Larson (CT)
Clayton	Graham	Latham
Clement	Granger	LaTourette
Clyburn	Graves	Leach
Coble	Green (TX)	Lee
Collins	Green (WI)	Levin
Combest	Greenwood	Lewis (CA)
Condit	Grucci	Lewis (GA)
Conyers	Gutierrez	Lewis (KY)
Cooksey	Gutknecht	Linder
Costello	Hall (TX)	Lipinski
Coyne	Hansen	LoBiondo
Cramer	Harman	Lofgren
Crane	Hart	Lowey

Lucas (KY)	Peterson (MN)	Smith (NJ)
Lucas (OK)	Peterson (PA)	Smith (TX)
Luther	Petri	Smith (WA)
Lynch	Phelps	Snyder
Maloney (CT)	Pickering	Solis
Maloney (NY)	Pitts	Souder
Manzullo	Platts	Spratt
Markey	Pombo	Stark
Mascara	Pomeroy	Stearns
Matheson	Portman	Stenholm
Matsui	Price (NC)	Strickland
McCarthy (MO)	Pryce (OH)	Stump
McCarthy (NY)	Putnam	Stupak
McCollum	Quinn	Sununu
McDermott	Radanovich	Sweeney
McGovern	Rahall	Tancred
McHugh	Ramstad	Tanner
McInnis	Rangel	Tauscher
McIntyre	Regula	Tauzin
McKeon	Rehberg	Taylor (MS)
McKinney	Reyes	Taylor (NC)
McNulty	Reynolds	Terry
Meehan	Riley	Thomas
Meek (FL)	Rivers	Thompson (CA)
Menendez	Rodriguez	Thompson (MS)
Mica	Roemer	Thornberry
Millender-	Rogers (KY)	Thune
McDonald	Rogers (MI)	Thurman
Miller, Dan	Rohrabacher	Tiaht
Miller, Gary	Ros-Lehtinen	Tiberi
Miller, George	Ross	Tierney
Miller, Jeff	Rothman	Toomey
Mink	Roukema	Towns
Mollohan	Roybal-Allard	Traficant
Moore	Rush	Turner
Moran (KS)	Ryan (WI)	Udall (CO)
Moran (VA)	Ryun (KS)	Udall (NM)
Morella	Sabo	Upton
Murtha	Sanchez	Velázquez
Myrick	Sanders	Visclosky
Nadler	Sandlin	Vitter
Napolitano	Sawyer	Walden
Neal	Saxton	Walsh
Nethercutt	Schaffer	Wamp
Ney	Schakowsky	Waters
Northup	Schiff	Watkins (OK)
Norwood	Schrock	Watson (CA)
Nussle	Scott	Watt (NC)
Oberstar	Sensenbrenner	Watts (OK)
Obey	Serrano	Waxman
Oliver	Sessions	Weiner
Ortiz	Shadegg	Weldon (FL)
Osborne	Shaw	Weldon (PA)
Ose	Shays	Weller
Otter	Sherman	Wexler
Owens	Sherwood	Whitfield
Oxley	Shimkus	Wicker
Pallone	Shows	Wilson
Pascarell	Shuster	Wolf
Pastor	Simpson	Woolsey
Paul	Skeen	Wu
Payne	Skelton	Wynn
Pelosi	Slaughter	Young (AK)
Pence	Smith (MI)	Young (FL)

NOT VOTING—14

Barton	Hall (OH)	McCrery
Becerra	Hastings (FL)	Meeks (NY)
Cox	Keller	Royce
Cubin	Kirk	Simmons
Ford	Largent	

□ 1526

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

The title was amended so as to read: "Concurrent resolution expressing the sense of the Congress that the children who lost 1 or both parents or a guardian in the September 11, 2001, World Trade Center and Pentagon tragedies (including the aircraft crash in Somerset County, Pennsylvania) should be provided with all necessary assistance, services, and benefits and urging Federal, State or local agencies responsible for providing such assistance,

services and benefits to move expeditiously in providing such assistance, services and benefits to those children.”.

A motion to reconsider was laid on the table.

BEST PHARMACEUTICALS FOR CHILDREN ACT

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 2887, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Louisiana (Mr. TAUZIN) that the House suspend the rules and pass the bill, H.R. 2887, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 338, nays 86, not voting 8, as follows:

[Roll No. 444]

YEAS—338

Ackerman	Crane	Gutierrez
Aderholt	Crenshaw	Hall (TX)
Akin	Culberson	Hansen
Armey	Cunningham	Harman
Baca	Davis (CA)	Hart
Bachus	Davis (FL)	Hastings (WA)
Baker	Davis, Jo Ann	Hayes
Ballenger	Davis, Tom	Hayworth
Barr	Deal	Hefley
Bartlett	DeGette	Herger
Bass	Delahunt	Hill
Bentsen	DeLauro	Hilleary
Bereuter	DeLay	Hinchey
Berkley	DeMint	Hinojosa
Biggert	Diaz-Balart	Hobson
Billirakis	Dicks	Hoeffel
Bishop	Dooley	Hoekstra
Blunt	Doolittle	Holden
Boehlert	Dreier	Holt
Boehner	Duncan	Honda
Bonilla	Dunn	Hooley
Bono	Edwards	Horn
Borski	Ehlers	Hostettler
Boswell	Ehrlich	Houghton
Boucher	Engel	Hoyer
Boyd	English	Hulshof
Brady (PA)	Eshoo	Hunter
Brady (TX)	Etheridge	Hyde
Brown (FL)	Everett	Isakson
Brown (SC)	Farr	Israel
Bryant	Fattah	Issa
Burr	Ferguson	Istook
Burton	Flake	Jackson-Lee
Buyer	Fletcher	(TX)
Callahan	Foley	Jefferson
Calvert	Forbes	Jenkins
Camp	Ford	John
Cannon	Fossella	Johnson (CT)
Cantor	Frelinghuysen	Johnson (IL)
Capito	Frost	Johnson, E. B.
Capps	Gallegly	Johnson, Sam
Capuano	Ganske	Jones (NC)
Cardin	Gekas	Kanjorski
Carson (IN)	Gephardt	Kelly
Carson (OK)	Gibbons	Kennedy (MN)
Castle	Gilchrest	Kerns
Chabot	Gillmor	King (NY)
Chambliss	Gilman	Kingston
Clayton	Gonzalez	Kirk
Clement	Goode	Kleczka
Clyburn	Goodlatte	Knollenberg
Coble	Gordon	Kolbe
Collins	Goss	LaFalce
Combest	Graham	LaHood
Condit	Granger	Lantos
Cooksey	Graves	Larsen (WA)
Costello	Green (WI)	Larsen (CT)
Cox	Greenwood	Latham
Cramer	Grucci	LaTourette

Leach	Pence	Skelton
Lewis (CA)	Peterson (MN)	Slaughter
Lewis (KY)	Peterson (PA)	Smith (MI)
Linder	Petri	Smith (NJ)
Lipinski	Phelps	Smith (TX)
LoBiondo	Pickering	Smith (WA)
Lofgren	Pitts	Souder
Lowey	Platts	Stearns
Lucas (KY)	Pombo	Stenholm
Lucas (OK)	Portman	Strickland
Luther	Price (NC)	Stump
Lynch	Pryce (OH)	Sununu
Maloney (CT)	Putnam	Sweeney
Maloney (NY)	Quinn	Tancredo
Manzullo	Radanovich	Tanner
Mascara	Rahall	Tauscher
Matheson	Ramstad	Tauzin
Matsui	Regula	Taylor (MS)
McCarthy (NY)	Rehberg	Taylor (NC)
McCollum	Reynolds	Terry
McCrery	Riley	Thomas
McGovern	Rivers	Thompson (CA)
McHugh	Rodriguez	Thornberry
McInnis	Roemer	Thune
McIntyre	Rogers (KY)	Tiahrt
McKeon	Rogers (MI)	Tiberi
McNulty	Rohrabacher	Toomey
Meehan	Ros-Lehtinen	Towns
Meek (FL)	Ross	Trafigant
Menendez	Rothman	Turner
Mica	Roukema	Udall (CO)
Miller, Dan	Royce	Udall (NM)
Miller, Gary	Rush	Upton
Miller, George	Ryan (WI)	Velazquez
Miller, Jeff	Ryun (KS)	Visclosky
Moore	Sanchez	Vitter
Moran (KS)	Saxton	Walden
Moran (VA)	Schaffer	Walsh
Morella	Schiff	Wamp
Myrick	Schrock	Watkins (OK)
Nadler	Scott	Watt (NC)
Napolitano	Sensenbrenner	Watts (OK)
Neal	Sessions	Weiner
Nethercutt	Shadegg	Weldon (FL)
Ney	Shaw	Weldon (PA)
Northup	Shays	Weller
Norwood	Sherman	Wexler
Nussle	Sherwood	Whitfield
Osborne	Shinkus	Wicker
Ose	Shows	Wilson
Otter	Shuster	Wolf
Oxley	Simmons	Wynn
Pascarell	Simpson	Young (AK)
Pelosi	Skeen	Young (FL)

NAYS—86

Abercrombie	Green (TX)	Ortiz
Allen	Gutknecht	Owens
Andrews	Hilliard	Pallone
Baird	Inslee	Pastor
Baldacci	Jackson (IL)	Paul
Baldwin	Jones (OH)	Payne
Barcia	Kaptur	Pomeroy
Barrett	Kennedy (RI)	Rangel
Berman	Kildee	Reyes
Berry	Kilpatrick	Roybal-Allard
Blagojevich	Kind (WI)	Sabo
Blumenauer	Kucinich	Sanders
Bonior	Lampson	Sandlin
Brown (OH)	Langevin	Sawyer
Clay	Lee	Schakowsky
Conyers	Levin	Serrano
Coyne	Lewis (GA)	Snyder
Crowley	Markey	Solis
Cummings	McCarthy (MO)	Spratt
Davis (IL)	McDermott	Stark
DeFazio	McKinney	Stupak
Deutsch	Millender	Thompson (MS)
Dingell	Donald	Thurman
Doggett	Mink	Tierney
Doyle	Mollohan	Waters
Emerson	Murtha	Watson (CA)
Evans	Oberstar	Waxman
Filner	Obey	Woolsey
Frank	Oliver	Wu

NOT VOTING—8

Barton	Hall (OH)	Largent
Becerra	Hastings (FL)	Meeks (NY)
Cubin	Keller	

□ 1535

Mr. BERMAN and Mr. CROWLEY changed their vote from “yea” to “nay.”

Mr. GUTIERREZ changed his vote from “nay” to “yea.”

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SENSE OF CONGRESS THAT SCHOOLS SHOULD SET ASIDE TIME TO ALLOW CHILDREN TO PRAY FOR, OR QUIETLY REFLECT ON BEHALF OF THE NATION DURING THIS TIME OF STRUGGLE

The SPEAKER pro tempore (Mrs. BIGGERT). The unfinished business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 239.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. ISAKSON) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 239, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 297, nays 125, answered “present” 1, not voting 9, as follows:

[Roll No. 445]

YEAS—297

Aderholt	Clyburn	Gekas
Akin	Coble	Gephardt
Armey	Collins	Gibbons
Baca	Combest	Gilchrest
Bachus	Condit	Gillmor
Baker	Cooksey	Gilman
Baldacci	Costello	Goode
Ballenger	Cox	Goodlatte
Barcia	Cramer	Gordon
Barr	Crane	Goss
Bartlett	Crenshaw	Graham
Bass	Culberson	Granger
Bentsen	Cunningham	Graves
Bereuter	Davis (FL)	Green (TX)
Berry	Davis, Jo Ann	Green (WI)
Biggert	Davis, Tom	Greenwood
Billirakis	Deal	Grucci
Bishop	DeFazio	Gutknecht
Blunt	DeLay	Hall (TX)
Boehlert	DeMint	Hansen
Boehner	Diaz-Balart	Hart
Bonilla	Doolittle	Hastings (WA)
Bono	Doyle	Hayes
Boswell	Dreier	Hayworth
Boucher	Duncan	Hefley
Boyd	Dunn	Herger
Brady (TX)	Ehlers	Hill
Brown (SC)	Ehrlich	Hilleary
Bryant	Emerson	Hilliard
Burr	English	Hinojosa
Burton	Eshoo	Hobson
Buyer	Etheridge	Hoekstra
Callahan	Everett	Holden
Calvert	Ferguson	Hooley
Camp	Flake	Hostettler
Cannon	Fletcher	Houghton
Cantor	Foley	Hulshof
Capito	Forbes	Hunter
Capps	Ford	Hyde
Carson (OK)	Fossella	Isakson
Castle	Frelinghuysen	Israel
Chabot	Frost	Issa
Chambliss	Gallegly	Istook
Clement	Ganske	Jefferson

Jenkins	Murtha	Sherwood
John	Myrick	Shimkus
Johnson (CT)	Nethercutt	Shows
Johnson (IL)	Ney	Shuster
Johnson, Sam	Northup	Simmons
Jones (NC)	Norwood	Simpson
Kanjorski	Nussle	Skeen
Kelly	Ortiz	Skelton
Kennedy (MN)	Osborne	Smith (MI)
Kerns	Ose	Smith (NJ)
Kildee	Otter	Smith (TX)
King (NY)	Oxley	Snyder
Kingston	Pence	Souder
Knollenberg	Peterson (MN)	Spratt
Kolbe	Peterson (PA)	Stearns
LaFalce	Petri	Stenholm
LaHood	Phelps	Strickland
Lampson	Pickering	Stump
Langevin	Pitts	Stupak
Larsen (WA)	Platts	Sununu
Latham	Pombo	Sweeney
LaTourette	Pomeroy	Tancredo
Leach	Portman	Tanner
Lewis (CA)	Price (NC)	Tauzin
Lewis (KY)	Pryce (OH)	Taylor (MS)
Linder	Putnam	Taylor (NC)
Lipinski	Quinn	Terry
LoBiondo	Radanovich	Thomas
Lucas (KY)	Rahall	Thompson (MS)
Lucas (OK)	Ramstad	Thornberry
Luther	Regula	Thune
Lynch	Rehberg	Tiahrt
Maloney (CT)	Reyes	Tiberi
Maloney (NY)	Reynolds	Toomey
Manzullo	Riley	Townes
Mascara	Roemer	Trafficant
Matheson	Rogers (KY)	Turner
McCarthy (NY)	Rogers (MI)	Upton
McCrery	Rohrabacher	Visclosky
McHugh	Ros-Lehtinen	Vitter
McInnis	Ross	Walden
McIntyre	Roukema	Walsh
McKeon	Royce	Wamp
McKinney	Rush	Watkins (OK)
McNulty	Ryan (WI)	Watts (OK)
Meek (FL)	Ryun (KS)	Weldon (FL)
Mica	Sandlin	Weldon (PA)
Miller, Dan	Saxton	Weller
Miller, Gary	Schaffer	Whitfield
Miller, Jeff	Schrock	Wicker
Mollohan	Sensenbrenner	Wilson
Moore	Sessions	Wolf
Moran (KS)	Shadegg	Wu
Moran (VA)	Shaw	Young (AK)
Morella	Shays	Young (FL)

NAYS—125

Abercrombie	Farr	McGovern
Ackerman	Fattah	Meehan
Allen	Filner	Menendez
Andrews	Frank	Millender
Baird	Gonzalez	McDonald
Baldwin	Gutierrez	Miller, George
Barrett	Harman	Mink
Berkley	Hinchey	Nadler
Berman	Hoeffel	Napolitano
Blagojevich	Holt	Neal
Blumenauer	Honda	Oberstar
Bonior	Horn	Olver
Borski	Hoyer	Owens
Brady (PA)	Inslee	Pallone
Brown (FL)	Jackson (IL)	Pascarell
Brown (OH)	Jackson-Lee	Pastor
Capuano	(TX)	Paul
Cardin	Johnson, E. B.	Payne
Carson (IN)	Jones (OH)	Pelosi
Clay	Kaptur	Rangel
Clayton	Kennedy (RI)	Rivers
Conyers	Kilpatrick	Rodriguez
Coyne	Kind (WI)	Rothman
Crowley	Kirk	Roybal-Allard
Cummings	Klecza	Sabo
Davis (CA)	Kucinich	Sanchez
Davis (IL)	Lantos	Sanders
DeGette	Larson (CT)	Sawyer
Delahunt	Lee	Schakowsky
DeLauro	Levin	Schiff
Deutsch	Lewis (GA)	Scott
Dicks	Lofgren	Serrano
Dingell	Lowe	Sherman
Doggett	Markey	Slaughter
Dooley	Matsui	Smith (WA)
Edwards	McCarthy (MO)	Solis
Engel	McCollum	Stark
Evans	McDermott	Tauscher

Thompson (CA)	Waters	Wexler
Tierney	Watson (CA)	Woolsey
Udall (CO)	Watt (NC)	Wynn
Udall (NM)	Waxman	
Velázquez	Weiner	

ANSWERED "PRESENT"—1

Thurman

NOT VOTING—9

Barton	Hall (OH)	Largent
Becerra	Hastings (FL)	Meeks (NY)
Cubin	Keller	Obey

□ 1546

Mr. LUTHER changed his vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2330) "An Act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for fiscal year ending September 30, 2002, and for other purposes."

The message also announced that the Senate agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2500) "An Act making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes."

SUDAN PEACE ACT

Mr. SMITH of New Jersey. Madam Speaker, I ask unanimous consent that the Committee on International Relations be discharged from further consideration of the Senate bill (S. 180) to facilitate famine relief efforts and a comprehensive solution to the war in Sudan, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore (Mrs. BIGGERT). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 180

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Sudan Peace Act".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The Government of Sudan has intensified its prosecution of the war against areas outside of its control, which has already cost more than 2,000,000 lives and has displaced more than 4,000,000.

(2) A viable, comprehensive, and internationally sponsored peace process, protected from manipulation, presents the best chance for a permanent resolution of the war, protection of human rights, and a self-sustaining Sudan.

(3) Continued strengthening and reform of humanitarian relief operations in Sudan is an essential element in the effort to bring an end to the war.

(4) Continued leadership by the United States is critical.

(5) Regardless of the future political status of the areas of Sudan outside of the control of the Government of Sudan, the absence of credible civil authority and institutions is a major impediment to achieving self-sustenance by the Sudanese people and to meaningful progress toward a viable peace process.

(6) Through manipulation of traditional rivalries among peoples in areas outside their full control, the Government of Sudan has effectively used divide and conquer techniques to subjugate their population, and internationally sponsored reconciliation efforts have played a critical role in reducing the tactic's effectiveness and human suffering.

(7) The Government of Sudan is utilizing and organizing militias, Popular Defense Forces, and other irregular units for raiding and slaving parties in areas outside of the control of the Government of Sudan in an effort to severely disrupt the ability of those populations to sustain themselves. The tactic is in addition to the overt use of bans on air transport relief flights in prosecuting the war through selective starvation and to minimize the Government of Sudan's accountability internationally.

(8) The Government of Sudan has repeatedly stated that it intends to use the expected proceeds from future oil sales to increase the tempo and lethality of the war against the areas outside its control.

(9) Through its power to veto plans for air transport flights under the United Nations relief operation, Operation Lifeline Sudan (OLS), the Government of Sudan has been able to manipulate the receipt of food aid by the Sudanese people from the United States and other donor countries as a devastating weapon of war in the ongoing effort by the Government of Sudan to subdue areas of Sudan outside of the Government's control.

(10) The efforts of the United States and other donors in delivering relief and assistance through means outside OLS have played a critical role in addressing the deficiencies in OLS and offset the Government of Sudan's manipulation of food donations to advantage in the civil war in Sudan.

(11) While the immediate needs of selected areas in Sudan facing starvation have been addressed in the near term, the population in areas of Sudan outside of the control of the Government of Sudan are still in danger of extreme disruption of their ability to sustain themselves.

(12) The Nuba Mountains and many areas in Bahr al Ghazal, Upper Nile, and Blue Nile regions have been excluded completely from relief distribution by OLS, consequently

placing their populations at increased risk of famine.

(13) At a cost which has sometimes exceeded \$1,000,000 per day, and with a primary focus on providing only for the immediate food needs of the recipients, the current international relief operations are neither sustainable nor desirable in the long term.

(14) The ability of populations to defend themselves against attack in areas outside the Government of Sudan's control has been severely compromised by the disengagement of the front-line sponsor states, fostering the belief within officials of the Government of Sudan that success on the battlefield can be achieved.

(15) The United States should use all means of pressure available to facilitate a comprehensive solution to the war in Sudan, including—

(A) the multilateralization of economic and diplomatic tools to compel the Government of Sudan to enter into a good faith peace process;

(B) the support or creation of viable democratic civil authority and institutions in areas of Sudan outside government control;

(C) continued active support of people-to-people reconciliation mechanisms and efforts in areas outside of government control;

(D) the strengthening of the mechanisms to provide humanitarian relief to those areas; and

(E) cooperation among the trading partners of the United States and within multilateral institutions toward those ends.

SEC. 3. DEFINITIONS.

In this Act:

(1) **GOVERNMENT OF SUDAN.**—The term "Government of Sudan" means the National Islamic Front government in Khartoum, Sudan.

(2) **OLS.**—The term "OLS" means the United Nations relief operation carried out by UNICEF, the World Food Program, and participating relief organizations known as "Operation Lifeline Sudan".

SEC. 4. CONDEMNATION OF SLAVERY, OTHER HUMAN RIGHTS ABUSES, AND TACTICS OF THE GOVERNMENT OF SUDAN.

Congress hereby—

(1) condemns—

(A) violations of human rights on all sides of the conflict in Sudan;

(B) the Government of Sudan's overall human rights record, with regard to both the prosecution of the war and the denial of basic human and political rights to all Sudanese;

(C) the ongoing slave trade in Sudan and the role of the Government of Sudan in abetting and tolerating the practice; and

(D) the Government of Sudan's use and organization of "murahalliin" or "mujahadeen", Popular Defense Forces (PDF), and regular Sudanese Army units into organized and coordinated raiding and slaving parties in Bahr al Ghazal, the Nuba Mountains, Upper Nile, and Blue Nile regions; and

(2) recognizes that, along with selective bans on air transport relief flights by the Government of Sudan, the use of raiding and slaving parties is a tool for creating food shortages and is used as a systematic means to destroy the societies, culture, and economies of the Dinka, Nuer, and Nuba peoples in a policy of low-intensity ethnic cleansing.

SEC. 5. SUPPORT FOR AN INTERNATIONALLY SANCTIONED PEACE PROCESS.

(a) **FINDINGS.**—Congress hereby recognizes that—

(1) a single viable, internationally and regionally sanctioned peace process holds the

greatest opportunity to promote a negotiated, peaceful settlement to the war in Sudan; and

(2) resolution to the conflict in Sudan is best made through a peace process based on the Declaration of Principles reached in Nairobi, Kenya, on July 20, 1994.

(b) **UNITED STATES DIPLOMATIC SUPPORT.**—The Secretary of State is authorized to utilize the personnel of the Department of State for the support of—

(1) the ongoing negotiations between the Government of Sudan and opposition forces;

(2) any necessary peace settlement planning or implementation; and

(3) other United States diplomatic efforts supporting a peace process in Sudan.

SEC. 6. MULTILATERAL PRESSURE ON COMBATANTS.

It is the sense of Congress that—

(1) the United Nations should be used as a tool to facilitating peace and recovery in Sudan; and

(2) the President, acting through the United States Permanent Representative to the United Nations, should seek to—

(A) revise the terms of Operation Lifeline Sudan to end the veto power of the Government of Sudan over the plans by Operation Lifeline Sudan for air transport of relief flights and, by doing so, to end the manipulation of the delivery of those relief supplies to the advantage of the Government of Sudan on the battlefield;

(B) investigate the practice of slavery in Sudan and provide mechanisms for its elimination; and

(C) sponsor a condemnation of the Government of Sudan each time it subjects civilians to aerial bombardment.

SEC. 7. REPORTING REQUIREMENT.

Section 116 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n) is amended by adding at the end the following:

"(g) In addition to the requirements of subsections (d) and (f), the report required by subsection (d) shall include—

"(1) a description of the sources and current status of Sudan's financing and construction of oil exploitation infrastructure and pipelines, the effects on the inhabitants of the oil fields regions of such financing and construction, and the Government of Sudan's ability to finance the war in Sudan;

"(2) a description of the extent to which that financing was secured in the United States or with involvement of United States citizens;

"(3) the best estimates of the extent of aerial bombardment by the Government of Sudan forces in areas outside its control, including targets, frequency, and best estimates of damage; and

"(4) a description of the extent to which humanitarian relief has been obstructed or manipulated by the Government of Sudan or other forces for the purposes of the war in Sudan.".

SEC. 8. CONTINUED USE OF NON-OLS ORGANIZATIONS FOR RELIEF EFFORTS.

(a) **SENSE OF CONGRESS.**—It is the sense of Congress that the President should continue to increase the use of non-OLS agencies in the distribution of relief supplies in southern Sudan.

(b) **REPORT.**—Not later than 90 days after the date of enactment of this Act, the President shall submit a detailed report to Congress describing the progress made toward carrying out subsection (a).

SEC. 9. CONTINGENCY PLAN FOR ANY BAN ON AIR TRANSPORT RELIEF FLIGHTS.

(a) **PLAN.**—The President shall develop a contingency plan to provide, outside United

Nations auspices if necessary, the greatest possible amount of United States Government and privately donated relief to all affected areas in Sudan, including the Nuba Mountains, Upper Nile, and Blue Nile, in the event the Government of Sudan imposes a total, partial, or incremental ban on OLS air transport relief flights.

(b) **REPROGRAMMING AUTHORITY.**—Notwithstanding any other provision of law, in carrying out the plan developed under subsection (a), the President may reprogram up to 100 percent of the funds available for support of OLS operations (but for this subsection) for the purposes of the plan.

SEC. 10. HUMANITARIAN ASSISTANCE FOR EXCLUSIONARY "NO GO" AREAS OF SUDAN.

(a) **PILOT PROJECT ACTIVITIES.**—The President, acting through the United States Agency for International Development, is authorized and requested to undertake, immediately, pilot project activities to provide food and other humanitarian assistance, as appropriate, to vulnerable populations in Sudan that are residing in exclusionary "no go" areas of Sudan.

(b) **STUDY.**—The President, acting through the United States Agency for International Development, shall conduct a study examining the adverse impact upon indigenous Sudan communities by OLS policies that curtail direct humanitarian assistance to exclusionary "no go" areas of Sudan.

(c) **EXCLUSIONARY "NO GO" AREAS OF SUDAN DEFINED.**—In this section, the term "exclusionary 'no go' areas of Sudan" means areas of Sudan designated by OLS for curtailment of direct humanitarian assistance, including, but not limited to, the Nuba Mountains, the Upper Nile, and the Blue Nile

MOTION OFFERED BY MR. SMITH OF NEW JERSEY

Mr. SMITH of New Jersey. Madam Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH of New Jersey moved to strike out all after the enacting clause of the bill S. 180 and insert in lieu thereof the text of H.R. 2052 as passed by the House.

Mr. TOWNS. Madam Speaker, I rise today to express my concern over proposals that would deny investors and issuers access to the U.S. capital markets. As the House prepares to go to conference with the Senate on the Sudan Peace Act (S. 180/H.R. 2052), I would like to urge my colleagues to take a close look at the provisions of the bill that would impose such sanctions.

I am fully aware of the human rights atrocities that are going on in Sudan. As Congress works to develop policies to end the violence is important that we be careful and prudent and not act in ways that damage our economy, the free flow of capital, or create greater uncertainty in our capital markets.

Closing the U.S. capital markets in order to influence the behavior of foreign countries sets a poor policy precedent that might easily provoke other countries to pursue their own foreign policy objectives through similar sanctions. The continued health of our capital markets is dependent on economic and political certainty and predictability. The historic U.S. commitment to open and fair markets has been fundamental to the U.S. financial service sector's ability to nurture and establish a substantial foreign client base.

The imposition of capital markets sanctions could have the unintended effects of redirecting business out of the United States

and eroding the certainty and predictability that have been fundamental to the pre-eminence of the U.S. capital markets. Moreover, capital markets sanctions would seriously disrupt investor confidence—both domestic and foreign—in the U.S. markets, thereby jeopardizing their continued vibrancy. Federal Reserve Chairman Alan Greenspan said “the motive of the legislation, I think, obviously commendable, but I think it’s not been thoroughly thought through and I don’t think that the implications of this particular type of statute is useful to the United States and, indeed, I think it is downright harmful.”

Capital markets sanctions have never been imposed by the U.S. These types of sanctions would seriously disrupt investor confidence—both domestic and foreign—in the U.S. markets, thereby jeopardizing their continued vibrancy. The imposition of capital markets sanctions could also have the unintended effects of redirecting business out of the United States and eroding the certainty and predictability that have been fundamental to the pre-eminence of the U.S. capital markets. U.S. investors—pension funds, other institutional investors, and individuals—would see the liquidity, and the value, of substantial amounts of their holdings drop precipitately even at the suggestion that companies in which they are invested would be forced to delist from U.S. exchanges.

In sum Madam Speaker, I believe it is a mistake to unilaterally try to resolve complex foreign policy issues through an untested formula that would greatly impair the U.S. capital markets. The goals of the Sudan Peace Act are laudable, but I object to capital markets sanctions that are included in the bill. As the House prepares to consider the Sudan Peace Act, I urge my colleagues to continue pursuing open and fair financial markets and reject these types of sanctions.

Mr. NEY. Madam Speaker, due to the recent tragedies on U.S. soil we are in the position to find ways to stop terrorist attacks. As Congress works to develop these policies it is important that we be careful to not accidentally damage legitimate American jobs. We must act in ways that do not damage our economy, the free flow of capital, or create greater uncertainty in our capital markets.

I am extremely concerned over proposals that would deny legitimate investors and issuers access to the U.S. capital markets. As this body moves to go to conference with the Senate on the Sudan Peace Act (S. 180), I urge my colleagues to take a close look at the provisions of the bill that would impose such sanctions. The imposition of capital markets sanctions could have the unintended effects of redirecting business out of the United States and eroding the certainty and predictability that have been fundamental to the success of the U.S. Capital markets. Moreover, capital markets sanctions would seriously disrupt investor confidence—both domestic and foreign—in the U.S. Markets, thereby jeopardizing their continued vibrancy.

The safety and certainty of U.S. capital markets attracted record numbers of foreign issuers and investors in the 1990s. In the competitive, global environment, however, there are few products and services for which U.S. companies are the sole suppliers. If

issuers are denied access to the U.S. capital markets through unilaterally imposed sanctions, they will simply turn to other countries. Indeed, since the House of Representatives approved the Sudan Peace Act (H.R. 2052)—with a provision restricting capital market access—in June, at least one foreign company cited the uncertain environment created by the legislation in deciding to list on the London Stock Exchange over a U.S. exchange. H.R. 2052 would have little—if any—impact on the ability of sanctioned companies to raise financing, but it would strengthen the position of foreign competitors. U.S. investors—pension funds, other institutional investors, and individuals—would see the liquidity, and the value, of substantial amounts of their holdings drop precipitately even at the suggestion that companies in which they are invested would be forced to delist from U.S. exchanges.

Closing the U.S. capital markets in order to influence the behavior of foreign countries also sets a poor policy precedent that might easily provoke other countries to pursue their own foreign policy objectives through similar sanctions. The continued health of our capital markets is dependent on economic and political certainty and predictability. The historic U.S. commitment to open and fair markets has been fundamental to the U.S. financial service sector’s ability to nurture and establish a substantial foreign client base.

In sum, Madam Speaker, I believe it is a mistake to unilaterally try to resolve complex foreign policy issues through an untested formula that would greatly impair the U.S. capital markets. The goals of the Sudan Peace Act are laudable, however, I am deeply troubled by the capital markets sanctions that are included in the bill. As the House requests a conference on the Sudan Peace Act, I urge my colleagues to continue pursuing open and fair financial markets and reject these types of sanctions.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES ON S. 180, SUDAN PEACE ACT

Mr. SMITH of New Jersey. Madam Speaker, I ask unanimous consent to insist on the House amendment and request a conference with the Senate thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey? The Chair hears none, and, without objection, appoints the following conferees:

For modification of the Senate bill and the House amendment and modifications committed to conference: Messrs. HYDE, GILMAN, and SMITH of New Jersey, Ms. ROS-LEHTINEN, and Messrs. ROYCE, TANCREDO, LANTOS, BERMAN, and PAYNE, and Ms. MCKINNEY.

For consideration of sections 8 and 9 of the House amendment and modifications committed to conference: Messrs. OXLEY, BAKER, BACHUS, LAFALCE, and FRANK.

There was no objection.

GENERAL LEAVE

Mr. YOUNG of Florida. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Joint Resolution 74, and that I may include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2002

Mr. YOUNG of Florida. Madam Speaker, I ask unanimous consent that the Committee on Appropriations be discharged from further consideration of the joint resolution (H.J. Res. 74) making further continuing appropriations for the fiscal year 2002, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

Mr. OBEY. Reserving the right to object, Madam Speaker, I do not intend to object since I support this continuing resolution; but I rise in order to do a couple of things: first of all, to try to ascertain exactly what the schedule is expected to be around here for the remainder of the week; and, second, to try to focus the attention of the House on the linkage that exists between our need to pass this continuing resolution and our inability to finish bills such as the Department of defense appropriations bill, which the committee has tried mightily to produce as a bipartisan product.

I am wondering if the gentleman from Florida (Mr. YOUNG), under my reservation, I am wondering if he can tell me if he has any idea what the schedule is going to be for the remainder of the week.

Mr. YOUNG of Florida. Madam Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Madam Speaker, I wonder first if the gentleman would have any objection if I just make a brief explanation of what the CR does.

Mr. OBEY. I am happy to yield to the gentleman under my reservation for that purpose, Madam Speaker.

Mr. YOUNG of Florida. Madam Speaker, I appreciate the gentleman yielding.

Madam Speaker, this is a simple CR. It extends the current continuing resolution until December 7. The terms and conditions of all the previous CRs remain in effect. All ongoing activities will be continued at current rates under the same terms and conditions as fiscal year 2001, with the exception

of the agencies covered by the FY 2002 appropriations bills that have already been enacted into law.

Additionally, the provision for mandatory payments has been extended for payments due on December 1, 2001.

As the gentleman from Wisconsin (Mr. OBEY) has suggested, this is not a controversial resolution, and I urge that we move it quickly.

Then to the gentleman's question as to the schedule, I wish I could give him a very definitive answer; but as he knows, we have completed work on all of the House bills, and yesterday the Committee on Appropriations was able to finalize the markup of the Defense appropriations bill.

If I could just state for the record, the reason the Defense appropriations bill is late is two-fold:

One is we waited until early July to get the President's budget amendment for the pre-September 11 Defense requirements; and then the Subcommittee on Defense of the Committee on Appropriations was actually here in the Capitol on September 11 when the tragic attacks on the World Trade Center took place, and at the Pentagon.

As the gentleman knows, the Capitol was evacuated immediately, so that had to be postponed.

Since then, additional activities have taken place; the \$40 billion emergency supplemental was broken up into three separate tranches; and yesterday we finalized the Defense bill plus the last tranche of that emergency supplemental.

Now the issue, I believe, for the schedule is this: that if the requirement of a 3-day layover before filing the bill, if that were to be waived, then we could actually bring the Defense appropriations bill to this floor tomorrow.

If it is not waived, then the 3 days would have to ensue. Then we would file the bill, get a rule, and it would appear to me that that would either be early next week or following Thanksgiving.

I think the 3-day rule is affected by what type of rule would be presented by the Committee on Rules. I believe that is an issue that the gentleman from Wisconsin (Mr. OBEY) is very much interested in.

That is about as much as I can say about the schedule. It is sort of iffy.

As far as the nonappropriations legislative schedule, of course the majority leader will speak to that probably sometime today.

Mr. OBEY. Madam Speaker, continuing under my reservation, I thank the gentleman for his comments. I would like to just make an observation.

I know that a number of Members of the House are being told that we may be in session Saturday because I and several others on this side of the aisle

are refusing to grant permission for the Defense appropriations bill to be moved.

In fact, I made an offer yesterday to the majority in which I indicated that we would be willing to not offer any amendments in the full committee when the Defense appropriations bill was before us, and that we would be willing to give unanimous consent for that bill to be considered today on the floor, or tomorrow, provided only that we be given the opportunity to offer the three amendments which were in fact offered in the committee yesterday: one by the gentleman from New York (Mr. WALSH), another by the gentleman from Pennsylvania (Mr. MURTHA), and a third by myself.

Those amendments relate to guaranteeing that New York, Pennsylvania, and Virginia would in fact get the amount that they were originally promised in the original budget supplemental.

The Murtha amendment referred to crucial upgrades that we felt were needed in the defense budget in light of the events of September 11, and the contents of my amendment would have been focused on the need to strengthen homeland security in a wide variety of areas.

We said that if those amendments would be made in order on the floor, that we would be willing to go directly to the floor. That suggestion was not responded to by the majority leadership.

I am willing to make an offer again right now, today. I would be willing to give my support to a unanimous consent request to bring that Defense bill up either today or tomorrow, provided only that those same three amendments be allowed to be debated and voted on on the House floor.

□ 1600

Those amendments were considered in committee yesterday. One was defeated on a vote of 31 to 34. Another was defeated on a vote of 31 to 33, and the third was dealt with on a voice vote. That is offer number one.

If that is not acceptable, I would be willing to waive the 3-day requirement to file views and to allow the bill to be called up immediately, provided that if the rule was defeated, the majority intends to offer that we would then be allowed to debate the bill under a rule which would allow those three amendments to proceed. So the majority leader, if he wished, or the majority leadership, if it wished, could get a vote on the kind of rule that they want. And if that rule goes down, the House would then be given the opportunity to vote on these three amendments.

I think we are trying to be infinitely flexible on this bill. But we do insist on the right to deal with three issues that are central to the defense bill which is

the defense of the homeland, added funding for defense for overseas activities, and meeting our commitments to New York that were made in the aftermath of September 11.

We pledged at the time that the money to New York would be allocated in one of the subsequent appropriations bills. Since this is the only one remaining, this is it.

So I want to repeat that and to suggest that I think the House would appreciate the opportunity to vote on whether or not we should upgrade State and local health departments to help meet any public health problems that could be associated with terrorism. I think we would agree that we ought to increase our capacity at biosafety laboratories. Right now, those laboratories are operating at full capacity. They have no real ability to expand in time of crisis.

We would like to put \$150 million more in here to help firefighters. We would like to put \$240 million more in the budget to provide for additional cockpit security. We would like to put an additional \$200 million into the bill to provide assistance to local airports whom we have mandated to increase law enforcement without being given the concurrent Federal resources to do that.

We would like to add \$440 million to State and local health departments to better prepare the country for health emergencies. We would like to provide \$107 million more to the FBI so that they can protect their records and make them less subject to problems in the event of attacks on the FBI itself.

We would like to provide \$500 million to the post office so that they can begin the process of figuring out how to sterilize the mail. And we would like to provide additional funding for the Coast Guard and Customs, among other items, all crucial to the security of the country. And all we are asking is that the Committee on Rules allow those three amendments to be debated.

I would ask the gentleman under my reservation if he would have any objection to the Committee on Rules allowing those three amendments to be considered by the House.

Mr. YOUNG of Florida. Madam Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Madam Speaker, I would like to say first that I appreciate the support that the gentleman from Wisconsin (Mr. OBEY) has given us through the process; and yesterday when the Committee on Appropriations took up the basic Defense bill, the Defense Appropriations bill, and added to it the amendment that, the chairman's amendments that allocated the \$20 billion of that \$40 billion supplemental. He was very supportive in his comments of both the underlying bill and the amendments. His position

was, as he indicated, that there was much more that needed to be done.

I would say to the gentleman that I have analyzed those amendments closely and I have really found no objection to the amendments. The objection that I had to raise in the committee was only one of timing, whether we would do it today, now or whether we would wait for the President to request a supplemental.

But anyway then, directly to the question of the gentleman, I have no objection to the Committee on Rules providing a rule that would make any amendment in order to an appropriations bill that, in fact, is an appropriations issue. I do object to a rule or adding nonappropriations language to a bill.

In the case of the gentleman's specific question, I would tell him that I spoke to the chairman of the Committee on Rules earlier today and advised him that I would have no objection personally to a rule that would allow the consideration of those amendments. I believe that Members have a right to be involved in the debate on very serious issues; and, in fact, after the experience that we had yesterday, after about 7 hours, I almost wish that all of our Members could enjoy some of that fun that we had yesterday.

So the answer is I have already advised the chairman of the Committee on Rules that I would not object.

Mr. OBEY. Madam Speaker, I thank the gentleman for his comments. I understand that there are some other Members who have concerns.

Under my reservation, I yield to the distinguished gentleman from Minnesota (Mr. SABO), the ranking member of the Subcommittee on Transportation of the Committee on Appropriations.

Mr. SABO. Madam Speaker, I thank the gentleman for yielding.

Madam Speaker, I rise to support the continuing resolution and to speak about the supplemental appropriations bill.

Yesterday in the Committee on Appropriations, the gentleman from Wisconsin (Mr. OBEY) offered an amendment to increase funding for a number of critical security needs. Unfortunately, that amendment was defeated. The September 11 tragedies happened because terrorists were able to take over the cockpit of four airplanes.

The Obey amendment would have provided an additional \$250 million to prevent this from ever happening again. The President even requested this funding, but the majority bill, due to other priorities, included only \$50 million of the President's \$300 million request.

Today, the airlines have made some interim improvements so that cockpit doors cannot be as easily broken into, such as the strengthening of bolts. The

President's proposed \$300 million for permanent modifications to secure the cockpit doors to prevent an intruder from entering the cockpit, the funding request by the President and included in the Obey amendment, would help airlines ensure that all aircraft cockpit doors are secured as quickly as possible.

In addition, the Obey amendment would provide additional funding to our Nation's airports to meet additional security needs. They are doing increased patrols of ticket counters, baggage claim areas and screening checkpoints that have been mandated as have increased inspections, controlled access points in areas outside the terminal buildings.

Airports have also been required to reissue all airport identification and verify such identification at all access gates. To meet these requirements, the airports have incurred significant additional costs, primarily for law enforcement officers and overtime pay.

The American Association of Airport Executives estimates the cost of these new requirements to be about \$500 million this year. These increased costs come at a time when airports are losing money due to increased air travel and fewer sales in airport shops and eateries. The airports estimate total revenue lost to be \$2 billion in 2002, or 20 percent of estimated revenue.

The Obey amendment included \$200 million to assist airports in meeting the cost of increased security requirements mandated by the FAA. As the Defense bill now goes to the House Committee on Rules and then comes to the House floor, I urge the House to allow consideration of the Obey amendment.

Just to be clear, would the gentleman from Wisconsin (Mr. OBEY) yield for a question?

Mr. OBEY. Surely.

Mr. SABO. Madam Speaker, all the funds that I speak of and all the funds that the gentleman from Wisconsin (Mr. OBEY) speaks of in his amendment, as I understand, are declared to be emergency funds, so they could only be spent, even after they are appropriated, if the President agrees, says there is an emergency and then releases the funds.

Mr. OBEY. That is exactly correct. What we are saying is that we believe that the President needs the added flexibility to have these funds available because of the crisis that we are in; and if he deems any of the items to be nonessential, he simply does not have to designate them as an emergency and that money would not be spent.

Mr. SABO. Madam Speaker, I thank the gentleman from Wisconsin (Mr. OBEY) for his answer, and I might indicate also that the gentleman from Wisconsin's (Mr. OBEY) amendment includes some additional funding for the

important duty of the Coast Guard and for port security in this country, which is very crucial.

Mr. OBEY. Madam Speaker, further reserving the right to object, I thank the gentleman from Minnesota (Mr. SABO) very much. I think the gentleman's comments indicate why in the process of approving this continuing resolution we are concerned that the time that will be used by the Congress between now and the expiration of the new continuing resolution would be put to the best possible use.

Madam Speaker, continuing under my reservation, I yield to the gentleman from Maryland (Mr. HOYER), the distinguished chairman of the Subcommittee on Treasury, Postal Service and General Government, as well as the Subcommittee on Labor, Health and Human Services and Education.

Mr. HOYER. Madam Speaker, I thank the gentleman from Wisconsin (Mr. OBEY), my ranking member, for yielding and rise, obviously, in support of this continuing resolution.

This needs to be passed, but the issues that are being raised by Mr. OBEY and others who have spoken with reference to what we need to do in the short term, what we need to do before we leave and go home after the first session of the 107th Congress, I know the Coast Guard was just discussed, great concerns.

I represent obviously the State of Maryland. The State of Maryland is a coastal State, clearly concerns are raised. We have tankers going in and out. We do not know who gets off those tankers, gets in little rubber boats, brings items to this coast and to Maryland, to Delaware, in the Chesapeake Bay which may obviously pose dangers to many of the Federal facilities that are located therein.

We cannot wait. The gentleman from Wisconsin (Mr. OBEY) made that point yesterday very eloquently. The gentleman from Florida (Mr. YOUNG) is in a difficult position, the chairman of our committee.

We had three amendments in committee yesterday. The chairman of our committee wanted to back all three of the amendments and said so, that he was inclined to vote for the Obey amendment, inclined to vote for the Walsh amendment and inclined to vote for the Murtha amendment, but he did not because there is a constraint being imposed.

Very frankly, that constraint will perhaps lead us to additional continuing resolutions because we may not finish our business in a timely fashion if we continue to delay that which I think we know we need to do. The issues raised by the gentleman from Wisconsin (Mr. OBEY), Coast Guard being but one, the homeland security issues, that is critical, need to be addressed and they need to be addressed in the short term.

I thank the gentleman from Wisconsin (Mr. OBEY) for his leadership on these issues. I thank him for raising these issues on an item that is not controversial, but gives us an opportunity to say that we need to move on these and we need to move in the short term on these, and I am certainly hopeful, and I say to my chairman for whom I have, as he knows, unreserved respect and great, great affection.

I think he is one of the finest Members of this body, and I would urge him to prevail upon those who will be making decisions to allow these amendments to be considered on the floor when we consider the Defense bill and its supplemental title, because I believe that considering these now is in the best interest of our country, the best interest of our security, the best interest of the safety of our people, the best interest of our confronting those who would terrorize this land and people around the world.

I, therefore, believe that as we did in responding immediately to the Terrorist Act, we need to respond with as much efficiency and speed as we possibly can to these identified.

I know the chairman and the ranking member agree on the objectives. That is the irony. It is not that we disagree with the objectives. We are just disagreeing on timing, and now is better than later. It is safer, more appropriate policy, and I thank the gentleman from Wisconsin (Mr. OBEY) for his leadership.

Mr. OBEY. Madam Speaker, further reserving the right to object, I thank the gentleman from Maryland (Mr. HOYER) for his comments.

Under my reservation, Madam Speaker, I yield to the gentleman from Massachusetts (Mr. OLVER), the ranking member of the Subcommittee on Military Construction.

Mr. OLVER. Madam Speaker, I thank the gentleman from Wisconsin (Mr. OBEY) for yielding, and I too rise in support of the continuing resolution which is indeed necessary, and I hope that this continuing resolution, which is dated for December 7, will in fact provide us with enough time to finish the work that needs to be done on the appropriations legislation; and I have every reason to believe that that will be the case.

I also want to speak to the question of what the rules for debate ought to be on the Defense and the supplementary codicils on the Defense Appropriations bill and to urge the Committee on Rules to make in order the three amendments that have been spoken of earlier that had been offered in the Committee on Appropriations yesterday and each one, debated at length and then disposed of.

□ 1615

I want to speak specifically to the portion that has to do with the mili-

tary construction budget, the area where I am the ranking member. One of the issues that is involved in the homeland security amendment which the gentleman from Wisconsin (Mr. OBEY) offered yesterday, has to do with our major, most important Department of Defense facility that deals with bioterrorism. That is right here close to the Capitol at Ft. Detrick, Maryland.

All of the samples for anthrax testing in the recent anthrax scares, went to Ft. Detrick. And the number of samples they would not have seen in a whole year were handled there within a 6-week period at a place which is aged and inadequate as a testing laboratory and very poorly equipped. But that is the place where we test the samples, where we develop the vaccines to try to meet those kinds of public health incidents.

If we had another agent, whether it be smallpox, or agent X, Y, or Z that was brought out and we were hit with that at the same time as we were trying to deal with the anthrax situation, that they struggled with so effectively during the past few weeks, that laboratory would be absolutely overwhelmed, far beyond its capacity to do the testing in defense of our public health. And part of the amendment which the gentleman from Wisconsin had offered yesterday having to do with homeland security began to correct that. It would put nearly \$5 billion into properly equipping and manning the office over there at Ft. Detrick so that they could do the necessary work.

The other thing that was in that, which is related to military construction, is actually \$400 million, or thereabout, close to it, and is actually much closer to the sort of thing that terrorists are directly involved with. We have seen the impact that dedicated terrorists can have on an open society such as ours. Well, we have also seen what happened in 1982, in Lebanon, when a dedicated terrorist was able to take a truck filled with explosives up to the very doors essentially of the dormitory where 200-plus of our Marines were being billeted and those Marines lost their lives. We are living under certainly very different circumstances from the circumstances before September 11; and we are an open society, we have acted like an open society, and many of our bases are very open kinds of bases.

Anyone can walk right into the Naval Academy or West Point. Anyone can drive a truck, a delivery truck in there. We have never had to bother taking the kinds of inspection precautions that we probably now almost certainly need to take much more seriously. That kind of site is very much at risk for a similar sort of a situation that happened to our Marines in Lebanon. We have circumstances where there are major highways that go directly through the middle of major bases.

I can name them in large number, but just a couple are in North Carolina, at Camp Lejeune, a major Marine base there, and at Fort Bragg, a major Army base in North Carolina. Those bases have major highways running right through. There are thousands of civilians, thousands of vehicles passing through those bases each day. There are places where they can turn off. We do not yet have in those places the fences, the gates, the barriers, the inspection places to deal with that. We are in danger at places like that, and dozens of others in this country.

The amendment the gentleman from Wisconsin had offered would provide us with the money to do, in the worst cases, in the most egregious cases, not by any means all, we cannot probably in a matter of several years deal with all of the force protection problems in those kinds of places, but it would give us a major start in dealing with the kinds of places where we need fencing, we need gating, barriers, and inspection stations at our military facilities in order to be able to be certain that we can avoid the sort of terroristic effects we have seen in other places.

All of this really should be pretty familiar to us, because all of these things have been done close to the Capitol, around our own buildings here on Capitol Hill, and our men and women in the armed services deserve at least the same kind of protections that we have been trying to provide for ourselves. In fact, right here, within a matter of blocks of the Capitol, there is one of those billeting locations used by Marines here in the capital city and close to us, which lies within feet, literally feet, of Interstate 295 and major highway intersections. And we need to do things to correct that kind of risk, to reduce that kind of risk for our military personnel.

So I would hope that the Committee on Rules would make these three amendments in order, in order that they can be debated, in order that they can be fully considered by the full House and not just by the Committee on Appropriations. I thank the gentleman for yielding, and I do support the continuing resolution.

Mr. OBEY. Madam Speaker, continuing under my reservation of objection, I yield to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Madam Speaker, I thank the gentleman from Wisconsin for yielding. The gentleman from Wisconsin and the gentleman from Florida are known for their fairness. I am here to appeal to both of them, through the Speaker.

We need to keep our government funded and running while we finish our legislative business. I urge my colleagues to vote in favor of the continuing resolution. One of the Federal agencies that I am particularly focused on, and I would ask the two gentlemen

to as well, is the Federal Emergency Management Agency. This agency administers the Firefighters Assistance Grant Program under the Fire Services Administration.

We all worked hard, in a bipartisan way, 285 co-sponsors, and finally brought it to reality, passed in both Houses. This month we passed the VA-HUD appropriations bill. It will provide funding for \$150 million for fiscal year 2002. But it is far from the amount that I think the members of our fire services deserve and need.

As part of the supplemental chapter of the Department of Defense appropriations bill, we are trying to secure \$150 million additional dollars for this necessary program. If September taught us anything, it is the importance of the firefighters and first responders to the public safety equation.

We had to scrape and beg to get \$100 million last year in the emergency spending bill. The leadership told us they did not believe us when we said the fire services needed this money desperately. So what happened? Thirty thousand applications came in to FEMA, over 19,000 fire departments throughout America, volunteer and career. And when we added up all those applications, it came to \$3 billion. We had \$100 million.

I believe we are sincere about responding to September 11, and yet we know that over 65 percent of our career departments are undermanned, that is, of the first 200 cities in America, 160 of them cannot pass muster right now, today. I am a bit chagrined that we are still scraping and begging, but this is needed.

And trust me, my colleagues, you will be hearing from all of these fire departments in your districts around the country. We are asking them to do a different job than 20 years ago, to be the first responders and, many times, the last to leave all of these emergencies. The odds are that all of us have a few fire departments at home that will not get a grant this year because there was not enough money to go around.

There are few heroes in our lives, but these people who put their necks on the line day in and day out to keep us safe certainly are, and that is what we are doing here today. I know our contribution to this worthy cause will continue to rise as each of my colleagues hears from their own constituents about the need for more fire personnel, safety equipment, and vehicles.

I want to thank the gentleman from Wisconsin for yielding. This is an important matter to Americans and our fire departments and our EMT squads throughout the United States. They have been there as first responders, and we cannot ignore them. So I appeal to both gentlemen to hear the fairness of my request from the depths of their commitment in their own hearts.

Mr. OBEY. Madam Speaker, reclaiming my time under my reservation, I thank the gentleman very much for his comments, and I totally agree with them.

Madam Speaker, continuing under my reservation of objection, I yield to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Madam Speaker, I thank the distinguished gentleman from Wisconsin for yielding to me and for his leadership, and I thank the gentleman from Florida (Mr. YOUNG), chairman of the committee, as well for his honesty and forthrightness, for those of us who did not have 7 hours yesterday, were not in the Committee on Appropriations, to make mention of his support of these amendments.

I thank the gentleman from Wisconsin for these amendments, and I would like to highlight and hope that the Committee on Rules will not only make them in order but I am hoping that they will prevail on the floor of the House.

I think the distinction that the gentleman from Minnesota (Mr. SABO) made is very important for us to reemphasize. This simply provides the appropriations that then can be designated by the White House as to whether an emergency exists and that these monies are then available to be utilized. I have no doubt that the President, once the facts are presented fairly and without obstruction, will understand what is going on in local communities.

The firefighter matter that my distinguished colleague from New Jersey just mentioned, I have had firsthand experience with. First of all, Houston went through Tropical Storm Allison. It does not compare to September 11 in the enormous loss of life, but we had our emergency responders on the front line there along with FEMA. Following back to back with Tropical Storm Allison in Houston came September 11, and the anthrax scare subsequent to that. My firefighters answered about 75 calls in a 3-day period, the HAZMAT team.

So the \$150 million to local communities, spread across the communities, is crucial to be able to respond to what the firefighters, the first responders, and the emergency teams are going through at this time. And so I hope that we will be able to not only pass this through the Committee on Rules but deliberate on the floor and ultimately pass it.

Just this morning, I believe we reached some sort of compromise on the airline security bill. I am hoping that the compromise, when it ultimately reaches the floor, will be satisfactory as it relates to federalizing all of the security for the airlines. I understand it is gradual; that it will have a pilot program of five that will be able to experiment with a private company, but, more importantly, it will have a 3-

year window of federalizing all of the security at our airports.

□ 1630

In the meantime, I believe it is crucial that we reimburse our local municipalities and our airports for the work that they have had to do, and the resources that they have used in light of September 11 and in light of the burden we put on them to say, we want to get our citizens back flying, get Americans back on planes. And from my traveling through airports, I can assure Members that local municipalities are bearing the brunt of extra security in the airport. We have to reimburse them. The director of the airport system in Houston indicated the necessity of getting these dollars to them.

In addition, the strengthening of the cockpit doors, even though we have heard that our airlines are gradually strengthening the cockpit doors, I do not think that we can assuredly say that every single cockpit door that departs from our soil is truly reinforced.

On the state of local hospitals, public hospitals, in the Homeland Security Task Force, we are well informed that the brunt of any kind of bioterrorism or chemical warfare in local areas obviously will fall to our public hospital systems. It is crucial that we reinforce them. Most of them are teetering because of the Medicaid and Medicare formulas, and so the \$440 million is crucial.

Madam Speaker, I have heard that the overtime is killing doctors and nurses. We need to make sure that the public hospital system is strong.

Lastly, the wisdom on the Postal Service is very important. Again, viewing those centers, one of the major mail centers in my community, watching the mail come through, this was before the stoppages because of anthrax, the ability to have equipment to sanitize that mail, both for the in-house postal workers and the letter carriers is crucial. It is important that our mail continue and that the American people know that we are taking charge and helping to assist them in the security of this Nation.

Madam Speaker, as I rise to support the continuing resolution, I hope these amendments will be made in order, and that we do this before we leave for any permanent holiday through the holiday season. I thank the gentleman from Florida (Mr. YOUNG) for listening to the needs of the Nation, and I thank the gentleman from Wisconsin (Mr. OBEY) for his leadership.

Mr. OBEY. Madam Speaker, continuing under my reservation, I yield to the gentlewoman from Florida (Mrs. MEEK) who is very concerned about the security gaps at our ports.

Mrs. MEEK of Florida. Madam Speaker, I thank the gentleman for yielding, and I thank the gentleman from Florida (Chairman YOUNG) for the

time and attention they have given to some of our greatest needs.

I regret that we were not able to get these things passed in our subcommittee. Everybody is concerned about these important issues, and both the chairman and the subcommittee chairman have worked hard, and the ranking member as well.

I am from Florida, and I have a sincere appreciation for the safety features that we must have at our seaports. Port security is an issue which the Obey amendment addresses to show exactly why it is so important. I think if Congress understands this, we can better interpret this to the administration. Each of us has constituents back home that we must face. The President is in a larger milieu. Americans want to know, are we safe and are our ports safe. We must carry that message. If we take a strong enough leadership position on this, I think the President will acquiescence, because he, too, understands the power of a constituency that is determined to get some kind of consideration for their needs.

Port security is an issue that neither party can take a stand against. Number one, we have 361 deep-water ports in this Nation. We have 14 deep-water ports in Florida. My own port in Miami is the largest cruise port in the world; 3.4 million people go through our port annually. Ports in the United States handle about 7.8 million tons of cargo each year.

At the same time, the State of Florida is heavily port dependent. Florida has the longest coastline of any state in the lower 48 States. International trade through Florida seaports reached 150 million tons in 2000, valued at \$73.8 billion.

Our State laws in Florida require that our ports have vulnerability assessments. They have been reviewed by the Florida Department of Law Enforcement. We already have security plans in place to ensure the safety of our citizens at Florida seaports. Not only is this important in Florida, it is important throughout the Nation. Most of the ports in this country do not have those security assessments made. We need to do these assessments, and we need to do them now and we need to address our vulnerabilities. Many of our seaports are located in extremely close proximity to United States military bases, population centers, and even the NASA operations at Cape Canaveral.

As the gentleman from Florida (Chairman YOUNG) knows, the port of Tampa alone handles over 10 million tons of hazardous cargo each year, including petroleum products. I cannot stress too strongly the importance of port security. There is a clear funding shortfall at this time for these ready-to-go projects. They do not have to wait. We must impose upon our administration to bring these points to light.

I am 100 percent behind the continuing resolution, but I would be less than a good Representative if I did not come before Congress and ask for many of the things that the gentleman from Wisconsin (Mr. OBEY) has asked be considered in his amendment.

On the basis of Florida studies, Florida's deep-water ports require \$80 million more. The chairman of the Subcommittee on Treasury, Postal Service and General Government has done the best the gentleman can do. We have a huge security risk. Congress needs to understand that, and the administration also. It is clear that port safety and security nationwide is very costly.

The President recommends no funds whatsoever for port security. It is difficult for me to see the rationale for that. The Obey amendment includes \$200 million for port security assessments and enhancements. The Obey amendment is a prudent amendment. It looks at the security of our Nation. I say to Members that port security is a tremendously important security problem.

Madam Speaker, I urge my colleagues to support the CR, and I also urge the leaders to get these things done, to take the message to the President that we must take a stand on this. It is important.

Mr. OBEY. Madam Speaker, continuing under my reservation, I yield to the gentleman from Maryland (Mr. HOYER) who wanted to make one additional point.

Mr. HOYER. Madam Speaker, I had spoken generally about the amendments that we considered yesterday. As the ranking member of the Subcommittee on Treasury, Postal Service and General Government, I wanted to speak particularly about one item, and then mention three others quickly.

First, New York, Pennsylvania and the Pentagon, Virginia and the Washington, D.C. metropolitan area, sustained a direct attack; but there is another institution in our country which has sustained a direct impact, and that is the Postal Service of our Nation. We have lost two postal workers to anthrax. They died as a result of anthrax inhalation. I attended a memorial service for those two gentlemen, Mr. Curseen and Mr. Morris, 2 days ago.

In the Obey amendment, there is an item of \$500 million to allow the postal department to respond: one, to make sure that we do not lose any more lives of those who serve us in the postal department; and secondly, to make sure that we have the resources necessary to make sure that the mail that goes through the Postal Service, before it is delivered to individuals, is in fact free of biological or chemical agents which would cause them harm.

This is a critical component of the Obey amendment that, hopefully, will be made in order and we can offer. We cannot wait. From my standpoint, this

is not enough money for the Postal Service. This is not, and I would stress, all of the money that they will need. The Postmaster General said they will need between \$3 and \$5 billion to respond to the events of September 11 and the anthrax scourge that has confronted the Postal Service and others. I would urge us to focus on this Postal Service money.

Quickly, I would remark on the gentleman from New Jersey (Mr. PASCRELL), who has been a leader on behalf of the fire service. The Obey amendment provides an additional \$150 million for the firefighters and emergency response personnel.

The gentleman from New Jersey (Mr. PASCRELL) mentioned the shortages around this country in the fire service in our major cities. I will tell my friends in this House, the fire service of the District of Columbia does not now have the capacity to respond to a major catastrophe in this city. We all hope and pray that does not occur, but we are not ready for it if it does.

Two other items in the Treasury-Postal bill, we know that the northern border has been a relatively porous border. Canada is no threat to us, but terrorists have utilized Canada as an entry point into the United States. The Customs Department has told us that they need substantial additional funds. Unfortunately, they were not included in the President's budget, as submitted to us.

The gentleman from Florida (Mr. YOUNG) did in fact add some money, but not enough to accomplish the objective. The gentleman from Wisconsin (Mr. OBEY) adds to the sum that the gentleman from Florida (Mr. YOUNG) added, so we can accomplish a more secure northern border across which we know when the millennium occurred on January 1, 2000, shortly before that, one of the terrorists came across trying to cause an explosion to occur in the Los Angeles airport. Coming south, they were caught. That border is such that we were lucky; and we need to beef it up substantially, and the Obey amendment does that.

Lastly, we have talked about security at the Capitol. It is important and I support it. This is the center of democracy, but we need additional funds to secure our Federal facilities in which Federal workers labor daily on behalf of the American people. It is not that the terrorists seek to get to those individuals. They do not care who they are. What they want to get to is the Federal Government, and if we do not secure those buildings, we place our people at risk. The Obey amendment speaks to that objective, and I would hope that we can consider it as soon as possible.

Madam Speaker, again I thank the ranking member for his leadership, for his efforts on behalf of these objectives. I know the chairman of our committee supports these objectives. He

articulated that yesterday. He is dealing with constraints, and we understand that.

Mr. OBEY. Madam Speaker, continuing under my reservation, I yield to the gentleman from Texas (Mr. EDWARDS), the second ranking Democratic member on the Subcommittee on Energy and Water Development.

Mr. EDWARDS. Madam Speaker, I congratulate the gentleman from Florida (Mr. YOUNG) on his efforts of moving the government forward during this time of national crisis. He has worked on a bipartisan basis, and for that, I have the greatest respect.

Madam Speaker, God forbid, had the terrorists of September 11 chosen as their weapon a nuclear bomb with just enough uranium to fill a soda can, placed it in a car in New York City, 2 million people, men, women and children, would have been killed that day.

□ 1645

To put that in perspective, one nuclear bomb parked in one car in a major American city would kill 400 times the number of people that the terrible terrorist attacks of September 11 killed.

I know we would all agree in this Chamber, Democrats and Republicans alike, that there is no greater responsibility of the Federal Government than to protect the lives of American citizens and families. In so many ways since September 11, this body has acted responsibly. Chairman YOUNG especially has led the fight to address vital national needs when it comes to homeland protection.

But, Madam Speaker, I come today to point out one area where I think this Congress has failed the American family. It is the area of protecting American citizens from the real and devastating threat of nuclear terrorism. I think most Americans would be shocked to find out that even despite all we have learned since September 11 that this Congress this year will actually reduce funding for the programs designed to keep nuclear weapons out of the hands of terrorists. Let me repeat that because I think many Americans will not believe it. Despite the occurrences of the tragedy of September 11, this year this Congress has voted to actually reduce funding for programs intended and designed to protect the American homeland and families from terrorists making nuclear bombs as weapons against our country. I find that incredible.

Intentions have been good. No one has intended to make America more vulnerable to nuclear terrorists. But in government good intentions do not protect anyone. It is our priorities and our funding decisions that really count.

I find it somewhat amazing that last night in the defense appropriations bill we were able to find \$256 million to pro-

tect this Capitol and me, Members of Congress and congressional employees from possible terrorist attack; yet we could not find one dime in that \$20 billion budget to fund defense of 281 million Americans against the real threat of nuclear terrorism.

I am not here to criticize anyone who helped put together necessary funding to protect this Capitol, its Members of Congress, 535 of them, and staff. This is the center and the symbol of our democracy, and it is right that we should protect it. But I would suggest if we can find \$256 million in this bill coming up this week to protect a couple of thousand people here in our Nation's Capitol, then we surely should be able to find \$100 million to protect 281 million Americans from nuclear terrorism.

It is fair for anyone to ask just how serious or how real is the possibility of terrorists getting their hands on nuclear materials, making a bomb, putting it in a car and exploding it here in the United States. Let me give you the answer that the U.S. Department of Energy would give us to that question. They say, and these are their words, we are in urgent need, urgent need, to immediately upgrade the protection of nuclear materials, 600 metric tons of which exist in Russia that are not presently adequately protected. That is enough nuclear material to potentially build 41,000 nuclear bombs, any one of which could kill 2 million to 3 million American citizens.

How real is the threat possibility of nuclear terrorism against our families? In Russia, it has been documented since 1992, we have had 14 instances of bomb-grade nuclear material being stolen from Russian facilities; and in eight of those cases, the stolen nuclear bomb-grade material was not found until it had actually left the country of Russia. I find that frightening. Even more recently, today's press reports are suggesting that materials have been found from the facilities left behind by fleeing al Qaeda and Taliban leaders that actually had materials that instructed those terrorists on the means by which to take nuclear material and build a nuclear bomb. I find that frightening.

But let us not just take the Department of Energy's word for it. Let us not take today's press reports for it to answer the question of how serious is the nuclear threat against American families. Let us look at what President Bush said yesterday in the Washington Post from actually a press conference of 2 days ago with Mr. Putin, and I quote our own President, Mr. Bush:

"Our highest priority is to keep terrorists from acquiring weapons of mass destruction." Our highest priority, the President said. "We agree that it is urgent that we improve the physical protection and accounting of nuclear materials and prevent illicit nuclear trafficking."

What did President Putin say on November 7, just over a week ago? Referring to nuclear proliferation, he called it one of the most foremost threats of contemporary times. How important did President Bush think it was that we act immediately in regard to protecting Americans against the threat of nuclear proliferation? On November 6, just a few days ago, he said, "We will not wait until the authors of mass murder can gain the weapons of mass destruction. We act now because we must lift this dark threat from our age and save generations to come."

I support President Bush's effort to say we must act now. It is our responsibility to act now to protect Americans from the threat, the real threat, of nuclear terrorism. But this Congress has taken no action. In fact, if anything, we have rolled back the clock and reduced funding for those important programs.

Madam Speaker, I think it is absolutely essential for the protection of our homeland that the Congress, the Committee on Rules in the days ahead allow the gentleman from Wisconsin's amendment to be voted on on the House floor, because it would put into action what President Bush has said in his words, that we must act now.

Finally, some said last night in the Appropriations Committee hearing that we just wait till next year. Sometimes waiting is the responsible thing to do. I would argue that when it comes to protecting Americans from the threat of nuclear holocaust, waiting is a dangerous mistake. I am not willing to ask other families to pay the price of playing that waiting game. Let us follow the lead of President Bush in this time of national crisis. Let us act now by voting for the Obey amendment and adequately funding the programs to keep terrorists' hands off nuclear materials.

Mr. OBEY. I thank the gentleman for his comments. I think they are most important and ought to be heard by everyone.

Madam Speaker, further reserving the right to object, I yield to the distinguished gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Madam Speaker, I thank my friend and colleague, the ranking member of the Committee on Appropriations, for yielding to me for an opportunity to make some comments about the present situation. I also want to express my appreciation and high regard for the chairman of the Committee on Appropriations, the gentleman from Florida (Mr. YOUNG), for the way in which he has led the committee this year and the fairness with which he has conducted its operations. But there are several important issues that are before the Congress now that many of us are fearful are not going to be dealt with appropriately, much less thoroughly. Therefore, I want to say,

also, how much I support the amendment that was put forth by the gentleman from Wisconsin (Mr. OBEY) to provide for the kind of domestic security which we now know we so desperately need as a result of the attacks that occurred on September 11 in New York, in Virginia, and the plane crash that occurred in Pennsylvania.

Speakers before me have stipulated, I think, in precise and clear detail why this amendment that the gentleman from Wisconsin has put forward is so important to secure the safety of Americans all over our country. And so the rule that comes forward should make in order that amendment. The Members of the House ought to have an opportunity to express themselves on the issue of the funding of domestic security. And that opportunity will not be afforded to them unless the rule makes in order the gentleman from Wisconsin's amendment.

The same can be said about the amendment that is being offered by the gentleman from Pennsylvania (Mr. MURTHA). That amendment would add additional needs, or make them clearer in the appropriations bill with regard to our national defense; and that amendment ought to be made in order as well. Both of these amendments are based upon contingent emergency. In other words, the money would not be spent unless the President thought that it was necessary to do so.

We are offering these amendments because we know that the House is going to be in recess for some period of time, and it may be necessary for the President to respond, both in terms of national defense abroad and in terms of domestic security here at home. And so the Murtha and Obey amendments are very important and ought to be made in order and ought to be debated on the floor of the House, and we need to have the rule that governs this issue when it is brought to the floor make these amendments in order.

Also, very importantly, is an amendment that was offered on a bipartisan basis by the five members of the Committee on Appropriations who represent various congressional districts in the State and City of New York. As is true with the other two amendments, I think it is true of this one as well, that the chairman of our committee along with the ranking member support the ideas behind these amendments and the provisions within them. It is unfortunate that the chairman of our committee is working under very difficult and dire circumstances. Otherwise, we know that it would be routine for these amendments to be brought forward. But routine or no, these amendments should find their way to the floor. The amendment that we introduced as representatives of the State of New York also should have an opportunity to be heard on the floor and for the Members of this House of

Representatives to express their will with regard to the disaster that struck New York City when the Twin Towers were attacked on September 11.

I do not know of another time, at least in the modern history of our country, when the Committee on Appropriations has not responded to the request of Members for aid at a time of disaster. In almost every instance when we speak of disaster, we speak of natural disaster. We speak of the results of flood or hurricane or earthquake or fire or some other natural disaster. The Committee on Appropriations always responds. This House of Representatives always responds when disaster strikes anywhere in the country. The disaster that struck New York is the worst disaster in the history of the Nation. No, it is not natural, it is man-made. It was inflicted upon us by enemies from outside of the country. Nevertheless, we need to respond to the financial needs that are associated with the occurrence of that strike, that disaster.

We thought that this had been done. Under the leadership of the chairman of our committee, our ranking member, the Speaker of this House and others, an agreement was made shortly following the attack of September 11 which would provide \$40 billion; \$20 billion of that \$40 billion would go for national defense and home security, and the other \$20 billion, it was made clear, would be made available to the City and State of New York as a result of the consequences of this incredible disaster that fell upon New York City.

We thought that that deal was signed and secure. It was made, again, by the leadership in this House, the leadership of the Committee on Appropriations on a bipartisan basis with the President of the United States. And the President said, You shall have that money, State of New York, because we know you need it. But now we are told that it is not necessary to provide that money at this time. Only half of it has been made available to the City and State of New York because of that terrible strike.

□ 1700

We plead with you to provide us with the remainder, with the remaining \$10 billion, and we plead with you specifically for the individual people who were afflicted as a result of that disaster. Five thousand people almost were killed as a result of that strike. They left behind husbands, wives, children. Many people are without health insurance; many others have lost their jobs.

We need to take care of the widows and orphans that have resulted as a consequence of that strike, and we need to make available to the people who have been placed out of work, tens of thousands of people have lost their jobs as a result of that strike, we need to make available to them health in-

surance through COBRA, Medicaid for those who were not eligible for COBRA, unemployment insurance and Workers' Compensation for those people who have been injured as a result of this strike.

So these things, all of them, are necessary. These amendments are appropriate. They ought to be considered in the context of the bill. I hope and trust that when the Committee on Rules considers this issue, they will in fact make these amendments in order.

Mr. OBEY. Madam Speaker, continuing my reservation of objection, I thank the gentleman very much for his comments.

Madam Speaker, before I withdraw my reservation, I would like to bring to the attention of the House two additional matters with respect to this matter.

I note and I am now reading from a story in the New York Times today which reads as follows:

"Osama bin Laden's al Qaeda network held detailed plans for nuclear devices and other terrorist bombs in one of its Kabul headquarters. The Times discovered the partly burned documents in a hastily abandoned safe house in the Karte Parwan quarter of the city, written in Arabic, German, Urdu and English. The notes give detailed designs for missiles, bombs and nuclear weapons. There are descriptions of how the detonation of TNT compressed plutonium into a critical mass, sparking a chain reaction and ultimately a thermonuclear reaction.

"Both President Bush and the British Prime Minister are convinced that bin Laden has access to nuclear material, and Mr. Bush said earlier this morning that al Qaeda was seeking chemical, biological and nuclear weapons.

"The discovery of the detailed bomb-making instructions, along with studies into chemical and nuclear devices, confirms the West's worse fears and raises the specter of plans for an attack that would far exceed the September 11 atrocities in scale and gravity. Nuclear experts say the design suggested bin Laden may be working on a fission device similar to Fat Man, the bomb dropped on Nagasaki. However, they emphasize it was extremely difficult to build a viable warhead."

The story goes on.

That is just one explanation of why the amendment that we seek to bring to the floor after this continuing resolution is approved, why that amendment contains \$1 billion aimed at keeping weapons of mass destruction away from terrorists, including the items discussed most eloquently by the gentleman from Texas.

I would simply say, Madam Speaker, there has been considerable misunderstanding about what the genesis of this amendment is.

Let me simply say, Madam Speaker, that immediately after the need became apparent, the gentleman from

Florida and I both instructed our staffs to review all of the agency requests for additional funds that might legitimately be considered by this body in order to strengthen homeland security; and we produced for discussion purposes a document which listed items Tier One, Tier Two, Tier Three, in the order of what people considered to be their importance. Some of them are funded, some of them are not, under the base bill.

We feel that if there had not been intervention at a higher level in this institution, I feel strongly that we would have had a bipartisan amendment presented to the committee yesterday and to this House, whenever the bill is considered, which would have had us stand as one, just as we did a few weeks earlier when we passed with no dissenting votes the first down payment of \$40 billion that the Speaker played a very constructive role in helping to negotiate.

Let me simply say that I understand why our friend on the majority side of the aisle and the committee yesterday could not vote with us on the amendments that we were proposing. I also understand that, in their hearts, many of them would have liked to.

I have an observation to make about that which has been, in my view, willfully misunderstood by one person in OMB who attended a meeting in the White House last week and willfully misdescribed to the press since.

When I was at the White House, I simply made this observation about Congress as an institution. It had nothing whatsoever to do with the operation of the White House or any other branch of government. What I simply observed was this: When each of us is elected, we come to this body as politicians. All we prove when we win our first election is that we know how to win an election. We then come to this body and seek to become legislators as well as politicians, and that process is furthered by each of us being given a committee assignment. After we are given that committee assignment, we learn the business over which that committee has jurisdiction. Some Members of this House learn it awfully well on both sides of the aisle.

The point I was trying to make is that for any legislative body to be a self-respecting legislative institution, there has to be a fair balance between the political requirements that sometimes drive the party leadership of both parties and the substantive legislative requirements that should drive the committees of this institution.

In my view, when the leadership of the other party seeks to intervene and shut off the judgment of the committee that has responsibility for the subject matter at hand, there is nothing wrong with that happening occasionally. That is the job of the leadership in both parties. But when it happens routinely, es-

pecially on matters this sensitive, then what happens is that this body becomes more and more strictly a political rather than a legislative institution. That is not good for us, that is not good for the country, and that is the point I am trying to make.

It seems to me that if the committee had been left to its own devices, we would have had a significantly uncontroversial proposal to make to the House, which would have increased funding for military expenditures associated with the war. It would have added these additional items which I believe are not at all controversial and are badly needed to plug some of the security holes, and we would have also assured that the original commitment made to New York, Pennsylvania and Virginia would have been maintained. That is the purpose of what we were trying to do yesterday.

I urge the White House and I urge every Member of this House to, please, before they make up their mind about how they are going to vote on whatever rule is attached to the Defense Appropriations bill, I urge every Member to simply review line-by-line what it is that is being proposed. If they do, I think that you will find that the vast majority of members of both parties would recognize the substantive value of what it is we are trying to do. It just seems to me that that is our job.

I also want to point out again, lest anyone think we are trying to "bust the budget," each and every add-on to the homeland security package, each and every item in that bill contains as part of that item the following language: "Provided further that such amounts shall be available only to the extent that an official budget request that includes designation of the entire amount of the request as an emergency requirement, as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress."

What that language means, Madam Speaker, is that if this money were to be provided, not a dime could be spent unless the President later agreed that each and every one of those items represented an emergency that needed to be funded. If, in the judgment of the President after reviewing our arguments, he decided that spending could wait for another day, that is the way it would be. He would maintain total control over the expenditures.

But we believe it is crucial to provide this, because we have talked to the FBI, the CIA, the National Security Agency, to many other agencies of government, and we are convinced that this is necessary for the good of the country.

We have stimulus packages floating around here being promoted by both parties. I will not comment on what I think of them. But the fact is that if we want to stimulate the economy, the

number one requirement is to restore public confidence in our ability to travel and people's ability to go into public places without fear, and that is what we attempt to do. That could do more to restore economic confidence than virtually anything else this body will do.

So I urge each and every Member to review this. And I repeat, we are perfectly willing at any time to grant unanimous consent for that Defense bill to come up today or tomorrow, provided only that we have an opportunity to vote on these three amendments. Surely that is not too much to ask.

Madam Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mrs. BIGGERT). Is there objection to the request of the gentleman from Florida?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 74

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law 107-44 is further amended by striking the date specified in section 107(c) and inserting in lieu thereof "December 7, 2001"; and by striking the date specified in section 123 and inserting in lieu thereof "December 1, 2001".

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

COMMUNICATION FROM STAFF MEMBER OF THE OFFICE OF ATTENDING PHYSICIAN

The SPEAKER pro tempore (Mr. GRUCCI) laid before the House the following communication from Ronald J. Norra, Pharmacist/Security Officer of the Office of Attending Physician:

OFFICE OF ATTENDING PHYSICIAN,
U.S. CAPITOL,

Washington, DC, November 15, 2001.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena for production of documents issued by the U.S. District Court for the District of Columbia.

After consultation with the Office of General Counsel, I will make the determinations required by Rule VIII.

Sincerely,

RONALD J. NORRA,
Pharmacist/Security Officer.

UNITED STATES ARCTIC RESEARCH PLAN BIENNIAL REVISION: 2002-2006—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United

States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Science:

To the Congress of the United States:

Pursuant to the provisions of the Arctic Research and Policy Act of 1984, as amended (15 U.S.C. 4108(a)), I transmit herewith the seventh biennial revision (2002-2006) to the United States Arctic Research Plan.

GEORGE W. BUSH.

THE WHITE HOUSE, November 15, 2001.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

□ 1715

CONGRATULATIONS TO MEL AND SUG HANCOCK ON THEIR 50TH WEDDING ANNIVERSARY

The SPEAKER pro tempore (Mr. GRUCCI). Under a previous order of the House, the gentleman from Tennessee (Mr. DUNCAN) is recognized for 5 minutes.

Mr. DUNCAN. Mr. Speaker, I believe that all of us who are fortunate enough to serve in this House consider it a great privilege to do so, and we are very grateful to our constituents for giving us this privilege. I think most of us feel that the best part, the most gratifying part of our job is that we are able to help many people, and we receive many very kind thank you notes and letters. But certainly a close second is that we are each able to make some very close friendships with other Members from around the country, people we probably never would have met if we had never been able to serve in this House.

I consider myself very lucky to have become friends with former Congressman Mel Hancock of Missouri. Mel came to Congress just a short time after I did, and this was only because I was sworn in the day after the 1988 election, and he came in in January. I rise today to pay tribute to Mel because he and his wonderful wife, Sug, will celebrate their 50th wedding anniversary in Springfield, Missouri, this Sunday.

Mel was one of the best examples of a citizen legislator that I have ever known. He was as honest as it is possible to be. He was a straight shooter. He always told the truth. If he could not support a bill, he told the people who were for it that he could not support it. He was one man who was never swayed by any special interests. He was and is a patriotic man who loves this country. His life has been the American dream come true. He did not have everything handed to him on a

silver platter. He lived and worked for a while, for about a year and a half, in my hometown of Knoxville as a representative of International Harvester; and he and Sug had a son born there in 1954. I guess I am glad that he left, though, because both of us could not have been elected to Congress if he had stayed there.

Mel started a bank security business and built that small business up from nothing to become one of the most successful small businesses in the State of Missouri. Probably from his small business background he became a staunch conservative, very much opposed to Federal rules and regulations and red tape, and absolutely horrified by waste and high taxes. He believed that the people of Missouri knew better how to spend their own money than Federal bureaucrats could spend it for them. He believed in a government of, by, and for the people, rather than one of, by, and for the bureaucrats. He led the fight in Missouri for the Hancock amendment to limit taxes because he knew it is not possible to ever satisfy government's appetite for money or land.

He did not win every race or every election, but Sug stood by him through thick and thin, the losses as well as the victories. He won his seat in Congress running on the slogan of "Give 'Em Mel," and he did just that in his 8 years of service here. He served from 1989 to 1997 and always won overwhelming re-elections. He could have been easily re-elected in 1996; but he had committed to an 8-year term limit, and he was a man of his word. In fact, probably about the only issue that Mel and I ever disagreed on was that of term limits. Mel started something called the Hancock Poll for those of us who had come to Congress with him, always rating us compared to his votes, and some of us always thought it was a great honor if we came out very close to Mel in the Hancock Poll.

Shortly after the first election in 1988, Mel went with other freshmen to the Kennedy School of Government at Harvard; but because he found that there is not really true academic freedom in this country on our college campuses, and particularly in a place like Harvard, Mel got fed up and walked out on Harvard after just a short time there.

In his service here in this Congress, he became a member of the Committee on Ways and Means, and he was a leader on the Committee on Ways and Means on all the major issues that that very powerful committee acts on. He was a pilot, and he was very much interested in aviation issues; and during my 6 years as Chairman of the subcommittee aviation, he always had good suggestions and comments to make in regard to the very important aviation issues facing this country.

Mr. Speaker, Mel Hancock was and is a true-blue American who believes in

free enterprise, private property and individual freedom, the things that made this country great. He voted that way here in the House. Mel Hancock helped make this Nation great, and our country is a better place today because of men and women like Mel and Sug Hancock. Mel Hancock is one of the finest men I have ever known, and I know that all of my colleagues who served here with him and got to know Mel join me in wishing him and Sug a wonderful and a happy 50th wedding anniversary this coming Sunday.

VISIONS FOR A NEW AFGHANISTAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. SOUDER) is recognized for 5 minutes.

Mr. SOUDER. Mr. Speaker, last Friday I led a bipartisan delegation to Europe that met with the exiled King of Afghanistan in Rome, and I want to say up front one of the most common questions we had was, is United States policy tilted towards the King, or is it tilted towards the Northern Alliance? And one thing we continually made clear and we need to continually make clear is that many of us here in Congress supported the Northern Alliance and wanted additional funding to go to them, and many of us in Congress support the exiled King. We support both, and we believe there should be a coalition government.

In fact, today's papers, in The New York Times, Washington Post, Los Angeles Times, all are running stories suggesting that the Northern Alliance is suddenly wanting to go it alone, now that after months of not moving or actually retreating, were able to advance with American bombs, all of a sudden they want to go exclusive. Our policy needs to be balanced.

I would like to share a few comments of our exchange with the King and then some thoughts on the direction of where we may head. Clearly, the King is 87. He is of strong mind and will, but he has been in exile for years. His role would be more of a coordinator and peacemaker, not necessarily a dominant leader. After all, he is 87, not 57. His heart hurts for his people and country. He expressed sorrow because of the terrorism that brought the bombing. He stated that that bombing was a necessary evil. He stressed the need for meetings with the Northern Alliance as soon as possible. We pushed him hard in part on that point, and clearly they need to get to those meetings. Unfortunately, one of the dangers here is if one group gets in a dominant position, particularly if they are in the minority population, a dominant governing position over the others, we will not have peace in Afghanistan; we will descend into further chaos.

We stressed Afghan solutions. But that does not mean just warlords who

could not have advanced without our bombs; it means a real coalition. Our goal is to hunt down terrorists and to bring them to justice and to hold those who harbor terrorists accountable; but our goal is not to be nation-building beyond a point. We want an Afghan solution, but if they want our long-term support, they need to have a balanced solution.

We also aggressively oppose the distribution of heroin and the violation of human rights, which some of our so-called new-found friends have done as well, not just the Taliban. Financial assistance and trade policies of the United States are impacted by a government's abuse of human rights and death peddling through drug dealing and drug trafficking of heroin.

There is an Afghan solution that meets these goals, but it needs to include the people of the north as well as the majority Pashtuns of the south. Americans today only see an Afghanistan that is riven by tribal factions, funded by heroin, chaos and constant war, terrorists and terrorist sympathizers. But the former King has shown that a different Afghan did exist, a coalition government, a move from monarchy to democracy, rights for women, and an economy not dependent upon heroin. It can happen in Afghanistan, and it did for many years.

In that sense, the country is currently missing all of this for many years, and the exiled king would give them a vision of hope. It is not a question of his returning as a King, but as a symbol of a functional Afghanistan which many people in the United States and the world do not see. As our delegation told him, if we do not see, if the Afghan that he represented that did not harbor terrorists, that respected human rights and, in fact, does not distribute heroin, then the American people will help rebuild their economic devastation that the Taliban has caused. But we are not going to help rebuild if, in fact, it is replaced with another government. It does not mean that an enemy of an enemy is just that, an enemy of an enemy is a temporary ally, but to be a friend, where they get the financial assistance, the trade and help in rebuilding their country, we want to see a decent government.

Afghanistan has been subject to being a political football for centuries, particularly between Russia and England, but all the way back to Timur-i-Leng, for centuries and centuries. The book "Tournament of Champions," a book about this battle for Central Asia, reads, in many ways, like the current New York Times: "Back and forth through the passes, through the mountain hideouts, hiding out in the snow, fighting mountain wars, tribal factions dominated by the bordering nations."

What we do see in the reign of the former King is a move to democracy,

that it can be different. A country torn by war with tribal and religious differences that was poor before being wrecked by the Taliban is not suddenly going to be paradise on Earth. Romanticism by Americans is not in order.

But we do know that it can be a better Afghanistan. We do know that if there is a coalition government that respects the rights of the Afghan people, that does not deal in heroin, that is committed to rebuilding their economy, that is oriented towards peace, not harboring terrorists, it can be different. But if it does not, it not only will not be a paradise, it will continue to be close to an earthly version of hell.

HONOR THE FALLEN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mrs. JO ANN DAVIS) is recognized for 5 minutes.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, today I would like to take up where we left off yesterday as we continue to pay tribute and honor the fallen who perished as a result of the attacks of September 11, 2001. This growing list of over 3,000 names includes many of the victims of the recent horrific attacks on our great Nation. I intend to read these names for as many days as it takes in this ongoing effort to honor those individuals who lost their lives or are still missing. Again, please forgive me in advance for any mispronunciations of the names.

Mr. Speaker, I ask for God's blessing on the following: Terence M. Lynch; Michael F. Lynch; James Francis Lynch; Farrell Peter Lynch; James Lynch; Robert H. Lynch, Jr.; Sean Patrick Lynch; Michael Lynch; Richard Dennis Lynch; Louise A. Lynch; Sean Lynch; Nehamon Lyons, IV; Michael J. Lyons; Patrick Lyons; Monica Lyons; Robert Francis Mace; Marianne Macfarlane; Jan Maciejewski; Susan MacKay; Catherine Fairfax MacRae; Richard B. Madden; Simon Maddison; Dennis A. Madsen, Sr.; Noell C. Maerz; Joseph Maffeo; Jennieann Maffeo; Jay Robert Magazine; Brian Magee; Charles Wilson Magee; Joseph Maggitti; Ronald E. Magnuson; Daniel L. Maher; Thomas A. Mahon; William J. Mahoney; Joseph Maio; Takashi Makimoto; Abdu Malahi; Debora I. Maldonado; Myrna T. Maldonado-Agosto; Alfred R. Maler; Gregory James Malone; Joseph E. Maloney; Edward Francis "Teddy" Maloney; Gene E. Maloy; Christian Hartwell Maltby; Francisco Mancini; Joseph Mangano; Sara Elizabeth Manley; Debra M. Mannetta; Terence J. Manning; Marion Victoria Manning; James Maounis; Alfred Gilles Padre Joseph Marchand; Joseph Marchbanks, Jr.; Hilda Marcini; Peter Mardikian; Edward Joseph Mardovich; Charles Margiotta; Louis Neil Mariani; Kenneth Marino; Vita Marino; Lester Vincent Marino.

Again, Mr. Speaker, I have an alphabetical list that I would request that all Members utilize for this coordinated effort. As more victims are identified, their names will be added to this book. Please contact my office with times that fit Members' schedules so that we can arrange for the book to be on the floor at Members' convenience, for Special Orders or 1-minute speeches. I appreciate their assistance in this important undertaking. Again, I encourage my colleagues to join me in honoring the fallen.

□ 1730

GENERAL LEAVE

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the subject of my special order this evening.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

HONORING THE 50TH ANNIVERSARY OF JET MAGAZINE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of Illinois. Mr. Speaker, I rise today to acknowledge the 50th anniversary of Jet Magazine and pay tribute to its founder, Mr. John H. Johnson.

This month Jet Magazine, black America's number one weekly news magazine, turns 50 years old. Since 1951 Jet Magazine has provided a voice to and for African Americans and people of color. Jet Magazine has covered stories in black life that the mainstream press often ignores. From the civil rights movement to politics, music, the arts, and sports, Jet has always been there to give voice to ordinary people.

Today, Jet Magazine currently enjoys a circulation of more than 970,000 weekly and is international in its scope. The magazine has been successful because it speaks to and addresses issues that directly impact black America.

As Jet Magazine celebrates its 50th anniversary, it does so in good financial shape. We know that behind every successful venture is a person with vision and a good work ethic. Well behind Jet Magazine is Mr. John H. Johnson, a man of integrity a man who believes that hard work, determination, dedication, and education allows one to rise above poverty and racism.

Mr. Johnson's story is truly representative of one who has pulled himself up by his bootstraps. Born in Arkansas City, Arkansas, on the banks of

the Mississippi River, he moved to Chicago when he was 15.

As a young man, he spent 2 years on welfare while at DuSable High School. He often calls himself a welfare graduate. He noted that the days he spent on welfare were some of his darkest days, and his greatest goal was to get off, which he did.

Mr. Johnson recalls that when, at the age of 24, he first tried to borrow money to start a magazine geared toward African American readers, a banker refused and called him a boy. However, he did not give up nor give in. He secured a \$500 loan by using his mother's furniture as collateral.

In 1942, he founded Johnson Publishing Company in Chicago and began production of the *Negro Digest*, later titled *Black World*. On November 1, 1945, the first issue of *Ebony* hit the newsstands. With a monthly circulation of more than 2 million, *Ebony* is the largest African American-oriented magazine in the country.

Mr. Johnson did not rest on his success, and in 1985 he started *Ebony Man*, which now has a circulation of 300,000, and he owns a 20 percent interest in *Esence*, his closest competitor.

In the 1970s, Mr. Johnson branched into cosmetics, insurance, and other media. Today he owns *Fashion Fair Cosmetics* and *Supreme Beauty Products*. By all accounts, Mr. Johnson has risen above the obstacles of poverty and prejudice to become one of the most successful publishers and businessmen in history.

On tomorrow, I shall introduce a resolution in the House so that all Members will have an opportunity to pay tribute to this outstanding American.

He will be the first to tell us that he has not always enjoyed success. In fact, he started seven magazines, four of them failures. Mr. Johnson says that out of failure comes success. He instructs that one must always be willing to take the risk of failing in order to succeed.

His unwavering spirit, tenacity, and persistence to succeed have not been his alone. Mr. Johnson credits his late mother, Mrs. Gertrude Johnson Williams, for much of his success. It was her nurturing, support, and guidance that planted the seeds for his success. He notes that she lived to see 30 years of his success.

Additionally, he credits his wife of more than 50 years, Ms. Eunice Johnson, who is the producer and director of *Ebony Fashion Fair*, and his daughter, Linda Johnson Rice, who is the chief operating officer of Johnson Publishing Company.

Additionally, no operation is successful only because of its leadership. Mr. Johnson has a team of over 2,600 employees who contribute to Johnson Publishing Company. Stellar among this group for many years was Mrs. Willie Miles Burns, a good friend of

mine and Mr. Johnson's cousin, who for many years was vice president for circulation.

As a result of Mr. Johnson's prowess, others have been able to let their lights of journalistic talent and management skills shine, individuals like associate publisher and executive editor emeritus Robert Johnson, who ran *Jet* for many years; and current senior editor, Sylvia P. Flanagan; managing editor Malcolm R. West; feature editor Clarence Waldron; Washington Bureau Chief Simeon Booker; West Coast Bureau Chief Aldore D. Collier, and many others who have helped to make the Johnson Publishing Company a team.

Mr. Johnson, now 83, still works hard and has not missed a beat. He has received thousands of awards and accolades. Recently, he was the first African American to be inducted into the prestigious Arkansas Business Hall of Fame.

Mr. Johnson and *Ebony* and *Jet* have all given African Americans, as well as much of the rest of the world, knowledge, insight, and understanding into the needs, hopes, and aspirations of the people.

Mr. CLAY. Mr. Speaker, I rise today to offer my congratulations to *JET Magazine* and its founder and publisher, John H. Johnson, on the 50th anniversary of the world's leading Black weekly newsmagazine.

John H. Johnson is the president of Johnson Publishing Company, the most prosperous African-American publishing empire in America. In addition to *JET Magazine*, his company also publishes *Ebony*, *Black Star* and *JET Jr.* magazines. Within the journalism industry, John H. Johnson is to publishing, what Berry Gordy of *Motown* is to the entertainment industry.

John Johnson's journalistic dream began in Chicago in 1942. Back then, he was going to college and working part time for an insurance company, where he clipped articles concerning African-Americans out of newspapers and magazines. It was there that Johnson realized that the black community was lacking a publication similar to *Life* and *Reader's Digest*, so he set out to design a magazine that would cater specifically to the African-American community.

To raise money to fund his project, Mr. Johnson's mother allowed him to use her furniture as collateral for a \$500 loan. Johnson then developed a mailing list of 20,000 African-American households, whose names he had pulled from the insurance company's list of policyholders. With the money he had borrowed, Johnson sent letters to those on the list, in which he offered \$2 subscriptions for his yet unpublished magazine. He received 3,000 replies and printed the first issue of his new magazine, *Negro Digest*, later to be renamed *Black World*, with only \$6,000.

Mr. Johnson began his second publication, *Ebony*, in 1945. Six years later, Johnson started *JET Magazine*, which today is his flagship publication. However, in the 1950's Johnson Publishing Company was not without problems. He had trouble getting mainstream sponsors to advertise, so Mr. Johnson decided

to form his own company, called *Beauty Salon*, and advertised his own products in the pages of his publications. Johnson would later receive sponsorships from Zenith Radio and Chrysler after some coaxing.

Today, *JET Magazine* has a weekly circulation of nearly 1 million. Over the last 50 years, *JET Magazine* has chronicled the important milestones in the lives of African-Americans, including desegregation, black migration from the South, the Civil Rights movement, our efforts to reduce poverty, and African-American advances in politics, the Arts and sports. It is America's preeminent publication on the Black experience.

It is also worth noting that in 1995, Johnson Publishing Company expanded their operations into South Africa.

Over the course of his illustrious publishing career, Mr. Johnson has received numerous awards for his outstanding achievements, including the Presidential Medal of Freedom, the Horatio Alger Award, the NAACP Springarn Medal, and the National Newspaper Publishers Association's Henry Johnson Fisher Award for outstanding contributions to publishing.

The Johnson Publishing name is synonymous with achievement, wealth, staying power, vision and plain old common sense. So at this time, I want to congratulate and thank Mr. Johnson and *JET Magazine* for 50 years of journalistic excellence.

Mr. SCOTT. Mr. Speaker, today, we celebrate the 50th Anniversary of *Jet Magazine*, and congratulate Mr. John H. Johnson and the *Jet Magazine* family on 50 outstanding years of covering African-American life.

Both *Ebony* and *Jet Magazine* have meant a lot to African-Americans; it was a way for us to be connected as a community, at a time when there were few publications of widespread circulation devoted to African-American life. Many of us can remember the first time we glimpsed *Jet* and *Ebony* in our family homes, and learned about current events, and the lives and achievements of our fellow African-American.

The success and longevity of *Ebony* and *Jet Magazine* are due to the vision, hard work and perseverance of John H. Johnson, the publisher, chairman, and Chief Executive Officer of Johnson Publishing Company.

John Johnson began with a vision and an idea. When he was in his early 20's, he worked for the *Supreme Liberty Life Insurance Company*, then the largest African-American owned business in the North. One of John Johnson's jobs was to comb African-American newspapers and magazines from around the country, in order to brief the President of *Supreme Liberty Life*. John Johnson soon discovered that African-Americans were hungry for news of their own community—news that was broader than what was reported in the predominantly white media of the time, and news that was not, as Mr. Johnson remarked, "only in connection with a crime."

So in 1942 John Johnson founded *Negro Digest*. However, due to his humble roots, Mr. Johnson did not have the financial support necessary to support his new publication. At the time, mainstream banks did not commonly make loans to African-Americans, so John

Johnson ended up borrowing \$500 at the Citizens Loan Corporation, using his mother's furniture for collateral. The magazine quickly became successful.

In 1945, John Johnson launched *Ebony*, modeling it after *Life* and *Look* magazines. *Ebony* started as a magazine about achievement and success. John Johnson realized the importance of African-Americans feeling good about themselves, and of their achievements in the context of American society. In his book, *Succeeding Against the Odds*, Mr. Johnson wrote that at the time, "There was no consistent coverage of the human dimension of black Americans in Northern newspapers and magazines. It's hard to make people realize this, but blacks didn't get married on the society pages of major American dailies until the late sixties."

Jet Magazine followed in 1951, and continued John Johnson's vision of reporting about the people, history and current events of the African-American community. For example, Jet Magazine's Ticker Tape column, authored by Simeon Booker, has been a consistent source of information about current events, and governmental and legislative decisions.

Over the years, John Johnson has helped to present the news and interests of people of color virtually around the world. Today we salute him, and one of his flagship publications—Jet Magazine—for being part of our lives for 50 years. All of us look forward to another 50 years of success, and of *Ebony* and Jet Magazine continuing to bring the news not only to all of us, but also to future generations.

Mrs. MEEK of Florida. Mr. Speaker, I am pleased to join my colleagues in honoring Mr. John H. Johnson, Publisher and Chief Executive Officer of the Johnson Publishing Company on the 50th Anniversary of JET Magazine—Black America's leading weekly news magazine.

Mr. Johnson is one of the true giants of the American business world, and the publishing industry. In November 1942, as a young visionary, he began publishing the *Negro Digest* with a \$500 loan using his mother's furniture as collateral. Over the years he has built the privately held company into what is widely regarded as the world's largest Black-owned publishing company.

Today, Johnson Publishing Company titles include: *EBONY* magazine, JET magazine, and *EBONY* magazine South Africa.

EBONY magazine, with a monthly circulation of more than two million, is the largest African American oriented magazine in the country.

Fifty years ago this month, Johnson Publishing introduced JET, a national weekly which now boasts a weekly circulation of nearly 1 million. Since 1951, JET magazine has firmly established itself as Black America's weekly news magazine. It has done so, primarily, by covering stories about Black life often ignored by the mainstream press, in a timely and relevant manner.

Johnson Publishing Company has provided thousands of opportunities for Black journalists to get their start and move to higher positions.

Mr. Johnson is one of those special individuals in whom there exists not only an immense capacity for service, but also that touch of genius which everybody recognizes but no

one can define. He is also a great man with a great big heart. Since 1958 he has donated more than \$48 million to charitable causes.

So, to John H. Johnson I say thank you for your vision, your wisdom, and your example. Thank you for giving African Americans a voice in the publishing world, and congratulations on fifty years of publication of JET magazine.

AGRICULTURAL BIOTERRORISM COUNTERMEASURES ACT OF 2001

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oklahoma (Mr. LUCAS) is recognized for 5 minutes.

Mr. LUCAS of Oklahoma. Mr. Speaker, I rise today to ask for Members' support for the Agricultural Bioterrorism Countermeasures Act of 2001, H.R. 3293.

The tragic events of September 11 have made all Americans appreciate our freedom and democracy more than ever. As we continue to get our lives back to normal, we must also realize how much this has changed.

Terrorism does not have to be directed towards people; it can be directed at our modes of transportation, our communications infrastructure, or even our food supply.

The United States Department of Agriculture, along with the Food and Drug Administration, is in charge of ensuring that Americans have a safe and abundant food supply.

I would like to make it absolutely clear that because of USDA and FDA Americans enjoy the benefit of the safest food supply in the world. However, USDA and FDA have not had to clearly focus on how to prevent terrorism, bioterrorism, agriterrorism, or whatever term one prefers to use in describing the threats to America's food supply.

Prevention is the key and long-term planning should be the goal to continued food safety. Congress needs to take positive steps to help USDA perform what we ask of it.

Today, I am dropping a bill to help with prevention and long-term planning. H.R. 3293 authorizes money to be spent on USDA's agricultural research laboratories so that there is adequate plant and animal research being performed to combat bioterrorism. Some of USDA's most important research facilities need to be modernized in order for the U.S. to stand ready for our new fight.

The bill also provides money for the Oklahoma City National Memorial Institute for the Prevention of Terrorism, for research to make sure that USDA, the Department of Agriculture, and other law enforcement and emergency preparedness organizations cooperate and have the proper techniques in place in the event of bioterrorism events.

Further, Oklahoma State is authorized to receive a grant to establish a

food safety research center. OSU is the ideal location for a food safety center that is needed in our new struggle. This proposed food safety center will utilize state-of-the-art detection methods to determine the critical points in the food chain, from production, harvest, processing, and distribution, to consumption, where interventions could be applied to eliminate the known hazards for humans.

The Secretary of Agriculture will develop rapid response field test kits that can quickly be deployed to State and local agencies to determine if an act of bioterrorism has occurred. These are intended for quick discovery and to confirm outbreaks of plant or animal diseases, pathogens, or other bioterrorism agents.

The intramural agricultural bioterrorism research and development section of this bill will make USDA's ARS programs focus on enhancing regulatory agencies' response time, encouraging academic and private sector partners to work together to maximize research benefits, strengthening the links with the intelligence community to learn what research needs are most important, and encouraging ARS to work with international operations to control the spread of plant and animal diseases.

The consortium for countermeasures against agricultural bioterrorism is truly valuable. Those colleges and universities that turn out animal and plant doctors will coordinate with the Federal agencies, such as USDA, to develop the long-term program needed to combat bioterrorism.

Furthermore, competitive grants will be provided through USDA which are directed towards the protection of the domestic food supply. The Animal and Plant Health Inspection Service, APHIS, will be authorized to receive more funds to increase inspections at points of origin and to improve surveillance at points of entry. They will also be required to develop new and better techniques of working with State and local agencies to control the outbreaks of plant and animal diseases.

The Food Safety Inspection Service, FSIS, will be charged with enhancing its ability to inspect the safety of meat and poultry products. Like APHIS, FSIS will be expected to work with State and local agencies to create the best possible means of sharing information and technology in order to reach the best results possible.

This legislation is designed for the long-term benefit of producers and consumers alike. Please support H.R. 3293.

HISTORIC COMPROMISE ON AVIATION SECURITY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. MILLENDER-MCDONALD) is recognized for 5 minutes.

Ms. MILLENDER-McDONALD. Mr. Speaker, today is a glorious day for us. It is a glorious day for the American people because today we have reached a historic compromise and have finally addressed aviation security, a full 8 weeks after the tragic events of September 11.

We now have a victory for the American people, the flying public, and the flight crews that will be traveling during this upcoming holiday season. We will be scrapping a system that is broken.

Today, public safety is threatened by an unprecedented event: War has been declared on the American people by Osama bin Laden and his terrorist network. The Federal Government must protect our country during these times of peril.

Security at the Nation's airports is no longer a private-sector matter; it is in fact part of the front line of our Nation's defense. Congress needs to treat this as a question of national security by putting in place an effective Federal law enforcement system.

Mr. Speaker, America is experiencing a crisis of confidence in its aviation system. The status quo of private security firms in no way will provide the aviation security necessary to protect the traveling public. Simply put, the private contractors who currently have the responsibility for screening passengers and baggage failed on September 11, and for that matter, they have failed for the past three decades.

The private contractors entrusted with overseeing security for our aviation system are the same companies who pay very low wages, have a turnover of over 400 percent, and have failed to detect dangerous objects that were recently revealed by the GAO and the Department of Transportation during their testing.

□ 1745

In fact, 68 percent of the teams sent by the DOT Inspector General repeatedly found a breach of security.

Argenbright, one of the companies currently entrusted with security at our Nation's airports, was fined a million dollars and placed on 36 months probation. This company failed to conduct required background checks, hired convicted felons, and improperly trained workers which provided security at U.S. airports. Their probation was extended on October 23 for failure to comply with a previous court order. This is the same company that was responsible for the recent security breach at Chicago O'Hare.

This issue does not revolve just around Argenbright. In the last 5 years, FAA successfully prosecuted over 1,776 cases for screening violations which amounts to more than a violation a day. These cases resulted in \$8.1 million in civil penalties against air carriers for screening violations by screening companies.

Are these the kind of companies, Mr. Speaker, that we want to ensure our aviation security when millions of our fellow Americans and even us, who travel twice a week and will be traveling during this upcoming holiday day season, need? Absolutely not.

Thankfully, under the compromise reached by the conferees and the administration, all airports will have federalized screeners. In addition, this compromise will allow for a significant increase in the air marshal program. It will require screening for all checked baggage within 2 years, and it will require background checks for all airport personnel and aircraft crews.

The Congress owes a duty to the American public to ensure the strongest level of security possible at our Nation's airports. As the senior member serving on aviation from California, I am very pleased to be able to come today to let the American people know that Congress has responded to their requests.

Removing the profit motive from airport security and establishing a Federal law enforcement work force will provide the necessary security and restore the traveling public's confidence.

Mr. Speaker, we are all the better off.

TRAVEL STIMULUS ACT OF 2001

The SPEAKER pro tempore (Mr. GRUCCI). Under a previous order of the House, the gentlewoman from Hawaii (Mrs. MINK) is recognized for 5 minutes.

Mrs. MINK of Hawaii. Mr. Speaker, on November 13, 2001, I introduced H.R. 3281, the Travel Stimulus Act of 2001. This bill will allow individuals to claim a temporary tax deduction for travel expenses for cost of travel after September 11, 2001, and before September 12, 2001.

Mr. Speaker, people are not traveling. In my home State of Hawaii, our beaches and hotels are empty, our economy is floundering, and our workers are being laid-off at staggering rates. The total unemployed as of this date is 27,000.

I have introduced the Travel Stimulus Act of 2001, to allow individuals to deduct personal travel expenses for all personal travel to a destination of 500 miles or more from home. These deductions cover the taxpayer's spouse and any dependents and must be used on commercial travel (air, bus, train, boat). The taxpayer may also use these deductions for hotels, meals and other travel costs.

Hotels are lowering their prices to try to entice tourists to come and stay. The federal government must do our part to give the public incentives to travel again in order to revive the depressed economies of all states and communities that rely on tourism for their living. The President and my fellow colleagues have repeatedly stated that we must keep America rolling and we must return to some sense of normalcy. Giving these incentives will actually accomplish these feats.

I urge my colleagues to support the Travel Stimulus Act of 2001.

EXTENDING UNEMPLOYMENT BENEFITS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. GEORGE MILLER) is recognized for 5 minutes.

Mr. GEORGE MILLER of California. Mr. Speaker, yesterday the Committee on Education and the Workforce held a hearing at the request of the Democratic Caucus to listen to those individuals who have been impacted by the downturn in the economy, workers, Mr. John Sweeney, the president of the AFL/CIO, who represents many, many workers who have been caught in this downturn in the economy.

As we listened to two of the witnesses, Mr. Michael Hannah, who is a member of the Steel Workers in Birmingham, Alabama, who has worked for 29 years in that industry and recently, working for Butler Manufacturing, has just been told that he will be laid off indefinitely as of November 30. Mr. Hannah had been laid off earlier this year for 4 months. And, of course, what Mr. Hannah is now confronting is, his unemployment benefits of \$190 a week are running out.

We also heard from Linda Woods. Linda Woods has been employed in the commercial printing and advertising industry for the last 18 years and for one company the last 8 years, making \$19.11 an hour, but she too has been laid off and she is down to her last unemployment check. Her son, who is also working and helping her obviously while he is holding down two jobs for a hotel and an auto parts factory, has lost both of those jobs. First went the hotel job and then the auto parts factory job. So that income has been lost to her household.

Mr. Hannah told us also of the problems of his wife who just suffered a back injury and is unable to work and needs a lot of expensive medicines, as he said. He has also told us he would not be able to continue his health insurance under the COBRA program which allows unemployed people to continue to have their health insurance they had when they were working, but they must pay for, would cost him \$529 a month. And, of course, his unemployment provides him \$760 a month, and he is unable to pay for that. So it is not a luxury, but it is something he must let go if he is going to try to meet his mortgage payment and the rest of the obligations to his family.

Ms. Woods was in the same situation. On her unemployment, she would have had to pay \$200 a month for her COBRA and she can not afford to do that, nor can her son.

These are two individuals that, between them, have worked almost 50 years, 50 years; and now they find themselves having to need unemployment for 26 weeks and that has run out. And yet this Congress has failed to respond to provide for an extension of unemployment benefits. We provided a

bailout for the airline industry for \$15 billion, \$5 billion in cash. We provided \$38 billion to the energy industries in tax provisions. We have provided a repeal of the alternative minimum tax so that some of the richest and largest corporations in the world would get their taxes forgiven back to 1986. We have provided tax reductions for the wealthiest people in this country. And most recently now the President has suggested we speed up those tax reductions to that same group of very, very wealthy individuals.

But what the Congress has not found time to do is to take care of the hundreds of thousands of people, the millions of people in this country that are in the same situation as Linda Woods and Michael Hannah. What we have not found time to do is extend the unemployment benefits for another 26 weeks or another 13 weeks or whatever we can do to help these people. Many of these people were unemployed before September 11. But because of the September 11 terrorist attack in New York City and the Pentagon, the economy has gotten worse.

So their situation in trying to find work has become more difficult, and many people who are unemployed because of September 11 in the hotel industry, the travel industry, they now find themselves trying to replace their income in a worsening job market. If they look for work for 30 hours a week, they cannot get unemployment because that is not full-time, and while 97 percent of the businesses in this country pay into unemployment insurance, less than 40 percent of the people are covered.

Mr. Speaker, I realize my time is running out. I just want to say this. As Congress heads home for Thanksgiving dinner with their family, the holidays with their children and grandchildren, we had better remember these families and pass the unemployment extension bill so that they can do it. It is the most efficient economic stimulus we can provide. These people will spend the money to create the demand so the economy can recover. We ought to do it and we ought to do it now.

THE PLIGHT OF BLACK FARMERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mrs. CLAYTON) is recognized for 5 minutes.

Mrs. CLAYTON. Mr. Speaker, over the last 9 years I have come to this floor to talk about the plight of rural America. I have talked about farmers, including small farmers, disadvantaged farmers and minority farmers.

Today, I rise again to talk about the plight of the black farmers who have suffered a saga of mistreatment, discrimination and benign neglect. I would say that both the problems, as well as their possibilities, really tran-

scend region, transcend race. It encompasses a wide array of individuals that go beyond just black Americans but includes Hispanics, includes Asian, includes Indian Americans and women as well.

This issue also affects the disabled. A wheelchair-bound white male in Michigan has felt the sting of unfair discriminatory practices on the part of the Agriculture Department and contacted the Agriculture Department, who are there to serve; and indeed, all who are involved in farming as a way of life are affected by the mistreatment and by the lost opportunities that the black farmers would have.

All farmers are affected by changes and forces that have been experienced in this new world order or this new economy of the world. There are several factors that have caused small farmers to decline or to accelerate the decline of these small producers. They include globalization of commerce, economies of scale, limited access to capital and technological advances. The existence of worldwide markets for all commodities, not just agriculture, but all commodities, are feeling this, have created unique market forces and pressures that producers of the past did not have to compete against.

American's producers have to cope with the substantially larger and less accommodating world market in which to sell their merchandise and their commodities, with competitors who play by sometime significantly different rules.

In 1992, when we first started looking at farmers and the demise of farmers, we saw the landscape was very different, and we compared the landscape as it was in 1920, when we had over 6 million farms in the United States. Things have changed obviously. Close to one-sixth of those farmers were really in North Carolina; 926,000 small farmers were in North Carolina.

When we looked at it again in 1992, the landscape was very different. For only 1 percent of 1.9 million farmers in the United States were then operated by African Americans. Since the 2000 census, that decline has even gone further. At that time, it was only 18,816 farmers. That is a paltry number of African Americans when we consider that we represent more than 13 percent of the total population.

In my home State of North Carolina, there has been a 64 percent decline in minority farmers just over the last 15 years, from 6,996 farms in 1978 to 2,498 farms, again when we measured from this time in 1992. There are several reasons why a number of minorities and limited resource farmers indeed are declining so rapidly, but the one that has been documented time and time again is the discrimination in the credit extended by the Department of Agriculture, the very agency established by the U.S. Government to accommodate

and to assist the special needs of all farmers and ranchers.

The issue was first raised in 1968 when the U.S. Commission on Civil Rights established that the USDA discriminated both in internal employee actions and external program delivery activities. An ensuing USDA employee focus group that was established in 1970 again reported that USDA was callous in their institutional attitude and demeanor regarding civil rights and equal opportunity.

In 1982, the U.S. Commission on Civil Rights examined the issue yet again and published the report called *The Decline of the Black Farmers in America*. The Commission concluded that there were widespread prejudicial practices in loan approval, loan servicing, farm management assistance as administered by then what we used to call the Farmers Home Administration.

However, as no improvement was forthcoming, indeed my friend the gentleman from Michigan (Mr. CONYERS) had a report. I want to tell my colleagues that this saga has been going on. In fact, the gentleman from Michigan (Mr. CONYERS) in his operational committee, as he chaired it, had a report and he called it *The Minority Farmer: A Disappearing Resource*. Well, we have an obligation then. We should do better.

Mr. Speaker, I will be coming to this floor more than once again to raise a consciousness that we cannot have this benign neglect, this mistreatment and this discrimination.

□ 1800

TRIBUTE TO VICTIMS OF SEPTEMBER 11 TRAGEDY

The SPEAKER pro tempore (Mr. GRUCCI). Under a previous order of the House, the gentleman from Illinois (Mr. SHIMKUS) is recognized for 5 minutes.

Mr. SHIMKUS. Mr. Speaker, I want to join my colleague, the gentlewoman from Virginia (Mrs. JO ANN DAVIS), in continuing to read the names of those who fell in the tragedy on September 11, and I would do so now.

Kevin Marlo; Jose J. Marrero; Fred Marrone; Constance Marshal; Shelley A. Marshall; John Marshall; Daniel Marshall; James Martello; Michael A. Marti; Teresa M. Martin; Peter C. Martin; Karen Martin; William J. Martin; Brian E. Martineau; Waleska Martinez; Jose Martinez; Edward J. Martinez; Betsy Martinez; Robert Martinez; Lizie Martinez-Calderon; Paul Richard Martini; Joseph Mascali; Bernard Mascarenhas; Stephen Masi; Ada L. Mason; Nicholas "Nick" Massa; Patricia A. Massari; Michael Massaroli; Philip W. Mastrandrea; Rudolph Mastrocinque; Joseph Mathai; Charles William Mathers; William A. Mathesen; Margaret Elaine Mattic;

Marcello Mattricciano; Dean E. Mattson; Robert D. Mattson; Walter Matuza; Choi "Irene" Mau; Timothy Maude; Charles J. Mauro; Nancy T. Mauro; Dorothy Mauro; Charles A. Mauro; Robert J. Maxwell; Renee May; Tyrone May; Keithroy Maynard; Robert J. Mayo; Kathy Mazza; Edward Mazzella, Jr.; Jennifer Mazzotta; Kaaria Mbaya; James J. McAlary; Brian McAleese; Patricia A. McAnaney; Colin Richard McArthur; John McAvoy; Kenneth M. McBrayer; Michael Justin McCabe; Brendan F. McCabe; Charlie McCabe; Robert McCallum;

And I would encourage my colleagues to contact our colleague, the gentlewoman from Virginia (Mrs. JO ANN DAVIS), to help us read the names of those who fell in the tragedy on September 11.

TRIBUTE TO FORMER CONGRESSMAN EDWARD P. BOLAND

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Massachusetts (Mr. MARKEY) is recognized for 30 minutes as the designee of the minority leader.

Mr. MARKEY. Mr. Speaker, I appreciate having this time in order to speak about our great beloved, departed colleague from the State of Massachusetts, Edward Patrick Boland. He served in this institution for 36 years. He was elected in 1952; he served until 1988.

He loved this institution, and this institution loved him. He arrived in 1952, with his best pal, Tip O'Neill, another freshman Congressman coming from the eastern part of the State. They were roommates for 24 years here in Washington, really only staying here on Tuesday, Wednesday, and Thursday, and immediately returning to their home districts after the close of business on Thursdays.

And that is how it went in their little apartment over all those years until Tip was elected Speaker and brought Millie down. However, it had been preceded just a couple of years before that by Eddie breaking his long years of bachelorhood and marrying Mary Egan, a marriage that produced four beautiful children that were, without question, the pride and joy of his life.

Now, for those that knew Eddie, he still and for always will be thought of as a legislative giant, as someone who motored around on the floor of the House like the Energizer Bunny, moving at the speed of sound from deal to deal to deal to deal as he worked his legislative magic. And whether the Member was Democrat or Republican, Eddie Boland was universally respected.

When, in 1977, Tip O'Neill decided that it was necessary to create a Permanent Select Committee on Intel-

ligence, by definition that job required someone who could keep secrets, someone who could be trusted with the greatest intelligence which our country has, that which protects the national security, the health and well-being of every American, out of the entire institution, Tip selected Eddie Boland to be the first chairman of the Permanent Select Committee on Intelligence. Because he was someone that every Member, Democrat and Republican, would trust.

And so, without question, as the 20th century's legislative history is written, he will be looked back upon as someone who was the quintessential public servant, elected as a State representative when Roosevelt was President. He served in World War II, was elected and served in Congress in the Korean War, in the Vietnam War, and all the way through to the point where not only was the Reagan era ending but the George Bush, Sr., administration was about to begin. What a legacy that he leaves to this country, to his family.

So we in the Massachusetts delegation, without question, will miss him; but we know so too will all of his colleagues, all of his constituents, and all who came to know him in this great country.

I would like to turn now to the gentleman who succeeded Eddie in the United States Congress in his seat in Springfield, and, in fact, was Eddie's choice to carry on the political and spiritual legacy that he brought to the Congress from the City of Springfield, the gentleman from Massachusetts (Mr. NEAL).

Mr. NEAL of Massachusetts. Mr. Speaker, I want to thank my colleague, the gentleman from Massachusetts (Mr. MARKEY), who is the dean of the Massachusetts delegation, for organizing this Special Order as we pause in remembrance of my friend and former Congressman, Edward P. Boland.

Congressman Boland came here in the midst of the Eisenhower landslide; and he won that first race, I believe, by 5,000 votes. And for 36 years he served here virtually, but with a couple of exceptions, without challenge. What I think is ironic about the Boland legacy, beyond the kindness that he exhibited time and again, was the affection that he held for this old House. He revered his service in this institution, respected it, and believed time and again that this was one of the best jobs that anybody could ever hope to hold.

Eddie Boland came from Springfield's Hungry Hill. He was the child of Irish immigrants. For 50 years, 50 years, he was elected. Think of it, at least 25 elections, and at the end of those 25 elections he could say, at retirement, he was undefeated and untied. What a remarkable legacy indeed that was.

But there are projects across this country that bear his imprint. Because of his relationship with John Kennedy

and the fact that he was on the plane with President Kennedy, or at that time Senator Kennedy, as they returned from Los Angeles after having secured the Democratic nomination in 1960, he was devoted to the Apollo program and, indeed, remained, until his last days, one of its great champions.

We recall in this institution his wisdom as it related to the Boland amendment and Nicaragua. He saved this country from a disastrous journey had we proceeded with military support for Nicaragua. Today, Mr. Speaker, with the exception of Cuba, every government in Central and South America is freely elected. His impact on housing programs because of his subcommittee chairmanship at VA-HUD happens to be profound.

But there was another side of Congressman Boland, and I think my colleague, the gentleman from Massachusetts (Mr. MARKEY), and others in the delegation again hold it in highest regard. Congressman Boland only talked to reporters from the hometown newspaper. In 36 years in this institution, Congressman Boland had one fund-raiser, and really was upset that he had to go to it. He thought that the only allegiance he owed to anyone was to those people back in the Second District of Massachusetts.

And here is an even more compelling statistic, given the modern nature of Congress. Congressman Boland held one press conference in 36 years to announce he was retiring; and he did it on Hungry Hill, where 36 years before he had announced he was running, without a press conference at that time.

It is remarkable that his legacy could have been as pervasive as it was, given the fact that by nature he was fairly shy and really did not care for the limelight and did not care for the national attention that his years in Congress and the Boland amendment and the housing programs that he championed brought him as they were put in front of the American people.

It is the honor of a lifetime to have known him. I attended one day this remarkable Christmas luncheon that he had every year after he retired, which many of the people that had elected him State representative 50 years before all attended faithfully. At one of those luncheons, the fellow he defeated, I believe in 1934, for State representative from Hungry Hill, was there. And when asked why he was there, he simply pointed out that a half century before Eddie Boland had retired him from public life. And with that graciousness Boland simply smiled and laughed, and they had a wonderful moment of friendship and harmony again.

I am struck by that service, I am struck by the legacy, but I would like to take all of the young Members that have come to this Congress during the last 2 years and say to them: you

should understand the reverence that Eddie Boland held for service in this institution. He really believed that this was one of the great arbiters of fairness in American life. He really believed that this institution was courageous and visionary in the manner in which it proceeded. But not only did he feel strongly about this institution, he was a believer in the Federal Government of the United States.

I am going to close on this note, because while people understood him and his legacy and the programs he championed, one of the footnotes that occurred in his obituary that few people ever knew, because he never called attention to it, Eddie Boland marched in Selma, Alabama, to bring about an end to much of the unfairness that had been institutionalized in American life. He was patriotic, he was kind, he was impeccably decent.

He has a wonderful wife in Mary Egan, and to hear his son's remarkable testimony to his father at the funeral, his son Edward, his daughter Martha, daughter Kathleen, and son Michael. What a great family. And I would be remiss as I close if I did not mention one of the great eulogies that I have ever heard that came from former judge and my friend, Daniel M. Keyes, who was Eddie Boland's friend for 70 years.

We will miss him in this institution; we miss him in Massachusetts. A great friend was Congressman Eddie Boland.

Mr. MARKEY. Let me now yield to the gentleman from Massachusetts (Mr. OLVER), whose congressional district abuts the district of the gentleman from Massachusetts (Mr. NEAL) and then Congressman Boland, so he knew him very well.

Mr. OLVER. I thank the gentleman for yielding to me, and I am very pleased to be able to join my colleagues, the gentleman from Massachusetts (Mr. NEAL), from the second district, and the successor to Edward P. Boland, and the dean of our delegation, the gentleman from Massachusetts (Mr. MARKEY), from the eastern part of the State.

Mr. Speaker, I rise to pay tribute to the life and work of Congressman Edward Boland, who represented the Second Congressional District of Massachusetts for nearly 4 decades. Let me start by giving my deepest sympathy to Mary Boland and the Boland children for their loss of a husband and a father.

I first met Congressman Eddie Boland in 1968. He had already served more than 15 years and was a force in the Congress. I, by contrast, was making my first run for political office as a Massachusetts State representative in a district that partly overlapped Eddie Boland's Second Congressional District.

□ 1815

My first and most lasting impression of Ed Boland was his booming voice. He

was speaking at an event in Granby, and I was certain that he could be heard all of the way to South Hadley. Over time I learned that Congressman Ed Boland was not just heard, but attention was paid when he spoke. He was heard all the way down the hall to the Senate. He was heard by Presidents at the White House. He was even heard at the Pentagon.

This modest man with a towering voice commanded towering respect here in Washington, and he was a towering presence in the political life of western Massachusetts. Eddie Boland provides even now a model for Members of this House of Representatives to follow.

Eddie Boland was known equally for his ability to tackle the most complex issues of the day, and his willingness to show simple kindness to anyone around him who needed his help. He rose to national prominence on a number of issues, particularly his authorship of the Boland amendments restricting U.S. involvement in the conflict in Nicaragua. Yet the people of the Second Congressional District remained his foremost concern throughout his long and distinguished career.

When Eddie Boland passed away last week, everyone in the Pioneer Valley lost a friend. On behalf of the people of the First Congressional District, I rise to say "thank you" one last time to Congressman Edward Boland for his work and his service.

Mr. MARKEY. Mr. Speaker, I thank the gentleman for participating in this special order, and now I yield to the minority whip designee, the gentleman from California (Ms. PELOSI), who knew Ed Boland well.

Ms. PELOSI. Mr. Speaker, I commend the gentleman for calling this special order and congratulate him. I congratulate because this is a wonderful occasion when we in the House who served with Ed Boland can come together and talk about him and the wonderful contribution he made to our country.

I felt a special responsibility to come to the floor, not only because it was a privilege to serve with Eddie, but also as the senior Democrat on the Permanent Select Committee on Intelligence. I know full well what his great contribution was to our country. The gentleman referenced that in his remarks very beautifully, and I want to speak to that for a bit.

I do so bringing some of the appreciation from the staff of the Intelligence Committee, as well as many Members who have served on that committee over time. We serve in the Edward P. Boland Room in the Permanent Select Committee on Intelligence.

For over 50 years, 36 in this House, Eddie Boland represented the people of western Massachusetts with uncommon dedication and effectiveness. He believed deeply in the capacity of gov-

ernment to be a positive force in people's lives and in the duty of those in government to do everything within their power to ensure that result.

It has been said that he treated his constituents the same way as he treated his friends. That explains not only his success at the polls, but the high regard with which he was held. His career was a testament to the fact that politics, when practiced by people of great skill and commitment, is both an art and a high calling.

Eddie served with distinction on the Committee on Appropriations, and was the committee's second most senior Democrat for many years. He was a long-time chairman of what was then the Department of Housing and Urban Affairs and Independent Agencies, now known as VA-HUD. I doubt that there are many communities in the United States who have not benefited from his programs that he promoted on the subcommittee. Veterans hospitals and clinics, projects to improve the quality of air and water, affordable housing for the poor, the elderly and disabled, efforts to reinvigorate the Nation's cities and to explore the universe of which we are a part, were among the activities made national priorities by the appropriations measures he crafted. It is impossible to calculate all of the ways in which those programs made fuller and more secure the lives of the people of our country.

Had Eddie Boland's service been measured only by his work on the Committee on Appropriations, it would have been deemed highly successful. As has been mentioned by the distinguished dean of the Massachusetts delegation earlier, in 1977 Speaker Tip O'Neill asked Eddie to be the first chairman of the Permanent Select Committee on Intelligence. Tip's reasoning was simple. The leader of that committee would have to be someone people could trust, as the gentleman from Massachusetts (Mr. MARKEY) said, someone who could keep a secret.

Eddie Boland's integrity was unsailable. The committee's reputation for keeping secret matters secret is due in large part to the standard established during the 8 years he served as chairman. That is an incredibly long time to be chairman of the Committee on Intelligence.

Although not one to seek fame, he did not shrink from taking on a popular President in a most public way when the U.S. intelligence agencies unwisely, in his judgment, became involved in a civil war in Nicaragua. Later when questions arose as to whether laws restricting the activities of those agencies had been violated, he was among the small number of Members of the House selected to determine the truth. Even in the highly charged atmosphere that surrounded that investigation, when legislation bearing his name was central to the inquiry, he

was not interested in publicity, but sought only to do the job entrusted to him by the House.

Despite his many accomplishments in Washington, Eddie took his greatest joy and was most proud of his family back home in Springfield. His wife, Mary, and their children, Martha, Edward, Jr., Kathleen, and Michael were the focus of his life, each though he started late in life to acquire that magnificent and beautiful family. Many of us saw him with his family at the funeral of Congressman Joe Moakley, another esteemed Member of this Congress, and it gave us a chance to say hello to Eddie, and little did we know that it would be good-bye. But we reported to our colleagues in the House that Eddie was still as sharp as a tack and enjoying his beautiful family. Our condolences go out to Mary and the children.

That is why he left here, to spend more time with his family at a very important time in their lives. His devotion to them says as much about the man he was as does his distinguished service in the Congress.

Mr. Speaker, although I only served for a short time with Eddie Boland, I directly followed him onto the Committee on Appropriations and the Permanent Select Committee on Intelligence, so I know well how well-respected he was by his colleagues and by the people in the executive branch. He was one of the quiet, hard-working Members so essential to the conduct of the business of the House. His service enriched the Nation, and will always be a source of great pride for his family. Anyone who served with him will always treasure the privilege of calling him "colleague."

Mr. Speaker, I thank the gentleman for allowing me to participate in this special order.

Mr. MARKEY. Mr. Speaker, I thank the gentlewoman for participating.

One of the great things about Eddie Boland was that he lived such a long life. He passed away at 90. The gentleman from California (Mr. GEORGE MILLER) is now one of the few Members who served with him because he left 13 years ago. I yield to the gentleman from California.

Mr. GEORGE MILLER of California. Mr. Speaker, I thank the gentleman for holding this special order so we can pay tribute to Eddie Boland. I want to mention a small episode.

There was a time when many of us were involved in trying to end the violence in Latin America, in Guatemala, El Salvador, Nicaragua and elsewhere. It was a struggle that was consuming those individuals and those countries. It was an uphill struggle.

Finally, justice came, and in the case of El Salvador, a democratic government has been established and a series of elections have been held; but that was not the history of the region and

that country at the time when I served in this Congress with Mr. Boland.

I always thought that the reason that justice came to Central America in large part was because the generals in El Salvador made a huge mistake and the intelligence community in this country made a huge mistake.

The generals in El Salvador made a huge mistake in lying to Joe Moakley about their involvement in the killing of the Jesuits at the university. From that day forward, because he recognized the lie when it was uttered, and I was with him on the trip to Latin America to investigate that, Mr. Moakley recognized that lie the minute it was presented on that military base by those generals. He pursued it along with our now-colleague, the gentleman from Massachusetts (Mr. MCGOVERN) for many, many months until that lie unraveled and we realized the incredible role that the Government of El Salvador played in the murder of those Jesuits and its military.

Eddie Boland, while he did not agree with us necessarily on the policy in Latin America or what some of us were trying to achieve, believed that the laws of the land were the laws of the land. When he later found out the involvement of the intelligence agency in Latin America and when it became clear that they were fudging the laws, we passed the Boland amendment that made it very clear that having Eddie Boland stand before this Congress and support the Boland amendment and having this Congress pass the Boland amendment as he did in his role as the chairman of the Intelligence Committee changed the dynamics and changed people's attitude to what was taking place in Central America and the deep involvement of this country in really horrific events and abuses of human rights in those countries.

Mr. Speaker, I think we owe him a great debt of gratitude because he insisted that people not play fast and loose with the laws of this country, that this country not be involved in the abuse of human rights of the people in El Salvador; and we all should thank him very much and remember him for that important role that he played on behalf of humanity who, without Eddie Boland, would not have had a champion of that stature to bring about that kind of change.

I thank Eddie Boland for his service to this country.

Mr. MARKEY. Mr. Speaker, I yield to the gentlewoman from California (Ms. PELOSI.)

Ms. PELOSI. Mr. Speaker, I just want to mention that we serve, those of us on the Intelligence Committee, serve in the Edward P. Boland Room upstairs, and while Members have the opportunity to come to the floor to express their condolences as well as their commendations of Mr. Boland, I want to extend the condolences also of the

staff of the Permanent Select Committee on Intelligence, especially Mike Sheehy, the Democratic counsel to the staff, who served Mr. Boland so very well for so many years, and mourns his death, and knows more about his contributions than many.

I thank the gentleman for allowing me that further remark.

Mr. MARKEY. Mr. Speaker, I thank the gentleman from California (Mr. GEORGE MILLER) very much. When a younger Member is advocating for an idea, you look around the institution to find somebody who everybody respects who as we say in the Catholic Church, would place their imprimatur, their blessing, on the idea.

As the gentleman from California (Mr. GEORGE MILLER) knows, when Mr. Boland put his blessing in terms of what our relationship should be with the Government of Nicaragua, at that point people could disagree with Eddie Boland, but they knew they would be wrong because he would never take anything other than the most honest position.

Let me conclude the special order by recognizing the only other member with the exception of myself who served in the Massachusetts congressional delegation with Eddie Boland, the Congressman from the city of Newton, the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK. Mr. Speaker, I thank the gentleman from Massachusetts (Mr. MARKEY) for taking this special order to give us a chance to express our sympathy to Mary Boland and their children, and express our admiration for a man who really had an extraordinary, distinguished legislative career.

I am a great follower of parliamentary and legislative history. It is something that I read to relax, reading about the British parliament and other parliamentary bodies. I do not think it is sufficiently appreciated what an important role a leading institutionalist plays in making democracy function. Among other things, that is what Eddie Boland exemplified.

□ 1830

He was an elected official, a man who came up through the political ranks, was always deeply rooted in the community from which he came, who was always in constant touch at all levels with the people he represented, and who took to Washington their mandate and built on it. He was at the same time their Representative and someone who transcended what might be the narrowing aspects of being a Representative.

As previous speakers have said, he confounded some stereotypes. He was not by his manner, by his political background, by his general place in the world of the political culture the kind of man who people would have expected

to have been leading an assault on a Presidential foreign policy. We have a tradition of deferring to Presidents in foreign policy, indeed excessively, it seems to me, in many cases because legitimate differences ought to be articulated.

Eddie Boland, as the gentleman from Massachusetts and the gentleman from California just said, did a great deal to legitimize the notion that in a democratic society, elected officials had not only the right but the duty to speak out if they thought the President was pursuing gravely mistaken foreign policies. The fact that Ed Boland did that and did that with his dignity and with his respect for this institution and with all of the cultural attributes that he brought to the job really did, as the gentleman said, give it the imprimatur, or did give it a legitimacy.

What that meant was this. It meant we could argue it on the merits. Too often when we are dealing with an issue like this, there is a whole set of deferences, a whole set of attitudes that interfere. Ed Boland's stature in this institution was justifiably of sufficient weight so that when he spoke on that issue, he overcame those deferences and we got to the merits, and he did a great service. He was also, of course, defending the prerogatives of the elected legislature against the executive, and in that also he was carrying on in the tradition of great parliamentarians.

Finally, as someone who has been concerned with housing policy since I got here, I want to acknowledge his great leadership as subcommittee Chair in terms of recognizing the obligation of this very wealthy country to do something about the housing needs of the people. We look back now to the days of Ed Boland's chairmanship of the appropriations subcommittee dealing with HUD as golden days when we in fact did far more to meet vital social needs than we are doing today, unfortunately. And there are a lot of reasons for that. But Ed Boland's committed and passionate advocacy, and you can be passionate without making a lot of noise, you can be passionate by having an unstinting, unyielding determination to do the right thing; and that is what he had.

As my friend from Massachusetts has said, he and I are the last two Members who served with Ed Boland and know just what integrity he brought to this job and just to what extent he exemplified what an elected representative of the people ought to be in a functioning democracy. I thank the gentleman for giving me the opportunity to say this.

Mr. MARKEY. I thank the gentleman from Massachusetts, and I thank all of the Members who have participated in this Special Order.

We will keep this part of the RECORD open so that any other Members who wish to do so may enter their own statement.

Eddie Boland's career ended the way it began. He worked tirelessly in order to make the world a better place. I am proud to have known him. I am proud to have worked with him. I am proud to have served with him in this institution that he loved so much. I am proud to have called him my friend. His service to this country will never be forgotten. Our condolences to his wife, Mary, and his children.

May Eddie Boland rest in peace.

Mr. MEEHAN. Mr. Speaker, I rise today to commemorate the life of public service and passing of Congressman Edward "Eddie" P. Boland. Congressman Boland was a humble statesman who moved legislative mountains and earned the respect of his colleagues with a polite manner and solemn regard for this body.

He received his education from Springfield's Bay Path Institute and Boston College Law School. The son of an Irish immigrant railroad worker, he would later establish himself as a community leader. Boland began his life of public service at the age of twenty-three when elected to the Massachusetts House of Representatives. Later, he was elected as the Hampden County register of deeds. In 1942, he enlisted in the Army to fight tyranny in the Pacific theater of World War II and was promoted to captain.

In 1952, Eddie Boland won election to Massachusetts' second congressional district seat in the U.S. House of Representatives. During his 36 years in the House, Congressman Boland became the Chairman of the Permanent Select Committee on Intelligence and of the VA, HUD and Independent Agencies Appropriations Subcommittee. Developing the necessary trust between his committee and the intelligence community and an acceptance of the need for Congressional oversight were hallmarks of his Chairmanship. Furthermore he was a steadfast advocate for individual's privacy rights and providing informative but discreet intelligence information to the public. Among this most notable legislative achievements was passage of the Boland amendments which restricted the use of U.S. funds by Nicaragua's Contra rebels and lay at the heart of the "Iran-Contra" scandal.

Although Congressman Boland rose to become a figure of national prominence, he never lost sight of his modest beginnings in the Hungry Hill district of Springfield, Massachusetts. Congressman Edward P. Boland is survived by his wife Mary Egan, and four children. His legacy to our nation is a model of leadership born from quiet dignity and integrity.

AIRLINE SECURITY

The SPEAKER pro tempore (Mr. TIBERI). Under the Speaker's announced policy of January 3, 2001, the gentleman from Washington (Mr. INSLEE) is recognized for the balance of the hour, approximately 28 minutes.

Mr. INSLEE. Mr. Speaker, I have come to the floor this evening to comment on what I believe is a major, major step forward in our national security and, that is, the imminent pas-

sage of our airline security bill. Our conferees, we have been told, have been successful in ironing out a bill that I think is a real major step forward in several respects. I would like to talk about two of those ways that this bill is really going to advance Americans' sense of security and hopefully instill a fair measure of confidence in airline travel.

The first is that our efforts have been successful to make sure that 100 percent of the checked baggage that goes into the belly of our airplanes in fact will be screened for explosive devices. This is a major step forward to give the traveling public the assurance that any bag that is going to go into the luggage compartment of an airplane, we are going to be assured, does not have an explosive device in it. Given the nature of the threat, it is high time that the U.S. Congress has passed such a measure. We are told now that our conferees in both parties, in the House and Senate, have agreed on a measure that will set a deadline for the actual implementation of 100 percent screening for checked baggage. We also are told that we are going to have interim measures while we get to that 100 percent use by mechanical devices, by some of the sophisticated machinery, to be assured that we cannot see a plane taken down out of the sky.

This has been the result of a lot of effort here in Congress, but I want to pay a real congratulatory note to two gentlemen who have been working for over a decade now to achieve that end, and those gentlemen are Bob Monetti and George Williams, two gentlemen each of whom lost a son in the Lockerbie bombing in Scotland in 1988. Bob Monetti, who lost his son Rick, a Syracuse student, in that bombing and Mr. Monetti since then has been working with the community of families that lost members in the Lockerbie bombing to try to get this Chamber, the U.S. House, and the Senate, to pass a provision to assure that that type of tragedy cannot happen again.

I have met Mr. Monetti; he is a great leader in this regard and has been a conscience of his community to see to it that the House of Representatives would act. I have also met Mr. George Williams, who lost his son Geordie, an American soldier, Mr. Williams, a proud Marine. I really want to thank Mr. Williams for his efforts to make sure that the U.S. Congress would finally act to see to it that other family members do not have to suffer a loss that they have done. I think it is a real mark of tribute to these families that they have hung in this effort for over 10 years to see to it that the Congress would finally act.

Now in the next day or two, we will be voting on a provision that will finally achieve their goal of having 100 percent screening. I want to thank Mr. Monetti and Mr. Williams and all of

the Lockerbie families for their efforts to educate us in Congress about the need for this. I hope they take some measure of satisfaction. I know Rick and Geordie would be real proud of their fathers when this bill passes, as we were of them.

I also want to thank some of our co-sponsors, the gentleman from Ohio (Mr. STRICKLAND), a Democrat, who has insisted on this; the gentleman from Connecticut (Mr. SHAYS), a Republican. The gentleman from Connecticut has been a great, great leader on many reform efforts. He has been instrumental in convincing some of the leadership on the Republican side of the aisle in including this measure in the eventual airline security bill. I consider this a bipartisan success through the efforts of the gentleman from Connecticut and several other Republicans, the gentleman from Massachusetts (Mr. MARKEY) and others on our side of the aisle who have gotten this in. We are happy that we have finally achieved this end, that we can now tell Americans that they will be able to have the peace of mind when they get on an airplane that we are not going to have explosives in the belly of the airplane.

There are a couple of things we hope that both our conferees, if this has not been totally finalized, and our friends at the FAA and the Department of Transportation need to be attentive to, and, that is, that we need to very quickly evaluate the screening devices for various types of technology to make sure that we use the most effective, the fastest, the most efficient, the most cost-effective means of screening this baggage. We brought to the Cannon House Office Building last week some new technology that we hope that the FAA will look at very closely when we choose which types of screening machines to use. We want the FAA to be very open in its assessment so we have the fair opportunity to assess all of the technologies, and there are several types of machines that use several types of technology to determine whether there is an explosive device in a bag. We are going to be working diligently with the FAA to make sure that they have a fair evaluation process to decide which type of technology to implement throughout our Nation's airports. In doing that, we are going to be very insistent that we fully mobilize the industrialized base of the United States.

Some time ago, the FAA talked about getting this done in 10 years or more, to get enough machines in our airports to get this done. We are not going to wait that long. We need to do the same kind of industrialization and mobilization that happened in World War II. We built about 10 or 12,000 B-24s in World War II when we fully mobilized our industrial base. We have got to do the same thing with these machines. We need a couple of thousand of

them, and we need to find the licensing and a contractual way to fully engage the manufacturers of this country to get this done right away. We are going to be very insistent on that. We look forward to working with our agencies to make sure we make this decision promptly and in a way that gets the best technology into our airports.

The other aspect of this bill that we are very, very pleased about is that it will have a quantum leap forward in the quality of screening of the individuals who screen passengers when they go through these screening gates heading for their airplanes. We have had such a litany of failure. We have had such a disastrous experience with private companies, low-bid contractors, who have allowed these types of failures to occur. Now we have finally agreed and our conferees have agreed to essentially ensure that we will have Federal employees who, in fact, will man these stations in the next 2 years. We are very happy that that assurance will be given to the traveling public. It is time that we have the same level of protection of folks when they get on airplanes as we do when we have folks coming across our borders, namely, we have Federal employees who have been certified and trained, that work for Uncle Sam; the same type of assurance we have with FBI agents; the same type of assurance we have for fire and police personnel who work for the public and are certified and trained appropriately. We are going to require that and that that will happen.

As you know, as with any legislative process, there has been some give and take in fashioning that, the give and take as some of the Republican leadership has resisted this idea, and we have been told that in this provision, there will be a provision that 2 years from now, airports that wanted to petition the agency to have a private contractor do this work, if they can convince the agency that that was a good idea, they would at least allow that argument to be made. But with all due respect, we do not think there is going to be any such petitions because the traveling public is going to learn that the best way to get this done is to have Federal employees to do it, and we are confident that that is going to be the case; and we feel good about the strides that have been made.

We want to compliment our friends across the aisle who showed some bold leadership to move this effort forward. I see the gentleman from Iowa (Mr. GANSKE) here. I do not know if he wants to join in this colloquy or not, but I would be happy to yield to him if he would like to join me in this regard. Mr. GANSKE. I appreciate the recognition.

On September 11 when we saw the airplane fly into the World Trade Center after the first one had already struck the first building and we kept

seeing it and seeing it again and again on TV, it really brought home the fact that an airplane full of jet fuel is a flying bomb and we lost 5,000 plus American lives in that attack on our country, really more than twice as many American citizens as we lost in the attack on Pearl Harbor.

□ 1845

So, Congress has been struggling a little bit to come to a resolution on how to improve the security in our Nation's airports and on our airplanes, and I applaud the conference committee for coming together on this issue.

What we really need is, we need secure cockpits, we need more air marshals. Those things will be achieved in this bill. We need to make sure that people getting on to airplanes do not carry weapons. We need to make sure that the luggage that gets stored in the belly of those airplanes does not have a bomb.

That means that the people who screen the people walking on the planes and the people that screen the baggage need to be professionals. Unfortunately, we have had a situation in this country where, largely, the screening has been done by three foreign corporations, hiring people at the minimum wage, not doing security background checks, being fined millions and millions of dollars and still not correcting their operations, being fined by the FAA.

This is not just a problem in the United States. Securicorp, the parent company of Argenbright, has had the same types of problems at Heathrow in England. So, since September 11 we have seen more than 70 violations where people have gotten on to airplanes or gotten through the screeners carrying such things as seven knives, a can of mace and a stun gun, as an example.

It is clear that we need to improve the performance, professionalize those screeners. We made strong arguments here on the floor of the House a week or so ago that the proper way to do that is to transfer that responsibility from the airports and the airlines to the Federal Government.

The bill that we voted on, some of us voted for on the House floor, would have moved that to the Department of Justice, as the bill which passed originally in the Senate. In this compromise, that will still be handled under the Department of Transportation. However, all of these screeners will now be Federal employees.

But there are important provisions in this conference bill that duplicate some of the provisions we had in the Senate bill.

Number one, those screeners cannot go on strike. They just cannot walk off the job.

Number two, if they are not performing the job, then they get fired.

They get laid off immediately and can be fired, because under the terms and conditions of this conference report, they will not be under regular civil service rules. So they will be the what are excepted government employees, E-X-C-E-P-T-E-D, government employees. This will be the same whether you are talking about a big airport, one of our hubs or our smaller airports.

I think this is a good thing coming out of the conference, because we learned from September 11 that we also need to have very good security at our smaller airports, because some of those terrorists enter the system through the smaller airports, and, once they are passed the screeners, then they do not get examined again.

So what the thrust of this conference report will do is to make sure that these screeners get professional training, that they meet professional standards, that they will make a decent living wage, so that they do not just run down the hallway and take the next job that is open at McDonald's, that they will view themselves as a professional in terms of law enforcement, similar to what we have with Customs inspectors and officials.

That changes the whole mind set of the people who do those jobs. I think it is very, very important. Yet, at the same time this conference report, this compromise, addresses concerns that people had with regular civil service, in that they were worried that if a person was not doing their job, that you could not get them off the job or replaced in a reasonable period of time. Because this is a job, these screener jobs are, in my opinion, professional law enforcement-type jobs, and I think we learned on September 11 that, you know, aviation security is a matter of national security, and national security is something that we all take an oath to uphold when we say that we will defend the Constitution, because the Constitution says that we will do our best job to secure the protection and the national defense.

So, I, too, am pleased with the conference report that we are going to vote on tomorrow. I expect we will have an overwhelming vote for this conference report, President Bush will sign it, and we will start to get on our way to having better security.

I think the gentleman was absolutely correct, it will take a little while to transition. You know, there will be some mistakes made. Nobody and no system is perfect. But the question is, will we have a better system? And I think this conference report will do that.

Mr. INSLEE. I thank the gentleman for his leadership on this issue. It is a very difficult position, and the gentleman did an admirable job getting this issue before on your side of the aisle. We appreciate that very much.

I would now like to yield to the gentleman from Ohio (Mr. STRICKLAND),

who has been a cosponsor of the bill that started the 100 percent checked baggage requirement going and the amendment.

Mr. STRICKLAND. I want to thank my friend from Washington State. You know, oftentimes when we stand in this chamber, we find that we are being critical of each other. But I would like to begin my statement by just pointing out that the gentleman from Iowa (Mr. GANSKE) has been really wonderful on this issue.

I am a Democrat, you are a Republican. But I have observed you during the course of your tenure in this House, and not only on this issue, but on the Patients' Bill of Rights and on many other issues. The gentleman has been such a worthy Member and has fought for really good causes. I thank you for your great efforts on this legislation.

I also want to thank my friend from Washington State (Mr. INSLEE). I really believe that the emphasis on screening all of the baggage that goes into the belly of our airplanes, which has been included in this compromise, I believe that provision perhaps would not have been included had it not been for your efforts.

So I suppose this is an evening when we stand on this floor and, instead of being critical or talking about the things that we wish would happen, we in a sense celebrate the fact that, after weeks of work, that we have been able to reach a compromise. But it is not a compromise on safety, it is a compromise on strategy and process.

I think what we have done is come up with a bill that will make the American traveling public much safer. That is something that both sides of this chamber should feel good about.

I do not think either side, Democrat or Republican, can claim total victory in terms of getting their particular point of view put forth in this compromise, but I do think this is an example of how the process can work and should work. It has worked with this issue, and it is my hope that in the remaining days of this session of our Congress, that this kind of process could work to get a Patients' Bill of Rights brought before us, to get an education bill brought before us. We still have some time remaining before we have to draw this session to a close, and the fact is that we will get nowhere as long as we are unbending and uncompromising. But if we work together for the good of the country, I think we can accomplish a great deal of good.

So I feel some relief tonight. I stood last week where the gentleman is standing, and I said that if the American people will just simply allow their voices to be heard, if they will communicate their strong desire for an airline security bill to the Members of the House and the Senate, that we can get this done before we leave here.

I believe over the last several days the American people have expressed themselves very clearly and very strongly. They want to feel that it is safe to get on an American airliner and fly. They want to know if they put their families on that airliner, that everything that can be done has been done to see that their family members are going to be safe. They want this chamber to work together cooperatively to do the people's business.

So, as we found out throughout the course of this day, we have been able to accomplish that, and tomorrow I think we are going to have a very strong vote on this bill, the President will sign it, and we can say to the American people and to our individual constituencies that we have done our part to make sure that they are safe when they fly.

Is it perfect? No, it is not. Will it solve all the problems? No, it will not. There will be no perfect solution to the problem of airline security.

One of the things that I continue to be concerned about, as I know my friend from Washington State is concerned about, is whether or not we are moving as expeditiously, as rapidly as we should, to make sure that all the luggage that is placed on our airlines, all of that luggage is screened for explosive devices.

But this is a major step forward, and I believe we eventually will get to the point where people can say that my government has done all that it can do to make sure that I am safe when I get on an airliner.

Mr. INSLEE. I thank the gentleman, and I appreciate all your great work. When we started this dialogue several weeks ago, it was a little bit lonely talking about that checked baggage. But I agree with the gentleman: The American voice was heard. We shared some information with America, namely, that not enough of these bags were being screened. Americans responded, they let their legislators know what they thought, and we have this product.

So we want to thank Americans for their part in achieving this end, and we will look forward now to passage of this in the next day or two, and realize that we have a real step forward in airline security.

Mr. STRICKLAND. If I could just say another word, I mentioned earlier the tenacious fight of the gentleman from Iowa (Mr. GANSKE) for a strong Patients' Bill of Rights. Perhaps the American people can do for a Patients' Bill of Rights what they have done for airline security legislation if they just simply let their Member of Congress or they let their Senator know how important this is.

I stood on this floor a few weeks ago and I talked about one of my constituents, a young woman, 41 years of age, whose name was Patsy Haines. She had leukemia, and she needed a transplant,

a bone marrow transplant. She had a brother who was a perfect match. The insurance company was saying to her they were not going to pay for it.

I went to the James Cancer Center in Columbus, Ohio, a wonderful institution where they do great research. I talked with cancer specialists. They talked with my constituent, these wonderful well-trained doctors and researchers. They talked with my constituent, they talked with her personal physician, and they concurred that she needed this transplant, and, if she received it, she quite possibly would be cured of her condition and live a long life, and the chances were if she did not receive this treatment, that she almost certainly at some point in the future would lose her life.

I went to Secretary Thompson and talked with him about it, and he was wonderfully sympathetic. In fact, I wrote the Secretary a letter today thanking him for his concern for Patsy Haines.

But the fact is that the only way she got this surgery, and, by the way she got her surgery last week and we are staying in touch on a daily basis to see how she is doing, but the way she got her surgery was for Uncle Sam to come along and provide it. The Medicare system provided this surgery. Her insurance company never relented. So here Uncle Sam comes to the rescue.

But when I think of Patsy Haines and her critical condition tonight, and our great hope that she is going to recover and continue to be a wife and a mother to her child, I am reminded that there are many people in this country who face similar circumstances and who need the protection that this House of Representatives can give them.

So I just hope that the people in this country, as they did with the airline security bill, will contact Senators and Congress Members and say get this bill passed so that we can know that we are being protected in terms of our health care.

Mr. GANSKE. If the gentleman would yield further, I thank the gentleman from Ohio and the gentleman from Washington for their kind words.

The economy is in a real slump right now, and insurance premiums have gone up a lot. People are being laid off work. So there is a real problem with access to health care. However, as those HMOs start to squeeze down, I predict that we are going to see more and more examples again of people not getting the type of necessary medical care that they deserve and that they pay a lot of premiums for.

I assure the gentleman that we will continue to push continue to push for a strong Patients' Bill of Rights. The conference has not even yet been named, partly, I think, because of September 11 and because we have had to deal with a number of emergent issues, such as aviation security, and also

something I am going to speak about in the next half-hour or so, bioterrorism. But that does not mean that when we come back after Christmas, the beginning of next year, that we should not refocus attention on some of these issues that we have debated in the past.

I would encourage the gentlemen to listen to part of my next half-hour or so, because I am going to be introducing tomorrow, along with the gentleman from Arkansas (Mr. BERRY), the companion bill to the Kennedy-Frist bioterrorism bill, which does a number of good things to try to address the issue of bioterrorism.

□ 1900

We are looking for cosponsors, we are going to drop that bill tomorrow sometime, and I would encourage my colleagues' participation in this, because I know both of my colleagues have been very interested in health issues. I think that this is a really good bill; it is a bipartisan bill. It is not a bill on the cheap, but it is not a profligate bill either. It will address many issues that our constituents are asking us about in terms of their threat from such things as anthrax and smallpox and potential epidemics. So once again, I thank both the gentlemen for their kind remarks.

Mr. INSLER. Mr. Speaker, I would love to listen to the gentleman's presentation, but I have a meeting with an incredible high school teacher named Mary Linquist of the famous Linquist teaching family that I have to keep to tackle educational matters, but I will look at the gentleman's bill and I thank the gentleman for his work on that.

Mr. Speaker, with that, I would like to thank the gentleman from Ohio (Mr. STRICKLAND) and others who participated in this. We are going to look forward to good success over the next 2 days. This is good news for the American people.

THE THREAT OF BIOTERRORISM IN AMERICA

The SPEAKER pro tempore (Mr. FORBES). Under the Speaker's announced policy of January 3, 2001, the gentleman from Iowa (Mr. GANSKE) is recognized for 60 minutes as the designee of the majority leader.

Mr. GANSKE. Mr. Speaker, September 11 did change this country. As we were just discussing here on the floor, all of us have very vivid memories of September 11. We see images seared into our minds of airplanes flying into buildings, those tall World Trade Center buildings collapsing, clouds of evaporated concrete, steel, glass, and our fellow human beings rolling down the streets. I have a picture in my mind of the flaming crater of the Pentagon and an American flag flying in front of it.

A few days after September 11, I visited ground zero. At that time there were six or seven stories of smoking rubble. I will never forget that visit. I kept seeing superimposed on that horrific sight, essentially the graveyard of 5,000 innocent Americans, words that I had seen written on the wall of a family relief center just a short time before visiting ground zero. This was a family relief center where families of victims could come in, get financial help and get counseling as well. All along one wall for probably about 100 yards, families had brought in pictures of their mothers and fathers and sons and daughters, put them on the wall and then written personal notes to them, and there were flowers and candles underneath these pictures. I kept seeing, as I was looking at that pile of rubble, I kept seeing the handwriting of a little girl. One could tell she was just learning to write from her handwriting and it said, "Daddy, I miss you. I will love you always."

I will tell my colleagues something. We still grieve for those victims. Every day in The New York Times there is one full page of obituaries from the victims of that attack. A little picture and a little story or vignette about that particular victim. I do not know about my colleagues, but I can only read about two or three of those, and that is all I can read for that day. They are very human stories. Because they remind us that these were people just like our neighbors, members of our families, and we grieve for these victims. We grieve for the victims of the bioterrorist attacks, the anthrax attack that has killed people and made many others sick.

I remember from September 11 about 170 Members of Congress gathering on the steps of the Capitol in the lengthening twilight shadows to say a prayer for those victims. As our leadership, both parties, was walking off the steps, somebody started singing God Bless America. I felt a real sense of unity at that moment, because we were standing there, not as Republicans or Democrats, but as Americans. And the message that day and today and tomorrow to those terrorists is that we are one Nation, united we stand. You can challenge our Nation's spirit, but you cannot break it. And we will chase down to the ends of the Earth, if necessary, the terrorists who caused this attack on our country. Justice demands it for the victims' families, and our national security demands it.

I commend the brave men and women who, even at this moment, are fighting in Afghanistan, flying airplane raids against the Taliban, a thoroughly despicable lot, the Taliban and the terrorists they harbor. People who have taken little girls who have dared to do something like go to school, taken them to a soccer field and killed them.

The war is going well, but as President Bush has rightly said, this is a

war that will probably go on for some period of time. It will not be easy to root out the nests of those vipers. They are intertwined throughout Europe in their nests and probably some yet in the United States. So we are devoting a lot of resources to find them. This Congress has acted on this. We have passed legislation to give assistance to our security forces and to our military, to give them the tools they need to find out these terrorists before they commit an act like an airplane hijacking or lacing letters with anthrax and sending them through our mail system.

I think we have done a pretty good job here of, in a bipartisan fashion, crafting, drafting legislation, getting it signed with overwhelmingly bipartisan votes and to the President's desk for his signature that balances the rights of individuals to their privacy and their constitutional protections and yet, at the same time, recognizes that one of the most important constitutional protections is to our citizens' health and safety.

Now, prior to coming to Congress I was a physician. I have taken care of patients with some pretty serious infections. I have treated patients who have had what is called necrotizing fasciitis, or in the popular vernacular, it is called the flesh-eating disease. But I will admit that when we found that there was anthrax that had gotten through the mail, contaminated the Hart Office Building, contaminated my office building, the Longworth Building, I needed to go back and review a little bit on the biology of anthrax and look up again some of my old medical textbooks on smallpox.

Mr. Speaker, we had thought that we had eradicated that disease from the world, and yet we are finding out that there very well may be supplies of anthrax not just in secure labs in the United States and Russia, but potentially also in some terrorist states. Something to worry about.

This last weekend I was in Iowa, I had several meetings; and I will tell my colleagues that people are concerned about aviation security and they are concerned about a bioterrorist attack. I would recommend to my colleagues that they see or watch the program that was on WETA just a few nights ago on bioterrorism, as well as constituents. We have even had a few phone calls from constituents back home who have been unhappy that we have answered their letters and sent them replies from Washington. One lady phoned up rather irate saying she did not want to get any letters from Washington that might be contaminated with anthrax. That may seem funny to some, but it was not funny to that lady. And so I believe that Congress needs to, before we leave for the end of the year, we need to deal with a bill to improve our national ability to deal with a bioterrorist attack, cer-

tainly one that could cause an epidemic.

It has been clear for many, many years that the managed care revolution has trimmed all the fat out of our health system and I would argue has trimmed bone and sinew as well. There is no hospital in this country, in my opinion, that is capable of handling an epidemic. I do not care whether we are talking about Johns Hopkins up the road in Baltimore or we are talking about the University of Iowa hospital in Iowa City, or if we are talking about your local hospital. There is no excess capacity in our health system to handle the massive type of casualties that we could see from a bioterrorist attack. Believe me, the threat is real.

All we need to do is read a few books. So here are my suggestions to my colleagues. The first book on the reading list, I think this should be required reading for every Congressman and every Congresswoman. That is a book out called "Biological Weapons and America's Secret War—Germs," by Judith Miller, Stephen Engelberg and William Broad. This should be required reading for every Congressman and every Congresswoman. It is readable; it is understandable. It does not deal just with biology, but it deals with the bioterrorist threat.

There is another book that people should read, or at least parts of it. It is by a fellow named Ken Alibek, and it is called "Biohazard." It is referenced in this book "Germs."

Now, let me read a section. Ken Alibek was a Russian scientist who did germ warfare for the Soviet Union. He changed his name when he defected to the United States. His real name is Kanatjan Alibekov. He changed it to sound more American. Here is what this, a short section of what this book "Germs" says about the type of information Mr. Alibek brought to our intelligence agencies. What Alibek had to say was horrifying: "Moscow," he reported in grim detail, "had secretly produced hundreds of tons of anthrax." Let me repeat that. "Hundreds of tons of anthrax, smallpox, plague germs meant for use against the United States and its allies."

□ 1915

The amounts dwarfed anything American experts had ever imagined. Alibek also described a germ empire that stretched from the Soviet Council of Ministers to the Soviet Academy of Sciences through the Ministries of Health, Defense and Agriculture and into the Biopreparat, his own ostensibly civilian pharmaceutical agency.

In fact, Biopreparat was a biologic war machine that employed tens of thousands of people at more than 40 sites spread across Russia and Kazakhstan. We were worried about this.

This book goes through the long history of biologic warfare research, but

we were particularly worried because there filtered out of the Soviet Union reports of an epidemic, an anthrax epidemic in one of these towns that proved to be a research town.

For years we tried to figure out whether in fact this had been tainted meat, like the Soviets had said, or whether in fact there had been a release of aerosolized anthrax by accident from one of the Soviet bloc labs. It turned out in the end that it was a leak, and there was a very significant contamination and loss of life in the Soviet Union from that.

The United States carried on research, too, but nothing to the scale of the Soviet Union. What is worrisome is that after the collapse of the Soviet Union and the economic chaos that has ensued, so many of these biologists in the Soviet Union that were doing the type of research that Mr. Alibek was doing were basically unemployed. They were destitute.

It is fair to say that our defense and our intelligence agencies, members high up in our government, have been very concerned that these individuals and their expertise could get to terrorist states. So, all of a sudden when we had these letters laced with anthrax, the public became very aware of this potential threat.

Now, I should point out that this attack with anthrax was not the first biologic terrorist attack in the United States. I did my general surgery training in Oregon. Shortly after I left Oregon to go to Boston for some additional training, 750 people in a little town in eastern Oregon became deathly ill with salmonella.

The CDC sent investigators, and they just could not crack what happened. Eventually they said in the end, I think it is an accidental exposure, food poisoning.

It was about a year later that the true story came out. The story was, and this is the truth, that there was a group of Rajneeshis that had a compound in this county in eastern Oregon, thousands of Rajneeshis under the aegis of the Bhagwan.

They had had a lot of trouble with the county government, so a county election was coming up. They wanted to put up their own slate of candidates and win that election.

So what did they do? They set up a medical corporation. They bought a bunch of incubation equipment. By having that medical corporation, they were then able to purchase from a lab in Maryland all sorts of different organisms, like salmonella. But they could have easily used typhoid and gotten the bugs.

Fortunately, they decided not to use something like typhoid, so what they did was they grew cultures and they brewed up a batch of salmonella. They put it into little slurries and they went to every restaurant and they sprinkled it over the salad bars.

I will bet Members think I am making this up. It is well documented. It is documented in this book. It was documented, but a lot of people did not know this full story until interviews were done years later. Consequently, about 700-plus citizens became deathly ill right around the time that there were elections. Fortunately, none of those people became so sick that they passed away.

I can tell the Members that I have had some personal experience with food-borne infection. A few years ago I was on a surgical mission down in Peru and ate some contaminated food and came down with a bad case of encephalitis, and nearly passed away. It is no fun to catch food-borne illnesses.

So this problem that we are looking at runs across many different aspects of American life. I believe that we need to address this before we leave for the end of the year.

It is clear that the United States faces a grave and I think growing threat from bioterrorism. There is some evidence that Osama bin Laden and his people have tried to develop biologic agents. We know that a terrorist group in Japan tried planting biologic agents in subways.

We have also found that the recent rather limited anthrax attacks on our country have stretched to the breaking point Federal, State, and local public health abilities, so I think we need to substantially invest in some bioterrorism preparedness. As I said before, a major epidemic I think would overwhelm our hospitals. It would overwhelm our Federal, State, and local health agencies, as well.

We need to be able to respond to a bioterrorist attack. We need to do things to improve the ability of victims to survive, improve our ability to treat the victims of an attack in a hospital. I think we need to improve our ability to contain an epidemic by expanding treatment. That means increasing our supplies of drugs, our pharmaceutical stockpiles. We need to accelerate the development of new treatments, including a smallpox vaccine.

So tomorrow, the gentleman from Arkansas (Mr. BERRY) and I will introduce in the House a companion bill to the bill that Senator BILL FRIST and Senator KENNEDY introduced on the Senate side today. It is called the Bioterrorism Preparedness Act. Let me just briefly summarize a few things that this bill does.

It would upgrade Federal capacity to respond to bioterrorism by expanding the strategic national pharmaceutical stockpile. It would expand the Centers for Disease Control capacities and improve training.

Public health laboratories, our laboratories, have been severely stretched in trying to deal with all of the types of cultures that we have been doing

with just this anthrax attack. We need better disease surveillance so that we can coordinate information from all around the country, so that we have early warning systems and will be able to respond to those.

We need to enhance the controls on dangerous biologic agents. Anthrax is an organism that exists in the soil around the United States. We still see a sporadic anthrax case in cattle, for instance. There have been many, many sites around the country that have anthrax in their storerooms, in their stores, in their labs, because they have been doing research on this as it relates to animal diseases.

We need to make sure that those dangerous agents are properly secure so that they cannot be stolen. We need to improve the response at the State and local level.

Mr. Speaker, the States right now are having a tough time because, as the economy has gone down, we will see in practically every State's newspapers problems with meeting their State budgets. This is the case in Iowa. Our legislature just had a special session where they did an across-the-board 4 or 5 percent cut in Federal-State spending, but it is clear that these State public health services have been trimmed for several years and are very, very insufficient.

So we need to provide grants to the States, in my opinion, to assure for adequate planning and preparedness. We need to equip hospitals to respond to this threat. We need to develop new treatments, vaccines. We need to accelerate the production of the smallpox vaccine. We need to expand research grants for new product advancement. We need to authorize long-term contracts for vaccinations and drug development and be able to do it in a way that we do not violate things like anti-trust.

We need to improve research and development coordination through both public and private partnerships.

We need to improve our food safety. We have an awful lot of food coming into this country from foreign countries. We need to make sure that there are no accidental exposures or acts of bioterrorism related to food coming into this country.

If nothing else, we need to make sure that our borders are secure so that somebody does not try to introduce, let us say, hoof and mouth disease. Hoof and mouth disease resulted in a several billion dollar loss in England alone. If hoof and mouth disease were used by terrorists in this country, it could wreak economic devastation on our agricultural sector and significantly hurt the whole economy. We need to address that.

We need to increase inspections of food and products coming into this country. We need to improve the Federal Government's capacity to prevent

and detect those terrorist activities on agriculture.

Now, we cannot do this on the cheap; but at the same time, we need to be careful that we spend wisely. Senator FRIST and Senator KENNEDY introduced their bill today. This bill would cost about \$3.2 billion. Let me run briefly through some of the areas where we need to do some spending and put this into perspective.

I have already mentioned that we need to improve the national strategic pharmaceutical stockpile. This would increase the coordination of activities, increase the amount of necessary therapies, including therapies for post-exposure vaccines. I think it would be reasonable to spend about \$640 million on this.

If we then moved down to title IV in the bill, smallpox vaccine, this would cost roughly \$500 million. So if we add up the drugs that we need plus the vaccines we need, we are already at about 1.2, \$1.1 billion. That is with nothing else. If we stopped at \$1.2 billion, we would have nothing left for doing the other things that we need to do.

For instance, we need to upgrade the CDC's bioterrorism capabilities. Under the bill that the gentleman from Arkansas (Mr. BERRY) and I will introduce tomorrow, we set aside \$60 million for that.

□ 1930

We need to improve the public health laboratory network through the CDC. That would be another \$60 million. We need to improve State and local preparedness capabilities.

There are about 280 million Americans, roughly speaking, in this country. We are proposing spending about \$1 billion in order to create a new emergency State bioterrorism program, a grant program that would assist all States in achieving some minimal levels of preparedness. We need to strengthen the current 319(C) grant programs to allow project grants to address public health capabilities.

Now, think of that, 280 million Americans, about \$1 billion; we are talking about probably less than \$3.75 per American to do this. Do you think most Americans think that that is too much to spend on being able to combat a terrorist activity at their State and local level?

What about hospitals? As I said before, hospitals have been cut to the bone. In Iowa, especially some of the rural hospitals, it is even worse than that. They are already in the red because of low reimbursements rates from Medicare and from HMO's. So what do we need to do? We need to assist hospitals who are part of a consortium that would respond to an attack. I think a figure of about \$375 million is a reasonable figure for that.

Finally, I talked a little bit about things we need to do for agriculture.

We have about \$500 million budgeted into this bill for that. These are not huge sums when you are talking about a country as big as the United States. This comes to about \$3.2 billion. As Senator FRIST said today, we think that this amount is enough to get us ready, to take us from an unprepared state, to get us to a prepared state. We may need to do more later on. But this is a good start.

Let me go into a few more details about the bill. Title I of this bill, the Bioterrorism Preparedness Act of 2001, basically deals with national goals to deal with this terrorist threat. The Bioterrorism Preparedness Act states that the United States should further develop and implement a coordinated strategy to prevent and, if necessary, to respond to biologic threats and attacks. I do not know anyone in this Congress that would disagree with that.

It further states that it is the goal of Congress that this strategy should, number one, provide Federal assistance to State and local government in the event of a biologic attack; number two, improve public health, hospital, laboratory communications and emergency response preparedness; number three, rapidly develop and manufacture needed therapies, vaccines, medical supplies; and number four, enhance the safety of the Nation's food supply and protect its agriculture from biologic threats. Noncontroversial section.

Title II of this bill, improving the Federal response to bioterrorism. This is important. It may sound a little dry, but unfortunately, we have a situation now where you have this responsibility spread out through about 40 different agencies. That is part of the reason why President Bush stood on this floor and said we need a director of homeland security. We need to consolidate. We need to streamline.

Title II of this bill does this because it requires the Secretary of Health and Human Services to report to Congress within 1 year of enactment and 2 years afterwards on progress made towards meeting the objectives of this act. It provides authorization for the Strategic National Pharmaceutical Stockpile. It provides additional resources to the Centers for Disease Control to carry out education and training initiatives, to help those health professionals who are going to be on the front line, the first responders to a terrorist attack, to recognize in early stages when treatment may be effective, diseases such as anthrax.

We need to improve the Nation's lab capacity. We need to establish a national disaster medical response system of volunteers who can respond at the Secretary's direction to a national public health emergency.

This bill amends and further clarifies the procedures for declaring a national public health emergency. It expands

the authority of the Secretary during the emergency periods.

Today, before the Committee on Energy and Commerce, Secretary Tommy Thompson testified. He said very good things about this bill. The fact that the administration has worked hand-in-hand with Senator FRIST, Senator KENNEDY, Senator PAT ROBERTS, Senator CHUCK HAGEL, Senator EDWARDS and others to come to reasonable ways so that the Secretary can actually do his job.

A report by the General Accounting Office raised concerns about the lack of coordination of Federal anti-bioterrorism efforts. Therefore, this bill contains a number of measures to enhance that coordination and cooperation among various Federal agencies. Secretary Tommy Thompson agreed.

Title II establishes an assistant secretary for emergency preparedness at HHS. It creates an interdepartmental working group on bioterrorism that would include the Secretary of Health and Human Services, the Secretary of Defense, Veterans Affairs, Labor and Agriculture, FEMA, the Attorney General and appropriate other Federal officials because all of these officials are called upon to respond in this type of attack, and we need to have coordination in a working group.

Additionally, Title II helps the Federal Government to better track and control biologic agents and toxins. The Secretary would be required to review and update a list of biologic agents and toxins that could pose a severe threat to the public and to enhance regulations regarding the possession, use and transfer of agents or toxins.

Remember, I was telling the story about the Rajneeshis and how they were able to obtain these biologic agents. This section deals with that. Violations of these regulations could trigger civil penalties of up to 500,000 and criminal sanctions could be imposed.

Title III, we need to improve State and local preparedness. Numerous reports in recent years have found that the Nation's public health infrastructure is lacking. For example, nearly 20 percent of local public health departments have no e-mail capability. Fewer than half of our public health agencies have Internet or broadcast facsimile capabilities. Think of that. Half of our public health departments do not have fax transmission.

Before September 11 only one in five U.S. hospitals had a bioterrorism preparedness plan of any sort. Title III addresses this situation by including several enhanced grant programs to improve State and local public health preparedness.

Today, Secretary of Health and Human Services Tommy Thompson agreed. That is the former governor of Wisconsin. He knows what this is like. He knows how States are strapped for

cash, how State public health departments have suffered, and how we need to do something to help.

So there would be grants given in this bill for those States. Activities funded under the grant would include conducting an assessment of core public health capacities, achieving the core public health capabilities and fulfilling preparedness plans. The bill would also establish a new grant program for hospitals, as I have mentioned.

Title IV, developing new countermeasures against bioterrorism. As I said, we need to expand our Nation's stockpile of smallpox vaccine, critical pharmaceuticals. Title IV gives the Secretary authority to enter into long-term contracts with sponsors to guarantee that the government will purchase a certain quantity of vaccine at a certain price.

This problem with vaccines has been one that has vexed the government for a number of years. The pharmaceutical companies traditionally have not been interested in producing vaccines. It is not a big money maker for them. Maybe one person in a million can suffer a serious problem, including death from a vaccine. It probably is closer to four to six people can suffer some serious permanent sequela from a vaccine and one person might die out of a million. Consequently, there have been problems with lawsuits and liability related to that.

The lab that the government has wanted to produce the anthrax has had real problems with control and sterility and cleanliness. It is clear we need to devote some funds for this.

Title V deals with our Nation's food supply. With 57,000 establishments under its jurisdiction, we have only 7- to 800 food inspectors, including 175 import inspectors for more than 300 ports of entry into this country. The FDA needs increased resources for inspections of imported food. There is no question about that. Secretary Tommy Thompson agreed with that today.

The President's emergency relief budget included a request for 61 million to enable the FDA to hire 410 new inspectors, lab specialists and other experts, as well as to invest in new technology and equipment. We think that should be done.

Title V grants the FDA needed authority to ensure the safety of domestic and imported food. It allows the FDA to use qualified employees from other agencies. It makes sure that the FDA has authority to prevent port-shopping by marking food shipments denied entry at one U.S. port to ensure that they just do not show up at another U.S. port. It gives the FDA additional tools to ensure proper records are maintained by those who manufacture, process, pack, transport, distribute, receive food. It may debar a person who engages in patterns seeking

to import contaminated food. A number of issues are involved.

There is one issue, for instance, local to my State of Iowa. We have in Ames, Iowa, the National Animal Disease Center. They deal with a lot of very powerful infectious diseases. We need to make sure that that facility is secure, and we need to make sure that it is updated and modernized in order to fulfill its function. My colleagues may remember that with these anthrax cases, the anthrax is being traced to a type of anthrax called the "Ames variety."

So these are a number of things that are in the bill that the gentleman from Arkansas (Mr. BERRY) and I will introduce tomorrow, the companion bill to the Senate bioterrorist bill, Bioterrorism Preparedness Act of 2001. I would strongly encourage my colleagues to sign up as cosponsors for this. We already have a fair number of bipartisan cosponsors for this bill. We will be dropping this tomorrow sometime.

This is something that the language will be out there. People can look at it over Thanksgiving recess, and I would hope then that we could have a debate on this, both in the Senate and in the House sometime in the first 2 weeks of December. This is something, along with aviation security, that I think our constituents are demanding that Congress put aside partisan concerns and address as a national security issue.

Once again, I want to recommend to my colleagues that they read this book on germs, become experts on this. We are going to get a lot of questions from our constituents at our town hall meetings. Sign up for this bill and we will be able to tell them some of the good things that we are going to be able to do to try to improve our ability to handle a potential epidemic or bioterrorist threat.

□ 1945

So with that, Mr. Speaker, I hope that we proceed with this in a timely fashion.

RECESS

The SPEAKER pro tempore (Mr. FORBES). Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 7 o'clock and 45 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 0829

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. DIAZ-BALART) at 8 o'clock and 29 minutes a.m., legislative day of Thursday, November 15, 2001.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3009, ANDEAN TRADE PROMOTION AND DRUG ERADICATION ACT

Mr. REYNOLDS, from the Committee on Rules, submitted a privileged report (Rept. No. 107-293) on the resolution (H. Res. 289) providing for consideration of the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

Mr. REYNOLDS, from the Committee on Rules, submitted a privileged report (Rept. No. 107-294) on the resolution (H. Res. 290) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

Mr. REYNOLDS, from the Committee on Rules, submitted a privileged report (Rept. No. 107-295) on the resolution (H. Res. 291) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, which was referred to the House Calendar and ordered to be printed.

HOUSE BILLS AND JOINT RESOLUTIONS APPROVED BY THE PRESIDENT

The President notified the Clerk of the House that on the following dates he had approved and signed bills and joint resolutions of the following titles:

November 6, 2001:

H.R. 182. An act to amend the Wild and Scenic Rivers Act to designate a segment of the Eightmile River in the State of Connecticut for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes.

November 5, 2001:

H.R. 146. An act to authorize the Secretary of the Interior to study the suitability and feasibility of designating the Great Falls Historic District in Paterson, New Jersey, as a unit of the National Park System, and for other purposes.

H.R. 1000. An act to adjust the boundary of the William Howard Taft National Historic Site in the State of Ohio, to authorize an exchange of land in connection with the historic site, and for other purposes.

H.R. 1161. An act to authorize the Government of the Czech Republic to establish a memorial to honor Thomas G. Masaryk in the District of Columbia.

H.R. 1668. An act to authorize the Adams Memorial Foundation to establish a commemorative work on Federal land in the District of Columbia and its environs to honor former President John Adams and his legacy.

H.R. 2217. An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes.

H.R. 2904. An act making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes.

October 31, 2001:

H.J. Res. 70. Joint resolution making further continuing appropriations for the fiscal year 2002, and for other purposes.

October 26, 2001:

H.R. 3162. An act to deter and punish terrorist acts in the United States and around the world, to enhance law enforcement investigatory tools, and for other purposes.

October 22, 2001:

H.R. Res. 69. Joint resolution making further continuing appropriations for the fiscal year 2002, and for other purposes.

October 16, 2001:

H.J. Res. 42. Joint resolution memorializing fallen firefighters by lowering the American flag to half-staff in honor of the National Fallen Firefighters Memorial Service in Emmitsburg, Maryland.

H.J. Res. 51. Joint resolution approving the extension of nondiscriminatory treatment with respect to the products of the Socialist Republic of Vietnam.

October 15, 2001:

H.R. 1583. An act to designate the Federal building and United States courthouse located at 121 West Spring Street in New Albany, Indiana, as the "Lee H. Hamilton Federal Building and United States Courthouse".

H.R. 1860. An act to reauthorize the Small Business Technology Transfer Program, and for other purposes.

October 12, 2001:

H.J. Res. 68. Joint resolution making further continuing appropriations for the fiscal year 2002, and for other purposes.

October 5, 2001:

H.R. 2510. An act to extend the expiration date of the Defense Production Act of 1950, and for other purposes.

September 28, 2001:

H.J. Res. 65. Joint resolution making continuing appropriations for the fiscal year 2002, and for other purposes.

H.R. 2603. An act to implement the agreement establishing a United States-Jordan free trade area.

September 22, 2001:

H.R. 2926. An act to preserve the continued viability of the United States air transportation system.

September 18, 2001:

H.R. 2133. An act to establish a commission for the purpose of encouraging and providing for the commemoration of the 50th anniversary of the Supreme Court decision in *Brown v. Board of Education*.

H.R. 2882. An act to provide for the expedited payment of certain benefits for a public safety officer who was killed or suffered a catastrophic injury as a direct and proximate result of a personal injury sustained in the line of duty in connection with the terrorist attacks of September 11, 2001.

H.R. 2888. An act making emergency supplemental appropriations for fiscal year 2001

for additional disaster assistance, for anti-terrorism initiatives, and for assistance in the recovery from the tragedy that occurred on September 11, 2001, and for other purposes.

August 20, 2001:

H.R. 93. An act to amend title 5, United States Code, to provide that the mandatory separation age for Federal firefighters be made the same as the age that applies with respect to Federal law enforcement officers.

H.R. 271. An act to direct the Secretary of the Interior to convey a former Bureau of Land Management administrative site to the city of Carson City, Nevada, for use as a senior center.

H.R. 364. An act to designate the facility of the United States Postal Service located at 5927 Southwest 70th Street in Miami, Florida, as the "Marjory Williams Scrivens Post Office".

H.R. 427. An act to provide further protections for the watershed of the Little Sandy River as part of the Bull Run Watershed Management Unit, Oregon, and for other purposes.

H.R. 558. An act to designate the Federal building and United States courthouse located at 504 West Hamilton Street in Allentown, Pennsylvania, as the "Edward N. Cahn Federal Building and United States Courthouse".

H.R. 821. An act to designate the facility of the United States Postal Service located at 1030 South Church Street in Asheboro, North Carolina, as the "W. Joe Trogon Post Office Building".

H.R. 988. An act to designate the United States courthouse located at 40 Centre Street in New York, New York, as the "Thurgood Marshall United States Courthouse".

H.R. 1183. An act to designate the facility of the Postal United States Service located at 113 South Main Street in Sylvania, Georgia, as the "G. Elliot Hagan Post Office Building".

H.R. 1753. An act to designate the facility of the United States Postal Service located at 419 Rutherford Avenue, N.E., in Roanoke, Virginia, as the "M. Caldwell Butler Post Office Building".

H.R. 2043. An act to designate the facility of the United States Postal Service located at 2719 South Webster Street in Kokomo, Indiana, as the "Elwood Haynes 'Bud' Hollis Post Office Building".

August 17, 2001:

H.R. 2131. An act to reauthorize the Tropical Forest Conservation Act of 1998 through fiscal year 2004, and for other purposes.

August 13, 2001:

H.R. 2213. An act to respond to the continuing economic crisis adversely affecting American agricultural producers.

August 3, 2001:

H.R. 1954. An act to extend the authorities of the Iran and Libya Sanctions Act of 1996 until 2006, and for other purposes.

July 24, 2001:

H.R. 2216. An act making supplemental appropriations for the fiscal year ending September 30, 2001, and for other purposes.

June 26, 2001:

H.R. 1914. An act to extend for 4 additional months the period for which chapter 12 of title 11 of the United States Code is reenacted.

June 7, 2001:

H.R. 1836. An act to provide for reconciliation pursuant to section 104 of the concurrent resolution on the budget for fiscal year 2002.

June 5, 2001:

H.R. 801. An act to amend title 38, United States Code, to expand eligibility for

CHAMPVA, to provide for family coverage and retroactive expansion of the increase in maximum benefits under Servicemembers' Group Life Insurance, to make technical amendments, and for other purposes.

H.R. 1727. An act to amend the Taxpayer Relief Act of 1997 to provide for consistent treatment of survivor benefits for public safety officers killed in the line of duty.

June 3, 2001:

H.R. 581. An act to authorize the Secretary of the Interior and the Secretary of Agriculture to use funds appropriated for wildlife fire management in the Department of the Interior and Related Agencies Appropriations Act, 2001, to reimburse the United States Fish and Wildlife Service and the National Marine Fisheries Service to facilitate the interagency cooperation required under the Endangered Species Act of 1973 in connection with wildland fire management.

May 30, 2001:

H.R. 802. An act to authorize the Public Safety Office Medal of Valor, and for other purposes.

May 28, 2001:

H.R. 428. An act concerning the participation of Taiwan in the World Health Organization.

H.R. 1696. An act to expedite the construction of the World War II memorial in the District of Columbia.

May 11, 2001:

H.R. 256. An act to extend for 11 additional months the period for which chapter 12 of title 11 of the United States Code is reenacted.

April 12, 2001:

H.R. 132. An act to designate the facility of the United States Postal Service located at 620 Jacaranda Street in Lani City, Hawaii, as the "Goro Hokama Post Office Building".

H.R. 395. An act to designate the facility of the United States Postal Service located at 2305 Minton Road in West Melbourne, Florida, as the "Ronald W. Reagan Post Office of West Melbourne, Florida".

March 16, 2001:

H.J. Res. 19. Joint resolution providing for the appointment of Walter E. Massey as a citizen regent of the Board of Regents of the Smithsonian Institution.

March 13, 2001:

H.R. 559. An act to designate the United States courthouse located at 1 Courthouse Way in Boston, Massachusetts, as the "John Joseph Moakley United States Courthouse".

February 15, 2001:

H.J. Res. 7. Joint resolution recognizing the 90th birthday of Ronald Reagan.

SENATE BILLS AND JOINT RESOLUTIONS APPROVED BY THE PRESIDENT

The President notified the Clerk of the House that on the following dates he had approved and signed bills and joint resolutions (of the Senate) of the following titles:

October 27, 2001:

S. 1465. An act to authorize the President to exercise waivers of foreign assistance restrictions with respect to Pakistan through September 30, 2003, and for other purposes.

October 24, 2001:

S.J. Res. 19. Joint resolution providing for the reappointment of Anne d'Harnoncourt as a citizen regent of the Board of Regents of the Smithsonian Institution.

S.J. Res. 20. Joint resolution providing for the appointment of Roger W. Sant as a citizen regent of the Board of Regents of the Smithsonian Institution.

October 5, 2001:

S. 248. An act to amend the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001, to adjust a condition on the payment of arrearages to the United Nations that sets the maximum share of any United Nations peacekeeping operation's budget that may be assessed of any country.

October 1, 2001:

S. 1424. An act to amend the Immigration and Nationality Act to provide permanent authority for the admission of "S" visa non-immigrants.

September 18, 2001:

S.J. Res. 22. Joint resolution expressing the sense of the Senate and House of Representatives regarding the terrorist attacks launched against the United States on September 11, 2001.

S.J. Res. 23. Joint resolution to authorize the use of United States Armed Forces against those responsible for the recent attacks launched against the United States.

August 3, 2001:

S. 468. An act to designate the Federal building located at 6230 Van Nuys Boulevard in Van Nuys, California, as the "James C. Corman Federal Building."

July 26, 2001:

S. 360. An act to honor Paul D. Coverdell.
S. 1190. An act to amend the Internal Revenue Code of 1986 to rename the education individual retirement accounts as the Coverdell education savings accounts.

July 17, 2001:

S. 560. For the relief of Rita Mirembere Revell (a.k.a. Margaret Rita Mirembere).

July 10, 2001:

S. 657. An act to authorize funding for the National 4-H Program Centennial Initiative.

July 5, 2001:

S. 1029. An act to clarify the authority of the Department of Housing and Urban Development with respect to the use of fees during fiscal year 2001 for the manufactured housing program.

May 24, 2001:

S. 700. An act to establish a Federal inter-agency task force for the purpose of coordinating actions to prevent the outbreak of bovine spongiform encephalopathy (commonly known as "mad cow disease") and foot-and-mouth disease in the United States.

March 20, 2001:

S.J. Res. 6. Joint resolution providing for congressional disapproval of the rule submitted by the Department of Labor under chapter 8 title 5, United States Code, relating to ergonomics.

March 13, 2001:

S. 279. An act affecting the representation of the majority and minority membership of the Senate Members of the Joint Economic Committee.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BECERRA (at the request of Mr. GEPHARDT) for today on account of business in the district.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. McNULTY) to revise and

extend their remarks and include extraneous material:)

Mr. DEFAZIO, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Ms. MCKINNEY, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. SHOWS, for 5 minutes, today.

Mr. SCOTT, for 5 minutes, today.

Mrs. CLAYTON, for 5 minutes, today.

Mr. RUSH, for 5 minutes, today.

Ms. LEE, for 5 minutes, today.

Ms. MILLENDER-MCDONALD, for 5 minutes, today.

Mrs. MINK of Hawaii, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

(The following Members (at the request of Mr. DUNCAN) to revise and extend their remarks and include extraneous material:)

Mrs. JO ANN DAVIS of Virginia, for 5 minutes, today and November 16.

Mr. THUNE, for 5 minutes, today.

Mr. LUCAS of Oklahoma, for 5 minutes, today.

Mr. FOLEY, for 5 minutes, today.

Mr. PENCE, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. SHIMKUS, for 5 minutes, today.

ENROLLED BILLS SIGNED

Jeff Trandahl, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 2330. An act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2002, and for other purposes.

H.R. 2500. An act making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House, reports that on November 15, 2001 he presented to the President of the United States, for his approval, the following bills.

H.R. 2620. Making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2002, and for other purposes.

ADJOURNMENT

Mr. REYNOLDS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 30 minutes a.m.), the House adjourned until today, Friday, November 16, 2001, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4582. A letter from the Secretary, Department of Health and Human Services, transmitting a draft bill entitled, "Promotion and Support of Responsible Fatherhood and Healthy Marriage Act of 2001"; to the Committee on Education and the Workforce.

4583. A letter from the Secretary, Department of Health and Human Services, transmitting a draft bill entitled, "FDA Export and Import Fee Act of 2001"; to the Committee on Energy and Commerce.

4584. A letter from the Deputy Associate Administrator, Office of Acquisition Policy, General Services Administration, transmitting the Administration's final rule—Federal Acquisition Regulation; Veterans' Employment [FAC 2001-01; FAR Case 1998-614; Item IV] (RIN: 9000-AI46) received November 13, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

4585. A letter from the Deputy Associate Administrator, Office of Acquisition Policy, General Services Administration, transmitting the Administration's final rule—Federal Acquisition Regulation; Very Small Business Pilot Program [FAC 2001-01, FAR Case 2001-001; Item VI] (RIN: 9000-AJ16) received November 13, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

4586. A letter from the Deputy Associate Administrator, Office of Acquisition Policy, General Services Administration, transmitting the Administration's final rule—Federal Acquisition Regulation; Small Entity Compliance Guide—received November 13, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

4587. A letter from the Deputy Associate Administrator, Office of Acquisition Policy, General Services Administration, transmitting the Administration's final rule—Federal Acquisition Circular 2001-01; Introduction—received November 13, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

4588. A letter from the Deputy Associate Administrator, Office of Acquisition Policy, General Services Administration, transmitting the Administration's final rule—Federal Acquisition Regulation; Application of the Davis-Bacon Act to Construction Contracts with Options to Extend the Term of the Contract [FAC 2001-01; FAR Case 1997-613; Item I] (RIN: 9000-AI47) received November 13, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

4589. A letter from the Deputy Associate Administrator, Office of Acquisition Policy, General Services Administration, transmitting the Administration's final rule—Federal Acquisition Regulation; Acquisition of Commercial Items [FAC 2001-01; FAR Case 2000-303; Item II] (RIN: 9000-AI88) received November 13, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

4590. A letter from the Deputy Associate Administrator, Office of Acquisition Policy, General Services Administration, transmitting the Administration's final rule—Federal Acquisition Regulation; Prompt Payment Under Cost-Reimbursement Contracts for Services [FAC 2001-01; FAR Case 2000-308; Item III] (RIN: 9000-AJ17) received November 13, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

4591. A letter from the Deputy Associate Administrator, Office of Acquisition Policy,

General Services Administration, transmitting the Administration's final rule—Federal Acquisition Regulation; Veterans' Entrepreneurship and Small Business Development Act of 1999 [FAC 2001-01; FAR Case 2000-302; Item V] (RIN: 9000-AI93) received November 13, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

4592. A letter from the Acting Commissioner of Social Security, Social Security Administration, transmitting the Administration's draft bill entitled, "Ticket to Work and Work Incentives Improvement Act Amendments of 2001"; jointly to the Committees on Ways and Means and Energy and Commerce.

4593. A letter from the Secretary, Department of Health and Human Services, transmitting a draft bill entitled, "HHS Bioterrorism Prevention and Emergency Response Act of 2001"; jointly to the Committees on Energy and Commerce, the Judiciary, and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. OXLEY: Committee on Financial Services. H.R. 2604. A bill to authorize the United States to participate in and contribute to the seventh replenishment of the resources of the Asian Development Fund and the fifth replenishment of the resources of the International Fund for Agricultural Development, and to set forth additional policies of the United States towards the African Development Bank, the African Development Fund, the Asian Development Bank, the Inter-American Development Bank, and the European Bank for Reconstruction and Development; with an amendment (Rept. 107-291). Referred to the Committee of the Whole House on the State of the Union.

Mr. OXLEY: Committee on Financial Services. H.R. 2871. A bill to reauthorize the Export-Import Bank of the United States, and for other purposes; with an amendment (Rept. 107-292). Referred to the Committee of the Whole House on the State of the Union.

[Filed on November 16 (legislative day of November 15), 2001]

Mr. DIAZ-BALART: Committee on Rules. House Resolution 289. Resolution, providing for consideration of the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes (Rept. 107-293). Referred to the House Calendar.

Mr. REYNOLDS: Committee on Rules. House Resolution 290. Resolution waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (Rept. 107-294). Referred to the House Calendar.

Mrs. MYRICK: Committee on Rules. House Resolution 291. Resolution waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (Rept. 107-295). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. MANZULLO (for himself and Mr. NADLER):

H.R. 3297. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to ensure that chaplains killed in the line of duty receive public safety officer death benefits; to the Committee on the Judiciary.

By Mrs. KELLY:

H.R. 3298. A bill to waive certain limitations in the case of use of the emergency fund authorized by section 125 of title 23, United States Code, to pay the costs of projects in response to the attack on the World Trade Center in New York City that occurred on September 11, 2001; to the Committee on Transportation and Infrastructure; to the Committee on Resources.

By Mr. THUNE:

H.R. 3299. A bill to provide for the conveyance of certain real property in South Dakota to the State of South Dakota with indemnification by the United States Government.

By Mr. CAPUANO:

H.R. 3300. A bill to reconvey certain property; to the Committee on Financial Services.

By Mr. GRAHAM (for himself, Mr. BLAGOJEVICH, Mr. HILLEARY, Mr. ABERCROMBIE, Mr. LARGENT, Mr. HOUGHTON, Mr. BROWN of South Carolina, Mr. SHIMKUS, Mr. GUTKNECHT, Mr. RILEY, Mr. BAIRD, Mrs. BIGGERT, Mr. BLUNT, Mr. COOKSEY, Mr. DAVIS of Illinois, Mr. DUNCAN, Mr. FOLEY, Mr. FROST, Mr. GORDON, Ms. HART, Mr. JONES of North Carolina, Mr. KENNEDY of Minnesota, Mr. KIRK, Mr. KNOLLENBERG, Mr. LAHOOD, Mr. MCGOVERN, Mrs. MALONEY of New York, Mr. MANZULLO, Mr. ORTIZ, Mr. RAMSTAD, Mr. REYNOLDS, Mr. RUSH, Mr. SHOWS, Mr. SWEENEY, Mr. TAYLOR of North Carolina, Mr. THUNE, Mr. VITTER, Mr. WAMP, Mrs. WILSON, Mr. GRUCCI, and Mr. ISAKSON):

H.R. 3301. A bill to provide Federal reimbursement to State and local governments for a limited sales, use, and retailers' occupation tax holiday; to the Committee on Ways and Means.

By Mr. HOYER:

H.R. 3302. A bill to establish the Capitol Telephone Exchange Board and to grant the Board the authority to establish employment policies for employees of the United States Capitol telephone exchange, and for other purposes; to the Committee on House Administration.

By Mr. MCINNIS:

H.R. 3303. A bill to amend title 46, United States Code, to require that houseboats that have on board an electric power generator shall be equipped with a carbon monoxide venting system; to the Committee on Transportation and Infrastructure.

By Ms. MILLENDER-MCDONALD:

H.R. 3304. A bill to authorize the provision of educational and health care assistance to the women and children of Afghanistan; to the Committee on International Relations.

By Mr. REHBERG (for himself, Mr. EDWARDS, and Mrs. EMERSON):

H.R. 3305. A bill to establish the United States Consensus Council to provide for a consensus building process in addressing national public policy issues, and for other purposes; to the Committee on Government Reform.

By Mr. SCHIFF:

H.R. 3306. A bill to set up a certification system for research facilities that possess dangerous biological agents and toxins, and for other purposes; to the Committee on En-

ergy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. THOMPSON of Mississippi (for himself, Mr. SHOWS, Mr. TAYLOR of Mississippi, Mr. PICKERING, and Mr. WICKER):

H.R. 3307. A bill to authorize the Secretary of the Interior to acquire the property known as Pemberton's Headquarters and to modify the boundary of Vicksburg National Military Park to include that property, and for other purposes; to the Committee on Resources.

By Ms. VELÁZQUEZ (for herself, Mr. DAVIS of Illinois, Mr. PASCRELL, Mrs. CHRISTENSEN, Mr. BRADY of Pennsylvania, Mr. GONZALEZ, Mrs. NAPOLITANO, Mr. PHELPS, Mrs. JONES of Ohio, Mr. UDALL of New Mexico, Mr. UDALL of Colorado, Mr. ROSS, Mr. BAIRD, Mr. LANGEVIN, Mr. CARSON of Oklahoma, and Mr. ACEVEDO-VILA):

H.R. 3308. A bill to authorize the Administrator of the Small Business Administration to provide relief to small business concerns that suffered substantial economic injury as a result of the terrorist attacks against the United States that occurred on September 11, 2001; to the Committee on Small Business.

By Mr. WALDEN of Oregon (for himself, Mr. DEFazio, Mr. WU, Ms. HOOLEY of Oregon, and Mr. BLUMENAUER):

H.R. 3309. A bill to amend title 28, United States Code, to allow attorneys employed by the Department of Justice to engage in undercover activities consistent with Federal law, notwithstanding any provision of State law; to the Committee on the Judiciary.

By Mr. YOUNG of Florida:

H.J. Res. 74. A joint resolution making further continuing appropriations for the fiscal year 2002, and for other purposes; considered and passed.

By Mr. HAYWORTH (for himself, Mr. SIMMONS, and Mr. CANNON):

H. Con. Res. 270. Concurrent resolution expressing the sense of Congress that Americans should take time during Native American Heritage Month to recognize the many accomplishments and contributions made by native peoples; to the Committee on Resources.

By Mrs. WILSON (for herself, Mr. BALLENGER, Mr. BLAGOJEVICH, Mr. BOEHNER, Mrs. CAPITO, Mr. CUMMINGS, Mr. DOOLEY of California, Mrs. EMERSON, Ms. ESHOO, Mr. FORD, Mr. FRANK, Mr. FROST, Ms. GRANGER, Mr. GRAVES, Ms. HART, Mr. HAYWORTH, Mr. HOFFEL, Mr. HORN, Mr. JOHN, Ms. KILPATRICK, Mr. KOLBE, Mr. LAHOOD, Mr. LANGEVIN, Mr. LIPINSKI, Mr. MATSUI, Mr. MCINNIS, Mr. MOORE, Mrs. NORTUP, Mr. OSE, Mr. PRICE of North Carolina, Ms. PRYCE of Ohio, Mr. RYAN of Wisconsin, Mr. SCHIFF, Mr. SHIMKUS, Mr. SMITH of Washington, Mr. STENHOLM, Mr. TANNER, Mrs. TAUSCHER, and Mr. WELLER):

H. Con. Res. 271. Concurrent resolution expressing the sense of the Congress that public awareness and education about the importance of health care coverage is of the utmost priority and that a National Importance of Health Care Coverage Month should be established to promote these goals; to the Committee on Energy and Commerce.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 218: Mr. McKEON.
H.R. 424: Mr. KIRK.
H.R. 442: Mr. ACEVEDO-VILA.
H.R. 488: Mrs. DAVIS of California.
H.R. 536: Mr. SMITH of Washington.
H.R. 716: Mr. PLATTS.
H.R. 747: Mr. MATSUI.
H.R. 782: Mr. MANZULLO.
H.R. 783: Mr. MATSUI, Mr. LATOURETTE, Mr. MORAN of Virginia, and Mr. GEKAS.
H.R. 854: Mr. TRAFICANT.
H.R. 938: Mr. DAVIS of Illinois.
H.R. 1021: Mr. FORBES.
H.R. 1178: Mr. REHBERG, Mr. POMBO, Mr. CALVERT, Mr. DOOLITTLE, Mr. HERGER, Mr. CANNON, and Ms. BALDWIN.
H.R. 1383: Mr. CAPUANO, Mr. KIND, Mr. ACEVEDO-VILA, Mr. HASTINGS of Florida, Ms. KAPTUR, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MASCARA, Mrs. THURMAN, Mr. MORAN of Virginia, Mrs. CAPPS, Mr. DICKS, and Mr. PETERSON of Minnesota.
H.R. 1556: Mr. WU and Mr. KIRK.
H.R. 1613: Mr. HINOJOSA.
H.R. 1810: Mr. CLAY and Mr. RANGEL.
H.R. 1839: Mr. HAYWORTH.
H.R. 1948: Ms. BERKLEY and Mr. MOORE.
H.R. 1961: Mr. KIND.
H.R. 2088: Mr. RUSH.
H.R. 2125: Mrs. ROUKEMA, Mr. BAIRD, Mr. UDALL of Colorado, and Mrs. CLAYTON.
H.R. 2173: Mr. STRICKLAND and Mr. ROGERS of Kentucky.
H.R. 2220: Mrs. KELLY and Mr. SMITH of New Jersey.
H.R. 2235: Mr. BENTSEN.
H.R. 2348: Mr. CAPUANO, Mr. UNDERWOOD, Mr. MOORE, Mr. GRUCCI, Ms. NORTON, and Mr. STARK.
H.R. 2349: Mr. HALL of Ohio, Ms. SANCHEZ, Ms. KILPATRICK, Ms. MILLENDER-MCDONALD, Mrs. NAPOLITANO, Mr. McNULTY, Mr. TOWNS, and Mr. HONDA.
H.R. 2364: Mr. KUCINICH.
H.R. 2374: Mr. HAYWORTH and Mr. GOODE.
H.R. 2417: Mr. LUTHER.
H.R. 2527: Mr. TURNER and Mr. WALSH.
H.R. 2550: Mr. BACA, Mr. ORTIZ, Mrs. CLAYTON, Mr. SCOTT, and Mr. HINOJOSA.
H.R. 2566: Mr. REYNOLDS, Mr. CARDIN, and Mr. SAXTON.
H.R. 2623: Mr. PASTOR.
H.R. 2629: Mr. LAHOOD and Mr. FRANK.
H.R. 2667: Mr. FORBES.
H.R. 2674: Mrs. MORELLA and Ms. DELAURO.
H.R. 2723: Mr. DICKS, Mr. MOORE, Mr. FALEOMAVAEGA, Mr. NEAL of Massachusetts, Mr. HINCHEY, Mr. HOLDEN, Mr. MALONEY of Connecticut, Mr. INSLEE, Mr. KENNEDY of Rhode Island, Mr. KLECZKA, Mr. PRICE of North Carolina, Mr. CARDIN, Ms. BALDWIN, Mr. ACKERMAN, Mr. GRAVES, Mr. LARSEN of Washington, Mr. SMITH of Washington, Mr. MOLLOHAN, Mr. MURTHA, and Mr. KANJORSKI.
H.R. 2768: Mr. GEORGE MILLER of California.
H.R. 2820: Mr. ISRAEL, Mrs. MCCARTHY of New York, Ms. HOOLEY of Oregon, Mr. OBERSTAR, Ms. WATSON, Mr. ACEVEDO-VILA, Mr. PAUL, Mr. ENGLISH, Mr. WAXMAN, Mr. BACHUS, Mr. PLATTS, Mr. INSLEE, Mr. BOUCHER, Ms. HART, Mr. HINCHEY, Ms. BALDWIN, Mr. GRUCCI, Mrs. THURMAN, and Mr. UDALL of New Mexico.
H.R. 2868: Mr. WATTS of Oklahoma.
H.R. 2946: Ms. ROS-LEHTINEN, Mr. BOEHLERT, and Mr. GUTIERREZ.
H.R. 2970: Mr. LATHAM.
H.R. 3007: Mr. DAVIS of Florida, Mr. DINGELL, and Mr. EVANS.

H.R. 3014: Mr. MORAN of Virginia.
 H.R. 3025: Mr. GRUCCI, Mr. GEKAS, Mr. FLETCHER, Mrs. ROUKEMA, Mr. NEY, and Ms. HART.
 H.R. 3026: Mr. DAVIS of Florida, Mr. SMITH of Washington, Mr. BACA, and Mr. MOORE.
 H.R. 3033: Ms. LOFGREN.
 H.R. 3040: Ms. ROYBAL-ALLARD.
 H.R. 3088: Mr. TOWNS, Mr. OWENS, Mr. ABERCROMBIE, Mr. HINCHEY, Mr. MICA, Mr. COOKSEY, Mrs. LOWEY, and Mr. NEAL of Massachusetts.
 H.R. 3113: Ms. PELOSI.
 H.R. 3115: Mr. WYNN, Mr. JACKSON of Illinois, Mr. FALCOMA, Mr. LANTOS, and Mr. GRUCCI.
 H.R. 3130: Mr. FERGUSON, Mrs. MCCARTHY of New York, Mr. FALCOMA, and Mr. GRUCCI.
 H.R. 3143: Mr. ABERCROMBIE, Mr. NADLER, Mrs. LOWEY, and Ms. WOOLSEY.
 H.R. 3174: Mr. FROST and Mr. BALDACCIO.
 H.R. 3175: Mrs. MINK of Hawaii, Mr. BONIOR, Mr. RUSH, Mr. WELDON of Florida, Mr. DOYLE, and Mrs. LOWEY.
 H.R. 3178: Mr. GRUCCI, Mr. FROST, Mr. SMITH of Michigan, Mr. ISRAEL, Mr. BARTLETT of Maryland, Mr. GILCHREST, Mr. LAMPSON, Mr. GUTKNECHT, Mr. LARSON of Connecticut, Mr. ETHERIDGE, Mr. WU, Mr. UDALL of Colorado, Mr. BACA, Mr. MASCARA, Mr. BALDACCIO, Mr. HALL of Texas, Mr. HONDA, Mr. MOORE, Mr. SPRATT, Ms. KAPTUR, Mrs. ROUKEMA, Mr. MATHESON, and Mr. WEINER.
 H.R. 3180: Mr. SANDERS.
 H.R. 3181: Mr. WELDON of Florida.
 H.R. 3183: Mr. PLATTS.
 H.R. 3184: Mr. McNULTY, Mr. FROST, Mrs. MCCARTHY of New York, and Ms. SLAUGHTER.
 H.R. 3201: Mr. NEY, Mr. PETERSON of Minnesota, and Mr. PITTS.
 H.R. 3205: Mr. DAVIS of Florida and Mr. FRANK.
 H.R. 3215: Mr. LAHOOD, Mr. BAKER, Mr. RILEY, Mr. EVERETT, Mr. DEAL of Georgia, Mr. COLLINS, Mr. JOHNSON of Illinois, Mr.

REYNOLDS, Mr. COMBEST, Mr. TERRY, Mr. HANSEN, Mr. NETHERCUTT, Ms. PRYCE of Ohio, Mr. PENCE, Ms. HART, Mr. KELLER, and Mr. HOSTETTLER.
 H.R. 3230: Mr. BILIRAKIS.
 H.R. 3231: Mr. GOODLATTE, Mr. SMITH of Texas, Mr. GREEN of Wisconsin, Mr. GALLEGLY, Mr. JENKINS, Mr. HOSTETTLER, Mr. LEWIS of California, Mrs. ROUKEMA, Mr. ROGERS of Kentucky, Mr. DEAL of Georgia, Mr. REYES, Mr. ISSA, and Mr. FOLEY.
 H.R. 3253: Mr. COOKSEY.
 H.R. 3270: Mr. PICKERING and Mr. ISAKSON.
 H.R. 3271: Ms. SOLIS, Mr. FALCOMA, and Mrs. MINK of Hawaii.
 H.R. 3285: Mr. CROWLEY and Mr. MEEKS of New York.
 H.R. 3286: Mr. NORWOOD.
 H.R. 3288: Mr. THUNE and Mr. LEACH.
 H.J. Res. 67: Mr. TOOMEY.
 H. Con. Res. 222: Mr. BERMAN, Mr. ENGLISH, and Ms. ROS-LEHTINEN.
 H. Con. Res. 232: Mr. GEKAS, Mr. CLYBURN, Mr. POMBO, Mr. PETERSON of Minnesota, Ms. MCKINNEY, Ms. MCCARTHY of Missouri, Ms. BERKLEY, Mr. CULBERSON, Mr. BACHUS, Mr. DINGELL, Mrs. THURMAN, Mr. CUMMINGS, and Ms. PELOSI.
 H. Con. Res. 240: Mrs. NAPOLITANO.
 H. Con. Res. 242: Mr. ENGEL, Mr. EVERETT, Mr. LEVIN, Mr. HASTINGS of Florida, and Mr. TAUZIN.
 H. Con. Res. 259: Mr. KING and Mr. SENSENBRENNER.
 H. Con. Res. 260: Mr. HINCHEY, Mr. CUMMINGS, Mr. BRADY of Pennsylvania, Mr. CLAY, Mr. HASTINGS of Florida, and Ms. MILLENDER-McDONALD.
 H. Con. Res. 267: Mr. WALSH and Mr. GRUCCI.
 H. Res. 281: Mrs. BONO, Mr. STARK, Mrs. NORTHUP, and Ms. MCKINNEY.
 H.R. 287: Mr. GIBBONS, Mr. BRADY of Pennsylvania, Mr. UNDERWOOD, Mr. CLEMENT, Mr. CALVERT, Mrs. WILSON, Mr. LANGEVIN, Mr. WICKER, Mr. MCGOVERN, Mrs. CAPPS, Mr. LARSEN of Washington, Mrs. ROUKEMA, Mr.

BRADY of Texas, Mr. CRENSHAW, Mr. BACA, Mr. ENGLISH, Mr. LOBIONDO, Ms. ROS-LEHTINEN, and Mr. GUTKNECHT.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 162: Mr. BONILLA.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

DOD APPROPRIATIONS BILL

OFFERED BY: MR. TRAFICANT

AMENDMENT No. 5: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. . USE OF AMERICAN-MADE STEEL.

USE OF AMERICAN-MADE STEEL.—None of the funds appropriated under this Act for the construction or reconstruction of any U.S. military facility or any other construction or reconstruction necessitated by the terrorist attacks of September 11, 2001 may be used to purchase steel which is not manufactured in the United States.

DOD APPROPRIATIONS BILL

OFFERED BY: MR. TRAFICANT

AMENDMENT No. 4: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. . USE OF AMERICAN-MADE STEEL.

USE OF AMERICAN-MADE STEEL.—None of the funds appropriated under this Act may be used to purchase steel which is not manufactured in the United States.

SENATE—Thursday, November 15, 2001

The Senate met at 10 a.m. and was called to order by the President pro tempore [Mr. BYRD].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Faithful Father, Your words to Joshua so long ago sound in our souls as Your encouragement to us today: "I will not leave you nor forsake you. Be strong and of good courage."

Thank You for the consistency and constancy of Your presence. Your love and guidance are not on again off again. We can depend on Your steady flow of strength. Just to know that You are with us in all the ups and downs of political life is a great source of confidence. We can dare to be strong in the convictions that You have honed in our hearts and courageous in the application of them to our work in government.

Grant the Senators a renewed sense of how much You have invested in them and how much You desire to do through them in the onward movement of this Nation. It is for Your namesake, Your glory, and Your vision that You bless them. You guide and inspire them as leaders because You have great plans for this Nation that You want them to accomplish. You have chosen them. May they choose to be chosen today and lead with spiritual self-esteem motivated by this sense of chosenness. Your word for the day is "Be not afraid, I am with you." You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation, under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. DASCHLE. Mr. President, this morning the Senate will conduct a period of morning business with Senators

permitted to speak for up to 10 minutes. At 10:30 this morning, the Senate will consider the Agriculture appropriations conference report under a 1-hour time agreement with a vote on the adoption of the report at approximately 11:30. We also hope to consider the Commerce-State-Justice appropriations conference report during today's session. There will be other business as well, perhaps including some additional nominations.

I have just consulted with Senator HOLLINGS in regard to the airport security legislation. He has indicated that negotiations continue. He was encouraged by the progress made overnight. I have discussed the matter at some length with Senator LOTT over the course of the last couple of days. It is his view, as it is mine, that we just cannot leave today, this week, until this matter has been completed.

I know a number of Senators have been interested in the schedule for the balance of the week. I am not able to give them a definitive schedule with regard to votes, either today or tomorrow, until we know the timeframe involved in completing our work on the airport security bill.

It is my hope and expectation that it would be done sometime today. If not, of course, we will then take it up tomorrow, and Senators would be required to stay for the vote on that very important legislation.

I ask Senators' patience. As soon as the progress becomes more apparent, we will make a definitive judgment about the time involved in consideration of the conference report later this week.

I thank Senators for their attention and yield the floor.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business with Senators permitted to speak therein for up to 10 minutes each.

Under the previous order, the Senator from Nevada, Mr. REID, will speak for up to 10 minutes. Under the order previously entered, the junior Senator from Nevada, Mr. ENSIGN, will be recognized to speak likewise for up to 10 minutes.

The majority whip.

YUCCA MOUNTAIN

Mr. REID. Senator ENSIGN and I rise to address the Senate on something we believe is extremely important.

For 20 years now, there have been attempts made to place high-level nuclear waste in the deserts outside Las Vegas. We have always believed that the process has not been fair. Originally, there was supposed to be three sites selected under the 1982 act. Washington, Texas, and Nevada were the three sites chosen.

In 1987, for various reasons, the two other sites were eliminated, and so there is only one site now being focused. That is Yucca Mountain in Nevada.

Let's assume that a person is charged with a crime and they learn later that the prosecutor and the person representing the accused were the same lawyer. People would be outraged. If you were in an automobile accident and you had a trial and you suddenly learned that the person representing you, the person injured, also represented the insurance company, that would be unfair. That is what we have just learned has been going on at Yucca Mountain.

We found that the attorney who was giving advice to Yucca Mountain and being paid up to \$16 million, this law firm also was representing the nuclear power industry.

Senator ENSIGN will outline for anyone within the sound of our voices how this came about that we learned that there was one law firm representing both sides in effect.

Mr. ENSIGN. I thank the senior Senator from Nevada. Back in July of this year, one of the local Las Vegas Sun reporters, Ben Grove, brought out in a news report that there was a potential conflict of interest involving a law firm based in Chicago, Winston & Strawn, which was representing not only the nuclear power industry but also the Department of Energy at the same time. We sent a letter together, dated August 1, to the Inspector General for the Department of Energy, asking that the inspector general look into this conflict of interest. Late yesterday afternoon, the inspector general met with the senior Senator from Nevada and myself and laid out the full report on their findings. As it turns out, the inspector general said that there has been virtually no clear evidence of a conflict of interest in his time period that he has been doing these types of investigations. From September 1999 until July 2001—and by the way, only because of the reporters bringing this thing to the public did Winston & Strawn terminate the relationship with the Energy Institute. But during that period of time, this law firm represented both the Department

of Energy and the Nuclear Energy Institute.

Now, to paint what was going on there, the DOE had hired this law firm to give them advice on the licensing process and the legal process for building a permanent repository at Yucca Mountain. During the time that they were supposed to be getting unbiased information, they were being retained by the lobbying group that is pushing Yucca Mountain to be built. This is a clear conflict of interest.

There were over 14 employees, from what we read in the report. This report was released this morning publicly at 8 o'clock. It is on the Internet. But there were 14 employees that had done work both for the Department of Energy and for the Nuclear Energy Institute.

Potentially, up to \$16 million is the total amount of lawyer's fees that the DOE could be paying out to Winston & Strawn for supposedly getting unbiased information. So I tell the senior Senator from Nevada, with this information that we have received—and I know that my friend agrees—there should be a full investigation by the Department of Energy and by the Nuclear Regulatory Institute, and anybody else involved in the licensing of Yucca Mountain, of how severely tainted was the information they received on building Yucca Mountain. This is supposed to be unbiased science and legal information. Was the science biased now? Did the Department of Energy buy biased science? They have obviously bought biased legal work.

So there needs to be a full investigation of this whole process. We have some very serious questions to come before the U.S. Senate next year. The Department of Energy is ready to make their recommendation in a favorable fashion on the suitability for Yucca Mountain. We think we need to put the brakes on all of this and take a whole fresh new look.

So, Mr. President, I say to the senior Senator from Nevada that I think we have some serious, serious matters before us that need the attention of quite a few people as we are going forward.

Mr. REID. If the Senator will yield.

The PRESIDENT pro tempore. The senior Senator from Nevada has the floor.

Mr. REID. As the Senator, my friend, from Nevada has indicated, 14 employees working for this law firm were, in effect, giving advice to both sides. This isn't like representing somebody who may have had a stop sign violation. This is a law firm that has represented the Department of Energy in an attempt to go forward on a licensing procedure that affects the life and safety of tens of millions of Americans. This not only involves the State of Nevada but the rest of this country. The nuclear waste is going to have to travel across this country on highways and railways.

The advice the Department of Energy has been getting from this law firm is tainted. This is a clear case of bias. It is an ethical meltdown. What the people of Nevada need now is a full accounting of how far this misconduct has spread. What my friend, the junior Senator from Nevada, has said is, has this gone over into the scientific calculations and considerations made.

Mr. President, I ask unanimous consent that Senator ENSIGN and I both have 20 minutes, and if the Chair will advise us when we have 2 minutes left.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. The people of Nevada need a full accounting of how far this misconduct has spread. The junior Senator from Nevada is a scientist. He is a doctor of veterinary medicine. He knows how easy it is to misinterpret, miscalculate scientific calculations.

I am a lawyer. I know what it means to have misconduct, to commit malpractice. Certainly, that is what you have here. This is an ethical meltdown. I think what this law firm of Winston & Strawn should be doing today is searching for lawyers to represent them because what they have done is, if not illegal, certainly unethical.

Mr. President, we have done this legislatively with the support of various administrations. Each Cabinet agency we have has an inspector general who is independent. The inspector general doesn't have to account to the Secretary of Energy. He is independent. Their terms go through different administrations. He was appointed during the Clinton administration, now in the Bush administration. He is giving the best advice that he can give. What he has determined is that this is one of the most serious ethical violations they have ever found in that department, and I think rightfully so.

The American people have spent millions of dollars on a biased report, biased advice given to the Department of Energy.

We can't blame this on the Department of Energy. We blame them for a lot of things, but we can't blame them for this conflict of interest. When they were filing an application to get this account, they asked questions such as: Do you have a conflict of interest? Do you represent parties adverse to giving good advice to the DOE? They said, without any qualifications, no.

I want to ask my friend from Nevada a question. The Senator is a scientist. He has a degree in veterinary medicine. He is a doctor. It is easy to spin science the wrong way, if you choose to do so, and not be fair; is that correct?

Mr. ENSIGN. If the Senator will yield, I will go even further and say that, in science, one of the reasons you even do what are called double blind studies is so that you don't prejudice yourself in going forward with a potential conclusion. What I mean by that—

and I will try to give an example on this particular project—you would not want to have people who are saying upfront that Yucca Mountain is safe for a nuclear repository and, therefore, we are going to investigate it and prove that it is safe. You want people to look at it who are going to say: We don't know whether Yucca Mountain is safe or suitable for a nuclear repository or not, but we are going to do the investigation to find out whether it is suitable.

That would be an unbiased view. And then on top of that, if you have people who have a financial interest giving you information, you can imagine how that can taint the whole process.

I say to the senior Senator from Nevada that the potential for bias here in a scientific realm is very great and causes me great concern.

Mr. REID. Mr. President, DOE hired a biased lobbyist and an unethical law firm. What stops them from having already purchased biased or unethical science? Nothing.

I believe we need an independent scientific review of the science, an independent review by scientists who have never received funding from DOE for Yucca Mountain work.

With this review, we would have a program that could stand the light of day. Until we do this, we have a tainted program, one that should be stopped. This involves 43 of our United States, with train and truck traffic going through every one of those States. This is very serious.

Mr. President, how much time remains?

The PRESIDENT pro tempore. Seven minutes remain.

Mr. REID. I yield the floor.

The PRESIDENT pro tempore. The junior Senator from Nevada.

Mr. ENSIGN. Mr. President, I want to point out a couple other items in this report. First, when the inspector general was giving us the briefing, one of the things that was pointed out to us was that Winston & Strawn had actually recognized in some of their internal documents a potential conflict of interest.

Some of their senior people said that we need to put up some firewalls within our firm to make sure if we have lawyers over here working one way, that they are in no way in concert with some of the lawyers working with DOE, say, versus the Nuclear Energy Institute.

Those firewalls were never put in place. Let me repeat, those firewalls which could have potentially stopped the conflict of interest were never put in place. Instead, 14 lawyers worked on both sides. If this is not a conflict of interest, if this does not spark people's outrage, not only at this law firm—by the way, upfront this law firm was asked: Do you have any clients who would present a conflict of interest?

When we let Government contracts, especially for law firms such as this, they are always asked that same question. From what I understand—and if the senior Senator, being a lawyer, will address this—there are people within law firms, there are ethical panels that review whether there are going to be problems representing one side or the other side to make sure that ethical violations do not occur simply because it is such a serious matter within the legal profession.

Will the senior Senator from Nevada address how that is set up within law firms, the whole ethics committee, to make sure they do not have these conflicts of interest?

Mr. REID. I will be happy to respond to the question of the junior Senator from Nevada.

One of the things we discussed yesterday evening with the Office of the Inspector General when they were going over the report they released this morning is that law firms have built-in mechanisms to prevent conflicts of interest. These large law firms can develop conflicts of interest, so every case they take is submitted to a committee. Even the relatively small law firms in Nevada that have 40, 50, 60 lawyers have an apparatus within them where every new file they take is looked over for conflicts.

I am astounded that Winston & Strawn did not have such a program. If they did not have such a program, that is malpractice. If they did have a program and avoided it, that is an ethical violation. That is why I have said several times today, I think they need to find themselves a lawyer because what they have done is either criminal or unethical.

Mr. ENSIGN. Mr. President, I want to point out one other item that is in this document to show what a conflict of interest we have. Winston & Strawn not only represented the Nuclear Energy Institute, but they also were representing a company that manufactured the nuclear waste containers. There is no company that would benefit more from having Yucca Mountain built than the company that builds these nuclear waste containers.

If they are representing people who are going to benefit financially from this project going forward—obviously, the Nuclear Energy Institute does as well—clearly the people who make the casks to store the waste are going to benefit hugely financially.

Those same lawyers representing this firm over here and also trying to give the Department of Energy unbiased information is so outrageous it is hard to even conceive.

I hope all our colleagues will take a fresh look at this issue because the Senate is going to be dealing with some very serious issues when it comes to Yucca Mountain over the next 12 months.

I hope, regardless of how people have voted in the past, that my colleagues will take a fresh look and say: Maybe we need a timeout on this issue.

About \$7 billion has already been spent on Yucca Mountain. We appropriated another couple hundred million dollars this year. We are talking a lot of money that is potentially being wasted, being put down a rat hole. All of your colleagues need to take a fresh look at this because the GAO has said it is going to cost over \$50 billion more to finish this project. That is serious money, and we need to take a fresh look.

The PRESIDENT pro tempore. The time of the Senator has expired.

Mr. ENSIGN. I yield the floor to the senior Senator.

Mr. REID. Mr. President, my final statement is, if this law firm, Winston & Strawn, had firewalls set up to see if there was a conflict of interest, these firewalls burned down. They burned to the ground. This law firm, in my opinion, has burned to the ground. They should refund the money to the Department of Energy, and I think the State Bar Association of Illinois should look at proceedings against this law firm.

What they have done gives not only lawyers a bad name but gives the entire process dealing with Yucca Mountain a bad name. With Winston & Strawn's malfeasance, malpractice, and unethical actions, I think they should refund the money, I repeat, and find themselves a good lawyer for the other activities in which they have been engaged.

Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

VETERANS BENEFITS ACT OF 2001

Mr. REID. Mr. President, I ask unanimous consent that the Veterans' Affairs Committee be discharged from further consideration of H.R. 2540, and the Senate proceed to its immediate consideration.

The PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 2540) to amend title 38, United States Code, to make various improvements to veterans benefits programs under laws administered by the Secretary of Veterans Affairs, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I understand that Senators ROCKEFELLER and

SPECTER have a substitute amendment at the desk. I ask unanimous consent that the amendment be agreed to, the bill, as amended, be read a third time and passed, the amendment to the title be agreed to, the motion to reconsider be laid upon the table, any statements relating to the bill be printed in the RECORD, all with no intervening action or debate.

The PRESIDENT pro tempore. Without objection, the several requests are granted. It is so ordered.

The amendment (No. 2149) was agreed to, as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; REFERENCES TO TITLE 38, UNITED STATES CODE.

(a) SHORT TITLE.—This Act may be cited as the "Veterans' Compensation Rate Amendments of 2001".

(b) REFERENCES TO TITLE 38, UNITED STATES CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

SEC. 2. DISABILITY COMPENSATION.

(a) INCREASE IN RATES.—Section 1114 is amended—

(1) by striking "\$98" in subsection (a) and inserting "\$103";

(2) by striking "\$188" in subsection (b) and inserting "\$199";

(3) by striking "\$288" in subsection (c) and inserting "\$306";

(4) by striking "\$413" in subsection (d) and inserting "\$439";

(5) by striking "\$589" in subsection (e) and inserting "\$625";

(6) by striking "\$743" in subsection (f) and inserting "\$790";

(7) by striking "\$937" in subsection (g) and inserting "\$995";

(8) by striking "\$1,087" in subsection (h) and inserting "\$1,155";

(9) by striking "\$1,224" in subsection (i) and inserting "\$1,299";

(10) by striking "\$2,036" in subsection (j) and inserting "\$2,163";

(11) in subsection (k)—

(A) by striking "\$76" both places it appears and inserting "\$80"; and

(B) by striking "\$2,533" and "\$3,553" and inserting "\$2,691" and "\$3,775", respectively;

(12) by striking "\$2,533" in subsection (l) and inserting "\$2,691";

(13) by striking "\$2,794" in subsection (m) and inserting "\$2,969";

(14) by striking "\$3,179" in subsection (n) and inserting "\$3,378";

(15) by striking "\$3,553" each place it appears in subsections (o) and (p) and inserting "\$3,775";

(16) by striking "\$1,525" and "\$2,271" in subsection (r) and inserting "\$1,621" and "\$2,413", respectively; and

(17) by striking "\$2,280" in subsection (s) and inserting "\$2,422".

(b) SPECIAL RULE.—The Secretary of Veterans Affairs may authorize administratively, consistent with the increases authorized by this section, the rates of disability compensation payable to persons within the purview of section 10 of Public Law 85-857 who are not in receipt of compensation payable pursuant to chapter 11 of title 38, United States Code.

SEC. 3. ADDITIONAL COMPENSATION FOR DEPENDENTS.

Section 1115(1) is amended—

(1) by striking “\$117” in clause (A) and inserting “\$124”;

(2) by striking “\$201” and “\$61” in clause (B) and inserting “\$213” and “\$64”, respectively;

(3) by striking “\$80” and “\$61” in clause (C) and inserting “\$84” and “\$64”, respectively;

(4) by striking “\$95” in clause (D) and inserting “\$100”;

(5) by striking “\$222” in clause (E) and inserting “\$234”;

(6) by striking “\$186” in clause (F) and inserting “\$196”.

SEC. 4. CLOTHING ALLOWANCE FOR CERTAIN DISABLED VETERANS.

Section 1162 is amended by striking “\$546” and inserting “\$580”.

SEC. 5. DEPENDENCY AND INDEMNITY COMPENSATION FOR SURVIVING SPOUSES.

(a) **NEW LAW RATES.**—Section 1311(a) is amended—

(1) by striking “\$881” in paragraph (1) and inserting “\$935”;

(2) by striking “\$191” in paragraph (2) and inserting “\$202”.

(b) **OLD LAW RATES.**—The table in section 1311(a)(3) is amended to read as follows:

Pay grade	Monthly rate	Pay grade	Monthly rate
E-1	\$935	W-4	\$1,119
E-2	935	O-1	988
E-3	935	O-2	1,021
E-4	935	O-3	1,092
E-5	935	O-4	1,155
E-6	935	O-5	1,272
E-7	967	O-6	1,433
E-8	1,021	O-7	1,549
E-9	1,066	O-8	1,699
W-1	988	O-9	1,818
W-2	1,028	O-10	2,194
W-3	1,058		

¹“If the veteran served as Sergeant Major of the Army, Senior Enlisted Advisor of the Navy, Chief Master Sergeant of the Air Force, Sergeant Major of the Marine Corps, or Master Chief Petty Officer of the Coast Guard, at the applicable time designated by section 1302 of this title, the surviving spouse's rate shall be \$1,149.”

²“If the veteran served as Chairman or Vice Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, Commandant of the Marine Corps, or Commandant of the Coast Guard, at the applicable time designated by section 1302 of this title, the surviving spouse's rate shall be \$2,139.”

(c) **ADDITIONAL DIC FOR CHILDREN.**—Section 1311(b) is amended by striking “\$222” and inserting “\$234”.

(d) **AID AND ATTENDANCE ALLOWANCE.**—Section 1311(c) is amended by striking “\$222” and inserting “\$234”.

(e) **HOUSEBOUND RATE.**—Section 1311(d) is amended by striking “\$107” and inserting “\$112”.

SEC. 6. DEPENDENCY AND INDEMNITY COMPENSATION FOR CHILDREN.

(a) **DIC FOR ORPHAN CHILDREN.**—Section 1313(a) is amended—

(1) by striking “\$373” in paragraph (1) and inserting “\$397”;

(2) by striking “\$538” in paragraph (2) and inserting “\$571”;

(3) by striking “\$699” in paragraph (3) and inserting “\$742”;

(4) by striking “\$699” and “\$136” in paragraph (4) and inserting “\$742” and “\$143”, respectively.

(b) **SUPPLEMENTAL DIC FOR DISABLED ADULT CHILDREN.**—Section 1314 is amended—

(1) by striking “\$222” in subsection (a) and inserting “\$234”;

(2) by striking “\$373” in subsection (b) and inserting “\$397”;

(3) by striking “\$188” in subsection (c) and inserting “\$199”.

SEC. 7. EFFECTIVE DATE.

The amendments made by this Act shall take effect on December 1, 2001.

Mr. ROCKEFELLER. Mr. President, as chairman of the committee on Veterans' Affairs, I am tremendously pleased to urge prompt, favorable Senate action on the pending measure, legislation that will provide a cost-of-living adjustment to veterans' compensation for next year. This measure includes the actual adjusted amounts as calculated, based on the increase in the Consumer Price Index. I thank my colleague on the Veterans' Affairs Committee, Ranking Minority Member Senator ARLEN SPECTER, for his diligence and commitment to providing this important increase to well-deserving veterans.

The Veterans' Compensation Cost-of-Living Adjustment Act of 2001 directs the Secretary of Veterans Affairs to increase, as of December 1, 2001, the rates of veterans' disability compensation, as well as compensation for eligible dependents and surviving spouses. The legislation raises compensation by 2.6 percent, the same percentage as the increase provided to Social Security recipients.

It is particularly timely that we move this legislation during the week of Veterans Day. Veterans and their families depend on the cost-of-living increase to ensure that their well-deserved benefits not be eroded by inflation. Veterans' disability compensation rates must keep pace with the increasing cost of living.

I urge all of my colleagues to support passage of this bill.

Mr. President, I ask unanimous consent that a summary of the legislation be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUMMARY OF S. 1088

This bill contains the annual Cost-of-Living Adjustment (COLA) to veterans disability compensation. The manager's amendment strikes the text of the House bill and inserts the actual amount of the increased rates. The percentage of the increase will be the same percentage—2.6 percent—as Social Security recipients will receive. There are no other provisions contained in the bill as amended.

The bill (H. R. 2540), as amended, was read the third time and passed.

The title amendment (No. 2150) was agreed to, as follows:

Amend the title so as to read “An Act to amend title 38, United States Code, to provide a cost-of-living adjustment in the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of such veterans.”

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KOHL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2002—CONFERENCE REPORT

The PRESIDENT pro tempore. Under the previous order, the Senate will now proceed to the consideration of the conference report accompanying H.R. 2330, which the clerk will report.

The assistant legislative clerk read as follows:

The committee on conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2330), making appropriations for Agriculture, Rural Development, Food and Drug Administration, and related agency programs for the fiscal year ending September 30, 2002, having met have agreed that the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, signed by a majority of the conferees on the part of both Houses.

(The report is printed in the House Proceedings of the RECORD of November 9, 2001, page H7962.)

The PRESIDENT pro tempore. Under the previous order, there will be 60 minutes of debate on the conference report with the time to be equally divided and controlled.

The Senator from Wisconsin.

Mr. KOHL. Mr. President, I am pleased to bring to the Senate, the conference report on H.R. 2330, the Agriculture, Rural Development, Food and Drug, and Related Agencies Appropriations Act, 2002. The House approved this measure day before yesterday, and we need to take swift action in the Senate on final passage in order for the President to sign this conference report into law as soon as possible.

This conference report includes \$75.8 billion in total spending for fiscal year 2002. These funds will be used to support programs and services of the United States Department of Agriculture—except for the Forest Service—the Food and Drug Administration, and the Commodity Futures Trading Commission. Of this total, \$16 billion is discretionary spending, and this amount is within the subcommittee's 302(b) allocation.

As I have stated before, this is not simply an “agricultural” bill. This bill not only supports the rural sector, it supports all sectors. It supports families in the cities; it supports inspectors along our borders; it supports the availability of drugs and vaccines to respond to the challenges of today and whatever tomorrow may bring. I support this conference report, and I hope all Senators will do the same.

Again, I thank Senator COCHRAN, ranking member of this subcommittee, and his staff for their tireless and indispensable help this year. I also thank my staff and all people who have helped bring us to this final stage of the appropriations process.

The PRESIDENT pro tempore. Who seeks recognition?

Mr. COCHRAN. Mr. President, I yield myself such time as I may consume.

The PRESIDENT pro tempore. The Senator from Mississippi is recognized for such time as he may consume.

Mr. COCHRAN. Mr. President, I am pleased today to join my friend from Wisconsin, Senator KOHL, to present for the Senate's approval the conference report on H.R. 2330. This conference agreement provides total new budget authority of \$75.8 billion for the programs and activities administered by the United States Department of Agriculture, the Food and Drug Administration, and the Commodity Futures Trading Commission. These include programs that provide housing opportunities for low and moderate-income residents of rural America, that protect our Nation's food supplies against pests and diseases, assure the safety and efficacy of drugs and medical products, and provide nutrition assistance for America's children and working families.

This is the seventh conference report of the 13 regular fiscal year 2002 appropriations bills to be presented to the Senate this year for approval. This conference agreement has been approved by the House of Representatives by a substantial vote in that body, and Senate passage of the conference report today would be the final step necessary to send this bill to the President for his signature. I am hopeful the Senate will approve the conference report and give our committee a vote of confidence in our efforts to resolve successfully the differences that existed between the Senate and House-passed bills.

We think we defended the Senate's interests aggressively, and we worked out a compromise that will serve the interests not only of the two bodies but of the American people as well.

Mr. President, I reserve the remainder of our time.

The PRESIDENT pro tempore. Who seeks recognition? Time is running.

Mr. COCHRAN. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CRAIG. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Under whose time does the Senator seek recognition?

Mr. CRAIG. Under that of the ranking minority member, Senator COCHRAN.

The PRESIDENT pro tempore. From Senator COCHRAN. Very well, the Senator is recognized.

Mr. CRAIG. Mr. President, I thank the chairman of the subcommittee, Senator KOHL, and Senator COCHRAN, for the tremendous cooperation they have extended to me and Idaho agriculture as we have considered this very important appropriations bill. I am pleased the conference report is now before us.

We all know that agriculture over the last 4 or 5 years has had a very difficult time, especially at the production level, in finding a commodity with which the producer could break even or make a profit. That has certainly been true in my State of Idaho. While that has gone on, there have been opportunities to improve the research capability and certainly the conference report we have before us represents that. All of our Nation's agricultural production has historically benefited from Federal dollars that have flowed into research at our colleges and universities that ultimately produce hybrid crops, better techniques, better conservation, better use of water and soil. All of those things in combination make agriculture as great as it is in our country today.

I am always amazed at the abundance we have produced as a result of a private-State-Federal partnership. It can at times be a problem, too, and that explains part of where we are today. With phenomenal abundance and availability of commodities, commodity prices in the last several years have been at about their all-time lows in relation to the cost of production. As a result of that, certainly this appropriating subcommittee and the authorizing Committee of Agriculture here in the Senate, along with the House of Representatives, has made every effort to assure that production agriculture at least had a safety net so we would not lose this valuable part of the American economy.

I know our consumers oftentimes take for granted when they go to the supermarket, and go to the food shelf in that supermarket, finding such an abundance at such a low price. They oftentimes assume it is always going to be there. Very seldom do we have the ability to look behind at the thousands and thousands of American producers and processors that provide that high-quality food to the American consumer. This legislation assists in that important part of the American lifestyle and the American economy.

Also, as agriculture has dwindled, and especially in my State of Idaho where we have seen Federal policy and national attitudes over the last two or three decades that would suggest we ought not log or we ought not mine or we ought not graze because somehow it damages the environment, we have seen rural economies dwindle, unem-

ployment rise, and many of our rural areas, which are farm and resource communities, in dire straits.

In this package is also a rural economic development component that is increasingly important to rural America. As agriculture struggles, many of the other associated service industries, and many of the industries that were very typical in my State, have suffered even more. Many of them have shut down. Over the last decade, and in part because of the philosophy of the former administration, we have seen an 80-percent decline in logging on public lands. That has cost Idaho, and other States like Idaho, tens of thousands of jobs. As a result, unemployment in those areas has grown to 12 percent and 14 percent.

Unemployment means people out of work. It means no food on the table. Oftentimes it means fewer clothes for the children. It means strife within the family because of the economic circumstances they are experiencing. To be able to turn that around is part of my job. But it is also part of the job of the Congress, to have sensitivity toward economic development of the kind that is, in fact, represented here as we strive to fund U.S. Forest Service programs, USDA programs that will benefit rural communities of the kind that make up a very large part of my State.

I thought it important and appropriate this morning that I come to the floor to thank the chairman, Senator KOHL, and the ranking member, Senator COCHRAN, for the cooperation and the sensitivity they have shown. Certainly, the chairman of the full committee, who is now the Presiding Officer here in the Senate, has always had an eye to rural America. I appreciate that because his State of West Virginia is much like mine. It is built on resources. It is built on mining. It is built on the rural lifestyle.

That has been and remains a major part of the American economy. This bill represents that sensitivity, and I thank them for that.

I yield the floor.

The PRESIDENT pro tempore. Who seeks recognition?

Mr. KOHL. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KOHL). Without objection, it is so ordered.

Mr. BYRD. Mr. President, I thank the Chair.

How much time do I have, Mr. President?

The PRESIDING OFFICER. Senator BYRD has up to 20 minutes.

Mr. BYRD. Mr. President, I thank the Chair, Senator KOHL, who is also chairman of the agriculture appropriations subcommittee. I thank him for his good work on behalf of the people of his State, for his good work on behalf of the people of my State, and for his good work on behalf of the people of the Nation. He is an apt student of public service and of the legislative process. He is one of my favorites. When I speak in that term, I think of the legislative process and I think of this institution, the Senate.

I also thank Senator COCHRAN, who is the ranking member of the subcommittee. I thank him for his service to the Nation and to his people and to my people—to our people. Senator COCHRAN likewise does good work for the Nation and for the committee. He is a very able member of the Appropriations Committee.

This conference report includes \$75.8 billion in total spending for fiscal year 2002. This amount is \$3 million below the level passed by the Senate. Of the total amount provided, \$16.0 billion is discretionary spending, and this amount is within the subcommittee's 302(b) allocation. This conference does not include one cent—not one copper penny—of emergency spending.

This conference report supports programs related to agricultural research, conservation, rural development, promotion of international trade, and many other traditional programs for which the agriculture bill has become so well known. This conference report also supports domestic food programs such as Food Stamps and the Women, Infants, and Children, WIC, program, as well as the other food safety and public health programs of the Food and Drug Administration and other agencies. The programs supported by this conference report serve the most basic of needs of the American people in nearly every facet of their lives.

On September 11—another day that will always live in history, a date that will not be a footnote in the annals of mankind—the American people were reminded of the importance of programs related to public health, food supply, and food safety. These programs have long been a part of the Agriculture Appropriations bill, and they are continued, and strengthened, by this bill.

I am particularly pleased that the conference report contains a number of provisions related to the treatment of animals—those creatures that cannot speak for themselves, those creatures without which mankind would perish. We should think of them, and we do think of them. There are two principle underlying statutes that provide authority to agencies under the jurisdiction of this conference report on the subject of animal treatment. They are the Animal Welfare Act and the Humane Slaughter Act.

The Animal Welfare Act was first authorized by Public Law 89-544, the Act of August 24, 1966, and is today carried out by USDA's Animal and Plant Health Inspection Service (APHIS). The primary purpose of this Act was to authorize the Secretary of Agriculture to regulate the transportation, sale, and handling of dogs, cats, and certain other animals intended to be used for purposes of research or experimentation, and for other purposes. Think of the service that those animals render to mankind. And they don't do it without a sacrifice to themselves. Today, in addition, this act is used to regulate individual dog breeders and handlers and larger operations such as circuses and zoos around the nation.

The Humane Slaughter Act was originally passed in 1958, and requires that animals be rendered insensitive to pain before they are killed in a slaughterhouse. This Act is today carried out by USDA's Food Safety Inspection Service, FSIS.

For a number of years, the level of funding at APHIS for inspections and enforcement of the Animal Welfare Act had been held stagnant. More recently, this Congress has been able to provide significant increases for these activities, including \$2.5 million provided through an amendment I offered in the supplemental appropriations bill that was signed into law on July 20, 2001.

In this conference report, additional increases are provided for these purposes. In this conference report that we are debating today, I say, additional increases are provided for these purposes.

This conference report includes an increase of \$2.4 million above the President's request for animal welfare inspections and the conferees have directed the agency to hire additional inspectors and support staff to increase the overall number of inspections, and to conduct more repeat inspections of facilities found to be in noncompliance with the act. Let's go back and look at them again, if they are not complying with the act. This year's appropriation of \$15,167,000—in addition to funds made available in the supplemental—represents an increase of 60 percent since fiscal year 1999. So, at last, we are paying more attention—and we ought to pay more attention—to these animals and to the enforcement of the law in regard to their slaughter.

Increased inspections are logically followed by increased demand for investigations and enforcement. This conference report includes an increase of \$1,852,000—that is in addition to funds made available in the supplemental—for APHIS investigation and enforcement activities. In addition, Statement of Managers language directs the agency to hire additional inspectors to service the backlog of animal care investigations. I would like to mention that the conference com-

mittee became aware of reported violations of the Animal Welfare Act regarding treatment of polar bears by a traveling circus, and Statement of Managers language is included directing the agency to investigate this matter, take appropriate action, and report to the Appropriations Committee.

Earlier this year, news accounts described incidents in meat slaughterhouses which were atrocious—atrocious—violations of the Humane Slaughter Act. As part of the \$2.5 million amendment that I sponsored in this year's supplemental, an enhanced program of oversight within the agency has been initiated to ensure better enforcement of this act. Last month, the U.S. Department of Agriculture announced that it had begun this new initiative—using both funds provided by the supplemental and other Departmental funds—and had placed additional FSIS personnel in field district offices to work closely with plant inspectors and veterinarians.

These individuals, who will be officially known as "Humane Handling Verification Experts and Liaisons"—let me repeat, these individuals, who will be officially known as "Humane Handling Verification Experts and Liaisons"—will work to tighten up enforcement and oversight of the Humane Slaughter Act.

We are talking about animals. I am not one of those who claim that man is an animal. Man was created a little lower than the angels but above the beasts of the field. Read the Scriptures. Read Milton's "Paradise Lost." Yes, the animals serve us every day in ways that we do not tend to remember. They serve us. But for the animals, mankind would not exist upon the Earth, in all likelihood. Oh, you say, he might become a vegetarian, but what about the beasts of burden? The righteous man looks to the welfare of his beast. So, I intend to watch this initiative. You can bet on it. I intend to watch this initiative with keen interest and will look forward to making sure that resources are continually provided to make it an effective tool to stop inhumane treatment of animals.

I guess my little dog Billy has had a great deal to do with my attitude toward animals. He has a little sister named Bonnie. Billy Byrd is 15 years old. But if there is a creature on this Earth that is absolutely and forever unfailingly loyal and dedicated to me—and there is—it is my little dog Billy, that Maltese terrier. He is an animal, but he feels pain. He must understand affection and love because he gives it to me and he gives it to Erma; and I give it and she gives it in return.

Yes, never does he let me leave the door for work that he does not follow me to the last step. That is an animal. We are talking about animals that are slaughtered for the food that graces

the table of men and women and children around the world—animals that we should treat humanely.

Mr. President, again I want to congratulate the chairman and the ranking member of the Agriculture Appropriations Subcommittee for a job well done. Well done, Senator KOHL. Well done, Senator COCHRAN. I also thank all members of the subcommittee for their contributions to this final product. I thank the members of the staff on both sides of the aisle, without whom, where would we find ourselves. I thank them. I support this conference report, and I hope that all Senators will do the same.

Mr. President, I thank the Chair and I yield the floor.

Mr. CONRAD. Mr. President, I rise to offer for the record the Budget Committee's official scoring of the conference report to H.R. 2330, the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act for Fiscal Year 2002.

The conference report provides \$16.018 billion in discretionary budget authority, which will result in new outlays in 2002 of \$12.038 billion. When outlays from prior-year budget authority are taken into account, discretionary outlays for the report total \$16.282 billion in 2002. By comparison, the Senate-passed version of the bill provided \$16.137 billion in discretionary budget authority, which would have resulted in \$16.118 billion in total outlays. The conference report is at its revised Section 302(b) allocation for budget authority and outlays. The conferees have met their target without the use of any emergency designations.

I commend Senators KOHL and COCHRAN for working together in a bipartisan manner with their House counterparts to complete in an expedited manner the conference to this very important piece of legislation, which provides funding for agriculture, conservation, rural development, and domestic food programs. I also commend Chairman BYRD and Senator STEVENS, as well as House Chairman YOUNG and Ranking Member OBEY on the significant progress made by the two appropriations committees over the last couple of weeks in completing the 2002 appropriations bill.

Mr. President, I ask unanimous consent that a table displaying the budget committee scoring of this bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONFERENCE REPORT TO H.R. 2330, THE AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2002, SPENDING COMPARISONS—CONFERENCE REPORT

(In millions of dollars)

	General purpose	Mandatory	Total
Conference report:			
Budget Authority	16,018	43,112	59,130
Outlays	16,282	33,847	50,129
Senate 302(b) allocation: ¹			
Budget Authority	16,018	43,112	59,130
Outlays	16,282	33,847	50,129
President's request:			
Budget Authority	15,399	43,112	58,511
Outlays	15,789	33,847	49,636
House-passed:			
Budget Authority	15,668	43,112	58,780
Outlays	16,044	33,847	49,891
Senate-passed:			
Budget Authority	16,137	43,112	59,249
Outlays	16,118	33,847	49,965
CONFERENCE REPORT COMPARED TO:			
Senate 302(b) allocation: ¹			
Budget Authority	0	0	0
Outlays	0	0	0
President's request:			
Budget Authority	619	0	619
Outlays	493	0	493
House-passed:			
Budget Authority	350	0	350
Outlays	238	0	238
Senate-passed:			
Budget Authority	-119	0	-119
Outlays	164	0	164

¹ For enforcement purposes, the budget committee compares the conference report to the revised Senate 302(b) allocation.

Notes.—Details may not add to totals due to rounding. Totals adjusted for consistency with scorekeeping conventions.

Mr. DURBIN addressed the Chair.

The PRESIDING OFFICER (Mr. NELSON of Florida). Who yields time to the Senator from Illinois?

Mr. BYRD. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Three and a half minutes.

Mr. BYRD. I yield the 3½ minutes to the distinguished Senator from Illinois.

Mr. DURBIN. I thank the Senator from West Virginia. First, I congratulate him on his excellent remarks. All of us who have owned pets and have developed a friendship and affection for them can certainly identify with his kind words about his beloved Billy Byrd and Billy Byrd's sister Bonnie. I say to Senator BYRD, I was not aware your dog had a sister. I am glad that has been reported formally in the CONGRESSIONAL RECORD.

I also congratulate Senator KOHL because he has worked hard on the Agriculture appropriations bill that is before us. I am happy to serve on the subcommittee. I know the hours that have been put in by the Senator and his staff.

Let me highlight two aspects of this bill that we ought to keep in mind. It is known as the Agriculture appropriations bill, but it is so much more.

As important as agriculture is to America, this bill contains as much money or more for nutrition and feeding as it does for agricultural programs.

This morning a man by the name of Robert Forney came to my office. Bob is an old friend. He was head of the Chicago Stock Exchange. When he retired

last year, Bob Forney became the CEO of a program known as Second Harvest. Second Harvest is the largest emergency food provider in America. They keep the canned goods and other items of food available for families who are struggling.

Bob came to tell me this morning that the challenge facing food banks across America and feeding programs is growing geometrically; 415,000 Americans lost their jobs last month. Many of them lost jobs that don't qualify for unemployment insurance, and they are struggling to feed their children.

In this land of prosperity, children are going hungry and the numbers grow by the day. This bill, with its provision for WIC, for mothers, infants, and small children, as well as the provision for food stamps, addresses that. We ought to be mindful of the need to watch this closely. More money probably will be needed before the end of the next fiscal year.

There is an important element in this bill about food safety. I salute Senator BYRD, who stood here yesterday and said: Let us put money into food security at a time when American families are worried about bioterrorism. We lost because colleagues from the other side of the aisle said this is not an emergency. We know better. America knows better.

This bill, which funds the Food and Drug Administration and the U.S. Department of Agriculture to make certain that our food is safe, provides funds, but the bill offered by Senator BYRD would have given the additional resources needed for more inspectors, better inspection, better peace of mind for people all across America. That bill was defeated. I hope we have a chance to debate that again.

What happened yesterday really turned this Chamber on its head. We are supposed to listen to the people we represent. We are supposed to speak for them and advocate for them. What Senator BYRD came forward with yesterday was spending so that we could produce vaccines to prepare America for a possible bioterrorist attack. Some have said: There the Democrats go again, spending money right and left on porkbarrel. Vaccines to immunize our children and families in case of a bioterrorist attack is not porkbarrel or wasteful. It is prudent and thoughtful. I thank Senator BYRD for his leadership on that.

Putting money into law enforcement: We tried yesterday so that across Illinois and West Virginia and Wisconsin and across the Nation, our first responders, whether police or firefighters, will have the resources to respond to an act of terrorism.

Modernization for computers: The Senator from West Virginia may be stunned to learn, as I did recently, that a new FBI agent told me their computer system at the FBI does not have

e-mail, nor does it have access to the Internet. That is the computer system of the premier law enforcement agency in America.

Senator BYRD put resources in that bill to modernize computers at the FBI and other important law enforcement agencies. The Republicans voted against it, saying it was not an emergency.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DURBIN. I thank the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. BYRD. Will the Senator yield 30 seconds?

Mr. McCain. I am always happy to yield to the Senator from West Virginia.

Mr. BYRD. I thank the Senator.

I thank Senator DURBIN, the very distinguished and able Senator from Illinois, for his kind remarks and for his references to the amendment of yesterday. We will be back.

I again thank the distinguished Senator who yielded me the time.

Mr. McCain. I thank the Senator.

Mr. President, the Agriculture appropriations bill is fundamental to the Nation's agricultural economy and supports foreign and domestic food programs. Unfortunately, porkbarrel interests also received remarkable support in this final conference report. While this final conference report includes less porkbarrel spending than the Senate bill passed just a couple weeks ago, it still includes \$335 million in wasteful, unnecessary, and unreviewed spending which is \$30 million more than the amount included in the final report passed last year.

Every single appropriations bill we have passed so far has an increase in porkbarrel spending over last year. We are now up to \$9.6 billion of wasted, unnecessary programs.

While the Senator from Wisconsin is on the floor, I saw one of the more egregious things happen the other night when there was a managers' package which had 35 provisions in it. When we were about to vote on it, I asked: Does anybody here know what is in this package? No one did.

We found out what was in it. What was in it was a violation of a trade agreement we just concluded with Vietnam. We found 15 porkbarrel projects identified by State for members of the appropriations subcommittee. I tell the Senator from Wisconsin, I will not allow a vote again until the managers' package is examined. That was an egregious act that was done by the Senate. My constituents deserve a lot better than what happened the other night with a managers' package which was brought up late in the evening. No one had seen it. When we found out, it was certainly something that I never would have allowed to pass.

When the Senate considered and passed the Agriculture spending bill a couple weeks ago, the typical porkbarrel trickery reached unprecedented levels. Midnight legislative riders were covertly slipped in unseen by a majority of the Senate. Erroneous earmarks for special interest projects were tacked on—again, unseen and circumventing the normal committee process—and funding priorities in stark discord with that of the administration.

Many of my colleagues have spoken before the Senate about the economic struggle of America's farmers. Common sense would dictate that this bill be directed towards supporting those Federal programs that most benefit farmers in need. Instead, special interests reign and millions of taxpayers' dollars are diverted to funding research facilities, universities, and farming conglomerates.

Even emergency dollars provided by Congress for farmers do not reach intended beneficiaries. This porkbarrel bonanza includes millions for projects that administrations have proposed for elimination year after year. Yet generous benefactors on the Appropriations Committee keep the spigot open and continue to drain dollars from hard-working taxpayers.

This method of budget monopolization is ricocheting out of control. Let's take a look at the top 10 porkbarrel earmarks in this final Agriculture appropriations bill.

No. 10, \$2.2 million for the Center for Cool and Cold Water Aquaculture in Leetown, WV. I come from a pretty hot State. It is starting to cool off now. Maybe we could get some of that money out in Arizona for cool and cold water aquaculture rather than have it all be devoted to Leetown, WV.

No. 9, \$600,000 for a tristate joint peanut research project in Alabama. Naturally it is in Alabama, but it is tristate.

No. 8, \$600,000 for agricultural waste utilization in West Virginia. Nowhere else in America—\$600,000 for agricultural waste utilization in West Virginia. I guess agricultural waste needs to be utilized more importantly in West Virginia than any other part of America.

No. 7, Increase of \$750,000 for the Wisconsin Livestock Identification Consortium. We now have a consortium in Wisconsin to identify livestock.

No. 6, \$2 million to pay for efficient irrigation in New Mexico and Texas—efficient irrigation in New Mexico and Texas.

No. 5, \$100,000 for the Trees Forever Program in Illinois. Trees Forever. I have mentioned on the floor, I would like to see a cactus forever program. Perhaps the appropriators might devote that to my State of Arizona.

No. 4, \$200,000 for the Iowa Soybean Association. Last I checked, the Iowa

Soybean Association was a private organization composed of individuals who decided to join in this association in support of soybeans. Now we are going to give them \$200,000.

No. 3, \$4.5 million for the U.S. Vegetable Laboratory in Charleston, SC.

No. 2, \$230,000 for animal waste management in Oklahoma.

No. 1, \$100,000 for the Weed It Now initiative in Massachusetts, New York, and Connecticut. Weed It Now. Mr. President, we need a Weed It Now program on these appropriations bills. We need to weed out this outrageous dispensation of American tax dollars.

I want to speak briefly about one of the concealed provisions slipped into the managers' amendment just before the Senate passed this bill. This provision effectively bans all imports of Vietnamese catfish into the United States. The sly wording of this measure doesn't mention Vietnam at all. But it does patently violate our solemn trade agreement with Vietnam, before the Vietnamese National Assembly has even ratified that agreement. The ink isn't even dry yet, and we are violating that. Why? No doubt it was inserted on behalf of several large, wealthy U.S. agribusinesses that will handsomely profit by killing competition from Vietnamese catfish imports.

Whether you are a free trader or an opponent of harmful special interest riders hidden in big spending bills, you can't help but find this sort of behavior to be a scandalous abrogation of our duty to the national interest. After preaching for years to the Vietnamese about the need to get government out of the business of micromanaging their economy, we have sadly implicated ourselves in the very sin our trade policy claims to reject. I will work with Senators KERRY, PHIL GRAMM, and others to see that this offensive trade barrier doesn't stand.

We have a great responsibility to American citizens. I urge my colleagues to exercise greater prudence and principle in this responsibility.

Mr. President, I have an article from the Wall Street Journal of yesterday, and I also have an article from the Washington Post of today. I ask unanimous consent that both of those articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Nov. 14, 2001]

ADD-ON SPENDING PROJECTS ARE ON COURSE
TO EXCEED THOSE OF LAST ADMINISTRATION

(By David Rogers)

WASHINGTON.—After tough talk last spring, the White House appears to be retreating from its vow to stem the tide of year-end spending projects added by Congress to annual appropriations bills.

Soon after taking office, the administration proposed to write off billions of dollars in existing pork-barrel projects as "one-time" expenditures. But as the legislative session draws to a close just the opposite is

the case, and the number of so-called spending earmarks by lawmakers may actually be growing.

Congress yesterday sent President Bush a \$112.7 billion appropriations bill estimated to have close to 1,400 earmarks attached to science, veterans, housing and environmental programs. The list of projects in a single account in the Department of Housing and Urban Development consumed 10 pages of the Congressional Record, and space-science programs increasingly have become a conduit for grants to home state universities.

The action came as House and Senate negotiators approved a \$75.9 billion agriculture budget adding scores of research projects along with an amendment to help U.S. catfish growers fight off imports from Vietnam. Hours later, still more earmarks were approved as part of a final \$39.3 billion Commerce, Justice, and State Department budget that adds money for maritime loan subsidies that the White House wants to terminate.

The administration has raised objections, but nothing like this week's veto threat over how much Congress can spend in response to the terrorist attacks. For example, in a recent five-page letter to negotiators on the HUD and science bill, the issue of earmarks was almost the last issue raised by Budget Director Mitchell Daniels Jr. His Deputy, Sean O'Keefe, insisted yesterday that progress is being made incrementally, but on a bipartisan basis. House Appropriations staff say the administration has been little help in curbing the more earmark-prone Senate. "We haven't heard a peep," said James Dyer, chief clerk to the House Appropriations panel.

Last spring, the tone was very different, as the Office of Management and Budget tallied up more than 6,000 earmarks costing \$15 billion in the last appropriations bills approved by the departing Clinton administration. In trying to make room for its own initiatives—including the president's tax cut—OMB assumed cuts of \$8 billion from such earmarks and other "one time" expenditures. Failure to enforce this budget discipline, now, could come back to haunt the administration, which faces the prospect of rising costs because of terrorist strikes and a troubled economy.

The revised agriculture budget yesterday is a first sign of these pressures. As unemployment has risen, so has the projected caseload next year for federal nutrition programs, and lawmakers had to add \$21 million to Mr. Bush's request to pay these bills.

All of this comes at a time of increasingly bitter relations between the Appropriations and OMB. Mr. Daniels is blamed by lawmakers in both parties for precipitating the veto clash this week with Mr. Bush. In a "Dear Mitch" letter, House Appropriations Chairman Bill Young (R., Fla.) and Wisconsin Rep. David Obey, the ranking Democrat, asked that OMB freeze all spending and transfers from an emergency fund until there is more consultation with the panel.

[From the Washington Post, Nov. 15, 2001]

IN CONGRESS, PORK STAYS ON MENU

PET PROJECTS SOMETIMES AT ODDS WITH NEW SPENDING DEMANDS

(By John Lancaster and Dan Morgan)

Last month, lawmakers rejected a proposal to add \$131 million to a program that helps Russia keep track of its nuclear stockpile. It's not that they didn't like the idea: After Sept. 11, almost everyone in Congress agrees

on the need to do more to stop terrorists from acquiring nuclear bombs.

But House and Senate negotiators meeting to decide the final shape of a \$24.6 billion spending bill covering the nation's nuclear and water programs could not find room for the increase.

They had other priorities, including: A museum at the Atomic Testing History Institute in Las Vegas (\$1 million);

Aquatic-weed removal in the Lavaca and Navidad rivers in Texas (\$350,000).

A study of erosion on Waikiki Beach in Hawaii (\$350,000).

Targeting funds for specific projects at the request of individual lawmakers is a time-honored ritual on Capitol Hill, and this year is no exception. But as Congress completes work on 13 annual spending bills, its business-as-usual approach to managing the federal budget is colliding with the new demands of fighting terrorism.

The soaring costs of responding to the attacks—Congress has already approved \$40 billion for the purpose—have done little so far to curb congressional appetites for courthouses, highways, dams, parks and other purely parochial items. According to congressional aides, the number of such "earmarks" in this year's crop of spending bills is likely to approach or even exceed last year's record number, which was estimated by the White House budget office at 6,400 (a threefold increase from 1995).

Many of the earmarks, as in previous years, reflect political clout more than national need. Money is flowing disproportionately to the districts of appropriations committee members and congressional leaders—including self-described fiscal conservatives such as Senate Minority Leader Trent Lott, who secured millions for projects in his home state of Mississippi.

"These legislative hijinks are bad enough in peacetime," Sen. John McCain (R-Ariz.) told the Senate last week, after noting acidly that on Sept. 13, while the Pentagon and the World Trade Center "still smoldered," the Senate approved \$2 million for the Oregon Groundfish Outreach Program. "America is at war. . . . Congress should grow up and stop treating the domestic budget as a political Toys R Us."

There is no shortage of examples: \$510,000 for a chapel at Kaneohe Bay Marine Corps Base in Hawaii; \$100,000 to study the feasibility of converting a building in Martinsburg, W. Va., to a museum for Army artifacts; \$70,000 to refurbish a bird observatory in Montgomery County, Pa.; \$500,000 for the Montana Sheep Institute.

"Pork thrives in good times and bad times," said Allen Schick, a congressional expert at the Brookings Institution. He added, "the problem is not the individual project, but the cumulative effect. . . . When you add up the total, it just blows your mind."

Earmarks do not automatically swell the federal budget, because in some cases they merely direct government agencies to spend money for specific purposes within the limits of available funds. But many of this year's items were added on top of President Bush's budget request, sometimes in House-Senate conferences where they received little scrutiny. Successive administrations have insisted that such choices are better left to federal agencies, complaining that earmarks create upward pressure on the budget by crowding out more important needs.

Members of the appropriations committees—who note that the Constitution grants Congress authority over spending—say they

can judge local needs better than federal bureaucrats because they have their ears to the ground back home.

Several congressional aides defended this year's earmarks, observing that spending legislation was largely drafted—and in some cases voted on by one or both chambers—before Sept. 11. They also noted that, whatever the particulars of individual bills, spending is on track to stay within the overall budget ceiling of \$686 billion negotiated by the Bush administration and congressional leaders last month.

There is little question, however, that the fat surplus projections of recent years, now fading into memory, have eased pressure on Congress to show restraint. White House budget director Mitchell E. Daniels Jr. has all but abandoned the quest he launched earlier this year to contain the practice of earmarking. "To be honest, the appropriators weren't that receptive," an administration official said.

Despite broad bipartisan agreement on the need to spend more to fight terrorism—lawmakers have tried without success to persuade the White House to lift the \$40 billion ceiling on emergency spending related to the Sept. 11 attacks—they have been reluctant to do so at the expense of pet projects back home.

During a House-Senate conference on the energy and water bill Oct. 26, for example, Rep. Chet Edwards (D-Tex.) offered an amendment that would have added \$131 million to an Energy Department program to help Russia safeguard its nuclear materials. He was responding, in part, to a January warning by a department task force—chaired by former Senate Republican leader Howard H. Baker Jr. (Tenn.) and former White House counsel Lloyd Cutler—that lax nuclear security in Russia was "the most urgent unmet national security threat to the United States today."

But conferees rejected Edwards's proposal to shift the money from a program to refurbish nuclear warheads in the U.S. arsenal. Nor did they consider taking funds from hundreds of local water projects or other earmarks, such as the atomic history museum.

"That's a very fair question to ask," Edwards said when queried about why he did not suggest the option.

Edwards said that while he would have been open to an across-the-board cut in water projects to fund the nonproliferation program, "it is politically very difficult" to eliminate individual earmarks—some of which, he acknowledged, he sought on behalf of his own constituents.

The \$1 million earmark to pay for exhibits at the Atomic Testing History Institute was added by Sen. Harry M. Reid (D-Nev.), the assistant majority leader, who chairs the energy and water panel of the Appropriations Committee. Reid's hand is evident throughout the final bill, which adds 50 Nevada-specific items worth \$146 million to Bush's original budget request.

According to a spokesman, Reid strongly supports the Energy Department's nonproliferation efforts but objects to shifting funds for the purpose "at the eleventh hour." The spokesman, Nathan Naylor, said it was not surprising that a bill to fund nuclear programs would steer a lot of money to Nevada, given the state's central role in nuclear testing.

Naylor said the atomic history museum would "chronicle the historic sacrifice that Nevada has made for the country during the Cold War," when some of its residents were poisoned by radiation from above-ground

tests in the 1950s. "This is part of our history, and if this is what it costs to protect that legacy, so be it," he said.

Reid is hardly alone in using his leadership post to channel federal resources to the folks back home.

Lott, for example, has joined the Bush administration in opposing additional spending for homeland defense, the military and New York City in a pending supplemental appropriations bill. "He's concerned about spending just spiraling completely out of control," Lott told reporters last week. "And I share that concern."

But even as Lott was making that comment, the Senate was giving final approval to a spending bill that included \$10 million for the Stennis Space Center in Bay St. Louis, Miss.; \$50,000 for a street extension that will "link cultural and entertainment districts" in Jackson, Miss.; \$500,000 for Lott's alma mater, the University of Mississippi; and more than \$1 million for water systems in Jackson and Picayune, Miss.

In a similar vein, Rep. Jerry Lewis (R-Calif) used his power as chairman of the Appropriations defense subcommittee to steer a \$10 million grant to the city of San Bernardino, in his district, to clean up the underground water supply. The bill would direct the Army to clean up radioactive waste at a site in the district of Rep. John P. Murtha (Pa.), the ranking Democrat on the panel.

Senate appropriators, meanwhile, used the \$10.5 billion military construction bill, signed by the president on Nov. 5, to speed up stalled environmental projects in their states and districts. For example, the report attached to the enacted bill gives the Pentagon 90 days to submit a master plan for "environmental remediation" of Hunters Point Naval Shipyard in San Francisco, home town of the chairman of the military construction panel in the Senate, Dianne Feinstein (D).

According to a Senate study, the nine states that will receive the most earmarked military construction money are represented by senior members of the defense or military construction panels, or the two armed services committees.

To pay for earmarked projects while staying within a \$10.5 billion ceiling established by the appropriations committees, House and Senate conferees adopted a 1.127 percent across-the-board cut in regular military construction accounts.

Mr. MCCAIN. Mr. President, I am against what is going on here. In a time of war, some have called it "war profiteering." I think it is wrong. We are abrogating our responsibilities to the American people. I also think it is time the administration step in and the President veto some of these bills with these outrageous spending projects in them.

I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from Nevada.

Mr. REID. Mr. President, I ask unanimous consent that the time run equally on both sides.

The PRESIDING OFFICER. The time is running equally.

Mr. REID. The Senator from Arizona has said I can yield back his time.

The PRESIDING OFFICER. Without objection, the time is yielded back.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—H.R. 2500

Mr. REID. Mr. President, I ask unanimous consent that immediately following the action on the Agriculture appropriations conference report, the Senate proceed to the consideration of the conference report to accompany H.R. 2500, the Commerce-State-Justice appropriations bill, and that it be considered under the following limitations: 45 minutes for debate with time equally divided under and controlled as follows: 15 minutes each for Senator HOLLINGS, Senator GREGG, and Senator MCCAIN, or their designees; that upon the use or yielding back of time, without further intervening action or debate, the Senate proceed to vote on adoption of the conference report.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. It is my understanding that the order is that the vote begin at 11:30; is that right?

The PRESIDING OFFICER. The vote will begin when all time is yielded back.

Mr. REID. How much time is outstanding?

The PRESIDING OFFICER. There are approximately 4 minutes on each side.

Mr. KOHL. Mr. President, I yield back the remainder of the time on our side.

The PRESIDING OFFICER. The time is yielded back.

Mr. REID. Mr. President, upon the advice of the Republican staff, I yield back their time.

The PRESIDING OFFICER. All time is yielded back.

Mr. KOHL. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the conference report.

The clerk will call the roll.

The senior assistant bill clerk called the roll.

Mr. REID. I announce that the Senator from New Jersey (Mr. TORRICELLI) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 92, nays 7, as follows:

[Rollcall Vote No. 339 Leg.]

YEAS—92

Akaka	Allen	Bennett
Allard	Baucus	Biden

Bingaman	Enzi	McConnell
Bond	Feingold	Mikulski
Boxer	Feinstein	Miller
Breaux	Fitzgerald	Murkowski
Brownback	Frist	Murray
Bunning	Graham	Nelson (FL)
Burns	Gramm	Nelson (NE)
Byrd	Grassley	Nickles
Campbell	Hagel	Reed
Cantwell	Harkin	Reid
Carnahan	Hatch	Roberts
Carper	Helms	Rockefeller
Chafee	Hollings	Santorum
Cleland	Hutchinson	Sarbanes
Clinton	Hutchison	Schumer
Cochran	Inhofe	Sessions
Collins	Inouye	Shelby
Conrad	Jeffords	Smith (OR)
Corzine	Johnson	Snowe
Craig	Kennedy	Specter
Crapo	Kerry	Stabenow
Daschle	Kohl	Stevens
Dayton	Landrieu	Thomas
DeWine	Leahy	Thompson
Dodd	Levin	Thurmond
Domenici	Lieberman	Warner
Dorgan	Lincoln	Wellstone
Durbin	Lott	Wyden
Edwards	Lugar	

NAYS—7

Bayh	Kyl	Voinovich
Ensign	McCain	
Gregg	Smith (NH)	

NOT VOTING—1

Torricelli

The conference report was agreed to.

Mr. KOHL. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2002—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of the conference report to accompany H.R. 2500, which the clerk will report.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2500), "making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes," having met have agreed that the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, signed by all of the conferees on the part of both Houses.

(The report is printed in the House proceedings of the RECORD of November 9, 2001 page H7986.)

The PRESIDING OFFICER (Mrs. CARNAHAN). Under the previous order, there are 45 minutes for debate of which Senator HOLLINGS, Senator GREGG, and Senator MCCAIN have 15 minutes each.

Who yields time?

Mr. HOLLINGS. Madam President, I yield myself such time as is necessary.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. HOLLINGS. Madam President, I am very pleased to present to the Senate today the FY 2002 State, Justice, Commerce, and related agencies conference report. The conference report before you combines the strongest components from both the Senate and House bills which passed a few months ago, and it addresses new priorities that have arisen since September 11.

I could not have done this without the help of the ranking member, Senator GREGG. He and his staff have worked diligently with me and my staff to produce a fair, well balanced, and bipartisan bill. I also want to thank Chairman WOLF and ranking member SERRANO, as well as their staffs, for their commitment to a positive and constructive conference. The outcome of this conference is a bi-partisan and bi-cameral piece of legislation. In fact, the House passed this bill 411-15 yesterday. I now call on the Senate to pass this bill as well.

I have always said that the funds appropriated under this bill affect the lives of all Americans in so many different ways. However, the importance of this bill became even more apparent in the aftermath of the September 11 attacks. The conference report before you today meets the following three goals: One, it provides funding at the Federal, State, and local level to combat terrorism here at home.

In fact, that is exactly what we were debating with Senator GREGG's initiative on counterterrorism at the time the Pentagon was struck that morning.

Second, it provides funds to protect American citizens and employees of the American Government, while overseas, and three, this bill continues the numerous domestic programs that have had, and will continue to have, a positive impact on the American way of life.

First, this bill continues to fund the counter-terrorism programs under the Office of Justice Programs (OJP), Office of Domestic Preparedness (ODP). Most of these funds go directly to States in the form of formula grants for the purchase of equipment to respond to terrorist incidents at both the State and local level. The distribution of funds among State and local agencies are based on State plans that each State must submit to ODP prior to receiving grant funds. Funds provided to the office of domestic preparedness are also used to provide training to State and local law enforcement officials, as well as to provide real-time emergency exercises for first responders and Federal, State, and local executives.

The bill also provides a significant increase in funds over last year to ensure that agencies have the resources they need to prevent and fight terrorism. For example, the fiscal year 2002 bill includes a \$280 million increase over last year for the Federal Bureau of Investigations and a \$700

million increase for Immigration and Naturalization Services.

Second, as in past years, the conferees have placed significant resources—\$1.3 billion for worldwide security upgrades and \$458 million for Embassy construction—into ensuring that our overseas facilities are adequately protected. U.S. citizens and overseas employees utilizing these facilities should be safeguarded against possible terrorist attacks—and the funding provided in this conference report will help assure that they are.

Finally, the conferees have placed great emphasis on continuing funding for domestic programs that have a positive impact on the American way of life. It is imperative that the terrorist attack against this Nation does not force us to abandon the vital domestic programs that have made us a great nation. This conference report ensures that those vital programs are not neglected. It continues programs that make our Nation's primary and secondary schools safer by providing grants for the hiring of school resource officers. Funds are provided to protect all Americans by increasing the number of police officers walking the Nation's streets, providing additional funds to fight the growing problem of illegal drug use, guarding consumers from fraud, and shielding children from internet predators. In addition, people throughout this country benefit from weather forecasting services funded through this bill. These Americans include farmers receiving information necessary to effectively manage their crops, and families receiving lifesaving emergency bulletins regarding tornadoes, floods, torrential rains, and hurricanes. This conference report continues to assist States in their efforts to manage overwhelming economic growth in our coastal communities. It also provides funds to preserve our few remaining pristine estuarine areas. Funding is provided to assist our small businesses, to gather economic statistical data, to perfect our census process, to promote export of American products. All of these are vital programs that have contributed daily to the strength of this Nation.

In all, the CJS bill totals \$39.3 billion in budget authority, which is \$1.2 billion above the fiscal year 2001 amount. The Departments of State, Justice, and Commerce, as well as the Judiciary, all receive significant increases over prior year appropriations. I would like to take a few minutes to go over some of the specific funding highlights from the SJC bill the conferees are presenting to the Senate:

Once again, the FBI's Preliminary Annual Uniform Crime Report released this past May demonstrates how well these programs are working. According to the FBI's report, in 2000, serious crime has decreased 7-percent from 1998, marking 9 consecutive years of de-

cline. This continues to be the longest running drop in crime on record. Bipartisan efforts to fund DOJ's crime fighting initiatives have impacted this reduction in crime during the past 10 years.

The conference report provides \$3.5 billion for the FBI, which is \$280 million above last year's funding level. To meet the critical need of sharing and storing information within the FBI, the bill provides the FBI with \$142 million for the FBI's Computer Modernization Program, Trilogy. In addition, the conference report provides significant funding increases for vital programs such as \$6.8 million to improve intercept capabilities; \$7 million for counter-encryption resources; \$12 million for forensic research; and \$32 million for an annex of the engineering research facility, which develops and fields cutting edge technology in support of case agents.

The conference report provides \$1.48 billion for DEA, \$129 million above last year's funding level. Increased funds are provided for technology and infrastructure improvements, including an additional \$13 million for DEA's laboratory operations for forensic support.

To combat drugs that are reaching our streets and our children, the conference report provides \$32.8 million to fight methamphetamine and encourages the DEA to increase its efforts in fighting heroin and emerging drugs such as oxycontin and ecstasy. The conference report also directs the DEA to renew its efforts to work with Mexico in combating drug trafficking and corruption under the country's new President Vicente Fox.

For the INS, the conference report includes \$5.6 billion, \$2 billion of which is derived from fees. This is an \$800-million increase over last year's funding level and provides the necessary resources to address border enforcement and benefits processing.

For border enforcement, the bill provides \$66 million for 570 additional Border Patrol agents, and \$25.4 million for 348 additional land border inspectors. To better equip and house these enforcement officers, the conference report provides \$2 million for Border vehicles, \$22 million for Border equipment, such as search lights, goggles and infrared scopes, \$40 million to modernize inspection technology; and \$128.4 million for Border patrol and detention facility construction and rehabilitation.

For INS' benefits processing efforts, the conference report provides an additional \$45 million to specifically address the case backlog and accelerate processing times.

This conference report includes \$3.24 billion for the Office of Justice Programs, which is \$425 million above the amount requested by the President. This bill provides for the funding of a number of important law enforcement programs.

The conference report provides \$251.4 million to the Office of Domestic Preparedness for equipment and training of State and local law enforcement regarding counter terrorism activities. In addition, \$2.4 billion has been provided for State and local law enforcement assistance grants. Within this amount; \$594.4 million is provided for the Byrne State and Local Law Enforcement Program; \$400 million is provided for the Local Law Enforcement Block Grant Program; \$390.5 million is provided for Violence Against Women Act, VAWA, Programs, including programs to assist disabled female victims, programs to reduce violence against women on college campuses, and efforts to address domestic and child abuse in rural areas; and \$565 million is provided for the State Criminal Alien Assistance Program which reimburses States for the incarceration costs of criminal aliens.

Within the amount provided for the Office of Justice Programs, a total of \$305.8 million has been included for Juvenile Justice Programs. These funds will go toward programs aimed at reducing delinquency among at-risk youth; assisting States in enforcing underage drinking laws; and enhancing school safety by providing youth with positive role models through structured mentoring programs, training for teachers and families so that they can recognize troubled youth, and training for students on conflict resolution and violence reduction.

The conference report includes \$1.05 billion in new budget authority, for the COPS Office which is \$195.3 million above the President's request. As in prior years, the Senate has provided up to \$180 million for the Cops-In-Schools Program to fund up to 1,500 additional school resources officers in fiscal year 2002, which will make a total of 6,100 school resource officers funded since Senator GREGG and I created this program in 1998.

The conference report reflects Congress' continued commitment to providing grant funds for the hiring of local law enforcement officers through the Cops Universal Hiring Program. Although the President did not seek funding for this program in fiscal year 2002, the committee has provided \$150 million to continue to hire officers, as well as to provide much needed communications technology to the Nation's law enforcement community.

Within the Cops budget, the conference report provides increased funding for programs authorized by the Crime Identification and Technology Act, CITA. In fiscal year 2002, \$197 million is provided for programs that will improve the retention of, and access to, criminal records nationwide, improve the forensic capabilities of State and local forensic labs, and reduce the backlog of crime scene and convicted offender DNA evidence.

And finally, the conference report has provided \$70.4 million within Cops to continue the Cops Methamphetamine Initiative. These funds will provide for the clean-up of meth production sites which pose serious health risks to law enforcement and the surrounding public. Funds will also be provided to State and local law enforcement to acquire training and equipment to safely and effectively dismantle existing meth labs.

A total of \$5.51 billion is provided for the Department of Commerce in fiscal year 2002, this conference report focuses on the goals of improving departmental infrastructure and promoting the advancement of technology. The Department of Commerce consists of 37,000 employees working in agencies as diverse as the Economic Development Administration, the National Oceanic and Atmospheric Administration, and the Bureau of the Census. They are highly-trained experts who are responsible for a huge array of critical programs. These employees help minority businesses and small manufacturers flourish, run trade missions to open foreign markets to American goods, forecast hurricanes, estimate the Nation's gross domestic product, set standards and measurements recognized and used world-wide, fly satellites, manage the Nation's fisheries, conduct censuses, and process patents. These missions of the Department of Commerce are the glue that holds together the U.S. economy, both domestically and abroad.

There is no doubt as to the importance of the missions under the purview of the Department of Commerce. There is, however, a crisis looming in terms of the infrastructure available to the employees who work there. The conference report we have before us begins to turn the tide on infrastructure needs. In all cases, the conference report funds the President's request for capital upgrades. This includes new information technology systems at the Minority Business Development Agency, the Bureau of the Census, the Economic Development Agency, and the Office of Economic and Statistical Analysis. The conference report includes a \$76 million increase for the next generation of polar-orbiting satellites. It also includes a new radio spectrum measurement system at the National Telecommunications and Information Administration. We also encourage the United States Patent and Trademark Office to reflect on its infrastructure needs and to report back on what we can do to help in the future.

The conference report provides \$3.26 billion for NOAA. Funding is included to begin construction of 2 new research vessels and to refurbish 5 others. In addition, funding is included for repairs at the Beaufort, Oxford and Kasitsna coastal laboratories. Sufficient funding

is provided to begin construction on regional National Marine Fisheries Service buildings in Hawaii and in Alaska. The bill provides funding to start building visitor facilities at national marine sanctuaries.

The funding provided in this conference report for these purposes is a down-payment on the future of a robust Department of Commerce. I believe that the people at the department are its greatest asset and that these targeted funds will allow these professionals to better do their jobs for decades to come.

In terms of advancing technology, in addition to the satellite programs, research vessels, radio spectrum management systems and other programs that I mentioned earlier, the bill provides \$674.5 million for the National Institute for Standards and Technology, NIST. This amount aggressively funds scientific and technical research and services that are carried out in the NIST laboratories in Gaithersburg and in Boulder. The bill provides the current year funding level of \$60.7 million for new ATP awards. The ATP is an industry-led, competitive, and cost-shared program to help the U.S. develop the next generation of breakthrough technologies in advance of its foreign competitors. ATP contracts encourage companies to undertake initial high-risk research that promises significant widespread economic benefits. Over one-half of the ATP awards go to small companies.

In the aftermath of the bombings of Dar es Salaam and Nairobi, the Department of State focused more on the security of our overseas infrastructure and peacekeeping missions than on the "quality of life" needs of its employees. Secretary of State Colin Powell should be commended for taking the approach that the morale of his employees does not have to be compromised in the name of safety. The conference report before the Senate today takes a good first step in that same direction. The conference report provides \$7.36 billion in funding for the Department of State, an increase of \$761 million above last year's appropriated level of \$6.6 billion. This funding level includes \$95 million for the Secretary's "new hire" initiative which will provide for an increase in 360 personnel, along with \$12 million for training and recruitment, and \$162 million in human resources enhancements. The conference report provides funding for recruitment, spousal employment, and civil service mobility. Funding also is provided for an additional 186 security personnel and for the replacement of obsolete equipment and motor vehicles overseas.

The conference report before the Senate today also addresses a significant weakness in the State Department's information technology infrastructure. The worldwide web has become essential to the conduct of foreign policy.

Yet, at this moment, most of the State Department's overseas posts are dependent on obsolete computers and communications equipment to process information, and most posts lack secure internet browser access for their employees. Full funding is provided in this conference report to bring the internet to the desk top of all employees by January 2003 and also to protect the Department's classified global computer system from cyber-terrorism.

Finally, full funding in the amount of \$1.3 billion is provided for worldwide security upgrades and \$458 million for Embassy construction. Again, under Secretary Powell's leadership in the selection of General Williams to head the foreign buildings operations, millions of U.S. taxpayer dollars have already been saved in the re-evaluation of current construction projects. This prudent action should expedite the construction needs highlighted in the Crowe report and put us ahead of schedule in addressing the security needs of our vulnerable facilities.

Let me conclude by saying again this is a solid piece of legislation that addresses issues that affect the daily lives of all Americans. It is a good bill that balances the needs on many diverse missions, and the interests of members from both parties and both Houses. Every year, we face difficulties with respect to limited funding and multiple, sometimes competing, priorities. This year was no different. And, as in past years, the CJS conferees made those decisions in a bipartisan, bicameral, and judicious manner. This could not have happened without the assistance of Senator GREGG and the endless hours of work that both my and his staff put into drafting the conference report before the Senate today. Specifically, I would like to thank my clerk, Lila Helms, along with Jill Shapiro Long, Luke Nachbar, and Dereck Orr as well as Senator GREGG's minority clerk, Jim Morhard, along with Kevin Linsky, Katherine Hennessey, and Nancy Perkins.

This is a great conference report before the Senate and with the help of my colleagues, I look forward to swift passage at the end of this debate.

I thank the distinguished Chair. I again thank my distinguished ranking member.

I yield the floor and retain the remainder of my time.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. Madam President, as I understand the regular order, the Senator from South Carolina has 15 minutes, I have 15 minutes, the Senator from Arizona has 15 minutes, and then we go to a vote.

The PRESIDING OFFICER. The Senator is correct.

Mr. GREGG. Madam President, does the Senator from New Hampshire seek recognition?

Mr. SMITH of New Hampshire. I inquire of the managers if I may have 5 or 6 minutes to raise a point.

Mr. GREGG. I will be happy to yield you 6 minutes of my time after I have finished.

Mr. SMITH of New Hampshire. Thank you.

Mr. GREGG. Madam President, I begin by congratulating the Senator from South Carolina for bringing this bill forward. He has done a superb job. This is a bill that has a lot of moving parts. It covers a broad sector of the agencies of the Federal Government, some of the most critical agencies, of course, being the Justice Department, the State Department, the Commerce Department, SEC, FTC, FCC, and SBA. The list goes on and on, so it is a complex bill.

As is typical of the Senator from South Carolina, he has handled it with great ability and acumen. As a result, we have before us what I think is an extraordinarily strong bill, and a bill which aggressively funds and promotes these agencies, and the primary roles of these agencies, as well as making a point of focusing on certain initiatives which are critical to better governance in this country, especially in light of September 11.

A large percentage of the terrorism dollars that are domestically oriented, and the initiatives that are domestically oriented, are tied up in this bill with over \$1.1 billion of funding. The initiatives which are necessary in order to secure strong action on the part of the Justice Department and the State Department are also part of the policy in this bill.

So I congratulate the Senator from South Carolina for doing a superb job. But he could not have done it, and I could not have participated in this bill, without having exceptional staff. His staff, headed up by Lila Helms, has done an exceptional job. His staff has been extremely supportive of the efforts on our side of the aisle, and has worked with our staff, led by Jim Morhard, extraordinarily well. I specifically thank my staff people, including Jim Morhard and Kevin Linsky, Katherine Hennessey, and Nancy Perkins. They all work around the clock at this time of the year, and we very much appreciate it. We have produced an exceptional bill because of those efforts.

The Senator from South Carolina has highlighted what amounts to the key areas in the bill, but I do want to return to a couple items and make a point to reinforce the commitment that this bill makes in those areas.

First is the area of terrorism, as I mentioned. This committee long before this bill was brought forward, has focused a great deal on the issue of how we try to get ourselves up to speed to deal with terrorism. Regrettably, obviously, we were not up to speed when

September 11 occurred. But in the past, this committee orchestrated the Central Command Center for Crisis Management at the FBI. It has orchestrated the legate services overseas in order to try to improve our intelligence capabilities.

It was as a result of this committee that we undertook two major exercises in the area of terrorism, the top-off program, which showed us that we had cracks, but it also showed us where we needed to go. A lot of what is happening in the post-September climate is as a result of information we were able to develop especially out of the Denver bioterrorism top-off exercise.

The bill specifically has in it the creation of a Deputy Attorney General for Combating Terrorism, the concept being there are a lot of different agencies, a lot of different moving parts just within the Justice Department that have responsibility for terrorism—the INS, obviously; the DEA; most importantly, the FBI; and the Justice Department itself. There needed to be a central focus where there was one person thinking solely about the issue of how Justice specifically manages the question of terrorism.

There were some questions as to how this individual would relate to the Attorney General, and specifically to Governor Ridge in his role. My view is that he complements Governor Ridge in that he or she will give Governor Ridge a single point of contact where he can get action within the Justice Department and cut through red tape and turf. And, hopefully, as a result, this person will increase the capabilities of Governor Ridge as we try to manage the Federal response to terrorism. So I think it is an initiative which makes sense, and I understand that it has been worked out.

Secondly, I congratulate the chairman and his staff and the participation of our staff in the area of NOAA. This is an agency which is really one of the premier science agencies in our country; of course, specifically, science related to the atmosphere and ocean.

The maintenance of a series of vibrant NOAA programs is extremely important if we, as a country, are going to have the science we need in order to protect, preserve, and improve those resources, the ocean and our air, and manage issues such as hurricanes and tornadoes, and other potential God-driven catastrophes, and be ready for those events so that we can handle them more effectively as a Government.

In addition, as the Senator mentioned, we have made a huge commitment in the area of technology. This is a very important function for us, not only in the Justice Department but equally important in the State Department, where they really have been lagging in their technological capability. We think progress is being made in this

area, rather dramatic progress, as well as, of course, as was mentioned, the attempt to upgrade our facilities overseas, and especially harden them in light of the terrorist threat which they confront.

One area that was left out of this bill, which was not left out because of any actions by the chairman—it was left out because of the House Ways and Means Committee—was the issue of conflict diamonds. When this bill passed the Senate, it had language in it which would limit the use of conflict diamonds. Conflict diamonds are those diamonds being produced primarily in Sierra Leone. They are diamonds which have blood on them. They are diamonds which are being used to fund not only the terrorist elements in Sierra Leone, known as the RUF, but it appears now there is a connection between those diamonds and al-Qaeda and the organizations of Osama bin Laden. These diamonds, where people are basically held in slavery in order to produce them, and children are used, child labor is used, and people are tortured in order to produce these diamonds, should not be on the open market in free countries.

Therefore, we put in language which would attempt to set up a system that would track diamonds. Diamonds are an important part of our culture, especially when we get around the holidays. There are a lot of folks who express their love and concern for individuals by using diamonds, but we want Americans to know when they buy diamonds they are not funding terrorist organizations such as al-Qaeda or the RUF.

Regrettably, that language—which I think is very important, and which I know the chairman on the House side, Congressman WOLF, strongly supported because he was one of the authors of this language on the House side—was forced out of the bill on a procedural issue raised by the House Ways and Means Committee. It is my understanding the Ways and Means Committee is going to have hearings on this issue. I hope they have them soon. I hope we do not leave this session of Congress without having passed effective conflict diamond language.

Again, in conclusion, I thank Chairman HOLLINGS. I thank his staff, led by Lila Helms, and I thank my staff, led by Jim Morhard. I thank them all for the excellent job in producing what I think is an exceptional piece of legislation, which more than adequately aggressively funds our efforts to try to address the issue of terrorism, but it also strongly funds the agencies which are under our jurisdiction, especially agencies such as NOAA.

Madam President, how much time do I have?

The PRESIDING OFFICER. The Senator has 5 minutes.

Mr. GREGG. I yield the remainder of my time to the Senator from New Hampshire.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. Madam President, I thank my colleague for the 5 minutes.

I simply want to use this time to raise a point that I think should concern all of us in the Senate in terms of procedures. I understand that the Parliamentarian would rule against me and so, therefore, I will not offer it. I cannot because of the unanimous consent agreement, but I raise this point—and I hope the Parliamentarian will pay attention—because I believe this is a serious matter.

There was language in both the House and Senate bills that dealt with taxpayer dollars not being used to interfere in any pending lawsuits with some of the survivors of the Bataan Death March.

It was a controversial issue, but both the House and the Senate agreed verbatim with the language. Not one word, no date, no comma, no letter, nothing, nothing misspelled, no changes in spelling; it was verbatim. The language was exactly the same.

Under rule 28.2, it states:

Conferees shall not insert in their report matter not committed to them by either House, nor shall they strike from the bill matter agreed to by both Houses. If new matter is inserted in the report or if matter which was agreed to by both Houses is stricken from the bill, a point of order may be made against the report, and if the point of order is sustained, the report is rejected or shall be recommitted to the committee of conference if the House of Representatives has not already acted thereon.

This is very complicated and it is parliamentary language. It is difficult to understand. In essence, what has happened here is the House and the Senate, as prescribed by rule 28.2, had identical language. And because under the rules you substituted the Senate bill for the House bill, you have now used that as a technicality to rule against me and to rule against this provision.

What happens is, the House and the Senate agree on something. You go into conference. Nobody disagrees. But it comes out. Mysteriously, it is taken out by somebody in the conference committee, of which the rest of us are not privy. It violates the rules. And if it does not violate the rule, it violates the spirit and intent of it, clearly.

This is very troubling. It is not just this issue. It could be any issue down the road where somebody has worked hard on both sides, the House and Senate, to put in the language. Then it is taken out in conference in violation directly of rule 28.2. It clearly violates it.

When you say you can substitute a Senate bill for the House bill to get around that, that means any provision to which we agree can be held, if you

want to apply that standard. That is simply wrong.

I would just say to the Parliamentarians that we ought to clarify this. If this is what we are going to do, then throw out rule 28.2 and say it is irrelevant. You are throwing it out because you are using this substitute which is a gimmick to take out language that somebody just decided they didn't like.

Again, the language is the language. You have a bunch of POWs now who are going to get screwed by this, to put it bluntly. That is not the issue as much as it is who is next and how many times does this have to happen before we correct it and do the right thing.

I am not picking on this particular bill or the two managers here. The point is, it happens to be something I was involved in and I know about it.

If I had had the chance, I would have made the Parliamentarian rule. But I didn't get down here in time before the unanimous consent. I think you should rule and we can prove that it is an incorrect ruling.

You have to decide. I hope we will take 28.2 out, if that is what we are going to do. My preference is that it would stay in and you would stop the interpretation, because if you can substitute a Senate substitute for the House, how then can you have a conference? What is the purpose of a conference if you can say, I am going to substitute the Senate version for the House version, take the House version and throw it out the window? That is where it goes, right out. There is no conference. You have now substituted bill A for bill B, and there is no conference. And anything that you have in here, whatever you have in this book, in your report, is no good. The language is irrelevant because you have now said you can substitute one bill for another.

It is wrong. It is absolutely wrong. It is what makes the American people sick of what we do here, that they see stuff passed. They see it in both Houses. They see it go into conference, identical language. At least you could have changed the date and made it legal. Instead, you took verbatim language and threw it out. It is wrong. And I want to make that point. I am very sorry it happened.

The PRESIDING OFFICER. Who yields time?

The Senator from South Carolina.

Mr. HOLLINGS. Madam President, the distinguished Senator from New Hampshire, generally speaking, is correct. We tortured over this. Bottom line, the White House opposed it. So question: Do we pass a bill that is going to be approved or do we pass a bill that is going to be disapproved?

On page 171 of the report language:

The conference agreement does not include language proposed in both the House and Senate bills regarding civil actions against Japanese corporations for compensation in

which the plaintiff alleges that, as an American prisoner of war during World War II, he or she was used as slave or forced labor. The conferees understand that the Administration strongly opposes this language, and is concerned that the inclusion of such language in the act would be detrimental to the ongoing effort to enlist multilateral support for the campaign against terrorism. The conferees strongly agree that the extraordinary suffering and injury of our former prisoners of war deserve further recognition, and acknowledge the need for such additional consideration.

In fairness to the position of the White House, we did have in 1951 the treaty of San Francisco settling the claims of prisoners of war against the Japanese Government. Maybe it wasn't adequate. For 50 years we have adhered to that treaty, and now with the terrorism attacks in the United States out with an affirmative action plan to win friends and influence people, to form a coalition, now is no time for us to take treaties and start abrogating them 50 years past or 1 year hence.

The truth is, the U.S. Senate ratified that treaty. On this particular vote, the Senate bill was—the Senate bill—in the nature of an amendment to the House bill. The entire bill was in the nature of an amendment. That is how technically, under the rule cited by my distinguished colleague from New Hampshire, it can be found as parliamentarily sound. That is what we had to do in order to get the bill approved. I am sorry these occasions arise. It was a measured judgment.

We agree with our distinguished colleague from New Hampshire, but that is the best we could do under the circumstances.

Mr. SMITH of New Hampshire. Will the Senator yield for 30 seconds?

Mr. HOLLINGS. Yes.

Mr. SMITH of New Hampshire. I say to the Senator from South Carolina, you are correct. I am not challenging the technical aspect. I think it is a violation of the spirit of the rule. My point is, I know how you feel about it. We had the debate on the floor. I respect your view. I know you respect mine. The House, by 393 to 33, disagreed with you. And the Senate, by a vote of 58 to 34, disagreed with you. I thought we had separate but equal branches of Government. If the White House wants to veto the bill over that, then veto the bill over it. We will bring it back here and talk about it. I don't think it is right to violate the spirit and intent of the rules.

Mr. HOLLINGS. It was just like President Lincoln, during the Civil War, when he put a vote to his Cabinet and all the Cabinet voted aye and President Lincoln voted no. And he said: The "no" vote prevails. That is what prevailed here.

I yield the remainder of our time under the agreement.

NATIONAL DOMESTIC PREPAREDNESS CONSORTIUM

Mrs. HUTCHISON. Madam President, I thank Chairman HOLLINGS and Sen-

ator GREGG for their leadership and efforts on the Commerce, Justice, State appropriations bill for fiscal year 2002. This bill contains funding for many of the important law enforcement activities and counterterrorism training that is vital in the wake of the September 11 attacks.

I want to comment on one aspect of this bill and that is the funding for the National Domestic Preparedness Consortium. The consortium has been fulfilling the important role of training the Nation's first responders and training cities and communities on how to assess their own vulnerabilities to an attack for over 3 years. I believe the bill funds the consortium at a level of \$13.969 million, divided evenly. This is a significant reduction in funding from last year, and it is my understanding that additional funding is expected to be provided in the supplemental appropriations bill.

The components of the consortium each have an important role to play, however, the National Emergency Response and Rescue Training Center, NERRTC, at Texas A&M has been the leader in the number of first responders trained. It would be my hope and willingness to assure increased funding for the NERRTC and the consortium as a whole.

Mr. HOLLINGS. I will be happy to review the need for increased resources for the consortium and consider further funding in the supplemental bill.

Mr. GREGG. I agree that additional funding for the consortium should be considered in the supplemental bill to support our antiterrorism efforts.

Mrs. HUTCHISON. I thank Chairman HOLLINGS and Senator GREGG for their consideration.

DETENTION FACILITY ON CHOCTAW RESERVATION

Mr. COCHRAN. Madam President, I would like to take the opportunity to clarify language included in the Commerce, Justice, State, appropriations bill for fiscal year 2002. My distinguished colleague, the chairman of the CJS Appropriations Subcommittee, Mr. HOLLINGS, worked with me to ensure that a very important project for the Mississippi Band of Choctaw Indians was included in the Senate version of the bill and the subsequent conference report.

The Senate-passed version contained \$16,300,000 for the construction of an adult and juvenile detention facility on the Choctaw Reservation. The tribe has encountered many obstacles as it has sought to satisfy both the Bureau of Indian Affairs and the Justice Department through compliance with their varying jurisdictions, regulations, and varied interpretations of law enforcement for Indian tribes over the past decade. These delays have resulted in a deterioration of law enforcement, and an escalation in the costs of the facility. Further delays will only exacerbate these problems.

The Choctaw Tribe is firm in its view that detention is essential to the maintenance of law and order of the reservation. The detention facility the tribe currently utilizes was built by the Bureau of Indian Affairs in 1973 as a temporary holding facility designed to hold 18 prisoners for up to 72 hours. Today, an average of 33.4 offenders are being held daily. Because of the lack of space, only the most serious and repeat offenders are incarcerated and the tribal court has been forced to rely on "deferred sentencing" for less serious offenses. This has created a large backlog of convicted inmates waiting to be placed in jail. The current facility is simply inadequate to meet existing needs and the projected law enforcement needs of the tribe and its growing population.

The tribe is in need of a new facility and the gentleman from South Carolina recognized this requirement and included funding for the construction of the Choctaw jail in the Senate bill. I thank the conference committee for its inclusion of language directing the Department of Justice to fund the Choctaw detention facility. I would like to clarify, however, that it was the intention of the Senate to provide \$16,300,000 for the construction of the Choctaw jail facility.

Mr. HOLLINGS. Indeed, my colleague from Mississippi is correct. The Senate did include funding in the amount of \$16,300,000 for the Choctaw Indians to construct their jail facility. It was the intention of the Senate that the tribe receive this needed funding for this project as noted in the conference agreement.

Mr. COCHRAN. Madam President, I thank the Senator for clarifying this issue and for his support of this project.

SLAVE LABOR IN JAPAN

Mr. HARKIN. Mr. President, I rise to express my deep disappointment with the conference committee on the FY 2002 Commerce-Justice-State appropriations bill for eliminating the provision that would allow World War II POWs, who served as slave laborers in Japan, to have their day in court.

The amendment, sponsored by Senator SMITH of New Hampshire and myself, would have prohibited the U.S. State Department and the Department of Justice from blocking attempts by American veterans to obtain compensation in court from Japanese companies who used the POWs for slave labor during WWII.

Some 30,000 Americans were taken prisoner in the Philippines in the months following Pearl Harbor and forced to perform as slave laborers for Japanese companies. For more than 3 years, our POWs endured horrific conditions and received little or no compensation. It is wrong and unfair that the U.S. Government is using taxpayer dollars to fight against these men and

women who served and suffered for us during WWII, and deny them the compensation they deserve.

Some 60 families and POW survivors in Iowa are affected.

I ask the Senator from New Hampshire if it was appropriate for the committee to cut out this provision, considering both the House and Senate voted to include it in the bill?

Mr. SMITH of New Hampshire. Mr. President, this decision clearly disregards the wishes of the House and Senate. I taught history and civics when I was a teacher. I always taught my students that conference committees were intended to resolve differences between the House and Senate versions. There is not difference in this case.

Let me read from the report:

The conference agreement does not include language proposed in both the House and Senate bills regarding civil actions against Japanese corporations for compensation in which the plaintiff alleges that, as an American prisoner of war during World War II, he or she was used as slave or forced labor.

There was no difference between the two versions, just a decision by a small group of conferees to impose their own will on both Houses of Congress. This is not the way things should work.

The House passed this amendment in July with a 393-33 vote. The Senate later passed the exact same provision with a 58-34 vote.

Congress should not turn its back on the 700 prisoners of war and their families who are seeking long-delayed justice. They have gone to court to demand compensation from the Japanese companies that used from for slave labor. Throughout the war, these Americans worked in mines, factories, shipyards, and steel mills. They labored every day for as long as 10 hours a day in dangerous working conditions. They were beaten on a regular basis. They were given no compensation by these companies.

Now they deserve their day in court without interference by the U.S. State Department or the Department of Justice. That's what our amendment had set out to do—allow our POWs to seek the long-delayed justice and compensation they deserve.

Mr. CONRAD. Madam President, I rise to offer for the record the Budget Committee's official scoring of the conference report to H.R. 2500, the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act for fiscal year 2002.

The conference report provides \$38.656 billion in discretionary budget authority, of which \$567 million is for defense and \$438 million is for conservation activities. That budget authority will result in new outlays in 2002 of \$26.126 billion. When outlays from prior-year budget authority are taken into account, discretionary out-

lays for the report total \$38.847 billion in 2002. By comparison, the Senate-passed version of the bill provided \$38.641 billion in discretionary budget authority, which would have resulted in \$38.744 billion in total outlays. The conference report does not include any emergency designations.

Because the conference report exceeds the outlay allocation provided to the subcommittee for conservation activities, the report is in violation of section 302(f) of the Congressional Budget Act of 1974.

I ask for unanimous consent that a table displaying the budget committee scoring of this bill be inserted in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE CONFERENCE REPORT TO H.R. 2500, THE DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2002, SPENDING COMPARISONS—CONFERENCE REPORT

[In millions of dollars]

	General purpose ²	Defense ²	Conservation	Mandatory	Total
Conference report:					
Budget Authority	37,651	567	438	572	39,228
Outlays	37,853	631	363	581	39,428
Senate 302(b) allocation: ¹					
Budget Authority	37,651	567	439	572	39,229
Outlays	38,653	0	203	581	39,437
President's request:					
Budget Authority	37,178	465	284	572	38,499
Outlays	38,016	538	259	581	39,394
House-passed:					
Budget Authority	37,534	567	440	572	39,113
Outlays	37,913	632	360	581	39,486
Senate-passed:					
Budget Authority	37,782	604	255	572	39,213
Outlays	37,880	660	204	581	39,325
SENATE-REPORTED BILL COMPARED TO:					
Senate 302(b) allocation: ¹					
Budget Authority	0	0	-1	0	-1
Outlays	-169	0	160	0	-9
President's request:					
Budget Authority	473	102	154	0	729
Outlays	-163	93	104	0	34
House-passed:					
Budget Authority	117	0	-2	0	115
Outlays	-60	-1	3	0	-58
Senate-passed:					
Budget Authority	-131	-37	183	0	15
Outlays	-27	-29	159	0	103

¹ For enforcement purposes, the budget committee compares the conference report to the Senate 302(b) allocation.

² The 2002 budget resolution includes a contingent "firewall" in the Senate between defense and nondefense spending. Because the contingent firewall is for budget authority only, the Senate appropriations committee did not provide a separate allocation for defense outlays. This table combines defense and nondefense outlays together as "general purpose" for purposes of comparing the conference report outlays with the Senate subcommittee's allocation.

Notes.—Details may not add to totals due to rounding. Totals adjusted for consistency with scorekeeping conventions.

Mr. MCCAIN. Madam President, I thank the conferees of this bill for their hard work. This legislation provides funding for fighting crime, enhancing drug enforcement, and responding to threats of terrorism. It further addresses the shortcomings of the immigration process funds the operation of the judicial process, facilitates commerce throughout the United States, and supports the needs of the State Department and other agencies.

This conference report spends at a level 4.9 percent higher than the level enacted in fiscal year 2001. In real dol-

lars, this is \$828 million in additional spending above the amount requested by the President, and a \$1.9 billion increase in spending from last year.

Once again, however, I find myself in the unpleasant position of speaking before my colleagues about parochial projects in yet another conference report. I have identified \$1.8 billion in earmarks, which is greater than the cost of the earmarks in the conference report passed last year, which totaled \$1.5 billion. so far this year, total porkbarrel spending has already hit a staggering \$9.6 billion.

There are hundreds of millions of dollars in porkbarrel spending throughout this bill. The avalanche of unrequested earmarks buried in this measure will undoubtedly further burden the American taxpayers. While the amounts associated with each individual earmark may not seem extravagant, taken together, they represent a serious diversion of taxpayers' hard-earned dollars at the expense of numerous programs that have undergone the appropriate merit-based selection process.

Let me read a quote from Allen Schick, a congressional expert at the Brookings Institution:

Pork thrives in good times and bad. The problem is not the individual project, but the cumulative effect. . . . When you add up the total, it just blows your mind.

Now I want to turn to some examples of earmarks in this bill:

There is \$250,000 for the Central California Ozone Study; \$500,000 for the International Pacific Research Center at the University of Hawaii; \$1 million for the National Coral Reef Institute in Hawaii; \$3.7 million for the Conservation Institute of the Bronx Zoo; \$750,000 for the Alaska Fisheries Development Foundation; \$3.35 million for the New Hampshire Institute of Politics at Saint Anselm College; and \$6 million for the Thayer School of Engineering at Dartmouth University for the nanocrystalline materials and biomass research initiative.

There are many more projects on the list that I have compiled, which will be available on my Senate Web site.

Once, again, I must remind my colleagues that the administration has urged us to maintain our fiscal discipline to ensure that we will continue to have adequate funds to prosecute our war against terrorism, to aid those in need, and to cover other related costs. We should let the people who run the programs we fund decide how best to spend the appropriated funds. After all, they know what their most pressing needs are.

I am also greatly concerned by the Appropriations Committee's decision to fund the controversial Advanced Technology Program at \$184.5 million. In his budget request, the President recommended that Congress suspend new funding for ATP, pending a re-evaluation of the program. The Secretary of Commerce has not released

the results of that review nor any recommended changes to the program to the Commerce Committee. I urge my colleagues to await the results of the Secretary's review, before we consider funding this program. As we all know, the country is currently involved in both war and economic downturn, and this \$184.5 million should be spent on higher priorities than a welfare program for special corporate interests.

Furthermore, I am equally concerned that of the \$62.4 million in the National Institute of Standards and Technology's Construction account, \$41.5 million is for non-construction related "pork" projects. Earlier this year, I wrote to the Secretary of Commerce expressing my concerns about the physical conditions of the NIST laboratories, home of two recent Nobel Prize winners. I am amazed to see that we are more concerned about "pork" than supporting world-class research facilities.

Several items provided under funding for the State Department stand out for their questionable role in advancing American foreign policy interests. The report language directs the Department to make available \$500,000 to the Northern Forum, which works to "improve international communication, cooperation, and opportunities for economic growth in northern regions of countries" around the world. I am from the Southwest, so perhaps I am geographically biased, but I have trouble understanding how this earmark serves the national interest.

There is also a \$200,000 earmark for a conference in human trafficking at the University of Hawaii in this bill. I am pleased the conference report does not include language earmarking \$9 million for the East-West Center, as proposed in the Senate bill, although it does contain a plus-up for the center of \$500,000, and it does not include Senate language earmarking \$5 million to the State of Hawaii for hosting an Asian Development Bank meeting.

Five new educational exchange earmarks found their way into this conference report, although the report language refers only to "\$500,000 for one-time seed funding for five new exchange activities listed in the Senate chart." Since the conference report neglects to list them, I will: they are the Jointer Fellowships in War, the Padnos International Center, the UNI-Cedar Falls Russo-American Exchange, the UNLV Global Business Exchange, and the UNR International Business Exchange. In addition, the conferees have generously provided \$400,000 for "exchanges to build linkages between American and foreign musicians and musical institutions."

In closing, I urge my colleagues to curb our habit of directing hard-earned taxpayer dollars to locality-specific special interests.

Mr. INOUE. I rise to congratulate and commend Chairman HOLLINGS and

Senator GREGG and their staff for their tireless work in crafting the Conference Report on the Fiscal Year 2002 Appropriations Bill for the Departments of Commerce, Justice, and State and the Judiciary. Because of their efforts, we have before us today a fair bill that puts aside partisan politics in favor of delivering to the American people the governmental programs and support they need. I know from personal experience how difficult it can be to strike balances among competing interests, and the introduction of the tragic events of September 11, 2001, have only compounded these difficulties.

The efforts of my friends, Chairman HOLLINGS and Senator GREGG, were supported by the work of their extraordinary staff. Under the leadership of Ms. Lila Helms on the majority side, and Mr. Jim Morhard on the minority, this dedicated crew stayed late and came in on weekends to help my distinguished colleagues put together a conference report that every one of us can vote for with pride.

Accordingly, I also wish to extend my congratulations to each member of Chairman HOLLINGS' staff, Ms. Lila Helms, Ms. Jill Shapiro Long, Mr. Luke Nachbar, and Mr. Dereck Orr, and to each member of Mr. GREGG's staff, Mr. Jim Morhard, Ms. Katherine Hennessey, Mr. Kevin Linsky, and Ms. Nancy Perkins.

Ladies, gentlemen, my esteemed colleagues, I salute you all.

Mr. KERRY. Madam President, I am pleased to vote for the Commerce, Justice, State, and the Judiciary, CJS, conference report today. This legislation is critical to our continuing efforts to fight terrorism and increase homeland security.

I am troubled, however, that the conference report appropriates only \$14.4 million for the Police Corps Program, an amount which I believe is insufficient to adequately fund this critically important program. I strongly support the \$30 million level of funding that was included in the Senate version of the CJS appropriations bill. The CJS conference report before us today slashes the budget of the Police Corps program in half. It is more important now than ever before that we work to ensure that Americans feel safe within their communities and that our Nation's police forces have strong federal support.

The Police Corps Program helps police and sheriffs' departments to increase the number of officers with advanced education and training. It provides Federal scholarships to highly motivated students who agree to serve as police officers or sheriffs' deputies for at least 4 years. Participants in the program are assigned to areas of the country that are in the most desperate need for additional officers. All of the participants serve on community patrol.

The benefits of this program can be seen in many ways. By encouraging educated young men and women to enter into the police force, Police Corps improves the quality of law enforcement in towns and States throughout the country. Police Corps reduces the local costs of hiring and training new officers by providing Federal funding law enforcement training. In addition, the Federal Government pays police departments that hire participants \$10,000 a year per participant for the first 4 years of service.

Police Corps also offers a scholarship program for children of officers killed in the line of duty. Eligible children can receive up to \$30,000 to cover educational expenses. There is no service or repayment obligation and the application process is non-competitive. I can think of no time in our recent history more appropriate than now, in the wake of the terrible loss of police officers on September 11, to ensure that this program is adequately funded.

Every police department in the country is being called upon to increase their vigilance, to expand their duties, and to do more to respond to the threat of terrorism. Increased funding for the Police Corps Program would improve the quality and capabilities of police departments throughout the country by educating and training qualified, motivated young people. The whole country stands to benefit from this program. I deeply regret that the CJS conference report does not contain, at a minimum, level funding for the Police Corps Program and am saddened that the program has been so drastically cut.

Mr. DODD. Madam President, I would like to draw attention to what I believe is an unconstitutional amendment that was recently added to the final conference report of the FY02 Commerce, Justice, State and the Judiciary Appropriations Act. This amendment, which was first offered by Senator CRAIG on September 10 in the Senate version of the bill, would prohibit any U.S. funds from being used "for cooperation with, or assistance or other support to, the International Criminal Court or the Preparatory Commission."

The Craig amendment, which was opposed by the administration, seeks to prevent our government from having a role in shaping the definition of the crime of aggression and other key issues pertaining to the International Criminal Court, ICC. It is my belief that this attempt to curtail the power of the President to negotiate treaties is unconstitutional and I urge the administration to remain engaged in a process vital to our country's national security.

In addition to highlighting the constitutional concerns raised by this amendment, I would also like this opportunity to raise a broader concern.

The legislative maneuvering that led to the adoption of this amendment follows European Union and German requests that our government refrain from adopting anti-ICC legislation. In late October the Belgium Foreign Minister Louis Michel wrote on behalf of the European Union to Senator DASCHLE and Secretary of State Colin Powell, expressing the EU's strong support for the ICC. German Foreign Minister Joschka Fischer wrote to the Secretary of State directly on October 31, noting that, "In view of the international effort against terrorism . . . it is particularly important for the United States and the European Union to act in accord in this field too." He continued, "The future International Criminal Court will be a valuable instrument for combating the most serious crimes. It will provide us with an opportunity to fight with judicial means crimes such as the mass murder perpetrated by terrorists in New York and Washington on 11 September 2001."

While Members of the Senate may have real questions and concerns pertaining to the ICC, now is not the time to be pushing legislation that undercuts the administration's efforts to work with our closest allies in building a strong coalition against terrorism. In addition, the President's recent order allowing military tribunals to be created for trials involving members of al Qaeda suggests that a long-term fight against terrorism will include a variety of legal structures ranging from Lockerbie type tribunals to the International Criminal Court. It is thus imperative that our government remains engaged in the development of the ICC. I strongly hope that the Bush administration will do that.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. It is my understanding, Madam President, that the Senator from Arizona, who had the other 15 minutes, is willing to yield back his time. I believe that is correct. So I yield back our time on this side, and I understand we are setting the vote for 12:45.

I suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, the time is yielded back.

Mr. HOLLINGS. I ask unanimous consent that all time on the conference report be yielded back and the Senate vote on adoption of the report.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HOLLINGS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLINGS. Madam President, I ask for the yeas and nays on the final vote on the conference report.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. HOLLINGS. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GREGG. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The question is on agreeing to the conference report to accompany H. R. 2500. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. REID. I announce that the Senator from New Jersey (Mr. TORRICELLI) is necessarily absent.

The PRESIDING OFFICER (Mr. CARPER). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 98, nays 1, as follows:

[Rollcall Vote No. 340 Leg.]

YEAS—98

Akaka	Dorgan	Lott
Allard	Durbin	Lugar
Allen	Edwards	McConnell
Baucus	Ensign	Mikulski
Bayh	Enzi	Miller
Bennett	Feingold	Murkowski
Biden	Feinstein	Murray
Bingaman	Fitzgerald	Nelson (FL)
Bond	Frist	Nelson (NE)
Boxer	Graham	Nickles
Breaux	Gramm	Reed
Brownback	Grassley	Reid
Bunning	Gregg	Roberts
Burns	Hagel	Rockefeller
Byrd	Harkin	Santorum
Campbell	Hatch	Sarbanes
Cantwell	Helms	Schumer
Carnahan	Hollings	Sessions
Carper	Hutchinson	Shelby
Chafee	Hutchison	Smith (NH)
Cleland	Inhofe	Smith (OR)
Clinton	Inouye	Snowe
Cochran	Jeffords	Specter
Collins	Johnson	Stabenow
Conrad	Kennedy	Stevens
Corzine	Kerry	Thomas
Craig	Kohl	Thompson
Crapo	Kyl	Thurmond
Daschle	Landrieu	Voinovich
Dayton	Leahy	Warner
DeWine	Levin	Wellstone
Dodd	Lieberman	Wyden
Domenici	Lincoln	

NAYS—1

McCain

NOT VOTING—1

Torricelli

The conference report was agreed to.

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. HOLLINGS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER OF PROCEDURE

Mr. REID. Mr. President, I ask unanimous consent that the Senate stand in

recess from 2 p.m. until 4 p.m. today. There is already an order in existence that the time we are in be morning business.

Mr. BYRD. Mr. President, reserving the right to object, I certainly don't want to be an impediment to what the distinguished majority whip is trying to do. I do have a couple of speeches I want to make. I will go down to my office to get them. One has to do with Thanksgiving. The other has to do with another matter of great importance.

Mr. REID. Mr. President, if I could amend that request, we have from 3 to 4 o'clock for which the Chaplain has arranged for the Senate family to be together in the Russell Rotunda.

I amend that request so that we end at 2 o'clock, or whenever Senator BYRD completes his remarks.

I was present last year and the year before when Senator BYRD gave his Thanksgiving speech. I hope I can be present this year when the speech is given. It is something I look forward to. It has become, at least for me, kind of a Thanksgiving tradition to hear the things for which Senator BYRD is thankful because they always trigger in my mind the things I am thankful for, or that I should be thankful for.

I renew my request.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business with Senators permitted to speak for up to 10 minutes each.

The Senator from Alaska is recognized.

Mr. MURKOWSKI. I thank the Chair.

ENERGY

Mr. MURKOWSKI. Mr. President, I would like to share with my colleagues a situation developing that I think deserves attention as we contemplate the Thanksgiving recess and shortly thereafter, hopefully, the break for the Christmas holidays.

Throughout the year, our new President has requested that Congress take up and pass an energy bill. The question of our Nation's energy security, the question of our continued dependence on imported oil from overseas, and the question of our vulnerability

relative to terrorist activities here at home bring to this body the reality of taking positive action to correct that situation.

The circumstances surrounding our vulnerability need some examination. That examination should focus, first, on the lessons of history.

Many people in this body, and many young people in this country, do not remember 1973. They do not remember the Arab oil embargo. They do not remember the gas lines that were stretching around the block. They do not remember the inconvenience that was associated with that reality.

What were the circumstances, then?

We were 37 percent dependent on imported oil. The public was indignant at that time. They blamed the government. They blamed everybody. How could this country allow itself to become that dependent on external sources of oil?

Today, we are 57 percent dependent on imported oil. The Department of Energy has indicated by the year 2010 we will be somewhere in the area of 66 percent dependent on imported oil.

What do we do about that?

There are two logical steps we can take. One is to use less oil by being more creative with technology, increasing efficiency; and the other is to produce more domestically.

Where does America's oil come from? Fifty-seven percent comes from overseas. The rest of it comes from Texas, Louisiana, Pennsylvania, Colorado, and my State of Alaska. However, it is important to note that Alaska has produced about 20 percent of the total crude oil produced in this Nation for the last 27 years.

We had a great debate in this body in the early 1970s. That debate was whether or not Congress should authorize the building of an 800-mile pipeline from Prudhoe Bay to Valdez to move the oil. There was a tie vote in the Senate. The Vice President, Spiro Agnew, broke the tie, and the pipeline was authorized. As a consequence, we have been producing for many, many years up to 2 million barrels of oil a day. Now that pipeline is producing a little over 1 million barrels a day.

The important point to recognize, as we reflect on what we can do now—and what we can do now is to open up that small sliver of the Arctic known as the ANWR Coastal Plain—is what that will mean to this Nation's dependence on increased imports from overseas. It will reduce that dramatically.

We do not really know what is in ANWR because Congress has never authorized the opening of this area. But the geologists estimate somewhere between 5.7 and 16 billion barrels. That may not mean much in the overall scope of things, but it is estimated that the current proven oil reserves of Texas are about 5.3 billion barrels. So this could be very, very significant.

Let's compare it back to Prudhoe Bay because Prudhoe Bay is an actual experience. We have been there for 27 years. The experts indicated that field would produce about 10 billion barrels. Today, it is on its 13th billion barrel. It is still producing a million barrels a day.

So when you talk about what might be in ANWR, whether it is 5.7 or 16 billion, even if it is 10 billion, it is as big as Prudhoe Bay. It has a very significant potential in reducing, if you will, our dependence on imports.

What is involved here? I have stood in this chamber numerous times and have indicated that you have to get a feel for the magnitude of the area. The ANWR area is a million and a half acres in the sense of the classification of 1002. I do not want to confuse Members, but what I am saying is that only the 1002 area—or a million and a half acres—can be authorized by Congress out of the 19 million acres that are in ANWR. Nineteen million acres is the size of the State of South Carolina, a pretty big piece of real estate. Out of that 19 million acres in ANWR, we set aside 8½ million acres in a wilderness in perpetuity. We set aside another 9 million acres in a conventional refuge, leaving this million and a half acres only for Congress to consider making available for exploration.

The House passed an energy bill, H.R. 4. In that bill they authorized that only 2,000 acres of the 1002 area could bear a footprint of development. That reminds me of the Hollywood movie star, Robert Redford, who is very much opposed to opening this area. He has a 5,000-acre farm in Utah. I mention that to put things in perspective. A 2,000-acre footprint out of 19 million acres, that is what we are talking about.

I know America's environmental community is very much opposed to this. This is an issue that is far away. The American people cannot see it. They cannot see the good record of Prudhoe Bay or the contribution of the 27 years of production from Prudhoe Bay. So it is an ideal issue for America's environmental community. It is like a cash cow, if you will pardon the expression. They have milked it for all it is worth, and they will continue to do so because it is warm and fuzzy. They throw in a polar bear. They do not tell you that you cannot take a polar bear for trophy, cannot shoot a polar bear in Alaska because they are protected marine mammals. You can go to Russia or you can go to Canada if you want to shoot one. They talk about the porcupine caribou herd. They talk about the Gwich'in people. But they do not tell you that the Gwich'ins in Canada are leasing their land for oil exploration. They are developing their corporation and their opportunity for jobs, a better lifestyle, a better education, and so forth. They do not tell you that we have had experience with

the central Arctic herd of caribou in Prudhoe Bay that was 6,000 strong in 1978 and that is now over 27,000 because you cannot shoot them, you cannot take them.

So every argument that the environmentalists use against opening ANWR is a bogus argument. These arguments are not based on sound science; they are based on emotion.

What is this issue really all about? It is not about replacing imported oil, if you will, but it is about reducing our dependence on imported oil. If we made a commitment in this body to open up ANWR, one of two things would happen, or perhaps both. OPEC would, in my opinion, increase production because they would know that the United States means business about reducing its dependence on imported oil. As a consequence, you would see a stabilization in price.

What OPEC has done now is they have put together a self-disciplined commitment of the countries that make up OPEC to have a floor and ceiling. The ceiling is about \$28 a barrel, and the floor is about \$22 a barrel.

If you do not believe that, just look at what OPEC did the other day. They decreased production a million and a half barrels. What does that do? It makes the price go up. We are caught in that leverage. Of course, right now, we have seen a tremendous reduction in oil demand because of the terrorist activities, lack of air traffic in this country, the reduction of people driving. But that isn't going to be the case forever. We are going to go back and begin to use fuel at a higher degree.

I am all for alternatives. I am all for renewables. I am all for wind and solar. But let's face it, America and the world moves on oil. We have no other means of transportation currently available. Our airplanes, boats, and trains all move on oil. There is no relief in sight. We use heating oil to fuel our homes. So until we develop a new technology, America is going to have a continued dependence on oil.

We have an opportunity here, in the stimulus package, to address a real stimulus. A real stimulus is opening up ANWR because here is what ANWR would do: It would provide at least 250,000 direct jobs.

This isn't something the Federal Government has to underwrite or the taxpayer has to basically contribute to. These are private sector jobs, skilled labor, welders, pipe fitters, Teamsters, you name it. These unions support this. They are in contrast to the environmentalists who are opposed to it. This is the biggest jobs issue in the stimulus package.

What else is there in this proposal? There is an opportunity for the Federal Government to garner about \$3.3 billion in bonus bids as a result of this 1002 area being put up for lease. That is a lot of money. That can offset some of

the responsibilities we have to address in response to terrorism, the cost of the war, security. There are lots and lots of things that we can use this revenue for.

If you look at the jobs, if you look at the revenue and recognize that none of this is going to cost the taxpayer one red cent, we should consider the real merits of a stimulus package that contains a provision to provide the authority to open up this area.

We have brought this to the floor time and time again. We have proposed opportunities for committee action. As the ranking member on the Energy and Natural Resources Committee, I can only express my disappointment in the process. The Democratic leader has taken away from the authorizing committee, the Energy and Natural Resources Committee, and the chairman, the ability to address the formation of an energy bill in the committee. For some reason there is a terrible fear to have a vote on this issue in committee or, for that matter, on the floor.

I know there are several Members from time to time who have ideas of Presidential aspirations. This body and the American people have a right to have an energy bill debated on the floor of the Senate and voted upon. The President has asked for it continually. He deems it as a stimulus. We don't seem to be able to move.

What happened is—as a member of the Energy Committee, I am obviously pretty close to it—I thought we could proceed, have a markup in the committee, vote it out of committee, and take it to the floor. The Democratic leader intervened, took the authority away from the chairman of the committee. We have been waiting for the majority leader to come up with an energy bill and present it to us. He has not done it. We know it will not include ANWR. There is absolutely no question about that.

Yet, here we are with a situation that is ongoing. Time runs and nothing is done. We face a crisis associated with our vulnerability and dependence on foreign oil.

Let me add a couple more points that bear some reflection. Currently we are importing almost 1 million barrels of oil a day from Iraq. How can we justify on the one hand becoming more dependent on a source that was our enemy just a few years ago when we fought the war in the Persian Gulf and on the other hand, importing oil from that country and enforcing a no-fly zone over Iraq on a daily basis? We are putting the lives of our men and women at risk in enforcing that. We occasionally take out targets in Iraq. I have said it before and I will say it again: We take their oil, put it in our airplanes, and enforce a no-fly zone. They take our money, develop missile capability, a biological capability, and aim it at our ally Israel. We don't

know what they are doing because we don't have inspectors over there anymore. It is a grossly inconsistent policy.

We have differences of opinion, of course. I respect my colleagues with regard to issues such as this. I find it ironic that the spokespersons who stand before this body communicating directly their feelings on the issue have never been up there. They have never taken the time. Each year Senator STEVENS and I offer trips to ANWR. They don't come. Yet they are experts.

Members have opinions on this, but they don't go up and see for themselves. They don't evaluate. They don't talk to the people who live there. My Native and Eskimo people have rights, too. There are 95,000 acres of private land that they own in the 1002 area, the 1.5 million acres in question. The Native and Eskimo people have no access. They can't even drill for gas to heat their homes. Is that democracy? Is that fair and equitable? Should they not have the same rights as any other American who owns private land? This is a terrible travesty on the people of my State. It is unjustified.

We are a big piece of real estate with a small population. We have real people. We have a village in the area. Some people say: This pristine area, it is an extraordinary area. It is a huge area. To suggest that a 2,000 acre footprint suddenly is going to have a disastrous activity associated with it is absolutely inconsistent with reality.

We have a village there of 300 people. It has a little school, a health care facility, a little airport. These are real people. They have real hopes, real aspirations. They are very disappointed that this body fails to hear their cry and the Members who feel very strongly about this are refusing to go up and talk to them, to recognize that they are really there.

I have said this before, as we look at terrorist activities, as we look at vulnerability, let's look at the Mideast for a moment. Look at Saudi Arabia. Some individuals predict that Saudi Arabia is setting itself up for what happened a few decades ago with Iran, the fall of the Shah, America's ally.

Bin Laden's terrorist activities in the oilfields of Saudi Arabia could wreak havoc. What you would see is the price of oil skyrocketing. A couple of tankers in the Straits of Hormuz taken out by terrorist activities could accomplish the same effect.

These are the real risks associated with our increased dependence. If you look at the terrorists who we can identify with the Trade Center disaster, a lot of them had Saudi Arabia citizenship, including bin Laden. Where does the money come from? You and I are associated with the business community. We know where it comes from. It comes from oil. That is the wealth of the Mideast; it funds terrorism. Make no mistake about it.

A good friend of mine, a Member of this body for many years, Mark Hatfield, is a pacifist. He said: I would vote for ANWR any day than send another man or woman of our Armed Forces to fight a war on foreign soil, a war over oil.

This Senator has been a good soldier. I have been here 21 years. I have lived with this issue for 21 years. I have asked for votes. We passed this bill in 1995 in both the House and the Senate. It was vetoed by President Clinton. It is not going to be vetoed by the White House this time around. The point is, we can't get the leadership to bring it up.

I am going to have to filibuster something around here. There are a few things left to get some kind of a commitment from the Democratic leadership to get a vote on this issue in a timely manner. We have that right. All we want is a vote. We will take our lumps. But they don't want to vote on it.

They don't want to vote on it, even to the point where they are fearful if I were to bring this up in committee and prevail, that somehow it would pass and it would represent a position of strength.

Let me conclude by alerting Members that we are not going to let this issue go away. We are going to force a vote. If I have to force a filibuster, I will. This time this issue is going to come up before this body and be addressed once and for all.

I thank the Chair for the time. I thank my colleague for his indulgence. I yield the floor.

THE PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

MR. SPECTER. Mr. President, I am pleased to follow my distinguished colleague from Alaska, who has been here for 21 years. I can personally attest to that and take an affidavit to that fact because I came here on the same day that he did. We have worked together over the years and we have a curious relationship, in the sense that he is senior to me in the Republican caucus because it was done alphabetically, and "M" comes before "S." I am senior to Senator MURKOWSKI in the Senate because I come from a State that is somewhat larger population-wise but not geographically. But it is always a pleasure to follow Senator MURKOWSKI on the floor or any other time.

TRYING TERRORISTS AS WAR CRIMINALS

MR. SPECTER. Mr. President, I have sought recognition to comment on a couple of subjects today. First is a subject that is very much in the forefront of the news, which is the proposal to try terrorists in military tribunals as opposed to trials in U.S. courts of law.

The Attorney General of the United States is quoted in this morning's press

as citing circumstances that the administration believes would require this change in procedure, and it is a matter that I believe ought to be considered by the Congress, because under the Constitution the Congress has the authority to establish military courts and tribunals dealing with international law.

I have written today to the chairman of the Judiciary Committee suggesting that prompt hearings be held on this subject. We are going to be returning after the Thanksgiving recess, and we will have a chance to look into this matter. Events are unfolding very rapidly now in the war in Afghanistan, with major advances being made by the Northern Alliance, with U.S. commandos on the ground, moving in an effort to find Osama bin Laden. I have predicted consistently since September 11 that we would find him and, as President Bush has said, we would either bring bin Laden to justice, or we would bring justice to him. So the issue of military courts is something that may be upon us sooner rather than later.

The Constitution provides that the Congress is empowered to define and punish violations of international law, as well as to establish courts with exclusive jurisdiction over military offenses. Under articles of war, enacted by Congress, and statutes, the President does have the authority to convene military commissions to try offenses against the law of war. Military commissions could be convened to try offenses, whether committed by U.S. service members, civilian U.S. citizens, or enemy aliens, and a state of war need not exist. So there has been a delegation of authority by the Congress. But under the Constitution it is the Congress that has the authority to establish the parameters and the proceedings under such courts.

In World War II, in the case of *Ex parte Quirin*, 317 U.S. 1, eight German saboteurs were tried by a military commission for entering the United States by submarine, shedding their military uniforms and conspiring to use explosives on unknown targets. After their capture, President Roosevelt proclaimed that all saboteurs caught in the United States would be tried by military commission. The Supreme Court of the United States denied their writs of habeas corpus, holding that trial by such a commission did not offend the Constitution.

In World War II, we obviously faced a dire threat. The decision was made, understandably at that time, to have that kind of a trial procedure and not in regular civil Federal courts. Our current circumstances may warrant such action at the present time, but I do believe it is something that ought to be considered by the Judiciary Committee.

I note the presence of the distinguished chairman of the committee in

the Chamber. I just commented, Senator LEAHY, that I have signed a letter to you on this subject. I thought it worthwhile to go far beyond the letter and to talk about this subject because I believe it is a matter of very substantial importance.

Mr. LEAHY. If the Senator will yield for a moment, I haven't seen the letter, but the press described it to me and asked me about it. I told them I totally agree with you on that, that we should have hearings on this—actually a number of these steps. One of the difficult things, as the Senator knows, is getting the Attorney General to come up here and testify. I think the last person to be able to even ask him a question in our committee was the senior Senator from Pennsylvania during the terrorism bill.

I only heard part of what the Senator was saying, but his usual fashion is to lay out the law and the history very clearly. I do believe we should have hearings. I intend to have a meeting with the FBI Director this afternoon. I am also going to talk to the Attorney General on this and a number of other issues, including some about which the Senator has expressed concern to me. He really should come up here before we finish for the year. We should discuss some of these issues.

I think the Senator from Pennsylvania is absolutely right in raising this. I appreciate him doing it. He does us all a service.

Mr. SPECTER. I thank my colleague from Vermont for those comments. I think the Attorney General would come up on an invitation. We are due back here on the 26th. I think it would be in order to make this the first order of business of the committee on the 27th. That would be 12 days' notice.

I note that there is a very extensive Executive Order implementing this procedure. This matter is not something which burst upon the scene yesterday. It has been under consideration.

I noted that a key Member of the House of Representatives was quoted in this morning's press as not having been consulted. I noted the chairman is also quoted in the press as having not been consulted. That is the President's right. He can take his action, but under the separation of powers we have our own rights. The Congress has the authority to make those determinations. That is what the Constitution says. We have the authority to decide how those trials will be conducted. Of course, we are in a very difficult situation. We face a struggle for survival with what happened on September 11. The executive branch is entitled to great deference, but we are entitled to know the reasons for the President's order and its scope. Such a military tribunal need not have a trial by jury, which would be expected. Not to have a trial by jury is a military court-mar-

tial. There is no explicit privilege against self-incrimination. That is something we have to consider.

There is even no right of the defendant to choose his counsel. I don't think that would be the case in every tribunal, but these are powers that are very broad, and just as we found it necessary to take some time on the terrorist bill, our job is to take a look at it. And the executive will be immeasurably strengthened if the Congress backs the President.

Mr. LEAHY. If the Senator will yield further on that point, first off, I could not agree more with him. I think his last point is one that bears emphasis—how they might be strengthened. The Senator from Pennsylvania and I have served here longer than most Members of this body. I think it is safe to say that we have seen more bipartisan—virtually nonpartisan—support for the President in the last 2 months than we have for any President, Republican or Democrat, during the times he and I have been privileged to serve together in this body. That can be very helpful for the President.

However, it raises one certain danger. That support in our common goal to fight terrorism and to protect our fellow citizens in this country is good, but if it goes beyond that, and nobody has a question, ultimately the Presidency is hurt, the Senate is hurt, and the country is hurt. I think we have to ask these questions. You have a question of basic rights such as counsel, jury trial, and whatnot. Obviously, there are exceptions. We understand that. But if the exception becomes the rule, then all of us suffer. We have seen this in efforts to go after organized crime and in other efforts. It is easy to push the envelope because we only need it this time.

We have to ask what are the standards, what is the trigger for using this. I have read the Executive order. It is obvious it was thought about a lot. George Terwilliger, a former prosecutor from Vermont and former Deputy Attorney General, is quoted today as saying a lot of these items have been around the Justice Department in both Republican and Democratic administrations—my words, not his—for a long time and are being dusted off. Some were not dusted off in the past because cooler heads prevailed.

I think the American public will, as the Congress has, support the President in a fight against terrorism, but the American public deserves having questions aired and answers given. The Senator from Pennsylvania does a service in raising that. I can assure him there will be a time set. The Attorney General will be requested to come before us prior to the Senate adjourning. There has not been consultation with either the Republican or Democratic leadership in the Congress on each of these issues. I do not know how many

other shoes will drop between now and the time of the hearing, but whatever is there, we will ask about them.

I do not want to interrupt the Senator from Pennsylvania any further, but I came to the Chamber simply to thank him for raising what is a very valid point.

Mr. SPECTER. Mr. President, I thank the Senator from Vermont for those comments. These are issues of very considerable moment. These are matters which need to be analyzed very carefully.

The war against terrorism is a very vital war. Some suggestions have been made there might be a concern about convicting bin Laden, but I remind them, he has been under indictment since 1998 for killing Americans in Mogadishu in 1993 and the blowing up of our embassies in Africa in 1998, and there evidence against him linking him to the attack on the U.S.S. Cole. So there is considerable evidence. However that may turn out, this is a matter which should receive deliberation by the Judiciary Committee because there are very weighty issues to be considered.

There is not a great deal of time. We are scheduled to have a recess to get a secret briefing later today on what is happening in Afghanistan. So I ask unanimous consent to print in the CONGRESSIONAL RECORD a CRS Report for Congress, dated October 29, 2001, on "Trying Terrorists as War Criminals," which outlines some of the key considerations.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TRYING TERRORISTS AS WAR CRIMINALS

(By Jennifer Elsea, Legislative Attorney,
American Law Division)

Summary: In the aftermath of the September 11 terrorist attacks on the World Trade Center and the Pentagon, the question of whether to treat the attacks as acts of war or criminal acts has not been fully settled. The purpose of this report is to clarify the rationale for treating the acts as war crimes and the ramifications of applying the law of war rather than criminal statutes to prosecute the perpetrators. The discussion focuses on the trial of alleged terrorists and conspirators by a military commission rather than the federal courts.

In the aftermath of the September 11 terrorist attacks on the World Trade Center and the Pentagon, the question of whether to treat the attacks as acts of war or criminal acts has not been fully settled. The distinction may have more than rhetorical value. The purpose of this report is to clarify the law enforcement implications of treating the terrorist acts as war crimes and to identify the possible ramifications of applying the law of war rather than criminal statutes to prosecute the alleged perpetrators.

Law Enforcement versus Law of War. Some observers have expressed concern that treating terrorist acts as acts of war may legitimize the acts as a lawful use of force and elevate the status of the Taliban and the terrorist networks to that of legitimate state actors and lawful combatants. However, it

may be argued that an application of the law of war to terrorism does not imply lawfulness of the conflict, nor does it imply that perpetrators are not criminals. Terrorists do not, by definition, conduct themselves as lawful combatants. Under this view, they may be treated as war criminals and if captured, are not entitled to prisoner-of-war status under the Geneva Conventions. As suspected war criminals, they may be tried by any nation in its national courts or by a military commission convened by one nation or many.

The Justice Department is reportedly exploring whether to adopt the law of war approach to prosecute those responsible for the September 11 attacks. It appears that there are few legal impediments to adopting such an approach. Other practical considerations that may arise include the following questions: Must war crimes be investigated by military police, possibly implicating the Posse Comitatus Act? If federal or state police are used, must they follow the same standards that they apply to criminal cases? How will it affect the United States' ability to extradite terrorists captured abroad?

Such an approach could also have an impact on civil matters. Will there be any effect on the possible civil liability of terrorists to compensate victims? Would it matter if a particular victim was a government employee or someone located at a "military target" at the time of an attack? Will there be an effect on the liability of insurers? A decision to adopt a law of war approach to the terrorist acts currently at issue, or to all future terrorist acts, could also have significant foreign policy repercussions.

What is the Law of War? As a subset of the law of nations, the law of war is a composite of many sources and is subject to varying interpretations constantly adjusting to address new technology and the changing nature of war. It may also be referred to as *jus in bello*, or law in war, which refers to the conduct of combatants in armed conflict, as distinguished from *jus ad bellum*—law before war—which outlines acceptable reasons for nations to engage in armed conflict. The main thrust of its principles requires that a military objective be pursued in such a way as to avoid needless and disproportionate suffering and damages. Sources of the law of war include international agreements, customary principles and rules of international law, judicial decisions by both national and international tribunals, national manuals of military law, treatises, and resolutions of various international bodies.

At the risk of oversimplifying the concept, three principles derived from the law of war may be applied to assess the legality of any use of force for political objectives.

Military necessity. If the use of force is justified, that use must be proportional in relation to the anticipated military advantage or as a measure of self-defense. The principle applies to the choice of targets, weapons and methods. This principle, however, does not apply to unlawful acts of war. There can be no excuse of necessity if the resort to the use of arms is not itself justified.

Humanity. Lawful combatants are bound to use force discriminately. In other words, they must limit targets to valid military objectives and must use means no harsher than necessary to achieve that objective. They may not use methods designed to inflict needless suffering, and they may not target civilians.

Chivalry. Combatants must adhere to the law of armed conflict in order to be treated as lawful combatants. They must respect the

rights of prisoners of war and captured civilians, and avoid behavior such as looting and pillaging. They may not disguise themselves as non-combatants.

Although these principles leave a great deal of room for interpretation, there can be little doubt, assuming such acts can be viewed as acts of war, that the attacks of September 11 were not conducted in accordance with the law of war. Even if one considers the Pentagon to be a valid military target, the hijacking of a commercial airliner is not a lawful means for attacking it. Acts of bioterrorism, too, violate the law of war, regardless of the nature of the target.

Constitutional Bases for Establishing military Commission. The Constitution empowers the Congress to define and punish violations of international law as well as to establish courts with exclusive jurisdiction over military offenses. United States law recognizes the legality of creating military commissions to deal with "offenders or offenses designated by statute or the law of war." Under the former Articles of War and subsequent statute, the President has authority to convene military commissions to try offenses against the law of war. Military commissions could be convened to try such offenses whether committed by U.S. servicemembers, civilian citizens, or enemy aliens. A declared state of war need not exist.

Precedent. Although the current crisis does not fit the typical mold associated with war crimes committed by otherwise lawful combatants in obvious theaters of war, there is precedent for convening military commissions to try accused saboteurs for conspiring to commit violations of the law of war outside of the recognized war zone. In the World War II case of *Ex Parte Quirin*, eight German saboteurs (one of whom was purportedly a U.S. citizen) were tried by military commission for entering the United States by submarine, shedding their military uniforms, and conspiring to use explosives on unknown targets. After their capture, President Roosevelt proclaimed that all saboteurs caught in the United States would be tried by military commission. The Supreme Court denied their writs of habeas corpus, holding that trial by such a commission did not offend the Constitution.

Power of the Military Commission. As a legislative court, a military commission is not subject to the same constitutional requirements that apply to Article III courts. Defendants before a military commission, like defendants before a court-martial, have no right to demand a jury trial before a court established in accordance with rules governing the judiciary. There is no right of indictment or presentment under the Fifth Amendment, and there may be no protection against self-incrimination or right to counsel. While Congress has enacted procedures applicable to courts-martial that ensure basic due process rights, no such statutory procedures exist to codify due process rights to defendants before military commissions.

Congress has delegated to the President the authority to convene military commissions, set rules of procedure, and review their decisions. This authority may be delegated to a field commander or any other commander with the power to convene a general court-martial. Statutes authorize prosecuting persons for failure to appear as witness, punishing contempt, and accepting into evidence certain depositions and records of courts of inquiry.

Procedural Rules. Procedural rules and evidentiary rules are prescribed by the President and may differ among commissions.

Courts-martial are conducted using the Military Rules of Evidence set out in the Manual for Courts-Martial; however, these rules need not apply to trials by military commission. Subject to the statutory provisions above, the President may establish any rules of procedure and evidence he deems appropriate.

Although there may be little judicial review available to persons convicted by U.S. military commissions, it is surely necessary to provide for trials that will be fundamentally fair under both U.S. and international standards regarding the application of the law of war. Telford Taylor noted in evaluating World War II war crimes trials: "It is of the first importance that the task of planning and developing permanent judicial machinery for the interpretation and application of international penal law be tackled immediately and effectively. The war crimes trials, at least in Western Europe, have been held on the basis that the law applied and enforced in these trials is international law of general application which everyone in the world is generally bound to observe. On no other basis can the trials be regarded as judicial proceedings, as distinguished from political inquisitions."

There is some historical precedent from which an international norm regarding procedural rights for accused war criminals might be derived. The Nuremberg Tribunals provide a good starting point, as further refined by the International Criminal Tribunals for Yugoslavia and Rwanda. Perhaps the most recent embodiment of the requirements of the international law of war is to be found in the procedures of the not-yet-operational International Criminal Court established by the Rome Statute.

The evidentiary rules used at Nuremberg and adopted by the Tokyo tribunals were designed to be non-technical, allowing the expeditious admission of "all evidence [the Tribunal] deems to have probative value." This evidence included hearsay, coerced confessions, and the findings of prior mass trials. While the historical consensus seems to have accepted that the war crimes commissions were conducted fairly, some observers argue that the malleability of the rules of procedure and evidence could and did have some unjust results. For some, the perception is that "victors' justice" was all that was sought.

Assuming that ordinary procedural and evidentiary rules are unsuitable for the task, it will likely be necessary to adapt or develop a more fitting set. The necessity to protect civil liberties will be seen to require balancing with the need to protect vital national security information and the public safety.

Possible Challenges. Although federal courts do not have jurisdiction to review the decisions of legislative courts, a defendant sentenced by a military commission may file a writ of habeas corpus claiming a violation of the law of war, the Constitution, relevant statutes, or military regulations. A challenge based on an interpretation of the law of war is not likely to succeed. Because of Congress' power to define and punish violations of international law, and due to national security implication, courts are likely to defer to the political branches. Due process claims are also unlikely to succeed. Case law demonstrates the difficulties such a challenge would face. A U.S. citizen charged with aiding and abetting the foreign terrorists might be able to argue that the charges against him amount to treason, for which the Constitution contains explicit limitations. Aiding and abetting a hostile (but law-

ful) force, however, may be distinguishable from conspiring to commit a war crime.

The broad delegation of authority to convene military commissions makes a statutory claim unlikely to succeed. A defendant could argue that Congress, by passing comprehensive anti-terrorism legislation that does not authorize trial by military commission, implicitly withholds such authority. A similar argument failed in *Ex Parte Quirin*. However, the Supreme Court noted that the Espionage Act of 1917 and the Articles of War explicitly kept open concurrent jurisdiction with military tribunals.

A last option would be to argue that the military commission violated its own rules. For such a challenge to succeed, the court would have to find that the military reviewing authority committed an error which probably affected the verdict. If the appeal were successful, the court would likely remand the case to the military authorities for retrial.

RECLASSIFICATION OF SCRANTON-WILKES BARRE-HAZLETON, WILLIAMSPORT, AND SHARON METROPOLITAN STATISTICAL AREAS

Mr. SPECTER. Mr. President, on another subject of great importance to Pennsylvania, on two amendments which I am considering offering on the stimulus bill, one relates to the reclassification of the Scranton-Wilkes Barre-Hazleton metropolitan statistical area and also the reclassification of the Williamsport metropolitan statistical area, and the reclassification of the Sharon metropolitan statistical area. These areas' hospitals are in dire straits because the Medicare reimbursement formulas allow them less compensation than that to which they should be entitled.

This matter was considered near the end of the last Congress, and there were quite a few areas which wanted to have a reclassification. All were omitted. The pain for these areas in my State has become more intense. An appropriate vehicle would be the stimulus package because these reimbursement shortfalls have a direct bearing on the economies of these three very important areas.

There has been a great problem which has resulted from the Balanced Budget Act of 1997, and these areas have a much lower reimbursement rate than adjacent areas. For example, if you take the Scranton-Wilkes Barre-Hazleton area, they receive \$6,010 in Medicare payments per case compared to Monroe County, an adjacent county, which receives \$7,390, more than \$1,380 more, an enormous differential.

What is the result? The nurses and the medical personnel go from one area to the higher paid area. The Allentown area, again adjacent, receives \$6,665 compared to the \$6,010 for the Scranton-Wilkes Barre-Hazleton area. The Williamsport area, which is in the same region, is similarly disadvantaged, and so is Sharon, PA.

I ask unanimous consent that a 2-page summary on reclassification of

these areas be printed in the CONGRESSIONAL RECORD since there is relatively little time remaining, and the summary will explain in some greater detail the reasons, and also a copy of the proposed amendment which Senator SANTORUM and I are considering offering when the stimulus package comes before the Senate.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RECLASSIFICATION OF SCRANTON-WILKES BARRE-HAZLETON, WILLIAMSPORT, AND SHARON METROPOLITAN STATISTICAL AREAS

Many of Northeastern Pennsylvania's hospitals faced operating losses over the last few years, a troubling reality felt all across the country. In addition, the area is one of the most aged communities in the country, therefore the region's hospitals are extremely dependent on Medicare reimbursement.

The region has also seen one of the most rapid and dramatic shifts to managed care in the country: over the last five years, managed care grew from virtually no presence to almost 50% of the commercially insured population and 20% of the Medicare population.

While virtually no hospital in the nation has been left untouched by the cost pressures inflicted by BBA 97 and other factors, hospitals in the Scranton-Wilkes Barre-Hazleton Metropolitan Statistical Area (MSA) and in the Williamsport MSA face a unique situation.

Both of these MSAs contain areas or border on areas from which Geisinger Medical Center, a 437 bed teaching hospital in Montour County, Pennsylvania, draws its patients—and more importantly, its workforce.

Due to the understandably high wage costs of operating its large tertiary care facility, Geisinger has been reclassified to be deemed part of the Harrisburg MSA. (Its original classification was part of the rural area of Pennsylvania.)

Therefore, Geisinger Medical Center is being reimbursed based on a wage index that is currently more than 12% higher than the wage indexes of the Scranton-Wilkes Barre-Hazleton MSA and the Williamsport MSA. This results in unsustainably low Medicare reimbursements within those MSAs, particularly since the costs of living are similar to those in Geisinger's area.

From 11/13/01 Citizen's Voice (Hospitals' Numbers): Medicare Payment per case in Scranton/Wilkes-Barre/Hazleton—\$6,010—compared to: Monroe County: \$7,390; Allentown: \$6,665; and Harrisburg: \$6,359.

The Scranton-Wilkes Barre MSA wage index has been steadily falling, reduced from 0.8578 last fiscal year to 0.8473. The actual wage index for the area is around 0.80, but federal law does not permit an MSA to go below the state's rural rate, which will be 0.8473.

Nursing Shortages Intensifies: the Hospital Association of PA has identified Northeast PA as the area in the state with the worst shortage of nurses. Moreover, other skilled care givers remain in very short supply. These shortages drive up the cost of health care and the need to increase wages—something which these hospitals have done.

Sharon, PA, in the Northwestern part of Pennsylvania, faces similar difficulty hiring skilled workers, due to an unacceptably low reimbursement rate and its need to compete with bordering areas which qualify for higher wage indices.

Sharon Regional Medical Center, UPMC Horizon and United Community Hospital are located in the Sharon MSA. Sharon Regional Medical Center is 1 mile from the Ohio border and 12 miles from Youngstown, OH.

However, further reductions in the wage index will make it impossible for the hospitals to retain or recruit all the caregivers that the communities require. Nearby regions, including Newburgh, Allentown and Harrisburg, continue the Scranton skilled workforce. For Sharon, it must compete with the Erie area to the North and Youngstown to the West.

All of the hospitals in the Sharon MSA compete with Youngstown for nurses, pharmacists, radiology technicians, and other allied health professionals. Youngstown pays nurses \$2-\$3 more per hour than hospitals in Sharon, yet those hospitals receive nearly the lowest area wage index in Pennsylvania (.850). Youngstown is a larger city/region with a much higher area wage index.

An MSA reclassification for Sharon, PA is crucial if its hospitals are to maintain their ability to provide quality health care to its citizens.

A National Solution is Still Years Away: These hospitals cannot afford to wait for this.

The amendment we intend to offer seeks to remedy this disparity. Our language would reclassify for a period of three years the Williamsport MSA to the Harrisburg MSA: all of the counties within Scranton-Wilkes Barre-Hazleton MSA into the Newburgh, NY MSA; and the Sharon MSA into Youngstown, OH.

AMENDMENT NO.—

(Purpose: To provide for the reclassification of certain counties for purposes of reimbursement under the medicare program)

At the end of title IX, add the following:

SEC. —. THREE-YEAR RECLASSIFICATION OF CERTAIN COUNTIES FOR PURPOSES OF REIMBURSEMENT UNDER THE MEDICARE PROGRAM.

(a) IN GENERAL.—Notwithstanding any other provision of law, effective for discharges occurring during fiscal years 2002, 2003, and 2004, for purposes of making payments under subsections (d) and (j) of section 1886 of the Social Security Act (42 U.S.C. 1395ww) to hospitals (including rehabilitation hospitals and rehabilitation units under such subsection (j))—

(1) in Columbia, Lackawanna, Luzerne, Wyoming, and Lycoming Counties, Pennsylvania, such counties are deemed to be located in the Newburgh, New York-PA Metropolitan Statistical Area;

(2) in Northumberland County, Pennsylvania, such county is deemed to be located in the Harrisburg-Lebanon-Carlisle, Pennsylvania Metropolitan Statistical Area; and

(3) in Mercer County, Pennsylvania, such county is deemed to be located in the Youngstown-Warren, Ohio Metropolitan Statistical Area.

(b) RULES.—The reclassifications made under subsection (a) shall be treated as decisions of the Medicare Geographic Classification Review Board under paragraph (10) of section 1886(d) of the Social Security Act (42 U.S.C. 1395ww(d)), except that payments shall be made under such section to any hospital reclassified into—

(1) the Newburgh, New York-PA Metropolitan Statistical Area as of October 1, 2001, as if the counties described in subsection (a)(1) had not been reclassified into such Area under such subsection;

(2) the Harrisburg-Lebanon-Carlisle, Pennsylvania Metropolitan Statistical Area as of

October 1, 2001, as if the county described in subsection (a)(2) had not been reclassified into such Area under such subsection; and

(3) the Youngstown-Warren, Ohio Metropolitan Statistical Area as of October 1, 2001, as if the county described in subsection (a)(3) had not been reclassified into such Area under such subsection.

REHABILITATION, PRESERVATION, AND IMPROVEMENT OF RAILROAD TRACKS

Mr. SPECTER. Mr. President, I wish to make one more point before yielding the floor, and that is another amendment which I am considering offering on the stimulus package. That is an amendment which would add \$350 million for capital grants to be made by the Secretary of Transportation for the rehabilitation, preservation, and improvement of railroad tracks, including bridges, roadbed, and related track structures to short-line railroads.

Legislation has been pending in the House of Representatives on this subject which has more than 100 sponsors. Legislation is pending in the Senate which has 7 sponsors. This would be a tremendous stimulus because it would immediately put many people to work on the reconstruction of the short-line railroads in the short run, providing very extensive jobs, and in the long run, by improving the infrastructure which would be enormously helpful to the economy of Pennsylvania and similarly to other areas where there are short-line railroads.

At my request, the McFarren Group prepared an extensive analysis of proposed railroad costs to be included in the Federal stimulus package. Because of the shortage of time, Mr. President, I ask unanimous consent that a limited portion of this report be printed: The executive summary and the third page of the summary, together with a summary of factors in support of this amendment and a copy of the amendment itself.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXECUTIVE SUMMARY

PROPOSED RAILROAD COSTS TO BE INCLUDED IN THE FEDERAL ECONOMIC STIMULUS PACKAGE, OCTOBER 31, 2001

Background

At the request of Senator Arlen Specter, the Keystone State Railroad Association conducted a survey of member and non-member Pennsylvania railroads to ascertain the degree of infrastructure improvements needed across the Commonwealth's rail system. Respondents were asked to provide information related to project readiness, safety and infrastructure conditions, security and insurance cost estimates, and estimates on the number of jobs that could be created if listed projects were undertaken.

Summary of Findings

Pennsylvania railroads responding to this survey indicate more often than 60% of the short line and regional railroad infrastructure is in need of extensive rehabilitation,

including more than 170 bridges. Excluding the Bessemer & Lake Erie and Delaware & Hudson railroads, both of which have heavy load infrastructures, the short line and regional railroads are capable of handling the heavier 286,000-pound loads on only 70% of their infrastructure. The funds needed to upgrade these lines and the related bridge infrastructure will exceed many preliminary cost estimates. Many customers are beginning to demand the use of 315,000-pound cars, which will dramatically escalate funding needed for these rail lines even further.

The cost of most extensive bridge repairs can easily exceed \$1 million each for smaller spans. Short line and regional railroads also indicate that more than 300 rail crossings are in need of serious rehabilitation and repair.

Projects that could be undertaken to address Pennsylvania railroad infrastructure needs total some \$280 million. Of these projects, construction could be initiated on 44% of them, totaling more than \$120 million, in the next six months.

While it may be difficult to quantify, a clear correlation undoubtedly exists between derailments and rail infrastructure conditions. Railroads indicated that more than 350 derailments occurred during the past twelve months resulting in only nine worker injuries. This is a tremendous testament to the railroad industry's excellent safety record. A majority of the derailments occurred at low speeds in yard and switching operations. It is estimated that more than 540,000 carloads of hazardous materials cross Pennsylvania's rail system each year.

In the aftermath of the tragic events of September 11, business and government are taking a much harder look at ways to improve the security of the nation's transportation system. A group of Class I railroads has already met to discuss a series of security measures. Any efforts undertaken by Class I railroads will also need to be addressed by regional and short line railroad systems. The costs of augmenting manpower at critical points along the system can be extremely prohibitive to many small and medium-sized operations.

The September 11 disaster has already escalated insurance costs in most sectors. Several railroads have been warned that their risks and their rates will be re-evaluated. Some railroads may not even qualify for any affordable insurance coverage. It is conceivable that railroads receiving funding for infrastructure projects will be forced to spend an equivalent amount in additional security and insurance costs in coming years. An addendum provides an overview of current insurance conditions, as it relates to the railroad industry.

There is no doubt that investment in the nation's railroad infrastructure is warranted. The American Short Line and Regional Railroad Association (ASLRRA) recently surveyed members nationwide and reported that the nation's short line and regional railroads could invest \$1.2 billion in infrastructure upgrades in the next six months if the financial resources were available. KSRRA's findings in Pennsylvania certainly bear this out. The most modest forecasts for the movement of freight by the Federal Highway Administration (FHWA) indicate that increases of up to 70% can be expected in the Northeast over the next ten years. A fraction of this type of growth would severely congest the national transportation network unless investments are made today. Railroads remain the safest and most viable mode for transporting hazardous materials, coal, industrial raw materials and

large quantities of goods. It is clear that an investment in an improved rail infrastructure is an investment in the country's economic future.

The funding of railroad infrastructure projects also creates powerful economic stimuli as more than 650 new construction and maintenance jobs could be directly created if the attached projects were funded. This does not include the hundreds of additional jobs that would need to be added by railroad tie manufacturers, steel rail manufacturers, the stone industry and other additional suppliers. Typically, a multiplier of four is applied to measure the overall economic impact. These infrastructure projects would also be of tremendous benefit to the nation's steel industry since new rail would be purchased from domestic steel sources, as required in most government funded projects. Pennsylvania railroads responding to this survey have painted a compelling picture for investment in rail infrastructure.

Attached is a detailed listing of projects that Pennsylvania railroads are prepared to undertake, as well as an addendum pertaining to railroad security.

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Any economic stimulus package should include expenditures that will initiate further economic activity and that will produce a long-term economic benefit. Any such stimulus must be timely and result in meaningful product development rather than merely being an additional burden on future government spending patterns.

Many transportation authorities have continually pointed to the dramatic need to invest in our major transportation infrastructure. These improvements in most cases are already part of the strategic transportation plan. The projects, which we have analyzed and produced for your consideration, have already been engineered and prioritized by the respective railroad companies. These projects can be initiated with very short notice and the economic stimulus will be immediate. The additional employment will be needed immediately.

From a national security perspective, railroads are one of the best ways to produce a more secure system for transporting dangerous or hazardous products. By further improving the infrastructure, the overall railroad operating system can become even safer and more difficult to disrupt by any terrorist group. These needed changes and the additional security measures will add substantial costs to industry operations but the changes and improvements are long lasting and a fraction of the cost incurred in other areas.

Transportation is the centerpiece of industrial production and energy generation. Railroads transport more than 60% of coal used by generating facilities and some 70% of motor vehicles from the factory to a regional distribution facility. Some 30,000 miles of the railroad network is part of the strategic national defense corridor system. The regional and short line railroads are the feeders and supporting players in this overall transportation network. The network is only as strong as its weakest link. Therefore, the \$280 million of projects for Pennsylvania short line and regional railroads is an absolute priority in any national economic stimulus package.

FACTS IN SUPPORT OF PROPOSED SPECTER-
SANTORUM AMENDMENT
GENERAL POINTS

The amendment would provide \$350 million in track rehabilitation funds for short line

railroads. It would be distributed based on the criteria established in S. 1220, pending legislation that would authorize this expenditure. This legislation was moving quickly through the process prior to September 11th. It was passed unanimously by the House T&I Committee and awaiting floor action. It has strong bipartisan support in the Senate including sponsorship by the Chairman and Ranking Member of the Senate authorizing subcommittee of jurisdiction. It is supported by the Class I railroads and by rail labor.

There are over 500 Class II and III railroads that together operate approximately 50,000 miles of track, or just under one third of America's railroad route mileage, and employing approximately 25,000 people.

The short line industry keeps the less populated areas of the country connected to the national railroad main line network. It does so over track that was very marginal in the Class I system because it never generated enough traffic to justify sufficient investment. With a lower cost structure and more flexible service, short line companies that purchased the track have been able to keep these lines going. However, the revenue is still not high enough to make up for past years of neglect.

Today, two factors have combined to bring this situation to a head. First, the advent of the heavier 286,000-pound cars that are becoming the standard of the Class I industry require substantially higher investment in the track. Second, as the Class I's put a greater premium on speed and precisely scheduled operations, the short line railroads must meet these higher standards or be cut off from the national system.

Transportation is at the heart of industrial production and energy generation. Railroads transport more than 60% of coal used by generating facilities and are a major mover of automobiles, industrial chemicals and mining products. The short line and regional railroads are the feeders and supporting players in this transportation network and the network is only as strong as its weakest link.

POINTS RELATED TO THE STIMULUS PACKAGE
AND SECURITY

Money spent on railroad capital programs can be spent immediately. Replacing rails and ties and rebuilding equipment is an ongoing process for railroads. The engineering and planning were done long ago. Unlike highways, railroads control their rights-of-way and the timing of their traffic. To double or triple the number of rails and ties installed requires virtually no lead-time. The short lines national association surveyed its entire membership following September 11th and found that the short line industry could spend over \$400 million on infrastructure improvements in the next three months and over \$1.2 billion in the next six months. Over 6,000 workers would be directly employed for the three month period and nearly 9,500 workers would be directly employed for the six-month period. These jobs would be in addition to the railroad's in-house work forces and would not include additional workers in the tie and rail supply industry.

A large portion of this investment involves the purchase of rail and in testimony before the Senate Commerce Committee on November 1 the short line association president indicated that the short lines have agreed they will purchase only US made rail with this money.

One of the recommendations being made by security experts in the wake of September 11th is that we find ways to transport hazardous materials around heavily populated

areas. The nation's short line railroads offer a ready-made transportation network that bypasses our nation's most heavily populated areas. Today, 20 percent of all short line customers ship hazardous materials.

Keeping America's light density railroad lines connected to the national railroad system is important under any circumstances. Today it is even more important. The events of September 11th have caused major disruptions in all our transportation systems. As we sit here today, the federal government is determining how to best inspect truck cargo and is surveying all of America's railroads to determine the location of critical infrastructure assets such as bridges and tunnels and how and where we move hazardous materials near large population centers. Today, America's entire transportation infrastructure is under duress and we should be concerned that America's entire transportation infrastructure is up to the task.

September 11th has already escalated insurance costs in many sectors. Several railroads have been warned that their risks and their rates will be re-evaluated. Some railroads may not even qualify for affordable insurance coverage. As small railroads are hit with higher and higher insurance costs, they will have less and less to invest in needed rehabilitation.

POINTS RELATED TO PENNSYLVANIA

Sixty percent of Pennsylvania's short line and regional railroad infrastructure is in need of extensive rehabilitation, including more than 170 bridges. Over 300 rail crossings require significant rehabilitation. Excluding the Bessemer & Lake Erie and Delaware & Hudson railroads, both of which have heavy load infrastructures, almost one third of Pennsylvania's short lines and regionals cannot effectively handle the heavier 286,000-pound cars that are becoming the new standard in the industry.

A recent survey of the state's short lines indicate that infrastructure needs total some \$280 million, and over 40% of those projects could be initiated in the immediate future.

More than 540,000 carloads of hazardous materials cross Pennsylvania's rail system each year.

The most modest forecasts for the movement of freight by the Federal Highway Administration indicate that increases of up to 70% can be expected in the Northeast over the next ten years. This growth will severely congest the national transportation network unless investments are made today. Railroads remain the safest and most viable mode for transporting hazardous materials, coal, industrial raw materials and bulk commodities. Investment in rail infrastructure is an investment in the country's economic future.

AMENDMENT NO.—

(Purpose: To provide additional funding for capital grants for rehabilitation, preservation, or improvement of railroad track of class II and class III railroads)

At the appropriate place, insert the following:

SEC. . There is appropriated to the Department of Transportation for the Federal Railroad Administration for fiscal year 2002, out of any funds in the Treasury not otherwise appropriated, \$350,000,000 for capital grants to be made by the Secretary of Transportation for rehabilitation, preservation, or improvement of railroad track (including roadbed, bridges, and related track structures) of class II and class III railroads. Funds appropriated by the preceding sentence shall remain available until expended.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. We are recessing at 2 p.m. Has the Senator completed his statement?

Mr. SPECTER. I have. I thank the Chair and yield the floor.

Mr. REID. Mr. President, I ask unanimous consent that at 4 p.m. Senator BYRD be recognized to speak in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 4 p.m.

Thereupon, the Senate, at 1:59 p.m., recessed until 3:59 p.m. and reassembled when called to order by the Presiding Officer (Mr. JOHNSON).

The PRESIDING OFFICER. Under the previous order, the Senator from West Virginia is recognized.

BIOLOGICAL WEAPONS CONVENTION—NUCLEAR ARMS TREATIES

Mr. BYRD. Mr. President, the Nation's attention is focused on the threat of biological weapons. The pernicious nature of these types of weapons has been shown in the anthrax-laced mailings that were sent to the office of the majority leader, TOM DASCHLE, NBC news in New York, and American Media in Florida, which have resulted in contamination of a number of post offices in Washington, D.C., New Jersey, Florida, and perhaps elsewhere.

One question is on all American's minds: how can we defend ourselves against a threat that is literally microscopic? In the days of the Cold War, we became accustomed to being able to quantify the threats posed to the United States: we could count the number of Soviet missiles, bombers, tanks, and soldiers, and respond by increasing the capabilities of our own military.

But now, the threat to our security has changed. We can not quantify this threat and we can not track its movements until it might be too late. Building up our military will not affect our security from biological weapons. We must adjust our thinking on how to deal with these abhorrent weapons of pestilence.

Mr. President, remember that Jesus said: You shall hear of wars and rumors of wars, but the end is not yet. For nation will rise against nation and kingdom against kingdom. There will be famines and pestilences and earthquakes.

Pestilences, that is what I am talking about; germ warfare, viral warfare, anthrax. Building up our military, I said, will not affect our security from these pestilences. We must adjust our

thinking, I say again, on how to deal with these abhorrent weapons of pestilence.

We do not yet know for certain whether the anthrax attacks were carried out by foreign or domestic agents, by someone across the seas or someone in our midst. We also do not know when the next biological weapons attack might happen, what type of germs or viruses might be used, or who might be planning it. But the U.S. must take action. The time is right now, in the midst of intensified international condemnation of the use of biological weapons, to form an international regime to eliminate the manipulation of nature for violent purposes.

Over 140 countries have signed the Biological Weapons Convention of 1972. It is one of the simplest arms control treaties in existence. Parties of the treaty agree not to develop or retain any biological toxins or agents that are to be used for other than peaceful purposes. There are no means to verify this binding commitment, but the Convention has succeeded in its limited purpose by confirming among most of the world that biological weapons are abhorrent to all mankind.

Negotiations began in 1995 on how to add a binding protocol to the Biological Weapons Convention to create a regime that would verify compliance with the treaty. Parties to the Convention would thereby submit themselves to the same kinds of inspections that are conducted at nuclear facilities under the Nuclear Non-Proliferation Treaty and chemical facilities under the Chemical Weapons Convention. The purpose of these inspections would be to assure the whole wide world that potentially dangerous microbes, which are needed to conduct scientific and medical research, are handled in a safe manner, and are not being diverted to nefarious purposes.

Representatives at the last conference on the Biological Weapons Convention, which took place in July, hoped to gain consensus on the final text of the protocol, which may open for signature within weeks. The results of that conference were disappointing. Rather than negotiating toward the resolution of many outstanding issues on the protocol, the Bush Administration took the view that no protocol would be preferable to a negotiated protocol. Like much of the world, I was left wondering whether this Administration takes arms control seriously.

I am pleased to see that on November 1, the Administration unveiled a number of proposals to complement the Biological Weapons Convention. These voluntary measures are well-intentioned and they make sense. However, they do not go far enough.

I am wary of addressing our urgent and serious national security concerns simply through voluntary measures by foreign countries. With no formal mul-

tilateral protocol to spell out exactly what each country's responsibilities are, I fear that the future of the international ban on biological weapons will be a patchwork quilt of full compliance, non-compliance, half-measures, and more talk and less action. This could ultimately leave us even less secure from these horrific weapons.

There are other important treaty matters before our country. We are closing in on an agreement with Russia for sharp reductions in our nuclear stockpiles, and negotiations will continue on altering the Anti-Ballistic Missile Treaty of 1972 to allow increased national missile defense testing. These deals, if concluded, would be a major development in our relationship with Russia and have a major impact on geopolitics. The strategic arms of the two biggest nuclear powers would be cut to between 1,700 and 2,200 warheads, which is less than a third of our present level. We have not had as few as 2,000 strategic warheads in our nuclear arsenal since 1955.

I am not against reducing the nuclear stockpile. I am not against reducing the number of missiles, the number of warheads. I am not against that. But as important as this agreement would be, I am shocked by the President's view that an agreement on arms reductions need not be on paper. Legally and technically he is right. It need not be on paper. But, Mr. President, it ought to be on paper. The President said that he was content to conclude arms reduction talks with nothing more than a handshake. Nothing more than a handshake.

Now, that is troubling me. If I sell a piece of property or if I buy a piece of property, I will shake hands with the person who buys my property. I will shake hands with the person from whom I buy property. But there will also be a deed and it will be registered at the courthouse in the county where the property exists. There will be a handshake—that is fine. A handshake carries with it the indication of honor. "It is an honor to deal with you—it is a pleasure, I have enjoyed doing business with you." But it is that deed that is in writing that assures my grandchildren, and their children if necessary, that that property, that transfer of property is on record.

So I say again, the President said—he is reported to have said that he was content to conclude arms reduction talks with nothing more than a handshake. Are you? Are you, the people who are watching this Senate floor through those electronic eyes behind the Presiding Officer, are you content? Are you content that arms reduction talks be concluded with nothing more than a handshake?

We are closing in on a historic compact, and I cannot understand why this agreement should not be done as a formal written treaty. That would require

a two-thirds vote, yes. But a simple handshake leaves many questions unanswered. I would like to see one or both Houses of the Congress having some say in that, and backing up that handshake, if needed, with their votes, the representatives, the elected representatives of the people.

A simple handshake leaves many questions unanswered. What will happen to the nuclear warheads once they are removed from their missiles? I must note that in this year's budget request, the Administration cut more than \$131 million from the programs that keep these powerful weapons from falling into the wrong hands. How will we verify? How will we verify that Russia carries out its arms reductions, and how will Russia, how will President Putin verify that we carry out ours? That we are carrying out our arms reduction? It was Ronald Reagan himself that said, "Trust, but verify." In other words, yes, shake hands. But verify.

And what will happen to the agreement when President Bush and President Putin leave office? President Bush under the Constitution can serve 3 more years after this year, and if he is then elected again, he can serve 4 more years. But who knows what the attitude of his successor will be. If there is no treaty, no formal agreement in which this Senate, or on which the Senate and House—whichever type of agreement it might be—has been able to put a stamp of approval, who knows what his successor might say. Or who knows how the successor to Mr. Putin might feel about it. A written treaty could provide clear answers to each of these important questions.

It would be a real mistake to make such an important international agreement in any other form, I think, than a treaty. We do not need fly-by-night arms control. We need arms control measures that are carefully examined to support our national security. We do not need hush-hush agreements with other countries on our nuclear weapons. We need public confidence in our military and foreign policy. Lacking the full confidence of the public, an informal agreement on nuclear arms and national missile defense is not worth the paper that it is—or is not—written on.

President Franklin D. Roosevelt once said, "Treaties are the cornerstones on which all relations between nations must rest." Treaties are useful in clearly elaborating the responsibilities of each party, and formal ratification of treaties indicate a country's full acceptance of those responsibilities. The Founding Fathers of this country The Founding Fathers who wrote this Constitution and made reference to treaties in that Constitution, understood that, and that is why they secured for the Senate advice and consent responsibilities to any treaty made by the President.

We should not turn away from this treaty-making process for the simple convenience of the executive branch.

The Kings of England make treaties. The Kings of England have always made treaties. But this country has no King. This Republic has no King. Gentlemen's agreements on matters as important as international security or the control of weapons of mass destruction are simply not sufficient to inspire the confidence of the public in this or other countries. By making treaties, with the advice and consent of the Senate, the United States shows itself to be a reliable ally to our friends, and a principled actor to our opponents.

We should also consider the President's role in conducting our foreign policy, and his role as commander-in-chief. Is his hand in conducting future negotiations with Russia, in the case of the ABM Treaty and nuclear arms reduction, or with the other nations of the world, in the case of the Biological Weapons Convention, the Kyoto Protocol, and a host of other treaties, strengthened if he concludes these types of agreements without the advice and consent of the Senate?

Is his hand strengthened if he doesn't have the advice and consent of the U.S. Senate standing behind him? No. I don't think his hand would be strengthened. I would think just the opposite.

Senate approval or ratification of important international agreements is a signal to all the world that our nation not just a branch of our government approves of and will carry out those agreements negotiated by the President. Senate approval of important treaties, such as a protocol to the Biological Weapons Convention or a new strategic agreement with Russia would strengthen the Chief Executive's hand to negotiate from a position of strength on other international matters, such as the Kyoto Protocol, possible NATO expansion, and future arms control treaties.

So I say that legally and technically, the President might not need to have it written on a piece of paper. Legally and technically, he may be able to do it with a handshake.

Let me say again that I am not proposing that we shouldn't reduce our nuclear weapons stockpile. I am not proposing that at all. I think the MX missile, for example, is old, and we shouldn't continue to keep that around. But a handshake is not enough. I don't rest easy. Do you, Mr. President? I am saying to the Presiding Officer, and I am saying to other Senators, would you rest easy with just a handshake in a matter of this nature?

The two issues I have just discussed, the Biological Weapons Convention and our strategic situation with regard to Russia, are very important to the security of our country. The United States must take a leadership position on

these issues to crack down on the use of germs and viruses as weapons, and to clarify our relationship with the nation that has emerged from our Cold War opponent. These matters cannot rest on voluntary measures or unwritten pacts. I urge the Administration to pursue formal agreements on these issues in order to recognize their importance to Americans and the world.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THANKSGIVING

Mr. BYRD. Mr. President, nearly 4 centuries ago, a courageous little group of people left their homeland, boarded a small, flimsy sailboat—it was not a steamboat; it was a sailboat, a sail ship—and they journeyed across a mighty ocean, and settled in an inscrutable unfriendly wilderness. They did all of this, took all of these risks.

Think about the risks that they took. They did not have any cell phones. They did not have any radios. They did not have any weather predictors. They did not have any newspapers to tell them what might lie ahead or what the weather conditions might be 24 hours away. They did not have any hospitals nearby. But they had faith. They had the guiding light of God's word. Many of them took all these risks so that they could go to church, the church of their choice. Think about it. How many of us today have difficulty getting up on Sunday morning in order to go to church? I do. Ah, how I like to lie in bed on Sunday morning. My little dog Billy gets me up many times, or that alarm clock does. But I like to go back to bed on Sunday morning. Can't do it on Monday, you see. Can't do it on Tuesday. But Saturday and Sunday—ah, Sunday.

How many of us do not like to walk those few blocks or drive those few miles to go to church? But here were the Pilgrims, crossing a vast ocean—2,500 miles, 3,000 miles—a vast body of water, facing the darkest of unknowns. They did not know what would lie in wait for them. They knew it would be a long time before they could get back home, and perhaps there would not be friendly winds that would bring their sail ships back home. They faced the darkest of unknowns just to preserve the sacred right to worship as they pleased, or not to worship, to go to this church or that church, the church of their choice. Many of them came for that reason only.

Stop and think about it. Doesn't one stand in awe, absolute stark awe, as

one thinks of the courage of those men and women to strike out across the stormy deep, in awe of their courage and their devotion to God? One cannot help but be awed by that courage that they had to go against odds, to face hunger and deprivation and danger, to be away from their loved ones there in the British Isles or in the Netherlands or in Germany or in France or Italy, or wherever, to leave those friends and relatives, those loved ones, perhaps forever, not knowing whether they would ever in this world see those loved ones, those friends, those acquaintances again.

The journey was not easy. Turbulent weather, including rough winds and strong currents, forced the Pilgrims to anchor at Cape Cod, MA, far north of their destination and well outside the boundaries of their patent. This meant that, once on land, there would be no legal authority or government over them.

Therefore, before disembarking, the Pilgrim leaders assembled together all the adult men who made the journey on the Mayflower in order to formulate a government.

It was a covenant. One might call it a contract. I prefer to call it a covenant. Drawing upon their church covenant which vested religious authority in the congregation, they established a form of self-government.

It seemed simple enough, but little could these men aboard the Mayflower that fateful November night in 1620 have realized the mighty forces that they were unleashing. By binding themselves into a "civil body politic," by giving themselves the power to enact laws for the common good, and obligating themselves to obey such laws, the Pilgrims were establishing the fundamental, the basic principles of democracy in America, namely a belief in self government, the rule of law, and government by mutual consent.

The Pilgrims had also established that the government of their new world would be a government under God. The Mayflower Compact made this intent perfectly clear as it read, in part:

In the name of God, amen, we whose names are underwritten . . . Having undertaken for the Glory of God . . . Do by these Presents, solemnly and mutually in the Presence of God and one another, covenant and combine ourselves together into a civil Body Politic, for our better Ordering and Preservation.

There you have it. These were our forebears. The next year, these same men and women established the custom of gathering together each year to express their gratitude to God for protecting them, for the harvests that their labors had brought forth in the new land, and for the preservation of their community.

In the middle of October of 1621, a group of hunters sent out by Governor Bradford brought back a great store of wild turkeys. I can just see them. They

wouldn't go the back streets with this big bundle of turkeys they had shot. No, they would go the front street, wouldn't they? They would go right down front street so that everybody could see the turkeys they had bagged, a great store of wild turkeys. When these were added to the collection of lobsters and clams and fish and corn and green vegetables and dried fruits that the community had collected, the Pilgrims had the makings of a great feast. Hot diggity dog, they had it, didn't they. They had something good to eat. Yes, indeed. So they invited their neighbors to join them in a day of celebration and worship and in a common giving of thanks.

Two years later, in 1623, the Pilgrims made this day of thanks, feasting, and worship a tradition. The spirit of that glorious day, which some people recognize as the first official Thanksgiving, was captured in a proclamation attributed to Governor Bradford. That proclamation read in part—let us read it together:

Inasmuch as the Great Father has given us this year in an abundant harvest of Indian corn, wheat, peas, squashes and garden vegetables, and made the forest to abound with game and the sea with fish and clams, and inasmuch as he has . . . spared us from the pestilence and granted us freedom to worship God according to the dictates of our own conscience, now I, your magistrate, do proclaim that all ye Pilgrims, with your wives and ye little ones, do gather at ye meeting house, on ye hill, between the hours of nine and twelve in the daytime on Thursday, November ye 29th, of the year of our Lord one thousand six hundred and twenty-three, and the third year since ye Pilgrims landed on ye Plymouth Rock, there to listen to ye Pastor and render Thanksgiving to ye all Almighty God for all his blessings.

"Thanksgiving day," wrote President John Kennedy, "has ever since been part of the fabric which has united Americans with their past, with each other, and with the future of mankind."

Thanksgiving has become one of America's oldest and most beloved holidays. It is one of our most important holidays. It has become a day devoted to turkey, mashed potatoes, and cranberries. I can tell these pages to savor that day when they can meet at mom's house and have all these goodies. They are not going to Shoney's or some other restaurant. They are going to eat with mother or grandmother, with their parents, with their brothers, with their families.

It has become a day devoted to turkey, mashed potatoes, cranberries, family togetherness, football games, parades, and the beginning of the Christmas holiday season. But it also remains a day that should be devoted to God and country because it always has been.

During the American Revolution, following the important American victory over the British at the Battle of Saratoga in October 1777, which marked a

turning point in the war, the Continental Congress approved a resolution proclaiming December 1 as a day of "Thanksgiving and praise." You see, our fathers did not forget. Our fathers and mothers remembered the great God of heaven. They remembered the God who had watched over them through that perilous trek across the deep waters and had protected them in their homes and the forests, had provided food and sustenance for them. They remembered. They gave thanks to him.

Following the establishment of the new Government of the United States in 1789, President George Washington issued a "Thanksgiving Proclamation" designating Thursday, November 26, as a "day of public thanks-giving and prayer to be observed by acknowledging with grateful hearts the many favors of Almighty God." This is George Washington. This isn't ROBERT BYRD. This is George Washington, our first President, the greatest of all, George Washington. "By acknowledging with grateful hearts," he said, "the many favors of Almighty God, especially by affording them an opportunity peaceably to establish a form of government for their safety and happiness." Those were George Washington's words. At President Washington's request, Americans assembled in churches on the appointed day and thanked God for his blessings.

One thing, if I forget all else, that I will always remember about President Eisenhower is this: In his first inaugural address, he, Dwight D. Eisenhower, prayed. In his first inaugural address, President Eisenhower prayed. I shall never forget that, and I shall never fail to honor him for that. Dwight D. Eisenhower prayed a prayer in his first inaugural address.

During the American Civil War, following the bloody battle of Gettysburg that marked a turning point in that war, President Abraham Lincoln asked the people of the United States to set aside the last Thursday of November "as a day of thanksgiving and praise to our beneficent Father." This was Lincoln, not ROBERT BYRD. "In the midst of a civil war of unequal magnitude and severity," President Lincoln proclaimed the country should take a day to acknowledge—listen to his words—the "gracious gifts of the most high God, who, while dealing with us in anger for our sins, hath nevertheless remembered in mercy."

Two towering Presidents, Washington and Lincoln, humbled themselves to call upon God's name and to give him thanks.

This year, as was 1863, has been a year of tragedy and adversity for our Nation. We again find ourselves at war. Because of this, on this Thanksgiving, as in 1863, there will be too many empty chairs at the table. Nevertheless, as in 1863, we should recognize that there is so much for which to be thankful.

While I recognize that today, as in 1863, we live in a time of uncertainty and danger, we should all be thankful that the American people have the steadfastness and the determination to move forward.

While I recognize that many young American men and women will spend this holiday in harm's way protecting our country and protecting the values we hold dear, we can all be thankful we do have the best, the bravest, and the most determined Armed Forces—and always have had—in the world, Armed Forces that are now fighting the scourge of terrorism. I am thankful we live in a country that can confront a crisis with strength and moral certainty, without forcing us to abandon the very principles and values that we hold most dear.

Like President Washington, I am thankful for "the many favors of Almighty God," including a government that ensures our "safety and happiness."

Like President Lincoln, I am thankful for the "gracious gifts of the most high God, who, while dealing with us in anger for our sins"—and there are many—"hath nevertheless remembered mercy."

Finally, I am thankful for those men and women, who, 381 years ago, had the courage, the faith, and the devotion to God to challenge the most difficult and dangerous of journeys and face the darkest unknown. They left friends and homes and warm hearths to launch out upon a dangerous, deep journey, led and guided only by the faith they had in a higher power and a desire to create a new home where they could go to the church of their choice. Thank God for them.

On this Thanksgiving, let us remember:

Our fathers in a wondrous age,
Ere yet the Earth was small,
Ensured to us an heritage,
And doubted not at all
That we, the children of their heart,
Which then did beat so high,
In later time should play like part
For our posterity.
Then fretful murmur not they gave
So great a charge to keep,
Nor dream that awestruck time shall save
Their labour while we sleep.
Dear-bought and clear, a thousand year
Our fathers' title runs.
Make we likewise their sacrifice,
Defrauding not our sons.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. DAYTON). The Senator from Delaware is recognized.

SIGNIFICANT STRATEGIC ISSUES

Mr. BIDEN. Mr. President, I compliment the distinguished leader—and he is still my leader—the chairman of the Appropriations Committee, Senator BYRD, on his speech and his remembrance relative to Thanksgiving.

I also rise to compliment him on his speech that I only heard in my office relating to strategic doctrine and strategic weapons. Quite frankly, I am a little embarrassed. I thought he was going to make the Thanksgiving speech first. I wished to be here for his comments on what is going on now in Crawford, TX, with President Bush and President Putin.

Today, I think we all agree we have an opportunity to reach a reasonable agreement with the Russians on the three most significant strategic issues of our day: missile defense, strategic arms reductions, and nonproliferation. Senator BYRD and I and others have had a chance to meet with Mr. Putin in a larger group. Based on private discussions with him and on reports of what he has said in his meetings with President Bush, it seems as though genuine progress has been made in the summit this week between President Bush and President Putin.

I respectfully suggest—and I believe the President would probably agree—that much more needs to be done. It seems to me that, in conjunction with what Senator BYRD said earlier, it is vital for us to continue to make progress, and it is equally vital that the United States refrain from actions that would make further agreements on these vital issues difficult, if not impossible.

President Bush has made clear—in the ten months since he has been President—his determination to proceed on the development of a limited missile defense system, despite any limitations in the Anti-Ballistic Missile Treaty of 1972. Now, we have had very conflicting accounts from his representatives in the administration before the Intelligence Committee, the Armed Services Committee, and the Foreign Relations Committee as to whether or not they were "prepared to break out of the ABM treaty" based on planned testing, or needed testing, to further determine the feasibility of a limited missile defense.

But one thing has come through consistently: President Bush has stated his determination to do whatever it takes to develop a limited missile defense. Obviously, Russian officials have heard him, and they understand his determination to proceed.

But—and it is a big but—President Putin, in his discussion with some of us Senators and in his public statements, has made it clear that he still considers the ABM Treaty a critical element in the agreements that govern strategic relations between the United States and his country.

President Bush and President Putin seem to have achieved a personal rapport over the last 6 months that bolsters President Putin's confidence that we mean no harm to Russia. I have said before, somewhat facetiously but only somewhat, that as a student of his-

tory—although not to the extent of my friend from West Virginia, and I mean that seriously—I cannot think of any Russian leader, other than a tsar Peter the Great, who looked further west than this gentleman, Mr. Putin, seems to be looking.

He seems to have made a very fundamental and significant decision that the future of his country lies in the West. He has taken some political chances at home. How significant they are, we do not know, but nonetheless, he has, to use the vernacular, stiffed both the browns and the reds, the nationalists and the former Communists, in making such a dramatic statement about his intentions to live and thrive in the West. He has even dismantled Russia's listening post in Cuba as a demonstration of the lack of feeling of hostility toward the United States.

I will say that President Bush has succeeded in communicating to the President of Russia that we mean no harm; that the Cold War is over. In fact, Secretary Powell said in Asia that the post-Cold War is also over. This is the opportunity for a fundamental new beginning. But the beginning does not necessarily mean the end, and clearly to Putin it does not mean the end, to the ABM Treaty. President Putin appears to have internalized President Bush's assertion that he is not an enemy and that Russia is not an enemy—but President Putin is still unwilling to bend the ABM Treaty.

He is willing, however, to let the United States proceed with the testing and development of missile defense, so long as the ABM Treaty remains in force. That seems to me to be a sensible arrangement.

The part that gets difficult is the part to which the Senator from West Virginia spoke. If, in fact, we are, in practical terms, about to amend the ABM Treaty—this is a government with equal branches—that is something about which we in the Senate get to have a say. We should be in on that deal, as Russell Long used to say. That is a deal we should be in on.

I am very happy the President appears not to be intent at this moment on withdrawing from the ABM Treaty, which I think would be a tragic mistake—not only substantively as it relates to arms control but diplomatically as it relates to our relations around the world. I am anxious to hear what the President has in mind, however, in terms of how, in effect, to ratify—not in the constitutional sense, necessarily—but how to ratify whatever agreement he reaches with Mr. Putin.

If I am not mistaken, my friend from West Virginia said that President Bush said—and I recall President Bush saying this, but I am paraphrasing—we can do this on a handshake.

Handshakes are great—and I admire and I trust the President's resolve and

I trust his sense of honor and I believe he means what he says and will stick to it when he shakes hands. I am even prepared to acknowledge that is probably true with President Putin as well—but a handshake is not the stuff upon which these kinds of agreements should rest ultimately.

The goal of our policy should not be to withdraw from the ABM Treaty, as some continue to urge. I think they miss the point. The goal should be to maximize our national security interests rather than to win some debating point over the relevance of arms control agreements in this post-cold-war era.

With regard to strategic weapons, President Bush announced this week that the United States will reduce its force level over the next 10 years to somewhere between 1,700 and 2,200 deployed warheads.

The devil is in the details—for example, “deployed warheads.” To date, I have not gotten an explanation of what is going to happen with “all the other warheads,”—roughly 4,000 additional warheads, not just ours, but the Russians’ as well, because President Putin promised to do the same thing, to cut his forces as well. I assume—and this is a little premature—but I assume he is also talking about “deployed” nuclear weapons, as opposed to all the nuclear weapons in your possession.

That is excellent progress as far as it goes, Mr. President, and I do not mean to sound as if I am trying to rain on the President’s parade. I think what he is doing is very helpful. Now, though, it seems to me—and obviously to the chairman of the Appropriations Committee—Presidents Bush and Putin should agree on a means by which they can verify that each country is complying with its promise.

Even if the Lord Almighty came down and stood in the well of the Senate and said: I guarantee to all you Senators and all America and all the world that both Putin and Bush will keep their agreements, that would not be quite good enough for me. God willing, Presidents Bush and Putin will remain healthy, and I am sure President Bush expects to remain in power for 4 years beyond his term. But it may be that he will not be President in 3 years, and Mr. Putin may not be President in 3 years. For great countries to have such fundamental decisions rest upon personal assurances between two honorable men is not sufficient—not because the men are not honorable, not because they are not intent on keeping their promises, but because they are not immortal; they are not going to be around forever.

It seems to me they should make sure, whatever each side is promising, that it is able to be determined with some objectivity. This would avoid significant misunderstandings of the sort that, I remind my colleagues, have

plagued us in the past regarding the Russian promises on tactical nuclear weapons made a decade ago.

U.S. force planners benefit from predictability in Russian strategic forces. The more we know about what is going on in the Russian nuclear force posture, the easier it is to determine how we should deal with them, how we should counter them. With a handshake, all we know is what President Putin says to the press or in private to President Bush. That is all we know. With a written agreement, we have specific commitments. U.S.-Russian relations will benefit from knowing what each has promised—and what we and they have not promised.

I go back to the promises made by both Presidents Gorbachev and Yeltsin. In fact, what happened was that Gorbachev and Yeltsin made an agreement they intended to keep, and they may, in fact, have kept it.

In January of this year, I remind my colleagues, some of our friends who do not like arms control agreements and were much less trusting of Russia than they seem to be today raised questions over whether Russia had violated its 1991 and 1992 promises to cut back on tactical nuclear weapons. That was an issue before this body in the beginning of this year, discussed in this town among the nuclear theologians, discussed in this town among those interested in strategic doctrine and strategic weapons. Had the Russians kept their promise?

Part of the problem was that people were not sure what Gorbachev or Yeltsin had actually promised to do. That was part of the problem.

Verification obviously helps. Without a formal agreement of some sort, however, generally one does not get verification.

The allegation in January of 2001 was that Russia was storing nuclear weapons in Kaliningrad and people wanted to inspect those sites. We heard some concern from my friends, saying the Russians have these missiles hidden in barns and they took them out of silos but they have them on rail, and on and on, trying to demonstrate a short 8 months ago that we cannot trust the Russians.

It caused a bit of a furor because one of the arguments concerning why we should do away with the ABM Treaty was that we ought to do away with this treaty because the Russians do not keep these treaties, and Lord only knows what they are doing, and we have to build this national missile defense. That was only in January of this year.

But when people suggested that we inspect those sites—because we thought, as some asserted, they had stored nuclear weapons there—there were no grounds to request the inspection, let alone demand one, because there was no agreement attendant to

the promise of Gorbachev and Yeltsin to, in fact, allow for verification.

Why do I bring this up? To say the Russians cannot be trusted? No.

What happens is that when there is doubt about issues such as nuclear weapons, people always err on the side of the worst case because we almost cannot afford not to—because if we are wrong, we are, no pun intended, dead wrong; we are really wrong.

So what happened as a consequence of the January dispute about whether or not they had kept their 1991 promise? What happened was it bred mistrust. Remember all the articles that occurred in January and February and March and actually began during the last campaign? This administration got off to an incredibly rocky start with Russia.

The President has made that right, and I compliment him for it, but now we have stalled. We have sort of stumbled through 9 months of lost opportunity.

The point is, when there is no independent means to verify—when a new President comes into office, the next President, whoever that is—how does he or she judge whether or not the commitment is being kept? I promise he or she will be buffeted on every side by those within the Defense Department, the intelligence community and the think-tanks who are whispering in his or her ear saying: Hey, they are not keeping the deal.

The same problems can and do occur regarding strategic weapons. How will we know if Russia has reduced its weapons numbers? Will it remove them from launchers and silos, or only say that certain weapons are no longer operational? How will we know? That was the basis of a big debate not too long ago, I remind my friend—although I do not have to remind my friend—from West Virginia. That was the basis of a big debate.

How are we going to know? What is Russia really promising to do? The only misunderstanding that is worse than one that was intended is one that was unintended. Maybe they are going to be keeping their word, but how will we know?

I promise, there will be many voices questioning whether the Russians are keeping the agreement, and if there is no independent means to verify it, our questioning then breeds distrust as to whether or not the Americans really are looking for a way out: Are they really with us? Did they really mean to enter into this?

What is Russia really promising to do? That, I hope, will be made clear, because even that is in question.

It is not wise to make assertions that you will reduce weapons to between 1,700 and 2,200. I guarantee there will be people in this Chamber saying the Russians really said they would be down to 1,700 by such and such a date, and there are 2,200.

I might add, what is going to happen to those warheads that are not deployed? For that matter, how will Russia or the American people know if the United States reduces its arms? What are we promising to do? Are we promising to destroy the weapons, as the START agreements require us to do, such that when we get the force numbers down, we get rid of the rest? Or are we only promising we will decommission them in the sense that we will put them in a barn, we will put them in a hangar, able to be reloaded, but we are not going to have them on station and targeted somewhere?

Will Russia change its training doctrine in the absence of a formal treaty? I remind people when Gorbachev and Yeltsin agreed with the first President Bush to reduce tactical nuclear weapons, they said that without a formal agreement they could not change Russian training.

What does that have to do with anything? Rather than deciding they were going to act as if they had decommissioned the weapons, which they said they had, what did they do? They continued to train Russian forces to make war with the weapons they said were no longer deployed. So what then happened?

I am sure my colleagues from West Virginia and Montana and I must have attended intelligence meetings where we would be told the following: They said they had decommissioned these weapons, but yet look at the manual; their doctrine still says they are going to plan to use them. So that must mean they have not decommissioned them. How do we know? And yet Gorbachev and Yeltsin had said at the start, without a verifiable agreement we are not going to change our manual because we may have to pull those suckers out of storage and use them if you guys turn out not to keep your side of the deal.

What will we do? Will we, too, train our troops to make war with weapons we say are no longer deployed? Will other countries take heart because we have fewer deployed weapons, or will they look at our total stockpile and say that our reductions are a sham?

Again, I have no doubt that President Bush will keep his word and do the right thing, but we cannot, in my view, expect other countries to have as much trust in us as we have in ourselves.

I will never forget the first time I was sent by the man who is now the chairman of the Appropriations Committee, and who was then the leader of the U.S. Senate—he may remember—asked me as a relatively young Senator in 1979, when the SALT II agreement was under consideration, to lead a group of new Senators who were uncertain about whether or not they were for this new arms control agreement. It was in the face of this scare that the Russians had bases in Cuba, and we

were trying to push the treaty through. The Carter administration wanted it. I led a delegation of 10 or 12 Senators—great Senators who are no longer in the Senate, Bradley, Boren, Pryor, and a number of others, because they were just elected that year. We sat down with Leonid Brezhnev, who was the Russian President at the time. Brezhnev came into their Cabinet room. We were all on one side, and Brezhnev and Kosygin on the other side, and it opened the following way: He welcomed us. We had contemporaneous translation.

Brezhnev looked at me, and he said: "Let's get two things straight, Senator. The first thing is, when I was your age I had an important job." He went on to tell me his job, along with Kosygin, was to supply Leningrad in the siege of Leningrad, making it clear "you are a young man, Senator." He wanted me to know he had been important for a long time. I got the message.

The second thing he said, and this is literally what he said: "Let's agree that we do not trust each other, and we have good reason not to trust each other."

He went on to say: "You Americans believe, with every fiber of your being, that you would never use nuclear weapons." You believe you would never use them against us first. But I hope you understand why we think you might.

Then he went on to say: "You are the only nation in the history of mankind that has ever used nuclear weapons. You used them against civilian populations."

He quickly added: "I am not second-guessing that, but you used them. So you have to understand we might think you might use them again."

A point well taken. No matter how well intended either side is, we cannot expect other nations to trust our resolve as much as we trust our resolve. So if we want others to trust us and we want to be able to trust Russia in the years to come, we should remember Ronald Reagan's advice: Trust but verify.

I am encouraged by President Bush's statement, following his force reductions announcement: If we need to write it down on a piece of paper, I would be glad to do that.

He should. I hope he will. I also hope that piece of paper comes our way for us to take a look at. A new START III treaty would not be difficult to draft. It would ensure not only rigorous verification but also proper respect for the constitutional role of the Senate regarding international agreements.

There are also grounds for hope regarding the problem of proliferation and Russia's relations with Iraq and Iran. For the first time, Russians are saying there is no longer a strategic rationale for putting trade above non-proliferation in Russia's relations with Iran and Iraq. The question now is

money. It is not a question of Russia's place in the world. That place is clearly with us in the West and in opposition to proliferation.

We and our allies can provide the money that Russia needs to maintain economic growth and well-being, in return for new Russian policies and actions that refrain from proliferating weapons in that part of the world.

We can offer Russia debt relief on its Soviet-era obligations to the United States and other countries. Russia could use a significant proportion of the proceeds of that debt relief on non-proliferation programs to secure its sensitive materials and to provide new, civilian careers for its many weapons scientists who could otherwise become prey to offers from rogue states or terrorist groups.

Senator LUGAR of Indiana and I have encouraged the Administration to consider this option. We also have legislation to authorize such debt relief, which the Foreign Relations Committee has approved unanimously.

The U.N. could authorize a major increase in the Iraqi Oil for Food program—which would revitalize Iraq's oil production infrastructure—in return for devoting the proceeds to payment of Iraq's foreign debt, especially its debt to Russia. That would free Russia to pursue the issue of United Nations inspections on the basis of strategic concerns alone.

Senators DOMENICI and LUGAR propose that we provide loan guarantees to Russia in return for Russia reducing its fissile material stockpiles.

Missile defense, strategic arms and non-proliferation affect not only Russia and the United States, but the future of the whole world. The opportunities for U.S.-Russian cooperation—if we seize them—hold the promise of a transformed world in which international cooperation is the norm, with Russia and the United States leading the way.

But we must seize those opportunities.

And we must not waste those opportunities by engaging in purely ideological actions, like withdrawing from the ABM Treaty when there is no rational need to do that.

I conclude by saying that I compliment my friend from West Virginia who is, as usual, the first person to come to the floor and speak to this issue. It is vitally important. I hope the President and the administration listen to his advice. I think he is dead right.

Mr. BYRD. Mr. President, I ask unanimous consent to proceed for 3 minutes.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I thank the distinguished Senator from Delaware for his statement. I well remember in 1987, with respect to the INF

Treaty, the Reagan administration sought to reinterpret the provisions of the ABM Treaty—to reinterpret those provisions because the Reagan administration did not want to live up to the ABM Treaty. They wanted to get away from that ABM Treaty. There were some people in that administration who sought to reinterpret the ABM Treaty. But as we prepared for the subsequent approval by this U.S. Senate of the ratification of the INF Treaty, the distinguished Senator from Delaware was adamant in insisting that there be an amendment written to provide that there be no reinterpretation of any treaty by a subsequent administration; that the treaty had to be interpreted based on the four corners of the treaty plus interpretation of the treaty as explained by witnesses of the administration in power at the time the treaty was ratified. Any new understanding would have to be agreed upon by the executive branch and the legislative branch.

The distinguished Senator from Delaware rendered a great service in that instance, as did the then-Senator from Georgia, Mr. Nunn, who was chairman of the Armed Services Committee; the then-Senator from Oklahoma, Mr. Boren, who was chairman of the Intelligence Committee; and the then-chairman of the Foreign Relations Committee, Mr. Pell.

Mr. BIDEN. That is correct.

Mr. BYRD. Those three Senators and I insisted on having it in writing from the Soviets. And Secretary of State Shultz went to—I guess it was Paris—went to Europe, at least, and worked with Mr. Shevardnadze, I believe, and came back with a document in writing saying that all parties agreed that that would be the interpretation, that there would not be any subsequent reinterpretation by any administration, any subsequent President. Because if that were the case, how could we ever depend upon any treaty as having credibility, if a subsequent administration could reinterpret it according to its own wishes?

How would a subsequent administration interpret an “understanding” that was entered into by a handshake? All the more reasons for wanting to see it in writing and having it debated by the elected representatives of the people.

I thank the distinguished Senator.

Mr. BIDEN. I ask unanimous consent to speak for 30 seconds.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, to reaffirm what the Senator says, I do not think anyone should read in this that the Senator from West Virginia and I aren't happy that the President wants to bring down the number of nuclear weapons.

Mr. BYRD. No.

Mr. BIDEN. We are very supportive of that. We want to make sure when it is done, it is done.

Mr. BYRD. It is done.

Mr. BIDEN. And we know it is done. I thank the Senator and I thank the Chair, and I particularly thank Senator BAUCUS for his kindness in allowing us to proceed.

Mr. BYRD. I join in the thanks.

Mr. BAUCUS. Mr. President, I compliment the Senator from West Virginia as well as the Senator from Delaware. They as well as many others over the years have provided terrific service to our country, keeping their eye on this ball with respect to the former Soviet Union, current Russia, and the key question of nuclear proliferation. I thank them very much. On behalf of the American people, I thank them, too.

The Senator has done a terrific job.

Mr. BYRD. Mr. President, let me say I am deeply appreciative, and I thank the very able Senator from Montana for his observations.

WTO MINISTERIAL MEETING

Mr. BAUCUS. Mr. President, I rise today to discuss the just-concluded World Trade Organization Ministerial in Doha, Qatar.

The administration has announced that WTO members reached an agreement to launch new negotiations on a number of international trade topics. Our trade negotiations hailed this as a major victory.

I recognize the considerable efforts of our trade negotiators in this process. That said, I am unsettled by the results of this session in several areas.

The agreement reached today in Doha makes it even more clear why Congress must have deeper involvement in our international trade policy.

Without a doubt, there are positive items in the documents to launch the negotiation. I am pleased that the United States was able to negotiate forward-looking language on agriculture. There are some good things there—for example, goals of improving market access and reducing market distortions, particularly export subsidies.

But these are vague commitments, and Europe and some of its allies have already demonstrated their strident opposition to meaningful progress in this area. The devil is in the details—and the details have yet to be worked out.

On the other side of the ledger, I am extremely troubled by the decision to re-open the agreements reached just a few years ago on antidumping and anti-subsidy measures. Both Houses of Congress have made it clear that they oppose negotiations to further weaken U.S. trade laws.

Let's be absolutely clear on this point. Our trading partners have only one goal here: to weaken our trade laws. That is something the administration should not tolerate—and that Congress will not tolerate.

These problems demonstrate why Congress must take a hard look at trade negotiations. The Constitution assigns responsibility for international trade to the Congress. Yet the administration is now acting without a mandate from Congress.

Congress must have a more prominent role in trade negotiations. As chairman of the Senate Finance Committee, I plan oversight hearings on these negotiations.

The problems I have outlined also make clear why any new grant of fast track negotiating authority must address the concerns of Congress on issues like preservation of U.S. trade laws. It must also ensure that Congress has an active role in trade negotiations.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE STIMULUS PACKAGE

Mr. DORGAN. Mr. President, while we are waiting for some intervening Senate business, I wish to make a couple of comments about international trade. I am inspired to do that by my colleague from Montana.

Before I do that, let me compliment my colleague, Senator BAUCUS, on the work he has done on the stimulus package. I told him yesterday in a private conversation how impressed I was with what he brought to the floor dealing with taxation and other issues to try to provide some lift and recovery to this country's economy. I think it was the right bill. It was the right thing. I commend him for his leadership, and I appreciate his leadership on that.

I was sorely disappointed that there was a point of order raised against that which prevailed last evening because I think Senator BAUCUS, along with Senator DASCHLE and others of us who were pushing very hard to get this done, had put together a piece of legislation that really would provide some boost to the American economy.

We are not in a position where we can just decide to stand around and wait and see what happens. I mentioned earlier that we had a trade history during President Hoover's period where this country seemed to be sinking into a deep abyss. And the attitude was: Well, there is not much we can do about that; we will sit around here and wait and see what happens. That is not what should have been done then, and it is not what we can do now.

What we did was positive; that is, try to put together a legislative program

that does the best we can to say to the American people that we are trying to give lift and boost to this economy in a way that provides jobs.

I say to my colleague from Montana that I thought he did a great job, and I appreciate his work.

INTERNATIONAL TRADE

Mr. DORGAN. Mr. President, let me talk just for a moment about international trade because there has been a trade conference in Doha, Qatar. I expect the people who run the WTO chose that place largely because they did not want to have a trade conference where there were a lot of hotel rooms. Experiences in trade conferences in recent years have not been good. Thousands and thousands of people from around the world have come to demonstrate and express concerns about one thing or another. So they decided to have a ministerial conference in Doha. My understanding is there are so few hotel rooms in Doha that they had to bring in cruise ships in order to provide lodging for visitors to Doha.

Because of other business this week, I didn't pay a lot of attention to what they did at Doha.

I do know that all these trade folks converged and they had a long visit. I watched part of a similar visit in Montreal some years ago. I watched part of the visit they had in Seattle. So I know they all get together. They have the same backgrounds, and they talk the same language. They actually have shorthand for all the trade lingo that they develop. Apparently now, from the experience of recent days in Doha, they have decided they have reached some agreements on a new round, and so forth.

So I want to point out just a couple of concerns I have about where we are with international trade.

I have a chart that shows a series of balloons that represent the very serious trade problem confronting us in this country. It is a trade deficit that is ballooning, year after year after year. It is the largest trade deficit in human history.

We spend a lot of time worrying about the fiscal policy budget deficit that about 9 years ago was almost \$300 billion a year. There was hand wringing and teeth gnashing and people wiping their brow, and they would come to the floor of the Senate, saying they wanted to change the Constitution, they wanted to do this and that. Why? Because we had this growing budget deficit, this tumor that was growing in the fiscal policy of this country. It was going to hurt this country.

It is interesting that there is a deafening silence in this country about the trade deficit. It, too, is growing, much more rapidly, in many ways, than the fiscal policy deficit did. It is much higher at this point than our budget

deficit was at its height. One can make the case, as an economist, that the budget deficit is something we owe to ourselves. This deficit we owe to others. This deficit will ultimately be repaid by a lower standard of living in the United States.

My point is, this deficit is growing and growing and growing. After round after round of trade negotiations, we are in worse and worse shape. The question is, why?

It is interesting, if you ask economists, they all give you different answers: It is because the dollar is too strong; the dollar is too weak; it is because our budget deficit is too high, not high enough; productivity isn't high enough. It depends on the economist that you ask.

Having both studied and taught economics in college, I understand that the field of economics is certainly not a science. I consider it psychology pumped up with just a little bit of helium. All you have to do is ask, and you get an answer. It does not mean it is an informed answer. There are 100 different answers as to why our deficit is out of control. Ask any economist. They don't have the foggiest idea. We had a \$449 billion merchandise trade deficit last year in this country.

Now let me describe some of the details of trade. It is interesting that everybody talking about trade, especially those at the ministerial conferences, want to talk about the big picture: global trade. They never want to the talk about specifics. So here is a specific.

We trade with Korea, which is a good friend of ours. This chart shows that last year Korea sent 570,000 automobiles to the United States to be sold in the United States. Do you know how many automobiles the United States sent to be sold in Korea? Was it 570,000? No, not quite. The answer: 1,700. So 570,000 cars coming our way and then we were able to export 1,700 cars to Korea. Get a Ford Mustang convertible here in the United States, send it to Korea, and it costs twice as much for a Korean consumer. Why? Because Korea does not want our cars. They do not want our cars coming in and competing. They have all kinds of mechanisms and devices to discourage our ability to move a car to Korea. The result is, 570,000 Korean cars in the United States; 1,700 United States cars to Korea. Fair trade? I don't think so.

Is that something we ought to correct? In my judgment, it is because these numbers translate to jobs. A working family, a man or a woman getting a job on an assembly line in a manufacturing plant, a job that pays well, a job with security, a job with benefits, these are good jobs. This means we export these jobs to other countries that produce products and send them to us and then keep their market closed to our products, which

means fewer manufacturing jobs in the United States.

I have another chart I did not bring to the Chamber. It shows T-bone steaks in Tokyo. Do you know that 12 years after the last beef agreement we reached with Japan, the conclusion of which resulted in feasting and rejoicing by everyone engaged in the trade negotiations—you would have thought they just won the gold medal in the Olympics. The headlines trumpeted the beef agreement with Japan. What a wonderful agreement. Twelve years later, by the way, every pound of American beef sent to Japan has a 38.5-percent tariff attached to it—every single pound. Is that fair trade with Japan? No. Fair trade would be more T-bone steaks to Tokyo, in my judgment. But we have a 38.5-percent tariff on every single pound.

Going back to Korea: What about potato flakes to Korea? Up in my part of the country, in the Red River Valley, where the Presiding Officer also represents some potato growers, those potatoes are cut into flakes. Those potato flakes are sent around the world, and they are put into chips in fast food. Potato flakes are used for fast food. Well, that is probably a pejorative. I shouldn't say "fast food." I should say "snacks." Potato flakes are used for snacks.

If you raise a potato in the Red River Valley and then turn it into potato flakes and send it to Korea, guess what happens to it? Korea slaps a 300-percent tariff on potato flakes.

Are potato flakes going to threaten the Korean food market? I do not think so. Is it fair to an American potato farmer to confront a 300-percent tariff? Where I live, it is not fair.

I could spend a lot of time talking about these things.

China: We have a huge trade deficit with China. We also have a huge trade deficit with Japan. We have a big deficit with Europe. We have a huge deficit with Canada and Mexico. But China, we sent 12 American movies into China in the last year. Why? That is all China would let into their country, 12 movies. Fair trade? I don't think so.

Or how about this? In the last trade agreement we negotiated with China, we sent our negotiators to China. Now, presumably, these are the best negotiators we have. We sent them to China. I do not know how we sent them there, probably not on a slow boat, as the saying goes; probably in an airplane.

They got to China and negotiated a bilateral agreement with China, which was the precursor to allowing China to join the WTO. They brought back the bilateral agreement, which we did not vote on because we do not have a vote on a bilateral trade agreement with China. Guess what we discovered?

Let me give you an example. Automobiles: After a long phase-in, we have

decided—our negotiators agreed with the Chinese negotiators—we would have a 2.5 tariff on Chinese vehicles being sent into the United States, and China could have a 25-percent tariff on the United States vehicles sent to China. In other words, our negotiators sat down with the Chinese, with whom we had a \$60 billion deficit, and we said to them: OK, we will agree to this deal. You go ahead and impose a tariff on U.S. cars sent to China that is 10 times higher than the tariff we will impose on any Chinese cars you send to the United States, and we will sign that agreement. That is what our negotiators said. So that is our agreement.

I don't know, my feeling is these negotiators need to wear jerseys. They do in the Olympics. The jerseys should say: USA. At least they could look down, from time to time, and understand on whose behalf they are negotiating. They can say: Oh, yeah, that is who I represent. That is whose interests I represent, and not be bashful about standing up for our economic interests.

By what justification ever should we agree to this sort of one-sided agreement: T-bones in Tokyo, automobiles to Korea, potato flakes to Korea, high-fructose corn syrup to Mexico, durum wheat to Canada. I could tell stories for an hour about this. In each and every circumstance, it is this country signing up to a trade agreement that is fundamentally bad for our producers.

Our durum growers. I should, just for therapeutic purposes, spend 15 minutes to talk about unfair durum trade coming to us from the Canadian Wheat Board, which would be an illegal entity in this country, a state-sponsored monopoly that sends durum wheat into this country to undercut American farmers' prices, and then thumbs their nose at us when we say we want to see the prices at which you are selling because we believe they are violating our trade laws. I could spend a long time talking about that, about the day I went to the Canadian border with Earl Jensen in a 12-year-old, orange, 2-ton truck.

All the way to the Canadian border we met 18-wheel trucks carrying Canadian durum south into the United States.

So we got to the Canadian border, after meeting truck after truck, bringing Canadian durum south. We had 200 bushels of durum in Earl's little, orange truck, and the Canadians said: No, you can't come into Canada with 200 bushels of durum. Why not? Just because you can't. It is just the way life is. It is a one-way track across that border with durum wheat.

I will not go on further. I know my colleague wants to speak. That is all a precursor to say this.

My colleague, Senator BYRD, the other day, spoke about trade protection authority or fast track. In my

judgment, what we ought to do is decide that we are going to stand up for this country's economic interests in international trade.

Don't give anybody any fast-track trade authority. Say, go negotiate some good trade agreements, bring them back here, and we will sign up to vote for them. First thing in the morning, count us as supporters. Go negotiate bad agreements, which you have done time and time and time again, and understand they won't see the light of day here because we are sick and tired of it.

I will not support fast track. We have been fast-tracked right into a huge hole, a trade deficit that has ballooned now to a \$450 billion merchandise trade deficit. I will not support fast track.

I agree with my colleagues, Senator BYRD and others: We need expanded trade. There is no question about that. I want to see global markets that are fair. I want to see opportunity for our farmers and our manufacturers around the world. But I also demand that we see trade agreements that step forward and protect this country's interests requiring fair trade. It is not fair trade with respect to movies in China, durum in Canada, high-fructose corn syrup with Mexico, cars in Korea, potato flakes in Korea and Mexico. It is not fair trade with autos in China. None of that is fair trade. There ought not be anybody who is nervous or worried about standing up and demanding fair trade with our trading partners around the world.

I have not spent much time on this, but I intend to in the coming days, if the House and the administration, buoyed by the success in Doha, Qatar, decide they want to try to bring enhanced trade authority to the Senate.

There is no problem at all negotiating trade agreements without fast track. The last administration wanted fast track. They didn't get it. But they said they negotiated 300 trade agreements. That means you can negotiate trade agreements without fast track. You just need to be careful to negotiate good ones because if you don't, you won't get them through the House and Senate.

The inability to have fast track actually promotes more responsibility on the part of those who are required to negotiate these trade agreements.

I wanted to follow on the remarks of Senator BYRD of 2 days ago on the subject of fast track. He and I and others will work very hard to try to see if we can't make some sense out of this mess, this trade problem that is now choking this country with very large trade deficits and is destroying manufacturing jobs and injuring this economy. We can do better than that even as we expand opportunities, even as we expand international trade. We can do better than that by standing up for fairness for American producers and farmers.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I did not intend to speak on this subject, but since the Senator from North Dakota has raised it, it is important to put all of this in perspective. Matters could be much better, but they are not quite as bleak as outlined by my good friend from North Dakota, not in my judgment. It is clear that other countries still intend to take greater advantage of America in trade matters than we do of them.

We are a country of the world. There are other countries of the world. We have our views. They have their views. We have our social structure. They have theirs. It is incumbent upon us to find a way to be effective in protecting our American interests.

Because the Senator from North Dakota might find this interesting, I would like to talk about beef, and beef with Japan and Korea, for that matter. I have forgotten how many years ago—it must have been maybe 10, 12 years ago—Japan had a quota on foreign beef into Japan. It amounted to, if I recall, about 28,000 tons of hotel/restaurant-cut beef. That is a quota on all beef coming to Japan. That is American, Australian, and Argentine beef. That amounted to one 6-ounce steak per Japanese person per year—a very strong, tight quota against American beef sales in Japan.

At the same time, we Americans imported considerably more pounds of beef than we exported worldwide. We imported far more beef worldwide—lower cut grades for hamburgers and other things—than we exported.

I decided I wanted to do something about the problem with Japan. I tried everything under the Sun. I remember in the Mike Mansfield Room—Senator Mansfield was Ambassador to Japan, very highly regarded, very revered—I said: Why don't I invite the Japanese diplomatic corps up to the Mansfield Room and we will show to them how good Montana beef is. We will do all we can to get that quota reduced or eliminated.

That was naive. Nothing happened. I might say, one member of the Japanese Parliament had the audacity to say the reason they have a quota on foreign beef is that their digestive system can't handle foreign beef. It is total nonsense.

At the same time, maybe a few years earlier, we had a difficult time importing American skis into Japan, and their excuse then was: Well, Japanese snow is a little different. That is why we can't take American skis. They were totally ludicrous arguments.

I decided I had had it with the Japanese on beef. So I had a press conference over in the Hart Building, and about 20 Japanese journalists showed up. I had a button on me. The button

said, "I have a beef with Japan." And I said to the Japanese, very respectfully, trade has to be a two-way street. I said: Japan, we take a lot of your products. We take your VCRs, we take your Hondas, we take your Seiko watches, and you don't take our beef. Trade has to be a two-way street. It can't be one way. As you can see, it is one way. It is not right, and I am going to do what I can to stop that.

At about that time, there was legislation on the Senate floor called domestic content legislation. That legislation required a certain percentage of content, manufacture, and assembly of autos in America to be American content, not foreign. It was domestic content legislation. At that point, I did not favor that legislation. I thought it was too prescriptive. It was wage/price controls—too controlling—although I agreed with the purport and the direction it was going.

I said: If you don't take American beef, I am going to go right to the Senate floor and do all I can to get that domestic content legislation passed because that will be two way; that will be fair.

My gosh, I could see scribbling of all kinds of notes, cameras going on. The next day there was a big article about my statement in the Japanese newspapers. My photo was in the Japanese newspapers. I can't read Japanese, but I know basically what I had said.

Guess what. Within a couple of weeks, the Japanese sat down at the bargaining table. Mike Armstrong was our trade negotiator at the time. They needed to negotiate, and they agreed to eliminate that quota entirely. But they did replace it with a 70-percent tariff. That is pretty high, but at least our industry said: That is great; the quota is eliminated. We can start importing beef into Japan.

I go over to Japan a couple, three times. I know about two words in Japanese. I learned this one. It is "Oishii," which means delicious. I would stand in front of the Japanese cameras and say: American beef is Oishii, delicious. At the same time, a Japanese polling company showed that the Japanese housewives and Japanese citizens of Tokyo wanted American beef by far. Under the Japanese constitution, because the rural districts have disproportionate voting power, they want to protect themselves. That is why they had that quota. The quota was eliminated, replaced with a 70-percent tariff.

We also agreed to bring that tariff down. The Senator from North Dakota says it is now down to around 28 percent. That could well be. It is my recollection that eventually that tariff will be down at a lower rate. The point is that we have made progress with Japan. We now, by the way, export more beef overseas than we import. That line was crossed about 2 years ago. So there is progress.

These things are more complicated than meets the eye. But we certainly have a lot more to do and further to go. As in the Korean situation, Korea had this provision—this was about 2 years ago—called the shelf life law. They wouldn't let boats unload beef products, canned beef, for over 2 weeks. Their distribution system wouldn't let foreign beef get to the grocery stores. That was bad beef under Korean law.

The Korean Prime Minister was, for about 2 or 3 months, coming over to the United States.

So I got ahold of him. I said: Mr. Ambassador, your Prime Minister is coming over. I have a letter signed, with many Senators cosigning who are opposed to this. I don't think you want your Prime Minister to come over when we are getting up on the Senate floor being critical of Korea.

He got the message. Within 2 weeks, they repealed the provisions and allowed in American beef.

So it is important for us to think of how we can get this job done and make sure these other countries play fair. If we work well in a concerted effort with the trade negotiators, we can get some things done. But I have also learned deeply that no country altruistically is going to lower a trade barrier. You need leverage.

I urge that as we move forward to protect American interests, we find the proper persuasion to help each other. I see the assistant majority leader anxiously waiting to seek recognition.

I yield the floor.

(Ms. CANTWELL assumed the Chair.)

Mr. REID. Madam President, I thank my friend. I extend my appreciation to the chairman of the Finance Committee, the senior Senator from Montana, who is so important to this institution.

UNANIMOUS CONSENT AGREEMENT—H.R. 1552

Mr. REID. Madam President, I ask unanimous consent that we now proceed to the consideration of Calendar No. 204, H.R. 1552, the Internet tax moratorium bill; that when the bill is considered, it be under the following limitations: that there be 20 minutes for general debate on the bill, with that time divided as follows: 5 minutes each for the chairman and ranking members of the Senate Commerce and Finance Committees, or their designees; that the only first-degree amendment in order be the following: an Enzi-Dorgan amendment regarding extension, on which there will be 60 minutes for debate prior to a vote in relation to the amendment; that if the amendment is not tabled, then Senator GRAMM of Texas be recognized to offer a relevant second-degree amendment to the Enzi-Dorgan amendment; that there be 20 minutes for debate prior to a vote in relation to the Gramm of Texas amend-

ment, with no amendments in order, with all time equally divided and controlled between the proponents and opponents; that upon the disposition of all amendments, the use or yielding back of all time, the bill be read the third time, the Senate vote on passage of the bill, with this action occurring with no further intervening action or debate.

I further ask unanimous consent that the Enzi-Dorgan and Gramm of Texas amendments, which are at the desk, be the amendments in order under the provisions of this agreement.

The PRESIDING OFFICER. Is there objection?

The Senator from Minnesota.

Mr. WELLSTONE. Reserving the right to object, and I say to the whip that I will not object, I want to be clear that on the record tonight the Senate, in wrap-up, will proceed to Calendar No. 191, S. 739, the Homeless Veterans Improvement Act, which Congressman LANE EVANS and I have worked on for the last 3 weeks. There has been an anonymous hold. My understanding is that tonight this will pass in wrap-up without any objection.

Mr. REID. The Senator has our assurance that will be handled in wrap-up.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

INTERNET TAX NONDISCRIMINATION ACT

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 1552) to extend the moratorium enacted by the Internet Tax Freedom Act through November 1, 2003, and for other purposes.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. Since I see the Senator from North Dakota here, I suggest that perhaps we could make our opening statements as part of the 60 minutes of debate on the Dorgan-Enzi amendment. If that is agreeable, I would be glad to do that. I move to modify the agreement that we move immediately to the Enzi-Dorgan amendment with the 60 minutes of debate equally divided.

The PRESIDING OFFICER. Is there objection?

Mr. BAUCUS. Madam President, reserving the right to object—

Mr. MCCAIN. I withdraw that. I will proceed with my statement. I was trying to save the Senate some time. Obviously, we will take more time in discussing whether I was saving the Senate time or not.

First, I ask unanimous consent to have printed in the RECORD a Statement of Administration Policy concerning H.R. 1552, the Internet Tax Nondiscrimination Act, from the President of the United States.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

H.R. 1552—INTERNET TAX NONDISCRIMINATION ACT

The Administration supports Senate passage of H.R. 1552. The Administration believes that government should be promoting Internet usage and availability, not discouraging it with access taxes and discriminatory taxes.

As passed by the House, H.R. 1552 extends the Internet tax moratorium enacted by the Internet Tax Freedom Act for two years. While a five-year extension would be preferable, a two-year extension will provide additional time to analyze the impact of e-commerce on local and State tax receipts while ensuring that the growth of the Internet is not slowed by new taxes.

The moratorium expired on October 21, 2001. The Administration supports rapidly reinstating the moratorium. The Administration encourages the Senate to pass H.R. 1552, without amendment, to enable its expeditious enactment into law.

It basically says that the administration supports Senate passage of H.R. 1552. He concludes by saying that the administration encourages the Senate to pass H.R. 1552, without amendment, to enable its expeditious enactment into law.

On Sunday, October 21, the Federal moratorium on Internet taxes expired. State and local taxing jurisdictions, reportedly over 7,000 of them, are now free to tax Internet access, and to impose multiple and discriminatory taxes on e-commerce.

I strongly support H.R. 1552, which would extend the moratorium by 2 years. This proposal for a simple, short-term extension of the moratorium is supported by diverse interests, including, among many others, the National Conference of State Legislatures, the United States Conference of Mayors the Information Technology Association of America, the American Electronics Association, and the National Association of Manufacturers.

I urge my colleagues to support this measure that has already passed the House of Representatives, and to oppose the Enzi/Dorgan amendment. Let me explain why.

There is broad consensus that the moratorium on the imposition of access taxes should be extended. This has not been done, however, because of the separate issue of the collection of sales taxes on remote transactions. A number of Senators believe that this separate issue must be addressed if the moratorium is extended for more than a few months.

State and municipal governments are concerned that they will lose significant revenue as more and more consumers buy goods on-line. Most of these consumers are required by state laws to pay taxes on these transactions, but they seldom do. While the loss of tax revenue from remote catalog sales has been of concern to states for many years, the prospect of many more untaxed on-line transactions has worried main street merchants and state and local governments that rely

on sales tax revenue to support critical functions including education and emergency response. Their concerns are legitimate.

A group of Senators have tried, literally for years, to address these concerns. Senators DORGAN, ENZI, KERRY, VOINOVICH, HUTCHISON, WYDEN, and ALLEN, among others, have held countless meetings to try to balance concerns about loss of State and local revenue with concerns about imposing unwarranted and perhaps unbearable burdens on remote transactions. I have participated in many of these meetings at which countless drafts of legislation have been circulated, and I have been continually impressed at how committed, creative, and open to compromise these Senators have been.

Unfortunately, however, there is not yet a consensus on if or how Congress should permit states to require out-of-state retailers to collect sales taxes on remote transactions. After the events of September 11 refocused our efforts, it became clear that we would not resolve this issue before the moratorium on Internet taxes expired.

While we are much closer to an agreement on legislation relating to the collection of sales taxes we are not yet there. In the past, Congress has held protracted debate on the question of Internet taxes. Although the issue is extraordinarily controversial, we don't have time to thoroughly consider the still-divergent proposals. This controversy, however, should not prevent us from proceeding on the separate, and non-controversial issue of extending the moratorium on Internet access taxes.

Just as there is agreement that the moratorium on Internet access taxes should be extended, there is also agreement that state sales taxes must be radically reconciled and simplified to remove both practical and legal barriers to remote collection and remission.

This simplification, however, has not yet occurred. And it is not the Federal Government's responsibility to see that it does.

Recognizing the need for simplifications, thirty-two states last year joined the Streamlined Sales Tax Project to develop a plan for simplifying remote sales and use tax collection. The National Conference of State Legislatures has since undertaken to develop model legislation to create uniform definitions and remove the burden on retailers of collecting and remitting sales taxes. Next month, the 20 states that have passed legislation this year indicating their intent to proceed on sales tax simplification will meet in Salt Lake City to do this.

Although these efforts are underway, the simplification is complex and will not happen overnight. Reconciling definitions among states of what is or is not taxable, and resolving the alloca-

tion of tax revenues among localities within states will not happen in 8 months. Frankly, it probably will not happen in 2 years. Nevertheless, I think that substantial progress toward simplification can be made in 2 years, and Congress will be in a much better position then to determine whether to consent to allowing states to require out-of-state retailers to collect and remit sales taxes on remote transactions.

In the meantime, I think it is imperative that we extend the moratorium on the separate issue of Internet access taxes.

The recent economic success experienced by the United States, the longest economic expansion in U.S. history was due, in part, to the Internet. Now the sectors of the economy tied to this vehicle of growth are experiencing troubled times and the nation is spiraling into recession. During times of economic uncertainty, we must restrain ourselves from further burdening an already ailing sector, particularly one which provides the most promise for successful recovery and further growth.

Prior to September 11, the high tech sector began to suffer dramatic losses. Since the beginning of this year alone, revenue for U.S. Technology sales, including computers, semiconductors, and communications equipment, had fallen by 35 percent. Mass layoffs plagued the sector with 479,199 high tech jobs eliminated since the beginning of the year, 47,250 of which were eliminated in September alone.

Industry leaders such as AOL, Sun Microsystems, and Intel have seen both stock prices and profits plunge. According to the research firm of Thomson Financial/First Call the high technology companies on the Standard & Poor's 500 are expected to see fourth quarter profits fall to 58 percent of last year's levels.

This grim picture is expected to decline further, with tech profits expected to fall sharply in the first quarter of 2002, before recovering by the end of next year. Allowing access and multiple and discriminatory taxes on electronic commerce will inevitably lead to harder times for an ailing industry.

We are now faced with the choice, will we allow the Internet tax moratorium to remain expired, further hampering the recovery of the high tech sector and the entire economy, or will we act now to extend the moratorium and support the recovery of this economy.

Again, I reiterate my appreciation to the Senator from North Dakota, Mr. DORGAN, who has, along with myself, the Senator from Oregon, the Senator from Virginia, and others, had countless meetings. We have tried to come to an agreement. I believe there will come a time when we reach agreement. There will come a time when there are enough States that have come together to come up with a simplified system of

sales taxes that can be fair to everybody. But we are not there yet.

Other colleagues of mine will make arguments on both sides of this issue. I wish we could reach that stage because I am fully aware that State and local revenues are being unfairly diverted, or not collected because of the failure to have any taxes imposed on Internet transactions. But we are not there yet. I believe, particularly at this time when we are in an economic situation that is clearly unpleasant, it would not be the time for us to impose taxes on the Internet which is already in a state of fragility.

Madam President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator has used his time. Who yields time?

Mr. BAUCUS. Madam President, who is controlling time?

Mr. MCCAIN. May I ask the parliamentary situation?

The PRESIDING OFFICER. The Senator from Arizona has consumed his 5 minutes. There is 5 minutes to the chairman of the Commerce Committee and 5 minutes each to the chairman and ranking member of the Finance Committee.

Mr. MCCAIN. In other words, there is no time available under the unanimous consent agreement, so we would have to move to the amendment in order for other Members to speak; is that correct?

The PRESIDING OFFICER. There is 1 hour available on the first-degree amendment.

Mr. MCCAIN. On the amendment. Madam President, parliamentary inquiry. I suppose the next speaker will then be taking time on the amendment.

The PRESIDING OFFICER. If the amendment is called up, time will be available on the amendment.

The Senator from Montana.

Mr. BAUCUS. Madam President, I understand I have 5 minutes.

The PRESIDING OFFICER. The Senator is correct.

Mr. BAUCUS. Madam President, I will try to make the best use of those 5 minutes.

Madam President, I rise in support of a simple 2 year extension of the Internet Tax Freedom Act. In my judgment, a short-term extension represents a reasonable, bipartisan compromise.

While I support a clean 2-year extension, we should be firm in our resolve that this will not be the first of an endless line of moratorium extensions.

I make a strong plea that this be the last time we impose a moratorium without taking the meaningful steps needed to bring interstate tax rules into the 21st century.

While progress has been made on the issue of sales tax simplification, State and local governments will certainly need more than 6, 12, or even 18 months to come up with a system that works.

Moreover, we do not need a quick fix; we need a real solution. Let us continue to keep the parties at the table long enough to make a meaningful change that works.

The debate and negotiations that occur from this point forward must be about resolving issues regarding taxation of the Internet and not about the length of any future extensions.

More importantly, the focus must be on how the traditional tax rules should apply to "new economy" businesses. These are issues the Finance Committee has been and will continue to examine.

The States have been working hard to create a model simplified sales and use tax system. A limited extension of the moratorium for 2 years is needed in order to provide an adequate time to assess their progress.

More importantly, as chairman of the Finance Committee I represent the State of Montana, which does not have a sales tax.

As a Senator from Montana, I will work to ensure that any simplification plan will not place a undue burden on Montana businesses. Sales tax simplification should also be truly simple, and easy for businesses to comply with.

Hopefully, by making this a short 2-year extension, we can encourage the States and the business community to move expeditiously to resolve outstanding issues and design a truly simplified sales and use tax system.

This debate is not only about the structure of State sales and use taxes. There is also concern with how States assert a direct tax liability on an out-of-State company.

States impose business activity taxes—corporate income and/or franchise taxes—on corporations that have property or employees in the State. The businesses that pay these taxes receive some governmental benefits and protections afforded by that State.

A similar situation exists internationally, where foreign jurisdictions impose a direct tax liability on businesses operating within in the country.

Therefore, as the rules for sales and use taxes are simplified, it is also important that we pay special attention to the rules regarding business activity taxes.

What we used to think of when we heard "property," "goods," or even "employees," is now very different in a world of digital goods, bits of electrons, and telecommuters.

I stress the need to sort through these issues because I am certain that the rules we establish for "interstate" commerce will be the model for "international" commerce.

We need to be very careful we do not set up a system that makes U.S. companies a tax collector for every jurisdiction around the world.

On Internet access taxes, I believe we should look for ways to reduce barriers to access, including taxes.

If our intention is to make Internet access tax-free, we must be certain that an appropriate definition of access is developed. Moreover, it is important to ensure that otherwise taxable product provided over the Internet are not inappropriately shielded from tax.

I appreciate the hard work of my friends, Senators ENZI, GRAHAM, DORGAN. They have worked hard. They have a proposal which may have merit.

But the devil is always in the details, and the details have not been examined by the Finance Committee, or any committee for that matter.

In fact, there have been no hearings on the Dorgan-Enzi amendment to give interested parties, academics, and Members of the Senate the opportunity to discuss the consequences of this legislation and assess the workability of this bill.

This amendment may be a reasonable starting point, but as with all legislation of this magnitude, the Senate, through its committees, should give it careful consideration.

Some people may say that we have talked too much already. They say that the parties have already had three years to iron out their differences.

That may be, but we must be very careful because this bill raises more questions than it answers.

For example, how does this legislation make sure that the uniform rates among states stay uniform over time?

Does the definition of "Internet access" allow nonincidental content, such as music and movies, to be provided tax free if bundled with Internet access?

Are business activity taxes adequately addressed?

These are difficult issues, and they deserve serious and deliberative consideration.

It is for this reason, that I encourage my colleagues to support a short, 2-year clean extension of the Internet Tax Freedom Act.

In my judgment, 2 years is adequate time to give the Finance Committee an opportunity to address these important, but difficult, tax issues.

I emphasize that the work remaining involves tax issues that must be resolved by the Finance Committee. There is a long-term precedent of the Senate Finance Committee having jurisdiction over issues involving the taxation of the Internet.

A 2-year extension of the Internet Tax Freedom Act is a reasonable compromise and deserves the support of the Senate.

Mr. LEAHY. Mr. President, I want to add my support to promoting electronic commerce and keeping it free from discriminatory and multiple State and local taxes.

I strongly support the Senate quickly passing H.R. 1552 to extend the Internet tax moratorium for 2 years.

Last month, I was pleased to join the senior Senator from Oregon and the

senior Senator from Arizona as an original cosponsor of the Internet Tax Moratorium Extension Act, the Senate counterpart to H.R. 1552. I commend Senator WYDEN and Senator MCCAIN for their continued leadership on Internet tax policy.

Although electronic commerce is beginning to blossom, it is still in its infancy. Stability is key to reaching its full potential, and creating new tax categories for the Internet is exactly the wrong thing to do.

E-commerce should not be subject to new taxes that do not apply to other commerce.

Indeed, without the current moratorium, there are 30,000 different jurisdictions around the country that could levy discriminatory or multiple Internet taxes on e-commerce.

Let's not allow the future of electronic commerce, with its great potential to expand the markets of Main Street businesses, to be crushed by the weight of discriminatory taxation.

Many Vermont companies have contacted me in the last month and weeks in support of extending the moratorium, including Green Mountain Coffee Roasters, the Army & Navy Store in Barre, and the Vermont Teddy Bear Company.

Cyberselling is working for Vermonters.

We also need a national policy to make sure that the traditional State and local sales taxes on Internet sales are applied and collected fairly and uniformly. This 2-year extension of the current moratorium gives our Governors and State legislatures time to simplify their sales tax rules and reach consensus on a workable national system for collecting sales taxes on e-commerce.

Indeed, the National Conference of State Legislatures has endorsed our legislation to extend the Internet tax moratorium for two more years to give States time to complete work on sales tax simplification.

I must also raise some serious questions about the approach of some Senators to pass legislation to waive Congress's authority to carefully review and approve interstate compacts. As chairman of the Senate Judiciary Committee, which has jurisdiction over interstate compacts, I cannot understand why we should recede congressional authority to approve an interstate compact on sales tax issues if 20 States join any compact.

Despite good intentions of its proponents, this approach is asking the Senate to buy a pig in a poke.

I am a strong supporter of interstate compacts where appropriate, such as the Northeast Dairy Compact, but the Senate should not approve of any interstate compact without carefully reviewing its details first. When the Northeast Dairy Compact was approved by the Congress, every detail and every aspect of it was known far in advance.

It also raises constitutional questions for legislation to mandate that Congress automatically approve an interstate compact on sales taxes without reviewing its text since the Constitution explicitly requires Congress to approve interstate compacts.

The Enzi amendment allows 11 jurisdictions to continue to tax Internet access, but permanently bans Internet access taxes everywhere else in the country. By permanently prohibiting taxation of Internet access in some States, but approving of such taxation in other States, the Enzi amendment may violate the "uniformity clause" in Article I, 8 of the United States Constitution.

The uniformity clause states that "all Duties, Imposts and Excises shall be uniform throughout the United States."

The uniformity clause requires that Federal legislation levying taxes follow a consistent plan and apply in all portions of the United States where the subject of the tax is found.

In *United States v. Ptasynski*, the Supreme Court held that it will subject geographic distinctions in Federal taxation to heightened scrutiny. In a unanimous decision, the Court stated that "Where Congress does choose to frame a tax in geographic terms, we will examine the classification closely to see if there is actual geographic discrimination."

The Enzi amendment proposal to lock in discrimination between States in taxation of Internet access raises questions under the uniformity clause that require careful consideration.

In the case of a temporary moratorium, such as the one in the House bill, the grandfathering of Internet access taxes in a limited number of States may be explained as freezing the status quo while Congress comes up with a permanent solution to the Internet tax issue. Thus, it is unlikely to raise the geographic discrimination problem the Supreme Court discussed in *Ptasynski*, and would survive heightened scrutiny.

In contrast, the Enzi amendment's permanent discrimination on the basis of where an Internet user lives is much harder to explain under the heightened scrutiny required by the Supreme Court. If courts treat the Federal Government's establishment of a discriminatory regime of taxation by the States as raising the same uniformity clause issues as the Federal Government's levying of discriminatory taxes, the Enzi amendment's Internet access tax moratorium will be ruled unconstitutional.

As a result, this amendment appears to raise serious constitutional concerns.

E-Commerce is growing, our moratorium law is working, and we should keep a good thing going. I am proud to cosponsor the Internet Tax Moratorium Extension Act to encourage on-

line commerce to continue to grow with confidence and to continue to allow the States to move ahead with sales tax simplification efforts.

I urge my colleagues to vote for a straight forward 2-year extension of the internet tax moratorium.

Mr. BURNS. Madam President, multiple, confusing and inconsistent State tax rules impose an incredible burden on interstate commerce and the economy, and therefore it is imperative that the Senate move quickly to extend the moratorium on Internet access taxes and to continue protecting electronic commerce from multiple and discriminatory taxation.

As a result of the U.S. Senate's failure to extend the moratorium before it lapsed on October 21, 2001, it is now possible for the more than 7,600 State and local taxing jurisdictions to impose multiple and discriminatory taxes on electronic commerce and taxes on internet access.

On October 16, the House adopted H.R. 1552 under expedited floor procedures. This bipartisan legislation would extend the current moratorium created by the Internet Tax Freedom Act for 2 years. H.R. 1552 is supported strongly by a wide range of groups, including the entire high-tech business community, the National Conference of State Legislatures, State and local municipal groups, the U.S. Chamber of Commerce, the National Association of Manufacturers, and many other business and retail groups that have put aside their differences in support of a clean, 2-year extension of the moratorium.

Given recent events and the current economy, this is the wrong time to saddle consumers with Internet access taxes or with multiple and discriminatory State taxes on electronic commerce. Enacting H.R. 1552 now would provide us with additional time to continue to work together to try to reach consensus on clear and simple tax rules for a borderless marketplace.

We should not be focusing on how to make our tax codes less cumbersome for the purposes of Interstate sales tax collection, especially at this late hour. That is why I ask that my colleagues table this amendment.

SECTION 5(a)(8)

Mr. DURBIN. Madam President, I would like to have a discussion with the managers that I hope will clarify the meaning of an important element of this legislation. Section 5(a)(8) of the bill calls for "State administration of all State and local sales and use taxes" to be part of the streamlining process that would allow States and localities to be able to collect taxes due on remote sales. I believe it is important to make clear—in the legislation itself—that the requirement for "State administration" applies only to those taxes on out-of-State remote sales. The fact that, in a particular State, a single locality might on its own continue

to collect local taxes on other sales would not affect that State's eligibility to be part of the streamline compact.

By way of example, the city of Chicago has a number of local use taxes that are imposed on different types of transactions. The city both imposes and collects those taxes from sellers wherever they are located in the State of Illinois. While the city and the State might agree to State administration of out of State remote sales, I would not want to see this legislation mandate that only the State of Illinois could collect these taxes on other sales.

I believe that this interpretation is intended by the legislation. Section 5(a) call for States and localities to work together to develop a streamlined tax system "in the context of remote sales." However, I am concerned that this intent is not clearly enough spelled out. When the legislation returns from conference, I hope that this intent would be made absolutely clear. This could be done by changing section 5(a)(8) to read "State administration of all State and local sales and use taxes on remote sales." It would also help to add a general use clause that would state that "nothing in this Act shall be construed to divest the authority of local governments to collect taxes on sales other than remote sales as defined in this Act."

Would the managers agree to this interpretation and assure me that the final legislation will make this interpretation absolutely clear?

Mr. DORGAN. I thank the Senator for his observations. I agree with his interpretation that the requirement of State administration of sales and use taxes applies only to remote sales. While I believe that this is the intent of the current wording, I will work in conference to assure that this point is absolutely clear.

Mr. ENZI. I am in agreement with both the Senator from Illinois and the Senator from North Dakota. I also agree that the requirement for State administration of sales and use taxes applies only to remote sales, and that this is the intent of the current wording. However, I will join with the Senator from North Dakota in working to further clarify this language in conference.

The PRESIDING OFFICER. The Senator's time has expired. Who yields time? The Senator from Wyoming.

AMENDMENT NO. 2155

(Purpose: To foster innovation and technological advancement in the development of the Internet and electronic commerce, and to assist the States in simplifying their sales and use taxes)

Mr. ENZI. Madam President, apparently under the unanimous consent agreement, that brings us to the amendment itself. As such, I yield myself 8 minutes, and I call up amendment No. 2155.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Wyoming [Mr. ENZI], for himself, Mr. DORGAN, Mrs. HUTCHISON, Mr. GRAHAM, Mr. VOINOVICH, Mr. BREAUX, Mr. HUTCHINSON, and Mr. CARPER, proposes an amendment numbered 2155.

Mr. ENZI. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Madam President, 2 years ago we passed a simple extension of the moratorium. That is exactly what we did 2 years ago, and now we are saying there have been no hearings held on it and there has been no committee work on it.

There have been individuals working on this because 2 years ago there were a number of us who were deeply concerned about what was going to happen to revenues for cities, towns, counties, and States. We have been working on it in the meantime. We have been working with people from the committees. We have been having groups come in.

I particularly want to mention Senator DORGAN of North Dakota, Senator GRAHAM of Florida, Senator WYDEN of Oregon, Senator VOINOVICH of Ohio, Senator ALLEN of Virginia, and Senator Carper of Delaware. A lot of us have been working and meeting with any group that would meet with us to talk about how we could handle this sales tax loophole.

There is pain out there, there is agony out there, and through a process—not a popular process because this amendment does not wind up with what any one group wants. Usually the process around here is to say: This group has enough votes to pass this, and I am going to join that group and we will build in what we can for other people and expand the vote. That is not what can happen because it does not put in any degree of fairness for anybody who is involved in the system.

So what we tried to do with this bill was go into a leveling process, one that would provide for sales tax collections so sales tax revenues would not go down. It would take care of an extension of the access tax, and it would provide some encouragement for the States to do something to streamline and simplify their sales tax system.

A very important procedure in this provision is one that protects start-up and small businesses, and that is an exclusion from having to collect any tax, even should the Congress at a future date say that needs to be done, on sales of less than \$5 million. That is not a start-up business. That is not a small business. So what this amendment actually does is extend the access taxes,

in a very conservative way, so we would not overreach on access taxes, but so we would put a prohibition on access taxes.

Then it gives some encouragement to the States to simplify their tax systems. It does not agree it will be done. It does not put any tax into effect. It gives them encouragement, and that is something Congress has not been giving them for the last 2 years. We have not been giving them encouragement, other than a few meetings we have had with them to see what kind of work they can do, and they have been meeting. They have been streamlining. They have been working to come up with a system that will make it possible for people to collect the sales tax in a way that will benefit the States and the marketers.

I hope my colleagues will take a look at the bill. I know this is something that has been talked about, reviewed by a lot of people, particularly since we turned in this last version of the bill, but through all of the versions that we have worked on. I know the guidelines have been seen that are outlined for the States. There is some flexibility for the States yet, and that is a necessity while they finish out their work, but this bill contains some guidelines for them. Then it provides for us to vote on their provision when they get 20 States together, if they can get 20 States together. That is a pretty large group of people to be able to get into a compact. The encouragement for them to join the compact is, even if Congress approves the compact, they cannot have remote sales tax collections without joining the compact. So we have some requirements we have asked for them for the simplification, and then we have put a provision in if they can get 20 States together—and again, I want to mention how hard that is—the Congress will vote on whether they have simplified or not, whether they have met criteria that we have imposed either in the bill or in our minds since that time. It will require a vote of Congress, and that complies with Federal and Supreme Court direction we have had before.

I have a bill. I am pleased with the support. I do want to mention it has been a difficult process. We have worked with the National Governors Association. We have worked with the National League of Cities. We have worked with the International City-County Management Association. We have worked with the National Association of Counties and the Council of State Governments. All of those folks have endorsed what we have done and asked for Congress to take this step of extending the moratorium with encouragement.

In their letter they state, irrespective of previous letters on the Internet tax moratorium and contrary to some dear colleague letters circulating in

the Senate, we do not support legislation to reinstate the Internet tax moratorium for 2 additional years. The letter is from those groups I mentioned.

Besides those groups, we have been working with retailers from virtually every State. We have been working with direct marketers and the Direct Marketing Association. We have been working with realtors. They have a huge stake in this whole process as well.

I have to say there are not provisions in this bill that satisfy any one of those groups, but they recognize the need to do this in order to get the States in a position where they can provide for the kinds of services they have to provide in their communities.

I reserve the remainder of my time, and I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Madam President, as the original Senate sponsor of the Internet Tax Freedom Act, I have spent 18 months trying to find common ground on this issue. For hour after hour, we have gone at it, because obviously the technology sector is being pounded and local governments are understandably concerned about their revenues. Today, however, and I want to emphasize this to the Senate, many in both camps are in agreement on what the Senate should do. Groups as diverse as the American Electronics Association and the National Conference of State Legislatures are in agreement.

There ought to be a simple 2-year extension of the current Internet Tax Freedom Act. It would be a mistake to support the substitute, although well-intentioned, by the Senator from Wyoming. The current Internet Tax Freedom Act makes it illegal to discriminate against electronic commerce, and no jurisdiction in the country has been able to show that they have been hurt by their inability to discriminate. I want to emphasize to our colleagues tonight, a vote for the Enzi substitute means millions of Americans could be hit with new taxes for clicking on a Web page.

The substitute is bad news because it changes the definition of Internet access so if Internet access includes receipt of content or services then Internet access can be taxed. That would mean, for millions of Americans, the first thing they would get when they get on to the Web, news or weather or sports, that could be taxed. If this were not damaging enough, the substitute actually makes it possible to inflict those taxes retroactively to 1998.

I am of the view most Senators believe there ought to be a permanent ban on Internet access taxes, that Internet access taxes widen the digital divide, and yet the substitute goes in the opposite direction.

Our first economic responsibility ought to be to do no harm, but the sub-

stitute creates new opportunities for economic mischief.

For many Americans, basic Internet access is about plugging the computer into a plain old phone line, dialing an Internet Service Provider, such as Erol's or Earthlink, and logging on to the Internet. Obviously, the blank screen does no one any good; most people when they click on to the Net they get a Web page and start receiving information and content on that Web page. For that, the substitute opens those millions of people up to new taxes.

The second flaw with the substitute is it would not prevent every tax jurisdiction from imposing new taxes on the Internet. Any of the 7,600 taxing jurisdictions in America could go out and concoct new taxes. For the life of me, I cannot figure out why that would be good for the economy right now.

The third flaw in the substitute is it allows discrimination against remote and on-line sellers, forcing them to pay different tax rates than in-State businesses. The substitute permits the remote seller to be taxed differently than an in-State business and, as a result, millions of small businesses will face significant large, new burdens trying to navigate a system of multiple and varying tax rates.

For example, in one part of Colorado there are five distinct tax rates within a single zip code. No software exists today that can help the small businessperson navigate the sea of bureaucracy and redtape, and I hope the Senate won't force that daunting task on unsuspecting small businesses.

I will conclude with this comment. Tonight, the Senate is being presented with two different views of Federal policy towards the Internet. The first, which is contained in the underlying bill, stipulates that there ought to be a short, clean extension of current law barring discriminatory taxes on electronic commerce and nothing else. The substitute—the Senate Finance chairman is absolutely right, and I am grateful for his support on this—hasn't had a hearing. It exposes millions of Americans to the prospects of new taxes, creates the possibility of a crazy quilt of Internet regulation throughout the country, and looks to the possibility that we would see scores of forms and paperwork that would chew up a vast amount of time in compliance.

I hope my colleagues will support the underlying bill, will reject the substitute, and join a diverse coalition that includes the American Electronics Association and the National Conference of State Legislatures, two groups that, on this issue, have in the past disagreed again and again. Those two groups, the American Electronics Association and the National Conference of State Legislatures, are united saying the way for the Senate to proceed is to go for a clean 2-year

extension of this moratorium and reject the substitute.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Madam President, I request the Chair please notify me when I have used 4 minutes.

Madam President, we need to decide what this debate is about and what it is not about. This is not a debate about a new tax. It is not a debate about a new tax. My colleague referred to that. That is not accurate, and I would be happy to have a long and extended debate about that. But let's understand what it is and is not.

I support the Enzi-Dorgan substitute. I think it is an important piece of legislation. Let me describe what it does.

We have two problems. One of the problems is that more and more sales in this country now are being conducted by remote sellers—Internet, catalog, and so on. On Main Streets of our communities we have sales being conducted by small business men and women. When they make those sales, they collect the tax. They compete against a remote seller who makes a sale but does not charge the tax, even though a tax is owed on the transaction. The tax is owed on a transaction with the remote seller, but it is never paid because it is a use tax and people don't file millions and millions of use tax returns. The result is State and local governments are losing a substantial amount of money—\$13 billion it is estimated this year; by the year 2006, \$45 billion, most of which goes to support local schools. So State and local governments are rightly concerned about funding for their schools.

There is also the issue of fairness for Main Street. That is a problem: Lack of funding for schools, a tax that is owed but not paid, fairness for Main Street retailers.

The second problem is a problem for remote sellers. A remote seller says: I don't want to have to collect a tax and submit it to 5,000 or 7,000 jurisdictions. That is a fair point. They should not have to do that. That is burdensome and too complicated. So we say solve both problems.

Require State and local governments to make dramatic simplifications in their tax systems. When they do, through a compact, submit that compact to the Congress for approval or disapproval. If the Congress approves that, then allow them to require remote sellers to collect the tax that is already owed on the transaction, solving both problems and dramatically simplifying compliance for the remote sellers. And we will not approve it if it does not do that.

Second, at the same time, collect a tax that is already owed and make it much simpler for those who owe that tax to comply with current law.

We can do both of those. We can solve both of those by beginning with this

substitute. This substitute itself doesn't solve the problem, but we have two choices. We can decide to ignore this problem and do nothing. But you know and I know it will not go away. We will be back here next year or the year after or 5 years from now. This problem is going to grow, not recede. We can solve this problem now or we can just do the moratorium, which, incidentally, I have supported and do support, but I support it with a solution to the other problem.

We can do these in tandem by providing support for the Enzi substitute, saying we want to do a number of things. We want to extend this moratorium. We don't believe in punitive taxation. We don't believe in taxing access. We want to do all the things Senator WYDEN talked about with respect to the moratorium, but we want to do more than that. We want to solve another problem out, festering, and growing. It is not a problem that deals with a new tax. Anybody who talks about that is just dead wrong. It is a problem dealing with school finance, with fairness on Main Street, a problem with ballooning revenues that need to come to support our schools, revenues that are now being lost because they are not being paid.

That is the choice, and I hope we make the right choice tonight.

Let me make one final point. When we pass the Enzi substitute, we have not done anything except say to the States: You go ahead and develop this process and submit it to us later, and we will then make a judgment on whether we will allow you to impose this collection. But our judgment will be based on whether you substantially have simplified your tax laws.

That is what the Enzi substitute does, and that is why I support it.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Virginia.

Mr. ALLEN. Madam President, I yield myself 8 minutes off the time of the opponents of the amendment.

The PRESIDING OFFICER. The Senator is recognized for 8 minutes.

Mr. ALLEN. Madam President, the reality is, if we pass the Enzi-Dorgan amendment, the substitute, what we are in effect doing is imposing Internet access taxes and allowing discriminatory taxes on the Internet. This is a measure on which I know Senator ENZI and Senator DORGAN have worked hard. Nevertheless, it has been changing almost by the day and certainly almost by the hour in recent weeks. There has not been any scrutiny to it.

Let me associate myself, though, with the remarks and observations of Senator WYDEN of Oregon. This does complicate the Tax Code. It is a very complex issue which actually makes it worse. There are unfair taxes that could occur even within a State if this were adopted and, indeed, it has added taxes.

If we allow this amendment to be put on, let's have no doubt about it; the House is not going to conference. We will have this expired moratorium continuing. There are already States that have access taxes that are grandfathered. These are taxes, such as the Spanish-American war tax that was put on for telephone service, a luxury. Once taxes are put on by a State or locality, it is very hard to get them off.

There are two sides. There is a choice Senators are going to need to make. The opponents are for a tax-free Internet. The other side is on the pro-tax-collector side. The first decision we need to make is whether we extend the Internet access tax moratorium or do we vote for the Enzi-Dorgan amendment which would result in allowing Internet access taxes and discriminatory Internet taxes.

The opponents of this amendment side with individuals. We side with entrepreneurs rather than siding with the tax collectors.

We have heard that this is a loophole, the fact that someone who has no physical presence in a State, gets no benefits from fire or police services, that they do not have to collect and remit sales and use taxes to 7,600 jurisdictions—that that is not a level playing field, or it is a loophole.

I look at the Internet as an individualized enterprise zone where the consumer, the individual, the human being is the one making the decisions, not tax-collecting bureaucracies.

As far as this level playing field, let's assume you wanted to get your son or daughter a Harry Potter CD. If you ordered it on line, it would cost \$16.26. That is including shipping and handling. That would be getting it in 3 to 5 days in shipment. It would be 5 times more in cost of shipping if you wanted it overnight. Off line, at a store, it would be \$14.62.

With the velour dress, here are cowboy boots and a computer. Let me go through the specification on each of these to show how this playing field is relatively level and, in fact, you actually save money by going to a store, as well as convenience. Amazon.com on line, total price, shipping and handling, is \$16.26. If you go to Best Buy in Springfield, VA, paying a sales tax, it is \$14.62. Savings by going to the store is \$1.64. Again, we took the lowest shipping and handling.

Again, this is where we take the lowest shipping and handling.

Let's assume you wanted to buy yourself or your bride a dress. There is a velour dress from Spiegel.com, on line, at \$89. The price at the store is actually a little more. At Tyson's Corner, at Macy's, it is \$95. But when you put in the tax versus shipping and handling, you save money by going to the store.

Say you wanted to buy yourself some boots. This is what it would cost on

line—\$120. It is \$121 at the store in Springfield. But, again, the savings is \$3.50 if you go to the store over shipping and handling.

If you buy a Dell computer on line, the price is exactly the same price as it is at Circuit City in Charlottesville, VA. But you would save money in that the sales tax is \$71. Shipping and handling is \$95. You would save approximately \$24.

Put all of that into context. If you are buying a dress, or somebody is buying boots, you may like to try them on. You may want to put them on to see if they fit. That is the advantage those in the stores have over somebody buying on line. You can touch it. You can feel it. You can see how they fit. If there is a problem, you bring them right back to that store. You don't have to pay handling and shipping and go through all that annoyance and aggravation of handling and shipping.

Say you wanted to buy your son or daughter the Harry Potter soundtrack but didn't want to wait 5 days. Maybe you wanted to get an Allen Jackson soundtrack and listen to it driving home. You would want to get it right away. Again, the convenience is there.

The point is there is competition. The idea that this is not a level playing field is not just borne out by the facts. While this is all very well intentioned, the solution is not burdening the free enterprise system. The solution is not harming the Internet, and the capabilities and potential and possibilities of the Internet for education, communication, and commerce.

Indeed, what is being tried here with the Enzi-Dorgan amendment is to abrogate and negate a settled constitutional law from Supreme Court decisions, whether it was the Quill decision or whether it was the *Bella Hess* decision, which say there cannot be taxation without representation.

I would like to work with the proponents of this amendment to find a system where the folks who care about their local schools, as Senator DORGAN said, can pay those use taxes. But I am going to stand on the side of freedom—freedom of the Internet, trusting individuals and entrepreneurs—and not on the side of making this advancement in technology easier to tax for the tax collectors.

I reserve whatever time I may have remaining.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. VOINOVICH. Madam President, I yield myself 4 minutes.

Madam President, I rise in support of the amendment offered by my colleagues, Senators ENZI and DORGAN. Most experts agree that this explosion in electronic commerce, made possible through the Internet, helped fuel our most recent economic surge and contributed to the greatest sustained period of growth in our nation's history.

However, most would agree that the current framework of thousands of state and local tax jurisdictions is now well-built for this "new economy." Technology has made it possible for commerce to transcend traditional local, state and even national borders.

The issue here is how can we continue to grow the Internet while at the same time preserving state's rights to collect revenues on sales that traditionally would be generate sales taxes. Frankly, I believe that no state is in favor of creating new taxes so as to cripple the growth of the Internet. But I do feel that states and localities should be able to collect taxes on legitimate transactions that have a substantial nexus with their state so that they would be able to collect sales taxes on those transactions if they were to physically take place in their state.

And many other organizations agree.

This legislation is supported by the National Governors Association, National Association of Counties, National League of Cities, Council of State Governments, International City and County Management Association, National Retail Federation, National Association of Retailers, E-Fairness Coalition and companies such as Gateway, Compaq, VerticalNet, Walmart, Target, HomeDepot, and Circuit City.

This issue is truly about federalism—the delineation of the role the federal government plays relative to state and local governments and the people.

With regard to sales taxes, there are currently 45 states that rely on some form of sales tax. These states receive, on average, almost 33 percent of their annual operating budgets from sales taxes. In my state of Ohio, it's 31.4 percent.

Our States are in a very serious situation. A recent study prepared by the University of Tennessee shows that states could lose nearly \$440 billion in sales tax revenue over the next decade in Internet tax revenues if Congress does not empower our states to collect revenues from remote sales.

These are revenues that would not be available to build schools, pave roads, pay for emergency services or meet other fundamental responsibilities.

In my home state of Ohio, our state government will lose more than \$475 million in fiscal year 2002 and Ohio is projected to lose \$596 million in fiscal year 2003 in revenue forgone from their ability to raise funds from Internet sales.

And as our economy moves more and more towards E-commerce, the fiscal impact on Ohio and other states will continue to damage the abilities of our states to fund their own services. This lost revenue merely exacerbates the difficult fiscal challenges Ohio and other states face as they suffer revenues losses from the current economic downturn.

For the federal government to shield Internet sellers from state tax collection responsibilities would usurp the autonomy of the states and force them to cut services and/or raise revenue elsewhere through additional taxes or fees.

In my view, preempting the states in such a critical area as e-commerce without addressing the state and local revenue needs suggests that Congress is not as committed to the principles of federalism.

And it could force the states to come to Washington in order to make up the funds we have taken away from them. For those concerned about the growth of the federal government, as I am, it will be very difficult to say "no" when states argue for more money if Congress by inaction has taken away a revenue source.

That is why this amendment by Senators ENZI and DORGAN is so important.

It provides a permanent extension of the moratorium on Internet access taxes, and extends the moratorium on multiple and discriminatory taxes for five years.

In addition, this amendment encourages states to develop a streamlined system of sales and use taxes that provides: a centralized multi-state registration system for sellers; uniform rules for attributing transactions to particular taxing jurisdictions; uniform procedures for exempt purchases; uniform software certification procedures; uniform tax return and remittance forms; consistent electronic filing and remittance methods; and protections for consumer privacy.

This amendment will also allow Congress to remain involved before any state moves to tax any Internet transactions. Once 20 states have developed and adopted an Interstate Simplified Sales and Use Tax Compact, the states will submit the Compact to Congress.

Our State and local governments are not interested in putting a damper on the expansion of the Internet; they want it to prosper like all of us.

The real question before us is: how can we ensure that our businesses and our nation are able to compete in this new, technology driven economy without sacrificing the principles of federalism which have served us well for over 200 years? State economies benefit from the healthy and unfettered growth of electronic sales. All they and traditional retailers ask is fair treatment.

Federalism can adapt and even flourish when we remember to work as partners with our state and local governments. That is why I urge my colleagues to support the Enzi-Dorgan amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, I yield myself 5 minutes in opposition to the Enzi amendment.

The PRESIDING OFFICER. The Senator may proceed.

Mrs. BOXER. Thank you very much, Madam President.

I rise in strong opposition to the Enzi amendment, and I hope we will defeat it by a very strong bipartisan vote.

I have read this amendment over and over. It has changed mightily during the last month or so. But it is very clear to me that if this amendment were to become law—by the way, the House would never allow it to become law. But let's say it could become law. I think it would wreak havoc on Internet commerce. Let me tell you why.

Look at page 3 of the amendment. Look at section 3, and look at paragraph A. There is a 1, which clearly states that Internet service providers could be forced to go back retroactively to 1998 and remit Internet access taxes to the States.

Can you imagine the burden that would put on this country at a time in our history when we are in a major recession?

Second, Senator ENZI's amendment would not prohibit new taxes on Internet access and, although it would keep the moratorium on "discriminatory and multiple" taxes, it may not prevent "new" taxes on electronic commerce.

Finally, I want to state that these are statements made by my friend and colleague from Oregon, RON WYDEN, in a far more articulate way than I. I am trying to underscore what he said.

If you look at page 4, you see that the Enzi proposal would allow taxes on Internet content. It is very clear that the moratorium on Internet access taxes would no longer apply to Internet content.

Can you imagine people connecting to the Internet and suddenly being charged every time perhaps they connected to the Web?

In my view, this is a very dangerous kind of amendment because if it does become law it will wreak havoc on business on the Internet, and not only business, but just the right to get on the Web and read content and to be able to do that without extra charges. This is not the time for that.

Madam President, this was updated as of October 5, 2001. The Wall Street Journal has printed 30 pages of companies that have gone out of business. I will give you some of them. AdMart: announced plans to shut down, lay off 334 employees. Advertising.com: announced plans to lay off 72 employees, or 25 percent of its staff. And it goes on and on and on.

You will remember some of these companies. We remember the Webvan that went out of business. But it just goes on and on. You would recognize some of these companies.

Is this a time, I would ask my colleagues, to go after this industry? It is the wrong time. It is the wrong time,

and it is a dangerous time. I will give you some more examples.

Barnes & Noble.com said in February 2001 it will cut 350 jobs, or 60 percent of its workforce.

Beautyjungle.com, a cosmetics seller, laid off 60 percent of their workforce and then shut down.

I will go on. eToys: In January 2001, it said it would lay off 700 people, or 70 percent of its workforce. In February 2001, it said it would let go the remaining 293 employees by April. Later in February, it said it would file for bankruptcy protection.

Here is the Webvan Group story. Cut staff in April 2001 by 30 percent or 885 employees. They also closed operations in Sacramento, CA, and in Atlanta, the latest in a series of shutdowns. In July 2001, they announced plans to close all remaining operations and terminate 2,000 employees.

The general economy is in trouble. We have seen more layoffs in 1 month than we have in 21 years.

The PRESIDING OFFICER. The Senator's time has expired.

Mrs. BOXER. Madam President, I ask unanimous consent for 30 seconds to conclude my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. So, in closing, this amendment is flawed. It will allow new Internet access taxes. It will force the collection of Internet access taxes going back to 1998. It will allow taxing on content. And it comes at a time when the economy is tanking.

For goodness sakes, we cannot even get an economic stimulus package passed, and the first thing we do, late on a Thursday night, is look at ways to get more people laid off.

I hope we will vote, in a bipartisan way, against the Enzi amendment.

I yield back my time.

The PRESIDING OFFICER. Who yields time?

The Senator from Florida.

Mr. GRAHAM. I yield myself 5 minutes off the proponents' time.

The PRESIDING OFFICER. The Senator may proceed.

Mr. GRAHAM. Madam President, this is the most important vote that we are going to take in this Congress, first or second session, on education, on public services, and on fundamental fairness in America's marketplace.

Why do I make that statement? I make that statement because, first, State and local governments are very dependent on the sales tax in order to fund their basic public service responsibilities, specifically education, police, and fire.

Let me just give you some examples. The city of Boston: 10 percent of its revenue comes from its local sales tax. That represents approximately half of its annual cost of its police and fire services.

The city of Detroit: 10 percent of its total revenue comes from its local

sales tax. That represents two-thirds of the cost of its police and fire services.

In Milwaukee, 23 percent of the local revenue comes from its sales tax which represents almost 100 percent of the cost of its police and fire.

At a State level, to use my State of Florida as an example, 73 percent of our general revenue comes from the sales tax, and 70 percent of that general revenue is used to finance education and the public emergency services, such as State police and our judicial system.

If there were to be a significant erosion of our sales tax, in these cities in my State, and the other 45 States which are very dependent on the sales tax, there would be an immediate impact on their primary responsibilities of education and public services.

Second, State governments and local governments are facing a hemorrhaging of the sales tax. To use my State again as an example, the State of Florida collects approximately \$30 billion a year in sales tax. The General Accounting Office has estimated that by the year 2003, there will be a 4-percent erosion of that sales tax revenue by virtue of sales tax that will not be required to be collected because the sale will be made by a distant seller.

Then, according to a study made by the University of Tennessee, 3 years later, in the year 2006, that will go up from 4 percent to almost 8 percent of our State's sales tax revenue.

That is what I call a hemorrhaging of the ability of a major State—illustrative of the other 45 sales tax States—to be able to finance basic public services.

Third, there is no rationale for this discrimination in favor of one group of retailers over another group of retailers. This is not a new tax. This is a responsibility to collect a tax which is paid by the ultimate consumer and which has been in place in most States, including mine, for over a half a century. This is not a new tax. It is a responsibility for equality of treatment in the collection of an existing tax.

This will do serious harm. It will do more harm to our traditional Main Street retailers. Why should we say to a local bookstore that they have to collect the sales tax on the Harry Potter book, but that if you buy it from a distant store, they do not have to collect the sales tax? There is no rationale to that policy.

There have been, in the past, times in which there has been a public policy that said, we will provide a lessened sales tax or some other preferential benefit in order to stimulate the sale of a product that we consider to be in the public interest.

In my State, we did it, for instance, for solar energy. But we are not talking about new products here; we are talking about books, we are talking about clothes, we are talking about

electronic items. It is not the product; it is the method of sale of the product that is getting the discriminatory beneficial treatment.

Finally, there have been statements made about all of the horrors that are going to happen if we pass this amendment. People forget, this amendment had no life, had no vitality until this Congress, by a separate independent affirmative act, at some point in the future, voted to institute this authority of the States to collect the sales tax through distant sellers.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. GRAHAM. Madam President, this is an extremely important issue for the most important services rendered by our State and local governments. I urge a vote against the motion to table.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Madam President, I rise in opposition to the amendment and yield myself 5 minutes.

The PRESIDING OFFICER. The Senator may proceed.

Mr. GREGG. Madam President, there are a number of issues that are raised by this amendment which are very significant. It comes to us tonight without having any hearings, without having any airing in the public sector of any significance. Yet it addresses some of the most fundamental issues of constitutional law, and the relationship between States and between the Federal Government and States, that we could confront as a Congress. It is simply precipitous to pass this amendment in this rushed format.

The amendment would go right at the heart of what has been a long history of case law settled by the Supreme Court and reverse it. It would reverse the *Bella Hess* case and the *Quill* case which, essentially, are cases which said that there must be a nexus between the seller of the goods and the State in which the goods are sold before a tax can be assessed against the seller of the goods.

This amendment would reverse that. That is the purpose of this amendment. It does not affect just Internet transactions.

There is an equally large effort here to reverse the issue as it has been dealt with in catalog sales. Yet the proposal is going to be dealt with in 2 hours in the Senate Chamber. Clearly, it is precipitous because the implications are huge.

The second major constitutional problem with the amendment is that it creates this brandnew regime where 20 States can bind the other 30 States. This is truly an excess of the minority over the majority. It reverses the concept of federalism and turns it on its head and says if 20 States reach agreement, then the rest of the 30 States have to follow that agreement. If you

are going to change constitutional law, you have to have a three-fifths vote. There is no way you can do it with 20 States. And yet that is the attempt here.

This is a roundabout way of trying to amend what is essentially a constitutional procedure without using the appropriate constitutional procedures. If it were passed, it would truly set up a precedent which would fundamentally harm the concept of federalism. If it is used here, I can see this concept of 20 States getting together and ganging up on the rest of the States being used fairly regularly.

The amendment itself on the issue of substance is wrong and inappropriately presented. It certainly is wrong on the issue of the manner in which it has been brought forward in that it should have gotten more hearings. If this idea makes sense, it should go through a proper hearing process before it comes to the floor. It would create an atmosphere where 7,000 different jurisdictions across the States could end up taxing the Internet. That would be chaos and would fundamentally undermine this engine of prosperity and economic growth which we had and which we continue to have and which we continue to lead the world in, which is the Internet.

Those are the substantive reasons why this is a bad idea at this time. There is probably an equally, if not more important procedural reason. If this amendment passes, it is a poison pill. It will kill the Internet tax moratorium. It will mean that there will be no moratorium for the next 2 years.

The House has said it is not going to take this language. It is not going to conference this language. So as a practical matter, the Internet tax moratorium is dead. The underlying bill here would cause a 2-year tax moratorium. And if the language of this amendment makes sense, that will give us more than ample time to proceed in the proper course through the proper hearing procedure to listen to the arguments for this proposal. It can be passed any time during this next 2 years.

What can't be done during the next 2 years, if we don't have an Internet tax moratorium, is put back together Humpty Dumpty because we will literally have thousands of jurisdictions which will put in place taxes against the Internet as soon as they have that opportunity, as soon as it is clear that there is going to be no moratorium. We will have chaos which we will never be able to sort out.

The amendment, although obviously sincerely principled and aggressively pursued, has serious substantive problems. I hope we will not pass this amendment because it will represent a poison pill and it will end up killing the Internet tax moratorium.

The PRESIDING OFFICER (Mr. MILLER). Who yields time?

The Senator from Delaware.

Mr. CARPER. Mr. President, I rise in support of the amendment and yield myself 4 minutes.

The PRESIDING OFFICER. The Senator may speak.

Mr. CARPER. Mr. President, Delaware is one of five States that has no sales tax. One might think as a result we have no dog in this fight. We do. I think we all do, whether we happen to be from a sales tax State or not.

My colleague who spoke immediately before me said we haven't had hearings on this proposal. We have had discussion in this Chamber, in the House, in State houses across the country, certainly in Governors' meetings for the last 3 years. We don't need a hearing to know that States are under duress. Their economies are struggling. Their revenue growth is down and in some cases negative. Spending is up. Unemployment is up. Out-of-pocket costs for health care for Medicaid are up, and they are in between a rock and a hard place.

We have been debating this week how can we help those States in their time of need. Some have said: Let's increase the Federal share for Medicaid. Others have said: Let's provide an extension of unemployment insurance and pay for it with Federal dollars. Others have said: Let's pass a stimulus package. Maybe we should provide a sales tax holiday and let the Federal Government pay for that—something I don't think is a good idea, but that has been put forward.

A much better idea is the Enzi-Dorgan amendment that lies before us today, the product of many years work between the States, between Governors, mayors, county executives, legislators here, and previous administrations as well as the current administration. What does it do? Anybody listening to this debate has to be confused.

This amendment provides for extensions of bans on multiple and discriminatory taxes for 5 years, and it extends the ban on access taxes permanently. That is what it does. What it also does is it empowers the States to work among themselves to see if 20 of them can agree on a simplified approach toward collecting taxes from remote sellers. If they can come to an agreement and provide that kind of a simplified approach, then that plan would come to us and we would have the opportunity to vote yes or no as to whether or not States can actually proceed. If we vote no, they can't proceed.

Our voting for this amendment today, even if it ended up in the final bill signed by the President, would not authorize the collection of a sales tax by remote vendors. It simply sets in motion a process which could lead to another vote by us somewhere down the line.

My last point: If you happen to be a brick and mortar vendor in a State and

you have a sales tax and you are required to collect a sales tax and are selling a piece of luggage or a shirt or wallet, a CD player, and you have to collect sales taxes on those items and charge more for those items and there is somebody who is buying it remotely from another State, where are people going to shop? More and more they are shopping on the Internet. They are not going to the local vendor. It is not fair to the local vendor who is collecting the taxes that pay for the schools and public safety and transportation and other things. It is just not fair.

One aspect of this amendment I am not comfortable with deals with Amazon.com and the eBay issue which I have discussed with Senators ENZI and DORGAN. I hope when we get to conference, we will have an opportunity to address those issues.

I yield to Mr. ENZI for whatever time he consumes.

Mr. ENZI. I thank the Senator from Delaware, particularly since he is from a non-sales-tax State, for supporting this issue and realizing how important it is to other States. I will definitely work to get that done. What we are trying to do is have an even playing field here. I will work to get that as part of the definition and clarification.

Mr. CARPER. I thank the Senator for his assurances.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. Mr. President, I rise as an opponent to the amendment and yield myself 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SMITH of New Hampshire. Mr. President, I rise in opposition to this amendment because e-commerce is at the very heart of our economy. It brings billions of dollars in revenues, provides huge surpluses to local, State, and Federal coffers throughout the country. Why, particularly in an economic slowdown, would we want to saddle an industry with huge new tax increases and heavy bureaucratic and regulatory burdens? It does not make sense.

The National Bureau of Economic Research concludes that imposing these multibillion dollar tax increases and government burdens would result in a 30 percent reduction in purchases over the Internet. Think of what that would do to the economy. It would have a devastating effect.

For the first time in history, government bureaucrats in one State will have the power to tax the people in another State. That is not right. The hours and capital required to comply with the Tax Code from the IRS and State and local taxing agencies are going to be overwhelming under this amendment. Not only would businessowners be under the glass with the usual suspects, but now they are

going to be open to thousands of bureaucratic agencies looking into their business to get a cut.

I can assure you if a State or local official spends money to come across the country to audit you, he is going back with some money. In New Hampshire, we don't have a sales tax, and I believe it is a regressive tax that disproportionately affects the poor and working class. It is a State's decision as to whether they want to impose the tax. Under this legislation, New Hampshire residents would be forced to pay these taxes to businesses all across the country. Due to the increased costs of paying these out-of-State taxes, and the flood of audits, our residents would pay substantially higher prices for goods and services.

So allowing State and local governments the power to target taxpayers outside their own State, where those people have nothing to say at the ballot box, would set a horrible precedent. Frankly, I believe it is unconstitutional.

States would then be able to use this new sword to target businesses and States that were competing with their own. Of course, with local businesses and consumers in an uproar, States would have to retaliate. Then we come to lawsuits. At some point, the Federal Government is going to step in and be called to set regulations and taxing levels, and here we go on down the road where the Government sets the sales tax rate. They would then have the venue they needed to have a national sales tax.

Some have argued for a national sales tax, but this would be on top of the income tax. If you don't like the income tax, you are not going to be too happy about having a sales tax on top of it.

This is a multibillion-dollar increase, a regulatory monster, and it must be stopped. I urge my colleagues to vote against the Enzi amendment and support Main Street and freedom.

The PRESIDING OFFICER. Who yields time?

Mr. WYDEN. Mr. President, we are moving to wrap this up. I want to come back to a couple points because I think there is confusion, for example, on the Internet access charge issue. There is a sense among some Senators that this is something that would have to be approved by this body. That is not correct. This amendment—the substitute—changes the definition of Internet access, and it can be applied to millions of Americans without any further action by the Senate.

In particular, what the amendment says is that it would be possible to "tax content or services." That is virtually everything. Nobody wants a blank screen on their computer. Of course, they are going to have a Web page with news, weather, and basic information. The fact is that the sub-

stitute means that millions of Americans could be hit with new taxes just for clicking on a Web page, and this could be done without any further action by the Senate.

I think most Senators believe there ought to be a permanent ban on Internet access taxes, that Internet access taxes widen the digital divide. Yet the substitute on the Internet access tax issue goes in just the opposite direction. A lot of Americans think Internet access is plugging the computer into a phone line, dialing up the Internet provider, and logging onto the net. Then you would get a blank screen. Of course, you want information and content. People need to know, as they move to this vote, that they could be taxed for getting those kinds of services that many of them believe are essential, such as the weather.

At the end of the day, I pledge to continue to work with the Senator from Wyoming. He has been extremely sincere and extremely dedicated. However this vote comes out, I want to make it clear that I will work closely with him, Senator DORGAN, and all the Senators who see this differently than I, Senator BAUCUS, Senator MCCAIN, and others. We are going to have to stay at it.

When you vote tonight, you are talking about two very differing approaches with respect to Internet policy. One approach that we advocate tonight is backed by the American Electronics Association and the National Conference of State Legislatures. The other is opposed by virtually all of the technology groups in the country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I yield myself 3 minutes.

I thank all of those people who have been dedicated in their work on this issue. There have been innumerable meetings, and Senator MCCAIN, Senator DORGAN, Senator KERRY, Senator WYDEN, and I have been the primary people. We have met with these different groups to see what parts of the Internet were their interests.

This bill is as close as we can come to pulling everybody to the center. No, it doesn't please everybody. Does it please most of the people? I certainly hope so, and we will have a vote to determine whether it does or not. But this does make permanent the Internet access tax prohibition. Now that is something that Gateway, VerticalNet, Compaq, and other high-tech folks have wanted and do want.

This bill does not have new taxes in it. This bill has a provision so that States will be encouraged to simplify their taxes and, at some future time, in order to comply with the Supreme Court decisions mentioned here, there will be a vote to see if Congress approves of their simplification. Unless

the vast majority of the States are involved in that, I am sure they won't get approval.

We passed a moratorium 2 years ago, and we promised all of these governmental agencies and all of the other people with an interest in sales tax that we would put a bill together, solve their problem, bring them a solution. Have there been hearings? Everybody says there have not been hearings. There have been a lot of meetings. There has not been a bill produced other than what we have here.

This is a promise we made to local and State governments 2 years ago. This is some action we can take on it. It doesn't make anything final, but it provides incentive to get people together to work on a problem that is necessary. Cities, towns, and counties, not to mention States, have been put under some unusual circumstances just since September 11. We need to have a mechanism for them to be able to fund them. We have not promised funding for everything. We have made them do a lot. This gives them an opportunity to work out a system whereby they can continue to operate, continue to have revenues that are on a declining basis at the moment, and this is something so that we can have a vote. This just provides for a vote of Congress at a future date when there has been streamlining.

The extension of the current moratorium of the Internet Tax Freedom Act of 1998 expired this past Sunday on October 21, 2001. I believe this amendment would thoroughly address this issue as well as the simplification of State and local use tax systems.

We had to take a look at the Internet sales tax issue for people who might be using legislative vehicles to develop huge loopholes in our current system. We need to preserve the system for those cities, towns, counties, and states that rely on the ability to collect the sales tax they are currently getting. I believe that the moratorium on Internet access taxes and multiple and discriminatory taxes on the Internet should not be extended without addressing the larger issue of sales and use tax collection on electronic commerce.

Certainly, no Senator wants to take steps that will unreasonably burden the development and growth of the Internet. At the same time, we must also be sensitive to issues of basic competitive fairness and the negative effect our action or inaction can have on brick-and-mortar retailers, a critical economic sector and employment force in all American society. In addition, we must consider the legitimate need of State and local governments to have the flexibility they need to generate resources to adequately fund their programs and operations.

As the only accountant in the Senate, I have a unique perspective on the

dozens of tax proposals that are introduced in Congress each year. In addition, my service on the state and local levels and my experiences as a small business owner enable me to consider these bills from more than one viewpoint.

I understand the importance of protecting and promoting the growth of Internet commerce because of its potential economic benefits. It is a valuable resource because it provides access on demand. Therefore, I do not support a tax on the use of Internet itself.

I do, however, have concerns about using the Internet as a sales tax loophole. Sales taxes go directly to state and local governments and I am very leery of any Federal legislation that bypasses their traditional ability to raise revenue to perform needed services such as school funding, road repair and law enforcement. I will not force states into a huge new exemption.

While those who advocate a permanent loophole on the collection of a sales tax over the Internet claim to represent the principles of tax reduction, they are actually advocating a tax increase. Simply put, if Congress continues to allow sales over the Internet to go untaxed and electronic commerce continues to grow as predicted, revenues to state and local governments will fall and property taxes will have to be increased to offset lost revenue or States who do not have or believe in state income taxes will be forced to start one.

Furthermore, State and local revenues and budgets are especially critical now as these governments are responding to protect the security of all of our citizens and businesses. Any action to extend the current moratorium without creating a level playing field would perpetuate a fundamental inequity and ignore a growing problem that will gravely affect the readiness of the nation.

After months of hard work, negotiations, and compromise, this amendment has been filed. I would like to commend several of my colleagues for their commitment to finding a solution. I know this amendment is the solution. The amendment makes permanent the existing moratorium on Internet access taxes, but extends the current moratorium on multiple and discriminatory taxes for an additional four years through December 31, 2005.

Throughout the past several years, we have heard that catalog and Internet companies say they are willing to allow and collect sales tax on interstate sales, regardless of traditional or Internet sales, if states will simplify collections to one rate per state sent to one location in that state. I think that is a reasonable request. I have heard the argument that computers make it possible to handle several thousands tax entities, but from an auditing

standpoint as well as simplicity for small business, I support one rate per State.

I think the States should have some responsibility for redistribution not a business forced to do work for government. Therefore, the amendment would put Congress on record as urging states and localities to develop a streamlined sales and use tax system, which would include a single, blended tax rate with which all remote sellers can comply. You need to be aware that states are prohibited from gaining benefit from the authority extended in the bill to require sellers to collect and remit sales and use taxes on remote sales if the states have *not* adopted the simplified sales and use tax system.

Further, the amendment would authorize states to enter into an Interstate Sales and Use Tax Compact through which members would adopt the streamlined sales and use tax system. Congressional authority and consent to enter into such a compact would expire if it has not occurred by January 1, 2006. The amendment also authorizes states to require all other sellers to collect and remit sales and use taxes on remote sales once Congress has acted to approve the compact by law within a period of 120 days after the Congress receives it.

The amendment also calls for a sense of the Congress that before the end of the 107th Congress, legislation should be enacted to determine the appropriate factors to be considered in establishing whether nexus exists for State business activity tax purposes.

I strongly support this amendment because I do not think there is adequate protection now. It is very important we do not build electronic loopholes on the Internet, an ever-changing Internet, one that is growing by leaps and bounds, one that is finding new technology virtually every day.

Mr. President, I recognize this body has a constitutional responsibility to regulate interstate commerce. Furthermore, I understand the desire of several senators to protect and promote the growth of Internet commerce.

I am very concerned, however, with any piece of legislation that mandates or restrict State and local governments' ability to meet the needs of its citizens. This has the potential to provide electronic loopholes that will take away all of their revenue. This amendment would designate a level playing field for all involved—business, government, and the consumer.

The States, and not the Federal Government, should have the right to impose, or not to impose, consumption taxes as they see fit. The reality is that emergency response personnel, law enforcement officials, and other essential services are funded largely by states and local governments, especially through sales taxes. Passing an extension of the current moratorium

without taking steps toward a comprehensive solution would leave many states and local communities unable to fund their services. I urge my colleagues to vote for this amendment.

In the current definition in §1104(5) of the ITFA:

The term "Internet access" means a service that enables users to access content, information, electronic mail, or other services offered over the Internet, and may also include access to proprietary content, information, and other services as part of a package of services offered to users. Such term does not include telecommunications services.

I do want to address one very important issue that has not been addressed in this amendment. One of the most important aspects of this legislation deals with State and local taxation of Internet access services. There is general agreement in this body that there should be no new State and local taxes on basic Internet access as a way to assist every American to be able to take advantage of the Internet and its resources. That is a goal I obviously support, and my amendment will do that.

As you know, however, I have serious concerns with the current definition of Internet access. I am concerned that without further work, it will subvert our intent, discriminate against some Internet Service providers, and impact state and local governments. Thus, I want to continue to work with my colleagues at a later date to refine that definition so that we accomplish our aim without doing harm.

The problem is that the current definition is so broad, and technology is changing so fast that the current definition could unfairly discriminate against many businesses that provide similar content or services over the counter, over a cable wire, or via any other means. The discrimination could affect a variety of products and services that I don't think any of us envisioned as part of access to the Internet. In a nutshell, the current definition essentially includes anything and everything, except telecommunications that could be offered as a part of a package of Internet access services, including television programs, radio broadcasts, games, books, music, motion pictures and other such products and services.

Following mergers of Internet service providers and media and entertainment companies, it is not hard to envision an ISP that provides these services and includes all of the items in one bill to a customer. For example, an ISP could provide downloadable movies to customers—allowing a customer to download a set number of movies each month includable in their monthly fee for Internet access, while paying extra for any movies beyond the included amount. This sets up some perverse and discriminatory situations. First, for example, someone who pays \$9.95 for basic Internet service that doesn't include movies would have to rent movies separately and pay tax on those

rentals, while customers of an ISP that include movies in its \$21.95 service would not pay tax on those movies. Second, the tax-exempt benefit of purchasing more expensive Internet access services doesn't stop at just movies. Providers could also include music, publications—and someday soon, downloadable nightly cable broadcasts—and under the current definition these would also be exempt from tax. I don't think any of us ever envisioned when we first debated and enacted a temporary moratorium that the scope of services provided over the Internet was intended to cover anything beyond basic access.

I believe that the current definition of Internet access needs to be examined closely by the Congress so that we don't do damage where we intend to do good. I have tried a number of different approaches to defining it, and each of them has issues and problems. I am not ready to give up, however.

Furthermore, there are also some that believe the current definition of Internet access needs to be changed because it unfairly discriminates among providers of Internet access and gives some providers advantages over others. The current definition favors large companies over small. It also excludes telecommunications services from the definition of access. In doing so, the language could be interpreted to exclude Wireless Web Access because all services provided by wireless companies are considered "telecommunications." Thus, Internet access purchased from one company might be exempt, but it could be taxable if purchased from a wireless provider. I know our intent is not to discriminate among Internet access providers, but that is the effect of current law.

If we don't continue to work on this definition, we will go contrary to the findings in the legislation we are considering. If we allow the current definition of Internet access to remain unchanged, we will be authorizing the disparate treatment of the sales of identical products depending on whether the sale occurs online or not. In simplest terms, the current definition of Internet access would exempt the sales of many products and services that would be taxed if sold in any other way. Besides the fiscal problem this would cause for states, this is also fundamentally unfair, and should be prevented. I think formulating a good definition of Internet access presents a host of opportunities that we should not let pass by. It gives us an opportunity to define a critical component of the infrastructure of our new economy—and, in doing so, provide a definition that allows all new economy companies, both large and small, to operate on a level playing field. It provides us with an opportunity to provide a clear definition that reduces the probability of litigation over the exact meaning of

the statute. And, it provides us with an opportunity to insure that we do no harm to the fiscal stability of many levels of government—while providing a positive environment in which business can survive.

I hope to continue to work with my colleagues at a later date to develop a definition of Internet access that preserves the tax-exemption for access to the basic services and resources of the Internet.

The Internet is such a powerful tool of education and commerce that we should do everything we can to make sure that each American can take advantage of it. At the same time, we need to insure that our goal assisting in the provision of basic access is not subverted by an overly broad definition of access that allows a host of digital goods and services to be bundled together and sold tax exempt. Such subversion would only serve to weaken state and local governments at this important time in our nation's history.

I ask unanimous consent that a letter from the National Governors Association, National League of Cities, International City/County Management Association, National Association of Counties, and Council of State Governments be printed in the RECORD. There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL GOVERNORS ASSOCIATION,
NATIONAL LEAGUE OF CITIES,
INTERNATIONAL CITY/COUNTY MANAGEMENT ASSOCIATION, NATIONAL
ASSOCIATION OF COUNTIES, COUNCIL OF STATE GOVERNMENTS,
November 6, 2001.

Hon. THOMAS A. DASCHLE,
Majority Leader, U.S. Senate, The Capitol,
Washington, DC.

Hon. TRENT LOTT,
Minority Leader, U.S. Senate, The Capitol,
Washington, DC.

DEAR SENATOR DASCHLE AND SENATOR LOTT: Irrespective of previous letters on the Internet tax moratorium and contrary to some "Dear Colleague" letters circulating in the Senate, we do not support legislation to reinstate the Internet tax moratorium for two additional years. Four organizations listed below support legislation by Senator Enzi (S. 1567) that would create a level playing field so that remote and Main Street sellers receive equal treatment. The National League of Cities is working closely with Senator Enzi and believes that S. 1567 represents a promising opportunity to resolve this critical issue.

Sincerely,

RAYMONG C. SCHEPPACH,
Executive Director,
National Governors Association.
DONALD J. BOUNT,
Executive Director,
National League of Cities.

WILLIAM H. HANSELL,
Executive Director, International
City/County Management Association.
LARRY MAAKE,
Executive Director,
National Association of Counties.

DANIEL MY. SPRAGUE,
Executive Director
Council of State Governments.

The PRESIDING OFFICER. The Senator has consumed his 3 minutes. Does the Senator yield back his time?

Mr. ENZI. I reserve the remainder of my time. The other side has used their time?

The PRESIDING OFFICER. The opponents have used all of their time. The proponents have 2 minutes.

Mr. ENZI. I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, on behalf of myself and Senator WYDEN, I move to table the Dorgan-Enzi amendment and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 57, nays 43, as follows:

[Rollcall Vote No. 341 Leg.]

YEAS—57

Allard	Edwards	McConnell
Allen	Ensign	Miller
Baucus	Feinstein	Murkowski
Bennett	Frist	Murray
Biden	Gramm	Nelson (FL)
Bond	Gregg	Nickles
Boxer	Hagel	Reid
Brownback	Hatch	Roberts
Bunning	Inhofe	Schumer
Burns	Inouye	Sessions
Byrd	Kennedy	Smith (NH)
Campbell	Kohl	Smith (OR)
Cantwell	Kyl	Snowe
Cochran	Landrieu	Stevens
Corzine	Leahy	Thompson
Craig	Lieberman	Thurmond
Crapo	Lott	Torricelli
Dodd	Lugar	Warner
Domenici	McCain	Wyden

NAYS—43

Akaka	Durbin	Lincoln
Bayh	Enzi	Mikulski
Bingaman	Feingold	Nelson (NE)
Breaux	Fitzgerald	Reed
Carnahan	Graham	Rockefeller
Carper	Grassley	Santorum
Chafee	Harkin	Sarbanes
Cleland	Helms	Shelby
Clinton	Hollings	Specter
Collins	Hutchinson	Stabenow
Conrad	Hutchison	Thomas
Daschle	Jeffords	Voinovich
Dayton	Johnson	Wellstone
DeWine	Kerry	
Dorgan	Levin	

The motion was agreed to.

Mr. MCCAIN. Mr. President, I move to reconsider the vote.

Mrs. BOXER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MCCAIN. Mr. President, I think we are in agreement the major aspects of this legislation have been decided. So I do not think, unless someone desires it, that we need another recorded vote.

The PRESIDING OFFICER. If there be no amendment to be offered, the

question is on the third reading of the bill.

The bill (H.R. 1552) was ordered to a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is on the passage of the bill.

The bill (H.R. 1552) was passed.

Mr. MCCAIN. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I appreciate the debate. I appreciate the efforts made on both sides of this very difficult issue. The closeness of it really dictates that we do sit down and work something out on this issue with Senator DORGAN, Senator KERRY, Senator ALLEN—all of those with whom we have met in numerous, countless hours on this issue. It is very clear we need to come to some kind of agreement rather than go through moratorium after moratorium.

Mrs. BOXER. Mr. President, the Senate is not in order.

The PRESIDING OFFICER. The Senator will come to order.

The Senator from Arizona.

Mr. MCCAIN. Mr. President, I conclude by saying I think we should begin meetings as soon as possible so we can resolve this issue so there is a reasonable resolution. I know the proponents of this amendment which was just defeated spent great labor and effort on it. I congratulate them for their arguments. I look forward to working with them. This is an issue that needs to be resolved.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I say to the distinguished Senator from Arizona, we spent a lot of hours working through this with Senator ENZI, Senator DORGAN, Senator MCCAIN, myself, and many others. This was a very difficult vote for many of us. We do not support any tax on the Internet itself. We don't support access taxes. We don't support discriminatory taxes. Many of us would like to see a permanent moratorium on all of those kinds of taxes.

At the same time, a lot of us were caught in a place where we thought it important to send the message that we have to get back to the table in order to come to a consensus as to how we equalize the economic playing field in the United States in a way that is fair.

I hope the Senator from Arizona will follow up with us, so we can come back to that table to do what is sensible and fair. I look forward to the chance to do that.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, before the Senator from Massachusetts leaves, I want him to know, as the original Senate sponsor, I want to redouble my efforts to work with him and Senator ENZI and all of our colleagues. We may be able to see that there is a technological fix here that is going to make it possible to collect taxes owed.

There is a lot of good will on both sides. This is by no means the end of the issue. I am very pleased the Senator from Massachusetts is ending this discussion in a conciliatory way because we are going to have to stay at it. He has my pledge as the original sponsor of this effort to do it.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, as an original author and cosponsor of the moratorium, which I believe in, I appreciate the comments. I had hoped, and in many ways thought this was not ripe for this vote, but I think it was important for us to have gone through the process. I look forward to seeing if we can come up with a sensible resolution.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. I thank my colleagues, who have just spoken, for their comments, for the effort they put forth. I thank all the people for allowing the debate that happened. That had to be done by unanimous consent.

Now we know our work is cut out for us. Two years ago we passed a moratorium. Tonight we passed a moratorium. Hopefully before 2 years is up we will have done something that will solve the problem. I appreciate the commitment of the chairman of the Commerce Committee to make that happen. I am sure all the people who are involved in this issue will be extremely happy that some work will be done on it. The hearings will be held. The consensus will be arrived at because it is necessary for our cities, towns, counties, and States.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I have been involved in a number of issues in my time here. I know of no two people who have worked harder on an issue than the Senator from Wyoming and the Senator from North Dakota.

That renews my commitment to try as hard as I can to come to an agreement because they deserve an all-out effort on an issue on which we are fundamentally in agreement.

I thank the Chair. I thank my colleagues.

I yield the floor.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DASCHLE. Mr. President, I thank all of those Senators who were involved in the array of legislative items that we have taken up today. This has been quite a busy day, with a lot of coordination and a tremendous amount of work. I think we have accomplished a good deal today.

I also report that the Commerce Committee has completed its work. I compliment the chair and ranking member of the Commerce Committee for their work on the aviation security bill. We will be addressing that bill a little later.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Executive Calendar Nos. 547 through 566, and 568, and the nominations on the Secretary's desk; that the nominations be confirmed, the motions to reconsider be laid upon the table, any statements thereon be printed in the RECORD, that the President be immediately notified of the Senate's action, and that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

THE JUDICIARY

Odessa F. Vincent, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

DEPARTMENT OF STATE

Raymond F. Burghardt, of Florida, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Socialist Republic of Vietnam.

Ronald Weiser, of Michigan, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Slovak Republic.

J. Richard Blankenship, of Florida, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Commonwealth of The Bahamas.

George L. Argyros, Sr., of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Spain, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to Andorra.

Larry Miles Dinger, of Iowa, a Career Member of the Foreign Service, to be Ambassador to the Federated States of Micronesia.

Darryl Norman Johnson, of Washington, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Thailand.

Lyons Brown, Jr., of Kentucky, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Austria.

William D. Montgomery, of Pennsylvania, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federal Republic of Yugoslavia.

Melvin F. Sembler, of Florida, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Italy.

Charles Lawrence Greenwood, Jr., of Florida, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, for the rank of Ambassador during his tenure of service as Coordinator for Asia Pacific Economic Cooperation (APEC).

Stephan Michael Minikes, of the District of Columbia, to be U.S. Representative to the Organization for Security and Cooperation in Europe, with the rank of Ambassador.

Ernest L. Johnson, of Louisiana, to be an Alternate Representative of the United States of America to the Fifty-sixth Session of the General Assembly of the United Nations.

William J. Hybl, of Colorado, to be Representative of the United States of America to the Fifty-sixth Session of the General Assembly of the United Nations.

Nancy Cain Marcus, of Texas, to be an Alternate Representative of the United States of America to the Fifty-sixth Session of the General Assembly of the United Nations.

Robert M. Beecroft, of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, for the rank of Ambassador during his tenure of service as Head of Mission, Organization for Security and Cooperation in Europe (OSCE), Bosnia and Herzegovina.

Charles Lester Pritchard, of Virginia, for the rank of Ambassador during his tenure of service as Special Envoy for Negotiations with the Democratic People's Republic of Korea (DPRK) and United States Representative to the Korean Peninsula Energy Development Organization (KEDO).

AFRICAN DEVELOPMENT BANK

Cynthia Shepard Perry, of Texas, to be United States Director of the African Development Bank for a term of five years.

INTER-AMERICAN DEVELOPMENT BANK

Jose A. Fourquet, of New Jersey, to be United States Executive Director of the Inter-American Development Bank for a term of three years.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

Constance Berry Newman, of Illinois, to be an Assistant Administrator of the United States Agency for International Development.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

John Marshall, of Virginia, to be an Assistant Administrator of the United States Agency for International Development.

FOREIGN SERVICE

PN1139 Foreign Service nomination of Terence J. Donovan, which was received by the Senate and appeared in the Congressional Record of October 16, 2001.

PN1140 Foreign Service nominations (23) beginning Keith E. Brown, and ending Olivier C. Carduner, which nominations were received by the Senate and appeared in the Congressional Record of October 16, 2001.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

UNANIMOUS CONSENT AGREEMENT—CONFERENCE REPORT ACCOMPANYING S. 1447

Mr. DASCHLE. Mr. President, I ask unanimous consent that the majority leader, following consultation with the Republican leader, may proceed to the conference report to accompany S. 1447, the Aviation Security Act; that it be considered under the following limitations: 90 minutes for debate, with the time equally divided and controlled between the chairman and ranking member of the Commerce Committee or their designees; that upon the use or yielding back of time, the conference report be adopted, and the motion to reconsider be laid upon the table, with no further intervening action or debate.

Mr. BURNS. Reserving the right to object, and I will not object, is that S. 1447?

Mr. DASCHLE. That is correct.

Mr. BURNS. Reserving the right to object, and I will not object, there are some of us who did not and will not sign the conference report. I will make my statement this evening, but we have not seen the bill and will not see it until the morning. I think it is asking a little bit of those of us who have a responsibility to the aviation industry and the security of this country to not see that legislation before it passes. We understand there are some dogs and cats in there and some things to which we cannot agree.

So I want to put myself on record that I will oppose this piece of legislation, but I will not hold it up.

I thank the leader.

Mr. DASCHLE. I thank the Senator from Montana.

Mr. MCCAIN. If the majority leader will yield to me for a second, I can inform the Senator from Montana that I understand his concerns. A copy of the bill is available at this time in room SD-512.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. DASCHLE. Mr. President, with that understanding, I inform all Senators there will be no more rollcall votes tonight, nor do we anticipate now that there will be any rollcall votes tomorrow.

We have a number of other matters we will take into account during wrap-up. I will begin with one, and there will be others that will be addressed. All the matters, of course, in wrap-up will be offered in consultation with the Republican leader and have his consent.

HOMESTAKE MINE CONVEYANCE ACT OF 2001

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Environment and Public Works Committee be discharged from further consideration of S. 1389, and the Senate proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1389) to provide for the conveyance of certain real property in South Dakota to the State of South Dakota with indemnification by the United States Government, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 2161

(Purpose: To provide a complete substitute)

Mr. DASCHLE. Mr. President, I have an amendment at the desk, and I ask unanimous consent that the amendment be considered and agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2161) was agreed to.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. DASCHLE. Mr. President, I am delighted that the Senate has approved a modified version of S. 1389, the Homestake Mine Conveyance Act of 2001.

This important legislation will enable the construction of a new, world-class scientific research facility deep in the Homestake Mine in Lead, SD. Not only will this facility create an opportunity for critical breakthroughs in physics and other fields, it will provide unprecedented new economic and educational opportunities for South Dakota.

Just over a year ago, the Homestake Mining Company announced that it intended to close its 125-year-old gold mine in Lead, SD, at the end of 2001. This historic mine has been a central part of the economy of the Black Hills for over a century, and the closure of the mine was expected to present a significant economic blow to the community.

In the wake of this announcement, you can imagine the surprise of South Dakotans to discover that a committee of prominent scientists viewed the closure of the mine as an unprecedented new opportunity to establish a National Underground Science Laboratory in the United States. Because of the extraordinary depth of the mine and its extensive existing infrastructure, they found that the mine would be an ideal location for research into neutrinos, tiny particles that can only be detected deep underground where thousands of feet of rock block out other cosmic radiation.

Recently, I received a letter from Dr. John Bahcall. Dr. Bahcall is a scientist at the Institute for Advanced Study in Princeton, NJ. He was awarded the National Medal of Science in 1998, and is a widely recognized expert in neutrino science and an authority on the potential of an underground laboratory. In a recent letter to me, he explained, "There are pioneering experiments in the fields of physics, astronomy, biology, and geology that can only be carried out in an environment that is shielded from the many competing phenomena that occur on the surface of the earth. These experiments concern such fundamental and applied subjects as: How stable is ordinary matter? What is the dark matter of which most of our universe is composed? What new types of living organisms exist in deep underground environments from which sunlight is excluded? How are heat and water transported underground over long distances and long times?"

This research, as well as other research that could be conducted in the mine, has the potential to answer fundamental questions about our universe. The National Science Foundation is already considering a \$281 million proposal for the construction of this laboratory.

I want to thank all of those who have been involved in the development of this legislation. I particularly appreciate the hard work and support of Governor Bill Janklow of South Dakota and officials with the Homestake and Barrick mining companies, who helped us to reach agreement on this legislation. I also want to thank my colleague, Senator JOHNSON, a cosponsor of this bill, for all of his work. In particular, Senator JOHNSON's ability to secure the \$10 million in transition funds that will bridge the gap between Homestake's closure and the establishment of the laboratory has been critical to this effort.

I ask unanimous consent that the letter from Dr. John Bahcall be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

PROFESSOR JOHN N. BACHALL,
INSTITUTE FOR ADVANCED STUDY,
Princeton, NJ, November 8, 2001.

The Hon. TOM DASCHLE,
U.S. Senate, Washington, DC.

DEAR SENATOR TOM DASCHLE: I would like to summarize for you the scientific importance of the National Underground Science Laboratory to be located in the Homestake Gold Mine near Lead, South Dakota.

There are pioneering experiments in the fields of physics, astronomy, biology, and geology that can only be carried out in an environment that is shielded from the many competing phenomena that occur on the surface of the earth. These experiments concern such fundamental and applied subjects as: How stable is ordinary matter? What is the dark matter of which most of our universe is composed? What new types of living organisms exist in deep environments from which

sunlight is excluded? How are heat and water transported underground over long distances and long times?

American scientists have been among the world leaders in research in these underground studies. But we have had to travel to Japan, to Italy, to Russia, to South Africa, to Finland, to India and to other countries in order to carry out our experiments. During the past year, I had the privilege of chairing a national committee of distinguished research scientists that was charged with the task of recommending whether or not the United States should develop its own national laboratory to support the underground scientific work of physicists, astronomers, biologists, and geologists. We were also asked to make a recommendation as to whether the expenditure of funds for this purpose would, in a highly constrained budgetary situation, be beneficial to the scientific enterprise.

The committee had many meetings in this country and in other countries where major underground scientific facilities are currently active. The committee reached two conclusions. First, it is in the best interest of the United States to develop a national underground science laboratory only if this facility would be the best in the world. Secondly, the Homestake Gold Mine could be converted into the premier underground laboratory in the world. The recommendations of the committee have been endorsed by panels of scientists representing different disciplines.

I hope that these remarks are useful to you and to your colleagues.

Sincerely yours,

JOHN BAHCALL,
National Medal of Science, 1998.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the bill, as amended, be read a third time, passed, and the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements thereon be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1389), as amended, was read the third time and passed.

Mr. DASCHLE. Mr. President, we have a number of other items to be taken up.

MEASURE READ THE FIRST TIME—H.R. 2873

Mr. DASCHLE. Mr. President, I understand that H.R. 2873, which was just received from the House, is at the desk, and I now ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill for the first time.

The legislative clerk read as follows:

A bill (H.R. 2873) to extend and amend the program entitled Promoting Safe and Stable Families under title IV-B, subpart 2 of the Social Security Act, and to provide new authority to support programs for mentoring children of incarcerated parents; to amend the Foster Care Independent Living Program under title IV-E of that Act to provide for educational and training vouchers for youths aging out of foster care, and for other purposes.

Mr. DASCHLE. Mr. President, I now ask for its second reading and object to

my own request on behalf of my colleagues.

The PRESIDING OFFICER. Objection is heard. The bill will remain at the desk.

HEATHER FRENCH HENRY HOMELESS VETERANS ASSISTANCE ACT

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 191, S. 739.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 739) to amend title 38, United States Code, to improve programs for homeless veterans, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Veterans' Affairs, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) *SHORT TITLE.*—This Act may be cited as the "Heather French Henry Homeless Veterans Assistance Act".

(b) *TABLE OF CONTENTS.*—The table of contents for this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings; definition.
- Sec. 3. National goal to end homelessness among veterans.
- Sec. 4. Advisory Committee on Homeless Veterans.
- Sec. 5. Meetings of Interagency Council on the Homeless.
- Sec. 6. Evaluation of programs and activities regarding homeless veterans.
- Sec. 7. Per diem payments for furnishing services to homeless veterans.
- Sec. 8. Dental care for homeless veterans.
- Sec. 9. Programmatic expansions.
- Sec. 10. Various authorities.
- Sec. 11. Life safety code for grant and per diem providers.
- Sec. 12. Assistance for grant applications.
- Sec. 13. Extension of homeless veterans reintegration program.

SEC. 2. FINDINGS; DEFINITION.

(a) *FINDINGS.*—Congress makes the following findings:

(1) On the field of battle, the members of the Armed Forces who defend the Nation are honor-bound to leave no one behind and, likewise, the Nation is honor-bound to leave no veteran behind.

(2) The Department of Veterans Affairs report known as the Community Homeless Assessment, Local Education, and Networking Groups for Veterans (CHALENG) assessment, issued in May 2000, reports that during 1999 there were an estimated 344,983 homeless veterans, an increase of 34 percent above the 1998 estimate of 256,872 homeless veterans.

(3) The 1996 National Survey of Homeless Assistance Providers and Clients found that, although veterans constitute only 13 percent of the adult population, veterans comprise 23 percent of homeless clients.

(4) Homelessness among veterans is persistent despite unprecedented economic growth and job creation and general prosperity.

(5) While there are many effective programs that assist homeless veterans to again become productive and self-sufficient members of society, current resources provided to such programs

and other activities that assist homeless veterans are inadequate to provide all needed essential services, assistance, and support to homeless veterans.

(6) The CHALLENG assessment referred to in paragraph (2) reports—

(A) that Department of Veterans Affairs and community providers were responsible for establishing almost 500 beds for homeless veterans during 2000, including emergency, transitional, and permanent beds; and

(B) that there is a need for about 45,724 additional beds to meet current needs of homeless veterans.

(7) Nearly four decades ago, the Nation established a goal of sending a man to the moon and returning him safely to earth within a decade and accomplished that goal, and the Nation can do no less to end homelessness among the Nation's veterans.

(b) **HOMELESS VETERAN DEFINED.**—In this Act, the term "homeless veteran" means a veteran who is homeless (as that term is defined in section 103(a) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11302(a)).

SEC. 3. NATIONAL GOAL TO END HOMELESSNESS AMONG VETERANS.

(a) **NATIONAL GOAL.**—Congress hereby declares it to be a national goal to end homelessness among veterans within a decade.

(b) **COOPERATIVE EFFORTS ENCOURAGED.**—Congress hereby encourages all departments and agencies of Federal, State, and local governments, quasi-governmental organizations, private and public sector entities, including community-based organizations, and individuals to work cooperatively to end homelessness among veterans within a decade.

SEC. 4. ADVISORY COMMITTEE ON HOMELESS VETERANS.

(a) **IN GENERAL.**—Chapter 5 of title 38, United States Code, is amended by adding at the end the following new section:

"§546. Advisory Committee on Homeless Veterans

"(a)(1) There is established in the Department the Advisory Committee on Homeless Veterans (hereinafter in this section referred to as the 'Committee').

"(2) The Committee shall consist of not more than 15 members appointed by the Secretary from among the following:

"(A) Veterans service organizations.

"(B) Advocates of homeless veterans and other homeless individuals.

"(C) Community-based providers of services to homeless individuals.

"(D) Previously homeless veterans.

"(E) State veterans affairs officials.

"(F) Experts in the treatment of individuals with mental illness.

"(G) Experts in the treatment of substance use disorders.

"(H) Experts in the development of permanent housing alternatives for lower income populations.

"(I) Experts in vocational rehabilitation.

"(J) Such other organizations or groups as the Secretary considers appropriate.

"(3) The Committee shall include, as *ex officio* members—

"(A) the Secretary of Labor (or a representative of the Secretary selected after consultation with the Assistant Secretary of Labor for Veterans' Employment and Training);

"(B) the Secretary of Defense (or a representative of the Secretary);

"(C) the Secretary of Health and Human Services (or a representative of the Secretary); and

"(D) the Secretary of Housing and Urban Development (or a representative of the Secretary).

"(4) The Secretary shall determine the terms of service and pay and allowances of the mem-

bers of the Committee, except that a term of service may not exceed three years. The Secretary may reappoint any member for additional terms of service.

"(b)(1) The Secretary shall, on a regular basis, consult with and seek the advice of the Committee with respect to the provision by the Department of benefits and services to homeless veterans.

"(2)(A) In providing advice to the Secretary under this subsection, the Committee shall—

"(i) assemble and review information relating to the needs of homeless veterans;

"(ii) provide an on-going assessment of the effectiveness of the policies, organizational structures, and services of the Department in assisting homeless veterans; and

"(iii) provide on-going advice on the most appropriate means of providing assistance to homeless veterans.

"(3) The Committee shall—

"(A) review the continuum of services provided by the Department, whether directly or by contract, in order to define cross-cutting issues and to improve coordination of all services in the Department that address the special needs of homeless veterans;

"(B) identify (through annual assessments under section 1774 of this title and other available resources) gaps in programs of the Department in serving homeless veterans, including identification of geographic areas with unmet needs, and provide recommendations to address those gaps;

"(C) identify gaps in existing information systems on homeless veterans, both within and outside the Department, and provide recommendations about redressing problems in data collection;

"(D) identify barriers under existing laws and policies to effective coordination by the Department with other Federal agencies and with State and local agencies addressing homeless populations;

"(E) identify opportunities for enhanced liaison by the Department with nongovernmental organizations and individual groups addressing homeless populations;

"(F) with appropriate officials of the Department designated by the Secretary, participate with the Interagency Council on the Homeless under title II of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11311 et seq.);

"(G) recommend appropriate funding levels for specialized programs for homeless veterans provided or funded by the Department;

"(H) recommend appropriate placement options for veterans who, because of advanced age, frailty, or severe mental illness, may not be appropriate candidates for vocational rehabilitation or independent living; and

"(I) perform such other functions as the Secretary may direct.

"(c)(1) Not later than March 31 of each year, the Committee shall submit to the Secretary a report on the programs and activities of the Department that relate to homeless veterans during the preceding year. Each such report shall include—

"(A) an assessment of the needs of homeless veterans;

"(B) a review of the programs and activities of the Department designed to meet such needs, including the evaluation of outreach activities required under paragraph (2);

"(C) a review of the activities of the Committee; and

"(D) such recommendations (including recommendations for administrative and legislative action) as the Committee considers appropriate.

"(2)(A) The Committee shall include in each report under paragraph (1) an evaluation of the outreach activities of the Department with respect to homeless veterans, including outreach

regarding clinical issues and outreach regarding other benefits.

"(B) The Committee shall conduct each evaluation under this paragraph in consultation with the Under Secretary for Benefits, the Under Secretary for Health, the Readjustment Counseling Service, the Director of Homeless Veterans Programs, and the Mental Health Strategic Health Care Group.

"(C) In including an evaluation under this paragraph in a report under paragraph (1), the Committee shall set forth in the report the following:

"(i) The results of the evaluation.

"(ii) Any recommendations that the Committee considers appropriate to improve the outreach activities of the Department with respect to homeless veterans, including recommendations for enhanced interagency cooperation and enhanced cooperation between the Department and appropriate community organizations and recommendations for additional activities to complement, supplement, or otherwise eliminate deficiencies in the outreach activities.

"(3) Not later than 90 days after the receipt of a report under paragraph (1), the Secretary shall transmit to the Committees on Veterans' Affairs of the Senate and House of Representatives a copy of the report, together with any comments and recommendations concerning the report that the Secretary considers appropriate.

"(4) The Committee may also submit to the Secretary such other reports and recommendations as the Committee considers appropriate.

"(5) The Secretary shall include with each annual report submitted to Congress pursuant to section 529 of this title a summary of all reports and recommendations of the Committee submitted to the Secretary since the previous annual report of the Secretary submitted pursuant to that section.

"(d)(1) Except as provided in paragraph (2), the provisions of the Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the activities of the Committee under this section.

"(2) Section 14 of such Act shall not apply to the Committee."

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"546. Advisory Committee on Homeless Veterans."

SEC. 5. MEETINGS OF INTERAGENCY COUNCIL ON THE HOMELESS.

Section 202(c) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11312(c)) is amended to read as follows:

"(c) **MEETINGS.**—The Council shall meet at the call of its Chairperson or a majority of its members, but not less often than annually."

SEC. 6. EVALUATION OF PROGRAMS AND ACTIVITIES REGARDING HOMELESS VETERANS.

(a) **EVALUATION CENTERS.**—The Secretary of Veterans Affairs shall support the continuation within the Department of Veterans Affairs of at least one center for evaluation to monitor the structure, process, and outcome of programs of the Department that address homeless veterans.

(b) **ANNUAL REPORT ON PROCESSING OF BENEFITS CLAIMS.**—The Secretary shall submit to Congress on an annual basis a report on the programs and activities of the Veterans Benefits Administration in processing of claims for benefits of homeless veterans during the preceding year. Each report shall include, for the year covered by such report, the following:

(1) Information on costs, expenditures, and workload of Veterans Benefits Administration claims evaluators in processing claims for benefits of homeless veterans.

(2) Information on the filing of claims for benefits by homeless veterans.

(3) Information on efforts undertaken to expedite the processing of claims for benefits of homeless veterans.

(4) Any other information that the Secretary considers appropriate.

(c) **ANNUAL REPORT ON HEALTH CARE.**—The Secretary shall submit to Congress on an annual basis a report on programs of the Department addressing health care needs of homeless veterans. The Secretary shall include in each such report the following:

(1) Information about expenditures, costs, and workload under the Department of Veterans Affairs program known as the Health Care for Homeless Veterans program (HCHV).

(2) Information about the veterans contacted through the program.

(3) Information about processes under the program.

(4) Information about program treatment outcomes under the program.

(5) Other information the Secretary considers relevant in assessing the program.

(6) Information about supported housing programs.

(7) Information about the grant and per diem provider program of the Department.

(d) **ANNUAL PROGRAM ASSESSMENT.**—Section 1774(b) of title 38, United States Code, is amended—

(1) in paragraph (1), by inserting “annual” after “to make an”; and

(2) by adding at the end the following new paragraph:

“(6) The Secretary shall review each annual assessment under this subsection, and shall consolidate the findings and conclusions of such assessments into an annual report which the Secretary shall submit to Congress.”.

SEC. 7. PER DIEM PAYMENTS FOR FURNISHING SERVICES TO HOMELESS VETERANS.

(a) **INCREASE IN RATE OF PER DIEM PAYMENTS.**—Section 4(a) of the Homeless Veterans Comprehensive Service Programs Act of 1992 (38 U.S.C. 7721 note) is amended by striking “at such rates” and all that follows through “homeless veteran—” and inserting the following: “at the same rates as the rates authorized for State homes for domiciliary care provided under section 1741 of title 38, United States Code, for services furnished to homeless veterans—”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall take effect on the first day of the first fiscal year beginning after the date of the enactment of this Act.

SEC. 8. DENTAL CARE FOR HOMELESS VETERANS.

Section 1712(a)(1)(H)(ii) of title 38, United States Code, is amended by inserting “(including a homeless veteran)” after “for a veteran”.

SEC. 9. PROGRAMMATIC EXPANSIONS.

(a) **TRANSITIONAL HOUSING.**—Effective October 1, 2001, section 12 of the Homeless Veterans Comprehensive Service Programs Act of 1992 (38 U.S.C. 7721 note) is amended to read as follows:

“SEC. 12. FUNDING.

“(a) **AMOUNTS FOR GRANT AND PER DIEM PROGRAMS.**—From amounts appropriated for ‘Medical Care’ for any fiscal year, the Secretary may expend not more than \$55,000,000 (as adjusted from time to time under subsection (b)) to carry out the transitional housing grant and per diem provider programs under sections 3 and 4 of this Act.

“(b) **PERIODIC INCREASES.**—The amount in effect under subsection (a) shall be increased for any fiscal year by the overall percentage increase in the Medical Care account for that fiscal year over the preceding fiscal year.”.

(b) **COMPREHENSIVE HOMELESS SERVICES PROGRAM.**—(1)(A) The Secretary of Veterans Affairs shall provide for the establishment of not less than five additional centers for the provision of comprehensive services to homeless veterans under section 1773(b) of title 38, United States Code.

(B) In establishing additional centers under this paragraph, the Secretary shall take into ac-

count the particular needs of homeless veterans in each metropolitan area in which the Secretary proposes to establish a center.

(C) The Secretary shall ensure that the services provided to homeless veterans at each center established under this paragraph are tailored to the needs of homeless veterans in the metropolitan area in which such center is established.

(2) Section 1773(b) of title 38, United States Code, is amended by striking “not fewer than eight”.

(c) **PROGRAM EXPIRATION EXTENSION.**—Sections 1771(b) and 1773(d) of title 38, United States Code, are amended by striking “December 31, 2001” and inserting “December 31, 2006”.

SEC. 10. VARIOUS AUTHORITIES.

(a) **EMPLOYMENT PROGRAMS.**—The Secretary of Veterans Affairs may authorize homeless veterans receiving care through vocational rehabilitation programs to participate in the compensated work therapy program.

(b) **SUPPORTED HOUSING FOR VETERANS PARTICIPATING IN COMPENSATED WORK THERAPIES.**—(1) The Secretary may authorize homeless veterans in the compensated work therapy program to be provided housing through the therapeutic residence program under section 1772 of title 38, United States Code, or through grant and per diem providers.

(2) As used in this subsection, the term “grant and per diem provider” means an entity in receipt of a grant under section 3 or 4 of the Homeless Veterans Comprehensive Service Programs Act of 1992 (38 U.S.C. 7721 note).

(c) **REPORT ON ASSIGNMENT OF HOMELESS COORDINATORS AT VBA REGIONAL OFFICES.**—(1) Not later than 120 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Veterans’ Affairs of the Senate and the House of Representatives a report on the assignment of Homeless Coordinators at the Regional Offices of the Veterans Benefits Administration.

(2) The report shall include the following:

(A) A list of the Regional Offices of the Veterans Benefits Administration for which Homeless Coordinators have been assigned.

(B) A description of the manner in which each Regional Office listed under subparagraph (A) staffs the assignment, whether as a collateral hire, by rotation of staff, or by a full-time employee, including the caseload of the position and the amount of time spent on the caseload by each employee assigned to fulfill the duties of the position.

(C) In the case of any Regional Offices for which no Homeless Coordinator has been assigned, a description of the manner in which such Regional Office addresses matters relating to homeless veterans.

(D) An evaluation of the demand for services of Homeless Coordinators in the various Regional Offices, including a statement of the Regional Offices which have the greatest demand for such services.

(d) **COORDINATION OF EMPLOYMENT SERVICES.**—(1) Section 4103A(c) of title 38, United States Code, is amended by adding at the end the following new paragraph:

“(11) Coordination of services provided to veterans with training assistance provided to veterans by entities receiving financial assistance under section 738 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11448).”.

(2) Section 4104(b) of such title is amended—

(A) by striking “and” at the end of paragraph (11);

(B) by striking the period at the end of paragraph (12) and inserting “; and”; and

(C) by adding at the end the following new paragraph:

“(13) coordinate services provided to veterans with training assistance for veterans provided

by entities receiving financial assistance under section 738 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11448).”.

SEC. 11. LIFE SAFETY CODE FOR GRANT AND PER DIEM PROVIDERS.

(a) **NEW GRANTS.**—Section 3(b)(5) of the Homeless Veterans Comprehensive Service Programs Act of 1992 (38 U.S.C. 7721 note) is amended by striking “, but fire and safety” and all that follows through “in carrying out the grant” and inserting “and the fire and safety requirements applicable under the Life Safety Code of the National Fire Protection Association”.

(b) **PREVIOUS GRANTEEES.**—Section 4 of such Act is amended by adding at the end the following new subsection:

“(e) **LIFE SAFETY CODE.**—(1) Except as provided in paragraph (2), a per diem payment (or in-kind assistance in lieu of per diem payments) may not be provided under this section to a grant recipient unless the facilities of the grant recipient meet the fire and safety requirements applicable under the Life Safety Code of the National Fire Protection Association.

“(2) During the five-year period beginning on the date of the enactment of the Heather French Henry Homeless Veterans Assistance Act, paragraph (1) shall not apply to an entity that received a grant under section 3 before that date if the entity meets fire and safety requirements established by the Secretary.

“(3) From amounts available for purposes of this section pursuant to section 12, not less than \$5,000,000 shall be used only for grants to assist entities covered by paragraph (2) in meeting the Life Safety Code of the National Fire Protection Association.”.

SEC. 12. ASSISTANCE FOR GRANT APPLICATIONS.

(a) **GRANT PROGRAM.**—The Secretary of Veterans Affairs shall carry out a program to make technical assistance grants to nonprofit community-based groups with experience in providing assistance to homeless veterans in order to assist such groups in applying for grants relating to addressing problems of homeless veterans.

(b) **FUNDING.**—There is authorized to be appropriated to the Secretary of Veterans Affairs for each of fiscal years 2002 through 2006, \$750,000 to carry out the program under this section.

SEC. 13. EXTENSION OF HOMELESS VETERANS REINTEGRATION PROGRAM.

Section 4111(d)(1) of title 38, United States Code, is amended by striking subparagraphs (C) and (D) and inserting the following:

“(C) \$50,000,000 for fiscal year 2002.

“(D) \$50,000,000 for fiscal year 2003.

“(E) \$50,000,000 for fiscal year 2004.

“(F) \$50,000,000 for fiscal year 2005.

“(G) \$50,000,000 for fiscal year 2006.”.

Mr. ROCKEFELLER. Mr. President, as chairman of the Committee on Veterans’ Affairs, I urge the Senate to pass S. 739, the proposed “Heather French Henry Homeless Veterans Assistance Act of 2001,” a bill that enhances VA’s efforts to combat homelessness among our Nation’s veterans.

On July 19, 2001, the Committee on Veterans’ Affairs held a hearing on S. 739 as originally introduced by my good friend and colleague on the Committee, Senator PAUL WELLSTONE. The Department of Veterans Affairs and homeless advocate shared their views on what could be done to help VA treat the unique problems faced by homeless veterans. Witnesses testified that homelessness remains a prevalent problem among veterans, with roughly one-third of the total homeless population

consisting of veterans. Members of the Committee were told that more needs to be done to help these men and women get back on their feet.

I will highlight a couple of the provisions included in the bill and refer my colleagues to the report accompanying this legislation for more detail.

The pending measure contains many provisions seek to enhance programs that VA currently administers to homeless veterans, most notably the Grant and Per Diem Program. This program offers grants to nonprofit community-based organizations that serve homeless veterans. Specifically, the bill authorizes up to \$55 million a year in funding for the program.

In addition, the bill would link the daily per diem rates provided to these community-based organizations for the care of homeless veterans to the rate already provided to state veterans homes for domiciliary care. This would increase the daily rate from \$19 to \$24, giving those who are truly combating homelessness the appropriate resources with which to work.

Another important aspect of this legislation is the establishment of an Advisory Committee on Homeless Veterans within VA. This 12-15 member committee would evaluate and report directly to the Secretary of Veterans Affairs on all matters related to homeless veterans. This ensures that there is always a voice for this segment of the veteran population at the highest level within VA.

With regard to the overall evaluation of homeless programs—often cited as one of the biggest impediments to properly serving the homeless—the pending legislation would encourage the continued support of at least one evaluation center within VA. Currently, VA's Northeast Program Evaluation Center in Connecticut conducts such research, and it's important to ensure that all research efforts receive needed resources to pursue valuable work.

Evaluation needs to be conducted so that VA policy makers and Members of Congress know what works and what does not. Therefore, the pending measure would require two annual reports to Congress from VA on the activities of both the health care and benefits-related aspects of their treatment of homeless veterans.

Yet another key aspect of the pending measure is the required establishment of at least five new Comprehensive Service Centers. These centers would be located in the metropolitan areas found by VA to have the greatest demand for homeless services. Existing centers, such as ones located in Brooklyn, NY, and Dallas, TX, provide the full spectrum of care for homeless veterans, including transitional housing and substance abuse treatment.

In closing, I would like to acknowledge the hard work and dedication of

the namesake of this bill, Miss America 2000, Heather French Henry. Her focus on homeless veterans during her reign and subsequent to the end of her tenure as miss America brought significant attention to this important issue. Ms. Henry's advocacy for homeless veterans is truly admirable.

It is my sincere hope this bill will give VA greater ability to treat homeless veterans, and thereby contribute toward eradicating this national share. I urge my colleagues on the House Veterans's Affairs Committee, who have also been active on this issue, to work with Senator WELLSTONE, the other members of our Committee, and me, to help those who have sacrificed for our country and now need our help.

I ask unanimous consent that a summary of S. 739 be printed in the RECORD.

There being no objection, the material ordered to be printed in the RECORD, as follows:

SUMMARY OF S. 739: THE HEATHER FRENCH HENRY HOMELESS VETERANS ASSISTANCE ACT OF 2001

The Committee bill incorporates provisions from S. 739, as originally introduced. It seeks to enhance and provide additional support for VA programs that combat homelessness among veterans.

The following is a summary of key provisions in the Committee bill, S. 739:

Programmatic Expansions: Authorizes VA to spend up to \$55 million per year on the transitional housing Grant and Per Diem program. Requires VA to establish at least five new comprehensive service centers for homeless veterans in those metropolitan areas found to have the greatest need. Extends the Homeless Chronically Mentally Ill and Comprehensive Homeless Programs until December 31, 2006.

Advisory Committee on Homeless Veterans: Establishes a Committee that will examine and report to the Secretary on various services provided to homeless veterans.

Interagency Council on the Homeless: Requires annual meetings of the Interagency Council on the Homeless, as the Council has yet to get underway.

Evaluation on Homeless Programs: Encourages the continued support of at least one evaluation center to monitor the effectiveness of VA's various homeless programs. Requires VA to report on both the benefits and health care aspects of combating homelessness.

Life Safety Code: Requires that real property of grantees under VA's homeless Grant and Per Diem program meet fire and safety requirements applicable under the Life Safety Code of the National Fire Protection Association.

Technical Assistance Grants: Authorizes the Secretary to conduct a technical assistance grants program to assist nonprofit groups in applying for grants relating to addressing problems of homeless veterans. Provides \$750,000 for each of fiscal years 2002 through 2006 for these purposes.

Homeless Veterans Reintegration Program: Extends the Homeless Veterans Reintegration Program and authorizes \$50 million a year for each of fiscal years 2002 through 2006.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the committee amendment be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment, in the nature of a substitute, was agreed to.

Mr. DASCHLE. Mr. President, I ask unanimous consent the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 739), as amended, was read the third time and passed.

TO PREVENT ELIMINATION OF CERTAIN REPORTS

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 212, H.R. 1042.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 1042) to prevent the elimination of certain reports.

There being no objection, the Senate proceeded to consider the bill.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 1042) was read the third time and passed.

OFFICE OF GOVERNMENT ETHICS AUTHORIZATION ACT OF 2001

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 207, S. 1202.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1202) to amend the Ethics in Government Act of 1978 (5 U.S.C. App.) to extend the authorization of appropriations for the Office of Government Ethics through fiscal year 2006.

There being no objection, the Senate proceeded to consider the bill.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the bill be read the third time, passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1202) was read the third time and passed, as follows:

S. 1202

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Office of Government Ethics Authorization Act of 2001".

SEC. 2. EXTENSION OF AUTHORIZATION OF APPROPRIATIONS.

Section 405 of the Ethics in Government Act of 1978 (5 U.S.C. App.) is amended by striking "1997 through 1999" and inserting "2002 through 2006".

MAKING FURTHER CONTINUING APPROPRIATIONS FOR THE FISCAL YEAR 2002

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.J. Res. 74, the continuing resolution just received from the House and at the desk.

The PRESIDING OFFICER. The clerk will report.

A joint resolution (H.J. Res. 74) making further continuing appropriations for the fiscal year 2002, and for other purposes.

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the joint resolution be read the third time, passed, and the motion to reconsider be laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution (H.J. Res. 74) was read the third time and passed.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mrs. CARNAHAN. Mr. President, I ask unanimous consent that I be permitted to speak as in morning business for a period not to exceed 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE ECONOMIC STIMULUS PACKAGE

Mrs. CARNAHAN. Mr. President, yesterday's action by the Senate to block the consideration of an economic stimulus package was unfortunate, untimely, and unnecessary. For the third time in 2 months, we missed an opportunity to bring desperately needed assistance to unemployed workers. We were also blocked from providing tax relief to businesses to encourage new investment, and we were not even permitted to consider a homeland security initiative to meet the safety needs of our homes and communities.

But the resumption of negotiations on an economic stimulus package between congressional leaders and the administration is a positive sign. I say "resumption of negotiations" because there were productive talks last month between administration officials and congressional leaders. These talks resulted in an agreement on the size of the stimulus package and consensus was beginning to build.

The Democratic and Republican leaders of the Budget Committee also agreed upon a set of guidelines to de-

velop this legislation. They said it should be immediate, that it should provide a temporary stimulus. They also said it should focus on those who would be most likely to spend the money, and all that was left was to fill in the details.

Unfortunately, the sensible process was abandoned. The House of Representatives pushed through a tax bill that was not temporary, did not provide immediate stimulus, and did not put money into the hands of those most likely to spend it. The House bill was bloated well beyond the size of the package that had been agreed upon, and the permanent changes it would make to the Tax Code would return us to the days of deficit spending and high interest rates.

The bill passed by a slim margin on a partisan vote. The fact that the administration has endorsed this effort is a grave disappointment. Now that we are back at the negotiating table, it is time to return to the bipartisan Budget Committee principles. It should be stimulative, immediate, and temporary.

Nobody can doubt that our economy is in trouble. The employment rate jumped 5.4 percent in October; nearly 8 million workers are unemployed. We must rise above our differences and focus on the priorities that unite us.

Three things are of paramount importance. It is important that we get business growing again. There are a variety of good tax cut proposals for businesses on the table. They would cause immediate investment and growth without busting the budget. Identifying the best set of incentives should not be a difficult task. But it is also important that we invigorate consumer demand. Both sides of the aisle have proposed tax rebate checks to those Americans who did not receive a rebate earlier this year. We know that a \$300 rebate to low-income persons would create economic activity because this money will be spent to make ends meet. But it is also important to provide temporary assistance to those who have lost their jobs. As we have in previous recessions, Congress should extend unemployment benefits.

The claim that these benefits would be a disincentive to work is an insult to our workers. I have never met anyone who would rather receive a meager unemployment check than hold a job. But we need to provide unemployment benefits for a longer time than usual because the economy simply is not producing new jobs.

Republicans and Democrats agree that those who have lost their jobs should not also lose their health insurance. But there are many different ideas on the best way to provide health insurance to unemployed workers. Whether it is a tax credit or a subsidy, I am open to these ideas. The important thing is that we not add millions

of workers to the ranks of the unemployed and uninsured.

We should also take care that our actions do not compound the fiscal woes of our State and local governments. Many States were already experiencing large budget deficits even before September 11. Since the attacks, there has been a sharp reduction in revenues. There has been an increased burden on essential Government services. If the Federal tax cuts we enact result in a reduction in State revenue, we must find a way to fill the gap for our States.

If we stay focused on our core priorities, we can come to an agreement. We can also be sure that we don't bust the budget in the long run.

Economists have warned us that if we abandon fiscal discipline, we will force long-term interest rates to rise. If we push up home mortgage rates, then any other stimulus we provide will be futile.

Keeping interest rates low is especially important in my State. Missouri has one of the highest rates of home ownership in the country. Seventy-four percent of Missourians own their own homes, and they are counting on us to act responsibly. They are counting on our national leaders to step forward.

The President has shown bold leadership in the war against terrorism, and now they are counting on him to show bold leadership on the economic front as well.

A bipartisan agreement in the Senate is within reach. It is up to the President to bring all parties together for a sensible, balanced economic package that is good for America. That is the challenge. Americans are watching and waiting.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I ask unanimous consent to speak as in morning business for up to 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL DAY OF RECONCILIATION

Mr. BROWNBACK. Mr. President, I will not take the full period of time. I want to make an announcement and inform the Senate family of something. Last night, we cleared through the Senate a national day of reconciliation to take place in the Senate and the House on December 4.

When we come back, hopefully we will not be in session too much past that, but at least on December 4, there will be a gathering between the House and Senate, and hopefully members of the Cabinet, as a time to support one another and to reconcile.

Historically, this was done 100 years ago, in particular at this time of the year, between Thanksgiving and

Christmas. We will try to see the minor differences that have separated us and see if we really cannot make amends with each other, and seek amends with our Creator, if there are things that separate us from Him as well. This is going to take place on December 4. It has passed the House and the Senate as a concurrent resolution. There is a group that is planning on working together to do this, along with the Chaplains of the two bodies.

I wanted to announce that to the Senate. Hopefully, there are people who will want to participate in this gathering. It is voluntary. It will be a private session. Nobody from outside the House, the Senate, or the administration, other than the two Chaplains, will participate. There will be no media present. It is a private, closed session. It will take place in the Rotunda.

It will take place between 5 p.m. and 7 p.m. on December 4. I hope people will mark it on their calendars. This can be a special time given the nature of what has happened in our country, this year in particular, with the events of September 11, with the anthrax scares, and with the plane that went down this week out of New York. We have had a lot of trial and trauma in this Nation. It has called upon us to unify and pull together. We need to continually do that.

This will be an effort for us to do just that—to reconcile with one another, to reconcile with our Creator. I think it is an important model for us to show to the Nation. I hope people can participate in that as well.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

JAMES A. MCCLURE FEDERAL BUILDING AND UNITED STATES COURTHOUSE

Mr. CRAPO. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 220, S. 1459.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1459) to designate the Federal building and United States courthouse located at 550 West Fort Street in Boise, Idaho, as the "James A. McClure Federal Building and United States Courthouse".

There being no objection, the Senate proceeded to consider the bill.

Mr. CRAPO. Mr. President, I ask unanimous consent that the bill be read a third time, passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1459) was read the third time and passed, as follows:

S. 1459

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF JAMES A. MCCLURE FEDERAL BUILDING AND UNITED STATES COURTHOUSE.

The Federal building and United States courthouse located at 550 West Fort Street in Boise, Idaho, shall be known and designated as the "James A. McClure Federal Building and United States Courthouse".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building and United States courthouse referred to in section 1 shall be deemed to be a reference to the James A. McClure Federal Building and United States Courthouse.

Mr. CRAPO. I thank the Chair.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

WAYNE LYMAN MORSE UNITED STATES COURTHOUSE

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 167, S. 1270.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1270) to designate the United States courthouse to be constructed at 8th Avenue and Mill Street, in Eugene, Oregon, as the "Wayne Lyman Morse United States Courthouse".

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read a third time, passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1270) was read the third time and passed, as follows:

S. 1270

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF WAYNE LYMAN MORSE UNITED STATES COURTHOUSE.

The United States courthouse to be constructed at 8th Avenue and Mill Street in Eugene, Oregon, shall be known and designated as the "Wayne Lyman Morse United States Courthouse".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in section 1 shall be deemed to be a reference to the Wayne Lyman Morse United States Courthouse.

AFGHAN WOMEN AND CHILDREN RELIEF ACT OF 2001

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 203, S. 1573.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1573) to authorize the provision of educational and health care assistance to the women and children of Afghanistan.

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 2158

Mr. REID. Mr. President, there is an amendment proposed by Senator HUTCHISON of Texas, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mrs. HUTCHISON, proposes an amendment numbered 2158.

The amendment is as follows:

(Purpose: To amend the reporting and funding provisions)

Beginning on page 4, strike line 19 and all that follows through page 5, line 16, and insert the following:

(2) Beginning 6 months after the date of enactment of this Act, and at least annually for the 2 years thereafter, the Secretary of State shall submit a report to the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on International Relations of the House of Representatives describing the activities carried out under this Act and otherwise describing the condition and status of women and children in Afghanistan and the persons in refugee camps while United States aid is given to displaced Afghans.

(c) AVAILABILITY OF FUNDS.—Funds made available under the 2001 Emergency Supplemental Appropriations Act for Recovery from and Response to Terrorist Attacks on the United States (Public Law 107-38), shall be available to carry out this Act.

Mr. REID. Mr. President, I ask unanimous consent that the amendment be agreed to.

The amendment (No. 2158) was agreed to.

Mr. REID. Mr. President, I ask unanimous consent that the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1573), as amended, was read the third time and passed, as follows:

S. 1573

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Afghan Women and Children Relief Act of 2001".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) In Afghanistan, Taliban restrictions on women's participation in society make it

nearly impossible for women to exercise their basic human rights. The Taliban restrictions on Afghan women's freedom of expression, association, and movement deny women full participation in society and, consequently, from effectively securing basic access to work, education, and health care.

(2) Afghanistan has one of the highest infant (165 of 1000) and child (257 of 1000) mortality rates in the world.

(3) Only 5 percent of rural and 39 percent of urban Afghans have access to safe drinking water.

(4) It is estimated that 42 percent of all deaths in Afghanistan are due to diarrheal diseases caused by contaminated food and water.

(5) Over one-third of Afghan children under 5 years of age suffer from malnutrition, 85,000 of whom die annually.

(6) Seventy percent of the health care system in Afghanistan is dependent on foreign assistance.

(7) As of May 1998, only 20 percent of hospital medical and surgical beds dedicated to adults were available for women, and thousands of Afghan women and girls are routinely denied health care.

(8) Women are forbidden to leave their homes without being escorted by a male relative. This prevents many women from seeking basic necessities like health care and food for their children. Doctors, virtually all of whom are male, are also not permitted to provide certain types of care not deemed appropriate by the Taliban.

(9) Before the Taliban took control of Kabul, schools were coeducational, with women accounting for 70 percent of the teaching force. Women represented about 50 percent of the civil service corps, and 40 percent of the city's physicians were women. Today, the Taliban prohibits women from working as teachers, doctors, and in any other occupation.

(10) The Taliban prohibit girls and women from attending school. In 1998, the Taliban ordered the closing of more than 100 privately funded schools where thousands of young women and girls were receiving education and training in skills that would have helped them support themselves and their families.

(11) Of the many tens of thousands of war widows in Afghanistan, many are forced to beg for food and to sell their possessions because they are not allowed to work.

(12) Resistance movements courageously continue to educate Afghan girls in secrecy and in foreign countries against Taliban law.

SEC. 3. AUTHORIZATION OF ASSISTANCE.

(a) IN GENERAL.—Subject to subsection (b), the President is authorized, on such terms and conditions as the President may determine, to provide educational and health care assistance for the women and children living in Afghanistan and as refugees in neighboring countries.

(b) IMPLEMENTATION.—(1) In providing assistance under subsection (a), the President shall ensure that such assistance is provided in a manner that protects and promotes the human rights of all people in Afghanistan, utilizing indigenous institutions and non-governmental organizations, especially women's organizations, to the extent possible.

(2) Beginning 6 months after the date of enactment of this Act, and at least annually for the 2 years thereafter, the Secretary of State shall submit a report to the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on International Relations of the

House of Representatives describing the activities carried out under this Act and otherwise describing the condition and status of women and children in Afghanistan and the persons in refugee camps while United States aid is given to displaced Afghans.

(c) AVAILABILITY OF FUNDS.—Funds made available under the 2001 Emergency Supplemental Appropriations Act for Recovery from and Response to Terrorist Attacks on the United States (Public Law 107-38), shall be available to carry out this Act.

AUTHORIZING TESTIMONY, DOCUMENT PRODUCTION AND LEGAL REPRESENTATION

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 181, introduced earlier today by the majority and minority leaders.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 181) to authorize testimony, document production, and legal representation in *State of Idaho v. Joseph Daniel Hooper*.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DASCHLE. Mr. President, this resolution concerns a request for testimony in a criminal action in Idaho District Court for the County of Kootenai. In the case of *Senate of Idaho v. Joseph Daniel Hooper*, the Coeur d'Alene city attorney's office has charged the defendant with two counts of misdemeanor telephone harassment, the first of which arises out of calls to Senator CRAIG's office. Pursuant to subpoena issued on behalf of the city prosecutor, this resolution authorizes a former employee in Senator CRAIG's Coeur d'Alene office who witnessed the events giving rise to this first harassment charge, and any other employee in the Senator's office from whom testimony may be required, to testify and produce documents at trial, with representation by the Senate Legal Counsel.

Mr. REID. I ask unanimous consent that the resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, with no intervening action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 181) was agreed to.

The preamble was agreed to.

(The text of the resolution, with its preamble, is printed in today's RECORD under "Statements on Submitted Resolutions.")

EXPRESSING APPRECIATION TO THE UNITED KINGDOM

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 225, S. Res. 174.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 174) expressing appreciation to the United Kingdom for its solidarity and leadership as an ally of the United States and reaffirming the special relationship between the two countries.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I extend my congratulations to the Presiding Officer for this resolution. It was sponsored by the Presiding Officer. It is certainly timely. America does not have a better friend anywhere in the world than the people of Great Britain.

I ask unanimous consent that the resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and any statements related thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 174) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 174

Whereas the United Kingdom has been a stalwart and loyal ally to the United States;

Whereas in response to the September 11, 2001 terrorist attacks on the United States the Prime Minister of the United Kingdom, Tony Blair, declared that "America is our closest ally and friend. The links between our two peoples are many and close and have been further strengthened over the last few days. We believe in Britain that you stand by your friends in times of trial just as America stood by us";

Whereas the United Kingdom has worked with the United States to build and consolidate an international coalition of countries determined to defeat the scourge of terrorism;

Whereas Prime Minister Tony Blair and other senior officials of the Government of the United Kingdom have personally traveled to foreign capitals, including Moscow, Islamabad, and New Delhi, as part of the effort to build this international coalition; and

Whereas British military forces participated in the initial strikes against the Taliban and the Al Qaeda terrorist network and continue to fight side by side with United States forces in this war against terrorism: Now, therefore, be it

Resolved, That the Senate—

(1) extends its most heartfelt appreciation to the United Kingdom for its unwavering solidarity and leadership as an ally of the United States; and

(2) reaffirms the special relationship of history, shared values, and common strategic interests that the United States enjoys with the United Kingdom.

EXPRESSING SENSE OF CONGRESS REGARDING NATIONAL PEARL HARBOR REMEMBRANCE DAY

Mr. REID. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Con. Res. 44, and the

Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 44) expressing the sense of the Congress regarding National Pearl Harbor Remembrance Day.

There being no objection, the Senate proceeded to consider the concurrent resolution.

AMENDMENT NO. 2159

Mr. REID. Mr. President, it is my understanding Senators FITZGERALD and DURBIN have an amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. FITZGERALD, for himself, and Mr. DURBIN, proposes an amendment numbered 2159.

The amendment is as follows:

(Purpose: To express the sense of the Congress regarding National Pearl Harbor Remembrance Day)

Strike all after the resolving clause and insert the following:

"That the Congress, on the occasion of the 60th anniversary of December 7, 1941, pays tribute to—

"(1) the United States citizens who died as a result of the attack by Japanese imperial forces on Pearl Harbor, Hawaii; and

"(2) the service of the American sailors and soldiers who survived the attack."

Mr. REID. Mr. President, I ask unanimous consent that the amendment be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2159) was agreed to.

Mr. REID. Mr. President, I ask unanimous consent that the concurrent resolution, as amended, be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the concurrent resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 44), as amended, was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 44

Whereas on December 7, 1941, the Imperial Japanese Navy and Air Force attacked units of the Armed Forces of the United States stationed at Pearl Harbor, Hawaii;

Whereas 2,403 members of the Armed Forces of the United States were killed in the attack on Pearl Harbor;

Whereas there are more than 12,000 members of the Pearl Harbor Survivors Association;

Whereas the 60th anniversary of the attack on Pearl Harbor will be December 7, 2001;

Whereas on August 23, 1994, Public Law 103-308 was enacted, designating December 7 of each year as National Pearl Harbor Remembrance Day; and

Whereas Public Law 103-308, reenacted as section 129 of title 36, United States Code, requests the President to issue each year a proclamation calling on the people of the United States to observe National Pearl Harbor Remembrance Day with appropriate ceremonies and activities, and all departments, agencies, and instrumentalities of the Federal Government, and interested organizations, groups, and individuals, to fly the flag of the United States at half-staff each December 7 in honor of the individuals who died as a result of their service at Pearl Harbor: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress, on the occasion of the 60th anniversary of December 7, 1941, pays tribute to—

(1) the United States citizens who died as a result of the attack by Japanese Imperial Forces on Pearl Harbor, Hawaii; and

(2) the service of the American sailors and soldiers who survived the attack.

SMALL BUSINESS INVESTMENT COMPANY AMENDMENTS ACT OF 2001

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to the consideration of Calendar No. 143, S. 1196.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1196) to amend the Small Business Investment Act of 1958 and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. I ask unanimous consent the Bond and Kerry amendment which is at the desk be agreed to, the bill, as amended, be read a third time, passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2160) was agreed to, as follows:

(Purpose: To amend the bill with respect to subsidy fees)

On page 2, lines 8 and 16, strike "1.28" each place it appears and insert "1.38".

Mr. KERRY. Mr. President, it is very important that we pass S. 1196, the Small Business Investment Company Amendments Act of 2001, today. Until this legislation is enacted, the SBA cannot provide any leverage to the SBICs to make investments. We need to vote, send it to the House and on to the President's desk for signature.

I joined Senator BOND in introducing this bill in July and all 19 members of our committee have agreed unanimously in favor of its passage. Why does it enjoy so much support? For anyone who missed the article in the Washington Post on November 1, let me talk about the track record of SBA's venture capital program and the role it plays in our economy.

Last year, the Agency financed 4,600 venture capital deals, investing \$5.6 billion in our fastest-growing small busi-

nesses. Over the last 5 years, investing by SBIC-licensed firms has accounted for half of all venture-financing deals. Since its inception, the program has also returned \$700 million directly to Federal coffers. Despite this impressive track record, the President's budget eliminated funding for the SBIC participating securities program and reduced the program level for the debenture program, which requires no appropriations. With venture capital having all but dried up, this is no time to eliminate funding and restrict activity for the SBIC programs. As I have said so many times, the programs at the SBA are a bargain. For very little, taxpayers leverage their money to help thousands of small businesses every year and fuel the economy.

In the SBIC participating securities program last year, taxpayers spent \$1.31 for every \$100 leveraged for investment in our fastest-growing companies—companies like Staples, Callaway Golf, Federal Express, and Apple Computer.

The main purpose of this act is to adjust the fees charged to Participating Security SBICs from 1 percent to 1.38 percent. The change is necessary because, at the President's request, all funding for this program was eliminated. I disagree with that. I preferred to show fiscal responsibility by level funding the program and then increasing the fees only as much as necessary to raise the program level from \$2 billion to \$3.5 billion. Consistent with that opinion, as my colleagues may remember, Senator BOND and I offered an amendment to the Budget Resolution, Amendment No. 183, that did just that. It was agreed to in the Senate by voice vote in April and retained in the final budget resolution. Unfortunately, the appropriators had very tough decisions to make and the funding agreed to in our budget amendment was not included in the appropriations process. Despite my disagreement, I am supporting S. 1196 and joining Senator BOND in offering this amendment because if we want to continue this program, it must be funded entirely through fees, which forces us to authorize the fee change.

For the record, let me state that the National Association of Small Business Investment Companies testified before both the Senate and House Committees on Small Business in favor of increasing the program level from \$2 billion to \$3.5 billion. As I just explained, this legislation makes that possible.

The other modifications strengthen the oversight and authority of the SBA to take action against bad actors, protect the integrity of the program, and streamline operations.

Mr. BOND. Mr. President, I rise today to urge my colleagues in the Senate to pass the "Small Business Investment Company Amendments Act of 2001," S. 1196. This bill is important for

one simple reason: once enacted it paves the way for more investment capital to be available for more small businesses that are seeking to grow and hire new employees.

There has been a significant growth in the small business sector of the U.S. economy over the past two decades. Today, small businesses make up over ½ of the entire U.S. economy. Over 99 percent of all employers in the United States are small businesses. They employ over 50 percent of workers and provide 75 percent of the net new jobs each year. Small businesses generate 51 percent of the Nation's private sector output. In light of the ongoing dip in the U.S. economy with the accompanying retrenchment by many businesses, both large and small, S. 1196 will serve as part of the solution to move us toward a recovery.

Before voting on S. 1196, I will offer an amendment that will permit the Small Business Administration to increase fees paid by Small Business Investment Companies up to 1.38 percent. When the Committee on Small Business unanimously approved the bill on July 19, 2001, the Committee adopted a fee increase from 1.0 percent to 1.28 percent. At that time, some members of the committee believed they could obtain an appropriation for the SBIC Participating Securities Program that would offset part of the fee increase. At this time, it appears unlikely that the Conferees on the Commerce Justice State Appropriations bill will approve any funds for the SBIC program. Consequently, it is critical that the Senate approve a fee increase to 1.38 percent, as required by the Federal Credit Reform Act of 1990; otherwise, the SBIC Participating Securities Program will be shut down.

In 1958, Congress created the SBIC program to assist small business owners in obtaining investment capital. Forty years later, small businesses continue to experience difficulty in obtaining investment capital from banks and traditional investment sources. Although investment capital is readily available to large businesses from traditional Wall Street investment firms, small businesses seeking investments in the range of \$500,000–\$3 million have to look elsewhere. SBICs are frequently the only sources of investment capital for growing small businesses.

Often we are reminded that the SBIC program has helped some of our Nation's best known companies. It has provided a financial boost at critical points in the early growth period for many companies that are familiar to all of us. For example, Federal Express received a needed infusion of capital from two SBA-licensed SBICs at a critical juncture in its development stage. The SBIC program also helped other well-known companies, when they were not so well-known, such as Intel, Outback Steakhouse, America Online, and Callaway Golf.

What is not well known is the extraordinary help the SBIC program provides to Main Street America small businesses. These are companies we know from home towns all over the United States. Main Street companies provide both stability and growth in our local business communities. A good example of a Main Street company is Steelweld Equipment Company, founded in 1932, which designs and manufactures utility truck bodies in St. Clair, Missouri. The truck bodies are mounted on chassis made by Chrysler, Ford, and General Motors. Steelweld provides truck bodies for Southwestern Bell Telephone Co., Texas Utilities, Paragon Cable, GTE, and GE Capital Fleet.

Steelweld is a privately held, woman-owned corporation. The owner, Elaine Hunter, went to work for Steelweld in 1966 as a billing clerk right out of high school. She rose through the ranks of the company and was selected to serve on the board of directors. In December 1995, following the death of Steelweld's founder and owner, Ms. Hunter received financing from a Missouri-based SBIC, Capital for Business, CFB, Venture Fund II, to help her complete the acquisition of Steelweld. CFB provided \$500,000 in subordinated debt. Senior bank debt and seller debt were also used in the acquisition.

Since Ms. Hunter acquired Steelweld, its manufacturing process was redesigned to make the company run more efficiently. By 1997, Steelweld's profitability had doubled, with annual sales of \$10 million and 115 employees. SBIC program success stories like Ms. Hunter's experience at Steelweld occur regularly throughout the United States.

In 1991, the SBIC program was experiencing major losses, and the future of the program was in doubt. Consequently, in 1992 and 1996, the Committee on Small Business worked closely with the Small Business Administration to correct deficiencies in the law in order to ensure the future of the program.

Today, the SBIC Program is expanding rapidly in an effort to meet the growing demands of small business owners for debt and equity investment capital. And it is important to focus on the significant role that is played by the SBIC program in support of growing small businesses. When Fortune Small Business compiled its list of 100 fastest growing small companies in 2000, 6 of the top 12 businesses on the list received SBIC financing during their critical growth years.

The "Small Business Investment Company Amendments Act of 2001," as amended, would permit the annual interest fee paid by Participating Securities SBICs to increase from 1.0 percent to no more than 1.38 percent. In addition, the bill would make three technical changes to the Small Business Investment Act of 1958 ('58 Act) that are intended to make improvements in the

day-to-day operation of the SBIC program.

Projected demand for the Participating Securities SBIC program for FY 2002 is \$3.5 billion, a significant increase over the FY 2001 program level of \$2.5 billion. It is imperative that Congress approve this relatively small increase in the annual interest charge paid by the Participating Securities SBICs before the end of the fiscal year. The fee increase included in the bill, 1.38 percent, will allow the program to operate at its authorized level—\$3.5 billion—an amount needed to help support small businesses as they help lead out country to an economic recovery.

The "Small Business Investment Company Amendments Act of 2001" would also make some relatively technical changes the '58 Act that are drafted to improve the operations of the SBIC program. Section 3 would remove the requirement that the SBA take out local advertisements when it seeks to determine if a conflict of interest exists involving an SBIC. This section has been recommended by the SBA, that has informed me that it has never received a response to a local advertisement and believes the requirement is unnecessary.

The bill would amend Title 12 and Title 18 of the United States Code to insure that false statements made to the SBA under the SBIC program would have the same penalty as making false statements to an SBIC. This section would make it clear that a false statement to SBA or to an SBIC for the purpose of influencing their respective actions taken under the '58 Act would be a criminal violation. The courts could then assess civil and criminal penalties for such violations.

Section 5 of the bill would amend Section 313 of the '58 Act to permit the SBA to remove or suspend key management officials of an SBIC when they have willfully and knowingly committed a substantial violation of the '58 Act, any regulation issued by the SBA under the Act, a cease-and-desist order that has become final, or committed or engaged in any act, omission or practice that constitutes a substantial breach of a fiduciary duty of that person as a management official.

The amendment expands the definition of persons covered by Section 313 to be "management officials," which includes officers, directors, general partners, managers, employees, agents or other participants in the management or conduct of the SBIC. At the time Section 313 if the '58 Act was enacted in November 1966, an SBIC was organized as a corporation. Since that time, SBIC has been organized as partnerships and Limited Liability Companies (LLCs), and this amendment would take into account those organizations.

Time is of the essence. We need to act promptly and pass the Small Business Investment Company Act of 2001

today, so that the House of Representatives has time to act before the Congress adjourns in the coming weeks.

The bill was read the third time and passed, as follows:

S. 1196

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Small Business Investment Company Amendments Act of 2001".

SEC. 2. SUBSIDY FEES.

(a) IN GENERAL.—Section 303 of the Small Business Investment Act of 1958 (15 U.S.C. 683) is amended—

(1) in subsection (b)—

(A) by striking "of not more than 1 percent per year";

(B) by inserting "which amount may not exceed 1.38 percent per year, and" before "which shall be paid"; and

(C) by striking "September 30, 2000" and inserting "September 30, 2001"; and

(2) in subsection (g)(2)—

(A) by striking "of not more than 1 percent per year";

(B) by inserting "which amount may not exceed 1.38 percent per year, and" before "which shall be paid"; and

(C) by striking "September 30, 2000" and inserting "September 30, 2001".

(b) EFFECTIVE DATE.—The amendments made by this section shall become effective on October 1, 2001.

SEC. 3. CONFLICTS OF INTEREST.

Section 312 of the Small Business Investment Act of 1958 (15 U.S.C. 687d) is amended by striking "(including disclosure in the locality most directly affected by the transaction)".

SEC. 4. PENALTIES FOR FALSE STATEMENTS.

(a) CRIMINAL PENALTIES.—Section 1014 of title 18, United States Code, is amended by inserting "as defined in section 103 of the Small Business Investment Act of 1958 (15 U.S.C. 662), or the Small Business Administration in connection with any provision of that Act" after "small business investment company".

(b) CIVIL PENALTIES.—Section 951 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1833a) is amended—

(1) by redesignating subsections (d) through (g) as subsections (e) through (h), respectively; and

(2) in subsection (c)—

(A) in paragraph (1), by striking "or" at the end;

(B) in paragraph (2)—

(i) by striking "1341;" and inserting "1341"; and

(ii) by striking "institution." and inserting "institution; or";

(C) by inserting immediately after paragraph (2) the following:

"(3) section 16(a) of the Small Business Act (15 U.S.C. 645(a))."; and

(D) by striking "This section shall" and inserting the following:

"(d) EFFECTIVE DATE.—This section shall".

SEC. 5. REMOVAL OR SUSPENSION OF MANAGEMENT OFFICIALS.

Section 313 of the Small Business Investment Act of 1958 (15 U.S.C. 687e) is amended to read as follows:

"SEC. 313. REMOVAL OR SUSPENSION OF MANAGEMENT OFFICIALS.

"(a) DEFINITION OF 'MANAGEMENT OFFICIAL'.—In this section, the term 'manage-

ment official' means an officer, director, general partner, manager, employee, agent, or other participant in the management or conduct of the affairs of a licensee.

"(b) REMOVAL OF MANAGEMENT OFFICIALS.—

"(1) NOTICE OF REMOVAL.—The Administrator may serve upon any management official a written notice of its intention to remove that management official whenever, in the opinion of the Administrator—

"(A) such management official—

"(i) has willfully and knowingly committed any substantial violation of—

"(I) this Act;

"(II) any regulation issued under this Act; or

"(III) a cease-and-desist order which has become final; or

"(ii) has willfully and knowingly committed or engaged in any act, omission, or practice which constitutes a substantial breach of a fiduciary duty of that person as a management official; and

"(B) the violation or breach of fiduciary duty is one involving personal dishonesty on the part of such management official.

"(2) CONTENTS OF NOTICE.—A notice of intention to remove a management official, as provided in paragraph (1), shall contain a statement of the facts constituting grounds therefor, and shall fix a time and place at which a hearing will be held thereon.

"(3) HEARINGS.—

"(A) TIMING.—A hearing described in paragraph (2) shall be fixed for a date not earlier than 30 days nor later than 60 days after the date of service of notice of the hearing, unless an earlier or a later date is set by the Administrator at the request of—

"(i) the management official, and for good cause shown; or

"(ii) the Attorney General of the United States.

"(B) CONSENT.—Unless the management official shall appear at a hearing described in this paragraph in person or by a duly authorized representative, that management official shall be deemed to have consented to the issuance of an order of removal under paragraph (1).

"(4) ISSUANCE OF ORDER OF REMOVAL.—

"(A) IN GENERAL.—In the event of consent under paragraph (3)(B), or if upon the record made at a hearing described in this subsection, the Administrator finds that any of the grounds specified in the notice of removal has been established, the Administrator may issue such orders of removal from office as the Administrator deems appropriate.

"(B) EFFECTIVENESS.—An order under subparagraph (A) shall—

"(i) become effective at the expiration of 30 days after the date of service upon the subject licensee and the management official concerned (except in the case of an order issued upon consent as described in paragraph (3)(B), which shall become effective at the time specified in such order); and

"(ii) remain effective and enforceable, except to such extent as it is stayed, modified, terminated, or set aside by action of the Administrator or a reviewing court in accordance with this section.

"(c) AUTHORITY TO SUSPEND OR PROHIBIT PARTICIPATION.—

"(1) IN GENERAL.—The Administrator may, if the Administrator deems it necessary for the protection of the licensee or the interests of the Administration, suspend from office or prohibit from further participation in any manner in the management or conduct of the affairs of the licensee, or both, any

management official referred to in subsection (b)(1), by written notice to such effect served upon the management official.

"(2) EFFECTIVENESS.—A suspension or prohibition under paragraph (1)—

"(A) shall become effective upon service of notice under paragraph (1); and

"(B) unless stayed by a court in proceedings authorized by paragraph (3), shall remain in effect—

"(i) pending the completion of the administrative proceedings pursuant to a notice of intention to remove served under subsection (b); and

"(ii) until such time as the Administrator shall dismiss the charges specified in the notice, or, if an order of removal or prohibition is issued against the management official, until the effective date of any such order.

"(3) JUDICIAL REVIEW.—Not later than 10 days after any management official has been suspended from office or prohibited from participation in the management or conduct of the affairs of a licensee, or both, under paragraph (1), that management official may apply to the United States district court for the judicial district in which the home office of the licensee is located, or the United States District Court for the District of Columbia, for a stay of the suspension or prohibition pending the completion of the administrative proceedings pursuant to a notice of intent to remove served upon the management official under subsection (b), and such court shall have jurisdiction to stay such action.

"(d) AUTHORITY TO SUSPEND ON CRIMINAL CHARGES.—

"(1) IN GENERAL.—Whenever a management official is charged in any information, indictment, or complaint authorized by a United States attorney, with the commission of or participation in a felony involving dishonesty or breach of trust, the Administrator may, by written notice served upon that management official, suspend that management official from office or prohibit that management official from further participation in any manner in the management or conduct of the affairs of the licensee, or both.

"(2) EFFECTIVENESS.—A suspension or prohibition under paragraph (1) shall remain in effect until the subject information, indictment, or complaint is finally disposed of, or until terminated by the Administrator.

"(3) AUTHORITY UPON CONVICTION.—If a judgment of conviction with respect to an offense described in paragraph (1) is entered against a management official, then at such time as the judgment is not subject to further appellate review, the Administrator may issue and serve upon the management official an order removing that management official, which removal shall become effective upon service of a copy of the order upon the licensee.

"(4) AUTHORITY UPON DISMISSAL OR OTHER DISPOSITION.—A finding of not guilty or other disposition of charges described in paragraph (1) shall not preclude the Administrator from thereafter instituting proceedings to suspend or remove the management official from office, or to prohibit the management official from participation in the management or conduct of the affairs of the licensee, or both, pursuant to subsection (b) or (c).

"(e) NOTIFICATION TO LICENSEES.—Copies of each notice required to be served on a management official under this section shall also be served upon the interested licensee.

"(f) PROCEDURAL PROVISIONS; JUDICIAL REVIEW.—

"(1) HEARING VENUE.—Any hearing provided for in this section shall be—

“(A) held in the Federal judicial district or in the territory in which the principal office of the licensee is located, unless the party afforded the hearing consents to another place; and

“(B) conducted in accordance with the provisions of chapter 5 of title 5, United States Code.

“(2) **ISSUANCE OF ORDERS.**—After a hearing provided for in this section, and not later than 90 days after the Administrator has notified the parties that the case has been submitted for final decision, the Administrator shall render a decision in the matter (which shall include findings of fact upon which its decision is predicated), and shall issue and cause to be served upon each party to the proceeding an order or orders consistent with the provisions of this section.

“(3) **AUTHORITY TO MODIFY ORDERS.**—The Administrator may modify, terminate, or set aside any order issued under this section—

“(A) at any time, upon such notice, and in such manner as the Administrator deems proper, unless a petition for review is timely filed in a court of appeals of the United States, as provided in paragraph (4)(B), and thereafter until the record in the proceeding has been filed in accordance with paragraph (4)(C); and

“(B) upon such filing of the record, with permission of the court.

“(4) **JUDICIAL REVIEW.**—

“(A) **IN GENERAL.**—Judicial review of an order issued under this section shall be exclusively as provided in this subsection.

“(B) **PETITION FOR REVIEW.**—Any party to a hearing provided for in this section may obtain a review of any order issued pursuant to paragraph (2) (other than an order issued with the consent of the management official concerned, or an order issued under subsection (d)), by filing in the court of appeals of the United States for the circuit in which the principal office of the licensee is located, or in the United States Court of Appeals for the District of Columbia Circuit, not later than 30 days after the date of service of such order, a written petition praying that the order of the Administrator be modified, terminated, or set aside.

“(C) **NOTIFICATION TO ADMINISTRATION.**—A copy of a petition filed under subparagraph (B) shall be forthwith transmitted by the clerk of the court to the Administrator, and thereupon the Administrator shall file in the court the record in the proceeding, as provided in section 2112 of title 28, United States Code.

“(D) **COURT JURISDICTION.**—Upon the filing of a petition under subparagraph (A)—

“(i) the court shall have jurisdiction, which, upon the filing of the record under subparagraph (C), shall be exclusive, to affirm, modify, terminate, or set aside, in whole or in part, the order of the Administrator, except as provided in the last sentence of paragraph (3)(B);

“(ii) review of such proceedings shall be had as provided in chapter 7 of title 5, United States Code; and

“(iii) the judgment and decree of the court shall be final, except that the judgment and decree shall be subject to review by the Supreme Court of the United States upon certiorari, as provided in section 1254 of title 28, United States Code.

“(E) **JUDICIAL REVIEW NOT A STAY.**—The commencement of proceedings for judicial review under this paragraph shall not, unless specifically ordered by the court, operate as a stay of any order issued by the Administrator under this section.”.

PATENT, COPYRIGHT AND TRADE-MARK LAW TECHNICAL CORRECTIONS

Mr. REID. Mr. President, I ask that the Chair lay before the Senate a message from the House to accompany S. 320.

The PRESIDING OFFICER laid before the Senate the following message:

Resolved, That the bill from the Senate (S. 320) entitled “An Act to make technical corrections in patent, copyright, and trademark laws”, do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Intellectual Property and High Technology Technical Amendments Act of 2001”.

SEC. 2. OFFICERS AND EMPLOYEES.

(a) **RENAMING OF OFFICERS.**—(1)(A) Except as provided in subparagraph (B), title 35, United States Code, other than section 210(d), is amended—

(i) by striking “Director” each place it appears and inserting “Commissioner”; and

(ii) by striking “Director’s” each place it appears and inserting “Commissioner’s”.

(B) Section 3(b)(5) of title 35, United States Code, is amended by striking “Director” the first place it appears and inserting “Commissioner”.

Mr. REID. Mr. President, I ask unanimous consent the Senate concur with the House amendment with a further amendment which is at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2162) is agreed to.

(The amendment is printed in today’s RECORD under “Amendments Submitted.”)

MUSCULAR DYSTROPHY COMMUNITY ASSISTANCE, RESEARCH AND EDUCATION AMENDMENTS OF 2001

Mr. REID. I ask unanimous consent the Senate now proceed to the consideration of Calendar No. 208, H.R. 717.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 717) to amend the Public Health Service Act to provide for research with respect to various forms of muscular dystrophy, including Duchenne, Becker, limb girdle, congenital, facioscapulohumeral, myotonic, oculopharyngeal, distal, and Emery-Dreifuss muscular dystrophies.

There being no objection, the Senate proceeded to consider the bill (H.R. 717) which had been reported from the Committee on Health, Education, Labor, and Pensions with an amendment, as follows:

On page 16, after line 21, insert the following:

SEC. 7. STUDY ON THE USE OF CENTERS OF EXCELLENCE AT THE NATIONAL INSTITUTES OF HEALTH.

(a) **REVIEW.**—Not later than 60 days after the date of enactment of this Act, the Secretary of Health and Human Services shall enter into a

contract with the Institute of Medicine for the purpose of conducting a study and making recommendations on the impact of, need for, and other issues associated with Centers of Excellence at the National Institutes of Health.

(b) **AREAS OF REVIEW.**—In conducting the study under subsection (a), the Institute of Medicine shall at a minimum consider the following:

(1) The current areas of research incorporating Centers of Excellence (which shall include a description of such areas) and the relationship of this form of funding mechanism to other forms of funding for research grants, including investigator initiated research, contracts and other types of research support awards.

(2) The distinctive aspects of Centers of Excellence, including the additional knowledge that may be expected to be gained through Centers of Excellence as compared to other forms of grant or contract mechanisms.

(3) The costs associated with establishing and maintaining Centers of Excellence, and the record of scholarship and training resulting from such Centers. The research and training contributions of Centers should be assessed on their own merits and in comparison with other forms of research support.

(4) Specific areas of research in which Centers of Excellence may be useful, needed, or underused, as well as areas of research in which Centers of Excellence may not be helpful.

(5) Criteria that may be applied in determining when Centers of Excellence are an appropriate and cost-effective research investment and conditions that should be present in order to consider the establishment of Centers of Excellence.

(6) Alternative research models that may accomplish results similar to or greater than Centers of Excellence.

(c) **REPORT.**—Not later than 1 year after the date on which the contract is entered into under subsection (a), the Institute of Medicine shall complete the study under such subsection and submit a report to the Secretary of Health and Human Services and the appropriate committees of Congress that contains the results of such study.

Mr. REID. I ask unanimous consent the committee amendment be agreed to, the bill, as amended, be read three times, passed, the motion to reconsider be laid upon the table, and any statements relating thereto be printed in the RECORD, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment was agreed to.

The bill (H.R. 717), as amended, was read the third time and passed.

PROVIDING AUTHORITY TO THE FEDERAL POWER MARKETING ADMINISTRATIONS TO REDUCE VANDALISM AND DESTRUCTION OF PROPERTY

Mr. REID. Mr. President, finally, I ask unanimous consent that the Senate proceed to the consideration of H.R. 2924 that was recently received from the House and which is now at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2924) to provide authority to the Federal Power Marketing Administrations to reduce vandalism and destruction of property, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. I ask unanimous consent the bill be read three times, passed, the motion to reconsider be laid upon the table, and any statements relating thereto be printed in the RECORD, with the above occurring with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2924) was read the third time and passed.

ECONOMIC STIMULUS

Mr. KENNEDY. Mr. President, on Tuesday, we began debate about the economic stimulus package. We know the economy is in trouble, and we know we have to act. Clearly, by any standard, we face an economic emergency that demands responsible action by Congress.

The American people want action by Congress too. They strongly support our Democratic proposals to provide unemployment insurance and health insurance to laid-off workers, and Federal assistance to States. They know it's an emergency in the economy and they know it is an emergency for the hundreds of thousands of men and women without unemployment insurance or health insurance.

Yet, some of our colleagues in Congress oppose this action. Instead, they support a bill that would retroactively repeal the corporate minimum tax and give the largest corporations \$25 billion in direct payments from the U.S. Treasury. They don't think laid-off workers who can't afford, or don't have, health insurance are an emergency. Instead, they support spending \$120 billion to accelerate the reduction of upper income tax rates, 80 percent of which won't go into the economy until after next year.

Our economy is in trouble. There is no denying it. Just ask the men and women who have lost their jobs and have to tell their families every week that they cannot find new employment. They will tell you how hard it is to put food on their families' tables each week. They will tell you how hard it is to watch their bills piling up with no end in sight.

If that's not enough, look at the numbers.

Only 38 percent of unemployed workers receive unemployment insurance. This figure is down from 75 percent in 1975. And, the figure is much worse for low-wage workers. According to a new study by the National Campaign for Jobs and Income Support, only 20 percent of unemployed low-wage workers will qualify for benefits during a recession.

These workers are least likely to qualify for unemployment benefits, and they are most likely to be laid off. They are struggling to keep a roof over their families' heads and to afford food for their children. We know that the number of hungry children has grown in recent years. Unless we do more to help, the number will continue to grow.

Yesterday, America's Second Harvest released the largest, most comprehensive report on the plight of hungry Americans. Last year, 23 million Americans, including 9 million children, sought emergency food relief through America's Second Harvest. The current downturn in the economy means that even more families are facing the difficult choice between feeding their children and paying the rent, a choice no person should have to make.

These findings demonstrate the dramatic rise in hunger and related health problems among children. They demonstrate that current unemployment benefits are not adequate to help working families during the current economic downturn. We need to do more to see that families can afford to put food on their tables. Our Democratic plan provides unemployment benefits to 600,000 more low-wage and part-time workers and increase these benefits by at least \$25 a week.

The economy needs stimulus now. Workers need assistance now.

The best way to accomplish both of these goals is to get relief to the families who need it the most. Economists across the country agree that providing relief to low- and moderate-income families is one of the most effective ways to stimulate the economy.

The Democratic plan would stimulate the economy right away, by putting money in the hands of the people most likely to spend it—dislocated workers and their families. We do that by strengthening the unemployment insurance system, improving workers' ability to afford health care, and providing a tax rebate for those who did not receive a full rebate earlier this year.

Unemployment insurance is the Nation's first line of defense in an economic recession. By putting UI trust fund dollars into the declining economy, we automatically boost consumer spending in communities affected by rising unemployment, while meeting essential needs of households hurt by layoffs.

A recent study by the Department of Labor shows that every \$1 invested in unemployment insurance generates \$2.15 for the Nation's economy. That same study estimated that unemployment insurance "mitigated the real loss in GDP by 15 percent" in the last five recessions.

According to Joseph Stiglitz, "we should extend the duration and magnitude of the benefits we provide to our unemployed. This is not only the fair-

est proposal, but also the most effective. People who become unemployed cut back on their expenditures. Giving them more money will directly increase expenditures."

The Congressional Research Service agrees: "Extending unemployment compensation is, in fact, likely to be a more successful policy for stimulating aggregate demand than many other . . . changes."

The Republican plan will put very little money into the hands of unemployed workers. It offers no guarantees of extended benefits in most states. In fact, the States with the highest unemployment rates are the least likely to receive help under that plan. Even for those few workers who will be helped, the plan won't provide any benefits until next spring. America's working families must not be left behind when Congress acts on an economic recovery package.

We must also help families afford health insurance. It is also the right thing to do for them, and it is the right thing to do for economy. Providing health insurance for laid-off workers improves the health of our economy. When a parent is forced to choose between health insurance and food on their table, it is unfair for their family, and it undermines the economy.

On average, health insurance premiums for these families cost nearly two-thirds of their unemployment insurance. That is why only 18 percent of workers eligible for COBRA use this coverage. And millions of workers are not eligible for COBRA at all.

This is no time to accept an increase in the uninsured. It is wrong for families and wrong for hospitals, nursing homes, health care workers and many others in the health care sector, which makes up one-seventh of our economy.

The Democratic economic recovery plan provides temporary health insurance for workers who have been laid off in the slowing economy. Currently, workers must pay 65 percent of their unemployment check to purchase COBRA health insurance coverage. Our plan to subsidize COBRA coverage would make health care affordable for all displaced workers. States also could receive Federal Medicaid matching payments to cover other laid-off workers who do not qualify for COBRA.

By protecting both workers eligible for COBRA coverage and increasing the Medicaid matching payments, the Senate Democratic plan provides meaningful health coverage for unemployed Americans while the Republican plan will leave families behind. For unemployed workers who are eligible for COBRA, the Senate Democratic plan provides health coverage for 12 months during the economic downturn. The Senate Republican plan provides enough for only 2 weeks of coverage. For unemployed Americans who are not eligible for COBRA, the Democratic plan again provides coverage for

1 year, while the Republican plan offers no assistance.

The plan to provide unemployed workers with health insurance coverage will also be good for the economy by helping to stop a decline in the health care sector. If unemployed individuals who lack health insurance forgo health care, the health care sector will be hurt during the downturn. The health care system has been one of the most vibrant sectors of the economy in recent years. It has been responsible for 30 percent of the real growth in gross domestic product and 45 percent of the net increase in jobs in the past year. A reduction in the purchase of health care services has an effect on the economy similar to that of other reductions in consumer spending, it dampens economic activity.

Finally, a federal stimulus package will do no good if States have to make spending cuts or raise taxes. The current recession is already having an impact on state budgets. In fact, 35 States have reported budget shortfalls—a shortfall that already totals more than \$15 billion and will grow to \$30 billion if unemployment continues to increase.

This means that states across the country will have to make drastic cuts. In particular, they are cutting back on Medicaid. In fact, 20 States are already planning to cut Medicaid. At the same time, the number of people on Medicaid is expected to grow by as much as 3 million during this recession, about 2 million of them could be children.

If States cut Medicaid just as more people need it, we are going to see an increase in the uninsured. Also, leading economists believe substantial cuts in state Medicaid budgets would have dramatic ripple effects on the national economy.

Our plan provides financial assistance to States to help avoid devastating cuts in Medicaid, cuts that will hurt State economies and reduce health coverage. States would receive \$5.5 billion through an increased Federal Medicaid matching rate, providing an immediate influx of cash into States suffering from the recession-driven budget crisis.

The Senate Republican alternative is unacceptable. It fails to address aid to the States, health care or unemployment insurance in any meaningful way.

The Democratic plan is a fair balance between tax incentives and spending incentives for the economy. The tax incentives in the plan meet the three essential criteria for a stimulus: They will put money into the economy now; they do not impose substantial new long-term costs on the federal budget; and they treat fairly those who are most in need.

Seventy percent of Americans today pay more in payroll taxes than in income taxes. Yet many of them received no tax rebate earlier this year. The re-

bate unfairly ignored these low and moderate income families. A one-time rebate of payroll taxes to them now will immediately inject \$15 billion into the economy, placing the dollars in the hands of people who are likely to spend them immediately. Economists tell us that families with modest incomes are likely to spend the extra money they receive right away on needed consumer goods. Those with higher incomes are more likely to save it.

The Democratic bill also includes temporary, targeted tax cuts to stimulate immediate business activity. These changes provide more favorable treatment for new investments now, and they deserve to be supported.

Because the tax cuts in the Democratic plan are truly designed to be an immediate economic stimulus, they do not incur any substantial cost beyond 2003. This point is vital to our economic recovery. Enacting new permanent tax cuts which can trigger large long-term Federal deficits would be counter-productive. Permanent new tax cuts, on top of the nearly \$2 trillion in tax cuts enacted earlier this year, would actually hurt the economy now, by raising the cost of long-term borrowing and discouraging the kinds of investment we need most today.

The House of Representatives passed, by the narrowest of margins, a so-called stimulus package that will not stimulate economic growth in the short term, and will not be affordable in the long term. It merely repackages old, unfair, permanent tax breaks, which were rejected by Congress last spring, under the new label of “economic stimulus.” The American people deserve better.

The long-term cost of the House plan is too high, and less than half of the dollars would reach the economy next year. The House plan offers \$46 billion in tax breaks to big businesses by permanently repealing the corporate alternative minimum tax and by giving permanent new tax cuts for multinational corporations. These provisions are an unacceptable giveaway of public resources.

The alternative suggested by our Republican colleagues in the Senate is also flawed. Their proposal to accelerate the reduction of upper income tax rates would cost \$120 billion over the next decade. Only a small percentage of these dollars, less than one dollar in four, would go into the economy in 2002. And these dollars would go to those least likely to spend them. The result would be little immediate stimulus, large long-term costs, and a grossly unfair distribution to the wealthiest individuals in our society.

In fact, the House Republican proposal gives \$115 billion in permanent new tax breaks to wealthy individuals and corporations, while the Senate plan would give them \$142 billion in new tax breaks. Yet each of the Repub-

lican tax plans provide only \$14 billion for low and moderate income families. Under the GOP plan, the tax cuts for corporations and wealthy individuals are permanent, while the cuts for working families are limited to just one year. The result is unfair, and it won't provide the economic stimulus that the nation urgently needs now.

Perhaps never before in history has our nation faced such grave challenges. The tragedy of September 11 has touched us all. Together, we witnessed a horror we could not have imagined, and bravery which inspires us all. The tragedy may have shaken our basic assumptions about the world in which we live. But, Americans have not retreated in fear. Instead, they have risen to meet these new challenges. The spirit of September 11 has compelled vast numbers of our fellow citizens to ask what they can do for their communities and our country.

It is time for Congress to do its part to respond to the emergency we face. We must respond to the economic crisis the Nation faces. As we do so, we must show our dedication to America's best ideals. As we fight for a safer society, we can also create a more just society at the same time. September 11 has taught all Americans that we need to help each other as never before.

We will not ignore the plight of millions of Americans hurt by this tragedy and by economic forces beyond their control. As we work together to get our economy moving again, we can also work together to see that none are left behind.

We have a unique opportunity to give help and hope to every American as we enact a stimulus plan that puts America back to work.

The American people are meeting this challenge, and we must demonstrate to them that Congress is capable of meeting it too. The test we face now is to pass a stimulus package that truly lifts the economy, and lifts it fairly and responsibly. We do have an emergency, and we must address it. The American people are watching this debate closely, and they are waiting for our answer.

Mr. KYL. Mr. President, President Bush has asked us to send him an effective, anti-recession stimulus package. In the spirit of bipartisanship and good faith, he proposed a series of provisions that enjoyed both Republican and Democratic support. After much foot-dragging, the Democratic majority has finally produced a bill. Unfortunately, it appears to be nothing more than a collage of special interest wish lists, from livestock assistance to new entitlements—with very little if anything that will actually stimulate the economy.

It is fat on claims but thin on data. It struts around in the light of day as a bipartisan package, but makes deals in the dark of night to secure votes.

The bill before us is an embarrassment to the Senate; it is no good for our country, and it is certainly no good for our economy. There may be many good political reasons for Congress to pass an economic stimulus package, but when pet projects trump fiscal prudence, we miss a historic opportunity to help the American people during a time of great need. We must improve the incentives to work, save, and invest—the real catalysts of economic growth—and the Democratic bill fails on all three counts.

Instead, Democrats insist that increased Government spending serves as the primary tool for boosting economic activity. But look what they are spending money on—sugar beet disaster programs, rural telecommunications infrastructure, and water-treatment and waste disposal facilities. It is no mystery to leading economists, although my colleagues across the aisle will tell you otherwise, that the better approach is to lower tax rates and the tax burden on labor and capital to improve incentives for workers and business owners. This produces more jobs and generates higher incomes, which in turn translate into higher investment and consumer spending.

Democrats prefer to add new healthcare entitlements and massive pork-barrel spending items rather than accelerate tax cuts for businesses and individuals. Given the amount of money that would be spent under this bill, we would be better off passing no bill at all. The Republican minority strongly supports the President's proposal, and has crafted a bill that reaffirms his principles for economic recovery. As such, criticism of the Republican bill is direct criticism of the President, because it is his bare-bones proposal we introduced. To my Democratic friends, I say, don't take refuge in calling Republicans partisan; if you object to our bill, criticize the President—it's his proposal. The truth is: he's right, and you're wrong.

The American economy is starved for business investment. The President's proposals are designed to stimulate business investment. My Democratic friends say rich people don't spend, only poor people do. Now that is real voodoo economics. Alternative Minimum Tax relief for a business provides money for reinvestment. Neither rich people nor corporations hide their money in a mattress. They invest it, which does . . . what? It creates jobs. What do we need to do today? Create jobs. And what happens when we do that? People have more money to spend. I would rather people have a job than an unemployment check. I would rather they spend their paycheck than an unemployment check.

I recently read an article in which a key Democratic political operative said, in effect, we will stand with the President in the war, but on the domes-

tic front, we'll use issues to our political advantage. Righting our economy is critical to our war effort. We shouldn't be playing politics with it.

So let's stop the political games. Time is short. The President has asked us to produce a bill for him by the end of the month, and the minority intends to do so. We have already come a good distance toward the other side. It is time for Democrats to do the same, and converge upon what the President and the American people think is best.

Ms. MIKULSKI. Mr. President, I rise in support of the Economic Recovery and Assistance to American Workers Act. This legislation is about security, economic security and physical security. This bill will help us achieve two national priorities: homeland defense and economic recovery.

I have four principles for economic stimulus. First, any measure should have a strong, immediate impact. Next, economic recovery provisions should be temporary—sunsetting within one or two years. The overall package should be fiscally responsible to ensure long-term interest rates are not negatively affected. And, lastly, the proposal should be focused on those who need the help the most.

I also have four principles for homeland defense legislation. First, it must give law enforcement the tools they need to prevent attacks. Next, it must give first responders the tools they need to respond to an act of terrorism. Also, it must improve security of our infrastructure. Lastly, it must provide for greater public information, since information is the antidote for panic.

The legislation we're considering today meets my principles.

Our Nation is fighting a war against terrorism. This war is on two fronts: in Afghanistan, and in every community in America. Our military has the right stuff to defeat our enemies. They have honor, courage and patriotism. They also have the best training, best intelligence, best equipment.

Yet on the home front, our communities are foraging. They are forced to choose between keeping communities safe from drug dealers and other thugs, and keeping key infrastructure safe—like bridges, power plants and stadiums.

I recently held a hearing in the VA-HUD Subcommittee to hear the mayors perspective on homeland defense. What did we learn at the hearing? We learned that our local governments are on the front lines of homeland defense. We learned that they are responsible for the protection of our infrastructure, including our bridges, tunnels, and mass transit as well as our first responders, our police and fire fighters.

Yet their resources don't match their responsibilities.

What will happen if we don't pass this homeland security bill?

Costs are shifted to local governments who must forage for funds from

local programs. That means higher local taxes and lower security across our Nation.

What does this legislation do? It provides the resources we need to secure our homeland. Local law enforcement is essential to our fight against terrorism. They are our front line of defense. There are 650,000 local police officers and only 11,000 FBI agents. This legislation will provide \$2 billion that will go to states to be used for counterterrorism training for police to train them to prevent and respond to terrorist attacks and for new equipment.

Our firefighters are our protectors. We must protect the protectors. Simply put, that means making sure they have the equipment they need to save lives. Yet fire equipment is very expensive. A new fire engine costs \$300,000. A new rescue vehicle costs \$500,000. A suit of protective gear for our firefighters costs \$1,000 and wears out quickly.

Each year we provide funds for grants to local fire companies, but the funding has been spartan and skimpy. Over 30,000 fire companies requested almost \$3 billion dollars worth of equipment this year, including \$400 million just for personal protection equipment. In Maryland, 198 fire companies applied for funds so far this year, and yet only 5 received funding.

Clearly, we need to do better.

Even before the tragedy of September 11th, I was fighting for our firefighters. We were able to increase funding for the fire grant program by 50 percent to \$150 million in the VA-HUD bill. The Homeland Security bill does even better by providing \$600 million for our firefighters.

The Homeland Security bill provides \$4 billion for our nation's bioterrorism preparedness and response needs. Our country's ability to recognize and respond to a bioterrorist attack depends on a strong, coordinated public health system. This bill gives state and local public health departments additional resources to prepare for this new germ warfare. State and local public health departments have already been stretched thin. This bill gives them the resources to detect, respond, and contain a possible bioterrorist attack.

This bill recognizes the important role the CDC plays in a public health emergency. It expands CDC's laboratory capacity so public health officials can quickly and accurately identify a suspected biological agent.

To prepare our Nation for a bioterrorist attack, this bill upgrades State and local public health departments; expands laboratory capacity and surveillance at the State, local, and Federal level; and trains first responders to recognize the signs and symptoms of a bioterrorist attack. The bill also improves State and local communications systems; ensures that hospitals and emergency rooms have the expertise

and equipment to handle a surge in patients from a bioterrorist attack; increases our nation's supply of antidotes and vaccines against possible biological agents; and, provides significant new resources so that the Food and Drug Administration (FDA) can protect the safety of our nation's food supply with more inspectors and additional tools.

Investments in the fight against bioterrorism will help in our battles against infectious disease and antimicrobial resistance. Our nation's public health system is on the front lines of this new biological war. This bill will make sure they are combat ready and fit-for-duty.

Our Coast Guard used to focus on drug and migrant interdiction, and search and rescue. Today, it's primary role is national security by keeping our ports safe, patrolling around power plants and under bridges, and searching suspicious vessels.

This bill provides \$177 million in operating funds. These funds will be used to improve training, and allow for increased patrols without forcing the Coast Guard to cut back on its other missions.

Terrorists look for weaknesses. We can not let them find these weaknesses on our nation's railroads. We must ensure the safety of all the components of our rail system. This means providing tunnel security which means preventing people from entering tunnels. It includes terminal safety—the fact that most terminals are intermodal, bringing together different forms of transportation which means that it's hard to screen passengers. It means providing bridge security and the protection of track switchboards.

Why is railroad security so important? Because each day, 350,000 people ride on our railroads. That's over 20 million people a year. Forty percent of all freight is transported on our rails which is more than any other mode of transportation.

A terrorist attack on our rails could result in a catastrophic loss of life and paralyze our economy. Amtrak is ready and willing to improve rail safety, but it must also address its critical infrastructure needs.

For example, the tunnels that run through Washington, Baltimore, and New York accommodate trains that carry roughly 350,000 people a day. These tunnels don't meet minimum safety standards. They do not have proper ventilation, and there is not adequate lighting.

Rail safety requires Federal help. Yet Federal support for Amtrak has been cut by eighty percent in the last three years eighty percent. Annual appropriations for Amtrak is frozen at \$521 million. That's only about half of what Congress authorized in the TEA-21 bill.

What does this legislation do? It enables Amtrak to enhance security of

their overall network by providing \$300 million and enabling Amtrak to upgrade it's most dangerous tunnels by providing \$760 million for tunnel safety.

As stated before, I have four principles for economy recovery. These principles have been widely adopted. When I compare the different proposals for economic recovery to these principles, the answer is clear.

The Economic Recovery package proposed by Senator BAUCUS meets my principles and provides real and effective measures for economic recovery.

This package provides real economic recovery that benefits working Americans who have lost their jobs, helps businesses recover from the recent attacks and the economic downturn, and provides real the boost that this economy needs.

The Economic Recovery bill will provide tax relief to nearly 44 million working Americans who were left out of the last round of rebates. This bill will provide the same \$300 checks to individuals or \$600 checks to married couples who tend to pay only payroll taxes. These are the people who live paycheck to paycheck. These are the working Americans who will benefit most from a rebate check.

Often times, these hard working Americans have trouble making end meet. This Democratic proposal will help them make ends meet thus ensuring that the vast majority of these rebates will actually be spent which will help provide the real boost this economy needs.

The Democratic proposal also contains provisions that would help businesses invest in the new equipment and infrastructure needed to rebuild, would help small businesses acquire new equipment, and would provide rebates to companies quickly.

The Economic Recovery bill will also help unemployed working Americans by providing a 13 week extension of the period during which they can collect unemployment insurance, by increasing the amount that unemployed workers can collect, and by including more displaced workers in the unemployment insurance program.

I am sure that many will ask how does this help the economy recover? These Americans do not even have a paycheck to live on anymore. But they still have to meet their basic needs of food and shelter. For example, the average unemployment benefits in Maryland are about \$950 per month, the average rent in Baltimore is about \$500/month, and the average grocery bill for a family is about \$475. Thus, under the current benefit levels families are falling behind and could not continue their health care which costs at an estimated average cost of \$ 650/month in my State.

Unemployment Insurance is an essential part of the valuable social safety

net. In every recession over the past thirty years, unemployment insurance has been extended. It is absolutely crucial to continue this good practice. The Democratic proposal would also expand the eligibility of those qualifying for benefits. For example, this would allow working mothers to look for part-time work.

The Economic Recovery proposal would also increase benefits by 15 percent or at least \$25 a week. This is enough for a couple of bags of groceries or two tanks of gas.

President Bush has a proposal that would address unemployment benefits. But the devil is in the details. The Democratic plan helps the 3.2 million already unemployed workers left out by the Bush plan. Under the Bush proposal, about 25,000 to 30,000 more Marylanders would have to lose their jobs and wait until March 2002 before Maryland's workers would qualify for any extensions under the Bush proposal.

The Economic Recovery bill provides guaranteed benefits to workers laid off prior to September 11 who may be having difficulty finding their next job. It would extend benefits to part-time workers, low-wage workers, and would help most hospitality and airline workers that have been especially hard hit.

The Economic Recovery bill would also help provide health care to displaced workers who have lost their jobs since September 11th through the coming year. So that just because they temporarily lose their job they do not also lose their health care.

The economic recovery bill provides a 75 percent COBRA subsidy for up to 12 months for workers to continue health insurance through their former employer's plan. It allows States to cover the remaining 25 percent of the premium for low-income workers.

For unemployed workers who are not eligible for COBRA, it gives States the option to provide Medicaid coverage for these workers for up to 12 months. These proposals are temporary; they end on Dec. 31, 2002.

Under the Democratic Economic Recovery plan, unemployed workers will get the health care they need, temporarily, and this will help stimulate the economy. Unemployed workers with health insurance will have more money to spend on other items because they won't have to pay high out-of-pocket health care costs.

For example, a mom or dad in Prince George's County can afford to buy a refrigerator to replace the broken one or buy school clothes for their growing child because they did not have to pay lots of money to take their child to the emergency room for a severe earache.

Unemployed workers will spend money on health care because if you have health insurance, you are more likely to go to the doctor to get the treatment you need.

Finally, the Democratic proposal temporarily strengthens the Medicaid

safety net when unemployed workers will need it the most. States across the country are facing budget shortfalls and are considering Medicaid cuts at the same time more unemployed workers will need health care through Medicaid. This provision provides additional resources to states so that states don't have to resort to serious cutbacks in their Medicaid program in order to balance their budgets this year. This provision is important to Maryland and has the strong support of the National Governors' Association.

During times of crisis, our Nation comes together. We have seen that since the terrible events of September 11th. The terrorists thought they would cripple us, but they have only made us stronger. We want to help those in need.

Yet volunteers and philanthropy cannot take the place of public policy. The Economic Recovery and Homeland Security bill puts our values into action to help our fellow citizens to get back on their feet and to protect our citizens from the evil acts of our enemies.

I urge my colleagues to join me in supporting this legislation.

Mr. BROWNBACK. Mr. President, I rise today to speak on a matter that should be intertwined with any economic stimulus package that passes this Chamber—providing airline depreciation on the sale of new and refurbished aircraft.

The aviation industry and the industry's employees have been hit especially hard in the aftermath of the September 11 attacks. The economic woes reach far beyond slumping ticket sales and the layoff of airport personnel. These difficult times are stretching to the heart of the aviation industry, to the companies that manufacture, re-construct, and refurbish aircraft.

By providing a depreciation allowance for the aviation industry, we will avert the loss of more jobs in this major industry.

Kansas is a state that has a tremendous interest in the aviation industry. Boeing, Cessna, Raytheon, and Bombardier, which all have major plants based in Wichita, employ tens of thousands of Kansans. While the airline bailout package will go a long way toward preventing immediate mass layoffs, it is not doing enough to ensure that the sale of aircraft will rebound from their current lulls.

If we provide a depreciation allowance equal to 40 percent of the adjusted basis for the qualified property acquired by those purchasing aircraft, we will provide a strong incentive for individuals and corporations to increase their purchases from the aviation industry. In so doing, we would provide an immediate boost to the economy, while at the same time providing security for aviation-industry employees beyond the 1-year period of the airline bailout.

Moreover, it is important that we extend this depreciation allowance to include not only new orders, but also aircraft that have been purchased or taken in a trade and refurbished or reconstructed, and sold to a third party.

By taking such steps, production orders will increase, and we will be able to ensure that hard-working Americans have jobs beyond the time-table of the airline bailout package.

This is good for America. It is good for Kansas, and it is something that I will be working to see implemented as part of an economic stimulus package.

Mr. HARKIN. Mr. President, I was hoping to make a statement yesterday on this important subject, but I was tied up chairing the Agriculture Committee in consideration of our new farm bill. I would like to speak briefly on the subject of bioterrorism and the economic stimulus/homeland security proposal considered by the Senate. The defeat of this legislation on a budget point of order was especially disappointing to me because it included a crucial \$4 billion initiative to combat bioterrorism. Senator SPECTER and I worked closely with Senator BYRD to develop this funding proposal, which is a comprehensive plan to better protect Americans from anthrax, smallpox, and other bioterrorism threats.

I have the privilege to chair the appropriations subcommittee which funds our health programs. Our subcommittee has for the past several years provided increased funding to combat bioterrorism. We have made real progress as a result. However, much more remains to be done. To determine what additional steps are necessary, our subcommittee has held three hearings during the past 2 months.

We heard from our top Federal officials, including the Secretary of Health and Human Services, the head of the Centers for Disease Control and Prevention, and head of FBI bioterrorism efforts. We also heard from distinguished State and local officials and top scientists from the public and private sectors. Their testimony made clear that we are not adequately prepared for this threat. We do not have enough vaccines to respond to an attack. Our public health system has been allowed to decay, and needs more help to detect an outbreak quickly, to treat a large number of infectious patients, and to vaccinate large parts of the country.

As I said before, to put the state of our public health system into military terms, our troops are ill-trained, our radar is out of date, and we are short on ammunition.

The plan we developed and which was included in the stimulus package is a thoughtful, bipartisan approach. It closely follows the 7 point plan I outlined last month. It provides more than twice the resources of the President's

to bolster our Nation's defenses against a bioterrorist attack.

In contrast to the President's plan, our proposal prioritizes funding to "first responders" at the State and local level. We have put the bulk of the funding, \$1.3 billion, into improving our public health departments, beefing up local lab capacity and expanding the Health Alert Network. We desperately need to make these investments if we want to quickly identify, track and contain a bioterrorist attack should we ever be confronted with one. The President's plan neglects this vital piece of our response system.

Our proposal also includes funding for the production of enough smallpox vaccine for every American should that ever be necessary. As we have seen in recent press reports, the administration's request is too low to produce enough smallpox vaccine for all Americans.

We also allocate \$116 million for research on new vaccines. Earlier this month my subcommittee heard testimony from Dr. Fauci at NIH about the promising future of antivirals against smallpox. The administration's plan devotes no money to developing these new drugs.

Our plan also provides more money than the President to bolster the work of the Centers for Disease Control and Prevention. We need to upgrade their overburdened lab capacity and their disease surveillance systems.

It also includes \$650 million to improve safety and to safeguard our animal disease labs.

I would like to thank Chairman BYRD for the opportunity to work with him on this important funding package. Our Nation's public health system is now the front lines in our war against terrorism; it should be prepared accordingly.

I believe that we cannot leave this year without addressing the bioterrorism threat. Whether our package is included in the stimulus plan or another appropriations bill, we must get it done.

Mr. FEINGOLD. Mr. President, I rise today to talk about the stimulus package we recently considered in the Senate, and the disturbing new definition of patriotism that was associated with it. As I think most of my colleagues are aware, the bill we considered was laden with rewards for wealthy donors. Now, I think these days we would hardly be able to recognize a stimulus package, or any kind of emergency spending, if it weren't loaded down with provisions designed to benefit special interests. This practice certainly isn't new. But what is new, is the attempt to cloak these giveaways in a kind of patriotism.

A recent Washington Post editorial quoted a lobbyist for PricewaterhouseCoopers, who has been pushing tax breaks in the bill that

would profit clients such as GE and IBM, saying that it would have been "irresponsible" and even unpatriotic for him to behave otherwise.

Patriotic to push for a taxbreak for major corporations? I never thought I'd see the day. But here we are, in the midst of the war on terrorism, trying to stop a deepening recession, and we were faced with a stimulus package that was designed to reward wealthy interests, but did very little to boost the economy. And now, to add insult to injury, we've been told that this isn't merely pork barrel politics, but that it is downright patriotic. I find that appalling, and I'm sure many of my colleagues did as well.

Because today this country is brimming with real patriotism, and I think many of us draw strength from that shared sense of pride in our country. But some versions of the stimulus bill were nothing to be proud of.

At this moment I believe that we may well need a stimulus package. But that's not what we were considering; instead we were faced with the same kind of pork-barrel spending we have seen year in and year out, except that now these provisions were dressed up in red, white and blue. That kind of opportunism, at a time like this, is an affront to the American people, and it should be unwelcome in this Chamber.

The stimulus bill, and in particular, the House-passed version of the bill, represents a lost opportunity for the Nation, and I think the American people have the right to ask what went wrong. How, at a time when the Nation needs a strong stimulus package, did we end up with this pile of pork? And when I say pile of pork, I'm being kind. The St. Louis Post Dispatch called it chicken manure. From time to time I like to Call the Bankroll on legislation, and talk about the potent mix of money and influence that results in the kind of legislation that's before us today. I think it's appropriate to review the donations given by the interests that could reap such tremendous benefits from this bill.

According to information from Common Cause and Citizens for Tax Justice, just 14 corporations alone would reap a \$6.3 billion windfall from the retroactive repeal of the alternative minimum tax in the House-passed package. Enron, which has given more than \$3.7 million in soft money from 1991 through 2000, will get an estimated \$254 million refund under this bill. Chevron Texaco, which gave more than \$3.6 million in soft money over the last 10 years, will get an estimated refund of \$572 million. General Electric gave \$1.3 million, and they'll get \$671 million. And this list goes on. Billions upon billions of dollars being funneled back to big donors at a time when more and more Americans are out of work, lacking health care coverage and struggling to pay their bills.

The House package also gave a temporary tax break to multinational corporations on some profits from their foreign operations. As the Washington Post pointed out, "it's hard to see how this measure, which would encourage firms to keep money outside the country, would do anything to stimulate the American economy." This measure rewards some of the biggest donors in the banking, investment and life insurance industries. Some of the biggest donors in these industries include Merrill Lynch, which has given more than \$2.2 million in soft money over the last 10 years, and Citigroup, which has given more than \$2.1 million during the last 10 years, according to Common Cause.

The House-passed package even included Medical Savings Accounts, which soft money donor Golden Rule Financial Corporation and other insurance interests have lobbied for for many years. Golden Rule gave just shy of \$1.3 million in soft money in the last ten years.

The stimulus bill should have been an opportunity to stimulate the economy; instead it turned out to be a chance for special interests to add the provisions they've been pushing for all these years. Wealthy interests haven't hesitated to take this difficult period for the country and exploit it for their own gain. And if this version of the bill ever passes, they will reap an enormous financial windfall.

In the last few months, the Nation has endured a great deal, and we will continue to face enormous challenges. As a Congress, we must address the issues before us with the kind of integrity that these challenges will demand. But we can't meet those challenges when the legislative process is hobbled by the clout of special interests. The stimulus bill was a sobering example of a bill that went through that process, and fell far short of its goal.

The stimulus bill was a missed opportunity that the Nation may pay dearly for down the road. We've missed an opportunity, but we don't have to miss another one. I hope when Congress returns next year, we will rise to meet the next challenge before us: getting campaign finance reform to the President's desk. The Nation is closely watching our work here, more now than ever in the wake of September 11. And bills like the stimulus package would make any American wonder whether we are truly conducting the people's business on this floor. We must restore integrity to legislative process, and restore the people's faith in us and what we do.

I think we can start by voting against this bill, if it comes to us in a form like the House-passed bill. But we must do much more, we must abolish soft money and shut down the issue ad loophole, and it can't wait another year. Campaign finance reform should

be one of the first orders of business when we return next year. The American people are looking to us for leadership, and I believe that this Senate can provide that leadership. We can show the American people that we have the courage and leadership they seek, and we can start by making campaign finance reform the law of the land.

TRIBUTE TO KEVIN P. POWER, NASA FELLOW

Mr. LOTT. Mr. President, I take this opportunity to recognize and say farewell to an outstanding NASA Manager, Kevin P. Power, upon his departure from my staff. Mr. Power was selected as a Congressional Fellow to work in my office because of his knowledge of the aerospace industry, NASA programs, and the John C. Stennis Space Center in my home State of Mississippi. It is a privilege for me to recognize the many outstanding achievements he has provided for the U.S. Senate, NASA, and our great Nation.

During his NASA fellowship, Mr. Power worked on legislation affecting NASA and the aerospace industry. He worked hard to ensure that the NASA appropriations bill for fiscal year 2002 included legislative provisions that will support specific programs aimed at fostering the development of a robust U.S. space propulsion industry, which includes rocket engine testing at Stennis Space Center. Specifically, he helped ensure that NASA's rocket engine test facilities are ready to provide continued support for testing under NASA's Space Launch Initiative.

Mr. Power also worked to ensure that adherence to past legislative provisions affecting land remote sensing data buys are being met to continue the stimulation of a private sector remote sensing industry without competition from the U.S. Government.

Mr. Power graduated from the University of New Orleans, where he received a Bachelor of Science degree in Mechanical Engineering, prior to beginning his engineering career with the U.S. Navy in Annapolis, MD, as a civilian engineer working on submarine acoustics. He transitioned to an aerospace career as a contract engineer supporting Space Shuttle launches at NASA's Kennedy Space Center in Florida and then joined NASA shortly after the Shuttle's return to flight following the Challenger disaster.

As a project engineer with NASA, he supported various propulsion development programs at Stennis Space Center, including the Air Force's New Launch System, NASA's Advanced Solid Rocket Motor, the NASA/Air Force National Aerospace Plane, and the NASA X-33 Aerospike Engine. During this time he attended Florida Tech, where he received a Master of Science in Management degree and eventually transitioned to a job with more responsibilities as a NASA project manager

for Boeing's Evolved Expendable Launch Vehicle and NASA's Rocket Based Combined Cycle test facility.

Mr. President, Mr. Power is married to the former Susan Foreman of Crowley, LA. They have two children, a 7-year-old son Brandon and a 5-year-old daughter Madison, and are expecting their third child next year in March. Mr. Power will return to NASA Stennis Space Center to continue his endeavors in the area of rocket propulsion testing. I will truly miss his experience and assistance he has provided to me, and I wish him all the very best as he helps NASA advance its efforts in the areas of space propulsion and remote sensing in the 21st century.

RECLASSIFICATION OF SCRANTON-WILKES BARRE-HAZLETON, WILLIAMSPORT, AND SHARON METROPOLITAN STATISTICAL AREAS

Mr. SANTORUM. Mr. President, I wish to thank the senior Senator from Pennsylvania for working with me on this very important issue of Medicare provider payment policy, particularly in light of the unique financial pressures being faced by the hospitals in Scranton-Wilkes Barre, Williamsport, and Sharon metropolitan statistical areas, MSAs, which emanate in part from some glaring disparities in Medicare's payment formulas.

As I travel around the Commonwealth, many health care leaders have conveyed to me their continued concerns about the impact of the Balanced Budget Act of 1997, BBA, on their health care delivery operations. Our Pennsylvania constituents, who represent rural, urban and community hospitals and systems, have shared with us detailed information about the financially strained health care delivery environment under the BBA.

We are all aware of the administrative and financial challenges that health care providers all across the country face, particularly in their service to our Nation's elderly population. But the environment in which the hospitals in these three areas of Pennsylvania are seeking to deliver quality health care to their respective communities is even more challenging given that their MSAs contain areas or border on areas from which higher compensated providers, with similar health care delivery costs, draw their patients, and more importantly, their workforce. Facilities located in these areas must compete for workers and patients against hospitals in neighboring MSAs with drastically higher wage indices, even when labor and health care delivery costs are virtually identical. This situation is simply not sustainable.

And these problems are only exacerbated by our Nation's ongoing nursing shortage, and the scarcity of other skilled care givers. Health care work-

force shortages are particularly acute in these areas of the Commonwealth, and they have the effect of driving up the cost of health care and precipitating the need to increase wages. And although these hospitals have taken the step of increasing wages, further reductions in the wage index will make it impossible for the hospitals to retain or recruit all the caregivers that the communities require.

Other regions near the Scranton-Wilkes Barre-Hazleton MSA, including Newburgh, Allentown and Harrisburg, continue to recruit workers from its skilled workforce.

Likewise in the Sharon MSA: All of the hospitals in the Sharon MSA compete with the Youngstown, OH, MSA for nurses, pharmacists, radiology technicians, and other allied health professionals. As Senator SPECTER had mentioned, Youngstown pays nurses \$2 to \$3 more per hour than hospitals in Sharon, yet those hospitals receive the lowest area wage index in Pennsylvania.

I have been working on this unique Medicare payment problem for more than 2 years now, seeking to enact at least a temporary reclassification of several Northeastern Pennsylvania counties into the Newburgh, NY—Pennsylvania MSA; Northumberland County into the Harrisburg-Lebanon-Carlisle MSA; and Mercer County into the Youngstown-Warren, OH, MSA. As Senator SPECTER had mentioned, there are other areas around the country where glitches such as these can be found. And what we seek to do with the submission of this legislative language is to put our colleagues on notice that we are determined to work on a bipartisan basis to bring much needed relief to our negatively affected hospitals, and to do the same for other areas around the country where these circumstances have caused similar problems and merit similar response.

I have recently spoken directly with Senate Finance Committee Ranking Member GRASSLEY about this very issue, and my strong desire to achieve a legislative fix as soon as possible. I am also a strong supporter of legislation to set the rural wage index nationally at a uniform and higher rate. However, whether or not Congress considers a national solution to this area of Medicare law is unclear, and our hospitals cannot afford to wait for a national solution that may be a year or two away.

In closing, I wish to relay to our colleagues that achieving this financial relief for these hospitals in Pennsylvania is of utmost importance to myself and Senator SPECTER. We are willing to work with our colleagues in any way in order to bring about stability in the funding of these community health care providers and to ensure that the many Medicare beneficiaries living in the Commonwealth have access to needed care.

HONORING MONTANANS FACING THE SEPTEMBER 11TH TRAGEDY

Mr. BURNS. Mr. President, some time has passed since the tragic events that took place in New York, Washington, DC, and Pennsylvania. Nevertheless, I want to reflect upon the events of that day and draw attention to the tremendous good that has evolved in the face of evil. Since that time, it has become evident that the American public is the most patriotic and resilient group the world will ever see. Those who may have been strangers are now confidants, those who were acquaintances are now considered family.

During this trying time, I want both to express my heartfelt condolences to all those directly involved in this tragedy, and to commend and honor those who have devoted their soul to working to restore tranquility and normalcy to the Nation. From firehouses to schoolhouses, from New York City to San Francisco and everywhere in between, Americans have repeatedly demonstrated their capacity for compassion.

I want to begin by addressing the families of those who lost their lives on United flight 93. I cannot begin to comfort them in their grief, but I must say that they have every reason to be extremely proud of the bravery shown by those on Flight 93. Their efforts are commended by all who stand here in Congress. As Americans, we all recognize, that we owe your family a debt that cannot be repaid.

Montanans have been deeply affected by this tragedy; they have contacted me with their grief, their hope for victory, and their desire to aid in the relief effort. Tragically, Adam Larson of Choteau, MT, was an employee of Aon Corp., located on what was the 103rd floor of the World Trade Center. In the midst of the attacks, he phoned his wife Patti and told her the building was being evacuated and he was on his way to safety. He was last seen by his co-workers following them down the stairs to exit the building, a building he never escaped. Adam Larson was 37 years old, and senior vice president for Aon. Many think that because of his outwardly giving personality, he may have stopped to help someone in need. I, along with Montanans everywhere grieve with the Larson family, pray for hope, and express our sincere support in enduring a set of circumstances that is difficult to comprehend.

In addition to grief, Montanans have also displayed the characteristic resolve that has defined us since our statehood. From Libby to Great Falls to Alzada, Montana has joined together to show patriotism and support for the American effort. Blood drives are going on at Malmstrom Air Force base in Great Falls, MT, as I speak today. Percentages of all sales in the town of Conrad, MT, are being designated for the relief effort.

I also want to point out the efforts of Burlington Elementary School in Billings. The motivation of one 3rd grade cub scout named Jim Rubich to raise pennies for the recovery of the WTC and the Pentagon has spun into a full scale effort on the part of many Montana elementary schools. Jim, in true Montana spirit, marched up to his teacher's desk with a bag full of pennies and demanded that an effort be enacted to raise pennies for the victims of this terrible attack. His message was heard loud and clear, and now what began as a penny drive, started by the innocent and unwavering patriotism of one little boy, is on pace to raise \$18,000. This is the next generation of American workers, soldiers, carriers of freedom, and already in their young life they are strong contributors. I think the promise that is displayed here speaks for itself. We must protect these young people so that they may pick up the torch when it is their time. We cannot and will not fail them. I pledge to Jimmy Rubich that 20 years from now, his great Nation, the United States of America, will still be the beacon of freedom that it is today.

THE WTO MEETING IN QATAR, TAIWAN'S ACCESSION TO THE WTO, AND TRADE PROMOTION AUTHORITY

Mr. MURKOWSKI. Mr. President, I rise to note that yesterday the WTO concluded its fourth ministerial meeting in Doha, Qatar.

Circumstances leading to this meeting were not auspicious. There is a war on, after all, and the Middle East is not the most comfortable place for the champions of globalization and progress.

With the global economic slowdown, protectionism is on the rise. Not exactly the best time to undertake talks to expand global trade.

Many of us remember that in 1999, the WTO met in Seattle in very difficult circumstances. The city was rocked by rioting, the participants failed to reach consensus, and the basic assumptions underlying international trade were left in tatters. In sharp contrast and against some tough odds, the WTO ministerial meeting was a great success.

The WTO initiated a new Round of international trade negotiations, setting forth an ambitious agenda by overcoming difficult objections from the EU, the developing world, and even those in this country who are less-than-appreciative of the importance of international trade.

I believe United States Trade Negotiator Robert Zoellick and his team deserves much of the credit for the success of Doha.

By skillfully engineering compromise where compromise did not appear possible, Ambassador Zoellick has helped

to set the table for important gains to come in international trade.

Thanks to Ambassador Zoellick and President Bush's leadership on trade, the future for US agricultural exporters is brighter, prospects for improvement in the transparency of the WTO are better, and the commitment of all nations to help end the scourge of HIV/AIDS and other is more secure. The liberalization of international trade is back on track.

He and his staff were also instrumental in achieving the accessions of China and Taiwan at the Doha Ministerial Meeting.

I also want to highlight two important other achievements of the Doha Ministerial.

First, China acceded to the WTO. This culminates the more than 20 years of economic reform in that country, and, I think, places China squarely on the path toward greater political reforms. We should congratulate Ambassador Zoellick for his leadership on that score.

Finally, I want to say a special word of congratulation to the people of Taiwan for achieving WTO accession at Doha. Taiwan's membership in international organizations such as the WTO is an important recognition of her current and future contributions.

Taiwan is a critical member of the international community. The WTO, and other global institutions, are better off for Taiwan's membership.

Ambassador Zoellick and Assistant USTR Jeff Bader deserve special recognition for ensuring Taiwan's entry into the WTO over the potential objections of the other newest member of that organization.

This was a good week for international trade. I hope that the United States Congress will follow up on the successes of this week and provide the President with the authority he needs to negotiate new trade agreements.

We need to capitalize on the gains made at Doha, and Trade Promotion Authority for the President is the critical tool he needs to do just that.

I am hopeful that the House will act on a bill to provide the President TPA this session, and that the Finance Committee will have the opportunity to mark-up that bill for a vote on the floor before we leave for the holidays.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of this year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred Aug. 24, 1997 in

Leesburg, FL. A man allegedly punched a woman in the face because of her sexual orientation. The assailant, Kevin Earl Bilbrey, 25, was charged with aggravated battery and a hate crime.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.

DIGNA OCHOA

Mr. LEAHY. Mr. President, I rise today to express the deep sadness and anger that I and many of my Vermont constituents feel about the senseless, cold-blooded murder of one of Mexico's most respected and courageous human rights lawyers, Digna Ochoa y Placido.

On October 20, 2001, Ms. Ochoa was shot at near point blank range in her office. At her side was a note that threatened other human rights activists who have defended environmentalists, labor leaders, or other unjustly imprisoned or tortured by the Mexican army and police. A former nun, Ms. Ochoa was a role model for all human rights defenders, because of her extraordinary courage, dedication, and commitment to some of the most disadvantaged members of Mexican society.

Ms. Ochoa frequently put the people she represented ahead of her own personal safety, and was an easy target for those who represent the worst of society, who would threaten or kill the downtrodden to protect their own crimes. She had received many death threats, and in 1999 she was kidnapped twice. During one of those abductions, her kidnappers tied her to a chair, opened a gas canister, and left her to die as the fumes slowly filled the room—from which she narrowly escaped.

Digna Ochoa's death is a tragedy for all Mexicans. But it is particularly outrageous because it could have been avoided. Although it was widely known that threats and acts of violence were being carried out against her and other members of Prodh—the human rights organization where she worked—Mexican officials failed to investigate or prosecute those crimes.

It would be hard to overstate the optimism I felt when Vicente Fox was elected Mexico's President after 70 years of misrule by the PRI. This election meant that Mexico could begin to overcome years of official corruption, police brutality, injustice and poverty suffered by the vast majority of Mexico's population.

When President Fox took office, he promised to end the long history of abuses by the Mexican army and police. No one expected miracles. No one expected him to transform those secretive, corrupt and brutal institutions

overnight. But it is the Government's first duty to protect its citizens, and people did expect him to make justice a priority, get rid of the old guard, and demand accountability.

That has not happened, at least not yet, and Digna Ochoa's death has, tragically, focused attention again on this festering problem. There are undoubtedly many others who have suffered similar fates—faceless Mexican who are not widely known, who have been threatened or murdered, or who languish in prison without access to justice.

To his credit, on November 9 President Fox ordered the release from prison of two ecologists, represented by Ms. Ochoa in the past, who never should have been imprisoned in the first place. For possessing the courage to try to stop the destruction of forests where they lived, they were arrested and allegedly tortured.

The destruction of tropical forests is an urgent problem from Indonesia to Latin America, as logging companies compete for profits until the forests are completely destroyed. Often, the militaries in these countries are directly involved in these destructive, yet lucrative, schemes, and do not hesitate to kill or frame those who get in their way because they have known only impunity.

However, besides releasing these two men, the Mexican Government has done little to respond to Ms. Ochoa's death. A truth commission to examine past human rights abuses has not been established. That is presumably because it requires challenging some of the most entrenched, powerful, and dangerous forces within Mexican society. Nevertheless, President Fox made this promise, and that is what is urgently needed.

Another troubling case is the imprisonment of Brigadier General Jose Francisco Gallardo, who was convicted of corruption based on evidence that is, at best, inconclusive. Many observers feel that the main reason he is in prison and the Mexican Government continues to oppose his release is because he spoke out about abuses in the military. President Fox must deal with this case immediately.

I am convinced that President Fox is the right leader for Mexico at this critical time, and I have confidence in him and his advisors. I do not minimize the herculean tasks they face—political, economic and social reform on a national scale. But there is no way democracy can succeed in Mexico without the rule of law. And there is no better place to start than by tracking down Digna Ochoa's killers, and bringing them to justice for all to see.

Mr. President, I ask unanimous consent that a piece written by Digna Ochoa, about her life, which was included in Kerry Kennedy Cuomo's extraordinary book "Speak Truth To Power," be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DIGNA OCHOA

I am a nun, who started life as a lawyer, I sought a religious community with a social commitment, and the protection of human rights is one of the things that my particular community focuses on. They have permitted me to work with an organization that fights for human rights, called Centro Pro, supporting me economically, morally, and spiritually. This has been a process of building a life project, from a social commitment to a spiritual one with a mystical aspect.

My father was a union leader in Veracruz, Mexico. In the sugar factory where he worked, he was involved in the struggles for potable water, roads, and securing land certificates. I studied law because I was always hearing that my father and his friends needed more lawyers. And all the lawyers charged so much. My father was unjustly jailed for one year and fifteen days. He was then disappeared and tortured—the charges against him were fabricated. This led to my determination to do something for those suffering injustice, because I saw it in the flesh with my father.

When I first studied law, I intended to begin practicing in the attorney general's office, then become a judge, then a magistrate. I thought someone from those positions could help people. After I got my degree, I became a prosecutor. I remember a very clear issue of injustice. My boss, who was responsible for all of the prosecutions within the attorney general's office, wanted me to charge someone whom I knew to be innocent. There was no evidence, but my boss tried to make me prosecute him. I refused, and he prosecuted the case himself.

Up until that time, I was doing well. The job was considered a good one, because it was in a coffee-producing area and the people there had lots of money. But I realized that I was doing the same thing that everyone did, serving a system that I myself criticized and against which I had wanted to fight. I decided to quit and with several other lawyers opened an office. I had no litigation experience whatsoever. But I was energized by leaving the attorney general's office and being on the other side, the side of the defense.

The first case I worked on was against judicial police officers who had been involved in the illegal detention and torture of several peasants. We wanted to feel like lawyers, so we threw ourselves into it. Our mistake was to take on the case without any institutional support. I had managed to obtain substantial evidence against the police, so they started to harass me increasingly, until I was detained. First, they sent telephone messages telling me to drop the case. Then by mail came threats that if I didn't drop it I would die, or members of my family would be killed. I kept working and we even publicly reported what was happening. The intimidation made me so angry that I was motivated to work even harder. I was frightened, too, but felt I couldn't show it. I always had to appear—at least publicly—like I was sure of myself, fearless. If I showed fear they would know how to dominate me. It was a defense mechanism.

Then, I was disappeared and held incommunicado for eight days by the police. They wanted me to give them all the evidence against them. I had hidden the case file well, not in my office, not in my house, and not where the victims lived, because I was afraid that the police would steal it. Now, I felt in

the flesh what my father had felt, what other people had suffered. The police told me that they were holding members of my family, and named them. The worst was when they said they were holding my father. I knew what my father had suffered, and I didn't want him to relive that. The strongest torture is psychological. Though they also gave me electric shocks and put mineral water up my nose, nothing compared to the psychological torture.

There was a month of torture. I managed to escape from where they were holding me. I hid for a month after that, unable to communicate with my family. It was a month of anguish and torture, of not knowing what to do. I was afraid of everything.

I eventually got in touch with my family. Students at the University, with whom I had always gotten along very well, had mobilized on my behalf. After I "appeared" with the help of my family and human rights groups in Jalapa, Veracruz, I was supported by lawyers, most of whom were women. The fact that I was in Veracruz caused my family anguish. At first I wanted to stay, because I knew we could find the police who detained me. We filed a criminal complaint. We asked for the police registries. I could clearly identify some of the officers. But there was a lot of pressure about what I should do: continue or not with the case? My life was at risk, and so were the lives of members of my family. After a month of anguish, my family, principally my sisters, asked me to leave Jalapa for a while. For me, but also for my parents.

I came to Mexico City. The idea was to take a three-month human rights course for which I had received a scholarship. I met someone at the human rights course who worked at Centro Pro, one of the human rights groups involved on my behalf. One day he said, "Look, we're just setting up the center and we need a lawyer. Work with us." I had never dreamed of living in Mexico City, and I didn't want to. But I accepted, because the conditions in Jalapa were such that I couldn't go back. Two really good women lawyers in Jalapa with a lot of organizational support took up the defense case I had been working on. This comforted me, because I knew the case would not be dropped—I had learned the importance of having organizational backup. So I started to work with Centro Pro in December 1988. Since I began working with the organization, I've handled a lot of cases of people like my father and people like me. That generates anger, and that anger becomes the strength to try to do something about the problem. At work, even though I give the appearance of seriousness and resolve, I'm trembling inside. Sometimes I want to cry, but I know that I can't, because that makes me vulnerable, disarms me.

At this time, because of what happened to me, I needed the help of a psychoanalyst, but I wasn't ready to accept it. The director of Centro Pro prepared me to accept that support. He was a Jesuit and psychologist. For six months, I didn't know he was a therapist. When I found out, I asked him why he hadn't told me. "You never asked," he said. We became very close. He was my friend, my confessor, my boss, and my psychologist, too, although I also had my psychoanalyst.

The idea of a confessor came slowly to me. In Jalapa, I had been supported by some priests. When I first "appeared," the first place I was taken was a church. I felt secure there, though as a kid, I had never had much to do with priests, besides attending church. To me they were people who accepted donations, delivered sacraments, and were power

brokers. It made an impression on me to see priests committed to social organizations, supporting people.

Since I've been at Centro Pro, we've gone through some tough times, like the two years of threats we received beginning in 1995. Once again it was me who was being threatened. My first reaction was to feel cold shivers. I went to the kitchen with a faxed copy of the threat and said to one of the sisters in the congregation, "Luz, we've received a threat, and they're directed at me." And Luz responded, "Digna, this is not a death threat. This is a threat of resurrection." That gave me great sustenance. Later that day another of my lawyer colleagues, Pilar, called me to ask what security measures I was taking. She was—rightfully—worried. I told her what Luz had said and Pilar responded, "Digna, the difference is that you're a religious person." And I realized that being a person of faith and having a community, that having a base in faith, is a source of support that others don't have.

Now, some people said to me that my reaction was courageous. But I've always felt anger at the suffering of others. For me, anger is energy, it's a force. You channel energy positively or negatively. Being sensitive to situations of injustice and the necessity of confronting difficult situations like those we see every day, we have to get angry to provoke energy and react. If an act of injustice doesn't provoke anger in me, it could be seen as indifference, passivity. It's injustice that motivates us to do something, to take risks, knowing that if we don't, things will remain the same. Anger has made us confront police and soldiers. Something that I discovered is that the police and soldiers are used to their superiors shouting at them, and they're used to being mistreated. So when they run into a woman, otherwise insignificant to them, who demands things of them and shouts at them in an authoritarian way, they are paralyzed. And we get results. I consider myself an aggressive person, and it has been difficult for me to manage that within the context of my religious education. But it does disarm authorities. I normally dress this way, in a way that my friends call monklike. That's fine. It keeps people off guard. I give a certain mild image, but then I can, more efficiently, demand things, shout.

For example, one time there was a guy who had been disappeared for twenty days. We knew he was in the military hospital, and we filed habeas corpus petitions on his behalf. But the authorities simply denied having him in custody. One night we were informed that he was being held at a particular state hospital. We went the next day. They denied us access. I spent the whole morning studying the comings and goings at the hospital to see how I could get in. During a change in shifts, I slipped by the guards. When I got to the room where this person was, the nurse at the door told me I could not go in. "We are not even allowed in," she said. I told her that I would take care of myself; all I asked of her was that she take note of what I was going to do and that if they did something to me, she should call a certain number. I gave her my card. I took a deep breath, opened the door violently and yelled at the federal judicial police officers inside. I told them they had to leave, immediately, because I was the person's lawyer and needed to speak with him. They didn't know how to react, so they left. I had two minutes, but it was enough to explain who I was, that I had been in touch with his wife, and to get him to sign a paper proving he was in the hospital. He signed. By

then the police came back, with the fierceness that usually characterizes their behavior. Their first reaction was to try to grab me. They didn't expect me to assume an attack position—the only karate position I know, from movies, I suppose. Of course, I don't really know karate, but they definitely thought I was going to attack. Trembling inside, I said sternly that if they laid a hand on me they'd see what would happen. And they drew back, saying, "You're threatening us." And I replied, "Take it any way you want."

After some discussion, I left, surrounded by fifteen police officers. Meanwhile I had managed to record some interesting conversations. They referred to "the guy who was incommunicado," a term that was very important. I took the tape out and hid the cassette where I could. The police called for hospital security to come, using the argument that it wasn't permitted to have tape recorders inside the hospital. I handed over the recorder. Then they let me go. I was afraid that they would kidnap me outside the hospital, I was alone. I took several taxis, getting out, changing, taking another, because I didn't know if they were following me. When I arrived at Centro Pro, I could finally breathe. I could share all of my fear. If the police knew that I was terrified when they were surrounding me, they would have been able to do anything to me.

Sometimes, without planning and without being conscious of it, there is a kind of group therapy among the colleagues at Centro Pro. We show what we really feel, our fear. We cry. There's a group of us who have suffered physically. On the other hand, my religious community has helped me manage my fear. At times of great danger, group prayer and study of the Bible and religious texts helps me. Praying is very important. Faith in God. That has been a great source of strength. And I'm not alone anymore. As a Christian, as a religious person, I call myself a follower of Christ who died on the cross for denouncing the injustices of his time. And if He had to suffer what he suffered, what then can we expect?

For years after my father was tortured, I wanted revenge. Then, when I was the torture victim, the truth is that the last thing I wanted was revenge, because I feared that it would be an unending revenge. I saw it as a chain. Three years after coming to Mexico City I remember that a person came to tell me that they had found two of the judicial police officers who tortured me.

The person asked if I wanted him to get them and give them their due. At first, I did have a moment when I thought yes. But I thought about it and realized that I would simply be doing what they did. I would have no right to speak about them as I am talking about them now. I would have been one of them.

I rarely share my own experience of torture. But I remember talking to a torture victim who was very, very angry, for whom the desire for revenge was becoming destructive. I shared my own experience, and that made an impression on him. But if we don't forgive and get over the desire for revenge, we become one of them. You can't forget torture, but you have to learn to assimilate it. To assimilate it you need to find forgiveness. It's a long-term, difficult, and very necessary undertaking.

If you don't step up to those challenges, what are you doing? What meaning does your life have? It is survival. When I began to work, when I took that case in which they made me leave Jalapa, I was committed to doing something against injustice. But there

was something else that motivated me, and I have to recognize it, even though it causes me shame. What motivated me as well as the commitment was the desire to win prestige as a lawyer. Thanks to the very difficult situation that I lived through, I realized what was wrong. What a shame that I had to go through that in order to discover my real commitment, the meaning of my life, the reason I'm here. In this sense, I've found something positive in what was a very painful experience. If I hadn't suffered, I wouldn't have been able to discover injustice in such depth. Maybe I wouldn't be working in Centro Pro. Maybe I wouldn't have entered the congregation. Maybe I wouldn't have learned that the world is a lot bigger than the very small world that I had constructed. Thanks to a very difficult, painful experience for me and my family and my friends, my horizons were broadened. Sometimes I say to myself, "What a way for God to make you see things." But sometimes without that we aren't capable of seeing.

THE REAL NEW WORLD ORDER

Mr. KYL. Mr. President, I rise today to commend Charles Krauthammer for his fine article in the November 12 issue of *The Weekly Standard*, titled "The Real New World Order." Not only does Mr. Krauthammer's article present the flawed assumptions and philosophical underpinnings of the foreign policies of the Clinton administration—particularly his denunciation of that administration's fealty to the notion of an overriding international order defined by treaties and designed to insulate the world from the burden of American hegemony—but also the demands placed upon the administration of George W. Bush in the wake of the events of September 11. It is a compelling piece, and deserves notice.

Krauthammer's article was written prior to the dramatic events of the past week in Afghanistan. That some of his analysis is out of date in light of the battlefield successes of the so-called Northern Alliance does not, however, detract from the validity of the main thesis he presents in his typically articulate and knowledgeable style. Krauthammer argues that the United States, as a result of the terrorist attacks that killed thousands of Americans, is confronted with an epochal opportunity that, if seized, will facilitate one of the most far-reaching transformations in the history of international relations. Rather than facing the rising tide of anti-Americanism postulated to be the natural result of the United States' unique status as the world's sole superpower, much of the world has actually aligned itself with U.S. interests in the face of an elusive enemy brandishing an apocalyptic view of the current global structure, radical Islamic fundamentalism.

The developments of the past several days have caught many of us off-guard. Little that was known about the Taliban indicated that it would countenance its own defeat as swiftly as has occurred. I do not believe that could

have happened had the President not made clear, in word and deed, his commitment to prevail over that brutal regime and the terrorist organization it protects and that was responsible for the terrible events of September 11. The imperative of victory not yet achieved, however, remains. The momentous reaction of the world's major regional powers, as well as of governments throughout the Middle East, to the attacks on the World Trade Center and the Pentagon will prove ephemeral should we fail to continue to wage this war, and to define its parameters, with the determination and clarity evident in the President's splendid address to the nation before the joint session of Congress.

I commend Charles Krauthammer for this thoughtful and compelling article, and highly recommend it to my colleagues in the Senate.

Mr. President, I ask unanimous consent that the text of the Krauthammer article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Weekly Standard, Nov. 12, 2001]

THE REAL NEW WORLD ORDER

THE AMERICAN EMPIRE AND THE ISLAMIC CHALLENGE

(By Charles Krauthammer)

I. The Anti-Hegemonic Alliance

On September 11, our holiday from history came to an abrupt end. Not just in the trivial sense that the United States finally learned the meaning of physical vulnerability. And not just in the sense that our illusions about the permanence of the post-Cold War peace were shattered.

We were living an even greater anomaly. With the collapse of the Soviet Union in the early 1990s, and the emergency of the United States as the undisputed world hegemon, the inevitable did not happen. Throughout the three and a half centuries of the modern state system, whenever a hegemonic power has emerged, a coalition of weaker powers has inevitably arisen to counter it. When Napoleonic France reached for European hegemony, an opposing coalition of Britain, Prussia, Russia, and Austria emerged to stop it. Similarly during Germany's two great reaches for empire in the 20th century. It is an iron law: History abhors hegemony. Yet for a decade, the decade of the unipolar moment, there was no challenge to the United States anywhere.

The expected anti-American Great Power coalition never materialized. Russia and China flirted with the idea repeatedly, but never consummated the deal. Their summits would issue communiqués denouncing hegemony, unipolarity, and other euphemisms for American dominance. But they were unlikely allies from the start. Each had more to gain from its relations with America than from the other. It was particularly hard to see why Russia would risk building up a more populous and prosperous next-door neighbor with regional ambitions that would ultimately threaten Russia itself.

The other candidate for anti-hegemonic opposition was a truncated Russia picking up pieces of the far-flung former Soviet empire. There were occasional feints in that direction, with trips by Russian leaders to

former allies like Cuba, Iraq, even North Korea. But for the Russians this was even more a losing proposition than during their first go-round in the Cold war when both the Soviet Union and the satellites had more to offer each other than they do today.

With no countervailing coalition emerging, American hegemony had no serious challenge. That moment lasted precisely ten years, beginning with the dissolution of the Soviet Union in December 1991. It is now over. The challenge, long-awaited, finally declared itself on September 11 when the radical Islamic movement opened its world-wide war with a, literally, spectacular attack on the American homeland. Amazingly, however, this anti-hegemonic alliance includes not a single Great Power. It includes hardly any states at all, other than hostage-accomplise Afghanistan.

That is the good news. The bad news is that because it is a sub-state infiltrative entity, the al Qaeda network and its related terrorists around the world lack an address. And a fixed address—the locus of any retaliation—is necessary for effective deterrence. Moreover, with the covert support of some rogue regimes, this terrorist network commands unconventional weapons and unconventional tactics, and is fueled by a radicalism and a suicidal fanaticism that one does not normally associate with adversary states.

This radicalism and fanaticism anchored in religious ideology only increased our shocked surprise. We had given ourselves to believe that after the success of our classic encounters with fascism and Nazism, then communism, the great ideological struggles were finished. This was the meaning of Francis Fukuyama's End of History. There would, of course, be the usual depredations, invasions, aggressions, and simple land grabs of time immemorial. But the truly world-historical struggles were over. The West had won. Modernization was the way. No great idea would arise to challenge it.

Radical Islam is not yet a great idea, but it is a dangerous one. And on September 11, it arose.

II. The American Mind

It took only a few hours for elite thinking about U.S. foreign policy to totally reorient itself, waking with a jolt from a decade-long slumber. During the 1990s, American foreign policy became more utopian and divorced from reality than at any time since our last postwar holiday from history in the 1920s. The liberal internationalists of the Clinton era could not quite match the 1928 Kellogg-Briand Pact abolishing war forever for sheer cosmic stupidity. But they tried hard. And they came close.

Guided by the vision of an autonomous, active, and norm-driven "international community" that would relieve a unilateralist America from keeping order in the world, the Clinton administration spent eight years signing one treaty, convention, and international protocol after another. From this web of mutual obligations, a new and vital "international community" would ultimately regulate international relations and keep the peace. This would, of course, come at the expense of American power. But for those brought up to distrust, and at times detest, American power, this diminution of dominance was a bonus.

To understand the utter bankruptcy of this approach, one needs but a single word: anthrax. The 1972 Biological Weapons Convention sits, with the ABM treaty and the Chemical Weapons Convention, in the pantheon of arms control. We now know that its

signing marks the acceleration of the Soviet bioweapons program, of which the 1979 anthrax accident at a secret laboratory at Sverdlovsk was massive evidence, largely ignored. It was not until the fall of the Soviet Union that the vast extent of that bioweapons program was acknowledged. But that—and the post-Gulf War evidence that Iraq, another treaty signatory in good standing, had been building huge stores of bioweapons—made little impression on the liberal-internationalist faithful. Just before September 11, a serious debate was actually about to break out in Congress about the Bush administration's decision to reject the biological weapons treaty's new, and particularly useless, "enforcement" protocol that the Clinton administration had embraced.

After the apocalypse, there are no believers. The Democrats who yesterday were touting international law as the tool to fight bioterrorism are today dodging anthrax spores in their own offices. They very idea of safety-in-parchment is risible. When war breaks out, even treaty advocates take to the foxholes. (The Bush administration is trying to get like-minded countries to sign onto an agreement to prevent individuals from getting easy access to the substrates of bioweapons. That is perfectly reasonable. And it is totally different from having some kind of universal enforcement bureaucracy going around the world checking biolabs, which would have zero effect on the bad guys. They hide everything.)

This decade-long folly—a foreign policy of norms rather than of national interest—is over. The exclamation mark came with our urgent post-September 11 scurrying to Pakistan and India to shore up relations for the fight with Afghanistan. Those relations needed shoring up because of U.S. treatment of India and Pakistan after their 1998 nuclear tests. Because they had violated the universal nonproliferation "norm," the United States automatically imposed sanctions, blocking international lending and aid, and banning military sales. The potential warming of relations with India after the death of its Cold War Soviet alliance was put on hold. And traditionally strong U.S.-Pakistani relations were cooled as a show of displeasure. After September 11, reality once again set in, and such refined nonsense was instantly put aside.

This foreign policy of norms turned out to be not just useless but profoundly damaging. During those eight Clinton years, while the United States was engaged in (literally) paperwork, the enemy was planning and arming, burrowing deep into America, preparing for war.

When war broke out, eyes opened. You no longer hear that the real issue for American foreign policy is global warming, the internal combustion engine, drug traffic, AIDs, or any of the other transnational trendies of the '90s. On September 11, American foreign policy acquired seriousness. It also acquired a new organizing principle: We have an enemy, radical Islam; it is a global opponent of worldwide reach, armed with an idea, and with the tactics, weapons, and ruthlessness necessary to take on the world's hegemon; and its defeat is our supreme national objective, as overriding a necessity as were the defeats of fascism and Soviet communism.

That organizing principle was enunciated by President Bush in his historic address to Congress. From that day forth, American foreign policy would define itself—and define friend and foe—according to who was with us or against us in the war on terrorism. This is the self-proclaimed Bush doctrine—the Truman doctrine with radical Islam replacing

Soviet communism. The Bush doctrine marks the restoration of the intellectual and conceptual simplicity that many, including our last president, wistfully (and hypocritically) said they missed about the Cold War. Henry Kissinger's latest book, brilliant though it is, published shortly before September 11, is unfortunately titled *Does America Need a Foreign Policy?* Not only do we know that it does. We know what it is.

III. The New World Order

The post-September 11 realignments in the international system have been swift and tectonic. Within days, two Great Powers that had confusedly fumbled their way through the period of unchallenged American hegemony in the 1990s began to move dramatically. A third, while not altering its commitments, mollified its militancy. The movement was all in one direction: toward alignment with the United States. The three powers in question—India, Russia, and China—have one thing in common: They all border Islam, and all face their own radical Islamic challenges.

First to embrace the United States was India, a rising superpower, nuclear-armed, economically vibrant, democratic, and soon to be the world's most populous state. For half a century since Nehru's declaration of nonalignment, India had defined itself internationally in opposition to the United States. As one of the founders in 1955 of the nonaligned movement at Bandung, India helped define nonalignment as anti-American. Indeed, for reasons of regional politics (Pakistan's relations with China and with the United States) as well as ideology, India aligned itself firmly with the Soviet Union.

That began to fade with the end of the Cold War, and over time relations with the United States might have come to full flower. Nonetheless, September 11 made the transition instantaneous. India, facing its own Taliban-related terrorism in Kashmir, immediately invited the United States to use not just its airspace but its military bases for the campaign in Afghanistan. The Nehru era had ended in a flash. Nonalignment was dead. India had openly declared itself ready to join Pax Americana.

The transformation of Russian foreign policy has been more subtle but, in the long run, perhaps even more far-reaching. It was symbolized by the announcement on October 17 that after 37 years Russia was closing its massive listening post at Lourdes, Cuba. Lourdes was one of the last remaining symbols both of Soviet global ambitions and of reflexive anti-Americanism.

Now, leaving Lourdes is no miracle. It would likely have happened anyway. It is a \$200 million a year luxury at a time when the Russian military is starving. But taken together with the simultaneously reported Russian decision to leave Cam Ranh Bay (the former U.S. Naval base in South Vietnam, leased rent-free in 1979 for 25 years), it signaled a new orientation of Russian policy. On his trip to European Union headquarters in early October, President Vladimir Putin made clear that he sees Russia's future with the West—and that he wants the West to see its future including Russia.

This shift is tactical for now. America needs help in the Afghan war. Russia can provide it. It retains great influence over the “-stans,” the former Soviet Central Asian republics. From their side, the Russians need hands off their own Islamic problem in Chechnya. Putin came in deal. In Brussels, he not only relaxed his opposition to NATO's expansion to the borders of Russia, not only signaled his willingness to compromise with

the United States on missile defense, but broadly hinted that Russia should in essence become part of NATO.

Were this movement to develop and deepen, to become strategic and permanent, it could become one of the great revolutions in world affairs. For 300 years since Peter the Great, Russia has been unable to decide whether it belongs east or west. But in a world realigned to face the challenge of radical Islam, it is hard to see why Russia could not, in principle, be part of the West. With the Soviet ideology abandoned, Russia's grievances against the West are reduced to the standard clash of geopolitical ambitions. But just as France and Germany and Britain have learned to harmonize their old geopolitical rivalries within a Western structure, there is no reason Russia could not.

Cam Ranh Bay and Lourdes signal Russia's renunciation of global ambitions. What remain are Russia's regional ambitions—to protect the integrity of the Russian state itself, and to command a sphere of influence including its heavily Islamic “near abroad.” For the first decade of the post-Cold War era, we showed little sympathy for the first of these goals and none for the second. We looked with suspicion on Russia's reassertion of hegemony over once-Soviet space. The great fight over Caspian oil, for example, was intended to ensure that no pipeline went through Russia (or Iran), lest Russia end up wielding too much regional power.

That day may be over. Today we welcome Russia as a regional power, particularly in Islamic Central Asia. With the United States and Russia facing a similar enemy—the radical Islamic threat is more virulent towards America but more proximate to Russia—Russia finds us far more accommodating to its aspirations in the region. The United States would not mind if Moscow once again gained hegemony in Central Asia. Indeed, we would be delighted to give it back Afghanistan—except that Russia (and Afghanistan) would decline the honor. But American recognition of the legitimacy of Russian Great Power status in Central Asia is clearly part of the tacit bargain in the U.S.-Russian realignment. Russian accommodation to NATO expansion is the other part. The Afghan campaign marks the first stage of a new, and quite possibly historic, rapprochement between Russia and the West.

The third and most reluctant player in the realignment game is China. China is the least directly threatened by radical Islam. It has no Chechnya or Kashmir. But it does have simmering Islamic discontent in its western provinces. It is sympathetic to any attempt to tame radical Islam because of the long-term threat it poses to Chinese unity. At the just completed Shanghai Summit, China was noticeably more accommodating than usual to the United States. It is still no ally, and still sees us, correctly, as standing in the way of its aspirations to hegemony in the western Pacific. Nonetheless, the notion of China's becoming the nidus for a new anti-American coalition is dead. At least for now. There is no Russian junior partner to play. Pakistan, which has thrown in with the United States, will not play either. And there is no real point. For the foreseeable future, the energies of the West will be directed against a common enemy. China's posture of sympathetic neutrality is thus a passive plus: It means that not a single Great Power on the planet lies on the wrong side of the new divide. This is historically unprecedented. Call it hyper-unipolarity. And for the United States, it is potentially a great gain.

With Latin America and sub-Saharan Africa on the sidelines, the one region still in play—indeed the prize in the new Great Game—is the Islamic world. It is obviously divided on the question of jihad against the infidel. Bin Laden still speaks for a minority. The religious parties in Pakistan, for example, in the past decade never got more than 5 percent of the vote combined. But bin Ladenism clearly has support in the Islamic “street.” True, the street has long been overrated. During the Gulf War, it was utterly silent and utterly passive. Nonetheless, after five years of ceaseless agitation through Al Jazeera, and after yet another decade of failed repressive governance, the street is more radicalized and more potentially mobilizable. For now, the corrupt ruling Arab elites have largely lined up with the United States, at least on paper. But their holding power against the radical Islamic challenge is not absolute. The war on terrorism, and in particular the Afghan war, will be decisive in determining in whose camp the Islamic world will end up: ours—that of the United States, the West, Russia, India—or Osama bin Laden's.

IV. The War

The asymmetry is almost comical. The whole world against one man. If in the end the United States, backed by every Great Power, cannot succeed in defeating some cave dwellers in the most backward country on earth, then the entire structure or world stability, which rests ultimately on the pacifying deterrent effect of American power, will be fatally threatened.

Which is why so much hinges on the success of the war on terrorism. Initially, success need not be defined globally. No one expects a quick victory over an entrenched and shadowy worldwide network. Success does, however, mean demonstrating that the United States has the will and power to enforce the Bush doctrine that governments will be held accountable for the terrorists they harbor. Success therefore requires making an example of the Taliban. Getting Osama is not the immediate goal. Everyone understands that it is hard, even for a superpower, to go on a cave-to-cave manhunt. Toppling regimes is another matter. For the Taliban to hold off the United States is an astounding triumph. Every day that they remain in place is a rebuke to American power. Indeed, as the war drags on, their renown, particularly in the Islamic world, will only grow.

After September 11, the world awaited the show of American might. If that show fails, then the list of countries lining up on the other side of the new divide will grow. This particularly true of the Arab world with its small, fragile states. Weaker states invariably seek to join coalitions of the strong. For obvious reasons of safety, they go with those who appear to be the winners. (Great Powers, on the other hand, tend to support coalitions of the weak as a way to create equilibrium. Thus Britain was forever balancing power on the Continent by supporting coalitions of the weak against a succession of would-be hegemony.) Jordan is the classic example. Whenever there is a conflict, it tries to decide who is going to win, and joins that side. In the Gulf War, it first decided wrong, then switched to rejoin the American side. That was not out of affection for Washington. It was cold realpolitik. The improbable pro-American Gulf War coalition managed to include such traditional American adversaries as Syria because of an accurate Syrian calculation of who could overawe the region.

The Arab states played both sides against the middle during the Cold War, often abruptly changing sides (e.g., Egypt during the '60s and '70s). They lined up with the United States against Iraq at the peak of American unipolarity at the beginning of the 1990s. But with subsequent American weakness and irresolution, in the face both of post-Gulf War Iraqi defiance and of repeated terrorist attacks that garnered the most feckless American military responses, respect for American power declined. Inevitably, the pro-American coalition fell apart.

The current pro-American coalition will fall apart even more quickly if the Taliban prove a match for the United States. Contrary to the current delusion that the Islamic states will respond to American demonstrations of solicitousness and sensitivity (such as a halt in the fighting during Ramadan), they are waiting to see the success of American power before irrevocably committing themselves. The future of Islamic and Arab allegiance will depend on whether the Taliban are brought to grief.

The assumption after September 11 was that an aroused America will win. If we demonstrate that we cannot win, no coalition with moderate Arabs will long survive. But much more depends on our success than just the allegiance of that last piece of the geopolitical puzzle, the Islamic world. The entire new world alignment is at stake.

States line up with more powerful states not out of love but out of fear. And respect. The fear of radical Islam has created a new, almost unprecedented coalition of interests among the Great Powers. But that coalition of fear is held together also by respect for American power and its ability to provide safety under the American umbrella. Should we succeed in the war on terrorism, first in Afghanistan, we will be cementing the New World Order—the expansion of the American sphere of peace to include Russia and India (with a more neutral China)—just now beginning to take shape. Should we fail, it will be *saue qui peut*. Other countries—and not just our new allies but even our old allies in Europe—will seek their separate peace. If the guarantor of world peace for the last half century cannot succeed in a war of self-defense against Afghanistan(!), then the whole post-World War II structure—open borders, open trade, open seas, open societies—will begin to unravel.

The first President Bush sought to establish a New World Order. He failed, in part because he allowed himself to lose a war he had just won. The second President Bush never sought a New World Order. It was handed to him on Sept. 11. To maintain it, however, he has a war to win.

ADDITIONAL STATEMENTS

GIVE IT UP FOR BUCK O'NEIL

• Mrs. CARNAHAN. Mr. President, today I rise to honor a true hero on the occasion of his 90th birthday.

John Jordan O'Neil, Jr. was born on November 13, 1911 in Carrabelle, FL. Over the years he has been given many nicknames including Jay, Foots, Country, Cap, even Nancy and Old Relic, but the one that endures is Buck.

As a teenager, he worked in the Sarasota celery fields. The job was miserable, toiling in the oven-hot dirt and muck. He knew there had to be some-

thing better, and fortunately for us, he was right. Buck O'Neil loves baseball. It's that simple. In his own words he describes what a wonderful thing baseball is. "There is nothing greater for a human being than to get his body to react to all the things one does on a ballfield . . . It's as good as music. It fills you up."

You see, by studying the history of baseball one discovers a great deal about the sport's hidden history. Biographer Ken Burns said, "By lifting the rug of our past, we find not only the sins we hoped we had concealed beneath it, but also new and powerful heroes who thrived in the darkness and can teach us much about how to live in the light."

Living through the bitter experiences that our country reserved to men of his color, Buck reflects only gold and light out of despair and suffering. He knows he can go farther with generosity and kindness than with anger and hate. He knows what human progress is all about.

When asked to tell of his journey from the Negro Leagues to the Majors, Buck's eyes light up. Though he has been telling the story for the past fifty years, he never tires of recounting the playing days and the men who lived it—men like Satchel Paige, Josh Gibson and Cool Papa Bell. Like many a good story and storyteller, it's interesting to see how much they've improved over the years.

When others would have preferred to live in a more enlightened time, Buck has no regrets. "Waste no tears on me," he says. "I didn't come along too early. I was right on time." What a lesson we can learn from this great hero. "Give it up"—that's Buck's way. Don't be so formal. Don't hide behind polite conversations. Don't be afraid to show someone some love. Show what's in your heart, always; don't keep it inside. On this special occasion I urge us all to "Give it up."•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting a withdrawal and sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON THE SEVENTH BIENNIAL REVISION (2002–2006) TO THE UNITED STATES ARCTIC RESEARCH PLAN—MESSAGE FROM THE PRESIDENT—PM 59

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Governmental Affairs.

To the Congress of the United States:

Pursuant to the provisions of the Arctic Research and Policy Act of 1984, as amended (15 U.S.C. 4108(a)), I transmit herewith the seventh biennial revision (2002–2006) to the United States Arctic Research Plan.

GEORGE W. BUSH.

THE WHITE HOUSE, November 15, 2001.

MESSAGE FROM THE HOUSE

At 5:32 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 74. A joint resolution making further continuing appropriations for the fiscal year 2002, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 211. Concurrent resolution commending Daw Aung San Suu Kyi on the 10th anniversary of her receiving the Nobel Peace Prize and expressing the sense of the Congress with respect to the Government of Burma.

H. Con. Res. 257. Concurrent resolution expressing the sense of the Congress that the men and women of the United States Postal Service have done an outstanding job of collecting, processing, sorting, and delivering the mail during this time of national emergency.

ENROLLED BILLS SIGNED

The message further announced that the Speaker has signed the following enrolled bills:

H.R. 2330. An act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2002, and for other purposes.

H.R. 2500. An act making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes.

The enrolled bills were signed subsequently by the President pro tempore (Mr. BYRD).

MEASURES REFERRED

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 211. Concurrent resolution commending Daw Aung San Suu Kyi on the 10th anniversary of her receiving the Nobel Peace Prize and expressing the sense of the Congress with respect to the Government of

Burma; to the Committee on Foreign Relations.

H. Con. Res. 257. Concurrent resolution expressing the sense of the Congress that the men and women of the United States Postal Service have done an outstanding job of delivering the mail during this time of national emergency; to the Committee on Governmental Affairs.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-4576. A communication from the Secretary of the Senate, transmitting, pursuant to law, the report of the receipts and expenditures of the Senate for the period April 1, 2001 through September 30, 2001; ordered to lie on the table.

EC-4577. A communication from the General Counsel, National Science Foundation, transmitting, pursuant to law, the report of a rule entitled "Amendments to Antarctic Conservation Act Regulations (45 CFR Part 670) to designate two additional Antarctic Specially Protected Areas and Correct Typographical Errors" received on November 8, 2001; to the Committee on Environment and Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LIEBERMAN, from the Committee on Governmental Affairs, with amendments:

S. 1008: A bill to amend the Energy Policy Act of 1992 to develop the United States Climate Change Response Strategy with the goal of stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system, while minimizing adverse short-term and long-term economic and social impacts, aligning the Strategy with United States energy policy, and promoting a sound national environmental policy, to establish a research and development program that focuses on bold technological breakthroughs that make significant progress toward the goal of stabilization of greenhouse gas concentrations, to establish the National Office of Climate Change Response within the Executive Office of the President, and for other purposes. (Rept. No. 107-99).

EXECUTIVE REPORT OF A COMMITTEE

The following executive report of a committee was reported on November 15, 2001:

By Mr. BIDEN, from the Committee on Foreign Relations:

TREATY DOC. 106-41 PROTOCOL RELATING TO THE MADRID AGREEMENT (EXEC. REPT. 107-1)

TEXT OF THE COMMITTEE RECOMMENDED RESOLUTION OF ADVICE AND CONSENT

Resolved (two-thirds of the Senators present concurring therein),

SECTION 1. ADVICE AND CONSENT TO ACCESSION TO THE MADRID PROTOCOL, SUBJECT TO AN UNDERSTANDING, DECLARATIONS, AND CONDITIONS.

The Senate advises and consents to the accession by the United States to the Protocol

Relating to the Madrid Agreement Concerning the International Registration of Marks, adopted at Madrid on June 27, 1989, entered into force on December 1, 1995 (Treaty Doc. 106-41; in this resolution referred to as the "Protocol"), subject to the understanding in section 2, the declarations in section 3, and the conditions in section 4.

SEC. 2. UNDERSTANDING.

The advice and consent of the Senate under section 1 is subject to the understanding, which shall be included in the United States instrument of accession to the Protocol, that no secretariat is established by the Protocol and that nothing in the Protocol obligates the United States to appropriate funds for the purpose of establishing a permanent secretariat at any time.

SEC. 3. DECLARATIONS.

The advice and consent of the Senate under section 1 is subject to the following declarations:

(1) **NOT SELF-EXECUTING.**—The United States declares that the Protocol is not self-executing.

(2) **TIME LIMIT FOR REFUSAL NOTIFICATION.**—Pursuant to Article 5(2)(b) of the Protocol, the United States declares that, for international registrations made under the Protocol, the time limit referred to in subparagraph (a) of Article 5(2) is replaced by 18 months. The declaration in this paragraph shall be included in the United States instrument of accession.

(3) **NOTIFYING REFUSAL OF PROTECTION.**—Pursuant to Article 5(2)(c) of the Protocol, the United States declares that, when a refusal of protection may result from an opposition to the granting of protection, such refusal may be notified to the International Bureau after the expiry of the 18-month time limit. The declaration in this paragraph shall be included in the United States instrument of accession.

(4) **FEES.**—Pursuant to Article 8(7)(a) of the Protocol, the United States declares that, in connection with each international registration in which it is mentioned under Article 3 of the Protocol, and in connection with each renewal of any such international registration, the United States chooses to receive, instead of a share in revenue produced by the supplementary and complementary fees, an individual fee the amount of which shall be the current application or renewal fee charged by the United States Patent and Trademark Office to a domestic applicant or registrant of such a mark. The declaration in this paragraph shall be included in the United States instrument of accession.

SEC. 4. CONDITIONS.

The advice and consent of the Senate under section 1 is subject to the following conditions:

(1) **TREATY INTERPRETATION.**—The Senate reaffirms condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe (CFE) of November 19, 1990 (adopted at Vienna on May 31, 1996), approved by the Senate on May 14, 1997 (relating to condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988).

(2) **NOTIFICATION OF THE SENATE OF CERTAIN EUROPEAN COMMUNITY VOTES.**—The President shall notify the Senate not later than 15 days after any nonconsensus vote of the European Community, its member states, and the United States within the Assembly of the Madrid Union in which the total number of votes cast by the European Community and its member states exceeded the number of member states of the European Community.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BOND:

S. 1705. A bill to amend the Public Health Service Act to provide for the establishment of a homeland security academic centers for public health preparedness network; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HARKIN:

S. 1706. A bill to provide for the enhanced control of biological agents and toxins; to the Committee on Health, Education, Labor, and Pensions.

By Mr. JEFFORDS (for himself, Mr. BREAUX, Mr. KYL, Mr. KERRY, Mr. BINGAMAN, Mr. SMITH of Oregon, Mr. FRIST, Mr. WARNER, Mr. HELMS, Mr. HARKIN, Ms. COLLINS, Mr. SHELBY, Ms. SNOWE, and Mrs. MURRAY):

S. 1707. A bill to amend title XVIII of the Social Security Act to specify the update for payments under the medicare physician fee schedule for 2002 and to direct the Medicare Payment Advisory Commission to conduct a study on replacing the use of the sustainable growth rate as a factor in determining such update in subsequent years; to the Committee on Finance.

By Mr. MCCONNELL (for himself and Ms. LANDRIEU):

S. 1708. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to ensure the continuity of medical care following a major disaster by making private for-profit medical facilities eligible for Federal disaster assistance; to the Committee on Environment and Public Works.

By Mr. SMITH of New Hampshire (for himself and Mrs. FEINSTEIN):

S. 1709. A bill to amend the Internal Revenue Code of 1986 to provide incentives to introduce new technologies to reduce energy consumption in buildings; to the Committee on Finance.

By Mr. SMITH of New Hampshire:

S. 1710. A bill to amend the Internal Revenue Code of 1986 to provide that tips received for certain services shall not be subject to income or employment taxes; to the Committee on Finance.

By Mr. CAMPBELL:

S. 1711. A bill to designate the James Peak Wilderness and the James Peak Protection Area in the State of Colorado, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. GRASSLEY (for himself, Mr. KOHL, Mr. HATCH, Mr. CARPER, Mr. THURMOND, Mr. CHAFEE, and Mr. SPECTER):

S. 1712. A bill to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, and for other purposes; to the Committee on the Judiciary.

By Mr. STEVENS:

S. 1713. A bill to amend title 39, United States Code, to direct the Postal Service to adhere to an equitable tender policy in selecting air carriers of non-priority bypass mail to certain points in the State of Alaska, and for other purposes; to the Committee on Governmental Affairs.

By Mr. MCCONNELL:

S. 1714. A bill to provide for the installation of a plaque to honor Dr. James Harvey Early in the Williamsburg, Kentucky Post Office Building; to the Committee on Governmental Affairs.

By Mr. FRIST (for himself, Mr. KENNEDY, Mr. ALLEN, Mr. DASCHLE, Mr. BOND, Mr. AKAKA, Mr. CHAFEE, Mr. BAYH, Ms. COLLINS, Mr. BIDEN, Mr. DOMENICI, Mr. BREAUX, Mr. DEWINE, Mrs. CARNAHAN, Mr. HAGEL, Mr. CLELAND, Mr. HUTCHINSON, Mrs. CLINTON, Mrs. HUTCHISON, Mr. CORZINE, Mr. ROBERTS, Mr. DODD, Ms. SNOWE, Mr. DURBIN, Mr. VOINOVICH, Mr. EDWARDS, Mr. WARNER, Mrs. FEINSTEIN, Mr. HARKIN, Mr. JEFFORDS, Mr. JOHNSON, Mr. LEAHY, Mr. LIEBERMAN, Ms. MIKULSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. REED, Mr. ROCKEFELLER, Mr. SARBANES, and Mr. TORRICELLI):

S. 1715. A bill to improve the ability of the United States to prepare for and respond to a biological threat or attack; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KERRY (for himself, Mr. STEVENS, Mr. HOLLINGS, Mr. INOUE, and Mr. AKAKA):

S. 1716. A bill to speed national action to address global climate change, and for other purposes; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DASCHLE (for himself and Mr. LOTT):

S. Res. 181. A resolution to authorize testimony, document production, and legal representation in State of Idaho v. Joseph Daniel Hooper; considered and agreed to.

By Mr. SCHUMER (for himself and Mrs. CLINTON):

S. Con. Res. 84. A concurrent resolution providing for a joint session of Congress to be held in New York City, New York; to the Committee on Rules and Administration.

ADDITIONAL COSPONSORS

S. 906

At the request of Mr. ENZI, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 906, a bill to provide for protection of gun owner privacy and ownership rights, and for other purposes.

S. 990

At the request of Mr. SMITH of New Hampshire, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 990, a bill to amend the Pittman-Robertson Wildlife Restoration Act to improve the provisions relating to wildlife conservation and restoration programs, and for other purposes.

S. 1022

At the request of Mr. WARNER, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 1022, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 1140

At the request of Mr. HATCH, the name of the Senator from Missouri

(Mr. BOND) was added as a cosponsor of S. 1140, a bill to amend chapter 1 of title 9, United States Code, to provide for greater fairness in the arbitration process relating to motor vehicle franchise contracts.

S. 1163

At the request of Mr. CORZINE, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 1163, a bill to increase the mortgage loan limits under the National Housing Act for multifamily housing mortgage insurance.

S. 1248

At the request of Mr. MIKULSKI, her name was added as a cosponsor of S. 1248, a bill to establish a National Housing Trust Fund in the Treasury of the United States to provide for the development of decent, safe, and affordable, housing for low-income families, and for other purposes.

S. 1324

At the request of Mr. LIEBERMAN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1324, a bill to provide relief from the alternative minimum tax with respect to incentive stock options exercised during 2000.

S. 1434

At the request of Mr. SPECTER, the names of the Senator from Delaware (Mr. CARPER), the Senator from Wyoming (Mr. ENZI), the Senator from Arkansas (Mr. HUTCHINSON), the Senator from Arkansas (Mrs. LINCOLN), the Senator from Kentucky (Mr. MCCONNELL), the Senator from Kansas (Mr. ROBERTS), the Senator from Pennsylvania (Mr. SANTORUM), and the Senator from Tennessee (Mr. THOMPSON) were added as cosponsors of S. 1434, a bill to authorize the President to award posthumously the Congressional Gold Medal to the passengers and crew of United Airlines flight 93 in the aftermath of the terrorist attack on the United States on September 11, 2001.

S. 1503

At the request of Mr. ROCKEFELLER, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1503, a bill to extend and amend the Promoting Safe and Stable Families Program under subpart 2 of part B of title IV of the Social Security Act, to provide the Secretary of Health and Human Services with new authority to support programs mentoring children of incarcerated parents, to amend the Foster Care Independent Living Program under part E of title IV of the Social Security Act to provide for educational and training vouchers for youths aging out of foster care, and for other purposes.

S. 1562

At the request of Mr. SANTORUM, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 1562, a bill to amend title 39, United States Code, with respect to cooperative mailings.

S. 1571

At the request of Mr. LUGAR, the names of the Senator from New Jersey (Mr. TORRICELLI) and the Senator from Rhode Island (Mr. CHAFEE) were added as cosponsors of S. 1571, a bill to provide for the continuation of agricultural programs through fiscal year 2006.

S. 1593

At the request of Mr. JEFFORDS, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1593, a bill to authorize the Administrator of the Environmental Protection Agency to establish a grant program to support research projects on critical infrastructure protection for water supply systems, and for other purposes.

S. 1643

At the request of Mrs. MURRAY, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1643, a bill to provide Federal reimbursement to State and local governments for a limited sales, use and retailers' occupation tax holiday.

S. 1646

At the request of Mr. BINGAMAN, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 1646, a bill to identify certain routes in the States of Texas, Oklahoma, Colorado, and New Mexico as part of the Ports-to-Plains Corridor, a high priority corridor on the National Highway System.

S. CON. RES. 44

At the request of Mr. STEVENS, the name of the Senator from Hawaii (Mr. INOUE) was added as a cosponsor of S. Con. Res. 44, a concurrent resolution expressing the sense of the Congress regarding National Pearl Harbor Remembrance Day.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BOND:

S. 1705. A bill to amend the Public Health Service Act to provide for the establishment of a homeland security academic centers for public health preparedness network; to the Committee on Health, Education, Labor, and Pensions.

Mr. BOND. Mr. President, I rise today to introduce a bill I call the "The Homefront Medical Preparedness Act."

In the past century we have witnessed unprecedented advances in science, technology and medicine and have seen limitless potential to improve the human condition, cure disease, and advance human health in ways that were once unimaginable. Yet, at the same time we have seen some of these very advances have spawned new threats, threats that were simply inconceivable 100 years ago. The recent outbreaks of anthrax in Florida,

New York City, and Washington, DC, coupled with the terrorist attack of September 11 have brought to light the compelling need to properly prepare our communities for the threat of bioterrorists attacks.

A strong public-health infrastructure is the best defense against any bioterrorism attack. As a Nation we remain highly vulnerable, not because we are unprepared, but because we are under-prepared. The Department of Health and Human Services has made tremendous advances over the past few years. However, while significant progress has been made, there are still large gaps in our current approach. Our goal must be to eliminate these gaps and reduce the risk to our Nation and our communities. As a nation, we must prepare our communities, and improve our capacity to respond. Central to an effective response to a bioterrorist attack are detection, treatment and containment of a disease epidemic and our Nation's public-health system is on the front line in this effort.

The Nation's public health system is a complex network of people, systems, and organizations working at the local, State and national levels. The Nation is served by more than 3,000 county and city health departments, more than 3,000 local boards of health, 59 State and territorial-health departments, tribal-health departments more than 160,000 public and private laboratories. Current estimates suggest that the public-health workforce includes 500,000 professionals employed at the local, State and national levels. According to the Health Resource and Services Administration in 1989 only 44 percent of these 500,000 workers had formal, academic training in public health and those with graduate public health degrees were an even smaller fraction. As of 1997, 78 percent of local health departments executives did not have graduate degrees in public health. Changes on the public health system have brought new demands on the workforce and identified a need for additional training and education. Many public-health workers do not have the necessary skills and knowledge base to meet the needs of the emerging public-health system and public-health threats. These statistics highlight the critical need to provide these professionals with the most up-to-date training, technology, and tools necessary to meet the increasing demands and emerging needs.

An important first step has already been taken. The Centers for Disease Control has created Centers for Public Health Preparedness across the country. There are currently 14 centers total: 7 Academic Centers, 4 Speciality Centers, and 3 Local Exemplar Centers. The Academic Centers link schools of public health, State and local-health agencies and other academic and community health partners to foster indi-

vidual preparedness on the front line. The Speciality Centers focus on a topic, professional discipline, core public-health competency, practice setting or application of learning technology. And finally, the Local Exemplar Centers develop advanced applications at the community level in three areas of key importance to preparedness for bioterrorism and other urgent health threats: integrated communications and information systems across multiple sectors; advanced operational readiness assessment; and comprehensive training and evaluation.

In Missouri we are fortunate to have not one, but two centers in St. Louis at St. Louis University School of Public Health: an Academic Center the Heartland Center for Public Health Preparedness as well as a Speciality Center The Center for the Study of Bioterrorism and Emerging Threats. The School of Public Health at St. Louis University has clearly been on the forefront of this issue. I was honored to have secured Federal appropriations dollars necessary for startup costs for the Center for the Study of Bioterrorism, the only specialty center with a primary focus on bioterrorism in the country. The center provides public-healthcare providers and healthcare facilities with the tools needed for preparedness, response, recovery, and mitigation of intentional or naturally occurring outbreaks. Under the leadership of Dr. Evans, the center has developed training curriculum that is being used nationwide to train healthcare providers and public-health departments. In fact, the center's training materials were used by the CDC to train emergency health personal, healthcare providers and other public-health workers in New York to respond to the September 11 attack.

But more can and must be done. Today I introduced legislation which will expand the national network of Centers of Public Health Preparedness by adding new centers across the country as well as funneling more valuable resources to existing centers to meet urgent, public-health training needs. This bill will authorize \$50 million and would instruct the Director of the Centers for Disease Control to establish a national network of Centers for Public Health Preparedness utilizing the existing Centers for Public Health Preparedness Program to train and to prepare the national public-health workforce, healthcare providers and the general public to respond to bioterrorist threats.

Each center, housed at an accredited school of public health will 1. provide training and education to local and state health department staff, emergency first responders, and primary and acute care providers on the best practices necessary to protect against, and respond to the array of potential threats facing the American public, in-

cluding bioterrorism, infectious disease and weapons of mass destruction; 2. provide information to healthcare [providers and other components of the healthcare industry to protect against and respond to the threat of bioterrorism, infectious disease and weapons of mass destruction; and 3. provide information and education on relevant bioterrorist threats to the public.

Under my legislation each center, both new and existing, will receive at least \$1 million per year, but may receive additional sums per year if the CDC deems additional resources are necessary to carry out regional or national training activities at a particular center.

I believe that our schools of public health across the country, working in conjunction with the CDC can provide training and education to local and State health department staff, emergency first responders, and primary and acute-care providers on the best practices necessary to protect against, identify and respond to the wide array of potential threats facing the American public, including bioterrorism, infectious disease and weapons of mass destruction. The capacity and competency of our healthcare workforce is a critical component of the basic public-health infrastructure necessary to protect our communities. As with our military, our public-health system must be prepared at all times to ward off threats and respond to crises. Our national public-health infrastructure is the first and in some cases the only line of defense. Like our military, our public-health system must be at a constant state of readiness nationwide and this legislation will enable our public health system to better achieve this goal. If the public-health system is fully prepared then communities across the country will be better protected.

By Mr. HARKIN:

S. 1706. A bill to provide for the enhanced control of biological agents and toxins; to the Committee on Health, Education, Labor, and Pensions.

Mr. HARKIN. Mr. President, in May 1995, Larry Wayne Harris of Ohio ordered three vials of the bacterium that causes bubonic plague to be FedEx'ed from a company in Rockville, MD. At the time, all he needed was a credit card and letterhead. He invented both the letterhead and the lab he claimed to be from. In fact he was a member of a white supremacist group who would later tell of plans to kill hundreds of thousands of Americans with the plague. But when he was arrested with the vials, he was only charged with mail fraud for misrepresenting himself. No Federal license, registration, or even notification was required to obtain, own, or work with the plague.

Partly as a result of this incident, Congress in 1996 passed provisions in the Antiterrorism and Effective Death

Penalty Act to close the specific loophole. This bill required the Secretary of Health and Human Services to regulate transfer of a select list of biological agents. But it did not regulate possession or use of the agents. The subsequent regulations incorporated safety standards for labs receiving these agents, but set virtually no security standards to make sure these agents don't end in the wrong hands. They carved out broad exemptions, including all certified clinical laboratories. And they included little means of enforcement.

I think most Americans would be shocked to learn that we still have no idea who has anthrax, plague, or other biological agents in their freezer. Labs have had to register only if they have sent or received one of the agents since 1996. We know the recent attacks with anthrax used the so-called "Ames" strain of anthrax, which was identified at Iowa State University some decades ago, but we don't know how many labs in the United States have samples of this strain today. If we had that information before the next attack, especially if a less common agent or strain were used, it could be the starting point for the next investigation.

We can and we must do better. We have long had relatively tight controls on materials that can be used in nuclear weapons. You must have a license from the NRC or an agreement state to possess these nuclear materials. There are strict safety and security requirements on the licensees, and a small army of inspectors to make sure they comply. Licensees must report all shipments and receipts, and report any losses from their inventory of a gram or more of the most dangerous materials. Bioweapons have been called "the poor man's nuclear bomb" because they could cause similar devastation, but are easier and cheaper to obtain. It's time we place reasonable controls on biological agents too.

That is why I am introducing the Bioweapons Control and Tracking Act of 2001. This bill would for the first time impose five important controls on dangerous biological agents and toxins to reduce the risk of an accident or terrorist attack. First, the bill would direct the Secretary of Health and Human Services to regulate the possession and use of select biological agents as well as their transfer.

Second, the regulations would require registration with the Department for possession, use, and transfer of select agents and toxins. The registration would include known characterization of the agents, such as the strains, in order to facilitate their traceability. The Department would be required to maintain a database of locations and characterizations of the agents using the registration information.

Third, the regulations would also have to include safeguards and security

standards, as well as safety standards. Labs would be required to restrict access to the agents to people who need to handle them. And a process would be set up to screen people who do have access to the agents.

Fourth, the bill requires that any exemptions from these regulations be consistent with public health and safety. Any exemptions from registration requirements would have to still allow a complete database of agents of concern, but exemptions could be allowed either for a lab that only temporarily possesses the agent or for samples that could not be useful for making a weapon. These exemptions are intended to avoid an unnecessary burden on thousands of clinical labs that receive diagnostic samples for testing and, if the test is positive for a select agent, quickly pass the sample on to a government lab or destroy it.

Fifth, the bill includes strong enforcement measures. The bill specifically authorizes inspections to ensure compliance. To give teeth to the enforcement, it enacts a civil penalty for violating the regulations of up to \$250,000 for an individual of \$500,000 for a group. And it enacts a criminal penalty up to 5 years in prison for possession or transfer of select agents by someone who is not registered, and also for transfer to a person who is not registered.

In addition, the bill exempts information about specific labs from disclosure under the Freedom of Information Act to prevent one-stop-shopping for information by would-be bioterrorists. It requires biennial review of the list of biological agents and toxins of concern. And it codifies the law in Public Health Service Act, maintains current regulations until the Secretary issues new ones, and sets a deadline for the registration and associated penalties.

I have been working with several of my colleagues on a \$4 billion package to strengthen our response to a possible bioterrorism attack, so that we can stop a terrible attack from becoming a national or world calamity. We need these funds to strengthen the public health infrastructure, monitor food safety, and build our capacity for vaccinations. But for just a few millions dollars we may be able to prevent an attack, to stop bioterrorists before they even get hold of the necessary agents. We must no delay.

By Mr. MCCONNELL (for himself and Ms. LANDRIEU):

S. 1708. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to ensure the continuity of medical care following a major disaster by making private for-profit medical facilities eligible for Federal disaster assistance; to the Committee on Environment and Public Works.

Mr. MCCONNELL. Mr. President, I rise today to introduce the Parity in

Emergency Preparedness and Response Act of 2001. The horrific attacks of September 11 and subsequent anthrax exposures have focused our attention on the need to prepare and respond to emergencies, whether they result from acts of nature or the misdeeds of man. The legislation I introduce today will correct a provision in current law that prevents many hospitals from working with the Federal Government to prevent and respond to disasters. When tragedy strikes, the most important consideration shouldn't be a hospital's tax status, but rather its ability to care for the injured.

In 1974, Congress enacted the Robert T. Stafford Disaster Relief and Emergency Assistance Act, commonly referred to as the Stafford Act. This important legislation helps States and communities plan for emergencies and take steps to minimize the damage inflicted by a potential disaster. Once a disaster strikes, the Stafford Act authorizes the President to provide communities the resources they need to respond quickly and recover completely.

While the Stafford Act has helped countless communities respond to disasters, it has one glaring shortcoming, it prohibits the President and Federal Emergency Management Agency, FEMA, from offering assistance to hospitals that are owned or managed by private companies. As a result, there are 36 hospitals in my home State of Kentucky which are ineligible to receive Federal disaster mitigation and recovery funds.

I find it incomprehensible that the Federal Government would deny needed disaster assistance to a county hospital, simply because of its ownership, management structure, or tax status. Is a tornado any less devastating in one community than another, simply because of a local hospital's tax status? Are they any less deserving of the Federal Government's support? I think not.

What I find most troubling about this disparity is that it disproportionately affects rural communities, whose hospitals are frequently owned by the community but operated by private companies. Many small towns and rural counties prefer this sort of relationship because it allows them to ensure their citizens have access to needed health care services, while relieving themselves of the burdens of operating a modern hospital. In the rural Kentucky communities of Caldwell, Cumberland, Crittenden, Fleming, Marshall, Monroe, Ohio and Bell Counties, the community owns the hospital but contracts with a private management firm to direct the hospital's day to day operations. As a result of this relationship, these publicly owned hospitals are not eligible for Federal disaster mitigation or recovery assistance.

Hospitals are critical community resources which must be able to provide

services in an emergency, regardless of their ownership or management structure. That is why I am proud to introduce the Parity in Emergency Preparedness and Response Act with my colleague from Louisiana, Ms. LANDRIEU. This legislation would eliminate the disparity which exists between nonprofit and investor-owned hospitals and allow all eligible hospitals to apply for disaster mitigation and recovery funds. Our bill does not create an entitlement for hospitals that are owned or operated by private companies. The Stafford Act is clear in stating the President "may make contributions" to help damaged hospitals respond to and recover from an emergency, and this legislation does nothing to diminish the President's discretion in this regard.

Since September 11, 2001, the need to ensure that our Nation's public health infrastructure is capable of responding to unanticipated emergencies has received renewed attention in Congress. In fact, the Senate will soon consider comprehensive legislation to address the growing threat of bioterrorism and protect the safety of our food supply. While I strongly support the intent of this legislation, it will be woefully incomplete if it does not allow all hospitals, including investor-owned hospitals, to apply for disaster assistance.

Hospitals play a vital role in responding to emergencies, regardless of their management structure. I look forward to working with Ms. LANDRIEU and our colleagues in the Senate to pass this legislation and ensure that all of America's hospitals are prepared to respond to disasters.

I ask unanimous consent that a list of hospitals which would become eligible for disaster assistance under my legislation be printed in the RECORD, and I ask unanimous consent the text of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1708

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Parity in Emergency Preparedness and Response Act of 2001".

SEC. 2. ELIGIBILITY OF PRIVATE FOR-PROFIT MEDICAL FACILITIES FOR FEDERAL DISASTER ASSISTANCE.

(a) ELIGIBILITY OF PRIVATE FOR-PROFIT MEDICAL FACILITIES FOR ASSISTANCE AVAILABLE TO PRIVATE NONPROFIT FACILITIES.—Section 102(9) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(9)) is amended—

(1) by striking "and facilities" and inserting "facilities"; and

(2) by inserting before the period at the end the following: ", and private for-profit medical facilities (including hospitals and long-term care facilities)".

(b) CLARIFICATION OF ELIGIBILITY OF MEDICAL FACILITIES FOR EMERGENCY PREPAREDNESS ASSISTANCE.—

(1) DEFINITION OF EMERGENCY PREPAREDNESS.—Section 602(a)(3)(A) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5195a(a)(3)(A)) is amended by inserting "the preparation of private nonprofit and for-profit medical facilities (including hospitals and long-term care facilities) to withstand major disasters," after "control centers,".

(2) FUNCTIONS OF FEMA.—Section 611(j)(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196(j)(1)) is amended in the first sentence by inserting before the period at the end the following: "(including the preparation of private nonprofit and for-profit medical facilities (including hospitals and long-term care facilities) to withstand major disasters)".

(c) DEFINITION OF LONG-TERM CARE FACILITY.—Section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122) is amended by adding at the end the following:

"(10) LONG-TERM CARE FACILITY.—'Long-term care facility' means—

"(A) any skilled nursing facility (as defined in section 1819(a) of the Social Security Act (42 U.S.C. 1395i-3(a));

"(B) any nursing facility (as defined in section 1919(a) of that Act (42 U.S.C. 1396r(a)); and

"(C) any other long-term care facility, such as an intermediate care facility for the mentally retarded.".

ELIGIBLE HOSPITALS Bluegrass Community Hospital, Versailles, KY; Bourbon Community Hospital, Paris, KY; FHC Cumberland Hall, Hopkinsville, KY; Frankfort Regional Medical Center, Frankfort, KY; Gateway Rehabilitation Hospital, Florence, KY; Gateway Rehabilitation Hospital at Norton Healthcare Pavilion, Louisville, KY; Georgetown Community Hospital, Georgetown, KY; Greenview Regional Hospital, Bowling Green, KY; Healthsouth Rehabilitation Hospital of Central Kentucky, Elizabethtown, KY; Healthsouth Rehabilitation Hospital of Northern Kentucky, Edgewood, KY; Jackson Purchase Medical Center, Mayfield, KY; Jenkins Community Hospital, Jenkins, KY; Kentucky River Medical Center, Jackson, KY; Kindred Hospital-Louisville, Louisville, KY; Lake Cumberland Regional Hospital, Somerset, KY; Lincoln Trail Behavioral Health System, Radcliff, KY; Logan Memorial Hospital, Russellville, KY; Meadowview Regional Medical Center, Maysville, KY; Mediplex Rehab-Bowling Green, Bowling Green, KY; Paul B. Hall Regional Medical Center, Paintsville, KY; Ridge Behavioral Health System, Lexington, KY; Rivendell Behavioral Health Services, Bowling Green, KY; Samaritan Hospital, Lexington, KY; Ten Broeck Hospital, Louisville, KY; Ten Broeck Hospital DuPont, Louisville, KY; Three Rivers Medical Center, Louisville, KY; Caldwell County Hospitals, Princeton, KY; Crittenden Health System, West Marion, KY; Cumberland County Hospital, Burkesville, KY; Fleming County Hospital, Flemingsburg, KY; Jennie Stuart Medical Center, Hopkinsville, KY; Marshall County Hospital, Benton, KY; Monroe County Medical Center, Tompkinsville, KY; Muhlenberg Community Hospital, Greenville, KY; Ohio County Hospital, Hartford, KY; and Pineville Community Hospital, Pineville, KY.

By Mr. CAMPBELL:

S. 1711. A bill to designate the James Peak Wilderness and the James Peak Protection Area in the State of Colorado, and for other purposes; to the

Committee on Energy and Natural Resources.

Mr. CAMPBELL. Mr. President, today I introduce the "James Peak Wilderness and Protection Area Act." This language is the product of years of detailed negotiations regarding an area of great majesty in my home State of Colorado.

When discussing public lands issues, the potential uses for land are as varied and numerous as the diverse groups of users. Oftentimes, one camp is pitted against another, each convinced that its view is right to the point that it necessarily excludes the other interested party. And the result is that nothing viable happens. No land is protected and no uses of land are preserved. Instead, we read of angry exchanges, that if it were not for one side being so stubborn in its view, then we would have had a bill, while ignoring their own immobile position.

This bill, I am very proud to say, is different from the all-too-common discourse that I described.

This bill stands as a testament to what can be achieved when interested parties stop for a moment and listen to each other. I would like to take this moment to commend the work of my friends in the House, Representatives UDALL and MCINNIS for their efforts on this issue.

The "James Peak Wilderness and Protection Area Act" respects the diverse uses of Colorado's lands and recognizes those differences accordingly. This bill designates about 14,000 acres in Boulder, Clear Creek, and Gilpin Counties as Wilderness, and enlarges the existing Indian Peaks Wilderness by an additional 3,195 acres. Further, this carefully balanced approach designates 16,000 acres of national forest land as the "James Peak Protection Area." The Protection Area in Grand County would disallow development of the land, but would permit recreational use for the public's continued enjoyment.

I am pleased with the careful compromises that were necessary in crafting this bill and proudly introduce it today. I only wish this kind of cooperation was more evident in the other discussions about public lands in America.

I hope for quick passage of this important bill.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1711

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "James Peak Wilderness, Wilderness Study, and James Peak Protection Area Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) **BOARD.**—The term “Board” means the Colorado State Land Board.

(2) **FOREST SUPERVISOR.**—The term “Forest Supervisor” means the Forest Supervisor of the Arapaho National Forest and Roosevelt National Forest.

(3) **MANAGEMENT PLAN.**—The term “management plan” means the 1997 Revision of the Land and Resource Management Plan for the Arapaho and Roosevelt National Forests and the Pawnee National Grasslands.

(4) **PROTECTION AREA.**—The term “Protection Area” means the James Peak Protection Area designated by section 4(b).

(5) **SECRETARY.**—The term “Secretary” means the Secretary of Agriculture.

(6) **SPECIAL INTEREST AREA.**—The term “special interest area” means the land in the Protection Area that is bounded—

(A) on the north by Rollins Pass Road;

(B) on the east by the Continental Divide; and

(C) on the west by the 11,300-foot elevation contour, as depicted on the map entitled “Proposed James Peak Protection Area”, dated September 2001.

(7) **STATE.**—The term “State” means the State of Colorado.

SEC. 3. WILDERNESS DESIGNATION.

(a) **JAMES PEAK WILDERNESS.**—Section 2(a) of the Colorado Wilderness Act of 1993 (Public Law 103-77; 107 Stat. 756) is amended by adding at the end the following:

“(20) **JAMES PEAK WILDERNESS.**—Certain land in the Arapaho National Forest and Roosevelt National Forest comprising approximately 14,000 acres, as generally depicted on the map entitled ‘Proposed James Peak Wilderness’, dated September 2001, and which shall be known as the ‘James Peak Wilderness’.”.

(b) **ADDITION TO THE INDIAN PEAKS WILDERNESS AREA.**—Section 3 of the Indian Peaks Wilderness Area, the Arapaho National Recreation Area and the Oregon Islands Wilderness Area Act (Public Law 95-450; 92 Stat. 1095) is amended by adding at the end the following:

“(c) **ADDITIONAL LAND.**—In addition to the land described in subsection (a), the Indian Peaks Wilderness Area shall include—

“(1) the approximately 2,232 acres of Federal land in the Arapaho National Forest and Roosevelt National Forest, as generally depicted on the map entitled ‘Ranch Creek Addition to Indian Peaks Wilderness’, dated September 2001; and

“(2) the approximately 963 acres of Federal land in the Arapaho National Forest and Roosevelt National Forest, as generally depicted on the map entitled ‘Fourth of July Addition to Indian Peaks Wilderness’, dated September 2001.”.

(c) **MAPS AND LEGAL DESCRIPTIONS.**—

(1) **IN GENERAL.**—As soon as practicable after the date of enactment of this Act, the Secretary shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate—

(A) a map and legal description of the area designated as wilderness by the amendments made by subsection (a); and

(B) a map and legal description of the area added to the Indian Peaks Wilderness Area by the amendments made by subsection (b).

(2) **EFFECT.**—The maps and legal descriptions shall have the same force and effect as if included in—

(A) the Colorado Wilderness Act of 1993 (Public Law 103-77; 107 Stat. 756); and

(B) the Indian Peaks Wilderness Area, the Arapaho National Recreation Area and the

Oregon Islands Wilderness Area Act (Public Law 95-450; 92 Stat. 1095).

(3) **CORRECTIONS.**—The Secretary may correct technical errors in the maps and legal descriptions.

(4) **AVAILABILITY.**—Copies of the maps and legal descriptions shall be on file and available for public inspection in—

(A) the office of the Chief of the Forest Service; and

(B) the office of the Forest Supervisor.

SEC. 4. DESIGNATION OF JAMES PEAK PROTECTION AREA.

(a) **FINDINGS AND PURPOSE.**—

(1) **FINDINGS.**—Congress finds that—

(A) the Protection Area includes important resources and values, including wildlife habitat, clean water, open space, and opportunities for solitude;

(B) the Protection Area includes areas that are suitable for recreational uses, including the use of snowmobiles and other motorized and nonmotorized vehicles; and

(C) the Protection Area should be managed in a way that protects the resources and values of the Protection Area while permitting continued recreational uses, subject to appropriate regulations.

(2) **PURPOSE.**—The purpose of this section is to provide for management of certain land in the Arapaho National Forest and Roosevelt National Forest in a manner that—

(A) is consistent with the management plan; and

(B) protects the natural qualities of the land.

(b) **DESIGNATION.**—The approximately 16,000 acres of land in the Arapaho National Forest and Roosevelt National Forest generally depicted on the map entitled “Proposed James Peak Protection Area”, dated September 2001, is designated as the “James Peak Protection Area”.

(c) **MAP AND LEGAL DESCRIPTION.**—

(1) **IN GENERAL.**—As soon as practicable after the date of enactment of this Act, the Secretary shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a map and legal description of the Protection Area.

(2) **EFFECT.**—The map and legal description shall have the same force and effect as if included in this Act.

(3) **CORRECTIONS.**—The Secretary may correct clerical and typographical errors in the map and legal description.

(4) **AVAILABILITY.**—The map and legal description shall be on file and available for public inspection in—

(A) the office of the Chief of the Forest Service; and

(B) the office of the Forest Supervisor.

(d) **MANAGEMENT.**—

(1) **IN GENERAL.**—Except as otherwise provided in this section, the Secretary shall manage and administer the Protection Area in accordance with the management plan.

(2) **GRAZING.**—Nothing in this Act, including the establishment of the Protection Area, affects grazing on land in or outside of the Protection Area.

(3) **WITHDRAWALS.**—

(A) **IN GENERAL.**—Subject to valid existing rights, all Federal land in the Protection Area (including land and interests in land acquired for the Protection Area by the United States after the date of enactment of this Act) is withdrawn from—

(i) all forms of entry, appropriation, or disposal under the public land laws;

(ii) location, entry, and patent under the mining laws; and

(iii) the operation of the mineral leasing, mineral materials, and geothermal leasing laws.

(B) **EFFECT.**—Nothing in subparagraph (A) affects the discretionary authority of the Secretary under other Federal law to grant, issue, or renew any right-of-way or other land use authorization consistent with this Act.

(4) **MOTORIZED AND MECHANIZED TRAVEL.**—

(A) **REVIEW AND INVENTORY.**—

(i) **IN GENERAL.**—Not later than 2 years after the date of enactment of this Act, the Secretary, in consultation with any interested parties, shall complete a review and inventory of all roads and trails in the Protection Area (excluding the special interest area) on which use was allowed on September 10, 2001.

(ii) **CONNECTION.**—In conducting the review and inventory under clause (i), the Secretary may connect any existing road or trail in the inventory area to another existing road or trail in the inventory area for the purpose of mechanized and nonmotorized use, if the connection results in no net gain in the total mileage of roads or trails open for public use in the Protection Area.

(iii) **CLOSURE.**—In conducting the review and inventory under clause (i), the Secretary may close or remove any road or trail in the Protection Area that the Secretary determines to be undesirable, except those roads or trails managed under paragraph (7).

(iv) **DESIGNATED AREAS.**—As soon as practicable after completion of the review and inventory under clause (i), the Secretary shall prohibit motorized and mechanized travel in the Protection Area, except on roads and trails—

(I) identified as being open to use in the inventory; or

(II) established under paragraph (5).

(B) **ROGERS PASS TRAIL.**—Notwithstanding any other provision of this Act, a motorized vehicle shall not be permitted on any part of the Rogers Pass Trail.

(5) **NEW ROADS AND TRAILS.**—

(A) **IN GENERAL.**—Except as provided in subparagraph (B), no road or trail shall be established in the Protection Area after the date of enactment of this Act.

(B) **ESTABLISHMENT.**—The Secretary may establish—

(i) a new road or trail to replace a road or trail of the same character and scope that has become nonserviceable because of a reason other than neglect;

(ii) as necessary, nonpermanent roads for—

(I) hazardous fuel reduction;

(II) fire, insect, or disease control projects; or

(III) other management purposes;

(iii) any road determined to be appropriate for reasonable access under section 5(b)(3);

(iv) a loop trail established under section 7; or

(v) a trail for nonmotorized use along the corridor designated as the Continental Divide Trail.

(6) **TIMBER HARVESTING.**—No timber harvesting shall be allowed within the Protection Area, except to the extent necessary for—

(A) hazardous fuel reduction;

(B) a fire, insect, or disease control project; or

(C) protection of public health or safety.

(7) **SPECIAL INTEREST AREA.**—The management prescription applicable to the land referred to in the management plan as the James Peak Special Interest Area shall apply to the special interest area.

(e) **NATURAL GAS PIPELINE.**—

(1) MAINTENANCE.—The Secretary shall allow for maintenance of rights-of-way and access roads located in the Protection Area—

(A) to the extent necessary to operate the natural gas pipeline permitted under the Arapaho/Roosevelt National Forest master permit numbered 4138.01; and

(B) in a manner that—

(i) does not have a negative effect on public safety; and

(ii) allows for compliance with Federal pipeline safety requirements.

(2) INCLUSIONS.—Maintenance under paragraph (1) may include—

(A) vegetation management;

(B) road maintenance;

(C) ground stabilization; and

(D) motorized vehicle access.

(f) PERMANENT FEDERAL OWNERSHIP.—All right, title, and interest of the United States, held on or acquired after the date of enactment of this Act, in and to land within the boundaries of the Protection Area shall be retained by the United States.

(g) WATER RIGHTS.—

(1) EFFECT OF THIS ACT.—Nothing in this Act—

(A) constitutes an express or implied reservation of any water or water right with respect to land within the Protection Area;

(B) affects any conditional or absolute water right in the State in existence on the date of enactment of this Act;

(C) establishes a precedent with regard to any future Protection Area designation; or

(D) limits, alters, modifies, or amends any interstate compact or equitable apportionment decree that apportions water among and between the State and other States.

(2) COLORADO WATER LAW.—The Secretary shall be subject to all procedural and substantive laws of the State in order to obtain and hold any new water rights with respect to the Protection Area.

(3) WATER INFRASTRUCTURE.—Nothing in this Act affects, impedes, interferes with, or diminishes the operation, existence, access, maintenance, improvement, or construction of a water facility or infrastructure, right-of-way, or other water-related property, interest, or use (including the use of motorized vehicles and equipment on land within the Protection Area) on any land except the land in the special interest area.

SEC. 5. ACQUISITION OF LAND.

(a) BOARD LAND.—The Secretary may acquire by purchase or exchange land in the Protection Area owned by the Board.

(b) JIM CREEK DRAINAGE.—

(1) IN GENERAL.—The Secretary may acquire by purchase or exchange land in the Jim Creek drainage in the Protection Area.

(2) CONSENT OF LANDOWNER.—The Secretary may acquire land under this subsection only with the consent of the landowner.

(3) EFFECT.—Nothing in this Act affects the rights of any owner of land located within the Jim Creek drainage in the Protection Area, including any right to reasonable access to the land by motorized or other means, as determined by the Chief of the Forest Service and the landowner, in accordance with applicable law (including regulations).

(c) REPORT.—

(1) IN GENERAL.—The Secretary shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report concerning any agreement or the status of negotiations for the acquisition of land under—

(A) subsection (a), on the earlier of—

(i) the date on which an agreement for acquisition by the United States of land referred to in subsection (a) is entered into; or

(ii) 1 year after the date of enactment of this Act; and

(B) subsection (b), on the earlier of—

(i) the date on which an agreement for acquisition by the United States of land referred to in subsection (b) is entered into; or

(ii) 1 year after the date of enactment of this Act.

(2) REQUIREMENTS.—A report under paragraph (1) shall include information on funding, including—

(A) to what extent funds are available to the Secretary for the acquisition of the land, as of the date of the report; and

(B) whether additional funds need to be appropriated or otherwise made available to the Secretary for the acquisition of the land.

(d) MANAGEMENT OF ACQUISITIONS.—Any land within the James Peak Wilderness or the Protection Area acquired by the United States after the date of enactment of this Act shall be added to the James Peak Wilderness or the Protection Area, respectively.

SEC. 6. JAMES PEAK FALL RIVER TRAILHEAD.

(a) SERVICES AND FACILITIES.—

(1) IN GENERAL.—Following the consultation required by subsection (c), the Forest Supervisor shall establish a trailhead, facilities, and services for National Forest System land that is located—

(A) in the vicinity of the Fall River basin; and

(B) south of the communities of Alice Township and St. Mary's Glacier in the State.

(2) INCLUSIONS.—The facilities and services under paragraph (1) shall include—

(A) parking for the trailhead;

(B) public restroom accommodations; and

(C) maintenance of the trailhead and trail.

(b) PERSONNEL.—The Forest Supervisor shall assign Forest Service personnel to provide appropriate management and oversight of the area specified in subsection (a)(1).

(c) CONSULTATION.—The Forest Supervisor shall consult with the commissioners of Clear Creek County and with residents of Alice Township and St. Mary's Glacier in the State regarding—

(1) the appropriate location of facilities and services in the area specified in subsection (a)(1); and

(2) appropriate measures that may be needed in this area—

(A) to provide access by emergency or law enforcement vehicles;

(B) for public health; and

(C) to address concerns regarding impeded access by local residents.

(d) REPORT.—As soon as practicable after the consultation required by subsection (c), the Forest Supervisor shall submit to the Committee on Resources and the Committee on Appropriations of the House of Representatives and the Committee on Energy and Natural Resources and the Committee on Appropriations of the Senate a report regarding the amount of any additional funding required to implement this section.

SEC. 7. LOOP TRAIL STUDY.

(a) STUDY.—Not later than 3 years after the date on which funds are first made available to carry out this section, the Secretary, in consultation with interested parties, shall complete a study of the suitability and feasibility of establishing, consistent with the purpose described in section 4(a)(2), a loop trail for mechanized and other nonmotorized recreation that connects the trail designated as "Rogers Pass" and the trail designated as "Rollins Pass Road".

(b) ESTABLISHMENT.—If the results of the study required by subsection (a) indicate that establishment of a loop trail would be suitable and feasible, the Secretary shall establish the loop trail.

SEC. 8. ADMINISTRATIVE PROVISIONS.

(a) NO BUFFER ZONES.—

(1) IN GENERAL.—The designation by this Act or by amendments made by this Act of wilderness areas under section 3 and the Protection Area in the State shall not establish any express or implied protective perimeter or buffer zone around a wilderness area or the Protection Area.

(2) SURROUNDING LAND.—The fact that the use of, or conduct of an activity on, land that shares a boundary with a wilderness area or the Protection Area may be seen or heard from a wilderness area or the Protection Area shall not, in and of itself, preclude the conduct of the use or activity.

(b) ROLLINS PASS ROAD.—

(1) IN GENERAL.—If requested by 1 or more of Grand, Gilpin, or Boulder Counties in the State, the Secretary, with respect to the repair of the Rollins Pass road in those counties, shall provide technical assistance and otherwise cooperate with the counties to permit 2-wheel-drive vehicles to travel between Colorado State Highway 119 and U.S. Highway 40.

(2) CLOSURE OF MOTORIZED ROADS AND TRAILS.—If Rollins Pass road is repaired in accordance with paragraph (1), the Secretary shall close the motorized roads and trails on Forest Service land indicated on the map entitled "Rollins Pass Road Reopening: Attendant Road and Trail Closures," dated September 2001.

SEC. 9. WILDERNESS POTENTIAL.

(a) IN GENERAL.—Nothing in this Act precludes or restricts the authority of the Secretary—

(1) to evaluate the suitability of land in the Protection Area for inclusion in the National Wilderness Preservation System; or

(2) to make recommendations to Congress on the inclusion of land evaluated under paragraph (1) in the National Wilderness Preservation System.

(b) EVALUATION OF CERTAIN LANDS.—As part of the first revision of the management plan carried out after the date of the enactment of this Act, the Secretary shall—

(1) evaluate the suitability of the special interest area for inclusion in the National Wilderness Preservation System; and

(2) make recommendations to Congress on the inclusion of land evaluated under paragraph (1) for inclusion in the National Wilderness Preservation System.

By Mr. GRASSLEY (for himself, Mr. KOHL, Mr. HATCH, Mr. CARPER, Mr. THURMOND, Mr. CHAFEE, and Mr. SPECTER):

S. 1712. A bill to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, and for other purposes; to the Committee on the Judiciary.

Mr. GRASSLEY. Mr. President, I rise today to introduce the "Class Action Fairness Act of 2001." I am pleased to be joined by Senators KOHL, HATCH, CARPER, THURMOND, CHAFEE and SPECTER. The Class Action Fairness Act of 2001 will help curb class action lawsuit abuses and protect consumers who find themselves as potential members of class action lawsuits. At the same

time, the bill will preserve class action lawsuits as an important tool that brings representation to the unrepresented.

In the last Congress, Senator KOHL and I introduced S. 353, the "Class Action Fairness Act of 1999." We worked diligently and in good faith to address concerns expressed by members of the Judiciary Committee, as well as others interested in this issue. The Judiciary Committee marked up and favorably voted out a Hatch/Grassley/Kohl amendment in the nature of a substitute. Unfortunately, S. 353 was not considered by the full Senate in the 106th Congress because of the press of other legislative business.

Today, we are introducing the bill that the Senate Judiciary Committee agreed to in the last Congress, with minor modifications. We have also included a few more provisions that will better protect class members. I am hopeful that in this Congress, the Senate will consider this bill promptly and enact the much needed changes to the current system.

Presently, the class action system is awash with problems. More and more class action lawsuits are being filed to the benefit of attorneys, where attorneys agree to settlements that give them huge fees while their clients get little of value or nothing. A 1999 Rand Report on class actions found that state courts often give most of the money in a settlement to the lawyers, not the class members they supposedly represent. The Judiciary Committee held hearings where we heard about settlement after settlement where class members got coupons or nothing, but the lawyers got millions of dollars in attorneys' fees. We heard about class members being awarded restrictive coupons for airline tickets, as well as class members who received a lawyers' bill that was higher than the compensation for their injury. But the lawyers got all the money in fees.

Is this fair? I thought the lawyers were supposed to represent their clients, not themselves. I am not saying that attorneys should not be paid for their work, but it seems to me that lawyers have found class actions to be an easy way for them to make money.

The Judiciary Committee also heard that lawyers game the class action rules to keep class actions in certain State courts, particularly courts that are quick to certify a class without adequately considering the interests of all class members or courts that aren't careful in evaluating whether the proposed class meets the required class criteria. Those State courts are also more likely to rubber-stamp settlement proposals without scrutinizing them for fairness. For example, we learned that in some cases members of a class that lived closer to the courthouse in which the settlement was filed got a larger recovery than others. We

also learned about settlements where a bounty was paid to class representatives which was disproportionately larger than that provided to absent class members.

It's easy for lawyers to forum-shop and keep these cases in State court, for example, attorneys name irrelevant parties to their class action suits in an effort to destroy diversity. Attorneys make inaccurate statements about the jurisdictional amount to keep the defendant from transferring the case to Federal court, but then retract them one year later when removal is barred. In addition, similar class actions are filed in many State courts and cannot be consolidated, increasing the chances for collusive settlements or situations where there is a "race to settlement" by the attorneys. This also creates significant inefficiencies and waste of court resources.

A much more troublesome effect of this problem is the fact that State courts are making decisions for the entire country. The 1999 Rand Study and a more recent study by the Manhattan Institute found that most of the increase in class action lawsuits is occurring in State courts. With this happening, basically State courts are dictating national policy. Class actions are usually the cases that involve the most people, the most money, and the most interstate commerce issues. But it is clear that these cases really belong in Federal court. And there is a constitutional basis for this. Article 3, section 2 of the Constitution states that controversies between citizens of different States should be subject to the jurisdiction of the Federal courts. However, the present Federal jurisdiction statutes were originally enacted over a century ago, so they do not take the modern day class action into account and basically exclude them from the Federal court system.

Consequently, the current system produces aberrant results as to what can or cannot proceed in Federal court. For example, right now, a slip and fall case worth \$75,001 involving two residents from different States can be heard in Federal court. But a nationwide class action that involves millions of citizens residing in all 50 States, that seeks billions of dollars in damages, implicates the laws of every State, and involves interstate commerce issues, is mainly confined to the State courts. Why should a State county court with an elected judge decide these cases, but not a Federal judge?

By only allowing State courts to hear nationwide class actions, State courts can dictate national policy or improperly impose their State's laws on the citizens of other States. Let me illustrate this serious problem with the State Farm case. In a large class action case brought against State Farm on the issue of auto insurers' use of "aftermarket" auto parts in auto-

mobile repairs, an Illinois court applied Illinois auto insurance law to the other 49 States. Several State attorneys general intervened in the case and expressed their opposition to the court's application of Illinois law to their citizens. The National Association of State Insurance Commissioners and Public Citizen also expressed concern over the outcome of this case. The reason for this opposition was because State laws and policy on the use of aftermarket parts varies widely State by State, yet the Illinois State court imposed its auto insurance laws on the other States. The ability of a State court to have such a monumental impact on the laws of other States, by basically overturning national policy and the laws or regulations of the other 50 States is more than troubling.

So, there are compelling reasons for us to take remedial steps regarding the class action system. The Class Action Fairness Act of 2001 takes a good first step at addressing some of the problems we have identified. To address the problem of class members not knowing what is going on in a class action or settlement, or not being clear as to what their rights are, the Class Action Fairness Act of 2001 has a provision that notice to class members needs to contain an explanation of their rights and other matters concerning settlement terms, including attorneys' fees, in a plain and easy to understand language.

To address the problem where class members get nothing and attorneys get millions, the Class Action Fairness Act of 2001 provides that notification of any proposed settlements must be given to the State attorneys general or the primary regulatory or licensing agency of any State whose citizens are involved. This is so that the State attorney general or responsible agency can intervene in the case to ensure that settlements are fair. To address the problem of special bounties that unfairly impact the absent members of a class, the bill contains a new provision that would prohibit the payment of bounties to class representatives that are disproportionately larger than that provided to absent class members. To address the problem of discrimination between class members based on geographic location, the bill contains a new provision that prohibits courts from approving settlements that award some class members a larger recovery than others based on geography.

To start responding to the issue of outrageous attorneys fees, the Class Action Fairness Act of 2001 asks the Judicial Conference to report back to Congress in a year after studying attorneys' fees in class actions and how judges can do a better job in making sure that class action settlements are fair. The bill also includes new provisions that protect class members against net losses and require the

courts to make specific findings as to the fairness of coupon and other non-cash class action settlements.

To respond to the problem where plaintiff lawyers game the system to improperly keep class action cases in State court, or where similar class action suits are being filed in different State courts, or where State courts are imposing their laws on citizens of other States and formulating national policy, the Class Action Fairness Act of 2001 loosens diversity and removal requirements so that class action cases with national ramifications can be heard in Federal courts and similar class actions can be consolidated. The bill is crafted so that it will not harm federalism or deprive State courts of their ability to adjudicate cases for their own citizens. That is because there is a constitutional basis for class actions to proceed in Federal court. Clearly, the Federal courts are a better forum for these kinds of cases that are of nationwide importance.

In conclusion, there is substantial evidence that class action abuse is going on and we should do something about it. I think that the Class Action Fairness Act of 2001 is a good, balanced bill that addresses some of the problems that we've identified. Moreover, there has been a lot of compromise to address concerns about the bill. We have also improved the bill by adding additional consumer protections. So, the Class Action Fairness Act of 2001 will preserve the class action process, but put a stop to the more egregious abuses in the system.

In addition, I'd like to thank my friend Senator KOHL, who has worked so closely with me over the years in bringing the issue of class action abuse to the forefront. We both share a deep concern over protecting the rights of consumers, while making sure that the due process rights of all litigants are preserved. I'd also like to thank Senator HATCH, who worked with us to move this bill forward in the Judiciary Committee last year, and worked on improvements to the bill.

I urge all my colleagues to join Senators KOHL, HATCH, CARPER, THURMOND, CHAFEE and SPECTER in supporting this important piece of legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1712

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the "Class Action Fairness Act of 2001".

(b) **REFERENCE.**—Whenever in this Act reference is made to an amendment to, or repeal of, a section or other provision, the ref-

erence shall be considered to be made to a section or other provision of title 28, United States Code.

(c) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

Sec. 1. Short title; reference; table of contents.

Sec. 2. Findings and purposes.

Sec. 3. Consumer class action bill of rights and improved procedures for interstate class actions.

Sec. 4. Federal district court jurisdiction for interstate class actions.

Sec. 5. Removal of interstate class actions to Federal district court.

Sec. 6. Report on class action settlements.

Sec. 7. Effective date.

SEC. 2. FINDINGS AND PURPOSES.

(a) **FINDINGS.**—Congress finds the following:

(1) Class action lawsuits are an important and valuable part of the legal system when they permit the fair and efficient resolution of legitimate claims of numerous parties by allowing the claims to be aggregated into a single action against a defendant that has allegedly caused harm.

(2) Over the past decade, there have been abuses of the class action device that have—

(A) harmed class members with legitimate claims and defendants that have acted responsibly; and

(B) undermined public respect for our judicial system.

(3) Class members often receive little or no benefit from class actions, and are sometimes harmed, such as where—

(A) counsel are awarded large fees, while leaving class members with coupons or other awards of little or no value;

(B) unjustified awards are made to certain plaintiffs at the expense of other class members; and

(C) confusing notices are published that prevent class members from being able to fully understand and effectively exercise their rights.

(4) Abuses in class actions undermine the national judicial system and the concept of diversity jurisdiction as intended by the framers of the United States Constitution, in that State and local courts are—

(A) keeping cases of national importance out of Federal court;

(B) sometimes acting in ways that demonstrate bias against out-of-State defendants; and

(C) making judgments that impose their view of the law on other States and bind the rights of the residents of those States.

(b) **PURPOSES.**—The purposes of this Act are to—

(1) assure fair and prompt recoveries for class members with legitimate claims;

(2) restore the intent of the framers of the United States Constitution by providing for Federal court consideration of interstate cases of national importance under diversity jurisdiction; and

(3) benefit society by encouraging innovation and lowering consumer prices.

SEC. 3. CONSUMER CLASS ACTION BILL OF RIGHTS AND IMPROVED PROCEDURES FOR INTERSTATE CLASS ACTIONS.

(a) **IN GENERAL.**—Part V is amended by inserting after chapter 113 the following:

"CHAPTER 114—CLASS ACTIONS

"Sec.

"1711. Definitions.

"1712. Judicial scrutiny of coupon and other noncash settlements.

"1713. Protection against loss by class members.

"1714. Protection against discrimination based on geographic location.

"1715. Prohibition on the payment of bounties.

"1716. Clearer and simpler settlement information.

"1717. Notifications to appropriate Federal and State officials.

"§ 1711. Definitions

"In this chapter:

"(1) **CLASS.**—The term 'class' means all of the class members in a class action.

"(2) **CLASS ACTION.**—The term 'class action' means any civil action filed in a district court of the United States under rule 23 of the Federal Rules of Civil Procedure or any civil action that is removed to a district court of the United States that was originally filed under a State statute or rule of judicial procedure authorizing an action to be brought by 1 or more representatives as a class action.

"(3) **CLASS COUNSEL.**—The term 'class counsel' means the persons who serve as the attorneys for the class members in a proposed or certified class action.

"(4) **CLASS MEMBERS.**—The term 'class members' means the persons (named or unnamed) who fall within the definition of the proposed or certified class in a class action.

"(5) **PLAINTIFF CLASS ACTION.**—The term 'plaintiff class action' means a class action in which class members are plaintiffs.

"(6) **PROPOSED SETTLEMENT.**—The term 'proposed settlement' means an agreement regarding a class action that is subject to court approval and that, if approved, would be binding on some or all class members.

"§ 1712. Judicial scrutiny of coupon and other noncash settlements

"The court may approve a proposed settlement under which the class members would receive noncash benefits or would otherwise be required to expend funds in order to obtain part or all of the proposed benefits only after a hearing to determine whether, and making a written finding that, the settlement is fair, reasonable, and adequate for class members.

"§ 1713. Protection against loss by class members

"The court may approve a proposed settlement under which any class member is obligated to pay sums to class counsel that would result in a net loss to the class member only if the court makes a written finding that nonmonetary benefits to the class member substantially outweigh the monetary loss.

"§ 1714. Protection against discrimination based on geographic location

"The court may not approve a proposed settlement that provides for the payment of greater sums to some class members than to others solely on the basis that the class members to whom the greater sums are to be paid are located in closer geographic proximity to the court.

"§ 1715. Prohibition on the payment of bounties

"(a) **IN GENERAL.**—The court may not approve a proposed settlement that provides for the payment of a greater share of the award to a class representative serving on behalf of a class, on the basis of the formula for distribution to all other class members, than that awarded to the other class members.

"(b) **RULE OF CONSTRUCTION.**—The limitation in subsection (a) shall not be construed to prohibit a payment approved by the court

for reasonable time or costs that a person was required to expend in fulfilling the obligations of that person as a class representative.

“§ 1716. Clearer and simpler settlement information

“(a) **PLAIN ENGLISH REQUIREMENTS.**—Any court with jurisdiction over a plaintiff class action shall require that any written notice concerning a proposed settlement of the class action provided to the class through the mail or publication in printed media contain—

“(1) at the beginning of such notice, a statement in 18-point or greater bold type, stating ‘LEGAL NOTICE: YOU ARE A PLAINTIFF IN A CLASS ACTION LAWSUIT AND YOUR LEGAL RIGHTS ARE AFFECTED BY THE SETTLEMENT DESCRIBED IN THIS NOTICE.’;

“(2) a short summary written in plain, easily understood language, describing—

“(A) the subject matter of the class action;

“(B) the members of the class;

“(C) the legal consequences of being a member of the class action;

“(D) if the notice is informing class members of a proposed settlement agreement—

“(i) the benefits that will accrue to the class due to the settlement;

“(ii) the rights that class members will lose or waive through the settlement;

“(iii) obligations that will be imposed on the defendants by the settlement;

“(iv) the dollar amount of any attorney’s fee class counsel will be seeking, or if not possible, a good faith estimate of the dollar amount of any attorney’s fee class counsel will be seeking; and

“(v) an explanation of how any attorney’s fee will be calculated and funded; and

“(E) any other material matter.

“(b) **TABULAR FORMAT.**—Any court with jurisdiction over a plaintiff class action shall require that the information described in subsection (a)—

“(1) be placed in a conspicuous and prominent location on the notice;

“(2) contain clear and concise headings for each item of information; and

“(3) provide a clear and concise form for stating each item of information required to be disclosed under each heading.

“(c) **TELEVISION OR RADIO NOTICE.**—Any notice provided through television or radio (including transmissions by cable or satellite) to inform the class members in a class action of the right of each member to be excluded from a class action or a proposed settlement, if such right exists, shall, in plain, easily understood language—

“(1) describe the persons who may potentially become class members in the class action; and

“(2) explain that the failure of a class member to exercise his or her right to be excluded from a class action will result in the person’s inclusion in the class action.

“§ 1717. Notifications to appropriate Federal and State officials

“(a) **DEFINITIONS.**—

“(1) **APPROPRIATE FEDERAL OFFICIAL.**—In this section, the term ‘appropriate Federal official’ means—

“(A) the Attorney General of the United States; or

“(B) in any case in which the defendant is a Federal depository institution, a State depository institution, a depository institution holding company, a foreign bank, or a non-depository institution subsidiary of the foregoing (as such terms are defined in section 3 of the Federal Deposit Insurance Act (12

U.S.C. 1813)), the person who has the primary Federal regulatory or supervisory responsibility with respect to the defendant, if some or all of the matters alleged in the class action are subject to regulation or supervision by that person.

“(2) **APPROPRIATE STATE OFFICIAL.**—In this section, the term ‘appropriate State official’ means the person in the State who has the primary regulatory or supervisory responsibility with respect to the defendant, or who licenses or otherwise authorizes the defendant to conduct business in the State, if some or all of the matters alleged in the class action are subject to regulation by that person. If there is no primary regulator, supervisor, or licensing authority, or the matters alleged in the class action are not subject to regulation or supervision by that person, then the appropriate State official shall be the State attorney general.

“(b) **IN GENERAL.**—Not later than 10 days after a proposed settlement of a class action is filed in court, each defendant that is participating in the proposed settlement shall serve upon the appropriate State official of each State in which a class member resides and the appropriate Federal official, a notice of the proposed settlement consisting of—

“(1) a copy of the complaint and any materials filed with the complaint and any amended complaints (except such materials shall not be required to be served if such materials are made electronically available through the Internet and such service includes notice of how to electronically access such material);

“(2) notice of any scheduled judicial hearing in the class action;

“(3) any proposed or final notification to class members of—

“(A)(i) the members’ rights to request exclusion from the class action; or

“(ii) if no right to request exclusion exists, a statement that no such right exists; and

“(B) a proposed settlement of a class action;

“(4) any proposed or final class action settlement;

“(5) any settlement or other agreement contemporaneously made between class counsel and counsel for the defendants;

“(6) any final judgment or notice of dismissal;

“(7)(A) if feasible, the names of class members who reside in each State and the estimated proportionate share of the claims of such members to the entire settlement to that State’s appropriate State official; or

“(B) if the provision of information under subparagraph (A) is not feasible, a reasonable estimate of the number of class members residing in each State and the estimated proportionate share of the claims of such members to the entire settlement; and

“(8) any written judicial opinion relating to the materials described under subparagraphs (3) through (6).

“(c) **DEPOSITORY INSTITUTIONS NOTIFICATION.**—

“(1) **FEDERAL AND OTHER DEPOSITORY INSTITUTIONS.**—In any case in which the defendant is a Federal depository institution, a depository institution holding company, a foreign bank, or a non-depository institution subsidiary of the foregoing, the notice requirements of this section are satisfied by serving the notice required under subsection (b) upon the person who has the primary Federal regulatory or supervisory responsibility with respect to the defendant, if some or all of the matters alleged in the class action are subject to regulation or supervision by that person.

“(2) **STATE DEPOSITORY INSTITUTIONS.**—In any case in which the defendant is a State depository institution (as that term is defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813)), the notice requirements of this section are satisfied by serving the notice required under subsection (b) upon the State bank supervisor (as that term is defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813)) of the State in which the defendant is incorporated or chartered, if some or all of the matters alleged in the class action are subject to regulation or supervision by that person, and upon the appropriate Federal official.

“(d) **FINAL APPROVAL.**—An order giving final approval of a proposed settlement may not be issued earlier than 90 days after the later of the dates on which the appropriate Federal official and the appropriate State official are served with the notice required under subsection (b).

“(e) **NONCOMPLIANCE IF NOTICE NOT PROVIDED.**—

“(1) **IN GENERAL.**—A class member may refuse to comply with and may choose not to be bound by a settlement agreement or consent decree in a class action if the class member demonstrates that the notice required under subsection (b) has not been provided.

“(2) **LIMITATION.**—A class member may not refuse to comply with or to be bound by a settlement agreement or consent decree under paragraph (1) if the notice required under subsection (b) was directed to the appropriate Federal official and to either the State attorney general or the person that has primary regulatory, supervisory, or licensing authority over the defendant.

“(3) **APPLICATION OF RIGHTS.**—The rights created by this subsection shall apply only to class members or any person acting on a class member’s behalf, and shall not be construed to limit any other rights affecting a class member’s participation in the settlement.

“(f) **RULE OF CONSTRUCTION.**—Nothing in this section shall be construed to expand the authority of, or impose any obligations, duties, or responsibilities upon, Federal or State officials.”

(b) **TECHNICAL AND CONFORMING AMENDMENT.**—The table of chapters for part V is amended by inserting after the item relating to chapter 113 the following:

“114. Class Actions 1711”.
SEC. 4. FEDERAL DISTRICT COURT JURISDICTION FOR INTERSTATE CLASS ACTIONS.

(a) **APPLICATION OF FEDERAL DIVERSITY JURISDICTION.**—Section 1332 is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following:

“(d)(1) In this subsection—

“(A) the term ‘class’ means all of the class members in a class action;

“(B) the term ‘class action’ means any civil action filed under rule 23 of the Federal Rules of Civil Procedure or similar State statute or rule of judicial procedure authorizing an action to be brought by 1 or more representative persons as a class action;

“(C) the term ‘class certification order’ means an order issued by a court approving the treatment of some or all aspects of a civil action as a class action; and

“(D) the term ‘class members’ means the persons (named or unnamed) who fall within the definition of the proposed or certified class in a class action.

“(2) The district courts shall have original jurisdiction of any civil action in which the

matter in controversy exceeds the sum or value of \$2,000,000, exclusive of interest and costs, and is a class action in which—

“(A) any member of a class of plaintiffs is a citizen of a State different from any defendant;

“(B) any member of a class of plaintiffs is a foreign state or a citizen or subject of a foreign state and any defendant is a citizen of a State; or

“(C) any member of a class of plaintiffs is a citizen of a State and any defendant is a foreign state or a citizen or subject of a foreign state.

“(3) Paragraph (2) shall not apply to any civil action in which—

“(A)(i) the substantial majority of the members of the proposed plaintiff class and the primary defendants are citizens of the State in which the action was originally filed; and

“(ii) the claims asserted therein will be governed primarily by the laws of the State in which the action was originally filed;

“(B) the primary defendants are States, State officials, or other governmental entities against whom the district court may be foreclosed from ordering relief; or

“(C) the number of members of all proposed plaintiff classes in the aggregate is less than 100.

“(4) In any class action, the claims of the individual class members shall be aggregated to determine whether the matter in controversy exceeds the sum or value of \$2,000,000, exclusive of interest and costs.

“(5) This subsection shall apply to any class action before or after the entry of a class certification order by the court with respect to that action.

“(6)(A) A district court shall dismiss any civil action that is subject to the jurisdiction of the court solely under this subsection if the court determines the action may not proceed as a class action based on a failure to satisfy the prerequisites of rule 23 of the Federal Rules of Civil Procedure.

“(B) Nothing in subparagraph (A) shall prohibit plaintiffs from filing an amended class action in Federal court or filing an action in State court, except that any such action filed in State court may be removed to the appropriate district court if it is an action of which the district courts of the United States have original jurisdiction.

“(C) In any action that is dismissed under this paragraph and is filed by any of the original named plaintiffs therein in the same State court venue in which the dismissed action was originally filed, the limitations periods on all reasserted claims shall be deemed tolled for the period during which the dismissed class action was pending. The limitations periods on any claims that were asserted in a class action dismissed under this paragraph that are subsequently asserted in an individual action shall be deemed tolled for the period during which the dismissed action was pending.

“(7) Paragraph (2) shall not apply to any class action that solely involves a claim—

“(A) concerning a covered security as defined under 16(f)(3) of the Securities Act of 1933 and section 28(f)(5)(E) of the Securities Exchange Act of 1934;

“(B) that relates to the internal affairs or governance of a corporation or other form of business enterprise and that arises under or by virtue of the laws of the State in which such corporation or business enterprise is incorporated or organized; or

“(C) that relates to the rights, duties (including fiduciary duties), and obligations relating to or created by or pursuant to any se-

curity (as defined under section 2(a)(1) of the Securities Act of 1933 and the regulations issued thereunder).

“(8) For purposes of this subsection and section 1453 of this title, an unincorporated association shall be deemed to be a citizen of the State where it has its principal place of business and the State under whose laws it is organized.

“(9)(A) For purposes of this section and section 1453 of this title, a civil action that is not otherwise a class action as defined in paragraph (1)(B) shall nevertheless be deemed a class action if—

“(i) the named plaintiff purports to act for the interests of its members (who are not named parties to the action) or for the interests of the general public, seeks a remedy of damages, restitution, disgorgement, or any other form of monetary relief, and is not a State attorney general; or

“(ii) monetary relief claims in the action are proposed to be tried jointly in any respect with the claims of 100 or more other persons on the ground that the claims involve common questions of law or fact.

“(B)(i) In any civil action described under subparagraph (A)(ii), the persons who allegedly were injured shall be treated as members of a proposed plaintiff class and the monetary relief that is sought shall be treated as the claims of individual class members.

“(ii) Paragraphs (3) and (6) of this subsection and subsections (b)(2) and (d) of section 1453 shall not apply to any civil action described under subparagraph (A)(i).

“(iii) Paragraph (6) of this subsection, and subsections (b)(2) and (d) of section 1453 shall not apply to any civil action described under subparagraph (A)(ii).”

(b) CONFORMING AMENDMENTS.—

(1) Section 1335 (a)(1) is amended by inserting “(a) or (d)” after “1332”.

(2) Section 1603 (b)(3) is amended by striking “(d)” and inserting “(e)”.

SEC. 5. REMOVAL OF INTERSTATE CLASS ACTIONS TO FEDERAL DISTRICT COURT.

(a) IN GENERAL.—Chapter 89 is amended by adding after section 1452 the following:

“§ 1453. Removal of class actions

“(a) DEFINITIONS.—In this section, the terms ‘class’, ‘class action’, ‘class certification order’, and ‘class member’ shall have the meanings given such terms under section 1332(d)(1).

“(b) IN GENERAL.—A class action may be removed to a district court of the United States in accordance with this chapter, without regard to whether any defendant is a citizen of the State in which the action is brought, except that such action may be removed—

“(1) by any defendant without the consent of all defendants; or

“(2) by any plaintiff class member who is not a named or representative class member without the consent of all members of such class.

“(c) WHEN REMOVABLE.—This section shall apply to any class action before or after the entry of a class certification order in the action.

“(d) PROCEDURE FOR REMOVAL.—Section 1446 relating to a defendant removing a case shall apply to a plaintiff removing a case under this section, except that in the application of subsection (b) of such section the requirement relating to the 30-day filing period shall be met if a plaintiff class member files notice of removal within 30 days after receipt by such class member, through service or otherwise, of the initial written notice of the class action.

“(e) REVIEW OF ORDERS REMANDING CLASS ACTIONS TO STATE COURTS.—Section 1447 shall apply to any removal of a case under this section, except that notwithstanding section 1447(d), an order remanding a class action to the State court from which it was removed shall be reviewable by appeal or otherwise.

“(f) EXCEPTION.—This section shall not apply to any class action that solely involves—

“(1) a claim concerning a covered security as defined under section 16(f)(3) of the Securities Act of 1933 and section 28(f)(5)(E) of the Securities Exchange Act of 1934;

“(2) a claim that relates to the internal affairs or governance of a corporation or other form of business enterprise and arises under or by virtue of the laws of the State in which such corporation or business enterprise is incorporated or organized; or

“(3) a claim that relates to the rights, duties (including fiduciary duties), and obligations relating to or created by or pursuant to any security (as defined under section 2(a)(1) of the Securities Act of 1933 and the regulations issued thereunder).”

(b) REMOVAL LIMITATION.—Section 1446(b) is amended in the second sentence by inserting “(a)” after “section 1332”.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—The table of sections for chapter 89 is amended by adding after the item relating to section 1452 the following:

“1453. Removal of class actions.”

SEC. 6. REPORT ON CLASS ACTION SETTLEMENTS.

(a) IN GENERAL.—Not later than 12 months after the date of enactment of this Act, the Judicial Conference of the United States, with the assistance of the Director of the Federal Judicial Center and the Director of the Administrative Office of the United States Courts, shall prepare and transmit to the Committees on the Judiciary of the Senate and the House of Representatives a report on class action settlements.

(b) CONTENT.—The report under subsection (a) shall contain—

(1) recommendations on the best practices that courts can use to ensure that proposed class action settlements are fair to the class members that the settlements are supposed to benefit;

(2) recommendations on the best practices that courts can use to ensure that—

(A) the fees and expenses awarded to counsel in connection with a class action settlement appropriately reflect the extent to which counsel succeeded in obtaining full redress for the injuries alleged and the time, expense, and risk that counsel devoted to the litigation; and

(B) the class members on whose behalf the settlement is proposed are the primary beneficiaries of the settlement; and

(3) the actions that the Judicial Conference of the United States has taken and intends to take toward having the Federal judiciary implement any or all of the recommendations contained in the report.

(c) AUTHORITY OF FEDERAL COURTS.—Nothing in this section shall be construed to alter the authority of the Federal courts to supervise attorneys’ fees.

SEC. 7. EFFECTIVE DATE.

The amendments made by this Act shall apply to any civil action commenced on or after the date of enactment of this Act.

Mr. KOHL. Mr. President, I rise today to join Senators GRASSLEY, HATCH, CARPER, and THURMOND in introducing the Class Action Fairness

Act of 2001. This legislation addresses the growing problems in class action litigation, particularly unfair and abusive settlements that shortchange plaintiff class members.

We have worked together on this legislation in past Congresses. In fact, last year a similar version of class action reform passed the House of Representatives and was approved by the Senate Judiciary Committee. Unfortunately, the session ended before we could bring it to a vote of the full Senate.

The problem that this bill addresses is simple. Too often, the class action procedure is being hijacked by unscrupulous parties who are more interested in making a dollar for themselves than helping the plaintiff class members remedy a legitimate harm. Let me give you just one well known example of the unfairness this bill attempts to correct.

A few years ago, a class action lawsuit was begun against the Bank of Boston. Martha Preston from Baraboo, WI was an unnamed class member of that suit against her mortgage company. The case involved allegations that the bank had overcharged its mortgage customers and had kept excess money in their escrow accounts. It was ultimately settled. Ms. Preston was represented by a group of plaintiffs' lawyers who she had never met. The settlement they negotiated for her was a bad joke. She received four dollars and change in the lawsuit, while her attorneys pocketed \$8 million in fees.

Soon after receiving her four dollars, Ms. Preston discovered that her lawyers helped pay for their fees by taking \$80 from her escrow account. Naturally shocked, she and the other plaintiffs sued the lawyers who in turn sued her in Alabama, a State she had never visited, for \$25 million. Not only was she \$75 poorer for her class action experience, but she also had to defend herself against a \$25 million suit by the very people who took advantage of her in the first place.

In response to this case and many more like it, we developed a measured, reasoned response to protect class action plaintiffs against a system which is subject to abuse. As in past years, the bill can be divided into three main sections, all of which provide enhanced protections for individual plaintiffs.

First, the bill provides that every class action notice be written in plain, easily understandable English. Too many of the class action notices are written in legalese, designed to make it impossible for the average American to comprehend his rights and responsibilities as a member of the plaintiff class. The bill requires that a statement be included at the beginning of the notice written in large, bold type alerting the plaintiff that he is involved in a class action lawsuit and that his legal rights are affected by the contents of the no-

tice. This means that every class member will understand the subject matter of the case and his rights and responsibilities as a participant in the lawsuit.

Further, if the case were settled, the notice to the class members would clearly describe the terms of the settlement, the benefits to each plaintiff and a summary of the attorneys fees in the case and how they were calculated. Currently, none of this information is clearly communicated to the class members.

Second, the bill requires that notice be given to State Attorneys General or the appropriate State regulatory authorities about proposed class settlements in Federal court which affect their constituents. This encourages a neutral third party to weigh in on whether a settlement is fair and to alert the court if they do not believe that it is. The Attorney General review is an extra layer of security for the plaintiffs and is designed to ensure that abusive settlements are not approved without a critical review by one or more experts.

Third, the bill makes it easier to move State class action cases to Federal court by changing the diversity rules governing these actions. Class action cases often have national implications and are joined by plaintiffs from many, if not most, States. Currently, class actions are frequently heard by a State court judge in a venue chosen by the plaintiffs' attorneys to maximize the chance that the class action will be certified.

For class actions, the certification process is usually more than half the battle. Once a set of plaintiffs succeeds in getting a judge to certify them as a class, the defendants are often faced with extraordinary costs associated with preparing for trial and dealing with a multitude of plaintiffs. So, the defendants settle the case at terms beneficial to the plaintiffs' attorneys, often at the expense of the plaintiffs themselves.

A recent study on the class action problem by the Manhattan Institute demonstrates that class action cases are being brought disproportionately in a few counties where plaintiffs expect to be able to take advantage of lax certification rules.

The study focused on three county courts, Madison County, IL; Jefferson County, TX; and Palm Beach County, FL, that have seen a steep rise in class action filings over the last several years that seems disproportional to their populations. They found that rural Madison County, IL ranked third nationwide, after Los Angeles County, California and Cook County, Illinois, in the estimated number of class actions filed each year, whereas rural Jefferson County and Palm Beach County ranked eighth and ninth, respectively. As plaintiff attorneys found that Madison

County was a welcoming host, the number of class action suits filed there rose 1850 percent between 1998 and 2000.

Another trend evident in the research was the use of "cut-and-paste" complaints in which plaintiffs' attorneys file a number of suits against different defendants in the same industry challenging standard industry practices. For example, within a one-week period early this year, six law firms filed nine nearly identical class actions in Madison County alleging that the automobile insurance industry is defrauding Americans in the way that they calculate claims rates for totaled vehicles.

The system is not working as intended and needs to be fixed. The way to fix it is to move more of these cases currently being brought in small state courts like Madison County, IL to Federal court.

The Federal courts are better venues for class actions for a variety of reasons articulated clearly in a RAND study. RAND proposed three primary explanations why these cases should be in federal court. "First, Federal judges scrutinize class action allegations more strictly than State judges, and deny certification in situations where a State judge might grant it improperly. Second, State judges may not have adequate resources to oversee and manage class actions with a national scope. Finally, if a single judge is to be charged with deciding what law will apply in a multistate class action, it is more appropriate that this take place in federal court than in State court."

We all know that class actions can result in significant and important benefits for class members and society, and that most class lawyers and most state courts are acting responsibly. Class actions have been used to desegregate racially divided schools, to obtain redress for victims of employment discrimination, and to compensate individuals exposed to toxic chemicals or defective products. Class actions increase access to our civil justice system because they enable people to pursue claims that collectively would otherwise be too expensive to litigate.

The difficulty in any effort to improve a basically good system is weeding out the abuses without causing undue damage. The legislation we propose attempts to do this.

Let me emphasize the limited scope of this legislation. We do not close the courthouse door to any class action. We do not require that State attorneys general do anything with the notice they receive. We do not deny reasonable fees for class lawyers. And we do not mandate that every class action be brought in Federal court. Instead, we simply promote closer and fairer scrutiny of class actions and class settlements.

Right now, people across the country can be dragged into lawsuits unaware

of their rights and unarmed on the legal battlefield. What our bill does is give back to regular people their rights and representation. This measure may not stop all abuses, but it moves us forward. It will help ensure that unsuspecting people like Martha Preston don't get ripped off.

We believe this is a moderate approach to correct the worst abuses, while preserving the benefits of class actions. It is both pro-consumer and pro-defendant. We believe it will make a difference.

Mr. HATCH. Mr. President, there is little doubt that serious problems exist within our Nation's judicial system, especially in the way that interstate class action lawsuits are handled and administered in local courtrooms across this country. Increasingly, parties to class actions have taken to forum shopping to pick sympathetic local courts where, more and more often, plaintiffs are offered coupon settlements and lawyers are awarded enormous fees.

According to recent studies, while Federal class action filings over the past 10 years have increased over 300 percent, class action filings in State courts have increased over 1,000 percent. However, interstate class actions involve more citizens in more States, more money, and more interstate commerce ramifications than any other type of civil litigation. They are the paradigm of what our Framers envisioned when they invented Federal diversity jurisdiction, as reflected in Article III of the Constitution. These State court statistics are even more troubling in light of the fact that many State courts have crushing caseloads and far fewer resources available to them than their Federal counterparts to manage these important and complex cases.

The primary reason that interstate class actions have remained in State court despite their complex nature is because it is relatively easy for plaintiffs' class attorneys to defeat both the statutory "complete diversity" requirement by adding non-diverse parties and the \$75,000 "amount in controversy" requirement by aggregating individual claims to be less than this amount. Interestingly, the "complete diversity" requirement was adopted by Congress in the late 1700s, well before the development of modern class action lawsuits.

Simply put, the Class Action Fairness Act would allow Federal courts to adjudicate class actions where the collective amount in controversy is more than \$2 million, and where any member of the class of plaintiffs is from a different State than any defendant. This means that many State class actions may be removed to Federal court. Nonetheless, the bill does not extend Federal jurisdiction to encompass intrastate class actions, where the

claims are governed primarily by the laws of the State in which the case is filed and the majority of the plaintiffs and the primary defendants are citizens of that State. So there is no federalism issue here. All the bill does is to protect constitutionally mandated diversity jurisdiction—"suits between Citizens of different States."

I am aware that there are those that say that the bill would "flood" Federal courts. But, again, according to Article III of the Constitution and our Founding fathers, these cases belong in Federal court. Critics making the judicial overload argument also ignore the fact that this bill does not require that interstate class actions be heard in Federal courts. It simply provides the option for either side. In jurisdictions where the State courts provide a relatively level playing field, there is no reason to believe that all class actions will be removed to Federal court.

I should also point out that this bill would not prohibit any class action from being filed. It is merely a process or procedural bill. It simply determines the court in which interstate class actions with significant national implications should be adjudicated—that is, in Federal court.

I urge my colleagues to adopt this common-sense legislation.

By Mr. McCONNELL:

S. 1714. A bill to provide for the installation of a plaque to honor Dr. James Harvey Early in the Williamsburg, Kentucky Post Office Building; to the Committee on Governmental Affairs.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1714

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. INSTALLATION OF PLAQUE TO HONOR DR. JAMES HARVEY EARLY.

(a) IN GENERAL.—The United States Postmaster General shall install a plaque to honor Dr. James Harvey Early in the Williamsburg, Kentucky Post Office Building located at 1000 North Highway 23 West, Williamsburg, Kentucky 40769.

(b) CONTENTS OF PLAQUE.—The plaque installed under subsection (a) shall contain the following text:

"Dr. James Harvey Early was born on June 14, 1808 in Knox County, Kentucky. He was appointed postmaster of the first United States Post Office that was opened in the town of Whitley Courthouse, now Williamsburg, Kentucky in 1829. In 1844 he served in the Kentucky Legislature. Dr. Early married twice, first to Frances Ann Hammond, died 1860; and then to Rebecca Cummins Sammons, died 1914. Dr. Early died at home in Rockhold, Kentucky on May 24, 1885 at the age of 77."

By Mr. FRIST (for himself, Mr. KENNEDY, Mr. ALLEN, Mr.

DASCHLE, Mr. BOND, Mr. AKAKA, Mr. CHAFEE, Mr. BAYH, Ms. COLLINS, Mr. BIDEN, Mr. DOMENICI, Mr. BREAUX, Mr. DEWINE, Mrs. CARNAHAN, Mr. HAGEL, Mr. CLELAND, Mr. HUTCHINSON, Mrs. CLINTON, Mrs. HUTCHISON, Mr. CORZINE, Mr. ROBERTS, Mr. DODD, Ms. SNOWE, Mr. DURBIN, Mr. VOINOVICH, Mr. EDWARDS, Mr. WARNER, Mrs. FEINSTEIN, Mr. HARKIN, Mr. JEFFORDS, Mr. JOHNSON, Mr. LEAHY, Mr. LIEBERMAN, Ms. MIKULSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. REED, Mr. ROCKEFELLER, Mr. SARBANES, and Mr. TORRICELLI):

S. 1715. A bill to improve the ability of the United States to prepare for and respond to a biological threat or attack; to the Committee on Health, Education, Labor, and Pensions.

Mr. FRIST. Mr. President, I am pleased to rise today on behalf of myself, Senator KENNEDY, and a number of our colleagues to introduce vitally important legislation, the "Bioterrorism Preparedness Act of 2001." This bipartisan bill, which represents the very best effort of a number of our colleagues in the Senate, responds to the threat of bioterrorism by focusing our Nation's efforts to prevent, prepare for and respond to any future bioterrorist attacks.

Events of recent weeks have made clear the danger we currently face. In the aftermath of the September 11 attacks on the World Trade Center and Pentagon, terrorists have used the mail to deliver anthrax to communities across America. In doing so, they have also spread fear across our great nation and have underscored the threats that bioterrorism poses. If they had employed a more sophisticated delivery mechanism, or weaponized smallpox or another communicable virus, our health care system may have been overwhelmed.

Last year, Congress enacted bipartisan legislation to revitalize our public health defenses at the local, State and national levels. The Frist-Kennedy "Public Health Threats and Emergencies Act of 2000" authorized a series of important initiatives to strengthen the Nation's public health system, improve hospital response capabilities, upgrade the rapid identification and early warning systems at the Centers for Disease Control and Prevention, CDC, improve the training of health professionals to diagnose and care for victims of bioterrorism, enhance our research and development capabilities, and take additional steps necessary to prevent, prepare for and respond to biological attacks.

Today's legislation, the "Bioterrorism Preparedness Act of 2001," builds on the foundation laid by the Public Health Threats Act, a foundation built on prevention, preparedness, and response.

The "Bioterrorism Preparedness Act" takes a number of steps to prepare our Nation for these threats. It includes important measures to improve our health system's capacity to respond to bioterrorism, protect the Nation's food supply, speed the development and production of vaccines and other countermeasures, enhance coordination of government agencies responsible for preparing for and responding to bioterrorism and increase our investment in fighting bioterrorism at the local, State, and national levels.

The bill authorizes roughly \$3.2 billion in fiscal year 2002 emergency funding toward these critical activities. I believe it is important that this funding be considered in the context of the existing agreement limiting overall appropriations this year to \$686 billion in addition to the \$40 billion emergency supplemental appropriations bill. I will work very hard to ensure that the priorities outlined in this authorization legislation are included within this framework.

The "Bioterrorism Preparedness Act of 2001" is a comprehensive bill that takes a major step toward better preparing our nation to respond to the special challenges posed by biological weapons. We have worked diligently with many of our colleagues and the administration over the several weeks, and I believe that the product of those efforts represents a strong bill that includes some of the best ideas of both Republicans and Democrats.

I know the bill is stronger due to the input of so many of our colleagues and the leadership and guidance of the administration, and I would like to thank several of my colleagues for their efforts. Specifically, I would like to thank Senator COLLINS for her contributions regarding food safety and the appropriate emphasis on children, Senator HUTCHINSON for his assistance with the provisions related to vaccine development and production, Senator ROBERTS and Majority Leader DASCHLE for their contributions to this bill in the area of agricultural safety, and many of our other colleagues who contributed in a bipartisan way—Senators GREGG, HAGEL, DEWINE, HATCH, MIKULSKI, DODD, and CLINTON.

I look forward to working with my colleagues to see that this important legislation becomes law this year.

I ask unanimous consent that a summary of the bill be printed in the RECORDS.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUMMARY—THE BIOTERRORISM PREPAREDNESS ACT OF 2001

The "Bioterrorism Preparedness Act of 2001" is designed to address gaps in our nation's biodefense and surveillance system and our public health infrastructure. This new legislation builds on the foundation laid by the "Public Health Threats and Emergencies Act of 2000" by authorizing addi-

tional measures to improve our health system's capacity to respond to bioterrorism, protect the nation's food supply, speed the development and production of vaccines and other countermeasures, enhance coordination of federal activities on bioterrorism, and increase our investment in fighting bioterrorism at the local, state, and national levels. The legislation would authorize approximately \$3.2 billion in funding for Fiscal Year 2002 (and such sums in years thereafter) toward these activities.

TITLE I—NATIONAL GOALS FOR BIOTERRORISM PREPAREDNESS

Title I of the "Bioterrorism Preparedness Act" states that "the United States should further develop and implement a coordinated strategy to prevent and, if necessary, to respond to biological threats or attacks." It further states that it is the goal of Congress that this strategy should: (1) provide federal assistance to state and local governments in the event of a biological attack; (2) improve public health, hospital, laboratory, communications, and emergency response preparedness and responsiveness at the state and local levels; (3) rapidly develop and manufacture needed therapies, vaccines, and medical supplies; and (4) enhance the safety of the nation's food supply and protect its agriculture from biological threats and attacks.

TITLE II—IMPROVING THE FEDERAL RESPONSE TO BIOTERRORISM

Title II requires the Secretary of Health and Human Services (HHS) to report to Congress within one year of enactment, and biennially thereafter, on progress made toward meeting the objectives of the Act. It provides statutory authorization for the strategic national pharmaceutical stockpile, provides additional resources to the Centers for Disease Control and Prevention (CDC) to carry out education and training initiatives and to improve the nation's federal laboratory capacity, and establishes a National Disaster Medical Response System of volunteers to respond, at the Secretary's direction, respond to national public health emergencies (with full liability protection, re-employment rights, and other worker protections for such volunteers similar to those currently provided to those who join the National Guard).

The bill further amends and clarifies the procedures for declaring a national public health emergency and expands the authority of the Secretary during the emergency period. In declaring such an emergency, the Secretary must notify Congress within 48 hours. Such emergency period may not be longer than 180 days, unless the Secretary determines otherwise and notifies Congress of such determination. During that emergency period, the Secretary may waive certain data submittal and reporting deadlines.

A recent report by the General Accounting Office raised concerns about the lack of coordination of federal anti-bioterrorism efforts. Therefore, the bill contains a number of measures to enhance coordination and cooperation among various federal agencies. Title II establishes an Assistant Secretary for Emergency Preparedness at HHS to coordinate all functions within the Department relating to emergency preparedness, including preparing for and responding to biological threats and attacks.

Title II also creates an interdepartmental Working Group on Bioterrorism that includes the Secretaries of HHS, Defense, Veteran's Affairs, Labor, and Agriculture, the Director of the Federal Emergency Management Agency, the Attorney General of the

United States, and other appropriate federal officials. The Working Group consolidates and streamlines the functions of two existing working groups first established under the "Public Health Threats and Emergencies Act of 2000." It is responsible for coordinating the development of bioterrorism countermeasures, research on pathogens likely to be used in a biological attack, shared standards for equipment to detect and protect against from biological pathogens, national preparedness and response for biological threats or attacks, and other matters.

Title II also establishes two advisory committees to the Secretary. The National Task Force on Children and Terrorism will report on measures necessary to ensure that the health needs of children are met in preparing for and responding to any potential biological attack or event. The Emergency Public Information and Communications Task Force will report on appropriate ways to communicate to the public information regarding bioterrorism. Both of these committees sunset after one year.

The title also contains a Congressional recommendation that there be established an official federal internet website on bioterrorism to provide information to the public, health professionals, and others on matters relevant to bioterrorism. The title further requires that states have a coordinated plan for providing information relevant to bioterrorism to the public.

Additionally, Title II helps the federal government better track and control biological agents and toxins. The Secretary of HHS is required to review and update a list of biological agents and toxins that could pose a severe threat to public health and safety and to enhance regulations regarding the possession, use, and transfer of such agents or toxins. Violations of these regulations could trigger civil penalties of up to \$500,000, and criminal sanctions may be imposed. Existing law already regulates the transfer of these pathogens.

TITLE III—IMPROVING STATE AND LOCAL PREPAREDNESS CAPABILITIES

Numerous reports in recent years have found the nation's public health infrastructure lacking in its ability to respond to biological threats or other emergencies. For example, nearly 20 percent of local public health departments have no e-mail capability, and fewer than half have high-speed Internet or broadcast facsimile transmission capabilities. Before September 11, only one in five U.S. hospitals had bioterrorism preparedness plans in place.

Title III addresses this situation by including several enhanced grant programs to improve state and local public health preparedness. In addition to converting the current public health core capacity grants established under the "Public Health Threats and Emergencies Act of 2000" to non-competitive grants, the bill replaces the current 319F competitive bioterrorism grant with a new state bioterrorism emergency program that provides resources to states based on population and that would guarantee each state a minimum level of funding for preparedness activities. States must develop bioterrorism preparedness plans to be eligible for such funding. Activities funded under this grant include conducting an assessment of core public health capacities, achieving the core public health capacities, and fulfilling the bioterrorism preparedness plan. This program would only be authorized for two years.

The bill also establishes a new grant program for hospitals that are part of consortia with public health agencies, and counties or

cities. To be eligible for the grant, the hospital's grant proposal must be consistent with their state's bioterrorism preparedness plan. Using these grants, hospitals with acquire the capacity to serve as regional resources during a bioterrorist attack. This program is authorized for five years.

TITLE IV—DEVELOPING NEW COUNTERMEASURE AGAINST BIOTERRORISM

To better respond to bioterrorism, Title IV expands our nation's stockpile of smallpox vaccine and critical pharmaceuticals and devices. The bill also expands research on biological agents and toxins, as well as new treatments and vaccines for such agents and toxins.

Since the effectiveness of vaccines, drugs, and therapeutics for many biological agents and toxins often may not ethically be tested in humans, Title IV ensures that the Food and Drug Administration (FDA) will finalize by a date certain its rule regarding the approval of new countermeasures on the basis of animal data. Priority countermeasures will also be given enhanced consideration for expedited review by the FDA.

Because of the lack of or limitations on a market for vaccines for these agents and toxins, Title IV gives the Secretary of HHS authority to enter into long-term contracts with sponsors to "guarantee" that the government will purchase a certain quantity of a vaccine at a certain price. The government has the authority, through an existing Executive Order, to ensure that sponsors through these contracts will be indemnified by the government for the development, manufacture and use of the product as prescribed in the contract.

Title IV also provides a limited antitrust exemption to allow potential sponsors to discuss and agree upon how to develop, manufacture, and produce new countermeasures, including vaccines, and drugs. Federal Trade Commission and the Department of Justice approval of such agreements is required to ensure such agreements are not anti-competitive.

TITLE V—PROTECTING OUR NATION'S FOOD SUPPLY

With 57,000 establishments under its jurisdiction and only 700-800 food inspectors, including 175 import inspectors for more than 300 ports of entry, FDA needs increased resources for inspections of imported food. The President's emergency relief budget included a request for \$61 million to enable FDA to hire 410 new inspectors, lab specialists and other experts, as well as invest in new technology and equipment to monitor food imports.

Title V grants FDA needed authorities to ensure the safety of domestic and imported food. It allows FDA to use qualified employees from other agencies and departments to help conduct food inspections. Any domestic or foreign facility that manufacturers or processes food for use in the U.S. must register with FDA. Importers must provide at least four hours notice of the food, the country of origin, and the amount of food to be imported. FDA also receives authority to prevent "port-shopping" by making food shipments denied entry at one U.S. port to ensure such shipments to do reappear at another U.S. port.

The bill gives additional tools to FDA to ensure proper records are maintained by those who manufacture, process, pack, transport, distribute, receive, hold or import food. The FDA's ability to inspect such records will strengthen their ability to trace the source and chain of distribution of food and

to determine the scope and cause of the adulteration or misbranding that presents a threat of serious adverse health consequences or death to humans or animals. Importantly, the bill also enables FDA to detain food after an inspection for a limited period of time if such food is believed to present a threat of serious adverse health consequences or death to humans or animals. The FDA may also debar imports from a person who engages in a pattern of seeking to import such food.

Title V also includes several measures to help safeguard the nation's agriculture industry from the threats of bioterrorism. Toward this end, it contains a series of grants and incentives to help encourage the development of vaccines and antidotes to protect the nation's food supply, livestock, or crops, as well as preventing crop and livestock diseases from finding their way to our fields and feedlots.

It also authorizes emergency funding to update and modernize USDA research facilities at the Plum Island Animal Disease Laboratory in New York, the National Animal Disease Center in Iowa, the Southwest Poultry Research Laboratory in Georgia, and the Animal Disease Research Laboratory in Wyoming. Also, it funds training and implements a rapid response strategy through a consortium of universities, the USDA, and agricultural industry groups.

Mr. KENNEDY. Mr. President, it is a privilege to join my distinguished colleague, Senator FRIST, to introduce this bipartisan legislation to respond to one of the most severe dangers of terrorism, the grave threat of bioterrorist attacks. I commend Senator FRIST for his impressive continuing leadership on this vital issue.

We are all well aware of the emergency we face. In recent weeks, 15 anthrax cases stretched our health care system to the breaking point. A larger attack could be a disaster for whole communities of Americans. The anthrax attack of the past weeks has sounded the alarm. The clock is ticking on America's preparedness for a future attack. We've had the clearest possible warning, and we can't afford to ignore it. We know that hundreds, even millions, of lives may be at stake—and we're not ready yet.

The needs are great. A summit meeting of experts in bioterrorism and public health concluded that \$835 million was needed just to address the most pressing needs for public health at the State and local levels.

The National Governor's Association has said that states need \$2 billion to improve readiness for bioterrorism. John Hopkins is spending \$7.5 million to improve its ability to serve as a regional bioterrorism resource for Baltimore. Equipping just one hospital to this level in each of 100 cities across America would cost \$750 million.

Clearly, our legislation is an important downpayment on preparedness. But we must make sure that our commitment to achieving full readiness is sustained in the weeks and months to come.

Since September 11, the American people have supported our commitment

of billions of dollars and thousands of troops to battle terrorism abroad. But Americans also want to be safe at home. We have an obligation to every American that we will do no less to protect them against terrorism at home than we do to fight terrorism abroad.

The need for help at the State and local level is especially urgent. In the first 3 weeks of October alone, State health departments spent a quarter billion dollars responding to the anthrax attack. Many departments were forced to put aside other major public health responsibilities.

Hospitals across the country have immediate needs. According to the American Public Health Association, hospitals are hard-pressed even during a heavy flu season, and could not cope with a lethal contagious disease like smallpox.

The Bioterrorism Preparedness Act we are proposing will address these deficiencies. It provides new resources for bioterrorism preparedness to the States under a formula that guarantees help to each State. These resources will be available to improve hospital readiness, equip emergency personnel, enhance State planning, and strengthen the ability of public health agencies to detect and contain dangerous disease outbreaks.

Federal stockpiles of antibiotics, vaccines, and other medical supplies are an essential part of the national response. We have a strategic petroleum reserve to safeguard our energy supply in times of crisis. We need a strategic pharmaceutical reserve as well, to ensure that we have the medicines and vaccines stockpiled to respond to bioterrorist attacks. Our legislation establishes this reserve, and authorizes the development of sufficient smallpox and other vaccines to meet the needs of the entire U.S. population.

The legislation will also help protect the safety of the food supply, through increased research and surveillance of dangerous agricultural pathogens.

Every day we delay means that States can't buy the equipment to improve their labs and hire the personnel they need. It means another day in which hospitals can't purchase stocks of antibiotics or add emergency room capacity. It means further delay in building up pharmaceutical stockpiles and producing essential vaccines. We face an extraordinary threat, and we must take immediate action to combat it.

Our legislation draws on the work and suggestions of numerous colleagues on both sides of the aisle. One of the important areas addressed in the legislation is the threat of agricultural bioterrorism. Deliberate introduction of animal diseases could pose grave dangers to the safety of the food supply. Such acts of agricultural bioterrorism would also be economically devastating. The outbreaks of "mad cow"

disease in Europe cost over \$10 billion, and the foot and mouth outbreak cost billions more. We must guard against this danger.

Protecting the safety of the food supply is a central concern in addressing the problem of bioterrorism. Senator CLINTON, Senator MIKULSKI, Senator HARKIN, Senator COLLINS and Senator DURBIN have all contributed thoughtful proposals about food safety. Our bill will enable FDA and USDA to protect the Nation's food supply more effectively.

We're grateful for the leadership of other Senators who have made significant contributions to this legislation. Senator BAYH and Senator EDWARDS contributed important proposals on providing block grants to states, so that each State will be able to increase its preparedness. Their proposal ensures that each state will receive at least a minimum level of funding.

We're also grateful for the contributions that many of our distinguished colleagues have made to address the special needs of children. Senator DODD, Senator COLLINS, Senator CLINTON, Senator DEWINE and Senator MURRAY have emphasized the crucial needs of children relating to bioterrorism. The legislation includes important initiatives to provide for the special needs of children and other vulnerable populations.

The events of recent weeks have shown the importance of effective communication with the public. Our legislation incorporates proposals on improving communication offered by several of our colleagues. Senator CARNAHAN has recognized the importance of the internet in providing information to the public. The legislation includes the provisions of her legislation to establish the official Federal internet site on bioterrorism, to help inform the public.

Senator MIKULSKI also contributed provisions on improving communication with the public. The high level, blue ribbon task force can provide vitally needed insights on how best to provide information to the public. Senator MIKULSKI also recommended ways to ensure that states have coordinated plans for communicating information about bioterrorism and other emergencies to the public.

The Centers for Disease Control and Prevention have a leading role in responding to bioterrorism. Senator CLELAND has been an effective and skillful advocate for the needs of the CDC. Our legislation today incorporates many of the proposals introduced by Senator CLELAND in his legislation on public health authorities.

Hospitals are also one of the keys to an effective response to bioterrorism. We must do more to strengthen the ability of the nation's hospitals to cope with bioterrorism. Senator CORZINE has proposed to strengthen designated hos-

pitals to serve as regional resources for bioterrorism preparedness, I commend him for his thoughtful proposal, which we have incorporated into the legislation.

We must also ensure that we monitor dangerous biological agents that might be used for bioterrorism. There is a serious loophole in current regulations, and we are grateful for the proposals offered by Senator DURBIN and Senator FEINSTEIN to achieve more effective control of these pathogens.

In a biological threat or attack, mental health care will be extremely important. We are indebted to Senator WELLSTONE for his skillful and compassionate advocacy for the needs of those with mental illnesses. In the event of a terrorist attack, thousands of persons would have mental health needs, and our legislation includes key proposals by Senator WELLSTONE to address these needs.

Mobilizing the nation's pharmaceutical and biotech companies so that they can fully contribute to this effort is critical. Senators LEAHY, HATCH, DEWINE, and KOHL made thoughtful contributions to the antitrust provisions of the bill, which will help encourage a helpful public-private partnership to combat bioterrorism.

This legislation is urgent because the need to prepare for a bioterrorist attack is urgent. I look forward to its prompt passage so that the American people can have the protection they need.

Mr. BIDEN. Mr. President, I am proud to be an original cosponsor of the Bioterrorism Preparedness Act, a comprehensive package of measures to improve our Nation's capability to respond to a future biological weapons attack against the United States. This bill, introduced by Senators KENNEDY and FRIST, would authorize \$3.25 billion in funding for fiscal year 2002, a substantial boost in resources for the measures outlined in the bill. I applaud Senators KENNEDY and FRIST for coming together in a bipartisan spirit and putting forth a bill that takes the first important step towards truly protecting our Nation against future acts of bioterrorism. When Sam Nunn testified in early September before the Foreign Relations Committee on the threat posed by biological weapons, he was very clear, bioterrorism is a direct threat to the national security of the United States and we need to invest the necessary resources to counter this threat accordingly.

As troubling as the recent spate of anthrax by mail attacks was, we were very fortunate that this was a comparatively small-scale attack. Seventeen Americans contracted inhalation or cutaneous anthrax; unfortunately, four individuals died. The next time a biological weapons attack occurs, we may not be so fortunate in dealing with a small number of victims who

emerge over a period of weeks. Instead, we may face thousands of victims flooding local emergency rooms and overwhelming our hospitals in a matter of hours. Let's be real here, the anthrax attacks, as small-scale as they have been, have greatly stressed our national public health infrastructure. One out of every eight Centers for Disease Control employees at their headquarters in Atlanta is working on the current anthrax outbreak, forcing the CDC to sideline other essential core activities for the time being. Folks, what we have just been through is small potatoes compared to what we potentially will face. Plain and simple, we can't afford to be so underprepared in the future.

Among Sam Nunn's recommendations for countering biological terrorism, he declared, "We need to recognize the central role of public health and medicine in this effort and engage these professionals fully as partners on the national security team." There are many good things in this bill, ranging from the expansion of the National Pharmaceutical Stockpile to efforts to enhance food safety, but I am especially please that the Bioterrorism Preparedness Act provides direct grants to improve the public health infrastructure at the State and local level. Our doctors, nurses, emergency medical technicians, and other public health personnel are our eyes and ears on the ground for detecting a biological weapons attack. We can't afford not to do everything we can to make sure they have the necessary tools and resources in containing any BW attack. This bill goes a long way towards fulfilling that core commitment.

So I strongly support the Bioterrorism Preparedness Act and I look forward to its early passage and entry into law before the Congress adjourns for the year. But I am deeply concerned that the bill ignores the international aspects to any effective response to potential bioterrorism. As chairman of the Foreign Relations Committee, I know that we cannot address the threat of bioterrorism within the borders of the United States alone.

Let me be clear, a biological weapons attack need not originate in the United States to pose a threat to our Nation. A dangerous pathogen deliberately released anywhere in the world can quickly spread to the United States in a matter of days, if not hours. The scope and frequency of international trade, travel, and migration patterns offer unlimited opportunities for pathogens to spread across national borders and even to move from one continent to another. Therefore, we need to view all infectious disease epidemics, wherever they occur, as a potential threat to all nations.

It is for this reason that Senator HELMS, the distinguished ranking

member on the Foreign Relations Committee, and I worked together in seeking to insert provisions in this bill to enhance global disease monitoring and surveillance. With Senator KENNEDY's strong backing, we wanted to ensure the full availability of information, i.e. disease characteristics, pathogen strains, transmission patterns, on infectious epidemics overseas that may provide clues indicating possible illegal biological weapons use or research. Even if an infectious disease outbreak occurs naturally, improved monitoring and surveillance can help contain the epidemic and tip off scientists and public health professionals to new diseases that may be used as biological weapons in the future.

The World Health Organization, WHO, established a formal worldwide network last year, called the Global Alert and Response Network, to monitor and track infectious disease outbreaks in every region of the world. The WHO has done an impressive job so far working on a shoestring budget. But this global network is only as good as its components, individual nations. Many developing nations simply do not possess the personnel, laboratory equipment or public health infrastructure to track disease patterns and detect traditional and emerging pathogens. In fact, these nations often just seek to keep up in treating those who have already fallen ill.

Doctors and nurses in many developing countries only treat a small fraction of the patients who may be ill with a specific infectious disease—in effect, they are only witnessing the tip of a potentially much larger iceberg. According to the National Intelligence Council, governments in developing countries in Africa and Asia have established rudimentary or no systems at all for disease surveillance, response or prevention. For example, in 1994, an outbreak of plague occurred in India, resulting in 56 deaths and billions of dollars of economic damage as trade and travel with India ground to a halt. The plague outbreak was so severe because Indian authorities did not catch the epidemic in its early stages. Authorities had ignored or failed to respond to routine complaints of flea infestation, a sure warning signal for plague.

Owing to the lack of resources, developing nations are the weak spots in global disease monitoring and surveillance. Without shoring up these nations' capabilities to detect and contain disease outbreaks, we are leaving the entire world vulnerable to either a deliberate biological weapons attack or an especially virulent naturally occurring epidemic.

Therefore, Senator HELMS and I worked together in proposing language for this bill to authorize \$150 million in fiscal year 02 and fiscal year 03 to strengthen the capabilities of indi-

vidual nations in the developing world to detect, diagnose, and contain infectious disease epidemics. The proposed title would have helped train entry-level public health professionals from developing countries and provide grants for the acquisition of modern laboratory and communications equipment essential to any effective disease surveillance network. Upon first glance, \$150 million is chump change in a bill that authorizes more than \$3 billion. But I have been assured by public health experts that \$150 million alone can go a long ways in making sure that developing countries acquire the basic disease surveillance and monitoring capabilities to effectively contribute to the WHO's global network. The bottom line is that these provisions would have offered an inexpensive, commonsense solution to a problem of global proportions.

I was greatly disappointed, therefore, when the White House weighed in late in the negotiations and expressed its strong insistence that the language Senator HELMS and I worked out should be dropped from this bill. While administration officials assured me that they liked our ideas, they asserted any bioterrorism bill passed this year should only include those provisions that carry a domestic focus and meet the test of urgency.

Let me respond to those arguments. It is extremely short-sighted to draw artificial boundaries between "domestic" and "international" responses to bioterrorism. I have already pointed out that pathogens deliberately released in an attack anywhere in the world can quickly spread to the United States if we are unable to contain the epidemic at its source. The National Intelligence Council has concluded that infectious diseases are a real threat to U.S. national security. To ignore the international arena in favor of domestic solutions alone is profoundly misguided. As for urgency, I can think of few things more urgent than taking the necessary steps to respond to bioterrorism in a global context. Americans have been repeatedly warned by their government leaders to expect other terrorist attacks in the near future; we cannot limit ourselves to thinking these attacks will occur in a conventional form or location. Just this fall, the WHO has had to respond to natural outbreaks of hemorrhagic fever in Pakistan and yellow fever in the Ivory Coast. An effective global disease surveillance network cannot come into existence soon enough.

I therefore intend to offer an amendment, when this bill comes to the floor later this year, to re-insert the provisions to enhance the capabilities of developing nations to track, diagnose, and contain disease outbreaks resulting from both BW attacks and naturally occurring epidemics. It is not my intention to slow down this overall bill

or raise any obstacles; on the contrary, I want to see comprehensive bioterrorism legislation reach the President's desk this year. But we cannot address the full scope of the threat posed by biological weapons without including the international component of the solution.

Let me close with an excerpt of testimony from the Foreign Relations Committee hearing on bioterrorism in September from Dr. D.A. Henderson, the man who spearheaded the international campaign to eradicate smallpox in the 1970s. Today, he is the director of the newly-formed Office of Emergency Preparedness in the Department of Health and Human Services, which has the mandate to help organize the Federal Government's response to future bioterrorist attacks. Dr. Henderson was very clear on the value of global disease surveillance: "In cooperation with the WHO and other countries, we need to strengthen greatly our intelligence gathering capability. A focus on international surveillance and on scientist-to-scientist communication will be necessary if we are to have an early warning about the possible development and production of biological weapons by rogue nations or groups." I am hopeful that a majority of my colleagues will recognize we cannot leave the rest of the world to fend for itself in combating biological weapons and infectious diseases in general if we are to ensure America's security as well.

Mrs. CARNAHAN. Mr. President, I rise in strong support of the Bioterrorism Preparedness Act. I am proud to join Senator KENNEDY, Senator FRIST, and Senator GREGG as an original cosponsor of this timely bipartisan legislation. Senator KENNEDY and Senator FRIST have been leaders on this issue even before the events of September 11. In June of 2000, they introduced the Public Health Threats and Emergencies Act, which was enacted into law last year.

The recent anthrax attacks have shown that Congress must do much more to prepare our country for possible future bioterrorist attacks. We need to ensure that all of our communities across the country, both rural and urban, are equipped to respond to a bioterrorism attack in the event that such an unfortunate act should occur.

The Bioterrorism Preparedness Act would put in place a comprehensive national strategy to combat bioterrorism. This legislation would improve preparedness at the Federal, State, and local levels. It would increase investments in public health surveillance systems and public health laboratories to improve our ability to detect an attack. Moreover, the Act would strengthen our ability to contain the spread of a bioterrorism attack by increasing the Nation's stockpile of vaccines and treatments.

One critical component of a national strategy on bioterrorism is communication between the government and the public. Americans have many questions about what bioterrorism is and how they can protect their families. They need a reliable source of information where they can go to get accurate answers to their questions, thereby alleviating some of their anxiety and fears. Several weeks ago, I introduced the Bioterrorism Awareness Act, S. 1548, to address this need. S. 1548 calls for the creation of a single website containing information on bioterrorism that would serve as the official federal government source of information for the public. This website will provide "one-stop shopping" for people who need to find answers to questions about bioterrorism. For so many of us, the fear of bioterrorism is a fear of the unknown. Knowledge is power, and the more knowledge we have about terrorism, the more power we have to overcome our fears.

I am pleased that my proposal has been included as a key part of the national communications strategy in the Bioterrorism Preparedness Act. This legislation calls for the creation of a new official Federal website to serve as the definitive source of bioterrorism for the public and other targeted populations. For example, farmers and others individuals involved in the Nation's food supply need accurate information on bioterrorism. This website would include information geared specifically towards the needs of agricultural workers and the unique challenges they might encounter in the event of a bioterrorism attack on our food supply. I encourage the development of this website as soon as possible.

The Bioterrorism Preparedness Act also contains other provisions aimed at protecting our food supply. It recognizes that our Nation's food supply cannot be left vulnerable to a terrorist attack. The bill would authorize funds to increase the Food and Drug Administration's authority to perform food inspections. It would also authorize funds to improve security at facilities belonging to the Department of Agriculture, the Department of Health and Human Services, and universities across the country, where potential animal and plant pathogens are housed or researched.

I know that farmers in Missouri, as well as across the country, are concerned about protecting their crops and livestock. A terrorist attack on these targets has the potential to not only disrupt the food supply in the U.S., but throughout the world. The potential economic impact on farmers' livelihood would be devastating to them and their families. The food safety provisions in this bill go far in protecting this essential national resource.

Another key component in dealing with bioterrorism is providing states

with the resources to be equipped to respond. The bill would award block grants to states for improving preparedness and coordination in the event of an attack. These grants would allow States to improve their surveillance and detection capabilities. Further, they would allow states to bolster their public health infrastructure to best protect the public from an attack.

These block grants are especially important because when it comes to protecting our nation from terrorism, the Federal Government cannot do it alone. We need the cooperation and support of State and local governments to protect the citizens at all levels. These funds will help ensure that State governments have the resources they need to prevent and respond to a bioterrorism attack.

This bipartisan legislation would allow our Nation to improve its ability to prevent, detect, contain, and respond to a possible bioterrorist attack. In this time of uncertainty, preparation is our best defense. This bill provides the necessary resources to strengthen that defense throughout all levels of government—Federal, State, and local. I urge my colleagues to support the "Bioterrorism Preparedness Act" and to act on it expeditiously.

Mrs. HUTCHISON. Mr. President, along with Senators FRIST, ROBERTS, COLLINS, BOND, HAGEL, SNOWE, DEWINE, and other colleagues, I rise today in support of the Bioterrorism Preparedness Act of 2001.

As the fight against terrorism heats up, it is critical that we dedicate sufficient resources to the growing threat of bioterrorism. This legislation will enhance the capabilities of Federal, State, and local governments to coordinate emergency preparedness efforts, stockpile vaccines and medical supplies, link channels of communication, modernize biosecurity facilities, and ensure the safety of America's health and food supply. In other words, it will help the U.S. protect its citizens.

I am proud to have worked with my colleague, Senator ROBERTS, to address the concerns about our food supply and vital agricultural economies. The agricultural bioterrorism provisions in this legislation will authorize the U.S. Department of Agriculture, USDA, to strengthen its capacities to identify, prepare for, and respond to such bioterrorism threats to our farms, ranches, livestock, poultry, crops, and food processing, packaging, and distribution facilities and systems.

We have a clear priority to ensure the safety of our food, and to maintain the public's confidence regarding this. To do so, we must identify and quickly control the threats to our food supply, currently the world's safest and most abundant and affordable.

Bioterrorism has always been a question of when it would strike, not could it occur, especially since the cold war.

During the cold war, it was known that the former Soviet Union had a bio-weapons program that included bio-agents aimed at agriculture, while during the gulf war our own soldiers have shown evidence of possible use of biological weapons. From the terrorist attacks on Japan's subway system to the foot-and-mouth and "mad-cow" disease outbreaks in Europe to the recent anthrax attacks here, even the public is now acutely aware of this threat.

For this reason, this bill is critical, both for the results it will achieve and the reassurance it will provide. USDA will be expanded to enhance inspection capability, implement new information technology, and develop methods for rapid detection and identification of plant and animal disease. USDA's Veterinary Services will be authorized to establish cooperative agreements with state animal health commissions and regulatory agencies for livestock and poultry health, and private veterinary practitioners to enhance its ability to respond to outbreaks of animal disease.

We must emphasize and promote collaboration to strengthen America's research and development capacity. Therefore, USDA is instructed to establish a Consortium for Countermeasures Against Agricultural Bioterrorism to form long-term programs of research and development to enhance the biosecurity of U.S. Agriculture. America's institutes of higher education that have a demonstrated expertise in animal and plant disease research, strong linkages with diagnostic laboratories, and strong coordination with state cooperative extension programs will provide the resources and expertise that will prove invaluable in the war on agricultural bioterrorism.

This is the first modern war where the front lines lie on our own shores, farms and fields, but I know we are up to the challenge, especially as Texas will proudly serve as one of the States on the first lines of defense for our entire country. States where agriculture is critical are vulnerable to a bioterrorism attack, but they will also prove invaluable in the war on bioterrorism when they provide the first evidence of an attack.

To protect our citizens, our economy and our food supply, I urge my colleagues to support the Bioterrorism Preparedness Act of 2001.

By Mr. KERRY (for himself, Mr. STEVENS, Mr. HOLLINGS, Mr. INOUE, and Mr. AKAKA):

S. 1716. A bill to speed national action to address global climate change, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. KERRY. Mr. President, I rise before you today to introduce the Global Climate Change Act of 2001. I am pleased to have Senators STEVENS, HOLLINGS, INOUE, and AKAKA join me as original cosponsors.

We face a fundamental environmental challenge. Scientists have warned that pollution and deforestation are raising atmospheric concentrations of greenhouse gases, raising global temperatures and altering the world's climate system with adverse and potentially catastrophic implications for the global environment. And, while sea levels rise, species extinction, drought, disease migration and other potential impacts cannot be known with certainty, we know enough to understand that the threat of harm is real and that worst-case scenarios under current "business-as-usual" practices are disastrous.

The best indicator that other nations believe action is desperately overdue is the conclusion of an agreement to implement the Kyoto Protocol last week in Marrakesh, Morocco. Incredibly, the Marrakesh Accords, under which rules for compliance and international greenhouse gas emissions trading were reached, were concluded without U.S. support.

Although the Administration abandoned the Kyoto process in March, to our national detriment, it is critical that the United States map out a clear path to reduce greenhouse gas emissions across the economy. In the Commerce Committee we have held several hearings to examine the science and the solutions to global warming. We have heard testimony about the potential for wind and other renewable energy to provide our nation the power it needs emissions free. We have heard from companies leading the push for hydrogen fuel cells to provide distributed generation and transportation energy with low emissions. And we've heard from automakers designing the technology for more fuel efficient cars. The Commerce Committee has jurisdiction over the Corporate Average Fuel Economy, CAFE, program and will continue a series of hearings on the issue that was delayed by the attacks of September 11. The United States must assert itself as a leader in research, development and deployment of these and other technologies.

The Global Climate Change Act of 2001 would help us move down a path of scientific understanding, research, policy innovation and technological innovation. The bill will complement other legislation under consideration in other Senate committees for reducing our greenhouse gas emissions, as well as legislation to improve CAFE in the Commerce Committee. The Global Climate Change Act of 2001 will also provide a solid technical basis upon which to build any future greenhouse emissions tracking, reduction, or trading programs.

The bill contains provisions aimed at bringing the world-class science, technology, and planning expertise of the National Oceanic and Atmospheric Administration, NOAA, the National In-

stitute of Standards and Technology, NIST, and other Department of Commerce programs to bear on this problem, whether it is in climate observation, measurement and verification, information management, modeling and monitoring, technology development and transfer, or hazards planning and prevention.

First, the bill would endorse the elevation of climate change issues in the Administration, identifying the Office of Science and Technology Policy, OSTP, as the coordinating entity in the White House. An interagency task force on global climate change action chaired by the Secretary of Commerce would be responsible for developing a multi-faceted climate change action strategy, including development of mitigation approaches.

Second, it would create an emissions reporting system to ensure accurate measurement, reporting, and verification of greenhouse gas emissions, which is essential to any efforts to reduce our emissions. The bill utilizes the technical capabilities of the NIST and NOAA to establish uniform and credible new measurement methods and technologies. It establishes a mandatory reporting system for greenhouse gas emissions for entities operating in the U.S. with significant emissions. The system will maximize completeness, accuracy and transparency and minimize costs for covered entities. It will be designed to ensure interoperability of any U.S., state or international system of reporting and trading greenhouse gas emissions. It would also require Commerce to issue annual reports showing greenhouse gas emissions and trends, including areas where reductions have occurred.

Third, the bill would ensure that we in Congress get the best independent scientific and technical expertise in our climate change oversight role. The bill would create a Science and Technology Assessment Service that would provide ongoing science and technology advice to Congress. Since the Office of Technology Assessment, OTA, was eliminated in 1995, experts agree that Congress has suffered from lack of ongoing, credible advice. While some objected to the OTA structure, all agree that expert technical advice for Congress is essential to ensuring we hold up our end in efforts to make progress on this important issue. Congressional requests for advice are overburdening the National Academy of Sciences and threatening to compromise its independent stature. The bill would economize on resources and personnel by utilizing the administrative services of the Library of Congress and the expertise of the National Research Council, and provide an ongoing separate service to Congress that will not threaten compromise NAS's independent role.

Fourth, the bill revises the Global Change Research Act of 1990 and the

National Climate Program Act, so that interagency and Commerce Department programs focus on improving detection, modeling and regional impact assessments and are better managed to provide useful information to government decisionmakers and managers. In addition, the legislative changes would direct improvements in atmospheric monitoring and establish a new integrated coastal and ocean observing system to ensure we understand and predict the role of oceans in climate. Finally, it would create an integrated program office for the USGCRP within the Office of Science and Technology Policy to ensure budget coordination, using models established under the multiagency National Oceanographic Partnership Program and the NPOESS, polar satellite, convergence process.

Fifth, the bill addresses a critical component of reducing greenhouse gas emissions: technology innovation. The bill is aimed at increasing the Department of Commerce's technology innovation role in reducing greenhouse gas emissions. Specifically, it would utilize the Advanced Technology Program, ATP, to promote and commercialize energy efficient technologies and the Manufacturing Extension Program for small manufacturers. This section would also direct NIST to develop methods and technologies, including process improvements, that can be used in a variety of sectors to reduce production of greenhouse gases.

Finally, we must admit that even if we stopped all greenhouse gas emissions tomorrow, the effects of climate change and variability will not end. It is in our interest to undertake assessments and actions now that will help us address safety and infrastructure issues that will likely accompany climate variability and change in the future. There is currently no way for State governments or coastal communities to plan for change on a 20-50 year time horizon. The bill would require NOAA to evaluate vulnerability of regions of the United States, particularly coastal regions, to effects of climate change, including drought and sea level rise, and develop a strategy for helping states deal with the issues. The bill also directs NOAA to work with NASS to develop remote sensing technologies that will help coastal managers identify hazards and make intelligent planning decisions.

This legislation neatly rolls into one package key components of any national plan to address climate change: coordinated research, monitoring, reporting and verification, mitigation technology, impact assessment, and adaptation planning. This package is but one of many I hope to see my colleagues in Congress develop to help the United States reduce the threat of global climate change now. The Climate Change meetings in Marrakesh last week show that other nations are

ready to act. We can, and must, do the same, even without leadership from this Administration.

Mr. HOLLINGS. Mr. President, I am pleased to join Senator KERRY as a co-sponsor of the Global Climate Change Act of 2001. The Senate Commerce Committee has worked hard to ensure that the Federal Government has the best research and information possible about global warming, as well as other types of climate changes. Our investments are bearing fruit and we are identifying ways to focus our research to help us make decisions now and in the decades ahead.

During the 1980s, a number of us on the Committee became increasingly concerned about the potential threat of global warming and loss of the ozone layer. In 1989, I sponsored the National Global Change Research Act, which attracted support from many members still serving on the Commerce Committee. In 1990, after numerous hearings and roundtable discussions, Congress enacted the legislation, thereby creating the U.S. Global Climate Research Program.

When we passed the Global Change Research Act, we knew it was the first step in investigating a very complex problem. We placed a lot of responsibility in NOAA, the scientific agency best suited to monitor and predict ocean and atmospheric processes. We need to renew this ocean research commitment to ensure we better understand the oceans, the engines of climate. The so-called "wild card" of the climate system, the oceans are capable of dramatic climate surprises we should strive to comprehend.

I am glad to report that the research accomplished under the National Global Change Research Act has led to increased understanding of global climate change, as well as regional climate phenomena like El Nino/Southern Oscillation, ENSO. We now have a better understanding of how the Earth's oceans, atmosphere, and land surface function together as a dynamic system, but we cannot stop there. Only recently, NOAA measured an important increase in temperature in all the world's oceans over a 40 year period. We need to understand the causes and how that will affect us. All this research ensures that federal and state decision-makers get better information and tools to cope with such climate related problems as food supply, energy allocation, and water resources.

While we have learned an astonishing amount about climate and other earth/ocean interactions in only a decade, we have other critical questions that require further research to answer. Many of these questions are relevant not only to improving our scientific understanding, but also to contributing to our future social and economic well-being. For example, climate anomalies during the past two years, most di-

rectly related to the 1997-1998 El Nino event, have accounted for over \$30 billion in impacts worldwide. When impacts from the recent floods in China are included, these direct losses could rise to \$60 billion. This most recent El Nino claimed 21,000 lives, displaced 4.5 million people, and affected 82 million acres of land through severe flood, drought, and fire. When we better understand the global climate system, and its relationship to regional climate events like El Nino, we may be able to find ways, such as improved forecasting and early warning—to avoid some of the severe impacts.

Understanding these and other impacts of climate change at the regional level is a critical step in preparing for these changes. We must maintain our commitment to research and further refine our existing modeling capabilities. The second critical need is planning for sea level rise and other inevitable results of climate change. It is costly in human lives and real dollars to manage our response in a crisis mode. Just as we needed to modernize our National Weather Service, we need to strengthen and modernize our National Climate Service, which can help the U.S. predict and plan for climate events. This includes establishing a national ocean and coastal observing system using the expertise and resources of a variety of federal agencies. In addition, this bill will help our coastal communities at risk from future climate-related hazards create plans that will help us adapt to such changes without catastrophic disruptions experienced in Alaska by my friend Senator STEVENS.

Not only do we need continued support for technological research and development, we must also consider the method in which this information is delivered to Congress. Before it was abolished in 1995, the Office of Technology Assessment, OTA, was responsible for providing Congress with balanced, independent scientific and technological advice. Since 1995, the function of the National Academy complex, particularly the National Research Council, NRC, has been forced to expand its role in providing research and information to Congress. However, the NRC studies have their limitations. The reports, often slow and expensive, provide limited opportunity for formal input and review by affected parties. Furthermore, unlike OTA, they often make specific recommendations rather than laying out a range of alternative policy options.

The problems addressed by Congress are becoming increasingly complex. Science and technology play a crucial role in addressing problems in energy, defense, aviation and the environment. Without a permanent, non-partisan source of independent scientific and technical policy analysis, Congress become lost in the wealth of information

provided by scientists, think tanks, and interest groups. The Global Climate Change Act of 2001 addresses this problem by creating a service that would provide ongoing science and technology advice to Congress, but avoid the criticisms leveled at OTA. It would economize on resources and personnel by utilizing the administrative services of the Library of Congress and the expertise of the National Research Council. Congressional requests for advice are overburdening NRC and threatening to compromise its independent stature as it is increasingly asked to fill the role of OTA. This provision would defer to NRC as the source of outside, unbiased advice and experts, but also provide an ongoing separate service to Congress. This service would also be asked to review the report of the Climate Change Action Task Force.

The Global Climate Change Act of 2001 demonstrates that the Committee on Commerce, Science and Transportation is serious about climate change, and I commend this Act to you.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 181—TO AUTHORIZE TESTIMONY, DOCUMENT PRODUCTION AND LEGAL REPRESENTATION IN STATE OF IDAHO V. JOSEPH DANIEL HOOPER

Mr. DASCHLE (for himself and Mr. LOTT) submitted the following resolution; which was considered and agreed to:

S. RES. 181

Whereas, in the case of State of Idaho v. Joseph Daniel Hooper, C. No. CRM-01-11531, pending in the District Court of the First Judicial District of the State of Idaho, in and for the County of Kootenai, testimony has been requested from Elizabeth Kay Tucker, a former employee in the Coeur d'Alene office of Senator Larry E. Craig;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§ 288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it *Resolved* That Elizabeth Kay Tucker, or any other current or former employee of Senator Craig, is authorized to testify and produce documents in the case of State of Idaho v. Joseph Daniel Hooper, except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent Elizabeth Kay Tucker and any other current or former employee of Senator Craig's in connection with the testimony and document production authorized in section one of this resolution.

SENATE CONCURRENT RESOLUTION 84—PROVIDING FOR A JOINT SESSION OF CONGRESS TO BE HELD IN NEW YORK CITY, NEW YORK

Mr. SCHUMER (for himself and Mrs. CLINTON) submitted the following concurrent resolution; which was referred to the Committee on Rules and Administration:

S. CON. RES. 84

Whereas on September 11, 2001, the United States was victim to the worst terrorist attack on American soil in history, as hijacked aircraft were deliberately crashed into the World Trade Center towers in New York City and the Pentagon outside of Washington, D.C.;

Whereas the terrorist attacks on the World Trade Center towers located in New York City have resulted in the deaths of over 5,000 individuals and the destruction of both towers as well as adjacent buildings;

Whereas these attacks were by far the deadliest terrorist attacks ever launched against the United States, and by targeting symbols of American strength and success, the attacks were an attempt to violate the freedoms and liberties that have been bestowed upon all Americans;

Whereas in 1789 the first meeting of the United States House of Representatives and Senate was held in New York City; and

Whereas in this time of crisis it would be appropriate that a special one-day joint session of Congress be convened in New York City as a symbol of the Nation's solidarity with New Yorkers who epitomize the human spirit of courage, resilience, and strength: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the two Houses of Congress assemble in New York City, New York, during the One Hundred Seventh Congress at such date, time, and location as the Speaker of the House of Representatives and the President Pro Tempore of the Senate may jointly select, for the purpose of conducting such business as the Speaker and President Pro Tempore may consider appropriate.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2149. Mr. REID (for Mr. ROCKEFELLER (for himself and Mr. SPECTER)) proposed an amendment to the bill H.R. 2540, An act to amend title 38, United States Code, to provide a cost-of-living adjustment in the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of such veterans.

SA 2150. Mr. REID (for Mr. ROCKEFELLER (for himself and Mr. SPECTER)) proposed an amendment to the bill H.R. 2540, supra.

SA 2151. Mr. BOND submitted an amendment intended to be proposed by him to the bill H.R. 3090, to provide tax incentives for economic recovery; which was ordered to lie on the table.

SA 2152. Mr. DEWINE submitted an amendment intended to be proposed by him to the

bill H.R. 3090, supra; which was ordered to lie on the table.

SA 2153. Mr. BOND submitted an amendment intended to be proposed by him to the bill H.R. 3090, supra; which was ordered to lie on the table.

SA 2154. Mr. SMITH, of New Hampshire submitted an amendment intended to be proposed by him to the bill H.R. 3090, supra; which was ordered to lie on the table.

SA 2155. Mr. ENZI (for himself, Mr. DORGAN, Mrs. HUTCHISON, Mr. GRAHAM, Mr. VOINOVICH, Mr. BREAUX, Mr. HUTCHINSON, and Mr. CARPER) proposed an amendment to the bill H.R. 1552, to extend the moratorium enacted by the Internet Tax Freedom Act through 2006, and for other purposes.

SA 2156. Mr. GRAMM submitted an amendment intended to be proposed to amendment SA 2155 submitted by Mr. ENZI and intended to be proposed to the bill (H.R. 1552) to extend the moratorium enacted by the Internet Tax Freedom Act through 2006, and for other purposes; which was ordered to lie on the table.

SA 2157. Mr. MCCAIN (for himself, Mr. ALLARD, Mr. LIEBERMAN, Ms. SNOWE, Mr. LEVIN, Mr. MURKOWSKI, Mr. CLELAND, Mr. INHOFE, Ms. LANDRIEU, Mr. BURNS, Mr. DURBIN, Mr. SESSIONS, and Mr. DEWINE) submitted an amendment intended to be proposed by him to the bill H.R. 3090, to provide tax incentives for economic recovery; which was ordered to lie on the table.

SA 2158. Mr. REID (for Mrs. HUTCHISON) proposed an amendment to the bill S. 1573, to authorize the provision of educational and health care assistance to the women and children of Afghanistan.

SA 2159. Mr. REID (for Mr. FITZGERALD (for himself and Mr. DURBIN)) proposed an amendment to the concurrent resolution S. Con. Res. 44, expressing the sense of the Congress regarding National Pearl Harbor Remembrance Day.

SA 2160. Mr. REID (for Mr. BOND (for himself and Mr. KERRY)) proposed an amendment to the bill S. 1196, to amend the Small Business Investment Act of 1958, and for other purposes.

SA 2161. Mr. DASCHLE proposed an amendment to the bill S. 1389, to provide for the conveyance of certain real property in South Dakota to the State of South Dakota with indemnification by the United States government, and for other purposes.

SA 2162. Mr. REID (for Mr. HATCH) proposed an amendment to the bill S. 320, to make technical corrections in patent, copyright, and trademark laws.

TEXT OF AMENDMENTS

SA 2149. Mr. REID (for Mr. ROCKEFELLER (for himself and Mr. SPECTER)) proposed an amendment to the bill H.R. 2540, an act to amend title 38, United States Code, to provide a cost-of-living adjustment in the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of such veterans; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; REFERENCES TO TITLE 38, UNITED STATES CODE.

(a) **SHORT TITLE.**—This Act may be cited as the "Veterans' Compensation Rate Amendments of 2001".

(b) **REFERENCES TO TITLE 38, UNITED STATES CODE.**—Except as otherwise expressly

provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

SEC. 2. DISABILITY COMPENSATION.

(a) **INCREASE IN RATES.**—Section 1114 is amended—

(1) by striking "\$98" in subsection (a) and inserting "\$103";

(2) by striking "\$188" in subsection (b) and inserting "\$199";

(3) by striking "\$288" in subsection (c) and inserting "\$306";

(4) by striking "\$413" in subsection (d) and inserting "\$439";

(5) by striking "\$589" in subsection (e) and inserting "\$625";

(6) by striking "\$743" in subsection (f) and inserting "\$790";

(7) by striking "\$937" in subsection (g) and inserting "\$995";

(8) by striking "\$1,087" in subsection (h) and inserting "\$1,155";

(9) by striking "\$1,224" in subsection (i) and inserting "\$1,299";

(10) by striking "\$2,036" in subsection (j) and inserting "\$2,163";

(11) in subsection (k)—
(A) by striking "\$76" both places it appears and inserting "\$80"; and

(B) by striking "\$2,533" and "\$3,553" and inserting "\$2,691" and "\$3,775", respectively;

(12) by striking "\$2,533" in subsection (l) and inserting "\$2,691";

(13) by striking "\$2,794" in subsection (m) and inserting "\$2,969";

(14) by striking "\$3,179" in subsection (n) and inserting "\$3,378";

(15) by striking "\$3,553" each place it appears in subsections (o) and (p) and inserting "\$3,775";

(16) by striking "\$1,525" and "\$2,271" in subsection (r) and inserting "\$1,621" and "\$2,413", respectively; and

(17) by striking "\$2,280" in subsection (s) and inserting "\$2,422".

(b) **SPECIAL RULE.**—The Secretary of Veterans Affairs may authorize administratively, consistent with the increases authorized by this section, the rates of disability compensation payable to persons within the purview of section 10 of Public Law 85-857 who are not in receipt of compensation payable pursuant to chapter 11 of title 38, United States Code.

SEC. 3. ADDITIONAL COMPENSATION FOR DEPENDENTS.

Section 1115(l) is amended—

(1) by striking "\$117" in clause (A) and inserting "\$124";

(2) by striking "\$201" and "\$61" in clause (B) and inserting "\$213" and "\$64", respectively;

(3) by striking "\$80" and "\$61" in clause (C) and inserting "\$84" and "\$64", respectively;

(4) by striking "\$95" in clause (D) and inserting "\$100";

(5) by striking "\$222" in clause (E) and inserting "\$234"; and

(6) by striking "\$186" in clause (F) and inserting "\$196".

SEC. 4. CLOTHING ALLOWANCE FOR CERTAIN DISABLED VETERANS.

Section 1162 is amended by striking "\$546" and inserting "\$580".

SEC. 5. DEPENDENCY AND INDEMNITY COMPENSATION FOR SURVIVING SPOUSES.

(a) **NEW LAW RATES.**—Section 1311(a) is amended—

(1) by striking "\$881" in paragraph (1) and inserting "\$935"; and

(2) by striking “\$191” in paragraph (2) and inserting “\$202”.

(b) OLD LAW RATES.—The table in section 1311(a)(3) is amended to read as follows:

Pay grade	Monthly
E-1	\$935
E-2	935
E-3	935
E-4	935
E-5	935
E-6	935
E-7	967
E-8	1,021
E-9	1,066
W-1	988
W-2	1,028
W-3	1,058
W-4	1,119
O-1	988
O-2	1,021
O-3	1,092
O-4	1,155
O-5	1,272
O-6	1,433
O-7	1,549
O-8	1,699
O-9	1,818
O-10	2,194

¹If the veteran served as Sergeant Major of the Army, Senior Enlisted Advisor of the Navy, Chief Master Sergeant of the Air Force, Sergeant Major of the Marine Corps, or Master Chief Petty Officer of the Coast Guard, at the applicable time designated by section 1302 of this title, the surviving spouse's rate shall be \$1,149.

²If the veteran served as Chairman or Vice Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, Commandant of the Marine Corps, or Commandant of the Coast Guard, at the applicable time designated by section 1302 of this title, the surviving spouse's rate shall be \$2,139.”.

(c) ADDITIONAL DIC FOR CHILDREN.—Section 1311(b) is amended by striking “\$222” and inserting “\$234”.

(d) AID AND ATTENDANCE ALLOWANCE.—Section 1311(c) is amended by striking “\$222” and inserting “\$234”.

(e) HOUSEBOUND RATE.—Section 1311(d) is amended by striking “\$107” and inserting “\$112”.

SEC. 6. DEPENDENCY AND INDEMNITY COMPENSATION FOR CHILDREN.

(a) DIC FOR ORPHAN CHILDREN.—Section 1313(a) is amended—

(1) by striking “\$373” in paragraph (1) and inserting “\$397”;

(2) by striking “\$538” in paragraph (2) and inserting “\$571”;

(3) by striking “\$699” in paragraph (3) and inserting “\$742”; and

(4) by striking “\$699” and “\$136” in paragraph (4) and inserting “\$742” and “\$143”, respectively.

(b) SUPPLEMENTAL DIC FOR DISABLED ADULT CHILDREN.—Section 1314 is amended—

(1) by striking “\$222” in subsection (a) and inserting “\$234”;

(2) by striking “\$373” in subsection (b) and inserting “\$397”; and

(3) by striking “\$188” in subsection (c) and inserting “\$199”.

SEC. 7. EFFECTIVE DATE.

The amendments made by this Act shall take effect on December 1, 2001.

SA 2150. Mr. REID (for Mr. ROCKEFELLER (for himself and Mr. SPECTER) proposed an amendment to the bill H.R. 2540, An act to amend title 38, United States Code, to provide a cost-of-living adjustment in the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of such veterans; as follows:

Amend the title so as to read “An Act to amend title 38, United States Code, to provide a cost-of-living adjustment in the rates of disability compensation for veterans with

service-connected disabilities and the rates of dependency and indemnity compensation for survivors of such veterans.”.

SA 2151. Mr. BOND submitted an amendment intended to be proposed by him to the bill H.R. 3090, to provide tax incentives for economic recovery; which was ordered to lie on the table; as follows:

At the appropriate place, add the following:

SEC. ____ FAIR AND EQUITABLE RESOLUTION OF LABOR INTEGRATION ISSUES.

(a) PURPOSE.—The purpose of this section is to require procedures that ensure the fair and equitable resolution of labor integration issues, in order to prevent further disruption to transactions for the combination of air carriers, which would potentially aggravate the disruption caused by the attack on the United States on September 11, 2001.

(b) DEFINITIONS.—In this Act:

(1) AIR CARRIER.—The term “air carrier” means an air carrier that holds a certificate issued under chapter 411 of title 49, United States Code.

(2) COVERED AIR CARRIER.—The term “covered air carrier” means an air carrier that is involved in a covered transaction.

(3) COVERED EMPLOYEE.—The term “covered employee” means an employee who—

(A) is not a temporary employee; and

(B) is a member of a craft or class that is subject to the Railway Labor Act (45 U.S.C. 151 et seq.).

(4) COVERED TRANSACTION.—The term “covered transaction” means a transaction that—

(A) is a transaction for the combination of multiple air carriers into a single air carrier;

(B) involves the transfer of ownership or control of—

(i) 50 percent or more of the equity securities (as defined in section 101 of title 11, United States Code) of an air carrier; or

(ii) 50 percent or more (by value) of the assets of the air carrier;

(C) became a pending transaction, or was completed, not earlier than January 1, 2001; and

(D) did not result in the creation of a single air carrier by September 11, 2001.

(c) SENIORITY INTEGRATION.—In any covered transaction involving a covered air carrier that leads to the combination of crafts or classes that are subject to the Railway Labor Act—

(1) sections 3 and 13 of the labor protective provisions imposed by the Civil Aeronautics Board in the Allegheny-Mohawk merger (as published at 59 CAB 45) shall apply to the covered employees of the covered air carrier; and

(2) subject to paragraph (1), in a case in which a collective bargaining agreement provides for the application of sections 3 and 13 of the labor protective provisions in the process of seniority integration for the covered employees, the terms of the collective bargaining agreement shall apply to the covered employees and shall not be abrogated.

(d) ENFORCEMENT.—Any aggrieved person (including any labor organization that represents the person) may bring an action to enforce this section, or the terms of any award or agreement resulting from arbitration or a settlement relating to the requirements of this section. The person may bring the action in an appropriate Federal district court, determined in accordance with section 1391 of title 28, United States Code, without regard to the amount in controversy.

SA 2152. Mr. DEWINE submitted an amendment intended to be proposed by him to the bill H.R. 3090, to provide tax incentives for economic recovery; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ DEDUCTION OF CERTAIN EXPENSES OF MEMBERS OF THE RESERVE COMPONENT.

(a) DEDUCTION ALLOWED.—Section 162 (relating to certain trade or business expenses) is amended by redesignating subsection (p) as subsection (q) and inserting after subsection (o) the following new subsection:

“(p) TREATMENT OF EXPENSES OF MEMBERS OF RESERVE COMPONENT OF ARMED FORCES OF THE UNITED STATES.—For purposes of subsection (a), in the case of an individual who performs services as a member of a reserve component of the Armed Forces of the United States at any time during the taxable year, such individual shall be deemed to be away from home in the pursuit of a trade or business during any period for which such individual is away from home in connection with such service.”.

(b) DEDUCTION ALLOWED WHETHER OR NOT TAXPAYER ELECTS TO ITEMIZE.—Section 62(a)(2) (relating to certain trade and business deductions of employees) is amended by adding at the end the following new subparagraph:

“(D) CERTAIN EXPENSES OF MEMBERS OF RESERVE COMPONENTS OF THE ARMED FORCES OF THE UNITED STATES.—The deductions allowed by section 162 which consist of expenses paid or incurred by the taxpayer in connection with the performance of services by such taxpayer as a member of a reserve component of the Armed Forces of the United States.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred in taxable years beginning after December 31, 2001.

SEC. ____ CREDIT FOR EMPLOYMENT OF RESERVE COMPONENT PERSONNEL.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 (relating to business-related credits) is amended by adding at the end the following new section:

“SEC. 45G. RESERVE COMPONENT EMPLOYMENT CREDIT.

“(a) GENERAL RULE.—For purposes of section 38, the reserve component employment credit determined under this section is an amount equal to the sum of—

“(1) the employment credit with respect to all qualified employees of the taxpayer, plus

“(2) the self-employment credit of a qualified self-employed taxpayer.

“(b) EMPLOYMENT CREDIT.—For purposes of this section—

“(1) IN GENERAL.—The employment credit with respect to a qualified employee of the taxpayer for any taxable year is equal to 50 percent of the amount of qualified compensation that would have been paid to the employee with respect to all periods during which the employee participates in qualified reserve component duty to the exclusion of normal employment duties, including time spent in a travel status had the employee not been participating in qualified reserve component duty. The employment credit, with respect to all qualified employees, is equal to the sum of the employment credits for each qualified employee under this subsection.

“(2) QUALIFIED COMPENSATION.—When used with respect to the compensation paid or

that would have been paid to a qualified employee for any period during which the employee participates in qualified reserve component duty, the term 'qualified compensation' means compensation—

“(A) which is normally contingent on the employee's presence for work and which would be deductible from the taxpayer's gross income under section 162(a)(1) if the employee were present and receiving such compensation, and

“(B) which is not characterized by the taxpayer as vacation or holiday pay, or as sick leave or pay, or as any other form of pay for a nonspecific leave of absence, and with respect to which the number of days the employee participates in qualified reserve component duty does not result in any reduction in the amount of vacation time, sick leave, or other nonspecific leave previously credited to or earned by the employee.

“(3) QUALIFIED EMPLOYEE.—The term 'qualified employee' means a person who—

“(A) has been an employee of the taxpayer for the 21-day period immediately preceding the period during which the employee participates in qualified reserve component duty, and

“(B) is a member of the Ready Reserve of a reserve component of an Armed Force of the United States as defined in sections 10142 and 10101 of title 10, United States Code.

“(c) SELF-EMPLOYMENT CREDIT.—

“(1) IN GENERAL.—The self-employment credit of a qualified self-employed taxpayer for any taxable year is equal to 50 percent of the excess, if any, of—

“(A) the self-employed taxpayer's average daily self-employment income for the taxable year over

“(B) the average daily military pay and allowances received by the taxpayer during the taxable year, while participating in qualified reserve component duty to the exclusion of the taxpayer's normal self-employment duties for the number of days the taxpayer participates in qualified reserve component duty during the taxable year, including time spent in a travel status.

“(2) AVERAGE DAILY SELF-EMPLOYMENT INCOME AND AVERAGE DAILY MILITARY PAY AND ALLOWANCES.—As used with respect to a self-employed taxpayer—

“(A) the term 'average daily self-employment income' means the self-employment income (as defined in section 1402) of the taxpayer for the taxable year divided by the difference between—

“(i) 365, and

“(ii) the number of days the taxpayer participates in qualified reserve component duty during the taxable year, including time spent in a travel status, and

“(B) the term 'average daily military pay and allowances' means—

“(i) the amount paid to the taxpayer during the taxable year as military pay and allowances on account of the taxpayer's participation in qualified reserve component duty, divided by

“(ii) the total number of days the taxpayer participates in qualified reserve component duty, including time spent in travel status.

“(3) QUALIFIED SELF-EMPLOYED TAXPAYER.—The term 'qualified self-employed taxpayer' means a taxpayer who—

“(A) has net earnings from self-employment (as defined in section 1402) for the taxable year, and

“(B) is a member of the Ready Reserve of a reserve component of an Armed Force of the United States.

“(d) CREDIT IN ADDITION TO DEDUCTION.—The employment credit provided in this sec-

tion is in addition to any deduction otherwise allowable with respect to compensation actually paid to a qualified employee during any period the employee participates in qualified reserve component duty to the exclusion of normal employment duties.

“(e) LIMITATIONS.—

“(1) MAXIMUM CREDIT.—

“(A) IN GENERAL.—The credit allowed by subsection (a) for the taxable year—

“(i) shall not exceed \$7,500 in the aggregate, and

“(ii) shall not exceed \$2,000 with respect to each qualified employee.

“(B) CONTROLLED GROUPS.—For purposes of applying the limitations in subparagraph (A)—

“(i) all members of a controlled group shall be treated as one taxpayer, and

“(ii) such limitations shall be allocated among the members of such group in such manner as the Secretary may prescribe.

For purposes of this subparagraph, all persons treated as a single employer under subsection (a) or (b) of section 52 or subsection (m) or (o) of section 414 shall be treated as members of a controlled group.

“(2) DISALLOWANCE FOR FAILURE TO COMPLY WITH EMPLOYMENT OR REEMPLOYMENT RIGHTS OF MEMBERS OF THE RESERVE COMPONENTS OF THE ARMED FORCES OF THE UNITED STATES.—No credit shall be allowed under subsection (a) to a taxpayer for—

“(A) any taxable year in which the taxpayer is under a final order, judgment, or other process issued or required by a district court of the United States under section 4323 of title 38 of the United States Code with respect to a violation of chapter 43 of such title, and

“(B) the two succeeding taxable years.

“(3) DISALLOWANCE WITH RESPECT TO PERSONS ORDERED TO ACTIVE DUTY FOR TRAINING.—No credit shall be allowed under subsection (a) to a taxpayer with respect to any period for which the person on whose behalf the credit would otherwise be allowable is called or ordered to active duty for any of the following types of duty:

“(A) active duty for training under any provision of title 10, United States Code,

“(B) training at encampments, maneuvers, outdoor target practice, or other exercises under chapter 5 of title 32, United States Code, or

“(C) full-time National Guard duty, as defined in section 101(d)(5) of title 10, United States Code.

“(f) GENERAL DEFINITIONS AND SPECIAL RULES.—

“(1) MILITARY PAY AND ALLOWANCES.—The term 'military pay' means pay as that term is defined in section 101(21) of title 37, United States Code, and the term 'allowances' means the allowances payable to a member of the Armed Forces of the United States under chapter 7 of that title.

“(2) QUALIFIED RESERVE COMPONENT DUTY.—The term 'qualified reserve component duty' includes only active duty performed, as designated in the reservist's military orders, in support of a contingency operation as defined in section 101(a)(13) of title 10, United States Code.

“(3) NORMAL EMPLOYMENT AND SELF-EMPLOYMENT DUTIES.—A person shall be deemed to be participating in qualified reserve component duty to the exclusion of normal employment or self-employment duties if the person does not engage in or undertake any substantial activity related to the person's normal employment or self-employment duties while participating in qualified reserve component duty unless in an authorized

leave status or other authorized absence from military duties. If a person engages in or undertakes any substantial activity related to the person's normal employment or self-employment duties at any time while participating in a period of qualified reserve component duty, unless during a period of authorized leave or other authorized absence from military duties, the person shall be deemed to have engaged in or undertaken such activity for the entire period of qualified reserve component duty.

“(4) CERTAIN RULES TO APPLY.—Rules similar to the rules of subsections (c), (d), and (e) of section 52 shall apply for purposes of this section.”.

(b) CONFORMING AMENDMENT.—Section 38(b) (relating to general business credit) is amended—

(1) by striking “plus” at the end of paragraph (14),

(2) by striking the period at the end of paragraph (15) and inserting “, plus”, and

(3) by adding at the end the following new paragraph:

“(16) the reserve component employment credit determined under section 45G(a).”.

(c) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 is amended by inserting after the item relating to section 45F the following new item:

“Sec. 45G. Reserve component employment credit.”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

SA 2153. Mr. BOND submitted an amendment intended to be proposed by him to the bill H.R. 3090, to provide tax incentives for economic recovery; which was ordered to lie on the table; as follows:

At the appropriate place, add the following:

SEC. . DEDUCTION FOR 100 PERCENT OF HEALTH INSURANCE COSTS OF SELF-EMPLOYED INDIVIDUALS.

(a) IN GENERAL.—Paragraph (1) of section 162(l) of the Internal Revenue Code of 1986 is amended to read as follows:

“(1) ALLOWANCE OF DEDUCTION.—In the case of an individual who is an employee within the meaning of section 401(c)(1), there shall be allowed as a deduction under this section an amount equal to 100 percent of the amount paid during the taxable year for insurance which constitutes medical care for the taxpayer and the taxpayer's spouse and dependents.”.

(b) CLARIFICATION OF LIMITATIONS ON OTHER COVERAGE.—The first sentence of section 162(l)(2)(B) of the Internal Revenue Code of 1986 is amended to read as follows: “Paragraph (1) shall not apply to any taxpayer for any calendar month for which the taxpayer participates in any subsidized health plan maintained by any employer (other than an employer described in section 401(c)(4)) of the taxpayer or the spouse of the taxpayer.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

SA 2154. Mr. SMITH of New Hampshire submitted an amendment intended to be proposed by him to the bill H.R. 3090, to provide tax incentives for economic recovery; which was ordered to lie on the table; as follows:

At the appropriate place, add the following:

"SECTION. . TIPS RECEIVED FOR CERTAIN SERVICES NOT SUBJECT TO INCOME OR EMPLOYMENT TAXES.

(a) IN GENERAL.—Section 102 of the Internal Revenue Code of 1986 (relating to gifts and inheritances) is amended by adding at the end the following new subsection:

(d) TIPS RECEIVED FOR CERTAIN SERVICES.—

(1) IN GENERAL.—For purposes of subsection (a), tips received by an individual for qualified services performed by such individual shall be treated as property transferred by gift.

(2) QUALIFIED SERVICES.—For purposes of this subsection, the term "qualified services" means cosmetology, hospitality (including lodging and food and beverage services), recreation, baggage handling, transportation, delivery, shoe shine, and other services where tips are customary.

(3) ANNUAL LIMIT.—The amount excluded from gross income for the taxable year by reason of paragraph (1) with respect to each service provider shall not exceed \$10,000.

(4) EMPLOYEE TAXABLE ON AT LEAST MINIMUM WAGE.—Paragraph (1) shall not apply to tips received by an employee during any month to the extent that such tips—

(A) are deemed to have been paid by the employer to the employee pursuant to section 3121(q) (without regard to whether such tips are reported under section 6053), and

(B) do not exceed the excess of—

(i) the minimum wage rate applicable to such individual under section 6(a)(1) of the Fair Labor Standards Act of 1938 (determined without regard to section 3(m) of such Act), over

(ii) the amount of the wages (excluding tips) paid by the employer to the employee during such month.

(5) TIPS.—For purposes of this title, the term "tips" means a gratuity paid by an individual for services performed for such individual (or for a group which includes such individual) by another individual if such services are not provided pursuant to an employment or similar contractual relationship between such individuals.

(b) EXCLUSION FROM SOCIAL SECURITY TAXES.—(1) Paragraph (12) of section 3121(a) of such Code is amended to read as follows:

"(12)(A) tips paid in any medium other than cash;

"(B) cash tips received by an employee in any calendar month in the course of his employment by an employer unless the amount of such cash tips is \$20 or more and then only to the extent includible in gross income after the application of section 102(d);"

(2) Paragraph (10) of section 209(a) of the Social Security Act is amended to read as follows:

"(10)(A) tips paid in any medium other than cash;

"(B) cash tips received by an employee in any calendar month in the course of his employment by an employer unless the amount of such cash tips is \$20 or more and then only to the extent includible in gross income after the application of section 102(d) of the Internal Revenue Code of 1986 for such month;"

(3) Paragraph (3) of section 3231(e) of such Code is amended to read as follows:

"(3) Solely for purposes of the taxes imposed by section 3201 and other provisions of this chapter insofar as they relate to such taxes, the term 'compensation' also includes cash tips received by an employee in any calendar month in the course of his employment by an employer if the amount of such cash tips is \$20 or more and then only to the extent includible in gross income after the application of section 102(d)."

(c) EXCLUSION FROM UNEMPLOYMENT COMPENSATION TAXES.—Subsection(s) of section

3306 of such Code is amended to read as follows:

"(s) TIPS NOT TREATED AS WAGES.—For purposes of this chapter, the term 'wages' shall include tips received in any month only to the extent includible in gross income after the application of section 102(d) for such month."

(d) EXCLUSION FROM WAGE WITHHOLDING.—Paragraph (16) of section 3401(a) of such Code is amended to read as follows:

"(16)(a) as tips in any medium other than cash;

"(B) as cash tips to an employee in any calendar month in the course of his employment by an employer unless the amount of such cash tips is \$20 or more and then only to the extent includible in gross income after the application of section 102(d)."

(e) CONFORMING AMENDMENT.—Sections 32(c)(2)(A)(i) and 220(b)(4)(A) of such Code are each amended by striking "tips" and inserting "tips to the extent includible in gross income after the application of section 102(d)."

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to tips received after the calendar month which includes the date of the enactment of this Act.

SA 2155. Mr. ENZI (for himself, Mr. DORGAN, Mrs. HUTCHISON, Mr. GRAHAM, Mr. VOINOVICH, Mr. BREAU, Mr. HUTCHINSON, and Mr. CARPER) proposed an amendment to the bill H.R. 1552, to extend the moratorium enacted by the Internet Tax Freedom Act through 2006, and for other purposes; as follows:

Strike all after the first word and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Internet Tax Moratorium and Equity Act".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The moratorium of the Internet Tax Freedom Act on new taxes on Internet access and on multiple and discriminatory taxes on electronic commerce should be extended.

(2) States should be encouraged to simplify their sales and use tax systems.

(3) As a matter of economic policy and basic fairness, similar sales transactions should be treated equally, without regard to the manner in which sales are transacted, whether in person, through the mails, over the telephone, on the Internet, or by other means.

(4) Congress may facilitate such equal taxation consistent with the United States Supreme Court's decision in *Quill Corp. v. North Dakota*.

(5) States that adequately simplify their tax systems should be authorized to correct the present inequities in taxation through requiring sellers to collect taxes on sales of goods or services delivered in-state, without regard to the location of the seller.

(6) The States have experience, expertise, and a vital interest in the collection of sales and use taxes, and thus should take the lead in developing and implementing sales and use tax collection systems that are fair, efficient, and non-discriminatory in their application and that will simplify the process for both sellers and buyers.

(7) Online consumer privacy is of paramount importance to the growth of electronic commerce and must be protected.

SEC. 3. EXTENSION OF INTERNET TAX FREEDOM ACT MORATORIUM.

Section 1101(a) of the Internet Tax Freedom Act (47 U.S.C. 151 note) is amended to read as follows:

"(a) MORATORIUM.—No State or political subdivision thereof shall impose—

"(1) any taxes on Internet access during the period beginning after September 30, 1998, unless such a tax was generally imposed and actually enforced prior to October 1, 1998; and

"(2) multiple or discriminatory taxes on electronic commerce during the period beginning on October 1, 1998, and ending on December 31, 2005."

SEC. 4. INTERNET TAX FREEDOM ACT DEFINITIONS.

(a) INTERNET ACCESS SERVICES.—Section 1104 of the Internet Tax Freedom Act (47 U.S.C. 151 note) is amended by adding at the end the following new paragraph:

"(11) INTERNET ACCESS SERVICES.—The term 'Internet access services' means services that combine computer processing, information storage, protocol conversion, and routing with transmission to enable users to access Internet content and services. Such term does not include receipt of such content or services."

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the enactment of the Internet Tax Freedom Act.

SEC. 5. STREAMLINED SALES AND USE TAX SYSTEM.

(a) DEVELOPMENT OF STREAMLINED SYSTEM.—It is the sense of Congress that States and localities should work together to develop a streamlined sales and use tax system that addresses the following in the context of remote sales:

(1) A centralized, one-stop, multi-state reporting, submission, and payment system for sellers.

(2) Uniform definitions for goods or services, the sale of which may, by State action, be included in the tax base.

(3) Uniform rules for attributing transactions to particular taxing jurisdictions.

(4) Uniform procedures for—

(A) the treatment of purchasers exempt from sales and use taxes; and

(B) relief from liability for sellers that rely on such State procedures.

(5) Uniform procedures for the certification of software that sellers rely on to determine sales and use tax rates and taxability.

(6) A uniform format for tax returns and remittance forms.

(7) Consistent electronic filing and remittance methods.

(8) State administration of all State and local sales and use taxes.

(9) Uniform audit procedures, including a provision giving a seller the option to be subject to no more than a single audit per year using those procedures; except that if the seller does not comply with the procedures to elect a single audit, any State can conduct an audit using those procedures.

(10) Reasonable compensation for tax collection by sellers.

(11) Exemption from use tax collection requirements for remote sellers falling below a de minimis threshold of \$5,000,000 in gross annual sales.

(12) Appropriate protections for consumer privacy.

(13) Uniform enforcement criteria and a process for ensuring compliance by those States that adopt the streamlined sales and use tax system.

(14) A process for resolving conflicts of law among States in the interpretation or application of statutory or regulatory provisions implementing the system.

(15) Such other features that the States deem warranted to promote simplicity, uniformity, neutrality, efficiency, and fairness.

(b) **STUDY.**—It is the sense of Congress that a joint, comprehensive study should be commissioned by State and local governments and the business community to determine the cost to all sellers of collecting and remitting State and local sales and use taxes on sales made by sellers under the law as in effect on the date of enactment of this Act and under the system described in subsection (a) to assist in determining what constitutes reasonable compensation.

SEC. 6. INTERSTATE SALES AND USE TAX COMPACT.

(a) **AUTHORIZATION.**—In general, the States are authorized to enter into an Interstate Sales and Use Tax Compact. The Compact shall describe a uniform, streamlined sales and use tax system consistent with section 5(a), and shall provide that States joining the Compact must adopt that system.

(b) **EXPIRATION.**—The authorization in subsection (a) shall expire if the Compact has not been formed before January 1, 2005.

(c) **CONGRESSIONAL APPROVAL OF COMPACT.**—

(1) **ADOPTING STATES TO TRANSMIT.**—Upon the 20th State becoming a signatory to the Compact, the adopting States shall transmit a copy of the Compact to Congress.

(2) **CONGRESSIONAL ACTION.**—

(A) **IN GENERAL.**—If a joint resolution described in subparagraph (B) is enacted into law within 120 calendar days, excluding congressional recess period days, of Congress receiving the Compact under paragraph (1), then sections 7 and 8 shall apply to the adopting States, and any other State that subsequently adopts the Compact.

(B) **JOINT RESOLUTION.**—A joint resolution described in this subparagraph is a joint resolution of the two Houses of Congress, the matter after the resolving clause of which is as follows: “That Congress—

“(1) agrees that the uniform, streamlined sales and use tax system described in the Compact transmitted to Congress by the States pursuant to section 6(c)(1) of the Internet Tax Moratorium and Equity Act does not create an undue burden on interstate commerce; and

“(2) authorizes any State that adopts such Compact to require remote sellers to collect and remit sales and use taxes in accordance with such system.”

(C) **EXPEDITED PROCEDURE FOR APPROVAL.**—

(i) **RULES OF HOUSE AND SENATE.**—This paragraph is enacted—

(I) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of the joint resolution described in subparagraph (B), and they supersede other rules only to the extent that they are inconsistent therewith, and

(II) with full recognition of the constitutional right of either House to change the rules (so far as they relate to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

(ii) **APPLICABLE PROCEDURAL PROVISIONS.**—Except as otherwise provided in this paragraph, the procedures set forth in section 152 (other than subsection (a) thereof) of the Trade Act of 1974 (19 U.S.C. 2192) shall apply to the joint resolution described in subparagraph (B) by substituting the “Committee on the Judiciary” for the “Committee on Ways and Means” and the “Committee on Commerce, Science, and Transportation” for the “Committee on Finance” in subsections (b) and (f)(1)(A)(i) thereof.

(iii) **INTRODUCTION OF JOINT RESOLUTION AFTER COMPACT RECEIVED.**—Until Congress receives the Compact described in paragraph (1), it shall not be in order in either House to introduce the joint resolution described in subparagraph (B).

(iv) **CONSIDERATION OF JOINT RESOLUTION.**—No amendment to the joint resolution described in subparagraph (B) shall be in order in either the House of Representatives or the Senate, and no motion to suspend the application of this clause shall be in order in either House. Within 120 calendar days, excluding congressional recess period days, after the date on which a joint resolution described in subparagraph (B) is introduced in either House, that House shall proceed to a final vote on the joint resolution without intervening action. If either House approves the resolution, it shall be placed on the calendar in the other House, which shall proceed immediately to a final vote on the joint resolution without intervening action.

SEC. 7. AUTHORIZATION TO SIMPLIFY STATE USE-TAX RATES THROUGH AVERAGING.

(a) **IN GENERAL.**—Subject to the exceptions in subsections (c) and (d), a State that adopts the Compact authorized and approved under section 6 and that levies a use tax shall impose a single, uniform State-wide use-tax rate on all remote sales on which it assesses a use tax for any calendar year for which the State meets the requirements of subsection (b).

(b) **AVERAGING REQUIREMENT.**—A State meets the requirements of this subsection for any calendar year in which the single, uniform State-wide use-tax rate is in effect if such rate is no greater than the weighted average of the sales tax rates actually imposed by the State and its local jurisdictions during the 12-month period ending on June 30 prior to such calendar year.

(c) **ANNUAL OPTION TO COLLECT ACTUAL TAX.**—Notwithstanding subsection (a), a remote seller may elect annually to collect the actual applicable State and local use taxes on each sale made in the State.

(d) **ALTERNATIVE SYSTEM.**—A State that adopts the uniform, streamlined sales and use tax system described in the Compact authorized and approved under section 6 so that remote sellers can use information provided by the State to identify the single applicable rate for each sale, may require a remote seller to collect the actual applicable State and local sales or use tax due on each sale made in the State if the State provides such seller relief from liability to the State for relying on such information provided by the State.

SEC. 8. AUTHORIZATION TO REQUIRE COLLECTION OF USE TAXES.

(a) **GRANT OF AUTHORITY.**—

(1) **STATES THAT ADOPT THE SYSTEM MAY REQUIRE COLLECTION.**—Any State that has adopted the system described in the Compact authorized and approved under section 6 is authorized, notwithstanding any other provision of law, to require all sellers not qualifying for the de minimis exception to collect and remit sales and use taxes on remote sales to purchasers located in such State.

(2) **STATES THAT DO NOT ADOPT THE SYSTEM MAY NOT REQUIRE COLLECTION.**—Paragraph (1) does not extend to any State that does not adopt the system described in the Compact.

(b) **NO EFFECT ON NEXUS, ETC.**—No obligation imposed by virtue of authority granted by subsection (a)(1) or denied by subsection (a)(2) shall be considered in determining whether a seller has a nexus with any State for any other tax purpose. Except as pro-

vided in subsection (a), nothing in this Act permits or prohibits a State—

(1) to license or regulate any person;

(2) to require any person to qualify to transact intrastate business; or

(3) to subject any person to State taxes not related to the sale of goods or services.

SEC. 9. NEXUS FOR STATE BUSINESS ACTIVITY TAXES.

It is the sense of Congress that before the conclusion of the 107th Congress, legislation should be enacted to determine the appropriate factors to be considered in establishing whether nexus exists for State business activity tax purposes.

SEC. 10. LIMITATION.

In general, nothing in this Act shall be construed as subjecting sellers to franchise taxes, income taxes, or licensing requirements of a State or political subdivision thereof, nor shall anything in this Act be construed as affecting the application of such taxes or requirements or enlarging or reducing the authority of any State or political subdivision to impose such taxes or requirements.

SEC. 11. DEFINITIONS.

In this Act:

(1) **STATE.**—The term “State” means any State of the United States of America and includes the District of Columbia.

(2) **GOODS OR SERVICES.**—The term “goods or services” includes tangible and intangible personal property and services.

(3) **REMOTE SALE.**—The term “remote sale” means a sale in interstate commerce of goods or services attributed, under the rules established pursuant to section 5(a)(3), to a particular taxing jurisdiction that could not, except for the authority granted by this Act, require that the seller of such goods or services collect and remit sales or use taxes on such sale.

(4) **LOCUS OF REMOTE SALE.**—The term “particular taxing jurisdiction”, when used with respect to the location of a remote sale, means a remote sale of goods or services attributed, under the rules established pursuant to section 5(a)(3), to a particular taxing jurisdiction.

SA 2156. Mr. GRAMM submitted an amendment intended to be proposed to amendment SA 2155 submitted by Mr. ENZI and intended to be proposed to the bill (H.R. 1552) to extend the moratorium enacted by the Internet Tax Freedom Act through 2006, and for other purposes; which was ordered to lie on the table; as follows:

Strike paragraph (1) of Sec. 6(c) and insert in lieu thereof the following:

“(1) **ADOPTING STATES TO TRANSMIT.**—Upon the 25th State becoming a signatory to the Compact, the adopting States shall transmit a copy of the Compact to Congress.”

SA 2157. Mr. MCCAIN (for himself, Mr. ALLARD, Mr. LIEBERMAN, Ms. SNOWE, Mr. LEVIN, Mr. MURKOWSKI, Mr. CLELAND, Mr. INHOFE, Ms. LANDRIEU, Mr. BURNS, Mr. DURBIN, Mr. SESSIONS, and Mr. DEWINE) submitted an amendment intended to be proposed by him to the bill H.R. 3090, to provide tax incentives for economic recovery; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. ____ . SPECIAL RULE FOR MEMBERS OF UNIFORMED SERVICES AND FOREIGN SERVICE IN DETERMINING EXCLUSION OF GAIN ON SALE OF PRINCIPAL RESIDENCE.

(a) IN GENERAL.—Section 121(d) (relating to special rules) is amended by adding at the end the following:

“(9) MEMBERS OF UNIFORMED SERVICES AND FOREIGN SERVICE.—

“(A) IN GENERAL.—The running of the 5-year period described in subsection (a) shall be suspended with respect to an individual during any time that such individual or such individual’s spouse is serving on qualified official extended duty as a member of a uniformed service or of the Foreign Service.

“(B) QUALIFIED OFFICIAL EXTENDED DUTY.—For purposes of this paragraph—

“(i) IN GENERAL.—The term ‘qualified official extended duty’ means any period of extended duty during which the member of a uniformed service or the Foreign Service is under a call or order compelling such duty at a duty station which is a least 50 miles from the property described in subparagraph (A) or compelling residence in Government furnished quarters while on such duty.

“(ii) EXTENDED DUTY.—The term ‘extended duty’ means any period of active duty pursuant to a call or order to such duty for a period in excess of 90 days or for an indefinite period.

“(C) DEFINITIONS.—For purposes of this paragraph—

“(i) UNIFORMED SERVICE.—The term ‘uniformed service’ has the meaning given such term by section 101(a)(5) of title 10, United States Code.

“(ii) FOREIGN SERVICE OF THE UNITED STATES.—The term ‘member of the Foreign Service’ has the meaning given the term ‘member of the Service’ by paragraph (1), (2), (3), (4), or (5) of section 103 of the Foreign Service Act of 1980.”

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to sales or exchanges on or after the date of the enactment of this Act.

SA 2158. Mr. REID (for Mrs. HUTCHISON) proposed an amendment to the bill S. 1573, to authorize the provision of educational and health care assistance to the women and children of Afghanistan; as follows:

Beginning on page 4, strike line 19 and all that follows through page 5, line 16, and insert the following:

(2) Beginning 6 months after the date of enactment of this Act, and at least annually for the 2 years thereafter, the Secretary of State shall submit a report to the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on International Relations of the House of Representatives describing the activities carried out under this Act and otherwise describing the condition and status of women and children in Afghanistan and the persons in refugee camps while United States aid is given to displaced Afghans.

(c) AVAILABILITY OF FUNDS.—Funds made available under the 2001 Emergency Supplemental Appropriations Act for Recovery from and Response to Terrorist Attacks on the United States (Public Law 107-38), shall be available to carry out this Act.

SA 2159. Mr. REID (for Mr. FITZGERALD (for himself and Mr. DURBIN)) proposed an amendment to the concurrent resolution S. Con. Res. 44, express-

ing the sense of the Congress regarding National Pearl Harbor Remembrance Day; as follows:

Strike all after the resolving clause and insert the following:

“That the Congress, on the occasion of the 60th anniversary of December 7, 1941, pays tribute to—

“(1) the United States citizens who died as a result of the attack by Japanese imperial forces on Pearl Harbor, Hawaii; and

“(2) the service of the American sailors and soldiers who survived the attack.”

SA 2160. Mr. REID (for Mr. BOND (for himself and Mr. KERRY)) proposed an amendment to the bill S. 1196, to amend the Small Business Investment Act of 1958, and for other purposes; as follows:

On page 2, lines 8 and 16, strike “1.28” each place it appears and insert “1.38”.

SA 2161. Mr. DASCHLE proposed an amendment to the bill S. 1389, to provide for the conveyance of certain real property in South Dakota to the State of South Dakota with indemnification by the United States government, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Homestake Mine Conveyance Act of 2001”.

SEC. 2. FINDINGS.

Congress finds that—

(1) the United States is among the leading nations in the world in conducting basic scientific research;

(2) that leadership position strengthens the economy and national defense of the United States and provides other important benefits;

(3) the Homestake Mine in Lead, South Dakota, owned by the Homestake Mining Company of California, is approximately 8,000 feet deep and is situated in a unique physical setting that is ideal for carrying out certain types of particle physics and other research;

(4) the Mine has been selected by the National Underground Science Laboratory Committee, an independent panel of distinguished scientists, as the preferred site for the construction of the National Underground Science Laboratory;

(5) such a laboratory would be used to conduct scientific research that would be funded and recognized as significant by the United States;

(6) the establishment of the laboratory is in the national interest, and would substantially improve the capability of the United States to conduct important scientific research;

(7) for economic reasons, Homestake intends to cease operations at the Mine in 2001;

(8) on cessation of operations of the Mine, Homestake intends to implement reclamation actions that would preclude the establishment of a laboratory at the Mine;

(9) Homestake has advised the State that, after cessation of operations at the Mine, instead of closing the entire Mine, Homestake is willing to donate the underground portion of the Mine and certain other real and personal property of substantial value at the Mine for use as the National Underground Science Laboratory;

(10) use of the Mine as the site for the laboratory, instead of other locations under

consideration, would result in a savings of millions of dollars for the Federal Government;

(11) if the Mine is selected as the site for the laboratory, it is essential that closure of the Mine not preclude the location of the laboratory at the Mine;

(12) Homestake is unwilling to donate, and the State is unwilling to accept, the property at the Mine for the laboratory if Homestake and the State would continue to have potential liability with respect to the transferred property; and

(13) to secure the use of the Mine as the location for the laboratory, and to realize the benefits of the proposed laboratory, it is necessary for the United States to—

(A) assume a portion of any potential future liability of Homestake concerning the Mine; and

(B) address potential liability associated with the operation of the laboratory.

SEC. 3. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Environmental Protection Agency.

(2) AFFILIATE.—

(A) IN GENERAL.—The term “affiliate” means any corporation or other person that controls, is controlled by, or is under common control with Homestake.

(B) INCLUSIONS.—The term “affiliate” includes a director, officer, or employee of an affiliate.

(3) CONVEYANCE.—The term “conveyance” means the conveyance of the Mine to the State under section 4(a).

(4) FUND.—The term “Fund” means the Environment and Project Trust Fund established under section 8.

(5) HOMESTAKE.—

(A) IN GENERAL.—The term “Homestake” means the Homestake Mining Company of California, a California corporation.

(B) INCLUSION.—The term “Homestake” includes—

(i) a director, officer, or employee of Homestake;

(ii) an affiliate of Homestake; and

(iii) any successor of Homestake or successor to the interest of Homestake in the Mine.

(6) INDEPENDENT ENTITY.—The term “independent entity” means an independent entity selected jointly by Homestake, the South Dakota Department of Environment and Natural Resources, and the Administrator—

(A) to conduct a due diligence inspection under section 4(b)(2)(A); and

(B) to determine the fair value of the Mine under section 5(a).

(7) INDIAN TRIBE.—The term “Indian tribe” has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(8) LABORATORY.—

(A) IN GENERAL.—The term “laboratory” means the national underground science laboratory proposed to be established at the Mine after the conveyance.

(B) INCLUSION.—The term “laboratory” includes operating and support facilities of the laboratory.

(9) MINE.—

(A) IN GENERAL.—The term “Mine” means the portion of the Homestake Mine in Lawrence County, South Dakota, proposed to be conveyed to the State for the establishment and operation of the laboratory.

(B) INCLUSIONS.—The term “Mine” includes—

(i) real property, mineral and oil and gas rights, shafts, tunnels, structures, backfill,

broken rock, fixtures, facilities, and personal property to be conveyed for establishment and operation of the laboratory, as agreed upon by Homestake and the State; and

(ii) any water that flows into the Mine from any source.

(C) EXCLUSIONS.—The term “Mine” does not include—

(i) the feature known as the “Open Cut”;

(ii) any tailings or tailings storage facility (other than backfill in the portion of the Mine described in subparagraph (A)); or

(iii) any waste rock or any site used for the dumping of waste rock (other than broken rock in the portion of the Mine described in subparagraph (A)).

(10) PERSON.—The term “person” means—

(A) an individual;

(B) a trust, firm, joint stock company, corporation (including a government corporation), partnership, association, limited liability company, or any other type of business entity;

(C) a State or political subdivision of a State;

(D) a foreign governmental entity;

(E) an Indian tribe; and

(F) any department, agency, or instrumentality of the United States.

(11) PROJECT SPONSOR.—The term “project sponsor” means an entity that manages or pays the costs of 1 or more projects that are carried out or proposed to be carried out at the laboratory.

(12) SCIENTIFIC ADVISORY BOARD.—The term “Scientific Advisory Board” means the entity designated in the management plan of the laboratory to provide scientific oversight for the operation of the laboratory.

(13) STATE.—

(A) IN GENERAL.—The term “State” means the State of South Dakota.

(B) INCLUSIONS.—The term “State” includes an institution, agency, officer, or employee of the State.

SEC. 4. CONVEYANCE OF REAL PROPERTY.

(a) IN GENERAL.—

(1) DELIVERY OF DOCUMENTS.—Subject to paragraph (2) and subsection (b) and notwithstanding any other provision of law, on the execution and delivery by Homestake of 1 or more quit-claim deeds or bills of sale conveying to the State all right, title, and interest of Homestake in and to the Mine, title to the Mine shall pass from Homestake to the State.

(2) CONDITION OF MINE ON CONVEYANCE.—The Mine shall be conveyed as is, with no representations as to the condition of the property.

(b) REQUIREMENTS FOR CONVEYANCE.—

(1) IN GENERAL.—As a condition precedent of conveyance and of the assumption of liability by the United States in accordance with this Act, the Administrator shall accept the final report of the independent entity under paragraph (3).

(2) DUE DILIGENCE INSPECTION.—

(A) IN GENERAL.—As a condition precedent of conveyance and of Federal participation described in this Act, Homestake shall permit an independent entity to conduct a due diligence inspection of the Mine to determine whether any condition of the Mine may pose an imminent and substantial threat to human health or the environment.

(B) CONSULTATION.—As a condition precedent of the conduct of a due diligence inspection, Homestake, the South Dakota Department of Environment and Natural Resources, the Administrator, and the independent entity shall consult and agree upon the methodology and standards to be used, and other factors to be considered, by the independent entity in—

(i) the conduct of the due diligence inspection;

(ii) the scope of the due diligence inspection; and

(iii) the time and duration of the due diligence inspection.

(3) REPORT TO THE ADMINISTRATOR.—

(A) IN GENERAL.—The independent entity shall submit to the Administrator a report that—

(i) describes the results of the due diligence inspection under paragraph (2); and

(ii) identifies any condition of or in the Mine that may pose an imminent and substantial threat to human health or the environment.

(B) PROCEDURE.—

(i) DRAFT REPORT.—Before finalizing the report under this paragraph, the independent entity shall—

(I) issue a draft report;

(II) submit to the Administrator, Homestake, and the State a copy of the draft report;

(III) issue a public notice requesting comments on the draft report that requires all such comments to be filed not later than 45 days after issuance of the public notice; and

(IV) during that 45-day public comment period, conduct at least 1 public hearing in Lead, South Dakota, to receive comments on the draft report.

(ii) FINAL REPORT.—In the final report submitted to the Administrator under this paragraph, the independent entity shall respond to, and incorporate necessary changes suggested by, the comments received on the draft report.

(4) REVIEW AND APPROVAL BY ADMINISTRATOR.—

(A) IN GENERAL.—Not later than 60 days after receiving the final report under paragraph (3), the Administrator shall—

(i) review the report; and

(ii) notify the State in writing of acceptance or rejection of the final report.

(B) CONDITIONS FOR REJECTION.—The Administrator may reject the final report only if the Administrator identifies 1 or more conditions of the Mine that—

(i) may pose an imminent and substantial threat to human health or the environment, as determined by the Administrator; and

(ii) require response action to correct each condition that may pose an imminent and substantial threat to human health or the environment identified under clause (i) before conveyance and assumption by the Federal Government of liability concerning the Mine under this Act.

(C) RESPONSE ACTIONS AND CERTIFICATION.—

(i) RESPONSE ACTIONS.—

(I) IN GENERAL.—If the Administrator rejects the final report, Homestake may carry out or bear the cost of, or permit the State or another person to carry out or bear the cost of, such response actions as are necessary to correct any condition identified by the Administrator under subparagraph (B)(i) that may pose an imminent and substantial threat to human health or the environment.

(II) LONG-TERM RESPONSE ACTIONS.—

(aa) IN GENERAL.—In a case in which the Administrator determines that a condition identified by the Administrator under subparagraph (B)(i) requires continuing response action, or response action that can be completed only as part of the final closure of the laboratory, it shall be a condition of conveyance that Homestake, the State, or another person deposit into the Fund such amount as is estimated by the independent entity, on a net present value basis and after taking into account estimated interest on

that basis, to be sufficient to pay the costs of the long-term response action or the response action that will be completed as part of the final closure of the laboratory.

(bb) LIMITATION ON USE OF FUNDS.—None of the funds deposited into the Fund under item (aa) shall be expended for any purpose other than to pay the costs of the long-term response action, or the response action that will be completed as part of the final closure of the Mine, identified under that item.

(ii) CONTRIBUTION BY HOMESTAKE.—The total amount that Homestake may expend, pay, or deposit into the Fund under subclauses (I) and (II) of clause (i) shall not exceed—

(I) \$75,000,000; less

(II) the fair value of the Mine as determined under section 5(a).

(iii) CERTIFICATION.—

(I) IN GENERAL.—After any response actions described in clause (i)(I) are carried out and any required funds are deposited under clause (i)(II), the independent entity may certify to the Administrator that the conditions for rejection identified by the Administrator under subparagraph (B) have been corrected.

(II) ACCEPTANCE OR REJECTION OF CERTIFICATION.—Not later than 60 days after an independent entity makes a certification under subclause (I), the Administrator shall accept or reject the certification.

(c) REVIEW OF CONVEYANCE.—For the purposes of the conveyance, the requirements of this section shall be considered to be sufficient to meet any requirement of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

SEC. 5. ASSESSMENT OF PROPERTY.

(a) VALUATION OF PROPERTY.—The independent entity shall assess the fair value of the Mine.

(b) FAIR VALUE.—For the purposes of this section, the fair value of the Mine shall include the estimated cost, as determined by the independent entity under subsection (a), of replacing the shafts, winzes, hoists, tunnels, ventilation system, and other equipment and improvements at the Mine that are expected to be used at, or that will be useful to, the laboratory.

(c) REPORT.—Not later than the date on which each report developed in accordance with section 4(b)(3) is submitted to the Administrator, the independent entity described in subsection (a) shall submit to the State a report that identifies the fair value assessed under subsection (a).

SEC. 6. LIABILITY.

(a) ASSUMPTION OF LIABILITY.—

(1) IN GENERAL.—Subject to paragraph (2), notwithstanding any other provision of law, on completion of the conveyance in accordance with this Act, the United States shall assume any and all liability relating to the Mine and laboratory, including liability for—

(A) damages;

(B) reclamation;

(C) the costs of response to any hazardous substance (as defined in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601)), contaminant, or other material on, under, or relating to the Mine and laboratory; and

(D) closure of the Mine and laboratory.

(2) CLAIMS AGAINST UNITED STATES.—In the case of any claim brought against the United States, the United States shall be liable for response costs under paragraph (1)(C) only to the extent that an award of response costs is made in a civil action brought under—

(A) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

(B) the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.);

(C) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.); or

(D) any other applicable Federal environmental law, as determined by the Administrator.

(b) **LIABILITY PROTECTION.**—On completion of the conveyance, neither Homestake nor the State shall be liable to any person or the United States for injuries, costs, injunctive relief, reclamation, damages (including damages to natural resources or the environment), or expenses, or liable under any other claim (including claims for indemnification or contribution, claims by third parties for death, personal injury, illness, or loss of or damage to property, or claims for economic loss), under any law (including a regulation) for any claim arising out of or in connection with contamination, pollution, or other condition, use, or closure of the Mine and laboratory, regardless of when a condition giving rise to the liability originated or was discovered.

(c) **INDEMNIFICATION.**—Notwithstanding any other provision of law, on completion of the conveyance in accordance with this Act, the United States shall indemnify, defend, and hold harmless Homestake and the State from and against—

(1) any and all liabilities and claims described in subsection (a), without regard to any limitation under subsection (a)(2); and

(2) any and all liabilities and claims described in subsection (b).

(d) **WAIVER OF SOVEREIGN IMMUNITY.**—For the purposes of this Act, the United States waives any claim to sovereign immunity.

(e) **TIMING FOR ASSUMPTION OF LIABILITY.**—If the conveyance is effectuated by more than 1 legal transaction, the assumption of liability, liability protection, indemnification, and waiver of sovereign immunity provided for under this section shall apply to each legal transaction, as of the date on which the transaction is completed and with respect to such portion of the Mine as is conveyed under that transaction.

(f) **EXCEPTIONS FOR HOMESTAKE CLAIMS.**—Nothing in this section constitutes an assumption of liability by the United States, or relief of liability of Homestake, for—

(1) any unemployment, worker's compensation, or other employment-related claim or cause of action of an employee of Homestake that arose before the date of conveyance;

(2) any claim or cause of action that arose before the date of conveyance, other than an environmental claim or a claim concerning natural resources;

(3) any violation of any provision of criminal law; or

(4) any claim, injury, damage, liability, or reclamation or cleanup obligation with respect to any property or asset that is not conveyed under this Act, except to the extent that any such claim, injury, damage, liability, or reclamation or cleanup obligation arises out of the continued existence or use of the Mine subsequent to the date of conveyance.

SEC. 7. INSURANCE COVERAGE.

(a) **PROPERTY AND LIABILITY INSURANCE.**—

(1) **IN GENERAL.**—To the extent property and liability insurance is available and subject to the requirements described in paragraph (2), the State shall purchase property and liability insurance for the Mine and the operation of the laboratory to provide coverage against the liability described in subsections (a) and (b) of section 6.

(2) **REQUIREMENTS.**—The requirements referred to in paragraph (1) are the following:

(A) **TERMS OF INSURANCE.**—In determining the type, extent of coverage, and policy limits of insurance purchased under this subsection, the State shall—

(i) periodically consult with the Administrator and the Scientific Advisory Board; and

(ii) consider certain factors, including—

(I) the nature of the projects and experiments being conducted in the laboratory;

(II) the availability and cost of commercial insurance; and

(III) the amount of funding available to purchase commercial insurance.

(B) **ADDITIONAL TERMS.**—The insurance purchased by the State under this subsection may provide coverage that is—

(i) secondary to the insurance purchased by project sponsors; and

(ii) in excess of amounts available in the Fund to pay any claim.

(3) **FINANCING OF INSURANCE PURCHASE.**—

(A) **IN GENERAL.**—Subject to section 8, the State may finance the purchase of insurance required under this subsection by using—

(i) funds made available from the Fund; and

(ii) such other funds as are received by the State for the purchase of insurance for the Mine and laboratory.

(B) **NO REQUIREMENT TO USE STATE FUNDS.**—Nothing in this Act requires the State to use State funds to purchase insurance required under this subsection.

(4) **ADDITIONAL INSURED.**—Any insurance purchased by the State under this subsection shall—

(A) name the United States as an additional insured; or

(B) otherwise provide that the United States is a beneficiary of the insurance policy having the primary right to enforce all rights of the United States under the policy.

(5) **TERMINATION OF OBLIGATION TO PURCHASE INSURANCE.**—The obligation of the State to purchase insurance under this subsection shall terminate on the date on which—

(A) the Mine ceases to be used as a laboratory; or

(B) sufficient funding ceases to be available for the operation and maintenance of the Mine or laboratory.

(b) **PROJECT INSURANCE.**—

(1) **IN GENERAL.**—The State, in consultation with the Administrator and the Scientific Advisory Board, may require, as a condition of approval of a project for the laboratory, that a project sponsor provide property and liability insurance or other applicable coverage for potential liability associated with the project described in subsections (a) and (b) of section 6.

(2) **ADDITIONAL INSURED.**—Any insurance obtained by the project sponsor under this section shall—

(A) name the State and the United States as additional insureds; or

(B) otherwise provide that the State and the United States are beneficiaries of the insurance policy having the primary right to enforce all rights under the policy.

(c) **STATE INSURANCE.**—

(1) **IN GENERAL.**—To the extent required by State law, the State shall purchase, with respect to the operation of the Mine and the laboratory—

(A) unemployment compensation insurance; and

(B) worker's compensation insurance.

(2) **PROHIBITION ON USE OF FUNDS FROM FUND.**—A State shall not use funds from the Fund to carry out paragraph (1).

SEC. 8. ENVIRONMENT AND PROJECT TRUST FUND.

(a) **ESTABLISHMENT.**—On completion of the conveyance, the State shall establish, in an interest-bearing account at an accredited financial institution located within the State, the Environment and Project Trust Fund.

(b) **AMOUNTS.**—The Fund shall consist of—

(1) an annual deposit from the operation and maintenance funding provided for the laboratory in an amount to be determined—

(A) by the State, in consultation with the Administrator and the Scientific Advisory Board; and

(B) after taking into consideration—

(i) the nature of the projects and experiments being conducted at the laboratory;

(ii) available amounts in the Fund;

(iii) any pending costs or claims that may be required to be paid out of the Fund; and

(iv) the amount of funding required for future actions associated with the closure of the facility;

(2) an amount determined by the State, in consultation with the Administrator and the Scientific Advisory Board, and to be paid by the appropriate project sponsor, for each project to be conducted, which amount—

(A) shall be used to pay—

(i) costs incurred in removing from the Mine or laboratory equipment or other materials related to the project;

(ii) claims arising out of or in connection with the project; and

(iii) if any portion of the amount remains after paying the expenses described in clauses (i) and (ii), other costs described in subsection (c); and

(B) may, at the discretion of the State, be assessed—

(i) annually; or

(ii) in a lump sum as a prerequisite to the approval of the project;

(3) interest earned on amounts in the Fund, which amount of interest shall be used only for a purpose described in subsection (c); and

(4) all other funds received and designated by the State for deposit in the Fund.

(c) **EXPENDITURES FROM FUND.**—Amounts in the Fund shall be used only for the purposes of funding—

(1) waste and hazardous substance removal or remediation, or other environmental cleanup at the Mine;

(2) removal of equipment and material no longer used, or necessary for use, in conjunction with a project conducted at the laboratory;

(3) a claim arising out of or in connection with the conducting of such a project;

(4) purchases of insurance by the State as required under section 7;

(5) payments for and other costs relating to liability described in section 6; and

(6) closure of the Mine and laboratory.

(d) **FEDERAL PAYMENTS FROM FUND.**—The United States—

(1) to the extent the United States assumes liability under section 6—

(A) shall be a beneficiary of the Fund; and

(B) may direct that amounts in the Fund be applied to pay amounts and costs described in this section; and

(2) may take action to enforce the right of the United States to receive 1 or more payments from the Fund.

(e) **NO REQUIREMENT OF DEPOSIT OF PUBLIC FUNDS.**—Nothing in this section requires the State to deposit State funds as a condition of the assumption by the United States of liability, or the relief of the State or Homestake from liability, under section 6.

SEC. 9. WASTE ROCK MIXING.

After completion of the conveyance, the State shall obtain the approval of the Administrator before disposing of any material quantity of laboratory waste rock if—

(1) the disposal site is on land not conveyed under this Act; and

(2) the State determines that the disposal could result in commingling of laboratory waste rock with waste rock disposed of by Homestake before the date of conveyance.

SEC. 10. REQUIREMENTS FOR OPERATION OF LABORATORY.

After the conveyance, nothing in this Act exempts the laboratory from compliance with any law (including a Federal environmental law).

SEC. 11. CONTINGENCY.

This Act shall be effective contingent on the selection, by the National Science Foundation, of the Mine as the site for the laboratory.

SEC. 12. OBLIGATION IN THE EVENT OF NON-CONVEYANCE.

If the conveyance under this Act does not occur, any obligation of Homestake relating to the Mine shall be limited to such reclamation or remediation as is required under any applicable law other than this Act.

SEC. 13. PAYMENT AND REIMBURSEMENT OF COSTS.

The United States may seek payment—

(1) from the Fund, under section 8(d), to pay or reimburse the United States for amounts payable or liabilities incurred under this Act; and

(2) from available insurance, to pay or reimburse the United States and the Fund for amounts payable or liabilities incurred under this Act.

SEC. 14. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

SEC. 15. TANF BONUSES TO REWARD DECREASE IN ILLEGITIMACY RATIO.

(a) **RESCISSION.**—Effective on the date of enactment of this Act, \$100,000,000 of the amount appropriated under subparagraph (D) of section 403(a)(2) of the Social Security Act (42 U.S.C. 603(a)(2)) is rescinded.

(b) **BUDGET SCORING.**—Notwithstanding section 257(b)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 907(b)(2)), the Director of the Congressional Budget Office and the Director of the Office of Management and Budget shall project the baseline assumption with respect to the amount of bonus grants that shall be made under section 403(a)(2) of the Social Security Act (42 U.S.C. 603(a)(2)) for fiscal year 2003 and each fiscal year thereafter without regard to the amount rescinded under subsection (a).

SA 2162. Mr. REID (for Mr. HATCH) proposed an amendment to the bill S. 320, to make technical corrections in patent, copyright, and trademark laws; as follows:

In lieu of the matter proposed to be inserted by the House amendment, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Intellectual Property and High Technology Technical Amendments Act of 2001”.

SEC. 2. OFFICERS AND EMPLOYEES.

(a) **RENAMING OF OFFICERS.**—(1)(A) Except as provided in subparagraph (B), title 35, United States Code, other than section 210(d), is amended—

(i) by striking “Director” each place it appears and inserting “Commissioner”; and

(ii) by striking “Director’s” each place it appears and inserting “Commissioner’s”.

(B) Section 3(b)(5) of title 35, United States Code, is amended by striking “Director” the first place it appears and inserting “Commissioner”.

(C) Section 3(a) of title 35, United States Code, is amended in the subsection heading, by striking “DIRECTOR” and inserting “COMMISSIONER”.

(D) Section 3(b)(1) of title 35, United States Code, is amended in the paragraph heading, by striking “DIRECTOR” and inserting “COMMISSIONER”.

(2) The Act of July 5, 1946 (commonly referred to as the “Trademark Act of 1946”; 15 U.S.C. 1051 et seq.) is amended by striking “Director” each place it appears and inserting “Commissioner”.

(3)(A) Title 35, United States Code, other than subsection (f) of section 3, is amended by striking “Commissioner for Patents” each place it appears and inserting “Assistant Commissioner for Patents”.

(B) Title 35, United States Code, other than subsection (f) of section 3, is amended by striking “Commissioner for Trademarks” each place it appears and inserting “Assistant Commissioner for Trademarks”.

(C) Section 3(b)(2) of title 35, United States Code, is amended—

(i) in the paragraph heading, by striking “COMMISSIONERS” and inserting “ASSISTANT COMMISSIONERS”;

(ii) in subparagraph (A), in the last sentence—

(I) by striking “a Commissioner” and inserting “an Assistant Commissioner”; and

(II) by striking “the Commissioner” and inserting “the Assistant Commissioner”;

(iii) in subparagraph (B)—

(I) by striking “Commissioners” each place it appears and inserting “Assistant Commissioners”;

(II) by striking “Commissioners” each place it appears and inserting “Assistant Commissioners”;

(iv) in subparagraph (C), by striking “Commissioners” and inserting “Assistant Commissioners”.

(D) Section 3(b) of title 35, United States Code, is amended—

(i) by redesignating paragraphs (3), (4), and (5) as paragraphs (4), (5), and (6), respectively; and

(ii) by inserting after paragraph (2) the following:

“(3) **SPECIAL COUNSEL FOR INTELLECTUAL PROPERTY POLICY AND DEPUTY COMMISSIONER FOR LEGISLATIVE AND INTERNATIONAL AFFAIRS OF THE UNITED STATES PATENT AND TRADEMARK OFFICE.**—

“(A) **APPOINTMENT AND DUTIES.**—The Special Counsel for Intellectual Property Policy shall be a citizen of the United States and shall be appointed by the President, after consultation with the Secretary of Commerce. The Deputy Commissioner for Legislative and International Affairs shall be a citizen of the United States and shall be appointed by the President, after consultation with the Secretary of Commerce. The Special Counsel shall serve as the chief intellectual property policy advisor to the Under Secretary of Commerce for Intellectual Property and Commissioner for Patents and Trademarks. The Deputy Commissioner for Legislative and International Affairs shall serve as the chief advisor on all congressional and international matters relating to intellectual property and administration of the Office.

“(B) **OATH.**—The Special Counsel and the Deputy Commissioner for Legislative and Inter-

national Affairs shall, before taking office, take an oath to discharge faithfully responsible duties.

“(C) **REMOVAL.**—The Special Counsel and the Deputy Commissioner for Legislative and International Affairs may be removed from office by the President. The President shall provide notification of any such removal to both Houses of Congress.

“(D) **COMPENSATION.**—The Special Counsel and the Deputy Commissioner for Legislative and International Affairs of the United States Patent and Trademark Office shall be paid an annual rate of basic pay—

“(i) not less than the minimum rate of basic pay for a position at ES-4 of the Senior Executive Service established under section 5382 of title 5; and

“(ii) not to exceed the maximum rate of basic pay for the Senior Executive Service established under section 5382 of title 5, including any applicable locality-based comparability payment that may be authorized under section 5304(h)(2)(C) of title 5.”.

(E) Section 3(f) of title 35, United States Code, is amended in subparagraphs (A) and (B) of paragraph (2)—

(i) by striking “the Commissioner” each place it appears and inserting “the Assistant Commissioner”; and

(ii) by striking “a Commissioner” each place it appears and inserting “an Assistant Commissioner”.

(F) Section 13 of title 35, United States Code, is amended—

(i) by striking “Commissioner of” each place it appears and inserting “Assistant Commissioner for”; and

(ii) by striking “Commissioners” and inserting “Assistant Commissioners”.

(G) Chapter 17 of title 35, United States Code, is amended by striking “Commissioner of Patents” each place it appears and inserting “Assistant Commissioner for Patents”.

(H) Section 297 of title 35, United States Code, is amended by striking “Commissioner of Patents” each place it appears and inserting “Commissioner”.

(4) Section 5314 of title 5, United States Code, is amended by striking

“Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.”

and inserting

“Under Secretary of Commerce for Intellectual Property and Commissioner of the United States Patent and Trademark Office.”.

(5) Section 5315 of title 5, United States Code, is amended by striking the following:

“Deputy Under Secretary of Commerce for Intellectual Property and Deputy Director of the United States Patent and Trademark Office.”.

(6)(A) Sections 303 and 304 of title 35, United States Code, are each amended in the section headings by striking “Director” and inserting “Commissioner”.

(B) The items relating to sections 303 and 304 in the table of sections for chapter 30 of title 35, United States Code, are each amended by striking “Director” and inserting “Commissioner”.

(7)(A) Sections 312 and 313 of title 35, United States Code, are each amended in the section headings by striking “Director” and inserting “Commissioner”.

(B) The items relating to sections 312 and 313 in the table of sections for chapter 31 of title 35, United States Code, are each amended by striking “Director” and inserting “Commissioner”.

(8) Section 17(b) of the Trademark Act of 1946 (15 U.S.C. 1067) is amended by striking “Commissioner for Patents, the Commissioner for Trademarks” and inserting “Assistant Commissioner for Patents, the Assistant Commissioner for Trademarks”.

(b) ADDITIONAL CLERICAL AMENDMENTS.—

(1) The following provisions of law are amended by striking "Director" each place it appears and inserting "Commissioner".

(A) Section 9(p)(1)(B) of the Small Business Act (15 U.S.C. 638(p)(1)(B)).

(B) Section 19 of the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831r).

(C) Section 182(b)(2)(A) of the Trade Act of 1974 (19 U.S.C. 2242(b)(2)(A)).

(D) Section 302(b)(2)(D) of the Trade Act of 1974 (19 U.S.C. 2412(b)(2)(D)).

(E) Section 702(d) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 372(d)).

(F) Section 1295(a)(4)(B) of title 28, United States Code.

(G) Section 1744 of title 28, United States Code.

(H) Section 151 of the Atomic Energy Act of 1954 (42 U.S.C. 2181).

(I) Section 152 of the Atomic Energy Act of 1954 (42 U.S.C. 2182).

(J) Section 305 of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2457).

(K) Section 12(a) of the Solar Heating and Cooling Demonstration Act of 1974 (42 U.S.C. 5510(a)), the last place such term appears.

(L) Section 10(i) of the Trading with the enemy Act (50 U.S.C. App. 10(i)).

(M) Sections 4203, 4506, 4606, and 4804(d)(2) of the Intellectual Property and Communications Omnibus Reform Act of 1999, as enacted by section 1000(a)(9) of Public Law 106-113.

(2) The item relating to section 1744 in the table of sections for chapter 115 of title 28, United States Code, is amended by striking "generally" and inserting "generally".

(c) PRESIDENTIAL APPOINTMENT AND COMPENSATION FOR DEPUTY DIRECTOR.—Section 3(b)(1) of title 35, United States Code, is amended by—

(1) striking "The Secretary of Commerce, upon nomination by the Director," and inserting the following:

"(A) IN GENERAL.—The President, after consultation with the Secretary of Commerce,"; and (2) inserting at the end the following:

"(B) COMPENSATION.—The Deputy Commissioner shall be paid an annual rate of basic pay—

"(i) not less than the minimum rate of basic pay for a position at ES-4 of the Senior Executive Service established under section 5382 of title 5; and

"(ii) not to exceed the maximum rate of basic pay for the Senior Executive Service established under section 5382 of title 5, including any applicable locality-based comparability payment that may be authorized under section 5304(h)(2)(C) of title 5."

(d) REFERENCES.—Any reference in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or pertaining to the Patent and Trademark Office—

(1) to the Director of the United States Patent and Trademark Office or to the Commissioner of Patents and Trademarks is deemed to refer to the Under Secretary of Commerce for Intellectual Property and Commissioner of the United States Patent and Trademark Office;

(2) to the Commissioner for Patents is deemed to refer to the Assistant Commissioner for Patents; and

(3) to the Commissioner for Trademarks is deemed to refer to the Assistant Commissioner for Trademarks.

SEC. 3. CLARIFICATION OF REEXAMINATION PROCEDURE ACT OF 1999; TECHNICAL AMENDMENTS.

(a) OPTIONAL INTER PARTES REEXAMINATION PROCEDURES.—Title 35, United States Code, is amended as follows:

(1) Section 311 is amended—

(A) in subsection (a), by striking "person" and inserting "third-party requester"; and

(B) in subsection (c), by striking "Unless the requesting person is the owner of the patent, the" and inserting "The".

(2) Section 312 is amended—

(A) in subsection (a), by striking the last sentence; and

(B) in subsection (b), by striking "if any".

(3) Section 314(b)(1) is amended—

(A) by striking "(1) This" and all that follows through "(2)" and inserting "(1)";

(B) by striking "the third-party requester shall receive a copy" and inserting "the Office shall send to the third-party requester a copy"; and

(C) by redesignating paragraph (3) as paragraph (2).

(4) Section 315(c) is amended by striking "United States Code,".

(5) Section 317 is amended—

(A) in subsection (a), by striking "patent owner nor the third-party requester, if any, nor privies of either" and inserting "third-party requester nor its privies"; and

(B) in subsection (b), by striking "United States Code,".

(b) CONFORMING AMENDMENTS.—

(1) APPEAL TO THE BOARD OF PATENT APPEALS AND INTERFERENCES.—Subsections (a), (b), and (c) of section 134 of title 35, United States Code, are each amended by striking "administrative patent judge" each place it appears and inserting "primary examiner".

(2) PROCEEDING ON APPEAL.—Section 143 of title 35, United States Code, is amended by amending the third sentence to read as follows: "In an ex parte case or any reexamination case, the Commissioner shall submit to the court in writing the grounds for the decision of the Patent and Trademark Office, addressing all the issues involved in the appeal. The court shall, before hearing an appeal, give notice of the time and place of the hearing to the Commissioner and the parties in the appeal."

(c) CLERICAL AMENDMENTS.—

(1) Section 4604(a) of the Intellectual Property and Communications Omnibus Reform Act of 1999, as enacted by section 1000(a)(9) of Public Law 106-113, is amended by striking "Part 3" and inserting "Part III".

(2) Section 4604(b) of that Act is amended by striking "title 25" and inserting "title 35".

(d) EFFECTIVE DATE.—The amendments made by section 4605 (b), (c), and (e) of the Intellectual Property and Communications Omnibus Reform Act, as enacted by section 1000(a)(9) of Public Law 106-113, shall apply to any reexamination filed in the United States Patent and Trademark Office on or after the date of the enactment of Public Law 106-113.

SEC. 4. PATENT AND TRADEMARK EFFICIENCY ACT AMENDMENTS.

(a) DEPUTY COMMISSIONER.—

(1) Section 17(b) of the Act of July 5, 1946 (commonly referred to as the "Trademark Act of 1946") (15 U.S.C. 1067(b)), is amended by inserting "the Deputy Commissioner," after "Commissioner,".

(2) Section 6(a) of title 35, United States Code, is amended by inserting "the Deputy Commissioner," after "Commissioner,".

(b) PUBLIC ADVISORY COMMITTEES.—Section 5 of title 35, United States Code, is amended—

(1) in subsection (i), by inserting "privileged," after "personnel"; and

(2) by adding at the end the following new subsection:

"(j) INAPPLICABILITY OF PATENT PROHIBITION.—Section 4 shall not apply to voting members of the Advisory Committees."

(c) MISCELLANEOUS.—Section 153 of title 35, United States Code, is amended by striking "and attested by an officer of the Patent and

Trademark Office designated by the Commissioner,".

SEC. 5. DOMESTIC PUBLICATION OF FOREIGN FILED PATENT APPLICATIONS ACT OF 1999 AMENDMENTS.

Section 154(d)(4)(A) of title 35, United States Code, as in effect on November 29, 2000, is amended—

(1) by striking "on which the Patent and Trademark Office receives a copy of the" and inserting "of"; and

(2) by striking "international application" the last place it appears and inserting "publication".

SEC. 6. DOMESTIC PUBLICATION OF PATENT APPLICATIONS PUBLISHED ABROAD.

Subtitle E of title IV of the Intellectual Property and Communications Omnibus Reform Act of 1999, as enacted by section 1000(a)(9) of Public Law 106-113, is amended as follows:

(1) Section 4505 is amended to read as follows: "SEC. 4505. PRIOR ART EFFECT OF PUBLISHED APPLICATIONS.

"Section 102(e) of title 35, United States Code, is amended to read as follows:

"(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for the purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language; or,".

(2) Section 4507 is amended—

(A) in paragraph (1), by striking "Section 11" and inserting "Section 10";

(B) in paragraph (2), by striking "Section 12" and inserting "Section 11".

(C) in paragraph (3), by striking "Section 13" and inserting "Section 12";

(D) in paragraph (4), by striking "12 and 13" and inserting "11 and 12";

(E) in section 374 of title 35, United States Code, as amended by paragraph (10), by striking "confer the same rights and shall have the same effect under this title as an application for patent published" and inserting "be deemed a publication"; and

(F) by adding at the end the following:

"(12) The item relating to section 374 in the table of contents for chapter 37 of title 35, United States Code, is amended to read as follows:

"374. Publication of international application."

(3) Section 4508 is amended to read as follows:

"SEC. 4508. EFFECTIVE DATE.

"Except as otherwise provided in this section, sections 4502 through 4504 and 4506 through 4507, and the amendments made by such sections, shall be effective as of November 29, 2000, and shall apply only to applications (including international applications designating the United States) filed on or after that date. The amendments made by section 4504 shall additionally apply to any pending application filed before November 29, 2000, if such pending application is published pursuant to a request of the applicant under such procedures as may be established by the Commissioner. Except as otherwise provided in this section, the amendments made by section 4505 shall be effective as of November 29, 2000 and shall apply to all patents and all applications for patents pending on or filed after November 29, 2000. Patents resulting from an international application filed before

November 29, 2000 and applications published pursuant to section 122(b) or Article 21(2) of the treaty defined in section 351(a) resulting from an international application filed before November 29, 2000 shall not be effective as prior art as of the filing date of the international application; however, such patents shall be effective as prior art in accordance with section 102(e) in effect on November 28, 2000."

SEC. 7. MISCELLANEOUS CLERICAL AMENDMENTS.

(a) AMENDMENTS TO TITLE 35.—The following provisions of title 35, United States Code, are amended:

(1) Section 2(b) is amended in paragraphs (2)(B) and (4)(B), by striking ", United States Code".

(2) Section 3 is amended—

(A) in subsection (a)(2)(B), by striking "United States Code,";

(B) in subsection (b)(2)—

(i) in the first sentence of subparagraph (A), by striking ", United States Code";

(ii) in the first sentence of subparagraph (B)—

(I) by striking "United States Code,"; and

(II) by striking ", United States Code";

(iii) in the second sentence of subparagraph (B)—

(I) by striking "United States Code,"; and

(II) by striking ", United States Code." and inserting a period;

(iv) in the last sentence of subparagraph (B), by striking ", United States Code"; and

(v) in subparagraph (C), by striking ", United States Code"; and

(C) in subsection (c)—

(i) in the subsection caption, by striking ", UNITED STATES CODE"; and

(ii) by striking "United States Code,".

(3) Section 5 is amended in subsections (e) and (g), by striking ", United States Code" each place it appears.

(4) The table of chapters for part I is amended in the item relating to chapter 3, by striking "before" and inserting "Before".

(5) The item relating to section 21 in the table of contents for chapter 2 is amended to read as follows:

"21. Filing date and day for taking action."

(6) The item relating to chapter 12 in the table of chapters for part II is amended to read as follows:

"12. Examination of Application 131".

(7) The item relating to section 116 in the table of contents for chapter 11 is amended to read as follows:

"116. Inventors."

(8) Section 154(b)(4) is amended by striking ", United States Code,".

(9) Section 156 is amended—

(A) in subsection (b)(3)(B), by striking "paragraphs" and inserting "paragraph";

(B) in subsection (d)(2)(B)(i), by striking "below the office" and inserting "below the Office"; and

(C) in subsection (g)(6)(B)(iii), by striking "submitted" and inserting "submitted".

(10) The item relating to section 183 in the table of contents for chapter 17 is amended by striking "of" and inserting "to".

(11) Section 185 is amended by striking the second period at the end of the section.

(12) Section 201(a) is amended—

(A) by striking "United States Code,"; and

(B) by striking "5, United States Code." and inserting "5,".

(13) Section 202 is amended—

(A) in subsection (b)(4), by striking "last paragraph of section 203(2)" and inserting "section 203(b)"; and

(B) in subsection (c)—

(i) in paragraph (4), by striking "rights;" and inserting "rights"; and

(ii) in paragraph (5), by striking "of the United States Code".

(14) Section 203 is amended—

(A) in paragraph (2)—

(i) by striking "(2)" and inserting "(b)";

(ii) by striking the quotation marks and comma before "as appropriate"; and

(iii) by striking "paragraphs (a) and (c)" and inserting "paragraphs (1) and (3) of subsection (a)"; and

(B) in the first paragraph—

(i) by striking "(a)", "(b)", "(c)", and "(d)" and inserting "(1)", "(2)", "(3)", and "(4)", respectively; and

(ii) by striking "(1." and inserting "(a)".

(15) Section 209 is amended in subsections (d)(2) and (f), by striking "of the United States Code".

(16) Section 210 is amended—

(A) in subsection (a)—

(i) in paragraph (11), by striking "5901" and inserting "5908"; and

(ii) in paragraph (20) by striking "178(j)" and inserting "178j"; and

(B) in subsection (c)—

(i) by striking "paragraph 202(c)(4)" and inserting "section 202(c)(4)"; and

(ii) by striking "title." and inserting "title."

(17) The item relating to chapter 29 in the table of chapters for part III is amended by inserting a comma after "Patent".

(18) The item relating to section 256 in the table of contents for chapter 25 is amended to read as follows:

"256. Correction of named inventor."

(19) Section 294 is amended—

(A) in subsection (b), by striking "United States Code,"; and

(B) in subsection (c), in the second sentence by striking "court to" and inserting "court of".

(20) Section 371(d) is amended by adding at the end a period.

(21) Paragraphs (1), (2), and (3) of section 376(a) are each amended by striking the semicolon and inserting a period.

(b) OTHER AMENDMENTS.—

(1) Section 4732(a) of the Intellectual Property and Communications Omnibus Reform Act of 1999 is amended—

(A) in paragraph (9)(A)(ii), by inserting "in subsection (b)," after "(ii)"; and

(B) in paragraph (10)(A), by inserting after "title 35, United States Code," the following: "other than sections 1 through 6 (as amended by chapter 1 of this subtitle)".

(2) Section 4802(1) of that Act is amended by inserting "to" before "citizens".

(3) Section 4804 of that Act is amended—

(A) in subsection (b), by striking "11(a)" and inserting "10(a)"; and

(B) in subsection (c), by striking "13" and inserting "12".

(4) Section 4402(b)(1) of that Act is amended by striking "in the fourth paragraph".

SEC. 8. TECHNICAL CORRECTIONS IN TRADE-MARK LAW.

(a) AWARD OF DAMAGES.—Section 35(a) of the Act of July 5, 1946 (commonly referred to as the "Trademark Act of 1946") (15 U.S.C. 1117(a)), is amended by striking "a violation under section 43(a), (c), or (d)," and inserting "a violation under section 43(a) or (d)".

(b) ADDITIONAL TECHNICAL AMENDMENTS.—The Trademark Act of 1946 is further amended as follows:

(1) Section 1(d)(1) (15 U.S.C. 1051(d)(1)) is amended in the first sentence by striking "specifying the date of the applicant's first use" and all that follows through the end of the sentence and inserting "specifying the date of the applicant's first use of the mark in commerce and those goods or services specified in the notice of allowance on or in connection with which the mark is used in commerce."

(2) Section 1(e) (15 U.S.C. 1051(e)) is amended to read as follows:

"(e) If the applicant is not domiciled in the United States the applicant may designate, by a document filed in the United States Patent and Trademark Office, the name and address of a person resident in the United States on whom may be served notices or process in proceedings affecting the mark. Such notices or process may be served upon the person so designated by leaving with that person or mailing to that person a copy thereof at the address specified in the last designation so filed. If the person so designated cannot be found at the address given in the last designation, or if the registrant does not designate by a document filed in the United States Patent and Trademark Office the name and address of a person resident in the United States on whom may be served notices or process in proceedings affecting the mark, such notices or process may be served on the Commissioner."

(3) Section 8(f) (15 U.S.C. 1058(f)) is amended to read as follows:

"(f) If the registrant is not domiciled in the United States, the registrant may designate, by a document filed in the United States Patent and Trademark Office, the name and address of a person resident in the United States on whom may be served notices or process in proceedings affecting the mark. Such notices or process may be served upon the person so designated by leaving with that person or mailing to that person a copy thereof at the address specified in the last designation so filed. If the person so designated cannot be found at the address given in the last designation, or if the registrant does not designate by a document filed in the United States Patent and Trademark Office the name and address of a person resident in the United States on whom may be served notices or process in proceedings affecting the mark, such notices or process may be served on the Commissioner."

(4) Section 9(c) (15 U.S.C. 1059(c)) is amended to read as follows:

"(c) If the registrant is not domiciled in the United States the registrant may designate, by a document filed in the United States Patent and Trademark Office, the name and address of a person resident in the United States on whom may be served notices or process in proceedings affecting the mark. Such notices or process may be served upon the person so designated by leaving with that person or mailing to that person a copy thereof at the address specified in the last designation so filed. If the person so designated cannot be found at the address given in the last designation, or if the registrant does not designate by a document filed in the United States Patent and Trademark Office the name and address of a person resident in the United States on whom may be served notices or process in proceedings affecting the mark, such notices or process may be served on the Commissioner."

(5) Subsections (a) and (b) of section 10 (15 U.S.C. 1060(a) and (b)) are amended to read as follows:

"(a)(1) A registered mark or a mark for which an application to register has been filed shall be assignable with the good will of the business in which the mark is used, or with that part of the good will of the business connected with the use of and symbolized by the mark. Notwithstanding the preceding sentence, no application to register a mark under section 1(b) shall be assignable prior to the filing of an amendment under section 1(c) to bring the application into conformity with section 1(a) or the filing of the verified statement of use under section 1(d), except for an assignment to a successor to the business of the applicant, or portion thereof, to which the mark pertains, if that business is ongoing and existing.

"(2) In any assignment authorized by this section, it shall not be necessary to include the

good will of the business connected with the use of and symbolized by any other mark used in the business or by the name or style under which the business is conducted.

"(3) Assignments shall be by instruments in writing duly executed. Acknowledgment shall be prima facie evidence of the execution of an assignment, and when the prescribed information reporting the assignment is recorded in the United States Patent and Trademark Office, the record shall be prima facie evidence of execution.

"(4) An assignment shall be void against any subsequent purchaser for valuable consideration without notice, unless the prescribed information reporting the assignment is recorded in the United States Patent and Trademark Office within 3 months after the date of the assignment or prior to the subsequent purchase.

"(5) The United States Patent and Trademark Office shall maintain a record of information on assignments, in such form as may be prescribed by the Commissioner.

"(b) An assignee not domiciled in the United States may designate by a document filed in the United States Patent and Trademark Office the name and address of a person resident in the United States on whom may be served notices or process in proceedings affecting the mark. Such notices or process may be served upon the person so designated by leaving with that person or mailing to that person a copy thereof at the address specified in the last designation so filed. If the person so designated cannot be found at the address given in the last designation, or if the assignee does not designate by a document filed in the United States Patent and Trademark Office the name and address of a person resident in the United States on whom may be served notices or process in proceedings affecting the mark, such notices or process may be served upon the Commissioner."

(6) Section 23(c) (15 U.S.C. 1091(c)) is amended by striking the second comma after "numeral".

(7) Section 33(b)(8) (15 U.S.C. 1115(b)(8)) is amended by aligning the text with paragraph (7).

(8) Section 34(d)(1)(A) (15 U.S.C. 1116(d)(1)(A)) is amended by striking "section 110" and all that follows through "(36 U.S.C. 380)" and inserting "section 220506 of title 36, United States Code,".

(9) Section 34(d)(1)(B)(ii) (15 U.S.C. 1116(d)(1)(B)(ii)) is amended by striking "section 110" and all that follows through "(36 U.S.C. 380)" and inserting "section 220506 of title 36, United States Code,".

(10) Section 34(d)(11) is amended by striking "6621 of the Internal Revenue Code of 1954" and inserting "6621(a)(2) of the Internal Revenue Code of 1986".

(11) Section 35(b) (15 U.S.C. 1117(b)) is amended—

(A) by striking "section 110" and all that follows through "(36 U.S.C. 380)" and inserting "section 220506 of title 36, United States Code,"; and

(B) by striking "6621 of the Internal Revenue Code of 1954" and inserting "6621(a)(2) of the Internal Revenue Code of 1986".

(12) Section 44(e) (15 U.S.C. 1126(e)) is amended by striking "a certification" and inserting "a true copy, a photocopy, a certification,".

SEC. 9. PATENT AND TRADEMARK FEE CLERICAL AMENDMENT.

The Patent and Trademark Fee Fairness Act of 1999 (113 Stat. 1537–546 et seq.), as enacted by section 1000(a)(9) of Public Law 106–113, is amended in section 4203, by striking "111(a)" and inserting "1113(a)".

SEC. 10. COPYRIGHT RELATED CORRECTIONS TO 1999 OMNIBUS REFORM ACT.

Title I of the Intellectual Property and Communications Omnibus Reform Act of 1999, as en-

acted by section 1000(a)(9) of Public Law 106–113, is amended as follows:

(1) Section 1007 is amended—

(A) in paragraph (2), by striking "paragraph (2)" and inserting "paragraph (2)(A)"; and

(B) in paragraph (3), by striking "1005(e)" and inserting "1005(d)".

(2) Section 1006(b) is amended by striking "119(b)(1)(B)(iii)" and inserting "119(b)(1)(B)(ii)".

(3)(A) Section 1006(a) is amended—

(i) in paragraph (1), by adding "and" after the semicolon;

(ii) by striking paragraph (2); and

(iii) by redesignating paragraph (3) as paragraph (2).

(B) Section 1011(b)(2)(A) is amended to read as follows:

"(A) in paragraph (1), by striking 'primary transmission made by a superstation and embodying a performance or display of a work' and inserting 'performance or display of a work embodied in a primary transmission made by a superstation or by the Public Broadcasting Service satellite feed';".

SEC. 11. AMENDMENTS TO TITLE 17, UNITED STATES CODE.

Title 17, United States Code, is amended as follows:

(1) Section 119(a)(6) is amended by striking "of performance" and inserting "of a performance".

(2)(A) The section heading for section 122 is amended by striking "rights; secondary" and inserting "rights: Secondary".

(B) The item relating to section 122 in the table of contents for chapter 1 is amended to read as follows:

"122. Limitations on exclusive rights: Secondary transmissions by satellite carriers within local markets."

(3)(A) The section heading for section 121 is amended by striking "reproduction" and inserting "Reproduction".

(B) The item relating to section 121 in the table of contents for chapter 1 is amended by striking "reproduction" and inserting "Reproduction".

(4)(A) Section 106 is amended by striking "107 through 121" and inserting "107 through 122".

(B) Section 501(a) is amended by striking "106 through 121" and inserting "106 through 122".

(C) Section 511(a) is amended by striking "106 through 121" and inserting "106 through 122".

(5) Section 101 is amended—

(A) by moving the definition of "computer program" so that it appears after the definition of "compilation"; and

(B) by moving the definition of "registration" so that it appears after the definition of "publicly".

(6) Section 110(4)(B) is amended in the matter preceding clause (i) by striking "conditions;" and inserting "conditions:".

(7) Section 118(b)(1) is amended in the second sentence by striking "to it".

(8) Section 119(b)(1)(A) is amended—

(A) by striking "transmitted" and inserting "retransmitted"; and

(B) by striking "transmissions" and inserting "retransmissions".

(9) Section 203(a)(2) is amended—

(A) in subparagraph (A)—

(i) by striking "(A) the" and inserting "(A) The"; and

(ii) by striking the semicolon at the end and inserting a period;

(B) in subparagraph (B)—

(i) by striking "(B) the" and inserting "(B) The"; and

(ii) by striking the semicolon at the end and inserting a period; and

(C) in subparagraph (C), by striking "(C) the" and inserting "(C) The".

(10) Section 304(c)(2) is amended—

(A) in subparagraph (A)—

(i) by striking "(A) the" and inserting "(A) The"; and

(ii) by striking the semicolon at the end and inserting a period;

(B) in subparagraph (B)—

(i) by striking "(B) the" and inserting "(B) The"; and

(ii) by striking the semicolon at the end and inserting a period; and

(C) in subparagraph (C), by striking "(C) the" and inserting "(C) The".

(11) The item relating to section 903 in the table of contents for chapter 9 is amended by striking "licensure" and inserting "licensing".

SEC. 12. OTHER COPYRIGHT RELATED TECHNICAL AMENDMENTS.

(a) AMENDMENT TO TITLE 18.—Section 2319(e)(2) of title 18, United States Code, is amended by striking "107 through 120" and inserting "107 through 122".

(b) STANDARD REFERENCE DATA.—(1) Section 105(f) of Public Law 94–553 is amended by striking "section 290(e) of title 15" and inserting "section 6 of the Standard Reference Data Act (15 U.S.C. 290e)".

(2) Section 6(a) of the Standard Reference Data Act (15 U.S.C. 290e) is amended by striking "Notwithstanding" and all that follows through "United States Code," and inserting "Notwithstanding the limitations under section 105 of title 17, United States Code,".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet to conduct a business meeting during the session of the Senate on Thursday, November 15, 2001. The purpose of this business meeting will be to discuss the new Federal Farm bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on November 15, 2001, at 10 a.m., to conduct a hearing on the nomination of Mr. Allen I. Mandelowitz, of Connecticut, to be a director of the Federal Housing Finance Board; Mr. Franz Leichter, of New York, to be a Director of the Federal Housing Finance Board; Mr. John Thomas Korsmo, of North Dakota, to be a Director of the Federal Housing Finance Board; Mr. Eduardo Aguirre, Jr., of Texas, to be First Vice President of the Export-Import Bank of the United States; and Mr. Randall Scott Kroszner, of Illinois, to be a member of the Council of Economic Advisors.

The Committee will also vote on the nominations of Mr. Mark W. Olson, of Minnesota, to be a member of the Board of Governors of the Federal Reserve System; Dr. Susan Schmidt Bies, of Tennessee, to be a member of the

Board of Governors of the Federal Reserve System; and Mr. James Gilleran, of California, to be Director of the Office of Thrift Supervision.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE AND
TRANSPORTATION

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, November 15, 2001, at 10 a.m., on the nomination of William Schubert to be Administrator of the Maritime Administration of the Department of Transportation.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC
WORKS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet on Thursday, November 15, 2001, at 9:30 a.m., to conduct a hearing on how S. 556 would affect the environment, the economy, and any improvements or amendments that should be made to the legislation. The hearing will be held in room SD-406.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, November 15, 2001, at 1 p.m., to consider the nomination of Richard Clarida to be Assistant Secretary of Treasury for Economic Policy; Kenneth Lawson to be Assistant Secretary of Treasury for Enforcement; B. John Williams, Jr., to be Chief Counsel/Assistant General Counsel for the Internal Revenue Service; Janet Hale to be Assistant Secretary of Health and Human Services for Budget, Technology and Finance; Joan E. Ohl, to be Commissioner of Children, Youth and Family Administration, Department of Health and Human Services; James B. Lockhart III, to be Deputy Commissioner of the Social Security Administration; and Harold Daub to be a Member of the Social Security Advisory Board.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, November 15, 2001, at 3:00 p.m., to hold a hearing titled, "Humanitarian Crisis: Is Enough Aid Reaching Afghanistan."

Witnesses

Panel 1: Carol Bellamy, Executive Director, UNICEF, New York City, NY; Catherine Bertini, Executive Director, World Food Program, Washington, DC;

and Guenet Guebre-Christos, Representative, United Nations High Commission for Refugees, Washington, DC.

Panel 2: Joel Charny, Vice-President, Refugees International, Washington, DC, and Peter Bell, President, CARE International, Atlanta, GA.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Thursday, November 15, 2001, at 9:30 a.m., to hold a hearing entitled "Oversight of the Centers for Medicare and Medicaid Services: Medicare Payment Policies for Ambulance Services."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EMERGING THREATS AND
CAPABILITIES

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on Emerging Threats and Capabilities of the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, November 15, 2001, at 2:30 p.m., in open and closed session to receive testimony on terrorist organizations and motivations.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. KOHL. Mr. President, I ask unanimous consent that Dan Dager, a detailee on my staff, be granted the privilege of the floor during the Senate's consideration of H.R. 2230, the Agriculture Appropriations Act for fiscal year 2002.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. GREGG. Madam President, I ask unanimous consent that a member of my staff, Nancy Perkins, have floor privileges during the pendency of this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAHAM. Madam President, I ask unanimous consent that a member of my staff, Shawn Fitzpatrick, be granted the privilege of the floor for the duration of the debate on H.R. 1552.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR FRIDAY, NOVEMBER
16, 2001

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 10 a.m. tomorrow, Friday, November 16; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be re-

served for their use later in the day, and the Senate be in a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 10 A.M.
TOMORROW

Mr. REID. Mr. President, I do not believe there is any further business to come before the Senate this evening. I therefore ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 8:34 p.m., adjourned until Friday, November 16, 2001, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate November 15, 2001:

DEPARTMENT OF HOUSING AND URBAN
DEVELOPMENT

VICKERS B. MEADOWS, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT, VICE MARILYN A. DAVIS.

DEPARTMENT OF ENERGY

BEVERLY COOK, OF IDAHO, TO BE AN ASSISTANT SECRETARY OF ENERGY (ENVIRONMENT, SAFETY AND HEALTH), VICE DAVID MICHAELS, RESIGNED.

ENVIRONMENTAL PROTECTION AGENCY

J. PAUL GILMAN, OF VIRGINIA, TO BE AN ASSISTANT ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY, VICE NORINE E. NOONAN, RESIGNED.

MORRIS X. WINN, OF TEXAS, TO BE AN ASSISTANT ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY, VICE ROMULO L. DIAZ, JR., RESIGNED.

DEPARTMENT OF THE TREASURY

EDWARD KINGMAN, JR., OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF THE TREASURY, VICE LISA GAYLE ROSS, RESIGNED.

EDWARD KINGMAN, JR., OF MARYLAND, TO BE CHIEF FINANCIAL OFFICER, DEPARTMENT OF THE TREASURY, VICE LISA GAYLE ROSS, RESIGNED.

DEPARTMENT OF STATE

ARTHUR E. DEWEY, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF STATE (POPULATION, REFUGEES, AND MIGRATION), VICE JULIA TAFT.

DEPARTMENT OF COMMERCE

LOUIS KINCANNON, OF VIRGINIA, TO BE DIRECTOR OF THE CENSUS, VICE KENNETH PREWITT, RESIGNED.

DEPARTMENT OF JUSTICE

MICHAEL A. BATTLE, OF NEW YORK, TO BE UNITED STATES ATTORNEY FOR THE WESTERN DISTRICT OF NEW YORK FOR A TERM OF FOUR YEARS, VICE DENISE E. O'DONNELL, RESIGNED.

SMALL BUSINESS ADMINISTRATION

MELANIE SABELHAUS, OF MARYLAND, TO BE DEPUTY ADMINISTRATOR OF THE SMALL BUSINESS ADMINISTRATION, VICE FRED P. HOCHBERG.

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

MARION S. CORNWELL, 0000
JAMES J. ELLIOTT, 0000
MARK E. GANTS, 0000
HUGH E. HODGES, 0000
MARC E. MATTIX, 0000
LEE M. PHILO, 0000
GROVER C. RITCHIE III, 0000
GARY L. WHITE, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

CHERYL A. ADAMS, 0000
SHEILA E. DOMINGUEZ, 0000
MARK A. GALANTOWICZ, 0000
HELEN L. GANT, 0000

GAYE L GEORGE, 0000
 PAULA B GETZIE, 0000
 MARGARET A GIGSTAD, 0000
 STEPHEN A GREENE, 0000
 CHRISTINE H INOUE, 0000
 VIRGINIA JANOVSKY, 0000
 JANE H KASSWOLFF, 0000
 JUDITH A KEMPER, 0000
 ROSEMARY KUCA, 0000
 SANDRA B MALONE, 0000
 RICHARD A MARSHALL, 0000
 STEPHEN D MASSEY, 0000
 BETTY A MOSHEA, 0000
 MARY E MURPHY, 0000
 LINDA L NYE, 0000
 MICHAEL R OSTROSKI, 0000
 JANICE M PICCIOLIFARINELLI, 0000
 VIOLETTE A RUFF, 0000
 KATHLEEN D SANFORD, 0000
 JOHN N SCHANK, 0000
 FRANCES J SORGE, 0000
 WANDA M VAUGHN, 0000
 ROSALIE E VILAR, 0000
 AUGUSTENE WESTON, 0000
 AMANTINE K WILLIAMS, 0000
 DEBBIE T WINTERS, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

WILLIE J ATKINSON, 0000
 STEPHEN E BOGLE, 0000
 DONALD C BRITTEN, 0000
 DONNA M CARMAN, 0000
 MEE Y Y CHUNG, 0000
 EDWARD W DURANT III, 0000
 ROBERT M EDELMAN, 0000
 DONALD FAMIANO, 0000
 TODD H FURSE, 0000
 CAROL A GADDY, 0000
 CYNTHIA E GANT, 0000
 KEVIN K GARROUTTE, 0000
 JAMES R GERICKE, 0000
 JAY L GRIFFIN, 0000
 JAMES E GRIFFITH, 0000
 MICHAEL H HULSEY, 0000
 RAMONA M KANE, 0000
 GARLAND M KNOTT JR., 0000
 MICHAEL A LEE, 0000
 MARSHA A LUNT, 0000
 ERNEST LYONS JR., 0000
 DANIEL L MACINTYRE, 0000
 SUZANNE D MARTIN, 0000
 WILLIAM F MARTIN II, 0000
 AMY L MARVIN, 0000
 MARK P MCGUIRE, 0000
 DONALD A MENARD, 0000
 JOHN W RIDLEY, 0000
 SUSAN G ROGERS, 0000
 MICHAEL J ROGGI, 0000
 JOSEPH J SAADY, 0000
 THOMAS O SALMON, 0000
 MURTY SAVITALA, 0000
 THOMAS E SCHUURMANS, 0000
 ROBERT F TABARONI, 0000
 CLIFTON K TAKENAKA, 0000
 JUDITH A THORNHILL, 0000
 ALBIN A TIMM JR., 0000
 JOEL D TUCK, 0000
 WILLEM P VANDEMERWE, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

DAVID S ALLEMAN, 0000
 JAMES D ANDERSON JR., 0000
 JAMES E CADE, 0000
 RICHARD T CANADA, 0000
 TIMOTHY J COEN, 0000
 TIMOTHY W CONWAY III, 0000
 LEROY S CRAPANZANO, 0000
 CURTIS M DILWORTH, 0000
 SCOTT R DRAKE, 0000
 VICTOR H ESCOBAR, 0000
 JOHN J FERRY, 0000
 CHRISTOPHER T FINLAYSON, 0000
 ROBERT T FRAME, 0000
 ENRIQUE F FRASER, 0000
 TIMOTHY M HALE, 0000
 HAZEL P HAYNES, 0000
 LOUIS H HEITKE, 0000
 ROBERT G HENRY, 0000
 LEE P JOHNS JR., 0000
 CHARLES K JOHNSON, 0000
 MICHAEL P JUNG, 0000
 ZAVON F KANON, 0000
 ARNOLD K KAPLAN, 0000
 ALAN P KAWAKAMI, 0000
 BRIAN T KENNEDY, 0000
 STEPHEN E KOMYATI, 0000
 RICHARD A LEE, 0000
 ROBERT A MASON, 0000
 GEORGE L MAXWELL, 0000
 THURMAN C MORGAN, 0000
 ROBERT A PRUCKLER, 0000
 BRADLEY S RABAL, 0000
 LANCE C RAMP, 0000
 BRUCE C RAMSAY, 0000

CHRISTOPHER A N RANKINE, 0000
 STANLEY A ROBERTS, 0000
 EDWARD J ROBINSON, 0000
 BERNICE SCALES, 0000
 LAWRENCE E SCHEITLER, 0000
 PAUL E SCRUGGS, 0000
 LAURENCE B SHAROS, 0000
 JEFFREY M SHERWOOD, 0000
 DOUGLAS J SMITH, 0000
 WILLIAM H SWILLEY, 0000
 BRUCE A TANCEK, 0000
 DAVID G THOMAS, 0000
 ERIC J WAGNER, 0000
 PETER C WEI, 0000
 CURTIS S WILKERSON, 0000
 WILLIAM P YEOMANS, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

LYNN F ABRAMS, 0000
 MICHAEL D ADUDELL, 0000
 WILLIAM J ALBRIGHT, 0000
 ERIC B ALLELY, 0000
 PABLO I ALMODOVAR, 0000
 FRANK ANDERS JR., 0000
 JAMES T ARSCOTT, 0000
 THOMAS L ASHCOM, 0000
 DENIECE M BARNETTSCOTT, 0000
 DANIEL C BATES, 0000
 MARCEL G BAYOL, 0000
 MICHAEL J BEEZLEY, 0000
 JEFFREY BERMAN, 0000
 MICHAEL C BLAKE, 0000
 PETER M BLENDOHNOY, 0000
 WILLIAM L BOGRAKOS, 0000
 AARON C BORNSTEIN, 0000
 WILLIAM C BOWENS, 0000
 BEDFORD F BOYLSTON, 0000
 ARNOLD J BRENDER, 0000
 RICHARD S BROADHURST, 0000
 JOHN H BROOKS, 0000
 DEBORAH S BROWN, 0000
 DEBRA M BROWN, 0000
 DAVID R BRYSON, 0000
 EMIGDIO A BUCOBO, 0000
 CRAIG A BUGNO, 0000
 ANN J BURGARDT, 0000
 JAMES T BURT, 0000
 BRADFORD S BURTON, 0000
 MARK L BYLER, 0000
 DARYL J CALLAHAN, 0000
 ALAN H CARR, 0000
 GEORGE L CHOLAK, 0000
 STEPHEN D CLIFT, 0000
 TODD R CLOW, 0000
 AVON C COFFMAN II, 0000
 LAMAR P COLLIE III, 0000
 ROBERT M COSBY, 0000
 RODNEY DAVIS, 0000
 ANDREW R DOW, 0000
 MICHAEL D DRISCOLL, 0000
 RICHARD G FOUTCH, 0000
 PETER FREDERICKS, 0000
 CORNELIUS F FREEMAN, 0000
 HOMERO R GARZA, 0000
 LENORE E GONZALEZ, 0000
 JON R HAGER, 0000
 RAE R HANSON, 0000
 RONALD P HARGRAVE, 0000
 JEFFREY J HARROW, 0000
 JERRY W HAYGOOD, 0000
 JOSE M HERNANDEZ, 0000
 DONALD G HIGGINS, 0000
 ROBERT E HOLLAND, 0000
 CHARLES A HOLT, 0000
 WILLIAM D HUFF, 0000
 DENNIS A ICE, 0000
 ELODIE S IMONEN, 0000
 FRANK H ISE, 0000
 OMAR L IZQUIERDOFRAU, 0000
 STEPHEN L JAFFE, 0000
 ROBERT E KASPER, 0000
 STEPHEN P KATZ, 0000
 MUHAMMAD I KHAN, 0000
 MICHAEL G KIDD, 0000
 CHARLES P KILLINGSWORTH, 0000
 YOUNGSOOK C KIM, 0000
 ROBERT S KNAPP, 0000
 MANGARAJU KOLLURU, 0000
 DONALD J KOSIAK, 0000
 SAMPATH KULASEKAR, 0000
 KENNETH W LAIRD, 0000
 CRAIG J LAMBRECHT, 0000
 HEE S LEE, 0000
 DONALD L LEVENE, 0000
 WAYNE D LEVY, 0000
 CLARENCE E LLOYD, 0000
 DAVID E LUDLOW, 0000
 JAMIL MALOUF, 0000
 MATTHEW C MCCLURE, 0000
 JOHN P MCGUINNESS, 0000
 CHARLES J F MCHUGH, 0000
 MORTON MELTZER, 0000
 NARCISO D MENDOZA, 0000
 YAO C C ONG, 0000
 JOHN C OTTENBACHER, 0000
 CARY S POLLACK, 0000
 FELICITAS E RAMOS, 0000
 RICHARD J RANDOLPH III, 0000

ROBERT F REISS, 0000
 JIMMIE W RIGGINS, 0000
 EMILE D RISBY, 0000
 SUNG C RO, 0000
 FRANKLIN D ROBINSON, 0000
 SUSAN G SKEA, 0000
 DANNY P SMITH, 0000
 LYNN H SNODDY, 0000
 PETER J SPEICHER, 0000
 ARNOLD L SPERLING, 0000
 ROBERT P STANTON, 0000
 LEON I STEINBERG, 0000
 LEE STEVENS, 0000
 RICHARD A STONE, 0000
 TONY L WALDEN, 0000
 LAWRENCE R WALKER, 0000
 CHARLES M WARE JR., 0000
 JERRY C WIBLE, 0000
 DAVID E WILMOT, 0000
 JAMES S. K. WU, 0000
 RUSSELL H ZELMAN, 0000
 BURKHARDT H ZORN, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

CHARLES B. COLISON, 0000
 STEPHEN P. SHANDERA, 0000
 JOANNE C. SLYTER, 0000
 ARLENE SPIRER, 0000

CONFIRMATIONS

Executive nominations confirmed by the Senate November 15, 2001:

DEPARTMENT OF STATE

RAYMOND F. BURGHARDT, OF FLORIDA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE SOCIALIST REPUBLIC OF VIETNAM.

RONALD WEISER, OF MICHIGAN, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE SLOVAK REPUBLIC.
 J. RICHARD BLANKENSHIP, OF FLORIDA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE COMMONWEALTH OF THE BAHAMAS.

GEORGE L. ARGYROS, SR., OF CALIFORNIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO SPAIN, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO ANDORRA.

LARRY MILES DINGER, OF IOWA, A CAREER MEMBER OF THE FOREIGN SERVICE, TO BE AMBASSADOR TO THE FEDERATED STATES OF MICRONESIA.

DARRYL NORMAN JOHNSON, OF WASHINGTON, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF THAILAND.

LYONS BROWN, JR., OF KENTUCKY, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF AUSTRIA.

WILLIAM D. MONTGOMERY, OF PENNSYLVANIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE FEDERAL REPUBLIC OF YUGOSLAVIA.

MELVIN F. SEMBLER, OF FLORIDA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO ITALY.

CHARLES LAWRENCE GREENWOOD, JR., OF FLORIDA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS COORDINATOR FOR ASIA PACIFIC ECONOMIC COOPERATION (APEC).

STEPHAN MICHAEL MINIKES, OF THE DISTRICT OF COLUMBIA, TO BE U. S. REPRESENTATIVE TO THE ORGANIZATION FOR SECURITY AND COOPERATION IN EUROPE, WITH THE RANK OF AMBASSADOR.

ERNEST L. JOHNSON, OF LOUISIANA, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FIFTY-SIXTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

WILLIAM J. HYBL, OF COLORADO, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FIFTY-SIXTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

NANCY CAIN MARCUS, OF TEXAS, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FIFTY-SIXTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

ROBERT M. BEECROFT, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS HEAD OF MISSION, ORGANIZATION FOR SECURITY AND COOPERATION IN EUROPE (OSCE), BOSNIA AND HERZEGOVINA.

CHARLES LESTER PRITCHARD, OF VIRGINIA, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE

November 15, 2001

CONGRESSIONAL RECORD—SENATE

22767

AS SPECIAL ENVOY FOR NEGOTIATIONS WITH THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA (DPRK) AND UNITED STATES REPRESENTATIVE TO THE KOREAN PENINSULA ENERGY DEVELOPMENT ORGANIZATION (KEDO).

AFRICAN DEVELOPMENT BANK

CYNTHIA SHEPARD PERRY, OF TEXAS, TO BE UNITED STATES DIRECTOR OF THE AFRICAN DEVELOPMENT BANK FOR A TERM OF FIVE YEARS.

INTER-AMERICAN DEVELOPMENT BANK

JOSE A. FOURQUET, OF NEW JERSEY, TO BE UNITED STATES EXECUTIVE DIRECTOR OF THE INTER-AMERICAN DEVELOPMENT BANK FOR A TERM OF THREE YEARS.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

CONSTANCE BERRY NEWMAN, OF ILLINOIS, TO BE AN ASSISTANT ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.

JOHN MARSHALL, OF VIRGINIA, TO BE AN ASSISTANT ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

THE JUDICIARY

ODESSA F. VINCENT, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS.

FOREIGN SERVICE NOMINATION OF TERENCE J. DONOVAN.

FOREIGN SERVICE NOMINATIONS BEGINNING KEITH E. BROWN AND ENDING OLIVIER C. CARDUNER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 16, 2001.

WITHDRAWAL

Executive message transmitted by the President to the Senate on November 15, 2001, withdrawing from further Senate consideration the following nomination:

SHIRLEE BOWNE, OF FLORIDA, TO BE A DIRECTOR OF THE FEDERAL HOUSING FINANCE BOARD FOR A TERM EXPIRING FEBRUARY 27, 2004, WHICH WAS SENT TO THE SENATE ON SEPTEMBER 14, 2001.

EXTENSIONS OF REMARKS

HONORING PATTY BURKHOLDER

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2001

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to recognize the significant contributions of a member of the community in Durango, Colorado, Patty Burkholder, who was recently honored by her coworkers for thirty years of involvement and leadership in the banking industry. Not only has Patty helped improve the banking industry locally, but she has also spent a great deal of her time and effort providing for the needs of the area in many capacities.

Patty moved to Durango in 1993 where she assumed the position of President at the local Wells Fargo Bank. She worked her way up through several different banks holding positions that ranged from secretary to personal banker and vice president to president. The employees at the new Wells Fargo Bank recognized the special relationship that Patty had with them as well as the customers that has influenced the success of the business. She is a team player who consistently supports and encourages her staff to perform at the highest level, giving staff the flexibility to perform at their best.

Not only has Patty given to the Durango community through her role at the bank, but also she actively participates in other local organizations. She is a member and past President of the La Plata Development Action Partnership, and is past President of the Durango Area Chamber and Resort Association and served in several other local volunteer positions.

Mr. Speaker, Patty Burkholder has played an important role in shaping the community of Durango, Colorado. It is my pleasure to recognize Patty for her significant contributions both to the banking industry and to the community. Patty is a role model for us all as an active and responsible member of the community.

TRIBUTE TO AN AMERICAN HERO,
BRYAN JACK, PASSENGER ON AA
FLIGHT 77

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2001

Mr. HALL of Texas. Mr. Speaker, today I rise to honor the life of Dr. Bryan C. Jack, a passenger on American Airlines Flight 77, which terrorists hijacked and crashed into the Pentagon on September 11, a day that we will long mourn and never forget. Bryan grew up in Tyler, TX, in my Congressional district, and his parents live there still. We join them in

mourning the loss of this wonderful and gifted young man.

Bryan was an exemplary scholar and native Texan who had faithfully served his country at the Pentagon since 1978. He represented the best of America—an incredibly talented individual who selflessly devoted his gifts to public service. At the Pentagon he was known for his brilliance with numbers, in addition to being a caring friend and coworker.

Bryan's official position was as a budget analyst, heading the Defense Department's programming and fiscal economics division. He was responsible for overseeing the capital budget, an immense and complicated task. He took the Defense Secretary's policy decisions, worked them into the budget and made sure that the numbers added up. He also had oversight over the Defense Department's school in Monterrey, California. He made several business trips a year to Monterrey and was on his way there on September 11, when the terrorists hijacked his plane. He had planned to stop over on his return trip to visit his parents, Helen and James Jack, in Tyler.

Growing up in Tyler, Bryan attended Moore Middle School and Robert E. Lee High School. Both of Bryan's parents were teachers—his father was a retired colonel from the U.S. Air Force—and Bryan was always an exceptional student. He graduated among the top in his high school class and had been a state debating champion. He received his undergraduate degree from the California Institute of Technology and an MBA from Stanford. Later, he went on to earn his Ph.D. in Economics from the University of Maryland.

Just weeks before his tragic death, Bryan had married Barbara Rachko, an artist from New York. In addition to his parents and wife, he is survived by a brother, Terry, who lives in Denver.

Both in Washington and Tyler, Bryan leaves behind memories of a kind, caring and intelligent individual. He was an exemplary ambassador from the Fourth District of Texas and will be truly missed by his family, friends and coworkers at the Pentagon—but his memory will live forever as one of those who made the ultimate sacrifice for their country on September 11. Mr. Speaker, it is an honor for me to pay my last respects in the CONGRESSIONAL RECORD to this outstanding American and a true American hero—Bryan Jack—and to all those who lost their lives during this tragic day in America's history.

COMMENDING DAW AUNG SAN SUU
KYI ON THE 10TH ANNIVERSARY
OF HER RECEIVING THE NOBEL
PEACE PRIZE

SPEECH OF

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 2001

Mr. UNDERWOOD. Mr. Speaker, I rise in strong support today of H. Con. Res. 211, which commends Daw Aung-San Suu Kyi on the 10th anniversary of her Nobel Peace Prize. I would also like to commend and extend my thanks to Congressman PETER KING for his leadership in introducing this resolution.

Daw Aung-San Suu Kyi is indeed a heroine to her country and to democratic nations around the world for her leadership of the non-violent movement for human rights and democracy in Burma. She was born into public service in 1945 as the daughter of General Aung San, a national leader who was assassinated 2 years after her birth, and Daw Kin Kyi, her mother who was appointed in 1960 as Burma's ambassador to India.

In pursuit of higher education, Daw Aung-San Suu Kyi went on to study abroad in England, Japan, and India and worked in various capacities for the United Nations and as a fellow and scholar at several educational institutions. In 1988, she traveled back to Burma to help her ailing mother while massive pro-democracy demonstrations against the repressive military regime arose. Later that year, she led the charge calling for a democratic government in Burma. Despite the military reestablishment of control and the crushing force that retaliated against the pro-democracy supporters, she helped to form the National League for Democracy (NLD) and was named its General Secretary. As the leader of the NLD, she traveled extensively throughout Burma in support for the establishment of a democratic government. In 1989, she was placed under house arrest by the military regime that reclaimed the power from the pro-democracy supporters. Despite her detention that year, the NLD won a landslide victory in the general elections of Burma with 82% of the seats. However, the military regime refused to recognize the result of the election and she remained under house arrest.

On October 14, 1991, Daw Aung-San Suu Kyi was awarded the 1991 Nobel Peace Prize and \$1.3 million, which she used to establish a health and education trust in support of Burmese people. Throughout the years of her detention and after her release from house arrest in 1995, she has continued to assert the rights of her people and move forward the struggle for democracy and the national reconciliation of the Burmese government. Last year, President Bill Clinton conferred the Presidential Medal of Freedom Award, America's highest

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

civilian honor, to Daw Aung-San Suu Kyi for her tireless leadership for her country.

It is only fitting that today Congress pay tribute and honor to Daw Aung-San Suu Kyi for her inspiring leadership and remarkable contributions to bring peace and democracy to Burma. I urge my fellow colleagues to join in support in the passage of H. Con. Res. 211.

NECESSITY OF STRONG MILITARY

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2001

Mr. SCHAFFER. Mr. Speaker, defense of the American way of life is no less than the defense of freedom. Our world changed forever on September 11th when our freedom was attacked and a long present terrorist threat was realized.

Our government's most sacred responsibility is to provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity. This is an enormous undertaking. It will require not only a complete rethinking of military strategies and a very proactive and imaginative pursuit of new technology, but also a new American attitude towards the rest of the world.

The necessity of a strong military is undeniable. Our soldiers must have the finest training, technology and support our country can offer. However, the branches of our military are completely overextended and exhausted. Eight years of abuse and downsizing have not only shrunk our active duty military by nearly half (from 900,000 active-duty soldiers in 1991, to 475,000 in 2000) but have also left the standing forces with the lowest moral since Viet Nam.

There has been a resurgence of enlistment since the September 11th attacks, but we cannot rely on attacks to drive enlistment and it is unfair to rely on patriotism. Instead, patriotism should be rewarded with strong incentives to join the military. Men and women willing to make the ultimate sacrifice should be compensated accordingly. Neither active-duty nor reserve forces should have to worry about feeding their families or losing their jobs while they are defending our country. We cannot look at our military as a superfluous fiscal comer to be cut.

These incentives must extend to our veterans as well. It is appalling that the men and women who sacrificed so dearly for our country cannot expect basic consideration when they return home. Never again can we allow our soldiers to be treated the way veterans returning from Viet Nam were treated. (*Link to Veterans Page*).

Consideration of our soldiers is only one aspect of our national defense. Another area of great concern is our intelligence gathering capability. With out adequate knowledge of our enemies, we cannot create effective military responses, weapons or foreign policy. Cost cutting measures have left our intelligence gathering capability compromised and our intelligence incomplete.

American men and women, sent to fight for us, should be armed and equipped to the best

of our abilities. We must ensure their safety to the greatest possible degree. More resources must be dedicated to research and development of cutting edge technology. There is no reason our soldiers cannot be the best equipped on the planet.

Our soldiers and intelligence agencies must have the best technology we can create in order to defend us. They must be able to detect and react to any threat to American sovereignty. An integral part of this is a missile defense program, which can destroy ballistic missiles launched at the United States. This system must be capable of destroying missiles in their launch phase, while they are most vulnerable (*Link to MDI Page*).

With adequate intelligence, human and electronic, we will be able to detect threats early enough to mount an effective defense. The need for this capability is mandated by our Constitution and it has never been more of a concrete necessity than it is today. The existence of freedom is at stake and it must be defended.

PAYING TRIBUTE TO GLENN L. GRAYEM

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2001

Mr. McINNIS. Mr. Speaker I would like to take this opportunity to pay tribute to Mr. Glenn L. Grayem and recognize his contributions to this nation. A native of Holyoke, Colorado, Glenn began his service as a soldier at the age of nineteen, during World War II, when he was assigned to Ft. Wheeler, Texas for basic training. Upon completion of training, in 1945 Glenn was sent to serve in the Pacific and take part in the invasion of the Philippines.

Glenn was assigned to the 25th Infantry Division with the task of liberating the island of Luzon. For months, Glenn's unit fought the Japanese army for control of several towns located throughout the region. During the battles, the Japanese were instructed by their leaders to fight to the last man and surrender was not an honorable option. Glenn fought through enemy defenses for over three months until the end of the campaign. Over 156,000 Japanese and 30,000 Allied soldiers lost their lives in the Battle of Luzon.

Glenn went on to serve as part of the occupational force in Japan following the victory. He returned to his native Colorado upon the completion of his enlistment. Some of Glenn's decorations from his service include the Bronze Star, the Asiatic Pacific Campaign Medal, the Philippine Liberation Ribbon, and the Army of Occupation medal. Glenn Grayem now makes his home in Montrose, Colorado.

Mr. Speaker it is a great privilege to recognize Glenn and thank him for his dedicated service during the war. If it were not for soldiers such as Glenn, America would not enjoy the many freedoms that we have today. He served selflessly in a time of great need, bringing credit to himself and to this great nation. Thanks Glenn.

IN HONOR OF JOSEPH SIMUNOVICH

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2001

Mr. MENENDEZ. Mr. Speaker, I rise today to pay tribute to Joseph Simunovich for his extensive corporate, governmental, and entrepreneurial genius and expertise. On Friday, November 16, 2001, Mr. Simunovich will celebrate his official retirement with family, friends, and former colleagues. The celebration will take place at the White Beaches Golf & Country Club in Haworth, New Jersey.

Joseph Simunovich's remarkable career in corporate America spans four decades. In 1962, he began his distinguished career working in the Sales and Marketing Management divisions at the New York Telephone Company. After 16 years of remarkable service, Joseph Simunovich left the New York Telephone Company to become Marketing Manager for major accounts at Bell Atlantic New Jersey, now Verizon. While at the former Bell Atlantic, he quickly rose the corporate ladder becoming Director of Sales in 1985. As Director of Sales, he supervised and coordinated a renowned sales team that led Bell Atlantic sales for 8 consecutive years. Upon his departure from Bell Atlantic, Mr. Simunovich joined United Water New Jersey-New York as Senior Vice President for Business Development, External Affairs, and Corporate Communications. In addition, Mr. Simunovich has served as Chief of Staff, President, and Vice Chairman of the Board of Directors during his nine dedicated years at United Water New Jersey, New York.

Mr. Simunovich has also played an influential and active role in New Jersey politics. In 1986, he was appointed by Governor Kean to be a Member of the New Jersey Economic Development Authority (EDA). He has been re-appointed to the EDA for six consecutive terms and currently serves as EDA Vice Chairman. In addition, he is Chairman of the Bergen County Economic Development Corporation and served 12 years as a Hudson County Freeholder.

Joseph Simunovich is a resident of Bergen County, New Jersey. He is married and has two children and four grandchildren.

As a result of his hard work, Joseph Simunovich has helped improve the quality of life for thousands of families living throughout New Jersey.

Today, I ask my colleagues to join me in honoring Joseph Simunovich for his commitment to helping others and for his years of distinguished service to the people of New Jersey.

PROCLAMATION FOR GREGORY M. PORTER

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2001

Mr. ISRAEL. Mr. Speaker, it is with great pride that I rise today to recognize one of New

York's outstanding young students, Gregory Porter. This young man has received the Eagle Scout honor from their peers in recognition of their achievements.

Since the beginning of this century, the Boy Scouts of America have provided thousands of boys and young men each year with the opportunity to make friends, explore new ideas, and develop leadership skills while learning self-reliance and teamwork.

The Eagle Scout award is presented only to those who possess the qualities that make our nation great: commitment to excellence, hard work, and genuine love of community service. Becoming an Eagle Scout is an extraordinary award with which only the finest Boy Scouts are honored. To earn the award—the highest advancement rank in Scouting—a Boy Scout must demonstrate proficiency in the rigorous areas of leadership, service, and outdoor skills; they must earn a minimum of 23 merit badges as well as contribute at least 100 man-hours toward a community oriented service project.

I ask my colleagues to Join me in congratulating the recipients of these awards, as their activities are indeed worthy of praise. Their leadership benefits our community and they serve as role models for their peers.

Also, we must not forget the unsung heroes, who continue to devote a large part of their lives to make all this possible. Therefore, I salute the families, scout leaders, and countless others who have given generously of their time and energy in support of scouting.

It is with great pride that I recognize the achievements of Gregory and bring the attention of Congress to this successful young man on his day of recognition, Saturday, November 24, 2001. Congratulations to Gregory and his family.

CONGRATULATING KRISTIE THOMPSON

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2001

Mr. HALL of Texas. Mr. Speaker, I am pleased to recognize today Ms. Kristie Thompson of Rockwall, Texas, who this past summer succeeded in hiking the 2,167 miles of the Appalachian Trail. This hike from Springer Mountain in Northern Georgia to Katahdin in Central Maine is a trek completed by fewer than 500 people each year. What makes Kristie's accomplishment even more outstanding is the fact that she hiked the distance in only four months instead of the usual six—and she did a majority of it alone.

Since childhood, Kristie has had a love for the outdoors and a sense of adventure. A schoolteacher at Maurine Cain Middle School in Heath, Texas, and the mother of two teenage children, she used her summer break to fulfill this ambitious, lifelong dream. Kristie and her sister, Melanie Musser, began the journey on April 15, but 800 miles later, Melanie decided she could not be away from her family for another two months. Kristie understood—for she, too, missed her family—but she decided to go on alone.

Kristie awoke each day to begin hiking by 7 am and did not stop until 6 pm. That is an average of eighteen miles every day, much of it through mountains, carrying a pack of about 26 pounds. Often hiking as many as thirty miles in one day, Kristie noted that the mental challenges were equally as great as the physical ones. Her emotions ranged from elation to loneliness to frustration. She tells that more than three months along the trail—but still 300 miles from her destination—she stopped, stared down at the trail and burst into tears. But there, scratched in the dirt, was a message left for some other mother: "Good job, Mom." This message gave her the inspiration and resolve to complete the arduous journey.

Support from family and strangers saw her through. Every few days she would pick up food and supplies that her parents would send to towns along the way. Her children sent postcards and provided words of encouragement when she called. They followed her progress on a map. Along the way she slept in shelters or under a tarp or tent. On the last five miles of the hike, Kristie was joined by her father, Emmett Howe, who shares her family's immense pride in this accomplishment.

Kristie's ambition and perseverance certainly will serve as sources of inspiration for her family, students and friends in Rockwall. Her feat took resolve, extraordinary willpower and courage—as well as meticulous planning and resourcefulness. She said the trip made her stronger in her resolve to tackle difficult challenges in life and reinforced what mattered most to her—her family.

Mr. Speaker, I am pleased today to recognize this outstanding young woman from my hometown of Rockwall—Kristie Thompson—and to congratulate her for this extraordinary achievement in hiking the Appalachian Trail.

PAYING TRIBUTE TO CHARLIE BOLLINGER

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2001

Mr. McINNIS. Mr. Speaker, it is with a solemn heart that I would like to take this opportunity and pay tribute to an icon of the Pueblo, Colorado community who recently passed away. Charles Bollinger, who was fighting Alzheimer's disease and a brief illness, died at the age of 85 and as his family and friends mourn his loss, I think it is appropriate that we remember Charlie for his many contributions throughout his life.

Charlie owned and operated Bollinger's Confectionary, a magazine/bookstore located in Pueblo. Bollinger's Confectionary began as a candy store that was started by his uncle in 1927. In 1946, Charlie bought the business and moved it to a new location. While there, he added the magazine collection that made Bollinger's a favorite store in the community.

Charlie was an adamant sports fan throughout his life. He was a longtime, devoted Denver Broncos fan and his love of sports was clearly reflected in his store magazine selections. His legendary collection included over ninety titles covering sports from football to

baseball, and outdoor sports including hunting and fishing.

Mr. Speaker it is with profound sadness that we remember the life and memory of Charlie Bollinger. He will be remembered for his kind heart and the gentle demeanor he displayed throughout his life. As family and friends mourn his passing, I would like to recognize the wonderful life Charlie lived. We will miss you Charlie.

TRIBUTE TO TOKO FUJII

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2001

Mr. MATSUI. Mr. Speaker, I rise in tribute to Toko Fujii, one of Sacramento's most notable citizen leaders. Toko was regarded as one of the most well respected and positive figures in the Sacramento Japanese American community. I ask all of my colleagues to join with me in saluting one of Sacramento's most outstanding citizens.

Toko was born in Stockton, California on May 11, 1920. The eldest child of Kinji and Midori Fujii. As a youngster in Oakland, where his parents owned a billiard hall, Toko demonstrated his trademark independence at very early age. He would often stop by a neighborhood restaurant to purchase a bowl of oatmeal for breakfast before walking to school each morning. In 1927, Toko and his parents, along with younger sister, Chizue, moved to Sacramento, where he attended Lincoln School for his elementary and junior high years before attending Sacramento High School.

While in high school, Toko was an active member of the Japanese Student Club, Math Honor Club, and the prestigious California Scholarship Federation. In his spare time, Toko was also involved in the Buddhist Church Youth Organization. It was in a high school French class that he first met Sayoko Akume, who eventually became his wife and had been for the last 58 years.

When World War II broke out, Toko and Sayoko were sent to the Tule Lake Internment camp. During the internment, he kept busy by writing a column for the camp newspaper. Toko and Sayoko eventually left camp in the summer of 1943 and the young couple moved to Salt Lake City, where they were married on July 3, 1943. While majoring in Business Administration at the University of Utah, Toko displayed his innate talent for bringing people together when he organized a basketball team of Japanese Americans from the university.

Upon graduation, Toko and Sayoko moved to Denver before returning to Sacramento. During these years, Toko further enhanced his ability to bring people together. Toko organized his first fundraiser to raise money for uniforms and traveling costs for the Japanese American All Star Basketball Team. Toko also played an instrumental role in the establishment of the Buddhist Church Basketball League and the Northern California Nisei Athletic Union. Before the integration of Little League Baseball, he played a major role in organizing the Northern California Church League, a Nisei baseball league.

In his professional life, Toko first ran the Sun Hotel and shortly thereafter he became a real estate and insurance broker before he was recruited to manage the El Rancho Bowl in 1960. In 1964, Toko and his business partner, Kay Hamatani, started Victory Trophies, which he successfully operated until 1996. In addition to being a small business owner, Toko also contributed 27 years of outstanding service to the former Bank of Tokyo.

In his personal life, Toko remained very active with various community causes. He served as the acting office manager for the Japanese American Citizen's League since the early 1990's. In early 1991, he spearheaded the project to exhibit the story of Japanese American's in the Greater Sacramento Valley. After the unexpected death of the project's organizer, Toko assumed full responsibility of the project and fulfilled the mission to introduce their story at the Sacramento History Museum for six months in 1992.

Toko was also affectionately known as "The Man" in the local community when it comes to fund raising for special causes. Toko played a key role in securing \$200,000 for the Sacramento Japanese American Citizens League's Endowment Fund in 1990. When the National Japanese American Memorial Foundation was organized in 1999, Toko stepped up to the plate and organized a local fund raising campaign that raised \$120,000. He never forgot the importance of giving back to his community. Toko's tireless commitment to serving his community was truly an inspiration and example to his fellow citizens.

Mr. Speaker, as Mr. Toko Fujii's friends and family gather to celebrate and honor his legacy and many contributions, I am honored to pay tribute to one of Sacramento's most well respected citizens. His successes are unparalleled, and it is great honor for me to have the opportunity to pay tribute to his accomplishments. I ask all my colleagues to join with me in celebrating the deeds of an extraordinary leader.

HONORING WESTFIELD WORKS WONDERS

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2001

Ms. DELAURO. Mr. Speaker, I rise today to recognize the fifth annual Westfield Works Wonders event which is being celebrated in shopping malls across the nation. Over the last five years, this wonderful charity event has raised millions of dollars for national and local non-profits and charities.

First implemented in Connecticut in 1997, the Westfield Works Wonders program began as a project to benefit local non-profits and charities. In just three years, the event achieved outstanding results raising upwards of one million dollars and attracting more than 120,000 shoppers to the four centers in Connecticut. Due to its local success in Connecticut, Westfield Wonder Works was rolled out as a national program in 1999. In its two-year national history, malls across the nation have raised almost three million dollars in con-

tributions for thousands of non-profits and charities.

The simplicity of the program is one of its greatest benefits. Westfield Works Wonders is a one-day three hour event held in November when shoppers are ready to begin their holiday shopping. For a five dollar donation, shoppers enjoy a private evening at Westfield Shoppingtowns with special discounts, in-store promotions, prize giveaways, entertainment, celebrity appearances, free photos with Santa, and more. All ticket proceeds are donated directly to participating organizations. In Connecticut alone, over sixty non-profits and charities will receive invaluable funding.

It is important to recognize the dreams and wishes that are made a reality by this special event. The money raised helps thousands of children and families receive much needed services. Hospitals, schools and a variety of national and local charities all benefit from the generosity of the over half a million people who attend this event nationwide. With a small donation, people can make a real difference in the lives of many.

I am proud to stand today to recognize the tremendous contribution Westfield Shoppingtowns are making to communities across the nation. I am honored to take this opportunity to extend my thanks and appreciation to all of those—from Westfield America to the thousands of retail employees—who make this evening possible. Your efforts are truly inspiring.

PAYING TRIBUTE TO DEBBIE JOHNS

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2001

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to recognize Debbie Johns and thank her for the contributions she has made to the School District 51 Board in Clifton, Colorado. Debbie has served on the school board for over sixteen years, and though she will be dearly missed, I am happy to congratulate Debbie on her retirement.

Debbie was elected to School District 51 Board in 1985. She ran for office because of concerns she had over school redistricting and how it would affect her children's lives. Since then, Debbie has been elected three more times to the board with the help of her campaign staff and her family. She has been instrumental in many changes that have occurred to the district during her tenure. While in office, six new schools have been built and another twenty have undergone renovations.

When not meeting with the board, Debbie can be found distributing her time between managing a doctor's office and caring for her family. This is no easy task considering Debbie works an average of seventy hours per week in her management position. Despite her newfound freedom, Debbie already plans to fill the void by donating her time to the Mesa County Public Library literacy program.

Mr. Speaker it is a great privilege to honor Debbie Johns and wish her the best as she steps down from the School District 51 Board.

She has dedicated her energy and time to the community for the last sixteen years and certainly deserves the praise and admiration of this body. Debbie, thank you for your dedicated service.

UNITED THROUGH IT ALL

HON. HENRY E. BROWN, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2001

Mr. BROWN of South Carolina. Mr. Speaker, I would like to submit the following poem for the RECORD.

UNITED THROUGH IT ALL

(By Mike Allen and Randall Bayne)

On an island in the harbor,
Lady Liberty's darkest day,
Terror rose against our land.
Evil had its way.

We witnessed two strong towers
As they came crashing down,
Innocent lives were sacrificed
In rubble on the ground.

We stood in awe, in disbelief,
Souls of thousands fell.
In the horror of the picture,
In the midst of this hell.

We bound our sprits in resolve
To answer freedoms call.
This is America,

We'll rise above it all.
We're united in our victory,
United in our cause.
We'll stand against all enemies,
Liberty has no walls.

We're stronger than those towers,
This country will not fall.
We are Americans,
United through it all.

We'll bind our wounded.
Grieve for those who died.
Praise the heroes' efforts.
And sing out with pride,

"America, America
God shed his grace on thee,
And crown thy good
With brotherhood."

For we're united in our victory,
United in our cause.
We'll stand against all enemies,
Liberty has no walls.
We're stronger than those towers,
This country will not fall.
We are Americans,
United through it all.

UNITED STATES POLICY TOWARDS HAITI

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2001

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to express my deep concern regarding current United States policy towards Haiti.

Haiti's human and development statistics are alarming. The life expectancy of the average Haitian is only 53 years, and this number is certain to decline as the HIV/AIDS epidemic

in the country becomes even more severe. According to UNAIDS, the United Nations agency responsible for addressing the HIV/AIDS pandemic, more than 5% of the adult population is HIV-positive, and some sectors of the population have infection rates of over 50%. In other human development categories, Haiti's record is just as lamentable. Half of Haitian adults are illiterate, and more than 1 in 4 children under the age of 5 are malnourished. Haiti ranks 152nd out of 174 on the United Nations Development Program's Human Development Index, below such countries as Bangladesh and Sudan.

In previous years, the United States pursued a constructive relationship with Haiti, the poorest country in the Western Hemisphere. Between FY 95 and FY 99, the United States provided \$884 million in critical development assistance funds to support agricultural development, democracy and governance, teacher training, health care, and many other programs. The United States also supported multilateral institutions that worked to improve the lives of ordinary Haitians. More recently, however, the United States has pursued a myopic policy towards Haiti and has used its veto power to prevent the disbursement of funds from multilateral institutions such as the World Bank and the Inter-American Development Bank (IDB). The board of directors of the IDB has already approved \$146 million in social sector loans for Haiti, but because of United States policy, these funds have been blocked from improving the lives of 8 million Haitians. This policy must change.

In order for the living standards and life chances of ordinary Haitians to improve, international development assistance is critical. The United States must change its current policy towards Haiti so that it may receive multilateral funds for pressing development needs.

IN HONOR OF THE PUERTO RICAN ASSOCIATION FOR HUMAN DEVELOPMENT, INC.

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2001

Mr. MENENDEZ. Mr. Speaker, I rise today to honor and pay tribute to the Puerto Rican Association for Human Development, Inc. (PRAHD). PRAHD is a non-profit organization in Perth Amboy, New Jersey, dedicated to providing health, educational, and social services to low-income residents of Middlesex County, New Jersey.

Since 1974, PRAHD has emerged as one of the premier non-profit organizations in the State of New Jersey. This dynamic organization provides a wide range of social services essential to low-income and elderly residents of Middlesex County. PRAHD currently sponsors pre-school child care programs, HIV/AIDS educational services, substance abuse prevention classes, and health care services for homebound senior citizens.

The outstanding success and efficiency of this organization can be attributed to its committed staff, which is working tirelessly to ensure that adequate social services are pro-

vided for residents in Middlesex County. PRAHD, which is governed by a Board of Directors and is managed by an Executive Director, currently employs 38 full-time and 74 part-time staffers. It is also supported by the diligent efforts of numerous community leaders, who volunteer their skills and services.

As a result of its hard work, PRAHD has vastly improved the standard of living for thousands of New Jersey families.

Today, I ask my colleagues to join me in honoring PRAHD for its service to the community of Perth Amboy and for its countless acts of kindness and compassion.

HONORING VERNE L. WIKERT

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2001

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to recognize Verne L. Wikert and his contributions to this country. Verne began his service to this nation in the 1940's, serving as a Merchant Marine in the Pacific theatre during World War II.

Mr. Wikert joined the Merchant Marines at the age of seventeen. Tasked with the position as oiler aboard the S.S. Coast Trader, Verne and his crew were responsible for supplying the Pacific theatre with troops and supplies throughout the war. On June 7, 1942, a Japanese submarine torpedoed his ship. Following the attack, Verne fought his way from below deck to escape the sinking ship. This event put the crew through a five-day ordeal, fighting for their survival off the coast of the state of Washington. Upon rescue, Wikert, in a coma, was near death.

Mr. Wikert recovered from this experience and continued his service to his country, surviving two more torpedo attacks before the end of the war. As is customary in the Merchant Marines, he received no awards or decorations for his contributions to the war effort, but is worthy of the praise of this body of Congress.

Mr. Speaker, it is a great privilege to honor Verne L. Wikert for his service to this country. He served selflessly during a time when the country was in great need. His actions have brought great credit to himself and his nation.

EXPRESSING SENSE OF CONGRESS THAT PRESIDENT ISSUE PROCLAMATION RECOGNIZING A NATIONAL LAO-HMONG RECOGNITION DAY

SPEECH OF

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 2001

Mr. UNDERWOOD. Mr. Speaker, I rise in strong support of H. Con. Res. 88, a resolution urging the President to issue a national proclamation recognizing the important contributions of Hmong and Laotians to our great nation.

Unfortunately, few Americans know that many Hmong and Lao people came to the United States as refugees fleeing genocide and persecution for fighting against the spread of communism in Laos, a country once part of the French colony known as Indochina, which also encompassed Cambodia and Vietnam.

Following the French rule over Indochina from 1863 until its withdrawal from the region in 1954, the United States became involved in the struggle for democracy and independence for Indochina from 1955 to 1975. During this period which became known as the Vietnam War, the United States recruited Hmong and Lao people to fight against the communist Vietnamese Army and the Pathet Lao. Hmong and Lao soldiers flew thousands of deadly combat missions in support of the U.S. Armed Forces and the Central Intelligence Agency, and fought in conventional and guerrilla combat clashes with extreme casualties against communist Vietnamese and Pathet Lao. More than 35,000 Hmong and Lao soldiers lost their lives in defense of democracy and many more were seriously injured and disabled.

After the United States pulled out of Vietnam in 1975, many of the Hmong and Lao soldiers and their families were forced to live in communist concentration camps known as "reeducation camps" by the Pathet Lao. While in these camps, thousands of Hmong and Lao people were subjected to chemical bombings, tortures, and genocidal murders. Many eventually escaped to refugee camps in Thailand and some refugees fled to the United States. It is estimated that between 1975 and 1995, the communist Pathet Lao government killed more than 300,000 people in Laos, including the Royal Lao family.

Only in recent years have we begun to recognize and commemorate the contributions thousands of Hmong and Lao Americans have made during the period of the Vietnam War. In the 106th Congress, Congress passed the Hmong Veterans' Naturalization Act introduced by our esteemed former colleague the late Congressman Bruce Vento, which expedited naturalization procedures for Hmong and Lao refugees who fought in the special guerrilla units in Laos.

Today nearly 195,000 Hmong and 135,000 Lao Americans live in the United States. Large Hmong and Lao communities have been established in parts of California, Minnesota, Wisconsin, North Carolina and Colorado.

In closing, I would like to congratulate Congressman Tancredo for his work on this legislation and urge my colleagues to stand in strong support for the passage of H. Con. Res. 88.

68TH ANNIVERSARY OF FAMINE-GENOCIDE IN UKRAINE

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2001

Mr. SCHAFFER. Mr. Speaker, as Co-Chair of the Congressional Ukrainian Caucus, I rise today to commemorate the memory of millions of innocent victims ruthlessly murdered at the tyrannical hands of Joseph Stalin and other

Soviet communists. This year marks the 68th anniversary of the Famine-Genocide perpetrated by Stalin in an attempt to subjugate the people of Ukraine.

In order to achieve his vision of a strong industrialized Soviet Union, Stalin sought to force Ukraine into compliance. However, his policy of forced collectivization was strongly resisted by the freedom-loving peasantry. In an effort to break the spirit of the Ukrainian people, Stalin used food as a weapon, starving between six and eight million people to death, while confiscating and exporting massive quantities of grain. This was a naked act of genocide against Ukraine and her people.

The famine was entirely the creation of Stalin's totalitarian policies. The Communist State's prohibition of private land ownership and Stalin's excessive seizures of agricultural products created an intolerable life for the Ukrainian peasantry. This situation escalated when state-sanctioned production quotas could not be filled. The quotas were designed to guarantee failure. The failure of quota fulfillment was interpreted, by Stalin, as anti-Soviet behavior, as treason, and acted upon accordingly.

Stalin ordered the Soviet secret police, the GPU (State Political Directorate), later the NKVD (People's Commissariat for Internal Affairs), to enforce his quotas by whatever means necessary. The GPU, with the help of local party officials, seized all the available food and seed, rendering the peasantry incapable of producing even enough to feed themselves in the most fertile regions of Europe and Asia. As a result, a mass migration of peasantry loomed. Many sought a chance for survival in the cities, others merely brought their children to urban areas and left them in the hope they would survive, returning, themselves, to their villages to die.

To prevent the migration, the "social parasitism" Stalin implemented a passport system, which forced the peasantry to remain in their villages. Those caught hiding food were either deported to Siberian labor camps or shot. Often, the grain collected would begin to rot while it waited for pickup. Those trying to steal even the rotting grain faced the same fate as those hiding it. Anyone who did not appear to be starving was suspected of hoarding food and faced death or deportation. Unable to eat, under penalty of death, the peasants starved to death.

The fate of these victims is a lasting testament to the failure of the Soviet system. Stalin's quote, "a single death is a tragedy, a million are just a statistic," responding to a question about the reported deaths of millions of Ukrainians, is evidence of the horror Ukraine faced.

In 1986, the U.S. Congress appointed a Commission on the Ukraine Famine. After two years, the Commission confirmed these terrible events did occur and constituted an act of genocide against Ukrainians. Over two hundred courageous Ukrainian survivors testified before the Commission. Their testimony is preserved in the CONGRESSIONAL RECORD. These terrible events must not be forgotten. Because of the courage of survivors and the commitment of those who remember and commemorate this tragedy, they will not be.

PROCLAMATION FOR JAMES LEHANE

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2001

Mr. ISRAEL. Mr. Speaker, it is with great pride that I rise today to recognize one of New York's outstanding young students, James Lehane. This young man has received the Eagle Scout honor from their peers in recognition of their achievements.

Since the beginning of this century, the Boy Scouts of America have provided thousands of boys and young men each year with the opportunity to make friends, explore new ideas, and develop leadership skills while learning self-reliance and teamwork.

The Eagle Scout award is presented only to those who possess the qualities that make our nation great: commitment to excellence, hard work, and genuine love of community service. Becoming an Eagle Scout is an extraordinary award with which only the finest Boy Scouts are honored. To earn the award—the highest advancement rank in Scouting—a Boy Scout must demonstrate proficiency in the rigorous areas of leadership, service, and outdoor skills; they must earn a minimum of 23 merit badges as well as contribute at least 100 man-hours toward a community oriented service project.

I ask my colleagues to join me in congratulating the recipients of these awards, as their activities are indeed worthy of praise. Their leadership benefits our community and they serve as role models for their peers.

Also, we must not forget the unsung heroes, who continue to devote a large part of their lives to make all this possible. Therefore, I salute the families, scout leaders, and countless others who have given generously of their time and energy in support of scouting.

It is with great pride that I recognize the achievements of James and bring the attention of Congress to this successful young man on his day of recognition, Friday, January 4th, 2002. Congratulations to James and his family.

PAYING TRIBUTE TO PAUL JORDAN

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2001

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to recognize Paul Jordan for his contributions to this country. Paul began his service to our nation in 1942 by reporting for duty as a new army recruit at Fort Logan, CO. Following his training, Paul was assigned as a tank assistant gunner for the invasion of Sicily, Italy in June of 1943.

Mr. Jordan's company supported cover for the 45th Division and served in the initial invasion of Sicily. The Allied success brought Paul to the invasion of Salerno in September of that same year. It was during this invasion that Paul had his first tank destroyed by enemy

fire. Paul survived and later was reunited with his company and assigned a new tank. After fighting for three months near Monte Cassino, Paul was assigned to yet another invasion force, this time the invasion of Southern France. Fighting near Cannes in 1944, Paul's tank was again destroyed by an enemy attack. Evading enemy forces once again, Paul was promoted to tank commander upon reaching his unit. The war ended for Paul in Strasborg, France close to the German border in 1945.

Mr. Jordan returned to Colorado in November 1945. He married his sweetheart Ellen and raised three children. He went on to work in the Delta County School District for almost 30 years. Paul and his wife Ellen recently traveled back to France to visit a small village his unit liberated during the war, and to visit a memorial to five of his comrades who died during the fighting.

Mr. Speaker, it is a great privilege to recognize and pay tribute to Paul Jordan for his service to his country during World War II. He served selflessly in a time of great need, bringing credit to himself and this nation. Paul is one reason that our country enjoys the freedom that we hold so high today.

TRIBUTE TO EDDIE BOLAND

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2001

Mr. MATSUI. Mr. Speaker, I rise today to pay tribute to a dear friend and former colleague Eddie Boland. By his own choosing, he loyally served this body for 36 years with minimal national attention. And yet despite his best efforts to remain known only to his constituents and his colleagues, his name carries a familiar ring to a vast number of Americans.

While it was his role as Chairman of the House Select Committee on Intelligence that brought him household recognition, Eddie Boland stood for more than the namesake amendments that helped set the stage for the Iran-contra affair. To his constituents, he was a friend, a steadfast supporter of civil rights and simply unbeatable when it came to the polls. To members of this body, he was an honest, sincere and dedicated man who came to Washington to serve his district and did it well.

It has been over 13 years since Eddie Boland last graced the halls of Congress as a distinguished member of the House of Representatives, but the ideals that he quietly fought for during his tenure have not been lost. I extend my sincere condolences to his wife Mary and their four children.

HONORING SERGEANT JOSEPH BUONOME ON THE OCCASION OF HIS RETIREMENT

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2001

Ms. DeLAURO. Mr. Speaker, it gives me great pleasure to rise today to pay tribute to

Sergeant Joseph Buonomo who recently retired from the East Haven Police Department after three decades of dedicated service. Sergeant Buonomo led an exemplary career and has left a legacy that will not soon be forgotten.

Joining the East Haven Police Department as an Auxiliary Officer nearly thirty years ago, Sergeant Buonomo was soon sworn in as a full time officer. Appointed Court Liaison and Police Spokesperson ten years ago, Sergeant Buonomo played an integral role in maintaining the Department's relationship with the local community. Throughout the course of his career, he also took on the duties of Hostage Negotiator, Supply Officer and Airport Liaison. His outstanding service has been recognized with more than ten Commendations and two Citations for performing above and beyond the call of duty—a reflection of his unwavering commitment to serve and protect the residents of East Haven. Sergeant Buonomo has certainly been a hero to our community.

Sergeant Buonomo's compassion and generosity extends well beyond his professional career. As a member, Secretary, Vice-President and President for the Police Union Local 1662, he worked hard to ensure the safety and security of his fellow officers and their families. Sergeant Buonomo has also served as the Vice President of the Connecticut Police Association as well as Vice President and President of the Order of Centurions devoting countless hours to these fine organizations. Dedicated to enriching his community, he has also served as Co-Chairman for many charitable events. His commitment to the East Haven community, professional and otherwise, is unquestionable and he has made a real difference in the lives of many.

Too often we take for granted the role of our law enforcement officers; men and women who face risks few of us can truly comprehend. Each day, they must be ready to perform under intense pressure—literally in life or death situations. It is an honor for me to stand today to express my deepest thanks and appreciation to Sergeant Joseph Buonomo for his outstanding service to the Town of East Haven and to extend my very best wishes to him and his wife, Barbara; daughter, Cheryl and her husband, Michael; and his grandchildren, Gabrielle and Christopher as they celebrate his retirement.

WELCOME IMAM HENDI AND COMMENCEMENT OF RAMADAN

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2001

Mr. RAHALL. Mr. Speaker, I am honored to extend a warm welcome to Imam Hendi.

He is here with us today as guest chaplain and here to observe the commencement of Ramadan—the Islamic holy month of fasting and spiritual renewal.

Imam Hendi has spent his life educating and working with youngsters and students to guide their spiritual development and to educate them on the tenets and faith of Islam.

He was the first Muslim chaplain designated by Georgetown University where he currently serves.

Back in 1991, I was the first Member of Congress to invite an imam to pray before the House.

Today we share again the rich religious diversity of America by welcoming Imam Hendi.

This morning, at the commencement of Ramadan we send our greetings as our Muslim citizens and Muslims around the world prepare for this holy month of spiritual renewal.

Islam is one of the largest world religions, and one of America's major religions.

Muslims from all over the world are valued members of our American communities.

And this Muslim community comes together in the United States from all corners of the world: the Middle East, Indonesia, Southeast Asia, and Africa to celebrate their faith in our country.

In this month of introspection, faith, prayer and cleansing, together we share the horror of American Muslims felt when they witnessed criminals use their sacred faith as an excuse for their crimes.

While we will not excuse the criminal acts of September 11, so too can we never excuse those who seek to blame Muslims as a whole for those acts.

Nor will we, as a Nation, tolerate acts of violence and hatred directed towards those who practice Islam.

This has been made clear, from the President on down.

There can be no battle between the United States and the Muslim world, because the United States is part of the Muslim world.

Today we have 6 million Muslims in the United States, and that number continues to grow.

We welcome our Muslim citizens, and we value them, and we send them our best wishes.

I would like to close by stating my support as a cosponsor of Congressman John LaFalce's resolution, H.Res. 280; to express solidarity and support for members of the Islamic community in the United States and around the world while commending them for their faith in Islam.

HONORING GENE PARKER

HON. SCOTT MCINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2001

Mr. MCINNIS. Mr. Speaker, I would like to take this opportunity to recognize a truly dedicated volunteer, Ms. Gene Parker, from Southwest Colorado. Gene has spent over a century of her life working to help better understand previous cultures and the archaeological preservation of the Anasazi culture.

Ms. Parker began her work as a volunteer for the Bureau of Land Management's Anasazi Heritage Center in Dolores, Colorado. Her duties include the inventorying of the center's collections, where she is relied upon to verify that each piece was properly documented for its historical study. Gene has also volunteered her services to the center's library, assisting with special events as they occur. She is also a member of the Anasazi Historical Society.

Gene has dedicated her time and effort for two days a week for the past fifteen years. Following recovery from a broken hip in 1999, Gene remained committed to continue her duties where she has amassed 1,814 volunteer hours.

Mr. Speaker, it is a great privilege to recognize Gene for her service to help preserve the artifacts of the ancient Anasazi culture. Her dedication to a worthwhile cause certainly deserves the praise of this body. Because of her efforts, many will now be able to better understand the Anasazi culture.

ST. JOSEPH'S HIGH SCHOOL'S FOOD DRIVE COMMITTEE

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2001

Mr. MENENDEZ. Mr. Speaker, I rise today to honor and pay tribute to the Food Drive Committee at Saint Joseph's High School in Metuchen, New Jersey. For over thirty years, this Food Drive Committee has provided Thanksgiving food baskets for thousands of needy families throughout New Jersey.

This charitable food drive was inaugurated under the guidance of Brother George Woodburn. Currently, the Food Drive Committee operates under the auspices of the Saint Joseph's Student Council. Annually, this food drive provides hundreds of Thanksgiving food baskets to various food shelters and organizations for distribution to families in need.

The success and longevity of this event is due to the compassionate efforts of Saint Joseph's dedicated administration, faculty, and students. As a result of Saint Joseph's kind-hearted efforts, this month-long food drive enables hundreds of needy families to enjoy a Thanksgiving dinner.

For four decades, Saint Joseph's has also been dedicated to the education and leadership development of young men residing in Central New Jersey. This institution prepares young men for post-secondary academic success, while also enabling them to acquire the skills and values essential to become responsible young adults.

Today, I ask my colleagues to join me in honoring Saint Joseph's High School for its dedication and commitment on behalf of needy families throughout New Jersey.

DULCE AND DECORUM EST . . . BY JAMES F. CAHALAN, PH.D.

HON. HENRY E. BROWN, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2001

Mr. BROWN of South Carolina. Mr. Speaker, I would like to submit the following poem for the RECORD.

DULCE AND DECORUM EST

JIM CAHALAN, MAY 5, 2001

They once were boys, like you and me, Just little boys, not heroes then; Just small and ordinary.

No one could have known that when Their country called them overseas They'd give their all, more than could bear We who stayed in tranquil leas, Gave out medals, but no care.

We must engrave this one bold truth Of noble men who give their all, Keep us

free from harm, forsooth, Safe, content, and out of thrall;
 Who leave behind their homes and wives All to brave those hellish places, Sacrifice their very lives, Saving our eternal blazes,
 And work to make much, much the less Of strife and human misery: Dulce et decorum est Pro patria vivere.

PAYING TRIBUTE TO BERNICE
 ELAINE FORCE

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2001

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to the life and memory of Bernice Elaine Force who recently passed away in Glenwood Springs, Colorado on October 25, 2001. She began her life in Kalamazoo County, Michigan, born to Fred and Bessie Bishop Barber, where she attended the University of Michigan School of Nursing. After her marriage to Jack Force in 1932, the couple moved to Mesa, Colorado.

Throughout her life, Bernice was dedicated to providing healthcare services to those who were in need. She served in several hospitals throughout the state including Veterans Hospital in Grand Junction, Faith Hospital in Collbran, and Valley View Hospital in Glenwood Springs.

In her free time, Bernice enjoyed various activities and interacting with others who were in her life. Her most cherished time was spent with family. She was a dedicated wife, mother of three, grandmother to five, and great-grandmother of four. Bernice enjoyed gardening, fishing, baking and cooking. She was also an active member of her church.

Mr. Speaker, it is with great sadness that we mourn the loss of Bernice Elaine Force. She devoted most of her ninety years to others and will be missed by those she touched. Her family and friends are grateful for her dedication and service to Glenwood Springs. As we mourn her passing, our thoughts are with those who knew her.

TRIBUTE TO HOUSING OPTIONS &
 GERIATRIC ASSOCIATION RE-
 SOURCES, INC.

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2001

Mr. SERRANO. Mr. Speaker, I rise today to pay tribute to Housing Options & Geriatric Association Resources, Inc., an organization dedicated to improving the lives of homeless, elderly, mentally ill, physically challenged, and HIV/AIDS infected individuals in the Bronx. This invaluable organization celebrates the grand opening of its Scattered Site Housing Program and Supported Housing Unit on November 15, 2001.

H.O.G.A.R.'s mission is not only to raise awareness of the housing and health issues facing burdened groups of society, but also to

provide ways of dealing with these issues. Not only does H.O.G.A.R. spread the word that a number of individuals diagnosed as mentally ill end up on the streets each year, but it also maintains a program to find housing for these people and has even opened a 12-bed supported housing unit that emphasizes community reintegration.

Mr. Speaker, H.O.G.A.R. also recently implemented the Scatter Site Housing Program for HIV/AIDS infected people. This program provides relocation assistance, access to counseling services, access to primary health care, recreational activities, daily life skills training, and classes in healthy meal preparation to name just a few things. Essentially it is a program to ensure that people living with AIDS, actually have some quality of life. Often those who are sick and poor are left to the wayside. H.O.G.A.R. is there to pick these individuals up and to show them how to stand alone.

An amazing group of men and women give H.O.G.A.R. its heart and soul and continually fuel its efforts. It is because of them that H.O.G.A.R. exists and succeeds in its mission. We will never be able to accurately assess exactly how many lives H.O.G.A.R. has saved or how many lives it has helped give meaning and hope to. We can only be sure that any addition to this organization is worthy of great celebration. That is why my son, Councilman elect, and myself are so honored to be named special guests of H.O.G.A.R.'s grand opening of these two new program units.

Mr. Speaker, I ask my colleagues to join me in congratulating the H.O.G.A.R. directors and staff for their immeasurable contributions to those most in need and most overlooked and in thanking them for their ceaseless efforts.

THE FOREIGN GOVERNMENT
 OWNERSHIP ACT OF 2001

HON. W. J. (BILLY) TAUZIN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2001

Mr. TAUZIN. Mr. Speaker, last week, Senator HOLLINGS and I joined together to introduce legislation to emphasize the prohibition on foreign government ownership of American telecommunications and broadcast infrastructure. This is not a new concept. It has been the law for more than fifty years in order to protect the American national interest.

We have been dismayed this year by the FCC's approval of the Deutsche Telekom acquisition of VoiceStream Wireless Communications and the SES-Astra acquisition of GE Americom Communications. For several years, we have repeatedly expressed the most serious reservations about the Commission's interpretation of the foreign government ownership provisions of Section 310 of the Communications Act. We have repeatedly pointed out that companies controlled by foreign governments are too often motivated by political considerations that may be against the interests of the United States rather than by the working of the competitive marketplace.

Notwithstanding our stated concerns, the Commission approved the Deutsche Telekom

acquisition of VoiceStream in April of this year, revealing the clear differences between the Congress and members of the Commission about the meaning and application of Section 310. The proposal of SES-Astra to acquire GE Americom presented the same concerns, and I asked the Commission to conduct a "vigorous review;" of the proposed acquisition to assure that our national interests were protected. However, instead of the vigorous review that was needed and requested, the Commission allowed the International Bureau to rapidly approve this significant acquisition in a pro forma manner. Indeed, once that approval had been given, SES-Astra revealed that it had not fully revealed the substantial extent of foreign control in the company, but the FCC staff again gave its prompt pro forma approval with no public notice.

Commissioner Michael J. Copps issued a statement noting that SES-Astra's failure to reveal the full extent of its foreign ownership and stating that the Telecommunications Act required the FCC to provide the opportunity for public notice. We agree. We believe the Commission has exceeded its authority in this area and has not weighed fully the full national interest considerations in foreign government ownership of our telecommunications infrastructure, especially in the wake of recent events that have heightened our concerns about the security of our homeland.

Accordingly, we introduced legislation to make it clear that foreign governments are not allowed to own or control American telecommunications, satellite, or broadcast networks, whether directly or indirectly. This legislation does not break new ground, but rather simply reaffirms, in no uncertain terms, that the telecommunications, broadcast, and Internet facilities that underlie our freedom of speech and our economy cannot be made vulnerable to the actions of foreign governments.

We suggest that it serves neither the public interest nor the interest of the applicants for the FCC to approve any mergers of this type, or for that matter to allow the SES-Astra acquisition of GE Americom to go forward without the full Commission seriously addressing our concerns.

AMERICAN SPIRIT FRAUD
 PREVENTION ACT

SPEECH OF

HON. CLIFF STEARNS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 2001

Mr. STEARNS. Mr. Speaker, in the days following the terrible tragedy that befell America on September 11, 2001, we have experienced a reaffirmation of the American Spirit in the heroic acts of some Americans and the selfless giving of others. Americans have opened their hearts to the families of the victims of the September 11th tragedy and heeded the calls for assisting those victims. Americans from all walks of life have to date contributed in excess of \$1 billion to charities and other organizations supporting the victims of the tragedy. While the overwhelming majority of fund-raising efforts in response to the September 11th

terrorist acts are legitimate, unfortunately, there have been a few fraudulent fundraising efforts capitalizing on this National tragedy.

As unacceptable as it may be, the September 11th tragedy, as other tragic emergencies, have spun deceit and fraud perpetrated by unscrupulous persons manipulating the emotions of generous citizens so that they may fraudulently line their pockets. Scam artists often use the telephone and Internet to prey on emotions—for example, by being rude when asked for specific information or insinuating that people who decline to give are unpatriotic. By taking advantage of the moment and acting quickly, these criminals are often able to raise thousands of dollars before they are caught. And when they're caught, the FTC has tepid legal authority to make them pay for their offense.

H.R. 2985, the American Spirit Fraud Prevention Act, introduced by Reps. DEAL and BASS, takes measures to prevent scam artists from capitalizing on national tragedies and takes additional steps to penalize those practices. The bill takes the needed step of strengthening the Federal Trade Commission Act so the Commission can punish those unscrupulous scam artists.

The bill gives the Commission the power, during times of presidentially-declared national emergency or natural disaster, to crack down hard on unfair or deceptive acts or practices that take advantage of the emergency or disaster. If the Commission acts to stop the fraud administratively, this bill doubles the civil penalties from \$11,000 to \$22,000 for *each* violation. Alternatively, if the Commission opts to go to federal district court for an injunction to stop the fraud, the bill gives the Commission the authority to demand civil penalties of \$22,000 for *each* violation, a punitive power the FTC currently does not have at their disposal. The increased penalties are available for unfair or deceptive acts or practices committed within one year after the President terminates the emergency period under the National Emergencies Act or within one year of the disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

Those are needed changes to the FTC Act. It is unfortunate that such changes were necessitated by the horrific events of September 11th. Yet, we must put all those engaged in fraud or contemplating fraudulent acts that take advantage of National tragedies on notice that they will pay and pay dearly for their unscrupulous acts. This bill shows that we will not tolerate the manipulation of Americans' goodwill at times of National tragedy.

I wholeheartedly support the American Spirit Fraud Prevention Act and I strongly urge its passage.

PAYING TRIBUTE TO DAVID
POLLARD

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2001

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to recognize David Pol-

lard of Cedaredge, Colorado, and thank him for his contributions to the people of Kosovo. For the past year, David has been involved with the "Youth With A Mission" organization that helps people throughout the world by building homes and fostering relief projects in troubled areas around the world.

David began his work with YWAM after training in Trinidad, Colorado for several months. His first assignment was to be sent to Kosovo as a member of the outreach team. The team's duties included building housing for families that have been displaced or lost their homes in the recent conflict in Kosovo. Living with a host family, David contributed to his team by providing the labor to construct these homes. David reached out further to the communities by interacting with locals and spreading moral messages based on the Bible and the Koran.

David ended his first mission to Kosovo last summer. Since, he has returned to Trinidad and assisted in the training of more teams to continue with YWAM's mission. After his second round of training, he was instrumental as a co-leader for a new team of volunteers and accompanied them back to Kosovo. Some people might say that two missions are enough in a place that has experienced such devastation and hardship for so long, but David continues his assistance to Kosovo. He is now planning to return to the country, on his own, at his own expense. Once arriving, David hopes to find work with relief organizations and continue his service to the people of Kosovo.

Mr. Speaker, it is a great privilege to honor David Pollard and his contributions to a country in a time of need. Like other members of "Youth With A Mission," David has provided his services without compensation. His volunteering efforts are well appreciated and bring great credit to himself, his family, and his community. Thanks David.

IN HONOR OF CARL J. GOLDBERG

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2001

Mr. MENENDEZ. Mr. Speaker, I rise today to honor and pay tribute to Carl J. Goldberg. On Friday, November 16, 2001, Mr. Goldberg will be the Honoree at the Deborah Hospital Foundation's 15th Annual Children of the World Humanitarian Award Dinner-Dance. The event will be held at the Sheraton Meadowlands Hotel in East Rutherford, New Jersey.

Carl Goldberg has enjoyed an extensive and successful real estate career that spans over two decades. In 1979, he joined the prestigious real estate firm Bertram Associates as a Project Manager for the development of single-family homes. While at Bertram, he quickly climbed the corporate ranks and became Operating Partner. As Operating Partner, he was instrumental in the construction of more than 2,000 homes throughout New Jersey.

In 1994, Carl Goldberg left Bertram Associates and founded the Roseland Property Company. Since its formation, Roseland has

played a major role in the development of company communities throughout the Northeast. Under Carl Goldberg's guidance, Roseland builds over 1,500 residential units a year.

Currently, Carl Goldberg serves as a member of the National Association of Homebuilders and is the former President of the Community Builders' Association.

Today, I ask my colleagues to join me in honoring Carl Goldberg for his years of distinguished service on behalf of New Jersey residents.

HATE CRIMES IN AMERICA

SPEECH OF

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 2001

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I want to rise to lend my voice to those who have spoken here today on the issue of hate crimes directed toward those who are Muslims, of middle eastern descent, or who are perceived as belonging to either group. As Chairman of the Congressional Black Caucus, I know that hate crimes are not new. They are as old as lynchings and as real as bombings. Racial, religious and ethnic minorities have been the victims of hate crimes for a very long time in America and yet we all know that these acts of cowardice are rarely punished, routinely ignored and the victims are often considered the cause of the horror aimed at them.

I know that in other moments of crisis in this country, we have allowed fear to overcome reason and official actions to lead to unfair deprivations. The internment of the Japanese Americans, the treatment of the Native Americans and the slavery and segregation of African Americans were all caused by the interaction of fear, hatred and official action. In the new millennium, this country cannot afford to resort to old patterns of behavior.

In my district, the day after the September 11th attack, there were reports of people who shot into mosques in attempts to harm or terrorize. At that time, I issued a call for calm and reminded my constituents that this country must never resort to vigilante violence. In the wake of the horror that has been visited upon this country, we cannot allow ourselves to forget what it means to be an American. We must not forget that inclusion, diversity and respect for all people regardless of race, religion, gender, sexual orientation and national origin is the cornerstone of America's foundation and the undergirding of our greatness.

The American dream must be kept alive and well within our current nightmare. I am deeply disappointed to hear of the many instances of hate crimes that have occurred throughout the nation. I know that America is greater than this and I know that as always, the forces of fairness will overcome every domestic and international evil because the moral arch of the universe may be long, but it always bends toward justice.

November 15, 2001

TRIBUTE TO TOM J. DONOHO

HON. CHARLES H. TAYLOR

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2001

Mr. TAYLOR of North Carolina. Mr. Speaker, it is my honor to rise and commend one of Western North Carolina's and Buncombe County's finest citizens, the late Tom J. Donoho, "The big man with the big heart." Tom passed away on November 6, 2001. He was a personal friend of mine for many years, and he will be sorely missed.

Born in Greenville, South Carolina, Tom's family moved to North Carolina where he graduated from Biltmore High School in 1952. As an alumnus of Biltmore High School, saving the school from destruction became a pet project of Tom's in recent years. Last June the WNC Historical Association acquired the deed, and Tom sought my help for \$300,000 for the "Biltmore School Museum," which was provided in the 2002 Interior Appropriation.

After high school, Tom served in the United States Army and twelve years in the National Guard and Reserves. He was a man who loved his country, his community, and his people. Tom supported the East Asheville Youth Program for the past 47 years, giving freely of his time, materials, labor and money to this program, not for recognition but because he loved young people. Together, Tom and his wife Betty founded Asheville Electric forty years ago, building it into a thriving business, of which Tom was President, employing about 35 people.

When the new Reynolds High School was built, it was Tom Donoho who offered to wire the school, and he drove to Kansas to get the famous "Rocket"—an Army surplus "Honest John" rocket—which he helped mount at the entrance to the school and is the school's mascot. Tom provided the lighting for the school's football and baseball stadiums.

Tom took an active part in politics in Asheville and Buncombe County. For many years he contributed to the campaigns of good men and women who ran for public office and stood as a candidate for Asheville City Council in 1989. He was well known for donning an apron and cooking at fundraisers for local candidates.

In addition to being a well-known businessman, Tom served two four-year terms on the Asheville Regional Airport Authority. During that time he served as vice-chairman, chairman of the building and grounds committee, and employee relations committee. He was also a Shriner with the Oasis Temple and a member of the Biltmore Masonic Lodge, Asheville York Rite and the Asheville Scottish Rite.

Tom married Betty Brittain 43 years ago, they reared two children: Susan Donoho Martin of Asheville and Daniel Woron of Florida.

Tom Donoho was a big man with an even bigger heart. WNC and Buncombe County have lost a very good friend and we will miss him. I know that my colleagues will join me in saluting this fine man and community leader.

EXTENSIONS OF REMARKS

HONORING NASA ADMINISTRATOR
DANIEL GOLDIN

HON. DAVID L. HOBSON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2001

Mr. HOBSON. Mr. Speaker, I rise today to pay tribute to an outstanding public servant—the outgoing NASA Administrator Daniel Goldin. In his nine years with the agency, Mr. Goldin has been instrumental in shaping all aspects of NASA's mission for the challenges of the 21st Century. He brought a welcome new management style and instituted reforms for NASA to operate "Faster, Better, and Cheaper." Through these aggressive and innovative management changes, NASA achieved a necessary balance between the aeronautics and space programs. At the same time, Administrator Goldin made the safety of the Space Shuttle and Space Station crews the top priority for our space missions.

Mr. Goldin led the Shuttle Operations transition from an inefficient government bureaucracy to a private contractor, which significantly reduced the cost of human space flight. The cost savings realized in human space flight operations allowed NASA to dedicate additional resources for science research and aerospace technologies. This is a particular interest of mine since Glenn Research Center in Cleveland, Ohio, has developed preeminent capabilities in aeropropulsion systems, aerospace power and electric propulsion, aerospace communications, and combustion and fluids physics.

As anyone who knows Dan Goldin will tell you, he is not afraid to lead and direct his employees and his agency to higher levels of achievement. He has done so at NASA, and our aeronautics and space programs reflect his drive for innovation. As a Member of the VA, HUD, and Independent Agencies Appropriations Subcommittee, I have enjoyed working with Administrator Goldin over the past nine years, and wish him the best in his future endeavors.

NATIONAL BIBLE WEEK

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2001

Ms. ROS-LEHTINEN. Mr. Speaker, I am indeed honored and pleased to serve as Congressional Co-chair for National Bible Week, November 18–25, 2001. As we celebrate another blessed day of remembrance, Thanksgiving, we are to be thankful to be living in a country where the Holy Bible can be read and where we have the freedom to practice what the Bible teaches without fear of repression or punishment, and to worship as we believe.

Our 4th Commandment commands us "Remember the Sabbath day, to keep it holy." We attend the church of our choice on that particular day and read from the Bible during service, then unfortunately place it on a shelf until the next attendance. However, daily reading of the Bible should be encouraged. It is a

22777

wonderful source of comfort, spiritual guidance, uplifting spirits, and the religious history of our existence. From Genesis to Revelations, the Bible covers our moral laws, how to receive salvation and the promise of everlasting life. It is truly our daily bread.

Our great country was established on the teachings of the Bible. The Pilgrims landed on our shores with the Bible in their hands. Our founding fathers were rooted in the Bible. Leaders from our first president to our present legislators quoted verses at speaking events. The Bible contains an answer for every life situation to help us cope and strengthen our resolve. I strongly encourage everyone to read the Bible daily, and to begin during National Bible Week I congratulate the National Bible Association for its role in arousing interest in the Holy Bible.

PAYING TRIBUTE TO THE STUDENTS OF ROY MOORE ELEMENTARY SCHOOL

HON. SCOTT MCINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2001

Mr. MCINNIS. Mr. Speaker, I would like to take this opportunity to recognize the students of Roy Moore Elementary School of Silt, Colorado and thank them for their dedication to helping the children of Afghanistan. The students, led by their student council, have begun efforts to raise money for America's Fund for Afghan Children. They began their effort following President Bush's call to help the Afghan children caught in the current conflict.

The students have been occupied with finding the means to earn dollars and donate money to the fund for some time. Several students have donated allowances, found chores to earn money and contributed from their savings. The school has raised more than \$200.00 for the children in Afghanistan.

The students of Roy Moore Elementary have shown great kindness and compassion by their efforts. More importantly, they have realized that the children in this conflict are not responsible for the attacks on this country and that they too, are victims in this struggle. Their efforts can act as a model for other schools around the country participating in this worthy endeavor.

Mr. Speaker, it gives me great pleasure to recognize the students of Roy Moore Elementary School for their efforts to such a noble cause. The students and faculty have brought great credit to themselves for dedicating their resources to those in need. As we all look for a way to help, Roy Moore Elementary deserves the praise and admiration of this body as we commend them for their contributions.

HONORING UNITED PARCEL SERVICE, FRESNO DISTRIBUTION CENTER

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2001

Mr. RADANOVICH. Mr. Speaker, I rise today to honor United Parcel Service (UPS) and their Fresno employees for their dedication to answering the needs of the local business community. Their hard work and ability to adapt quickly have kept Fresno businesses competitive with those in other areas.

UPS, which is the world's largest package distribution company, transports more than 3 billion parcels and documents annually. Using more than 500 aircraft, 149,000 vehicles and 1,700 facilities to provide service in more than 200 countries and territories, they have made a worldwide commitment to serving the needs of the global marketplace.

Recently, UPS has added next-day ground service to their delivery options out of their Fresno distribution center. The addition of this service has opened the door for Fresno businesses. The ability to make ground deliveries overnight gives Fresno businesses the same advantage that Southern California businesses have, next-day delivery.

Mr. Speaker, it is my pleasure to honor the UPS Fresno Distribution Center for its commitment to the financial prosperity of Fresno and the Central Valley. I urge my colleagues to join me in wishing the UPS Fresno Distribution Center many more years of continued success.

NATIONAL OSTEOPATHIC MEDICINE WEEK

HON. TED STRICKLAND

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2001

Mr. STRICKLAND. Mr. Speaker, November 11–17 is National Osteopathic Medicine Week, a week when we recognize the more than 47,000 osteopathic physicians (D.O.s) across the country for their contributions to the American healthcare system. This year, we celebrate D.O.s commitment to preventative medicine and end-of-life care.

During National Osteopathic Medicine (NOM) Week, D.O.s and patients celebrate the benefits of preventative health care by looking at the simple things that can be done to live healthier lives. As physicians who focus on treating the whole person and not just their symptoms, the nation's osteopathic physicians are dedicated to helping maintain health through a whole-person patient-centered approach to healthcare. And, within that principle, they recognize death as the legitimate endpoint to the human lifecycle and respect the dignity and special needs of both patients and caregivers.

During NOM Week, D.O.s everywhere will explore multidisciplinary perspectives on end-of-life care, the ethical debate of pain management and ways to remove communications

barriers in the physician-patient relationship at end of life. Activities also educate Americans about end-of-life care and related topics, such as advances in pain management, cultural sensitivities toward final stages of life, organ donation, advance directives, and end-of-life care options and financing.

For more than a century, D.O.s have made a difference in the lives and health of my fellow citizens in southeast Ohio and all Americans. Overall, more than 100 million patient visits are made each year to D.O.s. As fully licensed physicians, D.O.s are committed to serving the needs of rural and underserved communities. That is why D.O.s make up 15 percent of the total physician population in towns of 10,000 or less.

Osteopathic physicians are certified in nearly 60 specialties and 33 subspecialties. They complete similar requirements set for M.D.s, and must complete and pass: four years of medical education at one of 19 osteopathic medical schools; a one-year internship; a multi-year residency; and a state medical board exam. Throughout this education, D.O.s are trained to understand how the musculoskeletal system influences the condition of all other body systems. Many patients want this extra education as a part of their health care. Individuals may call (866) 346–3236 to find a D.O. in their community.

In recognition of NOM Week, I congratulate the over 3,300 D.O.s in Ohio, the 416 students at Ohio University College of Osteopathic Medicine (located in my district), and the 47,000 D.O.s represented by the American Osteopathic Association for their contributions to the good health of the American people.

ON THE PASSING OF FORMER VIRGINIA CONGRESSMAN TOM DOWNING

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2001

Mr. WOLF. Mr. Speaker, we honor today the memory of Thomas Downing, a former member of Congress from the Tidewater area of Virginia who died October 23 at the age of 82. I join with fellow members of the Virginia congressional delegation in honoring Tommy Downing, who represented the Tidewater Peninsula for 18 years from 1959 to 1977.

While Congressman Downing's record of long public service and work in the House of Representatives preceded most of today's Members, including myself, the impact and achievements of his career will long be remembered. I would like to say a few words today to acknowledge the career of this dedicated public servant.

A graduate of Virginia Military Institute, Congressman Downing, who was an Army captain, led an Army reconnaissance team in World War II. On August 11, 1944, his unit in northern France was ambushed by the German troops. After the initial exchange of gunfire, two of his troops were injured. Congressman Downing immediately rescued them, and received the Silver Star, which said, "Captain Downing, without hesitation and with utter dis-

regard for his personal safety, ran to the aid of his men among a hail of bullets."

Mr. Downing was first elected in 1958, and is especially remembered for his dedication to his district, especially Newport News Shipbuilding. He recognized early on the great economic impact the Newport News shipyard had on his district and on the state of Virginia. During his tenure, the shipyard added the area known as the Northyard, making it easier and more cost-effective to build some of the largest ships in the world.

Congressman Downing is also remembered nationally for his work following the assassinations of President John F. Kennedy and Martin Luther King Jr. During the 94th Congress he served as the chairman of the select Committee on Assassinations.

Finally, Congressman Downing made significant achievements in strengthening and modernizing the U.S. Merchant Marine Service. As chair of the House Merchant Marine Subcommittee he helped craft major legislation to overhaul and modernize the merchant marines. The Merchant Marine Act of 1970 was a significant promotion of our national security interests.

In short, Congressman Downing served the Commonwealth of Virginia and the country with distinction. Again, on behalf of the entire House, we would extend our condolences on his family and friends. Our nation, the state of Virginia and the Tidewater Peninsula will truly miss him.

FORMER REPRESENTATIVE
THOMAS N. DOWNING

HON. ROBERT C. SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2001

Mr. SCOTT. Mr. Speaker, I rise today to join my colleagues in paying tribute to former Congressman Thomas N. Downing.

Tom represented Virginia's First Congressional District from 1959 to 1977. He represented part of what is now the First and Third Congressional Districts, and part, at one time, of the Second.

Tom began his public service career in the military. In 1940, he graduated from Virginia Military Institute. From 1942 to 1946, he served as the troop commander of the Mechanized Cavalry with Third United States Army and commanded the first troops in the Third Army to invade Germany. For his exemplary service involving the rescue of two of his men during a reconnaissance operation in Northern France, Tom was awarded the Silver Star. The citation accompanying the Silver Star read in part "Captain Downing, without hesitation, and with utter disregard for his personal safety, ran to the aid of his men among a hail of bullets."

After his service in the military, Tom would return to school to earn his law degree from the University of Virginia. He practiced law in Hampton for 11 years and also served as a substitute judge of the municipal court for the City of Warwick prior to his election to the Eighty-sixth Congress in 1958. He would serve eight succeeding Congresses with little

opposition. While in Congress he was a member of the Merchant Marine and Fisheries Committee and the Space Science and Technology Committee.

During his career in Congress, he represented the Commonwealth and the First Congressional District with distinction. He worked to ensure the future of Newport News Shipyard and was instrumental in the yard's acquisition of the North Yard for its expansion. As a senior lawmaker on the Committee on Merchant Marine and Fisheries, Tom had significant expertise in maritime issues and played a major role in crafting legislation.

On that Committee, he was a strong advocate of building a strong and modern U.S. Merchant Marine Service for this country's national security. Tom served as Chair of the Merchant Marine Subcommittee. As Chair, he presided over and helped to craft major legislation to overhaul and modernize the merchant marines. The Merchant Marine Act of 1970 was one of his signature pieces of legislation and was designed to renovate the American Merchant Navy by 1980.

In addition to his work on merchant marine issues on that Committee, he also played a prominent role in crafting legislation that sought to preserve the resources of our oceans and waterways. He played a leading role in the implementation of the Ocean Dumping Convention and in extending U.S. fishing rights to the 200 mile limit bill. He also played a role in crafting the Deep Water Port Act as well as legislation on deep sea bed mining. At the time of his retirement from the House, one of his colleagues called him the "premier expert on the problems of the Nation's maritime commerce and its commercial fisheries industry."

As the Chairman of the NASA Oversight Subcommittee of the then Space Science and Technology Committee, his interests in scientific research made him a national leader of the space effort. On that Subcommittee, he also represented the interests of NASA Langley Research Center located in Hampton, Virginia.

Tom Downing also made a gift to future generations of Virginians and North Carolinians through his efforts to create the Assateague Island National Seashore Park and the Great Dismal Swamp National Wildlife Refuge.

In the Ninety-Fourth Congress, his colleagues called upon him to chair the prominent Select Committee on Assassinations that launched new investigations into the assassinations of President John F. Kennedy and the Rev. Martin Luther King, Jr. He had been a leading critic of the Warren Commission and was the author of the 1976 legislation to reopen investigation into both cases. Even knowing of his retirement, his colleagues could think of no other Member who could have served in that post with his ability and integrity during the nation's time of turmoil.

As the dean of the Virginia Delegation at the time, Tom Downing helped to set the tone and tradition of our delegation today. He consistently sought and achieved joint action by Members of the delegation, irrespective of party affiliation, to deal with matters affecting the entire State. Today, we still honor that tradition and work together as a delegation to speak with one voice for Virginia's interests.

Even after his lengthy service in Congress, Tom Downing continued his commitment to public service. He served on the Board of Visitors of the Virginia Military Institute from 1985 to 1993 and served as President of the Board of Directors of The Mariners' Museum.

Mr. Speaker, Tom Downing served in this body as a true statesman and Virginia gentleman. He was a good friend to everyone on the Virginia Peninsula and he will be sorely missed.

IN MEMORY OF FORMER U.S. REPRESENTATIVE THOMAS DOWNING

HON. JO ANN DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2001

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, today I take the opportunity to honor the memory of former United States Representative Thomas Downing, who passed away Tuesday, November 6, 2001.

Tom Downing was a strong and effective representative of Virginia's First District, and served the people well. He was a true friend of the military and an American patriot, Tom was loved by both Democrat and Republican alike. His passion was not about partisan politics—it was about Virginia, and he served the Commonwealth well.

Mr. Speaker, it is a great honor to represent the First District, which Tom did admirably with class, passion and an unyielding love for country. Representative Downing will be remembered not only for his service in Congress, but for his devoted military service as well.

A true war hero, Tom will be missed, but we will never forget his contributions to Virginia, and to our nation as a whole.

IN MEMORY OF VIRGINIA CONGRESSMAN THOMAS N. DOWNING

HON. J. RANDY FORBES

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2001

Mr. FORBES. Mr. Speaker, I rise today to join my colleagues in honoring the memory of a former Member of Congress and pivotal Tidewater politician, Thomas N. Downing.

Congressman Downing represented Tidewater Virginia for eighteen years. He was well-known for his affability with his colleagues and his tenacity in representing his constituents. In particular, he was a staunch supporter of Newport News Shipbuilding, which was and is a cornerstone of the Tidewater economy and of our nation's military readiness. It was Tom Downing's support and assistance that helped to expand and improve that company's ability to contribute so much to national defense and local jobs.

His interest in Newport News Shipbuilding was far more than parochial, it was patriotic. Tom Downing was a graduate of Virginia Military Institute (VMI), a decorated veteran of World War II, and a patriot in the truest sense

of the word. He graduated from VMI in 1940 and four years later was commanding mechanized cavalry troops and Army reconnaissance during the liberation of France and sweep across Germany. Tom Downing's personal bravery in rescuing two of his men who were injured during a German ambush earned him the Silver Star.

His legacy in Congress is no less impressive. Newport News Daily Press summed his service in these hallowed halls up best: "[In Congress] he truly hit his stride. He was a natural. Few congressmen have served their constituents better. Just ask the shipyard. Or NASA. Or the watermen. Or any of thousands of individuals and institutions that Mr. Downing helped during his eight terms. Fiscally conservative? Of course. Integrity? From head to toe. But it was the kindness of the man that most recall about Tom Downing. He liked people and vice-versa. . . ."

His memory lives on in Tidewater's strength and in the lives of those his service touched. Tom Downing will be missed, but not forgotten.

HONORING CONGRESSMAN THOMAS DOWNING

HON. EDWARD L. SCHROCK

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2001

Mr. SCHROCK. Mr. Speaker, I rise today to join my colleagues in honoring the life of Congressman Thomas Downing. Congressman Downing served Virginia's First District as a member of this body from 1959 to 1977, and represented parts of the peninsula and the Eastern Shore that will soon become part of Virginia's Second Congressional District.

Congressman Downing brought with him to Congress a keen, first-hand knowledge of the military and the need for readiness. He was a decorated veteran and hero, having commanded some of the first troops to invade Germany. He was awarded the Silver Star for saving two of his company men after an ambush by German troops.

During his service in Congress, he used this knowledge of the military to help create a military more prepared for combat. He helped Newport News Shipbuilding expand and build the North Yard, which allowed them to build larger ships and to allow for a stronger and more prepared American Navy.

Congressman Downing is perhaps best known for his work following the assassinations of President John F. Kennedy and Dr. Martin Luther King. During the 94th Congress, he served as the Chairman of the Select Committee on Assassinations. His own curiosity in the matters fueled a vigorous investigation and numerous new theories to explain the circumstances surrounding President Kennedy's assassination.

Following his retirement from the House, Congressman Downing continued to serve the Commonwealth of Virginia and our nation, as a member of the Board of Visitors for his alma mater, the Virginia Military Institute, and as President of the Board of Directors of the Mariners' Museum.

Throughout his life and during his service as a member of this House, Congressman Thomas Downing was a true public servant and a great Virginian. Our nation, the Commonwealth, and Hampton Roads will all miss him.

THE PASSING OF FORMER VIRGINIA CONGRESSMAN TOM DOWNING

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2001

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today to pay tribute to a gracious friend and champion of the citizens of the Virginia Peninsula, former Congressman of Virginia's First Congressional District, Tom Downing.

Tom was a true gentleman and a great patriot. Representing the Peninsula in Congress from 1959 to 1977, he helped Newport News Shipbuilding gain approval for expansion, which made it easier and more cost effective for the shipyard to construct some of the largest ships in the world.

Tom was also well known for his firm belief that Lee Harvey Oswald did not act alone in assassinating President John Kennedy. He convinced Congress to open a second investigation into the death of the President. While he retired before the panel began its work, Tom remained convinced until his recent death that the footage on the Zapruder film held the answers.

Born in Newport News, Virginia on February 1, 1919, Tom was a graduate of Newport News High School, received a B.S. degree from Virginia Military Institute and a law degree from the University of Virginia. He served in World War II as a combat troop commander of Mechanized Cavalry with Gen. George Patton's Third U.S. Army and commanded the first troops in the Third Army to invade Germany. He received a Silver Star for gallantry in action in France when his unit was ambushed by a German patrol. He rescued two of his men who were wounded during the initial exchange of gunfire.

Tom Downing was re-elected to Congress eight times, with little trouble and often unopposed. During his tenure in Congress, Tom recognized more than anyone the great economic impact the Newport News shipyard had on his district. He twice considered running for higher office—U.S. Senate in 1966 and governor a few years later—but decided against both. This body benefited greatly from those decisions.

Mr. Speaker, I mourn the recent loss of our friend and former colleague. Tom lived his life with exuberance and passion for serving his beloved Virginia. He was a true leader on behalf of all Virginians and Americans.

EXTENSIONS OF REMARKS

TRIBUTE TO EDWARD S. GRYCZYNSKI

HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2001

Mr. STUMP. Mr. Speaker, I rise today to pay tribute to an exceptional leader and American Patriot, LTC Edward S. Gryczynski, U.S. Army, Retired, in recognition of an outstanding career in service to his country.

LTC Gryczynski has a truly distinguished record, including over 22 years of commissioned service in the U.S. Army uniform, which certainly merits special recognition on the occasion of his retirement from his position as Director of Personal Affairs for The Retired Officers Association.

He entered the Army in June 1961 through LaSalle College's ROTC Program and was commissioned as a second lieutenant in the Air Defense Artillery. In 1965, he transferred to the Adjutant General Corps and was integrated in the regular Army in 1966.

Colonel Gryczynski served in a variety of positions in the administrative and personnel management fields, including assignments as instructor and course director at the Army's Adjutant General School at Fort Benjamin Harrison, Indiana. His staff assignments included tours as administrative officer in the Defense Intelligence Agency, Chief of Military Personnel at Aberdeen Proving Ground, Maryland and Chief of Administrative Services and Executive Officer at Supreme Headquarters Allied Powers Europe (SHAPE), in Belgium. He served two tours in Vietnam, first as Chief of Administrative Services at Cam Ranh Bay and later as a personnel staff officer at Headquarters, U.S. Army, Vietnam.

In 1975, the Army selected him for full-time graduate study at Ball State University, where he earned a masters degree in journalism and public relations. He next served as editor of the Defense Management Journal, an official publication of the Department of Defense. He is also a graduate of the Adjutant General Officer Advanced Course, the Army Personnel Management Staff Officer Course, and the National Security Management Course of the Industrial College of the Armed Forces. His military decorations include the Defense Superior Service Medal, Legion of Merit, Bronze Star with oak leaf cluster, Defense Meritorious Service Medal, the Army Meritorious Service Medal and the Army Commendation Medal.

At the time of his military retirement in February 1985, LTC Gryczynski was Chief of Retired and Veterans Activities Division in the office of the Adjutant General, Department of the Army. In this position he was responsible for policy development and execution of the Army's Retirement Services Program.

Since becoming the Director of Personal Affairs for The Retired Officers Association, LTC Gryczynski has worked tirelessly and traveled hundreds of thousands of miles to counsel tens of thousands of military retirees, veterans, family members and survivors of those in the armed forces. His professional counseling concerning their entitlements and benefits of military service has assisted those groups tremendously.

November 15, 2001

Mr. Speaker, Ed Gryczynski's long and distinguished career in service to his country and to the men and women of America's Uniformed Services and their family members is admirable and is to be highly commended. Our best wishes go with him for a long and fruitful second retirement. He has earned our heartfelt gratitude, and our salutes.

FOURTH CONGRESSIONAL DISTRICT NORMANDY MEDAL OF THE JUBILEE OF LIBERTY PROGRAM

HON. ANDER CRENSHAW

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2001

Mr. CRENSHAW. Mr. Speaker, last weekend I had the honor of recognizing Normandy veterans, who reside in Florida's Fourth Congressional District, with the special Jubilee of Liberty medal during a ceremony at Naval Station Mayport.

The Saturday, November 10, 2001 ceremony I hosted carried special significance since it was Veterans Day weekend and also in light of the fact that we have another set of brave American service members fighting the war on terrorism across the globe.

Mankind has waged many types of war—wars fought for land, wars fought for superiority, wars fought for riches, wars fought for independence. Most wars only impact the opposing forces and are often not remembered long in history. Some wars, however, are of such magnitude that they change the course of history. These wars are usually fought between good and evil. The heroes, who fought World War II, fought such a war. Without victory for the Allies, the world, as we know it, would be a much different place.

There is no doubt that the Normandy Invasion was a turning point in World War II. The Normandy veterans from the Fourth Congressional District were there, but, perhaps, at the time they did not know they were changing the course of history. These heroes were busy fighting, watching their brothers perish and surviving to fight another day. And like the title of the Stephen Ambrose book, they were "Citizen Soldiers". Professional soldiers designed the battle plan but it was implemented by thousands of citizen soldiers. The Battle of Normandy was the ultimate in on-the-job training. It was a simple plan: attack and push the Germans back. The how was left up to those soldiers in battle. I am sure that each Normandy veteran has a story that speaks volumes about bravery, ingenuity and drama.

It was in honor of these veterans that I was pleased to launch the Jubilee of Liberty Program this past summer. Since that time, approximately ninety veterans of the 1944 Normandy Invasion have been identified to receive this medal and we had the privilege of having seventy—nine of these brave men with us for our ceremony.

The medal we presented honors that courageous effort. The Normandy medal was originally minted at the direction of the Regional Council of Normandy and the Governor of Normandy, was first presented to D-Day veterans who returned to France for the 50th anniversary of the Normandy Invasion.

Mr. Speaker, in closing I would like to commend the following men for their service to our country during the Battle of Normandy: Joseph J. Accardi, Edgar G. Aid, Harold V. Aiken, Frank E. Alexander, Henry A. Baughn, Joseph H. Beekers, Ellsworth G. Beer, Richard M. Behan, John W. Bier, Edward T. Binns, Jr., Carl Bishop, Louie M. Blocker, Michael A. Bondanza, George G. Borcharding, Ian R. Bourdo, Forrest V. Brewer, Harry J. Buffone, Santo N. Cascia, Paul W. Caudill, Nicholas M. Celona, Ashley D. Clemmons, Robert K. Clifton, James M. Cooper, Jr., Milton A. Cunningham, Willie B. Douglass, Raymond Q. Ellis, John J. Field, James H. Gaff, Chester F. Galbraith, Edward C. Gandy, Eugene Gaskins, Patrick F. Gavin, Howard F. Gottwals, Edward V. Grant, Frank A. Griffen, Jr., Herbert E. Griffin, Gilbert J. Grout, Jack R. Guest, Jack Hall, Karlob A. Hanson, Charles H. Hardman, Leslie F. Hart, Darrell D. Hilliker, Lloyd R. Hoffman, Raymond D. Hoffman, Forrest W. Howell, Henry H. Hull, Robert L. Jennings, Chester E. Johns, John W. Johnson, LeGrand K. Johnson, Martin L. Johnson, John J. Kelly, Raymond J. Kotchkowski, Charles B. Lane, Warden S. Lee, Esse E. Lewis, L.V. Lewis, Wilmer E. Mann, Harold E. McFee, John Milko, William H. Miller, Hubert C. Mott, John W. Nichols, Morton H. Parks, Annest Partozes, John C. Posluszny, William B. Pou, Sr., Ralph L. Powers, Richard B. Rayl, Henry T. Richardson, Robert L. Richardson, Teaford R. Roebuck, Chapman S. Root, Harold Routzong, Gilmer D. Sadler, Angus S. Schmelz, Donald J. Schneider, Lawrence E. Sellers, Eli Sepowitz, Robert W. Sheffield, Joseph A. Shelley, Svend T. Simonsen, Raymond L. Simpson, Donald G. Smith, John I. Smith, Wilbert H. Snively, Frank D. Snyder, Phil Spivack, Ellwood P. Stake, Earl N. Steinmetz, William H. Stewart, John R. Stokes, Sr., James H. Trott, Thomas H. Ursry, Theodore H. Voll, Charles L. Webster, Thomas F. Wilson, Harold W. Wright, Linville F. Young.

FISCAL YEAR 2002 VETERANS AFFAIRS/HOUSING AND URBAN DEVELOPMENT AND INDEPENDENT AGENCIES APPROPRIATIONS ACT

HON. JAMES H. MALONEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2001

Mr. MALONEY of Connecticut. Mr. Speaker, I rise today in support of the Fiscal Year 2002, VA/HUD appropriations bill. The Appropriations Committee has put together a bill that is truly bipartisan. I am proud to rise in strong support of this measure which funds such important priorities as veterans health care and benefits, needed housing initiatives, and key environmental programs. This measure also provides resources to assist state and local governments with infrastructure improvement and economic development needs.

The Central Naugatuck Valley in my district has been undergoing a major water/sewer infrastructure upgrade. I am pleased that under the State and Territorial Assistance Grant Program, \$485,000 has been appropriated for this much needed purchase.

The City of Waterbury, which operates the hub of the region's sewer system, has been burdened by the majority of the cost for these improvements. Therefore, \$260,000 (of the total \$485,000) will go to the City of Waterbury for wastewater infrastructure improvements including the cost of the new sewage treatment facility in the City which new funds, together with the \$750,000 made available through the FY 2001 VA/HUD Appropriations Act, are to be used so as to lower the sewer rates charged to system customers.

The Town of Wolcott, Connecticut is partially served by the water system of the City of Waterbury. However, the Clinton Hill Road neighborhood of Wolcott relies on well water and septic systems for their water needs. This area of town has been experiencing well failures and contamination. Under this legislation, the Town of Wolcott will receive \$125,000 (of the total \$485,000) towards the extension of the water distribution system to the Clinton Hill Road neighborhood, together with \$250,000 made available through the FY 2001 VA/HUD Appropriations Act.

The Town of Middlebury is served by dangerously inadequate rock wells. In 1999, several of the town wells went dry and MTBE contamination was discovered. The town has already secured significant state funds to extend a twelve-inch water main to the affected area of the town. \$100,000 (of the total \$485,000) will go to the Town of Middlebury to help complete their project.

Finally, I would like to also point out that \$100,000 has been appropriated for the City of Derby to assist with the restoration of the historic Sterling Opera House. Built in 1889, the Sterling was the first structure in Connecticut to be placed on the National Register of Historic Places. Today, the Opera House is suffering from 35 years of neglect. The State of Connecticut and the City of Derby have already committed a substantial sum of money to begin this restoration. The money in this bill will help the City to restore the Sterling Opera House to its original grandeur.

Mr. Speaker, I am pleased today to support this measure not only because of what it means to my District, but also for what it means to America's veterans, our environment, and those who receive vital housing assistance in order to partake in the American Dream.

CONGRATULATING DR. VINCENT PETRUCCI

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2001

Mr. RADANOVICH. Mr. Speaker, I rise today to honor Dr. Vincent Petrucci for receiving the 2000 Agriculturist of the Year Award. The award is given by the Greater Fresno Area Chamber of Commerce to an individual who exemplifies leadership and integrity in California's Central Valley agricultural business community.

Dr. Vincent Petrucci, a native of California, studied at U.C. Davis where he earned a BS degree in pomology and a MS degree in horti-

culture. In 1994 he was honored with an honorary degree of Doctor of Science by California State University, Fresno (CSUF).

During his 45-year tenure at CSUF, he developed the viticulture and enology programs at Fresno State, including the curriculum and facilities. Dr. Petrucci has served as a consultant to more than 34 different grape-growing countries around the world, including the former Soviet Union and the People's Republic of China. He has participated in the International Office of the Wine and Grape (O.I.V.) and has served as vice president of the International Group of Experts on Raisins and Table Grapes for O.I.V.

Dr. Petrucci's multiple awards include the CSUF Outstanding Professor Award, the Nicolas Salgo Outstanding Teacher Award, the 1981 Wines and Vines Man of the Year Award, the 1990 California Restaurant Association Lifetime Achievement, and the Distinguished Achievement Award of U.C. Davis.

Mr. Speaker, I rise to congratulate Dr. Vincent Petrucci on his 2000 Agriculturist of the Year Award. I ask my colleagues to join me in congratulating Dr. Petrucci and wishing him many more years of continued success.

CONFERENCE REPORT ON H.R. 2500, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

SPEECH OF

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 2001

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise in support of H.R. 2500, the Commerce, Justice, State and Judiciary Appropriations Conference Report. I'd like to thank our Chairman, FRANK WOLF, and our Ranking Member, JOSE SERRANO, for putting together such a fair conference report under the significant funding constraints faced by the Committee.

As my colleagues know, one of the most critical functions of this bill is to provide resources for our law enforcement to assist them in enforcing the laws of our nation and keeping our citizens safe. The CJS bill contains the majority of funding for federal law enforcement personnel, and funds critical grant programs which get the resources out to the local law enforcement agencies which work so hard to keep our communities safe.

While we know that additional resources will be needed in the future, the bill provides significant funding to make sure that our federal law enforcement agencies, such as the Federal Bureau of Investigation, the Drug Enforcement Agency, the Immigration and Naturalization Service and the Border Patrol, have adequate funding to do their jobs in light of the tragic events on September 11th. I am particularly pleased that the bill provides important, much-needed increases for the Immigration and Naturalization Service, including an increase in the number of border patrol agents and INS inspectors, while at the same time dedicating an additional \$45 million above base funding in order to tackle the existing

backlog in the processing of immigration cases.

While I am pleased with the overall bill, I am disappointed that the Senate provision permanently extending Section 245(i) of the Immigration and Nationality Act was not included in the final conference report.

245(i) allows certain eligible immigrants to apply for green cards in the United States, rather than returning to their home countries to apply. Without Section 245(i), people fully eligible for green cards will be forced to return to their countries of origin and barred from returning to the United States for up to ten years—ripping families apart and causing many employers to lose qualified and well-trained employees. The issue is not whether these immigrants are eligible for legal residence, nor when they can adjust, but rather from where they can apply to become permanent U.S. residents.

As my colleagues know, the LIFE Act, which passed last year, provided a window of just four months for people to file applications with the INS or Department of Labor. For various reasons, thousands of qualified immigrants were unable to benefit from this short extension by the April 30th 2001, deadline. In the rush to apply, many eligible applicants had their files returned by the INS because of technical mistakes after the deadline expired. In addition, many immigrants did not have their papers filed properly, or even at all, by unscrupulous individuals purporting to be immigration lawyers.

Many members, including myself and the membership of Congressional Hispanic Caucus, believe that Congress should pass a permanent extension Section 245(i). While some may disagree with this view, it is clear that some sort of extension is long overdue. President Bush, the AFL-CIO and the U.S. Chamber of Commerce have all publicly supported an extension of this important provision.

The Senate passed a compromise extension of 245(i) more than 2 months ago, and the House was set to vote on this legislation on September 11th. It is my sincere hope that the leadership of the House will re-schedule a vote on this critical legislation as soon as possible. I look forward to working with Chairman WOLF and Ranking Member SERRANO to ensure that an extension of 245(i) is passed before Congress adjourns for the year.

Mr. Speaker, having expressed my concern about the omission of section 245(i), let me now focus on some of the positive aspects of the bill and why I will support it. For example, I am very pleased that the conference committee was willing to provide funding for a variety of initiatives and projects that are of importance to Los Angeles and California.

The Los Angeles Conservancy works with a variety of community interest groups and developers on rehabilitation and restoration projects. The funding in this bill will assist the L.A. Conservancy with their renovation of historic St. Vibiana's Cathedral. In addition, the conservancy's Broadway Redevelopment project will rehabilitate a number of theaters in the historic area of Los Angeles. Both projects fit into an exciting downtown redevelopment plan that is strengthening the economic foundation of this once neglected area of downtown Los Angeles.

In addition to economic development funding, I am also pleased by the number of projects that have been included to help our nation's kids through the Department of Justice's juvenile justice programs and community-oriented police (COPS) programs. In Los Angeles, several groups that are working with teenagers will receive support for their promising efforts. The East Los Angeles Community Union (TELACU) operates a family-based gang violence prevention program, Project JADE—the Juvenile Assistance Diversion Effort—is a well-regarded community-based organization working to expand its juvenile crime prevention program. Para Los Niños provides intervention for first-time juvenile offenders and their families, including after-school programs for at-risk youth. Another program included in our bill is LA's Best, a nationally recognized afterschool program which operates in schools throughout the city of Los Angeles.

I was also pleased to work in cooperation with Governor Davis and Republican and Democratic members of the California delegation to acquire funding for other projects of regional and statewide importance.

One of the proudest achievements of the California delegation is a project that honors the longtime service on the Commerce-Justice-State Subcommittee of our late colleague, Julian Dixon. Funds are provided to assist Julian's law school alma mater, Southwestern University School of Law, with construction of its state-of-the-art Julian Dixon Courtroom. The courtroom will facilitate the teaching of advocacy and litigation skills. It will also provide Southwestern, which serves a significant populace of minority law students, with a community resource for jurists and lawyers. The university has committed to a better than one to one match for the federal funding.

Mr. Speaker, there are not many issues where 100 percent of the diverse 52-member California House delegation come together, but support for the State Criminal Alien Assistance Program is one of them. A united and unanimous delegation is responsible for seeing that \$565 million was provided for this important program that reimburses California and other impacted states for the costs associated with incarcerating illegal aliens.

Several other California projects also received attention. The California Center for Integrative Coastal Research, CI-CORE, is a new research initiative pulling together the strengths of several California State University campuses, including San Jose, San Francisco, Hayward, Monterey Bay, San Luis Obispo, Sacramento, Long Beach, Los Angeles, and San Diego. With the increased burden placed upon California's coastal resources due to agriculture, industry and urban development, better understanding of the oceans and our coastal region is imperative in making informed commercial, recreational and environmental policy decisions. CI-CORE will provide timely, indispensable and appropriate environmental data to regulatory agencies that are responsible for the development and enforcement of management policies.

The University of California's textile research program will receive funding and designation as one of the member institutions of the National Textile Consortium (NTC). California is the leading manufacturer of apparel in

the U.S. and is the largest employer in the apparel and textile trade, yet until now, no California university was included in the NTC. The inclusion of its research program, whose strengths include polymer science, fiber mechanics, fabric performance, and fashion theory, is long overdue.

The California Spatial Reference Center at Scripps Institute will also receive special attention. The center's research and activities support an accurate spatial reference system in California that is integral to decision-making by policy-makers at the local, state and federal level. As California faces significant seismic and geologic activity each year, an up-to-date spatial reference system is central to our ability to perform environmental monitoring, manage our civil infrastructure, and respond appropriately to emergencies of all kinds.

And finally, a modest amount of funding is provided to support the Central California Ozone Study. This study is being conducted to understand the relative role of local emissions and transported pollutants on air quality. The study is a collaborative effort by the California Air Resources Board, local governments, and industry, and has already received over \$8 million in state and local contributions. In light of the change in federal air quality standards for ozone, the deregulation of utilities in bringing new power generation to California, and the on-going process of developing State Implementation Plans for air quality, the Central California Ozone Study is a vital ingredient to ensure the cleanest air possible for all Californians.

I have enjoyed working with our chairman, ranking member and all the members of the Commerce-Justice-State-Judiciary Subcommittee this year on the wide variety of programs and agencies within our jurisdiction. Our work is a constant balancing act, but I believe a good balance has been achieved. I urge support of the conference report.

CONDOLENCES TO BETRU FAMILY

HON. DIANE E. WATSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2001

Ms. WATSON of California. Mr. Speaker, as a fellow American, I extend my deepest sympathies and condolences to Yeneneh Betru's friends and family, as well as the numerous and untold victims of the tragedies that occurred on September 11th. Dr. Betru was aboard the American Airlines Flight 77 bound from Washington Dulles Airport to Los Angeles which crashed into the Pentagon.

A native of Ethiopia who was raised in Saudi Arabia, Yeneneh Betru came to the United States for an education. "Ever since he was a little kid, he always wanted to be a doctor" said his brother Sirak, "he always wanted to help people." Yeneneh realized his dream before his life tragically ended. Dr. Betru was a pioneer in the hospitalist movement and he personally trained hundreds of hospitalists. His passion and legacy was a project distributing dialysis equipment to Ethiopia.

May we honor his legacy and cherish his memory forever and always.

November 15, 2001

HONORING A DAY OF
UNDERSTANDING

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2001

Mrs. CAPPS. Mr. Speaker, today I would like to acknowledge Sunday, November 18, 2001 as a Day of Understanding. In a society where so many diverse ethnicities and beliefs coincide with each other every day it is important that we take the time to realize and appreciate all the different cultures that are represented throughout the United States.

The County of San Luis Obispo in California has resolved that November 18th be recognized as a Day of Understanding, in order to promote understanding among many different faiths. As a nation, we need to take this opportunity to listen and learn about one another's faiths, and attempt to understand different cultures and practices.

Religious intolerance and lack of understanding has long contributed to wars between different groups throughout the history of mankind. It is time to recognize and appreciate cultural differences instead of condemn and remain ignorant about them. In a free society, peoples of divergent faiths should endeavor to understand and respect one another's different religious and spiritual heritages, beliefs, hopes and dreams, and it is my hope that by acknowledging the Day of Understanding we are taking the first step in making this possible.

I encourage you to pause this Sunday, November 18, and take the time to ask a neighbor, friend, or co-worker about his or her culture or religion that may be different than yours. We should all attempt to learn more about and appreciate the multitude of cultures that surround us every day, and I am so pleased that the citizens of San Luis Obispo County have taken the initiative in creating this wonderful Day of Understanding.

RECOGNIZING TEDD RICHARDSON
FOR HIS CONTRIBUTIONS

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2001

Mr. REYES. Mr. Speaker, I rise today to recognize an important member of the El Paso community.

Mr. Tedd Richardson, an El Paso businessman, is well known around the city for his gracious contributions to the under-served. He conducts an annual Christmas dinner to serve the less fortunate and he has currently expanded his Christmas tradition to my home community of Canutillo. Mr. Richardson recently toured the Bill Childress Elementary School in Canutillo. He was so impressed by the progress of their school grounds improvement project that he made a generous donation to help fund and further the progression of the project.

Mr. Richardson also vowed to help raise the \$19,000 necessary to complete the project, and in addition has challenged other local

EXTENSIONS OF REMARKS

businesses and individuals to match his contributions. This project is empowering students and is teaching a life lesson in the importance of civic responsibility. Mr. Richardson has promised to continue working hand-in-hand with the Bill Childress Elementary School.

Mr. Tedd Richardson is an exemplary citizen. He believes in helping people to help themselves. I believe that Tedd Richardson is a model citizen who insists that his contribution to his community be more than average. His dedication to education and establishing a future for El Paso children has not only made him an individual of distinction, but has also earned him a special place in the minds of families and schools all over the city. I am proud to recognize Mr. Richardson, and hope the model of his citizenship reflects in all people around El Paso.

HONORING WAYNE BEMIS

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2001

Mr. RADANOVICH. Mr. Speaker, Mr. Speaker, I rise today to pay tribute to Wayne Bemis on the occasion of his retirement as Forestry Instructor at Reedley College.

Mr. Bemis was born in New Hampshire. At the age of eight, he and his family moved to San Diego, California. In 1953, he graduated from Grossmont High School. After completing a two-year forestry program at Lassen Junior College, he enrolled at California State University, San Diego. He interrupted his college education for two years when he joined the Army, where he served at Fort Bliss, Texas. After proudly serving his country in the U.S. Army, Bemis continued his college education and graduated in 1963. He then enrolled at California State University, Humboldt, where he earned a Masters Degree in Forest Management.

After completing his formal education, Mr. Bemis served the U.S. Forest Service for 12 years as a firefighter, professional forester, and silviculturalist. His 12 years with the U.S. Forest Service provided Wayne with a variety of valuable on-the-ground experiences that he went on to share with students at Reedley College. During his teaching career at Reedley College, he developed an outdoor laboratory at Sequoia Lake, where thousands of forestry students have received their first practical experience in the woods. The program he developed uses Reedley College Forestry students to manage the forest resource for the YMCA.

Wayne and his wife, Pat, have one son, Scott.

Mr. Speaker, it is my honor to pay tribute to Wayne Bemis for his dedicated public service and distinguished teaching career over the past 38 years. I urge my colleagues to join me in wishing Wayne Bemis a pleasant retirement and many more years of continued happiness.

22783

TRIBUTE TO DR. LEE HARTWELL

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2001

Mr. SMITH of Washington. Mr. Speaker, I rise today to congratulate Dr. Lee Hartwell, president and director of the Fred Hutchinson Cancer Research Center in Seattle, Washington and professor of genetics and medicine at the University of Washington, on his outstanding research on yeast genetics which earned him the prestigious Nobel Prize in physiology or medicine for 2001.

It is with great pride that I extend my congratulations to Dr. Hartwell whose dedication and hard work in the area of genetic research has not only enabled many lives to be saved, but has provided the groundwork for many others to go on and make countless advances of their own.

Though I don't pretend to be an expert on cell division in eukaryotic (nucleated) organisms, I am well aware that Dr. Hartwell's dedication and innovative study, beginning over 25 years ago, has made an enormous difference in our understanding of how cells divide and the vast medical advances we can derive from such knowledge. Dr. Hartwell's research was the first to harness the tools of genetics to study how cells function, thus determining which genes cause cells to divide—without his efforts, this critical information could very well remain a mystery.

His hard work and persistence is to be commended, and I am pleased that the Nobel Assembly in Sweden has selected Dr. Hartwell for this honor, which is so richly deserved.

Congratulations, Dr. Hartwell, and thank you for your dedication and contribution not only to the biotechnology and health fields, but ultimately to people both here and throughout the world who will so greatly benefit from your discoveries.

FOOD RATIONS, CLUSTER BOMBS
AND NATION BUILDING IN AFGHANISTAN

HON. CYNTHIA A. MCKINNEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2001

Ms. MCKINNEY. Mr. Speaker, today we have been bombing Afghanistan for one month. During that time, we have also dropped about 1.1 million humanitarian daily rations. I find it unfortunate that, from the entire spectrum of colors, both the cluster bomblets and the food rations we are dropping are bright yellow. Though recent reports from the Pentagon stated that the food rations would be changed to blue packages, apparently this color will not work either. Radio broadcasts from our psychological operations planes that are trying to explain the color discrepancy because many Afghans neither hear the broadcast nor trust them, will not solve this problem. I can only hope that the Pentagon will soon find a solution, before innocent Afghan children try to pry open a cluster bomb,

hoping to cure their hunger but killing them instead.

There are many problems associated with this war, and they go far beyond the similar color of food rations and cluster bombs.

Six years ago, the use of cluster bombs was prohibited during the 1995 bombing campaign in Bosnia by Air Force Major General Michael Ryan, then-commander of Allied Air Forces Southern Europe and of NATO's air campaign in Bosnia. The logic behind this decision was simple. General Ryan recognized the inherent danger from cluster bombs to Bosnian civilians, the very people whom we were supposedly fighting to protect. He knew that cluster bombs landed in villages and near hospitals, that dud cluster bombs were picked up and played with by children and that innocent Bosnians were being killed. An Air Force study on cluster bombs stated "the problem was that the fragmentation pattern was too large to sufficiently limit collateral damage and there was also the further problem of potential unexploded ordnance."

Despite General Ryan's wise action, cluster bombs were again used in Kosovo and now again in Afghanistan. Nonetheless, little has changed, and the array of problems and dangers with cluster bombs continues to exist. In Kosovo, the first casualties to peacekeeping forces occurred when two British soldiers attempted to disarm an unexploded cluster bomb. The International Committee of the Red Cross found that, in one year's time, there were over 150 civilian casualties in Kosovo from cluster bombs. In 1999, the Pentagon admitted that more than 11,000 unexploded cluster bombs remain in Kosovo. In Afghanistan, the United Nations has reported that villagers near the City of Herat fear leaving their home because little yellow cluster bomblets litter the ground. Or perhaps they're yellow food rations, who knows . . .

Cluster bombs are neither safe, nor are they humane. They can be dropped from nearly any Marine, Navy or Air Force plane. Once released, cluster bombs open up and release 200 to 2000 bomblets, which fall to the ground and cover football field size areas. As many as 10% of these bomblets don't explode, and end up scattered across the ground, waiting for a farmer to plow it, a child to play with it, or an unknowing hungry mother to pick it up. As a United Nations mine clearance expert noted "it is highly likely that many in Afghanistan will not know the difference between aeri- ally delivered food aid and aeri- ally delivered munitions."

But, Mr. Speaker, the situation in Afghanistan only gets worse. It is estimated that 724 million square meters of land in Afghanistan are tainted with landmines. Unexploded cluster bomblets will only expand this area, undoubtedly to include farms, villages and holy sites. Further, winter is coming soon in Afghanistan, and as snow falls in the mountains, cluster bomblets will become buried and frozen, silently waiting for an unexpected civilian or allied soldier to walk by.

It is no surprise that Human Rights Watch has called for a global moratorium on the use of cluster bombs. They realize that unexploded cluster bombs become in effect landmines. A recent report by the group finds

that cluster bombs "have proven to be a serious and long-lasting threat to civilians, soldiers, peacekeepers, and even clearance experts, because of the high initial failure rate of the bomblets, because of the large number typically dispersed over large areas, and because of the difficulty in precisely targeting the bomblets." For these same reasons, many believe that the use of cluster bombs is a violation of the Geneva Convention's prohibition against weapons that cause superfluous injury and suffering. If we can't guarantee that only military targets will be hit, and if we can't guarantee that all cluster bomblets will explode, then we simply should not use them. I have written President Bush to urge him to end the use of cluster bombs, and I anticipate his response.

Our use of cluster bombs leaves much to be considered for when the bombing in Afghanistan ends. Will the United States work to cleanse the landscape of cluster bomblets as it tries to build a new government in Afghanistan? I have no doubt that landmines and cluster bombs will be cleared from the areas that Unocal wants to build its pipeline. The oil giant's consultant, Dr. Henry Kissinger, may well use his vast influence to protect Unocal's interest, to have cluster bomblets removed from a swath through southern Afghanistan leading from Turkmenistan to Pakistan. But I wonder about their opinions of cluster bomblets elsewhere. Will Unocal and Kissinger see cluster bomblets as a buffer, insulating their interests from the threat of angry, antiAmerican Afghans? Will it serve the oil company's interest to have a maimed population and to restrict the Afghan government? Time will only tell. . .

Whatever the case may be, the need for the U.S. to take the lead in ending its use of cluster bombs has never been more apparent. We need to protect the Afghan citizenry and instill trust with the people; we need to protect the Afghan land and insure a viable economic future; and we need to assist in developing a government for Afghanistan that will serve peace in the region, not profits abroad. Cluster bombs only serve a short-term goal of death, and have no role in the long-term strategy of peace.

HONORING THE ROCKY MOUNTAIN INSTITUTE

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2001

Mr. UDALL of Colorado. Mr. Speaker, I rise today to acknowledge the important energy and environmental research and achievements of the Rocky Mountain Institute (RMI), located in Snowmass, Colorado.

Over the last two decades, RMI has compiled an outstanding record of achievement—and it is poised to make even greater contributions now, as we address the interrelated problems and opportunities of energy policy, environmental protection and national security.

Resource analysts Hunter and Amory Lovins, who still lead it, established the RMI in 1982. It began as a small group of colleagues

focusing on energy policy, and has grown into a broadbased institution with more than 45 full-time staff, an annual budget of nearly \$7 million, and a global reach.

RMI focuses on a wide range of pressing and important issues—such as energy efficiency, resource productivity, market-oriented solutions to resource problems, and unlocking the positive power of corporate structures. But its principal focus is on what it calls a "whole-systems approach." Instead of viewing resource problems as merely symptoms (reduced supplies) or as discrete, isolated components (oil, gas, water, etc.), RMI looks at the root causes of scarcity (wasteful, counterproductive activities) and devises cost-effective, profit-generating responses that result in greater efficiencies, fewer environmental impacts, and greater economic and national security.

In short, RMI and its team of researchers ask more probing questions that in turn lead to the creation of exciting new techniques for more profitable and sustainable living, while also increasing awareness and understanding of the impacts of bad habits and practices.

The creation of RMI came in response to a well-remembered energy crisis—the oil embargo of 1973—a time of challenges in some ways similar to those we face today. At that time of high gas prices, long lines at the gas station and a war in the Middle East, most of the country was focused on how we could become more energy independent by increasing our traditional energy supplies.

Amory Lovins was also thinking about this problem, but he came at it from a different perspective. Instead of trying to find solutions to feed our existing consumption, he was asking more bedrock questions, such as—What are the activities for which we need energy? Can we find other energy sources to supply these needs? What are the cheapest ways to supply that energy? From this thinking arose a whole new era of looking at energy issues from the end-use/least-cost approach—the core focus of RMI. Since then, Amory and his team of researchers, which includes his wife Hunter Lovins, have examined the whole range of energy consumption, supply and delivery systems and considered ways to achieve the same social goals at lower costs and lower environmental impact.

They have been the leaders in promoting the more effective use of buildings (over 30 percent of America's total energy usage is tied to buildings; as RMI notes, weatherizing homes, using energy-efficient appliances and harnessing the natural heating and cooling effects of the sun and earth can lead to dramatic reductions while also resulting in increased productivity and enhanced living environments). They have been leaders in the promotion of high-efficiency light-bulbs (about 20 percent of our electricity generation goes for lighting; as RMI notes, if the country fully utilized the now commercially available efficient light bulbs, we could displace 120 Chernobyl-sized power plants).

And, they have been leaders in the development of new transportation technologies to reduce oil consumption (transportation needs comprise nearly two-thirds of our oil consumption, and RMI notes that if we increased the average fuel efficiency of vehicles by just 10

miles per gallon from today's current 19 mpg, we could displace all of the oil we import from the Persian Gulf).

Also in the transportation arena, RMI researchers introduced the Hypercar concept in 1992. This car was built using the same bed-rock, whole-systems thinking used in all of RMI's work—they imagined what a car could be if designed from scratch. Not losing sight of consumer needs and the demands placed on cars, they produced a car composed of sturdy and light components that is aerodynamic and uses a combination of gas and electricity. This past spring, RMI unveiled the "Revolution"—an actual working prototype employing Hypercar concepts.

The Hypercar, like all of RMI's other work, is not based on science-fiction, or environmentally utopian precepts. RMI's work is based on real world, practical techniques that are available today. In fact, as can be attested to by the many companies that RMI consults for, the whole-system approach can result in tangible benefits that increase productivity and, ultimately, profits.

But perhaps RMI's most important contribution that has particular importance for today's world has been to highlight the connection between energy use and national security.

In their probing, and, unfortunately, prescient 1982 book "Brittle Power: Energy Strategy for National Security," Amory and Hunter Lovins made a convincing case that our reliance on centralized, concentrated distributed power systems is inherently insecure. Potential terrorists can take advantage of this system by targeting power grids, pipelines and production facilities to cause major power and energy disruptions. The authors then argued that a more secure energy system is one that is dispersed, diverse and involves more locally produced energy—in addition to the simple technique of reducing consumption altogether. Given the events of September 11th, we would be well advised to reengage in these issues and begin to seriously consider the recommendations outlined in this book.

As the work of RMI continually points out, enhancing our national security, does not only involve a reexamination of our energy infrastructure, consumption and resource supplies. It also involves creating strong and healthy communities.

As Amory and Hunter Lovins note, "Security also derives from a society in which people are healthy and have a healthful environment, a sustainable economy, a legitimate system of government, and abundant cultural and spiritual assets." This again involves looking at the problem from a whole-system approach. An example the authors use to underscore this point is the costs of maintaining our military forces to keep oil flowing from the Middle East oil fields. They note that if we simply weatherize our homes, businesses and office complexes and increase gas mileage of our cars, we could eliminate U.S. oil imports from all sources. Again, it is this kind of thinking that we need now to address our security needs.

These are but a few examples of the critically important work of the RMI—and RMI not only produces abstract analyses, but it also puts its ideas into practice. A prime example is the RMI office building in Snowmass, Colo-

rado. The 4,000-square-foot building is passive-solar, super-insulated, and earth-sheltered. It has no heating system in the traditional sense, but is kept comfortable even at 20 degrees below zero by passive solar gain through super-insulated windows. Savings of 99 percent in space-and water-heating energy and 90 percent in household electricity repaid the costs in building this facility in 10 months. RMI can even grow bananas in its greenhouse—in the high mountains of Colorado. More importantly, the RMI building demonstrates to homeowners that this level of efficiency is possible and cost effective.

This work—and much more—now has spanned the past twenty years. It has been highly praised and recognized with a number of awards, including the Right Livelihood Award (the "alternative Nobel Prize") in 1984, the Onassis Foundation's first Delphi Prize (one of the world's top two environmental awards) in 1989 for its energy work, and Amory and Hunter Lovins were named "Heroes of the Planet" by Time magazine in 2000.

As we seek solutions for the vast array of energy and national security issues we are now confronting, we would do well to draw upon the ideas and approaches being explored, tested and implemented by the people at RMI. I look forward with anticipation to RMI's next twenty years and the exciting contributions and innovative ideas they will no doubt produce.

HONORING WILLIAM M. MAGUY

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2001

Mr. RADANOVICH. Mr. Speaker, I rise today to honor the memory of William M. Maguy for his faithful dedication to improving the lives of others. Mr. Maguy died in his home on February 17, 2001, of a massive heart attack.

William had an extensive education. He earned a BA and an MA in Philosophy from the Aquinas Institute of Philosophy, an MA in Theology from the Aquinas Institute of Theology, and he was a Ph.D. candidate in Education from the University of Chicago.

From 1961 to 1963 William served as a Professor of Theology, a Dean of Students, a Religious Education Instructor, and an Informal Liaison Officer of Catholic Church and International Organizations in Bolivia. From 1965–1966 he served as the Dean of Men at the Aquinas Institute in Illinois. In 1967 he began his service at Proteus, Inc, a company that focuses on improving people's ability to become economically self sufficient. Mr. Maguy served as the Chief Executive Officer of Proteus, Inc. until he retired in 1998.

Mr. Speaker, I rise to honor William M. Maguy for his dedication to improving the lives of others. I urge my colleagues to join me in honoring the memory of William M. Maguy. I wish to send condolences to his family and friends.

HONORING JOHN JORDON "BUCK" O'NEIL ON HIS 90TH BIRTHDAY

HON. KAREN MCCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2001

Mr. MCCARTHY of Missouri. Mr. Speaker, I rise today to honor a man some call "Mr. Kansas City", Mr. John Jordan "Buck" O'Neil. "Buck" is a man who has come to embody the ideals we share as a nation. As he celebrates his 90th birthday on November 13, 2001, I am proud and honored to celebrate the lifetime of achievement of our hometown hero.

John Jordan "Buck" O'Neil was born November 13, 1911 in Carrabelle, Florida. He developed a love of baseball at an early age and his father nicknamed him "Buck" after the co-owner of the Miami Giants, Buck O'Neal. Though a segregated America denied Buck the opportunity to grace the diamonds of the Major Leagues as a player, he was able to showcase his unmatched talent with the Kansas City Monarchs of the Negro Leagues. He joined the Monarchs in 1938, and played for them until 1943, at which time he went to serve his country in World War II. Recognizing his patriotic responsibility to our country, he entered the United States Navy and was stationed in the Philippines from 1943 until his discharge in 1946. Buck was named player/manager for the Monarchs in 1948 and continued his association with the team through the end of the 1955 season.

As a player, Buck had a career batting average of .288, including four .300-plus seasons at the plate, and led the Kansas City Monarchs to victory in the 1942 Negro World Series. After 12 years as a player, Buck changed hats and managed the Monarchs to four more league titles in six years. Following his career with the Kansas City Monarchs, Buck joined the major leagues as a scout for the Chicago Cubs. In 1962 the Chicago Cubs made him the first African American to coach in the Majors. Buck is credited with signing Hall of Fame baseball greats Ernie Banks and Lou Brock to their first professional contracts, and is acknowledged to have sent more Negro League athletes to the all white major leagues than any other man in baseball history.

Today he serves as the Board Chairman for the Negro Leagues Baseball Museum in Kansas City, and spends his time promoting the achievements of African American baseball players who played for the love of the game, despite the color barriers at that time that kept them out of the Majors. He is also actively involved in utilizing the Museum to assist in the education of youth in the community through programs such as "Reading Around the Bases" where elementary school students learn from community readers about the pioneers of the Negro Leagues. I was honored to be asked to read from "second base" to a group of students as part of celebrating Buck's 88th birthday party. Our "Hometown Hero" is very active in various charitable causes within the community. He lends his name and energy to sponsor the Buck O'Neil Golf Classic, a fundraiser for the Negro Leagues Baseball Museum and the Leukemia & Lymphoma Society. In the past three years, the event has

raised nearly \$350,000 for the organizations. For the past six years, the Kansas City Securities Association, Inc. Educational Endowment Fund has given four-year scholarships to graduating high school students in honor of Negro Leagues players, one in honor of Buck O'Neil. He participates in the Negro Leagues Museum's "Night of the Harvest Moon" program on Halloween night. It provides area children a safe alternative from the traditional to door to door trick or treating. More than 14,000 children have participated in the event over the past four years.

Buck has risen to national prominence with his moving narration of the Negro Leagues as part of Ken Burns' PBS baseball documentary. Since then he has been the source of countless national interviews including appearances on "Late Night with David Letterman," and "Late, Late Show with Tom Snyder." Last week he gave an interview to Jim Rome, who has a nationally syndicated sports radio program. Mr. Rome said he could have talked to Buck for the entire three hour show because Buck had such rich experiences to share about various baseball players, and baseball in general. He ended his comments by saying that Buck was one of the most interesting interviews he had ever had on his show.

Mr. Speaker, our hero finds ways to assist deserving organizations even in celebrating his birthday. While talking about baseball, Buck mentioned that his "birthday present" would be to raise ninety thousand dollars for the programs of the Negro Leagues. Starting almost immediately after his interview ended, the staff of the Negro Leagues Museum was inundated with calls and e-mails for nearly four hours.

On his 90th birthday, the City of Kansas City, Missouri named a street in his honor one block north of 18th and Vine, the area which houses the Negro Leagues Museum as well as the Jazz Hall of Fame. The street's new name is John "Buck" O'Neil Way. In honor of his 90th birthday on November 13, I requested a flag be flown from my Capitol office window. This was presented to him at a dinner ceremony in Kansas City, Missouri on November 14. At this ceremony he was recognized for his heroic and patriotic accomplishments by the President of the United States, the House and Senate, and local and state officials. I look forward to the day in the near future when the Baseball Hall of Fame Veterans Committee recognizes our hometown hero for his accomplishments on and off the baseball field and approve his induction into the Baseball Hall of Fame.

In addition to his work in Cooperstown and at the museum in Kansas City, Buck is finding new and exciting ways to enjoy life and spread his infectious charm and warm spirit. He is a local hero whose recognition for service is recognized at home and nationally. He was given the Trumpet Award in 1999 by the Turner Broadcasting System saluting him for achievements to African Americans. The Rotary Foundation of Rotary International conferred on Buck its "Paul Harris Fellow" in appreciation of "... furthering better understanding and friendly relations among peoples of the world." Kansas State University bestowed upon him the "Lifetime Leadership Award" in "recognition for leadership, commu-

nity involvement, commitment to diversity, and life long record of contribution to the public." Buck has received numerous awards in recognition of his work in the community and assistance to various organizations. Some of these awards are: recognition by the United States Army for "outstanding support of Army recruiting in Kansas City;" the Kansas City Chamber of Commerce honored him with its "Centurion Leadership Award;" he was accorded the "Distinguished Service Award" by the State Historical Society of Missouri; and on November 10, 2001 Buck was given the "Ewing Kauffman Outstanding Achievement Award" from the Jewish Community Center. As an award winning baseball player, esteemed baseball manager and scout, decorated veteran, and humanitarian, Buck exemplifies excellence in public service and his career serves as a beacon for generations to come. He symbolizes the spirit of American patriotism and is a role model for us all.

Mr. Speaker, please join me in saluting John Jordan "Buck" O'Neil. It is an honor and a privilege to join in the 90th birthday celebration of an American hero, a national treasure, a symbol of African American pride, and one of Kansas City's favorite sons. Buck's favorite song is "The Greatest Thing in All My Life, is Loving You." Buck, I love you, salute you and your heroic accomplishments, and am delighted and privileged to know such a patriot and to call you my friend, Thank you, Buck.

A TRIBUTE TO PAUL WEEDEN FOR
29 YEARS OF DEDICATION TO
FEDERAL LANDS

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2001

Mr. LEWIS of California. Mr. Speaker, I would like today to pay tribute to Paul Weeden, the Deputy Forest Supervisor of the San Bernardino National Forest in my district, who recently retired after 36 years of service in the National Parks and National Forests.

Like many of the dedicated employees who work for the agencies that manage and protect our national lands, Paul Weeden began his service as a seasonal employee. Beginning in 1965, he worked summers as a fishery biologist aide, park ranger and a fire prevention technician. He became a full-time forester for the Forest Service in 1977, serving for 10 years in Arizona and Northern California.

From 1987 to 1990, Mr. Weeden was assigned to the Fire and Aviation Management Staff in Washington, D.C., coordinating the Forest Service response to natural disasters in the United States, and serving as an advisor to other nations dealing with disaster when requested by the Office of Foreign Disaster Assistance.

He became Deputy Forest Supervisor of the San Bernardino National Forest in 1990, and has helped make the San Bernardino and San Gabriel Mountain region one of the most successful urban use forests in the nation. Located within easy driving distance of the 8 million people who live in Southern California, the forest's campgrounds, hiking trails, ski resorts

and other recreation activities attract millions of visits each year. The forest is also home to thousands of constituents in my district, who see the Forest Service as their largest neighbor and in many cases their landlord.

Although the national forest has seen a number of dramatic wildfires in the past decade, the Forest Service under Mr. Weeden has helped limit the losses of property and wildlife habitat in each case. The agency has increasingly worked with local officials to provide maximum recreation opportunities while protecting the natural beauty that attracts the visitors. As manager of a 440-person agency with a \$24 million budget, Mr. Weeden has helped guide the forest into the 21st Century as a verdant oasis in one of the largest urban areas in the world.

Even as he watched over the San Bernardino National Forest, Mr. Weeden in 1998 coordinated American aid to Mexico in response to the worst wildland fire season in that nation's history. He has since provided guidance and leadership to Mexico's fire-fighting, detection and prevention programs, as well as helping in the restoration of important natural lands.

Mr. Speaker, Paul Weeden retired last month to take a job in the private sector, although he and his wife Barbara remain residents of Highland, California, in my district. I ask you and my colleagues to join me in thanking Mr. Weeden for his three decades of service, and wishing him well in his future endeavors.

BLOCKING AID TO HAITI

HON. MAXINE WATERS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2001

Ms. WATERS. Mr. Speaker, Haiti is the poorest country in the Western Hemisphere. Yet the U.S. government is blocking aid to Haiti in order to expand the influence of a single political party that is supported by less than four percent of the Haitian electorate.

Meanwhile, the people of Haiti are facing a serious humanitarian crisis. Haiti's per capita income is only \$460 per year. Four percent of the population is infected with the AIDS virus, and 163,000 children have been orphaned by AIDS. The infant mortality rate is over seven percent. For every 1000 infants born in Haiti, five women die in childbirth.

Not only has the U.S. suspended development assistance, the U.S. is also blocking loans from international financial institutions. U.S. policy has effectively prevented Haiti from receiving \$146 million in loans from the Inter-American Development Bank that were already approved by that institution's Board of Directors. These loans are desperately needed by the people of Haiti.

It is time for the United States to end this political impasse and restore bilateral and multilateral assistance to this impoverished democracy.

November 15, 2001

KLAMATH BASIN EMERGENCY OPERATION AND MAINTENANCE REFUND ACT OF 2001

SPEECH OF

HON. PETER A. DeFAZIO

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 2001

Mr. DEFAZIO. Mr. Speaker, Nobody could have foreseen the devastating drought that has besieged Oregon over the past year. The lack of water has adversely effected agriculture, energy generation, recreation, and fish and wildlife habitat. The Klamath Basin in Southern Oregon and Northern California has suffered particular hardship through this drought. The snowpack and rainfall that supply the Basin with life-sustaining water are critical to the economic viability of the Basin, and have been significantly below normal. Because the federal government, through the Bureau of Reclamation, has encouraged the Basin's dependence with nearly a century of promised federal water allocation, this Congress has an obligation to take further steps to provide further funding for relief and mitigation.

This bill, H.R. 2828, will provide further assistance to the farmers of the Klamath Basin by reimbursing them for operations and maintenance costs. Farmers receiving federal water pay these fees to the government for upkeep of the infrastructure of the Klamath Project. Many of the farmers in the project did not receive federal water this year. Therefore, those farmers should not have to bear the cost of maintaining the federal infrastructure. Representative WALDEN has taken every precaution to ensure that this modest reimbursement is fair and equitable. Only irrigation districts receiving severely limited water supplies will be reimbursed, and districts who have already been reimbursed by California will not be eligible for the funds in this bill.

I am pleased to be working with Mr. WALDEN, and many members of the Oregon and California delegations, to find reasonable short and long term solutions to the situation in the Basin. This bill will provide farmers in the Basin with much needed economic assistance by simply refunding their O&M costs. Passing this bill is fair, and the right thing to do for the farmers in the Klamath Basin. I urge adoption of H.R. 2828, the Klamath Basin Emergency Operation and Maintenance Refund Act of 2001.

IN HONOR OF LT. COMMANDER
ERIC CRANFORD

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2001

Mr. ETHERIDGE. Mr. Speaker, I rise today to honor Lt. Commander Eric Cranford, who lost his life in service to our nation on September 11th. A Navy rescue pilot, Lt. Commander Cranford knew danger, he knew sacrifice—and courage could have been his middle name. If Eric had not been in the Pentagon that fateful morning, or if his side of the

EXTENSIONS OF REMARKS

building had not been hit, you can bet he would have sacrificed his own safety, risking his own life to rescue others. He had done it before. It was his job. And we pay our respects to him, his wife Emily Cozort Cranford and his entire family. I want to personally salute my friend and Emily's Uncle Jack Cozort who led efforts to establish a scholarship at North Carolina State University, Eric and Emily's alma mater, for Burke County students in Eric's name.

Earlier this week, our nation observed Veterans Day in remembrance and in gratitude of the many men and women like Lt. Commander Cranford have served our nation so bravely in the United States military. Veterans have always represented what is best about our great nation, From the American Revolution's Minutemen to today's soldiers, sailors, airmen, and marines, American men and women have dedicated themselves to the preservation of liberty and democracy throughout the history of our country.

Those in uniform—past and present—are the defenders of the American values that have made our nation strong and kept us free. I commend each and every one of them for their brave service to America. This Veterans Day, we gathered with heavy hearts and troubled minds. We are at war. It is a war Eric Cranford and those who lost their lives at the Pentagon on September 11th would have been ready to fight. Today, we face the greatest challenge to our freedom since World War II. September 11 will forever be remembered as a day that evil visited our great nation as never before. Four commercial planes were transformed into missiles and aimed at buildings that define our nation, and symbolize our freedom and values. These attacks resulted in a loss of life on a scale not seen in our country since the Civil War.

The terrorists who committed these terrible acts on completely innocent men, women and children are not just criminals. They are mortal enemies of the United States of America. But these cowards cannot hide forever. We must pursue them to the ends of the earth to ensure that international terrorists can never again threaten innocent Americans.

Once again, we have called on our men and women in uniform to defend those values we hold so dear. President Bush has said that this campaign will not be simple, it will not be quick, and it will not be without casualties. But we will show the world that any enemy who chooses to test the resolve of the United States and its allies will face the collective might of our military. I have full confidence in our Commander in Chief and our armed forces.

We will win this war because we cannot afford to fail. We will win this war for Eric Cranford and the thousands who lost their lives on September 11. We will win it for Emily, and those who were left behind to mourn. We will win it because we are a good and just nation and because evil must not be allowed to flourish anywhere in this world. We must show these cowards that their efforts to terrorize us will not succeed.

As we pray for those fighting to avenge the terrible events of September 11, let us not forget those who came before them. Their great strength and sacrifice during the conflicts of

the Twentieth Century moved heaven and earth, and showed the world that the American warrior is the most potent force on the face of the earth. Millions of men and women served bravely in the first and second World Wars, the Korean Conflict, the jungles of Vietnam, and the sands of Desert Storm. But many who served did not come home.

They came from every walk of life. They were our friends, neighbors, mothers, fathers, sons, daughters, sisters and brothers. They were ordinary and extraordinary all at once, and all Americans should honor their sacrifices. Freedom is not free. But freedom is worth fighting for. On Veterans Day, and every day, let us salute Lt. Commander Cranford and all our nation's veterans. May God Bless America, now and forever.

PERSONAL EXPLANATION

HON. ANTHONY D. WEINER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2001

Mr. WEINER. Mr. Speaker, I was unavoidably detained in my District on Tuesday, November 13, 2001, and I would like the RECORD to indicate how I would have voted had I been present.

For rollcall vote No. 436, the conference report for the Agriculture appropriations act for fiscal 2002, I would have voted "aye."

For rollcall vote No. 437, a bill to enhance the authorities of special agents and provide limited authorities to uniformed officers responsible for the protection of domestic Department of State occupied facilities, I would have voted "aye."

IN MEMORY OF MAMON POWERS,
SR.

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2001

Mr. VISCLOSKY. Mr. Speaker, it is with great sorrow and a heavy heart that I offer my heartfelt condolences to the family of a pioneer in the communities of Northwest Indiana. Mr. Mamon Powers, Sr., a construction worker and owner of Powers and Sons Construction Company, died on Tuesday, November 13, 2001, following a long struggle with illness, and will be laid to rest on Saturday, November 17, 2001. Mr. Powers was 80 years old.

Mamon Powers, Sr. was born of humble means in the small town of Churchill, Mississippi. The son of a preacher and homebuilder, Mamon learned the virtues of hard work and strong faith at an early age. Although African-Americans were only allowed to attend school through eighth grade in Churchill at that time, Mamon refused to be encumbered by the bonds with which society attempted to restrict the rights of African-American citizens. He continued his education by attending Campbell College, now known as Jackson State University, and by serving his country in the United States military.

22787

To the benefit of Northwest Indiana, Mamon Powers, Sr. came to the city of Gary after serving with the military. He went to work in the steel mill, but quickly learned that he would not be successful because racial barriers prohibited many African-Americans from joining the union. However, Mamon's love for the community and his determination to succeed led him to work for Means Developers. With the addition of Mamon's knowledge of construction and his desire to make the city of Gary a better place, Means Construction developed one of the city's finest neighborhoods, Means Manor.

Mamon Powers, Sr. began his own construction company in the early 1950's and eventually became one of the first African-American members of a union in the city of Gary. Over the years, he developed his business into the most successful African-American construction company in the state, and one of the 100 largest in the country. Powers and Sons Construction Company was also recognized nationally by the Small Business Administration in 1997 for its minority business development initiatives. He was responsible for the construction of hundreds of private homes in Northwest Indiana, as well as the construction of many commercial buildings. His professional career made an impact on the community that cannot be measured simply by the number of buildings he created. His love for his work was revealed in his creations, and it inspired the citizens of Gary to take pride in their community.

While Mamon was dedicated to his work, his love for his family and his community remained his top priority. He was committed to his late wife, Leolean, and their six children, Mamon, Jr., Mark, Demetrius, Claude, Florita, and Marquita. He served on the Methodist Hospital Board of Directors and as a member of the Lake County Community Development Committee. In 1989, he was inducted into the Steel City Hall of Fame for his outstanding contributions to Northwest Indiana. Earlier this year, the Frontiers Service Club nominated Mamon for the prestigious Gary Drum Major Award for extraordinary service in the community.

Mr. Speaker, I ask you and my other distinguished colleagues to join me in offering our condolences to the family of Mr. Mamon Powers, Sr. Mamon was a true inspiration to everyone who knew him, and his work in Northwest Indiana will survive as a tribute to his memory. He impacted the lives of many in our community, our state, and our country, and I am proud to have had the opportunity to represent Mamon Powers, Sr. in Congress.

INTRODUCTION OF HOMESTAKE MINE CONVEYANCE ACT OF 2001

HON. JOHN R. THUNE

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2001

Mr. THUNE. Mr. Speaker, I rise today to introduce a bill very important to the world of science, our nation, and my state of South Dakota.

Thirty years ago, the Homestake Mine was host to pioneering research about neutrinos;

particles with virtually no weight and possessing no electrical charge that are everywhere around us. Scientists believe these mysterious particles hold secrets that can provide us with important insights into the fundamental nature of the universe.

This legislation, which I will introduce today, envisions an underground neutrino telescope that extends pioneering research begun three decades ago.

While the potential scientific benefits of studying neutrinos is clear, this agreement is also vital to the economies of South Dakota, the Black Hills and the city of Lead. If Homestake were to close, its absence would have a tremendous economic and cultural impact on our state. The Mine has been an integral part of the Hills culture since it opened over 125 years ago. The miners and their families have contributed so much to the area.

However, with the cost of mining gold increasing, Homestake has decided to terminate its operations in Lead. The introduction of a national physics laboratory is a fitting substitute. The lab will employ a number of the current Homestake employees to maintain the integrity of the mine and to make improvements to the structure for the siting of the lab there. Additionally, the lab will employ many scientists and support staff bringing new diversity to the South Dakota economy.

The legislation I will introduce today is a companion bill to S. 1389, introduced by Senator TOM DASCHLE and is the result of months of negotiations between the Homestake Gold Mine, the State of South Dakota, the South Dakota congressional delegation and others. Recently, those negotiations were concluded, and late last week this bill was completed.

The purpose of the bill is to set the terms of land conveyance from Homestake to the State of South Dakota for the establishment of a National Underground Science Laboratory. The Homestake Mining Company would turn over portions of their property, including a nearly 8,000 foot mine shaft and equipment that together likely will be worth hundreds of millions of dollars saving taxpayers hundreds of millions of dollars in construction and developmental expenses.

In addition to the land conveyance, the bill also addresses current and future environmental remediation and reclamation concerns. The bill accomplishes this through three main mechanisms. First, it requires an independent evaluation of current and future environmental risks on the site. This evaluation would be conducted under the auspices of the Environmental Protection Agency and would be subject to public review and comment. Second, it establishes an environmental trust fund. Contributions to this trust fund would be calculated as a part of the cost of constructing and operating the lab and the experiments that would take place there. Third, it requires insurance coverage by the State of South Dakota, which would be the managing entity, and any group conducting experiments in the mine. These provisions will provide the needed protection of the environment and the taxpayers that I believe is necessary for this agreement.

This legislation is one piece of the puzzle that will make this lab a reality. I look forward to working with the House leadership, the Committees of jurisdiction, my colleagues in

the House and Senate and the Administration to see this bill enacted into law.

CONSTITUTIONAL AND CIVIL LIBERTIES ISSUES

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2001

Mr. CONYERS. Mr. Speaker, I am growing increasingly concerned about a series of recent actions taken by the Bush Administration which raise important constitutional and civil liberties issues. Many of these concerns are set forth in the attached letter I forwarded yesterday to Chairman Sensenbrenner requesting that the Judiciary Committee hold hearings on these matters, as well as an excellent editorial written today by William Safire of the New York Times.

I am also attaching a copy of a letter I wrote last January detailing my opposition to the nomination of John Ashcroft as Attorney General. The Attorney General's recent actions threatening our civil liberties only reinforces the concerns mentioned in this letter. I also question the timing and need for the Attorney General's recent actions undermining Oregon's assisted suicide law and California's medical marijuana laws. Both of these actions raise very serious federalism issues (since they seek to overturn state enacted referendum) and separation of powers issues (since the authorities were each the subject of failed legislation in recent congresses).

CONGRESS OF THE UNITED STATES,
Washington, DC, Jan. 31, 2001.

DEAR DEMOCRATIC SENATOR: I am writing to inform you that as the Ranking Democrat on the House Judiciary Committee and the Senior Member of the Congressional Black Caucus, I am unalterably opposed to John Ashcroft's nomination to be Attorney General of the United States.

I have reached this decision with much regret and great consternation. In my 36 years in Congress, I have never before publicly opposed a nominee for Attorney General. However, in the present case, my reservations about Senator Ashcroft's ability and inclination to support and uphold the law in such critical areas as civil rights, reproductive choice, and gun safety are so grave, and his pattern of misleading and disingenuous responses at his confirmation hearing so serious, that I believe it is in the national interest that his nomination be withdrawn, or be rejected by the Senate. I am also concerned that Senator Ashcroft's personal lack of responsiveness to me foreshadows a pattern of conscious avoidance or, at best, benign neglect, of me and my Democratic colleagues in the House.

I have several specific concerns in the area of civil rights. First, I am troubled by the fact that notwithstanding Senator Ashcroft's general statements about support for civil rights enforcement, he declined to state specific agreement with the Department's positions in a host of civil rights cases, including its support of the University of Michigan's affirmative action program, a position that was recently ratified by a federal court. Also, with regard to equal rights in the area of education, I am dismayed that Senator Ashcroft has taken public positions

opposing voluntary school desegregation. Unfortunately, Senator Ashcroft's testimony at his confirmation hearing with regard to this matter only served to compound my reservations. For example, he asserted, in response to written questions from Senator Kennedy, that the state had "done nothing wrong" and was "found guilty of no wrong" in the Missouri desegregation cases. However, there were two separate federal courts of appeal decisions and numerous district court decisions holding the state expressly responsible for the unconstitutional discrimination that occurred.

Similarly, I remain profoundly disappointed in the manner by which Senator Ashcroft thwarted Judge Ronnie White's nomination to be a federal district court judge, the first African American justice ever to serve on the Missouri Supreme Court. As I have previously written to him, I believe Senator Ashcroft grossly mischaracterized and distorted a good man's record in this case. Senator Ashcroft's unwillingness at his confirmation hearing to acknowledge or express a scintilla of regret for the manner in which he orchestrated Judge White's defeat can hardly be seen as a promising omen to those of us in the African American community who have worked so hard to integrate the federal judiciary.

I also believe Senator Ashcroft has not been forthright in describing the reasons for his opposition to the nomination of James Hormel to become the ambassador to Luxembourg. When Senator Leahy asked the nominee to explain the reasons for his opposition to Hormel, he referred, without elaboration, to the "totality of [Hormel's] record." When Senator Leahy again asked Senator Ashcroft in a written question to "specify the factors that led you to oppose [Hormel]," he failed to do so, stating merely that his opposition was based "on the totality of Mr. Hormel's record of public positions and advocacy." To this day, Senator Ashcroft has failed to provide a single specific reason for opposing Hormel other than his sexual orientation.

The cause of civil rights for all Americans also has not been well-served by Senator Ashcroft's granting an interview with Southern Partisan and then implying that slavery was something other than a "perverted agenda." I also cannot accept his explanation at his hearing that he was unaware of the magazine's extreme and racist positions when he granted the interview.

(It is especially implausible given Senator Ashcroft's explicit endorsement of the Journal's agenda when he said that it "helps set the record straight"—this from a journal that has published articles arguing that slavery was beneficial for black families.)

Second, given Senator Ashcroft's past record and statements at the hearings, I do not find his apparent acknowledgment of a woman's constitutional right to an abortion as settled law under Roe and Casey as being at all credible. I say this because in 42 out of 43 Senate votes concerning reproductive rights, he cast a vote aimed at overturning Roe v. Wade. In addition, in his written answers to a question from Senator Kennedy, the nominee replied that he would defend federal legislation outlawing so-called partial-birth abortion, even though the Supreme Court has already declared unconstitutional virtually identical legislation under those very cases. Also, when Senator Leahy asked Senator Ashcroft to justify his sponsorship of the Human Life Act of 1998, he responded that "[a]s introduced, [the legislation] is not constitutional under Roe and Casey." If Sen-

ator Ashcroft is willing to introduce admittedly unconstitutional legislation in Congress, notwithstanding his oath, his assurances provide little comfort that he will not defend blatantly unconstitutional policies or legislation designed to undermine this settled law as Attorney General.

Thirdly, with regard to Senator Ashcroft's record of opposition to gun control legislation, I remain unconvinced that he is the appropriate person to uphold and enforce our nation's firearms laws. I find little solace in the fact that in response to Senator Schumer's question as to whether he supports the Brady law, Senator Ashcroft merely stated that "[t]he President has indicated that he supports this law, and I support his position on this matter." Such a weak answer is particularly troubling in light of Senator Ashcroft's written response to Senator Leahy, in which he acknowledged his disagreement with "some of the policy prescriptions that Mr. [Jim] Brady has advocated"; Senator Ashcroft's past wholehearted embrace of an extreme view of the Second Amendment; his active support for legislation in Missouri that would allow individuals to carry concealed weapons; and his unwillingness to commit to relinquish his membership in the NRA, which has sought to undermine almost every federal gun safety law that is on the books, in advance of his confirmation.

Finally, I am severely disappointed by the fact that Senator Ashcroft failed to meet with me or respond to any of my written questions to him, despite his personal request to me that I refrain from taking a position on his nomination until we met. This is problematic to me because in addition to delaying my taking a position on the very important matter of Senator Ashcroft's nomination, I do not believe he has been forthright in explaining why he has failed to respond to my questions. (For example, in Senator Ashcroft's written response to a question from Senator Carl Levin asking whether the nominee had answered my letter, Senator Ashcroft wrote that my letter, "though written on January 12, was only received by me on January 17." I do not understand how this could be. To ensure that he would receive my letter immediately, my staff contacted the Bush-Cheney Transition Office, informed a transition official there that my letter to Senator Ashcroft was forthcoming, and was instructed to fax the letter to a telephone number reserved for facsimile communications from Members of Congress. We have confirmation that the fax was received at 4:02 p.m. on January 12, one week before the conclusion of Senator Ashcroft's confirmation hearing and before he received any written questions from the Senate. Even though his responses to the questions from the Senate were filed last Friday, January 26, I still have yet to receive any response from Senator Ashcroft, notwithstanding the fact that he wrote to Senator Levin that it was his intent to turn to the questions posed by me following the submission of his written answers to the Senators.)

In sum, I have come to the reluctant conclusion that Senator Ashcroft is the wrong man for the job at the wrong time. When our nation urgently needs an Attorney General who can bring us all together, we have been offered a person known for extreme right wing positions and divisiveness. I have spent my entire career fighting for the cause of civil rights, reproductive choice, and common sense crime and gun safety laws. In my view, Senator Ashcroft's record is simply too

inconsistent with these goals to justify my support for him.

Sincerely,

JOHN CONYERS, JR.
Ranking Member.

[From the New York Times, Nov. 15, 2001]
SEIZING DICTATORIAL POWER

(By William Safire)

WASHINGTON.—Misadvised by a frustrated and panic-stricken attorney general, a president of the United States has just assumed what amounts to dictatorial power to jail or execute aliens. Intimidated by terrorists and inflamed by a passion for rough justice, we are letting George W. Bush get away with the replacement of the American rule of law with military kangaroo courts.

In his infamous emergency order, Bush admits to dismissing "the principles of law and the rules of evidence" that undergird America's system of justice. He seizes the power to circumvent the courts and set up his own drumhead tribunals—panels of officers who will sit in judgment of non-citizens who the president need only claim "reason to believe" are members of terrorist organizations.

Not content with his previous decision to permit police to eavesdrop on a suspect's conversations with an attorney, Bush now strips the alien accused of even the limited rights afforded by a court-martial.

His kangaroo court can conceal evidence by citing national security, make up its own rules, find a defendant guilty even if a third of the officers disagree, and execute the alien with no review by any civilian court.

No longer does the judicial branch and an independent jury stand between the government and the accused. In lieu of those checks and balances central to our legal system, non-citizens face an executive that is now investigator, prosecutor, judge, jury and jailer or executioner. In an Orwellian twist, Bush's order calls this Soviet-style abomination "a full and fair trial."

On what legal meat does this our Caesar feed? One precedent the White House cites is a military court after Lincoln's assassination. (During the Civil War, Lincoln suspended habeas corpus; does our war on terror require illegal imprisonment next?) Another is a military court's hanging, approved by the Supreme court, of German saboteurs landed by submarine in World War II.

Proponents of Bush's kangaroo court say: Don't you soft-on-terror, due-process types know there's a war on? Have you forgotten our 5,000 civilian dead? In an emergency like this, aren't extraordinary security measures needed to save citizens' lives? If we step on a few toes, we can apologize to the civil libertarians later.

Those are the arguments of the phony-tough. At a time when even liberals are debating the ethics of torture of suspects—weighing the distaste for barbarism against the need to save innocent lives—it's time for conservative iconoclasts and card-carrying hard-liners to stand up for American values.

To meet a terrorist emergency, of course some rules should be stretched and new laws passed. An ethnic dragnet rounding up visa-skippers or questioning foreign students, if short-term, is borderline tolerable. Congress's new law permitting warranted roving wiretaps is understandable.

But let's get to the target that this blunderbuss order is intended to hit. Here's the big worry in Washington now: What do we do if Osama bin Laden gives himself up? A proper trial like that Israel afforded Adolf Eichmann, it is feared, would give the terrorist a

global propaganda platform. Worse, it would be likely to result in widespread hostage-taking by his followers to protect him from the punishment he deserves.

The solution is not to corrupt our judicial tradition by making bin Laden the star of a new Star Chamber. The solution is to turn his cave into his crypt. When fleeing Taliban reveal his whereabouts, our bombers should promptly bid him farewell with 15,000-pound daisy-cutters and 5,000-pound rock-penetrators.

But what if he broadcasts his intent to surrender, and walks toward us under a white flag? It is not in our tradition to shoot prisoners. Rather, President Bush should now set forth a policy of "universal surrender": all of Al Qaeda or none. Selective surrender of one or a dozen leaders—which would leave cells in Afghanistan and elsewhere free to fight on—is unacceptable. We should continue our bombardment of bin Laden's hideouts until he agrees to identify and surrender his entire terrorist force.

If he does, our criminal courts can handle them expeditiously. If, as more likely, the primary terrorist prefers what he thinks of as martyrdom, that suicidal choice would be his—and Americans would have no need of kangaroo courts to betray our principles of justice.

NOBEL LAUREATES ENDORSE GENUINE STIMULUS PACKAGE

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2001

Mr. GEORGE MILLER of California. Mr. Speaker, nine Nobel laureates in economics as well as other leading economists have issued an appeal to the leaders of the Senate to reject the cynical and ineffective stimulus approach taken by the House of Representatives and instead pass a bill that will generate greater spending now through expanded unemployment benefits and other initiatives.

The need for expanded benefits for jobless Americans and their families is apparent to all but the leaders of the House of Representatives. The October increase in unemployment was the largest in over two decades, adding more than a half million jobless to the 1.1 million jobs already lost this year prior to the terrible events of September 11th.

The so-called stimulus bill passed recently by the House of Representatives lavished billions of dollars on the wealthiest of Americans—the same fortunate few who enjoyed most of the tax cut passed earlier this year. But the House offered only crumbs to the hundreds of thousands who have lost their jobs and whose families are on the brink of economic catastrophe.

The criticism of that House stimulus bill was by no means partisan in nature. This is a bill that, in the words of the Wall Street Journal's November 1 editorial, "mainly padded corporate bottom lines." No less a conservative stalwart than Kevin Phillips compared the House-passed bill to "war profiteering" passed "in the phony name of economic stimulus . . . Over three-quarters of the hundred billion [dollars cost] goes for business and upper income objectives . . . The only real solution is a pub-

lic outcry, tens of millions of pointing finger and voices saying, 'Shame!'" And that's just the conservative critique of the bill this Republican House of Representatives voted that provides \$2.3 billion to Ford Motor Company, \$1.4 billion to IBM, \$830 million to General Motors, and \$671 million for General Electric.

But under the Republican bill, Larry Johnson won't get a dime. Larry Johnson doesn't work in the corporate boardroom. He cleaned the bar and polished the floors at the World Trade Center, and now he's out of a job and denied unemployment benefits by New York.

There are hundreds of thousands of Larry Johnsons, and something is very wrong here. While 97 percent of employers pay into the unemployment funds, less than 40 percent of workers nationally receive unemployment assistance, a substantial drop over the past 25 years. And in some states, the percent that qualify is much lower than that. Workers in the new economy—younger, immigrant, part time, lower-income, short-term—are especially hurt by inadequate UI coverage. And economists are predicting another 1.5 million could lose their jobs in the next 9 months. Even for those who do qualify, benefit levels are often below the poverty line, leaving millions of suddenly unemployed Americans facing poverty, joblessness and homelessness.

The Republican response to this crisis has been the misguided antidote of Herbert Hoover: help the rich and the poor will benefit from the improving economy. Prosperity is right around the corner. But we were not elected to ignore the suffering of our constituents.

When will the Congress hear the voices of our desperate countrymen and women and demonstrate its concern for the real victims of this recession? First, the House passed a \$1.4 trillion tax cut, mainly for the wealthy. Then a \$38 billion bail-out for the oil, gas, electric and nuclear power companies that earned more than \$1.6 trillion last year. Now, a "stimulus" bill that showers tens of billions more on the wealthiest and most powerful in our nation, and only a fraction for genuine "stimulus."

The views of these Nobel laureates and others should guide us in crafting a genuine stimulus bill that helps hurting Americans instead of adding billions in additional tax breaks for the richest taxpayers and for corporations. I submit for the RECORD these views.

ECONOMISTS' STATEMENT—AN OPEN LETTER TO SENATORS TOM DASCHLE AND TRENT LOTT

The current state of the U.S. economy justifies further fiscal stimulus by the federal government. But the stimulus package passed by the House of Representatives will do little to assist a near term recovery and is likely to undermine growth in the long term.

The basic principles in designing an economic stimulus are: (1) that it be targeted to increase spending immediately; and (2) that it be temporary, phasing out when the economy recovers.

The bill passed by the House fails on both counts. First, it mainly provides permanent tax cuts rather than the temporary measures required by prudent fiscal policy. Second, most of the benefits go to the wealthy and to large corporations.

In addition to being inequitable, tax cuts for the wealthy are less likely to be spent quickly than are benefits to low-income families and the recently unemployed. The tax

cuts for large corporations are particularly inappropriate. Large retroactive rebates to a few giant companies will do little to stimulate an economy suffering from insufficient demand. Moreover, the permanent nature of these tax cuts is likely to worsen the long-term budget outlook and may keep long-term interest rates high.

The package passed by the House should be rejected by the Senate and replaced with temporary measures, such as further expanded unemployment benefits, that will increase spending now.

George A. Akerlof, University of California, Berkeley; Kenneth J. Arrow, Stanford University; Martin N. Baily, Institute for International Economics; Alan Blinder, Princeton University; Jeff Faux, Economic Policy Institute; Lawrence R. Klein, University of Pennsylvania; Franco Modigliani, Massachusetts Institute of Technology; Douglass C. North, Washington University; William F. Sharpe, Stanford University; Robert M. Solow, Massachusetts Institute of Technology; Joseph E. Stiglitz, Columbia University; James Tobin, Yale University; Laura D'Andrea Tyson, University of California, Berkeley; Janet Yellen, University of California, Berkeley.

INDIA ILLEGALLY DETAINS WIDOW OF HUMAN-RIGHTS AC- TIVIST

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2001

Mr. BURTON of Indiana. Mr. Speaker, I was disturbed to read that the Indian government has once again put its utter contempt for basic human rights on public display. At a time when India is posturing as an ally in the fight against terrorism, it is committing more terrorism against the minority peoples living within its own borders.

The Indian government is currently holding Mrs. Paramjit Kaur Khaira and six other Sikh human-rights activists in detention supposedly "to prevent disruption," or in other words to prevent them from carrying out peaceful political activities. Mrs. Khaira is the widow of Jaswant Singh Khaira, the late General Secretary of the Human Rights Wing, who exposed India's brutal policy of picking up young Sikhs, torturing them, killing them, then declaring their bodies "unidentified" and secretly cremating them. Mr. Khaira published a report showing that there had been at least 25,000 Sikhs victimized by this brutal policy. The Khaira Mission Committee, which Mrs. Khaira heads, in conjunction with other human-rights groups, has subsequently shown that the number is in excess of 50,000.

After Mr. Khaira published this report, he received a phone call from a police official saying, "We made 25,000 disappear. We can make one more disappear." On September 6, 1995, while he was washing his car, he was abducted by the police. One eyewitness who saw him while he was in custody said that he was severely tortured, to the point that he could barely eat. In late October 1995, Khaira was murdered in a police station. None of the

November 15, 2001

police officials responsible for this heinous crime has ever been punished. All the Indian government has done is transfer them to other police stations, where they can find new victims to torture.

According to "The Politics of Genocide" by Inderjit Singh Jaijee, the Indian government has murdered over 250,000 Sikhs since 1984, over 200,000 Christians in Nagaland since 1947, over 75,000 Kashmiri Muslims since 1988, and thousands and thousands of Dalit "Untouchables," Tamils, Manipuris, Assamese, tribal people all in pursuit of "Hindutva"—a Hindu state, society, and culture. Last year, a government official was quoted as saying that everyone who lives in India must either be a Hindu or be subservient to Hindus. That is not democracy, Mr. Speaker. It is theocracy. It takes more than elections to make a democracy; it takes genuine respect for basic human freedoms.

I have serious misgivings about current U.S. plans to resume arms sales to India. We should be very cautious in considering such an aid resumption, especially given India's terrible human-rights record. We should also support a free and fair plebiscite on independence in Khalistan, Kashmir, Christian Nagaland, and all the countries seeking their freedom from India. This is the best thing we can do for freedom, peace, prosperity, and stability in South Asia.

Mr. Speaker, I would like to place an article from *Burning Punjab* on the detention of Mrs. Khalsa into the RECORD at this time.

[From the *Burning Punjab News*, Nov. 2, 2001]

MRS. KHALSA HELD

(Our Correspondent)

Amritsar, November 2—The police today early morning arrested Mrs. Paramjit Kaur Khalsa of the Khalsa Mission Committee to prevent disturbance of the peace in the state.

She reportedly was arrested at 4:30 a.m. hours before the arrival of the Prime Minister at 10 a.m. today reportedly from her residence here. The police also rounded-up six others, including Kirpal Singh Randhwa PHRO vice-president.

PERSONAL EXPLANATION

HON. PORTER J. GOSS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2001

Mr. GOSS. Mr. Speaker, on the afternoon of November 14, I had to depart early for a previously scheduled meeting at the White House. As a result, I was not able to be present for rollcall votes Nos. 439 and 440. Had I been present, I would have voted "yes" on both measures. I request that this statement appear at the appropriate place in the RECORD.

EXTENSIONS OF REMARKS

TRIBUTE TO ROBERT CORNEL
NELSON OF ILLINOIS

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2001

Mr. RUSH. Mr. Speaker, it was with great sadness that I learned last night of the death of one of the giants of the labor movement in Illinois—Robert Cornel Nelson. Bob died in his sleep on November 7, 2001, just two days shy of his 52nd birthday. He was laid to rest today in Glenwood, Illinois.

At the time of his death, Bob Nelson was national vice president of the American Federation of Government Employees' (AFGE) seventh district, which encompasses Illinois, Michigan and Wisconsin, and was recently elected to the position of vice president of the Illinois State AFL-CIO.

Bob began his union career as a member of AFGE's local 375 at the Railroad Retirement Board, and throughout the years, he held a number of union offices, including second vice president, first vice president, and ultimately, president.

From 1974 to 1980, Bob also served as president of the Chicago Area Council of AFGE locals and in 1974 was elected president of the AFGE Railroad Retirement Board Council—a position which he held until he was elected to the seventh district national vice president's position in October 1986, and was reelected to that position five times.

As national vice president of the seventh district, Bob sat on AFGE's national executive board and chaired both the legislative and legal rights committees. Every two years, Bob held a legislative breakfast here in Washington, where the AFGE members from his region would come to Congress to press their legislative agenda. But, Bob was active and engaged in the legislative process 365 days of every year.

This past summer, I reconstituted the First Congressional District's Labor Task Force and convened a meeting on a very warm day in Chicago. Bob was one of the first union representatives to confirm his attendance and he was there, struggling to walk with a leg brace and a walker that was the result of earlier surgery on his leg. He was looking forward, he said, to getting out of the brace and walker, to be able to get on with his union's business and the business of the larger labor family at his previous speed. Bob's previous speed often rivaled the speed of light, and even with the leg brace, we struggled to keep up with his pace.

Mr. Speaker, I will greatly miss Bob's dedication, unfailing humor and support. My prayers and heartfelt condolences go out to his wife, Judy, and his brother, Ron, and his children: Robert, Jr.; Aaron; Daron; Eric; Cornel; Erica; and Shannon.

Chicago, and the Nation, have lost a labor giant.

22791

BEST PHARMACEUTICALS FOR
CHILDREN ACT

SPEECH OF

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 2001

Mr. BEREUTER. Mr. Speaker, this Member wishes to comment on H.R. 2887, the Best Pharmaceuticals for Children Act, and would like to commend the distinguished gentleman from Pennsylvania, Mr. GREENWOOD, the sponsor of this bill, and the distinguished gentleman from Louisiana, Mr. TAUZIN, the Chairman of the Committee on Energy and Commerce, for bringing this legislation to the House Floor today.

Mr. Speaker, this Member is unaware of any Member of Congress who opposes the appropriate testing, evaluation and proper labeling of prescription drugs for use in children. We need to ensure that medicines are safe and effective for both children and adults. The only question for debate is how to accomplish this critical public health objective.

As you are aware, the Best Pharmaceuticals for Children Act would continue a program that grants prescription drug companies an additional six-month patent exclusivity, as an incentive for them to test their drugs on children. While pediatric exclusivity has resulted in an increase in the number of pediatric drug studies and has provided valuable information to pediatricians about how to use drugs in children, this Member is concerned about the current law for several reasons.

Most importantly, the law has imposed higher prices on consumers because it delays the introduction of lower-priced generic drugs for an additional six months. This Member is also concerned that the pediatric exclusivity provision provides substantial incentives to drug companies to test drugs that have high sales, particularly among adults, rather than those drugs which pediatricians need more information. It appears that brand name drug companies are receiving six months of exclusivity for testing a drug on children, even when that testing is of minimal value because it is for an indication that rarely occurs in children, such as ulcers, hypertension, or Type II (adult-onset) diabetes. However, there seems to be adequate provisions which would cause companies to initiate such testing to gain an additional six-month patent exclusivity only upon FDA request.

Furthermore, pediatric exclusivity provides little incentive to test drugs that are still under patent, but do not result in high profits. It appears that pediatric exclusivity leaves many drugs unstudied in children, because the drug companies believe they will not make enough from six months of additional patent protection.

**TURBAN IS RELIGIOUS SYMBOL; IT
MUST NOT BE REMOVED**

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2001

Mr. TOWNS. Mr. Speaker, I was distressed to find out that another Sikh was forced to remove his turban at LaGuardia Airport in New York. I am from New York, as you know, and it particularly distresses me to learn that this occurred in my home city.

According to the website Rediff.com, Surjit Babra, president of a \$100 million company called SkyLink, "was forced to remove his turban" at LaGuardia airport in New York, allegedly as part of a security inspection. Mr. Babra is a Canadian Sikh who was trying to board a flight back to Toronto. Previously, a sitting judge who is Sikh was forced to remove his turban at the same airport. We must clean up the security procedures at this airport.

Security guards asked Mr. Babra to remove his turban. Mr. Babra suggested that the guard use a hand-held scanner to scan his turban. The security guard wouldn't accept that and made him remove his turban immediately.

Mr. Speaker, the turban is a religious symbol. It is required by the Sikh religion. It is one of the five symbols every Sikh is required to carry on his person. Removing a Sikh's turban is an insult to him and to the Sikh faith.

Dr. Gurmit Singh Aulakh, President of the Council of Khalistan, who visits my office often, sports a bright saffron turban. It looks

very impressive. He is a committed, practicing Sikh and he will not remove his turban in public under any circumstances. I am sure other Sikhs feel the same way. They should not be harassed by asking them to remove their turbans at routine security checks at the airport.

I agree with Gurbax Singh Malhi, a Sikh member of the Canadian Parliament, who said that "while understanding and sharing the terrible circumstances that have led to this point", the United States should "train and educate security personnel so that they will respect the right of people of the Sikh religion to wear turbans and not subject them to this undignified and unnecessary procedure".

I urge Transportation Secretary Mineta to order the FAA to stop the harassment of Sikhs and order that their turbans not be removed unless other security means show an absolute necessity to do so.

America is a land of freedom. Sikhs come here to escape from the repression they suffer in India. They have contributed to every aspect of American life. We even had one Sikh, Dalip Singh Saund, who served in this House in the early 60s. America must respect the religious freedom of Sikhs just as it respects the religious freedom of other faiths.

Mr. Speaker, I would like to place the Rediff.com article on the Babra case in the RECORD for the information of my colleagues.

[From Rediff.com, Nov. 10, 2001]

CANADIAN SIKH FORCED TO REMOVE TURBAN
AT LA GUARDIA
(By Ajit Jain)

Surjit Babra, president of the \$100 million portfolio SkyLink, "was forced to remove

his turban" at LaGuardia airport in New York, allegedly as part of a security inspection.

In a press release, Indo-Canadian Member of Parliament Gurbax Malhi, himself a turbaned Sikh, said that "while understanding and sharing the terrible circumstances that have led to this point", the United States should "train and educate security personnel so that they will respect the right of people of the Sikh religion to wear turbans and not subject them to this undignified and unnecessary procedure".

Rediff.com tried to reach Babra several times, but he wouldn't respond to telephone calls.

Businessman Garry Singh, a close friend of Babra, recounted that it was on Wednesday evening, when he was going through security before boarding his flight to Toronto at LaGuardia, that the incident took place.

Babra was asked to remove his turban by the security guard. The Sikh businessman suggested that the guard use a hand-held scanner to scan his turban. If he were still not satisfied, he would then remove his turban.

The security guard wouldn't accept that and made him remove his turban immediately.

Malhi said, "In Canada we have learned to respect religious symbols." The Royal Canadian Mounted Police has changed its rules to allow Sikhs to wear turbans on duty.

Barbra's SkyLink moves U.N. peace-keeping personnel and equipment to various countries in the world.

SENATE—Friday, November 16, 2001

The Senate met at 10 a.m. and was called to order by the Honorable JON S. CORZINE, a Senator from the State of New Jersey.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious God, Sovereign of this land, we enter into the season of thanksgiving with a great need for spiritual renewal that takes place when we return to an attitude of gratitude. In the midst of the problems we face at this time, we need the refreshing rejuvenation that comes when we turn from our trials and focus on thanksgiving for all blessings. You have shown us that gratitude is not only the greatest of all virtues but the parent of all others. Any achievement without gratitude limps along the road of life; anything we accomplish without giving thanks becomes a source of pride. You desire our gratitude because You know it helps us grow; other people never tire of feeling the affirmation that is communicated when we express our thankfulness for them; and we require gratitude to avoid being self-serving and arrogant.

O God, we praise You for this Nation of freedom and democracy. We repent of our pride that entertains the idea that we are in charge of the destiny of this land. Grant us the true humility that comes from acknowledging that You are the source of all we have and are. Now we are ready to thank You in advance for Your help in the resolution of the problems we face in this present crisis. In the Name of the Lord. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JON S. CORZINE led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The ACTING PRESIDENT pro tempore. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, November 16, 2001.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JON S. CORZINE, a Senator from the State of New Jersey, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. CORZINE thereupon assumed the chair as Acting President pro tempore.

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

SCHEDULE

Mr. REID. Mr. President, I have been asked to announce by Senator DASCHLE, the majority leader, that we are going to be in a period of morning business. Senators are going to speak for up to 10 minutes each. There will be no rollcall votes today. There will be no rollcall votes until 2:30 p.m., Tuesday, November 27.

Last night, the Senate agreed by unanimous consent to limit debate on the conference report to accompany S. 1447, the aviation security bill, which everyone worked so hard on all week. Debate time will be limited to 90 minutes. Upon the use or yielding back of that time, the conference report will be adopted.

The managers are expected momentarily to begin discussion of this most important piece of legislation.

MEASURE PLACED ON THE CALENDAR—H.R. 2873

Mr. REID. Mr. President, I understand that H.R. 2873 is at the desk and is due for a second reading.

The ACTING PRESIDENT pro tempore. The leader is correct.

Mr. REID. Mr. President, I ask unanimous consent H.R. 2873 be read for a second time, and I then object to do any further proceedings at this time.

The ACTING PRESIDENT pro tempore. The clerk will read the bill by title for the second time.

The assistant legislative clerk read as follows:

A bill (H.R. 2873) to extend and amend the program entitled Promoting Safe and Stable Families under title IV-B, subpart 2, of the Social Security Act, and to provide new authority to support programs for mentoring children of incarcerated parents; to amend the Foster Care Independent Living program under title IV-E of that Act to provide for educational and training vouchers for youths aging out of foster care, and for other purposes.

The ACTING PRESIDENT pro tempore. Objection having been heard, the bill will be placed on the calendar.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there

will now be a period for the transaction of morning business with Senators permitted to speak therein for up to 10 minutes each.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Texas is recognized.

AFGHAN WOMEN AND CHILDREN RELIEF ACT OF 2001

Mrs. HUTCHISON. Mr. President, we are all awaiting the bill that we have all worked so hard to produce this week, the Aviation Security Act. I will not speak about that act because, obviously, we have others who have worked very hard on the bill. We want to make sure that everyone is able to speak for or against it before we pass it. But the good news is, we are going to pass it.

I did want to take this opportunity, though, during morning business to mention a bill that passed last night. It is a bill that was cosponsored by every woman in the Senate. There are 13 women in the Senate. All of us cosponsored this bill. It is to make sure that the Congress speaks on the priorities that we believe are imperative as we give aid to Afghanistan, that women be included in that aid.

As so many of us know, the Taliban treated women especially cruelly, not allowing them access to health care. Not allowing a male doctor to see a woman effectively kept women out of the system because women are not allowed to work, and therefore female doctors are not allowed to practice under the Taliban.

In addition, women have not been able to go outside their homes without a male escort, so many times a widow would not be able to get the food necessary to feed her children or the health care for her children.

Women were not allowed to be educated under the Taliban, so we see 5- and 6-year-old girls who have had no education whatsoever because they have lived under the Taliban regime.

The bill that passed unanimously in the Senate last night spoke to those issues to say we want United States aid to be especially there for the people of Afghanistan as we rebuild the country.

We are seeing the Taliban flee. Thank goodness they are fleeing. But we want to make sure that we start playing catchup, that we give women and young girls the chance to be educated along with the young boys, that we bring women doctors in especially to give access to health care for the women of Afghanistan.

The mortality rate of children in Afghanistan is stunning. It is 25 percent. The mortality rate for children in that country is 25 percent. The major cause of that mortality rate, in the 21st century, is contaminated food and water. That is the most stunning statistic of all. In the 21st century, when clean water and uncontaminated food is universally available throughout the world, that 25 percent of the children would be dying from dysentery and contaminated food and bad water is just the saddest of all statistics.

So we do want to go in fast and try to stem the tide of the mortality of children and women, and make sure that young boys and young girls are treated equally in education, that women have a chance to participate in a new government that hopefully would be a government of the people of Afghanistan that includes all of the tribes of that country.

I am very proud that the women of the Senate came together to speak especially forcefully on this issue. We did pass the bill last night. So I am very pleased that we were able to persuade Senator WELLSTONE to raise his hold on the bill, which I thought was an unfair hold. I did not appreciate that he would take a bill such as this hostage for another bill that he had, but, nevertheless, he did, and so it took us 2 weeks to pass a bill which should have been passed in minutes.

Having said that, I do want to say, I am very proud of the women of the Senate for coming together to highlight this issue, to speak with one voice, and to say that U.S. aid will always be there for women as well as men on an equal basis, for girls as well as boys on an equal basis.

So I am proud that we passed the bill. It now goes to the House Representative DEBORAH PRYCE is working with Democratic and Republican women on the House side to try to see that this bill goes through on an expedited basis to support our President in putting forth more aid for Afghanistan that will be equally distributed among the population.

Mr. President, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(The remarks of Mr. DOMENICI and Mr. BOND pertaining to the introduction of S. 1717 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. DOMENICI. Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

Mr. DORGAN. Mr. President, if the Senator will yield, I ask unanimous consent that this Senator be recognized following the remarks of the Senator from Montana.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BURNS. Mr. President, I ask unanimous consent that I be allowed to speak and use whatever time I may consume. I do not think I will go past 10 minutes.

Mrs. HUTCHISON. Reserving the right to object, it is not my intention to object except that I understand Senator DORGAN sought, by unanimous consent, to be recognized. The bill is now here. I ask unanimous consent that there be no more than 10 minutes for each of the speakers so that we can get to the bill in due course.

The ACTING PRESIDENT pro tempore. That is the current order. The Senator from Montana sought to modify that order. Is there objection?

Mrs. HUTCHISON. Mr. President, I believe the Senator from Montana will agree to speak for no more than 10 minutes, as will the Senator from North Dakota. Do they agree to speak no more than 10 minutes so we can get to the bill?

Mr. DORGAN. I agree to that request. I also want to speak on the bill. I understand when the bill arrives there will be comments by the chairman, by Senator HUTCHISON, and others. I want to make a comment about the farm bill. In fact, I will be glad to keep that to 10 minutes.

Mrs. HUTCHISON. It is important when the bill is ready that we proceed to it so we can pass it back to the House to stay on time.

I thank the Chair. I yield the floor.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, I understand the airport security bill is ready. I am going to be speaking on something else, but it is my intent to allow the committee to proceed so the Senate can consider this bill. I am going to speak on the airport security legislation, but I will make the remarks on the farm bill following this action.

AVIATION AND TRANSPORTATION SECURITY ACT—CONFERENCE REPORT

Mr. HOLLINGS. Under a unanimous consent agreement, I call up the conference report on the bill, S. 1447, and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1447), "to improve aviation security, and for other purposes," having met have agreed that the Senate recede from its disagreement to the amendment of the House, and agree to the same with an amendment, signed by a majority of the conferees on the part of both Houses.

The ACTING PRESIDENT pro tempore. The Senate will proceed to the consideration of the conference report.

(The report is printed in the House proceedings of the RECORD of November 16, 2001.)

The ACTING PRESIDENT pro tempore. Under the previous order, there is now 90 minutes of debate evenly divided between the chairman and ranking member.

Mr. HOLLINGS. Mr. President, I yield myself such time as I may consume.

I first want to thank Sam Whitehorn, who is now changing clothes to come to the Chamber, and Kevin Kayes. Both Sam Whitehorn and Kevin Kayes are on my Commerce Committee staff. They have been working hard all night long, even with the breakdown of the computer at 5 a.m., to get these documents ready for consideration. They have been working over the past 6 weeks, ever since September 11.

Secondly, I thank the New York Times. The headline today is: "Congress Agrees to U.S. Takeover For Air Security." In a line, this will do more to stimulate air travel and rejuvenate the economy than any one single thing, and that is what we have been trying to do as well as institute safety.

I thank my distinguished counterpart, Senator MCCAIN, who has been sticking with us. We fought a good fight right down to the wire, and in a general sense we prevailed in that it is not a compromise on safety.

There is an old Roman canon, XII, *salus populi suprema lex esto*, "the safety of the people is the supreme law," and that is the way we approach this. We were not concerned about contractors; we were not concerned about flexibility; we were concerned about accountability; we were concerned about safety. There is just no way, and should not be, to compromise safety. That was the difficulty of this particular task.

It has been a long, hard road. I started on this effort over 20 years ago, back in the late 1980s with Pan Am 103, TWA 800, and on and on again. There were commissions, hearings, more hearings and commissions, standards, more training, more testing, more oversight, and on September 11 we ended up with criminals doing the screening and 5,000 dead.

So that sobered us up. Senator MCCAIN and I went right to work. We

had a full day of hearings. We now have a measure before us in this conference report sought for by the airline pilots, the flight attendants, the Air Transport Association, the airport managers, the Business Airline Coalition, the mayors, the Governors and everyone else. The media have been wonderful in that respect because we have the people behind us.

They have said time and again they were willing to pay up to \$25 or more per ticket to get airline security. This is only \$2.50 with a cap of \$5 on any one flight.

But I think the people ought to understand what has been going on for years on end. The FAA thought its task was in the main to promote air travel and, on many occasions, sacrificed safety. For instance, the Inspector General attested before Congress the day before yesterday, less than 5 percent of the baggage is screened.

We have seen only today at Logan Airport they had to fire, or suspend, I should say, the security contractor because his screener went to sleep at the switch and they do not know how many people got through during that slumber. They had to call everybody back in from the planes and go through security again. Security lapses have persisted, but they will not persist any longer because we now have federalization.

At our hearing, we called in El Al. We had testimony from the Israeli security agency, the chief pilot of El Al. I can hear that chief pilot. He said: Senator, when we secure that cockpit door, and it is a secure-type door, it is never to be opened in flight.

He said: Even if my wife is being assaulted in the cabin, I don't open the door. I land that plane and law enforcement is there to meet me.

That has stopped hijacking at El Al. They have not had one for 30 years. All these folks running around hollering about the European model—in the last 8 years they have had 20. We didn't model this after Europe. We modeled it after El Al.

You can see the comprehensive nature, when you listen to their particular procedure. They not only screen the passengers and screen the baggage and everything else, but they have a double-check at the time of enplanement. They have a total background check and security of the tarmac itself. This approach prevents someone from getting a ticket, having their seat assigned and then calling some plant out on the tarmac that has been working there and say: Tape a loaded pistol on flight so-and-so, and go out there. So you have to use absolute care with the caterers, the mechanics, those who have access to the planes, and the perimeter of the airport itself. It is a sort of seamless web.

When the news media talks of compromises between the House and Sen-

ate—let me put it this way: There is no compromise on safety. That is my emphasis now. With respect to the particular items, since others want to be addressing the body at this time, I encourage Senators and the public to review the content of the conference report in the CONGRESSIONAL RECORD following passage by the House of Representatives.

Let me just say this. I will never forget it. We were taught at law school that Jackson told Marshall: The Court has made its decision. Let him enforce it.

I don't want to sound abrupt, but the Congress has made its decision. Now let the administration, the President, enforce it.

I say that advisedly because our Chief Executive has been all over the lot. That is one of the disturbances we had. We were told he would sign our bill that passed 100 to 0. Then they put the entire White House in behind Mr. DELAY, changing the votes, changing the votes over here on the Senate side. Although Senators just had voted as a group of 100, part of that group changed their votes and everything else of that kind. We had, momentarily, total chaos. Now the President says he signs it.

Let me make this comment: We can make it work. We are going to have oversight. We are going to keep their feet to the fire. But he has to put in a hard charger, a Stormin' Norman or somebody as the Deputy Secretary of Security for Transportation. If you get a person of that ilk, he will come there and he is going to get the job done. But if it is going to be business as usual and worrying—as I heard the Secretary say in one of the conferences he had—he said: Wait a minute, now, if we have that kind of security requirements in Anchorage, we will lose the business in Anchorage and they will fly to Vancouver—literally.

I said: Come on, man, whenever they come to America, whether it is in Anchorage or down in Seattle or whatever, they are going to get this kind of check.

But you can see the culture, the mindset. So you have to have someone with a strong mindset as the Deputy Secretary of Security in this particular department to carry forward this initiative.

I yield the floor to my distinguished colleague.

The PRESIDING OFFICER (Ms. STABENOW). The Senator from Arizona.

Mr. MCCAIN. Madam President, I thank the distinguished chairman of the committee with whom I have worked many years on a broad variety of important issues. I have to say, and I think the chairman would agree, this is one of the more important issues that we have had the privilege of working on together. It has been a very long and difficult process—a very difficult process.

My distinguished chairman often quotes Latin. I would like to quote one back that would describe what we just went through: "Illegitimus non carborundum," which I will not translate for the RECORD. But the fact is, this was a tough process and we did come out with the paramount aspect of this challenge of safety being addressed.

The Senate bill, the major provisions, were adopted. I thank our colleagues on the House side who were faced with some very difficult pressures, too, who finally came to this agreement.

Madam President, this legislation will install air marshals where needed on airplanes. It will call for reinforced cockpit doors. It will authorize pilots to carry guns with the approval of the new Under Secretary and the area carriers. It will provide for a new independent security agency for all modes of transportation, with significant authority to expedite new technology. New technology is going to solve a lot of the problems that we have today with delays and problems with people being able to get on and off airplanes.

There will be uniform and rigorous standards. There will be a full federalization over 1 year of every airport in America, unless five choose to opt out, in five categories in America.

Law enforcement is a proper function of the Federal Government. Law enforcement will be carried out by Federal employees. That is the case in these airports.

What will the signature of the President of the United States do? It will do two things: No. 1, on the substantive side we will begin a process, which will take at least a year, of increasing airport security, of putting in place procedures and individuals who will allow Americans much greater, dramatically enhanced safety and security in airports and on airliners.

But what else does it do? We all know the reality today is many Americans will not get on an airliner because they do not feel any confidence that they are safe and secure in doing so. When the President of the United States signs this bill and looks the American people in the eye and says we are now embarked on an all-out effort to do everything your Government can to make you safe and secure, I think that will have a major impact on the American people and will move forward in restoring the confidence of the American people.

So I think this legislation is both substantively and from perception a very critical piece of legislation. We all know that unless airline traffic and passengers are restored to previously levels, our economy is going to continue to suffer, not to mention the very vital security and safety aspects involved. Not everything that everybody wanted was in it, although I would certainly say we got about 95 percent.

As usually happens, sometimes we add things we should not. I want to take a minute to talk about it. There are some liability provisions which are put into this bill, some of them perhaps warranted, some perhaps not warranted, covering aircraft manufacturers, the World Trade Center, some limit on liability in New York City, et cetera. As I say, there could be some beneficial aspects of these provisions, but we should be addressing liability in its entirety. We should not be addressing liability on this issue. We need the appropriate committee—which I guess is the Judiciary Committee and also to some degree the Commerce Committee—to hold a set of hearings so we can address the entire liability problem associated with the attacks on September 11, rather than a rifleshoot approach.

Do you know why we are using a rifleshoot approach? Because people are hiring the lobbyists, and campaign money. People are coming into Washington; lobbyists are coming in. They bought their access and they are exercising their influence.

That is not a fair way to address the issue of liability, and there are legitimate issues. I am sorry those provisions were included in this legislation. I don't believe in raising anyone's taxes. I have voted literally against every tax increase in the number of years I have been a Member of this body and the other body.

There is an increase in costs associated with this airport security. We need to pay for this. The \$2.50 may not do it. It may not be enough. It may require more. We put a cap of \$5 so that someone who gets on an airplane that has four stops doesn't have to pay each time. Yes, there are remote areas of America. There are remote areas of my State as well. There are poor Navajos who want to fly from Window Rock at Flagstaff to Phoenix, AZ, and then on to some other place.

We tried to make this fair. The fact is that everybody has to pay for it. It has to be paid for by all Americans. It is a cost for the increased security requirements as a result of this new war we are fighting.

I say to the American people and to the passengers that I think this is not a high price to pay when you look at the benefits that will accrue from the increased security and safety which are absolutely vital, as we all know.

I think we came up with a good piece of legislation. We on the Commerce Committee will review this legislation and its impact. It may have to be fine tuned in a variety of ways.

I am very pleased we came together on this issue. We have now done something which, unfortunately, took too long. But certainly it is now going to be signed into law and will be a very major step forward in providing security and safety to Americans, hundreds

of millions of whom use the airlines every year.

I again thank Senator HOLLINGS and our staff for the bipartisan way in which the Senate acted.

I also thank Senator HUTCHISON, the ranking member, as well as Senator ROCKEFELLER, chairman of the Aviation Subcommittee, who played key and vital roles in the formulation of this legislation.

This is a new day. We had our differences. It isn't a perfect piece of legislation, but it is a landmark piece of legislation. I think, since the Congress acted, we should now move forward and try to do the best we can to make sure through congressional oversight that the intentions and the provisions of this legislation are implemented in as efficient and expeditious a manner as possible.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Alaska.

Mr. STEVENS. Madam President, I would like to address a couple of questions to the Senator from South Carolina, if he will yield to me for that purpose.

I would like to ask the Senator from South Carolina: I note on page 52 that there is a provision regarding screening of small aircraft. It says that within 1 year after date of enactment of this act, the Under Secretary of Transportation for Security shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the Committee on Transportation and Infrastructure in the House on screening requirements of passengers boarding and baggage carried aboard aircraft with 60 seats or fewer used in scheduled passenger service, and recommendations for any changes to meet these requirements.

As the Senator from South Carolina knows, my State uses an extensive number of small planes. Many of them have nine seats or fewer.

Can the Senator from South Carolina tell me what provision of this bill affects general aviation that is totally intrastate and that seats 19 or fewer? In the interim of 1 year, what applies to the small planes that board passengers only for small distances within a State?

Mr. HOLLINGS. Generally speaking, none. It does not affect the small planes with passengers. We would like to spell that out, but we haven't gotten into that thoroughly.

That is our problem right here, for example, with Reagan National's restrictions against private planes coming in, and these other airports around the country. We are trying to work that out. But we didn't think that was necessarily the particular safety threat at this particular time.

Mr. STEVENS. Madam President, as the Senator knows, our State has over

150 small airports, and people go distances of 100 or 200 miles and return, or maybe stop in several places along the line. If these planes do not interline with intrastate air carriers and are strictly local carriers, are they affected by this act?

Mr. HOLLINGS. I think we are trying to find the final wording because most of this was in the House bill. But the answer is, I think on the fee you are right; it would be. The FAA safety regulations still apply to general aviation. There has been no repeal of that in the takeover by the Deputy Secretary of Security. But the general aviation regulations are not disturbed here with respect to safety.

Mr. STEVENS. Madam President, let me say this. I have had extreme difficulty in dealing with this bill because I have just read it for the first time this morning—and the report. I have extreme difficulty interpreting it as it applies to small planes that are carrying mail and passengers between two places in Alaska, where they will never intersect interstate commerce and where they will never interline with anyplace that has any difficulty as far as being a threat to people other than people in very small villages going from place to place—from Bethel to St. Mary's, or from Bethel down to various places in the Yukon. I am going to have to go home and tell those people that they are affected by this bill.

I tell my good friend that I can't tell from the way this bill is written whether some of the small villages—some of which do not have screening devices—that the small commuters fly between have to have screening devices. Are they to install screening devices?

Mr. HOLLINGS. Shalom, peace. Tell them to just calm down for the simple reason that this affects the 420 hub airports and the other airports connecting with those hub airports. The Senator talks about 100 or so. I know we have nearly 100. When someone gets into a political campaign in Texas or South Carolina, you have to travel back and forth on the plane. We don't have machines there to test the baggage, or Federal agents.

I want to answer as appropriately as I can. We are going to continue the safety. Small general aviators practice safety because their life depends on it. No, there won't be Federal marshals there. There won't be Federal screeners in all of those little airports, if that is what the Senator wants to get to.

Mr. STEVENS. Madam President, I ask my friend: They are required to buy a ticket to get on those commuters, and they pay the \$2.50.

Mr. HOLLINGS. If they come right into that hub.

Mr. STEVENS. Madam President, I cannot find any exception here for those flying between villages and not a hub. They are going to have to pay.

Mr. HOLLINGS. There is language in the bill whereby they do not connect with the hub, for example, in Alaska. You can lower that fare in those airports.

Mr. STEVENS. Are the hubs covered named in the bill?

Mr. HOLLINGS. No.

Mr. STEVENS. They are named in the Federal Register.

Mr. HOLLINGS. Yes.

Mr. STEVENS. The current designation is not changed by this bill.

Mr. HOLLINGS. It is not changed.

Mr. STEVENS. I thank the Senator. I regret that I did not sign the report. I did not have access to this report, nor to the bill.

I still have to say to the chairman—I have great respect for him—in terms of the requirements for safety, that there are a great many places in the country, as the Senator from Arizona stated, where passengers who are not destined for a hub and are not destined for areas where the safety of passengers getting on and off is concerned, and baggage is immaterial, and if they are going from Nome to Alakanuk or to Shishmaref, or somewhere up in the village country in my State, I am afraid someone might interpret this as having them be required to pay for security which they don't get, and pay for or be subject to these requirements which they don't need.

I have to tell you, I hope we can review this sometime in the future in a way to listen to some of these people who operate commuter airlines where they may intersect a hub. We have two or three hubs in Alaska defined on the Federal Register today. They may intersect a hub, but they do not go through the screening now. And I am not sure this bill requires them to go through screening they never had to go through before to go from place to place in Alaska.

Mr. HOLLINGS. It does not require that, and there is no charge there.

Mr. STEVENS. I thank the Senator and appreciate the courtesy and apologize to the Senator from Texas.

I have no objection to proceeding with the request.

Mr. HOLLINGS. I yield such time as is necessary to the Senator from Texas.

Mrs. HUTCHISON. Madam President, I yield up to 5 minutes to the Senator from Georgia, who has an airplane to catch, after which I would like to claim my time as one of the cosponsors of the bill.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CLELAND. I thank the Senator from Texas, and especially thank her for the marvelous work on the bill, as well as Senator Hollings and Senator McCain and Senator Rockefeller.

Madam President, this body is about to vote on an historic piece of legislation that will put in place new safeguards at airports across this land

from Savannah to Seattle to Sacramento as families prepare for the biggest travel day in the Nation, they can feel assured airport security will be strengthened nationwide the very moment President Bush signs this landmark legislation into law.

Aviation security will now be in the hands of the U.S. Department of Transportation where it belongs. The Federal Government will immediately begin the process to hire, train, and deploy Federal screeners, Federal security personnel, and Federal law enforcement—a move supported by 80 percent of the American people.

We will finally have in place strict national standards for the hiring and training and job performance of the men and women who are on the front lines of ensuring that we have safety in aviation in America.

Ever since the tragic events of September 11, the American public has been crying out for tougher security to ensure that the horrifying events of 2 months ago will never again be repeated. This bill is our response to that call. It is a comprehensive bill, a tough bill, which helps ensure the financial viability of the airline industry and enhances America's national security and restores confidence to the flying public.

I am proud to support it. I am proud to be an original cosponsor.

I yield the floor, Madam President.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Madam President, on September 11, the terrorists found loopholes in our homeland security. Four airplanes were used as weapons of mass destruction, something we had never seen in our country. Now, 2 months later, we are closing these loopholes in our homeland security. The bill we are passing today will close the loopholes in aviation security so the people of our country, when they get on an airplane, will know every conceivable means of securing that aircraft are being utilized.

The bill before us today will create a comprehensive Federal system. There will be Federal screeners. There will be Federal supervisors who are armed law enforcement personnel. There will be a Federal person in charge of every airport in our country to look at the safety system, to make sure it works.

After a 2-year period, we will then have the option for other types of security to be offered by an airport and approved by the Secretary. So there can be private screeners or local law enforcement people working in a security system with the approval of the Under Secretary.

We will have a pilot program in each of the five major category airports: Category X, categories 1, 2, 3, and 4, that will be all privatized so we can test that system to see if it works. Then, after 2 years of the federalized

system, perhaps there will be airports that would prefer to have some privatization.

Another element of this bill that closes a loophole is that every checked bag will also be required to be screened. As soon as possible, but no later than 60 days, by some means, every checked bag will also be screened so that if you carry a bag onto the top of the airplane, it will be screened, if it goes on the bottom of the airplane it will be screened. I think that was an important loophole to close. It was my amendment to the bill. I felt very strongly about this.

We are also asking the Department of Transportation to expedite the manufacturing of the highest tech equipment possible for the screening of these bags. EDS is the code name for this electronic detection of explosives. We are going to make that a priority as well.

We are reinforcing the cockpit doors. We know the cockpits were invaded on September 11. We know that no American pilot would have flown an airplane into a building—not one. That is what they are trained not to do, and they would never do it, but for being overcome and murdered by these terrorists, who did indeed fly into the Pentagon and into the World Trade Center.

So the key elements of this bill are going to greatly strengthen our aviation security system in our country. A lot of people have asked me: Are we going to see a difference immediately? We already see a difference immediately. We are seeing people deployed from other agencies, such as the National Guard, who are standing at every screening area at every major airport in our country.

What will happen with the bill before us today is that those National Guard units that have been deployed will be substituted with permanent personnel, permanent Federal law enforcement personnel, armed Federal security supervisors. So we will see an immediate change, but we will also see these changes being made permanent.

As we phase the National Guard out of their temporary locations, we will be putting permanent Federal law enforcement personnel in their places.

We have now detailed air marshals from other agencies. We have FBI agents. We have Border Patrol agents. Other detailees from other Departments are now acting as sky marshals. We will start replacing them with permanent replacements so there will be more sky marshals on more flights throughout our country and on international flights into and out of our country. They will be permanent Federal law enforcement personnel that will be replacing the people who have been borrowed from other agencies.

So we are going to see immediate changes. We are going to see changes made through the next few weeks,

through the next few months, to make permanent these people who have come from other agencies to lend a hand, to add to the security on an immediate basis. We have also added to what is going to be screened.

Another component of our bill is to require that everybody who has access to an aircraft will have a security clearance. There will be a criminal background check required for every person who has access to an airplane. Whether it is a mechanic, whether it is a person doing food service, regardless of their mission on that airplane, they will have to have a security clearance. That is another very important feature of this bill.

So I think we have made great progress. I thank Senator HOLLINGS, Senator MCCAIN, Senator ROCKEFELLER, and others who helped—Senator BURNS, Senator KERRY—for coming together and working through this very difficult piece of legislation.

I thank Chairman YOUNG on the House side, and the chairman of the subcommittee, Chairman MICA; and Mr. OBERSTAR. These are people who contributed greatly to coming together and getting something that I believe is going to significantly improve the security of the flying passengers in our country.

I think it is going to tighten many of the loopholes that we had in our system before September 11. No longer is the American flying public going to rely on the honesty of every person who gets on an airplane. I think we have had to become a little less optimistic in our outlook, and now we have to provide for concrete solutions. We cannot just rely on the good will of every person in the world. We are going to have to protect our people. That is what homeland security is, and that is the function of the U.S. Congress.

In the Constitution of our country, we are required to provide for the security of our country.

Security is not something you can contract out to the lowest bidder. Security is not something you can take a chance and hope that maybe we can devise a system that we can maybe make work. That is not an option for the Congress.

We have one option. We have one responsibility. That is to provide the security to the people of this country who are flying in airplanes and believing that everything has been done to make them safe.

The bill before us today, that we will pass very shortly, is a bill that is going to secure the people to every human extent possible against the kind of terrorist attack we saw on September 11 or other terrorist attacks that could be made in other ways. We are securing the top of the airplane. We are securing the bottom of the airplane. We are securing the cockpit of the airplane. We are securing the airports through which people go.

We are going to beat the terrorists. We are going to secure the people of our country so we can travel in freedom. That is our responsibility. We are doing it today.

I thank Chairman HOLLINGS once again and Senator MCCAIN, all those who came together, along with my staff, Joe Mondello, who contributed greatly, to the staff who stayed up all night last night who could barely even make it here this morning because they were taking a shower after trying to make sure that this bill was written.

I thank everyone who contributed so much to doing this for the American people, something they deserve and something we are giving them today when we pass this bill to the President of the United States.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

Mr. BURNS. Mr. President, we will agree to the conference report to accompany the airport security bill in a few moments. It is a terrible thing; I lost my voice. That is fatal for auctioneers and for those of us who try to make a living in the cave of the winds, which is this Chamber, but I will try to get through. I will make my points as quickly as I can.

We had an opportunity to pass a good bill, and I think we have a bill. I will pledge to my colleagues in this Senate and also to the flying public that I will do everything I can to make it work because we have spoken.

If we really wanted to maximize security at airport facilities across the Nation, we took a wrong turn in this bill. That is what we do. I offered an amendment to allow the bright line of accountability, authority, and responsibility of jurisdiction of enforcement of those laws to reside with the Department of Justice. When I offered that amendment, it was immediately accepted by a voice vote. No debate was held on that part of the bill. Some of that was my fault because we were trying to deal with the bill and move it through the Senate.

As we consider this legislation, I ask the question: Whom are we trying to protect? I will tell you whom we protect more than anything else. We protect Government jobs. We are building up a bureaucracy within the Department of Transportation to which even the Congressional Budget Office cannot put a figure. We do not know what this is going to cost yet.

What happens after we pass this bill today? The rules of administration will be written. That will take considerable time. Those of us who are concerned about this bill were told we had to pass something before Thanksgiving because Thanksgiving is the most highly traveled time of the year. I suggest we are not going to have any more protection this Thanksgiving, and I am not sure we are going to have the protections in place next Thanksgiving.

If we try, as a legislative body, to suggest to the rule writers how we want the bill to work, we will be given the old story of separation of powers, that we cannot do that. So now it goes into the hands of the bureaucrats who have a habit of writing the rules for their benefit and sometimes disregarding the real reason why we passed the legislation.

Every time one flies, they are going to be charged to pay for this big bureaucracy, and every taxpayer in this country will also be paying for it.

Why did I decide the Department of Justice is better than the DOT in the areas of enforcement? I will say why. It is enforcement. Before we can expect load factors to go up and return to the levels prior to 11 September, the flying public must feel secure and safe. Symbolically, for no other reason, I suggest the Department of Justice do that.

Let us take a look at the areas of responsibilities and the challenges ahead of us: passenger lists, intelligence, baggage and cargo, check-in areas, boarding areas and, yes, the security of the aircraft. All personnel who have anything to do with maintenance, cleaning, fueling, or catering must be screened.

These are challenges of great dimension, and it is a big job ahead. Yes, we are asking to build a new bureaucracy in order to take care of this. Who is best equipped to handle that challenge? I suggest the Department of Justice because they have the intelligence in front of them and they know how to handle secured areas.

Who deals with security every day and has the experience to do it? Who can best be put to work the quickest and have people on the ground doing the business the fastest, without creating a new bureaucracy? The model is in front of us.

As we discussed, this was not allowed to be discussed in conference, either. There was no debate so the American people were not given a real choice between a new bureaucracy and a bureaucracy that is already in place.

How are we going to pay for it? I will leave with this thought. Again, I will pledge my support to make sure this law works. It would be unwise to be any other way.

We have come through the World Series, a great World Series, and we watch football almost every day on our television sets. Do you know what makes that game a great game and why it garners all the spectators? It is because we do not let the teams referee their own games. In football, there are 22 men on the field, the most heavily armored, mobile, hostile, bent on killing one another, and 6 old men in striped shirts have very few problems. Why? One, because there is only one rule book, and No. 2, we do not allow them to referee their own games.

I contend we are making a big mistake. I did not sign the conference report, but I will pledge to make sure the law works. I also warn my colleagues we will be back in less than a year to deal with this problem again.

I yield the floor.

Mr. HOLLINGS. I yield to the distinguished Senator from North Dakota.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Madam President, I add my appreciation for the work of the Senator from South Carolina and Senator MCCAIN of Arizona. As chairman and ranking member of the Commerce Committee representing our side on this issue, they did outstanding work.

We do big and small things in the Congress. This is a big thing. This isn't testing the water. This is making waves. This is really a profound change in many ways with respect to security on airlines that serve our country.

I rise to talk a bit about some of the things we are doing and why.

First the why. We know that September 11 caused great concern among the American people about the risks of taking airplane flights. They saw jetliners used as bombs, as missiles full of fuel, taking down two of the largest buildings in our country.

The site of that kind of tragedy, that act of mass murder, that terrorism has persuaded many Americans to feel queasy and jittery about flying. What kind of security exists with respect to the airlines?

Then they read in the newspaper in recent weeks stories about a person who comes to an airport in Chicago and is screened. They discover two knives on the person. They send the person to the boarding gate, and they do an enhanced screening there. He has seven more knives, a stun gun, and a can of mace. People ask: How can this happen? It further erodes the confidence of the American people with respect to security.

In the last couple days, a fellow with two meat cleavers gets through a screening process. Here we have nine knives, two meat cleavers, a can of mace, and a stun gun. The other day a woman is discovered to have a .22-caliber pistol in her purse. After she gets through the screening process, she says: I don't understand that. I got it through when I took other flights. She is walking through screening in other circumstances with a loaded .22-caliber pistol.

Does it give people pause? Of course, it does. The screening that has existed by some of the companies has not been good at all. One of the companies named Argenbright was fined by the U.S. Government \$1.5 million, put on probation and then violated their probation, hired people with criminal backgrounds, didn't train them properly, certified to the Federal Govern-

ment false documents. It does not work. We know that.

The question confronting Congress is, What do we do to give people some confidence about the system? The answer is obvious: improve security. How do we do that? This legislation puts sky marshals on airplanes in significant quantity. That gives people some confidence. It strengthens the cockpit doors, requiring airlines to take action to do so. That will give people some confidence, especially with respect to baggage screening, airport perimeter security, and a range of other things.

This legislation says what we have been doing has not worked and we will do it differently. This establishes a process by which we have uniform standards. We will hire Federal screeners at airports. They will be managed and trained effectively and consistently. They will provide a level of security the country deserves and needs.

Let me mention that in this legislation is a provision I added which I have been trying to add for some long while. It will finally become law with the President's signature. It deals with something called the advanced passenger information system. I have added it to three bills in the Senate. It has been kicked out because of jurisdictional disputes with one of the committees of the House of Representatives. I put it in this bill, and it will be signed by the President. It is going to get done.

What does that mean? It means that airlines bringing people into this country as guests of ours with visas must provide us advanced passenger lists of who is coming so we can run those lists of passenger names against the FBI list, against the Customs list, and 21 Federal agencies that have lists about people that we don't want coming into this country, those who are terrorists, known or suspected, that we don't want to allow into this country.

We have had, since 1988, something called the advanced passenger information system. Most airlines around the world comply with it. When they land in the United States prior to coming here, they have given us an advanced list of who they are bringing to the United States as guests with a visa.

Some airlines have refused to comply. Some airlines refuse to comply with this voluntary system. Let me share which airlines: airlines from Pakistan, Saudi Arabia, Egypt, Jordan, Kuwait. Do we want to know the names of passengers coming from those countries? You bet your life we do.

I have proposed an amendment that is now in this legislation that will require the advanced passenger lists be sent to this country. Our message is very simple: Do what all the other airlines have voluntarily done since 1988 or land somewhere else. Don't land in the United States. If you want to land here, send us the advanced passenger

list of who is on the airplane so we can run them against the 21 Federal law enforcement agencies to see whether there is a passenger on this flight or that flight that is a known or suspected terrorist or someone who associates with terrorists who we have decided we will now not allow to visit the country.

It is sensible. It should have been done before. It was not. As I said, this is the third time I have put it in legislation, and I put it on two other appropriations bills.

This bill is going to get signed by the President of the United States. Finally, this will be done. It is not a small matter. It is a big issue and an important piece of adding security with respect to this legislation.

Mr. HOLLINGS. Madam President, I particularly thank the Senator from North Dakota and his staff. They worked with us around the clock. That is why we are here today.

I yield to the distinguished Senator from Virginia.

Mr. WARNER. Madam President, great credit goes to our distinguished colleague from South Carolina for his chairmanship and leadership to get this piece of legislation through, as well as our distinguished ranking member, Senator MCCAIN, and Senator HUTCHISON, who have worked hard to get this done.

I want to make two points. Virginia was struck in this tragic episode on what is referred to as 9-11, September 11. As a consequence, National Airport was closed down and still is operating at less than half capacity. The economic consequences to our area in Northern Virginia has been very substantial.

Senator ALLEN and I, together with other members of the Virginia delegation, are working to do our very best to provide funding for the people who have suffered as a consequence of closing the airports down. I have followed this debate and I, again, congratulate our chairman for the manner in which he and others conducted that debate on the floor of the Senate, and for the strong vote they had for their bill, and for the fact that much of the Senate bill has survived this important conference. But in the course of this debate, I think mainly in the other body, there were inferences raised that Government employees were perhaps not first-class citizens but second-class citizens. I resented that. I am privileged to represent many of them, and I myself have had about eight or nine different Government positions in my lifetime.

I have often said I am privileged to be a Senator because of the training and so forth I received from many of my supervisors in the course of long Government service. The Federal employees are a very valuable asset to the United States of America. Now this

piece of legislation even trusts to them the safety of our passengers. I believe they will live up to this challenge and that there will be no basis for ever saying that Government employees are second-class citizens. They are first class just like the rest of us.

Again, I am talking about any number of Federal people who are working throughout our system, whether it is the FBI, U.S. Marshals Service, and all types of people who have provided security.

I am very pleased House and Senate negotiators have reached agreement on an airline security package to fully federalize security at every airport in the United States.

By approving this conference report today, the Senate is saying to the American people that the Federal Government is doing everything in its power to protect them when they travel by air.

While this agreement is not a total solution to our aviation security problems, it is a strong first step.

The problems with the current private security system are well documented and I will not repeat them here.

Suffice it to say the current system is not giving the American people the protection they need in this era of terrorist threats, and I believe the action the Senate is taking today is the type of bold action necessary in these times of uncertainty.

In every area except passenger and baggage screening at airports, protecting the public is performed by sworn law enforcement officers. Local police and sheriffs protect our cities and neighborhoods, State troopers patrol our highways, the FBI fights crime and prevents terrorism nationwide and the U.S. Border Patrol guards our borders. Why should passenger security at airports be a glaring exception to this rule?

Federal Air Marshals are protecting passengers in the air.

U.S. Customs agents conduct passenger and baggage screening for international flights to prevent contraband from entering or leaving the country.

U.S. Department of Agriculture agents inspect baggage for dangerous plants and animals at our airports.

U.S. Immigration and Naturalization Service agents monitor foreign nationals entering the United States at our airports.

U.S. Drug Enforcement Agency agents search for illegal drugs at our airports.

Why shouldn't Federal law enforcement perform other security functions at our Nation's airports?

With the economy potentially heading for recession and the airline industry on the verge of bankruptcy, the U.S. Government must do all it can to revive the air transportation system.

We have already passed the Air Transportation Safety and System Sta-

bilization Act. This important legislation provided \$5 billion in capital and \$10 billion in loan guarantees to keep the airlines financially viable.

Now we are taking the next step which is to restore public confidence in the security of our aviation system.

I thank the chairman and ranking member and others for this opportunity.

Mr. LIEBERMAN. I rise to support the conference committee report on aviation security and, particularly, to congratulate the chairman, Senator HOLLINGS, the ranking member, Senator MCCAIN, and all of the members of the committee and their staffs who have worked so hard to bring about this very critical result today.

Since September 11, when we saw the worst of human nature in those who attacked us, I think here in America we have seen the best of human nature. That is particularly so in the unity that we have all felt among the American people and that unity that has been reflected in the Congress of the United States as we have worked with more nonpartisanship over a sustained period than I have seen in the 13 years I have been privileged to be a Senator.

Until this morning, the one unfortunate exception to that was the critical area of aviation security, where the Senate, I am proud to say, acted more than a month ago and stood shoulder to shoulder in, again, a nonpartisan fashion to adopt 100 to 0 a strong aviation security bill. Of course, what followed was a different approach in the House. Time went on, and now more than 2 months ago our aviation system was used by terrorists to strike a terrible blow at our people. But, happily, the gap that existed between the Senate and the House has now been closed in a most positive fashion.

I cannot thank the chairman of the committee, Senator HOLLINGS, and all who are on it, enough for the persistence to principle and what would be effective here when there could have been compromises that would have gotten a bill passed earlier, but really would not have done what the American people want us to do, which is to make flying just as safe as it can possibly be.

I say to Senator HOLLINGS, who has had an extraordinary career in the Senate, I think this is one of the high points today. It is something that will not only protect the traveling public for years and years to come, and protect literally the lives of the American people, but also at this moment in our economic history, when our economy is certainly sliding in recession, he has brought to the Senate and helped us to pass today a bill that will probably do as much to stimulate our economy as most parts of that economic stimulus plan that we haven't quite yet agreed on—maybe more than all of them—because air travel is so critically impor-

tant to our commerce and particularly important in the areas of the country that rely on tourists.

I congratulate the leaders of the committee and say just a few words about the bill and why I think it is so critically important. The Senate Governmental Affairs Committee, which I am privileged to chair, has held two oversight hearings on aviation security since September 11. One was on September 25, and the other was on this past Wednesday, November 14. The picture that emerges is that for too long, and with too many warnings from the GAO, from the inspector general at the Department of Transportation, from Members of Congress and committees of Congress, we lowered our guard; we allowed such weaknesses to persist in our aviation security system that created the vulnerabilities that the terrorists took advantage of, with the dreadful consequences on September 11.

The measures that have since been taken have definitely improved the situation. The measures that are called for by this legislation we passed today will not only make aviation security so much stronger, but as I look back, and considering the two oversight hearings our committee has held, I would say that if this legislation had been in effect before, it would have been very hard for the terrorists to have done what they did on September 11.

Let me mention a few of the weaknesses in the system that our hearings showed. This one struck me. It just came out 2 days ago at the hearing. We asked about the bomb detection equipment that is in some of our airports, how much of the baggage that is checked on to the planes is scanned for bombs. The inspector general, Mr. Mead, of the Department of Transportation stunned me by saying that today, 13 years after Lockerbie, and more than that after the earlier hijackings, less than 10 percent of checked baggage nationwide is being screened for explosives prior to being loaded on the aircraft. Of course, we all know and have heard screeners are underpaid, overworked, and undertrained. Screening, therefore, has been haphazard.

The technologies being used for the screening and other identification functions at the airports are outdated. Some machines—bomb scanning particularly—are sitting idle at airports. In one test done about a year ago by the inspector general of the Department of Transportation to see how secure the allegedly security areas of the airports were, more than 80 percent of his testers got through to the behind the scenes parts of the airports, where they were not authorized to be, and where so much critical to the security of the planes goes on. Obviously, the cockpits were unsecured. Database connections between law enforcement agencies, the FAA, and the airlines were minimal or nonexistent.

A recent spot check just last weekend, Veterans Day weekend, of bomb inspection machines at selected airports in the country, found that fewer than 30 percent of the machines were in continuous use, despite an FAA directive ordering more usage.

Again, just last weekend, more than 2 months after September 11, screeners at passenger checkpoints were observed leaving their checkpoints while passengers were passing through. The system was plagued—and, unfortunately, still is—by tremendous inconsistencies in the level of scrutiny across airports and even within airports.

Every one of these problems can be, and I believe will be, solved by the legislation we will adopt today. I particularly thank Senator HOLLINGS and the Commerce Committee for the accepting two amendments offered by three members of the Governmental Affairs Committee.

Senator DURBIN and I offered an amendment that, among other things, provides \$50 million a year for the next 5 years to speed up research and development of airport technology so that the public can be better protected. It creates a 6-month effectiveness assessment and a 12-month deployment of improvements to methods of preventing unauthorized access to sterile areas of the airports—that is, those areas the public is not supposed to go—including biometrics, increased surveillance, airport exit systems, and prevention of so-called piggybacking.

It expands the use of computer-assisted passenger prescreening to trigger additional screening of passengers and their carry-on items.

It adds \$20 million for long-term research and development.

That is the amendment Senator DURBIN and I offered.

Senator THOMPSON offered an amendment which was accepted by the committee that deals with performance standards being regularly applied to aviation security. It is up to us to pay attention to the application of these standards, and the Department of Transportation will report to us how well the airports and airlines are achieving what we want them to achieve and what is expressed in this legislation. This is an extraordinary step forward. It shows that we have learned the lessons of September 11.

Finally, this bill sets a standard for us as to what we must do regarding other parts of our critical infrastructure. We naturally have focused on the aviation system because that is where we were hit and hurt so badly on September 11. But I fear that similar vulnerabilities which we found in aviation security will be found in other forms of our transportation system or hubs in other forms of transportation, utilities, communications, cyberspace, and financial systems on which we all depend. I could go on and on.

Basically, this is the urgent work with which Governor Ridge and the Office of Homeland Security has to deal, with the help of Congress.

A high standard of public service and public protection has been achieved in this conference committee report. Again, I extend my sincere thanks to Senator HOLLINGS, Senator MCCAIN, and all who worked to make this happen. They have advanced the security of the American people and the well-being of the American economy. I thank them, and I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. There are very important inclusions in this airport security bill. They were made, in essence, by the distinguished Senator from Connecticut. The Governmental Affairs Committee worked with our committee, and we were glad to have his leadership in this regard. I thank him publicly for his good leadership which helped us get to this point.

TECHNICAL CORRECTIONS TO THE AVIATION SECURITY BILL

Mr. MCCAIN. Madam President, as is understood, we had a computer crash early this morning, the result of which was that a significant amount of agreed to text in this bill was lost. In order to meet filing requirements, the staff was forced to work quickly to reconstruct portions of the bill that had been carefully negotiated. Unfortunately, some mistakes were made in this process. In particular, I am referring to Section 145 of the bill, entitled "Air Carriers Required to Honor Tickets for Suspended Service."

It had been agreed to by all parties that the conditions under which air carriers would be required, to the extent practicable, to honor the tickets of passengers who had purchased tickets on other airlines would be: "Acts of war, terrorism, insolvency, or bankruptcy."

Unfortunately, in a drafting error, the language neglected to include the conditions for acts of war or terrorism.

I want to make clear, now, that I will ensure that these conditions will be included as part of a technical corrections bill before the end of the first session of this Congress.

I ask my colleague from South Carolina, will he join me in making this commitment?

Mr. HOLLINGS. Yes, I join the Senator in committing to ensuring that these changes will be included as part of a technical corrections bill before the end of the first session of this Congress.

ENSURING COCKPIT SAFETY DURING SMOKE EMERGENCIES

Mr. INOUE. Madam President, Senators HOLLINGS and MCCAIN have done an outstanding job of bringing this important legislation to a final conclusion. Hopefully, this measure will help

fully restore consumer confidence in air travel and prevent any future use of airplanes as weapons of mass destruction.

This measure includes critical provisions to ensure cockpit security. In addition to the specific measures identified, this measure also authorizes the Federal Aviation Administration to take additional action as may be necessary to ensure the safety and security of the aircraft.

One additional safety concern that I wish to raise relates to potential threats caused by smoke in the aircraft, including smoke resulting from small incendiary devices which could affect the cockpit crew's ability to see and operate essential instruments to safely control and land airplanes.

I would like to take this opportunity to ask Chairman HOLLINGS whether the language in section 104(a)(1)(B) will authorize the FAA Administrator to consider whether safety and security procedures may be necessary to ensure the integrity of the flight deck during smoke emergencies.

Mr. AKAKA. Mr. President, I, too am concerned about aircraft safety during smoke emergencies and join him in his question.

In addition, I also commend Senators HOLLINGS and MCCAIN for their efforts to complete this important legislation and believe that this measure will help to restore confidence in air travel.

Mr. HOLLINGS. I thank the Senators from Hawaii for raising this important concern. Section 104(a)(1)(B) would authorize the FAA Administrator to take action as may be necessary to ensure the safety and security of the aircraft from smoke emergencies.

Mr. KOHL. Madam President, more than 2 months ago we witnessed the worst ever terrorist attack on American soil. The horrific sights of September 11, 2001, will be with us forever. Our Nation has come together during this difficult time and we will continue to strengthen our resolve in the days to come.

I am pleased that Senator HOLLINGS through his leadership and the hard work of his staff is able to present to the Senate this very important Aviation Security Act. Thanksgiving is just a few days away and millions of Americans will be traveling to visit family and friends. I am proud that we are able to return home and report to our constituents on the progress we have made in regards to strengthening our aviation security system.

The conference report before the Senate brings a safer and more secure aviation network for the thousands of Americans who fly every day. Tougher safety standards, federalization of screening of passengers and their luggage, increased presence of sky marshals on flights and strengthening of cockpit doors are just a few of the important measures that take us in the

direction of a new Federal and comprehensive safety network for our airports. I am also pleased that all who have access to aircrafts will be required to pass a background check. We have reached this very important agreement and now these new regulations and safety standards must be implemented fairly and consistently.

Again, I congratulate Chairman HOLLINGS and Senator MCCAIN on their leadership on this issue and strongly support the conference report.

Mr. ROCKFELLER. Madam President, more than 2 months have passed since the horrific events of September 11, when we watched as our Nation's aircraft were hijacked and used against us as weapons of mass destruction. More than a month has passed since the United States Senate stood together and unanimously passed an aggressive, comprehensive Aviation Security Act, solemnly resolving that we must never again see a day like the 11th because of inadequate security measures at our Nation's airports.

Today we keep that promise made to the American people: This aviation security bill is simply a huge win for passenger safety, in every part of the Nation.

The legislation we approve today will require numerous new security features, including full Federal law enforcement at all airports, expansion of the Federal Air Marshal program, and screening of all passengers, baggage, and employees.

This bill will revolutionize security at our airports and in our skies. Every person and every bag, at every airport, big and small, will be screened by Federal law enforcement personnel, no exceptions.

The traveling public want and deserve safe and secure airports and airplanes, and this legislation gives them the confidence they need to keep flying.

As we learned after the attacks on September 11, we can no longer ignore the security needs at our Nation's airports. We can no longer allow the lives of our citizens to be placed into the hands of private companies. Airport security is no longer just a transportation issue, it is a national security concern, and the Federal Government will now take on this critical responsibility.

Additionally, the bill requires dramatic security increases in and around airplanes. This includes the securing of all cockpit doors; screening of everything that is put on an airplane including (beverages, food, mail, etc.); background checks of every employee that services the flight, including catering company workers; and anti-hijack training for pilots and flight attendants.

I am extremely pleased to join in bringing to the Senate floor a final conference report that will so dramati-

cally improve the safety of our Nation's skies. The road to final legislation has been harder and longer than the unanimous Senate vote may have led some to predict. That is, as we all know, because the House of Representatives passed an aviation security bill far different from our own, particularly on the question of whether screeners on the front lines of national security should be Federal law enforcement officers or private companies.

This final conference report resolves that issue firmly on the side of Federal law enforcement and represents a great victory for passenger safety. The American people deserve to be safe and to feel safe when traveling in our skies. Now more than ever, aviation security is national security, plain and simple. Like all other aspects of national security, it must be entrusted to Federal law enforcement personnel.

The House and Senate bills both contained a number of important provisions that we were able to quickly agree upon. As I stated earlier, we will now move to fortify cockpits, dramatically expand the sky marshal program, provide flight crews with the best anti-hijack training possible, and ensure that every single bag, every person, and every item boarding a plane is screened. These steps alone offer an enormous improvement in aviation security.

In addition, we have agreed on a bipartisan and bicameral basis to "federalize" airport screeners and reorganize the Department of Transportation around security priorities. Federalization of the screening process is a necessary step in strengthening the flying public's faith in our Nation's air transport system. In many ways, the American people have shown their clear preference that the screening of passengers and bags become a Federal law enforcement responsibility. This conference report answers their demands and ensures that the safety of our skies is given the same priority as the safety of our streets and borders.

The Federal Government will implement a program to place law enforcement officers at every single airport screening station in America. These men and women will be public servants of the highest quality, having been subject to background checks, skill assessments, and intensive training in classrooms and on the job.

The 2 years after the screening system has been fully upgraded nationwide, the conference report provides airports the flexibility to consider bids from private screening companies. If an airport believes, and the Secretary of Transportation agrees, that a private company can offer security equivalent to that provided by Federal law enforcement, then they can choose that approach. Certainly, this will be a high hurdle, as well it should be. But this compromise represents the best of

what America has to offer, the unquestionable competency and professionalism of our Federal law enforcement and the ability for individual airports to be responsible for meeting tough Federal standards by an alternative means.

In addition, we will allow the Department of Transportation to initiate a pilot program for privatizing screeners at no more than five airports, each in a different size category. Importantly, those airports must themselves seek to be part of this pilot program, the DOT cannot force a private company approach on anyone. This will give us a chance to evaluate and reevaluate what works and what does not. I welcome the opportunity to engage in a continuing review process, adjusting our original plan as necessary to make sure it works as well in the real world as we believe it will today. It certainly will not matter who manages security at our Nation's airports if we are not vigilant in maintaining the quality of the program once in place.

As chairman of the Aviation Subcommittee, I take real pride in the work of the conferees to reach a final agreement on aviation security. I must also say, however, that I was disappointed that some of my House colleagues tried to turn this into an anti-government and anti-union debate. This bill is about safety, plain and simple. It has nothing to do with the size of government or unionization of workers.

In the end, national security prevailed, but the misplaced focus on unionization meant that the House would not yield on including the most basic rights of Federal workers: health care, worker's compensation, and civil rights and whistleblower protection. These critical matters are left to the discretion of the Department of Transportation, and it is my hope and expectation that the Secretary will have no choice but to offer a good package to fill so many positions so quickly. In fact, DOT has assured us that they will offer rights and benefits at least as good as those afforded other Federal workers, and I intend to hold them to that promise.

Finally, I want to emphasize that much of my effort on this bill, like all of the aviation bills I work on, was aimed at ensuring that rural communities have the best possible options for security and service. In the face of so many House proposals to federalize only at the large airports, and privatize only at the small airports, I held firm to the principle that small airports must be served by true law enforcement. Now, within a matter of months, all West Virginia travelers will have the security of Federal screeners, Federal supervisors, and Federal and local law enforcement on hand to protect them.

I urge all parties, public and private, to move swiftly to implement the new

security measures as soon as the President has lifted his signature pen from the paper. The sooner the actual provisions of the law are implemented, the sooner the public's confidence will be restored. When Americans once again feel safe in the sky, we will have claimed a major victory in our war against terror.

Mr. KERRY. Madam President, I would like to be among the first to congratulate Senators HOLLINGS and MCCAIN for their leadership in getting us to this point. Without their leadership we would not have a conference report, so I thank them for their fine work.

The conference report that we have signed off on, and to which the full Senate is about to agree, is historic legislation. Our legislation will immediately put an end to the unacceptable state of airport security. Everyone knows the technical aspects of the bill by now. But our bill will, for the first time, guarantee uniformity in our Nation's aviation security. The bill creates a seamless web of improved security, so that passengers boarding a plane in Worcester will have the same level of heightened security as someone boarding a plane in Chicago. This is critical to Americans in places where small airports are the norm. It would have been unacceptable to create a two-tiered system of security.

Our bill also provides accountability in aviation security. For too long the FAA, airports, airlines and private security companies have been able to point fingers at one another without any real improvements being made in security. The Congress has passed law upon law designed to improve things, but these laws never seemed to be fully implemented. That all ends with the passage of this legislation. It is my hope that a message has been delivered clearly to anyone with any security responsibilities at our airports. The Congress has empowered the Federal Government to make serious and lasting improvements in airport security. We have provided all the necessary tools to improve the screening of people and their bags. We must now use those tools to make the American people as safe as possible when they fly.

We have also placed, through passage of this bill, a renewed confidence in the Federal Government to perform vital national security functions. No one questions the superior job that the 36,000 men and women of the Coast Guard do in protecting our ports. No one doubts that the Customs Bureau does a fine job of inspecting trucks, planes and ships that unload cargo in the United States. But many people will be watching closely as Federal managers, supervisors and, ultimately, screeners, begin to protect our airports. They must know that the flying public will be watching them closely, and they must not fail.

Equally important as improving the quality of screeners, we recognize the need to improve the technology used in airport security. Technology can be a great ally to us, and this legislation places a great emphasis on investing in research and development. We authorize grants for the development of new technology to improve security. With new technologies, we enhance our ability to authenticate passenger and employee identification, our ability to control access to secure areas and the way we screen checked baggage.

Our bill dramatically improves the screening of checked baggage. We currently only screen about 3 percent of all baggage that goes into the belly of a plane. Our legislation will take immediate steps to screen all baggage for explosives, ultimately ensuring that all baggage is screened with the most sophisticated technology available. During debate on the Senate bill, I filed an amendment that would have required the screening of all checked baggage by 2005. This bill sets the deadline a year earlier. I believe that this is an extremely ambitious target, but it is one that we must be prepared to meet. The Congress must follow through by providing critical financial resources to help acquire and deploy explosive detection systems so that the Department of Transportation can meet this deadline.

Finally, I thank our House colleagues who were invaluable in brokering this deal. Chairman DON YOUNG and Ranking Member JIM OBERSTAR were key players in this process and the entire Senate must owe them our gratitude.

Ms. SNOWE. Madam President, I rise today in support of the legislation before the Senate which is designed to overhaul aviation security in this Nation.

This is an issue of vital national importance in the wake of the September 11 tragedy. As a member of the Senate Committee on Commerce, Science, and Transportation, and a conferee on the aviation security conference, I fought for the strongest possible enhancements to our existing system. I believe we succeeded in this endeavor.

Going into the conference, I felt we needed to confront the issue of federalization head-on, and I believe we have done that. We needed to send an unequivocal message to the American people that the government is taking control of security, and it is safe to fly. I believe we have accomplished that. When this bill is signed into law, the status quo is history.

The agreement before us will federalize virtually all security screeners. The Federal Government will take immediate control of the system. Once the Federal system has been imposed and we have had a chance to evaluate it, individual airports that meet strict federal standards will have the flexibility to deploy law enforcement per-

sonnel or contract screeners. This is very similar to an approach I had suggested to the conference committee leadership, under which all screeners would be Federal employees, and then after 4 years, a review of the system could be done.

The Federal Government will provide direct management and oversight, set strict new standards, ensure that they are followed, and will have the power to fire screeners who don't measure up to the standards. We won't have a system where anybody's financial "bottom line" is a competing priority with protecting the flying public. We will have a reliable, professional force of security screeners. This is what Americans have been calling for in airport after airport. And it is what they are going to get.

The system will be seamless. There will be no gaps in control or oversight. It will be uniform. The Senate version of the bill would have transferred control of the screening system to the Department of Justice. The conference agreement gives control to a new Transportation Security Under Secretary. I would have preferred that we vest this critical security responsibility with an agency with a historic law enforcement function. Nonetheless, passengers will know that they can count on the same level of security throughout the system, whether they are boarding at LAX, Chicago O'Hare, or the Portland, ME, Jetport. There will be no question about who is accountable. And it won't be a private for-profit company—it will be the Federal Government.

Furthermore, this package meets the critical goal of addressing the interlocking rings of aviation security, from the perimeter to the airport to on-board security, because ultimately, the system is only as strong as its weakest link. It will address the gamut of critical issues, including baggage screening, additional air marshals, and cockpit security.

In addition to imposing Federal control on security screening operations, there are a number of provisions in the bill that I worked hard to secure. For example, the bill will ensure the screening of all checked baggage within 60 days, and all checked bags will be screened with highly sophisticated explosives detection equipment by the end of next year under the deadline set forth in the agreement, a top priority of mine.

The legislation will increase the number of air marshals as well. Shortly after the tragic attacks in September, I cosponsored legislation by Senator HUTCHISON to boost the Air Marshal Program, and I believe this is a critical step. It will ensure that any potential terrorist will know they could be flying with one or more armed marshals, trained to take control in the event of an attempted hijacking.

The bill provides for background checks for students enrolled in flight training. I introduced legislation to require background checks for foreign nationals seeking such training. A background check provision was included in the Senate bill, and a similar provision is included in the conference agreement. This will ensure that federal law enforcement authorities are alerted in the event that an individual with known ties to terrorist groups attempts to obtain flight training.

The bill also includes provisions I worked for directing the new Transportation Security Under Secretary, created in this measure, to focus on the critical mission of better coordinating all modes of transportation nationwide particularly in preparation for emergencies such as the events that unfolded on September 11. And I would like to thank Senators HOLLINGS and MCCAIN, in particular, for working with me and for their support on this important issue.

I am very pleased we were able to come together in a bipartisan way to send a comprehensive package to the President that will restore the confidence of the American people. Because the images of the unspeakable horrors of the recent terrorist attacks will be etched in our minds forever. When the "devil incarnate" hit the United States, he attacked not only America, but freedom-loving nations everywhere. We are going to need the resources of the United States coupled with the cooperation of our global neighbors in order to wage the fight against terrorism. For it is a fight we must win, and will win.

But there should be no mistake, victory will not come overnight. We are voting on this bill today because, as we continue to mourn the tremendous loss of life both of those in the air and on the ground, we also know that our transportation system must endure and must be secure if we are to move the Nation forward, and also ensure that we are in a position of strength to be able to wage the kind of war necessary to eradicate terrorism. And we cannot remain strong if we cannot remain mobile.

Our goal was to restore the confidence of the American people in the aviation security system. I believe the measure before us will accomplish that goal. The fact of the matter is, if the flying public does not have confidence in the security, they will remain reluctant to fly, with severe long-term repercussions in the aviation sector and in our economy. Imposing stringent Federal control and oversight over airport security will go a long way to helping instill confidence in the flying public, and will enable the government to exercise much greater control over the quality of screening.

We found common ground on a very complex issue, and I am pleased that

both sides were able to come to agreement so quickly in the name of safety, to ensure that Americans have complete confidence in the men and women who form the last line of defense.

In the end, we did come together—as we did on a resolution supporting the use of force to combat terrorism, as we did on legislation providing emergency funding for the recovery and relief effort after the September 11 attacks, as we did on a financial relief package for the airline industry, as we did on counter-terrorism legislation—to develop an agreement to address the gaps in aviation security and restore the confidence of the American people in our aviation system. So I urge all my colleagues to offer a strong show of support for this important legislation.

Mr. SMITH of New Hampshire. Madam President, the Senate passed an amendment by myself and Senator CONRAD BURNS of Montana to allow for armed pilots as the first line of deterrence and the last line of defense for cockpit security.

The first line of deterrence because terrorists will know that armed pilots will be able to defend the cockpit and defend the aircraft from a hijacking.

The last line of defense, because, when all else fails, including the armed air marshals and the reinforced cockpit door, an armed pilot will be in the cockpit to defend the cockpit from terrorist hijackers.

The pilots support this amendment. The Bob Smith/Conrad Burns amendment had the endorsement of the Airline Pilots Association and the Allied Pilots Association. In addition, The National Rifle Association and Gun Owners of America supported the amendment. And most importantly the American people supported our efforts.

According to a draft provided to myself, section 125 of this conference report, titled flight deck security provides that the pilot of a passenger aircraft is authorized to carry a firearm if four conditions are met.

First, "the Undersecretary of Transportation for Transportation Security approves."

The will of the Congress is clear that the Department of Transportation should approve a reasonable program to arm pilots.

Second, "the air carrier approves." The air carriers should not use this provision as a veto to prevent properly trained pilots from using firearms to protect themselves and the aircraft from terrorism, that would be a mistake and would adversely affect air safety.

Third, "the firearm is approved by the Under Secretary." It should be clear from this language that the Under Secretary of Transportation should approve a firearm, not a stun gun, not a taser, a firearm with approved ammunition that would not compromise the integrity of the aircraft.

The final provision of this section provides that "the pilot has received proper training for the use of the firearm, as determined by the Secretary."

The Smith/Burns amendment provided that the agency "shall establish a voluntary program to train" and "make available appropriate training" for pilots.

I hope the Department of Transportation will utilize the many private organizations that provide excellent training in the proper use of a firearm.

My home State of New Hampshire has the Manchester International Airport and I know the passengers and pilots of New Hampshire are listening to this debate today.

On September 27, 2001, I met with New Hampshire pilots from United Airlines, Northwest Airlines, American Airlines, and Continental Airlines. Those pilots reinforced my belief that a firearm is appropriate to protect a commercial aircraft from terrorism. Airline pilots are crying out for guns to protect themselves, the plane and the passengers.

The Department of Transportation and the air carriers must be reasonable about this new law or Congress will speak again on the issue of armed pilots.

This legislation is a good first step and it is my hope and desire that the Department of Transportation will work with the air carriers to provide pilots with training to possess a firearm in the cockpit of commercial aircraft.

Please remember that we arm our Capitol Police with firearms, we arm our FBI and DEA with firearms, we arm our Air Marshals with firearms.

We also need to arm our commercial pilots with firearms. Armed pilots are a first line of deterrence and the last line of defense against terrorist hijackers.

We trust our commercial pilots to fly commercial aircraft, please give our pilots the tools to protect the cockpit of these aircraft from any future act of terrorism.

Mr. BAUCUS. Madam President, I rise today to address an issue of the utmost importance. While I am deeply committed to increased safety and security at our Nation's airports and on airplanes, I am greatly concerned about how that security is paid for in this bill.

While I commend Senators HOLLINGS and MCCAIN for this much-awaited, much-needed piece of legislation, I disapprove of putting the burden of this increased security on the passenger.

It's critical to our Nation's economy that we restore the flying public's confidence in the safety of the aviation system. We need to get more planes in the air and we need to make sure they're full. Legislation that improves and expands security at our airports and on planes is essential to getting citizens back in the air.

As chairman of the Senate Finance Committee I am deeply concerned about restoring our underwhelmed economy. And securing our flying public is a giant step closer to securing our economy.

As important as that is, I am very unhappy to say that this otherwise excellent security bill as a ticket tax levied on airline passengers. A new tax.

I don't believe that this is the time to raise taxes. Consumers need tax relief—not more taxes. We're trying to pass an economic stimulus bill. I note that we don't raise taxes in that bill, we give folks tax relief. We're taking one step forward and two steps back in this Congress.

I enthusiastically supported the airline relief package Congress passed several weeks ago. We needed to assist the airlines for the good of our traveling public and the good of our economy.

But relief to the airlines won't do anyone any good, if they don't have passengers to fly in their planes. Raising ticket prices surely won't help get people to fly.

In my State of Montana, people believe they pay enough to fly around the country. Since we are relieving the airlines of the security responsibilities, it makes perfect sense that the \$2.50 per passenger user fee be assessed to the airlines, not the passengers.

I'd like to close by once again voicing my concern about how we pay for this much-needed security bill. We need increased security in our aviation system. That is clear. What we don't need is increased costs for our flying public.

Mrs. BOXER. Madam President, I am pleased that Congress has finally acted on this extremely important issue.

Even if the terrible plane crash earlier this week wasn't necessarily terrorism, everyone in Congress had to feel in the pit of their stomachs that tomorrow it could be a bomb. Congress needed to act to ensure the American public that our Nation's aviation security system will be the best it can be or Americans will not fly.

On September 11, our Nation's aviation system was transformed into a terrorist weapon. The United States was caught off-guard. Sadly, with aviation security, we should not have been. That is why we needed to pass this legislation.

All four planes hijacked were headed for my State of California. Consequently, many Californians who were simply trying to make their way home lost their lives in these attacks.

That is why I am particularly pleased that this legislation will ensure that all high risk flights will have air marshals aboard them. And, the Secretary of Transportation is to give priority to long-distance flights—such as those targeted on September 11. That is extremely important for Californians.

I am also pleased that this legislation will allow airports to be reim-

bursed and to use grant funds to pay for security costs. Our airports have been hit hard to meet new Federal security standards. For example, between September 11 and the end of October, Los Angeles International Airport spent \$15.3 million on increased security costs. The funds in this bill will allow our airports to continue to operate our aviation infrastructure while providing the highest levels of security.

This bill also makes a significant improvement in passenger screeners. Federal law enforcement personnel will conduct passenger screening, instead of private low-paid workers. We could not allow the same companies to continue to be in charge of passenger screening.

This bill makes great strides forward in making our skies more secure and ensuring that the events of September 11 never happen again.

Mr. LIEBERMAN. Mr. President, I would like to take this opportunity to elaborate upon the air travel security compromise reached yesterday by Congress—particularly the provisions in the bill that incorporate the amendment authored by Senator DURBIN and myself.

Consistent with the recommendations we made, the bill calls for the individual named to the newly established position of Under Secretary of Transportation for Security to, within 6 months, review and determine which immediately available new technologies can be used to more effectively restrict access to sensitive areas of our airports, including the tarmac, maintenance facilities, baggage handling centers and catering facilities. Such technologies may include biometrics, card or keypad-based access systems, and increased monitoring of emergency exit systems. The Under Secretary is directed to outline a strategy for deploying these technologies within 12 months at all major airports.

The bill strengthens our recommendation to ensure that all checked baggage is screened for explosives by requiring that, within 60 days, all bags be either checked or matched to a boarded passenger and that, by the end of 2002, airports deploy equipment to detect explosives in all checked baggage.

To meet new and unprecedented threats without delay, we must as a nation harness the power of innovation to improve transportation security. That's why I was also pleased to see included in the compromise our recommended authorization of \$50 million in each of the next 5 years for the public and private sectors to accelerate development and testing of new aviation security technologies—including faster, better, and cheaper passenger and baggage screening equipment; systems capable of detecting components of weapons of mass destruction; systems for screening catering and cargo items;

advances in training of security personnel; and new methods of "hardening" the aircraft in the event of an in-flight explosion.

As called for by Senator DURBIN and myself, the compromise also includes \$20 million for longer term research into state-of-the-art weapons detection systems, advanced biometrics, secure networking for sharing of threat information, and other groundbreaking technologies to prevent acts of terrorism in aviation.

I am also pleased to see included in the final bill my provision requiring criminal background checks of all currently employed airport security personnel. Given recent breaches of security and growing anxiety about the baggage screening process, Americans deserve every reassurance that screeners will be reliable and trustworthy.

I hope these measures and others begin to make the urgent and immediate improvements necessary to secure our skies for the American traveling public. With the holidays coming and the economy moving toward recession, this legislation could not come at a better time.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Madam President, we are trying to get the bill over to the House as promptly as we can. I am prepared to yield back our time, if the Senator from Texas as well is willing.

Mrs. HUTCHISON. Madam President, our side yields back all time.

Mr. HOLLINGS. I yield back our time.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. HOLLINGS. Madam President, I move to reconsider the vote.

Mrs. HUTCHISON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HOLLINGS. I thank the staff and the distinguished Chair and wish all a happy Thanksgiving.

MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent that the Senate now proceed to a period of morning business, with Senators permitted to speak therein for a period not to exceed 10 minutes each.

The PRESIDING OFFICER (Mr. WYDEN). Without objection, it is so ordered.

The Senator from West Virginia.

FAST TRACK

Mr. BYRD. Mr. President, I stood in this place last Friday to warn Congress that we must not allow the administration to arrogate to itself the full authority to determine the trade policy

of the United States, that we must not be asleep at the wheel as the one-sided trade jalopy goes rumbling down the fast track—the fast track. There we go again.

For what this Congress calls fast track, the administration uses the euphemistic term “trade promotion authority.” Trade promotion authority—it certainly has an innocent enough sound. It is a sound that is rather sweet to the ears—trade promotion authority. But lift up the cover of this euphemistic term, lift the cover, just peep a little under it, and you will find the real villain: fast track, fast-track authority.

So last Friday I stood in my place here and said to Congress that we must not allow the administration to arrogate to itself the authority to determine the trade policy of the United States, that we must not be asleep at the wheel “as the one-sided trade jalopy” goes rumbling down the fast track. I was referring, of course, as I say, to the administration’s request, its wolf in sheep’s clothing request for special authority to negotiate trade agreements that would not be subject to normal rules of debate and amendment.

I was also referring to the penchants of Presidents, both Republican and Democrat, in these more recent years to offer our trading partners unilateral concessions in exchange for the mantle of global leadership. As Jackie Gleason used to say, “How sweet it is”—to wear the mantle of global leadership.

The news from Doha, Qatar, confirms my worst fears. According to the Wall Street Journal, our trade negotiator, Ambassador Robert Zoellick, “led the way in making extraordinary concessions to developing countries,” including “agreeing to renegotiate America’s anti-dumping laws.”

I quote a little further from the Wall Street Journal news story.

U.S. Trade Rep. Robert Zoellick faced a stark choice when he arrived in Doha, Qatar, last week: He could win either fast-track negotiating authority from Congress or a new round of trade talks.

To get a World Trade Organization deal, Mr. Zoellick would have to make concessions to poor countries that would so infuriate Congress that lawmakers wouldn’t grant fast-track authority. To get fast track, which would allow President Bush to negotiate trade deals that Congress could approve or reject, but not amend, he would have to make concessions to liberal Democrats that would so anger poorer countries that they wouldn’t open new trade talks.

On Monday, Mr. Zoellick announced his decision to a group of ministers and delegates at the convention center in Doha, where the WTO was meeting. The U.S., he said, would cede to their demands to allow negotiations on America’s hated antidumping laws, which punish other countries that “dump” products on the U.S. market at below cost.

Before going to Qatar, Mr. Zoellick said he was fed up with Democrats’ demands for more concessions on fast track. He pointed to his decision to allow a big steel trade case

to go forward, which could temporarily shutter the U.S. market to some foreign steel. He said his fast-track proposal also addressed labor and environmental concerns of Democrats. “At some point, people are going to have to decide if they can take yes for an answer,” Mr. Zoellick said.

Mr. President, I ask unanimous consent that the entire story from the Wall Street Journal of November 16 be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1).

Mr. BYRD. Mr. President, so you see Mr. Zoellick, according to the Wall Street Journal, “led the way in making extraordinary concessions to developing countries,” including “agreeing to renegotiate America’s anti-dumping laws.” Among the big winners, according to the Journal, were foreign steel makers and big multinational manufacturers. The big losers? Guess. I will give you one guess. U.S. steel makers and auto makers are the big losers.

Our trading partners, who often protect their home markets by turning a blind eye to anticompetitive practices by their big manufacturers, hypocritically call our trade laws “protectionist,” and they find allies here in the United States among those who claim for themselves the banner of “free trade.” Let us be clear: the American people demand that the fruits of their labor be able to compete without fear of foreign predation. They want trade that is both free and fair.

Let us also clear away—once and for all—the cant about “protectionism.” Our antidumping law is based on a very simple requirement for foreign manufacturers. What is it? Do not injure producers in our market by selling below cost or charging less here than you charge in your home market. The plain fact is that foreign producers of certain products, such as steel and autos and lumber, dump in America year after year after year, and put all of their efforts into weakening our antidumping laws. Their home governments, whose markets are much less open than ours, work fist-in-glove with these predators.

Our countervailing duty law, which the Administration has also placed on the negotiating table, is no more protectionist than our antidumping law. The law is based on a very simple requirement for foreign governments: Do not seek trade advantages by subsidizing the production of merchandise that your companies sell in the United States. Hands off. If you do, we will apply an offsetting tax to the unfairly traded goods that come into our country.

Why should we permit our trade laws to be eviscerated by foreign interests? What possible rationale could there be for putting our antidumping and countervailing duty laws on the negotiating table? Is it to further distort competi-

tion to the disadvantage of U.S. producers?

Let me give you an example of what passes for a so-called “legitimate” trade dispute in the eyes of many of our trading partners. In many countries, government-owned steel companies have been the beneficiaries of massive subsidization over a period of decades. Without these subsidies, the steel companies would simply not exist in those countries. They would be gone with the wind. After pouring billions of dollars into a government-owned company, the foreign government then sells it off for pennies on the dollar—pennies on the dollar, or pennies from heaven. The newly privatized company, which wants to sell its subsidized overcapacity in the United States, then has the audacity to claim a “privatization exemption” from U.S. countervailing duties. Mind you, there is nothing in any agreement to which we are a party that gives privatized companies such an exemption. Nevertheless, under current international rules, the United States must fight like the dickens to apply countervailing duties in these situations. What will happen after we put our trade laws on the negotiating table?

In short, the United States must not capitulate, Mr. President, to these foreign predators. More to the point, Congress—the body which is closest to the people—must not cede its authority over foreign commerce to the Chief Executive.

The Framers of the Constitution did not cede that authority to the Executive, no. Article I, section 8 of the Constitution grants Congress the exclusive authority over such matters.

Let’s take a look at article I, section 8, of the Constitution, which I hold in my hand. What does it say? Section 8:

The Congress shall have Power—

It does not say the executive branch; it does not say the President of the United States; it does not say that vaunted title: The Commander in Chief—

The Constitution says:

The Congress shall have Power . . . To regulate Commerce with foreign Nations—

Aha, there it is. There it is in black and white. Read it and run.

The Congress shall have Power . . . To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes. . . .

Well, you say, Congress can delegate certain authority. Well, that is true. But can it delegate the authority given to the Congress by the Constitution to debate and amend? And that is what we do. That is what we do when we support something like fast track.

So, Mr. President, the Constitution is what I have just read.

Let the Constitution, our Nation’s shining glory, be our guiding light. Let us demand that our trade negotiators take a strong stand for American jobs

and American values. All countries benefit from international trade, and all countries must share in the costs of constructing the framework of that trade.

Now, as I have said many times on this floor—I ought not have to repeat it—I am not suggesting that Congress get involved in the minutiae of international trade agreements. I am not suggesting that we inject ourselves into each little teeny-weensy, itty-bitsy tariff determination. Our trade laws, however, are not minutiae. They represent the sole hope for companies that are being picked apart by vulturous foreign trading practices.

Communities across America, all across the land—the East, the West, the North, and the South—are waiting to see whether we are strong enough to stand up for their interests—their interests—the people's interests.

They are waiting to see whether the United States will once more be duped by those whose unabashed—unabashed—motive is to gut the framework of fair trade. If we stand by the Constitution—if we stand by the Constitution—that magnificently balanced instrument of the people, by the people, and for the people, we will not fail our constituents. As well, we will herald a trade policy for the new millennium, a trade policy according to which we do not sacrifice hard-working Americans at the altar, at the altar, at the “Golden Calf,” if you please, of nebulous foreign policy objectives, a trade policy that is based on the pursuit of mutual benefit among sovereign nations.

Now, Mr. President, that is not protectionism. If it is, then I am for it. That is not protectionism. It is a policy based on the traditional principles of national sovereignty as well as the absolute respect of each law-abiding nation for every other such nation. It is a policy the American people expect, and it is one that we—the elected representatives of the people—have a constitutional duty to uphold.

May God bless America. But in doing so, may God bless the Constitution of this Republic. Thank God for that Constitution. I hope the administration will read it over the Thanksgiving holiday. It might be well if we ourselves all read it again.

Mr. President, I yield the floor.

EXHIBIT I

[From the Wall Street Journal, Nov. 16, 2001]

POLITICS & POLICY

ZOELLICK'S TRADE CONCESSION WINS WTO TALKS BUT COULD COST BUSH FAST-TRACK AUTHORITY

(By Helene Cooper and Shailagh Murray)

WASHINGTON.—U.S. Trade Rep. Robert Zoellick faced a stark choice when he arrived in Doha, Qatar, last week: He could win either fast-track negotiating authority from Congress or a new round of trade talks.

To get a world Trade Organization deal, Mr. Zoellick, would have to make conces-

sions to poor countries that would so infuriate Congress that lawmakers would't grant fast-track authority. To get fast track, which would allow President Bush to negotiate trade deals that Congress could approve or reject, but not amend, he would have to make concessions to liberal Democrats that would so anger poorer countries that they wouldn't open new trade talks.

On Monday, Mr. Zoellick announced his decision to a group of ministers and delegates at the convention center in Doha, where the WTO was meeting. The U.S., he said, would cede to their demands to allow negotiations on America's hated antidumping laws, which punish other countries that “dump” products on the U.S. market at below cost.

Bill Klinefelter, the United Steelworkers of America representative who sent to Doha to keep Mr. Zoellick from negotiating on U.S. antidumping laws, was furious. Mr. Zoellick, he said, could “kiss fast track goodbye. He's never getting it now.”

The irony is that without fast track, Mr. Zoellick won't be able to conclude the trade talks launched at the WTO meeting. Trade envoys hope to wrap up the talks in three years, though few really believe they will finish that early.

Thursday, lawmakers were still digesting the details of the Doha agreement. Republicans praised it and said they still plan to try to get fast track. House Speaker Dennis Hastert (R., Ill.) said he still hopes to bring fast-track authority to a vote the week after Thanksgiving. But there is little chance of passage without some support from moderate Democrats—and few were cheering.

Mr. Zoellick's fast-track proposal “was not tenable before Doha, and it's even less tenable after Doha,” said Rep. Sander Levin, (D., Mich.) the only lawmaker who attended the WTO meeting.

House Minority Leader Richard Gephardt (D., Mo.) told reporters Mr. Zoellick's concessions were “negative in terms of getting agreement on” fast track. “They put on the table for negotiation our antidumping laws,” he said. “We are in the middle of a steel crisis now in terms of losing sales and losing capacity in our steel system.”

The U.S. steel industry is one of the biggest beneficiaries of antidumping laws, so lawmakers from steel states don't want to see those laws weakened. Mr. Zoellick's decision “is a stunning betrayal of America's workers,” said Rep. Peter Visclosky (D., Ind.) vice chairman of the Congressional Steel Caucus. “Putting our trade laws on the table flies in the face of fair trade and totally disregards the expressed will of Congress that our trade laws not be negotiated away.”

Before going to Qatar, Mr. Zoellick said he was fed up with Democrats' demands for more concessions on fast track. He pointed to his decision to allow a big steel trade case to go forward, which could temporarily shutter the U.S. market to some foreign steel. He said his fast-track proposal also addressed labor and environmental concerns of Democrats. “At some point, people are going to have to decide if they can take yes for an answer,” Mr. Zoellick said.

Some moderate Democrats defended Mr. Zoellick's concessions on steel and said they still hope to salvage fast track. “The challenge is making sure everyone understands the provisions,” said Rep. Calvin Dooley (D., Cal.).

In Doha, Mr. Zoellick steadfastly protected America's textile industry. He repeatedly turned down demands from India and Pakistan that the U.S. import more clothing.

That decision was looking almost fortuitous, but it clearly won't be enough to bring about converts on fast track: Burlington Industries Inc., Greensboro, N.C., filed for Chapter 11 bankruptcy protection and blamed it on cheap imports. Burlington Chief Executive George W. Henderson specifically cited the U.S. government as a culprit, saying it used the textile industry as a bargaining chip in international relations.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AVIATION SECURITY ACT CONFERENCE REPORT

Mr. BYRD. Mr. President, the Senate earlier today approved a conference report that will increase security substantially at our Nation's airports. And this is a good step—a good step—toward restoring the American people's confidence in their own safety. And it is a good step forward in rejuvenating our economy, the American economy.

This is very fine legislation. But I wish to remind ourselves that a few days ago we had a golden opportunity to enact other very fine legislation that would go far in rejuvenating the hope, the faith, and the confidence in the minds of the American people that the Government was looking out for their security, for their welfare. And I refer to that amendment which Senator HARRY REID, the distinguished Democratic whip in this body, and the distinguished majority leader, Mr. DASCHLE, and Senator HOLLINGS, and other Senators and I offered, to guarantee, to a much greater extent than I have to explain today, the defense of our homeland, homeland defense.

That legislation was rejected by the minority in this body. So while we congratulate ourselves—and rightly so—on enacting legislation dealing with safety at our airports, safety to the travelers on airplanes, that does not bring an end to the threat of bioterrorism.

The legislation we passed today will not provide for smallpox vaccines and anthrax antibiotics. My amendment a few days ago, the homeland defense amendment to the so-called stimulus bill, would provide for smallpox vaccine, would provide money, \$4 billion, to end the threat of bioterrorism.

Our Republican friends rejected it. I hear that some of the House conferees don't want to have any conferences over there in which the majority leader, Senator DASCHLE, or Senator ROBERT BYRD are in attendance. They don't want to hold any conferences, I hear. I read that in the paper, that certain Members of the other body have

said: We don't want Senator DASCHLE and Senator ROBERT BYRD to be in the room when we are talking about homeland defense.

Will this legislation provide for smallpox vaccine and anthrax antibiotics? No. But our legislation which we offered the other day would have. It was turned down. The Republicans said: No, no, no.

The bill we passed today doesn't improve the training of our doctors and nurses, but that \$15 billion homeland defense amendment would have improved the training of our doctors and nurses, would have expanded the capacity of local hospitals and medical labs.

The legislation we passed today is good legislation, but it leaves much work to be done. Of course, nobody ever told us that that legislation was the alpha and the omega, the beginning and the end, of homeland security legislation. I am not making that charge. But I am talking about some other homeland security provisions that were in the amendment which I offered at the time Mr. MAX BAUCUS, the Senator from Montana, was offering his tax legislation.

Does the legislation we passed today provide counterterrorism training for our local police and fire departments? Does it give them access to new resources and equipment so that they are prepared to respond to possible future terrorist attacks? Does it tighten security at our borders and at our shipping ports? Does it provide for better protection of our food supply against possible biological attack? Sadly, the answer to these questions is a resounding no, no, no.

We in Congress have a responsibility to provide for the common defense. That is what the preamble to the Constitution mentions, among other things: Provide for the common defense. We have a responsibility to provide resources to prevent future potential terrorist attacks and to ensure rapid response should another attack, God forbid, occur. We have a job to do.

While we are at home on Thanksgiving Day, we should give thanks for our many blessings, but we should also be thinking about the job that is still left undone. We have work to do.

To date we have been unable to do that job because of partisan gridlock. What a sad commentary on the Senate. What a sad commentary on the Congress. When we return from the Thanksgiving break, we will refocus. We will be back, Lord willing. We will be back. We will refocus on homeland security, homeland defense. I hope we can make the same kind of rapid bipartisan progress to improve our defenses here at home as we have achieved today in airport security.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

WOMEN IN AFGHANISTAN

Mr. REID. Mr. President, this week we have watched on television the images of women in various places in Afghanistan, in cities, towns, running into the streets without male relatives and throwing away their burqas. I was here a week ago talking about how women were treated in Afghanistan. I brought with me the eyeshade they must wear, which is netting they can barely see out of and people can see nothing beyond. All over Afghanistan, women can wear these if they want, but they are not required.

A week ago, women would have been beaten publicly, or even executed, for these acts. Under the Taliban's rule, women could not work outside the home, receive an education, or even leave their home unless accompanied by a close male relative—brother, father, or husband.

The defeat of the Taliban means that Afghan women are now free from the Taliban's brutal rule. As we begin the peace process and reconstruction of the Afghan Government, we cannot forget about the women who, in spite of the Taliban's harsh edicts, risked their lives to run home schools and health clinics. That is just not a matter of a few words. They actually risked their lives by taking care of sick people and teaching kids how to read.

We have to remember that, prior to the Taliban's rule, Afghan women were scientists, professors, Members of Parliament, and university professors. They led corporations and nonprofit organizations. In fact, women were 70 percent of the nation's schoolteachers, 40 percent of the doctors, 50 percent of the civilian government workers, and 50 percent of the college students in Kabul.

These women must play a role in the rebuilding of post-Taliban Afghanistan. In particular, the education system must be rebuilt with the help of the women, who once comprised the majority of the nation's teachers. I hope that we, at the first opportunity, move in an army of Peace Corps workers. They will teach people English and how to read generally.

I hope the United Nations will focus on the problems of education in Afghanistan. We have to direct our humanitarian aid to the specific needs of the Afghan women and girls who suffered major setback after major setback as a result of this tyrannic rule. For example, over 90 percent of Afghan girls are illiterate. Rebuilding the country's educational system is the

only way to repair the damage Afghan women and girls have suffered at the hands of the Taliban. Women will be key to this event.

We also cannot let misconceptions about a very good religion, Islam, guide our efforts in the reshaping of a post-Taliban Afghanistan. Nowhere does the religion say women cannot be educated or employed. In fact, the president of the world's largest Islamic organization in Indonesia is a woman.

As I said, 70 percent of Afghanistan's teachers were women prior to the Taliban regime. Afghanistan first adopted a constitution in 1964 that included universal suffrage, equal rights for women, and separation of powers with an independent judiciary. Afghan women were members of the judiciary, Parliament, and Cabinet, and 30 percent of Afghan's civil service workers were women.

If we are truly committed to restoring the human rights of the Afghan people, and we are, then we must be truly committed to restoring the rights of Afghan women because then women will be given from the start a seat at the table of the peace process and the establishment of the future Government of Afghanistan. Only then will we be truly able to secure the rights of the Afghan women.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CARPER). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROVIDING FOR CONDITIONAL ADJOURNMENT OR RECESS OF CONGRESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the adjournment resolution S. Con. Res. 85 submitted earlier today by Senator DASCHLE; that the concurrent resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. The matter is privileged. The concurrent resolution is agreed to.

The concurrent resolution (S. Con. Res. 85) was agreed to, as follows:

S. CON. RES. 85

Resolved by the Senate (the House of Representatives concurring), That when the House adjourns on the legislative day of Friday, November 16, 2001, Saturday, November 17, 2001, Monday, November 19, 2001, or Tuesday, November 20, 2001, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Tuesday, November 27, 2001, or until Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first;

and that when the Senate recesses or adjourns at the close of business on Friday, November 16, 2001, or Saturday, November 17, 2001, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Tuesday, November 27, 2001, or at such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate whenever, in their opinion, the public interest shall warrant it.

Mr. REED. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE FARM BILL

Mr. DORGAN. Mr. President, before we adjourn for the week, I want to comment about the Agriculture Committee's action yesterday here in the Senate. I'm very pleased that they passed the farm bill out of the committee, which will, I hope very soon, come to the floor of the Senate. I want to make a few comments about it, about the importance of it to family farmers.

We deal with a lot of issues in the Senate. I know everyone has a favorite issue or a most important issue from their State or from their perspective. I come from a farm State. The subject of family farming is very important to me.

I know some say: But the family farm in America is largely gone. In any event, the notion of family farms is just old nostalgia. It is not relevant to today. Today we need big, mechanized corporate agrifactories. The family farm is like the little old diner that got left behind when the interstate came through. It is kind of nice to look back at what it was and think about it, but it is really not relevant in today's terms.

Those who believe that are just dead wrong. Family farming remains a critically important part of this country's economy.

Will Rogers said, many years ago:

You know, if one day all the lawyers and accountants in America failed to show up for work, it really wouldn't mean very much. But if one day all the cows in the United States failed to show up to get milked, now that would be a problem.

He was in his own, simple, interesting way describing the importance

of agriculture. It is the case, it seems to me, that our country has been blessed by not being hungry as a nation. We have had some pockets of hunger to be sure, but we have not been hungry as a nation for many decades. So we forget from time to time the contribution made by family farms.

I think most people in a highly urban setting just think of butter as coming from a little box that you pick up at the grocery store. Cereal? Why that comes from a box as well. Pasta? That comes from a box with a cellophane window so you can see the size of the pasta you are buying. But, in fact, it all comes from a field somewhere, a barn somewhere. It comes from the sweat of the brow of a family farmer, often a man and woman who decided to latch their dreams to running a family farm, to being independent, and to producing from the land.

It is true they have had a pretty difficult time in recent years. I have had calls from farmers over the years, especially in recent years. A woman called me. She said: My husband and I got married shortly after high school, and for 18 years we have run a dairy farm. We milk 80 cows, milk them every morning and every night. If you know anything about milking cows it is a tough job.

She began to weep on the phone as she described the financial hardship they were facing and the fact they were going to have to sell their farm because they couldn't make their payments because the price of milk had collapsed.

She said: It's not our fault. We don't go to town on Saturday night. We don't spend money in a way that is extravagant. When my children say they need a new pair of jeans for school, I have to say we have to wait because we don't have the money to buy jeans right now.

She said: The fact is, we have done everything we possibly can. We have worked as hard as we can to make this dream come true and we are losing our farm. And through tears she described the death of this dream that she and her husband had.

That is happening across our country these days as the price of commodities collapse and families, one by one, confront this terrible dilemma. One fellow wrote to me and he said he was sitting at his dinner table at 1:30 in the morning. He said: I am writing this letter to you at 1:30 in the morning, telling you about where I live and where I farm. It is spooky quiet around here. Most of my neighbors are gone. They left family farming because they couldn't make it. I go to town, a small town, and the Main Street is spooky quiet. There aren't any vehicles on Main Street anymore.

He described in a passionate way his belief about wanting to pursue his dream, of continuing to farm the land and raise America's food, but not being able to when the price of their com-

modities is below the cost of production when they take them to the elevator.

We have passed a farm bill through the Agriculture Committee and we need to get it to the floor of the Senate. We need to get it to the President and he needs to sign it. Why? Because we need a farm bill that says to family farmers: During tough times, when you run into price valleys, we have a bridge that takes you across those price valleys. Why? Because this country believes you are an important part of our economy and because we believe both economic and national security rests on our having a network of people who produce our food across this country.

It is true that we could probably have a country without family farmers and giant agrifactories would produce our food. From California to Maine, the largest agrifactories in our country would produce food. They would milk 3,500 cows three times a day, as some dairy operations do in California. They would drive tractors in one direction until they are out of gas and then gas up and drive back. We all understand about giant agrifactories. It is just that family farms produce more than just food, and that is what people forget. The agrifactories produce just food. Family farms produce communities. They produce a culture. They produce family values. Those family values move from the family farm to small towns to big cities, nourishing and refreshing family values in America. It has always been the case, and it is not old-fashioned to think that should be part of our future as well.

How do we make that a part of our future? We as a Congress and we as a country say to family farmers: You matter. You are an important part of our future. We are going to pass farm legislation that reflects the urgency, reflects our desire to address this problem of collapsed prices, this problem of tough times for America's economic All Stars. We produce the best quality food for the lowest percent of disposable income of anyone in the world. In the spring, family farms in North Dakota or elsewhere in the Farm Belt, they borrow money to buy the seed, the fuel and the fertilizer; fix up the tractor; and then plow the ground and plant the seed. Then they hope, hope above hope, that it won't hail, that it will rain enough, that it won't rain too much, that the bugs won't come, or disease won't hit. Finally in the fall, they grease up the combine and go out and take that crop off the field, put it in the back of a 2-ton truck and haul it to the country elevator. After all this, if everything falls into place and works, they are told by the grain trader: By the way, that food you have produced doesn't have value. And that family farmer scratches his or her head and says: Doesn't have value? A half billion people go to bed at night with

an ache in their belly and the food we produce in such great abundance has no value?

The farmer is told what they do is not valuable to this country. And the farmer wonders—in a country where the saying goes, two-thirds of the people are on a diet and a substantial portion of the world is hungry, and those who are producing America's food are told that their food has no value—farmers rightly wonder whether there is a connection missing someplace, whether there are some wires hooked up wrong.

Clearly, if you look at this world and evaluate what this world needs to produce peace and stability, and to help people live a better life, the first item would be to say we need to alleviate hunger.

Just as a note, One of my friends many years ago was a singer named Harry Chapin. Harry was a wonderful man. When I announced I was going to run for Congress, he flew to North Dakota and did a concert; wouldn't even allow me to pay for his airline ticket. He showed up, borrowed a Martin guitar from the local music store, and did a 3-hour concert to 2,400 people who filled the Chester Fritz Auditorium in Grand Forks, ND. What a wonderful guy he was.

The reason I talk about Harry Chapin is that he donated one-half of the proceeds of his concerts every year to fight world hunger. He used to say that hunger is not headlines. It just isn't, because people die every single day. Every single day, 45,000 children die from hunger and hunger-related causes around the world, and you won't read a thing about it in tomorrow's paper. He said if 45,000 people died in New Jersey tomorrow from one terrible calamity or another, it would be headlines. But every day, the winds of hunger sweep across this globe, and children die, people die, and somehow it is not headlines.

Then our farmers in North Dakota go to the elevator with a load of grain that they prayed they would be able to raise against all the odds to be told that grain has no value, that food has no value. They have a right to wonder whether the wires are not connected somewhere with respect to our priorities.

In the midst of all that background, we wrote a farm bill. This Congress wrote a farm bill a while back called Freedom to Farm. It should have been titled "freedom to fail." It was a terrible piece of legislation. It didn't work.

We have done an emergency bill every year to try to fill the vacuum that was created by this piece of legislation that didn't work, and this law has one more year to go.

Next year, the Freedom to Farm bill expires. We believe that this is the time to write a bill so that when farm-

ers go into the field next year, they will know there is a better farm program.

Congressman COMBEST in the House, against the advice of the White House and the President, wrote a bill. They said: Don't do it this year. He said: It doesn't matter what anybody says; I am going to do it; it needs to be done. Good for him.

Senator HARKIN yesterday in the Agriculture Committee said we are going to write a bill. It was reported out of the Senate Agriculture Committee, and now our challenge is to bring it to the floor of the Senate immediately when we return. I understand there are some here talking about blocking it. As we know, it takes 60 votes to overcome those who want to block legislation. I think we can do that, if we must, but I hope they will not try to block it.

We have a responsibility. In my judgment, we ought to write this farm bill this year. Even if you do not care much about family farmers—I can't conceive of people who do not—you ought to care about food security in this country.

How do you best provide food security in America? You do that by having a broad network of dispersed producers producing America's food. If you are concerned about bioterrorism harming America's food supply, you should be concerned about feedlots with 200,000 animals run by the big agrifactories. In contrast, widely dispersed family farms that dot the Nation and which represent the network of producers across the prairie, they are much less at risk, when it comes to bioterrorism.

If this country wants to do something for its economic future, for economic recovery, for food security, for national security, then it ought to decide it will stand up for family farmers and pass a decent farm bill.

Let me make a comment about the legislation that passed the House and the Senate Agriculture Committee. That legislation is not perfect. It is not what I would write were I to write it myself. However, it is better than the than Freedom to Farm. Each hurdle is a hurdle that we have to get past. We got past a hurdle yesterday by getting this out of the Senate Agriculture Committee. The next hurdle is to get it on the floor of the Senate.

I urge my Colleagues to bring this farm bill up as soon as we return from the Thanksgiving break. I hope to offer an amendment that will improve the safety net in this bill. I hope we pass this farm bill after some improvements on the floor. Then we can have a conference with the House, and then send the bill to the President.

We cannot fail in this job. We have a responsibility to pass a farm bill, and to do it now and do it right.

As I said, I know a lot of people have a lot of different interests. I come from a farm State. Yet I stand on the floor

of the Senate and I say to people, I support Amtrak. I am a strong believer in Amtrak. Why? Because I think this country needs a rail passenger system. Amtrak comes to North Dakota, and it is important to us. But it is not the biggest issue in the world. To me, the national issue of having rail passenger service in this country is a very important issue. I support mass transit in the cities. We don't have mass transit in my home county. My home county has 3,000 people.

I support mass transit because, as a national matter, this country needs it. I hope my colleagues will understand as well that when I support those issues for the major urban centers of America, they will do themselves and this country a favor by supporting the rural interests which also contribute to America's security and which contribute to America's enterprise and economic health.

I thank the Senate Agriculture Committee, Senator HARKIN and others who led the way to get a bill out of that committee yesterday, and their staff who worked so hard to get this done. Next week we will not be in session because of Thanksgiving. But the week following, it is the desire of Senator DASCHLE, myself and many others, including Senator HARKIN, that we will bring that bill to the floor of the Senate.

We very much want to put a farm bill on the President's desk and get that legislation signed. We want our farmers in this country to go into the fields next spring and plant next year's crops under a farm bill that has a better support level than the current bill, one that gives them the hope that if they do the right thing and things work well for them, they will be able to make a living on the family farm next year.

Mr. President, I see colleagues waiting to speak. I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

FLU VACCINES

Mr. WYDEN. Mr. President, I come to the floor to talk about a program for vaccinating Americans, particularly as the country heads towards the season when many have the flu.

This is an area I have a great interest in since my days as director of the Oregon Gray Panthers. Obviously, older people are particularly vulnerable. This year, certainly there is going to be considerable focus on the flu vaccination program.

Given the new threats of bioterrorism that have been widely discussed, certainly many are going to be particularly interested in getting the flu vaccination. It is important that we reevaluate how flu vaccinations are provided in light of the unfortunate, significant new health concerns of many Americans.

Certainly the threat of bioterrorism has increased demand for flu shots. In my view, it has caused considerable confusion. In recent days, my office has canvassed State health departments and many senior citizens programs around the Nation. We have found that while no shortage currently exists, there are delays and certainly a substantial amount of misinformation about the various programs and services that are available for older people. There have also been problems with one manufacturer that may be exacerbating delays in getting vaccine doses out to the public.

Even more important, my sense is there isn't yet a clear, understandable system in place for ensuring that high-risk Americans, particularly the Nation's older people, are vaccinated early and first.

My sense is that more needs to be done in addition to prioritizing the concerns of high-risk, vulnerable Americans to put in place a better distribution system for getting out vaccines. There needs to be a better plan to make sure that there are processes in place, if there are problems or snafus of one manufacturer. It is extremely important that there be a uniform message coming from all health officials with respect to the flu vaccine program.

For example, while CDC and others have told Americans to get vaccinated later, others in the health system have urged Americans to get vaccinated quickly against the flu because of the anthrax threat.

Since anthrax has been in the news so much, it is logical for people to think they should get vaccinated immediately. But because people cannot get their shot the day they want it or the day a clinic is scheduled, some people may think there is an immediate shortage.

On the basis of the survey we have just done of the State health departments and many senior citizen centers, it does not appear there is a shortage with respect to the vaccine. But there are delays. There are instances where mixed messages have been sent by public health officials. This has certainly contributed to the confusion that exists.

Under the leadership of Senator BREAUX, the Senate Aging Committee has been looking into this issue. At Senator BREAUX's request—and let me also state the ranking minority member, Senator CRAIG, on the Aging Committee has been considerably interested in this in the past as well—our Aging Committee held a hearing that I chaired to look at the flu vaccine program.

We have worked with Secretary Thompson. I think he has made a number of steps that are constructive and have moved the program in the right direction, but certainly there is more to do.

For example, our survey found that in Indiana they received about 10 percent of the order the counties have placed, but it will have 50 to 100 percent of their order in 4 to 6 weeks. And, obviously, if shipments don't arrive on time, don't arrive in line with the plans that the programs and the senior citizen centers are putting out to their members, there is going to be a great deal of confusion.

So as we move to this crunch time for vaccinations, health officials in this country still cannot tell us if all the high-risk patients are being vaccinated, or if there are plans to vaccinate them. I think we need to develop a better system, for example, to track seniors who are in these programs. Many are signed up, and there are others who should be vaccinated early. This can be done if the public health system wants to do it.

So around the country there are concerns. I mentioned Indiana. In the State of Oregon, one large provider of public health clinics has received only about 40 percent of their order.

In Michigan, health officials are concerned that by the time they get the rest of the order they need in December, the public will not come. Doses may actually have to be dumped. So there are a variety of concerns about the flu vaccine program.

Mr. President, I ask unanimous consent that an article in yesterday's Washington Post be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Nov. 15, 2001]

LONGER LINES FOR FLU SHOTS

INCREASE ATTRIBUTED IN PART TO ANXIETY ABOUT ANTHRAX

(By Leef Smith)

Regional health care providers are reporting a 20 to 30 percent increase in the number of people lining up at grocery stores and community clinics for flu shots, and attribute part of the surge to widespread anxiety about anthrax.

The early symptoms of inhalation anthrax—fever, cough and muscle pain—resemble those of the flu. As a result, doctors say, many people are getting vaccinated in hopes of staving off the flu and thus making anthrax easier to diagnose should it occur.

"We're seeing a lot of first-time flu shots," said Susan Randall, a registered nurse and clinical manager for Inova HealthSource, which is spearheading the Fight the Flu campaign in Northern Virginia and plans to administer 80,000 flu shots this season. The campaign plans to provide 50,000 shots in Maryland and the District. "If you ask people why they're getting the vaccination . . . some will say they're afraid of anthrax," she said.

But Randall said flu is serious enough on its own for people to consider being inoculated. "While it's tragic we've had four anthrax deaths, over 20,000 people die of the flu each year," she said. "People should take the flu seriously."

The federal Centers for Disease Control and Prevention has issued the same advice,

noting on its Web site that numerous viruses cause flu-like symptoms. The site also discourages people from getting a flu shot simply to reduce concern about anthrax exposure.

"You should get a flu shot to avoid the flu, and the symptoms of the flu, not to avoid anthrax," said CDC spokesman Curtis Allen. "They're two different issues."

Flu seasons begins in November, with cases generally peaking in January and February. Health care providers strive to vaccinate high-risk groups—people 65 and older, those with chronic medical conditions, medical workers and some pregnant women—by the end of October. But a delay this year in the delivery of flu vaccine from manufacturers—some of whom are upgrading their equipment to increase productivity—has hampered that effort.

CDC officials say there is more vaccine being manufactured this year than ever before—about 85 million doses—and insist that there will be enough to meet the rising demand.

A little more than half the supply was sent to distributors and health care organizations by the end of October, and another large batch is expected this month. The rest is due in December, although officials with the Food and Drug Administration, as well as the CDC, say the timetable could change.

Because of a supply delay, only about half of the 14,000 high-risk patients treated by Johns Hopkins Community Physicians, a coalition of 18 private medical practices, have received their vaccinations. The group had planned to vaccinate all of its at-risk patients by the end of October.

"We thought we were so smart," said physician Barbara Cook. "We put up posters telling people if you're 65 or older, come in and get your shots. We had to take them all down because we ran out of vaccine almost immediately."

Likewise, the Fairfax County Health Department, which usually aims to begin its vaccination program for high-risk patients in early November, has received only 10 percent of the 5,800 doses of vaccine it ordered. While delays are not uncommon, officials said this year's has forced them to postpone many of their vaccination clinics.

"It would be our preference to immunize as early as possible, but without vaccine, we can't do that," said Rosalyn Foroobar, assistant director of patient care services for the Health Department. "Hopefully, we'll be able to provide [the shots] before the flu season really does hit. We'll get it. It's just late."

Even if everyone who wants a vaccination gets one, Randall of Inova HealthSource isn't sure that will be enough to prevent panic when flu season strikes in earnest.

"I think that underlying anxiety out there will cause people to wonder" about anthrax, she said. "Even if they've gotten a flu shot, I think our emergency rooms are going to be very, very busy."

Mr. WYDEN. Mr. President, I urge our colleagues to work with public health programs in their communities. I certainly intend to do that in Oregon, at home, during this high-risk season. I think it is possible to get clearer, more understandable messages out to the public about this program. I do think there needs to be a better system in place for making sure that high-risk persons, particularly older people, get these vaccines. I think we also need to take steps to make sure there are

backup plans if there are problems with a manufacturer, both this winter and in the future.

Secretary Thompson has worked with us in a constructive way. Progress has been made. I certainly do not think there is a need for people to go out and panic. But I think there are steps that do still need to be taken so we do not have frustrated older people, health care providers, and others who want to take steps to protect their health and that of the American people.

Mr. President, with that, I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

VICTIMS OF TERRORISM RELIEF ACT OF 2001

Mr. TORRICELLI. Mr. President, I ask unanimous consent that the Finance Committee be discharged from further consideration of H.R. 2884, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2884) to amend the Internal Revenue Code of 1986 to provide tax relief for victims of the terrorist attacks against the United States on September 11, 2001.

There being no objection, the Senate proceeded to consider the bill.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. TORRICELLI. Mr. President, as Members of the Senate proceed to Thanksgiving Day celebrations with our families, there is little we can offer to the victims of September 11 but our prayers and our good hopes. But in this final act of the Senate, before we recess, perhaps there is something of this world we can do of some meaning for the children and the widows and the widowers who remain.

For these families, September 11 is the crisis that never ends. Even as the dead are buried and families reconstitute themselves, they are faced, every day, with the living reality of life without someone they loved—a father, a mother without a paycheck or savings or a financial future. They need our prayers. They need our support and our encouragement. But they also need our help.

I think H.R. 2884, as amended by the Senate Finance Committee, for this holiday, offers the hand of the American people to our neighbors. It very simply extends current American policy which waives Federal tax liability to the families of American soldiers or civilian employees of the U.S. Government who are killed in combat or in terrorist actions. This extension would now include American citizens whose family members were killed on September 11, 2001, in New York and Virginia.

First, liability for Federal income taxes will be waived for this year and last year. Any moneys previously paid will be refunded. This money is simply better used to pay mortgages and rents and to feed children than it is to be contributed, at this point, to the Federal Government.

Second, we are mindful that many people of moderate means were killed in the Pentagon and the World Trade Center who may not have paid Federal income taxes. They worked in the restaurants or they cleaned the buildings or they performed other valuable services. Their families may be in the most dire circumstances of all. They will no longer be liable for payroll taxes and will be refunded taxes previously paid.

Third, for those nonworking spouses and children who may have now been in a position to inherit the earnings of a father or a mother who is deceased, they, of course, receive that money knowing no more will be earned. Whatever money is inherited must carry them through a lifetime—to educate the children, house the family. There will be nothing else arriving. This legislation provides significant estate tax relief from all State estate taxes on assets of up to \$3 million and Federal estate taxes on assets of up to \$8.5 million.

Fourth, there are those who did not die on September 11 but whose physical wounds may be with them for a long time. Many are now eligible for disability benefits. Those benefits are theirs, all of them. No matter how long it takes for the scars to heal—the people to be able to walk or to see or to hear—the Federal Government should have no part of their disability funds. Taxes on them will be waived.

Fifth, and finally, through the extraordinary generosity of the American people, hundreds of millions of dollars have been raised from schoolchildren and families and neighbors, corporations, churches and synagogues and mosques. It has been a wonderful expression by the American people, revealing much about ourselves as we help those in desperate need. None of those payments from governments or charities or corporations should be taxed. By virtue of this legislation, taxes on all such payments will be waived.

This evening in New Jersey I will meet with hundreds of the widows and widowers of people who died in the terrorist attack. I know of no better expression by this Senate to those who have survived the loss of people they loved in the terrorist attack than to offer not merely words of sympathy or an expression of understanding that it was not those families who were attacked but America than for the representatives of America, assembled in this Chamber through this legislation, to express our solidarity with this simple act.

This is not all we will do. It is not even the beginning of what we should do. But it is something we can do.

Mr. BAUCUS. Mr. President, September 11, 2001, is a date that changed America forever. The Nation has endured a terrible tragedy. The human suffering is immense and our sense of invulnerability shattered. The terrorist strike on that date took the lives of thousands of U.S. civilians, and we will spend many months and years trying to come to grips with the magnitude of the day's attack on our freedom.

We have been left with searing images of a horror that could not be contained—acts of terrorism that unfolded before our eyes, gripping this Nation and the world in raw and vivid devastation, touching all of us with feelings expressed in public and in private; from panic to helplessness; helplessness to anger; and anger to loss.

Members of Congress have stood as one to condemn these attacks, comfort the victims and their families, and commit our full support to bring those responsible to justice. Our heartfelt thoughts and fervent prayers continue to go to those who have been lost.

Today we bring before the Senate a bill to help those victims and their families through some of the financial crises they will face as a result of the terrorist's actions.

Throughout our history, Congress has provided Federal tax relief to soldiers who die while serving in combat zones, and to service members and other individuals who have been affected by hostile actions outside of combat zones. But in the past, legislative relief bills have been limited in scope, because the actions they were intended to address were themselves limited.

The terrorist attack of September 11, 2001, changed our perception, as a nation, of the nature of terrorist activity. Our Tax Code simply has no frame of reference for the unprecedented scope of destruction and the inconceivable loss of civilian life on American soil that resulted from the terrorist attacks.

The events of September 11 have been characterized by the President as an act of war, and in the hearts and minds of most Americans, those who died in the attack should be treated like American soldiers who pay the ultimate price on the field of battle.

Because of this, the House passed H.R. 2884, a bill which extends the benefits available to those who die in combat zones to all of the individual killed as a result of the September 11 attacks. It provides significant income tax and estate tax relief to the victims of the September 11 attacks.

The bill before you builds on the House legislation, because we acknowledge that the overwhelming loss of life in the September 11 action was civilian, and civilian victims tend to have different tax issues than soldiers.

This bill provides relief to all of the victims of the September 11 attacks—the brave firefighters who lost their lives trying to save those trapped in the destruction, employees who worked in the targeted buildings, tourists who were just visiting, as well as those on the airplanes converted into weapons by the terrorists. The bill also provides relief to the families of the victims of the post-September 11 anthrax attacks, and to those who died in the bombing of the Alfred P. Murrah Federal Building in Oklahoma City on April 19, 1995.

Under this legislation, all of the victims will have their Federal income tax liability, and any self-employment tax liability, forgiven for the year of their death and at least 1 previous year.

To achieve a measure of tax equity and recognize the different taxes paid by individuals, our bill also provides relief from payroll taxes that parallels the income tax relief.

In the case of the estate tax, our bill modernizes the application of the statute and creates a special formula that shields the first \$3 million in assets from both Federal and State estate taxes, and \$8.5 million in assets from Federal estate tax for 2001.

In the wake of the explosions, the Treasury Department quickly waived an extensive list of deadlines for those affected by the disaster.

However, the Department was unable to extend all Federal deadlines, in some cases because they had no clear authority and in others because of the need to coordinate with other agencies. Those other agencies have themselves been confronted with a lack of clear authority in waiving deadlines under their jurisdiction.

Our bill clarifies and expands upon the Government's ability to extend deadlines in case of any disaster, including the ability to waive interest for payments that are delayed.

There are also special exclusions for some types of death benefits in current law. For example, worker's compensation benefits and life insurance proceeds to beneficiaries are not taxed, nor are payments from a government retirement plan for a public safety officer killed in the line of duty. The first \$3,000 of death benefits paid to soldiers killed in combat are also not taxed.

Our bill expands this nontaxable list to include all death benefits paid on account of a death resulting from this terrorist action.

Current law also excludes disability benefits from income if they are made under workers compensation laws in certain limited circumstances. Our bill expands those eligible for the exclusion to include anyone injured in a terrorist attack.

The Senate bill before us also includes provisions making it clear that payments made by FEMA to individuals affected by any disaster are not subject to income tax.

In the wake of the attacks, a number of employers who had workers killed in the World Trade Centers, in the Pentagon, and in the airplanes used as weapons stepped up to the plate with generous offers of help to their lost colleagues' families.

Under current law, payments such as these would typically be taxed, which would reduce the amount of help going directly to the surviving families. Our bill exempts these payments from Federal income tax liability.

We are also aware that some financial institutions are considering forgiving outstanding credit card balances of those who died in the attacks. Our bill makes sure that any such debt forgiveness is not itself subject to tax.

To protect those victims' families who elect structured settlements in order to ensure they have a stream of payments for as long as they need them, our bill makes sure anyone acquiring these payment streams goes through a court process designed to protect the families.

And for those families who set up special disability trusts in the wake of the attacks, a personal exemption is provided.

The charitable community has also responded overwhelmingly to the needs of the victims and their survivors. For example, in my home State of Montana, members of the higher education community, including the University of Montana, have helped to establish the "September 11 College Fund."

The money donated to this fund will provide assistance, based on need, to cover higher education expenses for dependents and survivors of those lost at the institution of their choice. One hundred percent of the donated funds will go directly to the students—none of the principal will be used for administrative expenses.

The charitable community is playing an important role in helping our Nation recover from this tragedy. Our bill makes it easier for charitable organizations to make disaster relief payments to victims and their families.

Our bill also makes it easier for companies to establish private foundations to help the survivors with both short-term and long-term needs, such as scholarships for the victim's children.

In the days following this attack, as well as in the days following other natural disasters such as fires and floods, we have seen a great deal of confusion among our citizens about their responsibilities and benefits under the Tax Code.

For this reason, the Senate bill also requires the Internal Revenue Service to establish a permanent Disaster Response Team whose responsibility it will be to help taxpayers clarify and resolve Federal tax matters associated with any natural disaster or terroristic or military action.

In addition, the bill clarifies a provision in the recently enacted Air Trans-

portation Safety and System Stabilization Act relating to the dates certain excise tax deposits are due.

I don't claim that this bill is perfect, I am sure there are specific tax situations that have arisen because of these attacks that we may not have addressed in this bill. If we took the time to identify and address all of them, we would never complete this legislation, so we believe the best course of action is to move forward with what we have, and continue to look for opportunities to provide more assistance in the future.

I also am well aware of the fact that no legislation passed by this Congress can ever truly compensate the victims of this horrible attack and their families for everything they have lost—the love, warmth and companionship of those who have died. Nor can we ever replace the feeling of security we once had as a nation. But we can help make the road to recovery for the families of these victims a little smoother with the provisions of this bill, and make it easier to respond to other disasters in the future.

This is a good piece of legislation, and it will help thousands of families facing an uncertain future. I urge my colleagues to support it.

Mr. TORRICELLI. Mr. President, I understand Senator BAUCUS has a substitute amendment at the desk. I ask unanimous consent that the amendment be agreed to, the act, as amended, be read the third time and passed, the amendment to the title be agreed to, the motion to reconsider be laid upon the table, and any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2163) was agreed to.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

The bill (H.R. 2884), as amended, was read the third time and passed.

The title was amended so as to read: "An Act to amend the Internal Revenue Code of 1986 to provide tax relief for victims of the terrorist attacks against the United States, and for other purposes."

Mr. TORRICELLI. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. TORRICELLI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THANKSGIVING

Mr. TORRICELLI. Mr. President, the Senate is in its final moments before the Thanksgiving recess. I am mindful

that most Senators have left to be with their families and return to their States. All of us having now lived through one of the most extraordinary periods in the long and proud history of our country, I wanted, if only for my own purposes, to take a moment to reflect on the day, its meaning, and some things we all take to our homes that distinguish this year and this Thanksgiving from others.

I trust that we are all mindful as we travel to be with our families for Thanksgiving, traveling to each of the 50 States of the Union, that there are thousands of soldiers and sailors and airmen gathered in the hulls of ships, flying in aircraft, some huddled in trenches on the ground—all brave, all strong, but they would not be human if some were not afraid.

They are far from home at a time when all Americans want to be at home. They are in a strange land, often with people they do not know, at a time when Americans want to be with family and people they love.

I know all Americans will remember them in our prayers this Thanksgiving and be grateful not just to them but to the great good fortune of providence which with every generation, every time our Nation has been threatened for more than two centuries, has produced men and women of such extraordinary courage, so willing to sacrifice for our Nation and its freedom.

I do not know how America has been so fortunate through each succeeding generation to have produced such men and women, but I, as with all of my colleagues, have a gratitude that cannot be fully expressed.

I am reminded that President Lincoln, during another troubling period of our history, reminded us that as great armies were on the field of battle against each other, they prayed to the same God. Each invoked his name against the other. The prayers of each could not be answered.

Indeed, as our soldiers have prayed for their lives and their country and victory, so, too, have our adversaries. It is of no small comfort to know that the prayers of our soldiers and our citizens have to date been so fully answered.

Victory is not yet assured, but we have moved more swiftly, more certainly, and more skillfully than we most probably had a right to dream. In the most remote corner of this Earth, thousands of American soldiers, and sailors, and airmen descended within weeks of the tragedy of New York and Virginia. No place could have been more distant, no area of the globe more hostile, no cities, no towns, no country more remote than Afghanistan. Our own forces not only found their way but established themselves and with extraordinary ability, with skill and courage, mounted an offensive to hold those accountable who would strike

our country and our Government and kill our citizens with wanton abandon, without any sense of decency.

I know the terrorists who struck America on September 11 intended to teach us a lesson. We have learned many lessons. They may not be what was intended, but the lessons are real and I hope they are lasting. We learned again the extraordinary strength of our Nation, measured not only in our military power or economic resilience but our faith, our belief in each other, our willingness to overcome obstacles and divisions for common purpose. It is this which has sustained us for 200 years.

There are moments of comfort and without challenge when we have probably wondered whether they were still alive with us. We don't need to be concerned anymore. Those qualities still live in America. We taught not only ourselves but the world a good deal about the goodness and kindness in America. Indeed, what other people in all of history would drop bombs on our adversaries by day and distribute food to their children and widows by night? What other country in all the annals of history would conquer an army but not conquer the land, meet our military objectives but state from the outset and commit our resources fully to leaving the people of that land in peace, with more prosperity and a greater freedom than they knew before?

These things we learned about ourselves and, perhaps, we reminded the world about the United States of America. We all hope they are lessons that, having been taught before, will never be forgotten. We have given up believing that there are any final wars. We are no longer naive enough to believe there are wars to end all wars. Every generation has its own challenges.

It was said by Jefferson that "eternal vigilance is the price of freedom." We have always known that freedom is not free. So now this generation, in this decade, has paid the price again, knowing it will be paid again in the future. But we have a hope that finally the world will remember, even if sometimes we forget, those essential elements about our country that seem to lead to our vulnerability; that because we are kind, people perceive us as sometimes being weak; because we are generous, people sometimes believe we lack resolve; because we have been prosperous, some believe we have lost the will or the ability to fight to defend ourselves.

History is littered with people who have made those miscalculations before. Now the Taliban and al-Qaeda are about to share their fate. The battle is not yet fully won, though victory, at least in this first battle of this new war against terrorism, has taken sufficient form that we can see the outlines of success.

Before this war on terrorism targets new adversaries, there will be the mat-

ter of how to bring to justice those who created these crimes, murdered our people, and attacked our Nation. President Bush has suggested a military tribunal that would hear the evidence and render justice. It is an important decision for our country. We have always, in dealing with criminal cases in our country, taken enormous pride in that the accused is afforded every right and assumed to have every innocence until convicted in full accord with our Constitution.

After declarations of war and military campaigns, in those instances when people have committed either atrocities against humanity or engaged in military hostilities outside of the conduct of the rules of war, they have been brought to justice; they have been tried by military justice.

Now we are engaged in a new kind of war. Our adversaries wear no uniforms. They may not belong to the army of any recognized state. Our country received no declaration of war, according to the articles of war of civilized nations. So the actions of President Bush in bringing the leaders of al-Qaeda, or the Taliban, to justice are precedent. But they need not be controversial. The Taliban and al-Qaeda may not have been in the family of nations, but the law is not blind. By their actions and their words, Bin Laden and the Taliban leadership declared war on the United States of America. The destruction of American civilian aircraft into our greatest cities and the offices of the U.S. Government and the taking of thousands of lives was an act of war, not a civilian crime.

It would have been no different had an aircraft with a foreign flag dropped a bomb on New York or Washington. The orders given would have been the same, the consequences identical, and should stand before the law on an equal basis. The leaders of the Taliban and al-Qaeda are entitled to military justice, to be heard before a military tribunal of either the U.S. military or the assembled military leadership of the allies in this endeavor. But they are not entitled to sit in a civilian court provided for American citizens under the Constitution of this country for the rights of our people and those who enter our shores.

The level of justice may not be the same in a military tribunal as in a civilian court, but it is justice. They can be heard as any other military adversary.

Before leaving on this Thanksgiving holiday, I wish to say how proud I have been of this Congress, my country, and our Armed Forces. This is not what any of us wanted for the 21st century. We all believed that somehow only months ago as the 20th century came to a close, our time was going to be different.

Through all the ravages of the 20th century, the disappointment, the destruction, the genocide, finally men

and women had come of age. We understood the foolishness of combat, the recklessness of armed struggle, the uselessness of combat. We had built institutions to resolve our international differences. While cultures, faiths, and languages might differ, there at least was emerging some common understanding of the principles of governance, justice, and self-respect.

It would appear that our enthusiasm for a new time was either misplaced or poorly timed. Not only do these opening years of the 21st century not appear to be an improvement on all we experienced in the 20th century, but they look remarkably similar to the 18th or 19th centuries.

All human progress is not forward. All nations do not advance at the same speed. All cultures have not learned history the same. Yet we are patient and hopeful. If anything characterizes the people of the United States, it is our boundless optimism. From this terrible experience, perhaps we can at least take this to salvage those many years still remaining in the 21st century to make our time different. In the destruction of al-Qaeda and the Taliban, a message will at least be received by those who would harbor terrorists or those who would collaborate in these actions: Our kindness is not weakness; our laws do not provide you opportunities to take advantage of our justice; we are strong, we are resolved, and we are determined to defend ourselves, our children, and our future, as every generation before us. We are a good and a great people, but we are a strong and determined people. We have our place in the future, our role in the world, and it will not be compromised. It will not be taken from us.

Much of this planet has decided upon some common norms of justice and conduct, to conduct ourselves in peace within institutions. All nations are welcome to join in them according to their own traditions, their own laws, and their own faiths, but the age when nations or organizations would be permitted to operate against all human experience and all rules of decency are over.

We have only perhaps begun to defeat one terrorist organization in one country, but surely the lessons from this experience are unmistakable and are heard on every corner of the globe.

That is my hope and my prayer for this Thanksgiving. Godspeed to every American soldier wherever he or she may be on this holiday. May you be home for Christmas; may we not have to call upon you again. But if we do, may you serve with the same distinction, courage, and valor that every American has seen in your actions in these last few weeks.

THE OUTSTANDING SERVICE AND DEDICATION OF OUR MILITARY MEN AND WOMEN

Mr. CLELAND. Mr. President, I want to quickly discuss recent news that U.S. forces are engaged on the ground in Afghanistan. Though it isn't yet certain the details of this report, if this is a new assault in our war on terrorism or whether this is the continuation of our current operations, I would like to raise the attention of everyone to the outstanding service and dedication that our military men and women are showing in the war on terrorism. It is their sacrifice and selfless service that has taken the war on terrorism to the terrorists themselves. As we have seen since last week, our military is fully engaged and we are seeing the successes of their many missions. As I have always said, the backbone of our military is not technology or weapons, but the people. Our brave military men and women are waging this fight today and we need to remember them and their families in this difficult time.

COMMENDING THE MEN AND WOMEN WHO HAVE KEPT THE SENATE SAFE AND RUNNING IN A DIFFICULT MONTH

Mr. DASCHLE. Mr. President, yesterday marked 1 month since the letter containing anthrax was opened in my office. Being at "ground zero" in the largest bioterrorism attack ever on U.S. soil has been unsettling and frustrating for many of us. As our Nation prepares to celebrate Thanksgiving, though, there is much for which we in the Senate family have to be grateful.

On a personal note, I am deeply grateful that the members of my staff who were exposed to anthrax continue to be in good health and good spirits and they continue to come to work every day, inspiring our entire staff with their courage and dedication. I am grateful, as well, that the other members of our Senate family who were exposed also continue to be in good health. I am grateful to the doctors and scientists who have worked long hours to protect Americans from this threat, not just on Capitol Hill, but in Washington, Trenton, New York and even as far away as Kansas City.

I am particularly grateful to a special group of people who have kept the Senate safe and running during this unprecedented time. At the top of that list is Al Lenhardt, the Senate's Sergeant at Arms, and his staff. If there was ever a case of the right person, in the right job, at the right time, it is Al Lenhardt. On September 11, Al had been Sergeant at Arms for exactly 1 week. I don't believe he has taken a day off work since then. The first Saturday morning after the anthrax letter was opened, he was at work in the Capitol, surrounded by scientists and investigators. He had been at work until

late the night before. That morning, someone asked him: "If you had it to do all over again, do you think you'd still take this job?" Without a moment's hesitation, he replied: "Absolutely. To be in a position to serve your country—what better job could there be?"

Al Lenhardt is helped in that job by an equally dedicated staff. In addition to keeping us safe, for the last month, the men and women of the Sergeant at Arms Office have played an indispensable role in keeping the Senate running. Only once before—when the British burned the Capitol in 1814—have so many Senators been displaced from their offices. The staff of the Sergeant at Arms Office and the Rules Committee have been faced with a huge logistical challenge, and they have responded amazingly.

Senator DODD and the Rules Committee Staff Director, Kennie Gill, deserve special thanks for the amazing job they did relocating displaced Senate offices. Since October 18, Kennie, the Rules Committee staff and the Sergeant at Arms' Office have set up 129 temporary offices within the Capitol, in the Russell and Dirksen Buildings and at Postal Square. They re-established our computer network.

This one task alone involved dropping 650 new LAN lines, laying over a mile of copper cabling, and nearly half a mile of fiber cabling, creating 216 new network protocol addresses for temporary PC locations, opening 73 routers between Senate offices and creating a new Senate fiber network. In addition, Rules Committee and Sergeant at Arms staff attached 700 PCs and 110 printers to the Senate computer network. They have kept our telecommunications system up and running by connecting nearly 600 new telephone lines, 200 new voice mail boxes and 64 fax machines.

Members of the Rules Committee and Sergeant at Arms staffs, and the vendors who support them, have worked for weeks straight without a day off. They have worked nights and weekends, putting in thousands of hours of overtime. They have refused to allow the largest bioterrorism attack in our Nation's history to stop the work of the Senate, and for that we all owe them a debt of gratitude.

The 1,400 men and women of the Capitol Police force are also working a lot of overtime. Since September 11, they have all been putting in 12-hour days, 6 days a week. That is a minimum. Sometimes they pull double shifts. They work through colds, weekends, holidays, and their childrens' birthdays. They remain at their posts, alert.

If you had asked me a month ago whether the Senate could carry on in the middle of a bioterrorism attack, with 50 Senators locked out of their offices, I might have been a little skeptical. But Al Lenhardt and his staff,

Kennie Gill and her staff and the men and women of the Capitol Police force have shown us that anything is possible. Together, they have kept the Senate safe and operating in these anxious times. We are grateful to them all.

INTERNET TAX NONDISCRIMINATION ACT

Mr. REID. Mr. President, yesterday the Senate decided to ban, for two more years, Internet access taxes and discriminatory taxes on e-commerce. For American Internet users, I fully support this decision, as did the vast majority of my colleagues.

I also supported the Senate's decision to more thoroughly consider a meritorious yet deficient proposal that would have helped States eventually require interstate retailers to collect tax on all sales, even to States where the retailer has no substantial presence. E-commerce and brick and mortar businesses should be placed on a level playing field.

On behalf of the important State and local government programs that sales tax revenue support, I firmly believe this issue needs to be resolved very soon. I was concerned, however, that the proposed legislation had a few key shortcomings.

First, I believe the proposal did not give the States clear guidance on what Congress expects them to address as they simplify their sales tax rules. The Supreme Court has said that the current State sales tax system is unconstitutionally complex, but that Congress can remedy that problem. On one particular point, the proposal did not tell the States to ensure that no tax loopholes be adopted that would allow some sellers to avoid tax collection responsibilities. I believe that Congress must not allow tax discrimination among retail business models.

Second, I believe that Congress will need expert assistance to help analyze the State's efforts to make their tax systems constitutional, especially if we hope to consider their efforts quickly. For that reason, I believe there must be a timely federal review of the States' eventual agreement before it is presented to Congress. Also, I believe a federal agency is much better positioned than Congress to ensure continuing compliance with the interstate agreement.

I did not support the Enzi/Dorgan amendment because it would have added complexity, making a retroactive change in the law, that is unclear, and did not go through a complete vetting process. This was a meritorious but flawed amendment. The House would not have accepted this legislation with this amendment.

I look forward to working with my colleagues, the States, and industry next year on a bill that addresses the States' legitimate tax revenue needs

and ensures that the simplified State tax system is fair to all retailers and can be efficiently considered and monitored.

I will not likely support another moratorium. We must take the steps necessary to bring our interstate tax rules into the 21st Century.

Mr. KERRY. Mr. President, I voted in support of the Enzi Amendment to the Internet Tax Nondiscrimination Act because I believed that after nearly 2 years of working towards a compromise on this very important issue, it was time to move forward and provide States with guidance on how to level the playing field for Internet and bricks and mortar retail establishments. Of equal importance is that in this time when State coffers are shrinking and State spending requirements are increasing with the need to pay for the increased security needs each State now faces, we cannot in good conscience short change the States.

Let me be clear. I do not support a tax on the Internet. The Enzi amendment did not tax the Internet. It simply provided a way to move towards a system where States can collect taxes that are already owed. Moreover, I strongly support a permanent ban on Internet access taxes. The Enzi amendment intended to create such a ban. If there were questions as to whether that intent was fully carried out by the language as drafted, I believe we could have addressed those questions adequately in conference. I oppose discriminatory Internet taxes. Again, the Enzi amendment banned such taxes for 5 years and ultimately such a ban will be made permanent.

It is also important to point out that the Enzi amendment, had it succeeded, would not have been the final word on whether States could begin collecting taxes owed on Internet sales. After up to 5 years of working towards a compromise, and after at least 20 States agreed to simplify their tax collection systems in a uniform manner, Congress still would have had the opportunity to vote down a simplification plan, if we believed it was unfairly burdensome to Internet or other remote sellers. That provision provided a critical measure of assurance that States could not unfairly insist on the collection of taxes.

I was an original cosponsor of the Internet tax moratorium that only recently expired, and I hope, with the additional 2-year moratorium that we have just enacted we will enjoy some measure of success in forging a compromise that will have broad support. I will continue to work with my colleagues to ensure that Internet companies are never required to divine the tax rate of a consumer in one of thousands of taxable jurisdictions. In addition, I will work to ensure that uniform definitions for taxable property are part of any simplification plan, so

that companies do not have to analyze different definitions for the same item in different states. Uniformity in auditing procedures, filing requirements and remittance forms will also be goals we will continue to try to reach.

Equity dictates that we do not treat the taxation of goods differently simply because of the method by which they were sold. I look forward to continuing to work on this issue so that we can find a way to reach that goal that is fair to States, consumers, Internet companies and traditional retailers.

AMTRAK REFORM COUNCIL FINDING

Mr. MCCAIN. Mr. President, I want to explain for the benefit of my colleagues some recent actions that involve Amtrak. I will begin, however, by briefly describing Amtrak's history.

Amtrak was created in 1971 by the Rail Passenger Service Act which was enacted in 1970. The law established Amtrak in order to relieve the freight railroad industry from the burden of providing ongoing passenger service. With capital acquired from participating railroads and the Federal Government providing \$40 million in direct grants and another \$100 million in loan guarantees, the corporation was to become self-sustaining within 2 years. Since 1971, however, Amtrak has received nearly \$24 billion in taxpayer assistance to help cover its operating and capital costs.

Today, much like when Amtrak started, Amtrak serves approximately 500 locations. It carried 22.5 million passengers in fiscal year 2000. By contrast, the intercity bus industry carries 744 million passengers annually and serves over 4,000 locations. The aviation industry carries more than 600 million passengers annually. I mention this comparison because I believe we must consider Amtrak in the context of other passenger carrying transportation services.

Amtrak was most recently authorized during the 105th Congress, after several years without an authorization. The Amtrak Reform and Accountability Act, Public Law 105-134, was bipartisan compromise legislation and enacted, in part, due to the very critical reports of Amtrak's financial situation at that time. During the act's development, the General Accounting Office, Amtrak, and others estimated that the rail system was on the brink of bankruptcy.

Taking into account the very serious financial situation facing Amtrak, the reform law provided the statutory operational, procurement, labor and liability reforms that Amtrak requested so it could operate more like a private business. It reauthorized Amtrak for 5 years, through fiscal year 2002, releasing the approximately \$2.2 billion to

Amtrak that was provided in the form of a tax "refund" in the Taxpayer Relief Act of 1997, TRA, even though Amtrak has never earned a profit, let alone paid income tax. It also required Amtrak to operate free of taxpayer assistance 5 years after the date of enactment of the law, which is December 2, 2002.

The law established an 11-member Amtrak Reform Council, ARC, appointed by the President and leadership in both the House and the Senate, to oversee Amtrak and make recommendations for improvements. The law provided that if at any time following 2 years after the date of enactment the ARC finds that Amtrak is not meeting its financial goals, the Council is directed to develop and submit within 90 days to Congress an action plan for a restructured and rationalized intercity rail passenger system. Within that same time period, the law directs Amtrak to prepare a plan for its complete liquidation. The law provides for an expedited procedure during which Congress would vote, simple majority, on a resolution to disapprove an Amtrak liquidation.

What has Amtrak accomplished since the reform bill's enactment? Amtrak's press releases often boast about increased ridership and revenues. Unfortunately, those press releases never quite tell the full story. According to the General Accounting Office, any increase in ridership and revenues has resulted in an even greater increase in expenses.

Moreover, Amtrak's debt load has tripled since the reform bill's enactment to over \$3.3 billion and it has spent more than \$4.4 billion in taxpayers dollars during that same period. And, despite repeated testimony by Amtrak officials this year about being on a "glidepath to operational self-sufficiency," Amtrak entered into a creative agreement in June to mortgage a portion of Penn Station to obtain cash to allow Amtrak to continue operating past the summer. Clearly, our expectation for a new and improved Amtrak when we passed the reform bill in 1997 has not been realized.

The Department of Transportation Inspector General and the General Accounting Office have testified repeatedly before Congress that Amtrak is in a very precarious financial situation. Moreover, last Friday, November 9, 2001, the ARC officially issued a finding that Amtrak will not be operationally self-sufficient by December 2, 2002, as required by law. The ARC has found there are major inherent flaws and weaknesses in Amtrak's institutional design and it must be restructured. As a result of this finding, the ARC will submit a restructuring plan and Amtrak will submit a liquidation plan to the Congress in early February. In addition, the administration, according to testimony from the Federal Rail-

road Administrator, is also preparing to submit a proposal to restructure our Nation's passenger rail system as part of its fiscal year 2003 budget request.

I understand Amtrak and others have made some very critical comments about the ARC's decision. Clearly, it was a decision not taken lightly by the ARC members. I, for one, commend the ARC members for abiding by the law and making the tough decision that they felt needed to be made. I only question what took them so long.

I look forward to a robust debate on the future of intercity rail passenger service in this country. I believe that passenger rail can and should be a part of our Nation's transportation system, but I continue to question how it should be structured and managed, knowing that Amtrak has failed to meet even the lowest of expectations for 30 years.

I find it indefensible that despite the findings of the ARC, the IG and the GAO, this week we were considering legislation that would have given another \$9 billion to Amtrak by authorizing Amtrak to issue bonds. I imagine proponents of that provision will continue to seek enactment of their proposal prior to adjournment. I vow to do everything in my power to prevent such efforts from succeeding, as I strongly question the logic of throwing billions of additional dollars at Amtrak when nearly every expert that knows anything about Amtrak and finances knows, and has told Congress, that Amtrak cannot live up to the promises it makes.

Before moving forward with any additional funding for Amtrak we need to address a number of tough questions: What is the future for intercity rail passenger transportation? Where does it attract passengers and where doesn't it? Does rail passenger service have to equate to "Amtrak" or should we finally accept the fact that after 30 years, it is time to find a new approach? Where might high-speed rail service actually attract enough passengers to be economically viable? How does it fit into our national transportation system? What is the financial obligation we will be imposing on the American taxpayers and what can they realistically expect as a result of their expenditures?

It is simply time to have an open and honest debate on this issue. We need to hear from the administration and the American public. I hope my colleagues will agree that we need to allow the debate on Amtrak's future to move forward and stop the hemorrhaging of taxpayers' dollars by this entity. I certainly intend to do all I can to ensure the Senate Commerce Committee, which has jurisdiction over Amtrak, steps up to the plate and does its part on this subject.

BIOTERRORISM PREPAREDNESS ACT OF 2001

Mr. WELLSTONE. Mr. President, I rise today to support the Bioterrorism Preparedness Act of 2001. This act represents a critically important turning point in the readiness of our public health system to respond to the challenge of bioterrorism. In many places in our Nation the public health infrastructure has been underfunded and understaffed. Many of our public health workers have been working day and night since September 11. The anthrax attack has demonstrated that our system can be overwhelmed by a bioterrorist attack. This bill provides essential assistance to our network of local and State health departments, public health laboratories, hospitals and health care facilities so that they can protect all of us in the event of further bioterrorist attack, or of other infectious disease outbreaks.

Mr. President, we in Minnesota have long been aware of the dangers of bioterrorism thanks to the efforts of Mike Osterholm, head of the Center for Infectious Disease Research and Policy at the University of Minnesota. But since September 11, everywhere that I have traveled in Minnesota I have been hearing about the need for preparedness. I am very glad that this bill is providing for bioterrorism preparedness.

This bill provides block grants to states to improve public health departments and to get the equipment they need, and to help local governments safeguard their communities from these threats. The bill also provides grants to hospitals and other health care facilities to improve their abilities to respond quickly and effectively to a bioterrorist attack. I am glad this bill emphasizes getting funds to the local level. That is very important. In fact, I would have even gone further in setting aside funds specifically for localities.

I do have some reservations about the scope of the antitrust exemption the bill in its current form provides to the drug industry and others in connection with the development of countermeasures against bioterrorism. I fully understand the urgency of the situation and the need to create "safe space" for the work necessary to bring such countermeasures on line. However, I do think we need to tread carefully when it comes to further insulating the drug industry from the discipline of competitive market forces. I hope that my colleagues will work with me as we move forward on this very important measure to ensure the fullest possible protection for American consumers consistent with the development and production of necessary countermeasures.

As chair of the Subcommittee on Employment, Safety and Training, I am particularly glad that this bill recognizes the threat of bioterrorism in the

workplace. Virtually all of the anthrax attack involved places where people work, including media offices, the U.S. Postal Service and here in the Congress. I am especially happy that this bill includes language which I had suggested to direct the National Institute of Occupational Safety and Health to enhance and expand research on the health and safety of workers who are at risk for biological threats or attacks in the work place.

Finally, I am particularly pleased that my provisions regarding mental health were included in this important bill. We know from the outstanding hearing on mental health and terrorism, chaired by Senator KENNEDY in the HELP committee, that the preparedness and response activities for the mental health consequences of bioterrorism are as important as all other public health initiatives this Congress can support. Dr. Kerry Kelly, Chief Medical Officer of the New York Fire Department, reported at that hearing that since September 11, the men and women of the New York Fire Department and the families of those who were lost have had to endure a tremendous sense of grief. She said that, "the emotional well-being of our department requires intervention to provide stress debriefing, bereavement counseling, and continued psychological support of our members, our families, and the children affected by this event."

The mental health provisions in the Bioterrorism Preparedness Act of 2001 support Federal, State, and local efforts to enhance the preparedness of public health institutions, providers of medical care, and other emergency service personnel, including firefighters, to detect, diagnose, and respond to the mental health consequences of a biological threat or attack. Additionally, State and local emergency measures ensure that hospitals and health care providers have adequate capacity and plans in place to provide mental health services to meet the need of vulnerable populations, including children, the elderly, and the disabled. Training programs are also authorized to educate health care professionals to recognize and treat the mental health consequences of a biological threat or attack, including the consequences for children.

We know one for thing for sure. It is a mistake to believe that bioterrorism events cannot have lasting impact on the mental health of the individuals who experience them. Let us not repeat the mistakes that were made in the aftermath of the Vietnam war, when the trauma experienced by veterans was ignored or trivialized until well after the optimal time for treatment was past. We have learned from the outstanding research funded by the VA and NIMH of the severity of the disorder and the effective ways in which it

can be treated. We must ensure that all Federal, State, and local public health efforts to respond to and prepare for bioterrorist attacks take advantage of this knowledge.

I do not believe that mental health problems are a widespread or inevitable consequence of bioterrorist attacks. But as we heard from the experts at the HELP hearing, we should not underestimate the severe impact that these events have on people's sense of identity and safety, and how the multiple losses and horrific experiences they go through has the potential to affect them for a long while. There have been many reports in the media of the heightened sense of anxiety and vulnerability throughout our country. These feelings are normal and I have confidence that most Americans will be able to deal with these crises. But I also firmly believe that the Federal, State, and local governments can play a major role in helping people to understand what has happened to them, and establish programs for mental health services for those who will need it. We in Congress are doing our part by the inclusion of these mental health initiatives within this bill.

In closing, this bill represents an essential step forward in safeguarding both the physical and mental health of our Nation in the event of further bioterrorist attack.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of this year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred July 5, 1993 on Staten Island, NY. A 22-year-old gay man allegedly was beaten by 30 youths chanting anti-gay slurs. One of the assailants, Andrew Dubitsky, 17, was charged with second-degree assault.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.

SPECIAL SESSION OF CONGRESS IN NEW YORK CITY

Mrs. CLINTON. Mr. President, I would like to draw my colleagues' attention to an editorial, which appeared in the New York Daily News on September 25, 2001.

In the wake of the terrorist attacks of September 11, this editorial proposes

that Congress should convene for a special session in New York City. Daily News rightly points out that a convening of Congress in New York City would reaffirm the American people's steadfast resolve against the cowardly perpetrators of terrorism—and that the attack on New York represented an attack on our Nation.

I am pleased to report that a bill, H. Con. Res. 249, calling for a special session of Congress to meet in New York City, has been introduced in the House of Representatives and that yesterday Senator SCHUMER and myself introduced a corresponding bill here in the Senate. I urge my colleagues to support this measure, which calls for a special 1-day joint session of Congress to be held in New York City as a symbol of the Nation's solidarity with New Yorkers who epitomize the human spirit of courage, resilience, and strength.

Mr. President, on behalf of Senator SCHUMER and myself, I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Daily News, Sept. 25, 2001]

CONVENE CONGRESS IN NEW YORK

In today's primary election—so savagely interrupted two weeks ago—pundits are predicting an abysmal turnout. But today, New Yorkers, you have even more reason to go to the polls. Not only will you help to select candidates for one of the most critical elections in the city's history, you will be sending a message that our representative democracy still stands tall—the democracy that terrorists are intent on destroying.

New York was targeted because this city represents America. The U.S. Congress also represents America—figuratively and literally. So herewith, a proposal: Congress should assemble in New York City for a special session.

The duration doesn't matter—a day would be enough. What matters is that, by meeting here, Congress would show the city, the nation and the world that it stands in solidarity with New York, and that the strikes against the World Trade Center and the Pentagon were strikes against an America that has emerged stronger than ever. An America united in its determination to eradicate terrorism. Indeed, the 535 members of the House and Senate could use the New York session to pass a resolution or legislation related to this new war we are waging. For it is Congress assembled that represents America.

Holding a special session here would be unprecedented, but there is nothing in the Constitution or federal law or the rules of Congress that dictates where the House and Senate shall convene. In its history, the only time Congress traveled was during the Revolution, when it fled the British. This time, it would not be fleeing, but charging into action—and doing so at the scene of the worst enemy attack ever on American soil.

Since the terror murder of thousands Sept. 11, President Bush and key members of Congress have visited the city to witness firsthand the destruction, the heroism and the stoicism. Forty members of the Senate came as a group. Consider the emotional and symbolic impact of the entire Congress assembling in New York.

And the meeting place? Perhaps the Javits Center or Governors Island or Liberty Island. Or somewhere downtown near the scene of the carnage. There would be obstacles involving logistics and security, but they can be overcome, as they were when the President and the Senate delegation visited. This proposal can be brought to fruition.

In the context of U.S. history, there are strong parallels for Congress coming to New York. The city was the home of the Continental Congress beginning in 1785. And when the federal Constitution was adopted, the first Congress met here in 1789. George Washington was sworn into office downtown, blocks from what is now Ground Zero. The first meetings of the House of Representatives and the Senate were held here.

Though the official seat of power remained in New York for only about a year, during that time the basic functions of the U.S. government were set in place. It was in New York that Congress wrote the Bill of Rights and submitted the amendments to the states. It was in New York that the Supreme Court was established. And it was in New York, on another Sept. 11—in 1789—that the Senate voted to confirm the first administration's first cabinet member: New Yorker Alexander Hamilton as treasury secretary.

In 1790, Congress moved to Philadelphia, and 10 years later to its new Capitol building in the nation's new capital city of Washington. The last time Congress did not meet at the Capitol was during the War of 1812, when the British burned the building. That was also the last time—until Sept. 11, 2001—that a foreign enemy struck the American mainland.

For generations, America was protected by two broad oceans. No more. We have become a battleground. We are making history anew. And with a simple, yet far-reaching action, Congress can come to New York and write a new chapter in the indelible ink of national fortitude. Congress already has acted to assist our wounded city, approving \$20 billion in aid for New York, with more likely to follow. What we ask for here is symbolic. Just as the terrorists chose the World Trade Center and Pentagon as symbols, America should render its own symbol—of unity, strength and resolve such as the world has never seen.

SOBERING STATISTICS ON CHILDREN AND GUNS

Mr. LEVIN. Mr. President, I rise to enter into the RECORD a few facts about guns and children. According to the Centers for Disease Control and Prevention, every 7 hours a child or teen was killed in a firearm-related accident or suicide in 1999. From 1994–1999, an average of five children died every day in non-homicide firearm incidents. In the same period, more than 2,100 children were killed in firearm accidents. In the 1990s, an average of 1,370 kids committed suicide with a firearm each year. More than 150 each year were children under the age of fifteen. In 1997, hospital emergency rooms treated four children with gun shot wounds for every child killed with a firearm. And a 1997 CDC study reported that the overall firearm-related death rate among children in the United States who are less than fifteen years old was nearly twelve times higher than among

children in twenty-five other industrialized countries combined.

These sobering statistics remind us of the importance of strengthening our gun laws to limit children's access to guns. I urge my fellow Senators to join me in support of meaningful gun safety legislation.

ADDITIONAL STATEMENTS

TRIBUTE TO COLONEL DONALD E. FLEMING

• Mrs. HUTCHISON. Mr. President, I rise today to recognize an American who has honorably served our Nation for 28 years: Colonel Donald E. Fleming, U.S. Marine Corps. Colonel Fleming has served with distinction, throughout wartime and in times of peace. In 1990 and 1991, during the Gulf War, Colonel Fleming served as the executive officer to a Harrier Attack Squadron in support of Marine ground troops in Operation Desert Storm. He was involved in numerous sorties against Iraqi forces, which enabled ground combat troops to successfully attack and take Iraqi forces. This was a highly dangerous task as Marine aircraft were constantly exposed to enemy fire. Colonel Fleming was prepared to give his life for those Marines on the ground to be successful in completing their missions.

Colonel Fleming's last assignment was as the deputy legislative assistant to the Commandant of the Marine Corps. This was a highly responsible assignment in that the Colonel served not only the Commandant of the Marine Corps, a member of the Joint Chiefs of Staff, but the U.S. House of Representatives and the U.S. Senate as well. Colonel Fleming was thoroughly involved with ensuring that the numerous congressional inquiries were completed in a timely and correct manner. This is a large task, especially during the hearing season, when Members of Congress and their staffs address many questions and concerns to the military departments. Additionally, Colonel Fleming was responsible for the final coordination of significant congressional and staff delegations that took place literally all over the world.

I thank Don for his unswerving dedication to serving the U.S. Congress. He has served our Nation and the U.S. Congress in the finest traditions of the U.S. Marine Corps. I wish Don well in his future endeavors as he enters a new phase of his life. Colonel Fleming's service to his country and his Corps has been laudatory. I am deeply appreciative that we have Marines like Colonel Fleming, who are of such high caliber and sincere conviction. May God bless Colonel Don Fleming and his family, and may fair winds and following seas follow Colonel Fleming throughout his new career. ●

IN RECOGNITION OF THE EUGENE M. LANG I HAVE A DREAM FOUNDATION

• Mr. LEVIN. Mr. President, today, I would like to recognize a remarkable individual whose efforts rank high among those that have marked the great history of this Nation. Eugene M. Lang is a dedicated philanthropist and supporter of education. His selflessness, sense of pride, and love for his country have been demonstrated in his commitment to the present and the future of young people all across America, through his I Have a Dream Foundation. This weekend, November 15–17, 2001, Mr. Lang and the Foundation will celebrate 20 years of education achievement.

The path leading up to 20 years of education successes began on June 25, 1981. It was then that Eugene Lang, a New York businessman would return to his old elementary school, P.S. 121, in East Harlem to address the graduating sixth-graders. His original plan was to deliver a standard message that if you worked hard you would succeed. However, after arriving at his alma mater, he was told that his old school had changed—that 75 percent of P.S. 121's children would never graduate from high school, and that even those who did get high school diplomas would probably lack the skills needed for college. The startling news, prompted Mr. Lang to make an extraordinary promise to the sixth-graders that day. He made an impromptu decision and announced that if the 61 middle schoolers graduated from high school he would provide financial assistance to help them pay for college. This wonderful benefactor told the children that they must have a dream for the future, and that he would help them achieve it.

Having made a promise, Lang went even further to help the P.S. 121 sixth-graders. He provided the children with support services and hired a social worker to work with them. With the involvement of education and social science professionals, Mr. Lang's vision evolved into the I Have a Dream program and the P.S. 121 kids became the first "Dreamers."

In August 1985, after 4 years, all of Lang's Dreamers were still in school garnering national attention including a front page story in the New York Times and a segment on 60 Minutes. This spurred Lang to organize the national I Have a Dream Foundation in 1986 and help launch a new generation of Foundation projects.

Of the 54 original Dreamers who remained in contact with Mr. Lang's project, more than 90 percent earned their high school diploma or GED certificate and 60 percent went on to higher education, mostly at public 4-year or community colleges. In June 1991, the first Dreamers received baccalaureate degrees from colleges such as Bard and Barnard; others subsequently graduated from Swarthmore, Rensselaer

Polytechnic Institute, Hunter, AZ, and other schools. At least two-thirds of the P.S. 121 Dreamers have had 2 or more years of higher education and some continue to work on earning their degrees. Almost all hold fulfilling jobs and many have children who, they vow, will go to college.

Today, the I Have a Dream program is a nationally recognized model that helps children stay in school, graduate, and go on to college or vocational education training and meaningful employment. The children, called Dreamers, participate in a year-round program of mentoring, tutoring, cultural exposures, and community service activities from elementary school through high school. Upon graduation, Dreamers receive financial assistance for either a college or vocational education. "I Have a Dream" has grown from one man's promise to 61 middle schoolers to over 175 projects in 58 cities, serving more than 13,000 children from low-income communities, including the Dreamers from my home State of Michigan. In Michigan, the Dreamers from Detroit have graduated while the Battle Creek programs support 11th graders who are close to achieving their dreams and in Port Huron, 7th and 8th graders are well on their way to fulfilling their own goals thanks to Eugene Lang's remarkable vision.

Through his hard work, dedication and unshakable belief in our nation's children, Mr. Lang has helped many a dreamer fulfill his or her educational goals with his I Have a Dream Foundation. This kind and generous man is a role model to us all and I know that my Senate colleagues join me in congratulating Eugene Lang for his commitment and success with his I Have a Dream Foundation.●

NATIONAL BIBLE WEEK

● Ms. LANDRIEU. Mr. President, for the last 60 years, National Bible Week has been an annual observance in this country. It has come each year at Thanksgiving time since 1941. We were on the brink of World War II that year, and about to face the bombing of Pearl Harbor. That was certainly a difficult time in our Nation's history, but this country has truly been blessed. In truth there have been only a few times since then that we as a nation have felt the need to turn to the worn pages of our Bibles for strength and comfort and guidance. We are in the midst of such a time right now.

This year National Bible Week runs from Sunday, the 18th of November through the 25th. I am pleased and honored to serve as one of this year's Congressional cochairs for National Bible Week, which is sponsored by the National Bible Association. The Bible has had remarkable influence on American life, literature, music, art, and the system of justice that governs our laws.

Inscribed on every piece of American currency is the phrase, "In God we trust." Freedom of religion is guaranteed under our constitution. And despite the many differences in our religious views, we proclaim ourselves to be "one Nation, under God."

I join the majority of Americans in believing the Bible to be the Word of God. For those of the Jewish faith, the Old Testament, or Torah, offers understanding and serves as a reminder of obligations to God and country. Islamic followers consider Christians and Jews to be "the people of the book," and their Koran recognizes the Bible's significance in the development of civilization. Certainly now, as evil people seek to pit one religion against another, and try to justify acts of hate committed in the name of God, this is the time to strengthen our beliefs, and to do this, we turn to the Bible. I encourage believers everywhere to open their Bibles, and read the scriptures. Find a favorite passage, and give thanks.●

MESSAGES FROM THE HOUSE

At 10:09 a.m., a message from the House of Representatives, delivered by Ms. Niland, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2269. An act to amend title I of the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to promote the provision of retirement investment advice to workers managing their retirement income assets.

H.R. 2887. An act to amend the Federal Food, Drug, and Cosmetic Act to improve the safety and efficacy of pharmaceuticals for children.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 228. Concurrent resolution expressing the sense of the Congress that the children who lost one or both parents or a guardian in the September 11, 2001, World Trade Center and Pentagon tragedies (including the aircraft crash in Somerset County, Pennsylvania) should be provided with all necessary assistance, services, and benefits and urging Federal, State or local agencies responsible for providing such assistance, services and benefits to move expeditiously in providing such assistance, services and benefits to those children.

H. Con. Res. 239. Concurrent resolution expressing the sense of Congress that schools in the United States should set aside a sufficient period of time to allow children to pray for, or quietly reflect on behalf of, the Nation during this time of struggle against the forces of international terrorism.

The message further announced that the House insists upon its amendment to the bill (S. 180) to facilitate famine relief efforts and a comprehensive solution to the war in Sudan, and asks a conference with the Senate on the disagreeing votes of the two Houses there-

on; and appoints the following Members as the managers of the conference on the part of the House:

For consideration of the Senate bill and the House amendment, and modifications committed to conference: Mr. HYDE, Mr. GILMAN, Mr. SMITH of New Jersey, Ms. ROS-LEHTINEN, Mr. ROYCE, Mr. TANCREDO, Mr. LANTOS, Mr. BERMAN, Mr. PAYNE, and Ms. MCKINNEY.

For consideration of section 8 and 9 of the House amendment, and modifications committed to conference: Mr. OXLEY, Mr. BAKER, Mr. BACHUS, Mr. LAFALCE, and Mr. FRANK.

ENROLLED JOINT RESOLUTION SIGNED

At 11:55 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled joint resolution:

H.J. Res. 74. A joint resolution making further continuing appropriations for the fiscal year 2002, and for other purposes.

The enrolled joint resolution was signed subsequently by the President pro tempore (Mr. BYRD).

At 1:05 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3009. An act to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2269. An act to amend title I of the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to promote the provision of retirement investment advice to workers managing their retirement income assets; to the Committee on Finance.

H.R. 3009. An act to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; to the Committee on Finance.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 228. Concurrent resolution expressing the sense of the Congress that the children who lost one or both parents or a guardian in the September 11, 2001, World Trade Center and Pentagon tragedies (including the aircraft crash in Somerset County, Pennsylvania) should be provided with all necessary assistance, services and benefits and urging Federal, State, or local agencies responsible for providing such assistance, services and benefits to move expeditiously in providing such assistance, services, and benefits to those children; to the Committee on Health, Education, Labor, and Pensions.

H. Con. Res. 239. Concurrent resolution expressing the sense of Congress that schools in the United States should set aside a sufficient period of time to allow children to pray for, or quietly reflect on behalf of, the Nation during this time of struggle against the forces of international terrorism; to the

Committee on Health, Education, Labor, and Pensions.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

H.R. 2873. An act to extend and amend the program entitled Promoting Safe and Stable Families under title IV-B, subpart 2 of the Social Security Act, and to provide new authority to support programs for mentoring children of incarcerated parents; to amend the Foster Care Independent Living program under title IV-E of that Act to provide for educational and training vouchers for youths aging out of foster care, and for other purposes.

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 2887. An act to amend the Federal Food, Drug, and Cosmetic Act to improve the safety and efficacy of pharmaceuticals for children.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-4578. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Linear Alkyl C12-16 propoxyamine ethoxylate; Exemption from the Requirement of a Tolerance" (FRL6810-2) received on November 13, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4579. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, a report entitled "Letter Clarifying the Regulatory Status of Antimony Oxide Slag Generated by Cookson Group in Laredo, TX"; to the Committee on Environment and Public Works.

EC-4580. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, a report entitled "Releasability of Hazardous Ranking System (HRS) Documents under the Freedom of Information Act"; to the Committee on Environment and Public Works.

EC-4581. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, a report entitled "Small System Requirements for the Stage 1 Disinfection By-products Rule-Small Entity Compliance Guide"; to the Committee on Environment and Public Works.

EC-4582. A communication from the Acting Director of the Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "North Dakota Regulatory Program" (ND-042-FOR) received on November 13, 2001; to the Committee on Energy and Natural Resources.

EC-4583. A communication from the Acting Director of the Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Pennsylvania Regulatory Program" (PA-

132-FOR) received on November 13, 2001; to the Committee on Energy and Natural Resources.

EC-4584. A communication from the Acting Director of the Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Indiana Regulatory Program" (SPA No. 2001-1) received on November 13, 2001; to the Committee on Energy and Natural Resources.

EC-4585. A communication from the Assistant Director of the General Counsel, Federal Bureau of Prisons, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "National Security; Prevention of Acts of Violence and Terrorism" (RIN1120-AB08) received on November 13, 2001; to the Committee on the Judiciary.

EC-4586. A communication from the Director of the Policy and Directives and Instructions Branch, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Continued Detention of Aliens Subject to Final Orders of Removal" (RIN1115-AG29) received on November 13, 2001; to the Committee on the Judiciary.

EC-4587. A communication from the Assistant to the Board of Governors to the Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled "Regulation Z (Truth in Lending): Annual Adjustment to the Dollar Amount that Triggers Certain Requirements under the Home Ownership and Equity Protection Act of 1994 (HOEPA)" (R-116) received on November 14, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC-4588. A communication from the Comptroller of the Currency, Administrator of National Banks, transmitting, pursuant to law, the report of a rule entitled "Assessment of Fees" (12 CFR Part 8) received on November 13, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC-4589. A communication from the Chief Counsel of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Additional Designations and Removal of Persons Listed in Appendix A to 31 CFR Chapter V and Appendix I to 31 CFR Part 539, Weapons of Mass Destruction Trade Control Regulations" received on November 13, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC-4590. A communication from the President of the United States, transmitting, pursuant to law, a report relative to the aggregate number, locations, activities, and lengths of assignment for all temporary and permanent United States military personnel and United States individual civilians retained as contractors involved in Plan Colombia; to the Committee on Foreign Relations.

EC-4591. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license sold commercially under a contract in the amount of \$50,000,000 or more to the United Kingdom; to the Committee on Foreign Relations.

EC-4592. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, a report entitled "Nutrient Criteria Technical Guidance Manual; Estuarine and Coastal Marine Waters"; to the Committee on Environment and Public Works.

EC-4593. A communication from the Assistant Secretary of Legislative Affairs, Depart-

ment of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of technical data and defense services sold commercially under a contract in the amount of \$50,000,000 or more to the Republic of Korea; to the Committee on Foreign Relations.

EC-4594. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed manufacturing license agreement with South Korea; to the Committee on Foreign Relations.

EC-4595. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed manufacturing license agreement with Germany, the Netherlands, and Spain; to the Committee on Foreign Relations.

EC-4596. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of defense articles or services sold commercially under contract in the amount of \$50,000,000 or more to Japan; to the Committee on Foreign Relations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LIEBERMAN, from the Committee on Governmental Affairs, without amendment:

H.R. 1766: A bill to designate the facility of the United States Postal Service located at 4270 John Marr Drive in Annandale, Virginia, as the "Stan Parris Post Office Building."

H.R. 2261: A bill to designate the facility of the United States Postal Service located at 2853 Candler Road in Decatur, Georgia, as the "Earl T. Shinhoster Post Office."

H.R. 2454: A bill to redesignate the facility of the United States Postal Service located at 5472 Crenshaw Boulevard in Los Angeles, California, as the "Congressman Julian C. Dixon Post Office Building."

S. 1184: A bill to designate the facility of the United States Postal Service located at 2853 Candler Road in Decatur, Georgia, as the "Earl T. Shinhoster Post Office."

S. 1381: A bill to redesignate the facility of the United States Postal Service located at 5472 Crenshaw Boulevard in Los Angeles, California, as the "Congressman Julian C. Dixon Post Office Building."

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. DOMENICI (for himself, Mr. BOND, and Mr. FRIST):

S. 1717. A bill to provide for a payroll tax holiday; to the Committee on Finance.

By Mr. BURNS:

S. 1718. A bill to amend the Internal Revenue Code of 1986 to extend section 29 to other facilities; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 1719. A bill to amend title 18, United States Code, with respect to false communications about certain criminal violations,

and for other purposes; to the Committee on the Judiciary.

By Mrs. CARNAHAN (for herself and Ms. MIKULSKI):

S. 1720. A bill to amend the Internal Revenue Code of 1986 to provide tax relief for victims of the terrorist attacks against the United States involving anthrax; to the Committee on Finance.

By Mrs. CLINTON (for herself and Mr. SCHUMER):

S. 1721. A bill to designate the building located at 1 Federal Plaza in New York, New York, as the "James L. Watson United States Court of International Trade Building"; to the Committee on Environment and Public Works.

By Mr. BAUCUS (for himself, Mr. HATCH, Mr. GRASSLEY, Mr. MILLER, and Mr. BENNETT):

S. 1722. A bill to amend the Internal Revenue Code of 1986 to simplify the application of the excise tax imposed on bows and arrows; to the Committee on Finance.

By Mr. LEAHY (for himself and Mr. GRASSLEY):

S. 1723. A bill to amend the Fair Credit Reporting Act with respect to the statute of limitations on actions; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. FRIST:

S. 1724. A bill to amend title 23, United States Code, to permit States to place supplemental guide signs relating to veterans' cemeteries on Federal-aid highways; to the Committee on Environment and Public Works.

By Ms. SNOWE:

S. 1725. A bill to require the Comptroller General to carry out a study to determine the feasibility of undertaking passenger rail transportation security programs that are similar to those of foreign countries; to the Committee on Commerce, Science, and Transportation.

By Ms. SNOWE (for herself and Mr. BREAUX):

S. 1726. A bill to require the Secretary of Transportation to conduct a study of the feasibility of implementing a program for the full screening of passengers, baggage, and cargo on Amtrak trains, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. REID (for himself, Mr. LEAHY, Mr. CHAFEE, Mr. JEFFORDS, Mr. KENNEDY, Mr. REED, Mr. LIEBERMAN, Mr. SARBANES, Mr. SCHUMER, Mr. TORRICELLI, Mr. CORZINE, and Mr. DODD):

S. 1727. A bill to reward the stewards of America's farms, ranches, public and private lands, wildlife, water quality and supply, to reduce the risk of specialty crop production, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Ms. SNOWE:

S. 1728. A bill to provide for greater security at seaports; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. FEINSTEIN (for herself, Mr. SMITH of Oregon, and Mr. LEAHY):

S. Res. 182. A resolution expressing the sense of the Senate that the United States should allocate significantly more resources to combat global poverty; to the Committee on Foreign Relations.

By Mr. REID (for himself, Mr. BROWNBACK, Mr. SCHUMER, Mr. DASCHLE, Mr. LIEBERMAN, Mrs. BOXER, Mr. MCCAIN, Mr. CLELAND, Mr. DORGAN, Mr. JOHNSON, Mr. LEVIN, and Ms. MIKULSKI):

S. Res. 183. A resolution expressing the sense of the Senate regarding the establishment of a National Words Can Heal Day; considered and agreed to.

By Mr. DASCHLE:

S. Con. Res. 85. A concurrent resolution providing for a conditional adjournment or recess of the Senate and a conditional adjournment of the House of Representatives; considered and agreed to.

ADDITIONAL COSPONSORS

S. 351

At the request of Ms. COLLINS, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 351, a bill to amend the Solid Waste Disposal Act to reduce the quantity of mercury in the environment by limiting use of mercury fever thermometers and improving collection, recycling, and disposal of mercury, and for other purposes.

S. 556

At the request of Mr. JEFFORDS, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 556, a bill to amend the Clean Air Act to reduce emissions from electric powerplants, and for other purposes.

S. 775

At the request of Mrs. LINCOLN, the name of the Senator from Florida (Mr. GRAHAM) was added as a cosponsor of S. 775, a bill to amend title XVIII of the Social Security Act to permit expansion of medical residency training programs in geriatric medicine and to provide for reimbursement of care coordination and assessment services provided under the medicare program.

S. 1006

At the request of Mr. HAGEL, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 1006, a bill to provide for the energy security of the United States and promote environmental quality by enhancing the use of motor vehicle fuels from renewable sources, and for other purposes.

S. 1271

At the request of Mr. VOINOVICH, the name of the Senator from Tennessee (Mr. THOMPSON) was added as a cosponsor of S. 1271, a bill to amend chapter 35 of title 44, United States Code, for the purpose of facilitating compliance by small business concerns with certain Federal paperwork requirements, to establish a task force to examine the feasibility of streamlining paperwork requirements applicable to small business concerns, and for other purposes.

S. 1322

At the request of Mr. FITZGERALD, the name of the Senator from Lou-

isiana (Mr. BREAUX) was added as a cosponsor of S. 1322, a bill to amend the Internal Revenue Code of 1986 to classify qualified rental office furniture as 5-year property for purposes of depreciation.

S. 1396

At the request of Mr. CONRAD, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 1396, a bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for the purchase of a principal residence by a first-time homebuyer.

S. 1499

At the request of Mr. KERRY, the names of the Senator from Texas (Mrs. HUTCHISON) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 1499, a bill to provide assistance to small business concerns adversely impacted by the terrorist attacks perpetrated against the United States on September 11, 2001, and for other purposes.

S. 1522

At the request of Mr. CONRAD, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 1522, a bill to support community-based group homes for young mothers and their children.

S. 1618

At the request of Mr. CHAFEE, his name was added as a cosponsor of S. 1618, a bill to enhance the border security of the United States, and for other purposes.

S. 1635

At the request of Mr. HUTCHINSON, the name of the Senator from Tennessee (Mr. FRIST) was added as a cosponsor of S. 1635, a bill to ensure the prompt research, development, manufacture, and distribution of new life-saving drugs, biologics, and medical devices that prevent or mitigate the consequences of a chemical or biological bioterrorist attack, and for other purposes.

S. 1673

At the request of Mrs. LINCOLN, the name of the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of S. 1673, a bill to provide for the continuation of agricultural programs through fiscal year 2011.

S. 1680

At the request of Mr. DAYTON, his name was added as a cosponsor of S. 1680, a bill to amend the Soldiers' and Sailors' Civil Relief Act of 1940 to provide that duty of the National Guard mobilized by a State in support of Operation Enduring Freedom or otherwise at the request of the President shall qualify as military service under that Act.

S. 1707

At the request of Mr. JEFFORDS, the names of the Senator from South Carolina (Mr. HOLLINGS), the Senator from

Georgia (Mr. CLELAND), and the Senator from Utah (Mr. BENNETT) were added as cosponsors of S. 1707, a bill to amend title XVIII of the Social Security Act to specify the update for payments under the medicare physician fee schedule for 2002 and to direct the Medicare Payment Advisory Commission to conduct a study on replacing the use of the sustainable growth rate as a factor in determining such update in subsequent years.

S. 1715

At the request of Mr. WELLSTONE, his name was added as a cosponsor of S. 1715, a bill to improve the ability of the United States to prepare for and respond to a biological threat or attack.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DOMENICI (for himself, Mr. BOND, and Mr. FRIST):

S. 1717. A bill to provide for a payroll tax holiday; to the Committee on Finance.

Mr. DOMENICI. Mr. President, I send to the desk to be appropriately referred a bill that is cosponsored by Senator BOND and Senator FRIST. This is going to be called the payroll tax holiday bill.

Mr. President, we have been talking a lot about a war, and we are beginning to read stories about the great valor and the fantastic American military machine, of which the American people ought to be very proud. Clearly, we have, in months and years past, supplied a very large amount of the American tax dollars to provide for adequate defense. This war we have waged for a few weeks against hatred and terrorism—while that war changed us forever, it also showed the world what a tremendous military force America is and what a great idea we have with democracy and capitalism matched up, with growth and prosperity—what a tremendous idea it is.

The idea and ideal was received on the streets of cities in Afghanistan with cheering for the few Americans who were part of it. This morning, we hear a communique from one of our military talking about how they are being received.

At the same time that we are paying for this and asking for our wonderful volunteer men and women of the military, there is another war, and it is a tough one. It has to do with an economy that for 11 years was at the very peak of performance—almost without comparability in any period of economics that we note here in America. Now that economy, as one might have predicted, is going into one of the normal and natural downturns—except each one of these recessions are different. The qualities are different. What happened to get us there is different. There are also a lot of similarities. If we don't engage in the war that is also on

our plate, called recession, in as unified a manner as we attacked the war on terrorism, with a proposal to help the economy, thus help our people—that is, Democrat and Republican—and gather together and say we each, Democrat, Republican, and the White House, have a plan—a lot of Senators have plans. We only had one vote, and it is pretty obvious that the Democrat plan can't muster the 60 votes that is going to be required to get a tax package through the Senate.

We all know the vote. The distinguished Senator from Montana, the chairman of the Finance Committee, has done a yeoman's job in trying to put together a partisan package. I have been there when you had to do that, and then I have had to defend it and try to get it through, with the entire party on the other side being opposed. I have listened and watched and seen this distinguished Senator do his very best. If the Republican plan—which may be the President's plan—is called up, I regret to say that I think it is going to get the same kind of treatment from the other side of the aisle. I can't say why each side has decided that they have a better plan, but that is what has happened. Let's hope that it is nothing more than that and that both sides still wish to get something done, to get an economic stimulus package; that is, a package that will cause America's economy to grow, jump-start, give it a little boost.

I am not going to talk about the things that have already been done, other than to say that once the recession started—that is a long time ago; for those who think this just came upon us, if you trace the economy—and I am sure the occupant of the chair, who, for many years of his life, day by day, had to rely upon his ability to analyze the economy and/or that of those who worked for him, and decisions had to be made on the best assumptions you could put together. But it is clear if you look at what happened, this recession started downward about 16 months ago, before the swearing in of the new President. It started down and it has been coming down a little bit at a time for all these months.

During that period, the Federal Reserve Board has, for the 12th time, I believe, reduced interest rates. I know if my friend from New Jersey were standing here and we were discussing this issue, we would both be saying that is a very good thing, reducing the interest rates. No question, America relies upon capital for growth, for investment, for everything we put people to work with; you have to have money to buy a house, to buy a car.

Incidentally, if anybody wants to know how important interest rates are, look at the anomaly in America today. One of the biggest anomalies is that we are selling more cars than ever. So we

are breaking the bank on selling cars in America in the middle of a recession. Well, I guess one could say the people finally woke up and wanted new cars, but I don't think so. I think they have wanted them all along. But guess what. The automobile companies decided it was better to sell cars and finance at zero interest rate and keep people working than it was to go ahead and cut back on production, charge interest rates so the finance companies would be turning a profit, but their factories would be laying off people. What an experiment because their people kept working and producing automobiles, and the rate of finance is zero. They must have analyzed what that does or does not do for their economic picture. But in the end, cars are selling because the cost of buying them is cheap.

Now, the economy is still not recovering properly, although somehow—at least this Senator believes that while I understood what was happening and clearly was out front saying we were moving toward a recession probably 12 months before we started saying it here, I believe there is a real chance if we do something right quick that this economy will start back up.

There are some good signs out there, but there are some not so good signs that could indicate it is going to be a long recession. But I am putting before the Senate today a proposal. There are many Senators I have talked to about it. I won't mention their names. But a few of them I thank profusely because they have publicly commented to papers such as the Wall Street Journal, and others; some Democrat Senators who have analyzed it with me have said it is a very good approach.

The reason that it is not moving with large numbers of Senators at this point is because everybody has some entanglements—and I use that word not pejorative—in terms of putting the packages together where they have committed here and there and, of course, they can't just jump off those ships, they have to let normal events occur.

But this morning, Senator BOND, Senator FRIST, and I put this before the Senate and the American people because we truly believe it is something that ought to be looked at. We are not here saying it is absolutely a cinch that it will work. But we are saying—three of us—with gaining strength today—the Wall Street Journal quotes Dr. Lindsey from the White House. His analysis would indicate that this is a good economic stimulus package. Let me suggest that it is quick, doesn't have any administrative costs associated with it. It helps city, county, States, and private sector, and, indeed, every working man and woman in America who pays payroll tax for Social Security.

The 6.2 percent that comes out of their paycheck will stay in their paycheck for whatever month we choose.

The legislation is drawn for the month of December, for one month. Likewise, the employer does not remit to the Federal Government; they keep the money.

In one month, if the month of December is chosen, I say to my friend from the beautiful State of Montana, \$38 billion will go into the American economy via the wage earners and businesses, large and small, in one month. They will have that money close to the Christmas season one way or the other.

If we do January, everybody will know it is there. If we do December, it will be in their paychecks. The reason I keep using one or the other month is because we have not moved with dispatch as everybody had hoped. As a consequence, I do not know if we can get it done in time for Christmas relief.

It is a very simple bill. It is quick. The economic activities of it are immediate. It eliminates 12.4 percent payroll tax from the OASDI for the month of December; \$38 million in immediate relief to be spent for whatever the recipient wants to do with it.

Self-employed workers will see their taxes reduced by 12.4 percent in that month. It will be split evenly between the employer and employee at 6.2 percent on each side. Then, obviously, there is language putting the Social Security fund back in its original posture by transferring from the general fund. That accounts for the removal and use in the economy and the replenishment that one would expect. It is very simple.

The three of us do this not as a total stimulus package, but for the tax portion that has been discussed by each side as being important.

By a strange coincidence, the two provisions that were in the Republican package, the rebate and the 2 percent, the 2-percent marginal rate change, turned out to be \$38 billion. This package is \$38 billion. It is just a coincidence, but if we are looking for a substitute, we could substitute that money.

Whatever the Senate wants to do about workers compensation, hospital and health protection—those are not part of the stimulus package in any event. They are part of us wanting to be helpful because people are hurting. Those can be worked out. Whether we fight over those or not, clearly, eventually, they will be worked out in both bodies.

There are a lot of economists who have been analyzing this. We do not have a lot of them here today to talk about, but there are a lot. Perhaps when we return, I will print in the RECORD an article entitled “A Stimulus Package May Not Work” by Joanne Morrison. It cites three or four economists who analyze where we are.

I say to my colleagues, there are two arguments against what we are doing. One, it is taking too long, and, two, it

will take too long after we pass it. It may be a long-term event rather than a short-term stimulus. Second, without any question, there is serious doubt as to whether the other packages are very stimulative. In both instances, that is corrected here.

Is it fair? It seems pretty fair. I am not saying we can solve each and every problem, but it is pretty fair. I have sent the tax bill to the desk.

I thank my two cosponsors and the Senator from Montana for letting me present my thoughts on this. There are a lot of people beginning to ask about it and starting to support it. We will put the names of those institutions that support this in the RECORD as soon as we can. The Governors are coming on board. We have asked no one. They are reading about it now, and we probably will ask a number of other groups in the country to give us their views.

I thank the Senate for giving me time. It is nice that debate can occur, but we are not there yet. Maybe a new idea can find its place here. I hope it is new enough to receive the consideration it deserves.

Mr. President, we must move forward. Right now, we have a Republican stimulus bill that passed the House. We have the President's plan and the Senate Republicans' plan. We have the Senate Democrats' plan.

But we don't yet have a stimulus plan that will pass the Senate and be signed by the President.

I believe this bill can be the key to bringing both sides together quickly once we return from the upcoming Thanksgiving week recess.

Let me be clear. I support the President. I think this administration is right on track when it comes to an economic stimulus package. However, any existing plan has to be modified to garner enough Senate support to pass.

We can't wait till later to get this job done. The administration and Congress have promised to enact a stimulus package. The American people expect a stimulus package. The markets expect a stimulus package. It would be a huge mistake to wait.

The retail sales reported yesterday showed sales up 7.1 percent in October. However, this was almost all due to aggressive and unsustainable incentives in the auto sector. In effect, these incentives are shifting auto sales that would have been made next year into this year. The economy is going to be in trouble once these incentives stop.

In order to break the impasse and move the process forward, let me describe the bill we have introduced today.

We propose a one-month payroll tax holiday, which would replace the current proposals for a supplemental rebate and the speed-up of the marginal rate reductions.

I'll tell you why.

IRS Commissioner Rossotti has raised administrative issues related to

the supplemental rebates. Because of where we are in the calendar, such rebates would have to be folded into the taxpayers' 2001 tax returns and refunds next spring.

A payroll tax holiday will be more effective at increasing spending than the rebate checks sent out earlier this year or a new round of rebate checks. It will put the tax cut in paychecks automatically, without the need for special mailings.

Psychologically, workers are used to adjusting their spending habits based on the size of their paychecks. At present, workers spend about 95 cents for every dollar of after-tax earnings. Increasing their after-tax earnings will therefore lead to more spending—if they perceive the tax cut to be part of their regular earnings.

That's why separate rebate checks don't work as well. When a worker gets a separate rebate check they are more likely to treat it as a special windfall gain and save the money or pay down debt. According to the University of Michigan, as of October, in the midst of a recession, only 30 percent of people receiving rebate checks were saying they would spend the money.

The speed-up of the marginal rate reductions up has been criticized as a permanent change in tax law that benefits upper income folks most.

The bottom line: A payroll tax holiday is truly a stimulative, temporary tax cut that is very likely to be spent.

All wage earners earning below \$80,400, even those that don't earn enough to pay income taxes, would benefit.

Both the employee and employer share (6.2 percent each) of the social security (OASDI) payroll tax would be suspended. Self-employed social security payroll taxes would also be suspended. The Social Security trust fund would be made whole via a transfer from the general fund.

Employees would have more take home pay and employers would have increased cash flow.

A school teacher making \$40,000 would see an increase in their take-home pay of \$207 in December. A self-employed contractor earning \$40,000 per year (who pays both the employer and employee share of 12.4 percent) would see an increase in pay of \$413.

It is most desirable to make the one-month period December 1, 2001 through December 31, 2001. A payroll tax holiday in December would be perfectly timed for the holiday shopping season. The whole tax cut would go out in only one month. We wouldn't have to wait for a new round of rebate checks to go out—a process that could take months and interfere with the speed of tax refunds.

In addition, in 2001 the payroll tax is applied to income up to \$80,400. By December, approximately 6 percent of wage earners have already reached the

limit and would not receive the benefit of the payroll tax holiday.

The cost of a December holiday is about \$38 billion in fiscal 2002. If the holiday were in January, the cost would be about \$43 billion, because all wage earners would receive the benefit.

Mr. President, we are at an impasse here in the Senate. Let's all admit that neither the Democratic plan nor the President's plan has the requisite 60 votes to pass this Chamber.

I believe this proposal could provide us with the key component to reaching a bipartisan way to enact a stimulus bill quickly.

Mr. BOND. Mr. President, Senator DOMENICI has a proposal he has crafted to provide immediate economic stimulus and assistance to low- and middle-income workers who have been suffering, as we all have, from the economic downturn.

I have signed on with him in support of his measure because his idea, which is a payroll tax holiday for December, would be the easiest, simplest, fairest, and most effective way to get a stimulus of between \$38 and \$41 billion directly into the pockets of middle and lower income workers in the United States.

This is not a tax cut for the rich because anybody who is making over \$80,000 a year has already finished making their Social Security or payroll tax, FICA tax, contributions. This would provide, if we can put this in the stimulus package and pass it quickly this month, that you would not send in your FICA tax withholdings or contributions for December. It is simple. Nothing goes in the mail. You don't have to worry about mail deliveries or all the problems we have had. Obviously, most people know we haven't had mail for almost a month in Congress. There are other places where security precautions have delayed the mail.

You don't have to go through a complicated system of developing regulations and rules or even cutting checks for a rebate. When the President proposed a rebate many weeks ago, there was time to get the rebate check prepared and get it out in December so we would have a productive, economically thriving holiday season. Unfortunately, because of the lateness of the hour, it is likely that a rebate check or other assistance that has to be paid out by check from the Federal Government will be 6 to 8 weeks away and will not hit in the pockets where the working men and women can spend it until sometime in January or February.

This obviously is one part of a stimulus package. I happen to believe that in addition to more generous unemployment benefits and providing assistance through grants to the States for health care, we also need to have assistance for small businesses, many of which have been absolutely savaged by

the economic downturn as well as the crash at the World Trade Center.

Those parts are important, too. I have some small business provisions I hope will be included in the stimulus package.

The great thing about the Domenici proposal for the FICA December tax holiday, not paying the Social Security withholding amounts in December, is that it can happen immediately. It will put the money in the pockets of those who can best spend it. It helps the single mom who is just struggling to get by. It helps the individual worker who makes about \$40,000. They would have \$210 more in their pockets. For a self-employed person who has to pay both the employee and employer side of the FICA tax, 12.4 percent, that would be about \$420 they would not have to send to the Federal Government in December. Of course, there would be a transfer from the general revenue to Social Security so we would not impact Social Security.

I urge all my colleagues to pay attention to the thoughtful and effective proposal Senator DOMENICI has outlined for us. This should be the centerpiece. Democrats and Republicans can come together behind this proposal, move it quickly; let's get moving. We are in an economic downturn. It has been going on for 15 months. It got a whole lot worse after September 11. This economy needs a boost. Leaving the FICA tax in the pockets of the people who are working, the medium- and low-income workers, and the people who employ them is the best way to get this economy moving again.

By Mr. BURNS:

S. 1718. A bill to amend the Internal Revenue Code of 1986 to extend section 29 to other facilities; to the Committee on Finance.

Mr. BURNS. Mr. President, today I rise to introduce the Clean Alternative Fuels Incentives Act of 2001. This bill extends and limits the credit of producing fuel from non-conventional sources to facilities that produce qualified fuels using technologies that provide certain environmental benefits, but only if such facilities produce enhanced value synthetic fuels from coal.

It is important to outline the goals of this legislation at the outset. The four primary goals of this bill are all very important to the future of this Nation. First, the use of alternative fuels reduces our Nation's trade imbalance and reliance on foreign energy sources. Second, the cleaner, alternative fuels emit cleaner byproduct into the environment. Third, these technologies produce jobs in the United States. Fourth, they encourage the development of technologies that will be economically viable after the short period during which the incentive is provided.

Starting with the energy crisis in the 1970s, Congress acted on numerous oc-

casions to provide tax credits intended to develop alternative fuels. Prior sessions of Congress took these steps in recognition of the need to encourage the development and use of alternative fuels, which they hoped would help lead our Nation towards energy independence.

Today our Nation not only needs to continue its efforts to develop alternative fuel resources, but given our constantly growing energy needs we must consider the environmental impact that conventional and non-conventional fuels have on our environment, particularly in light of the Clean Air Act.

In order to maximize the most efficient use of our Nation's reserves, this Congress needs to commit to the development of clean alternative fuels. My home State of Montana has vast coal reserves. In fact, many times our State has been referred to as the "Saudi Arabia of coal." Not only do we have vast reserves, but also with clean coal technologies we can use these resources and do little harm to the environment.

Those who say that coal is not one of the answers to energy independence because of its environmental impact are dead wrong. Coal-fired plants generate over 50 percent of our Nation's electricity. Interestingly, the Energy Information Administration, EIA, reported that Montana's emissions of nitrogen oxide, NOx, sulfur dioxide, SO2, and carbon dioxide, CO2, all decreased from 1986-1996 while producing the same amount of electricity. This proves to me that our coal technologies are improving. Folks, I believe the environmental emissions will continue to improve and if you provide incentives to help clean alternative fuels reach the marketplace, some day we will reach energy independence in this Nation.

One question that some of you may have is, "Are these proven technologies?" These are proven technologies, but to make the continued development of these technologies a reality, the Congress needs to provide meaningful incentives. The bill that I offer today accomplishes exactly that, it provides clean alternative sources of energy a real opportunity to bring energy independence to this Nation.

This bill would extend the non-conventional fuels credit for facilities that produce synthetic fuel from coal using a technology that results in: (1) Measurable reductions of certain emissions when producing the fuel or when the fuel is burned as a fuel, not including any reductions caused by dilution and (2) measurable increases in the value of coal, not including any increases caused by additives. These two factors will lead to accomplishment of the four goals I stated previously. First, the use of alternative fuels reduces our Nation's trade imbalance and reliance on foreign energy sources. Second, the

technologies provide cleaner emissions into the environment. Third, these technologies produce jobs in the United States. Fourth, they encourage the development of technologies that will be economically viable after the short period during which the incentive is provided.

I hope that Members of this body will support this important piece of legislation, which helps our Nation at a time of dire need.

By Mr. BAUCUS (for himself, Mr. HATCH, Mr. GRASSLEY, Mr. MILLER, and Mr. BENNETT):

S. 1722. A bill to amend the Internal Revenue Code of 1986 to simplify the application of the excise tax imposed on bows and arrows; to the Committee on Finance.

Mr. BAUCUS. Mr. President, along with my colleagues, Senators HATCH, MILLER, and GRASSLEY, I am pleased to introduce the Arrow Excise Tax Simplification Act of 2001. This bill will protect funding for the Wildlife Restoration Program, the Pittman-Robertson fund, by simplifying administration and compliance with the excise tax and closing an unintended loophole that allows arrows assembled outside the United States to avoid the excise tax imposed on domestic manufacturers.

The creation of the Wildlife Restoration Program is one of the great success stories of cooperation among America's sportsmen and women, State fish and wildlife agencies, and the sporting goods industry. Working together with Congress, Americans who enjoy the outdoors volunteered to pay an excise tax on sporting arms and ammunition to be used for hunter education programs, wildlife restoration, and habitat conservation.

Originally the archery industry did not participate in this program. However, the growth of bow hunting in the '60s and '70s led the archery industry to decide they would support the excise tax that funds State game agencies. As a result, the tax was extended to archery equipment in 1975. The tax on archery equipment was meant to parallel the tax that hunters were paying on firearms and ammunition. The archery industry and bow hunters are pleased to contribute to the success of the Wildlife Restoration Program.

Because current law taxes components and not arrows, foreign manufacturers are selling arrows in the United States without paying the excise tax that is imposed on arrows made in the United States. Not only are these untaxed imports unfair to American workers, they threaten the integrity of the Wildlife Restoration Fund.

This issue is important to companies in Montana. Mike Ellig, a manufacturer of archery products in Bozeman, MT, pays this tax. He supports the tax, but asks that it be fair. Mike's com-

pany, Montana Black Gold, and the archery industry want to support the Wildlife Restoration Program. But the way the tax works today, American manufacturers are at a competitive disadvantage.

This legislation will close the loophole that allows imported arrows to avoid the excise tax paid by domestic manufacturers. While keeping the current 12.4 percent tax on arrow components, the proposal will impose a tax of 12 percent on the first sale of an arrow assembled from untaxed components. U.S. manufacturers and foreign manufacturers will be treated equally.

Since this loophole was inadvertently created in 1997, archery imports, mostly finished arrows, increased from \$113,000 in 1997 to \$2,600,000 in 2001 to date. If Congress does not act quickly to close this loophole, domestic manufacturers will be forced to relocate outside of the United States. They simply cannot afford to lose market share for a fifth year to competitors who do not pay the same tax they pay. If a few more move overseas, the rest will follow. The result will be a catastrophic loss of revenue for the Federal Wildlife Restoration Fund.

Current law also taxes non-hunters, contrary to congressional intent. To relieve non-hunters from the requirement to pay for wildlife management, the legislation would eliminate the current-law tax on bows with draw weights of less than 30 pounds. Those bows are not suitable or, in many States, legal for hunting. To preserve the revenue for the Wildlife Restoration Fund, the bill would retain the current tax on bows that are suitable for hunting.

The proposal would also clarify that broadheads are an accessory taxed at 11 percent rather than as an arrow component taxed at 12.4 percent. This will correct the ambiguity in the 1997 act that led to the misclassification of broadheads.

In summary, the Arrow Excise Tax Simplification Act of 2001 would accomplish worthy objectives. It would close the loophole that allows foreign imported arrows to escape the tax and remove the tax on youth and recreational archery equipment that were never meant to be taxed. We will accomplish these goals while protecting the Wildlife Restoration Program by ensuring that there is no significant diminution of revenues collected by the archery excise tax. The Joint Committee on Taxation estimates the proposal will decrease revenues by \$5 million over ten years resulting in small changes in outlays from the Federal Aid in Wildlife Fund. Failure to close the import loophole will eviscerate the archery tax base resulting in devastating losses to the fund.

By Mr. LEAHY (for himself and Mr. GRASSLEY):

S. 1723. A bill to amend the Fair Credit Reporting Act with respect to the statute of limitations on actions; to the Committee on Banking, Housing, and Urban Affairs.

Mr. LEAHY. Mr. President, this week the U.S. Supreme Court issued a ruling interpreting a provision in the Fair Credit Reporting Act that will make it harder for Americans to protect their private financial data from identity theft. I rise today with the senior senator from Iowa to introduce the "Protect Victims of Identity Theft Act" to provide consumers in Vermont and across America with the protections that they need and deserve. I thank Senator GRASSLEY for his leadership and look forward to working with him on this legislation.

Unfortunately, identity theft victimizes thousands of Americans every year. Once a skilled scam artist gets his hands on a consumer's Social Security or bank account number, he can wreak unimaginable havoc on a family's finances.

With society conducting more and more of its business electronically, the incidence of identity theft in America is on the rise. As of June of this year, the Federal Trade Commission reported that its identity theft hotline was answering over 1,800 calls per week, up from the 445 calls per week the hotline received in November 1999. These calls are mostly from people who have been hurt by identity theft, but thousands of others come from consumers worried about becoming an identity thief's next victim.

When Congress passed the Fair Credit Reporting Act, FCRA, more than thirty years ago, it gave consumers important tools to ensure the accuracy and privacy of their credit information. The FCRA imposed affirmative obligations on the consumer reporting agencies that maintain these reports in order to protect consumers' private information from unauthorized disclosures. The FCRA says that consumer reporting agencies must maintain "reasonable procedures" to avoid improper use of a consumer's private information.

These safeguards are essential to protect each American's confidential financial information. The FCRA demands that consumer reporting agencies require that prospective users of credit information identify themselves, certify the purposes for which they are seeking the information, and verify that they will not use the information for any other purpose, to name just a few examples. Consumer reporting agencies that fail to live up to these obligations or that are careless with consumers' private information can be held liable to consumers harmed by their security lapses.

Current law provides consumers 2 years from the "date on which the liability arises" to bring suit against a

non-compliant consumer reporting agency. This week, the United States Supreme Court concluded that the term "the date on which liability arises," means the day that a consumer reporting agency fails to comply with FCRA's requirements. *TRW Inc. v. Andrews*, 2001 WL 1401902 (Nov. 13, 2001). As a result, the statute of limitations clock starts ticking whether or not a consumer is aware that information about his finances has been illegally handled or disclosed. That means that the 2-year limitations period can expire before a consumer even suspects that her credit information has fallen into the wrong hands.

The 750,000 Americans who annually have their identity stolen and their credit put at risk deserve better. It is unfair for the law to only protect consumers if they discover the identity theft within 2 years of the crime, even if the consumer had no reason to know about it. That stands the normal rule of discovery for fraud on its head.

Our bipartisan legislation would clarify that the statute of limitations for identity theft does not start until the consumer discovers the problem or should have discovered the problem through the exercise of reasonable diligence. The exercise of reasonable diligence is the traditional common law duty under fraud discovery rules and does not impose any new mandate or requirement on a consumer under the FCRA. This change in the law ensures that consumers have a fair opportunity to vindicate their rights.

This bipartisan legislative fix is needed to put a stop to identity theft. It will encourage consumer reporting agencies to establish proper security measures needed to deny identity thieves access to Americans' most personal financial information. It ensures that the Fair Credit Reporting Act has real teeth to fulfill its mission of protecting the accuracy and privacy of consumer credit information. And it will give consumers in Vermont and across America a fair shot at vindicating their right to keep private information away from unscrupulous con artists.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1723

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Protect Victims of Identity Theft Act of 2001".

SEC. 2. AMENDMENT TO THE FAIR CREDIT REPORTING ACT.

Section 618 of the Fair Credit Reporting Act (15 U.S.C. 1681p) is amended to read as follows:

"SEC. 618. JURISDICTION OF COURTS; LIMITATIONS OF ACTIONS.

"(a) IN GENERAL.—An action to enforce any liability created under this title may be

brought in any appropriate United States district court, without regard to the amount in controversy, or in any other court of competent jurisdiction, not later than 2 years after the date on which the violation is discovered or should have been discovered by the exercise of reasonable diligence.

"(b) WILLFUL MISREPRESENTATION.—The limitations period prescribed in subsection (a) shall be tolled during any period during which a defendant has materially and willfully misrepresented any information required under this title to be disclosed to an individual, and the information so misrepresented is material to the establishment of the liability of the defendant to that individual under this title."

Mr. GRASSLEY. Mr. President, I am pleased to join my colleague from Vermont in introducing a bill to protect victims of identity theft.

This legislative remedy is prompted by the sweeping impact of the Supreme Court's decision this past week on the rights of more than 750,000 Americans who annually have their identity stolen and their credit put at risk. Under current law, consumers have a two-year statute of limitations to sue credit reporting companies that fail to protect private financial information from improper disclosures and security lapses. The problem with the Supreme Court's decision is that a victim of identity theft often has no idea that information about his finances has been negligently handled or disclosed by a credit reporting company until it's too late to take any legal action. Under current law, the two year statute of limitations begins when the consumer's credit reporting company fails to comply with the law—not when the consumer discovers or should have discovered the problem.

Our bill, the Protect the Victims of Identity Theft Act of 2001, changes that rule. As stated, it simply clarifies that the statute of limitations for identity theft does not start until the consumer discovers the problem or should have discovered the problem. This change in the law ensures that consumers have a fair chance to vindicate their rights should credit reporting companies fail to take reasonable steps to protect private financial and personal information from theft and misuse.

I urge my Senate colleagues to join us in co-sponsoring this legislation to protect the American consumer.

By Ms. SNOWE:

S. 1725. A bill to require the Comptroller General to carry out a study to determine the feasibility of undertaking passenger rail transportation security programs that are similar to those of foreign countries; to the Committee on Commerce, Science, and Transportation.

Ms. SNOWE. Mr. President, in the last two months we have experienced a steep learning curve as a country and as a Congress in our efforts to improve homeland security.

As we saw with the drafting of the airline security bill, the United States

has not cornered the market on security innovations and measures; there is much we can learn from other countries that have faced or addressed the same challenges. For this reason, I am introducing legislation that would require the General Accounting Office to initiate a study examining the security measures that have worked for other regions and countries such as the European Union and Japan.

For example, the \$15 billion channel tunnel or Chunnel linking England to the European continent has been open to train service, for passengers and freight, since 1994 without a major security incident. In 2000 alone, 2.8 million cars, 7.1 million passengers, and 2.9 million tons of freight made the 31 mile journey under the English Channel safely.

Security has always been a major concern for the Chunnel and that Britain, France, and Eurotunnel, the company operating the tunnel, have made security a top priority without degrading passenger service. In fact, in addition to its private security staff provided by Eurotunnel, the Chunnel is policed by a bi-national force of police, immigration, and customs officers with armed patrols in the British and French terminals. And both the company and the respective government agencies also conduct routine intelligence-led security checks on both passenger and freight vehicles.

So I suspect that our friends in Europe, and in Asia, and other regions, may be able to provide valuable insight on how we can improve our rail transportation security. It is my intent with this bill to direct the General Accounting Office to complete, no later than January 2002, a study of rail transport security measures in other countries in an effort to seek innovative screening procedures and processes and other security measures that may be a benefit to the United States. Subsequently, an assessment of these measures would be provided to Congress.

In the hours and days after September 11, Americans discovered we are not alone in this struggle and I urge my colleagues to support this bill that encourages the United States to reach out and learn from others.

By Ms. SNOWE:

S. 1728. A bill to provide for greater security at seaports; to the Committee on Commerce, Science, and Transportation.

Ms. SNOWE. Mr. President, I rise today to introduce the Maritime Security Advancement Act which is designed to mitigate the threat of maritime- and seaport-related terrorism.

In the aftermath of the despicable terrorist attacks of September 11, I believe it is critical that we pass the strongest possible security enhancements to our transportation system

and do so as soon as possible. To this end, we have been working to enhance aviation security, and for obvious reasons, this has been one of our first and highest priorities in the wake of the recent attacks. At the same time, we must also address concerns about highway safety, rail safety, pipeline safety, and maritime and seaport security. I support efforts to close the security gaps in each and every mode in the vast national and international transportation network that is so critical to our economy, our freedom, and our way of life.

We are going to need the resources of the United States coupled with the cooperation of our global neighbors in order to wage the war against terrorism. For it is a fight we must win, and will win. The purpose of the legislation I am introducing today is to employ more tools in the fight against terrorism. Specifically, the Maritime Security Advancement Act would direct the Secretary of Transportation, in awarding loan guarantees, grants, and other forms of financial support for research and development under the discretionary authority of the U.S. Department of Transportation, to give preference to projects with the potential to reduce the threat of maritime- and seaport-related terrorism.

For example, the legislation would promote the development of projects designed to increase the feasibility of securing cargo, sealing containers, and making cargo containers more tamper resistant; improve cargo container content labeling technologies; and provide for innovations in the physical handling of cargo in ways that could reduce the threat of terrorism aimed at our maritime transportation system.

The bill would also direct the Secretary to identify the technologies with the potential to provide the greatest security with respect to handline, labeling, sealing, and transportation of cargo and report to Congress on its findings. And the bill authorizes the Secretary to issue new rules requiring deployment of such technologies and practices in an effort to enhance security and reduce the threat of terrorism.

We must leave no stone unturned in the effort to preserve the security of this nation's transportation infrastructure, so that we might both carry on the business of the Nation and ensure our continued economic viability, and also ensure that we are in good position of strength to be able to wage the kind of war necessary to eradicate terrorism. And we cannot remain strong if we cannot remain mobile. Accordingly, I urge my colleagues to join me in supporting this legislation.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 182—EXPRESSING THE SENSE OF THE SENATE THAT THE UNITED STATES SHOULD ALLOCATE SIGNIFICANTLY MORE RESOURCES TO COMBAT GLOBAL POVERTY

Mrs. FEINSTEIN (for herself, Mr. SMITH of Oregon, and Mr. LEAHY) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 182

Whereas the World Bank estimates that 1,200,000,000 people in the world live on less than \$1 a day, and of these, more than 550,000,000 are in South Asia, which is 40 percent of the South Asian population, and more than 290,000,000 are in sub-Saharan Africa, which is approximately 50 percent of the sub-Saharan population;

Whereas 3,000,000,000 people, about half the world's population, live on approximately \$2 a day;

Whereas 1,200,000,000 people lack access to safe drinking water;

Whereas 2,900,000,000 people have inadequate access to sanitation;

Whereas at least 1,000,000,000 people in developing nations are unemployed or underemployed;

Whereas according to a Congressional Budget Office report entitled "The Role of Foreign Aid in Development", United States spending on foreign assistance has fluctuated from year-to-year but has been on a downward path since the 1960's;

Whereas in 1962, more than 3 percent of the Federal budget was spent on foreign assistance;

Whereas in 2001, foreign assistance amounts to 0.79 percent of the Federal budget, less than half of what it was 15 years ago, and less than a third of what it was 40 years ago;

Whereas United States foreign economic and development assistance represents less than 0.60 percent of the Federal budget;

Whereas United States foreign assistance amounts to only slightly more than 0.10 percent of Gross Domestic Product, or approximately \$30 per American citizen per year;

Whereas according to the Organization for Economic Cooperation and Development, the United States in recent years has ranked next to last among 21 industrialized donor countries in per capita foreign assistance spending; and

Whereas reducing poverty, promoting equitable economic growth, and developing democratic institutions advances United States national security interests, and the failure to address these issues, and the resulting social, economic, and political instability and violence, places United States national security interests and the welfare and safety of United States citizens at risk: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) widespread poverty in developing nations contributes to social, economic, and political instability and violence which can lead to failed states and the conditions in which terrorist recruitment and terrorist organizations flourish;

(2) United States bilateral assistance programs and contributions to multilateral assistance programs must be robust enough to effectively address development needs;

(3) the United States, the world's wealthiest, most powerful Nation, in order to promote its humanitarian, economic, and security interests around the world, should increase foreign assistance spending by at least 25 percent per year for the next 5 years, and with the goal of reaching an amount equal to or exceeding 3 percent of the Federal budget by 2010; and

(4) the Administrator of the United States Agency for International Development should—

(A) conduct a top-to-bottom evaluation of current foreign assistance efforts to evaluate effectiveness;

(B) work with private voluntary organizations, foundations, and corporations to identify areas where increased, targeted foreign assistance could help reduce poverty, and promote equitable economic growth and the development of democratic institutions; and

(C) not later than 6 months after the date of adoption of this resolution, submit a report to the appropriate committees in Congress describing the Administrator's findings and recommendations for foreign assistance funding and policies to reduce poverty, and promote equitable economic growth and the development of democratic institutions.

SENATE RESOLUTION 183—EXPRESSING THE SENSE OF THE SENATE REGARDING THE ESTABLISHMENT OF A NATIONAL WORDS CAN HEAL DAY

Mr. REID (for himself, Mr. BROWNBACK, Mr. SCHUMER, Mr. DASCHLE, Mr. LIEBERMAN, Mrs. BOXER, Mr. MCCAIN, Mr. CLELAND, Mr. DORGAN, Mr. JOHNSON, Mr. LEVIN, and Ms. MIKULSKI) submitted the following resolution; which was considered and agreed to:

S. RES. 183

Whereas the Jerusalem Fund has launched a Words Can Heal Campaign on September 4, 2001, to reduce verbal violence and gossip and to promote the value and practice of ethical speech in order to improve our democracy, build mutual respect, honor, and dignity in our country;

Whereas words used unfairly, whether expressed through excessive anger, unfair criticism, public and private humiliation, bigoted comments, cruel jokes, or rumors and malicious gossip, can traumatize and damage many lives;

Whereas an unwillingness or inability of many parents to control what they say when angry causes the infliction of potentially damaging verbal abuse on children;

Whereas bigoted words are often used to dehumanize entire religious, racial, and ethnic groups, and can inflame hostility;

Whereas the spreading of negative often unfair, untrue, or exaggerated, comments or rumors about others often inflicts irrevocable damage on the victim of such rumors;

Whereas the Words Can Heal Campaign will raise awareness regarding the damage that can be caused by destructive language; and

Whereas, the Senate supports the goals of the Words Can Heal Campaign: Now, therefore, be it

Resolved, That it is the sense of the Senate—

(1) the Senate supports the goals of the Words Can Heal Campaign; and

(2) the President should issue a proclamation calling on the people of the United

States to support the goals of such campaign with appropriate programs and activities.

SENATE CONCURRENT RESOLUTION 85—PROVIDING FOR A CONDITIONAL ADJOURNMENT OR RECESS OF THE SENATE AND A CONDITIONAL ADJOURNMENT OF THE HOUSE OF REPRESENTATIVES

Mr. DASCHLE submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 85

Resolved by the Senate (the House of Representatives concurring), That when the House adjourns on the legislative day of Friday, November 16, 2001, Saturday, November 17, 2001, Monday, November 19, 2001, or Tuesday, November 20, 2001, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Tuesday, November 27, 2001, or until Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns at the close of business on Friday, November 16, 2001, or Saturday, November 17, 2001, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Tuesday, November 27, 2001, or at such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate whenever, in their opinion, the public interest shall warrant it.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2163. Mr. TORRICELLI (for Mr. BAUCUS) proposed an amendment to the bill H.R. 2884, An act to amend the Internal Revenue Code of 1986 to provide tax relief for victims of the terrorist attacks against the United States, and for other purposes.

SA 2164. Mr. REID (for Mr. KERRY) proposed an amendment to the bill S. 174, to amend the Small Business Act with respect to the microloan program, and for other purposes.

SA 2165. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill H.R. 3090, to provide tax incentives for economic recovery; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2163. Mr. TORRICELLI (for Mr. BAUCUS) proposed an amendment to the bill H.R. 2884, an act to amend the Internal Revenue Code of 1986 to provide tax relief for victims of the terrorist attacks against the United States, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; ETC.

(a) **SHORT TITLE.**—This Act may be cited as the “Victims of Terrorism Tax Relief Act of 2001”.

(b) **AMENDMENT OF 1986 CODE.**—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

Sec. 1. Short title; etc.

TITLE I—RELIEF PROVISIONS FOR VICTIMS OF TERRORIST ATTACKS

Sec. 101. Income and employment taxes of victims of terrorist attacks.

Sec. 102. Estate tax reduction.

Sec. 103. Payments by charitable organizations treated as exempt payments.

Sec. 104. Exclusion of certain cancellations of indebtedness.

Sec. 105. Treatment of certain structured settlement payments and disability trusts.

Sec. 106. No impact on social security trust funds.

TITLE II—GENERAL RELIEF FOR VICTIMS OF DISASTERS AND TERRORISTIC OR MILITARY ACTIONS

Sec. 201. Exclusion for disaster relief payments.

Sec. 202. Authority to postpone certain deadlines and required actions.

Sec. 203. Internal Revenue Service disaster response team.

Sec. 204. Application of certain provisions to terroristic or military actions.

Sec. 205. Clarification of due date for airline excise tax deposits.

Sec. 206. Coordination with Air Transportation Safety and System Stabilization Act.

TITLE III—DISCLOSURE OF TAX INFORMATION IN TERRORISM AND NATIONAL SECURITY INVESTIGATIONS

Sec. 301. Disclosure of tax information in terrorism and national security investigations.

TITLE I—RELIEF PROVISIONS FOR VICTIMS OF TERRORIST ATTACKS

SEC. 101. INCOME AND EMPLOYMENT TAXES OF VICTIMS OF TERRORIST ATTACKS.

(a) **IN GENERAL.**—Section 692 (relating to income taxes of members of Armed Forces on death) is amended by adding at the end the following new subsection:

“(d) **INDIVIDUALS DYING AS A RESULT OF CERTAIN TERRORIST ATTACKS.**—

“(1) **IN GENERAL.**—In the case of any individual who dies as a result of wounds or injury incurred as a result of the terrorist attacks against the United States on April 19, 1995, or September 11, 2001, or who dies as a result of illness incurred as a result of a terrorist attack involving anthrax occurring on or after September 11, 2001, and before January 1, 2002, any tax imposed by this subtitle shall not apply—

“(A) with respect to the taxable year in which falls the date of such individual’s death, and

“(B) with respect to any prior taxable year in the period beginning with the last taxable year ending before the taxable year in which the wounds, injury, or illness were incurred.

“(2) **EXCEPTIONS.**—

“(A) **TAXATION OF CERTAIN BENEFITS.**—Subject to such rules as the Secretary may pre-

scribe, paragraph (1) shall not apply to the amount of any tax imposed by this subtitle which would be computed by only taking into account the items of income, gain, or other amounts attributable to—

“(i) amounts payable in the taxable year by reason of the death of an individual described in paragraph (1) which would have been payable in such taxable year if the death had occurred by reason of an event other than an event described in paragraph (1), or

“(ii) amounts payable in the taxable year which would not have been payable in such taxable year but for an action taken after the date of the applicable terrorist attack.

“(B) **NO RELIEF FOR PERPETRATORS.**—Paragraph (1) shall not apply with respect to any individual identified by the Attorney General to have been a participant or conspirator in any event described in paragraph (1), or a representative of such individual.”.

(b) **REFUND OF OTHER TAXES PAID.**—Section 692, as amended by subsection (a), is amended by adding at the end the following new subsection:

“(e) **REFUND OF OTHER TAXES PAID.**—In determining the amount of tax under this section to be credited or refunded as an overpayment with respect to any individual for any period, such amount shall be increased by an amount equal to the amount of taxes imposed and collected under chapter 21 and sections 3201(a), 3211(a)(1), and 3221(a) with respect to such individual for such period.”.

(c) **CONFORMING AMENDMENTS.**—

(1) Section 5(b)(1) is amended by inserting “and victims of certain terrorist attacks” before “on death”.

(2) Section 6013(f)(2)(B) is amended by inserting “and victims of certain terrorist attacks” before “on death”.

(d) **CLERICAL AMENDMENTS.**—

(1) The heading of section 692 is amended to read as follows:

“**SEC. 692. INCOME AND EMPLOYMENT TAXES OF MEMBERS OF ARMED FORCES AND VICTIMS OF CERTAIN TERRORIST ATTACKS ON DEATH.**”.

(2) The item relating to section 692 in the table of sections for part II of subchapter J of chapter 1 is amended to read as follows:

“Sec. 692. Income and employment taxes of members of Armed Forces and victims of certain terrorist attacks on death.”.

(e) **EFFECTIVE DATE; WAIVER OF LIMITATIONS.**—

(1) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years ending before, on, or after September 11, 2001.

(2) **WAIVER OF LIMITATIONS.**—If refund or credit of any overpayment of tax resulting from the amendments made by this section is prevented at any time before the close of the 1-year period beginning on the date of the enactment of this Act by the operation of any law or rule of law (including res judicata), such refund or credit may nevertheless be made or allowed if claim therefor is filed before the close of such period.

SEC. 102. ESTATE TAX REDUCTION.

(a) **IN GENERAL.**—Section 2201 is amended to read as follows:

“**SEC. 2201. COMBAT ZONE-RELATED DEATHS OF MEMBERS OF THE ARMED FORCES AND DEATHS OF VICTIMS OF CERTAIN TERRORIST ATTACKS.**

“(a) **IN GENERAL.**—Unless the executor elects not to have this section apply, in applying section 2001 to the estate of a qualified decedent, the rate schedule set forth in subsection (c) shall be deemed to be the rate schedule set forth in section 2001(c).

“(b) **QUALIFIED DECEDENT.**—For purposes of this section, the term ‘qualified decedent’ means—

“(1) any citizen or resident of the United States dying while in active service of the Armed Forces of the United States, if such decedent—

“(A) was killed in action while serving in a combat zone, as determined under section 112(c), or

“(B) died as a result of wounds, disease, or injury suffered while serving in a combat zone (as determined under section 112(c)), and while in the line of duty, by reason of a hazard to which such decedent was subjected as an incident of such service, or

“(2) any individual who died as a result of wounds or injury incurred as a result of the terrorist attacks against the United States on April 19, 1995, or September 11, 2001, or who died as a result of illness incurred as a result of a terrorist attack involving anthrax occurring on or after September 11, 2001, and before January 1, 2002.

Paragraph (2) shall not apply with respect to any individual identified by the Attorney General to have been a participant or conspirator in any such terrorist attack, or a representative of such individual.

“(c) **RATE SCHEDULE.**—

“If the amount with respect to which the tentative tax to be computed is:	The tentative tax is:
Not over \$150,000	1 percent of the amount by which such amount exceeds \$100,000.
Over \$150,000 but not over \$200,000.	\$500 plus 2 percent of the excess over \$150,000.
Over \$200,000 but not over \$300,000.	\$1,500 plus 3 percent of the excess over \$200,000.
Over \$300,000 but not over \$500,000.	\$4,500 plus 4 percent of the excess over \$300,000.
Over \$500,000 but not over \$700,000.	\$12,500 plus 5 percent of the excess over \$500,000.
Over \$700,000 but not over \$900,000.	\$22,500 plus 6 percent of the excess over \$700,000.
Over \$900,000 but not over \$1,100,000.	\$34,500 plus 7 percent of the excess over \$900,000.
Over \$1,100,000 but not over \$1,600,000.	\$48,500 plus 8 percent of the excess over \$1,100,000.
Over \$1,600,000 but not over \$2,100,000.	\$88,500 plus 9 percent of the excess over \$1,600,000.
Over \$2,100,000 but not over \$2,600,000.	\$133,500 plus 10 percent of the excess over \$2,100,000.
Over \$2,600,000 but not over \$3,100,000.	\$183,500 plus 11 percent of the excess over \$2,600,000.
Over \$3,100,000 but not over \$3,600,000.	\$238,500 plus 12 percent of the excess over \$3,100,000.
Over \$3,600,000 but not over \$4,100,000.	\$298,500 plus 13 percent of the excess over \$3,600,000.
Over \$4,100,000 but not over \$5,100,000.	\$363,500 plus 14 percent of the excess over \$4,100,000.
Over \$5,100,000 but not over \$6,100,000.	\$503,500 plus 15 percent of the excess over \$5,100,000.
Over \$6,100,000 but not over \$7,100,000.	\$653,500 plus 16 percent of the excess over \$6,100,000.
Over \$7,100,000 but not over \$8,100,000.	\$813,500 plus 17 percent of the excess over \$7,100,000.
Over \$8,100,000 but not over \$9,100,000.	\$983,500 plus 18 percent of the excess over \$8,100,000.
Over \$9,100,000 but not over \$10,100,000.	\$1,163,500 plus 19 percent of the excess over \$9,100,000.
Over \$10,100,000	\$1,353,500 plus 20 percent of the excess over \$10,100,000.

“(d) **DETERMINATION OF UNIFIED CREDIT.**—In the case of an estate to which this section applies, subsection (a) shall not apply in determining the credit under section 2010.”.

(b) **CONFORMING AMENDMENTS.**—

(1) Section 2011 is amended by striking subsection (d) and by redesignating subsections (e), (f), and (g) as subsections (d), (e), and (f), respectively.

(2) Section 2053(d)(3)(B) is amended by striking “section 2011(e)” and inserting “section 2011(d)”.

(3) Paragraph (9) of section 532(c) of the Economic Growth and Tax Relief Reconciliation Act of 2001 is repealed.

(c) **CLERICAL AMENDMENT.**—The item relating to section 2201 in the table of sections for subchapter C of chapter 11 is amended to read as follows:

“Sec. 2201. Combat zone-related deaths of members of the Armed Forces and deaths of victims of certain terrorist attacks.”.

(d) **EFFECTIVE DATE; WAIVER OF LIMITATIONS.**—

(1) **EFFECTIVE DATE.**—The amendments made by this section shall apply to estates of decedents—

(A) dying on or after September 11, 2001, and

(B) in the case of individuals dying as a result of the April 19, 1995, terrorist attack, dying on or after April 19, 1995.

(2) **WAIVER OF LIMITATIONS.**—If refund or credit of any overpayment of tax resulting from the amendments made by this section is prevented at any time before the close of the 1-year period beginning on the date of the enactment of this Act by the operation of any law or rule of law (including res judicata), such refund or credit may nevertheless be made or allowed if claim therefor is filed before the close of such period.

SEC. 103. PAYMENTS BY CHARITABLE ORGANIZATIONS TREATED AS EXEMPT PAYMENTS.

(a) **IN GENERAL.**—For purposes of the Internal Revenue Code of 1986—

(1) payments made by an organization described in section 501(c)(3) of such Code by reason of the death, injury, wounding, or illness of an individual incurred as the result of the terrorist attacks against the United States on September 11, 2001, or a terrorist attack involving anthrax occurring on or after September 11, 2001, and before January 1, 2002, shall be treated as related to the purpose or function constituting the basis for such organization's exemption under section 501 of such Code if such payments are made using an objective formula which is consistently applied, and

(2) in the case of a private foundation (as defined in section 509 of such Code), any payment described in paragraph (1) shall not be treated as made to a disqualified person for purposes of section 4941 of such Code.

(b) **EFFECTIVE DATE.**—This section shall apply to payments made on or after September 11, 2001.

SEC. 104. EXCLUSION OF CERTAIN CANCELLATIONS OF INDEBTEDNESS.

(a) **IN GENERAL.**—For purposes of the Internal Revenue Code of 1986—

(1) gross income shall not include any amount which (but for this section) would be includible in gross income by reason of the discharge (in whole or in part) of indebtedness of any taxpayer if the discharge is by reason of the death of an individual incurred as the result of the terrorist attacks against the United States on September 11, 2001, or a terrorist attack involving anthrax occurring on or after September 11, 2001, and before January 1, 2002, and

(2) return requirements under section 6050P of such Code shall not apply to any discharge described in paragraph (1).

(b) **EFFECTIVE DATE.**—This section shall apply to discharges made on or after September 11, 2001, and before January 1, 2002.

SEC. 105. TREATMENT OF CERTAIN STRUCTURED SETTLEMENT PAYMENTS AND DISABILITY TRUSTS.

(a) **IMPOSITION OF EXCISE TAX ON PERSONS WHO ACQUIRE CERTAIN STRUCTURED SETTLEMENT PAYMENTS IN FACTORING TRANSACTIONS.**—

(1) **IN GENERAL.**—Subtitle E is amended by adding at the end the following new chapter:

“CHAPTER 55—STRUCTURED SETTLEMENT FACTORING TRANSACTIONS

“Sec. 5891. Structured settlement factoring transactions for certain victims of terrorism.

“SEC. 5891. STRUCTURED SETTLEMENT FACTORING TRANSACTIONS FOR CERTAIN VICTIMS OF TERRORISM.

“(a) **IMPOSITION OF TAX.**—There is hereby imposed on any person who acquires directly or indirectly structured settlement payment rights in a structured settlement factoring transaction a tax equal to 40 percent of the factoring discount as determined under subsection (c)(4) with respect to such factoring transaction.

“(b) **EXCEPTION FOR CERTAIN APPROVED TRANSACTIONS.**—

“(1) **IN GENERAL.**—The tax under subsection (a) shall not apply in the case of a structured settlement factoring transaction in which the transfer of structured settlement payment rights is approved in advance in a qualified order.

“(2) **QUALIFIED ORDER.**—For purposes of this section, the term ‘qualified order’ means a final order, judgment, or decree which—

“(A) finds that the transfer described in paragraph (1)—

“(i) does not contravene any Federal or State statute or the order of any court or responsible administrative authority, and

“(ii) is in the best interest of the payee, taking into account the welfare and support of the payee's dependents, and

“(B) is issued—

“(i) under the authority of an applicable State statute by an applicable State court, or

“(ii) by the responsible administrative authority (if any) which has exclusive jurisdiction over the underlying action or proceeding which was resolved by means of the structured settlement.

“(3) **APPLICABLE STATE STATUTE.**—For purposes of this section, the term ‘applicable State statute’ means a statute providing for the entry of an order, judgment, or decree described in paragraph (2)(A) which is enacted by—

“(A) the State in which the payee of the structured settlement is domiciled, or

“(B) if there is no statute described in subparagraph (A), the State in which either the party to the structured settlement (including an assignee under a qualified assignment under section 130) or the person issuing the funding asset for the structured settlement is domiciled or has its principal place of business.

“(4) **APPLICABLE STATE COURT.**—For purposes of this section—

“(A) **IN GENERAL.**—The term ‘applicable State court’ means, with respect to any applicable State statute, a court of the State which enacted such statute.

“(B) **SPECIAL RULE.**—In the case of an applicable State statute described in paragraph (3)(B), such term also includes a court of the State in which the payee of the structured settlement is domiciled.

“(5) **QUALIFIED ORDER DISPOSITIVE.**—A qualified order shall be treated as dispositive

for purposes of the exception under this subsection.

“(c) DEFINITIONS.—For purposes of this section—

“(1) STRUCTURED SETTLEMENT.—The term ‘structured settlement’ means an arrangement—

“(A) which is established by—

“(i) suit or agreement for the periodic payment of damages excludable from the gross income of the recipient under section 104(a)(2), or

“(ii) agreement for the periodic payment of compensation under any workers’ compensation law excludable from the gross income of the recipient under section 104(a)(1), and

“(B) under which the periodic payments are—

“(i) of the character described in subparagraphs (A) and (B) of section 130(c)(2), and

“(ii) payable by a person who is a party to the suit or agreement or to the workers’ compensation claim or by a person who has assumed the liability for such periodic payments under a qualified assignment in accordance with section 130.

“(2) STRUCTURED SETTLEMENT PAYMENT RIGHTS.—The term ‘structured settlement payment rights’ means rights to receive payments under a structured settlement relating to claims for death, wounding, injury, or illness as a result of the terrorist attacks against the United States on September 11, 2001, or a terrorist attack involving anthrax occurring on or after September 11, 2001, and before January 1, 2002.

“(3) STRUCTURED SETTLEMENT FACTORING TRANSACTION.—

“(A) IN GENERAL.—The term ‘structured settlement factoring transaction’ means a transfer of structured settlement payment rights (including portions of structured settlement payments) made for consideration by means of sale, assignment, pledge, or other form of encumbrance or alienation for consideration.

“(B) EXCEPTION.—Such term shall not include—

“(i) the creation or perfection of a security interest in structured settlement payment rights under a blanket security agreement entered into with an insured depository institution in the absence of any action to redirect the structured settlement payments to such institution (or agent or successor thereof) or otherwise to enforce such blanket security interest as against the structured settlement payment rights, or

“(ii) a subsequent transfer of structured settlement payment rights acquired in a structured settlement factoring transaction.

“(4) FACTORING DISCOUNT.—The term ‘factoring discount’ means an amount equal to the excess of—

“(A) the aggregate undiscounted amount of structured settlement payments being acquired in the structured settlement factoring transaction, over

“(B) the total amount actually paid by the acquirer to the person from whom such structured settlement payments are acquired.

“(5) RESPONSIBLE ADMINISTRATIVE AUTHORITY.—The term ‘responsible administrative authority’ means the administrative authority which had jurisdiction over the underlying action or proceeding which was resolved by means of the structured settlement.

“(6) STATE.—The term ‘State’ includes the Commonwealth of Puerto Rico and any possession of the United States.

“(d) COORDINATION WITH OTHER PROVISIONS.—

“(1) IN GENERAL.—If the applicable requirements of sections 72, 104(a)(1), 104(a)(2), 130, and 461(h) were satisfied at the time the structured settlement involving structured settlement payment rights was entered into, the subsequent occurrence of a structured settlement factoring transaction shall not affect the application of the provisions of such sections to the parties to the structured settlement (including an assignee under a qualified assignment under section 130) in any taxable year.

“(2) NO WITHHOLDING OF TAX.—The provisions of section 3405 regarding withholding of tax shall not apply to the person making the payments in the event of a structured settlement factoring transaction.

“(3) NO INFERENCE.—No inference shall be drawn from the application of this subsection to only those payment rights described in subsection (c)(2).”.

(2) CLERICAL AMENDMENT.—The table of chapters for subtitle E is amended by adding at the end the following new item:

“Chapter 55. Structured settlement factoring transactions.”.

(3) EFFECTIVE DATES.—

(A) IN GENERAL.—The amendments made by this subsection (other than the provisions of section 5891(d) of the Internal Revenue Code of 1986, as added by this subsection) shall apply to structured settlement factoring transactions (as defined in section 5891(c) of such Code (as so added)) entered into on or after the 30th day following the date of the enactment of this Act.

(B) CLARIFICATION OF EXISTING LAW.—Section 5891(d) of such Code (as so added) shall apply to structured settlement factoring transactions (as defined in section 5891(c) of such Code (as so added)) entered into on or after such 30th day.

(C) TRANSITION RULE.—In the case of a structured settlement factoring transaction entered into during the period beginning on the 30th day following the date of the enactment of this Act and ending on July 1, 2002, no tax shall be imposed under section 5891(a) of such Code if—

(i) the structured settlement payee is domiciled in a State (or possession of the United States) which has not enacted a statute providing that the structured settlement factoring transaction is ineffective unless the transaction has been approved by an order, judgment, or decree of a court (or where applicable, a responsible administrative authority) which finds that such transaction—

(I) does not contravene any Federal or State statute or the order of any court (or responsible administrative authority), and

(II) is in the best interest of the structured settlement payee or is appropriate in light of a hardship faced by the payee, and

(ii) the person acquiring the structured settlement payment rights discloses to the structured settlement payee in advance of the structured settlement factoring transaction the amounts and due dates of the payments to be transferred, the aggregate amount to be transferred, the consideration to be received by the structured settlement payee for the transferred payments, the discounted present value of the transferred payments (including the present value as determined in the manner described in section 7520 of such Code), and the expenses required under the terms of the structured settlement factoring transaction to be paid by the structured settlement payee or deducted from the proceeds of such transaction.

(b) PERSONAL EXEMPTION DEDUCTION FOR CERTAIN DISABILITY TRUSTS.—

(1) IN GENERAL.—Section 642(b) (relating to deduction for personal exemption) is amended—

(A) by striking “An estate” and inserting: “(1) IN GENERAL.—An estate”, and

(2) by adding at the end the following new paragraph:

“(2) FULL PERSONAL EXEMPTION AMOUNT FOR CERTAIN DISABILITY TRUSTS.—Paragraph (1) shall not apply, and the deduction under section 151 shall apply, to any disability trust described in subsection (c)(2)(B)(iv), (d)(4)(A), or (d)(4)(C) of section 1917 of the Social Security Act (42 U.S.C. 1396p) for a beneficiary disabled as the result of a wounding, injury, or illness as a result of the terrorist attacks against the United States on April 19, 1995, or September 11, 2001, or a terrorist attack involving anthrax occurring on or after September 11, 2001, and before January 1, 2002.”.

(2) EFFECTIVE DATE; WAIVER OF LIMITATIONS.—

(A) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years ending before, on, or after September 11, 2001.

(B) WAIVER OF LIMITATIONS.—If refund or credit of any overpayment of tax resulting from the amendments made by this subsection is prevented at any time before the close of the 1-year period beginning on the date of the enactment of this Act by the operation of any law or rule of law (including res judicata), such refund or credit may nevertheless be made or allowed if claim therefor is filed before the close of such period.

SEC. 106. NO IMPACT ON SOCIAL SECURITY TRUST FUND.

(a) IN GENERAL.—Nothing in this title (or an amendment made by this title) shall be construed to alter or amend title II of the Social Security Act (or any regulation promulgated under that Act).

(b) TRANSFERS.—

(1) ESTIMATE OF SECRETARY.—The Secretary of the Treasury shall annually estimate the impact that the enactment of this Act has on the income and balances of the trust funds established under section 201 of the Social Security Act (42 U.S.C. 401).

(2) TRANSFER OF FUNDS.—If, under paragraph (1), the Secretary of the Treasury estimates that the enactment of this Act has a negative impact on the income and balances of the trust funds established under section 201 of the Social Security Act (42 U.S.C. 401), the Secretary shall transfer, not less frequently than quarterly, from the general revenues of the Federal Government an amount sufficient so as to ensure that the income and balances of such trust funds are not reduced as a result of the enactment of this Act.

TITLE II—GENERAL RELIEF FOR VICTIMS OF DISASTERS AND TERRORISTIC OR MILITARY ACTIONS

SEC. 201. EXCLUSION FOR DISASTER RELIEF PAYMENTS.

(a) IN GENERAL.—Part III of subchapter B of chapter 1 (relating to items specifically excluded from gross income) is amended by redesignating section 139 as section 140 and inserting after section 138 the following new section:

“SEC. 139. DISASTER RELIEF PAYMENTS.

“(a) GENERAL RULE.—Gross income shall not include—

“(1) any amount received as payment under section 406 of the Air Transportation Safety and System Stabilization Act, or

“(2) any amount received by an individual as a qualified disaster relief payment.

“(b) QUALIFIED DISASTER RELIEF PAYMENT DEFINED.—For purposes of this section, the

term 'qualified disaster relief payment' means any amount paid to or for the benefit of an individual—

“(1) to reimburse or pay reasonable and necessary personal, family, living, or funeral expenses incurred as a result of a qualified disaster,

“(2) to reimburse or pay reasonable and necessary expenses incurred for the repair or rehabilitation of a personal residence or repair or replacement of its contents to the extent that the need for such repair, rehabilitation, or replacement is attributable to a qualified disaster,

“(3) by a person engaged in the furnishing or sale of transportation as a common carrier by reason of the death or personal physical injuries incurred as a result of a qualified disaster, or

“(4) if such amount is paid by a Federal, State, or local government, or agency or instrumentality thereof, in connection with a qualified disaster in order to promote the general welfare,

but only to the extent any expense compensated by such payment is not otherwise compensated for by insurance or otherwise.

“(c) **QUALIFIED DISASTER DEFINED.**—For purposes of this section, the term ‘qualified disaster’ means—

“(1) a disaster which results from a terrorist or military action (as defined in section 692(c)(2)),

“(2) a Presidentially declared disaster (as defined in section 1033(h)(3)),

“(3) a disaster which results from an accident involving a common carrier, or from any other event, which is determined by the Secretary to be of a catastrophic nature, or

“(4) with respect to amounts described in subsection (b)(4), a disaster which is determined by an applicable Federal, State, or local authority (as determined by the Secretary) to warrant assistance from the Federal, State, or local government or agency or instrumentality thereof.

“(d) **COORDINATION WITH EMPLOYMENT TAXES.**—For purposes of chapter 2 and subtitle C, a qualified disaster relief payment shall not be treated as net earnings from self-employment, wages, or compensation subject to tax.

“(e) **NO RELIEF FOR CERTAIN INDIVIDUALS.**—Subsection (a) shall not apply with respect to any individual identified by the Attorney General to have been a participant or conspirator in a terrorist action (as so defined), or a representative of such individual.”

(b) **CONFORMING AMENDMENTS.**—The table of sections for part III of subchapter B of chapter 1 is amended by striking the item relating to section 139 and inserting the following new items:

“Sec. 139. Disaster relief payments.

“Sec. 140. Cross references to other Acts.”

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years ending on or after September 11, 2001.

SEC. 202. AUTHORITY TO POSTPONE CERTAIN DEADLINES AND REQUIRED ACTIONS.

(a) **EXPANSION OF AUTHORITY RELATING TO DISASTERS AND TERRORISTIC OR MILITARY ACTIONS.**—Section 7508A is amended to read as follows:

“SEC. 7508A. AUTHORITY TO POSTPONE CERTAIN DEADLINES BY REASON OF PRESIDENTIALLY DECLARED DISASTER OR TERRORISTIC OR MILITARY ACTIONS.

“(a) **IN GENERAL.**—In the case of a taxpayer determined by the Secretary to be affected

by a Presidentially declared disaster (as defined in section 1033(h)(3)) or a terrorist or military action (as defined in section 692(c)(2)), the Secretary may specify a period of up to one year that may be disregarded in determining, under the internal revenue laws, in respect of any tax liability of such taxpayer—

“(1) whether any of the acts described in paragraph (1) of section 7508(a) were performed within the time prescribed therefor (determined without regard to extension under any other provision of this subtitle for periods after the date (determined by the Secretary) of such disaster or action),

“(2) the amount of any interest, penalty, additional amount, or addition to the tax for periods after such date, and

“(3) the amount of any credit or refund.

“(b) **SPECIAL RULES REGARDING PENSIONS, ETC.**—In the case of a pension or other employee benefit plan, or any sponsor, administrator, participant, beneficiary, or other person with respect to such plan, affected by a disaster or action described in subsection (a), the Secretary may specify a period of up to one year which may be disregarded in determining the date by which any action is required or permitted to be completed under this title. No plan shall be treated as failing to be operated in accordance with the terms of the plan solely as the result of disregarding any period by reason of the preceding sentence.

“(c) **SPECIAL RULES FOR OVERPAYMENTS.**—The rules of section 7508(b) shall apply for purposes of this section.”

(b) **CLARIFICATION OF SCOPE OF ACTS SECRETARY MAY POSTPONE.**—Section 7508(a)(1)(K) (relating to time to be disregarded) is amended by striking “in regulations prescribed under this section”.

(c) **CONFORMING AMENDMENTS TO ERISA.**—(1) Part 5 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1131 et seq.) is amended by adding at the end the following new section:

“SEC. 518. AUTHORITY TO POSTPONE CERTAIN DEADLINES BY REASON OF PRESIDENTIALLY DECLARED DISASTER OR TERRORISTIC OR MILITARY ACTIONS.

“‘In the case of a pension or other employee benefit plan, or any sponsor, administrator, participant, beneficiary, or other person with respect to such plan, affected by a Presidentially declared disaster (as defined in section 1033(h)(3) of the Internal Revenue Code of 1986) or a terrorist or military action (as defined in section 692(c)(2) of such Code), the Secretary may, notwithstanding any other provision of law, prescribe, by notice or otherwise, a period of up to one year which may be disregarded in determining the date by which any action is required or permitted to be completed under this Act. No plan shall be treated as failing to be operated in accordance with the terms of the plan solely as the result of disregarding any period by reason of the preceding sentence.”

(2) Section 4002 of Employee Retirement Income Security Act of 1974 (29 U.S.C. 1302) is amended by adding at the end the following new subsection:

“(i) **SPECIAL RULES REGARDING DISASTERS, ETC.**—In the case of a pension or other employee benefit plan, or any sponsor, administrator, participant, beneficiary, or other person with respect to such plan, affected by a Presidentially declared disaster (as defined in section 1033(h)(3) of the Internal Revenue Code of 1986) or a terrorist or military action (as defined in section 692(c)(2) of such Code), the corporation may, notwithstanding any other provision of law, prescribe, by no-

tice or otherwise, a period of up to one year which may be disregarded in determining the date by which any action is required or permitted to be completed under this Act. No plan shall be treated as failing to be operated in accordance with the terms of the plan solely as the result of disregarding any period by reason of the preceding sentence.”

(d) **ADDITIONAL CONFORMING AMENDMENTS.**—

(1) Section 6404 is amended—

(A) by striking subsection (h),

(B) by redesignating subsection (i) as subsection (h), and

(C) by adding at the end the following new subsection:

“(i) **CROSS REFERENCE.**—

“For authority of the Secretary to abate certain amounts by reason of Presidentially declared disaster or terrorist or military action, see section 7508A.”

(2) Section 6081(c) is amended to read as follows:

“(c) **CROSS REFERENCES.**—

“For time for performing certain acts postponed by reason of war, see section 7508, and by reason of Presidentially declared disaster or terrorist or military action, see section 7508A.”

(3) Section 6161(d) is amended by adding at the end the following new paragraph:

“(3) **POSTPONEMENT OF CERTAIN ACTS.**—

“For time for performing certain acts postponed by reason of war, see section 7508, and by reason of Presidentially declared disaster or terrorist or military action, see section 7508A.”

(d) **CLERICAL AMENDMENTS.**—

(1) The item relating to section 7508A in the table of sections for chapter 77 is amended to read as follows:

“Sec. 7508A. Authority to postpone certain deadlines by reason of Presidentially declared disaster or terrorist or military actions.”

(2) The table of contents for the Employee Retirement Income Security Act of 1974 is amended by inserting after the item relating to section 517 the following new item:

“Sec. 518. Authority to postpone certain deadlines by reason of Presidentially declared disaster or terrorist or military actions.”

(e) **EFFECTIVE DATE.**—The amendments made by this section shall apply to disasters and terrorist or military actions occurring on or after September 11, 2001, with respect to any action of the Secretary of the Treasury, the Secretary of Labor, or the Pension Benefit Guaranty Corporation occurring on or after the date of the enactment of this Act.

SEC. 203. INTERNAL REVENUE SERVICE DISASTER RESPONSE TEAM.

(a) **IN GENERAL.**—Section 7508A, as amended by section 202(a), is amended by adding at the end the following new subsection:

“(d) **DUTIES OF DISASTER RESPONSE TEAM.**—The Secretary shall establish as a permanent office in the national office of the Internal Revenue Service a disaster response team which, in coordination with the Federal Emergency Management Agency, shall assist taxpayers in clarifying and resolving Federal tax matters associated with or resulting from any Presidentially declared disaster (as defined in section 1033(h)(3)) or a terrorist or military action (as defined in section 692(c)(2)).”

(b) **EFFECTIVE DATE.**—The amendment made by this section shall take effect on the date of the enactment of this Act.

SEC. 204. APPLICATION OF CERTAIN PROVISIONS TO TERRORISTIC OR MILITARY ACTIONS.

(a) **EXCLUSION FOR DEATH BENEFITS.**—Section 101 (relating to certain death benefits) is amended by adding at the end the following new subsection:

“(i) **CERTAIN EMPLOYEE DEATH BENEFITS PAYABLE BY REASON OF DEATH FROM TERRORISTIC OR MILITARY ACTIONS.**—

“(1) **IN GENERAL.**—Gross income does not include amounts which are received (whether in a single sum or otherwise) if such amounts are paid by an employer by reason of the death of an employee incurred as a result of a terroristic or military action (as defined in section 692(c)(2)).

“(2) **NO RELIEF FOR CERTAIN INDIVIDUALS.**—Paragraph (1) shall not apply with respect to any individual identified by the Attorney General to have been a participant or conspirator in a terroristic action (as so defined), or a representative of such individual.

“(3) **TREATMENT OF SELF-EMPLOYED INDIVIDUALS.**—For purposes of this subsection, the term ‘employee’ includes a self-employed person (as described in section 401(c)(1)).”

(b) **DISABILITY INCOME.**—Section 104(a)(5) (relating to compensation for injuries or sickness) is amended by striking “a violent attack” and all that follows through the period and inserting “a terroristic or military action (as defined in section 692(c)(2)).”

(c) **EXEMPTION FROM INCOME TAX FOR CERTAIN MILITARY OR CIVILIAN EMPLOYEES.**—Section 692(c) is amended—

(1) by striking “outside the United States” in paragraph (1), and

(2) by striking “SUSTAINED OVERSEAS” in the heading.

(d) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years ending on or after September 11, 2001.

SEC. 205. CLARIFICATION OF DUE DATE FOR AIRLINE EXCISE TAX DEPOSITS.

(a) **IN GENERAL.**—Paragraph (3) of section 301(a) of the Air Transportation Safety and System Stabilization Act (Public Law 107-42) is amended to read as follows:

“(3) **AIRLINE-RELATED DEPOSIT.**—For purposes of this subsection, the term ‘airline-related deposit’ means any deposit of taxes imposed by subchapter C of chapter 33 of such Code (relating to transportation by air).”

(b) **EFFECTIVE DATE.**—The amendment made by this section shall take effect as if included in section 301 of the Air Transportation Safety and System Stabilization Act (Public Law 107-42).

SEC. 206. COORDINATION WITH AIR TRANSPORTATION SAFETY AND SYSTEM STABILIZATION ACT.

No reduction in Federal tax liability by reason of any provision of, or amendment made by, this Act shall be considered as being received from a collateral source for purposes of section 402(4) of the Air Transportation Safety and System Stabilization Act (Public Law 107-42).

TITLE III—DISCLOSURE OF TAX INFORMATION IN TERRORISM AND NATIONAL SECURITY INVESTIGATIONS

SEC. 301. DISCLOSURE OF TAX INFORMATION IN TERRORISM AND NATIONAL SECURITY INVESTIGATIONS.

(a) **DISCLOSURE WITHOUT A REQUEST OF INFORMATION RELATING TO TERRORIST ACTIVITIES, ETC.**—Paragraph (3) of section 6103(i) (relating to disclosure of return information to apprise appropriate officials of criminal activities or emergency circumstances) is

amended by adding at the end the following new subparagraph:

“(C) **TERRORIST ACTIVITIES, ETC.**—

“(i) **IN GENERAL.**—Except as provided in paragraph (6), the Secretary may disclose in writing return information (other than taxpayer return information) that may be related to a terrorist incident, threat, or activity to the extent necessary to apprise the head of the appropriate Federal law enforcement agency responsible for investigating or responding to such terrorist incident, threat, or activity. The head of the agency may disclose such return information to officers and employees of such agency to the extent necessary to investigate or respond to such terrorist incident, threat, or activity.

“(ii) **DISCLOSURE TO THE DEPARTMENT OF JUSTICE.**—Returns and taxpayer return information may also be disclosed to the Attorney General under clause (i) to the extent necessary for, and solely for use in preparing, an application under paragraph (7)(D).

“(iii) **TAXPAYER IDENTITY.**—For purposes of this subparagraph, a taxpayer’s identity shall not be treated as taxpayer return information.

“(iv) **TERMINATION.**—No disclosure may be made under this subparagraph after December 31, 2003.”

(b) **DISCLOSURE UPON REQUEST OF INFORMATION RELATING TO TERRORIST ACTIVITIES, ETC.**—Subsection (i) of section 6103 (relating to disclosure to Federal officers or employees for administration of Federal laws not relating to tax administration) is amended by redesignating paragraph (7) as paragraph (8) and by inserting after paragraph (6) the following new paragraph:

“(7) **DISCLOSURE UPON REQUEST OF INFORMATION RELATING TO TERRORIST ACTIVITIES, ETC.**—

“(A) **DISCLOSURE TO LAW ENFORCEMENT AGENCIES.**—

“(i) **IN GENERAL.**—Except as provided in paragraph (6), upon receipt by the Secretary of a written request which meets the requirements of clause (iii), the Secretary may disclose return information (other than taxpayer return information) to officers and employees of any Federal law enforcement agency who are personally and directly engaged in the response to or investigation of any terrorist incident, threat, or activity.

“(ii) **DISCLOSURE TO STATE AND LOCAL LAW ENFORCEMENT AGENCIES.**—The head of any Federal law enforcement agency may disclose return information obtained under clause (i) to officers and employees of any State or local law enforcement agency but only if such agency is part of a team with the Federal law enforcement agency in such response or investigation and such information is disclosed only to officers and employees who are personally and directly engaged in such response or investigation.

“(iii) **REQUIREMENTS.**—A request meets the requirements of this clause if—

“(I) the request is made by the head of any Federal law enforcement agency (or his delegate) involved in the response to or investigation of any terrorist incident, threat, or activity, and

“(II) the request sets forth the specific reason or reasons why such disclosure may be relevant to a terrorist incident, threat, or activity.

“(iv) **LIMITATION ON USE OF INFORMATION.**—Information disclosed under this subparagraph shall be solely for the use of the officers and employees to whom such information is disclosed in such response or investigation.

“(B) **DISCLOSURE TO INTELLIGENCE AGENCIES.**—

“(i) **IN GENERAL.**—Except as provided in paragraph (6), upon receipt by the Secretary of a written request which meets the requirements of clause (ii), the Secretary may disclose return information (other than taxpayer return information) to those officers and employees of the Department of Justice, the Department of the Treasury, and other Federal intelligence agencies who are personally and directly engaged in the collection or analysis of intelligence and counterintelligence information or investigation concerning any terrorist incident, threat, or activity. For purposes of the preceding sentence, the information disclosed under the preceding sentence shall be solely for the use of such officers and employees in such investigation, collection, or analysis.

“(ii) **REQUIREMENTS.**—A request meets the requirements of this subparagraph if the request—

“(I) is made by an individual described in clause (iii), and

“(II) sets forth the specific reason or reasons why such disclosure may be relevant to a terrorist incident, threat, or activity.

“(iii) **REQUESTING INDIVIDUALS.**—An individual described in this subparagraph is an individual—

“(I) who is an officer or employee of the Department of Justice or the Department of the Treasury who is appointed by the President with the advice and consent of the Senate or who is the Director of the United States Secret Service, and

“(II) who is responsible for the collection and analysis of intelligence and counterintelligence information concerning any terrorist incident, threat, or activity.

“(iv) **TAXPAYER IDENTITY.**—For purposes of this subparagraph, a taxpayer’s identity shall not be treated as taxpayer return information.

“(C) **DISCLOSURE UNDER EX PARTE ORDERS.**—

“(i) **IN GENERAL.**—Except as provided in paragraph (6), any return or return information with respect to any specified taxable period or periods shall, pursuant to and upon the grant of an ex parte order by a Federal district court judge or magistrate under clause (ii), be open (but only to the extent necessary as provided in such order) to inspection by, or disclosure to, officers and employees of any Federal law enforcement agency or Federal intelligence agency who are personally and directly engaged in any investigation, response to, or analysis of intelligence and counterintelligence information concerning any terrorist incident, threat, or activity. Return or return information opened pursuant to the preceding sentence shall be solely for the use of such officers and employees in the investigation, response, or analysis, and in any judicial, administrative, or grand jury proceedings, pertaining to such terrorist incident, threat, or activity.

“(ii) **APPLICATION FOR ORDER.**—The Attorney General, the Deputy Attorney General, the Associate Attorney General, any Assistant Attorney General, or any United States attorney may authorize an application to a Federal district court judge or magistrate for the order referred to in clause (i). Upon such application, such judge or magistrate may grant such order if he determines on the basis of the facts submitted by the applicant that—

“(I) there is reasonable cause to believe, based upon information believed to be reliable, that the return or return information may be relevant to a matter relating to such terrorist incident, threat, or activity, and

“(II) the return or return information is sought exclusively for use in a Federal investigation, analysis, or proceeding concerning any terrorist incident, threat, or activity.

“(D) SPECIAL RULE FOR EX PARTE DISCLOSURE BY THE IRS.—

“(i) IN GENERAL.—Except as provided in paragraph (6), the Secretary may authorize an application to a Federal district court judge or magistrate for the order referred to in subparagraph (C)(i). Upon such application, such judge or magistrate may grant such order if he determines on the basis of the facts submitted by the applicant that the requirements of subparagraph (C)(ii)(I) are met.

“(ii) LIMITATION ON USE OF INFORMATION.—Information disclosed under clause (i)—

“(I) may be disclosed only to the extent necessary to apprise the head of the appropriate Federal law enforcement agency responsible for investigating or responding to a terrorist incident, threat, or activity, and

“(II) shall be solely for use in a Federal investigation, analysis, or proceeding concerning any terrorist incident, threat, or activity.

The head of such Federal agency may disclose such information to officers and employees of such agency to the extent necessary to investigate or respond to such terrorist incident, threat, or activity.

“(E) TERMINATION.—No disclosure may be made under this paragraph after December 31, 2003.”

(c) CONFORMING AMENDMENTS.—

(1) Section 6103(a)(2) is amended by inserting “any local law enforcement agency receiving information under subsection (i)(7)(A),” after “State,”.

(2) Section 6103(b) is amended by adding at the end the following new paragraph:

“(11) TERRORIST INCIDENT, THREAT, OR ACTIVITY.—The term ‘terrorist incident, threat, or activity’ means an incident, threat, or activity involving an act of domestic terrorism (as defined in section 2331(5) of title 18, United States Code) or international terrorism (as defined in section 2331(1) of such title).”

(3) The heading of section 6103(i)(3) is amended by inserting “OR TERRORIST” after “CRIMINAL”.

(4) Paragraph (4) of section 6103(i) is amended—

(A) in subparagraph (A) by inserting “or (7)(C)” after “paragraph (1)”, and

(B) in subparagraph (B) by striking “or (3)(A)” and inserting “(3)(A) or (C), or (7)”.

(5) Paragraph (6) of section 6103(i) is amended—

(A) by striking “(3)(A)” and inserting “(3)(A) or (C)”, and

(B) by striking “or (7)” and inserting “(7), or (8)”.

(6) Section 6103(p)(3) is amended—

(A) in subparagraph (A) by striking “(7)(A)(ii)” and inserting “(8)(A)(ii)”, and

(B) in subparagraph (C) by striking “(i)(3)(B)(i)” and inserting “(i)(3)(B)(i) or (7)(A)(ii)”.

(7) Section 6103(p)(4) is amended—

(A) in the matter preceding subparagraph (A)—

(i) by striking “or (5),” the first place it appears and inserting “(5), or (7),” and

(ii) by striking “(i)(3)(B)(i),” and inserting “(i)(3)(B)(i) or (7)(A)(ii),” and

(B) in subparagraph (F)(ii) by striking “or (5),” the first place it appears and inserting “(5) or (7),”.

(8) Section 6103(p)(6)(B)(i) is amended by striking “(i)(7)(A)(ii)” and inserting “(i)(8)(A)(ii)”.

(9) Section 6105(b) is amended—

(A) by striking “or” at the end of paragraph (2),

(B) by striking “paragraphs (1) or (2)” in paragraph (3) and inserting “paragraph (1), (2), or (3)”,

(C) by redesignating paragraph (3) as paragraph (4), and

(D) by inserting after paragraph (2) the following new paragraph:

“(3) to the disclosure of tax convention information on the same terms as return information may be disclosed under paragraph (3)(C) or (7) of section 6103(i), except that in the case of tax convention information provided by a foreign government, no disclosure may be made under this paragraph without the written consent of the foreign government, or”.

(10) Section 7213(a)(2) is amended by striking “(i)(3)(B)(i),” and inserting “(i)(3)(B)(i) or (7)(A)(ii),”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to disclosures made on or after the date of the enactment of this Act.

Amend the title so as to read: “An Act to amend the Internal Revenue Code of 1986 to provide tax relief for victims of the terrorist attacks against the United States, and for other purposes.”.

SA 2164. Mr. REID (for Mr. KERRY) proposed an amendment to the bill S. 174, to amend the Small Business Act with respect to the microloan program, and for other purposes; as follows:

At the end of the bill, add the following new section:

SEC. 3. MICROLOAN PROGRAM CORRECTION.

Section 7(m)(3)(F)(iii) of the Small Business Act (15 U.S.C. 636(m)(3)(F)(iii)) is amended by striking “\$7,500” and inserting “\$10,000”.

SA 2165. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill H.R. 3090, to provide tax incentives for economic recovery; which was ordered to lie on the table; as follows:

At the end of title I, insert:

SEC. ____ . REDUCTION IN CAPITAL GAINS RATES FOR INDIVIDUALS.

(a) IN GENERAL.—

(1) 10-PERCENT RATE REDUCED TO 7 PERCENT.—Subparagraph (B) of section 1(h)(1), as amended by section 101, is amended by striking “10 percent” and inserting “7 percent”.

(2) 20-PERCENT RATE REDUCED TO 15 PERCENT.—Subparagraph (C) of section 1(h)(1) is amended by striking “20 percent” and inserting “15 percent”.

(4) CONFORMING AMENDMENTS.—

(A) Section 57(a)(7) is amended—

(i) by striking “42 percent” and inserting “28 percent”, and

(ii) by striking the last sentence.

(B) Paragraph (1) of section 1445(e) is amended by striking “20 percent” and inserting “15 percent”.

(C) The second sentence of section 7518(g)(6)(A), and the second sentence of section 607(h)(6)(A) of the Merchant Marine Act, 1936, are each amended by striking “20 percent” and inserting “15 percent”.

(b) REPEAL OF REDUCED RATES FOR QUALIFIED 5-YEAR GAIN.—

(1) IN GENERAL.—Section 1(h), as amended by section 101, is amended by striking paragraphs (2) and (9), by redesignating paragraphs (3) through (8) as paragraphs (2)

through (7), respectively, and by redesignating paragraphs (10) through (12) as paragraphs (8) through (10), respectively.

(2) CONFORMING AMENDMENTS.—Subparagraph (A)(ii) of section 1(h)(6), as redesignated by paragraph (1), is amended—

(A) in subclause (I) by striking “paragraph (5)(B)” and inserting “paragraph (4)(B)”, and

(B) in subclause (II) by striking “paragraph (5)(A)” and inserting “paragraph (4)(A)”.

(c) MINIMUM TAX.—

(1) IN GENERAL.—

(A) 10-PERCENT RATE REDUCED TO 7 PERCENT.—Subparagraph (B) of section 55(b)(3) is amended by striking “10 percent” and inserting “7 percent”.

(B) 20-PERCENT RATE REDUCED TO 15 PERCENT.—Subparagraph (C) of section 55(b)(3) is amended by striking “20 percent” and inserting “15 percent”.

(2) CONFORMING AMENDMENT.—Paragraph (3) of section 55(b) is amended in the matter following subparagraph (D) by striking “In the case of taxable years beginning after December 31, 2000, rules similar to the rules of section 1(h)(2) shall apply for purposes of subparagraphs (B) and (C).”.

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided by paragraph (2), the amendments made by this section shall apply to sales or exchanges after the date of the enactment of this Act, in taxable years ending after such date.

(2) WITHHOLDING.—The amendment made by subsection (a)(3)(B) shall apply to amounts paid after the date of the enactment of this Act.

MICROLOAN PROGRAM IMPROVEMENT ACT OF 2001

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 55, S. 174.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 174) a bill to extend the Small Business Act with respect to the Microloan Program, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 2164

Mr. REID. Mr. President, Senator KERRY has an amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] for Mr. KERRY proposes an amendment numbered 2164.

The amendment is as follows:

(Purpose: To correct a loan amount for purposes of the small business microloan program)

At the end of the bill, add the following new section:

SEC. 3. MICROLOAN PROGRAM CORRECTION.

Section 7(m)(3)(F)(iii) of the Small Business Act (15 U.S.C. 636(m)(3)(F)(iii)) is amended by striking “\$7,500” and inserting “\$10,000.”

Mr. KERRY. Mr. President, I am here today to urge passage of a bill to improve the U.S. Small Business Administration's Microloan Program, a program which makes an enormous difference to many aspiring entrepreneurs

through very small loans of up to \$35,000. The demand for these loans go up when the economy slows down and people lose their jobs or face reduced hours because they often start their own business or start a part-time venture to patch their income losses.

Senator SNOWE worked very closely with me to make this day happen. We wish to thank Senators BOND, WELLSTONE, CLELAND, LANDRIEU, HARKIN, LEVIN, LIEBERMAN, BINGAMAN, ENZI, KOHL, SNOWE, JOHNSON, DASCHLE, CONRAD, BURNS, INOUE, BAUCUS, and JEFFORDS for joining us and cosponsoring this bill.

Senator SNOWE and I have worked together many times on this program, pushing to make sure our country's smallest businesses have access to capital and business assistance. In this instance, we are bringing before the Senate changes that the Senate supported unanimously as part of its version of last year's SBA Reauthorization bill, but were not included by the House because they had not considered them in a hearing. This package of changes was reintroduced this year and supported unanimously by the Senate Small Business Committee. This bill amends the Small Business Administration's Microloan Program to make it more flexible to meet credit needs, more accessible to microentrepreneurs across the nation, and more streamlined for leaders to make loans and provide management assistance. The changes in this bill complement the program and technical changes made last year.

The program provides for microloans, of just \$10,000, on average, in order to allow many prospective entrepreneurs to realize their dream and start their own business. This provides them with financial independence and sometimes allows individuals to go from welfare to employment.

Let me just run through some of the provisions of the Microloan Program Improvement Act of 2001. First, it eliminates the requirement that SBA microloans be "short-term" loans. This change will give intermediaries greater latitude in developing microloan products because they will be able to offer their borrowers revolving lines of credit. It will also cut transaction costs for both the borrower and the microlender and will generally make it easier to fund these types of very small businesses.

Why are revolving lines of credit important? Because seasonal types of businesses really need revolving lines of credit instead of, for instance, a 90- or 120-day note. For example, if you are a building contractor or painter, you may need \$15,000 to front supplies and pay your workers because most clients only pay when the work is done. So, under the current scenario, if you were to borrow the \$15,000 from a microlender, you would pay back small payments at the 30 and 60 day markers.

The entire remaining balance would be due upon receipt of payment from your client. Then, when the next client came along, the borrower would have to enter into an entirely new loan transaction. Under the new scenario, a revolving line of credit would eliminate the need for a new loan transaction. The contractor would pay the debt upon receipt of payment from the first client and then simply write a check against his or her line of credit when the second client comes along. I would like to emphasize that our Committee does not intend for this flexibility to be used to make loans with long terms, such as 15 or 30 years.

I spent a lot of time describing that provision because I want people to understand the needs of these very tiny businesses and how SBA's credit programs evolve to meet the market. Of course, this legislation makes other small but important changes. It broadens the eligibility criteria for potential microintermediaries, which would allow more people to benefit from the program and stimulate the creation of additional new businesses to start up. This is accomplished by deeming intermediaries eligible if they have one year of equivalent experience rather than only actual experience in making loans to startup, newly established, or growing small businesses.

Third, this bill expands the program's flexibility for intermediaries to subcontract out technical assistance and offer pre-loan technical assistance. The bill eliminates the restriction on how much technical assistance funding an intermediary can use for pre-loan assistance and allows the intermediary to use its discretion to determine the appropriate amount. Currently, intermediaries are limited to using up to 25 percent of their funds to assist prospective borrowers. This change allows an intermediary to allocate as much technical assistance as appropriate. The bill also increases the percentage of technical assistance grant funds that an intermediary can use to subcontract out technical assistance. Currently, intermediaries can only subcontract 25 percent, and this legislation would raise it to 35 percent.

Finally, the bill establishes a new peer-to-peer mentoring program to help new intermediaries acquire the basic knowledge needed to run a business from experienced mentors. The bill will authorize up to \$1 million of annual appropriations for such purposes.

Support for the Microloan Program is not only bipartisan but nationwide—it has support from all parts of the country. By removing a number of barriers to entry, this bill will be a great advantage to new microintermediaries, who, in turn, will improve their ability to assist microentrepreneurs, thus, increasing the opportunities for the entrepreneurs, their businesses and their communities.

I urge my colleagues to support the Microloan Program Improvement Act of 2001.

Mr. REID. Mr. President, I ask unanimous consent that the amendment be agreed to; that the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table without any intervening action, and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2164) was agreed to.

The bill (S. 174), as amended, was read a third time and passed, as follows:

S. 174

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Microloan Program Improvement Act of 2001".

SEC. 2. MICROLOAN PROGRAM.

(a) IN GENERAL.—Section 7(m) of the Small Business Act (15 U.S.C. 636(m)) is amended—

(1) in paragraph (1)(B)(i), by striking "short-term,";

(2) in paragraph (2)(B), by inserting before the period "or equivalent experience, as determined by the Administration";

(3) in paragraph (4)(E)—

(A) by striking clause (i) and inserting the following:

"(i) IN GENERAL.—Each intermediary may expend the grant funds received under the program authorized by this subsection to provide or arrange for loan technical assistance to small business concerns that are borrowers or prospective borrowers under this subsection."; and

(B) in clause (ii), by striking "25" and inserting "35"; and

(4) in paragraph (9), by adding at the end the following:

"(D) PEER-TO-PEER CAPACITY BUILDING AND TRAINING.—The Administrator may use not more than \$1,000,000 of the annual appropriation to the Administration for technical assistance grants to subcontract with 1 or more national trade associations of eligible intermediaries, or other entities knowledgeable about and experienced in microlending and related technical assistance, under this subsection to provide peer-to-peer capacity building and training to lenders under this subsection and organizations seeking to become lenders under this subsection.".

(b) CONFORMING AMENDMENT.—Section 7(m)(11)(B) of the Small Business Act (15 U.S.C. 636(m)(11)(B)) is amended by striking "short-term,".

SEC. 3. MICROLOAN PROGRAM CORRECTION.

Section 7(m)(3)(F)(iii) of the Small Business Act (15 U.S.C. 636(m)(3)(F)(iii)) is amended by striking "\$7,500" and inserting "\$10,000".

TEACHING CHILDREN TO SAVE LIVES ACT

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 224, S. 727.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 727) to provide grants for cardiopulmonary resuscitation (CPR) training in public schools.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid on the table, and that any statements relating thereto be printed in the RECORD with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 727) was read a third time and passed, as follows:

S. 727

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TEACHING CHILDREN TO SAVE LIVES.

Title XII of the Public Health Service Act (42 U.S.C. 300d et seq.) is amended by adding at the end the following:

“PART G—TEACHING CHILDREN TO SAVE LIVES

“SEC. 1271. SHORT TITLE.

“This part may be cited as the ‘Teaching Children To Save Lives Act’.

“SEC. 1272. FINDINGS.

“The Congress finds the following:

“(1) Teaching school children to perform the life-saving skill of cardiopulmonary resuscitation (CPR), to identify and respond to choking victims, and to recognize the signs of stroke can improve their confidence in responding to an emergency and can encourage continued efforts to update these skills after graduation, thereby potentially reducing the rate of death from sudden cardiac arrest, choking and stroke.

“(2) Heart disease is the leading cause of death in the United States.

“(3) 220,000 Americans die each year of sudden cardiac arrest.

“(4) The American Heart Association estimates that the lives of 50,000 cardiac arrest victims could be saved each year through initiating a course of action known as the ‘chain of survival’.

“(5) The chain of survival includes prompt notification of emergency services and early CPR, defibrillation, and advanced cardiac life support.

“(6) An important part of United States school children’s education is learning healthy behaviors, including proper nutrition and physical activity. This health education should also include basic emergency life-saving skills.

“(7) Incorporating these lifesaving training programs into the health curriculum of elementary and secondary schools will give school children these skills.

“SEC. 1273. GRANTS FOR CPR TRAINING IN PUBLIC SCHOOLS.

“(a) IN GENERAL.—The Secretary, acting through the Health Resources and Services Administration, is authorized to award grants to State agencies to enable the State agencies to award grants to local agencies and targeted schools or school districts for cardiopulmonary resuscitation (CPR) training in targeted localities. Such training shall utilize nationally recognized training courses. Such grants in conjunction with local efforts shall ensure that training sites

have the ability to start up, including funds for instructor training, training in CPR instruction, purchase of printed informational or instructional materials, manikins, automated external defibrillator (AED) training devices, and other equipment.

“(b) COMMUNITY PARTNERSHIPS.—A State agency shall award grants under this section in a manner that encourages and fosters new and existing community partnerships with and among public and private organizations (such as local educational agencies, non-profit organizations, public health organizations, emergency medical service providers, fire and police departments, and parent-teacher associations) to aid in providing CPR training in a nationally approved program in targeted schools.

“(c) AWARD BASIS.—In awarding grants under this section a State agency shall take into consideration—

“(1) the need for and existence of CPR training programs in targeted schools or communities served by targeted schools;

“(2) geographic barriers to coordinating CPR training programs; and

“(3) options to maximize the use of funds provided under this section.

“(d) AED TRAINING DEVICES.—To be eligible to receive a grant under this section for the purchase of an AED training device, a local agency or targeted school shall demonstrate that such agency or school is currently implementing a CPR training program.

“(e) DEFINITIONS.—In this section:

“(1) AED.—The term ‘AED’ means automated external defibrillator.

“(2) CPR.—The term ‘CPR’ means cardiopulmonary resuscitation.

“(3) INSTRUCTOR.—The term ‘instructor’ means a nurse, principal, school counselor, teacher, or other qualified individual who is certified by a nationally recognized program to train individuals in CPR.

“(4) TARGETED SCHOOL.—The term ‘targeted school’ means a public elementary school or secondary school (as defined in section 14101 of the Elementary and Secondary Education Act of 1965) that includes students in any of grades 6 through 12.

“(f) REGULATIONS.—The Secretary may make rules to carry out this part.

“SEC. 1274. REPORT.

“The Secretary shall prepare and submit to Congress a report regarding the activities assisted under this part.

“SEC. 1275. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated to carry out this part, \$30,000,000 for the 3-fiscal year period beginning in fiscal year 2002.”.

HEMATOLOGICAL CANCER RESEARCH INVESTMENT AND EDUCATION ACT OF 2001

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 221, S. 1094.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1094) to amend the Public Health Service Act to provide for research, information, and education with respect to blood cancer.

There being no objection, the Senate proceeded to consider the bill which

had been reported from the Committee on Health, Education, Labor, and Pensions, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Hematological Cancer Research Investment and Education Act of 2001”.

SEC. 2. FINDINGS.

Congress finds that:

(1) An estimated 109,500 people in the United States will be diagnosed with leukemia, lymphoma, and multiple myeloma in 2001.

(2) New cases of the blood cancers described in paragraph (1) account for 8.6 percent of new cancer cases.

(3) Those devastating blood cancers will cause the deaths of an estimated 60,300 persons in the United States in 2001. Every 9 minutes, a person in the United States dies from leukemia, lymphoma, or multiple myeloma.

(4) While less than 5 percent of Federal funds for cancer research are spent on those blood cancers, those blood cancers cause 11 percent of all cancer deaths in the United States.

(5) Increased Federal support of research into leukemia, lymphoma, and multiple myeloma has resulted and will continue to result in significant advances in the treatment, and ultimately the cure, of those blood cancers as well as other cancers.

SEC. 3. RESEARCH, INFORMATION, AND EDUCATION WITH RESPECT TO BLOOD CANCER.

Part C of title IV of the Public Health Service Act (42 U.S.C. 285 et seq.) is amended by inserting after section 419C the following:

“SEC. 417D. RESEARCH, INFORMATION, AND EDUCATION WITH RESPECT TO BLOOD CANCER.

“(a) JOE MOAKLEY RESEARCH EXCELLENCE PROGRAM.—

“(1) IN GENERAL.—The Director of NIH shall expand, intensify, and coordinate programs for the conduct and support of research with respect to blood cancer, and particularly with respect to leukemia, lymphoma, and multiple myeloma.

“(2) ADMINISTRATION.—The Director of NIH shall carry out this subsection through the Director of the National Cancer Institute and in collaboration with any other agencies that the Director determines to be appropriate.

“(3) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this subsection, there is authorized to be appropriated such sums as may be necessary for fiscal year 2002 and each subsequent fiscal year. Such authorizations of appropriations are in addition to other authorizations of appropriations that are available for such purpose.

“(b) GERALDINE FERRARO CANCER EDUCATION PROGRAM.—

“(1) IN GENERAL.—The Secretary shall direct the appropriate agency within the Department of Health and Human Services, in collaboration with the Director of NIH, to establish and carry out a program to provide information and education for patients and the general public with respect to blood cancer, and particularly with respect to the treatment of leukemia, lymphoma, and multiple myeloma.

“(2) ADMINISTRATION.—The Agency determined by the Secretary under paragraph (1) shall carry out this subsection in collaboration with private health organizations that have national education and patient assistance programs on blood-related cancers.

“(3) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this subsection, there is authorized to be appropriated such sums as may be necessary for fiscal year 2002 and

each subsequent fiscal year. Such authorizations of appropriations are in addition to other authorizations of appropriations that are available for such purpose.”.

Mr. REID. Mr. President, I ask unanimous consent that the committee substitute be agreed to, the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 1094), as amended, was read a third time, and passed, as follows:

S. 1094

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Hematological Cancer Research Investment and Education Act of 2001”.

SEC. 2. FINDINGS.

Congress finds that:

(1) An estimated 109,500 people in the United States will be diagnosed with leukemia, lymphoma, and multiple myeloma in 2001.

(2) New cases of the blood cancers described in paragraph (1) account for 8.6 percent of new cancer cases.

(3) Those devastating blood cancers will cause the deaths of an estimated 60,300 persons in the United States in 2001. Every 9 minutes, a person in the United States dies from leukemia, lymphoma, or multiple myeloma.

(4) While less than 5 percent of Federal funds for cancer research are spent on those blood cancers, those blood cancers cause 11 percent of all cancer deaths in the United States.

(5) Increased Federal support of research into leukemia, lymphoma, and multiple myeloma has resulted and will continue to result in significant advances in the treatment, and ultimately the cure, of those blood cancers as well as other cancers.

SEC. 3. RESEARCH, INFORMATION, AND EDUCATION WITH RESPECT TO BLOOD CANCER.

Part C of title IV of the Public Health Service Act (42 U.S.C. 285 et seq.) is amended by inserting after section 419C the following:

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“(a) JOE MOAKLEY RESEARCH EXCELLENCE PROGRAM.—

“(1) IN GENERAL.—The Director of NIH shall expand, intensify, and coordinate programs for the conduct and support of research with respect to blood cancer, and particularly with respect to leukemia, lymphoma, and multiple myeloma.

“(2) ADMINISTRATION.—The Director of NIH shall carry out this subsection through the Director of the National Cancer Institute and in collaboration with any other agencies that the Director determines to be appropriate.

“(3) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this subsection, there is authorized to be appropriated such sums as may be necessary for fiscal year 2002 and each subsequent fiscal

year. Such authorizations of appropriations are in addition to other authorizations of appropriations that are available for such purpose.

“(b) GERALDINE FERRARO CANCER EDUCATION PROGRAM.—

“(1) IN GENERAL.—The Secretary shall direct the appropriate agency within the Department of Health and Human Services, in collaboration with the Director of NIH, to establish and carry out a program to provide information and education for patients and the general public with respect to blood cancer, and particularly with respect to the treatment of leukemia, lymphoma, and multiple myeloma.

“(2) ADMINISTRATION.—The Agency determined by the Secretary under paragraph (1) shall carry out this subsection in collaboration with private health organizations that have national education and patient assistance programs on blood-related cancers.

“(3) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this subsection, there is authorized to be appropriated such sums as may be necessary for fiscal year 2002 and each subsequent fiscal year. Such authorizations of appropriations are in addition to other authorizations of appropriations that are available for such purpose.”.

THE ESTABLISHMENT OF A NATIONAL WORDS CAN HEAL DAY

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 183 introduced earlier today by Senator REID of Nevada and Senator BROWNBACK.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 183) expressing the sense of the Senate regarding the establishment of a National Words Can Heal Day.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, it is with great pleasure that I support this resolution in support of the Words Can Heal Campaign to promote more responsible and civil speech to reduce conflict and build understanding between all peoples.

The Jerusalem Fund has launched a Words Can Heal Campaign on September 4, 2001, to reduce verbal violence and gossip and to promote the value and practice of ethical speech in order to improve our democracy, build mutual respect, honor, and dignity in our country.

The ability to express views freely and resolve differences through dialogue and education is fundamental to American democracy. For that process to work well, our words must reflect mutual respect, truth and fairness. Friends, families, and communities need to speak to each other in ways that help build people up, not tear them down. The Words Can Heal Campaign will draw attention to the language we use and provide practical help

to parents, school kids, supervisors, employees, teachers, government officials, entertainers, athletes—people from all walks of life—to speak more kindly and less destructively with and about each other. Through this campaign, the Jerusalem Fund will seek to make November 23, and every day thereafter, a day when unfair gossip, prejudicial comments, and verbal humiliation will be replaced by words that are encouraging, helpful, and healing.

Since the terrorist attacks of September 11, many Americans have felt that what happens in their neighborhood is beyond their control. This resolution can offer a comprehensive plan to rebuild our communities and relationship through the words we speak and the way we communicate. This holiday season, as we take an in-depth look at our lives and those around us, the Words Can Heal message resonates even more forcefully.

Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 183) was agreed to.

The preamble was agreed to.

(The text of the resolution, with its preamble, is printed in today's RECORD under “Submitted Resolutions.”)

ORDERS FOR MONDAY, NOVEMBER 19, 2001, OR TUESDAY, NOVEMBER 27, 2001

Mr. REID. Mr. President, I ask unanimous consent that if the House has not acted upon S. Con. Res. 85, the Senate stand in recess until 12 noon, Monday, November 19, but if the House acts upon the adjournment resolution, the Senate adjourn until the hour of 10:30 a.m., Tuesday, November 27; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate be in a period for morning business with Senators permitted to speak for up to 10 minutes each; further, that the Senate stand in recess from 12:30 p.m. to 2:15 p.m. for the weekly party conferences.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL MONDAY, NOVEMBER 19, 2001, OR ADJOURNMENT UNTIL TUESDAY, NOVEMBER 27, 2001, AT 10:30 A.M.

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent the Senate stand in adjournment under the provisions of S. Con. Res. 85.

There being no objection (and the Con. Res. 85), the Senate, at 2:51 p.m., adjourned until, Tuesday, November 27, 2001, at 10:30 a.m.
House having subsequently agreed to S.

HOUSE OF REPRESENTATIVES—Friday, November 16, 2001

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mr. SIMPSON).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

HOUSE OF REPRESENTATIVES,
Washington, DC, November 16, 2001.

I hereby appoint the Honorable MICHAEL K. SIMPSON to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer: Lord of nations and Prince of peace, we pray today for Afghanistan.

Merciful God, throughout the ages You bring good news to the poor and raise up the lowly who turn to You with religious faith. We rejoice with the liberation of the Afghan people who have not been humiliated but lifted up to new aspirations of peace and security. Guide the many factions within this country, that a strong coalition may bring law and order to suffering people. As You do here, so in Afghanistan raise up true leadership that looks not to positioning or power, but to uniting people in doing what is right and what is timely for all.

We thank You for the safe release of those who were held captive. We are one with those who never forgot them in prayer and ask Your just reward for those who risked their lives in their escape.

Lord, our refuge and defense, continue to protect and guide our military forces as they seek to create a future for people in the wake of bringing terrorists to justice. You have opened our eyes by compassion to this rugged terrain and the strengthening independence of the Afghan people. Let us never forget them in the winter of this war. Match freedom with food and policing with human understanding, for You alone measure our success and our life now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Nebraska (Mr. OSBORNE) come forward and lead the House in the Pledge of Allegiance.

Mr. OSBORNE led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain 10 one-minutes per side.

UNIFORM AVIATION SECURITY IS IMPORTANT FOR RURAL AMERICA

(Mr. OSBORNE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OSBORNE. Mr. Speaker, I have been surprised and amazed that nearly all the debate over airport security has focused on one issue, and that is the federalization of airport screening personnel.

In my mind, three critical issues have been largely ignored. These issues are probably more important than any other.

Number one, the Senate bill applied to only 142 of the largest airports in the country. Hundreds of airports were not regulated. In the State of Nebraska only one airport would have been regulated under that bill. The compromise bill applies to all airports in the United States regarding standards and personnel.

Second, the Senate bill did not address the screening of checked baggage. The compromise bill requires 100 percent screening of all checked baggage.

Third, the Senate bill did not regulate baggage handlers, caterers and mechanics. The compromise bill does.

Closing these loopholes has been critical. The American public will be much safer due to these changes. I think it is very important that we pass this bill.

FOOD SAFETY

(Mr. SMITH of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Michigan. Mr. Speaker, I suspect that a lot of us become a little impatient in light of the terrorist

threat, and I rise this morning with a little impatience to scold the United States Department of Agriculture, maybe request that they give consideration to a resolution that 30 of us introduced. That resolution, which is H. Con. Res. 258, called for more cooperation between the United States Department of Agriculture and HHS in the food inspection at our borders, the food products coming into the United States. There is a lot of overlap. We need better cooperation.

If it is an open-face sandwich, one agency inspects it. If it is two slices of bread, another agency inspects it. If it is a burrito with cheese, then it is inspected by HHS. If it is a burrito with meat, then it is inspected by USDA. At this time we need better cooperation. I would request that USDA evaluate this and either act to make the difference or come up with support for this resolution.

WATER INFRASTRUCTURE SECURITY AND RESEARCH DEVELOPMENT ACT

(Mr. FORBES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FORBES. Mr. Speaker, yesterday an article ran in a Virginia paper revealing serious security breaches at a Richmond City drinking water plant. A reporter was able to walk right through the front gate and wander the site for an hour each day for a week. He and a photographer had access to the water supply and the potentially dangerous chemicals used to treat it. No one questioned their presence.

The good news is that this plant appears to be something of an anomaly. Similar surprise inspections at neighboring county facilities had very different outcomes. But this only makes it clearer that Congress must act now to ensure that all our water supplies are safe from terrorist threats.

Yesterday, the Committee on Science approved unanimously the Water Infrastructure Security and Research Development Act which would help us ensure the long-term safety of the water our constituents drink and use every day. It would provide \$60 million in grants over the next 5 years to identify threats and respond to them. Similar legislation is moving through the Senate. We should act quickly to give every American peace of mind when turning on the tap.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

TRADE PROMOTION AUTHORITY

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, I rise to discuss trade promotion authority. America's taxes on foreign imports are already near zero, but foreign taxes on the products of U.S. workers are often prohibitive, killing American jobs and opportunity. Cutting or eliminating foreign taxes on American exports is thus the key to expanding America's economic leadership.

Trade expansion through lower foreign taxes will help increase economic growth. Already, the growth in foreign markets is helping to create jobs for Americans. One in three U.S. farm acres is planted for export and 12 million American jobs have been generated by exports.

In order to achieve reductions in foreign taxes on U.S. exports, the executive branch must have the specific authority from Congress to negotiate trade agreements with other countries. This authority, known as trade promotion authority, lets America speak with one voice in international trade negotiations. It is the key to opening foreign markets to America's farmers, workers, investors and businesses.

ELECTION REFORM

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, since September 11, we have been focused on fighting terrorism across this Nation. However, this Congress has not failed to address its other priorities among the American people. One of them is to reform our election laws after last year's election chaos.

What I rise today to do is to congratulate the gentleman from Ohio (Mr. NEY) and the gentleman from Maryland (Mr. HOYER) of the Committee on House Administration for their hard work in creating a bipartisan piece of legislation which addresses campaign finance reform, and it does it in three critical ways:

First, this piece of legislation tells Congress that it must resist the urge to federalize what is constitutionally preferred by States and localities. The primacy of States and localities in the area of elections must be respected. Congress should seek to empower the duly elected State and local officials, not dictate to them.

Secondly, Congress must examine ways to eliminate fraud. Inaccuracies in voter rolls lead to all sorts of problems nationwide, including fraud. The days of the "cemetery vote" and other "ghost" voting must come to a rapid close everywhere.

Finally, Congress must address disenfranchisement, whether intentional

or unintentional. One person, one vote is a principle that crosses all party lines.

AIRPORT SECURITY

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, today this Chamber will take up the difficult question of airport security. As a conservative, you can imagine I was loath to support any wanton expansion of the Federal Government. Accordingly, I opposed the version of airport security that emerged from the other Chamber, believing it to be simply a large bureaucratic explosion of government.

I am proud to have passed and supported the House version of the bill, and I am proud today to rise in support of the compromise on the Aviation Security Act. In the compromise bill, like the House bill, Americans do not have to wait a year for airport security. There is immediate remedy, using public and private blended and flexible sources. Five airports will participate in a pilot project studying public and private solutions. And there is a third year opt-out. We are giving the President the flexible program he has requested.

Exempting these Federal employees from Civil Service Act requirements and creating a system that on the eve of one of our most important and most traveled family holidays will send a strong message of confidence to the American people. I urge my colleagues to support the conference report for the Aviation Security Act.

AN IMMIGRATION LOOPHOLE

(Mr. DUNCAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN. Mr. Speaker, we are tightening security everywhere as we should, but we are about to make a big mistake by reinstituting a big loophole. Some are seeking to revive the part of our immigration law called section 245(i). This law lets illegal aliens, if they are married or related to a legal resident or sponsored by an employer, simply pay a \$1,000 fee for instant legalization. These lawbreakers do not have to leave the country and they do not even have to undergo any background checks.

Section 245(i) violates usual legal requirements. It is an amnesty. It led to a rush of sham marriages last April when the 245(i) deadline expired. Some sham marriages have been connected with accused terrorists. Without background checks, we do not know if the illegals using 245(i) are terrorists or criminals or sympathizers of our enemies.

Mr. Speaker, we should permanently dump 245(i). Illegal aliens should have to go back to their home country first. We need to be a nation of laws. We cannot afford this security risk.

ON THE PASSING OF OFFICER VAN ETEN

(Mrs. JO ANN DAVIS of Virginia asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, it is with great sadness that I rise today in memory of Officer LaValle Van Etten, one of my constituents from Stafford, Virginia, and a Capitol Hill police officer, who died suddenly on November 10.

A Marine Corps veteran and Capitol Hill police officer, Officer Van Etten spent his life protecting people and putting the safety of others ahead of his own.

Whenever someone like Officer Van Etten puts his or her life on the line to protect our Nation, they should be commended. This man proved his love for country as a Marine and as a member of a select group entrusted to guard America's Capitol and those who work to do the people's business.

Our Nation's center of government lost a hero on November 10, a dedicated protector of freedom and liberty who died at a much too early age. We should always reflect on the dedication put forth by our Capitol Hill police. They deserve our thanks.

PROTECTING THE PUBLIC DRINKING WATER

(Mr. BARTLETT of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Speaker, we are now focusing on airport security. That is appropriate. But in doing that, I hope that we are not neglecting security of other very essential parts of our infrastructure. I am thinking particularly of water.

Our vast municipal and public water systems were developed to be economical and to be efficient, and they are both. We are one of the few countries in the world that can water our grass and wash our cars and flush our toilets and fight our fires with drinking water. Our water systems were not developed with any eye toward security.

We just passed out of the Committee on Science a very important bill that supports R&D, looking at ways to make our very important water system infrastructure more secure to terrorists. This bill needs to come very quickly to the floor because this is one area of our infrastructure we cannot afford to continue to be at risk.

□ 0915

PROVIDING FOR CONSIDERATION OF H.R. 3009, ANDEAN TRADE PROMOTION AND DRUG ERADICATION ACT

Mr. DIAZ-BALART. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 289 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 289

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes. The bill shall be considered as read for amendment. The amendment recommended by the Committee on Ways and Means now printed in the bill shall be considered as adopted. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate on the bill, as amended, equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means; and (2) one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. SIMPSON). The gentleman from Florida (Mr. DIAZ-BALART) is recognized for 1 hour.

Mr. DIAZ-BALART. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purposes of debate only.

Mr. Speaker, House Resolution 289 is a closed rule providing for consideration of H.R. 3009, the Andean Trade Promotion and Drug Eradication Act. The rule provides 1 hour of general debate, evenly divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means and one motion to recommit with or without instructions.

The Committee on Rules provided the opportunity for the minority, Mr. Speaker, to offer a substitute. However, they declined the opportunity. This is a fair rule, Mr. Speaker, that will allow consideration of this very important issue.

The underlying legislation promotes and strengthens the U.S.-Andean trade relationship which will increase economic growth in the United States. This legislation will also work to bolster anti-corruption programs in South America.

As originally passed by Congress in 1991, the Andean Trade Preference Act sought to provide assistance to countries that have been troubled in the recent past in the form of tariff-free American goods, while simultaneously opening American markets to certain exports from these Nations. The effect of offering strategic economic advan-

tages to these countries was to help eliminate financial dependence on narco-trafficking in the Andean region.

Due to ATPA, the U.S. and the Andean nations have enjoyed an \$18 billion beneficial trade relationship for the past 10 years, but all of this is set to expire on December 4 if we do not act to extend the best elements of ATPA and continue the support of our allies in the Andean region.

The extension of ATPA is not merely a matter of economic or trade policy but is, in fact, a decision with consequences for U.S. foreign and national policy in the western hemisphere.

Bolivia, Colombia, Peru and Ecuador are nations that are good solid allies in the United States. They have repeatedly indicated over the past decade that they wish to be strong members of a free and democratic hemisphere, a hemisphere hopefully one day free of terrorism as well as free of tyranny.

Continuing ATPA will help the Andean nations fight poverty, terrorism and drug production as well as further promote democracy and human rights.

ATPA promotes job creation in a region where the alternative for many workers is easily a life devoted to drug production. ATPA provides these individuals an alternative and protects the rights of Andean workers. It also helps the economy in the United States and helps American workers. The bill contains the same worker protections contained in the Trade Development Act of 2000. Promoting development in the region, in the western hemisphere, is crucial to a U.S. foreign policy that seeks to support countries fighting against terrorism and drug trafficking.

I urge my colleagues to consider the benefits of extending ATPA, not only to our South American neighbors but also to American consumers who enjoy a wide variety of product choice without artificial constraints and restrictions.

Extending and improving ATPA is a decisive step toward improved relations with the western hemisphere. This legislation will foster the expression of mutually supportive and beneficial relationships between the United States and our neighbors in this hemisphere.

This legislation will help in the effort to strengthen our economy and add to the stabilization of the Andean region. There have been numerous challenges to democracy in the Andean region in the past decade. Many of them have been overcome, but it is still an area that is very delicate; and we must help it, especially since all of the countries in the Andean region are solid allies in the United States.

I would like to thank the gentleman from California (Mr. THOMAS) and all of those who have worked very diligently on this important piece of legislation. This is a fair rule, providing for the consideration of very important legis-

lation, Mr. Speaker. I urge my colleagues to support both the rule and the underlying legislation.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank my colleague, the gentleman from Florida (Mr. DIAZ-BALART), for yielding me the customary 30 minutes.

I rise in opposition to the closed rule. I oppose the process it represents and the indifference it signals for our colleagues on both sides of the aisle with legitimate concern over this bill.

No one in this body disputes the importance of U.S. efforts to counter drug production in South America, but the measure before us is simply not ready for floor consideration. In a hastily thrown together Rules hearing this morning, it became apparent that serious, substantive questions remained regarding the impact of this measure on many regions of this country.

Our colleagues from California, Puerto Rico, and American Samoa expressed concern over how this measure would impact the domestic processing and fishing industry. They have profound concerns over this measure accelerating job losses in an already unstable economy.

My friend and colleague, the gentlewoman from North Carolina (Mrs. MYRICK), expressed heartfelt reservations over the impact these trade measures have on the region of the country where the textile industry is struggling. I have no doubt that other Members would have similar concerns if they had only been afforded the opportunity to review the underlying bill.

Moreover, why is the leadership prioritizing this measure when other, pressing needs affecting our constituents at a time of war are never allowed to see the light of day? I do not mean to disparage our friends to the south, but ensuring the duty-free treatment of 6,000 products from the Andean countries of Bolivia, Colombia, Ecuador, and Peru surely should not take precedence over legislation impacting our homeland security and measures to help those who have lost jobs and loved ones in the wake of September 11.

Finally, the leadership missed a golden opportunity with this measure to rebuild the bipartisanship that previously existed on trade matters. Had the chairman worked on a bipartisan basis with the gentleman from New York (Mr. RANGEL), the ranking member on the Committee on Ways and Means, I have no doubt that the measure would enjoy broader support both in the Committee on Ways and Means and on the floor. That bipartisanship enabled measures like the African free trade bill to move forward last year and would have been welcomed by proponents of fair trade on both sides of the aisle.

This process does not bode well for fast track advocates who are hoping to craft an agreement to move forward in the days ahead.

Mr. Speaker, Members are fully aware that the Andean nations are struggling to combat the problems of illegal drugs, and while their economy is falling into recession and their governments confront civil unrest, the concerns of our colleagues certainly would have been better taken into account so this measure could move forward with less controversy.

Mr. Speaker, I reserve the balance of my time.

Mr. DIAZ-BALART. Mr. Speaker, I yield myself such time as I may consume.

Before yielding to my distinguished colleague, the gentlewoman from North Carolina (Mrs. MYRICK), I would simply point out that this legislation passed out of the Committee on Ways and Means on a voice vote. It has the cosponsorship of many people on both sides of the aisle, including the gentleman from New York (Mr. RANGEL), the ranking member, who was an original cosponsor.

Mr. Speaker, I yield 4 minutes to my distinguished colleague, the gentlewoman from North Carolina (Mrs. MYRICK).

Mrs. MYRICK. Mr. Speaker, I thank my friend, the gentleman from Florida (Mr. DIAZ-BALART), for yielding me the time.

I hate to be standing up here today and doing this; but very honestly, I cannot support the Andean trade bill, and I understand completely the importance of this bill to our neighbors to the south and what it means relative to trying to get stable businesses started in those countries.

I serve on the Speaker's drug task force so I am very much aware of all of that, but I disagree with the timing in particular of this being brought up before the trade promotion authority vote is on the floor.

I am not a protectionist. I am a free trader. I totally support free trade. I voted for it before many times; but quite frankly, it also needs to be fair trade, and we need to be able to export our products into those same countries freely, as well as them bringing theirs into ours.

Never in my 7 years on Capitol Hill have I seen a bigger slap in the face to the textile industry and the workers because in the last year, just the last year alone, we have lost 60,000 jobs, 20,000 of them in my State of North Carolina and most of them in my district.

As the New York Times reported on Tuesday, our Nation's economic slowdown has impacted the South more than any other region of the country, and how does Congress respond? On the very day after Burlington Industries, which is one of the largest textile com-

panies in the world, the day after they file for bankruptcy, we have this bill on the floor that gives away our textile jobs. It is just unbelievable to me.

Make no mistake about it, H.R. 3009, as reported by the Committee on Ways and Means, allows other nations to avoid our duties and quotas by shipping their yarn and fabric through South America.

The only bill that the gentleman from California (Mr. THOMAS) has shown to me, and every other textile State lawmaker, would smooth the way for Andean apparel made with fabric and yarn from anywhere in the world. It would create a giant loophole in our textile trade laws, and for weeks now the gentleman from California (Mr. THOMAS) has said this loophole will be fixed, but I have never seen a fix and neither has anybody else.

There is a larger issue at stake here, and this is an issue that is very important to the gentleman from California (Mr. DREIER), my chairman of the Committee on Rules. He is on this floor practically every day speaking about it and that is trade promotion authority.

The bill coming to the floor in just a few days is one that I would desperately like to support because I believe it is very important to give our President that authority to open foreign markets and to protect our jobs here at home. I am very afraid by having this bill on the floor at this time it is going to doom those efforts.

I just think that the folks who scheduled this vote are making a very, very serious mistake. There are several textile State lawmakers who, like myself, want to support the President on TPA, and what are they asked to do? They are asked to vote on a bill today that is bad for textiles just a few days ahead of this other bill coming to the floor. Hard to understand.

Some folks say this will not hurt the President's efforts on TPA because textile State lawmakers are not going to vote for this anyway. Well, that is a bunch of bull crap, excuse my French. Very simply, there are a lot of us who want to vote for it and have done everything we can to try and make that possible because we believe in it. We have been promised assistance for the textile industry, but no package has appeared yet.

The gentleman from California (Mr. THOMAS) has shown us language that would help crack down on transshipments, but the language has not reached the floor. I have heard plenty of talk and promises, but the promises have resulted in nothing; and quite frankly, until something is voted on on the floor it is just a promise.

So while we wait, the leadership brings an antitextile bill to the floor. This could have been brought up later. It could have been an extension. There are many ways we could have dealt with this, to have the vote after the TPA vote; but that has not happened.

So, Mr. Speaker, I am very afraid that the gentleman from California (Mr. THOMAS) is making it easy for those who are on the fence to vote no.

Ms. SLAUGHTER. Mr. Speaker, I yield 6 minutes to the gentleman from American Samoa (Mr. FALCOMA).

Mr. FALCOMA. Mr. Speaker, I would like to preface my remarks in associating myself also with the gentlewoman from North Carolina (Mrs. MYRICK) for her comments and certainly our total opposition to the rule.

Mr. Speaker, I want to plainly state for the RECORD that I do support U.S. efforts to counter drug interdiction and production in trade among the Andean countries. I also want to note that I am a free trader but only ask that trade be fair. That is all we are asking for.

For the information of my colleagues, the U.S. tuna industry has already provided under the current provisions of the Andean trade agreement explosive growth in opportunity for our Andean country neighbors.

□ 0930

Under the present ATPA rules, tuna loins are already exempt from any of the meaningful duties. As a result, the number of tuna loin factories in Andean countries have increased by 229 percent since the enactment of ATPA in 1991. Production capacity has increased by 400 percent. Exports to the United States have increased by 56 percent. Sales of tuna from the Andean countries now total almost \$100 million a year. Thanks to the present ATPA tuna rules, Andean countries are now the largest exporters of tuna to our country.

In return for U.S. efforts, Ecuador currently imposes a 20 percent duty on canned tuna from the United States. Other Andean countries impose duties of 10 and 15 percent. To protect its own market from product dumping, Mexico imports a duty free of 24 percent on canned tuna imported from Ecuador. In the middle of all this, Mr. Speaker, is the U.S. Congress really now going to allow canned tuna to come to the United States duty free? Where is the fairness of all of this, Mr. Speaker?

I believe it is important for my colleagues to understand that Ecuador and Colombia have the capacity now to process more than 540,000 tons or 48.6 million cases of tuna per year. With U.S. consumption of 45.3 million cases per year, Ecuador and Colombia have the production capacity to wipe out literally, Mr. Speaker, the entire U.S. tuna industry.

In an effort to save approximately 10,000 American jobs and protect the fragile economy of my own district in my own territory, including workers in California and Puerto Rico, the gentleman from New York (Mr. RANGEL), the ranking member of the Committee on Ways and Means; the gentleman from California (Mr. CUNNINGHAM), and

I have worked together to build, hopefully, a bipartisan coalition to object to this legislation.

I want to note for the RECORD that Chicken of the Sea, Bumble Bee, the United Tuna Cooperative, the entire U.S. fishing fleet, and ConAgra are adamantly opposed to the inclusion of canned tuna in ATPA.

With all due respect, Mr. Speaker, I am also disappointed that no hearings were held in the House on this very bill. I would hope that Members whose districts would be potentially affected by pending legislation such as this will be given the courtesy at least of an input of Members of the House whose districts are definitely going to be affected as a result of this bill.

The bottom line, in my humble opinion, Mr. Speaker, is that my territory is more than 85 percent dependent, either directly or indirectly, on the U.S. tuna processing and fishing industries. As StarKist has repeatedly testified, "A decrease in production or departure of one or both of the existing processors in American Samoa would devastate the local economy, resulting in massive unemployment and insurmountable financial problems."

This begs the question, Mr. Speaker: Why is only canned tuna up for discussion? What happened to the other industries doing their fair share to provide economic alternatives to drug production in the Andean countries? I am all for helping our Andean countries, but I want to ensure that the U.S. tuna industry, the U.S. tuna fishing fleet, and the workers in California, Puerto Rico, and American Samoa are also protected in the process.

I want to quickly note that if canned tuna is not excluded, this country will see the end of the U.S. fishing fleet which is composed of 50 vessels. Investments in these vessels are worth hundreds of millions of dollars. Our World War II veterans built this fleet and for almost 100 years, the tuna industry has been with us. In times of national crisis, our tuna fishing fleet has been our eyes and ears on the high seas. Our fishing fleets report to the Coast Guard and other Federal agencies any suspicious movements of vessels that may also affect the security of our Nation.

My colleagues need to understand that there are no fishing licenses left in the eastern Pacific. Our U.S. tuna fishing fleet cannot fish in the eastern region of the Pacific. What kind of justice is this, Mr. Speaker?

Mr. Speaker, canned tuna represents the third fastest moving product category in the entire U.S. grocery business. Canned tuna provides a high-quality, affordable source of protein for 96 percent of U.S. families. If H.R. 3009 is not amended, if this legislation is not shut down, canned tuna will become a foreign-controlled commodity instead of a branded product that U.S. consumers have trusted with confidence for over 95 years.

Mr. Speaker, I urge my colleagues to vote down on this proposed rule concerning this legislation, and I urge my colleagues to exclude canned tuna from this bill and vote against the rule which will not allow Members from both sides of the aisle to introduce appropriate amendments so that at least we can debate the merits of this bill.

Mr. DIAZ-BALART. Mr. Speaker, I yield 6 minutes to the distinguished gentleman from California (Mr. THOMAS), the chairman of the Committee on Ways and Means.

Mr. THOMAS. Mr. Speaker, when the world changes, it is always difficult and sometimes painful, but the fact of the matter is, the world will change. In this area of economic relationships, it is becoming extremely dynamic.

First of all, people need to understand that the people who primarily take the floor are those who are opposed to what is going to occur. We do not ordinarily get an enormous number of people who are in support. So when we listen to the arguments that people are making as to why we should be opposed to this bill, which allows for modest importations from sub-Saharan Africa, modest adjustments for the Caribbean region, and the opportunity, for the first time, for the Andean region, which has taken significant responsibility for reducing the production of coca and, therefore, cocaine, taking away literally a cash crop and not getting anything in return, that what we are doing is reaching out to them in this bill.

Mr. Speaker, T-shirts, if you will, are going to be produced somewhere in the world. I understand my friends from the former textile-producing areas, because quite frankly, in the latter part of the last century it was New England that was the textile center of the U.S. What we saw was movement regionally to the Atlantic States and then to the South because it was following cheap labor. And what has happened is, it has begun to jump off the North American continent and continues to find cheap labor.

Cheap labor is all over the world. The T-shirt, if it is not made in the U.S., is going to be made somewhere: Madagascar, Bangladesh, India. It is not going to be made in the U.S. And the idea that if we simply stop the world, we are going to keep the jobs, that is just not reality.

What we have to do is rethink our relationships. What the U.S. can do and do well is to continue to supply fabric, cotton, primarily yarn, and also raw material.

Now, where do we have a better chance of sustaining the U.S.'s future role in textiles coming into the U.S.? Making sure that the people who send that T-shirt, either in Madagascar or in Bangladesh or somewhere else 10,000, 15,000 miles away from the U.S., or building a win-win relationship with

our friends in the Western Hemisphere? We have to start with the idea that that T-shirt is not going to stay here. People have said, one of the major mills, Brunk, is now in bankruptcy; 60,000 jobs were lost. This legislation is not in effect, so it must have been for some other reason. Time marches on.

What we are trying to do is to create a relationship that will produce a lasting, beneficial, harmonious balance in which our friends in our own hemisphere, which also provides us with shortened logistics for our own products to assist, and a little bit of help and recognition, that they have made significant advances on the supply side of the drug problem. We obviously need to work on the demand side, but they are working on the supply side.

So when we listen to the arguments, including the gentleman from American Samoa, about the potential displacement of jobs, that is a real concern for American Samoa because they have a significant number of people who are employed in this industry. What has not been presented yet is clear evidence of the facts that a direct result of what we do will diminish jobs. Will there be readjustment? Will companies go into business and go out of business? Will other companies expand to absorb the loss of the jobs from that other business? That is what we have to analyze; not say, change will take place and, therefore, do not move forward. What is the impact of the change? What is the dynamic of the change, and how can we make sure that any downside is diminished?

My friend came to the floor and mentioned my name a number of times and said that certain bills have not passed and that this should not be in front of trade promotion authority. I will tell my colleagues, I did everything in my power to make sure that trade promotion authority came first.

I had a letter from the Speaker saying that it was going to be voted on prior to today. I do not control scheduling on the floor. We do know that this particular provision will expire December 4. The Andean bill has been where the Andean bill has been; the trade promotion authority has been changed. This bill has not been changed. Trade promotion authority has been changed. I do not have control over that.

So what we have in front of us today is the possibility to build a stronger lasting relationship with every commitment on the part of the sponsors of this bill; and by the way, there has been a lot of comment about the fact that we have not been bipartisan. I support the bill, the ranking member supports the bill, the gentleman from Michigan (Mr. LEVIN), the ranking member on the Subcommittee on Trade supports the bill, the gentleman from Illinois (Mr. CRANE), the chairman of the Subcommittee on Trade

supports the bill. The bill came out of committee on a voice vote.

Mr. Speaker, we can just go so far. It is not perfect. Trade involves relocation. I will commit to anyone, lay the facts in front of me, clear evidence of the downside, and we will work on making that adjustment. But to say that we have to stop now and not move forward in this process because frankly the Senate has to take the bill up, I am quite sure that the Members over there will effect change in the bill. We will have a conference and we will move forward. Our job today is to not send a signal to our friends around the world that the answer is no and nothing.

Ms. SLAUGHTER. Mr. Speaker, I yield 4 minutes to the gentleman from New York (Mr. RANGEL).

Mr. RANGEL. Mr. Speaker, I rise in support of the rule, and against the cockamamie idea that only people that are against trade or are against the bill can come to the floor to have something to say about it. I just do not believe that when we support a bill or we support a rule, that automatically means that it is bipartisan. Bipartisan means that Republicans and Democrats set aside their labels and try to find out what is best for the country, what is best for international trade, what is best for Members of Congress. Just because everything is not violently opposed does not mean that people support the concept of bringing bills to the floor based on the thoughts of the distinguished chairman from California.

There is the old fashioned way to do it, and they call it hearings. We do not have to do it that way, but just because there is not a name-throwing episode with everything that comes out of the committee, I do not think it raises this type of procedure to the level of being called bipartisan. And supporting trade, international trade, does not mean that one can be insensitive to the impact that it has on hard-working Americans.

Of course, economic growth is going to be dependent on expansion of trade. Of course, expansion of trade means that there is going to be dislocation and pain. That comes from progress. But it does not mean that we should not be sensitive to the negative impact that it has on hard-working Americans and that we should not do all that we can to ease that pain. And we should discuss it; we should have hearings. Americans, whether in Puerto Rico or whether they are in American Samoa, should have an opportunity to share with us what will be the negative economic impact on our citizens in that part of the world.

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The fact that I support the rule and support the legislation does not mean that I am not going to do all I can to make certain that equity is displayed not only for our textile workers and

manufacturers, but for our people in American Samoa and people in Puerto Rico.

It seems like if anyone has a complaint about anything, that they are depicted as being whining and screaming and un-American. Even when it gets to the trade promotion authority, one can be even unpatriotic because one disagrees with some unilateral proposal that came out of my committee. We have to get back to the idea that just because we all do not read from the same page does not mean that one is less patriotic than the next person.

I want to say that we have a lot of things to work out here. We have assurances from the chairman that he has to see some negative evidence of what is happening in Samoa and Puerto Rico, and we have to do that. We have to work with our friends, Republicans and Democrats in the Senate. We have to try to perfect this. We have to try to do in conference what we did not do at hearings.

So let us try to be a little more gentle with each other. The country is at war. We have a job to do. We have to have mutual respect for the intent of the Members that are trying to perfect our legislation, and not just be opposed to it.

Mr. DIAZ-BALART. Mr. Speaker, I yield 4 minutes to the gentleman from North Carolina (Mr. COBLE).

Mr. COBLE. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, this issue or these represented issues seem to have a way of polarizing Republicans, Democrats, liberals, conservatives, all over the field.

My good friend, the gentleman from California (Mr. THOMAS), the very able chairman of the powerful Committee on Ways and Means, he and I are at odds on this.

The gentleman from New York (Mr. RANGEL), I am not sure where he is on this; but he is nonetheless my friend, whether he is for me or against me.

Nevertheless, this has a way of separating people. The United States textile industry has already suffered its worst crisis since the Great Depression. We have lost nearly 60,000 jobs, nearly 10 percent of the entire workforce, in just the last 12 months.

Our suppliers in the cotton, wool, man-made fiber, textile, machinery, and chemical industries have also been damaged by this crisis.

H.R. 3009, Mr. Speaker, will be extremely damaging to the United States textile industry. It will cause even more U.S. job losses, and make our current crisis even worse. The bill would harm American textile manufacturers, including producers of fabric, yarn, and thread.

Mr. Speaker, this week, two giants in my district came forward with distressing news. One announced that it is filing chapter 11. A second one announced it is laying off 13,000 workers.

Mr. Speaker, my mom was a machine operator in a hosiery mill. I knew as a youngster in the rural south the significance of a textile check coming in every week as a result of a woman laboring arduously over that machine, before the days of air conditioning, I might add, Mr. Speaker. Now those textile checks are less frequent. They are being seen less and less frequently.

The bill allows, Mr. Speaker, a huge amount of regional fabric made in the Andean countries, increasing to nearly 1 billion square meter equivalent annually by 2006, to be assembled as garments and enter the United States duty free, quota free.

That is a slap in the face to our textile community, which is synonymously known as success in this country. When we mention success, we immediately think of the textile industry, the way it started, the jobs that were created. The bill also allows apparel assembled in the Andean countries of U.S. or Andean regional fabric to use yarn from anywhere in the world.

Finally, unrelated to the basic Andean bill, this legislation would grant duty-free treatment to vast quantities of apparel imports assembled in sub-Saharan Africa from African or Third World countries, usually Asian fabric.

Mr. Speaker, I am unwilling and/or incapable of turning a blind eye and a deaf ear to the textile community which has been so obviously significant in the success of this country. I urge a "no" vote.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. DELAHUNT).

Mr. DELAHUNT. Mr. Speaker, I thank the gentlewoman for yielding time to me.

Mr. Speaker, I think it is important to note that this bill is not just about drugs, and it is certainly not just about Colombia. It is about stability in the Andean region.

As someone who serves on the Subcommittee on the Western Hemisphere and who has traveled extensively in the region, I can tell my colleagues that this region, this region presently is on the verge of profound instability. Things are getting worse. Things are getting substantially worse.

All of these countries are experiencing a level of civil unrest. I think that it is critical to understand. Colombia's economy is still stuck in the worst recession in 70 years. Ecuador's economy is a basket case. Peru and Bolivia remain desperately poor. The conditions in those nations continue to deteriorate.

Now, this decline is partly a result of the extension of trade benefits to the Caribbean Basin, which I opposed. I opposed it because they lack the necessary safeguard in terms of workers' rights, and environmental standards. I opposed it in part because

I feared exactly what is happening: workers in the Andean countries are not competing with American workers. They are now competing with workers in the Caribbean because of CBI, and they are losing that competition. The economic impact of September 11 has not even been felt yet, but we know it will.

So it should not come as any surprise that the peasants in those four countries are back growing coca and opium again. The successes that have been achieved in Ecuador, Peru, and Bolivia are eroding rapidly. They are at risk. The unemployment rates in these nations are escalating dramatically.

That is why the economic opportunities provided in this bill are so critical, not just for ending drug cultivation and promoting stability, but they are essential for peace and harmony in the region.

By the way, it is for the same reason that I have been urging the administration to accelerate the dollars that have been appropriated under Plan Colombia for alternative crop substitution and economic development.

Now, I share the concern of my colleagues about labor rights in the region. I am not happy with the labor provisions in the bill. But if the state has failed, there is nobody to guarantee these labor rights, and state collapse may come sooner than we think in the Andean region. The region, believe me, has serious problems.

We have seen what happens when states fail. We have the example currently of Afghanistan. We do not want to allow that to happen in the Andean region. I urge support for the bill.

Mr. DIAZ-BALART. Mr. Speaker, I yield 4 minutes to the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Mr. Speaker, this is probably the most important antinarcotics vote that will be cast in Congress this year. There is just no way to avoid it.

I do not support TPA. I am not exactly known as Mr. Free Trader. This is something where we have to look at the facts. As my friend, the gentleman from Massachusetts, just pointed out, whether we like NAFTA or not, we have that; whether we like the Caribbean Basin Initiative or not, whether we like the Andean trade preference, that is what is there now.

This vote is whether to repeal the trade advantage in the most critical cocaine and heroin region in the world at a time that the surrounding nations have these advantages because of the legislation in this United States Congress.

Let us look at the facts of this situation: in Colombia, we once had a narcostate that has now elected a free government, that is helping us eliminate the cocaine and heroin. As they elect a government that now responds to our concerns, we are going to tell

them they do not have anywhere to sell their products if the farmers stop growing poppy and coca?

In Bolivia, which used to supply 30 percent of our cocaine and heroin, they now are down to less than 5 percent and going towards complete eradication. We have a president who succeeded President Banzer, President Quiroga, who is committed to providing trade opportunities so the campesinos have some way to feed their families other than feeding our children cocaine and heroin. And we are going to say, no, we are going to stop that trade?

In Peru, we have a newly elected government, a country riven by tremendous crisis because of past illegal activities in security issues with President Fujimori. That president is trying to build and rebuild a coalition, and we want to yank his opportunity out from underneath him? Mind you, we already have an Andean trade preference. This is whether to repeal it. We are going to yank it out at a critical time in Peruvian history?

In Ecuador, which has had five different governments in 5 years, that is teetering on instability. As we see the coca and heroin producers look at their region as a possible place to go in, we want to tell their government that is saying, we need to trade, we need to build our relations with the United States, we want to stiff-arm them and repeal their opportunities?

For those who come here and say, we do not want to do eradication, we do not want to do fumigation, we do not want to shoot down airplanes, to do all the interdiction, we do not want to throw people in prisons, what do they propose to do to help these people?

My friend, the gentleman from Massachusetts, has said it well: in the Andean initiative, we are trying to do alternative development. We are trying to rebuild their legal systems. But we are going to stop and repeal the trade initiatives at the very time this Congress has put \$1 billion into Plan Colombia, we are putting another half a billion into the Andean initiative, and now we want to yank out the essential follow-through that gives something for these people to do to make a living to feed their families at a time when they most need it?

I just do not understand it. My friends who supported the interdiction efforts, as we eradicate their crops, as we intercept their ships, as we shoot down their planes, what do we propose they do? That is a fundamental question Members are dealing with today.

We cannot on the one hand, and look, this is a tough decision. I understand that this is not likely to help my district in the trade question, but it is certainly going to help the kids and families on the streets of Indiana if we can lower the amount of heroin and cocaine coming in and protect them.

We have to make some tough decisions. I strongly support this act. It is essential. It is the centerpiece of the antidrug efforts. We cannot just tell these people: eat coke. We have to have an alternative.

This is not an easy vote, but it is one of the most essential votes in this hemisphere in the antidrug efforts that Members will cast this year or next year.

Ms. SLAUGHTER. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Speaker, I thank the gentlewoman for yielding time to me.

Mr. Speaker, I am disappointed that the Committee on Rules refused to allow an amendment that I made a request on which would require the certification by the President that Colombia is actively engaged in the investigation of the murder of labor activists in its country.

The country, Colombia, has exported many products to the United States; but that is not what it will be remembered for. It will be remembered for the killings that are taking place.

During the 1990s, more trade union activists were killed in Colombia than any other country. No other country is even close. The numbers are truly astonishing. Over 1,000 labor activists have been murdered since this trade agreement was enacted.

It is not because of this trade agreement; but the fact is, during this 10-year relationship, that is what has happened. In this year alone, 131 labor activists have been killed. This cannot just be a coincidence of these people being killed in the firefight that is taking place.

I do not diminish the complexity of the problems of violence in Colombia on both the right and the left, but the fact of the matter is that, according to the ILO, these murders have continued. They have not been investigated. People have not been identified. The core ILO agreements have not been dealt with.

In fact, the ILO report of last year says that the cases where the instigators and perpetrators of the murders of trade union leader are identified are practically nonexistent, as is handing down guilty verdicts.

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The point is this, the government is doing little or nothing to try to investigate and identify the people who are killing the labor activists across the country. When labor activists are asking for protection from the government the protection is not forthcoming and the assassinations continue. These people are assassinated at work. They are assassinated in the streets. They are assassinated in their own homes in front of their families. And they are all labor activists. That is what they have

in common. The time has come to stop that.

We talk about the benefits of the trade agreements. One of the benefits, theoretically, is the labor will prosper, the people have the ability to organize. They will improve their working conditions. They will improve their pay, and they will be able to provide for their families. But that does not happen in and of itself. It happens because labor organizers talk to the workers. They talk to them about the benefits of joining a union.

Colombia has a history of union involvement but it is now being eradicated. According to the ILO, it is being eradicated by the para-military organizations on the right for the most part. And I think it is time to come where not only we will be investing in Plan Colombia, but we are extending trade agreements to Colombia that we understand the need to stop the assassination in this country of these labor activists, because it just takes away any ability to try and organize the working place so, in fact, people can have the benefits that supposedly free trade is supposed to bring to those countries in terms of the economic opportunity.

Thirty members of the Congress joined me in sending a letter to the president of Colombia asking for these investigations, asking for an effort to bring these people to justice. And we have received no response from the president. And I was hoping that this amendment would have been accepted and we could have sent that message to the president requiring those actions to take place in the certification by the President of United States that those investigations were ongoing. Unfortunately, this trade agreement will probably pass. Those investigations will not take place. We are talking about a reign of terrorism in Colombia right under our noses in a country where we are financing a war supposedly to end that; and yet we cannot get the government to participate in the effort to investigate these assassinations and these crimes against labor activists. I thank the gentleman for yielding me time.

Mr. DIAZ-BALART. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. GOODE).

Mr. GOODE. Mr. Speaker, I must rise in opposition to H.R. 3009. I have had hundreds of letters from textile employees and the plant managers from my part of Virginia. They are very concerned that this legislation, if passed and signed into law, will cost more jobs in southside Virginia. This week VF Knitwear announced the termination of 2,300 persons in Martinsville and Henry County. This brings to a total of over 10,000 jobs lost in the past year and a half under the so-called free-trade benefits.

This bill is a turkey. It would be an awful Thanksgiving present for the

persons in my district if this bill were to pass. We need to kill this turkey, and we need to relegate it to a place where hope is a stranger and where mercy will never reach.

Ms. SLAUGHTER. Mr. Speaker, I yield 4 minutes to the gentleman from South Carolina (Mr. SPRATT).

Mr. SPRATT. Mr. Speaker, the Andean Free Trade Preference Act expires in December; and if all we were talking about was the extension of the bill, it would be a simple matter. Most of us would vote for it. But this Andean Free Trade Pact extension is also an expansion. It goes far beyond simply expanding the free trade pact that has been in existence for the last 10 years.

First of all, for the first time it extends duty-free, quota-free access to textile and apparel imports from four countries, the Andean countries. Secondly, it takes this bill which needs to pass in December and piggybacks on to it wholly gratuitous concessions to sub-Saharan African countries, 22 of them, who last year got substantial concessions in the African Growth and Opportunity Act. And then it extends a third time substantial concessions to the Caribbean countries, 24 of them.

So we have really got three trade-expansion bills wrapped up in one. If it were just the Andean Pact we were talking about, it would be simple; but the problem is it goes much further.

Mr. Speaker, over the last 15 years, we have liberalized trade and textiles and apparel again and again and again. First there was free trade for Israel. Then there was free trade or substantial concessions for the Caribbean countries. Then there was NAFTA. Then there were more concessions for the Caribbean countries so they would be treated like Mexico. Then there was the phase-out and elimination of quotas as a result of agreement on textile and clothing which was part of the WTO agreement in 1994.

What is the result? What is the result of all of these free-trade concessions? Today, last year, textile and apparel imports into this country were \$77.5 billion, \$77.5 billion, up by 90 percent since 1994. Up by \$35 billion since 1994.

What is the result for the American textile worker? When I came here in 1983, there were 2.1, 2.2 million Americans engaged in textiles and apparel. Today there is barely over a million. And in the last 9 months, 118,000 textile and apparel workers have lost their jobs in this country. In the last 3 months, 46,000 textile and apparel workers have lost their jobs. This bill, this triple package with the Andean countries and the Caribbean countries and the sub-Saharan African countries all benefiting, substantially gaining greater rights to duty-free, quota-free access to our markets, this bill cannot help but continue the hemorrhage in job losses that we have experienced for the last 10 years.

This struggling industry will be dealt a death blow by this particular bill. I am not exaggerating.

There is a simpler, easier conclusion. We can have a clean bill, a mere expansion of the Andean Trade Preference Act, extend it for 5 years, extend it for 10 years. It does not matter to me what you extend it for, but keep it clean. Keep it related to the purpose at hand. Simply extend the pact that we have got. I will give the House that opportunity when the time comes for a motion to recommit, if of course this motion is not defeated; and that is the most efficient solution, defeat the motion and send the bill back so that it conforms to simply the Andean Free Trade Pact.

But if the rule passes, I will offer a motion to recommit which will give everybody in the House that option, the option simply of extending the Andean Trade Pact so it helps those countries that we purport to help; but it does not help them at the expense of the million textile workers who are still left.

Mr. DIAZ-BALART. Mr. Speaker, I yield 2 minutes to my good friend, the gentleman from California (Mr. CUNNINGHAM), for a colloquy with the gentleman from California (Mr. THOMAS).

Mr. CUNNINGHAM. Mr. Speaker, I would like to enter into a colloquy with my friend, the gentleman from California (Mr. THOMAS).

The reason is the U.S. must continue to exempt canned tuna or they will destroy domestic processing and the entire fishing industry not only in California but Samoa, Puerto Rico, and other places. I have been working with my good friend, the gentleman from American Samoa (Mr. FALEOMAVAEGA), and others on this position.

Mr. Speaker, I understand that the gentleman from California (Mr. THOMAS) has committed if we can bring him the facts that in the conference report he will take into consideration and allow our amendment that will at least stop the loss of jobs. And we estimate right now just in San Diego over 10,000 jobs will be lost if they are able to dump this tuna. Do we have the gentleman's commitment to take a look at the facts and work this in conference, because the Senate supports our position?

Mr. THOMAS. Mr. Speaker, I will tell the gentleman, as I said both privately and publicly, we are currently analyzing the situation. We have been provided by our friend from American Samoa an amendment something other than simply banning. That is a significant step in the right direction.

We are willing to look at limitations on volume, quota or consumption, whichever is the most appropriate structure. I understand and appreciate the gentleman's concern because he is dealing with only a canning operation in which the processing comes from the

very country that is the subject of the tuna expansion in Andean and Ecuador. And the pressures are significant. The facts are there. We will make adjustments so that the gentleman will have at least a minimal comfort level.

Mr. CUNNINGHAM. Mr. Speaker, I thank and I take the gentleman's words from California (Mr. THOMAS) as a friend and I take his word as gospel. But I will say if the problem cannot be worked out, my friends from American Samoa, from Puerto Rico and from California, we will be forced in the conference report to vote against the rule, to vote against the conference report; and then I will support the motion to recommit in the conference report.

Mr. THOMAS. Mr. Speaker, I will tell my friend who said that the solution is to simply extend the Andean Pact, it means the African provisions are out, the Caribbean provisions are out and all of the help, as the gentleman from Indiana (Mr. SOUDER) said, in replacing the drug costs will be out as well. That does not sound exactly like a good deal.

Ms. SLAUGHTER. Mr. Speaker, may I inquire how much time is remaining on either side?

The SPEAKER pro tempore. The gentlewoman from New York (Ms. SLAUGHTER) has 6½ minutes. The gentleman from Florida (Mr. DIAZ-BALART) has 4½ minutes.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. FARR).

Mr. FARR of California. Mr. Speaker, I thank the gentlewoman from New York (Ms. SLAUGHTER) for yielding me time.

Mr. Speaker, I rise on the debate on the rule to urge defeat of this rule. I ask defeat of this rule because of the situation at hand. The United States Congress has been asked to adopt, reapprove the Andean Trade Act, which was adopted over 10 years ago. It had a sunset in it so that there would be debate to be able to revise it and look at it and debate it.

This bill comes to the floor without any public hearings, without any debate. In fact, it was rushed through the Committee on Rules just a few hours ago. And now we are asked to adopt one of the most important trade policies to affect the southern hemisphere. It affects all of Central America, the Caribbean, and the Andean region of Latin America.

There are a lot of concerns that you hear from Members here, concerns that ought to be addressed and these trade agreements ought to be modernized and updated with the circumstances at hand. And we need to have a public process and a public hearing to do that. It did not occur here; and, therefore, the rule ought to be defeated and the bill ought to be defeated.

Yes, there is pressure on us because the bill does sunset. But we can do a

better job than what we have done with bringing this bill to the floor at this time, at this moment. So I urge a defeat of the rule.

Mr. DIAZ-BALART. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. DREIER), the distinguished chairman on the Committee on Rules.

Mr. DREIER. Mr. Speaker, there is an expression that probably will only be understood by my friend, the gentleman from Florida (Mr. DIAZ-BALART), of those in the Chamber. I do not know how many bilingual people there are here. But I have struggled, as the gentleman from Florida (Mr. DIAZ-BALART) knows, with my Spanish and this was a term that was taught to me by our distinguished colleague, the gentlewoman from California (Mrs. NAPOLITANO). It is: "Tapar el sol con un dedo."

It basically means you try to block the sun with your thumb, which obviously is not going to happen. We need to realize that there is overwhelming momentum worldwide to break down tariff barriers and to expand trade.

Many people who traditionally have not been supportive of that in the past in Latin America are now strong proponents; and we know that, obviously, improved trade increases the standard of living for people. It allows them to focus on political repression and other challenges.

This bill is designed to deal with a number of factors. Obviously, it is focused on challenges that exist in Africa and the Caribbean basin. One of key issues in focusing on Andean trade is that we have been able to do everything possible to try and wean those countries that have been reliant on the crops that provided drugs to move off of that.

□ 1015

Several weeks ago, I and a number of my colleagues had the opportunity to visit Bolivia, and there is no stronger example of a nation which has stood for that transfer away from coca, the drug crop, to legal, wonderful, productive crops than Bolivia. And there needs to be an even greater incentive as we try to diminish that flow of illicit drugs into the United States and other parts of the world. This measure is designed to do just that.

There are, as has been pointed out in the debate, a wide range of other factors included in here, and there are concerns. But as I said with that expression, to try to block the sun with your thumb is something that we cannot do here. The world is changing, and I am happy to say that it is moving towards free trade because it does benefit the consumers. I do not want to see the tuna industry impacted negatively, I do not want to see the textile industry impacted negatively. And I know there are very understandable questions that

have come forward, and I hope that we will be able to take steps to diminish the deleterious impact that this might have.

I am convinced, I am convinced that as we deal with these shifts that have taken place domestically, as was pointed out earlier in the debate, that are now taking place globally, it is clearly the right thing for us to do to move in this direction. Our next step, then, Mr. Speaker, will be to grant trade promotion authority so that we can expand even further the very, very important message of freedom.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Mrs. TAUSCHER).

Mrs. TAUSCHER. Mr. Speaker, I thank the gentlewoman for yielding me this time, and I rise in support of the Andean Trade Preference Act.

We are at a critical point in our ongoing relationship with our good friends in Central and South America. The expansion and extension of ATPA is a necessary component of a comprehensive strategy to improve our collective security in the Western Hemisphere.

We have already established free trade agreements with Canada and Mexico, and now we must look to widen our horizon, expand our opportunities and share the good fortunes of trade with our Andean neighbors and then the rest of the democratic countries of South America.

The ATPA has helped foster trade between the United States and the Andean region that has nearly doubled over the last decade to \$18 billion to the mutual benefit of the United States and Andean businesses. To date, we have made a bet that a \$1.3 billion American assistance program can help solve this problem. If we truly want to shape the environment to ensure our success, we must protect our bet with a trade package that sets the conditions for economies that need to change their earnings from drug money to industries that are part of the 21st century economy.

I urge my colleagues to vote "yes" on H.R. 3009, the Andean Trade Promotion and Drug Eradication Act.

Mr. DIAZ-BALART. Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, may I inquire again how much time there is?

The SPEAKER pro tempore (Mr. SIMPSON). The gentlewoman from New York (Ms. SLAUGHTER) has 3½ minutes remaining, and the gentleman from Florida (Mr. DIAZ-BALART) has 1½ minutes remaining.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. EVANS).

Mr. EVANS. Mr. Speaker, this rule prevents consideration of an amendment the gentleman from California (Mr. GEORGE MILLER) and I would have

introduced to strike Colombia from this trade preference due to their horrendous record on labor rights.

This bill allows Colombia to import numerous goods across our borders duty free. This preference costs us \$262 million. This is a lot of lost revenue at the expense of a country that does nothing to ensure the basic security of trade unionists. Four thousand trade unionists have been gunned down in the last few years, and 133 trade unionists have been murdered this year alone. In Colombia, virtual immunity exists for the murderers of these trade unionists.

The Miller-Evans amendment suspends Colombia from this trade preference until it begins to investigate the murders of these labor leaders. We are really not asking too much for several million dollars of duty free treatment.

I think we should stand in solidarity with the families of the 4,000-plus slain union leaders in Colombia that died for peace and human rights while their pleas for protection have been ignored by their own government. Their families have no consolation as the killers or these trade unionists remain free from prosecution.

I urge my colleagues to remember that labor rights are human rights. Trade unionists risk their lives every day to ensure no person is subject to a wage that does not allow them to feed their family or works in a hazardous and dangerous workplace around the world. These are basic principles we must insist on if Colombia is ever to receive the benefits of trade with our Nation.

I urge my colleagues to stand up and fight for labor rights and human rights.

Mr. DIAZ-BALART. Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield the balance of my time to the gentleman from Washington State (Mr. BAIRD).

The SPEAKER pro tempore. The gentleman from Washington is recognized for 2 minutes.

Mr. BAIRD. Mr. Speaker, last weekend, I had the great privilege of visiting the Pendleton Woolen Mills in Washougal, Washington. I met with many of the hundreds of employees who work there, many of whom have been there for 20 or 30 years. Their whole life has been spent working in one of America's finest textile industries.

The challenge we face today is that we are presented with legislation that possibly will cost these people their jobs, with very, very little time to discuss this, with little time to debate it, and with little time to explore the ways we can improve it and minimize the impact on the people who might be displaced.

I have supported trade, proudly supported trade in this body: trade in the

Caribbean, trade with Africa, and trade with China, and elsewhere in the world. But to bring a piece of legislation to this body with so little time, when it could affect so many of our American workers, is not the kind of procedure we should follow. It does a disservice to those workers, and frankly, it does a disservice to the principles of trade itself.

I urge my colleagues to vote "no" on this piece of legislation and "no" on the rule until we get this right. We need time, we owe the time to the people whose jobs could be lost, to do this right.

I am a supporter of trade, but we need to return to a more deliberative, conceptual, thoughtful process here in this body; we are not doing it, and it is a darn shame. I urge my colleagues to vote "no" on this rule.

Mr. DIAZ-BALART. Mr. Speaker, has the gentlewoman from New York (Ms. SLAUGHTER) yielded back her time?

The SPEAKER pro tempore. The gentlewoman from New York has 1½ minutes remaining.

Ms. SLAUGHTER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. DIAZ-BALART. Mr. Speaker, I yield myself such time as I may consume, and I wish to thank all my colleagues who have spoken today and in the Committee on Rules, where we met at 7:00 this morning and had a hearing and a vote on this very important legislation before bringing it to the floor.

We are dealing, with regard to the Andean region, with four democracies. I am a strong believer and always have been in free trade among free peoples. There are four democracies in this hemisphere, allies of the United States, facing tremendous challenges, not the least of which is narcotrafficking. The strongest signal we could send to them, that we appreciate their friendship, and that we look forward to working with them to mutually seek progress and prosperity in the United States and in our neighborhood in this hemisphere, is by passing this legislation today.

With regard to the argument that there have been problems with labor leaders in Colombia, the same person that came to advocate for that today before the Committee on Rules to prevent free trade with Colombia, advocates for free trade, for example, with the only dictatorship in this hemisphere today where there are no labor rights. How can you be for free trade with the Cuban dictatorship, where there are absolutely no labor rights, and then come and advocate for the denial of free trade or a trade relationship with a democracy because there are some problems?

So, anyway, this is important legislation, and I want to thank those who have worked so hard on it. It expires, the agreement with the Andean coun-

tries, December 4, so in talking about timeliness, it is so important, Mr. Speaker, that we pass this before we leave today or tomorrow for a few days, before we come back. And so I would urge my colleagues to support the underlying legislation and to support this rule.

Mr. MCGOVERN. Mr. Speaker, I rise in opposition to this rule because it did not allow an amendment submitted by Representative GEORGE MILLER on violence against Colombian labor leaders.

I strongly believe that Colombia should benefit from the Andean Trade Preferences Act.

If we want Colombia to abandon illegal commerce, then we must provide Colombia with benefits and incentives to support of legal enterprises. This trade amendment is one such effort to do that.

This bill might have a negative impact on some textile companies in my own congressional district, although that is not assured. It would be a lot easier for those business owners and the workers to accept this trade agreement if they knew that Colombia's workers were protected from human rights violence. At a minimum, the companies and workers in my district need to know that if the worst happens, and Colombian union leaders and workers are murdered, then Colombian justice will actively investigate, hunt down, prosecute, and imprison the murderers.

Unfortunately, that is not the case. Earlier this year, I met with a very impressive delegation of Colombian business leaders, members of the Colombian Chamber of Commerce. They also believe that the Colombian government needs to do a great deal more to protect both business owners and union leaders from kidnapping and murder. More trade unionists are killed in Colombia than all other countries combined.

Mr. Speaker, that is a horrible reality. I have been to Colombia. I know that everyone in every part of the country is threatened by violence. The sources of violence include the paramilitary groups, the guerrilla forces and official armed forces. I know that stopping the violence will take a long time.

Congressman Mr. MILLER was not asking for anything so grand in his amendment.

We are only asking that the Colombian Government apprehend and try the parties responsible for the killings of trade union members. Not because they are more important than any other sector of Colombian society, but because such action will send a clear message that impunity is ended for those who target labor leaders for murder.

I want to promote and expand legal commerce and markets for Colombia.

All I ask for is that Colombia demonstrate the political will to demand justice for murdered labor leaders.

Mr. DIAZ-BALART. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 225, nays 191, not voting 16, as follows:

[Roll No. 446]

YEAS—225

Aderholt	Granger	Otter
Akin	Graves	Oxley
Army	Green (WI)	Paul
Bachus	Greenwood	Pence
Baker	Grucci	Peterson (PA)
Ballenger	Gutknecht	Petri
Barr	Hansen	Pitts
Bartlett	Hart	Platts
Barton	Hastings (WA)	Pommo
Bass	Hayworth	Portman
Bereuter	Hefley	Pryce (OH)
Berman	Herger	Putnam
Biggart	Hill	Quinn
Bilirakis	Hilleary	Radanovich
Blumenauer	Hinojosa	Ramstad
Blunt	Hobson	Rangel
Boehlert	Hooley	Regula
Boehner	Horn	Rehberg
Bonilla	Hostettler	Reynolds
Boswell	Houghton	Riley
Brady (TX)	Hoyer	Rogers (MI)
Brown (SC)	Hulshof	Rohrabacher
Bryant	Hunter	Roukema
Burton	Hyde	Royce
Buyer	Insee	Ryan (WI)
Callahan	Isakson	Ryun (KS)
Calvert	Issa	Sandlin
Camp	Istook	Saxton
Cannon	Jenkins	Schaffer
Cantor	Johnson (CT)	Schrock
Capito	Johnson (IL)	Sensenbrenner
Carson (OK)	Johnson, Sam	Sessions
Chabot	Keller	Shadegg
Chambliss	Kelly	Shaw
Collins	Kennedy (MN)	Shays
Combest	Kennedy (RI)	Sherwood
Cooksey	Kerns	Shimkus
Cox	Kind (WI)	Shuster
Crane	King (NY)	Simmons
Crenshaw	Kingston	Simpson
Crowley	Kirk	Skeen
Culberson	Knollenberg	Smith (MI)
Cunningham	Kolbe	Smith (NJ)
Davis (FL)	LaHood	Smith (TX)
Davis, Jo Ann	Larsen (WA)	Smith (WA)
Davis, Tom	Larson (CT)	Souder
Deal	Latham	Stearns
DeLay	LaTourette	Stump
Diaz-Balart	Leach	Sununu
Dooley	Lewis (CA)	Sweeney
Doolittle	Lewis (KY)	Tancredo
Dreier	Linder	Tauscher
Duncan	LoBiondo	Tauzin
Dunn	Lofgren	Terry
Edwards	Lucas (OK)	Thomas
Ehlers	Manzullo	Thornberry
Ehrlich	Matheson	Thune
Emerson	McCrery	Tiahrt
English	McHugh	Tiberi
Eshoo	McInnis	Toomey
Ferguson	McKeon	Trafficant
Fletcher	Mica	Vitter
Foley	Miller, Dan	Walden
Forbes	Miller, Gary	Walsh
Fossella	Miller, Jeff	Wamp
Frelinghuysen	Moran (KS)	Watkins (OK)
Galleghy	Moran (VA)	Watts (OK)
Ganske	Morella	Weldon (FL)
Gekas	Neal	Weldon (PA)
Gibbons	Nethercutt	Weller
Gilchrest	Ney	Whitfield
Gillmor	Northup	Wicker
Gilman	Nussle	Wilson
Goodlatte	Osborne	Wolf
Goss	Ose	Young (FL)

NAYS—191

Abercrombie	Gordon	Olver
Ackerman	Graham	Ortiz
Allen	Green (TX)	Owens
Andrews	Gutierrez	Pallone
Baca	Hall (TX)	Pascarell
Baird	Harman	Pastor
Baldacci	Hayes	Payne
Baldwin	Hilliard	Pelosi
Barcia	Hinchey	Peterson (MN)
Barrett	Hoefel	Phelps
Becerra	Hoekstra	Pickering
Bentsen	Holden	Pomeroy
Berkley	Holt	Price (NC)
Berry	Honda	Rahall
Bishop	Israel	Reyes
Blagojevich	Jackson (IL)	Rivers
Boniior	Jackson-Lee	Rodriguez
Borski	(TX)	Roemer
Boucher	Jefferson	Rogers (KY)
Boyd	John	Ross
Brady (PA)	Jones (NC)	Rothman
Brown (FL)	Jones (OH)	Roybal-Allard
Brown (OH)	Kanjorski	Rush
Burr	Kaptur	Sabo
Capps	Kildee	Sanchez
Capuano	Kilpatrick	Sanders
Cardin	Klecza	Sawyer
Carson (IN)	Kucinich	Schakowsky
Castle	LaFalce	Schiff
Clayton	Lampson	Scott
Clement	Langevin	Serrano
Clyburn	Lee	Sherman
Coble	Levin	Shows
Condit	Lewis (GA)	Skelton
Conyers	Lipinski	Slaughter
Costello	Lowe	Snyder
Coyne	Lucas (KY)	Solis
Cramer	Luther	Spratt
Cummings	Lynch	Stark
Davis (CA)	Maloney (CT)	Stenholm
Davis (IL)	Maloney (NY)	Strickland
DeFazio	Markey	Stupak
DeGette	Mascara	Tanner
Delahunt	Matsui	Taylor (MS)
DeLauro	McCarthy (MO)	Taylor (NC)
DeMint	McCarthy (NY)	Thompson (CA)
Deutsch	McCollum	Thompson (MS)
Dicks	McDermott	Thurman
Dingell	McGovern	Tierney
Doggett	McIntyre	Towns
Doyle	McKinney	Turner
Engel	McNulty	Udall (CO)
Etheridge	Menendez	Udall (NM)
Evans	Miller, George	Upton
Everett	Mink	Velázquez
Farr	Mollohan	Visclosky
Fattah	Moore	Waters
Filner	Murtha	Watson (CA)
Ford	Myrick	Watt (NC)
Frank	Nadler	Weiner
Frost	Napolitano	Wexler
Gephardt	Norwood	Woolsey
Gonzalez	Oberstar	Wu
Goode	Obey	Wynn

NOT VOTING—16

Bono	Johnson, E. B.	Millender-
Clay	Lantos	McDonald
Cubin	Largent	Ros-Lehtinen
Flake	Meehan	Waxman
Hall (OH)	Meek (FL)	Young (AK)
Hastings (FL)	Meeks (NY)	

□ 1045

Ms. MCCARTHY of Missouri, Mrs. MALONEY of New York and Messrs. FORD, SKELTON, SNYDER, McDERMOTT, TOWNS and PAYNE changed their vote from “yea” to “nay.”

Mr. ROHRABACHER and Mr. TANCREDO changed their vote from “nay” to “yea.”

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Ms. MILLENDER-McDONALD. Mr. Speaker, on rollcall No. 446, had I been here I would have voted “no” on this bill; however, I was detained by a conference meeting with the White House and was unable to vote at the appropriate time.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed without amendment bills and a joint resolution of the House of the following titles:

H.R. 1042. An act to prevent the elimination of certain reports.

H.R. 1552. An act to extend the moratorium enacted by the Internet Tax Freedom Act through November 1, 2003, and for other purposes.

H.R. 2924. An act to provide authority to the Federal Power Marketing Administrations to reduce vandalism and destruction of property, and for other purposes.

H.J. Res. 74. Joint resolution making further continuing appropriations for the fiscal year 2002, and for other purposes.

The message also announced that the Senate has passed with amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 717. An act to amend the Public Health Service Act to provide for research with respect to various forms of muscular dystrophy, including Duchenne, Becker, limb girdle, congenital, facioscapulohumeral, myotonic, oculopharyngeal, distal, and Emery-Dreifuss muscular dystrophies.

The message also announced that the Senate has passed bills and a concurrent resolution of the following titles in which the concurrence of the House is requested:

S. 739. An act to amend title 38, United States Code, to improve programs for homeless veterans, and for other purposes.

S. 1196. An act to amend the Small Business Investment Act of 1958, and for other purposes.

S. 1202. An act to amend the Ethics in Government Act of 1978 (5 U.S.C. App.) to extend the authorization of appropriations for the Office of Government Ethics through fiscal year 2006.

S. 1270. An act to designate the United States courthouse to be constructed at 8th Avenue and Mill Street in Eugene, Oregon, as the “Wayne Lyman Morse United States Courthouse”.

S. 1389. An act to provide for the conveyance of certain real property in South Dakota to the State of South Dakota with indemnification by the United States Government, and for other purposes.

S. 1459. An act to designate the Federal building and United States courthouse located at 550 West Fort Street in Boise, Idaho, as the James A. McClure Federal Building and United States Courthouse”.

S. 1573. An act to authorize the provision of educational and health care assistance to the women and children of Afghanistan.

S. Con. Res. 44. Concurrent resolution expressing the sense of the Congress regarding National Pearl Harbor Remembrance Day.

The message also announced that there was a Senate amendment to the House amendment for:

S. 320. An act to make technical corrections in patent, copyright, and trademark laws.

CONFERENCE REPORT ON S. 1447, AVIATION AND TRANSPORTATION SECURITY ACT

Mr. MICA submitted the following conference report and statement on the Senate bill (S. 1447) to improve aviation security, and for other purposes:

CONFERENCE REPORT (H. REPT. 107-296)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1447), to improve aviation security, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Aviation and Transportation Security Act".

TITLE I—AVIATION SECURITY

SEC. 101. TRANSPORTATION SECURITY ADMINISTRATION.

(a) IN GENERAL.—Chapter 1 of title 49, United States Code, is amended by adding at the end the following:

"§ 114. Transportation Security Administration

"(a) IN GENERAL.—The Transportation Security Administration shall be an administration of the Department of Transportation.

"(b) UNDER SECRETARY.—

"(1) APPOINTMENT.—The head of the Administration shall be the Under Secretary of Transportation for Security. The Under Secretary shall be appointed by the President, by and with the advice and consent of the Senate.

"(2) QUALIFICATIONS.—The Under Secretary must—

"(A) be a citizen of the United States; and

"(B) have experience in a field directly related to transportation or security.

"(3) TERM.—The term of office of an individual appointed as the Under Secretary shall be 5 years.

"(c) LIMITATION ON OWNERSHIP OF STOCKS AND BONDS.—The Under Secretary may not own stock in or bonds of a transportation or security enterprise or an enterprise that makes equipment that could be used for security purposes.

"(d) FUNCTIONS.—The Under Secretary shall be responsible for security in all modes of transportation, including—

"(1) carrying out chapter 449, relating to civil aviation security, and related research and development activities; and

"(2) security responsibilities over other modes of transportation that are exercised by the Department of Transportation.

"(e) SCREENING OPERATIONS.—The Under Secretary shall—

"(1) be responsible for day-to-day Federal security screening operations for passenger air transportation and intrastate air transportation under sections 44901 and 44935;

"(2) develop standards for the hiring and retention of security screening personnel;

"(3) train and test security screening personnel; and

"(4) be responsible for hiring and training personnel to provide security screening at all

airports in the United States where screening is required under section 44901, in consultation with the Secretary of Transportation and the heads of other appropriate Federal agencies and departments.

"(f) ADDITIONAL DUTIES AND POWERS.—In addition to carrying out the functions specified in subsections (d) and (e), the Under Secretary shall—

"(1) receive, assess, and distribute intelligence information related to transportation security;

"(2) assess threats to transportation;

"(3) develop policies, strategies, and plans for dealing with threats to transportation security;

"(4) make other plans related to transportation security, including coordinating countermeasures with appropriate departments, agencies, and instrumentalities of the United States Government;

"(5) serve as the primary liaison for transportation security to the intelligence and law enforcement communities;

"(6) on a day-to-day basis, manage and provide operational guidance to the field security resources of the Administration, including Federal Security Managers as provided by section 44933;

"(7) enforce security-related regulations and requirements;

"(8) identify and undertake research and development activities necessary to enhance transportation security;

"(9) inspect, maintain, and test security facilities, equipment, and systems;

"(10) ensure the adequacy of security measures for the transportation of cargo;

"(11) oversee the implementation, and ensure the adequacy, of security measures at airports and other transportation facilities;

"(12) require background checks for airport security screening personnel, individuals with access to secure areas of airports, and other transportation security personnel;

"(13) work in conjunction with the Administrator of the Federal Aviation Administration with respect to any actions or activities that may affect aviation safety or air carrier operations;

"(14) work with the International Civil Aviation Organization and appropriate aeronautic authorities of foreign governments under section 44907 to address security concerns on passenger flights by foreign air carriers in foreign air transportation; and

"(15) carry out such other duties, and exercise such other powers, relating to transportation security as the Under Secretary considers appropriate, to the extent authorized by law.

"(g) NATIONAL EMERGENCY RESPONSIBILITIES.—

"(1) IN GENERAL.—Subject to the direction and control of the Secretary, the Under Secretary, during a national emergency, shall have the following responsibilities:

"(A) To coordinate domestic transportation, including aviation, rail, and other surface transportation, and maritime transportation (including port security).

"(B) To coordinate and oversee the transportation-related responsibilities of other departments and agencies of the Federal Government other than the Department of Defense and the military departments.

"(C) To coordinate and provide notice to other departments and agencies of the Federal Government, and appropriate agencies of State and local governments, including departments and agencies for transportation, law enforcement, and border control, about threats to transportation.

"(D) To carry out such other duties, and exercise such other powers, relating to transportation during a national emergency as the Secretary shall prescribe.

"(2) AUTHORITY OF OTHER DEPARTMENTS AND AGENCIES.—The authority of the Under Secretary under this subsection shall not supersede the authority of any other department or agency of the Federal Government under law with respect to transportation or transportation-related matters, whether or not during a national emergency.

"(3) CIRCUMSTANCES.—The Secretary shall prescribe the circumstances constituting a national emergency for purposes of this subsection.

"(h) MANAGEMENT OF SECURITY INFORMATION.—In consultation with the Transportation Security Oversight Board, the Under Secretary shall—

"(1) enter into memoranda of understanding with Federal agencies or other entities to share or otherwise cross-check as necessary data on individuals identified on Federal agency databases who may pose a risk to transportation or national security;

"(2) establish procedures for notifying the Administrator of the Federal Aviation Administration, appropriate State and local law enforcement officials, and airport or airline security officers of the identity of individuals known to pose, or suspected of posing, a risk of air piracy or terrorism or a threat to airline or passenger safety;

"(3) in consultation with other appropriate Federal agencies and air carriers, establish policies and procedures requiring air carriers—

"(A) to use information from government agencies to identify individuals on passenger lists who may be a threat to civil aviation or national security; and

"(B) if such an individual is identified, notify appropriate law enforcement agencies, prevent the individual from boarding an aircraft, or take other appropriate action with respect to that individual; and

"(4) consider requiring passenger air carriers to share passenger lists with appropriate Federal agencies for the purpose of identifying individuals who may pose a threat to aviation safety or national security.

"(i) VIEW OF NTSB.—In taking any action under this section that could affect safety, the Under Secretary shall give great weight to the timely views of the National Transportation Safety Board.

"(j) ACQUISITIONS.—

"(1) IN GENERAL.—The Under Secretary is authorized—

"(A) to acquire (by purchase, lease, condemnation, or otherwise) such real property, or any interest therein, within and outside the continental United States, as the Under Secretary considers necessary;

"(B) to acquire (by purchase, lease, condemnation, or otherwise) and to construct, repair, operate, and maintain such personal property (including office space and patents), or any interest therein, within and outside the continental United States, as the Under Secretary considers necessary;

"(C) to lease to others such real and personal property and to provide by contract or otherwise for necessary facilities for the welfare of its employees and to acquire, maintain and operate equipment for these facilities;

"(D) to acquire services, including such personal services as the Secretary determines necessary, and to acquire (by purchase, lease, condemnation, or otherwise) and to construct, repair, operate, and maintain research and testing sites and facilities; and

"(E) in cooperation with the Administrator of the Federal Aviation Administration, to utilize the research and development facilities of the Federal Aviation Administration.

"(2) TITLE.—Title to any property or interest therein acquired pursuant to this subsection shall be held by the Government of the United States.

“(k) **TRANSFERS OF FUNDS.**—The Under Secretary is authorized to accept transfers of unobligated balances and unexpended balances of funds appropriated to other Federal agencies (as such term is defined in section 551(1) of title 5) to carry out functions transferred, on or after the date of enactment of the Aviation and Transportation Security Act, by law to the Under Secretary.

“(l) **REGULATIONS.**—

“(1) **IN GENERAL.**—The Under Secretary is authorized to issue, rescind, and revise such regulations as are necessary to carry out the functions of the Administration.

“(2) **EMERGENCY PROCEDURES.**—

“(A) **IN GENERAL.**—Notwithstanding any other provision of law or executive order (including an executive order requiring a cost-benefit analysis), if the Under Secretary determines that a regulation or security directive must be issued immediately in order to protect transportation security, the Under Secretary shall issue the regulation or security directive without providing notice or an opportunity for comment and without prior approval of the Secretary.

“(B) **REVIEW BY TRANSPORTATION SECURITY OVERSIGHT BOARD.**—Any regulation or security directive issued under this paragraph shall be subject to review by the Transportation Security Oversight Board established under section 115. Any regulation or security directive issued under this paragraph shall remain effective unless disapproved by the Board or rescinded by the Under Secretary.

“(3) **FACTORS TO CONSIDER.**—In determining whether to issue, rescind, or revise a regulation under this section, the Under Secretary shall consider, as a factor in the final determination, whether the costs of the regulation are excessive in relation to the enhancement of security the regulation will provide. The Under Secretary may waive requirements for an analysis that estimates the number of lives that will be saved by the regulation and the monetary value of such lives if the Under Secretary determines that it is not feasible to make such an estimate.

“(4) **AIRWORTHINESS OBJECTIONS BY FAA.**—

“(A) **IN GENERAL.**—The Under Secretary shall not take an aviation security action under this title if the Administrator of the Federal Aviation Administration notifies the Under Secretary that the action could adversely affect the airworthiness of an aircraft.

“(B) **REVIEW BY SECRETARY.**—Notwithstanding subparagraph (A), the Under Secretary may take such an action, after receiving a notification concerning the action from the Administrator under subparagraph (A), if the Secretary of Transportation subsequently approves the action.

“(m) **PERSONNEL AND SERVICES; COOPERATION BY UNDER SECRETARY.**—

“(1) **AUTHORITY OF UNDER SECRETARY.**—In carrying out the functions of the Administration, the Under Secretary shall have the same authority as is provided to the Administrator of the Federal Aviation Administration under subsections (l) and (m) of section 106.

“(2) **AUTHORITY OF AGENCY HEADS.**—The head of a Federal agency shall have the same authority to provide services, supplies, equipment, personnel, and facilities to the Under Secretary as the head has to provide services, supplies, equipment, personnel, and facilities to the Administrator of the Federal Aviation Administration under section 106(m).

“(n) **PERSONNEL MANAGEMENT SYSTEM.**—The personnel management system established by the Administrator of the Federal Aviation Administration under section 40122 shall apply to employees of the Transportation Security Administration, or, subject to the requirements of such section, the Under Secretary may make such modifications to the personnel management sys-

tem with respect to such employees as the Under Secretary considers appropriate, such as adopting aspects of other personnel systems of the Department of Transportation.

“(o) **ACQUISITION MANAGEMENT SYSTEM.**—The acquisition management system established by the Administrator of the Federal Aviation Administration under section 40110 shall apply to acquisitions of equipment, supplies, and materials by the Transportation Security Administration, or, subject to the requirements of such section, the Under Secretary may make such modifications to the acquisition management system with respect to such acquisitions of equipment, supplies, and materials as the Under Secretary considers appropriate, such as adopting aspects of other acquisition management systems of the Department of Transportation.

“(p) **AUTHORITY OF INSPECTOR GENERAL.**—The Transportation Security Administration shall be subject to the Inspector General Act of 1978 (5 U.S.C. App.) and other laws relating to the authority of the Inspector General of the Department of Transportation.

“(q) **LAW ENFORCEMENT POWERS.**—

“(1) **IN GENERAL.**—The Under Secretary may designate an employee of the Transportation Security Administration to serve as a law enforcement officer.

“(2) **POWERS.**—While engaged in official duties of the Administration as required to fulfill the responsibilities under this section, a law enforcement officer designated under paragraph (1) may—

“(A) carry a firearm;

“(B) make an arrest without a warrant for any offense against the United States committed in the presence of the officer, or for any felony cognizable under the laws of the United States if the officer has probable cause to believe that the person to be arrested has committed or is committing the felony; and

“(C) seek and execute warrants for arrest or seizure of evidence issued under the authority of the United States upon probable cause that a violation has been committed.

“(3) **GUIDELINES ON EXERCISE OF AUTHORITY.**—The authority provided by this subsection shall be exercised in accordance with guidelines prescribed by the Under Secretary, in consultation with the Attorney General of the United States, and shall include adherence to the Attorney General's policy on use of deadly force.

“(4) **REVOCATION OR SUSPENSION OF AUTHORITY.**—The powers authorized by this subsection may be rescinded or suspended should the Attorney General determine that the Under Secretary has not complied with the guidelines prescribed in paragraph (3) and conveys the determination in writing to the Secretary of Transportation and the Under Secretary.

“(r) **AUTHORITY TO EXEMPT.**—The Under Secretary may grant an exemption from a regulation prescribed in carrying out this section if the Under Secretary determines that the exemption is in the public interest.”

(b) **CONFORMING AMENDMENT.**—The analysis for chapter 1 of such title is amended by adding at the end the following:

“114. Transportation Security Administration.”

(c) **POSITION OF UNDER SECRETARY IN EXECUTIVE SCHEDULE.**—

(1) **IN GENERAL.**—Section 5313 of title 5, United States Code, is amended by adding at the end the following:

“The Under Secretary of Transportation for Security.”

(2) **BONUS ELIGIBILITY.**—In addition to the annual rate of pay authorized by section 5313 of title 5, United States Code, the Under Secretary may receive a bonus for any calendar year not to exceed 30 percent of the annual rate of pay, based on the Secretary's evaluation of the Under Secretary's performance.

(3) **CONFORMING CHANGE.**—Section 106(r)(2)(A) of title 49, United States Code, is amended to read as follows:

“(A) **IN GENERAL.**—The Chief Operating Officer shall be paid at an annual rate of basic pay to be determined by the Administrator, with the approval of the Air Traffic Services Subcommittee of the Aviation Management Advisory Council. The annual rate may not exceed the annual compensation paid under section 102 of title 3. The Chief Operating Officer shall be subject to the post-employment provisions of section 207 of title 18 as if the position of Chief Operating Officer were described in section 207(c)(2)(A)(i) of that title.”

(d) **COOPERATION WITH OTHER AGENCIES.**—The last sentence of section 106(m) of such title is amended by striking “supplies and” and inserting “supplies, personnel, services, and”.

(e) **SECURITY AND RESEARCH AND DEVELOPMENT ACTIVITIES.**—Section 40119 of such title is amended—

(1) in subsection (a) by striking “Administrator of the Federal Aviation Administration” and inserting “Under Secretary of Transportation for Security”;

(2) in subsections (b) and (c) by striking “Administrator” each place it appears and inserting “Under Secretary”;

(3) in subsection (b)(1)(C) by striking “air”.

(f) **REFERENCES TO FAA IN CHAPTER 449.**—Chapter 449 of such title is amended—

(1) in section 44904(b)(5) by striking “the Administration” and inserting “the Transportation Security Administration”;

(2) in the second sentence of section 44913(a)(1) by striking “of the Administration” and inserting “of the Transportation Security Administration”;

(3) in section 44916(a)—

(A) in the first sentence by striking “Administrator” and inserting “Under Secretary of Transportation for Security”;

(B) in the second sentence by striking “Administration” and inserting “Transportation Security Administration”;

(4) in each of sections 44933(a) and 44934(b) by striking “Assistant Administrator for Civil Aviation Security” and inserting “Under Secretary”;

(5) in section 44934(b)(1) by striking “Assistant Administrator” and inserting “Under Secretary”;

(6) by striking sections 44931 and 44932 and the items relating to such sections in the analysis for such chapter;

(7) by striking “Administrator” each place it appears in such chapter (except in subsections (f) and (h) of section 44936) and inserting “Under Secretary”;

(8) by striking “Administrator's” each place it appears in such chapter and inserting “Under Secretary's”;

(9) by striking “of the Federal Aviation Administration” each place it appears in such chapter (except in section 44936(f)) and inserting “of Transportation for Security”.

(g) **TRANSITION PROVISIONS.**—

(1) **SCHEDULE FOR ASSUMPTION OF CIVIL AVIATION SECURITY FUNCTIONS.**—Not later than 3 months after the date of enactment of this Act, the Under Secretary of Transportation for Security shall assume civil aviation security functions and responsibilities under chapter 449 of title 49, United States Code, as amended by this Act, in accordance with a schedule to be developed by the Secretary of Transportation, in consultation with air carriers, foreign air carriers, and the Administrator of the Federal Aviation Administration. The Under Secretary shall publish an appropriate notice of the transfer of such security functions and responsibilities before assuming the functions and responsibilities.

(2) **ASSUMPTION OF CONTRACTS.**—As of the date specified in paragraph (1), the Under Secretary may assume the rights and responsibilities of an air carrier or foreign air carrier contract for provision of passenger screening services at airports in the United States described in section 44903(c), subject to payment of adequate compensation to parties to the contract, if any.

(3) **ASSIGNMENT OF CONTRACTS.**—

(A) **IN GENERAL.**—Upon request of the Under Secretary, an air carrier or foreign air carrier carrying out a screening or security function under chapter 449 of title 49, United States Code, may enter into an agreement with the Under Secretary to transfer any contract the carrier has entered into with respect to carrying out the function, before the Under Secretary assumes responsibility for the function.

(B) **SCHEDULE.**—The Under Secretary may enter into an agreement under subparagraph (A) as soon as possible, but not later than 90 days after the date of enactment of this Act. The Under Secretary may enter into such an agreement for one 180-day period and may extend such agreement for one 90-day period if the Under Secretary determines it necessary.

(4) **TRANSFER OF OWNERSHIP.**—In recognition of the assumption of the financial costs of security screening of passengers and property at airports, and as soon as practical after the date of enactment of this Act, air carriers may enter into agreements with the Under Secretary to transfer the ownership, at no cost to the United States Government, of any personal property, equipment, supplies, or other material associated with such screening, regardless of the source of funds used to acquire the property, that the Secretary determines to be useful for the performance of security screening of passengers and property at airports.

(5) **PERFORMANCE OF UNDER SECRETARY'S FUNCTIONS DURING INTERIM PERIOD.**—Until the Under Secretary takes office, the functions of the Under Secretary that relate to aviation security may be carried out by the Secretary or the Secretary's designee.

SEC. 102. TRANSPORTATION SECURITY OVERSIGHT BOARD.

(a) **IN GENERAL.**—Chapter 1 of title 49, United States Code, is amended by adding at the end the following:

“§115. Transportation Security Oversight Board

“(a) **IN GENERAL.**—There is established in the Department of Transportation a board to be known as the ‘Transportation Security Oversight Board’.

“(b) **MEMBERSHIP.**—

“(1) **NUMBER AND APPOINTMENT.**—The Board shall be composed of 7 members as follows:

“(A) The Secretary of Transportation, or the Secretary's designee.

“(B) The Attorney General, or the Attorney General's designee.

“(C) The Secretary of Defense, or the Secretary's designee.

“(D) The Secretary of the Treasury, or the Secretary's designee.

“(E) The Director of the Central Intelligence Agency, or the Director's designee.

“(F) One member appointed by the President to represent the National Security Council.

“(G) One member appointed by the President to represent the Office of Homeland Security.

“(2) **CHAIRPERSON.**—The Chairperson of the Board shall be the Secretary of Transportation.

“(c) **DUTIES.**—The Board shall—

“(1) review and ratify or disapprove any regulation or security directive issued by the Under Secretary of Transportation for security under section 114(l)(2) within 30 days after the date of issuance of such regulation or directive;

“(2) facilitate the coordination of intelligence, security, and law enforcement activities affecting transportation;

“(3) facilitate the sharing of intelligence, security, and law enforcement information affecting transportation among Federal agencies and with carriers and other transportation providers as appropriate;

“(4) explore the technical feasibility of developing a common database of individuals who may pose a threat to transportation or national security;

“(5) review plans for transportation security;

“(6) make recommendations to the Under Secretary regarding matters reviewed under paragraph (5).

“(d) **QUARTERLY MEETINGS.**—The Board shall meet at least quarterly.

“(e) **CONSIDERATION OF SECURITY INFORMATION.**—A majority of the Board may vote to close a meeting of the Board to the public, except that meetings shall be closed to the public whenever classified, sensitive security information, or information protected in accordance with section 40119(b), will be discussed.”

(b) **POLICIES AND PROCEDURES.**—Section 44911(b) of such title is amended by striking “international”.

(c) **STRATEGIC PLANNING.**—Section 44911(c) of such title is amended by striking “consider placing” and inserting “place”.

(d) **CONFORMING AMENDMENT.**—The analysis for chapter 1 of such title is amended by adding at the end the following:

“115. Transportation Security Oversight Board.”

SEC. 103. FEDERAL SECURITY MANAGERS.

Section 44933 of title 49, United States Code, is amended to read as follows:

“§44933. Federal Security Managers

“(a) **ESTABLISHMENT, DESIGNATION, AND STATIONING.**—The Under Secretary of Transportation for Security shall establish the position of Federal Security Manager at each airport in the United States described in section 44903(c). The Under Secretary shall designate individuals as Managers for, and station those Managers at, those airports.

“(b) **DUTIES AND POWERS.**—The Manager at each airport shall—

“(1) oversee the screening of passengers and property at the airport; and

“(2) carry out other duties prescribed by the Under Secretary.”

SEC. 104. IMPROVED FLIGHT DECK INTEGRITY MEASURES.

(a) **IN GENERAL.**—As soon as possible after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall—

(1) issue an order (without regard to the provisions of chapter 5 of title 5, United States Code)—

(A) prohibiting access to the flight deck of aircraft engaged in passenger air transportation or intrastate air transportation that are required to have a door between the passenger and pilot compartments under title 14, Code of Federal Regulations, except to authorized persons;

(B) requiring the strengthening of the flight deck door and locks on any such aircraft operating in air transportation or intrastate air transportation that has a rigid door in a bulkhead between the flight deck and the passenger area to ensure that the door cannot be forced open from the passenger compartment;

(C) requiring that such flight deck doors remain locked while any such aircraft is in flight except when necessary to permit access and egress by authorized persons; and

(D) prohibiting the possession of a key to any such flight deck door by any member of the flight crew who is not assigned to the flight deck; and

(2) take such other action, including modification of safety and security procedures and flight deck redesign, as may be necessary to ensure the safety and security of the aircraft.

(b) **IMPLEMENTATION OF OTHER METHODS.**—As soon as possible after such date of enactment, the Administrator of the Federal Aviation Administration may develop and implement methods—

(1) to use video monitors or other devices to alert pilots in the flight deck to activity in the cabin, except that the use of such monitors or devices shall be subject to nondisclosure requirements applicable to cockpit video recordings under section 1114(c);

(2) to ensure continuous operation of an aircraft transponder in the event of an emergency; and

(3) to revise the procedures by which cabin crews of aircraft can notify flight deck crews of security breaches and other emergencies, including providing for the installation of switches or other devices or methods in an aircraft cabin to enable flight crews to discreetly notify the pilots in the case of a security breach occurring in the cabin.

(c) **COMMUTER AIRCRAFT.**—The Administrator shall investigate means of securing the flight deck of scheduled passenger aircraft operating in air transportation or intrastate air transportation that do not have a rigid fixed door with a lock between the passenger compartment and the flight deck and issue such an order as the Administrator deems appropriate to ensure the inaccessibility, to the greatest extent feasible, of the flight deck while the aircraft is so operating, taking into consideration such aircraft operating in regions where there is minimal threat to aviation security or national security.

SEC. 105. DEPLOYMENT OF FEDERAL AIR MARSHALS.

(a) **IN GENERAL.**—Subchapter I of chapter 449 of title 49, United States Code, is amended by adding at the end the following:

“§44917. Deployment of Federal air marshals

“(a) **IN GENERAL.**—The Under Secretary of Transportation for Security under the authority provided by section 44903(d)—

“(1) may provide for deployment of Federal air marshals on every passenger flight of air carriers in air transportation or intrastate air transportation;

“(2) shall provide for deployment of Federal air marshals on every such flight determined by the Secretary to present high security risks;

“(3) shall provide for appropriate training, supervision, and equipment of Federal air marshals;

“(4) shall require air carriers providing flights described in paragraph (1) to provide seating for a Federal air marshal on any such flight without regard to the availability of seats on the flight and at no cost to the United States Government or the marshal;

“(5) may require air carriers to provide, on a space-available basis, to an off-duty Federal air marshal a seat on a flight to the airport nearest the marshal's home at no cost to the marshal or the United States Government if the marshal is traveling to that airport after completing his or her security duties;

“(6) may enter into agreements with Federal, State, and local agencies under which appropriately-trained law enforcement personnel from such agencies, when traveling on a flight of an air carrier, will carry a firearm and be prepared to assist Federal air marshals;

“(7) shall establish procedures to ensure that Federal air marshals are made aware of any armed or unarmed law enforcement personnel on board an aircraft; and

“(8) may appoint—

“(A) an individual who is a retired law enforcement officer;

“(B) an individual who is a retired member of the Armed Forces; and

“(C) an individual who has been furloughed from an air carrier crew position in the 1-year period beginning on September 11, 2001;

as a Federal air marshal, regardless of age, if the individual otherwise meets the background and fitness qualifications required for Federal air marshals.

“(b) LONG DISTANCE FLIGHTS.—In making the determination under subsection (a)(2), nonstop, long distance flights, such as those targeted on September 11, 2001, should be a priority.

“(c) INTERIM MEASURES.—Until the Under Secretary completes implementation of subsection (a), the Under Secretary may use, after consultation with and concurrence of the heads of other Federal agencies and departments, personnel from those agencies and departments, on a nonreimbursable basis, to provide air marshal service.”.

(b) CONFORMING AMENDMENT.—The analysis for chapter 449 of such title is amended by adding after the item relating to section 44916 the following:

“44917. Deployment of Federal air marshals.”.

(c) BASIC PAY DEFINED.—Section 8331(3)(E) of title 5, United States Code, is amended to read as follows:

“(E) availability pay—

“(i) received by a criminal investigator under section 5545a of this title; or

“(ii) received after September 11, 2001, by a Federal air marshal of the Department of Transportation, subject to all restrictions and earning limitations imposed on criminal investigators under section 5545a;”.

SEC. 106. IMPROVED AIRPORT PERIMETER ACCESS SECURITY.

(a) IN GENERAL.—Section 44903 of title 49, United States Code, is amended by adding at the end the following:

“(h) IMPROVED AIRPORT PERIMETER ACCESS SECURITY.—

“(I) IN GENERAL.—The Under Secretary, in consultation with the airport operator and law enforcement authorities, may order the deployment of such personnel at any secure area of the airport as necessary to counter the risk of criminal violence, the risk of aircraft piracy at the airport, the risk to air carrier aircraft operations at the airport, or to meet national security concerns.

“(2) SECURITY OF AIRCRAFT AND GROUND ACCESS TO SECURE AREAS.—In determining where to deploy such personnel, the Under Secretary shall consider the physical security needs of air traffic control facilities, parked aircraft, aircraft servicing equipment, aircraft supplies (including fuel), automobile parking facilities within airport perimeters or adjacent to secured facilities, and access and transition areas at airports served by other means of ground or water transportation.

“(3) DEPLOYMENT OF FEDERAL LAW ENFORCEMENT PERSONNEL.—The Secretary may enter into a memorandum of understanding or other agreement with the Attorney General or the head of any other appropriate Federal law enforcement agency to deploy Federal law enforcement personnel at an airport in order to meet aviation safety and security concerns.

“(4) AIRPORT PERIMETER SCREENING.—The Under Secretary—

“(A) shall require, as soon as practicable after the date of enactment of this subsection, screening or inspection of all individuals, goods, property, vehicles, and other equipment before entry into a secured area of an airport in the United States described in section 44903(c);

“(B) shall prescribe specific requirements for such screening and inspection that will assure at least the same level of protection as will result from screening of passengers and their baggage;

“(C) shall establish procedures to ensure the safety and integrity of—

“(i) all persons providing services with respect to aircraft providing passenger air transpor-

tation or intrastate air transportation and facilities of such persons at an airport in the United States described in section 44903(c);

“(ii) all supplies, including catering and passenger amenities, placed aboard such aircraft, including the sealing of supplies to ensure easy visual detection of tampering; and

“(iii) all persons providing such supplies and facilities of such persons;

“(D) shall require vendors having direct access to the airfield and aircraft to develop security programs; and

“(E) may provide for the use of biometric or other technology that positively verifies the identity of each employee and law enforcement officer who enters a secure area of an airport.”.

(b) SMALL AND MEDIUM AIRPORTS.—

(1) TECHNICAL SUPPORT AND FINANCIAL ASSISTANCE.—The Under Secretary of Transportation for Security shall develop a plan to—

(A) provide technical support to airports, each of which had less than 1 percent of the total annual enplanements in the United States for the most recent calendar year for which data is available, to enhance security operations; and

(B) provide financial assistance to those airports to defray the costs of enhancing security.

(2) REMOVAL OF CERTAIN RESTRICTIONS.—

(A) CERTIFICATION BY OPERATOR.—If the operator of an airport described in paragraph (1), after consultation with the appropriate State and local law enforcement authorities, determines that safeguards are in place to sufficiently protect public safety, and so certifies in writing to the Under Secretary, then any security rule, order, or other directive restricting the parking of passenger vehicles shall not apply at that airport after the applicable time period specified in subparagraph (B), unless the Under Secretary, taking into account individual airport circumstances, notifies the airport operator that the safeguards in place do not adequately respond to specific security risks and that the restriction must be continued in order to ensure public safety.

(B) COUNTERMAND PERIOD.—The time period within which the Secretary may notify an airport operator, after receiving a certification under subparagraph (A), that a restriction must be continued in order to ensure public safety at the airport is—

(i) 15 days for a nonhub airport (as defined in section 41714(h) of title 49, United States Code);

(ii) 30 days for a small hub airport (as defined in such section);

(iii) 60 days for a medium hub airport (as defined in such section); and

(iv) 120 days for an airport that had at least 1 percent of the total annual enplanements in the United States for the most recent calendar year for which data is available.

(c) IMPROVEMENT OF SECURED-AREA ACCESS CONTROL.—Section 44903(g)(2) of title 49, United States Code, is amended—

(1) by striking “weaknesses by January 31, 2001;” in subparagraph (A) and inserting “weaknesses;”;

(2) by striking subparagraph (D) and inserting the following:

“(D) on an ongoing basis, assess and test for compliance with access control requirements, report annually findings of the assessments, and assess the effectiveness of penalties in ensuring compliance with security procedures and take any other appropriate enforcement actions when noncompliance is found;”;

(3) by striking “program by January 31, 2001;” in subparagraph (F) and inserting “program;”;

and

(4) by striking subparagraph (G) and inserting the following:

“(G) work with airport operators to strengthen access control points in secured areas (in-

cluding air traffic control operations areas, maintenance areas, crew lounges, baggage handling areas, concessions, and catering delivery areas) to ensure the security of passengers and aircraft and consider the deployment of biometric or similar technologies that identify individuals based on unique personal characteristics.”.

(d) AIRPORT SECURITY PILOT PROGRAM.—Section 44903(c) of title 49, United States Code, is amended by adding at the end the following:

“(3) PILOT PROGRAMS.—The Administrator shall establish pilot programs in no fewer than 20 airports to test and evaluate new and emerging technology for providing access control and other security protections for closed or secure areas of the airports. Such technology may include biometric or other technology that ensures only authorized access to secure areas.”.

(e) AIRPORT SECURITY AWARENESS PROGRAMS.—The Under Secretary of Transportation for Security shall require scheduled passenger air carriers, and airports in the United States described in section 44903(c) to develop security awareness programs for airport employees, ground crews, gate, ticket, and curbside agents of the air carriers, and other individuals employed at such airports.

SEC. 107. CREW TRAINING.

(a) IN GENERAL.—Subchapter I of chapter 449 of title 49, United States Code, is amended by adding at the end the following:

“§ 44918. Crew training

“(a) IN GENERAL.—Not later than 60 days after the date of enactment of the Aviation and Transportation Security Act, the Administrator of the Federal Aviation Administration, in consultation with the Under Secretary of Transportation for Security, appropriate law enforcement, security, and terrorism experts, representatives of air carriers and labor organizations representing individuals employed in commercial aviation, shall develop detailed guidance for a scheduled passenger air carrier flight and cabin crew training program to prepare crew members for potential threat conditions.

“(b) PROGRAM ELEMENTS.—The guidance shall require such a program to include, at a minimum, elements that address the following:

“(1) Determination of the seriousness of any occurrence.

“(2) Crew communication and coordination.

“(3) Appropriate responses to defend oneself.

“(4) Use of protective devices assigned to crew members (to the extent such devices are required by the Administrator or Under Secretary).

“(5) Psychology of terrorists to cope with hijacker behavior and passenger responses.

“(6) Live situational training exercises regarding various threat conditions.

“(7) Flight deck procedures or aircraft maneuvers to defend the aircraft.

“(8) Any other subject matter deemed appropriate by the Administrator.

“(c) AIR CARRIER PROGRAMS.—Within 60 days after the Administrator issues the guidance under subsection (a) in final form, each air carrier shall develop a flight and cabin crew training program in accordance with that guidance and submit it to the Administrator for approval. Within 30 days after receiving an air carrier's program under this subsection, the Administrator shall review the program and approve it or require the air carrier to make any revisions deemed necessary by the Administrator for the program to meet the guidance requirements.

“(d) TRAINING.—Within 180 days after the Administrator approves the training program developed by an air carrier under this section, the air carrier shall complete the training of all flight and cabin crews in accordance with that program.

“(e) UPDATES.—The Administrator shall update the training guidance issued under subsection (a) from time to time to reflect new or different security threats and require air carriers to revise their programs accordingly and

provide additional training to their flight and cabin crews.”.

(b) **CONFORMING AMENDMENT.**—The chapter analysis for chapter 449 of title 49, United States Code, is amended by inserting after the item relating to section 44917 the following:

“44918. Crew training.”.

SEC. 108. SECURITY SCREENING BY PRIVATE COMPANIES.

(a) **IN GENERAL.**—Subchapter I of chapter 449 of title 49, United States Code, is amended by adding at the end the following:

“§44919. Security screening pilot program

“(a) **ESTABLISHMENT OF PROGRAM.**—The Under Secretary shall establish a pilot program under which, upon approval of an application submitted by an operator of an airport, the screening of passengers and property at the airport under section 44901 will be carried out by the screening personnel of a qualified private screening company under a contract entered into with the Under Secretary.

“(b) **PERIOD OF PILOT PROGRAM.**—The pilot program under this section shall begin on the last day of the 1-year period beginning on the date of enactment of this section and end on the last day of the 3-year period beginning on such date of enactment.

“(c) **APPLICATIONS.**—An operator of an airport may submit to the Under Secretary an application to participate in the pilot program under this section.

“(d) **SELECTION OF AIRPORTS.**—From among applications submitted under subsection (c), the Under Secretary may select for participation in the pilot program not more than 1 airport from each of the 5 airport security risk categories, as defined by the Under Secretary.

“(e) **SUPERVISION OF SCREENED PERSONNEL.**—The Under Secretary shall provide Federal Government supervisors to oversee all screening at each airport participating in the pilot program under this section and provide Federal Government law enforcement officers at the airport pursuant to this chapter.

“(f) **QUALIFIED PRIVATE SCREENING COMPANY.**—A private screening company is qualified to provide screening services at an airport participating in the pilot program under this section if the company will only employ individuals to provide such services who meet all the requirements of this chapter applicable to Federal Government personnel who perform screening services at airports under this chapter and will provide compensation and other benefits to such individuals that are not less than the level of compensation and other benefits provided to such Federal Government personnel in accordance with this chapter.

“(g) **STANDARDS FOR PRIVATE SCREENING COMPANIES.**—The Under Secretary may enter into a contract with a private screening company to provide screening at an airport participating in the pilot program under this section only if the Under Secretary determines and certifies to Congress that the private screening company is owned and controlled by a citizen of the United States, to the extent that the Under Secretary determines that there are private screening companies owned and controlled by such citizens.

“(h) **TERMINATION OF CONTRACTS.**—The Under Secretary may terminate any contract entered into with a private screening company to provide screening services at an airport under the pilot program if the Under Secretary finds that the company has failed repeatedly to comply with any standard, regulation, directive, order, law, or contract applicable to the hiring or training of personnel to provide such services or to the provision of screening at the airport.

“(i) **ELECTION.**—If a contract is in effect with respect to screening at an airport under the pilot program on the last day of the 3-year period beginning on the date of enactment of this

section, the operator of the airport may elect to continue to have such screening carried out by the screening personnel of a qualified private screening company under a contract entered into with the Under Secretary under section 44920 or by Federal Government personnel in accordance with this chapter.

“§44920. Security screening opt-out program

“(a) **IN GENERAL.**—On or after the last day of the 2-year period beginning on the date on which the Under Secretary transmits to Congress the certification required by section 110(c) of the Aviation and Transportation Security Act, an operator of an airport may submit to the Under Secretary an application to have the screening of passengers and property at the airport under section 44901 to be carried out by the screening personnel of a qualified private screening company under a contract entered into with the Under Secretary.

“(b) **APPROVAL OF APPLICATIONS.**—The Under Secretary may approve any application submitted under subsection (a).

“(c) **QUALIFIED PRIVATE SCREENING COMPANY.**—A private screening company is qualified to provide screening services at an airport under this section if the company will only employ individuals to provide such services who meet all the requirements of this chapter applicable to Federal Government personnel who perform screening services at airports under this chapter and will provide compensation and other benefits to such individuals that are not less than the level of compensation and other benefits provided to such Federal Government personnel in accordance with this chapter.

“(d) **STANDARDS FOR PRIVATE SCREENING COMPANIES.**—The Under Secretary may enter into a contract with a private screening company to provide screening at an airport under this section only if the Under Secretary determines and certifies to Congress that—

“(1) the level of screening services and protection provided at the airport under the contract will be equal to or greater than the level that would be provided at the airport by Federal Government personnel under this chapter; and

“(2) the private screening company is owned and controlled by a citizen of the United States, to the extent that the Under Secretary determines that there are private screening companies owned and controlled by such citizens.

“(e) **SUPERVISION OF SCREENED PERSONNEL.**—The Under Secretary shall provide Federal Government supervisors to oversee all screening at each airport at which screening services are provided under this section and provide Federal Government law enforcement officers at the airport pursuant to this chapter.

“(g) **TERMINATION OF CONTRACTS.**—The Under Secretary may terminate any contract entered into with a private screening company to provide screening services at an airport under this section if the Under Secretary finds that the company has failed repeatedly to comply with any standard, regulation, directive, order, law, or contract applicable to the hiring or training of personnel to provide such services or to the provision of screening at the airport.

(b) **CLERICAL AMENDMENT.**—The analysis for such subchapter is amended by adding after the item relating to section 44918 the following:

“44919. Security screening pilot program.

“44920. Security screening opt-out program.”.

SEC. 109. ENHANCED SECURITY MEASURES.

(a) **IN GENERAL.**—The Under Secretary of Transportation for Security may take the following actions:

(1) Require effective 911 emergency call capability for telephones serving passenger aircraft and passenger trains.

(2) Establish a uniform system of identification for all State and local law enforcement per-

sonnel for use in obtaining permission to carry weapons in aircraft cabins and in obtaining access to a secured area of an airport, if otherwise authorized to carry such weapons.

(3) Establish requirements to implement trusted passenger programs and use available technologies to expedite the security screening of passengers who participate in such programs, thereby allowing security screening personnel to focus on those passengers who should be subject to more extensive screening.

(4) In consultation with the Commissioner of the Food and Drug Administration, develop alternative security procedures under which a medical product to be transported on a flight of an air carrier would not be subject to an inspection that would irreversibly damage the product.

(5) Provide for the use of technologies, including wireless and wire line data technologies, to enable the private and secure communication of threats to aid in the screening of passengers and other individuals on airport property who are identified on any State or Federal security-related data base for the purpose of having an integrated response coordination of various authorized airport security forces.

(6) In consultation with the Administrator of the Federal Aviation Administration, consider whether to require all pilot licenses to incorporate a photograph of the license holder and appropriate biometric imprints.

(7) Provide for the use of voice stress analysis, biometric, or other technologies to prevent a person who might pose a danger to air safety or security from boarding the aircraft of an air carrier or foreign air carrier in air transportation or intrastate air transportation.

(8) Provide for the use of technology that will permit enhanced instant communications and information between airborne passenger aircraft and appropriate individuals or facilities on the ground.

(b) **REPORT.**—Not later than 6 months after the date of enactment of this Act, and annually thereafter until the Under Secretary has implemented or decided not to take each of the actions specified in subsection (a), the Under Secretary shall transmit to Congress a report on the progress of the Under Secretary in evaluating and taking such actions, including any legislative recommendations that the Under Secretary may have for enhancing transportation security.”.

SEC. 110. SCREENING.

(a) **REVIEW AND DEVELOPMENT OF WAYS TO STRENGTHEN SECURITY.**—Section 44932(c) of title 49, United States Code, is amended—

(1) by striking “x-ray” in paragraph (4);

(2) by striking “and” at the end of paragraph (4);

(3) by striking “passengers.” in paragraph (5) and inserting “passengers;”;

and

(4) by adding at the end the following:

“(6) to strengthen and enhance the ability to detect or neutralize nonexplosive weapons, such as biological, chemical, or similar substances; and

“(7) to evaluate such additional measures as may be appropriate to enhance inspection of passengers, baggage, and cargo.”.

(b) **PASSENGERS AND PROPERTY.**—Section 44901 of title 49, United States Code, is amended—

(1) by redesignating subsection (c) as subsection (h); and

(2) by striking subsections (a) and (b) and inserting the following:

“(a) **IN GENERAL.**—The Under Secretary of Transportation for Security shall provide for the screening of all passengers and property, including United States mail, cargo, carry-on and checked baggage, and other articles, that will be carried aboard a passenger aircraft operated by an air carrier or foreign air carrier in air transportation or intrastate air transportation. In the

case of flights and flight segments originating in the United States, the screening shall take place before boarding and shall be carried out by a Federal Government employee (as defined in section 2105 of title 5, United States Code), except as otherwise provided in section 44919 or 44920 and except for identifying passengers and baggage for screening under the CAPPS and known shipper programs and conducting positive bag-match programs.

“(b) SUPERVISION OF SCREENING.—All screening of passengers and property at airports in the United States where screening is required under this section shall be supervised by uniformed Federal personnel of the Transportation Security Administration who shall have the power to order the dismissal of any individual performing such screening.

“(c) CHECKED BAGGAGE.—A system must be in operation to screen all checked baggage at all airports in the United States as soon as practicable but not later than the 60th day following the date of enactment of the Aviation and Transportation Security Act.

“(d) EXPLOSIVE DETECTION SYSTEMS.—

“(1) IN GENERAL.—The Under Secretary of Transportation for Security shall take all necessary action to ensure that—

“(A) explosive detection systems are deployed as soon as possible to ensure that all United States airports described in section 44903(c) have sufficient explosive detection systems to screen all checked baggage no later than December 31, 2002, and that as soon as such systems are in place at an airport, all checked baggage at the airport is screened by those systems; and

“(B) all systems deployed under subparagraph (A) are fully utilized; and

“(C) if explosive detection equipment at an airport is unavailable, all checked baggage is screened by an alternative means.

“(e) MANDATORY SCREENING WHERE EDS NOT YET AVAILABLE.—As soon as practicable but not later than the 60th day following the date of enactment of the Aviation and Transportation Security Act and until the requirements of subsection (b)(1)(A) are met, the Under Secretary shall require alternative means for screening any piece of checked baggage that is not screened by an explosive detection system. Such alternative means may include 1 or more of the following:

“(1) A bag-match program that ensures that no checked baggage is placed aboard an aircraft unless the passenger who checked the baggage is aboard the aircraft.

“(2) Manual search.

“(3) Search by canine explosive detection units in combination with other means.

“(4) Other means or technology approved by the Under Secretary.

“(f) CARGO DEADLINE.—A system must be in operation to screen, inspect, or otherwise ensure the security of all cargo that is to be transported in all-cargo aircraft in air transportation and intrastate air transportation as soon as practicable after the date of enactment of the Aviation and Transportation Security Act.

“(g) DEPLOYMENT OF ARMED PERSONNEL.—

“(1) IN GENERAL.—The Under Secretary shall order the deployment of law enforcement personnel authorized to carry firearms at each airport security screening location to ensure passenger safety and national security.

“(2) MINIMUM REQUIREMENTS.—Except at airports required to enter into agreements under subsection (c), the Under Secretary shall order the deployment of at least 1 law enforcement officer at each airport security screening location. At the 100 largest airports in the United States, in terms of annual passenger enplanements for the most recent calendar year for which data are available, the Under Secretary shall order the deployment of additional law enforcement

personnel at airport security screening locations if the Under Secretary determines that the additional deployment is necessary to ensure passenger safety and national security.”

(c) DEADLINE FOR DEPLOYMENT OF FEDERAL SCREENERS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Under Secretary of Transportation for Security shall deploy at all airports in the United States where screening is required under section 44901 of title 49, United States Code, a sufficient number of Federal screeners, Federal Security Managers, Federal security personnel, and Federal law enforcement officers to conduct the screening of all passengers and property under section 44901 of such title at such airports.

(2) CERTIFICATION TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Under Secretary shall transmit to Congress a certification that the requirement of paragraph (1) has been met.

(d) REPORTS.—

(1) DEPLOYMENT.—Within 6 months after the date of enactment of this Act, the Under Secretary of Transportation for Security shall report to the Committee on Commerce, Science, and Transportation of the Senate and to the Committee on Transportation and Infrastructure of the House of Representatives on the deployment of the systems required by section 44901(c) of title 49, United States Code. The Under Secretary shall include in the report—

(A) an installation schedule;

(B) the dates of installation of each system; and

(C) the date on which each system installed is operational.

(2) SCREENING OF SMALL AIRCRAFT.—Within 1 year after the date of enactment of this Act, the Under Secretary of Transportation for Security shall transmit a report to the Committee on Commerce, Science, and Transportation of the Senate and Committee on Transportation and Infrastructure of the House of Representatives on the screening requirements applicable to passengers boarding, and property being carried aboard, aircraft with 60 seats or less used in scheduled passenger service with recommendations for any necessary changes in those requirements.

SEC. 111. TRAINING AND EMPLOYMENT OF SECURITY SCREENING PERSONNEL.

(a) IN GENERAL.—Section 44935 of title 49, United States Code, is amended—

(1) by redesignating subsection (f) as subsection (i); and

(2) by striking subsection (e) and inserting the following:

“(e) SECURITY SCREENERS.—

“(1) TRAINING PROGRAM.—The Under Secretary of Transportation for Security shall establish a program for the hiring and training of security screening personnel.

“(2) HIRING.—

“(A) QUALIFICATIONS.—Within 30 days after the date of enactment of the aviation Transportation Security Act, the Under Secretary shall establish qualification standards for individuals to be hired by the United States as security screening personnel. Notwithstanding any provision of law, those standards shall require, at a minimum, an individual—

“(i) to have a satisfactory or better score on a Federal security screening personnel selection examination;

“(ii) to be a citizen of the United States;

“(iii) to meet, at a minimum, the requirements set forth in subsection (f);

“(iv) to meet such other qualifications as the Under Secretary may establish; and

“(v) to have the ability to demonstrate daily a fitness for duty without any impairment due to illegal drugs, sleep deprivation, medication, or alcohol.

“(B) BACKGROUND CHECKS.—The Under Secretary shall require that an individual to be hired as a security screener undergo an employment investigation (including a criminal history record check) under section 44936(a)(1).

“(C) DISQUALIFICATION OF INDIVIDUALS WHO PRESENT NATIONAL SECURITY RISKS.—The Under Secretary, in consultation with the heads of other appropriate Federal agencies, shall establish procedures, in addition to any background check conducted under section 44936, to ensure that no individual who presents a threat to national security is employed as a security screener.

“(3) EXAMINATION; REVIEW OF EXISTING RULES.—The Under Secretary shall develop a security screening personnel examination for use in determining the qualification of individuals seeking employment as security screening personnel. The Under Secretary shall also review, and revise as necessary, any standard, rule, or regulation governing the employment of individuals as security screening personnel.

“(f) EMPLOYMENT STANDARDS FOR SCREENING PERSONNEL.—

“(1) SCREENER REQUIREMENTS.—Notwithstanding any provision of law, an individual may not be deployed as a security screener unless that individual meets the following requirements:

“(A) The individual shall possess a high school diploma, a general equivalency diploma, or experience that the Under Secretary has determined to be sufficient for the individual to perform the duties of the position.

“(B) The individual shall possess basic aptitudes and physical abilities, including color perception, visual and aural acuity, physical coordination, and motor skills, to the following standards:

“(i) Screeners operating screening equipment shall be able to distinguish on the screening equipment monitor the appropriate imaging standard specified by the Under Secretary.

“(ii) Screeners operating any screening equipment shall be able to distinguish each color displayed on every type of screening equipment and explain what each color signifies.

“(iii) Screeners shall be able to hear and respond to the spoken voice and to audible alarms generated by screening equipment in an active checkpoint environment.

“(iv) Screeners performing physical searches or other related operations shall be able to efficiently and thoroughly manipulate and handle such baggage, containers, and other objects subject to security processing.

“(v) Screeners who perform pat-downs or hand-held metal detector searches of individuals shall have sufficient dexterity and capability to thoroughly conduct those procedures over an individual's entire body.

“(C) The individual shall be able to read, speak, and write English well enough to—

“(i) carry out written and oral instructions regarding the proper performance of screening duties;

“(ii) read English language identification media, credentials, airline tickets, and labels on items normally encountered in the screening process;

“(iii) provide direction to and understand and answer questions from English-speaking individuals undergoing screening; and

“(iv) write incident reports and statements and log entries into security records in the English language.

“(D) The individual shall have satisfactorily completed all initial, recurrent, and appropriate specialized training required by the security program, except as provided in paragraph (3).

“(2) VETERANS PREFERENCE.—The Under Secretary shall provide a preference for the hiring of an individual as a security screener if the individual is a member or former member of the

armed forces and if the individual is entitled, under statute, to retired, retirement, or retainer pay on account of service as a member of the armed forces.

“(3) **EXCEPTIONS.**—An individual who has not completed the training required by this section may be deployed during the on-the-job portion of training to perform functions if that individual—

“(A) is closely supervised; and

“(B) does not make independent judgments as to whether individuals or property may enter a sterile area or aircraft without further inspection.

“(4) **REMEDIAL TRAINING.**—No individual employed as a security screener may perform a screening function after that individual has failed an operational test related to that function until that individual has successfully completed the remedial training specified in the security program.

“(5) **ANNUAL PROFICIENCY REVIEW.**—The Under Secretary shall provide that an annual evaluation of each individual assigned screening duties is conducted and documented. An individual employed as a security screener may not continue to be employed in that capacity unless the evaluation demonstrates that the individual—

“(A) continues to meet all qualifications and standards required to perform a screening function;

“(B) has a satisfactory record of performance and attention to duty based on the standards and requirements in the security program; and

“(C) demonstrates the current knowledge and skills necessary to courteously, vigilantly, and effectively perform screening functions.

“(6) **OPERATIONAL TESTING.**—In addition to the annual proficiency review conducted under paragraph (5), the Under Secretary shall provide for the operational testing of such personnel.

“(g) **TRAINING.**—

“(1) **USE OF OTHER AGENCIES.**—The Under Secretary may enter into a memorandum of understanding or other arrangement with any other Federal agency or department with appropriate law enforcement responsibilities, to provide personnel, resources, or other forms of assistance in the training of security screening personnel.

“(2) **TRAINING PLAN.**—Within 60 days after the date of enactment of the Aviation and Transportation Security Act, the Under Secretary shall develop a plan for the training of security screening personnel. The plan shall require, at a minimum, that a security screener—

“(A) has completed 40 hours of classroom instruction or successfully completed a program that the Under Secretary determines will train individuals to a level of proficiency equivalent to the level that would be achieved by such classroom instruction;

“(B) has completed 60 hours of on-the-job instructions; and

“(C) has successfully completed an on-the-job training examination prescribed by the Under Secretary.

“(3) **EQUIPMENT-SPECIFIC TRAINING.**—An individual employed as a security screener may not use any security screening device or equipment in the scope of that individual's employment unless the individual has been trained on that device or equipment and has successfully completed a test on the use of the device or equipment.

“(h) **TECHNOLOGICAL TRAINING.**—

“(1) **IN GENERAL.**—The Under Secretary shall require training to ensure that screeners are proficient in using the most up-to-date new technology and to ensure their proficiency in recognizing new threats and weapons.

“(2) **PERIODIC ASSESSMENTS.**—The Under Secretary shall make periodic assessments to deter-

mine if there are dual use items and inform security screening personnel of the existence of such items.

“(3) **CURRENT LISTS OF DUAL USE ITEMS.**—Current lists of dual use items shall be part of the ongoing training for screeners.

“(4) **DUAL USE DEFINED.**—For purposes of this subsection, the term ‘dual use’ item means an item that may seem harmless but that may be used as a weapon.

“(i) **LIMITATION ON RIGHT TO STRIKE.**—An individual that screens passengers or property, or both, at an airport under this section may not participate in a strike, or assert the right to strike, against the person (including a governmental entity) employing such individual to perform such screening.

“(j) **UNIFORMS.**—The Under Secretary shall require any individual who screens passengers and property pursuant to section 44901 to be attired while on duty in a uniform approved by the Under Secretary.”.

(b) **CONFORMING AMENDMENTS.**—Section 44936(a)(1) of title 49, United States Code, is amended—

(1) in subparagraph (A) by inserting “as a security screener under section 44935(e) or a position” after “a position”; and

(2) in subparagraph (E) by striking clause (iv).

(c) **TRANSITION.**—The Under Secretary of Transportation for Security shall complete the full implementation of section 44935 (e), (f), (g), and (h) of title 49, United States Code, as amended by subsection (a), as soon as is practicable. The Under Secretary may make or continue such arrangements for the training of security screeners under that section as the Under Secretary determines necessary pending full implementation of that section as so amended.

(d) **SCREENER PERSONNEL.**—Notwithstanding any other provision of law, the Under Secretary of Transportation for Security may employ, appoint, discipline, terminate, and fix the compensation, terms, and conditions of employment of Federal service for such a number of individuals as the Under Secretary determines to be necessary to carry out the screening functions of the Under Secretary under section 44901 of title 49, United States Code. The Under Secretary shall establish levels of compensation and other benefits for individuals so employed.

SEC. 112. RESEARCH AND DEVELOPMENT.

(a) **IN GENERAL.**—Section 44912(b)(1) of title 49, United States Code, is amended—

(1) by striking “complete an intensive review of” and inserting “periodically review”; and

(2) by striking “commercial aircraft in service and expected to be in service in the 10-year period beginning on November 16, 1990;” in subparagraph (B) and inserting “aircraft in air transportation;” and

(3) by redesignating subparagraphs (D) through (F) as subparagraphs (E) through (G), respectively, and inserting after subparagraph (C) the following:

“(D) the potential release of chemical, biological, or similar weapons or devices either within an aircraft or within an airport;”.

(b) **ADDITIONAL MATTERS REGARDING RESEARCH AND DEVELOPMENT.**—

(1) **ADDITIONAL PROGRAM REQUIREMENTS.**—Subsection (a) of section 44912 of title 49, United States Code, is amended—

(A) by redesignating paragraph (4) as paragraph (5); and

(B) by inserting after paragraph (3) the following new paragraph (4):

“(4)(A) In carrying out the program established under this subsection, the Administrator shall designate an individual to be responsible for engineering, research, and development with respect to security technology under the program.

“(B) The individual designated under subparagraph (A) shall use appropriate systems engineering and risk management models in making decisions regarding the allocation of funds for engineering, research, and development with respect to security technology under the program.

“(C) The individual designated under subparagraph (A) shall, on an annual basis, submit to the Research, Engineering and Development Advisory Committee a report on activities under this paragraph during the preceding year. Each report shall include, for the year covered by such report, information on—

“(i) progress made in engineering, research, and development with respect to security technology;

“(ii) the allocation of funds for engineering, research, and development with respect to security technology; and

“(iii) engineering, research, and development with respect to any technologies drawn from other agencies, including the rationale for engineering, research, and development with respect to such technologies.”.

(2) **REVIEW OF THREATS.**—Subsection (b)(1) of that section is further amended—

(A) by redesignating subparagraphs (A) through (G) as subparagraphs (B) through (H) respectively; and

(B) by inserting before subparagraph (B), as so redesignated, the following new subparagraph (A):

“(A) a comprehensive systems analysis (employing vulnerability analysis, threat attribute definition, and technology roadmaps) of the civil aviation system, including—

“(1) the destruction, commandeering, or diversion of civil aircraft or the use of civil aircraft as a weapon; and

“(ii) the disruption of civil aviation service, including by cyber attack;”.

(3) **SCIENTIFIC ADVISORY PANEL.**—Subsection (c) of that section is amended to read as follows:

“(c) **SCIENTIFIC ADVISORY PANEL.**—(1) The Administrator shall establish a scientific advisory panel, as a subcommittee of the Research, Engineering, and Development Advisory Committee, to review, comment on, advise the progress of, and recommend modifications in, the program established under subsection (a) of this section, including the need for long-range research programs to detect and prevent catastrophic damage to commercial aircraft, commercial aviation facilities, commercial aviation personnel and passengers, and other components of the commercial aviation system by the next generation of terrorist weapons.

“(2)(A) The advisory panel shall consist of individuals who have scientific and technical expertise in—

“(i) the development and testing of effective explosive detection systems;

“(ii) aircraft structure and experimentation to decide on the type and minimum weights of explosives that an effective explosive detection technology must be capable of detecting;

“(iii) technologies involved in minimizing airframe damage to aircraft from explosives; and

“(iv) other scientific and technical areas the Administrator considers appropriate.

“(B) In appointing individuals to the advisory panel, the Administrator should consider individuals from academia and the national laboratories, as appropriate.

“(3) The Administrator shall organize the advisory panel into teams capable of undertaking the review of policies and technologies upon request.

“(4) Not later than 90 days after the date of the enactment of the Aviation and Transportation Security Act, and every two years thereafter, the Administrator shall review the composition of the advisory panel in order to ensure

that the expertise of the individuals on the panel is suited to the current and anticipated duties of the panel.”

SEC. 113. FLIGHT SCHOOL SECURITY.

(a) IN GENERAL.—Subchapter II of chapter 449 of title 49, United States Code, is amended by adding at the end the following new section:

“§44939. Training to operate certain aircraft

“(a) WAITING PERIOD.—A person subject to regulation under this part may provide training in the operation of any aircraft having a maximum certificated takeoff weight of 12,500 pounds or more to an alien (as defined in section 101(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(3))) or to any other individual specified by the Under Secretary of Transportation for Security only if—

“(1) that person has first notified the Attorney General that the individual has requested such training and furnished the Attorney General with that individual’s identification in such form as the Attorney General may require; and

“(2) the Attorney General has not directed, within 45 days after being notified under paragraph (1), that person not to provide the requested training because the Attorney General has determined that the individual presents a risk to aviation or national security.

“(b) INTERRUPTION OF TRAINING.—If the Attorney General, more than 45 days after receiving notification under subsection (a) from a person providing training described in subsection (a), determines that the individual presents a risk to aviation or national security, the Attorney General shall immediately notify the person providing the training of the determination and that person shall immediately terminate the training.

“(c) COVERED TRAINING.—For the purposes of subsection (a), training includes in-flight training, training in a simulator, and any other form or aspect of training.

“(d) SECURITY AWARENESS TRAINING FOR EMPLOYEES.—The Under Secretary shall require flight schools to conduct a security awareness program for flight school employees to increase their awareness of suspicious circumstances and activities of individuals enrolling in or attending flight school.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item: “44939. Training to operate certain aircraft.”

(c) INTERNATIONAL COOPERATION.—The Secretary of Transportation, in consultation with the Secretary of State, shall work with the International Civil Aviation Organization and the civil aviation authorities of other countries to improve international aviation security through screening programs for flight instruction candidates.

(d) EFFECTIVE DATE.—The amendment made by subsection (a) applies to applications for training received after the date of enactment of this Act.

SEC. 114. INCREASED PENALTIES FOR INTERFERENCE WITH SECURITY PERSONNEL.

(a) IN GENERAL.—Chapter 465 of title 49, United States Code, is amended by inserting after section 46502 the following:

“§46503. Interference with security screening personnel

“An individual in an area within a commercial service airport in the United States who, by assaulting a Federal, airport, or air carrier employee who has security duties within the airport, interferes with the performance of the duties of the employee or lessens the ability of the employee to perform those duties, shall be fined under title 18, imprisoned for not more than 10 years, or both. If the individual used a dangerous weapon in committing the assault or in-

terference, the individual may be imprisoned for any term of years or life imprisonment.”

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 465 of such title is amended by inserting after the item relating to section 46502 the following:

“46503. Interference with security screening personnel”.

SEC. 117. PASSENGER MANIFESTS.

Section 44909 is amended by adding at the end the following:

“(c) FLIGHTS IN FOREIGN AIR TRANSPORTATION TO THE UNITED STATES.—

“(1) IN GENERAL.—Not later than 60 days after the date of enactment of the Aviation and Transportation Security Act, each air carrier and foreign air carrier operating a passenger flight in foreign air transportation to the United States shall provide to the Commissioner of Customs by electronic transmission a passenger and crew manifest containing the information specified in paragraph (2). Carriers may use the advanced passenged information system established under section 431 of the Tariff Act of 1930 (19 U.S.C. 1431) to provide the information required by the preceding sentence.

“(2) INFORMATION.—A passenger and crew manifest for a flight required under paragraph (1) shall contain the following information:

“(A) The full name of each passenger and crew member.

“(B) The date of birth and citizenship of each passenger and crew member.

“(C) The sex of each passenger and crew member.

“(D) The passport number and country of issuance of each passenger and crew member if required for travel.

“(E) The United States visa number or resident alien card number of each passenger and crew member, as applicable.

“(F) Such other information as the Under Secretary, in consultation with the Commissioner of Customs, determines is reasonably necessary to ensure aviation safety.

“(3) PASSENGER NAME RECORDS.—The carriers shall make passenger name record information available to the Customs Service upon request.

“(4) TRANSMISSION OF MANIFEST.—Subject to paragraph (5), a passenger and crew manifest required for a flight under paragraph (1) shall be transmitted to the Customs Service in advance of the aircraft landing in the United States in such manner, time, and form as the Customs Service prescribes.

“(5) TRANSMISSION OF MANIFESTS TO OTHER FEDERAL AGENCIES.—Upon request, information provided to the Under Secretary or the Customs Service under this subsection may be shared with other Federal agencies for the purpose of protecting national security.”

SEC. 118. AIR TRANSPORTATION ARRANGEMENTS IN CERTAIN STATES.

(a) IN GENERAL.—Notwithstanding any provision of section 41309(a) of title 49, United States Code, to the contrary, air carriers providing air transportation on flights which both originate and terminate at points within the same State may file an agreement, request, modification, or cancellation of an agreement within the scope of that section with the Secretary of Transportation upon a declaration by the Governor of the State that such agreement, request, modification, or cancellation is necessary to ensure the continuing availability of such air transportation within that State.

(b) APPROVAL OF SECRETARY.—The Secretary may approve any such agreement, request, modification, or cancellation and grant an exemption under section 41308(c) of title 49, United States Code, to the extent necessary to effectuate such agreement, request, modification, or cancellation, without regard to the provisions of section 41309(b) or (c) of that title.

(c) PUBLIC INTEREST REQUIREMENT.—The Secretary may approve such an agreement, request, modification, or cancellation if the Secretary determines that—

(1) the State to which it relates has extraordinary air transportation needs and concerns; and

(2) approval is in the public interest.

(d) TERMINATION.—An approval under subsection (b) and an exemption under section 41308(c) of title 49, United States Code, granted under subsection (b) shall terminate on the earlier of the 2 following dates:

(1) A date established by the Secretary in the Secretary’s discretion.

(2) October 1, 2002.

(e) EXTENSION.—Notwithstanding subsection (d), if the Secretary determines that it is in the public interest, the Secretary may extend the termination date under subsection (d)(2) until a date no later than October 1, 2003.

(f) REPORTS.—If the Secretary approves any such agreement, request, modification, or cancellation under this section and grants an exemption, the Secretary shall transmit a report to Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives within 6 months describing what actions have been taken by the air carriers to which the exemption was granted. The Secretary shall also notify those committees if the Secretary extends the termination date under subsection (e).

SEC. 115. AIRLINE COMPUTER RESERVATION SYSTEMS.

In order to ensure that all airline computer reservation systems maintained by United States air carriers are secure from unauthorized access by persons seeking information on reservations, passenger manifests, or other non-public information, the Secretary of Transportation shall require all such air carriers to utilize to the maximum extent practicable the best technology available to secure their computer reservation system against such unauthorized access.

SEC. 116. SECURITY SERVICE FEE.

(a) IN GENERAL.—Subchapter II of chapter 449 is amended by adding at the end the following:

“§44940. Security service fee

“(a) GENERAL AUTHORITY.—

“(1) PASSENGER FEES.—The Under Secretary of Transportation for Security shall impose a uniform fee, on passengers of air carriers and foreign air carriers in air transportation and intrastate air transportation originating at airports in the United States, to pay for the following costs of providing civil aviation security services:

“(A) Salary, benefits, overtime, retirement and other costs of screening personnel, their supervisors and managers, and Federal law enforcement personnel deployed at airport security screening locations under section 44901.

“(B) The costs of training personnel described in subparagraph (A), and the acquisition, operation, and maintenance of equipment used by such personnel.

“(C) The costs of performing background investigations of personnel described in subparagraphs (A), (D), (F), and (G).

“(D) The costs of the Federal air marshals program.

“(E) The costs of performing civil aviation security research and development under this title.

“(F) The costs of Federal Security Managers under section 44903.

“(G) The costs of deploying Federal law enforcement personnel pursuant to section 44903(h).

The amount of such costs shall be determined by the Under Secretary and shall not be subject to judicial review.

“(2) AIR CARRIER FEES.—

“(A) AUTHORITY.—In addition to the fee imposed pursuant to paragraph (1), and only to the extent that the Under Secretary estimates that such fee will be insufficient to pay for the costs of providing civil aviation security services described in paragraph (1), the Under Secretary may impose a fee on air carriers and foreign air carriers engaged in air transportation and intrastate air transportation to pay for the difference between any such costs and the amount collected from such fee, as estimated by the Under Secretary at the beginning of each fiscal year. The estimates of the Under Secretary under this subparagraph are not subject to judicial review.

“(B) LIMITATIONS.—

“(i) OVERALL LIMIT.—The amounts of fees collected under this paragraph for each fiscal year may not exceed, in the aggregate, the amounts paid in calendar year 2000 by carriers described in subparagraph (A) for screening passengers and property, as determined by the Under Secretary.

“(ii) PER-CARRIER LIMIT.—The amount of fees collected under this paragraph from an air carrier described in subparagraph (A) for each of fiscal years 2002, 2003, and 2004 may not exceed the amount paid in calendar year 2000 by that carrier for screening passengers and property, as determined by the Under Secretary.

“(iii) ADJUSTMENT OF PER-CARRIER LIMIT.—For fiscal year 2005 and subsequent fiscal years, the per-carrier limitation under clause (ii) may be determined by the Under Secretary on the basis of market share or any other appropriate measure in lieu of actual screening costs in calendar year 2000.

“(iv) FINALITY OF DETERMINATIONS.—Determinations of the Under Secretary under this subparagraph are not subject to judicial review.

“(C) SPECIAL RULE FOR FISCAL YEAR 2002.—The amount of fees collected under this paragraph from any carrier for fiscal year 2002 may not exceed the amounts paid by that carrier for screening passengers and property for a period of time in calendar year 2000 proportionate to the period of time in fiscal year 2002 during which fees are collected under this paragraph.

“(b) SCHEDULE OF FEES.—In imposing fees under subsection (a), the Under Secretary shall ensure that the fees are reasonably related to the Transportation Security Administration's costs of providing services rendered.

“(c) LIMITATION ON FEE.—Fees imposed under subsection (a)(1) may not exceed \$2.50 per enplanement in air transportation or intrastate air transportation that originates at an airport in the United States, except that the total amount of such fees may not exceed \$5.00 per one-way trip.

“(d) IMPOSITION OF FEE.—

“(1) IN GENERAL.—Notwithstanding section 9701 of title 31 and the procedural requirements of section 553 of title 5, the Under Secretary shall impose the fee under subsection (a)(1), and may impose a fee under subsection (a)(2), through the publication of notice of such fee in the Federal Register and begin collection of the fee within 60 days of the date of enactment of this Act, or as soon as possible thereafter.

“(2) SPECIAL RULES PASSENGER FEES.—A fee imposed under subsection (a)(1) through the procedures under subsection (d) shall apply only to tickets sold after the date on which such fee is imposed. If a fee imposed under subsection (a)(1) through the procedures under subsection (d) on transportation of a passenger of a carrier described in subsection (a)(1) is not collected from the passenger, the amount of the fee shall be paid by the carrier.

“(3) SUBSEQUENT MODIFICATION OF FEE.—After imposing a fee in accordance with paragraph (1), the Under Secretary may modify,

from time to time through publication of notice in the Federal Register, the imposition or collection of such fee, or both.

“(4) LIMITATION ON COLLECTION.—No fee may be collected under this section except to the extent that the expenditure of the fee to pay the costs of activities and services for which the fee is imposed is provided for in advance in an appropriations Act.

“(e) ADMINISTRATION OF FEES.—

“(1) FEES PAYABLE TO UNDER SECRETARY.—All fees imposed and amounts collected under this section are payable to the Under Secretary.

“(2) FEES COLLECTED BY AIR CARRIER.—A fee imposed under subsection (a)(1) shall be collected by the air carrier or foreign air carrier that sells a ticket for transportation described in subsection (a)(1).

“(3) DUE DATE FOR REMITTANCE.—A fee collected under this section shall be remitted on the last day of each calendar month by the carrier collecting the fee. The amount to be remitted shall be for the calendar month preceding the calendar month in which the remittance is made.

“(4) INFORMATION.—The Under Secretary may require the provision of such information as the Under Secretary decides is necessary to verify that fees have been collected and remitted at the proper times and in the proper amounts.

“(5) FEE NOT SUBJECT TO TAX.—For purposes of section 4261 of the Internal Revenue Code of 1986 (26 U.S.C. 4261), a fee imposed under this section shall not be considered to be part of the amount paid for taxable transportation.

“(6) COST OF COLLECTING FEE.—No portion of fee collected under this section may be retained by the air carrier or foreign air carrier for the costs of collecting, handling, or remitting the fee except for interest accruing to the carrier after collection and before remittance.

“(f) RECEIPTS CREDITED AS OFFSETTING COLLECTIONS.—Notwithstanding section 3302 of title 31, any fee collected under this section—

“(1) shall be credited as offsetting collections to the account that finances the activities and services for which the fee is imposed;

“(2) shall be available for expenditure only to pay the costs of activities and services for which the fee is imposed; and

“(3) shall remain available until expended.

“(g) REFUNDS.—The Under Secretary may refund any fee paid by mistake or any amount paid in excess of that required.

“(h) EXEMPTIONS.—The Under Secretary may exempt from the passenger fee imposed under subsection (a)(1) any passenger enplaning at an airport in the United States that does not receive screening services under section 44901 for that segment of the trip for which the passenger does not receive screening.”

(b) CONFORMING AMENDMENT.—The analysis for such chapter is amended by adding at the end the following:

“44940. Security service fee”.

(c) SPECIFIC AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Part C of subtitle VII of title 49, United States Code, is amended by adding at the end the following:

“CHAPTER 483—AVIATION SECURITY FUNDING

“Sec.

“48301. Aviation security funding.

“§48301. Aviation security funding

“(a) IN GENERAL.—There are authorized to be appropriated for fiscal years 2002, 2003, 2004, and 2005 such sums as may be necessary to carry out chapter 449 and related aviation security activities under this title. Any amounts appropriated pursuant to this section for fiscal year 2002 shall remain available until expended.

“(b) GRANTS FOR AIRCRAFT SECURITY.—There is authorized to be appropriated \$500,000,000 for

fiscal year 2002 to the Secretary of Transportation to make grants to or other agreements with air carriers (including intrastate air carriers) to—

“(1) fortify cockpit doors to deny access from the cabin to the pilots in the cockpit;

“(2) provide for the use of video monitors or other devices to alert the cockpit crew to activity in the passenger cabin;

“(3) ensure continuous operation of the aircraft transponder in the event the crew faces an emergency; and

“(4) provide for the use of other innovative technologies to enhance aircraft security.”

(2) CONFORMING AMENDMENT.—The subtitle analysis for subtitle VII of title 49, United States Code, is amended by inserting after the item relating to chapter 482 the following:

“483. Aviation Security Funding 48301”.

SEC. 119. INCREASED FUNDING FLEXIBILITY FOR AVIATION SECURITY.

(a) LIMITED USE OF AIRPORT IMPROVEMENT PROGRAM FUNDS.—

(1) AIRPORT DEVELOPMENT FUNDS.—Section 47102(3) of title 49, United States Code, is amended by adding at the end the following:

“(J) in fiscal year 2002, any additional security related activity required by law or by the Secretary after September 11, 2001, and before October 1, 2002.

“(K) in fiscal year 2002 with respect to funds apportioned under section 47114 in fiscal years 2001 and 2002, any activity, including operational activities, of an airport that is not a primary airport if that airport is located within the confines of enhanced class B airspace, as defined by Notice to Airmen FDC 1/0618 issued by the Federal Aviation Administration and the activity was carried out when any restriction in the Notice is in effect.

“(L) in fiscal year 2002, payments for debt service on indebtedness incurred to carry out a project at an airport owned or controlled by the sponsor or at a privately owned or operated airport passenger terminal financed by indebtedness incurred by the sponsor if the Secretary determines that such payments are necessary to prevent a default on the indebtedness.”

(2) ALLOWABLE COSTS.—Section 47110(b)(2) of title 49, United States Code, is amended—

(A) by striking “or” in subparagraph (B);

(B) by inserting “or” after “executed,” in subparagraph (C); and

(C) by adding at the end the following:

“(D) if the cost is incurred after September 11, 2001, for a project described in section 47102(3)(J), 47102(3)(K), or 47102(3)(L) and shall not depend upon the date of execution of a grant agreement made under this subchapter;”

(3) DISCRETIONARY GRANTS.—Section 47115 of title 49, United States Code, is amended by adding at the end the following:

“(i) CONSIDERATIONS FOR PROJECT UNDER EXPANDED SECURITY ELIGIBILITY.—In order to assure that funding under this subchapter is provided to the greatest needs, the Secretary, in selecting a project described in section 47102(3)(J) for a grant, shall consider the non-federal resources available to sponsor, the use of such non-federal resources, and the degree to which the sponsor is providing increased funding for the project.”

(4) FEDERAL SHARE.—Section 47109(a) of title 49, United States Code, is amended—

(A) by striking “and” in paragraph (3);

(B) by striking “47134.” in paragraph (4) and inserting “47134; and”; and

(C) by adding at the end the following:

“(5) for fiscal year 2002, 100 percent for a project described in section 47102(3)(J), 47102(3)(K), or 47102(3)(L).”

(5) AIRPORT DEVELOPMENT.—Section 47102(3)(B) of title 49, United States Code, is amended—

(A) by striking “and” at the end of clause (viii);

(B) by striking the period at the end of clause (ix) and inserting “; and”; and

(C) by inserting after clause (ix) the following new clause:

“(x) replacement of baggage conveyor systems, and reconfiguration of terminal baggage areas, that the Secretary determines are necessary to install bulk explosive detection devices.”.

(b) APPORTIONED FUNDS.—For the purpose of carrying out section 47114 of title 49, United States Code, for fiscal year 2003, the Secretary shall use, in lieu of passenger boardings at an airport during the prior calendar year, the greater of—

(1) the number of passenger boardings at that airport during 2000; or

(2) the number of passenger boardings at that airport during 2001.

(c) EXPEDITED PROCESSING OF SECURITY-RELATED PFC REQUESTS.—The Administrator of the Federal Aviation Administration shall, to the extent feasible, expedite the processing and approval of passenger facility fee requests under subchapter I of chapter 471 of title 49, United States Code, for projects described in section 47192(3)(J) of title 49, United States Code.

(d) AMENDMENT OF GENERAL FEE SCHEDULE PROVISION.—Section 45301(b)(1)(B) of title 49, United States Code, is amended—

(1) by striking “directly” and inserting “reasonably”; and

(2) by striking “Administration’s costs” and inserting “Administration’s costs, as determined by the Administrator,”; and

(3) by adding at the end “The Determination of such costs by the Administrator is not subject to judicial review.”.

SEC. 120. CHEMICAL AND BIOLOGICAL WEAPON DETECTION.

Section 44903(c)(2)(C) of title 49, United States Code, is amended to read as follows:

“(C) MAXIMUM USE OF CHEMICAL AND BIOLOGICAL WEAPON DETECTION EQUIPMENT.—The Secretary of Transportation may require airports to maximize the use of technology and equipment that is designed to detect or neutralize potential chemical or biological weapons.”.

SEC. 121. AUTHORIZATION OF FUNDS FOR REIMBURSEMENT OF AIRPORTS FOR SECURITY MANDATES.

(a) AIRPORT SECURITY.—There is authorized to be appropriated to the Secretary of Transportation for fiscal years 2002 and 2003 a total of \$1,500,000,000 to reimburse airport operators, on-airport parking lots, and vendors of on-airfield direct services to air carriers for direct costs incurred by such operators to comply with new, additional, or revised security requirements imposed on such operators by the Federal Aviation Administration or Transportation Security Administration on or after September 11, 2001. Such sums shall remain available until expended.

(b) DOCUMENTATION OF COSTS; AUDIT.—The Secretary may not reimburse an airport operator, on-airport parking lot, or vendor of on-airfield direct services to air carriers under this section for any cost for which the airport operator, on-airport parking lot, or vendor of on-airfield direct services does not demonstrate to the satisfaction of the Secretary, using sworn financial statements or other appropriate data, that—

(1) the cost is eligible for reimbursement under subsection (a); and

(2) the cost was incurred by the airport operator, on-airport parking lot, or vendor of on-airfield direct services to air carriers.

The Inspector General of the Department of Transportation and the Comptroller General of the United States may audit such statements and may request any other information necessary to conduct such an audit.

(c) CLAIM PROCEDURE.—Within 30 days after the date of enactment of this Act, the Secretary, after consultation with airport operators, on-airport parking lots, and vendors of on-airfield direct services to air carriers, shall publish in the Federal Register the procedures for filing claims for reimbursement under this section of eligible costs incurred by airport operators.

SEC. 122. SENSE OF THE CONGRESS.

It is the sense of the Congress that—

(1) an airport receiving Federal financial assistance should meet with the tenants of the airport (other than air carriers and foreign air carriers) to discuss adjustments of the rent of the tenants to account for losses in revenue incurred by the tenants on and after September 11, 2001;

(2) an air carrier that received financial assistance under the Air Transportation Safety and System Stabilization Act or under title 49, United States Code, since September 11, 2001, should meet with airport operators to discuss payment of applicable rates, charges, and fees; and

(3) the Federal Aviation Administration should maintain its current restriction on carry-on baggage of 1 bag and 1 personal item.

SEC. 123. AIRPORT IMPROVEMENT PROGRAMS.

(a) COMPETITION PLAN.—Section 47106(f) is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following:

“(3) SPECIAL RULE FOR FISCAL YEAR 2002.—This subsection does not apply to any passenger facility fee approved, or grant made, in fiscal year 2002 if the fee or grant is to be used to improve security at a covered airport.”.

(b) CONFORMING AMENDMENT TO AIRPORT AND AIRWAY TRUST FUND.—Section 9502(d)(1)(A) of the Internal Revenue Code of 1986 (relating to airport and airway program) is amended by inserting “or the Aviation and Transportation Security Act” after “21st Century”.

SEC. 124. TECHNICAL CORRECTIONS.

(a) REPORT DEADLINE.—Section 106(a) of the Air Transportation Safety and System Stabilization Act (Public Law 107-42) is amended by striking “February 1, 2001” and inserting “February 1, 2002”.

(b) INSURANCE AND REINSURANCE OF AIRCRAFT.—Section 44306(c) (as redesignated by section 201(d) of such Act) is amended by inserting “in the interest of air commerce or national security or” before “to carry out foreign policy”.

(c) FEDERAL CREDIT INSTRUMENTS.—Section 102(c)(2)(A) of such Act is amended by striking “representatives” and inserting “representations”.

(d) MAXIMUM AMOUNT OF COMPENSATION PAYABLE PER AIR CARRIER.—Section 103 of such Act is amended by adding at the end the following:

“(d) COMPENSATION FOR CERTAIN AIR CARRIERS.—

“(1) SET-ASIDE.—The President may set aside a portion of the amount of compensation payable to air carriers under section 101(a)(2) to provide compensation to classes of air carriers, such as air tour operators and air ambulances (including hospitals operating air ambulances) for whom the application of a distribution formula containing available seat miles as a factor would inadequately reflect their share of direct and incremental losses. The President shall reduce the \$4,500,000,000 specified in subsection (b)(2)(A)(i) by the amount set aside under this subsection.

“(2) DISTRIBUTION OF AMOUNTS.—The President shall distribute the amount set aside under this subsection proportionally among such air carriers based on an appropriate auditable measure, as determined by the President.”.

SEC. 125. ENCOURAGING AIRLINE EMPLOYEES TO REPORT SUSPICIOUS ACTIVITIES.

(a) IN GENERAL.—Subchapter II of chapter 449 of title 49, United States Code, is amended by inserting at the end the following:

“§44941. Immunity for reporting suspicious activities

“(a) IN GENERAL.—Any air carrier or foreign air carrier or any employee of an air carrier or foreign air carrier who makes a voluntary disclosure of any suspicious transaction relevant to a possible violation of law or regulation, relating to air piracy, a threat to aircraft or passenger safety, or terrorism, as defined by section 3077 of title 18, United States Code, to any employee or agent of the Department of Transportation, the Department of Justice, any Federal, State, or local law enforcement officer, or any airport or airline security officer shall not be civilly liable to any person under any law or regulation of the United States, any constitution, law, or regulation of any State or political subdivision of any State, for such disclosure.

“(b) APPLICATION.—Subsection (a) shall not apply to—

“(1) any disclosure made with actual knowledge that the disclosure was false, inaccurate, or misleading; or

“(2) any disclosure made with reckless disregard as to the truth or falsity of that disclosure.”.

(b) CONFORMING AMENDMENT.—The chapter analysis for such chapter is amended by adding at the end the following:

“44941. Immunity for reporting suspicious activities.”.

SEC. 126. LESS-THAN-LETHAL WEAPONRY FOR FLIGHT DECK CREWS.

(a) NATIONAL INSTITUTE OF JUSTICE STUDY.—The National Institute of Justice shall assess the range of less-than-lethal weaponry available for use by a flight deck crewmember temporarily to incapacitate an individual who presents a clear and present danger to the safety of the aircraft, its passengers, or individuals on the ground and report its findings and recommendations to the Secretary of Transportation within 90 days after the date of enactment of this Act.

(b) ARMING FLIGHT DECK CREW.—Section 44903 of title 49, United States Code, is amended by adding at the end the following:

“(h) AUTHORITY TO ARM FLIGHT DECK CREW WITH LESS-THAN-LETHAL WEAPONS.—

“(1) IN GENERAL.—If the Secretary, after receiving the recommendations of the National Institute of Justice, determines, with the approval of the Attorney General and the Secretary of State, that it is appropriate and necessary and would effectively serve the public interest in avoiding air piracy, the Secretary may authorize members of the flight deck crew on any aircraft providing air transportation or intrastate air transportation to carry a less-than-lethal weapon while the aircraft is engaged in providing such transportation.

“(2) USAGE.—If the Secretary grants authority under paragraph (1) for flight deck crew members to carry a less-than-lethal weapon while engaged in providing air transportation or intrastate air transportation, the Secretary shall—

“(A) prescribe rules requiring that any such crew member be trained in the proper use of the weapon; and

“(B) prescribe guidelines setting forth the circumstances under which such weapons may be used.”.

SEC. 127. MAIL AND FREIGHT WAIVERS.

(a) IN GENERAL.—During a national emergency affecting air transportation or intrastate air transportation, the Secretary of Transportation, after consultation with the Transportation Security Oversight Board, may grant a

complete or partial waiver of any restrictions on the carriage by aircraft of freight, mail, emergency medical supplies, personnel, or patients on aircraft, imposed by the Department of Transportation (or other Federal agency or department) that would permit such carriage of freight, mail, emergency medical supplies, personnel, or patients on flights, to, from, or within a State if the Secretary determines that—

(1) extraordinary air transportation needs or concerns exist; and

(2) the waiver is in the public interest, taking into consideration the isolation of and dependence on air transportation of the State.

(b) **LIMITATIONS.**—The Secretary may impose reasonable limitations on any such waiver.

SEC. 128. FLIGHT DECK SECURITY.

(The pilot of a passenger aircraft operated by an air carrier in air transportation or intrastate air transportation is authorized to carry a firearm into the cockpit if—

(1) the Under Secretary of Transportation for Security approves;

(2) the air carrier approves;

(3) the firearm is approved by the Under Secretary; and

(4) the pilot has received proper training for the use of the firearm, as determined by the Under Secretary.

SEC. 129. AMENDMENTS TO AIRMEN REGISTRY AUTHORITY.

Section 44703(g) of title 49, United States Code, is amended—

(1) in the first sentence of paragraph (1)—

(A) by striking “pilots” and inserting “airmen”; and

(B) by striking the period and inserting “and related to combating acts of terrorism.”; and

(2) by adding at the end, the following new paragraphs:

“(3) For purposes of this section, the term ‘acts of terrorism’ means an activity that involves a violent act or an act dangerous to human life that is a violation of the criminal laws of the United States or of any State, or that would be a criminal violation if committed within the jurisdiction of the United States or of any State, and appears to be intended to intimidate or coerce a civilian population to influence the policy of a government by intimidation or coercion or to affect the conduct of a government by assassination or kidnapping.

“(4) The Administrator is authorized and directed to work with State and local authorities, and other Federal agencies, to assist in the identification of individuals applying for or holding airmen certificates.”.

“(4) The Administrator is authorized and directed to work with State and local authorities, and other Federal agencies, to assist in the identification of individuals applying for or holding airmen certificates.”.

SEC. 130. RESULTS-BASED MANAGEMENT.

Subchapter II of chapter 449 of title 49, United States Code, is amended by adding at the end the following:

“§4942. Performance goals and objectives

“(a) **SHORT TERM TRANSITION.**—

“(1) **IN GENERAL.**—Within 180 days after the date of enactment of the Aviation and Transportation Security Act, the Under Secretary for Transportation Security may, in consultation with Congress—

“(A) establish acceptable levels of performance for aviation security, including screening operations and access control; and

“(B) provide Congress with an action plan, containing measurable goals and milestones, that outlines how those levels of performance will be achieved.

“(2) **BASICS OF ACTION PLAN.**—The action plan shall clarify the responsibilities of the Transportation Security Administration, the Federal Aviation Administration and any other agency or organization that may have a role in ensuring the safety and security of the civil air transportation system.

“(b) **LONG-TERM RESULTS-BASED MANAGEMENT.**—

“(1) **PERFORMANCE PLAN AND REPORT.**—

“(A) **PERFORMANCE PLAN.**—

“(i) Each year, consistent with the requirements of the Government Performance and Results Act of 1993 (GPRA), the Secretary and the Under Secretary for Transportation Security shall agree on a performance plan for the succeeding 5 years that establishes measurable goals and objectives for aviation security. The plan shall identify action steps necessary to achieve such goals.

“(ii) In addition to meeting the requirements of GPRA, the performance plan should clarify the responsibilities of the Secretary, the Under Secretary for Transportation Security and any other agency or organization that may have a role in ensuring the safety and security of the civil air transportation system.

“(B) **PERFORMANCE REPORT.**—Each year, consistent with the requirements of GPRA, the Under Secretary for Transportation Security shall prepare and submit to Congress an annual report including an evaluation of the extent goals and objectives were met. The report shall include the results achieved during the year relative to the goals established in the performance plan.

“§4943. Performance management system

“(a) **ESTABLISHING A FAIR AND EQUITABLE SYSTEM FOR MEASURING STAFF PERFORMANCE.**—The Under Secretary for Transportation Security shall establish a performance management system which strengthens the organization’s effectiveness by providing for the establishment of goals and objectives for managers, employees, and organizational performance consistent with the performance plan.

“(b) **ESTABLISHING MANAGEMENT ACCOUNTABILITY FOR MEETING PERFORMANCE GOALS.**—

“(1) **IN GENERAL.**—Each year, the Secretary and Under Secretary of Transportation for Security shall enter into an annual performance agreement that shall set forth organizational and individual performance goals for the Under Secretary.

“(2) **GOALS.**—Each year, the Under Secretary and each senior manager who reports to the Under Secretary shall enter into an annual performance agreement that sets forth organization and individual goals for those managers. All other employees hired under the authority of the Under Secretary shall enter into an annual performance agreement that sets forth organization and individual goals for those employees.

“(c) **PERFORMANCE-BASED SERVICE CONTRACTING.**—To the extent contracts, if any, are used to implement the Aviation Security Act, the Under Secretary for Transportation Security shall, to the extent practical, maximize the use of performance-based service contracts. These contracts should be consistent with guidelines published by the Office of Federal Procurement Policy.”.

SEC. 131. VOLUNTARY PROVISION OF EMERGENCY SERVICES DURING COMMERCIAL FLIGHTS.

(a) **IN GENERAL.**—Subchapter II of chapter 449 of title 49, United States Code, is amended by adding at the end the following new section:

“§4944. Voluntary provision of emergency services

“(a) **PROGRAM FOR PROVISION OF VOLUNTARY SERVICES.**—

“(1) **PROGRAM.**—The Under Secretary of Transportation for Transportation Security shall carry out a program to permit qualified law enforcement officers, firefighters, and emergency medical technicians to provide emergency services on commercial air flights during emergencies.

“(2) **REQUIREMENTS.**—The Under Secretary shall establish such requirements for qualifications of providers of voluntary services under

the program under paragraph (1), including training requirements, as the Under Secretary considers appropriate.

“(3) **CONFIDENTIALITY OF REGISTRY.**—If as part of the program under paragraph (1) the Under Secretary requires or permits registration of law enforcement officers, firefighters, or emergency medical technicians who are willing to provide emergency services on commercial flights during emergencies, the Under Secretary shall take appropriate actions to ensure that the registry is available only to appropriate airline personnel and otherwise remains confidential.

“(4) **CONSULTATION.**—The Under Secretary shall consult with appropriate representatives of the commercial airline industry, and organizations representing community-based law enforcement, firefighters, and emergency medical technicians, in carrying out the program under paragraph (1), including the actions taken under paragraph (3).

“(b) **EXEMPTION FROM LIABILITY.**—An individual shall not be liable for damages in any action brought in a Federal or State court that arises from an act or omission of the individual in providing or attempting to provide assistance in the case of an in-flight emergency in an aircraft of an air carrier if the individual meets such qualifications as the Under Secretary shall prescribe for purposes of this section.

“(c) **EXCEPTION.**—The exemption under subsection (b) shall not apply in any case in which an individual provides, or attempts to provide, assistance described in that paragraph in a manner that constitutes gross negligence or willful misconduct.”.

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter is amended by adding at the end the following new item: “4944. Voluntary provision of emergency services”.

(c) **CONSTRUCTION REGARDING POSSESSION OF FIREARMS.**—Nothing in this section may be construed to require any modification of regulations of the Department of Transportation governing the possession of firearms while in aircraft or air transportation facilities or to authorize the possession of a firearm in an aircraft or any such facility not authorized under those regulations.

SEC. 132. GENERAL AVIATION AND AIR CHARTERS.

(a) **AIR CHARTER PROGRAM.**—Within 90 days after the date of enactment of this Act, the Under Secretary of Transportation for Transportation Security shall implement an aviation security program for charter air carriers (as defined in section 40102(a)(13) of title 49, United States Code) with a maximum certificated take-off weight of 12,500 pounds or more.

(b) **GENERAL AVIATION PROGRAM.**—Within 30 days after the date of enactment of this Act, the Under Secretary of Transportation for Transportation Security shall transmit a report on airspace and other security measures that can be deployed, as necessary, to improve general aviation security to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure. The Under Secretary may submit the report in both classified and redacted forms.

SEC. 133. DEFINITIONS.

Except as otherwise explicitly provided, any term used in this title that is defined in section 40102 of title 49, United States Code, has the meaning given that term in that section.

SEC. 134. SENSE OF CONGRESS ON CERTAIN AVIATION MATTERS.

(a) **FLIGHT SERVICE STATION EMPLOYEES.**—It is the sense of Congress that the Administrator of the Federal Aviation Administration should continue negotiating in good faith with flight

service station employees of the Administration with a goal of reaching agreement on a contract as soon as possible.

(b) **WAR RISK INSURANCE.**—It is the sense of Congress that the Secretary of Transportation should implement section 202 of the Air Transportation Safety and System Stabilization Act (Public Law 107-42) so as to make war risk insurance directly available to vendors, agents, and subcontractors of air carriers for all of their domestic operations.

SEC. 135. SENSE OF THE HOUSE OF REPRESENTATIVES.

It is the sense of the House of Representatives that—

(1) the Under Secretary of Transportation for Security should develop security procedures to allow passengers transporting a musical instrument on a flight of an air carrier to transport the instrument in the passenger cabin of the aircraft, notwithstanding any size or other restriction on carry-on baggage but subject to such other reasonable security procedures, terms, and conditions as may be established by the Under Secretary or the air carrier, including imposing additional charges by the air carrier; and

(2) an air carrier that transports mail under a contract with the United States Postal Service should transport any animal that the Postal Service allows to be shipped through the mail.

SEC. 136. SHORT-TERM ASSESSMENT AND DEPLOYMENT OF EMERGING SECURITY TECHNOLOGIES AND PROCEDURES.

Section 44903 of title 49, United States Code, is amended by adding at the end the following:

“(i) **SHORT-TERM ASSESSMENT AND DEPLOYMENT OF EMERGING SECURITY TECHNOLOGIES AND PROCEDURES.**—

“(1) **IN GENERAL.**—The Under Secretary of Transportation for Security shall recommend to airport operators, within 6 months after the date of enactment of the Aviation and Transportation Security Act, commercially available measures or procedures to prevent access to secure airport areas by unauthorized persons. As part of the 6-month assessment, the Under Secretary for Transportation Security shall—

“(A) review the effectiveness of biometrics systems currently in use at several United States airports, including San Francisco International;

“(B) review the effectiveness of increased surveillance at access points;

“(C) review the effectiveness of card- or key-pad-based access systems;

“(D) review the effectiveness of airport emergency exit systems and determine whether those that lead to secure areas of the airport should be monitored or how breaches can be swiftly responded to; and

“(E) specifically target the elimination of the ‘piggy-backing’ phenomenon, where another person follows an authorized person through the access point.

The 6-month assessment shall include a 12-month deployment strategy for currently available technology at all category X airports, as defined in the Federal Aviation Administration approved air carrier security programs required under part 108 of title 14, Code of Federal Regulations. Not later than 18 months after the date of enactment of this Act, the Secretary of Transportation shall conduct a review of reductions in unauthorized access at these airports.

“(2) **COMPUTER-ASSISTED PASSENGER PRESCREENING SYSTEM.**—

“(A) **IN GENERAL.**—The Secretary of Transportation shall ensure that the Computer-Assisted Passenger Prescreening System, or any successor system—

“(i) is used to evaluate all passengers before they board an aircraft; and

“(ii) includes procedures to ensure that individuals selected by the system and their carry-on and checked baggage are adequately screened.

“(B) **MODIFICATIONS.**—The Secretary of Transportation may modify any requirement under the Computer-Assisted Passenger Prescreening System for flights that originate and terminate within the same State, if the Secretary determines that—

“(i) the State has extraordinary air transportation needs or concerns due to its isolation and dependence on air transportation; and

“(ii) the routine characteristics of passengers, given the nature of the market, regularly triggers primary selectee status.

SEC. 137. RESEARCH AND DEVELOPMENT OF AVIATION SECURITY TECHNOLOGY.

(a) **FUNDING.**—To augment the programs authorized in section 44912(a)(1) of title 49, United States Code, there is authorized to be appropriated an additional \$50,000,000 for each of fiscal years 2002 through 2006 and such sums as are necessary for each fiscal year thereafter to the Transportation Security Administration, for research, development, testing, and evaluation of the following technologies which may enhance aviation security in the future. Grants to industry, academia, and Government entities to carry out the provisions of this section shall be available for fiscal years 2002 and 2003 for—

(1) the acceleration of research, development, testing, and evaluation of explosives detection technology for checked baggage, specifically, technology that is—

(A) more cost-effective for deployment for explosives detection in checked baggage at small- to medium-sized airports, and is currently under development as part of the Argus research program at the Transportation Security Administration;

(B) faster, to facilitate screening of all checked baggage at larger airports; or

(C) more accurate, to reduce the number of false positives requiring additional security measures;

(2) acceleration of research, development, testing, and evaluation of new screening technology for carry-on items to provide more effective means of detecting and identifying weapons, explosives, and components of weapons of mass destruction, including advanced x-ray technology;

(3) acceleration of research, development, testing, and evaluation of threat screening technology for other categories of items being loaded onto aircraft, including cargo, catering, and duty-free items;

(4) acceleration of research, development, testing, and evaluation of threats carried on persons boarding aircraft or entering secure areas, including detection of weapons, explosives, and components of weapons of mass destruction;

(5) acceleration of research, development, testing and evaluation of integrated systems of airport security enhancement, including quantitative methods of assessing security factors at airports selected for testing such systems;

(6) expansion of the existing program of research, development, testing, and evaluation of improved methods of education, training, and testing of key airport security personnel; and

(7) acceleration of research, development, testing, and evaluation of aircraft hardening materials, and techniques to reduce the vulnerability of aircraft to terrorist attack.

(b) **GRANTS.**—Grants awarded under this subtitle shall identify potential outcomes of the research, and propose a method for quantitatively assessing effective increases in security upon completion of the research program. At the conclusion of each grant, the grant recipient shall submit a final report to the Transportation Security Administration that shall include sufficient information to permit the Under Secretary of Transportation for Security to prepare a cost-benefit analysis of potential improvements to airport security based upon deployment of the

proposed technology. The Under Secretary shall begin awarding grants under this subtitle within 90 days of the date of enactment of this Act.

(c) **BUDGET SUBMISSION.**—A budget submission and detailed strategy for deploying the identified security upgrades recommended upon completion of the grants awarded under subsection (b), shall be submitted to Congress as part of the Department of Transportation's annual budget submission.

(d) **DEFENSE RESEARCH.**—There is authorized to be appropriated \$20,000,000 to the Transportation Security Administration to issue research grants in conjunction with the Defense Advanced Research Projects Agency. Grants may be awarded under this section for—

(1) research and development of longer-term improvements to airport security, including advanced weapons detection;

(2) secure networking and sharing of threat information between Federal agencies, law enforcement entities, and other appropriate parties;

(3) advances in biometrics for identification and threat assessment; or

(4) other technologies for preventing acts of terrorism in aviation.

SEC. 138. EMPLOYMENT INVESTIGATIONS AND RESTRICTIONS.

(a) **IN GENERAL.**—Section 44936 of title 49, United States Code, is amended—

(1) by inserting “and a review of available law enforcement data bases and records of other governmental and international agencies to the extent determined practicable by the Under Secretary of Transportation for Transportation Security,” after “check” in subsection (a)(1)(A);

(2) by striking “in any case described in subparagraph (C)” in subsection (a)(1)(B) and inserting “and a review of available law enforcement data bases and records of other governmental and international agencies to the extent determined practicable by the Under Secretary of Transportation for Transportation Security”;

(3) by striking “will be” in subsection (a)(1)(B)(i) and inserting “are”;

(4) by striking “and” after the semicolon in clause (ii) of subsection (a)(1)(B);

(5) by redesignating clause (iii) of subsection (a)(1)(B) as clause (iv);

(6) by inserting after clause (ii) of subsection (a)(1)(B) the following:

“(iii) individuals who regularly have escorted access to aircraft of an air carrier or foreign air carrier or a secured area of an airport in the United States the Administrator designates that serves an air carrier or foreign air carrier; and”;

(7) by striking subparagraphs (C), (D), and (E) of subsection (a)(1) and redesignating subparagraph (F) as subparagraph (D);

(8) by inserting after subparagraph (B) of subsection (a)(1) the following:

“(C) **BACKGROUND CHECKS OF CURRENT EMPLOYEES.**—

“(i) A new background check (including a criminal history record check and a review of available law enforcement data bases and records of other governmental and international agencies to the extent determined practicable by the Under Secretary of Transportation for Transportation Security shall be required for any individual who is employed in a position described in subparagraphs (A) and (B) on the date of enactment of the Aviation and Transportation Security Act.

“(ii) The Under Secretary may provide by order (without regard to the provisions of chapter 5 of title 5, United States Code) for a phased-in implementation of the requirements of this subparagraph.”;

(9) by striking “107.31(m)” in subparagraph (D), as redesignated, and inserting “107.31(m)(1) or (2)”;

(10) by striking “the date of enactment of this subparagraph.” in subparagraph (D), as redesignated, and inserting “November 22, 2000. The

Under Secretary shall work with the International Civil Aviation Organization and with appropriate authorities of foreign countries to ensure that individuals exempted under this subparagraph do not pose a threat to aviation or national security.”;

(11) by striking “carrier, or airport operator” in subsection (a)(2) and inserting “carrier, airport operator, or government”;

(12) by striking “carrier, or airport operator” in subsection (b)(1) and inserting “carrier, airport operator, or government”;

(13) by striking “carrier, or airport operator” in subsection (b)(3) and inserting “carrier, airport operator, or government”;

(14) by adding at the end of subsection (c)(1) “All Federal agencies shall cooperate with the Under Secretary and the Under Secretary’s designee in the process of collecting and submitting fingerprints.”.

(b) RECORDS OF EMPLOYMENT OF PILOT APPLICANTS.—Part A of subtitle VII is amended—

(1) by moving subsections (f), (g), and (h) of section 44936 from section 44936, inserting them at the end of section 44703, and redesignating them as subsections (h), (i), and (j), respectively; and

(2) in subsections (i) and (j) of section 44703 (as moved to the end of section 44703 by paragraph (1) of this subsection), by striking “subsection (f)” each place it appears and inserting “subsection (h)”.

SEC. 139. ALCOHOL AND CONTROLLED SUBSTANCE TESTING.

Chapter 451 of title 49, United States Code, is amended—

(1) by striking “contract personnel” each place it appears and inserting “personnel”;

(2) by striking “contract employee” each place it appears and inserting “employee”;

(3) in section 45106(c) by striking “contract employees” and inserting “employees”;

(4) by inserting after section 45106 the following:

“45107. Transportation Security Administration

“(a) TRANSFER OF FUNCTIONS RELATING TO TESTING PROGRAMS WITH RESPECT TO AIRPORT SECURITY SCREENING PERSONNEL.—The authority of the Administrator of the Federal Aviation Administration under this chapter with respect to programs relating to testing of airport security screening personnel are transferred to the Under Secretary of Transportation for Security. Notwithstanding section 45102(a), the regulations prescribed under section 45102(a) shall require testing of such personnel by their employers instead of by air carriers and foreign air carriers.

“(b) APPLICABILITY OF CHAPTER WITH RESPECT TO EMPLOYEES OF ADMINISTRATION.—The provisions of this chapter that apply with respect to employees of the Federal Aviation Administration whose duties include responsibility for safety-sensitive functions shall apply with respect to employees of the Transportation Security Administration whose duties include responsibility for security-sensitive functions. The Under Secretary of Transportation for Security, the Transportation Security Administration, and employees of the Transportation Security Administration whose duties include responsibility for security-sensitive functions shall be subject to and comply with such provisions in the same manner and to the same extent as the Administrator of the Federal Aviation Administration, the Federal Aviation Administration, and employees of the Federal Aviation Administration whose duties include responsibility for safety-sensitive functions, respectively.”;

(5) in the analysis for such chapter by inserting after the item relating to section 45106 the following:

“45107. Transportation Security Administration.”.

SEC. 140. CONFORMING AMENDMENTS TO SUBTITLE VII.

(a) RECORDS OF EMPLOYMENT OF PILOT APPLICANTS.—Part A of subtitle VII of title 49, United States Code, is amended—

(1) by moving subsections (f), (g), and (h) of section 44936 from section 44936, inserting them at the end of section 44703, and redesignating them as subsections (h), (i), and (j), respectively; and

(2) in subsections (i) and (j) of section 44703 (as moved to the end of section 44703 by paragraph (1) of this subsection), by striking “subsection (f)” each place it appears and inserting “subsection (h)”.

(b) INVESTIGATIONS AND PROCEDURES.—Chapter 461 of such title is amended—

(1) in each of sections 46101(a)(1), 46102(a), 46103(a), 46104(a), 46105(a), 46106, 46107(b), and 46110(a) by inserting after “(or)” the following: “the Under Secretary of Transportation for Security with respect to security duties and powers designated to be carried out by the Under Secretary or”;

(2) by striking “or Administrator” each place it appears and inserting “, Under Secretary, or Administrator”;

(3) in section 46101(a)(2) by striking “of Transportation or the” and inserting “, Under Secretary, or”;

(4) in section 46102(b) by striking “and the Administrator” and inserting “, the Under Secretary, and the Administrator”;

(5) in section 46102(c) by striking “and Administrator” each place it appears and inserting “, Under Secretary, and Administrator”;

(6) in each of sections 46102(d) and 46104(b) by inserting “the Under Secretary,” after “Secretary”;

(7) in the heading to section 46106 by striking “Secretary of Transportation and Administrator of the Federal Aviation Administration” and inserting “Department of Transportation”;

(8) in the item relating to section 46106 of the analysis for such chapter by striking “Secretary of Transportation and Administrator of the Federal Aviation Administration” and inserting “Department of Transportation”.

(c) ADMINISTRATIVE.—Section 40113 of such title is amended—

(1) in subsection (a)—

(A) by inserting after “(or)” the following: “the Under Secretary of Transportation for Security with respect to security duties and powers designated to be carried out by the Under Secretary or”;

(B) by striking “or Administrator” and inserting “, Under Secretary, or Administrator”;

(2) in subsection (d)—

(A) by inserting after “The” the following: “Under Secretary of Transportation for Security or the”;

(B) by striking “Administration” the second place it appears and inserting “Transportation Security Administration or Federal Aviation Administration, as the case may be,”;

(C) by striking “the Administrator decides” and inserting “the Under Secretary or Administrator, as the case may be, decides”.

(d) PENALTIES.—Chapter 463 of such title is amended—

(1) in section 46301(d)(2)—

(A) by striking “, chapter 449 (except sections

44902, 44903(d), 44907(a)–(d)(1)(A) and (d)(1)(C)–(f), 44908, and 44909),”;

(B) by inserting after the first sentence the following: “The Under Secretary of Transportation for Security may impose a civil penalty for a violation of chapter 449 (except sections 44902, 44903(d), 44907(a)–(d)(1)(A), 44907(d)(1)(C)–(f), 44908, and 44909) or a regulation prescribed or order issued under such chapter 449.”;

(C) by inserting “Under Secretary or” before “Administrator shall”;

(2) in each of paragraphs (3) and (4) of section 46301(d) by striking “Administrator” each place it appears and inserting “Under Secretary or Administrator”;

(3) in section 46301(d)(8) by striking “Administrator” and inserting “Under Secretary, Administrator”;

(4) in section 46301(h)(2) by inserting after “(or)” the following: “the Under Secretary of Transportation for Security with respect to security duties and powers designated to be carried out by the Under Secretary or”;

(5) in section 46303(c)(2) by inserting “or the Under Secretary of Transportation for Security” after “Federal Aviation Administration”;

(6) in section 46311—

(A) by inserting after “Transportation,” the following: “the Under Secretary of Transportation for Security with respect to security duties and powers designated to be carried out by the Under Secretary,”;

(B) by inserting after “Secretary,” each place it appears the following: “Under Secretary,”;

(C) by striking “or Administrator” each place it appears and inserting “, Under Secretary, or Administrator”;

(7) in each of sections 46313 and 46316 by inserting after “(or)” the following: “the Under Secretary of Transportation for Security with respect to security duties and powers designated to be carried out by the Under Secretary or”;

(8) in section 46505(d)(2) by inserting “or the Under Secretary of Transportation for Security” after “Federal Aviation Administration”.

SEC. 141. SAVINGS PROVISION.

(a) TRANSFER OF ASSETS AND PERSONNEL.—Except as otherwise provided in this Act, those personnel, property, and records employed, used, held, available, or to be made available in connection with a function transferred to the Transportation Security Administration by this Act shall be transferred to the Transportation Security Administration for use in connection with the functions transferred. Unexpended balances of appropriations, allocations, and other funds made available to the Federal Aviation Administration to carry out such functions shall also be transferred to the Transportation Security Administration for use in connection with the functions transferred.

(b) LEGAL DOCUMENTS.—All orders, determinations, rules, regulations, permits, grants, loans, contracts, settlements, agreements, certificates, licenses, and privileges—

(1) that have been issued, made, granted, or allowed to become effective by the Federal Aviation Administration, any officer or employee thereof, or any other Government official, or by a court of competent jurisdiction, in the performance of any function that is transferred by this Act; and

(2) that are in effect on the effective date of such transfer (or become effective after such date pursuant to their terms as in effect on such effective date), shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the Under Secretary of Transportation for Security, any other authorized official, a court of competent jurisdiction, or operation of law.

(c) PROCEEDINGS.—

(1) IN GENERAL.—The provisions of this Act shall not affect any proceedings or any application for any license pending before the Federal Aviation Administration at the time this Act takes effect, insofar as those functions are transferred by this Act; but such proceedings and applications, to the extent that they relate to functions so transferred, shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments

shall be made pursuant to such orders, as if this Act had not been enacted; and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law.

(2) **STATUTORY CONSTRUCTION.**—Nothing in this subsection shall be deemed to prohibit the discontinuance or modification of any proceeding described in paragraph (1) under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this Act had not been enacted.

(3) **ORDERLY TRANSFER.**—The Secretary of Transportation is authorized to provide for the orderly transfer of pending proceedings from the Federal Aviation Administration.

(d) **SUITS.**—

(1) **IN GENERAL.**—This Act shall not affect suits commenced before the date of the enactment of this Act, except as provided in paragraphs (2) and (3). In all such suits, proceeding shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this Act had not been enacted.

(2) **SUITS BY OR AGAINST FAA.**—Any suit by or against the Federal Aviation Administration begun before the date of the enactment of this Act shall be continued, insofar as it involves a function retained and transferred under this Act, with the Transportation Security Administration (to the extent the suit involves functions transferred to the Transportation Security Administration under this Act) substituted for the Federal Aviation Administration.

(3) **REMANDED CASES.**—If the court in a suit described in paragraph (1) remands a case to the Transportation Security Administration, subsequent proceedings related to such case shall proceed in accordance with applicable law and regulations as in effect at the time of such subsequent proceedings.

(e) **CONTINUANCE OF ACTIONS AGAINST OFFICERS.**—No suit, action, or other proceeding commenced by or against any officer in his official capacity as an officer of the Federal Aviation Administration shall abate by reason of the enactment of this Act. No cause of action by or against the Federal Aviation Administration, or by or against any officer thereof in his official capacity, shall abate by reason of the enactment of this Act.

(f) **EXERCISE OF AUTHORITIES.**—Except as otherwise provided by law, an officer or employee of the Transportation Security Administration may, for purposes of performing a function transferred by this Act or the amendments made by this Act, exercise all authorities under any other provision of law that were available with respect to the performance of that function to the official responsible for the performance of the function immediately before the effective date of the transfer of the function under this Act.

(g) **ACT DEFINED.**—In this section, the term “Act” includes the amendments made by this Act.

SEC. 142. BUDGET SUBMISSIONS.

The President's budget submission for fiscal year 2003 and each fiscal year thereafter shall reflect the establishment of the Transportation Security Administration.

SEC. 143. LAND ACQUISITION COSTS.

In the case of a grant for land acquisition issued to an airport under chapter 471 of title 49, United States Code, prior to January 1, 1995, the Secretary of Transportation may waive the provisions of section 47108 of such title and provide an upward adjustment in the maximum obligation of the United States under that chapter to assist the airport in funding land acquisition costs (and associated eligible costs) that increased as a result of a judicial order.

SEC. 144. LIMITATION ON LIABILITY FOR ACTS TO THWART CRIMINAL VIOLENCE OR AIRCRAFT PIRACY.

Section 44903 is amended by adding at the end the following:

“(h) **LIMITATION ON LIABILITY FOR ACTS TO THWART CRIMINAL VIOLENCE OR AIRCRAFT PIRACY.**—An individual shall not be liable for damages in any action brought in a Federal or State court arising out of the acts of the individual in attempting to thwart an act of criminal violence or piracy on an aircraft if that individual reasonably believed that such an act of criminal violence or piracy was occurring or was about to occur.”.

SEC. 145. AIR CARRIERS REQUIRED TO HONOR TICKETS FOR SUSPENDED SERVICE.

(a) **IN GENERAL.**—Each air carrier that provides scheduled air transportation on a route shall provide, to the extent practicable, air transportation to passengers ticketed for air transportation on that route by any other air carrier that suspends, interrupts, or discontinues air passenger service on the route by reason of insolvency or bankruptcy of the other air carrier.

(b) **PASSENGER OBLIGATION.**—An air carrier is not required to provide air transportation under subsection (a) to a passenger unless that passenger makes alternative arrangements with the air carrier for such transportation within 60 days after the date on which that passenger's air transportation was suspended, interrupted, or discontinued (without regard to the originally scheduled travel date on the ticket).

(c) **SUNSET.**—This section does not apply to air transportation the suspension, interruption, or discontinuance of which occurs more than 18 months after the date of enactment of this Act.

SEC. 146. AIRCRAFT OPERATIONS IN ENHANCED CLASS B AIRSPACE.

Upon request of an operator of an aircraft affected by the restrictions imposed under Notice to Airmen FDC 1/0618 issued by the Federal Aviation Administration, or any other notice issued after September 11, 2001, and prior to the date of enactment of this Act that restricts the ability of United States registered aircraft to conduct operations under part 91 of title 14, Code of Federal Regulations, in enhanced class B airspace (as defined by such Notice), such restrictions shall cease to be in effect for the affected class of operator beginning on the 30th day following the request, unless the Secretary of Transportation publishes a notice in the Federal Register before such 30th day reimposing the restriction and explaining the reasons for the restriction.

SEC. 147. AVIATION WAR RISK INSURANCE.

Section 44306(b) of title 49, United States Code, is amended by striking “60 days” each place it appears and inserting “1 year”.

TITLE II—LIABILITY LIMITATION

SEC. 201. AIR TRANSPORTATION SAFETY AND SYSTEM STABILIZATION ACT AMENDMENTS.

(a) **RECOVERY OF COLLATERAL SOURCE OBLIGATIONS OF TERRORISTS.**—Section 405(c)(3)(B)(i) of the Air Transportation Safety and System Stabilization Act (49 U.S.C. 40101 note) is amended by striking “obligations.” and inserting “obligations, or to a civil action against any person who is a knowing participant in any conspiracy to hijack any aircraft or commit any terrorist act.”.

(b) **EXTENSION OF LIABILITY RELIEF TO AIRCRAFT MANUFACTURERS AND OTHERS.**—Section 408 of that Act is amended—

(1) by striking “air carrier” in the section heading;

(2) by striking subsection (a) and inserting the following:

“(a) **IN GENERAL.**—

“(1) **LIABILITY LIMITED TO INSURANCE COVERAGE.**—Notwithstanding any other provision of

law, liability for all claims, whether for compensatory or punitive damages or for contribution or indemnity, arising from the terrorist-related aircraft crashes of September 11, 2001, against an air carrier, aircraft manufacturer, airport sponsor, or person with a property interest in the World Trade Center, on September 11, 2001, whether fee simple, leasehold or easement, direct or indirect, or their directors, officers, employees, or agents, shall not be in an amount greater than the limits of liability insurance coverage maintained by that air carrier, aircraft manufacturer, airport sponsor, or person.

“(2) **WILLFUL DEFAULTS ON REBUILDING OBLIGATION.**—Paragraph (1) does not apply to any such person with a property interest in the World Trade Center if the Attorney General determines, after notice and an opportunity for a hearing on the record, that the person has defaulted willfully on a contractual obligation to rebuild, or assist in the rebuilding of, the World Trade Center.

“(3) **LIMITATIONS ON LIABILITY FOR NEW YORK CITY.**—Liability for all claims, whether for compensatory or punitive damages or for contribution or indemnity arising from the terrorist-related aircraft crashes of September 11, 2001, against the City of New York shall not exceed the greater of the city's insurance coverage or \$350,000,000. If a claimant who is eligible to seek compensation under section 405 of this Act, submits a claim under section 405, the claimant waives the right to file a civil action (or to be a party to an action) in any Federal or State court for damages sustained as a result of the terrorist-related aircraft crashes of September 11, 2001, including any such action against the City of New York. The preceding sentence does not apply to a civil action to recover collateral source obligations.”; and

(3) by adding at the end of subsection (c) the following: “Subsections (a) and (b) do not apply to civil actions to recover collateral source obligations. Nothing in this section shall in any way limit any liability of any person who is engaged in the business of providing air transportation security and who is not an airline or airport sponsor or director, officer, or employee of an airline or airport sponsor.”.

(c) **LIMITATION OF UNITED STATES SUBROGATION RIGHT.**—Section 409 of that Act is amended by striking “title.” and inserting “title, subject to the limitations described in section 408.”.

(d) **DEFINITIONS.**—Section 402 of that Act is amended—

(1) by adding at the end of paragraph (1) the following: “The term ‘air carrier’ does not include a person, other than an air carrier, engaged in the business of providing air transportation security.”.

(2) by redesignating paragraphs (3) through (8) as paragraphs (5) through (10), respectively; and

(3) by inserting after paragraph (2) the following:

“(3) **AIRCRAFT MANUFACTURER.**—The term ‘aircraft manufacturer’ means any entity that manufactured the aircraft or any parts or components of the aircraft involved in the terrorist related aircraft crashes of September 11, 2001, including employees and agents of that entity.”.

“(4) **AIRPORT SPONSOR.**—The term ‘airport sponsor’ means the owner or operator of an airport (as defined in section 40102 of title 49, United States Code).”.

And the House agree to the same.

DON YOUNG,
THOMAS PETRI,
JOHN J. DUNCAN, Jr.,
JOHN L. MICA,
VERNON J. EHLERS,
JAMES L. OBERSTAR,
WILLIAM O. LIPINSKI,
PETER DEFazio,

Managers on the Part of the House.

ERNEST F. HOLLINGS,
DANIEL K. INOUE,
JOHN D. ROCKEFELLER IV,
JOHN F. KERRY,
JOHN BREAUX,
BYRON L. DORGAN,
RON WYDEN,
JOHN MCCAIN,
TRENT LOTT,
KAY BAILEY HUTCHISON,
OLYMPIA SNOWE,

Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the Senate and House at the conference on the disagreeing vote of the two Houses on the amendment of the House of Representatives to the bill (S. 1447), to improve aviation security, and for other purposes, submit the following joint statement to the Senate and House in explanation of the effects of the action agreed upon by the managers and recommended in the accompanying conference report:

The House amendment struck all of the Senate bill after the enacting clause and inserted a substitute text.

The Senate recedes from its disagreement to the amendment of the House with an amendment that is a substitute for the Senate bill and the House amendment. The differences between the Senate bill, the House amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clerical changes.

1. SHORT TITLE

Senate bill

Section 1: "Aviation Security Act".

House amendment

Section 1: "Airport Security Federalization Act of 2001"

Conference substitute

The title of the legislation will be "The Aviation and Transportation Security Act."

2. FINDINGS

Senate bill

Section 101: 7 findings on the importance of security and the need for Federal control and other changes.

House amendment

No provision

Conference substitute

The conferees recognize that the safety and security of the civil air transportation system is critical to the security of the United States and its national defense, and that a safe and secure United States civil air transportation system is essential to the basic freedom of America to move in intrastate, interstate and international transportation. The conferees further note the terrorist hijacking and crashes of passenger aircraft on September 11, 2001, which converted civil aircraft into guided bombs for strikes against the United States, required a fundamental change in the way it approaches the task of ensuring the safety and security of the civil air transportation system.

The Conferees expect that security functions at United States airports should become a Federal government responsibility, and it is their belief that while the number of Federal air marshals is classified, their presence would have a deterrent effect on hijacking and would further bolster public confidence in the safety of air travel. The Conferees also noted that the effectiveness of existing security measures, including employee background checks and passenger pre-screen-

ing, is currently impaired because of the inaccessibility of, or the failure to share information among, data bases maintained by different Federal and international agencies for criminal behavior or pertinent intelligence information.

The Conferees developed this legislation to address the security of the nation's transportation system.

3. ORGANIZATION OF SECURITY FUNCTION WITHIN DOT

Senate bill

Section 102: Creates a new Deputy Secretary of Transportation.

House amendment

Section 101: Creates a new Transportation Security Administration (TSA) within DOT headed by an Under Secretary. Establishes qualifications. Sets 5-year term. TSA has same procurement and personnel authority as the FAA.

Conference substitute

The Conference Report creates the Transportation Security Administration (TSA) to be headed by an Under Secretary within the DOT.

4. FUNCTIONS OF DEPUTY SECRETARY OR UNDER SECRETARY

Senate bill

Section 102(a): Coordinate and direct the functions of DOT and FAA under Chapter 449.

Work with the FAA on actions that affect safety.

Coordinate with DOJ, DOD, and other agencies on matters related to aviation security.

Coordinate transportation and actions of other agencies during an emergency. (This does not supersede the authority of any other agency.)

Establish uniform standards for transportation during an emergency.

Provide notice to other agencies about threats during an emergency. The Secretary defines what constitutes an emergency.

Take other actions, the Secretary shall prescribe.

House amendment

Section 101: Under Secretary will be responsible for security in all modes of transportation. Specifically, Under Secretary is responsible for the following:

Receiving, assessing, and distributing intelligence information to the appropriate people in the transportation community.

Assessing threats to transportation.

Developing policies to deal with these threats.

Coordinating with other agencies.

Serve as the liaison with the intelligence community.

Supervising airport security using Federal uniformed personnel.

Manage the Federal security personnel in the field.

Enforce security regulations.

Undertake research to improve security.

Inspect, maintain, and test security equipment.

Ensure that adequate security is provided for the transportation of cargo.

Oversee the security at airports and other transportation facilities.

Perform background checks on screeners and those who work at airports.

Develop standards for the hiring and firing of screeners.

Train and test screeners.

Conference substitute

The Conferees believe the best way to ensure effective Federal management of the nation's transportation system is through

the creation of a new Administration within DOT to be called the Transportation Security Administration (TSA). The TSA's responsibilities will encompass security in all modes of transportation.

5. PAY OF DEPUTY SECRETARY OR UNDER SECRETARY

Senate bill

Section 127: Paid at level II of the Executive Schedule plus bonuses based on performance.

House amendment

Section 101(c): Paid at level II of the Executive Schedule (\$141,300 in 2000).

Conference substitute

The Conferees direct that the Under Secretary is to be paid at Level II of the Executive Schedule (\$141,300 in 2000). A bonus, not to exceed thirty percent of the annual salary may be provided based on the performance of the US to be determined by the Secretary.

6. REPORTS

Senate bill

Section 102(a): Annual report of activities. Section 127: Annual DOT report on results achieved relative to the agency security performance plan.

Section 112: 60-day report on additional security measures.

Section 133: 120-day report on the new DOJ responsibilities for aviation security.

Section 113: 3-month report on how to improve security of general aviation and air charters.

House amendment

Section 106: Eliminates existing report in section 44938 of title 49, United States Code.

Conference substitute

(House)

6A. ENHANCED SECURITY

Senate bill

Section 115: 120 day report on the following issues:

(1) Requiring verification of airport employees' identity.

(2) Installing switches so flight attendants can notify pilots of a hijacking.

(3) Revalidating airline and airport employee identification cards.

(4) Updating strategy for dealing with hijackings.

(5) Technology to improve communication between aircraft and ground facilities.

Section 211: DOT shall study options for improving positive IDs of passengers at check-in counters and boarding areas. Report required in 6 months.

House amendment

Section 106: Requires the Under Secretary to address the issues listed below and to report 6 months after the date of enactment on the progress being made in implementing each.

A similar report would have to be submitted each year thereafter until all the items had either been implemented or rejected:

(1) Develop procedures (such as barrel roles or depressurizing the aircraft) and authorize equipment (such as lethal or non-lethal weapons) to help the pilot defend the aircraft against hijackers.

(2) After consultation with the FAA, find ways to—

(A) limit access to the cockpit;

(B) strengthen cockpit doors;

(C) use video cameras to alert pilots to problems in the passenger cabin without having to open the cockpit door;

(D) ensure that the aircraft transponder cannot be turned off in flight.

(3) Impose standards for the screening or inspection of vehicles and employees of aircraft fuelers, caterers, cleaners, and others

who have access to aircraft and secure areas of airports.

(4) Require airlines to provide emergency call capability from aircraft and trains.

(5) Use various technologies, such as voice stress analysis, to prevent a dangerous person from boarding a plane.

(6) Develop certification standards for individual screeners.

(7) Establish performance goals and use Threat Image Projection (TIP) or similar devices to test whether screeners are meeting those goals or certification standards.

(8) Develop ways for airlines to have access to law enforcement and immigration data bases to ensure that dangerous people do not board their planes.

(9) Use the profiling system known as CAPS to not only give special scrutiny to selected checked baggage but also to the passengers who fit the profile and their carry-on baggage.

(10) Use technology to ensure that airport and airline employees and law enforcement officers are who they claim to be.

(11) Install switches in the passenger cabin so that flight attendants can discreetly notify a pilot if there is a problem.

(12) Change the training of airline personnel in light of the change in the methods and goals of hijackers as evidenced by the attack of September 11th.

(13) Provide for background checks for those seeking flying lessons on large aircraft or flight simulators of such aircraft.

(14) Enter into agreements allowing trained law enforcement personnel of other agencies to travel with guns in order to assist a sky marshal.

(15) Perform more thorough background checks (including review of immigration and other government records) of airport screeners, student pilots, and others who have unescorted access to secure areas of the airport.

(16) Establish a uniform system for identifying law enforcement personnel authorized to carry a gun on board to ensure they are who they claim to be.

(17) Allow airlines to implement trusted passenger programs to use technology to expedite screening for those passengers that wish to participate.

(18) Develop security procedures for stem cells and other medical containers that cannot be opened or x-rayed.

(19) Develop security procedures to allow musical instruments to be carried in the passenger cabin.

(20) Provide for the use of wireless devices to enable communications among airport security personnel about potential threats.

Conference substitute

The Under Secretary shall decide upon establishing security measures to: ensure that the flight transponder cannot be turned off in flight; require airlines to provide emergency call capability from aircraft and trains; use voice stress analysis, biometric, and other technologies to prevent dangerous persons from boarding a plane; establish a uniform system for identifying law enforcement personnel traveling with firearms to ensure they are who they claim to be; require the consideration of alternative security procedures that would not damage medical products; allow airlines to implement trusted passenger programs to use technology to expedite screening on a voluntary basis; and, provide for the use of technology to enhance communications among airport security personnel about potential threats. The conferees encourage efforts by the Transportation Security Administration and

professional organizations representing industry to use biometric information, such as fingerprints collected initially as input to the background check process, for future verification of identity at access control points to secure airport areas. The Conferees applaud efforts to improve day-to-day airport security by utilizing this raw biometric information collected from individuals as a recurrent identifier for access to secure areas. The Conferees urge the Transportation Security Administration to work with industry organizations that can assist in the process of background checks, record-keeping, and universal access control data.

7. RESPONSIBILITY OF THE ATTORNEY GENERAL

Senate bill

Section 102(b): Responsible for screening, including the hiring and training of screeners.

House amendment

No provision—The Under Secretary is responsible for screening.

Conference substitute

No provision.

8. TRANSITION

Senate bill

Section 102(d): Until Deputy Secretary takes office, the functions are performed by the Assistant Administrator of the FAA.

Section 108: Transition to Attorney General immediate. Actions completed in 9 months.

House amendment

Section 101: Under Secretary shall assume civil aviation security responsibilities in 3 months. In the meantime, Under Secretary can take over airline contracts with screening companies.

No change until Under Secretary is appointed.

Conference substitute

The Conferees direct the Under Secretary to assume responsibility for civil aviation security within 3 months of the enactment of this legislation.

9. TECHNOLOGY AND EQUIPMENT

Senate bill

Section 102(c): Amends 44932(c) to require FAA to ensure the use of the best available security equipment, not merely the best available x-ray equipment.

Section 108: Restates provision in current law requiring manual process where equipment is now underutilized.

Section 132: By September 30, 2002, FAA shall decide the feasibility of implementing technologies designed to protect aviation and automatically detect bombs, drugs, hazardous chemicals, and nuclear devices.

Section 201(b): FAA shall deploy and use existing bomb detection equipment. Within 60 days, FAA shall establish goals for—

- (1) deploying equipment now in storage;
- (2) specifying a percentage of checked bags to be scanned within 6 months, with a goal of scanning 100 percent;
- (3) the number of bomb detectors that will be purchased for deployment at medium sized airports within 6 months. [See item 29.]

House amendment

Section 106: Makes no change in section 44932(c) of title 49, United States Code, but directs Under Secretary to consider requiring various technologies described in item 6 above and report to Congress on them 6 months after enactment and annually thereafter until those technologies are deployed or a decision is made not to deploy them.

Conference substitute

The Conferees want new, state-of-the-art security equipment installed at airports on an expedited basis, and immediate action

taken to ensure that existing explosive detection equipment is employed to the greatest extent possible for the screening of checked baggage. It is expected that additional equipment will be installed in as timely a manner as possible, and in the interim, other systems will be used to screen baggage. The Conferees agree that everything going on board a passenger aircraft should be screened within 60 days by FAA-approved methods.

10. AIRWORTHINESS OBJECTIONS BY FAA

Senate bill

Section 102: Must consult with FAA on all matters affecting safety and operations.

House amendment

Section 106: Under Secretary cannot take an action if notified by the FAA that it would adversely affect the airworthiness of the aircraft unless the Secretary approves the action.

Conference substitute

House provision.

11. ROLE OF NATIONAL TRANSPORTATION SAFETY BOARD (NTSB)

Senate bill

No provision.

House amendment

Section 106: In taking an action that could affect safety, Under Secretary shall solicit and give great weight to views of NTSB.

Conference substitute

The Conferees instruct that in taking actions that could affect safety, the timely views of the National Transportation Safety Board (NTSB) will be taken into consideration by the Under Secretary. The conferees wished to emphasize that the views of the NTSB should be provided in a sufficiently and timely manner so those views could be fully considered by the Under Secretary.

12. BIOLOGICAL AND CHEMICAL WEAPONS

Senate bill

Section 102(c): FAA shall develop ways to enhance the ability to detect biological and chemical weapons.

Section 106(c): DOT shall require airports to maximize the use of equipment to detect these weapons.

House bill

No provision.

Conference substitute

The Conference Report requires airports to maximize the use of equipment to detect and neutralize biological and chemical weapons, and instructs the FAA to develop ways to enhance the detection of these weapons.

13. OVERSIGHT AND COORDINATION

Senate bill

Section 103: Establishes Aviation Security Oversight Council (ASOC), chaired by DOT Secretary and composed of DOJ, DOD, Treasury, CIA, and any other agency head DOT and DOJ determine to be appropriate.

House bill

Section 112: Establishes Transportation Security Oversight Board (TSOB) chaired by DOT Secretary and composed of DOJ, DOD, Treasury, and either NSC or Homeland Security. TSOB shares intelligence, reviews emergency rules, and oversees actions of Under Secretary.

Establishes Advisory Council, composed of industry, labor, families, and others to advise Under Secretary on security matters.

Conference substitute

The Conference Report establishes the Transportation Security Oversight Board (TSOB) chaired by the Secretary of DOT and composed of DOJ, DOD, Treasury, CIA, NSC and Homeland Security. The TSOB may review and ratify or disapprove regulations

issued by the Under Secretary; facilitate the coordination of intelligence, security and law enforcement activities affecting transportation; and, perform other duties including making recommendations to the Under Secretary for use in combating threats to the integrity of the nation's transportation system.

14. RULEMAKING

Senate bill

No Rules required by DOJ for its own employees; cockpit requirements issuable without APA.

House bill

Section 101: Under Secretary can issue security rules immediately without notice and comment, DOT or OMB review, and without a cost-benefit analysis but subject to disapproval by the TSOB.

Conference substitute

House provision.

15. INSPECTOR GENERAL

Senate bill

No provision.

House bill

Section 101: TSA is subject to the Inspector General Act.

Conference substitute

The Conference report instructs that the Transportation Security Administration (TSA) will be subject to the Inspector General Act.

16. CROSS CHECKING DATA BASES

Senate bill

Section 103(a): DOT, acting through ASOC, shall try to develop a common data base with other agencies and share information about people.

Section 211: DOT, as part of the ASCC, shall conduct a 90-day review of upgrades to the distribution of people on the "watch list" of Federal law enforcement agencies.

Upgrades shall be deployed in 6 months.

A report shall be filed in 18 months.

House bill

Section 106: To the extent that the Under Secretary determines appropriate, the Under Secretary shall (1) establish procedures requiring airlines to use information from government agencies to identify people who may be a threat to civil aviation and (2) require more thorough background checks that include a review of other agency data bases.

A report is required in 6 months and annually thereafter.

Conference substitute

The Conferees have instructed the Secretary to work with the TSOB to develop a data base that will allow the cross checking of the people on "watch lists" of various Federal law enforcement agencies to identify individuals that may pose a risk to security in an effort to identify potential risks to civil aviation. Passenger lists should be used in conjunction with this data base to help target those individuals that pose a threat, and allow appropriate action to be taken.

17. TERRORISM REPORT

Senate bill

Section 103(b): Require reports on all terrorism. Reports to be shared with DOT.

House bill

No provision.

Conference substitute

The Conference Report requires the intelligence community to ensure that reports on terrorism are shared with the DOT.

18. STRATEGIC PLANNING

Senate bill

Section 103(c): Require intelligence agencies to establish units for strategic planning on terrorism.

House bill

No provision.

Conference substitute

The Conference Report requires intelligence agencies to establish units for strategic planning on terrorism.

19. COCKPIT SECURITY

Senate bill

Section 104: FAA shall issue a rule, without notice and comment, permitting only authorized persons to have access to the cockpit, requiring strengthening the door by installing locks and making them rigid, requiring the door to remain locked during flight except when the pilot needs to get out, and taking away the flight attendants key.

Special rules shall be issued for aircraft that do not have a door.

House bill

Section 106: To the extent the Under Secretary considers appropriate, the Under Secretary shall, after consultation with FAA, implement methods to restrict the opening of the cockpit door during flight and fortify those doors.

A report is required in 6 months and annually thereafter.

Funds are authorized to help airlines pay for this.

Conference substitute

The Conference Report prohibits access to the flight deck of passenger aircraft by anyone other than the flight crew. Flight deck doors must be strengthened and remain locked while aircraft is in flight. Video cameras may be provided to alert pilots to cabin activity in the event of a security breach occurring during the flight. These provisions apply to aircraft required to have a door between the flight deck and cabin. The Conferees also seek the redesign of cockpits to ensure the doors are secured at all times during flight. Redesign can encompass new flight deck materials, double doors to the cockpit as are used in Israel, and lavatories within the flight deck so that flight crew do not leave the flight deck. Once bathroom facilities are provided for the flight crew of passenger aircraft, the cockpit door no longer will need to be opened during flight.

The Conferees instruct the Under Secretary to take into consideration the threat to aviation and national security when developing means to secure the flight deck on commuter aircraft. Any new burdens should be appropriate for the risk.

20. AIR MARSHALS

Senate bill

Section 105: Attorney General prescribes guidelines for training and deployment of sky marshals. DOT administers the program in accordance with these guidelines:

(1) Marshals may be placed on every flight but must be placed on every flight that DOT determines to be high risk.

(2) Marshals must be deployed in 30 days.

(3) Marshals must be given a seat even if that means bumping a passenger.

(4) DOT shall work with ICAO and foreign governments to address security concerns on foreign airlines.

(5) DOT may use personnel from other agencies, including the military, as air marshals.

Section 105: Waives age requirements for retired police, military and out-of-work pilots to work as air marshals, if they meet the background and fitness qualifications.

Report required in 18 months.

House bill

Section 105: Under Secretary deploys air marshals, provides for their background checks, trains them, and requires U.S. airlines to provide seats for them at no cost.

Preference for hiring laid off airline pilots as marshals.

Marshals must be placed on selected flights.

Marshals must be given a seat even if that means bumping a passenger.

DOT shall work with foreign governments to address security concerns on international flights from the U.S.

Until the Under Secretary has all the air marshals needed, personnel from other agencies may be used, with the other agency's concurrence, as air marshals on a non-reimbursable basis.

Airlines must provide seats, on a space-available basis, to off-duty marshals flying home.

Conference substitute

The Conference Report requires that appropriately trained, supervised and equipped Federal Air Marshals (FAMs) may be deployed on every scheduled passenger flight, and must be placed on every "high risk" flight, which may include nonstop longhaul flights, or any other flight deemed appropriate, even if the flight is fully booked. For applicants who otherwise meet the background and fitness requirements, age restrictions may be waived to allow retired law enforcement officers, retired members of the armed forces, and members of commercial airline crews (cockpit and cabin) who have been furloughed from their positions after 9-11-01. Personnel from other agencies may be deployed, with the agency's concurrence, as FAMs until an adequate number of FAMs are in place. Additionally, agreements may be entered into allowing trained law enforcement personnel from other agencies to travel with firearms in order to assist FAMs.

The Conferees instruct the Under Secretary to follow air carrier passenger reservations and cancellation practices to the extent practicable. The Under Secretary should work cooperatively with air carriers to develop guidelines concerning reservations and cancellation for the transportation of Federal Air Marshals.

21. SCREENING

Senate bill

Section 108: Attorney General, in consultation with DOT, shall provide for screening of all passengers, property, mail, and cargo that will be carried aboard an aircraft.

Federal employees shall do screening.

Airport and airline employees shall be screened in the same way, except alternative methods may be used for security personnel.

Attorney General shall use screening technology approved by FAA.

Law enforcement personnel shall be deployed at each screening location.

At the 100 largest airports, additional police may be ordered.

Section 105(f): Report from DOT and DOJ required within 120 days on effectiveness of security screening.

Section 106: DOJ and DOT may permit operational flexibility to tailor screening needs for seasonal variations, aircraft types, and special needs of small airports.

Section 108: Attorney General may require non-hub or smaller airports to use State or local law enforcement if the screening will be equivalent to that at larger airports, the training meets Federal standards, the airport is reimbursed by funds made available by this Act, and the airport is consulted.

House bill

Section 102: Federal government is responsible for screening passengers and property on passenger aircraft that originate in the U.S.. Silent on whether screeners are to be Federal employees or private contractors.

Under Secretary shall deputize screeners to enforce Federal laws, but not to arrest people. Screeners must have common uniforms. Must be supervised by uniformed Federal employees.

Section 107: Under Secretary should consider certificating screeners and use TIP or similar technologies to measure their performance and revoke their certification if their performance is inadequate.

Section 104: Airport required to deploy law enforcement or military personnel at each screening location. Law enforcement can be either Federal or local.

Conference substitute

The Conference Report requires the Federal government to hire, train and deploy Federal screeners, Federal managers, Federal security personnel and Federal law enforcement within 1 year. The participants in this Federal security workforce will not be able to strike or engage in work stoppages, and can be fired at the discretion of the Secretary if they are not able to adequately perform their duties.

The Conferees recognize that, in order to ensure that Federal screeners are able to provide the best security possible, the Secretary must be given wide latitude to determine the terms of employment of screeners. The Conference Committee expects that, in fixing the terms and conditions of employment the Secretary shall establish benefits and conditions of employment. The Conference Committee also recognizes that, in order to hire and retain screeners, the Secretary should also ensure that screeners have access to Federal health, life insurance, and retirement benefits, as well as workers' compensation benefits. The Committee believes that screening personnel must also be given whistleblower protections so that screeners may report security conditions without fear of reprisal.

The Conference Report requires the DOT to assume existing screening company contracts as soon as possible, but no later than 90 days after enactment of this legislation. The contracts for existing screeners can be extended for up to 6 months, and the DOT would have the option to extend contracts for no longer than 3 months, if necessary, to continue screening. DOT may also authorize additional Federal law enforcement, National Guard, and other personnel immediately to address the aviation security needs of the country.

The Conferees direct the Secretary to provide a report after one year from the date of enactment certifying deployment of the Federal screeners. Two years after certification airports can opt out of the Federalization of the screener level of the Federal workforce if the Secretary determines that these facilities would continue to provide an equal or higher level of security. Companies will be barred from providing screening if they violate federal standards, are found to allow repeated failures of the system, or prove to be a security risk. The DOT will also establish a Pilot Program for 5 airports, one from each category type, to apply for the use of private contract screeners.

Within 1 year after the date of enactment of the Act, the conferees expect the Transportation Security Administration to submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on the screening requirements applicable to passengers boarding, and property being carried aboard, aircraft with 60 seats or less used in scheduled passenger service with rec-

ommendations for any necessary changes in those requirements.

22. CITIZENSHIP OF SECURITY FIRMS

Senate bill

No provision.

House bill

Section 104: Must be owned or controlled by a citizen of the U.S. to the extent the President determines that there are such firms.

Section 123(e): Similar sense of Congress.

Conference substitute

The Conference Report directs that U.S. companies should be used to provide screening if they are available.

23. TRAINING OF PILOTS AND FLIGHT ATTENDANTS

Senate bill

Section 105(f): Report from DOT and DOJ required within 6 months on crew training.

Section 107: DOT shall develop a mandatory airline training program for crews dealing with a hijacking. Training shall be developed in coordination with law enforcement experts.

House bill

Section 106: Under Secretary should consider updating training for dealing with hijacking that includes ways for dealing with suicidal hijackers. Report six months and annually thereafter.

Conference substitute

The Conferees have determined that detailed guidance shall be developed for a mandatory air carrier training program to assist flight crews and attendants in hijack situations. The training curriculum will be developed in consultation with Federal law enforcement agencies with expertise in dealing with these types of threat conditions.

24. HOW FLIGHT ATTENDANTS NOTIFY PILOTS OF A HIJACKING

Senate bill

Section 107: FAA shall revise procedures by which flight attendants notify pilots and implement new measures as soon as practicable.

House bill

Section 106: The Under Secretary should consider requiring the installation of switches in the cabin so that the flight attendants can discreetly notify the pilots.

Conference substitute

The Conference Report directs the Under Secretary to consider the installation of a switch or other devices to be located in the cabin for flight attendants to notify pilots in the event of a hijacking without the knowledge of passengers.

25. PROVISION OF PERSONNEL FROM OTHER AGENCIES

Senate bill

Section 105: Amends section 106(m) to allow other agencies to provide personnel to FAA.

House bill

Section 102(d): Same provision, worded differently.

Conference substitute

The Conferees call upon other agencies to provide personnel that has received the proper training for use by the FAA as Federal air marshals (FAMs) in an effort to support and supplement the FAM workforce in its early stages.

26. AIRPORT PERIMETER ACCESS SECURITY

Senate bill

Section 106: DOT may order deployment of law enforcement personnel as needed to bolster airport security by entering into an agreement with another agency to deploy Federal law enforcement at airports.

Section 106(b): FAA shall provide technical support and financial assistance to small airports to help defray security costs.

House bill

No provision.

Conference substitute

The Conferees have given the Secretary the ability to work with the airports to address potential threats at individual facilities by ordering the deployment of Federal law enforcement authorities to improve airport perimeter and access security in an effort to counter potential criminal activities. Such actions also can include providing increased security at air traffic control facilities. Additionally, the FAA Administrator will develop a plan to provide technical support to enable small- and medium-sized airports to enhance their security operations, and shall include using network digital video surveillance systems.

27. INDIVIDUALS WITH ACCESS TO SECURE AREAS OF THE AIRPORT

Senate bill

See item 21

Section 106(a): DOT, in consultation with ASOC, shall consider whether such individuals should be screened.

Section 106(d): Amend 44903(g)(2) to delete 1/31/01 deadline and beef up language on access control requirements.

Consider deployment of biometric technologies.

Establish pilot programs at 20 airports to test new technologies.

DOT shall require airlines and airports to develop security awareness programs for employees.

Section 211: Within 6 months, DOT shall recommend to airports commercially available ways to prevent access to secure areas. As part of this, DOT shall review effectiveness of biometric and other systems, focus on eliminating piggy-backing, and include a 12-month deployment strategy for currently available technology at Category X airports. Not later than 18 months, DOT shall conduct a review of reductions in unauthorized access.

House bill

Section 106: The Under Secretary shall consider imposing standards for the screening or inspection of vehicles that have access to secure areas and provide for the use of technology to verify the identity of those vehicles entering a secure area. Report after 6 months and annually thereafter.

Conference substitute

The Conference Report instructs that all individuals, goods, property, vehicles, and other equipment seeking access to secure areas must be screened and inspected before entry. The Conference Committee instructs that prescribed requirements should provide at least the same level of protection as the screening of passengers and baggage. The Conferees, however, recognize that these requirements may make allowances for tools and equipment necessary to perform duties in secure areas. The Secretary will examine the physical configuration of individual airports, and consider the views of the TSOB to consider implementing standards to protect the integrity of secure areas.

28. BAN ON PARKING OF VEHICLES WITHIN 300 FEET OF TERMINAL

Senate bill

Section 106(b): FAA, in consultation with local law enforcement, shall reexamine the need for 300 feet restriction.

House bill

Section 121: Removes this parking ban if the airport, in consultation with local law

enforcement, certifies to DOT, after doing a threat assessment, that safeguards are in place to protect public safety.

Conference substitute

The Conferees have determined that all airports must consult with local law enforcement and inform DOT that proper safeguards are in place to ensure that parked vehicles are not a security risk. Each airport must submit views regarding its assessment of the needs of their facility.

29. CHECKED BAGGAGE

Senate bill

See item 9

Section 201(b)(1): Requirement for all baggage to be screened within 9 months.

FAA must establish within 60 days confidential goals for scanning a specific percentage of checked bags within 6 months and annual goals thereafter eventually scanning 100%.

Section 201(c) - page 85 FAA shall require airlines to upgrade the bag match system. Shall establish goals within 60 days to accomplish this including interim measures to match a higher percentage of bags until bomb detectors are used to scan 100% of bags.

Confidential report to Congress in 1 year.

House bill

See item 9

Section 106: All checked baggage must be screened by December 31, 2003. All existing explosive detection equipment must be used to the maximum extent possible.

Additional explosive detection equipment must be installed as soon as possible.

In the interim, airlines must implement a bag match program.

A system must be in place as soon as possible to screen cargo transported in passenger aircraft.

Section 123(d): Sense of Congress that all checked baggage should be screened by any available means.

Conference substitute

The Conferees feel strongly that all baggage to be placed on passenger flights must be screened. Existing technology, including EDS, should be used and upgraded in an effort to ensure that all checked baggage goes through such a system. Any baggage that does not go through EDS will be required to go through some form of manual or other comparable screening system. An alternate system of screening cargo should also be established, and periodic reports issued to provide an understanding of the progress made on these efforts.

30. COMPUTER ASSISTED PASSENGER PROFILING SYSTEM (CAPPS)

Senate bill

Section 201(d): FAA shall make all passengers subject to CAPPS even if they don't check bags so that their carry-ons and person will be subject to additional security measures. Report within 3 months.

Section 211: DOT, as part of the ASCC, shall conduct a 90-day review of upgrades to CAPPS and to the distribution of people on the "watch list" of Federal law enforcement agencies. Upgrades shall be deployed in 6 months. A report shall be filed in 18 months.

House bill

Section 106(9): The Under Secretary should consider providing the enhanced use of CAPPS to more effectively screen passengers and carry-on baggage. Report in 6 months and annually thereafter.

Conference substitute

The Conference Report instructs that an enhanced and upgraded use of the Computer Assisted Passenger Pre-Screening System

(CAPPS) must be considered to more effectively screen passengers and baggage. The Conferees also recognize that adjustments may need to be made to reflect circumstances in some areas of the U.S., including States with unique transportation needs.

31. DEPUTIZING FOR ENFORCEMENT OF FEDERAL SECURITY LAWS

Senate bill

Section 108(b): Requires Attorney General to deputize State and local law enforcement to regulate screening at non-hubs.

House bill

Private contractor employees deputized.

Conference substitute

No provision.

32. HIRING AND TRAINING OF SCREENERS

Senate bill

Section 109: DOJ, in consultation with DOT, shall establish a program for the hiring and training of screeners. Hiring qualifications shall be set in 30 days. Includes list of qualifications screeners must meet such as education and language requirements. Training plans must be developed within 60 days. Requires 40 hours of classroom training and 60 hours of on the job training. Current lists of dual use items (seemingly harmless items that could be used as a weapon) shall be part of the training. Section 104 - page 16

House bill

Under Secretary may set minimum pay for screeners. Preference shall be given to veterans in the hiring of screeners and laid off airline workers. Final rule for certification of screening companies changed from May 31, 2001 to 6 months after date of enactment. In the meantime, within 30 days of enactment, the standards in the proposed rule, such as education and language requirements, shall be in effect. All screeners must be in approved uniforms.

Conference substitute

A blend of the House and Senate provisions.

33. CITIZENSHIP OF SCREENERS

Senate bill

Section 109: Must have been a national of the U.S. for at least 5 years.

House bill

Section 104(a): Must be U.S. citizens.

Conference substitute

The Conference Report requires that all airport screeners must be citizens of the U.S.

34. STATUS OF SCREENERS

Senate bill

Section 109(d): Notwithstanding any law, the Attorney General may hire, fire, and pay screeners as he determines necessary.

House bill

Section 102: Federal supervisor can order the dismissal of any screener.

Conference substitute

The Conference Report provides the Under Secretary the authority to employ, terminate and fix the conditions of employment for the Federal screening workforce.

35. STRIKES BY SCREENERS

Senate bill

Section 109(e): Strikes prohibited pursuant to Title 5.

House bill

Section 102: Strikes prohibited.

Conference substitute

The Conference Report directs that the airport screening workforce will be prohibited from striking. The Conferees have provided the Transportation Security Administration authority to utilize existing authority provided to the FAA to develop personnel and acquisition systems. The authority gives the Administration flexibility to design its own

policies and procedures and not use the FAA's system, while retaining the legal requirements under sections 40110 and 40112.

36. BACKGROUND CHECKS

Senate bill

Section 109(f): Requires background checks for current screeners and others with access to the airport.

Section 201(a): Requires background checks for current screeners and others to be completed in 9 months unless the person has had such a check in the past 5 years. Alternative checks shall be developed for those who have lived in the U.S. for less than 5 years.

House bill

Section 107: Allows smaller airports to use the same expedited procedures for criminal history background checks as the larger airports now use. (Under the 2000 Security Act these expedited procedures do not go into effect at smaller airports until 2003.)

Requires background check (including review of government data bases) for all current screeners and those with access to secure areas except for those who have already had such a check or those who are exempted by FAA rules from such checks.

Conference substitute

A blend of the House and Senate provisions.

The Conferees encourage the Under Secretary to provide channeling authority to professional organizations representing industry to FBI AFIS fingerprint databases to perform criminal history verification of aviation business employees.

37. RESEARCH AND DEVELOPMENT

Senate bill

Section 110: Amends section 44912 to require periodic reviews of threats to civil aviation and the potential for the release of biological and chemical weapons. A person shall be designated to be responsible for security research. The person shall file an annual report on research activities. A scientific advisory panel shall be established. DOT shall coordinate research with DOJ.

Section 221: Authorizes \$50 million per year to research various security technologies.

House bill

Section 101: Transfers security research from FAA to the TSA. The TSA can use FAA research facilities.

Conference substitute

A modified version of the Senate provision.

38. FLIGHT SCHOOLS

Senate bill

Section 111: Regarding jet-propelled aircraft, a person shall not give flight instruction, including instruction in simulator, to an alien (or other person specified by DOT) unless DOJ issues that person a certificate of completion of the background check of the alien. Requests for the background check shall be made jointly by the alien and the flight school. Investigation must be completed in 30 days. Investigation includes fingerprint check, immigration check, and a determination of whether alien is a national security risk. Expedited procedures shall be developed for an alien seeking recurrent training. Penalties for violations shall be developed by DOT rulemaking. Flight schools shall report aliens that they train.

Section 111(c): DOT and State shall work with ICAO to improve screening of student pilots.

House bill

Section 106(13): The Under Secretary should consider requiring background checks on individuals seeking flying lessons (including simulator lessons) on aircraft weighing

more than 12,500 pounds. Report in 6 months and annually thereafter until the Under Secretary implements the checks or decides not to require them.

Conference substitute

The Conferees have determined that flight school training for aircraft with a minimum certificated weight of 12,500 pounds or more should not be allowed for any alien within the United States unless they have passed a sufficient background check. Such individuals seeking to attend flight school may begin pilot training after 45 days or upon being certified as having passed a background investigation regarding their criminal history and immigration status. A security awareness program will be developed to assist employees that work at flight schools by helping to increase their awareness of a potential threat.

39. PENALTIES

Senate bill

Section 114: Imposes criminal penalties for interfering with security personnel at a commercial service airport.

House bill

Section 116(c): Transfers the relevant civil penalty authorities from the FAA to the TSA.

Conference substitute

The Conference Report requires that an individual who disrupts the duties of security screening personnel within a commercial service airport shall be fined and/or imprisoned for up to 10 years. The use of a dangerous weapon to interfere with security screening may result in up to life imprisonment.

40. INTRASTATE AIR SERVICE

Senate bill

Section 116: DOT may grant antitrust exemptions to ensure continued viability of air service in that State.

House bill

No provision.

Conference substitute

The Conference Report instructs that DOT may grant anti-trust immunity to ensure continued viability of air service within a state. If the Secretary approves any such request, a report must be given to the relevant Senate and House Committees within six months of the approval describing what actions have been taken by the carriers receiving the exemption.

41. AIRLINE COMPUTER RESERVATION SYSTEMS

Senate bill

Section 117: DOT shall require all airlines to use the best technology to ensure that their systems are secure from unauthorized access. DOT shall submit an annual report on compliance.

House bill

No provision.

Conference substitute

Under the direction of the Conference Report airlines are required to take action that will prevent unauthorized access to computer reservation systems and the information they contain on passengers. Technology should be utilized to the greatest extent possible to ensure the integrity of these systems.

42. FEES

Senate bill

Section 118(a): Within 180 days, airlines remit a \$2.50 fee per enplanement.

House bill

Section 108: Under Secretary shall impose a fee of not more than \$2.50 per one-way trip. The amount of the fee shall be reasonably related to the costs of providing the screening

service. In addition, a fee can be imposed directly on the airlines but it cannot be more than the airlines paid for screening services in 2000. Fees shall be credited as off-setting collections. Passengers using airports where screening services are not provided may be exempted from the fee.

Conference substitute

The Conference substitute requires a fee to be charged to cover the cost of providing the aviation security services. The fee will be based on the number of times a passenger boards a plane during the course of travel, but will be capped at \$5.00 per one-way trip. Any additional funds needed will be authorized to be appropriated or may come from a fee imposed directly on the airlines.

The Secretary may waive or modify the security fee to take into account the isolation of certain communities. In determining whether to waive or modify this fee, the Secretary shall consider the costs of transportation security and the benefits of transportation security that is bestowed on those communities. The Conference substitute amends section 45301(b) of title 49, United States Code, with respect to limitations on overflight fees to (1) to make the language consistent with the new security fee language of this Act, and (2) to clarify Congressional intent with respect to the FAA costs upon which the fees can be based. Specifically, the conference substitute replaces the word "directly" with "reasonably", since the word "directly" has been a source of much confusion and narrow interpretation, and has been a primary cause of recurring litigation which has frustrated and delayed the FAA's imposition of the overflight fees for a number of years. Additionally, this amendment specifies that the FAA's costs upon which the fees are based are to be determined solely by the Administrator. This is to clarify that the Administrator has full authority to determine costs by appropriate means. This amendment is not intended to require revision of the fees recently promulgated by the FAA (66 FR 43680, Aug. 20, 2001) but rather, to clarify longstanding Congressional intent that the FAA expeditiously and continuously collect the fees authorized under section 45301(a) of title 49.

43. AUTHORIZATION

Senate bill

Section 118(b): Authorizes such sums for the next 3 years as may be necessary to carry out the security functions.

House bill

Section 109: Authorizes such sums as may be necessary to the TSA for operating costs and for screening services not covered by the above fee.

Authorizes \$500 million for grants to airlines to fortify cockpit doors, install video monitors to view the passenger cabin, ensure continuous operation of transponder, and use of other technologies.

Conference substitute

The Conference Report authorizes the necessary spending for the cost of providing aviation security.

44. AIRPORT FUNDING

Senate bill

Section 119(a): Allows AIP and PFC funds to be used to pay security costs in FY 2002 for any cost incurred after 9/11 regardless of when it was incurred. Waives the local matching share. In deciding whether to make a discretionary AIP grant for security costs, the availability and use of non-Federal funding by the airport shall be considered.

Section 120: Authorizes such sums in 2002 to compensate airports for security costs.

Costs must be documented and subject to an IG audit. DOT shall publish procedures for filing claims in 30 days.

Section 119(c): PFC requests for security funding should be expedited.

Section 119(b): For the purpose of determining AIP entitlements in FY 2003, enplanements in 2000 or 2001, whichever is higher, shall be used.

Section 201(b): Modifying terminal and baggage systems in order to install bomb detection equipment is made AIP eligible. Section 113: Allows AIP and PFC funds to be used to pay for added law enforcement costs in at a non-hub or small hub airport regardless of when the cost was incurred.

Waives the local matching share.

In FY 2002, allows AIP and PFC money to be used to pay debt service if that would prevent an airport, or privately owned terminal, from defaulting on its bond.

House bill

Section 109: Authorizes a total of \$1.5 billion in 2002 and 2003 to reimburse airports for direct costs they incurred to meet new security requirements. Such sums to remain available until expended. Before getting the money, the airport must agree to meet with its concessionaires to discuss rent adjustments and provide an itemized list of costs incurred.

Conference substitute

A blend of the House and Senate provisions.

45. COMPETITION PLANS

Senate bill

No provision.

House bill

Section 113(a): Waives an airport's obligation to submit a competition plan in FY 2002 when it is seeking money to improve security.

Conference substitute

The Conference Report waives the obligation of an airport to submit a competition plan in FY '02 when seeking money to improve security.

46. REPORTING SUSPICIOUS ACTIVITIES

Senate bill

Section 121: Exempts airline employees from liability for disclosing, in good faith, suspicious activity. DOJ shall establish procedures to notify the FAA of people who may pose a risk of hijacking. Report shall be submitted in 120 days on the implementation of this notification.

House bill

No provision.

Conference substitute

The Conference Report encourages and exempts airline employees from liability for disclosing suspicious activities in response to a "reasonably believed" threat.

47. ARMING PILOTS

Senate bill

Section 122: National Institute of Justice shall assess non-lethal weapons for use by pilots and report to DOT in 90 days. After receiving report, DOT may authorize pilots to carry such weapons. DOT shall establish training and procedural requirements for using these weapons.

Section 125: Authorizes FAA to permit a pilot with proper training to carry a gun in the cockpit. FAA shall establish a training program. Report shall be submitted every 6 months on the effectiveness of this provision.

House bill

Section 106: DOT cannot take any action to prevent a pilot from taking a gun into the cockpit if the policy of the airline allows it and the pilot has completed a training program acceptable to the Under Secretary.

Conference substitute

A pilot is authorized to carry an approved firearm into the cockpit if approved by the Under Secretary and the air carrier, and the pilot has received proper training.

48. ISOLATED COMMUNITIES

Senate bill

Section 123: During an emergency, DOT, after consulting with the ASCC, may grant waivers on flight restrictions to allow flights carrying freight, mail, patients, and medical supplies to areas with extraordinary transportation needs given isolation of the area and if the waiver is in the public interest.

House bill

Section 120: Similar provision but worded differently.

Conference substitute

The Conference Report instructs that during an emergency DOT may grant waivers on flight restrictions to areas with extraordinary transportation needs.

49. SUPPLIES ON BOARD AIRCRAFT

Senate bill

Section 124: DOT shall ensure the safety of food and other supplies on aircraft by sealing packages, screening personnel and vehicles, etc.

House bill

See item 27

Conference substitute

The Conferees have determined that DOT should establish procedures to ensure the safety and security of on-board supplies for intrastate passenger aircraft. The Secretary will establish procedures that may increase security for the point of origin of the supplier, provide for sealed supplies, and the screening of the supplies as they enter the airport.

50. AIRMAN REGISTRY

Senate bill

Section 126: Directs FAA to modify the registry to make it more effective in combating terrorism. FAA should work with State and locals to assist in identifying those applying for or holding airmen certificates.

House bill

No provision.

Conference substitute

The Conferees direct that the FAA must take steps to make the airman registry more effective to combat terrorism by working with the appropriate authorities to assist in properly identifying persons applying for or in possession of airmen certificates.

51. PASSENGER MANIFESTS

Senate bill

No provision.

House bill

Section 111: Within 60 days, U.S. and foreign airlines on international flights to the U.S. must provide to the Under Secretary (or another agency) by electronic transmission a passenger and crew manifest with specified information.

Conference substitute

The Conference Report requires air carriers to use the Air Passenger Information System (APIS) to provide a crew and passenger manifest and related information to Customs for each flight.

52. RESULTS-BASED MANAGEMENT

Senate bill

Section 127: With 60 days, DOT shall establish acceptable performance levels for aviation security and provide Congress with an action plan clarifying the responsibilities of the government agencies involved. Each year, a performance plan shall be made available. Any contracts to implement this

Act shall try to maximize the use of performance based service contracts.

House bill

Section 106(7): Consider establishing performance goals for screeners. Report after 6 months and annually thereafter until this is implemented or rejected.

Conference substitute

Modified Senate provision.

53. EMPLOYMENT REGISTER

Senate bill

Section 128(a): DOT shall establish and maintain an employment register.

House bill

No provision.

Conference substitute

No provision.

54. TRAINING FACILITIES

Senate bill

Section 128(b): DOT may use FAA training facilities to train security screeners.

House bill

No provision.

Conference substitute

The Conference Report directs the Secretary to use existing Federal training facilities, where possible, to address the training needs of security screening personnel.

55. AIRSPACE RESTRICTIONS

Senate bill

Section 129: President shall submit a report within 30 days describing any airspace restrictions that remain in place and the justification for those restrictions.

House bill

Section 119: The restrictions on Class B airspace shall cease to be in effect 10 days after enactment unless a notice is published prior to the 10th day reimposing and explaining the reasons for those restrictions.

Conference substitute

The Conferees instruct the Secretary to lift restrictions on Class B airspace under specified requirements.

56. VOLUNTEERS

Senate bill

Section 130: DOT shall carry out a program to permit police, firefighters, and paramedics to provide emergency services during flight. Exempts from liability those who help in an emergency. This does not authorize the possession of firearms.

House bill

No provision but exemption from liability seems to be covered by existing law, section 5(b) of Aviation Medical Assistance Act.

Conference substitute

The Conferees instruct the Secretary to implement a program that will allow qualified law enforcement, firefighters and emergency service technicians to assist in the event of an emergency during commercial air flights. This program will establish the credentials of volunteers, maintain their confidentiality and exempt them from liability.

57. LIMITATION ON LIABILITY

Senate bill

No provision.

House bill

Section 110: Limits liability of passenger or crew who hurts a person they, in good faith, believe was hijacking or about to hijack the plane.

Conference substitute

The Conference Report exempts passengers and crew from liability if an individual "reasonably believed" that a hijacking was occurring.

58. GENERAL AVIATION SECURITY

Senate bill

Section 131: FAA shall begin a security program for aircraft over 12,500 pounds within 90 days. Waivers from this requirement can be granted. A security program for smaller aircraft shall begin in 1 year. A report shall be filed in 18 months.

Aircraft may not be sold or leased to an alien unless a background check has been done or until the security programs described above are implemented.

House bill

No provision.

Conference substitute

The Conference report directs the Secretary to provide Congress a report on improving general aviation security in the United States within 3 months of enactment of the legislation.

The Conferees note that a number of issues on aviation security research merit the prompt attention of the Department of Transportation. In particular, the Conferees observe that research into providing better security with minimal disruption in the system in the area of general aviation is important.

The Conferees note that the FAA has recently designated a consortium of schools as a general aviation center of excellence and anticipates that the FAA would draw upon the expertise of these institutions in formulating a security program for general aviation.

The Conferees also note that NASA, in coordination with the DOT, is investigating technology that would facilitate remote screening of small aircraft prior to takeoff.

Such a general aviation remote screening system (GARSS) could be installed on a vehicle or mobile platform, or in a fixed facility alongside a taxiway, and would provide a pre-takeoff alert if suspicious objects or materials were detected aboard an aircraft.

The Conferees urge that the development and implementation of GARSS be pursued.

59. FUNDING FOR GENERAL AVIATION AIRPORTS

Senate bill

No provision.

House bill

Section 113(b): In FY 2002, allows non-primary airports within Class B airspace to seek AIP money for any purpose, including operational costs.

Conference substitute

Modified House position.

60. CONFORMING AMENDMENT TO IRS CODE

Senate bill

No provision.

House bill

Section 113(e): Amends Code to cross-reference this Security Act so that the money authorized by this Act out of the Trust Fund can be spent.

Conference substitute

The Conference Report amends the IRS code to cross-reference this legislation to provide for the authorization of spending from the Trust Fund.

61. TECHNICAL CORRECTIONS

Senate bill

No provision.

House bill

Section 114: Makes technical corrections to the Air Transportation Safety and System Stabilization Act.

Conference substitute

The Conference Report makes technical corrections to the Air Transportation Safety and System Stabilization Act.

62. ALCOHOL AND DRUG TESTING

Senate bill

No provision.

House bill

Section 115: Amends existing law to account for the transfer of functions from the FAA to the TSA.

Conference substitute

The Conference Report amends existing law to transfer alcohol and drug testing functions from the FAA to the TSA.

63. CONFORMING AMENDMENTS

Senate bill

No provision.

House bill

Section 116: Amends existing law to account for the transfer of functions from the FAA to the TSA.

Conference substitute

The Conference Report amends existing law to account for the transfer of functions from the FAA to the TSA.

64. SAVINGS PROVISION

Senate bill

No provision.

House bill

Section 117: Ensures a smooth transfer from the FAA to the TSA.

Conference substitute

The Conference Report
House provision.

65. BUDGET SUBMISSIONS

Senate bill

No provision.

House bill

Section 118: Requires the President's budget submissions starting in 2003 to list the TSA budget separately.

Conference substitute

The Conference Report
House provision.

66. AIR AMBULANCES

Senate bill

No provision.

House bill

Section 114: Amends the Airline Stabilization Act to modify the method for distributing compensation to air ambulances.

Conference substitute

The Conference Report amends the Airline Stabilization Act to allow for a modified system of providing compensation to air tour operators and air ambulances to better address their needs after industry wide losses. It is the Conferees' position that the Stabilization Act's section 103 compensation formula language, "revenue ton miles or any other auditable measure" should be broadly construed and should not restrict compensation exclusively to revenue ton miles reported on previously filed DOT Form 41s. If Air, Crew, Maintenance, Insurance lessors can provide accurate and auditable records of their revenue-ton-miles during the relevant time period, then they should be eligible for compensation based under the Stabilization Act.

67. PASSENGERS WHO BOUGHT TICKETS ON
BANKRUPT AIRLINES*Senate bill*

No provision.

House bill

Section 123: Other airlines must honor these tickets to the extent practicable.

Conference substitute

The Conferees direct the air carriers, to the extent practicable, to honor the tickets of passengers purchased by airlines that file for bankruptcy, if the purchaser requests the use of his or her ticket within 60 days of the suspended or canceled flight, for the first 18 months after enactment of this legislation.

68. FLIGHT SERVICE STATION EMPLOYEES

Senate bill

No provision.

House bill

Section 123(a): Sense of Congress that FAA should continue negotiating in good faith with these employees.

Conference substitute

The Conference Report offers the Sense of Congress that FAA should continue negotiating in good faith with flight service station employees.

69. WAR RISK INSURANCE

Senate bill

No provision.

House bill

Section 123(b): Sense of Congress that vendors agents and subcontractors of general aviation aircraft should get war risk insurance.

Conference substitute

The Conference Report offers the Sense of Congress on the availability of war risk insurance to vendors, agents, and subcontractors of air carriers for all their domestic operations.

70. ANIMALS

Senate bill

No provision.

House bill

Section 123(c): Sense of Congress that airlines that transport mail should carry animals that the Postal Service allows to be mailed.

Conference substitute

The Conference Report offers the Sense of the House that airlines that transport mail should carry animals that the U.S. Postal Service permits to be sent in the mail.

71. CARRY-ON BAGGAGE

Senate bill

Report on carry-on baggage.

House bill

No provision.

Conference substitute

The Conference Report offers the Sense of the Congress that the FAA should continue its current restrictions on carry-on baggage of 1 bag plus 1 personal item. A backpack should be considered a personal item.

72. USPS MAIL POLICY IN ALASKA

Senate bill

No provision.

House bill

No provision.

Conference substitute

The Conferees encourage the Congress to pass legislation quickly to restructure the United States Postal Service's process of tendering non-priority bypass mail with the State of Alaska. Restructuring this program to direct more carriers to convert to 121 passenger operators will improve the safety of air transportation in Alaska and enhance the security of passengers.

73. VICTIMS COMPENSATION

Senate bill

No provision.

House bill

Title II:

Conference substitute

The Conference substitute extends the liability limitations of the Air Transportation Stabilization Act to aircraft manufacturers, State port authorities, owners and operators of airports, and persons with property interests in the World Trade Center.

These provisions limit liability under the Act to the maximum level of their insurance coverage.

Any person with a property interest in the World Trade Center, as a condition to receiving liability protection under the Act, is required to satisfy all contractual obligations

to rebuild or assist in the rebuilding of the World Trade Center.

The Conference substitute also limits the liability for all claims arising from the terrorist-related attacks of September 11, 2001, brought against the City of New York to the greater of the City's insurance coverage or \$350,000,000.

This limitation on damages against the City of New York, however, does not apply to any non-government or private entity that is contracted with the City.

The Conference substitute also excludes entities primarily engaged in the business of airport security from its limitation on liability.

DON YOUNG,
THOMAS PETRI,
JOHN J. DUNCAN, Jr.,
JOHN L. MICA,
VERNON J. EHLERS,
JAMES L. OBERSTAR,
WILLIAM O. LIPINSKI,
PETER DEFazio,

Managers on the Part of the House.

ERNEST F. HOLLINGS,
DANIEL K. INOUE,
JOHN D. ROCKEFELLER IV,
JOHN F. KERRY,
JOHN BREAUX,
BYRON L. DORGAN,
RON WYDEN,
JOHN MCCAIN,
TRENT LOTT,
KAY BAILEY HUTCHISON,
OLYMPIA SNOWE,

*Managers on the Part of the Senate.*ANDEAN TRADE PROMOTION AND
DRUG ERADICATION ACT

Mr. THOMAS. Mr. Speaker, pursuant to House Resolution 289, I call up the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. SIMPSON). Pursuant to House Resolution 289, the bill is considered read for amendment.

The text of H.R. 3009 is as follows:

H.R. 3009

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Andean Trade Promotion and Drug Eradication Act".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Since the Andean Trade Preference Act was enacted in 1991, it has had a positive impact on United States trade with Bolivia, Colombia, Ecuador, and Peru. Two-way trade has doubled, with the United States serving as the leading source of imports and leading export market for each of the Andean beneficiary countries. This has resulted in increased jobs and expanded export opportunities in both the United States and the Andean region.

(2) The Andean Trade Preference Act has been a key element in the United States counternarcotics strategy in the Andean region, promoting export diversification and broad-based economic development that provides sustainable economic alternatives to

drug-crop production, strengthening the legitimate economies of Andean countries and creating viable alternatives to illicit trade in coca.

(3) Notwithstanding the success of the Andean Trade Preference Act, the Andean region remains threatened by political and economic instability and fragility, vulnerable to the consequences of the drug war and fierce global competition for its legitimate trade.

(4) The continuing instability in the Andean region poses a threat to the security interests of the United States and the world. This problem has been partially addressed through foreign aid, such as Plan Colombia, enacted by Congress in 2000. However, foreign aid alone is not sufficient. Enhancement of legitimate trade with the United States provides an alternative means for reviving and stabilizing the economies in the Andean region.

(5) The Andean Trade Preference Act constitutes a tangible commitment by the United States to the promotion of prosperity, stability, and democracy in the beneficiary countries.

(6) Renewal and enhancement of the Andean Trade Preference Act will bolster the confidence of domestic private enterprise and foreign investors in the economic prospects of the region, ensuring that legitimate private enterprise can be the engine of economic development and political stability in the region.

(7) Each of the Andean beneficiary countries is committed to conclude negotiation of a Free Trade Area of the Americas by the year 2005, as a means of enhancing the economic security of the region.

(8) Temporarily enhancing trade benefits for Andean beneficiary countries will promote the growth of free enterprise and economic opportunity in these countries and serve the security interests of the United States, the region, and the world.

SEC. 3. ARTICLES ELIGIBLE FOR PREFERENTIAL TREATMENT.

(a) ELIGIBILITY OF CERTAIN ARTICLES.—Section 204 of the Andean Trade Preference Act (19 U.S.C. 3203) is amended—

(1) by striking subsection (c) and redesignating subsections (d) through (g) as subsections (c) through (f), respectively; and

(2) by amending subsection (b) to read as follows:

“(b) EXCEPTIONS AND SPECIAL RULES.—

“(1) CERTAIN ARTICLES THAT ARE NOT IMPORT-SENSITIVE.—The President may proclaim duty-free treatment under this title for any of the following articles only if the article is the product of an ATPEA beneficiary country and only if the President determines that the article is not import-sensitive in the context of imports from ATPEA beneficiary countries:

“(A) Footwear not designated at the time of the effective date of this Act as eligible for the purpose of the generalized system of preferences under title V of the Trade Act of 1974.

“(B) Petroleum, or any product derived from petroleum, provided for in headings 2709 and 2710 of the HTS.

“(C) Watches and watch parts (including cases, bracelets and straps), of whatever type including, but not limited to, mechanical, quartz digital or quartz analog, if such watches or watch parts contain any material which is the product of any country with respect to which HTS column 2 rates of duty apply.

“(D) Sugars, syrups, and molasses classified in subheadings 1701.11.03, 1701.12.02,

1701.99.02, 1702.90.32, 1806.10.42, and 2106.90.12 of the HTS.

“(E) Handbags, luggage, flat goods, work gloves, and leather wearing apparel that—

“(i) are the product of an ATPEA beneficiary country; and

“(ii) were not designated on August 5, 1983, as eligible articles for purposes of the generalized system of preferences under title V of the Trade Act of 1974.

“(2) EXCLUSIONS.—Duty-free treatment under this title may not be extended to—

“(A) textiles; or

“(B) rum and tafia classified in subheading 2208.40.00 of the HTS.

“(3) APPAREL ARTICLES.—

“(A) IN GENERAL.—Apparel articles that are imported directly into the customs territory of the United States from an ATPEA beneficiary country shall enter the United States free of duty and free of any quantitative restrictions, limitations, or consultation levels, but only if such articles are described in subparagraph (B).

“(B) COVERED ARTICLES.—The apparel articles referred to in subparagraph (A) are the following:

“(i) APPAREL ARTICLES ASSEMBLED FROM PRODUCTS OF THE UNITED STATES AND ATPEA BENEFICIARY COUNTRIES OR PRODUCTS NOT AVAILABLE IN COMMERCIAL QUANTITIES.—Apparel articles sewn or otherwise assembled in 1 or more ATPEA beneficiary countries exclusively from any one or any combination of the following:

“(I) Fabrics or fabric components formed, or components knit-to-shape, in the United States (including fabrics not formed from yarns, if such fabrics are classifiable under heading 5602 or 5603 of the HTS and are formed in the United States).

“(II) Fabrics or fabric components formed, or components knit-to-shape, in 1 or more ATPEA beneficiary countries, from yarns formed in 1 or more ATPEA beneficiary countries, if such fabrics (including fabrics not formed from yarns, if such fabrics are classifiable under heading 5602 or 5603 of the HTS and are formed in 1 or more ATPEA beneficiary countries) are in chief weight of llama, or alpaca.

“(III) Fabrics or yarns, without regard to where they are formed, if such fabrics or yarns are classifiable under headings of the HTS from which a change in tariff classification is allowed under the applicable rules for the good under General Note 12(t) of the HTS (except for goods classifiable under heading 6212.10 of the HTS), without regard to whether the components of such yarns or fabrics determine the tariff classification of the apparel article, except that if such yarns or fabrics are used to produce knit-to-shape components, the components must be knit-to-shape in the United States or in 1 or more ATPEA beneficiary countries.

“(ii) ADDITIONAL FABRICS.—At the request of any interested party, the President is authorized to proclaim additional fabrics and yarns as eligible for preferential treatment under clause (i)(III) if—

“(I) the President determines that such fabrics or yarns cannot be supplied by the domestic industry in commercial quantities in a timely manner;

“(II) the President has obtained advice regarding the proposed action from the appropriate advisory committee established under section 135 of the Trade Act of 1974 (19 U.S.C. 2155) and the United States International Trade Commission;

“(III) within 60 days after the request, the President has submitted a report to the Committee on Ways and Means of the House

of Representatives and the Committee on Finance of the Senate that sets forth the action proposed to be proclaimed and the reasons for such action, and the advice obtained under subclause (II);

“(IV) a period of 60 calendar days, beginning with the first day on which the President has met the requirements of subclause (III), has expired; and

“(V) the President has consulted with such committees regarding the proposed action during the period referred to in subclause (III).

“(iii) APPAREL ARTICLES ASSEMBLED IN 1 OR MORE ATPEA BENEFICIARY COUNTRIES FROM REGIONAL FABRICS OR REGIONAL COMPONENTS.—(I) Subject to the limitation set forth in subclause (II), apparel articles sewn or otherwise assembled in 1 or more ATPEA beneficiary countries from fabrics or from fabric components formed or from components knit-to-shape, in 1 or more ATPEA beneficiary countries, from yarns formed in the United States or in 1 or more ATPEA beneficiary countries (including fabrics not formed from yarns, if such fabrics are classifiable under heading 5602 or 5603 of the HTS and are formed in 1 or more ATPEA beneficiary countries), whether or not the apparel articles are also made from any of the fabrics, fabric components formed, or components knit-to-shape described in clause (i).

“(II) The preferential treatment referred to in subclause (I) shall be extended in the 1-year period beginning December 1, 2001, and in each of the 5 succeeding 1-year periods, to imports of apparel articles in an amount not to exceed the applicable percentage of the aggregate square meter equivalents of all apparel articles imported into the United States in the preceding 12-month period for which data are available.

“(III) For purposes of subclause (II), the term ‘applicable percentage’ means 3 percent for the 1-year period beginning December 1, 2001, increased in each of the 5 succeeding 1-year periods by equal increments, so that for the period beginning December 1, 2005, the applicable percentage does not exceed 6 percent.

“(iv) HANDLOOMED, HANDMADE, AND FOLKLORE ARTICLES.—A handloomed, handmade, or folklore article of an ATPEA beneficiary country identified under subparagraph (C) that is certified as such by the competent authority of such beneficiary country.

“(v) SPECIAL RULES.—

“(I) EXCEPTION FOR FINDINGS AND TRIMMINGS.—An article otherwise eligible for preferential treatment under this paragraph shall not be ineligible for such treatment because the article contains findings or trimmings of foreign origin, if such findings and trimmings do not exceed 25 percent of the cost of the components of the assembled product. Examples of findings and trimmings are sewing thread, hooks and eyes, snaps, buttons, ‘bow buds’, decorative lace, trim, elastic strips, zippers, including zipper tapes and labels, and other similar products.

“(II) CERTAIN INTERLINING.—(aa) An article otherwise eligible for preferential treatment under this paragraph shall not be ineligible for such treatment because the article contains certain interlinings of foreign origin, if the value of such interlinings (and any findings and trimmings) does not exceed 25 percent of the cost of the components of the assembled article.

“(bb) Interlinings eligible for the treatment described in division (aa) include only a chest type plate, ‘hymo’ piece, or ‘sleeve header’, of woven or weft-inserted warp knit construction and of coarse animal hair or man-made filaments.

“(cc) The treatment described in this subclause shall terminate if the President makes a determination that United States manufacturers are producing such interlinings in the United States in commercial quantities.

“(III) DE MINIMIS RULE.—An article that would otherwise be ineligible for preferential treatment under this subparagraph because the article contains fibers or yarns not wholly formed in the United States or in one or more ATPEA beneficiary countries shall not be ineligible for such treatment if the total weight of all such fibers or yarns is not more than 7 percent of the total weight of the good.

“(C) HANDLOOMED, HANDMADE, AND FOLKLORE ARTICLES.—For purposes of subparagraph (B)(iv), the President shall consult with representatives of the ATPEA beneficiary countries concerned for the purpose of identifying particular textile and apparel goods that are mutually agreed upon as being handloomed, handmade, or folklore goods of a kind described in section 2.3(a), (b), or (c) of the Annex or Appendix 3.1.B.11 of the Annex.

“(D) PENALTIES FOR TRANSSHIPMENT.—

“(i) PENALTIES FOR EXPORTERS.—If the President determines, based on sufficient evidence, that an exporter has engaged in transshipment with respect to apparel articles from an ATPEA beneficiary country, then the President shall deny all benefits under this title to such exporter, and any successor of such exporter, for a period of 2 years.

“(ii) PENALTIES FOR COUNTRIES.—Whenever the President finds, based on sufficient evidence, that transshipment has occurred, the President shall request that the ATPEA beneficiary country or countries through whose territory the transshipment has occurred take all necessary and appropriate actions to prevent such transshipment. If the President determines that a country is not taking such actions, the President shall reduce the quantities of apparel articles that may be imported into the United States from such country by the quantity of the transshipped articles multiplied by 3, to the extent consistent with the obligations of the United States under the WTO.

“(iii) TRANSSHIPMENT DESCRIBED.—Transshipment within the meaning of this subparagraph has occurred when preferential treatment under subparagraph (A) has been claimed for an apparel article on the basis of material false information concerning the country of origin, manufacture, processing, or assembly of the article or any of its components. For purposes of this clause, false information is material if disclosure of the true information would mean or would have meant that the article is or was ineligible for preferential treatment under subparagraph (A).

“(E) BILATERAL EMERGENCY ACTIONS.—

“(i) IN GENERAL.—The President may take bilateral emergency tariff actions of a kind described in section 4 of the Annex with respect to any apparel article imported from an ATPEA beneficiary country if the application of tariff treatment under subparagraph (A) to such article results in conditions that would be cause for the taking of such actions under such section 4 with respect to a like article described in the same 8-digit subheading of the HTS that is imported from Mexico.

“(ii) RULES RELATING TO BILATERAL EMERGENCY ACTION.—For purposes of applying bilateral emergency action under this subparagraph—

“(I) the requirements of paragraph (5) of section 4 of the Annex (relating to providing compensation) shall not apply;

“(II) the term ‘transition period’ in section 4 of the Annex shall mean the period ending December 31, 2006; and

“(III) the requirements to consult specified in section 4 of the Annex shall be treated as satisfied if the President requests consultations with the ATPEA beneficiary country in question and the country does not agree to consult within the time period specified under section 4.

“(4) CUSTOMS PROCEDURES.—

“(A) IN GENERAL.—

“(i) REGULATIONS.—Any importer that claims preferential treatment under paragraph (1) or (3) shall comply with customs procedures similar in all material respects to the requirements of Article 502(1) of the NAFTA as implemented pursuant to United States law, in accordance with regulations promulgated by the Secretary of the Treasury.

“(ii) DETERMINATION.—

“(I) IN GENERAL.—In order to qualify for the preferential treatment under paragraph (1) or (3) and for a Certificate of Origin to be valid with respect to any article for which such treatment is claimed, there shall be in effect a determination by the President that each country described in subclause (II)—

“(aa) has implemented and follows; or

“(bb) is making substantial progress toward implementing and following,

procedures and requirements similar in all material respects to the relevant procedures and requirements under chapter 5 of the NAFTA.

“(II) COUNTRY DESCRIBED.—A country is described in this subclause if it is an ATPEA beneficiary country—

“(aa) from which the article is exported; or

“(bb) in which materials used in the production of the article originate or in which the article or such materials undergo production that contributes to a claim that the article is eligible for preferential treatment under paragraph (1) or (3).

“(B) CERTIFICATE OF ORIGIN.—The Certificate of Origin that otherwise would be required pursuant to the provisions of subparagraph (A) shall not be required in the case of an article imported under paragraph (1) or (3) if such Certificate of Origin would not be required under Article 503 of the NAFTA (as implemented pursuant to United States law), if the article were imported from Mexico.

“(5) DEFINITIONS.—In this subsection—

“(A) ANNEX.—The term ‘the Annex’ means Annex 300-B of the NAFTA.

“(B) ATPEA BENEFICIARY COUNTRY.—The term ‘ATPEA beneficiary country’ means any ‘beneficiary country’, as defined in section 203(a)(1) of this title, which the President designates as an ATPEA beneficiary country, taking into account the criteria contained in subsections (b) and (c) of section 203 and other appropriate criteria, including the following:

“(i) Whether the beneficiary country has demonstrated a commitment to—

“(I) undertake its obligations under the WTO, including those agreements listed in section 101(d) of the Uruguay Round Agreements Act, on or ahead of schedule; and

“(II) participate in negotiations toward the completion of the FTAA or another free trade agreement.

“(ii) The extent to which the country provides protection of intellectual property rights consistent with or greater than the protection afforded under the Agreement on Trade-Related Aspects of Intellectual Prop-

erty Rights described in section 101(d)(15) of the Uruguay Round Agreements Act.

“(iii) The extent to which the country provides internationally recognized worker rights, including—

“(I) the right of association;

“(II) the right to organize and bargain collectively;

“(III) a prohibition on the use of any form of forced or compulsory labor;

“(IV) a minimum age for the employment of children; and

“(V) acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health;

“(iv) Whether the country has implemented its commitments to eliminate the worst forms of child labor, as defined in section 507(6) of the Trade Act of 1974.

“(v) The extent to which the country has met the counter-narcotics certification criteria set forth in section 490 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291j) for eligibility for United States assistance.

“(vi) The extent to which the country has taken steps to become a party to and implements the Inter-American Convention Against Corruption.

“(vii) The extent to which the country—

“(I) applies transparent, nondiscriminatory, and competitive procedures in government procurement equivalent to those contained in the Agreement on Government Procurement described in section 101(d)(17) of the Uruguay Round Agreements Act; and

“(II) contributes to efforts in international fora to develop and implement international rules in transparency in government procurement.

“(C) NAFTA.—The term ‘NAFTA’ means the North American Free Trade Agreement entered into between the United States, Mexico, and Canada on December 17, 1992.

“(D) WTO.—The term ‘WTO’ has the meaning given that term in section 2 of the Uruguay Round Agreements Act (19 U.S.C. 3501).”

(b) CONFORMING AMENDMENTS.—(1) Section 202 of the Andean Trade Preference Act (19 U.S.C. 3201) is amended by inserting “(or other preferential treatment)” after “treatment”.

(2) Section 204(a) of the Andean Trade Preference Act (19 U.S.C. 3203(a)) is amended—

(A) in paragraph (1), by inserting “(or otherwise provided for)” after “eligibility”; and

(B) in paragraph (2), by striking “subsection (a)” and inserting “paragraph (1)”.

SEC. 4. TERMINATION OF PREFERENTIAL TREATMENT.

Section 208 of the Andean Trade Preference Act (19 U.S.C. 3206) is amended to read as follows:

“SEC. 208. TERMINATION OF PREFERENTIAL TREATMENT.

“No duty-free treatment or other preferential treatment extended to beneficiary countries under this title shall remain in effect after December 31, 2006.”

SEC. 5. TRADE BENEFITS UNDER THE CARIBBEAN BASIN ECONOMIC RECOVERY ACT.

Section 213(b)(2)(A) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703(b)(2)(A)) is amended as follows:

(1) Clause (i) is amended by striking the matter preceding subclause (I) and inserting the following:

“(i) APPAREL ARTICLES ASSEMBLED IN ONE OR MORE CBTPA BENEFICIARY COUNTRIES.—Apparel articles sewn or otherwise assembled in one or more CBTPA beneficiary countries from fabrics wholly formed and cut, or from components knit-to-shape, in the United States from yarns wholly formed in the

United States, (including fabrics not formed from yarns, if such fabrics are classifiable under heading 5602 or 5603 of the HTS and are wholly formed and cut in the United States) that are—”.

(2) Clause (ii) is amended to read as follows:

“(ii) APPAREL ARTICLES CUT AND ASSEMBLED IN ONE OR MORE CBTPA BENEFICIARY COUNTRIES.—Apparel articles cut in one or more CBTPA beneficiary countries from fabric wholly formed in the United States, or from components knit-to-shape in the United States, from yarns wholly formed in the United States (including fabrics not formed from yarns, if such fabrics are classifiable under heading 5602 or 5603 of the HTS and are wholly formed in the United States), if such articles are sewn or otherwise assembled in one or more such countries with thread formed in the United States.”.

SEC. 6. TRADE BENEFITS UNDER THE AFRICAN GROWTH AND OPPORTUNITY ACT.

Section 112(b) of the African Growth and Opportunity Act (19 U.S.C. 3721(b)) is amended as follows:

(1) Paragraph (1) is amended—

(A) by amending the heading to read as follows:

“(1) APPAREL ARTICLES ASSEMBLED IN ONE OR MORE BENEFICIARY SUB-SAHARAN AFRICAN COUNTRIES.—”; and

(B) by amending the matter preceding subparagraph (A) to read as follows: “Apparel articles sewn or otherwise assembled in one or more beneficiary sub-Saharan African countries from fabrics wholly formed and cut, or from components knit-to-shape, in the United States from yarns wholly formed in the United States, (including fabrics not formed from yarns, if such fabrics are classifiable under heading 5602 or 5603 of the HTS and are wholly formed and cut in the United States) that are—”.

(2) Paragraph (2) is amended to read as follows:

“(2) APPAREL ARTICLES CUT AND ASSEMBLED IN ONE OR MORE BENEFICIARY SUB-SAHARAN AFRICAN COUNTRIES.—Apparel articles cut in one or more beneficiary sub-Saharan African countries from fabric wholly formed in the United States, or from components knit-to-shape in the United States, from yarns wholly formed in the United States, (including fabrics not formed from yarns, if such fabrics are classifiable under heading 5602 or 5603 of the HTS and are wholly formed in the United States) if such articles are sewn or otherwise assembled in one or more such countries with thread formed in the United States.”.

(3) Paragraph (3) is amended—

(A) in the matter preceding subparagraph (A), by inserting “, or components knit-to-shape,” after “from fabric wholly formed”;

(B) in subparagraph (A)(ii)—

(i) by striking “1.5” and inserting “3”; and

(ii) by striking “3.5” and inserting “7”; and

(C) in subparagraph (B), by amending clause (i) to read as follows:

“(i) IN GENERAL.—Subject to subparagraph (A), preferential treatment under this paragraph shall be extended through September 30, 2004, for apparel articles wholly assembled or knit-to-shape and wholly assembled in one or more lesser developed beneficiary sub-Saharan African countries regardless of the country of origin of the fabric or the yarn used to make such articles.”.

The SPEAKER pro tempore. Pursuant to House Resolution 289, the amendment printed in the bill is adopted.

The text of H.R. 3009, as amended, is as follows:

H.R. 3009

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Andean Trade Promotion and Drug Eradication Act”.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Since the Andean Trade Preference Act was enacted in 1991, it has had a positive impact on United States trade with Bolivia, Colombia, Ecuador, and Peru. Two-way trade has doubled, with the United States serving as the leading source of imports and leading export market for each of the Andean beneficiary countries. This has resulted in increased jobs and expanded export opportunities in both the United States and the Andean region.

(2) The Andean Trade Preference Act has been a key element in the United States counter-narcotics strategy in the Andean region, promoting export diversification and broad-based economic development that provides sustainable economic alternatives to drug-crop production, strengthening the legitimate economies of Andean countries and creating viable alternatives to illicit trade in coca.

(3) Notwithstanding the success of the Andean Trade Preference Act, the Andean region remains threatened by political and economic instability and fragility, vulnerable to the consequences of the drug war and fierce global competition for its legitimate trade.

(4) The continuing instability in the Andean region poses a threat to the security interests of the United States and the world. This problem has been partially addressed through foreign aid, such as Plan Colombia, enacted by Congress in 2000. However, foreign aid alone is not sufficient. Enhancement of legitimate trade with the United States provides an alternative means for reviving and stabilizing the economies in the Andean region.

(5) The Andean Trade Preference Act constitutes a tangible commitment by the United States to the promotion of prosperity, stability, and democracy in the beneficiary countries.

(6) Renewal and enhancement of the Andean Trade Preference Act will bolster the confidence of domestic private enterprise and foreign investors in the economic prospects of the region, ensuring that legitimate private enterprise can be the engine of economic development and political stability in the region.

(7) Each of the Andean beneficiary countries is committed to conclude negotiation of a Free Trade Area of the Americas by the year 2005, as a means of enhancing the economic security of the region.

(8) Temporarily enhancing trade benefits for Andean beneficiary countries will promote the growth of free enterprise and economic opportunity in these countries and serve the security interests of the United States, the region, and the world.

SEC. 3. ARTICLES ELIGIBLE FOR PREFERENTIAL TREATMENT.

(a) ELIGIBILITY OF CERTAIN ARTICLES.—Section 204 of the Andean Trade Preference Act (19 U.S.C. 3203) is amended—

(1) by striking subsection (c) and redesignating subsections (d) through (g) as subsections (c) through (f), respectively; and

(2) by amending subsection (b) to read as follows:

“(b) EXCEPTIONS AND SPECIAL RULES.—

“(1) CERTAIN ARTICLES THAT ARE NOT IMPORT-SENSITIVE.—The President may proclaim duty-free treatment under this title for any article described in subparagraph (A), (B), (C), or (D) that is the growth, product, or manufacture of an ATPDEA beneficiary country and that meets the requirements of this section, if the President

determines that such article is not import-sensitive in the context of imports from ATPDEA beneficiary countries:

“(A) Footwear not designated at the time of the effective date of this Act as eligible for the purpose of the generalized system of preferences under title V of the Trade Act of 1974.

“(B) Petroleum, or any product derived from petroleum, provided for in headings 2709 and 2710 of the HTS.

“(C) Watches and watch parts (including cases, bracelets and straps), of whatever type including, but not limited to, mechanical, quartz digital or quartz analog, if such watches or watch parts contain any material which is the product of any country with respect to which HTS column 2 rates of duty apply.

“(D) Handbags, luggage, flat goods, work gloves, and leather wearing apparel that were not designated on August 5, 1983, as eligible articles for purposes of the generalized system of preferences under title V of the Trade Act of 1974.

“(2) EXCLUSIONS.—Subject to paragraph (3), duty-free treatment under this title may not be extended to—

“(A) textiles and apparel articles which were not eligible articles for purposes of this title on January 1, 1994, as this title was in effect on that date;

“(B) rum and tafia classified in subheading 2208.40 of the HTS; or

“(C) sugars, syrups, and sugar-containing products subject to over-quota duty rates under applicable tariff-rate quotas.

“(3) APPAREL ARTICLES.—

“(A) IN GENERAL.—Apparel articles that are imported directly into the customs territory of the United States from an ATPDEA beneficiary country shall enter the United States free of duty and free of any quantitative restrictions, limitations, or consultation levels, but only if such articles are described in subparagraph (B).

“(B) COVERED ARTICLES.—The apparel articles referred to in subparagraph (A) are the following:

“(i) APPAREL ARTICLES ASSEMBLED FROM PRODUCTS OF THE UNITED STATES AND ATPDEA BENEFICIARY COUNTRIES OR PRODUCTS NOT AVAILABLE IN COMMERCIAL QUANTITIES.—Apparel articles sewn or otherwise assembled in 1 or more ATPDEA beneficiary countries, or the United States, or both, exclusively from any one or any combination of the following:

“(I) Fabrics or fabric components formed, or components knit-to-shape, in the United States, from yarns formed in the United States or 1 or more ATPDEA beneficiary countries (including fabrics not formed from yarns, if such fabrics are classifiable under heading 5602 or 5603 of the HTS and are formed in the United States).

“(II) Fabrics or fabric components formed or components knit-to-shape, in 1 or more ATPDEA beneficiary countries, from yarns formed in 1 or more ATPDEA beneficiary countries, if such fabrics (including fabrics not formed from yarns, if such fabrics are classifiable under heading 5602 or 5603 of the HTS and are formed in 1 or more ATPDEA beneficiary countries) or components are in chief weight of llama or alpaca.

“(III) Fabrics or yarn that is not formed in the United States or in one or more ATPDEA beneficiary countries, to the extent that apparel articles of such fabrics or yarn would be eligible for preferential treatment, without regard to the source of the fabrics or yarn, under Annex 401 of the NAFTA.

“(ii) ADDITIONAL FABRICS.—At the request of any interested party, the President is authorized to proclaim additional fabrics and yarns as eligible for preferential treatment under clause (i)(III) if—

“(I) the President determines that such fabrics or yarns cannot be supplied by the domestic industry in commercial quantities in a timely manner;

“(II) the President has obtained advice regarding the proposed action from the appropriate advisory committee established under section 135 of the Trade Act of 1974 (19 U.S.C. 2155) and the United States International Trade Commission;

“(III) within 60 days after the request, the President has submitted a report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate that sets forth the action proposed to be proclaimed and the reasons for such action, and the advice obtained under subclause (II);

“(IV) a period of 60 calendar days, beginning with the first day on which the President has met the requirements of subclause (III), has expired; and

“(V) the President has consulted with such committees regarding the proposed action during the period referred to in subclause (III).

“(iii) APPAREL ARTICLES ASSEMBLED IN 1 OR MORE ATPDEA BENEFICIARY COUNTRIES FROM REGIONAL FABRICS OR REGIONAL COMPONENTS.—(I) Subject to the limitation set forth in subclause (II), apparel articles sewn or otherwise assembled in 1 or more ATPDEA beneficiary countries from fabrics or from fabric components formed or from components knit-to-shape, in 1 or more ATPDEA beneficiary countries, from yarns formed in the United States or 1 or more ATPDEA beneficiary countries (including fabrics not formed from yarns, if such fabrics are classifiable under heading 5602 or 5603 of the HTS and are formed in 1 or more ATPDEA beneficiary countries), whether or not the apparel articles are also made from any of the fabrics, fabric components formed, or components knit-to-shape described in clause (i).

“(II) The preferential treatment referred to in subclause (I) shall be extended in the 1-year period beginning December 1, 2001, and in each of the 5 succeeding 1-year periods, to imports of apparel articles in an amount not to exceed the applicable percentage of the aggregate square meter equivalents of all apparel articles imported into the United States in the preceding 12-month period for which data are available.

“(III) For purposes of subclause (II), the term ‘applicable percentage’ means 3 percent for the 1-year period beginning December 1, 2001, increased in each of the 5 succeeding 1-year periods by equal increments, so that for the period beginning December 1, 2005, the applicable percentage does not exceed 6 percent.

“(iv) HANDLOOMED, HANDMADE, AND FOLKLORE ARTICLES.—A handloomed, handmade, or folklore article of an ATPDEA beneficiary country identified under subparagraph (C) that is certified as such by the competent authority of such beneficiary country.

“(v) SPECIAL RULES.—

“(I) EXCEPTION FOR FINDINGS AND TRIMMINGS.—An article otherwise eligible for preferential treatment under this paragraph shall not be ineligible for such treatment because the article contains findings or trimmings of foreign origin, if such findings and trimmings do not exceed 25 percent of the cost of the components of the assembled product. Examples of findings and trimmings are sewing thread, hooks and eyes, snaps, buttons, ‘bow buds’, decorative lace, trim, elastic strips, zippers, including zipper tapes and labels, and other similar products.

“(II) CERTAIN INTERLINING.—(aa) An article otherwise eligible for preferential treatment under this paragraph shall not be ineligible for such treatment because the article contains certain interlinings of foreign origin, if the value of such interlinings (and any findings and trimmings) does not exceed 25 percent of the cost of the components of the assembled article.

“(bb) Interlinings eligible for the treatment described in division (aa) include only a chest type plate, ‘hymo’ piece, or ‘sleeve header’, of woven or weft-inserted warp knit construction and of coarse animal hair or man-made filaments.

“(cc) The treatment described in this subclause shall terminate if the President makes a determination that United States manufacturers are producing such interlinings in the United States in commercial quantities.

“(III) DE MINIMIS RULE.—An article that would otherwise be ineligible for preferential treatment under this subparagraph because the article contains fibers or yarns not wholly formed in the United States or in one or more ATPDEA beneficiary countries shall not be ineligible for such treatment if the total weight of all such fibers or yarns is not more than 7 percent of the total weight of the good.

“(C) HANDLOOMED, HANDMADE, AND FOLKLORE ARTICLES.—For purposes of subparagraph (B)(iv), the President shall consult with representatives of the ATPDEA beneficiary countries concerned for the purpose of identifying particular textile and apparel goods that are mutually agreed upon as being handloomed, handmade, or folklore goods of a kind described in section 2.3(a), (b), or (c) of the Annex or Appendix 3.1.B.11 of the Annex.

“(D) PENALTIES FOR TRANSSHIPMENT.—

“(i) PENALTIES FOR EXPORTERS.—If the President determines, based on sufficient evidence, that an exporter has engaged in transshipment with respect to apparel articles from an ATPDEA beneficiary country, then the President shall deny all benefits under this title to such exporter, and any successor of such exporter, for a period of 2 years.

“(ii) PENALTIES FOR COUNTRIES.—Whenever the President finds, based on sufficient evidence, that transshipment has occurred, the President shall request that the ATPDEA beneficiary country or countries through whose territory the transshipment has occurred take all necessary and appropriate actions to prevent such transshipment. If the President determines that a country is not taking such actions, the President shall reduce the quantities of apparel articles that may be imported into the United States from such country by the quantity of the transshipped articles multiplied by 3, to the extent consistent with the obligations of the United States under the WTO.

“(iii) TRANSSHIPMENT DESCRIBED.—Transshipment within the meaning of this subparagraph has occurred when preferential treatment under subparagraph (A) has been claimed for an apparel article on the basis of material false information concerning the country of origin, manufacture, processing, or assembly of the article or any of its components. For purposes of this clause, false information is material if disclosure of the true information would mean or would have meant that the article is or was ineligible for preferential treatment under subparagraph (A).

“(E) BILATERAL EMERGENCY ACTIONS.—

“(i) IN GENERAL.—The President may take bilateral emergency tariff actions of a kind described in section 4 of the Annex with respect to any apparel article imported from an ATPDEA beneficiary country if the application of tariff treatment under subparagraph (A) to such article results in conditions that would be cause for the taking of such actions under such section 4 with respect to a like article described in the same 8-digit subheading of the HTS that is imported from Mexico.

“(ii) RULES RELATING TO BILATERAL EMERGENCY ACTION.—For purposes of applying bilateral emergency action under this subparagraph—

“(I) the requirements of paragraph (5) of section 4 of the Annex (relating to providing compensation) shall not apply;

“(II) the term ‘transition period’ in section 4 of the Annex shall mean the period ending December 31, 2006; and

“(III) the requirements to consult specified in section 4 of the Annex shall be treated as satisfied if the President requests consultations with the ATPDEA beneficiary country in question and the country does not agree to consult within the time period specified under section 4.

“(4) CUSTOMS PROCEDURES.—

“(A) IN GENERAL.—

“(i) REGULATIONS.—Any importer that claims preferential treatment under paragraph (1) or (3) shall comply with customs procedures similar in all material respects to the requirements of Article 502(1) of the NAFTA as implemented pursuant to United States law, in accordance with regulations promulgated by the Secretary of the Treasury.

“(ii) DETERMINATION.—

“(I) IN GENERAL.—In order to qualify for the preferential treatment under paragraph (1) or (3) and for a Certificate of Origin to be valid with respect to any article for which such treatment is claimed, there shall be in effect a determination by the President that each country described in subclause (II)—

“(aa) has implemented and follows; or

“(bb) is making substantial progress toward implementing and following,

procedures and requirements similar in all material respects to the relevant procedures and requirements under chapter 5 of the NAFTA.

“(II) COUNTRY DESCRIBED.—A country is described in this subclause if it is an ATPDEA beneficiary country—

“(aa) from which the article is exported; or

“(bb) in which materials used in the production of the article originate or in which the article or such materials undergo production that contributes to a claim that the article is eligible for preferential treatment under paragraph (1) or (3).

“(B) CERTIFICATE OF ORIGIN.—The Certificate of Origin that otherwise would be required pursuant to the provisions of subparagraph (A) shall not be required in the case of an article imported under paragraph (1) or (3) if such Certificate of Origin would not be required under Article 503 of the NAFTA (as implemented pursuant to United States law), if the article were imported from Mexico.

“(5) DEFINITIONS.—In this subsection—

“(A) ANNEX.—The term ‘the Annex’ means Annex 300-B of the NAFTA.

“(B) ATPDEA BENEFICIARY COUNTRY.—The term ‘ATPDEA beneficiary country’ means any ‘beneficiary country’, as defined in section 203(a)(1) of this title, which the President designates as an ATPDEA beneficiary country, taking into account the criteria contained in subsections (c) and (d) of section 203 and other appropriate criteria, including the following:

“(i) Whether the beneficiary country has demonstrated a commitment to—

“(I) undertake its obligations under the WTO, including those agreements listed in section 101(d) of the Uruguay Round Agreements Act, on or ahead of schedule; and

“(II) participate in negotiations toward the completion of the FTAA or another free trade agreement.

“(ii) The extent to which the country provides protection of intellectual property rights consistent with or greater than the protection afforded under the Agreement on Trade-Related Aspects of Intellectual Property Rights described in section 101(d)(15) of the Uruguay Round Agreements Act.

“(iii) The extent to which the country provides internationally recognized worker rights, including—

“(I) the right of association;

“(II) the right to organize and bargain collectively;

“(III) a prohibition on the use of any form of forced or compulsory labor;

“(IV) a minimum age for the employment of children; and

“(V) acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health;

“(iv) Whether the country has implemented its commitments to eliminate the worst forms of child labor, as defined in section 507(6) of the Trade Act of 1974.

“(v) The extent to which the country has met the counternarcotics certification criteria set forth in section 490 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291j) for eligibility for United States assistance.

“(vi) The extent to which the country has taken steps to become a party to and implements the Inter-American Convention Against Corruption.

“(vii) The extent to which the country—

“(I) applies transparent, nondiscriminatory, and competitive procedures in government procurement equivalent to those contained in the Agreement on Government Procurement described in section 101(d)(17) of the Uruguay Round Agreements Act; and

“(II) contributes to efforts in international fora to develop and implement international rules in transparency in government procurement.

“(C) NAFTA.—The term ‘NAFTA’ means the North American Free Trade Agreement entered into between the United States, Mexico, and Canada on December 17, 1992.

“(D) WTO.—The term ‘WTO’ has the meaning given that term in section 2 of the Uruguay Round Agreements Act (19 U.S.C. 3501).

“(E) ATPDEA.—The term ‘ATPDEA’ means the Andean Trade Promotion and Drug Eradication Act.”.

(b) DETERMINATION REGARDING RETENTION OF DESIGNATION.—Section 203(e)(1) of the Andean Trade Preference Act (19 U.S.C. 3202(e)(1)) is amended—

(1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(2) by inserting “(A)” after “(1)”; and

(3) by adding at the end the following:

“(B) The President may, after the requirements of paragraph (2) have been met—

“(i) withdraw or suspend the designation of any country as an ATPDEA beneficiary country, or

“(ii) withdraw, suspend, or limit the application of preferential treatment under section 204(b)(1) or (3) to any article of any country,

if, after such designation, the President determines that, as a result of changed circumstances, the performance of such country is not satisfactory under the criteria set forth in section 204(b)(5)(B).”.

(c) CONFORMING AMENDMENTS.—(1) Section 202 of the Andean Trade Preference Act (19 U.S.C. 3201) is amended by inserting “(or other preferential treatment)” after “treatment”.

(2) Section 204(a) of the Andean Trade Preference Act (19 U.S.C. 3203(a)) is amended—

(A) in paragraph (1), by inserting “(or otherwise provided for)” after “eligibility”; and

(B) in paragraph (2), by striking “subsection (a)” and inserting “paragraph (1)”.

SEC. 4. TERMINATION OF PREFERENTIAL TREATMENT.

Section 208 of the Andean Trade Preference Act (19 U.S.C. 3206) is amended to read as follows:

“SEC. 208. TERMINATION OF PREFERENTIAL TREATMENT.

“No duty-free treatment or other preferential treatment extended to beneficiary countries under this title shall remain in effect after December 31, 2006.”.

SEC. 5. TRADE BENEFITS UNDER THE CARIBBEAN BASIN ECONOMIC RECOVERY ACT.

Section 213(b)(2)(A) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703(b)(2)(A)) is amended as follows:

(1) Clause (i) is amended by striking the matter preceding subclause (I) and inserting the following:

“(i) APPAREL ARTICLES ASSEMBLED IN ONE OR MORE CBTPA BENEFICIARY COUNTRIES.—Apparel articles sewn or otherwise assembled in one or more CBTPA beneficiary countries from fabrics wholly formed and cut, or from components knit-to-shape, in the United States from yarns wholly formed in the United States, (including fabrics not formed from yarns, if such fabrics are classifiable under heading 5602 or 5603 of the HTS and are wholly formed and cut in the United States) that are—”.

(2) Clause (ii) is amended to read as follows:

“(ii) OTHER APPAREL ARTICLES ASSEMBLED IN ONE OR MORE CBTPA BENEFICIARY COUNTRIES.—Apparel articles sewn or otherwise assembled in one or more CBTPA beneficiary countries with thread formed in the United States from fabrics wholly formed in the United States and cut in one or more CBTPA beneficiary countries from yarns wholly formed in the United States, or from components knit-to-shape in the United States from yarns wholly formed in the United States, or both (including fabrics not formed from yarns, if such fabrics are classifiable under heading 5602 or 5603 of the HTS and are wholly formed in the United States).”.

(3) Clause (iii)(II) is amended to read as follows:

“(II) The amount referred to in subclause (I) is as follows:

“(aa) 290,000,000 square meter equivalents during the 1-year period beginning on October 1, 2001.

“(bb) 500,000,000 square meter equivalents during the 1-year period beginning on October 1, 2002.

“(cc) 850,000,000 square meter equivalents during the 1-year period beginning on October 1, 2003.

“(dd) 970,000,000 square meter equivalents in each succeeding 1-year period through September 30, 2008.”.

(4) Clause (iii)(IV) is amended to read as follows:

“(IV) The amount referred to in subclause (III) is as follows:

“(aa) 4,872,000 dozen during the 1-year period beginning on October 1, 2001.

“(bb) 9,000,000 dozen during the 1-year period beginning on October 1, 2002.

“(cc) 10,000,000 dozen during the 1-year period beginning on October 1, 2003.

“(dd) 12,000,000 dozen in each succeeding 1-year period through September 30, 2008.”.

(5) Section 213(b)(2)(A) of such Act is further amended by adding at the end the following new clause:

“(ix) APPAREL ARTICLES ASSEMBLED IN ONE OR MORE CBTPA BENEFICIARY COUNTRIES FROM UNITED STATES AND CBTPA BENEFICIARY COUNTRY COMPONENTS.—Apparel articles sewn or otherwise assembled in one or more CBTPA beneficiary countries with thread formed in the United States from components cut in the United States and in one or more CBTPA beneficiary countries from fabric wholly formed in the United States from yarns wholly formed in the United States, or from components knit-to-shape in the United States and one or more CBTPA beneficiary countries from yarns wholly formed in the United States, or both (including fabrics not formed from yarns, if such fabrics are classifiable under heading 5602 or 5603 of the HTS).”.

SEC. 6. TRADE BENEFITS UNDER THE AFRICAN GROWTH AND OPPORTUNITY ACT.

Section 112(b) of the African Growth and Opportunity Act (19 U.S.C. 3721(b)) is amended as follows:

(1) Paragraph (1) is amended by amending the matter preceding subparagraph (A) to read as follows:

“(1) APPAREL ARTICLES ASSEMBLED IN ONE OR MORE BENEFICIARY SUB-SAHARAN AFRICAN COUNTRIES.—Apparel articles sewn or otherwise assembled in one or more beneficiary sub-Saharan African countries from fabrics wholly formed and cut, or from components knit-to-shape, in the United States from yarns wholly formed in the United States, (including fabrics not formed from yarns, if such fabrics are classifiable under heading 5602 or 5603 of the HTS and are wholly formed and cut in the United States) that are—”.

(2) Paragraph (2) is amended to read as follows:

“(2) OTHER APPAREL ARTICLES ASSEMBLED IN ONE OR MORE BENEFICIARY SUB-SAHARAN AFRICAN COUNTRIES.—Apparel articles sewn or otherwise assembled in one or more beneficiary sub-Saharan African countries with thread formed in the United States from fabrics wholly formed in the United States and cut in one or more beneficiary sub-Saharan African countries from yarns wholly formed in the United States, or from components knit-to-shape in the United States from yarns wholly formed in the United States, or both (including fabrics not formed from yarns, if such fabrics are classifiable under heading 5602 or 5603 of the HTS and are wholly formed in the United States).”.

(3) Paragraph (3) is amended—

(A) by amending the matter preceding subparagraph (A) to read as follows:

“(3) APPAREL ARTICLES FROM REGIONAL FABRIC OR YARNS.—Apparel articles wholly assembled in one or more beneficiary sub-Saharan African countries from fabric wholly formed in one or more beneficiary sub-Saharan African countries from yarns originating either in the United States or one or more beneficiary sub-Saharan African countries (including fabrics not formed from yarns, if such fabrics are classified under heading 5602 or 5603 of the HTS and are wholly formed in one or more beneficiary sub-Saharan African countries), or from components knit-to-shape in one or more beneficiary sub-Saharan African countries from yarns originating either in the United States or one or more beneficiary sub-Saharan African countries, subject to the following:”.

(B) in subparagraph (A)(ii)—

(i) by striking “1.5” and inserting “3”; and

(ii) by striking “3.5” and inserting “7”; and

(C) by amending subparagraph (B) to read as follows:

“(B) SPECIAL RULES FOR LESSER DEVELOPED COUNTRIES.—

“(i) IN GENERAL.—Subject to subparagraph (A), preferential treatment under this paragraph shall be extended through September 30, 2004, for apparel articles wholly assembled, or knit-to-shape and wholly assembled, or both, in one or more lesser developed beneficiary sub-Saharan African countries regardless of the country of origin of the fabric or the yarn used to make such articles.

“(ii) LESSER DEVELOPED BENEFICIARY SUB-SAHARAN AFRICAN COUNTRY.—For purposes of clause (i), the term ‘lesser developed beneficiary sub-Saharan African country’ means—

“(I) a beneficiary sub-Saharan African country that had a per capita gross national product of less than \$1,500 in 1998, as measured by the

International Bank for Reconstruction and Development;

"(II) Botswana; and

"(III) Namibia.".

(4) Paragraph (4)(B) is amended by striking "18.5" and inserting "21.5".

(5) Section 112(b) of such Act is further amended by adding at the end the following new paragraph:

"(7) APPAREL ARTICLES ASSEMBLED IN ONE OR MORE BENEFICIARY SUB-SAHARAN AFRICAN COUNTRIES FROM UNITED STATES AND BENEFICIARY SUB-SAHARAN AFRICAN COUNTRY COMPONENTS.—Apparel articles sewn or otherwise assembled in one or more beneficiary sub-Saharan African countries with thread formed in the United States from components cut in the United States and one or more beneficiary sub-Saharan African countries from fabric wholly formed in the United States from yarns wholly formed in the United States, or from components knit-to-shape in the United States and one or more beneficiary sub-Saharan African countries from yarns wholly formed in the United States, or both (including fabrics not formed from yarns, if such fabrics are classifiable under heading 5602 or 5603 of the HTS)."

The SPEAKER pro tempore. The gentleman from California (Mr. THOMAS) and the gentleman from New York (Mr. RANGEL) each will control 30 minutes.

The Chair recognizes the gentleman from California (Mr. THOMAS).

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

When we were younger and engaged in various activities, I was involved in sports, and I know on those long workouts during the summer we would be doing jumping jacks. One of the things we repeated constantly was, "Every day in every way we're getting better and better," probably in the hopes that mind would overcome matter because we were not very good in terms of the team. But the belief that you can do better, I think, is important. We never said, "Every day we're perfect." We were getting better.

There have been a number of discussions on this floor about the procedure, about the substance and about the way in which the House has been operating. I am here to tell you that today in every way, we are getting better and better. Are we perfect? No.

What you have in front of you is a piece of legislation sponsored by the chairman of the Committee on Ways and Means, cosponsored by the ranking member, the chairman of the Subcommittee on Trade and the ranking member of the Subcommittee on Trade. In addition to that, I want to thank our colleagues on the committee, the gentleman from Washington (Mr. McDERMOTT) and the gentlewoman from Washington (Ms. DUNN). I especially want to underscore the contribution that the gentleman from Michigan (Mr. LEVIN) made not just on this bill, but on the Caribbean Basin bill in terms of labor rights, which we adopted to place into the Andean portion of this bill. I want to thank the gentleman from Louisiana (Mr. JEFFERSON) and the gentleman from California (Mr. ROYCE) in terms of

their assistance and support on the African portion of this bill.

The fundamental premise of this bill is that we ought to trade commercial products, not drugs. To the degree that is going to be possible, we can affect the supply side of the supply-demand problem with drugs. We included the Caribbean Basin Initiative and Africa in this bill because I think it is extremely important that when we offer these regions marginal benefits under our laws that they do not think that it is taken from one area to be given to another, that in fact a rising tide can float all boats.

And so today we are pleased to bring to the floor a bipartisan bill that passed the committee on a voice vote; that although there are some concerns by some areas because whenever you talk about trade, you are talking about change and change is not only painful, but difficult. We will commit to those who believe they are disadvantaged that when the facts are presented and the case is made, we will do everything in our power to adjust the arrangement so that it contains and will be what we believe this bill is, a win-win relationship.

Mr. Speaker, I reserve the balance of my time.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

This agreement expires on December 4, and I rise in support of the bill. I sharply disagree with the statement made by the chairman of the Committee on Ways and Means that this bill is just a little short of being perfect. I think we have a very, very long way to go to get our House and to get our committee back to the traditional concept that trade bills ought to be done in a bipartisan way.

There are just some things that are so important that many of us believe that we ought to set aside the strong objections that we have because it would be in the best interests of trade, the best interests of the people in the Andean countries, and fulfill the commitments that the American people have to our friends in this area. But I just wonder whether it is just old-fashioned to have bills and to have hearings on these bills, to have Members be able to share their concern about the economic impact that would result as a result of passing legislation.

I do not think we should have Republican bills and Democratic bills. And I do not think there is anyone in this House that objects to having trade, because it is just abundantly clear that trade is good for the United States. Trade creates jobs here, it expands our economic base, it allows us to have stronger friends, stronger trading partners, it promotes peace; but I do not see why we should not have more dialogue, why we should not have more hearings, why all of these things have to be done in such a unilateral way and

why people just have to come to the floor and vote up and down, and if anyone disagrees with a bill that has been drafted unilaterally that automatically their patriotism is being challenged.

It is not over just because we pass a bill here. There are conferences. There are differences that have to be worked out. There is no reason why a good bill has to cause people to lose their jobs, whether it is in the textile industry or whether it is in the tuna industry. And people that complain about these jobs are not just whiners and those that are opposed to trade, they are just trying to keep the people in their districts from going on welfare or from having to try to get unemployment compensation, which we cannot even get a decent bill out of our committee to do that.

We have to realize that we are at war, and war means that we have to at least appear to be bipartisan and that we cannot allow personalities and politics to have a stronger impact in what we do than having respect for each other even when we disagree. I have a lot of disagreements with what is in this bill. I have a lot of disagreements with the procedure. I have a lot of disagreements with the process, the same way I do and did with the so-called trade promotion authority bill, or fast track.

I am not going to let anyone challenge my patriotism because I disagree with the process, the procedure and the substance of those bills. Nobody should have their patriotism challenged because they have legislative disagreements. We have to try desperately hard to make certain that these real disagreements do not bubble up to be disagreements that are going to be attached to parties, because if you study this bill, there are enough things that Republicans and Democrats should be working out together rather than having egos control the agenda.

And so while I support this bill, we have commitments to our friends in Africa, in the Caribbean Basin Initiative, we have to give support to those that are fighting the drug fight. My good friend and brother, the gentleman from New York (Mr. GILMAN), and I have been around the world for decades trying to stamp out the growth and the processing of drugs. But in poor countries you have to make certain that you give them some economic opportunities to substitute for those crops of death and destruction with crops and industries that promote a positive production of goods and services.

□ 1100

So I just hope that because I have cosponsored this bill and because Democrats on the committee that have very strong objections to the way this came to the floor are voting for this bill,

that it not be perceived that the problems that we had yesterday have disappeared today. If by coming forward and supporting the progress of this bill, it means that we can expect more cooperation from the other side of the aisle in conference, and that is turning and becoming a new attitude as it relates to other trade agreements that we will participate in, then it is a good day.

I would like to point out, too, that I have not had any problem with the gentleman from Illinois (Mr. CRANE), the chairman of the Subcommittee on Trade; but I might add that I am disappointed that he has not been able to play the role that he has played in past sessions of Congress in trade because we have had just as many differences of opinion, but we have found ways to work our way out of them.

Mr. Speaker, I reserve the balance of my time.

Mr. THOMAS. Mr. Speaker, it is my pleasure to yield 3 minutes to the gentleman from Illinois (Mr. CRANE), the chairman of the Subcommittee on Trade, the sponsor of the bill and someone who has worked long and hard in this area and frankly very fruitfully in the last few years.

Mr. CRANE. Mr. Speaker, I rise in strong support of H.R. 3009, the Andean Trade Promotion and Drug Eradication Act. While this is an important piece of trade legislation that supports U.S. efforts to achieve the free trade area of the Americas, FTAA, by 2005, the President also believes this bill is central to U.S. national security and our efforts to combat drug trafficking both here in the United States and in the Andean region.

H.R. 3009 will renew and expand duty free tariff treatment to our regional trading partners Bolivia, Colombia, Ecuador and Peru. The current Andean Trade Preference Program will expire on December 4 unless Congress acts.

We need this critical legislation to expand U.S. trade and to help Andean entrepreneurs find practical and profitable alternatives to cultivating crops for the production of illicit drugs. If we fail to renew APTA, we not only turn our backs on the people of Bolivia, Colombia, Ecuador, and Peru who are struggling daily to resist the lure of the drug economy, but we also will be turning our backs on our fellow Americans who are fighting drug scourge here at home and in Latin America.

Thanks in large part to the APTA's duty free tariff treatment, Peru and Bolivia in particular have succeeded in stamping out much of their illicit drug production while expanding job opportunities in trade and legitimate agriculture and rural industry. Although Colombia and Ecuador's success have been less dramatic, new strategies, including Plan Colombia, are even now being implemented to combat the drug cartels. Instead of waging a war

against the drug cartels solely through military aid, APTA endeavors to target the region's poverty and the lack of job opportunities as motivation for otherwise good, productive citizens becoming involved in illicit crop cultivation and the drug trade.

Trade statistics demonstrate that over the life of the existing APTA program, two-way trade between the United States and the region is nearly doubled. When we consider the secondary effects, legitimate jobs created in the Andean region and the economic and civil stability that these jobs bring, we realize that the APTA has been a useful tool in our war against drugs.

The bill before us builds on the successful APTA program by enhancing benefits available to Andean countries interested in pursuing our objectives relating to expanded market access for U.S. exports, fair treatment for U.S. investors, and strong protections for our valuable intellectual property rights. I would say to my colleagues on the other side of the aisle that the bill also includes conditionality drafted by the gentleman from New York (Mr. RANGEL) and the gentleman from Michigan (Mr. LEVIN) relating to the extent to which these countries provide internationally recognized worker rights.

Mr. Speaker, H.R. 3009 will be a valuable tool for President Bush and his team to use to undermine the powerful drug cartels and to spur our country's broader trade agenda. I urge a "yes" vote on H.R. 3009.

Mr. RANGEL. Mr. Speaker, I yield the remainder of my time to the gentleman from Michigan (Mr. LEVIN) for the purpose of controlling time, an outstanding member of the Committee on Ways and Means, the ranking member of the Subcommittee on Trade and one who, without his efforts, we would not have many of the trade bills that we have today.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. LEVIN. Mr. Speaker, I yield 1½ minutes to the gentleman from Texas (Mr. HINOJOSA), my friend.

Mr. HINOJOSA. Mr. Speaker, I rise in support of H.R. 3009, the Andean Trade Promotion and Drug Eradication Act.

For years, Latin American countries have struggled to strengthen their economies to ensure a better quality of life for their people. I have visited many of these countries and know firsthand the progress that has been made and the work that still needs to be done.

Since the inception of the APTA in 1981, Colombia, Bolivia, Peru, and Ecuador have worked hard to reduce their narcotics trade and to move workers into nondrug-related industries. Be-

cause of APTA, they have increased their exports to the U.S.A. by almost 80 percent and have created an estimated 140,000 jobs in their region.

This trade, however, has not been one-sided. The U.S.A. has benefited by becoming the largest exporter to the APTA countries. Two-way trade has doubled since 1991. This increase in exports has expanded job opportunities in the U.S.A. Colombia, Bolivia, Peru, and Ecuador are on the front lines in our war against narcotics, and we need to do everything we can to help them win this war. By extending this act for another 5 years, we will encourage democracy, free enterprise and economic security in the region.

I urge my colleagues to support this legislation.

Mr. THOMAS. Mr. Speaker, it is my privilege to yield 2 minutes to the gentleman from California (Mr. ROYCE), the chairman of the Subcommittee on Africa of the Committee on International Relations and someone who has worked with members on our committee to make sure that the African portion of this bill is as good as we could get it.

Mr. ROYCE. Mr. Speaker, this legislation will promote economic growth in Latin America and in Africa. It is going to promote American national security.

Last year, the African Growth and Opportunity Act was signed into law. It was bipartisan legislation. For the first time, our country stated its interests and established a meaningful policy to trade with the nations of Africa. The U.S. Government and, more importantly, the U.S. private sector have begun to treat Africa as a place to do business; and this bill will help further.

As chairman of the Subcommittee on Africa, I am pleased to report this legislation is having a profoundly positive impact on Africa. Several of the African countries that are making the market reforms required in the bill are attracting levels of foreign investment, and they are importing well beyond expectations. In these countries, desperately needed jobs are being created as more jobs are being created overall in the United States as a result. It is strengthening the rule of law in Africa.

The bolstering of the rule of law and economic reforms are good for Africa, and they are good for the U.S. U.S. exports to Africa are up since it went into effect, and there is a national security gain for us.

Yesterday, I chaired a hearing on Africa's role in the fight against global terrorism. One witness described the continent as the soft underbelly in the fight against terrorism. One thing is for sure, when people are jobless, they are more susceptible to those who would lure them into radicalism.

The bill also won us political goodwill in Africa, a valuable asset in today's world where cooperation matters more now than ever.

We are going to be doing more to promote trade with and economic development in Africa and Latin America, and I describe this legislation as a step in the right direction for our many interests in the southern hemisphere; but we better be running a sprint, not walking, in many parts of the developing world if we are going to be effectively combatting terrorism.

We need to be doing all that we can, as soon as we can, to see that large parts of the world are not mired in hopelessness. It is a tall task to change that. It will not happen overnight; but we have some tools, including this legislation, to help our interests in Africa and in the western hemisphere.

Mr. LEVIN. Mr. Speaker, I yield myself 5 minutes.

I support renewal of APTA. It will help promote economic development and growth in the Andean countries. It is the most valuable way that we can assist them and combat the grip of illegal drugs on their economies.

I also support a reasoned, balanced expansion of the products under APTA, to include textile and apparel products.

The trade issues are multi-dimensional. We must strike the right balance by taking into account the impact on other countries and very vigorously the impact on our country, our workers, our businesses.

Last year, when we passed the African and Caribbean bills, we struck an appropriate balance. We crafted a bill to build on the complementarities between the textile and apparel industry in those countries and in ours.

Regarding APTA, the committee staffs were working to craft a bill that would expand it while recognizing the multi-dimensional nature of trade. There was agreement, and I point this out, on duty free treatment for the following Andean apparel products: unlimited quantity of apparel made from U.S. fabric and made from two specialty regional fabrics, and limited quantities of apparel made from regional fabrics and yarn.

Then on short notice, the chairman of our committee called a markup. He eliminated the requirements relating to use of U.S. yarn in U.S. fabric, and he doubled the cap on apparel made from regional fabric and yarn. He proposed substantial changes in the textile and apparel caps and quotas within the Caribbean and African bills, bills which have been in place for only a year or little more, and bills where the textile and apparel provisions were reached only after long and hard negotiations. I asked at the markup what the impact of these new provisions would be on American jobs, but no one had an answer. There clearly is a need for serious re-examination of the proposed formulas in this bill for textile and apparel, both in the Andean nations and for CBI and AGOA.

There also remain outstanding questions on the implementation of the

international core labor standards. One of the core aspects mentioned of this bill is that it addresses the issue of labor-market standards and trade. It has strengthened the labor market criteria previously applicable to APTA.

These provisions have particular current relevance to the situation in Colombia where large numbers of labor leaders have been murdered. The government of Colombia recently sent a letter to us describing Colombia's commitment to core labor standards and discussing in some detail programs to combat child labor and for the protection of union leaders.

Because we are now in the process of trying to complete discussions with the Colombians on implementation of these programs—by the way we need the involvement of our administration—and because of the need for further work on the proposed changes relating to apparel and textile imports, it is regrettable that the majority decided suddenly to bring up this bill with only a day or two of notice.

Because APTA expires on December 4, there is a strong argument that on balance it is better for Members who, as I do, have concerns about this bill to vote to move it along, a bill, by the way, which I have not cosponsored, and to focus on working with the Senate and any subsequent conference to address the shortcomings in this bill in its present form.

In that regard, I spoke last night with the chairman of the Finance Committee of the Senate, MAX BAUCUS. After this conversation, I was reassured that the Senate will provide a meaningful opportunity for consideration of the changes proposed in this bill that were not fully aired in our committee. Also, there will be a chance to fully analyze all parts of it before action. Such opportunity must include a weighing of all the potential impact on the economy, businesses, and workers of this Nation.

Consequently, I have decided on balance that the better course is to vote to move along this bill to the Senate. I do so with the intention to continue to be in fullest touch with colleagues in the Senate and to participate as actively as possible in any conference to ensure that the final bill remedies the problems in the bill before us; and if that does not happen, to be able to vote against the bill when it returns to the House for final action.

Mr. Speaker, I reserve the balance of my time.

□ 1115

Mr. THOMAS. Mr. Speaker, it is my privilege and pleasure to yield 3 minutes to the gentleman from Pennsylvania (Mr. ENGLISH), a member of the committee.

Mr. ENGLISH. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, 10 years ago the United States made a commitment to the An-

dean region, and today we have an indispensable opportunity to renew that commitment. Renewing and expanding the Andean Trade Preference Act will promote broad-based economic development in the region, as well as develop viable economic alternatives to coca cultivation and cocaine production.

Beyond that, and very importantly, H.R. 3009 eliminates the U.S. tariffs on the import of tuna from Andean nations. The tariffs on tuna are among the highest and most anticonsumer anywhere in our system: 10 percent when packed in water, 35 percent when packed in oil. The irony is, the domestic industry that these tariffs allegedly protect has largely moved offshore. The only major U.S. production center remaining is in American Samoa where StarKist employs 2,700; and Thai Union, a foreign competitor, employs 2,500. It is worth noting that domestic production of tuna totals 30 million cases per year, which is only two-thirds of the U.S. demand, so we expect to import a significant amount of our tuna.

Mr. Speaker, clearly no dumping of tuna in U.S. markets will occur as a result of this legislation and no operational capacity will be shifted out of American Samoa either. The western tropical Pacific is and will remain the best tuna fishing grounds, and StarKist has made it clear that they are prepared to pick up any job losses that might result in their competitor facility.

Given these economic statistics, U.S. trade policy during the last 8 years has supported reducing tuna tariffs. Ironically, Ecuador, which is not part of NAFTA or CBI, is still facing these high tuna tariffs, whereas the participants in those agreements are not. Yet Ecuador is the only nation in all of Latin America and the Caribbean to be certified by the U.S. Department of Commerce as being in compliance, as "dolphin safe" and in compliance with the eastern Pacific tuna conservation measures.

Environmental groups active on the "dolphin safe" issues support the inclusion of this legislation. To quote the Earth Island Institute, the leading environmental group on dolphin-safe fishing, "By reducing tuna tariffs for Ecuador, Congress can reward that country for their efforts to protect dolphins. Furthermore, by reducing tuna tariffs, Congress can provide incentives to other nations to protect marine mammals."

Contrary to some allegations that are made here, including tuna in this bill will not adversely affect the job situation in the United States. In fact, according to the U.S. Department of Labor, the original ATPA agreement "does not appear to have had an adverse impact on or have constituted a significant threat to U.S. employment." This is a win-win for us.

Mr. Speaker, I encourage all of my colleagues on both sides of the aisle to support this bill and move it forward as an important part of our commitment to our partners in Latin America.

Mr. LEVIN. Mr. Speaker, it is my pleasure to yield 2 minutes and 15 seconds to the distinguished gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Speaker, I rise in opposition to H.R. 3009, because the hemorrhaging of jobs must stop and someone has to take a stand.

I am not surprised, and I do not think anybody should be surprised, by how this bill got to the floor. The same folks who engineered this bill getting to this floor support, surrendered the Congress' authority to deal with trade matters outlined in Article I, Section 8. I did not come here to surrender my responsibilities. Read Article I, Section 8.

I join my colleagues in their concerns about Andean countries that the actual jobs and working conditions would be poor at best of those jobs created. We are giving our jobs to these countries even though 4,000 trade unionists have been murdered in the last 15 years, and 130 of them so far this year.

My district, Mr. Speaker, is probably one of the largest Peruvian American populations of any Member in the House. Some of my Andean constituents want this legislation passed to give their unemployed relatives back home jobs. However, many Peruvian Americans are the same immigrants whose jobs will be lost in my district under the provisions of this bill.

Mr. Speaker, we have set up a Catch-22 situation. We are unfairly pitting brother against brother and sister against sister, and it was tremendously outlined this morning when the gentleman from North Carolina (Mr. COBLE) pointed out very succinctly what this means. According to the Associated Press, the U.S. Trade Representative admitted at the WTO meeting that "The United States said * * * it conceded everything it can without the approval of Congress."

Our economy is in too much turmoil to send decent manufacturing jobs overseas, not to be replaced with wage and benefit equivalent jobs. Why do our policies allow this to happen? What do Americans get in return for giving up their jobs?

Mr. THOMAS. Mr. Speaker, it is my pleasure to yield 2 minutes to the gentleman from Ohio (Mr. PORTMAN), a member of the Committee on Ways and Means.

Mr. PORTMAN. Mr. Speaker, I thank the chairman, and I commend him for putting together a balanced product. It is not a lot of trade for the United States; it is a relatively small amount of trade with the Andean countries, but it is extremely important to the Andean countries.

As has been already talked about this morning, it gives the President the au-

thority to grant duty-free treatment. This existing authorization has resulted in a doubling of bilateral trade between our countries in the last 10 years, dramatic improvements in living standards in countries in the Andean region; and unfortunately, this needed authorization expires on December 4. So we need to move and move quickly.

If we do not, it would essentially raise duties on \$2 billion of imports from our Andean trading partners. This would send exactly the wrong message to our Andean friends who have made great strides in the last decade with regard to international drug trafficking and have also recently been strong partners with the United States with regard to terrorism.

The drug trade is something that, of course, is very important to all of us here, Mr. Speaker. We are told that practically all of the cocaine and most of the heroin that comes into the United States and is consumed here comes from the Andean region. Many of the areas' farmers turn to growing coca and opium poppy, of course the raw materials for cocaine and heroin, because they simply, given the economic problems in these countries, do not have other viable, legitimate, lawful activities. Most of these farmers would rather not be part of the odious drug trade that has so many detrimental impacts for those countries, as well as for our country, but they are left with no viable options to take care of their families.

We need to give these people other viable options. We can do that through trade. We have done that over the past 10 years. We need to continue to and expand on it.

Always, ATPA, the way the chairman has put together this bill before us today, which I think is a balanced product, is a very important way to use trade to level the playing field, as compared to other countries in the Western Hemisphere, in the Caribbean, in Central America, Mexico; and that is extremely important for these Andean countries.

Mr. Speaker, expanding trade and economic opportunities in this area will bolster regional stability, strengthen democratic institutions, and dramatically assist in our fight against drug trafficking. I strongly urge the Members to support it.

Mr. LEVIN. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Louisiana (Mr. JEFFERSON).

Mr. THOMAS. Mr. Speaker, in accordance with the bipartisan nature of this bill, it is my pleasure to yield 2 minutes to the gentleman from Louisiana (Mr. JEFFERSON) from our side of the aisle.

Mr. JEFFERSON. Mr. Speaker, I thank the gentleman from Michigan (Mr. LEVIN) and the gentleman from

California (Mr. THOMAS) for yielding me this time.

Mr. Speaker, I rise in support of this bill. I support the provision relating to the Andean Preference Act, of course the provisions to enhance worker rights, human rights, for democracy-building, for antinarcotics provisions, and to promote U.S. exports for both Latin America and the Caribbean. But I rise today to speak on behalf of the AGOA II provisions in the bill before us.

Increased international trade and investment is a key component leading to economic development and growth in sub-Saharan Africa, and economic growth is an integral element of any sub-Saharan strategy to overcome the many and severe social, health, political, environmental and other challenges.

Last year the African Growth and Opportunity Act became law, as the Trade and Development Act of 2000, and marked the historic policy which defined the trade and investment policy in this neglected region of the world. Indeed, the African Growth and Opportunity Act, or AGOA, is just over a year old and already has had remarkable results. U.S. trade with sub-Saharan Africa increased 50 percent in the year 2000.

Examples of results from the AGOA include a Government of Kenya estimate of the creation of 50,000 direct and 150,000 indirect jobs resulting from new investments; new investments in Lesotho of \$120 million, four times the official development assistance for that country; investment plants for a new tuna processing facility in Ghana; and significant increases in apparel exports from countries such as Lesotho, Kenya, Madagascar and South Africa.

Clearly, AGOA has demonstrated initial success in promoting greater commercial activity between the United States and sub-Saharan Africa, has spurred and bolstered economic reform in several African countries, and has facilitated closer relations between the United States and sub-Saharan Africa. Imports from Africa are growing more quickly this year than imports from Asia, Europe or Latin America, with apparel making up most of the import growth, translating to thousands of new jobs.

I and others have traveled many times to Africa in the last year to gain a firsthand view of how the bill is operating in practice. In all, we were able to gather important information which was used to design the AGOA II legislation. While the provisions of the bill do not include all of the items that we would want in the AGOA II bill, I am pleased that the Congress and our chairman and our ranking member and others have continued to focus on the commitment to Africa and these countries.

Specifically, the AGOA II provisions amend the AGOA to clarify that preferential treatment is provided to knit-to-shape or "wholly assembled" apparel articles assembled in beneficiary countries; amend the AGOA to provide preferential treatment for apparel articles that are cut both in the U.S. and beneficiary countries; doubles the apparel cap for apparel made in Africa from regional fabric made with regional yarn from 3 to 7 percent over 8 years; and allow Namibia and Botswana to benefit from the "lesser developed beneficiary sub-Saharan African country" provisions of the act.

It also gives guidance to our administration as to how to interpret the act's provisions and provides technical assistance for capacity-building. I know that there are, though, domestic concerns regarding the narrow expansion of the apparel benefits in the bill.

It is important to note that while imports of apparel from sub-Saharan Africa increased in 2000, they still represent less than 1.5 percent of U.S. woven apparel imports and less than 1.2 percent of U.S. knit apparel imports. The AGOA program can hardly be considered a threat to domestic producers.

Drug trafficking, the AIDS pandemic, arms proliferation, terrorism, these are the real threats. Economic growth and development and job creation are powerful weapons to counter these concerns that affect the global community of which the U.S. has a leadership role.

I know that many of my colleagues have raised concerns with the House considering the bill at this time, but now is the time. These provisions are essential for African nations at this time, as African economies will likely be the hardest hit by the global economic slowdown. The U.S. has committed itself to promoting prosperity, stability, and democracy in sub-Saharan Africa, the Caribbean, and the Andean region. We cannot let our friends down in this time of great need.

I urge my colleagues' support for this bill as we strengthen our efforts to improve the operation of AGOA and improve sub-Saharan Africa utilization of the AGOA program.

Mr. THOMAS. Mr. Speaker, it is my privilege to yield 2 minutes to the gentleman from Arizona (Mr. KOLBE), the chairman of the Subcommittee on Foreign Operations of the Committee on Appropriations, and someone who has devoted extraordinary time in the area of trade internationally, and who has been an enormous help on this bill as well.

Mr. KOLBE. Mr. Speaker, I thank the gentleman for yielding me this time, and I thank him for his comments. I also wanted to commend him for his leadership in bringing this extraordinarily important piece of legislation to the floor at this time.

□ 1130

I do stand here today because of my role as chairman of the Subcommittee

on Foreign Operations, Export Financing, and Related Programs, understanding the interrelationship between our foreign policy and our economic policy.

Offering the promise of greater trade with the United States to the Andean countries is a critical component of our foreign policy. The original ATPA was created to foster legitimate economic relations between the United States and the Andean region and to stimulate legitimate economic alternatives to narcotics production and trafficking in the Andean region.

The ATPA has been successful in both counts. It has helped to foster trade between the U.S. and the Andean countries, and it has nearly doubled over the last decade the trade with that region to \$18 billion, to the mutual benefit of U.S. and Andean businesses, and to consumers here in the United States.

At one level, expanded trade is about consumerism. Lower tariffs means lower prices for the U.S. consumers, families, and businesses that import products from these countries. The interests of these consumers are vital. When we lower barriers to trade, we increase the quality of life for our citizens.

But at another level, ATPA is about our national security policy at home and in this hemisphere. We are fighting a drug war here in the United States and abroad. This bill helps to generate economic growth in the Andean region. Such growth is needed to stabilize these democracies and empower their societies with the means to improve their quality of life.

During consideration of our foreign operations bill, an overwhelming number of Members supported alternative development efforts by USAID and others. In the fight against drugs, ATPA is the best alternative development plan we have going.

When I visited this region last spring to look at our Andean initiative, every single official that I talked with said the single most important help we could give to the region was to renew and expand the Andean trade Preference Act and allow them to trade.

I urge my colleagues to support this bill.

Mr. LEVIN. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from North Carolina (Mr. WATT).

Mr. WATT of North Carolina. Mr. Speaker, I rise in opposition to the bill and in support of the motion to recommit to be offered by the gentleman from South Carolina (Mr. SPRATT).

Step by step, I guess we could say thread by thread, I think we have unraveled the viability of textiles and apparel manufacturers in this country to operate. We have done it by making it possible, indeed encouraging, the largest manufacturers to take their manu-

facturing operations offshore in search of cheaper labor, and by making it impossible for small manufacturers to compete staying here because they cannot take their operations offshore. So the result is an industry that just simply cannot survive.

We have done it in the name of free trade, in the name of helping those in other countries. We have ignored the viability of businesses that employ people down the street from us in our own communities. We cannot continue to do this. This bill is yet another step in that direction.

The gentleman from Louisiana (Mr. JEFFERSON) is right, that if we look at this bill in single focus, it does not have the gigantic impact; but when we couple it with NAFTA and other free-trade agreements that have taken place, the totality gets us to a point where textiles and apparel in this country simply cannot exist. That is not a result that we should encourage or allow.

Mr. THOMAS. Mr. Speaker, it is my pleasure to yield 1 minute to the gentleman from Texas (Mr. BRADY), a member of the committee.

Mr. BRADY of Texas. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, this bill is good for America, it is good for the Andes, and it is good for anyone who is concerned about more jobs and better jobs, and about the environment and labor here in America and around the world.

In the last decade, because of this new trade between America and the Andes, we have created 140,000 new jobs in the Andean region, jobs that used to be dependent on drug trafficking but now are dependent on a real economy. As a country like America knows, we have had so many in our families destroyed by drug trafficking here and at home, so every effort we can do to replace that and stem that offshore is good for us.

In Colombia, for example, we have seen the flower industry become a model industry, initiating antiviolenence training programs, helping people buy new homes, leading a "greener Colombia" effort. These are model industries for worker rights and the environment they have never done before.

They can do more and want to have more model industries, and we hold them back, because only 10 percent of the goods from the Andes are eligible for ATPA benefits. We need to expand them, because in the end, competition is not only good for America, but it is our future, as well.

Mr. LEVIN. Mr. Speaker, I yield 2 minutes to my distinguished colleague, the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, I thank the very distinguished ranking member of our Subcommittee on Trade for yielding time to me.

Mr. Speaker, Bolivia, Ecuador, Peru, Colombia, are our neighbors to the south. They are our friends, and they are hurting.

Bolivia's economy particularly is hurting, in large part because they did exactly what we asked them to do: they eradicated the drug culture in their country. All they are asking from us now is for us to give them the opportunity to sell their legal products and produce to the United States. Products like alpaca and llama wool which we don't even produce. They have really paid an enormous cost, and they deserve this treatment under our ATPA.

Likewise, Colombia: we are sending billions of dollars through our military to wipe out the drug trade in Colombia with relatively limited success. The principal reason why it has limited success is because there is very little alternative for many of these farmers, unless we can enable them to have a competitive market in the United States for their produce and their products.

Likewise with Peru, who just elected an indigenous leader, a fine person who wants to work very closely with our country. So also is the case with Ecuador.

This bill, very importantly, includes the kind of help that Africa for generations has needed, as well as the Caribbean Basin countries. It includes very strong labor protections: the right to organize, to form unions; minimum employment age; much-improved working conditions. We passed the Africa Growth and Opportunity Act overwhelmingly, and this simply sustains it.

Mr. Speaker, this is the kind of bill that we need when the world's economy is falling into recession. We need to pull ourselves out of recession by opening up free and fair trade. Let us vote for this needed bill.

Mr. THOMAS. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, I do so to announce that the next speaker is the gentleman from Georgia (Mr. COLLINS). He is a member of the Committee on Ways and Means, and obviously, given the geographic location of his State, he is significantly involved with and concerned with textiles, from raw fiber to the production of the final product.

He, along with most of the other people in the textile belt, has suffered significantly.

The reason I took this extra time is that I wanted to make sure in the introduction that everyone understands the role that he has been playing, that is, he has looked at the way the world is and wants to work to make sure that we have a viable and useful relationship and that we do not just try to stop the world.

Mr. Speaker, it is my privilege to yield 3 minutes to the gentleman from Georgia (Mr. COLLINS).

Mr. COLLINS. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, yes, we are all concerned about the instability in parts of the world that we have trading partners in: Africa, the Caribbean, the Andean areas. We should be worried and concerned about them, because as trade partners, they need the wherewithal to buy our products. They need jobs to help bring stability to those areas.

But as the chairman said, I am concerned about jobs in the United States, too, in one particular area, and that is in the area of textiles, which has been suffering for some years now, based in large part on some of our trading in the past.

Mr. Speaker, this bill in no way is perfect. We understand that. The chairman has mentioned that. I remember back in the early part of this year I was in Thomaston, Georgia, meeting with the chamber of commerce and people representing agencies from the State and the Federal Government to talk about economic recovery, because the textile mill that had been in operation for 102 years made the announcement they were closing their doors, that they no longer could compete.

As I sat and listened to those who presented all these good programs to help the people who were being displaced from their jobs, I made the comment, it is great to hear these people here with these offerings, but where were they when the patient was becoming ill? I had been conversing with the people at Thomaston Mill for several years and heard they were on their way out because they could not compete.

No, this bill is not perfect. The part that bothers me is the regional content, the cloth and yarn provisions dealing with CBI in Africa, and the Andean reauthorization.

But the chairman understands this. He has stated here today that he knows this bill is not perfect. He has listened to the Representatives from the textile area, the caucus on textiles. He has heard their input. He has done some things in other areas that I think show it is evident that he has listened.

We have problems with shipments, contraband, counterfeit material, claiming it is U.S. He has put provisions in the Customs reauthorization requiring additional people, paying for it, pertaining to textile shipments.

He has put report language in the ATPA on rules of origin, to instruct our ambassador to go back and look at previous agreements and how we have negotiated those, and how it has made us more competitive in certain markets, particularly textile.

He is willing to increase and help in the area of the Trade Adjustment Act, so we can help with benefits for those who are displaced. We know there will be some.

In the area of currency, where we have all had problems, devaluation of currency in other areas, in other countries, for the first time, in ATPA there is legislative language that instructs the ambassador to make sure we have consultation up front in the discussions reflecting that we are going to be aware and marking what they do with their currency.

The report language requires that we talk and consult about reciprocating access so we can get our products into their market, not a one-way street.

The chairman has shown good faith, and I think he will continue to do so. The administration has shown good faith with the trade ambassador, Bob Zoellick. I think he will continue to do so.

Therefore, Mr. Speaker, I am going to vote "yes" on this bill; I want to move it forward. But I also am going to work with the chairman and the administration to see that we can perfect the areas that we all know are imperfect today. So I will be voting "yes" for that purpose, and I know that purpose will come through.

Mr. LEVIN. Mr. Speaker, I yield 2 minutes to our distinguished colleague, the gentleman from California (Mr. FARR).

Mr. FARR of California. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise on the Andean trade debate because I think this is one of the most important votes, one of the most important decisions that this House ever makes affecting the Andean countries in South America.

Certainly with the amendments to the Caribbean initiative and the Africa initiative, this is a very, very important trade bill.

The Andean Trade Pact was adopted in 1991. It sunsetted this year so we would have a chance to review.

One of the parts that is broken in the process is essentially the flower imports from Colombia. I have spoken many times about the inequities.

We set that program up in the early 1990s because we wanted the Colombian flower growers to make sure they have a legitimate market to divert investment away from cocaine. The Colombian flower growers have done very well. They have done so well that they are now 70 percent of the American market. In fact, practically every flower we see in a supermarket in America comes from Colombia.

There has been an expense of that on the domestic side. We have lost hundreds of flower-growing small farms, small community greenhouse operations all over the United States. That is why so many Members of Congress have invested in this issue of wondering whether we ought to put the tariffs back on for Colombian flowers. Colombian flowers is big business. They can afford to pay the tariffs, the

same tariffs that are paid by other countries that import flowers. It is an equal playing field, a level playing field.

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This is the one part of the bill that never gets revisited. And obviously I voted against the rule because we did not get to bring an amendment up to the floor. And we are not going to be able to amend it at this moment. But I would hope that after 10 years of discussion, after 10 years of pointing out what the problem is, with even the Colombians admitting they are in a different situation now than they were 10 years ago, with the fact that it is not about cocaine any more. It is about a big business being able to have an exceptional break that is a detriment to our domestic market.

Mr. Speaker, I would urge my colleagues to work on trying to get the tariffs back on Andean flowers and I appreciate their concern. Thank you very much.

Mr. THOMAS. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. GILMAN).

Mr. GILMAN. Mr. Speaker, I rise in support of H.R. 3009, the Andean Trade Promotion Act and Drug Eradication Act. I want to commend the gentleman from California (Mr. THOMAS), the distinguished chairman of the Committee on Ways and Means, and the gentleman from New York's (Mr. RANGEL) leadership in this initiative.

The current Andean Trade Preference Act provides duty-free treatment from a variety of U.S. imports from four Andean nations: Colombia, Peru, Bolivia and Ecuador. That program will expire in December of this year in a little over 2 weeks.

The current Andean program excludes many products that are key exports for the Andean region, such as apparel, footwear, tuna, which are essential to the region's future economic growth and development. If we fail to take this opportunity to expand legitimate trade links with this region, these opportunities are going to be lost and the ability to sustain the gains of the last decade will be diminished.

Eradication of drugs and creating jobs to increase trade go hand in hand, especially in our own western hemisphere.

The ATPA, which is now 10 years old, has played a vital role in the Andean region in the fight against illicit drugs. All of the world's cocaine comes from the Andean ridge.

In recent years more than 60% of the heroin sold or seized on our streets come from the Colombian Andes.

The minimal economic impact of ATPA pales in comparison with the annual \$100 billion societal cost of these illicit drugs, and the 16,000 lost lives here each year.

Accordingly, I urge my colleagues to support H.R. 3009.

Mr. LEVIN. Mr. Speaker, I yield 2½ minutes to the gentleman from Washington (Mr. McDERMOTT), my very distinguished colleague on the Committee on Ways and Means.

Mr. McDERMOTT. Mr. Speaker, I appreciate the opportunity to rise in support of this bill.

Mr. Speaker, I want to associate myself with the remarks of the gentleman from Louisiana (Mr. JEFFERSON). I think he made the best case for why the part that I really am most knowledgeable about that goes to this bill is a good change.

Sub-Saharan Africa accounts for less than 1 percent of American exports and less than 2 percent of U.S. imports. It is an area where we struggle to have peace. And we cannot have justice without peace. We have to have some economic justice. We are watching the same problems in Afghanistan. We are watching them all over the world, and the whole idea of trade as a mechanism of peace is really very important.

Now, the reason we have these AGOA provisions here, there is a slight increase in the amount that they can import to the United States; but basically we are here because when we wrote the bill last year, legislators thought they knew what they were doing. We sent it over to the bureaucracy and Customs wrote the rules so that the Africans could not use the provisions to bring apparel into the United States. So part of this is simply being put in place to clarify what we did last year.

I think that if we do not do this kind of thing, we will begin spending our time and energy, we have already watched Sierra Leone, we have watched South Africa, we have watched all those countries that have had troubles, Ethiopia, all of them have had troubles; and what is needed is an economy that gives people a way to make a living, take care of their family, take care of their kids. This is essential as a part of our foreign policy. And I think that if Members do not like what we are doing in a lot of other places in the world, Members ought to be looking at trade as a way to help.

Mr. Speaker, I only would close by saying we did not deal with one of issues which is an issue we ought to be thinking about and that is the whole question of Bangladesh. Bangladesh is one of the poorest countries in the world that is being squeezed by all of the changes we have made, and you wind up with a country where women make up about 70 percent of the workforce and suddenly they will be out of work because of competition from other areas. So there is much more to be done in this trade area.

Mr. Speaker, I rise today in strong support of H.R. 3009, the Andean Trade Promotion and Drug Eradication Act.

In 1987, after serving 15 years in the Washington State legislature, I decided to leave politics. I wanted to continue in public service,

however, and I joined the Foreign Service as a medical officer based in Zaire where, for a year and a half, I provided psychiatric services to Foreign Service, AID, and Peace Corps personnel in sub-Saharan Africa. I have witnessed first hand the severe social, health, political and environmental challenges the people of this region face on a daily basis. Increased international trade and investment is a key component leading to economic development and growth in sub-Saharan Africa.

Last year, the African Growth and Opportunity Act (AGOA) became law. It is the most significant U.S. policy statement to date on our commitment to assist these countries with their efforts to stimulate economic growth and development in this long-neglected region of the world. Imports from Africa are growing more quickly this year than imports from Asia, Europe, or Latin America, with apparel making up most of this import growth. This investment translates into thousands of new jobs and increased growth for many African economies. This boost comes at a critical time, as African economies are likely to be the hardest hit by the global economic slowdown.

AGOA II would: clarify that preferential treatment is provided to knit-to-shape or "wholly assembled" apparel articles assembled in beneficiary nations; provide preferential treatment for apparel articles that are cut both in the U.S. and beneficiary countries; "double" the apparel cap for apparel made in Africa from regional fabric made with regional yarn from 3 to 7 percent over eight years; and allow Namibia and Botswana to benefit from the "lesser developed beneficiary sub-Saharan African country" provision.

H.R. 3009 builds on the success of the Andean Trade Preference Act, which is set to expire on December 4, 2001, and builds on the bipartisan success of the Trade and Development Act of 2000—which was supported by an overwhelming majority of House and Senate Democrats, and signed into law by President Clinton. These efforts are critical tools in our efforts to build on our partnerships in the Andean countries, the Caribbean, and Africa, to promote democracy, and to combat illegal drug trafficking in our own Hemisphere. This bill will improve the operation of AGOA and increase sub-Saharan country utilization of the AGOA program. Moreover, the current program excludes many products that are key exports from the Andean region—such as apparel, footwear, and tuna—and are essential to the region's future economic growth and development. It is important that Congress renew the ATPA before it expires, but also to expand the program to provide trade preferences to commodities that are currently excluded.

The original ATPA was created to foster legitimate trade-based economic relations between the United States and the Andean region and stimulate legitimate economic alternatives to narcotics production and trafficking there. The ATPA has been a success on both counts, and has helped foster trade between the U.S. and the Andean region that has nearly doubled over the last decade to \$18 billion to the mutual benefit of U.S. and Andean businesses. If we fail to take the opportunity to expand legitimate trade links with this region, these opportunities will be lost and the ability to sustain the gains of the past decade will be

severely diminished. This bill contains the same worker protections contained in the Trade and Development Act of 2000—these include the right to form unions, a minimum employment age, a ban on forced labor, and acceptable conditions of work—wages, hours, safety, health, the environment—as well as promoting international obligations to eliminate the worst forms of child labor. These provisions have the support of unions in Andean, Caribbean and African countries.

This bill is a grant of conditional trade benefits. Congress sets the term and conditions for expanded trade with the United States, and our trading partners must abide by them—if they do not—they will have these benefits taken away—period. Increase trade with the United States would lead to the building of new textile and apparel factories that would quickly provide jobs to thousands of rural peasants and urban workers. Jobs in these factories would pay wages at higher levels than the national average wage. They would also provide employment opportunities, particularly for women.

Throughout modern history, the pattern of economic development in every country has shown that the establishment of a viable textile and apparel industry has always been the first rung on the ladder to creating a modern, industrial economy. The pattern has also shown, that giving women employment opportunities and control over their family's finances is the best way to provide people in developing countries the economic resources to move up the economic ladder and obtain marketable education and training.

Increased trade and investment with these developing regions will continue to promote U.S. exports and create jobs here in this country. Enhancing the trade programs will continue to support democracy-building policies and reinforces the United States' commitment to promote prosperity, stability, and democracy in sub-Saharan Africa, the Caribbean and the Andean region.

I urge my colleagues to support this important bill.

Mr. THOMAS. Mr. Speaker, I yield 3 minutes to the gentlewoman from Washington (Ms. DUNN), a member of the committee.

Ms. DUNN. Mr. Speaker, I rise in support of H.R. 3009, which is a bill to extend the Andean Trade Preference Act through 2006. I want to thank the gentleman from California (Chairman THOMAS) and the gentleman from Illinois (Mr. CRANE) for their work in helping our friends in South America.

This legislation gives to the President the authority to grant duty-free treatment for certain imports from Bolivia, Ecuador, Colombia, and Peru. We know that trade is a vital part of our comprehensive strategy to fight the production and exportation of illegal drugs. But I thoroughly agree with the preceding speaker, the gentleman from Washington (Mr. McDERMOTT), that this is a very important tactic that can be used in many different ways.

We can use trade, for example, to encourage Andean nations to pursue legitimate business activities that pro-

mote jobs and maintain economic and political stability in that region.

This legislation also includes provisions to amend the African Growth and Opportunity Act that we passed last year that helped Sub-Saharan African nations. The inclusion of preferential treatment for knit-to-shape articles, for example, a completed sweater, will help apparel companies in my part of the country, the northwest of the United States, that are now suffering from the slowdown in our economy.

It is my hope that we can address asparagus as this legislation moves forward. As the chairman is aware, Washington State has a huge asparagus industry that could be affected by increased imports from Peru. We need to find the answer to that problem.

In 1992, Peruvian asparagus imports amounted to only 4.1 percent of total United States production. In 2000, those same imports equaled 34 percent of the United States production. In 2000, asparagus production in 22,000 acres in Washington State added \$51 million to the ag economy; and this represent 32 percent of national production, making Washington State the second largest producer in the Nation.

This is a vital agricultural product for my State, Washington State; and I look forward to working with the gentleman from California (Chairman THOMAS) and the subcommittee chairman, the gentleman from Illinois (Mr. CRANE), as we try to find an answer that will help growers in California and Washington and Michigan.

Nevertheless, I believe, Mr. Speaker, that we need to move forward with this measure. We need to do it now before the current agreement expires. And so I ask my colleagues to support H.R. 3009.

Mr. LEVIN. Mr. Speaker, I yield 2 minutes to the gentleman from American Samoa (Mr. FALCOMAVEGA), a very distinguished colleague.

Mr. FALCOMAVEGA. Mr. Speaker, I would like to extend my appreciation and thanks to the chairman of the committee, as well as our senior ranking member, the gentleman from New York (Mr. RANGEL) for their willingness to see that maybe down the line in the legislative process we may work out a compromise; but at this point in time, I have to respectfully oppose the current legislation as it now states.

Mr. Speaker, my district is home to the largest tuna cannery facilities in the world. One cannery is operated by StarKist, which employs about 2,700 workers; and the other cannery is operated by Chicken of the Sea out of California, which employs about 2,500 workers. I note also to my friend from Pennsylvania, it is true, Chicken of the Sea is foreign owned, but so is Shell and British Petroleum and they are legally doing business here in our country, employing millions or even thousands of American people.

Today these companies employ, as I said earlier, 74 percent of our workforce. Approximately 85 percent of the private sector jobs in American Samoa are dependent either directly or indirectly on the tuna fishing or processing industry.

Mr. Speaker, I asked specifically StarKist and Heinz executives what financial loss StarKist would incur if canned tuna was not included in this agreement. I was told that StarKist would suffer no economic loss, other than the exception to the fact that tuna workers in Ecuador are being paid 69 cents an hour. My colleagues are probably not aware that minimum wage for cannery workers in American Samoa is only \$3.20 cents an hour, which is far below even our national minimum wage.

Mr. Speaker, I submit my people do not want handouts. They want to work. Maybe of interest to my colleagues, for 40 years our leaders and our people purposefully did not want to have anything to do with the welfare program that was instituted in our country. Why? Because they did not want handouts. They want to work.

When all is said and done, Mr. Speaker, tuna processing and the fishing industry we have there is the only industry holding together the fragile economy of my district. American Samoa's only advantage in the global market place is duty-free access to the U.S. market. And what price did America Samoa pay for this trade privilege? We owe allegiance to the United States. Other countries do not.

Again, I submit I sincerely hope that we will be able to work out something that will be helpful not only to our tuna industry but as well as to assist our friends from the Andean countries.

Mr. THOMAS. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. SHAW), a member of the Subcommittee on Trade of the Committee on Ways and Means.

Mr. SHAW. Mr. Speaker, I thank the chairman for yielding me this time.

There is one part of this, and I understand the regional problems that some of the Members have with various portions of this particular bill. I think as Tip O'Neill expressed it very well, "All politics is local." And they will vote according to their constituencies, and I think we all understand that. But we do have a common constituency that is suffering now, and we are getting aid and help for them in this bill, and that is the terrible problems that we are having across this country with drug abuse.

These countries, the Andean countries, they are working with us in trying to solve this problem. We need to close the vacuum that they are going to have on the economic damage that this is going to do and the job losses there. I think in all, and in the total of the bill, it is good for American workers. It is good for American business.

But there are obviously winners and losers.

Mr. Speaker, I would ask that the greater good be served and that all Members support this most important bill.

Mr. CRANE. Mr. Speaker, I have spent my career working to expand international trade. I firmly believe that free trade, economic stability and political freedom go hand-in-hand. The bill before us today will continue to encourage growth and stability in the Andean region.

That said, I would like to add that I also have concerns with Colombia's treatment of American companies and their failure, in some instances, to uphold their contractual obligations. As the author of this bill, I am pleased by the strides made both politically and economically by all of the countries in the legislation. However, given the fact that Kal Kan Foods, a major exporter of pet food to Colombia, has a large plant in my home state, I am very concerned about the effect prohibitive tariffs imposed by Colombia on pet food has on the hard working Americans in my state and across the country.

I believe it is essential for ATPA beneficiary countries to follow established WTO rules and adopt, implement and apply transparent—non-discriminatory regulatory procedures and enforce their arbitration and court awards. These things are a condition of Colombia's benefits under current Andean trade law. To that end, I have included report language in this bill that directs the USTR to insist that the Colombian government remove all pet food from the price band system and apply 20% common external tariff on imports of pet food.

My concern on this issue is further exacerbated by reports about Colombia's failure to honor other agreements—specifically binding arbitration decisions as required under the current ATPA guidelines. The apparent disregard for the arbitration process found in the Nortel case does not appear to be an isolated incident. Other U.S. corporations like Sithe Energies, who is partnered with Exelon Corporation, find themselves in the same predicament. Resulting from arbitration, Sithe through their Colombian affiliate TermRio, was awarded approximately \$61 million. Unfortunately, the Colombian government has failed to pay this award, contending that the claim is on appeal. To that end, the report accompanying the legislation includes the following statement: "The Committee urges the Government of Colombia to comply with such decisions and compensate Nortel, Sithe Energies and other U.S. corporations appropriately in order to maintain its beneficiary status under the ATPA."

The apparent failure of the Colombian Government to honor the terms of their agreements is very disconcerting. It puts at risk future foreign investment in Colombia at a particularly important moment in their history and further erodes confidence in the overall investment climate as well as the broader international business community. I strongly urge the Colombian government to move swiftly in addressing these problems, and I urge the Administration to monitor their progress.

Mr. LEVIN. Mr. Speaker, could the Chair give us the time remaining, please.

The SPEAKER pro tempore (Mr. FOSSELLA). The gentleman from Michigan (Mr. LEVIN) has 2 minutes remaining. The gentleman from California (Mr. THOMAS) has 2½ minutes remaining.

Mr. LEVIN. Mr. Speaker, I yield 2 minutes to the gentleman from Hawaii (Mr. ABERCROMBIE).

Mr. ABERCROMBIE. Mr. Speaker, I have about 2 minutes to reach out to not just the people on this floor, but everybody who is listening in their offices. I feel like I almost have to conjure John the Baptist to get this across.

Why are we debating a bill on the Andes when people are hurting all across this country right now today? If anything can be seen as showing the irrelevance of this Congress while people are losing their jobs all across this country, we cannot get a bill on this floor for a retail sales tax holiday. We cannot get the Travel America Now Act on this floor. But we can come in and get a bill so that drug dealers in the Andes can invest in gardening or anything else that they want to get into in order to come into this country and sell those products as well.

Do you think for a second that the drug dealers are going out of business with this bill?

We have got to come on this floor today and vote this down and demand that the Committee on Ways and Means come in here with bills that are going to address the economic problems that have happened since September 11.

All this calm discussion on this floor completely bypasses what has happened to the people in this country. All the small businesses in this country that come down here and we say we honor every day in this Congress, we are ignoring them right now. I am as hot as I can be about this because we are being ignored. I feel my heart pounding every day because I see people out of work. They cannot pay their bills in the next 60 days. They cannot make their mortgage payments. They cannot tell their kids why they cannot have clothes on their backs when they go to school, and we are talking about the Andes. We are talking about we need to move. This bill is time sensitive. What is time sensitive is whether we are responding to the needs of the people in this country, right now, post-September 11.

People from New York have to come down here and beg, beg this Congress to see whether we are going to respond to them. I do not want to hear any lectures about how the economy will recover in 3 years. I do not want to hear lectures on philosophic permutations that might take place in the overall economy.

□ 1200

I want action now on behalf of the people of this country. Vote this bill

down and get bills on this floor that address the economic needs of this country right this second.

Mr. THOMAS. Mr. Speaker, I yield myself the remainder of my time.

The gentleman began by invoking the name of John the Baptist. I would tell the gentleman if he would review the activity that has taken place on this floor in terms of moving legislation that would directly address the concerns that he has, this House has acted. I would suggest that he should implore the name of Tommy the Daschle if he is really looking for where the problem is in terms of not moving legislation.

This House has moved, repeatedly. We have sent product after product after product over to the United States Senate. And I know I am not supposed to mention the other body by name, and I know I am not supposed to refer to an individual by name and, therefore, I will say "the other body ain't there." They simply have not done their job.

I sympathize with the gentleman from Hawaii. I would love to have an economic recovery bill in front of the President. We did our job. I am anxious to go to conference with the product that the Senate has produced. I am anxious to rescue the Senate if they are not able to produce a product. We are ready and able to address all of the concerns that the gentleman outlined, and I would underscore the fact that we already have.

But what we have in front of us, Mr. Speaker, is a very modest bill, a modest bill that a number of people have worked on for a number of years. And all we have done is told the people of sub-Saharan Africa, we will give you, rather than 1, 3 percent market penetration. What we have said to the individuals in the Caribbean is that if you utilize our fiber and yarn to a very great extent, we will let you bring a few more products into our marketplace. And what we have said to the Andean countries is, if we could affect the demand side in this country to the degree that you have affected the supply side, it would be a significant advance in the war on drugs; but that, as gratitude, we will tell you, go pound dirt, because we are not going to offer you an opportunity to sell your goods in our country.

Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. KIRK), someone who has not looked at this from afar, but someone who has viewed this closely and firsthand.

Mr. KIRK. Mr. Speaker, I thank the gentleman for this critical piece of legislation in memory of the 5,000 Colombian policemen that have died in the battle against drugs. This is an important piece of legislation.

I applaud the gentleman for his support for U.S. national security. This

bill helps to dry up the source of money for drugs that would support terrorism after September 11.

I want to thank Chairman THOMAS, Mr. RANGEL, and Chairman CRANE, for sending the Congress a Renewal of the Andean Trade Preference Act. Eleven years ago, I served President Bush and Secretary Baker as part of the State Department handling western hemisphere affairs. In one of the bravest missions of his presidency, President Bush went to Cartagena, Colombia to stand against the Medellin cartel drug lords and with the new democracies of the Andes. As part of our commitment, I worked to craft the first Andean act to boost the legal businesses and democracies of the Andes.

Since that bipartisan landmark legislation, the Medellin cartel was crushed and trade of Andean countries shot up 80 percent. Over 140,000 jobs have been created, bolstering the economies of embattled democracies.

After September 11, the American people learned that we are fighting a new enemy: wealthy terrorists. Their wealth comes from that illegal drug trade. If we are to win this battle, we are going to use this Trade Preference Act to help the democratic governments of the region to offer their people a new way, based on trade with America.

I want to thank the governments of Bolivia, Ecuador, and Peru for their help. I want to especially highlight Colombia whose National Police Force has lost over 5,400 officers in the battle against drug lords and right-wing paramilitaries. This bill offers economic growth, democracy and human rights. I command the Ways and Means Committee and urge its adoption.

Mr. THOMAS. Mr. Speaker, I yield myself the balance of my time to ask my colleagues to vote "yes" on H.R. 3009.

Mr. GILMAN. Mr. Speaker, I rise in support of H.R. 3009, the Andean Trade Promotion Act and Drug Eradication Act and I want to commend Chairman THOMAS (CA) and Representative RANGEL (NY) for their leadership in this initiative.

The current Andean Trade Preference Act provides duty free treatment for a variety of U.S. imports from the four Andean nations—Colombia, Peru, Bolivia, and Ecuador. That program expires on December 4, 2001—in a little over two weeks. Moreover, the current program excludes many products that are key exports from the Andean region—such as apparel, footwear, and tuna—that are essential to the region's future economic growth and development.

If we fail to take the opportunity to expand legitimate trade links with this region, these opportunities will be lost and the ability to sustain the gains of the past decade will be diminished. Eradication of drugs and creating jobs through increased trade go hand in hand, especially in our own Western hemisphere.

The ATPA, which is ten years old, has played a vital role in the Andean ridge in our fight against illicit drugs. All the world's cocaine comes from the Andean ridge, and in recent years more than 60% of the heroin sold or seized on our streets comes from the Colombian Andes. The small economic impact of ATPA pales in comparison with the annual

\$100 billion societal cost of these illicit drugs, and the 16,000 lost lives here each year.

While I support the Andean Trade Preference Act (ATPA), as it provides a viable alternative for the growing and production of illicit drugs in the region, a large quantity of which make their way into the United States, I am concerned about H.R. 3009's labor standards. Many of my constituents state that they would be in favor of the bill if it required adherence to these "core" labor standards as a precondition for receiving the benefits under the Act. By core labor standards, I refer to the International Labor Organization's 1998 Declaration of Fundamental Principles and Rights at Work: freedom of association, the right to organize and for collective bargaining and the rights to be free from child labor, forced labor and employment discrimination, which many people in the Andean Nations still face.

We will continue to monitor the reforms process in the Andean nations as we do in other parts of the world, and we will continue to pay particular attention to workers' rights. It is important that all nations respect workers' rights and the ILO's core labor standards and practices. While it is regrettable that there are violations of fundamental workers' rights in the region; we will work with the Governments comprising the Andean nations to ensure that labor standards are complied with, and those perpetrating acts of violence against workers are held accountable for their actions.

In addition to workers' rights issues, the Bill's fabric/textile provisions does not require that the apparel be "wholly" assembled in the Andean nation, and grants duty-free treatment to large quantities of apparel. While many feel that these provisions will cause more loss of jobs in an already devastated U.S. textile industry; I am committed to making sure that the Act in its implementation does not displace American jobs, and that there are retraining programs available for those who may suffer as a result of the ATPA.

While H.R. 3009, provides a vehicle to further eradicate the illicit narcotics trade in the Andean region, we must not lose sight of the important labor and environmental issues that the Act presents as well. We must address these issues with the same vigor and particularity as the trade agreements we seek to promote.

Ms. LEE. Mr. Speaker, I rise today in opposition to H.R. 3009. Yes, we want to promote trade, but we must also protect jobs.

I want to also express my deep disappointment for the Rules Committee not allowing Representatives MILLER and EVANS from offering their important amendment to protect trade unionists in Colombia.

I agree with my colleagues that Colombia should not be able to benefit from the trade provisions in this bill until that nation's authorities begin to investigate the deaths of at least 90% of the trade union deaths this year.

Violence against trade unionists in Colombia is the highest in the world and is growing each year. In the last 10 years, more than 1200 trade unionists have been murdered in Colombia. The ILO and UN High Commission on Human Rights have also condemned these attacks. I think the U.S. and this Congress should do what we can to stop this violence. The Miller-Evans amendment would have

been a strong step forward; however, it was not allowed to be offered.

Thus, I am not able to support this bill and urge my colleagues to oppose it as well.

Mr. STARK. Mr. Speaker, I oppose H.R. 3009, the Andean Trade Expansion Bill not because I don't want to help eradicate the drug trade in the Andean region, but because this bill overlooks the importance of protecting labor rights overseas and sets up unfair trade circumstances for U.S. textile workers.

Labor activists are being assassinated and threatened in Colombia by the paramilitary organizations seeking to defend the illicit drug trade. I have joined with my colleagues in writing to the President of Colombia asking for him to investigate the various deaths of union activists who have worked diligently to try to bring fair and legal trade practices to a country whose primary export is cocaine. We have received no response and don't expect to. The U.S. is giving the Andean region duty-free status on various imports in hopes that the region will replace their drug economy with other sustainable economic alternatives. We get nothing in return, except corrupt governments that look the other way when it comes to international core labor standards. It is up to this Congress to stress the need for labor unionist protections when basic international labor rights are being violated and lives are being threatened.

The bill before us adds textiles and apparel to the list of imports that will be allowed into our country duty and quota-free. In addition to the Andean countries (Colombia, Bolivia, Ecuador and Peru) already included under the current Andean Trade Preference Act, Caribbean and sub-Saharan African countries will also be included in this duty and quota-free status for apparel. This will have a devastating affect on textile and apparel jobs here at home.

As I have already illustrated, the Colombian government has no use for international labor rights and a workers right to organize. Because of this disregard for workers rights, workers will continue to struggle in their plight of poverty toiling away in apparel factories making meager wages so that the corrupt government can take the proceeds and continue the drug trade. But it doesn't end here. The oppressed wages in the Andean countries, not to mention the Caribbean Basin and sub-Saharan Africa, will siphon off good-paying U.S. jobs to these lower-wage regions. This bill will hurt workers in the U.S. as well as workers in the various regions around the world. Clearly, labor is an inherent component of trade and must be addressed in this bill, as it must be addressed in every trade bill that confronts this Congress.

I urge my colleagues to vote no on H.R. 3009.

Mr. SMITH of Michigan. Mr. Speaker, I believe this legislation is vital to our efforts to eliminate the flow of illicit drugs into our Nation's communities. Additionally, we need to better attack terrorist organizations that use drug trade as a revenue source. While these measures are very important, I also urge the conferees on this bill to be careful not to give undue promotion to import products such as asparagus into this country that unfairly undercut American agricultural producers.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in qualified support for H.R. 3009, "The

Andean Trade Promotion and Drug Eradication Act.” This legislation, which extends the Andean Trade Preference Act, authorizes the President to extend trade benefits to Bolivia, Ecuador, Colombia, and Peru. In addition, H.R. 3009 amends both the Caribbean Trade Partnership Act and The Africa Growth and Opportunity Act in a liberalizing way.

The legislation achieves these concurrent goals by developing a comprehensive framework of requirements and obligations. In order to receive the trade enhancements offered by this act, an eligible country must demonstrate to the President that it satisfies 7 conditions.

Countries must demonstrate commitments to WTO obligations, be an active participant toward the completion of the Free Trade Area of the Americas, provide intellectual property protection equal to minimum international standards, demonstrate a commitment to internationally recognized worker rights, eradicate child labor, and ratify and implement the Inter-American Convention Against Corruption. This legislation is a critical component of this Administration’s effort to stop the illegal flow of drugs from these Andean countries.

H.R. 3009 provides a litany of criteria pertaining to eligible goods under the act. The practical effect is to promote a well regulated, yet liberalizing trade regime that deals directly with issues such as the unfair transshipment of goods to exploit tariff reductions.

At the heart of this trade philosophy is the profound notion that not trade goals, such as the eradication of illicit drug use in the U.S. and the recognition of international labor standards, can be linked to trade inducements that promote both economic and policy goals. This legislation therefore represents the recognition that comprehensive trade policy that recognizes trade externalities is a sound direction of U.S. Trade policy.

This legislation could be strengthened however, by acknowledging the additional U.S. trade priority of ensuring a safe sustainable development and in beneficiary countries so as to promote global environmental goals. By failing to recognize the importance of sustainable development to the American people, this legislation represents less a policy choice than a political one.

Thus, while I support this legislation, it seems to represent a growing divide among the voices for trade liberalization between those of use who welcome comprehensive prioritization of all factors pertaining to trade—labor, the environment, and other policy goals, with those who prefer to use U.S. trade as a carrot and stick to induce other countries to undertake U.S. priorities.

It is my sincere hope that the former position out weighs the latter in this body, and that this legislation and debate leads the way to a version of Trade Promotion Authority that all pro-trade Members of this House can be happy with.

Mr. ACEVEDO-VILÁ. Mr. Speaker, if enacted, the reduction of duties on canned tuna included in H.R. 3009 would immediately result in the loss of thousands of jobs for American workers in the tuna industry. I speak on behalf of some 600 workers in Mayaguez, hard working women, who will be without jobs soon if this bill as written is enacted into law.

A major goal of the Andean Trade Preference Act of 1991 is to promote prosperity,

stability and democracy in the Andean region by providing favorable duty treatment for certain exports to the U.S. Although canned tuna is exempt from duty-free treatment, the import duty on frozen tuna loins is virtually zero. Tuna loins are exported to the U.S. for canning in Puerto Rico, California and American Samoa. The current duty structure on tuna over the past decade has created tremendous growth in the Andean Pact tuna industry. For example, over the past ten years the number of tuna factories has increased 229%, production capacity has increased 400% and exports to the U.S. have increased 567%. Clearly the current tariff structure for tuna has been a huge success for the Andean region.

I oppose reduced or duty-free treatment for canned tuna because such an action would destroy the remaining U.S. tuna industry in Puerto Rico and provide few additional benefits to the Andean region. Today the U.S. tuna industry provides more than 15,000 good jobs in economically challenged areas of our country such as Puerto Rico. If canned tuna from Andean Pact countries is provided favorable duty treatment, canned tuna will be dumped on the U.S. market destroying the U.S. industry. Ecuador and Colombia already have enough production capacity to supply the entire U.S. market and the U.S. canning industry cannot compete against labor costs of less than \$0.70/hour. The risk of this dumping has already been experienced by Mexico, which recently imposed a 23 percent import duty on canned tuna products from Ecuador due to product dumping.

I do not believe that the U.S. must destroy the local economy of American Samoa and put at risk 600 jobs in Puerto Rico in an attempt to help the Andean region. To the contrary, the current tariff structure has been extremely successful in growing the Andean tuna industry while at the same time supporting important U.S. jobs. Moreover, the U.S. tuna industry has done its part to promote the Andean region.

The current tariff structure for tuna has benefited both the Andean Pact countries and the U.S. Changing it now will cause more layoffs in Puerto Rico where we have just recently suffered massive layoffs in the tuna processing industry from the closure a major plant facility. Changing the current structure would also have negative impacts on America Samoa and California in regards to job loss.

I want to thank my Democratic colleagues Congressman RANGEL and Congressman FALOMAVAEGA for their steadfast support on this issue. I also want to recognize the support of Congressman CUNNINGHAM and Congressman TAUZIN and I remain hopeful that when and if a conference committee meets on ATPA later this year, that a compromise concerning the acceptable treatment of tuna can be realized.

Mr. ROEMER. Mr. Speaker, I rise today to voice my strong support for the “Andean Trade Promotion Act.” This trade legislation provides vital economic opportunity for the nations of the Andean region in South America and of sub-Saharan Africa, and for Indiana workers and businesses.

As we look for ways to stimulate our economy at home, it is important to seek free and fair trade agreements abroad. This legislation

will continue to foster economic development and growth in the Andean region and in sub-Saharan Africa. The strengthening of these developing economies will bolster our economy as we seek to expand on American exports throughout the world.

I am especially encouraged by the provisions in this bill concerning issues pertinent to the African Growth and Opportunity Act (AGOA). We must continue to build on the important economic reforms and encouraging economic development that the AGOA legislation has brought to Sub-Saharan Africa. Since enactment of the bill two years ago, United States trade with sub-Saharan African nations has increased by 50%. In fact, the government of Kenya estimates that 50,000 direct and 150,000 indirect jobs have resulted from new economic investments within their country.

Clearly, there are vast economic opportunities in sub-Saharan Africa, a region with a population of 700 to 800 million people. The opportunity to trade our goods made in our factories by our workers must be exercised immediately. I believe that a strong emphasis on African economic development must also be accompanied by a continued commitment to meaningful micro-development loan programs that aim to empower the poorest people in Africa.

Mr. Speaker, the Andean Trade Promotion Act will spur continued economic growth and development in South America and sub-Saharan Africa. I will vote for this bill, and I encourage my colleagues to support this important trade legislation.

Mr. HYDE. Mr. Speaker, I rise in strong support of H.R. 3009, “The Andean Trade Promotion and Drug Eradication Act,” a measure to extend and enhance the Andean Trade Preference Act. Signed into law in December of 1991, this underlying legislation has been instrumental in promoting economic development and economic alternatives to coca cultivation in four Andean trading partners and allies in the war on drugs, Bolivia, Colombia, Ecuador and Peru.

It has provided improved access and duty free treatment for a wide variety of Andean exports into our market, and, according to a number of reports issued by the International Trade Commission, has helped to encourage the export of several nontraditional products, thereby raising the standard of living in rural areas in some recipient drug-producing countries.

Over the past 10 years, the Andean Trade Preference Act has played a vital role in the effort to combat the production of illicit drugs. All of the world’s cocaine comes from the Andean ridge and in recent years more than 60 percent of the heroin sold or seized on our streets comes from the Colombian Andes. The success of our anti-drug efforts in these Andean countries directly affects our domestic security and the future of millions of Americans. By passing this measure today, we can bolster these efforts by creating thousands of jobs in legitimate industries and sectors that can benefit from duty-free entry into the United States.

To further enhance the effectiveness of this legislation, I would urge all the countries of the region to take all possible steps to enhance

the climate for foreign investment in their domestic markets. Particularly in regard to Colombia, I would urge the government to resolve as quickly as possible its investment dispute with TermoRio, including its major U.S. stockholder, Sithe Energies. I ask unanimous consent to insert in the RECORD recent correspondence on this dispute that was sent to the United States Trade Representative, the Honorable Robert B. Zoellick.

I would also point out that this legislation includes several important enhancements to the African Growth and Opportunity Act—promoting economic development and creating thousands of jobs in sub-Saharan Africa. The African Growth and Opportunity Act, enacted as part of the Trade and Development Act of 2000, has already promoted greater trade and investment between the U.S. and sub-Saharan Africa, boosting trade with that region by 50% last year, creating scores of new businesses and tens of thousands of new jobs from Kenya to South Africa.

I urge my colleagues to join me in supporting this measure which would further strengthen these trade and investment links, laying a solid foundation to our long-term relationship with the countries of sub-Saharan Africa and South America.

Mr. CANTOR. Mr. Speaker, I rise today in support of the Andean Trade Promotion and Drug Eradication Act and its renewal and enhancement of the Andean Trade Preference Act (ATPA).

Additional trade spurs innovations and the development of better products while fostering competition.

The Act, with its explicit "Trade Goods—Not Drugs" message has fostered legitimate trade based economic relations between the U.S. and the Andean region and has stimulated legitimate economic alternatives to narcotics production and trafficking.

Trade between the U.S. and the Andean region has nearly doubled over the last decade to \$18 billion to the mutual benefit of U.S. and Andean businesses.

In my home state of Virginia, we export over \$50 million in products to the region.

Further progress will require an enhancement of the current programs to include an expanded range of Andean products.

It has been the policy of the United States to support the Andean Countries with foreign assistance.

However, removing barriers to trade with the U.S. is arguably more important to reviving the economic prospects of the region while helping to eradicate the narcotics menace terrorizing both the Andean Countries and the United States.

Mr. Speaker, I urge passage of the Act.

The SPEAKER pro tempore (Mr. SIMPSON). All time for debate has expired.

Pursuant to House Resolution 289, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. SPRATT

Mr. SPRATT. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. SPRATT. I am in its present form, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. SPRATT moves to recommit the bill H.R. 3009 to the Committee on Ways and Means with instructions that the Committee report back to the House forthwith with the following amendment:

Strike all after the enacting clause and insert the following:

SECTION 1. EXTENSION OF ANDEAN TRADE PREFERENCE ACT.

Section 208 of the Andean Trade Preference Act (19 U.S.C. 3206) is amended to read as follows:

"SEC. 208. TERMINATION OF DUTY-FREE TREATMENT.

"No duty-free treatment extended to beneficiary countries under this title shall remain in effect after December 31, 2006."

The SPEAKER pro tempore (Mr. FOSSELLA). Pursuant to the rule, the gentleman from South Carolina (Mr. SPRATT) is recognized for 5 minutes in support of his motion.

Mr. SPRATT. Mr. Speaker, today, with almost no notice, the House takes up H.R. 3009. The ostensible reason is to extend the Andean Trade Preference Act. But if that were all it was about, we would voice-vote that extension in the blink of an eye.

This bill does not stop there. It goes on and, for the first time, grants duty-free, quota-free access for textile and apparel imports coming from the Andean countries. In addition to that, as if that were not enough, it gratuitously grants new trade concessions on top of those granted last year to 24 Caribbean countries and the 22 sub-Saharan African countries.

It has been said loosely on the floor here today, these are not major concessions, that they will not have terrific effects upon the textile industry. Let me tell my colleagues, this industry is reeling. Because of massive imports, job losses in textiles and apparel exceed the job losses in every other sector of our economy. When I came here, there were 2.1 million Americans working in the textile-apparel industry. Today, there are barely a million. Thus far, in this year alone, 2001, 118,000 textile and apparel workers have lost their jobs. In the past 3 months alone, 46,000 U.S. textile and apparel workers have lost their jobs.

What is the cause of these staggering job losses? It is easy. It is a flood tide of imports. In 6 years, between 1994 and 2000, the annual level of textile and apparel imports rose by \$33 billion, 90 percent. The total amount of textile and apparel imports into this country last year was \$77.5 billion, and it is inevitably going up this year.

This is known as a protected industry. Well, that is some protection, \$77.5 billion of imports, and only a fraction of that goes back in exports. The rea-

son for that, among other things, is that a dozen times over the last 10 to 15 years we have liberalized trade in textiles and apparel. We did it for the Caribbean, we did it for Israel, we did it for Jordan, we did it for Cambodia, we did it for sub-Saharan Africa, and, most notably of all, when we passed the World Trade Agreement, the Uruguay Round of the GATT talks, we passed something called the Agreement on Textiles and Clothing, which will phase out all quotas by the end of 2004 and cut tariffs on textile and apparel goods. And the phaseout is going on as we speak.

So what we have right now is tough enough for this industry to adjust to. It is struggling to survive. Just this week, Burlington, the largest textile manufacturer in America when I was elected to Congress, and for most of the years I have served here, Burlington petitioned for bankruptcy. That is how tough it is.

Now, there are lots of reasons to vote against this bill, but let me just say that it is not a trivial imposition on the industry. The problem is, the devil is buried in the details of the bill, the technical details of the bill. This will open the floodgates even further. Let me mention just a couple of snippets from the bill to help my colleagues understand how.

Despite claims by supporters, this bill will let Andean apparel made of fabrics formed almost anywhere in the world enter our country free of duties, free of quotas. By 2006, this bill will allow 1 billion square meters of regional fabric and apparel goods to enter this country from these four countries, duty free.

As for sub-Saharan Africa, 22 countries, the Caribbean countries, the CBI countries, 24 countries, this bill takes last year's bill, which was a liberal concession, and basically doubles the limits imposed by the law we enacted last year and allows billions of additional square meters of fabric to come in. Do not let anyone tell say that the impact will be trivial; it will be substantial.

I look at this and look at the industry and ask myself, why should the United States expand textile and apparel imports at a time when the economy is reeling, this sector of the economy is reeling, and almost being wiped out by textile and apparel imports? Why has this bill, with such potential for harm to lots of people, millions of people, been brought to the floor with such little notice for us to offer alternatives to it? Why, when we have an obvious alternative?

This motion that I am offering now, this motion to recommit, offers Congress a square choice: If Congress wants to extend the expiring Andean Trade Preference Act, we can do it simply, we can do it expeditiously, we can do it with a clean extension of the act.

That is what this motion would do, what the Senate does in its stimulus bill, and what we should do in the House: a clean extension of the Andean Trade Pact for 5 years without inflicting a blow upon an industry that is struggling to survive.

I urge a "yes" vote for the motion to recommit.

Mr. THOMAS. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. THOMAS. Mr. Speaker, the gentleman from South Carolina says, simply extend the Andean Pact. Simply extend it, meaning we go ahead and tell Botswana and Namibia to continue to stand in line; you do not deserve the opportunity to participate in AGOA; you do not deserve the same treatment as the other sub-Saharan African countries.

The gentleman from South Carolina says, simply extend the Andean Pact. What actually happens is, in the Caribbean, based upon legislation that we have passed, that means the United States Customs continues to tell Congress what Customs says we meant when we passed the legislation. Because contained in this legislation is the Congress telling Customs what we meant. Simply extend allows a bureaucracy to tell us what we did.

How many times have I heard people say what we ought to do is tell them what we meant? That is in this bill. Simply extending removes it.

The gentleman from South Carolina gave us a story which is poignant, in that one of the industries in his area, Burlington Industries, has announced that it has now gone bankrupt. I would invite anyone to investigate some of the major reasons why it went bankrupt. The chief economist of Burlington Industries himself said one of the reasons was because we had to gird ourselves against a hostile takeover.

Ask the shareholders and the workers if in fact they wanted the job that they talked about or they wanted the same people in the board rooms to remain? How much money was wasted in the effort to keep the board members, the same board members versus responsible decisions by that company in terms of the jobs that were currently there?

And more ironic than that, another fundamental reason that Burlington went under is because they invested \$200 million in new plant and equipment. Guess where. South Carolina? No way. Mexico. They invested \$200 million in Mexico, and they made a bad business decision.

Now, when are we going to say exactly what is going on? We provided benefits in previous legislation to keep this industry at home, and as soon as those benefits were passed, they left the country.

What I admire about some of the members in the Textile Caucus who are

working on problems is that they are dealing with the real world, not just trying to stop the world. This motion to recommit is an example of stop the world; simply reauthorize the Andean Pact. What it says to those countries, Ecuador, Peru, Bolivia, and Colombia is, thank you very much for not growing coca, for helping us on the supply side in the war on drugs; and, in response to that, go pound dirt.

On the margin, can we let these people begin to say, we can do something else rather than returning to the cash crop that you say is slowly killing your country? I think the answer should be yes. I think if you want to tell the bureaucracy what Congress meant, if you want to let all of the sub-Saharan nations participate in the benefits of the African Growth and Opportunities Act, and especially if you want to tell our friends in the Andean region, thank you, do not look at bad business decisions and say, do not do anything. Rather, realize this is a complicated problem, we are addressing it, we are trying to move forward, but at the very least, a very modest couple of percentage points, thank you is what these people not only deserve but desperately need.

I plead with my colleagues to vote "no" on the motion to recommit and vote "yes" on H.R. 3099.

□ 1215

The SPEAKER pro tempore (Mr. FOSSELLA). Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. SPRATT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—yeas 168, nays 250, not voting 15, as follows:

[Roll No. 447]

YEAS—168

Abercrombie
Andrews
Baca
Baird
Baldacci
Baldwin
Ballenger
Barr
Barrett
Becerra
Berry

Bishop
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Burr
Capps

Capuano
Carson (IN)
Castle
Clayton
Clement
Clyburn
Coble
Condit
Conyers
Costello
Coyne

Cramer
Davis (IL)
DeFazio
DeGette
DeLauro
DeMint
Deutsch
Dingell
Engel
Etheridge
Evans
Everett
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gonzalez
Goode
Gordon
Graham
Green (TX)
Gutierrez
Hall (TX)
Harman
Hayes
Hill
Hilliard
Hinchey
Hoekstra
Holden
Holt
Hooley
Hoyer
Hunter
Jackson (IL)
Jackson-Lee (TX)
Jones (NC)
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Klecza

Kucinich
LaFalce
Lampson
Langevin
Larson (CT)
Lee
Lewis (GA)
Lipinski
LoBiondo
Lowey
Luther
Lynch
Maloney (CT)
Maloney (NY)
Markey
Mascara
McCarthy (MO)
McCarthy (NY)
McCollum
McGovern
McHugh
McIntyre
McKinney
McNulty
Meek (FL)
Menendez
Millender-McDonald
Miller, George
Mink
Mollohan
Murtha
Myrick
Nadler
Napolitano
Norwood
Oberstar
Obey
Olver
Owens
Pallone
Pascarell
Pastor
Pelosi
Peterson (MN)
Phelps

Price (NC)
Rahall
Reyes
Rivers
Rogers (KY)
Rohrabacher
Ross
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Shows
Slaughter
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Taylor (MS)
Taylor (NC)
Thompson (CA)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Weiner
Woolsey
Wu

NAYS—250

Ackerman
Aderholt
Akin
Allen
Armey
Bachus
Baker
Bartlett
Barton
Bass
Bentsen
Bereuter
Berkley
Berman
Biggart
Bilirakis
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Brady (TX)
Brown (SC)
Bryant
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Cardin
Carson (OK)
Chabot
Chambliss
Clay
Collins
Combest
Cooksey
Cox
Crane
Crenshaw
Crowley
Culberson
Cummings

Cunningham
Davis (CA)
Davis (FL)
Davis, Jo Ann
Davis, Tom
Deal
Delahunt
DeLay
Diaz-Balart
Dicks
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Eshoo
Farr
Ferguson
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hansen
Hart

Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hilleary
Hinojosa
Hobson
Hoeffel
Honda
Horn
Hostettler
Houghton
Hulshof
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Kanjorski
Keller
Kelly
Kennedy (MN)
Kerns
Kind (WI)
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Largent
Larsen (WA)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder

Lofgren	Pomeroy	Snyder
Lucas (KY)	Portman	Souder
Lucas (OK)	Pryce (OH)	Stearns
Manzullo	Putnam	Stump
Matheson	Radanovich	Sununu
Matsui	Ramstad	Sweeney
McCrery	Rangel	Tancredo
McDermott	Regula	Tanner
McInnis	Rehberg	Tauscher
McKeon	Reynolds	Tauzin
Mica	Riley	Terry
Miller, Dan	Rodriguez	Thomas
Miller, Gary	Roemer	Thornberry
Miller, Jeff	Rogers (MI)	Thune
Moore	Roukema	Tiahrt
Moran (KS)	Royce	Tiberi
Moran (VA)	Ryan (WI)	Toomey
Morella	Ryun (KS)	Traficant
Neal	Saxton	Upton
Nethercutt	Schaffer	Vitter
Ney	Schrock	Walden
Northup	Sensenbrenner	Walsh
Nussle	Sessions	Wamp
Ortiz	Shadegg	Watkins (OK)
Osborne	Shaw	Watts (OK)
Ose	Shays	Weldon (FL)
Otter	Sherwood	Weldon (PA)
Oxley	Shimkus	Weller
Paul	Shuster	Wexler
Payne	Simmons	Whitfield
Pence	Simpson	Wicker
Peterson (PA)	Skeen	Wilson
Petri	Skelton	Wolf
Pickering	Smith (MI)	Wynn
Pitts	Smith (NJ)	Young (AK)
Platts	Smith (TX)	
Pombo	Smith (WA)	

NOT VOTING—15

Barcia	Hastings (FL)	Quinn
Bono	Johnson, E. B.	Ros-Lehtinen
Cubin	Lantos	Thompson (MS)
Flake	Meehan	Waxman
Hall (OH)	Meeks (NY)	Young (FL)

□ 1237

Messrs. SWEENEY, BRYANT, RODRIGUEZ, Ms. HART, Mrs. WILSON, and Messrs. RYAN of Wisconsin, GALLEGLY, ACKERMAN and SCHAFER changed their vote from "yea" to "nay."

Messrs. COYNE, GOODE, GEORGE MILLER of California, SAWYER, HILLIARD, MARKEY and Ms. JACKSON-LEE of Texas changed their vote from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. FOSSELLA). The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 3009, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

CONFERENCE REPORT ON S. 1447, AVIATION AND TRANSPORTATION SECURITY ACT

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that it be in order at any time to consider a conference report to accompany the Senate bill (S. 1447) to improve aviation security, and for other purposes; that the conference report be considered as read; and that all points of order against the conference report and against its consideration be waived.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alaska?

There was no objection.

Mr. YOUNG of Alaska. Mr. Speaker, pursuant to the order of the House, I call up the conference report on the Senate bill (S. 1447) to improve aviation security, and for other purposes.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Pursuant to the order of the House of today, the conference report is considered as having been read.

(For conference report and statement, see prior proceedings of the House of today.)

The SPEAKER pro tempore. The gentleman from Alaska (Mr. YOUNG) and the gentleman from Minnesota (Mr. OBERSTAR) each will control 30 minutes.

The Chair recognizes the gentleman from Alaska (Mr. YOUNG).

□ 1245

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

I am proud to bring this conference report to the full House floor today after very serious negotiations, and I would only suggest one thing that the people on this floor would just be quiet for a moment because they talked a lot during the debate on this bill. If they would sit down and listen, we might get a bill real quick. If they do not, we might take the full hour to discuss this bill. So I suggest that my colleagues sit down and be quiet.

Mr. Speaker, this is probably the best, that I know, the best security bill ever to be voted on on this House floor. The Senate, the other body, the conferees took about 98 percent of the legislation that we voted on in the House, which shows that our bill was far superior to that bill.

We did not achieve all things as all conferences are for. We did, in fact, have to compromise on issues very dear to some people's hearts, but the main thing is we have a security czar in reality that has the ability to set down rules and regulations without taking the required amount of time and also will give us the best security so people flying on American airlines will know that that plane is going to arrive safely at their destination without the opportunity of any future terrorism.

We have screeners. We will have Federal management, Federal contracting. We will have baggage screening. We will have people on the ground all through our airports to make sure that we will not have the act of 9-11 again. It is my strong belief, with the adoption of the House provisions, that this will occur and will occur very rapidly.

We will be able to, I believe, to make sure that the planes are safe that fly because the people on the Tarmac, the people that service the airplanes, the people that provide all services, including food service of the airplane, will all have to have background checks. They will have to be screened; they will have to be certified as trained; and they will have to be able to do the job as they are picked out to do so.

Every screener at the station will have to speak English. Every screener at the station will have to be American citizens. We believe this is the way it should be because this is a security problem and this Congress is addressing it today.

I am pleased to say that the gentleman from Minnesota (Mr. OBERSTAR), my good friend, has worked well with me on this legislation in the conference, offered suggestions. We did have some difficulty on the Senate side, but that is the way it usually is; but we prevailed, as I mentioned, 98 percent of the way.

I am proud to be the chairman of this committee on the committee work and as is done by this committee. This is a historic moment because, again, as I must repeat, it is the best security bill this Nation has ever had for the flying public, and I want the public to know that now and from now on and forever more that when we get on that plane, the opportunity of someone doing a dastardly deed as was done on 9-11 will not occur again. I believe they will gain the faith to be back on our airplanes, and I want them traveling as they did prior to 9-11, and I think this will allow them to do that.

Mr. Speaker, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Speaker, I yield myself 4½ minutes.

Today, we conclude consideration of the most important aviation security bill in 30 years. Since the beginning of aviation security in 1970, when President Richard Nixon signed an executive order establishing the Federal Air Marshal Service in response to repeated acts of skyjacking that were occurring at a rate of an average of one every 2 weeks, he signed that executive order on September 11, 1970. Thirty-one years later, an ominous date for us all.

With the establishment of the air marshals and 2 years later with the establishment at airport checkpoints of X-ray machines for carry-on luggage and metal detectors for passengers, we did not in the domestic United States experience a skyjacking until this past

September but once in 1991, and a minor incident it was.

Since then, aviation security has evolved through several iterations. The first was persons skyjacking aircraft. The next was placing bombs aboard aircraft, blowing up Pan Am 103, blowing up TWA on the runway at Cairo, blowing up UTU, a French airliner, over Chad in central Africa. Each time we responded with new initiatives, based on the last terrorist action.

The commission established by this House, Pan Am 103 commission, President's Commission on Aviation Security and Terrorism, on which I proudly served with our colleague John Paul Hammersmith from this body, we made numerous recommendations to vastly improve aviation security. We said in the aftermath of 103 that aviation security now will be changed forever; but we also recognized that there was a matter of political will, that is, will of the public to support more intrusion into their lives, delay as they board aircraft, and that we needed to sustain a high level of vigilance in the body politic of America and a high level of vigilance on the part of leaders of this government.

With time, just as the commission suspected, that level of vigilance eroded.

September 11 has now cast its shadow long over aviation in America, aviation in the Western world; and we are gathered here today to raise the bar of security higher than ever before, hopefully to look beyond the last tragedy, to anticipate what might next happen; and in this legislation, I believe we achieve that objective.

I want to express my great appreciation to the gentleman from Alaska (Mr. YOUNG), the chairman of the committee, who has done an admirable job of leading us through this thicket of conflicting views, stood for principles, and we have worked successfully together; express my great appreciation to the gentleman from Illinois (Mr. LIPINSKI) and the gentleman from Oregon (Mr. DEFAZIO), who have worked together with me in a threesome that have contributed extraordinarily great ideas to improving security; to all the Members on the Democratic side of the Committee on Transportation and Infrastructure who have contributed their good thoughts and ideas to shaping the bill and who shaped the bill that we offered as a motion to recommend, most of which is reflected in the bill that is before us, the conference report that is before us today.

We bring to this body a bill that will substantially enhance security and restore airline finances more than the financial package that was passed a few days ago.

Again, I express my great gratitude and appreciation to the gentleman from Illinois (Mr. LIPINSKI), who has been a leader in the field of aviation

and now in aviation security; to the gentleman from Oregon (Mr. DEFAZIO), who for 15 years has advocated many of the provisions that are included in this conference report; to the gentleman from Alaska (Mr. YOUNG), the chairman; to our colleagues in the other body. This is truly a bipartisan product.

Mr. Speaker, I reserve the balance of my time.

Mr. YOUNG of Alaska. Mr. Speaker, I am pleased to yield 3½ minutes to the gentleman from Florida (Mr. MICA), the subcommittee chairman.

Mr. MICA. Mr. Speaker, first, I want to take a minute to thank the staff on both sides of the aisle. Not only did they work through the night last night but they have worked nonstop since September 11 to try to bring some stability to our Nation's aviation system and transportation system. I am very grateful for their leadership.

I thank the chairman of the committee whose patience has been unending; his devotion to trying to get the best possible legislation, that being his only consideration. So I thank him, the gentleman from Minnesota (Mr. OBERSTAR), and the gentleman from Illinois (Mr. LIPINSKI) also for their valiant efforts in bringing forward this conference report.

This may not be the perfect bill, but I am telling my colleagues that it is the most significant transportation and aviation security measure to pass the Congress in its history. It not only covers airlines, it covers ports, it covers our highway transportation, our infrastructure, our ports, our pipelines, again the whole gamut of transportation and aviation systems for our country.

The first and most significant thing that we have done with this legislation is take away, and everyone's focused on aviation security since the tragic events of September 11, but we take away responsibility for aviation security from the airlines; and we make that a Federal responsibility. From the beginning, we all agreed with that. Most importantly and somehow lost in some of the debate is that we needed to have somebody in charge with the responsibility to carry out the transportation and aviation security requirements; and we have not been able to do that. We were not able in 1996, we were not able in the year 2000, and without the provisions of the House legislation that are incorporated here, we would not have that ability. And we vest that in a new transportation Deputy Under Secretary who has unprecedented ability to get in place the regulations relating to transportation and aviation security, to cut through the red tape, and again, in unprecedented fashion.

The Senate bill was a disjointed bill that was well intended. It was passed in a hurry. This has clear lines of authority.

For 6 years we have been unable to get rules for certification of baggage screeners. We have not been able to deploy the latest technology. This bill will put in our airports the latest technology that can detect weapons, that can detect explosives; and most importantly, this legislation has a sound means of transition in going from the current system to a new system and then opening this up with a comparison of both private sector operations with Federal supervision and Federal Government operations.

Finally, although we do have the title of Federal employees, these are people that can be fired or dismissed and cannot hide under civil service protection and the intransigence that we now see in our Federal workforce.

Mr. OBERSTAR. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Illinois (Mr. LIPINSKI), ranking member of the Subcommittee on Aviation.

Mr. LIPINSKI. Mr. Speaker, I thank the ranking member for yielding me the time. Hopefully, I will only need 2 minutes, though, and not 5 minutes.

First of all, I want to thank the gentleman from Alaska (Mr. YOUNG); the gentleman from Minnesota (Mr. OBERSTAR), the ranking member; the gentleman from Florida (Mr. MICA); and the gentleman from Oregon (Mr. DEFAZIO); the gentleman from Tennessee (Mr. DUNCAN); the gentleman from Wisconsin (Mr. PETRI); and the gentleman from Michigan (Mr. EHLERS) for all their extraordinary hard work in drafting this outstanding conference report; and I do not just say that to say it.

These Members put in many days, weeks and hours on this legislation in this conference report. They came to the conference committee from many different points of view. Some of the differences were small, some of them were large, and some of them were very large.

□ 1300

But through cooperation, compromise, and flexibility, an excellent conference report was forged.

I would also like to thank Senator HOLLINGS, the chairman of the conference, for his steady, sure, strong leadership. Without his leadership, we might still be working on this conference report. Because of these Members and the many others working on this conference, the American flying public and American aviation will be safer and more secure than it ever has been; and the added safety and security will get Americans back in the air and the American economy back on its feet.

In closing, I would also like to thank all staff members for their many, many, many hours of hard work, without which we would not be voting on this conference report today.

This conference report is a landmark piece of legislation that I am honored to have played a very small part in.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. SENSENBRENNER), a member of the conference.

Mr. SENSENBRENNER. Mr. Speaker, I urge all Members to support this conference report because it contains important provisions protecting aircraft manufacturers, airport owners and operators, and persons with property interest in the World Trade Center from unlimited damages resulting from lawsuits inspired by the terrorist attacks of September 11.

Today's agreement adds significant protections to those entities not protected in the airline bailout bill. However, the protections do nothing to address the unlimited liability exposure faced by the State of New York and other entities or industries that are self-insured or not specifically listed in the bill. In contrast, my proposal as contained in the House-passed bill would have protected all potential defendants from lawsuits based on the September 11 terrorist attacks.

After we pass this legislation, other potential defendants such as jet fuel providers, architects, steel manufacturers or self-insured entities such as the State of New York and, thus, its taxpayers will still be exposed to billions of dollars in damages under New York's rules on joint and several liability. The only constraint on their being named in a lawsuit would be a sense of restraint or reasonableness on the part of trial lawyers, and I do not think we can count on that.

I have fought, and will continue fighting, for those who remain left out of the provisions limiting potentially infinite liability. I remain committed to helping everyone, deep pockets to small pockets, who becomes embroiled in litigation inspired by foreign enemies. We must not stop in our effort to do the right thing by treating everybody equally. We must not stop in our efforts to prevent trial lawyers from taking advantage of this great tragedy and, thus, becoming war profiteers.

Mr. OBERSTAR. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Speaker, I thank the distinguished ranking member for yielding me time. I thank him for his work over the decades on this issue and his tutelage in bringing me along on this issue and this conference.

I want to thank the gentleman from Illinois, the ranking member of the subcommittee, again for his extraordinary efforts on this bill, and also for helping to include my concerns and my efforts. I thank the chairmen of the full committee and the subcommittee. I think we have here an extraordinary product that will serve the American people well for decades to come.

No longer are we going to try and buy security on the cheap, driven by the airlines who were fatally conflicted between keeping down costs, not overly concerning or inconveniencing passengers or their baggage, and then, as sort of an afterthought, trying to provide good security. Security in this bill comes first, and it will forever more come first without being driven by cost concerns.

It will be cost-effective. It is fiscally responsible. It will be paid for in good part by a shared burden between the airlines and the flying public. But it will not be security on the cheap. It will be the best technology, it will be better-trained and -paid people who will be alert at the screening checkpoints. It will envelop the entire airport in a new security envelope.

There are so many ways in which our airports are vulnerable today. We have been focused on the screening of passengers and baggage, and we are moving ahead dramatically and quickly with that. But there are a host of other ways that our airports are vulnerable, and this bill addresses them. It goes beyond that to address and put in place a framework for other transportation security measures; our ports, our railroads, our highways, bridges, water systems, all of those things we have seen and learned are extraordinarily vulnerable, and this will give us the means to deal with that.

So I just want to thank all those who were involved in what I believe was an extraordinary effort, and I particularly want to thank the staff, my own personal staff and the committee staff, who did work many, many hours, including through a catastrophic computer crash early this morning, and still got the bill to the floor today.

We are going to get the bill in place, and I am confident the President will sign it before the busiest travel weekend of the year so we can begin to implement measures to make flying safer for the American public.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 2 minutes to the gentleman from Tennessee (Mr. DUNCAN), another member of the conference.

Mr. DUNCAN. Mr. Speaker, I rise in support of this conference report. First, I want to commend my chairman, the gentleman from Alaska (Mr. YOUNG). This has been the first really difficult, major test of his new leadership of our committee and he passed with flying colors.

I want to commend my predecessor as chairman of the Subcommittee on Aviation, the gentleman from Florida (Mr. MICA), who has done a really outstanding job in leading this legislation through the process. I also want to compliment the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Illinois (Mr. LIPINSKI), my good friends, the ranking members, two of the finest men I know, and also

say thank you to the staff, as others have done.

Mr. Speaker, unfortunately, more people are killed in 4½ months on our Nation's highways than have been killed in all U.S. aviation accidents combined since the Wright brothers flew in 1903. U.S. aviation is incredibly safe, and the general public needs to know that and hear it again and again and again. But it has become even safer since the tragic events of September 11 because of the things we are doing, and as has been pointed out by the gentleman from Alaska (Mr. YOUNG), this bill today will do more for aviation security than any bill in the history of this Nation.

It has all of the things that people have suggested and wanted: 100 percent screening of bags, strengthening of cockpit doors, air marshals on our larger flights, increased training for screeners and flight crews, more extensive background checks for everyone who has access to planes and the tarmac areas; cameras in the cabins so that pilots will know what is going on in case of anything strange happening; liability provisions for people to protect people who help out in cases of air piracy.

It makes these screeners Federal employees, but it does not give them the civil service protection that does nothing for good, dedicated employees, but serves to protect the worst of employees, because we want our best employees in these screening positions.

This bill is a good bill. It is one that will reassure the general flying public. I am proud to be a small part of it. I appreciate the chairman allowing me to be a part of the conference, and I urge passage of this outstanding legislation.

Mr. OBERSTAR. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New Jersey (Mr. PASCRELL), a vigorous advocate for this legislation and a great help.

Mr. PASCRELL. Mr. Speaker, I want to congratulate all of the Chairs and the ranking members for doing a fantastic job in keeping us together. If they did not keep us together, we would not be here today. I congratulate them all.

The American people can be assured that the status quo will not be tolerated. We are doing more today, Mr. Speaker, for the airline industry than we did several weeks ago in the stabilization package, because if people do not feel secure, they are not going to get on the planes.

In many ways, to me, this is probably the most significant legislation that we have passed in a very, very long time. No longer will our aviation system have a screener turnover of 100 or 200 or 400 percent. In one year we will have a new set of dedicated people integrated into the system who want to be working at this critical job. We will

provide these new employees a respectable salary with a real pension and health care. Another critical element of this compromise is that we will require that every checked bag be passed through an explosive detection unit.

No one is absolved of responsibility in this conference report. It is not just passengers who will pay more. I am pleased that the conference report contains language requiring the airlines to continue paying their share for security. This is a partnership we must continue.

Today, the Congress will take a vote that will impact the life of every traveler, including ourselves. This vote will be real and significant and it will have consequences in our national security. With the airline industry struggling for passengers, I know this legislation will make a difference.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. EHLERS), a member of the conference.

Mr. EHLERS. Mr. Speaker, I thank the gentleman for yielding, and I congratulate and thank the gentleman from Alaska (Mr. YOUNG) and the gentleman from Florida (Mr. MICA) for their excellent work on this conference report.

We have spent a good deal of time over the last few weeks discussing whether the screeners, baggage screeners, should be Federal or contractual employees. Frankly, that is in a sense beside the point, because the major gain in the bill is that we have Federal control over the process, we have the Federal Government setting the rules, we have Federal supervision of the employees and the process, and we will have Federal guards at every checkpoint, along with a Federal supervisor. All of this ensures uniformity from airport to airport. It will ensure better performance on the part of the employees; and I think a unique feature of the bill is that we will have an opportunity to compare contractual employees to Federal employees and find out which really do a better job, if either one does.

I think another main factor in this bill, and I very much appreciate the fact that the Senate accepted the House version of the bill on this score, and that is the administrative structure. It is a clear, clean, effective administrative structure, much better than that which had been in the Senate bill before.

So we accomplished a great deal by sending this bill to conference and improving it, using both the ideas of the Senate and the House. It is now a good bill. We can assure the public that we have increased their safety while flying. We have increased the probability that we will be able to stop terrorists who try to do anything to our airplanes.

I believe it is an excellent bill. I urge my colleagues to vote for it and improve the conference report.

Mr. OBERSTAR. Mr. Speaker, I include for the RECORD at this point a summary of the aviation security conference agreement.

SUMMARY—AVIATION SECURITY CONFERENCE AGREEMENT JURISDICTION

Airport security will be placed under the jurisdiction of a new Transportation Security Administration (TSA) in the Department of Transportation, headed by an Under Secretary of Transportation.

Under Secretary may issue emergency orders or security directives without notice and comment and without a cost-benefit analysis. For non-emergency rulemaking, federal official may waive cost-benefit requirements if such benefits cannot be quantified.

AIRPORT SECURITY SCREENERS

All passenger and property screening at all airports will be done by employees of the TSA.

The transition from the current system of contract screeners to a completely federal force will be completed within one year of the enactment of this legislation.

The TSA will develop a pilot program that will have passenger screening provided by private contractors. The program will involve a total of five airports, one in each security category of airports. The program will begin one-year from enactment (after TSA has certified it has federalized the screening function). The five airports must request participation.

Two years after the TSA certifies that all federal screeners are in place, airports will be given the option to request that the passenger screening at their facilities be done by private screeners working under contract with the Federal Government. Such companies must be U.S. owned and controlled (to the extent that the TSA determines that there are such companies)

PASSENGER SECURITY CHARGE

Federal airport security services will be financed through a passenger fee of \$2.50 per enplanement, with a maximum charge of \$5.00 per one-way trip.

For FY 2002-2004, the airlines will be assessed a fee equivalent to the annual amount the airlines spent, in the aggregate, on passenger screening services prior to September 11, 2001. Beginning in FY 2005, the Under Secretary will assess the fee on air carriers based on market share and other appropriate measures.

Airport may use AIP and PFC funds in FY02 to pay for O&M security expenses. A total \$1.5 billion over two years (FY02-03) is authorized to reimburse airports, vendors of on-airfield services and parking lots for direct costs associated with complying with additional security measures. Airports may use AIP and PFC funds to pay debt service on bonds.

SCREENING

Passengers and Baggage—All checked baggage shall be screened by explosive detection systems (EDS) no later than December 31, 2002. Until such EDS machines are deployed in sufficient numbers all checked baggage shall be screened by one or a combination of the following methods: (1) bag-match; (2) manual search; (3) K-9 teams (if supplemented by 1-3 above); or (4) screening by appropriate technology.

Secured Area Access—All persons, vehicles, and other equipment shall be screened or inspected before entry into a secured area. Specific requirements shall be established for such screening that will assure the same level of protection as the screening of passengers and property under the Act. Catering companies and others with regular access to secured areas must have a security program in place.

Computer Assisted Passenger Prescreening System—CAPPS shall be used to screen all passengers (not just those who check in at the ticket counter), and procedures shall be adopted to ensure that CAPPS selectees and their carry-on baggage also receive appropriate screening (previously, CAPPS only resulted in screening of checked baggage).

BACKGROUND CHECKS

Employees—All individuals (including current employees) that have access to a secured area shall undergo a background investigation, including a criminal history records check and a review of available law enforcement data bases and records of other governmental and international agencies (if available).

Flight School Trainees—Requires background checks for aliens (and other persons designated by the Under Secretary) seeking instruction in flying aircraft weighing more than 12,500 pounds. Attorney General must conduct the checks within 45 days; if such checks are not completed then individual can begin training. Once training has begun, training shall be terminated if the Attorney General determines that the individual poses a risk. Flight schools to train employees to recognize suspicious activities.

OTHER SECURITY PROVISIONS

Airfield Security—Strengthens perimeter security by increasing law enforcement presence. Technical support shall be given to small and medium airports to enhance security.

Cockpit Security—Mandates cockpit doors and locks that cannot be opened by anyone other than the flight crew, with no in-flight access, except for entrance or exit by authorized persons. Provides for the evaluation of similar measures to strengthen cockpit doors for commuter aircraft.

Arming Pilots—Pilots may carry guns in the cockpit if approved by the air carrier and the TSA, and if pilots have undergone an approved training program.

Federal Air Marshals—Air Marshals may be deployed on every passenger flight. Air Marshals subject to background checks and must be properly trained.

Enhanced Terrorism Training—Provides anti-hijack training for flight crews. Airline ticket and curbside agents must receive terrorist awareness training.

Passenger Manifests—U.S. and foreign airlines on international flights both inbound and outbound (if properly equipped) to provide to Customs by electronic transmission the passenger and crew manifests.

Parking Ban—An airport may certify to the Department of Transportation after consulting with appropriate law enforcement officials that sufficient security procedures are in place to end parking restrictions. The Department of Transportation has the right to reverse an airport's decision within a specified number of days, varying by airport size.

LIABILITY

Liability limitations extended to air carriers, aircraft manufacturers, and airport sponsors or persons having a property interest in the World Trade Center. Liability limitations do not extend to security screening

companies. Liability for the City of New York limited to insurance coverage or \$350 million.

Mr. OBERSTAR. Mr. Speaker, I yield 1 minute to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, I do not even need a minute, because the fact is, all of the controversial issues have been worked out. This is a very good bill.

I do have some concern over creating a second class of Federal employees, a lower class, but I understand the context in which this bill had to be worked out. We have done it before Thanksgiving. I applaud everyone that was involved in the conference. It is a good bill. It is going to inspire confidence on the part of the American public that it is now safe to fly.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. BARTON) for the purpose of an integral colloquy.

Mr. BARTON of Texas. Mr. Speaker, I would like to enter into a colloquy with the distinguished chairman of the full committee.

I want to talk about the ability of our pilots to carry firearms in the cockpit. As I understand it, the section of the bill that deals with that is entitled "Flight Deck Security" and I am going to read what I think is the language:

The pilot of a passenger aircraft operated by an air carrier, an air transportation or intrastate air transportation is authorized to carry a firearm into the cockpit if, number 1, the Under Secretary of Transportation for Transportation Security approves; number 2, the air carrier approves; number 3, the firearm is approved by the Under Secretary; and number 4, the pilot has received proper training for the use of the firearm as determined by the Secretary.

Is that the language in the pending bill?

Mr. YOUNG of Alaska. Mr. Speaker, if the gentleman will yield, that is the language that is in the bill at this time.

□ 1315

Mr. BARTON of Texas. Mr. Speaker, my concern and the pilots' concern is about qualification number two, "the air carrier approves." They do not have and I do not have a problem with the air carriers being involved in the discussion about the terms of the Under Secretary of Transportation's approval and the type of the firearm and the training, but they are very concerned that an air carrier would just have the ability to just say no and not allow a pilot who was qualified under the other three sections to carry a firearm.

I would ask the gentleman what is his understanding of the "air carrier approves."

Mr. YOUNG of Alaska. Mr. Speaker, will the gentleman yield?

Mr. BARTON of Texas. I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. This is the language negotiated with the Senate side. It is not everything I wanted. I had 60,000 pilots sign a petition asking for permission to carry a weapon on board with proper training. I supported that. I talked about that in conference, but it was not a doable thing.

Right now, though, I have suggested that the pilots, under the negotiations, which they have to negotiate with every contract they do with the airlines, that that be part of the negotiations. I believe we will see a lot of airlines, just as United already is saying that their pilots will carry stun guns, that they can argue this with their parent companies in their negotiations.

Again, this is a compromise. It is the best I could do in this conference on this issue itself.

Mr. BARTON of Texas. Mr. Speaker, I would ask the gentleman, an air carrier could just say no under this language?

Mr. YOUNG of Alaska. Under this language, yes, the air carrier could say no.

Mr. BARTON of Texas. I want the chairman and the ranking member to know that I disapprove of that. I will work strongly to change it at the appropriate time.

Mr. YOUNG of Alaska. I will be supporting the gentleman when he works on that.

Mr. OBERSTAR. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. FATTAH).

Mr. FATTAH. Mr. Speaker, I rise in support of the conference committee report, and compliment the ranking member and the chairman and the others who worked on this bill.

Mr. OBERSTAR. Mr. Speaker, I am pleased to yield 1 minute to the distinguished gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Mr. Speaker, it truly is an achievement to obtain 100 percent screening of the checked baggage that goes into the belly of our airplanes to assure that there will be no explosives. I want to thank for that achievement the families of the Lockerbie victims who, since 1988, have been urging Congress to take this step, and specifically, Bob Monetti, who lost his son Rick in the Lockerbie bombing; George Williams, who lost his soldier son Geordie, who has done just great advocacy in the halls of this House to finally achieve this step forward. I hope they take satisfaction from that achievement.

I also would like to thank the bipartisan group that worked to make sure that we had 100 percent screening: the gentleman from Connecticut (Mr. SHAYS) on the Republican side, the gentleman from Massachusetts (Mr. MARKEY), the gentleman from Ohio (Mr. STRICKLAND), the gentlewoman from Washington (Ms. DUNN).

I want to thank the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Oregon (Mr. DEFazio), who have been advocates of this for a long, long period of time.

I want to thank the gentleman from Alaska (Mr. YOUNG), who I hope takes some sense of achievement from this. I think he should. He listened to our concerns. I hope we some day have the same bipartisan consensus on oil or pipeline legislation that we can take some success from, as well.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 2 minutes to the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, the Senate passed a good bill. The House improved on it significantly, and I think this conference report makes the legislation even better.

I am particularly pleased that a time limit for inspection of all luggage, referred to by the gentleman from Washington (Mr. INSLEE), for weapons and explosives that go into the belly of the aircraft, a provision added in the House bill, has been further strengthened so all luggage will be screened by the end of the year 2002 or sooner.

Congratulations to the gentleman from Alaska (Chairman YOUNG); the gentleman from Florida (Mr. MICA); the ranking member, the gentleman from Minnesota (Mr. OBERSTAR); the gentleman from Illinois (Mr. LIPINSKI); and many others on both sides of the aisle.

Because of them and others in this House, the process worked well and landmark legislation will be passed. Airline passengers want their government to do everything in its power to ensure their safety when flying. This legislation brings us a giant step closer to achieving that goal.

I am proud of this House and proud to be part of this process.

Mr. OBERSTAR. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, I would say while the distinguished gentleman from Connecticut (Mr. SHAYS) is still in the Chamber, the checking of all hold luggage by explosive detection systems has been an objective since before and especially after Pan Am 103.

It was achieved with great debate in the course of the conference. It was not an easy victory. We are appreciative of the support we have had on both sides of the aisle to get that goal.

Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, let me say that the American people have won today. The American people are victorious, and the American people will be able to celebrate Thanksgiving with their families with a clear mind and safe passenger miles.

Let me also say, in tribute to those who have lost their lives on September

11, we can never pay back the debt; but at least we can say that we have tried to reform our system.

Let me also say, in tribute to those who died in Pan Am 103, one of my constituents who lost her dear, beloved daughter, may she now understand that we care.

I want to thank the gentleman from Minnesota (Mr. OBERSTAR) for his unending and unceasing leadership, the gentleman from Illinois (Mr. LIPINSKI) for his courage and leadership, and the gentleman from Oregon (Mr. DEFAZIO), and in a bipartisan way, the gentleman from Alaska (Chairman YOUNG) and the gentleman from Florida (Chairman MICA) that we have come to this day.

I might say there are two points that I want to focus on very quickly.

One is the fact that we will have a federalized system. All the employees will be trained and there will be standards, and we will be able to say that the long arm, the effective arm, the strong arm, the equal opportunity arm of the government will stand in the place of securing our airports and airlines.

I do hope, however, that I can admonish those airlines and airports that may even consider, after 2 years, of opting out. I hope that today's vote will give them the courage not to opt out of a system that works. I would hope, as well, that the message goes out to the American people that we are in fact screening, as of the day that the President signs this bill, that we will be screening all checked luggage.

I would have hoped that the Justice Department would have had jurisdiction. I have legislation that will make illegal stun guns and pepper spray and knives. But I believe this is a good bill.

I cannot thank the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Alaska (Mr. YOUNG) enough; but I will say to them that they are true patriots. They have given to the American people great victory.

Mr. Speaker, the American people have won today and the terrorists have lost.

Today, I rise in support of the conference report to accompany S. 1447, the Aviation Security Act Conference Report. This legislation is a victory for the American public, who must rely upon a safe and secure airport system. I am glad that the House is passing this legislation before the Thanksgiving holidays so that travelers will have increased confidence in air travel.

Since the September 11 terrorist attacks, many Americans have expressed a fear of flying. I have been on numerous flights, where there were less than 20 passengers. This legislation is in tribute to the devastating loss of life on September 11, 2001—where we will not let the terrorists win—and those who lost their lives in the 1988 Pan Am 103 crash caused by an unchecked bag.

Although Monday's plane crash in the Rockaway neighborhood of Queens in New York City has been indicated as an accident, the public is still wary of air travel. For this reason,

it is essential for Congress to adopt this conference report in order to restore the public's faith in air safety.

It still took too long and I supported the quick adoption of the Senate bill by the House—but the compromise now should be implemented quickly.

This conference report includes a number of compromises. Under the language of this conference report, the Federal Government would hire, train and manage airline security workers during a two-year period. These security workers will be Federal employees. This is absolutely necessary. During this two-year period, five U.S. airports would be able to conduct a pilot program with private security under federal supervision. After this two-year period, all airports would have the option of implementing either Federal or private security screening. It is my hope and my belief that no airport should opt out—the Federal system should simply be improved and the American people should have the confidence that the Federal Government's expertise is protecting airlines and airports.

Furthermore, this compromise is sound public policy, because the utilization of federal security workers will ensure consistency in security measures. I would expect that all the airports in the Houston area will choose to hire only Federal security workers, and keep the federal security system in place even after the two years. The Houston Airport system is too large to opt out.

I further declare my support for the following provisions of this conference report:

The creation of a new Transportation Security Administration within the Department of Transportation, although I believe the law enforcement jurisdiction of the Department of Justice should have also been included.

100 percent baggage screening to the maximum extent possible, with full explosive detection systems in place by end of 2002.

Anti-hijacking training for flight crews and reinforced cockpit doors.

A hiring preference for veterans.

I am additionally supporting federal funding to reimburse local airports for expenses they already expended on security measures since September 11, 2001.

To further promote safe air travel, I am currently drafting legislation that would make it a federal crime to carry a knife, box cutter, stun gun, pepper spray or any other cutting object on an airline. Currently, carrying such objects is only a violation of Federal Aviation Administration regulations. However, my proposed legislation would make the current FAA rule a federal law under the jurisdiction of the Department of Justice and imposing criminal penalties.

I urge all of my colleagues to support this conference report; we can do no less for the American people and we must do it now.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. KIRK).

Mr. KIRK. Mr. Speaker, I want to thank the gentleman from Alaska (Chairman YOUNG), the gentleman from Florida (Chairman MICA), the gentleman from Minnesota (Mr. OBERSTAR), and my partner in support of Chicago's aviation, the gentleman from Illinois (Mr. LIPINSKI), for this bill.

The historic compromise gives the American people an aviation security bill well before Thanksgiving; and once implemented, we will have a security system even better than the Israeli system that served as a model for our bill.

I want to thank the committee especially for including two provisions that I requested.

First, under this bill, Americans will protect Americans at U.S. airports. Over 90 percent of the screeners who allowed hijackers to board at Dulles International Airport were not American citizens. Some of them were even illegal aliens. This bill requires that the Federal screeners will be United States citizens.

Also, this bill establishes a sky 911 program. Currently, a passenger dialing 911 on an air phone will get no answer; but under this bill, a passenger dialing 911 in response to someone's heart attack or hijackers will be answered by a trained professional who will find expert law enforcement or health care help. Help is now just a phone call away, and I thank the technical people in Chicago who pioneered this for the cell-phone industry to now work for air phones.

As a new member of the Subcommittee on Aviation, I am committed to aviation safety, especially at O'Hare; and I urge the adoption of this bill and thank my leaders for doing it.

Mr. OBERSTAR. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Maine (Mr. BALDACC), a member of the Committee, and thank him for his yeoman's service in shaping this bill.

Mr. BALDACC. Mr. Speaker, I would like to thank the ranking member of the full committee, the gentleman from Minnesota (Mr. OBERSTAR), for his leadership and the gentleman from Illinois (Mr. LIPINSKI), the ranking member on the subcommittee, for his leadership and also the gentleman from Alaska (Mr. YOUNG) and the gentleman from Florida (Mr. MICA) on the majority side for bringing this legislation to the floor.

Mr. Speaker, this is much needed. It is something that should be done as soon as possible and we can begin implementing it immediately, so we can expand the confidence that flyers have in our aviation system. It is an important, integral majority of our economy; and the measures that are being put forward here are measures that are going to continue to build on that foundation that has been developed.

I want to commend those who have been involved and also point out the particular references as they matter to airports in the State of Maine. We are very pleased in terms of the latitude and also the level of expertise that is going to be there at airports throughout Maine and Portland and Bangor and Presque Isle and feel this will

greatly enhance security and the economy in Maine and the rest of the Nation.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 2 minutes to the gentleman from Alabama (Mr. BACHUS).

Mr. BACHUS. Mr. Speaker, there is one story that has not been in the papers of this country. That is the fact that the gentleman from Alaska (Mr. YOUNG) and the gentleman from Florida (Mr. MICA) were not stampeded into passing a bill 3 weeks ago; but they made important changes to that bill, changes that the American people will thank them for in years to come, changes that will save lives.

The gentleman from Illinois (Mr. Kirk) mentioned that all screeners will be American citizens. I thank the gentleman from Alaska (Mr. YOUNG). That needed to be made. That change needed to be made. The press has ignored it, but I have not and the American people have not.

Two other changes:

Prior to the changes made by the House, one could walk up and they would search their grandmother's change purse, but a foreign visitor to this country could take a footlocker and could check it on an airplane, and it would not be searched.

I thank the gentleman from Alaska (Mr. YOUNG), and I thank the committee for putting in screening of baggage. That would have been a gigantic loophole.

Finally, and I have heard nothing said about this, but I thank the gentleman from Alaska (Mr. YOUNG) and the gentleman from Minnesota (Mr. OBERSTAR) and I thank the House, because there were no provisions to secure the Tarmac. Think about that for a minute: someone could have walked up to the Atlanta Airport, as they have done on several occasions, and stolen baggage. They could have come up to those same wagons that we have all seen when we looked out of the airplanes, and they could have put baggage on that wagon; and that could have contained a bomb, and it could have been on the planes that our mothers, fathers, daughters, or wives were on.

I thank the gentleman from Alaska (Mr. YOUNG). The press has not covered that, those that have criticized the House have not covered that, but thank goodness for this House of Representatives. Thank goodness for this Committee on Transportation that did those things.

The American people may never know about those things, but we know about them and we know they will save lives. I thank the gentleman again.

Mr. OBERSTAR. Mr. Speaker, I yield myself 15 seconds.

Mr. Speaker, I greatly appreciate the enthusiasm of the gentleman from Alabama and his support. I would point out that perimeter security and access

to the AOA, operations area, has been a requirement in law ever since the Aviation Security Act of 1990. It just has not been vigorously enforced. This legislation will provide much more vigorous enforcement.

Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from Florida (Ms. BROWN).

Ms. BROWN of Florida. Mr. Speaker, I want to thank the gentleman from Alaska (Chairman YOUNG) and the gentleman from Florida (Mr. MICA) for their hard work and for this fair and reasonable bill; and I want to compliment the leadership of the gentleman from Minnesota (Mr. OBERSTAR), who in my opinion is a real transportation guru; and to the gentleman from Illinois (Mr. LIPINSKI) for his input, and to everyone on the committee who kept us informed; and, of course, the gentleman from Oregon (Mr. DEFAZIO) for his strong voice during this entire process.

I believe we finally have a bill that will convince the American people that it is safe to fly. I am pleased that we finally passed an aviation security bill that put airport security in the hands of the Federal law enforcement officers.

I am particularly glad to see that the final bill includes the tough requirement for flight schools, including background checks for non-U.S. citizens; the terrorist-recognition training and reporting requirement for flight school personnel.

This is a win-win for the American people and should be a big boost for the Florida tourism industry, as well as the whole economy.

Now we must act to protect the safety of the entire transportation system, including ports, rail, bridges, tunnels, and maybe, after Monday's accident, more thorough safety inspections for airplanes.

We have a lot more work to do. The American people deserve it. This is a win-win for the American people.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 2½ minutes to the gentleman from Missouri (Mr. BLUNT).

□ 1330

Mr. BLUNT. Mr. Speaker, I thank the gentleman for yielding me time.

Like so many other speakers here today, I want to thank the gentleman from Alaska (Chairman YOUNG) and the gentleman from Florida (Chairman MICA) for their hard work on this bill; also, the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Illinois (Mr. LIPINSKI), who I had the honor to work with on the Committee on Transportation and Infrastructure and on the Subcommittee on Aviation who always worked so hard and know so much about these issues.

I think it was clear from this conference that the House conferees took in a much stronger set of under-

standing of what needed to happen, not just in aviation security, but in transportation security than others who were involved in the conference.

Mr. Speaker, I will include for the RECORD a statement from the President.

He also says in words that I would like to paraphrase, words that have been said here today. We turned this over to the right people, to the Department of Transportation. We did not take one little sliver of one piece of Transportation and say it will be in the Justice Department, at the same time that the Justice Department did not want it. We turned this over to the Department of Transportation but went beyond that and created a new role in that Department for somebody to worry about all levels of transportation security; not just airports, but seaports as well as airports, railways as well as highways, pipelines.

The text of the letter referred to is as follows:

THE WHITE HOUSE,
OFFICE OF THE PRESS SECRETARY,
November 15, 2001.

STATEMENT BY THE PRESIDENT

I commend the House and Senate conferees for reaching an agreement that puts the Federal Government in charge of aviation security, making airline travel safer for the American people.

This agreement improves upon the Senate-passed legislation in several important ways, including putting responsibility for all modes of transportation security at the Department of Transportation, where it belongs. Today's agreement also gives the Federal Government the flexibility to ensure a safe transition to a new aviation security system and will ultimately offer local authorities an option to employ the highest quality workforce—public or private. In addition, the compromise will help ensure security by requiring that all screeners be U.S. citizens and by guaranteeing the screening of all checked bags.

Safety comes first. And when it comes to safety, we will set high standards and enforce them. I congratulate the conferees and look forward to signing this important legislation into law.

We are an open and free society. And to assume that, when we deal with one small section of transportation as our friends on the other side of the building did, we have dealt with transportation security, would have been a terrible assumption.

This gives us the flexibility for a much safer transition. We have the time to go from what we have today in a safe way to immediate Federal control but to have a transition that works. All screeners, as mentioned, will be U.S. citizens and eventually all bags will be screened. Those are important things. I hope that at the end of this 3-year period of time, this period of time where we basically have a new system in place with a small sample of what a combination of public and private security could provide, that at the end of this time we really cannot tell any difference.

I am hopeful that there is never any debate in this House again as to which system was safer, because we were all trying to find the safest system, the most secure system. I hope we do not have to look at any tragedy and say if our system would have been in place it would have been better. I hope we can do everything possible to work with the Secretary of Transportation, to work with our oversight committees to be sure that this bill for the first time ever provides the kind of transportation security that the Americans need and the people traveling in the United States of America deserve.

Mr. OBERSTAR. Mr. Speaker, what is the time remaining on both sides?

The SPEAKER pro tempore (Mr. FOSSELLA). The gentleman from Minnesota (Mr. OBERSTAR) has 12 minutes and 15 seconds remaining. The gentleman from Alaska (Mr. YOUNG) has 8 minutes remaining.

Mr. OBERSTAR. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Ohio (Mrs. JONES).

Mrs. JONES of Ohio. Mr. Speaker, to the gentleman from Alaska (Chairman YOUNG), the gentleman from Minnesota (Mr. OBERSTAR), and the other members of the Committee on Transportation and Infrastructure, I give my personal thanks.

Earlier when we debated this bill, I spoke of the fact that I have a niece who is a flight attendant for United Airlines. My father worked for United for 38 years. My sister works for United. My brother-in-law works for United. My airline family is personally thankful for the opportunity to be able to say that they are secure in their jobs. To all the other families of airline employees across this country, I know they are feeling as good as I am. My thanks to the committee and my colleagues, because only through the work that we do to secure the workers can we secure the passengers.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 1 minute to the gentleman from Minnesota (Mr. KENNEDY).

Mr. KENNEDY of Minnesota. Mr. Speaker, I rise in strong support of this bill, and I want to begin by congratulating and thanking the gentleman from Alaska (Chairman YOUNG), the gentleman from Florida (Chairman MICA), the gentleman from Minnesota (Mr. OBERSTAR), and the gentleman from Illinois (Mr. LIPINSKI) for the great work they have done.

This is a good compromise and a great achievement for this body and a win for the American people.

As we approach the holidays, the busiest traveling season, we have a bill that will make traveling safer. The number one priority of this body has always been the safety of Americans traveling. I am happy that this bill deals with all areas of security, not just screening. It deals with screening the baggage that is checked. It deals

with those that have access to the plane, whether for cleaning or food service. And this bill allows airports to investigate the security models that are best and choose the one that works best for them, resulting in the highest level of security.

Mr. Speaker, we owe it to the American people to have the best air security in the world, and I am happy to support this bill that provides it and thanks to those who worked on it.

Mr. OBERSTAR. Mr. Speaker, I yield 1 minute to the distinguished gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Speaker, I rise in strong support of this conference report, and I would like to thank and congratulate the gentleman from Alaska (Mr. YOUNG) and the gentleman from Minnesota (Mr. OBERSTAR) for their really diligent work in making this happen. I particularly commend my friend, the gentleman from Iowa (Mr. GANSKE), for his courageous fight for many of the principles in this legislation.

This will not solve all of America's aviation safety problems. We have to be diligent, continue to come back to this again and again and again. But it is an example of the best this Congress has to offer, people implementing practical solutions that will be workable solutions, that will make our skies safer and our people more confident right away. This represents the best practices of those who know the most about the industry.

Again, to the gentleman from Alaska (Mr. YOUNG) and the gentleman from Minnesota (Mr. OBERSTAR), in particular, we are thankful for this work. We promise that we will stand by their sides as we implement this law and make good things happen once again in the future.

Mr. Speaker, I urge a "yes" vote in favor of the conference report.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 2½ minutes to the gentleman from Texas (Mr. DELAY), a great leader.

Mr. DELAY. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I just thought it was important for me to come down to the well and congratulate not just the gentleman from Alaska (Chairman YOUNG) and the gentleman from Florida (Chairman MICA) for doing an incredible job on this piece of legislation, a very courageous job on this piece of legislation, but to commend the House of Representatives.

If we would have listened to some in this House, we would have sent the President a seriously flawed piece of legislation. In their haste, the other body, Mr. Speaker, passed a bill that was seriously flawed, did not even cover entire airports, for the security of entire airports; took the issue of security and put it under the Department

of Justice; did not even cover the baggage in the hold of the airplanes.

So many flawed issues in the other body's bill, Mr. Speaker, that it took the courage of the chairman to stand up to what was a railroad moving through this country and stop implementing a seriously flawed system. This bill is a House bill with a few changes from the Senate. This is the House bill.

Mr. Speaker, I must congratulate the gentleman from Minnesota (Mr. OBERSTAR) because on all the issues, other than one, he was right there writing a very, very strong and important piece of legislation that we find in this conference report.

We have a real and important framework under the Department of Transportation to create the new security administration. We get a uniform, consistent security system nationwide. We do not have the small airports being treated differently from the big airports. Everybody will be treated the same and have the same sort of security. We have the flexibility that we wanted for the President and the Secretary of Transportation to put the kind of tools necessary, including private sector security to ensure safety of the traveling public.

A very important provision that the American people instinctively know is to require every screener to be a United States citizen, something that the Senate did not seem to want to put in their bill. So I am very proud of the fact that this is basically the House bill that passed out of here a few weeks ago, a House bill that took its time to be written; and it was done right. And most importantly, covers all modes of transportation, security for all modes of transportation, not just aviation. I congratulate everyone that was involved.

Mr. OBERSTAR. Mr. Speaker, I yield 1½ minutes to myself.

Mr. Speaker, I appreciate the very thoughtful words of the distinguished majority whip, but I must point out that the bill that the gentleman from Iowa (Mr. GANSKE) and others offered on the floor that was the product of the other body did cover screening of checked luggage and it did have a citizenship requirement. In fact, it was one of the impediments on this floor. It had a supercitizenship requirement that caused some distress for some Members of this body. But I do appreciate the observations of the distinguished majority whip.

Had the chairman and I been able to work things out without overarching influences, I think we would have had this bill on the floor 3 weeks ago. I would also like to observe, Mr. Speaker, that never have I been prouder to stand in this Chamber with a colleague than on the day we debated the security litigation with the gentleman from Iowa (Mr. GANSKE), who stood on a matter of principle.

He is of a prototype about which President Kennedy wrote in his book "Profiles in Courage." It does take courage to stand against your party, against your President on a matter of principle; and because he took the stand, we are here today with an improved version of that bill.

Mr. Speaker, I reserve the balance of my time.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 1 minute to the gentleman from Iowa (Mr. GANSKE).

Mr. GANSKE. Mr. Speaker, I thank the chairman for yielding me time.

First, I think we ought to thank somebody who I have not heard mentioned yet and that is the Speaker of the House. I think the Speaker of the House has done a great job to help move this issue along. Next, I want to salute the passion of the gentleman from Alaska (Chairman YOUNG) and the gentleman from Florida (Mr. MICA) and the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Illinois (Mr. LIPINSKI). I know how much all of them care about the safety and security of Americans flying in the skies.

This bipartisan conference bill is a great bill. My hat is off to all of these gentlemen. I hope that this bill passes this House unanimously. I want to thank President Bush for his input into moving this issue along. He will enthusiastically sign this bill.

Finally, I hope that none of us ever forget those brave passengers on United Flight 93, an airplane that was heading directly for this Capitol. Were it not for those brave passengers, we might not be standing here today.

Mr. OBERSTAR. Mr. Speaker, may I inquire of the Chair how much time remains?

The SPEAKER pro tempore. The gentleman from Minnesota (Mr. OBERSTAR) has 9 minutes remaining. The gentleman from Alaska (Mr. YOUNG) has 3½ minutes remaining.

Mr. OBERSTAR. Mr. Speaker, I yield 1¾ minutes to myself.

Mr. Speaker, I too join the gentleman from Iowa (Mr. GANSKE) in acknowledging and with great appreciation the role of the Speaker who repeatedly brought Members together to discuss the content of an aviation security bill and pressed on both sides of the aisle his sense of urgency to get a bill through this body and through conference and to the President.

And to our minority leader, the gentleman from Missouri (Mr. GEPHARDT), who with equal passion, persistence, and fervor advocated resolution of issues. Many times he appealed to me to find common ground with the gentleman from Alaska (Chairman YOUNG). And to Senator HOLLINGS, the Chair of our House-Senate Conference, who was a tower of strength, with an unswerving commitment to principle, and to the principle of getting a bill

passed, getting a conference report that would work. They together were leaders in the very best sense of the term.

Of course, again, our chairman, the gentleman from Alaska (Mr. YOUNG), who throughout with passion, with vigor, with humor, with his common sense approach brought us to this point of resolution. To the gentleman from Florida (Mr. MICA), the Chair of the Subcommittee on Aviation, who has been a quick student of aviation and from his very first year in this body sought service on the Subcommittee on Aviation, participated in the hearings, did our field trips and paid attention to the details of aviation and has proven himself a vigorous and worthy advocate for aviation. I am grateful for his leadership.

Mr. Speaker, I reserve the balance of my time.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. FOLEY).

Mr. FOLEY. Mr. Speaker, let me share in the congratulations to the gentleman from Alaska (Chairman YOUNG) and, of course, the gentleman from Florida (Mr. MICA) for his leadership on this issue.

□ 1345

Let us make sure we do not do what we did with the 1990 bill, simply pass it. We need to enforce it. We need to make sure we carry out the mandates of this bill.

There is a provision to secure the cockpits, \$500 million. Let us make sure we secure the cockpits. If the airlines had their way, they would put a paper clip in the lock and say it is secure. We must make certain that not only the aircraft but all perimeters are secure.

This bill was worth the couple weeks we waited. A lot of politics was made out of it. In fact, disparaging remarks were made about our side of the aisle not caring about safety. We care deeply about airline safety, passenger safety. And due to the leadership of both sides of the aisle, I can say to the American public today, as cochairman of the Congressional Travel and Tourism Caucus, we are well on our way to safer skies, a better traveling modality, and certainly a better economy for all Americans.

I congratulate the House.

Mr. OBERSTAR. Mr. Speaker, I yield myself 1¼ minutes.

I appreciate the comments of the gentleman from Florida, with whom I have worked on travel and tourism issues. One of the reasons that the Aviation Security Act of 1990 was so long in reaching fruition is that the rules required to implement the provisions of law had to go through excruciating cost-benefit analyses.

One of the matters in which Members on our side, the gentleman from Illi-

nois (Mr. LIPINSKI), the gentleman from Oregon (Mr. DEFazio), and I were agreed upon, and on which the chairman of the full committee and chairman of the subcommittee, the gentleman from Florida (Mr. MICA), were agreed, was that cost-benefit analysis on rulemaking should be waived in matters of security.

The provisions of this legislation are very clear: The Under Secretary shall consider whether the costs are excessive in relation to the enhancement of the security the regulation will provide. The Under Secretary may waive requirements for analysis that estimate the number of lives that would be saved by regulation and the monetary value of such lives if the Under Secretary determines it is not feasible.

That kind of cost-benefit analysis has given to the FAA the unfortunate misnomer of "tombstone mentality." It is not because the FAA wanted to do those analyses, it is because they had to. And we are going to take that onerous burden out of the rulemaking process and speed it up in the interest of security and saving lives.

Mr. Speaker, I reserve the balance of my time.

Mr. YOUNG of Alaska. Mr. Speaker, how much time remains on each side?

The SPEAKER pro tempore (Mr. FOSSELLA). The gentleman from Alaska (Mr. YOUNG) has 2½ minutes remaining, and the gentleman from Minnesota (Mr. OBERSTAR) has 6 minutes remaining.

Mr. OBERSTAR. Mr. Speaker, I yield 2 minutes to the gentlewoman from Nevada (Ms. BERKLEY).

Ms. BERKLEY. Mr. Speaker, I thank the gentleman for yielding me this time, and I thank both the chairman and the ranking member for doing an extraordinary job.

I strongly support this airline security compromise, and I would also like to thank all the conferees who worked diligently to reach a compromise before the Thanksgiving holiday.

We have answered the pleas of all our constituents to pass an aviation security package that will make our skies safer. This package will restore public confidence in our aviation system. Well-trained, well-paid law enforcement officials will thoroughly screen baggage, sky marshals will be placed on flights, and cockpit doors will be fortified.

The passage of this bill will directly impact on my district. The economy of Las Vegas depends on the travel and tourism industry and the 38 million visitors who come to Las Vegas each year. Nearly 46 percent of those that come to visit Las Vegas arrive by air. We have an obligation to ensure that all travelers are safe.

Aviation security is national security. With the passage of this bill, we enhance our national security and protect all Americans. I urge all of my

colleagues to vote for the conference report.

Mr. OBERSTAR. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Speaker, I have appreciated the debate in terms of the committee members and those most involved in this legislation, but I heard some remarks from a couple on the other side that I felt I had to respond to in the interest of the record.

We could have had an aviation security bill much, much, much sooner. Yes, the Senate bill was not a great product, but it was passed a month ago, and this body could have acted before that or soon thereafter. We have been working 2- and 3-day weeks, really been putting in tough duty here in Washington, D.C. I have been flying back and forth across the country more than I am spending time in Washington.

We could have had a bill sooner, except for the impetus of one of the gentlemen who spoke in the well earlier about this, who was dead set against having competent, well-trained Federal employees doing the screening and security at airports. This bill provides that almost every airport in America will have those competent, well-trained Federal employees in place within 1 year, to replace the minimum wage, undertrained, and sometimes felonious employees used today to supposedly provide us with security.

We should have done it sooner. It is great we are doing it today. It is a good bill.

Mr. YOUNG of Alaska. Mr. Speaker, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Speaker, how much time is remaining?

The SPEAKER pro tempore. The gentleman from Minnesota (Mr. OBERSTAR) has 3½ minutes remaining, and the gentleman from Alaska (Mr. YOUNG) has 2½ minutes remaining.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 30 seconds to the gentleman from Michigan (Mr. SMITH).

Mr. SMITH of Michigan. Mr. Speaker, I just wanted to bring something to the attention of the chairman and the body that an engineer and pilot in my district suggested that we have a separate entrance for pilots and a solid bulkhead, doing away or reducing the need for security police on the plane, reducing the need to have threats of terrorists or hijackers.

So I hope this is one of the areas that the Department will be looking into, and I thank the gentleman for yielding this time to me.

Mr. OBERSTAR. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore. The gentleman from Minnesota is recognized for 3½ minutes.

Mr. OBERSTAR. Mr. Speaker, first and foremost among the litany of thanks and appreciation should be the members of the professional staff of

the Committee on Transportation and Infrastructure, who worked vigorously over the past several weeks, intensively since September 11, who gave not only weekdays, but week nights, Saturday and Sunday and Monday of this past weekend, in order to bring us to this point with care and skill in working out the language.

Often conferees get together and Members discuss principles without specific direction on how to translate those principles into the actual language, and this dedicated staff have done that. I specifically want to mention David Heymsfeld, whose shadow looms long over all aviation legislation in the last 25 years. His fingerprints are on every major piece of aviation legislation. Also Ward McCarragher, Stacie Soumbeniotis, Amy Griffith Denicore, Sheila Lockwood, Dara Schlieker, Rachel Carr, Michael McLaughlin, of the staff of the gentleman from Illinois (Mr. LIPINSKI); Kathy Weatherly, staff of the gentleman from Oregon (Mr. DEFAZIO); Lloyd Jones, who has proven a strong leader on the Republican staff; Mike Strachn, Elizabeth Megginson, Levon Boyagian, Fraser Verrusio, David Schaeffer, with whom I have worked for many, many years on aviation; Sharon Barkeloo, Adam Tsao, Cheryl McCullough, Sharon Pinkerton, and Legislative Counsels David Mendelsohn and Curt Haensel.

On the Senate side: Kevin Kayes, Moses Boyd, Sam Whitehorn, Gael Sullivan, Kerry Ates, Mark Buse, Rob Chamberlin, Mike Reynolds, Joe Mondello, David Crane, and Legislative Counsel Lloyd Ator.

Without their vigorous efforts, we could not have come to this point, especially after the computer crash this morning.

We achieve in this legislation something that has been a long-time goal of mine, of the families of the victims of Pan Am 103, establishing within the Department of Transportation at the level of the Secretary an Under Secretary for Transportation Security. When proposed, it was rejected by the administration at the time. They did not want an additional bureaucracy. Now, the wisdom of establishing it, the wisdom of our commission recommendation 11 years ago, is fulfilled in this legislation.

I introduced legislation in 1986-87 to establish an Assistant Secretary for Intermodalism in DOT. That never came to fruition. But, effectively, we have it now. And for that I thank the chairman of the full committee for realizing the significance of it, and the chairman of the Subcommittee on Aviation for understanding how important it is to elevate security for all modes of transportation to the level of the Secretary himself.

If I had my way, I would make one change in this bill, and that is to re-

quire on every airline ticket, accompanying the fee that we are going to impose for aviation security, the September 11 fund, so that never again will people forget what happened on September 11 and why we were brought to this legislation, why we are here today, and why we are doing something so substantial for the future of aviation and the future security of air travelers.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself the balance of my time.

This has been an interesting hour, considering the time we put into the debate of the bill that was before us 2 weeks ago. Everybody is thanking everybody. I like that better than hollering at one another.

I again would suggest that the House did itself proud today. And I have never been prouder than now, being a House Member. And the more I am around this body, the prouder I am about the quality of the people that work here, the intelligence which they bring to this body, the diversity that they bring to this body. This is truly America. This is the House of the people.

As the gentleman from Minnesota mentioned, we have a House product. It may have a Senate name on it, it may be a Senate number, but this is truly a House product, because we had people like the gentleman from Illinois (Mr. LIPINSKI), the gentleman from Minnesota (Mr. OBERSTAR), and the gentleman from Oregon (Mr. DEFAZIO). We may disagree on many things, but on this issue we agreed on the best security system, and today we have achieved that.

The gentleman from Minnesota also mentioned the staff, and I will not mention all the names, because I probably would forget somebody, but I will say that I am deeply proud of their work and of the time they put in, because we have had a product brought to this House that I believe is the finest piece of legislation for aviation that has ever passed.

Yes, we will continue to oversee, and we will be involved, and we will make sure this system works as we envision it working, because I truly believe the American people want that. But America has won today, this House has won today, and I am deeply proud of being chairman of this committee.

Mr. MEEHAN. Mr. Speaker, I rise today to express relief and gratitude that the Federal Government will finally take meaningful steps to shore up security at our airports and on our airplanes.

The tragic events of September 11th left the residents of Massachusetts' Fifth Congressional District—whom I am privileged to represent—all too aware of the potential price of inadequate airport and airplane security. Two flights that fateful day departed from Logan Airport in Boston, bound for destinations in California. Instead, murderous terrorists armed with knives and box cutters hijacked those planes and used them to destroy the World Trade Center. 28 individuals from or with close

connections to the Fifth Congressional District lost their lives due to these terrorist acts. Their families and friends mourn their loss and honor their memories—now and forever.

We cannot replace or restore the loss endured that day. That is our permanent tragedy. But we can bring the perpetrators to justice, and we can prevent innocent American life from being taken again by terrorists. This is our obligation to all Americans and to the memories of those who died on September 11—to put up our guard for good. It had long been evident that airport security was not being taken so seriously as it should have been. Few pieces of baggage were screened for explosives. Private security companies with poor track records were trusted with guaranteeing the safety of airplane passengers. Cockpit doors were not secure against intruders.

Thankfully, this will now change. When the House first took up airport security legislation, I was proud to vote in favor of a bill previously passed by the Senate, which would have required airport passenger and baggage screeners to be Federal employees. Unfortunately, the bill that initially passed the House rejected the Senate approach and chose instead to maintain too much of the status quo. I am very pleased that the conference report we take up today shares much more in common with the Senate approach than the original House bill. It would require, within a year of enactment, airport screeners to be Federal employees at virtually all airports in the United States. Moreover, all checked bags will be screened by X-ray equipment within 60 days of enactment, and all bags will be screened using explosive-detection equipment within a year. This is a sea change from the current approach—a change that will benefit the millions of Americans who travel by air for work and pleasure.

I do wish the bill had gone further. The bill does permit airports to request to use private screeners after three years. However, the Secretary of Transportation must find that non-federal screeners will provide an equal or higher level of security to approve any such application. It is imperative that the Secretary interpret this requirement stringently. We must not compromise the safety of American air travelers. Nonetheless, the bill is clearly a large step forward towards secure airports and airlines.

Just as the events of September 11th spurred the development of enactment of this legislation, those events explain my absence from voting today. This afternoon, there will be a memorial service in Boston's Faneuil Hall for the 131 individuals from or with close connections to Massachusetts who lost their lives in the terrorist attacks. I join Senator EDWARD M. KENNEDY and the families of these individuals in this hall of liberty to commemorate liberty's martyrs. While I wish there were no schedule conflict between the memorial service and votes on the airport security conference report, I feel strongly that my place today is with the families of the Fifth Congressional District who lost loved ones on September 11th.

Mrs. MINK of Hawaii. Mr. Speaker, I rise in support of the conference report to the Aviation Security Act, S. 1447. This is a good compromise reached between the House and Senate versions and it comes at a crucial time as

the holiday season arrives upon us. By passing this bill we will assure Americans that we are going to do everything necessary to protect them when they fly.

For two months the Congress has debated the merits of federalization versus privatization when what we should have been doing is putting aside our differences and passed a common sense compromise between the two differing ideas. While the House was talking, Hawaii's tourism industry continued to suffer. As the Christmas travel period nears, passing this bill will help to rebound my home State's depressed economy.

Mr. Speaker, this compromise represents the willingness of the two sides to act and get this bill to the President immediately. We will have a federal security workforce at our airports, with increased safety standards. We will have a strengthening of cockpit doors to make them impenetrable and there will be more air marshals deployed on more airplanes throughout the country. Pilots and flight crews will receive a more rigorous training in dealing with hijackers. There will also be some flexibility by allowing 5 airports to conduct a pilot program for 3 years with a private contractor under strict federal oversight, pay schedules, and training regimens.

I am pleased that this bill will pass both Chambers swiftly and that the President has said he will immediately sign it into law and give people the sense of security which they have been needing for more than two months. We should have passed this bill immediately after September 11. I urge my colleagues to support the conference report.

Mr. COSTELLO. Mr. Speaker, I rise today in support of the conference report for H.R. 3150. I have said numerous times since the attacks of September 11 that the most important issue for us to address is improving aviation security. This conference is a product of much hard work by members of both bodies and parties. I am pleased that we have the opportunity to support this legislation today.

Under our current system, we have screeners who do not speak English, have received minimal to no training, and often leave to accept a higher paying job at the fast food restaurants in the airports. At many airports turn over is greater than 100 percent; at the St. Louis airport, the turn over rate is greater than 400 percent. In the weeks since the attacks, we have witnessed glaring failures of our current system, including one man clearing security with seven knives, a can of mace and a stun gun and another man boarding a plane with a gun.

For the last nine weeks, I have actively supported legislation which would make all airport screeners Federal employees. By federalizing the workforce, we can be sure that our airport security personnel are professional, well-trained, and accountable. The workers will be fairly compensated for the important task they perform. A Federal screening workforce is key in improving our aviation security.

This legislation creates an Under Secretary of Transportation Security, who will be responsible for security in all modes of Transportation. As soon as the President signs the legislation, stricter screener requirements will be in place. Within a year, all baggage screeners will be Federal employees, who work with fed-

eral law enforcement personnel stationed at the airports to improve our nation's aviation security. Federal, professional employees will restore confidence to the flying public in a way that continuing our current system of contract guards cannot.

In addition, this legislation makes other improvements to our aviation security. Among other things, it requires that all checked bags be screened by explosive detection equipment by the end of next year. It improves airport security by requiring background checks for individuals and vehicle inspections for those with access to secure areas. It increases the presence of Federal Air Marshals on flights. All of these things will make our skies safer.

Mr. Speaker, I think the conference committee has developed a good bill. I am pleased that we will use federal, rather than contract, employees to screen aviation passengers. I believe that with the passage of this legislation, we will be taking a giant step to reassure the public that our skies are safe, and putting our nation well on the road to recovery. I urge my colleagues to join me in support of this legislation.

Mr. FROST. Mr. Speaker, this conference report is a tremendous victory for the American people.

It is a comprehensive airline security bill that will put more federal air marshals on airplanes, strengthen cockpit doors and require that all baggage is screened.

But the most important fact of this bill, Mr. Speaker, is that it puts the Federal Government in charge of aviation security.

On September 11, all of us were made painfully aware that aviation security is a federal law enforcement responsibility. So this legislation replaces the failed current system—lowest-bidder private security contractors—with Federal law enforcement professionals at airports.

That, as much as anything, will go a long way toward restoring public confidence in airline safety and in America's economy.

A lot of people—Democrats, Republicans and Independents—have asked why this desperately needed reform took so long.

All of us agreed on a comprehensive approach to airline security long ago. But for the life of me, I cannot explain why a few Republican leaders spent the past two months fighting against federal law enforcement professionals at America's airports.

The bipartisan members of the conference committee deserve enormous credit for defying those few Republican leaders, and for insisting that airport security become a federal law enforcement responsibility.

Finally, the Congress is giving the American people what they deserve—a real, comprehensive airline security bill.

Ms. MCCARTHY of Missouri. Mr. Speaker, I rise to support the conference report for S. 1477, the Aviation and Transportation Security Act. This new bipartisan compromise contains provisions essential to protecting our citizens, and extra security needed to ensure the integrity of our airways and reassure the traveling public of its safety. The use of a federal security force is critical to achieve this goal.

The most important element of this agreement is the federalization of airport security, effective immediately. Federal law enforcement agents will screen every passenger and

every bag. Trained employees will renew American's sense of confidence in our airlines and will spark economic growth. Restoring confidence in the air travel system will have a domino effect on the economy. When passengers feel comfortable flying, both the airline and tourism industries will also be able to begin the recovery process. Companies that were forced to lay off employees will eventually rehire workers to meet increased demand. Passenger travel at Kansas City International Airport (KCI) was off 27 percent from the previous year because of the September 11 tragedy. A study by Wilbur Smith Associates Inc. showed the Kansas City International Airport (KCI) injects \$3.2 billion a year into the local economy. The payroll from these 67,400 jobs equals \$1.5 billion alone. With this critical legislation, our local economy has a chance to recover.

Recent events and my own travel experience have shown that current private airport security is inconsistent and inadequate. In a two week period in October, there were 90 security breaches detected in our airports. Fortunately, incidents were averted in each situation, and this measure will assure safer skies. This compromise measure contains many other needed provisions to safeguard our skies: criminal background checks for all security employees with access to restricted areas; an expanded federal air marshal program; secure cockpit doors; antihijacking training for flight crews; and certified screeners will restore the trust of air travelers and their families.

Mr. Speaker, I support the Aviation Security Conference Report for S. 1447, and commend all who improved upon an already significant measure. The conference report will make the traveling public safer than they have ever been. I urge all of my colleagues to vote for this historic and important bill.

Mr. BENTSEN. Mr. Speaker, I rise in strong support of the Aviation Security and Transportation Conference Report which clears the way for major security increases throughout the U.S. aviation system. America has always had one of the safest aviation systems in the world, and our work today will restore that reputation.

While conference reports are about compromises, I am pleased that this conference report contains the strong aviation security provisions of S. 1447 and the Oberstar substitute. Because the conference is based on the Senate/Oberstar approach, there will be a seismic shift in the responsibility for aviation security from private contractors with poor performance records in recent years to a new federal authority, the Transportation Security Administration.

Many of my constituents are shocked that aviation security has been the responsibility of subsidiaries of European firms that have been repeatedly fined for serious violations. Overseeing these companies were the commercial airlines, many of which often are struggling to make profits. It is time to get the airlines and profit-loss considerations out of aviation security. If the aviation system is being attacked by international terrorists, my constituents believe it is the duty of the Federal Government to step in and provide protection which is not primarily based on cost concerns. With a \$2.50

security fee per one-way trip, the Transportation Security Administration will be able to provide sweeping new measures and respectable salaries for airport screeners, in the range of \$35–40,000. This will drastically improve recruitment, retainment, and morale.

Under the conference report, the new Transportation Security Administration will be responsible for conducting background checks on employees, developing and conducting stronger training programs, and screening all checked baggage by the end of 2002 with explosive detection equipment. The conference report provides for the expansion of the Federal Air Marshall Program to provide passengers the secure feeling of a strong last line of defense. In addition, there will be important modifications to American airplanes including: cockpit door fortification, cabin cameras, and secure transponders to communicate with air traffic control.

I firmly believe that the primary function of government is the protection of lives and property from external threats, and today I am confident that the Federal Government is performing its necessary duty. We have seen the desperate and utterly merciless nature of our enemy, and now we know what we have to do in response. Americans must feel safe in the air again. Our aviation system provides the glue holding our economy, friends, and families together. Our way of life is based on the freedom to travel, and the American people want American law enforcement to protect that freedom. Today, we have the chance to deliver. I urge my colleagues to pass the conference report and send it to the President.

Mr. KLECZKA. Mr. Speaker, I strongly support the measure before us this afternoon, the Conference Report to S. 1447, the Aviation Security bill. This legislation, which will ensure that well-trained and well-paid Federal employees are responsible for aviation safety, is clearly a victory for the safety of all Americans who fly, and a defeat for those corporate special interests who stood to profit from keeping the same old, failed security system in place.

Prior to September 11, Americans traveled freely on our nation's airplanes, relatively unconcerned about their personal safety. The chances of being a victim of a terrorist attack seemed remote to most of us, as such things seemed to only happen in the movies or in faraway places across the globe. However, the surreal image of airplanes crashing into the World Trade Center and the Pentagon left indelible imprints on the minds of millions and exposed the vulnerabilities that exist in our country's aviation security system.

Aviation security is currently handled by private companies that contract with the airlines and airports to handle security functions. These companies, such as Globe Security and Argenbright Security, have horrendous safety records, and numerous studies by the General Accounting Office and the Transportation Department show that private screeners frequently miss dangerous objects in tests of security systems. Still, private screening companies have continued to maintain that they could do a better job than higher paid and better-trained Federal employees. It is now clear that they have had their chance to prove themselves, and they have failed miserably.

Moreover, for over 30 years airline pilots, flight attendants, air traffic controllers, and

countless others in the aviation industry have implored Congress to pass legislation that would hand over security to the Federal Government. Public opinion polls reflect that the American public also resoundingly supports federalization and has grown increasingly apprehensive about the safety of air travel. Many Americans have even opted not to fly at all, which as we all know has caused a crushing blow to America's airline industry.

It is now time for Congress to repair our flawed system in order to restore public confidence in the safety of air travel. Furthermore, protecting the American people from harm's way is one of the most fundamental obligations of our national government, and we must never allow the tragic events of September 11 to be repeated.

On October 11, the Senate passed an airport security bill by a vote of 100–0 that would dramatically improve aviation security through federalization. I strongly supported an identical piece of legislation introduced in the House, but, unfortunately, the Republican leadership chose to reject this version in place of an alternative bill that would keep in place the same ineffective private security screeners that we currently have.

Today, we have before us a conference report on aviation security that preserves many of the key provisions that were contained in the Senate-passed bill. Most importantly, the report allows for complete federalization of aviation security at all airports for at least 2 years, with the option (but not requirement) for airports to return to a private system after that time if they so choose. I strongly support this legislation since I am confident that airports will choose to maintain the new federal system.

The conference report also includes many other important security measures. For example, all checked baggage would be screened by explosive detection equipment by December 31, 2002. In the interim, all checked baggage would be screened by other means, including x-ray, positive passenger bag matching, or hand checking. Cockpit doors would be fortified and locked during flights, and the federal air marshal program would be greatly expanded. Finally, the report mandates that all passenger and baggage screening personnel be Federal employees within one year.

Should this conference report pass, as I expect it will, today's action by Congress will stand as a victory for all Americans who fly and will represent a triumph over special interest forces who lobbied Congress in favor of the continued use of private contractors. Our world has changed dramatically since September 11, and we must respond accordingly. I urge my colleagues to support this critical legislation.

Mr. BLUMENAUER. Mr. Speaker, I rise in strong support of the Airline Security Conference report. It represents a truly bipartisan compromise that provides genuine improvements to our nation's airline security. Today's bill provides a stronger federal role to ensure proper and much-needed training and baggage security measures, increased on-board safety upgrades, and a strengthened sky marshal program. The American public deserves no less from Congress.

While I am delighted that we are voting on the conference report today, and will have a

bill signed by the President before the start of Thanksgiving week, it deeply concerns me that it has taken Congress so long to reach an agreement on this critically important legislation. Rather than doing it right the first time, some in this body pushed instead a package that fit their narrow partisan and philosophical agenda.

There will be some grandparents across the country denied the chance this year to spend the Thanksgiving holiday with their children and grandchildren because of widespread concern by the American public that our airline security falls short of the mark.

Thankfully, however, Congress will approve today's bill resulting in increased public confidence to fly home to celebrate the upcoming Christmas and Hanukkah holidays with their families. I believe strongly that by providing the changes, oversight, and flexibility included in the Airline Security Conference Report, our economy and communities will benefit along with the American public.

Mr. UDALL of New Mexico. Mr. Speaker, I rise today in strong support of the agreement reached by the members of the aviation security conference committee. In doing so, I would like to commend the Members and their staffs who did an excellent job in negotiating the points of contention in this extremely important legislation.

It is imperative that we turn airplane screeners into a professional, highly skilled, highly trained law enforcement workforce to ensure the best possible security for all airline passengers and crews. As such, I believe the conference report before us today takes significant steps to achieve that goal.

The tragic attacks of September 11, followed by the recent security lapse at Chicago's O'Hare Airport have highlighted the need for improved airport security. Federalizing the airport screeners and requiring all luggage—checked and carry on—to be screened are two critical steps that need to be taken and I applaud their inclusion in this report.

As we are now painfully aware, airport screeners are the front line in aviation security. This legislation will help transform them into a well-trained workforce capable of rising to the challenge and importance of their task.

I urge my colleagues to support this bipartisan compromise forged by hours of hard work and dedication and help ensure the safety of Americans and restore their confidence in air travel.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise in strong support of the Aviation Security conference report.

First, I want to commend the conferees for their dedication and hard work in reaching a compromise that has broad support from the Congress and the American people. I want to especially thank the Ranking Members of the full committee and the Aviation Subcommittee, respectively, Mr. OBERSTAR and Mr. LIPINSKI for their persistence and leadership.

After the terrorist attacks of September 11, 2001, the American people were understandably reluctant to fly again. In the period immediately following the resumption of air traffic, airlines reported that load factors on their flights had plummeted, even after cutting back on the number of flights available. Airlines

were also reporting millions of dollars of operating losses each day, and some were on the verge of bankruptcy. The disruption of the airline industry also threatened small businesses located at our nation's airports, such as restaurants and newsstands, who depend on heavy passenger flows through airports.

Under those conditions, Congress acted swiftly to pass the Air Transportation Safety and System Stabilization Act to provide an immediate infusion of funds for the airlines and to provide loan guarantees to ensure that the airlines regained access to capital markets. However, we all realized that passage of that legislation would be a Pyrrhic victory if Congress did not quickly enact legislation to restore the traveling public's confidence in security at our airports and in the skies. Although it has taken nearly two months, I am pleased that Congress is now finally taking that step.

The conference agreement provides the additional security that Americans have demanded by making all passenger and baggage screening at most airports in the nation a federal responsibility for at least two years. However, five airports, each of different size, will be allowed to participate in a DOT-supervised pilot program where passenger and baggage screening will be performed by private contractors. After the initial two-year period, individual airports will be given the option of requesting that screening be performed by private contractors or by local law enforcement officials. The applicants will have the benefit of the experience of the five pilot airports and still must meet or exceed baseline standards in order to have their applications to defederalize passenger and baggage screening approved by DOT.

The conference agreement also includes numerous non-controversial items, such as provision for additional air marshals, reinforcement of cockpit doors, and additional training to flight crews to better equip them to respond to hijacking situations. I am particularly pleased that the conference agreement includes two provisions regarding background checks. First, the agreement provides that criminal background checks will be required for all persons with access to secured areas of airports. This was a suggestion that I conveyed to the leadership of the Committee on behalf of DFW International Airport in my district. Certainly, we want to ensure that terrorists or other dangerous individuals do not infiltrate such sensitive areas. Second, the agreement provides that background checks be required for any foreign national seeking instruction in the operation of aircraft over 12,500 pounds and that flight school employees will be trained to recognize suspicious activities. I believe this provision adequately addresses concerns raised by constituents and other residents of the Dallas-Fort Worth Metroplex that Syrian nationals had been allowed to receive flight training at Fort Worth's Meacham Airport after the events of September 11.

Now that we have addressed the financial distress of the airlines and the security concerns of passengers, we still have one important item of unfinished business—the health and livelihoods of the more than 100,000 airline employees and others who have lost their jobs as a result of September 11. I strongly urge that provisions extending unemployment

benefits and COBRA coverage be included in any economic stimulus package and hope that we can act on the legislation shortly after we return after the Thanksgiving holiday.

Mr. STARK. Mr. Speaker, S. 1447, the Conference Report on Aviation & Transportation Security Act is a victory for the American public who can rest assured that the Federal Government puts safety first. Although this urgently needed bill has taken far too long to complete its legislative course, and flawed provisions remain, it reflects a great deal of positive change in air travel safety.

The conference agreement makes the Federal Government directly responsible for all passenger and baggage screening, requiring that all screeners be Federal employees. This Federal employee requirement is a great departure from current law. Currently, airlines are responsible for the screening of airline passengers and baggage. Airlines pass this responsibility on to the lowest-bid screening contractors who pay their employees minimum wage and have widely varying employment standards. The result, as documented by the General Accounting Office and the Department of Transportation's Investigator General, is high turnover in the screener workforce and a failure of the screening process to work effectively. Unfortunately, the bill allows airports to return to private contractors for screening, three years after enactment. I would hope that if the Federal employees prove to be a successful change that Congress would revisit this provision.

The bill also requires that all baggage screeners be U.S. citizens. I would have preferred a requirement that all baggage screeners be legal permanent residents. Legal permanent residents are allowed to join our armed forces and are employed in various occupations across the U.S., including in our airports and airlines. Conditioning employment on U.S. citizenship effectively makes legal permanent residents a suspect class when they contribute to the fabric of our nation. The citizenship requirement is discriminatory and should also be revisited.

Aircraft security is significantly increased under the conference agreement by expanding the federal air marshal program; fortifying and placing access restrictions on cockpit doors; ensuring the ability to make emergency phone calls with telephones in aircraft; and providing enhanced anti-hijack training to flight crews. I believe that these new requirements, in addition to federalizing baggage screeners, provides sufficient preventive measures that airline pilots do not need guns in the cockpits. The conference agreement includes a provision to allow pilots to carry guns. I would certainly encourage my colleagues to monitor this provision closely and address it at a later time if this proves to be a threat to public safety.

I encourage my colleagues to join me in bringing aviation safety to the American people by voting yes on S. 1447.

Ms. SCHAKOWSKY. Mr. Speaker, I rise in strong support of the Aviation and Transportation Security Act conference report. Our actions today will help to make the skies the safest that they have ever been.

Since the disasters of September 11, the American public has been waiting for us to act. While I am glad that we are finally meeting their demands, we should have done so

weeks ago. There should have been no delay in responding to the safety concerns of airline passengers and airline workers. That should have been our first priority.

At long last, we now have a bill that puts the Federal Government squarely in charge of protecting aviation security, instead of leaving this awesome responsibility in the hands of private, for-profit companies like Argenbright. It ensures that we will have adequate numbers of well-trained employees who will stop armed and dangerous passengers before they can enter the boarding area or get on a plane. It requires that all checked baggage will be screened by explosive-detection equipment. It expands the Federal Air Marshall program. It requires that cockpit doors be made secure, that aircraft security be strengthened and that flight crews are trained to deal with any potential threat.

I share the belief of the overwhelming majority of Americans that safety is best put in the hands of a public law enforcement authority and Federal employees. However, I continue to be concerned that we have left the Secretary of Transportation with a great deal of discretion as to whether those new public employees will enjoy the same employment benefits and protections as other federal workers. While we agree that these federal law enforcement employees will not have the right to strike, it is my understanding that the Secretary is given the authority to determine whether they can join a union; participate in the Federal Employees Health Benefit Plan and retirement options; and be covered by non-discrimination, health and safety, and whistleblower laws. I sincerely hope that the Secretary will act to give those benefits and rights to federal screeners and security workers. We do not want those critical workers to be given second class status when it comes to employee benefits and rights. We must attract the most qualified people possible to fulfill the role of protecting the flying public. There should be no question that they deserve the same treatment as their fellow Federal employees.

With passage of this measure, we will all be able to truly declare that it is safer for America's flying public to take to the skies. I urge all of my colleagues to vote in support of this long overdue and critical legislation.

Mr. FRELINGHUYSEN. Mr. Speaker, today I rise in strong support of S. 1447, the Aviation Security Act Conference Report. This comprehensive, bi-partisan security package will better protect America's air travelers and improve security at all of our nation's airports.

This legislation strengthens Federal aviation security by doing the following: First and foremost, this legislation requires strict federal oversight of all of the nation's airline security screening, including all baggage screeners. Second, we also put into place a system that will eventually screen 100% of all bags; fortify cockpit doors; put Air Marshals on domestic flights and requires that all airport baggage screeners must be U.S. citizens. In addition, the Federal government will be required to conduct background checks on all individuals with access to secure areas of an airport.

This legislation also provides full authority to Federal officials to fire any of these employees who fail to perform their duties. And, most im-

portantly the United States Department of Transportation assumes enforcement authority that previously rested with the airlines and the Federal Aviation Administration.

Mr. Speaker, as you well know the tragic events of September 11 have forced us to rethink all security in our country like no other time in U.S. History. Today, I am pleased that Congress, working with the President, has acted to ensure safety at our airports and in our skies. Like every American, I want to ensure we have the strongest and best possible security for airline passengers and crews. Make no mistake, on this issue there can be no compromise on safety.

Mr. BEREUTER. Mr. Speaker, this Member rises to comment on the conference report for S. 1447, the Aviation Security Act.

Clearly, the tragic events of September 11, 2001, properly focused attention on the need to improve security at our nation's airports. Without a doubt, the current system has serious flaws and the traveling public deserves better.

This Member cosponsored and strongly supported H.R. 3150, which was approved by the House on November 1, 2001. The House bill took the right approach. It would have federalized the airline security screening process and required strict, new standards governing airline security. Additionally, H.R. 3150 would have given the President needed flexibility on the issue of baggage screeners to determine which option (i.e., private, federalized, or some combination of the two) would provide the highest degree of security.

Quite simply, the House version was more responsible than the Senate bill, which was crafted hastily in the heat of the moment. This Member is disappointed that the House leadership caved-in to the Senate on the crucial issue of airport screeners. It was a very bad mistake for the House leadership to accept the federalization of screeners, as this action simply will put in place a huge new Federal bureaucracy without ensuring an increase in airport security over the House version.

Despite assurances, this Member is convinced that the system established for by this conference report will make it difficult to insist on excellence or to fire under-performing employees. It has been reported that Federal employee unions are already preparing lawsuits to remove elements of the legislation designed to facilitate the firing of employees who do not perform at acceptable standards.

The screening issue unfortunately overshadows many positive features of this legislation. Having expressed these very major concerns about the specific airport screening system being forced on the taxpayers and the American people, this Member is pleased to report that the conference report includes a number of provisions from the House-passed bill that are important improvements over the Senate bill. For example, the conference report increases the number of sky marshals, requires the fortification of cockpit doors, and mandates screening checked bags for bombs and explosives. In addition, the S. 1147 conference report creates a new Transportation Security Administration within the Department of Transportation, which would be in charge of security for airlines as well as railroads, buses, and commercial shipping.

Unfortunately, the White House's lukewarm support for the House bill also badly damaged efforts to arrive at the best solution. Now we have failed to follow the model of many European countries and the Israeli Government which have coordinated a successful national government-private sector approach. This new path will be irreversible and we'll never have an opportunity to see what might have been. As Transportation Secretary Norman Mineta and others have indicated, airports are highly unlikely to use the opt-out provision included in the conference report. Airports will have no incentive to move back to a non-Federal workforce.

The conference report also is worse, or more expensive, for travelers from some parts of the country like my home state of Nebraska, when it comes to the new fees needed to fund the new system. Under the House bill, each passenger would have paid a maximum of \$5 per round-trip in new security-related user fees. The conference report imposes a fee of \$2.50 per passenger for each leg of a trip, up to a maximum of \$10 for a round-trip. For Nebraskans who must make a connection while flying round-trip to either coast, the fee will now be twice as much as it would have been under the House bill. Thus it discriminates against low population states in the country's Midlands. This increase would be acceptable if it accompanied a commensurate increase in security, but clearly the conference report is not an improvement over the House-passed version.

While nothing in this conference report will put in place new security features before the upcoming Thanksgiving holiday weekend, perceived psychological, editorial and public opinion pressures forced this bad compromise so that action could be completed prior to the Thanksgiving holiday. Although prompt action is needed, the artificial Thanksgiving deadline led to this flawed legislation, which will not provide needed airport security reform. Therefore, this Member believes that we may have missed the opportunity to provide real and improved airport security.

Mr. Speaker, this Member is pleased that Congress is addressing the critically important issue of aviation security, but regrets the missed opportunities which the conference report represents.

Ms. LEE. Mr. Speaker, I rise to voice my support for the Aviation and Transportation Security Act, S. 1447.

The events of September 11 have made it critical that Congress pass legislation that will ensure safe travel in our skies.

By putting well-trained, professional federal agents, including federal marshals, in charge of airport and airplane security, and by screening all baggage and cargo, we will make our skies safer, boost confidence in the airlines, and help our economy, the American people, and the country.

Earlier this week, I joined my colleagues in urging the conferees to ensure that legal permanent residents who have lived in the U.S. for 5 years, would still have their jobs protected. I am disappointed that this provision was not included and will continue to work to ensure that those legal residents who lose their jobs will receive the assistance they need.

I urge my colleagues to vote "yes" on the Aviation and Transportation Security Act.

Mrs. LOWEY. Mr. Speaker, I rise in strong support of the Aviation Security Conference Report. First, I would like to commend Chairman YOUNG, Ranking Member OBERSTAR, and Representatives MICA and LIPINSKI for remaining at the negotiating table, and crafting a bipartisan bill that both chambers can endorse.

I also want to applaud Leader GEPHARDT for his tireless pursuit of an airline security bill, and for making aviation security a matter of national security.

My colleagues, since the terrorist attacks of September 11, newspapers across the country have editorialized in support of federal workers at airports. Security experts have said that a federal security force is needed. And, the airlines have called for Federal help.

Today, we finally meet our responsibility to assure the public that our skies are safe. With this bill, the American people will know that second best isn't good enough, the lowest bidder isn't good enough, and a workforce with a more than 120 percent turnover rate isn't good enough.

Mr. Speaker, American families traveling to visit loved ones and friends are not the only ones who depend on the airline industry. Just take a minute to think about what would happen if people don't fly. Businesses will suffer—from the people who run coffee stands in airports to hotel operators to taxi cab drivers to travel agents. These small businesses deserve approval of this bipartisan conference report.

One of my constituents recently wrote that until the skies are secured, "My family will not be flying. * * * We will not be flying any airplane until * * * every piece of luggage is x-rayed and the workers that screen flyers are federalized."

Well, this bill would allow the government to immediately begin taking over control of airport screening functions, require that all baggage be checked, and expand the Federal Air Marshal Program. So let's pass this bill now and give our constituents the long-overdue good news.

We have delayed long enough. Vote "yes," pass the conference report, and make travel safe and secure for all Americans.

Mr. LARSON of Connecticut. Mr. Speaker, I rise in support of this conference report on H.R. 3150, the Aviation Security bill. This is a very positive and productive agreement on the issue of aviation security. I applaud President Bush and Democrats in Congress for their perseverance, but ultimately this a victory for air passengers and for the safety of all American citizens.

I have stated repeatedly in this Chamber and in my district that the existing airport security screening process is tremendously inconsistent, and is conducted by private companies who often are simply the lowest bidders.

These companies do not provide a high level of training for the low-skilled, poorly paid personnel that screen passengers and baggage, and are plagued by high turnover rates.

From the beginning of this debate I have supported legislation that would make airport security the responsibility of the government, to ensure that a highly trained, highly skilled

workforce is responsible for security and the safety of passengers. National security in our airports should not be determined by the lowest bidder.

On the dividing issue of unionized labor that was interjected into this debate, I can only say that nobody checked the union cards of the firefighters, police officers, and emergency medical teams running up the stairs of the World Trade Center.

This conference report will insure that from now on, airport security will be conducted by trained federal professionals. The public deserves nothing less.

Ms. LOFGREN. Mr. Speaker, I rise in support of the Aviation & Transportation Security Act. This legislation comes none too soon for the American public.

With Thanksgiving arriving, travelers and their families on the ground need to have confidence in air security that we once took for granted. This bill makes our airlines and airports safer.

New Federal agents will be hired to screen passengers and scan baggage. These workers will have the training and professionalism necessary to prevent terrorism and effectively serve as partners with law enforcement personnel.

The legislation establishes the Transportation Security Agency whose mission will be to set standards and to oversee the implementation of security standards. For the first time, the United States will have a single agency whose mission is to ensure security for all modes of transportation including water transport, rail highway, commercial aviation as well as civil aviation.

All checked baggage will be screened by explosive-detection equipment by the end of 2002. Cockpit doors will be strengthened and the Air Marshal Program will be expanded to cover more flights.

Mr. Speaker, this bill should have been completed much sooner. I regret that this legislation because an "ideological divide" over the issue of federalization of airport security personnel.

Breaches of security prior to and after the September 11 attacks have left little doubt that the current system of privatized screeners was broken and beyond repair. This legislation provides us with the opportunity to revamp the system, increase personnel training, and raise the standards of our workers.

Yesterday, conference committee members from each party who negotiated the compromise of the House- and Senate-approved bills—each claimed victory. Both sides worked hard to craft a compromise. I also believe the American people and security were victors.

When the President signs S. 1447 it is my sincere hope that its enactment will bring greater confidence to every airline passenger by using America's most valuable resources—its people and its technology—to lock up potential terrorists and to eliminate terrorism.

Mr. REYES. Mr. Speaker, I have said all along that we need to federalize and professionalize airport baggage screening. With Federal employees conducting the screening, we will greatly improve the quality of the screening process. Baggage screeners play a critical role in securing our airlines from terrorist attacks and are the first line of defense. The

government should pay salaries commensurate with the law enforcement responsibilities of screening. This compromise is a step in the right direction and will provide uniform standards for security screeners at airports. Safe air travel is a national priority and it is critical that our screeners be held to rigid Federal standards.

I urge all of my colleagues to support this important compromise that will require almost all of the Nation's airports to put Federal employees in charge of security screening for the next 3 years. After that period of time, individual airports will have the ability to reaccess and to decide if they want to opt out of that Federal system and allow the screening to be handled by private contractors, State or local law enforcement. I predict that most will not. In addition, the bill calls for increased screening of checked bags within 60 days and that all checked bags go through explosive device testing within a year. I strongly encourage the Department of Transportation to use new technology like SPEDS, the Small Parcel Explosive Detection System, which can detect explosives in a nonintrusive manner. Unlike conventional x-ray SPEDS can detect the difference between a bottle of wine and a bottle of liquid explosives disguised to look like a bottle of wine.

I am pleased that Congress is moving forward with this important legislation prior to the Thanksgiving Holiday weekend and believe that it is a good first step toward bringing back America's confidence in flight. I have spoken with the director of the El Paso International Airport and we agree that this measure will provide the needed security for the traveling public.

Mr. McDERMOTT. Mr. Speaker, the airline security compromise bill is a major victory for the American people, and a crucial beginning to the recovery from the September 11 terrorist attacks. This measure will go a long way toward restoring public confidence in airline safety and shoring up our Nation's economy. I commend the members of the conference committee for providing us with an excellent bill to protect the traveling public.

Among the important components of this bill is the requirement that all checked baggage be screened. Past measures have been woefully inadequate, requiring that only a small percentage of checked baggage pass through a screening machine. This bill also provides for the development of an agency within the Department of Transportation that is responsible for all transportation security needs. This includes security on railways, busses, and passenger vessels.

Most importantly, security personnel will be required to meet a new higher standard. Virtually all airport security officers will be Federal employees. Only those security firms that meet or exceed the federal standard will be allowed to operate in our Nation's airports. No longer will the lowest bidding security firm be awarded contracts to protect travelers in this country.

It is my hope that these measures can be implemented in a fast and efficient manner.

Once again I would like to commend the members who worked hard to bring us this compromise bill and to proclaim my support for this measure.

Ms. SOLIS. Mr. Speaker, I rise today to applaud the conferees for their work on the Aviation Security conference report.

This conference report will provide the government with the ability to fully protect our citizens from another horrible attack such as the ones that occurred on September 11.

I especially want to applaud the successful efforts of the conferees in both Houses to remove the "Super-citizenship" clause that was present in the Senate bill.

Many of us in Congress and in minority communities throughout the country were very concerned about that provision because it allowed naturalized citizens to be treated differently than natural-born citizens.

Had the "Super-citizenship" provision been enacted, it would have set the first precedent for further restrictions on a portion of our U.S. citizenry.

I and many others are comforted by the fact that the conference took a fair and just stance on this issue.

I do have to acknowledge, though, that thousands of Legal Permanent Residents will lose their jobs as a result of this legislation.

This is yet another strong argument for worker relief.

We cannot purposely take jobs away from hard-working, tax-paying individuals without offering them assistance.

I hope my colleagues will join me in efforts to address the needs of screeners who, through no fault of their own, will soon be standing in the unemployment line.

Mr. YOUNG of Alaska. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. OBERSTAR. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 410, nays 9, not voting 14, as follows:

[Roll No. 448]

YEAS—410

Abercrombie	Bass	Boswell
Ackerman	Becerra	Boucher
Aderholt	Bentsen	Boyd
Akin	Bereuter	Brady (PA)
Allen	Berkley	Brown (FL)
Andrews	Berman	Brown (OH)
Armey	Berry	Brown (SC)
Baca	Biggert	Bryant
Bachus	Bilirakis	Burr
Baird	Bishop	Burton
Baker	Blagojevich	Buyer
Baldacci	Blumenauer	Callahan
Baldwin	Blunt	Calvert
Ballenger	Boehrlert	Camp
Barr	Boehner	Cannon
Barrett	Bonilla	Cantor
Bartlett	Bonior	Capito
Barton	Borski	Capps

Capuano	Hart	McInnis
Cardin	Hastert	McIntyre
Carson (IN)	Hastings (WA)	McKeon
Carson (OK)	Hayes	McKinney
Castle	Hayworth	McNulty
Chabot	Hefley	Meek (FL)
Chambliss	Herger	Menendez
Clay	Hill	Mica
Clayton	Hilleary	Millender-
Clement	Hilliard	McDonald
Clyburn	Hinchey	Miller, Dan
Combest	Hobson	Miller, Gary
Condit	Hoeffel	Miller, George
Conyers	Hoekstra	Miller, Jeff
Cooksey	Holden	Mink
Costello	Holt	Moore
Cox	Honda	Moran (KS)
Coyne	Hooley	Moran (VA)
Cramer	Horn	Morella
Crane	Hostettler	Murtha
Crenshaw	Houghton	Myrick
Crowley	Hoyer	Nadler
Cubin	Hulshof	Napolitano
Culberson	Hunter	Neal
Cummings	Hyde	Nethercutt
Cunningham	Insee	Ney
Davis (CA)	Isakson	Northup
Davis (FL)	Israel	Norwood
Davis (IL)	Issa	Nussle
Davis, Jo Ann	Istook	Oberstar
Davis, Tom	Jackson (IL)	Obey
Deal	Jackson-Lee	Olver
DeFazio	(TX)	Ortiz
DeGette	Jefferson	Osborne
DeLahunt	Jenkins	Ose
DeLauro	John	Otter
DeLay	Johnson (CT)	Owens
DeMint	Johnson (IL)	Oxley
Deutsch	Johnson, Sam	Pallone
Diaz-Balart	Jones (NC)	Pascarell
Dicks	Jones (OH)	Pastor
Dingell	Kanjorski	Payne
Doggett	Kaptur	Pelosi
Dooley	Keller	Pence
Doolittle	Kelly	Peterson (MN)
Doyle	Kennedy (MN)	Peterson (PA)
Dreier	Kennedy (RI)	Petri
Duncan	Kerns	Phelps
Dunn	Kildee	Pickering
Edwards	Kilpatrick	Pitts
Ehlers	Kind (WI)	Platts
Ehrlich	King (NY)	Pombo
Emerson	Kingston	Pomeroy
Engel	Kirk	Portman
English	Kleczka	Price (NC)
Eshoo	Knollenberg	Pryce (OH)
Etheridge	Kolbe	Putnam
Evans	Kucinich	Quinn
Everett	LaFalce	Radanovich
Farr	LaHood	Rahall
Fattah	Lampson	Ramstad
Ferguson	Langevin	Rangel
Filner	Largent	Regula
Fletcher	Larsen (WA)	Rehberg
Foley	Larson (CT)	Reyes
Forbes	Latham	Reynolds
Ford	LaTourette	Riley
Fossella	Leach	Rivers
Frank	Lee	Rodriguez
Frelinghuysen	Levin	Roemer
Frost	Lewis (CA)	Rogers (KY)
Gallegly	Lewis (GA)	Rogers (MI)
Ganske	Lewis (KY)	Rohrabacher
Gekas	Linder	Ross
Gephardt	Lipinski	Rothman
Gibbons	LoBiondo	Roukema
Gilchrest	Lofgren	Roybal-Allard
Gillmor	Lowey	Royce
Gilman	Lucas (KY)	Rush
Gonzalez	Lucas (OK)	Ryan (WI)
Goode	Luther	Ryun (KS)
Goodlatte	Lynch	Sabo
Gordon	Maloney (CT)	Sanchez
Goss	Maloney (NY)	Sanders
Graham	Manzullo	Sandlin
Granger	Markey	Sawyer
Graves	Mascara	Saxton
Green (TX)	Matheson	Schakowsky
Green (WI)	Matsui	Schiff
Greenwood	McCarthy (MO)	Schrock
Grucci	McCarthy (NY)	Scott
Gutierrez	McCollum	Sensenbrenner
Gutknecht	McCrery	Serrano
Hall (TX)	McDermott	Shaw
Hansen	McGovern	Shays
Harman	McHugh	Sherman

Sherwood	Tancredo	Walden
Shimkus	Tanner	Walsh
Shows	Tauscher	Wamp
Shuster	Tauzin	Waters
Simmons	Taylor (MS)	Watkins (OK)
Simpson	Terry	Watson (CA)
Skeen	Thomas	Watt (NC)
Skelton	Thompson (CA)	Watts (OK)
Slaughter	Thornberry	Weiner
Smith (MI)	Thune	Weldon (FL)
Smith (NJ)	Thurman	Weldon (PA)
Smith (TX)	Tiahrt	Weller
Smith (WA)	Tiberi	Wexler
Snyder	Tierney	Whitfield
Solis	Toomey	Wicker
Souder	Towns	Wilson
Spratt	Trafigant	Wolf
Stark	Turner	Woolsey
Stearns	Udall (CO)	Wu
Stenholm	Udall (NM)	Wynn
Strickland	Upton	Young (AK)
Stupak	Velázquez	Young (FL)
Sununu	Visclosky	
Sweeney	Vitter	

NAYS—9

Brady (TX)	Paul	Shadegg
Coble	Schaffer	Stump
Collins	Sessions	Taylor (NC)

NOT VOTING—14

Barcia	Hinojosa	Mollohan
Bono	Johnson, E. B.	Ros-Lehtinen
Flake	Lantos	Thompson (MS)
Hall (OH)	Meehan	Waxman
Hastings (FL)	Meeks (NY)	

□ 1429

Mr. SNYDER changed his vote from "nay" to "yea."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. BONO. Mr. Speaker, on rollcall No. 448 I was attending a ceremony unveiling a statue of my late husband, Sonny Bono, in Palm Springs, CA. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. FLAKE. Mr. Speaker, I was unavoidably detained from voting on rollcall votes numbered 446, 447 and 448. Had I been present, I would have voted "yea" on rollcall vote number 446, "nay" on rollcall vote number 447 and "nay" on rollcall vote number 448.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate agree to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1447) "An Act to improve aviation security, and for other purposes."

LEGISLATIVE PROGRAM

(Mr. ARMEY asked and was given permission to address the House for 1 minute.)

Mr. ARMEY. Mr. Speaker, I take this time for the purpose of making an announcement.

Mr. Speaker, I am pleased to announce to our colleagues that, while we

have not completed all of our work for the day, we have a few things we will do by unanimous consent, we have had the last vote of the day; and indeed, we have had the last vote prior to the Thanksgiving recess work period.

I should advise, Mr. Speaker, if I may, Members that the House will be in session on Monday next for a pro forma session, but there will be no votes.

A few other pieces of information that may be of interest to our Members is that we do want to advise the body that we will hold a vote on trade promotion authority on December 6, a day that will live in infamy as the birthday of the Chairman of the Committee on Ways and Means.

Mr. Speaker, at this time, I do not believe there are any other scheduling announcements that I need to make unless the gentleman from Texas (Mr. FROST) has a question.

Mr. FROST. Mr. Speaker, will the gentleman yield?

Mr. ARMEY. I yield to the gentleman from Texas.

Mr. FROST. Mr. Speaker, I would ask the gentleman from Texas (Mr. ARMEY) when he would anticipate our first vote would be when we return.

Mr. ARMEY. I thank the gentleman for that inquiry, and Mr. Speaker, Members should be advised that we will resume business requiring votes in the House on November 27, a Tuesday; and votes will commence at 6:30 that evening.

Mr. FROST. Mr. Speaker, I would ask the gentleman when he anticipates that the House will then adjourn for the year.

Mr. ARMEY. I do appreciate the gentleman's inquiry. We are working expeditiously, of course, to close out our budget year with the appropriations bill. Obviously, the defense appropriations bill will be one of the first things we act upon when we return after the Thanksgiving work recess. We have a few other conference reports to clean up on that. We also have a very important bill to stimulate the economy, a reinsurance bill, the trade bill and others; but I could only say to the gentleman we are hoping that even as we are working through this recess period in our districts to have some of that work proceed during that time and be better able to move that work along.

So at this point I can only say we are all anxious, as I am sure the other body is, to complete that work as soon as possible. What can I say? I can say I would encourage all our Members to sing with great confidence "I'll be Home for Christmas," and maybe earlier.

Mr. FROST. Mr. Speaker, I would further ask the gentleman, when we return on the 27th, will there be suspension bills that day?

Mr. ARMEY. Again, I thank the gentleman for inquiring.

Mr. Speaker, we will have a list of suspension bills. We are in the process of clearing them now; and Members will be advised of that, if not today, certainly by Monday next week in their offices.

ELECTION OF MEMBER TO COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT

Mr. FROST. Mr. Speaker, I offer a resolution (H. Res. 292) and I ask unanimous consent for its immediate consideration in the House.

The SPEAKER pro tempore (Mr. FOSSELLA). The Clerk will report the resolution.

The Clerk read as follows:

H. RES. 292

Resolved, That the following named Members, be, and is hereby, elected to the following standing committee of the House of Representatives:

Committee on Government Reform: Mr. LYNCH of Massachusetts, to rank after Ms. WATSON of California.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

CONSIDERING MEMBER AS PRIMARY SPONSOR OF H.R. 2815

Mr. ROEMER. Mr. Speaker, I ask unanimous consent that I may hereafter be considered as the primary sponsor of H.R. 2815, a bill originally introduced by Representative SCARBOROUGH of Florida, for the purpose of adding co-sponsors and requesting reprints under clause 7 of rule XII.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

SMALL BUSINESS INVESTMENT COMPANY AMENDMENTS ACT OF 2001

Mr. MANZULLO. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1196) to amend the Small Business Investment Act of 1958, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

Ms. VELÁZQUEZ. Mr. Speaker, reserving the right to object, and I do not intend to object, I ask the gentleman from Illinois (Mr. MANZULLO) to explain his request.

Mr. MANZULLO. Mr. Speaker, will the gentlewoman yield?

Ms. VELÁZQUEZ. I yield to the gentleman from Illinois.

Mr. MANZULLO. Mr. Speaker, the purpose is so that the 7(a) program and the 504 program, it will reduce fees in both those programs effective on October of next year; but the overall bill is important because it continues the SBIC programs going.

SMALL BUSINESS ADMINISTRATION,
Washington, DC, November 14, 2001.

Hon. DONALD A. MANZULLO,
Chairman, Committee on Small Business, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: Congress will soon pass H.R. 2500, Departments of Commerce, Justice, and State, the Judiciary and Related Agencies Appropriations Act, 2002. As you know, under the terms of the Continuing Resolution, upon enactment of H.R. 2500 its provisions will immediately take effect. That enactment will have a significant impact upon the Small Business Investment Company (SBIC) participating securities program.

Under H.R. 2500, there is no subsidy budget authority available for the participating securities program. The Committee on Appropriations removed that funding in anticipation of legislation from the Committee on Small Business to enhance the fee structure of the participating securities program. Those legislative changes would result in a zero subsidy rate for the participating securities program. This legislation was part of the Administration's budget submission to the Congress and is supported by the SBIC industry. Unfortunately, the authorizing language has not yet passed the Congress.

Absent the authorizing language the Small Business Administration will be unable to make future commitments for participating securities leverage until the authorizing language is passed. I fear that such disruption will have a chilling effect upon private sector participation in the SBIC program. There are currently 30 participating securities license applicants awaiting approval backed by approximately \$600 million dollars in capital. This capital, enhanced by SBA's leverage, represents a significant potential investment in America's small businesses, an investment that could be negatively affected by the uncertainty of a suspension.

Mr. Chairman, the SBIC participating securities program has invested billions of dollars in small businesses and created thousands of jobs, and has the potential to create so many more. I urge you and your colleagues to work quickly to pass the requisite legislation to raise the fee structure in the participating securities program by 37.6 basis points and prevent the suspension of the program. The SBA stands ready to work with you on this legislation and help keep this program working for small business.

Sincerely,

HECTOR V. BARRETO,
Administrator.

Ms. VELÁZQUEZ. Mr. Speaker, further reserving the right to object, I rise in support of the amendment. Earlier this week, the Commerce, Justice and State bill sent to the President failed to provide any funding for the Small Business Investment Company program, which will force its complete shutdown.

The SBIC program has been a real partner in helping America's small businesses grow both in times of economic prosperity and in times of economic slowdown. SBICs have assisted

small business owners by investing over \$15 billion in long-term debt and equity capital to more than 90,000 small businesses and by investing more than \$600 million to businesses in low- and moderate-income areas. The SBICs have given such Fortune 500 companies as Intel, Federal Express, AOL, and Staples the tools they need to succeed and to become today's industry leaders.

In an effort to keep the program operating, S. 1196 will increase the fees to make up for the lack of appropriated funds, but an increase in program fees will rule out the SBIC as an option for many small businesses across this country.

A way to ensure lending options for this Nation's small businesses is to adopt the amendment under consideration. The amendment will reduce the costs of the 7(a) program which will allow for greater access to capital that small businesses, especially start-ups and those in low-income areas, need to continue serving as the engine of this economy.

I urge its adoption.

Mr. MANZULLO. Mr. Speaker, I rise in support of S. 1196, the Small Business Investment Company Amendments Act of 2001. This is a fairly straightforward bill—it will keep venture capital flowing to small businesses during this critical time in our nation's economic recovery. Right now, there are 30 participating securities license applicants awaiting approval of this bill, with \$600 million private equity capital at stake.

In 1958, Congress created the SBIC program to assist small business owners in locating investment capital. The problems are still the same as they were 40 years ago, which are magnified by the collapse of many "dot.coms," the general economic slowdown, and the tragic events of September 11th. However, with other sources of private venture capital drying up, the SBIC program is becoming more and more critically important.

Last year, SBIC financed 4,600 venture capital deals, investing \$5.6 billion in fast-growing small businesses. Since 1996, investing by SBIC-licensed firms accounted for about half of all venture capital deals made in the United States. Since its inception, the SBIC program has also returned \$700 million directly to the U.S. Treasury. Indirectly, the SBIC program has generated millions of dollars in corporate tax revenue from companies as diverse as Federal Express, Apple Computer, Intel Corporation, America Online, Callaway Golf, and the Outback Steakhouse. They all had their start with an infusion of venture capital from SBIC-licensed firms.

The main purpose of S. 1196 is to adjust the fees charged to Participating Security SBICs from 1.0 percent to 1.38 percent. This change is necessary because both the President and Congress have agreed to eliminate funding for this program. The FY '02 Commerce/Justice/State Appropriations bill (H.R. 2500), which passed both bodies earlier this week, contained no funding for the Participating Securities SBIC program. The Debentures SBIC program already operates at zero

cost to the taxpayer. If the President signs H.R. 2500 without any funding or and S. 1196, with a fee increase, does not reach his desk, then the SBIC Participating Securities program terminates. According to a letter I received from the SBA Administrator, Hector Barreto, which I include for the record, there are currently 30 participating securities license applicants awaiting approval backed by approximately \$600 million dollars in capital. If S. 1196 does not pass, these and all future small business investment opportunities through the SBIC program would vanish.

H.R. 2500 also contains increased program levels for the SBIC program. S. 1196 is needed to accommodate the anticipated increased demand for venture capital financing as the private sector has withdrawn from the marketplace. The SBIC program serves best as a counter cyclical program—it is particularly needed during a downturn in our economy.

The other provisions in S. 1196 affecting the SBIC program strengthen the oversight and authority of the SBA to take action against bad actors within the program, promoting the integrity of the program, and streamline its operation.

The House amendments to S. 1196 modestly lower the fees in the other main access to capital programs of the SBA—the 7(a) General Business loan program and the 504 Certified Development Company (CDC) program. In 1995, Congress increased the fees in the programs to lower the cost to the taxpayer. Since then, the Office of Management and Budget (OMB), the Congressional Budget Office (CBO), and the General Accounting Office (GAO) have all agreed that small business borrowers and lenders have paid in far too much fees to keep the program operating at no cost to the taxpayer. In fact, CBO estimates that participants in the 7(a) program alone have overpaid the U.S. Treasury in terms of higher fees to the tune of \$1.258 billion over the past nine years.

These amendments are a small beginning to rectify this problem. The fee changes include lowering the fees on 7(a) loans from between \$150,000 to \$250,000 to two percent. For all loans above \$250,000, the fees would be three percent. This amendment eliminates the 3.5 percent fee on loans above \$700,000. The annual fee would drop in half from 0.25 percent to 0.50 percent. In addition, 504 fees would be reduced in terms of both the upfront and on-going fee for the entire life of the loan.

It should be made clear that fee reductions contained in the House amendments to S. 1196 are applicable only after October 1, 2002—at the beginning of the next fiscal year. Thus, there should be no interruption in the level of service offered small business borrowers and lenders during this fiscal year. Also, these changes are subject to appropriations, which I am optimistic will be addressed when OMB makes its promised changes to the subsidy rate calculation model.

Mr. Speaker, I rise in support of S. 1196 as amended, and I urge my colleagues to support these needed changes to these programs.

Ms. Velázquez. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1196

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Small Business Investment Company Amendments Act of 2001".

SEC. 2. SUBSIDY FEES.

(a) IN GENERAL.—Section 303 of the Small Business Investment Act of 1958 (15 U.S.C. 683) is amended—

(1) in subsection (b)—

(A) by striking "of not more than 1 percent per year";

(B) by inserting "which amount may not exceed 1.38 percent per year, and" before "which shall be paid"; and

(C) by striking "September 30, 2000" and inserting "September 30, 2001"; and

(2) in subsection (g)(2)—

(A) by striking "of not more than 1 percent per year";

(B) by inserting "which amount may not exceed 1.38 percent per year, and" before "which shall be paid"; and

(C) by striking "September 30, 2000" and inserting "September 30, 2001".

(b) EFFECTIVE DATE.—The amendments made by this section shall become effective on October 1, 2001.

SEC. 3. CONFLICTS OF INTEREST.

Section 312 of the Small Business Investment Act of 1958 (15 U.S.C. 687d) is amended by striking "(including disclosure in the locality most directly affected by the transaction)".

SEC. 4. PENALTIES FOR FALSE STATEMENTS.

(a) CRIMINAL PENALTIES.—Section 1014 of title 18, United States Code, is amended by inserting "as defined in section 103 of the Small Business Investment Act of 1958 (15 U.S.C. 662), or the Small Business Administration in connection with any provision of that Act" after "small business investment company".

(b) CIVIL PENALTIES.—Section 951 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1833a) is amended—

(1) by redesignating subsections (d) through (g) as subsections (e) through (h), respectively; and

(2) in subsection (c)—

(A) in paragraph (1), by striking "or" at the end;

(B) in paragraph (2)—

(i) by striking "1341;" and inserting "1341"; and

(ii) by striking "institution." and inserting "institution; or";

(C) by inserting immediately after paragraph (2) the following:

"(3) section 16(a) of the Small Business Act (15 U.S.C. 645(a))."; and

(D) by striking "This section shall" and inserting the following:

"(d) EFFECTIVE DATE.—This section shall".

SEC. 5. REMOVAL OR SUSPENSION OF MANAGEMENT OFFICIALS.

Section 313 of the Small Business Investment Act of 1958 (15 U.S.C. 687e) is amended to read as follows:

"SEC. 313. REMOVAL OR SUSPENSION OF MANAGEMENT OFFICIALS.

"(a) DEFINITION OF 'MANAGEMENT OFFICIAL'.—In this section, the term 'management official' means an officer, director, general partner, manager, employee, agent,

or other participant in the management or conduct of the affairs of a licensee.

“(b) REMOVAL OF MANAGEMENT OFFICIALS.—

“(1) NOTICE OF REMOVAL.—The Administrator may serve upon any management official a written notice of its intention to remove that management official whenever, in the opinion of the Administrator—

“(A) such management official—

“(i) has willfully and knowingly committed any substantial violation of—

“(I) this Act;

“(II) any regulation issued under this Act; or

“(III) a cease-and-desist order which has become final; or

“(ii) has willfully and knowingly committed or engaged in any act, omission, or practice which constitutes a substantial breach of a fiduciary duty of that person as a management official; and

“(B) the violation or breach of fiduciary duty is one involving personal dishonesty on the part of such management official.

“(2) CONTENTS OF NOTICE.—A notice of intention to remove a management official, as provided in paragraph (1), shall contain a statement of the facts constituting grounds therefor, and shall fix a time and place at which a hearing will be held thereon.

“(3) HEARINGS.—

“(A) TIMING.—A hearing described in paragraph (2) shall be fixed for a date not earlier than 30 days nor later than 60 days after the date of service of notice of the hearing, unless an earlier or a later date is set by the Administrator at the request of—

“(i) the management official, and for good cause shown; or

“(ii) the Attorney General of the United States.

“(B) CONSENT.—Unless the management official shall appear at a hearing described in this paragraph in person or by a duly authorized representative, that management official shall be deemed to have consented to the issuance of an order of removal under paragraph (1).

“(4) ISSUANCE OF ORDER OF REMOVAL.—

“(A) IN GENERAL.—In the event of consent under paragraph (3)(B), or if upon the record made at a hearing described in this subsection, the Administrator finds that any of the grounds specified in the notice of removal has been established, the Administrator may issue such orders of removal from office as the Administrator deems appropriate.

“(B) EFFECTIVENESS.—An order under subparagraph (A) shall—

“(i) become effective at the expiration of 30 days after the date of service upon the subject licensee and the management official concerned (except in the case of an order issued upon consent as described in paragraph (3)(B), which shall become effective at the time specified in such order); and

“(ii) remain effective and enforceable, except to such extent as it is stayed, modified, terminated, or set aside by action of the Administrator or a reviewing court in accordance with this section.

“(c) AUTHORITY TO SUSPEND OR PROHIBIT PARTICIPATION.—

“(1) IN GENERAL.—The Administrator may, if the Administrator deems it necessary for the protection of the licensee or the interests of the Administration, suspend from office or prohibit from further participation in any manner in the management or conduct of the affairs of the licensee, or both, any management official referred to in subsection (b)(1), by written notice to such effect served upon the management official.

“(2) EFFECTIVENESS.—A suspension or prohibition under paragraph (1)—

“(A) shall become effective upon service of notice under paragraph (1); and

“(B) unless stayed by a court in proceedings authorized by paragraph (3), shall remain in effect—

“(i) pending the completion of the administrative proceedings pursuant to a notice of intention to remove served under subsection (b); and

“(ii) until such time as the Administrator shall dismiss the charges specified in the notice, or, if an order of removal or prohibition is issued against the management official, until the effective date of any such order.

“(3) JUDICIAL REVIEW.—Not later than 10 days after any management official has been suspended from office or prohibited from participation in the management or conduct of the affairs of a licensee, or both, under paragraph (1), that management official may apply to the United States district court for the judicial district in which the home office of the licensee is located, or the United States District Court for the District of Columbia, for a stay of the suspension or prohibition pending the completion of the administrative proceedings pursuant to a notice of intent to remove served upon the management official under subsection (b), and such court shall have jurisdiction to stay such action.

“(d) AUTHORITY TO SUSPEND ON CRIMINAL CHARGES.—

“(1) IN GENERAL.—Whenever a management official is charged in any information, indictment, or complaint authorized by a United States attorney, with the commission of or participation in a felony involving dishonesty or breach of trust, the Administrator may, by written notice served upon that management official, suspend that management official from office or prohibit that management official from further participation in any manner in the management or conduct of the affairs of the licensee, or both.

“(2) EFFECTIVENESS.—A suspension or prohibition under paragraph (1) shall remain in effect until the subject information, indictment, or complaint is finally disposed of, or until terminated by the Administrator.

“(3) AUTHORITY UPON CONVICTION.—If a judgment of conviction with respect to an offense described in paragraph (1) is entered against a management official, then at such time as the judgment is not subject to further appellate review, the Administrator may issue and serve upon the management official an order removing that management official, which removal shall become effective upon service of a copy of the order upon the licensee.

“(4) AUTHORITY UPON DISMISSAL OR OTHER DISPOSITION.—A finding of not guilty or other disposition of charges described in paragraph (1) shall not preclude the Administrator from thereafter instituting proceedings to suspend or remove the management official from office, or to prohibit the management official from participation in the management or conduct of the affairs of the licensee, or both, pursuant to subsection (b) or (c).

“(e) NOTIFICATION TO LICENSEES.—Copies of each notice required to be served on a management official under this section shall also be served upon the interested licensee.

“(f) PROCEDURAL PROVISIONS; JUDICIAL REVIEW.—

“(1) HEARING VENUE.—Any hearing provided for in this section shall be—

“(A) held in the Federal judicial district or in the territory in which the principal office

of the licensee is located, unless the party afforded the hearing consents to another place; and

“(B) conducted in accordance with the provisions of chapter 5 of title 5, United States Code.

“(2) ISSUANCE OF ORDERS.—After a hearing provided for in this section, and not later than 90 days after the Administrator has notified the parties that the case has been submitted for final decision, the Administrator shall render a decision in the matter (which shall include findings of fact upon which its decision is predicated), and shall issue and cause to be served upon each party to the proceeding an order or orders consistent with the provisions of this section.

“(3) AUTHORITY TO MODIFY ORDERS.—The Administrator may modify, terminate, or set aside any order issued under this section—

“(A) at any time, upon such notice, and in such manner as the Administrator deems proper, unless a petition for review is timely filed in a court of appeals of the United States, as provided in paragraph (4)(B), and thereafter until the record in the proceeding has been filed in accordance with paragraph (4)(C); and

“(B) upon such filing of the record, with permission of the court.

“(4) JUDICIAL REVIEW.—

“(A) IN GENERAL.—Judicial review of an order issued under this section shall be exclusively as provided in this subsection.

“(B) PETITION FOR REVIEW.—Any party to a hearing provided for in this section may obtain a review of any order issued pursuant to paragraph (2) (other than an order issued with the consent of the management official concerned, or an order issued under subsection (d)), by filing in the court of appeals of the United States for the circuit in which the principal office of the licensee is located, or in the United States Court of Appeals for the District of Columbia Circuit, not later than 30 days after the date of service of such order, a written petition praying that the order of the Administrator be modified, terminated, or set aside.

“(C) NOTIFICATION TO ADMINISTRATION.—A copy of a petition filed under subparagraph (B) shall be forthwith transmitted by the clerk of the court to the Administrator, and thereupon the Administrator shall file in the court the record in the proceeding, as provided in section 2112 of title 28, United States Code.

“(D) COURT JURISDICTION.—Upon the filing of a petition under subparagraph (A)—

“(i) the court shall have jurisdiction, which, upon the filing of the record under subparagraph (C), shall be exclusive, to affirm, modify, terminate, or set aside, in whole or in part, the order of the Administrator, except as provided in the last sentence of paragraph (3)(B);

“(ii) review of such proceedings shall be had as provided in chapter 7 of title 5, United States Code; and

“(iii) the judgment and decree of the court shall be final, except that the judgment and decree shall be subject to review by the Supreme Court of the United States upon certiorari, as provided in section 1254 of title 28, United States Code.

“(E) JUDICIAL REVIEW NOT A STAY.—The commencement of proceedings for judicial review under this paragraph shall not, unless specifically ordered by the court, operate as a stay of any order issued by the Administrator under this section.”

SEC. 6. REDUCTION OF FEES.

(a) TWO-YEAR REDUCTION OF SECTION 7(a) FEES.—

(1) **GUARANTEE FEES.**—Section 7(a)(18) of the Small Business Act (15 U.S.C. 636(a)(18)) is amended by adding at the end the following:

“(C) **TWO-YEAR REDUCTION IN FEES.**—With respect to loans approved during the 2-year period beginning on October 1, 2002, the guarantee fee under subparagraph (A) shall be as follows:

“(i) A guarantee fee equal to 2 percent of the deferred participation share of a total loan amount that is not more than \$250,000.

“(ii) A guarantee fee equal to 3 percent of the deferred participation share of a total loan amount that is more than \$250,000.”.

(2) **ANNUAL FEES.**—Section 7(a)(23)(A) of the Small Business Act (15 U.S.C. 636(a)(23)(A)) is amended by adding at the end the following: “With respect to loans approved during the 2-year period beginning on October 1, 2002, the annual fee assessed and collected under the preceding sentence shall be in an amount equal to 0.25 percent of the outstanding balance of the deferred participation share of the loan.”.

(b) **REDUCTION OF SECTION 504 FEES.**—Section 503 of the Small Business Investment Act of 1958 (15 U.S.C. 697) is amended—

(1) in subsection (b)(7)(A)—

(A) by redesignating clauses (i) and (ii) as subclauses (I) and (II), respectively, and moving the margins 2 ems to the right;

(B) by striking “not exceed the lesser” and inserting “not exceed—

“(i) the lesser”; and

(C) by adding at the end the following:

“(ii) 50 percent of the amount established under clause (i) in the case of a loan made during the 2-year period beginning on October 1, 2002, for the life of the loan; and”; and

(2) by adding at the end the following:

“(i) **TWO-YEAR WAIVER OF FEES.**—The Administration may not assess or collect any up front guarantee fee with respect to loans made under this title during the 2-year period beginning on October 1, 2002.”.

(c) **BUDGETARY TREATMENT OF LOANS AND FINANCINGS.**—Assistance made available under any loan made or approved by the Small Business Administration under section 7(a) of the Small Business Act (15 U.S.C. 636(a)) or financings made under title III or V of the Small Business Investment Act of 1958 (15 U.S.C. 697a), during the 2-year period beginning on October 1, 2002, shall be treated as separate programs of the Small Business Administration for purposes of the Federal Credit Reform Act of 1990 only.

(d) **USE OF FUNDS.**—The amendments made by this section shall be effective only to the extent that funds are made available under appropriations Acts, which funds shall be utilized by the Administrator to offset the cost (as such term is defined in section 502 of the Federal Credit Reform Act of 1990) of such amendments.

(e) **EFFECTIVE DATE.**—The amendments made by this section shall become effective on October 1, 2002.

AMENDMENT IN THE NATURE OF A SUBSTITUTE
OFFERED BY MR. MANZULLO

Mr. MANZULLO. Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. MANZULLO:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Small Business Investment Company Amendments Act of 2001”.

SEC. 2. SUBSIDY FEES.

(a) **IN GENERAL.**—Section 303 of the Small Business Investment Act of 1958 (15 U.S.C. 683) is amended—

(1) in subsection (b)—

(A) by striking “of not more than 1 percent per year”; and

(B) by inserting “which amount may not exceed 1.38 percent per year, and” before “which shall be paid”; and

(C) by striking “September 30, 2000” and inserting “September 30, 2001”; and

(2) in subsection (g)(2)—

(A) by striking “of not more than 1 percent per year”; and

(B) by inserting “which amount may not exceed 1.38 percent per year, and” before “which shall be paid”; and

(C) by striking “September 30, 2000” and inserting “September 30, 2001”.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall become effective on October 1, 2001.

SEC. 3. CONFLICTS OF INTEREST.

Section 312 of the Small Business Investment Act of 1958 (15 U.S.C. 687d) is amended by striking “(including disclosure in the locality most directly affected by the transaction)”.

SEC. 4. PENALTIES FOR FALSE STATEMENTS.

(a) **CRIMINAL PENALTIES.**—Section 1014 of title 18, United States Code, is amended by inserting “, as defined in section 103 of the Small Business Investment Act of 1958 (15 U.S.C. 662), or the Small Business Administration in connection with any provision of that Act” after “small business investment company”.

(b) **CIVIL PENALTIES.**—Section 951 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1833a) is amended—

(1) by redesignating subsections (d) through (g) as subsections (e) through (h), respectively; and

(2) in subsection (c)—

(A) in paragraph (1), by striking “or” at the end;

(B) in paragraph (2)—

(i) by striking “1341;” and inserting “1341”; and

and

(ii) by striking “institution.” and inserting “institution; or”;

(C) by inserting immediately after paragraph (2) the following:

“(3) section 16(a) of the Small Business Act (15 U.S.C. 645(a)).”; and

(D) by striking “This section shall” and inserting the following:

“(d) **EFFECTIVE DATE.**—This section shall”.

SEC. 5. REMOVAL OR SUSPENSION OF MANAGEMENT OFFICIALS.

Section 313 of the Small Business Investment Act of 1958 (15 U.S.C. 687e) is amended to read as follows:

“SEC. 313. REMOVAL OR SUSPENSION OF MANAGEMENT OFFICIALS.

“(a) **DEFINITION OF ‘MANAGEMENT OFFICIAL.’**—In this section, the term ‘management official’ means an officer, director, general partner, manager, employee, agent, or other participant in the management or conduct of the affairs of a licensee.

“(b) **REMOVAL OF MANAGEMENT OFFICIALS.**—

“(1) **NOTICE OF REMOVAL.**—The Administrator may serve upon any management official a written notice of its intention to remove that management official whenever, in the opinion of the Administrator—

“(A) such management official—

“(i) has willfully and knowingly committed any substantial violation of—

“(I) this Act;

“(II) any regulation issued under this Act; or

“(III) a cease-and-desist order which has become final; or

“(ii) has willfully and knowingly committed or engaged in any act, omission, or practice which constitutes a substantial breach of a fiduciary duty of that person as a management official; and

“(B) the violation or breach of fiduciary duty is one involving personal dishonesty on the part of such management official.

“(2) **CONTENTS OF NOTICE.**—A notice of intention to remove a management official, as provided in paragraph (1), shall contain a statement of the facts constituting grounds therefor, and shall fix a time and place at which a hearing will be held thereon.

“(3) **HEARINGS.**—

“(A) **TIMING.**—A hearing described in paragraph (2) shall be fixed for a date not earlier than 30 days nor later than 60 days after the date of service of notice of the hearing, unless an earlier or a later date is set by the Administrator at the request of—

“(i) the management official, and for good cause shown; or

“(ii) the Attorney General of the United States.

“(B) **CONSENT.**—Unless the management official shall appear at a hearing described in this paragraph in person or by a duly authorized representative, that management official shall be deemed to have consented to the issuance of an order of removal under paragraph (1).

“(4) **ISSUANCE OF ORDER OF REMOVAL.**—

“(A) **IN GENERAL.**—In the event of consent under paragraph (3)(B), or if upon the record made at a hearing described in this subsection, the Administrator finds that any of the grounds specified in the notice of removal has been established, the Administrator may issue such orders of removal from office as the Administrator deems appropriate.

“(B) **EFFECTIVENESS.**—An order under subparagraph (A) shall—

“(i) become effective at the expiration of 30 days after the date of service upon the subject licensee and the management official concerned (except in the case of an order issued upon consent as described in paragraph (3)(B), which shall become effective at the time specified in such order); and

“(ii) remain effective and enforceable, except to such extent as it is stayed, modified, terminated, or set aside by action of the Administrator or a reviewing court in accordance with this section.

“(c) **AUTHORITY TO SUSPEND OR PROHIBIT PARTICIPATION.**—

“(1) **IN GENERAL.**—The Administrator may, if the Administrator deems it necessary for the protection of the licensee or the interests of the Administration, suspend from office or prohibit from further participation in any manner in the management or conduct of the affairs of the licensee, or both, any management official referred to in subsection (b)(1), by written notice to such effect served upon the management official.

“(2) **EFFECTIVENESS.**—A suspension or prohibition under paragraph (1)—

“(A) shall become effective upon service of notice under paragraph (1); and

“(B) unless stayed by a court in proceedings authorized by paragraph (3), shall remain in effect—

“(i) pending the completion of the administrative proceedings pursuant to a notice of intention to remove served under subsection (b); and

“(ii) until such time as the Administrator shall dismiss the charges specified in the notice, or, if an order of removal or prohibition is issued against the management official, until the effective date of any such order.

“(3) **JUDICIAL REVIEW.**—Not later than 10 days after any management official has been suspended from office or prohibited from participation in the management or conduct of the affairs of a licensee, or both, under paragraph (1),

that management official may apply to the United States district court for the judicial district in which the home office of the licensee is located, or the United States District Court for the District of Columbia, for a stay of the suspension or prohibition pending the completion of the administrative proceedings pursuant to a notice of intent to remove served upon the management official under subsection (b), and such court shall have jurisdiction to stay such action.

“(d) AUTHORITY TO SUSPEND ON CRIMINAL CHARGES.—

“(1) IN GENERAL.—Whenever a management official is charged in any information, indictment, or complaint authorized by a United States attorney, with the commission of or participation in a felony involving dishonesty or breach of trust, the Administrator may, by written notice served upon that management official, suspend that management official from office or prohibit that management official from further participation in any manner in the management or conduct of the affairs of the licensee, or both.

“(2) EFFECTIVENESS.—A suspension or prohibition under paragraph (1) shall remain in effect until the subject information, indictment, or complaint is finally disposed of, or until terminated by the Administrator.

“(3) AUTHORITY UPON CONVICTION.—If a judgment of conviction with respect to an offense described in paragraph (1) is entered against a management official, then at such time as the judgment is not subject to further appellate review, the Administrator may issue and serve upon the management official an order removing that management official, which removal shall become effective upon service of a copy of the order upon the licensee.

“(4) AUTHORITY UPON DISMISSAL OR OTHER DISPOSITION.—A finding of not guilty or other disposition of charges described in paragraph (1) shall not preclude the Administrator from thereafter instituting proceedings to suspend or remove the management official from office, or to prohibit the management official from participation in the management or conduct of the affairs of the licensee, or both, pursuant to subsection (b) or (c).

“(e) NOTIFICATION TO LICENSEES.—Copies of each notice required to be served on a management official under this section shall also be served upon the interested licensee.

“(f) PROCEDURAL PROVISIONS; JUDICIAL REVIEW.—

“(1) HEARING VENUE.—Any hearing provided for in this section shall be—

“(A) held in the Federal judicial district or in the territory in which the principal office of the licensee is located, unless the party afforded the hearing consents to another place; and

“(B) conducted in accordance with the provisions of chapter 5 of title 5, United States Code.

“(2) ISSUANCE OF ORDERS.—After a hearing provided for in this section, and not later than 90 days after the Administrator has notified the parties that the case has been submitted for final decision, the Administrator shall render a decision in the matter (which shall include findings of fact upon which its decision is predicated), and shall issue and cause to be served upon each party to the proceeding an order or orders consistent with the provisions of this section.

“(3) AUTHORITY TO MODIFY ORDERS.—The Administrator may modify, terminate, or set aside any order issued under this section—

“(A) at any time, upon such notice, and in such manner as the Administrator deems proper, unless a petition for review is timely filed in a court of appeals of the United States, as provided in paragraph (4)(B), and thereafter until the record in the proceeding has been filed in accordance with paragraph (4)(C); and

“(B) upon such filing of the record, with permission of the court.

“(4) JUDICIAL REVIEW.—

“(A) IN GENERAL.—Judicial review of an order issued under this section shall be exclusively as provided in this subsection.

“(B) PETITION FOR REVIEW.—Any party to a hearing provided for in this section may obtain a review of any order issued pursuant to paragraph (2) (other than an order issued with the consent of the management official concerned, or an order issued under subsection (d)), by filing in the court of appeals of the United States for the circuit in which the principal office of the licensee is located, or in the United States Court of Appeals for the District of Columbia Circuit, not later than 30 days after the date of service of such order, a written petition praying that the order of the Administrator be modified, terminated, or set aside.

“(C) NOTIFICATION TO ADMINISTRATION.—A copy of a petition filed under subparagraph (B) shall be forthwith transmitted by the clerk of the court to the Administrator, and thereupon the Administrator shall file in the court the record in the proceeding, as provided in section 2112 of title 28, United States Code.

“(D) COURT JURISDICTION.—Upon the filing of a petition under subparagraph (A)—

“(i) the court shall have jurisdiction, which, upon the filing of the record under subparagraph (C), shall be exclusive, to affirm, modify, terminate, or set aside, in whole or in part, the order of the Administrator, except as provided in the last sentence of paragraph (3)(B);

“(ii) review of such proceedings shall be had as provided in chapter 7 of title 5, United States Code; and

“(iii) the judgment and decree of the court shall be final, except that the judgment and decree shall be subject to review by the Supreme Court of the United States upon certiorari, as provided in section 1254 of title 28, United States Code.

“(E) JUDICIAL REVIEW NOT A STAY.—The commencement of proceedings for judicial review under this paragraph shall not, unless specifically ordered by the court, operate as a stay of any order issued by the Administrator under this section.”.

SEC. 6. REDUCTION OF FEES.

(a) TWO-YEAR REDUCTION OF SECTION 7(a) FEES.—

(1) GUARANTEE FEES.—Section 7(a)(18) of the Small Business Act (15 U.S.C. 636(a)(18)) is amended by adding at the end the following:

“(C) TWO-YEAR REDUCTION IN FEES.—With respect to loans approved during the 2-year period beginning on October 1, 2002, the guarantee fee under subparagraph (A) shall be as follows:

“(i) A guarantee fee equal to 2 percent of the deferred participation share of a total loan amount that is not more than \$250,000.

“(ii) A guarantee fee equal to 3 percent of the deferred participation share of a total loan amount that is more than \$250,000.”.

(2) ANNUAL FEES.—Section 7(a)(23)(A) of the Small Business Act (15 U.S.C. 636(a)(23)(A)) is amended by adding at the end the following: **“With respect to loans approved during the 2-year period beginning on October 1, 2002, the annual fee assessed and collected under the preceding sentence shall be in an amount equal to 0.25 percent of the outstanding balance of the deferred participation share of the loan.”.**

(b) REDUCTION OF SECTION 504 FEES.—Section 503 of the Small Business Investment Act of 1958 (15 U.S.C. 697) is amended—

(1) in subsection (b)(7)(A)—

(A) by redesignating clauses (i) and (ii) as subclauses (I) and (II), respectively, and moving the margins 2 ems to the right;

(B) by striking “not exceed the lesser” and inserting “not exceed—

“(i) the lesser”; and

(C) by adding at the end the following:

“(ii) 50 percent of the amount established under clause (i) in the case of a loan made during the 2-year period beginning on October 1, 2002, for the life of the loan; and”; and

(2) by adding at the end the following:

“(i) TWO-YEAR WAIVER OF FEES.—The Administration may not assess or collect any up front guarantee fee with respect to loans made under this title during the 2-year period beginning on October 1, 2002.”.

(c) BUDGETARY TREATMENT OF LOANS AND FINANCINGS.—Assistance made available under any loan made or approved by the Small Business Administration under section 7(a) of the Small Business Act (15 U.S.C. 636(a)) or financings made under title III or V of the Small Business Investment Act of 1958 (15 U.S.C. 697a), during the 2-year period beginning on October 1, 2002, shall be treated as separate programs of the Small Business Administration for purposes of the Federal Credit Reform Act of 1990 only.

(d) USE OF FUNDS.—The amendments made by this section shall be effective only to the extent that funds are made available under appropriations Acts, which funds shall be utilized by the Administrator to offset the cost (as such term is defined in section 502 of the Federal Credit Reform Act of 1990) of such amendments.

(e) EFFECTIVE DATE.—The amendments made by this section shall become effective on October 1, 2002.

Mr. MANZULLO (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The SPEAKER pro tempore. The gentleman from Illinois (Mr. MANZULLO) is recognized for 1 hour.

Mr. MANZULLO. Mr. Speaker, I yield myself such time as I may consume.

As I stated, the purpose of the amendment is to decrease the fees of the 7(a) program and the 504 program effective October 1 of the year 2002.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the amendment in the nature of a substitute offered by the gentleman from Illinois (Mr. MANZULLO).

The amendment in the nature of a substitute was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PROVIDING FOR USE OF ROTUNDA OF CAPITOL FOR A NATIONAL DAY OF RECONCILIATION

Mr. REYNOLDS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate concurrent resolution (S. Con. Res. 83) providing for a National Day of Reconciliation, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 83

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. USE OF ROTUNDA OF THE CAPITOL.

The rotunda of the Capitol is authorized to be used at any time on November 27, 2001, or December 4, 2001, for a National Day of Reconciliation where—

(1) the 2 Houses of Congress shall assemble in the rotunda with the Chaplain of the House of Representatives and the Chaplain of the Senate in attendance; and

(2) during this assembly, the Members of the 2 Houses may gather to humbly seek the blessings of Providence for forgiveness, reconciliation, unity, and charity for all people of the United States, thereby assisting the Nation to realize its potential as—

(A) the champion of hope;

(B) the vindicator of the defenseless; and

(C) the guardian of freedom.

SEC. 2. PHYSICAL PREPARATIONS FOR THE ASSEMBLY.

Physical preparations for the assembly shall be carried out in accordance with such conditions as the Architect of the Capitol may prescribe.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

HONORING CONTINUING SERVICE AND COMMITMENT OF MEMBERS OF THE NATIONAL GUARD AND RESERVE UNITS

Mr. FORBES. Mr. Speaker, I ask unanimous consent that the Committee on Armed Services be discharged from further consideration of the resolution (H. Res. 287) honoring the continuing service and commitment of the members of the National Guard and Reserve units activated in support of Operation Enduring Freedom, and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

Ms. SANCHEZ. Mr. Speaker, reserving the right to object, I rise in support of House Resolution 287 offered by my colleague, the gentleman from Virginia (Mr. FORBES). House Resolution 287 honors the National Guard and Reserve units that have been called to service in support of Operation Enduring Freedom and Operation Noble Eagle.

On September 11 Americans were shocked and saddened to learn of the deadly terrorist attacks on the World Trade Center in New York City and on the Pentagon in Washington, D.C. The heroic efforts of those aboard a fourth commercial airliner foiled the terrorist attempts to potentially destroy another target in the Nation's capital.

Shock and outrage were quickly replaced with determination, and the President declared a national emergency; and on September 14, he announced the partial mobilization of nearly 50,000 National Guard and Reservists to assist in national security efforts.

Five days later, units across the country received notice that they were being called to duty. Today, over 42,000 Reservists and members of the National Guard are on call. They represent all 50 States, the District of Columbia, Puerto Rico, and Guam.

Many have been protecting our Nation's airports. Others have brought their expertise in medical supply intelligence and other important disciplines as part of Operation Enduring Freedom and Operation Noble Eagle.

Over 1.2 million citizen soldiers have committed their lives in defense to our Nation. These dedicated individuals are our neighbors, our friends, and our relatives. In California, teachers, police officers, business men and women and individuals from all walks of life have put on their uniforms to defend this Nation.

Next week, while we are with our families and friends giving thanks for the founding of this great Nation, Armed Forces personnel will be protecting all of these freedoms that we enjoy.

□ 1445

They will be separated from their families and loved ones, some may be patrolling the skies above us, some guarding our Nation's airports and seaports, some may be overseas, but they will all be doing what they do best. They will be defending the principles of this Nation, protecting us all from harm. We owe our Nation's armed forces a debt of gratitude. Let us give thanks for those who volunteer to serve our country in uniform.

Mr. Speaker, I yield to the gentleman from Virginia for the purpose of explaining the bill.

Mr. FORBES. Mr. Speaker, I am proud to rise today with the gentleman from Minnesota (Mr. KENNEDY) to offer this important resolution honoring the greatest citizen soldiers of the greatest armed forces in the world, our National Guard and Reserve.

On September 11 our Nation suffered a great tragedy. Enemies of freedom made a deliberate attack on our people, our soil, and our way of life. But those enemies were mistaken if they believed that such an attack could turn us away from the principles of liberty and freedom that we hold so dear. Our Nation will survive and we will emerge even stronger for having endured this horror. America's enemies have brought the issue of terrorism to the forefront of the American stage, and they will pay dearly for it.

We know this not only because we have the will and spirit to conduct this

war against terrorism, but also because we have the best-trained, most impressive fighting force this world has seen. In the days following September 11, it was the National Guard and Reserve who were present on our streets and in our skies. They were present in our airports and on our waterways. They were deployed overseas in support of active duty units. This is not the first time we have seen these heroes in action. They are our associates and our neighbors, our friends and relatives. Yet, to many of us, their presence means so much more than it did before.

Just this morning, in fact, the National Guard was sworn in to assist in protecting the U.S. Capitol. We welcome them to our Capitol Hill family and thank them for their steadfast service.

Furthermore, reports are in that America has tracked down and eliminated the number two leader of al Qaeda. We owe this success in part to the efforts of our National Guard and Reserves. Without their aid, our regular active duty members would not have been able to effectively be both the tip of the spear and the shield of America.

We should honor our modern day Minutemen, or as our citizen soldiers stand watch over us, they remind us that since colonial times, long before the phrase "Homeland Security" was used, they were here to preserve liberty on the home front.

We owe the men and women who have left their families and jobs to heed this call a great deal, and I urge my colleagues to join me in supporting our National Guard and Reserve. Let every Guardsman and Reservist know that the Members of this body hold them in highest esteem.

I would like to thank the Speaker and the majority leader for bringing this resolution to the floor so promptly. Additionally, I would like to thank the gentleman from Minnesota (Mr. KENNEDY) for his strong support of our Guardsmen and Reservists, and I urge my colleagues to follow his lead and to reach out to our National Guard and Reserve units with a helpful and grateful heart.

Ms. SANCHEZ. Mr. Speaker, continuing my reservation, I yield to the gentleman from Minnesota (Mr. KENNEDY).

Mr. KENNEDY of Minnesota. Mr. Speaker, I also applaud my fellow colleague, the gentleman from Virginia (Mr. FORBES), for bringing forth this resolution with me.

Since September 11, we have seen many heroes in this country. It was Napoleon who said that great soldiers are those that run towards the sounds of the guns and, indeed, we have many that have followed that description in other professions: the firemen, the police, the emergency medical professionals, as well as our fighting men and

women overseas. But we also must remember that our Guardsmen and our Reserves do just that when they sign up for duty to defend our freedoms.

We have over a million National Guard men and women and Reserve units around our country. These are citizen-soldiers, those that work with us, have children in school with us, that we worship with at church. They are people that live side by side with us, but during the weekend and when called up, they go and they work to fight for our freedoms. They do so many, many things and have done so much since September 11. We see them in our airports as we fly, as I do, back and forth, home every weekend, and they give us the comfort that they are there standing on guard and giving us the security that we seek at these times.

In our State in Minnesota, they were called on to do extra duty when we had a recent State workers strike. We had over 30,000 of them called up for active duty doing many things that are vital for our war against terrorism. I had an opportunity to visit our Camp Ripley in Minnesota and be there when our Wilmer Battalion, which has units throughout our district in Litchfield and Hutchinson and Redwood Falls as they practiced their maneuvers, and I could not have been more proud of the professionalism and the commitment that they showed. They really were there for us when we needed them.

As the gentleman from Virginia (Mr. FORBES) mentioned, they are also here helping to protect us in our Nation's Capital. It is so very appropriate that we are here with this resolution today, the day in the week that our President, George W. Bush, named National Employers Support of Guard and Reserve Week for 2001. As he said, Americans understand and appreciate the importance of our National Guard and Reserve units, but many do not know the contributions their employers make in supporting these civilian soldiers. It is appropriate that we also thank those employers that have made this Guard duty possible.

So I am honored to be here to bring this resolution together, along with the gentleman from Virginia (Mr. FORBES). I encourage all of the Members to support it, and I encourage all of our citizens, the next time they see a Guardsman, or someone in the Reserves, or someone that employs them, please tell them, "Thank you from a grateful Nation."

Ms. SANCHEZ. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 287

Whereas citizen-soldiers have served the United States with honor and distinction since colonial times;

Whereas the more than 1,200,000 citizen-soldiers who comprise the National Guard and Reserve components of the Armed Forces nationwide commit significant time and effort to executing their important role in the Armed Forces;

Whereas on September 11, 2001, terrorists hijacked and destroyed 4 civilian aircraft, crashing 2 of them into the towers of the World Trade Center in New York City, and a third into the Pentagon outside Washington, D.C.;

Whereas thousands of innocent people from more than 80 countries were killed or injured as a result of these attacks;

Whereas on September 14, 2001, units of the Army Reserve, Naval Reserve, Marine Corps Reserve, Coast Guard Reserve, Air Force Reserve, Army National Guard of the United States, and Air National Guard of the United States were authorized to be activated in support of operations in response to the terrorist attacks against the United States that occurred on September 11, 2001;

Whereas 336 of such units from 49 States, the District of Columbia, and Puerto Rico have been activated in support of Operation Enduring Freedom;

Whereas on October 29, 2001, 32,686 members of such units were on active duty, including 12,391 members of the Army Reserve and Army National Guard, 4,650 members of the Naval Reserve, 373 members of the Marine Corps Reserve, 2,529 members of the Coast Guard Reserve, and 12,743 members of the Air Force Reserve and Air National Guard;

Whereas these activations represent the largest mobilization of members of the National Guard and Reserve since Operation Desert Storm in 1991;

Whereas members of the National Guard and Reserve are serving the Nation in almost every conceivable capacity, including providing airport security, medical support, and other logistical support for both civilian and military operations;

Whereas the members of these units have been ordered to active duty for a period of 365 days and are not expected to return home until October 2002 at the earliest;

Whereas these National Guard and Reserve citizen-soldiers have selflessly performed their duties during the weeks since the terrorist attacks, sacrificing time at their civilian jobs and with their families during the period of their active duty; and

Whereas these National Guard and Reserve citizen-soldiers serve a critical role as part of the mission of the Armed Forces to protect the freedom of United States citizens and the American ideals of justice, liberty, and freedom, both at home and abroad: Now, therefore, be it

Resolved, That the House of Representatives—

(1) honors the continuing service and commitment of the members of the National Guard and Reserve units activated in support of Operation Enduring Freedom;

(2) honors the sacrifices made by the families and employers of the members of those units during their time away from home;

(3) recognizes the critical importance of the National Guard and Reserve to the security of the United States; and

(4) supports providing the necessary resources to ensure the continued readiness of the National Guard and Reserve.

The resolution was agreed to.

AMENDMENT TO THE PREAMBLE OFFERED BY MR. FORBES

Mr. FORBES. Mr. Speaker, I offer an amendment to the preamble.

The Clerk read as follows:

Amendment to the Preamble offered by Mr. FORBES.

Amend the preamble to read as follows:

Whereas citizen-soldiers have served the United States with honor and distinction since colonial times;

Whereas the more than 1,200,000 citizen-soldiers who comprise the National Guard and Reserve components of the Armed Forces nationwide commit significant time and effort to executing their important role in the Armed Forces;

Whereas on September 11, 2001, terrorists hijacked and destroyed 4 civilian aircraft, crashing 2 of them into the towers of the World Trade Center in New York City, and a third into the Pentagon outside Washington, D.C.;

Whereas thousands of innocent people from more than 80 countries were killed or injured as a result of these attacks;

Whereas on September 14, 2001, units of the Army Reserve, Naval Reserve, Marine Corps Reserve, Coast Guard Reserve, Air Force Reserve, Army National Guard of the United States, and Air National Guard of the United States were authorized to be activated in support of operations in response to the terrorist attacks against the United States that occurred on September 11, 2001;

Whereas more than 42,000 members of National Guard and Reserve units from all 50 States, the District of Columbia, and Puerto Rico have been ordered to active duty in support of Operation Enduring Freedom;

Whereas these activations represent the largest mobilization of members of the National Guard and Reserve since Operation Desert Storm in 1991;

Whereas members of the National Guard and Reserve are serving the Nation in almost every conceivable capacity, including providing airport security, medical support, and other logistical support for both civilian and military operations;

Whereas the members of these units have been ordered to active duty for a period of 365 days and are not expected to return home until October 2002 at the earliest;

Whereas these National Guard and Reserve citizen-soldiers have selflessly performed their duties during the weeks since the terrorist attacks, sacrificing time at their civilian jobs and with their families during the period of their active duty; and

Whereas these National Guard and Reserve citizen-soldiers serve a critical role as part of the mission of the Armed Forces to protect the freedom of United States citizens and the American ideals of justice, liberty, and freedom, both at home and abroad: Now, therefore, be it

Mr. FORBES (during the reading). Mr. Speaker, I ask unanimous consent that the amendment to the preamble be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The amendment to the preamble was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FORBES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 287.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

ENCOURAGING THE PEOPLE OF THE UNITED STATES TO SUPPORT THE ARMED FORCES AND CIVILIAN PERSONNEL WHO ARE ENGAGED IN THE WAR ON TERRORISM AS PART OF A UNITED EFFORT TO BE KNOWN AS OPERATION ENDURING SUPPORT

Mr. FORBES. Mr. Speaker, I ask unanimous consent that the Committee on Armed Services be discharged from further consideration of the resolution (H. Res. 284) encouraging the people of the United States to support the Armed Forces and civilian personnel who are engaged in the war on terrorism as part of a united effort to be known as Operation Enduring Support, and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

Ms. SANCHEZ. Mr. Speaker, reserving the right to object, under my reservation, I yield to the gentleman from Virginia (Mr. FORBES).

Mr. FORBES. Mr. Speaker, I am proud to support my distinguished colleague in encouraging all Americans to support the men and women who serve our Armed Forces in both uniform and civilian garb.

On September 11, our Nation suffered a great tragedy. Now, more than ever, we need to support our service personnel, the true power behind America's military might. We must give our soldiers, sailors, airmen and Marines modern weaponry with which to keep American interests secure. We must support shipbuilding, aircraft procurement and research and development. We must support the Armed Forces, not just in Operation Enduring Freedom, but in everything they do.

Equally important, we must give them our moral support. They are risking their lives and sacrificing their spirits to protect our freedom. We should all wear the proverbial yellow ribbons signifying our support of these brave heroes every day with pride.

With our support, America's Armed Forces will be able to respond to aggression any time and all the time. I urge my fellow Members to support this resolution.

Ms. SANCHEZ. Mr. Speaker, under my reservation, I rise to support House Resolution 284.

This resolution encourages Americans to support the Armed Forces and civilian personnel who are engaged in the war on terrorism as a part of a united effort to be known as Operation Enduring Freedom.

There are over 2.6 million active duty, Reserve, and National Guard personnel. Since September 14, nearly 42,000 Reservists and National Guard have been called to active duty to support Operation Enduring Freedom and Operation Noble Eagle. In addition, thousands of civilians, including those from the Department of Defense, Department of Justice, Department of State, the FBI and CIA, just to name a few, have dedicated themselves to protecting our national security interests. Air Force pilots are patrolling our skies. Coast Guard ships are patrolling our shores, and members of the National Guard are securing our airports.

State Department employees across the world are working with our allies, and the FBI and CIA are working to track down and prosecute those associated with the terrorist attacks against our United States. FDA employees are working with health providers to increase education and awareness of biological and chemical threats to our citizens, and the list goes on and on.

Since the attacks on the World Trade Center and the Pentagon, the American people have been asking, what can they do? How can they help? The bill before us encourages the American people to support the Armed Forces and the civilians participating in the war on terrorism by contributing assistance to voluntary and to charitable organizations. It also provides support and comfort to the family members of our men and women in uniform who are now, or will be, overseas during this time.

The attacks of September 11 did not rip apart the multicolored fabric of the United States. Instead, they have made us closer, stronger, and united in our determination to stand against aggression and protect the democratic principles and the freedoms that we enjoy in the United States.

Mr. Speaker, continuing my reservation, I yield to the gentleman from Idaho (Mr. OTTER) for his remarks.

□ 1500

Mr. OTTER. Mr. Speaker, I thank the gentlewoman from California for yielding to me, and my good friend, the gentleman from Virginia (Mr. FORBES), for providing me this time to bring to the attention of the House of Representatives and also to the American people Operation Enduring Support.

First, it establishes the sense of Congress that September 11 from this day forward will be known as the American Unity Day, establishing once and for all that that was the day that these evildoers of the world decided to take an attack on the United States, and

when they did, they attacked not just the United States but, individually, all of the people of the United States.

The gentlewoman from California (Ms. SANCHEZ) has correctly pointed out that this calls upon all charitable organizations, all military organizations, like the VFW and like the American Legion, and all others who would take the opportunity to celebrate the return of our warriors who are now engaged in that front line battle.

But it goes further than that, Mr. Speaker. This also engages all of the American people. It was not that many years ago, probably too many that I would care to lay claim to, but I remember coming home with my uniform in 1968. It was not a happy time to be a person in uniform at that time, Mr. Speaker.

In 1968, leaving Fort Knox, Kentucky, in order to get the best price on an airline, I had to be in full dress uniform.

As I left the gates of Fort Knox, Kentucky and ventured through the town of Louisville, Kentucky, and got on that airplane and landed first in Washington, D.C., and then in Baltimore, then back to Washington, D.C., having completed my business, and then took a connecting airline from Washington, D.C. to Chicago, Illinois, Denver, Colorado, and finally, Boise, Idaho, I did not feel very safe.

In fact, I wondered to myself aloud about the active time that I spent wearing that uniform, because it was not a happy time for people in uniform in 1968, during the Vietnam conflict.

This should never happen again to anyone who is returning after the defense, after defending our country. So this calls upon all the people of the United States, every citizen, every State, every community, to celebrate the return of these warriors; if nothing else, to let these evildoers know around the world that they are not just fighting those folks on the front line; that that is not the people alone that they have to worry about, they have to worry about every citizen in this United States, because we are going to let them know that we are a whole people, and we are a united people.

There is no reflection on the past into the sixties and early seventies. In this, we are of one voice; in this, we are of one mind and one spirit, and that is the spirit of unity and the spirit of enduring support.

Ms. SANCHEZ. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. FOSSELLA). Is there objection to the request of the gentleman from Virginia?

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 284

Whereas in response to the terrorist attacks on the United States on September 11, 2001, the United States is engaged in Operation Enduring Freedom, which will require

the men and women of the Armed Forces to engage and defeat terrorists, and which will require both military and civilian personnel to protect the Nation from further attack; and

Whereas it is imperative that the Nation support the Armed Forces and civilian personnel in such an effort: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes and commends the efforts of State and local governments, and community, religious, and charitable organizations to support the Armed Forces engaged in Operation Enduring Freedom, as well as civilian personnel who are also engaged in the war on terrorism;

(2) encourages the people of the United States to further support the Armed Forces and civilian personnel through a united effort to be known as Operation Enduring Support;

(3) encourages the people of the United States, as part of Operation Enduring Support—

(A) to support the families of Armed Forces personnel;

(B) to stage patriotic send-off and welcome-home rallies and parades; and

(C) to volunteer and contribute financial assistance to the Red Cross, the United Way, and other such organizations.

AMENDMENT OFFERED BY MR. FORBES

Mr. FORBES. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FORBES:

Page 3, strike lines 1 through 3 and insert the following:

(C) to volunteer and contribute financial assistance to volunteer and charitable organizations.

The amendment was agreed to.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FORBES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Resolution 284.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

WILLIAM L. BEATTY FEDERAL BUILDING AND UNITED STATES COURTHOUSE

Mr. LATOURETTE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3093) to designate the Federal building and United States courthouse located at 501 Bell Street in Alton, Illinois, as the "William L. Beatty Federal Building and United States Courthouse," and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. COSTELLO. Mr. Speaker, reserving the right to object, I do not intend

to object, and I ask the chairman of the subcommittee for an explanation of the bill.

Mr. LATOURETTE. Mr. Speaker, will the gentleman yield?

Mr. COSTELLO. I yield to the gentleman from Ohio.

Mr. LATOURETTE. Mr. Speaker, I thank the gentleman for yielding to me.

H.R. 3093 designates the Federal Building and the United States Courthouse in Alton, Illinois as the William L. Beatty Federal Building and United States Courthouse.

William L. Beatty was born in Mendota, Illinois, in 1925. He grew up in east St. Louis and graduated from Central Catholic High School. He served in the United States Army's 394th Field Artillery Battalion in Europe during the Second World War.

After returning from the war, he attended Washington University for undergraduate studies, and graduated from St. Louis University Law School in 1950. Upon graduating from law school, he passed the Illinois and Missouri bar and entered a private law practice for 18 years, including serving as municipal attorney for Granite City, and as an Assistant State's Attorney.

Judge Beatty was elected Illinois State Circuit Judge in Madison County in 1968. He served on the State Circuit Court until 1979, when President Carter appointed him to the United States District Court for the Southern District of Illinois.

While sitting on the bench, Judge Beatty was always known for crafting fair and creative sentences. He was eligible to retire from the bench in the 1992, but instead, continued to maintain a busy workload as a senior judge. Judge Beatty had a distinguished 50-year law career.

I want to commend and congratulate my colleague and the ranking member of our subcommittee, the gentleman from Illinois (Mr. COSTELLO), for bringing this important legislation forward.

Mr. COSTELLO. Mr. Speaker, continuing my reservation of objection, I thank the chairman of the subcommittee for his explanation of the bill.

Mr. Speaker, H.R. 3093 is a bill to designate the Federal Building and United States Courthouse located at 501 Bell Street, Alton, Illinois, in honor of Judge William L. Beatty.

Judge Beatty was born in Mendota, Illinois, in 1925 into a working class family. As a child, he moved with his family to east St. Louis, Illinois, where he lived until 1952.

At the age of 10, he started his first job selling Liberty Magazines and the Saturday Evening Post, earning a penny for each magazine sold. This was one of many part-time and summer jobs that he would hold prior to obtaining his law degree.

In June of 1943, Judge Beatty graduated from Central Catholic High

School. Later that year, he was drafted in the Army and served his country in the 394th Field Artillery Battalion in Germany in 1944. He was discharged in 1945.

After the war, he attended Washington university as an undergraduate, and graduated from St. Louis University Law School in 1950.

After passing the Illinois and Missouri bar exams, he began private practice with George Moran, where they specialized in personal injury law. He also worked part-time as a city attorney in Granite City, Illinois.

In 1968, Judge Beatty was elected circuit judge in Madison County, Illinois, and served on the circuit bench from 1968 until 1979. He was appointed to the Federal bench by President Carter in 1979, and served the Southern District of Illinois until his death in July of this year.

Judge Beatty touched and influenced not only the lives of his colleagues and fellow attorneys, but also everyone who appeared in his courtroom. He was known for his integrity, honesty, and fairness, and his courtroom was known as a place where justice would be done.

In his personal life, he was a devoted husband and a loving father. I am privileged to have known Judge Beatty, and I am honored to sponsor this bill. It is a fitting tribute to a dedicated public servant whose career will be remembered for his fairness, consistency, and dedication, both to his job and to the area.

It is fitting and proper to honor the outstanding public service of Judge Beatty with this designation.

Mr. SHIMKUS. Mr. Speaker, will the gentleman yield?

Mr. COSTELLO. I yield to the gentleman from Illinois.

Mr. SHIMKUS. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, I just want to chime in on the words of praise and accolades on the work of Judge Beatty, the work that he has done as a resident of Madison County. He did bring honor and integrity to the courts. It is a very difficult job, as we all know, and it takes a special person of high caliber to weigh law and pronounce justice.

He is well respected in the community, and I can think of no more honorable way to recognize his work than doing this. I want to thank my colleague for his efforts.

Mr. COSTELLO. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The Clerk read the bill, as follows:

H.R. 3093

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF WILLIAM L. BEATTY FEDERAL BUILDING AND UNITED STATES COURTHOUSE.

The Federal building and United States courthouse located at 501 Bell Street in

Alton, Illinois, shall be known and designated as the "William L. Beatty Federal Building and United States Courthouse".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building and United States courthouse referred to in section 1 shall be deemed to be a reference to the William L. Beatty Federal Building and United States Courthouse.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EXPRESSING THE SENSE OF CONGRESS REGARDING THE CRASH OF AMERICAN AIRLINES FLIGHT 587

Mr. LATOURETTE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the concurrent resolution (H. Con. Res. 272) expressing the sense of Congress regarding the crash of American Airlines Flight 587, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. COSTELLO. Mr. Speaker, reserving the right to object, I do not intend to object, and I ask the chairman of the subcommittee for an explanation of the concurrent resolution.

Mr. LATOURETTE. Mr. Speaker, will the gentleman yield?

Mr. COSTELLO. I yield to the gentleman from Ohio.

Mr. LATOURETTE. I thank the gentleman for yielding to me.

Mr. Speaker, House Concurrent Resolution 272 expresses the sense of the House of Representatives regarding the tragic crash of American Airlines Flight 587.

Specifically, the resolution before the body sends its heartfelt condolences to the families, friends, and loved ones of the victims of that crash; sends its sympathies to the people of both the Dominican Republic and the Dominican community of New York City; sends its sympathies to the people of the Rockaways; and lastly, commends the heroic action of the rescue workers, volunteers, and State and local officials who responded to that crash scene.

Mr. Speaker, New York City has certainly suffered greatly since September 11. I know everyone in this body was horrified on November 12 to see on our television screens the crash of American Airlines Flight 587.

But as one Member, I was heartened as I was watching television to see that the news was reporting that the sponsor of this resolution, the gentleman from New York (Mr. WEINER), who represents this portion of New York City, was on the ground providing comfort

and consolation to those affected among his constituents in what was, at least in my mind, one of the quickest responses by a Member of Congress that I have had the honor of witnessing in 7 years.

I commend the gentleman for his foresight and wisdom in submitting this resolution.

Mr. COSTELLO. Mr. Speaker, continuing to reserve the right to object, I thank the gentleman for his explanation and associate myself with his remarks.

At this time, we extend our heartfelt sympathy and condolences to all of the families, both on the flight and to those on the ground, who lost loved ones in this terrible tragedy.

Mr. WEINER. Mr. Speaker, will the gentleman yield?

Mr. COSTELLO. I yield to the gentleman from New York.

Mr. WEINER. Mr. Speaker, I thank the gentleman for yielding to me, and I thank both of my colleagues for their kindness and the great support this body has shown for those of us in New York since September 11.

Monsignor Martin Geraghty is the pastor of St. Francis deSales Church, right down the block from where this horrible plane crash occurred.

When he spoke recently to E.J. Dionne of the Washington Post, he said, "You can deconstruct everything except suffering."

We here today on the floor of the House do not seek to make sense of this horrible incident that occurred, but we do seek to express our great condolences to the 265 souls who were on board that plane, and to those folks in Rockaway who have endured so very much.

Tomorrow there will be a funeral for the Concannons, a couple that lived on East 131st Street. Sadly, it is not the first of funerals we have had recently in reaction to horrible tragedies. St. Francis deSales Church lost about 30 members of its parish, and as many as 20 of them firefighters lost on September 11.

When this horrible accident occurred on November 12, it could not, in an odd way, have happened in a better place. If we are going to have a first responder emergency that relies on the heroism of the people in the community, Rockaway is the place we want to have it.

On November 12, just like on September 11, my neighbors, people in Rockaway, retired firefighters, off-duty firefighters, police officers, port authority policemen, EMTs, ran out of their homes.

I spoke to the head of Peninsula Hospital at the end of the day, that horrible day, and I asked, how many injuries did you have? He said, we had about 40 people come through our doors. I asked if they were firefighters. He said just about every one of them were, but only a few of them were on

duty. People came in in their tee shirts and jeans because they ran out of their houses to save their neighbors.

Mr. Speaker, this is a community that every day looks up to the heavens, sometimes in praise of God Almighty, but sometimes to look at the planes flying low overhead. I do not think anyone in our community will ever look at those planes overhead the same way. This has been an instance that has shaken us. As I have said before, it is almost as if it was an aftershock to an earthquake that happened on September 11.

But as horrible as the incident was, it once again reminded us in New York City and in our country of our common humanity. About as far away as one can possibly get from Belle Harbor, Queens, is the community in upper Manhattan in Washington Heights where many of the relatives of many of those flying on this plane lived.

I must confess, there is not a great deal that the people in the Dominican communities of Washington Heights have in common with the Irish, Italian, and Jewish community of Rockaway, but on November 12, we were reminded once again what is great about New York City and what is great about our country.

We come here with great hopes, with great aspirations, and we find them in New York City. When there are catastrophes like struck us on September 11 and November 12, we are reminded again what we have in common. What we have in common on this day is that families in Washington Heights and in Rockaway are going to sit down to dinner with an empty seat at the table. They are going to go to worship at Sunday mass or this Saturday at shul and they are going to mourn for those that have been lost in the last couple of months.

□ 1515

We have a common bond in this country. It is that we are common in the humanity that we have. So all of us in Rockaway send our sincere condolences to those that lost their lives on this plane. We share with those families that are still mourning September 11, and we join in paying our great thanks to those Members of this House who have shown such great support to New York City.

This is a time of national mourning, but it is a time of particular mourning to those of us in New York City.

Mr. Speaker, I will include in the RECORD not only Mr. Dionne's editorial about the Rockaways but two that were written by Michael Daly of the Daily News which capture the essence of that great community.

[From the Washington Post, Nov. 13, 2001]

UNSHAKABLE ROCKAWAY

(By E.J. Dionne, Jr.)

Our family has a love affair with a star-crossed little neighborhood at the edge of

New York City. In our house, "Rockaway" is a magic word.

Going to Rockaway means seeing grandma and aunts and uncles and "the cousins." A passel of kids of varying ages, the cousins love playing baseball in the front yard, romping on the beach just two blocks away, or exploring what's left of the Fort Tilden gun emplacements that overlook the Atlantic Ocean. The guns were put there to fight Nazis who many feared would come across the sea during World War II. Fortunately, the Nazis never came. Now the neighborhood faces troubles no one ever imagined. The television screen Monday morning cut suddenly to a city block we know and cherish. The flames were ripping through houses and buildings two doors down from my brother-in-law's home.

We knew my mother-in-law was in church at the time of the crash—she goes to the 9 a.m. Mass every day at St. Francis de Sales, about a block from where some of the plane fragments hit. We learned, courtesy of a live interview with Mayor Rudolph Giuliani, that the church was okay. We appreciated that, Mr. Mayor. Grandma finally got through to us. She and the rest of the family were okay too.

Giuliani said he remembered the church because of the many funerals and memorial services he had attended there since Sept. 11. You see, Rockaway, and in particular the Belle Harbor section that was struck on Monday, had already suffered mightily in the World Trade Center disaster.

It's a neighborhood full of firefighters and upwardly mobile, middle-class people, so many of whom had moved across the Gil Hodges Bridge from working-class sections of Brooklyn. Many found good jobs in the financial boom of the 1990's and worked in the trade center.

To call this neighborhood old-fashioned is both true and misleading. True because the prevailing values really are old-fashioned. Misleading because everyone is acutely aware that it takes hard work and careful adjustment to keep old values alive in the year 2001.

People in Belle Harbor don't much debate a word like "communitarian." They don't have to. That's just what these people are. I know from family experience that when a neighbor gets sick, whole blocks mobilize instantly. Food just shows up. Baby sitters suddenly materialize. The invitation for a drink at the Harbor Light, a friendly establishment smack in the path of Monday's devastation, comes right on time. The word gets out fast. Nobody ever asks questions. Nobody thinks about being paid back. Everybody knows the same comfort will be available for them when they need it.

Firefighters are as thick on the ground as steelworkers once were in Pittsburgh or stockbrokers still are in Brooklyn Heights. It's work that's often passed down from father to son. Few professions fit the neighborhood better: a marriage of family values with public service. Their attitude fits too—tough on the outside, romantic on the inside.

The funny thing about this neighborhood is that for all the ties of clan and ethnicity and faith—most of the neighbors we know are Irish, with a sprinkling of Italians, and Catholic—there is a kind of open welcome you don't run into everywhere. Many people who don't know the place think this is an attitude foreign to New York City. It isn't. My son loves the neighborhood because he can hit the streets and within five minutes be brought into a game of basketball or beach baseball or whatever else is going on. He's

not an outsider. He's a kid, he's Brian's cousin, he's an honorary neighbor.

That's why it was so painful to watch this neighborhood in flames. Why so much trouble has come so fast to one small place I cannot explain. All I know is that it's a place that knows how to pull together and get dinner to the household down the street where no one is home to cook. Maybe it goes through hard times because it is so naturally gifted at dealing with them.

A few weeks back, I was talking with Monsignor Martin Geraghty, the pastor of St. Francis de Sales, about his neighborhood's troubles. He's a deeply thoughtful man, a neighborhood intellectual who never flaunts how smart he is. He spoke of the academic trend to deconstruct, and thus explain away, anything. "*You can deconstruct everything,*" he said, "*except suffering.*" I don't envy Monsignor Geraghty's task of explaining to the good people of this exceptional neighborhood why the inexplicable keeps happening to them.

[From the New York Daily News Nov. 13, 2001]

GRIEF RETURNS TO STREET OF HEROES

(By Michael Daly)

The routines of everyday life in Rockaway had continued after her firefighter son perished at the World Trade Center, and Gail Allen had just taken out the trash when a roaring came from above.

"I heard noise and saw something falling from the sky and saw black smoke everywhere," Allen recalled. "I didn't know what happened. I didn't know what was going to happen next."

Allen dashed into her house, where her husband and six others were sleeping.

"I just ran in screaming, 'Get out!'" she said afterward.

She had responded just as her son, Firefighter Richard Allen, would have.

"It must be in the blood," she said. "Get everybody safe. That was my immediate reaction."

After everyone was safely down the block, she learned that an airliner had crashed across from her house on Beach 130th St. Many of her neighbors are cops and firefighters, and their terrible losses at the World Trade Center did not keep them from spilling out of their homes and racing headlong into danger.

Other off-duty firefighters arrived from Brooklyn, the Bronx, Manhattan and Long Island. Off-duty airline pilot Paul Maracina could only marvel.

"People just ran out of their houses in their pajamas, filling the streets, looking to help," Maracina said. "It was fantastic to see how fast people were working together. The willingness of volunteers to leap into a raging inferno to help other people."

Maracina had heard the plane's noise become a roar just before the crash. He knew hitting full throttle is standard procedure in the event of an engine failure.

"This wasn't a terrorist attack. This was an engine failure shadowed by Sept. 11," he suggested.

Around the corner, 8-year-old James Goldberg was pinning to a tree a piece of cardboard on which he had crayoned a map of the Rockaways and a message.

"NYPD, NYFD: Thank you very much."

Goldberg announced he wants to become a firefighter when he grows up.

"Because a lot of my friends' dads are," he said.

He then gave an exact count.

"Thirteen are firemen," he said.

FRESH MEMORIES

Back on Beach 130th St., Gail Allen stood in the sunny chill wearing a turnout coat that a firefighter had loaned her. She clutched a photo of a beautiful young man in a fire helmet.

"This is my son Richie Allen," she said. "He lived in Rockaway his whole life. He was 31. He went from lifeguard to fireman. He was with Ladder 15, Engine 4. We had his memorial on Friday."

The memorial had been diagonally across the street at St. Francis de Sales, one of 12 services held there for World Trade Center victims. The pastor, Msgr. Martin Geraghty, was now off blessing bodies from among the 260 people who had been on American Airlines Flight 587 and however, many people had been killed on the ground in a community that had already lost more than 70 at the Trade Center.

Whatever yesterday's count was in Rockaway, Allen was all but certain the dead would include neighbors who had become only closer since Sept. 11.

"I'll know them. I'll know their kids. I'll be hugging them," Allen said.

Allen walked down the street toward her daughter's house by the beach. Somebody asked why there were so many firefighters from Rockaway.

"They start out as lifeguards," she said. "Saving lives, it gets in their blood. It's in-born. I believe. It's what they do."

Her son had been a firefighter only since May, but she had no doubt he had died following his true calling.

"It was a dream come true," she said.

She kept walking, the sun glinting off the ocean just ahead where her son had rescued more than a few swimmers during his years as a lifeguard. Four blocks behind her was the bay, across which you can clearly see the New York skyline and the startling absence of the two buildings where he had died helping to save thousands.

The wind gusted and the gulls wheeled overhead and Allen had difficulty grasping the monstrous unfairness of tragedy again striking this slender peninsula of selflessness and valor.

"It's hard to believe we're going to have other people in the neighborhood going through it," she said. "It's hard to believe other mothers are going to hurt this way."

A firefighter who is her husband's cousin came up and hugged her, his face blackened by smoke and soot. She turned to another firefighter who had rushed there without protective gloves.

"I have an extra set of gloves at home if you need them," she said.

Then Allen went up into her daughter's house in the turnout coat, the picture of the oldest of her six children in her hand.

"We're still waiting for his remains to say goodbye," she said.

She later would be heading into Manhattan to join the mothers and wives of other fallen firefighters in urging city officials to do all they can to recover those still lost beyond the bay at Ground Zero.

"If it's not safe, make it safe. Go slower," she said.

She then would return to her narrow peninsula, which will get through all its trials the Rockaway way.

"We'll get through it helping each other," she said.

[From the New York Daily News, Nov. 14, 2001]

SORROW BINDS A SPECIAL PLACE

(By Michael Daly)

Retired Firefighter Flip Mullen emerged from the 9 a.m. Mass at St. Francis de Sales

Church in a turnout coat frayed to holiness by years of dashing into mortal peril.

Mullen had taken off his beautifully battered helmet as he entered, and he donned it again as he returned to sun-splashed Rockaway Beach Blvd.

He looked just as he had on Sept. 11, when word of the World Trade Center attack caused him to leap out of a decade's retirement and race to where 12 people in his parish would die.

Mullen grabbed his gear again Monday, when a plane nosedived three blocks from the church. Other past and present firefighters came running just as fast as they had to the twin towers.

Five more parishioners appeared to have met death from the sky, along with the 260 poor souls on the plane. Mullen asked aloud the question that he had carried into church.

"You wonder why bad things happen to good people," he said.

The closeness of the knit in Rockaway was clear as he cited his familial tie to one of the victims on the ground, 24-year-old Christopher Lawler.

"His mom is my brother-in-law's kid sister," he said.

Mullen's next words made Lawler kin to us all. "Just a nice, caring person."

MOURNING ON SEPT. 11

Mullen strode off in his helmet and boots. The pastor, Msgr. Martin Geraghty, appeared shortly afterward. He allowed that even he was surprised by the faith of Rockaway when he summoned people to prayer by ringing the church bells on the evening of Sept. 11.

"I thought maybe 50 or 100 would come," he said. "It was 500. The next day it was 1,000."

Since then Geraghty had conducted 11 memorials for World Trade Center victims.

"We thought we had kind of gone through one of the stages of our grief," he said.

He and his parishioners would face this second tragedy just as they had the earlier one.

"The first language of consolation is non-verbal," he said. "It's hugs."

He had no doubt that the parish would meet even so dire a test of its mettle.

"We're from Rockaway," he said. "We have a little salt from the ocean in us. We're salty."

Nobody had more salt in him than young Richie Allen, who had loved to swim and fish in the ocean just a block away. He had written a poem titled simply, "The Beach."

My escape is the beach where I can be all alone and out of reach.

I often sit in the open on the cold, hard rocks My thoughts circling around the hands of a cloud

I stare into the ocean blue, and see all my fantasies, plans and dreams come true.

This pure Rockaway boy's dream was to become a firefighter, and he was one for just five months when he perished at the Trade Center. Geraghty had presided over Allen's memorial last Friday, and he used images of the sea in his talk.

"Going against the tide of people coming out, helping people who have lost sight of the shore," Geraghty recalled.

Allen's parents, Gail and Richard, were around the corner, in front of their house on Beach 130th St. Their ocean-loving son gave the father a fishing rod for Christmas. The father was Rockaway born, but he had never been much of an angler.

"I think I'll take up fishing," the father now said.

A neighbor came up, looking stricken, saying she had just seen some belongings that spilled out of the plane.

"Children's clothes," she said. "Flip-flops. . . ."

Flip-flops in Rockaway, meaning kids and summer and life at its best. The neighbor's voice broke, and she seemed near tears, but one of her own youngsters ran up and she caught herself.

She walked off, and another neighbor backed her car up the block. The street ahead still was blocked by emergency vehicles.

"We have some of the cockpit in the backyard and some luggage, but we're okay," the neighbor said.

HORRIBLE PIECE OF CATASTROPHE

Across the street, 4-year-old Kevin Otton, son of Firefighter Dennis Otton, picked up something from a strip of grass along a driveway. He went over and placed two small pieces of the plane in his mother's hand. She tapped one bit of blackened aluminum with a painted nail.

"It's scary when you think how huge an airplane is," Donna Blackburn-Otton said.

She then looked at her boy, who seemed already infused with a firefighter's spirit.

"He wants to be right there in the midst of helping," she said.

Back in front of the Allen house, Gail Allen showed a visitor a photo her fallen son took from the beach. It captured a dark sky clearing over the ocean as if cleaved by light.

"Like the gates of heaven," the mother said.

She was certain Firefighter Richard Allen passed through those gates and will watch over them all no matter what else may befall Rockaway.

"Thank God we have an angel on the beach," she said.

[From the New York Daily News, Nov. 14, 2001]

THE TIES THAT BIND THE ROCKAWAYS (By Alex Storozynski)

In the wake of the crash of American Flight 587 this week, the nation has learned a lot about how special the Rockaways are. As one who grew up there with sand in my shoes, I know it's true. Let me tell you why.

First of all, there's something about having a roaring ocean on one side and Jamaica Bay on the other that draws people together. It makes you appreciate Mother Nature and the fragility of human life.

During some storms, the ocean and bay have even met, flooding the streets. The last time this happened was during the great nor'easter of '91 that was immortalized in "The Perfect Storm."

The isolation of this 10-mile-long, four-block-wide sand bar also forces you to appreciate your neighbors.

When I was growing up, the house my family lived in was the biggest on the block, so the neighborhood kids used to get together in the backyard and driveway to hold bazaars to raise money for muscular dystrophy.

Incredibly, one of the engines from Flight 587 landed in the driveway of that childhood home, setting it, a boat and the garage on fire. Luckily, the family living there escaped with only cuts and bruises.

The isolation also gives residents a unique vision of the city—literally, in some ways. As a kid looking out the window from the top floor of my house, I could watch the twin towers of the World Trade Center rise in the distance as they were constructed during the '60s and early '70s. An awesome sight—but that was New York City. We were in Rockaway.

People who visit Rockaway from "the city" are known as DFD—Down for the Day. Generally, you have to keep your eyes on DFDs because they often can't swim, and they don't always take all their garbage with them when leaving the beach.

Rockaway teenagers often work as Parks Department employees cleaning the beach, or they learn how to save others as lifeguards. Many continue in the rescue tradition by becoming cops and firefighters. The common experiences they have as youngsters help form lifetime friendships.

Another intense experience that helps bind the good folks of Rockaway together always has been the roar of the planes on the flight path from Kennedy Airport. When the Concorde started flying in the 1970s, teachers at local schools had to stop classes for a minute or two whenever it passed over us because it rattled windows and made lessons inaudible.

Many of my friends who heard the crash Monday said at first they thought the sound was merely from the Concorde, which recently resumed flights.

It ripped my heart apart when I realized that St. Francis de Sales Church will be holding more funerals and memorials for its neighbors. The parish has suffered incredible torment lately because so many of its members were killed in the terrorist attack on the WTC.

As the smoldering embers turn to ashes and the smell of jet fuel is wafted away by the salty ocean air, I pray that Rockaway will heal from this latest tragedy. While these days I may technically be a DFD, I still have sand in my shoes.

Mr. COSTELLO. Mr. Speaker, I thank the gentleman from New York (Mr. WEINER) for his leadership and for sponsoring this resolution.

Mr. Speaker, reserving my right to object, I yield to the gentleman from New York (Mr. SERRANO).

Mr. SERRANO. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I want to join the gentleman from New York (Mr. WEINER) in expressing our sense of loss and pain both to the community and the Rockaways, as well as the community in the Dominican areas and throughout the City of New York.

It is somewhat even sadder to know that a community that lost so many people, then on another day saw so many people being lost right there in their community. It is the kind of thing that you cannot explain; and you do not try to ask why they happen, but they did happen.

The stories that are coming out about people who were on that flight, the stories of the American immigration and the immigration to this country. So many stories of people who came here, especially from the Dominican Republic to find a new world, a new life. And so many were involved in doing just that and were going back for whatever reason.

Interestingly enough, interestingly enough, I learned something after this tragedy that I did not know before. And that was that a lot of folks were going back to celebrate Thanksgiving in the Dominican Republic. One would ask, why celebrate Thanksgiving in the

Dominican Republic; it is an American celebration. Well, these are families who have been here so long and traveling back and forth to the point where that celebration has now become part of many, if not all, communities in the Dominican Republic.

So the same way that this weekend and this week we will be traveling to be near loved ones, some folks come from the Dominican Republic to celebrate Thanksgiving in New York and the United States, and some go back to the Dominican Republic to celebrate Thanksgiving with all of that which is ours, the trimmings of the turkey and the celebration with a little touch of rice and beans and fried bananas that make who we are as a country, that we take every tradition and add our personal touch to it.

Then there are the other stories of, for instance, the woman in my district who started to go to beauty culture school in the Dominican Republic at the age of 12. Came to the United States and saved all of her tips, saved all of her tips for 6, 7, 8 years with the intent some day of owning her own place. And on 149th Street in the Bronx, she owned her own place just 6 months ago. She was going back to her folks to tell them the story of the success she had found in this new land of opportunity and she never made it.

We also have the stories about people who came here, the man who came here and became a citizen and was going home to pick up children who now because of his citizenship could enter into the country and he was lost. And so when we honor the memories of these folks, I think we have to realize that this is a classic American story of people who came here, of people who came here to make a better life for themselves, and who either did or are in the process of doing it.

In closing, let me say as I started to say to the gentleman from New York (Mr. WEINER) before, that there is something so dramatic and yet so sad and yet so strong about the fact that in that community in the Rockaways, which also has the tradition of immigrants coming here to succeed, they became the final place for the death of so many of these people. And these communities, who probably on a daily basis had perhaps very little in common at times, certainly maybe in the homeownership style or somewhat culturally; yet, at the end of it all, the suffering of 60, 70 families in that community through the World Trade Center and then the suffering of 260 through this airplane.

I am glad this resolution is up. We join today in expressing our sympathy to all these families, and we just hope that we can now go on and help the survivors to face this tragedy.

Mr. COSTELLO. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. OTTER). Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 272

Whereas American Airlines Flight 587 en route from John F. Kennedy Airport in Queens County, New York, to Santo Domingo, Dominican Republic, crashed on the Rockaway Peninsula in Queens County, New York, on November 12, 2001;

Whereas the crash resulted in a tragic loss of life estimated at 265 individuals, including passengers, crew members, and people on the ground;

Whereas New York City has strong cultural, familial, and historic ties to the Dominican Republic;

Whereas many of the passengers of American Airlines Flight 587 were of Dominican origin and resided in the Washington Heights community, a vibrant neighborhood which is an integral part of our national cultural mosaic;

Whereas the Rockaway community has already suffered greatly as a result of the attacks on the United States of September 11, 2001, as home to the highest concentration of firefighters in New York City, many of whom lost their lives at the World Trade Center;

Whereas many Rockaway residents ignored the risks and rushed to the site of the plane crash in an effort to help;

Whereas the people of the Rockaway community have served as an inspiration through their resilience in the face of adversity and their faith in and practice of community; and

Whereas the professional emergency personnel on the ground performed valiantly limiting the devastation of this tragedy: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) sends its heartfelt condolences to the families, friends, and loved ones of the victims of the crash of American Airlines Flight 587 on the Rockaway Peninsula in Queens County, New York, on November 12, 2001;

(2) sends its sympathies to the people of the Dominican Republic and to the Dominican community in New York City;

(3) sends its sympathies to the people of the Rockaway community;

(4) commends the heroic actions of the rescue workers, volunteers, and State and local officials who responded to this tragic event with courage, determination, and skill; and

(5) directs the Clerk of the House of Representatives to transmit an enrolled copy of this resolution to the President of the Dominican Republic.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. LATOURETTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material in the RECORD on H. Con. Res. 272 and H.R. 3093, the matters just considered by the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

APPOINTMENT OF HON. THOMAS E. PETRI TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS THROUGH NOVEMBER 27, 2001

The Speaker pro tempore laid before the House the following communication from the Speaker:

HOUSE OF REPRESENTATIVES,
Washington, DC, November 16, 2001.

I hereby appoint the Honorable THOMAS E. PETRI to act as Speaker pro tempore to sign enrolled bills and joint resolutions through November 27, 2001.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

The SPEAKER pro tempore. Without objection, the appointment is agreed to.

There was no objection.

ADJOURNMENT TO MONDAY, NOVEMBER 19, 2001

Mr. SHIMKUS. Mr. Speaker, I ask unanimous consent that when the House adjourns day, it adjourn to meet at 2 p.m. on Monday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

AUTHORIZING THE SPEAKER, THE MAJORITY LEADER, AND THE MINORITY LEADER TO ACCEPT RESIGNATIONS AND MAKE APPOINTMENTS NOTWITHSTANDING ADJOURNMENT

Mr. SHIMKUS. Mr. Speaker, I ask unanimous consent that notwithstanding any adjournment of the House today until Tuesday, November 27, 2001, the Speaker, majority leader, and minority leader be authorized to accept resignations and to make appointments authorized by law or by the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will recognize Members for Special Order speeches without prejudice to possible resumption of legislative business.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, and under a previous order

of the House, the following Members will be recognized for 5 minutes each.

HONOR THE FALLEN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Virginia (Mrs. JO ANN DAVIS) is recognized for 5 minutes.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I again would like to continue to pay tribute and honor the fallen who perished as a result of the attacks of September 11, 2001. These individuals came from all walks of life and from around the globe. They included hundreds of dedicated firefighters who lost their lives trying to save others. These heroes and the many other innocent individuals are more than just numbers. They are people, family, employees, and friends. Again, please forgive me in advance for any mispronunciations of names.

I ask for God's blessing on the following:

Thomas McCann; Michael Desmond McCarthy; Robert Garvin McCarthy; Kevin McCarthy; Justin McCarthy; Stanley McCaskill; Katie McCloskey; Tara McCloud-Gray; Joan McConnell Cullinan; Juliana Valentine McCourt; Ruth Magdaline McCourt; Charles McCrann; Tonyell McDay; Matthew T. McDermott; Joseph P. McDonald; Michael Patrick McDonnell; Brian G. McDonnell; John F. McDowell, Jr.; Eamonn J. McEneaney; John Thomas McErlean, Jr.; Katherine "Katie" McGarry-Noack; Daniel F. McGinley; Mark McGinly; William E. McGinn; Thomas H. McGinnis; Michael Gregory McGinty; Ann McGovern; William J. McGovern; Scott Martin McGovern; Stacey S. McGowan; Francis Noel McGuinn; Thomas McGuinness; Patrick J. McGuire; Thomas McHale; Keith McHeffey; Dennis P. McHugh; Micael Edward McHugh, Jr.; Ann M. McHugh; Denis J. McHugh; Robert G. McIlvaine; Donald James McIntyre; Stephanie McKenna; Molly McKenzie; Barry J. McKeon; Darryl McKinney; Robert Carroll McLaughlin, Jr.; George P. McLaughlin; Robert Dismas McMahon; Gavin McMahon; Edmund M. McNally; Daniel McNeal; Walter Arthur McNeil; Sean Peter McNulty; Robert William McPadden; Terrence McShane; Timothy McSweeney; Martin Edward McWilliams; Rocco Medaglia; Abigail Medina; Anna Medina; Deborah Medwig; William Meehan; Damien Meehan;

Again, I have an alphabetical list that I would request all Members utilize for this coordinated effort. As more victims are identified, they will be added to this list. Please contact my office with times that fit your schedule so that we can arrange for the list to be on the floor, for your convenience, for either Special Orders or 1-minute speeches. I appreciate your assistance in this important undertaking; and

again, I encourage my colleagues to join me in honoring the fallen.

HONORING THE FALLEN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. SHIMKUS) is recognized for 5 minutes.

Mr. SHIMKUS. Mr. Speaker, I too want to join my colleague, the gentlewoman from Virginia (Mrs. JO ANN DAVIS), and continue to read the names of those who fell in the attack on September 11.

George Merkouris Merkouris; Deborah Merrick; Raymond J. Metz, III; Jill A. Metzler; David R. Meyer; Nurul H. Miah; Shakila Miah; William Edward Micciulli; Martin P. Michelstein; Patricia E. Patti Mickley; Luis Clodoldo Revilla Mier; Ronald D. Milam; Sharon C. Milan; Peter T. Milano; Gregory Milanowycz; Corey Peter Miller; Lukasz Milewski; Douglas C. Miller, Jr.; Henry Miller, Jr.; Nicole Miller; Robert C. Miller, Jr.; Robert Alan Miller; Michael Matthew Miller; Phil Miller; Joel Miller; Benjamin Millman; Charles M. Mills; Robert Minara; William G. Minardi; Louis Joseph Minervino; Thomas Mingione; Wilbert Miraille; Domenick Mroovich; Rajesh A. Mirpuri; Joseph Mistrulli; Susan Miskowicz; Paul Mitchell; Richard Miuccio; Jeff Mladenik; Frank V. Moccia, Sr.; Louis Modafferi; Mubarak Mohammad; Boyie Mohammed; Dennis Mojica; Manuel Mojica; Kleber Molina; Manuel Molina; Fernando Jimenez Molina; Carl Molinaro; Justin J. Molisani, Jr.; Brian Patrick Monaghan; John G. Monahan; Franklin Monahan; Kristen Montanaro.

□ 1530

Craig D. Montano; Michael G. Montesi; Juan Carlos Londono Montoya; Antonio Montoya; Cheryl Ann Monyak; Thomas Moody; Sharon Moore; Krishna V. Moorthy; Laura Lee Morabito; Lynne Irene Morris; Seth A. Morris; John Morris; Stephen Morris; Christopher Morrison; Ferdinand V. Morrone; Jorge Morrone; Charlie Morrow; William David Moskal; Brian Anthony Moss; Marco Motroni, Sr.; Cynthia Motus-Wilson; Chung Mou; Iouri Mouchinski; Jude Moussa; Peter C. Moutos; Damion Mowatt; Ted Moy; Christopher Mozzillo; Stephen V. Mulderry; Richard Muldowney, Jr.

HONORING THE LIFE OF STANLEY FOSTER

The SPEAKER pro tempore (Mr. OTTER). Under a previous order of the House, the gentlewoman from California (Mrs. Davis) is recognized for 5 minutes.

Mrs. DAVIS of California. Mr. Speaker, I rise to pay tribute to Stanley E. Foster, who passed away in San Diego this week. Stan Foster was a giant in

our community and a dear friend to all who knew him. As one of his many friends, I mourn his passing, but I also want to take a moment to celebrate his life and share with my colleagues the inspiring story of this great American.

Stan was born in Portland, Oregon, the son of an immigrant from the Ukraine. After graduating from the University of Washington, he went into the furniture business in Portland. He moved to San Diego in 1954 and joined his in-laws' family business. He later bought a small sportswear company known as Hang Ten, which he turned into a wildly successful business and a major label known around the world.

After doing so well, Stan spent most of his life doing good. He was one of San Diego's leading philanthropists and civic leaders, involved in every aspect of our community's civic, cultural, and spiritual life. His causes were many, his influence and his impact, profound.

I had the pleasure of getting to know Stan through our shared involvement in three of his great passions: gun safety, interfaith and intercultural understanding, and the arts.

In the midst of a busy life, Stan made a long and concerted effort to stem gun violence, first as the founder of San Diegans Against Handgun Violence, and later as National Vice Chairman of Handgun Control. As a member of the California legislature, I worked closely with Stan to increase gun safety in California. He was a tireless advocate, who knew how to bring people together and how to get things done.

Stan and I also served together on the Board of the National Conference for Community and Justice, an interfaith organization dedicated to community peace and understanding. We traveled together to "Anytown," NCCJ's youth camp, which brings together young people from diverse backgrounds for an intense session of training in tolerance.

In traveling to "Anytown" with Stan and sharing his experience, I saw how deeply he cared not only about the big issues, but also about individuals. I was always impressed by the way that this very successful businessman spent countless hours with young people, encouraging them to engage in understanding one another and the world around them.

As a long-time supporter of San Diego's Museum of Contemporary Arts, I am grateful to Stan and his wife Pauline for their Herculean efforts to establish this museum as a major cultural institution. Stan recently stated that he had not missed a MoCA fundraiser in 25 years, and I am sure that this year's event, chaired by his wife Pauline, will be remembered as a sterling tribute to his memory.

Stan Foster will be dearly missed by his devoted family and by thousands of others whose lives he touched and enriched.

BIOFUELS ENERGY
INDEPENDENCE ACT OF 2001

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, this week, while our troops are in the field in the Middle East and Central Asia, President of the United States George Bush issued an executive order to expand the United States' Strategic Petroleum Reserve, and I emphasize the words "petroleum reserve," to maximize, as the President said, long-term protection against oil supply disruptions. And again I emphasize the word "oil."

With all due respect to the President, at this time in our country's history, I think he is moving in exactly the wrong direction. The Strategic Petroleum Reserve's name should be changed to the Strategic Fuels Reserve. And in lieu of what is happening, we should begin to move our country in a new, nonpetroleum direction. We have to go beyond the petroleum age.

Under the President's executive order, our Energy Secretary, Spencer Abraham, was ordered to increase the current reserve from its level of 545 million barrels, because it is not filled up, to 700 million barrels, calling the reserve an important element of our Nation's energy security. Indeed, having a strategic fuels reserve is in the Nation's security interests. However, the President needs to think about moving America toward energy independence, not keeping us wedded to the petroleum age.

And let me just reference this chart. If we look back to the 1980s, the amount of petroleum that is used annually has slowly been rising. The share of petroleum that comes from foreign nations has been rising until this year, and last year we will be over half. One-fifth of it comes from the oil-producing nations of the Middle East, one-fifth; and the rest from places like Nigeria, not exactly known for its love of democracy, and other points on the globe.

I think that the President is half-right. The President is right to try to assure energy security here at home, but the way he is doing it is wrong.

Now, some Americans have gotten the right message. In fact, this week in Maryland, and I would like to enter into the RECORD a story from the Washington Post, a mom-and-pop Chevron station in Laurel, Maryland, became the first station in that State, and only the second one in the mid-Atlantic region of our country, to offer E85, a mixture of gasoline and alcohol fuel distilled from corn or other grains. They understand we have to move America beyond the petroleum age, using ethanol as one of the most important new fuels of the future.

In this article they talk about aiming to reduce petroleum consumption

and greenhouse gas emissions by boosting the use of ethanol fuels; and they are selling the gasoline up there in Maryland for \$1.33 a gallon and they figure, if nothing else, it will bring more consumers to the part of the business that turns a profit.

Arianna Huffington wrote a story in the L.A. Times today. She also got the right message. She has a can-do spirit for America. She basically says, "We can all make simple adjustments to wean our country from our dependence on foreign oil." She says, "In practice, what are we really being asked to do in this war as individual Americans? We are being asked to shop till we drop, we are being asked to eat out, and to visit Disneyland.

"Given our ability to play hardball with nations that harbor terrorists is going to be seriously compromised by our foreign oil habit, shouldn't we be doing everything we can to reduce that dependence starting, say," she says, maybe yesterday? "America cannot go on consuming 25 percent of the world's oil while being only 5 percent of the global population."

Then, in the New York Times this week, Thomas Friedman says the predicament the free world faces is due to oil money and the fact that we are so wedded to those systems; and, in fact, oil being the major reason for those economies of the Middle East even being able to survive.

The New York Times a month ago had an editorial and I quote, entitled "Reconsidering Saudi Arabia. Washington's embrace of the Saudi royal family dates back to the era of Franklin Roosevelt. It has always been primarily about oil."

And then Seymour Hersh, in the October 22 issue of The New Yorker, says the following: "The United States is hostage to the stability of the Saudi system," a prominent Middle Eastern oil man reported to me. "The war was declared by bin Laden, but there are thousands of bin Ladens. The fabulous military machine America has is completely useless to the enemy you face."

The article goes on, "The Saudi regime," he says, "will explode in time. If they do a similar operation in Saudi Arabia has they did in New York, the price of oil will go up to \$100 a barrel, more than four times what we pay today."

I commend to my colleagues our bill, H.R. 3099, which asks that the President exchange 2,100,000 barrels from the current petroleum reserve and convert it to the purchase of ethanol and biofuels in order to move America toward energy independence. It is time.

Mr. Speaker, I submit for the RECORD the article entitled "Hoping to Fuel Demand With Supply," which I referred to earlier:

[From the Washington Post, Nov. 15, 2001]

HOPING TO FUEL DEMAND WITH SUPPLY

(By Anita Huslin)

For nearly a decade, state and federal governments have been buying fleets of vehicles capable of running on a cleaner-burning mixture of gasoline and ethanol.

Few of the vehicles, however, have ever had a drop in their tanks because the blend is available at just 101 fuel stations nationwide—most of them in the Midwest.

Yesterday, a mom-and-pop Chevron in Laurel became the first fuel station in Maryland and only the second in the mid-Atlantic region to offer E85, a mixture of gasoline and an alcohol fuel distilled from corn and other grains. The blend has been touted as an alternative to foreign oil and as being gentler on the environment, though the environmental claim has been debated.

Maryland Energy Administration officials hope to open E85 pumps in Annapolis, Gaithersburg and Baltimore in the next year.

At a pump festooned with red, white and blue flags, beaming auto manufacturing representatives and farmers applauded as the first state vehicle—a standard-issue white Ford Taurus—was filled with the blend of 85 percent ethanol, 15 percent gasoline.

"If you want people to use the fuel, you've got to provide the stations where they can buy it," said Richard F. Pecora, deputy secretary of the Maryland General Services Administration.

Aiming to reduce petroleum consumption and greenhouse gas emissions by boosting the use of alternative fuels, the federal Energy Policy Act of 1992 required that vehicles capable of running on alternative fuels make up 75 percent of state government fleets.

Under a U.S. program to encourage development of such vehicles, auto manufacturers have received credits for producing ethanol-burning cars, trucks and sport-utility vehicles. Those credits allow the companies to build more vehicles that get lower average gas mileage. But because ethanol fuel is sold in just 20 states and, consequently, many alternative fuel vehicles are burning regular gasoline, the program has actually increased pollution, a U.S. Department of Transportation draft study concluded this year.

"Given the slow rate of growth in the alternative fuel infrastructure, it does not appear likely that any energy conservation and environmental benefits will be realized through . . . 2008 unless strong financial incentives are put in place," the report said.

After talking for more than a year with oil companies, none of which expressed any great interest in opening an E85 pump in Maryland, officials came upon Kevin Falls' Chevron Service Center.

It's a modest two-bay repair and fuel station just up the road from Fort Meade and the National Security Administration, two federal installations with growing fleets of alternative fuel vehicles. Officials lined up a U.S. Energy Department grant that would cover the cost of installing the pump, so Falls agreed.

He is selling E85 for the same price as premium gasoline—\$1.33 a gallon—and figures that if nothing else, it will bring more customers to the part of his business that turns a profit.

"The more people you get at the pump, the more jobs we get in the [repair] bays," Falls said. "I figure this'll only help with that."

Jobs are what farmers from the Maryland Grain Producers Association see in Falls's E85 pump. They tout the fuel as a way to boost demand for corn, soybeans, and other grains. "It's going to mean money in our

pockets with an increase in grain prices," said Donnie Tennyson, association president.

The group is looking into building the East Coast's first ethanol production plant in Maryland, in the same way it has been done in the Midwest. There, farmers have raised money to build and operate plants that convert their corn, soybeans and other crops into ethanol, which is then mixed with gasoline and sold at service stations primarily in Illinois, Iowa and Minnesota.

Officials estimate that as many as half a million vehicles in the Washington region can run on an ethanol fuel mix. Only one other station in the region sells E85—the Navy Annex Citgo in Alexandria, near the Pentagon.

With the opening of the E85 pump in Laurel, local auto dealerships said they will begin notifying customers who have bought alternative fuel vehicles. They also said their salespeople will make the fuel option part of their pitch.

"If you have the motivation and the fuel, we have the vehicles," said Michael Paritee, manager of alternative fuels and government sales for General Motors. Several of its vehicles—including the 5.3-liter Suburban, Tahoe, Yukon and Yukon XLS and S-10 pickups—can run on E85.

There is some debate over the environmental benefits of E85. Advocates tout its ability to reduce carbon monoxide emissions, but opponents note that when ethanol is blended with gasoline, the fuel evaporates at a higher rate, producing smog. Environmentalists also say distilling corn starch into ethanol is an energy-intensive process, often involving coal.

Even so, local groups welcomed the opening of the Laurel pump.

"I'd like to think that 10 years from now our farmers will be growing a lot of our energy," said Michael Heller, of the Chesapeake Bay Foundation. "Not just corn and barley, but warm-season grasses that can soak up nutrient pollution, then be harvested and turned into fuel."

U.S. ENGAGED IN A TWO-FRONT WAR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. OBEY) is recognized for 5 minutes.

Mr. OBEY. Mr. Speaker, this country is now engaged in a two-front war. In Afghanistan itself, the war in many places seems to be going well. The President, the Pentagon, our intelligence agencies and other agencies are doing their job well. We also have a second war, and that is the war on the home front. In my view, not nearly enough is being done to provide domestic security at a time when we are under attack from terrorism. We have a large number of vulnerabilities.

Two weeks ago this Congress passed a tax bill which gave \$25 billion in retroactive tax cuts to the largest corporations in this country, repealing all of the taxes those corporations had paid over the past 15 years, retroactively. As a result, one corporation got \$1.4 billion in a tax gift.

The Director of the Office of Management and Budget, the White House's budget arm, seemed to think we had

plenty of room to afford that kind of giveaway. Yet the Office of Management and Budget, the fiscal arm of the White House, is trying to block, along with the leadership of this House, our ability to even get a vote on an effort to add \$7 billion to the security on the home front, that I think we desperately need.

We are trying to add additional agents to the FBI, so they can more rapidly and effectively ferret out terrorists and protect the national interest. We are trying to provide additional resources to our public health departments around the country. We are trying to provide a number of additional areas of support. We are trying to cover more than 1 percent of our food supply that comes into this country, because only 1 percent gets inspected.

We are trying to do a lot to cover those bases, but I want to talk about one area specifically.

This chart represents a day in the life of the U.S. Customs Service. On a typical day, the U.S. Customs Service processes 1.3 million passengers, 2,642 aircraft, 50,889 trucks and containers, 355,000 vehicles, 588 ships, 65,000 entry summaries; and they perform 64 arrests, 223 other seizures, 107 narcotics seizures, and 9 currency seizures. That is part of what these people do for a living every day, all in the service of every American.

We have a serious problem because our Customs Service and our Coast Guard do not have enough people in order to secure the borders of the United States. Right now, there are 64 points of entry on the Canadian border which are not open full time. When they are closed, there are two deterrents to illegal entry: One is a little gate with a stop sign, as pictured in this picture, which says "This port is closed. Warning, \$5,000 fine for entering the United States through a closed port. Nearest open port is 70 miles east at portal on Canadian Highway 39."

This represents our deterrent, along with this: a traffic cone. I do not think it is going to scare many terrorists who want to illegally enter the United States.

□ 1545

Yet we are being prevented from even bringing to the floor a measure to try to do something about that. We not only have problems with roads; we have problems with ports. My own major port of Duluth-Superior, for instance, is a port of access in this country.

Meanwhile, we have many ports closed; we have hour after hour backup of trucks at other points of entry that are open 24 hours a day. This backup means that many of our American industries are not able to produce fully because they cannot get the materials they need. This is just one of the many security problems we are trying to deal

with; and the problem we are facing, I am sorry to say, is that the leadership of this House is preventing us from getting votes on three amendments: one to ensure that our friends in New York get the relief they were promised 2 months ago; the second to make certain that we increase the Pentagon budget in areas thought necessary; and, third, to increase our homeland security.

Mr. Speaker, I urge the leadership of this House to allow us to vote on those three amendments. They do not need to vote for them, just allow us to vote on them.

There was an amendment today offered on New York which purports to take care of those problems. With all due respect, in my view, any Member of the New York delegation who tries to walk around in public using that as a fig leaf would be arrested for indecent exposure because that amendment does virtually nothing. It gives no political cover; and it should not, because it provides no substantive improvement.

I urge the House to allow us to vote on those three amendments. This involves the national security of the United States. We should not be operating under a gag rule. We should not be relying on a traffic cone as a major deterrent on the Canadian border, and that is what we will be doing without the amendment that we want to vote on when we return.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. Con. Res. 85. Concurrent resolution providing for a conditional adjournment or recess of the Senate and a conditional adjournment of the House of Representatives.

COMPUTER SECURITY ENHANCEMENT AND RESEARCH ACT OF 2001

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. BAIRD) is recognized for 5 minutes.

Mr. BAIRD. Mr. Speaker, today I am introducing the Computer Security Enhancement and Research Act of 2001. This legislation will address the long-term needs in securing our Nation's information infrastructure and will strengthen the security of the non-classified computer systems of Federal agencies. The bill establishes a research and development program on computer and network security at the National Institute of Standards and Technology. It also strengthens the institute's existing responsibilities in developing best computer security practices and standards in assisting Federal

agencies to implement effective computer and network security.

Because of the September 11 tragedy, attention is now focused in an unprecedented way on increasing our security against terrorism. Our concerns include protecting critical national infrastructures. Today, security has to mean more than locking doors or guarding buildings and installing metal detectors.

In addition to physical security, virtual systems that are vital to our Nation's economy must be protected. Telecommunications and computer technologies are vulnerable to attack from far away by enemies who can remain anonymous, hidden in the vast maze of the Internet. Examples of systems that rely on computer networks include the electric power grid, rail networks, and financial transaction networks. Just as enemies are achieving a sophistication to use the most complex weapons against us, our vital computer networks have become more interconnected and more accessible and, therefore, more vulnerable via the Internet.

The vulnerability of the Internet to computer viruses, denial-of-service attacks, and defaced Web sites is well known. These widely reported events have increased in frequency over time. These attacks disrupt business and government activities sometimes resulting in significant economic recovery costs. While no catastrophic cyberattack has occurred thus far, Richard Clarke, the President's new cyberterrorism czar, has said that the Government must make cybersecurity a priority or face, in his words, the possibility of a digital Pearl Harbor.

While potentially vulnerable computer systems are largely owned and operated by the private sector, the Government has an important role in supporting the research and development activities that will provide the tools for protecting information systems. An essential component for ensuring improved information security is a vigorous and creative research program focused on the security of networked information systems. Unfortunately, witnesses at a recent Committee on Science and Technology hearing indicated that current R&D efforts fall far short of what is required.

Witnesses at that hearing noted the anemic level of funding for research on computer and network security. This lack of funding has resulted in the lack of critical mass of researchers in the field and a lack of focus on safe, incremental research projects. The witnesses advocated increased and sustained research funding from a Federal agency assigned the role to support such research on a long-term basis. To date, Federal support for computer security research has been directed at defense and intelligence needs. While this work on encryption and defense sys-

tems security protocols are absolutely vital, very little has been done on the civilian side of communications security.

The bill I am introducing explicitly addresses this gap in Federal support for computer security. My bill charges the National Institute of Standards and Technology with implementing a substantial program of research support based at institutions of higher education designed to improve the security of networked information systems. The research program is authorized for a 10-year period, growing from \$25 million in the first year to \$85 million in the fifth year. This may sound like a substantial amount of money, but the billions of dollars that are lost in successful computer attacks makes this paltry by comparison. Although the award would go to universities, the research projects may involve collaboration with for-profit companies that develop information security products.

The bill establishes a flexible management approach for the research program. It is based upon management style that has been used effectively by DARPA, the Defense Advanced Research Projects Agency, to spur advances in high technology fields. Specifically, management of the research program will rely on program managers who are both knowledgeable about computer security issues and needs and familiar with the research community. These program managers will be responsible for identifying and nurturing talented researchers and for generating innovative research proposals. Although program managers will have considerable freedom in managing their individual research portfolios, each will be reviewed periodically by NIST senior managers and by outside computer security experts. To ensure its relevance and continued need of this program, it will be reviewed in its fifth year for scientific merit and relevance by the National Academy of Sciences.

An expanded university-based research program will train new graduate students as well as postdoctoral research assistants, as well as attracting seasoned researchers to the field. The result will be a larger and more vibrant basic research enterprise in computer-related security fields. A separate set of awards will be available to support postdoctoral research fellowships and senior research fellowships both at universities and at NIST. The bill also increases support for ongoing, in-house computer security at NIST.

The Computer Security Enhancement and Research Act of 2001 builds on the long experience of NIST in developing computer security standards and practices by placing new responsibilities on the agency for building up the Nation's basic research enterprise in information security. By enlarging and strengthening the research enter-

prise, we can generate the ideas, approaches, and technologies needed to provide for future cybersecurity in an insecure world.

Mr. Speaker, I thank the staff of the Committee on Science and Technology for their assistance in drafting this legislation, as well as the strong and hard efforts of Ms. Brooke Jamison on my staff, who has worked on this issue very diligently.

CONDITIONAL ADJOURNMENT OF HOUSE AND RECESS OR ADJOURNMENT OF SENATE UNTIL TUESDAY, NOVEMBER 27, 2001

The SPEAKER pro tempore laid before the House the following privileged Senate concurrent resolution (S. Con. Res. 85) providing for conditional adjournment of the House and recess or adjournment of the Senate on Tuesday, November 27, 2001.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 85

Resolved by the Senate (the House of Representatives concurring), That when the House adjourns on the legislative day of Friday, November 16, 2001, Saturday, November 17, 2001, Monday, November 19, 2001, or Tuesday, November 20, 2001, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2:00 p.m. on Tuesday, November 27, 2001, or until Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns at the close of business on Friday, November 16, 2001, or Saturday, November 17, 2001, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Tuesday, November 27, 2001, or at such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate whenever, in their opinion, the public interest shall warrant it.

The SPEAKER pro tempore. Without objection, the Senate concurrent resolution is concurred in.

There was no objection.

A motion to reconsider was laid on the table.

VISIT NATION'S CAPITAL

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

Ms. NORTON. Mr. Speaker, I come to the floor this afternoon not only to wish a happy holiday to my colleagues,

but to ask them this Thanksgiving to carry a message home. I ask my colleagues to ask their constituents to visit them and visit their Nation's capital.

This is one way to send a visible, powerful message to the terrorists. Let them see Americans streaming into their capital to show they simply cannot be terrorized. The city has been hurt by September 11 because September 11 continues for us. It simply has not stopped. First came September 11. But then came the shutdown of National Airport, the only airport in the United States to be shut down, and it was shut down for 3 entire weeks. Try to think of your hometown without an airport.

Then came fear of flying and then fear of anthrax. Nothing has happened in our city and in our country since September 11. The only people to be struck by anthrax are those who worked in the back room of Brentwood. Even those who opened the envelope in the Hart Building have not gotten the disease. Surely people coming to the city have nothing to fear. The close-down of the airport and the anthrax scare were a one-two punch right at the gut of the Nation's capital.

Mr. Speaker, I am not asking for funds for the Nation's capital. I am asking for Members' constituents to visit the capital of the United States.

I spoke to a student group on the Mall last Saturday, and I am speaking to a group of teachers and principals this Saturday from around the country. No student should graduate from high school without coming to the Nation's capital, and yet there have been cancellation after cancellation of student tours.

□ 1600

The capital needs your help. In the D.C. Subcommittee we learned that double-digit unemployment may be predicted here, 10,000 small businesses hanging on, half of our hotel and restaurant workers out of work. This is heartbreaking because the Nation's capital was doing so well coming out of a control board period. But now we are on the front line of the homeland war.

Of course, we need a targeted stimulus for the Nation's capital like New York got, but we are not asking for that this afternoon. We are asking you to help us let the free market do it. Bring the tourists back. Remind your constituents that your capital is open for business and you want to see them in your offices, you want to see them and begin to have the same kind of dialogue with them that you had before September 11.

Tell them to visit, not to cancel. Tell them there are bargains here now, bargains there will not be here a year from now. Of course, tours are not available in the Capitol and I very much regret that. But we are coming up to the

point where tours once again will be available. In any case, they can come and sit in the gallery, they can come to your office and they can come and walk around the Capitol on their own.

This is not the time for Americans to turn their back on their own capital. A war in our homeland is the time precisely to come to the capital. As a little girl growing up during World War II, this capital was crowded with people from all over the United States, people in the service, civilians. It was a bustle of activity. It needs to be a bustle of activity today not only because the capital needs the capital that people would bring in the form of funds, but it needs the bustle of activity in order to help the country return to normalcy.

Members going home to their constituents can lead the way. If they hear from you, the leader in your district, that it is safe to come to Washington, you can help wipe away fear of anthrax, and especially fear of flying now that we have passed the airline security bill so proudly here this afternoon. When you come back, bring some of your constituents with you to the Nation's capital.

Happy Thanksgiving.

IN OPPOSITION TO ANDEAN TRADE ACT'S TUNA PROVISIONS

The SPEAKER pro tempore (Mr. FORBES). Under the Speaker's announced policy of January 3, 2001, the gentleman from American Samoa (Mr. FALEOMAVAEGA) is recognized for 60 minutes as the designee of the minority leader.

Mr. FALEOMAVAEGA. Mr. Speaker, I could not help but feel it necessary to take this special order with the hope that my colleagues in the House, as well as the American people, can appreciate my concerns about the provisions of a certain piece of legislation that was just recently passed by this Chamber. This is in reference to H.R. 3009, the Andean Trade Agreement bill.

Mr. Speaker, the current trade policy with regards to canned tuna has provided significant benefits to certain Latin America countries, namely, Bolivia, Colombia, Peru, as well as Ecuador, while maintaining an industrial tuna processing base in the United States. Since the enactment of the Andean Trade Agreement 10 years ago, the number of tuna factories in that region, the Andean region in South America, has actually increased by 229 percent. Production capacity now is up 400 percent. Direct employment is up by 257 percent. U.S. exports have grown from about \$15 million to \$100 million annually.

In addition, the U.S. tuna industry has invested well over \$30 million in new facilities and vessels. However, I must repeat, extending this agreement by providing duty-free treatment to canned tuna from our Andean friends

and countries there in Latin America, especially Ecuador, in my humble opinion, Mr. Speaker, will practically destroy the entire U.S. tuna industry.

I have heard the argument that Congress has included canned tuna both in the Caribbean Basin Initiative, as well as NAFTA, and some have questioned why are we not doing the same for Ecuador and the Andean region. The simple answer is that no other country that has been extended this benefit has the potential to literally wipe out and destroy the entire U.S. tuna industry.

Mr. Speaker, Ecuador alone has a production capacity equivalent to 2,250 tons per day. Using a 5-day workweek, this equates to a production capacity equivalent to 48.6 million cases per year. Using a 6-day workweek, Ecuador's production capacity will be equivalent to 58.5 million cases per year.

To put this in perspective, U.S. consumption is at 45.3 million cases per year. In short, Ecuador could produce enough canned tuna to flood the U.S. market. Brand names like Chicken of the Sea and Bumble Bee, brand names that Americans have come to trust, in my opinion will be eliminated from the grocery shelves. It is even questionable whether tuna from Ecuador is dolphin-safe. So serious are these issues that Mexico now even levies a 24 percent duty, last year, on canned tuna exported from Ecuador.

Mr. Speaker, it is also important to note that Ecuador levies a 20 percent duty on imported tuna from the United States.

I am all for free trade, but I am also for fair trade. The fact of the matter is, more than 10,000 jobs in American Samoa, Puerto Rico and California will be lost if H.R. 3009 passes in its current form. Why? Because the minimum wage rate for cannery workers in Ecuador is 69 cents per hour, Mr. Speaker, which in my humble opinion brings us to the real issue of this legislation.

Mr. Speaker, H.J. Heinz Corporation, the parent company of StarKist Tuna Company, has lobbied aggressively for the inclusion of canned tuna in the Andean Trade Agreement. But it must be made clear that StarKist Tuna Company is the only U.S. tuna processor that supports duty-free treatment for canned tuna exported from Ecuador. Put another way, StarKist is the only U.S. tuna processor willing, in my opinion, to sell out American workers in exchange for 69-cent-per-hour wages that StarKist now pays its tuna workers in Ecuador.

As you know now, Mr. Speaker, American Samoa is the home of the largest tuna cannery facility in the world. One facility, currently operated by StarKist, a subsidiary of Heinz Corporation, employs about 2,700 workers. The other facility is operated by Chicken of the Sea of California and currently employs about 2,500 workers. Together, these two companies employ

more than 74 percent of my district's workforce in the private sector. Approximately 85 percent of the private sector jobs in my district are dependent, either directly or indirectly, upon the tuna fishing and processing industry. As Malcolm Stockwell, the former vice president of StarKist Seafood, recently testified before a Senate committee, "A decrease in production or departure of one or both of the existing tuna processors in American Samoa could devastate the local economy, resulting in massive unemployment and insurmountable financial problems."

The CEO of Chicken of the Sea has already noted that if the Andean Trade Agreement includes duty-free treatment of canned tuna, its operations in American Samoa will be forced to lay off over 1,000 cannery workers, and that is just for starters. StarKist has testified that if Ecuador is given the same trade preference as the U.S. territory of American Samoa, its production would almost immediately shift to low labor cost areas like Ecuador.

Mr. Speaker, I specifically asked StarKist and Heinz executives what financial loss StarKist would incur if canned tuna was not included in the Andean Trade Agreement. I was told that StarKist would suffer no economic loss. In other words, StarKist is the only one who is pushing for this because of the low labor costs among Andean countries.

I wish to note that the minimum wage in American Samoa is at \$3.20 per hour, which is, by far, way below even our own national minimum wage structure. It reminds me of the words offered by the late Senator Borah from Idaho when the issue of fair labor standards was debated in the Congress as far back as 1937.

Senator Borah said, "I look upon a minimum wage such as will afford a decent living as a part of a sound national policy. I would abolish a wage scale below a decent standard of living just as I would abolish slavery. If it disturbed business, it would be the price we must pay for good citizens. I take the position that a man who employs another must pay him sufficient to enable the one employed to live."

Senator Pepper from Florida then asked the Senator, "What if he cannot afford to pay it?"

Senator Borah responded, "If he cannot afford to pay it, then he should close up the business. No business has a right to coin the very lifeblood of workmen into dollars and cents. Every man or woman who is worthy of hire is entitled to sufficient compensation to maintain a decent standard of living. I insist that American industry can pay its employees enough to enable them to live."

Quite frankly, Mr. Speaker, I agree with Senator Borah. StarKist, like any other industry, should pay its employees proper wages. That was one of the

big issues in the 1930s when the question of labor minimum wages was debated in the Congress. The fear was that if some kind of a minimum wage standard would be established, there would be chaos in the business industry, especially in those days in the South, which was always looked upon as an area of low labor costs, 10 to 12 cents an hour for a 10-hour workday, even among children at the time, I suppose. What they found out is that when they did establish a minimum wage standard since the 1930s, there was tremendous economic growth in the economy.

When all is said and done, Mr. Speaker, tuna processing is the only industry holding together the economy of my district. American Samoa's only advantage in the global marketplace is duty-free access to the U.S. market. What price has American Samoa paid to have U.S. trade privileges, I ask.

As a Territory of the United States, our men and women have paid the ultimate sacrifice in military service to our Nation. American Samoa pledges its allegiance to the United States. Ecuador and other Latin American countries do not. American Samoa has been the backbone of StarKist sales. The Andean countries have not. In the past 25 years, StarKist and Chicken of the Sea have exported almost \$6 billion worth of canned tuna from American Samoa to the United States. Thanks to American Samoa, StarKist is now the number one brand of tuna in the world today.

Mr. Speaker, why is it that StarKist and the parent company Heinz Corporation are pushing to allow tuna imports to come to the United States duty-free from the Andean countries and yet are opposed by two other major tuna processing centers here in the United States and even by the entire U.S. tuna fishing fleet here in our country?

At a recent hearing, a StarKist official testified, "StarKist will continue to sell and can tuna. However, the history of tuna canning in the U.S. and Puerto Rico has demonstrated quite clearly that StarKist will also take whatever action is required to remain cost competitive." Is this why StarKist and Heinz Corporation are such strong supporters of the trade agreement that the entire U.S. tuna industry opposes? At 69 cents per hour for wages earned for cannery workers in Ecuador, I can understand why StarKist is pushing for passage of this legislation.

Mr. Speaker, the U.S. International Trade Commission conducted section 201 and section 332 investigations in 1984, 1986, 1990 and 1992 to determine if canned tuna was an import-sensitive product. In each case they overwhelmingly concluded that canned tuna is an import-sensitive product. The facts that made canned tuna an import-sensitive product in the ITC studies still

apply today. With the advent of canned tuna from low-wage countries, retail pricing of canned tuna, when adjusted for inflation, has dropped by 53 percent between 1980 and 2000.

Canned tuna represents a tremendous value versus other sources of canned protein. In May of 2000, light meat tuna retail prices were 10 cents per ounce while albacore retail tuna prices were 23 cents per ounce. Competitive proteins were significantly more expensive. That is, canned chicken was selling at 40 cents per ounce, canned turkey at 40 cents per ounce, Spam at 33 cents per ounce and corned beef was selling at 20 cents per ounce.

Due to the intense competitive environment caused by low-cost foreign imports, retail prices of canned tuna in the U.S. are the lowest among all developed nations of the world. The comparison includes Australia, Canada, France, Germany, Italy, Spain and the United Kingdom.

U.S. tuna processors face significant wage disparities when compared with foreign tuna processors. Average hourly wages in the U.S. processing facilities in California, Puerto Rico and American Samoa are approximately \$11, \$6.50 and \$3.20, respectively.

□ 1615

Average hourly labor rates in the key exporting countries of Thailand and Ecuador are approximately 60 cents and 69 cents per hour respectively.

It should also be noted, Mr. Speaker, that tuna processors in foreign nations are not required to abide by the same health, welfare, safety, regulatory, conservation or even environmental standards imposed upon U.S. tuna processors. In addition, they often receive government and other financial subsidies that provide an unfair economic advantage.

The quantity of tuna imports measured in kilograms between 1990 and the year 2000 has increased by 20.3 percent. Within this number, canned tuna imports have increased by 10 percent, while imports of frozen tuna loins have increased by 67.3 percent.

Specifically, Mr. Speaker, as it relates to Ecuador and Colombia in 1990 before the U.S.-Andean trade agreement was enacted, Ecuador and Colombia tuna exports to the United States represented only 2.6 percent of total U.S. tuna imports. In other words, in 1990 the total value of tuna that was imported from tuna loins and canned loins from these two countries was at \$9.7 million.

In the year 2000, after 10 years of the Andean trade agreement in force, Ecuador and Colombia tuna exports to the U.S. represents now 23.3 percent of the total U.S. tuna imports. This represents a 796.2 percent increase, Mr. Speaker, over 10 years and an annualized rate of growth of 24.5 percent.

Mr. Speaker, these increases in exports have been enabled by a tremendous expansion of Ecuadorian and Colombian tuna processing and fishing industries. As I stated earlier, factories are now increased from 7 to 23 percent. Annual production capacity has increased from 108 million cases per ton to 500 million tons. Direct employment has increased from 3,500 employees now to 12,500 employees or an increase of 257 percent. The fleet, which was nonexistent 10 years ago, now represents the second largest tuna fishing fleet in the eastern tropical Pacific, right below Mexico. The Ecuadorian fleet now catches more than 35 percent of the total tuna landed out of the east tropical Pacific.

As imports have increased, U.S. production volumes have declined because trade benefits provided to foreign nations make it difficult for U.S. processing facilities to compete.

For example, in 1990, four of the five tuna processing facilities in Puerto Rico have closed. Once the largest employer in Puerto Rico, with more than 15,000 jobs in 1990, Bumble Bee now operates the last processing facility in Puerto Rico with less than 1,000 workers.

Bumble Bee has stated that they will close their Puerto Rico factory within 6 months if tuna is included in the ATPA. The key reason is the hourly labor rate differential of \$6.50 an hour in Puerto Rico versus 69 cents an hour in Ecuador. That is obvious.

Chicken of the Sea has closed their tuna processing facility in Terminal Island in California, while Bumble Bee still operates its Santa Fe Springs plant in California. Total employment has dropped from 1,000 now to a mere 300.

Bumble Bee has stated that if tuna is included in ATPA, they will shift at least half of their California production to Ecuador within 12 months, resulting in the loss of more than 100 jobs. This will probably lead to the full closure of their California factory within 2 years.

My district has not lost either of the two tuna processing facilities yet, operated by both Chicken of the Sea and StarKist, Mr. Speaker. However, in Department of Labor wage hearings over the past 10 years, both Chicken of the Sea and StarKist have stated emphatically that any increase in wage rates will increase in the shift of production to lower-wage countries.

Based on these testimonies, a total hourly wage increase since 1990 has been approximately 20 cents per hour, which to me personally, Mr. Speaker, is an insult, much less than the increase in the U.S. minimum wage over the same period of time. The minimum wage in Samoa is less than half that of the U.S. despite American Samoa being a U.S. territory. American Samoa recognizes that any decreases in tuna sec-

tor employment can decimate their fragile economy where the tuna industry represents 88 percent of private sector employment.

I do not know, Mr. Speaker, how would you describe the disparity in wage rates, whether or not 69 cents per hour in Ecuador would be considered cheap labor or slave labor. I sometimes have a very difficult time distinguishing between the two standards.

Chicken of the Sea has stated that if tuna is included in ATPA, they will shift about half of their workers in American Samoa to Ecuador within 12 months; and like I said, that is just the beginning.

Concerning our tuna fishing fleet, this is one of the other great concerns that I have concerning this legislation, Mr. Speaker.

In 1990, the U.S. tuna fishing fleet was the dominant fleet in the world, allowing the U.S. to exert leadership in international conservation efforts. The U.S. fleet developed the eastern tropical Pacific fishing grounds and then developed the western tropical fishing grounds where they operate today.

In the year 2000, the U.S. tuna fishing fleet now has been surpassed by Taiwan, Spain, South Korea, Mexico, Ecuador, Venezuela, Japan, and France; and we are no longer the dominant fishing nation that we once were.

U.S. tuna boat owners are disadvantaged, as they are required to abide by strict safety, personal liability, regulatory and environmental and conservation standards that are vigorously enforced by the U.S. Department of Commerce National Marine Fisheries Service and the U.S. Coast Guard. These standards are not observed by foreign-flag vessels and are not even enforced by their respective governments.

Mr. Speaker, as an example, between 1997 and the year 2000, Ecuadorian- and Colombian-flag tuna fishing vessels incurred more than 900 violations of Inter-American Tropical Tuna Commission regulations, with the acronym of IATTC. The IATTC is a multilateral organization that establishes fishing regulations in the eastern tropical Pacific Ocean. While the IATTC reports violations, the flag countries of the violating vessels are to take enforcement action. To date, of the 900 violations only three, only three have been resolved.

The U.S. State Department, which represents the U.S. and the IATTC, is well aware of these violations and has the authority to impose a U.S. embargo on fishery products from Ecuador and Colombia to force compliance with international conservation regulation. However, and unfortunately, Mr. Speaker, they have not yet taken any action.

Mr. Speaker, if tuna is included in the ATPA, the eastern tropical Pacific fishing grounds will become more valu-

able. However, the U.S. tuna fishing fleet, which developed this fishery in the 1960s and the 1970s, cannot return to the ETP, as Mexico, Ecuador and Venezuela have systematically taken up all available fishing licenses and quotas.

If tuna is included in the ATPA, employment in my own district in tuna processing facilities will be reduced, the U.S. fleet will lose their largest market for selling their catch, and they will become competitively disadvantaged versus all other international fleets.

All of the major U.S. tuna boat owners have stated that if tuna is included in this bill, they will immediately begin the process of divesting their ownership positions in their vessels worth hundreds of millions of dollars, and the vessels will ultimately move to foreign ownership.

As the vessels move to foreign ownership, Mr. Speaker, the U.S. would lose its voice in multinational conservation efforts.

Mr. Speaker, the U.S. tuna processing and fishing industry has supported the objectives of the Andean trade agreement for the past 10 years despite the fact that canned tuna was excluded from the actual agreement. To ensure the survival of the U.S. tuna processing and fishing industry, and to recognize the support they have provided for the Andean pact nations, I would certainly hope that the U.S. Congress would continue to exclude canned tuna from the provisions of this bill.

Mr. Speaker, excluding canned tuna from ATPA will not negatively impact the economies of Ecuador and Colombia, I can assure. In fact, Bumble Bee, which has a \$30 million tuna processing facility with more than 1,200 employees in Ecuador, will continue to invest and grow in that region.

Excluding canned tuna from ATPA will support more than 10,000 U.S. tuna processing and fishing jobs in California, Puerto Rico, American Samoa, and the entire U.S. tuna fishing fleet whose jobs will be at risk, obviously.

Excluding canned tuna from the ATPA will support my district's economy where some 85 to 88 percent of the private sector employment is provided by the tuna industry.

Exclusion of canned tuna for the ATPA will support the U.S. tuna fishing fleet of approximately 50 vessels, as I have stated earlier, out of American Samoa and supply the U.S. canneries while giving the U.S. a strong voice, hopefully, in multinational fisheries conservation.

Mr. Speaker, the U.S. represents the largest market for canned tuna consumption in the world. It is estimated that the U.S. represents 28 percent of that global consumption.

Canned tuna is consumed by 96 percent of U.S. households.

Canned tuna represents the number three item in U.S. grocery stores based on dollar sales per linear foot per shelf space.

Three U.S. brands, Bumble Bee, StarKist and Chicken of the Sea, represent more than 85 percent of U.S. tuna consumption.

I would like to share with my colleagues some interesting facts to consider. Bumble Bee Seafoods, Incorporated, is a U.S. corporation headquartered in San Diego, California, with revenues of approximately \$750 million and employment of approximately 5,000 people.

Bumble Bee is a wholly owned subsidiary of ConAgra Foods, a U.S. corporation headquartered in Omaha, Nebraska, with annual revenues of approximately \$27 billion and employment of approximately 80,000 workers, almost all of which is in the United States. ConAgra is the second largest retail food company in the United States and the largest food service provider.

Bumble Bee is the number two brand of canned tuna in the United States with a 27 percent branded market share. Within canned tuna, Bumble Bee has the number one position in albacore and the number two position in light meat.

Bumble Bee is the leading brand of canned seafood with number or two positions in salmon, shrimp, crab, sardines, and other canned seafood varieties.

Bumble Bee operates tuna, shrimp and surimi processing facilities in California, Puerto Rico, Louisiana, Minnesota, Ecuador, Fiji, and even Trinidad.

Bumble Bee is the largest buyer of canned salmon in the world and the largest customer of U.S.-owned processing locations in the State of Alaska.

Bumble Bee sources raw material from U.S. fishing vessels harvesting tuna, salmon, pollock, whiting, shrimp and other fish species in the major oceans of the world.

Mr. Speaker, I want to personally thank again the gentleman from California (Mr. THOMAS), the chairman of the Committee on Ways and Means, and the gentleman from New York (Mr. RANGEL), our senior ranking member, for their offered assistance to continue our efforts to formulate some resolution to my concerns relative to the U.S. tuna industry.

I would be remiss if I did not also express my personal thanks and appreciation especially to my colleague and friend, the gentleman from California (Mr. CUNNINGHAM), without whom we would not have gone this far to find a solution hopefully to the needs of our workers and the entire U.S. tuna industry.

I also want to thank Mr. Dennis Mussell, the CEO of Chicken of the Seafood Company, and Mr. Chris

Lischewski, the CEO of Bumble Bee Seafood, and Mr. Julius Zolezzi and Paul Crampe who represented some 50 boat owners and who make up the entire U.S. tuna fishing fleet through the United Tuna Cooperative.

Mr. Speaker, I do not mind that we work with our colleagues to address the social and economic needs of our friends in the Andean region. We have been doing this now for the past 10 years since the Andean trade agreement was enacted.

My only concern, Mr. Speaker, is that our national policy also now is to sacrifice the entire U.S. tuna industry in order to accommodate the economic needs of our friends from Ecuador, Bolivia, Peru and Colombia. I hope not, Mr. Speaker. I sincerely hope not.

One of the issues or reasons why we are trying to do crop substitution in helping these Andean countries was to lessen the drug trafficking going on coming from Latin America into our country. I recall one of the previous presidents of the Republic of Colombia made a very interesting observation. He said if there was not so much consumption and demand by Americans maybe there would not be a supply or a need to have a supply of drugs coming from Latin America.

So I look forward to continuing consultations with our House colleagues, as well as with the Members of the House when this bill will be further reviewed, I hope, in conference.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. CRANE, following the remarks of Mr. SHAW during debate on H.R. 3009.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. EDDIE BERNICE JOHNSON of Texas (at the request of Mr. GEPHARDT) for today on account of illness.

Mrs. BONO (at the request of Mr. ARMEY) for today on account of attending the dedication of a statue to her late husband, Sonny Bono, in Palm Springs, California.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BAIRD) to revise and extend their remarks and include extraneous material:)

Mr. DEFazio, for 5 minutes, today.

Mrs. DAVIS of California, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. LANGEVIN, for 5 minutes, today.

Mr. EDWARDS, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. OBEY, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. BAIRD, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

(The following Members (at the request of Mr. SHIMKUS) to revise and extend their remarks and include extraneous material:)

Mr. SHIMKUS, for 5 minutes, today.

SENATE BILLS AND CONCURRENT RESOLUTION REFERRED

Bills of the Senate and a concurrent resolution of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1202. An act to amend the Ethics in Government Act of 1978 (5 U.S.C. App.) to extend the authorization of appropriations for the Office of Government Ethics through fiscal year 2006; to the Committee on Government Reform in addition to the Committee on the Judiciary for a period to be subsequently determine by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

S. 1270. An act to designate the United States Courthouse to be constructed at 8th Avenue and Mill Street in Eugene, Oregon, as the "Wayne Lyman Morse United States Courthouse"; to the Committee on Transportation and Infrastructure.

S. 1573. An act to authorize the provision of educational and health care assistance to the women and children of Afghanistan; to the Committee on International Relations.

S. Con. Res. 44. Concurrent resolution expressing the sense of the Congress regarding National Pearl Harbor Remembrance Day; to the Committee on Government Reform.

ENROLLED BILLS SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled bills and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1042. An act to prevent the elimination of certain reports.

H.R. 1552. An act to extend the moratorium enacted by the Internet Tax Freedom Act through November 1, 2003, and for other purposes.

H.R. 2924. An act to provide authority to the Federal Power Marketing Administrations to reduce vandalism and destruction of property, and for other purposes.

H.J. Res. 74. Joint resolution making further continuing appropriations for the fiscal year 2002, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House, reports that on November 16, 2001 he presented to the President of the United States, for his approval, the following bills.

H.R. 2330. Making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2002, and for other purposes.

H.R. 2500. Making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes.

H.J. Res. 74. Making further continuing appropriations for the fiscal year 2002, and for other purposes.

□ 1630

ADJOURNMENT

Mr. FALEOMAVAEGA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 30 minutes p.m.), under its previous order, the House adjourned until Monday, November 19, 2001, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4594. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the Board's final rule—Truth in Lending [Regulation Z; Docket No. R-1116] received November 15, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4595. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Final Full Approval of Operating Permit Programs; Tennessee and Memphis-Shelby County [TN-T5-2001-04; FRL-7103-2] received November 9, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4596. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Approval and Promulgation of Air Quality Implementation Plan for Montana; Revisions to the Missoula City-Council Air Pollution Control Program [MT-001-0039a & MT-001-0041a; FRL-7086-3] received November 9, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4597. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Delegation of National Emission Standards for Hazardous Air Pollutants for Source Categories; State of Arizona; Arizona Department of Environmental Quality [FRL-7100-4] received November 9, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4598. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to Mexico (Transmittal No. DTC 155-01), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

4599. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to the Republic of Korea (Transmittal No. DTC 137-01), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

4600. A letter from the Assistant Secretary for Legislative Affairs, Department of State,

transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to the United Kingdom (Transmittal No. DTC 138-01), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

4601. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with South Korea (Transmittal No. DTC 153-01), pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

4602. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with Turkey (Transmittal No. DTC 125-01), pursuant to 22 U.S.C. 2776(c) and 22 U.S.C. 2776(d); to the Committee on International Relations.

4603. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with Japan (Transmittal No. DTC 120-01), pursuant to 22 U.S.C. 2776(c) and 22 U.S.C. 2776(d); to the Committee on International Relations.

4604. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with Germany, the Netherlands, and Spain (Transmittal No. DTC 114-01), pursuant to 22 U.S.C. 2776(c) and 22 U.S.C. 2776(d); to the Committee on International Relations.

4605. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Request for Qualifications and Preliminary Proposals for Training and Outreach Coordination Support to the Chesapeake Bay Program—received November 9, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. YOUNG of Alaska: Committee of Conference. Conference report on S. 1447. An Act to improve aviation security, and for other purposes (Rept. 107-296). Ordered to be printed.

REPORTED BILL SEQUENTIALLY REFERRED

Under clause 2 of rule XII, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. HYDE: Committee on International Relations. H.R. 2581. A bill to provide authority to control exports, and for other purposes, with an amendment; referred to the Committees on Agriculture, Armed Services, Energy and Commerce, Judiciary, Ways and Means, and Intelligence (Permanent) for a period ending not later than December 7, 2001, for consideration of such provisions of the bill and amendment as fall within the respective jurisdiction of those committees pursuant to clauses 1 and 11 of rule X (Rept. 107-297, Pt. 1).

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 2062. Referral to the Committee on the Judiciary extended for a period ending not later than December 7, 2001.

H.R. 2581. Referral to the Committee on Rules extended for a period ending not later than December 7, 2001.

H.R. 2768. Referral to the Committee on Energy and Commerce extended for a period ending not later than December 7, 2001.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. GANSKE (for himself, Mr. BERRY, Mr. WAMP, Mr. ROEMER, Mr. COOKSEY, Mr. McDERMOTT, Mr. QUINN, Mr. ANDREWS, Mr. GRAHAM, Mr. BOSWELL, Mr. LEACH, Mrs. ROURKEMA, Mr. KING, Mr. WELDON of Florida, Mr. SHAYS, Mrs. MORELLA, Mr. DOOLEY of California, Mr. SANDLIN, and Mr. SABO):

H.R. 3310. A bill to improve the ability of the United States to prepare for and respond to a biological threat or attack; to the Committee on Energy and Commerce, and in addition to the Committees on the Judiciary, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. JACKSON-LEE of Texas:

H.R. 3311. A bill to prohibit the unauthorized possession of a cutting instrument, chemical spray, or an electric weapon in an aircraft or on the premises of an airport; to the Committee on the Judiciary.

By Mr. WELLER (for himself, Mr. RANGEL, Mr. CRANE, Mr. FOLEY, Mr. SHIMKUS, and Mrs. BIGGERT):

H.R. 3312. A bill to amend the Internal Revenue Code of 1986 to eliminate foreign base company shipping income from foreign base company income; to the Committee on Ways and Means.

By Mr. ANDREWS:

H.R. 3313. A bill to protect small businesses from increased tariffs and other retaliatory actions taken by the United States during a trade dispute; to the Committee on Ways and Means.

By Mr. ANDREWS:

H.R. 3314. A bill to amend title XVIII of the Social Security Act to provide certain Medicare beneficiaries living abroad a special Medicare part B enrollment period during which the late enrollment penalty is waived and a special Medigap open enrollment period during which no underwriting is permitted; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DeFAZIO:

H.R. 3315. A bill to improve the solvency of the Social Security Program, and for other purposes; to the Committee on Ways and Means.

By Mr. BAIRD (for himself, Mr. MATHESSON, Mr. UDALL of Colorado, and Mr. HONDA):

H.R. 3316. A bill to amend the National Institute of Standards and Technology Act to establish research programs to improve the security of networked information systems, to enhance the ability of the National Institute of Standards and Technology to improve computer security, and for other purposes; to the Committee on Science.

By Ms. BALDWIN (for herself, Ms. WOOLSEY, Mr. KLECZKA, Mr. BARRETT, Mr. MATSUI, Mr. FRANK, Mrs. MINK of Hawaii, Ms. LEE, Ms. KILPATRICK, Ms. SCHAKOWSKY, Mr. HILLIARD, Mr. EVANS, Mrs. MCCARTHY of New York, and Mr. ALLEN):

H.R. 3317. A bill to amend title XVIII of the Social Security Act to provide for coverage under the Medicare Program of self-administered drugs that, when used as a replacement for covered drugs, result in overall cost savings to the program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CAPPS (for herself, Mr. THOMPSON of California, Mr. McHUGH, Mr. HINCHEY, Mr. SCHROCK, Mr. WEINER, Mr. FORBES, Mr. FROST, Mr. UDALL of New Mexico, Mr. MURTHA, and Mr. FILNER):

H.R. 3318. A bill to amend title XVIII of the Social Security Act to specify the update for payments under the Medicare physician fee schedule for 2002; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DEMINT (for himself, Mr. ADERHOLT, Mr. AKIN, Mr. BARR of Georgia, Mr. BARTLETT of Maryland, Mr. BARTON of Texas, Mr. CHABOT, Mr. CRANE, Mr. DOOLITTLE, Mr. DUNCAN, Mr. GOODE, Ms. HART, Mr. HOSTETTLER, Mr. ISTOOK, Mr. SAM JOHNSON of Texas, Mr. JONES of North Carolina, Mr. LARGENT, Mr. LEWIS of Kentucky, Mrs. MYRICK, Mr. PENCE, Mr. PITTS, Mr. RYAN of Wisconsin, Mr. RYUN of Kansas, Mr. SCHAFER, Mr. SHADEGG, Mr. SOUDER, Mr. TAYLOR of North Carolina, and Mr. WELDON of Florida):

H.R. 3319. A bill to amend the Revised Statutes of the United States to limit the recovery of attorneys' fees in certain civil rights cases; to the Committee on the Judiciary.

By Mr. ENGLISH (for himself, Mrs. THURMAN, and Mrs. JOHNSON of Connecticut):

H.R. 3320. A bill to amend the Internal Revenue Code of 1986 to encourage guaranteed lifetime income payments from annuities and similar payments of life insurance proceeds at dates later than death by taxing the income portion of such payments at capital gains rates; to the Committee on Ways and Means.

By Mr. FOLEY (for himself, Mr. FARR of California, Mrs. BONO, Mrs. CAPITO, Ms. BERKLEY, Mrs. CHRISTENSEN, and Mr. GILMAN):

H.R. 3321. A bill to authorize the Secretary of Commerce to make grants to States for advertising that stimulates economic activity by promoting travel and tourism; to the Committee on Energy and Commerce.

By Mr. HANSEN:

H.R. 3322. A bill to authorize the Secretary of the Interior to construct an education and

administrative center at the Bear River Migratory Bird Refuge in Box Elder County, Utah; to the Committee on Resources.

By Mr. HOBSON (for himself, Mr. SAWYER, Mr. STARK, Ms. PRYCE of Ohio, Mr. GILLMOR, Mr. BURR of North Carolina, Mr. BLUNT, Mrs. JOHNSON of Connecticut, Mr. UPTON, Mr. THOMAS, Mr. McDERMOTT, Mr. BACHUS, Mr. RANGEL, Mr. TIBERI, Mr. OSE, Mr. REGULA, Mr. LATOURETTE, Mr. GREENWOOD, Mr. WHITFIELD, Mrs. THURMAN, Mr. STRICKLAND, Mr. PORTMAN, and Mr. BECERRA):

H.R. 3323. A bill to ensure that covered entities comply with the standards for electronic health care transactions and code sets adopted under part C of title XI of the Social Security Act, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. JOHNSON of Connecticut (for herself, Mr. RANGEL, Mr. FOLEY, and Mr. GARY G. MILLER of California):

H.R. 3324. A bill to amend the Internal Revenue Code of 1986 to clarify the eligibility of certain expenses for the low-income housing credit; to the Committee on Ways and Means.

By Mrs. LOWEY (for herself, Mr. CONYERS, Mr. PALLONE, Mr. PAYNE, Ms. WATSON, Mr. WYNN, Ms. BROWN of Florida, Mr. FARR of California, Mr. FROST, Ms. WATERS, Ms. WOOLSEY, Ms. LEE, Ms. PELOSI, Mr. CROWLEY, and Mr. BACA):

H.R. 3325. A bill to amend title II of the Social Security Act to eliminate the two-year waiting period for divorced spouse's benefits following the divorce; to the Committee on Ways and Means.

By Mrs. LOWEY (for herself, Mr. CONYERS, Mr. PALLONE, Mr. PAYNE, Ms. WATSON, Mr. WYNN, Ms. BROWN of Florida, Mr. FARR of California, Mr. FROST, Ms. WATERS, Ms. WOOLSEY, Ms. LEE, Ms. PELOSI, Mr. CROWLEY, and Mr. BACA):

H.R. 3326. A bill to amend title II of the Social Security Act to provide for full benefits for disabled widows and widowers without regard to age; to the Committee on Ways and Means.

By Mrs. LOWEY (for herself, Mr. CONYERS, Mr. PALLONE, Mr. PAYNE, Ms. WATSON, Mr. WYNN, Ms. BROWN of Florida, Mr. FARR of California, Mr. FROST, Ms. WATERS, Ms. WOOLSEY, Ms. LEE, Ms. PELOSI, Mr. CROWLEY, and Mr. BACA):

H.R. 3327. A bill to amend title II of the Social Security Act to repeal the 7-year restriction on eligibility for widow's and widower's insurance benefits based on disability; to the Committee on Ways and Means.

By Mrs. LOWEY (for herself, Mr. CONYERS, Mr. PALLONE, Mr. PAYNE, Ms. WATSON, Mr. WYNN, Ms. BROWN of Florida, Mr. FARR of California, Mr. FROST, Ms. WATERS, Ms. WOOLSEY, Ms. LEE, Ms. PELOSI, Mr. CROWLEY, and Mr. BACA):

H.R. 3328. A bill to amend title II of the Social Security Act to provide for increases in widow's and widower's insurance benefits by reason of delayed retirement; to the Committee on Ways and Means.

By Mr. OBEY:

H.R. 3329. A bill to require country of origin labeling of raw agricultural forms of gin-

seng, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. PRYCE of Ohio (for herself, Mrs. BIGGERT, Ms. MILLENDER-MCDONALD, Ms. BROWN of Florida, Mrs. THURMAN, Mrs. JONES of Ohio, Ms. HARMAN, Ms. SOLIS, Mrs. MEEK of Florida, Mrs. MALONEY of New York, Ms. BALDWIN, Ms. SLAUGHTER, Mrs. MINK of Hawaii, Ms. LEE, Ms. NORTON, Mrs. BONO, Ms. ROS-LEHTINEN, Mrs. NAPOLITANO, Mrs. NORTUP, Mrs. CAPITO, Mrs. CUBIN, Mrs. KELLY, Ms. DUNN, Mrs. JOHNSON of Connecticut, Mrs. WILSON, Ms. HART, and Mrs. MORELLA):

H.R. 3330. A bill to authorize the provision of educational and health care assistance to the women and children of Afghanistan; to the Committee on International Relations.

By Ms. SCHAKOWSKY (for herself, Mr. WAXMAN, Mr. BLAGOJEVICH, Mr. RUSH, Mr. EVANS, Mr. FROST, Mrs. MCCARTHY of New York, and Mr. SANDERS):

H.R. 3331. A bill to amend titles XVIII and XIX of the Social Security Act to impose requirements with respect to staffing in nursing facilities receiving payments under the Medicare or Medicaid Program; to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHAW (for himself and Mr. MATSUI):

H.R. 3332. A bill to amend the Social Security Act to provide greater equity and efficiency to the Social Security Administration's payment system for representation of claimants, and for other purposes; to the Committee on Ways and Means.

By Mr. STUMP (for himself, Mr. ISTOOK, Mr. NORWOOD, Mr. PAUL, Mr. DEAL of Georgia, Mr. BARTLETT of Maryland, Mr. KING, Mr. TANCREDO, Mr. SHOWS, and Mr. GOODE):

H.R. 3333. A bill to amend title 4, United States Code, to declare English as the official language of the Government of the United States; to the Committee on Education and the Workforce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. THOMPSON of California (for himself, Mr. HANSEN, Mr. RAHALL, Mr. YOUNG of Alaska, Mr. HOLT, Mr. GILCHREST, Mr. UNDERWOOD, Mr. ABERCROMBIE, Mr. ACEVEDO-VILA, Mr. ANDREWS, Mr. BACA, Mr. BALDACC, Mr. BECERRA, Mr. BERMAN, Mr. BERRY, Mrs. BONO, Mr. BOSWELL, Mr. BOUCHER, Mr. BRADY of Pennsylvania, Mr. BUYER, Mr. CALVERT, Mr. CANNON, Mrs. CAPPS, Mr. CARSON of Oklahoma, Mr. CASTLE, Mr. CHAMBLISS, Mr. CONDIT, Mr. COX, Mr. CRAMER, Mrs. CUBIN, Mr. CUNNINGHAM, Mrs. DAVIS of California, Mr. DEAL of Georgia, Mr. DEFazio, Ms. DELAULO, Mr. DINGELL, Mr. DOOLEY of California, Mr. DOOLITTLE, Mr. DOYLE, Mr. DREIER, Mr. DUNCAN, Ms. ESHOO, Mr.

FALEOMAVAEGA, Mr. FARR of California, Mr. FERGUSON, Mr. FILNER, Mr. FLAKE, Mr. FLETCHER, Mr. FORD, Mr. FROST, Mr. GALLEGLY, Mr. GIBBONS, Mr. GOODE, Mr. GUTKNECHT, Mr. HALL of Texas, Mr. HALL of Ohio, Ms. HARMAN, Mr. HAYES, Mr. HAYWORTH, Mr. HEFLEY, Mr. HERGER, Mr. HILL, Mr. HOLDEN, Mr. HONDA, Mr. HORN, Mr. HUNTER, Mr. ISSA, Mr. JONES of North Carolina, Mr. KILDEE, Mr. KIND, Mr. LANTOS, Ms. LEE, Mr. LEWIS of California, Ms. LOFGREN, Mr. LUCAS of Oklahoma, Mr. MARKEY, Mr. MATSUI, Ms. MCCOLLUM, Mr. MCGOVERN, Mr. MCINNIS, Ms. MCKINNEY, Mr. GARY G. MILLER of California, Mr. GEORGE MILLER of California, Ms. MILLENDER-MCDONALD, Mr. MCKEON, Mr. MURTHA, Mrs. NAPOLITANO, Mr. NORWOOD, Mr. ORTIZ, Mr. OSBORNE, Mr. OSE, Mr. OTTER, Mr. PHELPS, Mr. PICKERING, Mr. PALLONE, Mr. PASCARELL, Mr. PASTOR, Mr. POMBO, Mr. PETERSON of Pennsylvania, Mr. PETERSON of Minnesota, Mr. RADANOVICH, Mr. REHBERG, Mr. ROHRABACHER, Mr. ROSS, Mr. ROYCE, Mr. RYAN of Wisconsin, Mr. RYUN of Kansas, Ms. SANCHEZ, Mr. SANDERS, Mr. SANDLIN, Mr. SAXTON, Mr. SCHAFER, Mr. SCHIFF, Mr. SHERMAN, Mr. SIMPSON, Mr. SMITH of Washington, Ms. SOLIS, Mr. SOUDER, Mr. STARK, Mr. STENHOLM, Mr. TANCREDI, Mr. TANNER, Mrs. TAUSCHER, Mr. TAUZIN, Mr. THOMAS, Mr. THORNBERRY, Mr. TOWNS, Mr. TURNER, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. WALDEN of Oregon, Ms. WATERS, Ms. WATSON, Mr. WAXMAN, Ms. WOOLSEY, and Mr. WU):

H.R. 3334. A bill to designate the Richard J. Guadagno Headquarters and Visitors Center at Humboldt Bay National Wildlife Refuge, California; to the Committee on Resources.

By Mr. UDALL of Colorado:

H.R. 3335. A bill to further the protection and recognition of veterans' memorials, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committees on the Judiciary, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. WATERS:

H.R. 3336. A bill to amend the Public Health Service Act to establish a program to provide screenings and treatment for cancer to minority and other populations served by health centers under section 330 of such Act, and for other purposes; to the Committee on Energy and Commerce.

By Mr. WEXLER (for himself, Mrs. MORELLA, Mr. WYNN, Mr. HOYER, and Mr. FILNER):

H.R. 3337. A bill to ensure that a Federal employee who takes leave without pay in order to perform service as a member of the uniformed services or member of the National Guard shall continue to receive pay in an amount which, when taken together with the pay and allowances such individual is receiving for such service, will be no less than the basic pay such individual would then be receiving if no interruption in employment had occurred; to the Committee on Government Reform.

By Mr. WEINER (for himself, Mr. RANGEL, and Mr. MEEKS of New York):

H. Con. Res. 272. Concurrent resolution expressing the sense of Congress regarding the

crash of American Airlines Flight 587; to the Committee on Transportation and Infrastructure, considered and agreed to.

By Mr. ROHRABACHER (for himself and Mr. GILMAN):

H. Con. Res. 273. Concurrent resolution reaffirming the special relationship between the United States and the Republic of the Philippines; to the Committee on International Relations.

By Mr. DAVIS of Illinois (for himself, Ms. JACKSON-LEE of Texas, Mr. WYNN, Ms. MCKINNEY, Mrs. CHRISTENSEN, Mr. FATTAH, Mr. OWENS, Mr. CAPUANO, Mr. TOWNS, Mr. HASTINGS of Florida, Mrs. MEEK of Florida, Mr. CLAY, Mr. BISHOP, Mr. PAYNE, Ms. KILPATRICK, Mr. RUSH, Ms. WATSON, Mr. SCOTT, Mr. CLYBURN, Ms. LEE, Mr. MEEKS of New York, Mr. THOMPSON of Mississippi, Mr. HILLIARD, Ms. NORTON, Mr. CUMMINGS, Mr. JACKSON of Illinois, Ms. BROWN of Florida, Mr. FORD, Mr. JEFFERSON, Mr. CONYERS, Mrs. JONES of Ohio, Mr. WATT of North Carolina, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. BLAGOJEVICH):

H. Con. Res. 274. Concurrent resolution congratulating JET Magazine on its 50th anniversary and honoring its founder, John H. Johnson, for his outstanding contribution to journalism; to the Committee on Government Reform.

By Mr. HANSEN:

H. Con. Res. 275. Concurrent resolution expressing the sense of the Congress that hunting seasons for migratory mourning doves should be modified so that individuals have a fair and equitable opportunity to hunt such birds; to the Committee on Resources.

By Mrs. MCCARTHY of New York (for herself, Mr. SANDERS, Mr. KING, Mr. KENNEDY of Minnesota, and Mr. MATHESON):

H. Con. Res. 276. Concurrent resolution expressing the sense of Congress that donations solicited by charitable organizations for the victims of the terrorist attacks against the United States that occurred on September 11, 2001, should be used exclusively for the benefit of such victims; to the Committee on Transportation and Infrastructure.

By Mr. FROST:

H. Res. 292. A resolution designating minority membership on certain standing committees of the House; considered and agreed to.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 25: Mr. WEINER.
H.R. 61: Mr. JACKSON of Illinois.
H.R. 68: Ms. BALDWIN and Mr. DIAZ-BALART.
H.R. 179: Mr. FOSSELLA.
H.R. 218: Mr. BARTON of Texas.
H.R. 303: Ms. ROS-LEHTINEN.
H.R. 424: Mr. REHBERG.
H.R. 488: Mr. DAVIS of Illinois.
H.R. 665: Mr. GONZALEZ.
H.R. 782: Ms. SOLIS.
H.R. 783: Mr. FILNER and Mr. MANZULLO.
H.R. 876: Mr. LANGEVIN and Ms. HOOLEY of Oregon.
H.R. 951: Mr. BERMAN, Ms. HARMAN, Mr. FROST, and Mr. WAXMAN.
H.R. 990: Ms. CARSON of Indiana.
H.R. 1004: Mr. HOYER.
H.R. 1169: Mr. SESSIONS.

H.R. 1178: Ms. MCCOLLUM.
H.R. 1186: Ms. HOOLEY of Oregon and Ms. CARSON of Indiana.
H.R. 1238: Mr. WAMP.
H.R. 1296: Mr. NETHERCUTT and Mr. LANGEVIN.
H.R. 1297: Mr. ISRAEL.
H.R. 1360: Mr. HINCHEY.
H.R. 1410: Ms. CARSON of Indiana.
H.R. 1475: Mr. GONZALEZ.
H.R. 1494: Mr. LUTHER.
H.R. 1510: Mr. WATT of North Carolina, Mr. STUMP, Mr. PETERSON of Minnesota, Mr. FORBES, and Mr. GOODLATTE.
H.R. 1587: Mr. DAVIS of Florida.
H.R. 1596: Mr. PLATTS.
H.R. 1598: Ms. SANCHEZ.
H.R. 1605: Mr. ROGERS of Kentucky.
H.R. 1718: Ms. HARMAN.
H.R. 1759: Mr. SMITH of New Jersey.
H.R. 1774: Ms. ROYBAL-ALLARD.
H.R. 1786: Mr. MCGOVERN.
H.R. 1839: Mr. BLUNT.
H.R. 1930: Mr. GREEN of Texas.
H.R. 1996: Mr. STARK and Mr. DAVIS of Illinois.
H.R. 2088: Mr. BLUNT and Mr. KIRK.
H.R. 2117: Ms. BALDWIN and Mr. MATSUI.
H.R. 2138: Mr. KANJORSKI.
H.R. 2148: Mr. KUCINICH.
H.R. 2156: Mr. WHITFIELD.
H.R. 2166: Ms. MCKINNEY.
H.R. 2220: Mr. CLAY.
H.R. 2239: Mrs. MORELLA.
H.R. 2327: Mr. FLETCHER.
H.R. 2341: Mr. KNOLLENBERG, Mr. COBLE, and Mr. ISAKSON.
H.R. 2357: Mr. GREEN of Wisconsin, Mrs. JO ANN DAVIS of Virginia, and Mr. WALSH.
H.R. 2374: Mr. FORBES.
H.R. 2420: Mr. WU.
H.R. 2610: Mr. MATSUI.
H.R. 2623: Mr. FILNER.
H.R. 2638: Ms. BALDWIN.
H.R. 2695: Mr. GILLMOR.
H.R. 2722: Mr. LUCAS of Kentucky, Mr. PASCARELL, and Mr. GILLMOR.
H.R. 2723: Mr. OLIVER, Mr. ACEVEDO-VILA, Mrs. NAPOLITANO, Ms. BERKLEY, Mr. MASCARA, Mr. ABERCROMBIE, Ms. WOOLSEY, Ms. RIVERS, Mr. BERMAN, and Mr. RAHALL.
H.R. 2735: Mr. GEORGE MILLER of California.
H.R. 2775: Mr. CONYERS.
H.R. 2788: Mr. MATSUI.
H.R. 2820: Mr. KUCINICH and Mr. KANJORSKI.
H.R. 2829: Mr. OSBORNE.
H.R. 2837: Mr. KUCINICH.
H.R. 2894: Mr. WU.
H.R. 2964: Mr. BAKER.
H.R. 2970: Mr. MANZULLO and Mr. JENKINS.
H.R. 2999: Ms. DEGETTE.
H.R. 3007: Ms. KAPTUR.
H.R. 3041: Mr. LANGEVIN, Mr. TOM DAVIS of Virginia, Mr. SESSIONS, Mr. BURTON of Indiana, and Mr. MORAN of Virginia.
H.R. 3046: Mrs. JO ANN DAVIS of Virginia, Mr. GEKAS, and Mr. KANJORSKI.
H.R. 3054: Mr. COOKSEY and Mr. GONZALEZ.
H.R. 3058: Mr. SHERMAN and Mr. PRICE of North Carolina.
H.R. 3074: Mr. REHBERG.
H.R. 3076: Mr. REHBERG.
H.R. 3101: Mr. MCGOVERN, Mr. MORAN of Virginia, Mr. CARSON of Oklahoma, and Mr. SHERMAN.
H.R. 3113: Mr. MCGOVERN, Mr. FRANK, Mr. MATSUI, Mr. CONYERS, Ms. MILLENDER-MCDONALD, Mrs. JONES of Ohio, Mr. FALEOMAVAEGA, Mr. JACKSON of Illinois, and Mr. BROWN of Ohio.
H.R. 3131: Ms. HART and Mr. WAXMAN.
H.R. 3139: Mrs. THURMAN.
H.R. 3163: Mr. BACA, Mrs. LOWEY, and Mr. MORAN of Virginia.

H.R. 3164: Mr. SKELTON.
 H.R. 3168: Mr. SWEENEY.
 H.R. 3175: Ms. NORTON.
 H.R. 3176: Mr. MOORE and Mr. FERGUSON.
 H.R. 3178: Mr. CALVERT, Mrs. BIGGERT, Mr. CLEMENT, Mr. SIMMONS, and Mr. COSTELLO.
 H.R. 3185: Mrs. LOWEY, Mr. FROST, Mr. ETHERIDGE, Mr. FRANK, and Mr. WELLER.
 H.R. 3192: Mr. GRUCCI, Mr. McNULTY, Mr. GILCHREST, Mr. TANCREDO, Mr. SMITH of New Jersey, Mr. FORBES, Mr. BILIRAKIS, Mr. SHAYS, Mr. GOODLATTE, Ms. JACKSON-LEE of Texas, Mr. ABERCROMBIE, Mr. BRADY of Texas, Mr. McDERMOTT, Mr. MORAN of Virginia, Ms. BROWN of Florida, Mr. HILLIARD, Mr. CONYERS, Mr. LEWIS of Georgia, and Ms. MCKINNEY.
 H.R. 3193: Mr. BERMAN, Ms. BROWN of Florida, Ms. PRYCE of Ohio, Ms. SCHAKOWSKY, Ms. ESHOO, Ms. BALDWIN, Ms. LEE, Ms. MILLENDER-McDONALD, Mrs. NAPOLITANO, Ms. NORTON, Mrs. THURMAN, Ms. PELOSI, and Ms. HART.
 H.R. 3215: Mr. PICKERING, Mr. AKIN, Mr. BASS, Mr. WICKER, Mrs. NORTHUP, Mr. JEFF MILLER of Florida, Mr. CRENSHAW, Mr. McINNIS, Mr. BARTLETT of Maryland, Mrs. ROUKEMA, Mr. PETERSON of Minnesota, Mr. HORN, Mr. HERGER, Mr. MANZULLO, Mr. JONES of North Carolina, Mr. THOMAS, Mr. QUINN, Mr. WALDEN of Oregon, Mr. NORWOOD, Mr. SHIMKUS, Mrs. JOHNSON of Connecticut, Mrs. CAPITO, Mr. McKEON, Mr. GILMAN, Mr. BOEHNER, Mr. DIAZ-BALART, Mrs. NAPOLITANO, Mr. WALSH, Mr. GUTKNECHT, Mr. HAYNES, Mr. GRUCCI, Mr. ISAKSON, Mr. SCHROCK, Mrs. MYRICK, Mr. YOUNG of Alaska, Mr. RYUN of Kansas, Mr. KING, Mr. GILLMOR, Mr. SOUDER, Mr. WATTS of Oklahoma, Mr. WATKINS, Mr. SMITH of New Jersey, Mr. BERRY, Mr. HOBSON, Mr. HYDE, and Mr. CUNNINGHAM.

H.R. 3217: Mr. FALEOMAVAEGA, Mr. BACA, and Mr. KUCINICH.
 H.R. 3229: Mr. TANCREDO, Mr. DOOLITTLE, Mr. LIPINSKI, Mr. LANTOS, Mr. WELDON of Florida, Mr. SHOWS, Mr. ADERHOLT, Mr. SCHROCK, Mr. CALVERT, Mr. SMITH of Texas, Mr. ROHRABACHER, and Mr. DEAL of Georgia.
 H.R. 3230: Mr. TOM DAVIS of Virginia and Mr. FROST.
 H.R. 3238: Ms. DELAURO.
 H.R. 3239: Mr. WHITFIELD, Mr. HAYWORTH, Mr. WELLER, and Mr. CRANE.
 H.R. 3244: Mr. BISHOP, Mr. TAFICANT, Mr. BORSKI, Ms. JACKSON-LEE of Texas, Mr. KANJORSKI, Mr. SAXTON, Mr. KUCINICH, Mr. FORD, Mr. LANGEVIN, Mr. CANTOR, Mr. MATHESON, Mr. LAMPSON, and Mr. PRICE of North Carolina.
 H.R. 3245: Mr. HASTINGS of Florida and Mr. KELLER.
 H.R. 3254: Mr. WELDON of Florida.
 H.R. 3267: Mr. HASTINGS of Florida, Mr. SANDERS, Mr. BRADY of Pennsylvania, Mr. FROST, Mr. DELAURO, Mr. FRANK, and Mr. BARRETT.
 H.R. 3278: Mr. FOLEY and Mr. MATSUI.
 H.R. 3289: Mr. MARKEY and Mr. FILNER.
 H.R. 3294: Mr. GRUCCI, Mr. FALEOMAVAEGA and Mr. BACA.
 H.R. 3308: Ms. MILLENDER-McDONALD.
 H.J. Res. 54: Mr. RYUN of Kansas.
 H.J. Res. 66: Mr. LINDER.
 H. Con. Res. 177: Mr. CAPUANO, Mr. HILLIARD, Mr. GREEN of Texas, and Mrs. TAUSCHER.
 H. Con. Res. 232: Mr. HASTINGS of Florida, Mr. REYES, Mr. SAXTON, Mr. HONDA, Ms. ROYBAL-ALLARD, and Mr. SIMMONS.
 H. Con. Res. 249: Mr. BILIRAKIS.
 H. Con. Res. 253: Ms. MILLENDER-McDONALD, Mr. KANJORSKI, and Mr. BLUMENAUER.
 H. Con. Res. 260: Mr. McDERMOTT.

H. Con. Res. 267: Mr. SIMMONS.
 H. Res. 106: Ms. BALDWIN, Mr. MORAN of Virginia, Ms. WATERS, Mr. LEVIN, and Ms. SOLIS.
 H. Res. 284: Mr. FILNER, Mr. FORBES, Mr. BURR of North Carolina, Mr. CANTOR, and Mr. SENSENBRENNER.
 H. Res. 287: Mr. KERNS, Mr. SCHROCK, Mr. PENCE, Mr. BARTLETT of Maryland, Mr. FRELINGHUYSEN, Mr. McNULTY, Mr. FROST, Mr. GOODE, and Mrs. JO ANN DAVIS of Virginia.

DISCHARGE PETITIONS

Under clause 2 of rule XV, the following discharge petition was filed:

Petition 4. Tuesday, November 13, 2001, by Mr. CUNNINGHAM on House Resolution 271, was signed by the following Members: Randy "Duke" Cunningham, Zach Wamp, Roscoe G. Bartlett, Christopher Shays, Robin Hayes, Scott McInnis, Howard P. "Buck" McKeon, Ken Calvert, Dave Camp, Ron Lewis, Jim Gibbons, James V. Hansen, Thomas G. Tancredo, Patrick J. Toomey, Henry E. Brown, Jr., Dan Burton, John E. Peterson, Virgil H. Goode, Jr., and James C. Greenwood.

DISCHARGE PETITIONS— ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 3 by Mr. TURNER on House Resolution 203: Stephen F. Lynch.

EXTENSIONS OF REMARKS

IN RECOGNITION OF THE 150TH ANNIVERSARY OF ST. MARY'S CHURCH

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 16, 2001

Mr. GILMAN. Mr. Speaker, in the book of Proverbs 22:28, it is said, "Do not remove the ancient landmark that your ancestors set up."

In this spirit, I am gratified to be able to join the parish of the Immaculate Conception (St. Mary's Church) and the city of Port Jervis in marking the 150th anniversary of the establishment of the parish on December 9th.

In our modern world, it is important to recognize those landmarks of our communities, particularly those which are dedicated to the betterment of our neighborhoods, our community, and our entire society.

For 150 years, St. Mary's Church has stood as a beacon to the wary souls who, in looking for friendship, understanding, and forgiveness, have turned. This parish has been a cornerstone of our river city and a symbol of the fortitude of our Port Jervis community.

Along with the many friends of this distinguished parish, I am pleased to extend my congratulations and gratitude to the parish of the Immaculate Conception on their 150th anniversary. May the parish stand and grow and continue to grow for many years to come.

CONGRATULATING OUR CAPITOL POLICE AND ALL THE CAPITOL HILL WORKERS

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 16, 2001

Mr. CUNNINGHAM. Mr. Speaker, I want to take a brief moment of our time today to give my hearty thanks to the U.S. Capitol Police and all the other people who work with us and protect us day in and day out.

Since the tragic events of September 11th, the U.S. Capitol has been the center of threats both physical and biological. Our Capitol Police have seen their overtime and workloads grow two and three times what they were before the tragedy. We depend now more than ever on their hard work and commitment to our safety.

But this pace is overwhelming and could, in time, seriously damage moral. As a former fighter pilot, I am well aware of the impact the increased operations tempo during the 1990's had on the U.S. military. Repeatedly, our nation's military men and women were asked to serve longer and longer tours away from their families. This continued pressure led to record retirements and gaps in manpower that we are still working to replace today.

Our Capitol Police are now facing similar demands. While we work to give them the tools and resources they need, we should take a moment to give them our thanks for their commitment to protecting the people who visit and work on Capitol Hill.

However, it isn't just the Capitol Police who are looking out for us. All over Capitol Hill there are people working for us everyday. From our personal office staff to committee staffs, from the janitors, mailroom clerks, and parking security staff. All over Capitol Hill there are people who come to work everyday and face the threat of just working in the Capitol, but they face it bravely and stand defiantly to keep us running. I am reminded just how committed the people are each morning as I drive to work. As long as I have been here Tommy Maggio, a parking security officer in the Rayburn garage, always greets me with the same smile and commitment to duty. He had done this job for 29 years regardless of the circumstances or threats facing Congress and America. All the people like Tommy keep Congress up and running. These hard working Americans will keep us moving forward through tragedy.

TRIBUTE TO MOUNT PISGAH BAPTIST TEMPLE

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, November 16, 2001

Mr. PALLONE. Mr. Speaker, I would like to call the attention of my colleagues to the Mount Pisgah Baptist Temple located in the Sixth District of New Jersey that is celebrating its 100th anniversary.

Throughout its long history, the Mount Pisgah Baptist Temple has served its community under the leadership of only six pastors. Located in Asbury Park, New Jersey, Mount Pisgah has made its mark on the surrounding communities. Mount Pisgah is at the forefront of religious service through its wonderful preaching and teaching ministry. Additionally, Mount Pisgah has served as a center for feeding and providing clothing for the poor.

Through its weekly Bible Study and Prayer Services on Sunday mornings and Wednesday evenings, it has provided Christian education training to people of all ages. To help the youth of the community, Mount Pisgah provides after school tutoring services.

"Let Brotherly Love Continue . . ." Hebrews 13:1, serves as the mission statement for this neighborhood based worship center. Their main objective is to "Spread the Good News" by loving, sharing, and caring for others.

On this day, we celebrate the hundred auspicious years that the Mount Pisgah Baptist Temple has stood as a symbol of spiritual unity, of which we should all be proud. I ap-

plaud their desire to continue their mission of serving God, as well as the community, with love and devotion to all.

RICHARD M. ROMLEY, OUTSTANDING DISABLED VETERAN OF THE YEAR

HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 16, 2001

Mr. STUMP. Mr. Speaker, November 11 is the day the nation has set aside to honor and remember its war veterans. On this day, we pay tribute to all our defenders of freedom. The Disabled American Veterans (DAV) recently named one of these distinguished veterans, Richard M. Romley, the nation's Outstanding Disabled Veteran of the Year. In conjunction with this recognition, the Lois Pope Foundation awarded Mr. Romley its prestigious LIFE's Presidential Unsung Hero Award. The awards recognize a disabled veteran's individual achievement.

Like many of his generation, he and his best friend enlisted in the Marine Corps. An accomplished and decorated soldier, Rick Romley's promising military career was cut short by a land mine that took both his legs. Following his recovery and rehabilitation, Rick enrolled at Arizona State University, graduating with honors and a degree in business management. For five years he owned and operated his own business. Wanting a career change, he sold his business and enrolled again at Arizona State University to obtain his Juris Doctorate. With his law degree in hand, he again pursued a career in public service and is now serving his fourth term as Maricopa County Attorney, the fourth largest county in the nation.

Never letting his disability stand in his way, Rick Romley is a nationally recognized leader in criminal and juvenile justice and drug trafficking. He has testified before Congress on violent crime, addressed national organizations, and was under consideration for appointment as the nation's Drug Czar. In addition, he has received a number of awards in recognition of his public service including the National Leadership Award presented by the Community Anti-Drug Coalition of America.

As the nation remembers its veterans, Vietnam veteran Rick Romley's service to Arizona and the country are worthy of recognition. He has an unfailing dedication to improving the quality of life within his community. While the journey has not come easily, Rick has proven that perseverance and hard work are the measures of success. While many choose to serve their nation, all too few take on the uniform of our armed services and make the special sacrifices only they and their families can truly appreciate. Rich joins the continuous, unbroken line of patriots that have served this

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

nation from its inception to the present. On this Veterans Day, I join with the nation in saluting his accomplishment and leadership.

WORLD PEACE PRIZE FOR ANNETTE LU, VICE PRESIDENT OF TAIWAN

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 16, 2001

Mr. GILMAN. Mr. Speaker, on December 9, 2001 in Taipei, Taiwan Vice President Annette Lu will be awarded the World Peace Prize by the World Peace Prize Awarding Council. The World Peace Prize Awarding Council, is a non-profit association under the leadership of Dr. Han Min Su, who founded the Council in cooperation with the late Hon. Robert Leggett, then a Senior Member of the U.S. Congress, and a Korean War veteran.

The Council today has some 50,000 members, mainly Korean evangelicals and their ministers. The Council consists of an international board of judges, bringing experienced and dedicated individuals from many countries; including: Dr. Asher Naim from Israel, Dr. Mohamed Chokamy from Egypt, Dr. Carlito Puno from the Philippines, Dr. Bhupatary Oza from India, and Dr. Shiu Loon Kong from Hong Kong. Under their guidance, the Council has sought to recognize individuals from around the world who have undertaken extraordinary efforts in order to advance peace and stability in their respective regions.

Appropriately, Vice President Annette Lu, is the first to receive this Award from the ROC, and she joins a group of distinguished recipients of the Council's Peace Prize Award. Among earlier honorees have been former President Ronald Reagan, President Hosni Mubarak of Egypt, the Hon. Itzhack Rabin, Premier of Israel, Dr. Syngman Rhee, former President of the Republic of Korea, the Hon. Daniel Akaka, U.S. Senator, Lt. Gen. Herman Keck, Jr. Retired Superintendent of the U.S. Chaplains Association, and Emomali Rahmonov, President of Tajikistan. Each of these has received the World Peace Prize Award for activities that have contributed to peace in the world.

Typical of the type of accomplishments Vice President Lu has sought to achieve is the recently concluded 2001 Global Peace Assembly, which was held in Taipei, Taiwan this summer. This assembly coincided with the anniversary of the ending of World War II, and brought together such Nobel Peace Laureates as: Hon. Betty Williams from Northern Ireland, H.E. Lech Walesa from Poland, H.E. Oscararias Sanchez from Costa Rica, H.E. Fredrik DeKlerk from South Africa, Hon. Joseph Rotblat from the United Kingdom, and Hon. Jody Williams from the United States. During this assembly, these participants joined with the people of Taiwan to declare their firm commitment to pursuing avenues of space in seeking to resolve long-standing disputes in the region. This included a commitment to pursuing national security with defensive characteristics as well as pro-active dialogue in cross-strait relations. The Global Peace As-

sembly was an outstanding success in forwarding the cause of peace and cooperation in this important region of the world, and in helping to prevent tensions across the Taiwan Strait.

Vice President Lu is the first woman to receive this award, which is entirely fitting, because she has worked tirelessly on behalf of women's rights in the Republic of China. She stimulated the growth of Taiwan's feminist movement, as well as crusading for greater democracy in the ROC, for which she paid a price. If that was the first time she received international attention for her effects on behalf of freedom and democracy, it has not been the last. That event marked the beginning of a trail which saw her political party, the Democratic Peoples Party, rise to prominence, in no small part due to her activities, first as an effective opposition to the Kuomintang and finally as leaders of the first new, democratically elected Chinese government. And it made her the vice president of the Republic of China.

Along the way, this graduate of Harvard Law School has been a practicing attorney and has served with distinction as a Member of the Legislative Yuan. Prior to her election to the Vice Presidency she won election as Magistrate of Taoyuan County. If anything, that task is probably more difficult than being Vice President, in that she has consistently and vigorously sought to end corruption and to make Taoyuan County a good place in which to invest and to live.

Throughout her career, Annette Lu has fought for women's rights, peace, and stability in the Republic of China and abroad. In these troubled times, even before the atrocities of 9-11, the world has needed and now more than ever needs to take whatever strides it can on behalf of democracy and freedom. Taiwan has joined the World Trade Organization, a positive step for the Republic of China on Taiwan. In these troubled times, it is appropriate for lovers of democracy to recognize those who work hard to advance it, for to do so is to advance the cause of peace in a time of great strife and a heightened risk to the freedom-loving peoples of the world. In this spirit the World Peace Prize Awarding Council honored Vice President Lu with the World Peace Prize and we heartfelt commend them for their initiative.

RECOGNIZING THE NAPA VALLEY VINTNERS ASSOCIATION

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 16, 2001

Mr. THOMPSON of California. Mr. Speaker, I rise today in recognition of the Napa Valley Vintners Association for its years of dedication to the people of Napa Valley.

Established in 1943, The Napa Valley Vintners Association began as an association of 195 wineries dedicated to the art and practice of winemaking. For more than 50 years the Association has maintained a sense of partnership, priding itself on helping to make Napa Valley the premier wine-growing region in the world.

However, their pride and excellence in winemaking is equaled by the dedication they have for the community of Napa Valley. Over the last 20 years, the Napa Valley Vintners Association has donated more than \$20 million to community ventures to advance projects in health care, housing and youth organizations. They have given over \$4 million to the Queen of the Valley Hospital Foundation alone, and are considered by the Foundation to be a key reason why the hospital can provide state-of-the-art medical care throughout Northern California.

Because of the generosity of the Vintners Association, Queen of the Valley Hospital has been able to build two new nursing towers, purchase two linear accelerators, renovate the Emergency Center and Critical Care Unit, and acquire state-of-the-art cancer diagnostic equipment. They have also donated to the Queen's Care for the Poor Programs. Recently, the Hospital was able to acquire a Vascular Laboratory, a light speed CT scanner, a new Radiology and Fluoroscopy Room and renovate their Maternity Center. Such support has helped to make Queen of the Valley Hospital one of the best small hospitals in the United States.

The benefits of the strong partnership between the Napa Valley Vintners Association and the Queen of the Valley Hospital are evident. Many members of the Association have served on the Hospital's Board of Trustees. These members include prominent figures in the wine industry such as Brother Timothy Deiner, Robert Mondavi, Michael Mondavi, Louis Martini, Carolyn Martini, Jack Cakebread, Jay Courley, Dennis Groth, Marc Mondavi, Julie Johnson-Williams, Tom Shelton, Janet Trefethen, Ed Farver, Otto Beringer, Walter Klentz, Marilouise Kornell, Bruce Markham and Thomas May.

Mr. Speaker, the wealth of generosity the Napa Valley Vintners Association has bestowed upon the Napa community is abundant. At this time, when our sense of community is heightened, I ask that we honor and recognize the tremendous dedication the Napa Valley Vintners Association has shown the citizens of Napa Valley and our country.

CA-22 HONORING CARNZU CLARK

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 16, 2001

Mrs. CAPPS. Mr. Speaker, today I would like to pay tribute to a woman who has dedicated so much of her time and effort to the citizens and organizations of the community of Santa Barbara, California, Ms. Carnzu Clark. In appreciation of all her efforts, the Anti-Defamation League will pay tribute to Ms. Clark on Sunday, November 18, 2001 by honoring her with the "Distinguished Community Service Award".

Before moving to Santa Barbara in 1967, Ms. Clark began her career in public service by working for the United States government. She became involved in a Senate Committee's investigation of violations of agricultural laborer's rights in California, and later served

with federal health, welfare and education agencies that sought to lessen the impact of World War II on communities throughout the United States. From 1943 to 1947 Ms. Clark served with the United Nations Relief and Rehabilitation Administration in Washington, D.C., and then contributed her services to the Displaced Persons Programs in the U.S. Zone of Germany.

After moving to Santa Barbara, Ms. Clark immediately began contributing to numerous community organizations. She has served as president of the UN Association, as well as on the boards of Direct Relief, Planned Parenthood, League of Women Voters, NAACP, UCSB Music Affiliates, the Santa Barbara Music Club, the Youth Symphony, and the Student Aid and Pillsbury Committees of the Santa Barbara Foundation. Ms. Clark has additionally found time to serve on the Fund for Santa Barbara's first grants committee, and donates her time as a Botanic Garden docent. She is also a supporter of the Family Service Agency, the Transition House, Girls Inc., Girl Scouts of Tres Condados, Casa Serena's Oliver House, and the Women's Economic Ventures. Indeed, it is difficult to imagine Santa Barbara without Carnzu Clark's presence!

I am so pleased to be able to honor Ms. Clark, as she is truly a unique individual. She is justly deserving of the ADL's Distinguished Community Service award, and I am so proud to represent a citizen of her caliber in Congress.

PERSONAL EXPLANATION

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 16, 2001

Mr. BECERRA. Mr. Speaker, due to a commitment in my district on Thursday, November 15, 2001, I was unable to cast my floor vote on rollcall number 444. That vote was on Suspending the Rules and Passing as Amended H.R. 2887, the Best Pharmaceuticals for Children Act.

Had I been present for the vote, and having weighed the voices of support from people and institutions I respect, including the Children's Hospital of Los Angeles, I would have voted "aye" on rollcall vote 444.

IN HONOR OF CAPTAIN ROBERT
DUNCAN

HON. DAVID D. PHELPS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 16, 2001

Mr. PHELPS. Mr. Speaker, today I rise to recognize one of my district's leaders in aviation. After twenty-one years of service, Captain Robert Duncan (USN, Ret.) will let his term as Commissioner of the Williamson County Airport Authority expire at the end of the year.

Through involvement with the Illinois Public Airports Associations and the American Association of Airport Executives, Captain Duncan

has been an active member of the board throughout his tenure. Captain Duncan consistently dedicated his time and effort toward the growth and development of Williamson County Regional Airport. Captain Duncan's efforts have contributed to the maintenance and promotion of the region's commercial air service, as well as the expansion of the airport business park. His work also aided the overall development of the airport into a facility which now creates an annual economic impact of over ten million dollars.

It is with this, Mr. Speaker, that I say congratulations to Captain Duncan on his retirement. Due to his hard work and years of service, it is clear that Captain Duncan is a true asset to Southern Illinois.

IN SUPPORT OF THE WESTFIELD WORKS WONDERS DAY IN EN- FIELD, CONNECTICUT

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, November 16, 2001

Mrs. JOHNSON of Connecticut. Mr. Speaker, I rise today to recognize the citizens and businesses in my district who take part in the "Westfield Works Wonders" program.

For the past four years, the Westfield Shoppingtown in Enfield, Connecticut, has joined with her sister facilities in Meriden, Trumbull and Milford to raise funds to help Connecticut's schools, hospitals and charities. The efforts of thousands of volunteers have resulted in more than \$1.2 million in funds for Connecticut's worthy institutions.

For a \$5 ticket price, participants get to attend an after hours shopping event to kick off the holiday season. Their tickets entitle them to special discounts, in-store promotions, major prize giveaways, entertainment, refreshments, free photos with Santa and complementary gift-wrapping.

Most of all, ticket-holders and volunteers alike all know that their contribution and participation in this event helps to strengthen their neighborhoods and bring people together in the Holiday spirit. It is for this reason that November 18th is recognized "Westfield Works Wonders Day" in Enfield, Connecticut.

RECOGNIZING RON VARGAS

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 16, 2001

Mr. RADANOVICH. Mr. Speaker, I rise today to recognize Ron Vargas for receiving the Friends of Agricultural Extension Farm Advisor Award.

Ron is the Madera County Farm Advisor and County Director. The award is to honor his work in the area of Cotton Weed Management. He and his fellow investigator, Tulare County Farm Advisor Steve Wright, began a research program in 1989 to develop a method to control nightshade through the use of methane sodium. The results of their research

allowed growers to significantly reduce their hand hoeing costs.

Vargas has done a great deal of research on herbicides. This research includes cotton's tolerance to a DuPont broadleaf herbicide and an evaluation of Transgenic Herbicide Tolerant cotton varieties. Vargas is currently focusing his research on the integration of herbicide tolerant cottons, as well as traditional herbicides, into a conservation tillage system. His early findings have shown a significant cost reduction for cotton farmers. His findings are particularly important to the California cotton industry in today's economically challenged environment.

Mr. Speaker, I congratulate Ron Vargas for his Farm Advisor Award presented by the Friends of Agriculture Extension. I urge my colleagues to join me in wishing Ron Vargas many more years of continued success.

DECLARATION OF OFFICIAL ENGLISH ACT

HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 16, 2001

Mr. STUMP. Mr. Speaker, I rise today to introduce the Declaration of Official Language Act, legislation I have introduced in the past two Congresses. This legislation establishes English as the official language of the U.S. government, requires that naturalization ceremonies be conducted solely in English, repeals the federal bilingual education requirements and repeals bilingual voting requirements.

Mr. Speaker, unfortunately, the previous administration advanced policies contributing to our nation's growing language problem. One of the most glaring examples is that under the Clinton Administration the Immigration and Naturalization Service held its first mass naturalization ceremony conducted in a language other than English. Only Congressional and public outcry prevented far more citizenship ceremonies segregated by language choice.

Perhaps the most egregious of the Clinton Administration's language policies was the issuance of Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency." Executive Order 13166 potentially requires every recipient of federal funds to provide a translation into any language spoken anywhere in the world, currently 6,800 languages, at a moment's notice.

Broken down, this means that every state, county, and municipal government, any university or college, and anyone that accepts federal money could face a costly "language discrimination" lawsuit at any moment. This burdensome executive order imposes a costly mandate on federal agencies and the potential cost to the American public is frankly astronomical.

While America has been enriched by the contributions of people from all over the world, no one benefits if we cannot communicate with one another. One nation, united by a common language, is a gift that should not be taken for granted. However, in the United States, it is now possible for a person to vote,

apply for welfare, and to demand official government documents and translation services without learning a word of English.

Mr. Speaker, poll after poll consistently suggests that Americans support English as America's official language. The Declaration of Official Language Act is intended to restore the place of English in our government, our voting booths and our public schools.

Mr. Speaker, I urge my colleagues to support this common sense legislation.

LEGISLATION TO DESIGNATE THE RICH GUADAGNO VISITORS CENTER

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 16, 2001

Mr. THOMPSON of California. Mr. Speaker, I rise today to introduce legislation to honor the memory of one of my constituents who perished on United Flight 93, Richard J. Guadagno. Rich was the manager of the Humboldt Bay National Wildlife Refuge and devoted his life to the preservation of wildlife. This legislation will designate the Headquarters and Visitors Center of the Humboldt Bay National Wildlife Refuge as the Richard J. Guadagno Headquarters and Visitors Center.

As we know, the passengers aboard Flight 93 undoubtedly saved hundreds, if not thousands, of lives by thwarting the disastrous intent of the terrorists. Rich had a law enforcement background that would have aided him in his convictions and his desire to prevent an even greater tragedy. All Americans, especially those of us who work at the U.S. Capitol, have these brave individuals to thank for preventing further terror on September 11th, 2001.

Rich was also a hero to all those who care about wildlife and the environment. Rich began a career in public service as a biologist at the New Jersey Fish and Game Department and the Great Swamp National Wildlife Refuge. Before joining the Humboldt Bay National Wildlife Refuge, he worked at the Prime Hook National Wildlife Refuge in Delaware, Supawna Meadows National Refuge in New Jersey, and the Baskett Slough and Ankeny National Wildlife Refuges in Oregon.

Colleagues in the Fish and Wildlife Service consistently commended his courage and dedication to conservation and protecting biological diversity. As refuge manager at the Humboldt Bay National Wildlife Refuge, he led with a vision that his colleagues embraced and admired. He always kept the best interests of the refuge at heart, and he enthusiastically worked to improve the condition of the refuge.

When Rich boarded Flight 93, he was leaving Newark, New Jersey after visiting his family and his grandmother on her 100th birthday. His memory will live on in the proud hearts and minds of his family and friends. All Americans will join his girlfriend, Diqui LaPenta, his sister Lori Guadagno, his parents Jerry and Beatrice Guadagno in remembering Rich as a true hero.

Mr. Speaker, Richard Guadagno worked his entire life to make the better place for all of

EXTENSIONS OF REMARKS

us. He was truly a great American. Please join me in passing this legislation, so that Rich Guadagno and his tremendous successes in life will always be remembered.

HONORING NATALIE AND RAYMOND MYERSON

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 16, 2001

Mrs. CAPPS. Mr. Speaker, today I would like to pay tribute to two extraordinary citizens of the Santa Barbara community, Natalie and Raymond Myerson. On November 18, 2001, the Anti-Defamation League will honor this district couple with the "Distinguished Community Service Award".

I cannot think of another couple that would be more deserving recipients of this honored award than the Myersons. Individually, they have each contributed so much to the Santa Barbara community, and as a couple it is almost inconceivable how much they have accomplished.

Since moving to Santa Barbara in 1973, the Myerson immediately became involved with the community. For the past 27 years, Mrs. Myerson has been a member of the Distinguished Member Award of the Santa Barbara Music Club, which she is presently the chair of. In addition, she is extremely active in Hillel, AIPAC, Hadassah and the American Jewish Committee, and has served as the co-president of the Santa Barbara County Arts Commission for the last three years. Mrs. Myerson is also a member of the League of Women Voters and the Santa Barbara Museum of Natural History League, and is an honorary member of the Santa Barbara Symphony Board.

Raymond Myerson has also demonstrated his leadership characteristics in various organizations throughout Santa Barbara. Having served as a board member and treasurer of the Santa Barbara Museum of Natural History for the past 20 years, he has subsequently become an honorary trustee. He has also dedicated 15 years to being the treasurer and a board member for the Recording for the Blind and Dyslexic. Additionally, he has been the treasurer and a board member for the University of California, Santa Barbara Affiliates for 12 years, and is currently chairman of the Affiliates "Economic Forum Funding Fellowship" in the Graduate School of Economics. He is a member of the Chancellor's Council at UCSB, the President's Council at Santa Barbara City College, and the Ventura County and Santa Barbara County Committees on Foreign Relations.

In addition, Mr. Myerson is a past board member of UCSB Hillel, an active member of AIPAC, a member of the President's Council of the American Jewish Committee, a member of B'nai Brith, and an active supporter of the Santa Barbara Jewish Federation.

The Myersons have been invaluable to the Santa Barbara community, and I would like to acknowledge them for their outstanding accomplishments. It is my greatest pleasure to honor this extraordinary couple, and I am so pleased to represent citizens of their caliber in Washington, D.C.

November 16, 2001

PERSONAL EXPLANATION

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 16, 2001

Mr. BECERRA. Mr. Speaker, due to a commitment in my district on Thursday, November 15, 2001, I was unable to cast my floor vote on rollcall numbers 441, 442, 443, and 445. The votes I missed include rollcall vote 441 on Agreeing to the Amendments to H.R. 2269; rollcall vote 442 on Passage of H.R. 2269; rollcall vote 443 on Suspending the Rules and Agreeing to H. Con. Res. 228; and rollcall vote 445 on Suspending the Rules and Agreeing to H. Con. Res. 239.

Had I been present for the votes, I would have voted "aye" on rollcall votes 441 and 443, and "nay" on rollcall votes 442 and 445.

IN HONOR OF MARION AND HERRIN'S AMERICAN LEGION BASEBALL TEAM NOVEMBER 16, 2001

HON. DAVID D. PHELPS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 16, 2001

Mr. PHELPS. Mr. Speaker, today I rise to recognize one of the baseball teams in my district. The combined American Legion baseball team of Marion and Herrin, Illinois recently posted their second consecutive 25th District baseball championship. They finished with a 25-13 record and also won the Murphysboro "Apple City" Classic Tournament.

The team is coached by Greg Haub, with assistance from Andrew Manzo and Robert Morrel. The rest of the team includes Wyatt Churillo, Brandon Duty, Brian Jakubco, Chris Bluc, Ryan Holland, Brad Norman, Drew Wilkins, Brian Chaney, Brian Churillo, Dane Dalton, Ben Hart, Travis Morgan, Josh Pritchett, Tony Rinella, Chase Rudolph, and Tony Steams. The team trainer is Roy Hicks.

It is with this, Mr. Speaker, that I say congratulations to the American Legion baseball team of Marion and Herrin, Illinois. Due to their hard work and team effort, they have proven beyond a doubt that they are deserving of the 25th District baseball championship.

INTRODUCTION OF LEGISLATION TO CLARIFY THE ELIGIBILITY OF CERTAIN EXPENSES FOR THE LOW-INCOME HOUSING TAX CREDIT

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, November 16, 2001

Mrs. JOHNSON of Connecticut. Mr. Speaker, I am introducing legislation to clarify the standards for determining basis of property for purposes of calculating the amount of low-income housing tax credits for which that property may be eligible. I am proud to be joined

in this effort by Reps. CHARLES RANGEL, MARK FOLEY, and GARY MILLER.

A year ago, I called my colleagues' attention to the fact that the Internal Revenue Service, in a series of technical advice memoranda, had taken a very restrictive view of what items were includible in basis for purposes of allocating low-income housing tax credits. At that time, I noted that this would have an adverse impact on the ability of states to target affordable housing to those who need it the most.

It was also troubling to me that after 16 years during which the Treasury Department had failed to issue regulations or provide any other guidance on this issue, the first pronouncement was in a series of technical advice memoranda. TAMs are not official guidance, reviewed by the Treasury Department, but merely IRS legal opinions provided to an IRS agent during an audit. They are not citable in court proceedings because they are not official guidance. However, in absence of official guidance, I was concerned that these TAMs would be taken as an official government position. In fact, that is exactly what has happened, as investors in tax credit properties have required that any properties in which they invest must meet the standards set forth in the TAMs.

It is important to note that the Treasury Department agreed that this was an issue worthy of review and placed it on this year's Treasury Department/Internal Revenue Service business plan. I understand that there may be some guidance in the pipeline on one of the items addressed by the TAMs, but there does not seem to be much progress on a full review of the impact of the positions taken in the TAMs on the policy goals of the low-income housing tax credit program.

It is important to understand that this legislation will not increase the number of low-income housing tax credits available. The maximum amount of credits that states may allocate to developers of affordable housing properties is set by the Internal Revenue Code. Thanks to legislation that we enacted last year, that amount available to each state will increase next year to \$1.75 times the state's population. That is a hard cap on the revenue impact. Since the unmet demand for affordable housing is many times greater than what can be built with the help of the credit, our legislation should not affect revenues. In fact, the only way for this legislation to have a revenue impact is if the legislation makes it easier for the states to use the credits we intend for them to have under present law.

What this legislation does, however, is very important. To understand its importance, it may be useful to have a little background on how the low-income housing tax credit works. In economic terms, the credit is equity financing which replaces a portion of debt that would otherwise be necessary to finance a property. By replacing debt, credits work to reduce interest costs. This allows a property to be rented at lower rates than otherwise would be the case.

States allocate credits to individual properties based on criteria provided in the Internal Revenue Code and additional criteria they establish to provide affordable housing that closely matches the needs of the state's population. A state, thus, has a strong incentive not

to allocate more credits to a property than necessary, because, if it did, it would have fewer credits to allocate to other properties.

In addition, the amount of credits a state may allocate to a particular property is limited by the Internal Revenue Code. The limit is determined as percentage of the basis of a property. The basis is, generally speaking, the costs of constructing a building that is part of an affordable housing project. The percentage is 9 percent for a new building that is not otherwise federally subsidized, and 4 percent for existing buildings and new buildings that receive other federal subsidies. Thus, the smaller the basis is, the fewer the credits that may be allocated.

The problem is that the TAMs take the position that certain construction costs should not be included in basis. The effect of this position is to make a large number of affordable housing properties financially infeasible and weaken the economics of those that still pass minimum underwriting requirements. The loss of equity would affect most severely properties that serve the lowest income tenants, provide higher levels of service or operate in high cost areas. The reason for this is simply that reducing the amount of credits does not reduce the development costs. It merely removes a source of financing, forcing either higher rents or lower quality construction.

In many cases the largest item that would be excluded from eligible basis under the TAMs are impact fees. These fees, covering a wide range of infrastructure improvements including, sewer lines, schools, roads, are imposed because of the "impact" of construction of the improvements on the land and would not be incurred if the land remained undeveloped. Certainly, whether or not they are includible in basis for the purpose of calculating the amount of tax credit, these costs will be incurred and will impact the economics of the property. This legislation will clarify that these costs are includible in eligible basis.

Other items that would be severely restricted or excluded from eligible basis under the interpretations expressed in the TAMs are site preparation costs, development fees, professional fees related to developing the property, and construction financing costs. The legislation we are introducing today will clarify that any cost incurred in preparing a site which is reasonably related to the development of a qualified low income housing property, any reasonable fee paid to the developer, any professional fee relating to an item includible in basis, and any cost of financing attributable to construction of the building is includible in basis for the purpose of calculating the maximum amount of credit a state may allocate to a low-income housing property.

The intent of these clarifications is simply to codify common industry practice before the issuance of the TAMs. Not only will the legislation allow the low-income tax credit program to provide better quality housing at lower rental rates than would be possible if the positions taken in the TAMs are followed, but clarification will help simplify administration of the credit by giving both taxpayers and the Internal Revenue Service a clearer statement of the standards that apply in calculating credit amounts.

Our economy is not doing as well as we thought it was a year ago when I first spoke

about this issue. We are going to need even more affordable housing than we thought last year. We should be proud that we increased the amount of low-income housing tax credits that will be available to help finance this housing. What we need to do now is to make sure that these credits are used as efficiently as possible to provide housing for those who need it the most. The legislation we are introducing today will help achieve that goal.

TRIBUTE TO THE PRESBYTERIAN CHURCH

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, November 16, 2001

Mr. PALLONE. Mr. Speaker, I would like to call to the attention of my colleagues, the 275th Anniversary of the Presbyterian Church in New Brunswick, New Jersey.

The tradition of this historic and noble church has lasted the test of time in its service to its denomination community, state and nation. The church has served Governors, NJ and U.S. Supreme Court Justices, as well as many patriots and leaders in our war for independence.

For the past 275 years, New Brunswick Presbyterian Church has served its community and its people seven days a week, 365 days a year. It is being commended today for not only serving their common interest but also opening their church up to others through such programs as meals on wheels campaign and child development centers.

The church is a landmark in the city of New Brunswick and is an incredible asset to the people of its congregation and beyond.

Today I ask my colleagues to congratulate not only the New Brunswick Presbyterian Church but also the entire community of New Brunswick for 275 years of religious service.

HONORING TONY VALTIERRA

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 16, 2001

Mr. RADANOVICH. Mr. Speaker, I rise today to recognize Tony Valtierra for receiving the President's Award presented by the Central California Hispanic Chamber of Commerce. This award pays tribute to Mr. Valtierra's involvement in the Hispanic business community. Mr. Valtierra's active involvement has made him a role model for the members of his local community.

Tony Valtierra descends from Mexican parents and grew up in Southern California. At a young age he met Mr. Herb Goffstein who became his mentor. Due to the close relationship that developed between them, he followed Herb in his move to Atlanta, Georgia. Once there, he worked with Hanes and the Coca-Cola Company in various Olympic venues during the 1996 Olympic Games. From there he followed Herb back to the Central Valley, where Herb and Mr. Valtierra started A-Champion Advertising Specialties and where Tony

fell in love with Fresno and its people. He is proud to make Fresno his home, as Fresno has been very good to him.

Mr. Speaker, I rise to recognize Tony Valtierra for his commitment to improving the lives of people in the community. I urge my colleagues to join me in wishing Mr. Valtierra many more years of continued success.

THANKS WOODBINE

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 16, 2001

Mr. CUNNINGHAM. Mr. Speaker, I want to take a brief moment of our time today to give my hearty thanks to the people at Woodbine Rehabilitation and Healthcare Center.

Woodbine is a 307 bed healthcare center, located near Old Town Alexandria, providing long and short-term healthcare and a full range of rehabilitation therapies. It is at Woodbine where I found myself after my recent knee replacement surgery.

The people of Woodbine cared for me as if I was a member of the family. I could not have asked for better care while I was there. I want to thank Dianne Defusco, the Director of Admissions, and all the people who took their time to care for me and look after me while I was there.

My family and I are all grateful for their hard work and commitment.

PAYING TRIBUTE TO EDWARD ASWAD

HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 16, 2001

Mr. HINCHEY. Mr. Speaker, I rise today to pay tribute to Edward M. Aswad, Photographer & Author, as he will be inducted in a star ceremony in the Binghamton Sidewalk of Fame.

This recognition honors the professionalism, integrity, and artistic vision that Ed has demonstrated throughout his years in the photography business and his talent and success as an author. Ed calls his camera "a passport to many facets of life."

Ed received his first camera as a child living on Cypress Street in Binghamton, NY. Since that time his life has been entwined with photography. During military service from 1954 through 1958 he received intensive training and opportunities in the art of photography working in the headquarters of the United States Army Signal Corps.

He earned recognition and promotions as a photographer/correspondent, recording events of military, government and civil importance. His work has been featured in military publications, court records, and civilian newspapers both in the United States and overseas.

Ed received a letter of commendation for serving above and beyond the call of duty on a burning ship docked in Honolulu, Hawaii. He entered the hold of the ship with a cadre of

firefighters who were removing vats of kerosene before the fuel could explode. He spent three days and two nights on the premises recording the crisis, and was cited for his dedication, professionalism and award-winning photographs.

Upon discharge from the United States Army, he returned to the Triple Cities and began his professional career as an industrial photographer for General Electric in Johnson City. During eleven years with this company, Ed received numerous professional awards. In 1969, Ed became a partner in Carriage House Photography, where he expanded his reputation for technical and artistic abilities.

His recording of buildings, now gone, and of the current use of these sites, his views of parks, rivers, events, and the people whose lives shape our area, have made his photographs synonymous with Broome County. His work is prized and featured in local businesses, the Broome County Chamber of Commerce, civil and government releases, and is in use as background sets on local television stations.

Mr. Speaker, I am delighted to salute Ed for his many years of devotion to the art of photography. Ed is a most deserving honoree of the Star.

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2620, DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2002

SPEECH OF

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 2001

Ms. KAPTUR. Mr. Speaker, I would like to thank our Chairman JIM WALSH and our Ranking Member ALAN MOLLOHAN and all the staff that assisted in crafting this bill VA-HUD FY02 Appropriations bill. Faced with the allocation provided to the subcommittee, I believe the bill before us is a good and balanced product, which I support and plan to vote for today. The allocation, however, was simply inadequate to take care of our veterans and their truly pressing needs. All around our country veterans wait too long for doctors appointments, are disabled by substance abuse and mental illness, far too many are homeless, and surely it is nothing less than a crisis that a backlog of more than 500,000 claims for compensation and pension benefits are pending before the VA today.

I am, however, happy to note that this report does provide an important first step toward ensuring that veterans suffering from schizophrenia have greater access to new and vitally important atypical anti-psychotic medications. Under the provision, a physician's practice of prescribing atypical anti-psychotic medications must not be used as performance indicators when evaluating the physician's work. The provision also clarifies and reiterates the policy that physicians are to use their best clinical judgment when choosing these critical anti-psychotic medications.

The Environmental Protection Agency (EPA) is provided with \$7.9 billion —\$74 million than the FY01 funding and \$587 million more than requested. The measure provides full funding for EPA enforcement activities and staff. I am pleased that changes were made from the House bill that would have significantly reduced EPA enforcement staff and shifted more enforcement duties to states.

The Department of Housing & Urban Development (HUD) is funded at a level of \$30.1 billion—\$1.7 billion more than FY01 appropriations, but \$433 million less than requested. It includes funding for 25,900 new Section 8 rental vouchers to provide housing assistance to additional families. There were increases in the Conference report for housing programs for the elderly, disabled, and persons with AIDS.

I am disappointed that the Conference did not provide the Senate's appropriation of \$300 million for HUD's Public Housing Drug Elimination Grant Program. This program fits several of the U.S. Department of Housing and Urban Development's main strategic goals: improving quality of life, promoting economic vitality, and keeping communities and neighborhoods safe. Housing authorities are specifically required to develop, in cooperation with local police, plans that ensure safety and crime prevention. Crime statistics show that crime has dropped nationwide and especially in our cities and public housing facilities since this program was created. I again am very disappointed that his program has been eliminated, with no clear replacement that is accessible to localities.

The National Credit Union Administration provides \$1 million for the Community Development Revolving Loan Fund for loans to community development credit unions. Of this amount \$350,000 is provided for technical assistance to low income and community development credit unions. Technical assistance grants are available to low-income designated credit unions and those credit unions that expand service to low-income communities or investment areas. The purpose of these awards is to strengthen these credit unions by funding the following activities: improved technology and service delivery systems; economic development; consumer and entrepreneurial education; micro-enterprise business development; employment opportunities for through community business development; and credit union infrastructure and staff development.

Once again, I appreciate the hard work behind this bill but am deeply concerned that as we prepare to honor veterans on Veterans Day that an inadequate allocation will prevent us from providing this nation's defenders and protectors of liberty with the services and benefits they deserve.

RECOGNIZING PUBLIC SAFETY INDIVIDUALS

HON. NICK LAMPSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 16, 2001

Mr. LAMPSON. Mr. Speaker, the tragedies that befell our country on September 11th

claimed many lives and caused our Nation great pain. These tragedies have given us a strong reminder and renewed our understanding of what extraordinary work our public safety professionals do on a daily basis. These men and women symbolize bravery and courage, two of the founding pillars that laid the framework for our great Nation.

As they proved on September 11th, our public service professionals are a lifeline to those whose lives are in danger. They are the brave souls who risk life and limb to save our own, and for that we are eternally grateful. They are the rock we lean on when it seems like things are caving in. They are quite simply heroes.

In keeping with honoring those who symbolize bravery and courage, I rise to recognize the public safety professionals from across the 9th Congressional District of Texas. Their professionalism, dedication and strong work ethic make me extremely proud to call myself a Southeast Texan. Words cannot express the gratitude that I, along with my fellow Texans, share for the work that our uniformed officers do.

And as I rise to recognize our public safety individuals, we must never lose sight of how critical they are, not only in times of need, but in our everyday lives. Let us today reaffirm our support and commitment to all of the Nation's law enforcement officers, firefighters, emergency medical technicians and all other uniformed professionals as they selflessly serve their communities.

EVERYONE A SOLDIER

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, November 16, 2001

Mr. ROTHMAN. Mr. Speaker, I rise today to recognize a well-written essay by a constituent of mine, Silvio Laccetti of Fairview, New Jersey. Mr. Laccetti is a professor of humanities at Stevens Hoboken Institute of Technology where he is developing leadership programs. I ask that the text of his essay, "Everyone a Soldier," be entered into the CONGRESSIONAL RECORD so that all Americans may read his words. In the post-September 11 world, Mr. Laccetti captures the new reality that all Americans are in a sense, "soldiers". My hope is that Mr. Laccetti's piece helps us to gain an even greater appreciation for our freedom and our country.

EVERYONE A SOLDIER

(By Silvio Laccetti)

It may not always have been well observed, but for the last two centuries the wartime line between civilian and military personnel was pretty clear. Not any more.

In the 21st century, with wars fought against agents of terror, there is no clear distinction between a combatant and a non-combatant. Hijacked planes attack office towers. Anthrax arrives in postal envelopes. The government periodically issues high-alert warnings, suggesting imminent danger.

In America today, there is a sense that anything can happen to anyone at anytime. Everyone's a target, so everyone must be a soldier.

If we are all soldiers, what then are the "weapons" we carry? What will get us through these wars and how will traits that are especially American help us triumph?

First, we have to be fit. The old catchphrase "stick to your guns" applies in this case. For today's American, it means to focus anew under stress. So, go to your work, go to play, honor your obligations and dream about a better future as soldiers always have. And let's become inspired and energized to do the best we can ever do in our daily roles. Recall Dan Rather's own response to terrorism—a desire to produce the best journalism he has ever done. After the initial shock of 9/11, America seems now to be undergoing a resurgence of excellence. Excellence is a fitness that never fails.

Love of freedom and creativity stored in our arsenals of democracy will also empower each of us in our battle against terrorism. As Paul McCartney sang out in his original song dedicated at the Concert for New York, we will fight for our right to live in freedom. And in that fight we will employ the kind of creativity few soldiers or armies ever get to enjoy. When things are snafu'd, the individual soldier finds a solution on his or her own. Witness the creativity of the heroes on Flight 93 who prevented another attack by giving their own lives. Acts of heroism, great and small, will mark the vigilance and determination of a free people. Freedom and creativity are the ordnance of our Free Americans.

All soldiers need leaders and to have faith in them. We've been blessed with great ones in this crisis. Mayor Giuliani and President Bush have been extraordinary. Others, like Colin Powell and Donald Rumsfeld have demonstrated reassuring leadership. But because we are in the unique situation of everyone a soldier, we must assume self-leadership. Each American must motivate himself/herself to take command of their fears and hesitation. This means we must get on with life, today and tomorrow, and look for God's presence in the trenches. Self-leadership is always a good thing. If you are forever in fear and uncertainty, you already live in terror.

America. Land of the Free and the Home of the Brave. We will lead lives undaunted and cling to the heritage and ideals that guide America in the war against terror. In this war, everyone is a soldier.

FAST TRACK AND ANY FREE TRADE LEGISLATION MUST REFLECT THE NEEDS OF RURAL AMERICA

HON. RONNIE SHOWS

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Friday, November 16, 2001

Mr. SHOWS. Mr. Speaker, the House may soon vote on fast track legislation, to swiftly move another massive free trade bill through this body.

Mr. Speaker, I am not opposed to free trade.

In fact, I support any trade measures that increase production and commerce in our country, and create new jobs for our people.

But I am reminded of the old saying that goes: "Fool me once, shame on you. Fool me twice, shame on me!"

I am concerned that any future trade agreement could have devastating consequences similar to those of NAFTA.

Since NAFTA was implemented in 1994, many American manufacturing plants shut down when they took their business elsewhere to take advantage of pitifully low wages and tax environmental laws.

They left thousands of dedicated American workers in the lurch and forced local small businesses to close.

Many of these plants are located in rural areas. Small rural towns depend on the success of one plant. If that factory closes, it destroys the economy of the town, or even an entire county. Workers have no place else to find work.

In rural areas, when a factory shuts down, there are no jobs to be re-trained for! Once-vibrant American communities become ghost towns.

In Mississippi, walk down the main streets in places like Prentiss, or Mendenhall, or Monticello, or my hometown of Bassfield, and you will see what I mean.

NAFTA took away jobs and tore communities apart. We must be mindful of the similar unintended consequences of any future free trade agreements, and not repeat this calamity.

We must protect the people and communities that might otherwise lose jobs if we do not build-in protections for them. We must not turn people into simple statistics. We should not leave any community behind in the name of progress.

Future trade agreements need to address the needs of rural America. I stand ready to work with advocates of Fast Track and other trade agreements if we know they reflect these needs.

But if they don't, Mr. Speaker, I can assure you that my colleagues from rural America and I won't be footed again!

DENNIS KOONS: BANKING ON THE FUTURE

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, November 16, 2001

Mr. BARCIA. Mr. Speaker, I rise today to honor my close and longtime friend Dennis Koons as he prepares to end the chapter of his life as Chief Executive Officer of the Michigan Association of Realtors. Dennis has led many battles during his tenure, but in doing so he has always equally earned the respect and friendship of those on his side as well as those with other viewpoints.

I have known Dennis since our early days as staff members in the State Legislature and it comes as no surprise that his organizational and leadership skills have been instrumental both in his success and in the success of the Michigan Association of Realtors. Dennis has guided this 26,000-member statewide trade association with a steady hand and an eye to the future. His efforts to develop long-range strategic planning will provide untold benefits for the association for years to come.

Dennis has worked hard over the past six years to identify achievable goals and to put the full force and influence of the organization's membership to work in advocating for

legislative initiatives to improve the business climate for realtors throughout the state of Michigan. His achievements include drafting the Land Conservation Plat, which set the standard for land use discussions in Lansing, and writing the Detroit Title Report for Governor John Engler in an effort to help revitalize the thousands of vacant land parcels in the city of Detroit.

However, the workplace is not the only place to which Dennis has spread his involvement and enthusiasm for quality. He has done significant work on behalf of many boards and associations, including Michigan Habitat for Humanity, the People and Land Advisory Board and the Board of Directors for the Employers' Unemployment Compensation Council. His wife, Linda, and children, Brian and Kevin, also deserve credit for providing the love and support so necessary to his professional success and to his dedication to volunteer efforts in the community.

Finally, Mr. Speaker, I wish to applaud Dennis Koons for his years of commitment to the Michigan Association of Realtors and to the state of Michigan, both professionally and outside of the office. He has served his profession and his community well, and he will be sorely missed by his friends and coworkers. I ask my colleagues to join me in congratulating Dennis and in wishing him the very best in his new position leading the Michigan Bankers Association.

TRIBUTE TO WILLIAM F. HIZNAY

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, November 16, 2001

Mr. TRAFICANT. Mr. Speaker, as the Representative of the citizens of the 17th Congressional District of Ohio, it brings me great pleasure to pay tribute to William F. Hiznay, as he receives the rank of Eagle Scout.

Ryan is a member of Boy Scout Troop #44 in Poland. He is not only an outstanding young man and dedicated Eagle Scout, but he is also a dedicated student at Youngstown State University majoring in Engineering.

I join with the citizens of my district in saluting William F. Hiznay, and I wish him the best of luck in all his future endeavors.

HONORING THE GRAND OPENING OF THE AS-SIDDIQ INSTITUTE AND MOSQUE

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, November 16, 2001

Mr. KILDEE. Mr. Speaker, I rise today to honor the work of Shaykh Muhammad Hisham Kabbani and recognize the grand opening of the As-Siddiq Institute and Mosque. The Institute will be opened to the public at a ceremony to be held on November 18th in Burton, Michigan.

Shaykh Kabbani has worked tirelessly to build bridges of understanding between Mus-

lims and persons of other faiths. He has endeavored to provide insight into the beauty and peace of Islam. As a nationally recognized spokesperson, Shaykh Kabbani has been interviewed by various news media and has advised the political leadership of our country. He has brought a warmhearted perspective of Islam to thousands of persons who had had no previous exposure to the religion. Shaykh Kabbani commands the respect of elected officials at every level of government. President Bush invited him to the prayer service at the National Cathedral on September 14th where he joined with our nation's leaders and clergy of many faiths in petitioning Allah (swt) to bless the United States.

In keeping with Shaykh Kabbani's commitment to promote mainstream Muslim values and traditional Islamic teachings of religious tolerance, and condemnation of terrorism, he is opening the As-Siddiq Institute and Mosque for the public. The Institute will house an outreach center, research library, adult learning center, community meeting place and center for interfaith cooperation. The center will serve as a resource for both Muslims and non-Muslims alike to learn the tenets of Islam—moderation, tolerance, peace and justice. I am pleased that Shaykh Kabbani chose to locate this center of education and worship in my Congressional district.

Housed in a former Episcopal Church, the building will remain a house of worship with the opening of the Mosque. Many Islamic communities around the world, including those in the republics of the former Soviet Union, have donated artifacts and handwritten Korans to grace the Mosque. The faithful will be able to draw inspiration from these symbols of their faith handed down through the generations.

Stressing the common religious heritage of Muslims, Christians and Jews, Shaykh Kabbani will be joined at the opening ceremony by Cardinal Adam Maida, Roman Catholic Archdiocese of Detroit, Rabbi James Michaels of Temple Beth Israel, Reverend George L. Cleaves of St. Christopher's Episcopal Church and many other guests of honor.

Mr. Speaker, I ask the House of Representatives to join me in asking that God continue to bless Shaykh Muhammad Hisham Kabbani and the As-Siddiq Institute and Mosque as they carry on the work bringing spirituality and dignity to all persons.

CONFERENCE REPORT ON H.R. 2500, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

SPEECH OF

HON. CHARLES W. "CHIP" PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 2001

Mr. PICKERING. Mr. Speaker, I rise to express my strong support of language in the Commerce, Justice, State Appropriations Conference Report for FY 2002 directing the Department of Justice to fund the building of a jail facility for the Mississippi Band of Choctaw Indians. I would like to thank Chairman WOLF

and Ranking Member SERRANO for including language in the conference report to address the law enforcement needs of the Choctaws.

It has taken the Tribe over 4 years to reach the point of obtaining funding after the Congress directed the Department of Justice to fund the design phase of the detention facility in the FY 1998 Commerce, Justice, State Conference Report. The Choctaws have encountered many obstacles as they sought to satisfy both the Bureau of Indian Affairs and the Justice Department through compliance with their varying jurisdictions, regulations, and interpretations of law enforcement for Indian tribes. These delays have resulted in a deterioration of law enforcement, disrespect for the tribal courts and an escalation in the costs of the facility. Further delay will only exacerbate these problems. The Choctaw Tribe is firm in its view that detention is essential to the maintenance of law and order on the Choctaw Reservation. The detention facility currently being used was built in 1973 by the Bureau of Indian Affairs as a temporary holding facility designed to hold 18 prisoners for up to 72 hours. Today, an average of 33 offenders are being held daily. Due to the lack of space, only the most serious and repeat offenders are incarcerated to serve time. The lack of space has also hindered the courts and law enforcement officials because judges have to rely on "deferred sentencing." Simply put, the current facility is inadequate to meet existing needs, not to mention the projected law enforcement needs of the Tribe and its growing population.

I would also like to point out that two studies performed in 1992 found the facility to be "not fit for human habitation" and "structurally flawed and essentially inoperable." The first study was completed in October 1992 by the National Institute of Corrections, U.S. Department of Justice. The second was completed in December 1992 by the U.S. Public Health Services, Office of Engineering Services, in New York, New York. Tribal funds were used to correct the most egregious life safety code violations and to renovate a small portion of the facility to house more juveniles. Yet with these and other continuing efforts, the current facility still poses a threat to inmates, staff, and the public.

To ensure the Choctaws can exercise fully and fairly its sovereign responsibility to protect all people and property on its reservation, they have sought funding from the U.S. Department of Justice for construction of a new jail facility to house both adults and juvenile offenders. The conference language will allow the Department of Justice to expedite the allocation of FY 2002 funds to the Choctaws so construction on the new detention facility can begin as soon as possible.

The Mississippi Choctaws have worked tirelessly to preserve the integrity of the Tribe's law enforcement services on the reservation, despite the lack of an appropriate detention facility. I am pleased that my colleagues on the Appropriations Committee have recognized the great need to fund this important project. I look forward to working with the Mississippi Choctaws and the Department of Justice to ensure the Tribe's law enforcement needs are addressed.

RECOGNIZING "BIG DADDY" DON GARLITS

HON. CLIFF STEARNS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 16, 2001

Mr. STEARNS. Mr. Speaker, I rise today to recognize an American from Marion County, Florida who embodies the competitive spirit. "Big Daddy" Don Garlits is the undisputed king of World Championship Drag Racing. Just four months shy of his 70th birthday, Garlits broke the 300 mph speed barrier reaffirming his stature as the No. 1 driver in National Hot Rod Association history. He is a true testament to the indomitable American spirit, and with that said Mr. Speaker, I submit to the CONGRESSIONAL RECORD the highlights of "Big Daddy" Don Garlits' career as excerpted from the Daily Sun newspaper of November 12, 2001.

MARION COUNTY LEGEND VOTED TOP DRIVER IN NHRA'S FIRST 50 YEARS OF DRAG RACING

After a successful career, most men who turn 69 usually take life a little easier, enjoying an occasional afternoon nap, a leisurely round of golf and maybe a cold beer on the lanai.

But then most men wouldn't dream of strapping into an 8,000 horsepower missile and catapulting themselves down a narrow, quarter-mile strip of asphalt in less than five seconds.

That's because most men are not racers, because racers really never retire. They just wait for the next opportunity to race. Just ask "Big Daddy" Don Garlits.

Garlits, a native of Tampa who now resides in Marion County, is the undisputed king of drag racing. He's won 144 national races, 17 world championships and every major honor that exists in the sport. And he's not finished. In his backyard garage, Don built "Swamp Rat One," the first in a series of 34 all black rail style racecars.

"Swamp Rat One remains today as my favorite race car of all time. It had 750 horsepower and cost me \$1000 to build," Garlits said.

He started racing the car in 1956 and a year later set his first world's record, pushing the car to a top speed of 176.40 mph in 8.79 seconds. In 1958, man and machine won their first national championship.

In 1963, Garlits drove the second generation Swamp Rat to a win at the NHRA Winternationals in Pomona, California. This victory established Big Daddy as a major player in professional drag racing.

With wife Pat and daughters Gay Lyn and Donna by his side, Garlits dominated the sport for nearly three decades, developing innovative technology, setting speed records and enduring several major crashes.

In the early 1970's, Garlits once again made history. It wasn't another speed record, but rather the design of Swamp Rat 14, the world's first successful rear engine dragster.

"I think that's my legacy, I really do," Garlits explained. "I had so much opposition, everybody was against it. I took the car to Long Beach and the promoter didn't want me to run it. He told me every rear-engined car that ever went down his track crashed and he didn't want Don Garlits getting killed at his race track."

The car went on to carry Big Daddy to another major championship and the rear-en-

gine concept became the standard of the Top Fuel category.

Garlits achieved another of his personal goals in 1984, when he and his family opened the Museum of Drag Racing adjacent to his Marion County home. The sprawling complex on County Road 484 has grown to include an impressive display of nearly 17 race cars in addition to a collection of 70 classic and antique cars.

The complex also includes a race garage where Garlits is painstakingly building the newest and fastest Swamp Rat. He will race in next February at the NHRA Winternationals in Pomona, the site of his first major win.

"At the moment of launch, the motor will deliver 8,000 horsepower—roughly a thousand horsepower per cylinder," Garlits explained. "It's really amazing, considering Swamp Rat One needed all eight cylinders to produce 750 horsepower."

He expects the new state-of-the-art top fuel dragster to reach speeds in excess of 330 miles per hour in about four and a half seconds. Despite the high speeds, Garlits feels this Swamp Rat is the safest ever built.

"The first few generations of cars were just big motors, seats and fuel tanks strapped onto a couple of chassis rails. They didn't have near the safety technology used in today's cars," he explained.

Garlits believes new technology will continue to move forward and future race cars will be much faster and much safer than the current models.

"We are being limited by new rules, not by technology and I agree with that," he said. "Most current drag strips are too short and too narrow to accommodate the kind of speeds that technology is capable of producing. We're just at the tip of the iceberg in terms of what is technologically possible."

Like a scene out of one of the Back to the Future movies, a slight smile crossed Big Daddy's face as he talked about the future. Because he intends to be a part of it. That's how racers think.

PERSONAL EXPLANATION

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 16, 2001

Mr. GUTIERREZ. Mr. Speaker, I was unavoidably absent from this chamber when roll call vote 422 was taken. I want the record to show that had I been present in this chamber I would have voted "nay" on this rollcall vote.

INTRODUCTION OF THE COMPUTER SECURITY ENHANCEMENT AND RESEARCH ACT OF 2001

HON. BRIAN BAIRD

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, November 16, 2001

Mr. BAIRD. Mr. Speaker, today I am introducing the Computer Security Enhancement and Research Act of 2001. This legislation will address long-term needs in securing the nation's information infrastructure as well as strengthening the security of the non-classified computer systems of federal agencies. The bill

establishes a research and development program on computer and network security at the National Institute of Standards and Technology. It also strengthens the Institute's existing responsibilities in developing best computer security practices and standards and in assisting federal agencies to implement effective computer and network security.

Because of September 11th, attention is focused in an unprecedented way on increasing our security against terrorism. Our concerns include protecting critical national infrastructures. Today, security has to mean more than locking doors or guarding buildings and installing metal detectors. In addition to physical security, virtual systems that are vital to the Nation's economy must be protected. Telecommunications and computer technologies are vulnerable to attack from far away by enemies who can remain anonymous, hidden in the vast maze of the Internet. Examples of systems that rely on computer networks include the electric power grid, rail networks, and financial transaction networks. Just as enemies are achieving a sophistication to use the most complex weapons against us, our vital computer networks have become more interconnected and more accessible via the Internet.

The vulnerability of the Internet to computer viruses, denial of service attacks, and defaced web sites is well known. These widely reported events have increased in frequency over time. These attacks disrupt business and government activities sometimes resulting in significant recovery costs. While no catastrophic cyber attack has occurred thus far, Richard Clarke, the President's new cyber-terrorism czar, has said that the government must make cybersecurity a priority or face the possibility of a "digital Pearl Harbor".

While potentially vulnerable computer systems are largely owned and operated by the private sector, the government has an important role in supporting the research and development activities that will provide the tools for protecting information systems. An essential component for ensuring improved information security is a vigorous and creative basic research effort focused on the security of networked information systems. Unfortunately, witnesses at a recent Science Committee hearing indicated that current R&D efforts fall far short of what's required.

Witnesses at the hearing noted the anemic level of funding for research on computer and network security. This lack of funding has resulted in the lack of a critical mass of researchers in this field and a focus on safe, incremental research projects. The witnesses advocated increased and sustained research funding from a federal agency assigned the role to support such research on a long-term basis. To date, Federal support for computer security research has been directed as defense and intelligence needs. While this work on encryption and defense systems security protocols is absolutely vital, very little has been done on the civilian side of communications security.

The bill I'm introducing explicitly addresses this gap in Federal support for computer security. My bill charges the National Institute of Standards and Technology (NIST) with implementing a substantial program of research

support based at institutions of higher education designed to improve the security of networked information systems. This research program is authorized for a 10-year period, growing from \$25 million in the 1st year to \$85 million by the 5th year. Although awards are to universities, the research projects may involve collaborations with for-profit companies that develop information security products.

The bill establishes a flexible management approach for the research program. It is based upon a management style that has been used effectively by the Defense Advanced Research Projects Agency to spur advances in high technology fields. Specifically, management of the research program will rely on program managers who are both knowledgeable about computer security issues and needs and familiar with the research community. These program managers will be responsible for identifying and nurturing talented researchers and for generating innovative research proposals. Although program managers will have considerable freedom in managing their individual research portfolios, each will be reviewed periodically by NIST senior managers and by outside computer security experts. To ensure its relevance and continued need, the overall research program will be reviewed in its 5th year for scientific merit and relevance by the National Academy of Sciences.

An expanded university-based research program will train new graduate students and post-doctoral research assistants, as well as attracting seasoned researchers to the field. The result will be a larger and more vibrant basic research enterprise in computer-related security fields. A separate set of awards will be available to support post-doctoral research fellowships and senior research fellowships both at universities and at NIST. The bill also increases support for on-going, in-house computer security research at NIST.

The Computer Security Enhancement and Research Act of 2001 builds on the long experience of NIST in developing computer security standards and practices by placing new responsibilities on the agency for building up the nation's basic research enterprise in information security. By enlarging and strengthening the research enterprise we can generate the ideas and approaches needed to provide for future cyber security in an insecure world.

HARRY & IKE, THE PARTNERSHIP THAT REMADE THE POSTWAR WORLD—A HISTORY LESSON FOR ALL TO ENJOY

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 16, 2001

Mr. LIPINSKI. Mr. Speaker, I rise tonight to recommend a new book by Chicago Sun Times political editor Steve Neal, entitled *Harry & Ike The Partnership That Remade the Postwar World*. Mr. Neal is a trained historian and an experienced political journalist. Mr. Neal's fascinating insight and careful attention to detail bring these two extraordinary figures in American history, Presidents Harry S. Truman and Dwight D. Eisenhower, to life. I found

this book to be a highly readable history of the relationship of two great Americans.

Dr. Henry Kissinger said, "Harry & Ike sheds important new light on a relationship founded on friendship and a similar heritage, bitterly shattered by politics and reknit by mutual respect at the end of their lives. Drawing on their letters, diaries and memoirs and on personal recollections of associates, Neal gives us fascinating insights into these two 'giants that saved the West.'"

Former Senator Bob Dole stated that, "Harry & Ike is a fair, balanced, and compelling study of two great American presidents. Steve Neal brings both men vividly to life and does justice to his subjects."

This is a book that you will find interesting, informative and enjoyable. Read it, Harry & Ike, by Steve Neal. You won't be sorry; you'd be educated.

REGARDING NOBEL LAUREATE DR. LEE HARTWELL

HON. DOC HASTINGS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, November 16, 2001

Mr. HASTINGS of Washington. Mr. Speaker, I rise today to recognize and honor Dr. Lee Hartwell, the 2001 Nobel Prize winner in the field of medicine.

Each year the Nobel Prize for Medicine is awarded to those who have made important discoveries within the domain of physiology or medicine with the greatest benefit on mankind. I would like to take this opportunity to congratulate the 2001 award winner Dr. Lee Hartwell, President and Director of the Fred Hutchinson Cancer Research Center located in Washington state. I'm proud that innovative research, like that done by Dr. Hartwell, is being conducted in my home state.

Dr. Lee Hartwell, a pioneering geneticist, was awarded the Nobel Prize for Medicine for his discoveries concerning control of the cell cycle. For three decades Dr. Hartwell has conducted research on cell division and has identified molecules that regulate cell division. It's this kind of knowledge that is key to understanding how cancer cells mutate and developing approaches to reverse or prevent that mutation.

With an estimated 24,800 new cancer cases in Washington state alone this year, it's clear that many people will benefit from the hard-work and commitment of Dr. Hartwell.

Thank you for this opportunity to recognize Dr. Hartwell. His discoveries have tremendous implications for life saving cancer therapies and will have an impact on cancer patients and their families for generations to come.

IN HONOR OF BEN TRAINA UPON HIS RETIREMENT FROM 8 YEARS ON LOMITA CITY COUNCIL

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 16, 2001

Ms. HARMAN. Mr. Speaker, I rise today in honor of my constituent and good friend, Ben

Traina, who retires this month from the Lomita City Council after years of exceptional service to his community, including two terms as Mayor.

I have known Ben since I first ran for Congress in 1992. Ben was often my host in the City of Lomita, a small town in the true sense of the phrase, nestled in the hustle and bustle of the South Bay of Los Angeles. Ben barely knew me then, but he enthusiastically escorted me to small coffees and community events so that I could meet the residents of his city. We had a great time.

Since then, we have worked closely together on an issue that is a high priority for me. The Lomita Little League is the cornerstone of the Lomita community. Virtually every kid in Lomita plays in the Little League, and the parents are great fans. Baseball is simply what the town does on Saturdays.

For years, the League played on otherwise unusable Navy property, but had to renegotiate the agreement annually. The uncertainty was hard on the community. It was reluctant to make investments in vital capital improvements—such as a new clubhouse and functioning restrooms—or making the infield free of bad hops.

Ben and I worked hard together to develop a system that would serve the League's interest better yet comply with Navy regulations on land use. After months of meetings with Navy personnel, Ben and I negotiated a ten-year license agreement, beginning in 1995, under which the League would be able to use the land for its primary mission—playing baseball.

But a problem remained: the League also needed a way to raise money. For years it had been selling Christmas trees on the lot as its primary source of revenue. But the Navy objected to the procedures for selling the trees and for the past several years, those sales were stopped.

Once again, Ben and I launched a months-long process to re-negotiate the terms of the license agreement and convince the Navy that the League should be able to do its fundraising. With the help of Assistant Secretary of the Navy, H.T. Johnson, I am happy to report that the Traina-Harman partnership has prevailed, and the Christmas tree sale was approved just in time for this year's Christmas season.

Mr. Speaker, I will miss working with Ben in his capacity as an elected official. But I know we will continue to work together to preserve the ability of Lomita kids and families to enjoy the spirit of baseball.

I am proud of Ben's efforts, and I join the citizens of Lomita in thanking him for exceptional service and wishing him well.

BEST PHARMACEUTICALS FOR CHILDREN ACT

SPEECH OF

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 2001

Mr. GILMAN. Mr. Speaker, I rise today in strong support of H.R. 2887, the Best Pharmaceuticals for Children Act. I urge my colleagues to join in supporting this important measure.

This legislation reauthorizes the pediatric exclusivity provision provided for in the Food and Drug Administration Modernization Act of 1997, which expires at the end of this calendar year. This legislation reauthorizes the provision through fiscal year 2007.

The bill directs the Secretary of HHS to create an annual list of approved drugs for which: (1) There is an approved or pending new drug application and (2) additional pediatric safety and effectiveness studies are needed. It further instructs the Secretary to award contracts to entities that have the appropriate experience for conducting clinical trials of such drugs.

The legislation also amends the Federal Food, Drug, and Cosmetic Act to: (1) Eliminate the user fee waiver for pediatric supplements to a human drug application; (2) provide priority status for pediatric supplements; (3) include neonates within the definition of pediatric studies; (4) provide for dissemination of pediatric supplement information; and (5) set forth requirements for the additional six-month exclusivity period for new or already-marketed pediatric drugs. Additionally, it amends title IV of the Public Health Service Act to direct the Secretary to establish the Foundation for Pediatric Research to support research on drugs lacking exclusivity for which pediatric studies are needed.

Finally, the bill directs the Secretary to: (1) Establish an Office of Pediatric Therapeutics within the Office of the Commissioner of Food and Drugs, which shall coordinate all FDA pediatric activities; and (2) contract with the Institute of Medicine to review federal regulations, reports, and support for research involving children, with particular attention to issues of compensation, informed consent, and risk/benefits assessments in terms of research versus therapeutic treatment.

Mr. Speaker, the pediatric exclusivity provision that was established in the FDA Modernization Act of 1997 has been overwhelmingly successful in generating clinical studies for the pediatric population in its 5 years of existence. According to the FDA, in the 6 years prior to the enactment of this provision, there were a total of six studies on the pediatric population at the request of the FDA, the 4 years since enactment have seen 197 requests to conduct more than 400 studies.

These studies are an invaluable tool in determining the safety and efficacy of newly approved drugs on the pediatric population. With the large number of drugs being approved each year, it is imperative that we have a working knowledge of the effects these medicines will have on our children's health and well-being. This bill will advance this purpose, and for that I urge my colleagues to support its adoption.

ALAN JACKSON MEMORIALIZES
THOSE LOST

HON. MAC COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 16, 2001

Mr. COLLINS. Mr. Speaker, on September 11th, 2001 our nation suffered a cataclysmic

attack of unprecedented proportion. More than 6,000 Americans lost their lives in less than 1 hour's time.

In the two months following that tragic day, our citizens have struggled for ways to accept and deal with such a horrific loss. We have held candlelight vigils, all night prayer groups, talked of memorials and rebuilding. We have launched a major military campaign to seek justice for those victims.

But one young man, whose name is known to many of this body and many of the American people, has found a way to genuinely memorialize those victims and that day in song.

Alan Jackson was born in Newnan, Georgia in 1958. Since that time he has grown into one of the nation's most loved Country Music stars. Some have called him the conscience of Nashville for his actions and the type of music he makes.

On November 7th at the Country Music Awards, Alan sang a song he wrote, which more than any other that I have heard, expressed the wide range of emotions experienced on September 11, 2001. I would like to read those lyrics to you now.

WHERE WERE YOU (WHEN THE WORLD STOPPED
TURNING)

(By Alan Jackson)

Where were you when the world stop turning
on that September day
Were you in the yard with your wife and
children

Or working on some stage in L.A.
Did you stand there in shock at the sight of
that black smoke

Rising against that blue sky
Did you shout out in anger, in fear for your
neighbor

Or did you just sit down and cry
Did you weep for the children who lost their
dear loved ones

And pray for the ones who don't know
Did you rejoice for the people who walked
from the rubble

And sob for the ones left below
Did you burst out in pride for the red, white
and blue

And the heroes who died just doin' what they
do

Did you look up to heaven for some kind of
answer

And look at yourself and what really mat-
ters

I'm just a singer of simple songs
I'm not a real political man
I watch CNN but I'm not sure I could
Tell you the difference in Iraq and Iran
But I know Jesus and I talk to God
And I remember this from when I was young
Faith, hope and love are some good things
He gave us

And the greatest is love
Where were you when the world stop turning
on that September day

Teaching a class full of innocent children
Or driving down some cold interstate
Did you feel guilty 'cause you're a survivor
In a crowded room did you feel alone
Did you call up your mother and tell her you
loved her

Did you dust off that bible at home
Did you open your eyes, hope it never hap-
pened

And you close your eyes and not go to sleep
Did you notice the sunset the first time in
ages

Or speak to some stranger on the street

Did you lay down at night and think of to-
morrow

Go out and buy you a gun
Did you turn off that violent old movie
you're watchin'

And turn on "I Love Lucy" reruns

Did you go to a church and hold hands with
some strangers

Stand in line and give your own blood

Did you just stay home and cling tight to
your family

Thank God you had somebody to love

I would like to take this opportunity to commend and congratulate my former constituent, a great American who has used his gifts as a songwriter and performer to lift the American spirit in this great pursuit for justice. Alan Jackson has crafted a thoughtful memorial to the victims of September 11th and serves as an example of how all Americans can help heal our nation from the wounds we suffered on that tragic day. Thank you Alan, for helping us to remember those we lost and for helping to keep their memory alive.

HONORING DR. THADDEUS
SZEWCZYK FOR HIS 50 YEARS OF
DEDICATED WORK TO THE
CAUSE OF RETROLENTAL
FIBROPLASIA

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 16, 2001

Mr. COSTELLO. Mr. Speaker, I rise today to ask my colleagues to join me in honoring Dr. Thaddeus Szewczyk of Belleville, Illinois who 50 years ago discovered the cause of retrolental fibroplasia.

During the 1930's, retrolental fibroplasia, a disease causing permanent, total blindness, affected premature babies placed in incubators in hospital nurseries. This disease became rampant in industrialized countries during the 1940's and 1950's, causing blindness in thousands of children. Twenty percent of all newly born premature babies were affected and doctors feared that within a few years, most premature babies born in the United States would be blind. Then, in December, 1951, Dr. Szewczyk, working at Christian Welfare Hospital in East St. Louis, Illinois, suggested that misuse of oxygen was the cause of retrolental fibroplasia and careful control of oxygen might control this disease. His findings were published in prestigious medical journals, including The American Journal of Ophthalmology. Because of the massive increase in incubator usage, this discovery prevented a tidal wave of blindness in baby-boomer babies.

Dr. Szewczyk has had a distinguished career and as a result, has received several awards and honors. In 1976, he received the International Leslie-Dana Gold Medal from the St. Louis Society for the Blind. In addition, the National Polish-American organization recognized him for this brilliant, medical discovery. Furthermore, the Illinois House of Representatives recently passed a resolution honoring Dr. Szewczyk for 50 years of dedication and hard work on retrolental fibroplasia.

Dr. Szewczyk was the first of four children born to Stanley and Genevieve Szewczyk. He

served as a doctor in the army during World War II, spending many months on the island of Attu and Germany. Dr. Szewczyk has worked as an eye specialist, in partnership with his brother Edward, in Southern Illinois for over 30 years. Today, he and his wife of 57 years, Loretta, reside in Belleville, Illinois.

Mr. Speaker, I know my colleagues join me in honoring this extraordinary individual, for his commitment to retrolental fibroplasia and his amazing discovery that saved many children from a life of permanent, total blindness.

UPON INTRODUCTION OF THE LIFETIME ANNUITY PAYOUT ACT

HON. PHIL ENGLISH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 16, 2001

Mr. ENGLISH. Mr. Speaker, today Representative KAREN THURMAN and I will introduce legislation that takes a key step toward addressing an issue of fundamental importance to our nation's retirees.

Achieving a stable retirement income is a challenge being faced by a growing number of Americans. Today's retirement savings will become retirement spending that will have to last 20, 25, even 30 years or more. Yet America's personal savings rate has declined over the last decade from 5 percent to less than 1 percent. In the meantime, Social Security, the traditional safety net for retirees, will be under significant strain in the decades to come as America's retired population doubles. These challenges underscore the importance of Americans personally managing their retirement savings.

The legislation we are introducing, The Lifetime Annuity Payout (LAP) act, encourages people to use an annuity to provide retirement income. An annuity is a retirement tool that offers a steady stream of income for life—much like Social Security. The proposal calls for annuity payouts to be taxed at capital gains rates instead of ordinary income rates if the owner of an individual annuity elects lifetime payments from his or her contract.

The challenges for retirees are quite real. Actuarial predictions estimate one-fifth of today's 35-year-olds who reach retirement age can expect to live into their 90s. Yet current financial planning models and tax laws often encourage retirees to spend down their assets by the time they reach their 80s. Americans need to receive a substantial portion of their retirement income in a guaranteed stream of income they can never outlive.

Traditional pension plans, where the employers assumed all the investment risks and guaranteed workers lifetime income in retirement, are declining. Defined contribution plans are on the rise, but these plans do not always guarantee retirement income for life. Annuities allow retirees to convert all or a portion of their savings into a steady stream of lifetime retirement income.

That is why The Lifetime Annuity Payout Act is sound public policy. It provides an incentive for people to use an annuity to ensure their hard-earned savings last throughout retirement, no matter how long they live.

This proposal is an important step in bringing our nation's retirement system in line with 21st century challenges. Like any solid retirement plan, our reform efforts must be comprehensive. They should account for accumulated funds in pensions, IRAs, 401(k)s, and other qualified plans. They need to help retirees manage their savings to last a lifetime.

Mr. Speaker, this Congress has already taken great strides to reform America's private pension system. The bill we introduce today complements previous efforts to encourage accumulation in qualified plans. The Lifetime Annuity Payout Act will help Americans manage those accumulated funds to provide for a stable standard of living in retirement.

PERSONAL EXPLANATION

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Friday, November 16, 2001

Mrs. MINK of Hawaii. Mr. Speaker, on November 13 and 14, 2001, I was unavoidably detained and was not present for rollcall votes 436 through 440. Had I been present, I would have voted "yea" on rollcall No. 436, "yea" on rollcall No. 437, "yea" on rollcall No. 438, "yea" on rollcall No. 439, and "yea" on rollcall No. 440.

VETERANS' MEMORIAL PRESERVA- TION AND RECOGNITION ACT OF 2001

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, November 16, 2001

Mr. UDALL of Colorado. Mr. Speaker, today, I am introducing legislation to help restore and preserve our nation's treasured veterans' memorials.

The freedom we enjoy in the United States has not just been given to us. Men and women have made great sacrifices, some with their lives, to protect our way of life. We have erected memorials to honor these soldiers, sailors, and aviators and their valiant deeds. Unfortunately many of these expressions of our gratitude don't receive the care they deserve. These memorials may not be as large as those on the National Mall or Arlington National Cemetery but they are just as important. My bill would provide grants to rehabilitate those memorials that have fallen into disrepair. The grants would be distributed from a Veterans' Memorial Restoration Fund that would be administered by the Secretary of Veterans' Affairs. With the additional resources provided by this fund we would be able to revive those veterans' memorials on public lands to their original splendor.

People should know the hallowed ground where departed veterans have been laid to rest. These are the most important memorials, where families go to reflect on the lives of their loved ones who have passed on. This bill would make veterans' cemeteries eligible for supplemental guide signs placed on any federally aided highway.

Also, this bill would make sure that people who willfully desecrate a veterans' memorial on public land could be fined or put in jail, and they would be subject to civil penalties to cover the cost of repairing damages.

Mr. Speaker, as we honor America's men and women in uniform now fighting in Afghanistan to protect our freedom we cannot forget those who have protected us before. We can do this by making sure memorials to their memory do not fall into disrepair. This bill will help to ensure that our veterans are not forgotten.

For the benefit of my colleagues I have attached a fact sheet that outlines the bill.

FACT SHEET: "VETERANS' MEMORIAL PRESERVATION AND RECOGNITION ACT"

"VETERANS' MEMORIAL RESTORATION FUND"

Creates a fund to cover the costs associated with the repairs or restoration of veterans' memorials. These funds are also to cover the costs of continued maintenance and upkeep of veterans' memorials.

The funds made available in this account are to be in addition to other monies designated by the Treasury to be used for repair and maintenance of veterans' memorials.

The funds would be distributed to individuals or entities that are responsible for the upkeep of a veterans' memorial through Federal grants. (The Secretary of Veterans' Affairs would determine the criteria for how the grants are to be awarded.)

(There is not a specified amount of money designated for the fund. The fund would be augmented by donations. Also, money collected as a civil penalty from willful damage to memorials would go into the fund.)

DESECRATION OF VETERANS' MEMORIALS

Persons who willfully damage a veterans' memorial on public property can be imprisoned up to 10 years and fined (the fine amount is not defined in this legislation). If the damage does not exceed \$1000 then the defendant cannot be imprisoned for more than one year.

Whoever willfully damages a memorial will be subject to civil penalties in an amount equal to the cost of repairing the damage.

HIGHWAY SIGNS RELATING TO VETERANS CEMETERIES

A veterans cemetery will be eligible for a supplemental guide sign placed on any highway that receives Federal monies.

TALIBAN'S TREATMENT OF WOMEN

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, November 16, 2001

Mr. LANGEVIN. Mr. Speaker, I rise today to speak out against the Taliban's treatment of women and in support of H. RES. 281. There are no adequate words to describe the atrocities committed by the Taliban against women since 1996.

The Taliban has denied women the right to work or go to school, to laugh, or to speak above a whisper. Women cannot see physicians who aren't female and they can't practice medicine, which effectively denies women the right to healthcare. Women can't wear shoes that click when they walk or wear white

socks. And they can't leave their homes without a male relative, even to go to the market to buy food for their starving children. Worse when women disobey these outrageous edicts they are often brutally and publicly beaten, flogged, stoned or even murdered.

But we do a disservice to the public and to ourselves if we view the treatment of women in Afghanistan as strictly a women's rights issue or a human rights issue. Women's participation in Afghan society is essential to its economic health. When the Taliban forbade women from working outside the home, Afghanistan lost 74% of its schoolteachers, 60% of its university professors, the vast majority of its nurses, 40% of its doctors, half of its university students, and 30% of its government workers. So, it is no surprise that the Afghan economy collapsed as soon as the Taliban took control. As in every country in the world, Afghanistan's very stability depends on the labor and skills of women.

The Afghan culture fomented terrorism because Afghanistan has no economic power—its people are poor and desperate and angry. And tragically, some are channeling that anger at the West. Killing Bin Laden and his Al Qaeda associates may stem the next round of terror, but it will not result in a sustainable peace. Peace is only possible in Afghanistan if its economy, infrastructure and government recover and become strong enough to provide for its people. And women are not peripheral to that recovery effort—they are central.

The Taliban understood that in order to impose a totalitarian regime on Afghanistan, they first had to remove the women. It is imperative that we understand that in order to eliminate that totalitarian regime, we have to restore to women their rightful, and indispensable role in society.

I urge my colleagues to join me in categorically condemning the Taliban's treatment of women, and affirming the importance of women to the reconstruction of Afghanistan by passing H. Res. 281.

**AIDS FOUNDATION OF CHICAGO
FIVE-YEAR HIV/AIDS HOUSING
PLAN**

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 16, 2001

Ms. SCHAKOWSKY. Mr. Speaker, while affordable housing is a national problem, it is particularly serious for persons who also face significant health care problems. I would like to draw my colleagues' attention to an important new study and set of recommendations on this issue prepared by the AIDS Foundation of Chicago.

Recognizing the importance of stable housing to the health and well being of people living with HIV/AIDS, the AIDS Foundation of Chicago (AFC) has published the Five-Year Chicago Area HIV/AIDS Housing Plan. The plan is the result of an intensive year-long community planning process that drew on input from more than 50 agencies, 100 AIDS housing professionals, and 500 consumers of AIDS housing services. AIDS Housing of

Washington also served as a consultant to the project.

The plan describes HIV/AIDS housing services and unmet needs across the nine-county Chicago metropolitan area. The plan examines how housing services are distributed to people living with HIV/AIDS who are facing crises or instability in their housing. Finally, the plan offers policy and programmatic recommendations for eliminating the AIDS housing crisis in metropolitan Chicago. The AIDS Foundation of Chicago, together with its many partners in this project, has designed the plan so that it can be used by housing providers as they budget and plan for the future and by philanthropists and government officials working to allocate resources to support stable health and housing. Finally, the plan will be a critical tool in educating a wider audience about the importance of housing to HIV health care and about the crisis in affordable housing that is affecting the Chicago region as a whole.

The Five-Year Chicago Area HIV/AIDS Housing Plan is an updated version of a similar five-year plan that was first published in 1995. That plan, like this year's plan, was the result of an AFC-led collaborative effort by key stakeholders in the Chicago metropolitan area. Many of the strategies mapped out in the original plan were adopted across the region and have led to greater efficiencies in the development and distribution of AIDS housing services, improving housing opportunities for significant numbers of people living with HIV/AIDS.

Unfortunately, despite expanded and improved housing services for people living with HIV/AIDS in the Chicago metropolitan area, the major finding of the new plan is that the need for housing assistance among people with HIV/AIDS continues to outpace available resources. In fact, more than 5,000 individuals with HIV/AIDS in the Chicago metropolitan area are left without access to needed AIDS housing services each year—a factor which contributes to the high rate of homelessness experienced by people living with HIV/AIDS.

As the HIV/AIDS epidemic continues to grow in the United States and affordable housing becomes more and more scarce, Chicago's plan should be used as a model for metropolitan regions facing overlapping crises in HIV/AIDS and housing. Such plans not only map out the particular challenges facing communities struggling with overlapping HIV/AIDS and affordable housing crises, the very processes used to develop such plans help pave the way for the collaborative efforts that are required for implementing the best practices recommended by the plans.

I want to congratulate the AIDS Foundation of Chicago for its leadership in preparing the five-year plan and for its continued commitment to addressing the needs of people living with HIV/AIDS. Established in 1985 to provide central leadership in the fight against the epidemic, the AIDS Foundation of Chicago is an invaluable resource to our community and to the nation. It promotes sound HIV/AIDS public policy, funds HIV/AIDS prevention and care projects, and, through its 135-member Service Providers Council, helps to coordinate the delivery of essential HIV/AIDS services. As an advocate and by empowering individuals living with HIV/AIDS to participate in public policy

debates, it provides an important voice that we should listen to carefully.

**FIVE-YEAR CHICAGO AREA HIV/AIDS HOUSING
PLAN—NOVEMBER 2001**

Recognizing the importance of housing stability for the health and well being of people with HIV/AIDS, the AIDS Foundation of Chicago (AFC) has published the Five-Year Chicago Area HIV/AIDS Housing Plan. The plan, which is the result of an intensive and year-long community planning process, describes HIV/AIDS housing services and unmet needs across the nine-county Chicago metropolitan area. In addition, the plan examines the distribution of services responding to the housing needs of people with HIV/AIDS, and offers a series of recommendations aimed at eliminating the AIDS housing crisis in metropolitan Chicago, through targeted service expansion and policy reforms.

The plan's Ad-Hoc Steering Committee and the Housing Committee of AFC's Service Providers Council were instrumental in the creation of the plan, providing critical information, direction, and oversight to the community planning process. For the plan's data analysis and recommendations, AFC drew on input from more than 50 agencies, 100 AIDS housing professionals, and 500 consumers of AIDS housing services. AFC commissioned AIDS Housing of Washington, a national AIDS housing consulting agency, to serve as a consultant to the process.

In 1995, AFC conducted the region's first AIDS housing planning process and published the Chicago EMA Five-Year HIV/AIDS Housing Plan. Recommendations from the 1995 plan led to greater efficiencies in the distribution and development of AIDS housing services, which ultimately resulted in greater numbers of people being served. The 2001 plan updates the housing inventory and needs assessment from the previous plan, measures the progress made in AIDS housing services since 1995, and presents emerging trends in the provision of HIV/AIDS housing services.

Among the most important findings described in the 2001 plan is the growing, unmet need for housing assistance among people with HIV/AIDS in metropolitan Chicago. The report shows that, despite steady gains in the availability of AIDS housing services, the need for assistance continues to outpace available resources, leaving more than 5,000 individuals with HIV/AIDS homeless or at risk of homelessness each year. Lack of safe and affordable housing has dire consequences for people with HIV/AIDS, whose survival can depend, quite literally, on having a stable place to live. Stable housing promotes adherence to complex HIV medication regimens that often have special dietary requirements and can induce debilitating side effects. People who are homeless or at risk of homelessness are more likely to fall out of regular medical care and experience greater difficulties adhering to their medication regimens. For those disabled by AIDS, the hardships of living on the streets or in substandard housing puts tremendous strain on already severely compromised immune systems.

**FACTORS CONTRIBUTING TO THE AIDS HOUSING
CRISIS**

The Five-Year Chicago Area HIV/AIDS Housing Plan documents several factors contributing to the AIDS housing crisis in metropolitan Chicago:

More people are living with HIV/AIDS than ever before. A steady number of people become newly infected with HIV each year, and the number of AIDS-related deaths has declined as a result of more effective medications. This much applauded trend means

that greater numbers of people are in need of housing and other support services, for longer periods of time.

Housing instability is directly related to a person's struggle to maintain a living wage. For many individuals, HIV/AIDS affects their ability to work and keep steady income. For others, poverty and other health problems force them into homelessness or put them dangerously at risk of evictions or foreclosures. Among people with HIV/AIDS surveyed for the plan, more than half reported incomes below the federal poverty level and over one-third reported being homeless at some point in their lives. Participants of AFC's survey and other local surveys report insufficient income as a leading contributor to housing instability.

The region's affordable housing crisis contributes to housing instability among people with HIV/AIDS. Studies show that there are 245,000 low-income renters and 115,000 low-cost rental units in the Chicago area, leaving two low-income renters for every unit of affordable housing. Rents in the Chicago area are rising faster than the national average, and demolitions and redevelopment projects are depleting the region's stock of affordable housing, including thousands of government-subsidized housing units.

Government funding for AIDS housing assistance and services has not kept pace with community needs. Unless extended, state and federal subsidized housing programs expiring in the next five years will leave thousands of previously affordable apartments subject to market-rate rents. In addition, decreased federal funding for subsidized housing vouchers, more commonly known as Section 8, has so severely restricted the program that prospective aid recipients are turned away or told to wait several years in order to enroll.

LESSONS FOR PLANNERS AND PROVIDERS OF AIDS HOUSING SERVICES

The plan draws on input from people with HIV/AIDS, AIDS advocates, and service providers to assess the effectiveness of the AIDS housing service system in metropolitan Chicago. The following are recommended strategies for improvements:

Expand AIDS housing and support services across the region for men and women who are poor, chemically dependent, mentally ill, or recently released from correctional facilities. In its analysis, the plan identifies trends among new cases of HIV/AIDS that signal emerging issues for the AIDS housing service system. In particular, the plan found that the system is ill prepared to serve clients with chemical dependency, mental illness, and histories of incarceration. In addition, a disproportionate number of women, people of color, and people living in poverty are affected by HIV/AIDS. These demographic trends are resulting in service gaps along the housing continuum of care, and require additional resources to address them. The plan's consumer survey and other local surveys provide crucial guidance in designing services appropriate to meet clients' needs.

Expand services in areas of high need to combat geographic disparities that persist in the availability of AIDS housing services. The most dramatic increases in numbers of new AIDS housing units since 1995 have taken place on the south and west sides of Chicago and in DuPage, Lake, and Will counties, where no AIDS-specific housing services existed previously. However, geographic disparities among certain types of housing services still exist.

Make an ongoing commitment to community planning and assessment to inform the

use of scarce AIDS housing resources. Service providers and other stakeholders identified a lack of ongoing planning across the AIDS housing service system. They recommend that coordination of AIDS housing services across funding streams be increased to avoid limiting potential innovations and efficiencies in the provision of client services. Cross-collaboration between services funded by the Housing Opportunities for People with AIDS (HOPWA), the Ryan White CARE Act, and other sources was specifically identified as crucial to maximize available AIDS housing resources. Increased collaboration between AIDS service providers and correctional health, public aid, and substance abuse treatment providers was also identified as a pressing need.

RECOMMENDATIONS FOR POLICYMAKERS

The plan calls on federal, state, and local lawmakers to expand government support for AIDS housing services. In particular, the plan calls for increased funding for: State and federal short-term rental assistance programs designed to promote housing stability by assisting individuals to meet a short-term financial crisis, such as unmet healthcare, utility, housing-related costs, or temporary job displacement; Federal transitional housing services for those who have been recently released from correctional institutions, hospitals, and treatment facilities; Long-term subsidized permanent housing with off-site supportive services for those capable of living independently, but on fixed incomes; Local, state, and federal programs designed to stimulate development of affordable housing and auxiliary support services.

HOW TO ACCESS AND USE THE PLAN

AFC and members of its Housing Committee will use the plan to advocate for increased public and private spending on housing services and expanded community involvement in the planning and organization of AIDS housing services. AFC and Housing Committee members will pursue strategies to implement each of the plan's recommendations and will carefully monitor and assess progress meeting these goals.

The plan is a rich resource of information for service providers, policymakers, and service planners about the need for and availability of AIDS housing services. Extensive feedback from HIV-positive people on service needs and preferences provides an especially important perspective for AIDS service providers. The plan is an excellent resource for policymakers and students about the continuum of housing services established to respond to the needs of people with HIV/AIDS.

The plan is available for download at AFC's website: www.aidschicago.org. Sections of the plan are also available separately. To receive a printed version of the plan, contact AFC Housing Manager Norma Samame at 312-922-2322 ext. 504 or at nsamame@aidschicago.org.

ABOUT THE AIDS FOUNDATION OF CHICAGO

Established in 1985 to provide central leadership in the fight against the epidemic, the AIDS Foundation of Chicago promotes sound HIV/AIDS public policy, funds HIV/AIDS prevention and care projects, and, through its 135-member Service Providers Council, helps to coordinate the delivery of essential HIV/AIDS services.

SENSE OF CONGRESS THAT MEN AND WOMEN OF UNITED STATES POSTAL SERVICE HAVE DONE AN OUTSTANDING JOB OF DELIVERING THE MAIL DURING THIS TIME OF NATIONAL EMERGENCY

SPEECH OF

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 2001

Mr. RANGEL. Mr. Speaker, I rise today in support of H. Con. Res. 257 and to honor the outstanding service provided by the men and women of the United States Postal Service since the terrorist attacks of September 11. I wish to express special appreciation for all postal workers and their dedication to the mission of the Postal Service during this time of national crisis. Even as our homeland was besieged by terrorist attacks and devastating tragedy the United States mail service continued.

United States Postal Service workers are the unsung heroes of this nation. Come rain, snow, sleet, and now the threat of anthrax exposure our mail continues to be delivered with minimal interruption. Two postal workers have given their lives, four workers have contracted inhalation anthrax, and another three have contracted cutaneous anthrax and still our U.S. mail delivery continues. Who would have ever thought that these conscientious postal workers who were committed to doing their jobs would be front line warriors in this war against terrorism?

It is our duty in the Congress to ensure the safety and well being of these courageous and patriotic postal workers, just as we ensure the safety and well being of other federal employees.

As a nation we must salute the fine work of our postal workers and not take for granted their commitment to the mission of our United States Postal Service.

NORTHERN BORDER SECURITY

HON. JOHN ELIAS BALDACCI

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Friday, November 16, 2001

Mr. BALDACCI. Mr. Speaker, today I join a number of my colleagues in urging President Bush to address the severe shortage of inspectors along the Northern Border. This shortage is detrimental to individuals and businesses that operate across the border, and leaves our nation vulnerable to terrorist attacks.

The Northern Border is currently not secure. There are too many understaffed and unmanned points of entry to maintain security. While there are 128 points of entry along the Northern Border, only 64 are staffed 24 hours a day. When unmanned, many are "secured" simply by placing cones or signs in the road. That is hardly an adequate deterrent.

Although the Northern Border accounts for a little more than 40 percent of the points of entry into the United States, only 14 percent of

Customs agents are currently assigned there. Clearly we need to increase the number of Customs agents and deploy significantly more resources on the U.S./Canadian Border.

While I am very concerned about security, I also know the impact that unmanned border crossings are having on business. Closed crossing points mean that trucks have to travel far out of their way to cross. The reduced numbers of open points of entry means longer lines, inconveniencing those crossing for business or pleasure.

I will be supporting an effort by Representative OBEY to add \$145 million to the Defense Appropriations/Supplemental bill to fulfill the U.S. Customs Service's emergency request for an additional 800 border security guards in the wake of the September 11 tragedy. It is unconscionable that we would not meet this need to ensure security along the Northern Border and provide Americans with the service they need to be able to conduct cross-border business and visits.

CONFERENCE REPORT ON H.R. 2500,
DEPARTMENTS OF COMMERCE,
JUSTICE, AND RELATED AGEN-
CIES APPROPRIATIONS ACT, 2002

SPEECH OF

HON. SHERWOOD L. BOEHLERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 2001

Mr. BOEHLERT Mr. Speaker, I rise today in support of the FY 02 Commerce-Justice-State Appropriations Conference Report. As chairman of the House Science Committee, I have jurisdiction over authorizing many pieces of this bill, including National Oceanic and Atmospheric Administration (NOAA), the National Institute of Standards and Technology (NIST), and the Technology Administration.

All in all, this is a solid bill and I want to thank Chairman WOLF, Ranking Member SERRANO and their staff for their hard work and willingness to work with me and my staff.

I am particularly pleased with the level of funding provided for environmental conservation and education programs within NOAA. I am also pleased that this bill funds the Advanced Technology Program at NIST. That program is especially important today, in these difficult economic times, when the private sector is less willing to invest in new technology.

I am disappointed, though, that this bill doesn't more closely reflect the funding provided for some programs in the original House mark. For example, there are several programs at NIST that improve computer security and the protection of our nation's critical infrastructure that are especially important today as our nation faces the threat of terrorism. But while those programs were funded in the House bill, they have been cut in this one.

This bill provides \$3.25 billion for NOAA, which is about \$200 million more than last year and about \$200 million above the President's request. A total of nearly \$440 million of that goes for the Ocean, Coastal and Waterway Conservation Programs. These funds are critical because, today, our nation's coasts are more important, and yet they are more threatened than ever before.

One area of major concern for the Science Committee is climate change. I am pleased this bill provides \$150 million for climate change research and activities, including nearly \$8 million for the ARGO project. The ARGO float project is an international effort to provide researchers with critical information and lead to the better understanding of the role of oceans in climate. It also includes \$70 million as NOAA's contribution to the U.S. Global Change Research Program.

The bill provides \$15 million desperately needed for critical computer upgrades at NOAA and new supercomputer capabilities for the National Weather Service and for climate research. The bill also provides full funding for the new polar satellite program (NPOESS). These efforts will give our scientists and weather forecasters the tools to improve predictions and forecasts, which have a tremendous impact on our nation's economy and future.

And finally, I'd like to say a word about improving education, one of my main goals since becoming chairman. I want to thank Mr. WOLF and Mr. SERRANO for fully funding the many important education and outreach programs in NOAA. Specifically, the bill fully funds the Sea Grant program, which links world-class university research with outreach and extension efforts and puts science to practical use. I am encouraged by the Committee's continued support of the JASON project that brings marine science right to our nation's classrooms through real-time computer connections.

This bill is a good bill. It's a product of hard and dedicated work, and I urge my colleagues to support it. I look forward to continuing to work with the Chairman and Ranking member of the appropriations subcommittee to make sure that all the agencies in this bill continue their work on behalf of the American people.

RESERVISTS EDUCATION
PROTECTION ACT OF 2001

SPEECH OF

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 2001

Mr. UDALL Of New Mexico. Mr. Chairman, I rise today in strong support of H.R. 3240, the Reservists Education Protection Act.

Up to 10,000 of the 50,000 reservists recently called to active duty by President Bush as a result of the September 11th attacks against the United States would lose educational assistance entitlement if they are forced to disenroll from school.

In order to ensure that these reservists do not lose their education assistance entitlement, H.R. 3240 restores VA education benefits to veterans in reserve components who are using the Montgomery GI Bill earned by prior active duty. In addition, regular active duty servicemembers and veteran reservists who are transferred to a new duty station or assignment will also be covered under H.R. 3240.

This bill will allow the servicemember to regain time to attend school by adding their mobilized tour of duty, plus four months, to the 10

years that they already have to use their MGIB benefit.

I am an original cosponsor of this important legislation, which is similar to relief that Congress provided to servicemembers during the Persian Gulf War. I believe that Congress should again provide relief for the men and women who have been mobilized to help defend our country and ensure that these reservists are allowed to take full advantage of their education benefits.

This week has been dedicated to honoring our nation's veterans of past wars. Today, with those veterans in our minds and hearts, let us also honor the mobilized reservists who this very instant are fighting here and abroad to defend liberty and freedom by passing H.R. 3240.

KOFI ANNAN AND UNITED NA-
TIONS ARE STAINED WITH
BLOOD

HON. CYNTHIA A. MCKINNEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 16, 2001

Ms. MCKINNEY. Mr. Speaker, now I think I've just about seen and heard everything: Kofi Annan and the United Nations being announced as joint recipients of this year's Nobel Peace Prize. I'm not saying there wasn't a time in the UN's history when it wasn't deserved. What I'm saying is I don't believe it's deserved right now. Instead, I believe that to award the UN and Kofi Annan now amounts to an insult to the millions that have died at the hands of the United Nations in recent years.

Mr. Speaker, Kofi Annan and the United Nations are stained with the blood of millions of dead people.

Let me tell you about some of their recent failures.

Let me start with their greatest failure—Rwanda. The 1994 Rwandan genocide must amount to one of the greatest humanitarian failures of any generation. Kofi Annan was the Director of UN Peacekeeping based in New York and was personally responsible for the UN Peace Keeping force in Rwanda. The now famous informant Jean Pierre had warned Dallaire and the UN leadership of the coming mass slaughter but his information was cavalierly dismissed. Tragically, as had been predicted, Rwanda exploded into an orgy of violence the likes of which the last century had never seen. At the end of 100 days an estimated 1,000,000 Rwandan men, women, and children had been bludgeoned, macheted, and axed to death. The daily death rate was five times that of the Nazi industrial death camps. Instead of reinforcing the UN contingent in Kigali, the UN actually ordered the withdrawal of their troops. It was then that the killing in Kigali exploded. Of course, the US bears much of the blame for the UN's inaction.

And now the much-celebrated International Tribunal for Rwanda has become yet another UN bureaucratic disaster. Repeated UN investigations have found widespread mismanagement, wastage, incompetence, and corruption. The Tribunal has prosecuted a fraction of the Rwandan genocide suspects it holds in custody. It has even been criticized by its own

Appeal Court of prosecutorial incompetence and failing to observe elementary due process considerations. Sadly, the Tribunal, which should have brought justice to the region, has instead become another multi-million dollar UN boondoggle. Srebrenica, a name now associated with one of the worst crimes in Europe since WWII or as Judge Riad of the ICTY described it, "... a place where thousands of men were executed, hundreds buried alive, men and women mutilated and slaughtered, children killed before their mother's eyes, and a grandfather was forced to eat the liver of his own grandson." These are truly scenes from hell written on the darkest pages of human history. The UN created a safe haven in Srebrenica and encouraged civilians to enter en masse so as to be under UN military protection. Only one condition applied—entry into the UN safe haven required Muslim fighters to surrender their weapons. This they did, hoping that if ever the need arose they would get them back. They were to be sorely disappointed on that score.

When it became apparent that General Mladic was separating the men from the women and then killing them in the nearby fields, the Dutch UN troops began pleading for UN military support. But, just like Rwanda, the UN leadership once again became paralyzed and failed. They dithered over air strikes, they refused to send in troops to help the beleaguered Dutch and in the end, just as with Rwanda, the UN withdrew their troops. This permitted General Mladic to remove an estimated 5,000–8,000 Muslims from in and around the UN compound in Potocari and slaughter them.

To this day the United Nations and no UN official has ever been held criminally or civilly liable, let alone even publicly admonished, for their massive failures in Srebrenica. All the families of the thousands of victims can do now is pick up the pieces of their broken families and attempt to restart their lives.

Mr. Speaker, sadly there is more.

East Timor. In late August 1999, the UN and now Secretary General Annan, called for elections on the small island country of East Timor despite disturbing evidence that hard line elements in the Indonesian military were preparing to cause wide spread public disorder so as to disrupt the elections. The UN failed to provide adequate protection for the civilian population. Dili was burnt to the ground and East Timor was engulfed in violence. After weeks of killing and millions of dollars of damage, the Australian government sent in ground troops to restore order to East Timor; but by then, it was too late to save East Timor from UN bungling.

Sierra Leone. So bad was the UN's conduct in Sierra Leone in June 2000 that their long time supporter and friend, Medicins Sans Frontieres, felt compelled to speak out and complain. MSF complained bitterly that the UN troops fled a RUF attack on the Sierra Leonean town of Kabala.

In so doing MSF said that the UN had failed its mandate to protect civilian populations, many of whom were sick women and malnourished children in the MSF hospital.

Cambodia. There is now mounting evidence that UN Peacekeeping troops actually caused an explosion of AIDS in Cambodia in 1992. In

January of this year Richard Holbrooke, the then US Ambassador to the UN, launched an unprecedented attack upon the UN during his last U.N. address saying "... it would be the cruelest of ironies if people who had come to end war ... were spreading the most deadly of diseases ... it will kill more people and undermine more societies than even the most critical conflicts we discuss here." And despite Ambassador Holbrooke's warnings there are concerns that right now in East Timor UN staff could be causing yet another AIDS epidemic. Some things just never seem to change.

Mr. Speaker, let me put it squarely on the record. I believe in the UN. I believe that our country should support the UN. But I do not think that we should blindly lend our support in the face of massive negligence.

I think answers to these questions beg to be asked:

After such repeated UN failures to act upon knowledge of impending humanitarian disasters, what forgiveness?

After such repeated UN failures to discharge their sacred duties, what accountability?

After such ongoing complicity by the UN in repeated slaughters, what punishment?

PERSONAL EXPLANATION

HON. BARON P. HILL

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 16, 2001

Mr. HILL of Indiana. Mr. Speaker, on October 16, 2001, due to a momentary failure of the House bells system, I missed one vote on the House floor.

Had I been present, I would have voted "yes" on roll call vote 393 to pass H.R. 2217, a bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes.

HATE CRIMES IN AMERICA

SPEECH OF

HON. LYNN N. RIVERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 2001

Ms. RIVERS. Mr. Speaker, I rise today to out against hate crimes. Following the events of September 11, there has been a sharp increase in hate crimes against Muslim and Arab Americans across the country. Some reports indicate that as many as 400 incidents have occurred in the past two months, six of which have resulted in death. This exponential increase in bias based violence is deplorable.

In my home state of Michigan, there have been numerous hate based incidents including assaults, vandalism, threats, harassment and discrimination. Michigan is home to thousands of Muslim and Arab Americans who have proven to be great assets to their respective communities and to the state. I am disheartened that any of my fellow Michigan citizens have been wrongly associated with the acts of a few criminals.

Mr. Speaker, while we as a nation consider the possibility of further terrorist attacks, it is imperative that we not forget that fear and violence exists right in our local communities. We must not ignore the fact that citizens in our communities are being targeted because of their faith or appearance. Hate is not an American value.

I recall President Harry S. Truman who said "Intense feelings often obscure the truth." We cannot allow the horrible events of September 11 to do so.

RETIREMENT SECURITY ADVICE ACT OF 2001

SPEECH OF

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2001

Mr. LaFALCE. Mr. Speaker, I rise in opposition to H.R. 2269, the "Retirement Security Advice Act of 2001," as reported by the Committees on Education and the Workforce and Ways and Means.

Before explaining the reasons for my opposition, I want to first commend the Committees for recognizing the need for better education, professional investment advice and financial choice for tens of millions of our citizens who now participate directly in our financial markets—in unprecedented numbers—through their pension plans.

Nevertheless, I must oppose the bill in its present form because it would remove and reduce fundamental anti-conflicts of interest protections in the Employee Retirement Income Security Act of 1974 (ERISA) and the Internal Revenue Code of 1986. This bill would expose pension plan participants to the same conflicts of interest, and potential for abuse, that investors are facing elsewhere in the securities markets. The dot.com speculative bubble, fueled largely by the recommendations of firms with multiple conflicts of interest, enticed millions of normally cautious and conservative investors—as well as pension plan participants—to roll the dice with their investments and retirement savings and come out losers.

We know now that this boom was based in considerable part on egregious and sometimes biased accounting irregularities, phony financial statements, and self-interested recommendations from investment banking and other financial services firms. The full magnitude of the violations of law and trust by investment professionals will not be known until the Securities and Exchange Commission completes the many investigations now underway, private litigation is completed, and Congress continues its oversight of industry excesses and regulatory breakdowns. But this much is known now—investors have seen trillions of dollars in savings vaporize. In human terms, the toll is immeasurable—retirements postponed, vacations cancelled, and weddings and educations delayed.

By lowering the anti-conflict of interest safeguards in current law that have protected employees and retirees since 1974, I am afraid that H.R. 2269 may well open the door to similar problems for pension plan participant.

ERISA has proved remarkably effective in protecting pension benefits for America's private sector employees as well as the integrity of privately managed benefit plans. This is particularly true for "defined benefit plans" that were the norm in 1974. Since then, particularly in recent years, there has been a dramatic shift toward "defined contribution" plans in which workers and their employers contribute to individual accounts, and within a range determined by the pension plan sponsor, choose how to invest that money.

An estimated 42 million employees now participate in defined contribution plans. This means the employees, not the employer, assume a high degree of responsibility for managing their funds. Retirement aspirations and plans depend largely on the prudence and wisdom of their investment decisions. Too often, individual plan participants do not fully understand the investment risks and rely heavily on others for advice, often to their financial detriment. The decline and volatility of the stock market, particularly the precipitous decline in the technology sector, has eroded the value of even the most professionally managed mutual funds. And everyone with a 401(k) retirement account, as well as Federal employees participating in the common stock fund of the Thrift Savings Plan, have seen the value of their accounts plummet by as much as 25 per cent or even more.

H.R. 2269 is intended to address the real need of employees and workers for better investment advice and services. Unfortunately, the bill goes too far in attempting to accomplish this goal. By weakening ERISA's safeguards against conflicts of interest, this bill would remove some of the oldest, most effective and prophylactic protections ever enacted by Congress to protect employees and their retirement savings. H.R. 2269 would allow benefit plans to contract with one firm to both manage participant's investment funds and to provide those same participants with personalized investment advice. In other words, it would permit conflicted investment advice—which is now prohibited by ERISA—and substitute a disclosure regime, similar to the Federal securities laws.

I find this feature of the bill very troublesome. Disclosure is inadequate. The Financial Services Committee held numerous hearings earlier this year on the shortcomings of disclosure as an investor protection device in the area of financial analysts. Regrettably, as even the SEC and many industry leaders have concluded, disclosure is more often used to conceal or obfuscate the existence of conflicts rather than to alert or forewarn consumers. In June, the Committee began examining the very important question of whether investors are receiving unbiased research from securities analysts employed by full service investment banking firms. We learned that investors have become victims of recommendations of analysts who have apparent and direct conflicts of interest relating to their investment advice.

While apparently permitted by the SEC and the securities laws, boilerplate and tedious disclosures concerning conflicts leave investors often unaware of the various economic and strategic interests that the investment bank and the analyst have that can fundamentally

undermine the integrity and quality of analysts' research. (The disclosure of these conflicts is often general, inconspicuous and even unintelligible. In addition, current conflict disclosure rules do not even reach analysts touting various stocks on CNBC or CNN.)

Recognizing the magnitude of the problem, as well as the inadequacies of the current disclosure framework, several major investment banking firms acted aggressively to protect investors as well as attempt to restore the confidence of their customers in the quality and objectivity of their financial analysis. For example, Merrill Lynch and Credit Suisse First Boston banned their analysts from owning stock in companies they cover. And Prudential Securities actually exited the investment banking business and is using its lack of conflicts as a marketing tool to attract retail brokerage business.

In my view, disclosure requirements, although positive, are still woefully inadequate to confront the systemic conflicts of analysts that necessarily taint advice, skew the market and ultimately harm investors. I continue to believe SEC rulemaking and direct SEC regulation is required to protect investors from serious conflicts of interest. And I am disappointed that new SEC Chairman Pitt, speaking to a securities industry trade association last week, said "I don't think there is any inherent need for a prohibition against an analyst owning stock" and then expressed his "confidence that Wall Street firms will come up with solutions that are in the best interests of investors."

I don't think Wall Street firms are the best protectors of investors or other consumers or pension plan participants. History—recent history, not ancient history—teaches us otherwise.

I agree with the premise of H.R. 2269 that investors, including employees participating in defined contribution plans, need better information, investment advice and alternatives. But I believe they need them from objective, qualified and independent sources. Fortunately, it is already available in the marketplace without opening a Pandora's box to serious conflicts of interest by eroding ERISA's prohibited transactions safeguards. And there has been no showing to the contrary—there is a highly competitive and diverse market providing independent services to pension plan sponsors and participants.

I do not question the motives of the many financial services firms that are interested in providing additional levels of service to pension plan participants and, therefore, support H.R. 2269. I only question why they support this radical approach when it is possible to develop a more measured approach that will continue important existing protections for plan participants and avoid some of the very serious conflict issues that are undermining the reputation of many financial services firms, angering customers and attracting the attention of regulators and policymakers.

An alternative will be offered during this debate that will attempt to achieve a better balance of several important policy goals—more information and choice for plan participants from independent and professional sources and preservation of essential existing protections against conflicts of interest. I should note that this is the approach favored by groups

that actually serve and represent workers and plan participants—AARP, AFL-CIO, Consumer Federation and the Pension Rights Center.

TRIBUTE TO DR. LEE HARTWELL

HON. GEORGE R. NETHERCUTT, JR.

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, November 16, 2001

Mr. NETHERCUTT. Mr. Speaker, I rise to pay tribute to Dr. Lee Hartwell, president and director of the Fred Hutchinson Cancer Research Center in Seattle, Washington. On October 8, 2001, Dr. Hartwell was awarded the 2001 Nobel Prize in Physiology or Medicine.

Dr. Hartwell is a pioneer in the biomedical research community and Washington State is proud to have his leadership. Thirty years of diligent research to understand cell division and the cell cycle has led to this significant accomplishment. Dr. Hartwell's work now forms the basis of our understanding on how cells divide and of the molecular basis of cancer.

I am confident that his findings will result in more effective cancer treatments and eventually save lives. His accomplishments in this area remind us in Congress that federal support for basic biomedical research must remain on the forefront of our National agenda.

We have always known Dr. Hartwell to be a leader for the biomedical research community in the Pacific Northwest. Now, the world knows what a true visionary we have in our state.

ATTORNEY FEE PAYMENT SYSTEM IMPROVEMENT ACT 2001

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 16, 2001

Mr. MATSUI. Mr. Speaker, I am pleased today to join with Congressman CLAY SHAW, the Chairman of the Subcommittee on Social Security, to introduce legislation regarding the fees owed to attorneys who represent disability claimants before the Social Security Administration (SSA). Our Subcommittee has held a number of hearings on the attorney fee process and this bill would make several needed changes to this system that would improve the attorney payment system and thereby expand access to professional representation among disability claimants.

Under current law, when an attorney successfully represents a Social Security disability claimant and that claimant is entitled to past-due benefits, SSA retains a portion of those past-due benefits in order to pay the attorney for the services he or she provided. Specifically, SSA withholds and pays directly to the attorney 25 percent of past-due benefits, not to exceed a cap of \$4,000. (Under an alternative procedure, SSA approves a fee for which an attorney submits a petition detailing the specific charges, but in such cases the fee that is paid directly to the attorney by SSA out of past-due benefits cannot exceed the lesser

of 25 percent of the past-due benefits or \$4,000.) This system of direct-payment, which is only available to attorneys representing applicants for Social Security disability insurance benefits, helps to promote access to representation by assuring that attorneys receive payment for their services while protecting beneficiaries by capping allowed fees.

Professional representation is a valuable—and indeed vital—service. The disability determination process is complex. Claimants without professional legal representation appear to be far less likely to receive the benefits to which they are entitled. For example, in 2000, 63.6 percent of claimants represented by an attorney, but only 40.1 percent of those without one, were awarded benefits at the hearing level.

This legislation makes three important changes to the attorney-fee system:

It raises the cap on the allowed fee to \$5,200. Although SSA has regulatory authority to increase the \$4,000 cap, it has failed to exercise this authority and delayed raising the cap for too long. This legislation would statutorily adjust the cap for inflation since 1991.

It extends the direct-payment system to attorneys representing claimants for Supplemental Security Income. Without direct fee payment, SSI claimants are often unable to obtain needed legal representation, as there is no way for attorneys to be assured of payment for their services. Such claimants are often particularly in need of professional assistance, as they have no other sources of income to fall back on should their claim for disability be wrongly denied.

It caps the processing fee deducted from the attorney's payment at \$100. Since the adoption of the processing fee in the Ticket to Work and Work Incentives Improvement Act of 1999 (P.L. 106–170), our Subcommittee has conducted two hearings on the long delays involved in paying attorney fees. We have had some success in speeding up payment, but there remains much room for improvement. It is only fair to cap the processing fee if SSA cannot assure timely payment of fees. Hopefully, this cap, in combination with the other provisions of the bill, will also mitigate the loss of experienced representatives from the disability bar, who have been forced to close their practices as a result of delays in fee payments and the imposition of the processing fee.

In closing, I look forward to working with Chairman SHAW on this piece of legislation in the same bipartisan manner that characterized our successful efforts on the Work Incentives Improvement Act, the repeal of the retirement earnings test, and our ongoing efforts to protect the security and privacy of Social Security numbers. With this sort of collaboration, I am certain that we can pass this bill as well, thereby improving the fairness of the attorney-fee payment system and, more importantly, ensuring that disability claimants have qualified and reliable attorneys to whom they can turn for assistance.

TRIBUTE TO RIVERSIDE-BROOKFIELD AND JOLIET CATHOLIC HIGH SCHOOL FOOTBALL TEAMS

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 16, 2001

Mr. LIPINSKI. Mr. Speaker, I rise today to pay tribute to the remarkable young men of Riverside-Brookfield and Joliet Catholic high school football teams, who faced off during the Class 5A quarterfinal for one of the most exciting games of the season.

Before a standing room only crowd, Joliet Catholic scored on each of its five first half possessions, scoring 35 points on 47 running plays and one pass. Riverside-Brookfield marched down the field twice in a combined 34 seconds before going into halftime. Late in the fourth quarter, Joliet Catholic went up 56–44 with 2:07 left in regulation; however, Riverside-Brookfield answered with a 30-yard touchdown pass with just 51 seconds remaining. After recovering an onside kick at Catholic's 47-yard line, Riverside-Brookfield was stopped first up the middle and then with a broken pass in the end zone.

The quarterfinal showcased two of the top talents in Illinois, Tim Brasic and J.R. Zwierzynski. Orchestrating Riverside-Brookfield's five receiver offensive set, Brasic completed 24-of-48 passes for a playoff record of 571 yards and 7 touchdowns. Brasic's record-breaking season included 4,622 passing yards and 485 attempts, 58 touchdowns and 700 yards rushing. Brasic's performance earned him a spot on the 2001 All-Chicago Area team, and Player of the Year honors. Brasic's career honors include 7,888 passing yards, 953 attempts, and 87 touchdowns.

On the opposite side of the field, J.R. Zwierzynski of Joliet Catholic rushed for 312 yards and five touchdowns on 43 carries. Leading the two time defending state champion Hilltoppers, one of the most consistently dominating teams in Illinois winning 38 out of their last 39 games, Zwierzynski is the lone repeat selection from last year's All-Chicago Area football team.

Riverside-Brookfield and Joliet Catholic, and their leaders Tim Brasic and J.R. Zwierzynski demonstrated talent and sportsmanship in their quarterfinal match up and throughout the 2001 season. I whole-heartedly congratulate the teams, coaching staff, and schools and wish them all the best in the future.

INTRODUCTION OF THE ATTORNEY FEE PAYMENT SYSTEM IMPROVEMENT ACT OF 2001

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 16, 2001

Mr. SHAW. Mr. Speaker, today I am introducing legislation that, if enacted, would update and improve the fee payment system to attorneys who represent Social Security Disability Insurance claimants as well as Supplemental Security Income claimants.

As many of you know, filing for Social Security benefits—especially disability benefits—is so complicated that many claimants must hire attorneys to guide them through the process.

Attorneys who represent Social Security claimants may choose to receive their fees directly from the Social Security Administration. Under this option, the agency deducts the fee from the claimant's past-due benefits and forwards it to the attorney. Prior to last year, taxpayers picked up the tab for the agency's costs of processing, withholding, and forwarding this fee to the attorney.

The Ticket to Work and Work Incentives Improvement Act changed that. Many people on both sides of the aisle agreed that having lawyers—not taxpayers—pay for Social Security's processing of their paychecks was the right thing to do. The law also required the General Accounting Office to examine a number of issues relating to the agency's processing of attorney fees.

In a hearing held in May of this year, the Ways and Means Subcommittee on Social Security examined the current state of service delivery to claimants and their representatives, the findings of the GAO study about the costs of administering the attorney fee, the feasibility and advisability of two types of fee assessments, the potential for assessments to reduce applicants' access to representation, the feasibility of linking fee assessments to the timeliness of payment to attorneys, and the advisability of extending attorney fee disbursement to the Supplemental Security Income program.

During the hearing, the Subcommittee learned that despite improvement in the timeliness of the Social Security Administration's processing of attorney fees, there are a number of viable process improvements that can be implemented to ensure the best possible service delivery to claimants and their attorneys. That is why, I, along with Ranking Member MATSUI, are introducing the Attorney Fee Payment System Improvement Act of 2001.

This legislation improves the attorney fee payment process in a number of ways. First, it would increase the current fee cap (which limits fees under fee agreements to 25 percent of past-due benefits or \$4,000) from \$4,000 to \$5,200. The new cap increase represents the first time the cap has been raised in ten years.

Second, the 6.3 percent assessment on an attorney's approved fee will be subject to a cap of \$100 to help ensure enough attorneys remain available to represent claimants before the Social Security Administration.

Third, the bill would improve Supplemental Security Income applicants' access to representation. Because there is no direct payment of attorneys' fees in SSI cases, many attorneys cannot collect a fee from a successful client, and as a result choose not to represent those applying for SSI. The disability application process is just as complex and just as difficult to navigate, whether an individual is applying for Social Security disability benefits or SSI benefits. This provision will help ensure that all claimants have equal access to representation.

Individuals with disabilities rely on Social Security disability and/or SSI benefits for life-sustaining income. We must do all we can to ensure their efforts to obtain benefits are supported, not hampered. Enactment of this bill

will help. I urge all Members to co-sponsor this important legislation.

THE RESTORE ACCESS TO
FOREIGN TRADE ACT OF 2001

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 16, 2001

Mr. WELLER. Mr. Speaker, today, I am pleased to introduce the Restore Access to Foreign Trade Act of 2001, the (RAFT Act), on behalf of myself and my colleagues; Mr. RANGEL, Mr. CRANE, Mr. FOLEY, Mr. SHIMKUS and Mrs. BIGGERT.

The RAFT Act reverses tax law that has nearly destroyed our great maritime system by excluding shipping income from Subpart F, a section of the Internal Revenue Code affecting the taxation of income of U.S. controlled foreign corporations (CFC).

Prior to 1976, income earned by CFCs from U.S. owned foreign shipping operations was not treated as Subpart F income, and was subject to taxation only when repatriated, or brought back into the United States. The Tax Reform Act of 1975 eliminated this deferral, except for foreign shipping income reinvested in certain qualified shipping investments. The 1986 Tax Act repealed the reinvestment exception, subjecting foreign shipping income earned by CFCs to current taxation under Subpart F.

While the issue may sound complicated, the consequences are simple: the U.S.-owned liner container trade has seen its market share drop from nearly 22 percent in 1994 to just three percent in 1999. Thousands of jobs across America have been lost. This decline is dangerous from both an economic and national security standpoint—loss of an economically important industry and our country's inability to rely on the availability of a U.S. fleet in times of national security crises.

Mr. Speaker, at this critical time, national security concerns are uppermost in our minds. The immediate availability of U.S.-owned vessels in times of national security crises is a key component of the U.S. government's defense programs.

The anti-competitive impact of Subpart F will continue to erode the U.S. owned fleet and will ultimately result in an international marketplace that has no American participation.

Our trading partners have actively pursued tax policies designed to encourage and increase their shipping industry. The U.S. Government needs to work towards the same goal. We must not allow the tax code to penalize U.S. companies in the current economic environment.

I ask my colleagues to support this important legislation.

EXTENSIONS OF REMARKS

THE ROLE OF RUSSIA AND THE
CASPIAN IN ENSURING ENERGY
SECURITY

HON. CHRISTOPHER COX

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 16, 2001

Mr. COX. Mr. Speaker, I rise to point out that while the attention of the world is now rightly focused on Afghanistan and the war against terrorism, we should not forget that a large part of the oil and gas consumed by the United States and the rest of the industrialized world comes from the conflict-ridden Middle East. In addition to the need to address the issue of energy independence through new domestic sources of supply, conservation and the development of renewable energy resources, we need to be thinking about the best possible way of protecting the security of alternative sources of oil and gas outside the United States. For example, the Caspian Sea region has substantial resources, and that source of supply is important to us.

Akezhan Kazhegeldin, an economist, a businessman and a former prime minister of oil rich Kazakhstan, has written a very thoughtful article on this subject that appeared in the Russian publication *Vremya Novostei* on October 15, 2001. In his article, Dr. Kazhegeldin states that oil and gas from Kazakhstan and the other energy producing nations bordering on the Caspian Sea could provide an important backup source of energy, complementing what now comes from the Persian Gulf countries. In addition, referring to the debate surrounding the route of a future pipeline carrying Caspian oil to consuming countries, Dr. Kazhegeldin asserts that there is no reason for the West and Russia to be at loggerheads on the pipeline issue now that the Cold War is over. He goes on to describe how the West and Russia could, in his view, work together on a pipeline solution that would benefit everyone.

I commend this article to my colleagues, and I ask unanimous consent that the full text of the article be printed at this point in the RECORD.

GLOBAL ARC OF STABILITY—THE WAY RUSSIA AND THE CASPIAN CAN MAKE THE WORLD STABLE

The September 11 tragic events and launching of the Afghan campaign, seen as the first stage in "the global war against terror", have changed the world dramatically. Protection of peaceful citizens from possible terror acts appears as just a tip of the huge pyramid of new problems. We are facing an acute and more global problem, the problem of ensuring the industrial world's economic safety.

The supply of the developed nations' energy, above all, oil and gas, is a critical and vulnerable element in the world's economic relations. A great part of the developed oil fields are concentrated in the highly insecure and conflict-ridden Middle Eastern region, which makes the threat of oil blockade and energy crisis for the industrial countries, the main oil and gas consumers, a perpetual nightmare. Unpredictable dictators are no less dangerous than terrorist groups. Should the interests of both in the region coincide, the rest of the world would find itself in an impasse.

Even if everything goes very well and the antiterrorist campaign ends quickly, the community of industrial countries will have to make sure that the threat of energy blackmail is ruled out in principle. In the global energy system, it is necessary to use reserve and back-up methods in order to ensure safety. Caspian oil reserves can play a major role here.

For the past decade, politicians and journalists have been debating about the problem of Caspian oil perhaps more heatedly than the industry professionals. It has almost been made into a stake in the new Great Game, the U.S.-Russian rivalry over the control of the region and its riches. This confrontation has become the legacy of the old "bloc" model of the world. Wayne Merry, a former U.S. State Department and Pentagon official, now a senior associate at the American Foreign Policy Council in Washington, describes its sources: "... Washington concentrated its efforts on one great strategic project to assure US primacy in the region. ... The idea was to bypass existing pipelines in Russia, squeeze out Iran, bring energy supplies from the Caspian region to a transshipment point in a NATO country, and thereby assure the independent futures of the producing and transit countries."

Understandably, Moscow clearly saw the threat to its interests and resisted U.S. plans. However, both sides played their parts by force of habit, without their usual passion. The reason is that the interests of Russia and the West (not only the U.S.) in the region are actually not conflicting. Some regional leaders tried to artificially keep alive the conflict between them as they hoped to secure foreign support for their authoritarian regimes.

Now that many old patterns have been left behind in the 20th century for good, the common interests of the industrial and democratic countries allow them to work out joint approaches to ensure their energy independence. Owing to this, Kazakhstan, Azerbaijan and Turkmenistan have a historic opportunity to become stable partners of both Russia and the West, and to be integrated into the world economy.

Naturally, this integration should entail bringing their political systems in line with the international democratic and market economy standards. "A glance at other post-colonial regions in Africa and Asia shows that the first generation of 'Big Man' leaders often does as much harm to their countries as did the departing imperial powers, creating a painful legacy for future generations to sort out," concludes Wayne Merry. "American long-term interests in Central Asia are best served by seeking to engage tomorrow's leaders and assuring that, when the region's energy reserves do become important to the outside world, these leaders will look to the United States as a friend and not as yet another external exploiter."

Setting aside the controversial definition of the Central Asian countries as post-colonial ones, one should admit that the time when the region's energy reserves do become important to the outside world is nearing. Though geological exploration of the Caspian shelf is far from being completed, and many experts are not inclined to share the fanciful expectations of "dozens of new Kuwaits", it is clear that the region's oil and gas reserves are extremely large. However, energy projects can't become global automatically, thanks only to rich oilfields. Stable export routes are required to deliver oil and gas to the global markets. Even all the reserves of the Caspian states put together

won't make the Caspian project global. It is necessary to select and develop the routes to transport oil and gas to the global markets—to the consumers in Europe, U.S., and Asian countries.

The most politically and economically viable option is to transport the Caspian "big oil" up to the north, into Russia and further on into Eastern and Western Europe, to the consumers and transshipment ports. Economically, this option seems much more attractive, since the construction is to take place on a plain, in populated areas with a developed infrastructure. Russia's European region has enough qualified manpower and electricity for oil pumping. Russian plants produce pipes and other equipment. Stability in Russia and the neighboring countries guarantees safety of the route and its uninterrupted operation.

If chosen, the Russian option would mean turning the energy flow from south to north. It will permit the in-depth integration of Russia and Central Asia into a united Europe and simultaneously charge Europe and Russia with a common political mission of ensuring energy independence for the industrial countries. It will allow oil-producing countries of the Caspian region to play a major role in the global energy market. Russia, Kazakhstan, Azerbaijan, and—in the long term, Turkmenistan, could, along with the North Sea oil producing countries, become a real alternative to OPEC and get significant political benefits.

The main advantage of the northern export route for Caspian oil consists in the availability of a branched pipeline network in Russia. It is much easier and cheaper to improve and develop the existing system than to construct a new one. I mean the pipelines owned by the Transneft company and the recently constructed CPC line from Western Kazakhstan to the Black Sea. The CPC alone cannot provide exporters with access to the global market. For natural reasons, the Bosphorus and Dardanelles have a limited carrying capacity. The Black Sea ecosystem is vulnerable, as this sea is warm and almost closed. Turkey has already announced its intention to limit the number of giant tankers passing through its straits. Instead of forcing Turkey to agree by means of political pressure, we should respect its fundamental interests and seek other solutions in addition to the CPC capacities.

The pipeline would enable Russia to solve several of its specific problems. For instance, to strengthen the special status of the Kaliningrad region as Russia's outpost in Western Europe. If the pipeline goes via the Kaliningrad region, the region could not only solve some of its economic problems, but also get additional security guarantees in case of NATO's expansion to the East. A place of its own in the EU economy would be the best guarantee for the region.

In any case, with any combination of routes, Russia would be the main player in a Caspian-European project. Moreover, Russia should initiate its realization. Technological and economic calculations will give optimal solutions. However, political will and vision are still primary considerations. History teaches us that it is they rather than mathematical and economic calculations that have brought into existence such giant projects as the Suez and Panama Canals that formed the global markets of those days.

PERSIAN GULF IN THE BARENTS SEA

Looking into the future and putting aside the required political decisions, I would like to stress that the Russian route could give an incredibly promising opportunity of open-

ing up global markets for Eurasian oil and gas. This opportunity includes building an oil-carrier port in the Murmansk region on the Barents Sea. The non-freezing, deep-sea port would become the gateway to the global market for Caspian, Siberian and, prospectively, for Timanoperchorsk oil as well, as the northern oil will require outlets to world markets. In the Murmansk region, some former military ports can reportedly be used right now by tankers. From there, they can quickly and safely reach not only Western European ports, but also the U.S. and Canada's eastern coast.

If gas-liquefying installations are built there, it would be hard to imagine a more natural route for a pipeline which will transport gas from the Russian polar regions and the Arctic Ocean's shelf.

In addition to the oil pipeline, a parallel gas pipeline should be built to provide Kazakh and Turkmen gas access to global markets that will not compete with the existing Russian gas routes to Western Europe. Constructing gas and oil pipelines simultaneously will make it possible to significantly cut capital expenditures and make transportation for long distances economically viable. By the way, the length of this route can be compared to the gas export line running from Tyumen's north to Western Europe.

Today's situation on the gas market is such that the Central Asian countries will long sit on their riches waiting for investors hindered by the lack of access to global markets. I am speaking not only about the Turkmen gas. The share of gas in the Caspian hydrocarbon reserves can be much higher than those suggested by the most optimistic forecasts. On the one hand, Caspian gas should be available when the industrial world needs it badly. On the other hand, Caspian gas won't be a rival for Russian gas and a source of contention between Russia and its neighbors in Central Asia.

Where the two huge pipelines ran side by side, where a joint exploitation system exists, one will naturally expect to have a transcontinental highway and info-highway—a powerful communication line originating from Europe and going further to the south.

These prospects are both exciting and distant. However, they should be taken into account when addressing today's problems. No doubt, the global economy does have enough investment resources for such a large-scale project. The U.S. Congress has given \$40 billion for primary measures to safeguard national security. Much less investment is needed to ensure energy security of the industrial states. Especially as it is much more reasonable and profitable to invest in crisis prevention than in recovering from them.

A pipeline bridge between the Caspian region and Western Europe, Central Asia and the world's oceans will help solve the problem of the globalization of Eurasian energy resources. It could become a basis for an "arc of stability" in Europe. It not only shifts the so-called arc of tension running close to Russia from the Balkans via the Caucasus, Central Asia, Iran, and Afghanistan, but will also exclude the Caspian states—the critical link—from this chain. When involved in the global economy, these countries could turn into strongholds of stability in a part of Asia that today poses major threats to the world.

RECOGNIZING MAJOR VICTOR BADAMI FOR HIS HEROISM AT THE PENTAGON FOLLOWING THE SEPTEMBER 11TH ATTACKS

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 16, 2001

Mr. GILMAN. Mr. Speaker, I rise today to share with my fellow colleagues another story of heroism on September 11th and to honor Major Victor Badami, one of my appointees to the U.S. Military Academy at West Point.

As we are all too well aware, on September 11, Osama bin Laden and his Al-Qaeda terrorist network perpetrated a barbaric assault on our Nation, attacking our military and economic symbols in New York and Virginia, taking the lives of thousands of innocent American lives in the World Trade Center and at the Pentagon.

We have all heard the stories of many who rose to that crisis, unselfishly placing their lives on the line to save others. I am proud to honor another hero, to thank, and to recognize, Major Victor Badami, United States Army. Major Badami's office was directly in the path of destruction at the Pentagon. Even though his office was on fire and filling with smoke, he made certain that his office was emptied. But his service did not end there. Major Badami assisted a civilian who was organizing an effort to move several barrels of flame retardant from the hanger to the other side of the walkway, for use by firemen. This area was within the blast area and chemical flames were burning nearby with intense heat. He was going the first to volunteer and fought through those horrific conditions until the end.

But his service was still not done. Major Badami then volunteered for stretcher duty to carry out the injured from the building and remained in the area until his detail was dismissed. As set forth in his soldier's medal, Major Badami's heroic acts are "a testament of his bravery and reflect great credit upon himself and the United States Army," and are indicative of the compassion and sense of duty so proudly displayed in the American spirit.

Mr. Speaker, U.S. educator, Paul Zweig, once wrote, "By hero, we tend to mean a heightened man who, more than other men, possesses qualities of courage, loyalty, resourcefulness, charisma, above all, selflessness. He is an example of right behavior; the sort of man who risks his life to protect his society's values, sacrificing his personal needs for those of the community."

In this spirit, I invite my colleagues to honor and thank Major Victor Badami for his courage, loyalty, and selflessness in a moment when, like never before, his nation needed a hero.

RINGGOLD HIGH SCHOOL

HON. FRANK MASCARA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 16, 2001

Mr. MASCARA. Mr. Speaker, I rise to express my gratitude to the students and faculty

of Ringgold High School in Monongahela, Pennsylvania.

The families of the September 11th attack victims need to know that people all across this Nation are with them during their time of mourning. Hundreds of Ringgold students have signed a huge banner articulating their thoughts and prayers. I am forwarding to President Bush a wonderful open letter they sent to the families of the victims of September 11, 2001, that accompanied the banner. I would like to now submit that letter to the RECORD.

RINGGOLD SCHOOL DISTRICT,
RINGGOLD HIGH SCHOOL,
Monongahela, Pennsylvania.

To the Families of the Victims of September 11, 2001:

It is with heavy hearts that the students and staff of Ringgold High School, Monongahela PA, extend our condolences.

What can any of us say in these moments that seem to be beyond words? How can we speak to those who mourn? The truth is that we are Ringgold need not say much at all. Emily Dickinson once wrote "There is a hush in a home on the morning after death, a silence that would be violated by too many words".

We are with you in our silence with thoughts and prayers. We must all keep hope. Hope to keep living amid desperation, knowing that there is love, and trusting in tomorrow. We meet good people all of the time but in the rush of life we sometimes do not recognize them and look closely enough to realize how their goodness also offers us a sign of what we can yet become ourselves.

As Americans we will not stand-alone. Our combined strength will assure that freedom and justice will prevail.

Again we extend our deepest condolences to the Families of the Victims of September 11, 2001.

Sincerely,

GINA SASKO,
President, Student Government.
MATT WUJCIK,
President, Senior Class.
MIKE BASSI,
President, Junior Class.
MIKE WILSON,
President, Sophomore Class
LORI BARTLEY,
Student Activities Director.
SHIRLEY M. CULYBA,
Principal.

Thank you students and staff of Ringgold High. I speak for this Congress in saying that we appreciate your thoughts.

TRIBUTE TO MICHAEL J. DOOLEY

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 16, 2001

Mr. BORSKI. Mr. Speaker, I rise today in honor of Michael J. Dooley, a life-long friend

to myself and Philadelphia, upon his retirement.

Mr. Dooley will retire as a Carpenters Union Official where he served his Local 454 Pile-drivers Union and Metropolitan Regional Council of Carpenters in Philadelphia for thirty-three years. This man, born and raised in Philadelphia, Pennsylvania, received his schooling from distinguished Philadelphia establishments and used his education and experience to accomplish remarkable feats for fellow union workers.

Mike attended Saint Joseph's Preparatory School and graduated from Drexel University with a degree in Construction Management. He continued his education receiving a Master's Degree from Temple University in Vocational Education. Immediately after his studies, he began work in his Local Union as an Apprentice, climbing to Journeyman status, then Apprentice Teacher, then finally elected Business Manager of the Piledrivers Union in 1979. He served in this esteemed position for twenty-two years.

During these past twenty-two years, Mike has been the Delegate representing his Union in Building Trade Councils. He has also been a Labor Trustee for the Carpenters Health and Welfare Fund and the Carpenters Joint Apprenticeship Committee.

This man, more importantly, negotiated the first ever Seven-Year Agreement for a Building Trades contract in the nation. Mr. Dooley sculpted his fellow union members into a focused, united, and vigorous body.

With all of his accomplishments, Mike still maintains the greatest modesty. There are show horses and work horses, and Mike has been the man to always pull more than his weight in work and accomplishes his tasks without asking for a thank you. The number of people he has assisted—myself included—quietly throughout the years may never be known, but is surely massive in number. Mike will head into retirement in the next month, accompanied by Lynn his wife of twenty-eight years.

Mr. Speaker, I would like to mention that Mike Dooley served his community and neighbors honestly and fully throughout his life. I salute him and thank him for his friendship.

THE NEXT PHASE OF THE WAR ON TERRORISM

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 16, 2001

Mr. BEREUTER. Mr. Speaker, this Member wishes to commend to his colleagues the November 15, 2001, editorial from the Lincoln Journal-Star entitled "Importance of peacekeeping is now clearer." The editorial rightly endorses continued U.S. engagement in Afghanistan as the Taliban quickly retreats, encourages the construction of a multi-ethnic ad-

ministrative structure in Afghanistan, and accurately recognizes the complexities of these endeavors.

IMPORTANCE OF PEACEKEEPING IS NOW CLEARER

The sudden urgency to set up a provisional government in Afghanistan shows the need for Americans to support the use of American forces in peacekeeping roles.

That support has been granted grudgingly in the past in places such as Bosnia and Kosovo, with plenty of detractors yapping that American lives should not be put at stake unless America's strategic interests faced imminent threat.

That argument is no longer convincing in the wake of Sept. 11. It's now apparent that Americans no longer can blithely assume that it doesn't matter what happens in poor, obscure, violence-wracked countries halfway around the globe. The world is now so interconnected by air travel, the Internet and satellite communication that isolation is no longer a realistic option.

There are limits, naturally, on how often the United States can take on a peacekeeping role and how large that role should be. But when it comes to Afghanistan, there really should be no argument. Keeping the peace in Afghanistan would be a formidable undertaking in any circumstances. Under the existing circumstances it will be even more difficult. The startling retreat of the Taliban from Kabul complicates matters for the United States and the rest of its coalition. It has not yet destroyed al-Qaeda. It has not yet captured or killed Osama bin Laden. Now it faces additional responsibilities during formation of a provisional government to fill the vacuum left by the retreating Taliban.

As quickly as possible the United Nations should send in international experts—the work probably will require thousands—to set up some sort of administrative structure for the portion of the country now outside control of the Taliban. It is crucial that the administrative structure include the eventual participation of all the country's ethnic groups, including the Tajik, Hazara and Uzbek tribes in the Northern Alliance, as well as the Pashtun ethnic group in the south, which is represented only minimally in the alliance.

As complex as that undertaking will be, the task of assembling an international peacekeeping force will be even more difficult. Preferably the force would include troops from Muslim countries such as Turkey, which has a reasonably well-trained military. American military forces still will be preoccupied by the search for bin Laden and al-Qaeda members, but the United States should not shirk peacekeeping duties, particularly in providing logistical support.

And Americans should be willing to continue in supporting roles in the peacekeeping effort long after bin Laden is killed or captured and the al-Qaeda network has been smoked out. America's strategic interests must now be defined more broadly and perceptively than in the past.

HOUSE OF REPRESENTATIVES—Monday, November 19, 2001

The House met at 2 p.m. and was called to order by the Speaker pro tempore (Mr. PETRI).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
November 19, 2001.

I hereby appoint the Honorable THOMAS E. PETRI to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer: Lord, our God, as we approach our national holiday of Thanksgiving, we humbly ask You to prepare our hearts, that we may praise You, the source of all creative blessings and the very inspiration that draws us into the oneness of a common table.

As a Nation, Lord, help us to see that no one we know celebrates this feast alone. Expand our table of hospitality and compassion.

Guide us to be creative in leading recent immigrants and visitors to understand that we, as a people, with all our diversity, live by faith and enjoy a freedom of religious expression.

Whether our prayer of praise and thanks finds words or simply plummets the human heart into grateful silence, may we be sincere and renewed in spirit.

By Your grace make us bold enough to acknowledge all our dependencies and give voice to thank those around us who protect us, work with us, pray with us and love us.

Strengthen, Lord, those at our table this year whose thanksgiving is shaken by suffering or the pain of loss.

May they and all of us in this Nation with them be nurtured by renewed awareness of Your daily blessings and our common resolve to seek peace through equal justice both now and forever.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore led the pledge as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed with amendments in which the concurrence of the House if requested, a bill of the House of the following title:

H.R. 2884. An act to amend the Internal Revenue Code of 1986 to provide tax relief for victims of the terrorist attacks against the United States on September 11, 2001.

The message also announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 174. An act to amend the Small Business Act with respect to the microloan program, and for other purposes.

S. 727. An act to provide grants for cardiopulmonary resuscitation (CPR) training in public schools.

S. 1094. An act to amend the Public Health Service Act to provide for research, information, and education with respect to blood cancer.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 4 of rule I, the Speaker signed the following enrolled bill today:

S. 1447, to improve aviation security, and for other purposes.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 5:00 p.m. today.

Accordingly (at 2 o'clock and 4 minutes p.m.), the House stood in recess until approximately 5:00 p.m. today.

□ 1730

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. TIAHRT) at 5 o'clock and 30 minutes p.m.

REPORT ON H.R. 3338, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2002

Mr. YOUNG of Florida, from the Committee on Appropriations, submitted a privileged report (Rept. No. 107-298) on the bill (H.R. 3338) making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore (Mr. TIAHRT). Pursuant to clause 1, rule XXI, all points of order are reserved on the bill.

COMMUNICATION FROM OFFICE MANAGER/SENIOR CASEWORKER OF HON. CHRIS JOHN, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Penny A. Frederick, Office Manager/Senior Caseworker of the Honorable CHRIS JOHN, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, November 15, 2001.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with subpoenas for production of documents issued by the U.S. Marine Corps.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the privileges and rights of the House.

Sincerely,

PENNY A. FREDERICK,
Office Manager/Senior Caseworker.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 174. An act to amend the Small Business Act with respect to the microloan program, and for other purposes; to the Committee on Small Business.

S. 727. An act to provide grants for cardiopulmonary resuscitation (CPR) training in public schools; to the Committee on Energy and Commerce.

S. 1094. An act to amend the Public Health Service Act to provide for research, information, and education with respect to blood cancer; to the Committee on Energy and Commerce.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1447. An act to improve aviation security, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on November 16, 2001 he presented to the President of the United States, for his approval, the following bills.

H.R. 1042. To prevent the elimination of certain reports.

H.R. 1552. To extend the moratorium enacted by the Internet Tax Freedom Act through November 1, 2003, and for other purposes.

H.R. 2924. To provide authority to the Federal Power Marketing Administrations to reduce vandalism and destruction of property, and for other purposes.

ADJOURNMENT

Mr. YOUNG of Florida. Mr. Speaker, pursuant to Senate Concurrent Resolution 85, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore. Pursuant to the provisions of Senate Concurrent Resolution 85 of the 107th Congress, the House stands adjourned until 2 p.m., Tuesday, November 27, 2001.

Thereupon, (at 5 o'clock and 32 minutes p.m.), pursuant to Senate Concurrent Resolution 85, the House adjourned until Tuesday, November 27, 2001, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4606. A communication from the President of the United States, transmitting a supplemental report, consistent with the War Powers Resolution, to help ensure that the Congress is kept fully informed on continued U.S. contributions in support of peace-keeping efforts in Kosovo; (H. Doc. No. 107-151); to the Committee on International Relations and ordered to be printed.

4607. A letter from the Director, Policy Directives and Instructions Branch, INS, Department of Justice, transmitting the Department's final rule—Continued Detention of Aliens Subject to Final Orders of Removal [INS No. 2156-01; AG Order No. 2533-2001] (RIN: 1115-AG29) received November 14, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. LEWIS of California: Committee on Appropriations. H.R. 3338. A bill making ap-

propriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes (Rept. 107-298). Referred to the Committee of the Whole House on the State of the Union.

Mr. THOMAS: Committee on Ways and Means. H.R. 3210. A bill to ensure the continued financial capacity of insurers to provide coverage for risks from terrorism; with an amendment (Rept. 107-300 Pt. 2). Ordered to be printed.

REPORTED BILL SEQUENTIALLY REFERRED

Under clause 2 of rule XII, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. TAUZIN: Committee on Energy and Commerce. H.R. 2983. A bill to extend indemnification authority under section 170 of the Atomic Energy Act of 1954, and for other purposes, with an amendment; referred to the Committee on Science for a period ending not later than November 20, 2001, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(n), rule X (Rept. 107-299, Pt. 1). Ordered to be printed.

Mr. OXLEY: Committee on Financial Services. H.R. 3210. A bill to ensure the continued financial capacity of insurers to provide coverage for risks from terrorism, with an amendment; referred to the Committee on the Judiciary for a period ending not later than November 26, 2001, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(k), rule X. (Rept. 107-300, Pt. 1)

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 3210. Referral to the Committee on the Budget extended for a period ending not later than November 26, 2001.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. GUTIERREZ (for himself, Mr. LAFALCE, Mr. FILNER, Mrs. JONES of Ohio, Mr. DAVIS of Illinois, Mr. RUSH, Mr. LIPINSKI, Ms. CARSON of Indiana, Mr. CLAY, Mr. MCGOVERN, Ms. SCHAKOWSKY, Mr. BLAGOJEVICH, Mr. OWENS, and Mrs. CHRISTENSEN):

H.R. 3339. A bill to provide for public access to information regarding the availability of insurance for small businesses, and for other purposes; to the Committee on Financial Services, and in addition to the Committee on Small Business, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MORELLA:

H.R. 3340. A bill to amend title 5, United States Code, to allow certain catch-up contributions to the Thrift Savings Plan to be made by participants age 50 or over; to the Committee on Government Reform.

By Mr. McDERMOTT:

H.R. 3341. A bill to provide a short-term enhanced safety net for Americans losing their

jobs and to provide our Nation's economy with a necessary boost; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MORELLA (for herself and Mrs. MALONEY of New York):

H.R. 3342. A bill to require activities carried out by the United States in Afghanistan and other countries of Central Asia relating to peace negotiations, post-conflict reconstruction and development, refugee relief, resettlement, and repatriation, and peace-keeping operations comply with the basic human rights of women; to the Committee on International Relations.

By Mr. SHIMKUS (for himself, Mr. RUSH, Mr. LARGENT, and Mr. NORWOOD):

H.R. 3343. A bill to amend title X of the Energy Policy Act of 1992, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SMITH of Michigan (for himself, Mr. SMITH of Texas, Mr. ROHRABACHER, Ms. LOFGREN, Ms. RIVERS, Mr. GUTKNECHT, Ms. HART, and Mr. AKIN):

H.R. 3344. A bill to direct the National Science Foundation to identify opportunities for collaboration with other Federal agencies, to increase the utilization of existing technologies, and to give priority to the development of new research areas to assist in the detection of, prevention of, and improved response to potential terrorist acts; to the Committee on Science.

By Mr. SWEENEY:

H.R. 3345. A bill to make additional supplemental appropriations for fiscal year 2002 for relief and recovery from the September 11, 2001, terrorist attacks on the United States, and for other purposes; to the Committee on Appropriations.

By Mr. PAUL:

H. Con. Res. 277. Concurrent resolution recognizing the important contributions of the Hispanic Chamber of Commerce; to the Committee on Energy and Commerce.

By Mr. WELDON of Florida (for himself and Mr. PENCE):

H. Con. Res. 278. Concurrent resolution concerning the outbreak of terrorist violence in the Middle East; to the Committee on International Relations.

By Mr. TERRY (for himself and Mr. SMITH of New Jersey):

H. Res. 293. A resolution expressing the sense of the House of Representatives that Veterans Day should be observed on November 11 and separate from any other Federal holiday; to the Committee on Government Reform.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 51: Mr. ACEVEDO-VILA.

H.R. 162: Ms. HARMAN and Mr. ISRAEL.

H.R. 1582: Ms. KILPATRICK.

H.R. 2349: Mr. FORD, Mr. REYES, and Mr. SCOTT.

H.R. 2487: Mr. KUCINICH.

H.R. 2570: Mr. GREEN of Texas, Mr. BROWN of Ohio, Mrs. NAPOLITANO, Mr. WATT of North Carolina, Mr. STARK, Ms. MCCARTHY of Missouri, and Ms. MCCOLLUM.

H.R. 2578: Mr. SCHIFF, Mr. FALEOMAVAEGA, and Mr. KILDEE.

H.R. 2815: Ms. WATSON, Mr. ENGEL, Ms. MCCOLLUM, and Mr. ROTHMAN.

H.R. 2835: Mr. KILDEE and Ms. SLAUGHTER.
H.R. 2949: Mr. PASCRELL, Mr. KILDEE, and Mr. WAXMAN.

H.R. 3087: Mr. McNULTY.

H.R. 3178: Mr. WELDON of Florida, Ms. SLAUGHTER, and Mr. FALEOMAVAEGA.

H.R. 3192: Mr. PASTOR.

H.R. 3230: Ms. JACKSON-LEE of Texas and Mr. UNDERWOOD.

H.R. 3255: Mr. BONIOR, Mr. BALDACCI, Ms. BALDWIN, Mr. BECERRA, Mr. BERMAN, Mrs. CLAYTON, Mrs. DAVIS of California, Mr. EVANS, Mr. FATTAH, Mr. FORD, Mr. HASTINGS of Florida, Mr. INSLEE, Ms. KILPATRICK, Mr. KUCINICH, Mr. MCGOVERN, Ms. MILLENDER-MCDONALD, Mr. PASTOR, Mr. SMITH of Washington, Mr. SPRATT, Mr. UNDERWOOD, Mr. WATT of North Carolina, and Mr. LEVIN.

H.R. 3274: Mr. DEFazio and Mr. FILNER.

H. Con. Res. 188: Mr. MORAN of Virginia.

H. Con. Res. 197: Mr. PLATTS.

H. Con. Res. 260: Mr. FALEOMAVAEGA and Mr. BONIOR.

H. Con. Res. 269: Mr. SMITH of New Jersey and Mr. DIAZ-BALART.

H. Res. 98: Mr. GEORGE MILLER of California.

EXTENSIONS OF REMARKS

DR. LEE HARTWELL, 2001 NOBEL PRIZE WINNER IN PHYSIOLOGY OR MEDICINE

HON. JENNIFER DUNN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, November 19, 2001

Ms. DUNN. Mr. Speaker, I want to congratulate Dr. Lee Hartwell, President and Director of the Fred Hutchinson Cancer Research Center, for winning the 2001 Nobel Prize in Physiology or Medicine.

More than thirty years ago, Mr. Hartwell conducted his groundbreaking research on cell cycles at the University of Washington. His work has contributed to our scientific understanding of cellular biological processes that have led to new discoveries in the fight against cancer. He is an inspiration to his community, colleagues, and future scientific researchers.

Dr. Hartwell joined the University of Washington faculty in 1968 and has been a professor of genetics since 1973. In 1996, he joined the Hutchinson Center and has become president and director in 1997. He has won many national and international scientific awards for his work including the Leopold Griffler Prize, the Albert Lasker Basic Medical Research Prize, the General Motors Sloan Award, and the Gairdner Foundation International Award for Achievements in Science.

On December 10, 2001, Dr. Hartwell will join a distinguished list of scientists who have achieved the highest honor in their field when he is awarded the Nobel Prize. His greatest achievement, however, is not measured by the number of awards he receives, but in the number of lives that he has saved. He embodies the true spirit of past Nobel Prize recipients whose contributions have inspired others and improved humanity.

CONFERENCE REPORT ON S. 1447, AVIATION AND TRANSPORTATION SECURITY ACT

SPEECH OF

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Friday, November 16, 2001

Mr. UNDERWOOD. Mr. Speaker, I am pleased that the Congress has reached an agreement on the Aviation and Transportation Security Act. We should support this measure because it will restore public confidence in flying and protect the professionals who work within the airline industry. With its passage we can further our recovery from the devastating attacks of September 11th. I commend those Members, most especially Mr. YOUNG and Mr. OBERSTAR, who worked so tirelessly to reach this compromise.

As a result of this measure, airports will receive the technology needed to effectively screen passengers and baggage, airplanes will receive more secure cockpit doors, and flight crews and airport personnel will receive essential emergency training specific to terrorist and hijacking situations. Most of all, the American people will once again be assured about the safety of air travel.

As my colleagues may know, Guam is 19 flying hours away from Washington, DC. The people of Guam, in an isolated and distant territory, rely heavily on air travel for jobs, economic activity, and their own transportation to and from the mainland. Our island's economy is heavily dependent on the travel and tourism industry. Each year over 1 million Japanese tourists visit Guam. For our economy to survive, travel to and from Guam by air must continue to remain strong. Passage of this measure would support Guam's economy.

It is for these reasons that I support this conference agreement. I would add that while I urge its passage, I believe the U.S. citizenship requirements for Federal screeners should be revisited in the future. Today, many citizens of the Freely Associated States of Micronesia, a former trust territory of the United States, serve as screeners at Guam International Airport. I would hope that their eligibility would be examined in any future review of this requirement.

ANDEAN TRADE PROMOTION AND DRUG ERADICATION ACT

SPEECH OF

HON. EVA M. CLAYTON

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 16, 2001

Mrs. CLAYTON. Mr. Speaker, the Andean Trade Preference Act brought to the floor of the U.S. House of Representatives today is poorly written and ill-timed. As such, I was disappointed to see it pass the floor of the House.

Let there be no mistake, I am not against free trade. Trade, carried out correctly, can be of great benefit to all parties. All members of the House of Representatives have seen numerous instances where the increase of trade between equal partners is mutually beneficial. However, when we do not carefully construct our trade agreements to maximize the benefits and minimize the negative effects of trade, we do a disservice to hard working Americans and threaten their livelihood.

By failing to give due consideration to the textile industry in the United States and opening it to unfair competition from abroad, this bill fails American workers, including a great many in the 1st District of North Carolina.

While some industries and segments of the economy have benefitted from free trade in re-

cent years, the American textile industry has been hit especially hard. In fact, it has been so buffeted by the winds of economic change, a strong dollar, and competition from abroad that its very existence is threatened. If we do not act to protect this vitally important industry, it may disappear altogether. That is not acceptable.

In just the last 12 months, the United States textile industry has lost 60,000 jobs, roughly 10 percent of the domestic workforce. Textile states such as North Carolina and the communities that depend on textiles have been hit the hardest. For years, the closing of textile mills in my district has been a regular occurrence. Unfortunately, the long winter that this industry has endured shows no signs of thawing and bills such as the Andean Trade Preferences Act threaten to turn this winter into a permanent freeze.

The Andean Trade Promotion Act, by further opening the United States market to floods of cheap textile imports, adds insult to injury. The result, should the President sign the bill in its current form, will only mean more economic loss in the communities of the 1st District of North Carolina and additional hardship for many constituents.

Because of this, I vigorously oppose the bill in its current form.

I would also like to briefly comment on the timing of the bill. It is difficult for me to understand why the leadership brought the Andean Trade Preferences Act to the Floor only days before a scheduled vote on granting the President Trade Promotion Authority. If anything, by ignoring the needs of textile states and communities in the Andean Trade Preferences Act, the leadership sends those of us from textile states a strong signal that we should not support TPA for the President. After failing us on this much smaller bill, what confidence can we have that the leadership or the President will do anything differently with regard to textiles if granted TPA?

I take the damaging textile provisions included in the Andean Trade Preferences Act as further evidence of why Congress should oppose providing the President with Trade Promotion Authority. If there are reassurances that can be given that textiles will be given due consideration in later negotiations I would welcome them. But until that is done in a satisfactory manner I will remain skeptical about granting to the President Trade Promotion Authority.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

CENTRAL NEW JERSEY RECOGNIZES THE RETIREMENT OF EWING TOWNSHIP MAYOR ALFRED W. BRIDGES

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, November 19, 2001

Mr. HOLT. Mr. Speaker, I rise today in recognition of Ewing Township, New Jersey, Mayor Al Bridges upon his retirement.

Mayor Bridges has served our community as an elected official for more than a quarter of a century. Having first been appointed to the Ewing Township Planning Board in 1983, Mayor Bridges became its Chairperson the following year. From 1985 to 1994, he was elected and served on the Township Committee, during which his peers on the township committee elected him to serve in the capacities of both Major and Deputy Mayor. In 1995, Ewing Township held its first mayoral election and elected Alfred W. Bridges to serve as Mayor.

Throughout his tenure, Mayor Bridges' contributions have enriched and enhanced our community. He has overseen the preparation and approval of the Green Acres grants valued at \$1.5 million dollars as well as the extension of the Hollowbrook Community Center valued at \$800,000. Mayor Bridges also oversaw the building of a new municipal and police complex, the creation of an Economic Redevelopment Agency and the procurement of a \$4.5 million dollar low interest loan to reduce flooding in Ewing Township.

In addition to his public service, Major Bridges is the Vice President for Government Relations at The College of New Jersey, where he was worked in various capacities since 1970. Mayor Bridges worked as a high school teacher in the Trenton school system after receiving his Bachelor of Arts degree from The College in 1969. He holds a Masters Degree from Rider College.

Once again, I rise to commend Major Al Bridges on his contributions to our community and to wish him much success in all of his future endeavors, and I ask my colleagues to join me in recognizing his lifetime of service to citizens of Ewing Township and New Jersey.

EXPRESSING THE SENSE OF CONGRESS REGARDING THE CRASH OF AMERICAN AIRLINES FLIGHT 587

SPEECH OF

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 16, 2001

Mr. CROWLEY. Mr. Speaker, I rise in support of this important resolution expressing the feelings of this body regarding the crash of American Airlines Flight 587. I commend my colleague from New York, Mr. WEINER, for sponsoring such an appropriate measure in the immediate aftermath of this tragic event. The resolution speaks for itself, but I would like to speak on behalf of those in the 7th District who have been hurt, in very different ways, by this tragedy.

First, I would like to express my condolences to the families and friends of those who died. There are many in my District, including myself, who have personal links with the area that has been hit. My mother grew up in the Rockaways just blocks from the crash site, and my aunt still lives there today. There are many others with similar ties to this neighborhood. We all hope that the community there will come together and recover both swiftly and strongly. The events of September 11th, have really hit this wonderful community hard. It is going to take even more courage and strength for this neighborhood to rebuild.

Second, I would like to pay tribute to the many individuals who selflessly and instinctively threw themselves into the rescue efforts. There acts were a noble reminder of the heroism displayed only weeks before, during the terrorist attacks of the World Trade Center, which touched the hearts of us all. The emergency services once again lived up to their outstanding reputation and performed with dedicated professionalism. Once again, several volunteers disregarded their personal safety and helped any way they could. Twice now in two months tragedy has hit our city from the air; twice also has the brave endeavor of our people risen to meet that challenge.

Finally, I would like to express my empathy with the loss that has been borne by the Dominican people both in the Dominican Republic and in New York. This is a grievous blow to the community, much of it residing in the 7th District, which is home to many Dominicans by either birth or descent. In particular, it is a personal tragedy for many individuals and families. We can only have hope in the natural resilience and camaraderie of the Dominican community to support all concerned in this bleak hour.

We here in Congress do express our sympathy and admiration for all that has happened. But we must also once again strive to ensure that all was not in vain and lessons shall be learned from this catastrophe.

ENSURE SMALL BUSINESSES' FAIR AND EQUAL ACCESS TO COMPETITIVE AND AFFORDABLE INSURANCE PRODUCTS AND SERVICES

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 19, 2001

Mr. GUTIERREZ. Mr. Speaker, today I am introducing the "Small Business Insurance Data Disclosure Act of 2001," a bill to provide for public access to information regarding the availability of insurance for small businesses.

There is no doubt that small businesses have played a significant role in the unprecedented economic prosperity we have enjoyed during the last decade.

America's 25.5 million small businesses represent more than 99 percent of our nation's employers. They employ 51 percent of the private sector workforce and create more than 80 percent of all the net new jobs in the United States.

In 2000, there were 612,400 new employer firms, an increase of 4.3 percent from 1999.

Small business bankruptcies decreased by 14.8 percent between 1999 and 2000, to the lowest level in more than 20 years. And the business failure index also decreased by 1.7 percent since 1999.

Small businesses, however, are also the most vulnerable market sector in times of economic uncertainty or downturn and assuredly experience difficulties with making loan payments on existing debts, paying employees, paying vendors, paying rent, insurance premiums or other operating expenses and securing financing for their businesses.

The commercial insurers are preparing small business policyholders for rate increases. Please consider the following:

According to an Insurance Insider report, insurance premiums for restaurants are expected to rise by an average of at least 15 percent. More than 70 percent of our nation's restaurants are small businesses and are currently experiencing declining revenues. Now, their already weakened balance sheets must incorporate anticipated premium increases.

Lack of affordable and adequate insurance will severely limit the ability of entrepreneurs to obtain credit for starting, growing or expanding a small business. Hence, there will be fewer new or increased revenue streams to flow into our already slowed economy.

To address these problems, this Act requires insurance companies to compile and make public sufficient data for analyses of the availability and affordability of small business insurance. That data would include the following information for small business insurance: race/ethnicity, gender, census tract, annual revenue of the small business, number of small business policies and amount of premiums, number of cancellations and non-renewals and the aggregate losses by the insurance companies.

This Act is strongly supported by numerous grassroots organizations among which are the National Community Reinvestment Coalition; National Congress for Community Economic Development; Woodstock Institute (IL); Women's Business Development Center of Chicago (IL); Rural Opportunities (NY); California Reinvestment Coalition; Fairness in Rural Lending (WI); Women's Business Development Center of Philadelphia (PA); Nevada Fair Housing Center; Delaware Community Reinvestment Action Council; Chicago Association of Neighborhood Development Organizations (IL); Center for Women and Enterprise (MA); Coalition of Neighborhoods (OH); Community Equity Investments, Inc. (FL); Dallas/Ft. Worth/Arlington Minority Business Development Center (TX) and the Hispanic Economic Development Corporation.

Mr. Speaker, I urge my colleagues to support this much-needed legislation to ensure that small businesses are afforded equal access to affordable insurance products.

November 19, 2001

HONORING THE 50TH
ANNIVERSARY OF JET MAGAZINE

SPEECH OF

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2001

Mr. OWENS. Mr. Speaker, I rise today to honor a publication which strongly supports the legacy of African American Cultural Identity. For too long the living history and cultural identity of the African American community has been squelched or denied altogether. Our African cultural identity has been diminished by the American political realities of the slave trade, segregation, discrimination and racism.

The historical contributions that Africans have made globally and African Americans have made to America have been shrouded by ignorance and bigotry. The majesty and the grandeur, of the African American cultural experience, can only be told by those who know it. John Johnson knows it and through Jet Magazine the Johnson Publishing Company, has shown it for more than 50 years.

Johnson Publishing Company, one of the nation's largest Black-Owned businesses, has stood on the vanguard, disseminating the beauty, the strength and the pride of the African American community through such publications as: the Negro Digest; Ebony Magazine and Jet Magazine to name a few. These publications were the only source of information about the African American cultural identity for more than twenty years.

Today, Mr. Speaker I rise to celebrate the legacy of African American cultural identity, Johnson Publishing Company and Jet Magazine in particular. Established in 1951, Jet Magazine has highlighted the cultural expressions and achievements of African Americans. When other mainstream publications refused to focus on the African American community, Johnson's Jet Magazine was there to chronicle our everyday lives, capturing our beauty and our cultural, educational, and professional achievements. With a circulation of nearly 1 million and a pass-along rate of 9.7 readers per copy, the weekly digest of news and information is read by more than 9 million people.

God was having a good day when he created Jet Magazine. Through Jet Magazine, African Americans have been able to share their cultural identity, values and community spirit with each other and the world. "Big Ups" to Jet Magazine on its 50th Anniversary.

TRIBUTE TO DR. ROY T. TSUDA

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Monday, November 19, 2001

Mr. UNDERWOOD. Mr. Speaker, I would like to commend and congratulate Dr. Roy T. Tsuda, a good friend and colleague in the field of education, for his contributions to the island of Guam and for his well-earned retirement as president of the University of Guam (UOG).

Dr. Tsuda was born in Honolulu, Hawaii on Christmas day, 1939. A 1957 graduate of

EXTENSIONS OF REMARKS

Iolani High School in Honolulu, he later earned degrees in Botany from the University of Hawaii. He received his Bachelor of Arts in 1963. From 1964 to 1966, he was the National Defense Education Act Guarantee Fellow—earning a Master of Science degree in 1966. The title of his master's thesis was Quasi-lunar photosynthetic rhythms of a neritic plankton population. In 1970, Dr. Tsuda was awarded a Ph.D. in Botany with a minor in Zoology by the University of Wisconsin at Milwaukee. His doctoral dissertation was entitled A floristic and distributional account of Phaeophyta (brown algae) on Guam, Mariana Islands.

Dr. Tsuda came on board the University of Guam in 1967 as an instructor. In 1974, he was made a full Professor and was assigned to the university's marine laboratory and served as its Director until 1976. As Director, he coordinated the faculty's research, teaching, and service activities of the faculty. He also worked on the budget and served as the university's liaison for biological and environmental projects. Between 1973 and 1976, he also found time to serve as General Editor for Micronesica, the University of Guam's Journal.

In 1978, Dr. Tsuda was named the first Dean of the university's Graduate School and Research Department—a post he held from 1978 until 1984. During this period he concurrently served as Interim Vice President for Operations and Support Services. As Dean, he administered all graduate programs, worked towards the enhancement of scholarly research within the University community and coordinated the Micronesian Area Research Center, the Water Energy and Resource Institute and the Marine Laboratory—UOG's research units. He also served as the Guam representative to the East-West Center Program and the Fulbright-Hays Program. From 1984 until 1989, he served as UOG's Vice President for Academic Affairs. While in this post he coordinated all academic programs within UOG's four undergraduate colleges, Graduate School and Research, the Library, Student Affairs, Continuing Education and the Computer Center. He served as Interim President between 1987 and 1988 and was elevated to Professor Emeritus of Marine Biology upon his retirement in 1989.

Dr. Tsuda briefly worked as a Foreign Visiting Researcher for the Sesoko Marine Science Center of the University of the Ryukyus in Okinawa in 1990. He conducted research on seaweeds and seagrasses of Okinawa and published three scientific papers. He later came back to Guam to work for Duenas & Associates, Inc. as their Chief of Environmental Services. In addition to field work, he was in charge of preparing the company's proposal and cost estimates for clients, the preparation of environmental reports and permit applications with local and federal agencies.

During some of UOG's most troubled times, Dr. Tsuda was recalled to once again serve as Interim President. Under his watch, the university headed towards a positive direction. Originally expected to serve for seven months, the demand for Dr. Tsuda's service and leadership eventually made his stay a total of eleven months. As he once again leaves, Dr Tsuda is credited for bringing cohesion within the university community.

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Dr. Tsuda's distinguished career and extraordinary accomplishments are greatly admired and appreciated. I commend him for his service to the university and to the people of Guam. I hope that he enjoys his well-earned retirement and wish him the best in his future endeavors.

IN RECOGNITION OF DR. STEVEN
CHAN

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 19, 2001

Mr. STARK. Mr. Speaker, it is my pleasure to pay tribute to Dr. Steven Chan in my congressional district who has just recently been selected as the 30th president of the California Dental Association (CDA).

CDA is the largest state dental association in the country and Dr. Chan, a pediatric specialist, is the second American of Chinese descent to reach this top office. He will now head the association that was founded in 1870, and has more than 18,000 members.

A husband and proud father of two, Dr. Chan continues to prove himself as a leader within his profession and contributor to his community. While he has made it his life's work to attend to the proper health of children, he amplifies those efforts by participating in community events for children as well.

Dr. Chan epitomizes community service, volunteering in many local establishments. He is seated on the Board of Directors for the South Bay Chinese Club and has been a member for over 14 years. In a continuing effort for more than 7 years, he has assisted local area hospitals in community relations programs. He aided the Fremont Chamber of Commerce as a scholarship foundation trustee. Going on to work as Commissioner of the Fremont Library, he performed many tasks including consultant to special collections and the Alameda County Library Foundation. With all of the activities he is involved in, he still finds time to assist with activities for the school district as well.

I applaud the hard work and community spirit put forth by Dr. Chan. This is an individual who has found time to have a family, a successful business, and volunteer his free time to a wide variety of causes. He has an understanding of selflessness and efficacy that I feel we should all praise. I ask my colleagues to join me in congratulating Dr. Steven Chan on his newest accomplishment as the President of the CDA. I look forward to the opportunity to work with him in this new capacity.

“CATCH-UP” CONTRIBUTIONS FOR
ALL ACT

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, November 19, 2001

Mrs. MORELLA. Mr. Speaker, I rise today to introduce the “Catch-Up” Contributions for All

Act. This bill will amend title 5 to allow all Thrift Savings Plan (TSP) participants who are over 50 to take advantage of "catch-up" contributions.

Recent changes in tax law (Public Law No. 107-16) permit 401(a) plans and others, like the TSP, to accept additional contributions from those age 50 and over. Due to the new law, an individual, age 50 or older, could put an additional \$1,000 next year into a pension plan, in addition to regular contributions allowed by law. The following year the extra contributions would be \$2,000. It would increase each year until the extra contribution level was \$5,000. Each year thereafter the investor could put in an additional \$5,000 (on top of the regular contribution) in a pension plan.

However, this new law does not change the terms of any plan to provide the benefit; in fact, plans are not required to make the benefit available to participants. Instead, plans that choose to do so must take steps to amend their plan documents before such contributions may be accepted. Similarly, FERSA—the plan document for the TSP—must be amended before the TSP may accept additional contributions. Only Congress may amend FERSA. Thus, before the TSP can accept catch-up contributions in excess of the current limits, Congress must change the law. My legislation will make the requisite change in title 5 and allow all TSP eligible participants to contribute more to their pension.

The catch-up provision is particularly justifiable for the Federal plan since the TSP was not created by law until 1986. The "catch-up" contributions will allow workers to make-up for years when they weren't employed, didn't contribute to their plan or otherwise weren't able to save. It is also particularly beneficial for

women who have returned to the workforce after taking time away to raise families.

It is essential that we in Congress do as much as we can to foster improved savings by enhancing private and public sector pension plans. America has one of the lowest national saving rates among industrialized countries. It has fallen steadily over the last 20 years, seriously jeopardizing Americans' security during what is supposed to be their golden years. Even though Americans recognize that they should be saving more, half of all family heads in their late fifties possess less than \$10,000 in net financial assets. With the retirement of America's baby boomers approaching, Congress must help encourage Americans to save more.

Mr. Speaker, we have made a positive and necessary first step, we must now finish what we started and ensure that TSP participants have the same rights as those in the private sector.

PAYING TRIBUTE TO R.T. MANTLO

HON. SCOTT MCINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, November 19, 2001

Mr. MCINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to the life and memory of Robert Tillman Mantlo who recently passed away in Grand Junction, CO on November 13, 2001. Robert, known by others as R.T. and Chief, will always be remembered as a dedicated leader of the community. His passing is a great loss for a community that relied on R.T. for his knowledge and wisdom in times of hardship and prosperity.

R.T. served the citizens of Grand Junction for over 50 years. He began his service as a

fireman in 1945, serving in the department until his retirement as Chief in 1986. As Chief, R.T. ran the department for 12 years and was instrumental in the creation of two additional fire stations in the city. The firemen of the city can be especially grateful to R.T., as no man lost his life to fire under R.T.'s command. Following his retirement, R.T. continued his service to the community and entered the field of politics.

R.T. was elected to the City Council in 1987. He served two terms and was admired by his constituents throughout the area. His exceptional service paved the path to the office of Mayor where R.T. was again elected for two terms, first in 1989 and second in 1994. After his term expired, he continued his public service as a member of the Grand Junction/Mesa County Riverfront Commission and the Grand Junction Housing Authority.

His contributions to the community did not stop at the realm of the political arena. As a sports enthusiast, R.T. was active in the creation of several athletic organizations in the community. These clubs included the Recreational Softball League and the National Junior College Baseball World Series. R.T. not only helped create the league but also served as a coach to several teams.

Mr. Speaker, R.T. will be missed by many whose lives he has touched in the community. It has always been known that his greatest passion was his love and dedication to his family. R.T. is survived by wife Betty, sons Dick and LaVern, and daughter Tanna Fowlds. It is with a solemn heart that we say goodbye and pay our respects to a patriarch of the Grand Junction community. Robert Tillman Mantlo dedicated his life to the city of Grand Junction, CO, and he will be greatly missed.

SENATE—Tuesday, November 27, 2001

The Senate met at 10:30 a.m. and was called to order by the Honorable JAMES M. JEFFORDS, a Senator from the State of Vermont.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious God, we return from Thanksgiving recess with gratitude surging in our hearts for all that You have done for us and given to us. We praise You for Your goodness, faithfulness, and unchanging love. During these past weeks since September 11, You have been our strength, courage, and endurance. You have given us exactly what we needed in each hour. Now in that same companionship with You, we face the challenges ahead. Grateful for the progress in the war against terrorism, we praise You in advance for victory in the battles still before us in Afghanistan. Remembering how You have protected the Senate family through the anthrax threat, we ask for continued patience and perseverance for the Senators and staffs displaced from their offices. Thank You for the interception of the anthrax-laden letter addressed to Senator LEAHY and continue Your protective care in the offices of Senator KENNEDY and Senator DODD.

Author of unity and source of oneness, may the spirit of patriotism equal to our Armed Forces in harm's way sway this Senate in the days ahead. Thank You for enabling civility, creativity, and compromise that will get the work done expeditiously with excellence. We say with the psalmist: *O Lord my God, I will give thanks to You forever. Amen.*

PLEDGE OF ALLEGIANCE

The Honorable JAMES M. JEFFORDS led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, November 27, 2001.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby

appoint the Honorable JAMES M. JEFFORDS, a Senator from the State of Vermont, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. JEFFORDS thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. DASCHLE. Mr. President, this morning the Senate will conduct a period of morning business with Senators permitted to speak for up to 10 minutes each. The Senate will recess from 12:30 to 2:15 p.m. for the weekly party conferences.

I ask unanimous consent that the Senate go back into morning business beginning at 2:15 p.m.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DASCHLE. At least one rollcall vote will occur during today's session between 4 and 5 p.m.

It is my intention to take up the railroad retirement bill today. We will make a motion to proceed to the bill shortly. After we dispose of the railroad retirement bill, my hope is that we can take up the farm bill. We are going to be taking both of these bills up, waiting for the Defense appropriations bill to be sent here from the House. We are not sure yet when that will be. My hope is it will be sometime before the end of this week.

Appropriations Committee chairman Senator BYRD has made it clear it is his intention to take up the bill in committee as quickly as possible, and then we will be prepared to take up the Defense appropriations bill as soon as or shortly after the Appropriations Committee has acted.

In addition to that, our hope is to take up the economic stimulus package. That is very important legislation that we hope we can finish certainly before the end of this session. The conference reports on appropriations—there are four conference reports still outstanding. We will want to address those as quickly as possible.

I also inform my colleagues that the Judiciary Committee is prepared to report out, as I understand, nine judicial nominees, including one circuit court nominee, this week. We will be taking

up those nominees as soon as the committee has reported them out, in addition to other nominations.

I have not mentioned the terrorist insurance bill, the port security bill, counterterrorism, or bioterrorism legislation. There is a lot of work left to be done. My hope is we can complete our work on all of those pieces of legislation prior to the time we depart for the Christmas holidays.

Once again, the issue of energy has come up on a number of occasions. For good reason, it is a very important piece of legislation. The House has acted on an energy bill. We need to act as well. I have indicated it was my plan to take it up as soon as many of the issues relating to the response to the terrorist attack of September 11 could be resolved. Of course, we are still dealing with many of those issues right now.

We also are continuing to deal with what I think most Senators would agree is must-pass legislation; that is, the array of appropriations bills that have yet to be completed.

It is for that reason I don't know that we will have an opportunity to complete our work on an energy bill before the end of this session. I am prepared to commit to taking up the energy bill prior to the Founders Day recess; that is, during that first work period, between January 22 and the time we break for the Founders Day recess.

We ought to recognize that this bill is important. It is comprehensive, but it is also controversial. We are going to have to leave some time for debate on the legislation. It is my intention—and I intend to be more clear as I know what remains of this session when we come back—regardless of whatever additional legislation may be required to be considered in that first block of time, my determination, my commitment will be that we raise this issue, debate it, and have a good opportunity to consider energy legislation prior to the Founders Day break.

Mr. LOTT. Mr. President, I ask Senator DASCHLE, is he through?

Mr. DASCHLE. I am not through. I have a statement I will be making about further issues to be considered and raised. I am happy to yield.

Mr. LOTT. Mr. President, if the Senator will yield, I would like to ask some questions about the anticipated schedule he just outlined today.

One thing he didn't mention was the Education conference report. I understood that some progress had been made in that area. It is one we have been working on all year. Certainly, trying to make a Federal commitment

to improving education throughout America with more accountability and better education in general is something we all want to work toward. Did the Senator intend to indicate, by not mentioning it, that it is not likely to happen, or does he have any information on what we might anticipate on the Education conference report?

Mr. DASCHLE. I had a good conversation with the chairman of the Education Committee last night. He has given me a progress report. Clearly, if the conference completes its work, I want to bring up the education bill. Clearly, that is an issue of great import, as the Senator has noted. It is one that deserves the attention and priority of Congress and would be reflected in the schedule.

I did not list it simply because the conference has not completed its work, but if it completes its work, I will certainly be interested in pursuing an opportunity to take it up on the floor.

Mr. LOTT. Mr. President, if the Senator will yield, if that work is not completed, the majority leader does not anticipate that would interfere with the ability of the Labor-HHS-Education appropriations conference committee to complete its work?

Mr. DASCHLE. The Senator is correct. We have to complete the work of the appropriations process. Certainly that is an issue that has to be resolved.

Mr. LOTT. With regard to the Defense appropriations bill, that is the only appropriations bill that has not been considered on the floor of the House or the Senate while the other four conferences are continuing to work. I want to clarify when it is the Senator's intention to bring up the Defense appropriations bill.

I assume the House is going to begin work on it today and maybe complete action on it by tomorrow. We would then be able to go to it, I presume, Thursday or Friday. What is the majority leader's thinking on the Defense appropriations bill? Obviously, that is a very important bill because it provides the funds that are needed for the defense of our country at a time when, obviously, that is very important. It is being used in that very important engagement in Afghanistan, and it also contains the final \$20 billion for aid as a result of the September 11 events.

I am just concerned if we do not go to it as soon as is possible, that is the one of two things that will delay our ability to complete our work at least for this session of Congress.

Can the majority leader clarify more for the Senators what we might expect on the Defense appropriations bill?

Mr. DASCHLE. The distinguished Senator is absolutely correct. This is a critical piece of legislation. We have been waiting for the House to produce a bill on which we can begin working. They have had some difficulty in arriving at a consensus.

As I understand it, as the Senator has noted, the House now does plan to make another effort at reaching a consensus this week. Just as soon as the bill is sent here, I am quite sure the Appropriations Committee will take it up in their committee, and then at some point shortly after that, whenever that time may be, it would be my intention to bring it to the Senate floor for debate and passage.

Since we do not know exactly when the House will be able to send us a bill, it is not as clear to me when we can move on the Senate side, but just as soon as we have a bill, we will move.

Mr. LOTT. I had hoped Senator MURKOWSKI would be able to be here—I understand he is actually on the way in to the Capitol at this time—and other members of the Energy Committee who have been very concerned that we have not taken up national energy policy legislation before even now.

From what the majority leader is saying, it is his intent not to have an energy bill considered this year—at least he is not going to call one up—but he indicated he would call a bill up after we come into session, presumably January 22, in that 3-week period before the Founders Day recess period. Mr. President, is that what the Senator is saying at this point? He is not making any kind of commitment as to getting a product—I did not hear him indicate what product that might be because the Energy Committee, I do not believe, has actually completed work on the bill.

I guess the majority leader's intent would be to rule XIV some bill and call it to the floor under that procedure. Is that what his thinking is? I just want to clarify that as much as possible.

Mr. DASCHLE. The Senator is absolutely correct. We intend to bring up for purposes of debate and amendments and consideration a bill we will introduce next week. It will be rule XIV'd. It will be brought to the floor.

As the Senator knows, not just the Energy Committee, but the Finance Committee, the Environment and Public Works Committee, the Governmental Affairs Committee, and I think even the Armed Services Committee have all played a role in the creation of this comprehensive, multifaceted energy policy. Because it is so multifaceted and multijurisdictional, we chose to put a proposal together that will allow the Senate to work its will on energy policy during that period of time.

That bill will be, as I say, introduced next week, available to all Senators for the period we are not in session. It would be my expectation we would take the bill up—not only my expectation, but my commitment that we will take the bill up during that first work period.

Mr. LOTT. It is of great concern to me and a number of Senators that we

are not going to be able to consider an energy policy for our country before the end of the year, especially in view of the fact we see now continuing uncertainty about what is going to be done by the OPEC countries.

I have a great deal of concern that we are dependent on Iraqi oil and even Russian oil, although Russia clearly has been helpful in this instance in not cutting the supply which would drive up the prices at a critical time.

I think we should have already done an energy bill, and we should do one before we go out. I believe once we actually get on to an energy bill, many portions of it can be handled rather expeditiously. Clearly, there is a disagreement about oil production in ANWR, and we will have to work through that with a vote or votes just to see what happens.

While we are being told we are not going to do an energy bill, I understand the majority leader's intent now is to call up the railroad retirement bill which has not been reported from the Finance Committee and clearly is not an emergency, even though it does have support on both sides of the aisle. It is your intention to try to call up the railroad retirement bill today; is that correct?

Mr. DASCHLE. The Senator is correct. The railroad retirement bill has 74 cosponsors. It is overwhelmingly supported on both sides of the aisle. I do not recall the exact vote in the House, but it passed overwhelmingly in the House. I know well over 300 House Members voted for it.

This is a matter of great concern to a lot of railroad retirees. We were hoping that while we wait for the Defense appropriations bill, we could take up a couple of pieces of legislation that deserve consideration, and that certainly is one of them.

Mr. LOTT. And the other one is Agriculture, even though the agricultural law for the country does not expire until next year. This bill came out of committee. Even though it was reported on a voice vote, I think the critical vote was pretty much a party-line vote.

There are a lot of problems with this legislation. I do not see that it could be handled quickly with all the different problems that are in this bill. So the majority leader's intent would be to try to go to railroad retirement today and then Agriculture after that, and then go to the Department of Defense appropriations bill after those two?

Mr. DASCHLE. The Senator is correct.

Mr. LOTT. All of that is building up to one critical question: Where is the stimulus bill? If we really want to help the unemployed in this country with their unemployment benefits and health benefits and to stimulate the economy with some provision that would give a quick jump-start to the

economy, including possibly this idea that Senator DOMENICI has been proposing, which would be a payroll holiday during December which would have a tremendous immediate impact for employees and employers and come at a critical time of the season—it sounds to me as if the Senator's intent is just to shuttle the stimulus bill off to the side with no indication as to when it may come back and, as a matter of fact, if you try to go to railroad retirement and do not get consent, I presume the majority leader would file a motion to proceed. That would be fully debatable. You would file cloture, and there would be a vote on it on Thursday, I presume. Then we would be off the stimulus bill. So the stimulus bill would be not only moved off to the side, it would be completely brushed aside.

It looks as if, to me, for the defense of our country and to help the economy of this country, the two bills we ought to be focusing on are, obviously, Defense appropriations, which the Senator has indicated we want to try to do, and the stimulus bill ahead of anything else.

I wish to express my concern we should not be doing anything else until we get an agreement worked out on the stimulus bill. I still am an optimist that we can come to an agreement on the stimulus bill that would help the unemployed and help those who need health benefits in this country and provide a boost to the economy in a quick fashion that would provide positive, immediate benefits without long-term negative effects and would actually encourage growth in the economy.

So I wanted to express my concern about that, and I hope as the day progresses and we go over into tomorrow we will continue to work to find a way to get that done.

I thank the Senator for yielding.

Mr. DASCHLE. If I could respond to the Senator from Mississippi before he leaves, I will ask him a question. He asks: Where is the stimulus bill? I remind him, prior to the Thanksgiving recess, the Republicans defeated cloture on the stimulus bill. They are filibustering the stimulus bill as we speak.

There is one way to break that filibuster and to get on with ensuring we can get a stimulus package even this week. I ask the Senator from Mississippi if he would sit down with me and with our Republican and Democratic colleagues in the House and negotiate a package that addresses homeland security and revenue tax reduction, and do it this afternoon. If he is willing to agree to a meeting of that kind—which they have not been willing to agree to so far—we can get to work and get an agreement certainly before the end of the week.

Will the Senator from Mississippi agree to do that?

Mr. LOTT. I certainly would be more than delighted to sit down with the members of the Finance Committee in the Senate and the Finance Committee in the House to work on a stimulus package that would provide immediate growth in the economy.

As the Senator knows, unfortunately the bill that came out of the Finance Committee came out on a straight party-line vote, and when the bill came to the Senate, an additional \$15 billion in spending—I believe that is the right number—had been added for homeland security, which I think is certainly a debatable issue as far as its stimulative effect is concerned.

It might be argued some of those funds might be needed at some point, although those funds have not been requested by the administration. There have been no committee hearings, that I know of, that have justified that expenditure. Therefore, to have a negotiation on appropriations is not the way to proceed. We should proceed on the bill that came out of the Finance Committee.

There was not a cloture vote. The vote was on a point of order, as I understand it, which does require 60 votes, because this bill in its present form clearly exceeds the budget.

I made several efforts, and so has the Senator from South Dakota, I believe, before the recess to see if we could get the negotiations started immediately between the House and the Senate. For a variety of reasons, I guess, that did not happen, partially because it was a continuing demand to have negotiations on this additional \$15 billion, which can be added to other bills. I understand it may be offered as an amendment, either in committee or on the floor, to the Defense appropriations bill.

Mr. DASCHLE. If I could clarify, because I think the Senator has put his finger on exactly the issue. The Democratic position on economic stimulus is—and the economists have all verified this—there are two ways to stimulate the economy. One is through spending, and our homeland security package would provide spending for bioterrorism, for law enforcement, for an array of very specific needs. In fact, the Director of Homeland Security said there is a specific array of needs he should have, and he would like to have them sometime next year. What we are saying is if they are important next year, they ought to be important this year. We are saying that is part of it.

The other is tax reduction. Is the distinguished Republican leader saying that as long as homeland security is part of our package, they will refuse to have the meeting to find some resolution to this issue?

Mr. LOTT. The principles I thought we were proceeding on were: We wanted to have a stimulus package that would have an immediate effect, not one that

would have an effect 6 months or 1 year from now; also, it would not have negative long-term effects, such as driving up the deficit significantly and therefore eventually affecting interest rates; and it would have an immediate stimulative effect.

We believe adding \$15 billion on top of the additional expenditures that were added in the Finance Committee—and I am not sure what the total amount of money was that was added in spending in the Finance Committee, but it probably would put it in the range of \$20 billion to \$25 billion in additional expenditures, which is not the way to stimulate the economy. Again, it may be argued that at some point it should be considered separately.

The President has indicated that when they need additional funds, they will ask for additional funds. The President has specifically said they do not need these additional funds at this time. As I noted a while ago, there have been no hearings on this, but as long as there is an effort to turn this into another major spending bill, that is a problem. We should sit down and negotiate on the bill that came out of the Finance Committee and work out an agreement. That is the way to go, and that is what we are going to insist on. We are ready to do that at any time.

Mr. DASCHLE. I know there are a lot of Senators who wish to speak, but the Republican position is that so long as Democrats hold a view that in addition to tax cuts and whatever can be generated legislatively from the Finance Committee, that there is a very legitimate need for immediate additional commitment to homeland security, fighting bioterrorism, fighting the array of challenges we face in defending our infrastructure, making sure people have adequate law enforcement to deal with the array of challenges we face even at the local law enforcement level—so long as that is part of our economic stimulus package, the Republican caucus is refusing to meet. That is the issue.

So far, they have also refused to even deliberate on a bill that allows consideration of that, given their points of order or whatever other choices of parliamentary devices are available to them. So that is the issue.

I have offered three alternatives. Let us have a good debate. Let us decide what we are going to do in the Senate. Let us have a meeting to see if we can resolve both the spending and the revenue side. That was unacceptable.

I suggested then let us have separate meetings, one for appropriations. If their position is it ought to be zero and our position is it ought to be \$15 billion, perhaps if there is a real desire to compromise and work this out to resolve our differences, we ought to be

able to find some middle ground between zero and fifteen. The Republicans are saying, no, we do not even want to meet so long as that is an issue. So they are not willing to agree to separate meetings to talk about revenue and appropriations.

Finally, I suggested, if we take it up as an amendment to the Defense appropriations bill once it comes to the Senate and have a good debate about that, can we be guaranteed the Republicans will not use whatever parliamentary device may be chosen to deny the majority the opportunity to pass that? Again, they could not provide us with that assurance.

I know the distinguished Republican leader's suggestions are sincere and heartfelt. We have had many private conversations about the belief that he and I could probably work something out. He has a caucus to work with, and so do I. We do our best to try to represent our caucuses, but the Republican caucus has made it quite clear they are in no hurry to pass economic stimulus so long as economic stimulus is defined as, at least in part, an investment in homeland security. Never mind that it was reported in the Washington Post last week that the administration has \$127 billion of homeland security needs that are unattended right now. Never mind that the Director of Homeland Security said we have to have a lot more money, a lot more resources in homeland security than what we have right now.

He said, I am going to propose a supplemental next year. We are saying that if it is needed next year, and if the serious recognition of the need for homeland security is evident to him now, why do we wait until next year to deal with something we ought to do now? Especially when it involves improving the confidence level of the American people so they will lead their lives normally and restore this economic vitality that was so much a part of the last 8 years.

I will work with the Republican leader to try to find a way to resolve this impasse. As I said, we are willing to sit down anytime, under any circumstances, and meet, so long as both pieces are on the table. That is the Democratic caucus position. To my knowledge, it is shared by virtually every member of our caucus. So we will continue to try to work through that.

Mr. NICKLES. Will the majority leader yield for a comment?

Mr. DASCHLE. I am happy to yield.

Mr. NICKLES. I remember when the majority leader was minority leader and also trying to protect President Clinton. He did an outstanding job in so many ways. Well, President Bush has already said he did not want additional spending this year; he would consider the spending next year. Some of us will work to protect that. We think we have the votes to do that.

I also urge the majority leader to stay on the stimulus package. That is the regular order. That is the bill pending. I think the majority leader's request, to move off of that and pass railroad retirement, will not happen easily. There is strenuous opposition. There may be a lot of cosponsors but maybe not everyone read the bill. Maybe the bill never had a hearing in the Senate. In fact, it has never had a hearing in the Senate. It is a \$15 billion giveaway. It cuts taxes for a few firms for a few billion dollars and raises benefits and in 10 years has a heck of a problem. We will spend a lot of time on that bill.

I urge that the Senate stay on the stimulus package. There are challenges facing the Agriculture bill, which will not pass in a day or two. That bill has significant problems. Let's stay on the stimulus bill; let's work together to see if we cannot resolve some of the problems and actually help the economy. That is my request and my urging of the majority leader.

I want him to know at least a couple of the bills he was talking about taking up, which imply these can pass in a couple of days, will not happen. I give friendly advice to my friend and colleague, that will not happen.

I would like to have a fruitful, productive 2 or 3 weeks, whatever we will have to finish out this year to have some success in the appropriations and on the stimulus package. I was hoping we would do an energy package. The President has requested we do the energy package. The House passed it months ago. We have yet to consider it. I understand your priorities are different. I make those thoughts known to the majority leader that there will be strenuous objection to the railroad retirement bill, using procedural devices that are available to all Members so people can become familiar with this bill. So it will not pass quickly.

I urge staying on the stimulus bill and have unlimited meetings to get the stimulus bill completed this week or next.

The PRESIDING OFFICER (Mr. CORZINE). The Majority Leader.

Mr. DASCHLE. If I could respond briefly to the Senator from Oklahoma, I appreciate, as always, his honesty and forthrightness in telling his colleagues of his intentions on the railroad retirement bill.

He mentioned one of the reasons we ought to stay on the economic stimulus bill is the House has passed it and we ought to pass it. The House, many, many months ago, passed the railroad retirement bill. The House several months ago passed the farm bill. If that is the criteria by which we decide what ought to be taken up, I would think there is a strong argument both railroad retirement, as well as the Agriculture bill, ought to be addressed.

The distinguished Republican leader was asking a similar question, What is

the hurry in bringing up the farm bill? He noted the farm bill expires next year. That is the answer: The farm bill expires next year. More than a dozen national farm organizations wrote a letter yesterday pleading with the Congress, pleading especially with the Senate, to take up the bill, unencumbered, to pass it cleanly, to get on to conference and resolve our outstanding differences with the House and get this legislation passed this year. Farmers need to know what the circumstances are going to be next year when the current farm legislation expires. They need to have time to plan.

The Department of Agriculture needs time to adjust to the array of changes that will occur in public policy once this takes effect. That cannot be done overnight. If we don't do it now, it will encumber and perhaps impede in very serious ways the Department's ability to provide continuity in farm policy next year. This is very clearly a must-pass piece of legislation.

The Republican leader also made mention of the fact we had agreed in earlier bipartisan meetings about making sure the stimulus package is immediate and cost contained. He is not here, and I will not belabor this point because he is not here, but I certainly urge the Republican leader to go back and look at his own bill. If he is concerned about that, my guess is he will vote against the Republican bill in the Senate Finance Committee. It is twice the size of the Democratic plan. It is \$175 billion. We agreed it would only be a \$75 billion package overall. The House Republicans are proposing a \$175 billion package, and most—I emphasize "most"—of the provisions do not take effect this year. Most of them take effect in the outyears. There is almost no stimulus effect and it is twice the cost of the agreed-upon amount of stimulus we were going to provide this year.

I urge our Republican leader to look closely at his bill. I am sure he will come to the same conclusions I have with regard to his legislation if, indeed, those criteria are important to him as well.

I am happy to yield to the Senator from North Dakota.

Mr. DORGAN. If I might ask a question of the majority leader, this has been a very curious exchange because those who cast votes to knock the stimulus bill off the floor of the Senate are now inquiring of its whereabouts. This is not exactly a "where is Waldo" exercise. We know where the stimulus package has been and we know where it is.

It came to the floor of the Senate and a point of order was raised against that stimulus package. That same point of order would exist against the Republican substitute. The same point of order would exist against the House stimulus bill, but the point of order was raised against the bill that the majority leader brought to the floor of the

Senate. That knocked the stimulus bill off the floor of the Senate.

Now the inquiry this morning, by those who voted that way, is, Where is the stimulus bill?

Mr. NICKLES. Will the Senator yield?

Mr. DASCHLE. I retain the floor.

Mr. DORGAN. I ask the majority leader, is it not the case that the stimulus bill was brought to the floor of the Senate by action of the majority leader and that it was subsequently taken off the floor by a vote of those who now inquire of its whereabouts?

Mr. DASCHLE. The Senator is absolutely right. Technically, it is not taken off the floor, but it is still pending. A point of order was raised and Republicans supported the point of order, as you know, and this is an important point. The identical point of order could have been made against the House Republican bill. We chose not to do that. Our view is if we are going to try to create a bipartisan resolution here, we don't need a partisan conflict about the way we ought to proceed to getting to that resolution. That is exactly what has now been done by the actions taken by our Senate Republican colleagues. The very same point of order could have been raised against the House bill. Again, we chose not to do that.

I appreciate the Senator's comments.

Mr. DORGAN. If the Senator will allow me to inquire a further time, is it not the case that the only way we are going to get this stimulus package completed is to have all of the parties negotiate this? After all, we are only a couple of weeks prior to the end of the legislative session. It is urgent we pass some kind of package to provide economic recovery and provide lift to this economy.

All of the parties involved—the House, the Senate, and the President—proclaim we want to have some kind of stimulus package. Is it not the case that the best, most effective and perhaps quickest way to resolve this issue would be to have the affected parties begin to negotiate and begin to develop a compromise so the American people can get the feeling we are going to get this done; wouldn't that be the most effective way to proceed?

Mr. DASCHLE. The Senator is absolutely right. I have not participated in a negotiation where the price of admission was lopping off at least a third of the entire package before you even sit down to negotiate the first sentence. That is the price of admission on the part of our Republican colleagues today. I have never participated in something such as that.

What makes it all the more ironic, reading from the New York Times, November 22:

Tom Ridge, the Director of Homeland Security, said today he would seek substantial new spending in President Bush's next bud-

et, placing a priority on more agents and equipment for strapped federal law enforcement agencies and urgent improvements in public health facilities.

I repeat: Strapped Federal law enforcement agencies and urgent improvements in public health facilities. This is not something that says they are going to be strapped. These are not urgent needs next year. These are urgent needs right now. He has identified them.

The question is, If we are going to deal truly with economic security and vitality, if we are going to try economic stimulus, what is wrong with an immediate stimulation into those areas where we need it the most—law enforcement and the health agencies that need help right now, as identified by this administration?

Mr. NICKLES. Will the majority leader yield?

Mr. DASCHLE. Again, I think the Senator is absolutely right. But, again, we are willing to negotiate all this. We are willing to sit down with our Republican colleagues. We were willing to debate it until they made the point of order. They said: No, we are not going to debate it because we don't like it. No, we are not going to meet with you because we don't like it. But then they come to the floor and say: Where is it?

I think the Senator is absolutely right, this is an exercise in curious judgment about the need for economic stimulus if that is the approach taken by Republican colleagues.

Mr. NICKLES. Will the majority leader yield?

Mr. DASCHLE. I will be happy to yield in a moment.

I yield to the Senator from Illinois.

Mr. DURBIN. Mr. President, I want to make sure I understand the context. The bill we on the Democratic side support would not only have tax breaks for working Americans and for those who have been unemployed, to give them some assistance, it would also provide business incentives for depreciation, for example, and for capital investment. But the stimulus plan, the recovery plan we are supporting, also makes an expenditure for homeland security.

I would like to ask the majority leader if he has run into the same thing I have run into. My Republican Governor in my State has come to me and said that our State of Illinois needs \$20 million for a statewide communications network for police and firefighters to deal with crises and emergencies. My State, as most States, is running short of revenue in this recession. He has asked for help from Washington.

Is it my understanding that the spending stimulus package the Democrats support would provide assistance for that kind of law enforcement, firefighting, and first response capability. Is that what we are asking for, which was denied us in this point of order that was raised on the floor?

Mr. DASCHLE. The Senator from Illinois is absolutely right. I recall having several bipartisan meetings with economists. They said there were three things you really ought to do if you are going to stimulate the economy: First, it has to be immediate; second, it has to be temporary; and third, to the extent possible, you have to raise the level of confidence among the American people. That is exactly what this homeland security package does.

It is immediate. It is temporary—it provides a one-time opportunity for us to assist the law enforcement officials to whom I am talking as well. And it will raise confidence among the American people. People are not confident today, and they will not be confident until they know their security is much more palpable, much more evident than it is right now.

Mr. DURBIN. If I could ask the majority leader as well, in the spending side of our stimulus package, does not the issue of public health become an important consideration? I know people across America are concerned about bioterrorism and public health. It is my understanding what we are trying to do is provide additional money for public health agencies across America to protect our families and communities against the threat of bioterrorism. That is part of our economic stimulus package, which the Democrats support, which the Republicans stopped with their point of order.

I heard a statistic which I think really tells the story about priorities. It is my understanding the Bush administration has asked for \$300 million nationwide to help local and State public health agencies, while the House Republican stimulus bill has \$1.4 billion in tax relief for one company, one corporation.

Mr. SPECTER. Mr. President, is the Senator from Illinois asking a question or making a statement?

Mr. DURBIN. I would like to ask the majority leader, does the stimulus package which we want to make part of this effort in the Senate, the Democratic stimulus package stopped by the Republicans, also include provisions for more resources for public health to protect communities across America?

Mr. DASCHLE. I will respond to the Senator from Illinois. I know there are other Senators waiting. I do not want to monopolize the floor. But let me say this. The answer is yes. I guess I would ask my Republican colleagues, which part of the homeland security bill do you oppose: The bioterrorism and food safety bill that allows for \$3.3 billion to ensure that we can recognize the pathogens and treat victims of all of the array of bioterrorist possibilities that are out there? Improved State and local communication systems? Accelerating the purchase of smallpox vaccine? Is that the part you are opposed to? How about law enforcement?

This bill includes \$4.6 billion to provide additional help to law enforcement so they can deal with the tremendous challenges they are currently facing, and for which there is no funding.

How about transportation security? This provides for \$3.2 billion to ensure that there is protection, given the tremendous vulnerability that there is in our infrastructure right now. Is that the part they are opposed to? Would they oppose transportation security?

Finally, providing some help to our mail and our Federal computer systems? We provide for Federal facilities to ensure that we can better screen the mail. No one is more sensitive to screening mail right now than I am. But there is an array of very specific investments in homeland security to protect our mail and to make our computer systems more efficient. We have some of the most archaic computer systems, in many of our Federal agencies, that you can find in the country. We have to update them if we are serious about homeland security. Is that the part they are opposed to?

Which part of this do they not like? That is a really serious question.

I will be happy to yield to the Senator from Oklahoma for a question.

Mr. NICKLES. I will try to make it a question. I think the Senator from Pennsylvania is making a good point; I think we are entitled to ask questions. I don't think we are entitled to make statements.

You asked several questions. Which part of this don't we like? If you read Director Ridge's statement, he said "in next year's budget." Some of us do believe in budgets. Some of us do believe we had a deal with President Bush that said \$686 billion on October 5, plus \$40 billion. We have not even finished spending the \$40 billion. Many of the things you suggested might well be in that \$40 billion and are good causes. And "budget" is a key word.

President Bush has said he believes there is ample money in the \$686 billion and the \$40 billion to meet the needs, things that are needed now. The items the Senator listed were not requested by Director Ridge. They might be in next year's budget, and they may have offsets from other spending to pay for those needed items. The budget is a key item. We should have a budget.

We agreed to \$686 billion, and then we added \$40 billion on top of that, and then we did \$15 billion for airline security. We did untold billions in victims' compensation. No one knows how much that will cost. So some of us are saying, wait a minute, let's slow down just a minute on the spending. Let's at least request it be requested by the President.

Again, I compliment my colleague. You defended your President very well—President Clinton. Some of us want to defend President Bush, trying to make sure we do not go too far, too fast on spending.

Again, many of those items you have mentioned may well be in the second \$20 billion that we have yet to allocate and appropriate. So that is part of the reason some of us are saying let's be reasonable; let's have a stimulus package that still can go for stimulus. Most of the stimulus package—just to make the comment—a lot of us believe should stimulate the economy, not be another excuse for spending.

I wish to answer my colleague's question. You are saying, which one of these items are we against? We are not saying we are against any of those. We think they can be accommodated in the \$40 billion that is yet to be totally allocated by this Congress.

Mr. DASCHLE. Mr. President, I appreciate the answer of the distinguished Senator from Oklahoma. Let me just say, though, every economist I have talked to has said you can stimulate the economy with spending or with tax cuts. What I find always intriguing, and somewhat amusing, is our Republican colleagues say spending ought to count, tax cuts don't count; we ought to spend as much as we want to with tax cuts, and they don't count; we are going to oppose totally the first dollar of additional homeland security investment; that is, spending; but we are going to propose \$175 billion in tax cuts because that is not spending.

We had an agreement, they said, on \$686 billion in appropriations. Well, we also had an agreement on a tax cut that a lot of people did not like but now have reconciled to because it is law. It passed. It wasn't my part of the agreement, but it passed.

Now the President says: Oh, wait a minute, we want another \$175 billion of additional tax cuts over the \$1.8 trillion we passed last spring because we don't have enough yet. We want to stimulate the economy a little bit more with \$175 billion, drawing down the Treasury, drawing down Medicare, drawing down Social Security, drawing down all the retirement funds to pay for this tax cut, a tax cut that largely doesn't take effect until outyears, years after this one. There is nothing immediate about it at all. I find that very amusing.

We will continue to have this debate. But the whole point is simply this: There are understandable positions that both sides will take in these philosophical debates. I believe there is a right and a wrong way, and they believe there is a right and wrong way. But the only way we are going to find common ground is to meet. Perhaps the most important point in answer directly to the Republican leader's question about what we are going to do with economic stimulus is, I say, let's meet. I propose we meet at 11:30. Let's have a meeting with all of those involved. Let's resolve these differences. They are saying not until you take half of yours off the table. We can't do that.

I think every Republican will understand why.

Mr. DORGAN. Mr. President, will the majority leader yield?

Mr. DASCHLE. Mr. President, I yield to the Senator for a question.

Mr. DORGAN. I will make it brief, if the majority leader will yield for one question. I know our colleagues are waiting. They certainly have the right to ask a question. I appreciate the majority leader allowing me to do that.

We just heard a discussion about what we can't afford with respect to homeland security, something that the Senator from South Dakota believes very strongly ought to be a part of the stimulus package.

Is it not the case that some of those same folks who say we can't afford to have homeland security spending in the stimulus package believe that we can afford retroactive tax cuts going back to the 1980s to provide up to \$1 billion in checks to one company, for example, for alternative minimum taxes they paid in the last 12–13 years? The same people say we can afford that. That is OK. It is not stimulus, by the way. But we can't afford the investment in homeland security. Isn't it the case that there is a huge contradiction?

Mr. DASCHLE. It is not only a contradiction, it is a sad irony that somehow in the name of economic security we can, according to their approach, pay a company \$1 billion-plus, but we can't find a way to pay for \$1 billion in bioterrorism and food safety. We can't afford that. But we can afford \$1 billion retroactive payments to some of the largest corporations in the country. How ironic. How incredibly misguided that is. Yet that is the debate.

Mr. DORGAN. That totals \$23 billion.

UPON RETURNING FROM THANKSGIVING

Mr. DASCHLE. Mr. President, last week, as I was celebrating Thanksgiving with my family, I was reminded of the history of the holiday. We often forget that Thanksgiving was not always a feast of abundance.

The Pilgrim's first Thanksgiving, in 1621, didn't begin with plates full of turkey and vegetables, but with five small kernels of corn at each setting. For the Pilgrims, it served as a stark reminder of the hardship, struggle, and starvation they had suffered the previous winter.

It wasn't until 1863 that we had our first national Thanksgiving. In the autumn of that year—at the height of the Civil War—Abraham Lincoln proclaimed a national day not to honor abundance, but to remember "all those who have become widows, orphans, mourners or sufferers."

And so, to me, this Thanksgiving came closer to the original meaning of the day: a day to remember, in the

midst of hardship, that we have so much to for which to be thankful. A day to remember, in the midst of comfort, the many who are suffering.

In the last 2 weeks, I have been asked by many people and many of my colleagues what the Senate intends to do before the end of the year.

There are a number of things I would like to get done, but I believe that nothing we do here in the Senate is more important than helping those who are suffering, and passing an economic recovery plan.

Last month, we saw the largest jump in the unemployment rate in 21 years.

Yesterday, a panel of economists announced that our Nation has officially entered a recession.

For the more than 7 million Americans who are out of work, this Thanksgiving was a time of uncertainty.

For all Americans, this has been a season of deep concern about threats to our safety.

America needs an economic recovery plan that lifts our economy, secures our Nation, and remembers those who are suffering.

It is time for us to renew our efforts to pass such a plan.

In the weeks following the September 11 attacks, Democrats and Republicans in both the House and the Senate asked the experts: "What are the most effective steps we can take to shore up our economy?"

Here is what they told us: Put money into the hands of low- and middle-income workers; they are the ones who will spend it quickly. Make sure that workers who have lost their jobs receive unemployment benefits. And cut taxes for businesses—but limit the tax cuts to those businesses that actually help create jobs.

They said that any plan to stimulate the economy should help people regain the sense of security they need to shop, travel, and invest.

Finally, they said our plan must be affordable, and temporary.

Based on those conversations, the House and Senate budget committees agreed to four principles that should underpin any economic stimulus measure we pass.

With their principles as our foundation, and those discussions as our guide, we began negotiations on how best to help our economy recover.

Unfortunately, Republican leaders in the House chose to withdraw from that effort.

Instead, they pushed through—on a party line vote—a bill that is not a recovery bill at all, but merely another laundry list of tax cuts—with the lion's share going to profitable businesses and wealthy individuals.

It includes next to nothing for laid-off workers—the very people who most need our help. And, with an exploding price tag, it runs the risk of actually hurting our economy in the long term.

In the Senate, we sought a better approach. Even after Republicans in the House walked away from the negotiations, Senator BAUCUS continued to call for bipartisan meetings on the Senate side. In the end, he and his staff held nearly a dozen of them.

He put together a serious bill that: extends unemployment benefits and health care coverage for unemployed workers; cuts taxes for families who didn't get a rebate as part of the tax cut passed earlier this year; cuts taxes and for businesses that will invest and create jobs; and, with provisions authored by our distinguished chairman of the Appropriations Committee, Senator BYRD, strengthens our homeland security with investments in things like infrastructure security and bioterrorism preparedness.

The Wednesday before Thanksgiving, that bill was killed by a budget point of order—a procedural technicality which said that what we are facing is not an emergency.

Republicans said they opposed our economic recovery plan because the bill contained too much spending.

Democrats feel strongly that homeland security provisions should be a part of any economic recovery package.

These measures not only make important investments to secure our food and water supply, ports, bridges, tunnels, as well as our stockpile of antibiotics and vaccines. They also give people the sense of confidence they need to shop, travel, and invest.

The past couple of weeks have reminded us again about the importance of homeland security. We have seen another anthrax death, this time in Connecticut, and the FBI found an anthrax-tainted letter sent to Senator LEAHY. The President's Director of Homeland Security, Tom Ridge, has indicated that billions in additional funds are needed to make America safer. In fact, it was reported that, in the wake of September 11, Federal agencies have asked the White House for \$127 billion more to recover from that assault and beef up security according to David Broder in Sunday's Washington Post.

Defending against anthrax, making our infrastructure safer, protecting our water supply—these things are not pork. They are necessary goals, and an important part of any stimulus package.

But despite my commitment to the homeland security provisions, I have indicated my willingness to negotiate them separately in the name of reaching an agreement.

That idea was rejected.

We also offered to debate only the economic recovery component, if Republicans would allow us an up or down vote on homeland security as an amendment to the DOD appropriations bill.

That proposal was also rejected. That was 2 weeks ago. And since then, I have heard nothing.

We are at the table, ready to negotiate. It is time for Republicans to get serious about reaching a compromise, and come join us at the negotiating table. This is not time to play politics with our economy and our security.

In the meantime, perhaps our Republican colleagues would find it less objectionable if we consider, individually, the components of our plan on which we are all agreed. I will ask unanimous consent at a later time to bring up just the part of our plan that helps laidoff workers.

Extending unemployment insurance is more than the right thing to do, it is the smart thing to do. It puts money into the hands of people who are most likely to spend it immediately. As Robert Rubin has said, unemployment insurance is "a near-perfect stimulus."

During the first Bush administration, when we were facing a recession, Democrats and Republicans agreed to extend unemployment insurance four times. I believe we can agree to do the same now.

Everyone in this body has said that they want to help the workers. But the voices of delay always claim they want to help the workers.

If you want to help the workers, you will have an opportunity to do so today.

In the days ahead, we can continue our work to protect America's families from terrorism, and discuss what kinds of tax cuts will be most effective in helping the economy.

But when we talk about helping the hardest hit, we need to realize that the people we are talking about don't have unlimited savings. The holidays are fast approaching, and this delay is a luxury they literally cannot afford.

Our Republican colleagues have a new mantra. They say, "We need paychecks, not unemployment checks."

I think they should talk to some laidoff workers. Yes, they need a paycheck. And like most hard-working Americans, they don't want the Government to do anything for them that they can do for themselves. But right now, many of them need just a little help to make it through one of the most difficult times in their lives.

As we return from Thanksgiving, we have an opportunity to honor the true meaning of the holiday—to remember those left behind and left out, to lift those who are suffering, and to make our Nation—this land for which we are all so thankful—even stronger in the future.

So when people ask me what the Senate intends to do in the next couple of weeks, that is my answer, and that is my goal.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business with Senators permitted to speak therein for up to 10 minutes each.

The Senator from Pennsylvania.

SENATE PROCEDURE

Mr. SPECTER. Mr. President, I ask the majority leader to stay in the Chamber for just a moment, if he would accord me that courtesy. I have sought to raise a procedural inquiry because of what has just happened. I have been in the Chamber for a little more than an hour waiting my turn. The majority leader took care of very important calendar business as we started the process, and then moved on to other important matters. I have been here for 21 years, and I know that who has the floor may yield for a question. There are also artful ways to ask a question.

I have sought a procedural ruling on whether they really were questions because when you make a statement for a protracted period of time and then end it with a question, the Chair may sustain that, especially when the majority leader is involved.

But I want to make a point with the majority leader's presence and one of the other Senators who was asking questions as a matter of our fair play and procedure. I don't think Senators have to wait for an hour while there are other people who gain recognition where there really aren't questions but speeches.

I thank the majority leader for staying to listen to my point because it is just possible that this may reoccur sometime in the future.

STEM CELL RESEARCH

Mr. SPECTER. Mr. President, I have sought recognition to make a substantive—

Mr. BROWNBAC. Mr. President, I would like to ask the majority leader a question before he leaves the Chamber. Will the Senator yield?

Mr. SPECTER. No, I will not yield. I have been here for more than an hour. There is an issue which I want to raise; that is, a response to very extensive publicity on the cloning issue where there is generalized agreement, which this Senator concurs, in that there should not be human cloning. There is a confusion. I have sought recognition and, as I said, I have waited an hour to note the distinction on what "thera-

peutic" is and what is frequently used with cloning under the name of therapeutic cloning, which is, in fact, not cloning at all.

More accurately, it is denominated by the scientists as somatic cell nuclear transfer, which, while in the loose jargon is sometimes called therapeutic cloning is, in fact, not cloning at all.

Yesterday, the President spoke out against reproductive cloning. I am entirely in agreement with that. My distinguished colleague from Kansas, Mr. BROWNBAC, and I have had a number of discussions on this issue. I told Senator BROWNBAC that I was going to come to the floor at 10:30 to seek recognition because I wanted him to have the opportunity to be present. I am sorry I said 10:30. I should have said 11:30 to save an hour of time. But I think this is a distinction which needs to be made.

What is involved is a technique which involves taking the genetic material out of an unfertilized egg and inserting, in its place, the DNA of an adult cell. In theory, the egg then uses the genes from the adult cell to direct its development to turn an embryo into an exact genetic copy of the donor of the adult cell. This is done for the purpose of therapy.

If someone has Parkinson's or Alzheimer's, or if someone needs a stem cell replacement related to cancer or to heart disease, this procedure then enables that individual to get a stem cell which is consistent with the body which will not have an adverse impact on the person who is being treated.

Where you talk about the issue of embryos which then produce life, I would never support any approach which took an embryo that was capable of producing life or destined to produce life.

This issue of stem cell research came upon the scene in November of 1998. Then the Appropriations Subcommittee on Labor, Health and Human Services, and Education took up the issue, which I chaired at the time, to take a look at what was involved with embryos being created for in vitro fertilization where, customarily, approximately a dozen are created, and three or four might be used. The rest would be subject to being discarded.

The controversy arose because of legislation that had been inserted in an appropriations bill, which originated in our subcommittee, which prohibited Federal funding to extract stem cells from the embryos. But under the ruling of the Department of Health and Human Services several years ago, Federal funding could be used on the research of stem cells after they were extracted. There had been considerable sentiment in the Congress, including the Senate, to use Federal funding on stem cell research because of the tremendous funding which is available to the National Institutes of Health.

Therefore, some 64 Senators last spring and summer signed letters in one form or another saying that they thought there ought to be Federal funding on these stem cell lines. In addition to those 64 Senators, some 12 other Senators had expressed privately to me their view that there should be Federal funding on the stem cells but thought it not advisable, from their own point of view, to put it in writing.

A fair sized ground swell was noted in the Senate to that effect—64 and 12, 76. The President then, as well known, on August 9 at 9 p.m. came down with the decision that the 64 stem cell lines then in existence would be used with Federal funding for stem cell research, and that drew objections from people who thought it went too far on Federal funding to utilize the product of embryos, and others thought it did not go far enough, questioning whether those 64 stem cell lines really would support the necessary research.

What we are dealing with here is stem cells which have the capacity to be used for people who have Parkinson's, to replace diseased cells and cure Parkinson's or, in Alzheimer's, to replace diseased cells and delay the onset of Alzheimer's, if not to cure it, or who have heart disease, to take these stem cells and inject the cells in place of diseased cells, and the potential to save millions upon millions of lives where these embryos were otherwise going to be discarded.

For those who have said these embryos have the potential to create life, my response has been to insert in our appropriations bill \$1 million as a starter to promote adoption of these embryos so that if these embryos can be used to produce life, that would be the highest calling, and if they could all be adopted and used to produce life, then there would not be any embryos available for stem cell extraction, and that would be the preferable course.

If there are to be discarded embryos that are going to be thrown away, then it seems to me obvious it would make better sense to save lives as opposed to discarding.

When the appropriations bill came up to the Senate floor, a provision was inserted on my motion that the President of the United States would have the authority to designate the use of Federal funding on existing stem cell lines. Now that was precisely what President Bush had done. But I wanted to codify it. He had taken the position, to repeat, on August 9, that Federal funding could be used on the existing 64 stem cell lines, which was a step beyond what the Federal Government had done before and I think, candidly, was in response to the ground swell of the 64 Senators who had signed letters and, as I represented, another 12 Senators who thought that medical research ought to be undertaken.

Senator BROWNBAC, with whom I have had a difference of opinion on a

cordial senatorial level, on a number of debates in the Chamber and a number of appearances in the media, objected to that provision because some future President might have a different view. President Bush had said he was not going to allow Federal funding on stem cell lines created after August 9, at 9 p.m., which is the time he made his speech. But there might be another President after President Bush's two terms who might take a different point of view, which I think was the motivation for the opposition to this codification of what President Bush had done.

Senator BROWNBACK then proposed a series of amendments to prohibit cloning and also to prohibit somatic cell nuclear transfer—which has been inappropriately named as therapeutic cloning, which has created a confusion. To repeat, that we are opposed to reproductive cloning to make another human being but if these scientific procedures are to be used to create cells which can be accepted by a patient, for example, who has Parkinson's without having an adverse reaction, this was the line which I thought and many thought ought to be maintained. And the scientific community is up in arms about the prospect of having somatic cell nuclear transfer prohibited because there is some mistaken name calling, calling it therapeutic cloning which is mistaken for reproductive cloning.

So Senator BROWNBACK—and I wanted him here to hear me make this presentation—said to me he would withdraw his amendments if I would delete the provision in the bill which codified what President Bush had done. And I decided to agree with that proposal which Senator BROWNBACK made because, as the manager of the bill, it seemed to me it would take many days of additional debate if we were to resolve the issue. Then, with the majority leader and the Republican leader, an agreement was worked out—and it is on the record—that we would have a freestanding bill in February or March. I wanted it earlier rather than later, but the majority leader would not commit to February but said it would have to go to March, and so it was February or March. And then in the interim, our subcommittee has planned a series of three hearings to go into some detail as to what is really involved, to have some public discussion and public understanding that what is called therapeutic cloning is not cloning at all and certainly in no way related to reproductive cloning.

Then we had the event last week-end—

The PRESIDING OFFICER. The time of the Senator from Pennsylvania has expired. The order reserved 10 minutes each.

Mr. SPECTER. I ask unanimous consent to proceed for an additional 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. As I was starting to say, Advanced Cell Technology came out with a news release which has received publicity including a U.S. News and World Report cover which has raised concern about human cloning and reproductive cloning, and I do not believe that is realistic at this time because we know cloning exists. All of the embryos that were created in the Massachusetts experiment by Advanced Cell Technology died before they even grew to aged cells.

I note in the morning's press Senator BROWNBACK at his news conference yesterday—and I respect his right to have a news conference and respect his position—said he would like to have the debate now, would like to have action before the end of the year.

Speaking for myself, it is fine to have the debate now and to have action by the Senate before the end of the year. We will not have the benefit of the three planned hearings which we have had, but the Senate can act without additional hearings. But it is not going to be an easy matter.

When Senator BROWNBACK and I talked about this several weeks ago when the appropriations bill was in the Chamber, it was obvious to me it would take several days. And as the manager of the bill, if I had been in a position other than manager of the bill, Senators who have issues, things they would like to raise, sometimes without too much regard for what happens to a bill—if it takes a little more time, so be it. But a manager is in a somewhat different position.

I have spoken at some length because I think it is very important that there be a public understanding that somatic cell nuclear transfer does not relate to cloning, and the people who called it therapeutic cloning are creating a lot of confusion because it is not cloning at all. And it is certainly not reproductive cloning.

Scientists are, as I say, up in arms about the prospect of having a prohibition of this kind of research which has the potential to cure millions of people who have Parkinson's or Alzheimer's, heart disease, or cancer or many other maladies.

So the public ought to understand that the opposition to cloning a human being is not in issue when we talk about somatic cell nuclear transfer. And I am delighted to proceed to debate the issue, to vote on it at the earliest possible time.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

UNANIMOUS CONSENT REQUEST— H.R. 2505

Mr. BROWNBACK. Mr. President, I rise to discuss the issue of human

cloning and the need to address it in this Congress this year. I was hopeful of getting the majority leader's attention while he was on the floor; maybe we will get the attention of the Senator from Nevada about addressing the issue this year.

As the Senator from Pennsylvania was pointing out, we now have the first human clone. People are calling it different names. Some are calling it an "activated egg," rather than a human embryo or clone. U.S. News and World Report doesn't seem to have a problem with calling it the first human clone, as most of the newspapers were calling it. It is identical to an embryo. It now exists. It lived for a couple of days, then died. The technology has been used and exercised.

It is something about which I have been warning this body for months—that we should address this issue before we get to the point in time where we are going to see human clones out there. And then we will have to wrestle with the question, Is this person or property? Is this a person or is it a piece of property that is owned by somebody? What do we do with a clone? This is capable of being implanted into a woman and of growing to be a full, identifiable person by anybody's definition. Now we have the technology being broached.

We have at the desk H.R. 2505, the Human Cloning Prohibition Act of 2001 that the House of Representatives passed. The President is calling for this body to act upon that. He is saying we should not be waiting longer for this.

It is my intention at the end of my comments to call up H.R. 2505 and ask unanimous consent that we immediately proceed to its consideration. This is a bill that is here. This is an issue that is right on top of us. It needs to be considered. We should deal with it now. We can deal with it. We can limit the amount of debate time that we will have on the bill. We can limit it to a period of 5 hours. We can limit it to two amendments. We can go all of those routes. If the majority leader would agree to do that, we can get this issue dealt with.

Short of that, I submit to my colleagues what we can also do is take up this bill, only let's have a human cloning moratorium for 6 months, saying we will not allow human cloning of any type under any definition for a period of 6 months so Senator SPECTER and others can hold hearings on this topic. Let's stop now before the horse gets further out of the barn, before we see living human embryos.

With that, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 2505, the Human Cloning Prohibition Act of 2001.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. BROWNBAC. May I inquire, and respectfully so, of the Senator from Nevada, this is an issue that is right on top of us. I have been warning this body for months that this day was going to be here. Now it is here. We really should take up this issue. We can limit the amount of time. We can limit the amount of amendments to it. I ask why we can't proceed at least to a moratorium, a 6-month moratorium on human cloning.

Mr. REID. I am happy to respond to my friend without his losing the floor.

Mr. President, this is a very contentious issue. I certainly underscore the sincerity of the Senator from Kansas. Everyone knows how he feels about this issue. He has expressed it publicly. He has expressed it to me privately. I understand the sincerity of Senator BROWNBAC on this issue.

This is an issue about which other people feel just as strongly on the other side. I have sat through a number of hearings that had been originally led by the Senator from Pennsylvania where this issue first came up, and then we have had hearings since then that have been led by the Senator from Iowa. They have been probing, extremely good hearings, but they have been preliminary in nature in the sense that there is a lot more that needs to be done.

Just 3 weeks ago on the Senate floor this issue came up. At that time it was believed there would be a time certain to take it up. There will be hearings, it is my understanding, in the Appropriations Committee held this Thursday and next Tuesday on this issue. I am sure there will be other hearings that will be held prior to the commitment of the majority leader as to when we would bring up this issue next year.

That way we can have a full public debate on the issue with legislation being handled the way it should; that is, have unlimited amendments. That doesn't mean it would go on forever, but we would have amendments that would be offered on legislation that would be pending in this regard.

We just cannot do it. We have a lot of issues that we need to address. We have five conference reports on appropriations bills that are not completed. We have not acted on a stimulus package. It took up an hour on the floor today. We have railroad retirement. We have an Agriculture bill. We have port security, about which Senator HOLLINGS believes strongly and Senator GRAHAM is waiting in my office to discuss—along with other issues—right now. There are lots of issues we have to take up.

I know the Senator from Kansas believes this is the most important issue. But without having a better foundation, we are talking about waiting a matter of a couple months anyway.

Mrs. BOXER. Will the Senator yield for a question?

Mr. REID. I do not have the floor, but I am happy to yield.

Mrs. BOXER. I ask unanimous consent to ask a question.

Mr. BROWNBAC. I have a followup, and then I will be happy to yield to the Senator from California.

Mrs. BOXER. I thank the Senator.

Mr. REID. In short, I think it would be extremely difficult on an expedited schedule, which is what the Senator wants. This is not an issue I believe we can do with two amendments.

Mr. BROWNBAC. If I could, what about a moratorium? We now have a human clone out there. We have people using this technology. What about a period of a moratorium, say a 3-month or 6-month moratorium, until we can get to the issue, saying let's stop this now before we get human clones out there? This body has not spoken about it.

Mr. REID. I respond as follows: There are people who, as I indicated earlier, believe just as fervently on this issue as does the Senator from Kansas. They believe that therapeutic cloning is something that will lead very quickly to the abolishment of diabetes, Parkinson's disease, and other dread diseases. As strongly as he feels about this, they feel that a moratorium for 6 months, 2 months, or 2 days is preventing science from going ahead and working on cures for these diseases. That is how I answer the question. That is the debate we need to have.

The majority leader, Senator DASCHLE, has said he will bring this up next year. We could spend a considerable amount of time on the floor listening to the Senator from Kansas and the Senator from Pennsylvania, both of whom have strong beliefs in this regard.

Mr. BROWNBAC. I thank the Senator from Nevada for responding. If I could reclaim my time briefly, I wish to warn the body, before we take this issue back up, we are going to see more of these things announced. We are going to see people working on putting animal genetic material into the human species. That is going to be announced next. That will be the next announcement sometime a month or two down the road. This body will not have spoken on it.

The House has spoken on it. The President has stated: Please give this to me. He has asked that. That is why I respectfully put this forward. This technology is rapidly moving forward. It is to the point that most people are very uncomfortable with human cloning. People across the country, 90 percent, are saying: I don't think we ought to be going there.

I am saying at this point in time, before this continues moving forward, let's hit the pause button and let's say, wait a minute, until we can really thoroughly vet this because, as the Senator from Nevada has rightly said, there are a number of people looking at this from different sides, questioning

this. This is a very technically involved subject. I respect all of that. I respect that greatly. Why not, for a period of 3 months or 6 months, say, let's just pause here because we are entering a threshold period of time that we have not thoroughly contemplated as a society, as a people. We should say: Let's wait just a little bit before it leaps upon us.

I am happy to yield.

Mrs. BOXER. I thank the Senator. The problem with the Senator's suggestion—and I will ask a question—is that he wants to stop everything. I say to my friend that we could probably reach agreement pretty quickly around here because I support legislation to ban human cloning. I know most people I have spoken to, if not all, agree. Of course, that occurs when you use the stem cells and you transfer them into a woman's uterus. We can stop that in a minute, but my friend would like to stop everything, and that is why I so strongly support Senator SPECTER, Senator HARKIN, and Senator KENNEDY, who have been our leaders on this subject.

What we are saying is, we should allow stem cell research to continue to bring our people cures to these diseases that plague them. I do not know about in your State—and I am sure it is reflected in my State—but if you ask people: Who is touched by Parkinson's, Alzheimer's, spinal cord injuries, diabetes and juvenile diabetes, who is touched by these diseases, who fears these diseases, one will find it is almost every individual.

We all agree to ban human cloning. That is not the problem. But my friend is taking an extreme position which will shut down the applied research into possible cures for these diseases. Therefore, there is strong opposition to the position of my friend. If he were to march down with us and ban human cloning, the implantation of the nucleus into a woman, then we would walk down the road together. But we think stopping everything is unfair.

Does my friend understand the debate in that sense? I hope he understands we are with him on banning human cloning but not stopping stem cell research to cure diseases.

Mr. BROWNBAC. If I can reclaim my time, I ask unanimous consent for an additional 5 minutes.

Mr. KYL. Mr. President, I will not object but since I have been here 40 minutes, I would like to get in the queue. I ask unanimous consent that following the remarks of the Senator from Kansas, I be permitted my time in morning business.

Mr. SPECTER. Reserving the right to object, and I do not intend to do so, I would like 1 minute when the Senator from Kansas finishes to make a comment or two.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWNBACK. Mr. President, if I can respond to my colleague from California, I am happy to work with her on the definition of human cloning. I object to her categorization that I am opposed to all research and just stop. That is not my position. I have strongly supported adult stem cell research. I do not know if you can put a dollar amount in the funding line that I would not agree with because I think it is very promising research, and I am strongly supportive of that research.

I object as well to the Senator's categorization that you take stem cells and put them in a woman's uterus. You do not do that. What I am talking about is an embryo that can be put into a uterus, actually form a living human being by everybody's definition. The Senator may have a different definition of when an embryo is a life.

Mrs. BOXER. I will go for that definition that you cannot place a humanly cloned embryo into a woman's uterus. I would go for it. I understand my friend supports in vitro fertilization. I do, too. We would not deal with that. If it is, in fact, a cloned embryo, absolutely I would walk down the aisle with you on that in a moment, in a heartbeat.

Mr. BROWNBACK. What about a cloned embryo period, once it is created?

Mrs. BOXER. I say we would stop it at the implantation stage.

Mr. BROWNBACK. What about a cloned embryo, period?

Mrs. BOXER. I would oppose a cloned embryo being implanted so you have a human being at the end of 9 months.

Mr. BROWNBACK. If I can reclaim my time—I do not want to be rude—herein lies the key, the rub of the issue: Some say you can create a cloned embryo and not implant it, with which I agree. I do not think we should implant that embryo.

Mrs. BOXER. We agree on that then.

Mr. BROWNBACK. What about the status of the cloned embryo, that is in its genetic material identical to one that is created naturally? Whether it is created by man or created by God, they are the same entities; they are identical. Therefore, do we say the status of one is different from the status of the other? Herein again lies my point.

Mrs. BOXER. How far back do you want to go?

Mr. BROWNBACK. If I can reclaim my time, before we move forward on this, should we not pause at this point in time and say: Let's stop here; let's stop everything here for a few months and see where we are going with the future of humanity? The next step will be genetic material from outside the human species into the human species. That is going to be one of the next cover stories, and we will still be here saying: I am not sure about this definition; I am not sure about that.

Do we want to burst that upon humanity and allow that to take place in

our country? By our inaction, we will. I plead with my colleagues, let us work on this now and pause the whole issue for a short period of time so we can consider it.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania has 1 minute.

Mr. SPECTER. Mr. President, I think this last brief exchange points up the complexity of the issue as to what we are dealing with.

When Senator BROWNBACK comments about what may occur next, they are matters of enormous concern. I do not like cloning in any form, and it may be when we have the debate and when we have the hearings, if the bill is not going to be called up—I was not prepared to propose Senator BROWNBACK call up the bill. I am prepared to debate this, and Senator BROWNBACK may persuade me and may persuade others.

I do think it is a more orderly process to give the scientific community an opportunity to present their case, but if Senator BROWNBACK will get the procedures to have a vote now and a debate and really explore the matter—the sole purpose I have made in this presentation is to raise a distinction between reproductive cloning and what others have called therapeutic cloning, which, as I understand it, is not cloning at all. I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Arizona is recognized.

Mr. KYL. Mr. President, I thank the Senator from Kansas for bringing this important subject before the Senate. It is evident from what we have heard that this subject requires a great deal of further debate.

RELIGIOUS HUMAN RIGHTS VIOLATIONS AND NUCLEAR PROLIFERATION

Mr. KYL. Mr. President, I want to change the subject and have printed in the RECORD two articles from the National Review magazine. I ask unanimous consent they be printed at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.
(See Exhibit 1.)

Mr. KYL. Mr. President, the first of these is written by Kate O'Beirne, who always provides very well-researched and well-written reports on a very timely topic. As she notes at the beginning of this article:

The State Department issued the annual report required by the International Religious Freedom Act of 1998.

She goes on to note:

With shocking regularity, human-rights groups report the death of Christians at the hands of Muslim militants in Africa, South Asia, and the Middle East.

She goes on to document the very troubling plethora of religiously moti-

vated human rights abuses throughout the world. This is an article my colleagues would be well to review with respect to especially the debate that is ongoing about the sources of terrorism in the world today.

The second article is also from the National Review magazine written by Richard Lowry, an article which also, interestingly, quotes Samuel Huntington in his very timely and interesting book, "The Clash of Civilizations." Lowry quotes Huntington as saying the following:

The proliferation of nuclear and other weapons of mass destruction is a central phenomenon of the slow but ineluctable diffusion of power in a multicivilizational world.

He goes on to note that one of the causes for proliferation is Western naivete, especially in the support of arms control agreements as the way to stop this proliferation.

He notes that arms control agreements work only so long as no one wants to violate them, in which case they simply do not work. He goes on to provide his prescription of what could be done instead to deal with the issue of proliferation, which I think, again, we would all be commended to review. Therefore, I ask my colleagues to review these two items.

EXHIBIT 1

[From the National Review, Dec. 3, 2001]

MARTYRED

MUSLIM MURDER AND MAYHEM AGAINST CHRISTIANS

(By Kate O'Beirne)

President Bush's repeated assertions about the peaceful nature of Islam were briefly interrupted when the State Department issued the annual report required by the International Religious Freedom Act of 1998. This year, as in the past, our Muslim-world partners in the coalition against terrorism were prominently featured among the most violent, most intolerant regimes in the world. Religious minorities are persecuted in over 20 states where Islam is the official or dominant religion. The million Christians who have fled the Muslim world in the past five years were hardly seeking sanctuary from the peaceful face of Islam.

With shocking regularity, human-rights groups report the death of Christians at the hands of Muslim militants in Africa, South Asia, and the Middle East. In Pakistan, Islam has been the official religion since 1973, and over the years, the State Department has urged our ally to repeal section 295(c) of the penal code. This is the section that stipulates the death penalty or life in prison for blaspheming Mohammed, and the State Department notes that it "contributes to inter-religious tension, intimidation, fear, and violence." A Christian Pakistani, Ayub Masih, was jailed five years ago on a blasphemy charge, and he has now filed his final appeal against the death sentence imposed on him. Masih is alleged to have said, "If you want to know the truth about Islam, read Salman Rushdie." An accusation by a Muslim neighbor was enough to secure the blasphemy conviction. Under Pakistan's "Hudood ordinances," the legal testimony of religious minorities is accorded half the weight of Muslims'. The testimony of a non-Muslim woman is halved again.

Most recently, gunmen from the "Army of Omar" opened fire on a Protestant congregation worshipping at St. Dominic's Catholic Church in Bahawalpur, killing at least 16. Islamic party leaders in Pakistan immediately claimed that the massacre was a conspiracy to defame Muslims.

Then, Saudi Arabia. In a bracing departure from diplopeak, the State Department says, "Freedom of religion does not exist in Saudi Arabia." For many years, Christians have been flogged, imprisoned, and executed by a Saudi government that prohibits non-Muslim worship even in private homes. A Muslim who converts to another religion is subject to the death penalty by beheading.

Nigeria is another nightmare. The Center for Religious Freedom, part of Freedom House, maintains a "New Martyrs List," to call attention to the most horrific cases. In one bloody week in May 2000, over 200 people were killed in Kaduna. Among the dead was Rev. Clement Ozi Bello, a 26-year-old former Muslim who had recently been ordained a Catholic priest. The young priest was attacked by a mob that dragged him from his car, tied him up, and gouged out his eyes, before leaving him dead on the side of the road.

In October, churches and Christian-owned shops were gasoline-bombed in an area of Kaduna now adorned with pictures of Osama bin Laden. More than 6,000 people have died in religious conflicts in Nigeria since the end of military rule two years ago. "Our people are being shot, butchered, and roasted," says Kaduna bishop Josiah Fearon.

The anti-Christian violence in Nigeria has been the direct result of the adoption of Sharia law, the strict Islamic code, by ten of the country's largely Muslim states in the north. Under Sharia, certain crimes are punishable by flogging, amputation, and beheading. The governor of one of these states dismisses the national constitution that proclaims Nigeria a secular country. "To be good Muslims," Ahmed Sani says, "we have to have Sharia to govern our lives, because God has told us that any Muslim who does not accept Sharia is not a good believer." Sani dispatched local officials to Saudi Arabia and Sudan to learn some more about the application of Sharia.

In Algeria, the military assumed power a decade ago, to prevent the Islamic Salvation Front from imposing Sharia on the country. Since then, Algeria has been engaged in bloody civil war. In 1994, the Armed Islamic Group pledged to eliminate Jews and Christians from Algeria. The group is deadly serious, having massacred thousands and even hijacking an Air France plane.

In the Philippines, an organization called Abu Sayyaf, with ties to al-Qaeda, wants to form an independent Islamic state in the southern islands. In May 2000, a Filipino Catholic priest was murdered along with four others among the 27 hostages kidnapped from two Catholic schools. Before being killed, Rev. Rhoel Gallardo was tortured for refusing to wear Muslim clothing and say Muslim prayers. During negotiations for the hostages' release, Abu Sayyaf demanded that all crosses be removed from churches.

Egypt, where the influence of Sharia law is growing, is home to the largest Christian community in the Middle East. The Coptic Orthodox are the targets of both militant Islamic groups and local security forces. Young Christian women are pressured to convert to Islam, while converts from Islam to Christianity have been tortured and imprisoned. Over the past 20 years, more than 30 massacres of Coptic Christians have occurred. In January 2000, during several days

of rioting by Muslim mobs in Al-Kosheh, more than 100 homes and shops were destroyed, and 21 Christians and one Muslim killed. The Center for Religious Freedom says that the Egyptian government covered up these crimes to avoid the "politically sensitive" issue of punishing Muslims for murdering Christians.

Eventually 96 people were tried for the massacres in Al-Kosheh. The only four Muslims to be convicted were held responsible for the accidental killing of the Muslim. The longest sentence is being served by a Christian, Surial Gayed Isshak, for allegedly "publicly insulting Islam." Amnesty International has declared Isshak a "prisoner of conscience" and called for his release.

In Sudan, the Islamic government is carrying out genocide against the Christian population in the south. Secretary of State Powell has labeled Sudan "the biggest single abuser of human rights on earth." Two million people have died since 1983 in a civil war that ignited when the Khartoum government tried to impose Sharia on non-Muslims. Christians are slaughtered from the air by bombers, enslaved on the ground, and forced to convert to Islam or starve. Writing in the Winter 2001 issue of *The Middle East Quarterly*, Prof. Hilal Khashan of the American University of Beirut explains that Khartoum's rulers believe that non-Muslims in the south are their "lost brothers" who must be redeemed by Islam. According to Khashan, "This attitude reflects the fact that Muslims, devout or otherwise, tend to believe that Islam, the ultimate divine truth, is destined to prevail at the expense of other religions."

From reports by government and human-rights groups, a pattern clearly emerges: Predominantly Christian countries generally respect religious freedom, as do Buddhist countries (absent Communist domination). The Center for Religious Freedom concludes, "The religious areas with the largest current restrictions on religious freedom are countries with an Islamic background. This parallels problems with democracy and civil liberties in general, but the negative trend is stronger with respect to religion."

Hilal Khashan points out that religion has been a decisive factor in most civil wars in Arabic-speaking countries, and there have been at least a million deaths (compared with 150,000 Arab deaths in combined Arab-Israeli wars since 1948). The murderous intentions of the extremist Muslims have clearly overwhelmed the influence of the pacific practitioners continually cited by President Bush. Journalist Amir Taheri noted in the *Wall Street Journal* recently that 28 of the 30 active conflicts in the world involve Muslim governments or communities.

In his oft-cited book *The Clash of Civilizations and the Remaking of World Order*, Samuel P. Huntington writes, "Wherever one looks along the perimeter of Islam, Muslims have problems living peaceably with their neighbors. . . . Muslims make up about one-fifth of the world's population but in the 1990s they have been far more involved in intergroup violence than the people of any other civilization." Huntington further argues that Islamic militancy is not a heretical strain of Islam. "The underlying problem for the West is not Islamic fundamentalism. It is Islam, a different civilization whose people are convinced of the superiority of their culture and are obsessed with the inferiority of their power."

While scholars of the Koran debate whether or not its teachings justify violent jihads

against non-believers, Christians in dozens of Muslim countries live with the fearful reality that they risk martyrdom at the hands of Islam—as they long have. Again, Huntington (writing in 1996): "Some Westerners, including President Bill Clinton, have argued that the West does not have problems with Islam but only with violent Islamist extremists. Fourteen hundred years of history demonstrate otherwise."

[From the National Review, Dec. 3, 2001]

DELAY OR DIE?

THE IMPERATIVE OF COUNTER-PROLIFERATION

(By Richard Lowry)

In 1946, U.S. delegate to the U.N. Bernard Baruch had an idea. All nations would be prohibited not just from seeking to develop nuclear weapons, but from building nuclear power plants that might create fissionable material appropriate for a bomb. Instead, an international authority would maintain a monopoly over nuclear activity, and the U.S. would eventually relinquish its weapons. U.N. Security Council permanent members would lose their veto over any action to enforce these restrictions, because, when it comes to nukes, "to delay may be to die."

Today, with worries about Osama bin Laden or other terrorists gaining access to the tens of thousands of nuclear weapons and the thousands of tons of fissionable material rattling around the world, Baruch's urgency may again seem appropriate. But his prescriptions don't, even as the spirit of them lives on in U.S. policy. The Baruch plan went nowhere in the U.N., but it still can be seen as a sort of high-water mark for post-war arms control. Then, the fantasy of non-proliferation at least still seemed shiny and new. It has been steadily discredited ever since.

The Baruch plan was the first shot in what would become an ever more tolerant and open-minded attitude to non-proliferation, pioneered by the Eisenhower administration, enshrined in the Nuclear Non-Proliferation Treaty, and finally brought to its appalling nadir by the Clinton administration. In the Age of Osama, it is time to acknowledge that non-proliferation is mostly a failure. It has restrained some nations—Japan, Ukraine, etc.—from acquiring nuclear weapons, but the overriding lesson of the last half-century is that weapons technology will always get through: through to the state that is willing to lie, cheat, and pay enough to get it.

The U.S. should now adopt a tougher, more clear-eyed approach to the proliferation of weapons of mass destruction and missile technology. It should concentrate less on the universalist goal of bringing all states under sweeping arms-control plans on an equal basis, and focus instead on a frankly discriminatory objective: denying weapons to the states—most of them Islamic—that are hostile to the West. This would be more practical than the grander efforts of the past, but it too would be doomed, eventually, to failure (although mere delay has its value). When rogue governments succeed in acquiring these weapons, the U.S. will have to punish or topple them, on the theory that the act of proliferation can't be eliminated but occasionally noxious governments can.

There should be no illusion about what is at stake in the proliferation of weapons of mass destruction. The U.S. should oppose it not because these weapons are inherently evil or because we seriously seek a nuclear-free world, but rather because their spread represents a diminution of Western power. As Samuel Huntington puts it in *The Clash*

of Civilizations, "The proliferation of nuclear and other weapons of mass destruction is a central phenomenon of the slow but ineluctable diffusion of power in a multicivilizational world."

In fact, much of it has occurred with anti-Westernism as its implicit rationale, as China in particular seeks to undercut American dominance. "Weapons proliferation is where the Confucian-Islamic connection has been most extensive and most concrete, with China playing the central role in the transfer of both conventional and nonconventional weapons to many Muslim states," Huntington writes. China and Russia have been the suppliers, with Pakistan, Iran, Iraq, and North Korea—all terrorist states to one degree or another—the primary recipients. The Pakistani nuclear program, for instance, is almost entirely a Chinese production. And the Russians have been playing the same role in Iran.

History of a fantasy

Western naïveté has, over the years, helped push proliferation along, as Henry Sokolski argues in his book *Best of Intentions*. Eisenhower's Atoms for Peace program spread nuclear reactors around the globe "to serve the peaceful pursuits of mankind," with little thought to the possibility that they might serve the war-making pursuits as well. The Non-Proliferation Treaty (NPT) of 1968, which sought to maintain the exclusivity of the nuclear club, is similarly starry-eyed. It talks of "the inalienable right" of signatories to develop nuclear technology, and urges "the fullest possible exchange of equipment, materials, and technological information for the peaceful uses of nuclear energy." Cheating? Don't be silly. Sokolski quotes a Dutch NPT negotiator explaining that for parties to the treaty there should be "a clear presumption" that nuclear material and know-how won't be diverted to weapons programs.

This remarkable faith in the trustworthiness of every NPT nation is why signing the treaty was Iraq's first step toward acquiring a bomb. According to Khidhir Hamza, an Iraqi scientist who defected, Iraq used the presumption of innocence to acquire the hardware and knowledge for its massive nuclear program, which the International Atomic Energy Agency lending a hand. Hamza writes: "Few of Iraq's suppliers—or the IAEA itself—ever bothered to ask a simple question: Why would Iraq, with the second-largest oil reserves in the world, want to generate electricity by burning uranium?"

IAEA inspectors were easily deceived and manipulated, partly because any particularly aggressive inspector would simply not be invited back. Not just the NPT, but most arms-control agreements—the chemical and biological weapons conventions, for example—rely on inspecting the uninspectable. As Kathleen C. Bailey writes in a paper on bioterrorism for the National Institute for Public Policy, "Biological weapons facilities can be small, temporary, and without distinguishing features; there is no current means to detect a clandestine biological weapons production capability, absent serendipitous discovery." This is the problem with inspections generally: They can be guaranteed success only in the case of a nation not bent of frustrating them.

This circularity applies to arms-control agreements more broadly: They work so long as no one wants to violate them, in which case they simply don't work. The danger is forgetting this, and mistaking the sentiments and assurances that come with signing an agreement—which are so comforting and high-minded—with reality. This was a

mistake that the Clinton administration inflated almost to a strategic doctrine: Don't verify, if you can trust instead.

Non-proliferation agreements are most effective when they are composed of like-minded nations determined to deny technology to a specific enemy, e.g., the Coordinating Committee (CoCom) of Western nations that sought to keep advanced military technology from the Warsaw Pact. The Clinton administration instead wanted to transform such organizations from, as Sokolski puts it, "like-minded discriminatory organizations to norm-based efforts that increased members' access to technology"—in other words, it sought to include the proliferators in the agreements in the hopes that it would somehow reform them.

So, instead of cracking down on Moscow's missile proliferation, for instance, the administration made Russia part of the Missile Technology Control Regime (MTCR), even as the Russians were flouting its terms. The EU wanted the Russians in so that they could be a permitted market for European aerospace sales, while the administration argued that their membership would modify their behavior. When Moscow's behavior was resolutely unmodified—it continued to proliferate to Iran and Iraq—the administration rewarded the Russians with various contracts and subsidies anyway.

Meanwhile, at the administration's urging, China bulked up on treaties and agreements. It signed the NPT, the Chemical Weapons Convention, and the Comprehensive Test Ban Treaty, and it (sort of) joined the MTCR. All these Good Housekeeping seals made it easier for China to acquire Western weapons technology, harder to punish it for any transgressions. And did nothing to stop its proliferating. As an important 1998 Senate report, "The Proliferation Primer," put it, Beijing still managed to be "the principal supplier of weapons of mass destruction and missile technology to the world."

As with Russia, the Clinton administration not only failed to punish the Chinese for their violations, it often rewarded them. After Beijing sold anti-ship missiles to Iran, Sokolski writes, the White House approved "hundreds of millions worth of sensitive U.S. missile-related exports to the very Chinese firms known to be proliferating missiles." Such was the pattern.

Russia and China—even if the Clinton administration mishandled them—are at least major states susceptible to U.S. influence. Now, thanks partly to their handiwork, proliferation is so far advanced that an isolated basket case like North Korea has graduated from weapons consumer to weapons supplier. The North Korean No Dong missile has become, as a result of Pyongyang's salesmanship, the missile of choice in the third world. The Pakistani Ghauri and the Iranian Shahab-3 are both really No Dongs. Iran, in turn, has been able to market missile technology acquired from North Korea to Syria, as the daisy chain moves from rogue to rogue.

What can be done

Despite this dismaying picture, the U.S. must still do all it can at least to slow proliferation. Instead of ambitious global agreements and conventions, the U.S. should seek to create a CoCom-style regime focused on stopping proliferation to the block of nations that are most likely to use or threaten to use a weapon against the West or leak one to a terrorist: Iraq, Iran, Sudan, Libya, North Korea, and even our rent-an-ally Pakistan. One reason the success of the CoCom wasn't duplicated after the Cold War was that there

was no agreement on who the enemy was; now there should be.

The effort should spread in concentric rings, beginning with tough export controls here in the U.S. No one—not businessmen, not politicians, not our allies—likes export controls, since they necessarily mean forgoing cash; but some things are just more important. The argument against controls is often that the technology in question is available elsewhere, so why not have American-supplied Libyan poison-gas plants rather than German? But we should lead by showing our own willingness to spurn certain profits. Meanwhile, European allies like Germany and France need to be convinced that joining the war on terrorism means recognizing that some export markets simply aren't worth having. Finally, we should urge nations that are loitering on the outskirts of the civilized world to choose up sides. Russia may choose the right way, China probably won't.

But there are limits to what can be done to stop the spread of weapons technology. Non-proliferators are in the position of anti-drug warriors, constantly involved in a futile effort to keep supply from meeting demand. It inevitably will. Then what? When supply-side non-proliferation fails, demand-side counter-proliferation should fill the breach. The best way to end demand for weapons of mass destruction is to seek the end—through diplomatic, economic, and military means—of the governments that want them. Iraq should be the easiest case. After years of flouting U.N. resolutions and international inspections, after stockpiling tons of chemical and biological agents and seeking a nuclear bomb, Saddam's regime should be made into a demonstration of the consequences of seeking weapons of mass destruction: It should be destroyed.

This would have an important educational effect. The reason governments seek weapons of mass destruction is that they know these weapons will increase their power. If they are shown that the pursuit of these weapons could also end their power, they might alter their calculations. In this light, aiding the Iranian opposition is a more important act of non-proliferation than getting President Khatami's signature on some agreement. In a similar way, missile defense can change the cost-benefit equation of acquiring missile technology by undermining the utility of ballistic missiles. So, this supposedly dangerously "unilateral" initiative—American missile defense—buttresses the cause of non-proliferation. Other unilateral actions, such as preemptive strikes on the model of Israel's take-out of an Iraqi reactor in 1981, or covert operations to sabotage technology shipments, can also repress proliferation in a way that gaudy treaties cannot.

None of this will be easy. It will require Western self-confidence, moral clarity, and, above all, military superiority. The cause of keeping our enemies from attaining weapons is achievable only with lots of weapons of our own: an enormous conventional military superiority, a credible nuclear deterrent, and—as a fail-safe—missile defense. But adopting this more muscular, realistic approach to non-proliferation is as urgent as the other kind seemed in 1946. In the words of Bernard Baruch, "to delay may be to die."

NOMINATIONS

Mr. KYL. Mr. President, I note with some dismay that the majority leader now seeks to fill time, given the fact

we are not proceeding with the debate on the stimulus package, with other matters, such as the railroad retirement legislation. It seems to me we have a perfect opportunity to do what we should be doing in this interregnum, and that is to consider all the President's nominees who are languishing. We have the time to debate these nominations and vote on them. Let's do it.

Case in point: The majority leader talks about bringing up the railroad retirement legislation. This is the European-style, Government-backed occupational pension scheme. I think we would do better to complete the filling of the President's Cabinet.

Mr. President, as you know, John Walters is the last Cabinet member awaiting confirmation.

He is awaiting Senate confirmation to serve as Director of the Office of National Drug Control Policy, otherwise known as the national drug czar. When did his nomination come to us from the President of the United States? Way back in June, over 5 months ago. Finally, on October 10, the Senate Judiciary Committee held a hearing on John Walters. It lasted over 3 hours. It was very complete. Following the hearing, Mr. Walters answered over 100 written followup questions, including questions from Members who were not on the committee itself.

Finally, on November 8 the committee reported out John Walters by a vote of 14 to 5, but we understand that his nomination cannot be brought up for us to debate and then vote because there are holds being placed on his nomination by unnamed Democratic Senators.

I am calling upon the majority leader today to bring this nomination to the Senate. If there are objections to its consideration, let those who object stand up and voice their objection and explain to us why they object, even to the consideration of the nomination of an individual who, as I say, has been pending now for over 5 months and is the last person to complete the composition of the President's Cabinet.

There is another reason to try to conclude this matter, because the Office of Drug Control Policy is one of the central parts of our Government that deals with drug trafficking around the world. Drug trafficking is one of the ways in which terrorists who we are fighting finance their terrorist activities. For the life of me, I cannot see how someone would stand in the way of the confirmation of a person who is in line to help fight this way of funding terrorism around the world.

We are supposed to be pulling out all of the stops to fight terrorism. Apparently, it is all except for one thing, and that is their financing because we have some political problem with confirming the drug czar.

Let me give a couple of examples. Afghanistan grossed an estimated \$180

billion in the drug trade last year. The Taliban generates an estimated \$50 million in annual revenue from heroin trafficking. The Taliban, which of course has been harboring Osama bin Laden, has overseen the world's greatest growth in poppy plant cultivation as well as heroin production and trafficking.

According to the State Department, Afghanistan's poppy plant cultivation area has quadrupled since 1990. Just 2 weeks ago, the Wall Street Journal reported that an Italian Government official stated that Osama bin Laden's al-Qaida terrorist network is funded through trafficking.

The bottom line is, if we are really going to pull out all the stops in fighting terrorism, we have to cut off their financing, and that includes their drug trafficking. One of the best ways of doing that is ensuring the office we have set up to do that is headed by the President's nomination; namely, John Walters. Yet we cannot get this nomination before the Senate for confirmation.

John Walters has over 15 years of experience in drug prevention, beginning in the middle 1980s. He served with the Office of National Drug Control Policy for a total of 4 years in the 1989 to 1993 period. In his hearings, he made it very clear he would execute the policies of the President, which have been widely hailed as necessary for us not only to deal with the problems of drug use in the United States but to cut off the sources of drugs which, among other things, fund the terrorists. So I urge my colleagues, and I urge the majority leader, it is time to confirm John Walters as Director of the Office of National Drug Control Policy. Let us not delay this any longer. There apparently is no excuse in terms of time because the majority leader pointed out this morning we apparently have time to consider other matters. So let us finish the confirmation process for the President's Cabinet before we conclude our work in the first full year of the Bush administration. It seems to me that is only fair. It is good policy, and it would help us in fighting the war on drugs.

The PRESIDING OFFICER (Mrs. CLINTON). The Senator from Arkansas.

Mrs. LINCOLN. Madam President, I ask unanimous consent that Senator HELMS from North Carolina and Senator CLELAND from Georgia be added as cosponsors to S. 1278, the United States Independent Film and Television Production Incentive Act of 2001.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNITED STATES INDEPENDENT FILM AND TELEVISION PRODUCTION INCENTIVE ACT OF 2001

Mrs. LINCOLN. Madam President, this is a bill I introduced awhile back.

It is a good way to reinvest in America, looking at our films that have gone offshore because of the incredible incentives that other nations are giving them. We want to keep our film industry in the United States. We want to keep the jobs in the United States, and that is why we introduced this bill in order to direct the incentives according to the jobs that are created. We are hoping we can move this bill along, and we are delighted to have two more cosponsors.

RAILROAD RETIREMENT REFORM

Mrs. LINCOLN. Madam President, I came to the Chamber after listening to several of my colleagues earlier this morning. The majority leader, Senator DASCHLE, was visiting with Senator DURBIN about some of the important legislation we could be considering in these last couple of weeks in the Senate that would really be good for the American people.

First they spoke about the railroad retirement reform package, which was mentioned by Senator KYL. I think it is absolutely essential we bring up this issue. Last week, when I was in Arkansas celebrating Thanksgiving, I was approached by an older woman who said: Why in the world has this not been done?

This legislation has passed the House twice by incredibly large margins. The last time it was 384 to 33. There are 75 Members of the Senate who are cosponsors of this issue. We have the railroad industry, the union members, the workers in agreement. It is absolutely practical and realistic that we should bring up this issue and move it forward because it is going to benefit everybody, and that is what our job is, to bring up legislation that everyone has worked on, that we have come to some agreement on, that we have the majority of individuals in both bodies excited about and willing to move forward.

So I applaud the majority leader for bringing up this issue. I think the time is right. I think the work has been done. The debate has been had. People have worked out this issue, and we should be moving forward. We should be productive for the American people and particularly for those in the railroad industry and those who are retired. I applaud the majority leader for his efforts, as well as the other Members of this body, and encourage him to move forward with it. This is something we can do and something we should do before we leave, and I hope we will.

FREEDOM TO FARM

Mrs. LINCOLN. One of the other issues that was brought up by my colleagues earlier was the issue of our agricultural policy in this country,

which, in my opinion, in the last 4 years has been less than what our farmers deserve. It is time now to give them some predictability and some understanding of where their Government is going to be for them.

It has been said the only constant is change, and that certainly has been true with our national farm policy. For the last 4 years or better, farmers—certainly Arkansas farmers—have harvested their crops without knowing if they would be able to afford to plant another crop in the following growing season. They had no predictability, no understanding of whether their Government was going to be for them.

As they looked at what was happening in the global economy with the fact that the European Union was consuming well over 80 percent of export subsidies worldwide, they said they were not competing with other farmers across the globe.

Our farmers are competing with other governments. Where has their Government been in terms of a solid agricultural policy they can depend on, particularly when they go to their financial institutions to get the backing they need to put seed in the ground?

Of course, many remember that Congress passed the Freedom to Farm Act back in 1996. For farmers in Arkansas, Freedom to Farm has been a disaster because they depended too much on the ability to be able to negotiate trade. We put our farmers in a position where, as we said we were going to ratchet down the Government support and the Government safety net, were they going to have to depend on the market.

We gave them flexibility. Flexibility was great, but flexibility without the backbone in trade does them no good, particularly in a time when we are seeing record lows in commodity prices.

Farmers are getting paid right now the same they were being paid in the early 1940s, and yet their input costs are the highest they have ever been. They are making the same they were in 1940 when a combine probably cost them about \$15,000 to \$25,000, and now they are paying anywhere from \$180,000 to \$200,000 for a combine.

Arkansas farmers and farmers around the country have been in limbo year after year, waiting for Congress to pass emergency spending bills. The existing farm policy is absolutely inadequate. A farmer cannot just go to the banker and say, I think Congress is going to provide us an emergency spending bill this year so you need to make sure you go ahead and give me that loan and maybe wait for another 9 to 12 months to find out whether or not it will be backed by the Government.

As has the senior member of the Senate Agriculture Committee, I have worked with my colleagues on that committee to write a bill this year, to get out of the Agriculture Committee a good, positive, and comprehensive bill

to address the needs of our farmers. I have been increasingly concerned and dismayed as the Senate rushes to complete its business by the end of the year that farmers again will be left behind. That is why, again, I was so proud to see the majority leader come to the floor today to say we are going to take up a farm bill on the Senate floor.

The Senate Agriculture Committee, under the leadership of Chairman HARKIN, has done its work to come up with a good bill that is comprehensive, that will provide the safety net, as well as far-reaching, new, and innovative issues we need in a farm bill. They have done their job. We will bring it up on the floor.

The House has done their job in passing a bill. We can compromise on these bills because they have been created in a way that they have many similarities. We can get a bill to the desk of the President this year so our farmers, once again, do not have to go into the new year with the uncertainty and the complete unpredictability of not knowing where their Government will be.

The Senate must pass this bill before we adjourn for the year because it is imperative, as the farmers go into this next planting season, they have something they can bank on, one with a solid safety net that ensures not only the financial viability of our farmers but also the viability of local bankers, merchants, seed dealers, fertilizer dealers, implement dealers, and rural institutions that depend on the stability our farmers provide.

The Senate bill also provided much needed funding for rural development and nutrition programs for disadvantaged families to help those parts of our Nation where the needs are the greatest. An unbelievable conservation title helps in new and innovative ways, placing the resources and efforts into proven conservation practices that our farmers know they can use to mitigate those marginal lands on which it is more costly to produce. It includes funding for research and development to ensure that America remains a technological and economic powerhouse in the coming century. It provides funding for forestry, biofuel development, and credit financing programs to guarantee sound farm financing.

The economy in this great Nation is in a delicate state. There is nothing that we can do here that will guarantee we will not go into a recession. But there is one thing we can do that will absolutely guarantee a recession. We have seen it in our history's past. That is that we allow the rural economy to collapse. If that rural economy collapses, we will be assured not only of a recession but much greater problems in our economy in coming years.

I applaud the majority leader for bringing up the issues on which we have worked. We have worked out the

details. It will be of great assistance to the American people, particularly in rural America. As we begin with a farm bill that will be a great stimulus package to rural America, we can also work out the details of an economic stimulus package that will be comprehensive in helping workers in transition and also provide the tax relief that industries need, particularly small businesses, to be able to grow and thrive and increase a growing economy.

I hope that in the several days we have ahead of us and the work there is yet to be done we can continue along the road that the majority leader has paved for us in putting out these issues, that we can get some agreement that will be beneficial to the American people, and that we can all go home at the end of these 2 weeks to a holiday and know we have done our very best. That is what we owe to the people.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. THOMAS. Madam President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THOMAS. I ask unanimous consent to speak for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE SENATE AGENDA

Mr. THOMAS. Madam President, I have listened this morning to the conversations on the floor. I think it is appropriate that we have had some discussion about what we are going to do in the remaining time before us. I hope we can come to a little more of a cooperative understanding of what our agenda should be in the next 2 weeks. What are the things that are most important? What are the things we ought to have as our priorities?

Obviously, we have to finish the appropriations, and we have only sent about half of those to the White House. So that is something we must do. Obviously, there is difficulty in trying to complete the work on the Defense appropriations.

It seems to me it is also important that we have a stimulus package. However, having been on the Finance Committee and sat through all the talk about it, we expanded it far beyond where anyone would suggest these were stimulus programs. I suppose you could expect that to happen. We are at the end of a session. We are at a time when, because of the terrorist attacks, emergencies have arisen that must be addressed. But now we find that everyone who has ever had a thought about where we ought to be spending more money wants to do it. I think we have to be a little more thoughtful about where we are.

We started out with a budget that we agreed upon. I think it was about \$660-some billion. Then that was changed at the request of the President some time ago to \$686 billion. In addition to that, of course, we have had another \$40 billion, and another \$5 billion, and agreed to guarantee another \$10 billion. So we have spent a great deal of money. I think we have ought to give some thought as to what our priorities are to be at this point.

It is my belief we could come up with a stimulus package that would deal with the needs of unemployment and some of the medical needs there. I think we could do something that is rather limited in terms of accelerated depreciation that would cause businesses to create jobs, which is what we want to do. We do not need to spend \$120 billion simply because we have an excuse to spend.

So I am hopeful that we can get together on a stimulus package. The majority leader said this morning the Republicans refuse to meet. That is not the case at all. The Republicans are not willing to have the Appropriations Committee be part of that meeting because it is a Finance Committee responsibility. That is where we ought to be; there is no question about that.

I hope we can take a little time now to say what our priorities should be. We need a little vision, just over 2 weeks. It ought not to be too difficult to decide what it is that we need to get done and step aside from some of these other questions.

We are talking about a farm bill. I am on the Agriculture Committee and we have not even scored it. We don't know how much it will cost. Yet we are here. We want to get it on the floor. We have not had the farm bill before the committee, not even had a chance to look at it, but we were asked to mark it up. That is not the best way to deal with the important issues there. We can deal with them.

I am hopeful we will slow down just a moment, decide what it is that is most important for the country that we do in the very little time we have, and not just absolutely think we ought to be spending every dime we can possibly find. That is not necessarily the thing to do at this point.

Hopefully, we will be able to do that. I hope we can do at least those two things, the appropriations bills and the stimulus package. These other things ought to have a little more thought. We are going to be back next year, early. We can put a time certain on those and do them at that point.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Will the Senator withhold his suggestion of the absence of a quorum?

Mr. THOMAS. I withhold the request.

RECESS

Mr. THOMAS. If it would be more appropriate, I ask unanimous consent that the Senate be in recess until 2:15.

The PRESIDING OFFICER. That would be appropriate.

The Chair thanks the Senator.

There being no objection, the Senate, at 12:25 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. NELSON of Florida).

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. FRIST. Mr. President, I ask unanimous consent that I be given 15 minutes in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROHIBITION OF HUMAN CLONING

Mr. FRIST. Mr. President, I rise to continue a discussion that began in morning business earlier today. That is on the issue of human cloning. I had not expected to be talking about this issue during the closing days of this session of Congress. But I feel compelled to do so in light of Sunday's announcement. That is indeed very troubling for everybody as they seek to understand what this is all about after Sunday's announcement that a U.S. company is pursuing the purposeful creation of cloned human embryos.

I believe all human cloning for scientific reasons, for ethical reasons, and for reasons surrounding the health and safety of women should be banned.

This whole subject of human cloning was the subject of a lot of discussion earlier this year. This summer, the House of Representatives passed a bill prohibiting the human cloning by a large and overwhelming margin. But in light of the events of September 11, much of the discussion was put aside. A lot of that changed on Sunday. And now I believe it is incumbent upon the Senate to address this critical issue before adjourning for the year.

I urge the majority leader to call up the House bill and to allow the Senate to work its will on that bill. We don't have the luxury of time that I think many of us thought we had. If we look over the last several years—really beginning in 1997, when Scottish researchers first captured the attention of the world after they used the process called somatic cell nuclear transfer to successfully clone that adult sheep by the name of Dolly—since that period of time a lot has happened in this particular body. The portrayal of human cloning has intrigued our imagination over the last 4 to 5 years. But we all must recognize that this is serious business. The idea that cloning human beings may be technologically possible challenges our fundamental beliefs—whether they be spiritual, or whether they be moral. Those people who pay attention to science ask if it is really

possible. I believe the answer is yes. But what it really causes us to do is to go back and challenge our fundamental beliefs on what the appropriate limits are or should be of human control over nature.

I tell you, as a scientist and as someone who has thought a lot about end-of-life issues or beginning-of-life issues and disease and health, it provokes, in me, a lot of concern in terms of the issues of how much to intervene, at what point, what is someone's motive, and can that motive be shifted in such a direction that the great promises of science can be used to the abuse of what most people would regard as their moral sensibilities.

After the Dolly announcement, we held a series of hearings in the Health, Education, Labor, and Pensions Committee. The first hearing focused on science. We had scientists testify. We looked at all types of cloning: Animal cloning, human cellular cloning, and the cloning of a human embryo, the cloning of human individuals.

At the second hearing we had ethicists and theological representatives come in. We listened to distinguished individuals testifying from the Christian faith, the Jewish traditions, the Islamic traditions, all relating to human cloning. We also listened to philosophers well schooled in biomedical ethics.

The story went on. The National Bioethics Advisory Committee (NBAC), at the request of President Clinton, looked at, studied, and made a report on the moral and ethical issues as well as the scientific standpoints. NBAC then reported to the President that reproductive cloning was unsafe and should be prohibited by Federal law.

About a year after that, Senator BOND and I, based on our hearings, and based on that National Bioethics Advisory Committee report, introduced the Human Cloning Prohibition Act along with a number of our other colleagues. That bill would have prohibited the use of somatic cell nuclear transfer technology to produce a human embryo.

At the time—and the time today is very different; again, that was in 1998—the science of issues such as stem cell research, particularly embryonic stem cells, was all hypothetical. It was all theoretical. This whole field of embryonic stem cell research existed, but only as a hope of what might be. No research using embryonic stem cells had actually been conducted at the time.

The overall science of these issues, of cloning and stem cell research, was relatively undeveloped and even less understood. The bill got caught up in a lot of concerns that it could prevent this whole field of embryonic stem cell research from progressing, and the bill really fell by the wayside.

Indeed, almost 2 years would pass between the announcement of Dolly, the sheep, in 1997 and the groundbreaking

reports on the successful isolation of what are called human pluripotent stem cells. It was 2 years after Dolly.

Now, more than 2 additional years past, the field of embryonic stem cell research has really made great strides, although it is still in its infancy, as we are seeing today. Today there are more than 60 established embryonic stem cell lines worldwide. The research, I believe, does show great promise for stem cell research as we look to the future.

We have also learned a lot about adult stem cells. Only recently people understood there are two—indeed, there are three—but two main types of stem cells: One is adult, and one is embryonic. A lot of our traditionally held beliefs about the adult stem cells, the fact that they can only go in one direction, have been modified as we have studied them scientifically. Now we know they are not restricted to one fate or one direction.

This past year, the NIH spent \$250 million on stem cell research. That number, I am quite certain, is going to grow in the future because of the promise of stem cell research for therapies for a range of diseases. That money will be spent for both adult stem cell and embryonic stem cell research.

I will say that overall stem cell research is in its very early stages and there is a lot to learn. I have just outlined what we have learned in the last 2 years, and in the 2 years prior to that from the time that Dolly was first cloned.

But what we can say now, with confidence, I believe, is that a ban on human cloning—again, we are talking about stem cells and human cloning—a ban on human cloning will not be a barrier in any way to the aggressive pursuit of embryonic or adult stem cell research. I would argue that it is just to the contrary of what some people say, that if you ban human cloning in some way it might slow down stem cell research.

Why do I say that? It comes back to a debate we had on this floor 6 or 8 months ago when we were talking about stem cells. It is my belief that embryonic stem cell research, which I believe has great promise, and adult stem cell research can best be conducted in an environment, a framework, where you have ethical considerations, moral considerations, and a legal framework defined. That way, the American people can trust what is being done, what we are investing in, in relation to what the scientists are doing.

I would argue that that legal framework around stem cell research—to allow it to progress—demands, as one of its criteria, that we ban the cloning of human beings, that we ban human cloning. That is what is before us today as we define what America is thinking today. Where do the scientists fit in with all this? You will hear different

scientists saying different things. But I think it is also clear that, scientifically, embryonic stem cell research can and will be able to proceed aggressively without the use of therapeutic cloning.

I think it is generally believed that most scientists consider the field of human cloning too immature and unknown if the goal is to safely attempt to clone a human being. Most scientists will agree it is too early. We do not know enough today.

What about therapeutic cloning? You hear these words. You have reproductive cloning and therapeutic cloning. And with more time we will probably get more into that. But conceptually there are two different types of cloning.

Some people say we should ban reproductive cloning but we should allow the therapeutic cloning to proceed. I would argue with the intent. We have heard people say they want to clone human beings. They said they are going to go out and do it. Now the technology, as we saw 3 days ago, is likely to get there. So they are likely to do it.

So when you are creating a human embryo, and you say you are going to use it just therapeutically, it is just too easy to take that embryo and implant it in the womb, and then it is reproductive cloning. And there will be more opportunity to talk about the differences there.

I will say therapeutic cloning is not necessary for rapid scientific advancement. The 60-plus stem cell lines out there are sufficient for Federal researchers to aggressively move in the direction of productive research. Moreover, the idea of therapeutic cloning, intended to combat the danger of autoimmune rejection, something I as a transplant surgeon am very aware of, carries with it challenges of its own and does not necessarily solve the problem of autoimmune rejection.

Let me just shift very quickly to risk. There are real risks to human cloning. Even those people who are not repulsed by creating superhuman beings and having people created in their own image and control—this whole field of human cloning is almost godlike—even those people, when you push them, recognize the frightening risks of human cloning.

Four years ago, it took about 270 attempts to get Dolly, the sheep. Whether it is 200 or 500 or 100, you translate that down to human beings, and that means 270 still births, 270 miscarriages, 270 deformed births—all because we do not know enough. It is simply not safe.

I think we should move quickly to prohibit human cloning no matter what the stated purpose. We do not act alone. Other nations are also struggling in responding to this issue as well. France and Germany have developed legislation to prohibit human

cloning, and they have called upon the United Nations to take up this matter on the international level.

I believe the creation of human embryos purely for research purposes alone is the exploitation of human life. I say it, yes, as a pro-life Senator, but I think the idea of creating human embryos for the reason of just research is an exploitation that even the National Bioethics Advisory Commission and newspaper editorial pages, including the Washington Post have opposed. Why? Because you ultimately have to destroy those embryos.

There is also another issue about which I hope we will have the opportunity to talk. It is actually in an article from November 25 in the St. Louis Post-Dispatch. The heading of the article says: "Buying and Selling of Women's Eggs Raise Fears of Bidding Wars." The first sentence states:

Egg donors needed. Healthy women ages 18-32 willing to help infertile couples.

In another paragraph it says:

In California, the increasing demand has resulted in a flourishing egg-donation industry that can reward donors with payments equivalent to a semester's tuition at an Ivy League school. Greater demand also has increased prices on the East Coast by several thousand dollars.

I mention that because clearly if there are individuals or companies out there with what inevitably will be a financial incentive to obtaining these eggs, the burden is very likely to fall upon women of low income.

The eggs will have to be obtained through a medical procedure. The medical procedure has its own risks as well. There are no safeguards today for women who would be used as sources of the needed eggs. I believe that a failure to prohibit human cloning not only poses a real risk to the health and safety of the women but will have the effect of turning their bodies into commodities.

In closing, because of statements by many people around the world who have said they are going to clone human beings and the recent announcement on Sunday which shows that human cloning is much closer on the horizon unless we act, I encourage my colleagues in this body and the majority leader, to bring up the House bill and allow us to modify that bill, if necessary.

The bill has already been passed by the House of Representatives. It is very similar to the bill Senator BOND and I introduced along with others 3 years ago. The House has improved it. They expand the definitions and exclusions from the original bill. The only act prohibited in that bill is human cloning.

Our challenge is to move quickly and carefully. We need to move quickly to achieve the goal of prohibiting human cloning without—it is important to understand—harming the important biomedical research which will be allowed

to continue. That goal is within our grasp.

The majority leader has said we will bring up this bill next spring. Because of recent incidents, I encourage him to do it as soon as we can this year. The risks of delay simply are too great. Our responsibility is clear.

I ask unanimous consent that a copy of the St. Louis Post-Dispatch article I cited be included in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the St. Louis-Dispatch, Nov. 25, 2001]
**BUYING AND SELLING OF WOMEN'S EGGS RAISE
 FEARS OF BIDDING WARS**

(By Michelle Meyer)

"Egg donors needed. Healthy women ages 18-32 willing to help infertile couples."

Adrienne Smith spotted the ad submitted by the infertility and Reproductive Medicine Center at Washington University in the Riverfront Times earlier this year. Having read articles about egg donation, she knew that clinics paid several thousand dollars for young women's eggs.

Smith, 24, works as an administrative assistant and is planning on taking classes to become a certified massage therapist. That money could help pay her tuition, so she applied to become a donor.

The experience went well for Smith. Doctors successfully extracted her eggs and donated them to an infertile couple. Smith will never meet the couple, nor the offspring who might result. But she was paid \$2,500 and she also has the satisfaction of knowing that she is helping people who long to become parents.

Even so, the buying and selling of women's eggs raise troubling issues. With an estimated 6 million U.S. women suffering from infertility, the demand for transplanted eggs is great. Medical ethicists and reproductive specialists fear a bidding war may be in the offing. And that, in turn, could lure women into the program who are ill-suited or unprepared for the rigors of donating their eggs.

In California, the increasing demand has resulted in a flourishing egg-donation industry that can reward donors with payments equivalent to a semester's tuition at any Ivy League school. Greater demand also has increased prices on the East Coast by several thousand dollars.

No one can say for sure how many young women are donating eggs in the St. Louis area. What is clear is that sizeable fees paid to donors on the coasts aren't as prevalent in the Midwest.

But some are already concerned. "The higher the amount of money, the more danger there is that a woman might take risks that she might not ordinarily take for the sake of the money," says Rebecca Dresser, professor of law and ethics in medicine at Washington University and a member of American Society of Reproductive Medicine. "The huge financial incentive increases the incentive to conceal health issues both to her own health and that of her offspring."

The business of matching egg donors and infertile couples is largely unregulated with well-established medical institutions—like Washington University—and independent brokers involved. Some solicit and match donors discreetly. Others aren't shy about touting their prices to donors and bragging to infertile couples that their donors are some of the best looking and most intelligent people around.

Attracted by the promise of big money, potential donors may be unaware of the demands of egg extraction.

RETRIEVING THE EGGS

For egg donor Smith, that meant injecting herself daily with ovarian stimulation shots, visiting the doctor's office a half dozen times and enduring an uncomfortable bloating of her abdomen that prevented her from wearing her regular clothing. At the end of the process, a doctor administered a mild anesthesia and poked Smith's ovaries with a long needle, extracting the eggs that had ripened inside of her.

Awaiting the final procedure, Smith read an article about infertility and began to cry. "I realized there is no amount of money that can compensate you for what you are doing," Smith said. "I sat there reading about these people who were so excited by the chance to actually have a child. Helping people is very important to me. I hope and pray that a pregnancy came out of it."

The egg retrieval took less than 45 minutes, and within an hour, Smith was awake and ready to go home. Like most women, Smith experienced mild abdominal discomfort and soreness for several days. Immediately following the retrieval, her eggs were fertilized with the recipient husband's sperm and implanted into the wife's womb.

"Egg donors needed. \$3,500. Must be 21-34."

Surrogate Parenting Center of Texas placed this simple, straightforward ad on the back page of a recent Riverfront Times. It is representative of many ads targeting readers in that age range. Many appear in college newspapers, including those at the University of Missouri at St. Louis, Washington University and St. Louis University.

"We had a lot of ads (requesting donors) run last year," says Nick Bowman, editor of the UMUSL's newspaper, *The Current*. "But since my regime as editor this year, we haven't seen as many."

Many ads appeal to a donor's sense of compassion. Dr. Ronald Wilbois of the Infertility and IVF Center of St. Louis says, "There is no mention of monetary compensation in our ads, although some people in town have done that. I think you get into this big problem of clinics competing with each other if you do that. Plus, we don't want money to be the big draw. We have found that women who do it for the money are not real reliable as a group."

The IVF Center performs six to eight donor egg retrieval procedures a month, and unlike several clinics in the area, doesn't have a waiting list for eggs, according to Wilbois. But he admits that it can be difficult to find "good" donors.

Many women do not pass the stringent physical and medical screening required. Donors are required to submit complete medical and family histories, as well as pass various screens for infectious diseases and medical or genetic disorders. About 10 percent find that their eggs are not viable.

THE INTERNET CONNECTION

The Internet has become a resource for couples seeking egg donors. Web sites provide a quick database that has replaced time-consuming paper files. Some sites include photos of young women, as well as personal information such as IQ level, high school grade point average and physical measurements.

Dawn T. Hunt is an egg broker in California who helps to pair infertile couples with donors. Her company, Fertility Alternatives Inc., posts pictures of young women interested in donating, including some from

St. Louis. The Web site, www.geocities.com/fertilityalternatives/oocyte.html, classifies some of the women as "exceptional donors," those with above-average intelligence, academic achievements or physical attractiveness.

One "exceptional" donor, a young woman referred to as Rachel M., is a graduate of Washington University residing in the St. Louis area. Rachel is 23 with short blonde hair and a doll-like round face who scored 1430 on her SAT and earned a 3.66 GPA in graduate school. Individuals wanting to make a baby with Rachel's eggs can expect to pay \$8,000, although that fee is negotiable. Hunt will get part of that money.

"I found a lot of my people wanted attractive donors with proven intelligence . . . so I gave it to them," Hunt said. "My clientele feels guilty about (placing so much importance on physical attractiveness) but if it were me, I would probably want an attractive donor."

The ethical debate over the sale of human eggs heightened after "Ron's Angels" appeared on the Internet in 1999. Ron Harris, a California fashion photographer, posted pictures of models on his site in an effort to create an auction for the eggs of beautiful women. Reportedly, bids for model's eggs soared as high as \$42,000.

Last year, members of the American Society for Reproductive Medicine suggested that compensation up to \$5,000 is appropriate for the donation of eggs but that anything above \$10,000 is inappropriate.

But those are merely guidelines. Currently, every state except Louisiana allows for the sale of human eggs. And no states have enacted legislation aimed at capping fees or regulating egg donation.

Educators worry that students may be ill-prepared to weigh the costs and benefits of selling their eggs.

"I think college students would be vulnerable to this kind of solicitation because of the extreme financial incentive," said Judith Gibbons, a professor of psychology at St. Louis University who specializes in issues of early adulthood. "When I ask college students about their major concerns, financial worries are always on top of the list. But I would never want to take their autonomy away from them because they are adults and can make their own decisions."

Dresser, the Washington University professor, fears that young people may regret their decisions later in life. "When they are that young they may not fully appreciate that there may be some risks to their future fertility," she said. "Of course, it is only speculation at this point because we don't know if there is a danger to future fertility. Egg donation has only been going on for a few years, so we haven't been able to follow these women over time."

Smith said that while trying to decide whether to become a donor, she wrestled with the idea of possibly having a child in the world and not knowing him or her. Although the thought bothered her, she decided to go ahead anyway.

Dr. Sherman Silber of the Infertility Center of St. Louis refuses to solicit donors with ads. "I felt that was abusive to women. I don't like the idea of targeting a young 19- or 20-year-old girl who needs money."

But if all goes well, the process can be fulfilling for everyone involved.

Tonya Weisheyer, 23, of Winfield, has donated her eggs twice and is now acting as a surrogate mother. For her first donation, Weisheyer donated to a couple in Boston and flew there for her egg retrieval, although she

did not meet the prospective parents. Two weeks after her donation, Weisheyer got a call from the couple's lawyer informing her that the wife was pregnant.

After the donation, the couple sent Weisheyer a large bouquet of flowers and gift certificates to Toys 'R' Us for Weisheyer's three children, "I was in tears," Weisheyer said. "Just hearing they were pregnant was enough for me. Just to know that I had helped them to accomplish their dream. I was on cloud nine all day."

Mr. FRIST. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Mr. President, I ask unanimous consent that I be given 15 minutes in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

BIOTERRORISM

Mr. FRIST. Mr. President, I rise to speak regarding a topic that has emerged dramatically over the past 7 weeks, a topic that everybody in the United States of America has thought about, a topic that many of us in the Senate have been thinking about over the last 3 years. That topic is the use of viruses, bacteria, and other germs as bioterrorist weapons.

Going back 3 years when the Senate Public Health Subcommittee began to look at the issue of bioterrorism, we had a series of hearings to study in depth the ability of our Nation's public health infrastructure. Those three words—"public health infrastructure"—are words about which we hear a lot. People ask me: What is the public health infrastructure? I will address that question in a few minutes.

The public health infrastructure is the basis of our preparedness and response to such bioterrorist attacks—who we call if something happens, what they do, who does the test, how they communicate with each other, and how quickly they respond. When we began addressing the issue of bioterrorism, we wanted to look at the local, State, and national level. We wanted to examine how those systems respond to public health threats.

We had a series of hearings beginning 3 years ago focused specifically on our preparedness to respond to a bioterrorist attack—the use of viruses, bacteria, and germs with the intent to create terror or to kill. The testimony of the witnesses fascinated me because few people were talking about bioterrorism. Our intelligence community was looking at it internationally, but people on the street corners, on Main Street, or in town squares were not

thinking about bioterrorism 3 years ago.

After listening to these witnesses, it was very clear that it was no longer a question of "if" there would be a bioterrorist attack, but "when, where, and how." When it did occur, we knew that a bioterrorist attack would not only occur on foreign soil but also on the soil of the United States.

These hearings also made equally clear to those of us on the subcommittee that the threat, the risk, was increasing and that our Nation was not fully prepared to meet the potential risk that could present.

As legislators do, we listened intently. We talked to the American people. We collected more information, and then we wrote a bill called the Public Health Threats and Emergencies Act. That bill had as its main goal two things—coordination of response and improvement of public health infrastructure. The coordination was two-fold horizontal, or coordination of all the different local organizations, entities, agencies at the point of the attack; and vertical, or coordination of the Federal, State, and local agencies that would all have a responsibility to respond.

The second goal of this crucial legislation was to improve the resources to support the public health infrastructure, principally at the State and local level. I encourage my colleagues to consider what they would do if there was a bioterrorist attack at their home or at their work. Given what occurred in the Hart Building just last month, that consideration should not be too difficult.

We passed that bill, and that bill was actually signed into law about a year ago, long before September 11. It was referred to the floor by the Health, Education, Labor, and Pensions Committee through the Subcommittee on Public Health. At the time, I chaired that subcommittee, and Senator KENNEDY was the ranking member. Both Senator KENNEDY and I have continued our interest in this topic over the last 3 years.

In terms of bioterrorism, what did September 11 and the ensuing events around the country do? It took what we thought was low risk and high vulnerability to a bioterrorist attack and made us realize that there was high risk and high vulnerability. As things appeared in the news and we learned about new inhalation anthrax cases, we realized our risks had increased markedly after September 11, and that our vulnerabilities, which we knew were high, were more clearly defined.

We know where the gaps are today because we have learned from the events of the past 3 months. We knew that some gaps existed, but the public health infrastructure is so large that it was difficult to determine exactly where those gaps were without having

a specific challenge to the system. I mention that because now is the time to act. We did not have all of the information when we passed the Public Health Threats and Emergencies Act, but we had the foundation a framework that focused on prevention, preparedness, and consequence management. That same framework is still valid, and we now know where those defined gaps in the public health infrastructure are.

We are now aware of our increased risks and defined vulnerabilities or gaps in the system. Now is the time to address those gaps before we have another challenge to our system. We have a responsibility to the American people, to the people on Main Street, to the people in Alamo, TN—people who might not be thinking about what our government should be doing. It is our responsibility as government officials in the Federal, State, and local level to fill those gaps.

Eighteen people have already been infected with anthrax. Another five or so suspicious cases are currently being examined. Five have already died. I have had the opportunity to see firsthand how these few cases have stretched our public health infrastructure, have stressed the people who respond—the medical and laboratory personnel. The number of anthrax diagnostic tests have overwhelmed the system for these 18 cases.

It could have been worse. If the same amount of anthrax had been delivered by aerosolization, it would affected not 10, 15, 20, 30 people but clearly hundreds, indeed, thousands of people.

We have to act. We have 2 or 3 weeks before we leave. If we do not act, if we do not pass comprehensive legislation that looks at preparedness, prevention, and consequence management as well as filling the newly identified gaps, we have not fulfilled our responsibility to the American people.

We are learning more about anthrax and bioterrorism every day, and we need to continue to learn from these recent events. We do not know when and if there will be any future biological attacks, but we are on an alert now.

We know terrorists are around the world. We know what terrorists have said—Osama bin Laden has said that it is his religious duty to obtain biological weapons of mass destruction. We know that the same motivation that sent those airplanes into the World Trade Center and 2 miles from the Capitol at the Pentagon still exists. When that motivation for mass destruction is coupled with the hard evidence that Osama bin Laden and other terrorists intend to gain access to bacteria, to viruses, to germs, then we must conclude that the risk for bioterrorist attacks, whatever it was on September 9 or 10, is larger now and growing.

Again, we need to respond. We have already identified some vulnerabilities. Now is the time to respond. Because

the risk is increasing, we must have a real response.

What is our next step? I mentioned that the Public Health Threats and Emergencies Act of 2000 passed a year ago. It has the basic framework of prevention, preparedness, and consequence management. Now is the time to build on that framework. Now is the time to appropriate the funds for that act. We have not yet put significant money into supporting that public health infrastructure, that crucial link in protecting us from and responding to any future biological attacks. The Public Health Threats and Emergencies Act was never fully funded. I am not pointing the finger at anybody, but now is the time to fund those issues.

More resources for that infrastructure are needed. I would ask that you call your local public health official and ask that person: How stretched are you? How prepared are you if there is an outbreak of Salmonella, botulinum toxin, tularemia, smallpox, or anthrax in your community? Call them on the phone and see what they say. I know what they will say because I have talked to many of them lately. They will tell you that they have a few people working to address the issue, but they do not have the ability to communication with local hospitals, clinics, or other health care delivery systems. Your local public health official will tell you that they cannot rapidly identify those germs.

If one thinks of things such as smallpox—and this is not to be alarmist because I think the risk of smallpox is tiny—we need people to diagnosis it quickly, communicate rapidly, and make sure the vaccines get there on time. If the system operates properly, then we would be okay.

I mention all this because a week ago Thursday, I, along with Senator KENNEDY and 40 of our colleagues, introduced a bill called the Bioterrorism Preparedness Act of 2001. We entered statements into the RECORD but did not have time to actually speak on the particular bill. I encourage my colleagues to read the bill and its summary. You can find two summaries—a one-page summary and a six-page summary—120-page bill on my website.

The Bioterrorism Preparedness Act of 2001 incorporates the recommendations by President Bush to improve the national pharmaceutical stockpile. It includes authorized funding for the development of additional doses of the smallpox vaccine. It includes the funding to help encourage the development of additional vaccines and other bioterrorism countermeasures.

Given the whole host of germs available for use—tularemia, anthrax, smallpox, botulinum toxins—we cannot concentrate on one virus or bacteria or other germ because the terrorists, if they want to, will simply move to another germ once we have developed an

appropriate response. Therefore, a vaccine, although an important part of the comprehensive policy, is not the complete answer to the risk of germ warfare.

In our bill, we also provide substantial additional funds, over \$1 billion to the States and local communities, to improve the public health infrastructure. If something happens to someone's daughter and/or son and they suspect bioterrorism, we call on the public health infrastructure. What we need to do is have them prepared to receive that phone call and to respond in an effective way, and we provide the funds to make sure they are prepared to receive that phone call.

In our bill, we look at revitalizing the Centers for Disease Control and Prevention's training initiatives. We look at response capabilities. We look at epidemiologic capacity.

We do not disturb the Federal funding established under the Public Health Threats and Emergencies Act that goes into the core facility laboratories, the public health capacities. In fact, we broaden the funding streams and increase the authorization for these capacity-building activities.

Not only will these additional funds assist us in the event of another biological attack, but the strengthening of the public health infrastructure means that we will also be able to respond to other infectious diseases as well. No matter what infectious disease it is, whether it is a result of a terrorist attack or a natural-occurring disease, we need the same response—quick diagnosis, high surveillance, good communication, and quick treatment.

In our bill, there is also a section on food safety protections, which I hope my colleagues will examine. My number one priority is to ensure that we address all of the issues laid out in the bill because the bill focuses on the entire system required to respond to any future bioterrorist attack—a system dependent upon the public health infrastructure.

I close simply by saying we have made tremendous progress. Our colleagues have spent a lot of time looking at the issues in putting together this bill. I encourage them, once again, to look at what is in this bill and understand the comprehensive framework of prevention, preparedness, and consequence management as we move forward. The gaps have been defined in the public health infrastructure. Now is the time to respond. The Bioterrorism Preparedness Act gives that framework. I encourage my colleagues to support it when it comes to the floor.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DASCHLE. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT REQUEST— H.R. 1140

Mr. DASCHLE. Mr. President, I announced this morning we would attempt to move to proceed to the railroad retirement bill. In consultation with our Republican colleagues, I am prepared to do that at this time.

I ask unanimous consent that the Finance Committee be discharged from further consideration of H.R. 1140, the Railroad Retirement Act, and the Senate proceed to its immediate consideration under the following limitation: that the only amendment in order be a substitute amendment offered by the chairman of the Finance Committee; and following the disposition of the amendment, the bill be read the third time, and the Senate vote on passage, with no intervening action or debate.

Mr. GRAMM. I object.

The PRESIDING OFFICER. The objection is heard.

Mr. DASCHLE. In light of this objection, I ask unanimous consent that the Finance Committee be discharged from further consideration of H.R. 1140, and that the Senate proceed to its immediate consideration.

Mr. GRAMM. I object.

The PRESIDING OFFICER. The objection is heard.

COMPREHENSIVE RETIREMENT SECURITY AND PENSION REFORM ACT OF 2001—MOTION TO PROCEED

Mr. DASCHLE. In light of this objection, I then ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 69, H.R. 10.

Mr. GRAMM. I object.

The PRESIDING OFFICER. The objection is heard.

CLOTURE MOTION

Mr. DASCHLE. In light of the objection, I move to proceed to Calendar No. 69, H.R. 10, and I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the motion to proceed to Calendar No. 69, H.R. 10, an act to provide for pension reform and for other purposes:

Paul Wellstone, Richard Durbin, Byron Dorgan, Harry Reid, Jon

Corzine, Hillary Clinton, Blanche Lincoln, Thomas Carper, Patrick Leahy, Tom Harkin, Benjamin Nelson, Mary Landrieu, Bill Nelson, Ron Wyden, Charles Schumer, Bob Graham, Barbara Mikulski.

Mr. DASCHLE. I ask unanimous consent the motion be considered as read.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DASCHLE. I will be brief I know my colleagues may wish to speak on this issue. This bill passed with an overwhelming 384 votes in the House. There is very, very strong bipartisan support in the Senate; 74 of our colleagues have cosponsored the bill, including a majority in both the Democratic and Republican caucuses. All the rail unions are united behind this bill, and it is supported by the entire railroad industry. It represents the first time in 25 years that labor, management and retirees have agreed on a set of changes to the system.

The reason is pretty simple. Most Members recognize we want to give railroad retirees the same opportunity as other retirees in the private sector, the opportunity to maximize their investment opportunities for retirement purposes. This bill would simply give them as many different options as we already provide to others in the private sector.

As a result of increased returns from these investments, it would provide enhanced benefits for railroad retirees and reduce retirement taxes for railroad companies. Among other things, it would expand benefits for surviving spouses, provide a retiree health insurance plan and reduce the vesting requirement to five years. These are important changes that should be made.

Enactment of this bill is long overdue. It is a good bill. It deserves our support. I am disappointed we are not able to move to it this afternoon. I will schedule a cloture vote on Thursday. We will do all we can to ensure that the legislation is considered and passed. It deserves our support, as it was given support in the House. We will do all we can to see that happens.

I yield the floor.

The PRESIDING OFFICER (Mr. CARPER). The Senator from Texas.

Mr. GRAMM. Mr. President, in the 24 years I have served in Congress, I have seen many ideas debated; some of them good, some of them bad. I guess we are all prone, on the spur of the moment, to overstate things, but I think I can say without any fear of contradiction that of all the bills I have ever seen on which cloture has been filed, this comes closest to simply being an overt effort by two established and powerful special interests to literally pilfer the retirement fund that is available for railroad retirees, and the backing for that retirement fund.

Part of our problem in debating a bill such as this is that there is a natural

tendency in a partisan body when, in this case railroads and railroad unions get together, everybody sees this as an opportunity to jump on the bandwagon. I don't know that I would state it as any first law of political behavior, but normally when business and labor get together on something, it is generally an effort to reach deeply into the pockets of the American taxpayer. That is what the provision before us is, in reality.

We have a retirement trust fund which has built up for railroad retirement, principally as a result of the action we took when railroad retirement was going broke and when Social Security was going broke. My colleagues will remember that we passed a bill changing the retirement age, setting up a procedure where the retirement age would rise—in the case of railroad retirement from 60 to 62; in the case of everybody else's retirement, from 65 to 67. We made other changes. In the process, back in the mid-1980s, we were able to bring some degree of temporary solvency to both these programs.

The net result in railroad retirement is that we have built up a trust fund for railroad retirement of \$19.2 billion. I remind my colleagues and everybody in the country who is listening to this debate that we talk about Social Security being in deep trouble now because we started out with 42 workers per retiree, and we are down to 3 workers per retiree. And we are heading over the next 30 years to 2 workers per retiree.

Obviously, when you have two workers supporting one retiree, you are talking about a very heavy burden.

In railroad retirement, we have one worker supporting three retirees. Every problem we have in Social Security, multiply it by 9, and you have some index of the problem in railroad retirement. Also, you have the implicit taxpayer guarantee behind that program.

What has literally happened? What gave rise to the bill that is now before us in the form of a cloture motion is that railroads, facing some financial difficulty, got together with the railway unions and basically said: We have built up a base of financial assets—in this case Treasury bonds—of \$19.2 billion. So what we should do is take \$15 billion of that money out of the retirement program and roughly give half of it to the railroads and give half of it to the retirees. And, in the process, commit the taxpayer to deal with the problem if insolvency is faced in the future.

What we have before us is literally an effort by two powerful vested interests to take \$15 billion of the \$19.2 billion in the railroad retirement trust fund and literally divide it up, with roughly half of it going to the railroads and roughly half going to the employees of the railroads and the retirees. In fact, the Railroad Retirement Board, in their data, in analyzing this proposal, has

basically concluded that the net result of this will be that \$15 billion will be taken out of the retirement trust fund over the next 17 years. So what the proposal before us does is pilfer \$15 billion.

Obviously, people have some shame; not much, but they have a little. So rather than saying we are simply going to steal this \$15 billion and we are going to get 74 Members of the Senate to applaud when we steal it, they came up with a clever ruse. The clever ruse is to say: Look, let's take this \$15 billion and invest it. Instead of having it in Government bonds, we will invest it in stocks and bonds. So as a result of this new investment and the new rate of return that we will get, we will be able to do some things to help the railroads and to help the employees.

The problem is, before any investment is ever made, they are lowering the retirement age. They are cutting taxes on the employers. They are expanding benefits for employees, and when you add it all up, even with a higher rate of return that they hope to gain over the next 25 years, the trust fund will be \$28.7 billion lower under this new proposal than it would be under current law. The \$15 billion in question would be completely pilfered over the next 17 years. These are not my numbers. These are the numbers of the Railroad Retirement Board.

What does the bill do? First of all, it immediately cuts taxes on railroads that they are paying in to support these retirement programs. It cuts their tax rate from 16.1 percent to 14.75 percent, and it does that next year. Then it cuts it again in calendar year 2003, to 14.2 percent. So the net result is that in very short order, \$4 billion from the retirement trust fund is transferred from the trust fund to the railroads.

I remind my colleagues that beginning this year, based on the Social Security solvency bill we passed in the early 1980s, the retirement age for American workers is starting to go up. We are moving from 65 to 67, the age that you have to be to draw full Social Security benefits. We are in the process of the largest increase in the retirement age in American history beginning this year. But what do you think the bill before us does for people who work for railroads?

At the very instant that we are raising the retirement age for everybody else from 65 to 67, remarkably, almost unbelievably, we lower the retirement age for people who work for railroads from 62 to 60.

Survivors of railway workers already get substantially better benefits than survivors from Social Security, but we raise those benefits. We change the vesting requirements. The net result is that over 17 years, roughly \$7.5 billion is taken out of the railroad retirement trust fund and is given to the railroads. Roughly \$7.5 billion is taken out of

railroad retirement and given to beneficiaries by lowering the retirement age, by raising survivor benefits, by changing the vesting requirements—in essence, increasing benefits. \$15 billion is pilfered over a 17-year period under this bill.

You might say, well, this is sort of a victimless crime because the railroads are for it, and the railroad retirees are for it. It is their \$19.2 billion. They are pilfering \$15 billion, and it was their money to begin with. So where is the victim? In fact, 73 Members of the Senate signed on to the bill. It is obvious that has been the question. Where is the victim?

The victim, as is usually the case when powerful vested interests get together, is the taxpayer. The taxpayer stands in line to cover shortfalls in the future.

It is true that in the future, up to a point, you can raise the tax on the railroads. There is no provision for requiring employees to give back these benefits, or to pay higher taxes.

Does anyone here doubt that when \$15 billion is pilfered over the next 17 years, when the day of judgment comes and there is no money to pay railroad retirement benefits, especially if the very optimistic projections that are being made don't turn out to be correct in terms of the retirement fund, who is going to be paying the money that has been pilfered? The taxpayers.

I know there are others who want to speak. Let me just say that it is not every day that you have a proposal to pilfer \$15 billion from a retirement trust fund and have 73 Members of the Senate cosponsor it. It is not every day that you get railroads and railway unions together in support of something. But, look, when each one is getting \$7.5 billion, that is a lot of incentive.

This is about as bad a public policy as you could possibly propose. How in the world can anybody justify that at the very moment when everybody else's retirement age is rising to 67, we are going to lower the retirement age for those working for the railroad from 62 to 60? How could anybody stand up in any city or town in America and justify raising the retirement age to make Social Security solvent when its trust fund is many times bigger per retiree and bigger in billions of dollars than the railroad retirement trust fund? How can anybody justify raising the retirement age on the great mass of workers in America and lowering it for a privileged few? How can anybody justify, when you have a retirement program that has one worker for three retirees, adding benefits and cutting taxes when everybody knows that the retirement program is potentially insolvent?

That is the problem before us. If the bill is in fact brought up, if cloture is obtained, then I think there have to be

some changes. I do not per se object to investing the money. I think there have to be protections for the railroad worker to be sure the Government doesn't direct the investments to benefit some interests other than the worker. There needs to be some firewall between the investment committee and the Government.

Then we need to look at the proceeds of these investments and ask ourselves: Are they needed to pay benefits in the future? In that case, they should be retained. If they are not needed, giving some of it back to the railroads and giving some of it back to the workers, I think, you could justify. But how do you justify giving all of their money back until any money is earned?

Finally, how in the world can we justify lowering the retirement age for railroad retirement workers at the very moment that we are raising it for everybody else?

This is a very bad bill, in my opinion. It is special interest at its worst. I know there are relatively few people who are against it. But people who are against it feel very strongly about it. So we intend to resist.

I hope someone out in the country will take a look at these numbers I am talking about. You have to have some pause when the Railroad Retirement Board, which oversees the retirement fund, clearly says that in 17 years, if this bill is passed, there will be \$15 billion less in the trust fund than if the bill is not passed, and \$7.5 billion has gone to the railroads and \$7.5 billion has gone to railroad workers. Yet the liability and the solemn commitment of the Federal Government to these retirees has not changed.

So if they have gotten \$15 billion richer, and the commitment has not changed, who is \$15 billion poorer? The same person is always poorer when special interests get together to benefit themselves; that is, the American taxpayer.

That is why I am opposed to this bill. I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I compliment our colleague from Texas on his statement, and I will add a few comments.

I earlier told the majority leader that there would be strong objection to moving forward with this bill. I am disappointed that he did. After the tragedy of September 11, many of us thought it would be very much in our Nation's best interests for us to be working together to try to pass legislation that is in our national interest. We passed emergency legislation. We passed antiterrorism legislation. We passed spending bills, a lot of which, in some cases, we thought were maybe overly generous. Yet we wanted to do that in a very bipartisan way.

Unfortunately, the majority leader is now moving forward with some legisla-

tion which, I think we have informed him, leaves a lot to be desired and which doesn't fit into any national criteria as far as a national emergency. It is purely and simply a special interest bill designed and written by special interests.

This bill wasn't written by the Finance Committee. It deals with taxes. I am on the Finance Committee. This bill had no input by the Finance Committee. Not one member of the Finance Committee has had any input in this bill. This is a bill written by and for special interests. They did a pretty good job. They benefit themselves by at least \$15 billion. They benefit themselves by increasing benefits, cutting taxes, and keeping Uncle Sam as the guarantor of the benefit.

Senator DASCHLE said something about wanting to provide the railroad companies and employees the same opportunity as every other private pension plan so they can invest their funds in the marketplace and enjoy good rates of return. I welcome that but take away the Federal guarantee. We can do that. I don't care if they make early retirement at age 50. I will be happy to let the employees and the railroads work out whatever benefit package they so desire as long as they are liable.

What they did in this case, as Senator GRAMM eloquently pointed out, greatly increases their benefits. They cut the payroll taxes to pay for those benefits, and they say Uncle Sam is still liable. That is what I disagree with. They increase benefits far and above what almost any other pension plan in America has.

Name another private pension plan that has a 100-percent survivor benefit. Social Security doesn't do that. For Social Security, if you are a survivor, you get maybe a 50-percent benefit. Not in this package. For Social Security, you don't get full retirement benefits at age 60. You get full retirement at age 65. Senator GRAMM mentioned that it is going to 67. This bill says you get full benefits at age 60.

Again, maybe that is fine, if the railroad companies and employees want to pay for that. But they have asked us to pay for it. We are liable. Some say: Wait a minute. They have a scheme in here that says even though their payroll taxes go down and their benefits go up, we think maybe it will all work out. But if it doesn't, Uncle Sam is still liable. We still have a law on the books saying these benefits are going to be paid.

Why don't we privatize this system and allow the employees and the railroad companies to come up with whatever retirement system they want? God bless them. It would be a generous system. I love the railroad companies. I love the railroad employees. Let them work out whatever they mutually desire to get us off the hook.

Why should some poor company in Delaware or Oklahoma or Texas have to guarantee benefits that greatly exceed any benefits they provide and they are liable for it as taxpayers? Then somebody said: Wait a minute. Isn't this \$15 billion that we are transferring to them their money? No, not really. They may claim it is in a trust fund. I have looked it up.

For the life of the railroad retirement system, the total amount of money paid out in benefits exceeds all the payroll tax contributions by employees and companies by about \$90 billion. That means Uncle Sam has been putting in and subsidizing a lot of money for the railroad retirement system since its inception. Basically, it is a pay-as-you-go system. It has problems because the number of active workers in relation to retirees has declined. So it has a significant problem, as any payroll system, any pension system would have if they were stupid enough to go on a pay-go system.

Private plans do not go pay-go. Private systems have actuaries. They want to have funds, real funds, that are really invested. You could say let's go private. We can do that. The administration has offered to do that. There are many of us who are willing to work with the railroads and the employees of the railroads to come up with a truly private pension system but not a Government guarantee that says: Hey, let's increase benefits, cut payroll taxes, make great big guarantees. Government, you guarantee it all. And then, oh, incidentally, if there is a problem a few years down the road, Uncle Sam, that is your problem because it is a benefit stipulated by law of the books. As to this proposal, even the railroad's own actuaries think it would be a problem.

Looking at the payroll taxes, they reduce payroll taxes significantly in the immediate few years, and then they expect that by the years 2020 and 2021 the payroll taxes will go up about 69 percent. In other words, under their own scheme, they say: Oh, we are going to have lots of problems. Well, that is somebody else's problem.

Wait a minute. Whose problem is it? Right now it would be the Federal taxpayers' problem because the Federal taxpayers would still be liable.

So I strongly object to this bill and will work very aggressively to see that this bill does not become law. I will be happy to work with people. The unanimous consent request that was offered said let's move this bill with no amendments. Wait a minute. If we are going to move this bill, we will have lots of amendments. Every Senator is entitled to offer amendments. I may want to have an amendment that says, let's eliminate the Government guarantee. Let's make it purely private. Why have tier 1 benefits that are supposedly the equivalent to Social Security—that is

what everybody says in railroad retirement—but they offer benefits much greater than Social Security.

In Social Security, the normal retirement age is 65. The normal retirement age in the railroad system right now is 62; and they take it to 60. But yet we tell all of our constituents, your normal retirement age is 65—and now it is going to 67—but just the opposite in this bill. All the while we do it by cutting payroll taxes. And there are a lot of other benefit enhancements. A survivor benefit of 100 percent? There may be some, but I have not found any private pension plans that will allow survivor benefits of 100 percent. But I am all for it as long as they pay for it. Great. If a private company and their employees have a benefit system that says, here are your benefits for your retirement system—so much on an annuity, so much per month, or whatever—if you pass away, your survivor gets the same amount, fine, as long as they pay for it.

I think what is wrong is if they start asking us to pay for it, if they ask us to guarantee it. If they want us to make that the law of the land, where the Federal Government is ultimately liable for it, then that is wrong. That is what is in the bill before us.

So I am just amazed. We have asked for hearings on the bill. This bill has never had a hearing in the Senate, and a good reason is that people would be embarrassed. People would be embarrassed when you started asking interesting questions, difficult questions to the CEOs. They do not want to appear before the Finance Committee. The actuaries do not want to appear before the Finance Committee answering why we should guarantee benefits that are far in excess of everybody else's private pension system.

Why don't we truly privatize it? Then they can invest 100 percent of their money in any investment they so desire. I would love for that to happen. Let them invest. I hope they make great returns. But to give \$15 billion—and they pretend that is their money when, in reality, for every year that the railroad retirement system has been in existence, more money has gone out to beneficiaries than has come in in payroll taxes. That means Uncle Sam has been paying a lot, subsidized the system a lot, I believe to the tune of about \$90 billion since the 1930s.

So to say, oh, we want that \$15 billion, that is really ours, so we can go out and invest it just like everybody else does, kind of leaves a little bit short the idea that Uncle Sam has been subsidizing this system for a long time. We still underwrite it and guarantee it. It is still part of the law of the land.

Let's change that. Let's allow the railroad retirees and the active employees and the railroads to have whatever pension system they want, desire,

and can afford, but let's not pass a law that says we will increase your benefits, cut your taxes, and thank you very much; Uncle Sam will guarantee the outcome now and forevermore. I think that is a serious mistake.

We have asked other countries, we have encouraged other countries, to move towards a market system, to move towards the private sector, to move to entrepreneurship, and yet, with the railroad companies, we maintain this absurd idea that Government knows best, Government should control it, Government should own it, and Government should dictate it.

I think we should get out of that. I want to turn them loose. I want the employers and employees to work out whatever is mutually advantageous and affordable and let them pay for it. Those are big companies. Those are big unions. Those are people with good jobs. Let's make sure they have their own good pension system, and let them pay for it and not be asking Uncle Sam to be guaranteeing it now and forevermore.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Republican leader.

Mr. LOTT. Mr. President, I thank Senator GRAMM and Senator NICKLES for their comments and for their knowledge of the legislation. They are on the Finance Committee, which has jurisdiction in this area. They know the details of what is in the bill. A lot of us have not had the time or are not on the committee of jurisdiction to study it as closely as they have.

It is interesting to note that this legislation has been around for at least a year. The Finance Committee could have had hearings and could have marked it up.

I think some of the major problems that have been pointed out by the two Senators who just spoke could have been worked out through an amendment process in the Finance Committee.

But lo and behold, to the surprise of a lot of people, we are being told now that the Democrats want to set aside the stimulus package and move over to railroad retirement. Where is the emergency? We are at war and we are in a recession. We ought to be working on the Defense appropriations bill and an economic stimulus package. And yet we are going to delay one until—it appears, I guess, the Defense appropriations bill will not come up before next week. If we move over to this railroad retirement legislation, which many Senators support in concept, it will put the stimulus package on a sidetrack, on the back burner.

I think the timing is just not right. We have been through 2½ months of difficult times. We have dealt with it in a bipartisan, nonpartisan way. It has not been easy, but we found a way to come together, and yet now, when we

get to the point of discussing. How do we provide an instant, positive impact on the economy, how do we pass a stimulative package that will have economic growth effects and job creation, we cannot come together.

The House acted in a way in which, obviously, many in the Senate do not agree. But the Finance Committee, instead of doing as we have always done in the past, coming together in a bill that has bipartisan votes, overwhelmingly, as we did earlier this year in the tax package, had a totally partisan vote, right down partisan lines, on a package that I guess is around \$60 to \$65 billion and is \$51 billion in expenditures as it is offered.

So the Finance Committee reported out a partisan bill and then added \$15 billion for so-called homeland security that has not been requested by the President or his administration. There have not been hearings on it. Just voila, it was added to this package. And to make matters worse, now we are being told we should get off this and go to a bill that is clearly not going to help us in the war effort or in stimulating the economy—a railroad retirement bill. Then, after that, we are going to go to an agriculture bill. Supposedly, the Democratic leader will try to do that. And there are going to be objections to that. There are all kinds of problems in that bill. It will take quite some time. And then, and only then, would we go to the Department of Defense appropriations bill? And what happened to the stimulus package?

To further the effort to see if we can't come together, I have just been talking about some compromises we could work out. Everybody agrees we need additional unemployment compensation. Nobody wants to block that. The President has recommended and we are prepared to go with 13 weeks of unemployment compensation on top of the 26 weeks that is already in the law. We recognize that for people who have lost their jobs who had insurance coverage but who may have lost their insurance coverage, we have to find a way for them to get that coverage. We are prepared to do that.

We are prepared to add to the national emergency grant fund \$5 billion for the States to use to provide health insurance coverage or other related assistance. If in fact we have a State where there has not been a significant increase in unemployment, they could use it for other health-related issues. The Governors and the States would like that very much.

One of the ways to make sure we have an immediate impact on the economy—next month, not in the next 6 months or a year—is to take a serious look at a proposal by Senator DOMENICI and Senator BOND and others—an approach that has even been talked about favorably by the ranking Democrat in

the House, Congressman RANGEL—to have a payroll tax holiday. Say for the next month employees and employers would not have to pay the payroll tax. Substitute that for the rebate checks and for the alternative minimum tax retroactive features. It is about an equal amount of money. It would have an immediate impact on money that workers would have in their pockets and that employers could benefit from, the 6.2 percent they have to pay. It would have an effect next month at Christmastime.

If we are really serious, we can come up with alternatives that will stimulate the economy. I challenge Senator DASCHLE and our colleagues on both sides of the aisle, let's look for some attractive alternatives. I prefer we have a 30-percent bonus for depreciation, but we could compromise at 20 percent if it is there for multiple years—3 years.

There is the art of getting this done. After 2½ months of finding a way to make it happen in case after case, counterterrorism, assistance for clean-up and disaster assistance, with aviation security, while they may not have been perfect at all, we accomplished them and the American people had a very positive reaction.

Now, right before Christmas, we are going to start drifting toward not being able to come to a conclusion on an economic growth package. This would be a mistake.

While I clearly have a long history of being supportive of the railroad industry, the workers in the railroad industry—I support trying to have a viable railroad industry in this country; I have been supportive of Amtrak even to the criticism of some of my colleagues on this side of the aisle—I think if we start moving into this area in the way that is being suggested, if we try to bring this bill up and basically just push the stimulus off the table, that will be a mistake. I oppose that.

I would be willing to work in the Finance Committee to come up with a bill that would get the job done properly, but not this bill and not in this way, and not at the expense of the stimulus package and completing our work in the appropriations area, particularly the Department of Defense. We are at war. We have an economic slowdown bordering at least on a recession. That is what we should focus on. Help our troops in the field and help our workers in their jobs.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I rise to compliment the Republican leader. I am speaking in terms of what I see him doing today. The Republican leader has concluded that for some reason the Democratic leader wants to take the economic stimulus package away from the Senate.

Instead of continuing with it, if it is as important as everyone says, we have a whole new piece of legislation requiring very lengthy debate when, as a matter of fact, whether you are for it or against it, it can be done in due course. It need not be done today or the day after tomorrow or next week. As a matter of fact, it could be done as the first or second item of business next year, and it would make no difference whatsoever.

Instead, what will make a difference, in addition to taking care of our troops—and our military in every respect will soon get an appropriations bill; if nothing else happens, that will happen; that issue is going to be taken care of, that big commitment—the second and equally as important commitment is to stimulate the American economy so that the working men and women who are unemployed can look out there at America and say: They are hiring people back. We were just reading the new statistics and instead of 800,000 jobs lost, we have an increased 250,000 or 300,000. We are on the way up, so that everyone who participates in this economy, from the smallest equity owner and the smallest employee in the American free enterprise system to a highly paid high-tech employee—so that they can all receive encouragement from their Government to spend, to buy things they might need.

A very simple way to do it, along with the wonderful ideas that have been worked out heretofore by Senators on both sides of the aisle—I will speak for the way you get money into the hands and pockets of American working men and women and their employers. That is called the payroll tax holiday. Perhaps it would be fairer to call that the Domenici piece and say that is what my amendment was trying to do.

The other items our distinguished minority leader brought forward are part of the various stimulus packages that have been discussed. Some are in the centrist package wherein one of the leaders was OLYMPIA SNOWE coming up with some of these great ideas. They are hers. They are centrist Senators. Some of them—not too many—are in the Democratic bill that is pending that would be replaced. But there are not very many that are comparable; there are a few.

It is absolutely imperative that we ask honestly and forthrightly of those who know the American economy what will do the most good to put America back to work.

The best social program in the world remains even today a good, solid job. There is no social welfare program in America that comes anywhere close to that. People who get good jobs, steady jobs, steady paychecks, for the most part have health insurance and the like.

So what is the best thing for American working men and women with

children and families and who want to buy a car so they can start going to the mountains or taking their children out camping, whatever it may be? For them to have confidence in the economy and have money to spend; you can't beat those two in America. If you can find confidence in the American people and money in their pockets, you have a vibrant American economy.

You can't have everybody employed because that does not work in our system. But we were down to 3.9 percent unemployment for a significant period of time. Everybody was very thrilled.

Yesterday we received an economic evaluation from a very powerful group that said this economic downturn has been of long duration. I myself have spoken in the Chamber monthly or every 6 weeks or so; I said the economy started coming down 13 months ago. That is now verified by experts. It started then.

I also kept saying, don't argue about the word "recession" or is it there yet; it is not good. And if it isn't there yet, it will be there in a couple months. Why don't we get on with doing something to help the economy.

Yesterday that same very powerful economic group said we have been in a recession since March. We don't have to argue anymore; we are in a recession. Whether we stay there for a few more months or 6 months or a year is very important. The sooner we can start coming out of it and get closer to neutral, where we are not growing and not going up or down, then we will break out of that and start down the positive track of recovery, which means more jobs, more opportunity, more confidence, and more money in the pockets of our people.

Our distinguished Republican leader said to a group of us, we ought to talk about the fact that we don't need to go on to another bill; we ought to stay hitched to the economic recovery plan, the stimulus package, and get it done.

I will send to the desk the principal components of the proposal he and I and others have put forth today. It is called "Amendment to House Stimulus Bill." It is there for people to read and pursue.

I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMENDMENT TO HOUSE STIMULUS BILL,
NOVEMBER 26, 2001

- A. Stimulus proposal for rewarding work:
1. Marginal Rate Cuts: Accelerate into 2002 reduction of the 28% tax bracket to 25%.
 - B. Stimulus for encouraging investment:
 1. Bonus Expensing: Enhance expensing of capital expenditure with 20% bonus depreciation (3-year sunset).
 2. AMT Repeal: Repeal corporate alternative minimum tax on a prospective basis.
 - C. Relief for low and middle-income Americans:
 1. Payroll Tax Holiday: Offer workers one-month (December) holiday from Federal pay-

roll taxes while holding federal trust funds harmless.

D. Expand the safety net for working Americans:

1. Extended Unemployment Benefits. Provide additional 13 weeks of unemployment benefits to worker who exhaust their standard benefits after September 11.

2. Additional National Emergency Grants. Provide governors with additional \$5 billion in Emergency Block Grants for health insurance coverage and other related assistance.

Total first year stimulus and assistance: \$100 Billion.

Mr. DOMENICI. Mr. President, this would be a \$100 billion stimulus in the first year, and if we include the holiday for 1 month, when the American people will begin to see hope, when the paychecks go up, even if it is only for 1 month, and when their employers get to keep 6.2 percent in their treasury to use for other things, what could be better?

I urge our Democratic friends to take a look at it. This Senator has talked to many Democrats prior to today about this proposal, maybe as many as 15. As a general matter, most of them thought it was an exciting idea. I will not go beyond that because far be it appropriate for me to characterize it beyond saying they certainly gave me encouragement.

I do not believe people are free today to go to meetings and speak their piece because they are all tied up in entanglements of commitments. They have commitments to the old package, to the new package, to the centrist package, to the Democratic package that came out of committee. Unless you can get on board the group that supports one of those, you cannot get a package for America.

The lines established for those various groupings in the Senate should disappear, and those who lead them should go to a meeting, be it with the Democratic leader or both leaders, and say: Let's ask the Finance Committee to put forth a bipartisan effort for the next few days. Here are all the issues. They are all boiled down to five or six issues. The rest is detail.

I believe if they went there with the right spirit—that we really need to do this, that it is far more important than anything else other than to make sure we appropriate the money needed for our military around the world and at home—we will not let the American people down.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. NELSON of Nebraska. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. JOHNSON). Without objection, it is so ordered.

Mr. NELSON of Nebraska. Mr. President, I rise in strong support of this

legislation, a bill to substantially revise and modernize the railroad retirement system, a system that was established in the dark days of the Great Depression. I also commend our leadership for bringing this important matter before the Senate in the closing days of this session. The fact that this body is willing to take the time to consider this measure during these critical days highlights the importance of this issue to both rail labor and management. Swift passage of the bill is essential to the continued vitality of our rail industry, and I urge the Senate to act on it without delay.

Two of the giants of our Nation's rail industry have roots in my State of Nebraska. The headquarters of the Union Pacific Railroad is located in Omaha. And the Burlington Northern maintains a major presence in the State, with over 8,500 employees in Nebraska alone. One stretch of Burlington's line located in Nebraska is the busiest rail segment in the world; coal unit trains traverse Nebraska constantly, providing energy to meet the Nation's needs.

In this case, management and labor of the Union Pacific Railroad and the Burlington Northern have worked cooperatively over a period of several years to develop this legislation and to build wide support for it here in Congress. The House has acted on it overwhelmingly, in three separate votes, and it is now time for the Senate to move it forward. It enjoys strong bipartisan support in both Chambers, and we simply cannot afford to delay the bill when we all know it will pass easily, especially when we have so much other important work to do, and so little time in which to do it. It is time for the Senate to act.

This bill introduces tried and true investment techniques into the railroad retirement system. It represents a way to make better use of the resources built up by the contributions of rail employees and employers to the system. Approximately \$17 billion in retirement funds will, for the first time, be invested as normal, modern pension plans are, diversified among different types of investments, instead of locked into safe but low-yield Federal bonds. This simple change will permit the opportunity for better benefits and lower contributions for our rail workers, and give the industry the opportunity to take more responsibility for its own pension system.

For the first time, the law will now automatically regulate the amount of contributions going into the system in response to the actuary's estimate of the amount of reserves in the system. Under present law, if reserves falter, the Congress must step in and create new legislation to either reduce benefits or raise taxes, or both—a cumbersome mechanism to accomplish an unpopular task. This bill provides a

much more streamlined means of dealing with such a contingency, without Government involvement. Industry and labor both support this automatic provision, because they know that the investment markets, in the long run, will be more productive for the system than a steady diet of only Federal bonds.

One of the most compelling arguments for this legislation is that it will improve the lot of widows and widowers of retired railroad employees. Under current law, they watch their monthly compensation decline by two-thirds once their spouse passes away. This is not only antiquated, it is an unbearable burden on some of our elderly. It is a throwback to a time when the system was in difficult straits and could not afford more. Today the system can afford to do better than this, if railroad retirement reform is enacted. The bill will provide the surviving spouse 100 percent of what the deceased former rail employee was entitled to in his or her own right. There are 50,000 retirees affected in one way or another by this one provision.

There is one other important element of the bill. The industry will now be permitted to reduce the very heavy payroll tax burden it now carries to provide benefits under the system through a 3-percentage-point drop in contributions, phased in over three years. This aspect of the bill will remove a real disincentive to hire new employees or to replace those who retire. It will free up capital for other worthwhile expenditures. And as we continue to strive to reach agreement on an economic stimulus package, we all can recognize that this benefit is especially important during this time of economic downturn.

I do not intend to go into all the improvements and the modernization that has been written into this bill at this time. There will be adequate time for a full explanation of the bill as debate progresses. But I want to once again stress the need for the Senate to move this measure forward. The Nation's railroad retirees and their families need us to act. The Nation's rail industry can help our economic recovery if we act. And the Nation's citizens expect us to act.

I appreciate the opportunity to make these important points today, and I urge the Senate to act as quickly as possible.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, I ask unanimous consent to address the Senate for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CARPER. Mr. President, I had the privilege of presiding over the Senate during the last hour and listening to debate on two measures, including the measure the Senator from Nebraska has raised, the change in the

railroad retirement system. We had considerable discussion on the economic stimulus package which has been debated in the Senate and passed in the House. I will take a few minutes and share a word about each of these.

The Senator from Nebraska was a Governor and a former insurance commissioner of his State. In my previous life, I served as Governor of my State and also State treasurer. During that period of time we established the first cash management system for the State of Delaware. We had good, sound, progressive policymaking with respect to pension investments. We took a pension system that was not funded, a pay-as-you-go system, fully amortized it and strengthened the State's financial condition considerably. Basically, the State had money in accounts that did not earn much at all, the equivalent in some cases of Treasury rates, and we ended up developing a policy that enabled us to invest those moneys at market rates in things other than U.S. Treasuries or CDs of the bank.

Part of what is proposed in this railroad retirement plan is: Take the money that has been set aside, paid into by the railroads themselves and by the railroad employees; that can only be invested in U.S. Treasury obligations. Let's give them the opportunity—not imprudently, but under the kinds of safeguards we have in Delaware, Nebraska, and South Dakota, as well, for State pension moneys—to invest those moneys on behalf of railroad employees, pensioners, and their survivors, in something other than U.S. Treasury obligations.

If you look at the performance of mutual funds, the stock market, the corporate bond market, over time they will outperform Treasuries. Under that plan, given a prudent investment policy, we will be able to see a higher rate of return from those investments than currently realized in the investments under the current railroad retirement plan.

We could have a good debate, and we ought to, about some other aspects of this bill—which I cosponsored and I very much want to see come to the floor for debate and discussion. Some of our colleagues have raised concerns about reducing the retirement age for those under the railroad retirement plan from 62 to 60.

We could have a legitimate discussion over whether that reduction should be a graduated reduction to see if the money in the pension fund holds up. We could have a good discussion and debate about that. We ought to. We could have a good discussion about the issue of whether or not we ought to reduce all at once the payroll tax paid by the employers by the railroads. Maybe that is a reduction that should be phased in over a longer period of time. Again, this is a perfect issue to debate and seek middle ground. We should

have a debate over whether or not the survivor benefits should go immediately to 100 percent of the benefit of the deceased railroad retiree or whether that, again, should be phased up over time.

Railroad retirement is not Social Security. It is not the same as Social Security. I don't believe it was ever intended to be. Railroad retirement predates Social Security and has been around longer than Social Security. There are two aspects of railroad retirement, one called tier 1, which is comparable to Social Security.

But another aspect is called tier 2, which provides, if you will, more of a private sector dimension. What we have in railroad retirement is a hybrid of Social Security and a private pension plan.

People say we cannot make some of the changes that are envisioned here with the railroad pension plan because they are not consistent with what we are doing in Social Security. A lot of private retirement plans let people retire at age 60. A lot of private retirement plans allow employees to retire with benefits after 30 years of service. A lot of them provide that benefit at age 60 with 30 years of service, and that is what is being proposed here.

We can, I guess, debate for some time whether or not this is the right time to bring this issue up. It is not a partisan issue. It has been suggested it is partisan and divisive. It is not a partisan issue. I believe 380 Members of the House voted for this bill earlier this year. There are 74 cosponsors to the measure in the Senate. The cosponsors come from both sides of the aisle. This is not a partisan issue. This is a bipartisan issue which seems to enjoy pretty good support in both Houses of the Congress, and also has the attractiveness, at least to me, that both rail labor and the railroads themselves support this bill.

Enough on this measure. We are going to have a vote on cloture. We will have an opportunity to vote whether or not to move to the bill. I hope we do, and I hope when we do we will have an opportunity to actually discuss and debate some of the issues that our Republican friends have raised earlier this afternoon. I think we can find some middle ground that augurs well for those who are working in the railroad industry, those who are retired from the railroad industry and for their survivors, and one that is not unfair to the taxpayers of this country.

Let me mention one other thing before I yield my time and that is on the economic stimulus package. This is a debate and an issue which cries out for a reasonable compromise. Several of the elements of a reasonable compromise have been suggested today. I want to go back to them, if I may.

Senator DOMENICI, along with Senator CORZINE and others, has come forward with I think a perfectly reasonable proposal on a payroll tax holiday whereby for 1 month neither employers nor employees would pay the Social Security payroll tax. The employees would keep that money in their paychecks. It would help people who are poor and also people who are not poor, but it would disproportionately help people at the lower end of the income spectrum. In addition, the employers would not pay their share of the payroll tax. It would help those businesses that are small and those that are not so small. I think disproportionately it might help those that are small more than those that are large. That idea, the idea of a payroll tax holiday for 1 month, if it were offered in lieu of the proposal to provide additional payroll tax rebate checks, in lieu of an expedited reduction in the 27 percent rate, and in lieu of an expedited expansion of the 10-percent bracket—that idea could be a very good compromise to bring Republicans and Democrats together.

The payroll tax holiday has the added virtue, frankly, of helping States. Like other employers, States pay payroll taxes for their State employees. If they had a 1-month holiday, it would help most States. My State is not hurting as badly as others. The unemployment rate is well below average, but we are hurting too, and my guess is so is South Dakota and others. A payroll tax holiday would also provide money in the pockets of people who are very likely to spend it, and we need some of that stimulus.

Another of the elements I want to mention today to provide a bridge between Democrats and Republicans on economic stimulus deals with what is called bonus depreciation, accelerated depreciation for capital investments that are made over the next 1, 2, or 3 years. Several principles were outlined for us in an agreement adopted earlier this fall by Democratic and Republican leaders of the House and Senate Budget Committee. Among those principles that were agreed to are these: the economic stimulus package should have an immediate impact; it should not have a long-term adverse consequence for a balanced budget; and it should be temporary in nature. The leaders of the budget committees agreed that all measures in the stimulus package should sunset in one year, to the extent practicable. If we take those three criteria and look at this notion of accelerated depreciation in order to stimulate capital investment, I think a compromise lies between what the House has agreed to and what the Senate is contemplating.

If you look at the history of the last 12 months or so in this country as our economy has wound down, one of the things that has happened is we have seen a drying up of capital investment.

There is a proposal offered by our Republican friends that says let's provide a 30-percent writeoff, 30-percent bonus depreciation for investments made over a 3-year period for companies that make those kinds of investments.

Senator BAUCUS, in his proposal, said we should provide a 10-percent depreciation bonus over a 12-month period of time. There is plenty of room to compromise between 10 percent and 30 percent, and I suggest 20 percent might be that compromise for accelerated depreciation, bonus depreciation if you would. As for the time period, we should stay true to the 1-year figure, as Senator BAUCUS has proposed and as the budget committee leadership suggested.

The third measure I have to offer as a compromise between Democrats and Republicans deals with a proposal I heard from Senator COLLINS of Maine and Senator LIEBERMAN of Connecticut that we adopted in the Congress before I got here, in 1993. It is a proposal to encourage investment in small cap companies, those whose capitalization is \$50 million or less. Those who hold investments in these companies—securities issued by those companies, issued for 5 years—the 1993 law promised a reduction by one-half in the capital gains tax. As it turns out, because of the alternative minimum tax that is in place, the practical effect of the incentive offered by the 1993 law is for the most part moot. There is just not much of an incentive anymore, especially when the capital gains rate is taken down to 20 percent.

I offer this. Look at a proposal offered by Senator COLLINS, cosponsored by Senator LIEBERMAN, to make the 1993 law work. That proposal says let's make the 1993 law work by taking away the effect of the alternative minimum tax for those who make investments in accordance with the 1993 law.

Those are three potential compromises which I think might bring us a little closer together as we try to work out some compromises. I hope we can get to work on this Railroad Retirement Act and hammer something out on that as well.

I yield my time.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I appreciate the remarks of the Senator from Delaware. I agree it is something on which we need to move forward.

EXECUTIVE SESSION

MOTION TO PROCEED

Mr. REID. I now move to proceed to executive session to consider the nomination of William Baxter of Tennessee to be a member of the Board of Directors of the Tennessee Valley Authority, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

Mr. REID. I announce that the Senator from North Dakota (Mr. CONRAD), the Senator from North Carolina (Mr. EDWARDS), and the Senator from California (Mrs. FEINSTEIN) are necessarily absent.

Mr. NICKLES. I announce that the Senator from Pennsylvania (Mr. SPECTER) and the Senator from New Hampshire (Mr. SMITH) are necessarily absent.

I further announce that if present and voting the Senator from New Hampshire (Mr. SMITH) would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 95, nays 0, as follows:

[Rollcall Vote No. 342 Leg.]

YEAS—95

Akaka	Dorgan	Lugar
Allard	Dubin	McCain
Allen	Ensign	McConnell
Baucus	Enzi	Mikulski
Bayh	Feingold	Miller
Bennett	Fitzgerald	Murkowski
Biden	Frist	Murray
Bingaman	Graham	Nelson (FL)
Bond	Gramm	Nelson (NE)
Boxer	Grassley	Nickles
Breaux	Gregg	Reed
Brownback	Hagel	Reid
Bunning	Harkin	Roberts
Burns	Hatch	Rockefeller
Byrd	Helms	Santorum
Campbell	Hollings	Sarbanes
Cantwell	Hutchinson	Schumer
Carnahan	Hutchison	Sessions
Carper	Inhofe	Shelby
Chafee	Inouye	Smith (OR)
Cleland	Jeffords	Snowe
Clinton	Johnson	Stabenow
Cochran	Kennedy	Stevens
Collins	Kerry	Thomas
Corzine	Kohl	Thompson
Craig	Kyl	Thurmond
Crapo	Landrieu	Torricelli
Daschle	Leahy	Voinovich
Dayton	Levin	Warner
DeWine	Lieberman	Wellstone
Dodd	Lincoln	Wyden
Domenici	Lott	

NOT VOTING—5

Conrad	Feinstein	Specter
Edwards	Smith (NH)	

The motion was agreed to.

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. DORGAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATIONS OF WILLIAM BAXTER TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE TENNESSEE VALLEY AUTHORITY

Mr. REID. Mr. President, I ask unanimous consent that the nomination of William Baxter for both TVA positions be confirmed en bloc, the motions to reconsider be laid on the table en bloc, the President of the United States be immediately notified of the Senate's action, and the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations were considered and confirmed en bloc as follows:

TENNESSEE VALLEY AUTHORITY

William Baxter, of Tennessee, to be a Member of the Board of Directors of the Tennessee Valley Authority for the term expiring May 18, 2011.

William Baxter, of Tennessee, to be a Member of the Board of Directors of the Tennessee Valley Authority for the remainder of the term expiring May 18, 2002.

Mr. FRIST. Mr. President, I rise to speak in support of the confirmation of Bill Baxter to be a member of the Tennessee Valley Authority's Board of Directors.

The Tennessee Valley Authority has played and will continue to play a critical role in the future of Tennessee and the entire TVA region. TVA is the Nation's largest public power producer serving over 8.3 million customers through its 158 distributors with revenues of \$7 billion annually. In addition, TVA manages the fifth largest river system in the country.

Over the last 7 years as a Senator from Tennessee, I have come to realize that TVA is more than a power public company, more than steward of a river system, it is an integral part of the valley's economy and community.

An organization of this size with such an important role must have the very best leadership and management team in place. The board must be able to lead the organization into a future which presents many challenges including inevitable restructuring of the electric industry, addressing air quality issues, and managing TVA's debt.

I am pleased that President Bush has nominated an individual who has the experience and the skills to help lead TVA into this dynamic future. In addition, I have known Bill for most of the last decade and can personally attest to his intelligence, integrity, and ability. Simply stated, Bill Baxter is the right man for the job.

A TVA Director must fill three needs for the agency that Bill Baxter fits exceptionally well: business acumen, a commitment to public service, and leadership skills that will benefit the entire Valley. I will elaborate briefly on each of these. Bill is a business man, and a good one, who for over 20 years has shown he knows how to manage a company and meet a bottom line. He is

chairman of Holston Gases, Inc., a distributor of propane, industrial, medical, and laboratory gases. Holston Gases, Inc., has eight distribution facilities throughout middle and east Tennessee.

Bill is a public servant who knows the importance of economic development. He served as Commissioner of the Tennessee Department of Economic and Community Development for several years, returning to his family business early this year. During his tenure in State government, Tennessee achieved 3 consecutive years of record private capital investment and job creation, shattering all previous records and winning national acclaim.

Bill is also a community leader who knows that a successful community must have citizens who are willing to give of themselves. That is why Bill has served as United Way chairman, board chairman for the Knoxville Zoo, and in a variety of other civic and philanthropic roles. He is also extremely loyal to his college alma mater, Duke University, where you will find him in the stands during basketball season.

Bill's energy knows no bounds; his ability to assess a situation and make good business decisions is second to none; and as a life-long Tennessean, he deeply cares about the Tennessee Valley. For Bill Baxter, the opportunity to serve on the TVA Board is a life-time dream come true.

Bill's background in business, government and as a community leader will be a great addition to the TVA Board, and I know he is looking forward to joining Chairman Glenn McCullough and Director Skila Harris as quickly as possible. Mr. Baxter comes before the Senate with my full confidence and highest recommendation.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that I be allowed to speak in morning business for not more than 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURKOWSKI. I thank the Chair.

ENERGY SECURITY

Mr. MURKOWSKI. Mr. President, I wish to address some comments made by the majority leader this morning. Comments made by the majority leader this morning indicated he was postponing consideration of energy legislation until next year. I do not believe this is being responsive to the security needs of this Nation. As we know, the House has passed comprehensive energy legislation. It has now been almost 6 months since the administration transmitted its report and rec-

ommendations on national energy policy to the Congress.

I do not think there is any question that had it not been for that the change of leadership in the Senate, we would have had energy legislation completed before the August recess.

When we left for the Thanksgiving recess, we assumed we would return to consider the stimulus legislation, followed by appropriations bills and items related to terrorism. The majority leader has stated that the energy legislation would come to the floor as soon as issues relating to the terrorist attacks of September 11 were addressed. Now we seem to have a change, again. The majority leader has announced we will turn to the railroad retirement bill and the farm bill this week before we return to energy.

I ask my colleagues: Is railroad retirement more important to our Nation's security than protecting our Nation's energy supply? Is the farm bill more important to protecting our Nation's security? This is like Lucy pulling the football from Charlie Brown. It seems the majority leader can always find something else to do rather than address the critical energy needs of this Nation and the energy security threat.

We see new threats appearing. I find this terribly disturbing, especially in light of two recent events that could jeopardize our national security. First was the announcement yesterday by the Attorney General that there was reason to believe that threats exist against our Nation's natural gas supplies should bin Laden be captured or killed. Second is the strong statement by the administration against Saddam Hussein and Iraq about their continuing efforts to develop weapons of mass destruction.

I need not remind this body, as I have often said, that we import a significant amount of oil from Saddam Hussein—more than 1 million barrels per day in September alone. Just last week two Navy sailors were killed defending against Iraq's illegally smuggling oil.

I am going to quote from an article that appeared in an Alaska paper and is entitled "Iraqi oil: 2 sailors die":

For reasons mysterious to us, a few Alaskans become irrational when it is suggested that oil from ANWR would be preferable to oil imported by the U.S. from Iraq. Anything, it seems, is better than opening the Arctic National Wildlife Refuge.

Well, maybe not anything. Everyone surely must be heartsick over the loss of two American Navy men a few days ago when a rusty tanker smuggling 12,000 barrels of Iraqi oil sank in the North Arabian Gulf.

The two sailors from the USS Peterson boarded the overloaded rust-bucket as part of the U.S. effort to prevent Iraq from illegally diverting oil to shady foreign buyers, who resell it on the spot market—with much of it winding up in American refineries.

When the tanker, the Samra, went down, it took with it four Iraqi crewmen and the American sailors. The oil was in tanks hidden under bags of grain in the hold.

At the risk of further angering opponents of opening ANWR, we point out that Petty Officer 1st Class Vincent Parker, 38, of Preston, Miss., and Petty Officer 3rd Class Benjamin Johnson, 21, of Rochester, N.Y., died because our own domestic oil resources are not sufficiently developed.

It seems we have a grave inconsistency. On one hand, we are importing oil from Iraq; on the other, enforcing a no-fly zone. And now we have had the loss of two Navy sailors defending against Iraq's illegal oil.

Should an attack on our natural gas supplies occur or should there be some disruption in our supply of imported energy, we will see energy prices skyrocket and risk seeing our recession quickly turn into a depression.

Should this occur, I hope the American people will understand the majority leader's position that they will just have to wait until next year for some relief on energy legislation.

I was also quite surprised to hear the majority leader state that all committees of jurisdiction have had the opportunity for input on the legislation he will introduce when, in fact, just the opposite is true.

In order to frustrate the will of Senators, the majority leader had to resort to the extraordinary measure of closing one of the standing committees of the Senate, the Committee on Energy and Natural Resources, so that it would not report partisan energy legislation.

Despite the requirements of both the Senate and committee rules that we hold business meetings at least monthly, we have been forbidden to meet and, in fact, have not had a business meeting since the August recess. I ask: Is this allowing the Senate to work its will?

Now that the majority leader has postponed consideration of comprehensive energy legislation, will he allow the Energy and Natural Resources Committee to consider this legislation? That appears pretty evident.

I respectfully suggest the majority leader lift his prohibition on our committee so we can hold a business meeting to immediately consider this legislation. I do not think it will take the committee more than one business meeting to report an amendment or amendments to the Senate. If the majority leader introduces his version this week and allows the Energy Committee to meet next week, I am confident we will be able to report bipartisan legislation in time for consideration by the full Senate.

Should this not occur, I believe it to be my obligation as ranking member of the Energy and Natural Resources Committee to bring the debate about our Nation's energy security to the floor of the Senate as soon as possible, using whatever procedural means are available. I alert all my colleagues that it is my intent to use whatever means are necessary to get an energy bill before this Senate before we recess.

I further remind my colleagues, as we look at a stimulus package, there is no better stimulus than the ANWR issue in the energy bill. Where else are you going to generate about 250,000 jobs in this country? Where else are you going to generate about \$3 billion in revenue from lease sales? And where else are you going to do this without the cost to the taxpayers of any amount of money?

This is a money generator. It is a jobs issue. The Senate should move on this issue expeditiously.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER (Ms. CANTWELL). The Senator from Massachusetts.

Mr. KERRY. Madam President, what is the matter before the Senate?

The PRESIDING OFFICER. The motion to proceed to H.R. 10 is the pending question.

Mr. KERRY. I ask unanimous consent that I be permitted to proceed as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENSIBLE ENERGY POLICY

Mr. KERRY. Madam President, at some point that is appropriate—this is not the time; I might do it after I ask unanimous consent and speak on some other business—I certainly would want to speak to the issue the Senator from Alaska has raised a number of times on the floor of the Senate.

I will say, a moment ago he asked the question: Where else are you going to provide 250,000 jobs a series of times? The fact is, there is a sensible energy policy for this country and a way to provide many more than 250,000 jobs by properly pursuing a series of measures other than violating the Arctic National Wildlife Refuge. It is such a false premise, such a false offering for jobs that it really obviates most of the commonsense approaches to energy that the Senate has yet to debate.

I very much look forward to the debate the Senator promises us. It will be a good debate. There are millions of jobs awaiting Americans in a sensible energy approach, and millions of Americans understand that and are waiting for us to move to that approach as rapidly as possible.

What is really interesting about the debate about the Arctic wildlife refuge, so much as there is a debate, is that not a drop of oil is going to come in the near term and answer any of the immediate needs of national security with respect to our dependency.

Moreover, most of the world's reserves are everywhere else but the United States. So whatever Alaska has to offer, we have great respect for Alaska. We love the 95 percent of the oil shelf that is available for drilling. It is not going to be a literal drop in the

bucket with respect to the independence issue or the global price of oil. So these are all issues that await us.

It is an important debate for the country to have. There will be no difference in the outcome whether that debate takes place in December or takes place in January, as the majority leader has promised us. So I anticipate the budget of this country, which still awaits action by the Senate, and the Defense appropriations bill itself, which is important to the funding of our troops immediately, ought to take precedence over that other debate which incidentally has been begging for its proper attention for some 30 years or more.

I do not think another month is going to make all that much difference in the outcome. So I do look forward to it.

UNANIMOUS CONSENT REQUEST— S. 1499

Mr. KERRY. Madam President, Senator BOND and I have been trying to bring S. 1499 before the Senate since it was introduced, but literally for more than 1 month steadily, we have been held up, depriving the Senate of an appropriate debate and depriving us of an opportunity to achieve maybe 90 to 95 votes for this legislation.

I ask unanimous consent that the Senate now proceed to Calendar No. 186, S. 1499; that the Kerry-Bond substitute amendment which is at the desk be considered and agreed to, and the bill, as amended, be read three times, passed, and that the motion to reconsider be laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. KYL. Madam President, I object reluctantly on my behalf and on behalf of other Senators. I believe both Senator KERRY and Senator BOND wish to speak on the issue, and I will speak to it when they have completed their remarks.

The PRESIDING OFFICER. The objection is heard.

Mr. KERRY. Madam President, I understand the Senator from Arizona has indeed objected to this bill for a period of time now, as I referenced moments ago. I regret that. We have tried to work out the issues with respect to what is the American Small Business Emergency Relief and Recovery Act of 2001. The ranking member of the Small Business and Entrepreneurship Committee, Senator BOND, has joined me for some period of time now in trying to move this important legislation for the small businesses of our country. We have 55 cosponsors of this bill, a majority of the Senate, prepared to help the small businesses of the country. Two United States Senators, I regret to say, oppose this bill, and we are not able to proceed forward.

We have the support of the Airport Ground Transportation Association, the American Bus Association, the Association of Women's Business Centers, the CDC Small Business Finance, the Chicago Association of Neighborhood Development Organizations, the Citizens Financial Group of Rhode Island, the Clovis Community Bank of California, the Coastal Enterprises of Maine, the County of San Diego, the Delaware Community Reinvestment Act Council, the Fairness in Rural Lending Group, the Florida Atlantic University Small Business Development Center, the Helicopter Association, the National Association of Development Companies, the National Association of Government Guaranteed Lenders—some 5,000-plus lenders—the National Community Reinvestment Association, the National League of Cities, the National Limousine Association, the National Restaurant Association, the National Small Business United, National Tour Association, the Rural Housing Institute, the Rural Opportunities, Small Business Legislative Council, the U.S. Conference of Mayors, the United States Chamber of Commerce, the United States Tour Operator Association, the Women's Business Development Center, and others.

This amendment incorporates a number of improvements that Senator BOND and I have made at the recommendation of the administration and of other colleagues and of the business community. It seeks to provide help to small businesses nationwide that are struggling because of the events of September 11, exacerbating an already declining economy in the months prior to September 11.

They need access to working capital until normal operations resume, or until they can restructure or change the business to address the market changes. Many small businesses simply cannot find the working capital they need, even though they are a viable business under normal circumstances, because of this momentary downturn, because of an abrupt cutoff of business due to the reduction in auto rentals, hotel rentals, visits to restaurants, travel and therefore business with travel agencies. All of those immediately impacted by the events of September 11 are living out an aberration in the economy. It is not the normal course of doing business. Those are businesses that could be viable in a matter of months, which we do not want to lose, providing in the normal course of business we provide them with adequate access to credit.

The problem is, all across the country, we know credit has tightened up as a consequence of the outlook of the economy. So we create this self-fulfilling prophecy, this cycle of a downward trend as a consequence of people saying: I think the economy looks bad. . . . We have to hold back on those

loans. . . . Consequently, they hold back on the loans and then, indeed, the economy looks bad because the failures ensue because working businesses do not get their capital.

In American Banker, they wrote the following:

Lenders were already skittish following the steep economic decline of the past year. The events of September 11 have diminished their confidence and dimmed their prospect for recovery.

This bill is geared to try to provide emergency lending completely within the current law and capacity of the Small Business Administration. It builds on SBA's disaster loans, the 7(a) working capital loans, the 504 loans for equipment and building improvements, the venture capital investments and expanded access to SBA's business counseling. SBA has done an extraordinary job of leveraging small amounts of money into larger amounts of money in the country.

Let me point out that one of the objections of our colleagues who keep stopping us from proceeding forward is that this bill will cost money. Based on a 1992 study by Price Waterhouse, the \$17 billion of 7(a) loans authorized by this bill will yield tax revenues from the small businesses borrowers of about \$2.5 billion in the first year alone, more than off-setting the cost of the entire bill.

This bill is fiscally responsible. The Congressional Budget Office (CBO) has informally scored S. 1499 at \$860 million if all aspects are fully funded and utilized. CBO has estimated that the vast majority of the loans provided by S. 1499 (those made under section 7(a) of the Small Business Act) will cost 3 percent; that means that for every \$100 loaned, the cost to the government is \$3. This is a cost-effective way to provide necessary access to capital to small businesses throughout the country.

The judgment that is made in making a loan is how assured is that return on investment or what is the track record of the people to whom you are lending. The fact is that the track record of the Small Business Administration over the last years has been improving steadily and is at a rate today that would suggest this is a positive undertaking for the Government of the United States. It is particularly important for us to engage in it. In fact, the Administrator of the SBA recently said at a conference that the cost of the 7(a) program will be 50 percent less in FY 2003.

I might point out that if one were to take a number of the businesses that have been helped by the Small Business Administration—and I will be very quick because I know my colleague from Missouri wants to speak—the entire budget of the SBA for several years has been paid for many times over by the tax revenues that have

come from the success stories of the companies that the SBA has funded. How many of our colleagues are aware that SBA was involved in funding Fed Ex, SBA was involved in the funding of Callaway Golf, SBA was involved in the funding of Intel? Intel alone has returned more in terms of the tax revenue in this country than the entire annual budget of SBA.

So we have many small businesses that are currently trying to stave off bankruptcies. They are trying to prevent the doors from being closed. They want to keep people working, and keeping those people working is in itself a stimulus for the United States because those are people who pay their health bills, pay their mortgages, make their car payments, and all of that begins to restore the health of the economy in the long run.

I urge my colleagues to take up this legislation in the next few days. Small businesses are asking Members to do this. Our friends in the House of Representatives, Congressman DON MANZULLO, chairman of the committee, and Congressman JIM MORAN have introduced a companion bill and are gearing up to pass it as soon as possible. I hope my 55 colleagues, who are cosponsors of this, and others waiting to vote for it, and the small businesses who need it, will be liberated from this hold in the Senate.

Mr. President, I thank my 55 colleagues who are cosponsors of this bill, with a special thanks to Senator BOND, the ranking member of the Senate Committee on Small Business and Entrepreneurship. I also want to thank the many supporters of this legislation.

I ask unanimous consent that the list of cosponsors and several of the many letters of support for the legislation be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COSPONSORS—THE AMERICAN SMALL BUSINESS EMERGENCY RELIEF AND RECOVERY ACT OF 2001

Senators Bond, Wellstone, Harkin, Cleland, Lieberman, Edwards, Carnahan, Levin, Cantwell, Landrieu, Snowe, Allen, Crapo, Enzi, Burns, Ensign, Schumer, Clinton, Daschle, Bingaman, Inouye, Sarbanes, Akaka, Reed, Durbin, Kennedy, Grassley, Torricelli, Lincoln, Rockefeller, Hollings, Leahy, Corzine, Johnson, Collins, Biden, Warner, Bill Nelson, Mikulski, Jeffords, Bennett, Murray, Carper, Domenici, Conrad, Smith (OR), Graham, Roberts, Stabenow, Dorgan, Hagel, Hutchinson, Dodd, Hutchinson, and Boxer.

CHAMBER OF COMMERCE OF THE UNITED STATES OF AMERICA, Washington, DC, October 12, 2001.

Hon. JOHN KERRY, Chairman, Small Business Committee, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to thank you for introducing S. 1499, "The American Small Business Emergency Relief and Recovery Act of 2001," on October 8, 2001, and pledge the U.S. Chamber of Commerce's support for this important bill that provides

much needed relief to many of America's small business owners.

As a direct result of the events of September 11, many small businesses have been physically and economically devastated. Because of the unique character of this disaster, many of the existing programs meant to act as a "safety net" to the small business community have been found to be inadequate or not available. Your bill, "The American Small Business Emergency Relief and Recover Act of 2001," serves to correct these inequities and provide the economic tools necessary for many small business owners to recover from this tragedy.

For those small business owners whose enterprises have been shattered by the repercussions of the economic shockwave from ground zero, we must extend the lifeline of assistance in the form of expanded Small Business Administration low-interest loans and programs. We must not let the recent tragedies serve to dampen the drive and determination of our nation's existing small business owners who may be struggling financially as a result of the events of September 11.

The U.S. Chamber of Commerce is the world's largest business federation, representing more than three million businesses of every size, sector, and region. More than 96 percent of the Chamber's members are small businesses with 100 or fewer employees. On behalf of these small employers, I again thank you for introducing S. 1499, "The American Small Business Emergency Relief and Recover Act of 2001."

Sincerely,

R. BRUCE JOSTEN,
*Executive Vice President,
Government Affairs.*

THE NATIONAL ASSOCIATION OF GOVERNMENT GUARANTEED LENDERS,
INC.,

Stillwater, OK.

Hon. JOHN KERRY,
Chairman, Senate Committee on Small Business and Entrepreneurship, Russell Senate Building, Washington, DC.

Hon. CHRISTOPHER BOND,
Ranking Member, Senate Committee on Small Business and Entrepreneurship, Russell Senate Building, Washington, DC.

DEAR SENATORS KERRY AND BOND: On behalf of the members of the National Association of Government Guaranteed Lenders (NAGGL), SBA's 7(a) lending partners, thank you for your efforts to support capital access for small businesses, especially in this time of heightened need. In accordance with this need, NAGGL's leadership and membership fully endorses S. 1499, the "The American Small Business Emergency Relief and Recovery Act of 2001."

This bill's goal is to provide small businesses with the necessary financial assistance to spur them, and thus America's greater economy, to full recovery. It will do this by addressing the credit needs of a variety of small businesses, from those located at or near disaster sites, to the multitude of small businesses throughout the country that were indirectly impacted by the events of September 11, 2001.

Prior to September 11, there were already signs of a slowing economy and a tightening of credit underwriting standards by commercial lenders. Some small businesses were already facing difficulty in obtaining credit. The events of September 11th have only exacerbated these problems.

This is why the quick passage of S. 1499 is so important. This bill addresses the difficul-

ties facing America's small business sector, and so we encourage your Senate colleagues to pass it expeditiously.

Sincerely,

ANTHONY R. WILKINSON,
NAGGL President & CEO.

NATIONAL LEAGUE OF CITIES,
Washington, DC, October 30, 2001.

DEAR SENATOR: On behalf of 138,000 local elected officials, the National League of Cities (NLC) strongly urges you and your colleagues to support and push for immediate consideration of S. 1499, the American Small Business Emergency Relief and Recovery Act of 2001.

In the wake of September 11, cities nationwide have reported stress to local economies and city finances, and have indicated that a decline in local business is one of their greatest concerns. In a recent letter to Senator Daschle and members of the Senate Finance and Budget Committees, NLC urged inclusion of small business relief in any economic stimulus package.

S. 1499 would help the efforts of lending institutions, community organizations and local public agencies in providing assistance to small businesses. The measure would expand access to Small Business Administration (SBA) low-interest or no-cost recovery loans to small businesses that were directly or indirectly affected by the attacks, and those in need of capital and investment financing or procurement assistance.

NLC has always supported adequate federal assistance to new and existing small businesses, and this emergency legislation reflects an important and timely effort by Congress to recognize the impact of these attacks on local economies nationwide by helping mitigate bankruptcies, business closures, and lay-offs.

If you have any questions or comments, please contact Scott Shrum in our office at 202-626-3033.

Sincerely,

DONALD J. BORUT,
Executive Director.

NATIONAL RESTAURANT ASSOCIATION,
Washington, DC, November 14, 2001.

U.S. SENATE,
Washington, DC.

DEAR SENATOR: On behalf of the National Restaurant Association, the leading trade group for the nation's 844,000 restaurant locations, we urge you to cosponsor S. 1499, the American Small Business Emergency Relief and Recovery Act of 2001.

S. 1499 would address both emergency relief needed in the aftermath of the September 11 tragedies as well as the magnified credit crunch caused by the economic downturn and the uncertain economic outlook facing our nation. In October 2001, eating and drinking places cut 42,000 jobs, which followed a 43,000 job reduction in September (seasonally-adjusted). This is the worst employment performance in the industry for this two month period since records have been kept.

The purpose of S. 1499 is to help small businesses meet their payments on existing debts, finance their businesses and maintain jobs in the aftermath of the September 11 attacks by strengthening and expanding access to the Small Business Administration's loan payments and management counseling. With 11.3 million employees, the restaurant industry is our nation's largest employer outside of government. Ninety-two percent of restaurant in the United States have fewer than 50 employees.

The National Restaurant Association applauds Senator John Kerry and Senator Kit

Bond for introducing this bipartisan legislation and we ask that you consider cosponsoring S. 1499.

Sincerely,

STEVEN C. ANDERSON,
President and CEO.
LEE CULPEPPER,
*Senior Vice President,
Government Affairs
and Public Policy.*

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Madam President, I ask unanimous consent to be permitted to speak as in morning business for up to 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOND. Madam President, there are a couple of issues on which I agree very strongly with my good friend, the chairman of the Small Business Committee, and one on which I disagree. First, I agree on the need to bring up an energy package, have a sound and full debate, and pass a sensible energy package. We need it. I disagree with him on the need to continue the environmentally sound development of natural resources and petroleum products out of ANWR.

I have been on the North Slope, a frozen desert which is not harmed by drilling there now. The 2,000 acres that would be involved out of ANWR's 1.9 million acres will do nothing but provide a sounder base for the caribou that live there—I disagree on that, but I strongly agree with him on the need to bring up S. 1499.

If a Senator has a problem with it, air it on the floor. We have 55 cosponsors; 18 out of the 19 members of the Senate Small Business Committee said it is time to do something for small business.

It had become apparent to all Members that in 2000 we had an economic slowdown. Officially, we are in a recession. As we know, as banks tighten credit standards, and as access to credit drops, small business slows down. In the wake of the September 11 terrorist attacks, there were significant weaknesses in the small business sector. We proposed a reasonable, bipartisan measure that can go a long way toward helping small business get the restart it needs to provide jobs and spur economic activity in this country.

Very briefly, the American Small Business Emergency Relief and Recovery Act would make economic injury disaster loans available to all small businesses directly impacted by terrorist attacks. Businesses that shut down, such as airport shutdowns and general aviation shutdowns, and airport suppliers, would be allowed a repayment of principal and interest deferral for 2 years and interest could be forgiven.

The SBA current disaster loan program was not designed to meet the extraordinary circumstances that came about as a result of the terrorist activities. It could be a year or more before

many of the small businesses in New York City can open their doors. They could not repay the loans right away, so we allow them to defer.

Small businesses throughout the United States have shut down. When general aviation was grounded, flight schools were closed, and other small businesses, depending on aircraft, were hurt. Our bill allows these small businesses to defer for 2 years repayment of principal and interest on their SBA disaster loans. Other small businesses experiencing economic problems that need help with their cashflow, working capital, or investments to continue their operation or hire more people would be available for special loan programs with a lower interest prime, with a 90 percent guarantee of the loan, and with a deferral of principal and payments for up to a year.

Small businesses are already hurt. We need to give them a stimulus to get them moving again. There would be other breaks: No guarantee fees to be paid by small businesses. The amount that the SBA could guarantee would increase from 80 to 90 percent for loans up to \$150,000 and from 75 to 85 percent for loans greater than \$150,000. The participating bank fees would be removed on 504 certified development company loans.

That is what we propose. That is what the Small Business Committee says makes sense. Right now we are talking about coming forward with a \$70 to \$80 to \$90 to \$100 billion stimulus package because we know the economy needs a jump-start. That is \$70 to \$80 to \$90 billion that would mostly be paid out in the hopes that people would use that money to buy and get business started again.

We are in a business recession. The beauty of this program is no money is spent unless small business borrows money to put to work. We want small businesses to get back to work. This program doesn't cost a thing unless some small business goes out and borrows the money and puts it to work, buys equipment, uses it for working capital, uses it to pay employees.

When we talk about credit scoring in the credit subsidy rates, people's eyes always glaze over. They say the total cost of the bill for 1 year is \$815 million. That means they make \$17 billion worth of loans, and somewhere around half a percent of those or \$800 million may go bad. We are talking million. The rest is paid back. There are other minor losses on fees. Total cost to the Government is \$816 million.

I am almost embarrassed to come out here and talk about a stimulus package in terms of millions of dollars because anybody on this floor worth their salt can get up and talk about billions and billions and billions of dollars they would like to see in stimulus. We can get small business investing, growing, hiring more people, paying wages, buy-

ing equipment, being good customers for other businesses, for \$816 million.

I think this bill makes sense. We have a majority of the Senate cosponsoring it. Let's get on with this bill. If we are not able to bring it up as a separate bill, I have this warm feeling that it will be offered as an amendment at some point and we will have an opportunity for that full debate at that time.

I agree with my colleague from Massachusetts; I expect as usual when we are talking about helping small business, some 80 to 90 Members of this body will go along with us.

I strongly urge my colleagues to let us know what their problems are with the bill, talk it out, get it done, and pass it. We are going to have an opportunity to vote on it at some point.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mrs. CLINTON. Madam President, I ask unanimous consent I be given up to 15 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMEMBER NEW YORK

Mrs. CLINTON. Madam President, exactly 11 weeks ago today, we as a nation suffered the most horrific and tragic attack in our long history on our shores. It is almost impossible to reconstruct the feelings, the emotions, the reactions that have swept through our Nation in the wake of the events of September 11. Certainly our Nation has responded both abroad, under the President's leadership, through the extraordinary efforts of our men and women in uniform, to root out the terrorists responsible for this attack. Here at home we have faced continuing challenges in the aftermath of September 11, including the use of anthrax to bring about death and injury and create an atmosphere of fear. But I want to bring our attention back to that part of our Nation that suffered the most grievous attack. That was in New York City in Lower Manhattan.

I don't think it was any accident that the terrorists chose this particular place in America to launch their attack. New York City is the global city, not only the capital of global finance but of global media, of entertainment, of intellectual ferment. It is a beacon, a magnet for immigrants from throughout the world. So the attack was well planned, not only to destroy buildings and kill innocent people but to send a signal to America that the terrorists were aiming to undermine our way of life.

Clearly, we have responded with such strength and resolution that the effort undertaken by those who thought they would destroy us has clearly been repudiated. We are, I believe, stronger and more unified today than we were on

September 10. For that I am grateful. But I do not want our country, as we turn our television sets and our eyes toward Afghanistan, as we worry about tracking down whoever sent anthrax-laden envelopes to innocent people, including our colleagues, I do not want anyone to forget what happened on September 11 in New York City.

This is an aerial view of Lower Manhattan. It gives you some sense of the destruction—acres and acres of destroyed buildings, fires that are still burning below ground. Looking at this today brings back the memories that I will always have of flying over this site on September 12 and looking down and not only seeing that the towers and neighboring buildings were gone but looking into what appeared to be the jaws of hell.

But beyond this picture of destruction there are so many lives that have been impacted forever, not only those who are no longer with us but their family members, their colleagues, their friends, and their neighbors have been affected, not only those who lost their lives but so many whose livelihoods were turned upside down.

In New York City alone, as a result of the World Trade Center attacks, we lost over 3,500 innocent people. We are still reading their profiles and learning a little bit about each one because of the extraordinary series that the New York Times runs every day. For that I thank the Times.

Some 20,000 families who called Lower Manhattan home were rendered homeless. Think of it; 20,000 families couldn't go home, not only because of the destruction but because of the air quality. It was reported yesterday that 8,000 have still not returned home.

Madam President, 15 or 20 million square feet of office space was damaged or destroyed resulting in the loss of nearly 125,000 jobs. And because the scene—not just the immediate area of destruction known as Ground Zero but reaching far beyond—is a crime scene, and because the removal of the debris ties up streets, we have an area that is called the frozen zone. That makes it very difficult for businesses and residents to be able to resume anything resembling normal life.

The New York City Partnership estimates we lost nearly 125,000 jobs, and that a total of 270,000 are at risk. The Partnership expects over 50,000 small businesses to close their doors during the first quarter of the coming year. In the 45 days following the attack, 3,400 small businesses rendered inaccessible because of the damage and the crime scene designation lost an estimated \$795 million in revenues.

We know the specific cases of the losses are not just in the private sector, because the public sector was also impacted in a way from which it will take years to recover. The Metropolitan Transportation Authority and the

Port Authority of New York suffered millions of dollars to subway stations, to the PATH train station and infrastructure that ran underground, under the river, bringing thousands and thousands of people to work every day.

Hundreds of thousands of residents and businesses lost electricity and telephone capacity. Many remain without telephones all these weeks later.

Verizon, which provides our phone service, and serves 300,000 voice lines and 3.5 million data circuits out of its building at 140 West Street, was severely impacted because the building was destroyed.

Con Ed lost two substations that supplied power for nearly 400,000 homes and businesses and suffered destruction of 11,000 feet of gas distribution lines. Con Ed continues to provide electricity through what are effectively 35 miles of extension cords. I have seen these big extension cords lying on top of the streets, and I know this is something that needs to be tended to so they are cared for and covered up before the winter comes.

Many of New York's hospitals which cleared their beds in order to be ready for the injured, many of whom never came because they lost their lives instead, suffered millions of dollars in losses.

The estimates for the economic loss, for the cost of debris removal, for infrastructure repair and rebuilding, are in the range of \$100 billion.

During those days after the attacks we received a tremendous amount of support. Indeed, many people, many of my colleagues as well as colleagues in the House, made the trip to Ground Zero because they understood what our Constitution says, which is that the United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion. When we were invaded by those hijacked airplanes on September 11, our country responded, not only out of the goodness of our hearts, out of a sense of empathy and sympathy, but because as a United States that is what is called for in our Constitution.

Many who came, including the President with whom I went to Ground Zero, made a clear commitment. As the President said in the joint session of Congress on September 21: We will rebuild New York City.

The Speaker of the House made a wonderful commitment to see New York "rise from the ashes that we saw today."

Our leaders, Senator DASCHLE, Senator LOTT, Congressman GEPHARDT, all made that commitment. And OMB Director Mitch Daniels said the President's pledge of \$20 billion is an absolute guarantee and it is likely to be more. Of course, it will be more because the damage is so much more.

In those first days we had tremendous support, not only from our major-

ity leader but from the chairman of the Appropriations Committee, Senator BYRD. Senator SCHUMER and I went to Senator DASCHLE and Senator BYRD and to the President, told them what we had seen, made clear we were going to face tremendous needs that we could not carry on our own, and secured a commitment for \$20 billion to address those needs.

We all acknowledge that that \$20 billion was a first installment. With the invoices beginning to come in, it is quite clear that the cost will be considerably higher. That is not something new for our Nation. In natural disasters, and in terrorist attacks in the past, the Federal Government, which represents all of us, has stepped up to the plate to take care of Americans.

The charts here illustrate the loss of life and damage from just a sampling of past disasters—Hurricane Hugo in 1989, the Northridge earthquake in California in 1994, the Oklahoma City bombing in 1995, and the World Trade Center attack. If you look at the loss of life in this first chart, you can see how the World Trade Center compares—the terrible, terrible commentary, to think that with all of the natural disasters to which we are subject in our Nation that take the lives of innocent people caught in a hurricane, or a tornado, or caught in an earthquake, or a flood, what happened at the World Trade Center is so much greater. The enormity of it, even today with the count at 3,553, is almost impossible for us to take in.

If you look at the estimated economic impact from major disasters—again looking at Hurricane Hugo, Northridge, Oklahoma City, World Trade Center—Hurricane Hugo resulted in losses exceeding \$10 billion; the Northridge earthquake had a total cost of \$25 billion; in Oklahoma City, the cost totaled \$650 million; and, again, if we look at the World Trade Center with costs in excess of \$100 billion, it is so much greater than any tragedy, natural or man-caused tragedy, that we have ever encountered.

The Federal Government has always come to our rescue. If you look at these examples—we could have taken others, but these are representative—the return to the impacted area, the city or the State, has always been in the range of 30 percent to 40 percent of economic loss.

With the money so far allocated by the White House from the \$40 billion emergency package enacted following the attacks, combined with amounts earmarked for New York in the House appropriations bill, the financial capital of the world, a place that has so much meaning in our Nation's history and the home of 8 million fellow Americans, is receiving just 11 percent of the estimated losses suffered. Hurricane Hugo received 38 percent; the Northridge earthquake in California, 39

percent; Oklahoma City, 41 percent; and, so far, even including the House appropriations, 11 percent for what New York has suffered. Even with the full \$20 billion committed by the President following the attacks, the Federal response would only be in the 20-percent range.

Sadly, while I, along with many of my colleagues, acknowledge that this \$20 billion would be just a first installment, even that money has been slow to come.

If we look at where we stand with respect to the summaries of loss of life, the economic impact, and the estimated percentage of Federal response, we can see that New York is not getting the help that we not only should expect but must count on.

New York needs that \$20 billion which has been promised—not next year but this year. The resources allocated thus far by the White House and the House appropriations bill leave so many immediate needs unmet.

If you look at what has already been provided, we are grateful indeed for this help because already provided is \$2 billion through FEMA for emergency response and debris removal; \$500 million for SBA loans, medical services, and dislocated worker assistance; \$700 million to go into a community development block grant; the House added to the money that the administration had already provided an additional \$8 billion desperately needed, to increase the amount for debris removal by \$4.4 billion; to increase the amount for the community development block grant by \$1.8 billion; to put some money into workers compensation, which is desperately needed, of \$175 million; and then creating an emergency employment clearinghouse to help all of the dislocated workers who have, through no fault of their own, lost their jobs in the aftermath of September 11.

The total is \$11.2 billion, far short of the \$20 billion that New York was promised and that many of my colleagues and colleagues in the House and people in the administration certainly committed.

Let's look at what is left out. New York City agency costs, MTA infrastructure damages, Port Authority costs, the utilities and exchange costs, hospital costs, university facilities that were impacted, unemployment assistance, health care coverage for our displaced residents and businesses—all of those are zero.

If you look at where New York's \$20 billion should be for ground zero, unfortunately, too many of our needs are on zero ground. All of these needs that have been specified are not being taken into account by either the administration or the House appropriations process.

I commend my House colleagues from New York who fought hard, especially the five members of the Appropriations Committee. They waged a

valiant battle, which actually resulted in increasing what the administration was going to give us this year by \$8 billion. It was against a tremendous amount of pressure that was placed on them.

There was lobbying against New York getting this necessary money from the highest places in the administration, which I just for the life of me don't understand. I do not recall there being any argument for any lobbying against the needs of our residents and citizens who were impacted by Oklahoma City or by the Northridge earthquake or by the hurricanes or floods or tornados that we have suffered. Yet the damage here is so much greater.

People say, well, you know you can't use that money right now. That is just not true. We have specific requests that have been backed up by each of these particular items. We know we can sure use the unemployment assistance and the COBRA premium assistance because of all of our unemployed workers. We know the utilities have already spent over \$1 billion getting telephone service and electricity reconnected. We could go down each of these.

We are particularly concerned about our hospitals because so many of them spent millions and millions of dollars and turned away revenues in order to be ready for injured victims who never came.

The Senate will begin its work on the appropriations for New York as well as the stimulus package which includes some incentives that will help us to keep businesses and provide some assistance for residents so they will go back downtown despite the fact that the fires are still burning. The air quality is subject to question. We will be able to provide some additional help to our hospitals, we hope, as well as to businesses to stay in Manhattan and New York City.

The Senate is about to begin our process. But I wanted to take a few minutes on this day of commemoration as to what happened to New York and America 11 weeks ago to remind all of us about the cost of these attacks. New York City is a place noted for resilience. I think the country and the world have certainly seen that. It is a place that bounces back and keeps going. But one only has to be reminded of the tremendous damage that was inflicted to know we need some help. We are more than willing to pick ourselves up and rebuild and do what needs to be done to make this an even greater city in the 21st century than it has been for 400 years, but now New York needs America's help. For decade after decade after decade, New York has sent billions and billions and billions of dollars right here to Washington. We run a balance of payment deficit between New York and Washington that is \$15 to \$18 billion a year. But New York has

a lot of wealthy people. Fifteen percent of the State's revenues came right out of Ground Zero. So we have paid for a lot of what needed to be paid for in our country that did not directly affect New York.

We pay for commodities support systems so we have a good, safe food supply, and our farmers are well prepared to produce the food we need. We pay for our military even though we only have one major base left in our State. We pay for so many of the needs that people have all over America. So as far as we are concerned, that is one of the prices we pay for being so successful.

But now New York needs America's help. After having done so much for so long to make sure our country was strong and prepared for the future, we need some help to put New York back into business so that it will continue as the capital of the global markets, as the capital of the global entertainment and media world.

And so, Madam President, I ask that the administration reconsider its position and be willing to provide us with the additional money that so many of our people need and so many of our agencies require to get back on their feet. I hope that everyone will remember that disparity of damage and economic cost compared to the amount that has been provided for us and make good on the President's promise of \$20 billion. That was one of the most emotional moments that I can certainly remember. To have such a quick, open response from the President to meet the needs of New York was a shot in the arm and a great confidence booster when we needed to hear it. What a shame it would be if that promise isn't fulfilled and if it isn't fulfilled in a timely manner this year so people can put that money to work to rebuild their lives, to reclaim their jobs, to keep their businesses going, to repair the infrastructure, and to make clear that New York is back and better than ever.

I appreciate the opportunity to take a few minutes to talk about where we are 11 weeks after this attack and to remind all of us that it was an attack on America, and New York is counting on America's help.

Thank you very much.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent the Senate now

proceed to a period of morning business with Senators allowed to speak therein for a period not to exceed 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE SELECTIVE SERVICE SYSTEM

Mr. THURMOND. Madam President, in the wake of the September 11, 2001 attacks on the World Trade Center and the Pentagon, our Armed Forces have again been called upon to preserve our National Security. The Secretary of Defense and Chairman of the Joint Chiefs of Staff previously assured us that the military was ready for this latest endeavor. As demonstrated by the ongoing actions in Afghanistan, they were right on target. As the senior member of the Senate Armed Services Committee and a retired Major General, I heartily concur that the world has never seen a finer fighting force. However, as President Bush cautioned in his September 20 address to Congress, "Americans should not expect one battle, but a lengthy campaign, unlike any other we have ever seen."

International terrorism is an enemy different than any we have faced before. President Bush has made it clear that ridding the world of this evil is of the utmost importance. He stated "terror, unanswered, can not only bring down buildings, it can threaten the stability of legitimate governments." As we continue to wage "civilization's fight" we must ensure our National Security structure is prepared for an unpredictable future.

Providing for our Nation's security is the most important responsibility of the United States Congress. The Constitution instructs the Congress "To raise and support Armies. . . ." and "To provide and maintain a Navy." Since it is possible that we may be facing a lengthy campaign which potentially includes casualties, Senators and Representatives must be prepared to take whatever actions are required to meet this sacred Constitutional directive. Although the Armed Forces have succeeded in meeting this year's recruiting goals, there are no guarantees that tomorrow's youth will volunteer to the degree required to maintain the end strength goals of our Army, Navy, Air Force and Marine Corps.

Like all of you, I pray that we are able to swiftly bring to justice those who perpetrated these heinous crimes of September 11. I hope this can be done without incurring further loss of American lives and that diplomacy and international law will succeed in eliminating the threat of terrorism in the future. Developments around the world following the attacks give us hope that some good may come from this tragedy. For example, in Ireland officials have reported important progress in

their negotiations for arms decommissioning. Unfortunately, history illustrates that terrorism has existed for over two thousand years. Certain cowardly groups will inevitably resort to terror against innocent people to compensate for their weakness and attempt to achieve their objectives. Accordingly, the President has rightly turned to our men and women in uniform.

Several years ago, I argued that; "we need to take a hard look to see if it is time to reinstate compulsory national service." I believed then, as I do now, that the positive benefits to the Nation from compulsory service outweigh any of the conceivable drawbacks. However, the reality is that even today as we face the most serious threat to our Nation since the Second World War, a national draft of some sort is not being actively considered. The military is not eager to return to a conscript force, and others have not recognized the opportunity and value of asking Americans to provide public service as a responsibility of citizenship.

Moreover, some have argued against the practicality of maintaining the Selective Service System at all, claiming that its application is now merely a part of the past. On the contrary, I believe that Selective Service is a national security insurance policy in place for the scenarios we are facing today or may potentially face in the future. If, as the President has said, defeating the evil of international terrorism will require a substantial National effort, the United States must be prepared. In this case, the Selective Service System will be needed as an integral element for assuring our Nation's Security.

The recent attacks in New York and Washington, DC, and the subsequent anthrax cases have forever changed the way our leaders consider National Security. In response, we must take appropriate actions. I agree with and support President Bush's assertion that nothing is to be ruled out of consideration. Furthermore, I believe that operational readiness or response to a major crisis may require the resources of the Selective Service System. For this reason we must make absolutely certain that this organization is at the highest level of readiness and ability. Sadly, this is currently not the case.

Here are the facts. In 1985, the budget for the Selective Service System was \$27.8 million. Today, the budget is \$24.4 million, which in constant dollars equals roughly \$11 million. Today there are 150 fewer civilians and 300 fewer military personnel associated with the Selective Service to carry out its missions. Finally, in 1985, if called upon to respond to a crisis, the Selective Service was capable of delivering personnel in 13 days. Today, we would have to wait 193 days for the first person.

Some believe that 193 days is an acceptable amount of time. They argue

that the likelihood of a crisis of significant magnitude to require a draft is simply too remote. Unfortunately, such thinking is naive. Recently, the Senate Armed Service Committee held a hearing to examine the results of an exercise called "Dark Winter." The exercise, which took place at Andrews Air Force Base in June of this year, simulated a possible United States reaction to the deliberate introduction of smallpox in three states during the winter of 2002. The exercise highlighted a number of potential problems. Foremost among those was that the medical system was quickly overwhelmed and that public health is now a major national security issue.

We now know that bioterrorism is not merely a concept for a war game. The Anthrax cases have highlighted the need to have a rapid and substantial response to medical crisis. In 1987, Congress correctly tasked the Selective Service System to develop a system to draft health care personnel during a crisis. Driving Congressional concerns at that time were the unpredictability of future threats and the availability of weapons of mass destruction, specifically, biological, chemical or nuclear. However, no additional resources have been provided since then and this program remains incomplete. No database exists to quickly mobilize health care practitioners in a crisis. Furthermore, we do not have a validated centralized database of health care skills.

Again, there are those who believe if there were a crisis of the "Dark Winter" type, the existing resources of the Federal government would suffice. This is absolutely not the case. This past February, the head of the Joint Task Force for Civil Support, Major General Bruce Lawlor, expressed concern about the existing military medical system responding to a homeland crisis. Specifically, he pointed out that the Army medical system has been downsized by as much as 40 percent and "what remains is not organized for domestic support." Further, he cautioned that the current organization "is not designed to deal with a large number of civilian casualties that could occur in case of a domestic terrorist event. Consequently, he recommended that the active duty military medical system be considered the "last resort."

I believe the Selective Service System is precisely the right tool to respond to such a crisis. I envision an extremely capable and flexible Selective Service System. A system that can, when called upon, deliver medical personnel for homeland defense in a matter of days and deliver these professionals where they are needed in order to save lives. A truly capable Selective Service System would be able to identify whatever specific skill was required in order to guarantee the security of our Nation and quickly deliver appropriate individuals to where they

were needed. Such a system should require more than simply filling out one card at age 18. In order to keep records current and databases useful, one might be required to update information periodically. I am confident that all Americans would be pleased and honored to do this small part for their Country.

Congress would also have to make some difficult decisions. First, women would also have to be considered eligible for the draft. One could not envision a draft of Doctors and Nurses without calling upon the many women who make up the majority of the health care profession. Also, Congressional language prohibits any allocation of resources or implementation of plans for a special skills draft such as I have just described. Finally, an enhanced Selective Service System would clearly require greater funding and manpower.

I have previously asked my colleagues to debate this issue, and now is the time for action. I plan to introduce legislation which will strike those provisions of the law which prohibit the Selective Service System from implementing a special skills draft. Additionally, I have asked the General Accounting Office to conduct a study to determine the costs of a Selective Service System capable of performing the myriad of tasks I envision. Finally, In the next Session of this Congress, I will introduce legislation which will require the registration of all Americans for Selective Service at age 18.

The 21st Century is upon us and we must recognize that all Americans share the responsibility to protect our homeland. I am confident that all Americans are eager to do their part.

DEATH OF SAMUEL L. WOODRING

Mr. THURMOND. Madam President, I rise today in remembrance of Mr. Samuel L. Woodring, a dedicated member of the community of North Augusta, SC, who passed away Thursday, November 15, 2001, at the age of 75.

Sam Woodring will be remembered as one of North Augusta's most visible and spirited citizens. Perhaps best known as the owner and publisher of The STAR newspaper, Mr. Woodring led the weekly newspaper for 45 years and was one of the city's most outspoken commentators. He worked tirelessly to inform the people of North Augusta and to remind the community's public officials that their ultimate responsibility was to the citizens who placed them in office. His work the The STAR newspaper earned him great respect within the journalism community of South Carolina and he won numerous awards from the South Carolina Press Association, including the prestigious Elijah Parish Lovejoy Award for Courage in Journalism.

However, the significant contributions Mr. Woodring made during his

lifetime are not limited to his role with *The STAR* newspaper. He also served the people of North Augusta as the president of the Chamber of Commerce, and he was a recipient of the Order of the Palmetto, South Carolina's highest civilian honor. In addition, he served his country with honor and courage in the United States Army during World War II.

In conclusion, Sam Woodring was a man of character and integrity who will be greatly missed by a wide circle of friends. He lived a life of accomplishment and made wonderful contributions to the community of North Augusta. He was a true American and a fine South Carolinian, and my heartfelt thoughts and prayers remain with his family during their time of mourning.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Madam President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of this year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred in April 1995 in Seattle, WA. Ian West, 29, was arrested for attacking a gay man. Mr. West was subsequently sentenced to five days in jail, ordered to pay restitution, perform community service, and complete an anger management class.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.

ADDITIONAL STATEMENTS

DONALD TAYER: IN MEMORIAM

• Mrs. BOXER. Mr. President, on October 26th, I was deeply saddened to learn of the passing of San Francisco Bay Area resident, Donald Tayer.

I have known Don Tayer and his family since the beginning of my career in public office, when I served as a Marin County supervisor and Don served as councilmember and mayor of the town of Tiburon. He was a multitalented man who cared deeply for his community.

In addition to his work as a local elected official, Don Tayer forged a distinguished legal career as a senior partner in the firm of Beeson, Tayer & Bodine. For 25 years, he served as Executive Secretary in the San Francisco office of the American Federation of

Television and Radio Artists (AFTRA) and the Screen Actors Guild; he served as counsel to the Actors' Equity Association and the American Guild of Musical Artists; he was the very first recipient of the Annual Bill Hillman Award, in recognition of his service to AFTRA's San Francisco local; and in August of this year he received AFTRA's National George Heller Memorial Gold Card—the highest honor bestowed by the union—for his many and remarkable contributions.

He was an adjunct professor in the School of Urban and Public Affairs at Golden Gate University and former chairman of the Labor and Employment Law Section of the Bar Association of San Francisco.

Don also somehow found the time to enjoy a rich cultural and community life. He was president of the San Francisco Bay Area Chapter of the American Jewish Committee for 5 years, and continued to serve as a member of the Committee's National Board of Governors. He was a recipient of its Distinguished Service Award in 1987.

Don Tayer served on the Marin Arts Council and was both president and a member of the Board of Directors of San Francisco's Center for the Arts at Yerba Buena Gardens—where a memorial tribute will be held on December 1st.

I offer my condolences to Don's wonderful wife Joyce; to his children Lisa and Marc and his four grandchildren.●

TRIBUTE TO KATHRYN KAY AND HER "THANKSGIVING PRAYER"

• Mr. HATCH. Mr. President, today I pay tribute to a wonderful Utah woman, mother, and nationally published poet, Ms. Kathryn Kay. I also want to relate a remarkable story concerning Ms. Kay and a poem she wrote more than 60 years ago.

The poem, "Thanksgiving Prayer," and the story behind it could have happened today. Its message is timely, its impetus notable.

"Thanksgiving Prayer" was part of a book of poems *If the Shoe Fits*, written by Kathryn Kay. The book was sold out of a little book store in the heart of Hollywood, California, where Ms. Kay was living and working at the time. The book, and its ensuing poem, were read and well-liked by many Hollywood stars, including the wife of the legendary veteran film actor, Hobart Bosworth.

At that time, the Nation was about to embark on a celebration commemorating the sesquicentennial of the ratification of the Bill of Rights. Mrs. Bosworth was serving as the Pacific Coast chairwoman of the celebration, and in that role was able to give the poem, "Thanksgiving Prayer," to President Franklin and Eleanor Roosevelt. She framed it in gold and presented it to Eleanor Roosevelt for her

work in improving the cultural arts. Kathryn also officially dedicated the poem to her with "sincere appreciation of her example, which causes women of today to build for tomorrow."

Mrs. Bosworth also arranged for this poem to be part of the Southern California Bill of Rights Celebration. She had the poem cast on a large bronze plaque, ready to be placed on Mt. Whitney, and read at the beginning of the official week long celebration of the Bill of Rights, as proclaimed by President Roosevelt. The date for the ceremony was December 7, 1941.

As history so tragically reminds us, no celebrations took place that day; America was attacked, and we were at war.

The bronze plaque was melted down to make bullet casings for the war America was battling. The heartfelt words of gratitude for America would not be immortalized.

Ms. Kay went on to publish many more poems, and two more books of poetry. She returned to Utah, and continued her career in live television and as a columnist for the Salt Lake Tribune. She married Lee Pratt, and raised two wonderful sons.

But her love for poetry never dimmed. Kathryn Kay has been a driving force for many, many years in Utah to promote poetry, from the high school to the professional society level. She helped found the Utah State Poetry Society, and served two terms as its president. In fact, well into her late 80s, she continued to edit the society's yearly publication.

Kathryn is 95 years old, still living in Utah, and still touching the lives of those around her. Perhaps her greatest tribute recently came from her son, Jim. He described his mother this way: "She is a happy breath of sunshine, who appreciates life and makes life better for everyone she meets."

I pay tribute to Kathryn Kay today, and in turn, share with the Nation the words penned by her so many years ago. As we all pause during the next few weeks to celebrate the holiday season in our own way, I hope that the words of this poem written during another time of conflict and war will serve to strengthen us and remind us of the blessings we share as Americans.

The poem follows:

THANKSGIVING PRAYER

God ev'ry year about this time,
according to routine,
I've bowed my head in the accepted way
and offered thanks, like some well synchronized machine.
that prayed because it was the time to pray.
But, God, this year is different, this year I
seem to feel
America's Thanksgiving is my own,
that in my nation's gratitude I have a part
that's real
a part that until now I've never known.
And, God, this year a deep humility has
filled my heart,
a newborn pride rings true throughout my
soul

because I do belong, because I have and am a part,
a tiny part of one tremendous whole.
I think I know the feeling of those first Americans
who said, "We must give thanks for this, our land."

I cherish now the rights that are each woman's, ev'ry man's,
the rights I've just begun to understand.
This year my heart has learned what all Thanksgiving Days are for,
true thankfulness at last I realize,
but, God, I'm sorry that it took the tragedy of war

in other lands to open up my eyes.
Again I bow my head but this time deep within me stirs

a mighty prayer, part of one vast design,
"God, help me make America as proud that I am hers
as I am proud, and grateful she is mine!"•

HONORING MONTANA'S STUDENTS

• Mr. BAUCUS. Madam President, I rise today to congratulate science students and science educators in my home State of Montana.

Last week, newly released scores from the 2000 National Assessment of Educational Progress, NAEP, often referred to as "Our Nation's Report Card," placed Montana's eighth grade science students atop the Nation. Our fourth grade students earned the 2nd highest score among States.

These scores reflect the high quality science education that Montana's teachers provide. I am proud of the dedication and hard work of Montana's teachers and students; in our technologically-advanced, information-rich society, an understanding of scientific thought and an ability to use scientific methods to make new discoveries will be critical to improving our quality of life.

We often lament our public education system and the challenges it faces. There can be no doubt that we can and must meet these challenges. The scores that I commend today, however, demonstrate two things. First, that dedicated, hard-working teachers are critical to the success of the education we provide. Second, that our public schools deliver a quality education, despite the financial challenges they face.

These scores also underscore the importance of investing in our education system. In my State of Montana, teachers have demonstrated again and again their teaching skills, their commitment to delivering a solid education, and their ability to make creative improvements in their schools and classrooms, all this, despite low wages and ever-increasing responsibilities. Unfortunately, this level of commitment will not persevere if these trends continue.

We are at a crossroads at the Federal level with respect to education policy and financial support. We know that a quality education is the key to future

success as individuals and as a nation. We need to make a commitment to our students that the education they receive will provide them with the knowledge and skills they need to be successful.

Let's match the commitment that Montana's teachers and students have made to science education excellence with a commitment from the Federal level to provide the resources and support that they need.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

Under the authority of the order of the Senate of January 3, 2001, the Secretary of the Senate, on November 16, 2001, during the recess of the Senate, received a message from the House of Representatives announcing that the House has agreed to the report of the committee on conference on the disagreeing vote of the two Houses on the amendment of the House to the bill (S. 1447) to improve aviation security, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolutions:

S. Con. Res. 83. Concurrent resolution providing for a National Day of Reconciliation.

S. Con. Res. 85. Concurrent resolution providing for a conditional adjournment or recess of the Senate and a conditional adjournment of the House of Representatives.

ENROLLED BILLS SIGNED

The message further announced that the Speaker has signed the following enrolled bills:

H.R. 1042. An act to prevent the elimination of certain reports.

H.R. 1552. An act to extend the moratorium enacted by the Internet Tax Freedom Act through November 1, 2003, and for other purposes.

H.R. 2924. An act to provide authority to the Federal Power Marketing Administrations to reduce vandalism and destruction of property, and for other purposes.

Under the authority of the order of the Senate of January 3, 2001, the enrolled bills were signed by the President pro tempore (Mr. BYRD) on November 16, 2001.

At 2:16 p.m., a message from the House of Representatives, delivered by

Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3093. An act to designate the Federal building and United States courthouse located at 501 Bell Street in Alton, Illinois, as the "William L. Beatty Federal Building and United States Courthouse."

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 272. Concurrent resolution expressing the sense of Congress regarding the crash of American Airlines Flight 587.

The message further announced that the House has passed the following bill, with an amendment:

S. 1196. An act to amend the Small Business Investment Act of 1958, and for other purposes.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on November 17, 2001, she had presented to the President of the United States the following enrolled bill:

S. 1447. An act to improve aviation security, and for other purposes.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LIEBERMAN, from the Committee on Governmental Affairs, without amendment:

H.R. 2559: A bill to amend chapter 90 of title 5, United States Code, relating to Federal long-term care insurance.

By Mr. LIEBERMAN, from the Committee on Governmental Affairs, with an amendment in the nature of a substitute and an amendment to the title:

S. 1271: A bill to amend chapter 35 of title 44, United States Code, for the purpose of facilitating compliance by small business concerns with certain Federal paperwork requirements, to establish a task force to examine the feasibility of streamlining paperwork requirements applicable to small business concerns, and for other purposes.

By Mr. KENNEDY, from the Committee on Health, Education, Labor, and Pensions, without amendment:

S. 1729: An original bill to provide assistance with respect to the mental health needs of individuals affected by the terrorist attacks of September 11, 2001.

By Mr. HARKIN, from the Committee on Agriculture, Nutrition, and Forestry, without amendment:

S. 1731: An original bill to strengthen the safety net for agricultural producers, to enhance resource conservation and rural development, to provide for farm credit, agricultural research, nutrition, and related programs, to ensure consumers abundant food and fiber, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of committee were submitted:

By Mr. SARBANES for the Committee on Banking, Housing, and Urban Affairs.

*Mark W. Olson, of Minnesota, to be a Member of the Board of Governors of the Federal Reserve System for the unexpired term of fourteen years from February 1, 1996.

*Susan Schmidt Bles, of Tennessee, to be a Member of the Board of Governors of the Federal Reserve System for a term of four years from February 1, 1998.

*James Gilleran, of California, to be Director of the Office of Thrift Supervision for the remainder of the term expiring October 23, 2002.

*John Thomas Korsmo, of North Dakota, to be a Director of the Federal Housing Finance Board for a term expiring February 27, 2009.

*John Thomas Korsmo, of North Dakota, to be a Director of the Federal Housing Finance Board for a term expiring February 27, 2002.

*Randall S. Kroszner, of Illinois, to be a Member of the Council of Economic Advisers.

*Franz S. Leichter, of New York, to be a Director of the Federal Housing Finance Board for a term expiring February 27, 2006.

*Allan I. Mendelowitz, of Connecticut, to be a Director of the Federal Housing Finance Board for a term expiring February 27, 2007.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

By Mr. BIDEN, from the Committee on Foreign Relations.

Treaty Doc. 106-6 (Exec. Report No. 107-2).
TEXT OF THE COMMITTEE RECOMMENDED RESOLUTIONS OF ADVICE AND CONSENT: (TREATY Doc. 106-6)

Resolved (two-thirds of the Senators present concurring therein),

SECTION 1. ADVICE AND CONSENT TO RATIFICATION OF THE INTERNATIONAL CONVENTION FOR THE SUPPRESSION OF TERRORIST BOMBINGS, SUBJECT TO A RESERVATION, UNDERSTANDINGS, AND CONDITIONS.

The Senate advises and consents to the ratification of the International Convention for the Suppression of Terrorist Bombings, adopted by the United Nations General Assembly on December 15, 1997, and signed on behalf of the United States of America on January 12, 1998 (Treaty Document 106-6; in this resolution referred to as the "Convention"), subject to the reservation in section 2, the understandings in section 3, and the conditions in section 4.

SEC. 2. RESERVATION.

The advice and consent of the Senate under section 1 is subject to the reservation, which shall be included in the United States instrument of ratification of the Convention, that

(a) pursuant to Article 20(2) of the Convention, the United States of America declares that it does not consider itself bound by Article 20(1) of the Convention; and

(b) the United States of America reserves the right specifically to agree in a particular case to follow the procedure in Article 20(1) of the Convention or any other procedure for arbitration.

SEC. 3. UNDERSTANDINGS.

The advice and consent of the Senate under section 1 is subject to the following understandings, which shall be included in the United States instrument of ratification of the Convention:

(1) EXCLUSION FROM COVERAGE OF TERM "ARMED CONFLICT". The United States of

America understands that the term "armed conflict" in Article 19(2) of the Convention does not include internal disturbances and tensions, such as riots, isolated and sporadic acts of violence, and other acts of a similar nature.

(2) MEANING OF TERM "INTERNATIONAL HUMANITARIAN LAW". The United States of America understands that the term "international humanitarian law" in Article 19 of the Convention has the same substantive meaning as the law of war.

(3) EXCLUSION FROM COVERAGE OF ACTIVITIES BY MILITARY FORCES. The United States understands that, under Article 19 and Article 1(4), the Convention does not apply to—

(A) the military forces of a state in the exercise of their official duties;

(B) civilians who direct or organize the official activities of military forces of a state; or

(C) civilians acting in support of the official activities of the military forces of a state, if the civilians are under the formal command, control, and responsibility of those forces.

SEC. 4. CONDITIONS.

The advice and consent of the Senate under section 1 is subject to the following conditions:

(1) TREATY INTERPRETATION. The Senate reaffirms condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe (CFE) of November 19, 1990 (adopted at Vienna on May 31, 1996), approved by the Senate on May 14, 1997 (relating to condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988).

(2) PROHIBITION ON EXTRADITION TO THE INTERNATIONAL CRIMINAL COURT. The United States shall not transfer any person, or consent to the transfer of any person extradited by the United States, to the International Criminal Court established by the Statute adopted in Rome, Italy, on July 17, 1998, unless the Rome Statute has entered into force for the United States, by and with the advice and consent of the Senate, as required by Article II, Section 2, Clause 2 of the United States Constitution.

(3) SUPREMACY OF THE CONSTITUTION. Nothing in the Convention requires or authorizes the enactment of legislation or the taking of any other action by the United States that is prohibited by the Constitution of the United States as interpreted by the United States.

TEXT OF THE COMMITTEE RECOMMENDED RESOLUTION OF ADVICE AND CONSENT: (TREATY Doc. 106-49)

Resolved (two-thirds of the Senators present concurring therein),

SECTION 1. ADVICE AND CONSENT TO RATIFICATION OF THE INTERNATIONAL CONVENTION FOR THE SUPPRESSION OF THE FINANCING OF TERRORISM, SUBJECT TO A RESERVATION, UNDERSTANDINGS, AND CONDITIONS.

The Senate advises and consents to the ratification of the International Convention for the Suppression of the Financing of Terrorism, adopted by the United Nations General Assembly on December 9, 1999, and signed on behalf of the United States of America on January 10, 2000 (Treaty Document 106-49; in this resolution referred to as the "Convention"), subject to the reservation in section 2, the understandings in section 3, and the conditions in section 4.

SEC. 2. RESERVATION.

The advice and consent of the Senate under section 1 is subject to the reservation,

which shall be included in the United States instrument of ratification of the Convention, that

(a) pursuant to Article 24(2) of the Convention, the United States of America declares that it does not consider itself bound by Article 24(1) of the Convention; and

(b) the United States of America reserves the right specifically to agree in a particular case to follow the arbitration procedure set forth in Article 24(1) of the Convention or any other procedure for arbitration.

SEC. 3. UNDERSTANDINGS.

The advice and consent of the Senate under section 1 is subject to the following understandings, which shall be included in the United States instrument of ratification of the Convention:

(1) EXCLUSION OF LEGITIMATE ACTIVITIES AGAINST LAWFUL TARGETS. The United States of America understands that nothing in the Convention precludes any State Party to the Convention from conducting any legitimate activity against any lawful target in accordance with the law of armed conflict.

(2) MEANING OF THE TERM "ARMED CONFLICT". The United States of America understands that the term "armed conflict" in Article 2(1)(b) of the Convention does not include internal disturbances and tensions, such as riots, isolated and sporadic acts of violence, and other acts of a similar nature.

SEC. 4. CONDITIONS.

The advice and consent of the Senate under section 1 is subject to the following conditions:

(1) TREATY INTERPRETATION. The Senate reaffirms condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe (CFE) of November 19, 1990 (adopted at Vienna on May 31, 1996), approved by the Senate on May 14, 1997 (relating to condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988).

(2) PROHIBITION ON EXTRADITION TO THE INTERNATIONAL CRIMINAL COURT. The United States shall not transfer any person, or consent to the transfer of any person extradited by the United States, to the International Criminal Court established by the Statute adopted in Rome, Italy, on July 17, 1998 unless the Rome Statute has entered into force for the United States, by and with the advice and consent of the Senate, as required by Article II, Section 2, Clause 2 of the United States Constitution.

(3) SUPREMACY OF THE CONSTITUTION. Nothing in the Convention requires or authorizes the enactment of legislation or the taking of any other action by the United States that is prohibited by the Constitution of the United States as interpreted by the United States.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. KENNEDY:

S. 1729. An original bill to provide assistance with respect to the mental health needs of individuals affected by the terrorist attacks of September 11, 2001; from the Committee on Health, Education, Labor, and Pensions; placed on the calendar.

By Mr. AKAKA:

S. 1730. A bill for the relief of Vichai Sae Tung (also known as Chai Chaowasaree); to the Committee on the Judiciary.

By Mr. HARKIN:

S. 1731. An original bill to strengthen the safety net for agricultural producers, to enhance resource conservation and rural development, to provide for farm credit, agricultural research, nutrition, and related programs, to ensure consumers abundant food and fiber, and for other purposes; from the Committee on Agriculture, Nutrition, and Forestry; placed on the calendar.

By Mr. DASCHLE:

S. 1732. A bill to provide incentives for an economic recovery and relief for victims of terrorism, and for other purposes; read the first time.

By Mr. EDWARDS:

S. 1733. A bill to develop and implement a unified electronic data system to enhance access to information that is relevant to determine whether to issue a visa or admit an alien to the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. HATCH:

S. 1734. A bill to require a transfer of jurisdiction for development of an Armed Forces recreation facility, Park City, Utah; to the Committee on Energy and Natural Resources.

By Mr. BIDEN (for himself and Mr. LUGAR):

S. 1735. A bill to establish a National Commission on Threats to the Homeland and United States National Security; to the Committee on Armed Services.

ADDITIONAL COSPONSORS

S. 88

At the request of Mr. ROCKEFELLER, the name of the Senator from Louisiana (Mr. BREAU) was added as a cosponsor of S. 88, a bill to amend the Internal Revenue Code of 1986 to provide an incentive to ensure that all Americans gain timely and equitable access to the Internet over current and future generations of broadband capability.

S. 278

At the request of Mr. JOHNSON, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 278, a bill to restore health care coverage to retired members of the uniformed services.

S. 540

At the request of Mr. DEWINE, the names of the Senator from Washington (Mrs. MURRAY), the Senator from Florida (Mr. NELSON), and the Senator from New Jersey (Mr. TORRICELLI) were added as cosponsors of S. 540, a bill to amend the Internal Revenue Code of 1986 to allow as a deduction in determining adjusted gross income the deduction for expenses in connection with services as a member of a reserve component of the Armed Forces of the United States, to allow employers a credit against income tax with respect to employees who participate in the military reserve components, and to allow a comparable credit for participating reserve component self-employed individuals, and for other purposes.

S. 677

At the request of Mrs. MURRAY, her name was added as a cosponsor of S.

677, a bill to amend the Internal Revenue Code of 1986 to repeal the required use of certain principal repayments on mortgage subsidy bond financing to redeem bonds, to modify the purchase price limitation under mortgage subsidy bond rules based on median family income, and for other purposes.

S. 790

At the request of Mr. BROWNBAC, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 790, a bill to amend title 18, United States Code, to prohibit human cloning.

S. 829

At the request of Mr. BROWNBAC, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 829, a bill to establish the National Museum of African American History and Culture within the Smithsonian Institution.

S. 1022

At the request of Mr. WARNER, the names of the Senator from Virginia (Mr. ALLEN) and the Senator from Nebraska (Mr. HAGEL) were added as cosponsors of S. 1022, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 1084

At the request of Mr. DURBIN, the names of the Senator from Michigan (Mr. LEVIN) and the Senator from Wisconsin (Mr. KOHL) were added as cosponsors of S. 1084, a bill to prohibit the importation into the United States of diamonds unless the countries exporting the diamonds have in place a system of controls on rough diamonds, and for other purposes.

S. 1140

At the request of Mr. HATCH, the names of the Senator from North Dakota (Mr. CONRAD) and the Senator from Rhode Island (Mr. REED) were added as cosponsors of S. 1140, a bill to amend chapter 1 of title 9, United States Code, to provide for greater fairness in the arbitration process relating to motor vehicle franchise contracts.

S. 1174

At the request of Mr. LEAHY, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 1174, a bill to provide for safe incarceration of juvenile offenders.

S. 1271

At the request of Mr. VOINOVICH, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1271, a bill to amend chapter 35 of title 44, United States Code, for the purpose of facilitating compliance by small business concerns with certain Federal paperwork requirements, to establish a task force to examine the feasibility of streamlining paperwork requirements applicable to small business concerns, and for other purposes.

S. 1278

At the request of Mrs. LINCOLN, the names of the Senator from North Carolina (Mr. HELMS) and the Senator from Georgia (Mr. CLELAND) were added as cosponsors of S. 1278, a bill to amend the Internal Revenue Code of 1986 to allow a United States independent film and television production wage credit.

S. 1350

At the request of Mr. DAYTON, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1350, a bill to amend the title XVIII of the Social Security Act to provide payment to medicare ambulance suppliers of the full costs of providing such services, and for other purposes.

S. 1365

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 1365, a bill to authorize the Secretary of the Department of Housing and Urban Development to make grants to States for affordable housing for low-income persons, and for other purposes.

At the request of Mr. JEFFORDS, the name of the Senator from Rhode Island (Mr. CHAFFEE) was added as a cosponsor of S. 1365, *supra*.

S. 1434

At the request of Mr. SPECTER, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of S. 1434, a bill to authorize the President to award posthumously the Congressional Gold Medal to the passengers and crew of United Airlines flight 93 in the aftermath of the terrorist attack on the United States on September 11, 2001.

S. 1496

At the request of Mr. GRAHAM, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1496, a bill to clarify the accounting treatment for Federal income tax purposes of deposits and similar amounts received by a tour operator for a tour arranged by such operator.

S. 1499

At the request of Mr. BUNNING, his name was added as a cosponsor of S. 1499, a bill to provide assistance to small business concerns adversely impacted by the terrorist attacks perpetrated against the United States on September 11, 2001, and for other purposes.

At the request of Mr. KERRY, the names of the Senator from Arkansas (Mr. HUTCHINSON) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 1499, *supra*.

S. 1500

At the request of Mr. KYL, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 1500, a bill to amend the Internal Revenue Code of 1986 to provide tax and other incentives to maintain a vibrant travel and tourism industry, to keep working people working, and to stimulate economic growth, and for other purposes.

S. 1502

At the request of Mr. SANTORUM, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 1502, a bill to amend the Internal Revenue Code of 1986 to allow a refundable tax credit for health insurance costs for COBRA continuation coverage, and for other purposes.

S. 1512

At the request of Mr. INHOFE, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 1512, a bill to report on any air space restrictions put in place as a result of September 11, 2001, terrorist attacks that remain in place.

S. 1522

At the request of Mr. CONRAD, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 1522, a bill to support community-based group homes for young mothers and their children.

S. 1618

At the request of Mr. KENNEDY, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 1618, a bill to enhance the border security of the United States, and for other purposes.

S. 1651

At the request of Mr. DORGAN, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 1651, a bill to establish the United States Consensus Council to provide for a consensus building process in addressing national public policy issues, and for other purposes.

S. 1707

At the request of Mr. JEFFORDS, the names of the Senator from Mississippi (Mr. COCHRAN), the Senator from Montana (Mr. BURNS), the Senator from Ohio (Mr. DEWINE), and the Senator from Arkansas (Mr. HUTCHINSON) were added as cosponsors of S. 1707, a bill to amend title XVIII of the Social Security Act to specify the update for payments under the medicare physician fee schedule for 2002 and to direct the Medicare Payment Advisory Commission to conduct a study on replacing the use of the sustainable growth rate as a factor in determining such update in subsequent years.

S. 1722

At the request of Mr. BAUCUS, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 1722, a bill to amend the Internal Revenue Code of 1986 to simplify the application of the excise tax imposed on bows and arrows.

S. 1723

At the request of Mr. LEAHY, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. 1723, a bill to amend the Fair Credit Reporting Act with respect to the statute of limitations on actions.

S.RES. 109

At the request of Mr. REID, the names of the Senator from North Da-

kota (Mr. CONRAD) and the Senator from Louisiana (Mr. BREAUX) were added as cosponsors of S.Res. 109, a resolution designating the second Sunday in the month of December as "National Children's Memorial Day" and the last Friday in the month of April as "Children's Memorial Flag Day."

AMENDMENT NO. 2152

At the request of Mr. DEWINE, the names of the Senator from Virginia (Mr. ALLEN), the Senator from Missouri (Mrs. CARNAHAN), the Senator from Georgia (Mr. CLELAND), the Senator from Maine (Ms. COLLINS), the Senator from North Carolina (Mr. HELMS), the Senator from Oklahoma (Mr. INHOFE), the Senator from Arizona (Mr. MCCAIN), the Senator from Georgia (Mr. MILLER), the Senator from Washington (Mrs. MURRAY), the Senator from Florida (Mr. NELSON), the Senator from South Carolina (Mr. THURMOND), the Senator from New Jersey (Mr. TORRICELLI), and the Senator from Virginia (Mr. WARNER) were added as cosponsors of amendment No. 2152 intended to be proposed to H.R. 3090, a bill to provide tax incentives for economic recovery.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HATCH:

S. 1734. A bill to require a transfer of jurisdiction for development of an Armed Forces recreation facility, Park City, Utah; to the Committee on Energy and Natural Resources.

Mr. HATCH. Madam President, today I introduce a bill that requires a transfer of jurisdiction for development of an Armed Forces recreation facility in Park City, UT. This bill would enable the Secretary of the Interior to transfer, without reimbursement, a parcel of real property in Park City to the Secretary of the Air Force. The Air Force will use this property as the location for an Armed Forces recreation facility.

I can think of no better use for this beautiful land in Utah than to support the military men and women who are serving our country. The bill I introduce today is the culmination of several months of careful coordination between the Department of Interior and the Department of Defense to make certain that the transfer is accomplished within all applicable laws, policies, and regulations. Given the tremendous challenges our nation's service members face at this time, I am proud to introduce this bill which will contribute much to the morale, recreation, and welfare of our service members. I hope that we can secure quick passage of this important legislation.

By Mr. BIDEN (for himself and Mr. LUGAR):

S. 1735. A bill to establish a National Commission on Threats to the Home-

land and United States National Security; to the Committee on Armed Services.

Mr. BIDEN. Madam President, today I am pleased to join Senator LUGAR in introducing legislation to create the National Commission on Threats to the Homeland and United States National Security.

Two months ago, in barbaric attacks in New York and Washington that we will never forget, the world changed before our eyes. In an instant, the fight against terrorism became our top national security priority. That new reality requires us to undertake a thorough review of our national security priorities. That effort is underway across the executive branch and in several committees of Congress. President Bush acted decisively to create the Office of Homeland Security and in naming Governor Ridge to be its head. Congress acted quickly to tighten aviation security and to give federal law enforcement new tools to counter terrorism.

These measures are just initial steps in what will surely be a major reorientation of the ship of state. As we begin to reorient our government, I believe we must engage in a thorough assessment of the range of threats that we face and the priorities which we should accord such threats in our national security strategy.

Terrorism is undoubtedly the major threat to the United States. In that regard, we must have a full understanding of the types of terrorist threats we face and of their relative probability. This week, the continuous reports of anthrax being discovered in various parts of the country, including here in the Senate, have focused the country on the threat of bioterrorism.

Unfortunately, this is not the only threat we face. Terrorists proved their deadly ability to turn airplanes into weapons of mass destruction. They have used truck and car bombs in the past. And we know that terrorist organizations are seeking materials necessary for the production of chemical or nuclear weapons. What we need to know is the priority we should accord those threats. That is the purpose of this proposed commission.

There are, to be sure, other threats that remain to our territory and to our national security interests. Russian weapons of mass destruction stockpiles and expertise pose the risk of accidental war or of proliferation to rogue states and terrorist groups. Ballistic missiles in developing countries can threaten U.S. forces overseas and could someday threaten our homeland. And international narcotics trafficking continues to threaten many countries, including ours. Terrorism is not the only threat. But after September 11 it is clearly the preeminent threat.

The proposed National Commission on Threats to the Homeland and

United States National Security will not seek to reinvent the wheel. Rather, it would build on the work of several recent blue-ribbon commissions which have assessed various threats, both collectively and individually, to U.S. national security.

In seeking the creation of this new commission, neither Senator LUGAR nor I wish to discredit this earlier work and the ideas that flowed from it. Instead, we seek to use that work as a foundation in constructing a comprehensive threat assessment and a resulting U.S. national security strategy. It is therefore instructive to quickly review the major findings of some of these earlier commissions and hearings.

Perhaps the best-known is the U.S. Commission on National Security/21st Century, better known as the Hart-Rudman Commission after its two co-chairs, former Senators Gary Hart and Warren Rudman. In its final report, issued in 2001, the Hart-Rudman Commission offered a chilling prediction borne out only months later: "States, terrorists, and other disaffected groups will acquire weapons of mass destruction and mass disruption, and some will use them. Americans will likely die on American soil, possibly in large numbers." The Hart-Rudman Commission urged making the security of the American homeland the primary national security mission of the U.S. government and called for the creation of a National Homeland Security Agency to coordinate these efforts.

Two commissions have focused on the specific threat of international terrorism and dealing with the consequences of a terrorist attack with a weapon of mass destruction, WMD.

The National Commission on Terrorism, chaired by Ambassador L. Paul Bremer, recommended a series of measures to expand the authorities of U.S. intelligence and law enforcement, steps now under consideration in the anti-terrorism legislation before Congress. It also urged the United States to use all the instruments at its disposal, diplomatic, financial, economic, and military, in targeting states that sponsor international terrorism.

The Advisory Panel to Assess Domestic Response Capabilities for Terrorism Involving Weapons of Mass Destruction, better known as the Gilmore Commission after its chair, Virginia Governor James Gilmore, focused on the need to develop a national strategy of domestic preparedness to respond to any act of WMD terrorism. This commission also called for the creation of a central office within the White House to coordinate federal efforts, which closely resembles what President Bush has decided to do in appointing Governor Ridge to a new "homeland czar" position.

The Russia Task Force of the Secretary of Energy's Advisory Board, bet-

ter known as "the Baker-Cutler Task Force" after its co-chairs, former Senator Howard Baker and former White House Counsel Lloyd Cutler, looked at the particular threat posed by unsecured nuclear weapons and fissile material in the former Soviet Union. This task force declared the deteriorating situation as "the most urgent unmet national security threat facing the United States today" and called for spending approximately \$30 billion over the next 8 to 10 years to adequately secure these weapons and related materials.

Finally, with the emergence of several anthrax cases in several locations in the United States, the threat has become all too real. The Committee on Foreign Relations held a hearing on this subject the week before the September 11 attacks. Former Senator Sam Nunn, now heading the Nuclear Threat Initiative, Dr. D.A. Henderson, the architect of the international campaign to eradicate smallpox in the 1970s, and other experts testified on the nature of the threat and what we can do in response. As they made clear, a mass destruction bioterrorism attack is a low-probability event with high consequences. The right answer is not panic, but rather the foresight to implement a set of commonsense measures to strengthen our public health system, including our emergency care capabilities and our vaccine stockpiles, to handle a bioterrorist attack if and when it occurs.

The Commission that we envision would, I repeat, build on the fine work done by the foregoing panels. It would assess the current threat, in light of the attacks on September 11, and in light of the assessments and analyses performed by government agencies and the panels I have just discussed. The commission would be a small group, just six distinguished Americans with experience at the highest levels of national security, law enforcement, and public safety. It is my hope that the commissioners chosen for this task would include former cabinet secretaries, and even former Presidents.

The bill we introduce requires two reports, an interim report to be produced within 180 days of enactment of the legislation and a final report to be produced by September 11, 2002, one year after the attacks on our country. The reports should provide a roadmap for our national security strategy, what the major threats are, the likelihood such threats will result in attacks on the United States, the potential damage to the United States or U.S. interests, and the current U.S. capabilities to counter and respond to such threats. From this assessment we can build a national security strategy for the coming decades.

I appreciate the support and assistance of the Senator from Indiana in developing this legislation. I urge my colleagues to support it.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1735

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ESTABLISHMENT.

There is established the National Commission on Threats to the Homeland and United States National Security (in this Act referred to as the "Commission").

SEC. 2. COMPOSITION.

(a) IN GENERAL.—The Commission shall be composed of six members, as follows:

(1) Two members appointed by the President, not more than one of whom shall be appointed from the same political party.

(2) One member appointed by the Majority Leader of the Senate.

(3) One member appointed by the Minority Leader of the Senate.

(4) One member appointed by the Speaker of the House of Representatives.

(5) One member appointed by the Minority Leader of the House of Representatives.

(b) QUALIFICATIONS.—Members of the Commission shall be appointed from among distinguished Americans in private life who have served at the most senior levels of the Federal government, including the national security, law enforcement, and public safety agencies of the United States.

(c) CHAIRMAN.—The Commission shall elect a Chairman from among its members.

(d) QUORUM.—A majority of the members shall constitute a quorum.

(e) VACANCIES.—Any vacancy in the Commission shall not affect its powers but shall be filled in the same manner in which the original appointment was made.

(f) MEETINGS.—After its initial meeting, the Commission shall meet upon the call of the Chairman or a majority of its members.

(g) APPOINTMENTS DEADLINE.—It is the sense of Congress that members of the Commission should be appointed not later than 30 days after the date of enactment of this Act.

SEC. 3. PURPOSE.

(a) IN GENERAL.—The Commission shall evaluate, in light of the terrorist attacks against the United States on September 11, 2001, the threats to the United States and to United States national security, in order to assist the Federal Government set priorities in the national budget, and in the organization of the relevant government departments, to address those threats.

(b) PARTICULAR SUBJECTS FOR REVIEW.—In particular, the Commission shall—

(1) provide a comprehensive assessment of the range of threats to the United States and to United States national security, taking into account analyses by United States agencies and nongovernmental entities that have recently reviewed relevant issues, such as the United States Commission on National Security/21st Century, the National Commission on Terrorism, the Department of Energy Russia Task Force, and the Advisory Panel to Assess Domestic Response Capabilities for Terrorism Involving Weapons of Mass Destruction; and

(2) make recommendations to the President and Congress on the priority that should be accorded to those threats in the United States national security strategy, taking into account—

(A) the likelihood such threats will result in attacks on the United States or important United States interests;

(B) the potential damage to the United States or important United States interests that would result from such attacks; and

(C) current United States capabilities to counter and respond to such threats.

SEC. 4. POWERS OF THE COMMISSION.

(a) **HEARINGS.**—The Commission or, at its direction, any panel or member of the Commission, may, for the purpose of carrying out the provisions of this Act, hold hearings, sit and act at times and places, take testimony, receive evidence, and administer oaths to the extent that the Commission or any panel or member considers advisable.

(b) **INFORMATION FROM FEDERAL AGENCIES.**—The Commission may secure directly or from any Federal department or agency any information that the Commission considers necessary to enable the Commission to carry out its responsibilities under this section. Upon request of the Chairman of the Commission, the head of any such department or agency shall furnish such information expeditiously to the Commission.

(c) **POSTAL, PRINTING AND BINDING SERVICES.**—The Commission may use the United States mails and obtain printing and binding services in the same manner and under the same conditions as other departments and agencies of the Federal Government.

SEC. 5. STAFF OF THE COMMISSION.

(a) **IN GENERAL.**—The Chairman of the Commission may, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, appoint a staff director and such additional personnel as may be necessary to enable the Commission to perform its duties. The staff director of the Commission shall be appointed from private life, and such appointment shall be subject to the approval of the Commission as a whole.

(b) **COMPENSATION.**—The Chairman of the Commission may fix the pay of the staff director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay fixed under this paragraph for the staff director may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title and the rate of pay for other personnel may not exceed the maximum rate payable for grade GS-15 of the General Schedule.

(c) **DETAIL OF GOVERNMENT EMPLOYEES.**—Upon request of the Chairman of the Commission, the head of any Federal department or agency may detail, on a nonreimbursable basis, any personnel of that department or agency to the Commission to assist it in carrying out its administrative and clerical functions.

(d) **PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.**—The Chairman of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay payable for level V of the Executive Schedule under section 5316 of such title.

(e) **ADMINISTRATIVE AND SUPPORT SERVICES.**—The Administrator of General Services shall furnish the Commission, on a non-reimbursable basis, any administrative and support services requested by the Commission consistent with this Act.

SEC. 6. COMPENSATION AND TRAVEL EXPENSES.

(a) **COMPENSATION OF MEMBERS.**—Each member of the Commission may be com-

pensated at not to exceed the daily equivalent of the annual rate of basic pay payable for level V of the Executive Schedule under section 5316 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the actual performance of the duties of the Commission.

(b) **TRAVEL EXPENSES.**—Each member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

SEC. 7. SECURITY CLEARANCES FOR COMMISSION MEMBERS AND STAFF.

The appropriate departments, agencies, and other entities of the United States Government shall cooperate with the Commission in expeditiously providing to the Commission members and staff appropriate security clearances in a manner consistent with existing procedures and requirements, except that no person shall be provided with access to classified information under this section who would not otherwise qualify for such security clearance.

SEC. 8. REPORTS.

(a) **INTERIM REPORT.**—Not later than 180 days after the date of enactment of this Act, the Commission shall submit an interim report to the President and the Congress describing its activities since the date of enactment of this Act.

(b) **FINAL REPORT.**—Not later than September 11, 2002, the Commission shall submit a final report to the President and the Congress describing its activities since the date of enactment of this Act, together with a summary of the comprehensive assessment and recommendations made by the Commission under section 3(b).

SEC. 9. FUNDING.

Notwithstanding the provisions of the Act of September 18, 2001 (Public Law 107-38), amounts appropriated by that Act shall be available to carry out the provisions of this Act.

SEC. 10. TERMINATION OF THE COMMISSION.

(a) **IN GENERAL.**—The Commission shall terminate 60 days after the date of the submission of the final report required by section 8(b).

(b) **WIND UP ACTIVITIES.**—The Commission may use the 60-day period referred to in subsection (a) for the purpose of concluding its activities, including providing testimony to congressional committees concerning its final report and disseminating that report.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2166. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 10, to provide for pension reform, and for other purposes; which was ordered to lie on the table.

SA 2167. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill S. 1628, to strengthen the safety net for agricultural producers, to enhance resource conservation and rural development, to provide for farm credit, agricultural research, nutrition, and related programs, to ensure consumers abundant food and fiber, and for other purposes; which was referred to the Committee on Agriculture, Nutrition, and Forestry.

SA 2168. Mr. FEINGOLD submitted an amendment intended to be proposed by him

to the bill H.R. 3090, to provide tax incentives for economic recovery; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2166. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 10, to provide for pension reform, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in the bill insert the following section:

SEC. . COST OF LIVING ADJUSTMENT FOR MEMBERS OF CONGRESS.

Notwithstanding any other provision of law, no adjustment shall be made under section 601(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31) (relating to cost of living adjustments for Members of Congress) during fiscal year 2002.

SA 2167. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill S. 1628, to strengthen the safety net for agricultural producers, to enhance resource conservation and rural development, to provide for farm credit, agricultural research, nutrition, and related programs, to ensure consumers abundant food and fiber, and for other purposes; which was referred to the Committee on Agriculture, Nutrition, and Forestry, as follows:

At the appropriate place in the bill insert the following section:

SEC. . COST OF LIVING ADJUSTMENT FOR MEMBERS OF CONGRESS.

Notwithstanding any other provision of law, no adjustment shall be made under section 601(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31) (relating to cost of living adjustments for Members of Congress) during fiscal year 2002.

SA 2168. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 3090, to provide tax incentives for economic recovery; which was ordered to lie on the table; as follows:

At the appropriate place in the bill insert the following section:

SEC. . COST OF LIVING ADJUSTMENT FOR MEMBERS OF CONGRESS.

Notwithstanding any other provision of law, no adjustment shall be made under section 601(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31) (relating to cost of living adjustments for Members of Congress) during fiscal year 2002.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on November 27, 2001, at 2:30 p.m., to conduct a markup on the nominations of Mr. Mark W. Olson, of Minnesota, to be a member of the Board of Governors of the Federal

Reserve System; Dr. Susan Schmidt Bies, of Tennessee, to be a member of the Board of Governors of the Federal Reserve System; Mr. James Gilleran, of California, to be Director of the Office of Thrift Supervision; Mr. Allan I. Mandelowitz, of Connecticut, to be a Director of the Federal Housing Finance Board; Mr. Franz Leichter, of New York, to be a Director of the Federal Housing Finance Board; Mr. John Thomas Korsmo, of North Dakota, to be a Director of the Federal Housing Finance Board; and Mr. Randall Scott Kroszner, of Illinois, to be a member of the Council of Economic Advisors.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR,
AND PENSIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on "The National Immunization Program: Is it Prepared for the Public Health Challenges of the 21st Century?" during the session of the Senate on Tuesday, November 27, 2001, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands and Forests of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, November 27, at 2:30 p.m. to conduct a hearing. The subcommittee will receive testimony on S. 691, a bill to direct the Secretary of Agriculture to convey certain land in the Lake Tahoe Basin management Unit, Nevada, to the Secretary of the Interior, in trust for the Washoe Indian Tribe; H.R. 223, a bill to amend the Clear Creek County, Colorado Public Lands Transfer Act of 1993 to provide additional time for Clear Creek County to dispose of certain lands transferred to the county under the act; S. 1028, the Blunt Reservoir and Pierre Canal Land Conveyance Act of 2001; S. 1451, a bill to provide for the conveyance of certain public land in Clark County, Nevada for use as a shooting range; and S. 1240, the Timpanogos Interagency Land Exchange Act of 2001.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT

The PRESIDING OFFICER. The Chair announces, on behalf of the majority leader, pursuant to Public Law 107-12, the appointment of the following individuals to serve as members of the Medal of Valor Review Board: David E. Demag, of Vermont, and Thomas J. Scotto, of New York.

The Chair announces, on behalf of the Republican Leader, pursuant to

Public Law 107-12, the appointment of the following individuals to serve as members of the Medal of Valor Review Board: Michael D. Branham, of Arizona, and Jimmy Houston, of Mississippi.

MEASURE INDEFINITELY
POSTPONED—S. RES. 39

Mr. REID. Madam President, I ask unanimous consent that the following calendar item be indefinitely postponed: Calendar No. 15, S. Res. 39.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE READ THE FIRST
TIME—S. 1732

Mr. REID. Madam President, it is my understanding that S. 1732, introduced earlier today by Senator DASCHLE, is at the desk, and I now ask for its first reading.

The PRESIDING OFFICER. The clerk will read the title of the bill.

The legislative clerk read as follows:

A bill (S. 1732) to provide incentives for an economic recovery and relief for victims of terrorism, and for other purposes.

Mr. REID. Madam President, I now ask for its second reading and object to my own request on behalf of the Republicans.

The PRESIDING OFFICER. Objection is heard.

The bill will receive its second reading on the next legislative day.

EXTENSION FOR COMPLIANCE
WITH HEALTH INSURANCE PORTABILITY
AND ACCOUNTABILITY
ACT OF 1996

Mr. REID. Madam President, I ask unanimous consent that the Finance Committee be discharged from further consideration of S. 1684 and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1684) to provide a 1-year extension of the date for compliance by certain covered entities with the administrative simplification standards for electronic transactions and code sets issued in accordance with the Health Insurance Portability and Accountability Act of 1996.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Madam President, I ask unanimous consent the bill be read a third time, passed, and the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1684) was read the third time and passed, as follows:

S. 1684

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. 1-YEAR EXTENSION OF DATE FOR COMPLIANCE BY CERTAIN COVERED ENTITIES WITH ADMINISTRATIVE SIMPLIFICATION STANDARDS FOR ELECTRONIC TRANSACTIONS AND CODE SETS.

(a) IN GENERAL.—Notwithstanding section 1175(b)(1)(A) of the Social Security Act (42 U.S.C. 1320d-4(b)(1)(A)) and section 162.900 of title 45 of the Code of Federal Regulations—

(1) a health care provider shall not be considered to be in noncompliance with the applicable requirements of subparts I through N of part 162 of title 45 of the Code of Federal Regulations before October 16, 2003; and

(2) a health plan (other than a small health plan) or a health care clearinghouse shall not be considered to be in noncompliance with the applicable requirements of subparts I through R of part 162 of title 45 of the Code of Federal Regulations before October 16, 2003.

(b) SPECIAL RULES.—

(1) RULES OF CONSTRUCTION.—Nothing in this section shall be construed—

(A) as modifying the October 16, 2003, date for compliance of small health plans with subparts I through R of part 162 of title 45 of the Code of Federal Regulations; or

(B) as modifying—

(i) the April 14, 2003, date for compliance of a health care provider, a health plan (other than a small health plan), or a health care clearinghouse with subpart E of part 164 of title 45 of the Code of Federal Regulations; or

(ii) the April 14, 2004, date for compliance of a small health plan with subpart E of part 164 of title 45 of the Code of Federal Regulations.

(2) APPLICABILITY OF PRIVACY REQUIREMENTS TO CERTAIN TRANSACTIONS PRIOR TO STANDARDS COMPLIANCE DATE.—

(A) IN GENERAL.—Notwithstanding any other provision of law, during the period that begins on April 14, 2003, and ends on October 16, 2003, a health care provider or, subject to subparagraph (C), a health care clearinghouse, that transmits any health information in electronic form in connection with a transaction described in subparagraph (B) shall comply with the then applicable requirements of subpart E of part 164 of title 45 of the Code of Federal Regulations without regard to section 164.106 of subpart A of such part or to whether the transmission meets any standard formats required by part 162 of title 45 of the Code of Federal Regulations.

(B) TRANSACTIONS DESCRIBED.—The transactions described in this subparagraph are the following:

(i) A health care claims or equivalent encounter information transaction.

(ii) A health care payment and remittance advice transaction.

(iii) A coordination of benefits transaction.

(iv) A health care claim status transaction.

(v) An enrollment and disenrollment in a health plan transaction.

(vi) An eligibility for a health plan transaction.

(vii) A health plan premium payments transaction.

(viii) A referral certification and authorization transaction.

(ix) A transaction with respect to a first report of injury.

(x) A transaction with respect to health claims attachments.

(C) APPLICATION TO HEALTH CARE CLEARINGHOUSES.—For purposes of this paragraph,

during the period described in subparagraph (A), an entity that would otherwise meet the definition of health care clearinghouse that processes or facilitates the processing of information in connection with a transaction described in subparagraph (B) shall be deemed to be a health care clearinghouse notwithstanding that the entity does not process or facilitate the processing of such information into any standard formats required by part 162 of title 45 of the Code of Federal Regulations.

(c) DEFINITIONS.—In this section—

(1) the terms “health care provider”, “health plan”, and “health care clearinghouse” have the meaning given those terms in section 1171 of the Social Security Act (42 U.S.C. 1320d) and section 160.103 of part 160 of title 45 of the Code of Federal Regulations;

(2) the terms “small health plan” and “transaction” have the meaning given those terms in section 160.103 of part 160 of title 45 of the Code of Federal Regulations; and

(3) the terms “health care claims or equivalent encounter information transaction”, “health care payment and remittance advice transaction”, “coordination of benefits transaction”, “health care claim status transaction”, “enrollment and disenrollment in a health plan transaction”, “eligibility for a health plan transaction”, “health plan premium payments transaction”, and “referral certification and authorization transaction” have the meanings given those terms in sections 162.1101, 162.1601, 162.1801, 162.1401, 162.1501, 162.1201, 162.1701, and 162.1301 of part 162 of title 45 of the Code of Federal Regulations, respectively.

ORDERS FOR WEDNESDAY, NOVEMBER 28, 2001

Mr. REID. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 10:30 a.m., Wednesday, November 28; that following the prayer and Pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of the motion to proceed to H.R. 10; further, that the Senate stand in recess tomorrow from 12:30 to 2:15 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 10:30 A.M. TOMORROW

Mr. REID. Madam President, if there is no further business to come before the Senate, I ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 5:58 p.m., adjourned until Wednesday, November 28, 2001, at 10:30 a.m.

NOMINATIONS

Executive nominations received by the Senate November 27, 2001:

NATIONAL CREDIT UNION ADMINISTRATION

JOANN JOHNSON, OF IOWA, TO BE A MEMBER OF THE NATIONAL CREDIT UNION ADMINISTRATION BOARD FOR A TERM EXPIRING AUGUST 2, 2007, VICE YOLANDA TOWNSEND WHEAT, TERM EXPIRED.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

DIANE LENEGHAN TOMB, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT, VICE JEAN NOLAN, RESIGNED.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

SEAN O'KEEFE, OF NEW YORK, TO BE ADMINISTRATOR OF THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, VICE DANIEL S. GOLDIN, RESIGNED.

DEPARTMENT OF STATE

DONNA JEAN HRINAK, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE FEDERATIVE REPUBLIC OF BRAZIL.

FRANCIS JOSEPH RICCIARDONE, JR., OF NEW HAMPSHIRE, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF THE PHILIPPINES AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF PALAU.

ENI P. H. FALEOMAVAEGA, OF AMERICAN SAMOA, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FIFTY-SIXTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

STEVEN JOSEPH CHABOT, OF OHIO, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FIFTY-SIXTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

ROGER P. WINTER, OF MARYLAND, TO BE AN ASSISTANT ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT, VICE HUGH Q. PARMER, RESIGNED.

FREDERICK W. SCHIECK, OF VIRGINIA, TO BE DEPUTY ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT, VICE HARRIET C. BABBITT, RESIGNED.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

NAOMI CHURCHILL EARP, OF VIRGINIA, TO BE A MEMBER OF THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION FOR A TERM EXPIRING JULY 1, 2005, VICE REGINALD EARL JONES, TERM EXPIRED.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

MICHAEL HAMMOND, OF TEXAS, TO BE CHAIRPERSON OF THE NATIONAL ENDOWMENT FOR THE ARTS FOR A TERM OF FOUR YEARS, VICE WILLIAM JAMES IVEY, RESIGNED.

DEPARTMENT OF JUSTICE

LAWRENCE A. GREENFELD, OF MARYLAND, TO BE DIRECTOR OF THE BUREAU OF JUSTICE STATISTICS, VICE JAN M. CHAIKEN, RESIGNED.

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

VERN J ABDOO, 0000
LAWRENCE D ABEL, 0000
PATRICIA A ABRAHAM, 0000
ROBERT E ACKLEY, 0000
BENJAMIN F ADAMS III, 0000
PAMELA L ADAMS, 0000
RICKY G ADAMS, 0000
ROY S ADAMS, 0000
CHRISTOPHER P AIKEN, 0000
PHILIP H ALEXANDER, 0000
IVAN ALFONSOMORALES, 0000
DANIEL L ALLEN, 0000
DAVID F ALLEN, 0000
RALPH H ALLEN, 0000
CALLEN H ALRED, 0000
CLAIR V ANDERSON, 0000
DAVID A ANDERSON, 0000
JAMES K ANDERSON, 0000
JAMES R ANDERSON, 0000
NELL N ANDRE, 0000
JAMES D ANDREWS, 0000
DEBORAH J ANDWOOD, 0000
ROBERT G ANISKO, 0000
EDDY L ANTHONY, 0000
MICHAEL D ARMOUR, 0000
DENISE J ARN, 0000
CHRISTINE D ARRINGTON, 0000
JAMES W ATCHISON, 0000
MILTON R AYALA, 0000
SERGIO AYALALAMBOY, 0000
EDWIN R BABBITT III, 0000
MARK O BAKER, 0000
WILLIAM A BANKHEAD JR., 0000
HENRY J BARBER, 0000
KENNETH P BARDEN JR., 0000

RAYMOND J BARNARD, 0000
BENNIE W BARNHILL, 0000
OWEN M BARNHILL, 0000
SILVIO J BARUZZI, 0000
GARY C BASS, 0000
MICHAEL A BEAM, 0000
JAMES W BEATTY, 0000
WILLIAM D BEATTY, 0000
JOHN P BECKER, 0000
MARTIN D BECKMAN, 0000
BRUCE M BEEBE, 0000
PAUL J BEHRENS, 0000
WAYMAN C BENFORD, 0000
PHILLIP B BENOIT, 0000
CHARLES E BENSON, 0000
WILLIAM S BENYO JR., 0000
STANLEY C BERGAN, 0000
JON D BERLIN, 0000
LOUIS D BERMAN, 0000
THOMAS M BERNSTEIN, 0000
ROBERT J BETKER, 0000
VICTORIA A BETTERTON, 0000
JIMMIE D BIGGS, 0000
KATHERINE M BIGLER, 0000
RHETT S BILEK, 0000
BRANT L BISHOP, 0000
CHRISTOPHER D BISHOP, 0000
JAMES R BISHOP, 0000
DEMETRIUS K BIVINS, 0000
THOMAS S BLACK, 0000
WILLIAM C BLACK, 0000
JEFFREY H BLACKWOOD, 0000
MARY N BLISS, 0000
ROY C BLUMENSHINE, 0000
JAMES M BOERSEMA, 0000
JOALLYN BOHN, 0000
WILLIAM A BOIK, 0000
DONALD F BOND, 0000
MICHAEL J BONNER, 0000
JOHN P BOOS JR., 0000
DAVID E BORTNEM, 0000
CHARLES E BOURBEAU, 0000
ELIZABETH A BOURBEAU, 0000
THOMAS A BOWMAN, 0000
LYNNETTE Z BOYLE, 0000
CLAY S BRADFELD, 0000
JAMES C BRADLEY III, 0000
WILLIAM E BRADLEY, 0000
DANIEL P BRADT, 0000
ALLAN T BRAGG, 0000
LAURIE V BRASHER, 0000
ROBERT L BRAY, 0000
JAMES T BRENNER, 0000
TRAVIS R BREWSTER, 0000
CHARLES E BRIERE, 0000
DARRELL L BRIGHT, 0000
RALPH A BRILEY, 0000
BENNIE O BROOKS, 0000
JAMES T BROWN, 0000
STEPHANIE S BROWNE, 0000
CHARLES E BRUCE, 0000
MARK H BRYANT, 0000
WILLIAM BUCKLER, 0000
CARYL L BUFGORD, 0000
HERMAN E BULLS, 0000
MICHAEL J BURBACH, 0000
LUIS R BURGOS, 0000
RONALD W BURKETT, 0000
JAMES A BURNS III, 0000
MILTON L BUSHMAN, 0000
STEVEN E BUTLER, 0000
DEBORAH J BUXTON, 0000
MICHAEL A BYRNE, 0000
STEVEN D CAGE, 0000
ROGER D CAGLE, 0000
GARY S CALABRESE, 0000
MARK M CALAMBRO, 0000
BRUCE N CALDWELL, 0000
ALDO R CALVI, 0000
ROBERT M CANNON, 0000
EDMUND R CAPAS, 0000
REGIS A CARDIFF, 0000
ALFRED B CARLTON, 0000
DOUGLAS C CARPENTER, 0000
ROBERT F CARPENTER, 0000
THOMAS C CARROLL, 0000
NORMAN B CARVER, 0000
CLYDE R CASSELBERRY, 0000
FELIX D CASTRO, 0000
GERRY A CHESSOR, 0000
WILLIAM T CHILDERS, 0000
BILLY M CHISUM, 0000
CHRIS S CHOPPER, 0000
FAY A CHU, 0000
QUENTIN P CIOLEFI, 0000
JUAN J CLAUDIO, 0000
PERRY R CLAWSON, 0000
DUNCAN S CLEMENTS, 0000
GARY L COBE, 0000
CARL M COCHRAN, 0000
ROBERT N COCHRAN, 0000
RICHARD COCHRANE, 0000
DEBRA L COHEN, 0000
WILLIAM S COLEMAN JR., 0000
PAUL E CONRAD, 0000
ENRIQUE CONTRERAS, 0000
JAMES T COOK, 0000
KEITH W CORBETT, 0000
JOHN E CORNELIUS, 0000
PATRICK E CORRIGAN, 0000
ROBERT D COSTELLO, 0000
RAYMOND COUGHENOUR, 0000

TERRY R COUNCIL, 0000
 PAUL E CRANDALL, 0000
 CAMERON A CRAWFORD, 0000
 DAVID C CREE, 0000
 JOE CROOM, 0000
 CLARENCE CULBERT JR., 0000
 EDNA W CUMMINGS, 0000
 DOUGLAS W CURTIS JR., 0000
 JOEL D CUSKER, 0000
 OLIVER P CUSTEAD, 0000
 LAWRENCE O DAHL, 0000
 DENNIS L DANIELSON, 0000
 LINNIE L DARDEN III, 0000
 BRET D DAUGHERTY, 0000
 BARBARA A DAVIDSON, 0000
 RICHARD B DAVIS JR., 0000
 ROBERT L DAVIS JR., 0000
 ROLAND R DEAN JR., 0000
 JESSE DEETS, 0000
 MICHAEL A DEMARCO, 0000
 RONALD J DENOYA, 0000
 DENNIE L DENSON, 0000
 MICHAEL D DEVINE, 0000
 KEITH D DICKSON, 0000
 PAUL H DIETRICH, 0000
 MICHAEL P DIETZ, 0000
 RANDY J DILLON, 0000
 JERRY P DINKELACKER, 0000
 JAMES E DODSON, 0000
 MICHAEL P DONNELLY, 0000
 PHILIP J DONNELLY, 0000
 FREDDY A DOWDEN, 0000
 JON W DRYSDALE JR., 0000
 ALEXANDER E DUCKWORTH, 0000
 LAWRENCE E DUDNEY JR., 0000
 DANIEL L DUNCAN, 0000
 DAVID S DUNCAN III, 0000
 RICHARD K DUNCAN, 0000
 JOSEPH E DUNLEAVY, 0000
 DONALD R DUPUIS, 0000
 JAY C DUQUETTE, 0000
 PETER W DUSEL, 0000
 ALISTAIR G DYER, 0000
 STUART M DYER, 0000
 JOHN M DYKSTRA, 0000
 HARRY M EDWARDS, 0000
 GERALD F EHRLICH, 0000
 MICHAEL J ELEFANTE, 0000
 DALE F ELLENBURG, 0000
 DAVID T ELLIOTT, 0000
 DENNIS D EMERY, 0000
 JONI L ENOS, 0000
 WILLIAM L ENYART JR., 0000
 WILLIAM L ERWIN, 0000
 CHARLES D ESTES, 0000
 TERRY A ETHRIDGE, 0000
 HENRY S EVANS, 0000
 KAREN D EVANS, 0000
 CHARLES J EVERHARDT III, 0000
 WILLIAM R EWALD, 0000
 JAMES P EWING, 0000
 BRUCE W FALCONE, 0000
 LAVON T FARNSWORTH, 0000
 THOMAS D FARRELL, 0000
 ROLLAND E FEARNOW, 0000
 ROBERT J FELDERMAN, 0000
 PETER J FERRARA, 0000
 MARIO M FEUSIER, 0000
 MICHAEL B FINNEGAN, 0000
 ANDREW G FISHMAN, 0000
 BERNARD A FLYNN JR., 0000
 LEE T FORTIER, 0000
 WESLEY P FORYSTEK, 0000
 DEL C FOUGNER, 0000
 GERALD P FRAISER, 0000
 WILLIAM D FRINK JR., 0000
 KURT A FROEB, 0000
 GERALD T GAIDA, 0000
 CHARLES A GAMBARO, 0000
 ROQUE GARCIA JR., 0000
 TERRELL N GARREN, 0000
 WILLIAM P GATES, 0000
 LEROY GAUB, 0000
 SALVATORE GIANGREGO, 0000
 NICHOLAS N GIBBS, 0000
 THOMAS S GIOVANNINI, 0000
 STEWART E GOESCH, 0000
 LAWRENCE D GONZALES, 0000
 GEORGE M GOUZY III, 0000
 REGINALD A GRANT, 0000
 RUDOLPH GRANT, 0000
 RUSSELL D GRAVES, 0000
 DAVID E GRAY, 0000
 MORGAN M GRAY, 0000
 ROY C GRAY III, 0000
 MICHAEL R GREENWOOD, 0000
 STANLEY GREENWOOD JR., 0000
 THOMAS G GREGAR, 0000
 CARY C GRIFFITH, 0000
 GROVER K GRIFFITH, 0000
 JAMES J GROSS, 0000
 ROBERT B GROVE, 0000
 ROBERT K GRUBBS, 0000
 ARTHUR J HAGG, 0000
 RICHARD D HAGGERTY, 0000
 LARRY S HAMARA, 0000
 MICHAEL J HAMILTON, 0000
 JOHN W HAMMEL, 0000
 JAMES E HANDLEY, 0000
 JAMES F HANKINS, 0000
 HERBERT R HANKS SR, 0000
 JUDITH A HANLEY, 0000

CHARLES T HARDEE, 0000
 RONALD N HARDING, 0000
 STEVEN G HARDING, 0000
 LEON L HARRELL III, 0000
 EARNEST L HARRINGTON JR., 0000
 DAVID L HARRIS, 0000
 JAMES M HARRIS, 0000
 LAWRENCE A HASKINS, 0000
 DAVID A HAWKINSON, 0000
 WAYNE M HAYES, 0000
 MICHAEL L HERMAN, 0000
 RONALD K HERRINGTON, 0000
 ROBERT D H HERUM, 0000
 TIMOTHY E HIGGENS, 0000
 DAVID M HILL, 0000
 JAMES R HILL III, 0000
 STEPHEN J HINES, 0000
 RANDY T HINTON, 0000
 ROBERT HIPWELL, 0000
 HENRY J HOGAN III, 0000
 WILLIAM R HOLLINGSWORTH, 0000
 SANFORD E HOLMAN, 0000
 BRENT L HOLMES, 0000
 WILLIAM C HOLMES, 0000
 STEPHEN G HOLT, 0000
 DAVID R HOLTGRIEVE, 0000
 PAUL D HOPPES, 0000
 STANLEY T HOSKIN, 0000
 RICHARD O HOWE, 0000
 CHARLES E HUFFMAN, 0000
 MILES M HUFFSTUTTLER, 0000
 JAMES L HUGAR, 0000
 GERALD S HUGHES, 0000
 MICHAEL D HUGHES, 0000
 ERNIE G HUSE, 0000
 STEVEN R HUSTON, 0000
 ROBERT D IMPELLIZZERI, 0000
 HOWARD C IRVING, 0000
 JAMES P ISITT, 0000
 ROBERT L IZLAR, 0000
 JAMES N JACARUSO, 0000
 JONATHAN R JACKSON, 0000
 ROBERT E JACKSON, 0000
 JEFFREY F JACOBS, 0000
 BUD R JAMESON JR., 0000
 JEROME T JANKOWIAK, 0000
 LEONARD H JANSEN, 0000
 SAMUEL N JENKINS II, 0000
 DAVID L JENNETTE JR., 0000
 RANDY G JENSEN, 0000
 KELLY R JIMENEZ, 0000
 BRUCE P JOHNSON, 0000
 FREDERICK J JOHNSON, 0000
 MICHAEL J JOHNSON, 0000
 MICHAEL K JOHNSON, 0000
 NEIL L JOHNSON, 0000
 ROLAND V JOHNSON, 0000
 RONNIE D JOHNSON, 0000
 WILLIAM E JOHNSON, 0000
 WILLIAM P JOHNSON, 0000
 CAROLYN JONES, 0000
 GEOFFREY P JONES, 0000
 ROGER L JONES, 0000
 THAD J JONES, 0000
 JERRY D JORGENSEN, 0000
 MAXIE L JOYE, 0000
 DAVID P JURENKA, 0000
 MICHAEL E KACZMAREK, 0000
 RICHARD C KANISS, 0000
 BRADFORD M KARD, 0000
 WALTER G KEALEY JR., 0000
 CALVIN G KELLY III, 0000
 KENNETH E KELLY, 0000
 WENDY A KELLY, 0000
 NEAL W KEMP, 0000
 BILLY G KENNEDY, 0000
 CHARLES F KENNEDY, 0000
 DANIEL R KERN, 0000
 DAVID D KEY, 0000
 SHAWN P KEYES, 0000
 MICHAEL W KING, 0000
 DANIEL E KINSEY, 0000
 KATHLEEN A KLAESER, 0000
 DENNIS M KLINE, 0000
 WILLIAM H KOCHER, 0000
 KRIS F KOHLHOFF, 0000
 HELGE KORSNES, 0000
 ROBERT K KOSTER, 0000
 DENNIS J KRAJAC, 0000
 DONALD L KREBS, 0000
 CATHERINE D KROPP, 0000
 KEITH E KUDLA, 0000
 WILLIAM E KUMPE, 0000
 KEITH C KURBER II, 0000
 RICHARD A KUTZLER, 0000
 MICHAEL K LAFUZE, 0000
 LINDER J LANCASTER JR., 0000
 TBOR J LANCZY, 0000
 KIM G LANGLEY, 0000
 KEVIN J LARSON, 0000
 KURT R LAVIN, 0000
 JIMMY L LAWRENCE, 0000
 BENJAMIN T LAYTON JR., 0000
 DALE A LAZO, 0000
 EDWARD A LEACOCK, 0000
 DAVID E LECKRONE, 0000
 MICHAEL W LEE, 0000
 LAWRENCE J LENITZ, 0000
 RICHARD LEPLATTENIER, 0000
 JAMES E LERUMS, 0000
 DANIEL T LESLIE, 0000
 WILLIAM D LETHGO, 0000

DWIGHT A LEWIS, 0000
 HERMAN B LIGHTSLEY JR., 0000
 PETER M LIMOGES, 0000
 PAUL D LINKENHOKER, 0000
 WALTER E LIPPINCOTT, 0000
 DAVID J LISENO, 0000
 DAVID A LIVELY, 0000
 ROBERT E LIVINGSTON JR., 0000
 JAMES E LOCKEMY, 0000
 FRAZER R LOCKHART, 0000
 RICHARD M H LOESCH, 0000
 WILLIAM L LOFTIS, 0000
 GARY W LONG, 0000
 SHAWN P LOVETT, 0000
 JAMES H LUCKETT, 0000
 CHARLES D LUCKEY, 0000
 DWIGHT D LUSK, 0000
 STEVEN K LUTTER, 0000
 JAMES R LYMAN, 0000
 JONATHAN C MAGEE, 0000
 JOHN P MAIETTA, 0000
 JOAN F MALLOY, 0000
 FREDERIC F MANGET, 0000
 ROBERT L MANNING, 0000
 GREGG A MARCHESSAULT, 0000
 MARC E MARSZALEK, 0000
 JACK MARTIN JR., 0000
 ROBERT R MARTIN, 0000
 PABLO MARTINEZ, 0000
 VICTOR MARTINEZBRANA, 0000
 JAY L MARTS, 0000
 JAMES D MARZE, 0000
 GEORGE J MATHAR, 0000
 FLEMING W MATHEWS III, 0000
 WILLIAM R MAY, 0000
 RICHARD H MAYNARD, 0000
 MICHAEL D MAZUK, 0000
 JOSEPH M MAZUREK, 0000
 MELVIN MCBRIDE, 0000
 MICHAEL P MCCAFFREE, 0000
 JAMES C MCCAUSTLAIN, 0000
 ELBERT A MCCOLLUM, 0000
 HARRY J MCDONOUGH III, 0000
 MICHAEL D MCGANDY, 0000
 ALVIN J MCGREW, 0000
 RODNEY D MCKITTRICK, 0000
 DOUGLAS E MCLEOD, 0000
 LESA M MCMANIGELL, 0000
 KENNETH B MCNEEL, 0000
 DAVID A MCPHERSON, 0000
 TERESA L MCSWAIN, 0000
 GARY R MEDEN, 0000
 ANGEL A MERCADO, 0000
 JOSEPH W MERCURI, 0000
 RODRIGUEZ L MILLAN, 0000
 HARRY E MILLER JR., 0000
 ROBERT A MILNER, 0000
 JOHN P MITCHAM, 0000
 DAVID B MITCHELL, 0000
 DAVID L MITCHELL, 0000
 TERRY J MITCHELL, 0000
 LESLIE L MOFFETT, 0000
 JEFFREY W MONTGOMERY, 0000
 JOHN M MORIHATKO, 0000
 RONALD O MORROW, 0000
 JOSEPH MOSCARELLO, 0000
 MICHAEL K MOYER, 0000
 DON A MURPHY, 0000
 MICHAEL J MURPHY, 0000
 KATHLEEN E MURRAY, 0000
 KENNETH E MUSSER, 0000
 JOHN E NELSON II, 0000
 BRETT E NILA, 0000
 ERNEST MARION NIX, 0000
 HAROLD W NOBLE, 0000
 MARY R NORRIS, 0000
 JAMES M NOVAK, 0000
 THET S NYUNT, 0000
 TIMOTHY J OBRIEN, 0000
 DANIEL S ODELL, 0000
 RAFAEL OFERRALL, 0000
 BLANE O OGATA, 0000
 SCOT T OLSON, 0000
 MARK P ORT, 0000
 MANUEL ORTIZ JR., 0000
 WILLIAM M OSELES, 0000
 GARY G OTTENBREIT, 0000
 CLYDE L OVERTON JR., 0000
 DALLAS W OVERTON, 0000
 DALLAS D OWENS JR., 0000
 DAVID S PATTERSON, 0000
 RICHARD G PATTERSON, 0000
 GARY D PAYNE, 0000
 WILLIAM B PEARRE, 0000
 ERIC C PECK, 0000
 RENELDA PELDUNASHARTER, 0000
 HOWARD A PELL, 0000
 JAY W PETERSON, 0000
 ROBERT J PETRICH, 0000
 TIMOTHY B PFRANG, 0000
 GREGORY K PIOTROWSKI, 0000
 ROBERT L PITTS, 0000
 TIMOTHY D POLLES, 0000
 WILLIAM Y PORTER, 0000
 ANDREW L POSEY, 0000
 WILLIE C PRATT, 0000
 ROBERT M PREVETTE, 0000
 JAMES R PULLEN, 0000
 BARNEY PULTZ, 0000
 WESLEY R QUERNS, 0000
 MANUEL L QUITTERIO III, 0000
 JAMES B RANEY, 0000

MARK A RASSAS, 0000
 JESSE T RAWLS JR., 0000
 HOSEA M RAY, 0000
 CARROLL A REED, 0000
 ADAM J REICH IV, 0000
 WILLIAM S REIN, 0000
 PRICE L REINERT, 0000
 STEVEN L REYNOLDS, 0000
 DAVIS M RICHARDSON, 0000
 DREW S RICKS, 0000
 EDWIN I RIVERA, 0000
 LLOYD W ROBERTS, 0000
 BETH A ROBISON, 0000
 CARLOS RODRIGUEZLOPEZ, 0000
 GUY A ROGERS II, 0000
 JOHN B RONEY, 0000
 JAMES V ROOT, 0000
 JESUSA S ROPER, 0000
 PHILIP L ROSER, 0000
 KEVIN B RUE, 0000
 PAUL S RUSINKO, 0000
 JAMES G RUSSELL, 0000
 MICHAEL P RYAN, 0000
 RALPH M C SABATINO, 0000
 ROBERT J SAMPL, 0000
 JAMES W SAMPLE, 0000
 HECTOR L SANCHEZ, 0000
 MAYNARD J SANDERS, 0000
 NAN C SANDERS, 0000
 ROBERT M SANDERS, 0000
 SCOTT D SANDERS, 0000
 DOUGLAS W SANFORD, 0000
 STEVEN D SAUNDERS, 0000
 CELIA M SCARBROUGH, 0000
 ROGER M SCHMITT, 0000
 CHRISTOPHER M SCHNAUBELT, 0000
 DOUGLAS G SCHNELLE, 0000
 JAMES A J SCHOETTLER, 0000
 ALLEN W SCHULTD, 0000
 WILLIAM L SEEKINS, 0000
 EDWARD D SETHNESS JR., 0000
 STEPHEN E SEWELL, 0000
 ALEXANDRA P SHATTUCK, 0000
 JOHN M SHAUGHNESSY III, 0000
 GARRETH E SHAW, 0000
 DAVID H SHELLEY, 0000
 DENNIS K SHEPPARD, 0000
 JOANNE F SHERIDAN, 0000
 CLIFFORD M SILSBY, 0000
 MICHAEL J SILVA, 0000
 GENE S SILVERBLATT, 0000
 WILLIAM J SIMMONS, 0000
 ROBERT H SIMPSON, 0000
 ROBERT D SINACOLA, 0000
 PATRICK T SKELLY, 0000
 THOMAS J SMEDLEY, 0000
 CARLON L SMITH, 0000
 ERIC A SMITH, 0000
 JOHN F SMITH, 0000
 JOHN W SMITH II, 0000
 MICHAEL M SMITH, 0000
 RANDALL E SMITH, 0000
 ROBERT L SMITH, 0000
 RUFUS J SMITH, 0000
 WILLIE J SMITH JR., 0000
 DONALD R SMOLINSKI, 0000
 JAMES M SNOWDEN, 0000
 MICHAEL G SODEN, 0000
 ROGER L SODEN, 0000
 MANUEL G SOTOMAYOR, 0000
 CHARLES L SPARKS, 0000
 STEVEN E SPATOLA, 0000
 GARY S SPRINGER, 0000
 CORTEZ T STANDARD, 0000
 LANCE J STANGE, 0000
 JAMES W STARKS JR., 0000
 SHELBY L STARLING, 0000
 CHARLES N STEED, 0000
 NORMAN E STEEN, 0000
 ROBERT C STEIGER, 0000
 RALPH E STEINER, 0000
 EUGENE A STOCKTON, 0000
 DONALD A STOFFA, 0000
 STEPHEN J STOMBER, 0000
 GARY W STRATTON, 0000
 RICKY W STREIGHT, 0000
 RICHARD C STROUD JR., 0000
 DONALD R SUTHERLAND, 0000
 WILLIAM N SWANDAL, 0000
 JOHN C SWARTS, 0000
 MICHAEL K SWEENEY, 0000
 MICHAEL C SWEZEY, 0000
 JOHN V SYLVESTER IV, 0000
 CHERIE D TAKAMI, 0000
 GEORGE R TANKERSLEY, 0000
 CRAIG D TATE, 0000
 MEGAN P TATU, 0000
 RICHARD M THEVEL, 0000
 CLARENCE E THOMAS, 0000
 DAVID W THOMPSON, 0000
 JOHN A THOMPSON, 0000
 KRIS P THOMPSON, 0000
 FLETCHER B THORNTON, 0000
 KEITH L THURGOOD, 0000
 JOHN N TOBIN, 0000
 ALBERT J TOCZYDLOWSKI, 0000
 EDWARD M TOLER, 0000
 FREDERICK W TONSING, 0000
 NICKOLAS P TOOLIATOS, 0000
 JOHN N TORRENCE JR., 0000
 PAUL E TRESSA JR., 0000
 MICHAEL J TUOHY, 0000

CHARLES R TURNER JR., 0000
 PAUL W TYLER, 0000
 FRED E UMPHREY, 0000
 JOSE USON JR., 0000
 STEVEN VALENTE, 0000
 JAMES E VANDEGRIFT JR., 0000
 KINGSLEY R VANDUZER, 0000
 JAMES B VAUGHT JR., 0000
 ALCIDES VELEZ JR., 0000
 GARRY L VEST, 0000
 JOSEPH M WADE, 0000
 GEORGE M WALDROUP, 0000
 RICHARD J WALKER, 0000
 GERALD L WARREN, 0000
 PAUL V WATERBURY, 0000
 FELTON WATKINS III, 0000
 MICHAEL K WEBB, 0000
 WILLIAM D WEBB, 0000
 STEVEN G WEEMS, 0000
 JAMES M WELLS, 0000
 JAY D WELLS, 0000
 MICHAEL E WELLS, 0000
 ROBERT WERNER JR., 0000
 THOMAS J WERNER, 0000
 CHESTER J WERNICKI, 0000
 JAMES E WEST, 0000
 LARRY A WEXLER, 0000
 DAVID J WHEELER, 0000
 CURTIS C WHITE, 0000
 WILLIAM T WHOBREY, 0000
 JACK I WIER, 0000
 DAVID A WIKER, 0000
 BRUCE A WILHELM, 0000
 JAMES W WILHITE, 0000
 LYLE A WILKES, 0000
 BLAKE E WILLIAMS, 0000
 DWIGHT E WILLIAMS, 0000
 GUY T WILLIAMS, 0000
 JOSEPH M WILLIAMS, 0000
 ROBERT J WILLIAMS, 0000
 SAMUEL T WILLIAMS, 0000
 DARREL A WILLIAMSON, 0000
 HENRY W WILSON, 0000
 GREG M WILZ, 0000
 CHRISTOPHER L WINSTON, 0000
 DONNA J WOELFEL, 0000
 PAUL T WOERNER, 0000
 STEPHEN A WOMACK, 0000
 BARRY M WOOFETER, 0000
 EDWARD D WOYCIK, 0000
 BENJAMIN WRIGHT JR., 0000
 WILLIAM E WRINKLE, 0000
 BLAINE M WYCKOFF, 0000
 DAVID C WYNN, 0000
 KERRY K C YEN, 0000
 JAMES W YOUNKER, 0000
 JAMES G YOUNG, 0000
 PETER A YOUNGBLOOD, 0000
 THOMAS K ZABASKY, 0000
 DOUGLAS K ZIMMERMAN II, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

JOHN B. STOCKEL, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

PHILIP F. STANLEY, 0000

FOREIGN SERVICE

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASS STATED, AND ALSO FOR THE OTHER APPOINTMENTS INDICATED HEREWITH:

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS TWO, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF COMMERCE

PATRICK C. HUGHES, OF THE DISTRICT OF COLUMBIA

DEPARTMENT OF STATE

LYNGRID SMITH RAWLINGS, OF THE DISTRICT OF COLUMBIA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS FOUR, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

WALLACE R. BAIN, OF OREGON
 BEVAN BENJAMIN, OF MISSOURI
 JENNIFER LARA CHRISTENSON, OF PENNSYLVANIA
 OWEN ANTHONY CLARKE, OF OHIO
 JEREMY A. CORNFORTH, OF WASHINGTON
 SARA M. CRAIG, OF COLORADO
 MICHAEL PHILIP EVANS, OF WEST VIRGINIA
 PATRICK MATTHEW GILLEN, OF VIRGINIA
 MAURICE F. GLORIOSO, OF ALABAMA
 DAVID C. GRIER, OF FLORIDA
 JOHN HALL GRIFFITH III, OF CALIFORNIA
 SARAH COOPER HALL, OF NEW YORK

KRISTEN J. HESLINK, OF NEW YORK
 MATTHEW C. HURLEY, OF NEW JERSEY
 CHRISTOPHER PATRICK JESTER, OF PENNSYLVANIA
 CHRISTOPHER KLEIN, OF NEW YORK
 BRUCE ROBERT KRAFT, OF CALIFORNIA
 PETER I. KUJAWINSKI, OF ILLINOIS
 JOHN F. LARREA, OF CALIFORNIA
 Yael LEMPERT, OF NEW YORK
 ERIN CATHLEEN MCCONAHA, OF NEW YORK
 ALEXANDRA KOTHMANN MCKNIGHT, OF TEXAS
 MARIO MCGWINN MESQUITA, OF CALIFORNIA
 BURKE O'CONNOR, OF CALIFORNIA
 TABITHA RUSSELL OMAN, OF THE DISTRICT OF COLUMBIA
 THOMAS ANDREW PALAIA, OF CONNECTICUT
 ALBERT ROBISON PYOTT, OF ILLINOIS
 KARL LUIS RIOS, OF VIRGINIA
 KEARN C. SCHEMM JR., OF VIRGINIA
 DREW F. SCHUFLETOWSKI, OF TEXAS
 DEBORAH LYNN SISBARRO, OF COLORADO
 ROBERT L. SKINNER, OF ILLINOIS
 LAURA MERRITT STONE, OF THE DISTRICT OF COLUMBIA
 MARJA DANIELLE VERLOOP, OF WASHINGTON
 ROBERT PATRICK WALLER, OF IDAHO
 JACQUELINE LEANN WARD, OF RHODE ISLAND
 SARAH EMILY WELBORNE, OF MARYLAND
 MEREDITH A. WOLNICK, OF CALIFORNIA

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE OF THE DEPARTMENT OF COMMERCE AND STATE TO BE CONSULAR OFFICERS AND/OR SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA, AS INDICATED:

CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

ANNEMARIE E. ALANO, OF VIRGINIA
 NATHAN C. ALANO, OF VIRGINIA
 SUSAN E. ANDREWS, OF VIRGINIA
 BRIAN R. BAUMAN, OF WASHINGTON
 AVERTANO S. BRAGANCA, OF NEW JERSEY
 SUSAN ELIZABETH BRIDENSTINE, OF IOWA
 KAREN M. BURNS, OF VIRGINIA
 JOHN J. CALLANAN, OF VIRGINIA
 PHILIP S. CARGILE, OF VIRGINIA
 ISABELLA G. CASCARANO, OF THE DISTRICT OF COLUMBIA
 BENJAMIN A. CLARK, OF VIRGINIA
 AARON M. COPE, OF WASHINGTON
 SCOTT T. CRAMER, OF VIRGINIA
 JOSEPHINE E. DANKO, OF VIRGINIA
 ROBERT J. DONOVAN JR., OF THE DISTRICT OF COLUMBIA
 CHRISTOPHER D. DOUGLASS, OF VIRGINIA
 JONATHAN W. DUBLIN, OF WASHINGTON
 MICHAEL A. EDSON, OF VIRGINIA
 CECILIA K. EL-KHATIB, OF VIRGINIA
 JONATHAN FLOSS, OF NEW YORK
 KYLE DUSTIN FOGGO, OF VIRGINIA
 RODNEY DELANEY FORD, OF TENNESSEE
 LISA C. FREESE, OF VIRGINIA
 JAMES E. FREITAS, OF VIRGINIA
 HOLLY M. FRIDHOLM, OF FLORIDA
 PATRICIA GASKILL-SALVADOR, OF CALIFORNIA
 JEFFREY G. GIAUQUE, OF UTAH
 BRIAN MITCHELL GIBEL, OF NEW YORK
 LAURA J. GRITZ, OF WASHINGTON
 AMANDA J. HARDER, OF FLORIDA
 LARA HARRIS, OF ARIZONA
 STEPHEN K. HARRISON, OF NORTH CAROLINA
 SARAH OLIVIA HAUPTMAN, OF NEW YORK
 CLAYTON PORTER HAYS, OF TEXAS
 BIRGITTA S. HOGGREN, OF ILLINOIS
 ERIC K.P. HSU, OF OREGON
 STEPHEN R. JACQUES, OF VIRGINIA
 ROBERT DOUGLAS JANKE, OF TEXAS
 BRANDON LEE JONES, OF VIRGINIA
 KRISTIN M. KANE, OF CALIFORNIA
 AUGUSTUS F. KANGAS, OF THE DISTRICT OF COLUMBIA
 FRANK R. KATTERMAN, OF THE DISTRICT OF COLUMBIA
 ROBERT T. KOEPCKE, OF PENNSYLVANIA
 PREM KUMAR, OF NEW YORK
 CLARK DARROW LEDGER, OF NEVADA
 DIANE M. LEWIS, OF FLORIDA
 ELLA A. LUTTRELL, OF MARYLAND
 OMAR A. MAHMOOD, OF THE DISTRICT OF COLUMBIA
 DANA T. MALEC, OF THE DISTRICT OF COLUMBIA
 BARBARA JO MASILKO, OF NEBRASKA
 ERIC M. MENTZ, OF VIRGINIA
 JASON W. MILLER, OF NORTH DAKOTA
 DARSİ R. MYERS-LANZER, OF VIRGINIA
 GREGORY J. O'CONNOR, OF VIRGINIA
 LEYLA L. ONES, OF FLORIDA
 THOMAS JONATHAN PACK, OF THE DISTRICT OF COLUMBIA
 MATTHEW S. PARK, OF VIRGINIA
 JEFFREY CARL PATMORE, OF CALIFORNIA
 THOMAS E. REOTT, OF OHIO
 PHILIP JOCELYN RICHARDS, OF NEW YORK
 ROBERT A. ROTHACKER, OF FLORIDA
 EDWARD M. RUSSO, OF VIRGINIA
 NATHALIE C. RUSSO, OF VIRGINIA
 MATTHEW SANDELANDS, OF CALIFORNIA
 FATUMA YASSIN SANNHEH, OF MICHIGAN
 NICOLE C. SCHMIDT, OF THE DISTRICT OF COLUMBIA
 RACHEL SCHNELLER, OF MONTANA
 ELIZABETH NOLAN SCHWEEFLER, OF THE DISTRICT OF COLUMBIA
 LORINDA C. SHAW, OF THE DISTRICT OF COLUMBIA
 KAREN M. SMITH, OF UTAH
 GREGORY S. STEIN, OF VIRGINIA
 WILLIAM WINTHER SULLIVAN, OF TEXAS
 TIMOTHY D. SWANSON, OF NEBRASKA
 PAULETTE SYKES, OF THE DISTRICT OF COLUMBIA

CRAIG L. TADKEN, OF MARYLAND
 WILLIAM R. TALLAFERRO, OF OREGON
 SCOTT COOPER TURNER, OF WASHINGTON
 MARGARET TWEEDY, OF VIRGINIA
 SCOTT EUGENE URBOM, OF UTAH
 GWENDOLYN SIEFERT WEBB, OF TEXAS
 SHARON ANN WEBER-RIVERA, OF NEW YORK
 JOANNA ROSE WEINZ, OF WASHINGTON
 GREG WIEGAND, OF CALIFORNIA
 AUGUSTUS V. WILBERDING, OF VIRGINIA
 PARKER S. WISE III, OF VIRGINIA
 ROBERT BOOTH YOUNG, OF CALIFORNIA
 MASON YU, OF WASHINGTON

THE FOLLOWING-NAMED PERSONS OF THE DEPARTMENT OF STATE FOR APPOINTMENT AS CONSULAR OFFICERS AND SECRETARIES IN DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

KATHLEEN T. ALBERT, OF FLORIDA
 B. BIX ALIU, OF ILLINOIS
 ROBERT SCOTT ALLISON, OF THE DISTRICT OF COLUMBIA
 G. LINDA AMINTINAT, OF CONNECTICUT
 GINA M. ANDREWS, OF THE DISTRICT OF COLUMBIA
 LAURA A. AROMAKI, OF VIRGINIA
 EUGENE BAE, OF KANSAS
 PAUL R. BALDWIN, OF WASHINGTON
 LAURA S. BALLMAN, OF THE DISTRICT OF COLUMBIA
 MICHAEL J. BAVISOTTO, OF VIRGINIA
 CHASE A. BEAMER, OF THE DISTRICT OF COLUMBIA
 KAREN REDDINGER BEL, OF LOUISIANA
 STACEY E. BLAU, OF THE DISTRICT OF COLUMBIA
 JANE ELLEN BOCKLAGE, OF VIRGINIA
 CLAYTON ALAN BOND, OF MICHIGAN
 STEPHANIE LYNNE BOWERS, OF OHIO
 RICHARD JAMES BRACKEN, OF THE DISTRICT OF COLUMBIA
 BENJAMIN A. BROWN II, OF VIRGINIA
 CYNTHIA A. BROWN, OF CALIFORNIA
 STEPHANIE A. BUNCE, OF VIRGINIA
 SAMANTHA A. CARL, OF NEW YORK
 RAYMOND ALEXANDER CASTILLO, OF THE DISTRICT OF COLUMBIA
 CHRISTINA JEANNE CAVALLO, OF VIRGINIA
 LOREN E. CHOVAN, OF CALIFORNIA
 TIMOTHY L. CIPULLO, OF COLORADO
 MICHAEL D. COLE, OF COLORADO
 JIMMIE L. COLLINS, OF COLORADO
 KAREN NOEL COVERT, OF ILLINOIS
 LAURA GABRIELLE COWAN, OF THE DISTRICT OF COLUMBIA
 MARK STEPHEN CROSS, OF TEXAS
 NANCY S. CUNNINGHAM, OF GEORGIA
 CHRISTINE MARIE VITTORIA DAL BELLO, OF CALIFORNIA
 CAROLYN YVETTE DAVIDSON, OF MARYLAND
 JESSIE DEBUSSCHERE, OF CALIFORNIA
 CARON DE MARS, OF TEXAS
 DANA DAVID DERE, OF ARKANSAS
 DANIEL C. DEYO, OF VIRGINIA
 JOSEPH E. DIETZ, OF VIRGINIA
 MARGARET BRUMFIELD DIOP, OF CALIFORNIA
 GREGORY P. DRAZEK, OF MARYLAND
 BLANCHE REGINA DUDLEY, OF VIRGINIA
 MICHAEL L. DUNKLEY SR., OF VIRGINIA
 KATHLEEN M. EAGEN, OF THE DISTRICT OF COLUMBIA
 SHAU LING ECKERT, OF VIRGINIA
 DANIEL J. ERNST, OF PENNSYLVANIA
 SCOTT R. FAGAN, OF THE DISTRICT OF COLUMBIA
 THEODORE R. FAHS, OF VIRGINIA

SHARON E. FEISER, OF VIRGINIA
 JOHN W. FLESHMAN JR., OF THE DISTRICT OF COLUMBIA
 MICHAEL S. FLORES JR., OF CALIFORNIA
 WILLIAM JOHN FLYNN III, OF VIRGINIA
 CHARLES FORD, OF VIRGINIA
 KAREN W. FORD, OF THE DISTRICT OF COLUMBIA
 JOHN T. FRANCIS, OF VIRGINIA
 SCOTT A. GAEDE, OF VIRGINIA
 DANIELLE N. GARBE, OF WASHINGTON
 KEITH R. GILGES, OF FLORIDA
 GUSTAV GOGGER JR., OF VIRGINIA
 ALEX DAVID GREENSTEIN, OF WEST VIRGINIA
 MEGHAN GREGONIS, OF PENNSYLVANIA
 SARAH L. GROEN, OF NEW HAMPSHIRE
 DAVID M. GROVE, OF VIRGINIA
 HUGO A. GUEVARA, OF FLORIDA
 BRUCE BRADFORD GUTHRIE, OF VIRGINIA
 RYAN D. HALEY, OF NEW HAMPSHIRE
 TIM O'NILEE HALL III, OF SOUTH CAROLINA
 MICHAEL P. HANKEY, OF THE DISTRICT OF COLUMBIA
 PAUL QUENTIN HARRISON, OF ILLINOIS
 MARNIE HAUSAUER, OF VIRGINIA
 SARAH ELIZABETH HAYES, OF ILLINOIS
 CATHERINE A. HENDRICKSEN, OF VIRGINIA
 WALTER A. HENDRICKSEN, OF VIRGINIA
 JOSE H. HERNANDEZ, OF VIRGINIA
 MALIA VENIE HEROUX, OF MARYLAND
 DOUGLAS I. HEWITT, OF VIRGINIA
 MICHAEL D. HONIGSTEIN, OF FLORIDA
 JOSHUA HUCK, OF NEW YORK
 TIMOTHY JOHN HUIZAR, OF THE DISTRICT OF COLUMBIA
 PATRICIA A. HULINGS, OF VIRGINIA
 CHRISTOPHER S. HUTTLESTON, OF THE DISTRICT OF COLUMBIA
 MICHAEL A. JIMENEZ, OF VIRGINIA
 MOISES E. JULIAO, OF VIRGINIA
 RANDALL HOKU-AO KAAILAU, OF HAWAII
 JOAN E. KANE, OF CALIFORNIA
 PAULINE A. KAO, OF WASHINGTON
 MICHAEL KELLEHER, OF NEW YORK
 ARTHUR B. KELLER, OF VIRGINIA
 JOHN CHRISTOPHER KELLEY, OF THE DISTRICT OF COLUMBIA
 ALAN EDWARD KENT, OF VIRGINIA
 D. JOHN T. KNILEY, OF VIRGINIA
 CATHERINE N. LAKE, OF MARYLAND
 JAMES R. LAKE, OF MARYLAND
 ALLISON J. LEE, OF OHIO
 JASON D. LEWIS, OF VIRGINIA
 R. MICHAEL LOVELADY, OF TEXAS
 KENNETH D. LUM, OF VIRGINIA
 ROSEMARY R. MACRAY, OF FLORIDA
 PETER J. MARIGLIANO, OF VIRGINIA
 JON LATON MARTINSON, OF VIRGINIA
 LESLIE LEON MCBRIDE, OF VIRGINIA
 MONICA E. MCGARRAGHY, OF VIRGINIA
 ANDREW JAMES MCLEAN, OF OHIO
 JOSEPH B. NELSON MELLOTT, OF THE DISTRICT OF COLUMBIA
 BLANCA E. MENENDEZ, OF VIRGINIA
 FRANK L. MILHOUS, OF VIRGINIA
 CRAIG F. MILLER, OF THE DISTRICT OF COLUMBIA
 RENO MOGAMI, OF VIRGINIA
 GREGORY M. MOHRMAN, OF MARYLAND
 DONALD DEVON MOORE, OF VIRGINIA
 VERONICA MUNIZ, OF TEXAS
 SHANNON K. NAGY, OF IDAHO
 NANCY J. NOREM, OF VIRGINIA
 JOHN D. NYLIN, OF CALIFORNIA

DANIEL B. O'CONNOR, OF MARYLAND
 BISOLA OJKUTU, OF WASHINGTON
 ERIKA ANN OLSON, OF WASHINGTON
 RICHARD J. O'SHEA, OF NEW YORK
 ANDREW HAK OU, OF HAWAII
 SUSAN M. PALMS, OF VIRGINIA
 TIFFANY L. PARKER, OF VIRGINIA
 LEAH MICHELLE PEASE, OF CALIFORNIA
 JILL C. PETERS, OF VIRGINIA
 CALVIN PETERSON, OF OHIO
 JEFFREY J. PFISTER, OF MARYLAND
 MALCOLM D. PICKETT, OF VIRGINIA
 WILLIAM J. PIDGEON, OF FLORIDA
 SUSAN K. RADDANT, OF WISCONSIN
 KATHARINE MONIQUE READ, OF CALIFORNIA
 JEANETTE M. REBERT, OF PENNSYLVANIA
 MARK E. RINCON, OF TEXAS
 BRUCE U. ROETT, OF VIRGINIA
 ALEXANDER G. ROMERO, OF VIRGINIA
 THOMAS M. ROSENBERGER, OF TENNESSEE
 CHAD W. RUEPFLI, OF TEXAS
 ERIN E. RUPPRECHT, OF VIRGINIA
 ANN MOFFETT RYAN, OF NEW JERSEY
 HEIDI ANN SCHMIDT, OF VIRGINIA
 DAVID M. SCHNIER, OF THE DISTRICT OF COLUMBIA
 KERRY A. O. SCHNIER, OF THE DISTRICT OF COLUMBIA
 R. SCOTT SPELLMEYER, OF VIRGINIA
 MARK A. STAMILIO, OF VIRGINIA
 MOLLY L. STEPHENSON, OF VIRGINIA
 ZEENAT MUNSHI SYED, OF TEXAS
 ZIA SYED, OF TEXAS
 CANDACE R. TAFT, OF VIRGINIA
 RIA M. THOMAS, OF VIRGINIA
 ROBERT WARREN THOMAS, OF VIRGINIA
 DANIEL A. TRAVIS, OF CALIFORNIA
 WILLIAM F. VAN PILSUM, OF VIRGINIA
 SHAWN L. WADDOUPS, OF UTAH
 THOMAS J. WALLIS, OF MARYLAND
 NICOLE E. WEBER, OF NEW JERSEY
 PATRICK J. WENINGER, OF VIRGINIA
 STEVEN T. WESTON, OF VIRGINIA
 AMY MARIE WILHEM, OF THE DISTRICT OF COLUMBIA
 JAMES B. WILLIAMS, OF LOUISIANA
 THOMAS W. WOLF, OF NEW YORK
 W. DAVID WOMBLE, OF NORTH CAROLINA
 SUNGHWAN YI, OF VIRGINIA

CONFIRMATIONS

Executive nominations confirmed by the Senate November 27, 2001:

TENNESSEE VALLEY AUTHORITY

WILLIAM BAXTER, OF TENNESSEE, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE TENNESSEE VALLEY AUTHORITY FOR THE TERM EXPIRING MAY 18, 2011.

WILLIAM BAXTER, OF TENNESSEE, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE TENNESSEE VALLEY AUTHORITY FOR THE REMAINDER OF THE TERM EXPIRING MAY 18, 2002.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

HOUSE OF REPRESENTATIVES—Tuesday, November 27, 2001

The House met at 2 p.m. and was called to order by the Speaker pro tempore (Mrs. BIGGERT).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
November 27, 2001.

I hereby appoint the Honorable JUDY BIGGERT to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Gracious and living God, we praise You and bless You for faith, family, and friends. We are blessed to be part of this Nation which annually turns to You on Thanksgiving to acknowledge Your history of blessings on these United States.

We have been blessed again this year to have celebrated this feast with table companions who are dear to us, and whom we count as one of Your blessings.

Now that Members have returned to the work of this 107th Congress, we ask You to guide them in their deliberations. May the gracious attitude of the recent holiday descend upon this House so that everyone may be a blessing to one another in spoken wisdom and listening and in friendship.

In gratitude to You for serving the people of this Nation all find a commonality that supersedes differences. Make all the Members of Congress grateful for Your calling them to serve here, now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Florida (Ms. ROS-LEHTINEN) come forward and lead the House in the Pledge of Allegiance.

Ms. ROS-LEHTINEN led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

LET THE PEOPLE INTO THE WHITE HOUSE AND THEIR U.S. CAPITOL

(Ms. NORTON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. NORTON. Madam Speaker, I want to welcome my colleagues back after the Thanksgiving recess. While they were gone, Christmas almost got canceled; but this morning, there is a reversal of the Secret Service decision to close the National Christmas Tree lighting to the public, I believe because the White House intervened. I very much appreciate it, if that is what happened.

With a little more thought, the White House could reverse the decision to deny access to the beautiful Christmas tree decorations in the White House itself. For example, if people were to leave their Social Security numbers ahead of time, as visitors do now, we could give at least some access.

The House needs to follow suit and begin tours of the Capitol again. This, too, is not rocket science. It is particularly inappropriate for the people's House to continue to deny access. Let us resume the Christmas spirit that has always been a part of the Nation's Capitol, and especially of the people's House. Let the people into this House and into this Capitol.

RESIGNATION FROM THE HOUSE OF REPRESENTATIVES

The Speaker pro tempore laid before the House the following resignation from the House of Representatives:

HOUSE OF REPRESENTATIVES,
Washington, DC, November 15, 2001.

Hon. J. DENNIS HASTERT,
*The Office of the Speaker,
Capitol, Washington, DC.*

DEAR DENNY: I am writing to inform you that February 15, 2002 has been set in Oklahoma as the date for my resignation from Congress. I am pleased to report that the Oklahoma legislature recently passed a law that will ensure that Oklahoma's 1st Congressional District will not go unrepresented as I make the transition to a full-time campaign for governor. The law required that I make my intent to resign irrevocable, which I have communicated to Oklahoma's Secretary of State.

Serving in the House of Representatives has been one of the greatest honors and chal-

lenges of my life. I want to thank you for your leadership, your steadfastness in the pursuit of our ideals, and for your friendship during the past few years. While I will miss working alongside my colleagues in Congress, I am eager to fight for the principles our party stands for as the next governor of Oklahoma.

Please do not hesitate to contact me or my chief of staff, Mike Willis, if you have any questions regarding this transition.

Sincerely,

STEVE LARGENT,
Member of Congress.

Enclosure.

HOUSE OF REPRESENTATIVES,
Washington, DC, October 26, 2001.

Hon. MIKE HUNTER,
*Oklahoma Secretary of State,
Oklahoma City, OK.*

DEAR SECRETARY HUNTER: Pursuant to enrolled Senate Bill Number 7X, enacted and signed by the Governor this week during the first extraordinary session of the 48th Legislature, please accept this letter as official notice of my resignation as Congressman of the First District of Oklahoma. This resignation is irrevocable and shall become effective on February 15, 2002.

My decision to leave was made after much prayer and consideration for the constituents I now serve. It has been an honor and a privilege to have served as the Representative for the people of the First District.

Sincerely,

STEVE LARGENT,
Member of Congress.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair announces that she will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken after debate has concluded on motions to suspend the rules, but not before 6:30 p.m. today.

Any record vote, if ordered, on a concurrent resolution expressing the gratitude of the House of Representatives to the General Accounting Office and its employees will be taken tomorrow.

AFGHAN WOMEN AND CHILDREN RELIEF ACT OF 2001

Ms. ROS-LEHTINEN. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 1573) to authorize the provision of educational and health care assistance to the women and children of Afghanistan.

The Clerk read as follows:

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

S. 1573

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Afghan Women and Children Relief Act of 2001".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) In Afghanistan, Taliban restrictions on women's participation in society make it nearly impossible for women to exercise their basic human rights. The Taliban restrictions on Afghan women's freedom of expression, association, and movement deny women full participation in society and, consequently, from effectively securing basic access to work, education, and health care.

(2) Afghanistan has one of the highest infant (165 of 1000) and child (257 of 1000) mortality rates in the world.

(3) Only 5 percent of rural and 39 percent of urban Afghans have access to safe drinking water.

(4) It is estimated that 42 percent of all deaths in Afghanistan are due to diarrheal diseases caused by contaminated food and water.

(5) Over one-third of Afghan children under 5 years of age suffer from malnutrition, 85,000 of whom die annually.

(6) Seventy percent of the health care system in Afghanistan is dependent on foreign assistance.

(7) As of May 1998, only 20 percent of hospital medical and surgical beds dedicated to adults were available for women, and thousands of Afghan women and girls are routinely denied health care.

(8) Women are forbidden to leave their homes without being escorted by a male relative. This prevents many women from seeking basic necessities like health care and food for their children. Doctors, virtually all of whom are male, are also not permitted to provide certain types of care not deemed appropriate by the Taliban.

(9) Before the Taliban took control of Kabul, schools were coeducational, with women accounting for 70 percent of the teaching force. Women represented about 50 percent of the civil service corps, and 40 percent of the city's physicians were women. Today, the Taliban prohibits women from working as teachers, doctors, and in any other occupation.

(10) The Taliban prohibit girls and women from attending school. In 1998, the Taliban ordered the closing of more than 100 privately funded schools where thousands of young women and girls were receiving education and training in skills that would have helped them support themselves and their families.

(11) Of the many tens of thousands of war widows in Afghanistan, many are forced to beg for food and to sell their possessions because they are not allowed to work.

(12) Resistance movements courageously continue to educate Afghan girls in secrecy and in foreign countries against Taliban law.

SEC. 3. AUTHORIZATION OF ASSISTANCE.

(a) **IN GENERAL.**—Subject to subsection (b), the President is authorized, on such terms and conditions as the President may determine, to provide educational and health care assistance for the women and children living in Afghanistan and as refugees in neighboring countries.

(b) **IMPLEMENTATION.**—(1) In providing assistance under subsection (a), the President shall ensure that such assistance is provided in a manner that protects and promotes the

human rights of all people in Afghanistan, utilizing indigenous institutions and nongovernmental organizations, especially women's organizations, to the extent possible.

(2) Beginning 6 months after the date of enactment of this Act, and at least annually for the 2 years thereafter, the Secretary of State shall submit a report to the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on International Relations of the House of Representatives describing the activities carried out under this Act and otherwise describing the condition and status of women and children in Afghanistan and the persons in refugee camps while United States aid is given to displaced Afghans.

(c) **AVAILABILITY OF FUNDS.**—Funds made available under the 2001 Emergency Supplemental Appropriations Act for Recovery from and Response to Terrorist Attacks on the United States (Public Law 107-38), shall be available to carry out this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentlewoman from Nevada (Ms. BERKLEY) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida (Ms. ROS-LEHTINEN).

GENERAL LEAVE

Ms. ROS-LEHTINEN. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the Senate bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. ROS-LEHTINEN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, as Chair of the Subcommittee on International Operations and Human Rights, and as an original cosponsor of the House companion, I rise in support of the Afghan Women and Children Relief Act of 2001.

In 1996, a heavy shroud was placed on the people of Afghanistan when the Taliban captured Kabul. From that moment onward, the Taliban took the peaceful and sacred scriptures of the Holy Koran and distorted them into a rulebook of terror.

Through their creation of the Department for Promotion of Virtue and the Prevention of Vice, the Taliban enforced a perverse rendition of Islam which gruesomely joined prayer with the barbaric practices of beatings, torture, rape, and executions.

But the Taliban's brutality and blatant disregard for the lives and well-being of the Afghan people was perhaps most clearly evident among half of its population, the women of Afghanistan, who bear the deepest scars.

Made widows and orphans by the will of the Taliban, the same women who once made up 50 percent of Afghanistan's doctors, nurses, teachers, college

students, and diplomats, have been made destitute, sick, and marginalized.

The Taliban further banned them from receiving any education past the age of 8, for which the curriculum was limited to the Taliban's corrupted version of the Koran. In the year 2000, the United Nations educational, scientific, and cultural organization estimated that as few as 3 percent of Afghan girls were receiving primary education.

The gender adviser to the U.N. in Afghanistan further reported that female literacy was approximately 4 percent versus 30 percent for males.

Women in Afghanistan were further alienated by the denial of proper medical treatment. They could only be treated by male doctors in certain hospitals; and when allowed to be treated, the male doctor was prohibited from examining her unless she was fully clothed in Taliban-approved garb.

Further, the doctor could not touch her, thus limiting the possibility of any medical diagnosis or meaningful treatment.

Throughout, the indomitable will and courage of Afghan women have helped them endure these most deplorable circumstances. While the end of the Taliban's oppressive rule is now palpable, the struggle of Afghan women to save themselves and their children from disease and starvation, their hope for a future for peace, freedom, and democracy continues.

How can we discuss the future of Afghanistan without first addressing the humanitarian crisis which engulfs its people? We cannot. How can we talk about reconstruction when half of its population, its women, have been marginalized, and when many of its future leaders, the children of Afghanistan, barely survive past the age of 5?

This bill seeks to address these grave concerns. The legislation before us today is about helping to save lives by focusing U.S. assistance on providing basic medical care to the women and children inside Afghanistan and those living in refugee camps outside their beleaguered country.

This bill is about helping to secure a future of hope and prosperity for women and children by calling on the President to provide educational assistance for these two critical sectors of Afghan society. It lays the groundwork for democratic principles, as it requires the protection and promotion of human rights for all the people of Afghanistan.

It builds on the ingenuity and the courage of the Afghan population by recommending that institutions and nongovernmental organizations, especially women's organizations, be used to the extent possible.

The U.S. and the international community should invest in these efforts, as they can afford the greatest access to those who are suffering the most.

The value and importance of using indigenous women's organizations is perhaps best reflected in the health sector. In the refugee camps of Pakistan, for example, most medical assistance is provided by the Pakistan directorate for health.

However, in instances where camp-based medical units are operating, women's access is restricted due to the transportation problems and cultural restrictions on mobility which require that women be escorted by a male relative, among many other restrictions. As a result, there have been frequent complaints from Afghan women about the quality of the services provided.

Immediately, Afghan women NGOs began to work on filling the gaps from multiple angles, running small clinics and providing mothers and children with basic medical assistance so they may live long and healthy lives.

□ 1415

This is what the bill that we are considering today supports, Madam Speaker.

The legislation also acknowledges and supports the impressive work of Afghan women's groups in filling the educational void created by the Taliban's oppressive and discriminatory practices against women. Several women-led organizations have established and are operating home schools to afford this forgotten and marginalized sector of Afghan society with the opportunities denied to them by the Taliban and their perverse interpretation of Islam. Many are involved in the provisions of education within the refugee context and running schools in the camps, adult literacy classes, and English language training.

Indeed, Afghan women's groups are not novices to humanitarian response activities. Beginning with the decade-long Soviet occupation of their country, more and more Afghan women's organizations have emerged to address a variety of needs, particularly in the areas of medical care, education and, in recent years, trauma counseling and rights awareness.

Throughout the years they have refined their skills and gained expertise through working in United Nations' agencies as administrative staff and as implementers of assistance programs both inside and outside of Afghanistan. Some examples include UNICEF projects as well as refugee resettlement protection programs with the Office of U.N. High Commissioner for Refugees.

Afghan women and groups that they lead have also entered into symbiotic relationships with international NGOs as implementers of their programs, programs such as CARE's widow's feeding program in Kabul and Action Contre La Faim's programs for malnourished children in many locations.

These are the types of activities that this bill supports, activities which, in

turn, are vital to the welfare of Afghan women and children; activities which, in turn, will help ensure that women will be prepared to actively participate in the future of their country.

This bill is about relief and survival. It is about life.

As Surah 5 of the holy Koran reads, "He who wrongfully slays another would be as if he slew the whole people; and if any one save a life, it would be as if he saved the life of the whole people."

The Congress of the United States must act to save one life at a time and, by that, do what we can to help save the people of Afghanistan. We can begin by rendering our full support to the legislation before us today.

Madam Speaker, I reserve the balance of my time.

Ms. BERKLEY. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in strong support of this bill. We are well aware of the horrendous treatment that women have received in Afghanistan under the Taliban rule. The Taliban restrictions on women's participation in society have made it nearly impossible for women to exercise their basic human rights. Women have essentially been prevented from securing basic access to work, education and health care. These restrictions on women also prevented them from adequately providing and caring for their children.

It will come as no surprise to anyone in this Chamber that, after 2 decades of conflict and 6 years of Taliban rule, Afghanistan has one of the highest infant and child mortality rates in the world. Only 5 percent of rural and one-third of urban Afghans have access to safe drinking water. Over one-third of Afghan children under 5 years of age suffer from malnutrition; 85,000 die annually.

During the years of Taliban rule in Afghanistan, women were not made to feel subservient. It is far more insidious than that. Women were made invisible. They became non-people.

Any woman can endure this for herself, but not to be able to protect your children, to see them go without food and watch their small bodies shrivel up and die, to see them sick and suffering and not being able to provide medicine or medical attention to heal them and save them, to watch their young minds atrophy for lack of an education, this is too much for any woman to bear.

Madam Speaker, this bill takes a significant first step to ensure that, as we move forward in helping the people of Afghanistan reclaim their lives and rebuild their society, that we give particular emphasis to the needs of women and children. I am sure that everyone who rejoiced at the sight of women lifting off their veils, men shaving their beards and children dancing to music

in the streets of Kabul just 2 weeks ago will also understand the symbolic importance of this legislation.

H.R. 1573 sends an important message to the women and children of Afghanistan, and I hope all of my colleagues will support it.

Madam Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Madam Speaker, I yield 5 minutes to the sponsor of the legislation, the gentlewoman from Ohio (Ms. PRYCE).

Ms. PRYCE of Ohio. Madam Speaker, I thank my friend, the gentlewoman from Florida, for yielding me time and for her hard work and dedication to this issue. I would also like to thank my good friend, the gentlewoman from Illinois (Mrs. BIGGERT), for all of her work and assistance on this bill, along with the gentleman from Illinois (Chairman HYDE) for his help.

Madam Speaker, I rise in the strongest support for the Afghan Women and Children Relief Act. This legislation authorizes our President to use funding from the 2001 Emergency Supplemental under such terms and conditions as he may decide to provide health and educational assistance to the women and children of Afghanistan.

As we all know, the plight of women and children under the ruling Taliban regime and their terrorist allies has been dire. As recognized by this legislation, Taliban restrictions on women's participation in society made it nearly impossible for women to exercise their basic human rights. The restrictions on Afghan women's freedom of expression, association and movement denied women full participation in society and, consequently, kept them from effectively securing basic access to work, education and even health care.

Under Taliban rule, women were beaten and in some cases shot for simply leaving their homes unaccompanied, even if only to seek medical attention for a sick child. The heavy suffering of Afghan women has been unthinkable and immeasurable. As described by one Afghan woman, the owner of a secretly run beauty shop, "It was like being in prison," she said. "We had no life. We were not people."

Madam Speaker, there is a tide in the course of human history. Taken at its height it can lead to progress, to advancement, to success; but missed it can leave any cause trapped in shallow water. Therefore, we must act with haste and determination when the current moves and the water is deep with opportunity. Madam Speaker, the current is moving.

The tide of history is nearing a peak moment in Afghanistan, and this legislation provides the tools to respond.

The Taliban, along with their record of brutal oppression, are being driven out of the country and out of power, and women have already begun to emerge from beneath their burkas.

They are awakening to what I deeply hope will be a new day. There has rarely been a more important moment, a more crucial time than this.

While women may be free of the hand of Taliban injustice, we do not know what lies ahead for them. Therefore, at this time of change and uncertainty we must act to give the women of Afghanistan hope and to help them reclaim their dignity, respect and, ultimately, their right and equal place in society.

Life for women before the Taliban stands in stark contrast to the last 5 years. Over time, the drive towards greater rights for women was moving forward. In the 1920s, Afghan women received the right to vote; and in the 1960s, the Afghan constitution recognized their equality.

By the early 1990s, in Kabul, women represented 70 percent of schoolteachers, 50 percent of government workers and 50 percent of doctors. To say the very least, the cause of women's rights in Afghanistan suffered a major setback under Taliban rule.

President Bush and the First Lady have recognized the dire plight of Afghan women. The administration is already taking steps to cast light on the evil that has been done to Afghan women and has spoken out in favor of giving women a voice in their new government, along with the right to economic freedom.

Congress must do its part in this important effort by giving the President the resources to help these women recover from the years of abuse they have suffered. This means providing most basic health care and educational assistance, which will authorize the President over the next 3 years to provide targeted funding to aid organizations already on the ground. Through our work, we can help Afghan women to regain their footing.

Madam Speaker, we may never be able to understand why the Taliban chose a path of such brutality and oppression. It certainly does not come from Islam, which teaches peace and respects human rights. In fact, in many other parts of the Muslim world, women play important roles as doctors, teachers, journalists, lawyers, diplomats and other professionals. It is not the Muslim religion which has oppressed women in Afghanistan. It is hate, fear and the injustice of the Taliban.

After the Taliban began their retreat, one woman who was among the first women to read the news at Radio Afghanistan burned her burka. She said, "Now I see the sunlight, and it is so beautiful." Madam Speaker, all the women of Afghanistan deserve to see the sunlight. Let us play our part by passing important legislation.

Ms. BERKLEY. Madam Speaker, I yield as much time as she may consume to the distinguished gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Madam Speaker, I thank the gentlelady for the recognition and commend her for managing her first bill. How appropriate that the gentlewoman from Nevada (Ms. BERKLEY) would be managing the bill to assist Afghan women, a bill sponsored by women, for women and managed by women, presided over by women.

I commend the gentlewoman from Florida (Ms. ROS-LEHTINEN) for her excellent statement and leadership and the gentlewoman from Ohio (Ms. PRYCE) for her leadership as the author, along with the gentlewoman from California (Ms. MILLENDER-MCDONALD) for her leadership on this important bill.

I, too, want to join in commending the Bush administration. It was quite a remarkable day when the First Lady of our country, for the very first time maybe, addressed the White House radio address alone on an issue, and how appropriate that that issue would be the plight of Afghan women and the need for there to be more assistance from the United States. Yes, to help with medical and humanitarian assistance but also to ensure that in the government that is formed in Afghanistan that women will have a leadership role and be part of the decision making.

Our colleagues have very clearly spelled out the suffering of the Afghani women during the time of the Taliban regime, and indeed even preceding that girls were not educated fully in Afghanistan. Preceding the takeover by the Taliban, women constituted 70 percent of the teachers in Afghanistan, 50 percent of the government workers, 40 percent of the health professionals; and, of course, with the onset of the Taliban regime they were forbidden from working. Women suffered, girls suffered, but everyone suffered. Who taught the little boys? Because 70 percent of the teachers were women. So everyone in Afghanistan suffered, and everyone in Afghanistan will benefit under the provisions of H.R. 3330 which authorizes educational and health care assistance to the women and children of Afghanistan.

Madam Speaker, I think it is important to note that the United States is the single largest contributor of a huge amount of humanitarian assistance to Afghanistan, and this well preceded September 11, very much preceded September 11.

I was pleased to serve under my ranking member, the gentlewoman from New York (Mrs. LOWEY), and was our former ranking member on the Committee on Foreign Operations with the gentleman from Alabama (Mr. CALAHAN) as my chairman. He beefed up, I would say, the Child Survival Account, now we call it the Callahan Account, now under the gentleman from Arizona (Mr. KOLBE).

We appreciate this authorization coming as it does. When we go back to

do the appropriation for next year, we will be fully armed with the authority to take money as it spells out in the bill from the Child Survival and Health Programs, UNICEF, immunization, safe injections, maternal health, medical equipment, women and development, children's basic education and refugee assistance, and whatever other accounts and amounts might be available under the 2001 Emergency Supplemental Appropriations Act.

One other point I want to make, Madam Speaker, is I think women of America deserve a great deal of commendation because they early on talked about the plight of women in Afghanistan long before September 11. It is completely appropriate that the Congressional Women's Caucus is taking the lead on this issue. It is a reflection of the mood of our country, as was clearly demonstrated by the willingness of the First Lady to make this her first White House radio address; and how proud we were of her in doing that, as I said before.

□ 1430

But the women of America are the ones who spoke out early and said, look, listen, see what is happening in Afghanistan. It was an early bellwether of awful things to come. So I think this leadership role played by women should be recognized, should be heeded; and one giant step we can take in doing that is to pass H.R. 3330. Again, I commend all my colleagues for their leadership on this.

Ms. ROS-LEHTINEN. Madam Speaker, I am pleased to yield 4 minutes to the gentlewoman from Illinois (Mrs. BIGGERT), who has been leading the charge on our side on this bill.

Mrs. BIGGERT. Madam Speaker, I appreciate the gentlewoman yielding me this time. As the brutal Taliban regime is coming to an end in Afghanistan, the women and children there need our help. That is why I am proud to support Senate 1573.

For 5 years, the women and children and girls of Afghanistan have been denied medical care and schools have been shuttered. Women have been forced to beg in the streets to feed their children. This bill will provide the much-needed health care and education assistance to begin the long road to recovery.

Afghanistan's women and girls have been singled out by the Taliban for abuse. We have not seen such a state-sponsored systematic program of discrimination and oppression since Nazi Germany or South Africa under apartheid.

A recent State Department report details a shocking story about the shooting of an Afghan woman whose child was in dire need of medical attention. The doctor was across town; and because she did not have a male escort, the woman was prohibited from making the trip to take her child to the

doctor. Knowing that without medical care her child could die, the Afghan woman set out to go across town with her child in her arms, but without that male escort. The woman was tragically intercepted by a Taliban officer and shot repeatedly in front of her child.

These and other atrocities will hopefully come to an end with the demise of the Taliban in Afghanistan. But the women and children of that country will continue to need our help to recover from this regime of terror. So far, the United States has been the largest provider of humanitarian aid to the Afghan people. We have contributed more than \$1 billion in aid since 1979. I applaud the President's recent decision to contribute an additional \$320 million in aid to the Afghan people. There is need for humanitarian aid throughout Afghanistan, but the women and children need it the most.

Afghan women have been forbidden from activity outside their homes unless accompanied by a male relative and dressed in the now-familiar burqa. These women have not felt the sunlight touching their skin for many years. I was moved to see in the photographs the smile on women's faces as they took off their burqas and the sun touch their faces.

Attending a school or university has been out of the question for Afghan women. For years now, the only semblance of education has been for Afghan boys, who learned hatred at those schools. The girls have had no education. In many cases, Afghan women risked their lives to provide secret schools for girls in their homes.

Madam Speaker, children across Afghanistan are dying. Over one-third of Afghan children under 5 years of age suffer from malnutrition, leading to 85,000 needless deaths per year.

The United States has an opportunity to play an integral role in restoring humanity and decency to a country desperately in need of both health care and education after years under this regime. I applaud the President for his charge in leading this.

As the Taliban regime crumbles, the United States has a vested interest in the restoration of a civil society in Afghanistan. This will only be accomplished when healthy women and children are able to walk the streets without fear of assault, realize their potential, and develop the sense of worth to which they are entitled.

I would like to thank Senator KAY BAILEY HUTCHISON for originally introducing this legislation in the Senate and my friend and colleague, the gentlewoman from Ohio (Ms. PRYCE), for carrying this bill in the House. This measure was passed by unanimous consent in the Senate.

I would also like to thank President Bush for his strong support of women in Afghanistan, and women's rights generally. I am told the President is anxious to sign this bill.

I would also like to applaud our good friend, the gentlewoman from California (Ms. MILLENDER-MCDONALD), who serves as co-chair, with me, of the Congressional Caucus for Women's Issues. This has been a top priority of the Congressional Caucus for Women's Issues.

The House leadership should also be thanked for making it a top priority on their agenda and putting it as the number one bill today, as should the gentleman from Illinois (Mr. HYDE), chairman of the Committee on International Relations, who was instrumental.

Afghan women need to have a seat at the table when their government is rebuilt. We must pass this legislation now.

Ms. BERKLEY. Madam Speaker, I yield such time as she may consume to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Madam Speaker, I thank the gentlewoman for yielding me this time; and I especially thank my good friends and colleagues, especially the women of the House and the Senate, who have taken the leadership on this important bill.

There have been lots of wonderful and sincere words on women's rights in the new Afghanistan. What is important about this bill is that it gives these words some teeth. And teeth will be needed. Anyone who looks at the unique oppression that women and children have suffered in Afghanistan will understand that they will not automatically be free when Afghanistan is liberated.

We should remind everybody concerned that the United States of America made victory in Afghanistan possible. We have an obligation, we ourselves, to help make that victory apply to women and children as well; and that is well beyond the indispensable restoration of freedom and equality.

After all, let us be real. Afghanistan is now one of the poorest societies in the world. People are hijacking trucks just to get enough to eat. Women and children do not act that way. To the victors always belong the spoils. And in a society that has been especially brutal to women, we have every reason to believe that will continue to be the case. The first to be denied in Afghanistan have been women and children. It is despicable how everything from food to health care have been denied women and children, who got what little there was left over, not what there was to be had.

What this bill essentially does is to target assistance for women and children. Otherwise, there is no reason to believe that automatically a society which has featured, above all, male macho will revert to equality for women and children. There has to be some march forward, some encouragement of equal opportunity. Men in Afghanistan, let us face it, are going to

see the victory as theirs, not the victory of the United States of America, not the victory of the United Nations, and certainly not the victory of women and children.

Afghanistan must rebuild its own society on the basis of freedom and equality. However, we do have a right, I think we have earned the right to insist that these important goals apply not only to all the indigenous groups but to all the women and children in all the indigenous groups. We have an obligation to help reverse Taliban rule that has assured that women and children would be last. This is the way to help rebuild family life in Afghanistan.

Ms. ROS-LEHTINEN. Madam Speaker, I am pleased to yield 3 minutes to the gentlewoman from Maryland (Mrs. MORELLA), who joins me in thanking our men and women in the Armed Forces whose military offensive have helped to open the corridor for the humanitarian assistance to reach the people of Afghanistan which is spoken of in this bill.

Mrs. MORELLA. Madam Speaker, I thank the gentlewoman for her leadership on this issue and for yielding me this time, and I rise in strong support of the Afghan Women and Children Relief Act because I believe it is a pivotal first step in the assurances that the United States must provide to ourselves and to the citizens of Afghanistan that women not be hidden from society in the future of Afghanistan. Children must be educated; girls and boys and women must not die at the second highest rate in the world from lack of maternal health care. The American people will accept no less than to ensure that women are given back the lives they knew before the Taliban and before the decades of civil war.

The liberation of Kabul, Mazar-e Sharif, and other Afghan cities from Taliban rule is cause for celebration, but women are celebrating cautiously. Women were, in essence, banned by Taliban; ordered out of sight stripped of their basic freedoms. It remains to be seen, however, whether the women of Afghanistan will enjoy a fleeting moment in the sun or will truly be allowed to participate in the reconstruction of their country.

The Afghan Women and Children's Relief Act demonstrates a way that the United States can help to educate and provide health care for those in need. But we can also embrace the critically important role that women must play in Afghanistan's reconstruction. The First Lady's recent radio address, and the statements of Secretary of State Colin Powell and Under Secretary of State for Global Affairs Paula Dobriansky demonstrate a commitment by the United States that Afghan women will not be marginalized as soon as this spotlight shifts.

Addressing women's needs and potential is not an academic question for us

in the United States. We are paying a dear price for driving hatred and intolerance out of Afghanistan. We have every right to assume that the new government there and the society that emerges will repudiate the values of the Taliban and be a force for regional stability. What the future holds for Afghanistan largely depends on how its women, 54 percent of the Afghan population, are incorporated into the political, economic, and social life of the country.

I do ask this body to pass H.R. 3330 to promote educational opportunities for all children and access to health care, but I also want to point out that as a second step I invite all my colleagues to cosponsor H.R. 3342, which I have introduced along with the gentlewoman from New York (Mrs. MALONEY), and others, the Access For Afghan Women Act. It encourages the State Department and USAID to include women in negotiations to establish a new government in Afghanistan; recognize that women's participation in the foundation of post-conflict stability and their own economic self-sufficiency is necessary; assist the voluntary resettlement and repatriation of refugees; and ensure that peacekeeping operations protect women from violence.

Madam Speaker, when hostilities cease, the Afghan people will have a precious chance to transform their war-torn country. The long-term stability is important to the United States; and both countries will benefit from recognizing and embracing the essential contributions that women can make and must make to the effort.

I applaud the gentlewoman from Ohio (Ms. PRYCE) for introducing H.R. 3330, and I encourage all Members to become engaged in the effort to do the right thing in Afghanistan for men, women, and children.

Ms. BERKLEY. Madam Speaker, I yield myself such time as I may consume.

I believe, Madam Speaker, that one person can make a difference; and I believe that all of us serving in Congress, united, speaking with one voice, will make a significant difference to the people of Afghanistan. If we sit back and do nothing, knowing of the widespread pain and suffering of innocent women and children caught up in the madness of Taliban rule, then I fear we are almost as guilty as those who have perpetrated these crimes against humanity.

Now is our time to speak out, now is our moment in history to make a difference, and I urge all of my colleagues to support this resolution.

Madam Speaker, I yield 2 minutes to the gentlewoman from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. Madam Speaker, I thank the gentlewoman from Nevada (Ms. BERKLEY) for yielding me these 2 minutes, because as we speak,

delegates to the summit conference of Afghan groups are discussing a plan for an interim administration in Afghanistan. This would pave the way to a post-Taliban government that protects its citizens and safeguards the fundamental rights of women and children.

However, the road toward fulfillment of this goal begins with the people of Afghanistan, where reconstruction entails educations and empowering the beleaguered population so that they can reclaim control of their own destiny.

Under the Taliban, it was women and children who suffered the most from its abhorrent practices. Thus, to begin to overcome this grim legacy, we must ensure that our efforts give the necessary focus and assistance to programs providing education and relief services to Afghan women.

This bill focuses our humanitarian efforts to help ensure that U.S. assistance has the maximum impact, reaching those refugees and segments of Afghan society most affected by the Taliban's reign of terror.

□ 1445

Madam Speaker, it is a bill which reinforces the true essence and spirit of the United States, a country committed to the defense of those who are oppressed and subjugated, a Nation of caring people who now and in the past have led the world in providing humanitarian aid to the Afghan people. Let us lead the way once again by rendering our overwhelming support to the Afghan Women and Children Relief Act.

Mrs. JONES of Ohio. Madam Speaker, I rise today in support of educational and health care rights for the women and children of Afghanistan. According to the Journal of the American Medical Association, the current health and human rights status of women in Afghanistan suggests that the combined effects of war-related trauma and human rights abuses by Taliban officials have had a profound effect on Afghan women's health. Moreover, support for women's human rights by Afghan women suggests that Taliban policies regarding women are incommensurate with the interests, needs, and health of Afghan women.

Before the Taliban regime took power, Afghan women were protected by law, had important freedoms and were active participants in society. In 1977, women comprised more than 15 percent of Afghanistan's highest legislative body. By the early 1990s women comprised 70 percent of schoolteachers. Women made up 50 percent of government workers. Forty percent of doctors in Kabul were women. Then came the Taliban and their destruction of the family.

For nearly 20 years, life in Afghanistan has been degraded by foreign and civil wars, but, since 1994, the regime of the Taliban militias has, by decree, officially taken away from women all rights to education, to work, and to health. Denial of freedom of movement renders Afghan women practically prisoners in their own homes, in the most extreme situation of material and moral destitution.

Until 1996, Afghan women were an integral part of society, they worked outside the home, they went to school, and chose their own doctor. Women constituted 50 percent of the student body in the universities, 60 percent of the civil servants, 75 percent of the hospitals workforce, a majority of teachers for boys' and girls' schools, and had businesses of their own. In the city of Kabul alone, there were around 17,000 women teachers. The 1964 and 1977 Constitutions of Afghanistan provided for gender equality and women were fully vested in the political process including the right to vote and get elected. Many women also wore either a chadari or scarf on a voluntary basis.

A child, who was born 12 or 13 years ago, is a young adult now. He was five years old when his father was killed, he was seven years old when his mother was raped and tortured in front of him, and he was only ten years old when his house was burned down to the ground. And now, he lives in a plastic tent with no place to go and, no one to turn to. The psychological impact of the past twenty years shall leave an immutable scar in over one million orphans' memories, unless they receive help now. Two generations of Afghans know only war, deprivation, homelessness, hunger, suffering, and loss, and their futures seem bleak in a world that has largely forgotten them.

In addition, there are estimated to be between 10 and 15 million land mines scattered in the landscape, exploding and injuring at a rate of 20 to 25 per day. They kill or injure predominantly children who are sometimes victims of mines disguised as toys. One out of four Afghan children dies before the age of five. Over one million Afghan children are orphans. Over 500,000 are disabled. Over 400,000 children are amputees, because of land mines. Over one million Afghan children are suffering from post-traumatic stress syndrome.

History has demonstrated that supremacist and totalitarian regimes such as the Taliban militias maintained themselves in power only if the rest of the world remains silent. Human rights are founded on principles that all members of the human family are equal in dignity and rights. However, where discrimination against women and children exists, they are often excluded from effective participation in identifying and securing their rights. In recent years, some have argued that health, defined as "a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity," requires the protection and promotion of human rights. In Afghanistan, Taliban restrictions on Afghan women and children's freedom of expression, association, and movement deny women full participation in society and, consequently, from effectively securing equal opportunities for work, education, and access to health care.

I rise today to reiterate my support for the women and children of Afghanistan. Exclusion of women from employment, and women and children from education, jeopardizes their capacity to survive and participate in society. In my opinion, the health and human rights concerns of Afghan women and children are identified and the promotion of Afghan women and children's health is inseparable from the protection and promotion of human rights.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise today in strong support of S. 1573, the Afghan Women and Children Relief Act of 2001. This measure would authorize the President to provide educational and health care assistance to the women and children of Afghanistan from funds made available under the 2001 Emergency Supplemental Appropriations Act for Recovery from and Response to Terrorist Attacks on the United States.

The oppression of Afghan women began when the regressive and repressive Taliban took control of Afghanistan. Under the regime of these Islamic fundamentalists, women became subject to a horrific system of gender apartheid whereby the rights enjoyed by women in so many other areas of the world, the rights they are entitled to, were virtually eliminated.

In Afghanistan, women are totally deprived of the right to an education, of the right to work, to travel, to health care, legal recourse, recreation, and of the right to being human. Islamic fundamentalism, instead, looks upon women as subhuman, fit only for household slavery and as a means of procreation. Women who violate the rules of conduct are beaten or brutalized, often in a public arena for the sake of entertainment.

This type of inhumane treatment will have a profound effect on the future of Afghanistan. As Chair of the Congressional Children's Caucus, I am always concerned about the welfare of children here at home and abroad. Young Afghan girls are also subject to the extreme restrictions imposed by the Taliban—restrictions to education, health care, and a normal way of life. Afghan children are some of the poorest and least healthy in the world. They have the highest mortality rates for children under five. These children have known only war, so they are suffering enormous trauma as well.

As the Taliban regime retreats from the major Afghanistan cities, the masses are rejoicing at the hope of renewed opportunities for the country. The talents and contributions of Afghan women will once again permeate the country. Prior to the Taliban regime, seventy percent of teachers were women, fifty percent of civil servants were women, and university students, and forty percent of doctors were women. This bill will assure that women and children are able to exercise their right to education and healthcare.

Madam Speaker, we, as Members of Congress, now have a tool to help restore the rights and human dignity of Afghan women and children. I urge my colleagues to support S. 1573.

Ms. SOLIS. Madam Speaker, I rise today in support of S. 1573.

I am an educated woman. Not only do I hold an undergraduate degree, I also have earned a master's degree.

I am a healthy woman. Not only do I receive regular medical care from my physician, I also have access to superb emergency care if needed.

I am an independent woman. Not only do I have a challenging career, I also feel secure strolling the streets of this city alone.

Such is not the case, however, for the women and girls of Afghanistan.

During the days of Taliban rule, these women were denied education. They were de-

nied health care. They were denied basic human freedoms.

In these emerging days of post-Taliban rule, it is our duty to ensure that these basic civil liberties are restored.

I commend the authors of S. 1573—and its companion legislation H.R. 3330—for their aim of providing education and health care opportunities to the women and children of Afghanistan. I especially applaud the desire to utilize women-led non-governmental organizations to achieve their goals.

I urge all of my colleagues on both sides of the aisle to support this important piece of legislation.

Ms. HARMAN. Madam Speaker, I rise in strong support of H.R. 3330, the Afghan Women and Children Relief Act. This legislation will ensure that educational and health care assistance reaches the women and children of Afghanistan.

The Taliban's crimes against women have by now become well-known. Against the teaching of Islam and against the will of women across Afghanistan, the Taliban:

Ended education for girls over eight;

Shut down the women's university;

Forbade women doctors from practicing medicine; and

Then forbade women from receiving care from male doctors.

This deliberate, cruel treatment compounded the suffering of more than 20 years of war, extreme poverty, and drought in Afghanistan to create a dire health situation for women and children. Afghanistan has the world's second worst maternal death rate during childbirth. One hundred sixty five out of every thousand babies die before their first birthday. The Taliban has done untold harm to its own people with these actions, and we must now help repair the damage done.

Rebuilding Afghanistan is part of the promise we have made to provide a comprehensive solution to the root causes of terrorism. We must offer hope to the people of Afghanistan, and we must work toward creating a stable Afghan government.

Aid to the women and children of Afghanistan will accomplish both of these goals. It will improve the lives of millions and increase opportunities for all members of Afghan society—including women—to have their voices heard.

The overwhelming bipartisan support by Congress today demonstrates that our support is no short-term political ploy. We are here for the long haul, and we expect to see results.

Ms. BERKLEY. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and pass the Senate bill, S. 1573.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

COMPUTER SECURITY ENHANCEMENT ACT OF 2001

Mrs. MORELLA. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 1259) to amend the National Institute of Standards and Technology Act to enhance the ability of the National Institute of Standards and Technology to improve computer security, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1259

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Computer Security Enhancement Act of 2001".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds the following:

(1) The National Institute of Standards and Technology has responsibility for developing standards and guidelines needed to ensure the cost-effective security and privacy of sensitive information in Federal computer systems.

(2) The Federal Government has an important role in ensuring the protection of sensitive, but unclassified, information controlled by Federal agencies.

(3) Technology that is based on the application of cryptography exists and can be readily provided by private sector companies to ensure the confidentiality, authenticity, and integrity of information associated with public and private activities.

(4) The development and use of encryption technologies by industry should be driven by market forces rather than by Government imposed requirements.

(b) PURPOSES.—The purposes of this Act are to—

(1) reinforce the role of the National Institute of Standards and Technology in ensuring the security of unclassified information in Federal computer systems; and

(2) promote technology solutions based on private sector offerings to protect the security of Federal computer systems.

SEC. 3. SECURITY OF FEDERAL COMPUTERS AND NETWORKS.

Section 20(b) of the National Institute of Standards and Technology Act (15 U.S.C. 278g-3(b)) is amended—

(1) by redesignating paragraphs (4) and (5) as paragraphs (7) and (8), respectively; and

(2) by inserting after paragraph (3) the following new paragraphs:

"(4) except for national security systems, as defined in section 5142 of Public Law 104-106 (40 U.S.C. 1452), to provide guidance and assistance to Federal agencies for protecting the security and privacy of sensitive information in interconnected Federal computer systems, including identification of significant risks thereto;

"(5) to promote compliance by Federal agencies with existing Federal computer information security and privacy guidelines;

"(6) in consultation with appropriate Federal agencies, assist Federal response efforts related to unauthorized access to Federal computer systems;"

SEC. 4. COMPUTER SECURITY IMPLEMENTATION.

Section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g-3) is further amended—

(1) by redesignating subsections (c) and (d) as subsections (e) and (f), respectively; and

(2) by inserting after subsection (b) the following new subsection:

“(c)(1) In carrying out subsection (a)(2) and (3), the Institute shall—

“(A) emphasize the development of technology-neutral policy guidelines for computer security and electronic authentication practices by the Federal agencies;

“(B) promote the use of commercially available products, which appear on the list required by paragraph (2), to provide for the security and privacy of sensitive information in Federal computer systems;

“(C) develop qualitative and quantitative measures appropriate for assessing the quality and effectiveness of information security and privacy programs at Federal agencies;

“(D) upon the request of a Federal agency, perform evaluations to assess its existing information security and privacy programs;

“(E) promote development of accreditation procedures for Federal agencies based on the measures developed under subparagraph (C);

“(F) if requested, consult with and provide assistance to Federal agencies regarding the selection by agencies of security technologies and products and the implementation of security practices; and

“(G)(i) develop uniform testing procedures suitable for determining the conformance of commercially available security products to the guidelines and standards developed under subsection (a)(2) and (3);

“(ii) establish procedures for certification of private sector laboratories to perform the tests and evaluations of commercially available security products developed in accordance with clause (i); and

“(iii) promote the testing of commercially available security products for their conformance with guidelines and standards developed under subsection (a)(2) and (3).

“(2) The Institute shall maintain and make available to Federal agencies and to the public a list of commercially available security products that have been tested by private sector laboratories certified in accordance with procedures established under paragraph (1)(G)(ii), and that have been found to be in conformance with the guidelines and standards developed under subsection (a)(2) and (3).

“(3) The Institute shall annually transmit to the Congress, in an unclassified format, a report containing—

“(A) the findings of the evaluations and tests of Federal computer systems conducted under this section during the 12 months preceding the date of the report, including the frequency of the use of commercially available security products included on the list required by paragraph (2);

“(B) the planned evaluations and tests under this section for the 12 months following the date of the report; and

“(C) any recommendations by the Institute to Federal agencies resulting from the findings described in subparagraph (A), and the response by the agencies to those recommendations.”.

SEC. 5. COMPUTER SECURITY REVIEW, PUBLIC MEETINGS, AND INFORMATION.

Section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g-3), as amended by this Act, is further amended by inserting after subsection (c), as added by section 4 of this Act, the following new subsection:

“(d)(1) The Institute shall solicit the recommendations of the Computer System Security and Privacy Advisory Board, established by section 21, regarding standards and guidelines that are being considered for submission to the Secretary in accordance with subsection (a)(4). The recommendations of the Board shall accompany standards and guidelines submitted to the Secretary.

“(2) There are authorized to be appropriated to the Secretary \$1,030,000 for fiscal year 2002 and \$1,060,000 for fiscal year 2003 to enable the Computer System Security and Privacy Advisory Board, established by section 21, to identify emerging issues related to computer security, privacy, and cryptography and to convene public meetings on those subjects, receive presentations, and publish reports, digests, and summaries for public distribution on those subjects.”.

SEC. 6. LIMITATION ON PARTICIPATION IN REQUIRING ENCRYPTION AND ELECTRONIC AUTHENTICATION STANDARDS.

Section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g-3), as amended by this Act, is further amended by adding at the end the following new subsection:

“(g) The Institute shall not promulgate, enforce, or otherwise adopt standards or policies for the Federal establishment of encryption and electronic authentication standards required for use in computer systems other than Federal Government computer systems.”.

SEC. 7. MISCELLANEOUS AMENDMENTS.

Section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g-3), as amended by this Act, is further amended—

(1) in subsection (b)(8), as so redesignated by section 3(1) of this Act, by inserting “to the extent that such coordination will improve computer security and to the extent necessary for improving such security for Federal computer systems” after “Management and Budget”;

(2) in subsection (e), as so redesignated by section 4(1) of this Act, by striking “shall draw upon” and inserting in lieu thereof “may draw upon”;

(3) in subsection (e)(2), as so redesignated by section 4(1) of this Act, by striking “(b)(5)” and inserting in lieu thereof “(b)(7)”;

(4) in subsection (f)(1)(B)(i), as so redesignated by section 4(1) of this Act, by inserting “and computer networks” after “computers”.

SEC. 8. FEDERAL COMPUTER SYSTEM SECURITY TRAINING.

Section 5(b) of the Computer Security Act of 1987 (40 U.S.C. 759 note) is amended—

(1) by striking “and” at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting in lieu thereof “; and”;

(3) by adding at the end the following new paragraph:

“(3) to include emphasis on protecting information in Federal databases and Federal computer sites that are accessible through public networks.”.

SEC. 9. COMPUTER SECURITY FELLOWSHIP PROGRAM.

There are authorized to be appropriated to the Secretary of Commerce \$5,000,000 for fiscal year 2002 and \$5,000,000 for fiscal year 2003 for the Director of the National Institute of Standards and Technology for fellowships, subject to the provisions of section 18 of the National Institute of Standards and Technology Act (15 U.S.C. 278g-1), to support students at institutions of higher learning in computer security. Amounts authorized by this section shall not be subject to the percentage limitation stated in such section 18.

SEC. 10. STUDY OF ELECTRONIC AUTHENTICATION TECHNOLOGIES BY THE NATIONAL RESEARCH COUNCIL.

(a) REVIEW BY NATIONAL RESEARCH COUNCIL.—Not later than 90 days after the date of

the enactment of this Act, the Secretary of Commerce shall enter into a contract with the National Research Council of the National Academy of Sciences to conduct a study of electronic authentication technologies for use by individuals, businesses, and government.

(b) CONTENTS.—The study referred to in subsection (a) shall—

(1) assess technology needed to support electronic authentication technologies;

(2) assess current public and private plans for the deployment of electronic authentication technologies;

(3) assess interoperability, scalability, and integrity of private and public entities that are elements of electronic authentication technologies; and

(4) address such other matters as the National Research Council considers relevant to the issues of electronic authentication technologies.

(c) INTERAGENCY COOPERATION WITH STUDY.—All agencies of the Federal Government shall cooperate fully with the National Research Council in its activities in carrying out the study under this section, including access by properly cleared individuals to classified information if necessary.

(d) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Secretary of Commerce shall transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report setting forth the findings, conclusions, and recommendations of the National Research Council for public policy related to electronic authentication technologies for use by individuals, businesses, and government. The National Research Council shall not recommend the implementation or application of a specific electronic authentication technology or electronic authentication technical specification for use by the Federal Government. Such report shall be submitted in unclassified form.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Commerce \$450,000 for fiscal year 2002, to remain available until expended, for carrying out this section.

SEC. 11. PROMOTION OF NATIONAL INFORMATION SECURITY.

The Under Secretary of Commerce for Technology shall—

(1) promote an increased use of security techniques, such as risk assessment, and security tools, such as cryptography, to enhance the protection of the Nation's information infrastructure;

(2) establish a central repository of information for dissemination to the public to promote awareness of information security vulnerabilities and risks; and

(3) in a manner consistent with section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 nt), promote the development of national standards-based infrastructures needed to support government, commercial, and private uses of encryption technologies for confidentiality and authentication.

SEC. 12. ELECTRONIC AUTHENTICATION INFRASTRUCTURES.

(a) ELECTRONIC AUTHENTICATION INFRASTRUCTURES.—

(1) TECHNOLOGY-NEUTRAL GUIDELINES AND STANDARDS.—Not later than 18 months after the date of the enactment of this Act, the Director, in consultation with industry and appropriate Federal agencies, shall develop technology-neutral guidelines and standards, or adopt existing technology-neutral industry guidelines and standards, for electronic

authentication infrastructures to be made available to Federal agencies so that such agencies may effectively select and utilize electronic authentication technologies in a manner that is—

(A) adequately secure to meet the needs of those agencies and their transaction partners; and

(B) interoperable, to the maximum extent possible.

(2) **ELEMENTS.**—The guidelines and standards developed under paragraph (1) shall include—

(A) protection profiles for cryptographic and noncryptographic methods of authenticating identity for electronic authentication products and services;

(B) a core set of interoperability specifications for the use of electronic authentication products and services in electronic transactions between Federal agencies and their transaction partners; and

(C) validation criteria to enable Federal agencies to select cryptographic electronic authentication products and services appropriate to their needs.

(3) **REVISIONS.**—The Director shall periodically review the guidelines and standards developed under paragraph (1) and revise them as appropriate.

(b) **LISTING OF PRODUCTS.**—Not later than 30 months after the date of the enactment of this Act, and thereafter, the Director shall maintain and make available to Federal agencies a nonmandatory list of commercially available electronic authentication products, and other such products used by Federal agencies, evaluated as conforming with the guidelines and standards developed under subsection (a).

(c) **SPECIFICATIONS FOR ELECTRONIC CERTIFICATION AND MANAGEMENT TECHNOLOGIES.**—

(1) **SPECIFICATIONS.**—The Director shall, as appropriate, establish core specifications for particular electronic certification and management technologies, or their components, for use by Federal agencies.

(2) **EVALUATION.**—The Director shall advise Federal agencies on how to evaluate the conformance with the specifications established under paragraph (1) of electronic certification and management technologies, developed for use by Federal agencies or available for such use.

(3) **MAINTENANCE OF LIST.**—The Director shall maintain and make available to Federal agencies a list of electronic certification and management technologies evaluated as conforming to the specifications established under paragraph (1).

(d) **REPORTS.**—Not later than 18 months after the date of the enactment of this Act, and annually thereafter, the Director shall transmit to the Congress a report that includes—

(1) a description and analysis of the utilization by Federal agencies of electronic authentication technologies; and

(2) a description and analysis regarding the problems Federal agencies are having, and the progress such agencies are making, in implementing electronic authentication infrastructures.

(e) **DEFINITIONS.**—For purposes of this section—

(1) the term “electronic authentication” means cryptographic or noncryptographic methods of authenticating identity in an electronic communication;

(2) the term “electronic authentication infrastructure” means the software, hardware, and personnel resources, and the procedures, required to effectively utilize electronic authentication technologies;

(3) the term “electronic certification and management technologies” means computer systems, including associated personnel and procedures, that enable individuals to apply electronic authentication to electronic information; and

(4) the term “protection profile” means a list of security functions and associated assurance levels used to describe a product.

SEC. 13. SOURCE OF AUTHORIZATIONS.

There are authorized to be appropriated to the Secretary of Commerce \$7,000,000 for fiscal year 2002 and \$8,000,000 for fiscal year 2003, for the National Institute of Standards and Technology to carry out activities authorized by this Act for which funds are not otherwise specifically authorized to be appropriated by this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Maryland (Mrs. MORELLA) and the gentleman from Texas (Mr. HALL) each will control 20 minutes.

The Chair recognizes the gentlewoman from Maryland (Mrs. MORELLA).

GENERAL LEAVE

Mrs. MORELLA. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1259.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

Mrs. MORELLA. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, it is with great pleasure that I rise to offer H.R. 1259, the Computer Security Enhancement Act of 2001. This legislation represents many years of bipartisan work of the Committee on Science. Over the years, the committee has held numerous hearings on various aspects of the bill's provisions and has incorporated many constructive suggestions made by both industry and governmental agencies. This bill provides important updates to current law to ensure the Federal Government's virtual security.

Fourteen years ago, this body passed the Computer Security Act of 1987, which gave authority over computer and communication security standards for Federal civilian agencies to the National Institute for Standards and Technology. Much has changed since then. In the mid-eighties, we were dealing with issues surrounding the migration from mainframes to personal computers and how to provide secure access to extremely limited, site-specific internal networks. Today, with the worldwide web, every PC on the planet represents a potential source of attack, and we need to develop new tools to protect the integrity of our Nation's computers.

While no single piece of legislation can fully protect our Federal computer systems, this act is a vital step to strengthen and update the authority given the National Institute of Standards and Technology to provide guidance to our security efforts.

This bill is an important first step in the right direction. The legislation would allow NIST to: promote the use of commercially available, off-the-shelf security products by Federal agencies; increase privacy protection by giving an independent advisory board more responsibility and resources to review NIST's computer security efforts and make recommendations; support the development of a well-trained workforce by creating a fellowship program in the field of computer security; study the efforts of the Federal Government to develop a secure, interoperable electronic infrastructure; to advise agencies on the deployment of electronic authentication technologies; and, finally, establish an expert review team to assist agencies in identifying and fixing existing information security vulnerabilities.

In today's environment, the intense need for this legislation is obvious. For the last few months, we have been frantically trying to recover from the awful attacks of September 11 and plug the many holes in our society's lax security practices. We have gone to great effort to quickly react to vulnerabilities on many fronts. We passed legislation to secure much of our important infrastructure, and the administration has moved forward with many counterterrorism proposals. But, along with the real world, we need to protect ourselves in cyberspace.

Fortunately, we have not suffered a major cyberattack, but that is hardly a reason not to act. A major cyberoffensive could be every bit as devastating as an actual physical assault. A full third of our recent economic development has been credited to e-commerce and needs to be secure. Never before has so much of our daily lives been documented and placed on Federal computers. Americans have the right to expect that this information does not fall into the wrong hands.

Unfortunately, the government is not very adept at protecting this information. Over the last decade, the General Accounting Office has issued nearly 40 reports describing serious information security weaknesses at major Federal agencies. Our own House Committee on Government Reform has recently issued its computer security report card and given the government an “F.”

Quite frankly, this is unacceptable. Now is the time to expand NIST's authority so we can begin to address these issues.

Located in my home district of Montgomery County, NIST already plays a critical control role in our Nation's computer security. They are our Nation's premier developer of standards and guidelines and have worked tirelessly in the information technology area. They work closely with industry, Federal agencies, testing organizations, academicians and other private sector users with the broad mission of

improving our competitiveness in IT and computer-related industries.

Specifically, they work to improve awareness of computer security issues, conduct research on new cutting-edge technologies, develop and manage security testing programs, and produce security guidance and planning.

Madam Speaker, I am very proud of their work in this area. They have a well-deserved reputation for excellence and deserve the additional resources to expand their efforts in computer security. They are the recognized leader in this field and the logical choice to coordinate and critique the government's efforts.

Madam Speaker, a wide array of technology organizations have recognized the need for H.R. 1259 to protect our Nation's computer systems and secure our virtual presence. I thank them for their support. I urge my colleagues to stand with these organizations and take the important step towards securing our computer data and resources by passing H.R. 1259.

Madam Speaker, I reserve the balance of my time.

Mr. HALL of Texas. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in support of H.R. 1259; and, in her usual good practice, the gentlewoman from Maryland (Mrs. MORELLA) has very well outlined the provisions of the legislation. I would just like to make a few observations concerning the need for the legislation before us today.

The Committee on Science developed the Computer Security Act 13 years ago with the goal in mind of improving the security of nonclassified information in the Federal agencies' computer systems. When Congress passed the Computer Security Act back in 1987, most of us realized that this new method of communication needed to be secure in order to realize the full potential that those that brought it forth had hoped for. At that time we had no idea of the growth of the Internet, electronic commerce, or even the growth of e-mail communication from our constituents. In the past few years, the spread of computer viruses, attacks by computer hijackers and electronic identification theft have all been on the rise. Regardless of our reliance on the Internet and computer networks, computer security is still generally regarded as an afterthought.

On September 11, we realized how very vulnerable our Nation could be. We no longer can afford to be complacent about our physical and electronic security. Hearings by the Committee on Science and assessments by the General Accounting Office have revealed that computer security at Federal levels is still, in many people's opinion, sub par.

The National Institute of Standards and Technology has an important role

to play here. It is responsible for developing security standards and developing the very best security practices. It should assist agencies in training their computer security personnel and help assess their security weaknesses.

Unfortunately, NIST has never really requested nor received the resources it needs to effectively carry out their statutory role in these areas. The Committee on Science has developed this bipartisan legislation to correct this problem. The goal of this legislation is to strengthen the computer security of Federal agencies, including, of course, the use of electronic authentication technologies.

H.R. 1259 is not merely in response to the events of September 11. Actually, H.R. 1259 is and has been a result of continued and careful study and deliberation by the Committee on Science. We began work on this legislation at the beginning of the last Congress, and it has been the subject of hearings, and we have asked for comments by industry and Federal agencies. It is a thoughtful and straightforward approach for making Federal agencies a model of good security practices.

I congratulate the gentlewoman from Maryland (Mrs. MORELLA), the gentleman from Tennessee (Mr. GORDON), and the gentleman from Michigan (Mr. BARCIA) for their hard work on this legislation. Also, we would not be here without the assistance and support of the gentleman from New York (Chairman BOEHLERT) and his efforts to bring this bill to the floor. This a timely piece of legislation, Madam Speaker, and I would urge my colleagues to support the bill.

Madam Speaker, I reserve the balance of my time.

Mrs. MORELLA. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I commend the ranking member, the gentleman from Texas (Mr. HALL), for his leadership. Together we are a team. The Committee on Science is a very bipartisan, almost nonpartisan committee, and it is my pleasure to thank the gentleman from Texas and the gentleman from New York (Chairman BOEHLERT).

Madam Speaker, I yield such time as he may consume to the gentleman from New York (Mr. BOEHLERT), the chairman of the Committee on Science, and commend him for his leadership.

Mr. BOEHLERT. Madam Speaker, I thank the gentlewoman for yielding me this time.

Madam Speaker, I rise to support H.R. 1259, the Computer Security Enhancement Act of 2001, and to congratulate the gentlewoman from Maryland (Mrs. MORELLA) and the gentleman from Texas (Mr. HALL) and the gentleman from Tennessee (Mr. GORDON) for their bipartisan work on this legislation and for the leadership of the past chairman, the gentleman from

Wisconsin (Mr. SENSENBRENNER), who shepherded this bill through the House in the last Congress.

Since the tragedy of September 11, our Nation has awakened to a new world of potential threats. Some of them before now were thought not possible. Some were thought not likely. And, unfortunately, some were simply ignored. But in the last 2 months, the world has changed and we have resolved to fortify our Nation's critical assets, to protect our airports and strengthen our infrastructure.

One compelling need is to improve the security of our Nation's computer systems and the uncountable government services on which they depend. In the last 9 years, the General Accounting Office has issued some three dozen reports detailing the serious information security weaknesses at major Federal agencies. We in the House, and particularly on the Committee on Science, have heeded these warnings. Others must, also.

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Federal systems are not the only ones central to our Nation's smooth functioning. Earlier this year, the Committee on Science held several hearings on cybersecurity. In one of those, Governor Gilmore testified that his commission, which was charged with evaluating our Nation's vulnerabilities to weapons of mass destruction, could not ignore the potential additional havoc that computer attacks could wreak on our country, especially if computer attacks were launched at the same time as some other attack. Computer breaches must not be allowed to hamstring State and local governments as they attempt to respond to other kinds of threats.

This bill, the first of several dealing with cybersecurity that the Committee on Science plans to bring to the floor, begins to make the kinds of improvements necessary to address the concerns these reports have raised. H.R. 1259 will encourage the computer security teams at the National Institute of Standards and Technology to assist other government agencies to improve the security of their computer networks. It will spur the private sector to develop improved computer security products to benefit the public and private sectors alike. And it will help recruit and train future experts in the profession of computer security.

I would also like to point out that this very same bill passed this body a little over a year ago. Unfortunately, the other body did not have time to pass it and send it on to the President. This time, however, I hope we can work with our colleagues in the Senate to pass this bill to strengthen our Nation's computer security and to help protect the American people.

This bill is a good bill that will help our Nation deal with a serious threat

that for too long has been inadequately addressed. I urge my colleagues to support this bill and help put our Nation on the road to better computer security.

In closing, let me once again commend the leadership of the gentlewoman from Maryland and the bipartisan team that she has assembled and led as we have moved this through the committee and now to the House floor. I hope others are paying attention, because they need to follow through.

Mr. HALL of Texas. Madam Speaker, I yield such time as he may consume to the gentleman from Tennessee (Mr. GORDON), who was ranking member on the Subcommittee on Environment, Technology, and Standards back when this legislation first began and wrote the electronic authentication provisions in it. He is now ranking member on the Subcommittee on Space and Aeronautics.

Mr. GORDON. Madam Speaker, I thank the gentleman from Texas (Mr. HALL) for yielding time, and more importantly I thank him for the leadership he brings to the Committee on Science.

Madam Speaker, I want to thank the gentlewoman from Maryland (Mrs. MORELLA) and the gentleman from New York (Mr. BOEHLERT) for their diligent work to bring this bill to the floor today. When the gentlewoman from Maryland and I began to work to improve Federal agencies' nonclassified computer security more than 4 years ago, I became aware that an important element of any computer security regime is electronic authentication.

Consistent with the goals of the Government Paperwork Elimination Act, I wanted to ensure that Federal agencies deployed electronic authentication technologies in a consistent and uniform manner and that there was a reasonable level of interoperability between electronic authentication systems deployed by Federal agencies.

Federal agencies have made some progress on improved computer security since the Committee on Science began working on this issue. However, significant vulnerabilities remain and much work needs to be done. Earlier this year, the GAO documented continued computer security failings of Federal agencies. And just a few weeks ago, a Committee on Government Reform assessment of Federal agencies' computer security was uniformly dismal.

The events of September 11 made it evident that we cannot remain so complacent and lax about the security of electronic documents and transactions. The disruption of traditional document carriers like our mail and airline systems highlighted that we need to be able to transfer documents over an open and secure electronic communications system. Such a system must include robust and widely deployed elec-

tronic authentication technologies. Unfortunately, electronic authentication technologies have yet to be widely used. One of the goals of this bill is to ensure the effective deployment of electronic authentication technologies by Federal agencies.

The Computer Security Enhancement Act is the result of discussions with industry, the National Institute of Standards and Technology, and the Department of Commerce. Under the bill, NIST, working with industry, is to develop minimum technical standards and guidelines to assist Federal agencies in deploying electronic authentication technologies. It is my intent that Federal agencies serve as models of how such technologies could be effectively implemented.

I want to clarify that NIST is not developing standards but only guidelines and best practices. When I drafted these provisions relating to electronic authentication, I tried to ensure that the private sector would have a strong voice in the development of any guidelines. NIST has a strong record of working cooperatively with industry. I believe the result will be greater security and lower cost for everyone as we move toward an electronic transaction-based economy.

Finally, Madam Speaker, I want to thank all the staff that have spent so many hours on this bill, particularly Mike Quear that assisted me on the bill. As they did in the 106th Congress, I would urge my colleagues to again support this legislation.

Mr. HALL of Texas. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mrs. MORELLA. Madam Speaker, I yield myself such time as I may consume.

It appears as though everyone recognizes the need for this bill and is in support of it. In addition to the numerous technology organizations that have indicated their strong support and have worked on the bill through the years, the President's Advisory Panel to Assess Domestic Response Capabilities for Terrorism Involving Weapons of Mass Destruction chaired by Governor Gilmore has called for an expanded role for NIST. That is what this bill does.

I urge my colleagues to stand with these organizations and take an important step toward securing our computer data and resources by passing H.R. 1259. I also want to add my thanks to the gentleman from Tennessee (Mr. GORDON). He was my ranking member on the Subcommittee on Environment, Technology, and Standards when this bill was crafted. I thank him for his important contributions. Again I reiterate my thanks to ranking member HALL, to Chairman BOEHLERT, to the gentleman from Michigan (Mr. BARCIA), who also served on that subcommittee, and certainly the staff on both sides of the aisle. I want to com-

mend Barry Beringer and certainly thank Ben Wu, who was my staffer who is no longer with us but is now the Deputy Under Secretary of Science and Technology at the Department of Commerce, Carl Piccanatto from the National Academy of Science, Jason Cervenak and the various staff that we have again on both sides of the aisle. I urge everyone to support H.R. 1259.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise in support of this legislation H.R. 1259, the Computer Security Enhancement Act of 2001.

In the world of technology today, interactive computer applications are a standard worldwide and virtually anyone in the world can gain access to government information. A lack of security in the computer systems of key government agencies is a vulnerability that has persisted for too long and will still be around if it is not dealt with at once. The number of attacks have soared in recent years and it is not just hackers and terrorists that we have to be worried about, but foreign governments and other nation states as well. Less than 3 years ago, the Federal Computer Incident Response Center calculated 376 occurrences upsetting 2,732 Federal systems and 86 military systems. Last year, the number of incidents reported was 586, which involved 575,568 Federal systems and 148 military systems.

A few months ago, Chinese hackers invaded government and business Web sites, including those run by the Navy and the Departments of Labor and Health and Human Services. Last year, a program called, "ILOVEYOU" penetrated systems at the Defense Department, the CIA and at least a dozen other agencies, attacking their infrastructure and networks.

There is a clear risk that exists, as computer strikes become more sophisticated. Terrorists or hostile foreign states could unleash attacks through computers, severely damaging or disrupting systems that support critical infrastructure. This can lead to disorder in our Nation's defense and public operations or stolen data of sensitive material. The disturbing element is that the vast majority of these kinds of incidents are never reported, in part, because some agencies cannot detect when a hacker has even gained access to their files.

H.R. 1259, Computer Security Enhancement Act of 2001 will amend the National Institute of Standards and Technology Act by requiring the Institute to provide assistance to Federal agencies. The assistance will include developing cost-effective and uniform standards for the security and privacy of sensitive information in certain Federal systems, providing a list of certified commercial Federal computer system security products, and reporting annually on Federal computer system evaluations. Their aid will be used to protect computer networks, promote Federal compliance with computer information security and privacy guidelines, as well as assist Federal response efforts when there is unauthorized access to Federal systems.

H.R. 1259 will focus the energy of the Institute as well as agencies' such as the National Research Council of the National Academy of Sciences and the Undersecretary of Commerce for Technology on security and

encryption issues. Studies, training, and adoption of standards and products will be developed.

This bill will also authorize appropriations for fellowships to students in computer security. There is a need for specialists in the United States and this bill will hopefully be part of a solution to the growing shortage of security professionals within government and this industry.

According to government reports, 24 Federal agencies, have not adopted effective security to protect their computers and networks from attacks. Many agencies still do not use passwords properly and cannot detect intruders. Federal agencies who support this bill: the Defense Department, the Departments of Labor and Health and Human Services, the CIA, the Department of Transportation, Departments of Justice, State and the Treasury, Nuclear Regulatory Commission, U.S. Army Corps of Engineers, the Environmental Protection Agency, the Commerce Department as well as the Federal Aviation Administration.

On a particular occasion last year, a computer virus breached the Defense Department's security system, damaging some computers and infecting several classified systems. Computer attacks could disable sensitive operations such as the FAA flight control system or Pentagon war efforts. This disruption could have chaotic consequences.

This bill is a step forward in combating our current vulnerability of a lack of proper protection on Federal computer systems. With the passing of this bill will come Federal standards that will implement much needed assistance and programs. It is an imperative part of a solution to better respond to current attacks as well as potential ones.

Mr. SMITH of Michigan. Madam Speaker, I rise in strong support of this legislation, offered by the gentlewoman from Maryland, to strengthen the security of sensitive Federal computer systems.

Information security has taken on new significance. Today, the economy and our national security rely on computers as never before. Protecting these systems by reducing their vulnerability to cyber-attack must therefore be a high priority. The same techniques that agencies are employing to cut costs and improve public services—interconnected systems, readily accessible information, and paperless processing—are also factors that increase the vulnerability of these systems to hackers.

Key strengths of this bill are its emphasis on cost-effective solutions and government adoption of commercially available products. Equally important are provisions to address privacy issues and ensure public participation in the development of guidelines. I would emphasize the bill does not mandate Federal guidelines or standards for the private sector.

In a series of hearings held by the Science Committee, we learned a great deal about the existing and emerging threats to computer systems. Despite these threats, there is relatively little university-based research.

The computer security fellowship program in this bill is a start. I plan to move an information technology research bill that will increase cyber-security research even further.

As a senior member of the Science Committee, the gentlewoman from Maryland has

produced an important piece of legislation that is very much needed. I urge my colleagues to support it.

Mrs. MORELLA. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentlewoman from Maryland (Mrs. MORELLA) that the House suspend the rules and pass the bill, H.R. 1259, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mrs. MORELLA. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

RECOGNIZING JOSEPH HENRY FOR HIS ROLE IN DEVELOPMENT OF SCIENCE AND ELECTRICITY

Mrs. MORELLA. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 157) recognizing and honoring Joseph Henry for his significant and distinguished role in the development and advancement of science and electricity.

The Clerk read as follows:

H. CON. RES. 157

Whereas Joseph Henry was born December 17, 1797, in Albany, New York, the son of William and Ann Henry;

Whereas Joseph Henry served as an apprentice to John Doty, a watchmaker and jeweler, in preparation for attendance at the Albany Academy;

Whereas from 1819 to 1822, Joseph Henry attended advanced classes at the Albany Academy and, in the spring of 1826, was elected to the professorship of Mathematics and Natural Philosophy in the Albany Academy;

Whereas Joseph Henry revolutionized scientific education by using experiment-based teaching methods at the Albany Academy, and in 1829 was awarded an honorary Masters degree by Union College, despite having no formal college education;

Whereas Joseph Henry conducted many experiments with electromagnets, which led to his successful design and construction of an electromagnet capable of lifting 750 pounds;

Whereas Joseph Henry continued to improve upon the development of the electromagnet, building an electromagnet for Yale University in 1831 that was capable of lifting 2,300 pounds, and another electromagnet, known as "Big Ben", that was capable of lifting 3,500 pounds, which was, at the time that it was built in 1833, the most powerful electromagnet ever built;

Whereas in January 1831, Joseph Henry helped lay the groundwork for the development of the electromagnetic telegraph by distinguishing between quantity and intensity magnets and by publishing those findings in the *American Journal of Science*;

Whereas the modern practical unit of induction is commonly referred to as the "Henry" in honor of Joseph Henry's research and discoveries regarding self-induction;

Whereas Joseph Henry, while conducting research at the Albany Academy, invented an electromagnetic motor made of a horizontally poised bar electromagnet that would rock back and forth as the current through it was automatically reversed;

Whereas Joseph Henry, while serving as Professor of Natural Philosophy in the College of New Jersey at Princeton (currently known as "Princeton University"), conducted experiments from 1838 to 1842 which laid the theoretical groundwork for modern step-up and step-down transformers;

Whereas, on December 14, 1846, Joseph Henry was selected as the first Secretary and Director of the Smithsonian Institution;

Whereas, in his first report to the Board of Regents of the Smithsonian Institution, Joseph Henry proclaimed that the purpose of the Smithsonian Institution, the increase and diffusion of knowledge among men, would be best achieved by supporting original research and providing for the wide distribution of the most recent findings in the various fields of natural sciences;

Whereas in 1850 Joseph Henry, as Secretary of the Smithsonian Institution, established the system of receiving weather reports by telegraph and utilizing such reports to predict weather conditions and issue storm warnings;

Whereas in 1869 Congress established a national weather bureau upon the recommendation of Joseph Henry;

Whereas Joseph Henry was appointed as a member of the Light House Board in 1852, and served as its president from 1871 until his death in 1878;

Whereas Joseph Henry was an original member of the National Academy of Sciences, its vice-president in 1866, and its president from 1868 until his death in 1878;

Whereas Joseph Henry died in the District of Columbia on May 13, 1878;

Whereas a memorial service was held in honor of Joseph Henry on January 16, 1879, in the Hall of the House of Representatives, and was attended by the President, Vice President, members of the President's Cabinet, Justices of the Supreme Court, Members of Congress, and members of the Board of Regents of the Smithsonian Institution; and

Whereas the memory of Joseph Henry was honored at the opening of the Library of Congress in 1890 by including a statue of Joseph Henry among the 16 bronze portrait statues on display which represent human development and civilization: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring). That Congress recognizes and honors Joseph Henry for his significant and distinguished role in the development and advancement of science and electricity.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Maryland (Mrs. MORELLA) and the gentleman from Texas (Mr. HALL) each will control 20 minutes.

The Chair recognizes the gentlewoman from Maryland (Mrs. MORELLA).

GENERAL LEAVE

Mrs. MORELLA. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the concurrent resolution now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

Mrs. MORELLA. Madam Speaker, I yield myself such time as I may consume. I rise in support of House Concurrent Resolution 157. I commend my distinguished colleague, the gentleman from New York (Mr. McNULTY), for introducing this resolution and for working so hard to bring it to the floor.

This resolution honors Joseph Henry for his significant and distinguished role in the development and advancement of science and electricity. Joseph Henry, considered by many the foremost American scientist of the 19th century, was born on December 17, 1797. Although he was largely self-educated, Henry studied at the Albany, New York, academy from 1819 to 1822. Henry began teaching at the academy in Albany in 1826 where he remained until 1832 when he accepted a position at the College of New Jersey, now Princeton University.

His experimental work in chemistry, electricity, and magnetism reflected only a small portion of his broad scientific interest. Henry is known primarily for his discovery of electromagnetic induction and self-induction. He is also credited with the invention of the electric motor.

In 1846, Henry became the first secretary of the newly organized Smithsonian Institution where he established a continuing tradition of research. Under his leadership, weather reporting stations were connected by telegraph in the United States. These weather reporting stations were organized and maintained by the U.S. Army Signal Corps. This organization would become, in 1891, the U.S. Weather Bureau, which is now the U.S. Weather Service. Henry also directed the resources of the Smithsonian Institution to encourage research in the areas of astronomy, botany, and Native American anthropology.

In the spring of 1863, Mr. Henry became one of the founding members of the National Academy of Science. He served as academy president beginning in 1867 and served both as the National Academy of Science president and secretary of the Smithsonian Institution until his death in 1878. In 1893 his name was given to the standard electrical unit of inductive resistance, the henry. When the statue of Joseph Henry was placed in front of the Smithsonian Castle in 1883, it was hailed as a symbol of rising American science, a rise that continues to this day and will continue well into the future.

Madam Speaker, again I commend the gentleman from New York (Mr. McNULTY) for introducing this resolution. I urge my colleagues to support it.

Madam Speaker, I reserve the balance of my time.

Mr. HALL of Texas. Madam Speaker, I yield myself such time as I may consume. I rise, of course, in strong sup-

port of this resolution that recognizes and honors Joseph Henry for his significant and distinguished role in the development and advancement of science and electricity in another century and in another day and time. I think it is great that my friend, the gentleman from New York (Mr. McNULTY), has pursued this and to bring up again today the efforts of those of the past. He has been a dogged advocate for it. He is the reason we are here today. I surely do appreciate that. The gentlewoman from Maryland has given us some of the background on Joseph Henry. I am sure the gentleman from New York (Mr. McNULTY) and the gentleman from New Jersey (Mr. HOLT) will go a little bit further for us a little later.

I just wanted to emphasize that Joseph Henry was known for being a great educator and an advocate of basic research. Those are words we hear a lot still today. As the first secretary of the Smithsonian, he did an excellent job of ensuring that the Smithsonian supported both of these areas and both of these thrusts.

Joseph Henry was a very special man. It is rare for the Federal Government to shut down for the funeral of a citizen. I have read that not only did the government close in the case of Henry's death but also shut down 5 years later for the unveiling of his statue which currently sits on the mall.

According to Marc Rothenberg, editor of the Joseph Henry Papers Project, such was the reputation of Mr. Henry that one Secretary of the Interior had assured Henry that if a request was backed by him, that was sufficient. I guess most Members of Congress would kill for that kind of deal and that kind of recognition.

□ 1515

But it is my understanding that a group of school children in New York are very interested in this legislation, and I look forward to hearing more about it and about their involvement in it from the gentleman from New York.

Madam Speaker, I yield such time as he may consume to the gentleman from New York (Mr. McNULTY), who represents the district that Mr. Henry came from and is the author of this bill.

Mr. McNULTY. Madam Speaker, I thank my good friend from Texas for yielding me this time.

Madam Speaker, this afternoon we honor the "Father of American Science," Joseph Henry, a true pioneer in the field of electricity and electromagnetics, the man responsible for laying the foundation for government-sponsored scientific research in this country, and a native, I am proud to say, of the capital region of the State of New York.

Joseph Henry was born in Albany, New York, in 1797. He attended local schools and quickly distinguished himself as a superior student with a curious mind. Despite having no formal college education, Mr. Henry earned an honorary master's degree from Union College in Schenectady, New York, and, in 1826, a professorship in mathematics and natural philosophy at the Albany Academy.

It was in this position that Mr. Henry found his interest and his gift and promptly revolutionized the field of electromagnetics. The most powerful electromagnet at the time sustained a weight of just a few pounds. After just 7 years of research and experimentation, Henry devised Big Ben, at that time the most powerful electromagnet ever built, sustaining 3,500 pounds.

Henry invented the first electromagnetic motor. His research is credited for laying the foundation for the development of the electromagnetic telegraph and the modern day transformer; and, in fact, the practical unit of inductance, the generation of force within a circuit, is called, quite simply, the Henry.

He distinguished himself not just as a preeminent scientific investigator but also as a man possessing good judgment, leadership ability and superior character. He reluctantly surrendered his pursuits in pure science to answer what he believed to be a call of duty.

In December of 1846, Mr. Henry was selected as the first Secretary and Director of the Smithsonian Institution. He proclaimed that the purpose of the Smithsonian Institution, the increase and diffusion of knowledge among men, was best achieved by supporting original research and providing for the wide distribution of the most recent findings in the various natural sciences. We all know that this is precisely the mission and the accomplishment of the Smithsonian Institution as we know it today.

In his later years, Mr. Henry continued to achieve and lead. At his recommendation, Congress established the National Weather Bureau in 1869. He served as a member of the Light House Board for 26 years, the final seven as its chairman; and he was named an original member of the National Academy of Sciences and served as its president for the last 10 years of his life.

Joseph Henry died here in Washington in May of 1878. On January 16, 1879, a memorial service was held in his honor in the Hall of the House of Representatives. It was attended by the President, the Vice President, members of the Cabinet, Justices of the Supreme Court and Members of Congress, a rare and very well-deserved honor.

At the opening of the Library of Congress in 1890, Mr. Henry was featured among the 16 bronze portrait statues chosen to represent the whole of human development and civilization.

It is my hope that in recognizing Joseph Henry's numerous accomplishments and his distinguished role in the history of our Nation, we will encourage today's young people to pursue careers in science and technology.

Madam Speaker, I ask all Members to join with me in supporting the passage of House Concurrent Resolution 157 honoring the Father of American Science, Joseph Henry, a native, I am proud to say, of my Congressional District.

Mr. HALL of Texas. Madam Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. HOLT), a professor at Princeton where Joseph Henry taught. As a physicist I would have trouble getting in Princeton, much less getting out, or all the more of teaching there, but the gentleman has the distinction of probably being one of the few Members in Congress that fully understands the work of Mr. Henry and his scientific research.

Mr. HOLT. Madam Speaker, I thank my friend, the ranking member of the Committee on Science, for yielding me time, and I also thank my friend from New York for carrying this forward.

As a representative of Central New Jersey, including Princeton University, and as a physicist, I could not let this opportunity go by to speak of one of the great Americans. New York likes to claim Joseph Henry. Washington, D.C., likes to claim Joseph Henry. In New Jersey, we really have a soft spot for someone who did much of his scientific research at what was then called the College of New Jersey, Princeton University.

Outside of the Princeton Physics Building there are really two statues now; on one side, Joseph Henry; on the other side, Benjamin Franklin.

Joseph Henry is a remarkable American story, a self-made scientist, a country boy who made good. He was self-taught. When he was appointed to a professorship at Princeton, he asked whether they knew that he had had no formal education. But they were happy to have him because of his careful mind, and, most important, his careful experimental work. That is what I want to say a word about.

He is known for his work with induction. On one side of the Atlantic, Michael Faraday was doing work; on this side of the Atlantic, it was Joseph Henry. Now, induction may sound like an academic fine point of narrow interest, but, in fact, every motor, every transformer, every telephone, every TV broadcast, in fact, all of modern electronics is built on this work on induction.

Joseph Henry was the leading American proponent of experimental science. He not only developed the principle on which Morse developed the telegraph; he actually had a wire strung from the basement of Nassau

Hall to his home where he could signal by telegraphy to his wife and family, I suppose, when he would be coming home for dinner.

He also in inventing electromagnets improvised and at one point realized he needed to insulate the wires so he could have multiple windings around the electromagnet, and he unraveled one of his wife's silk garments so he could braid silk around the wire to provide insulation and make stronger, far stronger, electromagnets than anyone in the world had ever done.

But always he was looking at the use of science for the national service, for the national good. He came to national attention and to the attention of Congress when in 1844 he was appointed to a commission to investigate an explosion of a gun on the new USS Princeton on the Potomac River. This was, I guess, the Challenger accident of the day, because a gun exploded and the Secretaries of State and Navy and several Members of Congress were killed.

Henry's careful investigation of the cause of that and his efforts to prevent anything like that explosion from ever occurring again brought him to the attention of Congress. So when the word went out to find a director for this new, well-endowed institution where Joseph Smithson had sent a shipload of money to form an institution for the increase and diffusion of knowledge, they looked for the best person in America to head it, and Congress hit on Joseph Henry.

Madam Speaker, the reason that we want to recognize Joseph Henry is because of what he did not just in his laboratory but to apply science to the public good in this investigation of the explosion, but then in the creation of the National Academy of Sciences, which went on and has continued to this day to use science in the national interest, and for what he did in empirical science.

With all the talk that we have nowadays of the need for science education in the schools, it is not so much that students can do calculations with Henrys and Farads and units of force and voltage and so forth but, rather, so that they learn the idea of empirical science, a way of thinking that is built on evidence, where evidence rules.

Joseph Henry was the leading American in developing this kind of empirical thinking that serves us so well today. That is why I commend the students in the district of the gentleman from New York (Mr. McNULTY) for bringing Joseph Henry to the attention of Americans today, and I am delighted to join my friend in elevating the name of Joseph Henry through this legislation.

Mr. HALL of Texas. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mrs. MORELLA. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I ask for support of this resolution. I think that it is important that young people look to the work that has been done by this pioneer in electromagnetism in the mid-19th century.

Again, I commend the gentleman from New York (Mr. McNULTY) for recognizing Joseph Henry, and I ask the body to agree to House Concurrent Resolution 157.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from Maryland (Mrs. MORELLA) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 157.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

PRICE-ANDERSON REAUTHORIZATION ACT OF 2001

Mr. BARTON of Texas. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 2983) to extend indemnification authority under section 170 of the Atomic Energy Act of 1954, and for other purposes, as amended.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Price-Anderson Reauthorization Act of 2001".

SEC. 2. EXTENSION OF INDEMNIFICATION AUTHORITY.

(a) INDEMNIFICATION OF NUCLEAR REGULATORY COMMISSION LICENSEES.—Section 170 c. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(c)) is amended—

(1) in the subsection heading, by striking "LICENSEES" and inserting "LICENSEES"; and

(2) by striking "August 1, 2002" each place it appears and inserting "August 1, 2017".

(b) INDEMNIFICATION OF DEPARTMENT OF ENERGY CONTRACTORS.—Section 170 d.(1)(A) of the Atomic Energy Act of 1954 (42 U.S.C. 2210(d)(1)(A)) is amended by striking "August 1, 2002" and inserting "August 1, 2017".

(c) INDEMNIFICATION OF NONPROFIT EDUCATIONAL INSTITUTIONS.—Section 170 k. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(k)) is amended by striking "August 1, 2002" each place it appears and inserting "August 1, 2017".

SEC. 3. MAXIMUM ASSESSMENT.

Section 170 b.(1) of the Atomic Energy Act of 1954 (42 U.S.C. 2210(b)(1)) is amended—

(1) in the second proviso of the third sentence—

(A) by striking "\$63,000,000" and inserting "\$94,000,000"; and

(B) by striking "\$10,000,000 in any 1 year" and inserting "\$15,000,000 in any 1 year (subject to adjustment for inflation under subsection t.)"; and

(2) in subsection t.—

(A) by inserting "total and annual" after "amount of the maximum";

(B) by striking “the date of the enactment of the Price-Anderson Amendments Act of 1988” and inserting “July 1, 2001”; and

(C) by striking “such date of enactment” and inserting “July 1, 2001”.

SEC. 4. DEPARTMENT OF ENERGY LIABILITY LIMIT.

(a) INDEMNIFICATION OF DEPARTMENT OF ENERGY CONTRACTORS.—Section 170 d. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(d)) is amended by striking paragraph (2) and inserting the following:

“(2) INDEMNIFICATION AGREEMENTS.—In an agreement of indemnification entered into under paragraph (1), the Secretary—

“(A) may require the contractor to provide and maintain the financial protection of such a type and in such amounts as the Secretary shall determine to be appropriate to cover public liability arising out of or in connection with the contractual activity; and

“(B) shall indemnify the persons indemnified against such liability above the amount of the financial protection required, in the amount of \$10,000,000,000 (subject to adjustment for inflation under subsection t.), in the aggregate, for all persons indemnified in connection with the contract and for each nuclear incident, including such legal costs of the contractor as are approved by the Secretary.”.

(b) CONTRACT AMENDMENTS.—Section 170 d. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(d)) is amended by striking paragraph (3) and inserting the following:

“(3) CONTRACT AMENDMENTS.—All agreements of indemnification under which the Department of Energy (or its predecessor agencies) may be required to indemnify any person under this section shall be deemed to be amended, on the date of enactment of the Price-Anderson Reauthorization Act of 2001, to reflect the amount of indemnity for public liability and any applicable financial protection required of the contractor under this subsection.”.

(c) LIABILITY LIMIT.—Section 170 e.(1)(B) of the Atomic Energy Act of 1954 (42 U.S.C. 2210(e)(1)(B)) is amended—

(1) by striking “the maximum amount of financial protection required under subsection b. or”; and

(2) by striking “paragraph (3) of subsection d., whichever amount is more” and inserting “paragraph (2) of subsection d.”.

SEC. 5. INCIDENTS OUTSIDE THE UNITED STATES.

(a) AMOUNT OF INDEMNIFICATION.—Section 170 d.(5) of the Atomic Energy Act of 1954 (42 U.S.C. 2210(d)(5)) is amended by striking “\$100,000,000” and inserting “\$500,000,000”.

(b) LIABILITY LIMIT.—Section 170 e.(4) of the Atomic Energy Act of 1954 (42 U.S.C. 2210(e)(4)) is amended by striking “\$100,000,000” and inserting “\$500,000,000”.

SEC. 6. REPORTS.

Section 170 p. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(p)) is amended by striking “August 1, 1998” and inserting “August 1, 2013”.

SEC. 7. INFLATION ADJUSTMENT.

Section 170 t. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(t)) is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by adding after paragraph (1) the following:

“(2) ADJUSTMENT.—The Secretary shall adjust the amount of indemnification provided under an agreement of indemnification under subsection d. not less than once during each 5-year period following July 1, 2001, in accordance with the aggregate percentage change in the Consumer Price Index since—

“(A) that date, in the case of the first adjustment under this paragraph; or

“(B) the previous adjustment under this paragraph.”.

SEC. 8. PRICE-ANDERSON TREATMENT OF MODULAR REACTORS.

Section 170 b. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(b)) is amended by adding at the end the following new paragraph:

“(5)(A) For purposes of this section only, the Commission shall consider a combination of facilities described in subparagraph (B) to be a single facility having a rated capacity of 100,000 electrical kilowatts or more.

“(B) A combination of facilities referred to in subparagraph (A) is 2 or more facilities located at a single site, each of which has a rated capacity of 100,000 electrical kilowatts or more but not more than 300,000 electrical kilowatts, with a combined rated capacity of not more than 1,300,000 electrical kilowatts.”.

SEC. 9. APPLICABILITY.

The amendments made by sections 3, 4, and 5 do not apply to a nuclear incident that occurs before the date of enactment of this Act.

SEC. 10. PROHIBITION ON ASSUMPTION BY UNITED STATES GOVERNMENT OF LIABILITY FOR CERTAIN FOREIGN ACCIDENTS.

Section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) is amended by adding at the end the following new subsection:

“u. PROHIBITION ON ASSUMPTION OF LIABILITY FOR CERTAIN FOREIGN ACCIDENTS.—Notwithstanding this section or any other provision of law, no officer of the United States or of any department, agency, or instrumentality of the United States Government may enter into any contract or other arrangement, or into any amendment or modification of a contract or other arrangement, the purpose or effect of which would be to directly or indirectly impose liability on the United States Government, or any department, agency, or instrumentality of the United States Government, or to otherwise directly or indirectly require an indemnity by the United States Government, for nuclear accidents occurring in connection with the design, construction, or operation of a production facility or utilization facility in any country whose government has been identified by the Secretary of State as engaged in state sponsorship of terrorist activities (specifically including any country the government of which, as of September 11, 2001, had been determined by the Secretary of State under section 620A(a) of the Foreign Assistance Act of 1961, section 6(j)(1) of the Export Administration Act of 1979, or section 40(d) of the Arms Export Control Act to have repeatedly provided support for acts of international terrorism).”.

SEC. 11. SECURE TRANSFER OF NUCLEAR MATERIALS.

(a) AMENDMENT.—Chapter 14 of the Atomic Energy Act of 1954 (42 U.S.C. 2201–2210b) is amended by adding at the end the following new section:

“SEC. 170C. SECURE TRANSFER OF NUCLEAR MATERIALS.—

“a. The Nuclear Regulatory Commission shall establish a system to ensure that, with respect to activities by any party pursuant to a license issued under this Act—

“(1) materials described in subsection b., when transferred or received in the United States—

“(A) from a facility licensed by the Nuclear Regulatory Commission;

“(B) from a facility licensed by an agreement State; or

“(C) from a country with whom the United States has an agreement for cooperation under section 123,

are accompanied by a manifest describing the type and amount of materials being transferred;

“(2) each individual transferring or accompanying the transfer of such materials has been subject to a security background check by appropriate Federal entities; and

“(3) such materials are not transferred to or received at a destination other than a facility licensed by the Nuclear Regulatory Commission or an agreement State under this Act or other appropriate Federal facility, or a destination outside the United States in a country with whom the United States has an agreement for cooperation under section 123.

“b. Except as otherwise provided by the Commission by regulation, the materials referred to in subsection a. are byproduct materials, source materials, special nuclear materials, high-level radioactive waste, spent nuclear fuel, transuranic waste, and low-level radioactive waste (as defined in section 2(16) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101(16))).”.

(b) REGULATIONS.—Not later than 1 year after the date of the enactment of this Act, and from time to time thereafter as it considers necessary, the Nuclear Regulatory Commission shall issue regulations identifying radioactive materials that, consistent with the protection of public health and safety and the common defense and security, are appropriate exceptions to the requirements of section 170C of the Atomic Energy Act of 1954, as added by subsection (a) of this section.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect upon the issuance of regulations under subsection (b).

(d) EFFECT ON OTHER LAW.—Nothing in this section or the amendment made by this section shall waive, modify, or affect the application of chapter 51 of title 49, United States Code, part A of subtitle V of title 49, United States Code, part B of subtitle VI of title 49, United States Code, and title 23, United States Code.

(e) TABLE OF SECTIONS AMENDMENT.—The table of sections for chapter 14 of the Atomic Energy Act of 1954 is amended by adding at the end the following new item:

“Sec. 170C. Secure transfer of nuclear materials.”.

SEC. 12. NUCLEAR FACILITY THREATS.

(a) STUDY.—The President, in consultation with the Nuclear Regulatory Commission and other appropriate Federal, State, and local agencies and private entities, shall conduct a study to identify the types of threats that pose an appreciable risk to the security of the various classes of facilities licensed by the Nuclear Regulatory Commission under the Atomic Energy Act of 1954. Such study shall take into account, but not be limited to—

(1) the events of September 11, 2001;

(2) an assessment of physical, cyber, biochemical, and other terrorist threats;

(3) the potential for attack on facilities by multiple coordinated teams of a large number of individuals;

(4) the potential for assistance in an attack from several persons employed at the facility;

(5) the potential for suicide attacks;

(6) the potential for water-based and air-based threats;

(7) the potential use of explosive devices of considerable size and other modern weaponry;

(8) the potential for attacks by persons with a sophisticated knowledge of facility operations;

(9) the potential for fires, especially fires of long duration; and

(10) the potential for attacks on spent fuel shipments by multiple coordinated teams of a large number of individuals.

(b) SUMMARY AND CLASSIFICATION REPORT.—Not later than 180 days after the date of the enactment of this Act, the President shall transmit to the Congress and the Nuclear Regulatory Commission a report—

(1) summarizing the types of threats identified under subsection (a); and

(2) classifying each type of threat identified under subsection (a), in accordance with existing laws and regulations, as either—

(A) involving attacks and destructive acts, including sabotage, directed against the facility by an enemy of the United States, whether a foreign government or other person, or otherwise falling under the responsibilities of the Federal Government; or

(B) involving the type of risks that Nuclear Regulatory Commission licensees should be responsible for guarding against.

(c) FEDERAL ACTION REPORT.—Not later than 90 days after the date on which a report is transmitted under subsection (b), the President shall transmit to the Congress a report on actions taken, or to be taken, to address the types of threats identified under subsection (b)(2)(A). Such report may include a classified annex as appropriate.

(d) REGULATIONS.—Not later than 270 days after the date on which a report is transmitted under subsection (b), the Nuclear Regulatory Commission shall issue regulations, including changes to the design basis threat, to ensure that licensees address the threats identified under subsection (b)(2)(B).

(e) PHYSICAL SECURITY PROGRAM.—The Nuclear Regulatory Commission shall establish an operational safeguards response evaluation program that ensures that the physical protection capability and operational safeguards response for sensitive nuclear facilities, as determined by the Commission consistent with the protection of public health and the common defense and security, shall be tested periodically through Commission approved or designed, observed, and evaluated force-on-force exercises to determine whether the ability to defeat the design basis threat is being maintained. For purposes of this subsection, the term “sensitive nuclear facilities” includes at a minimum commercial nuclear power plants, including associated spent fuel storage facilities, spent fuel storage pools and dry cask storage at closed reactors, independent spent fuel storage facilities and geologic repository operations areas, category I fuel cycle facilities, and gaseous diffusion plants.

(f) CONTROL OF INFORMATION.—In carrying out this section, the President and the Nuclear Regulatory Commission shall control the dissemination of restricted data, safeguards information, and other classified national security information in a manner so as to ensure the common defense and security, consistent with chapter 12 of the Atomic Energy Act of 1954.

SEC. 13. INDUSTRIAL SAFETY RULES FOR DEPARTMENT OF ENERGY NUCLEAR FACILITIES.

Section 170 d. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(d)) is amended by adding at the end the following new paragraph:

“(8)(A) It shall be a condition of any agreement of indemnification entered into under this subsection that the indemnified party comply with regulations issued under this paragraph.

“(B) Not later than 180 days after the date of the enactment of this paragraph, the Secretary shall issue industrial health and safety regulations that shall apply to all Department of Energy contractors and subcontractors who are covered under agreements entered into under this subsection for operations at Department of Energy nuclear facilities. Such regulations shall provide a level of protection of worker health and safety that is substantially equivalent to or identical to that provided by the industrial and construction safety regulations of the Occupational Safety and Health Administration (29 CFR 1910 and 1926), and shall establish civil penalties for violation thereof that are substantially equivalent to or identical to the civil penalties applicable to violations of the industrial and construction safety regulations of the Occupational Safety and Health Administration. The Secretary shall amend regulations under this subparagraph as necessary.

“(C) Not later than 240 days after the date of the enactment of this paragraph, all agreements described in subparagraph (B), and all contracts and subcontracts for the indemnified contractors and subcontractors, shall be modified to incorporate the requirements of the regulations issued under subparagraph (B). Such modifications shall require compliance with the requirements of the regulations not later than 1 year after the issuance of the regulations.

“(D) Enforcement of regulations issued under subparagraph (B), and inspections required in the course thereof, shall be conducted by the Office of Enforcement of the Office of Environment, Safety, and Health of the Department of Energy. The Secretary shall transmit to the Congress an annual report on the implementation of this subparagraph.

“(E) This paragraph shall not apply to facilities and activities covered under section 3216 of the National Nuclear Security Administration Act (50 U.S.C. 2406).”

SEC. 14. UNREASONABLE RISK CONSULTATION.

Section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) is amended by adding at the end the following new subsection:

“v. UNREASONABLE RISK CONSULTATION.—Before entering into an agreement of indemnification under this section with respect to a utilization facility, the Nuclear Regulatory Commission shall consult with the Assistant to the President for Homeland Security (or any successor official) concerning whether the location of the proposed facility and the design of that type of facility ensure that the facility provides for adequate protection of public health and safety if subject to a terrorist attack.”

SEC. 15. FINANCIAL ACCOUNTABILITY.

(a) AMENDMENT.—Section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) is amended by adding at the end the following new subsection:

“w. FINANCIAL ACCOUNTABILITY.—(1) Notwithstanding subsection d., the Attorney General may bring an action in the appropriate United States district court to recover from a contractor of the Secretary (or subcontractor or supplier of such contractor) amounts paid by the Federal Government under an agreement of indemnification under subsection d. for public liability resulting from conduct which constitutes intentional misconduct of any corporate officer, manager, or superintendent of such contractor (or subcontractor or supplier of such contractor).

“(2) The Attorney General may recover under paragraph (1) an amount not to exceed

the amount of the profit derived by the defendant from the contract.

“(3) No amount recovered from any contractor (or subcontractor or supplier of such contractor) under paragraph (1) may be reimbursed directly or indirectly by the Department of Energy.

“(4) Paragraph (1) shall not apply to any nonprofit entity conducting activities under contract for the Secretary.

“(5) No waiver of a defense required under this section shall prevent a defendant from asserting such defense in an action brought under this subsection.

“(6) The Secretary shall, by rule, define the terms ‘profit’ and ‘nonprofit entity’ for purposes of this subsection. Such rulemaking shall be completed not later than 180 days after the date of the enactment of this subsection.”

(b) EFFECTIVE DATE.—The amendment made by this section shall not apply to any agreement of indemnification entered into under section 170 d. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(d)) before the date of the enactment of this Act.

SEC. 16. CIVIL PENALTIES.

(a) REPEAL OF AUTOMATIC REMISSION.—Section 234A b. (2) of the Atomic Energy Act of 1954 (42 U.S.C. 2282a(b)(2)) is amended by striking the last sentence.

(b) LIMITATION FOR NONPROFIT INSTITUTIONS.—Subsection d. of section 234A of the Atomic Energy Act of 1954 (42 U.S.C. 2282a(d)) is amended to read as follows:

“d. Notwithstanding subsection a., a civil penalty for a violation under subsection a. shall not exceed the amount of any discretionary fee paid under the contract under which such violation occurs for any nonprofit contractor, subcontractor, or supplier—

“(1) described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code; or

“(2) identified by the Secretary by rule as appropriate to be treated the same under this subsection as an entity described in paragraph (1), consistent with the purposes of this section.”

(c) EFFECTIVE DATE.—The amendments made by this section shall not apply to any violation of the Atomic Energy Act of 1954 occurring under a contract entered into before the date of the enactment of this Act.

(d) RULEMAKING.—Not later than 6 months after the date of the enactment of this Act, the Secretary of Energy shall issue a rule for the implementation of the amendment made by subsection (b).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. BARTON) and the gentleman from Massachusetts (Mr. MARKEY) each will control 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. BARTON).

GENERAL LEAVE

Mr. BARTON of Texas. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2983, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BARTON of Texas. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I am pleased to bring to the floor the Price-Anderson Reauthorization Act of 2001, H.R. 2983. After several months of hard work, the Committee on Energy and Commerce has produced a bipartisan bill that ensures swift compensation to the public in the unlikely event of a nuclear accident and encourages the future development of nuclear power.

Nuclear power currently provides over 20 percent of the Nation's electricity. This bill paves the way for the development of a new generation of smaller, safer and more affordable nuclear power reactors. The bill also extends indemnification to the Department of Energy contractors engaged in important nuclear work at several sites across the country, including nuclear weapons research and nuclear waste cleanup. Without reauthorization of the Price-Anderson Act, we could risk losing some of the best contractors that the Department of Energy relies upon.

In addition to reauthorizing these important programs, H.R. 2983 also dramatically improves security at our Nation's nuclear power plants in response to the widespread concerns over terrorist threats.

I would like to give special commendation to the gentleman from Massachusetts (Mr. MARKEY) for his focus on this part of the bill.

To ensure that radioactive materials are transported securely, the bill would also require, for the first time, background checks on all individuals involved in the transfer of dangerous nuclear radioactive materials licensed by the NRC and require manifests to accompany the transfer and receipt of radioactive materials that could pose a terrorist threat.

To enhance physical security at nuclear power plants, the bill would require the President to conduct a comprehensive threat assessment for existing nuclear plant security at existing nuclear power plants.

□ 1530

The President must report to Congress on what actions the Federal Government will take to address these threats from, and I quote from the bill, "enemies of the United States," including foreign governments. In consultation with the President, the Nuclear Regulatory Commission must also revise its design basis threat regulations to ensure that nuclear power plants are adequately protected.

Finally, the bill would require that the Nuclear Regulatory Commission periodically evaluate security at nuclear power plants through what are called force-on-force exercises, in cooperation with the industry.

In closing, Madam Speaker, I would like to thank a number of Members without whom we would simply not be here on the floor this afternoon. First

and foremost is the principal sponsor of the bill, the gentlewoman from New Mexico (Mrs. WILSON), who will speak later on in this debate. She has played a critical role, not only in committee, but also in working out the differences with other committees of jurisdiction. I would also like to thank the ranking member of the full committee, the gentleman from Michigan (Mr. DINGELL), who is on the floor and will speak later; the ranking member of the subcommittee that I share jurisdiction with, the gentleman from Virginia (Mr. BOUCHER), whom I do not see on the floor, but perhaps he will be later. I would also like to thank our full committee chairman, the gentleman from Louisiana (Mr. TAUZIN), who is not here at the moment, but who has been a vital part of the negotiations.

I would also like to commend other committee chairmen for their cooperation in resolving some very difficult technical disputes and jurisdictional issues as we brought this bill to the floor; and they are the gentleman from Wisconsin (Mr. SENSENBRENNER), the chairman of the Committee on the Judiciary; the gentleman from Alaska (Mr. YOUNG), the chairman of the Committee on Transportation and Infrastructure; the gentleman from Arizona (Mr. STUMP), the chairman of the Committee on Armed Services; and the gentleman from New York (Mr. BOEHLERT), the chairman of the Committee on Science, who have all played a vital role in this legislation coming to the floor as expeditiously as it has.

Madam Speaker, the extensive public protections provided by the Price-Anderson Act work. I am pleased to present a reauthorization bill that extends and improves on those protections. This legislation is by no means a perfect bill; but it is a very, very good piece of work. We will, of course, review the suggestions of the administration, and we will work with the other body as they move their bill in, hopefully, a similarly bipartisan fashion.

Madam Speaker, I reserve the balance of my time.

Mr. MARKEY. Madam Speaker, I yield myself such time as I may consume.

I rise in opposition to the passage of this legislation, especially using the suspension process, which eliminates all ability for any Members to amend this deficient piece of legislation.

I would like to begin first by saying that while I oppose the legislation, I am beholden to the chairmen of the committee and the subcommittee for the courteous way in which they treated the minority and the respectful way in which we have handled, on a bipartisan basis, the antiterrorist components of this legislation, which has received unanimous support on both sides. However, I would like to note that the overarching bill is something that still resists any logical analysis in

terms of why Congress should be subsidizing a private sector industry.

The nuclear power industry was really born about 45 or 50 years ago, and we were all told as a people, watching the Mickey Mouse Club, that this was going to be a wonderful new industry, that it was going to harness our friend, the atom. It was going to be safe, it was going to be efficient, it was going to be cheap. But, they said, maybe not that safe, because we cannot find any insurance company that will give us any insurance, because they think we are a very dangerous industry. So they came to Congress as an industry with their hat in hand asking us if we would provide for a 10-year period, while the industry was in its infancy, insurance protection so that there was a limited liability in the event that there was a serious accident at a nuclear power plant. That was supposed to end in 1967.

Well, here we are in the year 2001, and we are being asked, once again, to extend this protection, this government subsidy of the insurance that the industry, the nuclear industry must obtain. Now, that, even at the same time that we are being told that a new generation of plants are coming on line, pebble bed reactors, that are going to be so safe that we will never have to worry about accidents.

So I had an amendment which I requested be put in order out here which would be that before any one of these companies could avail themselves of this Price-Anderson protection, that they had to first have gone to an insurance company and tried to obtain insurance for what they say is a very safe industry, so that we can end the government subsidy. But what we are being told is that, no, that would ruin the industry, that one must be an anti-nuclear zealot if one believes that an industry should go to the private sector and ask if they can obtain insurance so that the Federal taxpayer does not have to pick up the tab.

Now, Adam Smith is spinning in his grave as he watches a Republican-controlled Congress extend congressional taxpayer subsidies to this industry.

Madam Speaker, when we were all teenagers all getting our licenses for the first time, there was always one kid in our neighborhood who always got into accidents, time after time, three accidents, five accidents, 10 accidents; and then that kid, and we all know his name in our own neighborhood, he lost his insurance and he went into the assigned-risk pool, and his insurance rate was very high; but he could keep his license. Only as his behavior improved could he potentially work his way out of that pool.

What we have done here historically is we have created a one-industry, assigned-risk pool. We have assumed that the nuclear industry is so risky it cannot get insurance in the private sector. Today, even though we are being told

that this industry is safer than ever and the new generation of pebble bed reactors will never have an accident, we are told that even that new generation, the baby nukes, are still going to have to live with the crimes, the sins, of their father. It is a foreshadowing of history, that they too will be too risky. I think that is terrible, this cycle of dependency that these baby nukes are now trapped in, that they cannot go out into the private sector, that they cannot try to obtain insurance, that they are not going to be requested to do so. I think it is wrong for an industry to tell every subsequent generation of power plants that they are going to be subsidized by the Federal Government.

So I oppose Price-Anderson. I think it is unfair to this next generation of nuclear power plants to be trapped in this cycle of dependency, and I hope that today we are able to defeat this measure.

Madam Speaker, I reserve the balance of my time.

Mr. BARTON of Texas. Madam Speaker, I yield 3 minutes to the gentlewoman from New Mexico (Mrs. WILSON).

Mrs. WILSON. Madam Speaker, I want to thank the chairman of the subcommittee, the gentleman from Texas (Mr. BARTON), who has worked very hard on this issue, and others, to get energy legislation through this Congress, and also the chairman and the ranking member of the full Committee on Commerce, who have reached what I think is a good, bipartisan reauthorization of this bill, as well as the subcommittee chairman, the gentleman from Virginia (Mr. BOUCHER).

Price-Anderson is something that is not exactly a common household word in America; and I think it is important, particularly given the remarks of my colleague from Massachusetts, to explain what this does and how this works.

About 44 years ago they set up a system that goes like this: every nuclear power plant in the country has to buy, must buy the maximum amount of commercially available insurance they can get; and right now, that is about \$200 million worth of insurance. In addition to that, the law requires that they have a mutual insurance pool where for every reactor, every company has to put in \$88 million into that pool, which means the industry itself is insuring itself up to the maximum amount that is available on the commercial market and then ensuring each other up to \$9.5 billion in lawsuits. Then, the law says that the Congress would be responsible for anything beyond that.

There is absolutely no subsidy. In fact, in 44 years, taxpayers have not spent one dime in insuring this industry, because there have not been the losses and the safety record has been very good.

The reality is it works. Over the last 44 years, there have been 206 claims against the nuclear industry, and compensation, total compensation of \$191 million, all of which has been covered by the commercial insurance that is required to be purchased by nuclear power companies.

What this really means, though, is that a company can build a reactor. They can go to the capital markets and be assured that they are going to be able to get the capital to build the next generation of nuclear power. Twenty percent of our electricity in this country comes from nuclear energy. We need a balanced, long-term plan for energy in this country; and it must include nuclear energy.

Madam Speaker, this bill reauthorizes a very successful piece of legislation which is now being looked at as a model for what we should do for terrorism insurance, so that our Main Street companies can get the capital they need to operate their companies, build jobs, and survive. I think the amendments that are in this bill, in the reauthorization bill are good ones. I have been working with the Committee on Armed Services and will continue to work with the Naval Nuclear Reactor Program to make sure that none of these changes adversely impacts or reduces the excellent safety record of our Naval Nuclear Reactor Program.

Mr. MARKEY. Madam Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. DINGELL).

Mr. DINGELL. Madam Speaker, I rise in support of H.R. 2983. I thank the gentleman from Massachusetts (Mr. MARKEY), my good friend, for yielding me this time. I also commend him for his work on the Price-Anderson Reauthorization Act of 2001. I commend the distinguished gentleman from Texas (Mr. BARTON) for his labors in that regard, and also the chairman of the full committee, the gentleman from Louisiana (Mr. TAUZIN), my good friend. The bill was reported from the committee by a voice vote, and in a strong bipartisan vote besides.

The bill makes important improvements in current law, particularly with respect to the Department of Energy contractors. These contractors perform important and often hazardous work for the country in the areas of research, management of nuclear ponds materials, and environmental cleanup.

Since its enactment in 1957, the Price-Anderson Act has provided for full indemnification of these contractors, some of whom originally worked for \$1 a year. This has meant that the taxpayers are obligated to reimburse contractors working for the Department of Energy and its predecessors for any and all liability to the public in connection with any nuclear accident. This complete insulation from liability

is unique in Federal contracting law and suspends one of our legal system's most useful incentives for proper conduct by businesses, and that is the knowledge that they can be held accountable for their misconduct if it results in injury to others.

While Price-Anderson's total indemnification policy may have been appropriate when it was enacted over 40 years ago, it is no longer necessary and no longer warranted. I do commend very much the gentleman from Louisiana (Mr. TAUZIN), the chairman of the committee, for working with me on a compromise that holds for-profit contractors accountable for harm caused by their intentional misconduct and that of their corporate officials. With respect to nonprofit contractors, such as universities who run our national laboratories, the compromise subjects those entities to civil penalties for violation of DOE nuclear safety regulations. I feel these provisions should have been more stringent; but they are, nonetheless, significant and valuable reforms. Again, I wish to commend the gentleman from Texas (Mr. BARTON), the chairman of the subcommittee; the gentleman from Virginia (Mr. BOUCHER), the ranking member; and the gentleman from Tennessee (Mr. GORDON) for their work in fashioning this compromise.

I believe the gentleman from Ohio (Mr. STRICKLAND) should be congratulated for the important reforms he brought to the committee's attention, which were adopted after a useful, bipartisan effort by all of the members of the committee. As my colleagues know, the gentleman from Ohio (Mr. STRICKLAND) is a tireless advocate, both for his communities and for others in which DOE nuclear facilities are located. His amendment ends the Department's exemption from OSHA worker-safety requirements, something badly needed and much overdue, and directs the Department to adopt equivalent safety regulations. This amendment was included in the bill only by his dogged determination and great effort.

I do want to commend my good friend, the gentleman from Massachusetts (Mr. MARKEY), who worked with the chairman and me to address matters of nuclear security that have become more important in light of the events of September 11.

□ 1545

That amendment, sponsored by the three of us, the Markey-Tauzin-Dingell amendment, requires the President to define those types of threats that could be rightly handled by our Armed Forces, such as attacks by hostile aircraft, and to develop a plan for addressing these threats.

For these threats that do not fall into this initial category, the bill requires NRC to revise its design basis

threat to ensure that the operators of nuclear facilities, including decommissioned reactors, are providing adequate protection to the public.

The legislation, in a second fashion, requires NRC to establish and oversee a rigorous program of force-on-force exercises to ensure that each nuclear facility will be able to respond adequately to any terrorist threat.

Third, the Markey-Tauzin-Dingell amendment directs NRC to use its long-held authority over the movement of radioactive materials to establish a cradle-to-grave system for tracking movements of these materials that could pose a threat to the public health, to the public safety, or to the common defense if they fall in the wrong hands.

The language instructs the NRC to ensure that all those involved in the movement of these materials have been subject to a timely background check by appropriate Federal entities such as the FBI.

Fourth, the amendment requires NRC within 1 year of enactment to issue a rule exempting from the new manifest and background check requirements shipments of these materials, particularly radiopharmaceuticals that do not pose a threat to the public health, safety, or well-being.

This is a good proposal, and the amendment does great good. It is a meaningful bipartisan compromise that represents not only a great step forward in protection of our nuclear facilities and more secure movement of our nuclear materials, but manifests real bipartisan cooperation.

I urge my colleagues to support this bill. It should be passed. It is far better than existing law.

Mr. BARTON of Texas. Madam Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. BARTLETT).

Mr. BARTLETT of Maryland. Madam Speaker, I wish to engage the gentleman from Texas in a colloquy.

Madam Speaker, section 16 contains two provisions of concern to the Committee on Science regarding the management of Department of Energy labs by certain contractors.

Madam Speaker, the Battelle Memorial Institute manages several DOE facilities and was explicitly named in the 1988 Price-Anderson legislation as an entity exempt from civil penalties. In section 16(b) of H.R. 983, the Committee on Science notes that the exemption for such-named entities is eliminated. However, the current amendments limit civil penalties to be paid by non-profit institutions to the discretionary fee.

Would the gentleman from Texas (Mr. BARTON) provide assurances that the legislative intent of section 16(b) is to include institutions such as Battelle Memorial Institute and that he expects the Secretary of Energy to include Battelle in the Secretary's rulemaking under section 16(b)?

Mr. BARTON of Texas. Madam Speaker, will the gentleman yield?

Mr. BARTLETT of Maryland. I yield to the gentleman from Texas.

Mr. BARTON of Texas. Madam Speaker, I agree with the gentleman, and the committee agrees with what the gentleman just said.

Mr. BARTLETT of Maryland. Madam Speaker, reclaiming my time, I have one more question for the distinguished chairman.

Under section 16(b), H.R. 2983 limits civil penalties to be paid by such contractors to no more than the amount of the discretionary fee.

Would the gentleman from Texas (Mr. BARTON) agree that the appropriate definition for "discretionary fee" is contained in the committee report on H.R. 2983, which specifies that the discretionary fee refers to that portion of the contract fee which is paid based on the contractor's performance?

Mr. BARTON of Texas. Madam Speaker, if the gentleman will continue to yield, I agree, on behalf of the committee. We agree with the gentleman's assessment.

Mr. BARTLETT of Maryland. Madam Speaker, I thank the gentleman from Texas. I look forward to working with him on this matter and on other important issues in the future.

Mr. MARKEY. Madam Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. STRICKLAND).

Mr. STRICKLAND. Madam Speaker, I thank the gentleman for yielding time to me.

Madam Speaker, I rise in support of H.R. 2983, the Price-Anderson Reauthorization Act.

I would like to thank the gentleman from Louisiana (Chairman TAUZIN) and the gentleman from Texas (Mr. BARTON) and the ranking members, the gentleman from Michigan (Mr. DINGELL) and the gentleman from Virginia (Mr. BOUCHER), as well as other sponsors of this legislation; and also the gentlewoman from New Mexico (Mrs. WILSON), especially for her work in bringing this legislation to the floor. I appreciate that. This is an important piece of work, and she has done great service.

I also would like to thank the gentleman from Massachusetts (Mr. MARKEY) and the gentleman from Tennessee (Mr. GORDON) for their hard work to amend the bill and strengthen the safety of our nuclear industry and increase the accountability of our Department of Defense contractors.

Although this legislation does not come to the floor without some controversy, I think it represents a good bipartisan effort to move important legislation forward.

The Price-Anderson Act establishes a method to provide for timely compensation to citizens who are injured in the event of a nuclear incident or accident at a nuclear reactor or at a DOE

facility where nuclear activities are performed.

It is our hope that such an accident will never happen, but I would not want injured citizens to be denied compensation should such an unfortunate accident occur. This legislation provides assurances that the public will be compensated appropriately.

I am particularly pleased that an amendment that I offered in the Committee on Energy and Commerce is included in this legislation. Again, I would like to express my thanks to the chairman and to the ranking member for their support of this provision.

My amendment orders DOE to issue industrial and construction health and safety rules that are as protective as OSHA rules already in place at private industrial and construction sites. DOE's Office of Environment, Safety, and Health will enforce these safety standards by issuing fines and penalties for any violations, just as it currently does for nuclear safety.

Section 13 of this bill strives to create industrial and construction safety rules which are substantially equivalent or identical to those regulations enforced by OSHA. In my opinion, there is no reason that the enforcement of industrial safety standards at our DOE facilities should differ from the enforcement of standards at commercial sites. I thank those who worked on this bill.

Mr. BARTON of Texas. Madam Speaker, I yield 2 minutes to the distinguished gentleman from Rockwall, Texas (Mr. HALL), the ranking member of the Committee on Science and a former distinguished ranking member of the subcommittee that I chair, and one of the most distinguished Members of this body.

Mr. HALL of Texas. Madam Speaker, I thank the gentleman for yielding time to me.

Madam Speaker, I of course rise in support of H.R. 2983. I rise as one who represents the oil patch in Texas. Yet, I recognize the need for nuclear energy as a supplemental source.

I also recognize the fact that energy is such that nations have to go to war for it. We sent Japan hurtling into war 50 years ago. We sent 450,000 kids to the desert 6 years ago. That was for energy. We have to solve our energy problems.

Madam Speaker, I want to thank the gentleman from Michigan (Mr. DINGELL), the ranking member, and those that the gentleman from Texas (Mr. BARTON) thanked. I want to thank the very capable gentleman from Massachusetts (Mr. MARKEY) for the work that he has done.

I have sat by him for 21 years. While he never saw a nuclear plant he liked, he has never seen an issue that he could not debate, and do it masterfully; and he is a gentleman.

I serve on the Committee on Energy and Commerce and the Committee on

Science. As the ranking minority member of the Committee on Science, I also want to thank the Committee on Science members, the gentleman from New York (Chairman BOEHLERT) and the chairman of the Subcommittee on Energy, the gentleman from Maryland (Mr. BARTLETT), and the ranking member, the gentlewoman from California (Ms. WOOLSEY).

Madam Speaker, the Committee on Science has asked for and was granted referral of the bill. However, we were able to find a solution to the problem without having to go to the mark-up.

It certainly is my intent that all laboratory contractors have coverage; and I believe we have found a way to ensure that coverage will apply to this exceptional situation.

Madam Speaker, I support the bill.

Mr. MARKEY. Madam Speaker, I yield 3 minutes to the gentlewoman from Nevada (Ms. BERKLEY).

Ms. BERKLEY. Madam Speaker, I rise in opposition to H.R. 2983. This legislation is nothing more than a giant government subsidy to keep the nuclear industry afloat.

Opposition to Price-Anderson runs the political gamut. Environmental groups like Public Citizen oppose Price-Anderson because it hurts our environment. Rather than investing resources in renewable energy, this bill would further our reliance on nuclear energy, thus exacerbating our problems with nuclear waste.

On the right, even the conservative Cato Institute states that if nuclear power is a better investment than gas or coal-fired power, then no amount of government help is necessary. If it is not, then no amount of government help will make it so.

This legislation mandates that it is the American taxpayer who will pay the financial costs of cleaning up a nuclear accident. It has been estimated that a worst-case scenario accident could cost more than \$300 billion to clean up. The total insurance coverage provided under this act is \$9.4 billion. It is the American taxpayer who will make up the difference.

Madam Speaker, both Liberals and Conservatives oppose Price-Anderson because it artificially supports an industry that is not trusted by the American public, and not supported by the American investor. Nuclear energy is dangerous, and it is this danger that prevents investors from being interested in nuclear power.

Price-Anderson not only subsidizes the production of nuclear energy, it also subsidizes the production of nuclear waste. Although the nuclear industry has lobbied for years to dump its garbage at Yucca Mountain, located just outside my rapidly-growing hometown of Las Vegas, it is not a safe place to permanently store nuclear waste. The geology of Yucca Mountain is unsound. Nuclear waste risks contaminating the ground water throughout southern Nevada and California.

Even if this administration is successful in its efforts to ram a nuclear dump down our throats, it will take more than 50 years before 77,000 tons of nuclear waste is moved from its current locations across the United States and relocated to Yucca Mountain.

At the same time, Price-Anderson subsidies keep the nuclear industry afloat, creating more and more waste, so even as the waste is shipped, more waste is being created and stored at the reactors. Any central repository represents only a temporary solution. Waste will continue to be stored at taxpayer-subsidized reactors, posing both security and environmental hazards.

I have heard representatives of the nuclear interests argue that the events of September 11 emphasize the need for a central repository. This is not just an erroneous statement, but the most blatant political misuse of those tragic events. A central repository would do nothing to diminish the threat at active reactor sites and would offer only one more attractive target. When we include each individual nuclear waste transport, there would be thousands more inviting targets for potential terrorist attacks.

Madam Speaker, I oppose the reauthorization of Price-Anderson because it makes our country a more dangerous place to live. Nuclear energy cannot survive on its own, and I think it is nothing short of highway robbery that we ask the American taxpayer to subsidize a product that endangers their very health and safety.

Nuclear energy creates Nuclear waste. There is no way of getting around that. Long term options for disposing of nuclear waste, such as transmutation, are emerging, but they have not yet been fully developed. I would urge my colleagues to support research into the decontamination, and safe disposal, of nuclear waste, so we can solve this problem, once and for all. But in the meantime, I urge all my colleagues to oppose this measure until the nation finds a safe, realistic, and economically feasible method of dealing with nuclear waste.

Madam Speaker, I urge my colleagues to support research on decontamination and safe disposal. I urge all of my colleagues to oppose this measure until the Nation finds a safe, realistic, and economically feasible method for dealing with nuclear waste.

Mr. BARTON of Texas. Madam Speaker, I reserve the balance of my time.

Mr. MARKEY. Madam Speaker, I yield 3 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Madam Speaker, I appreciate the gentleman's courtesy in yielding me time to speak on this issue.

I appreciate the hard work of this committee, but I rise in opposition to the bill.

First and foremost, it has no business on the suspension calendar. It is not a

simple, noncontroversial bill, and members of this assembly should be given an opportunity to fully express their concerns and fully debate the reauthorization.

Madam Speaker, it is not about changing rules for existing plans, although many argue that the Price-Anderson Act has long been an unwarranted subsidy enjoyed by the nuclear industry.

The question is, where are we going to go from here? The gentlewoman from New Mexico was correct, there is a little bit of coverage. Two hundred million dollars sounds like a lot, and \$88 million in addition to the pool, but look at what happened in the World Trade Center: just the collapse of an office tower, and we see tens of billions of dollars that are being brought forward, rocking the potential for the insurance industry.

There is big money that is going to be involved if we have a serious nuclear accident; and I think it is very easy to document by any impartial group that it will go far beyond \$200 million, far beyond \$288 million, and will stretch, in a realistic form, to something that deals with \$9.5 billion, as she talks about.

I live in the Pacific Northwest. We are going to spend maybe \$100 billion and not do an adequate job cleaning up the Hanford Nuclear Plant, and that is something that has not been subjected to a meltdown.

If smaller, safer plants make sense, so be it. Allow the smaller, safer plants to go forward like any other industry would, and be able to cover their own liability. If they make sense, the private sector will provide coverage.

I would strongly suggest that if we have to continue subsidizing the production of energy, that this body can find far more productive, safer, economically viable alternatives in terms of renewable energy. If we are going to throw hundreds of billions of dollars, let us do something that is going to stabilize our energy future, something that has been long ignored, rather than taking a path for an industry that, after 50 years, should be mature enough to stand on its own legs with this new generation.

□ 1600

I strongly urge a no vote. We need to deal with Price-Anderson in a broader context. It ought not to be on the suspension calendar. This assembly needs to look at alternative ways of subsidizing energy production. I would suggest continuing a subsidy for the nuclear power energy is not the alternative to follow.

Mr. MARKEY. Madam Speaker, may I inquire from the Chair how much time is remaining on either side?

The SPEAKER pro tempore (Mrs. BIGGERT). The gentleman from Massachusetts (Mr. MARKEY) has 1 minute remaining. The gentleman from Texas (Mr. BARTON) has 9½ minutes.

Mr. MARKEY. Madam Speaker, I yield myself that remaining 1 minute.

Mr. BARTON of Texas. Madam Speaker, will the gentleman from Massachusetts yield?

Mr. MARKEY. I yield to the gentleman from Texas.

Mr. BARTON of Texas. Madam Speaker, the gentleman from Massachusetts cannot say hello in 1 minute. I yield the gentleman 1½ minutes.

Mr. MARKEY. Madam Speaker, I will use some of that time to praise the gentleman from Texas (Mr. BARTON) for the process that he put in place for us to, on the one hand, pass a particularly odious piece of legislation which I historically have opposed but at the same time sweetening it with a provision that will deal with a palpable threat to our society, which is that the terrorist organizations that are under the control of Osama bin Laden have clearly indicated that nuclear power plants are near the top of their list of targets if they could successfully pull off one of those attacks.

So built into this legislation is something which I think every Democrat and every Republican can support wholeheartedly. It requires the President to do an immediate assessment of the current vulnerabilities of the plants to terrorist attack and what aspect of the defense of these plants should be the responsibility of the Federal governments.

It secondly requires the Nuclear Regulatory Commission to do a rule-making to upgrade its rules on the design basis threat which establishes the parameters for what the licensees need to defend against.

Third, it requires the Nuclear Regulatory Commission to issue new rules to enhance the security of transportation of nuclear materials.

Fourth, it codifies into law the Nuclear Regulatory Commission's operational safeguards response evaluation preparedness which tests security at nuclear plants through force-on-force exercises.

So this is actually going to be a quite important new addition to the law. My hope is that we can work with the Senate expeditiously to put this on the books so that we can move forward in providing the real security that Americans want, especially those who live within a 10-mile radius of nuclear power plants, that they are not in fact subject to a successful terrorist attack.

Madam Speaker, I yield back the balance of my time.

Mr. BARTON of Texas. Madam Speaker, I yield myself 8 minutes.

Madam Speaker, I would take mild umbrage to the statement of my good friend, the gentleman from Massachusetts (Mr. MARKEY), that this is an odoriferous piece of legislation. I think it is sweet smelling like a rose. But to the extent that it has offended his olfactory organs, let me simply say it is

less odious than it was because of his efforts; and I want to commend him on those efforts.

Madam Speaker, I would like to make a few points for the record. There has been some discussion in the debate, Madam Speaker, about a subsidy for the nuclear industry. Price-Anderson is nothing more than a last-resort indemnification of the nuclear power industry. In a similar fashion, we have the Federal Deposit Insurance Corporation which guarantee \$100,000 for every savings account and every bank account in this country. There is private insurance that has to kick in before that, but as a last resort the FDIC guarantees every depositor's account up to \$100,000.

I would also point out the Federal Housing Administration has a home mortgage program. Many first-time buyers get their mortgage through an FHA mortgage, which again guarantees that mortgage. There is private market with private insurance, homeowners insurance, but the FHA is the guarantor of last resort.

Madam Speaker, I would also point out that in the mid-1980s when we had the collapse of the savings and loan industry, the Federal taxpayers, as guarantors of last resort, put \$125 billion into the economy to guarantee mortgages that were failed and institutions in the S and L industry that failed. We hoped to recoup that money over time, but it is expected that somewhere between \$125 billion and \$500 billion was paid out to guarantee the solvency of the savings and loan industry in the mid-to-late 1980s.

I could point to our farm programs where again we have price support programs in place to guarantee farmers some minimal financial support if the market does not operate as they had hoped that it will. So Price-Anderson, which has been on the books for over 50 years, was put into place to guarantee that in a very, very worst-case scenario there would be some guarantee if we had one of these worst-case catastrophes which we have not had. In the most serious incident that we had, the Three Mile Island incident, \$187 million was paid out, well within the \$200 million per reactor private sector insurance cap. So as I am standing on the floor today we have not had an instance where the Federal taxpayers have been at risk.

As has been pointed out by the gentleman from Michigan (Mr. DINGELL) and others, the bill before us is an improved bill. It has increased penalties for gross and willful misconduct by contractors.

It has an elimination of profit in the case that something egregious is done by the contractor. So it is a better bill than the current law.

We are on the verge of a new generation of nuclear power reactors that are safer, less expensive to operate, more

efficient, will provide electricity, we hope, for future generations of American consumers.

Now is not the time to change the Price-Anderson Act in a negative way. Instead, it is the time to improve it, to pass it with a strong bipartisan vote to the Senate, and that is exactly what this piece of legislation does.

I again want to commend the gentleman from Michigan (Mr. DINGELL), the gentleman from Virginia (Mr. Boucher), the gentleman from Louisiana (Mr. TAUZIN), the gentlewoman from New Mexico (Mrs. WILSON) and others for their strong work on this, the committee staffs on both sides, my personal staff, especially my intern from the Nuclear Electric Institute, Mr. Jason Remer, for his strong work in this area.

Finally, Madam Speaker, to pay off a wager that I had on the A&M-Texas game where I bet on the Aggies, my great team, and they unfortunately were on the low side of the score 24 to 7, I want to wish the Longhorns God speed this week in the Big 12 championship game against the Colorado Buffaloes and say that I cannot bring myself to say the Longhorn slogan but would say Go Longhorns.

Mr. MARKEY. Madam Speaker, will the gentleman yield?

Mr. BARTON of Texas. I yield to the gentleman from Massachusetts.

Mr. MARKEY. Madam Speaker, I would say Hook 'em Horns.

Mr. BARTON of Texas. Madam Speaker, the gentleman from Massachusetts can say that; I cannot.

Mr. MARKEY. Why is that? I do not think people would understand why the gentleman cannot say that.

Mr. BARTON of Texas. Madam Speaker, where I come from, that dog just will not hunt.

Mr. GEKAS. Madam Speaker, today I rise in support of H.R. 2983 and of H. Con. Res. 267, a resolution which I introduced on November 13, 2001.

Nuclear energy is one of our Nation's vital sources of energy. Nuclear energy accounts for 20 percent of all U.S. electricity generation and more than 40 percent of the electricity generation in 10 states in the Northeast, South, and Midwest. Currently, there are 103 nuclear energy plants operating at 64 sites in 31 States.

With this in mind, it is my belief that Congress must act to reauthorize the Price-Anderson Act of 1957. The Price-Anderson Act of 1957 was created to encourage the development of our nascent nuclear industry. It is time that we commit to encouraging the development of the industry once again. The nuclear energy industry is a vital element in our attempt to become energy independent. In the times we find ourselves, we must realize that reliance on foreign sources of energy is foolish at best and ultimately dangerous to our national security. We must encourage development of all our domestic sources—from traditional sources like oil, natural gas, and clean coal to high-tech, next-generation sources like

fuel cells and advanced nuclear reactor designs and even renewable sources like hydro, wind, geothermal, and solar power.

Madam Speaker, nuclear power is an important key to achieving energy independence. Nuclear power is also considered potentially more dangerous and more volatile than other sources. The most serious nuclear incident in U.S. history happened at Three Mile Island-Unit 2, in my congressional district. A catastrophe was averted, but the memory of this incident—along with the disaster at the Chernobyl plant in the former U.S.S.R.—has led many to question the role of nuclear power.

The Price-Anderson Act goes far to assuage the concerns of communities around nuclear facilities. During the Three Mile Island incident, the financial assistance Price-Anderson was designed to provide served as an assurance to many communities in my district. Today we must use Price-Anderson to assuage a new fear. That is the fear of a terrorist attack against a nuclear facility. I praise the Committee on Energy and Commerce for the inclusion of language that would require the U.S. Nuclear Regulatory Commission to conduct a study of the vulnerability of licensed nuclear facilities to certain threats, and report to Congress on that study. This is necessary to keep our nuclear facilities safe in the future. Before September 11, many would have thought this unnecessary, but today we see it as vital.

I have introduced H. Con. Res. 267 for this very reason. I firmly believe that a thorough, Federal study of the security measures in place now, and those needed in the future, at all of our Nation's nuclear facilities should be conducted immediately. My legislation would raise the possibility of making the Federal Government responsible for nuclear plant security, and call upon the President to order an interagency study of security at nuclear facilities be conducted by the NRC, the Defense Department, the Department of Transportation, Federal Bureau of Investigation, and Central Intelligence Agency immediately.

I am pleased with the steps Governor Ridge of the Office of Homeland Defense continues to take to prepare the country for future acts of terrorism. One of those steps was to issue, in conjunction with the NRC, an alert to Governors to take necessary steps to bolster security at our Nation's nuclear power plants. Thirty-one States are home to over 100 nuclear facilities. Twenty-two Governors, after receiving the Homeland Defense security alert, ordered State troopers and local police officers to temporarily augment the private security at the facilities in their States. Nine Governors, including Governor Schweiker of Pennsylvania, decided to call up National Guard units to bolster security at their nuclear facilities. However, the use of National Guard forces has raised many questions. Why some States and not others? How large a force will be necessary? How long will they be there? Are they properly trained for such a mission? Are their efforts coordinated with law enforcement and private security? And who will fund these units?

My legislation calls upon President Bush to make the use of military forces at nuclear plants a primary focus of the federal inter-agency study to be commissioned. The De-

partment of Defense and Nuclear Regulatory Commission must move forward with other relevant agencies toward developing standards to ensure that National Guard units, Coast Guard units, Army and Air Force units are used appropriately, are adequately trained, and highly coordinated with law enforcement and private security forces. Moreover, my resolution calls upon the President to recognize the need for Federal funding for National Guard units called upon to perform security duties at nuclear power plants nationally. The National Guard has a unique dual role. They serve under State authority or Federal authority, depending on their mission. President Bush has recognized the national importance of protecting our national transportation system by funding National Guard units stationed at airports and train stations across the country. The resolution also calls upon the President to similarly recognize the national importance of nuclear plant security by funding those units sent to nuclear power plants.

Additionally, my resolution calls upon the President to direct the FDA, NRC, and FEMA to take all necessary steps to begin stockpiling supplies of potassium iodide in communities within the Emergency Planning Zones of each of the 64 nuclear power sites across the country. Potassium iodide can effectively counteract some of the more serious debilitating effects of radiation poisoning. A potential accident at a nuclear facility can result in leakage of radioactive iodine. Studies show that alacrity use of potassium iodide tablets can prevent the onset of thyroid cancer, a by-product of radioactive iodine exposure. Stockpiling of potassium iodide tablets simply makes sense. It is another important way we can do everything within reason to make sure our communities are free from the fear of insecurity.

Madam Speaker, I commend the Bush administration for the actions taken to make America more secure. More will be done. My sense-of-the-Congress resolution helps point the Government in the direction it must move over the next months. I thank Mr. KANJORSKI, Mr. PITTS and Mr. PLATTS of the Commonwealth of Pennsylvania for their active support in joining me in this measure. And, I ask that all Members of Congress and the Senate support our measure.

Mrs. TAUSCHER. Madam Speaker, I would like to lend my strong support for the Price-Anderson Reauthorization Act of 2001. I commend my colleague HEATHER WILSON for introducing this timely bill and her work on the Energy and Commerce Committee to ensure bipartisan participation.

As a member of the Armed Services Committee's Special Panel on Department of Energy Reorganization and with two national defense laboratories in my district, I believe that the timely renewal of the Price-Anderson Act is absolutely essential for the continued operations and cleanup of Department of Energy (DOE) nuclear facilities.

As several of my colleagues who have National Nuclear Security Administration (NNSA) sites in their districts know, the defense production sites and former sites are operated by experienced, uniquely qualified contractors who ensure that viability of our nuclear deterrent and the safe disposition of excess nuclear materials and waste. Price-Anderson gives us

critical protection while fostering progress on environmental and quality management of many of the world's most radioactively contaminated facilities.

The legislation passed out the Energy and Commerce Committee ensures a sufficient contractor base and places a strong emphasis on accountability. Current civil and criminal penalties contained in Price-Anderson, combined with DOE's inherent authority to adjust fees based on performance or terminate contracts, ensure contractors are accountable. This mix will help DOE contractors continue their dedication to safely maintaining America's nuclear stockpile, while they continue cleaning up the environmental legacy of the cold war, and ensuring worker safety and health.

On a broader level, a straightforward Price-Anderson reauthorization is necessary to ensure that the public has the financial resources available to cope with a nuclear accident, covering expenses from evacuation to medical care to property damage. The strict liability regime imposed by Price-Anderson in the unlikely case of a major accident ensures money starts flowing where it's needed without legal wrangling. This expedited process visibly benefits the public. In fact, during the Three Mile Island accident, Price-Anderson financial assistance meant that the needs of people in the surrounding communities were met.

Finally, important, timely measures have been added to the Price-Anderson Reauthorization Act, that address the threat of terrorism to our nuclear facilities. These provisions include measures to safeguard the transportation of nuclear materials and several steps that address potential threats to nuclear facilities.

Mrs. WILSON'S bill is timely. It matches bipartisan proposals for reauthorization in the Senate and tracks both recommendations made to Congress under the previous administration and the National Energy Policy developed by the Bush administration.

I strongly encourage my colleagues to vote for this legislation.

Mr. TAUZIN. Madam Speaker, I rise in strong support of the Price-Anderson Reauthorization Act of 2001. Passage of this bill is critical to the future development of nuclear power. Nuclear power is essential for maintaining a balanced diversity of fuel sources to feed the Nation's growing electricity needs. This bill also includes several provisions that will strengthen physical security at nuclear power plants regulated by the Nuclear Regulatory Commission (NRC). I would like to describe some of the actions that NRC has taken in the aftermath of the September 11 attacks, and also describe how this bill will help NRC and the Federal Government manage emerging threats at nuclear plants.

The events of September 11 have necessitated a review of security at our Nation's 103 operating nuclear power reactors. The NRC is in the process of conducting a top-to-bottom review of the security at these reactors. The NRC is interacting with the Federal Bureau of Investigation, other Federal law enforcement and intelligence organizations, the military, and the newly established Office of Homeland Security so that necessary changes to NRC's programs consider pertinent information from all relevant Federal agencies.

In the process of this review, however, we should not unnecessarily cause fear among those who reside near these nuclear facilities. First, the Nation's 103 nuclear reactors are among the most hardened structures in the country. Nuclear power plants are designed to withstand extreme events, such as hurricanes, tornadoes, and earthquakes, in addition to objects propelled at great force into the structures. The NRC has in fact required that three nuclear power reactors be able to withstand certain aircraft strikes due, in part, to the location of those power reactors to airports or runways. The analysis of those reactors to withstand aircraft crashes did not result in design changes because the plants were already sufficiently hardened as a result of the design to protect them against natural and internal events.

While nuclear power reactors are among the most strong and most secure facilities in the United States, they have not been specifically analyzed to consider attacks by aircraft such as Boeing 757s or 767s, and nuclear power plants were not specifically designed to withstand such crashes. This does not necessarily mean, however, that they are not capable of withstanding a strike, because in light of their inherent robustness, they may in fact prove capable. The NRC is appropriately evaluating ways to assess the effects of a deliberate aircraft impact and resulting fires and explosion on the reactor containment building and support structures. The NRC should conclude that study with all deliberate speed.

The committee-reported bill contains several provisions pertaining to the security of nuclear power reactors. Congressman MARKEY, with the support of the committee chairman and ranking minority member, offered one nuclear safety amendment which directs the President, in consultation with the NRC and other appropriate Federal, State, and local agencies and private entities, to conduct a study of nuclear facility security and to report to Congress on the study's findings within 270 days of the amendment's enactment. The President must classify threats as either an attack by "an enemy of the United States" or as "the type of risks that NRC licensees should be responsible for guarding against." This study will address what is at heart a national question of policy: the role of the Federal Government with respect to nuclear facility security. It is meant to delineate those threats that should be the responsibility of the Federal Government and those threats that should be the responsibility of the nuclear industry.

The Presidential study is to take into account not only the threats of September 11 and "air-based threats," but also the potential for attacks by multiple coordinated teams of a large number of individuals; the potential for assistance in an attack from several persons employed at the facility; the potential for suicide attacks; and the potential for water-based threats, as well as other threats. The President must report to Congress on actions taken, or to be taken, to address the types of threats identified as "enemy of the United States" threats. Such "enemy of the United States" threats could very well include September 11-type attacks, regardless of the nationality of the perpetrators. In preparing the report, the President will need to consider the

defensive capabilities of private corporations and those of the government.

The NRC must promulgate regulations addressing the threats the President identifies as the type of risks that NRC licensees should be responsible for guarding against. The NRC is required to update its regulations pertaining to the design basis threat (DBT), based, in part, on whether the President's study identifies new threats that conflict with the DBT as currently set forth in NRC regulations. It may be, however, that the majority of threats in the President's study are deemed to be "enemy of the United States" threats, and, in such cases, the NRC would not be required to expand its regulations in this area.

The amendment also requires the NRC to establish a program to test the response of reactor personnel to mock attacks. The NRC must approve or design, observe and evaluate force-on-force exercises to determine whether the ability to defeat the design basis threat is being maintained. This provision gives the NRC flexibility to text and implement a Safeguards Performance Assessment (SPA) pilot program currently under development or to continue its current Operational Safety Response Evaluation (OSRE) program. As the committee report points out, the NRC must be active in the preparation of the testing program. The language, however, does not mandate the use of, or otherwise codify the existing OSRE program; nor does it prohibit the use of the SPA program. Rather, it gives the NRC the flexibility it needs to run a program of its own choosing, provided that the key elements specified in the bill are contained in the program.

STATEMENT OF ADMINISTRATION POLICY

(THIS STATEMENT HAS BEEN COORDINATED BY
OMB WITH THE CONCERNED AGENCIES)

H.R. 2983—Price-Anderson Reauthorization Act of 2001 (Rep. Wilson (R) NM and 8 cosponsors)

The Administration supports reauthorization of the Price-Anderson Act, which provides liability protection for government contractors and the nuclear industry and assures prompt and equitable compensation for the public in the unlikely event of a nuclear accident. The Administration commends the House for its efforts to extend Price-Anderson's important indemnification objectives. To assure the future of nuclear energy, liability coverage must continue for nuclear activities conducted by the Department of Energy and by licensees of the Nuclear Regulatory Commission as well as contractors, subcontractors, and suppliers of both.

The Administration remains committed to enacting legislation that will reauthorize the Price-Anderson Act in its current form, and looks forward to working with Congress to improve provisions in the bill concerning financial accountability, safety, and security. The Administration hopes to work with Congress to ensure that the bill achieves its intended effect without detracting from the quality of potential contractors, fostering unnecessary regulations, or compromising security, anti-terrorism, or non-proliferation efforts.

Mr. GIBBONS. Madam Speaker, currently, nuclear security requirements at licensed nuclear facilities do not reflect the risk of terrorism that they face in the post September 11, 2001-world. The Nuclear Regulatory Com-

mission has recognized that the containment buildings housing nuclear reactors are not designed to withstand an attack of September 11 proportions. An even more vulnerable target includes spent nuclear fuel pools which contain more radioactivity than a reactor core and are located outside of the containment structure. Unfortunately, H.R. 2983 contains specific provisions intended to facilitate the construction of the Pebble Bed Modular Reactor (PBMR), a design that does not include a protective containment structure.

The blanket indemnities granted to Department of Energy contractors by the Price-Anderson Act, even in cases of willful misconduct and gross negligence, runs counter to the goal of comprehensive security at licensed nuclear facilities. Unfortunately, America knows far too well the effects of willful misconduct on buildings and locations that do not house radioactive waste. Exposing facilities that do is an egregious violation of public trust and safety. As a Congress, we should not provide disincentives to ensuring public safety. If we pass H.R. 2983, we will be doing just that.

Besides worrying about terrorist attacks on nuclear reactors, nuclear waste transports, or nuclear waste storage sites, taxpayers are concerned about having to foot the bill in cases of disaster. Americans are expected to purchase their own insurance, yet the nuclear industry asks Americans to pay for theirs. The Price-Anderson Act limits the financial responsibility of the nuclear industry by awarding special protections that no other industry has received. This limitation not only insulates the industry from financial risks but creates an inherent subsidy by relieving the costs of fully insuring against the risk of an accident. All other businesses insure to a reasonable limit against potential liabilities and risk loss of assets if the level of insurance is inadequate. This insurance is a normal cost of doing business, which is then reflected in the price of the product or service provided by that business. The Price-Anderson Act gives the nuclear industry an unfair business advantage. By eliminating the cost of purchasing adequate insurance, the Act makes nuclear power appear cheaper to consume than it truly is.

Madam Speaker, I do not support the Federal Government being used as an insurance provider of this magnitude. The nuclear industry should be required to purchase insurance like everyone else is expected to—through the private market. I do not support H.R. 2983 and urge my colleagues to reconsider its placement on the suspension of the rules calendar.

Mr. GUTKNECHT. Madam Speaker, I would like to enter into the RECORD the following language that is missing from the Price-Anderson Reauthorization Act of 2001, but that I feel should have been included. The effect of this language would be to clarify that Indian tribes are covered under the act, and to ensure that in the event of a nuclear incident on an Indian Reservation which renders such land uninhabitable, the tribe would be compensated with other lands of comparable size and value.

42 U.S.C. 2014(s) is amended to read:

(s) The term "person" means (1) any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, Government agency other than the Commission, any State or any political subdivision of, or any political entity

within a State, any Indian tribe, band, nation or other organized group or community of Indians, any foreign government or nation or any political subdivision of any such government or nation, or other entity; and (2) any legal successor, representative, agent, or agency of the foregoing.

42 U.S.C. 2014(w) is amended to read: (w) the term "public liability" means any legal liability arising out of or resulting from a nuclear incident or precautionary evacuation (including all reasonable additional costs incurred by any Indian tribe, band, nation or other organized group or community of Indians or a State, or a political subdivision of a State, in the course of responding to a nuclear incident or a precautionary evacuation), except: (i) claims under State or Federal workmen's compensation acts of employees of persons indemnified who are employed at the site of and in connection with the activity where the nuclear incident occurs; (ii) claims arising out of an act of war; and (iii) whenever used in subsections (a), (c) and (k) of section 2210 of this title, claims for loss of, or damage to, or loss of use of property which is located at the site of and used in connection with the licensed activity where the nuclear incident occurs. *In the case of an Indian tribe with trust or reservation lands located within one mile of the site of a nuclear incident, "public liability" includes the loss of use of trust or reservation lands. In the event of a nuclear incident which renders such trust or reservation lands uninhabitable, upon meaningful consultation with the Indian tribe, other lands of comparable size and value shall be placed in trust for the tribe and shall have the same status for all purposes of Federal, State and Indian law as did the uninhabitable lands.* "Public liability" also includes damage to property of other persons indemnified: Provided, That such property is covered under the terms of the financial protection required, except property which is located at the site of and used in connection with the activity where the nuclear incident occurs.

Mr. BARTON of Texas. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from Texas (Mr. BARTON) that the House suspend the rules and pass the bill, H.R. 2983, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

NATIONAL PEARL HARBOR REMEMBRANCE DAY

Mr. BARR of Georgia. Madam Speaker, I move to suspend the rules and concur in the Senate concurrent resolution (S. Con. Res. 44) expressing the sense of the Congress regarding National Pearl Harbor Remembrance Day.

The Clerk read as follows:

S. CON. RES. 44

Whereas on December 7, 1941, the Imperial Japanese Navy and Air Force attacked units of the Armed Forces of the United States stationed at Pearl Harbor, Hawaii;

Whereas 2,403 members of the Armed Forces of the United States were killed in the attack on Pearl Harbor;

Whereas there are more than 12,000 members of the Pearl Harbor Survivors Association;

Whereas the 60th anniversary of the attack on Pearl Harbor will be December 7, 2001;

Whereas on August 23, 1994, Public Law 103-308 was enacted, designating December 7 of each year as National Pearl Harbor Remembrance Day; and

Whereas Public Law 103-308, reenacted as section 129 of title 36, United States Code, requests the President to issue each year a proclamation calling on the people of the United States to observe National Pearl Harbor Remembrance Day with appropriate ceremonies and activities, and all departments, agencies, and instrumentalities of the Federal Government, and interested organizations, groups, and individuals, to fly the flag of the United States at half-staff each December 7 in honor of the individuals who died as a result of their service at Pearl Harbor: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress, on the occasion of the 60th anniversary of December 7, 1941, pays tribute to—

(1) the United States citizens who died as a result of the attack by Japanese Imperial Forces on Pearl Harbor, Hawaii; and

(2) the service of the American sailors and soldiers who survived the attack.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. BARR) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia (Mr. BARR).

GENERAL LEAVE

Mr. BARR of Georgia. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. Con. Res. 44.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. BARR of Georgia. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in strong support of Senate Concurrent Resolution 44. On November 15, the Senate agreed to this resolution which expresses the sense of the United States Congress regarding National Pearl Harbor Remembrance Day.

This important piece of legislation recognizes that December 7, 2001, is the 60th anniversary of the Japanese sneak attack on Pearl Harbor. The resolution pays tribute to the United States citizens who died as a result of the attack by Japanese Imperial Forces on Pearl Harbor, Hawaii, and acknowledges the service of the American sailors and soldiers who survived the attack.

On May 21, 2001, the House of Representatives passed a similar measure. While the language in this resolution does not differ materially from the resolution which the House passed last May, the environment in which we legislate today is starkly different.

On September 11, hostile alien forces again attacked this Nation. This time

the attacker was not a nation but rather members of an evil movement that would use terrorism to destroy Western civilization itself. The death toll from these September 11 terrorist attacks were overwhelmingly civilian and far exceed the death toll of the sneak attack on Pearl Harbor 60 years ago.

As a result of these latest attacks, America's Armed Forces are once again engaged in conflict in distant lands. They are in Afghanistan and neighboring countries and surrounding areas to protect the United States, and indeed the world, from terrorism.

As these young men and women place themselves at risk to protect our freedom and our way of life, it is especially appropriate for Congress and the Nation to honor those who died at Pearl Harbor 60 years ago and those who survived the attack.

Today, necessarily, and unfortunately, we have a much deeper understanding, a more immediate understanding of the sacrifices made 60 years ago. We have a more vital appreciation for the horrors they endured on that day of infamy.

I urge all Members to support this resolution.

Madam Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Madam Speaker, I yield myself such time as I might consume.

Madam Speaker, at 7:53 a.m. on December 7, 1941, the Japanese Imperial navy attacked the island of Oahu, Hawaii, now infamously known as Pearl Harbor. Approximately 100 ships of the U.S. Navy were present that morning, consisting of battleships, destroyers, cruisers and various support ships.

By 1:00 p.m. the Japanese carriers that launched the planes from 274 miles off the coast of Oahu were heading back to Japan. Behind them they left chaos: 2,403 dead, 188 destroyed planes and a crippled Pacific Fleet that included eight damaged or destroyed battleships.

Battleships moored along Battleship Row were the primary target of the attack's first wave. Ten minutes after the beginning of the attack, a bomb crashed through the USS *Arizona's* two armored decks, igniting its magazine. The explosion ripped the ship's sides open, and fire engulfed the entire ship. Within minutes, the ship sank to the bottom, taking 1,300 lives with her. The sunken ship remains as a memorial to those who sacrificed their lives during this attack.

Let me take a moment to read an excerpt of Marine Corporal E.C. Nightingale's account of that Sunday morning as he was leaving the breakfast table aboard the USS *Arizona*.

"I reached the boat deck and our anti-aircraft guns were in full action, firing very rapidly. I was about three-quarters of the way to the first platform on the mast when it seemed as

though a bomb struck our quarter deck. I could hear shrapnel or fragments whistling past me. As soon as I reached the first platform, I saw Second Lieutenant Simonson lying on his back with blood on his shirt front. I bent over him and taking him by the shoulders asked if there was anything I could do. He was dead or so nearly that speech was impossible."

□ 1615

This resolution calls on Congress, on the 60th anniversary of Pearl Harbor, to pay tribute to those who not only died in the attack, but those like Corporal Nightingale who survived that fatal Sunday morning.

And like my dear friend, Orlandis Dixon, who was also at Pearl Harbor and survived, I take this opportunity to pay tribute to all of the men and women who have put their lives on the line consistently to protect and promote the most desirable features of our way of life, especially the Crispus Attacks Post, Milton Olive Post, George Giles Post, Tuskegee Airmen and Triple Nickle of the 101st Airborne, all of whom I interact with on a regular and ongoing basis.

To listen to these men and women recount their experiences causes one to have a new level of understanding and appreciation for the sacrifices made by our Armed Forces. So I join in strong support of this resolution and urge that all Members would vote favorably for it.

Madam Speaker, I reserve the balance of my time.

Mr. BARR of Georgia. Madam Speaker, I yield 4 minutes to the gentleman from Illinois (Mr. WELLER), the sponsor of this resolution.

Mr. WELLER. Madam Speaker, I thank the chairman for yielding me this time and for his help in bringing this important initiative to the House floor, as well as the efforts of the gentleman from Illinois (Mr. DAVIS). I wish to also recognize that it has also been approved in the Senate.

December 7 of this year will be the 60th anniversary of the attack on Pearl Harbor. For those of us in our generation, of course we now have September 11, 2001, as a day that we will always remember of how it changed our lives and how it changed our country. For our grandparents and parents, their generations had Pearl Harbor, a day which we wish to commemorate and remember those who fought and who lost their lives on that fateful day December 7, 1941, a day which cost the lives of 2,403 military and civilian citizens of the United States.

Let me quickly review what occurred on that day. Earlier, on November 26, the Japanese attack fleet of 33 warships and auxiliary craft, including six aircraft carriers, sailed from northern Japan for the Hawaiian Islands. By early morning on December 7, 1941, the

ships had reached their launch position 230 miles north of Oahu. The night before, some 10 miles outside the entrance to Pearl Harbor, five Midget submarines, carrying two crewmen and two torpedoes each, were launched from larger mother submarines.

130 vessels of the U.S. Pacific fleets were in Pearl Harbor on December 7. The first wave of Japanese aircraft arrived over their target areas shortly before 7:55 a.m. The commander of the Japanese fleet sent the coded messages "To To To" and "Tora, Tora, Tora," telling the fleet the attack had begun and that complete surprise had been achieved.

At approximately 8:10 a.m., the USS *Arizona* exploded, having been hit by a 1,760 pound armor-piercing bomb that slammed through her deck, igniting her forward ammunition magazine. And as my friend from Illinois noted, she sank fairly quickly and now remains as an everlasting memorial in Pearl Harbor.

Later, in the attack, the USS *Oklahoma*, hit by several torpedoes, rolled over, trapping 400 men inside. The USS *California* and the USS *West Virginia* sank at their moorings, while the USS *Utah*, converted to a training ship, capsized with over 50 of her crew.

The USS *Maryland*, the USS *Pennsylvania*, and the USS *Tennessee* all suffered significant damage. The USS *Nevada* attempted to run out to sea, but took several hits and had to be beached to avoid sinking and blocking the harbor entrance.

After a lull at about 8:40 a.m., the second wave of attacking planes focused on continuing the destruction inside the harbor, destroying the USS *Shaw*, the USS *Sotoyomo*, a dry dock, and heavily damaging the *Nevada*, forcing her aground.

They also attacked Hickam and Kaneohe air fields, causing heavy loss of life and reducing American ability to retaliate. Luckily, American carriers were not in port at the time of attack. The shipyards, fuel storage areas, and submarine base suffered no more than slight damage.

Unfortunately, 2,403 military personnel and civilians were lost in the attack. And, today, we must not forget. As we approach this 60th anniversary of Pearl Harbor, it is important that we remember.

As a sponsor of this Sense of Congress Resolution that commemorates National Pearl Harbor Remembrance Day, I want to thank my colleagues and urge bipartisan support. In the 103rd Congress, December 7 was designated National Pearl Harbor Remembrance Day. Unfortunately, it never seems to get the attention that it deserves.

Passing this resolution, recognizing this important day, helps better promote our memories of the impact of Pearl Harbor on those who lost their

lives. It will remind citizens that national Pearl Harbor Remembrance Day should be marked with appropriate ceremonies and activities and that flags should be flown at half staff.

Today, there are over 12,000 members of the Pearl Harbor Survivors Association; but I would like to acknowledge the efforts of Mr. Richard Foltyniewicz of Ottawa, Illinois, a leader of the Pearl Harbor Survivors Association, who first brought this issue to my attention years ago.

Today, my colleagues, let us honor those who survived as well as those who lost their lives in defense of our freedoms on December 7, 1941, by passing this Sense of Congress Resolution commemorating National Pearl Harbor Remembrance Day and recognizing that it occurred 60 years ago, and, today, we recognize the 60th anniversary of the attack on Pearl Harbor.

Mr. DAVIS of Illinois. Madam Speaker, I yield such time as he may consume to the gentleman from American Samoa (Mr. FALEOMAVAEGA).

Mr. FALEOMAVAEGA. Madam Speaker, I would very much like to commend the chairman of the committee, the gentleman from Georgia, and my good friend, the ranking member, the gentleman from Illinois, for their leadership in bringing this legislation to the floor.

Madam Speaker, I rise in support of Senate Concurrent Resolution 44, which underscores Congress' strong support of National Pearl Harbor Remembrance Day and pays tribute to the United States citizens who died in the attack and the surviving American service members, many of whom belong to the Pearl Harbor Survivors Association.

I deeply commend the authors of this important legislation, Senator FITZGERALD of Illinois and Senator SMITH from New Hampshire, and the gentleman from Illinois (Mr. WELLER), who introduced the House counterpart, House Concurrent Resolution 56, which was adopted earlier this year in May.

Madam Speaker, as the resolution properly notes, this December 7th will mark the 60th anniversary of Japan's deadly surprise attack on Pearl Harbor. On that Sunday morning, December 7, 1941, a Japanese force of 353 dive-bombers and torpedo planes attacked U.S. military naval forces on Oahu without warning. Our Nation suffered staggering losses, with over 2,400 servicemen and women killed, another 1,200 wounded, over 320 aircraft destroyed or damaged, and all eight U.S. battleships in Pearl Harbor sunk or seriously damaged. The next day, the United States declared war on Japan and later its Axis partners.

Madam Speaker, in many ways, we prevailed in World War II directly because of the brave and courageous members of our Armed Forces who died

and fought at Pearl Harbor. Their sacrifices galvanized and ignited America's fighting spirit as never before, fueling us for years of battle until the forces of tyranny were defeated.

But, Madam Speaker, the term Pearl Harbor also means something vastly different to certain Americans who suffered tremendously under the pretense of the policy of our national security. I am making reference specifically, Madam Speaker, to Americans of Japanese ancestry. Some 100,000 Americans were systematically herded like cattle and placed into concentration camps, with their property confiscated. At the height of tremendous hatred and bigotry and racism, what was very interesting is that we had another fantastic legacy to be shared with every American in our country.

It is important to recognize the contributions of the Japanese-Americans who served in the U.S. Army's 100th Battalion and 442nd Combat Infantry group. History speaks for itself in documenting that none have shared their blood more valiantly for America than the Japanese-Americans who served in these units while fighting enemy forces in Europe during World War II.

The records of the 100th Battalion and 442nd Infantry are without equal, Madam Speaker. These Japanese-American units suffered an unprecedented casualty rate of 314 percent and received over 18,000 individual decorations. Many were awarded after their deaths for bravery and courage in the field of battle.

For your information, Madam Speaker, 52 Distinguished Service Crosses, 560 Silver Stars, and 9,480 Purple Hearts were awarded to the Japanese-American soldiers of the 100th Battalion and 442nd Infantry. The 442nd Combat Infantry group emerged as the most decorated combat unit of its size in the history of the United States Army. President Truman was so moved by their bravery in the field of battle, as well as that of African American soldiers during World War II, that he issued an American order to desegregate the Armed Forces.

I am happy to say that after DANIEL AKAKA introduced legislation in 1996 to review the war records of these soldiers, 20 Medals of Honor were awarded to these Japanese American soldiers, including Senator DANIEL INOUE of Hawaii. The Senator was initially awarded the Distinguished Service Cross for heroism in combat and was an original member of the 442nd Infantry Combat group.

I might say also, Madam Speaker, that for many years I have served as executive officer of B Company of the 100th Battalion and the 442nd Infantry.

Madam Speaker, these Japanese Americans paid their dues in blood to protect our Nation from its enemies. It is a shameful legacy in the history of our country that when the patriotic

survivors of the 100th Battalion and the 442nd Infantry returned to the United States, many were reunited with their parents, their brothers, and their sisters who were locked up behind barbed wire fences living in concentration camps.

I recall our former colleague and friend who now serves as Secretary of Transportation, former Congressman Norm Mineta. He said as an 11-year-old, he was in one of these concentration camps. He was told that they had to put all these Japanese Americans in these concentration camps, that it was for their protection. Here was an 11-year-old saying if it was for their protection, why were all the machine guns pointed inside the camps and not outside the camps.

Madam Speaker, the wholesale and arbitrary abolishment of the constitutional rights of these loyal Japanese Americans will forever serve as a reminder and testament that this must never be allowed to occur again. Madam Speaker, as our government deals with the ramifications of the horrific terrorist attacks of September 11, I would hope our Nation would not forget this one basic lesson.

I urge adoption of the resolution before us, which recognizes and honors the sacrifices of our armed services members who died and served at Pearl Harbor, for they inspire all Americans to seek to preserve and protect our great Nation and democracy. By the same token, Madam Speaker, let us not also forget what happened to our fellow Americans, the Japanese Americans. They suffered tremendously and did so without any guilt on their part, simply because they were Americans who happened to be of Japanese ancestry.

Mr. BARR of Georgia. Madam Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Madam Speaker, I yield myself such time as I may consume.

I would like to associate myself with the remarks of the gentleman from American Samoa. As a matter of fact, as a child growing up, I lived near one of those concentration camps, a resettlement camp, in Jerome, Arkansas; and so I observed some of what the gentleman speaks about. And having actually seen it, I appreciate the gentleman's remarks a great deal.

Mr. FALEOMAVAEGA. Madam Speaker, will the gentleman yield?

Mr. DAVIS of Illinois. I yield to the gentleman from American Samoa.

Mr. FALEOMAVAEGA. Madam Speaker, I think, in view of the pending celebration of the 60th anniversary of Pearl Harbor, probably two major things have resulted from what has happened. One, I think our country should always remember that Americans are Americans regardless of race, creed or color. And I think the image and the understanding when we talk about Pearl Harbor, though there is no

question about what happened and the sacrifices of those fellow Americans who died as a result of the Japanese attack, there is also the other very emotional feeling among many of the Japanese Americans throughout our Nation, because it was not a very happy experience for them when this happened.

More than anything, too, as a result of the courageous efforts by these Japanese American soldiers and our black and fellow African American soldiers, for the first time President Truman, who was so moved by their sacrifices, he then issued an Executive Order to desegregate the Armed Forces. That is a major, major change in our national policy; and I thank the gentleman for his recognition of this.

□ 1630

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I agree with the gentleman. December 7, 1941, or September 11, 2001, our country has stood strong, resilient and ready to withstand any attack, no matter where it comes from. Again, we salute, we commend those men and women of the military who have protected with their very lives the freedoms which we all enjoy. I urge support of this resolution.

Mr. Speaker, I yield back the balance of my time.

Mr. BARR of Georgia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, December 7, 1941, was certainly a watershed. It was a day those who lived through it, and all who have lived after it, will never forget. America, and indeed the world, were changed forever by the events of December 7, 1941. America was awakened from slumber by that attack, and she has not slept since.

However, we have been stirred from a rest on September 11 of this year, and we are now reminded that America cannot ever sleep any more now than on December 7, 1941. We must remember, and we must pass this resolution. We must remember so that free people everywhere never forget. I urge support on Senate Concurrent Resolution 44.

Mr. UDALL of New Mexico. Mr. Speaker, I rise today as a Member of the House Veterans' Affairs Committee in strong support of S. Con. Res. 44 and urge its immediate passage. Designating December 7 of this year as National Pearl Harbor Remembrance Day is most appropriate and is a fitting tribute to the men and women who were present on that fateful day.

December 7 of this year marks the 60th anniversary since that ill-fated Sunday morning when the dreaded news of death and destruction rang out across this nation. The surprise attack by the Imperial Japanese naval air forces upon our naval base at Pearl Harbor and the airfields around the island of Oahu went on to forever change our world. This

unprovoked attack sank or heavily damaged 21 ships, destroyed or damaged 323 aircraft, killed 2,338 military personnel and civilians, and wounded 1,178.

Reactions to the news varied from disbelief and shock, to anger. Later, these feelings would translate into a sense of mission, duty, and responsibility which would drive the American war machine and keep the recruitment offices flowing with eager volunteers.

The raid on Pearl Harbor is an event which will forever be ingrained in the hearts and minds of those old enough to remember. The war is over, but we shall never forget. We shall not forget the destruction and sorrow which drew this nation into World War II. President Roosevelt told Americans that December 7, 1941, would be "a date which will live in infamy." Indeed, this day has proven a constant reminder of the heroism and sacrifice of thousands of men and women who defended our freedom and liberty.

My home State of New Mexico proudly hails approximately 200 Pearl Harbor Veterans within its borders. All across the Land of Enchantment on December 7 families and friends will gather to pay tribute to these brave Americans. I salute each and every one of them. I want to also recognize Stanley White who is the President of Chapter 1 of the Pearl Harbor Survivors Association for proudly representing all Pearl Harbor Veterans in New Mexico.

Be assured that as we commemorate the 60th anniversary of the attack on Pearl Harbor, the bravery, valor, and service of these men and women in defense of their country and its ideals are not forgotten. Please accept the thanks of a grateful nation forever indebted to your service.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of S. Con. Res. 44, which expresses the sense of Congress regarding National Pearl Harbor Remembrance Day. December 7, 2001 will be the 60th Anniversary of 1941 attack on Pearl Harbor by the Imperial Japanese Navy and Air Force. This bill recognizes and gives deference to the 2,403 members of our Armed Forces who were killed during the attack, as well as to the more than 12,000 members of the Pearl Harbor Survivors Associations across our great Nation.

Mr. Speaker, thousands of innocent young lives were lost during that surprise early Sunday morning attack. At 7:55 am, Japanese bombers began the bombing that sank 21 American warships, killed 2,338 military personnel and civilians, and destroyed 165 planes.

The Arizona Memorial, which represents the courage and sacrifice of the men that died in Pearl Harbor, was built in 1961 to honor the 1,177 *Arizona* crewmen who were killed during the Japanese attack. According to a USS *Arizona* casualty list supplied by the Department of the Interior, at least 78 of these soldiers and sailors were from Texas. The memorial is situated directly above the sunken USS *Arizona*, which still entombs about 900 crewmen who lost their lives when the *Arizona* went down.

Mr. Speaker, we will never know what those young men would have achieved. We are humbled by their sacrifice. It is appropriate that we commemorate the 60th anniversary of

the event that brought our country into World War II. We must always remember the sacrifice and heroism of those who lost their lives for our country at Pearl Harbor.

Mr. SMITH of Texas. Mr. Speaker, today is not Veterans' Day nor Memorial Day nor any of the other days we usually set aside to remember our servicemen and women. But we are not confined solely to those official days in remembering our nation's heroes.

At this time in our nation's history, when once again the sound of battle rumbles on the horizon and the skies are darkened by war planes and bombs, we should reflect on a similar time 60 years ago. Few of us ever expected to see another day like December 7, 1941, and all of us hoped we never would. For over fifty years America led the world in a season of peace and prosperity. But on September 11, 2001, this generation's "day that will live in infamy" came, and the "sleeping giant" was awakened once again.

In Fredericksburg, TX, there is a place with the motto, "We inspire our youth, by honoring our heroes." This place is called the National Museum of the Pacific War and it is very special indeed. Many know it by its former name, the Admiral Nimitz Museum, for it was in Fredericksburg that over a hundred years ago that great man was born and raised.

Chester W. Nimitz served his country all of his life—from his first year at the U.S. Naval Academy at the age of 16 to his appointment as the first-ever five-star Fleet Admiral. It is appropriate to have a museum that honors not only his name and legacy, but also the countless sailors, soldiers, and marines who served in that theatre of war with him.

The bloodshed that began in Pearl Harbor ended nearly 4 years later in Tokyo Bay, with Admiral Nimitz personally accepting the Japanese surrender. Between those famous dates of December 7, 1941, and September 2, 1945, are hundreds of other dates largely forgotten, but dates still made sacred by the blood and sweat of our fellow Americans, who fought and died from one end of the mighty Pacific Ocean to the other. They fought so that we all might live free.

Once again, our great country finds itself engaged in a time of strife. Perhaps even now, another young Nimitz is waiting in the wings. We must never forget that the children of today are the leaders of tomorrow. Admiral Nimitz took as his favorite quotation the following: "Those who cannot remember the past are condemned to repeat it."

Even as we speak, another generation of Americans is following its commanders into harm's way. And they do so for you and me. They do so because others did so before them, and left a living legacy for them to follow; a legacy of blood and valor etched on coral ridges and tropical atolls from Midway and Guadalcanal all the way to Okinawa and Japan.

Mr. GILMAN. Mr. Speaker, I rise today in strong support of S. Con. Res. 44, a resolution expressing the sense of the Congress regarding National Pearl Harbor Remembrance day. I urge my colleagues to join in supporting this timely, appropriate measure.

December 7, 2001 will mark the 60th anniversary of the naval and air attack by imperial Japan on the U.S. Pacific Fleet at Pearl Har-

bor, Hawaii. This resolution pays tribute to the 2,403 servicemembers who were killed on that "day of infamy," and the thousands more who received their baptism of fire into the Second World War.

It is the responsibility of those of us who still remember that attack on our Nation to remind younger generations of the lessons we learned. In his fireside chat on December 9, 1941, President Franklin Roosevelt stated: "In the past three days we have learned a terrible lesson . . . there is no such thing as security for any nation . . . in a world ruled by the principles of gangsterism."

"There is no such thing as an impregnable defense against powerful aggressors who sneak up in the dark and strike without warning. . . We have learned that our ocean-girth hemisphere is not immune from severe attack—that we cannot measure our safety in terms of miles on a map anymore."

Pearl Harbor taught us that we must never again give the perception of a weak U.S. defense posture. As a result of December 7, 1941, the philosophy of peace through strength became a mainstay of our American cold war defense and foreign policy.

This policy remains viable today, even though the cold war has ended. As the tragic and horrible events of September 11th have demonstrated the world is still a very dangerous place. And there are many countries and organizations who have agendas that are a clear and present danger to American interests and our way of life.

The attack on Pearl Harbor did bring about one positive result. It revealed that, when threatened, the American people can act with unity and vigor in a manner unheard of in all previous history. This event reinforced, in a way that has now been repeated since September 11th, the premise that freedom and democracy are ideals which are worthy and sometimes require, fighting for.

Japan's attack on Pearl Harbor shook the American people from their slumber and isolationism, motivating the United States to take the lead in combating and ultimately defeating the tyranny of German nazism and Japanese militarism, enabling our nation to recognize that the 2,403 servicemen who died in the attack on December 7, 1941 did not die in vain.

Similarly, the unprovoked, barbaric acts of terrorism that occurred on September 11th have resulted in a newfound sense of unity among the American people. I have no doubt that we will rise to this new challenge of confronting terrorism, and that we will defeat this scourge just as soundly as we crushed German nazism and Japanese militarism.

Accordingly, I urge my colleagues to join in supporting this worthy measure.

Mr. BARR of Georgia. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. WHITFIELD). The question is on the motion offered by the gentleman from Georgia (Mr. BARR) that the House suspend the rules and concur in the Senate concurrent resolution, S. Con. Res. 44.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. BARR of Georgia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

EXPORT EXTENSION ACT OF 2001

Mr. ROYCE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3189) to extend the Export Administration Act until April 20, 2002.

The Clerk read as follows:

H.R. 3189

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Export Extension Act of 2001".

SEC. 2. EXTENSION OF THE EXPORT ADMINISTRATION ACT OF 1979.

Section 20 of the Export Administration Act of 1979 (50 U.S.C. App. 2419) is amended by striking "August 20, 2001" and inserting "April 20, 2002".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. ROYCE) and the gentleman from Oregon (Mr. BLUMENAUER) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. ROYCE).

GENERAL LEAVE

Mr. ROYCE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3189, the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ROYCE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this bill. This is the extension of the Export Administration Act of 1979. It is H.R. 3189, and it is a measure approved by voice vote on October 31 by the Committee on International Relations. Enactment of this measure would reauthorize the existing Export Administration Act through April 20, 2002, thereby giving sufficient time for the House to act on comprehensive Federal Export Administration Act reform legislation considered on August 1, 2001.

The Export Administration Act was extended for 1 year in the 106th Congress, but that authority lapsed on August 20, and I would argue that we need to act on this measure today so we can keep this stopgap authority in place to maintain our export control authorities and to ensure that the Bureau of Export Administration has the enforcement powers it needs to stop terrorists from acquiring any dual-use goods or technologies that could be used to produce weapons of mass destruction.

The prompt enactment of this stopgap authorization will, moreover, enable the Bureau's administrators to protect licensing information and to increase the size of the fines for criminal and administrative sanctions against individuals and companies found to be in violation of our export control regulations.

A comprehensive reform measure, H.R. 2581, the Export Administration Act of 2001, considered by the Committee on International Relations on August 1, has now been referred to seven other House committees, and it is not expected to come before the House for further consideration until early next year.

Mr. Speaker, I urge my colleagues to support this bill which will preserve the integrity of our Nation's export control system at a time when we can afford no less.

Mr. Speaker, I reserve the balance of my time.

Mr. BLUMENAUER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 3189. The gentleman from California (Mr. ROYCE) has indicated the history here in terms of its expiration.

I personally believe that this time will also give us an opportunity to review the legislation. I think it is important for us to balance national security concerns with the impact that this has on American commerce and on our own national security posture.

While the President reestablished the general authority to control exports using his emergency economic powers, without a full EAA in force, the Department of Commerce lacks the full enforcement powers which may be necessary to safeguard United States national security. I think some Members were rather sanguine about this before September 11. I do think in the aftermath of September 11 and our coordinated effort and a global alliance against terrorism Members are concerned that we have the full range of support necessary to protect American interests.

But we do need to take advantage of this time to look at the underlying act. It needs to be brought up to date with current technologies in several ways. For instance, it is no secret that today people can routinely purchase off the shelf more computing power than was used to create the hydrogen bomb. We are all familiar with stories, not just apocryphal, where the technology in children's games, the Game Boys, commonly used by junior high students, could have been potentially subjected to this legislation in the past.

We also have to be very, very careful that we do not have unintended consequences by clamping down in an unrealistic fashion on American industry. We might well have the effect of diverting business to other countries

that do not enjoy the same range of protections that we have got, and it would not just be a case of hamstringing American industry, although I think all of us are concerned about the impact it may have on the technology-based industries that are the cornerstone of so many economies around the country and is part of our dominant position in the future.

It could have the effect of encouraging further business for foreign sources of competition that would leapfrog past us in terms of technology so we would lose our advantage, we would encourage other states, some that may not be friendly to the United States or others that might be a little looser in terms of how they sell the technology, so that at the end of the day, by being unrealistic and too bureaucratic in our structure of this act, we will have not just lost business for the United States companies but we will have seen this technology shift to other parts of the world so that we will actually be less safe.

But I do think that the extension that my colleague has talked about that is embodied in this legislation is a good window. We have had, with the leadership of the gentleman from California (Mr. LANTOS), the gentleman from Illinois (Mr. HYDE), other members of the committee, we have had productive discussions. We have laid the foundation to be able to do this properly in the future.

I hope we would be fair to American industry, be fair to American security interests, and move forward with the extension and come back in an expeditious fashion that will meet our needs now and in the future.

Mr. Speaker, I reserve the balance of my time.

Mr. ROYCE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BLUMENAUER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. ROYCE) that the House suspend the rules and pass the bill, H.R. 3189.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

EXPRESSING SENSE OF CONGRESS REGARDING EFFORTS OF PEOPLE OF UNITED STATES OF KOREAN ANCESTRY TO REUNITE WITH FAMILY MEMBERS IN NORTH KOREA

Mr. ROYCE. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 77) expressing the sense of the Congress regarding the efforts of people of the

United States of Korean ancestry to reunite with their family members in North Korea.

The Clerk read as follows:

H. CON. RES. 77

Whereas on June 25, 1950, North Korea invaded South Korea, thereby initiating the Korean War, leading to the loss of countless lives, and further polarizing a world engulfed by the Cold War;

Whereas in the aftermath of the Korean War, the division of the Koreans at the 38th parallel separated millions of Koreans from their families, tearing at the heart of every mother, father, daughter, and son;

Whereas on June 13 and 14, 2000, in the first summit conference ever held between leaders of North and South Korea, South Korean President Kim Dae Jung met with North Korean leader Kim Jong Il in Pyongyang, North Korea's capital;

Whereas in a historic joint declaration, South Korean President Kim Dae Jung and North Korean leader Kim Jong Il made an important promise to promote economic cooperation and hold reunions of South Korean and North Korean citizens;

Whereas such reunions have been held in North and South Korea since the signing of the joint declaration, reuniting family members who had not seen or heard from each other for more than 50 years;

Whereas 500,000 people of the United States of Korean ancestry bear the pain of being separated from their families in North Korea;

Whereas the United States values peace in the global community and has long recognized the significance of uniting families torn apart by the tragedy of war; and

Whereas a petition drive is taking place throughout the United States, urging the United States Government to assist in the reunification efforts: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that—

(1) the Congress and the President should support efforts to reunite people of the United States of Korean ancestry with their families in North Korea; and

(2) such efforts should be made in a timely manner, as 50 years have passed since the separation of these families.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. ROYCE) and the gentleman from Oregon (Mr. BLUMENAUER) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. ROYCE).

GENERAL LEAVE

Mr. ROYCE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Con. Res. 77, the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ROYCE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of House Concurrent Resolution 77. It is coauthored by the gentleman from California (Mr. BECERRA) and myself.

I serve as chairman of the U.S.-Republic of Korea Interparliamentary Ex-

change. Several of our colleagues met with South Korean legislators this past spring to discuss the critical relationship between the two countries, between South Korea and the United States; and we found that the issue of Korean-Americans here having a chance to participate in family reunifications was a key issue. Out of those discussions and in consultation with the Korean-American community, this resolution was developed.

There are over 500,000 Korean-Americans with relatives in North Korea that reside now in the United States. None of these individuals have been privy to any of the three family reunions that have taken place between the Republic of Korea and the Democratic People's Republic of Korea.

This legislation calls for the Congress and the President to support efforts to reunite U.S. citizens of Korean ancestry with their families in North Korea as soon as possible so they might have a chance to travel to North Korea and see their families. Many of these individuals are quite elderly, and they would like the opportunity before their loved ones pass away to do that.

After World War II, the 38th Parallel was used to draw a line between freedom on one side and tyranny on the other. What at the time seemed an easy resolution to a difficult diplomatic problem between communist Russia and the United States turned out to be the worst nightmare for millions of Koreans. The 38th Parallel cut through the country of Korea. It cut through villages, through communities, and in this case it cut through families. Millions of parents were separated from their children. Mothers were separated from fathers, grandparents from their grandchildren. In a culture centered around the family, this was absolutely devastating.

On June 25, 1950, North Korea invaded South Korea; and a war ensued for 3 harsh years. After the Korean War, the border became heavily fortified and closed. No one in North Korea was allowed out, and no one from South Korea was allowed in. Since 1953, South Korea, with the help of the United States, has made numerous overtures to North Korea to allow family members to reconnect. The Stalinist North said no.

□ 1645

In 1998, Kim Dae Jung assumed the South Korean presidency and instituted a "sunshine policy," as he called it. Since last year, President Kim has enabled 300 South Koreans to see relatives they have not seen for over 50 years. I applaud these important steps.

But a very important component is missing from these reunions. The United States is home, as I said, to over 500,000 Korean Americans. Both the gentleman from California (Mr. BECERRA) and I represent large Korean-

American communities in our districts. These Americans have suffered the pain of having relatives in North Korea they have not seen in over 50 years. Mr. Speaker, this is unacceptable.

The United States has demonstrated a longstanding commitment to the Korean peninsula. In 1950, when North Korea unleashed an all-out attack on South Korea, the United States acted swiftly and decisively. At least 37,000 Americans unfortunately died defending South Korea. These American soldiers paid the ultimate price to ensure South Korea's sovereignty. We have defended South Korea ever since.

In 1997, the United States spearheaded the international community's effort to ensure that South Korea's economy remained strong. The United States has provided hundreds of millions of dollars in humanitarian food aid to North Koreans. Needless to say, our country has dedicated great amounts of diplomatic and financial contributions to Korea, which is extremely important to maintaining peace and maintaining stability on that peninsula. For that, the Korean people are appreciative and our strategic interests are served. But we should also have a strong commitment to Korean Americans.

Currently, a petition is being circulated by the Korean-American community, including church groups and students and private citizens, to be sent to our President, to be sent to the President of South Korea, to the President of North Korea, to Secretary-General Kofi Annan and others urging them to make it possible for Korean Americans to be reunited with their families, to see their families in North Korea. I believe this is a reasonable request that requires urgent attention. It has been 50 years since these estranged relations have seen each other. Many people have died, and for many others it is their last wish that they might see their brother or sister or their aunt or uncle once again.

I urge passage of this bill so that this historical calamity can be rectified in however small terms. The United States should stand behind its citizens and undertake measures immediately to ensure that Korean-American families have a chance to see one another.

Mr. Speaker, I reserve the balance of my time.

Mr. BLUMENAUER. Mr. Speaker, I yield myself such time as I may consume. I too rise in strong support of this resolution. I would first like to commend the sponsor of the resolution, the gentleman from California (Mr. BECERRA), the gentleman from California (Mr. ROYCE), as well as our Chair and ranking member for allowing it to move expeditiously to the House floor.

In June of last year, history was made on the Korean peninsula, 50 years after the outbreak of hostility as the leaders of North and South Korea,

President Kim Dae Jung and North Korean Leader Kim Jong Il, had an unprecedented meeting in North Korea's capital. This historic meeting was the start of a series of official discussions between the North and the South designed to deal with the pressing political, economic, and humanitarian issues which separate them. Obviously, these discussions have proven difficult; and unfortunately there are no easy answers to permanently reducing North-South tensions. It may take years for the negotiations to resolve this range of issues separating North and South; but we are seeing tangible progress on one critical front, family reunification.

As has been referenced, millions of Koreans were separated from family members at the cessation of the armed conflict in the Korean War with millions finding themselves on opposite sides of the DMZ. That surreal area of the world continues. I personally will never forget the stark landscape on my first visit. It might as well have been on the other side of the Moon in terms of the sort of eerie nature, the clearing of the grounds, the fortifications that take place. For over 50 years, the DMZ has served as a symbol of this barrier that has divided not just the governments, not just the leaders, but of the families.

Now we have had three rounds of family visits. And while 600 does not seem like much, it truly represents a tremendous opportunity to produce a sea change between the two. But now my colleagues have brought forward a resolution that expresses the sense of Congress that the scope of these family reunification visits should be expanded to include Korean Americans. In my community, Korean Americans form a vital element of our civic fabric; and I know the energy, the compassion that they have displayed in our community and to one another could go a long way. And if they were able to deal with reunification of their own families, I think it would be an important step toward normalizing relations and depressing the pressures that have been built. A half million Korean Americans have been unable to see their families for half a century in an area that is the one that is most likely for American troops actually to see massive armed conflict, notwithstanding what is going on in the Middle East.

The United States has many issues on the agenda with North Korea, including missile development and proliferation, human rights, terrorism. Indeed, in North Korea the specter of mass starvation continues to haunt them. While these issues remain at the core of our agenda with North Korea, I firmly believe that passage of this resolution can help advance family reunification and can help tip the balance in ways that put a human face on this tragic situation.

I urge my colleagues to support the resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. ROYCE. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. KIRK).

Mr. KIRK. Mr. Speaker, I want to thank the gentleman from California (Mr. ROYCE) and the gentleman from California (Mr. BECERRA) for this resolution. In June of 1950, when the 38th parallel became a dividing line between North and South Korea, it dramatically divided the country and symbolized the polarity in the Cold War. Millions of Koreans lost communication with their families and loved ones living across the border.

Fifty years later, in June of last year, South Korean President Kim Dae Jung and North Korean leader Kim Jong Il made a promise to bring together the divided families of North and South Korea. After 50 years of political strife and social unrest, families are finally crossing the 38th parallel once again, reuniting with loved ones that were once lost to each other during the Cold War. While we should encourage this reunification between North and South Korean families, there is one set of families that have been left out, 500,000 Korean Americans who have been separated from their families.

Last year's summit was just the beginning of efforts to bring these two nations together. Not only are families reuniting across the border but economic ties are being strengthened; and there are positive efforts under way, including a cross-border railway and construction of a North Korean industrial park for businesses from the South. We must now make every effort to ensure that Korean Americans are part of this reconciliation.

As a congressional staff member, I traveled to North Korea twice and witnessed firsthand the starvation and lack of medical supplies and care. For over 50 years, citizens in North Korea have endured countless hardships at the cost of their government. As cooperation begins to start between North and South Korea, we must take action to ensure that citizens from our own country with relatives in North Korea benefit as well. The Illinois Ethnic Coalition estimates that 40,000 Korean Americans live in Chicago and another 60,000 live in Chicago suburbs. Too many citizens in my district are waiting to hear from loved ones in North Korea.

In September, the Korean-American Coalition of the Midwest collected 20,000 signatures in a petition calling for the U.S. Government to raise the issue of family reunification with officials of the North Korean Government. I recently joined this coalition in a meeting with Secretary of State Colin Powell to encourage the reunification

of North Korean families with their Korean-American relatives. I want to directly thank Secretary Powell for receiving us and agreeing to put the issue of reunification of North Koreans with their Korean-American families on the dialogue between the United States and the DPRK.

I strongly support this resolution as an important step in promoting the reunification of Americans of Korean ancestry with their families in North Korea. In the end, I hope Korean Americans like Cha Hee Stanfield will be able to see her relatives and say hello to her Korean relatives.

Mr. BLUMENAUER. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from California (Mr. BECERRA).

Mr. BECERRA. Mr. Speaker, I thank the gentleman from Oregon (Mr. BLUMENAUER) for his support and for his management of this time and the gentleman from California (Mr. ROYCE), a good friend and someone who has been a champion of not just these issues but other issues of international affairs. I want to thank him for his efforts. We have had an opportunity, as he mentioned, in the past to work on issues that are important to Korean Americans, but important to relations between the Koreas as they make efforts to try to reunify the two countries. I wish to thank the gentleman from California (Mr. ROYCE) for all of his efforts and certainly for the support and his cosponsorship of this particular resolution.

If I may also thank the gentleman from Texas (Mr. ARMEY) and the gentleman from Missouri (Mr. GEPHARDT) for helping us expedite the hearing of this particular concurrent resolution on the floor today. I want to make sure I do acknowledge their efforts to bring this before us quickly.

Mr. Speaker, H. Con. Res. 77 is a resolution that I authored in conjunction with the gentleman from California (Mr. ROYCE) for the express purpose of expressing our country and our government's firm support for family reunification opportunities between Americans of Korean descent and their North Korean relatives. Being separated from family at some point in our lives is something that we can all identify with. It is universal and we have gotten accustomed to it with all the travel that we do and separation that goes on between families. That separation is what makes holidays like Thanksgiving, which we just celebrated, a very special time. These are occasions when families gather to give thanks for their blessings. But unfortunately for many Americans, especially Americans of Korean descent, this separation from family has not been temporary, but prolonged and painful at times.

Nearly one-third of the more than 1 million people of Korean ancestry who

live in the United States have relatives, mothers, brothers, grandmothers, uncles, many of whom they have not seen in more than half a century. Nongovernmental travel and communication between Korean Americans in the U.S. and family members in North Korea is difficult if not impossible. The year 2000 was historic because it was the year that marked the first-ever summit conference between South Korean President Kim Dae Jung and North Korean Leader Kim Jong Il in North Korea. Both leaders agreed to resolve humanitarian issues, such issues as exchange visas for families that have been separated for decades.

As of the third reunion, as we have heard, there have been three reunions to date of family members, the fate and addresses of more than 6,000 members of separated families have been confirmed and more than 3,400 families from South Korea have had an opportunity to reunite with relatives in North Korea. The three family reunions have taken place only between South and North Korea, unfortunately; and these reunions have been closed to date to Korean Americans in the United States. According to discussions with Korean officials, it is right now unfortunately the policy of trying to help the families from South Korea unite with North Korean family members probably more than anything else because there is such limited time and space available for families to reunite, and there are so many families who are hoping to have that opportunity in the future.

But time is of the essence. We have seen more than 50 years go by since those separations first occurred; and for many family members who reside here in the United States, they now know of family members in North Korea who are in their seventies and in their eighties and in many cases they are not even aware of what the status and the fate of their family members in North Korea may be at this time.

In the district I represent in Los Angeles, we have a very vibrant Korean-American community. I happen to be the Representative who has within his congressional district most of what is considered Korea Town in Los Angeles. I am committed to making family unification a reality for my constituents and for the people of Korean ancestry who are Americans here. The Korean-American Family Reunion Council has been working tirelessly to collect signatures, more than 100,000 signatures to date, which urge the President of the United States and the Congress to urge the two Koreas to allow Korean Americans to participate in these family unification opportunities and to visit their loved ones.

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I have heard many personal stories from Korean Americans who have not

seen their family in decades. In that opportunity that the gentleman from California (Mr. ROYCE), I and other of my colleagues had in an interparliamentary session in South Korea to meet with our South Korean counterparts, we had an opportunity to hear from them on this resolution, on this particular provision, and they indicated their support in having the United States advocate to have Korean Americans participate in those family unification efforts. But, despite those efforts, right now we currently see that there have been stops and starts in the inter-Korean talks that have been taking place, but we must still support these efforts.

Especially in these times of uncertainty in the world, it is vital that Congress support efforts to strengthen family bonds and build civic ties. Certainly since September 11, the community of nations has worked earnestly to bring the people of the world closer together, to break down barriers, and to help peoples live in peace as brethren.

Mr. Speaker, I would like to thank those individuals, the chairman of the committee, the gentleman from Illinois (Mr. HYDE), the gentleman from Iowa (Mr. LEACH); the ranking members, the gentleman from California (Mr. LANTOS), the gentleman from American Samoa (Mr. FALEOMAVAEGA); the gentleman from California (Mr. ROYCE); as I said before, the gentleman from Oregon (Mr. BLUMENAUER), all of those that made it possible to have the resolution before us.

I would be remiss if I did not mention the individuals who made this resolution possible, individuals like Hyepin Im of the Korean American Family Reunification Council; Mr. Sue Hee Kang of the Advisory Council on the Peaceful and Democratic Unification of Korea; Mr. Ki Whan Ha of the Korean American Federation of Los Angeles; Mr. Mike Hong of the Advisory Council on the Peaceful and Democratic Unification of Korea; Dr. Young Seok Suh of the Korean American Family Reunion Council; and Mr. Chul Choi, the President of the Federation of North Korean Provinces.

I would also like to add to that Reverend Tae Hwan Park, President of the Korean American Sharing Movement, who has been a great inspiration, and those who told me their personal stories of how they hope that before they expire they have a chance to see their relatives, and especially to my staff, Denise Lee, former staff member Susie Ahn, and certainly to the staff of the majority and minority on the Committee on International Relations, thank you very much for helping us bring this resolution to the floor of the House of Representatives.

I hope to convey a message to the two Koreas and to the people of the two Koreas that we wish to work with them as they work to reunify, and we

also hope that the Korean Americans of this country will have an opportunity to participate in those family reunification efforts.

Mr. ROYCE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the gentleman from California (Mr. BECERRA) for his leadership on this resolution and for his work on building the relationship between South Korea and the United States on our interparliamentary exchange that we do between the U.S. Congress and the General Assembly in South Korea.

So, again, I wanted to acknowledge his authorship of this measure, which I was proud to coauthor, and the focus and attention that he has brought to better relations between the United States and South Korea.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BLUMENAUER. Mr. Speaker, I yield such time as he may consume to the gentleman from American Samoa (Mr. FALEOMAVAEGA).

Mr. FALEOMAVAEGA. Mr. Speaker, as a cosponsor of House Concurrent Resolution 77, I am honored to rise in support of this important measure which urges our government to support efforts to reunite Korean Americans with their families in North Korea.

As a member of the Asia-Pacific Congressional Caucus, it is most appropriate that we deliberate and pass this legislation in honor of our Korean American community throughout the United States. I especially want to commend the authors of this legislation, both the gentleman from California (Mr. BECERRA) and the gentleman from California (Mr. ROYCE), who were instrumental in this measure's introduction. The gentleman from California (Mr. ROYCE) and the gentleman from California (Mr. BECERRA) are respectively the chairman and vice chairman of the U.S. Republic of Korea Interparliamentary Exchange and they have done, in my personal opinion, an excellent job in furthering relations between our two nations.

I would also like to commend the chairman and ranking Democrat of the Committee on International Relations, the gentleman from Illinois (Mr. HYDE) and the gentleman from California (Mr. LANTOS), for their leadership and support in moving this measure on the floor.

Mr. Speaker, as many of you know, our relations with North Korea are crucial as the Korean Peninsula has long been one of the most dangerous flashpoints in the world. The United States currently has over 37,000 military personnel stationed in South Korea, with many of them patrolling the demilitarized zone.

As one who served in the military in Vietnam, Mr. Speaker, I can never forget the presence of thousands of South

Korean soldiers who fought side by side with us. I might submit that, in time of crisis, we know who our real friends are. I want to say to the leaders and the people of South Korea, for supporting us during the Vietnam War, I say, Kham-Samieda.

Mr. Speaker, since the Korean War, millions of Koreans have had their families separated and torn asunder with the division of North Korea and South Korea. After almost some 50 years, the tragedy of family separation continues, impacting more than 500,000 Korean Americans who have been denied contact with their loved ones in North Korea.

At a time when the administration has reviewed its policy to urge North Korea to improve implementation of the agreed framework on nuclear activities, verify constraints on North Korea's missile program and exports, and to adopt a less-threatening conventional military posture, we should also follow up South Korea President Kim's sunshine policy.

Last year's historic summit meeting and joint declarations between the leaders of South Korea and North Korea, in my opinion, has already borne fruit, resulting in limited reunions between long-separated Korean family members.

Mr. Speaker, we need to build on this progress, and we can only do so by adoption of this measure. Establishing ties and reuniting Americans of Korean ancestry with their relatives in North Korea addresses a humanitarian goal and, more importantly, could play a meaningful role in helping to open up North Korea while reducing tensions in the Korean peninsula.

Again, I urge my colleagues to support this resolution.

Mr. GILMAN. Mr. Speaker, I rise in strong support for H. Con. Res. 77, a resolution expressing the sense of the Congress regarding the efforts of people of the United States of Korean ancestry to reunite with their family members in North Korea.

Koreans and Korean Americans from all walks of life have suffered for more than 50 years from the pain of forced separation of their families. People have grown old and died without ever being in touch with their loved ones since the end of the war. Nobody benefits from such an inhumane situation.

While a few hundred staged reunions which have taken place there should be no undue restrictions imposed on the hundreds of thousands of people who want to spend time with their families. The Korean war is long over and we now need to get beyond the past. The best way to do this is by permitting people to cross the border and to end this regrettable piece of history.

Accordingly, I urge my colleagues to support H. Con. Res. 77.

Ms. WATSON of California. Mr. Speaker, I rise in strong support of H. Con. Res. 77.

I would like to commend my colleague and fellow California delegation member Mr. BECERRA for his insight and hard work on this

issue, as well as the chairman of the International Relations Committee, Mr. HYDE, and its ranking member, Mr. LANTOS.

Mr. Speaker I rise today to champion an American ideal, and an ideal revered throughout the world: the family. The family is the bedrock of America, and the foundation of our society. It is a fitting time to discuss H. Con. Res. 77 right now, in the midst of our holiday season, in the middle of time we value with our families.

War can have a terrible impact on civilians. Not only are family members killed, totally removed from society, but the very fabric of society can be torn, as we witnessed in the Korean War. After the DMZ was established, and the dust settled, millions of Koreans found themselves separated from their husbands, wives, children, parents, and extended family members.

For over 50 years, separated Korean family members have had limited information about their loved ones. June of 2000 was a historical moment for the world. The leaders of North and South Korea held a meeting in North Korea's capital. The leaders have started down the path to resolving the humanitarian, political, and economic issues that separate them. I commend the Korean officials who understand that family reunification is essential to the political reunification of Korea.

Mr. Speaker, I recall the Opening Ceremonies of the Sydney, Australia Olympic Games in September 2000, which I attended, and the excitement of the 100,000 spectators who all stood and cheered as North and South Korean athletes emerged from the tunnel under one flag. I will never forget the overwhelming emotional response of the stadium fans to this symbolic display of unity.

Mr. Speaker, according to the 2000 census, approximately 1/10th of the 1.1 million Koreans in the United States reside in, or very near to, my congressional district. The resolution before the House today expresses the sense of Congress that the scope of Korean family reunification visits, of which there have been three so far, should be expanded to include Korean-American families.

H. Con. Res. 77 expresses the value Americans place on the family unit. This resolution is positive for America, for American-Korean relations, and as a message for the world.

Mr. WU. Mr. Speaker, I rise in support of H. Con. Res. 77, the Korean American Family Reunification Resolution, introduced by my colleague, Congressman XAVIER BECERRA.

In the aftermath of the Korean War, the division of the Koreans at the 38th parallel separated millions of Koreans from their families, tearing at the heart of every mother, father, daughter, and son. As an immigrant, I know what it is like to be separated from my family. In March of 1961, John F. Kennedy signed an Executive Order that made it possible for people to come to this country from Asia, as they have from Europe. In October of 1961, after living apart for six years, my family was reunited in America.

My heart goes out to the many Americans of Korean ancestry who have been separated from loved ones for over fifty years. I understand the pain of being separated from family, which is why I support reunification efforts.

Since the historic summit last year between South Korean President Kim Dae Jung and

North Korean leader Kim Jong Il, several reunions have taken place between divided Korean families and more anxiously await a chance to meet with relatives. However, the hope for reunification remains distant for Korean Americans here in this country that have not yet been involved with the selection process for family reunions.

H. Con. Res. 77 calls on Congress and the President to support the efforts of Korean Americans who wish to reunite with their family members in North Korea. I urge my colleagues to join in support of this resolution to unite family members torn apart by the tragedy of war. Furthermore, I would like to extend my appreciation to Mr. BECERRA for introducing this legislation.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise to support H. Con. Res. 77, a concurrent resolution expressing the sense of Congress regarding the efforts of people of the United States of Korean ancestry to reunite with their family members in North Korea.

The year 2000 marked the 50th Anniversary of the Korean War. While the July 27, 1953 armistice officially ended the War, the division of the Koreans at the 38th parallel separated millions of Koreans from their families, tearing at the hearts of every mother, father, daughter, and son. Today, half a million people in the United States of Korean ancestry bear the pain of being separated from their families in North Korea.

Another historic occasion for the two Koreas occurred in the year 2000. On June 13th and June 14th, South Korean President Kim Dae Jung met with North Korean leader Kim Jong Il in the first ever summit held between the leaders of North and South Korea. In a joint declaration, the two leaders made a historic promise to promote economic cooperation and to hold reunions of divided Korean families. I am pleased to share with Members that three of these reunions have taken place thus far. It is vital that we continue to support the familial ties that bind the two Koreas.

Mr. Speaker, I am concerned that Korean Americans here in the United States have not had the opportunity to participate in these family reunifications. Because of the geographical distance, many Korean Americans are not involved with the selection process for the family reunions. This is why H. Con. Res. 77 is important to Korean Americans in my district, and across the United States.

Virginia's Eleventh Congressional District is home to one of the largest Korean-American constituencies. Korean Americans in my district still have personal ties to their former homeland. Some have not seen nor heard from their family members in North Korea for more than fifty years. Almost three generations have grown up unable to communicate with their own family members. We must make every effort to persuade the two Koreas that Korean Americans should be permitted to participate in the selection for the family reunifications and that these efforts should be timely, as older Koreans are dying as they await their turns in this process.

Mr. Speaker, I urge all of my colleagues to support this humanitarian resolution.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of this resolution expressing the Sense of Congress that the President

should support the efforts of U.S. citizens of Korean ancestry to reunite with their families in North Korea.

Mr. Speaker, in June of 2000 North and South Korean leaders signed an historic agreement that was to facilitate the reunion of Korean families through Red Cross registration offices. An estimated 1.2 million North Korean refugees are currently living in South Korea, and over 500,000 Korean-Americans have been separated from their families in North Korea.

The reunions that have resulted from this agreement have been short, and therefore bittersweet. However, these reunions between North and South Koreans have not included Korean Americans who also feel the pain of separation from their families.

As the healing process between these two nations continues, I believe the United States must do more to ensure that our citizens have the opportunity to reconnect with their loved ones. In fact, this resolution should be the beginning of a conversation between the U.S. and North Korea on behalf of these families, with the goal being the fair and even representation of their interests during government level meetings on Korean Family reunification.

Mr. Speaker, I believe it is the Sense of Congress that the U.S. values peace in the global community, and we must continue to recognize the sanctity of the family as the central unit of human socialization.

Mr. Speaker, 50 years is too long to have gone without seeing your brother or sister. Many mothers and fathers from families torn apart by war along the 38th parallel have passed on without final visits from their children. We must therefore pursue the goal of family unification for Korean Americans with alacrity, for soon it will be too late for many families to share the words "I love you."

Mr. BLUMENAUER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. WHITFIELD). The question is on the motion offered by the gentleman from California (Mr. ROYCE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 77.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. ROYCE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

AUTHORIZING THE 2002 WINTER OLYMPICS TORCH RELAY TO COME ONTO THE CAPITOL GROUNDS

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and concur in the Senate concurrent resolution (S. Con. Res. 82) authorizing the 2002 Win-

ter Olympics Torch Relay to come onto the Capitol grounds.

The Clerk read as follows:

S. CON. RES. 82

Resolved by the Senate (the House of Representatives concurring).

SECTION 1. AUTHORIZATION OF THE RUNNING OF 2002 WINTER OLYMPICS TORCH RELAY ONTO THE CAPITOL GROUNDS.

On December 21, 2001, or on such other date as the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate may jointly designate, the 2002 Winter Olympics Torch Relay (in this resolution referred to as the "event") may come onto the Capitol Grounds as part of the ceremony of the 2002 Winter Olympic Games to be held in Salt Lake City, Utah.

SEC. 2. RESPONSIBILITY OF CAPITOL POLICE BOARD.

The Capitol Police Board shall take such actions as may be necessary to carry out the event.

SEC. 3. CONDITIONS RELATING TO PHYSICAL PREPARATIONS.

The Architect of the Capitol may prescribe conditions for physical preparations for the event.

SEC. 4. ENFORCEMENT OF RESTRICTIONS.

The Capitol Police Board shall provide for enforcement of the restrictions contained in section 4 of the Act of July 31, 1946 (40 U.S.C. 193d; 60 Stat. 718), concerning sales, advertisements, displays, and solicitations on the Capitol Grounds, as well as other restrictions applicable to the Capitol Grounds, with respect to the event.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. LATOURETTE) and the gentleman from Utah (Mr. MATHESON) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. LATOURETTE).

Mr. LATOURETTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Senate Concurrent Resolution 82 authorizes the 2002 Winter Olympics Torch Relay to come on the Capitol grounds as part of the ceremony of the 2002 Winter Olympic games. The Torch Relay will cross the grounds on December 21, 2001, or on such date as the Speaker of the House of Representatives and the Senate Committee on Rules and Administration designate.

The resolution also authorizes the Architect of the Capitol, the Capitol Police Board, and the sponsor of the event to negotiate the necessary arrangements for carrying out the event in complete compliance with the rules and regulations governing the use of the Capitol grounds. The sponsor of the event will assume all expenses and liabilities in connection with the event, and all sales, advertisements and solicitations are prohibited.

The 2002 Winter Olympic Games will be held in Salt Lake City, Utah, beginning on February 8 and concluding on February 24, 2002. Competition is scheduled for seven sports in 78 medal events at the games. An estimated 3,500

athletes and officials from 80 countries are expected to participate. In addition, 18,000 volunteers will help stage the games.

It will be an honor to have the Winter Olympic Torch Relay pass through the Capitol Grounds on December 21 and for the United States to host the 19th Olympic Winter Games. I urge my colleagues to support this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. MATHESON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank Senator BENNETT for introducing Senate Concurrent Resolution 82. This legislation authorizes the use of the Capitol Grounds for the 2002 Winter Olympics Torch Relay. Consistent with other resolutions authorizing use of the Capitol Grounds, the Torch Relay activities will be coordinated with the Capitol Police Board and the Architect of the Capitol.

The 2002 Winter Olympics will take place in my hometown of Salt Lake City between February 8 and the 24th. There are few symbols as powerful as the Olympic Games that promote unity, peace and healing. The Torch Relay is what unites Salt Lake City with the rest of the country to showcase the Olympic values of courage, sacrifice, persistence and humanity.

Roughly 3,500 athletes from 80 countries are expected to participate in over 25 events at the 19th Winter Olympic Games. The Olympic Torch, which will come to the Capitol steps on December 21 for a ceremonial moment, will be carried by one of the over 10,000 volunteers who will carry the torch in over 80 metropolitan areas, finishing at the opening ceremonies in Salt Lake City.

I am pleased to support this resolution and urge its adoption.

Mr. Speaker, I yield back the balance of my time.

Mr. LATOURETTE. Mr. Speaker, I yield myself such time as I may consume simply to congratulate the gentleman from Utah and all the people of Salt Lake City, Utah, for the opportunity to host the 19th Winter Olympic Games.

I had the opportunity a couple of years ago to be in Salt Lake City and saw the preparations under way, the light rail system being constructed with the assistance of the Committee on Transportation and Infrastructure here in the United States Congress, and it promises to be quite an event. I urge all of my colleagues to support this resolution.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and concur in the Senate concurrent resolution, S. Con. Res. 82.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate Concurrent Resolution was concurred in.

A motion to reconsider was laid on the table.

JAMES A. MCCLURE FEDERAL BUILDING AND UNITED STATES COURTHOUSE

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and pass the Senate Bill (S. 1459) to designate the Federal building and United States courthouse located at 550 West Fort Street in Boise, Idaho, as the "James A. McClure Federal Building and United States Courthouse."

The Clerk read as follows:

S. 1459

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF JAMES A. MCCLURE FEDERAL BUILDING AND UNITED STATES COURTHOUSE.

The Federal building and United States courthouse located at 550 West Fort Street in Boise, Idaho, shall be known and designated as the "James A. McClure Federal Building and United States Courthouse".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building and United States courthouse referred to in section 1 shall be deemed to be a reference to the James A. McClure Federal Building and United States Courthouse.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. LATOURETTE) and the gentleman from Utah (Mr. MATHESON) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. LATOURETTE).

Mr. LATOURETTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 1459 designates the Federal building and United States courthouse located at 550 West Fort Street in Boise, Idaho, as the James A. McClure Federal Building and United States Courthouse.

I would like to commend my colleague the gentleman from Idaho (Mr. OTTER), a colleague on the Committee on Transportation and Infrastructure, for introducing H.R. 2972, which was the House companion naming bill that we are considering today. With the hard work and diligence of the gentleman from Idaho (Mr. OTTER), the committee reported H.R. 2972. We are considering the Senate version today to clear the way to get this piece of legislation to the President's desk for his signature.

James A. McClure was born in Payette, Idaho, on December 27, 1924. He attended public schools in Payette and went on to serve in the United States Navy from 1942 to 1946. Fol-

lowing his tour with the Navy, he earned his J.D. degree from the University of Idaho College of law in 1950 and was admitted to the Idaho bar that same year.

He commenced private practice in Payette before serving as prosecuting attorney of Payette County in 1956. During that time, he served as City Attorney from 1953 until 1966 and in the Idaho State Senate from 1961 until 1966, as well as being a member of the Payette County Central Committee for 15 years.

Senator McClure was elected to the United States House of Representatives to serve in the 90th Congress. He served for three succeeding terms until being elected to the United States Senate in 1972. Senator McClure served succeeding terms in the Senate until his retirement in 1991.

While in the Senate, Senator McClure was Chairman of the Committee on Energy and Natural Resources from 1981 until 1987 and also the Chairman of the Senate Republican Conference from 1981 until 1985.

This bill naming the Federal building and courthouse in Boise, Idaho, honors a dedicated public servant. I urge my colleagues to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. MATHESON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 1459 is a bill to designate the Federal building and United States courthouse located at 550 West Fort Street in Boise, Idaho, as the James A. McClure Federal Building and United States Courthouse.

□ 1715

Jim McClure served the citizens of Idaho as both a United States Representative and as a Senator. He was born in Payette, Idaho, in 1924. He attended public schools and the U.S. Naval Academy. In 1950 he graduated from the University of Idaho College of Law.

He began his public service as the prosecuting attorney of Payette from 1950 until 1956. For the next 13 years he served as the city attorney for Payette and as a State senator from 1961 to 1966. In 1966 he was elected to the United States Congress and was re-elected in 1968 and 1970. In 1972, McClure was elected to the U.S. Senate and served three terms until 1990. His work in both the House and the Senate reflected the interests of his constituents.

Senator McClure focused on the uses of public lands and other natural resource issues. In fact, over 25 years ago, Senator McClure predicted much of the energy questions and debates that we just had this past summer. His focus on energy issues as Chairman of the Senate Energy Committee from 1981 to 1987 helped to begin the debate on crafting a national energy strategy.

He was one of the first policymakers to focus our attention on our growing demand for energy.

Senator McClure's integrity, intelligence, and fair mindedness led to an appointment to the Senate Select Committee on the Iran-Contra Affair. Senator McClure has had an active retirement. At the age of 77, he is in phenomenal health. He serves on the boards of several corporations. It is both fitting and proper to honor the outstanding public service of our former colleague, Jim McClure, with this designation.

Mr. Speaker, I reserve the balance of my time.

Mr. LATOURETTE. Mr. Speaker, it is my pleasure to yield such time as he might consume to the gentleman from Idaho (Mr. SIMPSON), the other outstanding Representative from that State. Along with the gentleman from Idaho (Mr. OTTER), they provide able and wonderful service for the citizens of Idaho.

Mr. SIMPSON. Mr. Speaker, I thank the gentleman from Ohio (Mr. LATOURETTE) for yielding the time. I will tell my colleagues that Senator McClure has often told me of his admiration for Ohio, and if he could not be from Idaho, he would be from Ohio.

Mr. Speaker, I want to take this opportunity to thank my colleagues in the House of Representatives for honoring one of Idaho's finest public servants, former Representative and U.S. Senator James A. McClure, by renaming the Federal building and United States courthouse in Boise after him. I would also like to thank the gentleman from Idaho (Mr. OTTER), from the First Congressional District, for working with me and leading this effort to recognize Senator McClure, and Idaho Senators LARRY CRAIG and MIKE CRAPO for their efforts in the Senate.

Jim McClure served the people of Idaho in the United States Congress for 24 years, including 6 years right here in this Chamber as a Member of the House of Representatives. Before coming to Washington in 1967, Senator McClure had a distinguished career in Idaho. He graduated from the University of Idaho Law School in 1950 and was immediately hired as the prosecuting attorney of Payette County, Idaho, where he worked for 6 years. In 1953 he became the city attorney for Payette and served in that capacity until 1966.

In 1961, Senator McClure began his long and distinguished political career by seeking and obtaining a seat in the Idaho State Senate where he served until his election to this House of Representatives. In 1972, after 6 years in the House of Representatives, he was elected to the United States Senate where he served three terms and established himself as one of Idaho's political giants.

Senator McClure came to Washington and immediately made a name

for himself as one of the foremost experts on the issues most important to the people of Idaho. His experience and expertise in energy and natural resource issues were unmatched in Idaho's history, and his leadership was vital in the passage of many important legislative initiatives, including the creation of Hell's Canyon National Recreation Area and the Frank Church River of No Return Wilderness in my home State.

As a Member of Congress, Senator McClure was also known for his steadfast advocacy of rural Idaho and the rugged individuals who built and still inhabit the western United States. He fought to improve the rural economy and ensure those who want to live in rural America will always find opportunities in rural communities. He strove to enact policies that balanced the public's interest in natural resource protection and natural resource enjoyment and always understood that no American should have to see their job eliminated and family uprooted through ill conceived Federal forest, mining, or grazing policies. Like most Idahoans, he staunchly believed in an individual's right to keep and bear arms; and as a veterans of the United States Navy during World War II, he was an ardent advocate of a strong military to protect our Nation's most treasured possession: our freedom.

Today, Senator McClure remains an advocate of the issues that matter most to many Idahoans. He continues to work with Congress and those of us in the Idaho delegation on natural resource and energy issues, and he serves as a trustee for the Kennedy Center for the Performing Arts. Senator McClure remains a trusted leader for Idaho and a true friend to those of us who know him well.

Senator McClure would be the first to acknowledge that none of his accomplishments would have been possible without the unwavering support of his gracious and lovely wife, Louise. Mr. Speaker, I know of no one who is more deserving of the recognition we approve today in the House of Representatives. I will always be proud to have played a role in the establishment of a James A. McClure Federal building and United States courthouse and grateful to have known and worked with a man as respected, trusted, and revered as Senator McClure.

Mr. MATSUI. Mr. Speaker, I yield such time as he may consume to the gentleman from American Samoa (Mr. FALEOMAVAEGA).

Mr. FALEOMAVAEGA. Mr. Speaker, I want to associate myself with the remarks that have been stated earlier by my colleagues, especially the chairman of the Subcommittee on Infrastructure, as well as my good friend from Utah, and especially my friend and colleague from Idaho.

Those of us from the islands just want to share with my colleagues that

we do have a sense of real appreciation and a real sense of gratitude for what this Senator has done for those of us who come from the insular areas. I do want to also pay a very special tribute to the Senator from Idaho, Senator McClure. Many of my colleagues may not know, but his name is well known in the islands. For his tremendous sense of compassion and sensitivity to the issues affecting the needs of those of us who come from the insular areas, I want to pay special homage and honor to Senator McClure for all that he has done.

Some of my colleagues may not be aware, but Senator McClure was also one of the instrumental leaders that assisted greatly in the passage of the Compact of Free Association which was very, very important, especially for the security needs of our country.

I remember also the strong working association Senator McClure had with the late Congressman Phil Burton and the efforts that they made to help those of us who come from the insular areas of the United States. I want to again thank our friends here for bringing this resolution to the floor. I could not think of a better person to have the Federal building named after than this great man, and I sincerely hope that maybe my good friend from Idaho will come and visit us so we can let him know that we have not forgotten this good man from Idaho, Senator McClure, for all that he has done for the territories.

Mr. MATSUI. Mr. Speaker, I yield back the balance of my time.

Mr. LATOURETTE. Mr. Speaker, I yield myself the balance of our time on this side.

This is a good and appropriate piece of legislation. I did want to remark that I have had the pleasure of serving in this body now for 7 years, and I always marveled at how tough the legislators were from the State of Idaho, and now I understand that when they have recreation areas named Hell's Canyon and River of No Return, it must be a very tough place to live, indeed.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. WHITFIELD). The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and pass the bill, H.R. 1459.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. LATOURETTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within

which to revise and extend their remarks on S. 1459 and Senate Concurrent Resolution 82, the measures just considered by the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

CLEAN DIAMOND TRADE ACT

Mr. THOMAS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2722), to implement a system of requirements on the importation of diamonds and for other purposes, as amended.

The Clerk read as follows:

H.R. 2722

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Clean Diamond Trade Act".

SEC. 2. FINDINGS.

Congress finds the following:

(1) Funds derived from the sale of rough diamonds are being used by rebels and state actors to finance military activities, overthrow legitimate governments, subvert international efforts to promote peace and stability, and commit horrifying atrocities against unarmed civilians. During the past decade, more than 6,500,000 people from Sierra Leone, Angola, and the Democratic Republic of the Congo have been driven from their homes by wars waged in large part for control of diamond mining areas. A million of these are refugees eking out a miserable existence in neighboring countries, and tens of thousands have fled to the United States. Approximately 3,700,000 people have died during these wars.

(2) The countries caught in this fighting are home to nearly 70,000,000 people whose societies have been torn apart not only by fighting but also by terrible human rights violations.

(3) Human rights advocates, the diamond trade as represented by the World Diamond Council, and the United States Government recently began working to block the trade in conflict diamonds. Their efforts have helped to build a consensus that action is urgently needed to end the trade in conflict diamonds.

(4) The United Nations Security Council has acted at various times under chapter VII of the Charter of the United Nations to address threats to international peace and security posed by conflicts linked to diamonds. Through these actions, it has prohibited all states from exporting weapons to certain countries affected by such conflicts. It has further required all states to prohibit the direct and indirect import of rough diamonds from Angola and Sierra Leone unless the diamonds are controlled under specified certificate of origin regimes and to prohibit absolutely for a period of 12 months the direct and indirect import of rough diamonds from Liberia.

(5) In response, the United States implemented sanctions restricting the importation of rough diamonds from Angola and Sierra Leone to those diamonds accompanied by specified certificates of origin and fully prohibiting the importation of rough diamonds from Liberia. In order to put an end to the emergency situation in international relations, to maintain international peace

and security, and to protect its essential security interests, and pursuant to its obligations under the United Nations Charter, the United States is now taking further action against trade in conflict diamonds.

(6) Without effective action to eliminate trade in conflict diamonds, the trade in legitimate diamonds faces the threat of a consumer backlash that could damage the economies of countries not involved in the trade in conflict diamonds and penalize members of the legitimate trade and the people they employ. To prevent that, South Africa and more than 30 other countries are involved in working, through the "Kimberley Process", toward devising a solution to this problem. As the consumer of a majority of the world's supply of diamonds, the United States has an obligation to help sever the link between diamonds and conflict and press for implementation of an effective solution.

(7) Failure to curtail the trade in conflict diamonds or to differentiate between the trade in conflict diamonds and the trade in legitimate diamonds could have a severe negative impact on the legitimate diamond trade in countries such as Botswana, Namibia, South Africa, and Tanzania.

(8) Initiatives of the United States seek to resolve the regional conflicts in sub-Saharan Africa which facilitate the trade in conflict diamonds.

SEC. 3. DEFINITIONS.

In this Act:

(1) **CONFLICT DIAMONDS.**—The term "conflict diamonds" means rough diamonds the import of which is prohibited by United Nations Security Council Resolutions because that trade is fueling conflict.

(2) **DIAMONDS.**—The term "diamonds" means diamonds classifiable under subheading 7102.31.00 or subheading 7102.39.00 of the Harmonized Tariff Schedule of the United States.

(3) **POLISHED DIAMONDS.**—The term "polished diamonds" means diamonds classifiable under subheading 7102.39.00 of the Harmonized Tariff Schedule of the United States.

(4) **ROUGH DIAMONDS.**—The term "rough diamonds" means diamonds that are unworked, or simply sawn, cleaved, or bruted, classifiable under subheading 7102.31.00 of the Harmonized Tariff Schedule of the United States.

(5) **UNITED STATES.**—The term "United States", when used in the geographic sense, means the several States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

SEC. 4. MEASURES TO PREVENT IMPORTS OF CONFLICT DIAMONDS.

(a) **AUTHORITY OF THE PRESIDENT.**—The President may prohibit, in whole or in part, imports of rough diamonds into the United States from any country that does not take effective measures to stop trade in conflict diamonds as long as the prohibition is—

(1) necessary to protect the essential security interests of the United States, or pursuant to United Nations Security Council Resolutions on conflict diamonds; and

(2) consistent with the foreign policy interests of the United States, including the international obligations of the United States.

(b) **EFFECTIVE MEASURES.**—For purposes of this Act, effective measures are measures that—

(1) meet the requirements of United Nations Security Council Resolutions on trade in conflict diamonds;

(2) meet the requirements of an international arrangement on conflict diamonds

as long as the measures also meet the requirements of United Nations Security Council Resolutions on trade in conflict diamonds; or

(3) contain the following elements, or their functional equivalent, if such elements are sufficient to meet the requirements of United Nations Security Council Resolutions on trade in conflict diamonds:

(A) With respect to exports from countries where rough diamonds are extracted, secure packaging, accompanied by officially validated documentation certifying the country of origin, total carat weight, and value.

(B) With respect to exports from countries where rough diamonds are extracted, a system of verifiable controls on rough diamonds from mine to export.

(C) With respect to countries that reexport rough diamonds, a system of controls designed to ensure that no conflict diamonds have entered the legitimate trade in rough diamonds.

(D) Verifiable recordkeeping by all companies and individuals engaged in mining, import, and export of rough diamonds within the territory of the exporting country, subject to inspection and verification by authorized government authorities in accordance with national regulations.

(E) Government publication on a periodic basis of official rough diamond export and import statistics.

(F) Implementation of proportionate and dissuasive penalties against any persons who violate laws and regulations designed to combat trade in conflict diamonds.

(G) Full cooperation with the United Nations or other official international bodies examining the trade in conflict diamonds, especially with respect to any inspection and monitoring of the trade in rough diamonds.

(c) **EXCLUSIONS.**—The provisions of this section do not apply to—

(1) rough diamonds imported by or on behalf of a person for personal use and accompanying a person upon entry into the United States;

(2) rough diamonds previously exported from the United States and reimported by the same importer, without having been advanced in value or improved in condition by any process or other means while abroad, if the importer declares that the reimportation of the rough diamonds satisfies the requirements of this paragraph; or

(3) rough diamonds for which the importer provides evidence to the satisfaction of the United States Customs Service (or analogous officials of a territory or possession of the United States with its own customs administration) that the importation does not include conflict diamonds.

SEC. 5. PROHIBITION OF POLISHED DIAMONDS AND JEWELRY.

The President may prohibit specific entries of polished diamonds and jewelry containing diamonds if the President has credible evidence that such polished diamonds and jewelry were produced with conflict diamonds.

SEC. 6. ENFORCEMENT.

Diamonds and jewelry containing diamonds imported into the United States in violation of any prohibition imposed under section 4 or 5 are subject to the seizure and forfeiture laws, and all criminal and civil laws of the United States shall apply, to the same extent as any other violation of the customs and navigation laws of the United States.

SEC. 7. REPORTS.

(a) **ANNUAL REPORTS.**—Not later than one year after the effective date of this Act, and

every 12 months thereafter, the President shall transmit to Congress a report—

(1) describing actions taken by countries that have exported rough diamonds to the United States during the preceding 12-month period to implement effective measures to stop trade in conflict diamonds;

(2) identifying those countries that have exported rough diamonds to the United States during the preceding 12-month period and are not implementing effective measures to stop trade in conflict diamonds and whose failure to do so has significantly increased the likelihood that conflict diamonds are being imported into the United States;

(3) describing appropriate actions, which may include actions under sections 4 and 5, that may be taken by the United States, or actions that may be taken or are being taken by each country identified under paragraph (2), to ensure that conflict diamonds are not being imported into the United States from such country; and

(4) identifying any additional countries involved in conflicts linked to rough diamonds that are not the subject of United Nations Security Council Resolutions on conflict diamonds.

(b) **SEMIANNUAL REPORTS.**—For each country identified in subsection (a)(2), the President shall, every 6 months after the initial report in which the country was identified, transmit to Congress a report that explains what actions have been taken by the United States or such country since the previous report to ensure that conflict diamonds are not being imported from that country into the United States. The requirement to issue a semiannual report with respect to a country under this subsection shall remain in effect until such time as the country implements effective measures.

SEC. 8. GAO REPORT.

Not later than 3 years after the effective date of this Act, the Comptroller General of the United States shall transmit a report to Congress on the effectiveness of the provisions of this Act in preventing the importation of conflict diamonds under section 4. The Comptroller General shall include in the report any recommendations on any modifications to this Act that may be necessary.

SEC. 9. SENSE OF CONGRESS.

(a) **INTERNATIONAL ARRANGEMENT.**—It is the sense of Congress that the President should take the necessary steps to negotiate an international arrangement, working in concert with the Kimberley Process referred to in section 2(6), to eliminate the trade in conflict diamonds. Such an international arrangement should create an effective global system of controls covering countries that export and import rough diamonds, and should contain the elements described in section 4(b)(3).

(b) **ADDITIONAL SECURITY COUNCIL RESOLUTIONS.**—It is the sense of Congress that the President should take the necessary steps to seek United Nations Security Council Resolutions with respect to trade in diamonds from additional countries identified under section 7(a)(4).

(c) **TRADE IN LEGITIMATE DIAMONDS.**—It is the sense of Congress that the provisions of this Act should not impede the trade in legitimate diamonds with countries which are working constructively to eliminate trade in conflict diamonds, including through the negotiation of an effective international arrangement to eliminate trade in conflict diamonds.

(d) **IMPLEMENTATION OF EFFECTIVE MEASURES.**—It is the sense of Congress that companies involved in diamond extraction and

trade should make financial contributions to countries seeking to implement any effective measures to stop trade in conflict diamonds described in section 4(b), if those countries would have financial difficulty implementing those measures.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the President \$5,000,000 for each of fiscal years 2002 and 2003 to provide assistance to countries seeking to implement any effective measures to stop trade in conflict diamonds described in section 4(b), if those countries would have financial difficulty implementing those measures.

SEC. 11. EFFECTIVE DATE.

This Act shall take effect on the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. THOMAS) and the gentleman from California (Mr. MATSUI) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. THOMAS).

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume; and following that, I yield the balance of my time to the gentleman from New York (Mr. HOUGHTON), and I ask unanimous consent that Mr. HOUGHTON control the remainder of the time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. THOMAS. Mr. Speaker, it is my pleasure to tell my colleagues that the process of accommodation and compromise is alive and well. The legislation we have in front of us is supported by the administration, and I have for the RECORD and, when appropriate, I will place in the RECORD the letter from the United States Department of State which indicates that the administration supports H.R. 2722. It does so as a means to sever the link, the letter says, between the rough and conflict diamonds, while preserving the trade in legitimate diamonds.

The letter goes on to say: "The Office of Management and Budget advises that from the standpoint of the administration's program, there is no objection to the submission of this letter."

Mr. Speaker, I will insert the letter for the RECORD at this time.

DEPARTMENT OF STATE,
Washington, DC, November 27, 2001.

Hon. WILLIAM M. THOMAS,
Chairman, Committee on Ways and Means,
House of Representatives.

DEAR MR. CHAIRMAN: The Administration supports H.R. 2722, the Clean Diamond Trade Act, as amended.

Funds derived from the sale of rough diamonds are being used to fund rebel conflicts and commit atrocities against unarmed civilians. Passage of H.R. 2722 would further the objectives of the United Nations Security Council Resolutions on these conflict diamonds by giving the President the discretion to prohibit imports of rough diamonds into the United States from any country that does not take effective measures to stop trade in conflict diamonds. The Administration supports this amended bill as a means

to sever the link between rough and conflict diamonds while preserving the trade in legitimate diamonds.

The Office of Management and Budget advises that from the standpoint of the Administration's program, there is no objection to the submission of this letter.

I hope this information is useful to you. Please do not hesitate to call if we can be of further assistance.

Sincerely,

PAUL V. KELLY,
Assistant Secretary,
Legislative Affairs.

Mr. Speaker, I want to thank the gentleman from Ohio (Mr. HALL), the gentleman from Virginia (Mr. WOLF), and especially on the committee, the chairman and the subcommittee chairman, the gentleman from New York (Mr. HOUGHTON). I know also that the gentleman from California (Mr. MATSUI) was involved, as well as the gentleman from New York (Mr. RANGEL) was involved, and the gentleman from California (Mr. STARK) was involved in producing a piece of legislation in which we meet the basic objectives, but which no one is now in opposition to, and that includes the administration.

That is the way we are supposed to resolve the legislation in areas that are so sensitive, and the question of whether or not we try to regulate the movement of every diamond on Earth, or we set up a process in which people who are utilizing the sale of diamonds to carry out acts of terrorism and other heinous acts are unable to do so.

Mr. Speaker, I reserve the balance of my time.

Mr. MATSUI. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of this important legislation. First, I would like to take this opportunity to thank the gentleman from Ohio (Mr. HALL), the gentleman from New York (Mr. HOUGHTON), and the gentleman from Virginia (Mr. WOLF) for their tenacity and commitment in seeing this bill through. Each of them has helped keep the spotlight focused on the terrible toll this trade in conflict diamonds has had on the people of sub-Saharan Africa.

Second, I want to express our appreciation to the administration and certainly to the gentleman from California (Mr. THOMAS) for working with all interested parties, including the ranking member, the gentleman from New York (Mr. RANGEL), a member of the committee, to develop this bill.

I know that the administration and the gentleman from California (Mr. THOMAS) had reservations with the legislation; however, they took the time necessary to review those reservations and to develop a mutually acceptable response to this issue. As the gentleman from California has said, no one opposes this legislation at this time.

The bill we are discussing, the Clean Diamond Trade Act, sends an important message of support to a continent which has seen far more than its fair

share of pain and suffering. It reflects a strong commitment to the ongoing international dialogue that is aimed at dealing with this difficult problem. As with all compromises, this bill does not have everything the original sponsors would like to see in it. However, it is a significant step in the right direction.

Passage of the Clean Diamond Trade Act will undercut a conflict diamond trade that has financed organizations that have killed several million people, driven millions from their homes, and committed countless human rights abuses. The violent conflicts spurred by these groups are an impediment to growth and development throughout sub-Saharan Africa. By stemming this illegal trade, we can remove a key barrier to progress and prosperity in these countries.

Passage of this bill also will help our war against terrorism, as conflict diamonds have become increasingly part of the money laundering activities of the al Qaeda organization. Furthermore, if we pass this bill, we will preserve the dignity of an entire industry which can and should be a source of wealth for countries around the world. If we pass this bill, we promote legitimate diamond trade, allowing countries like Botswana to continue to benefit from the rich natural resource endowment.

□ 1730

If we pass this bill, Mr. Speaker, we send a signal to the international community that we are engaged, that we take this issue seriously, and we hope an international agreement can be reached soon that will bring us one step closer to eradicating this blight.

Mr. Speaker, I reserve the balance of my time.

Mr. HOUGHTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to also thank various individuals. Obviously, I thank the gentleman from California (Mr. MATSUI). I would like to thank the gentleman from New York (Mr. RANGEL) on the other side.

I would like to thank particularly the gentleman from Virginia (Mr. WOLF) on this side. I think the gentleman from Virginia (Mr. WOLF) and the gentleman from Ohio (Mr. HALL) are an absolutely lethal one-two punch. They are terrific, and they have done an absolutely fabulous job in this.

Let me talk a little bit about this bill. I may be redundant, but I would like to express my own feelings.

This is a bill which was drafted by a variety of us, and the USTR and the State Department also agrees with it. It authorizes the President, as has been said earlier, to ban all rough diamonds from any country that has not made an effort to control the trade in conflict, or, as we call them, blood diamonds.

This bill, H.R. 2722, gives the administration the authority to ban the import of these diamonds. This would go

a long way to help end the international traffic of blood diamonds which are responsible for really three things: first of all, strong rebel activity in Africa, primarily Sierra Leone, Angola, and the Congo; secondly, horrendous human rights atrocities in these countries; and third, also, funding of terrorists and other illegal activities, such as the al-Qaeda terror network.

The bill gives plenty of flexibility to the administration to use diplomatic avenues to address the problem before outright banning all diamonds from the country. It also protects the legitimate diamond trade, ensuring that countries such as South Africa and Botswana, Belgium, and Israel are not adversely affected.

The bill also defers to the so-called Kimberley process, which is a process that is working on the implementation of the system of standards and controls which are currently developed in these multilateral negotiations. It does not adopt a system or otherwise undermine any of those negotiations that are going on.

Most importantly, in the Committee on Ways and Means the bill remains consistent with the international trade obligations.

There are so many people to thank, and a lot of them have already been thanked. Others will be thanked later on. This is a good bill. We hope that it is passed today and accepted by the Senate so the President can sign it before the end of the year.

Mr. Speaker, I reserve the balance of my time.

Mr. MATSUI. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio (Mr. HALL).

Mr. HALL of Ohio. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, this bill has been a long time in coming. I remember when the gentleman from Virginia (Mr. WOLF) and I went to Sierra Leone. We have visited many difficult places in Africa and Asia, but I remember especially the time we went to Sierra Leone almost 2 years ago to this week.

There we saw just hundreds of thousands of people that were just not only destroyed, maimed, run off their homes and places where they needed to grow the crops, but it is happening all over parts of West Africa: Angola, Sierra Leone, the Congo.

What people are doing is taking these diamonds, they call them conflict diamonds or blood diamonds, and then they seize them and use them to buy arms and goods and services and training and drugs. Then they terrorize whole countries and populations. We have even found in the last few weeks that a lot of this money has gone into the terrorist association of bin Laden.

What this bill is all about, really, is very simple: It is about saving lives. It is about drying up civil war. It is about

drying up the problems that come with trading with conflict diamonds here in the United States.

Why is this important to us? Why should we even care about it? What does it have to do with us in the United States?

Well, it has a lot to do with us. We buy somewhere between 60 and 65 percent of all the diamonds in the world every year. So people sitting in Dayton, Ohio, or Boise, Idaho, they can do something about it because they do not have to buy diamonds certainly that are blood diamonds or conflict diamonds, but they can be careful.

But because we did not have any system of regulations or rules, we have not had a law. It is just like the shoes that we wear today: We know exactly where they came from, who made them; the piece of cheese we eat tonight, we know exactly where the cheese came from. Maybe we will have a glass of wine, and we will know exactly where it came from; the suits on our backs, the ties. But with diamonds, we have no idea where they came from. There is no system, no regulation, and there is no certification.

That is what this bill does, for the first time. It gives the President broad powers, and it gives our Customs broad powers. There is a program and they have to be certified. They have to be transparent. They have to come from a country. It has to be a legitimate trade.

This bill sets up the vehicle of the Kimberley process, which involves 30 or 40 nations, and I think they will get a lot of direction out of this bill. I think it is very important that we pass this.

I want to thank the gentleman from Virginia (Mr. WOLF), who has been a great partner, a good friend, and has worked very hard on this. He has been a driving force behind it.

I thank the gentleman from New York (Mr. HOUGHTON), who has been wonderful in the Committee on Ways and Means; the gentleman from California (Mr. THOMAS) and his staff; certainly the gentleman from New York (Mr. RANGEL); the gentlewoman from Georgia (Ms. MCKINNEY), and many others; especially Senator DURBIN, Senator DEWINE, Senator FEINGOLD. They have been great on this issue. This has been a bipartisan effort.

This bill will go a long way in saving lives. That is a pretty nice thing to say, to say that we can pass a piece of legislation here that will go a long way to end the killing and maiming and the terrorist activity and to dry up their sources of funds by passing this legislation.

So I am very thankful to have a chance to speak on it, to be a supporter of this, and to be a sponsor, along with my friends. I urge the House to pass this bill.

Mr. Speaker, today, Congress begins to put the muscle of the world's biggest market into

efforts to end the scourge of conflict diamonds. These are gems that fund wars in Africa—and create the lawless chaos that terrorists need to build their operations. The Clean Diamond Trade Act will give the President ample authority to begin to right some terrible wrongs:

1. The President can use this legislation as a scalpel, to go after countries and companies who have let this problem fester. They are a cancer that threatens the legitimate trade in diamonds and the countries that depend on it.

2. He can use it as a spotlight, to name and shame countries that are doing too little to end this trade.

3. He can use it as a pair of spurs, to press for an effective international system of controls. And I hope the House of Representatives' action—coming as Kimberley Process participants conclude their work later this week—sends a clear signal that our nation will insist on a system that's up to any challenge mounted by this blood trade.

4. And, because this bill takes effect the day the President signs it, he can use it as a cannon—to fire a shot across the bow of those who shrug their shoulders; who say Africa's problems are not ours; who would let problems fester until they become even bigger problems for innocent people there, and in America.

The strength of this bill rests on two pillars. First, it presses countries to devise a system that helps rein in irresponsible traders and corrupt officials. This effort will link African and other producing countries with those who reap tremendous profits from this product. In turn, I hope this will enlist more countries and companies in work for peace in places that have been wracked by wars over these diamonds.

Second, this bill leverages the diamond industry's expertise and resources. For the most part, this is an honorable trade that produces something many Americans treasure. This bill gives it a way to help safeguard diamonds' image from being soiled by bloodshed—and imposes a responsibility to do more to stop the smuggling and corruption that are at the heart of this matter.

The compromise that makes House action today possible is not perfect. I wish the bill forced the President to act, instead of merely giving him needed authority and new tools. I particularly wish it treated all diamonds the same—whether they are the rough diamonds that have been the focus of UN work, or polished diamonds and jewelry. Diamonds are jewelry; there is no other end use for gem-quality diamonds. And making sure the finished products don't become a loophole will require continued vigilance by everyone who wants to sever funding for wars and misery.

In my judgment, this bill gets us 85 percent of the way. Seeing that it is implemented fully, including by watching the trade in polished diamonds and jewelry closely, is the next phase of work on conflict diamonds. I am confident that the coalition behind the Clean Diamond Trade Act will continue this effort, and I hope they will return to win passage of any further legislation needed.

But our ultimate success or failure won't be measured in Washington. The value of this work and what follows instead will be determined by its role in transforming diamonds

into the blessing they ought to be. Until people whose land produces diamonds see them improve the well-being of their children and strengthen their communities . . . no U.S. law will lift the curse of conflict diamonds permanently.

That means that—even after this bill becomes law—the biggest job is still ahead of us. It isn't one we can leave to international agreements or diligent customs enforcement. It's not something American consumers or Africans can do on their own. Nor can governments, industry, or civil society complete this task by working alone.

Today, everyone who cares about severing the funding for Africa's wars, can be proud of the few steps forward that House action represents. Together, we can complete this marathon.

To thank everyone who has worked toward this goal would be almost impossible. No list can begin anywhere but with FRANK WOLF, who began working with me on conflict diamonds two years ago. Soon after his name should come those on the Ways and Means Committee, including Mr. RANGEL and Mr. HOUGHTON, who have been invaluable allies. These sponsors, and their aides—Chris Santora, Bob Van Wicklin, and Viji Rangaswami—have done considerable work, and I am indebted to them. I also appreciate the extra miles that Chairman THOMAS, and Angela Ellard and David Kavanaugh of his staff, travelled to help us reach a compromise with the Administration. And Senators DURBIN, DEWINE and FEINGOLD have been terrific partners in this work; continued work on this bill is in good hands.

The humanitarian and human rights groups that have been our determined allies for the past 18 months, including Amnesty International, Oxfam America, Physicians for Human Rights, the Religious Action Center for Reform Judaism, World Relief, and World Vision, deserve special thanks. These organizations have been tireless advocates. I wish today's bill did everything we'd both hoped, but I appreciate their support.

Leaders of the diamond and jewelry industries, and the very effective team they fielded to win passage of our bill, made a critical contribution too. In particular, I want to thank Eli Izhakoff, Matt Runci, and Cecilia Gardner for their leadership and commitment; and Bruce Wilson and Warren Connelly—who ably assisted them and whose unflagging determination was essential to clearing this first legislative hurdle. I also appreciate the efforts of Greg Gill and his colleagues.

Finally, there are a countless number of "ordinary" people whose interest in this work has kept up the pressure we needed to finish this work. They, and the journalists who have responded to this keen public interest with extraordinary dedication to tell a complex story, should be proud of their efforts.

Mr. HOUGHTON. Mr. Speaker, I yield 5 minutes to the gentleman from Virginia (Mr. WOLF).

Mr. WOLF. Mr. Speaker, I want to first begin by thanking the gentleman from Ohio (Mr. HALL) and acknowledging the work that he has done on this issue in bringing this bill, the Clean Diamond Trade Act, to the floor today.

The gentleman from Ohio has consistently, over the time that I have been in the Congress, distinguished himself in this body as a Member who speaks on behalf of the world's most vulnerable, and I am proud to have him as a colleague and as a good, good friend.

I also want to thank his staff, and Deborah DeYoung and Chris Santora of my staff, and all these staff members who have worked on this; and also the gentleman from New York (Mr. HOUGHTON) for coming alongside of us from the Committee on Ways and Means; the gentleman from New York (Mr. RANGEL) and his staff; and the gentleman from California (Mr. THOMAS), who back there that night gave us the commitment that he would bring this bill up. I would thank him for that.

I also thank the gentleman from Illinois (Mr. HASTERT) and his staff member, Chris Walker, for helping to work the bill through the process.

We also want to thank the NGOs that have been involved in the industry for participants. Over 2 years ago, the gentleman from Ohio (Mr. HALL) convinced me to travel to Sierra Leone with him.

While there, we saw the terrible suffering of the civilian population that endured years of civil war which was funded by the diamond trade. We saw children as young as 2, this young girl here, with arms and legs chopped off.

This picture that I purposely brought with me on the floor today was taken by my former chief of staff, Charlie White, a retired Navy captain who had been with me since 1984. Charlie went with us on that trip and took this photograph, along with many other pictures that were used to show people the terrible plight of the citizens of Sierra Leone.

Charlie was in serious pain. We thought he had a back problem. He was suffering and taking four to six Advil every 2 and 3 hours. When we returned to the United States, shortly thereafter, he was diagnosed with terminal cancer, and he died 7 months later, in the summer of 2000.

This issue had a special place in his heart, and I just wanted to bring the pictures to demonstrate that one person, one staff person, made a tremendous difference while he was suffering pain, and he helped bring this issue to the Congress.

Since returning from Sierra Leone, we have worked with the gentleman from Ohio (Mr. HALL), under his leadership, to bring this issue, which, as he said, will save a lot of people and a lot of lives in Sierra Leone, in the Congo, in Angola, and many other places.

Throughout this period of time in Sierra Leone, in Angola, and in Congo, over 2 million people have died and 6.5 million people have been driven from their homes, women and children and innocent citizens who live in these

countries, who have been subject to brutal amputations, rape, and sexual abuse, which really has created the words that we hear: the generation of children soldiers.

Recently, we learned of another disturbing development involving conflict diamonds. Major media organizations, including the Washington Post, have reported direct connections between Sierra Leone rebel diamonds and the al-Qaeda terrorist network.

Addressing the issue of conflict diamonds is not only essential for those living in Africa, but for our national security.

I want to thank today Douglas Farrah of the Washington Post. His reporting of this issue several weeks ago brought additional momentum to that, to force it to be addressed here in the Congress. His exposure of the connection to terrorism, the connection of Liberian President Charles Taylor and the network that funnels rebel diamonds into terrorist group coffers, helped reignite this issue.

I would urge our Secretary of State to call our ambassador and tell him to go and see Charles Taylor to say that if anything happens to Douglas Farrah, who is the reporter, because his life has been threatened, our government will hold Charles Taylor and his government accountable if anything happens to this Washington Post reporter.

Mr. Speaker, today, Congress is taking the first step to stop the trade in blood diamonds by passing the Clean Diamonds Trade Act. This bill gives the President the necessary authority to take steps against those who are trying to export these blood diamonds into the United States.

I look forward to passage of the Clean Diamonds Trade Act in the House so we can move the bill to the Senate and onto the President's desk before Congress adjourns.

The Clean Diamonds Trade Act gives the President the ability to single out countries that are not taking effective measures to stop conflict diamonds and presses countries to devise a system that helps rein in irresponsible traders and corrupt officials.

As Congressman Hall mentioned, we believe this legislation will give a boost to the ongoing international negotiations known as the "Kimberly Process" to address conflict diamonds.

I will continue to work with the Administration, and am hopeful it will take a more assertive role in facilitating the creation of an effective international system. In the long run, this is a global problem and as the world's largest diamond consumer we have a responsibility to take a leadership role in addressing this problem on the international stage.

Finally, I want members of this body to know something else that is significant about passage of this legislation. The small west-African country of Sierra Leone, which will benefit significantly from the efforts to eliminate conflict diamonds, holds a special place in American history. In 1750 John Newton was a slave trader who worked and lived out of Sierra Leone. He was known as a cruel man.

One night as a storm raged off the coast of Sierra Leone, his ship was almost lost. He prayed that if only salvation would come to "a wretch like me," he would leave the slave trade and work towards its abolition. He was rescued and changed his life. He became an ardent abolitionist and a Methodist minister. Sierra Leone, where John Newton worked in the evil institution of slavery, was also where he changed his life and turned to good, commemorated by his greatest legacy, the song "Amazing Grace."

Mr. Speaker, there is much more that I could say, but with that I will just end by saying that I think this is a good opportunity to save lives, to make a big difference.

In closing, I want to thank the gentleman from Ohio (Mr. HALL) for this issue, and on hunger and civil rights; the gentleman from New York (Mr. HOUGHTON) for helping us out, and all the other Members on the Senate side who are helping.

Mr. MATSUI. Mr. Speaker, I yield 3 minutes to the distinguished gentlewoman from North Carolina (Mrs. CLAYTON).

Mrs. CLAYTON. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I am pleased to rise in support of H.R. 2722. This is good legislation whose time is long past due.

I want to recognize the leadership of the gentleman from Ohio (Mr. HALL) and that of the gentleman from Virginia (Mr. WOLF), and also to compliment the gentleman from New York (Mr. HOUGHTON) for his leadership in the Committee on Ways and Means, and the gentleman from California (Mr. MATSUI) for his leadership in the Committee on Ways and Means.

I participated, along with five other Members, going to Botswana in a delegation led by the gentleman from New Jersey (Mr. PAYNE). I rise in support of this legislation, to also see how we could indeed rule out the conflict diamonds and this trade system that financed conflict and the great devastation that is happening.

We saw also, in that process, how legitimate diamonds were being used in Botswana and other countries in that area. I was pleased that Botswana clarified to us how diamonds could be used, clean diamonds, in a way that we could protect that democracy, undergird that development in that country.

So I am pleased that this legislation indeed is focused on ending the financing of conflicts in Africa and other parts of the world using the sales of diamonds. Also, it protects the legitimacy of diamonds, where it is appropriate.

Those who accompanied us on that particular CODEL were the gentleman from New York (Mr. RANGEL), the gentleman from Louisiana (Mr. JEFFERSON), the gentlewoman from Indiana (Ms. CARSON), and the gentlewoman from California (Ms. LEE), and others were also part of that delegation.

In Botswana, we met with the President. Since then, the President has come to this country because he, too, wants a distinction to be made between clean diamonds and conflict diamonds.

We met with the administration. He pledged his support. In fact, he has also been part of the U.N., writing part of their resolution, and made a statement to that effect, that they wanted to be part of a clean diamond industry, and also wanted to be part of the force that would make that distinction.

I raise that because it is important, Mr. Speaker. The good intention of this legislation also acknowledges those people who are following the law, and indeed, trying to do the right thing.

Again, I want to compliment everyone involved in this. Again, this legislation is long overdue. It has been brought to bear at a time when we know that not only the conflict in Africa but now conflict in other parts of the world is being financed by diamonds. So hopefully this legislation would not only curtail, as the gentleman from Virginia (Mr. WOLF) said, the loss of lives, the lives of thousands of persons, not only killing them but killing in other parts of the country.

I want to thank all the persons involved in this, and I urge my colleagues to pass this legislation that we all should be proud of.

□ 1745

Mr. HOUGHTON. Mr. Speaker, I yield 2½ minutes to the gentleman from Illinois (Mr. CRANE).

Mr. CRANE. Mr. Speaker, I thank the gentleman from New York (Mr. HOUGHTON) for yielding me time.

This year we had a hearing to take testimony from witnesses about the state of affairs in Africa, and we all acknowledged the tragic facts of the illicit diamond trade and how it continues to fund rebel wars and poverty in Africa.

As I described at the hearing, we are looking at meaningful legislation that will help the administration tackle this problem, while not hindering the ongoing international negotiations that are supposed to conclude this year.

In this delicate time of international diplomacy we must be especially careful not to disrupt the administration's efforts, however well intentioned we may be. The suspension bill H.R. 2722 is an effective and balanced way to get at these conflict diamonds.

The gentleman from New York (Mr. HOUGHTON) and the administration have crafted a bill authorizing the President to ban all diamonds from any country that does not have effective measures against the trade in conflict diamonds. I want to commend both for their leadership and flexibility in this matter.

In the last 2 weeks, many provisions sought by the gentleman from Virginia

(Mr. WOLF) and the gentleman from Ohio (Mr. HALL) were added, including a non-circumvention clause for polished diamonds and diamond jewelry, more reporting from the government, and an enhanced description of what constitutes effective measures for diamond trading countries.

Some people say this does not go far enough, but I want to point out that the bar we set is already extremely high. A country like Botswana that relies upon the legitimate diamond trade for its economy must implement the United Nations' resolutions or the eventual international agreement or could be subject to a complete ban on all of its diamond exports. However, some people want to go further and say that all imports must be cut off from a country like Botswana in that situation. I think that would be extreme and tantamount to shutting down the entire world diamond trade.

To effectively end trade in conflict diamonds, the countries exporting and importing rough stones in particular must work together to make sure that these diamonds do not have a market so that conflict diamond peddlers cannot stay in business. A bill that mandates the shutdown of the diamond trade until every country can be certified by the United States is a unilateral solution that will not work. Legitimate diamond trading countries will have no incentive to complete their negotiations at Kimberley. The let the negotiations process finish. Next year we can evaluate how that process worked and whether further tools can be enacted to complement what we enact today.

I urge my colleagues to support this legislation.

Mr. MATSUI. Mr. Speaker, I yield 3 minutes to the gentleman from Arkansas (Mr. SNYDER).

Mr. SNYDER. Mr. Speaker, I was fortunate to be a doctor in the early 1980s in Sierra Leone in West Africa. At that time, Sierra Leone was poor. It was underdeveloped. There was a life expectancy of 42 years, but it was not a violent place to be. In this last decade we have seen the world's most brutal civil war, of which has been spoken earlier here today.

In April of this year, I visited Sierra Leone and was taken to the site of the old hospital that I had worked at, Serabu Hospital near Bo in Sierra Leone. It was burned to the ground by the rebels. It had a wonderful nursing school, a wonderful hospital. It did a lot of great outpatient work. It provided a secondary school for the local villagers and the employees. It was completely destroyed, nothing there but shells of the old buildings.

I do not know how to account for the dramatic change from the peaceful but poor country I had seen in the early 1980s to what has gone on in Sierra Leone in the last decade. The question

is one of what spawns evil, which I do not know if any of us know those answers.

Evil requires nourishment, and the diamonds of Sierra Leone have been the financial support and perhaps the motive for this brutal civil war. Now we are learning in the recent weeks of the potential involvement of al Qaeda and Osama bin Laden in the diamonds of Sierra Leone as a source of their funding.

To neglect evil is to strengthen evil. We in the world should have gotten a handle on these diamonds, on these blood diamonds years ago, even though it seemed remote from the United States and the western world. But better today than more years and more deaths from now. I thank the sponsors on both sides for bringing forth this legislation today.

Mr. HOUGHTON. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. ROYCE).

Mr. ROYCE. Mr. Speaker, as a cosponsor I rise in strong support.

Throughout Africa we are seeing natural resources being misused and fueling conflict; and this is the case with diamonds in Sierra Leone, timber in Liberia, cobalt in the Democratic Republic of Congo. In many places on the continents, natural resources are bringing nothing but misery to the African people.

We listened to the testimony of little children missing their arms and in some cases without legs, testifying about their ordeal, representing over 5,000 children in Freetown alone, the victims of the Revolutionary United Front, the victims of men like Foday Sanku and Charles Taylor, both enriched by blood diamonds.

This legislation promises to help to ensure that diamonds do not fuel conflict. It is an important step. The international community needs to recognize its responsibility to not be party to the misuse of diamonds and other natural resources.

I would like to commend the Members who have worked hard on this legislation and especially to commend the gentleman from Ohio (Mr. HALL) and the gentleman from Virginia (Mr. WOLF) and the gentleman from New York (Mr. HOUGHTON), because they have worked tirelessly in trying to bring the issue of conflict diamonds before this body. They have worked hard to reach consensus with the administration, which is what this bill represents.

But let me say that after passage of this bill we still have to address as an institution the fact that there are heads of state in the region, like Charles Taylor of Liberia, who have enriched themselves, who have maintained their power through the use of blood diamonds, and there should be an accounting. There should be justice on behalf of those child victims that were,

frankly, sacrificed, who lost their limbs, and in many cases lost their lives as part of this strategy to create wealth for a few men in this part of the world.

I do want to commend all of those who worked so hard on this, the gentleman from Ohio (Mr. HALL), the gentleman from New York (Mr. HOUGHTON), the gentleman from Virginia (Mr. WOLF). I thank them so much.

Mr. MATSUI. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Michigan (Mr. LEVIN), the ranking member on the Subcommittee on Trade.

Mr. LEVIN. Mr. Speaker, I want to start off by just saying a word to the gentleman from Ohio (Mr. HALL) and to the gentleman from Virginia (Mr. WOLF) and to the gentleman from New York (Mr. HOUGHTON), to all of my colleagues, for their work on this. I am not sure how many constituents have ever written to them about this, but they felt there was a need here, a deep human need, and the three of them and others led the way.

The gentleman from California (Mr. MATSUI) and I and the gentleman from New York (Mr. RANGEL) are proud to join with the gentleman from California (Mr. THOMAS) and others in doing what we said we would do and that is to get this legislation to the floor.

I rise in strong support of this legislation because I think it will help ensure that diamonds sold in our country have not funded civil war in West Africa or funded agents of terrorism. It is a good first step towards addressing a serious issue.

As mentioned, the countries that have been named, rebel groups have been funding their activities through trade in diamonds. Hundreds of thousands of people, I was asking Viji Rangaswami, who has worked so hard on this, do we know how many of the hundreds of thousands of people have died? We do not, but it is many. Many have died from the activities of these groups. Many millions more have been displaced, and there have been the worst kinds of atrocities.

As has been cited earlier, it has been reported recently that al Qaeda has reaped millions of dollars from the illicit sale of diamonds. We have to put a stop to this.

This bill will allow the President to ban the import of diamonds from countries that are not taking "effective measures" to stop trade in conflict diamonds. The bill is supportive of international efforts to end trade in conflict diamonds. It abides by criteria derived from the U.N. Security Council resolutions.

This week the so-called Kimberley process is moving forward, and I believe this bill will provide important momentum to this process. It is consistent with our international trade obligations.

This issue is a demonstration of the globalized and interconnected world we live in, where the purchase of an engagement ring in one country can contribute to civil war in another. It shows the need, as I see it, to shape the rules of trade. Trade is not a panacea. It does not resolve all problems and sometimes, as shown in this bill, unfettered trade creates new problems.

By shaping these rules as we do today, and this is an effort to shape the rules of trade, we help ensure that American consumers, that our consumers are not unwittingly trading lower prices for human rights abuses abroad, and we help ensure that the benefits of trade flow to the countries involved in legitimate diamond trade rather than rebels and terrorists.

So I close, again, to say to the leaders of this effort that I hope they are proud of it. It may not score lots of political points, but it is going to save human lives, and in that sense I think the people who have worked on this have discharged their responsibilities with the highest honor.

I am glad, in a small way, with my colleagues, with the gentleman from California (Mr. MATSUI) and others on the committee, to join them. I hope we will overwhelmingly, indeed unanimously, pass this legislation.

Mr. HOUGHTON. Mr. Speaker, I yield 4 minutes to the gentleman from Michigan (Mr. EHLERS).

Mr. EHLERS. Mr. Speaker, I thank the gentleman from New York (Mr. HOUGHTON) for yielding me the time, and I commend him for introducing this bill and especially commend the gentleman from Ohio (Mr. HALL), the gentleman from Virginia (Mr. WOLF) for their hard work on it for a number of years, and I am pleased to have been a cosponsor of each and every bill they have introduced on this.

My acquaintance with the problem goes back some years, and my interest with Sierra Leone goes back to 1978 when I chaired a world hunger task force for the denomination of which I am a member, and since I am results oriented, I insisted that we not only prepare a report but that we come up with an action plan and that we adopt a country where our small denomination could have a major impact.

We adopted Sierra Leone in 1978. Our church, through its missionary efforts and through its relief efforts, has been active there ever since, and I have some friends who have served there for a number of years.

The news I have received during the past decade was intensely dismaying. The atrocities that were taking place, the difficulties that were developing, the rebels who were acting as if they were political rebels but, in fact, were bandits, they were simply seeking to get the natural resources of that country, and they did not care what they had to do to get it.

I have to tell my colleagues, it is heartbreaking to meet a 4-year old child whose arms were amputated when she was two because she was not worth the price of a bullet. The soldiers had killed her parents, killed many people in the room, and the soldier said, What should I do about her? The commander said, She is not worth a bullet; just cut her arms off.

Fortunately, she survived but handicapped for life, and I could repeat this story over and over: Incredible cruelty and a desire to get the diamonds and to get the power that they represent.

Just a few weeks ago we discover that Osama bin Laden is buying the diamonds from Sierra Leone because he can no longer ship money across borders, and so he has decided to buy diamonds because they are easier to ship across borders and finance his operations. It is a problem that has been there for a long time, but a solution has not been forthcoming as it should have been.

I commend some of the individuals I have worked with on the African desk in the State Department over the past few years. They have been earnest, and they sincerely wanted to resolve the problem, but, unfortunately, the upper levels of the State Department over the past several years have simply not been willing to spend the political capital to do that.

I am pleased that now we have worked out an agreement where we can make a difference, that we will no longer be encouraging the chopping off of arms and hands and limbs, that we will not sanction the arbitrary killing of citizens of Sierra Leone, as happened to a friend of a friend there.

□ 1800

A leader in the church walking down the street was shot by a soldier. When they asked why he did it, he said, I haven't killed anyone for about a week. We thought it was time to kill someone else. We cannot tolerate that type of behavior on this planet. We have to ensure that we do not encourage it.

This is one bill that will take strong steps to ensure that there will not be any profit in the actions they have taken, and we hope that with the cut-back in Charles Taylor's actions that, above all, we may have peace in the beautiful land of Sierra Leone.

Mr. MATSUI. Mr. Speaker, may I inquire how much time both sides have?

The SPEAKER pro tempore (Mr. STEARNS). The gentleman from California (Mr. MATSUI) has 5 minutes remaining, and the gentleman from New York (Mr. HOUGHTON) has 3 minutes remaining.

Mr. MATSUI. Mr. Speaker, I yield the balance of my time to the gentleman from Ohio (Mr. HALL) to conclude.

Mr. HALL of Ohio. Mr. Speaker, I thank the gentleman for yielding me this time.

I was listening to what the gentleman from Michigan (Mr. LEVIN) said about sometimes on bills like this, legislation like this, we do not get a lot of publicity, and that is true. It is interesting, our profession, because sometimes when we do not work too hard on something, we get a bunch of press, a lot of publicity; and we do not really deserve it. But on things we really work hard on, sometimes it is very, very hard to get a mention.

This is one of these kinds of bills where it does not really matter whether we get a mention or not; but what matters is, especially to those Members that are very close to this issue, that when we go home tonight, we can say to ourselves that it has been a good day. It is a good piece of legislation, and I am proud of it. It is not a perfect bill. We got about 80 percent of what we really wanted. We never get 100 percent around here, but it is a good bill.

We also want to thank the NGOs. They have been wonderful, and we have had 100 of the top human rights' groups in the world firmly behind this bill. All the way up till today they have been absolutely wonderful. A lot of them are disappointed in the end, but many of them are very, very supportive. Amnesty International, Physicians for Human Rights, World Vision. They have been just tremendous in their support.

I want to thank Matt Runci, Jewelers of America, World Diamond Council. When they came to our support this year, and we were not always together, they added a lot of clout and credibility to our cause.

I want to thank Deborah DeYoung on my staff, who worked very hard in negotiating and working behind the scenes. She has really kept her eye on this piece of legislation.

This is a good bill. It is a good bill for legitimate businesses. Because the way it was looking for diamonds, there were no good diamonds. But the fact is that is not true. Most of the businesses are honorable and good. Most of the countries that deal in diamonds are very legitimate. We are talking about 5 to 15 percent of the diamonds, which we call conflict diamonds, or blood diamonds, that find their way into this country that are not good and that are causing death. So that is what we have been after, and we think that this will help the legitimate businesses in the long run.

We are going to regulate diamonds for the first time, and they are going to have to be transparent. They will have to be certified. And if they do not come in in that way, they will not be accepted in this country. This bill takes effect immediately when the President signs it.

It is not a perfect bill, it is a bill that will probably not get a lot of publicity, but when we go home tonight, we can say this has been a good day. This is a

bill that will save some lives. That is not all bad.

Mr. HOUGHTON. Mr. Speaker, I yield myself the remainder of my time.

Mr. Speaker, the gentleman from Ohio (Mr. HALL), the gentleman from California (Mr. MATSUI), and the gentleman from Virginia (Mr. WOLF) have said everything. It is a good bill, it is a timely bill, and it is a needed bill. I wholeheartedly support this.

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise today to join my colleagues in support of H.R. 2722, the Clean Diamonds Act, to ensure that America, the largest importer of diamonds in the world, helps to eradicate the purchase and sale of illicit diamonds around the world.

For the last eight years, a rebel group known as the Revolutionary United Front (RUF) has used the illegal trade and trafficking of diamonds to fund a civil war in Sierra Leone. This brutal war has garnered the attention of numerous international human rights groups for its incessant violence and human rights abuses. An estimated 12,000 children have been separated from their families for the sole purpose of becoming soldiers and diamond miners. Women and girls are raped or used as sexual slaves by the top commanders of the rebel army. Boys and girls alike live in fear of having one of their limbs hacked off with machetes—one of the most notable forms of torture used by the rebel groups. These and countless other unscrupulous acts have severely destabilized Sierra Leone and other African countries, including Angola, the Congo and Liberia.

To make matters worse, recently we have learned that Osama bin Laden's al Qaeda network is also linked financially with the diamond trade in Sierra Leone. The same revenue collected by conflict diamonds to fund wars and illegal weapon sales in Africa is being used by the terrorist network, which carried out the unconscionable attacks on America on September 11th.

The violence and suffering fueled by the trade and sale of diamonds has been carried on too long. America must do its part to help end these atrocities once and for all.

First and most importantly, we as a nation need to make more informed purchasing decisions about the diamonds we buy. Just as we have taken steps to eradicate slave labor in manufacturing sweatshops, we must guarantee that our demand for diamonds does not contribute to a cruel and destructive war against innocent children and families. We must ask questions and seek assurance from our retailers that the diamonds we buy this holiday season and beyond are in no way connected to this illicit trade.

Second, even the most discerning consumers can unknowingly and unwillingly purchase diamonds illegally traded on the world market. Therefore, we need to find a way to keep these conflict diamonds out of our stores.

The Clean Diamonds Act will do just that by authorizing the President to prohibit the importation of diamonds from countries that are not willing to adopt an international diamond certification system that will track diamonds from the point of extraction to retail sale. Under this international system, exporting countries would

be required to provide a certificate of origin and authenticity, indicating that their diamonds were not mined or laundered by rebel groups in Africa. America buyers could then shop with confidence, knowing that their diamond purchases were in no way contributing to civil war in Africa or terrorist activities against the United States and its allies.

Mr. Speaker, just as we have all united to put an end to the terrorist networks that exist around the world, we should also unite to put an end to the trafficking of these conflict diamonds and the cycle of violence they perpetuate in Africa and in our own backyard. I urge my colleagues to join me in support of H.R. 2722.

Mr. GILMAN. Mr. Speaker, I rise to voice my strong support for H.R. 2722, the Clean Diamonds Trade Act, which implements a system of requirements on the importation of diamonds. This Act combats the contribution of "conflict diamonds" to the continuation of violence in West Africa and other developing nations. The situation in West Africa is one of the great human tragedies of the modern age.

The Clean Diamonds Trade Act will help end the international trade in conflict diamonds, the proceeds from which are being used to wage war and terrorize innocent people. The failure to enact this legislation allows rebel groups in Africa to continue to profit from their illegal diamond sales. Furthermore, recent press reports indicate that the al Qaeda terrorist network has been involved in the illicit diamond trade, making the Clean Diamonds Trade Act an essential weapon in America's war on terrorism.

Accordingly, I strongly support H.R. 2722.

Mr. RUSH. Mr. Speaker, I rise in support of H.R. 2722, the Clean Diamond Trade Act. For several years, rebel groups in sub-Saharan Africa have been using diamonds extracted from illegally controlled mines to finance civil war activities that have displaced and killed several million African people, including innocent young children. The United States is one of the largest consumers of diamonds. Therefore, the United States, like it or not, indirectly contributed to the current situation in Africa. It is, thus, imperative that Congress pass meaningful legislation that will clean up the diamond conflict. H.R. 2722, will allow the importation of diamonds and diamond jewelry into the U.S. only from countries that have adopted effective controls on the import and export of rough diamonds. This alone would be a great incentive for other nations to take appropriate action within an acceptable timetable. The legislation would also encourage the President to negotiate an international agreement leading to a global control system. This broadly supported legislation demonstrates the United States' commitment to curbing the trade in "conflict diamonds". We have a moral obligation and responsibility to help stop the violence, the brutality, the needless killing of innocent lives. I urge my colleagues on both sides of the aisle to support this much needed legislation.

Mr. RANGEL. Mr. Speaker, I rise today in support of important legislation, H. R. 2722, the Clean Diamonds Trade Act. First and foremost, I want to take this opportunity to thank Mr. HALL, Mr. HOUGHTON, and Mr. WOLF for their tenacity and commitment in seeing this

bill through. Each of you has helped keep the Congressional spotlight focused on the terrible toll trade in conflict diamonds has had on the people of sub-Saharan Africa while continuing to encourage international agreement through the Kimberly negotiating process. You have worked diligently and responsibly to address the concerns the Administration and Chairman THOMAS raised. You have also worked to address concerns I initially had on the impact of rough diamond regulations on legitimate diamond trade in countries such as Botswana, Namibia, South Africa, and Tanzania.

Now more than ever we need to ensure that the revenues from legitimate diamond trade with African countries such as Botswana, South Africa, Namibia, and others are used to build the economics and infrastructure of nations who support the Kimberly Process. Botswana, for example, through its legitimate and peaceful diamond trade, has successfully increased its average annual income from eighty dollars three decades ago to approximately three thousand six hundred dollars today. In addition, Botswana's diamond trade revenues account for three-fourths of all exports earnings, one-half of government revenues and one-third of its gross domestic product. Botswana's diamond revenues are used to build schools, hospitals, roads, bridges, homes, and offices.

It is our duty as lawmakers to penalize those countries that fuel conflicts with diamond revenues, but is also our responsibility to protect those African nations that are using legitimate diamond trade revenues to strengthen their economies, educate their people, and to be good and responsible neighbors to other countries around the world.

I want to thank the Bush Administration for its assistance and willingness to consult with us. I know that the Administration had reservations with the legislation, and appreciate the time it spent to work through those reservations and to develop a mutually acceptable response to the dilemma of addressing this problem legislatively while continuing to support the Kimberly Process. The bill before us today is a prime example of what can happen when Members on both sides of the aisle commit to work with each other and with the Administration to address matters which are critical not only to the American people but also to the entire international community. I only wish that the cooperation shown on this bill would carry forward to other pending legislative matters. The bill we are discussing today, the Clean Diamond Trade Act, sends an important message of support to a continent which has seen far more than its fair share of pain and suffering.

It reflects a strong commitment to the ongoing international dialogue that is aimed at dealing with this difficult problem. As with all compromises, this bill does not have everything I would like to see in it. However, it is a significant step in the right direction.

Passage of the Clean Diamond Trade Act will undercut a conflict diamond trade that has financed organizations that have killed several million people, driven millions more from their homes, and committed countless human rights abuses. The violent conflicts spurred on by these groups are impeding growth and development throughout sub-Saharan Africa. By

stemming this illegal trade, we can remove a key barrier to progress and prosperity in these countries. If we pass this bill, we work to preserve the dignity of an entire industry, which can and should be a source of wealth for countries around the world.

This piece of legislation and its provisions are very important to the Congressional Black Caucus members and other friends of Africa who are dedicated to stopping civil conflict which impedes development and who continue to work on increasing trade opportunities and promoting economic growth for African nations. Through this bill, we seek to promote legitimate diamond trade, allowing countries such as, South Africa, Namibia, and Botswana to continue to benefit from their rich natural resource endowment.

I think it's particularly important that we are discussing this bill today, as negotiators from over thirty countries are gathered in Botswana as part of the Kimberly Process, an effort to develop international standards for certifying legitimate diamonds. If we pass this bill, we send a signal to the international community that we are engaged, that we take this issue seriously, and that we hope an international agreement can be reached soon that will bring us significantly closer to eradicating this blight.

Mr. HOUGHTON. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. HOUGHTON) that the House suspend the rules and pass the bill, H.R. 2722, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. MATSUI. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

EXPRESSING SENSE OF CONGRESS THAT AMERICANS SHOULD TAKE TIME DURING NATIVE AMERICAN HERITAGE MONTH TO RECOGNIZE ACCOMPLISHMENTS AND CONTRIBUTIONS MADE BY NATIVE PEOPLES

Mr. HAYWORTH. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 270) expressing the sense of Congress that Americans should take time during Native American Heritage Month to recognize the many accomplishments and contributions made by native peoples.

The Clerk read as follows:

H. CON. RES. 270

Whereas Native Americans were the original inhabitants of the lands that now constitute the United States of America;

Whereas Native American governments developed the fundamental principles of freedom of speech and separation of powers in

government, and these principles form the foundation of the United States Government today;

Whereas Native American societies exhibited a deep respect for the Earth and its resources, and such values are widely held today;

Whereas Native Americans have served with valor in every American conflict, from the Revolutionary War to the war against terrorism, often serving in greater numbers, proportionately, than the population of the Nation as a whole;

Whereas Native Americans have made distinct and important contributions to the United States and the rest of the world in many fields, including agriculture, medicine, music, language, and art;

Whereas Native Americans deserve to be recognized for their individual contributions to American society as artists, sculptors, musicians, authors, poets, artisans, scientists, and scholars;

Whereas November has been declared Native American Heritage Month because it is traditionally the month when Native Americans harvested their crops and is generally a time of celebratory feasting and giving thanks; and

Whereas, now, more than ever, Americans of all origins, faiths, and beliefs need to come together as a Nation in support of our people, our common values, and our republican principles: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) supports the goals and ideals of Native American Heritage Month, and

(2) encourages Federal, State, local, and tribal governments; interested groups and organizations; and the American people to honor and recognize the accomplishments, contributions, and heritage of Native Americans with appropriate programs, ceremonies, and activities.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. HAYWORTH) and the gentleman from West Virginia (Mr. RAHALL) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Mr. Speaker, I yield myself such time as I may consume.

As we gather here, returning from our Thanksgiving recess, I think it is especially important to pause and consider the contributions made by native peoples, by the first Americans, to our unique constitutional Republic. Indeed, Mr. Speaker, I am honored to represent the Sixth Congressional District of Arizona. At the outset of the formulation of this sixth district, nearly one quarter of the constituency is Native American.

Especially at this time in our history, when once again the winds of war blow across our planet, and our Nation is involved in protecting our constitutional Republic, it is worth noting that more than any other ethnic or racial group, Native Americans answer the call to duty in our Nation's Armed Forces. Indeed, the contributions of many have been highlighted. Just a few months ago, our Commander in Chief joined us here at the Rotunda of the Capitol to memorialize and recognize

the Navajo code talkers, those so vital to our victory in the Pacific theater.

I think of Ira Hayes, and what would now be the Gila River Indian community, then simply noted as a Pima Indian, one of those proud Marines who raised our Nation's flag during the battle of Iwo Jima, forever memorialized in the Marine Memorial.

It is incumbent on each of us to recall not only the actions of today but what has transpired in our past, all of it, including what every schoolchild learns of the first Thanksgiving, and the real contribution of the first Americans to those European settlers and their survival and their recognition of a new start in a new land.

In passing this legislation, the House of Representatives will encourage Federal, State, local and tribal governments, as well as all the American people, to join us in honoring and recognizing the accomplishments, contributions, and heritage of our Nation's Native Americans.

Mr. Speaker, I reserve the balance of my time.

Mr. RAHALL. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of the pending resolution to recognize the accomplishments and contributions of American Indians and Alaskan Natives during this month designated as National American Indian Heritage Month.

Native Americans continue to honorably contribute and serve our Nation in virtually every field imaginable, including medicine, education, the arts, the justice system, and scientific research. Tribal members have valiantly fought in every American military action from the Revolutionary War and continue today in the war against terrorism and elsewhere around the world. It is right that we honor their work and contributions.

If this Congress truly wants to honor Native Americans, however, we need to do it by honoring our treaties and past commitments made to them. The Federal Government took control as legal trustee of Indian trust lands, promising to protect the lands, produce and collect revenue derived from them, and invest and manage all revenue. We have failed miserably in this task, and we continue to pile bad policy upon bad policy, leaving proper management of some 1,500 tribal and over 300,000 individual Indian trust fund accounts hanging in limbo.

The mismanagement of Indian trust funds dates back almost 100 years and only gets worse with each passing day. The Reagan administration listed this as one of the top five Federal liabilities. Yet today, the Department of the Interior cannot tell us if the accounts have the correct money in them, if the money is invested correctly, or even if the names of the accounts are correct.

Just last week, the Secretary of the Interior announced she was going to

create a brand new agency to deal with trust funds. Unfortunately, this decision was made without consulting with the account holders or the Congress. In fact, details of this brand new agency are almost nonexistent, so we do not know if this is a good answer or just another hastily thrown together concept.

I want to impress upon my colleagues that this is not just some messed up pile of Federal funds. These are funds, billions of dollars, belonging to Indian tribes and American Indians who depend on these revenues to pay rent and buy medicine and foods.

Imagine if our banks sometimes correctly deposited our income into our accounts and sometimes did not, but then could not tell us what they did with the money or denied ever receiving it. Imagine if the IRS lost billions of dollars slated to be refunded to taxpayers. Imagine if the Department of Transportation sent billions of highway trust fund dollars to the wrong States. Imagine if billions of dollars of Social Security checks owed to senior citizens in each of our districts were unaccounted for. These events would make the front page of every newspaper in the Nation and would quickly be reconciled.

I say that if we truly want to honor Native Americans, it is incumbent upon the Federal Government to restore the word "trust" when it comes to the management of tribal trust assets once and for all.

Mr. Speaker, I am proud to support the pending resolution, but I would be much more proud if this Congress would put some muscle behind the idea of honoring Native Americans, not just this month but every month, by ensuring that the Federal Government's trust responsibilities to these people is being honored.

Mr. Speaker, I reserve the balance of my time.

Mr. HAYWORTH. Mr. Speaker, I yield myself such time as I may consume.

My friend from West Virginia, Mr. Speaker, encapsulates a problem with which this government has been dealing for nearly a century. Indeed, my good friend from Michigan joined me in cochairing a task force dealing with the disposition of these trust funds; and I would hope that, for the record, we would show, as we articulated some years ago, that this problem has been one sadly of bipartisan neglect.

Indeed, a circuit court judge found a previous Secretary of the Interior in contempt as well as a Secretary of Treasury, and I think that has extended to other administrations. So, yes, we welcome the opportunity in a nonpartisan fashion to solve this legitimate problem.

As I have often reflected, Mr. Speaker, when we come to this floor, we may line up on different sides of the aisle,

we may have an R or a D beside our names, but there are really only two types of people who serve in the Congress of the United States, those who represent what we now call Indian country, and those who represent what was once Indian country.

So in that nonpartisan spirit, I look forward to working with the gentleman from West Virginia.

Mr. Speaker, I yield 5 minutes to the gentleman from Utah (Mr. CANNON), who occupies one quarter of the Four Corners area.

Mr. CANNON. Mr. Speaker, I wish to thank my colleague from Arizona for bringing forward this resolution, and I would also like to associate myself with his comments in respect to the trust funds and the problems in administering those that have existed for a very long period of time, and which I believe this administration is trying to resolve and we want to support them in doing that.

I rise today in support of House Concurrent Resolution 270. This resolution expresses the sense of Congress that Americans should take time during the month of November to recognize the various accomplishments and contributions made by Native Americans. While many of my colleagues will take this opportunity to speak of the many accomplishments and contributions of Native Americans, I would like to mention one particular area in which Native Americans have made an important and often overlooked contribution to our country, and that is in their continued willingness to serve and sacrifice in the defense of our country.

Native Americans have participated with distinction in the United States military actions for more than 200 years. From the Revolutionary War to the American Civil War, to Vietnam, to the Persian Gulf, Native Americans have showed a continued willingness to serve. In each of these conflicts, Native Americans have served with valor, patriotism, and courage.

As a proportion of the population, Native Americans have sent more of their sons to war than any other ethnic group. One estimate is that over 12,000 American Indians fought in World War I. In World War II, more than 44,000 American Indians, out of a total Native American population at that time of less than 350,000, served with distinction in both Europe and the Pacific theaters of war.

□ 1815

Today, there are nearly 190,000 Native American military veterans. Indeed, history shows that Native Americans have disproportionately shouldered the military burden of this country. At the bare minimum, this legacy of service and sacrifice deserves our utmost respect and honor.

One of the most striking examples of Native American military service can

be found in the history of the World War II Navajo code talkers.

The Navajo Code Talkers Program was established in September, 1942. The idea came from Philip Johnston, the son of a missionary to the Navajos and one of the few non-Navajos who spoke their language fluently. Johnston, reared on the Navajo reservation, was a World War I veteran. He knew the military's search for a code that would withstand all attempts to decipher it.

He believed the Navajo language answered the military requirement for an indecipherable code because Navajo is an unwritten language, it is complex, and has no alphabet or symbols. It is only spoken only on the Navaho lands of the American Southwest. One estimate is that less than 30 non-Navahos, none of them Japanese, could understand the language at the outbreak of World War II.

During the 3 years the Navajo code talkers participated in the war, Japanese intelligence was able to break almost every U.S. Army code and Army Air Corps code, but not once was it able to break the Navajo code.

Eventually, over 400 Navajo Marine code talkers served in World War II. These code talkers participated in every assault the Marines took part in from late 1942 to 1945. After the war, many military officials admitted battles such as Iwo Jima, Guadalcanal, Tarawa and Peleliu would have been lost without the Navajo code talkers.

Long unrecognized because of the continued value of their language as a security classified code, the Navajo code talkers of World War II were recently honored for their contributions to our Nation's defense in Washington, D.C. Their patriotism, resourcefulness, and courage also have earned them the gratitude of all Americans.

As a representative of Utah's Congressional Third District, I represent at least six Indian tribes. They include the Northwestern Shoshone, the Goshutes, the Paiutes, the Utes, the White Mesa or Southern Utes, and the Navajos. I feel that these tribes, as well as the descendants of the Navajo code talkers and all other Native American veterans, deserve our respect and appreciation.

Mr. Speaker, I support House Concurrent Resolution 270.

Mr. RAHALL. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, to respond to the gentleman from Arizona, I want to work closely with the gentleman on this issue. I am sorry if he got defensive, but I cannot see in my remarks where I was partisan. Perhaps I should have spoken a little slower when I said the mismanagement of Indian trust funds dates back almost 100 years. I do not believe that the gentleman's party has been in power that long, and it covers a number of administrations. It gets worse with each passing day.

I further said, the Reagan administration, and perhaps I should have added "to its credit," listed this as one of the top five Federal liabilities. If the gentleman interpreted my remarks as being partisan, I regret that misinterpretation of my remarks.

I have written the gentleman from Utah (Mr. HANSEN) under whose jurisdiction all Indian issues come directly before our full committee and requested a hearing on this and look forward to participating with the gentleman from Arizona (Mr. HAYWORTH).

Mr. Speaker, I yield to the gentleman from Michigan (Mr. KILDEE), who has long been an advocate for Indian tribal rights.

Mr. KILDEE. Mr. Speaker, as co-chair of the Congressional Native American Caucus, I rise in strong support of House Concurrent Resolution 270, a resolution that expresses a sense of Congress that Americans should take time during Native American Heritage Month to recognize the many accomplishments and contributions made by Native American peoples.

I thank the gentleman from Arizona (Mr. HAYWORTH), who serves as Republican co-chair and co-founder of the Congressional Native American Caucus, for introducing this important resolution, and I am proud to be a cosponsor with him.

Mr. Speaker, honoring the accomplishments and contributions of Native Americans is long overdue. In July, as many of us stood in the Rotunda and saw the President present the Congressional Gold Medal to those who did so much and who suffered so much.

I am convinced, Mr. Speaker, that my brother, Kenneth Kildee, would have been killed in the South Pacific were it not for the Navajo code talkers. It is time that we express our gratitude to all Native Americans for contributions that they have made during times of war and conflict.

Native Americans serve in the United States armed services in greater numbers, proportionately, than the population of the Nation as a whole. Mr. Speaker, Native Americans play a vital role in this country by making many significant contributions in many fields, including science, medicine, math, law, agriculture, music, language, literary works and art.

Mr. Speaker, the United States works with the tribal governments on a government-to-government basis, recognizing their sovereignty. We must increase the quality of health care of Native Americans, improve employment opportunities, boost economic development on Indian reservations, and develop better educational opportunities for Indian students. We must do these things so that the generations to come will have a brighter future.

I ask my colleagues to support this resolution.

Mr. HAYWORTH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, again, I thank the gentleman from West Virginia and the gentleman from Michigan for their constructive remarks and thank them very much for their diligence in days past and their promise of diligence in the days ahead as we deal with the challenges we confront.

Mr. Speaker, as I heard the gentleman from Michigan think about the unique contributions of Native Americans not only in his home State but in mine as well, I am struck by the comment of one of my constituents in my first term who came here to Washington to visit not only his congressman but to see the monuments memorializing the contributions of so many. This particular gentleman was a veteran of the Vietnam conflict.

He was mindful of the fact that Ira Hayes appeared in the Marine Memorial, but at the end of his time in the immediate vicinity of the mall, he said, "I just have one question, Congressman: Where is the Indian?"

That question challenges us today on a myriad of legislation with which we deal, as we recognize sovereign rights, as we deal with, as the gentleman from West Virginia pointed out, with a century-old dilemma of trust funds that administrations of both parties have tried to deal with, and Congress even employing a task force, which I mentioned earlier. Today we stand and say let us take an important step to recognize our first Americans and their contributions, and that is the intent that we join today and that is the spirit on which we endeavor to move this sense of Congress resolution.

Mr. Speaker, I yield 2 minutes to the gentleman from Idaho (Mr. SIMPSON).

Mr. SIMPSON. Mr. Speaker, I thank the gentleman for introducing this legislation, recognizing the contributions of Native Americans to our society.

When I grew up, the place I lived, the southern border, was on the Fort Hall Indian Reservation, and I worked many years on the Fort Hall Indian Reservation, working on farms with Native Americans, and I came to respect the Native Americans for the contributions they have made to our society.

When I became Speaker of the House in Idaho, I realized I did not know enough about Native American history and what they had contributed to our society; and so I started studying them. In Idaho, we have the Nez Perce tribe, which I am sure many Members have heard the name Chief Joseph who was one of the true leaders of the American Indians, the Nez Perce tribe; the Coeur d'Alene tribe; the Shoshone-Bannock tribe down where I came from. Sacajawea was Shoshone. They contributed much to our society.

Mr. Speaker, we need to do all we can to make sure that Americans are aware of the contributions that Native Americans have made to our society. As has been mentioned by the gentleman from

Utah (Mr. CANNON), they have contributed to our defense probably more than any other ethnic group that there is. As chairman of the Subcommittee on Benefits of the Committee on Veterans Affairs, I know of the contributions that they have made and that we have to keep our commitments to our veterans and to our Native Americans.

I compliment the gentleman from Arizona (Mr. HAYWORTH) for his introduction of this resolution, and I encourage all Americans to take some time to study what contributions have been made by Native Americans and how they have really influenced our society for the good. We should strive to make sure that we do not lose that individuality that these Native Americans represent.

Mr. RAHALL. Mr. Speaker, I yield 3 minutes to the gentleman from American Samoa (Mr. FALEOMAVAEGA).

Mr. FALEOMAVAEGA. Mr. Speaker, I want to first commend the gentleman from Arizona (Mr. HAYWORTH) and the gentleman from Utah and the gentleman from Connecticut for their sponsorship of this legislation. I wish I had known, I would have been more than happy to have been an original cosponsor of this legislation.

I rise today in support of House Concurrent Resolution 270 which expresses the sense of Congress that Americans should take time during Native American Heritage Month to recognize the contributions made by this country's first Americans.

Mr. Speaker, I have come to this floor numerous times over the past 13 years to speak in support of Native Americans. In 1993, the 103rd Congress passed and the President signed into law House Joint Resolution 271 which I sponsored. This resolution designated the month of November in the years 1993 and 1994 as National Indian Heritage Month. I would have liked to have seen the designation made permanent. However, since that time our government has continued each November to recognize the traditions and accomplishments of Native Americans.

In some ways I feel we have gone full circle in recognizing the benefits and wisdom of the earliest residents of this land. For instance, the Native Americans all understood the value of respecting the land, the rivers, the mountains, the seas, the oceans and all things that live around us. As European culture took over North America, I think we did not realize how much an impact western civilization would have on the land and the cultures of the indigenous people throughout the Western Hemisphere. Slowly over the past 40 years, we have been gaining some of that respect again. Through the passage of legislation such as the Clean Air Act and the Clean Water Act, our Nation has taken some action to improve the environment throughout our country.

With the passage of scores of bills designating national park and wildlife refuges as heritage areas, we are preserving special places within our borders. Visits to these designated areas are increasing faster than the growing population. This is a further indication of our appreciation of that which Native Americans have held sacred.

Today most people feel they are environmentalists, and the transition we have gone through in this country to get to that point has had a significant impact on our actions as a government and as individuals.

Even with this change in thinking, Mr. Speaker, I wish we would have done more to help today's Native Americans. After taking land from the Indians in the country's formative years and forcing tribes to move to land not of their choosing, we still have problems in Indian country. Recent statistics reflect the poverty rate at over 26 percent, well above the average of our country, and median household income is well below the average of the country.

The Census Bureau released some statistics last month which I find interesting, Mr. Speaker. The opportunity for Americans to choose more than one ethnicity in the 2000 census resulted in 4.1 million Americans saying they are at least part Native Alaskan or American Indian. This more than doubled the number who indicated that they were Native Americans in the year 1990.

□ 1830

California and Oklahoma had the greatest numbers of Native Americans living within their boundaries, with over 1 million residents between the two States and 19 percent of Alaska's population indicated they were at least part American Indian or native Alaskan. I am sure part of the increase as reported in the 2000 census is caused by the ability of Native Americans to select more than one race on the census forms, but I believe part of this increase is also attributed to an increased sense of pride among Native Americans and their willingness to acknowledge their heritage. Our Nation's Native Americans continue to support our armed services by enlisting and also serving as officers in the military and have done so with valor and distinction.

How ironic, Mr. Speaker. We have just celebrated our national Thanksgiving with emphasis on the tribulations of the early Pilgrims, but so little is said that the Pilgrims would have starved to death if it had not been for the kindness and hospitality of the Native Americans who taught these early Europeans how to grow corn and to eat and prepare many other varieties of fruits and vegetables unknown to the Pilgrims or the first Europeans. Yes, let us give thanks to Divine Providence

for all the blessing we have received from Him as was the case with the early Pilgrims, but we should also give thanks and some sense of appreciation how our Native American people taught and literally demonstrated their sense of compassion and concern for their fellow man. Native Americans did not need to be taught the parable of the Good Samaritan, or who is my neighbor.

History has not dealt kindly with our Nation's treatment of our first Americans: the trails of many tears; our contradictory policies of first kill all the Indians; then the policy of assimilation as if by some means of osmosis Native Americans were then to be integrated and be part of mainstream America; then the policy of nonrecognition of Native Americans, that is, terminate the existence of any tribal nation. Still yet, our government has now established an administrative and regulatory process that has made it almost impossible to grant Federal recognition of a Native American tribe.

Mr. Speaker, for the past several years I have tried earnestly to work with our colleagues to congressionally mandate the process of Federal recognition of Native American tribes. The gentleman from North Carolina (Mr. MCINTYRE) and I have introduced H.R. 1175 to better streamline the process. I want to thank the gentleman from Utah (Mr. HANSEN) and the gentleman from West Virginia (Mr. RAHALL) for their support and leadership to conduct a hearing in the short while to come.

Yes, let us support this legislation in recognition of the contributions of our first Americans. I commend the gentleman from Arizona (Mr. HAYWORTH) and the gentleman from Michigan (Mr. KILDEE) for their leadership and co-chairmanship of our Native American Caucus. Our Native American community asks only to be treated fairly and opportunities to be economically self-sufficient.

Mr. HAYWORTH. Mr. Speaker, I thank my good friend from American Samoa, who is no stranger to the good people of Arizona and has accompanied me there to work on various Native American housing issues. I thank him for that even as I yield 3 minutes to another good friend who joins me on the Committee on Ways and Means, the gentleman from Oklahoma (Mr. WATKINS).

Mr. WATKINS of Oklahoma. Mr. Speaker, I want to thank the gentleman from Arizona (Mr. HAYWORTH) and also the gentleman from Michigan (Mr. KILDEE) for his work in behalf of Native Americans.

As was indicated, the State of California and the State of Oklahoma have the greatest number of Native Americans. In fact, Oklahoma has the highest percentage of Native Americans since we are a lot smaller State to say

the least; but we have the highest percentage of Native Americans, which we are very proud of because Oklahoma stands for "red man." With this population, I know from my personal experience in my area which used to be very dominant, the gentleman from Michigan (Mr. KILDEE) knows where it is, down by Durant and Bryan County. I grew up in Bennington, Oklahoma. I was the only non-Native American on the baseball team, I was the only non-Indian on the basketball team because all of us were brothers and sisters together in that community. It was predominantly Native American Choctaws.

I am also proud to be the grandfather of two Creek grandchildren and one Cherokee grandchild in my family, and so we have had very much a family discussion about some of the concerns and problems over the years. The Native Americans in many ways have been forgotten. Many of my friends and Native Americans, I have sat with them and talked long hours. All they want is an opportunity. In their socioeconomic conditions, we know they have a tremendous problem in alcoholism and drugs. We need to make sure we work in these areas to try to help them overcome their problems. They are increasing the opportunities in health. We all know they have made great contributions in the military. I think the gentleman from Arizona mentioned this and others. They are usually some of the first ones there to volunteer because they feel very strongly about their native land as Native Americans.

Let me say, I have wanted to try to help build the kind of jobs, opportunities so they can have real jobs. I have had pending before this Congress and we are asking it be extended, section 168(j) of the Tax Code which accelerated depreciation. That piece of legislation works, 168(j) and 45(a), which gives tax credits for hiring Native Americans. Many companies are locating so Native Americans can be employed. If we want something to help stimulate the economy, if we want something to help stimulate the economic conditions for a group of people that has the worst economic conditions, I ask this Congress to move forward and to extend at least a year those two provisions of the Tax Code.

I want to thank again my two colleagues whom I greatly admire for their tremendous work and role in bringing this to recognize November as Native American Heritage Month. We need to all be doing a great deal more to try to build opportunities for the Native American people.

Mr. RAHALL. Mr. Speaker, I yield 3 minutes to the gentleman from Washington (Mr. INSLEE), a member of our Committee on Resources.

Mr. INSLEE. Mr. Speaker, I wish my colleagues could have been with me in Spokane, Washington, yesterday at the

National Congress of American Indians. You would have felt the same honor that I felt when folks walked up and did an introduction of their service to America in virtually every war in the last century, from every tribe in the United States. It took a long time because there were a lot of veterans who gave of themselves individually truly as American patriots in numbers perhaps greater than the rest of our population. It really was a moving experience. I appreciate my colleagues bringing this resolution to the floor to note our respect for this part of the American fabric.

But I must tell you, having listened to some of the concerns of those Americans yesterday in Spokane, I am disappointed in the sense of the numerous times where this House in the last 10 months has failed to honor our commitment to these Americans. Let me just mention four ways.

Number one, just the other day, the administration issued an edict that it was going to recreate an organizational structure to deal with this trust fund problem without any consultation at all with the people who will be affected by this major change in organization, the people that have these millions of dollars in trust. They never even picked up the phone to talk to tribal leaders about this issue. What type of government-to-government relationship is that? This resolution does not speak to that issue.

Secondly, we have tribal members who have land resources that are tremendously affected by our energy policies. I was up in Alaska in the Arctic Village meeting with the Gwich'in people leadership about the Arctic drilling controversy. They pleaded with the U.S. House not to drill in the Arctic because they think it could endanger the caribou runs which their entire tribe depends on for sustenance. So what did the House do? We ignored their rights, we decided to drill anyway, abusing their long, long history of their relationship with the caribou herds. A second transgression.

Third, contract support payments. Uncle Sam has a statutory commitment to contribute to the tribes contract support costs to administer health care plans. But have we fulfilled that commitment in the last 10 months? No, we have not. Another unfilled promise after 2 or 3 centuries of abuse of these peoples.

Fourth, and this is one that we are going to continue to have debate on in the Committee on Resources, I am afraid. There are efforts in this House that folks now want to intrude on sovereignty on issues regarding taxation. We have already seen efforts now to create an impediment of the working relationship of tribes with States in dealing with taxation issues, rather than allowing tribes to work on a good-faith basis with States.

So I must come to the well to applaud the makers and my colleagues for expressing the sentiments and the good feelings and good tidings we have for this part of community, but let us do more than give these people good tidings. Let us give them respect and legislation and solve these problems.

Mr. KIND. Mr. Speaker, I rise today in support of H. Con. Res. 270, a resolution expressing the sense of Congress that Americans should take time during Native American Heritage Month to recognize the many accomplishments and contributions made by native peoples.

As our Nation enters into the 21st century, it is important that we recognize the elements that have shaped our history and our culture. The contributions made by Native Americans represent a significant aspect of American heritage, not only in a cultural sense, but also in the sacrifices, dedication, and patriotism displayed by Native Americans throughout our history.

In my home state of Wisconsin, there are 11 federally recognized tribes representing close to 50,000 American citizens. In addition, a large number of Wisconsin cities, counties, lakes, and rivers hold names representative of the strong Native American heritage in the area. This rich history in Wisconsin is also illustrated through Native American educational programs in public schools and many cultural celebration events. Indeed, the common values of many Wisconsin communities reflect Native American heritage including a deep respect for land, air, and water resources, agriculture, and history.

This legislation encourages Americans to celebrate Native American Heritage Month and honor Native American contributions to our national history and culture. As a member of the Native American Caucus, I appreciate the emphasis this resolution puts on Native American Heritage Month, and I am hopeful such efforts continue.

Mr. RAHALL. Mr. Speaker, I yield back the balance of my time.

Mr. HAYWORTH. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. ISAKSON). The question is on the motion offered by the gentleman from Arizona (Mr. HAYWORTH) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 270.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put the question on two of the motions to suspend the rules on which further proceedings were postponed earlier today.

Votes will be taken in the following order:

H.R. 1259, by the yeas and nays;

Senate Concurrent Resolution 44, by the yeas and nays.

The other questions that were postponed today will remain postponed until tomorrow.

The Chair will reduce to 5 minutes the time for the second vote in this series.

COMPUTER SECURITY ENHANCEMENT ACT OF 2001

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 1259, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Maryland (Mrs. MORELLA) that the House suspend the rules and pass the bill, H.R. 1259, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 391, nays 4, not voting 37, as follows:

[Roll No. 449]

YEAS—391

Abercrombie
Ackerman
Akin
Allen
Andrews
Armey
Baca
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bereuter
Berkley
Berman
Berry
Biggett
Bilirakis
Bishop
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Bryant
Burton
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (OK)
Castle
Chabot
Clay
Clayton
Clyburn

Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Fletcher
Foley
Forbes
Fossella
Frank
Frelinghuysen

Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gillman
Gonzalez
Goode
Goodlatte
Gordon
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hulshof
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee
(TX)
Jenkins
John

Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Klecza
Kolbe
Kucinich
LaFalce
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Latham
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-
McDonald
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
Mink
Mollohan
Moore
Moran (KS)

Flake
Hansen

Aderholt
Bachus
Bentsen
Blagojevich
Bonior
Brown (FL)
Burr
Buyer
Carson (IN)
Chambliss
Clement
Cubin
DeFazio

Moran (VA)
Morella
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascarell
Pastor
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Schiff
Schrock
Scott
Serrano
Sessions
Shadegg

NAYS—4

Paul
Sensenbrenner

NOT VOTING—37

Lewis (CA)
McGovern
McKinney
Murtha
Norwood
Quinn
Riley
Schaffer
Sweeney
Wamp
Wexler

Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

□ 1902

Mr. SENSENBRENNER changed his vote from “yea” to “nay.”

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. LARSON of Connecticut. Mr. Speaker, I missed rollcall Vote No. 449. Had I been present and voting, I would have voted “yea”.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. ISAKSON). Pursuant to clause 8 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting on each additional motion to suspend the rules on which the Chair has postponed further proceedings.

NATIONAL PEARL HARBOR REMEMBRANCE DAY

The SPEAKER pro tempore. The pending business is the question of suspending the rules and concurring in the Senate concurrent resolution, S. Con. Res. 44.

The Clerk read the title of the Senate concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. BARR) that the House suspend the rules and concur in the Senate concurrent resolution, S. Con. Res. 44, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 393, nays 0, not voting 39, as follows:

[Roll No. 450]

YEAS—393

Abercrombie	Borski	Cramer
Ackerman	Boswell	Crane
Akin	Boucher	Crenshaw
Allen	Boyd	Crowley
Andrews	Brady (PA)	Culberson
Armey	Brady (TX)	Cummings
Baca	Brown (OH)	Cunningham
Baird	Brown (SC)	Davis (CA)
Baker	Bryant	Davis (FL)
Baldacci	Calvert	Davis (IL)
Baldwin	Camp	Davis, Jo Ann
Ballenger	Cannon	Davis, Tom
Barcia	Cantor	Deal
Barr	Capito	DeGette
Barrett	Capps	DeLaHunt
Bartlett	Capuano	DeLauro
Barton	Cardin	DeLay
Bass	Carson (OK)	DeMint
Becerra	Castle	Deutsch
Bereuter	Chabot	Diaz-Balart
Berkley	Clay	Dicks
Berman	Clayton	Dingell
Berry	Clyburn	Doggett
Biggert	Coble	Dooley
Bilirakis	Collins	Doolittle
Bishop	Combest	Doyle
Blumenauer	Condit	Dreier
Blunt	Conyers	Duncan
Boehlert	Cooksey	Dunn
Boehner	Costello	Edwards
Bonilla	Cox	Ehlers
Bono	Coyne	Ehrlich

Emerson	Lampson	Regula
Engel	Langevin	Rehberg
English	Lantos	Reyes
Eshoo	Largent	Reynolds
Etheridge	Larsen (WA)	Rivers
Evans	Latham	Rodriguez
Farr	LaTourrette	Roemer
Fattah	Leach	Rogers (KY)
Ferguson	Lee	Rogers (MI)
Filner	Levin	Rohrabacher
Flake	Lewis (GA)	Ros-Lehtinen
Fletcher	Lewis (KY)	Ross
Foley	Linder	Rothman
Forbes	Lipinski	Roukema
Fossella	LoBiondo	Roybal-Allard
Frank	Lofgren	Royce
Frelinghuysen	Lowe	Rush
Frost	Lucas (KY)	Ryan (WI)
Gallegly	Lucas (OK)	Ryun (KS)
Ganske	Luther	Sabo
Gekas	Lynch	Sanchez
Gibbons	Maloney (CT)	Sanders
Gilchrest	Maloney (NY)	Sandlin
Gillmor	Manzullo	Sawyer
Gilman	Markey	Saxton
Gonzalez	Mascara	Schakowsky
Goode	Matheson	Schiff
Goodlatte	Matsui	Schrock
Gordon	McCarthy (MO)	Scott
Graham	McCarthy (NY)	Sensenbrenner
Granger	McCollum	Serrano
Graves	McCrery	Sessions
Green (TX)	McDermott	Shadegg
Green (WI)	McHugh	Shaw
Greenwood	McInnis	Shays
Grucci	McIntyre	Sherman
Gutierrez	McKeon	Sherwood
Gutknecht	McNulty	Shinkus
Hall (OH)	Meehan	Shows
Hall (TX)	Meek (FL)	Shuster
Hansen	MEEKS (NY)	Simmons
Harman	Menendez	Simpson
Hart	Mica	Skeen
Hastings (FL)	Millender-	Skelton
Hastings (WA)	McDonald	Slaughter
Hayes	Miller, Dan	Smith (MI)
Hayworth	Miller, Gary	Smith (NJ)
Hefley	Miller, George	Smith (TX)
Herger	Miller, Jeff	Smith (WA)
Hill	Mink	Snyder
Hilliard	Mollohan	Solis
Hinchey	Moore	Souder
Hinojosa	Moran (KS)	Spratt
Hobson	Moran (VA)	Stark
Hoeffel	Morella	Stearns
Hoekstra	Myrick	Stenholm
Holden	Nadler	Strickland
Holt	Napolitano	Stump
Honda	Neal	Stupak
Hooley	Nethercutt	Sununu
Horn	Ney	Tancredo
Hostettler	Northup	Tanner
Houghton	Nussle	Tauscher
Hulshof	Oberstar	Tauzin
Hyde	Obey	Taylor (MS)
Inslee	Olver	Taylor (NC)
Isakson	Ortiz	Terry
Israel	Osborne	Thomas
Issa	Ose	Thompson (CA)
Istook	Otter	Thompson (MS)
Jackson (IL)	Owens	Thornberry
Jackson-Lee	Oxley	Thune
(TX)	Pallone	Thurman
Jenkins	Pascarell	Tiahrt
John	Pastor	Tiberi
Johnson (IL)	Paul	Tierney
Johnson, E. B.	Payne	Toomey
Johnson, Sam	Pelosi	Towns
Jones (NC)	Pence	Trafigant
Kanjorski	Peterson (MN)	Turner
Kaptur	Peterson (PA)	Udall (CO)
Keller	Petri	Udall (NM)
Kelly	Phelps	Upton
Kennedy (MN)	Pickering	Velázquez
Kennedy (RI)	Pitts	Visclosky
Kerns	Platts	Vitter
Kildee	Pombo	Walden
Kilpatrick	Pomeroy	Walsh
Kind (WI)	Portman	Waters
King (NY)	Price (NC)	Watkins (OK)
Kingston	Pryce (OH)	Watson (CA)
Kirk	Putnam	Watt (NC)
Klecza	Radanovich	Watts (OK)
Kolbe	Rahall	Waxman
Kucinich	Ramstad	Weiner
LaFalce	Rangel	Weldon (FL)

Weldon (PA)	Wilson	Wynn
Weller	Wolf	Young (AK)
Whitfield	Woolsey	Young (FL)
Wicker	Wu	

NOT VOTING—39

Aderholt	Cubin	LaHood
Bachus	DeFazio	Larson (CT)
Bentsen	Everett	Lewis (CA)
Blagojevich	Ford	McGovern
Bonior	Gephardt	McKinney
Brown (FL)	Goss	Murtha
Burr	Hilleary	Norwood
Burton	Hoyer	Quinn
Buyer	Hunter	Riley
Callahan	Jefferson	Schaffer
Carson (IN)	Johnson (CT)	Sweeney
Chambliss	Jones (OH)	Wamp
Clement	Knollenberg	Wexler

□ 1911

So (two-thirds of those present having voted in favor thereof) the rules were suspended and the Senate concurrent resolution was concurred in.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. LARSON of Connecticut. Mr. Speaker, I missed rollcall vote No. 450. Had I been present and voting, I would have voted “yea”.

REQUIRING VALUATION OF NON-TRIBAL INTEREST OWNERSHIP WITHIN ACOMA INDIAN RESERVATION

Mr. HAYWORTH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1913) to require the valuation of nontribal interest ownership of subsurface rights within the boundaries of the Acoma Indian Reservation, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1913

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PUEBLO OF ACOMA LAND AND MINERAL CONSOLIDATION.

(a) VALUATION.—Not later than 6 months after the date of the enactment of this section, the Secretary of the Interior shall determine the extent and the value of the nontribal interest ownership of the subsurface rights, including mineral rights, within the boundaries of the Acoma Indian Reservation.

(b) LAND EXCHANGES.—Upon completion of the valuation required by subsection (a), the Secretary shall, unless the Secretary exercises an option under subsection (c), negotiate an exchange with any willing sellers of interests in nontribal land (including interests in mineral or other surface or subsurface rights) within the boundaries of the Acoma Indian Reservation for interests in Federal land that is—

(1) located within the boundaries of the State of New Mexico;

(2) identified by the Bureau of Land Management as available for disposal; and

(3) of approximately the same value as the interest in land for which it is being exchanged.

(c) PURCHASE OPTION.—At the discretion of the Secretary, instead of a land exchange under subsection (b), the Secretary may acquire interests in nontribal land (including interests in mineral or other surface or subsurface rights) within the boundaries of the Acoma Indian Reservation through—

(1) direct cash purchase of the interests in nontribal land for the fair market value determined under subsection (a);

(2) issuance to any owner of the interests in nontribal land of a Certificate of Bidding Rights in such form and manner as provided for under regulations promulgated by the Secretary under provisions of the Act of February 25, 1920 (commonly known as the Mineral Leasing Act (30 U.S.C. 181 et seq.)) or the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) for mineral leasing and bidding rights equal to the fair market value determined under subsection (a).

(d) *COST SHARING*.—The costs of the valuation required under subsection (a) and any land exchange under subsection (b) shall be equally shared between the owners of the interests in nontribal land and the Secretary. This subsection shall apply to the cost of the valuation under subsection (a) even if the Secretary elects to exercise the options for acquisition under subsection (c).

(e) *TIMELINE; LAND TAKEN INTO TRUST*.—The Secretary shall complete such negotiations and exchanges not later than 3 years after the date of the enactment of this section and shall place interests in land within the boundaries of the Acoma Indian Reservation that are acquired under this section into trust for the Pueblo of Acoma.

□ 1915

The SPEAKER pro tempore (Mr. ISAKSON). Pursuant to the rule, the gentleman from Arizona (Mr. HAYWORTH) and the gentleman from West Virginia (Mr. RAHALL) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Mr. Speaker, on this important piece of legislation that so vitally affects people in his home State, it is my privilege to yield 5 minutes to the gentleman from New Mexico (Mr. SKEEN), the chair of the Subcommittee on the Interior of the Committee on Appropriations.

Mr. SKEEN. Mr. Speaker, I rise today to ask my colleagues to support H.R. 1913, legislation which will benefit the Native American people of the Acoma Pueblo in New Mexico, the State of New Mexico, and the U.S. Government.

I would like to especially take the time to thank the Committee on Resources for their assistance in moving this legislation. The subcommittee chairwoman, the gentlewoman from Wyoming (Mrs. CUBIN), and the ranking member, the gentleman from Wisconsin (Mr. KIND), and their staffs have been very helpful with this bill. I thank the Committee on Resources for their assistance in moving this legislation.

The Acoma Pueblo comprises some 380,000 acres located 56 miles West of Albuquerque. The legislation deals with the subsurface mineral rights of Acoma Pueblo trust lands.

The people of Acoma Pueblo, like many Native American tribes, have sought to restore the reservation to its historic boundaries. Over 6,000 Pueblo members live on or around the Acoma Mesa, which was originally referred to as the Sky City. The older village lies 365 feet above the surrounding valley of

sparse dry farmland, with a mixture of pinon and juniper trees.

It is thought to be one of the oldest continually inhabited sites in the United States, first reported by Fray Marcos de Niza in 1539, and then visited by Francisco de Coronado's army in 1540.

In 1998, the Pueblo purchased a large ranch that adjoined the reservation, and subsequently the Secretary of the Interior took over 100,000 surface acres into trust for the Pueblo, and it became a permanent part of the reservation.

When Acoma purchased the ranch, the subsurface mineral rights were not part of the land transfer. As we know, this is not an uncommon practice, where only the surface estate is sold from owner to owner. Much of this practice goes back to the settling of the West, when the government awarded the checkerboard pieces of land to railroads in return for their building lines across the Nation. The railroads sold the land to finance their companies' activities, but kept the subsurface mineral estate.

Under this legislation, the current owner of the subsurface estate would enter into an exchange agreement with the Bureau of Land Management, BLM, for the equivalent valued Federal lands and rights. In return, the BLM would receive the subsurface rights within the Pueblo boundaries, which would be placed into trust by the Secretary of the Interior for the benefit of the Acoma Pueblo, unifying both the surface and subsurface estate.

This legislation amounts to a win-win for all the stakeholders involved.

First, the Acoma Pueblo does not have to worry about the holder of the subsurface mineral rights attempting to exercise its rights. This legislation gives them the total control over their lands that they need and deserve under the responsibility of the United States.

The current third-party owner of the subsurface mineral estate is made whole without having to exercise their rights and being placed in a conflict with the Acoma Pueblo.

Finally, the public wins because excess Federal lands will go into the private sector and will be returned to the tax rolls.

The Acoma people are part of a proud Pueblo which provides New Mexico with a major portion of the rich cultural heritage which makes my State the land of enchantment.

In closing, I ask the House of Representatives to do the right thing and to pass this legislation so that the Acoma people can continue their journey to greatness.

Mr. RAHALL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the subject matter of this legislation has already been explained. It is noncontroversial. I fully support it.

I do want to take this opportunity to commend the bill's sponsor, the gentleman from New Mexico (Mr. SKEEN), who serves as chairman of the Subcommittee on the Interior of the Committee on Appropriations.

I commend him not only for sponsoring this bill pending before us today, but for his outstanding leadership on the Interior appropriations bill this year.

All too often in the past, that particular appropriation bill has been the subject and the target for controversial riders that are unfriendly to the environment. This has often bogged down consideration of this appropriations measure, which funds so many programs of importance to Americans and American resources.

To his credit, the gentleman from New Mexico produced a relatively clean bill this year, then adequately funded the programs under his jurisdiction, within, of course, the constraints of the budget.

So I want to thank the gentleman from New Mexico (Mr. SKEEN) for his excellent leadership. He has done a great service to this body, and indeed, to the American people. I look forward to continuing to work with him in the future in his position as chairman of the appropriations subcommittee.

Mr. SKEEN. Mr. Speaker, will the gentleman yield?

Mr. RAHALL. I yield to the gentleman from New Mexico.

Mr. SKEEN. Mr. Speaker, I thank the gentleman for being so kind.

Mr. RAHALL. Mr. Speaker, I yield back the balance of my time.

Mr. HAYWORTH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from West Virginia (Mr. RAHALL) for his support of this legislation and in praise of my good friend and my neighbor, the gentleman from New Mexico.

Mindful of the importance of this bill to a sovereign tribe within the great State of New Mexico, I would urge the House to pass this legislation.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. HAYWORTH) that the House suspend the rules and pass the bill, H.R. 1913, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

DETROIT RIVER INTERNATIONAL WILDLIFE REFUGE ESTABLISHMENT ACT

Mr. GILCHREST. Mr. Speaker, I move to suspend the rules and pass the

bill (H.R. 1230) to provide for the establishment of the Detroit River International Wildlife Refuge in the State of Michigan, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1230

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Detroit River International Wildlife Refuge Establishment Act".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) The Detroit River, one of North America's greatest rivers, was created some 14,000 years ago during the retreat of the Wisconsin Glacier.

(2) The present river channel, established when falling water levels permitted erosion of the Lake Plain and moraines, is a connecting channel linking the Upper and Lower Great Lakes, as well as linking the United States to Canada.

(3) The Lower Detroit River ecosystem is diverse with a number of distinct channels, numerous shoals that support dense stands of aquatic plants, and many islands. These nationally and internationally significant habitats and ecological features attract as many as 29 species of waterfowl and 65 kinds of fish.

(4) The Detroit River is a major migration corridor for fish, butterflies, raptors, and other birds, in addition to waterfowl. Over 300 species of birds have been documented in the Detroit-Windsor area, of which about 150 species breed in the immediate area.

(5) Because the Great Lakes are situated at the intersection of the Atlantic and Mississippi Flyways, the Detroit River is an important waterfowl migration corridor. 3,000,000 ducks, geese, swans, and coots migrate annually through the Great Lakes region.

(6) The importance of this corridor is recognized in the Canada-United States North American Waterfowl Management Plan that has identified the Detroit River as part of one of 34 Waterfowl Habitat Areas of Major Concern in the United States and Canada.

(7) Some 300,000 diving ducks stop in the Lower Detroit River on their fall migration from Canada to the east and south each year to rest and feed in beds of water celery found in the region.

(8) The international importance of the Lower Detroit River area is manifested in the United States congressional designation of the 460-acre Wyandotte National Wildlife Refuge.

(9) Canada's Canard River Marsh Complex is an internationally significant waterfowl staging area which is one of the main resting and feeding areas for canvasbacks migrating from their nesting grounds in the Canadian prairies to the East Coast. Many over-winter in the area as well.

(10) The diversity of biota and habitats in the Lower Detroit River ecosystem provides substantial benefits to the over 5,000,000 people who live in the vicinity. The Lower Detroit River has an international reputation for duck hunting. On an economic basis, retail sales related to waterfowl hunting in Michigan were estimated in 1991 to be \$20,100,000. During the same year birding, photography, and other nonconsumptive uses of waterfowl contributed an additional \$192,800,000 in Michigan.

(11) More than 1,000,000 pleasure boats are registered in Michigan and about half of

those are used on the Detroit River and Lake St. Clair, in part to fish for the estimated 10,000,000 walleye that migrate to the Detroit River each spring from Lake Erie to spawn. These walleye have helped create an internationally renowned sport fishery estimated to bring in \$1,000,000 to the economy of communities along the lower Detroit River each spring.

(12) All of these natural resource values and socioeconomic benefits were acclaimed when the Detroit River was designated an American Heritage River in 1998. The Detroit River is also a Canadian Heritage River, making it the first international heritage river system in the world.

(13) The Detroit River has lost over 95 percent of its coastal wetland habitats and despite increased awareness and supporting science of their importance, habitats continue to be destroyed and degraded.

(14) Protection of remaining wildlife habitats and enhancement of degraded wildlife habitats are essential to sustain the quality of life enjoyed by so many living along the Detroit River corridor.

SEC. 3. DEFINITIONS.

For purposes of this Act:

(1) The term "Refuge" means the Detroit River International Wildlife Refuge established by section 5.

(2) The term "Secretary" means the Secretary of the Interior.

(3) The term "Detroit River" means those lands and waters within the area described in section 5(a).

SEC. 4. PURPOSES.

The purposes for which the Refuge is established and shall be managed are as follows:

(1) To protect the remaining high-quality fish and wildlife habitats of the Detroit River before they are lost to further development and to restore and enhance degraded wildlife habitats associated with the Detroit River.

(2) To assist in international efforts to conserve, enhance, and restore the native aquatic and terrestrial community characteristics of the Detroit River (including associated fish, wildlife, and plant species) both in the United States and Canada.

(3) To facilitate partnerships among the United States Fish and Wildlife Service, Canadian national and provincial authorities, State and local governments, local communities in the United States and in Canada, conservation organizations, and other non-Federal entities to promote public awareness of the resources of the Detroit River.

SEC. 5. ESTABLISHMENT OF REFUGE.

(a) BOUNDARIES.—There is hereby established the Detroit River International Wildlife Refuge, consisting of the lands and waters owned or managed by the Secretary pursuant to this Act in the State of Michigan within the area extending from the point in Michigan directly across the river from northernmost point of Ojibway Shores to the southern boundary of the Sterling State Park, as depicted upon a map entitled "Detroit River International Wildlife Refuge Proposed", dated July 31, 2001, which shall be available for inspection in appropriate offices of the United States Fish and Wildlife Service.

(b) EXISTING REFUGE LANDS.—The Wyandotte National Wildlife Refuge is hereby included within, and shall be a part of, the Detroit River International Wildlife Refuge. All references to the Wyandotte National Wildlife Refuge shall hereafter be treated as references to the Detroit River International Wildlife Refuge.

(c) BOUNDARY REVISIONS.—The Secretary may make such revisions of the boundaries

of the Refuge as may be appropriate to carry out the purposes of the Refuge or to facilitate the acquisition of property within the Refuge.

(d) ACQUISITION.—The Secretary is authorized to acquire by donation, purchase with donated or appropriated funds, or exchange the lands and waters, or interests therein (including conservation easements), within the boundaries of the Refuge.

(e) TRANSFERS FROM OTHER AGENCIES.—Any Federal property located within the boundaries of the Refuge which is under the administrative jurisdiction of another department or agency of the United States may, with the concurrence of the head of administering department or agency, be transferred without consideration to the administrative jurisdiction of the Secretary for the purposes of this Act.

(f) STUDY OF ASSOCIATED AREA.—The Secretary (acting through the Director of the United States Fish and Wildlife Service) shall conduct a study of fish and wildlife habitat and aquatic and terrestrial communities of the north reach of the Detroit River, from the northernmost point of Ojibway Shores north to the mouth of Lake St. Clair, for potential inclusion in the Refuge. Not later than 18 months after date of enactment of the Act, the Secretary shall complete such study and submit a report containing the results thereof to the Congress.

SEC. 6. ADMINISTRATION.

(a) IN GENERAL.—The Secretary shall administer all federally owned lands, waters, and interests therein that are within the boundaries of the Refuge in accordance with the National Wildlife Refuge System Administration Act (16 U.S.C. 668dd and following) and this Act. The Secretary may use such additional statutory authority as may be available for the conservation of fish and wildlife, and the provision of fish and wildlife dependent recreational opportunities as the Secretary considers appropriate to carry out the purposes of this Act.

(b) PRIORITY USES.—In providing opportunities for compatible fish and wildlife dependent recreation, the Secretary, in accordance with paragraphs (3) and (4) of section 4(a) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd(a)), shall ensure that hunting, fishing, wildlife observation and photography, and environmental education and interpretation are the priority public uses of the Refuge.

(c) COOPERATIVE AGREEMENTS REGARDING NONFEDERAL LANDS.—The Secretary is authorized to enter into cooperative agreements with the State of Michigan, or any political subdivision thereof, and with any other person or entity for the management in a manner consistent with this Act of lands that are owned by such State, subdivision, or other person or entity and located within the boundaries of the Refuge and to promote public awareness of the resources of the Detroit River International Wildlife Refuge and encourage public participation in the conservation of those resources.

(d) USE OF EXISTING GREENWAY AUTHORITY.—The Secretary shall encourage the State of Michigan to use existing authorities under the Transportation Equity Act for the 21st Century (TEA-21) to provide funding for acquisition and development of trails within the boundaries of the Refuge.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Department of the Interior—

(1) such sums as may be necessary for the acquisition of lands and waters within the Refuge;

(2) such sums as may be necessary for the development, operation, and maintenance of the Refuge; and

(3) such sums as may be necessary to carry out the study under section 5(f).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland (Mr. GILCHREST) and the gentleman from West Virginia (Mr. RAHALL) each will control 20 minutes.

The Chair recognizes the gentleman from Maryland (Mr. GILCHREST).

Mr. GILCHREST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to present H.R. 1230, an important bill introduced by the distinguished dean of the House, the honorable gentleman from Michigan (Mr. DINGELL).

The measure has 28 bipartisan cosponsors. Also, the chairman of the full committee, the gentleman from Utah (Mr. HANSEN), lends his support enthusiastically to this piece of legislation.

The goal of this innovative measure is to establish an international wildlife refuge along the lower 18 miles of the Detroit River that flows between the United States and Canada. The river provides a central habitat for 29 species of waterfowl and 65 different kinds of fish. It has been designated as a heritage river in both countries, and it is an important waterfowl corridor for over 3 million ducks, geese, and swans who annually migrate through this region.

Sadly, up to 95 percent of the original wetlands of the Detroit River have been lost to development. H.R. 1230 offers a rare opportunity to protect the remaining high-quality fish and wildlife habitats, to restore degraded wetland areas, and to encourage international efforts to promote awareness of the ecosystem resources of the Detroit River.

Under the terms of the original bill, if a corporation donated property to the Secretary of the Interior for inclusion in the refuge, then they were protected from future financial responsibility for any environmental cleanup and its cost. As Members might expect, the Justice Department and the Office of Management and Budget raised some concerns about future potential liability for the Federal Government.

In an effort to accommodate those concerns, the author of the bill has agreed to modify this proposal by deleting the indemnification provisions in section 7. With this change, any remaining questions about the impact of this legislation have been alleviated. We on this side of the aisle greatly appreciate the gentleman from Michigan (Mr. DINGELL) for that effort.

H.R. 1230 has been endorsed by the Governor of Michigan, a member of the Canadian Parliament, numerous State and local officials, and dozens of conservation groups, including Ducks, Unlimited, the National Audubon Society, the National Rifle Association, the Na-

ture Conservancy, and the Trust for Public Lands.

In his endorsement letter, Governor John Engler noted that the creation of a new Federal wildlife refuge will certainly enhance the conservation of the Detroit River and its unique natural, historical, and cultural resources.

During our hearings, a witness for Ducks, Unlimited, testified that the new refuge would provide a unique opportunity for international cooperation between the United States and Canada among governmental and nongovernmental partners to protect and restore the international treasure.

Mr. Speaker, I want to compliment the gentleman from Michigan (Mr. DINGELL) for his outstanding and tireless leadership in proposing the creation of this new, exciting international wildlife refuge. The gentleman from Michigan has been a conservation giant in this country, and this bill is a testament to his ongoing commitment to that effort.

I am pleased to support this measure, and I urge my colleagues to vote aye on this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. RAHALL. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. DINGELL), the sponsor of this legislation and the distinguished dean of the House of Representatives, and a very dear friend of mine.

Mr. DINGELL. Mr. Speaker, I thank my dear friend, the gentleman from West Virginia (Mr. RAHALL). I want to thank him and commend him and the gentleman from Utah (Mr. HANSEN), as well as the gentleman from Maryland (Mr. GILCHREST), who has just spoken so eloquently on this matter, and of course the gentleman from Guam (Mr. UNDERWOOD) and my friend, the gentleman from Michigan (Mr. KILDEE), for their support.

Mr. Speaker, this is a good piece of legislation. It has bipartisan support. It is supported by every State, local, and governmental agency within the area that would be served by this refuge. It is also supported by all of the private conservation organizations in the area, including the list that was read by my dear friend, the gentleman from Maryland (Mr. GILCHREST), whose leadership I want to expressly commend and congratulate, and I want to thank him again for his leadership.

Mr. Speaker, this is a piece of legislation which is going to do a great deal of good, and in some surprising ways. There will be very little additional cost to the Federal Government. It will rely largely upon donations and largely upon management agreements, easements, and cooperative undertakings between State, Federal, and local organizations in the area.

It will make it possible for us to have a lot of land, which will be of enormous

value to fish and wildlife, set aside without impairing the ownership or the industrial or commercial activities in the area.

It is a proposal which will afford enormous opportunity for us to increase the conservation values of the area, and to do much to preserve the fish and wildlife values of the Detroit River.

It will have the full cooperation of our Canadian friends because the Detroit River is a national heritage river here in the United States and also in Canada, and cooperation is being given at this time by the two distinguished members of Parliament on the Canadian side of the river, the Honorable Herb Gray, the deputy prime minister, and also the Honorable Susan Whelan, who is working closely with me on these matters.

This is a good piece of legislation which will afford great opportunity for us to make a significant contribution to preservation of the 5 million ducks and geese that fly up and down this river every spring and fall, and to achieve significant additional advances with the support of the people and a cooperative program in the administration of that area.

I give thanks to my dear friend, the gentleman from West Virginia (Mr. RAHALL).

□ 1930

Mr. RAHALL. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. KILDEE), a member of our Committee on Resources.

Mr. KILDEE. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, Michigan is blessed with many wonderful rivers. The Detroit River is rich in prehistoric, historic and ecological wonders. This wildlife refuge near a large metropolitan area will truly be a blessing for our State and our Nation. This is an opportunity where you can go from a city and see this beauty, this historical wonder and this prehistorical wonder.

The Canadian government is also embarking on a similar endeavor on their side of this international river, and the gentleman from Michigan (Mr. DINGELL) has worked very closely with them on that. I want to commend the gentleman from Michigan (Mr. DINGELL) for his very patient and persistent work on this bill. The bill passed out of the Committee on Resources unanimously. It is a bill that we can all be proud of.

Mr. GILCHREST. Mr. Speaker, I reserve the balance of my time.

Mr. RAHALL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, during his career in this body, the gentleman from Michigan (Mr. DINGELL) has sponsored innumerable measures that have benefitted our entire Nation and he truly has fought hard for many of those. However, I believe the bill before us today that he is

sponsoring is truly the stuff of legacy. It is landmark legislation that will stand as lasting testimony to the gentleman's foresight when it comes to enhancing the wildlife resources of our country.

I say this is landmark legislation because it provides for the first time an international wildlife refuge designation. This designation, as the gentleman has explained, would occur along an 18-mile length of the Detroit River between the cities of Detroit, Michigan, and Windsor, Canada.

In this regard, the portion on the U.S. side of this river has already been designated as an American Heritage River. In addition, the new international refuge proposed by this bill incorporates into its boundaries the existing Wyandotte National Wildlife Refuge.

Obviously, fish and wildlife do not recognize political boundaries. This legislation recognizes that fact, and it does so in a fashion that vastly enhances the ecosystem of the Detroit River in both the United States and Canada for the benefit of not only the current but future generations of citizens of these respective countries.

Again, I commend the gentleman from Michigan (Mr. DINGELL) for his foresight in proposing this legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. GILCHREST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, once again, I would like to compliment the gentleman from Michigan (Mr. DINGELL) on his work in developing this refuge, in one sense in an international way and in another sense setting a precedent that can be replicated countless numbers of times across the Nation where you can bring in an urban landscape and provide habitat for numerous waterfowl, birds, migrating neo-tropical birds and an abundance of marine life.

Mr. Speaker, I live off the Chesapeake Bay, and along the shores of the Chesapeake Bay there are numerous little tidal basins and estuaries. One of the waterfowl that rests there comes from Alaska, the tundra swan, with a beautiful whistling sound. But between Alaska and the Chesapeake Bay, where they spend their winter months, they need a number of places to stop to provide rest and food for themselves and their young. And now we can be assured that one of those places that those tundra swans will stop and rest along their thousands of miles of journey to the tidal basins of the Chesapeake Bay will be this refuge. So we in Maryland thank the gentleman from Michigan (Mr. DINGELL) and the gentleman from Michigan (Mr. KILDEE) and the staff for putting this together.

Mr. Speaker, I have no additional requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. ISAKSON). The question is on the motion offered by the gentleman from Maryland (Mr. GILCHREST) that the House suspend the rules and pass the bill, H.R. 1230, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GILCHREST. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the three bills just considered, H. Con. Res. 270, H.R. 1913, and H.R. 1230.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

EXPRESSING THE GRATITUDE OF HOUSE OF REPRESENTATIVES TO GENERAL ACCOUNTING OFFICE

Mr. NEY. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 294) expressing the gratitude of the House of Representatives to the General Accounting Office and its employees for enabling the House to continue its work while the House office buildings were closed due to the presence of Anthrax.

The Clerk read as follows:

H. RES. 294

Whereas the House of Representatives recently found it necessary to close its office buildings to Members, staff, and the public due to the presence of Anthrax;

Whereas the Comptroller General made an offer to the House of Representatives to make the General Accounting Office's building and equipment available to the Members and staff of the House of Representatives during the period in which the House office buildings were closed, an offer the House gratefully accepted;

Whereas the House's subsequent temporary use of General Accounting Office workspaces, telephones, computers, and other equipment imposed an inconvenience on the employees of the Office, who graciously vacated their worksites; and

Whereas the sacrifices made by employees of the General Accounting Office during this period enabled the House of Representatives to continue its legislative work on behalf of the people of the United States: Now, therefore, be it

Resolved, That the House of Representatives expresses its gratitude to the General Accounting Office for accommodating the House during the recent closure of the House office buildings, and sincerely thanks the hundreds of General Accounting Office employees who generously vacated their workspaces and otherwise helped to make it possible for the work of the House to continue during this period.

SEC. 2. The Clerk of the House of Representatives shall transmit a copy of this

resolution to the Comptroller General of the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. NEY) and the gentleman from North Carolina (Mr. PRICE) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. NEY).

Mr. NEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise here today on behalf of my colleague, the gentleman from Maryland (Mr. HOYER), of the Committee on House Administration for consideration of H. Res. 294. This resolution expresses the gratitude of the House of Representatives to the General Accounting Office and its employees for enabling the House to continue its work while the House office buildings were closed due to the presence of anthrax.

Mr. Speaker, I want the citizens of the United States to know that later on representatives on behalf of all employees of the GAO will be present in the Capitol in Statuary Hall so that we may speak with them and personally express our gratitude.

On October 18, 2001, the House office buildings closed their doors; and we arrived at the GAO on October 22, 2001. The General Accounting Office graciously accommodated Members and their staff through November 5, 2001. With their help, use of phones and work space, we were able to continue our legislative work on behalf of the United States.

I want to personally thank the GAO for the logistical support they provided to the United States House of Representatives while we occupied two floors of their agency. The professionalism and can-do attitude they exhibited is a credit to the agency. The GAO's hard work made a difficult situation manageable, and it will be long remembered.

All facets of the government working together for the common good will only overcome the trying times that face this Nation.

The GAO's efforts demonstrated that resolve. The GAO's partnership throughout this process not only proves their loyalty to this great Nation but also their kindness as employees and as an agency.

Mr. Speaker, when this country was formed, from the first veteran who fought to make this the greatest democracy ever on planet Earth, they envisioned that their efforts would always continue and that there would be an energetic give and take on the floor of the House and the Senate. And let me just say that during this trying time, when it was difficult for employees of the House and the staff and the Members, we got through it by allowing this floor to be able to continue and by our employees, our staff, of the House being able to communicate with

the constituents across the United States and to do their job to keep alive the debate that is so important to our democracy. The GAO was an integral part of allowing us to go forth.

I also want to thank the House staff, who transcended through this move under also a very difficult situation. Particularly I would also like to commend our Clerk, Jeff Trandahl; the Sergeant-at-Arms, Bill Livingood; and especially our CAO, Jay Eagen; and their staffs for making all of this possible, again, for us to continue to do our job; also, the gentleman from Illinois (Mr. HASTERT), Speaker of the House; the gentleman from Missouri (Mr. GEPHARDT), the minority leader; and the Committee on House Administration staff; Members, both majority and minority, who all put in their time in order that this transition was made to be as good as it could get.

Once again, the purpose of this resolution is to thank GAO for their unselfish generosity and partnership, and on behalf of the entire House of Representatives, we commend them for doing such a tremendous job, sacrificing of their time and their offices to make sure that we continue.

Mr. Speaker, I reserve the balance of my time.

Mr. PRICE of North Carolina. Mr. Speaker, I yield myself such time as I may consume.

I am delighted to rise in support of House Resolution 294 and to stand in tonight as co-manager of this bill for my friend, the gentleman from Maryland (Mr. HOYER), the ranking member of the Committee on House Administration. The gentleman from Maryland (Mr. HOYER) is a cosponsor of this bill, as indeed are the other Democratic members of the Committee on House Administration, the gentleman from Pennsylvania (Mr. FATTAH) and the gentleman from Florida (Mr. DAVIS).

Mr. Speaker, it is not common for the Members of the House and their staffs to need to vacate the House office buildings due to the presence of a potentially lethal health hazard, and let us hope it never happens again. Steps are certainly being taken to protect the people's House from future anthrax threats, to defend our country and freedom-loving peoples around the world from the scourge of terrorism.

Pending achievement of that goal, this House indeed owes its thanks to the General Accounting Office for enabling it to continue its work for two critical weeks at the end of October and beginning of November.

The gentleman from Ohio's resolution simply expresses the House's gratitude, and I hope it will pass without dissent.

I want to thank David Walker, the Comptroller General of the United States, for so graciously offering GAO's assistance to the House in our time of need.

I also want to thank Dick Brown, the GAO's Comptroller and Chief Administrative Officer, for his tireless efforts to ensure that the enterprise went smoothly.

I certainly want to thank the dedicated employees of the General Accounting Office who were uprooted and relocated and otherwise inconvenienced to accommodate Members and their staffs.

Mr. Speaker, despite hundreds of us descending upon the GAO headquarters, thereby allowing our legislative work to continue, GAO's important work got continued as well. This is a great tribute to the professionalism of the GAO staff and their ability to adjust to rapidly changing circumstances.

The GAO, in fact, has been an essential support agency for Congress since its creation in 1921. Mr. Speaker, for 2 weeks at the end of October, 2001, and beginning of November, it was more than that. It was serving as the House's home away from home.

The leadership and the staff of the GAO can now say that they have supported the work of the Congress as never before. This episode belongs in the annals of congressional history, and this resolution ensures that it will be so recorded.

Mr. Speaker, it is fitting that the House express its gratitude to the GAO and its wonderful employees in the way that this resolution determines. I applaud the gentleman from Ohio (Mr. NEY) for bringing this important resolution to the floor.

I urge an aye vote on the motion.

Mr. Speaker, I reserve the balance of my time.

Mr. NEY. Mr. Speaker, I yield 3 minutes to the gentlewoman from West Virginia (Mrs. CAPITO).

Mrs. CAPITO. Mr. Speaker, I rise today in support of House Resolution 294.

I would like to take this opportunity to thank the employees of the General Accounting Office who sacrificed their personal offices in order to allow the daily business of Congress to continue. As we were trying to maintain some semblance of normalcy, I was amazed at the willingness of the GAO staff to be flexible in conducting their daily business in less than desirable conditions.

I would personally like to thank Mr. Charles Johnson, Jr., and others whose offices at the GAO housed members of my staff. Although it may seem like a small sacrifice in the larger scheme of things, the employees of the GAO played a critical role during very uncertain times. It is obvious that the GAO, once known as the iron fist of government, has slipped on a silk glove of kindness in this urgent time.

Mr. Speaker, all Americans are making sacrifices to ensure terrorism is stricken from our world. We must not

forget to thank everyone for his or her cooperation in this time of crisis. If they have not already done so, I encourage my fellow Members of Congress to join me in thanking the employees of the GAO for their graciousness and flexibility.

Mr. PRICE of North Carolina. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. NEY. Mr. Speaker, I yield myself such time as I may consume.

In closing, I just wanted to thank my colleague, the gentleman from North Carolina (Mr. PRICE), for carrying this resolution once again; also, the gentleman from Maryland (Mr. HOYER), the ranking member.

I would just say in closing that we thank from the Comptroller General down the line all of the employees who gave of their time to help us operate. They are truly great Americans, great patriots and, in general, very good people.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I would like to rise in support of House Resolution 294, which expresses the gratitude of the House of Representatives to the Government Accounting Office and its employees.

Mr. Speaker, the silver lining to the dark cloud cast upon our nation on September 11th is the ability and willingness of all Americans to sacrifice for the good of the nation.

As this Congress looked for ways to carry out the nation's business amid anthrax scares and other security concerns, the Government Accounting Office and its employees graciously vacated office space so that Members of Congress could continue to do the great work that these times require.

For this great sacrifice, we are proud and we are grateful. The criminals who continue to perpetrate these crimes against Congress and other citizens seek to shake the will of our nation and the will of the Body.

By allowing Members and their staffs to use office space, telephones, and computer equipment, the House was able to continue legislative business. This sacrifice sends the important message to anyone who attempts to harm our great nation: We will be defiant and unrelenting in the face of terror.

I would like to join my colleagues in offering a sincere "thank you" to the Government Accounting Office and its employees for their important sacrifice.

Mr. HASTERT. Mr. Speaker, I rise in strong support of this resolution expressing the gratitude of the U.S. House of Representatives to the General Accounting Office for their assistance during the relocation of member offices.

On September 11th, terrorists attempted to weaken our great nation. They failed. In the aftermath of the attacks, the United States continues to stand strong and wave its flag proudly. We are perhaps stronger now, than we were before.

The American people have come together in a way never before seen, to support their country and help those affected by the attacks on our country.

The Comptroller General and the employees of the General Accounting Office are no exception.

When the Capitol and member's offices were assaulted with anthrax, the Comptroller General and the GAO employees generously shared their office space with the members of the House of Representatives and their staffs. GAO employees made quite a sacrifice in doing so. Many were displaced from their own offices in order to provide the House of Representatives with workspace. Because of the selflessness of these employees, the House of Representatives was able to continue to do their work on behalf of the American people and help our nation fight against the evils of terrorism.

Today, I am pleased to join my colleagues in thanking the Comptroller General and the GAO for their assistance. They have been a great help during this very difficult time and their assistance will be remembered.

Mr. HOYER. Mr. Speaker, I am delighted to express my strong support of this resolution.

Fortunately, it's not every day that the members of this House, and their staffs, must evacuate the House office buildings due to the presence of anthrax.

Let's hope it never happens again. Steps are certainly being taken to ensure it never happens again.

This House indeed owes a debt of gratitude to the General Accounting Office for making it possible for the people's House to continue its work during those two critical weeks.

The chairman's resolution eloquently expresses the sentiments that should be expressed, and I urge all members to support it.

As one whose office is in the Longworth Building, I spent considerable time working at the GAO. I found it to be a hospitable place, staffed by hospitable, dedicated Federal workers. I want to express my personal thanks to David Walker, the Comptroller General of the United States, for throwing open the doors of his agency to the House. I also want to thank Dick Brown, the GAO's comptroller and chief administrative officer, for spending many hours working to ensure the whole enterprise went smoothly, which it did. And I generally want to thank the dedicated employees of the General Accounting Office who were relocated, or otherwise inconvenienced, to accommodate me and my staff, and other Members and their staffs. Their sacrifice did not go unnoticed, or unappreciated.

Mr. Speaker, we should note that as hundreds of us descended upon the GAO headquarters, GAO's own important work continued, despite the disruption. This is a grand tribute to the professionalism of GAO employees.

The GAO's mission is to support the work of the Congress as our budgetary watchdog. The leadership and staff of the GAO can now say, with pride, that they have supported the work of the House directly as never before. This incident rightly belongs in the annals of congressional history. This resolution ensures it will be properly recorded.

Mr. Speaker, it is fitting that the House express its gratitude to the GAO and its wonderful employees for allowing us to continue our operations during this time. I applaud the chairman for bringing this resolution to the floor. I urge an "aye" vote on the motion.

Mr. NEY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. ISAKSON). The question is on the motion offered by the gentleman from Ohio (Mr. NEY) that the House suspend the rules and agree to the resolution, H.Res. 294.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

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GENERAL LEAVE

Mr. NEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the subject of House Resolution 294, the resolution just agreed to.

The SPEAKER pro tempore (Mr. ISAKSON). Is there objection to the request of the gentleman from Ohio?

There was no objection.

THE FEDERAL GOVERNMENT SHOULD ASSIST STATES TO MAINTAIN ADVANCEMENTS IN EDUCATION

(Mr. GEORGE MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous material.)

Mr. GEORGE MILLER of California. Madam Speaker, due to the faltering economy, State education budgets are being squeezed all across the country. According to last week's report of the House and Senate committees which deal with education, this year States will cut \$11 billion in real education reductions. More cuts are likely, since State budgets are now showing a deficit of some \$25 billion, and this does not take into account the full impact of the September 11 attack.

Elementary and secondary education is one-third of the States' budget, so obviously they are going to have to be cut. But we ought to do all we can in the stimulus package to make sure that we support education.

Over the last couple of years, schools have started to make progress in closing the achievement gap between poor and minority children and majority children and suburban children. We have made efforts on education reform. Children are doing better on the State exams and on the national exams.

We ought to make sure that we do not lose this progress that we have made. We must understand that we cannot allow our children's education and the educational resources of this Nation to be set back because of the short-term recession.

The Federal Government ought to do all it can to help States out at this

time so we do not lose the advancements that have been made.

California faces a \$4.5 billion budget shortfall this year. California's revenues are projected to fall by 12% this year, the largest decline since World War II.

To balance the budget, Governor Gray Davis has been forced to propose \$843 million in education cuts, including after-school programs and initiatives to help low-performing schools.

The cuts are likely to be worse next year, when the state projects a \$12.4 billion shortfall.

According to Brett McFadden of the Association of California School Administrators, "It took years to recover from the budget deficits in the early '90s. If we have to go through that again, that is going to create lasting damage to the entire system." (San Francisco Chronicle, Nov. 15, 2001).

Yesterday's New York Times described the impact the cuts will have on Harvey Elementary School in Santa Ana.

After-school literacy classes for native-Spanish speakers has helped increase the proportion of fourth-graders reading above grade level from 7% to 25% in two years.

One teacher called the progress her students had made in just three months "remarkable."

But state and local budget cuts may force the program to replace certified teachers with college students, and cut the number of students served in half next year.

According to the schools' principal, "There was a window of opportunity here, and that is closing."

Congress is planning to spend tens or even hundreds of billions of dollars to respond to the economic recession and the effects of September 11.

Clearly, we must make sure that we provide adequate assistance to our public schools so that they may continue the advancements in quality that we expect them to make.

[From the Washington Post, Nov. 20, 2001]

SCHOOLS LACK FUNDS, STUDY WARNS

(By Michael A. Fletcher)

The slowing economy is preventing states from spending the money needed on education to keep pace with inflation and surging enrollments, and the federal government should do more to fill the funding gap, according to a report by congressional Democrats.

The report said that education spending in 47 states has fallen a combined \$10.5 billion behind what would be needed to keep pace with rising costs. Also, 11 states have cut a combined \$800 million from their budgets, in some cases eliminating remedial classes, after-school tutoring and summer school.

The budget problems are likely to multiply as states confront the economic problems they have suffered in the wake of the Sept. 11 terrorist attacks, the report said. California alone is facing \$843 million in proposed education spending cuts to help balance a \$12 billion revenue shortfall over the next two years.

"The faltering economy is putting at risk the advancement that many states are making to improve the quality of their educational systems," said Rep. George Miller (D-Calif.), the ranking minority member of the House education committee.

The report was released by Miller and Sen. Edward M. Kennedy (D-Mass.), the key

Democrats involved in negotiating an education package that overwhelmingly passed both chambers of Congress but is now making slow progress in a conference committee.

The bill, one of President Bush's top domestic priorities, would require annual testing of students in grades three through eight and hold both students and educators responsible for the results. The bill also would give states more flexibility in spending federal education aid and increase the amount of money the federal government spends on literacy programs and on programs for the disadvantaged.

But while there is wide agreement on many tenets of the bill, congressional Republicans and Democrats have clashed over the amount of money needed to make the reforms effective. The conference committee is expected to meet again next week, and despite the disagreements on funding and other issues, members have expressed optimism they can produce a final bill by the end of the year.

"Education reform is a high priority in Congress and a high priority for the American people," said Kennedy, chairman of the Senate education committee. "But we need to provide more than lip service in dealing with this challenge. This report will be a wake-up call that persuades both Congress and the administration that greater federal investment in the nation's schools is an indispensable part of education reform."

Republicans countered, however, that money is only one element of what is needed to improve schools. Moreover, they said, the federal government provides just 7 percent of the nation's education funding and significant increases have already been approved.

"The education reform bill isn't just about money. It is about what happens with that money," said Dave Schnittger, a spokesman for Rep. JOHN A. BOEHNER (R-Ohio), chairman of the House education committee. "What's essential is not just that states have new resources, but that they have the flexibility of using those resources as efficiently as possible."

Amy Wilkins, a lobbyist for the non-partisan Education Trust, called the report an attempt by Democrats to bolster their case for increased education funding—a goal she supports. But, she added, "money will not solve everything."

[From the New York Times, Nov. 26, 2001]

ECONOMY PUTS SCHOOLS IN TOUGH POSITION (By Jacques Steinberg)

SANTA ANA, CALIF., Nov. 19.—Nearly all 600 students at Carl Harvey Elementary School arrive for class for the first time speaking Spanish, not English, which is why the school's three-hour after-school literacy classes have been so critical.

But with substantial budget cuts coming from the state and the local district, and the prospects of federal help uncertain, Harvey Elementary's principal has already projected that after-school enrollment will have to be cut in half, if not more, by next fall.

"There was a window of opportunity here," the principal, Christine J. Anderson, said of the classes, which the school has given for the last two years, "and that is closing."

Having capitalized on a swelling economy to initiate new programs aimed at improving student performance, schools across the country like Harvey Elementary are now being asked to curtail those very efforts because of the nation's shrinking economy. In response to budget cuts, schools from New York to California are undertaking such measures as increasing class sizes, trimming

bonuses for good teachers, putting off purchases of faster computers, postponing monetary rewards for high test scores and, as is the case here, scaling back after-school classes.

For the schools, the timing could not be worse: at the very moment that states and school districts are demanding greater academic performance, particularly by insisting that students make the grade on an array of new standardized tests, the states are asking students and teachers to make do with less.

In New York City, where a substantial part of a \$400 million school budget shortfall is a result of tax losses since Sept. 11, administrators have pared Saturday sessions for struggling students, extra training for thousands of new teachers and art classes.

In Las Vegas, which has one of the nation's fastest-growing school systems, district officials have cut alternative education programs for elementary school students with disciplinary problems.

School administrators in Fairfax County, Va., have delayed some textbook purchases and placed limits on teachers' salary increases, all to help the state absorb an estimated \$80 million in education budget cuts. In Memphis, schools have been told to prepare to delay all but the most pressing classroom repairs, as the state government tries to wean itself from dependence on dwindling sales tax revenues.

In California, which was already experiencing a costly electrical power shortage before the economy turned downward, Gov. Gray Davis on Nov. 14 announced plans to delay support for poorly performing schools, cut assistance for novice teachers and reduce after-school programs like those here in Santa Ana, which is among the poorest districts in the nation. Those cuts are expected to exceed \$800 million.

All told, the Education Commission of the States, a nonpartisan research organization, has identified education cuts of more than \$3 billion in at least 15 states. Those are among the cuts detailed in another report, by the Council of Great City Schools, a coalition of the 60 biggest districts.

"It's the poor schools that are so badly hit," said Delaine Eastin, the superintendent of education in California. "They were starved for a quarter-century. They were just starting to come back."

If there is a silver lining for the schools, it is that Senate Democrats have taken note of the states' retrenchment on education spending, and are trying to use the schools' plight to wring more money from the Bush administration and the Republicans who control the House of Representatives.

Senate and House leaders have been deadlocked for months over how much to spend on elementary and secondary schools in the next year. House leaders have agreed to spend nearly \$30 billion, an increase of about \$5 billion over the current year. But Senator Edward M. Kennedy, the Massachusetts Democrat who is chairman of the Health, Education, Labor and Pensions Committee, has called that figure at least \$10 billion too low.

To buttress his argument, Mr. Kennedy's aides released their own study of state education budgets on Nov. 16, which predicted that states will spend \$11 billion less on schools this academic year than is needed, when inflation and enrollment growth are taken into account.

Representative George Miller, a California Democrat whose staff worked with Mr. Kennedy's said, "The faltering economy is putting at risk the advancements that many

states are making to improve the quality of their educational systems."

Given the realities of the economy, few districts have sought to challenge the state and local governments that are often ordering the cuts.

"What are we going to say?" said Anthony Shorris, the deputy chancellor of the New York City Board of Education. "This is a terrible catastrophe that hit New York. Our goal is to live with what we've got, and still help our students meet these new demands."

In California, the more than \$800 million in school budget cuts identified by Governor Davis have jolted systems that had grown accustomed to receiving more money from Sacramento each of the last few years.

Ms. Anderson, the principal of Harvey Elementary, a wood-beam-and-stucco building that is crammed to four times its intended capacity, said she was sometimes inclined to agree with those researchers who have found that more money does not necessarily lead to improved student achievement. But, she said, the \$300,000 the school spent on its afternoon literacy program in each of the last two years—it now serves 150 students, most of them Mexican-American—was followed by a relatively steep rise in reading scores.

Last year, the school's students, who are among the most disadvantaged in the state, exceeded the overall scoring target set for them by state officials by a factor of five. Driving that improvement were the school's fourth graders, 25 percent of whom were found to be reading above grade level last year, compared with 7 percent three years ago.

Amy McDonald, a third-grade teacher who sends 16 of her 19 students to the intensive after-school program, said that the impact on their English in just three months this year had been remarkable. She said that her students arrive in class in the morning eager to discuss what they learned the previous afternoon.

Lizbett Mejia, 9, whose mother was born in Mexico and can barely communicate in English, said she had become hooked by her after-school teachers on a popular collection of books known as the "Little Sister" series.

"I didn't know that much of reading," Lizbett said. "Now I know how to read more."

By replacing certified teachers with local college students, Ms. Anderson said, she believe she can keep this year's after-school program running at full capacity. But when the proposed state cuts, including those to badly needed subsidies for school electrical payments, are combined with anticipated reductions in public and privately financed grants, Ms. Anderson estimates that she will have no more than \$90,000 to spend next year on the program, which would probably cut enrollment in half.

"These last few years have been heaven," she said. "Hopefully we've learned enough to be able to sustain what we think works without having the money we thought we needed to pay for it."

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

IN HONOR OF 100TH ANNIVERSARY OF UNITED STATES ARMY WAR COLLEGE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. PLATTS) is recognized for 5 minutes.

Mr. PLATTS. Mr. Speaker, I rise today in honor of the 100th anniversary of the United States Army War College located in Pennsylvania's 19th Congressional District, which I am privileged to serve. President Theodore Roosevelt's Secretary of War, Elihu Root, founded the War College on November 27, 1901. Secretary Root wished to establish a place where senior leaders of our Armed Forces would study and strategize problems of national defense, military science, and responsible command.

Among the many graduates of this pristine institute are former President Dwight D. Eisenhower, 1927; General Omar N. Bradley, 1934; General H. Norman Schwarzkopf, 1973; and General Richard Myers, 1981, our current chairman of the Joint Chiefs of Staff.

In July of 1951, the Army War College relocated to Carlisle, Pennsylvania, where it has continued to serve our Nation, our allies, and the military in the capacity envisioned by Secretary Root. Under the exceptional command of Major General Robert Ivany, the Army War College strives to face the defense challenges of today while adhering to its long time motto, "Not to promote war but to preserve peace."

Mr. Speaker, it is a true pleasure and privilege to recognize and commend the United States War College on its 100th anniversary.

MORE THAN A WAR IN AFGHANISTAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, this evening, as our Marines are on the ground in Afghanistan, I would like to posit that the United States is engaged in more than a war. Indeed, we are engaged in the middle of a revolution.

Today, Thomas Friedman, New York Times News Service, wrote an editorial entitled "Shedding the Veil of bin Laden," which I will submit for the RECORD, and I will only read a small part of it. Mr. Friedman is traveling in that part of the world, in the United Arab Emirates, and he says: "Over coffee the other day here in the gulf, an Arab friend confided to me something that was deeply troubling to him. He said, My 11-year-old son thinks bin Laden is a good man. For Americans, Osama bin Laden is a mass murderer. But for many young Arabs, bin Laden, even in defeat, is still Robin Hood. What attracts them to him is his sheer defiance of everything young Arabs and

Muslims detest," Friedman goes on, "their hypocritical rulers, Israel, U.S. dominance, and their own backwardness."

He then goes on to quote Steven Cohen, the Middle East analyst, who says, "We in America can't just go on looking at the Arab world as a giant gas station, indifferent to what happens inside. Because the gas is now leaking and all around people are throwing matches. Every day," he says, "I see signs that this war of ideas is possible."

And, indeed, we are involved in a war of ideas. I would like to commend again the book "Sacred Rage" by Robin Wright, as a very important contribution to our own understanding of the revolution in which we are engaged. In 1986, when this book was first published, and is now being updated, the author, Robin Wright, quotes Sajib Salom, the former Lebanese Prime Minister, who said, "The growth of Islamic fundamentalism is an earthquake."

She recounts from her own personal experience living in the Middle East the turning point of this revolution, centering it in Iran. Of course, the government that the United States of America had supported collapsed in Iran in 1979, the Shah of Iran deposed, something that the United States had not anticipated. And, in fact, his government at that time, serving as policeman for the entire gulf region. Well, shortly thereafter, in March of 1982, there was a huge conference in Tehran, where some 380 men with various religious and revolutionary credentials met at the former Hilton conference ballroom. Their goal was to help to create the ideal Islamic government.

As the government of Iran switched from a monarchy to a theocracy, they had many declarations that came out of that seminar, and she recounts this going back to the mid 1980s. The conclusions of the seminar in some ways were vaguely worded and riddled with rhetoric, but revolutions are that way, and Islamic militants, mainly Shi'a but including some Sunnis, and more recently even more of them, would launch a large-scale offensive to cleanse the Islamic world of the Satanic Western and Eastern influences that they viewed as hindering their progress, and they agreed to the following back in the early 1980s:

First, that religion should not be separated from politics; secondly, that the only way to achieve true independence, true independence, was to return to Islamic roots; third, there should be no reliance on superpowers or other outsiders, and the region should get rid of them; and, fourth, they recommended that the Shi'a should be more active in getting rid of foreign powers.

Dr. Marvin Zonis, at that time the director of the Middle East Institute at

the University of Chicago, had a stunning comment about the Psychological Roots of Shiite Muslim Terrorism in a Washington seminar, in which he stated this message from Iran: No matter how bizarre or trivial it may sound on first, second, fourth or 39th hearing, is, in my opinion, the single most impressive political ideology which has been proposed in the 20th century since the Bolshevik Revolution. If we accepted Bolshevism as a remnant of the 19th century, then, he argues, that we have had only one good one in the 20th century, and I would put the word good in quotes, and it is this one: Islamic fundamentalism. This powerful message will be with us for a very long time, no matter what happens to Ayatollah Khomeini.

As I end this evening, I would just commend this book "Sacred Rage," and say I will continue with briefings on this as the days proceed, and I submit herewith, Mr. Speaker, the newspaper article I referred to above:

[From the Toledo (OH) Blade, Nov. 26, 2001]

SHEDDING THE VEIL OF BIN LADEN (By Thomas L. Friedman)

DUBAI, United Arab Emirates.—Over coffee the other day here in the gulf, an Arab friend—a sweet, thoughtful, liberal person—confided to me something that was deeply troubling him: "My 11-year old son thinks bin Laden is a good man."

For Americans, Osama bin Laden is a mass murderer. But for many young Arabs, bin Laden even in defeat, is still Robin Hood. What attracts them to him is not his vision of the ideal Muslim society, which few would want to live in. No, what attracts them to him is his sheer defiance of everything young Arabs and Muslims detest—their hypocritical rulers, Israel, U.S. dominance, and their own economic backwardness. He is still the finger in the eye of the world that so many frustrated, powerless people out here would love to poke.

The reason it is important to eliminate bin Laden—besides justice—is the same reason it was critical to eliminate the Taliban: As long as we're chasing him around, there will never be an honest debate among Muslims and Arabs about the future of their societies.

Think of all the nonsense written in the press—particularly the European and Arab media—about the concern for "civilian casualties," in Afghanistan. It turns out many of those Afghan "civilians" were praying for another dose of B-52s to liberate them from the Taliban, casualties or not. Now that the Taliban are gone, Afghans can freely fight out, among themselves, the war of ideas for what sort of society they want.

My hope is that once bin Laden is eliminated, Arabs and Muslims will want to do the same. That is, instead of expressing rage with their repressive, corrupt rulers, or with U.S. policy, by rooting for bin Laden, they will start to raise their own voices. It's only when the Arab-Muslim world sheds the veil of bin Laden, as Afghans shed the Taliban, and faces the fact that Sept. 11 was primarily about anger and problems with their societies, not ours, will we eradicate not just the hardware of terrorism, but its software.

"We in the West can't have that debate for them, but we can help create the conditions for it to happen," remarked the Middle East analyst Stephen P. Cohen. "America's role is

to show the way to incremental change—something that is not, presto, instant democracy or fantasies that enlightened despotism will serve our interest. We can't just go on looking at the Arab world as a giant gas station, indifferent to what happens inside. Because the gas is now leaking and all around people are throwing matches."

Every day I see signs that this war of ideas is possible: It's the Arab journalist who says to me angrily of the Arab world today, "We can't even make an aspirin for our own headache," or it's Ahmad al-Baghdadi, the Kuwaiti professor, who just published a remarkable essay in Kuwait's *Al Anbaa* and Egypt's *Akhbar Al Youm* titled "Sharon Is a Terrorist—and You?"

[Ariel] Sharon was a terrorist from the very first moment of the . . . Zionist entity," wrote Baghdadi. But what about Arab-Muslim rulers? "Persecuting intellectuals in the courtrooms [of Arab countries], trials [of intellectuals] for heresy . . . all exist only in the Islamic world. Is this not terrorism? . . . Iraq alone is a never-ending story of terrorism of the state against its own citizens and neighbors. Isn't this terrorism? . . . The Palestinian Arabs were the first to invent airplane hijacking and the scaring of passengers. Isn't this terrorism?"

"Arab Muslims have no rivals in this; they are the masters of terrorism toward their citizens, and sometimes their terrorism also reaches the innocent people of the world, with the support of some of the clerics. . . .

"[Ours] is a nation whose ignorance makes the nations of the world laugh! The Islamic world and the Arab world are the only [places] in which intellectuals—whose only crime was to write—rot in prison. The Arab and Muslims claim that their religion is a religion of tolerance, but they show no tolerance for those who oppose their opinions.

". . . Now the time has come to pay the price . . . and the account is long—longer than all the beards of the Taliban gang together. The West's message to the Arab and Muslim world is clear: mend your ways or else" (translation by MEMRI).

We must fight the ground war to get bin Laden and his hardware. But Arab and Muslims must fight the war of ideas to uproot his software. The sooner we help them get on to that war, the better.

Ask the folks in Kabul.

GENERAL CONCERNS ABOUT OUR BORDERS, LAND, AIR, AND WATER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. SOUDER) is recognized for 5 minutes.

Mr. SOUDER. Mr. Speaker, I wanted to talk a little bit tonight about our north and south borders. We have general concerns in the United States about our borders, our land, air, and water, for any number of reasons; and our challenge is how to keep our trade flowing and our traffic flowing while still meeting our security concerns.

Drug issues are a big concern in this country, illegal immigration, and other products that are either illegal to come in, like Cuban cigars, or of particular importance in regional areas such as cheese or other products. And of course the big concern that all Americans have right now is terrorism. It is of particular importance on the northern

and southern borders of the United States, where trade with Mexico and Canada have become vital to the economic systems of our nations.

My Subcommittee on Criminal Justice, Drug Policy and Human Resources of the Committee on Government Reform is conducting a series of hearings over the next few months in both the north and south borders. Our first hearings were held at the Highgate Springs, in Vermont, on the Montreal-Boston interstate corridor, and in Champlain, New York, on the Montreal-New York City corridor. In 2 weeks, we will be having a hearing in Blaine, Washington on the Vancouver-Seattle corridor.

In addition to these hearings, we have also been systematically meeting with the Coast Guard on Lake Champlain and will be in Puget Sound with the Border Patrol, with INS, with Customs and DEA. We also visit some of the lower traffic ports of entry in each of these areas. Some of these in the past have only been manned part-time with one person. There are many areas along our borders, both north and south, where you can just walk across. These are clear challenges as we try to control not only illegal drugs and immigration and products but also terrorists from entering our Nation.

With these hearings, because of the importance of working with our neighbors, we have invited participants from the parliaments as well as business representatives from Canada and plan to do the same with Mexico. As a result of our first hearings, in which Parliamentarian Denis Paradis from Quebec participated, he asked me to come to Ottawa to discuss with the numerous committees and other parliamentarians, as they enter into the final stages of their debate on anti-terrorism legislation and immigration bills what we have passed here in this House.

I returned from Ottawa a few hours ago, after spending a day and a half with our Canadian friends and our U.S. Embassy, and I would like to discuss a few of the important points tonight, and probably get a little bit into these again tomorrow.

Twenty-five percent of all trade from the United States is with Canada. To put this in perspective, the trade crossing the Ambassador Bridge between Windsor and Detroit, not all the trade that comes through Detroit, the tunnels and the other bridges, just the Ambassador Bridge alone, the trade over the Ambassador Bridge in Detroit is greater than all U.S.-Japanese trade. All the trade with U.S. and Japan does not equal what goes across one bridge in Detroit.

As Canadian Parliamentarian Susan Whalen of the Windsor Riding has pointed out to me multiple times, it is not just trade and tourism, which are big, for example, our Speaker's State of Florida, if the Canadians do not come

down to Florida, it is not clear what would happen to the tourism business. Many United States Congressmen and women represent more Canadians at this time than the Canadians themselves in their parliament do. We have a big tourism exchange. Many people retire and go back and forth with their relatives.

But we also have workers across the border in Canada and in Mexico. In Windsor, there are 1,100 nurses who daily cross to meet the needs of the Detroit hospitals and the Detroit area hospitals. What are the people in these hospitals going to do if we wall off the borders or, as is currently happening, it takes 4 hours on many days? They are not able to get to the hospitals. The hospitals do not know how to staff. They are running into these problems on borders.

Clearly, we have to figure out some different methods of how we are going to do this long term because maybe a 2-hour is tolerable, but 4 hours is pushing the extreme. We have a 30 to 50 percent reduced traffic right now. What is going to happen if the traffic comes back? How are we going to meet the economic, the tourism, the trade and the workforce movement pressures?

Now, there are real reasons why traffic has slowed down. It is not just to spite either one of us on either side. There are real concerns. In the narcotics issue alone, we have seen a rise in illegal narcotics coming across from Canada, not just Mexico. BC Bud and Quebec Gold both are very potent forms of marijuana like we have never seen before in the United States. BC Bud is very near the levels in THC of cocaine. They have brought it into Indiana. Indiana has now become an exporter of marijuana to California and around the country. They bring it in, and they plant it in our soybeans and corn.

Quebec Gold is being shipped down to New York City and is right now more higher priced because of its potency than cocaine on the streets of New York. Ecstasy is coming in predominantly from Holland and Rotterdam into Canada and down, precursors for methamphetamine labs and meth labs.

Clearly, we have to work on the narcotics issues, but both nations have other concerns as well, and the terrorism, and I will get more into how both our parliament and their parliament are trying to address these concerns and balance the needs of both commerce and terrorism.

□ 2000

O.C. SMITH, SINGER KNOWN FOR "LITTLE GREEN APPLES" DIES NOVEMBER 24, 2001

The SPEAKER pro tempore (Mr. JEFF MILLER of Florida). Under a previous order of the House, the gentleman from California (Ms. WATSON) is recognized for 5 minutes.

Ms. WATSON of California. Mr. Speaker, I come to memorialize someone who was not only a constituent but a minister and a friend. The Reverend O.C. Smith was a jazz singer, a pop singer and minister.

O.C. Smith, a one-time jazz singer in the Count Basie band, found popular success in the late 1960s with songs like "That's Life" and the Grammy-Award-winning "Little Green Apples." When we walked into the sanctuary of his church on Sunday, there were big baskets of little green apples that were given out as a souvenir of his life; and little green apples grow into ripe red apples, such a symbol of who he was.

Smith officiated at a Thanksgiving service Thursday. I do not know whether he foresaw his immediate demise, but he had all of his children come from around the country. He had asked the Reverend Barbara King to preach for him on Sunday, and she was on her way from San Diego to Los Angeles when she heard about his death.

In early 1961, Smith auditioned successfully for the Count Basie band. He was the one who replaced the legendary Joe Williams.

After the Count Basie band, Smith worked the club and concert circuit across the country, toured the Far East for several months, and settled in Los Angeles afterwards. Columbia Records soon signed him on and expanded his repertoire. Many Members probably remember the successful "That's Life" which Frank Sinatra turned into a golden record years later. He obtained his first commercial breakthrough with "Son of Hickory Holler's Tramp" which became a big hit in Britain.

Then came his version of Bobby Russell's "Little Green Apples," winner of the Grammy Award in 1968. A year later Smith had another big R&B single, "Daddy's Little Man" in 1969 which hit number 9.

I guess there was a calling or an avocation. In 1980, Smith's life began to take a new direction after friends invited him to attend a Science of the Mind service, and later on he became the Reverend O.C. Smith. He felt the presence and he was called to come and administer to many celebrities, many professionals and just regular people.

The O.C. Smith I knew was kind, loving and always full of joy. He always had an uplifting word for you whenever you saw him, on the streets, in the theater performing, or in his church. I am very proud to say I was the only politician that he would allow to come up to the podium and speak and that he would endorse. The last time I saw him was in his church, but as we attended his church on Sunday, he was seen in spirit throughout that sanctuary.

We have lost not only a minister but a person who could make one believe in the Supreme Being being inside of you. We lost a performer. We lost a great and spiritual man which we shall re-

member forever, and particularly when we hear his version of God's "Little Green Apples." May he rest in peace and always be with us.

REVISIONS TO ALLOCATION FOR HOUSE COMMITTEE ON APPROPRIATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. NUSSLE) is recognized for 5 minutes.

Mr. NUSSLE. Mr. Speaker, pursuant to Sec. 314 of the Congressional Budget Act and Sec. 221(c) of H. Con. Res. 83, the concurrent resolution on the budget for fiscal year 2002, I submit for printing in the CONGRESSIONAL RECORD revisions to the allocations for the House Committee on Appropriations.

As provided by Sec. 218 of H. Con. Res. 83, I am increasing the allocations to accommodate House action on the President's revised request for defense spending. As reported to the House, H.R. 3338, the bill making appropriations for the Department of Defense for fiscal year 2002, includes \$17,347,000,000 in new budget authority and \$14,932,000,000 in outlays in response to the Administration's requested increase. I am increasing the allocation by those amounts.

As you know, the Committee on the Budget has reported separate legislation (H.R. 3084) that would, among other things, increase the appropriate aggregate established pursuant to H. Con. Res. 83 to reflect the President's revised defense request. It is my intention that this bill be passed freestanding or incorporated into one of the appropriations conference reports. In either event, it will be necessary to modify the language in H.R. 3084 to avoid duplication of the defense adjustment.

In addition, Division B of H.R. 3338 provides for the use of emergency-designated funds previously authorized in P.L. 107-38, Emergency Supplemental Appropriations in Response to Terrorist Attacks on the United States. Under the provisions of both the Budget Act and the budget resolution, I must adjust the 302(a) allocations and budgetary aggregate upon the reporting of a bill containing emergency appropriations. The emergency-designated spending provided in Division B of H.R. 3338 totals \$20,001,000,000 in new budget authority and \$9,347,000,000 in outlays.

Next, the conference report on H.R. 2620, the bill making appropriations for Veterans Affairs, Housing and Urban Development, and Independent Agencies for fiscal year 2002, included an emergency-designated appropriation providing \$1,500,000,000 in new budget authority to the Federal Emergency Management Agency. No outlays are expected to flow from that budget authority in fiscal year 2002. The allocations had previously been adjusted by \$1,300,000,000 in new budget authority and \$0 in outlays for the House-Passed measure. I am adjusting the allocations and budgetary aggregate for the difference in emergency-designated appropriations in the House-Passed and conference measures.

Finally, the conference report on H.R. 2217, the Interior and Related Agencies Appropriations bill, provided emergency-designated ap-

propriations for wildland firefighting. Those appropriations totaled \$400,000,000 in new budget authority and \$289,000,000 in outlays. Emergency-designated appropriations were not provided in the House-Passed measure.

To reflect these adjustments, I hereby increase the 302(a) allocation to the House Committee on Appropriations to \$701,447,000,000 for budget authority and \$707,946,000,000 for outlays. The increase in the allocation also requires an increase in the budgetary aggregates in \$1,666,635,000,000 for budget authority and \$1,615,644,000,000 for outlays.

These adjustments apply while the legislation is under consideration and take effect upon final enactment of such legislation. Questions may be directed to Dan Kowalski at 67270.

H.R. 3113, TANF REAUTHORIZATION ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Hawaii (Mrs. MINK) is recognized for 5 minutes.

Mrs. MINK of Hawaii. Mr. Speaker, I rise to advise this House that I have introduced a bill, H.R. 3113, which seeks to amend and reauthorize the Temporary Assistance for Needy Families program (TANF). H.R. 3113 currently has 49 sponsors. I hope that more Members will join in support of major changes to the TANF law that Congress enacted in 1996. The TANF block grants must be reauthorized next year. It is not too early to begin the review and discussion of necessary changes.

TANF replaced the Aid to Families with Dependent Children program, which had distributed welfare benefits since the 1930s. Benefits under the AFDC program were provided as an entitlement and although benefit levels varied from state to state, the overall system was regulated by the federal government. TANF repealed the entitlement and made much of the eligibility and program structure subject to state law.

TANF also imposed a cumulative lifetime time limit of 5 years on the receipt of benefits. TANF went into effect in 1996 and many of the families enrolled in the program are now reaching their 5-year limit. Five hundred families in Hawaii will be cut off in December of this year. In some states, thousands of families already have been cut off because the TANF law allows states to have even shorter time limits.

The recession we now are suffering cost 415,000 jobs in October 2001 alone. Thousands more jobs lost in November spread economic vulnerability through wider segments of our population. This vulnerability is especially severe for TANF families. In October, 111,000 jobs were lost in the service sector, where many current and former TANF recipients have been employed. Layoffs are especially harsh for TANF families that do not qualify for unemployment insurance and who are no longer eligible for welfare. Of the 415,000 people who lost their jobs in October, only 40 percent were eligible for unemployment insurance. Of the thousands of workers who are not protected by the unemployment insurance system, many are mothers who have left TANF for the labor market.

According to its proponents, TANF promotes labor market work as the way out of "welfare dependency." Yet most of the jobs that are available to recipients pay such low wages that fulltime employment does not raise their families above the poverty line. So even for TANF recipients who do have jobs, employment has not yielded economic security. TANF actually impedes recipients' efforts to move into jobs at living wages. TANF does not allow recipients to meet the work requirement by pursuing post-secondary education; it limits vocational education to one year; and it caps the percentage of recipients who can be counted as engaged in a work activity by virtue of vocational training.

TANF's work requirement stresses getting a job, any job, regardless of what it pays, what benefits it provides, and whether the combination of earnings and benefits are sufficient for a family to survive on. The failure of TANF to count post-secondary education as a work activity is its biggest hypocrisy and is one of the key problems H.R. 3113 seeks to correct. Research has long established that women with education beyond high school, especially a college education, are more likely to earn living wages.

Child care is another nagging problem under TANF. Without dependable and appropriate child care there is little hope for a parent to be able to stay in an employment situation. Under the Family Support Act of 1988, child care was an entitlement. TANF repealed the entitlement for individuals, making it even harder for poor mothers to assure care and supervision to their children while they are away from home meeting their work requirement. One of the powerful ideas in the 1996 welfare debate was the strong view that one of the ways to help children in welfare families is to find their fathers and make them provide child support. TANF requires women seeking welfare to disclose the identities of biological fathers and to help government locate them. It enforces these requirements with new sanctions reducing family benefits when mothers don't comply. These harsh provisions totally disregard a mothers' own best judgment about what's best—and safest—for herself and her children. What's more, TANF provides that all child support money collected by the government stays with the government as reimbursement for welfare.

What Congress needs to do is to undo punitive regulation of mothers on welfare. Instead, we need to encourage states to make job training and educational opportunities available to recipients so that leaving welfare for the labor market means leaving poverty. We need to make it possible for mothers to seek job training and education, as well as to keep jobs that pay living wages. We need to treat women on welfare the same way that we treat all women—with the respect, dignity, and rights we all cherish for ourselves.

TANF needs to take into account the many different reasons that people are forced to turn to welfare. Many poor mothers lack the skills needed to land better-paying jobs. They need access to training and education. Many cannot afford to be employed, because they lack child care or can't find affordable transportation or aren't assured crucial benefits such as health care. They need to be protected by all labor

laws, be guaranteed child care, and receive Medicaid benefits for as long as they are income-eligible. Some mothers suffer from substance abuse or mental health problems or debilitating illness or domestic violence. These mothers need access to treatment, recovery, legal remedies, and skills-building services before entering the labor market. All children desperately need loving care in the home. Their mothers need the resources and the flexibility to decide when their children need a mother's care, not that of a sibling or baby sitter.

I urge my colleagues to consider H.R. 3113, which seeks to: 1. Expand the definition of "work activity" to include education and job training at all levels as well as a parent's caregiving for a child under the age of six or over the age of six if ill or disabled or if after school care is not provided; 2. Stop the 5 year clock from running if the recipient is engaged in an allowable work activity, including education and job training; 3. Prohibit full family sanctions that punish whole families when the adult recipient doesn't meet a TANF rule; 4. Make paternity establishment and child support enforcement voluntary, while encouraging cooperation by directing all child support collections to the family; 5. Count treatment for domestic and sexual violence, mental health problems, and substance abuse as "work activities"; 6. Prohibit states from establishing "family caps" that withhold benefits from a child born to a mother on welfare; 7. Replace the "illegitimacy bonus" with a poverty reduction bonus for states that lower poverty rates the most; 8. Restore the child care entitlement for TANF families when the parent enters the labor market or in a work activity leading to participation in the labor market; 9. Guarantee equal access to TANF regardless of marital or citizen status and enforcement antidiscrimination and labor laws, as well as due process guarantees; 10. Stop the clock for all TANF families during recession and temporarily restore TANF eligibility for families who have exceeded their time limit but who are otherwise eligible (recession equals 5.5% unemployment rate or higher); 11. Provide incentives to states to provide programs to reduce barriers to employment, to offer job training, and to encourage education; and 12. Stipulate that the statutory purpose and goal of TANF is to reduce child and family poverty.

These changes will put TANF to work helping mothers parent in dignity and helping children grow up with economic security. I urge my colleagues to join in support of H.R. 3113 by co-sponsoring this legislation.

ECO-TERRORISM, THE CHARACTER COUNTS PROGRAM, MISSILE DEFENSE, AND MILITARY TRIBUNALS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Colorado (Mr. MCINNIS) is recognized for 60 minutes as the designee of the majority leader.

Mr. MCINNIS. Mr. Speaker, this evening I want to take a few minutes to talk about a number of subjects which I think are very important, espe-

cially considering the times that we are in.

The first subject that I want to talk about is domestic terrorism. Specifically, I want to focus in on ecoterrorism and talk a few minutes about that.

Second, an exciting program which has been implemented in many schools across the country, the program Character Counts. This evening I am just going to do kind of a teaser on it and discuss some of the elements of the program, but I intend later to go into much more depth about the program and why it would be important for my colleagues to try to encourage their local schools to adopt the program Character Counts.

Then I would like to move on to a subject which I have addressed many times, and that is missile defense and the importance of missile defense.

I would also like to touch on the military tribunals that the President has proposed for war criminals, not for American citizens but for those individuals who have committed acts of war against the United States.

Keep in mind that military tribunals were first used by George Washington, Abraham Lincoln and President Roosevelt. The United States Supreme Court on a number of occasions has found that military tribunals are constitutional, so our discussion this evening about military tribunals will not be on constitutionality because that issue has been determined. Our discussion this evening should center more instead on why they are necessary, why they are important and of what benefit are military tribunals to the United States of America in its continued and long-lasting fight against terrorism worldwide.

Let me begin with terrorism on a domestic picture. For some reason, over the last few years there seems to be kind of a Robin Hood image given to those people who are so dedicated to the environment that they think that their dedication to the environment justifies acts of terrorism against the property of others and at some point in time against humans and other citizens in the United States.

This Robin Hood picture is kind of being played on by the media. It is not a noble act. Environmental terrorism is not the way to accomplish their means. There are many active organizations in this country who care very, very deeply about the protection of the environment. Many of us on this floor, including myself, care very deeply about the environment.

Obviously, on many occasions we have a difference of opinion. In fact, on this House floor, the two sides of the aisle are sometimes urban versus rural. We have deeply held differences with the people from the other side of the aisle or with our colleagues from another State. For example, in Colorado

we generally find ourselves with strong differences on issues of Colorado water when we discuss that issue with Members from the State of California, which is a large user of water from the Colorado River.

But never on this floor, never on this floor do we engage in conversation or strategy or do we engage in the actual act of terrorism against our colleagues who disagree with us on this floor. We have never even heard of that. It has never been considered. If it were considered, it would be quickly squashed by my colleagues under our own self-policing process. Members just do not do it.

In America we have a process which has been defined more accurately against September 11, a process which allows us a legal venue to carry these disputes. There is no justification for domestic terrorism. I do not care whether we are talking about a bomb on the Greenpeace ship, or a threat on an abortion clinic, or if Members are talking about organizations like ELF, which is an organization completely focused on accomplishing goals for the environment through the tool of terrorism. It has no place in the United States of America.

Recently, I contacted a number of environmental organizations across the country and asked them to join me, to join my coalition, my coalition consisting of several of my colleagues' joint effort with me, our coalition, to come out as a group and speak against, regardless of which side of the spectrum Members are on, come out as a coalition, just like we have done for international terrorism, to come out as a coalition and speak against domestic terrorism under the name of the environment.

I have actually been a little surprised by some of the responses I have received. Over the weekend, there was a nasty article in the *Denver Post*, a letter to the editor. It is amazing how people squirm to somehow say why do you ask us to join your team against environmental terrorism? Do you think that we are terrorists? I have never said that. Organizations like the national Sierra Club, other organizations, I do not think that they are terrorists. But there are some organizations that, under the guise of the environment, are terrorists, and they commit acts of terrorism.

It is justified to ask every legitimate organization in this country to join the coalition that we are putting together to speak out as a unified voice, to speak out against acts of terror and against those people who think that it is the lesser evil for protection of the environment.

I had some negative responses to my letter, asking, not accusing anybody of terrorism, asking them to join our team, kind of like the President said, you are either with us or you are not

with us. The same context as this letter. Hey, join us, help us. Because, frankly, environmental organizations like the Sierra Club, like some of these other national organizations, a lot of people look to them for guidance on the environment.

In a lot of cases I disagree with the national Sierra Club, not so much with the local but the national policies, especially when it regards the Colorado Rockies in my district. But the fact is I have never considered that organization or the organization of Greenpeace a terrorist organization. They do not advocate it. I have never seen any evidence that they are proponents of terrorism.

On the other hand, these groups are nationally recognized, and perhaps some of the radicals who are committing ecoterrorist acts will listen to what these organizations say and listen to their experienced opinion that terrorism does nothing but hurt the cause. It does not help forward the cause of the environment. Committing acts of ecoterrorism, as they did in my district and throughout this Nation, those acts did not further the cause of the environment.

In fact, what it does is it makes the people who really care about the environment, the organizations like the national Sierra Club and others, it kind of draws them in by association. Even though they are not associated, it draws them in by association and starts to give a black eye to what otherwise might be a legitimate cause.

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So why would someone not join our effort, our coalition? I got some positive responses, though, and I think some very mature responses, one might say, very well thought-out responses. I would like to read one of them from the Natural Resources Defense Council:

DEAR CONGRESSMAN MCINNIS and CHAIRMAN HANSEN:

Thank you for your letter of October 30 in which you and your colleagues invited us to repeat our long-held position concerning violence by some who claim to be part of the environmental movement. Let me state, therefore, that the Natural Resources Defense Council unequivocally condemns and abhors any act of violence committed in the name of environmental protection. Violence has no place in the struggle to protect the earth and its people from the ravages of pollution and exposure to toxic chemicals. There is no excuse for fire bombings and other acts of violence that you have detailed in your letter. We are blessed to be living in a country where people are free to have differing opinions on matters of public policy. Moreover, it is especially at times such as these when we see the horrible way in which disagreements are handled in other countries that we appreciate our American tradition of honest, forthright and civilized debate. As you know, the Natural Resources Defense Council's more than 500,000 members from all 50 States feel strongly that our children have entrusted the earth to us for safekeeping until they are ready to assume their place as lead-

ers. We will continue to fight what we consider bad public policy with every legal means at our disposal. And as we find ourselves in agreement on at least one issue, that violence has no place in policy debate, I want you to know we would be pleased to discuss environmental policy issues with you, your colleagues and your staff at any time that is convenient.

And that is signed by the executive director.

That violence has no place in policy debate. There are lots of policy debates on environmental issues, but as it was very clearly stated in this letter, as I have very clearly stated on a number of occasions, violence has no place in this public policy debate.

Over the weekend, I had an opportunity to write a response in the *Denver Post*. I would like very briefly to read this and put this as a matter of record. Let me say that in regards to ecoterrorism, this is not something that has happened since September 11. We suffered a horrible loss in our district, not horrible as compared to the horrible loss we have suffered over at the Pentagon and New York City. Those two do not compare, other than the fact that they are both acts of terrorism. Unfortunately, we had horrific loss of life on September 11.

But what is happening with ecoterrorism in this country is gradually and over time throughout and probably riding this kind of concept that they are a Robin Hood or that it is the lesser of two evils, that somehow terrorism is justified in environmental policy arguments, we begin to see groups like ELF, which is the Earth Liberation Organization, and ALF, which deals with the animal rights group, we are beginning to see that these organizations are becoming bolder and bolder in their acts of property terrorism; and soon unfortunately I am afraid that these acts of property terrorism such as burning down the lodge in Vail which was a \$12 million lodge and by the way as a result of them burning down this lodge, the ELF organization, what happened is now we had to use twice as many logs as we would have used before, they have put a lot of people out of work.

There was clearly no justification for this, but they are becoming bolder. One of these days by accident or intentionally they are going to take human life, all in the name of the environment, which as I stated and I would like to repeat this letter because I think it is an outstanding letter from the Natural Resources Defense Council which, by the way, is a very well-respected, very active environmental organization.

Bombing and fire bombings have no place in this argument. Acts of violence have no place in the policy debate of the environment.

Let me read my response:

"Several comments attributed to me by critics are at best taken out of context, a self-serving manner in order to

make their case appear stronger. As America begins the long haul back following the monumentally tragic events of September 11, we all have to come to more fully appreciate and understand the cancerous effect of terrorism on free and civilized people. Now more than ever, America knows in its collective heart of hearts that terrorism, no matter its form, and no matter its motivation, is intolerable. Whether it is crashing a plane into the Pentagon, sending a mysterious white powder to an abortion clinic, burning up a Greenpeace ship or burning a Vail lodge into the ground, terrorism has no place. I am chairman of a House subcommittee charged with overseeing our national forests. One form of terrorism is high on the committee's radar screen, ecoterrorism. While not as menacing or destructive as the terrorist attacks of September 11, environmentally motivated violence has nonetheless reached such a level that the FBI now recognizes it as one of America's primary domestic terrorism threats. Let me repeat that. The FBI now recognizes it as one of America's primary domestic terrorism threats. Shockingly, ecoterrorists continue their war against American communities, fire bombing a biomedical research lab and a Federal facility just days after America was rocked by Osama bin Laden and his network of terrorists.

"Ecoterrorism is not an imagined problem. Environmental vigilantism is on the rise and it is for real. Recently the national dialogue about ecoterrorism took a heated turn when a handful of environmental groups objected to a letter written by myself and several of my colleagues urging organizations to openly disavow the action of ecosaboteurs like the Earth Liberation Front and its sister organization, the Animal Liberation Front.

"ELF, as the Earth Liberation Front is known, and ALF, as the Animal Liberation Front is known, have reigned terror on communities in all corners of the United States over the course of the last decade; setting fire to homes, academic research labs, government buildings and many businesses.

"Colorado has not been immune from this type of ecoterrorism threat. In 1998 ELF's henchmen burned a \$12 million ski lodge in Vail to the ground. In all, these groups have prosecuted a campaign of terror with a price tag well over \$40 million, and it is just a matter of time before human life is taken.

"Alarming, ELF and ALF, and other like-minded radicals, have found refuge in certain circles of the popular press. Instead of being forcefully condemned, too often these groups have received a wink and nod and a rhetorical pat on the head from those who view environmentally motivated violence as a lesser evil in the furtherance of a greater society of good.

"A National Public Radio guest commentator, and I stress guest commentator, when recently reporting on a series of arsons in Arizona, then thought to be the handiwork of ecoterrorists, offered a shocking on-the-air endorsement of environmental push saying she would be happy to buy matches for the ecoarsonists the next time they were prepared to strike."

I should add, taking away from the letter for a moment, that National Public Radio readily acknowledged that this should not have been on the commentary, that it was not professional journalism, and I can tell my colleagues that National Public Radio apologized. I felt they acted in a very professional manner, but let me continue.

"In 1999, a story in the Portland Oregonian chronicled a subtle and sometimes not so subtle, claim that certain members of mainstream society offer groups like ELF. It is exactly this kind of thinking and rhetoric that fuels the destructive tendencies of environmental terrorists. If America is going to get the upper hand on ecoterrorists, we have got to strip away the Robin Hood mystique and perceived moral high ground that some gleefully give these radicals which brings me back to the letter of the environmental groups.

"The purpose was not to impugn or otherwise link organizations like the Sierra club to ELF or ALF, and nothing in my letter could reasonably send that impression. The letter has just one purpose, to send a powerful message to the ecocriminals of ELF and ALF and their sympathizers that even those who share a similar environmental ideology deny and reject the use of terror as a tool to promote those thoughts.

"Notwithstanding the self-serving criticism and outrage coming from the lips of certain excitable commentators, this letter is singly targeted at building a cultural coalition against environmental terrorism and provides the opportunity for those who care about the environment to openly express distaste and disapproval of ecoterrorists. Those who commit these shameless acts of terror should find themselves with no support because all of us can unite against it."

My point is this, that environmentally motivated terrorism is not noble. It is not a noble act, and it is not some kind of lesser evil in pursuit of greater good. It does not work on domestic terrorism in this country. We have policy debate and acts of terror have no place regardless of how deep one feels, regardless of how intense the debate becomes.

We have a system in the United States that allows remedy, that allows claims to be heard. We have the freedom of speech in this country. All of these rights that were written by our Bill of Rights and are protected by our

Constitution were put in there for the very purpose of avoiding utilization of the tool of violence as a way to dissolve or resolve domestic dispute. So I intend to be very aggressive in my continued pursuit against the ecoterrorists of this country.

I want my colleagues to know that this pursuit started well before September 11. In fact, we attempted and were eventually successful at subpoenaing the spokesman for the ELF organization, and I would like to read that letter very briefly, the response, so that my colleagues understand what kind of individuals that we sometimes deal with.

This is a letter from a guy named Craig Rosebraugh. Craig is the spokesman of, although I understand he has recently resigned, was the spokesman for the North American ELF press office; and by the way, my colleagues ought to take a look at their Web site. If my colleagues think that I am exaggerating things, take a look at the Web site of the Animal Liberation Front, ALF, put it in a search. Just put ALF in a search and take a look at it or put ELF in a search.

The Earth Liberation Front, now their particular Web site, look it up, take a look at what they talk about is justification within the borders of the United States to further their policy position. They advocate, they encourage and I think they coordinate acts of destruction and acts of terrorism.

When we served this gentleman with a subpoena, first, however, before I served him with a subpoena, I asked him to voluntarily come back. This is the response I got:

"Dear, Mr. McInnis: I received your letter, whether or not I am available to testify at the upcoming hearing regarding the emerging threat of ecoterrorism on the national forest lands. It is unclear to me why my testimony is desired at such a function. Furthermore, the topic of discussion appears, at least to me, to be somewhat vague, with no stated goals in mind.

"By addressing the subject of ecoterrorism threat on national public lands, are you referring to the ongoing destruction caused by the State itself along with industry as both continue to exploit and alienate the natural resource wilderness and ecosystems for this country for the sake of profit or it is a given subject in reference to the State and mainstream media created label which attempts to place a negative stigma on those actions attempting to place life in front of profits?

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"In answer to your question am I available, the answer is no. I see no value, unless I am mistaken in your intent, in cooperating with the same state," referring to the United States, "in cooperating with the same state that is directly responsible for the ongoing murder and exploitation of life,

both within this country and internationally." And it is signed by this guy.

This is the leading spokesman for this radical organization. They are not environmentalists, they are terrorists. There are a lot of organizations in this country that you can label environmentalists that are legitimate and, in my opinion, on a number of occasions there are issues I actually agree with. But they represent the views of a lot of people in this country. These are organizations that speak for a lot of people, like the Natural Resources Defense Council, but they do it in a legitimate fashion.

This should no more be accepted than bombing an abortion clinic. In my opinion, a bombing of an abortion clinic or burning down the Vail Mountain lodge, burning it down to the ground, and putting a bomb on the Greenpeace ship, those have no place in our society. And we as a society, regardless of where you stand on an issue, whether you are pro-life or pro-choice, whether you consider yourself a Sierra Club member or not a Sierra Club member, whether you like Greenpeace or do not like Greenpeace, we can all come together as a coalition.

We can all speak as one voice, that environmental terrorism has no place in policy debate in this great country that we have, because this great country has become great because there are platforms, such as this platform, that allow us to have policy debates, as we have day in and day out in this great chamber of this House of Representatives.

So I would urge people, my colleagues across the country, representing places across the country, speak up against eco-terrorism. Emphasize that while someone may have deep, deep beliefs about an environmental issue, that at no time is there justification to pull out a pack of matches, as that commentator in Arizona said she would supply, at no time is there justification to go to Vail, Colorado, and burn the lodge down; at no time, if you are pro-life, is there justification to go after somebody who is pro-choice, or vice versa, pro-choice after pro-life. It just does not fit. It is not the policy of this Nation. We should not tolerate it for one moment.

Now, I hope that we can come together, and I hope our law enforcement agencies, the Federal Bureau of Investigation, our State investigative agencies, Alcohol, Tobacco and Firearms, whatever law enforcement arm we need, will be able to crack down on the individuals who believe that terrorism is the correct tool to use to further their cause, regardless of what that cause is.

Well, enough for that. I think it is important. I want to visit now on some other issues. I intend however to come back when I make comments to my

colleagues and talk about environmental terrorism and talk about the importance of eradicating terrorism within our own borders, going after it, stopping it. This is how policy debate ought to be handled.

Now let us move to another subject which I have seen a lot of discussion on lately in the last few days, discussion, as if this were an unconstitutional movement by the President of the United States, and that is military tribunals.

The President of the United States, who has done a very, very able job of leading this country in a time of need, in a time of war, has proposed to do just exactly what previous great presidents have done when this country has been in a time of war, and that is to take war criminals, whether they are Nazi war criminals, or whether it is Osama bin Laden or some of his lieutenants. These people are war criminals.

This is not a traffic violation or a civil violation or a U.S. code criminal violation or state code criminal violation. These are acts of war committed against the United States of America. Throughout the history of this country, for justice for those people, we have had military tribunals. Military tribunals were first utilized by George Washington at the beginning of this country, the birth of this country. Abraham Lincoln used military tribunals. Roosevelt used them in the war.

Two times in the forties, as recently as the forties, the military tribunals in and of themselves were questioned in regards to constitutionality, and on both occasions the United States Supreme Court has ruled that military tribunals are constitutional within this country.

So do not let people divert your attention on these military tribunals by saying it is an unconstitutional act, or somehow we are leaving what America is all about. America is about defending its borders. America is about bringing justice to the people who bring great harm outside the borders of this country to the inside of the borders of this country.

America is a strong Nation and should not bow to the politically correct who are afraid they might offend some of these war criminals. These war criminals are not going to have their rights violated. What rights do they have?

How many rights did those people in New York City have when those towers tumbled, or, not very far from here, when the Pentagon was hit? Oh, sure, they are going to be granted certain rights, as they should be, during their trial. But I will tell you, they are not entitled to what an American citizen should be entitled to on a civil or criminal dispute, outside of an act of war. This is an entirely different picture. This is an act of war that we are

talking about. So you are comparing apples to oranges.

When you talk about a crime committed outside of an act of war in the United States, that is entirely different than talking about an act of war committed against the United States of America.

Now, why are these military tribunals necessary? First of all, understand that any time, and take a look at the spy cases we have in our own Nation, one of the easiest tricks in the book for a defense attorney if they are defending under our current legal system, if they are defending a spy, for example, one of the first things they would do is to issue a subpoena to try and force the government to open up secrets, for example, everything they can open up, whether or not if it has the faintest thing to do with their case, like open up the CIA.

I can just see it. If you were defending one of these people who committed this act of terror against the United States, the defense attorney would want to know all our secrets about the satellites that located the person for their arrest, all of our financial spy network that was able to locate how this person got their money, all of our communication equipment. They would want to know publicly and they would disclose it publicly. Why do they do that? These defense attorneys want to drive a plea bargain. That is exactly what happens in spy cases.

Take a look at the most recent spy cases, any of the last five most recent. That is why plea bargains were driven, in part, because of the information that our intelligence services would have to disclose, that our enemies would love to get their hands on. So military tribunals avoid that.

The military tribunals also do other things. It is a tested method for bringing these individuals to some sort of justifiable trial.

Now, can you imagine, where are you going to locate this trial? It allows us to hold them on military bases. Can you imagine, you do not have to have juries that are disclosed publicly, like a civil jury would be or a criminal jury today in America is.

So what I would say my comments tonight are not extensive, not extensive on these military tribunals, but before you buy into the rhetoric that they are unconstitutional on their face or they are somehow unfair, take a look at the legal history, take a look at the legal history of this country, and you will find out that while they are different than a bank robber might be tried, for example, the type of tribunal or the type of court system that a bank robber would go through, in fact they do allow defense for the defendants. They do allow the defendants certain rights, but it is taken in a different context.

It is viewed by this country and by the United States Supreme Court as an

act of war against the United States, and it is justified to have these types of military tribunals, this type of venue for remedy, not only for the country, but a remedy that provides legitimate protections to the defendant, while not going overboard to the politically correct sometimes theory that we ought to just open the door and let these defendants get the best of everything we have got in this country and force disclosure of some of this Nation's top secrets.

So, give it a chance. Read about these military tribunals. Everyone from the Wall Street Journal to the New York Times, there has been lots printed just in the last 2 weeks. But I think when it all comes down to the bottom line, colleagues will agree with me, or most will agree with me, that military tribunals have a legitimate place in our justice system, and that that legitimate place has found a proper venue under the circumstances that our Nation faces today.

Let me move on. Let me visit about a real positive program called Character Counts. Now, I intend later on this week, I hope, or perhaps early next week, to have much more, many more extensive comments in regards to this program.

This is a program that has a Board of Directors that are nonpartisan. In other words, it is not a politically driven program. It is not sponsored by the Democrats, it is not sponsored by the Republicans. It is a program that was put together by leaders, various national leaders, leaders of the communities, leaders of religion, leaders of community groups, all types of facets of society.

The way the program was put together was people were invited to come together and say, look, what do we need to do for our young people in this country? How can we define the word "character?" What can we do to bring character back as a process of our education of our younger generation? How can we once again deploy character into maturity when we speak of the youth of this country? How do we do this, and how can we do it in a way that is not racially offensive, that is not religiously offensive, that is not political or partisan in any fashion whatsoever?

So this group of people got together, and I will go into this in much more depth in the next week or so, but this group of people, to summarize it, got together and said, hey, let us define the elements of character, in other words, the characteristics of character, and see if we can come to an agreement. And they did come to an agreement.

They wanted to call the program Character Counts. You know, whether you are in the Boy Scouts or whether you are in the Girl Scouts or in some other type of organization, all religious organizations, community, activist or-

ganizations, all of these have as a fundamental base character. That is what it is about. The greatness of this country was developed through the character of its leaders, through the character of its citizens, through the character of the everyday person who believes in honesty, who believes in hard work, who believes in diligence. That is what has made our Nation great.

But that trait is not an inherited trait, those traits. It does not just automatically appear in our young people. It has to be taught and it has to be taught not only in a classroom sense, it has got to be taught by example.

So we, too, have to adopt those characteristics of character and follow those, and we have to deploy the education of those characteristics of character in our schools and in our educational system in hopes that character begins to replace what some people would say is not politically correct, that it is not politically correct to talk about character.

It is politically correct to talk about character. It is a very important thing to the foundation of our Nation.

Let us look at the various elements that I have over here to my left. Character Counts. Trustworthiness. As you will see as we go through these characteristics, there is not one of these on this chart that any of my colleagues could object to, not one, and put together as a unit, it is a very powerful message to educate, not only ourselves, but our young people, and to take into our schools. Character Counts. Trustworthiness.

Responsibility. The ability to trust. The ability to be responsible, responsible for the actions that you take, responsible for the work product that you come out with, responsible for your family, responsible for yourself, responsibility.

Citizenship. You know, one of the horrible things that has occurred to our country in many, many decades, some would argue throughout the history of this country, although I would argue perhaps the Civil War was more of a horrible thing, but you take a look September 11. What has it brought out? There are some good things that have emerged from that horrible, horrible disaster.

□ 2045

One of them is, people now are taking a much more positive view towards citizenship and what it means to be a citizen in the United States of America and what kind of price we have to pay to make this country and to continue this country to be the greatest country in the history of the world. Citizenship is a big part of it.

Recently, there was a book by Tom Brokaw, and that book I think was titled "The Greatest Generation." I do not agree with that title. I do not think there has been a greatest genera-

tion. I think every generation has great people within it. I think every generation in the history of this country displays the greatest, not just one generation, although certainly the generation that Tom Brokaw talks about that my father and mother were involved in, the war effort, et cetera, these were great people. But every generation has great people, and we can continue, and I think we can measure greatness through trustworthiness, through responsibility, through citizenship, and respect. Respect is an important element in our society.

Mr. Speaker, when I grew up, my folks, I never was able to call anyone that was more than 1 or 2 years older than me anything other than Mr. and Mrs. In fact, there are friends of my parents today that I have known for decades and I could not tell my colleagues their first names. I have always known them as Mr. Delaney or Mrs. Delaney or Mr. Jackson or Mrs. Jackson or Dr. Jackson, et cetera, et cetera.

Respect. When I was growing up, we always opened the doors for the elderly, or for women. And I realize that society changes on some of these things, but respect can be demonstrated in many, many different ways, and every generation has a different way of demonstrating that, a different use for respect. But respect must make the transition from generation to generation. It is an important element of character.

Fairness. I think fairness has been demonstrated clearly by President Bush in his response to those acts of terror on September 11. The United States has a reputation for fairness. That is what has made it the greatest country in the history of the world. When we talk to people about the United States who have a nonbiased view of the United States, they will talk about the fairness in the United States. Fairness, it is important. Not only is it important in education, it is important in every aspect of our lives, fairness and caring.

Think about caring. We go over, and I have heard a number of people, and we have held the war in awe about our military machine in Afghanistan. But if people think our military machine has been mighty and something to behold, wait until they see the American feeding machine. We are over there in Afghanistan and we care about the people over there that did not commit an act of wrong against this Nation. We care not to make innocent people the victims if it at all can be avoided.

This country does not go in and take care of its business and then walk out. This country has gone on, it has gone after the war criminals, and it will hunt them down one by one and destroy their empire piece by piece. But the innocent citizens, the citizens who have now seen liberation, liberation of

playing music, liberation. This winter, with the tough winter, they will see more food in that country than they have seen in many, many years, because the United States of America cares about those people.

Mr. Speaker, the United States of America cares about people other than themselves. There is no country in the history of the world that has done more charitable acts, contributed more foreign aid, helped more countries in need than the United States of America, and that is because the United States of America cares.

So these are the elements of Character Counts.

Now, when I continue my comments later on in the week or early next week, I am going to really talk about the structure of the Character Counts program and why that program is important for all of my colleagues to encourage their local school districts to deploy within their classrooms, to utilize as one of their core courses, so to speak. Because I think in the end, by relooking, by reemphasizing responsibility, by reemphasizing to our young people through our educational process responsibility, the caring, take a look at this, the citizenship, the fairness, the trustworthiness, the only winners by educating Character Counts are us, our Nation and our future.

Let me wrap up. Let me conclude my remarks with a final subject, a subject which I have talked about on a number of different occasions, and that is missile defense.

Many people in the country today are especially aware of the military might of the Nation, and they are asking a lot of questions that we never thought of asking before. Mr. Speaker, prior to September 11, many people in this Nation thought that wars were fought outside our borders and that what we worried about within our borders were domestic murders, for example, an act of violence like that. No one imagined that we would have the strike against this Nation that took place on September 11. Now people do, and many of my colleagues' constituents are beginning to ask the what ifs: What if we had another act of terrorism? What are the acts of terrorism? What if we had a biological attack?

And one of the questions that needs to be asked is what if a missile were launched against the United States of America? What if the United States of America were the victim of a missile attack? What could the United States of America do to defend itself against a missile attack?

Remember, a missile attack, a missile being launched against the United States of America does not necessarily have to be an intentional launch. We could very easily have a missile launched against the United States of America that was an accidental launch. And if we do not think acci-

dental launches cannot take place, take a look at what happened over the Black Sea about a week after the September 11 event when the Ukrainian navy accidentally fired a missile into an airliner and blew it out of the sky. These accidents happen, and it could happen to the United States of America.

I think it is important today that we all stand up and support the President's determination to put in place for this country a missile defense system.

Now, most people believe that if a foreign country fired a missile against us today, that our NORAD command center, which is located in Colorado Springs, buried deeply within a granite mountain, that NORAD would quickly pick up on its radar and on its devices the fact that a missile has been launched; and that is, in fact, accurate. They would pick it up, in fact, within a few seconds. NORAD could tell us that a missile has been launched. It could tell us the size of the missile, it could tell us the speed of the missile, it could tell us the approximate target of the missile, and it could tell us the estimated time of arrival of the missile. But, after that, there is not much more NORAD can do.

A lot of our citizens, I say to my colleagues, assume that we then would fire a missile to stop it or somehow we could defend ourselves. But all we can do today is quickly advise Oklahoma City or somewhere else, hey, there is a missile, an in-bound missile, and it is going to strike at this point in time. That is all we can do for you.

Today, our responsibility has risen to a higher standard as a result of the events of September 11, and that standard is to follow the President's lead and deploy within the borders of the United States of America a missile defensive system that will protect its citizens, that will provide a defense for the security of this Nation. Failure to deploy a missile defensive system is, in my opinion, gross dereliction, gross dereliction of our constitutional duties to protect the security of this Nation. This is critical that we put this type of system into place.

Now, some will tell us, wait a minute. There is a treaty out there called the Antiballistic Missile Treaty. It is a treaty between the USSR and the United States of America that prohibits either country from building a missile defensive system. That treaty ought to be trashed. That treaty has within its four corners, and it is contained right here, let me show my colleagues. It allows, the legal rights of that treaty called the Antiballistic Missile Treaty, it allows within its four corners each party, in exercising its national sovereignty, have the right to withdraw from the treaty. It is a right to withdraw, the right to withdraw. We are not abrogating the treaty. We are not breaking a treaty. We have the right to withdraw from that treaty.

But it is subject to one condition, and that condition is that if it decides extraordinary events relating to the subject matter of this treaty have jeopardized its supreme interests. Have extraordinary events jeopardized the supreme interests of the United States of America since this treaty was signed between Russia and the United States? The answer is clearly and undebatably yes. It has changed for Russia, and it has changed for the United States.

Take, for example, the proliferation of missiles, the proliferation of missiles that have taken place since that treaty, countries that possess ballistic missiles. Look at them. Afghanistan, Algeria, Argentina, Belarus, China, Croatia, the Czech Republic, Egypt, France, India, Hungary, Iran, Iraq, this list goes on and on. When that treaty, the Antiballistic Missile Treaty was signed, there were only two nations in the world capable of delivering these missiles. It was the United States and Russia. Whether or not we agreed with the merits of the treaty at that point in time, surely today we would agree that the circumstances have changed dramatically, that it is in both Russia's best interests and the best interests of the United States of America that we provide the people of this Nation not further offensive missile capability but defensive missile capability.

Every peace advocate in this country ought to be a stronger advocate of a missile defense system. Why? Because it could possibly avoid a war.

Let us say that some country launches accidentally. Let me tell my colleagues, the consequences of being able to stop a missile over the ocean or stop it before it gets very far off its launching pad, dealing with those consequences are much easier to settle than dealing with the consequences of a missile landing on a major city in the United States of America.

Mr. Speaker, the time has come. The time is here today to follow the lead of our President, and that is to deploy a missile defense system for the defense of this country. Every one of my colleagues, in my opinion, has an inherent, an inherent obligation, an inherent responsibility to provide the constituents, the citizens, and the people of this Nation security on the home front by putting in place and deploying a missile defense system.

At some point in the future, at some point in the future, a missile will be launched against the United States of America. That is my opinion. And if we today, while we have the opportunity, fail to provide a defense against that missile, how could we ever, ever face ourselves again in a mirror and say that we carried out our responsibilities for the protection of this Nation?

Mr. Speaker, I will continue to speak strongly, because I feel deeply committed about our obligation, I say to my colleagues, to provide our citizens,

to provide the people of this Nation a security blanket, and that security blanket in a missile defensive system, is one that is technically available, it is economically available, and it is an absolute must.

Again, I repeat, it is an inherent obligation of the leaders of this Nation, and we are leaders in this Chamber, to follow our President's lead and to put that security blanket of a national missile defense system in place and to do it without haste or waste.

□ 2100

We can do it. I expect that we will have to do it much sooner than later.

THE SUPERIORITY OF THE DEMOCRAT STIMULUS PACKAGE

The SPEAKER pro tempore (Mr. JEFF MILLER of Florida). Under the Speaker's announced policy of January 3, 2001, the gentleman from New Jersey (Mr. PALLONE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, during the Thanksgiving recess or break, I had a longer period of time to talk to my constituents about many issues that they are concerned about, and I was particularly concerned about the state of the economy, and about so many people now that continue to lose jobs who have been displaced because of the events on September 11, in particular.

I have to say, Mr. Speaker, that my district, being so close to New York and to the World Trade Center, we did have many people, maybe almost 200 people in the two counties that I represent, who died in the World Trade Center tragedy. So people are still concerned about terrorism. A lot of attention is focused on the war on terrorism overseas, certainly, as well as security issues here at home.

But I also noticed that although people still focus primarily on those security issues, that many of them are suffering. The economy is not what it used to be. Of course, this past Monday we had the official economic experts who proclaimed that we do in fact officially have a recession; that the recession in fact began last March and was accelerated by the tragic events on September 11.

So I come here tonight urging my colleagues to pass an economic stimulus package. We only have 3 or 4 weeks now before Christmas, and probably only 3 weeks, maybe 4 weeks, that Congress will continue to be in session before the end of the year. I think it is incumbent upon us during this period to pay attention to the economic needs and to the suffering that more and more Americans face, and try to do something about it by passing an economic stimulus bill.

Mr. Speaker, we know that when talk first began on how Congress should ad-

dress the economic aftershocks of September 11, Members pledged to work together across party lines on a bipartisan basis to create a stimulus package. However, in just a few weeks after the attacks on the World Trade Center and the Pentagon, the House Republican leadership broke off talks with Democrats and essentially crafted a stimulus package of their own, which I maintain primarily benefits corporate interests and wealthy Americans and not the displaced workers and not the people who are losing their jobs, not my constituents that I am talking to when I go home.

On October 24, the House actually passed, strictly on party lines, 216 to 214, the Republican stimulus package. I wanted to talk a little bit this evening about why I think this Republican bill is not the way to go, why it cannot be the basis for any compromise that would ultimately pass the House and Senate and be signed by the President.

I also had the opportunity a week ago during the Thanksgiving break to do a press conference with one of my colleagues, the gentleman from New Jersey (Mr. HOLT), and also with the president of our New Jersey State AFL-CIO, Charlie Wowkanech, representing some displaced workers, and in particular one displaced worker who was a limousine driver, who basically expressed the concern that he has for himself and his family over the fact that the economy has moved into a recession, and what it means to him in a real sense.

I mention that because when I say that the Republican bill does not address the crisis that we face, the economic recession, it is not out of some ideology, that I am opposed to the Republican bill, but just because I do not think it works. I do not think it will accomplish the goal of ending the recession, getting the economy back on track. Something like the Democratic alternative is more likely to accomplish that goal and also more likely to be the basis for some kind of bipartisan package that we can all support and get signed into law by the President.

The Republican bill, very much like the Bush tax plan that was passed earlier in the year, was loaded with tax breaks to the rich and big business. The legislation made no mention of unemployment benefits for displaced workers and does not adequately address the issues of health benefits for those workers, as well. It just basically does not provide for stimulus and any kind of relief or any kind of benefits for displaced workers.

The reason this Republican bill will not stimulate consumer demand is because it does not focus on low- and middle-income families who are most likely to spend money. It does little to protect those who lost their jobs and may lose their health insurance benefits.

Where it does address the issue of possibly dealing with unemployment compensation or health benefits or other benefits for displaced workers, it basically gives monies to the States and asks them to try to allocate the funds in some way that would help displaced workers. But Mr. Speaker, that could take months; and it could likely be very uneven, and it really was not very much money compared to all the money that was going to the tax breaks, primarily for corporate interests and wealthy individuals.

The Democratic proposal, the Democratic alternative, the Democratic economic stimulus package, included unemployment benefits, health insurance premiums, and rebate checks for low- and moderate-income workers who did not qualify for rebate checks issued under the original Bush tax bill that we passed earlier this year.

It also has additional spending on programs for domestic security that probably would result in hiring people, many of whom have lost their jobs, and therefore spur the economy by getting those people back to work.

I just want to give, if I could, Mr. Speaker, a brief synopsis of some of the finer points of the Democratic proposal and then contrast it with the Republican bill and explain again why I think one is much more likely to accomplish the goal of getting us out of the recession and actually the goal of trying to get something passed.

With regard to income support under the Democratic bill, individuals who exhaust their 26-week eligibility for State unemployment would be eligible for an additional 52 weeks of cash payment funded entirely by the Federal Government. Individuals who do not meet their State's requirements for unemployment insurance, in other words part-time workers, would receive 26 weeks of federally financed unemployment insurance. So it goes directly to the problem of people who are not eligible or have limited options with regard to unemployment insurance.

With regard to health care benefits, under the Democratic proposal, the Federal Government would fully reimburse eligible individuals for their COBRA premiums. Individuals who do not qualify for COBRA and are otherwise uninsured would be eligible for Medicaid, with the Federal Government covering 100 percent of the premiums. These health benefits would last for a maximum of 18 months.

Under the Democratic proposal, we try to get a rebate check to low- and moderate-income workers who did not qualify for the rebate checks issued earlier this year under the President's tax plan. They would receive a one-time payment of up to \$300 for a single person and \$600 for married couples.

People in this income category who are suffering would spend this money immediately, and it would certainly

help with any kind of economic recovery.

The other thing the Democratic package includes, as I mentioned, is domestic security upgrades. Infrastructure is addressed in order to try to deal with potential terrorist problems.

The package on the Democratic side includes up to \$9 billion in spending programs to improve our Nation's infrastructure to protect against terrorism. Included would be funding for bioterrorism prevention and food safety programs, local police and fire departments, border security, airport security, and highway, bridge, and tunnel improvements.

These upgrades would require more workers. Obviously, these are all the types of things, this is the type of spending, that would result in more jobs and take people off the rolls of the unemployed.

Let me just contrast, if I can for a minute, for a couple of minutes, the Republican alternative. The Republicans, of course, call it an economic stimulus package, but it really is just an extension of the Republican tax cut bill that the President sought and successfully got passed in Congress earlier this year.

The Republican stimulus package was basically crafted to respond to the business lobbyists, whose favorite tax breaks were left out of the \$1.35 trillion tax bill that the President proposed earlier this year. If we look at the bill for the year 2002, next year, nearly 90 percent of the bill is tax cuts and only 11 percent would provide benefits to unemployed workers and their families. I am not going to mention all of them, and I see I am joined by one of my colleagues here.

Just to give a little example of where 89 percent of this money goes, it is pretty much to corporate interests. The Republican bill has a repeal of the corporate alternative minimum tax. It not only repeals it, but it allows companies to receive refunds based on past AMT payments dating back to 1986.

The AMT raised only \$3.3 billion in 1998, but this Republican provision costs \$25.4 billion in 2002. It is an incredible giveaway, essentially, to large corporations.

A multinational government-financed tax break. The Republican bill allows multinational corporations to defer U.S. income taxes on profits from certain offshore activities, so long as they are kept outside of the country. How is that possibly going to help with any economic recovery here at home?

The capital gains tax rate. The tax rate on income from capital gains would be reduced from 20 percent to 18 percent for taxpayers in higher brackets, and from 10 percent to 8 percent for those in the 10 to 15 percent brackets. Over 90 percent of this tax cut would benefit the top 10 percent of taxpayers who have incomes over \$100,000.

Then we have acceleration of the reduction of the 28 percent rate to 25 percent. It has already been cut. But this change does not benefit the 75 percent of taxpayers who are in the 15 percent bracket or lower.

I could go on and on talking about all the tax breaks that are in this Republican bill. The bottom line is that universally, almost, we have seen independent analysts, editorials in the Nation's leading newspapers, pointing out and essentially rejecting this GOP economic stimulus bill because it will not achieve the goal of stimulating the economy and trying to get us out of this recession that has now been declared.

Mr. Speaker, I yield to my colleague, the gentleman from North Carolina (Mr. ETHERIDGE), if he would like to speak.

Mr. ETHERIDGE. Mr. Speaker, I thank my colleague, the gentleman from New Jersey, for yielding to me. I also appreciate his leadership on this very important issue, because it really is important.

Mr. Speaker, we talk about a lot of things here in this people's House, but today the American people face a war on terrorism, not only here at home and around the world, but we also face an economic recession here at home, as my good friend, the gentleman from New Jersey (Mr. PALLONE), has so eloquently talked about. It has now been verified by the economists who do these things.

I think the American people have come together like I have never seen them in my lifetime since September 11. I know in my district, I have always thought it to be a fairly patriotic place, and I think they are; but I have seen more American flags flying as I travel across North Carolina than ever in history, certainly, over the past 10 weeks.

In Congress, we need to do our part to help people address the economic problems that they now face. I think that is what we are talking about tonight. We face probably one of the greatest challenges when we talk about the issue of terrorism as a result of September 11 that I think we have faced probably since World War II, and we saw evil in this country unlike we have ever seen it before. The economy was already slowing down, as many know. That did not help it at all. That attack, I think, really pushed us on the brink of and into a recession.

Many sectors of our economy have been affected adversely by that attack. In October, as an example, the unemployment rate jumped a half a percentage point, to 5.4 percent. That is a 5-year high. I have not seen the latest numbers, but that was the biggest monthly increase in 20 years. So this year we have seen the economy go from having a surplus to something we are not sure what we are going to have as

it relates to our budget when we end this year.

Last month, the U.S. manufacturing activity plunged to the lowest level in more than a decade, and it is clear that we are hurting across the board. No sector of our economy is immune from this economic slowdown, and my district has been hit particularly hard. Not only does it have a lot of high tech in it, it has a lot of farming interests; as a result of that, a lot of manufacturing and textiles and furniture.

We have just seen people lose their jobs by the hundreds and by the thousands. Today I call on this Congress to come together and pass an economic stimulus package that gets people back to work.

□ 2115

It will get our economy rolling again, and it will impact people, the people that work, the people that are unemployed, the people that need to buy groceries, people that need to buy clothes for their children and medicine. And a package that passes should strengthen the economy by investing in America's workers and small businesses and not by passing massive tax breaks for wealthy corporations. They may need a tax break, but they do not need to be first in line. They have already been first in line once. They do not need to line up again.

I have got people in my district who have been unemployed and their benefits are running out and it is now moving toward Christmas-time. The thing we ought to be doing is what we did in our Democratic package by extending unemployment benefits for those who do not have a job. Help them across these tough times so they can find a job.

Let me make sure that all my colleagues understand, and I think they agree with me, or most of them do at this point, that we support the President 100 percent in his battle against terrorism. Because it is all of our battle. It is a battle that we have to win. And he needs our support, and he has it. And I think all Americans, Democrats, Republicans, Independents, Liberals and Conservatives, are together on this behind our Commander-in-Chief on this effort against terrorism.

But on the economy, that is a different matter. Because I believe the House Republican leadership was absolutely wrong to ram through this House a special interest tax break and calling it a stimulus package.

It really was not a stimulus package. It did not help the people that need help. That is how you stimulate the economy. You help people that will spend money.

It is amazing to me in January and February and every time since then we have said to the American consumer, get out and spend money. Buy things at Christmas.

It is kind of hard to buy things if you do not have any money, and you cannot borrow it if you do not have a job. That is basic economics.

The American people do not need assurances that these tax cuts will get the economy back on its feet. What they really need is a job.

I have got people in my district who want to work. They just want a place to go to work. They want to provide for their families and keep their homes in order, pay their bills. They do not need pats on the back and rhetoric about the strength and spirit of the American worker. They need a job. That is all they want, a place to work.

I say to my colleagues, praise does not pay the bills, and you cannot cash encouragement. We need a package that will produce real results for those affected by this economic downturn. That is how we are going to shorten the cycle and get this economy going again. Congress must take effective action of passing legislation that will help our economy grow and create jobs. You do that by helping the people who work.

We can start by funding some common-sense ideas. They are very simple, and there have been a number of editorials in some of the major papers in the country. We have got ready to go construction projects. We are going to spend the money over the next several years. Why not speed them up and put thousands of people to work? We could build airports and do airport security, things we need to do for terrorism, put the security in place faster, put people to work.

There is a lot of infrastructure that needs to be put in place. We have got thousands of children across this country, thousands in my home State. We could be spending some of the money on school construction. That would put a lot of people to work and improve the quality of education, and it would say to our communities what is most important to them is that we are planning for the future and not looking to the past.

Because we have a lot of communities, my community, the gentleman's, everybody in this body that is seeing any kind of growth that is facing this job problem, and I certainly have fought for school construction. I know my colleague, the gentleman from New Jersey (Mr. PALLONE), has. He has talked about it many times.

I remember when I was State superintendent, I fought the issue, and I am still doing it. I have seen more school principals talk to me as I have been in schools, and I go about every week. They tell me how vulnerable they feel they are on security with children outside in trailers separated from the main building. When it rains, they get wet. When it is cold, they have to put on a jacket to go inside to the bathroom, the library, et cetera. We could

do something about it. Why not do something like that?

In my State alone there are over 5,600 trailers in use. That is an increase of 16.4 percent in just the last 5 years. Now, granted we are a fast-growing State, as many others are, but we also have some very poor States.

A full 10 percent of the students in North Carolina go to school in a trailer. I would not make that point if we were not doing our part. But we have counties that pass bond issues, large bond issues. I know of one county that just passed one by 70-some percent, the second bond issue they have passed in less than 5 years, and they still cannot catch up because they are growing so fast.

Rather than give huge tax breaks to huge corporations, I think the stimulus package ought to focus on putting people back to work, getting children out of trailers and back in classrooms and in secure areas where they ought to be.

We have a bipartisan school construction bill in this House committee with more than enough Members on it to pass it. Why cannot we get it to the floor? The leadership knows it will pass. They just will not let it come to the floor to pass. The American people need to know that the majority of the Members of this United States House will pass it, if we can get the leadership to put it on the calendar. They will not put it on the calendar.

That is the kind of economic stimulus we need. It not only provides jobs but it will provide opportunities in the future, and it will make a difference in America by funding these kinds of worthy projects like these and others.

Like we say in North Carolina, we can kill two birds with one stone. We can improve education, security at airports, bridges, roads, a multitude of other things that are out there that we are going to do, but we have to jumpstart the economy and put people back to work. These are high-paying, high-quality jobs that will return tax dollars not only to the Federal Treasury but to local and State treasuries and improve the quality of life across this country.

I also believe that an economic stimulus package should address the needs, as I said earlier, of these people who have lost their jobs through nothing they have done wrong. They have gone to work every day. They have put in a good day's work. They come home. They contribute in the community. They are members of booster clubs, PTAs, and they go to their churches and fire departments and rescue squads. And not only have they lost their jobs, but, as a result of it, they have lost their health insurance and the children have lost health insurance.

Why is that so important? Because when that happens they do not get the physicals. They do not get the health

insurance. Some of them may not even be able to get the emergency care they need. And if they do get it they go to the emergency room, and all of us pay if they cannot afford to pay.

A great number of people who have lost their insurance, they lost it when they were laid off. In some cases, it was extended for a period of time. Others lost it as soon as they were laid off.

The recovery bill that the House, the Democratic piece of it that we put forward that obviously did not pass because we did not have the votes, would cover health insurance costs for a portion of those workers and pay a piece of it when they went back to work. The one that did pass, that the majority passed through, would cover very few. It just will not get the job done.

I think one of the scariest things that can happen to a young family is to have children or have a health care problem and know that if they get sick you have no assurance of any kind of quality health care and, in some cases, no health care because they do not have the insurance in case of an emergency.

And I can state, having been superintendent of schools for the State of North Carolina, one can tell very quickly those children who come from homes who could not have health care benefits because they will not have the kind of quality care they need, and we see the results in the classroom. Many of these families, as I said, have small children. They certainly need that help.

It is clear to me that we can and should and must do that, and I trust that the other body will send us a stimulus package with some of those pieces in it that is fair to all of those people in this country.

I also believe we should increase the level, as I said earlier, of unemployment benefits for those who have lost their jobs, because it has not been increased since the 1980s. And certainly the cost of living has gone up, the cost of buying food. Probably the only thing we have seen go down lately is gasoline prices, and they will probably go back up.

But the truth is, if one is unemployed and does not have the resources, one really does need something of a crutch to get to the next job until the economy turns around, and this will help.

Since the last recession, which is now almost a decade ago at the beginning of the 1990s, unemployment benefits have not kept up with the cost of living. And there are a lot of folks who are recognizing that now, who find themselves for the first time, in some cases, in their career, unemployed, without the resources to meet basic needs. As a result, workers are hit awful hard when they lose their jobs, especially those who have not been there before and may not have saved the money to meet even the basic needs.

People simply cannot survive off unemployment benefits these days. Unemployment insurance never was meant to take care of all of the needs. It was meant to take care of basics while a person was looking and getting back to work when jobs are available. And I believe that is an essential component of any economic package. It ought to have it in there. It ought to be a part of it, and we ought to get that done.

We are now almost to Christmas. We have been here all year, all year, and it still is not done. We have a long agenda of things yet to be done.

And there is another piece that we ought to deal with, and I trust any kind of final package that passes will be in it, is if we are going to have tax rebates, we ought to extend it to those who did not get it last time. And I am convinced those folks who, incidentally, who paid taxes, they pay them in in FICA and other taxes, they just did not pay enough in to meet the threshold to get the 300 or 600. But they will spend every penny of that money on those kind of necessary benefits, not a new car, but things like food and clothing and the utility bills, things they really need money for.

That is how you stimulate the economy. When you get money, you spend it. You do not stash it away. They will put it back in those luxury items that all of us think about, as I said, in food, clothing, medicine, heat and shelter. That is the kind of stimulus package we need that will make a difference.

A number of experts such as former Treasury Secretary Robert Rubin and even Chairman Greenspan have said, any kind of package we pass ought to be for the short term. It ought not be long term. It ought to be no more than 18 months at the most, 2 years at the outside. Simply because if you add it in longer than that, what do you do? You build inflation into the system. The last thing we need at a time when we really are trying to jump-start an economy, we are not trying to run it over the cliff. That is the difference. You just want to give it a jump-start.

I think it is very simple that Congress has the power and in my view has a major obligation. This is something we could and should do to take these actions on behalf of the American people. Because it is not just the people who are unemployed that are hurting. They are just hurting a whole lot more than others. There are a lot of small business people who are hurting, also. And, yes, large corporations, many of them are, too, because they are not moving goods at the level they were.

You do it when you have the unemployment level for the majority of people working, and we need to help get it back together. I think the House Republican leadership has a real choice, and I trust they will take the right road. They can lead, follow or get out

of the way and let somebody else provide the leadership to get the job done.

It is so important now at a time when I think the economy is where it can move forward and move very quickly if we did the right things. But if we do the wrong things, if we do the wrong things, and I pray we do not, we could find ourselves facing the same kind of problems that we faced in the early 1990s, 1991, 1992, with huge deficits as far as the eye could see, and it took almost 10 years to turn it into a surplus.

There are those who are now saying we could very well be facing deficits all over again, and I think the leadership in this body needs to make sure we pass us a stimulus package that is responsible, that is focused, that is short term, that gets people back to work but does not break the bank. It has to be paid for. It has to be paid for, and I think it should. And it is important that we help those who did not get help last time. This should be a stimulus package, not another tax package.

□ 2130

Mr. PALLONE. First of all, I want to thank the gentleman for what he said. I think he laid out very well why we need a stimulus package, because of the recession, that is now actually ongoing for over 6 months based on these experts and what they said this past Monday, and also pointing out why the Democratic alternative, or something like it, is the way to go.

A couple of things the gentleman mentioned I just want to dwell on a little bit. The biggest problem with the Republican proposal is it is not really a stimulus package at all, but just a continuation of the tax breaks that were not included in the Bush tax proposal that was passed earlier this year. And as the gentleman says, most of what is in the Republican bill are permanent tax breaks, so it is not only not designed as a temporary measure, but it is something that will have a long-term impact on the budget and, as a result, more likely to result in significant deficits down the road.

That is not what we should be doing now. First of all, most of the money goes to big corporations who do not necessarily have to bring it back into the economy. But even more so it is permanent tax breaks that could lead again to the situation we faced 10 years ago.

A lot of people do not understand this. Even now I find a lot of my constituents saying, when we talk about the deficits, well, why is that meaningful? But I really believe the deficit spending was a major problem in the economic decline that we had before this last 10 years. And the fact that President Clinton in particular was so successful in turning that around and making a surplus was a major reason why we had the sustained economic recovery for so long.

Mr. ETHERIDGE. If the gentleman will yield to one other point, and he brought it to my attention when making his last point. The Federal Government, or any government entity for that matter, but by and large the Federal Government because they can go into the equity market and get any amount of money they need to get by just driving the rates up, and of course that happened and was happening in the 1980s and into the early 1990s. And of course what that did is crowd out private opportunities to get in unless they are willing to pay higher and higher interest rates. And we have seen lower interest rates in the 1990s with tremendous economic growth that literally most of the economists did not understand originally because of what was happening.

But one other point on the proposed tax bill, and I really call it a tax bill because of what it was on the alternative minimum tax and others that went all the way back to 1985. My State of North Carolina, and 24 other States, find themselves this year in tough economic times because of the downturn. They are facing tough budget situations.

Mr. PALLONE. New Jersey as well.

Mr. ETHERIDGE. New Jersey as well, and most States. But in that package, quietly hidden, when you repeal some of the pieces they wanted to repeal in it, my State gets hit with something like \$170 million or \$180 million the first year, almost \$200 million dollars, when the General Assembly has been in the longest session in history struggling with one of the biggest deficits, almost a billion dollars in the State budget, struggling with how to work that balance of making major cuts without cutting all the services, and ultimately, in the end, struggling with how they would balance cuts with additional revenues to get there. And that kind of hit would tip them right back over the edge again and we would see major cuts in education and other vital services.

I do not think anyone intentionally did it; I believe they just do not understand. We have to do a better job so they will understand it and will not make those kinds of mistakes. Because not only will we be in trouble at the Federal level, but I think we stand on the verge of pushing a lot of States into deep trouble. I trust my colleagues in the majority will understand that and back away from that kind of mistake because I think we are getting ready to run right over the cliff.

Mr. PALLONE. I agree with my colleague. What we have discussed tonight is not that easily explained. We just elected a new governor, a Democrat in New Jersey, we are very proud of Jim McGreevey, who will be sworn in in January. But the first day after he was elected, and he has not even taken office, he realized it was very possible

the State may be in deficit several billion dollars. And if as a result of that there have to be cutbacks in services, in jobs, that is only going to aggravate the economic situation in the State.

It is difficult. I explain to my constituents why during the 1990s President Clinton was so successful in turning the economy around and having a surplus, that the long-term interest rates went down and that that was a big factor. Then people will say, yes, but right now the Federal Reserve has stepped in and we have short-term interest rates, and they keep getting lower and lower. But the long-term interest rates continue to rise.

So as my colleague says, if we are looking to these companies, large or small, to make investments in infrastructure and create new jobs, they cannot get the capital to do it with those kind of long-term interest rates. It is not easy to explain to people, but it is there. That is the reality.

Mr. ETHERIDGE. The gentleman's point is well taken, because the equity markets are based on the stock market. They understand these things. There is a reason why the long-term rates, and I really believe this, and the people who follow it will say this, there is a reason why they are not coming down. They see what is happening right here in Washington, and if the out years of the revenue of the Federal Government, the taxes, start to drop off, and expenditures of the dollars we have going, at some point we will cross that and the Federal Government will be back to borrowing money and it will drive the rates back up.

That is why it is so important that we do smart things. Smart things. We can do a combination of probably all of it. I always tell folks, and I know some of my colleagues chuckle when they hear me say this, but I grew up on a farm in eastern North Carolina, and I always remember something people used to say, and that is "Pigs get fed, hogs get slaughtered." And when you decide to get too much, you get in trouble.

If we have a mix of helping, as we talked about earlier, helping those who have lost their jobs and giving some money for unemployment benefits and health benefits, and then we help business a little bit, then all of a sudden the whole economy comes up together. But if we weight it too much to one piece, then it tilts over. And we have been through that in the past, as my colleague pointed out earlier. We recognized in the early 1990s that it had to change and we changed that. And then what did we see? We saw people moving into jobs and working that had not worked in a long time. We had the lowest unemployment we have had in as long as I can remember in this country. Virtually full employment.

Mr. PALLONE. That is true. The other thing the gentleman mentioned

that I wanted to just mention briefly is that it is a little deceptive out there. I know the day after Thanksgiving is the biggest shopping day of the year. And my district I would say, certainly if you look at it nationwide, is a fairly affluent area; and we saw all the people running to the malls, the lines at the malls. And so people will say to me, gee, everybody is going shopping; things must be good. But as my colleague says, it is only true for the people that have the money.

I found when I went home for the longer period of time that we had last week that there are people who have lost their jobs, there are people that are suffering, and those lines getting into the mall do not indicate what is really going on out there. I hope that retail sales go up, and that that is another reason for the economy to come back. I certainly encourage it. But there are a lot of people suffering.

The one person I mentioned earlier that we had at this press conference with the labor leaders in the State that most stuck in my mind was this limousine driver. As my colleague knows, I am only about 50 miles from New York City, and we had a lot of people that died at the World Trade Center on September 11. And as a result of what happened in terms of transportation as well as the economy, there just are not as many people using limousines, let us face it. So this guy is still working, he is still driving his limousine and working hard, and he explained where he is getting his riders from and the whole thing. But at the end of the week he was only paying his expenses, which were huge between the limousine and the gas and everything. And so he continues to work, but he does not have anything to show for it at the end of the day.

Now, how long can somebody continue to do that before they have to pack it in? And I only mention it because, obviously, as the gentleman says, people want to work. They are not going to give up. He is obviously dipping into his savings, because September 11 is how many months? It is about 2 months now almost. At some point he will not be able to continue because he is not making enough money to continue to sustain himself.

Mr. ETHERIDGE. He is a lot like a lot of our farmers. They are staying in business, but they are living off their equity. He has his limousine service and his equipment is depreciating. But if he does not make a profit, pretty soon he will not be able to pay his employees and his equipment will wear out.

We had a meeting in my district, and my colleague, the gentleman from North Carolina (Mr. PRICE), joined me several weeks ago. I remember distinctly we had two unemployed workers with us, really nice ladies. One of them worked for Midway Airlines. As a

result of September 11, they had to shut down. We hope they will get back up, but she lost her job immediately. She had two small children. And she says, I want to go to work. She said, I need to work; I need the insurance. She had worked for something like 6 or 8 years for the company, and all she was asking was an opportunity to work. She was not asking for anything else. She said, I cannot make it with my two children; I cannot buy insurance. That is why it is so important to have it funded at a level when I am unemployed so at least I can cover my children.

Another lady had worked for a textile firm 33 years, and she lost her job. She said you cannot imagine how you feel when you back up to the door and load up everything you have worked with for over 30 years in the back of that truck and carry it home with you and you do not have a job. She was not old enough, obviously, to retire on Social Security. Seems, as I remember, she was in her late 50s. Had worked all her life.

Just delightful people who want to work. And I think that is an obligation that we have, to help build that bridge for those people who really do want to get back in the workforce, who want to participate in this economy, want to help America grow. And that is how we build the wall against terrorism at home, by helping strengthen our economy and giving people a chance to participate in one of the great economic successes in the world.

It really is the American worker, it is the person who is at the door of the business, it is the person who helps clean the offices, it is the person who works on the production line, who works in the service station, any number of places, wherever they may be. They are really the heart and soul of the economy in this country. And we in this body, in my opinion, not only have a responsibility but we have a moral obligation to help them out.

Mr. PALLONE. I do not think we are going to use our whole hour, but I did want to mention where we sort of are, because the gentleman and I both mentioned the House bill, the Republican bill, which we do not like, and the Democratic alternative.

There does seem to be some hope in the sense that, and I am looking at this news summary from yesterday, or I guess it is from yesterday, and it says that in light of Monday's declaration that the economy has been in recession since March, the President urged lawmakers to finish work on an economic stimulus package by Christmas. So he is out there saying that we should try to get together and pass a package. And then Senator DASCHLE, from the other body, called on our Republican colleagues to join us and begin discussions on a bipartisan plan for economic recovery.

My understanding is that what happened in the other body, in the Senate, and I use that term "other body" because that is what we have to use, that there really are two conflicting bills and neither one has the 60 votes I guess to achieve cloture.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. JEFF MILLER of Florida). The gentleman is reminded not to quote individual Senators.

Mr. PALLONE. They do not have the 60 votes, I guess, to achieve cloture; but they have said they are going to try to sit down and work something out. Again, we just need to remind everyone that there is only maybe 3 weeks or so before the Christmas break; and if we do not get together on some kind of bipartisan proposal, we are not going to get anything passed.

□ 2145

I say that because I know there has to be some give and take. But, on the other hand, I think unless something like the Democratic proposal is the basis for a compromise, we are not going to see anything passed because this tax giveaway to the corporate interests that is in the House Republican bill, I do not see how that can be a basis for any bill that passes the two bodies and goes to the President.

I do not like to read editorials, but I want to quote a few sections of an excellent editorial in yesterday's New York Times because I think it explains what needs to be done here in the next few weeks. This was in yesterday's New York Times.

"Congressional Countdown. Congress has only a few weeks left before adjourning for the year. Yet there is still no legislative agreement on measures to boost the economy and improve protections against terrorist attacks. President Bush needs to break the impasse on both issues, or legislators will go home covered with failure.

"Ideally, Congress should quickly pass a balanced fiscal stimulus bill aiding those who need help most without widening deficits in the years ahead."

They say, "Right now there are two competing stimulus bills, and the one supported by most senators is by far the better. It would channel tax breaks and spending to those most hurt by the economic downturn, whereas the bill pushed by House Republicans would cut taxes disproportionately for the rich and for big corporations."

I yield to the gentleman because it sounds like everything we have been saying tonight.

Mr. ETHERIDGE. Mr. Speaker, I think it would be inappropriate not to make this point tonight. There is a finite amount of money. The gentleman has said it, and the editorial has said it, and I mentioned it earlier. That is why it has to be paid for. If it is not paid for, and people should not mis-

understand this, that money is coming out of the Social Security Trust Fund if it is not paid. The people who will be paying for that disproportionately are the lowest wage earners in the country because they are the people that pay into that system and they are depending on that. All of us are depending on it for our Social Security money down the road. If we take it out now, we know we are going to have needs down the road. We know we are going to have problems, and that cannot happen.

It is one thing to have one group over here with a panel talking about saving it and putting the money in the stock market and the other to spend it in this House. That would be horrible. That would be horrible to the American people. We should not do it. Whatever we do, we should pay for it.

Mr. PALLONE. Mr. Speaker, basically this editorial juxtaposes what can be done to achieve a compromise. It says, "Congress could reach a financially responsible compromise if Republicans dropped their worst ideas, a speed-up of the tax cuts enacted earlier this year for the wealthiest Americans and a separate measure to make it easier for big corporations to pay no taxes at all. The final bill could then focus on tax breaks, tax refunds and health benefits for the poor and working poor, while helping small- and medium-sized businesses with adjustments in write-offs for depreciation and expenses."

The Democrats are willing to provide tax breaks and help business, particularly small- and medium-sized businesses. But the bottom line is that this stimulus package at the same time does have to address the concerns of displaced workers, the health benefits and the unemployment benefits that the gentleman has mentioned. This stalemate does not have to continue, but there is not a lot of time. I think it is important, as we did tonight, to continue to speak out over the next few days and to point out that this is a major issue.

Mr. Speaker, I was happy before we left that we got the airline security bill passed, and I thought that was the number one priority. But in light of the recession and what we are seeing out there with the economy, this is now the most important priority that we need to address in the next few weeks.

With that, I thank my colleague, the gentleman from North Carolina (Mr. ETHERIDGE).

U.S. IMMIGRATION POLICY

The SPEAKER pro tempore (Mr. JEFF MILLER of Florida). Under the Speaker's announced policy of January 3, 2001, the gentleman from Colorado (Mr. TANCREDO) is recognized for 60 minutes.

Mr. TANCREDO. Mr. Speaker, tonight I want to address several issues, one dealing specifically with a lot of the discussion that has preceded my remarks this evening. It is always interesting and elucidating to listen to my colleagues discuss a variety of issues, in this case the stimulus package and the difference between the Republican position and the Democratic position in this House.

I think it is appropriate. I am very pleased to hear that kind of discussion because it does help clarify to a large extent the issues that separate the two parties and the two philosophies.

On the one hand, as Members have heard, the Democratic Party suggests that a stimulus package, something to stimulate the economy, revolves around extending unemployment benefits. On the other hand, the Republican stimulus package with which they disagree revolves around primarily giving tax breaks to the rich, specifically to large corporations.

One deals with organizations that actually create jobs in America and create wealth; and the other deals with a social service plan, a welfare plan.

Now, I am not here and I do not intend to challenge the idea of extending unemployment benefits. It may be a fine idea under certain circumstances. I could certainly be inclined to vote for it. It has nothing to do with an economic stimulus package. Giving people longer unemployment benefits has nothing to do with creating jobs and changing the direction of the economy and getting us out of the recession, I believe. But it is nonetheless a legitimate point of view to be discussed and debated in the House, both sides offering their observations as to what might help the economy and what might help get American workers back to work.

But I am intrigued by the fact, Mr. Speaker, in all of the discussions and in all of the debates I have heard and in the monologues that have been offered on the floor about an economic stimulus package, not one word from either side has been mentioned about what I consider to be a very significant and a very logical approach to at least one part of the economic stimulus package. It should be in there and it is not, and that to which I am referring, of course, is the number of aliens in the country, people who are not citizens of the United States who are taking jobs, who are here, some of them who are here illegally in the workforce and others who are here quite legally under H-1B visa status.

Let me concentrate on the latter for a moment and explain what we are talking about with H-1B visa status. It is a special category of visa. It is designed to bring people into the country who have specific skills in more high-

tech fields, white collar workers, primarily in the high-tech area, the computer sciences, computer programming and the like.

For a long time businesses came to this Congress and told us that they did not have enough people in the United States with the kind of background and the kind of skills necessary to fill the jobs they had available for them. As a result, they asked us for a special visa category, H-1B, which we have had for a long time. But they asked us to increase the annual allotment of H-1B visas which this Congress dutifully went along with, although not with my vote. I believed at that time and I believe today it is a bogus argument. It is not based upon our need for workers of a particular skill, but it was based on a need for large businesses in the United States, certain corporations, to employ people at lower rates. It is as simple as that.

Recognizing that they could import workers into the United States and pay them less than an American worker would demand, these H-1B visa recipients became in great demand. So we raised the level. We raised the ceiling to 295,000 a year.

Now, there are approximately, we are not sure because the INS has absolutely no idea, and I often refer to the logo for the INS and it is this: A shrug of the shoulders. That should be their sign. INS is just a person shrugging. Because almost without exception when you ask them a question, when you ask them how many people are still here in the United States having come in on H-1B visas over the years, have not gone home, maybe they have lost their jobs, we do not know, they say we do not know. Maybe around 500,000, 500,000 to a million. The INS does not know for sure.

Now, let us settle on the 500,000 that are here. Remember, we are not talking about all of the other immigrants that have come into the country, all of the illegal immigrants that are in the country working, working at jobs that again we always hear Americans will not take. Well, is there anyone in this body, Mr. Speaker, that actually believes that today in the United States there are not at least 500,000 people, American citizens, who are looking for jobs specifically in that area? We know that at least that many and more have been laid off from that particular industry, the high-tech industry. It is horrendous, and there are more layoffs to come. We will be hearing in the next few weeks and months of more layoffs, especially in the high-tech area. Yet we persist with allowing 500,000 H-1B recipients to take jobs in the United States that could be provided for American citizens.

Why would that not be part of an economic stimulus package, I wonder. Why would no one on either side of this aisle stand up and say that in fact what

we have to do is rescind H-1B status, we have to eliminate that category altogether, and when someone is laid off, they actually leave the country. Now, they are supposed to do that. It is true that the law requires, the H-1B law says if you lose your job as an H-1B recipient, you have to go home.

Mr. Speaker, not surprising, not long ago the INS told people here under that category and who had been laid off to not really be too concerned about it. They said we will get around to writing a regulation about what you should do. But, for the time being, look for another job. In other words, displace another American worker.

Now, I have said often on the floor of the House with regard to immigration that I have no qualms about having a workable guest worker program, something that allows people to come into the country, something that protects their interest and rights so they are not abused by workers here, that they are not ill-treated. But we do not have that. What we have is massive illegal immigration to provide that workforce.

And it is absolutely true that the millions of people who are here illegally do contribute to the economy I am sure in some measure. The exact amount of that is up for debate. But it is also true that the massive amount of illegal immigration into the country of low-skilled people has a depressing effect on wage rates for low-paid jobs in this country, for all people with few skills are working at low-end jobs. Massive immigration has a depressing effect on the ability of these folks here in the United States, be they recent legal immigrants or long-time citizens of this country, natural-born citizens of the country, massive immigration hurts those people. It hurts their ability to get ahead.

It helps, of course, many employers, it is undeniably true, who want to exploit these people, and many employers who have legitimate concerns about being able to get employees they say they cannot get in any other fashion.

□ 2200

Why is it we cannot construct a guest worker program that can serve the needs of business and protect American workers? The reason is because we have an organization called the INS that is charged with the responsibility of trying to actually implement such programs, and what we know today is that the INS simply does not care, does not care about the issue of massive immigration. To them, most of their resources, most of their efforts go into the social work side of INS.

This problem is not often addressed, but I think it should be. Again, a half a million people in the United States today, holding H-1B visas, some of them employed in the original job, some of them having long since moved on to other jobs, supposedly they have

to leave and go home, as I say, by law, but of course, they do not do it and the INS does not follow up. When we ask them where are all the people that have lost their jobs and have not left the United States, they use their logo: shrug their shoulders, I do not know.

When we ask them when we have the INS where are the 300,000 people who have been ordered to be deported from the United States for violating the laws of the United States, not just their visa status, not just overstaying their visa, but robbery, rape, murder, they have been arrested, and when they get arrested they find out, oh, by the way, this guy is here illegally, his visa status is over or even if he is here legally, he has violated a law, we are going to send him. So they go to an immigration court, the judge listens to the information, listens to the defense, which is not supposed to be the INS but oftentimes ends up being the INS lawyer defending the immigrant lawbreaker, and they do this, and the judge orders the person deported, saying they have violated the law, they are someone we do not want in this country and they are going to have to leave the country or go to jail.

We actually order about 100,000, a little over 100,000 people a year, we order 100,000 people a year to be deported for violating the law here. There are at least, at least 300,000 of those folks, 300,000 people who have been ordered deported from the United States for violating our law but are simply gone, vanished into society. They have not departed the country. They are here somewhere. When we ask INS where are these people, they give us their logo: shrug their shoulders, I do not know.

That is the issue. That just really makes me focus on H-1Bs for a moment because, as I say, I listened to our friends talk about the problems with the two various interpretations of what economic stimulus is all about, whether it is more government jobs and/or extended welfare payments or whether it is job creation through giving tax benefits to corporations, who actually employ people.

There are several other issues with regard to immigration and immigration reform that I want to address this evening. H-1B is just one of the many problems we have in this country, and I have a bill that would significantly reduce the ceiling on H-1B. I would like to see it become part of that economic stimulus package, but I fear that the opposition of industry and the corporate structure in this country will prevent me from actually being able to present that piece of legislation.

Nonetheless, there are a series of other issues that come to mind tonight that I believe need some degree of discussion. I, like almost every American, have been heartened by the response of most people in this country to the

tragedies of September 11 and the way in which people have rallied around the President and our military forces and have expressed themselves over and over again as being patriots.

Underneath all of the exposure that has been provided to these expressions of patriotism, there is an underlying theme that runs in certain circles in this country that is very, very disquieting. I am going to try and discuss this issue in a way that connects to what people may think are divergent points of view, but in a way, my colleagues just have to give me a minute to make the case here.

I believe that massive immigration into this country is very, very dangerous and is threatening in a variety of ways, massive immigration, legal and illegal; and I reiterate, I am not against immigrants. I am not anti-immigrant. I am not even anti-immigration. I am certainly very much concerned about the present system we operate, or nonsystem, of immigration.

The fact that over a million people a year come into the United States legally, quarter of a million more come in under refugee status and about who knows, a million to 2 million to 3 million, we do not know how many for sure come in here illegally every year. That is what I call massive immigration. I say it is massive because in the heyday of immigration into this country in the early 1900s, late 1800s, the highest number of immigrants coming in in any given year was about 200,000. We are six times that amount today, six times that amount today and that is legally. We would probably go up to 10 or 12 times that amount if we add all the illegal immigration into the country.

There are ramifications to that massive immigration, and I want to talk about one particular part of that, one ramification in particular. It deals with the degree to which we are able to integrate newly arrived immigrants into this country into the American mainstream and make them a part of the American experience in every sense of the word.

It is disquieting to find information, some anecdotal, some empirical, that deals with the degree to which immigrants into this country have actually attached themselves to the American ideal, which has always been the case, I should say, I think for immigrants for a long, long time. I will speak of myself and my own family as an example.

What I mean here is how immigrants attached themselves in the past, did attach themselves to the American experience, did want, in fact, to become Americans in every sense of the word, not just in terms of the ability to achieve an economic prosperity which, of course, that is in common with almost everyone. That is a common element of everybody that comes here; but in particular, I am talking about

the issue of patriotism, patriotism, love of the country, willingness to defend it and association with it, a feeling of being part of the American experience. That is what I am talking about that is changing, I think; and I will get into exactly why I believe that is the case.

Again, let me just preface it by explaining my own experience. My grandparents came here in the late 1800s, 1890 actually. So I am not what one would call a long-term immigrant. I am a relatively short-term here. That is what I am really trying to say here. My great great grandparents did not come over on the Mayflower or anything near it. We are relatively new to the country.

When I went to school, it was in north Denver, at a very small and relatively impoverished area, in a small school, parochial school, in which I learned about my country's heroes. I learned who I was by studying the history books that I was given, in this case, in the parochial school system; and I also learned about what my parents said about America.

I will tell my colleagues that in my whole life I never ever thought of myself as anything but an American. When I thought of my heritage, and who were the heroes of my past, of my heritage, I thought of Washington and Adams and Jefferson, and I connected with them immediately. I never ever thought of myself as anything but an American with that kind of a heritage. I am happy about that because I believe that that is exactly what immigrants should do and what they should become, people connected to America in every sense of the word.

Let me tell my colleagues that I have a feeling that this is not happening, and it is not happening as again many of us have had anecdotal experiences that would lead us to believe that many immigrants are not as well steeped in American history and well connected with it as perhaps our ancestors were.

One anecdotal part. In the Washington Post, it interviewed a middle-class Muslim American immigrant family from New Jersey and reported that for Kahr and her husband, taxpayer, registered voters, law abiding citizens, assimilation is not a goal. The Post article stated that Kahr, who came to the U.S. from Syria when she was 12, 17 years ago, would soon graduate from Seton Hall law school. However, this well-educated woman opposes America's war efforts against the Taliban in Afghanistan and declares that, quote, "throughout history Muslims will always be separate."

That is the anecdotal thing, and there are literally hundreds of those kind of stories, but then there are studies that have been done. Empirical evidence suggests that Kahr's views are not unique. In what Islamic expert

Daniel Pipes has described as perhaps the most sophisticated study to date of Muslims in the United States, an Iranian doctoral student at Harvard found that a majority of immigrants there he surveyed felt more allegiance to a foreign country than to the United States.

This article goes on to say that this ambivalence about American identity is not confined to Muslim immigrants and their children. The most comprehensive evidence we have on patriotic assimilation of the children of immigrants is a longitudinal study by the Russell Sage Foundation, a study of 5,000 children of immigrants, mostly Mexican American and Filipino American teenagers. We feel that after 4 years of American high school the students were 50 percent more likely to consider themselves quote "Mexicans or Filipinos than they were to consider themselves Mexican Americans or Filipinos Americans or just plain Americans."

In other words, patriotic assimilation or self-identification within the American Nation actually decreased and decreased dramatically after 4 years of studying in American schools. That should not surprise too many people when we go on to recognize exactly what has been happening, and there are all kinds; and now again these are anecdotal in terms of what is happening in American colleges and universities and our K-12 system also; and this kind of cultural relativism is a philosophy which has seeped into the school system. And when we combine this sort of philosophy of cultural relativism, that is to say, we are all the same; there is no difference; America is not any better than any other country; in fact, in most situations we are worse, that is cultural relativism. That has seeped its way into our school system.

If we combine that with massive immigration and my colleagues can see what kind of problems we are going to develop. When we do not teach children about America, be they immigrant children or native-born children, it does not matter, they will not understand America.

Mr. Speaker, I was a teacher for many years. I was the regional director of the U.S. Department of Education, and I will tell my colleagues it is absolutely evident to anyone that in order to have children appreciate certain things, we must teach them about it. A child does not walk into school appreciating fine art. A child does not walk into school appreciating fine poetry, not even sciences; and they have to be taught the beauty of these things. They have to be encouraged. We have to find that spark in every child and ignite it and say there is an excitement to learning and here is what the child should be learning.

We have to teach them about America because they will not walk into

schools with an innate understanding of it and appreciation for it. It will not happen, but we not only do not teach them about America, but what we do tell them is the following.

At a central Michigan university, a school administrator told several students to remove patriotic posters and an American flag in their dormitory. A residential adviser said the pro-American items were quote "offensive."

□ 2215

At San Diego State University an Ethiopian student overheard four Saudi Arabian students speak approvingly of the terrorist attacks. When he scolded them in Arabic, they complained to the school. In a response, the university judicial officer threatened to suspend or expel Kebede, the gentleman who was challenging these students who were excited over the bombings, over the terrorist acts, on September 11.

At Pennsylvania State University, a professor was told that his web site, which advocated military action against terrorists, was "insensitive, and perhaps even intimidating." Under Penn State's speech code, intimidating language is ground for dismissal.

At a Florida Gulf Coast university, Dean of Library Services Kathleen Hoeth demanded that employees remove "proud to be American" stickers from their work areas.

At the University of North Carolina in Wilmington, a professor is under investigation for "harassment" after he told a female student that he supported U.S. military action in Afghanistan. The student said that the position made her feel "uncomfortable."

A Roxbury, New Jersey, school superintendent who ordered signs with the slogan "God bless America" be taken down, he said he was merely trying to be fair to those who refer to God as "allah" and other names.

Librarians at the Florida State University have been told not to wear "I am proud to be an American" sticker.

A Los Angeles educator tells the paper that he has no intention of flying the flag. "I grew up suspicious of the flag," he says. "It meant right wing politics. It meant repression. It meant arrogance. I mean, we are the greatest?"

Okay. This is what children are being taught, both, as I say, native born children and immigrant children.

At Marquette University, undergraduates were blocked from holding a moment of silence around an American flag. The gesture, the school President's advisers felt, might be offensive to foreign students.

At Lehigh the vice provost for student affairs initially reacted to the tragedy by banning the display of the American flag. A Lehigh spokesman explained the idea was to keep from offending some of the students, and

maybe the result was much to the contrary.

When officials at Arizona State removed the American flag from a school cafeteria out of fear that it might offend international students, Syrian immigrant Oubai Shahbandar introduced a bill in the student senate paving the way for its return. His bill was defeated.

Professor Jensen at the University of Houston pronounced that "my primary anger is directed at the leaders of this country. The attacks on the Pentagon and World Trade Center are no more despicable than the massive acts of terrorism, the deliberate killing of victims for political purposes that the U.S. Government has committed in my lifetime." This is a Professor Jensen at the University of Houston. "We are just as guilty," he concluded.

University of New Mexico professor Richard Berthold bluntly declared, "anyone who would blow up the Pentagon would get my vote."

We are surprised then that students write things like this? "We sponsor dictators who maim, we defend corporations that enslave, and then we have the arrogance to pretend we are safe and untouchable," said West Virginia University student Joshua Greene.

"In light of the current destructive nationalism that calls for war," a Duke student opined, the sight of the flag burning would be preferable to its display."

These things, these things all matter, and they are undercurrents, as I say, of a philosophy that will do great harm to the United States. You combine that, as I say, with massive immigration, with people coming into this country who are not being inculcated into the American mainstream, who are coming at such great numbers that we cannot begin to even do that, and they are being encouraged when they come here, by the way, they are encouraged not to accept American ideals, but to think of us as the enemy, to think of themselves as separate and apart from American mainstream, as this lady says, "we will always be separate. Muslims will always be separate."

And we encourage that. Our institutions of higher education and our schools throughout the country encourage that. So do many members of the media. So does the ex-president of the United States, and thank heavens we can say ex, who can stand up in front of a group of people, not too long ago, Mr. Clinton, and say that it is our fault that what has happened to us on September 11 was our fault; our fault. He only exacerbates this problem. That kind of thinking, of course, is indicative of the problem.

It is going to get worse. And I suggest we have to deal with this issue on a variety of fronts. We should certainly deal with it in our local school system. I wish our schools, every school board

in America, would look at and carefully analyze their curriculum to determine the extent to which we are teaching about the American experience and appreciation of who and what we are, because, I reiterate, children do not come into school with some innate knowledge of that.

Certainly they are not going to learn it from the TV or from the movies. They are not going to learn to appreciate the American experience from any of the pop culture. Not from MTV. The only place we can hope they are learning it is either in school or in their home.

But if the parents of these children do not care, do not want to, and, as a matter of fact, are antagonistic, as many of these immigrant parents are, to American culture, to American history, and if the schools do not teach children about who we are and what we are and how to appreciate this freedom, then what is the hope we will be able to maintain it in the future?

With all of that, Mr. Speaker, with all that in front of us, with the economic stimulus package that is only being debated on the basis of whether or not we should give welfare or tax cuts, and no discussion of H1-B visas or the number of immigrants here taking jobs that otherwise should go to American citizens, without doing that, we are doing ourselves a disfavor and a disservice, because we should be talking about other things.

What are we talking about with regard to immigration? Here is what we are going to be dealing with in this Congress very soon, something called extension of 245(i). I see a colleague has joined me this evening on the floor. I want to talk about this with him, because I know he has strong sentiments open this issue.

Let me just briefly describe what 245(i) is and an extension therein. 245(i) is another category of immigrant status. What it is is essentially saying that there are a lot of people here illegally. We all know it. In 1986, there was a thing called amnesty that said if you have been around for a while and you can show you have a job and you are married and that sort of thing, we are going to give you amnesty. You can be here legally. We are going to reward you for coming here illegally. That is what it said. We are going to give you a reward for breaking our law.

And we did it. We did it. Come to find out, hundreds of thousands, maybe millions of people, did not sign up in time to take advantage of it. So there have been continual attempts, and in fact successful attempts, of extending this process of amnesty to people who are here illegally, who have violated our laws and are here presently, taking the jobs other Americans could have. But, regardless, even if they are here doing jobs no one else will do, the fact is they are here illegally, and we are going to reward them by extending it.

Now the debate is going to be enjoined here in a relatively short time as to whether or not we should once again extend 245(i), to once again provide amnesty for people who are here illegally. That is what we are going to debate. Not whether or not we should defend our borders by tightening up and not allowing illegal immigration, not reducing immigration altogether to give us an ability to begin to get a handle on this, not H1-B visa reform. No. We are going to debate and take under consideration 245(i).

I would yield to my friend, the gentleman from Virginia (Mr. GOODE) for his comments. It is good to see you here tonight.

Mr. GOODE. I thank the gentleman from Colorado. I had not planned to come over to join you tonight, but I received this letter in the mail and it is right on the topic to which you have been speaking. I want to thank you on behalf of millions of Americans for addressing a topic that is so timely in our country and so important to the future of the United States of America.

VF Netware in Martinsville, Henry County, employs over 2,300 persons. They announced the layoff in the coming year of nearly all of those persons. That is part of a 13,000 person layoff company-wide. On Monday there was a community meeting in Martinsville in Henry County, and representatives from the offices of the U.S. Senators from Virginia were there, the Governor-elect was there, a number of members of the State legislature, both branches, were there, and there was a discussion about jobs, and both the topic of amnesty and immigration arose.

I want to share with you a letter written to me by Sandra Turner of Collinsville, Virginia. That is a community in Henry County so heavily impacted by the layoffs of VF Netware. Here is what she had to say.

"I watched enough of this town meeting to want to make a comment about illegal immigrants. I certainly agree with the comment about doing more to deter illegal immigrants and not allowing any amnesty. I also think," and she refers to a gentleman that was in the audience, "had valid concerns and comments referencing immigrants in the workplace.

"Here is an area that has faced a tremendous downsizing of its workforce. We believe that long-standing United States citizens should have their jobs first."

This gentleman rose and he spoke of how immigrants, probably some of which were illegal, were here competing and taking jobs that long-standing United States citizens do not have and will not have in the future.

She continues: "I have always felt that the United States has been too good for our own good. It appears we have always opened the door and wel-

comed any and all into this country. We are now paying for this with illegal immigrants taking our jobs, not to mention reaping other benefits from the system. And we certainly paid the price on September 11. Hopefully we have learned something from the loss of jobs in the September 11th tragedy. But I have my doubts. It is time to start taking care of United States citizens first."

These are the words of Sandra Turner of Collinsville, Virginia. And I want to repeat that sentence. "It is time to start taking care of the United States citizens first."

She goes on: "I live in an area where there are several apartment complexes. In traveling to and from work, shopping and so forth, I constantly see vehicles with North Carolina tags going in and out of these complexes. The vehicles are driven by those from other countries." She goes on and describes that situation.

And then she closes with this: "I could go on and on, but I will stop here. I just wanted to let you know that I agreed with the comments about deterring illegal immigrants at our borders, and definitely agree with not allowing any amnesty."

Then she says, "Now it is time to do something about this."

The gentleman from Colorado has so eloquently focused on the legislation that will likely come before this House to extend 245(i). 245(i) is simply a reference to a statutory number that means, as he stated, we are going to reward those who have broken the law, who have come into this country illegally, and now we are going to say to them, you can stay here.

Let me point out, the interview that is done under 245(i) is not going to be done by the State Department in the country from which these people came, where they know the most about those individuals. It will be done by INS, which is already overburdened and overworked and has had significant problems in a number of areas. That will be the entity that will do these interviews if 245(i) is extended.

Now, some will cite specific instances of hardship or a trying situation where an amnesty should be granted. 245 is not a specific amnesty for a specific person because of a specific problem.

□ 2230

It is a blanket, broad-based amnesty for anyone who wants to pay \$1,000 and answer a few questions. We do not need this amnesty at this time in the United States. I hope we will follow the wisdom of the gentleman from Colorado in rising up in this body and opposing amnesty, whether it is a stand-alone bill or whether it is put into any other legislation. This is absolutely the wrong course of action for the United States at this time. We must remember the words of Sandra Turner of Collinsville,

Virginia: "It is time to start taking care of the United States citizens first."

Mr. TANCREDO. Mr. Speaker, I thank the gentleman. It is no wonder that this country, when we look back again, as I say, to our American heroes and to the people that gave so much to create this Nation, we so often find that they came from Virginia and that they express themselves as wonderfully as the gentleman does, and I sincerely appreciate the gentleman's comments.

I want to pick up on something that he said specifically in regard to the difference in the kind of investigation that is done between someone who is trying to get into the United States and has to go to a counselor office in the country of his origination and go through a process that is really quite rigorous, supposedly; at least on paper, they are supposed to go into quite a background check. Even the State Department tells us that they do not have the capacity to do that, even in the country of origin but, at least, and this is important, at least the person today that would seek entrance into the United States and seek to come here and get legal status, they would have to go back or start out in their country and request that. But under the program that the gentleman refers to, 245(i), that does not have to happen. The person does not have to return; the person is here.

So let us assume for a moment that the INS does all the background work that is necessary and believe me, they have a backlog now of 4.5 million people. And I guarantee my colleagues, when we ask the INS how are they going to get this backlog taken care of, they will give us their logo: I do not know. That is their logo. That is what I have decided. That should be on everything that says "INS," a picture of somebody going like this, I am not sure. Because they could not possibly do it and they do not do it. They cannot even pretend that they go through the kind of analysis that is necessary, and the background check.

Let us assume that they did. They are talking with the person who is in front of them in the United States and they are trying to find out, and they come to this conclusion after all the background is done weeks and weeks and weeks, months and months that it would take to do it, but let us assume they do it and they find out this guy is a bad guy; this guy, we would not let into the country. Well, guess what? He is here. We are not able to keep him out. And then, what are they going to do? Go out and try to find him at that point in time? Good luck.

Mr. Speaker, the INS spends absolutely no time or energy or effort in tracking down people who are here illegally. We all know that. They tell us when we talk to them, that no, they really do not have the inclination nor

the resources to go after people who are here illegally, unless something really big happens, they commit a murder or something like that and they get brought in under those conditions, and then they try to deport them. But as I said, there are lots out there that no one knows about. So we are actually going to trust the INS to do this kind of thorough background check? And as I say, even if they do it, so what? The person is here. The person is here.

Believe me, Mr. Speaker, there are a lot of people here who should not be here, as we, of course, found out recently. And then this, of course, contributes to fraud, all kinds of fraud, fraudulent marriages being one of them. This is what happens, because one of the ways that you get the status is to show that you are married to an American citizen.

So these are articles that came out of the Denver paper when we extended 245(i) the last time, 3,042 applications in one day. More than 3,000 illegal immigrants in Denver beat a midnight deadline to apply for the visas. Now, do you think for a moment that the INS went through all of this, just the 3,000 in that last day, went through all of those with a fine-tooth comb to make sure that what they were doing was right? What we find out, as a matter of fact, after the 1986 amnesty, and then when the Clinton administration pushed for, as we may recall, the gentleman from Virginia may recall, when we pushed for the legalization of a lot of people in the citizenship status for millions of immigrants when they pushed it through because the past administration wanted these people to be able to vote, we found that we gave something like 60,000 felons citizenship; 60,000 felons ended up as citizens of the United States, but had felony records. We never checked. We did not know about it until much later, but it was too late.

Now, is their citizenship being revoked? Absolutely not. What if it were to be revoked tomorrow? What if we decide, that was a big mistake, we should take it back from those people and find them, get them out of here, if you tell the INS, what would you do about that? They would give you the logo: I do not know.

One officer, it says, "Our office is finished up by 3 a.m.," said Louise Germain, assistant director for the INS in Denver. They are sure tired today. Then they went on to talk about the people who came in who were not married, but came in and said, well, you know, we want to be married. The INS officer said when they showed up at the INS office, they had a marriage license but had not been pronounced husband and wife, so we told them, go quickly and find someone to marry you. They did. Thousands and thousands. It has been estimated in the hundreds of thousands of bogus, sham marriages

were undertaken at that point in time in order to get visa status. Has anybody checked on that? Has one person been refused visa status because they fraudulently applied and did stuff like this, got this sham marriage put together. I asked the INS these questions. They responded again with their logo.

One example of the people who are doing this kind of thing, a man worked and lived with two former area men facing criminal charges in the government's terrorist investigation is scheduled to be arraigned today on a charge of marriage fraud. That means of five Middle Eastern men whose names appeared on the lease for the 6th Street Northwest apartment, this was in Akron, three of them are in jail and one is in jail with a \$2,500 bond and is facing three misdemeanor charges after he allegedly claimed to be three different people during a drunken tirade and that he was a terrorist.

Another one tried to marry a U.S. citizen to get him under U.S. immigration regulations. They would not say how they found out about the marriage, nor would they answer other questions. These people are all in jail. They are not in jail because they violated the law, that is not it at all, the specific law against the immigration violations. Of course we rounded them up for other reasons and then tried to tack that on.

The reality is, Mr. Speaker, that the extension of 245(i) is a travesty. The idea that we would even think about it is a travesty. Number one, I reiterate, it rewards people for illegal behavior. All of the hundreds of thousands, in fact, millions of people who are waiting patiently all over the world to come into the United States legally, legally, what message does it send to them other than sneak in if you can, stay here long enough, come up with bogus documents to prove that you have been here for a long time, that you have relatives here, that you are married, whatever, and we will give you legal status. Give us \$1,000. This is absolutely the wrong message, I think, Mr. Speaker, and that is on the one side.

The other side is this: we are now talking about public safety. We can now focus on some of the incredibly dire circumstances, the dire results of these kinds of loose immigration practices, and we recognize that there are people in this country today who are here illegally who wish to do us harm, who have every intent to do that.

Now, would it not be better for them to go ahead and go through the process, give the INS \$1,000, fill out the paperwork, become a legal resident of the United States, and then do what you need to do, with the full cover of United States citizenship, or at least being in the States legally? You can get your driver's license, you can do all kinds of things then, of course, that

can cover your tracks. You will not stand out. You will not have to be hiding, not that many of them are probably doing that today, but I would imagine that it is a little more difficult today for these would-be terrorists if they are not American citizens, and I hope it gets harder and harder and harder for them. But it should not be made easier for them.

I will tell my colleagues that it is going to be almost impossible for us to actually identify these people. I mean identify them when they come up to get their materials and to apply for this amnesty; we really will not know it. We will not do a background check that will tell us; but even if we do, it will be too late. They are here. They will be in this society. We will not be able to find them or get rid of them. They are here now. Let us seek them out, identify them, remove them; and if you are here illegally, Mr. Speaker, you have to go home. Start the process.

There are millions of people who are here with no evil intent, and I recognize that fully well. The great vast majority, thank God, are here solely with the purpose probably to improve their lives economically. I wish they were here with another purpose and that was to become part of the American mainstream, and that is a debatable point as to whether or not that is happening. But I can assure my colleagues that I know and believe that for the most part they are here in order to improve the quality of their lives economically, and not to destroy buildings or people's lives.

But there are some, of course, of a different ilk, and we cannot be so selective as to be able to identify them specifically and say yes, I know, of all of the millions, you are the one I have to worry about. We have to say, if you are here illegally, you must return home, and start the process of coming into the United States legally. Let us determine whether or not you can and should be admitted. And if we need workers, fine. Guest worker program. No problem. But this massive immigration, legal and illegal, that is trying to be managed by an agency with a shrug of the shoulders for its logo is not the way we should be doing business in this country. What more of a lesson do we need to learn? How much more dramatic of an event has to occur to tell us that we must understand this very basic premise, and that is the defense of this Nation begins with the defense of its borders.

Mr. Speaker, we have every right to do it. We should not be made to feel as though we should be ashamed because we are telling people that they cannot come into the country. We have every right to defend our borders. We have every right to ask citizens who do come into this country to become part of the American mainstream and have

the love of this country and an allegiance and an attachment of this country. We have every right to ask that. To not do so is sealing our own fate. It is a death wish for the country.

So I challenge us all, Mr. Speaker, to take on the responsibilities that are given to us when we take the oath of office to protect and defend this country and do so by the understanding that that means defending our borders. We have no other option, Mr. Speaker. God forbid another event of the nature of September 11 occurs, and if it does occur, it is because if it happens and it happens as a result of someone who comes into this Nation illegally, then I say again that if we have not done everything we can possibly do, if we have not done everything we can possibly do to stop someone from coming into this Nation illegally; and I reiterate, I understand that even if we did everything that we could possibly do that it still might happen, but if we do not do everything we can possibly do to stop it, then we are not just irresponsible, we are, in fact, culpable; and I choose for one not to do so.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS TOMORROW

Mr. TANCREDI. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with tomorrow.

The SPEAKER pro tempore (Mr. JEFF MILLER of Florida). Is there objection to the request of the gentleman from Colorado?

There was no objection.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 10 o'clock and 45 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 2331

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SESSIONS) at 11 o'clock and 31 minutes p.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3338, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2002

Mrs. MYRICK, from the Committee on Rules, submitted a privileged report (Rept. No. 107-303) on the resolution (H. Res. 296) providing for consideration of the bill (H.R. 3338) making appropriations for the Department of Defense for

the fiscal year ending September 30, 2002, and for other purposes, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. CARSON of Indiana (at the request of Mr. GEPHARDT) for today and the balance of the week on account of a family emergency.

Ms. MCKINNEY (at the request of Mr. GEPHARDT) for today on account of a flight delay.

Mr. ADERHOLT (at the request of Mr. ARMEY) for today on account of inspecting tornado damage in the district.

Mrs. JOHNSON of Connecticut (at the request of Mr. ARMEY) for today and November 28 until 3:00 p.m. on account of attending a funeral.

Mr. QUINN (at the request of Mr. ARMEY) for today through December 10 on account of medical reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. KAPTUR) to revise and extend their remarks and include extraneous material:)

Ms. KAPTUR, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. OBEY, for 5 minutes, today.

Ms. WATSON of California, for 5 minutes, today.

Mrs. MINK of Hawaii, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. FALEOMAVAEGA, for 5 minutes, today.

(The following Members (at the request of Mr. PLATTS) to revise and extend their remarks and include extraneous material:)

Mr. PLATTS, for 5 minutes, today.

Mr. SOUDER, for 5 minutes, today and November 28.

Mr. GANSKE, for 5 minutes, November 28 and 29.

Mr. NUSSLE, for 5 minutes, today.

ADJOURNMENT

Mrs. MYRICK. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 32 minutes p.m.), the House adjourned until tomorrow, Wednesday, November 28, 2001, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4608. A letter from the Managing Director, Federal Housing Finance Board, transmitting the Board's final rule—Capital Requirements for Federal Home Loan Banks [No. 2001-24] (RIN: 3069-AB06) received November 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4609. A letter from the Managing Director, Federal Housing Finance Board, transmitting the Board's final rule—Maintenance of Effort-Minimum Number of Annual Bank Board of Directors Meetings [No. 2001-25] (RIN: 3069-AB05) received November 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4610. A communication from the President of the United States, transmitting a 6-month periodic report on the national emergency with respect to Burma declared by Executive Order 13047 of May 20, 1997, pursuant to 50 U.S.C. 1641(c) and 50 U.S.C. 1703(c); (H. Doc. No. 107-152); to the Committee on International Relations and ordered to be printed.

4611. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-167, "Chesapeake Regional Olympic Games Authority Act of 2001" received November 20, 2001, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

4612. A letter from the Acting Director, Office of National Drug Control Policy, transmitting a report on the "Fiscal Year 2000 Accounting of Drug Control Funds"; to the Committee on Government Reform.

4613. A letter from the Acting Director, Fish and Wildlife Service, Department of the Interior, transmitting the Department's "Major" final rule—Endangered and Threatened Wildlife and Plants; Determination of Critical Habitat for the Oahu Elepaio (*Chasiempis sandwichensis ibidis*) (RIN: 1018-AG99) received November 21, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4614. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Special Local Regulations; Waverly Hotel Fireworks Display, Biscayne Bay, Miami, FL [CGD07-01-121] (RIN: 2115-AE46) received November 19, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4615. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Special Local Regulations; Charleston Christmas Boat Parade and Fireworks Display, Charleston Harbor, Charleston, SC [CGD07-01-119] (RIN: 2115-AE46) received November 19, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4616. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30273; Amdt. No. 2073] received November 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4617. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30270; Amdt. No. 2071] received November 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4618. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30272; Amdt. No. 2072] received November 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4619. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establish Class E Airspace: Charlottesville, VA [Airspace Docket No. 00-AEA-11FR] received November 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4620. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E2 Airspace: Greenwood, MS [Airspace Docket No. 01-ASO-9] received November 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4621. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment of Class D Airspace: Titusville, FL [Airspace Docket No. 01-ASO-11] received November 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4622. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Regulated Navigation Area: Savannah River, Georgia [CGD07-01-037] (RIN: 2115-AE84) received November 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4623. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Regulated Navigation Area and Safety and Security Zones; New York Marine Inspection Zone and Captain of the Port Zone [CGD01-01-181] (RIN: 2115-AE84) and (RIN: 2115-AA97) received November 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4624. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Regulated Navigation Area and Safety and Security Zones; New York Marine Inspection Zone and Captain of the Port Zone [CGD01-01-165] (RIN: 2115-AE84) and (RIN: 2115-AA97) received November 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4625. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Anchorages, Regulated Navigation Areas, Safety and Security Zones; Boston Marine Inspection Zone and Captain of the Port Zone [CGD01-01-162] (RIN: 2115-AE84, 2115-AA97, and 2115-AA98) received November 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4626. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Security Zone; Verrazano Narrows Bridge, New York [CGD01-01-198] (RIN: 2115-AA97) received November 19, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4627. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Security Zones; Los Angeles Harbor, Los Angeles, CA and Avila Beach, CA [COTP Los Angeles-Long Beach 01-008] (RIN: 2115-AA97) received November 19, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4628. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Security Zone; Sault Locks, St. Mary's River, Sault Ste. Marie, MI [CGD09-01-140] (RIN: 2115-AA97) received November 19, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4629. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Security Zones; San Francisco Bay, San Francisco, CA and Oakland, CA [COTP San Francisco Bay 01-009] (RIN: 2115-AA97) received November 19, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4630. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Security Zone; Trans-Alaska Pipeline Valdez Terminal Complex, Valdez, Alaska [COTP Prince William Sound 01-003] (RIN: 2115-AA97) received November 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4631. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Security Zone; Port Valdez, Alaska [COTP Prince William Sound 01-004] (RIN: 2115-AA97) received November 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4632. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Security Zones; Prince William Sound Captain of the Port Zone, Alaska [COTP Prince William Sound 01-005] (RIN: 2115-AA97) received November 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4633. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone; Lake Michigan, Chicago, IL [CGD09-01-142] (RIN: 2115-AA97) received November 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4634. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone; Gulf of Alaska, Southeast of Narrow Cape, Kodiak Island, AK [COTP Western Alaska 01-008] (RIN: 2115-AA97) received November 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4635. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone; Route 1 Bascule Bridge, Mystic River, Mystic, CT [CGD01-01-197] (RIN: 2115-AA97) received November 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4636. A letter from the Chief, Office of Regulations and Administrative Law, USCG, De-

partment of Transportation, transmitting the Department's final rule—Safety Zones; The Icebreaker Youth Rowing Championship-Boston Harbor, Boston, Massachusetts [CGD1-01-193] (RIN: 2115-AA97) received November 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4637. A letter from the Chair of the Board of Directors, Office of Compliance, transmitting the Office's Supplemental Report recommending that section 508 of the Rehabilitation Act (29 U.S.C. 794d) be applied to the Legislative Branch; jointly to the Committees on House Administration and Education and the Workforce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. H.R. 2972. A bill to designate the Federal building and United States courthouse located at 550 West Fort Street in Boise, Idaho, as the "James A. McClure Federal Building and United States Courthouse" (Rept. 107-301). Referred to the House Calendar.

Mr. HANSEN: Committee on Resources. H.R. 2115. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the design, planning, and construction of a project to reclaim and reuse wastewater within and outside of the service area of the Lakehaven Utility District, Washington (Rept. 107-302). Referred to the Committee of the Whole House on the State of the Union.

Mrs. MYRICK: Committee on Rules. House Resolution 296. Resolution providing for consideration of the bill (H.R. 3338) making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes (Rept. 107-303). Referred to the House Calendar.

DISCHARGE OF COMMITTEE

[The following action occurred on Nov. 26, 2001]

Pursuant to clause 2 of rule XII the Committees on the Budget and the Judiciary discharged from further consideration. H.R. 3210 referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. MANZULLO:

H.R. 3346. A bill to amend the Internal Revenue Code of 1986 to simplify the reporting requirements relating to higher education tuition and related expenses; to the Committee on Ways and Means.

By Mr. MICA (for himself, Mr. YOUNG of Alaska, and Mr. SHUSTER):

H.R. 3347. A bill to provide economic relief to general aviation entities that have suffered substantial economic injury as a result of the terrorist attacks perpetrated against the United States on September 11, 2001; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Financial Services, and the Budget, for a

period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HYDE (for himself and Mr. LANTOS):

H.R. 3348. A bill to designate the National Foreign Affairs Training Center as the George P. Shultz National Foreign Affairs Training Center; to the Committee on International Relations.

By Mr. ACEVEDO-VILA:

H.R. 3349. A bill to amend the Elementary and Secondary Education Act of 1965 to ensure fairness; to the Committee on Education and the Workforce.

By Mrs. MINK of Hawaii (for herself and Ms. WOOLSEY):

H.R. 3350. A bill to temporarily authorize the Administrator of the Small Business Administration to make loans to any small business concern that suffers substantial economic injury; to the Committee on Small Business.

By Mr. BILIRAKIS (for himself, Mr.

BROWN of Ohio, Mr. TAUZIN, Mr. DINGELL, Mr. UPTON, Mr. BRYANT, Mr. GANSKE, Mr. DEAL of Georgia, Mr. SESSIONS, Mr. FLETCHER, Mr. COOKSEY, Mr. BURR of North Carolina, Mr. BUYER, Mr. NORWOOD, Mr. TERRY, Mr. BAKER, Mr. PAUL, Mr. SCHROCK, Mr. MANZULLO, Mr. LATOURETTE, Mr. JOHNSON of Illinois, Mr. PICKERING, Mr. LAMPSON, Mr. BARTON of Texas, Mr. SHADEGG, Mr. BEREUTER, Mr. WAXMAN, Mr. KENNEDY of Rhode Island, Mr. RUSH, Mr. TOWNS, Mr. GREEN of Texas, Mr. ROSS, Mr. LUTHER, Mr. GORDON, Mr. HALL of Texas, Mr. ANDREWS, Mr. MCDERMOTT, Mr. STRICKLAND, Mr. THOMPSON of California, Mr. ENGEL, Mr. WYNN, Mr. BARRETT, Mr. STUPAK, Mr. KLECZKA, Mr. SHIMKUS, Mr. GREENWOOD, and Mrs. THURMAN):

H.R. 3351. A bill to amend title XVIII of the Social Security Act to specify the update for payments under the Medicare physician fee schedule for 2002 and to direct the Medicare Payment Advisory Commission to conduct a study on replacing the use of the sustainable growth rate as a factor in determining such update in subsequent years; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DOYLE (for himself, Mr. NEY, and Mr. VISCLOSKEY):

H.R. 3352. A bill to amend the Internal Revenue Code of 1986 to clarify the credit for producing fuel from a nonconventional source; to the Committee on Ways and Means.

By Mr. FLAKE (for himself, Ms. SOLIS, and Mr. HOSTETTLER):

H.R. 3353. A bill to require the Assistant to the President for Homeland Security to establish a site on the Internet through which individuals may provide information on suspicious activities that may be used by the Federal Bureau of Investigation or other Government entities in the war on terrorism or to protect homeland security; to the Committee on the Judiciary.

By Mrs. MORELLA:

H.R. 3354. A bill to amend title 5, United States Code, to allow certain catch-up contributions to the Thrift Savings Plan to be made by participants age 50 or over, and to afford employees and Members full imme-

diated participation in the Thrift Savings Plan upon commencing Federal service; to the Committee on Government Reform.

By Mrs. MORELLA:

H.R. 3355. A bill to direct the Secretary of Commerce to convey certain Federal property in Montgomery County, Maryland, to the city of Gaithersburg, Maryland; to the Committee on Science.

By Mr. SCHROCK (for himself, Mr. CRENSHAW, Mr. SIMMONS, Mr. LARSEN of Washington, Mr. HOLT, Mrs. JO ANN DAVIS of Virginia, Mr. FORBES, and Mr. SCOTT):

H. Con. Res. 279. Concurrent resolution recognizing the service of the crew members of the USS Enterprise Battle Group during its extended deployment for the war effort in Afghanistan; to the Committee on Armed Services.

By Mr. NEY (for himself, Mr. HOYER, Mr. HASTERT, Mr. GEPHARDT, Mr. EHLERS, Mr. FATTAH, Mr. LINDER, Mr. DAVIS of Florida, Mr. REYNOLDS, Mr. DOOLITTLE, and Mrs. BIGGERT):

H. Res. 294. A resolution expressing the gratitude of the House of Representatives to the General Accounting Office and its employees for enabling the House to continue its work while the House office buildings were closed due to the presence of Anthrax; to the Committee on House Administration. considered and agreed to.

By Mr. FERGUSON (for himself and Mr. DAVIS of Illinois):

H. Res. 295. A resolution urging the establishment of a commission on technology and education; to the Committee on Education and the Workforce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. PETRI introduced a bill (H.R. 3356) for the relief of Mohamed Abshir Musse, Mariam Musse Gul, Abdullahi Mohamed Abshir, and Madina Mohamed Abshir; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 239: Mr. DUNCAN.
H.R. 250: Mr. REYES and Mr. FORBES.
H.R. 280: Mr. CALVERT, Mr. KERNS, and Mr. HOSTETTLER.
H.R. 325: Mr. GILLMOR.
H.R. 458: Mr. HOSTETTLER and Mr. ISSA.
H.R. 623: Mr. FILNER.
H.R. 747: Mr. WEXLER.
H.R. 1097: Ms. WATERS.
H.R. 1170: Mr. SANDERS and Mr. DOYLE.
H.R. 1178: Mr. PLATTS and Mr. FALEOMAVAEGA.
H.R. 1262: Mr. HILLIARD.
H.R. 1322: Mr. LAFALCE.
H.R. 1360: Mr. LAFALCE and Ms. ROYBAL-ALLARD.
H.R. 1433: Mr. FERGUSON, Mr. FORD, and Mr. BALDACCI.
H.R. 1522: Mr. CARSON of Oklahoma.
H.R. 1616: Mr. CANNON, Mr. BOUCHER, Ms. ROS-LEHTINEN, and Ms. LOFGREN.
H.R. 1650: Ms. SOLIS.
H.R. 1733: Mr. FALEOMAVAEGA.
H.R. 1819: Mr. ROSS.
H.R. 1957: Mr. REYES.
H.R. 1983: Mr. OSBORNE, Mr. BARTLETT of Maryland, Mr. SIMPSON, and Mr. LARSEN of Washington.

H.R. 1990: Ms. SOLIS.
H.R. 2035: Mr. UPTON, Mr. LUCAS of Kentucky, and Mrs. LOWEY.
H.R. 2059: Mr. FRANK.
H.R. 2125: Mr. UPTON.
H.R. 2163: Mr. OLVER and Mr. MATSUI.
H.R. 2219: Mr. BENTSEN.
H.R. 2235: Mr. TAUZIN.
H.R. 2348: Mr. CONDIT, Ms. WATSON, Mr. CONYERS, Mr. HILLIARD, Mr. FATTAH, Mr. LARSON of Connecticut, and Mr. CRAMER.
H.R. 2349: Mr. DOOLEY of California, Mr. SHAYS, Mr. HOLT, Ms. BERKLEY, and Ms. ROYBAL-ALLARD.
H.R. 2374: Mr. KNOLLENBERG.
H.R. 2377: Mr. ROTHMAN.
H.R. 2419: Mr. BALDACCI and Mr. PAUL.
H.R. 2440: Mr. MORAN of Virginia and Mr. WOLF.
H.R. 2550: Mr. GONZALES, Mrs. NAPOLITANO, Mr. REYES, and Ms. SOLIS.
H.R. 2583: Mr. WALDEN of Oregon.
H.R. 2623: Ms. LOFGREN, Mr. OLVER, Mrs. MALONEY of New York, and Mr. CUMMINGS.
H.R. 2629: Mr. BLUNT and Mr. LATOURETTE.
H.R. 2718: Mr. OLVER.
H.R. 2722: Mr. SHAYS, Mr. CRAMER, and Mr. FALEOMAVAEGA.
H.R. 2739: Mr. WEXLER, Mr. ACKERMAN, Mr. GILMAN, Ms. ROS-LEHTINEN, Mr. GILLMOR, Mr. BILIRAKIS, Mr. MALONEY of Connecticut, Mr. ROHRBACHER, Mr. LANTOS, Mr. WU, Mr. DAVIS of Florida, Mr. HOFFEL, Mr. ANDREWS, and Mr. MCDERMOTT.
H.R. 2812: Mr. WATT of North Carolina.
H.R. 2817: Mr. FORBES, Mr. GRAVES, and Mr. ISRAEL.
H.R. 2837: Mr. WAXMAN and Ms. LEE.
H.R. 2846: Ms. HART.
H.R. 2908: Mr. BLAGOJEVICH and Mr. REYES.
H.R. 2946: Mr. CRAMER.
H.R. 2955: Mr. WEXLER.
H.R. 2961: Mr. DOOLEY of California.
H.R. 2966: Mrs. CHRISTENSEN and Mr. KUCINICH.
H.R. 3006: Mr. CRANE and Mr. LAHOOD.
H.R. 3013: Ms. KAPTUR.
H.R. 3014: Mr. SIMMONS.
H.R. 3026: Mr. FALEOMAVAEGA and Mr. COSTELLO.
H.R. 3046: Mr. HASTINGS of Washington, and Mr. FALEOMAVAEGA.
H.R. 3054: Mr. WOLF, Mr. PETERSON of Pennsylvania, and Mr. SANDERS.
H.R. 3058: Mr. LEVIN, Mr. HOFFEL, Ms. ESHOO, and Mr. SMITH of Washington.
H.R. 3063: Mr. MEEKS of New York.
H.R. 3070: Mr. BARRETT.
H.R. 3077: Mr. SOUDER.
H.R. 3082: Mr. CASTLE.
H.R. 3088: Ms. HART and Mrs. MYRICK.
H.R. 3113: Mr. McNULTY and Ms. VELÁZQUEZ.
H.R. 3130: Mr. INSLEE.
H.R. 3154: Mr. MANZULLO, Mr. CASTLE, Mr. MORAN of Kansas, Mr. FORBES, and Mr. BARTLETT of Maryland.
H.R. 3175: Mr. KILDEE.
H.R. 3188: Mr. WEINER.
H.R. 3191: Mr. FRANK, Mrs. KELLY, Mrs. JONES of Ohio, Mr. BACHUS, Mr. KING, Mr. ROGERS of Michigan, and Ms. LEE.
H.R. 3201: Mr. KERNS, Mr. PAUL, and Mr. RYUN of Kansas.
H.R. 3206: Mr. GREEN of Wisconsin, Mr. SHAYS, and Mr. MALONEY of Connecticut.
H.R. 3209: Mr. BRADY of Texas.
H.R. 3216: Mr. BOEHNER, Mr. RODRIGUEZ, and Mrs. DAVIS of California.
H.R. 3219: Mr. FROST, Ms. SLAUGHTER, and Ms. DEGETTE.
H.R. 3230: Mr. FILNER and Mr. LUCAS of Kentucky.
H.R. 3238: Mr. MCGOVERN, Mrs. MINK of Hawaii, Mr. FALEOMAVAEGA, and Mr. DOYLE.

H.R. 3253: Mr. FERGUSON.
 H.R. 3254: Mr. UNDERWOOD.
 H.R. 3267: Mr. MCGOVERN, Mr. KILDEE, Ms. WOOLSEY, Mr. FALEOMAVAEGA, Mr. DOYLE, and Mr. OLVER.
 H.R. 3274: Ms. SOLIS and Ms. LEE.
 H.R. 3277: Mrs. MINK of Hawaii and Mrs. LOWEY.
 H.R. 3278: Mr. FROST and Mr. BOEHLERT.
 H.R. 3279: Ms. BERKLEY.
 H.R. 3284: Mr. FROST, Mr. MCDERMOTT, and Mr. FRANK.
 H.R. 3288: Mr. KIND, Mr. BACA, and Mr. HOLT.
 H.R. 3298: Mr. BOEHLERT, Mr. NADLER, Mr. MCHUGH, Mr. SERRANO, and Mr. McNULTY.
 H.R. 3310: Mr. THOMPSON of California, Mr. SHOWS, Mr. OBERSTAR, Ms. DEGETTE, Ms. PELOSI, Mr. BLAGOJEVICH, Mr. BALDACC, Ms. MCCOLLUM, Mr. FORD, Mr. KENNEDY of Rhode Island, Mrs. NAPOLITANO, and Mr. HOLDEN.
 H.R. 3336: Ms. NORTON, Mr. SERRANO, Ms. MCKINNEY, Mr. CONYERS, Mr. OWENS, Mrs. CHRISTENSEN, Mr. FRANK, Mr. THOMPSON of Mississippi, Mr. HINCHEY, and Mr. FORD.
 H.R. 3339: Mrs. NAPOLITANO and Mr. HINOJOSA.
 H.R. 3341: Mr. FRANK, Mrs. MINK of Hawaii, Mr. WAXMAN, Mrs. JONES of Ohio, Mrs. CHRISTENSEN, Ms. KAPTUR, Mrs. CLAYTON, Mr. BALDACC, Mr. BONIOR, Mr. KUCINICH, Ms. PELOSI, Mr. HONDA, Mr. DICKS, and Mr. HINCHEY.
 H.R. 3345: Mrs. LOWEY and Mr. NADLER.
 H.J. Res. 23: Mr. RAMSTAD, Mr. FOLEY, and Mr. CASTLE.
 H. Con. Res. 26: Mr. SANDERS.
 H. Con. Res. 77: Mr. BLUMENAUER and Mr. TOM DAVIS of Virginia.
 H. Con. Res. 180: Mr. SHERMAN.
 H. Con. Res. 222: Ms. BERKLEY.
 H. Con. Res. 240: Mr. LAFALCE and Ms. LEE.
 H. Con. Res. 249: Mr. BARR of Georgia and Mr. PASCRELL.
 H. Con. Res. 260: Mr. SANDERS and Mrs. CHRISTENSEN.
 H. Con. Res. 267: Mr. MCHUGH and Mr. ENGLISH.

H. Con. Res. 268: Ms. HART, Mrs. BIGGERT, and Ms. JACKSON-LEE of Texas.

H. Con. Res. 270: Ms. LEE, Mr. RAHALL, Mr. PICKERING, Mr. HASTINGS of Florida, Mr. WATKINS, Mr. KILDEE, Mr. REYES, Mr. UDALL of Colorado, Mr. STUPAK, and Mr. BOSWELL.

H. Con. Res. 276: Mr. CLEMENT and Mr. DOYLE.

H. Res. 15: Mr. HOSTETTLER.

H. Res. 261: Mr. FALEOMAVAEGA and Mr. BOUCHER.

H. Res. 280: Mr. BONIOR, Ms. KAPTUR, Mr. RAHALL, Ms. LEE, Mr. LANTOS, Mr. MALONEY of Connecticut, Mrs. JONES of Ohio, Mr. MEEKS of New York, and Ms. MCKINNEY.

H. Res. 281: Ms. CARSON of Indiana, Mr. MATSUI, Ms. MCCOLLUM, Mr. FROST, Mrs. BIGGERT, Mrs. MEEK of Florida, Ms. PELOSI, Ms. HART, Mr. DINGELL, Ms. ROYBAL-ALLARD, Mr. CLEMENT, Ms. WOOLSEY, Mrs. MINK of Hawaii, Ms. BROWN of Florida, Mr. GEORGE MILLER of California, Mr. SANDERS, Mr. ACKERMAN, and Mr. ENGEL.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 3338

OFFERED BY: Mr. KUCINICH

AMENDMENT No. 6: Page 133, lines 7 and 9, after each dollar amount, insert the following: “(increased by \$289,000,000)”.

Page 136, line 13, after the dollar amount, insert the following: “(reduced by \$786,485,000)”.

H.R. 3338

OFFERED BY: Mr. KUCINICH

AMENDMENT No. 7: At the end of the bill, add the following:

DIVISION C—ADDITIONAL GENERAL PROVISIONS

SEC. ____ None of the funds provided in this Act may be used to appoint any military

commission under the military order of the President issued on November 13, 2001, and titled “Detention, Treatment, and Trial of Certain Non-Citizens in the War Against Terrorism”.

H.R. 3338

OFFERED BY: Mr. REGULA

AMENDMENT No. 8: At the end of title VIII of division A (page 132, after line 15) add the following new section:

SEC. ____ (a) FINDINGS.—The Congress finds that—

(1) in times when our national security is threatened by possible attacks from foreign and domestic enemies, it is necessary that the United States have a sufficient supply of certain products that are essential for defending this Nation; and

(2) it has been the consistent intent of Congress that the Department of Defense, when purchasing items to support the Armed Forces, choose items that are wholly of domestic content and manufacture, especially items identified as essential to our national defense.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) it is vital that the United States maintain a domestic manufacturing base for certain products necessary to national security, so that our Nation does not become reliant on foreign sources for such products and thereby vulnerable to disruptions in international trade; and

(2) in cases where such domestic manufacturing base is threatened, the United States should take action to preserve such manufacturing base.

H.R. 3338

OFFERED BY: Mr. SANDERS

AMENDMENT No. 9: In chapter 7 of division B, in the item relating to “PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND”, after the dollar amount, insert the following: “(reduced by \$200,000,000) (increased by \$200,000,000)”.

EXTENSIONS OF REMARKS

IN HONOR OF HON. JOHN BOWLER

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 27, 2001

Ms. HARMAN. Mr. Speaker, I rise today to honor a good friend, John Bowler, who is retiring today from eight years on the Hermosa Beach City Council, including two terms as the town's mayor.

John is retiring in order to spend more time with his family and friends and to devote more of his energies to civic groups and causes. I admire his decision, Mr. Speaker, because all of us in the House know how hard it is to pursue an active public schedule and still maintain a private one.

But I will miss John on the City Council. He has hosted and fed me and my staff in his city many times. John has been instrumental in the revitalization of Hermosa's downtown areas, including the construction of the Pier Plaza—now a popular hot spot. His former restaurant, Fat Face Fenner's, is a Pier landmark.

Leaving the City Council does not mean John is leaving the city, because I'm counting on him to continue to be involved in our community.

I join the citizens of Hermosa Beach in thanking him for his services and wishing him well.

HONORING THE RECYCLING
EFFORTS OF DR. PATRICK DOYLE

N. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 27, 2001

Mr. GORDON. Mr. Speaker, I rise today to recognize the outstanding recycling efforts Dr. Patrick Doyle has made at my alma mater, Middle Tennessee State University. His tireless work in this area has benefitted not only the environment, but it has also helped fund a scholarship program.

Dr. Doyle, a biology professor at MTSU, started the university's recycling program in 1972. Nearly 11 million pounds of newsprint, 218,400 pounds of aluminum cans and 1.3 million pounds of white paper have been recycled in the nearly 30 years Dr. Doyle has overseen the program. Proceeds from the program have generated about \$450,000 in scholarships for MTSU students.

Dr. Doyle's work has not gone unnoticed, though. He has received numerous awards for his conservation efforts. Just last year, for example, he received the prestigious President's Service Award for his recycling campaign at MTSU. He has twice received the Tennessee Education Association's teaching award and

has received the Lifetime Achievement Award from the Tennessee Department of Environment and Conservation for contributions to environmental education and natural resources conservation.

The entire Middle Tennessee community has benefitted from Dr. Doyle's concern for the environment and higher education. I salute Dr. Doyle for all he has done to make Middle Tennessee a better place to live.

KLAMATH BASIN EMERGENCY OPERATION AND MAINTENANCE RE-FUND ACT OF 2001

SPEECH OF

HON. WALLY HERGER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 2001

Mr. HERGER. Mr. Speaker, I would like to thank my friend and colleague from Oregon, Representative GREG WALDEN, for his hard work on this important piece of legislation.

Mr. Speaker, the idea behind this bill is a simple one. Requiring Klamath Basin farmers, already beset by extreme financial hardship, to pay the costs of operating and maintaining the Klamath Project, from which they received no water this year, would simply add insult to an already serious injury.

Unfortunately, this money is a mere drop in the bucket of the more than \$220 million in financial suffering the family farmers and small business owners in this area have had to endure because of the Endangered Species Act. But it is important. It is important because it will provide a measure of economic relief to farmers and others struggling to survive financially in the face of this unmitigated government-caused disaster. It also sets an important policy that this Congress must continue to ardently pursue—that the federal government should be financially accountable for the economic and social harm it causes by virtue of its misguided regulatory decisions.

Fortunately for the farmers on the California side of the Basin, earlier this year the State of California passed an emergency relief bill, which contained \$3 million to compensate the Tularelake Irrigation District (TID) in California for its operation and maintenance costs (O&M). H.R. 2828 attempts to account for this state action. It includes language designed to offset any money due under its provisions against any other O&M reimbursement a qualifying entity may have otherwise received pursuant to state law.

This intent behind this provision is narrow. It seeks only to prevent any water district that may have already received an O&M reimbursement, including the TID, from receiving a second payment. Congress continues to recognize that the TID and other California farmers were subject to the same zero water deci-

sion as those farmers who will receive compensation under H.R. 2828 and, as such, have suffered the same and equally difficult financial hardships.

As such, the policies and principles underlying H.R. 2828 should apply equally as to Klamath Basin water districts. Accordingly, the record should reflect that H.R. 2828 obligates the Secretary to treat any district that may have been reimbursed for O&M the same in all respects under the bill as those not receiving such state benefits, and to continue working in good faith with the TID to relieve any and all other burdens associated with federal O&M for the 2001 water year.

Again, I would like to thank my colleague for his work on this bill, and I urge my colleagues to support this important legislation.

IN MEMORY OF LOUIS
BRATHWAITE

HON. HOWARD P. "BUCK" McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 27, 2001

Mr. McKEON. Mr. Speaker, I would like to take this opportunity to pay tribute to the life and memory of Louis Brathwaite and to acknowledge his many contributions to the Santa Clarita Valley. Louis passed away in early November after suffering a heart attack.

He was born on April 25, 1933, in New York City. Louis served in management positions with the U.S. Air Force, retiring in 1990 after 38 years of service. He was also a member of the U.S. Naval Air Reserve and in addition, he designed office furniture and sold personal computers. Louis moved to the Santa Clarita Valley in 1969 and quickly amassed a list of civic accomplishments.

Always a community activist, Louis was involved in the creation of the City of Santa Clarita. He went on to become a planning commissioner where he influenced local development decisions. Louis took his responsibility as a planning commissioner very seriously and was a proponent of environmentally friendly, quality growth as well as a wonderful advocate for the arts.

Louis took an exceptional interest in everything he did. I first met him when we served together on the William S. Hart Union High School District governing board. I soon discovered he was a man of kindness, strength, and integrity.

Louis was also very involved in the creation of the headquarters of the Boys and Girls Club in Newhall. He assisted with the entire spectrum of the population. As a board member for the Committee on Aging with the SCV Senior Center, he was a driving force to acquire senior housing. With any project he was involved with, Louis brought a sense of compassion and he always tried to make the world a better place.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Just prior to his death, Louis completed his autobiography, "Black Man's Job, White Man's World," chronicling his accomplished career with the federal government at a time when blacks were rarely found in positions of responsibility. A man who achieved a tremendous amount in life, he was pivotal in bringing the Equal Employment Opportunities Act to the United States Navy.

Louis will be remembered as a kind, caring, and capable man who was generous with his time and talents in order to help others. Louis is survived by his widow Mary, her daughter, Valerie, his daughter, Neshia, their son Louis II, and Grandchildren Kate and Akira.

PAYING TRIBUTE TO BRIAN DAVID YOUNG

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 27, 2001

Mr. ROGERS of Michigan. Mr. Speaker, I rise today to congratulate Brian David Young on his distinguished achievement of not only passing the Michigan Bar Exam, but scoring exceptionally high. He has recently been admitted to the State Bar of Michigan.

Mr. Speaker, after receiving his undergraduate degree from the University of Michigan, Brian continued to be a highly competitive student at Wayne State University Law School in Detroit, MI, where he served on the Wayne Law Review. Not only was he a published author, but as Note and Comment Editor, he assisted other Law Review members with their writings. This exemplary student graduated cum laude in May, 2001. He currently practices law as an associate at Bodman, Longley & Dahling LLP. All who come in contact with Brian clearly notice his stellar attitude and high quality job performance. He is certainly worthy of recognition.

Brian has proven to be a professional of the highest caliber. His values and beliefs are reflected in his dedication to his work and his relationships with family, friends, and people in the community. On behalf of the many who have benefitted from his concern, expertise, and leadership, I commend him.

Indeed, this young man sets an excellent example to all. Therefore, Mr. Speaker, I respectfully ask my colleagues to join me in paying tribute to Brian David Young for being admitted to the State Bar of Michigan. I wish him all the best of luck and continued success in the future.

IN HONOR OF HON. JULIE OAKES

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 27, 2001

Ms. HARMAN. Mr. Speaker, I rise today to honor my friend, Julie Oakes, who retires today from 8 years as a member of the Hermosa Beach City Council, including two as mayor.

Julie is only the seventh woman to serve on the Hermosa Beach City Council in its 90-year

history. As a female elected official myself, I respect and admire the challenges that Julie has had to face in running for and maintaining her seat all these years, and she has done a terrific job. In my observation, she balances her roles as professional architect, politician, mother, and spouse extremely well.

Julie has been instrumental in reshaping and refocusing the Hermosa Beach City Council, and has been a constructive and knowledgeable voice in the recent "Renaissance" of Hermosa Beach, and particularly its downtown area.

I have enjoyed working with Julie through the years, and join the citizens of Hermosa Beach in thanking her for her service and wishing her well.

HONORING THE DISTINGUISHED PUBLIC SERVICE OF ED "SONNY" ELAM

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 27, 2001

Mr. GORDON. Mr. Speaker, I rise today to recognize the outstanding public service of a great friend of mine, Ed "Sonny" Elam. Sonny is retiring next year as the Rutherford County (Tennessee) Clerk after serving 28 years in office.

Sonny was first elected as the Rutherford County Clerk in 1974 when the office had only nine employees and one electric typewriter. His office now employs 28 people and uses a computer system to keep up with one of the fastest growing communities in the United States.

Sonny has helped transform the County Clerk's Office into a modern, efficiently run operation. His work ethic and friendly ways have made him a popular official among Rutherford County residents.

His unflinching dedication and tireless service to the county will be sorely missed. I congratulate Sonny on his distinguished career and wish him well in future endeavors.

TRIBUTE TO CAYUGA COUNTY LEGISLATURE CHAIRMAN RALPH STANDBROOK

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 27, 2001

Mr. WALSH. Mr. Speaker, I rise today to recognize a strong leader in Central New York on the eve of his retirement from public service. Ralph Standbrook has devoted virtually his entire professional life to the betterment of his community and in defense of his nation. On December 11th, Mr. Stanbrook will preside over his final meeting as Chairman of the Cayuga County Legislature in Central New York after a ten-year tenure on that body.

Shortly after graduating from Red Creek High School, Ralph Standbrook joined the United States Army, retiring in 1972 at the rank of lieutenant colonel. Chairman

Standbrook served his nation in both the Korean and Vietnam Wars and has been decorated with the Agri-Service Award, Conspicuous Service Cross Award, Legion of Merit, Bronze Star, Air Medal, Army Commendation Medal, Joint Service Commendation Medal, Combat Infantry Badge, and Senior Parachute Badge. He met his wife of fifty years, Tula, during his service while stationed at Fort Temple, Kentucky.

After retiring from the Army, Chairman Standbrook farmed and worked in real estate and construction in Tennessee. In 1983, he returned to his native Central New York to pursue a retirement career as a charter fishing boat captain on Lake Ontario. In 1991, he was elected to the Cayuga County Legislature. He also served as Mayor of the Village of Fair Haven from 1991 until 1994 when he was elected Chairman of the Cayuga County Legislature—a position that has since developed into a full-time position which also oversees the County's executive branch of government.

Under Chairman Standbrook's leadership, Cayuga County has prospered. During his watch, Standbrook ushered in major public improvements to the county's Emerson Park and the Sodus Bay breakwater. Standbrook led the effort to purchase significant Lake Ontario-front property, establishing the Sterling Nature Center, and created the Cayuga County Sewer and Water Authority. He has served as a strong steward for the county's watersheds and natural resources and supported the expansion of programs at Cayuga Community College, including the development of its Regional Applications Center.

Mr. Speaker, in my twenty-plus years of public service both in local government and here in Washington, it is rare that I have come across a leader with the vision, the integrity, and the drive of Ralph Standbrook. He is indeed one of the best individuals I have ever met in public life and is a true visionary. Ralph Standbrook is a leader who always thinks big.

It is my honor to recognize Chairman Ralph Standbrook for his tireless service on behalf of the people of Cayuga County. I thank him for the legacy of progress that he leaves and wish him, his wife Tula, and their entire family much health and happiness throughout his retirement from elected office. Knowing Ralph's drive and concern for community, I am certain he will continue to improve Central New York's quality of life for years to come.

PROCLAMATION FOR ANTHONY PEREZ

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 27, 2001

Mr. ISRAEL. Mr. Speaker, it is with great pride that I rise today to recognize one of New York's outstanding young students, Anthony Perez. This young man has received the Eagle Scout honor from his peers in recognition of his achievements.

Since the beginning of this century, the Boy Scouts of America have provided thousands of boys and young men each year with the opportunity to make friends, explore new ideas,

and develop leadership skills while learning self-reliance and teamwork.

The Eagle Scout award is presented only to those who possess the qualities that make our nation great: commitment to excellence, hard work, and genuine love of community service. Becoming an Eagle Scout is an extraordinary award with which only the finest Boy Scouts are honored. To earn the award—the highest advancement rank in Scouting—a Boy Scout must demonstrate proficiency in the rigorous areas of leadership, service, and outdoor skills; they must earn a minimum of 21 merit badges as well as contribute at least 100 man-hours toward a community-oriented service project.

I ask my colleagues to join me in congratulating the recipients of these awards, as their activities are indeed worthy of praise. Their leadership benefits our community and they serve as role models for their peers.

Also, we must not forget the unsung heroes, who continue to devote a large part of their lives to make all this possible. Therefore, I salute the families, scout leaders, and countless others who have given generously of their time and energy in support of scouting.

It is with great pride that I recognize the achievements of Anthony and bring the attention of Congress to this successful young man on his day of recognition, Friday, November 2, 2001. Congratulations to Anthony and his family.

IN HONOR OF STUDENTS AND FACULTY AT DISNEY ELEMENTARY IN MAGNOLIA SCHOOL DISTRICT, ANAHEIM, CALIFORNIA

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 27, 2001

Ms. SANCHEZ. Mr. Speaker, today I rise to honor the students and faculty at Disney Elementary in Magnolia School District, Anaheim, California, for their contributions of \$2,700 to the relief fund for the September 11th tragedy in New York City. These young students raised the money on their own, and when asked what they wanted to do with it, said "We want to donate the money to the victims' families, firefighters, policemen, and all those people affected."

It is incredibly sad that our children would have to experience such a horrible event in their lifetime, but their compassion clearly shows, even at such an early age. I am so proud of all the students and faculty at Disney Elementary! Keep up the good work! Through your eyes, we see the shining hope for the future.

TRIBUTE TO MR. RANDY BERRYHILL OF THE MUSCLE SHOALS FIRE DEPARTMENT

HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 27, 2001

Mr. CRAMER. Mr. Speaker, I rise today to recognize and honor Mr. Randy Berryhill of

Muscle Shoals, Alabama as he retires on December 1, 2001. Mr. Berryhill has been a very special member of the Muscle Shoals Fire Department for 30 years. He was hired on June 19, 1971 by the City of Muscle Shoals as a custodian for the Fire Department, but has assumed a much larger role over the years. Mr. Berryhill is handicapped, but has not let that stop him from greatly expanding his responsibilities at the department. He picks up the mail, raises and lowers the flag on a daily basis, and performs various other tasks that are crucial to efficiently running the department.

Mr. Berryhill is very active in the Muscle Shoals community as well as the Fire Department. He is a member of the Woodward Avenue Baptist Church Choir, an avid supporter of the Muscle Shoals High School Football and Basketball teams, and a fervent fan of the University of Alabama. Mr. Berryhill's dedicated service will be greatly missed by the Fire Department, but I am confident that he will remain an active member of the Muscle Shoals community during his well-earned retirement.

IN HONOR OF PRESIDENT STUART RABINOWITZ

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 27, 2001

Mr. ACKERMAN. Mr. Speaker, I rise today to honor Stuart Rabinowitz, on the occasion of his recent appointment as the new president of Hofstra University in Nassau County, New York.

Chosen as the eighth President at Hofstra University, Stuart Rabinowitz assumes the post with 29 years of service to the University. Professor Rabinowitz joined the faculty of Hofstra University School of Law in 1972, and from 1989 to 2001, served as Dean of the Hofstra School of Law. In recognition of his outstanding contributions to the Hofstra community, Professor Rabinowitz has been honored by his appointment as the Andrew M. Boas and Mark L. Claster Distinguished Professor in Law.

Professor Rabinowitz received his juris doctor degree, magna cum laude, from Columbia University School of Law, where he was a member of the board of editors of the Columbia Law Review and a Harlan Fiske Stone Scholar. He received his undergraduate degree with honors, from City College of New York, and is a member of Phi Beta Kappa and the American Law Institute.

Stuart Rabinowitz is an outstanding citizen and dedicated to his community. In addition to being a devoted father and husband, Professor Rabinowitz holds many positions with a number of important government and community organizations. These include the Nassau County Health and Welfare Council, Cradle of Aviation Museum, Fund for Modern Courts and Long Island Coalition for Fair Broadcasting. He is also a former member of the Nassau County Blue Ribbon Financial Review Panel and former chair of the Nassau County Local Advisory Board.

For his notable service, Stuart is the recipient of the Martin Luther King Living the Dream

Award, EOC; Distinguished Service in the Cause of Justice, Legal Aid Society; UJA Federation Leadership Award; and the Bar association of Nassau County Proclamation for Outstanding service to both the Legal Profession and the community.

Mr. Speaker, it is with great pride that I honor Professor Rabinowitz for his distinguished contributions to Hofstra University and the Nassau County community. I ask all my colleagues in the House of Representatives to please join me in congratulating Stuart Rabinowitz as he assumes his appointment as President of Hofstra University.

WHITE HOUSE CHRISTMAS TREE

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 27, 2001

Mr. SHUSTER. Mr. Speaker, I rise today to share some exciting news from my district. I am delighted to report that the official White House Christmas tree is coming from a farm in my district. Specifically, the White House Christmas tree has been chosen from the Hill View Tree Farm in Middlecreek, Pennsylvania, which is owned and operated by Janice Bowersox and her son and daughter-in-law, Darryl and Aimee Bowersox.

In order to achieve the honor of being designated the farm to supply the White House Christmas trees, the Bowersox family entered the National Christmas Tree contest, an event sponsored by the National Christmas Tree Association. The Bowersox family won the contest at the national convention in August 2000, where they were named Grand Champions. As the winner, Hill View Tree Farm became the chosen supplier of two Christmas trees for the White House.

One tree will be set up in the Yellow Oval Room to serve as the tree for the Bush family. This is the tree under which members of the first family are likely to put their presents. This tree, from the Hill View Farm, is about eight feet tall and has been growing in the field since 1989. The larger tree, which will be placed in the Blue Room, must be at least 18½ feet high. This larger tree will be the official White House Christmas tree. It is being supplied for Hill View Farm by Donald Craul of Lewisburg, Pennsylvania.

The two trees will be cut and delivered to the White House the week after Thanksgiving. Janice, Darryl and Aimee Bowersox will present the official White House Christmas tree to First Lady Laura Bush at the White House on the morning of November 28.

Hill View Tree Farm was founded in 1954. The farm has about 150,000 Christmas trees growing on 120 acres. The Bowersox family grows Douglas fir, Colorado spruce, white pine, and concolor fir trees. According to Joyce Bowersox, winning the White House Christmas tree contest has long been a family goal. Joyce Bowersox said she and her family are honored to be presenting this year's tree and thrilled to have received the top honor in the Christmas tree industry.

I am delighted that a farm from my district was chosen to be a part of the White House

Christmas tree tradition. I am happy for the Bowersox family, and I hope that the Christmas tree chosen for the White House will bring joy to the President and Mrs. Bush and their family.

OUR NATION AND THE SEA

HON. NEIL ABERCROMBIE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 27, 2001

Mr. ABERCROMBIE. Mr. Speaker, on October 11, 2001, Mr. John P. Craven, the President and founder of the Common Heritage Corporation, Honolulu, Hawaii, was honored as a Doherty Lecturer in our Nation's Capital. I would like to share some of his thoughts and comments about our Nation and the sea with my colleagues by having his enclosed keynote speech entered into the CONGRESSIONAL RECORD.

WHAT AMERICANS SHOULD KNOW ABOUT OUR NATION AND THE SEA

(By John P. Craven)

The days of my years are more than three score and ten and I find myself called upon to share the experiences of a lifetime of involvement with a diverse set of vocations and avocations—all involving the ocean. To be chosen as the Doherty lecturer is a particularly special invitation, inasmuch as it is an honor to which I have aspired for longer than I can remember. When to my surprise I received word of my selection, I lost no time in weighing anchor and setting sail.

The formal invitation arrived several days later and I discovered that I was sailing under false colors. I was not invited, as I assumed, as the flamboyant master of submarine espionage depicted in the best selling book *Blind Man's Bluff*. Instead it was clear that my invitation was based on my role as the Past Director of the Law of the Sea Institute, an international NGO dedicated to the creation of the United Nations Convention on the Law of the Sea. I was thus expected to say, as I will say, that it is imperative that the United States ratify this convention. It was also apparent that I was invited as the President of the Common Heritage Corporation, a company intimately involved in the use of ocean resources and dedicated to the management of innovation involved in the use of ocean resources and dedicated to the management of innovation for the benefit of humanity. I was thus also expected to say, as I will say, that society must commit itself to research and development of programs leading to the use of ocean resources and ocean space to change our world into an environmentally sustainable habitat for its burgeoned and burgeoning population.

I am here today, therefore, as the wearer of three distinctly different caps: one representing my years of involvement in national security, another designating me as a proponent of translational law and justice and a third worn by an innovator of futuristic technology. Yet it is my contention that my roles are connected by more than just the ocean. They also form an integrated view of the future—a view that I believe society must come to accept for its survival.

Through the anecdotes that follow, I hope to provide my fellow Americans with in-

sights into the lessons that I have learned during my careers, with the hope of convincing you about the importance—indeed the need—of sharing my hopes and aspirations for humanity.

Those of you familiar with my own recent book, *The Silent War*, may recall my description of "The Polaris Marching and Chowder Society." This Honolulu-based group initially consisted of submariners that had a role in the development of the Polaris Fleet Ballistic Missile system (the nation's first undersea strategic deterrent). The Society has met for breakfast once each month for the past two decades. I quote from my book here: "What prevents this breakfast from being just another gathering of old timers is the regular attendance of the active duty commander of the submarine forces of the Pacific fleet and members of his staff. This is a family breakfast and a rare opportunity for the family elders to offer their wisdom to the young in command. I am an adopted member of this family and, except for myself, all are qualified to wear the dolphins of the submarine service." A surprising number are also qualified to wear the master divers pin, suggesting that they are a part of the teams of "saturated divers" (i.e., humans as marine mammals living on the open ocean seabed of the world's continental shelves). They have carried out highly classified "special operations" of intelligence gathering for more than thirty years.

At the Society's meeting this past October 3rd, the events of September 11th were fresh in all members' minds. I distributed copies of *The Silent War* to young officers who were first time breakfast attendees. I noted that my book was written with the tacit encouragement of the Navy and the Intelligence services to tell the story of these operations as they should be told, without compromising national security. The very existence of these special operations was a secret until the publication of *Blind Man's Bluff*.

Sensitive details will not be revealed or discussed at this or any other meeting of the Marching and Chowder Society, but my book details the philosophy and strategy employed in winning the Cold War without firing a shot. The relevance of that philosophy and that strategy to the war against terrorism was a major topic at the Society's last meeting.

I reminded the Society of an unclassified talk given by former CIA Director Robert Gates at a reunion of the submarine *Parche*—the winner of seven Presidential Unit citations. He asserted that the CIA had four classes of heroes: (1) Operatives in the field who intercepted vital communications; (2) scientists and technicians who designed equipments and units that could intercept communications; (3) the operators of these equipments in environments where their skills were required and where their lives were in danger; and (4) the analysts in the intelligence agencies who interpreted the results of these missions and transmitted them to the President for those national policy positions and actions which would deter war and win peace. Director Gates then informed the men of *Parche* that the missions of the United States Navy submarine service were the most important of all the missions that had been conducted and that their story "had to be told."

This morning meeting ended with the thought that now more than ever the story had to be told for its relevance to the new conflict. Indeed, that very morning Secretary of Defense Donald Rumsfeld reminded the public of the long drawn out but success-

ful Cold War experience that we might have to endure to resolve the current terrorism conflict. What emerged from that meeting were insights into what I might characterize as my first lesson of this afternoon:

We cannot ask the Federal Government to reveal how many cruise missiles, cable tapping, undersea surveillance units have been built and deployed. Indeed, it is possible that nobody knows. The compartmentalization of this program within the Navy and within other Federal agencies is such that it is doubtful that any single individual has the knowledge of the "need to know" the full panoply of our undersea capability.

What then should Americans know? At the very least, we should know and understand that the people of the United States have occupied "inner space," or the oceans of our planet, in a manner that we have not accomplished or cannot hope to accomplish in outer space for a decade or more. Americans should know that we can publish and proclaim this underwater capability in a way that will not compromise national security but will tell those that would do us harm that we are in full control of the undersea environment. We should so publish; we should so proclaim.

I had to leave the Chowder Society breakfast early to hasten to Washington to attend the forum on the international law of terrorism organized by our host, John Norton Moore. En route To Dulles, I was recognized by a visibly nervous flight attendant who had seen me on *The History Channel*. The cause of her concern was understandable to all of us I'm sure, but some reflection and perspective are in order here. This woman and a hundred or so others were hurtling through the sky at 40,000 feet and more than five hundred miles per hour—a remarkable transportation achievement. Science and technology had made air travel so safe that the statistical likelihood or her demise remained an extraordinarily low probability event—recent tragic events notwithstanding. To remind and reassure her, I gave her a copy of *The Silent War* inscribed with my most immediate poetic thoughts of the moment: "And the night shall be filled with music and the cares that infest the day shall fold their tents like the nomads and as silently steal away."

Later that evening as with headphones on my head and brandy in my hand I looked out the window to see the beautiful glow of the lights of Denver below before sweet sleep possessed me. My last thoughts were: "Shall I be lifted to the skies on flowery beds of ease while others seek to win the prize and sail through stormy seas."

The lesson of this anecdote was first taught to us by Franklin Delano Roosevelt as we faced the prospect of World War II: "The only thing we have to fear is fear itself."

Upon my arrival in Washington, I listened to a set of provocative legal papers presented by brilliant scholars including the Honorable Stephen Schwebel, former President International Court of Justice, Professor Ruth Wedgwood of the Yale Law School and Professor Malvina Halberstam of the Benjamin N. Cardozo School of Law. A central issue discussed was whether in the present instance, state sponsored assassination in defense of a terrorist would be murder or legally justified as an act of self-defense. remarked to a most distinguished legal colleague seated next to me that I thought it was a matter of perspective as to whether you were holding the trigger or peering into the barrel of a gun. My colleague shot me

down with the rejoinder that my remark was political and not legal.

I believe Gandhi had the better view. Certainly to the surprise of many not closely familiar with his philosophy, he has written: "I do believe that, where there is only a choice between cowardice and violence, I would advise violence." To be sure, Gandhi characterized violence as an animal response to an immediate attack and non-violence, where possible, as a civilized alternative. Violence under attack becomes acceptable, however, when there is no alternative—that is when a decision to take no action emerges from fear rather than strength. This lesson is one that is particularly timely to Americans today.

In any event, all participants including Schwebel agreed that the definitive word of law was enunciated by the United Nations Security Council Resolutions of September 12 and September 28. Indeed until the Security Council spoke unanimously, the United States was not assured of the protection of all of the member States in its actions against terrorist acts. Americans should finally realize that, regardless of individual political feelings about this international body, we have no choice but to seek its protection when a declaration of International Law is necessary in the face of a World crisis.

The Law of the Sea Treaty is no different. This is one of the most comprehensive treaties ever negotiated and it has been modified to comply with all of the demands of the United States. Our manifest inability to enforce its provisions through our customary system of law, with the Coast Guard and internal legislation such as the Magnussen Act, demonstrates that our enforcement mechanism requires international cooperation. This cooperation can be assured only if we ratify and, parenthetically, pay our United Nations dues to support the Convention.

In contemplating the critical issues concerning national security and transnational law that I have set forth this afternoon, it is essential to consider the fundamental problem from which they emerge. These issues are rooted in the underlying reality that the resources of the world are limited while the potential consumers of these resources continue to grow in numbers. Thus, I now finish my Doherty Lecture wearing the hat of the President of the Common Heritage Corporation, or CHC.

I established CHC a decade ago in order to address the problems of an increasing global population, now over 6 billion, and its associated migration to the coastal zone. CHC's product is the demonstrated design of an environmentally sustainable habitat for installation on coastal deserts having access to deep ocean water. Our facility on the Kona coast of Hawaii is a showroom for the demonstration of such an installation. This showroom was specifically designed for Haiti, although our first installation may well occur in the Marshall Islands or in a form suitable for the affluent developed world on the island of Oahu.

Any of you who have visited Haiti know that it is a coastal desert on the lee side of a trade wind island. It has a population of six million living in desperate and deprived conditions. The local fishing industry does not have a single motorized fishing boat or any cooling or refrigeration. Fish are caught off the northern coast and by the time they arrive in the market at Port au Prince, about a third of the catch are not edible, even by Haitian standards. Haiti's fishermen care not

that the maximum sustainable yield of the ocean was exceeded some twenty-five years ago. They must fish or perish. Agriculture and manufacturing are non-existent and the government is effectively dysfunctional. Common Heritage Corporation has a joint venture agreement with a Haitian Company, "Energie General," that would be capable of managing the installation of one of our facilities, if the political climate of Haiti were receptive to such an installation. Today it cannot. We nevertheless are proceeding, waiting for that day to come.

What technology is in use at CHC's facility? It utilizes the sun and deep ocean water as its primary resource. Deep Ocean water or DOW is very cold, very rich in nutrients and very biologically pure. We convert seawater into fresh water in a device called a micro-climate tower, which operates like nature—using the cheap cold at the top of the tower to condense vapor from hot ocean water at the bottom. We do air conditioning and industrial cooling utilizing deep ocean water that passes through reclaimed automobile radiators. We grow cold-water algae utilizing the deep ocean water nutrients, and then use the algae as compost and as food for humans, for abalone, for shrimps, lobsters and fish. We have also developed a form of agriculture that utilizes deep ocean water passing through PVC pipes in the ground, producing more than enough condensate for irrigation and a thermodynamic environment that can only be characterized as a super spring.

But our facility is also designed as habitat. Accordingly, it does more than produce the basic necessities of life. Young children who visit our facility are quick to understand a habitat is more than life—it must also foster liberty and the pursuit of happiness. To that end, our facility features every kind of crop and food product, every kind of flower, parks and gardens and athletic fields for soccer and even golf.

Our facility has been technically successful beyond our wildest dreams. By way of illustration, let me tell you what we are doing with grapes. We have grape vines that grow in the hot desert without any rain or external irrigation. Cold ocean water pipes embedded three feet deep at the root zone provide the irrigation water and the thermodynamic climate. When the grapes are ripe and harvested, the cold water is turned off. The vines are then pruned and, after a week of dormancy, the cold water is turned on again and the vines produce yet another crop. Three abundant crops per year are produced, one of which is illustrated by the photograph that has been distributed.

But returning to Haiti briefly, we confront the basic problem that it cannot avail itself of our technology for the simple reason that it requires a significant number of dollars to install a system. Export crops are, of course, one way to raise dollars, but these crops must first be produced. In order to simulate the economic obstacles to the installation of a CHC sustainable facility in a country like Haiti, CHC operates as "bare-bones" a corporation as you are likely to see in the developed world. CHC has not borrowed any money from a bank. It utilizes where legal and possible its management and student trainees for construction and labor, much as is done by organizations such as Habitat for Humanity. Apart from a small amount of electric power and a very limited amount of external supplies, the entire facility is self-sustaining.

Thus, the jar of jelly provided to each of you symbolically and literally represents what CHC's technology can make possible

with developing world production techniques, notwithstanding all of the economic limitations. The glass jars and tops were manufactured in the Dominican Republic and purchased in bulk quantities at extremely low cost. The label was designed by a member of CHC's Board of Directors and printed using an obsolete computer printer purchased at a thrift shop. The cartons were assembled and loaded by my family here in Washington—and we could not prevent my two-year-old granddaughter from filling the boxes and applying stickers and decorations on some of the boxes as a form of play.

What more can CHC do to demonstrate the viability of environmentally sustainable habitats? We carried our PowerPoint road show to Mexico and gave a high level presentation the government agency responsible for economic development for the poor. Enthralled by our presentation, they asked how much an initial 100-acre installation would cost. Between five and ten million dollars was CHC's reply—a bargain. They were appalled. The agency's entire budget for the year was only 70 million dollars—a simple result of the devaluation of the peso. Committing up to one-seventh of their resources to a single project was simply out of the question.

Americans, we and other countries must find a way to avoid these Catch 22s and to start a development process that promotes an environmentally sustainable world. This world must be capable of providing all of its citizens with a reasonable standard of life. And, we must start now.

I speak not from an abstract perspective of what a good and just society would do. Instead, I am asserting an imperative. The tragic incidents of the past month have revealed that we can no longer ignore the resource limitations that confront the world. The gap between rich and poor nations grows greater and greater; the population of the developing world grows at unsustainable rates, yet even the best-intentioned citizens of developed nations have done little more than engage in impassioned rhetoric. We have let our global educational and research activities atrophy and decay; we have imposed the product of our material comforts on the impoverished and peoples of the undeveloped world. Should it surprise us that people with literally nothing to lose might choose to lash out against us? We have replaced reality with a dazzling world of virtual reality, but September 11th has taught us that there are realities that we can no longer ignore. I speak from a lifetime of immersion in that real world. Even so, from that experience I conclude that there is hope.

Americans we must and we can work with the World to end terrorism—there is no alternative; we must and we can work with the world to defuse the threats of war—there is no alternative; we must and we can work with the world to establish an international regime for the wise use of the ocean—there is no alternative, and; we must and we can start the development process that leads to an environmentally sustainable world habitat for humanity—there is no alternative—there is none.

November 27, 2001

HEREFORD HIGH SCHOOL'S LADY
WHITEFACES WIN STATE
VOLLEYBALL TITLE

HON. LARRY COMBEST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 27, 2001

Mr. COMBEST. Mr. Speaker, I rise to join Hereford, and the Texas Panhandle in congratulating the Hereford Lady Whitefaces in their win in the Class 4A state volleyball championship. This is the fourth state volleyball title that the Lady Whitefaces have brought home, a record that is truly deserving of recognition and praise.

The Hereford High lady volleyball team has a history of hard work, dedication and sportsmanship. This hard-fought victory comes after falling just short of winning the title last season. The women of the Lady Whiteface volleyball team have stood firm in their goal to regain this prestigious title. This team has shown what today's youth can accomplish when teamwork and determination are applied to a goal.

It is with great pride that I recognize the members of the Hereford Lady Whitefaces and their coaches for this accomplishment, as well as the faculty and fans that led them to victory. Thanks to their tremendous efforts, Hereford, Texas is once again home to the Class 4A state volleyball championship title. I salute the Hereford Lady Whitefaces for bringing home this state title.

THRIFT SAVINGS PLAN ENHANCEMENT ACT

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 27, 2001

Mrs. MORELLA. Mr. Speaker, I rise today to introduce the Thrift Savings Plan Enhancement Act. This bill will amend title 5 to allow all Thrift Savings Plan (TSP), participants who are over 50 to take advantage of "catch-up" contributions. It will also eliminate the 6-to-12 month waiting period which currently governs eligibility for Agency Automatic (1%) and Agency Matching Contributions.

The first section of the bill is necessary because recent changes in tax law (Public Law No. 107-16) permit 401(a) plans and others, like the TSP, to accept additional contributions from those age 50 and over, but this new law does not change the terms of any plan to provide the benefit, in fact, plans are not required to make the benefit available to participants. Instead, plans that choose to do so must take steps to amend their plan documents before such contributions may be accepted. Similarly, FERSA—the plan document for the TSP—must be amended before the TSP may accept additional contributions. Only Congress may amend FERSA. Thus, before the TSP can accept catch-up contributions in excess of the current limits, Congress must change the law. My legislation will make the requisite change in title 5 and allow all age 50 and over TSP participants to contribute more to their pension.

EXTENSIONS OF REMARKS

The catch-up provision is particularly justifiable for the Federal plan since the TSP was not created by law until 1986. The "catch-up" contributions will allow workers to make-up for years when they weren't employed, didn't contribute to their plan or otherwise weren't able to save. It is also particularly beneficial for women who have returned to the workforce after taking time away to raise families.

The second section of the bill would eliminate the confusing situation that now exists whereby employees may immediately contribute to the TSP but must wait between 6 and 12 months before any matching contributions are deposited. In 2000, Congress passed legislation that I sponsored which eliminated a similar waiting period for employee contributions. The change proposed in my new bill would make the timing of eligibility for employer contributions consistent with that governing employee contributions. This bill would eliminate all waiting periods for employer contributions to the TSP for new hires and rehires—employees who are hired or rehired would be received matching funds as soon as they join the TSP.

It is essential that we in Congress do as much as we can to foster improved savings by enhancing private and public sector pension plans. America has one of the lowest national saving rates among industrialized countries. It has fallen steadily over the last 20 years, seriously jeopardizing Americans' security during what is supposed to be their golden years. Even though Americans recognize that they should be saving more, half of all family heads in their late fifties possess less than \$10,000 in net financial assets. With the retirement of America's baby boomers approaching, Congress must help encourage Americans to save more.

Mr. Speaker, the Thrift Savings Plan Enhancement Act would be a very effective tool in encouraging Americans to save more and I urge my colleagues to support it.

A TRIBUTE TO DEE DEVLIN

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 27, 2001

Mr. FARR of California. Mr. Speaker, Dee Devlin, a federal employee at the Center for Civil-Military Relations (CCMR), recently was selected to receive the Association of the United States Army (AUSA) Sixth Region Civilian of the Year Award. The sixth region is comprised of sixteen chapters located throughout the states of Washington, Oregon, Nevada, and California.

In recognition of receiving the regional award, the AUSA Exceptional Service Award was presented to Mrs. Devlin at the annual national meeting of the Association of the United States Army in mid-October. The award is presented to federal employees who directly or indirectly support America's Army in the Sixth Region area. All nominees for this award compete locally and then regionally on the basis of their contributions to the local community as well as to the Army.

Dee Devlin has been recognized for her work in support of Soldiers, Marines, Sailors,

Airmen, Coast Guardsmen and the family members of the military community while she resided as a military spouse at the Defense Language Institute Foreign Language Center and the Presidio of Monterey. In addition to the support she has provided to the military community, Mrs. Devlin also served as a volunteer at Monterey Kiwanis events, and served for multiple years as the scholarship chairperson for the Community Thrift Shop, chairing a committee that provided over \$30,000 in scholarships to military personnel and family members. Throughout her career with the federal government, working at different installations for the Departments of Defense, Army, Navy, and Air Force, Dee Devlin has always been known for her caring attitude, customer service orientation, and cooperative spirit that ensured mission accomplishment at a higher standard than required, while taking care of the people involved in the mission.

Throughout thirty-one years serving the military community worldwide as a military spouse and community member and fifteen years as a civil servant, Dee Devlin served as a mentor and role model for both family members and active duty military personnel. She has served as an unofficial ambassador for the military to many local communities in the United States while residing in foreign countries.

Dee Devlin has been married for over thirty-three years to retired Colonel Daniel D. Devlin. They have two sons, Dan Jr. and Rob, who also reside in the Monterey peninsula community, as well as countless military sons and daughters whom they unofficially adopted around the world through the years.

Dee Devlin's extraordinary efforts and superb accomplishments have earned her recognition from the highest levels of the Department of the Army, the AUSA and the United States government.

HONORING AMERICA'S VETERANS

HON. J. RANDY FORBES

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 27, 2001

Mr. FORBES. Mr. Speaker, I rise in support of two important resolutions the House is considering today, both honoring America's veterans.

Since 1994, we have set aside December 7th of each year to remember the more than 3,600 soldiers, sailors, Marines, and civilians who were wounded or killed at Pearl Harbor. This year, however, on the 60th anniversary of that horrible attack, the occasion seems somehow more solemn. That attack awoke a sleeping giant, spurring the United States into World War II and reviving a sense of patriotic purpose in men, women, and children across the nation. The tragic events of September 11th evoke an eerie parallel. Again, the sleeping giant has been aroused from slumber and patriotism reigns supreme in all corners of this great nation.

S. Con. Res. 44 reminds us both of what we lost and what we gained on that infamous day sixty years ago. And, it is a reminder that we should hold in our hearts now as our brave servicemembers face our new enemy abroad.

The veterans of Pearl Harbor—indeed, all our veterans—deserve special recognition for the sacrifices that they make on our behalf. And, it is for this reason that I also rise in support of H. Res. 293. Since 1918, November 11th has been a day to honor all those who served their nation in peace and in war. Now, some are suggesting that another grand American tradition, voting, share this day of remembrance. The right to vote and participate in our democracy is cherished by all—as it should be. But, we should not honor it at the cost of the respect we show our nation's veterans. Let Election Day stand as it does and let Veterans Day stand as it does. Let these be two separate days in which to participate in our democracy and honor those veterans who have secured the very freedoms exercised in that democracy.

RECOGNIZING IMPORTANCE OF A
NATIONAL DAY FOR WORDS CAN
HEAL CAMPAIGN

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 27, 2001

Mr. RANGEL. Mr. Speaker, I rise today to recognize the importance of a National day for the Words Can Heal campaign as called for in H. Res. 235 introduced by our colleague Congresswoman ILEANA ROS-LEHTINEN and passed by the House on the Suspension Calendar on Tuesday, November 13, 2001. As children, many of us were taught the expression "sticks and stones may break my bones, but words can never hurt me." This phrase was intended to provide a tool for kids, often victims of cruel words and thoughtless remarks, to protect themselves.

While this concept often allowed children to stand strong against painful statements, as adults we sometimes de-emphasize the importance that the use language plays in our relationships. When we take part in gossip or say inconsiderate things about others, we disrespect the people we are talking about, those with whom we are engaging in conversation, and especially ourselves. This disparagement can create an environment of negativity and foster a community where the role of each person is under-appreciated.

Rabbi Katsof's revolutionary effort to reduce verbal violence and gossip provides us the opportunity to use language to heal our wounds rather than deepen them. The power of words to bring a smile as opposed to a tear cannot be understated. While few people would disagree, despite our best intentions, we sometimes veer off course and need a nudge in the right direction. Rabbi Katsof understands this and his national media campaign designed to encourage us to use ethical speech each and every day has the potential to help us not lose sight of the significance of the words we use.

EXTENSIONS OF REMARKS

AMARILLO HIGH SCHOOL LADY
SANDIES VOLLEYBALL TEAM
WINS STATE TITLE CHAMPION-
SHIP

HON. LARRY COMBEST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 27, 2001

Mr. COMBEST. Mr. Speaker, I rise today to congratulate the members of the Amarillo High woman's volleyball team in their great victory in the class 5A state championship. Their November 17th triumph marks the fourth state championship title for the Lady Sandies, an accomplishment that is truly deserving of recognition and praise.

The Amarillo High woman's volleyball program has been built upon a solid foundation of hard work, dedication and sportsmanship. This year's team had a strong season with an impressive 37-2 record. The Lady Sandies played every game with powerful determination and energy. This team showcases the ability of today's youth to pull together as a team to reach their goals, and support one another.

It is with great pride that I recognize the members of the Amarillo High's Lady Sandies volleyball team and their coaches for this accomplishment, as well as the administration and fans that carried them to victory. Thanks to their tremendous efforts, Amarillo, Texas is now home to the 2001-2002 Class 5A State Champions. I salute the Lady Sandies for bringing home another state volleyball title.

H.R. 2269—INVESTMENT ADVICE
ACT

HON. BRIAN BAIRD

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 27, 2001

Mr. BAIRD. Mr. Speaker, over the last twenty years the influx of 401k plans has changed the pension landscape. When the ERISA laws were written back in 1974, we had no idea how popular 401k plans would become. And as the popularity grows for these plans, the need for quality investment advice becomes ever more vital to the retirement plans of pension holders. Although there are many avenues to obtain information about stocks and bonds, many people lack the knowledge to filter out the good information from the bad. Most people do not have the time necessary to investigate the nuances of the market to make informed decisions about market purchases. This is why we need to turn to professionals. Our pensions are too important to American workers and families these days to let this problem go unresolved. That is why I strongly support the Investment Advice Act that is before this body today.

I recognize there is some contention about the conflict of interest between the adviser's and the interest of their clients. However, this legislation specifically requires that a "fiduciary adviser" be personally liable for any failure to act solely in the interest of the worker. Furthermore, investment advisers will be subject

November 27, 2001

to the highest form of fiduciary duty under the law, including civil and criminal enforcement by the Labor Department. I believe these safeguards protect our employees and mandate professional advisors to work in the best interest of their clients.

Mr. Speaker, in the end, it is my belief that the Investment Advice Act will increase the value of pensions for working Americans. I believe this act will lead Americans into a healthier and happier retirement. And lastly, I believe that Americans want and need access to professional financial advice.

A PROCLAMATION HONORING
ELIZABETH JONES

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 27, 2001

Mr. NEY. Mr. Speaker, whereas, Ms. Elizabeth Jones was an upstanding citizen of Belaire, Ohio, and;

Whereas, Ms. Jones never wavered in her enthusiasm and dedication to her education, her family, and her community, and;

Whereas, due to all of Ms. Jones' accomplishments, she will be fondly remembered by her son Allen Kenton Jones and his wife Delores; her sister Rosemary Ney; her grandson Allen Jones Jr; her four great-grandchildren, her four great-great-grandchildren, and her nieces and nephews including myself, along with many others who knew and loved her.

Therefore, I ask that my colleagues join me in recognizing the commitment and effort of Ms. Elizabeth Mary Ney Jones. Individuals like Elizabeth Jones are the key to our nation's success.

IN HONOR OF LOULA LOI-
ALAFOGIANNI

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 27, 2001

Mrs. MALONEY of New York. Mr. Speaker, I rise today to pay special tribute to Loula Loi-Alafogianni, the Executive Global President and CEO of the Euro-American Women's Council. Mrs. Alafogianni has spent her professional life facilitating the needs of the Greek and American entrepreneurial communities and advancing the cause of women's rights in the areas of business and education.

Mrs. Alafogianni has demonstrated that intelligence, integrity, energy, clear objectives and the love of a task well-executed, creates credibility. Her love for Greece and her desire to promote greater understanding and co-operation between Greece and America has made her a strong advocate and a wonderful ally. Mrs. Alafogianni, like so many talented women of her generation, has had several careers.

For two decades, Mrs. Alafogianni served as an elementary school director, helping to ensure that our young people have a strong educational foundation.

She then turned to the challenges offered by business, public relations and event-planning. Mrs. Alafogianni's entrepreneurial skills are widely recognized and she has served as a delegate to White House Conferences on small businesses since 1990, and has advised numerous public officials and government leaders.

Additionally, Mrs. Alafogianni is very civic-minded. With her husband, John, Mrs. Alafogianni co-founded the United Hellenic-American National Council, which has sponsored numerous White House luncheons for prominent and influential businesswomen from across the United States and Greece.

In 1991, she founded and organized the "Best Buddies Foundation" in Greece, along with Anthony Kennedy Shriver, who serves as its Global President and CEO. In 1995, Mrs. Alafogianni became the Global President and CEO of the Euro-American Women's Council, which promotes ties among Greeks, wherever they may live, and their motherland. She is also President of the "daughters of Roumeli" and of the "Hermes Athletic Club" of New York. She is currently a board member to the Human Rights Advisory Council of New York.

Mrs. Alafogianni has received a number of prestigious awards for her outstanding contributions, including the Crown Award, which recognizes her as one of the most creative minds of the top leading entrepreneurial women of the world. She has also earned the distinguished award of "Honorary Citizen of Baku" as a result of her pioneering efforts to improve entrepreneurial training in the former Soviet Union.

Mr. Speaker, I am pleased to bring to the attention of my colleagues the outstanding work of Loula Loi-Alafogianni. Her unwavering dedication to improving relations among the Greek and American entrepreneurial communities, and promoting opportunities for women is truly worthy of our recognition. Thank you.

PAYING TRIBUTE TO THE HISTORIC ARKANSAS RIVERWALK OF PUEBLO FOUNDATION

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

November 27, 2001

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to recognize and congratulate the Historical Arkansas Riverwalk of Pueblo Foundation located in Pueblo, Colorado. The group has recently been selected as the outstanding non-profit organization of the year at the El Pomar Awards for Excellence banquet. The banquet was created to honor non-profit groups in the State of Colorado.

HARP's mission is to raise the necessary funding to bring improvements to the Arkansas Valley area. Their project involves the creation of a riverwalk for the City of Pueblo to attract shoppers and restaurateurs throughout the area. Voters approved the need for such an attraction in 1995. The river walk has already begun to revitalize and re-energize the area of downtown Pueblo, not far from my district office, thanks to the efforts by many including HARP.

The foundation is led by Jean Rickman who accepted the Julie and Spencer Penrose Award on behalf of the organization on November 13, 2001. The award contributes \$25,000 to the HARP foundation, which seeks funding from private and corporate contributions. The cash award adds to the impressive total of \$7,000,000 now raised for the project.

Mr. Speaker, it is an honor to congratulate the HARP foundation on their recent achievement award. Through organizations such as HARP, the people of Colorado can be proud of their heritage and their community. HARP is a model group for non-profit foundations throughout the nation. It is again with great pride that I commend and thank HARP for all their efforts in enhancing the community of Pueblo.

HONORING MS. DIANNE O'DELL

HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 27, 2001

Mr. TANNER. Mr. Speaker, I rise today to honor a dear friend of mine, a remarkable woman who teaches us there are no limits to what a person can accomplish.

At 3 years old, Dianne O'Dell was diagnosed with polio and, soon after, began her life in an iron lung. Her parents, Freeman and Geneva, were told Dianne would not reach adulthood. Now, more than 50 years later, Dianne is still going strong. It is believed she has lived longer in an iron lung than anyone else in the world.

Ms. O'Dell's physical handicaps have not discouraged her. While living inside the yellow, seven-foot-long iron lung, she used a two-way radio to complete coursework and graduate from Jackson High School. She took classes from Freed-Hardeman College, now Freed-Hardeman University, and accepted an honorary doctorate in psychology from Freed-Hardeman. She wrote a children's book, "Blinky Less Light," and is currently working on her autobiography.

Dianne says she has been able to reach her goals despite her physical limitations because of positive thinking and her sense of humor. She often refers to her iron lung as her "yellow submarine" and enjoys having it decorated for holidays. Dianne remembers one Halloween when she costumed the machine as a giant roll of Life Savers candy.

Ms. O'Dell also credits her strong sense of faith. She worships with the Campbell Street Church of Christ in her hometown of Jackson, Tennessee, although she is not able to attend services. Members of the congregation bring her taped sermons and the Lord's Supper.

Dianne's family has also played a valuable role. Mr. and Mrs. O'Dell, along with Dianne's two sisters, have been by their daughter's side her whole life, often making personal sacrifices for her health.

Over the years, Ms. O'Dell has worked with others coping with disabilities, especially families with disabled children. She tells them how important it is to keep faith and a positive outlook.

I believe Dianne's spirit and love of life are encouraging—not only to those facing similar

situations, but to all of us. She is an inspiration to everyone who knows her or has heard her remarkable story. Above all, Ms. O'Dell is a reminder that there is no limit to what a person can accomplish with an unyielding spirit like hers. Mr. Speaker, I ask that you and our colleagues rise and join me in recognizing Ms. Dianne O'Dell.

TRIBUTE TO JENNIFER JEAN SMITH

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 27, 2001

Mr. SMITH of Michigan. Mr. Speaker, I rise to congratulate Jennifer Jean Smith on the release of *True North*, a musical album that she both wrote and composed. Jennifer's love of music and words began at an early age. Always a singer and performer, grade school led to choirs, show choirs and many gigs as a soloist.

An outgoing yet introspective young Jennifer displayed her writing skills at an early age. Little blank books became filled with poetry, and an antique typewriter became a favorite tool for composing stories. An old upright piano, passed on by Jennifer's grandmother, Ruth Smith, a beloved music teacher and musician, served as the instrument for the composition of early songs, including "The Energy Crisis" written in the early 70s.

Jennifer said, dreaming of being a star is one thing, but for a small town girl raised on a dairy farm, actually knowing how one goes about such a thing is quite another. "There were many challenges."

Her first years of college were spent at Michigan State University where she pursued a career that included music. Jennifer moved to Ann Arbor in 1990. Once settled and working at the University of Michigan, she turned her attention again to making music and writing songs. Picking up and learning to play the guitar soon led to many finished songs and trips to Nashville. Jennifer launched her own music publishing company, The Michigan Rose Music Co., and record label, Michigan Rose Records.

In June 2001, Michigan Rose Records released its first single, *True North*, the title cut to Jennifer's first CD. *True North*—relating to the life and death of Dale Earnhardt, the race car hero—was recorded along with four other original songs in Nashville this past May. The CD, which was recorded and produced by Phil Dillon at Nickel City Studios, features her daughter Jackie on background vocals and a group of world-class Nashville studio musicians. Despite being an independent release, the single has received airtime on major country radio stations across the United States and has resulted in further opportunities to write and sing—the beginning of a long-awaited dream.

Mr. Speaker, we congratulate Jennifer Jean Smith for her perseverance and success.

JONES COUNTY JUNIOR COLLEGE
BOBCATS

HON. CHARLES W. "CHIP" PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 27, 2001

Mr. PICKERING. Mr. Speaker, I rise to commend the Jones County Junior College Bobcats for winning the state championship. I am very proud of JCJC which is in my home county. Both of my parents are alums of Jones County Junior College and I was raised supporting the school and its athletic programs. The Bobcats finished the season with 10 wins and 1 loss. Congratulations are in order for Jones County head coach Parker Dykes, his staff and his team. Their victory brings pride and respect not only to the athletic program, but to the college as a whole. Jones County Junior College continues to set the standard not only in athletics, but in academics as well. The technical and vocational training provided at JCJC equips students with the necessary skills to enter the 21st century workforce and become successful members of their community. I am always pleased to see our junior colleges excel. Again, congratulations on an outstanding season.

PAYING TRIBUTE TO RICH
KOLECKI

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

November 27, 2001

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to Rich Kolecki and thank him for his contributions to the Boy Scouts of America and the community of Glenwood Springs, Colorado. For the past eighteen years, Rich has served in a number of leadership positions in the Boy Scouts and his dedication is certainly worthy of recognition from this body.

Rich began volunteering when one of his sons joined the Cub Scouts in 1983. That led to an eighteen-year career, which was recently recognized by the Scouting community for his time and volunteering efforts to the program. He has served as a Cub Master, Troop Leader, and Assistant Scoutmaster. While serving in his leadership roles, his sons Ricky and Matthew have achieved the highest honor in Scouts, the coveted rank of Eagle Scout.

The Boy Scout program is designed to introduce young men to the outdoor environment and establish them as civic volunteers. As a Scout Leader, Rich participates side by side with his scouts allowing him to share the same experiences with his troop. It is Rich's hope that participation in these programs will instill leadership qualities in the young men they can draw on later in their future endeavors. The overall goal of the entire program is to produce well-rounded individuals for the community.

Mr. Speaker, it is an honor to recognize Rich Kolecki for his contributions to the Boy Scouts and the community of Glenwood Springs, Colorado. It is people like Rich, who

EXTENSIONS OF REMARKS

volunteer their time and effort, who ensures the creation of future leaders for this nation. Keep up the good work Rich and congratulations on your achievement.

COMMEMORATING THE RETIREMENT OF JAMES BEAVER, SERGEANT OF THE POLICE DEPARTMENT AT CALIFORNIA STATE UNIVERSITY, LONG BEACH

HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 27, 2001

Mr. HORN. Mr. Speaker, I rise today to recognize the retirement of James Beaver. Sergeant Beaver has served with distinction for nearly 30 years as a member of the Police Department at California State University, Long Beach.

Sergeant James Beaver came to the CSULB Police Department after serving our country in Vietnam as a member of the Army. Upon his return, Sergeant Beaver found a calling in public service that appealed to him strongly, and joined the Campus Police on September 6, 1972.

During his tenure, Sergeant Beaver has provided University students, staff and guests with the highest levels of professional police service. He has distinguished himself in perhaps the highest order of being an unparalleled mentor of colleagues and new officers for nearly three decades. Sergeant Beaver has been a model member of both his profession and his community.

Sergeant Beaver will close his professional police career effective December 31, 2001. When he retires, Sergeant Beaver will look back on a career that spanned a period of unprecedented change in our country, and extraordinary dynamic growth in our nation's colleges and universities.

So best wishes to Sergeant Beaver. He will be missed but not forgotten by all those friends and colleagues who will gather on December 22 to wish him the very best for a long, active and healthy retirement.

GENERAL AVIATION INDUSTRY
REPARATIONS ACT OF 2001 (H.R.
3347)

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 27, 2001

Mr. SHUSTER. Mr. Speaker, I rise today to recognize the good work of Aviation Subcommittee Chairman JOHN MICA. Today, he introduced the "General Aviation Industry Reparations Act," in an effort to compensate general aviation businesses that were closed by government edict after the tragic events of September 11. I am pleased to join Chairman MICA as an original cosponsor of this much-needed legislation.

As a result of the terrorist attacks, this segment of the aviation industry was grounded significantly longer and was saddled with

November 27, 2001

greater flight restrictions than the larger air carriers. In some cases, certain general aviation airports are still unable to operate. On October 17th, the Aviation Subcommittee heard testimony from those affected by the government shutdown, where we learned that direct compensation is the only hope left for many small companies. Drawing from these hearings, Chairman MICA's legislation allows qualified companies that have suffered economic losses due to the government's actions, to ask for reasonable compensation. This legislation directly provides the much-needed cash infusion these small businesses require to stay in business, while making sure only eligible companies receive funds.

This legislation will affect the constituents of almost every Member of Congress, because general aviation operates at more than 5,300 public airports across America. More than 92 percent of the roughly 225,000 civil aircraft registered in the United States are general aviation aircraft. More than 500,000 of the nation's 635,000 pilots fly general aviation aircraft. General aviation is comprised of private business owners, large and small, that rely on our national airspace for their livelihood. Many of these companies are mom and pop flight schools, parachute schools, scenic tour operators, and the people who gas up planes and tie them down at night.

On October 3, I introduced the "General Aviation Small Business Relief Act" to help out the struggling industry. My bill would allow the Small Business Administration to provide direct grants and low-cost loans to general aviation small businesses directly affected by the terrorist attacks to help them make it through this tough time. I am proud to report that 50 of my colleagues, including Chairman MICA, have joined in the effort to provide relief to general aviation businesses.

This is why I am pleased to join with Mr. MICA today, in trying to help out the general aviation industry. Congress acted swiftly to stabilize the large carriers after the tragic events of September 11. It is time to address the financial crisis facing the general aviation industry. I fully support Mr. MICA's efforts and am proud to be an original cosponsor of his legislation.

MEMORIALIZING MAYOR BILL
MANNING

HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 27, 2001

Mr. TANNER. Mr. Speaker, I rise today in recognition of the late Bill Manning, a decorated war hero, a faithful public servant and my friend.

A California native who settled in Tennessee with his wife Jane, Mr. Manning served two tours of duty in Vietnam and was wounded both times. During his second tour in 1968, he lost both his left arm and right hand as a result of a rocket grenade attack. Mr. Manning had a prosthetic left arm and shoulder, and he designed and patented the Accra Hook to replace his right hand so he could maintain its functionality. Those disabilities did

not stop what would become a long list of great achievements.

When he returned from Vietnam, Mr. Manning was elected Recorder in Gibson County, Tennessee, and later, Governor Ned McWherter appointed him state Commissioner of Veterans' Affairs. During that time, Mr. Manning played an important role in the construction of three retirement homes for veterans and three cemeteries for veterans in Tennessee. The West Tennessee Veterans Cemetery and the state veterans home in Humboldt are named in his honor.

In 1999, Mr. Manning was first elected mayor of Bradford, Tennessee, and has been credited with reinvigorating community spirit in that town. He was elected to his second term in that position in May 2001.

I am honored to have worked alongside Bill Manning, who is truly an American hero. His spirit and determination allowed him to overcome his physical obstacles and become a leader whose good work still benefits the people of Bradford, Gibson County and the state of Tennessee. We have lost an amazing man, a courageous leader and a dear friend. Mr. Speaker, I ask that you and our colleagues join me today in recognizing my friend, Mr. Bill Manning.

PAYING TRIBUTE TO DON CHAPMAN

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

November 27, 2001

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to Don Chapman and thank him for his contributions to the community of Paonia, Colorado. Don will always be remembered as a dedicated leader of the community. As he celebrates his retirement, it is a great loss for a town that has relied on Don for his knowledge and wisdom in times of hardship and prosperity.

Don has served the community of Paonia for over forty years. As a member of the business community he and his family owned and operated a service station, garage and machine shop in the area since 1956. Answering a call to public service in 1973, Don entered the field of politics. He was elected that year to the Town Council as a Trustee, a position he held for the next 10 years. This position propelled Don to the Mayor's office a year later. In 1995, following an eleven-year retirement, Don returned to service and was elected to the Town Council once again.

While serving Paonia, Don has been involved in several organizations that have been instrumental in improving the lives of those who reside in Paonia. He has served on the Fire District Board and the Delta County Hospital Board where he served as President. He has held leadership positions in Masonic Lodge 121, helped bring television to the area, as well as promote Paonia fundraisers, events, and services.

Mr. Speaker, it is a great honor to recognize Don Chapman and his contributions to the community of Paonia as he celebrates his retirement from public service. I would like to

thank him for his years of dedication and hard work. His time and dedication are well served. I wish Don the best of luck in his future endeavors and hope he enjoys his well-deserved retirement.

MOVING TOWARDS A CLEAN DIAMOND TRADE

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 27, 2001

Mr. FARR of California. Mr. Speaker, I would like to thank Representatives HALL, WOLF and HOUGHTON for putting together this compromise bill with the Administration. It is important that we enact legislation to reform the conflict-driving diamond trade, and this is an important first step.

Mr. Speaker, for years terrorist bands masquerading as political rebels have been using income from the illicit trade in diamonds to fund their attacks on civilian populations. The scars that they have left are deep. They are seen every where on the mangled limbs and faces of men, women and children on the streets of Monrovia and Freetown.

As appalling as the profiteering of these groups, is the commercial support that they have received from brokers in the legitimate diamond trade in what we refer to as the developed world. While some of these traders have dealt unknowingly in these blood diamonds, others have consciously taken advantage of their market position to "launder" these tainted goods. There is a clear need to establish a system which punishes those that are supporting terrorist bands that profit from diamond trading, and prevent dirty diamonds from entering the market which make legitimate dealers unwittingly complicit.

The substitute for H.R. 2722 that we have before us is not perfect, but it is an important first step in creating such a system. Moreover, passing this bill will send a clear signal to those states, industries and NGOs participating in the Kimberly Process, that the United States is serious about Clean Diamonds. I am confident that this bill will help move the Kimberly agenda forward, and that concrete steps to implement a verification system will be agreed to by all participating parties. This, after all, is the key. A verification system will not work unless it has the support of all those concerned.

I urge my colleagues to support this bill and to continue to work towards making the diamond industry one that supports trade and economic development without compromising human rights.

H.R. 3206, THE "HOME OWNERSHIP EXPANSION AND OPPORTUNITIES ACT"

HON. JAMES H. MALONEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 27, 2001

Mr. MALONEY of Connecticut. Mr. Speaker, I come to the floor today to make a brief state-

ment about my cosponsorship of H.R. 3206, the "Home Ownership Expansion and Opportunities Act."

By cosponsoring this legislation, I am expressing my support for new ideas to provide additional opportunities for homeownership. This legislation is intended to bring more competition into the secondary mortgage marketplace, the result of which will be more opportunities and lower costs for homebuyers.

The "Home Ownership Expansion and Opportunities Act" would allow the Government National Mortgage Association (GNMA) to guarantee the securities of conventional mortgages above the 85 percent loan to value ratio, up to the statutory conventional mortgage limit. In case of default, the participating private mortgage insurance companies (PMIs) would bear the first level of loss.

Of course, our current mortgage financing system works well. After all, homeownership in the United States is at an all time high. Any system can be improved, however, so long as no industry or company is ceded any structural competitive advantage.

Like any legislation, this proposal takes calculated risks to achieve demonstrable gains. First, the federal government will guarantee these mortgages. I see no reason, therefore, why we wouldn't see to it that certain affordable housing goals are met and enforced. In doing so we will ensure that all Americans have access to affordable financing so they can realize their dream of home ownership.

Additionally, because the federal government will be taking on some of the risk associated with these mortgages, we must ensure that the program is managed in the most fiscally prudent manner. That is why the legislation includes a provision that any PMI participant receive an AA rating or better from a nationally recognized rating agency, and must meet additional requirements as determined by the Government National Mortgage Association (GNMA). While the PMIs are regulated at the state level, we may want to consider additional safety and soundness mechanisms, to further minimize the risk to taxpayers.

I look forward to working with my colleagues as this proposal moves through the legislative process. This bill serves as a starting point to begin the debate on how best to accomplish our goal of increasing homeownership for all Americans.

GUILLERMO A. GOMEZ: TEACHER OF EXCELLENCE

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 27, 2001

Mr. FILNER. Mr. Speaker, and colleagues, I rise today to recognize and honor Guillermo A. Gomez, a sixth-grade bilingual teacher at Vista Square Elementary School in Chula Vista, California.

Mr. Gomez was nominated by the California Teachers Association (CTA) for the prestigious National Education Association Foundation Award for Teaching Excellence. He was the only California teacher, chosen from a pool of more than 300,000 educators, to represent our

state of California. Although he was not the final winner, his nomination is a glowing tribute to his service to our children.

CTA President Wayne Johnson's nomination letter includes the following information about Mr. Gomez and his achievements: "CTA conducted a search for nominees for this prestigious award. Many excellent California teachers were nominated, but Mr. Gomez stood head and shoulders above the rest. Not only is he an excellent teacher, but he is also an inspiring one. He created an after-school program called Circle of Little Brothers and Circle of Little Sisters, where he helps upper-elementary students explore possibilities for their futures. He coordinates an after-school homework center and takes the lead in training staff on English language development standards.

Becoming concerned that there were few males, especially of Latino descent, who were involved in a school with many Latino children, Mr. Gomez, along with another teacher, created a group called "Mi Papa" in the community resource center. This program helps bring fathers into the school community as role models and pairs them with children in educational and art activities.

Despite the fact that he has been a teacher for only six years, Mr. Gomez is active in his local CTA chapter, Chula Vista Educators. He serves on many communities and, as an association representative, he kept teachers in his school informed and focused during recent negotiations with the school district. He is also the chair of the political action committee for his local association. In short, CTA believes that Mr. Gomez exemplifies all the qualities that are present in the best teachers: dedication, caring, innovation and creativity, and teaching excellence."

Both Marilyn Prall, Principal, and Martha Deichler, Associate Principal of his school, who was Mr. Gomez' mentor, attest to his efforts to grow professionally and to become the best teacher possible—asking for advice, taking suggestions, and making them work in his own classroom. They believe that his passion for teaching has enabled him to become the excellent teacher he is today.

Mr. Gomez also works outside the classroom walls with the families of his students. He believes that only as an active social agent in the community can a teacher provide opportunities for students to advance in this competitive society. He participates in literacy nights, harvest carnivals, job-a-thons, and fundraising activities, such as car washes and haunted houses, to make sure that all of his students can go to sixth grade camp. In his "spare time", he also coaches soccer!

Mr. Gomez' public service goes beyond his local community. He and his students are often involved in charitable activities to help victims of natural disasters thousands of miles away. He is compassionate and appreciative of all people and cultures. His students know that he cares deeply about them and their families, and they return year after year to visit Mr. Gomez after their elementary school graduation.

Mr. Gomez is a graduate of San Diego State University (SDSU) and holds a Bilingual Cross-Cultural Language Academic Development multiple subject credential. He will receive his Master's Degree in Latin American

studies from SDSU this coming summer. In addition, he regularly attends Saturday workshops, after-school in servicing training, and district workshops. He reads professionally and implements in his classroom the methods and ideas supported by current research.

Mr. Gomez knows the abilities of each and every one of his students and works to help each child achieve his or her full potential. He is proud to be a teacher, and I am proud that he is a teacher in my Congressional District. He will be honored by the National Education Association Foundation for the Improvement of Education in Washington, DC on December 6, 2001.

A sincere thank you, Mr. Gomez, for your dedication to our young people, the future of our nation.

HONORING FRANCIS M. BAIN

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 27, 2001

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to remember and honor the life of one of America's true leaders. Not only was he a patriotic soldier during World War II, but he was also a civic leader in his community. Francis M. Bain passed away at the age of ninety-two on November 1, 2001, and it is with a solemn heart that I would like to pay tribute to his life and memory.

Francis Bain was born in Springfield, Illinois on November 7, 1908. He spent the majority of his childhood growing up in Tungsten, Colorado, outside of Boulder, where he completed his high school education and graduated from the University of Colorado in 1931. He went to Europe during World War II, where he served for four years as a Lieutenant Colonel in the 65th Infantry Division of the United States Army fighting to defend the freedom we hold so dear in the United States.

Mr. Bain's role switched from a military soldier to civic leader when he returned home from Europe to Colorado. He joined his brother to manage the family business, Campbell-Sell Baking Company. Throughout the years he undertook several civic responsibilities including such posts as a member of the Denver Board of Education for 16 years, president of the Metropolitan Council for Community Service, and Trustee of the Temple Buell College and Iliff School of Theology among others.

Mr. Speaker, Francis Bain contributed so much to our nation and gave selflessly of himself to the community. He was a leader and role model for the people of our country both at home and abroad. He has touched so many lives and his contributions will not be forgotten. I would like to express my condolences to his family and friends during their time of mourning.

TIME IS RUNNING OUT

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 27, 2001

Ms. SCHAKOWSKY. Mr. Speaker, at an historic inter-Korea summit in June of 2000, the leaders of the two Koreas pledged to work toward reconciliation and reunification of the divided peninsula. A key component of healing the 50-year old wounds is for the Korean governments to work quickly to reunite families that were torn apart during the violence and chaos of the Korean War.

Families on the Korean peninsula, as well as many Korean Americans in my district and across the United States, have not given up hope that one day they will be reunited with their long lost relatives. I applaud Congressman BECERRA for introducing House Concurrent Resolution 77 and thank Chairman HYDE and Congressman LANTOS for bringing it to the floor tonight. It is my hope that this resolution will reinforce the United States commitment to a united and peaceful Korea. I urge all members to vote in support of this important measure.

TRIBUTE TO JOHN D. GROENDYKE

HON. STEVE LARGENT

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 27, 2001

Mr. LARGENT. Mr. Speaker, I rise today to pay tribute to John D. Groendyke on the 25th anniversary of his appointment to the Oklahoma Wildlife Commission by then Governor David Boren.

Let me tell you a little about this man. John Groendyke graduated from Wentworth Military Academy where as Cadet Lt. Col., he served as the first brigade commander when the corps was organized as a "battle group" with seven subordinate companies. He now serves as President of the Wentworth Board of Trustees. John went on to receive his Bachelor of Science in Business from Oklahoma State University and his law degree from the University of Oklahoma. He served as a Captain in the U.S. Army, and after a two-year tour of duty he returned to Enid, Oklahoma to join the family trucking operation. He is a lifelong resident of Oklahoma whose vocation is serving as owner, Chairman and CEO of Groendyke Transport Company, founded by his father, Harold C. Groendyke in 1932 and today, one of the nation's largest motor carriers of bulk commodities serving the continental United States, Canada and Mexico. He and his wife, Virginia have two daughters, two sons, and four grandsons and live in Enid, Oklahoma where they are actively involved in many community activities. He serves as Chairman of the Board of the National Tank Truck Carriers and is a member of the Board of Directors of Central National Bank in Enid. He is a Trustee of the Oklahoma chapter of the Nature Conservancy, and is a member of the Board of Directors of the Grand National Quail Foundation and Grand National Quail Club, having

served as a past President and Chairman of the Board. Obviously, John stays pretty busy since he also owns and operates several cattle ranches in Oklahoma and also enjoys antique automobiles!

But John's avocation and service to Oklahoma has been in the area of wildlife conservation efforts. As the Commissioner of District 8 for the past 25 years, John has guided our Oklahoma Wildlife Department through a period of acquiring the Sandy Sanders, Cooper, Packsaddle, James Collins, Hackberry Flat and Deep Fork Wildlife Management Areas. He helped develop the biodiversity program with the Weyerhaeuser Company and assisted in creating oil and gas development policies for wildlife lands and reasonable oil and gas environmental regulations. During his 25 years of service, John also helped develop a cash leasing agricultural and grazing revenue program on wildlife lands and participated in the development of deer depredation and management policies.

Abraham Lincoln said, "And in the end, it's not the years in your life that count. It's the life in your years." Mr. Speaker, please join me in saluting John D. Groendyke, for his tireless service not only to Oklahoma but to the nation as well in his wildlife conservation efforts. He has made his years count! May he enjoy many more!

CUBA

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 27, 2001

Mr. DIAZ-BALART. Mr. Speaker, I rise today to commend to you the attached article from earlier this summer written by Mr. Frank Calzon, entitled "Yes, Cuba is a Terrorist Nation". Mr. Calzon is the executive director of the Center for a Free Cuba in Washington, DC and is a tireless fighter for democratic causes. I encourage my colleagues to learn from his insightful article.

[From the Miami Herald, Nov. 7, 2001]

YES, CUBA IS A TERRORIST NATION

(By Frank Calzon)

Harvard scholar and former New York Sen. Daniel Patrick Moynihan once said that everyone is entitled to his own opinion but not his own facts. Not a bad concept to keep in mind now that Cuban government officials claim that the reason for including Cuba on the list of terrorist nations is total nonsense; that the inclusion of Castro's Cuba among Iraq, Libya, Iran and other unsavory char-

acters is motivated by U.S. domestic politics.

Sixteen anti-embargo activists, including Princeton professor Alejandro Portes and Johns Hopkins University visiting professor Wayne Smith agreed, charging that Castro is on the terrorist list due to the unwillingness of the United States to offend elements of the Cuban-American community.

Is Castro's Cuba a terrorist state?

Biological weapons are of no minor concern for Americans today. Castro's bankrupt regime has spent more than \$1 billion to set up a scientific infrastructure that, former Secretary of Defense William Cohen said in 1998, could support an offensive biological-warfare program. In 1995 the U.S. Office of Technological Assessment included Cuba among 17 countries believed to possess biological weapons.

Last year Ken Alibek, former deputy director of Biopreparat, the Soviet Union's biological-weapons program, revealed that a few years after Castro's visit to the Soviet Union in 1981, Cuba had one of the most sophisticated genetic-engineering labs in the world.

A few days ago the University of Miami School of International Studies released a report, *Castro and Terrorism: A Chronology*. It says that:

Castro refused to join the other Ibero-American heads of state in condemning ETA terrorism at the 2000 Ibero-American Summit in Panama and slammed Mexico for its support of the summit's statement against terrorism.

This summer Colombian officials arrested IRA members Niall Connolly, Martin McCauley and James Monaghan and accused them of training the Revolutionary Armed Forces of Colombia (FARC). Connolly had been living in Cuba as the representative of the IRA for Latin America.

Argentine-born Cuban intelligence agent Jorge Massetti helped funnel Cuban funds to finance Puerto Rican terrorists belonging to the Macheteros group. The Macheteros hijacked a Wells Fargo truck in Connecticut in September 1983 and stole \$7.2 million.

Illich Ramirez Sanchez, known as Carlos the Jackal and responsible for numerous terrorist acts in Europe in the 1960s and '70s trained in Cuba.

Black Panther leaders in the 1960s received weapons training in Havana.

Does any of that have anything to do with the influence of Cuban Americans? Were exiles responsible for the expulsion of Castro's diplomats from Paris and London who were linked to Carlos the Jackal? Do exiles explain why Castro supported Puerto Rico's Macheteros, charged with terrorist acts there and on the mainland? Were exiles responsible for his training of the Faribundo Marti Front, El Salvador's terrorist group, or for Uruguay's Tupamaros, known for targeting Americans?

One day the archives of Cuba's intelligence service will be opened just like the KGB's and East Germany's Stasi's. Then details will be known, as well as the names and activities of Castro's "agents of influence" in the United States. But if history is any indication, they will say they fell for the romance of the revolution, that they could not have imagined such a regime and such a tyrant. They will go on with their lives, just like the old Stalinists who saw no difference between Stalin's Russia and Great Britain and who claimed, while it mattered, that Stalin's terror was simply an invention of the Russian exiles in Paris.

CONGRATULATING RICHARD LUEHRS

HON. CHRISTOPHER COX

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 27, 2001

Mr. COX. Mr. Speaker, I rise today to congratulate Richard Luehrs on his retirement as president of the Newport Harbor Area Chamber of Commerce.

Richard began his service with the NHACC in 1982 as its executive director, and for the last 15 years has served as president and chief executive officer. He has helped to expand NHACC's membership to more than 1,000 businesses.

Richard has been a visible and enthusiastic champion of the free enterprise system, fostering programs that contribute to the success of local businesses. Overall, his vision has been one of responsible growth and development for the city of Newport Beach. To achieve this goal, he has actively participated in civic development efforts through his work with the Newport Beach Economic Development Committee, the State Independent Living Council, the Baden-Powell district for handicapped Boy Scouts of Orange County, the 552 Club for Hoag Hospital, and the Newport Beach Building Code Commission on Environment Quality Affairs.

For these and many other efforts, Richard was recognized in 1995 as the "Executive of the Year" by the Western Association of Chamber Executives.

During his tenure, Richard has been lovingly supported by his wife, Susan; son, Richard; and daughter, Samantha.

In behalf of the U.S. Congress, many thanks to Richard Luehrs for his tireless dedication to the Newport Harbor Area Chamber of Commerce and the community of Newport Beach.

SENATE—Wednesday, November 28, 2001

The Senate met at 10:30 a.m. and was called to order by the Honorable HARRY REID, a Senator from the State of Nevada.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Generous God, we praise You that it is Your desire to give good gifts to those who ask You. Forgive us when we are stingy receivers. You give strength to the tense and tired, courage and boldness to those who are fearful, guidance to the humble who ask You to guide their decisions. We say with the psalmist, "The Lord is my strength and my shield; my heart trusted in Him, and I am helped; therefore my heart greatly rejoices."—Psalm 28:7 KJV.

Bless the Senators today. Astound them with new insight and fresh vision they could not conceive without Your blessing. May they truly seek You and really desire Your will in their responsibilities and relationships today. You are waiting to infuse their minds and hearts with wisdom and guidance. Help them to trust You to guide and provide. Fill each Senator with Your inspiration and this Chamber with Your presence and power. Amen.

PLEDGE OF ALLEGIANCE

The Honorable HARRY REID led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER (Mrs. CLINTON). The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read as follows:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, November 28, 2001.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HILLARY RODHAM CLINTON, a Senator from the State of New York, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mrs. CLINTON thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Nevada is recognized.

SCHEDULE

Mr. REID. This morning, the Senate will resume consideration of the motion to proceed to H.R. 10. Cloture was filed on the motion to proceed. The Senate will therefore vote on cloture on the motion to proceed tomorrow morning. The Senate will be in recess today, by virtue of a unanimous consent agreement previously entered, from 12:30 to 2:15 p.m.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

COMPREHENSIVE RETIREMENT SECURITY AND PENSION REFORM ACT OF 2001—MOTION TO PROCEED

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of the motion to proceed to H.R. 10, which the clerk will report.

The assistant legislative clerk read as follows:

Motion to proceed to the bill (H.R. 10) to provide for pension reform, and for other purposes.

The ACTING PRESIDENT pro tempore. The Senator from Nevada is recognized.

MEASURE PLACED ON CALENDAR—S. 1732

Mr. REID. Madam President, I understand that S. 1732 is at the desk and is now due for its second reading.

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. REID. I ask that S. 1732 be read for the second time, and when that reading takes place, I will object to any further proceedings on this bill at this time.

The ACTING PRESIDENT pro tempore. The clerk will read the title of the bill.

The assistant legislative clerk read as follows:

A bill (S. 1732) to provide incentives for an economic recovery and relief for victims of terrorism, and for other purposes.

The ACTING PRESIDENT pro tempore. Objection having been heard, the bill will be placed on the calendar.

UNANIMOUS CONSENT REQUEST—S. 1214

The ACTING PRESIDENT pro tempore. The Senator from South Carolina is recognized.

Mr. HOLLINGS. Madam President, I ask unanimous consent that the majority leader, following consultation with the Republican leader, may proceed to consideration of Calendar No. 161, S. 1214, the Port, Maritime, and Rail Security Act; that when the measure is considered, it be under the following limitations:

That a managers' substitute amendment be in order; that the substitute amendment be considered and agreed to and the motion to reconsider be laid upon the table; that the bill, as thus amended, be considered as original text for the purpose of further amendment, with no points of order waived by this agreement; that all first-degree amendments must be transportation-related; that the second-degree amendments must be relevant to the first-degree amendment to which it is offered; that upon the disposition of all amendments, the bill be read the third time, and the Senate vote on passage of the bill, with this action occurring with no further intervening action or debate.

Mr. REID. Madam President, reserving the right to object, will the Senator explain the purpose of this legislation?

Mr. HOLLINGS. The purpose of this legislation, as we have now provided for airport and airline security, is to provide for port security and rail security. I want to make some comments about it. If that is permitted, we will go into debate, and if the Chair will recognize me, if they will allow it, I will explain in detail. This is what I want to do.

Mr. REID. I withdraw any reservation.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. THOMAS. I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. HOLLINGS. Madam President, as requested by our leader, this matter of port security is really a very serious concern. Very few people realize this. The Financial Times and the Times of London, reported back in early October, almost 2 months ago, and I quote:

Intelligence actions across the world are examining Osama bin Laden's multimillion dollar shipping interests. He maintains a secret fleet, under a variety of flags of convenience, allowing him to hide his ownership and transport goods, arms, drugs, and recruits with little official scrutiny.

Three years ago, nobody paid much attention to a crew unloading cargo from a rusting freighter tied up on the quayside in Mombasa, Kenya. The freighter was part of Osama bin Laden's merchant fleet and the crew were delivering supplies for the team of suicide bombers who weeks later would blow up the United States embassies in Kenya and

Tanzania. Bin Laden's covert shipping interests were revealed at the trial of the bombers, but until now security services have been slow to track down how many vessels he operates.

Going further, Madam President, we heard that a suspected member of the al-Qaida terrorist network in October tried to stow away in a shipping container heading to Toronto, Canada. The container was furnished with a bed, a toilet, its own power source to operate the heater and recharge batteries.

According to the Toronto Sun, the man also had a global satellite telephone, a regular cell phone, a laptop computer, cameras, identity documents, airport maps, security passes for airports in Canada, Thailand, and Egypt, and he also had an airline mechanic's certificate. He is being held now as a suspected member of the al-Qaida group and bin Laden's movement.

The threat is real, there is not any question about it. Let me emphasize, when the FBI said there was no threat to the Golden Gate Bridge, that was nonsense. It has been reported in the news that four of these so-called martyrs can operate an oil tanker and run it right into the bridge. So we have to be on the lookout for terrorist attacks with respect to the ports of the United States.

Fortunately, my distinguished colleague from Florida, Senator GRAHAM, has led the fight to institute seaport security. In 1999, Senator GRAHAM got President Clinton to appoint a commission, and they did a study on this issue.

At the local level, this bill will mandate that all ports and waterfront facilities promulgate a comprehensive security plan approved by the Secretary of Transportation.

That is going to be a difficult task. There is not any question we have some 361 entities rated as ports. Some are privately operated, some are semiprivately operated and leased like in New York. Other ports are operated entirely by the State like in my own hometown of Charleston, SC. None of them has any security plan. Fifty of these three hundred and sixty-one ports account for 90 percent of all tonnage going to and from the United States.

The bill requires that the Customs Service, the port authorities, the Coast Guard, the controllers of ports, whether it be a private lessee or publicly run by the State or otherwise, get together and start coordinating and promulgating a security plan approved by the Secretary of Transportation.

The bill for the first time will require that we know more in advance about the cargo and crew members coming into the United States. The more we know about a ship's cargo and where it originated, the better our Customs agents and other law enforcement officers can target suspicious containers and passengers.

In fact, I heard from one port official that these measures would cause a delay. No, it is going to be delayed at the port if they do not know ahead of time what to look for. It is going to take more time.

The bill requires that ships electronically send their cargo manifest to the port before gaining clearance to enter. Since it is going to take money to enforce the provisions of this bill, the bill provides \$390 million for grants to upgrade security infrastructure, another \$166 million to back the issuing of \$3.3 billion in loans and loan guarantees over 4 years for port security and infrastructure upgrades, another \$168 million to purchase nonintrusive screening and detection equipment for the U.S. Customs Service, \$145 million to increase the number of Customs personnel screening the cargo and to update the Customs computer systems, and \$75 million to develop weapons screening technologies for use at the seaports.

Talk about money; we spend billions and billions for an anti-ballistic missile defense system, and a cargo container can be delivered anywhere in the United States for \$5,000. The enemies of the United States can easily afford \$5,000 to import a container which could contain up to 60,000 pounds, 30 tons of materials. They could bring in a container of that size uninspected at Bayonne, NJ, full of anthrax, take it on up to Times Square, and blow it there. We talk about the thousands who were lost at Ground Zero in New York. The number will go into the millions with an attack like this.

At Tijuana, agents will actually tear apart car seats searching for drugs and other items, but thousands of truck-size cargo containers are being dumped on to the docks of the United States without any inspection whatsoever.

We are not playing games. The threat is serious, and it has to be paid for.

I particularly thank Senator GRAHAM for his leadership in this regard. It was the year before last that we introduced a bill. We had hearings last October. Following the hearings last October, we reintroduced the bill. It is a bipartisan bill.

I thank my ranking member, Senator MCCAIN, and particularly Rob Freeman of Senator MCCAIN's staff who worked very hard on this legislation.

I think the bill is in very good shape. We have coordinated time and again with the White House on this measure. They know the contents of it. I do not know their disposition at the present time, but I do not think we ought to adjourn this year without passing this well-considered bill, which has been developed over the past 3 years. We ought to get moving on this bill.

I again thank Senator MCCAIN and Senator GRAHAM. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

Mr. BURNS. Madam President, we are on the railroad retirement bill; is that correct?

The ACTING PRESIDENT pro tempore. We are on the motion to proceed.

Mr. BURNS. Madam President, I ask unanimous consent that I may proceed as in morning business for 10 minutes.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. REID. What was the request, Madam President?

Mr. BURNS. To proceed as in morning business for 10 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ENERGY POLICY

Mr. BURNS. Madam President, we are in the closing weeks of the 1st session of the 107th Congress. We are in a defined recession and at war, and we seem to be talking about everything except those two items, and we are not doing anything about them.

As we talk about the security of the country, we have to consider how energy and energy security play a role in the survival of this country, especially in rebuilding the economy.

On Wednesday, November 14, the Energy Information Administration, which is a part of the Department of Energy, released a report that concludes that our dependence on foreign sources of energy is going to increase dramatically by the year 2020 because energy consumption will increase more rapidly than increased domestic production. So our need for new sources of energy continues.

Energy should be one of the highest priorities in the Senate. In terms of energy, there are two major reasons why the Senate should act this year on an energy bill as part of a stimulus package, if it is to be. First of all, for national security. Second, the economy needs the help right now. Energy costs hurt economic recovery as much as any other segment of our economy.

I see the Senator from Florida. I had the opportunity to spend some of the Thanksgiving break in his State. One would never think we were in an energy crisis with the price of gasoline up and down the road now, but nonetheless I think that is a short-lived situation.

I have a couple of examples on what we should be doing and why we should be doing it. Long before the terrorist attacks of September 11, President Bush recognized the vital role that energy plays in the economy and, of course, our national security. Shortly after taking office, he established a national energy policy development group under Vice President DICK CHENEY to take on the task of examining America's needs for developing a balanced and comprehensive energy policy to assure reliable, affordable, efficient, and environmentally sound energy for the future. This does not pertain to our

fuels of transportation. It does not deal with the transportation fuels such as gasoline or, in some cases, natural gas.

It deals with what we are going to do with electrical power in rural areas and how we restructure the power industry to address those needs of industry and, of course, our quality of life.

On May 17 of this year, Vice President CHENEY's task force announced their comprehensive plan for energy, dealing not only with the cost of energy but also a sustainable supply. On August 2, a bipartisan coalition of Democrats and Republicans in the House of Representatives passed the Securing America's Future Energy Act, the SAFE Act, of 2001, which is basically H.R. 4, a comprehensive energy bill that incorporates many of the President's proposals.

In the Senate, led by Senator MURKOWSKI of Alaska, this side of the aisle has put forth numerous plans but they have all refused even to let us debate our plans. They are comprehensive. They are bipartisan. In fact, the major portions of organized labor, including Teamsters, back what Senator MURKOWSKI has proposed.

We are asking: Where do we go from here? Are we being remiss if we do not seize the moment of bipartisanship and pass a comprehensive energy bill?

Despite such timely steps to help lessen U.S. dependence on foreign oil and promote energy development and production, progress has stalled. We began hearings on this legislation last March but have failed to act. In fact, Majority Leader DASCHLE specifically instructed the Energy Committee to stop action for the rest of the year.

In a time of crisis, and it could be a time of crisis and we are in this crisis of war, we should be trying to find some sort of answers to these situations. So I am asking today that we reconsider our agenda and look at security, both economic and energy security, for this country.

THE CIVIL AIR PATROL

Mr. BURNS. Madam President, today I recognize the Civil Air Patrol as they celebrate their 60th anniversary this year.

I rise to commend the many men and women serving in our armed forces. These brave souls are stationed around the world and on the front lines, defending freedom, liberty and our way of life. Today, I specifically want to acknowledge the individuals of the Civil Air Patrol, CAP, and celebrate their service to our nation because of the upcoming 60th anniversary of their fellowship and support as defenders of security for our country.

The Civil Air Patrol was founded December 1, 1941, one week before the Japanese attack on Pearl Harbor, by over 150,000 citizens concerned about the defense of America. Flying under the jurisdiction of the Army Air Forces, CAP pilots flew over one-half

million hours, were credited with sinking 2 enemy submarines, and rescued hundreds of crash survivors during WWII. On July 1, 1946, President Truman established the Civil Air Patrol as a federally chartered benevolent civilian corporation. Congress passed Public Law 557 on May 26, 1948, which made the Civil Air Patrol the auxiliary of the new United States Air Force. The Civil Air Patrol was charged with three primary missions: Cadet Programs, Aerospace Education and Emergency Services.

Today there are almost 1800 units of the Civil Air Patrol nationwide, with approximately 60,000 members. All of these members are volunteers. Each year they provide countless acts of community service in the form of educational workshops, cadet training, and emergency support that in my opinion are the highest level of good citizenship.

When I learned of the 60th anniversary of the inception of the Civil Air Patrol, I thought it necessary to speak on their behalf. This group, formed during another time when America felt the need for homeland defense measures, has grown, flourished, and now is a vital service group during the resurgence of a need for the citizenry to become involved in the fight to protect what is the lifeblood of America. All of the men and women serving in the Armed Forces deserve our praise. Whether active duty, guard, or reserve, this is one Senator who sincerely appreciates the sacrifices these men and women make daily to defend this great nation. They are truly patriots.

I can't say enough about how community involvement, whether it be as simple as providing educational tools or as critical as giving manpower in an environmental crisis, works to harness the fiber of a society. In wartime, this fiber is tested, and the work of these individuals goes a long way to ensure that it remains strong.

Montana has over 400 members of the Civil Air Patrol, and I thank them for their efforts in helping Montana communities. Examples of their work can be seen in many areas. The Montana branch of the Civil Air Patrol is active in searching for lost persons. During times of flood, or other disasters, the Montana Wing can transmit aerial real-time photographs to disaster services personnel to help them evaluate the situation. The Montana Wing was involved a great deal during the fires of 2000, flying over areas to be evacuated, taking aerial photographs, to help Disaster Emergency Services personnel create evacuation routes. In addition, The Montana Wing holds regular Search and Rescue Exercises throughout the state to enable members to prepare for an actual search and familiarize themselves with the variety of topography the state has.

The Montana Wing has an active cadet program teaching youth leader-

ship skills, moral ethics, military discipline, aerospace education and disaster relief skills. This year, Montana sent one of 8 teams, representing the Civil Air Patrol's 8 national regions, to the National Color Guard Competition at the Air Force Academy.

As you can see, this group is deserving of acknowledgment for its efforts to produce good citizens and to aid in the community when there is need. I applaud their 60 years of hard work, and I hope that we'll see them continue in their service for another 60 years.

The PRESIDING OFFICER (Mr. MILLER). The Senator from Florida.

Mr. GRAHAM. Mr. President, are we in morning business?

The PRESIDING OFFICER. We are on the motion to proceed on H.R. 10.

Mr. GRAHAM. I ask unanimous consent that I be granted 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

PORT, MARITIME, AND RAIL SECURITY ACT

Mr. GRAHAM. Mr. President, I commend my friend and colleague Senator HOLLINGS for the effort he made a few moments ago to secure the unanimous consent agreement to take up the legislation which passed out of his Commerce Committee, which he, as well as the ranking member, Senator McCain, and a number of other Members of the Senate, have cosponsored to strengthen the security in and around affected communities of our seaports.

The question to me, with the denial of that motion for unanimous consent to take up this very critical legislation for Senate consideration, is: Are we committed to the proposition that the only time we will provide for security for the people of America is after we have been attacked? Will we wait until another equivalent of the use of hijacked airplanes to strike major icons of American commerce and security such as the World Trade Center and the Pentagon? Will we wait until the equivalent of using the mail as a means of distributing anthrax? Will we wait until we are attacked on our railways, in our seaports, through the containers that cover virtually every community in America, before we respond to enhanced security of those areas? It would be a sad commentary if we were so brain dead we had to wait until we had the alarm of an actual use of one of those techniques before we began to be concerned about enhancing our security.

I commend Senator HOLLINGS for bringing this matter so forcefully before us, and I ask whoever it might have been who objected to bringing this matter up to reconsider. This is not controversial legislation as, for instance, the legislation that was discussed by our colleague from Montana. This is legislation which has the broadest bipartisan support—support in the

executive branch as well as in the Congress—and it increases the understanding of the American people.

In recent discussions concerning our security vulnerabilities, almost every discussion now includes seaports as one of those areas to which we need to be giving priority attention. I hope there will be some sober reconsideration of whether those who have objected wish to assume the responsibility that when we have a terrorist use of our seaports, or one of the many containers that come into our seaports every day, as the means of assaulting the people of America, they are prepared to accept the responsibility that they decided there was something politically or otherwise of higher priority than providing this preventive form of security for the American people.

Let me supplement the very able remarks of my colleague from South Carolina with two observations about why this issue is so important and timely. First, unlike airports, which are a product of the 20th century, where there was a strong Federal Government involvement from the very beginning, seaports are a colonial institution. They grew up as a highly localized institution. The city of New York developed its port; the city of Boston, its port; the city of Charleston, its port, largely independent of each other. That tradition of a high degree of localism persists today. There are many benefits in ports being able to accommodate the particular economic and social circumstances of the community in which they happen to reside, but they have also created a major vulnerability.

There are 361 seaports in the United States. The tendency for those who are involved in the illicit use of seaports is to find the seaport that has the weakest security and then use that as the basis of their operation.

In my State of Florida we have 14 deepwater seaports. We have had a long and unfortunate history of persons who want to use seaports as the means of carrying out their criminal deeds by determining which of those 14 has the most lax security and then using that seaport for their evil deeds.

I suggest the same thing is likely to happen with terrorists. While we respect the tradition of localism in our seaports, we also need to have a strengthened Federal role, as the Senator from South Carolina has described, including consistency in security standards port to port so we will not be creating these pockets of soft vulnerability for criminal and terrorist activity.

Second, some of our colleagues from the interior of the country might think this is an issue that does not affect them: If I don't have a seaport in my State—unlike the Presiding Officer who comes from a coastal State with a major seaport in Savannah—if I am not

from such a State as Georgia or South Carolina or Florida, this does not affect me and I will not get particularly exercised about strengthening seaports. Mr. President, it is not the seaport that is the principal threat. It is those 16,000 containers every day, every 24 hours, which are delivered to an American seaport and then placed on a truck or railroad car and moved to virtually every community in America as a critical part of our national commerce. The 16,000 containers are the containers that come from noncontiguous nations. They do not come from Canada, they do not come from Mexico, but they come from everywhere else in the world and arrive at one of our 361 seaports in America.

Less than 3 percent of those 16,000 are inspected. Therefore, 97 percent plus are released into America without any determination of what is inside that container. With the creativity terrorists have shown, the use of one of those containers from a port far away, with very little prospect that it will be inspected and interdicted before it arrives at its ultimate destination, is an attractive means of mass destruction for terrorists, as it has been in the past a very attractive means of more traditional criminal activity.

One of the most important provisions of this legislation is going to be to rapidly accelerate the technology of x-raying and other scanning of containers so we will get that percentage above 3 percent and have a greater assurance that containers are not used as weapons of mass destruction. That, in conjunction with increased intelligence which will identify from what ports and with what bills of lading what containers are likely to be arriving in the United States that would be used for terrorists or other illegal activities in conjunction with increased technology, will give us a greater chance to secure the American people from the illicit use of the containers which emanate from our seaports.

I urge Members who have objected to taking up this bill, which I suggest will pass this Senate by close to a unanimous vote, where there is strong support, to remove their objection. This legislation is largely based, as Senator HOLLINGS has already noted, on work of a commission established over 2 years ago. It was headed by the then-head of U.S. Customs, Ray Kelly, who now happens to be the new chief of police of New York City, the admiral in charge of the U.S. Coast Guard, Admiral Lloyd, and other Federal executive officials with responsibilities for seaports. It was a solid, well-developed report which has been implemented to the extent possible through administrative actions. Now the burden is on us to provide the resources and the law changes necessary to fully implement this report. It is an urgent matter, a matter which we should take pride in

the opportunity to act preventively, preemptively, before the American people are attacked at a seaport or through a container which emanated from a seaport.

I urge reconsideration of denial of the motion for unanimous consent, bring this matter up, have a debate, which I suggest will likely be short and very one-sided in terms of the support this legislation will receive. We should pass this legislation, send it to our colleagues in the House, and hope they will act expeditiously so we can provide this protection to the people of America.

I thank my colleague, Senator HOLLINGS.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. I ask unanimous consent to speak as in morning business for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL SECURITY

Mr. DORGAN. Mr. President, I will comment on a couple of issues, one of which was raised yesterday by the majority leader and commented upon this morning by our colleague from Montana—the issue of energy policy.

Yesterday, the majority leader came to the floor and said we would be taking up a comprehensive energy bill in the Senate, the first work period after we reconvene in January. I appreciated that. I think it is the right thing to do. Energy policy is much more than just finding energy or conserving energy. It is also a matter of national security and energy security. It is the right thing to do.

We are trying to form an energy policy for this country that is balanced. Some believe this country's future energy needs are simply going to be satisfied by digging and drilling. That will not be the case. We should produce more—yes, oil, gas, and coal—and do so in an environmentally sensitive way. There is no question about that. I support that.

However, if that is our only policy—digging and drilling—our energy policy is consigned to be “yesterday forever.” That is not what I want for an energy policy.

I discussed this with the energy policy experts at a hearing. We talked about Social Security 50 years from now. I asked: Do you have a notion of what we want for an energy policy 25 and 50 years from now, and if so, can you state what it is? The answer they gave me was: We will have to get back to you.

I think as a country, we ought to have a policy that, 50 years from now, aspires to do certain things. Let me describe why.

My first car was a 1924 Model T Ford. I bought it as an antique and restored it. As a young 14-year-old boy, I spent a lot of time with that old Model T

Ford. A man named Tony owned it. I come from a town of 300 people, and Tony had it in the 1920s. A Model T Ford, for those who don't know, is like a little red wagon. When you turn the wheels too sharply on one of the red wagons, the front tips over because the wheel turns too far. The Model T Ford used to do that. It would jackknife if you turned too quickly.

This Model T was driven home from the bar one evening, I am told, and the driver apparently had a lot to drink. He thought he saw a group of chickens in the road. So he took the wheel of the Model T, turned it all the way over, and jackknifed the front wheels. He was pinned underneath the car, and hot water from the radiator dripped on his ear. He lost part of the ear. After the Model T was fixed, he drove it home, put it in a granary, and there it sat for four decades. He never drove it again and never intended to drive again, all because of the phantom chickens.

My dad said I ought to write this fellow, who lived in Wisconsin. I was 14; I wrote to him and asked if he wanted to sell the Model T. Rats had taken the wires and the seat cushion, but there was the frame. He sent a letter back and he said: Not only will I sell it, but here is the key and the owner's manual. I want \$25.

So I bought a Model T Ford for \$25, and I restored it. It was a labor of love.

But the interesting thing about that 1920 Model T Ford is that you put gas in it the same way that you put gas in a car today. Mr. President, 75, 80 years later, automobiles are fueled exactly the same way: Go up to a gas pump, pull out a hose, stick it in, and fill it with gas. Nothing has changed. Everything else about our lives has changed, but nothing has changed about how we fuel our automobiles.

If you look at energy usage in this country, the most significant increase is in transportation. When we look forward 50 years, let's aspire to do things differently. What kind of energy use do we want? What do we aspire to do in conservation? What do we aspire to do in production? Do we believe we can have fuel cells? I drove a fuel cell car on the grounds of the Capitol awhile back. Can an automobile using a fuel cell be part of our future? If so, how much? How about ethanol? How about taking a drop of alcohol from a kernel of corn, with the protein feed stock left over, and using that drop of alcohol to extend our country's energy supply?

We are trying to write an energy bill that makes sense. The majority leader said, I commit, we are going to bring it to the floor during the first two months of the year—the first work period of the year, following our return in January. That energy bill is going to be about production—yes, environmentally sensible production with certain safeguards—conservation, which is important; efficiencies, which are also

important; and in addition to that, we are going to talk about limitless, renewable energy sources, which can also contribute a great deal to our country's energy future, both with respect to petroleum and also with respect to electricity and the production of electricity.

So what the majority leader has said makes good sense. He understands that energy is a matter of national security. He is committed to bringing an energy bill to the floor. It is going to be an energy bill that is much more balanced than that which came out of the House, and it is not going to be "yesterday forever," it is going to be a forward-looking, balanced plan. That is the way it ought to be. That is what this Congress owes to the people in this country.

Let me turn to the issue of aviation just for a moment.

Yesterday, the Secretary of Transportation said he cannot meet the 60-day requirement of baggage screening that was in the legislation we just passed to try to promote safety with respect to air travel. I regret that. I am really not very interested in hearing a Secretary or anyone else telling us what they can't do. I am much more interested in finding out what they are doing to try to meet these goals.

We put in this legislation, which was coauthored by my colleague, Senator HOLLINGS, and Senator MCCAIN, and the chairman and ranking member of the Commerce Committee—we put in four alternatives how they might meet their obligations in the first 60 days. There are four different approaches that can be used.

I was mightily disappointed yesterday to hear the Secretary say we cannot meet those time deadlines. I am just not interested in hearing what cannot be done. We are at war at this point. We are told almost weekly that there are credible threats of additional terrorist acts in this country. We have soldiers in the field abroad, and we have, supposedly, terrorist threats here at home. The issue of this aviation security is a matter of homeland security and homeland defense. We cannot be talking about what can't be done. We have to talk about what we are aspiring to achieve and how we are going to try to meet deadlines.

That is very important. I hope the Secretary and others will understand our impatience with that kind of talk. I understand none of this is easy. It is not easy for anybody. Those young marines landing in Afghanistan, it is not easy for them or their families. None of this is easy for anybody. But we passed an aviation security bill because we must address this issue of safety in the air. God forbid that there be an explosion that will bring down an airliner in the coming weeks; God forbid that would happen. We must do everything we can, all of us, together, to assure

safety in this country in a range of areas and especially safety with respect to airport security and aviation safety.

Finally, I wish to comment about a bill that is going to be brought to the floor, we hope, tomorrow, and that is the farm bill. I have talked to some of my colleagues who have hinted in recent weeks that they may hold up that farm bill, that they may block the motion to proceed. I encourage them not to do that. We have a farm law called the Freedom to Farm law that doesn't work at all. It is a terrible piece of legislation. Its premise was, let's not have a farm program and let's wean ourselves off it over 7 years, declining price supports over 7 years. During that period of time, what has happened is commodity prices have collapsed, family farmers are hanging on by their financial fingertips, and we must, it seems to me, write a better farm bill.

The House of Representatives has done that. The Senate Agriculture Committee has done that. Now we have an opportunity to get it to the floor of the Senate late this week, perhaps tomorrow, and then pass the farm bill, get it into conference. I do not think it will be too hard to conference because it is not too different from the House of Representatives' bill. Different but not radically different. They are both a U-turn from the present Freedom to Farm law; they both recognize the need for countercyclical help for family farmers. It is very important to put a bill on the President's desk for signature to improve the farm law in this country and give family farmers a chance to make a living. It is very important that we have cooperation.

I am not here to point fingers or say anything bad about anything or anybody. I am just asking everyone in the Senate to work with us. Let's not filibuster this. Let's not take ourselves down a blind alley with amendments that have nothing to do with it. Join us to stand up for family farmers. Join us to stand up for those farm families who have struggled so hard in this country to make it.

When talking about security, food security is also part of our country's needs—the need for a secure food supply. Europe has understood that, and as a result of that they decided they would have a network of family producers across the land in Europe. They would stimulate the ability to retain family farms in Europe. That is good public policy. That promotes food security. We ought to embrace the same, in my judgment.

My fervent hope is that by the end of this week we will have enlisted the cooperation of all of our colleagues so we can debate a farm bill, put it into conference, and next week we can have a conference with the House and hopefully put a bill on the President's desk for signing as soon as possible.

I wanted to comment about those three items. All are timely and very important—energy, agriculture, and a farm bill. My hope is we will make progress on all of them in the times we have discussed, and I appreciate the cooperation of my colleagues as we begin to turn to this farm legislation.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. THOMAS. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THOMAS. Mr. President, I guess I will be in morning business because I wish to talk about a number of different items, if I may, for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE PRIORITIES

Mr. THOMAS. Mr. President, what my friend from North Dakota just talked about describes where we are. We are down to the end of this year's activities. We are down to the end of this session. Yet we do not seem to have established for ourselves the priorities collectively that we should handle before we leave. I understand everyone has a little different point of view. Everyone has interests of their own. Everyone has things they have pursued and find most interesting. But the fact is, we have some things that have to be done. We have some things that I think most people would agree are priorities. But we have seemingly not been able to establish how we are going to spend our time.

For example, now on the floor is this railroad retirement bill. It is a bill most people would be happy to talk about. It should be talked about. But it doesn't need to be talked about now.

There are many items. Senators were already talking about, of course, the security of ships and docks, and so on. It is very important stuff. Is that where we are at the moment?

There is no doubt these issues are important, but there are lots of things we need to talk about. We have not finished our appropriations, which should have been done in August. They are still not done. We are having great debates over Defense appropriations, which of course is highly important. We ought to be doing that. We have some conference committee reports now that are available. We are not talking about those. So I have to suggest some of the things that have been brought up here are totally political and have to do more with posturing than they do with doing what we need to do.

We need to do appropriations.

I don't think anybody resists the idea that we need to do a stimulus bill. We

don't have one we can agree on because we haven't been able to get together to do that. We ought to be able to do that.

I happen to think we need an energy bill. Again, it is not only a part of the economy but it is also certainly a part of our war on terrorism. As we get involved in the Middle East, we certainly have to take a look at what we do about energy.

It seems to me that one of the things we ought to do among ourselves is determine what our priorities are, and go about getting those things finished.

The longer we are here, of course, all of these ideas come up for spending. We ought to take a good look at where we are.

I happen to be on the Agriculture Committee, as does the Presiding Officer. I would look forward to an Agriculture bill. We don't even know what it costs. It has not been scored. It is a little unusual to be bringing something up that probably costs \$90 billion over 10 years and not having it scored to know what it costs when you bring it to the floor.

The current farm bill continues until August of 2002. If we did it in January, it probably wouldn't make a great deal of difference to the agricultural community then.

I think those are some of the issues which need to be talked about. We spent \$20 billion immediately after September 11. We spent an additional \$10 billion shortly thereafter. We spent an additional \$15 billion, \$10 billion of which was guaranteed loans for airport stability. We had a budget that we agreed upon of \$6.6 trillion for this year. That now has been increased to \$6.86, about a \$25 billion expansion of the budget which was requested. We have done that.

We have additional spending in line for defense of \$18 billion. Education will be up soon, I am sure, with another \$4 billion to \$5 billion increase. We have to take a look at that.

One of the things that is holding up the current bill is the idea of putting on \$15 billion more for internal security. The President said we have the money now, and he will let us know when we need more out of this original allocation. I hope we can come to grips with this idea of where we go and make some adjustments.

The railroad workers bill is an interesting one. Certainly everybody, including myself, supports railroad workers. This is an interesting one. I also happen to be on the Finance Committee. The Finance Committee has had no hearings on this bill. It is a bill that is interesting. It combines Social Security with private retirement funds. It has to do with moving that money out of the Government. The Government is responsible for this now under the Railroad Retirement Act. There is some great concern that if it moves, as has been suggested—and I

don't think anyone knows exactly what the answer is going to be if the benefits are increased and the contributions are reduced over a period of time—railroad workers are in a situation where you have three people drawing retirement for everyone who is working. I think there has to be some assurance that if we do this and let this retirement program change, the taxpayers aren't going to pick up the tab.

I would very much like to see this be a private opportunity for the railroads and the workers to do whatever they would like to agree to but not ending up with the taxpayers picking up the tab. This bill adds benefits and reduces contributions.

Those are the kinds of questions we have to resolve, at least in my mind. Certainly, all of us are for doing all we can for railroad workers' retirement. But I think there are some real questions that have to be resolved.

In terms of the economic stimulus package, we have worked with that for a good long time now. Again, it has come out of the Finance Committee. There are different views as to what a stimulus is. We have talked to many famous economists in the United States, and they are not sure exactly what is the best route.

Obviously, we have to do something to help people who are unemployed. I think there is a willingness to do that. On the other hand, what we are seeking to do is provide people with jobs. We do that by assisting business. We do that by accelerated depreciation. I believe we can come up with an answer to that and get that job done in a fairly short time. However, each side puts on conditions. So we have not done that.

I urge that we take the responsibility of determining what it is we need to do before we leave in this session and then decide what our second priorities are and put a definite time for next year and move forward with those. But we do not seem to yet be able to set that level of priority.

I urge we do that and be sure we give ourselves time to take a look at these bills—whether they be farm bills, whether they be retirement bills—and make sure we understand that they meet the vision of where we want to go.

We ought to think through agriculture. Where do we want to be on agriculture in 10 years? What kinds of things can we do in terms of conservation, research, and marketability, and in terms of having some kind of support mechanism for agriculture to keep it healthy and yet let it respond to the market.

Those are the things I think we want to accomplish over time. I think we have a great challenge and a short time to do it. I look forward to being a part of that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I say to my friend, the distinguished Senator from Wyoming, that, first of all, we are not wasting time because of anything we are doing. My friend referred to conference reports. We could do conference reports in a second if they were completed. The conferences have not been completed. There are four appropriations bills in conference—DC, foreign operations, Transportation, and Labor-HHS—which are simply not completed. We would take them up an hour after we got them if we could. We are not wasting time by not doing conference reports because there are no conference reports to do.

Also, we are not causing the delay. We have 74 cosponsors of the legislation that is now before the Senate. It is not something we dreamed up to take up a lot of time. You would think that 74 Senators would be an ample number to have a bill brought before the Senate and start talking about it a little bit. We think this bill should be passed very quickly. It is a very simple piece of legislation. All it says is that the widows of railroad retirees can invest money in the stock market. It seems to me that is what Members have been saying should be done with Social Security benefits. Why should widows be any different? I hope we will work together to try to resolve this issue.

I also say to my friend from Wyoming that Senator DASCHLE announced this morning that Senator BYRD decided to withdraw his homeland security amendment and work with it on the Defense appropriations bill. Senator BYRD and I held the first press conference on his piece of legislation. I am an avid supporter of what Senator BYRD is going to accomplish—not trying to accomplish. He is going to accomplish it one way or the other. I am an avid supporter of that. But for all the Members who are saying we would be happy to sit down and negotiate on homeland security, we are rid of that. Senator BYRD is going to take care of that in the Defense appropriations bill.

It is going to take care of issues that are so important to this country—issues that I think are long overdue. It deals with protecting against bioterrorism and law enforcement and border security. For example, \$2 billion will go to help State and local law enforcement departments across the Nation to prevent terrorist attacks. There is money for FEMA to give grants to States and local communities to strengthen their firefighting capabilities and capacities. There is money for funding the FBI, Customs Service, Coast Guard, FAA, and other Federal law enforcement agencies to support antiterrorism activities. There is money to strengthen and secure our Nation's borders, and to beef up the Immigration and Naturalization Service, and the Customs Service.

We know terrorists can come over the Canadian border. We need to give our Border Patrol more help.

In our bill, Senator BYRD and I are talking about the “outlandish” proposal to have a database to monitor foreign student visas. That does not seem too out of line to me. We are going to do that. We should do it in the economic stimulus package, but that is OK. We believe the economic stimulus package is so important that Senator BYRD has agreed to take it off of it. I repeat, his legislation—which will become reality—will be put in the Defense bill.

We are going to help airports increase law enforcement protection. We are going to fund the FAA research on improved security equipment. We are going to fund closed-circuit television systems and surveillance, which is so important, especially in our transit systems. We are going to improve surveillance. And we are going to take care of safety vulnerabilities at Amtrak stations.

We are going to have security for our Nation's ports, railroads, and ferries. Senator HOLLINGS and Senator GRAHAM were in the Chamber today talking about how important this is. It is important. We are going to take care of part of that in the Defense bill because it is part of the defense of this country. We are also going to make sure the mail, Federal computer systems, and other security systems are protected.

I say this because the time has passed. If we are going to do something that is going to stimulate the economy, we need to do it now. One way that we can certainly stimulate the economy is to make sure the people who were displaced because of the September 11 tragedy—there are people there who have not qualified for unemployment benefits. When I say “there,” I don't just mean in New York. For example, we have a great welfare-to-work program in Nevada. Most programs work great when times are good, but when times are not so good, they do not work very well. We have people who have gone from welfare to work who do not qualify for unemployment benefits. We want them to become part of the workforce. We want them to qualify for unemployment insurance.

That is what our legislation does in our economic stimulus. We want to make sure these people are part of the workforce of America. There is no better way of doing that than making them feel part of it.

We also believe we should do the same thing President Bush's father did on four separate occasions, which is to extend unemployment benefits for 13 additional weeks. President Bush, Sr., did that. We believe this would stimulate the economy.

Workers need assistance now. The economy needs stimulus now. The best way to accomplish both of these goals

is to give relief to workers who need it the most. People who are out of work need it the most.

Economists across the country agree that providing relief to low- and moderate-income families is one of the most effective ways to stimulate the economy. We believe in stimulating the economy right away by putting money in the hands of the people who most likely will spend it: dislocated workers and their families.

Studies have shown that for every dollar invested in unemployment insurance, we generate \$2.15 in gross domestic product. This comes from the Department of Labor study that was conducted less than 2 years ago.

A 1990 study by the Department of Labor estimated that unemployment insurance mitigated the real loss in GDP by 15 percent in the last 5 recessions, and the average peak number of jobs saved was 131,000.

Joseph Stiglitz, Nobel Prize winner in economics, has stated:

We should extend the duration and magnitude of the benefits we provide to our unemployed. This is not only the fairest proposal but also the most effective. People who become unemployed cut back on their expenditures. Giving them more money will directly increase expenditures.

This isn't a statement from some radical. It is from Joseph Stiglitz, Nobel Prize winner in economics, who said the best way to help the slow economy is to give people who are out of work money.

The Congressional Research Service concurs with Stiglitz. They say:

Extending unemployment compensation is in fact likely to be more successful for stimulating aggregate demand than any other tax or transfer charges.

America's working families must not be left behind when Congress acts on an economic recovery package. Providing unemployment benefits is the best way to provide relief to workers and to stimulate the economy.

In August of this year, more than 800,000 workers had exhausted their unemployment benefits yet remained unemployed. And it has only gotten worse. The current unemployment insurance program must be supplemented to help dislocated workers and their families through these difficult times.

Currently, States provide up to 26 weeks of unemployment insurance benefits. The weakening economy has made it harder for workers to find new jobs.

Larry Lawrence, the President's chief economic adviser, said unemployment benefits only keep people from looking for a job. That is pretty mean. That is unfair. And it is wrong.

For the week following September 11, the Department of Labor reported that unemployment insurance claims reached a 9-year high.

In October, the month after the September 11 incident, the unemployment

rate jumped to 5.4 percent, the largest 1-month increase in more than 20 years.

Next year, approximately 5 million people will use all of their 26 weeks of benefits and will still be without a job. Business tax cuts and income rate reductions will provide little relief for these workers.

Even Congressman DICK ARMEY, the majority leader in the House of Representatives, predicts the House-passed stimulus bill would increase employment by only a few thousand jobs.

I remind everyone of what Mr. ARMEY said. I pulled this piece of paper out of my wallet. Here is what he said:

Medicare has no place in a free world. Social Security is a rotten trick. I think we're going to have to bite the bullet on Social Security and phase it out over time.

This is what we are faced with in the House, and it is just not fair.

We believe we propose genuine recovery assistance. The Senate Democratic proposal would provide 13 weeks of extended benefits to anyone with benefits expiring after September 11 and extend coverage to part-time and low-wage workers—those are people I talked about earlier—and supplement monthly unemployment insurance benefits by 15 percent or \$25—that is how much money we are talking about—which ever is greater.

So our worker relief plan would provide assistance to millions of American workers and their families. We know that rhetoric alone will not help these people. American workers deserve real relief, and they deserve it soon.

I am happy to see the majority leader in the Chamber. I say to the majority leader, as he comes to the floor, I am happy to have you in the Chamber because we were just told by the other side that we are wasting time, that we should be doing conference reports.

I have just announced we have no conference reports to do. The appropriations conference committees are still working on those. I indicated to everyone here assembled, if we received a conference report, the majority leader would move to that conference report within hours.

So I am glad to see the majority leader in the Chamber. The fact is, we are moving as quickly as we can. I was happy to hear the Senator announce today to the press that Senator BYRD decided to allow us to move forward with the stimulus package, and he is going to work on the Defense bill. That is my understanding.

The PRESIDING OFFICER. The majority leader.

Mr. DASCHLE. Mr. President, I will use my leader time to make a couple of comments.

First, I again thank the assistant Democratic leader, and my colleague from Illinois, and other Senators who participated in the colloquy this morning. I am disappointed that somebody

would suggest we are wasting time when it is, of course, the fact that our Republican colleagues have chosen to filibuster the railroad retirement bill. We could have had a vote on it with amendments related to it yesterday and today. Because we were forced to file cloture on a motion to proceed, we are not able to bring up the railroad retirement bill. Therefore, we have to wait until tomorrow for us to have the opportunity to vote just to be able to take up the Railroad Retirement Act.

It is disappointing. I hoped that somehow we could have reached some accommodation schedule-wise. So far, that has not been possible on railroad retirement.

Senator LOTT and I have been discussing matters relating to the economic security package over the last couple of days. We had a very good meeting again this morning with the President and the Speaker and the Democratic leader in the House. I offered a proposal at that time on which we have been working since that breakfast. Basically, the proposal could only be made as a result of tremendous work done by our chairman of the Appropriations Committee, Senator BYRD.

Senator BYRD has made the decision to offer his piece, the homeland security piece of our economic stimulus package, to the Defense appropriations bill in the Committee on Appropriations, and that will occur, of course, just as soon as the House sends us the Defense appropriations bill. It has not been sent over yet. It is my understanding that they may actually send it over today or tomorrow. That will then give us an opportunity to consider the Defense appropriations bill. At that time, it is Senator BYRD's intention to offer homeland security to the Defense appropriations bill. It is also my understanding that he will pare back the overall cost of the proposal in an effort further to reach consensus and compromise.

I don't know how Senator BYRD can go much further than he has. We have now divorced it from the revenue package offered on the Senate floor. He has pared it back substantially from what it was originally. He has now suggested using it as an amendment to another vehicle so that we can move forward on the economic security piece proposed to us by the Senate Finance Committee.

Those are three very critical steps. I hope our Republican colleagues might reciprocate in working with us now on the homeland security piece as well.

What that does do is allow us now to work in concert with our Republican colleagues, both in the Senate as well as in the House, to arrive at perhaps an agreement, a compromise on the non-homeland-security-related part of our economic stimulus package.

I have called a meeting for this evening at 6:30. I have just now spoken

to both the Republican leader in the Senate and the Speaker. My staff and others have talked to Senator BAUCUS, chairman of the Finance Committee, and to Congressman GEPHARDT. We will hope tonight to sit down and begin the deliberations that might allow us some way to break the impasse that has existed for a couple of weeks.

It is my sincere hope we can do that. I urge my colleagues to work in good faith to arrive at a consensus sometime this week so we can complete our work on the economic stimulus bill next week.

I yield to the Senator from Illinois.

Mr. DURBIN. If the majority leader has completed his remarks, I would like to comment to say I think what he has said this morning is further evidence of the efforts that have been made on this side of the aisle to try to enact an economic stimulus package that is balanced and fair and really will help America move forward.

Whether we live in South Dakota or Illinois or in the State of Georgia, we know we have faced a downturn in the economy which has cost us thousands of jobs across America. I have met with some of these workers. Since August 21, more than 800,000 of them have exhausted their unemployment insurance benefits. They still remain unemployed. In the week following September 11, the Department of Labor reported that unemployment insurance claims reached a 9-year high. So the economy was soft going into the tragedy of September 11 and certainly aggravated by that terrible event.

We have seen a dramatic loss of jobs across America in so many different industries. As to the airline industry, where we tried to make a heroic effort to provide a lifeline to that industry to keep the planes flying, we may have given them some hope, but certainly they have had to lay off employees and cut back schedules. That is one of the most serious problems we face in terms of our domestic economy.

For the unemployed workers across America, the Democratic stimulus package proposes that we give them additional coverage for at least 13 weeks so they will be able to have some way of feeding their family, keeping them together, paying the rent, and paying the utility bills during the winter months. I don't think that is unreasonable. We know these people are going to spend the money given to them because they are trying to struggle to survive under the most difficult, if not impossible, circumstances.

We have also tried in our bill to expand health insurance coverage for the unemployed. Can you think of any worse situation, as the head of a household or head of a family, than to not have health insurance for yourself, your wife, or your children? Imagine if you are unemployed on top of it. That is what is going on for thousands of Americans.

On the Democratic side, we have tried to say that part of any economic stimulus package should remember these workers, these working families, and not forget them.

Sadly, the contrast is so obvious with the Republican approach: In the House the Republicans, proposed massive tax cuts not for working families or average Americans but for the biggest corporations in America. Some \$25 billion goes to just a handful of corporations. They are corporations that paid an alternative minimum tax over the last 15 years. The Republicans have said, let's refund the money they paid. The House Republicans passed that package.

It would give to one corporation \$1.4 billion. We don't know if that corporation would take the money and give it to the corporate officers in terms of salary or income or whether they would pass it along in terms of dividends. We frankly don't know that it would encourage any growth in the economy.

On the Senate Republican side, the stimulus bill accelerates the tax cut rates for the highest income earners in America. Again, the Republicans have forgotten the average working family, the person struggling to survive.

What Senator DASCHLE, the majority leader, has said to us this morning is that our door is still open, the table is still there for us to come together with Republicans. If we are going to do something for the economy, let's do it now. Let's do it in a timely fashion. Let's do something that truly will help and won't hurt us in the long run. The Republican proposals which we have seen don't meet that test. The Democratic proposals do.

I salute Senator BYRD from West Virginia. He is now going to add to the Defense appropriations bill an amendment to provide homeland defense funds for counties and cities and States across America that are trying to deal with the issue of security. We are happy to read the morning reports that we are winning the war in Afghanistan, but Americans want to know that they are safe. Their safety depends on the very best law enforcement in Washington and in the communities, the best public health facilities in their local communities. That means we have to help them. We have to provide the resources to give peace of mind and safety to families and communities across America.

Senator BYRD's proposal moves in that direction, for law enforcement, first responders, for public health, for infrastructure security, for security in transportation, such as Amtrak. All are essential to make America safe and give us peace of mind.

I see the minority leader on the floor. I don't want to take any additional time. I yield the floor.

The PRESIDING OFFICER. The minority leader.

Mr. LOTT. If Senator DASCHLE will allow me to comment on the remarks he made before I came to the Chamber, I think it is a wise agreement or decision to move the homeland issue over to the appropriations area and allow us to go forward to see if we can find a way to come to agreement on the stimulus package. I didn't hear exactly what was said, but I think this is a good thing to do. We need to do it sooner, not later. If we didn't get started communicating bicamerally and bipartisanship until next week, it would make it even more difficult to get our work done in a reasonable period of time.

I believe the parameters of the agreement are out there and pretty obvious. We don't want it to be just a spending program that doesn't contribute in a stimulative way to the economy. You can argue that some spending would have more effect than others. Some of the program is going to have to be aimed at the unemployed and the health needs of the unemployed. We have to also make sure we have provisions in there, whether they are tax or even spending, that will have a quick effect on the economy and a positive effect in encouraging growth.

So I think within those parameters, which we all seem to be saying in the same way—although we are accused of not caring about the working families; that is clearly not our intent—we want to make sure people who lost their jobs have the help they need. More importantly, we want to help them get a job. So I think to get started is a positive thing. I am pleased we have found a way to do that.

I would be glad to yield for a comment or question to Senator BAUCUS, but I don't want to delay the majority leader.

Mr. BAUCUS. Mr. President, I think this is a very good development. I compliment the majority leader, as well as Senator LOTT from Mississippi, for working together. I particularly compliment Senator BYRD for being very helpful in helping to break this impasse.

I feel strongly that the outlines of putting together an agreement on an economic stimulus package are there. We need it. The White House knows we need it. Democrats know it and Republicans know it. The basic outlines are pretty clear, and I pledge my effort to work toward an agreed-upon solution that will pass both the House and Senate quite easily. I thank the leaders for the efforts.

Mr. DASCHLE. Mr. President, I had intended to make a unanimous consent request, but at the request of the Republican leader, I will withhold that at this time.

We have 7 business days left before the hopeful deadline we have attempted to impose upon ourselves. I say "hopeful" because there are so

many outstanding questions that it may simply be impossible to complete our work by a week this coming Friday. I noted yesterday my intent was that we would be in conferences after that and come back for whatever votes on conference reports would be required, subject to notification of all Senators. But that would require two things. First, it is going to require we maximize the use of every day between now and next Friday, a week from this coming Friday.

Secondly, it is important to have as much cooperation as possible. In order for that to occur, we have to make use of every day. We can't simply wait around for an economic stimulus package, or a conference report, or whatever else we may find the need to address prior to the time we finish our work in this session of Congress.

So it will be my intention to ask unanimous consent that the economic stimulus package be the pending issue, subject to our ability to bring up other bills as we wait for our negotiated agreement on the economic stimulus package.

Right now, of course, we have the railroad retirement bill pending. I would like to take up the farm bill. There will be the terrorism insurance bill that we will have to take up. We will have nominations to take up. That doesn't mean we displace the economic stimulus package or lessen in any way its priority. What it simply means is that, to the maximum degree possible, we are going to use every hour of the days remaining so we can accommodate this maybe-too-idealistic goal we have for completing our work.

I will make that request, but I certainly will accommodate all Senators before I make it. I will return to the floor this afternoon at a time that Senator LOTT and I can agree upon.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas is recognized.

WOMEN IN AFGHANISTAN

Mrs. HUTCHISON. Mr. President, I rise to talk about the issue of the plight of women in Afghanistan. I am very pleased that the Senate-passed bill has now passed the House of Representatives and it is on its way to the President.

The bill makes sure any aid the United States gives to Afghanistan after the fall of the Taliban—and we hope that is very shortly—will also be available to women and children—especially to women and children—because they have suffered so greatly under the Taliban.

We passed the bill the week before Thanksgiving. The House passed it yesterday. What we are saying to the world is that we are going to come together to make sure girls are not excluded from education in a country where we have anything to say. Of course, we do have something to say

because we are trying to help liberate the people of Afghanistan from the Taliban regime, as part of our effort to go after Osama bin Laden and the al-Qaida network.

We didn't really know how the women were being treated until it was brought out in the news accounts. For 5 years, girls have been denied education in that country. Afghanistan is a country that, before the Taliban took over, had women doctors and teachers, and women were very much a part of the society. They were Members of Parliament. When the Taliban took over, they went back to an extreme position, far beyond what is just holding women back—beating them on the streets if their burqas were in any way allowed to flap open in the wind.

Mr. REID. Will the Senator yield for a question?

Mrs. HUTCHISON. Yes.

Mr. REID. I appreciate the Senator coming here and lending her leadership on this issue. The Senator and I are circulating a letter that will call for the new government, whatever it is, to make sure it includes women.

In the form of a question, I say to my friend, it is very clear that for the last 6 years girls have not been able to go to school. But in Afghanistan, there are a lot of educated women—doctors, engineers, civil servants. I hope all the men meeting in Germany now will take into consideration some of these women who have been forced, because of the burqas and all this other radical movement toward causing women to become nonentities—that they will bring those women out of obscurity and back into the forefront where they should be and be part of this new government.

Would the Senator agree that is the way it should be?

Mrs. HUTCHISON. I appreciate so much what the Senator from Nevada has said because, of course, it is true. I think bringing this point home is important while they are meeting in Germany to try to form a government that is inclusive of the different tribes.

Certainly, we respect that there is a different culture there. But there is no culture in the world that can be acceptable if women are beaten on the streets because they wear high-heeled shoes, or if they are beaten because they go outside without a male escort, and even to take their son to the doctor, when there is no male escort to help them. That is the kind of treatment these women have received.

I thank the Senator from Nevada for working with us, along with all the women of the Senate, and Senator BROWNBACK as well, to speak out as a country and say that not educating girls, not allowing women to have health care—which is exactly what has happened under the Taliban; they would not allow women doctors to treat women who were sick. That is

why the rate of death in Afghanistan is one of the highest in the world. The rate of death of children is outrageous. One in four children in Afghanistan will die from bad food and water and other causes. One in four, that is a stunning statistic; 25 percent of every child in a country dying?

We have to speak out. We can do something, and that is what gives me great hope. We are going to be able to put our money, the generosity of the American people, to work to rectify a terrible tragedy and bring the girls into an educational system. We can make up for those 5 years, and we can show the girls they have a future, too; that they can be a part of the rebuilding the country they love.

I was struck by the stories of the two American missionaries who were prisoners and who were bravely rescued by the U.S. military and by the Northern Alliance military. They are quite devoted to Afghanistan. They see the greatness in the Afghan people, but they saw the treatment of the women. Even though they were treated well—thank goodness they were—they saw the beatings of Afghan women by the Taliban prison guards.

This is something that is beyond politics; it is beyond any disagreement one might have: That people be treated with decency and that women, who are most vulnerable, not be beaten; that they would not be kept from receiving health care for afflictions that will shorten their lifespans, if not kill them directly; that they would not be assassinated in the public arena while people are cheering, which we saw on television. This is a matter of human decency, and it is a matter about which all of us are coming together to speak against.

I was very touched by our First Lady, Laura Bush, speaking out for the women of Afghanistan and making it an issue of great priority for her, and saying the United States is going to be there to rectify this terrible situation.

We did not go in to take over Afghanistan. We went in to get the al-Qaida network that has killed thousands of Americans to make sure that network cannot operate ever again to harm freedom-loving people in the world.

As part of the education we have all received, we have learned of the atrocities that have been endured by the women of Afghanistan, and our First Lady led the way, along with Cherie Blair, the wife of the Prime Minister of Great Britain, who have said: We are in this together, and we are going to speak out to make sure that women are part of the government, that women are part of the solution and a part of the rebuilding of a country that can, once again, live in peace and prosperity.

I appreciate the leadership of our First Lady, Laura Bush. I appreciate the leadership of the women in the

House and Senate coming together to pass a bill that I feel sure the President will sign quickly. I am proud that Republicans and Democrats are coming together, that Americans, British, and people from all of the countries that are helping us in this quest to wipe out terrorism are coming together to say we will not forget the women of Afghanistan, and we want them to be a part of a country that prospers, where children are happy, educated, and safe.

I thank that Chair. I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, my understanding is that we are on a motion to proceed to the Railroad Retirement and Survivors' Improvement Act and tomorrow we will have a cloture vote. It is a vote on whether or not we will proceed to the bill.

At the moment, this legislation is being blocked. This legislation passed overwhelmingly in the House. The vote was 384 to 33. There are 75 cosponsors in the Senate. It was not hard for many of us to become original cosponsors. It just seems to be the right thing to do: Expansion of benefits to widows and widowers—I am not going to go through the specifics because others have spoken about the bill—liberalized early retirement, and liberalized vesting.

The best politics I know—I think I can get a smile from the Senator from Georgia who is presiding—is at the Minnesota State Fair. It is incredible; in 2 weeks, half the State's population comes. It is very serious politics. Nobody has a lobbyist with them. Everybody counsels one, and no more than one. People come up to wherever you are and talk about issues that are important to them, calls they have made to your office, letters they have written, whether you responded, whether you helped. It is very personal and very important. It is the very best politics I know. It is "grassroots" politics at its best.

At the last Minnesota State Fair, did I ever hear from some of these retired railroad workers and their families. This is important to them. They made a very poignant appeal. This is important to their financial lives from their point of view, and from my point of view it is a matter of fairness.

I do not believe they understand—by the way, I am not putting them down for this. I do not think most people understand Senate rules and how things can be blocked or filibustered. Other Senators would wonder about me if I were to say: How dare you block this. I have done a fair amount of blocking during my time in the Senate.

Frankly, unlimited debate and unlimited amendments is what makes this body unique. It means any one Senator, if they know the rules and know the leverage, if they want to change the topic of conversation, if

they want to focus on a different issue, if they feel strongly about something, can speak out for what they believe and what they think is best for the people they represent. They can fight hard.

Every Senator has a right to use their rights. That is what is happening with this bill. I appeal to colleagues to let this legislation go through. This is important to many hard-working families as they move into their sixties, seventies, and hopefully eighties and nineties. It is important to them.

I appeal to my colleagues to let us proceed. I say to my colleagues—if they want to amend this bill, go ahead, but I appeal to colleagues not to add on different legislation which will then create a quagmire and snarl everything up. We should push this legislation forward and pass it. It is the right thing to do for these families.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CLELAND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HARSH PENALTIES FOR BREACH OF SECURITY AT AIRPORTS

Mr. CLELAND. Mr. President, I rise today to announce my intention to introduce a bill to provide Federal criminal penalties for security breaches at American airports. I make this announcement on the heels of my own experience with a security breach at Hartsfield International Airport. I have no way of knowing the reasons behind the security breach at Hartsfield, but the results of it were startling. The event triggered the total evacuation of the Atlanta airport and a temporary halt of incoming and outgoing air traffic. I might say I have been marooned on the tarmac at Hartsfield many times, but never with 60 other aircraft. I spent 4 hours on the tarmac, and many more hours waiting for my connecting flight, which I basically rendezvoused with and arrived at my destination the next day. Thousands of other travelers were also stranded while the ripple effects were felt across the country.

Thankfully, nobody was hurt in this instance, and people's worst fears of another terrorist attack were not realized. But a loophole in existing law has been revealed in the days since the incident, and has shown that breaches at airport security checkpoints are currently punishable by local criminal penalties and Federal civil penalties, but not Federal criminal penalties. Incidentally, the current Federal civil penalty for such a breach currently carries a fine of \$1,100.

In an incident that probably cost the State of Georgia, the airlines, and this

country about \$10 million in economic impact, that is a small pittance to pay—\$1,100.

As we have learned in the most painful way possible, airport security is a matter of national security, and for there to be no Federal criminal penalty for such a breach is appalling. It was relieving to find that there appeared to be no nefarious intent in the Atlanta instance, but it was very disconcerting to learn the shortcomings of our Federal laws in a situation like this.

While a Federal criminal penalty does cover security violations aboard airplanes themselves, I believe similar penalties should be available for violations before a person actually boards a plane. I would like to stress that I do intend to include provisions to make distinctions between deliberate and unintentional breaches. The legislation is currently being drafted and vetted, and will be introduced in the near future.

The two main intentions of this bill are to provide uniformity and accountability for breaches of security across the Nation. Congress and the President have agreed that it is the responsibility of the Federal Government to protect our airports, and the laws should reflect that. It should also provide the same penalty for breaches in New York City, Columbus, OH, and Columbus, GA. The offense is the same, and the laws should be too.

Mr. President, I yield the floor.

RECESS

Mr. CLELAND. Mr. President, I ask unanimous consent that the Senate stand in recess until 2:15 today.

There being no objection, the Senate, at 12:19 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Ms. STABENOW).

The PRESIDING OFFICER. In my capacity as the Senator from Michigan, I suggest the absence of a quorum.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAUCUS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMPREHENSIVE RETIREMENT SECURITY AND PENSION REFORM ACT OF 2001—MOTION TO PROCEED—Continued

Mr. BAUCUS. Madam President, I support the motion to take up H.R. 10 so we can consider the retirement bill as an amendment. Let me explain why this bill is necessary and then I will respond to some of the criticisms that were made yesterday.

By way of background, the Federal railroad retirement system has served railroaders and their families for 65

years. Its roots reach back to the 1930s, in a struggle to find answers to the hardships that resulted from the Great Depression. Today, the system provides benefit payments to more than 673,000 retirees and other beneficiaries.

The railroad retirement system actually has two components. Tier 1 is largely equivalent to Social Security. Tier 2 provides additional benefits and is equivalent to a private pension plan. Both are funded by taxes that are paid entirely by railroad companies and railroad workers.

Let me stop here and stress a critical point. Every single change that we make in this bill applies only to tier 2. Again, tier 2 is equivalent to a private pension program. In other words, we are only addressing how railroad retirement operates as a private pension plan. We are not making any changes to the part of the program that is largely equivalent to Social Security.

So where do things stand? At one point, the Railroad Retirement system was in deep trouble. Just like the Social Security system. In fact, in 1983, we had to permanently cut benefits and increase taxes, in order to get the system back on its financial feet.

But there's good news. Today, the Railroad Retirement system is fiscally strong. There's a surplus, of \$19 billion.

On top of that, the most recent report by the Chief Actuary concludes that no cash-flow problems are expected to arise over next 75 years. In other words, the system is solvent. I'll say it again. The system is solvent. Over the short term, and over the long term.

That's good news.

Among other things, it gives us the opportunity to consider some basic improvements in the operation of the railroad retirement program. That's what this bill is all about.

After years of careful deliberations between railroad companies and railroad unions, the bill is designed to make two basic reforms.

First, the bill improves the investment returns of the Railroad Retirement Account. Currently, the taxes collected in the Railroad Retirement Account can only be invested in U.S. government securities. Actuarial projections assume an annual return of 6 percent on these investments.

This bill would allow a portion of the assets to be invested in a diversified investment portfolio that includes private-sector securities. In other words, the portion of assets attributable to private industry contributions could be invested in the same way that the assets of private sector retirement plans can be invested.

Over the long run, this would increase the rate of return on the investment of railroad retirement assets. I grant that this proposal may have seemed like an even better idea a year or two ago, when the stock market was on a roll.

But that's short-sighted. As we all know, equity investments result in higher returns over the long term. In this case, the shift from Treasury bills to a mixed portfolio is estimated to increase the long term rate of return from six percent to eight percent.

That's not some pie-in-the sky projection. That's the estimate of the chief actuary, who is charged by law with making objective estimates of these matters.

In any event, I note that this provision would apply only to the portion of the program that is similar to a private pension plan, and that is funded entirely from industry sources.

That's the first change that we make. Over the long run, it will put the system in even better shape than it is today.

The second change is a needed adjustment in benefits and taxes. We have room to make these changes, because the system now is taking in significantly more in taxes than is necessary to pay current and projected benefits.

Let me describe each set of changes, in turn.

With respect to benefits, we reform survivor benefits, the retirement age, and vesting. With respect to survivor benefits, each month, about 700 new widows and widowers begin receiving Railroad Retirement survivor benefits. That's an average of one every hour, day and night. As it now stands, while a retired employee is alive, a couple receives a tier 2 benefit equal to 145 percent of the benefit for a single retiree. When the retiree dies, the spouse is left with a tier 2 benefit of only 50 percent of the retiree's benefit. That's a reduction of almost two-thirds.

Under the bill, the surviving spouse would receive a tier 2 benefit equal to the benefit received by a single retiree. As a result, we would avoid a drastic reduction in the income of the survivor.

Next, we lower the minimum retirement age, at which employees with 30 years of service are eligible for full tier 2 benefits, from age 62 to 60. This would return the age at which a railroad employee can retire with full benefits to what it was prior to 1984.

It also moves the railroad retirement system closer into line with many private sector pension plans, particularly those in hazardous or physically demanding occupations. Even with this change, many private plans will still have earlier retirement ages than the railroad retirement system.

Finally, we lower the vesting requirement for employees from 10 to 5 years. This aligns Railroad Retirement with current private industry pension practices.

Those are the reforms to railroad retirement benefits. We also address the taxes paid by railroad companies.

To put this in perspective, tier 1 and tier 2 benefits are funded primarily

through payroll taxes on employers and employees. Taken together, the payroll tax rate is more than 36 percent. As a result, railroads and railroad workers pay disproportionate costs, compared to other industries, for retirement benefits. This, in turn, imposes a major financial burden and discourages employers from hiring new employees.

In the bill, we reduce the taxes on railroad employers, over three years, to bring them a little closer to comparable private pension plans and bring them more in line with the actuarial needs of the system.

Now, I understand that some have criticized the changes. They argue that the system will not be secure. Therefore, they continue, by improving benefits and reducing taxes, we reduce the overall surplus and increase the chances that the system will eventually go broke. There are two simple responses.

First, again, the system is solvent, over both the short and the long terms. We have a \$19 billion surplus right now, and the chief actuary projects that the system will take in more than it pays out, under both current law and this bill, over the next 75 years.

But what if the projection is wrong? What if there are unforeseen developments that increase benefit payments, reduce revenue, and drain away the surplus? Won't taxpayers, in effect, be left holding the bag?

No, they won't. Under the explicit terms of the bill, employer taxes will be automatically adjusted in the future so that always will they fully cover benefits. In effect, the taxpayers are not put at risk.

Pulling all of this together, we have a carefully balanced package that makes straightforward reforms. We allow the private portion of the fund to be invested the same way a private pension plan can be invested. We modernize benefits and we reduce taxes. We do this within the framework of a fully solvent system.

One final point. Some colleagues may question why we are seeking to take up the railroad bill as an amendment to a House bill. In the first place, the majority leader sought consent to discharge the House bill from the Senate Finance Committee. There was an objection. In the second place, we need to move quickly. Passage of this legislation is long overdue.

It has extraordinary support. Last Congress, the bill passed the House and was reported by the Senate Finance Committee. This Congress, the House bill received 384 votes. The Senate bill has 74 cosponsors.

In light of this overwhelming bipartisan support, railroad retirees across the country are wondering why we don't get our act together, pass this bill, and get it to the President. They are right. In fact, every time I return

home to Montana—I was there just a couple of days ago—I am asked: When is the Senate going to take up the railroad retirement bill?

At this point, late in the session, there is only one good answer. Let's put all of the procedural maneuvering aside. Let's take up the bill. If Senators have serious amendments related to this bill, let's consider them. But let's vote. Let's do the people's business. They want us to work through these measures, take votes, and come up with the result, because that is what this process is all about. That is what people want.

I will have some further comments in response to arguments that have been made against the specific provisions of the bill as this debate goes on. But at this point, I urge my colleagues to support cloture so that we can debate this important bill. Let's get going. The 10,000 railroad employees, retirees, widows, and survivors in Montana, and tens of thousands more across the country, are counting on us.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Madam President, you would think that in a proposal where you have had government bonds mandated as the basis for your retirement program—and, quite frankly, we have this in railroad retirement because railroad retirement has never been self-sustaining. It has received and does receive today huge Federal subsidies. You would think, taking \$15 billion out of that trust fund and investing it in interest-earning assets, that the value of the trust fund would rise over time; wouldn't you? You have \$15 billion you are going to invest. You are investing it right now in government bonds. They are really IOUs to the same people who are paying the interest. They are not even real assets. It is like an IOU that you put in one pocket and count it as an asset.

But in any case, you would think since they are assuming an 8 percent rate of return after inflation, that this wonderful idea—in fact, I will read the quote from the chief executive of the Association of American Railroads.

He says:

What we hope to get out of it—That is this bill—is what any pension plan has, a more flexible approach to investment.

Who is against that? Who is against getting a higher rate of return?

But remarkably, almost unbelievably, if you grant that they are going to go from virtually a zero rate of return under the current program to 8 percent plus inflation, their own Railroad Retirement Board looks at the bill that is before us and concludes that in 17 years, after earning these interests payments, you have \$15 billion less in the trust fund than you would have under the current system.

That is pretty startling. You are going to invest at interest, and you are

going to have \$15 billion less in 17 years than you would have without having any earnings whatsoever.

How is that possible? How it is possible that what we are about here is not investment but pilferage?

Let me outline how all of this came about. At least I can theorize how it came about.

Today, as a result of a bill we passed, when Social Security is going broke, we remarkably have \$19.2 billion in the railroad retirement trust fund. If you calculated the present value of the liability of the railroad retirement trust fund, it would be huge as compared to \$19.2 billion. Madam President, \$19.2 billion is a lot of money, but it is not a lot of money to a system which has three retirees for every one worker.

We are worried about Social Security when we have 3.3 workers per retiree. In railroad retirement, you have one worker for every three retirees. This \$19.2 billion is a fairly small amount of money given the liability of the system and when its financial security is very much in doubt. If that is the case—nobody disputes that it is the case—why are we taking \$15 billion out of it over the next 17 years?

Let me tell you what I think has happened. I would have to say in my 24 years of debating issues such as this, this is the most remarkable one I have seen. I am sure there is something comparable, but it doesn't jump to my mind. Here is what I would say happened a couple of years ago.

The railroads are having tough times, similar to many other industries. They looked at this \$19.2 billion, and they said: This is somebody else's money. This is the money that is supposed to at least partially back up the retirement program. But wouldn't it be great if we could have \$7.5 billion of it? We would just like to pilfer \$7.5 billion out of railroad retirement.

I am sure they hired some brilliant lobbyist lawyer and paid him several million dollars. He was worth every single penny of it.

Here is the idea they came up with which is embodied in this bill: The railroads went to the unions and said: We want to steal \$7.5 billion out of your retirement program. Needless to say, I am sure the unions must have said: Are you crazy? They said: What about this? At the very moment when the retirement age for every other worker in America to get full Social Security benefits is rising from 65 to age 67 where you get the full benefit—a big jump this year—what we will do is lower the retirement age for railway workers at the same time it is being raised for everybody else. In fact, we will cut it from 62, which is already 3 full years below Social Security; we will reduce it to 60. We will add a handful of new benefits, and we will raise the maximum benefit we will give. The net result is that over the next 17 years

we will get \$7.5 billion, and we will give retirees \$7.5 billion. We will take the \$15 billion out of the railroad retirement program.

In fact, sure enough, the Railroad Retirement Board, in looking at this data over the next 17 years, despite “investing” their money, the trust fund will be \$15 billion smaller 17 years from now than it would be under the current system.

I think you have a problem. They say: OK, we get \$7.5 billion, you get \$7.5 billion, but what about our retirement program? It is just too good to be true.

They said: Oh, it's not too good to be true. We will put the Federal taxpayer on the hook for the \$15 billion. You get \$7.5 billion and we get \$7.5 billion, and the taxpayer will guarantee the money will be there.

Let me go over what the railroads get. Currently, for their tier 2 retirement—which is just part of the retirement; it is not essential that people understand that to understand what is happening—today, they are paying 16.1 percent of payroll into this retirement program.

They say: OK, look, next year, before any money is invested, before any returns could possibly be had, let's drop that from 16.1 percent to 14.75 percent. And then the next year, let's drop it from 14.75 to 14.2 percent. Then they say: If, in the future, when this \$15 billion has been pilfered—they did not really say that; they just do it—if there is a problem, then you can raise the tax on railroads. But there is a cap on the amount you can raise it.

So who is taking on this liability? What makes this whole deal work? How this whole deal works is, basically, the unions get \$7.5 billion, the railroads get \$7.5 billion, the taxpayer assumes another \$15 billion liability, and the trust fund actually goes down by \$15 billion.

The final point was: Gosh, but how are you going to convince Congress of it? This is where it really gets brilliant. They said: OK, look, unions will get \$7.5 billion, the railroads will get \$7.5 billion, but what we will say is we are investing the money. Then Congress will say it is OK because they are investing the money. People are for investing the money. It makes good sense.

The bottom line is, we have before us a bill that basically says we have a trust fund which now has \$19.2 billion in it and has a projection, over the next 25 years, as to where it will be in terms of how much in assets it will have, given the money coming in, being paid in by railroad workers, and the amount of benefits that are being paid.

Under the bill before us, because we are cutting taxes on railroads, even though the program has real actuarial solvency problems—no private pension fund in America could run a program like railroad retirement and not go to prison, but even though it has these

problems, the bill before us, over 17 years, will take \$15 billion out of the trust fund and will pay it out to the railroads and to the unions and to their members.

Over 25 years, it takes out \$28.7 billion that would have been in the trust fund, that will not be, even though the trust fund, under the current system, is earning a very small rate of return. And they are assuming a 8-percent rate of return plus inflation.

I am sure people would look at these numbers and say it is not possible you could increase the rate of return severalfold and yet have the trust fund decline by \$15 billion over 17 years. Yes, because the higher rate of return is really a smokescreen.

What is going on here is pilferage. What is going on here is we are giving the railroads \$7.5 billion and we are giving railway workers \$7.5 billion and we are putting the American taxpayer in harm's way. That is what this bill is about.

The House of Representatives passed it, and they passed it by a huge number. Why did it happen? How did it happen? It happened because the unions and the railroads are for it. You have a nice, catchy theme, “investing in a higher rate of return.” Nobody paid any attention to the details and, quite frankly, when business and labor get together, more often than not, society and the taxpayer are losers.

Paradoxically, these kinds of consensus measures are generally harmful, not helpful. The public may hate contention, but it is checks and balances that basically make for good government.

The House of Representatives passed this bill by a huge number because every railroad—last year, I must have had 50 lobbyists come to see me. I have a huge number of railroad retirees. I am blessed to have lots of railroads. I have one that runs right through the middle of my hometown with seven big-time trains a day. The lobbyists came to see me and said: Boy, you can help the railroads. You can help the railroad retirees. Everybody is better off.

In fact, I am sure that somebody would say: We can't refute the numbers. That \$15 billion is coming out of the trust fund, but it is a victimless crime. Railroads are better off; unions are better off; they received \$15 billion. But who is worse off? The taxpayer is worse off. That is who is worse off.

But in any case, all of these lobbyists, all this letter writing and e-mail converged on the House, and they passed this bill. It has now come to the Senate. It seems to me that we could stand to be reminded of what the Senate is supposed to do.

Some of you will remember the story that Jefferson had been in France when the Constitution was written. When he came back from France, he was suspicious of the Constitution. He met at

Mount Vernon with George Washington. They were having tea. He was asking Washington what the Senate was for. He understood what the House of Representatives was for. But what was the Senate for?

So Washington, as many southerners, had this habit, which some people still have now with coffee that they had with tea, of pouring the tea into the saucer to let it cool, and then pouring it back into the cup and drinking it. Washington said, in a very famous story, the House of Representatives will respond to the passions of the moment; they will respond to popular clamor. But the Senate will be as the saucer, where there will be a cooling of reason, and the result will be a stronger, more stable, more responsible government.

I understand that 74 people cosponsored this bill. I am not short on arithmetic. And I understand that, in the end, 51 Members in the Senate could pass a bill. Thank God we do have procedures where people who believe strongly can object and delay and cause debate. And I am going to do that. But I want to urge my colleagues, we can fix this bill. We can make this a good bill. I am totally supportive of letting railroad retirement invest the \$15 billion.

I would like to build a firewall where the people who are doing the investing have fiduciary responsibility, where they cannot promote some social agenda with railroad retirement money and, indirectly, with the Government's money.

I would like to have some safety and soundness standards on the investment. Investing the money is one thing, but lowering the retirement age, expanding benefits, and cutting the taxes and the money going into the program is quite another thing.

My proposal is, let's take this bill, let's go to the Finance Committee—we have never held a hearing on it; we have never had a markup on it—let's go to the Finance Committee, and let's agree to a program to invest the money, and then let's set up an actuarial system where we will look at the benefits of the investment, and to the extent that the system becomes actuarially sound, then—and after we have the money in hand—we could lower taxes, and then we could look at benefits.

I do believe there is something innately unfair about raising the retirement age for 95 percent of the workers in America and cutting it for other people. How can that make any sense? How could any Member of the Senate go back to Iowa or Texas or Nevada and look their constituents in the face and say, we are getting ready to make you work 2 additional years to get full Social Security benefits, but we have lowered the retirement age from 62 to 60 for railroad retirement? How can you possibly justify that?

I have plenty of railroad towns in my State. I had a lot of them in my old district. I don't think I could sell this in Inez, TX, which is a big railroad town. I don't think I could sell, at the same period we are raising the retirement age from 65 to 67 on everybody else, that suddenly we are going to cut it from 62 to 60 for railroad retirees.

I am perfectly willing to support—I wanted to come over today and pledge—a bill that sets up the investment of the \$15 billion with a firewall to keep politics out of the investment, assess actuarially where we are, let the Railroad Retirement Board assess it, and when it is clear that we have more money than we need, if, God willing, that ever happened, then we could lower taxes on the railroads; then we could raise benefits for the retirees. But should we not get the return first?

How can it make sense in this bill to lower the retirement age, expand benefits, and cut taxes before one penny is invested? How can that possibly make any sense? How can you spend money you don't have? How can it make any sense whatsoever to have a program that, to quote the representative of the American railroads who said, "what we hope to get out of it is what any pension plan has, a more flexible approach to investment"? If that is all they want to get out of it—I assume he said this with a straight face—if that is all they want to get out of it, I am for that. In fact, I am very much in favor of investing pension funds. But should we let them take \$15 billion out of the fund over and above the interest they would gain from the investment, and should we let them do it before they have earned a single penny?

I don't see how in the world you could justify being for this bill in its current form. I make a plea: I know 74 people have signed onto this bill. It is not the same bill they signed onto because this bill is now scored as raising the deficit by \$15 billion. And there has been a new provision added. If you cosponsored this bill, you haven't cosponsored the bill that is before us because it has a special provision that says, while the deficit of the Federal Government under this bill goes up by \$15 billion, we are going to pretend as if it doesn't.

It actually says to the Congressional Budget Office and to the Office of Management and Budget, we want you to certify something that is false. We want you to, in essence, look the other way, and even though you have scored this as costing \$15 billion, we want you to certify that it doesn't cost \$15 billion.

I believe most of the 73 people who cosponsored them did not understand it. They were for investing the money. Why not help workers; why not help the railroads? I don't think they understood the \$15 billion of pilferage. But they didn't sign onto the bill that is

before us because it has this provision that forces OMB and CBO by law to certify something that is not so.

My point is, we could do this right, even at this late hour. We could take this bill to the Finance Committee. We could set up an investment program. We could put an actuarial program into effect as we earn these investment returns in the future. We could look, as the system becomes stronger, at cutting taxes on railroads, giving benefits to workers. But under the current bill, we cut taxes before any money is ever invested. We raise benefits before any money is ever invested.

Despite the rate of return over 10 years, the value of the trust fund is \$5 billion less than the current trust fund would be under the current system. Over 17 years, it is \$15 billion less; over 25 years, it is \$28.7 billion less. How do you earn more and have less? Pilferage, that is how you do it. That is our problem.

We have two choices. One, we can look the other way and respond to the political pressure coming from two powerful political interests—interests to which we are sympathetic. Who is hostile to railroad retirees? I am not. I can't justify having their retirement age 60 and Social Security 67. And theirs is already lower; it is already 62. We are going from 65 to 67, and they want to go down to 60. I can't justify that. But I am not hostile. I am not hostile to anybody who would want it. Who wouldn't want full benefits at 60?

The point is, much of this program is paid for by Social Security money. Why should people who work for one industry be treated differently than people who work for other industries? I don't understand it. I don't know how you justify it. I don't guess people want to justify it.

I am not unsympathetic to railroads. God knows, we want our railroads to be strong. We want to modernize our tracks. We want better equipment. I want railroads to make money. I want them to be successful. I have no hostility to them. We can't have a great and powerful economy without having successful railroads. But do we really want to pass a bill that pilfers \$15 billion out of a pension fund and leaves the taxpayer liable for the great bulk of the \$15 billion?

We can avoid it. We can write a responsible bill. We could do it very quickly. The way we would do it is invest the money but don't start giving it away until we earn it. Don't start raising benefits and lowering taxes until we have gotten the return. And don't cut taxes and raise benefits more than the return grows. Those are just sound, simple principles.

I want people to understand what is in this bill. It is true the railroads are for it. It is true the unions are for it. You might ask, well, if they can get together, if they think it is a good idea,

isn't it a good idea? Well, when you read the fine print, why they are for it is they are dividing up \$15 billion. Why I am against it is the taxpayer is becoming liable for the \$15 billion.

My colleagues on the other side will point out there is a provision that would allow the tax on railroads to rise when the pension fund gets into trouble. But it caps the amount that they can rise. We are cutting the amount they are paying in right now. Doesn't somebody suspect that when the roof falls in on this retirement program the railroads are going to come up here and say: If you make us pay all this, we are not going to be able to invest in railroads; it is going to hurt the economy, so let the taxpayer pay it?

If what I am saying is not valid, I hope someone will stand up and say it is not valid. But if it is valid, I plead with my colleagues, let's fix it. We can do what people say they want to do—invest the money. And we can do it responsibly. But the current bill before us is not good policy. It is obviously good politics, especially to people who signed onto an earlier version of it some months or years before.

To sum up, because I know other people are here who want to speak, we have a bill before us that is not the same bill people have cosponsored. As far as I am aware, no one is a cosponsor of the bill that is before us because the bill that was cosponsored by 74 of my colleagues did not have a provision in it that directs OMB and CBO to turn and look the other way and not score the \$15 billion that would be scored as an increase in the deficit, some of which is coming out of the Social Security trust fund. No one signed onto that as a cosponsor. So it is not true to say that 74 people cosponsored this bill. They didn't. They cosponsored something close to it, but not to mandate that OMB, the Office of Management and Budget, and the Congressional Budget Office simply certify something they know is false.

We can fix the bill by investing the money first, and then when income is earned, we can have a formula or procedure for the distribution of the money. This bill distributes the money before any investment is made.

Finally, and most remarkably, even with the assumption that 8 percent is earned on the investment after inflation—and I am not disputing that you could not earn that today, I believe over the future that is a fairly conservative estimate. But even with that assumption, over 17 years, under the bill before us, the trust fund actually goes down by \$15 billion compared to the current program. Over 25 years, it goes down by \$28.7 billion. How do you get less by earning more? Pilferage. By simply taking the money out and giving half of it to labor and giving half of it to the railroads. That may be popular, but it is not good policy. It is not

right. It puts the taxpayer on the hook, and I urge my colleagues to give us a chance to fix it.

Let us go to the Finance Committee, where we can debate these issues and report back in 2 or 3 days a bill, which I think we could do. We can pass it and we can be proud of it. As it is now, we are in a situation where we are going to have a cloture vote on Thursday. I assume that it will pass. This is a cloture vote to move to the bill. Then we are going to have a cloture vote on the bill. Then we will have a cloture vote on a substitute. And we are simply going to be in a process that may or may not produce a result in this year. It is not so important when we do this, but it is very important what we do and that we do it right. I just want people to know that I am willing to work to try to do it right. I hope someone will take me up on it. I am a member of the Finance Committee. We have the chairman and ranking member here in the Chamber. I would like for us to have a markup on this bill and discuss these issues and see if we can find a way to do this that will work better and that we can be proud of. I think we could, and I wanted to be on record saying that today.

I appreciate our distinguished floor leader for his patience. He is much beloved around here for that characteristic.

The PRESIDING OFFICER (Mr. REID). The Senator from Nevada is recognized.

NOMINATIONS

Mr. REID. Mr. President, it is easy to always listen to the statements of the Senator from Texas. I may not always agree with them, but I do a lot of the time. They are always articulate, well-reasoned. We have another year of listening to these statements, and he will go off and do something else. He will be missed not only by the people in the State of Texas but by those of us in the Senate.

Mr. President, the Las Vegas Sun newspaper, on Sunday, November 25, wrote a major editorial saying, "Tough Talk, But Bereft of the Facts."

The purpose of the editorial is to point out what a great job the chairman of the Judiciary Committee has done in the 6 months he has been chairman of the committee. Senator LEAHY has moved major legislation. In addition to that, the editorial goes on to report that he has been able to do many things with judges that haven't been done before, in spite of the fact his committee has been, in effect, under siege because of the September 11 events. Senator LEAHY has had to work on the terrorism legislation and many other pieces of legislation.

I ask unanimous consent that the Las Vegas Sun editorial entitled "Tough Talk, But Bereft of the Facts" be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Las Vegas Sun, Nov. 25, 2001]

TOUGH TALK, BUT BEREFT OF THE FACTS

Republicans are complaining that President Bush's nominees for federal judgeships haven't received a fair shake from the Democratic-controlled Senate. The Republicans say that Sen. Patrick Leahy, D-Vt., chairman of the Judiciary Committee, isn't holding hearings promptly and isn't taking votes fast enough on the nominations.

"It's purely partisan politics," Sen. Jon Kyl, R-Ariz., said two weeks ago. "They don't want conservative judges on the court." Just over a week ago Vice President Dick Cheney chimed in as well. "The deliberate slowing of the confirmation process is unworthy of the United States Senate and an injustice to the men and women whose names have been presented," Cheney said in a speech to Federalist Society, an ultra-conservative legal group.

Some serious accusations and harsh words from Republicans, but they simply don't stand up to the facts. As of mid-November in the first year of Bush's presidency, 17 of his nominees had been approved. At the same point in the first year of Clinton's presidency, the Senate had confirmed only eight judges. By mid-November of 1989, the first year of the elder Bush's presidency, only 10 judges had been confirmed by the Senate. So Leahy actually is ahead of the pace when comparing the Senate's speed in handling nominees from previous administrations' first year in office.

Leahy also has had to overcome obstacles not of his making. After Sen. Jim Jeffords left the Republican Party earlier this year and put the Democrats in control of the Senate, the Republicans tied up the reorganization process for a month, which meant that no hearings could take place on Bush's nominations. In addition, the Sept. 11 terrorist attacks delayed the process as the Judiciary Committee had to devote time to holding hearings on the administration's anti-terrorism legislation, which obviously took priority over judicial confirmation hearings. The anthrax mail scare also has taken its toll on all of Congress' operations, but even on Oct. 18, when all of the Senate office buildings were closed due to the investigation, the Judiciary Committee met in a borrowed room in the Capitol to approve four nominees. That day the committee also held a hearing on five of the nominees, including Reno lawyer Larry Hicks, who eventually was confirmed as a U.S. district judge in Nevada by the Senate earlier this month on an 83-0 vote.

Numbers supplied by the People for the American Way demonstrate that it is the Republicans, not the Democrats, who have engaged in excessive partisanship. In the six years that the Democrats were in the majority in the Senate, just 25 percent of Presidents Reagan and Bush's nominations were blocked. But later, in the six years that the Republicans were the majority in the Senate, 35 percent of President Clinton's nominees were blocked, a substantial increase. In 1998 Sen. Majority Leader Trent Lott had no qualms about the delays. "Should we take our time on these federal judges? Yes. Do I have any apologies? Only one: I probably moved too many already."

Republicans have made a cold, brutal calculation to pack the judiciary with conservatives. So when a Democrat controls the White House, Republicans work overtime to

derail the nominations. But when a Republican is in the White House, the GOP partisans kick and scream about perceived delays in an attempt to get the Democrats to back down on their opposition so that right-wing conservatives can push through as many of their ideological soul mates as possible.

President Bush is enjoying extraordinary high popularity right now, but that is no reason why the Democrats should roll over and let him appoint members to the federal judiciary who hold extreme views and aren't qualified. The Democrats should promptly, but carefully, weigh the nominees who, if confirmed, receive lifetime appointments.

UNANIMOUS CONSENT REQUEST—H.R. 3090

Mr. REID. Mr. President, during the past couple of days, there has been some talk about this railroad retirement bill and the reason people are not going to allow us to move forward with this is because it would return to the calendar this important stimulus legislation on which we are working. I have heard other statements that maybe the reason we are not going to move to it is because it should go to the Judiciary Committee and have hearings, or the Finance Committee.

I personally believe these are only excuses. We are having no votes today. We should get to this legislation. If there is a problem with it, have them offer an amendment and debate it on the floor as to whether the amendment is in order. We have 74 or 75 cosponsors. It is important legislation not only to management but to labor, and it is not often that they agree on anything. They agree on this legislation. I think it is something that would improve this country.

So based upon that, on behalf of Senator DASCHLE, I ask unanimous consent the stimulus bill, H.R. 3090, recur as the pending business immediately upon the disposition of the railroad retirement bill.

The PRESIDING OFFICER. Is there objection?

Mr. GRAMM. Reserving the right to object, when I go to the shopping mall, I am already hearing Christmas carols. We are closing in on Christmas. If we get off into extraneous matters, we are not going to complete our business. We need to pass a stimulus package, the appropriations bills, and deal with the insurance problem we have with terrorism. On that basis, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from South Dakota is recognized.

Mr. JOHNSON. Mr. President, very briefly, I want to share my thoughts on the urgency and the merit of the railroad retirement legislation. This is legislation that ought to be a slam dunk for this body. It is legislation which passed in the House by an overwhelming 384-33 vote—legislation sponsored and supported by three-quarters of the Senate.

We have an opportunity this afternoon to bring this bill up and to have

adequate debate. I don't think it needs much greater debate. People who want to offer amendments could do so, and we could get this finished up after years of negotiation. This legislation has the support of both railroad management and labor and has broad-based, bipartisan support in both Chambers of Congress. There simply is no reason this bill cannot be expedited and taken care of today.

I am disappointed we are having as much resistance as we have. It appears to me that with the 74 sponsors we have in the Senate this is an opportune time to find out who, in fact, is really supportive and whose sponsorship is, in fact, not meaningful. We will have a vote on breaking the gridlock and bringing this legislation to the floor.

It is timely, meritorious, and it deals with a railroad retirement system that is solvent and will continue to be solvent to the end of the horizon for budget accounting. It is badly needed to update the survivor benefits. We all largely agree to that. I think it is a sad commentary that we can have that level of bipartisan support in both Chambers of Congress and still find ourselves being held up during these closing days by a few who, it would seem, are hopeful that this will somehow be discarded in the rush of closing legislation.

I think there is a time when the will of the majority needs to prevail, particularly when it is an overwhelming majority and when it is bipartisan in nature.

I cannot express my support for this legislation more strongly. We cannot wait for next year. This has been around for too long. It has been negotiated, painfully brought together over a course of years by management and labor, and it is time. Its time has come. There is no excuse for not passing this legislation this Congress and getting it to the President's desk for his signature. It will significantly enhance the quality of life and retirement prospects of thousands of Americans who are relying on us to do the responsible thing—the responsible thing in terms of retirement policy, the responsible thing in terms of budgeting. That is what this legislation does.

Again I urge my colleagues to join me in supporting every effort to break the gridlock, to bring this up for full and fair consideration and then final passage.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

UNANIMOUS CONSENT REQUEST—H.R. 2505

Mr. BROWNBACK. Mr. President, I rise to speak on the issue I brought before the body yesterday, which is what is taking place in Massachusetts and probably other places across the country, and that is human cloning.

I am seeking to get H.R. 2505, to ban human cloning, heard. It has already

been passed by the House of Representatives with a 100-vote margin. If we cannot get a ban through, I would like to put forward a proposal which I presented to the leadership, to Senator DASCHLE, for a 6-month or even 3-month moratorium on human cloning until we have time for this body to consider the overall issue of human cloning.

To date, we have not been able to have a full vote taking place on this issue. We know that one company has developed two human clones, and they lived for a week. It is a matter of time before we see announcements—and we could see announcements anytime—about one being implanted into a woman. We have no rules or regulations dealing with this issue—none at all. We have far more rules and regulations dealing with endangered species and the bald eagle's egg than a human embryo being developed by cloning mechanisms.

This is being banned around the world, and yet it is happening here. Look at the front cover of Newsweek. I held up this magazine, U.S. News & World Report, yesterday: "The First Human Clone." In Europe, the French and Germans have banned human cloning altogether. The Brits have taken up the issue. It is in the courts in Britain, and it is in front of the United Nations. Yet it is happening in the United States.

I know my colleagues may grow weary, but I think it is an urgent time for humanity and we should take this up, imposing a moratorium for 3 months, 6 months. I was talking yesterday about a 6-month moratorium. Even 3 months would get us to a time next year when we could fully debate the issue, the body could speak on it, and get a result. It is happening now.

I will continue to plead with the leadership to allow us to bring it up before the Senate. Let us limit the amount of time in the debate. We can limit it to an hour if people want. We can have a vote on it so we can get this to conference with the House of Representatives and so the President can sign the legislation.

Other people see fit to bring up other legislation. I respect their right to do that. I believe as a society this is one of the most urgent matters we can address at this point in time. I wish we could put it off. I wish we did not have private companies creating human embryos, something which we would not allow with a bald eagle or any endangered species, or with livestock. This is treating humans as livestock.

People can say I have different viewpoints about the status of a human embryo. I think everybody will agree it has some moral significance, the thought they would treat a human embryo as livestock, without regard for it. And this body is sitting here saying: We are not ready to take it up. I can

respect that because this is an issue which will require lengthy debate. The issue of whether we should have a moratorium is important.

Mr. President, I renew the request I put forward yesterday, that we bring up H.R. 2505, a bill to ban human cloning, that has passed the House of Representatives. I ask unanimous consent that the Senate proceed to that legislation.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, reserving the right to object, as I stated yesterday, no one can question in good conscience the sincerity of the Senator from Kansas in his attempt to do what he believes is so correct.

We had a Democratic policy luncheon today on this subject. We had three eminent scientists, two of whom are in favor of going forward, another who is totally opposed.

I am not for human cloning. Therapeutic cloning is something we need to take a close look at. There is great potential for solving the questions scientists have had for generations about Parkinson's, Alzheimer's, and diabetes. I would never attempt to get into a public debate with the Senator from Kansas on the technicalities of this issue. I know he has worked hard on it. Nor would I attempt to get into a debate with Dr. Frist, Senator HARKIN, or Senator SPECTER, who have spent so much time on this.

This is an issue on which we need to spend some time. I do not think it is as easy as the Senator from Kansas has indicated, to simply put a moratorium on it. As I said yesterday, there are people who have contacted me who believe a moratorium of any kind would be a setback to the medical movement to cure some of these diseases.

I respectfully suggest to my friend, the distinguished Senator from Kansas, there are other places in the world that are going to be doing this research. They may not have the refinement that we in the United States have, but there are certainly countries that are very close.

For all these reasons and others, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I respect my colleague from Nevada and his views. We have had several dialogs on the floor about this. I respect his thoughts and his comments. I am glad to hear about the review of this issue in the Democratic caucus.

I have a very strong sense that we should be pausing at this point in time, and that is why I respectfully continue to bring this forward. This is one of those times in humanity when we ought to be stepping back and thinking this through clearly and we will come out with a decision. Fine. We will let

the body work its will. I am very troubled about this bill proceeding forward with private sector individuals, probably with all the best of intentions, but the only regulation they have is their own bioethical board, which they hire and put in place, deciding these issues for humanity.

Once they are out there, they are there. It would be the same as if we allowed biotechnology of a fish, a chicken, or a cow without any regulation or consideration, just saying we are going to release it and have it out in the wild. I think people would be very uncomfortable with that notion. Even if this might be the most wonderful thing in the world to do, they would want us to think about it.

I deeply respect the Senator from Nevada and his views on this issue of human cloning, but this is a troubling time for humanity. We ought to hit the pause button.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I wish to address some of the remarks made by my good friend from Texas, Senator GRAMM, with respect to railroad retirement. He is a great speaker. He uses words well, and I respect what he said.

I think it is important to bring this issue down to its basics, to the essence of what this bill is, and what this bill is not. I will attempt to address that, and then in a few minutes I will answer some of the specific points the Senator made.

Essentially, the situation is this: We have a railroad retirement system that pays benefits to railroad retirees and their widows. The amount of dollars in the railroad retirement trust fund is accumulating at a very rapid rate. I think it is about \$19 billion now. Over time, if the law does not change, the trust fund balance is going to keep rising to a very high level. I think over the next 15 years it will be \$32 billion. That is what the actuaries predict. That is not a politician. That is not a railroader. That is not a railroad executive making that projection. That is what our Federal actuaries project.

Why is that? Why is that balance projected to go up to such a high level? Well, it is pretty simple. The reason is because the taxes the employers and the employees of the railroad pay are so high. The taxes are 21 percent total: 4.9 percent paid by the employees, and the balance paid by the employers. Now that is in addition to the 15 percent tax which is similar to Social Security payroll taxes.

I think it totals out to about 36 percent total taxes paid by the employers and employees of the railroad industry. Some goes to Social Security, but I am talking about tier 2. Tier 2 is the private pension part of the railroad retirement.

The tier 2 trust fund balance is going up at such a rapid rate because the

benefits paid to widows is so meager, so paltry. It is an embarrassment. It is a tragedy. It is also going up at a rapid rate because railroaders must retire at a later age to get the full vesting.

So this bill is very simple. It says take some of that money that is in the trust fund and invest it in private securities. Lower the taxes the railroaders pay into that trust fund while, at the same time, increase the benefits so a widower would not receive only 50 percent of what a single retiree would receive, but rather 100 percent of what a single retiree would receive, and lower the retirement age to 60.

There are many industries where the retirement age actually is lower than 60, particularly in industries where the work is so demanding and the work is so physical. It only makes sense to have this retirement age at 60, which is comparable with the work that railroaders do.

The Senator from Texas makes the point that this is pilfering. He likes that word, "pilfer." He says by reducing the taxes railroaders pay under the trust fund and by increasing the benefits that would be paid, which lowers the trust fund balance by \$15 billion over 17 years, that is pilfering. Then he goes on to say: Who is going to pay for the pilfering? He says the American taxpayer will.

It is very clear, the trust fund balance is being lowered because it is too high. It is because too many dollars are going into it. The taxes are very burdensome to the companies and to the employees. That is why the trust fund balance is at such a high level. The actuaries at OMB and CBO agree with this. The actuaries say when this bill passes, when this bill becomes law, there will be more than enough money in the trust fund to make it actuarially sound for the next 75 years. That is not my judgment. That is the chief actuary's assessment, confirmed by CBO. So there is no pilfering. Taxpayers will not have to pay more. There is also a provision in this bill which says if by chance the projections are wrong, if by chance the actuaries are wrong, if by chance there is not enough money in the railroad retirement tier 2 trust fund, the taxes that are scheduled to come down under this bill will automatically go back up to their current level, if needed. That is in the law. The taxes which are to go up are those paid by the railroaders; not by other taxpayers, not by the rail employees, but by the railroad companies. The railroad companies and railroad workers agreed to this while developing the legislation. The railroad companies and the railroad employees want this bill. The railroad companies want it because, obviously, it looks like lower taxes at first, and it will probably always be lower taxes, but if it is not, they agree to let the taxes go back up. Clearly, the employees want it because the benefits are better.

In addition, even if the projections are wrong, the taxes will go back up again and the railroad companies say that is fine. Now, why would they agree to that? Because there is another provision in this bill that says that in the private pension part of railroad retirement, that is tier 2, the investments do not have to be government securities. The railroad retirement investment board—it has a fiduciary duty to the railroad retirement system—could invest those securities in private securities, under a diversified mix, which is exactly what every other company pension plan allows and what trustees of company pension plans do in the private sector.

This bill says what is good for most of the private sector ought to be at least as good for the railroad industry. Again, the actuaries say both under current law and under this bill, the fund will be solid for the next 75 years.

There has been some confusion between Social Security, which is tier 1, and the private pension plan, which is tier 2. The argument has been made: Why lower the retirement age to 60 from 62, when the Social Security retirement age is increasing?

The answer is, we are doing the same thing as is the case in the private sector. In the private sector, people pay Social Security. They may also pay into their company pension plan and/or their employer pays into the plan on their behalf. In many industries, the retirement age for the company pension is lower than 65. It can be lower than 62.

Seventy-four percent of the eighty-five retirement plans studied by the Retirement Research Committee in the State of Wisconsin contain a similar provision that allowed for retirement with full benefits after achieving a certain number of service years. In fact, 30 years of service and reaching age 55—not age 60—was the most common structure for retirement with full benefits.

So how does the legislation make this adjustment? Social Security's retirement age is rising to 67, and the private pension plan part of railroad retirement is lowering the retirement age to 60. How do you mesh the two?

In this bill, early retirement is handled the same way as in the private sector. How is that? It is called a "social security" bridge. In the private sector, additional benefits from the private pension plan may supplement the standard pension benefits until the beneficiary is eligible for their Social Security benefit. That is what the railroad retirement reform legislation does for railroad retirement.

Tier 2 benefits provide the bridge. Tier 2 provides additional benefits to the railroad retiree so he or she can retire at age 60 instead of 62. The tier 1 portion of railroad retirement, which is similar to Social Security, is not

touched. The Social Security system is not changed at all. The railroad retirement reform legislation does nothing to Social Security. Rather, the additional dollars come over from the private pension part, tier 2.

Over the years, the Congress has not been fair to railroad retirement. Some railroad retirees could draw pensions from both Social Security and railroad retirement, a "dual benefit," and the railroad retirement fund got stuck paying the cost of this extra entitlement. It was such a problem that Congress, in 1974, eliminated dual benefits for new retirees and agreed to pay for the post-1974 cost for all grand fathered employees.

Guess what. Congress never reimbursed the railroad retirement fund for the \$3.5 billion that had been paid out to dual entitlement beneficiaries before 1974. Had this reimbursement been made in full in 1974, the railroad retirement fund would have more than \$31 billion in additional funds today.

If you add it together, there is no pilfering or theft. We are making railroad retirement essentially the same as the private sector. It is actuarially sound. CBO agrees it is sound for the next 75 years. If we are wrong, there will be a scheduled tax increase, which the companies agree to. They say that is fine. The statement has been made that they may change their minds and will not accept the tax increase. That is possible. But the burden is on the Congress to undue this. The scheduled tax increase, if there is one, is in this bill and will be in the law. Again, the railroad companies agree.

A final point that needs to be addressed is the scoring issue. The House of Representatives directed the scoring of this legislation to be not \$15 billion, but zero. The reason is today the railroad retirement tier 2 has assets. They are Government securities as required by current law. For years, the usual rule of thumb under OMB scoring: When the Government purchases an asset, it is scored as an outlay. In this case, when converting the federal treasury securities to private sector securities, OMB also scores this an outlay because it would be purchasing a private asset.

This is a grey area. There is no bright-line test. The railroad retirement system will still own the same amount of securities, although it will be a mix of government securities and private sector securities. Is the railroad retirement system less better off? Is the purchase of private sector securities an outlay or not? Because of the rules, it is called an outlay, so it is technically a \$15 billion cost. But that is 1 year and does not affect future years.

The question is: should the rule we have had on scorekeeping be applicable in all cases, including this one, or not? That is clearly a judgment call for the

Senate. My view is that it is something we should debate and make a decision about. However, I do not think that this scoring issue alone should stop Congress from passing railroad retirement reform this year. Regardless of how it is scored, the legislation reforms the system in a way that is actuarially sound and does not pilfer one thin dime from the taxpayers. This carefully balanced legislation has been developed over several years. The bill has twice passed the House by a large margin and the Senate bill currently has 74 cosponsors. It is time to act.

If any Senator has any amendment to offer, now is the time. We are debating whether to go to the bill. That takes a lot of time, and we don't have a lot of time left before we adjourn. Rather than preventing the offering of amendments, I urge my colleagues, if they have problems with the bill—offer amendments of their own. We can debate, count the votes, and proceed. That is far, far better than trying to stop this bill with the parliamentary maneuvers, claiming we can go back to the Finance Committee and rewrite this bill. There is not a lot of time left. This bill has been worked on for a long time. Going back to the Finance Committee will not help.

Let me correct myself. The \$3.5 billion I mentioned earlier as a consequence of changing the dual-benefit system was for years before 1974 and for pre-1974 retirees. For years after 1974, general revenues reimbursed tier 2. That was, again, the consequence of a mistake Congress made in earlier years by mandating dual benefits. So in 1974, Congress had to put money in the system to correct the mistake made earlier.

We are now asking ourselves, given where we are today, what makes the most sense. I submit this bill makes the most sense. It is not perfect, but it is certainly very good. If Senators want to make changes, I urge them to offer amendments.

I yield the floor.

Mr. THOMAS. What is the rationale for combining Social Security and a private annuity program?

Mr. BAUCUS. This is not a Social Security private annuity program.

Mr. THOMAS. These people don't have Social Security other than what is here.

Mr. BAUCUS. They pay Social Security-like taxes and receive benefits similar to Social Security, both employees and employers.

Mr. THOMAS. But if this happens, you will start getting Social Security benefits at age 60?

Mr. BAUCUS. If this happens, you get tier 2 benefits at age 60. Part of that may eventually be like Social Security, but only the Social Security benefit allowed under current law. We don't change any law regarding tier 1, which is similar to Social Security.

The additional benefit for early retirement is paid with additional funds from tier 2.

Mr. THOMAS. You won't be eligible until you are 67; why are they eligible at 60?

Mr. BAUCUS. That is the practice in the private sector with private pensions.

Mr. THOMAS. But this is Social Security, not the private sector.

Mr. BAUCUS. For those who do not have pension plans, and many Americans do not have any pension retirement benefits, what you say is true. But many Americans do have private pension plans where they receive retirement income in addition to Social Security.

Mr. THOMAS. That is not my question.

Mr. BAUCUS. Let me explain.

So in that case, whereas the Social Security retirement age is 65 and scheduled to go up over time, those same people who work for a company, or did work for a company and have retirement benefits under their pension plan, receive earlier benefits and more benefits when the pension plan so provides.

Is the Senator asking, what is the interchange between Social Security and the private pension plan? In the private sector, when a retirement plan provides for an earlier retirement age than age 65, a person receives benefits provided by the private pension. For the benefits the person does not receive from Social Security, those benefits are also paid for by the private pension part of the plan. That is what the railroad retirement reform legislation provides for railroad workers.

Mr. THOMAS. So in this program, if you start to get benefits at 60, they would be tier 2 benefits, and none of the Social Security would commence until you were 65?

Mr. BAUCUS. That is correct.

Mr. THOMAS. Then is there any specific language that says that the taxpayers will never have to pick up part of this tier 2?

Mr. BAUCUS. The language is, if the parameters for the trust fund are enacted—we are only talking tier 2—if they are enacted, the scheduled reductions in taxes that the railroad companies pay would have to go back up if the trust fund investments are not performing well.

If, on the other hand, the economy is doing so well that the taxes can go down, under this bill both employee and employer taxes will be reduced.

Mr. THOMAS. But under the private annuity programs, they can't fall back on the Government. They are private. This is a mixture, and it is sort of confusing for most of us.

The Social Security, of course, has supplemented this substantially, largely because there are three beneficiaries to every earner, I understand.

Mr. BAUCUS. No, no, not substantially.

Mr. THOMAS. It is \$30 billion.

Mr. BAUCUS. My colleague is pointing out the differences between Social Security and the railroad retirement. Under Social Security there are three or four employees for every retiree, and it is the opposite with the railroad retirement system.

Mr. THOMAS. It is the opposite. I understand.

I thank the Senator. I would love to see them do whatever they would like. They can do the best they can. But I think a lot of people are anxious, as you look at these other charts—I am sorry I can't tell you who proposed this chart, but it shows over time the contributions would have to go up substantially and the trust fund goes down substantially over a period of time. If that happens, I guess I am just concerned so the taxpayers are not going to be asked to fill that gap.

Mr. BAUCUS. If I may respond to that chart, if the current law is not changed, the tier 2 balances will keep rising from the current \$15 billion, \$16 billion, up to \$20 billion, \$27 billion; it will just keep going up, according to actuaries.

Under the reform proposal, the railroad retirement account balance comes down, but there is a provision written in this bill which says there must be a certain level of reserves maintained in the tier 2 portion. The actuaries certify the investment and tax changes in the railroad retirement legislation will produce a system that achieves solvency over the next 75 years. CBO has looked at it, and they agree.

The reason it is coming down is that so much excess payroll taxes have been paid in, the balances have been going up more than they need to. They are coming down because taxes are going to be reduced a little—I assume the Senator from Wyoming likes lower taxes; this Senator certainly does—and also because the benefits are increased to conform with the modern era and with other industries.

One example is retirement age. This is tough work, that of a railroad worker. In industries where there is physical danger and demanding physical work, the age to retire with full benefits is usually earlier than age 65. The reform legislation makes that change for railroad retirement.

Mr. THOMAS. Wouldn't it be simpler over time if you just separated Social Security from a private retirement annuity program? Then you would have the same Social Security benefits as everyone else, and then you could add to it in the private sector and do whatever you chose.

Mr. BAUCUS. That is an idea. The trouble is now, given where we are today, it would require too much money to make the switch. It is our judgment now that we need this legis-

lation. It is \$40 billion, frankly. We would need 40 billion extra dollars, and I don't think we have 40 billion extra dollars.

Mr. THOMAS. We are dealing differently with a relatively small segment of folks here than we do with others.

Mr. BAUCUS. What do you have in mind? Like what?

Mr. THOMAS. Pardon?

Mr. BAUCUS. What others?

Mr. THOMAS. You and me and the gentleman who is giving you all the answers there. He doesn't get Social Security until he reaches 65.

Mr. BAUCUS. You did raise a good issue. We have to somehow modernize retirement in this country. We have a patchwork system; but we have to somehow work with it.

Mr. THOMAS. I appreciate the Senator's answers.

Mr. BAUCUS. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. NELSON of Florida). Without objection, it is so ordered.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that I may be allowed to speak for 20 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Alaska is recognized.

AN ENERGY BILL

Mr. MURKOWSKI. Mr. President, I rise on behalf of a significant group of Americans who feel that an energy bill should be a priority for this Congress. That has been expressed uniformly by many organizations. We have heard from organized labor. For example, we have heard from America's veterans, and we have heard from America's Hispanic community. They suggest that an energy bill is way overdue. For the record, I will have a list of many of the organizations that participated in the debate, expressing themselves on the issue through statements and press conferences and so forth.

It is important to recognize the current stalemate. It is my understanding that the current pending business is the stimulus bill. Nevertheless, we are being asked to set the stimulus bill aside and move to the railroad retirement bill. In context with this, I will refer to some comments that the majority leader made today with regard to the energy bill coming before this body.

The statement came out of the majority leader's press office, indicating that the Republicans have two basic

points: One, that energy should be debated this year and, two, that bringing it up in January will not allow the ANWR issue to be debated in the way they would like; therefore, they feel that the majority leader is being unfair.

The majority leader, Senator DASCHLE, responded. He indicated:

First of all, I guess I would invite them

Meaning the Republicans—

to tell me when before Christmas that they want to bring up the energy bill. Why don't you ask them? Is it the 23rd, the 24th of December, because that is about the time we will finish all the other things we've got to do. If they want to bring it up between Christmas and New Year's, I would be happy to entertain that possibility as well.

Well, I don't want to be the Grinch that stole Christmas, but if I have to be, I will. If we have to be here on December 23 or Christmas Eve to pass an energy bill, so be it. We have procedural options. One person can object to a motion to take up legislation. I am prepared to do that. This is no threat. This is a reality. We have fooled around with this issue long enough.

The majority leader has indicated to his members that he will respond to their wishes and ensure we don't take the energy bill up and ensure that we don't have a vote.

The majority leader further said:

Ask them what days in particular they have in mind in this energy debate.

And then he goes on to say:

With regard to ANWR, what I am simply suggesting is that the Senate work its will.

Well, I am, too. The majority leader has a vote. I have a vote. We have debated this issue extensively. We passed a bill out of the Senate Energy Committee when I was still chairman. That was early this year. We have had hearings on it. But let's look at fairness. What has happened is tactics that I am very surprised the majority leader and some of my friends from the other side of the aisle would support.

As the current ranking member and former chairman of the Energy Committee, even in a minority position, I resent the fact that the majority leader has directed the chairman of the Energy Committee, the Senator from New Mexico, not to take up any matters in committee in a business session that would give us the chance to report out an energy bill, an energy bill that would, of course, contain the ANWR issue.

As a consequence, for the last 3 months, we have not had a business session. Now they are proposing to try and leverage that. They are saying: We have four or five nominees pending. The majority on the committee has indicated that they will give us a hearing on the nominees and agree to a business session for reporting them out only—only—if the minority ensures that nothing will come up in an energy bill associated with ANWR.

What are they afraid of? What is wrong with the committee process? The majority leader has simply taken away the authority from the authorizing committee. As a consequence, we can't even take the energy bill up in the Energy Committee.

Let me revert a little bit to something that happened in 1995. We passed an ANWR bill. It was in the omnibus package. It was vetoed by President Clinton. What were the concerns at the time? At that time, we were about 56 percent dependent on imported oil. We were also concerned about our increased dependence on Iraq because, obviously, Saddam Hussein had been up to no good since the Persian Gulf War. The same arguments occurred at that time that are being used today. However, in 1995 we didn't quite have the litany from certain Senators, because since that time the extreme environmental community has put the pressure on those Senators.

We have had a close Presidential election. There is a great movement on the other side to try and have Members with Presidential aspirations line themselves up to try and pick up the base support that Al Gore had. That is the raw politics in this. That is where the pressure is coming from.

We have Senators from Massachusetts who are opposed to opening ANWR. I think we probably have enough oil in ANWR to keep Massachusetts going for about 85 years. That is what it would mean to Massachusetts.

In any event, it is a significant amount of oil. But the point I make is that had the President not vetoed that bill in 1995, we would have ANWR opened by now. We would have the oil flowing. What may not have happened was the drowning of two U.S. Navy sailors the other day in the line of duty boarding a rust bucket tanker out of a port in Iraq to inspect and see whether Saddam Hussein is cheating.

They found he was cheating, alright. The vessel was overloaded. It had illegal oil going out, smuggled out of Iraq, smuggled out over the eyes of the U.N. inspectors. We are importing over one million barrels a day from Iraq.

Now, I will revert to July 25, 2001. At that time I proposed an amendment. The amendment was on the Iran-Libya sanctions bill. I was questioning why Iraq was not included in these sanctions. In response, the Democratic leader, Mr. DASCHLE, indicated that he was sensitive to my point of view.

As a consequence, we entered into a colloquy. That colloquy specifically addressed an opportunity for an up-or-down vote on the issue of eliminating oil imports from Iraq, as we have done in Iran and Libya in the sanctions act which was passed by this body.

I will read from the RECORD the statement of the leadership: I ask unanimous consent after the vote on the Libya sanctions that there be a

time limitation of 60 minutes—of 60 minutes, think about that, 60 minutes—for debate on the bill equally divided and controlled between the chairman and ranking member or their designees and that the only first-degree amendments in order to the bill be a Murkowski amendment regarding Iraq's oil; and that there be 90 minutes for debate with the time divided as follows: 60 minutes under the control of Senator MURKOWSKI, 30 minutes under the control of the chairman and ranking member or their designees; that upon the use or yielding back of the time on the amendment the amendment be withdrawn; that upon the use or yielding back of all time, the bill be read a third time and the Senate proceed to a vote on passage of the bill with no intervening action.

This is directed to the majority leader. I am going to take him up on his offer. Let's do it. Let's do it now. There is only 90 minutes in the agreement. Don't we have 90 minutes around here? We have 90 minutes right now. Should we debate Iraq on this floor? It is pretty obvious we have reason to. We just lost two American lives defending, if you will, the U.N.'s proposal to ensure that Saddam Hussein isn't cheating.

What are we going to do after Afghanistan? We don't know, but we certainly know there is some significant momentum to look at Saddam Hussein's role in terrorism. How in good conscience can a Member of this body go to sleep at night, recognizing we are importing over one million barrels of oil from Iraq, and recognizing we have just lost two American lives that, had President Clinton allowed this bill to pass in 1995, would not have been lost?

On September 11, we had the largest single importation of Iraq, over one million barrels—1.1 million barrels. Whose passports were involved in the tragic action that took place in September? Saudi Arabia. We have a problem over there. Every Member of this body should recognize the significance of it. The voice is loud, the voice is clear: Reduce our dependence.

How do you do it? You don't do it overnight. But you start. I am somewhat amused at the remarks made by my colleague from Massachusetts after a statement I made in the Chamber yesterday. His remarks were very brief, but I will make reference to them. He says:

What is really interesting about the debate on the Arctic wildlife refuge is that not a drop of oil is going to come in the near term and answer any of the immediate needs of national security with respect to dependence.

That is a pretty weak statement. When do you start? Do you start when you have a crisis, a calamity, when you have American soldiers and sailors whose lives are at stake, or when some have already lost their lives?

The Senator from Massachusetts—as I indicated, ANWR probably has oil

that would supply Massachusetts for 85 years. Moreover, he says:

We love the 90 percent of the oil shelf that is available for drilling.

Of course, the junior Senator from Massachusetts has never been up there in ANWR. He doesn't know one side of ANWR from the other. Here is a chart. Do you know what size ANWR is? It is about 30 times the size of Rhode Island. There it is—19 million acres. It is a big hunk of U.S. real estate. Eight and a half million acres are in wilderness in perpetuity; 9 million are in refuge, leaving the Coastal Plain 1½ million acres.

H.R. 4, the House bill, provides for a footprint of 2,000 acres. At a press conference before Thanksgiving we had many Members who had agreed to supporting the opening of ANWR, including an energy bill. The other side had a press conference with Robert Redford. He was proclaiming that somehow opening ANWR would do irreparable damage. But the House authorizes only 2,000 acres. Do you know how big Robert Redford's ranch is in Utah? It is more than 5,000 acres. He has every right to have that ranch and do what he wants on it. But to come here and suggest that the people who live in Kaktovic, can't address the ownership on their own land is absolutely incomprehensible to me.

Here is a photo of the village of Kaktovic. Real people live there. They have title to 95,000 acres of land there. They can't drill on that land for gas to heat their homes because there is no authorization opening ANWR. Here is the area in question. This is the 1002 area. This is the native land—95,000 acres.

I am asking the majority leader to reconsider this. The Senator from Massachusetts suggests there is no difference in the outcome, whether the debate takes place in December, or in January, or whenever. We don't have any commitment from the majority leader. He talks about next year. Well, I am asking him for a vote, as he promised, on terminating our importation of oil from Iraq.

I want to read the specifics that were in this agreement, which binds the majority leader of the Senate. I indicated:

Reserving the right to object, Mr. President . . . It had been my request of both leaderships that the condition on withdrawing the amendment would be the assurance that I would have an opportunity for an up-or-down vote at a future time on the issue of oil imports from Iraq. I request consideration, if indeed the leadership will consider that, associated with the appropriate opportunity—maybe on one of our trade agreements that will come before this body—that I would be allowed at least not more than an hour and a half or 2 hours to debate that and have the assurance of an up-or-down vote. I ask the leadership for that consideration.

The leader replied:

If I may respond, Senator MURKOWSKI has reiterated the understanding we have on

both sides of the aisle with regard to his offering an amendment at a later date on Iraq oil on another bill. I will certainly provide him with a vote in relation to that amendment when that time comes.

I said:

Reserving the right to object, just for clarification from the leader, the Senator from Alaska requested specifically the assurance of an up-or-down vote, and I believe the majority leader indicated a reference "in relation to." I don't want to mischaracterize the intent. I wanted to have an understanding I would be afforded an opportunity for an up-or-down vote.

Senator DASCHLE responded:

I will have no objection to an up-or-down vote.

Mr. President, let's start the 90 minutes, let's vote on it. This isn't going to take long, until Christmas Eve. We will be resolving something here that badly needs resolving—the inconsistency of increased dependence on an enemy. How that fails to cause anybody an ulcer is beyond me. Over one million barrels a day coming into this country, and we are paying Saddam Hussein for it. Saddam Hussein takes the money, pays it to the Republican Guards to keep them alive, and develops a missile capability because we haven't had any inspectors over there for several years, a missile capability, a biological capability. Who does he aim it at? Our ally, Israel. That is the reality, and we take his oil. We put it in our airplanes and take out his targets. We put the lives of American men and women at risk.

Those on the other side of the aisle who believe otherwise about this issue, if we have a catastrophe over there, will rue the day. They will probably put a spin on it. But this is inconsistent, it is un-American and it is contrary to the national interests to not act on an energy bill.

Make no mistake about it, by my presence on the floor today, I am putting the majority leader on notice that I want him to live up to the commitment he made to me that we would have an up-or-down vote on the issue of Iraqi oil importation into this country, and I will follow that up with a formal letter to the majority leader as well.

Can TOM DASCHLE be the only one who is right and everybody else is wrong?

Mr. President, I see no other Senator seeking recognition, so I ask the clerk how much time I have remaining?

The PRESIDING OFFICER. The Senator has no time remaining. Would the Senator like additional time?

Mr. MURKOWSKI. I request an additional 20 minutes, Mr. President. I will be able to yield some of that time back.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURKOWSKI. I thank the Chair.

Mr. President, I do not know how much politics is mixed up from the standpoint of this being a win or a loss

for the President. It is a win or a loss for the American people. The President has indicated on five occasions that he wants an energy bill—it has been publicized at great length—including that he wants to open ANWR.

We have heard from the Secretary of the Interior, Gale Norton, saying how important it is, how we can open up this area safely.

We heard from the Secretary of Energy, Spence Abraham, about how important it is from the standpoint of our energy security.

We have heard from the Secretary of Veterans Affairs, Tony Principi, about sending more Americans to fight a war over oil on foreign lands.

We have heard from our Secretary of Labor, Elaine Chao.

We have heard from America's veterans. We have heard from the American Legion, Veterans of Foreign Wars, the AMVETS, the Catholic War Veterans of America, the Vietnam Veterans Institute, and the Veterans of Foreign Wars.

We have heard from organized labor: The Brotherhood of Teamsters, the Maritime Labor Union, the Seafarers Union, the Operating Engineers Union, the Plumbers and Pipefitters Union, and the Carpenters, Joiners, and Builders Union.

Why are these groups interested in this issue? Organized labor is interested in jobs. Talk about the stimulus of opening up this area—and I have an additional chart that shows what we are opening, 1.5 million acres for exploration and development, but the development is 2,000 acres—it means jobs for Americans, at least 250,000 direct jobs. The Federal Government would realize almost \$3 billion in revenue from lease sales of this area because this is Federal land. That would meet our obligations for environmental oversight, for fish and wildlife management, and it could offset some of the deficit, perhaps the cost of this war, to some extent. It is very meaningful.

We would have two major contributors to the stimulus bill: 250,000 jobs, and approximately \$3 billion in revenue.

The bottom line is it would not cost this country one red cent. The taxpayers would not have to pay for it. The oil industry would bid on the leases, and the Federal Government would generate the revenue.

We have organized labor saying it is a jobs issue. America's veterans are saying:

Keeping in mind the events of September 11 and mindful of the threats we are facing, we strongly believe that the development of America's domestic energy resources is a vital national security priority.

They sent that letter to TOM DASCHLE. These are the people we sent off to war in the past. I ask unanimous consent that the remarks of these organizations be printed in the RECORD as part of my presentation.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

GROUPS THAT SUPPORT AN ENERGY POLICY FOR AMERICA

PRESIDENT BUSH'S ADMINISTRATION

Secretary of Interior Gale Norton: "We need the energy, we need the jobs, we need a comprehensive energy bill from the Senate. This plan increases our energy independence and therefore our national security."

Secretary of Energy Spencer Abraham: "We need an energy-security policy and we need it soon."

Secretary of Veteran's Affairs Anthony Principi: "We are engaged in mortal combat with an enemy who wants to see us fail in securing an energy policy."

Secretary of Labor Elaine Chao: "The president's plan will create literally thousands of new jobs that will be needed to dramatically expand America's capacity for energy production."

AMERICA'S VETERANS

The American Legion: "The development of America's domestic energy resources is vital to our national security."—Letter to Senator Daschle.

Veterans of Foreign Wars: "Keeping in mind the horrific events of September 11 and mindful of the threats we are facing, we strongly believe that the development of America's domestic energy resources is a vital national security priority."—Letter to Senator Daschle.

AMVETS: "As you know, our current reliance on foreign oil leaves the United States vulnerable to the whim of individual oil-exporting countries, many existing in the unpredictable and highly dangerous Persian Gulf . . . [We] firmly believe that we cannot wait for the next crisis before we act."—Letter to Senator Daschle.

Vietnam Veterans Institute: "War and international terrorism have again brought into sharp focus the heavy reliance of the U.S. on imported oil. During these times of crises, such reliance threatens our national security and economic well being . . . It is important that we develop domestic sources of oil."—Letter to Senator Daschle.

Catholic War Veterans of America: Participated in press conference.

ORGANIZED LABOR

Seafarer's International Union: "At a time when the economy is faltering, working men and women all over the country would clearly benefit from the much-needed investment in energy development, storage, and transmission."—Terry Turner, Executive Director.

International Brotherhood of Teamsters: "America has gone too long without a solid energy plan. When energy costs rise, working families are the first to feel the pinch. The Senate should follow the example passed by the House and ease their burden by sending the President supply-based energy legislation to sign."—Jerry Hood, Teamsters Special Assistant for Energy Policy.

Maritime Laborers Union: Participated in press conference.

Operating Engineers Union: Participated in press conference.

Plumbers and Pipefitters Union: Participated in press conference.

Carpenters, Joiners, and Building Trades: Participated in press conference.

HISPANIC COMMUNITY

Latin American Management Association: "As we head into the winter season in a time of war, these worries multiply. The possi-

ties of terrorist attacks on oil fields and transportation in the Middle East are very real. This would force energy prices to skyrocket and immediately impact the most vulnerable families across the country."—Stephen Denlinger, Latin American Management Association CEO.

The Latino Coalition: "The Senate must act on comprehensive energy legislation before adjourning. Not addressing this issue immediately is both irresponsible and dangerous to America as a nation, and particularly to Hispanics as a community. America must increase the level of domestic production, so we can reduce our dependency on foreign oil."—Robert Despoda, President Latino Coalition.

U.S.-Mexico Chamber of Commerce: "We urge the Senate leadership, both Democrats and Republicans to pass comprehensive energy legislation before adjourning. This is not a partisan issue. Millions of needy Hispanic families need your support now. History would not treat inaction kindly, and neither would Hispanic voters next year."—Mario Rodriguez, Hispanic Business Roundtable President.

SENIORS ORGANIZATIONS

60 Plus: "It's time the Senate leadership quit demagoging and come to grips with the energy legislation they have bottled up. Our economy depends in no minor way to the passage of an energy plan. Much more important our security depends on it."—Roger Zion, Chairman 60 Plus.

Seniors Coalition: Participated in press conference.

United Seniors Association: Participated in press conference.

JEWISH ORGANIZATIONS

Conference of Presidents of Major American Jewish Organizations: "The [Conference] at its general meeting on November 14th unanimously supported a resolution calling on Congress to act expeditiously to pass the energy bill that will serve to lessen our dependence on foreign sources of oil."—Letter to Senator Daschle.

Zionist Organization of America: "At a time when our nation is at war against international terrorism, it is more important than ever that we work quickly to free ourselves of dependence on oil produced by extremist dictators. Such dependence leaves the U.S. dangerously vulnerable."—Letter to Senator Murkowski.

AMERICAN BUSINESS

National Black Chamber of Commerce: "Our growing membership reflects the opinion of more and more Americans all across the political spectrum that we must act now to lessen our dependence on foreign energy sources by addressing the nation's long-neglected energy needs."—Harry Alford, President and CEO.

U.S. Chamber of Commerce: "The events of the past month lend a new urgency to our efforts to increase domestic energy supplies and modernize our nation's energy infrastructure."—Bruce Josten, Executive VP Government Affairs.

National Association of Manufacturers (NAM): "The House of Representatives has answered the President's call. It has taken our obvious energy needs into account—along with the concerns of many interests groups—and produced reasonable and comprehensive legislation that will help provide stable energy prices and long-term confidence in our economy. But the Senate is dragging its feet. Some seem willing to let politics stop the will of the majority that wants to move forward with comprehensive

energy legislation this year. In light of current economic conditions and on behalf of the NAM's 14,000 members, I strongly urge Sen. Daschle to move an energy bill to the floor without further delay. It is high time to put the national interest ahead of parochial political interests."—Michael Baroody, National Association of Manufacturers (NAM) Executive Vice President.

Alliance for Energy and Economic Growth (representing 1,100 businesses, large and small, and over 1 million employees): "All of the members of the Alliance enthusiastically welcome the President's strong appeal for action on a national energy policy. We are also committed to work with Senate Majority Leader Daschle to move forward in a spirit of bipartisanship with comprehensive, national energy legislation."—Alliance spokesman Bruce Josten.

Mr. MURKOWSKI. Mr. President, moving from veterans and organized labor, we have the Hispanic community, the Latin American Management Association, the Latino Coalition, the U.S.-Mexico Chamber of Commerce. They have testified. They have spoken at press conferences. What does it mean to them? It means prosperity, opportunity, and jobs.

We have heard from 60-plus senior organizations: the Seniors Coalition, United Seniors Association.

We have heard from the American Business Group, the National Association of Manufacturers, the U.S. Chamber of Commerce, the Alliance for Energy and Economic Growth that represents about 1,100 businesses, large and small. This is a wide group.

We have heard from the Jewish organizations which have a direct interest in the survival of Israel. That is something we have supported time and again.

We have heard from the Conference of Presidents of Major American Jewish Organizations, Mortimer Zuckerman, Chairman, and Malcolm Hoenlein, Executive Vice Chairman. It reads as follows:

The Conference of Presidents of Major American Jewish Organizations at its general meeting on November 14th unanimously supported a resolution calling on Congress to act expeditiously—

That means before Christmas, Mr. President—

to pass the energy bill that will serve to lessen our dependence on foreign sources of oil. We believe that this important legislation has, in addition to the economic impact, significant security implications. We hope that Congress will move quickly to pass this vital measure.

We look forward to continuing to work with you and your colleagues on this and other matters of importance to your country.

Signed Mortimer Zuckerman, Chairman, and Malcolm Hoenlein, Executive Vice Chairman.

I have a letter from the Zionist Organization of America dated November 26:

Dear Senator MURKOWSKI: On behalf of the Zionist Organization of America—

Not just Washington—

the oldest, and one of the largest, Zionist movements in the United States—we are writing to express our strong support for your efforts to make our country less dependent on foreign oil sources, by developing the oil resources in Alaska's Arctic National Wildlife Refuge.

At a time when our nation is at war—

Is at war, Mr. President—

against international terrorism, it is more important than ever that we work quickly to free ourselves of dependence on oil produced by extremist dictators. Such dependence leaves the United States dangerously vulnerable.

Your initiative to develop the vast oil resources of Alaska will make it possible to rid America of this dependence and thereby strengthen our nation's security.

Signed by Morton Klein, National President, Dr. Alan Mazurek, Chairman of the Board, Dr. Michael Goldblatt, Chairman, National Executive Committee, and Sarah Stern, National Policy Coordinator.

That is an overview of America's organizations with regard to the issue of energy security from seniors organizations, the Jewish groups, the Latino Council, the U.S.-Mexico Chamber of Commerce, American businesses, the National Black Chamber of Commerce, the U.S. Chamber of Commerce, and National Association of Manufacturers.

Michael Baroody, Executive Vice President, Alliance for Energy and economic Growth, writes:

I strongly urge Senator DASCHLE to move an energy bill to the floor without further delay.

And we have the attitude of our leader who says: No. He is going to disregard these organizations. He is going to put off indefinitely, until next year sometime—he does not give us a time; he does not say when we get back from the January recess we are going to take up energy and we are going to finish it in a week or two or finish it before the February recess with up-or-down votes and amendments.

That is all we want, Mr. President. We want an opportunity to vote on this. They are ducking this. They are under water. They do not want to vote on it. They have made their commitments to America's extreme environmental community. The tide is up, and they are hiding in the sand. But some say when the tide is out and we have to vote, they are going to think twice.

The reason they are going to think twice is they are going to have to make a decision on what is best for the extreme environmental community, from their point of view, or what is best for America, while ensuring that we do not lose any more lives as we did the other day when the tanker sank and we lost the two American Navy men who were doing their job to stop the smuggling of oil from Iraq.

I am asking the leader today for 90 minutes to take up the issue he made available back in July when we had what was, in my mind, the equivalent

to an unanimous consent agreement and he indicated he would give us the 90 minutes for an up-or-down vote.

I find it rather distressing that the leader continues to duck this issue. The leader was asked what he meant when he said no on an up-or-down vote on ANWR. He said when he anticipated extended debate, and he anticipated there would be efforts made to invoke cloture on the debate. We have never before had cloture during a crisis on an energy bill. They are threatening cloture. They do not want a straight 50/50 vote. They are afraid they will lose. So they want to obtain cloture. So he said there would be votes on the ANWR amendment, but I do not think it will be on an up-or-down vote. So he is saying we cannot have an up-or-down vote on ANWR.

Why can we not have an up-or-down vote? That is the name of the game, is not it? Cloture obviously has a place in the Senate, but it does not have a place on an energy bill. It has never been invoked when our national security interests have been at stake, and this is about national security. This is about energy security.

Furthermore, the majority leader says, I do not think there will be an up-or-down vote because I do not think we will ever get to that. He says that he thinks it will be a good cloture vote, but not a definite vote.

I am not buying that explanation. So what are we going to do about it? Well, one Member can tie this body up. One Member can be the Grinch that stole Christmas. If it is Christmas Eve, if it is New Year's Eve, we are going to address the energy security issue. I want to address it in a responsible manner. I simply want the opportunity to offer the House bill, H.R. 4. On stimulus, on railroad retirement, on the agriculture bill, I am going to be objecting to moving of anything. I do not know if the leadership or the rest of the Senate want to go through six or so cloture votes on each one of these things, but I guess the only way to get attention is to start ringing the bell when attention is needed.

I am not going to read into the RECORD again the statements of the President, but on November 9, October 31, October 26, October 17, October 4, and on numerous other occasions, he said he wants an energy bill. It is in the national security interest of our country.

I am sure some people in this body perhaps saw the list. These are the organizations—there are over 1,000 of them—that believe we have to take up an energy bill before we leave. When I listen to the debate on the other side, and the points that were brought up by my good friend, the junior Senator from Massachusetts, I have to reflect on what he means.

He says on the one hand he wants a good debate, and then he implies we

are going to have a filibuster. I guess he too is afraid of a 50/50 vote. He also says the supply of oil is somewhat insignificant, and therefore it cannot go on for an extended period of time. I have already addressed that in one sense, because the oil will start to flow as soon as we authorize it.

Make no mistake about it, the extreme environmental groups have a position on this. They know they are going to lose. They just do not know when. They are playing this as a cash cow, and they are milking it for all it is worth. They will continue to do so until they lose, and then they are going to move to another issue, perhaps in somebody else's State, perhaps in a more populous State. We have one House Member. Think about it. That is the pattern.

It is interesting for me to reflect on some of the commentators such as Charles Krauthammer who wrote a column very recently in the Washington Post. It was called "War on the Polar Bear." He says he likes polar bears as much as the next guy. He likes pandas, and he likes caribou and all the furry, cuddly things of God's good Earth, but he also likes people, particularly Americans and particularly American soldiers, and he does not like seeing them shot and killed in wars that would be both more avoidable and more winnable were we not so disastrously dependent on energy supplies from a nasty part of the world, with nasty people who use oil for nasty purposes.

I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post]

WAR AND THE POLAR BEAR

(By Charles Krauthammer)

So you thought that Sept. 11 changed everything, that the era of game-show frivolity, "Survivor" silliness and general self-indulgence had given way to an era of seriousness. Well, not quite.

Here we are, for the second time in a decade, risking American lives in a war against an enemy fueled and fed by oil money. Here we are again decrying our dependence on oil from a particularly unstable, unfriendly part of the world. Here we are in desperate need of both energy conservation and new energy production.

And here we see (in the Oct. 30 Post) that we may be prevented from drilling in the single most promising area on this continent because of a . . . polar bear treaty: "New Species Enters Debate on Arctic Oil; Polar Bear Agreement Cited by Drilling Foes."

Now, I like polar bears as much as the next guy. I like pandas and caribou and all the furry cuddlies on God's good earth. But I also like people, particularly Americans, and particularly American soldiers. And I do not like seeing them shot and killed in wars that would be both more avoidable and more winnable were we not so disastrously dependent on energy supplies from a nasty part of the world with nasty people who use our oil money for nasty purposes.

At a time when Washington should be working on a crash program of conservation

and new drilling, a six-year-old report from the Fish and Wildlife Service is leaked in the hope that a 28-year-old polar bear treaty might derail drilling in the Arctic National Wildlife Refuge.

The outrage! "This is a classic Bush administration strategy of running roughshod over international agreements," charged Kieran Suckling, executive director of the center for Biological Diversity and leaker of the report.

The Interior Department stoutly maintains that the polar bear agreement does not prohibit oil exploration. Alaska's Sen. Frank Murkowski points out that the 25,000 or so Arctic polar bears that he represents seem to be quite happily lolling around the existing oil drilling in Alaska.

I too have little doubt that the polar bears will do fine, just as the caribou have thrived around the Prudhoe Bay field. But the whole debate is surreal. We are at war, are we not? Americans are fighting. In Washington and New York, nearly 5,000 have already been killed. Fifteen of the 19 murderers were Saudi. Their leader is Saudi. Most of their money is Saudi. And that same Saudi money funds the madrassas, the fundamentalist religious schools where poor Pakistani, Afghan and Arab children are inducted into the world of radical Islam and war against the American infidel.

And yet we bow and scrape to the Saudis. We beg and borrow. We tolerate their deflecting onto America the popular hatred that would otherwise be directed at their own corruption. Why? Because we need their oil.

The war on terrorism will be fought in many places. Alaska is one. We have known since 1973 that we need to reduce our dependence on Persian Gulf oil. But we have never been serious. It was assumed that Sept 11 would make us serious. Instead, we are engaged in exegeses on polar bear mating habits and a ridiculous debate that pits conservation vs. drilling. Why one and not the other is beyond me.

Of course we need conservation. I have been an advocate of a dollar-a-gallon gasoline tax for 20 years. Whatever it takes: auto efficiency standards, higher taxes, incentives for new fuels.

But why stop there? We need more oil still. Every additional barrel that substitutes domestic oil for foreign oil is a victory. Drilling in the Arctic will involve less than 1 percent of the Arctic Refuge. It might produce an additional million barrels a day. The sea of natural gas beneath could be the largest in North America.

And yet the Luddites stand firm, as if Sept. 11 never happened. Sen. John Kerry vows a filibuster if anyone dares legislate Arctic drilling.

Imagine where we would be if those railing against Arctic drilling today had prevailed 30 years ago and stopped Prudhoe Bay. The million barrels a day we now get from Alaska would be coming from Saudi Arabia. We would be even more in their debt and under their thumb.

A concerned citizenry is yearning to do something significant for the war effort on the home front. But this is not World War II. We do not need rubber. We do not need war bonds. We do not need Rosie riveting.

We desperately do need energy independence. And that is a home-front battle: conservation—and a willingness to disturb a few acres of snow in a vast wilderness as remote as Afghanistan.

There's a war on, senators. Let's get serious.

Mr. MURKOWSKI. Referring to my good friend again, the junior Senator from Massachusetts, who says the supply is insignificant, if the supply is insignificant, what has Prudhoe Bay done to this country? This is Prudhoe Bay. It was developed 27 years ago. It has supplied the Nation with 20 percent of the total crude oil. If we had not developed Prudhoe Bay, we would not have the oil. We would be importing more from Iraq, more from Saudi Arabia. Maybe we would be importing from Libya and Iran, very possibly. So do not say it does not contribute something, because it does.

The area of Kaktovik is said to contain 5.7 to 16 billion barrels. Prudhoe Bay was only supposed to contain 10 billion barrels. It is now at 13 billion barrels.

I am continually frustrated by people who speak on this who have never been to ANWR's Coastal Plain. They refuse to go. They do not want to take the time to talk to the people in Kaktovik about their hopes and aspirations or see the kids in Kaktovik who want a better life going to school. They will not do that.

So I have to come to this Chamber and explain why I have expertise to talk about something because of my background, because it is in my State, because of the fact I have been there. And yet, my critics do not have to justify their generalities.

This is a picture of some kids of Kaktovik going to school, three happy Eskimo kids in a village of fewer than 400. They cannot drill for gas on their own land. Now think of that. That is an injustice, and yet we have those who say it is insignificant, those who say we are ready for the debate.

I do not see them ready for the debate. I will debate them in a moment because there is no question we can develop ANWR safely. We have the technology. In Prudhoe Bay, we drill in the wintertime, the long winter, which runs roughly October through May. We have our drilling rigs. We have our various ice roads. We do it right. We do it safely. We can do it quickly.

This next photo is a classic example of the Arctic. It looks exactly the same as the 1002 area in ANWR. There are no trees in this area. This is an oil rig drilling in the Prudhoe Bay area. This is an ice road, there is no gravel. When this oil well is done—and I will show a picture in the summertime—that is what is seen in the tundra. There it is, the same rig.

We know how to take care of our environment. We can show a few other States how to take care of their environment because we directionally drill. This is the technology. These are 16 miles apart. My opponents say it cannot be done safely. There is no evidence to suggest we cannot do it safely. My opponents say it is insignificant because it will not start for a few years. It is significant.

It is as if we are in a drought to some extent in Washington, D.C. I suppose we could just pray for rain like praying we will not use any more oil and then we will not have to increase our dependence on oil. But, what we do about it is we water our lawn or we look to the immediate relief we can get. We had that opportunity in 1995 when the bill passed this body.

It was vetoed by President Clinton. Had that veto not occurred, we might not have had to board that ship. I know how that goes around here. That is not a fair accusation but is a reference on reality.

TOM DASCHLE, tell me why all the organizations are wrong and you refuse to bring up an energy bill? TOM DASCHLE, you owe it to the Congress, you owe it to the House, you owe it to the Nation and you owe it to me. What we will do is ask you to live by your commitment for 90 minutes of debate on the Iraqi sanctions.

The other issue promulgated is the attitude of the Gwich'in people. Some of the arguments used are in regard to ensuring the Gwich'in people of Alaska that somehow this does not have any detrimental affect. The Gwich'in area is, of course, both in Canada and Alaska. This map has a better view. This is Gwich'in territory, Old Crow. This area on this side is also Gwich'in territory.

My point is, in Canada, the Gwich'ins have entered into leasing. A new Native-controlled oil and gas company has been found in the McEnzie delta. The Gwich'in Oil Field Service owns 51 percent; owned by Gwich'in drilling company. The Gwich'ins estimate they have an area of 22,000 square miles. We are talking about leasing, on the United States side, 1.5 million acres, and the footprint will be 2,000 acres. The Gwich'in Development Corporation, wholly owned by the tribal counsel, has a mission to build an investment portfolio offering business opportunities, employment and training to Gwich'in residents. The chief executive officer of the operation said that the deal with the company gives the community a chance to participate in oil and gas development. He says in his company's experience, the development of local workforce and infrastructure is the key to continued development of the gas resources of the Canadian Arctic.

There is a mixed message. The mixed message is very clear. The environmentalists have been funding the Alaskan Gwich'in steering committee for their own purposes. Their purpose is to ensure that ANWR does not come about. As a consequence, I think that argument can be put aside now; most of the population are Canadian Gwich'ins, as far as the number of tribal members; three-quarters happen to reside in Canada. That is their business. But let's not use these people as a scapegoat to a position that somehow

it is not in their interests. It is in the interests of the environmental community that funds them.

Here is the issue in a nutshell. The argument is superficial. It is an argument associated with having an issue which the environmental community has to add to their membership and to raise money. They are playing it for what it is worth. It is a significant contribution. If it is halfway between the estimate of 6 and 16 billion barrels, as big as Prudhoe Bay.

Is the issue equity to the Native people? Clearly, they don't want to talk about the fact that the 95,000 acres owned by the Gwich'ins cannot be drilled on for natural gas to heat their homes. They don't want to talk about the job opportunities.

The junior Senator said we have all kinds of job potential with regard to energy. Well, none were named. I am all for wind power. I am all for solar power. I am for greater mileage with gas. But we will not get there because America still relies on energy, whether in the airplanes, on the trains, or the ships. And so does the rest of the world. We have coal. But we don't move an airplane on coal. We don't move it on hot air from the Senate. Somebody has to produce oil somewhere. The question is reducing our dependence. How can we sleep, again, relying on Saddam Hussein and knowing what Saddam Hussein is up to?

We will proceed. I have hopes that we can have cooperation. I will have hopes that I can go to the chairman of the Energy and Natural Resources Committee, Senator BINGAMAN, and try to address this in an approach we can handle in the Senate, but don't buy the excuse that we cannot take up an energy bill and pass it. We can take up H.R. 4; the House passed its bill. We can pass this out of committee and still have a very significant debate on the ANWR issue. But everyone is hiding on this issue. They are deathly afraid of it.

All I can do is try and sort out fact from fiction. That is what I have attempted. I recall the statement of the chairman of the Energy Committee, my friend, Senator BINGAMAN, hoping there will be broad bipartisan support on the committee for dealing with urgent infrastructure issues and take a more comprehensive support to the remaining issues. I am ready to do that.

When the leader took away the authority of the chairman of the Energy Committee and said he cannot bring anything up in committee if it involves an energy bill or involves ANWR—I hope other committee chairmen are concerned about that. If Republicans had control of this Senate and Senator LOTT asked me to do it, I would tell him to go take a hike; I am the chairman. I work with the leadership. But after all, you take my authority totally and leave it in a nebulous state

around the cloud of majority leader. That is not right.

We have heard the organizations that support this. I guess the leader can assume, from his point, they are wrong and the leader is right. It depends on what the leadership wants and what they want to move. Somehow they are prepared to fight this out. We are going to address energy in one form or another before we leave. If I have to object to every unanimous consent agreement, if I have to object to moving to the next bill, we can go through the cloture, but enough is enough. We want either a commitment to take it up, put it on as an amendment to one of the bills, or a firm determination on when to take it up and when to conclude it.

I have been in the Senate for 21 years. I am not buying the argument we will take it up at the 1st of the year. We start taking it up and it is set aside and we will never see it again. That will not work this time. We have a few people that feel very strongly about this, including the other side of the aisle. I hope the White House is observing this process. I am putting them on notice, too. Nothing moves.

I hope you will join with me. This picture shows what is going on on the Canadian side of the Arctic. Those are all offshore and onshore wells. We see the maple leaf, a Canadian symbol. This is the Alaska area, and this is the 1002 area. This is, again, 35 times the size of Rhode Island.

Here is the pipeline. Remember the pipeline? We argued about it. It is 800 miles and is running at half capacity. It can take the existing oil from ANWR, run it laterally over here, and we are in business. No big thing. It is no big thing at all.

Do you remember what they said about this? They said you are putting a fence across Alaska, 800 miles. The animals are not going to be able to traverse it. This is in permafrost. The ground is frozen, so when you put a hot pipeline in, it is going to melt and crack the pipeline.

Here are the animals, three bears. They are walking the pipeline. Why? It is easier on the feet, you don't have to walk in the snow, and it is nice and warm. I don't know whether it is a papa bear and mother bear and baby bear, but that is a true story of the three bears.

We are going to keep these coming until somebody comes or I will get tired of talking, either one.

The Arctic, as a whole, is an extraordinary area. While some areas of the Arctic may have some pristine, it also has a tough, long winter. This is the Arctic and this is what it is like this time of year. This is what it will be like in April. This is what it will be like until May.

In the summertime there are a few mosquitos there and these are the Porcupine caribou. From here to here is

more than 60 miles. Senator BOXER and I got into some discussion about just where this picture was taken from. This was taken from the roof of one of the windows in Kaktovik. We have the authentication of the photographer behind it. This is taken from the sea. These are 50 to 60 miles away. These are the caribou moving through.

What happens with caribou is kind of interesting. They are protected in Prudhoe Bay. You cannot bring a gun into Prudhoe Bay. What we have seen in the Prudhoe Bay area—and this is fact, not fiction—is the tremendous growth of the caribou herd. It shows Prudhoe Bay and the oilfields and the caribou. I assure you, they are not stuffed.

This is kind of interesting. It shows where we are likely to find oil and gas in this country that we put off limits. For the entire west coast—Washington, Oregon, California—there is a moratorium on any oil or gas exploration. I respect these States. They don't want it so they should not have it. This is Wyoming, and Colorado, Utah, New Mexico. But, we have also taken the east coast and put that off limits. Then down here, in the gulf—remember we just had a debate on reducing that leasing area.

What happened here happened under the previous administration under the forest application, closing this to any interests for oil and gas as well as timber cutting. So we are excluding areas where we are most likely to find oil. We, however, happen to support the drilling for oil in Alaska and we want it.

This next photo isn't Prudhoe Bay but this happens to be the caribou that are wandering through. The reason they are wandering through is because nobody bothers them. You and I can't just take a gun and shoot them.

The same is true of the polar bear. If you want to shoot a polar bear for a trophy, go to Canada or go to Russia. You can't do it in Alaska, because they are marine mammals and they are protected—only the Native people can take them. These are the things that I live with.

This is a photo of Kaktovik. This is one of the elders with, probably, his grandson. This is their community center. These are real people with real dreams and aspirations.

I know the Presiding Officer was up there and viewed that. He kind of looked around and agreed there was some snow on the ground.

This is Kaktovik. They just removed from here the Army's radar site. Native Eskimos have lived there for generations. This is a tough, tough, bleak country but it is their country and they love it and they simply want an opportunity, like everybody here has, of a better lifestyle, a job, better health conditions, and so forth.

There has been much made about refugees. Some people have been saying:

"Good heavens, you are going to drill in a refuge." Here is a map where there has been oil production in national refuges—wildlife management areas. Texas has nine; New Mexico has one; Montana has four. Oil production has also been in refuges in the following states: Texas, Oklahoma, North Dakota, New Mexico, Montana, Mississippi, Alabama, Arkansas, Alaska—we only have one in Alaska—California has four, Kansas and Louisiana. They are doing all kinds of drilling in refuges, and they always have. We have better technology now and we know how to do it safely.

We listen to the arguments from the other side. Many of them have never been to ANWR. They don't have to give an explanation for their background or expertise, but we do. Here is a chart on reliance. In 1973, we were 36-percent dependent on foreign oil, and some of us are old enough to remember when there were gas lines around the block. We were outraged. We said we would create a Strategic Oil Reserve so this will never happen and never be dependent on imported oil. In 2001, we are 56 percent dependent; in 2010, we will be 66 percent. Shouldn't we do something about that to try to take some steps? We want to conserve more. Granted, we are going to conserve more. But we are still going to use oil. And it is just not us; it is the rest of the world that is going to use oil. What about China and the developing nations?

Here is what is happening to crude oil production in the United States. From 1990 to 2000, it is down. It is down from 7.6 million barrels a day to 6 million barrels a day. We can turn that around, turn it around for American jobs, turn it around for American veterans.

Why are we deliberating this late in the session? We have tried to get this bill up. If you look around at the Chamber you wonder what the rest of us are doing today, other than me speaking. Here is where we get our oil: Venezuela, Nigeria, Libya, Algeria, Saudi Arabia.

Let me tell you something about Saudi Arabia. Am I out of time?

The PRESIDING OFFICER. The Senator's time has expired.

Mr. MURKOWSKI. I ask unanimous consent for another 7 minutes.

The PRESIDING OFFICER (Mr. DAYTON). Without objection, it is so ordered.

Mr. MURKOWSKI. We are seeing some very dangerous signs coming from Saudi Arabia. There is a lot of corruption over there, signs relative to the stability of the Royal Family. And there is concern over Bin Laden. There is concern that he could get into their oilfields and disrupt them through terrorist activities, or even sink a couple of ships in the Straits of Hormuz, or even try to overthrow the Royal Family.

Remember what happened in Iran? Iran and the Shah were our best of friends, but the Shah did not believe that charity began at home. In other words, he was not taking care of his people. That has happened over the decades in Saudi Arabia. If that happened, we would pass this bill tomorrow because we react to the squeaky wheel and that is the crisis. There is absolutely no question about it.

Qatar, the United Arab Emirates, Kuwait—here is our friend Iraq, Saddam Hussein, Bahrain, and a little from Indonesia.

We are dependent. I am not standing here and saying if you pass ANWR you will not be dependent, but we will be less dependent and we will send a message that we are doing something positive to relieve our dependence.

There is an article here in the New Yorker called "Kings Ransom" by Seymour Hersh, and he talks about the true threat associated with Saudi Arabia and the plight of the people and the instability of the Royal Family. When we see these things, it behooves us to initiate some action.

Here is a chart on the crisis as it exists. Foreign oil dependence has been increased to 56 percent. What happens to our leverage with these people when that happens?

We see natural gas prices soar. We have not had a new nuclear plant licensed in 10 years. We have not had a new refinery in this country built in 25 years. No new coal plants—no new major plants in 10 years. The transmission capacity is overloaded. We saw what happened in California earlier this year. We have to do something about it. We have to pass an energy bill. The House passed their energy bill.

What about military uses? They are using barrels and barrels each day in peacetime.

You have been very gracious with me, Mr. President. I see another Senator wishing recognition.

But I am going to summarize again my intent in asking the majority leader to give us an up-down vote on terminating importation of oil from Iraq as he agreed to do on July 25 where he agreed by saying, "I will have no objection to an up-down vote." I am sure he can find a way to dodge that, too. But we are only asking for 90 minutes. I have talked for almost 90 minutes today.

This agreement says there shall be 90 minutes, and it will be divided between the two sides. OK. He is going to have an opportunity to say: No. We don't have 90 minutes; or, This isn't the right time.

We just lost two American Navy seamen who boarded an Iraqi tanker which sank.

We will have to see whether the influence of the extreme environmental community still exists to the point

that the leadership will apparently do anything they ask.

The leader is my friend. We have had conversations about this. He said: I realize how strongly you feel about it.

It is not just me. It is what is right for America when we have the leading Jewish organizations totally in support of this, and the veterans groups, and labor. I think he is taking on a big issue here. Evidently, the environmental community, in his view, is a lot stronger than the veterans groups, the Hispanic groups, the Mexican groups, the Jewish groups, and the other groups, on and on—senior citizens, and the Bush administration.

I hope it is not for the reason of handing the President a victory. This isn't a victory for the President. This is what is right for America. Let's put politics aside.

Finally, if we can't work something out, all of us had better find a place up there to hang our Christmas stockings because we will be here. I will be here.

I am ready to sit down and discuss, negotiate, or whatever, whether it be the railroad retirement bill we are trying to get up, to which we objected—I will object to the next one that comes up, whether it be the bill pending stimulus bill, we are going to address it on each one of these. It will take time. I have big files. I can talk for a long time. I don't want to do that to each Member. I want to resolve this. I want to find a way to work it out, and the sooner the better.

I will be sending a letter to the leader today asking him to provide 90 minutes for us to take up the issue of terminating our imports from Iraq because Iraq is an enemy and we are at war.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, before the Senator from Alaska yields the floor, I would like to ask a question.

Because of news reports today and yesterday, I believe, that Saddam Hussein made an absolutely firm statement that under no circumstances would he comply with the U.N. resolution which required that he submit his country to U.N. inspectors looking for evidence of weapons of mass destruction, and because of the strong reaction here in the United States and, I think, in the West generally about the possibility of beginning much more aggressive action against Saddam Hussein, I have two questions for the Senator from Alaska.

First, is it likely if we were to take such action that our ability to continue to buy oil from Saddam Hussein would evaporate?

Secondly, my recollection is that if we were to develop the oil resources available in the ANWR area that it could be a complete substitute for the Iraqi oil. I have forgotten over what period of time that would be. Can the Senator from Alaska respond?

Mr. MURKOWSKI. Mr. President, I am very happy to respond to my friend from Arizona. Perhaps I can highlight a little bit about the specific dependence.

Here is where we get our oil currently: Nigeria, Libya, Saudi Arabia, and here is Iraq—862,000 barrels. It is over a million barrels now. So we have increased that.

If we were to terminate our dependence, we would have to find it someplace else. We would like to think that we could initiate more conservation. You can buy a small, fuel-efficient car. Some people do. Most people prefer not to for their comfort and for economic reasons. But, nevertheless, the choice is theirs.

To suggest that somehow we would terminate purchasing oil from Iraq, the results are somewhat predictable. The price of crude oil to the American public would go up because there would be a shortage of supply.

I assume Saudi Arabia, which has excess capacities, would try to use their leverage to pick up some of that oil. But it would certainly cost more.

The Senator from Arizona makes a very significant point—that we have evidence that Saddam is up to no good.

Remember that just last week there was a tanker leaving an Iraqi port, and it was intercepted by the U.S. Navy. They went aboard that ship. In the process, the ship sank. We lost two American sailors. We had to do that. He was smuggling oil. That is how he generates the cash-flow above and beyond that which is overseen by the U.N. inspectors.

We had an incident about a month ago where there was a little payoff. The inspectors went aboard. They loaded a tanker half full. The inspectors signed off and left. After they left, they would fill up the tanker, and away they would go.

The worst thing about that is: What does he do with his money? We can't get U.N. inspectors in there, as the Senator from Arizona said. They haven't been in there for well over a year. I think it is probably 2 years now that we have had no inspectors. He is not passing it out for the betterment of his people. We know what he is doing. He is developing a missile and biological capability, and he is aiming it at Israel. That is why you have all of the organizations now aboard the Israeli lobby, so to speak.

Mr. KYL. Mr. President, my second question is: If we needed to find an alternative source, and if we could find a source that is right here in the good, old U.S.A., if the exploration in the ANWR area turned out as people think it would, what is the relationship between that part of the oil that might be produced and the amount of oil that we currently import from the country of Iraq?

Mr. MURKOWSKI. It would eliminate Iraq's contribution. We would not have

to depend on Iraq for 70 years. That is the harsh reality. That is what ANWR is estimated to contain. The range goes from 5.6 billion barrels to 16 billion barrels. As the Senator from Arizona knows, when you look for minerals or anything underground, it is the best scientific evaluation from the geologists. But even if it were in the middle—10 billion barrels—it would equal what we produce from Prudhoe Bay, which is 20 to 25 percent of all of our crude oil. It is a lot of oil. It would send a real signal to the Mideast that we are going to relieve our dependence on you folks over there. We are not going to increase it.

The Senator from Arizona is a businessman. He knows. We lose our leverage when we become more dependent.

Back to the chart, it shows the crude oil prices and percentages. Here is where we were in 1973: 36 percent dependence.

Remember the Yom Kippur war. We had gas lines around the block. We said we would never again be dependent to that point. We created SPR. Yet in the meantime we are up to 56 percent dependence, and we are going to go up to 66 percent dependence in the year 2010.

The other chart, of course, shows Iraqi oil exports. He has been doing very well considering he is our enemy.

Mr. KYL. A final comment: Of all the reasons the Senator from Alaska has articulated today, I would put first among them the fact that we could well be at war to a much greater degree than we have been with Iraq in the very near future.

We are going to have to have an alternate supply. If this bill could be passed, the exploration of that oil could occur in ANWR which would more than replace that Iraqi oil and begin to relieve our dependence on Middle East oil.

It seems to me, not just as a matter of national energy policy but as a matter of national security, we ought to get on with the debate on the energy bill.

I firmly support the effort of the Senator from Alaska to do so. I look forward to being able to debate it in the very near future.

Mr. MURKOWSKI. I thank the Senator. It is important to recognize that the Senator from Arizona has been up to ANWR. So I can honestly say, he knows what he is talking about, as opposed to some who are "experts" on the subject who refuse to go up ANWR, who will not take the time.

I advise my friend from Arizona that we sent a little over \$5 billion to Saddam Hussein last year for the purchase of his oil. And that does not produce one job in America. What does he do with that money? That is a concern we should have.

I thank my friend from Arizona for the colloquy and wish he and the Chair a very good day.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I am glad I had the opportunity to join in a brief colloquy with the Senator from Alaska because the point he has made is a very important one, and it ties directly into what I came to this Chamber to speak of today; and that is, an effort on the part of the majority leader to insert into the debate a subject extraneous to the effort the President is attempting to make to get an economic stimulus package, which includes an energy component to it, to ensure that our economy will remain strong so that we can continue to execute the war on terrorism and know that in the end we will have all of the resources we need to do that, as well as for the benefit of all Americans who deserve to have a growing and vibrant economy.

There is something very wrong with the process we are engaged in right now, which takes us away from the consideration of the stimulus legislation the President would like to have us act upon, to begin to take up extraneous matters.

We are almost at the end of our legislative session. We should have ended in October or November. It is now obviously going to be in December. The way it looks right now, it will be close to Christmas Eve when we adjourn for the year.

I am happy to stay all year here in Washington doing business, if it is productive and we have our priorities straight. But the fact is, the No. 1 priority is fighting the war. Closely related to that is keeping our economy strong, and, frankly, stimulating the economy to be stronger because right now we are either in or very close to being in a recession. That is why the President has called upon us, as our first priority, to support his efforts to stimulate the economy.

About a week ago, the majority leader brought forth to the Senate floor a bill—a very bad bill, in my view, the bill that came out of the Finance Committee on a partisan, party-line vote—but at least a bill that enabled us to begin to debate the stimulus package. The hope was we would all make our speeches and get our partisanship out of the way and then get down to trying to compromise and come up with a good package of tax breaks and support for those who are unemployed right now in order to be sure our economy could continue to grow rapidly.

But after some initial posturing, rather than sitting down to work out a bill or debating further on the floor the merits of different proposals, and perhaps attempting to amend one or the other, we find ourselves in the situation where the leadership has decided to call a timeout on the stimulus package and go to other legislation. If this were June or July, that would be a perfectly appropriate legislative tactic.

But we are almost at the end of the session.

We have two things we have to do before we adjourn and very little time to do them. First, we have to finish the appropriations conference reports. They are about half done. They take time. We have to get them down. They fund the Departments of the Government for next year, not the least of which, of course, is the Defense Department appropriations bill. There is a separate bill there that will ensure we have the money we need to conduct our military operations in this war on terrorism.

The second thing the President has asked us to do before we leave is to get this stimulus package passed so its effect can begin to be felt early in the next year, in time to do some good for our economic recovery.

What we do not need to be doing is taking a timeout and beginning an excursion off into partisan politics, politics that have to do with a bill that railroad labor unions want. There are some people in this country to whom this is a very vital issue. Some of them are in my home State of Arizona. There is plenty of time to deal with the railroad retirement issue. Whatever we do with that, it is not going to go away. We can do it next year. We can do it whenever. But we do not need to take time away from our first priority in this war we are fighting to call a timeout to deal with this political issue of the railroad retirement fund.

And we are told when we are done with that, the next thing is a farm bill. We do not need to take up a farm bill until next year either, but we are told that the leader would like to bring up a farm bill.

My point for coming to this Chamber today is to say, wait a minute, where are our priorities? Let's get back on the President's agenda. If we are going to be bipartisan in this body, then let's support what the President is attempting to do.

Certainly my colleagues on the other side of the aisle do not have to agree with everything the President wants to do. I would never expect them to do that. But, on the other hand, we ought to at least act in enough of a bipartisan way to begin compromising, to reach a conclusion on a bill we can pass before we recess this year. That means we have to continue to focus on the stimulus package and not go off riding to the hounds on some railroad retirement legislation.

So we are going to vote tomorrow. The question is going to be: Should we leave the discussion of the stimulus package and begin consideration of a railroad retirement bill?

I say no. Let's stick with the stimulus package. Let's get it done. And then let's go home for Christmas. Let's support the President.

I hear a lot of talk of bipartisanship. What does bipartisanship really mean?

I have to commend several of my colleagues on both sides of the aisle for the public statements they have made in support of the President's conduct of this war. Frankly, the majority leader has been one of the people who has been the strongest in his enunciation of ideals, with whom every American can agree who supports the President, even though the President is not from the majority leader's party. I commend him for that.

The problem is there seems to be a division between the war effort on the one hand and domestic politics on the other. So some of my colleagues are saying, but it is OK if we are not bipartisan on matters that deal with the domestic side of things. The problem with that is, the primary issue on the domestic side is the state of the economy, and the state of the economy has a direct bearing on our ability to fight the war on terrorism. It is also the most important problem facing the American people.

So bipartisanship, it seems to me, would be an effort to work together, not necessarily to agree out of the box, but to try to develop a procedure under which we would eventually come to some kind of an agreement on a stimulus package that we could support, that the President could sign, that would benefit the American people.

We can get there by continuing to focus on the stimulus package. We will never get there if we take time out to take up the railroad retirement bill. If we take the farm bill up, that is a black hole of significant magnitude, I must say. If you get into a farm bill, you get into the dairy compacts and you get into many other subjects. The year will, in fact, end before we ever get through that bill.

Meanwhile, the appropriations bills languish, most especially the Defense appropriations bill, of all things. We have to get the Defense appropriations bill passed.

So I am asking my colleagues to say no. Vote no. Do not invoke cloture to take up the railroad retirement legislation and leave the stimulus package.

Mr. President, let me make one more point. There is another issue I have talked about while addressing subjects in this Chamber over the last several months, and that is nominations of the President. It may not be known, but this Senate, now about to enter the month of December, has still not completed its work on the consideration of the President's nominees for his Cabinet.

He has been President for almost a year now, and the Office of National Drug Control Policy nominee, John Walters, has not been acted upon by the Senate. I am very hopeful that this week the Senate can debate, if we need to, and then vote on the nomination of John Walters. Otto Reich, Gene Scalia, and other nominations to important

positions in this administration are not scheduled for consideration on the Senate floor.

I would suggest this: If we have time to take a timeout from consideration of the stimulus package to do other things, then our first priority should be—again, if we are going to be bipartisan now—to act on the President's nominees. He has asked us repeatedly to do that.

Of course, this is not to mention his judicial nominations. We now have over 100 nominations pending for vacancies on our courts, 40 of which are denominated emergencies, yet we take up no judges. Again, if we have time to call time-out from our consideration of the stimulus package, we sure as heck have time to take up some of these judicial nominations.

Back in May, the President nominated a group of people to either Federal district judgeships or to circuit judgeships. Two of those people have never had a hearing in the committee. There is no indication that the leadership ever has in mind taking them up. These are superbly qualified nominees for the District of Columbia Court of Appeals: Miguel Estrada and John Roberts.

And yesterday's Wall Street Journal had an editorial which speculated that the reason was because these are two noted conservative jurists, both of whom will be well qualified to be nominated for the U.S. Supreme Court if a vacancy were to occur there, and that knowing this, the people on the other side of the aisle responsible for these things are loath to bring them up because, if confirmed, they would then be in a good position to be nominated by the President for a Supreme Court position.

One of them is Miguel Estrada. It is no secret that Miguel Estrada is Hispanic, and if confirmed and elevated to the High Court would become the first Hispanic Justice. I suspect that President Bush would very much like to appoint someone like Miguel Estrada—or John Roberts—to the U.S. Supreme Court. What does the Democratic leadership's unwillingness to even bring these two people up for a vote suggest?

It seems to me that there is a lot of politics being played here and that we ought to get back to bipartisanship in this body which characterized the mood at the very beginning of this year and was certainly the mood right after September 11.

Insofar as the President is concerned, it should still be the order of the day; that at a minimum, before we leave here, we should consider his nominees for the Cabinet and for these judicial posts. We should try to finish work on the appropriations bills. We should conclude the work on the stimulus package. And if we do those things, I suggest that we will, in fact, be about ready to be singing "Jingle Bells." We

don't have time to be taking up the Railroad Retirement Act.

I said I would talk a little about the substance of this. My colleagues from Texas and Oklahoma have outlined some of the problems with the legislation. Contrary to some of the statements made on the floor, it is really not a question of the rail employers and employees running their own pension plan.

The reason that this is being discussed on the floor of the U.S. Senate, the Federal Government, is because the United States of America has become a major stakeholder in this process on behalf of the taxpayers of the United States of America who, in fact, subsidize this pension plan.

By the way, I believe that is the case only with this private industry's pension plan. We are not talking about the home builders and their union employees or the airline companies and their employees, just the railroads. A decision was made some time ago that the U.S. Government should get involved in the funding and the guarantee of the pension for these particular people. That is why the pension plan for railroad retirees is on the floor of the Senate.

The first question one could ask is: Is that good policy? Should we be doing that? And then: Should we be debating a bill which would expand the obligation of the taxpayers of the United States to fund this pension as well as to expand the benefits under the pension? My view, you can guess, is, no, we should not be doing that.

This boils down to a question of two special interests—and there is nothing wrong with that per se; we all represent the many special interests that comprise our body politic, but these are special interests—the railroad employees and their employers, who have designed a plan that gives them benefits provided by the American taxpayers.

I don't think we need to be interrupting the business of the entire Nation for the benefit of these particular special interests at this time.

If these railroad stakeholders insist on maintaining a retirement system that is a Federal responsibility, then I submit their claims should be scrutinized by those of us who are supposedly looking out for the interests of all of the people. And for starters, we should ask if the claimed benefits justify an immediate \$15 billion reduction in the budget surplus.

Actually, of course, the budget surplus is probably a misnomer by now because we have spent the budget surplus. There is no more budget surplus. So this will have to be borrowed money, and taxpayers will have to pay the associated interest costs.

It will not do to pretend, as the House-passed bill does, that the fiscal impact can be wished away. I marvel at

the audacity of the bill's sponsors in resorting to a device of legal legerdemain to say that something that is so isn't really so and because we are the Congress, we can say that and that becomes the law.

Here is what they said. I am directly quoting from the House-passed bill. They are instructing the CBO and OMB, the Congressional Budget Office and the Office of Management and Budget that notwithstanding budget law or OMB scoring conventions, "the purchase or sale of non-Federal assets"—which is what is involved in this pension fund—"shall be treated as a means of financing" rather than an outlay. With that clever language, what they have said is: We are going to spend \$15.6 billion, but we hereby direct the CBO and OMB to say that it doesn't count. We are really not spending it as an outlay. It is a means of finance.

That is pretty good. I have to take my hat off to them. It reminds me of an old story that Abe Lincoln used to tell. He would ask this riddle of people. He would say: If you call a tail a leg, how many legs does a dog have? And his students would ponder that. He would say, of course, the answer is four; calling the tail a leg doesn't make it a leg.

Well, calling \$15.6 billion in spending a means of financing rather than an outlay—it clearly is a means of financing but that doesn't mean that it is not an outlay, which, of course, it clearly is—doesn't mean that that is what it is. It is an expenditure of \$15.6 billion. It is money that the U.S. Government is going to have to borrow. Therefore, it ought to be counted as an outlay.

There are three interesting aspects to that besides the audacity of it. The first is, of course, that the proponents here are obviously embarrassed by the fact that they are asking the American taxpayers to expend over \$15 billion immediately to aid this private industry's pension fund. I would be embarrassed, too. I would want to call it something else.

Secondly, however, for those of my colleagues who signed onto this legislation in its original form—there are reasons for having done that and reasons for not doing it, but for those who found good reason to do it, I make the point that what they are going to be asked to vote on tomorrow is not what they signed onto. They signed onto a bill that did not have this magical language in it.

When we are voting tomorrow, they are clearly going to be able to say to supporters of this bill, look, I still support your bill and we can take it up next year, but I am not going to support a fraud on the American people claiming that the \$15.6 billion is not an outlay. We are going to have to account for that one way or the other. Let's be honest about it.

I hope that my colleagues who are still committed to the legislation

would acknowledge that what they are being asked to vote for tomorrow is not what they signed onto.

Second—this is an important point—anybody who believes that we should reform Social Security has to look at this very carefully for the precedential effect. If the precedent stands, this will prevent us from reforming Social Security as the President has suggested and many of us desire to do by allowing a portion of the Social Security funding through the payroll tax to be put into an investment account managed by each individual Social Security stakeholder.

Instead, it will cause us to move toward what President Clinton proposed and was rejected, fortunately, which was a scheme in which the U.S. Government would actually invest money, would invest people's Social Security money in the equities market.

So you would have the Government buying stock in companies. That is a bad idea. But because of this language that we would now be permitted to say that the purchase or sale of nonfederal assets shall be treated as a means of financing rather than an outlay, the kind of scheme President Clinton proposed would not have any costs associated with it; whereas, the proposal to establish worker-owned personal accounts would presumably be scored in the traditional fashion, as a cost, making it much more difficult to accomplish. I doubt that was the intent of the people who wrote this language. But it is, unfortunately, the effect of it. As a result, it is not language that this body should adopt.

Mr. President, there is another problem. At a time when we have seen the great surplus in the Federal Government now disappear, and we are now aware that we are going to have to be borrowing money to fund every new program that we pass, we have to look very carefully at any spending proposals. I think most of us would say we should look carefully anyway, but clearly when you are borrowing money in order to fund programs, there is an extra obligation to be sure we are spending wisely. We are not taking on new obligations that just as well could be performed by someone else, if they are good ideas.

It seems to me that when we are talking about taxpayer responsibility for a railroad retirement system, with its massive unfunded liabilities, that, A, we are buying a pig in a poke and, B, likely putting taxpayers into a situation of having to fund something with deficit financing because this bill puts the Government deeper and deeper into this pension and deeper into debt.

If the projections offered by the system's own actuaries are borne out, the scheme will reduce the trust fund's reserve by more than 50 percent. That is because of the lowered retirement age incorporated into the bill, as well as

the other increased benefits, combined with the reduction in payroll taxes. Who can doubt that when this happens, these industries who lobbied for this bill will lobby for another taxpayer bailout? No private sector pension plan could get away with engaging in such practices and calling it reform.

Shame on us if we allow, through a very truncated debate here, the saddling of taxpayers with the bill for such a scheme at the behest of these vested interests.

As I said, this is the time for us rather to address our real priorities, and to the extent that people are interested in trying to find the best way to reform the taxpayer-subsidized railroad retirement system, that should be given the deliberation it really requires in this new time. Obviously, that could not occur over the next 24, 48 hours. We should not be taking up that legislation at this time—not only because it is bad legislation, but, as I said, because it diverts our attention from more pressing problems; namely, a stimulus package and getting that done, getting the appropriations bills done, and getting nominations done. I am sure if we can accomplish all of those things with great speed, that would put us right up to Christmas Eve time.

I hope tomorrow my colleagues will join me in voting to stay on the subject here, the stimulus package. Let's work through it and get it done.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Mr. President, I have been listening closely to the arguments made by the other side. I have the greatest respect for the junior Senator from Arizona, but, boy, I will tell you that it is really hard to follow his argument. Based upon his statement asking why we are taking time out for extraneous material, the fact is, I was on the floor earlier today and offered a unanimous consent request. It was clear that there were some who came to the floor and said what the Senator from Arizona said: Why are we not on the stimulus bill?

As the Senator from North Dakota, who is on the floor, so adequately projected yesterday in his statement, we are not on the stimulus bill because a point of order was raised by the Republicans. We would be totally off the bill if we played their game.

We could have raised a point of order against the House bill. Then we would have nothing. We decided not to do that because we wanted the stimulus to be here because we believe it is important. But now the unanimous consent request—and I will offer it again—has been objected to. I will offer it again while the Senator from Arizona is here.

UNANIMOUS CONSENT REQUEST—H.R. 3090

I ask unanimous consent that the stimulus bill, H.R. 3090, recur as pend-

ing business immediately upon the disposition of the railroad retirement bill.

The PRESIDING OFFICER. Is there objection?

Mr. KYL. Yes, Mr. President. I object because what the Senator is asking for is the right to take up the railroad retirement bill.

Mr. REID. Mr. President, objection has been heard and I have the floor.

The PRESIDING OFFICER. The Senator from Nevada has the floor.

Mr. KYL. I respect that, Mr. President.

Mr. REID. Mr. President, I also say there has been a question raised as to why we are not on the Railroad Retirement Act. In the words of my distinguished friend from Arizona, "the audacity of the bill's sponsors." There are 74 of them, and 26 of them are Republicans. So the "audacity" of the 26 Republicans should be spread all over this record. The reason they were concerned when they sponsored this bill is that maybe they were concerned about the widows of the railroad workers and how they feel. This is important legislation, Mr. President.

Mr. KYL. Will the Senator yield for clarification?

Mr. REID. Mr. President, also, there is a riddle about the legislation not being as it was when it was signed onto. This happens all the time here. That is why we have debate on the floor. If somebody doesn't like part of the bill, don't filibuster it; let us go forward and offer amendments. We would have been off this a long time ago.

Then there was talk about why would we go to the farm bill. Well, Mr. President, 22 farm organizations believe that we should be on the farm bill as soon as we can. We are going to try to do that procedurally as soon as the minority lets us. I guess we should ask the Nation's farmers about the importance of this farm bill this year. They need this. That is why we want to go to it.

Also, there has been some talk as to why we aren't on the stimulus package. I have already talked about that. The fact of the matter is, in less than 45 minutes, the majority leader is meeting with the minority leader, the Speaker, the majority leader of the House, and the eight top leaders of this Congress, including the chairman and ranking member of the Finance Committee to talk about a stimulus package. Senator BYRD decided he is going to worry about homeland security; he is going to do that on the Defense bill. The majority leader is doing everything he can, and that will be amplified at 6:30 tonight.

Earlier today, we were criticized: Why are we not doing conference reports? Well, the reason is there aren't any. There are none to do. We would be on the stimulus package right now if a point of order hadn't been raised by the

Republicans. I repeat that the reason we still have the bill is we decided we wanted to do something with the conference report.

My friend from North Dakota is present. He does a great job. But talking about nominations, how they can do that with a straight face is beyond my ability to comprehend. Mr. President, 14 judicial nominees have been approved. Senator LEAHY is going to report out 9 or 10 more tomorrow. He will have hearings next week on 4 or 5 more. This will be far more than anybody could imagine he could do with the September 11 incident, with the antiterrorism legislation, which took weeks. We have approved 4 top-ranking officials from the State Department, 10 nominees who represent the United States before the U.N. We have approved 45 ambassadors.

We have said time and again this isn't payback time. But look what they did to President Clinton's nominations to be ambassadors. It was embarrassing. Senator DASCHLE and I went to Brazil. We didn't have an ambassador there for 2 years. It is one of the largest countries, not only physically but in the number of people, in the whole world. They would not bring the nomination up so we could have a vote. We have approved 45. We have approved 49 U.S. attorneys. We would approve more, but they haven't submitted them to us. There is also the Commissioner of Customs and the representative of the United States to the European Union. And they complain about Walters. We are going to do that next.

Now they have the theory that the reason Senator LEAHY is not moving forward is we don't want people to go to the Supreme Court. There is a basic rule we have that you don't have to be a district court judge or appellate judge to become a member of the Supreme Court; Rehnquist wasn't, the Chief Justice, for whom I have great respect. I think he is a great guy. He said the reason we are not moving forward is that a Hispanic judge is going to be promoted. I thought Judge Gonzalez, the President's chief lawyer at the White House, was going to be the next nominee to the Supreme Court. They should get their stories straight.

In short, rather than coming over here trying to confuse the American people, remember, we are not on the economic stimulus bill because they raised a point of order. We would be on the bill today. Instead, Senator DASCHLE is having to do some things in his office to work something out with the leadership—Senator BAUCUS, Senator GRASSLEY, and our counterparts in the House.

I am terribly disappointed that we have the minority coming here making excuses for their own delay. We are not delaying anything. We have not had a vote all day. It is not our fault.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I, too, was inspired by the remarks of a couple of colleagues. My colleague from Nevada just described a rather curious circumstance. We had colleagues come to the Chamber of the Senate and ask the question: Where is the stimulus package? Where is the legislation designed to provide economic recovery and lift to the American economy? It is as if they have forgotten the last couple of weeks.

That stimulus package, or the economic recovery package, was before the Senate. We had debate on it. I was here and began debate on that. We were discussing it. Then the other side decided they would make a point of order against that stimulus package.

A point of order was valid against it, as there is against the Republican package authored by Senator GRASSLEY, as there will be against the House package. All of them violate the Budget Act. We understand that. This is an emergency, and all of us understand that passing a stimulus package to provide for economic recovery is outside of the Budget Act. But they are the ones who decided to make a point of order and take it off the floor of the Senate, and they did.

Now they are asking: Where is it? They know where it is. It was before the Senate, it is now on the calendar, but it is not before us for debate because they made a point of order against the bill.

There is a certain genius in being able to ignore facts, but it must certainly be uncomfortable in the long run to do that. This is not about he said, we said, she said, they said. This is about: what do we do to help the American economy recover, how do we do it, and when do we do it? That is what it is about. It is not about pointing fingers.

We have had people come to the Chamber to talk about the majority leader this, the majority leader that. We had a discussion for an hour about energy and the majority leader. The majority leader came to the Senate Chamber today and said we are going to take up energy. He said exactly when we are going to do it, and how we are going to do it, and he is doing exactly the right thing because energy is important for this country. Part of America's security is energy security, that is true. But providing energy security is not developing policies that represent "yesterday forever;" developing policies that say our energy strategy is just dig and drill, and that is our energy strategy for the future. That is not an excuse for an energy strategy.

Yes, we should produce more oil and gas. Yes, we should use more coal. We should do it in an environmentally acceptable way. There is much more to do, as the majority leader knows, to promote strong conservation measures, better efficiency of appliances, and in-

centives to produce both limitless energy and renewable energy.

As the majority leader knows and some have forgotten, there is more to energy than just supply and conservation. Energy is also about national security and energy security—providing security for nuclear powerplants, providing security for transmission lines, and providing security for pipelines. All of that exists as well, and ought to be part of an energy bill.

That is why the majority leader has waited just a bit to bring all of these things together from all of the committees, so that when we debate energy in the Senate, we are debating a comprehensive energy bill that deals with energy security for this country. It is not just a "yesterday forever" policy.

I mentioned "yesterday forever." I will not repeat the story, but my first car was a 1924 Model T Ford that I restored. When I got my Model T Ford restored when I was 14 or 15 years old, my father had a gas station, and I put gas in that 1924 car exactly the same way you put gas in a 2001 model car. Nothing has changed. You go to a gas pump, take the hose, stick it in your tank, and pump gas. Nothing has changed with respect to the way you fuel an automobile.

Everything else in life has changed. Don't you think maybe when we talk about an energy policy 40 and 50 years from now, we might aspire to have a change?

I drove a car out on the lot of the Capitol Building that was a fuel cell car operating on water and air, oxygen. The fact is, there are technologies, applications, and opportunities for us in a good energy policy dealing with not only transportation and automobiles, but with electricity and the transmission of electricity; with composite conductors, and tripling the efficiency of transmission lines.

There is so much more we can do and should do. That is why the majority leader says: Let's do this. I pledge to do it, here is when we are going to do it, but let's do it right. Let's have it be much more than just the same-old policies.

I asked those who run our energy policy one day—and I could have asked this question of any of the last four administrations, and gotten the same answer—I asked them: What are your plans? Do you have plans for 50 years from now, because we talk about Social Security—is Social Security funded for the next 30 to 50 years? Everybody is gnashing their teeth about that. I asked: What are our energy plans for 25, 35, and 50 years? Do we have any? If so, what are they? Do we aspire to wean ourselves just a bit from fossil fuels, and perhaps go to some other technologies and some renewable, limitless fuels? What is it that we aspire to do?

The answer was: We do not have plans for 25 or 50 years with respect to

an energy future. We really do not think in those terms. We ought to. That is why the majority leader says: Let's do an energy bill and let's do it right. Let's do it in a way that says to this country our energy policy for the future is not yesterday forever. Senator DASCHLE makes good sense when he commits to do this, and to do it the right way.

I know one of my colleagues brought out several dozen charts today. I do not need any charts to simply say that we need an energy policy that is balanced, that represents production, conservation, efficiency, and renewable and limitless energy sources, and one that represents energy security for our country. I do not need charts to say that. We need to do that.

The House of Representatives wrote an energy bill that almost drops off the one side of the page, it is so overweighted with "yesterday forever" policies.

To those who talk about the energy issues at such great length, I say we are heading toward a real debate on real energy policies that will strengthen this country. The reason we are going to do that is Majority Leader DASCHLE says he is committed to do that in the first work period when we come back in January. We are going to bring the work from all of these committees to the floor of the Senate, and talk about all the facets of energy that we need to employ to give this country some assurance of energy security for the future.

Mr. President, let me get back to the stimulus package. We cannot leave town without passing a stimulus or economic recovery package. We cannot do that. This country is at war. The economy of this country has been in a steep decline. We are in a war and a recession, and we must pass a package that tries to provide economic recovery. There is not a Republican way to do that or a Democratic way to do that.

There are plenty of good ideas in this Chamber. The trick, it seems to me, is for us to discard the bad ones, and embrace the good ones from every part of this Chamber—to come up with a bill that says: America first. We want this country to succeed. We want our economy to grow. We want to provide opportunity for the American people.

We have been in a situation where there was a call for an economic recovery program by virtually everyone, and the House of Representatives wrote one. It is not really worth much. I will just describe a couple of things.

The Ways and Means Committee on which I served for 10 years and was very proud to do that—it is a great committee—wrote an economic recovery plan. God bless them, they just went back to the same old suitcase of tired ideas. One that they trotted out was: Oh, by the way, for economic recovery, let's do this: Let's provide a

tax rebate for alternative minimum taxes paid back between now and 1988 for the biggest companies in this country.

What does that mean? Well, Ford Motor Company gets a \$1 billion rebate check. IBM gets a \$1.4 billion rebate check. Is that going to promote economic recovery in our country? I do not think so. It is the same old tired thing, giving the big the most in a way that does not necessarily address the question of economic recovery. That is one example.

The point is the House wrote a bill. It has some good provisions in it; it has some awful provisions. In the Senate, we had a bill that came out of the Finance Committee. I thought it was a good bill, though not perfect. I would have done some things differently, but we brought it before the Senate. The Republican side of the aisle decided they would offer a point of order against it. They made a point of order that it violated the Budget Act, and they took it down. Now they stand around wondering what happened to it.

If a bill is taken down, it seems to me that if one's memory is not infinitesimally short, one should remember what happened to it when it was taken down. So maybe we need to get some mirrors for useful reminders to people when they say: Where is the stimulus package? Those who voted to take it off the floor of the Senate really dispatched the stimulus package from a debate we were having, which I thought was a pretty constructive debate.

Senator DASCHLE has convened a meeting that is going to happen in 30 minutes. I hope that meeting bears some fruit, because I do not think this is about Republicans and Democrats. It is about trying to get the best ideas we can to figure out what approaches—in spending and tax changes, tax cuts and expenditures, approaches that are both temporary and immediate—can help this country's economy. Whatever they are, wherever they come from, we ought to employ them in a way that cooperates with the President's interests, employ them to try to help this economy. That is what we should be doing at this point.

We had a discussion about judges. I happen to be one who believes we ought to move judges quickly to a vote. We ought to know all there is to know about them, as is the case in any lifetime confirmation. It is a lifetime appointment. When we confirm someone for life, we ought to know everything there is to know to make a judgment. I do not think we ought to hold judges. Let us move them to a vote. I am for that.

The people who are complaining these days were silent for 6 and 8 years when the then-majority party held the Democratic President's judges in a deep prison, and they never saw the

light of day. We never heard a peep from these people.

Notwithstanding all the history, it seems to me this country is best served by moving judges after we have determined through hearings what their backgrounds are. My understanding is Senator LEAHY is holding a hearing, and about to report either eight or nine judges this week. So I think we are moving on judges. I think it is important for us to work together to do that.

What we have is a situation where Senator DASCHLE brings forward the Railroad Retirement Act. It has 74 cosponsors. In a 100-Member Chamber of the Senate, 74 Senators have cosponsored this Railroad Retirement Act, and yet we have a filibuster. Next we will try to bring the farm program. That came out of the Agriculture Committee. I am told by some there may be a filibuster on the motion to proceed to the farm bill. I hope very much that is not true. I hope we can get that legislation before the Senate.

With respect to the Railroad Retirement Act, I do not think this ought to be a cause for a filibuster. I know that has happened in the last day and a half, but the Railroad Retirement Act has 74 cosponsors, years of discussion between the railroads themselves, rail labor, and management, and the principles of those discussions have been incorporated into legislation that has been worked on for a long time. This has a very long gestation period. This has been around a long time. The bill is sufficiently good that it attracts 74 cosponsors. How many times does legislation in the Senate have 74 cosponsors? Not very many. So why does this have 74 cosponsors? Because this has been worked on a long time. It represents a sound compromise that will do a lot of important things.

I very much hope those who take a good look at this, especially those who cosponsored it, will vote to break this filibuster so we can move this bill and pass it through the Senate. But this provides for an expansion of the widow and widower benefits. It deals with important vesting provisions, early retirement provisions. It represents a compromise with respect to investment of funds. It is a compromise that is a good compromise, and has been developed over a long period of time, and one that the Senate really ought to embrace.

I realize when we come to the end of a session, as we have experienced now with probably a week and a half or two left, there are some who do not like the agenda. They say: this bill is brought up, but that is not what they want. They wanted a different bill. The problem is, someone has to be in charge. Our side did not like it when the other side was in charge. I understand that. That goes way beyond, in my judgment, the question of trying to get a couple of very important things done

in the next week or week and a half. One is the stimulus package. That, by far, is the most important.

Our economy took a huge hole in its belly on September 11, and it was very weak going in. Economists now say we have been in a recession for some months. This economy is an economy that no one quite understands. It is a global economy. It is safe for me to say that Mr. Greenspan, the Chairman of the Federal Reserve Board, does not understand it. Mitch Daniels, Director of OMB, does not understand it, despite the fact that today he was talking about what might or might not happen with respect to deficits in the years 2002, 2003, 2005, in the outyears.

None of us understands it. I do not understand it. It is a global economy. The modeling does not work. It is a new economy. So what does this mean, this slowdown, this recession? When will it end? What can we do to help it?

It is quite clear to me the most important element by far is consumer confidence. If the American people are confident about the future, they do things that manifest that confidence. They buy a house, buy a car, or take a trip. They do things that represent confidence and security in their future. If they are not confident about the future, they do exactly the opposite.

From those two reactions, of either being confident or not confident, we have both a contraction or an expansion of the American economy. In this global economy, that is even much different than we used to teach it in college. That expansion or contraction has other elements attached to it as well.

So it is our responsibility, in my judgment, to pass a stimulus package. The sooner, the better. My hope is the meeting at 6:30 this evening will give us an opportunity to reach a compromise between the two parties—to be able to create a package of economic recovery proposals that will really give confidence to the American people that this economy can begin to strengthen, can begin to expand and provide jobs and opportunity once again.

In the month of October, some 415,000 people had to go home one night after work and tell their family they lost their jobs. That is a pretty tough thing to do. These are people who lost their jobs through no fault of their own, people often at the bottom of the economic ladder being told that they no longer have a job. Then on the other side of the coin, about half of them, when they see if they can qualify for unemployment compensation, are told, no, they do not qualify. If they do qualify, they qualify for a rather insignificant quantity of unemployment compensation for a limited time.

That is why I hope when we pass this stimulus package one of the things we will do is recognize, as every economist who has talked to us recognizes, that

one of the important elements of every economic slowdown to stimulate the economy and to do the right thing for people who have lost their jobs is to extend unemployment benefits. That money immediately goes into the economy and immediately helps the economy. So that is one of the things I hope will come out of the meeting this evening. I hope Senator DASCHLE, working with the other leaders in the House and with the White House, can reach agreement on a stimulus package that really will help this country.

Let me make one final point that I think some people will wonder about. There is no disagreement or dispute in the Senate about support for the President in prosecuting this war against terror. President Bush called on this Congress to support his prosecution of the war against terrorists. We support him. I think he has done an extraordinary job. I commend him. I commend the Secretary of State and the Secretary of Defense. My heart goes out to all of the men and women in uniform who are risking their lives for this country. We have some disagreements on domestic policy—on how we might put a stimulus package together, or whether there should be a filibuster on the Railroad Retirement Act—but people should understand there is no disagreement about this prosecution of the war against terrorism by this administration.

We support this administration. We applaud them for their efforts and stand behind them and do everything we can to see they succeed. It does not disserve this country's interests to have a discussion and debate about other issues—railroad retirement, farm policy, a stimulus package. It doesn't disserve anyone's interests to have disagreements about that. The best solution will be devised if we have disagreements and come up with all of the ideas, have a competition and select the best from that competition. That is what this Congress, in my judgment, owes the American people. From time to time people will be concerned about what the majority leader did or did not do; we ought not be concerned that this is broken down into some sort of a debate that is unhealthy.

Once in the Washington Post a Member of Congress was quoted as saying: This issue has really degraded into a discussion about principle. I thought: Well, I hope so. That is why we are all here, to debate policies and principles. No one should feel aggrieved because there is debate breaking out in Congress on some of the domestic policies; but no one should be mistaken about the war against terrorism and terrorists and the support this Congress has for this President in the prosecution of that war.

It is my hope we will be able to make some significant progress on these issues in the coming days. Despite the

agreements we have had in recent days, I think we will see that progress.

PASSAGE OF S. 1684

Mr. DORGAN. Last evening the Senate passed S. 1684, my legislation to provide 1 additional year that was much needed for States, health plans, and health care providers to comply with the transactions and code sets regulation of the Health Insurance Portability and Accountability Act, or HIPAA. We needed an additional year in order to implement that. This legislation has been difficult to get passed, but I thank my colleague, Senator CRAIG, especially, and Senators BAUCUS, GRASSLEY, and KENNEDY, for working with me to reach a compromise on this legislation.

Senator CRAIG and I would prefer this bill go further in providing a bit more time in coordination with the effected entities, but we recognize others would have preferred no action at all. We worked for many months to try to reach a compromise. This compromise is appropriate.

I am still a strong supporter of the Administrative Simplification Act, which is the concept of what is called HIPAA. Ultimately having all the regulations in place will allow our health care system to be better coordinated and much more efficient. This bill provides an extra year to comply with part of these requirements with which we needed to have time to comply. It doesn't in any way affect the implementation of the medical privacy regulations by April 2003.

Now that it has passed the Senate, I look forward to working with my colleagues in the House to pass the legislation so we can provide for the States, for the health plans, and the providers the certainty they need to plan to implement the important health regulations.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. CLINTON. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMEMBER NEW YORK

Mrs. CLINTON. Madam President, I rise today, as I did yesterday, to speak again about the destruction and devastation that took place on September 11 in New York City and with which we are still living, 11 weeks and 2 days later.

Madam President, 79 days after the attacks on our Nation, thousands of businesses and residents who were physically displaced by the destruction, who suffered from the loss of power and telephone access, who have been overwhelmed and hindered by the debris removal efforts, who have

breathed the poor air, who have tried to cope with the crime scene designation, who are worried about returning to their homes in and near ground zero, who have lost their jobs, who are worrying whether they can keep the doors of their businesses open, thousands upon thousands of New Yorkers are still awaiting some help, any help from the Federal Government.

As I said yesterday, the U.S. Constitution guarantees to protect every State against invasion. The President said in his joint address to Congress just 10 days after the attacks "we will rebuild New York City." That same day, my colleague, Senator LOTT, said while visiting New York, "We are here to commit to the people" of New York City, "that we will stand with you."

Congressman GEPHARDT, the House minority leader, said in his weekly radio address: "We will work to make the broken places right again. We will rebuild New York."

They were in good company. As this chart shows, so many of our leaders who spoke out made tremendous commitments of help and related to the suffering that was going on and still persists to this day.

Madam President, 79 days have passed since the terrorist attacks on our Nation took over 3,500 innocent lives. Those are lives that, tragically, we cannot get back. But the attacks also took livelihoods. We can do something about that. Not only were 15 to 20 million square feet of office space, nearly one-third of all space in Lower Manhattan, either completely destroyed or damaged, but thousands of more smaller businesses remain without physical or telephone access, without power or with limited access to their places of business—and through no fault of their own.

On September 10, they were running thriving businesses; on September 12, they were no longer open, and in too many instances still all these days later they are not.

This is a before-and-after comparison. This is what the World Trade Center area looked like when we woke up on the morning of September 11—on that glorious, beautiful, late summer day. This is what it looked like after the terrorists wreaked their evil plot on our country. I show these pictures to remind everyone what happened on that morning—the lives that were lost; the heroic firefighters, police officers, and emergency workers who ran toward danger, not away from it; the thousands and thousands of inhabitants of the buildings that were destroyed and damaged, who, thankfully, made it to safety, and the thousands more who did not.

We know, as I have said before, the damage that has been done is difficult to express in words. We are not even quite sure of the full impact, but we do know from a study completed by the

New York City Partnership and Chamber of Commerce that small businesses directly affected by the attacks have seen their sales decline by up to 80 percent. New York City is likely to lose 125,000 jobs in the fourth quarter of this year. We have already lost an unprecedented 79,000 jobs in October alone. A total of 270,000 jobs are at risk in Lower Manhattan. In the 45 days following the attack, because of the inaccessibility—the crime scene designation, the streets blocked off, the debris trucks moving up and down doing their job—small businesses lost nearly \$795 million. Up to 55,000 small business jobs are expected to be lost during the first quarter of next year.

These are staggering numbers. Sadly, 79 days after the attacks, not nearly enough help has arrived for the businesses and workers who were directly victimized by these attacks.

There is a reason that our President and our leaders in the House and the Senate committed to rebuild New York and to make the broken pieces right again. It is because we need New York. We need New York's energy, dynamism; it is the center of global commerce.

But even beyond that, it is because we, the Federal Government, the Government of our country, which represents all Americans, have a responsibility, not only as outlined in the Constitution but one that I think we feel as our duty. It is the same duty we felt after the Midwest floods devastated so many acres up and down the Mississippi; after the North Ridge earthquake in California destroyed bridges and highways and buildings and made people run for their lives in the middle of the night; after Hurricanes Hugo and Andrew and all the others; after tornadoes; after the Oklahoma City bombing; after the New Mexico fires. After every disaster, natural or manmade, one of the unique attributes of our Nation is that we rally around.

It is sometimes remarked that as Americans we find our best selves in the face of tragedy. Whether it is people along the levee who are filling sandbags or rescue workers going into the teeth of a tornado to make sure everyone is safe, whether it is the heroic rescuers who carry out the injured and dying from the Oklahoma City bombing, we pull together. We take care of our own.

In the case, for example, of the New Mexico fires, just 62 days after the President declared the disaster, the Cerro Grande Fire Claims Office was created at FEMA for businesses and others to seek immediate assistance. By the 120th day, the first claim was approved. So the office was set up, the claims were begun, and they were in the pipeline and being approved. As of today, \$240 million has been paid out, including \$20 million in relief going to businesses, \$116 million to individuals.

If you go back and look at how New Mexico responded, you can see there is a real difference between the headlines from New York and the headlines from New Mexico. Headlines from ground zero: "New York Needs Help Now to Rise From the Ashes," "New York Financial Core Wobbles From Attack's Economic Hit," "Since September 11, Vacant Offices and Lost Vigor," "Terror Attacks Have Left Chinatown's Economy Battered," "A Nation Challenged: Small Shops Feel Lost In Aid Effort."

Compare those headlines that appeared on November 19, November 21, the 25th, the 26th—within the last days—with the headlines that came out of New Mexico.

Headlines from New Mexico read: "Los Alamos Welcomes Federal Aid." That's right, the headline was "Los Alamos Welcomes Federal Aid." Not: Where is it? Why are we having to wait so long? Who will help us rise from the ashes? We have so many New Yorkers displaced by these attacks who are still awaiting help.

I have talked with a number of my colleagues about this. It seemed the New Mexico model was a very good one. It made so much sense because here was an instance when the Federal Government itself caused the disaster by setting the fires, and the Federal Government took responsibility and came forth with the assistance to aid businesses and individuals who, through no fault of their own, were in the path of that fire. They didn't start it; they didn't see it coming; it just happened.

Some of my colleagues say: Yes, that is right. We immediately responded. We got the job done. But, after all, the Federal Government set the fires.

That strikes me as a strange way of setting one disaster against another. When I think about all the lives that were lost in the World Trade Center, when I think about all the businesses that are struggling, and all the people who have lost their jobs, I have to reflect that this attack on our country is in some ways even worse than setting a fire to stop a fire. The Federal Government made a mistake in New Mexico. They followed a fire policy that got out of hand and did not work, and they stepped up and took responsibility, representing Americans' willingness to take responsibility.

Here we have the same kind of challenge. Through no fault of the people on the ground in New York, we were attacked. I hope my colleagues in the Senate, on both sides of the aisle, our colleagues in the House, the administration, will have the same sense of responsibility to help our businesses and workers who have been displaced by terrorist attacks as they had in assisting our fellow citizens in New Mexico.

I and Senator SCHUMER have introduced a bill that builds on the lessons

we have learned from the Cerro Grande Claims Office. There are other ways of providing the funding that is needed. My plea is that we get about the business of doing that.

The victims of the fires in New Mexico were not told to go through a lengthy process with the Small Business Administration. They weren't told if you don't have any collateral and you can't get customers because you have a crime scene designation and therefore you are not eligible or you cannot pledge your assets for a small business loan, you are out of luck. We used our ingenuity. We were creative in solving the problems that our friends and fellow citizens in New Mexico faced. That is what we are asking on behalf of New Yorkers.

We are asking that all of these promises from the President; the Speaker; the majority leader; Senator LOTT, the minority leader; the OMB Director; and countless others—that these promises be realized as quickly and with the kind of dispatch that we saw when it came to New Mexico.

I hope we can address this issue in the remaining days of this year because our people cannot wait. They could not wait in New Mexico, and they were assisted. They cannot wait in New York either because this is unlike any disaster. This is not a disaster such as a terrible fire or a hurricane. This is a crime scene. This has the kind of significance that has burned itself into our consciousness. The fires are still burning.

I met earlier today with some residents who live in the buildings that weren't destroyed. They are like pioneers. They are like people on the frontier. They have gone back to their homes. It is not easy. There are no services. The work goes on 24 hours a day, 7 days a week. The smell from the burning fires permeate the air. They want to stay and be part of rebuilding New York. They want to make real the words of all of our leaders. All they need is a little bit of help. I hope our colleagues will provide that.

Thank you, Madam President.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ANWR

Mr. REID. Madam President, there will be a lot of time spent on other occasions debating energy. I don't want the day to end without there being spread across the record of this Senate the fact that all this talk about the salvation of our country and the world by drilling in ANWR is just based upon false facts. Out of 100 percent of fossil

fuel around the country, excluding coal, the United States has 3 percent of the reserves. Ninety-seven percent is someplace else. That includes the very small portion of those reserves in Alaska.

We are going to have to change the way we do business in America as it relates to fuel or we are going to continue to import more fuel. We cannot be self-sufficient for gasoline and petroleum products. We can't be. We do not have the natural resources to do that. We can drill in ANWR—this beautiful pristine wilderness—and get enough fuel for 6 months in the United States, a relatively small amount. But what we have to do is look to alternative energy sources—wind, sun, geothermal, and biomass. That is where the future of this country is as far as fuel proficiency. It is not in drilling for oil that we don't have.

I again say that I don't want the day to go by with people maybe having watched us saying: Why aren't they going up and drilling in ANWR? It would solve all of our problems. That is absurd.

I understand why my two distinguished colleagues from Alaska are pushing for ANWR drilling. It creates jobs in Alaska. I know how important jobs are, but the overall benefit of the country is really nonexistent.

Mr. CLELAND. Madam President, I rise today in support of H.R. 1140, the railroad retirement reform bill. As thousands of Georgians who have contacted my office in support of this legislation will state, action by the Senate on this legislation is long overdue, and I am pleased to hear that we will hold a cloture vote on the bill this week. The House of Representatives passed this legislation more than once by overwhelming, bipartisan majorities, and the Senate version has 74 cosponsors.

Not only would current and former employees benefit from this legislation but also the widows and widowers of former employees, and this legislation is the result of a long effort by both industry and labor to reform the railroad retirement system. Not often does Congress have the opportunity to vote on a cooperative effort supported by virtually everyone in the affected industry. We have that opportunity now, and we would be remiss to ignore it or not support it.

It is my understanding that a small number of Senators have stood in the way of this legislation, which has necessitated the filing of a cloture petition to shut down the filibuster. These same colleagues joined me in support of a tax break package earlier this year that costs over \$1 trillion. At that time, we supported the tax legislation because of the potential economic stimulus it could provide. I say that reforming the railroad retirement system will also provide such stimulus by free-

ing up funds that could be reinvested in the economy by the over one million active and retired rail workers and their families.

This country exploded as the railroads moved west. It was the physical incarnation of manifest destiny. Since the time these initial courageous workers linked this country, hundreds of thousands of workers have followed in their footsteps to maintain and expand their work. These workers and their families would benefit from H.R. 1140. I urge my colleagues to join me in support of this legislation and provide long overdue reform to the railroad retirement system.

MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent that there now be a period of morning business with Senators allowed to speak therein for a period not to exceed 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

HOLLYWOOD IN THE HILLS

Mr. BYRD. Madam President, I have, on many occasions, spoken from this desk about the tendency of many in the entertainment industry to appeal to the least common denominator in our society in order to make the largest possible profit. Whether it be through the promotion of sex to young people or through the glamorization of violence, drug use, or other illicit behaviors, the entertainment industry has, too often and for far too long, popularized activities that promote negative and often dangerous behaviors.

Until last week, that idea dominated my opinion of much of the entertainment industry—television, film, and video games. But a creative and intelligent film director, some very talented actors, and a large and dedicated crew showed me that not all of Hollywood takes aim at the most base elements of our society.

On November 20—my 84th birthday—I was provided the opportunity to participate in the filming of the movie, "Gods and Generals." This film is directed by Mr. Ronald Maxwell and is written as a prequel to the film "Gettysburg," which Mr. Maxwell also directed. At Mr. Maxwell's invitation, I made my film debut, making a cameo appearance as General Paul J. Semmes, an adviser to General Robert E. Lee during the Civil War. Early in the morning on a western Maryland farm, I stepped out of my reality representing West Virginia in the Senate and into a small piece of the real-life history that gave birth to my State.

I arrived at the set at Flook's Farm near Keedysville, MD, at 7:30 a.m. and was met by Mr. Maxwell and by my nephew, William T. "Tommy" Sale. It had been years since I had seen

Tommy. He was playing the part of a Confederate artillery gunner in the film. After some time, I was escorted to my trailer by Mr. Maxwell, where I changed from my 21st century business suit to my mid-19th century Confederate uniform. From there, I walked to the make-up trailer, where my white locks were highlighted with shades of grey and black, and my normally clean-shaven face was suddenly a well-rounded grey beard. I no longer looked like ROBERT C. BYRD. I had been transformed into Paul J. Semmes.

We drove up to the film location on the top of a nearby hill. At the peak were two rows of cannons, several columns of Confederate Civil War reenactors, including my nephew, and a tent that was to serve as the "Telegraph Hill" headquarters of General Lee. Under this tent were gathered some of the top military leaders of the Confederacy—Robert E. Lee, played by Robert Duvall, A.P. Hill, William Sanderson, J.E.B. Stuart, Joseph Fuqua, James Longstreet, Bruce Boxleitner, George Pickett, Billy Campbell, Thomas J. "Stonewall" Jackson, Stephen Lang, John Bell Hood, Patrick Gorman, and others. Scene 158—a little more than 3 minutes of film in which General Lee and his military advisors plan the Battle of Fredericksburg—took several hours to complete. The director, cast, and crew were not interested in speed; they wanted quality and were committed to historical accuracy.

After a few hours of rehearsing and filming, we broke for lunch. It was a delicious meal and the company of such talented professionals made it memorable. For instance, not only are these men portraying Confederate generals, they also can talk at great detail about military history, tactics, and lessons. They can speak with certainty about the Civil War—its causes, its terrible loss of life, and the aftermath. They can regale one with stories of the period and the people. They are not simply reciting words on a page; rather, they are bringing to life a period of American history that ended an inhuman practice and solidified our future as one nation. At the conclusion of this lunch, they surprised me with a birthday cake and serenade, and then called on me to say a few words. I was touched. I rose to my feet and recited a few lines from memory that I thought appropriate.

Fame is a vapor;
Popularity, an accident;
Riches take wings;
Those who cheer today may curse tomorrow;
Only one thing endures: Character!

Then I told those of the cast and crew, "You have it! You have that character."

After lunch, we had several more hours of rehearsing and filming. Finally, as the sun was disappearing behind the mountains in the distance, we

completed our work and called it a day. My beard and uniform were removed. I changed back into my business suit, and re-entered the 21st century. And while I was able to return to my wife and my home for the evening, the cast and crew retired to nearby hotels and started preparations for the next day's filming, which would start with the first light of the morning sun.

Many have asked me why I would take the time to play this role in a film, especially considering that I do not attend many movies. The answer is simple. I have long sought to promote the teaching and understanding of our Nation's history. I have helped to create Federal initiatives that focus on American history. I have talked countless times about George Washington, Thomas Jefferson, James Madison, Alexander Hamilton, John Adams, the Founding Fathers, the Constitutional Framers, Nathan Hale, Abraham Lincoln, and other true American heroes. I try to encourage young people to learn about these great figures of our country's past. I urge students to read, to visit historical sites, and to soak up as much knowledge as they can. This film allowed me the opportunity to help bring American history to life, to spring it from the pages of history books into the flickering images of the movie screen. In a small way, through this role, I am continuing to promote the understanding of our Nation's history. I thank Mr. Maxwell and the other actors for giving me such an opportunity.

In the days since my cameo appearance as General Semmes, I have reflected on our Nation's experiences during the Civil War and what lessons we can draw from our past during the current conflict at home and overseas. I worry about the men and women of our Armed Forces who are engaged in action in Afghanistan. I am concerned about our lack of preparedness to prevent further terrorist attacks from occurring on our home soil, and to respond should, God forbid, another tragedy be inflicted upon our shores. I wonder what kind of world we will leave for my two great-granddaughters, Caroline Byrd Fatemi and Kathryn James Fatemi. I hope that those of us in positions of leadership can have the same strength of character and dedication to our country as the Nation's leaders exemplified during the Civil War. I pray that the American people have the fortitude, the willingness to sacrifice, and the patience that will no doubt be necessary during what I continue to believe may be a long battle against terrorism. At the same time, it is clear that the American people will need steadfastness and determination to move forward from the September 11 tragedies. I am thankful that we live in a country that can confront a crisis with strength and moral certainty without abandoning the very principles and values that we hold most dear.

The final words in scene 158 of "Gods and Generals" come from General Lee. After hearing from his advisors about the preparations and planning for the upcoming battle, General Lee commends them and says, "The rest is in God's Hands." We can say the same today. We are making preparations and planning for the future. The rest is in God's Hands.

CHANGES TO H. CON. RES. 83 PURSUANT TO SECTION 213

Mr. CONRAD, Madam President, section 213 of H. Con. Res. 83, the fiscal year 2002 Budget Resolution, permits the chairman of the Senate Budget Committee to make adjustments to the allocation of budget authority and outlays to the Senate Committee on Agriculture, provided certain conditions are met.

Pursuant to section 213, I hereby submit the following revisions to H. Con. Res. 83:

	Dollars in millions
Current Allocation to Senate Agriculture Committee:	
FY 2002 Budget Authority	\$21,175
FY 2002 Outlays	17,856
FY 2002-06 Budget Authority	69,640
FY 2002-06 Outlays	52,349
FY 2002-11 Budget Authority	114,692
FY 2002-11 Outlays	80,210
Adjustments:	
FY 2002 Budget Authority	0
FY 2002 Outlays	0
FY 2002-06 Budget Authority	33,514
FY 2002-06 Outlays	32,141
FY 2002-11 Budget Authority	66,089
FY 2002-11 Outlays	65,363
Revised Allocation to Senate Agriculture Committee:	
FY 2002 Budget Authority	21,175
FY 2002 Outlays	17,856
FY 2002-06 Budget Authority	103,154
FY 2002-06 Outlays	84,490
FY 2002-11 Budget Authority	180,781
FY 2002-11 Outlays	145,573

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon, Madam President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of this year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred May 16, 1995 in Eau Claire, WI. A man was beaten by another man who used anti-gay slurs during the assault, and claimed the victim made homosexual advances toward him. The assailant, Chad A. Johnson, 19, was charged with attempted first-degree intentional homicide under the State hate crime law. I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 2:15 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, without amendment:

S. 1459. An act to designate the Federal building and United States courthouse located at 550 West Fort Street in Boise, Idaho, as the "James A. McClure Federal Building and United States Courthouse."

S. 1573. An act to authorize the provision of educational and health care assistance to the women and children of Afghanistan.

The message also announced that the House has agreed to the following concurrent resolutions, without amendment:

S. Con. Res. 44. Concurrent resolution expressing the sense of the Congress regarding National Pearl Harbor Remembrance Day.

S. Con. Res. 82. Concurrent resolution authorizing the 2002 Winter Olympics Torch Relay to come onto the Capitol Grounds.

The message further announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1230. An act to provide for the establishment of the Detroit River International Wildlife Refuge in the State of Michigan, and for other purposes.

H.R. 1259. An act to amend the National Institute of Standards and Technology Act to enhance the ability of the National Institute of Standards and Technology to improve computer security, and for other purposes.

H.R. 1913. An act to require the evaluation of nontribal interest ownership of subsurface rights within the boundaries of the Acoma Indian Reservation, and for other purposes.

H.R. 2983. An act to extend indemnification authority under section 170 of the Atomic Energy Act of 1954, and for other purposes.

H.R. 3189. An act to extend the Export Administration Act until April 20, 2002.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 157. Concurrent resolution recognizing and honoring Joseph Henry for his significant and distinguished role in the development and advancement of science and electricity.

H. Con. Res. 270. Concurrent resolution expressing the sense of Congress that Americans should take the time during Native

American Heritage Month to recognize the many accomplishments and contributions made by native peoples.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1230. An act to provide for the establishment of the Detroit River International Wildlife Refuge in the State of Michigan, and for other purposes; to the Committee on Environment and Public Works.

H.R. 1259. An act to amend the National Institute of Standards and Technology Act to enhance the ability of the National Institute of Standards and Technology to improve computer security, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 1913. An act to require the valuation of nontribal interest ownership of subsurface rights within the boundaries of the Acoma Indian Reservation, and for other purposes; to the Committee on Indian Affairs.

H.R. 3093. An act to designate the Federal building and United States courthouse located at 501 Bell Street in Alton, Illinois, as the "William L. Beatty Federal Building and United States Courthouse"; to the Committee on Environment and Public Works.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 157. Concurrent resolution recognizing and honoring Joseph Henry for his significant and distinguished role in the development and advancement of science and electricity; to the Committee on the Judiciary.

H. Con. Res. 270. Concurrent resolution expressing the sense of Congress that Americans should take time during Native American Heritage Month to recognize the many accomplishments and contributions made by native peoples; to the Committee on Indian Affairs.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 1732. A bill to provide incentives for an economic recovery and relief for victims of terrorism, and for other purposes.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 2983. An act to extend indemnification authority under section 170 of the Atomic Energy Act of 1954, and for other purposes.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DODD, from the Committee on Rules and Administration, without amendment:

S. 565: A bill to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of

Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes.

NOMINATIONS DISCHARGED

The following nominations were discharged from the Committee on Foreign Relations pursuant to the order of November 28, 2001:

DEPARTMENT OF STATE

Eni F.H. Faleomavaega, of American Samoa, to be a Representative of the United States of America to the Fifty-sixth Session of the General Assembly of the United Nations.

Steven Joseph Chabot, of Ohio, to be a Representative of the United States of America to the Fifty-sixth Session of the General Assembly of the United Nations.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. THOMPSON (for himself and Mr. FRIST):

S. 1736. A bill to provide for the reclassification of certain counties for purposes of reimbursement under the Medicare Program; to the Committee on Finance.

By Mrs. CLINTON (for herself, Ms. MIKULSKI, Mrs. FEINSTEIN, Mr. DURBIN, and Mr. SCHUMER):

S. 1737. A bill to provide for homeland security block grants; to the Committee on the Judiciary.

By Mr. KERRY (for himself, Mr. MURKOWSKI, Mr. BAUCUS, Mr. GRASSLEY, Mr. JEFFORDS, Mr. THOMPSON, Mr. BREAUX, Mr. HUTCHINSON, Mr. DASCHLE, Mr. CRAIG, Mr. BINGAMAN, Mr. INHOFE, Mrs. LINCOLN, Mr. HOLLINGS, Mrs. MURRAY, Mr. CARPER, Mr. JOHNSON, and Mr. HATCH):

S. 1738. A bill to amend title XVIII of the Social Security Act to provide regulatory relief, appeals process reforms, contracting flexibility, and education improvements under the medicare program, and for other purposes; to the Committee on Finance.

By Mr. CLELAND:

S. 1739. A bill to authorize grants to improve security on over-the-road buses; to the Committee on Commerce, Science, and Transportation.

By Mr. SCHUMER (for himself and Mrs. CLINTON):

S. 1740. A bill to amend the Internal Revenue Code of 1986 to allow for the expansion of areas designated as renewal communities based on 2000 census data; to the Committee on Finance.

By Mr. BINGAMAN (for himself, Mr. MCCAIN, Mr. DASCHLE, Mr. BAUCUS, Mrs. CLINTON, Mr. DOMENICI, Mr. FEINGOLD, Mr. KENNEDY, Mr. JOHNSON, Mrs. MURRAY, Ms. STABENOW, Mr. WELLSTONE, Mr. HARKIN, Mr. MILLER, Ms. SNOWE, Mr. INOUE, Mr. SMITH of Oregon, Ms. CANTWELL, Mr. INHOFE, Ms. LANDRIEU, Mr. COCHRAN, Mrs. BOXER, Mr. MURKOWSKI, Ms. MIKULSKI, and Mr. GRASSLEY):

S. 1741. A bill to amend title XIX of the Social Security Act to clarify that Indian women with breast or cervical cancer who are eligible for health services provided under a medical care program of the Indian Health Service or of a tribal organization are included in the optional medicaid eligibility category of breast or cervical cancer patients added by the Breast and Cervical Prevention and Treatment Act of 2000; considered and passed.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. LINCOLN (for herself, Mr. ALLEN, Mr. CONRAD, Mr. BROWNBACK, Ms. LANDRIEU, and Mr. ENSIGN):

S. Res. 184. A resolution expressing the sense of the Senate regarding the use of content labeling for Internet web sites of Senators; to the Committee on Rules and Administration.

By Mr. DODD (for himself, Mr. KERRY, Mr. MCCAIN, Mrs. CLINTON, Ms. SNOWE, Ms. MIKULSKI, Ms. CANTWELL, Mrs. HUTCHISON, and Mrs. BOXER):

S. Con. Res. 86. A concurrent resolution expressing the sense of Congress that women from all ethnic groups in Afghanistan should participate in the economic and political reconstruction of Afghanistan; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 201

At the request of Mr. WARNER, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 201, a bill to require that Federal agencies be accountable for violations of antidiscrimination and whistleblower protection laws, and for other purposes.

S. 677

At the request of Mr. HATCH, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 677, a bill to amend the Internal Revenue Code of 1986 to repeal the required use of certain principal repayments on mortgage subsidy bond financing to redeem bonds, to modify the purchase price limitation under mortgage subsidy bond rules based on median family income, and for other purposes.

S. 682

At the request of Mr. MCCAIN, the name of the Senator from Rhode Island (Mr. CHAFFEE) was added as a cosponsor of S. 682, a bill to amend title II of the Social Security Act to restore the link between the maximum amount of earnings by blind individuals permitted without demonstrating ability to engage in substantial gainful activity and the exempt amount permitted in determining excess earnings under the earnings test.

S. 911

At the request of Mr. BAUCUS, his name was withdrawn as a cosponsor of

S. 911, a bill to reauthorize the Endangered Species Act of 1973.

S. 986

At the request of Mr. GRASSLEY, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 986, a bill to allow media coverage of court proceedings.

S. 1006

At the request of Mr. HAGEL, the name of the Senator from Missouri (Mrs. CARNAHAN) was added as a cosponsor of S. 1006, a bill to provide for the energy security of the United States and promote environmental quality by enhancing the use of motor vehicle fuels from renewable sources, and for other purposes.

S. 1104

At the request of Mr. GRAHAM, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of S. 1104, a bill to establish objectives for negotiating, and procedures for, implementing certain trade agreements.

S. 1275

At the request of Mr. FRIST, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 1275, a bill to amend the Public Health Service Act to provide grants for public access defibrillation programs and public access defibrillation demonstration projects, and for other purposes.

S. 1409

At the request of Mr. MCCONNELL, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 1409, a bill to impose sanctions against the PLO or the Palestinian Authority if the President determines that those entities have failed to substantially comply with commitments made to the State of Israel.

S. 1482

At the request of Mr. HARKIN, the name of the Senator from Kentucky (Mr. MCCONNELL) was added as a cosponsor of S. 1482, a bill to consolidate and revise the authority of the Secretary of Agriculture relating to protection of animal health.

S. 1499

At the request of Mr. KERRY, the names of the Senator from Minnesota (Mr. DAYTON), the Senator from Rhode Island (Mr. CHAFEE), and the Senator from Nebraska (Mr. NELSON) were added as cosponsors of S. 1499, a bill to provide assistance to small business concerns adversely impacted by the terrorist attacks perpetrated against the United States on September 11, 2001, and for other purposes.

S. 1646

At the request of Mr. BINGAMAN, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 1646, a bill to identify certain routes in the States of Texas, Oklahoma, Colorado, and New Mexico as part of the Ports-to-Plains Corridor, a high priority corridor on the National Highway System.

S. 1707

At the request of Mr. JEFFORDS, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 1707, a bill to amend title XVIII of the Social Security Act to specify the update for payments under the medicare physician fee schedule for 2002 and to direct the Medicare Payment Advisory Commission to conduct a study on replacing the use of the sustainable growth rate as a factor in determining such update in subsequent years.

S. 1722

At the request of Mr. BAUCUS, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 1722, a bill to amend the Internal Revenue Code of 1986 to simplify the application of the excise tax imposed on bows and arrows.

S. RES. 109

At the request of Mr. REID, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. Res. 109, a resolution designating the second Sunday in the month of December as "National Children's Memorial Day" and the last Friday in the month of April as "Children's Memorial Flag Day."

S. RES. 140

At the request of Mr. ROBERTS, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. Res. 140, a resolution designating the week beginning September 15, 2002, as "National Civic Participation Week."

AMENDMENT NO. 2136

At the request of Mr. SPECTER, the names of the Senator from Kansas (Mr. BROWNBACK), the Senator from Illinois (Mr. DURBIN), and the Senator from New York (Mr. SCHUMER) were added as cosponsors of amendment No. 2136 intended to be proposed to H.R. 3090, a bill to provide tax incentives for economic recovery.

AMENDMENT NO. 2152

At the request of Mr. DEWINE, the names of the Senator from Mississippi (Mr. COCHRAN), the Senator from Illinois (Mr. DURBIN), and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of amendment No. 2152 intended to be proposed to H.R. 3090, a bill to provide tax incentives for economic recovery.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. CLINTON (for herself, Ms. MIKULSKI, Mrs. FEINSTEIN, Mr. DURBIN, and Mr. SCHUMER):
S. 1737. A bill to provide for homeland security block grants; to the Committee on the Judiciary.

Mrs. CLINTON. Madam President, I rise today to offer a helping hand to communities in New York and around the country experiencing fiscal distress as they struggle to respond to the

heightened security needs of our country.

Although the terrorists responsible for the September 11 attacks targeted two of our cities, communities thousands of miles away from Ground Zero now find themselves on the front lines in the war against terrorism. Since the attacks, towns and cities, both large and small, all across America have been overwhelmed by calls about potential biological or chemical attacks or threats to infrastructure. Along with this new responsibility comes a heavy burden that these communities should not be forced to shoulder alone.

That is why today I am introducing legislation to provide relief to State and local governments in their efforts to improve emergency response and public safety locally. This Federal aid will ensure that local communities will not have to bear the burden of a strong homeland defense alone. Tomorrow, mayors from all around New York State will meet in New York City to address these very concerns. The legislation I'm introducing today, along with my colleagues Senators FEINSTEIN, MIKULSKI, DURBIN, and SCHUMER, will go a long way in helping them and communities across the country meet these needs.

Since the unimaginable acts of terrorism against American civilians on U.S. soil that took place a few months ago, we have been forced to reevaluate virtually every aspect of our homeland security. One immediate change to emerge in post-September 11 America has been that local communities are now charged with an enormous responsibility: plugging in the gaps in our public safety system and securing our homeland defense.

Our entire country witnessed it on September 11 when hundreds of brave men and women in uniform went rushing towards burning buildings to save peoples' lives. These courageous individuals were public safety officers and emergency response personnel, and, on that day, America and its towns and cities were forever changed.

Mayor Joseph Griffo of Rome, New York described this new phenomenon, saying,

The mayors have become the leaders, the first responders in this new war on terrorism. The police, the firefighters and the emergency personnel are the first responders. We have a role and a responsibility in being more keenly aware of what potentially could happen to our communities.

Already, towns and cities in New York, and municipalities across the country, have seen a glimpse of what homeland security's price tag looks like and they are deeply concerned about how they will pay for it. Rome Mayor Griffo has said,

The finances, of providing security, are going to be very difficult. I think it may be tough to recoup all the costs that we've incurred to date. . . . Beyond that, we have to see where we can work in partnership with the feds and the state.

Bills from skyrocketing police and fire fighter overtime costs are saddling many local governments with unanticipated costs. Local law enforcement agencies are struggling with expenses from a wide range of security needs, including: properly securing major transportation infrastructure, like tunnels and bridges; stepping up security at facilities that store hazardous materials or drinking water; and providing local health personnel with the resources and training they need to respond to biological and chemical attacks.

Mayor Jerry Jennings of Albany, NY, estimates that increased patrols at Alcove Reservoir in Coeymans to ensure that the city's water supply is adequately protected will probably cost taxpayers \$1 million. The city of Buffalo, New York, has received 139 terrorist threats since September 11. Buffalo Mayor Tony Masiello estimates these additional threats will cost the city approximately \$700 an hour.

Although the terrorist attacks of September 11 targeted New York and Washington, DC, every single community in our country has been affected by the attacks, Baltimore, for example, has incurred nearly \$4 million in security costs since the September 11 attacks, and city budget officials predict that those costs could grow to \$15.8 million for the fiscal year.

New Orleans is contending with a \$10 million budget gap due to security costs for the city and the New Orleans airport. Dallas, according to some estimates, has already spent \$2 million on security and could end up spending \$6 million by the end of the year. In Massachusetts, Acting Governor Jane Swift has approved \$26 million for homeland defense related spending, which includes state police overtime.

According to the National Governors' Association, over the next six months expenses resulting from the September 11 attacks could end up as high as \$10 billion in the 50 States, while the National League of Cities projects a 4 percent decline in revenues for cities—a projected \$11.4 billion—from the disastrous effects the attacks have had on local employment and tourism.

These figures point to what mayors have been saying for some time now and what I repeated on this floor a few weeks ago after meeting with mayors from all over the country: the cost of homeland security is causing our cities to bleed dollars.

Of the 214 cities polled in late October, more than half said that they increased spending on security after September 11 and that they would have to dip into surpluses and cut programs as a result. It has even been reported that some states are considering using their state lottery funds to pay for the cost of bolstering local homeland defense efforts.

Our homeland security cannot be left to chance and no city or town in Amer-

ica should have to choose between adequately protecting its citizens and funding important programs that benefit our children, the most vulnerable among us. It's the responsibility of the Federal Government to ensure our security and we must not let our cities and towns bear the brunt of homeland defense alone.

These additional fiscal demands come at a time when we are already facing a nationwide economic downturn and people are already experiencing the pain of this economic uncertainty. Over the next 18 months, New York State will face an estimated \$10 billion shortfall in state revenues. To counter some of these pressures and help communities recover more quickly from this economic slump, we must provide local communities with the resources they need to meet these increased demands.

Under the legislation I am introducing, cities, counties, and towns across America will be able to access Federal funds to help make up these anticipated revenue shortfalls. The Homeland Security Block Grant Act provides \$3 billion in funding to communities, with 70 percent going directly to more than 1,000 cities and counties across the United States. The remaining 30 percent will be funneled to States to direct to smaller communities to help them improve security and public safety locally.

Cities with a population of more than 50,000 and that are within metropolitan areas and counties within metropolitan areas, regardless of the size of the county, will receive funds directly. For example, both Syracuse and Onondaga County will be eligible to receive grant funds.

Some of my colleagues have asked whether a small state provision can be included in the bill, one that would guarantee that less-populated states would receive a minimum level funding. I am very much looking forward to working with my colleagues on such a provision to include in this bill.

This legislation gives local communities a lot of flexibility to determine how grant funds will be used because local communities are most knowledgeable about their security needs. For example, funds can be used for overtime expenses for law enforcement, fire, and emergency personnel incurred as a result of terrorist threats or to purchase personal protective equipment for fire, police, and emergency personnel.

Communities could also use these federal funds to acquire state-of-the-art technology to improve communication between the first responders, based at myriad local agencies, so that they can work together closely and efficiently while responding to attacks. In addition, funds could also be used to improve security or water treatment plants, nuclear power plants, tunnels and bridges, and chemical plants.

Towns and cities may also decide to use the funds to improve the communication system used to provide information to the public in a timely manner about the facts of any threat and the precautions the public should take.

Finally, to encourage communities to use the homeland security block grants effectively, communities will be required to match by 10 percent the funds received from the Federal Government. Financially distressed communities, however, will receive a waiver from the matching requirement.

I'm proud that this legislation has the support of the International Association of Firefighters, the International Association of Fire Chiefs, the National Association of Police Organizations, the National League of Cities, and U.S. Conference of Mayors.

Just as our Federal Government pays for defense overseas, it is our duty to fund our defense at home. Our homeland defense can only be as strong as the weakest link at the State and local level. By providing our communities with the resources and tools they need to bolster emergency response efforts and provide for other homeland security initiatives, we will have a better-prepared home front and a stronger America.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1737

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the "Homeland Security Block Grant Act".

(b) **TABLE OF CONTENTS.**—

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings.
- Sec. 3. Definitions.
- Sec. 4. Grants to States, units of general local government and Indian tribes; authorizations.
- Sec. 5. Statement of activities and review.
- Sec. 6. Activities eligible for assistance.
- Sec. 7. Allocation and distribution of funds.
- Sec. 8. Nondiscrimination in programs and activities.
- Sec. 9. Remedies for noncompliance with requirements.
- Sec. 10. Reporting requirements.
- Sec. 11. Consultation by Attorney General.
- Sec. 12. Interstate agreements or compacts; purposes.
- Sec. 13. Matching requirements; suspension of requirements for economically distressed areas.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) In the wake of the September 11, 2001, terrorist attacks on our country, communities all across American now find themselves on the front lines in the war against terrorism on United States soil.

(2) We recognize that these communities will be forced to shoulder a significant portion of the burden that goes along with that responsibility. We believe that local governments should not have to bear that responsibility alone.

(3) Our homeland defense will only be as strong as the weakest link at the State and

local level. By providing our communities with the resources and tools they need to bolster emergency response efforts and provide for other emergency response initiatives, we will have a better-prepared home front and a stronger America.

SEC. 3. DEFINITIONS.

In this Act:

(1) **ATTORNEY GENERAL.**—The term “Attorney General” means the United States Attorney General.

(2) **CITY.**—The term “city” means—

(A) any unit of general local government that is classified as a municipality by the United States Bureau of the Census; or

(B) any other unit of general local government that is a town or township and which, in the determination of the Attorney General—

(i) possesses powers and performs functions comparable to those associated with municipalities;

(ii) is closely settled; and

(iii) contains within its boundaries no incorporated places as defined by the United States Bureau of the Census that have not entered into cooperation agreements with such town or township to undertake or to assist in the performance of homeland security objectives.

(3) **EXTENT OF POVERTY.**—The term “extent of poverty” means the number of persons whose incomes are below the poverty level. Poverty levels shall be determined by the Attorney General pursuant to criteria provided by the Office of Management and Budget taking into account and making adjustments, if feasible and appropriate and in the sole discretion of the Attorney General, for regional or area variations in income and cost of living, and shall be based on data referable to the same point or period in time.

(4) **FEDERAL GRANT-IN-AID PROGRAM.**—The term “Federal grant-in-aid program” means a program of Federal financial assistance other than loans and other than the assistance provided by this Act.

(5) **INDIAN TRIBE.**—The term “Indian tribe” means any Indian tribe, band, group, and nation, including Alaska Indians, Aleuts, and Eskimos, and any Alaskan Native Village, of the United States, which is considered an eligible recipient under the Indian Self-Determination and Education Assistance Act (Public Law 93-638) or was considered an eligible recipient under chapter 67 of title 31, United States Code, prior to the repeal of such chapter.

(6) **METROPOLITAN AREA.**—The term “metropolitan area” means a standard metropolitan statistical area as established by the Office of Management and Budget.

(7) **METROPOLITAN CITY.**—The term “metropolitan city” means—

(A) a city within a metropolitan area that is the central city of such area, as defined and used by the Office of Management and Budget; or

(B) any other city, within a metropolitan area, which has a population of fifty thousand or more.

Any city that was classified as a metropolitan city for at least 2 years pursuant to the first sentence of this paragraph shall remain classified as a metropolitan city. Any unit of general local government that becomes eligible to be classified as a metropolitan city, and was not classified as a metropolitan city in the immediately preceding fiscal year, may, upon submission of written notification to the Attorney General, defer its classification as a metropolitan city for all purposes under this Act, if it elects to have its population included in an urban county under

subsection (d). Notwithstanding the second sentence of this paragraph, a city may elect not to retain its classification as a metropolitan city. Any unit of general local government that was classified as a metropolitan city in any year, may, upon submission of written notification to the Attorney General, relinquish such classification for all purposes under this Act if it elects to have its population included with the population of a county for purposes of qualifying for assistance (for such following fiscal year) under section 5(e) as an urban county.

(8) **NON-QUALIFYING COMMUNITY.**—The term “nonqualifying community” means an area that is not a metropolitan city or part of an urban county and does not include Indian tribes.

(9) **POPULATION.**—The term “population” means total resident population based on data compiled by the United States Bureau of the Census and referable to the same point or period of time.

(10) **STATE.**—The term “State” means any State of the United States, or any instrumentality thereof approved by the Governor; and the Commonwealth of Puerto Rico.

(11) **UNIT OF GENERAL LOCAL GOVERNMENT.**—The term “unit of general local government” means any city, county, town, township, parish, village, or other general purpose political subdivision of a State; a combination of such political subdivisions is recognized by the Secretary; and the District of Columbia.

(12) **URBAN COUNTY.**—The term “urban county” means any county within a metropolitan area.

(b) **BASIS AND MODIFICATION OF DEFINITIONS.**—Where appropriate, the definitions in subsection (a) shall be based, with respect to any fiscal year, on the most recent data compiled by the United States Bureau of the Census and the latest published reports of the Office of Management and Budget available ninety days prior to the beginning of such fiscal year. The Attorney General may by regulation change or otherwise modify the meaning of the terms defined in subsection (a) in order to reflect any technical change or modification thereof made subsequent to such date by the United States Bureau of the Census or the Office of Management and Budget.

(c) **DESIGNATION OF PUBLIC AGENCIES.**—One or more public agencies, including existing local public agencies, may be designated by the chief executive officer of a State or a unit of general local government to undertake activities assisted under this Act.

(d) **LOCAL GOVERNMENTS, INCLUSION IN URBAN COUNTY POPULATION.**—With respect to program years beginning with the program year for which grants are made available from amounts appropriated for fiscal year 2002 under section 4, the population of any unit of general local government which is included in that of an urban county as provided in subsection (a)(6) shall be included in the population of such urban county for three program years beginning with the program year in which its population was first so included and shall not otherwise be eligible for a grant as a separate entity, unless the urban county does not receive a grant for any year during such three-year period.

(e) **URBAN COUNTY.**—Any county seeking qualification as an urban county, including any urban county seeking to continue such qualification, shall notify, as provided in this subsection, each unit of general local government, which is included therein and is eligible to elect to have its population excluded from that of an urban county, of its opportunity to make such an election. Such

notification shall, at a time and in a manner prescribed by the Attorney General, be provided so as to provide a reasonable period for response prior to the period for which such qualification is sought. The population of any unit of general local government which is provided such notification and which does not inform, at a time and in a manner prescribed by the Attorney General, the county of its election to exclude its population from that of the county shall, if the county qualifies as an urban county, be included in the population of such urban county as provided in subsection (d).

SEC. 4. GRANTS TO STATES, UNITS OF GENERAL LOCAL GOVERNMENT AND INDIAN TRIBES; AUTHORIZATIONS.

The Attorney General is authorized to make grants to States, units of general local government, and Indian tribes to carry out activities in accordance with the provisions of this Act. For purposes of assistance under section 7, there is authorized to be appropriated \$3,000,000,000 in fiscal year 2002, and such additional sums as are authorized thereafter.

SEC. 5. STATEMENT OF ACTIVITIES AND REVIEW.

(a) **APPLICATION.**—Prior to the receipt in any fiscal year of a grant under section 7(b) by any metropolitan city or urban county, under section 7(d) by any State, or under section 7(d)(2) by any unit of general local government, the grantee shall have indicated its interest in receiving funds by preparing a statement of homeland security objectives and projected use of funds and shall have provided the Attorney General with the certifications required in subsection (b) and, where appropriate, subsection (c). In the case of metropolitan cities and urban counties receiving grants pursuant to section 7(b) and in the case of units of general local government receiving grants pursuant to section 7(d)(2), the statement of projected use of funds shall consist of proposed homeland security activities. In the case of States receiving grants pursuant to section 7(d), the statement of projected use of funds shall consist of the method by which the States will distribute funds to units of general local government. In preparing the statement, the grantee shall consider any view of appropriate law enforcement, and emergency response authorities and may, if deemed appropriate by the grantee, modify the proposed statement. A copy of the final statement shall be furnished to the Attorney General and the Office of Homeland Security together with the certifications required under subsection (b) and, where appropriate, subsection (c). Any final statement of activities may be modified or amended from time to time by the grantee in accordance with the same procedures required in this paragraph for the preparation and submission of such statement.

(b) **CERTIFICATION OF ENUMERATED CRITERIA BY GRANTEE TO SECRETARY.**—Any grant under section 7 shall be made only if the grantee certifies to the satisfaction of the Attorney General that—

(1) it has developed a homeland security plan pursuant to section 5 that identifies both short- and long-term homeland security needs that have been developed in accordance with the primary objective and requirements of this Act; and

(2) the grantee will comply with the other provisions of this Act and with other applicable laws.

(c) **SUBMISSION OF ANNUAL PERFORMANCE REPORTS, AUDITS AND ADJUSTMENTS.**—

(1) **IN GENERAL.**—Each grantee shall submit to the Attorney General, at a time determined by the Attorney General, a performance and evaluation report concerning the

use of funds made available under section 7, together with an assessment by the grantee of the relationship of such use to the objectives identified in the grantee's statement under subsection (a). The Attorney General shall encourage and assist national associations of grantees eligible under section 7, national associations of States, and national associations of units of general local government in nonqualifying areas to develop and recommend to the Attorney General, within 1 year after the effective date of this sentence, uniform recordkeeping, performance reporting, evaluation reporting, and auditing requirements for such grantees, States, and units of general local government, respectively. Based on the Attorney General's approval of these recommendations, the Attorney General shall establish such requirements for use by such grantees, States, and units of general local government.

(2) **REVIEWS AND AUDITS.**—The Attorney General shall, at least on an annual basis, make such reviews and audits as may be necessary or appropriate to determine—

(A) in the case of grants made under section 7(b), whether the grantee has carried out its activities and, where applicable, whether the grantee has carried out those activities and its certifications in accordance with the requirements and the primary objectives of this Act and with other applicable laws, and whether the grantee has a continuing capacity to carry out those activities in a timely manner; and

(B) in the case of grants to States made under section 7(d), whether the State has distributed funds to units of general local government in a timely manner and in conformance to the method of distribution described in its statement, whether the State has carried out its certifications in compliance with the requirements of this Act and other applicable laws, and whether the State has made such reviews and audits of the units of general local government as may be necessary or appropriate to determine whether they have satisfied the applicable performance criteria described in subparagraph (A).

(3) **ADJUSTMENTS.**—The Attorney General may make appropriate adjustments in the amount of the annual grants in accordance with the Attorney General's findings under this subsection. With respect to assistance made available to units of general local government under section 7(d), the Attorney General may adjust, reduce, or withdraw such assistance, or take other action as appropriate in accordance with the Attorney General's reviews and audits under this subsection, except that funds already expended on eligible activities under this Act shall not be recaptured or deducted from future assistance to such units of general local government.

(d) **AUDITS.**—Insofar as they relate to funds provided under this Act, the financial transactions of recipients of such funds may be audited by the General Accounting Office under such rules and regulations as may be prescribed by the Comptroller General of the United States. The representatives of the General Accounting Office shall have access to all books, accounts, records, reports, files, and other papers, things, or property belonging to or in use by such recipients pertaining to such financial transactions and necessary to facilitate the audit.

(e) **METROPOLITAN CITY AS PART OF URBAN COUNTY.**—In any case in which a metropolitan city is located, in whole or in part, within an urban county, the Attorney General may, upon the joint request of such city and county, approve the inclusion of the metro-

politan city as part of the urban county for purposes of submitting a statement under section 5 and carrying out activities under this Act.

SEC. 6. ACTIVITIES ELIGIBLE FOR ASSISTANCE.

Activities assisted under this Act may include only—

(1) funding additional law enforcement, fire, and emergency resources, including covering overtime expenses;

(2) purchasing and refurbishing personal protective equipment for fire, police, and emergency personnel and acquire state-of-the-art technology to improve communication and streamline efforts;

(3) improving cyber and infrastructure security by improving—

(A) security for water treatment plants, distribution systems, and other water infrastructure; nuclear power plants and other power infrastructure;

(B) tunnels and bridges;

(C) oil and gas pipelines and storage facilities; and

(D) chemical plants and transportation of hazardous substances;

(4) assisting Local Emergency Planning Committees so that local public agencies can design, review, and improve disaster response systems;

(5) assisting communities in coordinating their efforts and sharing information with all relevant agencies involved in responding to terrorist attacks;

(6) establishing timely notification systems that enable communities to communicate with each other when a threat emerges;

(7) improving communication systems to provide information to the public in a timely manner about the facts of any threat and the precautions the public should take; and

(8) devising a homeland security plan, including determining long-term goals and short-term objectives, evaluating the progress of the plan, and carrying out the management, coordination, and monitoring of activities necessary for effective planning implementation.

SEC. 7. ALLOCATION AND DISTRIBUTION OF FUNDS.

(a) **ALLOCATION AND DISTRIBUTION OF FUNDS; SET-ASIDE FOR INDIAN TRIBES.**—

(1) **ALLOCATION.**—For each fiscal year, of the amount approved in an appropriation Act under section 4 for grants in a year (excluding the amounts provided for use in accordance with section 6), the Attorney General shall reserve for grants to Indian tribes 1 percent of the amount appropriated under such section. The Attorney General shall provide for distribution of amounts under this paragraph to Indian tribes on the basis of a competition conducted pursuant to specific criteria for the selection of Indian tribes to receive such amounts. The criteria shall be contained in a regulation promulgated by the Attorney General after notice and public comment.

(2) **REMAINING ALLOCATION.**—Of the amount remaining after allocations pursuant to paragraph (1), 70 percent shall be allocated by the Attorney General to metropolitan cities and urban counties. Except as otherwise specifically authorized, each metropolitan city and urban county shall be entitled to an annual grant, to the extent authorized beyond fiscal year 2002, from such allocation in an amount not exceeding its basic amount computed pursuant to paragraph (1) or (2) of subsection (b).

(b) **COMPUTATION OF AMOUNT ALLOCATED TO METROPOLITAN CITIES AND URBAN COUNTIES.**—

(1) **IN GENERAL.**—The Attorney General shall determine the amount to be allocated

to each metropolitan city based on the population of that metropolitan city.

(2) **URBAN COUNTIES.**—The Attorney General shall determine the amount to be allocated to each urban county based on the population of that urban county.

(3) **EXCLUSIONS.**—In computing amounts or exclusions under this section with respect to any urban county, there shall be excluded units of general local government located in the county the populations that are not counted in determining the eligibility of the urban county to receive a grant under this subsection, except that there shall be included any independent city (as defined by the Bureau of the Census) which—

(A) is not part of any county;

(B) is not eligible for a grant pursuant to subsection (b)(1);

(C) is contiguous to the urban county;

(D) has entered into cooperation agreements with the urban county which provide that the urban county is to undertake or to assist in the undertaking of essential community development and housing assistance activities with respect to such independent city; and

(E) is not included as a part of any other unit of general local government for purposes of this section.

Any independent city that is included in any fiscal year for purposes of computing amounts pursuant to the preceding sentence shall not be eligible to receive assistance under subsection (d) with respect to such fiscal year.

(4) **INCLUSIONS.**—In computing amounts under this section with respect to any urban county, there shall be included all of the area of any unit of local government which is part of, but is not located entirely within the boundaries of, such urban county if the part of such unit of local government which is within the boundaries of such urban county would otherwise be included in computing the amount for such urban county under this section, and if the part of such unit of local government that is not within the boundaries of such urban county is not included as a part of any other unit of local government for the purpose of this section. Any amount received by such urban county under this section may be used with respect to the part of such unit of local government that is outside the boundaries of such urban county.

(5) **POPULATION.**—(A) Where data are available, the amount determined under paragraph (1) for a metropolitan city that has been formed by the consolidation of one or more metropolitan cities with an urban county shall be equal to the sum of the amounts that would have been determined under paragraph (1) for the metropolitan city or cities and the balance of the consolidated government, if such consolidation had not occurred. This paragraph shall apply only to any consolidation that—

(i) included all metropolitan cities that received grants under this section for the fiscal year preceding such consolidation and that were located within the urban county;

(ii) included the entire urban county that received a grant under this section for the fiscal year preceding such consolidation; and

(iii) took place on or after January 1, 2002.

(B) The population growth rate of all metropolitan cities referred to in section 3 shall be based on the population of—

(i) metropolitan cities other than consolidated governments the grant for which is determined under this paragraph; and

(ii) cities that were metropolitan cities before their incorporation into consolidated governments. For purposes of calculating the

entitlement share for the balance of the consolidated government under this paragraph, the entire balance shall be considered to have been an urban county.

(c) REALLOCATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), any amounts allocated to a metropolitan city or an urban county pursuant to the preceding provisions of this section that are not received by the city or county for a fiscal year because of failure to meet the requirements of subsections (a) and (b) of section 5, or that otherwise became available, shall be reallocated in the succeeding fiscal year to the other metropolitan cities and urban counties in the same metropolitan area that certify to the satisfaction of the Attorney General that they would be adversely affected by the loss of such amounts from the metropolitan area. The amount of the share of funds reallocated under this paragraph for any metropolitan city or urban county shall bear the same ratio to the total of such reallocated funds in the metropolitan area as the amount of funds awarded to the city or county for the fiscal year in which the reallocated funds become available bears to the total amount of funds awarded to all metropolitan cities and urban counties in the same metropolitan area for that fiscal year.

(2) TRANSFER.—Notwithstanding the provisions of paragraph (1), the Attorney General may upon request transfer responsibility to any metropolitan city for the administration of any amounts received, but not obligated, by the urban county in which such city is located if—

(A) such city was an included unit of general local government in such county prior to the qualification of such city as a metropolitan city;

(B) such amounts were designated and received by such county for use in such city prior to the qualification of such city as a metropolitan city; and

(C) such city and county agree to such transfer of responsibility for the administration of such amounts.

(d) ALLOCATION TO STATES ON BEHALF OF NON-QUALIFYING COMMUNITIES.—

(1) IN GENERAL.—Of the amount approved in an appropriation Act under section 4 that remains after allocations pursuant to paragraphs (1) and (2) of subsection (a), 30 percent shall be allocated among the States for use in nonqualifying areas. The allocation for each State shall be based on the population of that State, factoring in the population of qualifying communities in that State, and the population of qualifying communities of all States. The Attorney General shall, in order to compensate for the discrepancy between the total of the amounts to be allocated under this paragraph and the total of the amounts available under such paragraph, make a pro rata reduction of each amount allocated to the nonqualifying communities in each State under such paragraph so that the nonqualifying communities in each State will receive an amount that represents the same percentage of the total amount available under such paragraph as the percentage which the nonqualifying areas of the same State would have received under such paragraph if the total amount available under such paragraph had equaled the total amount which was allocated under such paragraph.

(2) DISTRIBUTION.—(A) Amounts allocated under paragraph (1) shall be distributed to units of general local government located in nonqualifying areas of the State to carry out activities in accordance with the provisions of this Act—

(i) by a State that has elected, in such manner and at such time as the Attorney General shall prescribe, to distribute such amounts consistent with the statement submitted under section 5(a); or

(ii) by the Attorney General, in any case described in subparagraph (B), for use by units of general local government in accordance with paragraph (3)(B).

(B) The Attorney General shall distribute amounts allocated under paragraph (1) if the State has not elected to distribute such amounts.

(C) To receive and distribute amounts allocated under paragraph (1), the State must certify that it, with respect to units of general local government in nonqualifying areas—

(i) provides or will provide technical assistance to units of general local government in connection with homeland security initiatives;

(ii) will not refuse to distribute such amounts to any unit of general local government on the basis of the particular eligible activity selected by such unit of general local government to meet its homeland security objectives, except that this clause may not be considered to prevent a State from establishing priorities in distributing such amounts on the basis of the activities selected; and

(iii) has consulted with local elected officials from among units of general local government located in nonqualifying areas of that State in determining the method of distribution of funds required by subparagraph (A).

(D) To receive and distribute amounts allocated under paragraph (1), the State shall certify that each unit of general local government to be distributed funds will be required to identify its homeland security objectives, and the activities to be undertaken to meet such objectives.

(3) ADMINISTRATION.—(A) If the State receives and distributes such amounts, it shall be responsible for the administration of funds so distributed. The State shall pay from its own resources all administrative expenses incurred by the State in carrying out its responsibilities under this Act, except that from the amounts received for distribution in nonqualifying areas, the State may deduct an amount to cover such expenses and its administrative expenses not to exceed the sum of \$150,000 plus 50 percent of any such expenses under this Act in excess of \$150,000. Amounts deducted in excess of \$150,000 shall not exceed 2 percent of the amount so received.

(B) If the Attorney General distributes such amounts, the distribution shall be made in accordance with determinations of the Attorney General pursuant to statements submitted and the other requirements of section 5 (other than subsection (c)) and in accordance with regulations and procedures prescribed by the Attorney General.

(C) Any amounts allocated for use in a State under paragraph (1) that are not received by the State for any fiscal year because of failure to meet the requirements of subsection (a) or (b) of section 5 shall be added to amounts allocated to all States under paragraph (1) for the succeeding fiscal year.

(D) Any amounts allocated for use in a State under paragraph (1) that become available as a result of the closeout of a grant made by the Attorney General under this section in nonqualifying areas of the State shall be added to amounts allocated to the State under paragraph (1) for the fiscal year in which the amounts become so available.

(4) SINGLE UNIT.—Any combination of units of general local governments may not be required to obtain recognition by the Attorney General pursuant to section 3(2) to be treated as a single unit of general local government for purposes of this subsection.

(5) DEDUCTION.—From the amounts received under paragraph (1) for distribution in nonqualifying areas, the State may deduct an amount, not to exceed 1 percent of the amount so received, to provide technical assistance to local governments.

(6) APPLICABILITY.—Any activities conducted with amounts received by a unit of general local government under this subsection shall be subject to the applicable provisions of this Act and other Federal law in the same manner and to the same extent as activities conducted with amounts received by a unit of general local government under subsection (a).

(e) QUALIFICATIONS AND DETERMINATIONS.—The Attorney General may fix such qualification or submission dates as he determines are necessary to permit the computations and determinations required by this section to be made in a timely manner, and all such computations and determinations shall be final and conclusive.

(f) PRO RATA REDUCTION AND INCREASE.—If the total amount available for distribution in any fiscal year to metropolitan cities and urban counties under this section is insufficient to provide the amounts to which metropolitan cities and urban counties would be entitled under subsection (b), and funds are not otherwise appropriated to meet the deficiency, the Attorney General shall meet the deficiency through a pro rata reduction of all amounts determined under subsection (b). If the total amount available for distribution in any fiscal year to metropolitan cities and urban counties under this section exceeds the amounts to which metropolitan cities and urban counties would be entitled under subsection (b), the Attorney General shall distribute the excess through a pro rata increase of all amounts determined under subsection (b).

SEC. 8. NONDISCRIMINATION IN PROGRAMS AND ACTIVITIES.

No person in the United States shall on the ground of race, color, national origin, religion, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with funds made available under this Act. Any prohibition against discrimination on the basis of age under the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.) or with respect to an otherwise qualified handicapped individual as provided in section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) shall also apply to any such program or activity.

SEC. 9. REMEDIES FOR NONCOMPLIANCE WITH REQUIREMENTS.

If the Attorney General finds after reasonable notice and opportunity for hearing that a recipient of assistance under this Act has failed to comply substantially with any provision of this Act, the Attorney General, until he is satisfied that there is no longer any such failure to comply, shall—

(1) terminate payments to the recipient under this Act;

(2) reduce payments to the recipient under this Act by an amount equal to the amount of such payments which were not expended in accordance with this Act; or

(3) limit the availability of payments under this Act to programs, projects, or activities not affected by such failure to comply.

SEC. 10. REPORTING REQUIREMENTS.

(a) **IN GENERAL.**—Not later than 180 days after the close of each fiscal year in which assistance under this Act is furnished, the Attorney General shall submit to Congress a report which shall contain—

(1) a description of the progress made in accomplishing the objectives of this Act;

(2) a summary of the use of such funds during the preceding fiscal year; and

(3) a description of the activities carried out under section 7.

(b) **REPORTS TO THE ATTORNEY GENERAL.**—The Attorney General is authorized to require recipients of assistance under this Act to submit to him such reports and other information as may be necessary in order for the Attorney General to make the report required by subsection (a).

SEC. 11. CONSULTATION BY ATTORNEY GENERAL.

In carrying out the provisions of this Act including the issuance of regulations, the Attorney General shall consult with the Office of Homeland Security and other Federal departments and agencies administering Federal grant-in-aid programs.

SEC. 12. INTERSTATE AGREEMENTS OR COMPACTS; PURPOSES.

The consent of the Congress is hereby given to any two or more States to enter into agreements or compacts, not in conflict with any law of the United States, for cooperative effort and mutual assistance in support of homeland security planning and programs carried out under this Act as they pertain to interstate areas and to localities within such States, and to establish such agencies, joint or otherwise, as they may deem desirable for making such agreements and compacts effective.

SEC. 13. MATCHING REQUIREMENTS; SUSPENSION OF REQUIREMENTS FOR ECONOMICALLY DISTRESSED AREAS.

(a) **REQUIREMENT.**—Grant recipients shall contribute from funds, other than those received under this Act, 10 percent of the total funds received under this Act. Such funds shall be used in accordance with the grantee's statement of homeland security objectives.

(b) **ECONOMIC DISTRESS.**—Grant recipients that are deemed economically distressed shall be waived from the matching requirement set forth in this section.

By Mr. KERRY (for himself, Mr. MURKOWSKI, Mr. BAUCUS, Mr. GRASSLEY, Mr. JEFFORDS, Mr. THOMPSON, Mr. BREAUX, Mr. HUTCHINSON, Mr. DASCHLE, Mr. CRAIG, Mr. BINGAMAN, Mr. INHOFE, Mrs. LINCOLN, Mr. HOLLINGS, Mrs. MURRAY, Mr. CARPER, Mr. JOHNSON, and Mr. HATCH):

S. 1738. A bill to amend title XVIII of the Social Security Act to provide regulatory relief appeals process reforms, contracting flexibility, and education improvements under the Medicare Program, and for other purposes; to the Committee on Finance.

Mr. KERRY. Madam President, I am pleased to join my colleagues Senators MURKOWSKI, BAUCUS and GRASSLEY in introducing the Medicare Appeals, Regulatory and Contracting Improvement Act, MARCIA. This legislation will give health care providers relief from unnecessary and burdensome government regulations that threaten to

interfere with the delivery of health care to our nation's Medicare beneficiaries.

Medicare provides health care coverage for over 40 million senior and disabled Americans, relying on thousands of health care providers, including doctors, nurses, hospitals, nursing homes, home care agencies, and hospices, to deliver services, and more than fifty private health insurance companies to process millions of claims. While this public-private partnership forms the linchpin of the Medicare program, it is not as strong as it could be.

Health care providers rightfully complain that Medicare has become too complex, with changes to claims payment systems made so frequently that they can not keep up. Today, Medicare providers are subjected to over 100,000 pages of regulations that are continuously being modified. Many providers complain that they have less time to spend on patient care because they are spending more time trying to understand how to comply with massive amounts of paperwork and constantly evolving regulatory requirements.

The current Medicare appeals process is also problematic. It takes far too long to appeal an incorrect Medicare decision, often taking several years to complete. This system, coupled with some of the tactics used by the Federal Government and its contractors in collecting Medicare overpayments, leaves providers feeling frustrated, confused, and besieged. Regulations necessary to ensuring the integrity and efficiency of the Medicare program must be maintained and enforced, however, the occasionally aggressive means through which these regulations are administered has discouraged many providers from wanting to participate in the Medicare program.

The Medicare Appeals, Regulatory and Contracting Improvement Act, MARCIA, will strengthen the Medicare public-private partnership. The bill has five primary components. First, it relieves burdens on beneficiaries and providers by requiring the Centers for Medicare and Medicaid Services, CMS, to issue new rules and policies in an orderly and reasonable manner. Second, it provides new appeals protections for all Medicare fee-for-service providers and beneficiaries. Third, it allows CMS to use competition to select the best available administrative contractors to serve beneficiaries and providers. Fourth, it requires Medicare contractors and CMS to place a greater emphasis on provider education and outreach. Finally, it makes the Medicare overpayment collection and extrapolation process more fair. The bill accomplishes all of these objectives without undermining the False Claims Act or other Medicare fraud recovery efforts, and I urge my colleagues to join with me to secure its passage.

Mr. MURKOWSKI. Madam President, right now, all across America, Medi-

care beneficiaries are seeking medical care from a flawed health care system. Reduced benefit packages, ever escalating costs, and limited access in rural areas are just a few of the problems our system faces on a daily basis. For these reasons, Congress must continue to move towards the modernization of Medicare. But as we address the needs of beneficiaries, we must not turn our back upon the very providers that seniors rely upon for their care.

Who are providers? They are the physicians, the hospitals, the nursing homes, and others who deliver quality care to our needy Medicare population. They are the backbone of our complex health care network. When our Nation's seniors need care, it is the provider who heals, not the health insurer—and certainly not the federal government.

But more, and more often, seniors are being told by providers that they don't accept Medicare. This is becoming even more common in rural areas, where the number of physicians is limited and access to quality care is extremely restricted. Quite simply, beneficiaries are being told that their insurance is simply not wanted. Why? Well it's not as simple as low reimbursement rates. In fact it's much more complex.

The infrastructure that manages the Medicare program, the Centers for Medicare and Medicaid Services, CMS, and its network of contractors, are working with a system that was designed to block care and micro-manage independent practices. Providers simply cannot afford to keep up with the seemingly endless number of complex, redundant, and unnecessary regulations. And if providers do participate? Well, a simple administrative error in submitting a claim could subject them to heavy-handed audits and the financial devastation of their practice. Should we force providers to choose between protecting their practice and caring for seniors?

I believe the answer is no. For this reason, I am pleased to introduce the "Medicare Appeals, Regulatory and Contracting Improvements Act of 2001." I am joined by my colleagues Senator KERRY, Senator BAUCUS, and Senator GRASSLEY. This legislation is a bipartisan compromise, based upon legislation I offered earlier this year. It will allow providers to practice medicine without fearing the threats, intimidation, and aggressive tactics of a faceless bureaucratic machine.

Most importantly, this bill will reform the flawed appeals process within CMS. Currently, a provider who allegedly has received an overpayment is forced to choose between three options: admit the overpayment, submit additional information to mitigate the charge, or appeal the decision. However, providers who choose to submit additional evidence must subject their

entire practice to review and waive their appeal rights. That's right, to submit additional evidence you must waive your right to an appeal!

And what is the result of this maddening system that runs contrary to our Nation's history of fair and just administrative decisions? Often, providers are intimidated into accepting the arbitrary decision of an auditor employed by a CMS contractor. Sometimes, they are even forced to pull out of the Medicare program. In the end, our senior population suffers.

To bring additional fairness to the system, the bill provides new appeal protections for all Medicare fee-for-service providers and beneficiaries. It also requires the Medicare administrative contractors and CMS to place a greater emphasis on provider education and outreach. And most importantly, it reforms the Medicare overpayment collection and extrapolation process. All of this is accomplished without undermining the False Claims Act or current Medicare fraud enforcement efforts.

It is with the goal of protecting our Medicare population, and the providers who tend care, that leads us to introduce this bipartisan compromise. This bill will ensure that providers are treated with the respect that they deserve, and that Medicare beneficiaries aren't told that their health insurance isn't wanted. We owe it to our nation's seniors. I urge immediate action on this worthy bill.

Mr. BAUCUS. Madam President, I rise today as a cosponsor of the Medicare Appeals, Regulatory and Contracting Improvements Act of 2001.

Medicare is one of the Federal Government's greatest successes. It provides health care for nearly 40 million seniors and disabled beneficiaries. Medicare is often considered the gold-standard of health insurance programs around the nation and the world. And it has lifted millions of individuals out of poverty since its enactment in 1965.

Medicare's success is due to its public-private partnership, which is the foundation of the program. While Medicare is almost entirely federally financed, it relies on thousands of private hospitals, private physicians, and other health care providers and suppliers to deliver health care services. Moreover, it relies on more than 50 private health insurance companies to process millions of claims every year.

Every so often Congress needs to evaluate this public-private partnership to see how its working. And this past year, Senator KERRY, Senator MURKOWSKI, Senator GRASSLEY, and I have undertaken this evaluation.

I have heard from hundreds of health care providers who have levied legitimate complaints about the operation of Medicare. They argue that Medicare has become too complex. Changes to the claims payment systems are made

every day, and health care organization simply cannot keep up. This is especially true for small rural hospitals and other health care providers in my state of Montana. They do not have the staff to stay abreast of the constant changes to the Medicare payment systems.

I have also heard from providers about the current Medicare appeals process. The Medicare appeals process is broken. It takes too long to appeal an incorrect Medicare decision. Providers often have to file lengthy and expensive appeals, sometimes taking several years to settle.

And finally, I have heard from health care providers about the aggressive tactics that are sometimes used by Federal Government and its contractors in collecting Medicare overpayments. Medicare needs to realize that mistakes happen, especially with this very complex program. When providers make honest mistakes, they should be treated as mistakes, not criminal fraud.

Earlier this year, my colleagues Senators KERRY and MURKOWSKI introduced a version of this bill, the "Medicare Education and Regulatory Fairness Act of 2001." I commend Senators KERRY and MURKOWSKI for their hard work on this bill; it made a very important contribution to our understanding of this issue and the need for reform. However, I had some concerns with their original bill, namely that it unintentionally created some new loopholes for truly dishonest providers to commit fraud.

Rather than oppose their bill, I asked my staff along with Senator GRASSLEY's staff to work with Senator KERRY and Senator MURKOWSKI's office to redraft their bill to address some of my concerns. And I am proud to say that we have developed a bill that everyone can support.

The Medicare Appeals, Regulatory and Contracting Improvements Act of 2001 will make necessary and overdue improvements to the Medicare public-private partnership. The bill does five things. First, it improves the CMS rule-making process, for example, by requiring CMS to publish its regulations on one business day of each month. Second, it provides new appeal protections for all Medicare fee-for-service providers and beneficiaries. Third, it grants new competitive administrative contracting authority to CMS. Fourth, it requires the Medicare administrative contractors and CMS to place a greater emphasis on provider education and outreach. And fifth, it reforms the Medicare overpayment collection and extrapolation process.

The bill accomplishes all five of these important objectives without undermining the False Claims Act of current Medicare fraud enforcement efforts. We have received assurances from the Department of Justice, the HHS Office of

Inspector General, and the CMS that this is so.

This is a good bill, a bill that will receive the support of provider groups and the support of the Federal agencies that oversee the Medicare program.

While this bill is primarily focused on health care provider issues, I agree with my colleagues in the Senate and House that Congress also needs to ensure that beneficiaries are able to navigate and understand Medicare. I commend current efforts in the House to include provisions that would guarantee that beneficiaries have the right to find out whether Medicare services are covered before they become financially liable for them. Currently, when a doctor informs a patient that a service may not be covered by Medicare, the patient has no way to verify if this is the case. I will work to include these provisions in any enacted legislation.

I commend my colleagues Senator KERRY, Senator MURKOWSKI, and Senator GRASSLEY for their commitment and their hard work on this bill. As chairman of the Finance Committee, I remain committed to quick consideration of this bill in my committee. I urge all of my colleagues to support it.

Mr. CRAIG. Madam President, I am pleased to join today as an original cosponsor of the Medicare Appeals, Regulatory and Contracting Improvements Act, MARCIA. This legislation represents a clear and useful first step toward serious reform of the way Medicare does business with America's health care professionals and Medicare beneficiaries.

I have heard from literally hundreds of doctors, hospitals, and other health care professionals in Idaho about the truly appalling paperwork and regulatory burdens imposed by the Medicare program, and even more troubling, about how these mounting regulatory burdens are causing many doctors to limit their participation in Medicare or to leave the program altogether.

Also, as ranking member on the Senate's Special Committee on Aging, I have made examination of Medicare's paperwork and provider enforcement systems a key priority. In July, our committee held the first of what I hope may be a series of hearings looking into these problems, and this fall, members of my Aging Committee staff traveled across Idaho, talking with more than 60 Idaho providers about their concerns with Medicare.

Most recently, I was pleased to have Tom Scully, the energetic and thoughtful new administrator of the Centers for Medicare and Medicaid Services, CMS, join me in Boise to talk about Medicare with Idaho health professionals and senior citizens. We heard a great deal of frustration, and not a little anger.

At the same time, it was very clear to me that Tom Scully and the Bush

administration are serious about tackling Medicare's many shortcomings. Indeed, Tom Scully and the administration have worked closely with Congress to help develop the legislation we are introducing today.

Today, the number of pages of Medicare rules and regulations is now more than 110,000, approximately three times that of Federal tax laws and regulations. Moreover, for every hour spent on Medicare patient care in outpatient settings, doctors and their staffs now spend approximately 36 minutes on Medicare-related paperwork. And in hospital emergency care settings, that ratio is now 1 hour of paperwork for every 1 hour of patient care.

These problems are genuinely daunting, and today's legislation is not a panacea. Rather, it is a promising beginning in what I hope will be an ongoing cooperative effort to make Medicare more responsive, more rational, and more efficient.

Finally, let me be crystal clear: We must continue to devote significant resources to combating fraud and abuse in the Medicare program. Those who violate the public trust must be punished to the fullest extent of the law, and this legislation would in no way undercut these critical efforts.

Rather, this bill would relieve complex and unreasonable burdens on providers and beneficiaries by requiring CMS to issue new rules in an orderly and reasonable manner, and would provide new appeal protections for many Medicare providers and beneficiaries. Further, this legislation would require CMS to use competition to select the best administrative contractors, and it would require CMS and its contractors to place greater emphasis on provider education and outreach. In addition, the bill would implement needed improvements in the way Medicare oversees alleged provider overpayments, principally by reforming current Medicare overpayment collection and extrapolation processes.

I am pleased to join my colleagues in sponsoring this much needed legislation, and I look forward to continuing progress on these important issues in the coming year.

By Mr. CLELAND:

S. 1739. A bill to authorize grants to improve security on over-the-road buses; to the Committee on Commerce, Science, and Transportation.

Mr. CLELAND. Madam President, I rise today to introduce a bill to help secure an often overlooked mode of passenger transportation, intercity buses.

In the wake of the current challenge to our Nation's security, it is the duty of Congress to ensure that all modes of passenger transportation, especially mass transportation vehicles including buses, are safe and secure. Already, buses have been assaulted, and inno-

cent passengers have died. While these attacks have not so far been directly linked to the tragic events of September 11, I believe Congress would be negligent if we do not act on this issue while we have this opportunity. Additionally, in many cities, bus terminals share facilities with rail and/or air terminals. The Congress has addressed airport security and the Senate is working on rail security, but this work will not be complete without securing the third component. Therefore, I urge my colleagues to support my legislation to accomplish this goal.

Clearly, bus service, which transports almost 800 million passengers annually, deserves Congress's attention. For many people throughout the country, motorcoaches are the only viable means of transportation. Greyhound, the largest carrier, and its interline partners serve over 4,000 communities, roughly 8 times more than either the airlines or Amtrak. Many of the other bus companies that serve these communities are small businesses with fewer than ten motorcoaches, and these businesses, in particular, are more affected by the decrease in passenger demand due to concerns over safety. While many of these companies have already spent their own funds to upgrade security, they need help to finish the job so that people will feel comfortable returning to bus travel.

One of the main elements of my legislation provides grants for the installation of adequate communications equipment to alert law enforcement personnel if there is an onboard problem. Not only would an alarm be sounded to law enforcement but also current technology would be employed to report the precise location of the bus in question. Speedy deployment to deal with problems as they are happening could save lives. The Commercial Vehicle Safety Alliance, CVSA, an association of State, provincial and Federal law enforcement officials, believes that improved communication capability is among the top goals to improve the safety and security of passenger buses.

The legislation also will provide grants for research into methods to protect the drivers. Some of the recent security incidents involve compromising the safety of the driver. We must find out what options are available to protect and secure the drivers so that a bus can be stopped safely if there are problems. Additionally, these grants can be used to maintain the integrity of bus terminals, facilities, and coaches, and conduct passenger screening, among other things.

This legislation also dedicates \$3-5 million annually in funding to the Secretary of Transportation to evaluate and coordinate current public and private efforts to improve bus security and safety by establishing "best practices," including efforts to isolate the

driver and to detect potential chemical and biological elements. Portions of this funding could also be used to support additional research and development initiatives, and the recommendations developed could be applied to both over-the-road and transit buses.

This funding is not a government "handout" to an industry that has not been acting on its own to improve its facilities, but rather it will supplement ongoing efforts. Since September 11, Greyhound has spent at least \$5 million on enhanced security. Steps taken include screening of passengers and baggage at selected terminals; requiring ticket identification; providing cell phones to drivers as an interim emergency communications system; increasing security personnel in terminals; prohibiting passengers from sitting in the first row of seats behind the driver, and establishing information and communications systems to aid and coordinate with law enforcement. My legislation would supplement and expand these initial efforts and assist with implementing these measures at additional terminals.

My legislation also provides needed assistance to an industry that is struggling along with other segments of the travel and tourism sector. After the October 3 Nashville accident that resulted in 7 passenger fatalities, Greyhound's passenger sales dropped 15 percent and remain well below last year's levels. According to a survey conducted by the Travel Business Roundtable, intercity bus transportation is the only mode of transportation that dropped in "safety perception" when compared with air, auto, rail, and cruise travel. Incorporating the new security costs, which are necessary to bring passengers back, while revenue is down, will make it difficult for bus companies to maintain current service levels. This Federal support will allow bus companies to dedicate resources to continuing service to smaller communities rather than reducing schedules to cut costs.

Additionally, this legislation instructs the Department of Labor to ensure that grants under this section are certified in an expeditious manner in accordance with its guidelines for processing grants to bus operators. As provided for under the Department's existing guidelines, previously certified arrangements for assistance to intercity bus operators applicable to applicants for security improvement grants, shall be the basis for processing such grants by the Department. The Secretary of Transportation will have the discretion to administer this program directly or through a security administration that may be established at the Department of Transportation.

This bus security legislation is supported by the American Bus Association, Greyhound, the Commercial Vehicle Safety Alliance, Coach USA, and

the Amalgamated Transit Union. Protecting bus passengers is a vital part of ensuring a vibrant transportation industry, and it is the third component to the safe passenger transportation equation. I urge my Senate colleagues, all of whom have many communities in your state served by intercity buses, to support this legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1739

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EMERGENCY OVER-THI-ROAD BUS SECURITY ASSISTANCE.

(a) IN GENERAL.—Subchapter I of chapter 311 of title 49, United States Code, is amended by adding at the end the following:

“§ 31109. Over-the-road bus security grant program

“(a) IN GENERAL.—

“(1) FUND ESTABLISHED.—The Secretary of the Treasury shall establish an Over-the-road Bus Security Fund account in the Treasury into which the Secretary of the Transportation shall deposit amounts appropriated under paragraph (2).

“(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Transportation \$200,000,000 for fiscal year 2002, and \$200,000,000 for fiscal year 2003, for deposit into the account established under paragraph (1). Amounts deposited into the account shall remain available until expended.

“(b) GRANT PROGRAM.—Without further appropriation, amounts in the Over-the-road Bus Security Fund account are available to the Secretary of Transportation for direct grants to persons engaged in the business of providing over-the-road bus transportation for system-wide security upgrades, including the reimbursement of extraordinary security-related costs determined by the Secretary to have been incurred by such operators since September 11, 2001, including—

“(1) establishing an emergency communications and notification system linked to law enforcement or emergency response personnel;

“(2) protecting or isolating the driver;

“(3) implementing and operating passenger screening programs at terminals and on over-the-road buses (as defined in section 3038(a)(3) of the Transportation Equity Act for the 21st Century (49 U.S.C. 5310 nt));

“(4) acquiring, upgrading, installing, or operating equipment, software, or accessorial services for collection, storage, or exchange of passenger and driver information through ticketing systems or otherwise, and information links with government agencies;

“(5) constructing or modifying terminals, garages, facilities, or over-the-road buses to assure their security;

“(6) training employees in recognizing and responding to terrorist threats, evacuation procedures, passenger screening procedures, and baggage inspection;

“(7) hiring and training security officers;

“(8) installing cameras and video surveillance equipment on over-the-road buses and at terminals, garages and over-the-road bus facilities; and

“(9) creating a program for employee identification and background investigation.

“(c) APPLICATIONS.—To receive a grant under subsection (b), an applicant shall submit an application, at such time, in such manner, in such form, and containing such information, as the Secretary may require, and a plan that meets the requirements of subsection (c) for the project to be funded, in whole or in part, by the grant.

“(d) PLAN REQUIRED.—The Secretary may not make a grant under subsection (b) for a system-wide security upgrade project until the applicant has submitted to the Secretary, and the Secretary has approved, a plan for the project, and the applicant has submitted to the Secretary such additional information as the Secretary may require in order to ensure full accountability for the obligation or expenditure of grant amounts.

“(e) FEDERAL STANDARDS.—Section 5333 of this title applies to any work financed with a grant under this section to the same extent as if it were financed with a grant under chapter 53 of this title. The application of that section does not affect or discharge any other responsibility of the Secretary under this title with respect to work financed by a grant under this section.”

(b) CONFORMING AMENDMENTS.—

(1) The chapter analysis for chapter 311 of title 49, United States Code, is amended—

(A) by striking “STATE” in the heading for subchapter I; and

(B) by inserting after the item relating to section 31108 the following:

“31109. Over-the-road bus security grant program.”

SEC. 2. BUS SECURITY RECOMMENDATIONS.

(a) IN GENERAL.—The Secretary of Transportation may use not less than \$3,000,000 and not more than \$5,000,000 of the amounts deposited in the Over-the-road Bus Security Fund account established under section 31109 of title 49, United States Code, for research and development of security recommendations for over-the-road buses (as defined in section 3038(a)(3) of the Transportation Equity Act for the 21st Century (49 U.S.C. 5310 nt)), including—

(1) a review of actions already taken to address identified security issues by both public and private entities;

(2) research on engine shut-off mechanisms, chemical and biological weapon detection technology, and the feasibility of compartmentalization of the driver; and

(3) compilation, review, and dissemination of industry best practices.

(b) CONSULTATION WITH INDUSTRY, LABOR, AND OTHER GROUPS.—In carrying out this section, the Secretary shall consult with over-the-road bus management and labor representatives, public safety and law enforcement officials, and the National Academy of Sciences.

By Mr. BINGAMAN (for himself, Mr. MCCAIN, Mr. DASCHLE, Mr. BAUCUS, Mrs. CLINTON, Mr. DOMENICI, Mr. FEINGOLD, Mr. KENNEDY, Mr. JOHNSON, Mrs. MURRAY, Ms. STABENOW, Mr. WELLSTONE, Mr. HARKIN, Mr. MILLER, Ms. SNOWE, Mr. INOUE, Mr. SMITH of Oregon, Ms. CANTWELL, Mr. INHOFE, Ms. LANDRIEU, Mr. COCHRAN, Mrs. BOXER, Mr. MURKOWSKI, Ms. MIKULSKI, and Mr. GRASSLEY):

S. 1741. A bill to amend title XIX of the Social Security Act to clarify that Indian women with breast or cervical cancer who are eligible for health serv-

ices provided under a medical care program of the Indian Health Service or of a tribal organization are included in the optional Medicaid eligibility category of breast or cervical cancer patients added by the Breast and Cervical Prevention and Treatment Act of 2000; considered and passed.

Mr. BINGAMAN. Madam President, due to a jurisdiction concern raised with the committee referral of S. 535, I am reintroducing the Native American Breast and Cervical Cancer Treatment Technical Amendment Act of 2001 today with Senator MCCAIN and 23 other bipartisan cosponsors.

To ensure the availability of life-saving breast and cervical cancer treatment to American Indian and Alaska Native women, I urge the bill's immediate passage.

I request unanimous consent that a fact sheet and the text of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1741

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Native American Breast and Cervical Cancer Treatment Technical Amendment Act of 2001”.

SEC. 2. CLARIFICATION OF INCLUSION OF INDIAN WOMEN WITH BREAST OR CERVICAL CANCER IN OPTIONAL MEDICAID ELIGIBILITY CATEGORY.

(a) TECHNICAL AMENDMENT.—The subsection (aa) of section 1902 of the Social Security Act (42 U.S.C. 1396a) added by section 2(a)(2) of the Breast and Cervical Cancer Prevention and Treatment Act of 2000 (Public Law 106-354; 114 Stat. 1381) is amended in paragraph (4) by inserting “, but applied without regard to paragraph (1)(F) of such section” before the period at the end.

(b) BIPA TECHNICAL AMENDMENTS.—

(1) Section 1902 of the Social Security Act (42 U.S.C. 1396a), as amended by section 702(b) of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (114 Stat. 2763A-572) (as enacted into law by section 1(a)(6) of Public Law 106-554), is amended by redesignating the subsection (aa) added by such section as subsection (bb).

(2) Section 1902(a)(15) of the Social Security Act (42 U.S.C. 1396a(a)(15)), as added by section 702(a)(2) of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (114 Stat. 2763A-572) (as so enacted into law), is amended by striking “subsection (aa)” and inserting “subsection (bb)”.

(3) Section 1915(b) of the Social Security Act (42 U.S.C. 1396n(b)), as amended by section 702(c)(2) of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (114 Stat. 2763A-574) (as so enacted into law), is amended by striking “1902(aa)” and inserting “1902(bb)”.

(c) EFFECTIVE DATES.—

(1) BCCPTA TECHNICAL AMENDMENT.—The amendment made by subsection (a) shall take effect as if included in the enactment of the Breast and Cervical Cancer Prevention and Treatment Act of 2000 (Public Law 106-354; 114 Stat. 1381).

(2) BIPA TECHNICAL AMENDMENTS.—The amendments made by subsection (b) shall

take effect as if included in the enactment of section 702 of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (114 Stat. 2763A-572) (as enacted into law by section 1(a)(6) of Public Law 106-554).

FACT SHEET—NATIVE AMERICAN BREAST AND CERVICAL CANCER TREATMENT TECHNICAL AMENDMENT ACT OF 2001

Sens. Jeff Bingaman (D-NM), John McCain (R-AZ), and 23 additional bipartisan cosponsors are reintroducing the "Native American Breast and Cervical Cancer Treatment Technical Amendment Act of 2001." The bill is identical to the original bill, S. 535, and makes a simple but extremely important technical change to the "Breast and Cervical Cancer Treatment and Prevention Act" (P.L. 106-354) to ensure the coverage of breast and cervical cancer treatment for American Indian and Alaska Native women.

NEED FOR LEGISLATION

The "Breast and Cervical Cancer Treatment and Prevention Act," which passed the Senate by unanimous consent and had 76 cosponsors, gives states the option to extend coverage to certain women who have been screened by programs operated under Title XV of the Public Health Service Act (the National Breast and Cervical Cancer Early Detection program) and who have no "creditable coverage." The term "creditable coverage" was established by the Health Insurance Portability and Accountability Act of 1996 (HIPPA). Under the HIPPA definition, creditable coverage includes a reference to the medical care program of the Indian Health Service (IHS). In short, the reference to "creditable coverage" in the law effectively excludes Indian women from receiving Medicaid breast and cervical cancer treatment as provided for under this Act.

The Indian health reference to IHS/tribal care was originally included in HIPPA so that members of Indian Tribes eligible for IHS would not be treated as having a break in coverage (and thus subject to pre-existing exclusions and waiting periods when seeking health insurance) simply because they had received care through Indian health programs, rather than through a conventional health insurance program. Thus, in the HIPPA context, the inclusion of the IHS/tribal provision was intended to benefit American Indians and Alaska Natives, not penalize them.

However, use of the HIPPA definition in the recent "Breast and Cervical Cancer Treatment and Prevention Act" has the exact opposite effect. In fact, the many Indian women, who rely on IHS/tribal programs for basic health care, are excluded from the new law's eligibility for Medicaid. Not only does the definition deny coverage to Indian women, but the provision runs counter to the general Medicaid rule treating IHS facilities as full Medicaid providers.

The legislation would resolve these problems by clarifying that, for purposes of the "Breast and Cervical Cancer Prevention and Treatment Act," the term "creditable coverage" shall not include IHS-funded care so that American Indian and Alaska Native women can be covered by Medicaid for breast and cervical cancer treatment. Since a number of states are currently moving forward to provide Medicaid coverage under the state option, the need for this legislation is immediate to ensure that American Indian and Alaska Native women are not denied from receiving life-saving breast and cervical cancer treatment.

SUBMITTED RESOLUTIONS

SENATE CONCURRENT RESOLUTION 86—EXPRESSING THE SENSE OF CONGRESS THAT WOMEN FROM ALL ETHNIC GROUPS IN AFGHANISTAN SHOULD PARTICIPATE IN THE ECONOMIC AND POLITICAL RECONSTRUCTION OF AFGHANISTAN

Mr. DODD (for himself, Mr. KERRY, Mr. MCCAIN, Mrs. CLINTON, Ms. SNOWE, Ms. MIKULSKI, Ms. CANTWELL, Mrs. HUTCHISON, and Mrs. BOXER) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 86

Whereas until 1996 women in Afghanistan enjoyed the right to be educated, work, vote, and hold elective office;

Whereas women served on the committee that drafted the Constitution of Afghanistan in 1964;

Whereas during the 1970s women were appointed to the Afghan ministries of education, health, and law;

Whereas in 1977 women comprised more than 15 percent of the Loya Jirga, the Afghan national legislative assembly;

Whereas during the war with the Soviet Union as many as 70 percent of the teachers, nurses, doctors, and small business owners in Afghanistan were women;

Whereas in 1996 the Taliban stripped the women of Afghanistan of their most basic human and political rights;

Whereas under Taliban rule women have become one of the most vulnerable groups in Afghanistan, accounting for 75 percent or more of all Afghan refugees;

Whereas a study conducted by Physicians for Human Rights and released in May 2001 indicates that more than 90 percent of Afghan men and women believe that women should have the right to receive an education, work, freely express themselves, enjoy legal protections, and participate in the government; and

Whereas restoring the human and political rights that were once enjoyed by Afghan women is essential to the long-term stability of a reconstructed Afghanistan: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) a portion of the humanitarian assistance provided to Afghanistan should be targeted to Afghan women and their organizations;

(2) Afghan women from all ethnic groups in Afghanistan should be permitted to participate in the economic and political reconstruction of Afghanistan; and

(3) any constitution or legal structure of a reconstructed Afghanistan should guarantee the human and political rights of Afghan women.

Mr. DODD. Madam President, I rise today, along with my colleagues Senators KERRY, MCCAIN, CLINTON, CANTWELL, SNOWE, MIKULSKI, BOXER, and HUTCHISON to submit a resolution expressing the sense of Senate that women from all ethnic groups should participate in the economic and political reconstruction of Afghanistan.

This is an issue we feel strongly about, and it is my hope that the Senate will soon take up this important issue. Let me also thank Congresswoman CONNIE MORELLA for her work on this matter and for introducing companion legislation in House.

As you know, since the Taliban seized control of Kabul in 1996, women and girls living under this regime have been subjected daily to an array of human rights violations, from lack of access to education and health care to outright violence. They have been denied equal protection under the law, and have struggled to survive without the same professional or financial opportunities afforded the men in their country.

Certainly, even before the rise of the Taliban, Afghanistan was in many respects a country in crisis, facing drought, ethnic conflict, and uncertain leadership. It was the women and children of this troubled country that bore the brunt of this suffering. However, despite these many hardships, the women of Afghanistan persevered, and played a large and meaningful role in Afghan society. Prior to the rule of the Taliban, women had the right to vote, served as cabinet ministers, enjoyed rich professional careers, and indeed constituted a majority of country's lawyers, doctors, teachers, and business owners. Women participated in every aspect of Afghan life, and were fully integrated into its cultural, political, and economic fabric. However, since the Taliban regime came to power, conditions for women and children have worsened drastically. Stripped of their basic human rights and freedoms, they have fought hard to provide for themselves and their families, and to weather the many abuses suffered at the hands of the oppressive fundamentalist regime. Many women studied and taught in secret, determined to retain something of the life they knew before they were forced to retreat behind the burka.

In response to this humanitarian crisis, United States policy in Afghanistan has been guided, in part, by overwhelming concerns about these and other gross human rights violations. Now that we are in midst of military action against the Taliban in response to the horrific attacks on American civilians on September 11, we have the opportunity to help restore to the Afghan women the basic freedoms and opportunities which should be available to all citizens of the world. In addition, I believe that long-term stability in Afghanistan is contingent upon a full and expeditious renewal of these rights. The people of Afghanistan, both men and women, believe overwhelmingly that there is a place for Afghan women in Islamic society that affords them opportunities for meaningful professional and political roles in the rebuilding of their country.

The reconstruction of Afghanistan, both politically and culturally, will require the insight and dedication of all of the people of Afghanistan, and women must not be excluded from this vital process. They must be included as equal partners as this nation begins to recover and rebuild.

In many ways September 11 has become a turning point for the United States. It has been one of sorrow, and it has been a wake-up call that we need to guard our rights and our way of life. But it also an opportunity for the yoke of oppression to be once and for all lifted from the Afghani people, particularly the women and children who have suffered so much over the last decade. I urge my colleagues to support this resolution.

SENATE RESOLUTION 184—EX- PRESSING THE SENSE OF THE SENATE REGARDING THE USE OF CONTENT LABELING FOR INTERNET WEB SITES OF SEN- ATORS

Mrs. LINCOLN (for herself, Mr. ALLEN, Mr. CONRAD, Mr. BROWBACK, Ms. LANDRIEU, and Mr. ENSIGN) submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 184

Whereas Internet content labeling and filtering tools are valuable resources for safe use of the Internet by children; and

Whereas it is in the public interest that Senators configure their Internet web sites in a manner consistent with such tools in order to make the Internet safer for children while protecting freedom of expression: Now, therefore, be it

Resolved, That it is the sense of the Senate that each Senator should provide for the labeling of the content of the Internet web site of such Senator in a manner consistent with the labeling system utilized by the Internet Content Rating Association (ICRA) and other recognized voluntary Internet content filtering organizations.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2169. Mr. STEVENS submitted an amendment intended to be proposed by him to the bill S. 703, to extend the effective period of the consent of Congress to the interstate compact relating to the restoration of Atlantic salmon to the Connecticut River Basin and creating the Connecticut River Atlantic Salmon Commission, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2169. Mr. STEVENS submitted an amendment intended to be proposed by him to the bill S. 703, to extend the effective period of the consent of Congress to the interstate compact relating to the restoration of Atlantic salm-

on to the Connecticut River Basin and creating the Connecticut River Atlantic Salmon Commission, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, after line 14, insert the following new section:

SEC. 2. FISHING CAPACITY REDUCTION PROGRAM.

Section 144(d)(4)(A) of division B of the Miscellaneous Appropriations Act, 2001 (as enacted into law by section 1(a)(4) of Public Law 106-554; 114 Stat. 2763A-242) is amended—

(1) by striking “in equal parts through a reduction loan of \$50,000,000” and inserting “through any combination of a reduction loan of up to \$100,000,000”; and

(2) by striking “and \$50,000,000” and inserting “and up to \$50,000,000”.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Madam President, I would like to announce for the information of the Senate and the public that the Committee on Energy and Natural Resources will hold a hearing on Wednesday, December 5, 2001, at 9:30 a.m. in Room 366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the following nominations: Margaret S. Y. Chu to be Director of the Office of Civilian Radioactive Waste Management, Department of Energy; Beverly Cook to be an Assistant Secretary of Energy (Environment, Safety and Health), Department of Energy; Jeffrey D. Jarrett to be Director of the Office of Surface Mining Reclamation and Enforcement, Department of the Interior; and Rebecca W. Watson to be Assistant Secretary of the Interior (Land and Minerals Management), Department of the Interior.

Those wishing to submit written testimony for the hearing record on any of these nominations should e-mail it to amanda.goldman@energy.senate.gov or fax it to 202/224-9026.

For further information, please call Sam Fowler or Amanda Goldman at 202/224-4103.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place on Thursday, December 6, beginning at 9:30 a.m. in room 366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on the negotiations for renewing the Compact of Free Association.

Because of the limited time available for the hearing, witnesses may testify by invitation only. Those wishing to submit written testimony for the hearing record should e-mail it to shelly

brown@energy.senate.gov or fax it to 202/224-4340.

For further information, please contact Kira Finkler of the committee staff at (202) 224-8164.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON THE JUDICIARY

Mr. CLELAND. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on “Department of Justice Oversight: Preserving Our Freedoms While Defending Against Terrorism,” Wednesday, November 28, 2001 at 9 a.m. in Dirksen room 226.

TENTATIVE WITNESS LIST

Panel I: Michael Chertoff, Assistant Attorney General, Criminal Division.

Panel II: William Barr, former Attorney General of the United States; Philip B. Heymann, James Barr Ames Professor of Law, Harvard Law School, former Deputy Attorney General of the United States; Griffin Bell, Senior Partner, King & Spalding, former Attorney General of the United States; Scott L. Silliman, Executive Director, Center on Law, Ethics and National Security, Duke University School of Law; Kate Martin, Director, The Center for National Security Studies; and Neal Katyal, Visiting Professor, Yale Law School, Professor of Law, Georgetown University.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. CLELAND. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet to conduct a closed hearing on Intelligence Matters on Wednesday, November 28, 2001 at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations, 572 and 575; that the nominations be confirmed, the motions to reconsider be laid upon the table, any statements thereon be printed in the RECORD, and the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations were considered and confirmed, as follows:

DEPARTMENT OF THE TREASURY

James Gilleran, of California, to be Director of the Office of Thrift Supervision for the remainder of the term expiring October 23, 2002.

EXECUTIVE OFFICE OF THE PRESIDENT

Randall S. Kroszner, of Illinois, to be a Member of the Council of Economic Advisers.

NOMINATIONS DISCHARGED

Mr. REID. Madam President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of the following nominations: ENI FALEOMAVAEGA and STEVEN CHABOT to be Representatives of the United States to the Fifty-sixth Session of the General Assembly of the United Nations.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the table, that any statements be printed in the RECORD, the President be immediately notified of the Senate's action, and that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations were considered and confirmed, as follows:

DEPARTMENT OF STATE

Eni F.H. Faleomavaega, of American Samoa, to be a Representative of the United States of America to the Fifty-sixth Session of the General Assembly of the United Nations.

Steven Joseph Chabot, of Ohio, to be a Representative of the United States of America to the Fifty-sixth Session of the General Assembly of the United Nations.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

NATIVE AMERICAN BREAST AND CERVICAL CANCER TREATMENT TECHNICAL AMENDMENT ACT OF 2001

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 1741 introduced earlier today by Senator BINGAMAN.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1741) to amend title XIX of the Social Security Act to clarify the Indian women with breast or cervical cancer who are eligible for health services provided under a medical care program of the Indian Health Service of a tribal organization are included in the optional medicaid eligibility category of breast or cervical cancer patients added by the Breast and Cervical Cancer Prevention and Treatment Act of 2000.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Madam President, I ask unanimous consent the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1741) was read the third time and passed.

(The text of the bill is printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

MEASURE READ THE FIRST TIME—H.R. 2983

Mr. REID. Madam President, I understand that H.R. 2983, which was just received from the House, is at the desk, and I now ask for its first reading.

The PRESIDING OFFICER. The clerk will read the title of the bill.

The assistant legislative clerk read as follows:

A bill (H.R. 2983) to extend indemnification authority under section 170 of the Atomic Energy Act of 1954, and for other purposes.

Mr. REID. Madam President, I now ask for the bill's second reading and object to my own request on behalf of a number of my colleagues.

The PRESIDING OFFICER. Objection is heard.

Under the rule, the bill will receive its second reading on the next legislative day.

ORDERS FOR THURSDAY, NOVEMBER 29, 2001

Mr. REID. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9 a.m. tomorrow, Thursday, November 29; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be re-

served for their use later in the day, and the Senate resume consideration of the motion to proceed to H.R. 10, with 60 minutes of debate, beginning at 9 a.m., prior to the cloture vote, equally divided between the two leaders or their designees, with the mandatory quorum being waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. REID. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:38 p.m., adjourned until Thursday, November 29, 2001, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate November 28, 2001:

THE JUDICIARY

FRANCIS L. CRAMER, III, OF NEW HAMPSHIRE, TO BE A JUDGE OF THE UNITED STATES TAX COURT FOR A TERM EXPIRING FIFTEEN YEARS AFTER HE TAKES OFFICE, VICE JULIAN L. JACOBS, TERM EXPIRED.

DEPARTMENT OF STATE

KENNETH P. MOOREFIELD, OF FLORIDA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE DEMOCRATIC REPUBLIC OF SAO TOME AND PRINCIPE.

CONFIRMATIONS

Executive nominations confirmed by the Senate November 28, 2001:

DEPARTMENT OF THE TREASURY

JAMES GILLERAN, OF CALIFORNIA, TO BE DIRECTOR OF THE OFFICE OF THRIFT SUPERVISION FOR THE REMAINDER OF THE TERM EXPIRING OCTOBER 23, 2002.

EXECUTIVE OFFICE OF THE PRESIDENT

RANDALL S. KROSZNER, OF ILLINOIS, TO BE A MEMBER OF THE COUNCIL OF ECONOMIC ADVISERS.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

DEPARTMENT OF STATE

ENI F.H. FALEOMAVAEGA, OF AMERICAN SAMOA, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FIFTY-SIXTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

STEVEN JOSEPH CHABOT, OF OHIO, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FIFTY-SIXTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

HOUSE OF REPRESENTATIVES—Wednesday, November 28, 2001

The House met at 10 a.m.

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer: Lord God of Heaven and Earth, through the stories of the ancient Scriptures You bring us to faith and renew us in hope. May Your word live in the hearts of the Members of this House and Your spirit guide them in their journey of service to Your people.

The ancient story of the tower of Babel describes the origin of diverse languages in the human family. It is from You, another illustration of the refusal to accept human limitations. Yet out of this context of diversity and confusion, You call Your servant Abraham to be the father of faith in You as the one, true living God.

Help us in our day to embrace not only our limitations but also our diversity. Let us not be as those who build for themselves a tower or city only to make a name for themselves. Rather, shape us by our differences to be one Nation under God who has a message You scatter to people all over the face of the Earth. Seeking to live beyond words, enable us to accept all human diversity, even the more subtle differences of perception and opinion. In such loving acceptance we give You glory now and forever. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. FOLEY. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. FOLEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Texas (Mr. HINOJOSA) come forward and lead the House in the Pledge of Allegiance.

Mr. HINOJOSA led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

HONORING ROSITTA KENIGSBERG

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, our Nation has many outstanding citizens. One such individual is Rositta Kenigsberg, a child of Holocaust survivors, born in the displaced persons camp of Bindermichel in Austria.

Rositta is the founding Chair of the Children of Holocaust Survivors of Southeast Florida. She also serves as the executive vice president of the Holocaust Documentation and Education Center in North Miami Beach.

Rositta has worked with Nobel Prize winner Elie Wiesel, and she served on the North American Advisory Board for the "March of the Living."

She has traveled to the concentration camps of Poland to retrace the steps of her father, the sole survivor of a family of over 120 members. She has contributed countless hours and worked endlessly to implement Holocaust education in the State of Florida.

Rositta currently serves a presidential appointment to the United States Holocaust Memorial Council. Please join me in congratulating Rositta Kenigsberg for her contributions to Holocaust education and to Holocaust survivors as well as their children.

DIABETES AWARENESS MONTH

(Ms. SANCHEZ asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SANCHEZ. Mr. Speaker, since November is National Diabetes Awareness Month, I would like to take this opportunity to encourage people to be screened for this disease and to learn more about the prevention and the treatment of this disease.

Approximately 16 million people in the United States have diabetes, although about 5 million of those people do not even know they have it. Sadly, this is a disease that disproportionately affects minority groups and individuals who are 65 years or older. African Americans are 1.7 times more often

having diabetes than Caucasians. And Hispanics are almost twice as likely to have diabetes than non-Hispanic whites; 6.3 million people with diabetes are 65 years of age or older.

According to the American Diabetes Association, total health care costs incurred by people with diabetes for the year 1997 was \$98 billion. At present there is no method to prevent or cure diabetes, but there are several things that we can do as legislators and individuals. We can promote research that includes minority populations and people over 65 years of age. These groups are rapidly-growing segments of our population, and we should do this research.

BULLENTINI COMFORT QUILTS PROJECT

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, September 11 of course was a day of tragedy where thousands of Americans lost their lives, and some of the youngest victims of this heinous attack were the children who lost one or both parents in the disaster. Today, I am proud to announce that a resident of Reno, Nevada, is spearheading a project to benefit these children facing a world without one, either a mother or a father from this disaster.

Ms. Debby Bullentini, a former fifth grade teacher, has begun the Comfort Quilts Project, a project to provide the children with a special hand-made quilt made up of patches from all over the country. Every Member of this Chamber can help by signing an individual patch for the quilts which will be distributed to the 10 to 15,000 children who lost one or both parents on September 11.

I have encouraged every Member of Congress to visit any office or call at 100 Cannon and take a few minutes to sign a patch like this one to show that we do care about these children, and I wish we could do more to ease the pain of these children who are the youngest victims of this terrorist attack.

PASSING A HATE CRIMES BILL

(Ms. LOFGREN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LOFGREN. Mr. Speaker, it is time to pass a hate crimes bill. Some

people confuse hate crimes with the idea that some victims are worthier than others. What that misses is the fact that when there is a hate crime there is more than one victim: the individual who has been assaulted and the group that that victim belongs to.

We know that when there is a hate crime the intent is to intimidate, frighten, and alarm people who share the same trait as the victim, whether it is their religion or some other trait. So we need to make sure that we protect Americans against hate crimes.

I am a member of the Committee on the Judiciary with jurisdiction over this bill which I am a co-sponsor of. We are not even meeting today. We should use our time to enhance law enforcement to protect Americans to pass a strong hate crimes bill.

ENACTING COMMONSENSE ECONOMIC STIMULUS POLICIES

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, yesterday's front page of the Wall Street Journal reads like this: "The U.S. fell into a recession in March for the first time in a decade."

By historical standards, the current contraction is unusual. Despite some optimism that the recession has run its course, turmoil in the commodity markets could indicate that a recovery will not arrive until summer at best, at best.

If the American economy has been in a recession since March, it is obvious the American people need help now. We cannot wait until next summer for a turnaround.

History has shown that providing tax relief is a better way to jump-start the economy than increasing spending. By enacting some commonsense stimulus policies, we can get our economy back on track.

Our House-passed tax relief bill does just that. More tax relief would be great news for American families, American companies, and the American economy. Our friends at the other end of the Capitol need to quit stalling, get in gear and pass tax relief now. America will say thank you.

CHINA'S TWO-TIMING OF AMERICA

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, reports say that China is two-timing Uncle Sam big time. With one hand China slaps Uncle Sam on the back and wishes us well in Afghanistan. With the other hand China sells missiles and weapons to Iran and Iraq and continues to funnel support under the table to

the Taliban. Bottom line, China continues to aid and abet our enemies.

Beam me up.

I yield back the fact that the Taliban are a fly on our face, but China is a dragon eating our assets. Think about that.

PASS AN ECONOMIC STIMULUS PACKAGE

(Mr. FOLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOLEY. Mr. Speaker, let me associate myself with the comments from the gentleman of Texas (Mr. SAM JOHNSON) urging the Senate to bring about an economic stimulus package.

We passed over 6 weeks ago a very important bill that would bring real tax relief to American families. Now, maybe the other Chamber's idea of a stimulus is Metamucil, but we need more than a dose of fiber to get this economy moving. I urge them based on the numbers we saw yesterday, rising unemployment, lower consumer confidence, today's Wall Street opening again declining, based on the fact that there is little confidence in this economy, we could make a dramatic step forward by bringing the House and Senate together and conferencing this very important economic stimulus bill, send it to the President for signature, and get the economy moving for the holiday season.

PASSING A RESPONSIBLE STIMULUS PACKAGE FOR AMERICAN WORKERS

(Mr. HINOJOSA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HINOJOSA. Mr. Speaker, I rise today to express my growing concern for the decaying state of our Nation's economy. Yesterday, leading economists confirmed what 7 million laid-off workers already know: our Nation is in a recession for the first time this decade.

If we are to truly address this country's growing economic crunch, any economic stimulus legislation passed by Congress must include more than corporate tax breaks for large and already profitable companies.

A responsible stimulus package that would benefit every American must include provisions that will invest in American workers, assist small and medium businesses, and foster fiscal responsibility. These ends can be achieved by creating a bill that combines tax relief with critical funding for ready-to-go construction projects, including airport security and school modernization.

This is the only way to ensure that workers are put to work and businesses stay in business.

Mr. Speaker, I ask that this body make a pledge to act responsibly in the coming days and work with the Senate to address this Nation's difficult economic times, not just to use this recession as an excuse for the passage of an even larger number of tax cuts.

□ 1015

BANNING HUMAN CLONING

(Mr. RYUN of Kansas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RYUN of Kansas. Mr. Speaker, recent polls show 9 out of 10 Americans believe that all cloning should be banned. As Members of Congress, each of us has the responsibility to address this critical issue that the American people care about. Failure to do so is intolerable.

I am categorically opposed to all human cloning, but I rise today on behalf of millions of American people who are concerned about cloning technology and the desire for it to be addressed. This Chamber has already voted overwhelmingly to ban all human cloning. However, a recent announcement that an embryo has been successfully cloned brings an added sense of urgency to banning this practice.

Congress must complete consideration of this issue immediately and send a bill to the President for his signature. The leader of the other body can no longer sit on his hands and ignore his constituents. The American people deserve to be heard and deserve to be represented. This must not be ignored.

CONGRATULATIONS TO DR. LAURA DUHAN KAPLAN AND UNC-CHARLOTTE

(Mr. WATT of North Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WATT of North Carolina. Mr. Speaker, I rise today to honor Dr. Laura Duhan Kaplan, Associate Professor of Philosophy at the University of North Carolina at Charlotte, which is located in my congressional district.

On November 13, Dr. Kaplan was named one of four U.S. professors of the year by the Council for Advancement and Support of Education and the Carnegie Foundation for the Advancement of Teaching. Dr. Kaplan was honored for her creative and nontraditional methods of teaching philosophy, which have made her classes a favorite of UNC-Charlotte students and earned praise from her colleagues.

Dr. Kaplan's award is an honor for her and the entire UNC-Charlotte community. UNC-Charlotte becomes the first university in the Nation to have

three U.S. Professors of the Year serving on its faculty.

I offer my congratulations to Dr. Kaplan and to the University of North Carolina at Charlotte on this high honor.

TRADE PROMOTION AUTHORITY IS IMPERATIVE

(Mr. LINDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LINDER. Mr. Speaker, free and fair trade is the foundation of our capitalist society. It creates jobs and improves wages. It contributes to economic growth and improves standards of living. It promotes freedom, opportunity and openness.

One in ten Americans work in export-related jobs. Typically, those jobs pay 18 percent more than the national average. In addition to rising wages, trade has resulted in lower prices, resulting in a benefit of between \$1,300 and \$2,000 per year for the average family of four. Clearly, American workers benefit from expanded trade.

The benefits of trade reaped by American workers and their families extend to the entire U.S. economy, as trade facilitates our global competitiveness. Exports have accounted for nearly one-quarter of U.S. economic growth during the past decade. In fact, NAFTA and the Uruguay Round combined have increased U.S. income by nearly \$60 billion per year. Further, U.S. industrial production is 48 percent higher today than in 1990, prior to the enactment of NAFTA and the Uruguay Round.

The passage of Trade Promotion Authority is imperative. Free trade will stimulate our economic recovery and preserve the very core of capitalism. I urge my colleagues to join me in supporting H.R. 3005.

H.R. 1343, LOCAL LAW ENFORCEMENT HATE CRIMES PREVENTION ACT

(Ms. WOOLSEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Speaker, it is time to bring the bipartisan bill, the Local Law Enforcement Hate Crimes Prevention Act, of the gentleman from Michigan (Mr. CONYERS) to the floor to be voted on.

The terrorists who committed the atrocities on September 11 want nothing less than to destroy our American way of life. Terrorists want our children to grow up divided because of weaknesses, not unified by America's strengths.

The Conyers' bill, supported by 199 bipartisan cosponsors, defends every American from the kind of hate and

bigotry that has followed September 11, particularly our children.

Kids, because of the way they appear, have been beaten by their peers, harassed at their schools, and spit on in supermarkets. We must give local law enforcement the tools that they need to punish and prevent these crimes. The Conyers Hate Crime Prevention Act will do just that.

AGAINST CLONING: DESIGNING DISCARDABLE DONORS

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, last Sunday, we heard the news that a Massachusetts biotechnology firm had turned a revolutionary scientific corner. Delicately transferring human DNA into a donated human female egg, they then artificially nurtured the egg into a 6-cell embryo. The embryo then went off about its business, dividing as if fertilized by a sperm, but stopped far short of maturing into a baby.

Their objective in creating this being? To harvest its stem cells to be crafted into potential replacement tissues for patients suffering from various degenerative diseases. Advanced Cell Technology, Inc. positions the product of their research as "only cellular life, not human life." Still, building a life, whether you call it a "cellular life" or a "human life" to serve as a discardable donor is not moral science.

The House passed H.R. 2505, a human cloning prohibition in July, and I urge our colleagues in the Senate to expeditiously pass legislation banning such destructive research.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON). The Chair would remind Members they should not urge action in the other body.

FIRST THINGS FIRST

(Mr. PRICE of North Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PRICE of North Carolina. Mr. Speaker, in recent months, we have passed legislation to rebuild the communities ravaged by terrorism, to bring down the Taliban and root out the al-Qaeda network, and to make our skies safer for the flying public. But there is one glaring omission, left out of the airline bailout bill, left out of the aviation security bill, and that is the workers laid off in the aftermath of these attacks.

What we have known for weeks is now official: Our economy is spiraling

downward in a recession worsened by the events of September 11. North Carolina's unemployment rate for last month was 5.4 percent, the highest it has been in almost 9 years.

In this time of financial crisis, we need a recovery plan that includes all our citizens, not just the big corporations looking to benefit from a pre-existing Republican tax cut agenda. Our Republican friends have found time to pass a 16-year refund of the alternative minimum tax for large corporations, but precious little for the working people who need extended unemployment benefits and reimbursement of their COBRA health care coverage.

These priorities are way out of whack and we must reverse them now.

ON THE ECONOMY

(Mr. ARMEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ARMEY. Mr. Speaker, earlier this week, we learned we have been in a recession for the past 8 months. Mr. Speaker, that is not acceptable to the American people and it is not acceptable to this Congress.

The House has responded. We passed an energy bill that creates jobs; we passed an economic growth bill that creates jobs; and next week we will pass a trade bill that creates jobs.

There are some people that have a different idea about the question of what creates jobs. Mr. Speaker, I have a pop quiz for our friends on the other side of the building:

Which of the following do you think would best grow the economy and get it back on its feet? Investment-based tax relief; a railroad retirement bill; a farm bill; or more funding for bison meat and sight-seeing tours in the Dakotas?

Mr. Speaker it does not take a degree in economics to know the answer. We need to give the President a growth package that will create jobs not just for today but for the future. Yet some people think that other legislation should be the "front burner" issues. These bills have even been scheduled, while the President's plan for economic growth languishes in the other body.

Mr. Speaker, there is no time left. An economic growth package built on tax relief should be the only "front burner" issue this Congress addresses today. It is a big deal, Mr. Speaker. The American people want to get back to work. They want this Congress to act now to jump-start this economy. They do not want to see the process thwarted by a Senate that does not understand which burner should be the front burner.

TRIBUTE TO DR. LEE HATWELL

(Mr. BAIRD asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. BAIRD. Mr. Speaker, I am proud to rise today and pay tribute to one of Washington State's leading citizens, Dr. Lee Hartwell.

I join my colleagues in honoring Dr. Hartwell for winning the Nobel prize in Physiology or Medicine. This award, as we all know, is recognized as one of the world's most distinguished honors for those involved in basic medicine and clinical research.

During his more than 30 years involved in groundbreaking research studying cell division and its relation to cancer, Dr. Hartwell has won numerous awards, including the Massry Prize, the American Cancer Society's Medal of Honor Basic Research Award, the General Motors Sloan Award, the Albert Lasker Basic Medical Research Prize, the Leopold Griffuel Prize, and the Gardiner Foundation International Award for Achievements in Science, and now the Nobel Prize.

Much of Dr. Hartwell's pioneering research has been conducted at the University of Washington. He began his service with the university in 1968 and has been Professor of Genetics since 1973. Twenty-three years later, Dr. Hartwell joined the faculty of the Fred Hutchinson Cancer Center, and in 1997 became its president and director.

Since it opened its doors in 1975, the research undertaken by the Hutchinson Center has given hope and extended life to thousands of people. My cousin is among one of those whose life was so extended, and I am deeply grateful, and I join my colleagues in honoring Dr. Hartwell for his life's work and becoming the recipient of the Nobel Prize.

HUMAN CLONING UNETHICAL

(Mr. WELDON of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELDON of Florida. Mr. Speaker, on Sunday, it was announced that the Massachusetts biotechnology company, Advanced Cell Technology, had created the first human clones. They claim they only want to use these embryos for research purposes. However, this research is unethical for at least two reasons:

First, it involves the special creation of human life for experimentation and then destruction. There are morally acceptable alternatives to this type of research.

Secondly, for this research to advance, scientists will need massive quantities of women's eggs to generate the necessary number of clones for the research to proceed. Women will be donating their eggs not for the purpose of having children but for the purpose of making money.

As pro-choice feminist Judy Norsigian said in a Boston Globe col-

umn, "Because embryo cloning will compromise women's health, turn their eggs and their wombs into commodities, compromising their reproductive autonomy and virtually certainly lead to the production of experimental human beings, we are convinced the line must be drawn here."

Judy is right. The Senate needs to act.

SUPPORT H.R. 1343, HATE CRIMES PREVENTION ACT

(Mr. CONYERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONYERS. Mr. Speaker, I join my colleague, the gentlewoman from California (Ms. WOOLSEY), today to resurrect a bill that is almost ready to leave this body with 199 cosponsors. I want to thank the gentlewoman from California and also my colleagues that are joining her in this effort, the gentlewoman from California (Ms. LOFGREN), the gentleman from California (Mr. SCHIFF), the gentlewoman from Texas (Ms. JACKSON-LEE), the gentlewoman from Illinois (Ms. SCHAKOWSKY), the gentlewoman from Connecticut (Ms. DELAURO), and many others.

Now, we have a hate crimes bill, my colleagues. What we need is some improvements that get through some old Federal jurisdictional hang-ups that have been around since about 1994. So join us in this last push. It is not too late.

BAN HUMAN CLONING

(Mrs. MYRICK asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MYRICK. Mr. Speaker, I rise today to urge the other body to act immediately to ban human cloning. The news over the weekend that a firm in Massachusetts had successfully cloned a human embryo makes it vitally important that that happen now.

Scientists are creating human life for the sole purpose of destroying it. And this is not the plot of a bad science fiction movie, this is very real. Cloning is very real and it is happening in America right now. We must put a stop to this horrific practice.

□ 1030

PASS HATE CRIMES LEGISLATION

(Mr. SCHIFF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHIFF. Mr. Speaker, I rise today to urge the House to pass hate crimes legislation before we recess this year. We are a Nation still at war. We

are a Nation still healing, and we are still standing strong as a people unified. The events of September 11 have brought out the very finest in what America stands for. Communities have rallied around its law enforcement officers, neighbors have come together, individuals have stopped by a fire station to say a word of thanks. In many ways we have celebrated our diversity and united as a Nation.

Unfortunately, some have taken the events of September 11 to act violently towards those who may appear different from the majority. Since September 11 there have been 1,200 recorded deaths, assaults, discrimination, bomb threats or intimidation against men, women, children and families who look like or are Arab or Muslim Americans.

At a time when we are fighting a war against terrorism and hatred, we have a golden opportunity to show the world that we celebrate our diversity; that every American citizen or everyone who visits here will not be in danger because of their national origin or religious faith; that we will not allow these acts of terror to divide us; that we are one Nation under God, indivisible and we will stay that way.

SENATE CONTINUES TO STALL ON ECONOMIC SECURITY

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, the Nation's economists have confirmed what thousands of American workers have already feared, that our economy is in a recession.

House Republicans have passed an economic security package to create new jobs and help unemployed workers. But the stalling economy continues to be in jeopardy because the Senate continues to stall economic security legislation.

People are hurting, unemployment is rising, and now we have proof that the economy is in recession. What more does the Senate Democratic leadership need? The American people deserve action on this right now. The Senate Democrat leadership failed to push through a strictly partisan version of a stimulus plan on November 14.

Mr. Speaker, it is time for the Senate Democrat leadership to stop stalling and send President Bush an economic stimulus package that creates jobs and helps affected Americans.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON). The Chair would remind Members they should avoid urging action or inaction by the Senate.

WORK YET UNDONE

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise this morning to talk about the work yet undone, the work this Congress, this House needs to complete. I believe it is imperative that we pass the Conyers Hate Crimes Prevention Act with 199 cosponsors, and I join my colleagues in reminding us of the values of this country of equality and justice.

This past week I commemorated and celebrated Ramadan with members of my community, the Muslim community. They should be protected just as anyone else, and terrorism should not divide us. Muslim and Arab lives have been lost, and they have been intimidated. We should pass this legislation.

We also announced today that we are in a recession, something we know about and that does not make for a happy holiday. We need an economic stimulus package that addresses the unemployed workers of America; in my own State, Enron, which is about to merge with another company, which I encourage to save the opportunities for workers and the resources that America needs. Maybe upwards of 3,000 employees will be laid off.

Mr. Speaker, we need an economic stimulus package. We need to pass hate crimes legislation, and this Congress needs to finish its unfinished business.

PROHIBIT HUMAN CLONING

(Mr. SHIMKUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHIMKUS. Mr. Speaker, Thomas Jefferson wrote in the Declaration of Independence that we hold these truths to be self-evident that all men are created equal, that they are endowed by their creator with certain unalienable rights, and among these are life, liberty and the pursuit of happiness. That is why we have government. We have government to protect these rights, and more importantly, the rights of those who are the most innocent and the most vulnerable.

Mr. Speaker, on July 31 the House passed the bipartisan Weldon-Stupak Human Cloning Prohibition Act by a large majority. Advanced Cell Technologies of Massachusetts threatens human lives; and if government does not act, we are co-conspirators.

To produce one live cloned sheep, Dolly, scientists created 277 sheep embryos; 276 died in different stages of development or were discarded. The head of the U.S. Conference of Catholic Bishops, Bishop Wilton D. Gregory of Belleville, Illinois, said that human cloning does not treat any disease but turns human reproduction into a man-

ufacturing process by which human beings are mass produced to preset qualifications. It is time for the other legislative body to move and prohibit human cloning.

PASS HATE CRIMES LEGISLATION

(Ms. SCHAKOWSKY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SCHAKOWSKY. Mr. Speaker, at a time when we are waging war around the world against terrorism, oppression and hate, we must be sure that we are sending a clear message at home to all Americans, especially our children, that hate crimes will not be tolerated, period.

President Bush has repeatedly called on Americans to resist all acts of bigotry and hate; and yet since the terrorist attacks on September 11, thousands of assaults have been reported across the country against people of South Asian, Arab, Muslim, and Sikh backgrounds. Some of those occurred in my district, one of the most diverse districts in the Nation.

The Conyers bill, H.R. 1343, is the right antidote. It is not just talk; it is action. We must elevate the status of hate crimes within Federal law to ensure that the punishment fits the seriousness of the crime. Congress has given law enforcement new tools to fight terrorism, and we must not delay in adding new tools to fight hate here at home.

BAN HUMAN CLONING

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, 88 percent of the American people think that human cloning is immoral. Accordingly, this representative body overwhelmingly outlawed human cloning this July. Many of us are outraged to learn that a bio-technical firm has gone forward and made significant gains in the area of cellular-level human cloning.

Mr. Speaker, I must say today that amoral bio-technical firms ought not to lead America as America leads the world in medical ethics. Rather, America ought to be informed by history, by conscience, by history and by our laws and by this institution.

Our Chaplain spoke today about the Tower of Babel that was built on pride, of technology rising to the skies that destroyed their people. I submit that the creation of nascent human life, for research or vanity, is such a tower that threatens to tear at the fabric of our society and our laws and our very civilization. It must be banned.

PASS HATE CRIMES LEGISLATION

(Mr. SHERMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHERMAN. Mr. Speaker, I rise along with the gentleman from Michigan (Mr. CONYERS) and the gentlewoman from California (Ms. WOOLSEY) and 199 cosponsors in support of a Federal hate crimes statute. We must show the world that we are not engaged in a war on Islam, but instead are forming our laws to reflect the fact that we are building the most diverse country in the history of the world.

Mr. Speaker, it is said that a single act of violence should not be subject to different levels of punishment. But the fact is that we often enhance punishment due to the motivations of the perpetrator, and racial and religious hatred is one motivation that deserves enhanced punishment. We also adjust punishment when the perpetrator causes a greater harm; and hate crimes not only hurt the physical victim, but also tear at the fabric of our society.

There was a hate crime in my district 2 years ago. The Jewish Community Center was invaded and children were shot. Not only were their families victims of this act, but there was fear at Jewish community centers from one end of this country to the other. It is time that we reflect this higher level of harm with a higher level of punishment by passing the Federal hate crimes statute.

BAN HUMAN CLONING

(Mr. FORBES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FORBES. Mr. Speaker, I rise today to voice my strong opposition to human cloning. The announcement over the weekend that an American company had cloned the first human life is a profoundly disturbing step toward a brave new world for which none of us are prepared.

My father suffers from Parkinson's disease; and while I recognize the agony of so many Americans with devastating illnesses and injuries, I cannot countenance the creation and destruction of human life as a potential means to ease their suffering. There are other methods of scientific research using adult stem cells and umbilical cord blood that can lead to medical breakthroughs for Alzheimer's, spinal cord injury, and more. These alternatives promote the quality of human life without forsaking the value of human life in its most vulnerable form.

Mr. Speaker, it is clear that science has overtaken the law in this instance. The House, in a strong bipartisan vote, has said we should not proceed down this path. The President has stated his opposition to human cloning. And in

poll after poll, the American people overwhelmingly object to it as well. The other body must act, and act soon to ban human cloning.

BAGS IN BELLY OF AIRPLANE MUST BE SCREENED

(Mr. INSLEE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. INSLEE. Mr. Speaker, on November 18 the President signed a law promising the American people that every bag that goes into the belly of the airplanes will be checked for explosives, a promise that was long overdue. It is within certain time limits imposed by the U.S. Congress and signed into law by the President. Therefore, it is most disturbing that the administration has now told us, 9 days later, that they cannot meet the deadline set forth in law just 9 days ago.

Mr. Speaker, this is very disappointing because the word "cannot" is not in the American lexicon. In a Nation that sent people to the Moon and whose Armed Forces are doing such an exemplary job in Afghanistan, we cannot say we cannot solve this problem.

If there are not enough people to do the job, hire them. Get the National Guard to do the job, and come to Congress and tell what us what is needed to get this job done because we will stand with the administration and make sure that it gets done. The American people deserve it.

BAN HUMAN CLONING

(Mr. FERGUSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FERGUSON. Mr. Speaker, this past summer I spoke on the floor of this House and voted with my colleagues overwhelmingly to ban human cloning. Two weeks ago I stood at this podium and urged our colleagues in the Senate to act on and pass this important legislation which would ban this mad science. This past weekend, as we all know, it happened. American scientists announced that they had cloned a human embryo.

Mr. Speaker, now is the time. Now is the time to choose between reckless science and a respect for human life, the time to choose between courageous action and silence.

Mr. Speaker, the message to our colleagues in the Senate must be to act now to ban human cloning. We can afford to wait no longer.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would again remind all Members,

including certain past speakers, to refrain from urging action or inaction in the other body.

PASS HATE CRIMES LEGISLATION

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, a quote from the New Haven Register, my hometown paper, dated yesterday, "Hate Crimes Are a Local Danger." What it does is cites three recent reports that were conducted in the State of Connecticut: one by the Anti-Defamation League which says in recent years Connecticut has experienced a breadth and scope of extremist activity disproportionate to its small size. This is an alarming report if added to that is a State police analysis showing that reported hate crimes in Connecticut increased by almost 20 percent from 1998 to 1999. Add to that the chief State's attorney's recent report that says that since September 11 and the terrorist attacks on New York City and Washington, D.C., that there have been 13 hate crimes reported since that day, mostly aimed at American citizens merely on the grounds that they were of Arab extraction or of the Muslim faith. This reemphasizes the need for religious, cultural and educational institutions of Connecticut to continue promoting understanding.

Mr. Speaker, we have an opportunity at the Federal level to pass a bill, the Hate Crime Prevention Act of 2001, that would help local law enforcement officials deal with hate crimes. We must do it nationally, and we must do it for our local communities.

BAN HUMAN CLONING

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, we learned last week that just because a person has an advanced degree, there is still no guarantee that they are ethical or that they even exercise common sense. Some scientists are claiming today that they need to clone human beings in order to develop cures for diseases. We have been cloning animals for years; and not one, not one animal study has resulted in even a single useful therapy.

The history of animal cloning is replete with defects, deformities, and death. Dolly the sheep was the 277th try. To clone a human being, scientists will have to sacrifice hundreds and thousands of tiny human beings who will die because they are mutated and full of genetic defects and used for experimentation and harvesting of organs and cells.

Mr. Speaker, human life is human life. This kind of mad science should

not be permitted. The House has passed the cloning ban. It needs to be passed into law so the American people can rest assured our government still knows right from wrong. It is obvious some scientists do not.

□ 1045

HUMAN CLONING

(Mr. SMITH of New Jersey asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of New Jersey. Mr. Speaker, let me tell my colleagues about the company that informed us that they have the technology to clone human beings. This is the same company that conducted research in which they introduced human cells into cow eggs, they have created human embryos specifically for scientific experimentation. In other words—use newly created human beings—steal their stem cells, then kill them. And now they have cloned human beings that lived for a few hours as embryos and then died. The drill here is to clone then kill the newly created human.

Their president, Michael West, has made clear that he has no problems with cloned births once so-called "safety issues" are resolved. Glen McGee, the former chair of their ethics advisory board, current professor of bioethics at the University of Pennsylvania and editor in chief of the American Journal of Bioethics, resigned from this company's ethics advisory board last fall because they were using it as a front.

But that should come as no surprise, Mr. Speaker, when you consider what is going on in their labs. These are not the people we want to defend. These are not the people we want to hold up as scientific trailblazers, nor do we want to empower or enable them.

Their actions are more like, Mr. Speaker, the Third Reich, where scientists routinely played God, than the work of visionaries like Copernicus, Galileo, Madame Curie or Jonas Salk.

The Senate must pass the House-passed bill to proscribe cloning.

AMERICANS WAITING FOR ECONOMIC STIMULUS AND ENERGY BILLS

(Mr. BARTLETT of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Americans are waiting for desperately needed economic stimulus and energy bills.

Mr. Speaker, the other body has put Americans on hold; on hold for a comprehensive energy bill, on hold for an economic stimulus bill. Both are long past due as evidenced by our growing energy dependence and our deepening

recession. The President wisely asked Congress to pass both months ago.

The House passed a comprehensive energy bill in August. The House passed a tax relief bill to spur the economy more than 6 weeks ago. Meanwhile, America is still waiting for the other body to act on both of these high priorities.

How much longer will the other body leadership keep Americans on hold, Mr. Speaker?

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON). The Chair would remind all Members once again to refrain from encouraging action or inaction in the Senate.

TRADE PROMOTION AUTHORITY

(Mr. DREIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, a week from tomorrow, we in this House are going to be voting on the very important trade promotion authority that the President of the United States needs. The administration has not had it, the past administration did not have it, it expired in 1994; and because of the fact that it was not there and has not been there, we have been a party to only 2 of the 130 free trade agreements that have been established worldwide in the last several years, basically meaning that the United States of America has ceded its very important leadership role when it comes to global economic growth.

What is it that we need to do? We need to make sure that we step up to the plate and do everything that we can to militarily provide leadership, geopolitically provide leadership and, yes, economically provide leadership. That is what trade promotion authority is all about. It is an important vote. We will be giving this authority to the President so that he can pry open new markets and find opportunities for U.S. workers and businesses around the world. It is about creating jobs right here in the United States. I hope that a week from tomorrow, in a bipartisan way, we can provide overwhelming support for this very important measure.

ECONOMIC STIMULUS

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, I must start out by saying I know that we have been admonished not to refer to the other body, but in a bicameral leg-

islative body such as the U.S. Congress, often one side of government will pass legislation that the other side does not pass. That is our situation right now.

This House has passed a Patients' Bill of Rights. This House has passed an education bill. This House has passed a ban on human cloning. And this House has passed a jobs economic stimulus plan. Unfortunately, it is not moving. It has to pass both bodies in order to become law and get the President's signature.

Meanwhile, folks are getting laid off. Meanwhile, workers who are laid off are not getting the benefits that they need. Meanwhile, workers who are laid off and their families are not getting the health care extensions that they need. I hope, as a Christmas present to the American people and to the economy and to all the jobs that are out there at risk, that the other body will in fact pass this job security program so that we can give the American people a very merry Christmas.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Once again Members are reminded not to urge action or inaction in the other body across the Rotunda.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put the question on approving the Journal and then on each remaining motion to suspend the rules on which further proceedings were postponed yesterday in the order in which that motion was entertained.

Votes will be taken in the following order:

Approving the Journal, de novo;
House Concurrent Resolution 77, by the yeas and nays;

H.R. 2722, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the pending business is the question of agreeing to the Speaker's approval of the Journal of the last day's proceedings.

The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LAHOOD. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 372, nays 39, answered "present" 1, not voting 20, as follows:

[Roll No. 451]

YEAS—372

Abercrombie	DeMint	Jenkins
Ackerman	Deutsch	John
Akin	Diaz-Balart	Johnson (IL)
Allen	Dicks	Johnson, E. B.
Andrews	Dingell	Johnson, Sam
Army	Doggett	Jones (NC)
Baca	Dooley	Kanjorski
Barcia	Doolittle	Kaptur
Baker	Doyle	Keller
Baldacci	Dreier	Kennedy (RI)
Baldwin	Duncan	Kerns
Ballenger	Dunn	Kildee
Barcia	Edwards	Kilpatrick
Barr	Ehlers	Kind (WI)
Barrett	Ehrlich	King (NY)
Bartlett	Emerson	Kingston
Barton	Engel	Kirk
Bass	Eshoo	Kleczka
Becerra	Etheridge	Knollenberg
Bentsen	Evans	Kolbe
Bereuter	Farr	LaFalce
Berkley	Fattah	LaHood
Berman	Ferguson	Lampson
Berry	Flake	Langevin
Biggert	Fletcher	Lantos
Bilirakis	Foley	Largent
Bishop	Forbes	LaTourette
Blagojevich	Fossella	Leach
Blumenauer	Frank	Lee
Blunt	Frelinghuysen	Levin
Boehlert	Frost	Lewis (CA)
Boehner	Gallely	Lewis (GA)
Bonilla	Ganske	Lewis (KY)
Bonior	Gekas	Linder
Bono	Gephardt	Lipinski
Boswell	Gibbons	Lofgren
Boucher	Gilchrest	Lowe
Boyd	Gillmor	Lucas (KY)
Brady (TX)	Gilman	Lucas (OK)
Brown (FL)	Gonzalez	Luther
Brown (OH)	Goode	Lynch
Brown (SC)	Goodlatte	Maloney (CT)
Bryant	Gordon	Maloney (NY)
Burr	Goss	Manzullo
Burton	Graham	Markey
Buyer	Granger	Mascara
Callahan	Graves	Matheson
Calvert	Green (TX)	Matsui
Camp	Green (WI)	McCarthy (MO)
Cannon	Greenwood	McCarthy (NY)
Cantor	Grucci	McCollum
Capito	Gutierrez	McCrery
Capps	Hall (OH)	McGovern
Capuano	Hall (TX)	McHugh
Cardin	Hansen	McInnis
Carson (OK)	Harman	McIntyre
Castle	Hart	McKeon
Chabot	Hastings (WA)	McKinney
Chambliss	Hayes	McNulty
Clayton	Hayworth	Meehan
Clement	Herger	Meek (FL)
Clyburn	Hill	Meeks (NY)
Coble	Hobson	Menendez
Collins	Hoeffel	Mica
Combest	Hoekstra	Millender-
Condit	Holden	McDonald
Conyers	Holt	Miller, Dan
Cooksey	Honda	Miller, Gary
Coyne	Hooley	Miller, Jeff
Cramer	Horn	Mink
Crenshaw	Hostettler	Mollohan
Crowley	Houghton	Moran (VA)
Culberson	Hoyer	Morella
Cummings	Hulshof	Murtha
Cunningham	Hunter	Myrick
Davis (CA)	Hyde	Nadler
Davis (FL)	Inslee	Napolitano
Davis (IL)	Isakson	Neal
Davis, Jo Ann	Israel	Nethercutt
Davis, Tom	Issa	Ney
Deal	Istook	Northup
DeGette	Jackson (IL)	Norwood
Delahunt	Jackson-Lee	Nussle
DeLauro	(TX)	Obey
DeLay	Jefferson	Ortiz

Osborne	Roukema	Stump
Ose	Roybal-Allard	Sununu
Otter	Royce	Tanner
Owens	Rush	Tauscher
Oxley	Ryan (WI)	Tauzin
Pallone	Ryun (KS)	Taylor (NC)
Pascarell	Sanders	Terry
Pastor	Sandlin	Thomas
Paul	Sawyer	Thornberry
Payne	Saxton	Thune
Pence	Schakowsky	Thurman
Peterson (PA)	Schiff	Tiahrt
Petri	Schrock	Tiberi
Phelps	Scott	Tierney
Pickering	Sensenbrenner	Toomey
Pitts	Serrano	Towns
Platts	Sessions	Trafigant
Pombo	Shadegg	Turner
Pomeroy	Shaw	Upton
Portman	Shays	Velázquez
Price (NC)	Sherman	Vitter
Pryce (OH)	Sherwood	Walden
Putnam	Shimkus	Walsh
Radanovich	Shows	Wamp
Rahall	Shuster	Watkins (OK)
Rangel	Simmons	Watson (CA)
Regula	Simpson	Watt (NC)
Rehberg	Skeen	Watts (OK)
Reyes	Skelton	Waxman
Reynolds	Smith (MI)	Weiner
Riley	Smith (NJ)	Weldon (FL)
Rivers	Smith (TX)	Weldon (PA)
Rodriguez	Smith (WA)	Whitfield
Roemer	Snyder	Wolf
Rogers (KY)	Solis	Woolsey
Rogers (MI)	Souder	Wu
Rohrabacher	Spratt	Wynn
Ros-Lehtinen	Stark	Young (AK)
Ross	Stearns	Young (FL)
Rothman	Stenholm	

NAYS—39

Aderholt	Kennedy (MN)	Schaffer
Baird	Kucinich	Slaughter
Borski	Larsen (WA)	Strickland
Brady (PA)	Latham	Stupak
Costello	LoBiondo	Taylor (MS)
Crane	McDermott	Thompson (CA)
Filner	Moore	Thompson (MS)
Gutknecht	Moran (KS)	Udall (CO)
Hastings (FL)	Olver	Udall (NM)
Hefley	Peterson (MN)	Visclosky
Hilliard	Ramstad	Waters
Hinchee	Sabo	Weller
Kelly	Sanchez	Wicker

ANSWERED "PRESENT"—1

Tancredo

NOT VOTING—20

Carson (IN)	Ford	Oberstar
Clay	Hilleary	Pelosi
Cox	Hinojosa	Quinn
Cubin	Johnson (CT)	Sweeney
DeFazio	Jones (OH)	Wexler
English	Larson (CT)	Wilson
Everett	Miller, George	

□ 1111

So the Journal was approved.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON). Pursuant to the provisions of clause 8 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting on each question on which the Chair has postponed further proceedings.

EXPRESSING SENSE OF CONGRESS REGARDING EFFORTS OF PEOPLE OF UNITED STATES OF KOREAN ANCESTRY TO REUNITE WITH FAMILY MEMBERS IN NORTH KOREA

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 77.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. ROYCE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 77, on which the yeas and nays are ordered.

This will be a 5 minute vote.

The vote was taken by electronic device, and there were—yeas 420, nays 0, not voting 12, as follows:

[Roll No. 452]

YEAS—420

Abercrombie	Chambliss	Frelinghuysen
Ackerman	Clay	Frost
Aderholt	Clayton	Gallegly
Akin	Clement	Ganske
Allen	Clyburn	Gekas
Andrews	Coble	Gephardt
Army	Collins	Gibbons
Baca	Combest	Gilchrest
Bachus	Condit	Gillmor
Baird	Conyers	Gilman
Baker	Cooksey	Gonzalez
Baldacci	Costello	Goode
Baldwin	Cox	Goodlatte
Ballenger	Coyne	Gordon
Barcia	Cramer	Goss
Barr	Crane	Graham
Barrett	Crenshaw	Granger
Bartlett	Crowley	Graves
Barton	Culberson	Green (TX)
Bass	Cummings	Green (WI)
Becerra	Cunningham	Greenwood
Bentsen	Davis (CA)	Grucci
Bereuter	Davis (FL)	Gutierrez
Berkley	Davis (IL)	Gutknecht
Berman	Davis, Jo Ann	Hall (OH)
Berry	Davis, Tom	Hall (TX)
Biggert	Deal	Hansen
Bilirakis	DeGette	Harman
Bishop	DeLauro	Hart
Blagojevich	DeLay	Hastings (FL)
Blumenauer	DeMint	Hastings (WA)
Blunt	Deutsch	Hayes
Boehlert	Diaz-Balart	Hayworth
Boehner	Dicks	Hefley
Bonilla	Dingell	Herger
Bonior	Doggett	Hill
Bono	Dooley	Hilliard
Borski	Doolittle	Hinchee
Boswell	Doyle	Hinojosa
Boucher	Dreier	Hobson
Boyd	Duncan	Hoeffel
Brady (PA)	Dunn	Hoekstra
Brady (TX)	Edwards	Holden
Brown (FL)	Ehlers	Holt
Brown (OH)	Ehrlich	Honda
Brown (SC)	Emerson	Hooley
Bryant	Engel	Horn
Burr	English	Hostettler
Burton	Eshoo	Houghton
Buyer	Etheridge	Hoyer
Callahan	Evans	Hulshof
Calvert	Farr	Hunter
Camp	Fattah	Hyde
Cannon	Ferguson	Inslee
Cantor	Filner	Isakson
Capito	Flake	Israel
Capps	Fletcher	Issa
Capuano	Foley	Istook
Cardin	Forbes	Jackson (IL)
Carson (OK)	Fossella	Jackson-Lee (TX)
Castle	Frank	Jefferson
Chabot		

Jenkins	Mollohan	Serrano
John	Moore	Sessions
Johnson (IL)	Moran (KS)	Shadegg
Johnson, E. B.	Moran (VA)	Shaw
Johnson, Sam	Morella	Shays
Jones (NC)	Murtha	Sherman
Kanjorski	Myrick	Sherwood
Kaptur	Nadler	Shimkus
Keller	Napolitano	Shows
Kelly	Neal	Shuster
Kennedy (MN)	Nethercutt	Simmons
Kennedy (RI)	Ney	Simpson
Kerns	Northup	Skeen
Kildee	Norwood	Skelton
Kilpatrick	Nussle	Slaughter
Kind (WI)	Obey	Smith (MI)
King (NY)	Olver	Smith (NJ)
Kingston	Ortiz	Smith (TX)
Kirk	Osborne	Smith (WA)
Klecza	Ose	Snyder
Knollenberg	Otter	Solis
Kolbe	Owens	Souder
Kucinich	Oxley	Spratt
LaFalce	Pallone	Stark
LaHood	Pascarell	Stearns
Lampson	Pastor	Stenholm
Langevin	Paul	Strickland
Lantos	Payne	Stump
Largent	Pelosi	Stupak
Larsen (WA)	Pence	Sununu
Larson (CT)	Peterson (MN)	Tancredo
Latham	Peterson (PA)	Tanner
LaTourette	Petri	Tauscher
Leach	Phelps	Tauzin
Lee	Pickering	Taylor (MS)
Levin	Pitts	Taylor (NC)
Lewis (CA)	Platts	Terry
Lewis (GA)	Pombo	Thomas
Lewis (KY)	Pomeroy	Thompson (CA)
Linder	Portman	Thompson (MS)
Lipinski	Price (NC)	Thornberry
LoBiondo	Pryce (OH)	Thune
Lofgren	Putnam	Thurman
Lowey	Radanovich	Tiahrt
Lucas (KY)	Rahall	Tiberi
Lucas (OK)	Ramstad	Tierney
Luther	Rangel	Toomey
Lynch	Regula	Towns
Maloney (CT)	Rehberg	Trafigant
Maloney (NY)	Reyes	Turner
Manzullo	Reynolds	Udall (CO)
Markey	Riley	Udall (NM)
Mascara	Rivers	Upton
Matheson	Rodriguez	Velázquez
Matsui	Roemer	Visclosky
McCarthy (MO)	Rogers (KY)	Vitter
McCarthy (NY)	Rogers (MI)	Walden
McColum	Rohrabacher	Walsh
McCrery	Ros-Lehtinen	Wamp
McDermott	Ross	Waters
McGovern	Rothman	Watkins (OK)
McHugh	Roukema	Watson (CA)
McInnis	Roybal-Allard	Watt (NC)
McIntyre	Royce	Watts (OK)
McKeon	Rush	Waxman
McKinney	Ryan (WI)	Weiner
McNulty	Ryun (KS)	Weldon (FL)
Meehan	Sabo	Weldon (PA)
Meek (FL)	Sanchez	Weller
Meeks (NY)	Sanders	Whitfield
Menendez	Sandlin	Wicker
Mica	Sawyer	Wilson
Millender	Saxton	Wolf
McDonald	Schaffer	Woolsey
Miller, Dan	Schakowsky	Wu
Miller, Gary	Schiff	Wynn
Miller, George	Schrock	Young (AK)
Miller, Jeff	Scott	Young (FL)
Mink	Sensenbrenner	

NOT VOTING—12

Carson (IN)	Ford	Oberstar
Cubin	Hilleary	Quinn
DeFazio	Johnson (CT)	Sweeney
Everett	Jones (OH)	Wexler

□ 1122

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CLEAN DIAMOND TRADE ACT

The SPEAKER pro tempore (Mr. SIMPSON). The unfinished business is the question of suspending the rules and passing the bill, H.R. 2722, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. THOMAS) that the House suspend the rules and pass the bill, H.R. 2722, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 408, nays 6, not voting 18, as follows:

[Roll No. 453]

YEAS—408

Abercrombie	Clement	Gillmor
Ackerman	Clyburn	Gilman
Aderholt	Collins	Gonzalez
Allen	Combest	Goode
Andrews	Condit	Goss
Armey	Conyers	Graham
Baca	Cooksey	Granger
Bachus	Costello	Graves
Baird	Cox	Green (TX)
Baker	Coyne	Green (WI)
Baldacci	Cramer	Greenwood
Baldwin	Crane	Grucci
Ballenger	Crenshaw	Gutierrez
Barcia	Crowley	Gutknecht
Barr	Culberson	Hall (OH)
Barrett	Cummings	Hall (TX)
Bartlett	Cunningham	Hansen
Barton	Davis (CA)	Harman
Bass	Davis (FL)	Hart
Becerra	Davis (IL)	Hastings (FL)
Bentsen	Davis, Jo Ann	Hastings (WA)
Bereuter	Davis, Tom	Hayes
Berkley	Deal	Hayworth
Berman	DeGette	Hefley
Berry	Delahunt	Herger
Biggert	DeLauro	Hill
Bilirakis	DeMint	Hilliard
Bishop	Deutsch	Hincheey
Blagojevich	Diaz-Balart	Hinojosa
Blumenauer	Dicks	Hobson
Blunt	Dingell	Hoeffel
Boehlert	Doggett	Hoekstra
Boehner	Dooley	Holden
Bonilla	Doolittle	Holt
Bonior	Doyle	Honda
Bono	Dreier	Hooley
Borski	Duncan	Horn
Boswell	Dunn	Hostettler
Boucher	Edwards	Houghton
Boyd	Ehlers	Hoyer
Brady (PA)	Ehrlich	Hulshof
Brady (TX)	Emerson	Hyde
Brown (FL)	Engel	Inslee
Brown (OH)	English	Isakson
Brown (SC)	Eshoo	Israel
Bryant	Etheridge	Issa
Burr	Evans	Istook
Burton	Farr	Jackson (IL)
Buyer	Fattah	Jackson-Lee
Callahan	Ferguson	(TX)
Calvert	Filner	Jefferson
Camp	Fletcher	Jenkins
Cannon	Foley	John
Cantor	Forbes	Johnson (IL)
Capito	Fossella	Johnson, E. B.
Capps	Frank	Johnson, Sam
Capuano	Frelinghuysen	Jones (NC)
Cardin	Frost	Kanjorski
Carson (OK)	Galleghy	Kaptur
Castle	Ganske	Keller
Chabot	Gekas	Kelly
Chambliss	Gephardt	Kennedy (MN)
Clay	Gibbons	Kennedy (RI)
Clayton	Gilchrest	Kerns

Kildee	Napolitano
Kilpatrick	Neal
Kind (WI)	Nethercutt
King (NY)	Ney
Kingston	Northup
Kirk	Norwood
Klecicka	Nussle
Knollenberg	Obey
Kolbe	Olver
Kucinich	Ortiz
LaFalce	Osborne
LaHood	Ose
Lampson	Owens
Langevin	Oxley
Lantos	Pallone
Largent	Pascarell
Larsen (WA)	Pastor
Larson (CT)	Payne
Latham	Pelosi
LaTourette	Pence
Leach	Peterson (MN)
Lee	Peterson (PA)
Levin	Petri
Lewis (CA)	Phelps
Lewis (GA)	Pickering
Lewis (KY)	Pitts
Linder	Platts
Lipinski	Pombo
LoBiondo	Pomeroy
Lofgren	Portman
Lowe	Price (NC)
Lucas (KY)	Pryce (OH)
Lucas (OK)	Putnam
Luther	Radanovich
Lynch	Rahall
Maloney (CT)	Ramstad
Maloney (NY)	Rangel
Manzullo	Regula
Markey	Rehberg
Mascara	Reyes
Matheson	Reynolds
Matsui	Riley
McCarthy (MO)	Rivers
McCarthy (NY)	Rodriguez
McCollum	Roemer
McCrery	Rogers (KY)
McDermott	Rogers (MI)
McGovern	Rohrabacher
McHugh	Ros-Lehtinen
McInnis	Ross
McIntyre	Rothman
McKeon	Roukema
McKinney	Roybal-Allard
McNulty	Royce
Meehan	Rush
Meek (FL)	Ryan (WI)
Menendez	Ryun (KS)
Mica	Sabo
Millender-McDonald	Sanchez
Miller, Dan	Sanders
Miller, Gary	Sandlin
Miller, George	Sawyer
Miller, Jeff	Saxton
Mink	Schaffer
Mollohan	Schakowsky
Moore	Schiff
Moran (KS)	Schrock
Moran (VA)	Scott
Morella	Sensenbrenner
Murtha	Serrano
Myrick	Sessions
Nadler	Shadegg
	Shaw

NAYS—6

NOT VOTING—18

Akin	Flake	Paul
Coble	Otter	Taylor (NC)
Carson (IN)	Goodlatte	Meeks (NY)
Cubin	Gordon	Oberstar
DeFazio	Hilleary	Quinn
DeLay	Hunter	Sweeney
Everett	Johnson (CT)	Visclosky
Ford	Jones (OH)	Wexler

□ 1131

Mr. JONES of North Carolina changed his vote from “nay” to “yea.”

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title was amended so as to read: “A bill to implement effective measures to stop trade in conflict diamonds, and for other purposes.”

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. OBERSTAR. Mr. Speaker, this morning I attended an important Congressional Steel Caucus meeting with Department of Commerce Secretary Don Evans and Undersecretary of Commerce for International Trade Grant Aldonas to discuss effective remedies to combat the illegal importation of subsidized steel products. I was presiding this steel caucus discussion when recorded votes were ordered, and I miss three rollcall votes. Had I been present, I would have voted “no” on the Journal vote (rollcall Vote 451); I would have voted “aye” on H. Con. Res. 77 (rollcall Vote 452); and I would have voted “aye” on H.R. 2722 (rollcall Vote 453).

PROVIDING FOR CONSIDERATION OF H.R. 3338, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2002

Mrs. MYRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 296 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 296

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3338) making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. The amendment printed in the report of the Committee on Rules accompanying this resolution shall be considered as adopted in the House and in the Committee of the Whole. Points of order against provisions in the bill, as amended, for failure to comply with clause 2 of rule XXI are waived except as follows: “to be derived from the Airport and Airway Trust Fund and” on page 183, lines 24 and 25; “to be derived from the Airport and Airway Trust Fund and” on page 184, lines 7 and 8; “to be derived from the Highway Trust Fund and” on page 184, lines 18 and 19. Where points of order are waived against part of a paragraph, points of order against a provision in another part of such paragraph may be made only against such provision and not against the entire paragraph. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of

whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. During consideration of the bill, points of order against amendments for failure to comply with clause 2(e) of rule XXI are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill, as amended, to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommend with or without instructions.

The SPEAKER pro tempore (Mr. SIMPSON). The gentlewoman from North Carolina (Mrs. MYRICK) is recognized for 1 hour.

Mrs. MYRICK. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. FROST), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for purposes of debate only.

Mr. Speaker, yesterday the Committee on Rules met and granted an open rule for H.R. 3338, the Department of Defense Appropriations Act for 2002.

Mr. Speaker, the rule waives all points of order against consideration of the bill. The rule provides 1 hour of general debate, equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations.

The rule provides that the bill shall be considered for amendment by paragraph. The rule provides that the amendment printed in the Committee on Rules report accompanying the resolution shall be considered as adopted.

The rule waives points of order against provisions in the bill, as amended, for failure to comply with clause 2 of rule XXI prohibiting unauthorized or legislative provisions in a general appropriations bill or prohibiting reappropriations in a general appropriations bill, except as specified in the rule.

The rule waives points of order during consideration of the bill against amendments for failure to comply with clause 2(e) of rule XXI prohibiting non-emergency-designated amendments to be offered to an appropriations bill containing an emergency designation.

The rule authorizes the Chairman of the Committee of the Whole to accord priority in recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD.

Finally, the rule provides for one motion to recommit, with or without instructions.

Mr. Speaker, this is a fair and open rule for a very important bill. We need to pass this rule and the underlying defense bill so that the citizens of New York and our Armed Forces get the support they need and they get it now.

Mr. Speaker, make no mistake about it, a vote against this rule is a vote to

table this legislation. A vote against this rule is a vote to delay money for New York, and it is a vote to delay funds for homeland defense, and it is a vote to delay support for our men and women in Afghanistan.

I would like to make three important points.

First, this is an open rule. It cannot get any better than that. The rule allows any Member to offer any amendment to the bill, as long as their amendment complies with the normal rules of the House. Every Member who will come down here to complain is doing so because they are unable or unwilling to offer an amendment that complies with the rules. They are mad because the committee did not make a special exemption for them.

Second, we are really talking about two separate bills here, the regular defense appropriations bill, and the \$20 billion supplemental. This defense bill provides vital support to our military and to New York. The supplemental allows New York to get \$11 billion in recovery funds. It provides an extra \$1.5 billion above and beyond what we have already spent this year for our government's defenses against chemical and biological attack, and the regular Department of Defense appropriations bill provides an additional \$11.7 billion in extra funds to prosecute Operation Enduring Freedom, including \$1.7 billion to develop a rapid response capability after a terrorist attack.

As we speak, our best and brightest young men and women are risking their lives over in Afghanistan. Meanwhile, we have let the budget for our Armed Forces expire. The fiscal year ended on September 30 and we still have not passed a defense bill. What kind of message does that send to the men and women in uniform? It is shameful.

Now is not the time to further delay, to nitpick this bill for political reasons or political gain. Let us pass it and provide our military with \$317 billion in much needed support, including a much needed 4.6 percent pay raise.

Thirdly and last, Mr. Speaker, the funds in this bill, both for New York and our antiterrorism defenses, are above and beyond the \$40 billion we provided immediately after the September 11 attacks.

Only a few days after September 11, Congress came together and provided billions for our recovery and defense efforts. Indeed, we provided so much money that President Bush has not had enough time to spend it all yet.

As Mayor Giuliani recently said, "So far, the money we have asked for, we have gotten just as quickly as we asked for it. The reality is that we have gotten more help than we have asked for. The cooperation on the part of the Bush administration and the Federal Government has been absolutely 100 percent. Right now, we do not need \$10

billion, and we would put it in T-bills if we got it. As we need the money, we get it."

I point this out because some Members will come to the floor in a few minutes and will have conveniently forgotten about the \$40 billion we allocated a few weeks ago. They will pretend New York has been left in the lurch.

This rule and this bill will pass, Mr. Speaker, because it is an open rule and because it is a responsible, generous bill. But unfortunately, we will see that some lawmakers have abandoned the spirit of constructive bipartisanship that prevailed so beautifully in the wake of September 11.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, halfway around the world, the men and women of the U.S. military are demonstrating unmatched courage and professionalism in the fight against the Taliban and al-Qaeda. Their successes on the battlefield are a tribute to them and their families and to America's longstanding commitment to a strong national defense.

Meanwhile, here at home, domestic security has become our top priority, and Democrats and Republicans alike are united in our efforts to prevent and defend against further terrorist attacks. This bill provides a good foundation for supporting these efforts.

In my 23 years of service in this Congress, I have always been a strong supporter of America's national and domestic security. I strongly support the funding in this bill to provide for our Armed Forces. I have consistently supported funding for our troops, for without them, we cannot fight. I have consistently supported modernizing and upgrading our equipment, for without it, our military cannot carry out its mission. I support the programs and funds in this year's appropriations for the Department of Defense.

Unfortunately, Mr. Speaker, this bill does not go far enough, because the Republican leadership in this House has refused to make the investment needed to support the war abroad fully and to protect America at home fully.

Last night in the Committee on Rules, the Republican leadership reported a rule that will not allow the House to even debate three important and relevant amendments. The first one is critical to ensuring that our troops now fighting in Afghanistan have the equipment they need to carry out their mission and to ensure the safety of their loved ones and, indeed, all Americans at home.

In the case of the second amendment, the Republican leadership refused to allow the House of Representatives to even debate an amendment which would have fulfilled the bargain made with the city of New York to help rebuild that wounded city after the terrorist attacks of September 11.

Finally, the Republican leadership refused to allow the House to consider an amendment which would have provided critically needed funds to shore up our homeland defenses; to make sure our mail, as well as the men and women who carry it, is safe; to protect patrols on our borders; and to make sure the that ships, trains, and airplanes entering our country do not carry more danger than cargo or passengers.

For that reason, Mr. Speaker, for the first time since I came to Congress, I will oppose a rule on a Department of Defense appropriation bill. It is unconscionable that the Republican leadership in this House should cut off the ability of Members of this body to debate and vote on amendments which are clearly critical to the safety and well-being of every American, whether at home or fighting abroad.

Just last month, Republican leaders insisted on spending \$25 billion on retroactive tax breaks for some of the largest corporations in this country, but now they cannot find half that amount for homeland security or national defense.

□ 1145

So they are shortchanging some of America's most pressing needs in the war on terrorism.

Take national defense. This bill does not fund 70 percent of the critical needs identified by the Department of Defense and the intelligence agencies in the wake of September 11. While America's Marines are on the ground in Afghanistan, Republican budget officials have tried to slash \$817 million from the Defense Department's request for small arms ammunition for the Marine Corps and the Army. While U.S. Special Forces work to hunt down Osama bin Laden, these same Republican budgeters have tried to cut \$1 billion from the Defense Department's request for Special Forces. That is why I offered an amendment to the rule last night to allow the House to debate an amendment providing an additional \$6.5 billion for the military's most critical needs, like intelligence, special forces and defense against chemical and biological warfare.

This amendment, which is identical to the amendment offered in the Committee on Appropriations markup by the Subcommittee on Defense ranking member, the gentleman from Pennsylvania (Mr. MURTHA), was rejected on a straight party-line vote. The Republicans on the Committee on Rules, each and every one of them, voted against allowing the House to even consider an amendment which would provide crucial critically needed money to carry out the operations in the war against terrorism.

Or, Mr. Speaker, consider the assistance pledged and promised to New York City after the attacks of Sep-

tember 11. Immediately after that tragedy, the people of New York as well as the other States affected by the tragedy were promised half of the \$40 billion down payment passed by this Congress. But the Republican leadership has chosen to shortchange the City of New York and only provide a portion of the amount of the money needed to help that great city continue its recovery process.

A bipartisan amendment offered by the gentleman from New York (Mr. SWEENEY) and the gentlewoman from New York (Mrs. LOWEY) that would have delivered on the promise made to New York was rejected by the Republican leadership in favor of an amendment which will not only shortchange New York but every other State in the country by literally lifting money out of their pockets.

Finally, Mr. Speaker, let us consider homeland security. Just this week, Tom Ridge, the Director of the Office of Homeland Security spoke to the House, spoke to the New York Times about the billions of dollars America needs to strengthen our homeland defense systems. We need to be stronger, Mr. Ridge said. We need to be larger. We need to be better. We all know he is right.

We need massive investments in priorities like small pox vaccinations and emergency personnel. Food and water supply safety must be improved and law enforcement agencies, from the FBI to the border patrol to State and local police, need more resources to respond to added responsibilities of America's new war on terrorism at home.

At the same time that Tom Ridge has been warning that our homeland defenses are not up to snuff right now, other administration officials have repeatedly warned the public that future terrorist attacks are possible if not reasonable to expect. Yet, the Republican leadership in this House insists that Americans can afford to wait 6 months before making the homeland security investments that everyone knows we need right now.

Mr. Speaker, the gentleman from Wisconsin (Mr. OBEY), the ranking member on the Committee on Appropriations, has offered an amendment that provides \$6.5 billion for these and other critical homeland security needs not addressed by this bill. But the Republican leadership has refused to allow us to even debate the amendment, much less vote on it.

So, Mr. Speaker, the Republican leadership has given me little choice on this rule. In fact, their actions make my decision very easy. If Members believe that these priorities, bioterrorism, nuclear non-proliferation, ammunition for the Marines on the ground in Afghanistan, are not immediate needs in the war on terrorism, then they should vote for this rule. But

they should also be ready to explain to their constituents why our troops in America's homeland security can afford to wait 6 months or more for what they need right now.

Or if Members believe it is our duty to act now to provide resources to defend America at home as well as abroad, then I believe those Members should vote to defeat this rule and force the Republican leadership to allow the House to vote on our amendments, to increase homeland security and national defense.

I urge every Member of this body to vote to defeat this rule so the House might have an opportunity to live up to its responsibilities as an institution and as representatives of the American people.

Mr. Speaker, I reserve the balance of my time.

Mrs. MYRICK. Mr. Speaker, as I said before, I am a little surprised to hear my Democratic colleagues sounding like this is a closed rule. This is an open rule and any Member can come down and make any amendment to the bill as long as it complies with the normal rules of the House.

Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. REYNOLDS), who has worked very, very hard on securing the funds for New York in this bill.

Mr. REYNOLDS. Mr. Speaker, I thank the gentlewoman from North Carolina (Mrs. MYRICK) for yielding me time, and I certainly want to pay great respect to her and her leadership on the Committee on Armed Services and on the defense budgets. For years she has led a fight, not only in the Committee on Rules, but throughout the entire Congress to increase important funding.

There will be a lot of rhetoric on this rule today. I am used to that and I am used to being in the minority in New York. I know the loyal opposition never has enough. I know many of us who are defense hawks, there is never enough money for defense. There is never enough money for homeland security. We changed the whole direction of how America thinks.

For those of us who have toured and worked closely with the great State of Israel, we have seen time and again what they have looked at for homeland defense that we took for granted here. Yes, we will continue to have to invest in a rational sense those types of important money.

I think my colleague as she spoke today, the gentlewoman from North Carolina (Mrs. MYRICK) talked about the fact that is pure and simple. A vote against this rule is to vote against and to table money for the war on terrorism, homeland security, and New York recovery. And the part I want to address in the time I have allocated is on New York recovery.

There are 435 Members of the House of Representatives. There are 100 Senators. There is a President. There are

536 different solutions of how we ought to do something. Now, some of my colleagues believe the law in their view says that \$20 billion should be in this budget right now because it said so. And they want the \$20 billion. They want to put it under their mattress so they can look at it and know that it is there.

There are others of us who have looked at what do we have, what do we need. And as the gentlewoman from North Carolina (Mrs. MYRICK) said, the Mayor has indicated he has the money he needs to do the job as he continues on New York recovery.

When I looked Mr. Daniels in the face as the Director of OMB, he says, Do you know that 600 million has been drawn down on FEMA on the 7 billion set-aside?

So there is enough there over the next couple of months.

The gentleman from New York (Mr. WALSH) was able as an expert in the VA-HUD and the other agencies as a cardinal in this House on the Committee on Appropriations to drive even more money in great flexibility of \$2.5 billion in community-involvement block grants; things that my colleagues in this House who represent the borough of Manhattan can immediately put into application in order to make sure that small businesses and utilities are back up and running as part of the partnership under the Mayor's direction as the city and chief-elected officer of the City of New York.

As we look at the reality of money, most of us realize that \$20 billion will not be enough for New York. Some have cited the New York City partnership and the \$83 billion implication that this has on the attack of 9-11. We certainly know that all of us as New Yorkers need to plow through and make sure that money comes through in a steady flow to make sure that New York City and New York State is on a well, strong move back to a recovery.

How we get it done becomes what has been the debate today, not that it will get done; and so from my colleagues who want the \$20 billion under the mattress, I accept their view. For those of us who will look at it as a credit card, a credit card where we can draw down the \$20 billion, I do not want to take the whole \$20 billion out and put it under my mattress. I want to know that the President of the United States, when he gave this House and he gave New York his word and the Speaker of the House said he would support that, that it will get done because right now New York recovery is getting done. That money is flowing faster than we can use it, and it is up to us as oversight and up to us as a delegation from New York to make sure that money just keeps moving in as fast as we can spend it.

The Mayor of the City of New York says that is the case. I support him on

his view. I support this rule because we need to get moving on a defense budget that fights the war on terrorism, increases our homeland security, and brings back cash for New York recovery.

Mr. FROST. Mr. Speaker, I yield 4 minutes to the gentleman from Wisconsin (Mr. OBEY), the ranking member on the Committee on Appropriations.

Mr. OBEY. Mr. Speaker, I thank the gentleman from Texas (Mr. FROST) for the time.

Mr. Speaker, the only delay that this vote has anything to do with is TOM DELAY. That is the only delay. We offered on this side of the aisle last week to take this bill up Tuesday, Wednesday, Thursday, or Friday if they would do one simple thing, remove the gag on this House so that we can fully debate the most important domestic security issue that we have faced in at least 2 decades.

We have been attacked in what is in essence a second Pearl Harbor. The war abroad appears to be going quite well so far. The problem is we are going after the snake and we are trying to kill it, and they are going to try to retaliate; and they are going to try to retaliate at home as well as abroad, and we have huge, huge security risks, some of which are classified and cannot even be mentioned on this floor. But there are many of them that we can talk about today.

All we are asking is to give the President the authority to spend additional money, \$7 billion or so. If he does not want to spend the money, he does not have to; but we are asking that we simply be allowed to make it available so that we can do the following things.

So that we can help the FBI to develop a new computer system so that it is not in the stone age when it comes to investigating terrorism. We can make their new computer system available by next spring rather than the year 2004 without the amendment.

We want to add 800 more Customs agents at the Canadian border. How many people have we heard saying on both sides of the aisle, "Seal the borders." We do not have a sealed border right now. We have a sieve as far as Canada is concerned. We need to correct that.

At our ports, only 2 percent of cargo is inspected. Only 40 ships out of 300 that come into our ports every day are fully inspected. We want to correct that problem by adding more and more inspectors in those ports.

Food supply: Tommy Thompson, Secretary of Health and Social Services, says the thing that worries him most is the fact that we only inspect 1 percent of the foreign food that we import into this country. We want to raise that inspected percentage to 10 percent. Do you really think that is going too far?

Public health: Again Secretary Thompson has said that our public

health ability to respond to bioterrorist attack is in "tatters." We are trying to do something about that by adding a billion dollars to increase our capability to defend against all of those agents of terror. That is what we are trying to do.

Most importantly, we are trying to do something about the fact that on 13 separate occasions we have had weapons-grade nuclear material fall into the wrong hands in Russia itself, and we are trying to provide money in this bill to see to it that that never happens again. Mr. bin Laden wants to get his hands on that material. God knows what will happen if he does.

The essence of the question we face is very simple. Are we going to do something about these threats now because the customs people, the FBI people, they tell us they can use these additional tools now? The question is are we going to give them the tools to use them now or are we going to put a "Wait-Till-Next-Year" sign on efforts to defend this country against terrorism? That is what we are trying to do.

Member after Member on the majority side of the aisle has come up to me and said, "Dave, I know you are right, but I cannot vote with you because our leadership is breaking our arms." I am asking you to please, instead of consulting your whip, consult your conscience. Vote for what you know this country needs. Not a single dime of this money can be spent unless the President in the ends agrees that it ought to be spent and signs an emergency designation saying it is an emergency. Therefore, you cannot have a runaway budget. Vote your conscience. Vote this rule down so we can do something real to defend the security of this country.

Mrs. MYRICK. Mr. Speaker, I remind my colleagues again, this is an open rule.

Mr. Speaker, I yield 5 minutes to the gentleman from Illinois (Mr. LAHOOD).

Mr. LAHOOD. Mr. Speaker, I thank the gentlewoman from North Carolina (Mrs. MYRICK) for yielding me this time.

As probably the most junior member of the Committee on Appropriations, I can tell my colleagues that I sat through the debate on this provision that the gentleman from Wisconsin (Mr. OBEY) is talking about; and I want all Members to know that we did have a healthy debate about it, and certainly the gentleman from Wisconsin (Mr. OBEY) makes his argument very, very well and makes his case very, very well; but the amendment that he offered, to add this additional money, was voted down by the committee.

□ 1200

And I think it was voted down because there are some of us on the committee that take great stock in what

the President of the United States has told us. The President has told us that he has the resources that he needs to fight this war. He has the resources that he needs to carry out the homeland security that is necessary to secure our borders and to secure our country. And the President has told us that when there are more resources that are needed, he will come forth and ask us for those resources. And I have no doubt that next year, sooner rather than later next year, we will be looking at a supplemental bill to add the resources that the President feels that he needs.

Now, the President is the Commander in Chief. He is the one that is waging the war. And I think all of us are delighted that he has the strong support of the vast majority of the Members of this body, the other body, and certainly of the American people. He has that support because he is doing a good job at the job that he has been elected to do, and that is in part to wage this war. And he has a good team of people helping him, a good team in his Cabinet, and a good team of people surrounding him at the White House. They are doing a good job. And, in part, they are doing a good job because they have made good decisions, put good people in the field, and they have the resources that they need.

Now, the President has also put into place the former Governor of Pennsylvania to really secure our borders, to really look at homeland security. And at this point what they are saying is the bill we passed earlier on, which was for \$40 billion, \$20 billion for New York and \$20 billion for the President to wage this war, and the bill we passed for \$15 billion to help the airlines get out of the economic doldrums they are in, those bills contain an enormous amount of money.

The idea there is not enough money simply did not fly in the committee. The arguments that were made by the gentleman from Wisconsin did not have standing to the point that they were able to pass the committee. Even though he made good arguments, the committee decided otherwise. And I think they decided otherwise because they put great stock in the President of the United States, the Commander in Chief.

Certainly when the minority party had their person in the White House as the Commander in Chief, they went along with many of the provisions and legislation and ideas that he had about areas that we went into, like Bosnia, like other areas of the world where we had to go in and rout out terrorists. During those debates we did support the Commander in Chief. And I think that is the point we want to make here today: The President of the United States is doing a good job, he is the Commander in Chief, and nobody knows more.

I am on the Permanent Select Committee on Intelligence; I have been on that committee for 2½ years, and we know an awful lot about terrorists and we know an awful lot about what people want to do in the United States. Nobody knows more about it than the Commander in Chief, than the President of the United States, and we have to give him his due on this.

I think when the President needs the money, when his administration needs the funds, when they need the resources, they are going to come to the Congress. Are we going to step up? Of course we are, just like we stepped up with the \$40 billion, \$20 billion for New York and \$20 billion for the Defense Department. We stepped up when it came to the airline industry.

Look, Congress will respond, but we need to be responsible about these things. And I think the House should realize that this is a good rule. This is a rule that sets the right tone for the kind of defense spending. Now, the chairman of the subcommittee and the ranking member have done a good job on this bill. They have done a good job, they have worked hard and tried to incorporate the kind of resources that are necessary.

Let me just say this. This subcommittee has done a good job, they really have, and everyone in the House knows this. I guarantee that if this rule passes, this bill is going to pass overwhelmingly because it is a good bill for the defense of our country, it is a good bill for the people that are waging the war, it is a good bill that Congress will be very proud of in passing. We do need to pass it to send a signal that the Congress is really behind having a strong defense.

So I urge Members to vote for the rule. This is a good bill, it has been worked on very hard, very long by the chairman and ranking member, and it really sends a message to the Commander in Chief, to his team of people and those people that are waging the war, not only in this country but also offshore, that we are providing the resources at this time that are necessary to do what we have to do.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. HASTINGS), a member of the Committee on Rules.

Mr. HASTINGS of Florida. Mr. Speaker, I thank the distinguished ranking member of the Committee on Rules for yielding me this time.

Mr. Speaker, I rise today to voice my strong opposition to this ridiculous so-called open rule. The refusal of the Committee on Rules to allow consideration of the Obey amendment, the New York delegation amendment, and either of two amendments that I offered is an affront to democracy and an insult to the people of this great Nation.

My colleagues on the other side of the aisle can offer no logical excuse for

denying this body the right to debate provisions for the strengthening of our national security, the rebuilding of Ground Zero in lower Manhattan, and disaster relief to American businesses and workers. In fact, their only excuse for denying the American people increased funding for border patrol, airport and airline security upgrades, cargo inspectors at our ports, mail screening and processing machinery, food and water safety, and a host of other security measures has been that these pressing problems can wait until the spring. That is what I was told last night after the Committee on Rules said no to saving American businesses.

I offered an amendment that would have provided the Small Business Administration with the necessary financial resources to administer all emergency disaster relief loans that have been applied for since September 11. I need my colleagues to realize that if Congress does not help American businesses today, then these businesses will not be around next spring to be helped.

So I ask my friends on the other side of the aisle: Do any of you have a problem with saying yes to more than \$4 billion in new spending on national missile defense, while at the same time saying no to displaced workers, American businesses, and homeland security? I certainly do.

While the American people wait for spring, only seven-tenths, or 1 percent, of our imported food is inspected; only 2 percent of the cargo containers that enter American ports are viewed by Customs inspectors; our airlines remain vulnerable to hijackers; and the people in businesses of America wait vainly for Federal assistance. Perhaps the other side is blind to the more than 500,000 layoffs and thousands of business closures.

I emphatically urge my colleagues to vote against the rule.

Mrs. MYRICK. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. THOMAS), the chairman of the Committee on Ways and Means.

Mr. THOMAS. Having been around here when my party was in the minority, I tend to scrutinize rules very carefully, because when we were in the minority, the minority had no automatic privilege under the rules to provide motions to recommit with or without instructions. That is now in the rules; something that was never available when we were in the minority.

So I assumed this was some kind of a closed rule, which normally gets the blood pressure up because you have to swallow hard and take what has been given to you. And then I found out this was an open rule. So, then, the reason why people are voting against an open rule is because certain amendments were not made in order. And when we examine what the amendments requested to be made in order were, there were people on the Committee on Rules

and others which wanted to move defense money from one area to the other, notwithstanding the fact that people charged with that responsibility have spent months negotiating the package.

Then I discovered that someone said that New Jersey, for example, our colleague from New Jersey, put out a "Dear Colleague" saying protect unemployment, job training, and health benefits for New Jerseyans, vote "no" on the rule; which is kind of an interesting argument. So I examined what he said New Jersey was not going to get. For example, it said New Jersey is not going to get \$52 million.

I would remind my friends on this side of the aisle that we just recently passed an economic stimulus bill. And had my colleagues voted for it, they would have been voting for \$368 million for New Jersey for unemployment and health care. Had my colleagues voted for that bill, they would have provided New York with \$766 million for unemployment and health care. And, for example, Pennsylvania would have been \$531 million, and so on, because there was more than \$12 billion in that pot which is being distributed.

So if my colleagues are worried about voting no on a rule because New Jersey is not getting \$52 million, why in the world did my colleagues vote "no" on a bill which would have provided \$368 million to New Jersey? I fail to understand the desire to stick New Jersey in the eye on the one hand but then scream vote "no" on the rule to protect some kind of money that maybe was supposed to have been there.

By the way, we are not through helping New York. The victims' bill that we passed on the Thursday, that has been over in the Senate all these weeks, is now back. We are attaching to that bill the New York delegation's desires on tax adjustments to enhance New York. For example, in the bill that most of my colleagues did not vote for, an opportunity was created for leaseholders to build out, in a new structure for a restaurant or a dry cleaners, a 15-year period, reduced from a third of a century. What we have said in the recovery zone of Manhattan is that that 15 years is reduced to 5.

Those kinds of real incentives to rebuild in the recovery zone will be part of the victims' bill, which, after all, was a response to what happened on September 11. So to argue that Members should vote "no" on this rule to deny New Jersey something is really a pretty bizarre argument.

Vote "yes" on this rule. And by the way, vote "yes" on the stimulus package when it comes back from conference.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. WYNN).

Mr. WYNN. Mr. Speaker, I thank the gentleman for yielding me this time.

This is a bad rule, specifically in the area of homeland security, because it forces us to provide homeland security on the cheap.

What they do in this rule is block the Obey amendment. That means they block an additional \$150 million for local firefighters. It is not just about what the President says, it is what local governments needs. They need firefighter money, they need money for local police. They are paying for overtime, lengthened hours, special security details, protecting facilities, and they need additional resources.

We also need more money for our port security and we need money to protect our Strategic Petroleum Reserve. That is blocked in this rule.

We can have a better rule. We can have real homeland security. Oppose the rule. It is a bad rule.

Mrs. MYRICK. Mr. Speaker, I yield 1 minute to the gentleman from Indiana (Mr. PENCE).

Mr. PENCE. Mr. Speaker, I thank the gentlewoman for yielding me this time, and I rise today in support of the Department of Defense Appropriations Act, and commend the chairman and the ranking member for crafting a very fair rule.

Mr. Speaker, at this very moment, American troops are on the battlefields risking their lives to defend our freedom and our very way of life. And while they are fighting to defend everything that we hold dear, we gather in this hallowed Chamber and quarrel over the details of a very small portion of this bill, the \$20 billion supplemental, which, in contrast to the core of this legislation, is quite small.

So I rise today to support the core of the legislation, Mr. Speaker, \$317 billion at the core of the Department of Defense Appropriations Act today, which is well crafted and which will provide the resources for personnel, operations, maintenance, research into the types of weapons systems that are making our troops safe at this very hour, and, most importantly, funding the counterterrorism efforts.

American troops are engaged in a long war. This bill will ensure their safety and preparedness now and for years to come. I urge my colleagues to set aside regional and parochial arguments and interests for a day. Help us strengthen the American military. Pass this bill and support this rule.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, I rise in opposition to this rule. The Republican majority is blocking consideration of a series of amendments that would provide for increased domestic security at our ports, at our nuclear plants, for our public health system, for increased capacity with the FBI, the lead agency to hunt down terrorists.

We could be taking steps to reduce the likelihood, better prepare for the

possibility of a bioterrorist attack, and we could have made good on our word to help New York recover from the worst attack on American soil in this Nation's history. It is not just enough to go and take photographs at Ground Zero, promise people money that you are going to help individuals and businesses, and then pull the rug out from under them.

The amendments would help to secure the safety of our food supply, increasing inspections of imported food from today's level of less than 1 percent to 10 percent of all the food imports that enter into our country.

We could have helped the Centers for Disease Control to provide scientists with the kinds of help they need to protect Americans from infectious diseases, and that they do not have to work in laboratories with rotting floors and roofs.

We could do something to protect our domestic defense and security today. Let us oppose this rule.

□ 1215

Mrs. MYRICK. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. SESSIONS).

Mr. SESSIONS. Mr. Speaker, today we are engaged in a debate, as we are every year. Several years ago we were engaged in this same debate when Republicans stood up and talked about securing our borders, taking care of this country, making sure that Americans were safe. We are doing that again today.

Today our colleagues across the aisle are trying to outbid us on how much money can we spend now that the September 11 tragedy has occurred. In 1999 we had this same debate, and each of my colleagues that has spoken here today on the other side from Wisconsin, Florida, and Texas wanted to make sure that as we stood up to try to defend this country, as we were defending the FBI, the Border Patrol and our National Instant Check System which would catch these people, it is each one of these, my colleagues, who voted to take money out of those funds.

Mr. Speaker, yes, it is true. They wanted to eliminate cutting \$20 million from the FBI for the National Instant Check System; cutting \$44 million from the Border Patrol; cut \$32 million from the Federal prison system; cut \$24 million from the judicial branch of government that pays our judges.

This is what happened just 2 years ago. They were standing up gutting every single bit of the funding that we could do for what is now known as homeland security. Now today we cannot add enough money in.

After being in Washington 5 years, I will say I have learned that virtually every single vote is about more spending and more money, or less spending and less money. Today what this is about is wise and prudent spending of

the taxpayers' resources, working with the administration, that has made sure what they are asking for they can adequately spend and take care of the needs of this country.

This should not be a bidding war. This should not be a war where we fight each other. It should be about providing the money that this President, this administration has asked for, to make sure that DOD has what they need. This is a fair rule. It is a rule that provides money for resources and allocations for people where they know it will be effectively spent.

Adding tens of millions of dollars, trying to get into a bidding war at this time after each one of these colleagues of mine has just tried to take money away in the previous years, I think is something that we should take a look at and wonder why.

What this administration is trying to do, what this bill is trying to do is the right thing. I support the rule. I am going to make sure that they get this money, and I hope that each of my colleagues will do the same.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. NADLER) in whose district the attack on the World Trade Center occurred.

Mr. NADLER. Mr. Speaker, on September 18 the President signed a supplemental appropriations bill that provides, quote, "that not less than one-half of \$40 billion should be for disaster recovery activities and assistance related to the terrorist acts in New York, Virginia and Pennsylvania."

The bill before us today welshes on this solemn pledge and amends the law to cut almost in half the \$20 billion previously appropriated. To add insult to injury, the pending rule will not allow the bipartisan amendment to restore the \$10 billion cuts to redeem the \$20 billion pledge by the Congress and the President even to be debated on the floor of the House.

Congressional leaders and the President have repeatedly stressed their intentions to provide more than the promised \$20 billion aid to New York, just not now. The funds will come eventually. Be patient. Trust us, they say. But the funds are desperately needed now, not in 6 months or a year.

We need funds now for grants to enable small businesses to survive. Lower Manhattan could lose 10,000 of its 14,000 small businesses in the next 6 months. The victims of the attack need unemployment benefits and medical insurance now, not next year. Small business owners are making decisions now whether to try to keep going or to shut the business. Large businesses must decide whether to return to downtown eventually or to seek permanent quarters elsewhere now. And residents are debating whether or not to return to Lower Manhattan.

They need to know whether there is a commitment on which they can depend

to rebuild Lower Manhattan. How can we expect them to trust a commitment from people who are today breaking their solemn pledge of only 2 months ago? Who in this Chamber would bet his or her family's future on such a commitment from such people?

Mr. Speaker, the honor of this House is at stake today. We must vote down this rule so the Members may vote on whether to break our word and welsh on our solemn pledge to the immediate victims of the attack on the Nation, or whether to redeem the honor of the House. Let the House not dishonor itself without the Members at least being permitted to vote on it.

In his inaugural address, the President said under his administration we would not cross to the other side of the road when we passed the injured traveler on the road to Jericho. Today under this rule, not only have we paused to cross to the other side, but, indeed, we are telling many of those injured travelers, drop dead.

Mrs. MYRICK. Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentlewoman from New York (Ms. VELÁZQUEZ).

Ms. VELÁZQUEZ. Mr. Speaker, I rise in strong opposition to this rule. It is absolutely outrageous that the Committee on Rules, at the direction of the House leadership and the administration, is preventing this body from voting on an amendment that provides already-promised assistance to New York City.

No one denies that New York bore the brunt of the assault of our Nation on September 11. And although the terrible loss of lives was contained to that single day, for millions of New Yorkers the struggle continues. Families and friends continue to search for the remains of loved ones, small businesses teeter on the brink of bankruptcy. Unemployed workers wait in line for aid, all while the wreckage of the World Trade Center still burns. New Yorkers are hurting; yet the administration and this leadership are about to renege on their promise to help the residents of my city.

If this rule passes, New Yorkers will continue to go without help. I am tired hearing that the Mayor of the City of New York said that \$9.6 billion is enough; but Members forget to mention the other side, that he also instructed all city agencies to cut 50 percent of their budget for New York City because of the financial constraints. This is morally wrong, and I urge my colleagues to vote down this rule.

Mrs. MYRICK. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. WALSH), who has done all this hard work on this bill.

Mr. WALSH. Mr. Speaker, indeed, I have not done all of the hard work on this bill. There has been a lot of work done by many, including the chairman

of the subcommittee, the gentleman from California (Mr. LEWIS), who has been so patient with us as we attached the supplemental to this bill. I rise in strong support of the rule and the bill, and I urge my colleagues to support the rule and the bill.

There has been a good deal of debate about this, but not much about the substance of the DOD appropriation. It is a good bill and it needs to be supported. The supplemental has drawn most of the attention. As all of us know, the President issued a veto threat that if we added more to the bill than the \$40 billion, he would veto it. That changed all of the rules when that occurred. The President did say that New York should get half of this money, and I believe we will receive \$20 billion plus. Most agree that \$20 billion is a floor, not a ceiling.

When we negotiated with the White House, there were very few options we had. We had to operate within the existing structure of the bill. What we did was allocated \$1.5 billion national emergency grants to the Community Development Block Grant Program. Community development block grant funds are the most flexible funds the Federal Government has. They are the most important funds that we have, the best tools that we have to rebuild the City of New York. CDBG can be used for infrastructure, public utilities, help hospitals, it can be used to help incent businesses to stay there, help residents to stay there, improve the quality of life in that neighborhood. It is the best money we can put in at this point. That is why we settled for that amount.

Is it all we wanted? No, it is not. My belief is that the President will keep his commitment and the rest of those funds will flow. I remind my colleagues that 75 percent of the bill here for New York City is FEMA. Many of us go back 10, 15, even 20 years here. Not once has the Federal Government ever withdrawn its commitment to fully fund the FEMA program.

Mr. Speaker, this bill is a good bill. This is a good rule. New York will benefit from it. I urge my colleagues to support the rule.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. SERRANO).

Mr. SERRANO. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, the issue is one promise on top of another promise. The promise that New York will get half of the dollars has been broken already. That is a fact. We are not here to create a problem, but that is a fact. Now we are being told wait until next spring.

Next spring we are being told that we will move dollars from other parts of the budget to accommodate New York. That means that next March, April or May we are going to take money out of

the agriculture budget, out of the Department of Defense, the State Department, the Department of Justice, the INS to move over to New York? If that is the situation New York finds itself in next spring, I can assure my colleagues, in that scenario we lose that fight. We cannot win a fight where we have to bid with other parts of the Nation for help.

America was hit. New York was the scene of that hit. The President came forward, the Congress, the Speaker, the leadership, and said we will take care of New York. It is sad that we are here opposing this rule because it will not allow an amendment that simply says to enforce the law that is already on the books.

Mrs. MYRICK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I remind my colleagues that both the current Mayor of New York and the new Mayor of New York have stated that they have plenty of money right now and they do not need extra above and beyond what we are currently providing them in these bills.

Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. LEWIS), who has worked tirelessly to bring this bill to the floor today.

Mr. LEWIS of California. Mr. Speaker, I thank the gentlewoman for yielding me this time.

Mr. Speaker, I did not intend to speak on the rule, but as I listened to the discussion, I thought it was important to point out that the base bill, the Defense Appropriations bill, that will be considered today involves some \$317 billion for national security. It is designed in a fashion to meet our highest priority needs ranging from money for basic research projects that affect national security, all of the way to paying for increased pay and the health care needs of our men and women who serve in the various Armed Forces.

The bill, above and beyond that, contains the supplemental; and in total, \$40 billion supplemental, as the money has been distributed, I am pleased to say very much effectively supplements the work we have been about. There is slightly in excess of \$20 billion from the original \$40 billion package that flows to a variety of important defense needs, and because of that I am pleased with this rule.

Mr. Speaker, I urge my colleagues to recognize that we do not solve problems, defense problems or otherwise, by simply throwing money at those difficulties, but rather, measuring very carefully the challenges themselves and then attempting to figure out what ways we can best apply dollars to solve those difficulties.

□ 1230

This rule is a good rule. It allows us the kind of flexibility we need for the near term. Indeed, as we go into the next year, if we find challenges both in

terms of national security or meeting the needs of New York and New Jersey, we will respond to those needs by way of additional supplementals.

Because of that reality, I urge my colleagues to support this rule.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. I thank the gentleman from Texas for yielding time.

Mr. Speaker, I appreciate the good gentlewoman for placing into the record the fact that the Mayor of the city of New York and the Governor said we do not need the money right now. Maybe the gentlewoman can explain to us why it is, then, that the city of New York is cutting by 15 percent across the board, programs throughout New York City. It is an austerity budget. I do not have an answer for that, but maybe the gentlewoman does.

The fact is we do not want to vote against this rule. We do not want to vote against the bill. But a promise that was made has been broken. We are not getting the full \$20 billion funding to New York City that was promised early on. We know there are a lot of great things in this bill for our Nation. We know that our Nation is at war. We want to support and we will be supportive of our men and women overseas in the armed service. But the simple fact of the matter is that a promise was made to the city of New York and the State of New York and that promise is being broken right now.

While our men and women are fighting in Central Asia to protect our quality of life and the sanctity of our country, they do so with the heavy memories of the martyrs of September 11. It is with a heavy heart that I ask my colleagues to oppose this rule, not to disrespect our Armed Forces, as has been said or at least been alluded to here today, but to respect the memory of those who lost their lives on September 11. We need to do the right thing by New York, New York State and New York City, who took the brunt of this hit on America. Why do we have to continue to bleed 15 percent across the board?

Mrs. MYRICK. Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Speaker, the World Trade Center is still burning, and this administration is wavering in its support for New York.

New York has enormous unmet needs and unpaid bills. Whoever says we do not need the money, just look at some of the invoices that are long overdue that I have brought to the floor today. Like money for hospitals that canceled elective surgery so they could aid the victims. Like costs to utilities to re-

wire lower Manhattan. Like reimbursements to transport children to temporary schools.

Right after the attacks, the administration said that they would do "whatever it takes" to help New York. But now, with full support of the administration, the House leadership is doing "whatever it takes" to deny New York the money and the aid that it was promised. Out of the \$40 billion that was allocated, only \$11 billion is allocated for New York, when \$20 billion was promised.

Vote against this rule on the New York amendment alone that was denied, so we can come back with the New York amendment included.

Mrs. MYRICK. Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Speaker, I rise in strong opposition to this rule. Last night, a bipartisan group of New Yorkers asked the Committee on Rules to make in order our amendment to allocate \$10.4 billion in contingency emergency spending for New York's recovery.

Mr. Speaker, in the hours after the World Trade Center attack, President Bush made a commitment that New York would receive \$10 billion plus \$10 billion, \$20 billion, to recover and rebuild. And Congress made that commitment law, \$20 billion. But the gentleman from New York (Mr. SWEENEY) and I and our entire delegation have spent the last 2 months trying to ensure that law is complied with, and we are still fighting today.

Mr. Speaker, an agreement is an agreement is an agreement. The law says that New York, Virginia, and Pennsylvania are entitled to "not less than half" of the \$40 billion supplemental; 422 Members of this body supported that supplemental. No Member voted against it. Eleven weeks later, we are still having the debate. We are still fighting. It does not make any sense.

Eleven weeks after the worst disaster in the history of our country, the crisis in New York has not ended. Thousands are facing the holidays without a spouse, a child, or a parent. Thousands are out of work. Small businesses remain shuttered. Thousands of residents are still unable to return to their homes. Work at Ground Zero goes on 24 hours a day, 7 days a week. Fires are still burning underground. Memorial services at the site continue. Families are coming to terms with the knowledge that there will never be anything of their loved ones recovered. New York will never be the same.

We put together an amendment that would commit the billions needed to continue the enormous recovery and rebuilding effort. We designed it as contingency emergency spending which

would allow the President to determine when the funds are needed and declare an emergency, at which point the money would become available. We believe that this is the most appropriate way to respect the need to manage Federal spending while assuring the Americans who took the blow for our country on September 11 that Congress is committed to their recovery.

We ask for consideration of this amendment. Let us have a full debate on the issue. A promise is a promise. When the President of the United States makes a promise, we appreciate it and expect that promise will be met.

Mrs. MYRICK. Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Speaker, I thank the gentleman for yielding time to me. I have listened to the New Yorkers who have argued to defeat the rule so they can have consideration of an amendment to help New York. I think we ought to defeat the rule as well so that we can help the post office.

It is terrific that the House is now going to get its mail. We are spending the money to make the mail safe and to protect all of our staff who open the mail. But what about everybody else in the country? Will their mail be safe? If we defeat this rule, we can pass an amendment that will provide funding to make the mail safe for everyone.

But the Republicans say we do not have the money. It is funny, but the Republicans have found \$1.4 billion to give to IBM, \$1 billion to give to Ford, \$600 million to the Texas utility companies, and over \$500 million for Chevron and Texaco in the outrageous giveaway bill that passed 2 weeks ago. But somehow we cannot find \$500 million for the Postal Service to make the mail safe for everyone.

None of this makes sense, but if we defeat the rule and pass the Obey amendment, we can begin to restore sanity to our priorities.

Mrs. MYRICK. Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Speaker, I do believe that the three amendments were germane to this argument. It really galls me to see some from the other side, to be perfectly frank, question the patriotism of my party which I proudly represent. We all want the same thing. We want to defend the Nation. We want to be strong abroad. We want to be strong at home.

This Nation flew, was part of 38,000 air sorties against Kosovo when we helped regain the freedom of those people. We were ready. We are ready now. I do not believe it is nitpicking if the gentleman from Pennsylvania wants to ensure the defense of this Nation. I do

not think it is nitpicking that the firefighters, the first defenders of this Nation, need help and need resources. I do not think it is nitpicking. You go out and talk to the emergency responders throughout this Nation, Mr. Speaker, and you will have the same response. They need the resources. I believe that these amendments were germane. It is a terrible shame that they are not going to be debated on this floor.

Mrs. MYRICK. Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Speaker, I feel that this so-called open rule is anything but. It is a sham. If it were truly open, it would allow us to debate an issue that is important for New Yorkers and Virginians and Pennsylvanians. We have a law that requires not less than \$20 billion to be provided for those States as a result of the attack on September 11. This bill, in effect, negates that law. It takes that money away from the people who need it. This is especially true of the people in New York City which has been so devastated as a result of the attack on the 11th of September.

Already, unemployment is up, businesses have been lost, health insurance has been lost. People are being denied the help and assistance that they need. There is a substantial amount of human suffering and a direct negative impact on the economy of the city. This money is drastically needed to cover those expenses. This rule makes it impossible for us to debate that amendment. Therefore, the rule ought to be defeated.

Mrs. MYRICK. Mr. Speaker, I continue to reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. OWENS).

Mr. OWENS. Mr. Speaker, the attempt to help New York recover speedily moves beyond boundaries, State boundaries or city boundaries. When the terrorists struck on September 11, they struck at the heart of the Nation, the nerve center of the Nation, the communications nerve center, the financial nerve center, the morale nerve center. The domino effect throughout the Nation is obvious. So we are not talking about New York. We are talking about speedy recovery for the whole Nation.

In all due respect to the Mayor and the Governor of the State, I think the institutional history of this body is far wiser. In the past decade we have handled several emergencies. The California earthquake was the example we ought to follow. This body quickly committed \$6 billion and later an additional \$2 billion. California's whole economy was in the tank at the time, but the effort to repair and recover

from the earthquake made the whole economy recover. That kind of rapid commitment and rapid implementation expenditure is what we need here now. Speed is very important. Every dollar's value is increased. If we speed the commitment of it and expenditure of it to recover in New York, we recover in the entire Nation.

Mrs. MYRICK. Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Mr. Speaker, I rise in strong opposition to this rule which fails to make the Obey homeland security amendment in order. Just listen to the words of Health and Human Services Secretary Tommy Thompson who said, "Am I satisfied with the food inspection we are doing? No, I am more fearful about this than anything else."

The Obey amendment would provide the agency 10 percent of the resources that it needs to meet the food inspection requirements of this country. Right now we inspect less than 1 percent of what comes over our border. Our Nation's food safety needs are real and compelling, and the risks from imported food products are real and compelling. We must do the right thing to protect our food supply and to help ensure food safety for all of our people. This rule denies us the opportunity to vote on the Obey substitute. I urge a "no" vote on the rule.

Mr. FROST. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I guess George Orwell has taken up residence on the other side of the aisle, the famous author who defined words by changing their meaning. Black was white, day was night, open is closed, closed is open.

They keep saying they have an open rule. Their open rule prohibits the gentleman from Wisconsin, the ranking member of the committee, from offering an amendment to increase the amount for homeland security. Their open rule prohibits the gentleman from Pennsylvania (Mr. MURTHA) from offering an amendment to increase the amount of spending for defense. Their open rule prohibits a bipartisan group of New Yorkers from offering an amendment to honor the President's original commitment of amount of money for New York.

Open is closed, closed is open. The world stands on its head. This rule is a sham. They know it. We know it. The American people know it. Everyone supports the money for national defense. All we are asking for is the opportunity to provide additional resources right now for homeland security, additional resources right now for New York. I urge a "no" vote on the rule.

□ 1245

Mrs. MYRICK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to remind my colleagues again that this is not a so-called open rule, it really is an open rule. I know some people are upset because they did not get the special exceptions that they wanted, but, quite frankly, it is an open rule, and we can debate this on the floor. It is very critical that this money come forward for our homeland defense, for our men and women in Afghanistan, and also for the City of New York.

Mr. Speaker, I urge my colleagues to vote for this rule.

Ms. KILPATRICK. Mr. Speaker, all of you know that I represent Detroit, Michigan. The Detroit Port of Entry at the Ambassador Bridge, Windsor Tunnel and Blue Water Bridge handles 40 percent of the trade between U.S. and Canada. More than \$1 billion in trade crosses the U.S.-Canada border every day. The auto industry makes up one third of that trade. The auto industry operates under "Just in Time" inventory systems, and the quick, efficient processing and clearance of auto parts is essential to the industry's survival.

Detroit border crossings accommodate over 61 percent of all cross-border truck traffic along the U.S.-Canada border. It is the largest border truck crossing area in the nation. Long lines and 15-hour traffic backups are not unusual. In the days following the September 11th assault, the border—for all practical purposes—was shut down.

The U.S.-Canada border embodies 40 percent of the total U.S. ports of entry, has only 14 percent of U.S. Customs primary inspectors who perform 33 percent of the U.S. Customs national workload. The number of Customs inspectors along the U.S.-Canada border is less than 900. That number has been relatively constant since the Reagan Administration, although the cross border commercial transactions have increased 600 percent. We need to address the imbalance.

Since September 11, our border enforcement personnel have been on Level One security alert. Customs and INS inspection personnel along the northern border have historically suffered from inadequate funding. These problems have dramatically intensified in the aftermath of the attack.

The Treasury, Postal Service and the Commerce, Justice, State Appropriations bill provides increases for Customs and INS inspection personnel. Customs received a \$28 million increase to provide for an additional 285 inspectors along the northern border. INS was increased \$25 million to provide 348 additional positions to address understaffing problems at northern border ports of entry. The Ambassador Bridge and Detroit-Windsor Tunnel currently operate with only 23 INS inspectors. According to a study provided to the Senate, these ports of entry need 151 inspectors. By the way, that study was released in December 2000. It is outdated given the tragic events that occurred in September.

These increases in Customs and INS inspectors were based on assessments conducted well before the terrorist attack. These increases in Customs and INS personnel are based on a peace time assessment, not one based on the heightened state of security under which our government is operating.

We have been trying to get official estimates of the Customs and INS inspection personnel needs but without success. But we do know one thing: Detroit ports of entry will be unable to receive the resources necessary to process goods, people and traffic in an efficient manner that ensures the continued vitality of U.S.-Canada commercial relations in a state of higher security.

The State of Michigan is supporting the work of Customs inspectors and INS inspectors assigned to the ports of entry. The State of Michigan has assigned anywhere from 30 to 45 National Guard personnel a day to assist Customs in conducting commercial inspections at the Detroit ports of entry. Twenty-four National Guard personnel assist INS agents in processing travelers coming across these border points. I should point out that we have National Guard personnel assisting Customs and INS staff at Port Huron and the Soo Locks. Certainly the need for more Customs and INS personnel is real, immediate and over and above the number appropriated for in the regular fiscal year 2002 appropriations process. We have a chance to correct this shortfall, but we are being denied that opportunity.

This denies the opportunity for Mr. OBEY to offer an amendment that addresses these security needs of a nation that is vulnerable to domestic and foreign-source terrorist threats. The Rules Committee will allow one individual to raise a point of order against amendments we plan to offer to plus-up spending for defense and homeland security needs. For instance, the Obey amendment proposes to add \$140 million for 790 additional Customs inspectors along the northern border. This is a minimum proposal that certainly recognizes the long-ignored border resources needs of Detroit. To those among us who have signed or written letters of support for more help along our borders, you should support efforts to have the Obey proposal receive the full and fair consideration of the House. If you have a water port, the security of that port is important to sustaining the economic viability of your community. If that is the case, you should support a rule that protects these amendments from parliamentary tactics. The Obey proposal would increase the Coast Guard by 640 positions for port security operations, provide money to conduct port security assessments and enhancements and 840 additional Customs agents for cargo inspection.

Recently, I received a petition from a number of INS inspectors working at one of the Detroit land border ports. The petition they sent to my attention contained a number of grievances they wished to call to my attention. Their complaints centered on the fact that their resources were already stretched thin before September 11, but they have worsened since then. Here are some of the problems they called to my attention: In the last three years INS manpower has been halved while the amount of vehicles that require processing has tripled; inspectors are expected to work a six-day week, plus additional overtime; the average inspector works 56 to 64 hours per week. They go on with other complaints concerning other working conditions, but these employees need some relief from the pace of work they are experiencing.

When I go home to my constituents, I would like to be able to tell them that Congress did

something to improve the security at the ports of entry that serve the Greater Detroit Area. The only way that can happen is if we vote down this rule, so we can have an opportunity to vote for the resources necessary to improve the homeland security of this country.

Mr. ENGEL. Mr. Speaker, I am disappointed today that we as a Congress are not debating any amendments relating to rebuilding New York. After the September 11th attacks, the NY delegation met with the President to discuss the city's needs for rebuilding. He promised then and there that our needs would be taken care of. Yet he's not living up to his promise. And we're letting him get away with it.

At yesterday's press briefing, a reporter asked Ari Fleischer why the Administration was opposing any add-ons to the anti-terrorism bill. Fleischer's response was: Well, the Congress has entered into an agreement with the President, many weeks after September 11th, when people already understood the need to beef up on the domestic front, the need to provide more resources. And an agreement is an agreement is an agreement.

Doesn't that statement apply to the agreement the President made regarding New York? Isn't an agreement an agreement an agreement?

We must provide the funds New York needs to rebuild. We must remember this was not an attack on New York it was an attack on America. And we as Americans must help the City recover their costs directly related to the World Trade Center attacks.

This rule does not allow an amendment to guarantee that New York receives at least the 20 billion that the President promised us, that the Congress voted for, and that the President signed into law. Therefore, I will vote against the rule and ask my colleagues to do the same.

Mr. UDALL of New Mexico. Mr. Speaker, I rise today in strong opposition to this rule and urge my colleagues to join me in defeating it. I object to this rule because the implications of its unfairness go beyond the petty political games of life in Washington. This rule actually threatens the national security of the United States. At a time when our country faces such serious challenges to our security and way of life, it is unconscionable that this body would attempt to pass a rule that squelches debate and prevents the Congress from appropriating money that is so desperately needed to ensure our safety.

But the debate today is about more than simply a rule for considering the defense appropriations bill; it is about addressing urgent needs that have been neglected for far too long. America is facing the most serious threat of the last sixty years, a threat so great the world has united in response to the tragedies of September 11. The President of the United States has called upon all Americans to live as if we are in a state of war, and he has asked for—and received—unprecedented authorities to combat terrorism. In this atmosphere, the country expects the Congress to do its duty and contribute its share to the effort.

Across the country, from Maine to California, Americans are losing their jobs, hotels remain half-empty, airlines fly with empty seats, shop-owners wait in vain for additional

customers, and children of laid-off workers face the prospect of a bleak Christmas. Just this week, the National Bureau of Economic Research officially announced that the longest peace time economic expansion in American history had ended and that we are now in recession. But we did not need an official announcement to know we face real problems.

These are serious problems we face. Terrorism. Recession. Unemployment. It is our job as the Congress to do what we can to help our constituents through these times. Our constituents need us to act in their interests. Our constituents need us to secure our nation. Our constituents need us to rebuild the damage done by terrorists. Our constituents need us to stimulate the economy. This rule fails all of these tests.

Why does this rule not allow for the urgent funding needed to prepare our defenses against the threat posed by biological weapons? Why does this rule not allow for the urgent funding needed to pursue justice in Afghanistan? Why does this rule not allow for the funds to hire additional air marshals and airport safety equipment? Why does this rule not allow for the funds needed to secure our postal system?

What will we say to our constituents who ask us if the Congress has done everything possible to protect them from the threats we know about? What will we say to our constituents who ask us if the Congress has done everything possible to protect them from the threats we don't know about? What will we say at town hall meetings in the upcoming weeks when asked if America is safer today than it was on September 10?

These are serious times in which we live, and we must act deliberately and swiftly to protect our constituents and the nation. We must do our duty under the Constitution—a duty to which we swore in this very chamber eleven months ago—by responding as best we can to the threats we face, both at home and abroad. The Constitution tells us that we must “provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity.” I believe in these words, yet I do not believe that today this body is acting faithfully to fulfill them.

Defeat this rule. Vote for a substitute that will allow for a full debate and the inclusion of funding to guard our nation against biological weapons, to hire new border patrol agents and law enforcement officers, and to purchase new airport security equipment. Do not allow the Congress to be distracted from the issues before us from doing what we all know is right.

Mrs. MYRICK. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FROST. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 216, nays

211, answered “present” 1, not voting 5, as follows:

[Roll No. 454]
YEAS—216

Aderholt	Goode	Paul
Akin	Goodlatte	Pence
Armey	Goss	Peterson (PA)
Bachus	Graham	Petri
Baker	Granger	Pickering
Ballenger	Graves	Pitts
Barr	Green (WI)	Platts
Bartlett	Greenwood	Pombo
Barton	Grucci	Portman
Bass	Gutknecht	Pryce (OH)
Bereuter	Hansen	Putnam
Biggert	Hart	Radanovich
Bilirakis	Hastert	Ramstad
Blunt	Hastings (WA)	Regula
Boehrlert	Hayes	Rehberg
Boehner	Hayworth	Reynolds
Bonilla	Herger	Riley
Bono	Hilleary	Rogers (KY)
Brady (TX)	Hobson	Rogers (MI)
Brown (SC)	Hoekstra	Rohrabacher
Bryant	Horn	Ros-Lehtinen
Burr	Hostettler	Roukema
Burton	Houghton	Royce
Buyer	Hulshof	Ryan (WI)
Callahan	Hunter	Ryun (KS)
Calvert	Hyde	Saxton
Camp	Isakson	Schaffer
Cannon	Issa	Schrock
Cantor	Jenkins	Sensenbrenner
Capito	Johnson (CT)	Sessions
Castle	Johnson (IL)	Shadegg
Chabot	Johnson, Sam	Shaw
Chambliss	Jones (NC)	Shays
Coble	Keller	Sherwood
Collins	Kennedy (MN)	Shimkus
Combest	Kerns	Shuster
Cooksey	King (NY)	Simmmons
Cox	Kingston	Simpson
Crane	Kirk	Skeen
Crenshaw	Knollenberg	Smith (MI)
Cubin	Kolbe	Smith (NJ)
Culberson	LaHood	Smith (TX)
Cunningham	Largent	Souder
Davis, Jo Ann	Latham	Stearns
Davis, Tom	LaTourette	Stump
Deal	Leach	Sununu
DeLay	Lewis (CA)	Tancred
DeMint	Lewis (KY)	Tauzin
Diaz-Balart	Linder	Taylor (NC)
Doolittle	LoBiondo	Terry
Dreier	Lucas (OK)	Thomas
Duncan	Manzullo	Thornberry
Dunn	McCrery	Thune
Ehlers	McHugh	Tiahrt
Ehrlich	McInnis	Tiberi
Emerson	McKeon	Toomey
English	Mica	Trafigant
Everett	Miller, Dan	Upton
Ferguson	Miller, Gary	Vitter
Flake	Miller, Jeff	Walden
Fletcher	Moran (KS)	Walsh
Foley	Morella	Wamp
Forbes	Myrick	Watkins (OK)
Fossella	Nethercutt	Watts (OK)
Frelinghuysen	Ney	Weldon (FL)
Gallely	Northup	Weller
Ganske	Norwood	Whitfield
Gekas	Nussle	Wicker
Gibbons	Osborne	Wilson
Gilchrest	Ose	Wolf
Gillmor	Otter	Young (AK)
Gilman	Oxley	Young (FL)

NAYS—211

Abercrombie	Blagojevich	Clement
Ackerman	Blumenauer	Clyburn
Allen	Bonior	Condit
Andrews	Borski	Conyers
Baca	Boswell	Costello
Baird	Boucher	Coyne
Baldacci	Boyd	Cramer
Baldwin	Brady (PA)	Crowley
Barcia	Brown (FL)	Cummings
Barrett	Brown (OH)	Davis (CA)
Becerra	Capps	Davis (FL)
Bentsen	Capuano	Davis (IL)
Berkley	Cardin	DeGette
Berman	Carson (OK)	Delahunt
Berry	Clay	DeLauro
Bishop	Clayton	Deutsch

Dicks	Langevin	Price (NC)
Dingell	Lantos	Rahall
Doggett	Larsen (WA)	Rangel
Dooley	Larson (CT)	Reyes
Doyle	Lee	Rivers
Edwards	Levin	Rodriguez
Engel	Lewis (GA)	Roemer
Eshoo	Lipinski	Ross
Etheridge	Loftgren	Rothman
Evans	Lowey	Roybal-Allard
Farr	Lucas (KY)	Rush
Fattah	Luther	Sabo
Filner	Lynch	Sanchez
Frank	Maloney (CT)	Sanders
Frost	Maloney (NY)	Sandlin
Gephardt	Markey	Sawyer
Gonzalez	Mascara	Schakowsky
Gordon	Matheson	Schiff
Green (TX)	Matsui	Scott
Gutierrez	McCarthy (MO)	Serrano
Hall (OH)	McCarthy (NY)	Sherman
Hall (TX)	McCollum	Shows
Harman	McDermott	Skelton
Hastings (FL)	McGovern	Slaughter
Hefley	McIntyre	Smith (WA)
Hill	McKinney	Snyder
Hilliard	McNulty	Solis
Hinchey	Meehan	Spratt
Hinojosa	Meek (FL)	Stark
Hoeffel	Meeks (NY)	Stenholm
Holden	Menendez	Strickland
Holt	Millender	Stupak
Honda	McDonald	Sweeney
Hooley	Miller, George	Tanner
Hoyer	Mink	Tauscher
Inslee	Mollohan	Taylor (MS)
Israel	Moore	Thompson (CA)
Jackson (IL)	Moran (VA)	Thompson (MS)
Jackson-Lee	Murtha	Thurman
(TX)	Nadler	Tierney
Jefferson	Napolitano	Towns
John	Neal	Turner
Johnson, E. B.	Oberstar	Udall (CO)
Jones (OH)	Obey	Udall (NM)
Kanjorski	Olver	Velázquez
Kaptur	Ortiz	Visclosky
Kelly	Owens	Waters
Kennedy (RI)	Pallone	Watson (CA)
Kildee	Pascarell	Watt (NC)
Kilpatrick	Pastor	Waxman
Kind (WI)	Payne	Weiner
Klecza	Pelosi	Weldon (PA)
Kucinich	Peterson (MN)	Woolsey
LaFalce	Phelps	Wu
Lampson	Pomeroy	Wynn

ANSWERED “PRESENT”—1

Istook

NOT VOTING—5

Carson (IN)	Ford	Wexler
DeFazio	Quinn	

□ 1340

Mr. CUMMINGS, Mr. JACKSON of Illinois, Ms. MCCOLLUM, Mr. JOHN, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. CLYBURN changed their vote from “yea” to “nay.”

Mr. ISTOOK changed his vote from “yea” to “present.”

Ms. GRANGER, and Messrs. LEWIS of California, ADERHOLT, DOOLITTLE, TIAHRT, SHERWOOD, and HOBSON changed their vote from “present” to “yea.”

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 1684. An act to provide a 1-year extension of the date for compliance by certain covered entities with the administrative simplification standards for electronic transactions and code sets issued in accordance with the Health Insurance Portability and Accountability Act of 1996.

The message also announced that pursuant to Public Law 107-12, the Chair, on behalf of the Majority Leader, announces the appointment of the following individuals to serve as members of the Medal of Valor Review Board:

David E. Demag, of Vermont.
Thomas J. Scotto, of New York.

The message also announced that pursuant to Public Law 107-12, the Chair, on behalf of the Republican Leader, announces the appointment of the following individuals to serve as members of the Medal of Valor Review Board:

Michael D. Branham, of Arizona.
Jimmy Houston, of Mississippi.

GENERAL LEAVE

Mr. LEWIS of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill (H.R. 3338) making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes, and that I may include tabular and extraneous material.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from California?

There was no objection.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2002

The SPEAKER pro tempore. Pursuant to House Resolution 296 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3338.

The Chair designates the gentleman from Michigan (Mr. CAMP) as chairman of the Committee of the Whole, and requests the gentleman from California (Mr. DREIER) to assume the chair temporarily.

□ 1343

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3338) making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes, with Mr. DREIER (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from California (Mr. LEWIS) and the gentleman from Pennsylvania (Mr. MURTHA) each will control 30 minutes.

The Chair recognizes the gentleman from California (Mr. LEWIS).

Mr. MURTHA. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I yield to the gentleman from Pennsylvania.

Mr. MURTHA. Mr. Chairman, I am prepared to yield my time so we can get this bill moving. People have been

waiting so long. So I am prepared to yield back whenever my colleague is ready, Mr. Chairman.

Mr. LEWIS of California. Mr. Chairman, the gentleman from Pennsylvania is yielding back his time and he wants me to follow that course so we can save some time here today?

Mr. MURTHA. Mr. Chairman, yes.

Mr. LEWIS of California. Mr. Chairman, does the gentleman from Pennsylvania (Mr. MURTHA) realize I have at least a half hour presentation here?

Mr. Chairman, I am happy to yield such time as he might consume to the gentleman from Florida (Mr. YOUNG), the chairman of the committee.

Mr. YOUNG of Florida. Mr. Chairman, I appreciate the gentleman from California (Mr. LEWIS) for yielding me the time. He will discuss the main part of this bill, which is the \$317 billion defense package that he and the gentleman from Pennsylvania (Mr. MURTHA), the ranking member, have provided for the Committee on Appropriations.

After he does that, I will briefly discuss the \$20 billion supplemental that we added in the full committee to explain exactly what the President had requested and what the committee is recommending relative to that \$20 billion.

So with that explanation, I will let the gentleman from California (Mr. LEWIS) proceed with his bill, and I will take up the \$20 billion supplemental. At this point, Mr. Chairman, I would also like to insert atable providing detail on the \$20 billion supplemental.

H.R. 3338 - DIVISION B - FISCAL YEAR 2002 SUPPLEMENTAL APPROPRIATIONS
(Amounts in thousands)

	FY 2002 Request	Recommended in Bill	Bill vs. Request
CHAPTER 1			
DEPARTMENT OF AGRICULTURE			
Office of the Secretary (emergency)	45,188	4,582	-40,606
Agriculture buildings and facilities and rental payments (emergency)		2,875	+2,875
Agricultural Research Service: Salaries and expenses (emergency)		5,635	+5,635
Animal and Plant Health Inspection Service:			
Salaries and expenses (emergency)		8,175	+8,175
Buildings and facilities (emergency)		14,081	+14,081
Food and Safety Inspection Service (emergency)		9,800	+9,800
DEPARTMENT OF HEALTH AND HUMAN SERVICES			
Food and Drug Administration: Salaries & expenses (emergency) 1/		104,350	+104,350
INDEPENDENT AGENCIES			
Commodity Futures Trading Commission (emergency)	6,495	6,495	
Total, chapter 1	51,683	155,993	+104,310
CHAPTER 2			
DEPARTMENT OF JUSTICE			
General Administration			
Administrative review and appeals (emergency)	3,500	3,500	
Legal Activities			
Salaries and expenses:			
General legal activities (emergency)	12,500	12,500	
United States Attorneys (emergency)	74,800	68,450	-6,150
United States Marshals Service (emergency)	11,100	11,100	
Federal Bureau of Investigation			
Salaries and expenses (emergency)	538,500	538,500	
Immigration and Naturalization Service			
Salaries and expenses, Enforcement and Border Affairs (emergency)	399,400	409,600	+10,200
Office of Justice Programs			
Justice assistance (emergency) 2/		400,000	+400,000
State & local law enforcement assistance (emergency)	4,400	17,100	+12,700
Crime victims fund (emergency)	68,100	68,100	
DEPARTMENT OF COMMERCE			
Economic Development Administration			
Salaries and expenses (emergency)	335		-335
International Trade Administration			
Operations and administration (emergency)	1,500	750	-750
Export Administration			
Operations and administration (emergency)	1,756	1,756	
National Telecommunications and Information Administration			
Public telecommunications facilities, planning and construction (emergency)	8,250	8,250	
National Oceanic and Atmospheric Administration			
Operations, research, and facilities (emergency)	2,750	750	-2,000
United States Patent and Trademark Office			
Salaries and expenses (emergency)	3,360		-3,360
National Institute of Standards and Technology			
Scientific & technical research & services (emergency)	400		-400
Construction of research facilities (emergency)	1,225		-1,225
Departmental Management			
Salaries and expenses (emergency)	7,276	8,636	+1,360
THE JUDICIARY			
Supreme Court of the United States			
Care of Buildings and Grounds (emergency)	10,000	10,000	
Court of Appeals, District Courts, and Other Judicial Services			
Court security (emergency)	21,500	21,500	
DEPARTMENT OF STATE AND RELATED AGENCY			
RELATED AGENCY			
Broadcasting Board of Governors			
International broadcasting operations (emergency)		9,200	+9,200
Broadcasting capital improvements (emergency)		10,000	+10,000
RELATED AGENCIES			
Equal Employment Opportunity Commission			
Salaries and expenses (emergency)	1,301	1,301	
Securities and Exchange Commission			
Salaries and expenses (emergency)	20,705	20,705	

H.R. 3338 - DIVISION B - FISCAL YEAR 2002 SUPPLEMENTAL APPROPRIATIONS—Continued
(Amounts in thousands)

	FY 2002 Request	Recommended in Bill	Bill vs. Request
Small Business Administration			
Disaster loan program account (emergency)	150,000	140,000	-10,000
Total, chapter 2	1,342,458	1,761,698	+ 419,240
CHAPTER 3			
DEPARTMENT OF DEFENSE - MILITARY			
Operation and Maintenance			
Defense Emergency Response Fund (emergency)	7,020,969	7,242,911	+ 221,942
Transfer to Department of State, Nonproliferation, Anti-Terrorism, Demining and Related Programs..		(30,000)	(+ 30,000)
Procurement			
Other Procurement, Air Force (emergency)	303,000		-303,000
Total, chapter 3	7,323,969	7,242,911	-81,058
CHAPTER 4			
DISTRICT OF COLUMBIA			
Federal Funds			
Federal Payment to the District of Columbia for Emergency Response and Planning (emergency)	25,000	25,631	+ 631
CHAPTER 5			
DEPARTMENT OF DEFENSE - CIVIL			
Department of the Army			
Corps of Engineers - Civil			
Operation and Maintenance, General (emergency)	139,000	139,000	
DEPARTMENT OF THE INTERIOR			
Bureau of Reclamation			
Water and related resources (emergency)	30,259	30,259	
DEPARTMENT OF ENERGY			
National Nuclear Security Administration			
Weapons activities (emergency)	108,000	88,000	-18,000
Defense nuclear nonproliferation (emergency)		18,000	+ 18,000
Environmental and Other Defense Activities			
Defense environmental restoration and waste management (emergency)	8,200	8,200	
Other defense activities (emergency)	3,500	3,500	
Total, chapter 5	286,959	286,959	
FOREIGN ASSISTANCE			
Agency for International Development			
Operating expenses (transfer) (emergency)	(50,000)		(-50,000)
CHAPTER 6			
DEPARTMENT OF THE INTERIOR			
National Park Service			
Operation of the National Park System (emergency) 3/	6,098	10,098	+ 4,000
United States Park Police (emergency)	25,295	25,295	
Construction (emergency)	21,624	21,624	
Departmental Offices			
Departmental Management: Salaries and expenses (emergency)	2,205	2,205	
OTHER RELATED AGENCIES			
Smithsonian Institution			
Salaries and expenses (emergency)	21,707	21,707	
National Gallery of Art			
Salaries and expenses (emergency)	2,148	2,148	
John F. Kennedy Center for the Performing Arts			
Operations and Maintenance (emergency)	4,310	4,310	
National Capital Planning Commission			
Salaries and expenses (emergency)	758	758	
Total, chapter 6	84,145	88,145	+ 4,000
CHAPTER 7			
DEPARTMENT OF LABOR			
Employment and Training Administration			
Training and employment services (emergency)	2,000,000		-2,000,000
State unemployment insurance and employment service operations (emergency)	4,100	4,100	
Pension and Welfare Benefits Administration			
Salaries and expenses (emergency)	1,600	1,600	
Occupational Safety and Health Administration			
Salaries and expenses (emergency)	1,000	1,000	
Departmental Management			
Salaries and expenses (emergency)	5,880	5,880	

H.R. 3338 - DIVISION B - FISCAL YEAR 2002 SUPPLEMENTAL APPROPRIATIONS—Continued **(Amounts in thousands)**

	FY 2002 Request	Recommended in Bill	Bill vs. Request
DEPARTMENT OF HEALTH AND HUMAN SERVICES			
Public Health and Social Services Emergency Fund (emergency) 1/.....	1,595,000	1,990,600	+ 395,600
DEPARTMENT OF EDUCATION			
School Improvement Programs			
Project SERV (emergency).....	10,000	10,000	.....
RELATED AGENCIES			
National Labor Relations Board			
Salaries and expenses (emergency)	180	180	.....
Social Security Administration			
Limitation on administration expenses (emergency)	7,500	7,500	.....
Total, chapter 7	3,625,260	2,020,860	-1,604,400
CHAPTER 8			
LEGISLATIVE BRANCH			
Joint Items			
Legislative Branch Emergency Response Fund (emergency)	256,081	.....	-256,081
Senate			
Sergeant at Arms and Doorkeeper of the Senate (emergency) .....	.....	34,500	+34,500
House of Representatives			
Salaries and expenses (emergency) .....	.....	40,712	+40,712
United States Capitol Historical Society			
Grant (emergency) .....	.....	1,000	+1,000
Capitol Police Board			
Expenses (emergency) .....	.....	179,869	+179,869
Total, chapter 8	256,081	256,081	.....
CHAPTER 9			
MILITARY CONSTRUCTION			
Defense Emergency Response Fund (emergency)	25,000	.....	-25,000
Military Construction, Army (emergency) .....	.....	55,700	+55,700
Military Construction, Navy (emergency) .....	.....	2,000	+2,000
Military Construction, Air Force (emergency) .....	.....	47,700	+47,700
Total, chapter 9	25,000	105,400	+80,400
CHAPTER 10			
DEPARTMENT OF TRANSPORTATION			
Office of the Secretary			
Salaries and expenses (emergency)	1,500	458	-1,042
Transportation security administration (emergency) .....	.....	15,000	+15,000
Aircraft passenger and baggage screening activities (emergency) .....	.....	1,000,000	+1,000,000
Offsetting collections (emergency) .....	.....	-1,000,000	-1,000,000
Coast Guard			
Operating Expenses (emergency)	203,000	144,913	-58,087
Federal Aviation Administration			
Operations (Airport and Airway Trust Fund) (emergency)	300,000	291,500	-8,500
Facilities & equipment (Airport and Airway Trust Fund) (emergency)	108,500	175,000	+66,500
Federal Highway Administration			
Miscellaneous appropriations (emergency)	10,000	.....	-10,000
Federal-aid highways (Highway Trust Fund): Emergency relief program (emergency)	75,000	75,000	.....
Federal Railroad Administration			
Safety and operations (emergency)	6,000	6,000	.....
Federal Transit Administration			
Formula grants (emergency)	23,500	23,500	.....
Research and Special Programs Administration			
Research and special programs (emergency)	6,000	2,500	-3,500
RELATED AGENCY			
National Transportation Safety Board			
Salaries and expenses (emergency)	836	465	-371
Total appropriations	734,336	1,734,336	+1,000,000
Offsetting collections .....	.....	-1,000,000	-1,000,000
Total, chapter 10	734,336	734,336	.....
CHAPTER 11			
DEPARTMENT OF THE TREASURY			
Departmental Offices			
Salaries and expenses (emergency)	9,400	.....	-9,400
Treasury Inspector General for Tax Administration (emergency)	2,032	2,032	.....
Financial Crimes Enforcement Network (emergency)	1,700	1,700	.....

H.R. 3338 - DIVISION B - FISCAL YEAR 2002 SUPPLEMENTAL APPROPRIATIONS—Continued
(Amounts in thousands)

	FY 2002 Request	Recommended in Bill	Bill vs. Request
Federal Law Enforcement Training Center			
Salaries and expenses (emergency)	13,846	23,231	+ 9,385
Acquisition, construction, improvement and related expenses (emergency).....		8,500	+ 8,500
Financial Management Service			
Salaries and expenses (emergency)	600		-600
Bureau of Alcohol, Tobacco and Firearms			
Salaries and expenses (emergency)	31,431	31,431	
United States Customs Service			
Salaries and expenses (emergency)	107,500	301,759	+ 194,259
Operation, Maintenance and Procurement, Air and Marine Interdiction Programs (emergency)	6,700	6,700	
Internal Revenue Service			
Processing, Assistance, and Management (emergency)	16,658		-16,658
Tax Law Enforcement (emergency)	4,544	4,544	
Information Systems (emergency)	15,991		-15,991
United States Secret Service			
Salaries and expenses (emergency)	104,769	104,769	
EXECUTIVE OFFICE OF THE PRESIDENT			
Office of Administration (emergency)	50,040		-50,040
INDEPENDENT AGENCIES			
General Services Administration			
Real Property Activities			
Federal Buildings Fund (emergency) 3/	200,500	87,360	-113,140
National Archives and Records Administration			
Operating Expenses (emergency)	4,818		-4,818
Repairs and Restoration (emergency)	2,180		-2,180
Total, chapter 11	572,709	572,026	-683
CHAPTER 12			
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT			
Management and Administration			
Office of Inspector General (emergency).....	1,000	1,000	
DEPARTMENT OF VETERANS AFFAIRS			
Veterans Health Administration			
Construction, Major Projects (emergency)	2,000		-2,000
Departmental Administration			
General operating expenses (emergency)		2,000	+ 2,000
INDEPENDENT AGENCIES			
Environmental Protection Agency			
Science and Technology (emergency)	40,040	10,000	-30,040
Environmental Programs and Management (emergency)	25,170	140,360	+ 115,190
State and Tribal Assistance Grants (emergency)	5,000	5,000	
Hazardous Substance Superfund (emergency)	5,790	5,800	+ 10
Federal Emergency Management Agency			
Disaster relief (emergency)	4,900,000	4,345,000	-555,000
Emergency Management Planning and Assistance (emergency) 2/	580,000	35,000	-545,000
Salaries and expenses (emergency)	20,000	30,000	+ 10,000
National Aeronautics and Space Administration			
Human space flight (emergency)	64,500	81,000	+ 16,500
Science, Aeronautics and Technology (emergency)	28,600	36,500	+ 7,900
Office of Inspector General (emergency)		3,000	+ 3,000
National Science Foundation			
Research and Related Activities (emergency)	300	300	
Total, chapter 12	5,672,400	4,694,960	-977,440
CHAPTER 14			
ADDITIONAL EMERGENCY RELIEF AND RECOVERY PROVISIONS			
DEPARTMENT OF HEALTH AND HUMAN SERVICES			
Centers for Disease Control and Prevention			
Disease control, research, and training (emergency)		12,000	+ 12,000
National Institutes of Health			
National Institutes of Environmental Health Sciences (emergency)		10,500	+ 10,500
DEPARTMENT OF HOUSING AND DEVELOPMENT			
Community Planning and Development			
Community development fund (emergency)		1,825,000	+ 1,825,000

H.R. 3338 - DIVISION B - FISCAL YEAR 2002 SUPPLEMENTAL APPROPRIATIONS—Continued
(Amounts in thousands)

	FY 2002 Request	Recommended in Bill	Bill vs. Request
DEPARTMENT OF LABOR			
Employment and Training Administration			
Training and employment services (emergency)		32,500	+ 32,500
State Unemployment Security Office			
Workers compensation programs (emergency)		175,000	+ 175,000
Total, chapter 14		2,055,000	+ 2,055,000
Grand total	20,000,000	20,000,000	

1/ FDA appropriation of \$104.35 million was originally requested by the President as part of the HHS Public health and social services emergency fund account.

2/ Amounts for counterterrorism assistance to State and local governments were requested by the President as part of FEMA.

3/ National Park Service relocation costs were originally requested by the President as part of the GSA Federal buildings fund account.

Mr. LEWIS of California. Mr. Chairman, I yield myself such time as I may consume.

I always appreciate hearing from the chairman of the full committee.

Mr. Chairman, the bill before us provides the funding for national defense for the fiscal year 2002. The base bill, which is the fundamental consideration today, involves some \$317 billion for national security; and, Mr. Chairman, I would like the entire body to know that this bill was prepared and we were taking it to the committee on the very day of the tragedy that occurred in New York.

All of us watched with horror as that first plane hit that first tower and then in amazement, fear, and anger as we

watched the second plane and the subsequent results.

Over these several weeks, the Nation has reacted in a fashion that all of us have watched with great interest, for indeed America had been attacked; and for the first time since World War II, more Americans were killed by a foreign agent in a single event than had been killed in our history.

As we observed that scene, America first responded in fear, responded in anger and in frustration; and over these weeks and months now, we watched as our public has come together in a kind of unified response that says directly to the Congress, we expect you to help America be ready to deal with this war on terrorism that

the President is so ably leading us to wage at this moment.

Subsequent to this bill, the base bill of \$317 billion, as the gentleman from Florida (Mr. YOUNG) suggested, there is a supplemental appropriations that affects defense that is slightly in excess of some \$20 billion. We do not know, we cannot be sure, this may be but only the beginning, for the war on terrorism could indeed go beyond months, into years; but there is little question about our public's commitment. We will carry forward this war against terrorism, and we will win this war.

Mr. Chairman, at this point I would like to insert into the RECORD a summary of the provisions of Division A of this bill, that is, the Defense Appropriations bill.

H.R. 3338 - DEFENSE APPROPRIATIONS BILL, 2002 (Amounts in thousands)

	FY 2001 Enacted	FY 2002 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE I					
MILITARY PERSONNEL					
Military Personnel, Army.....	22,175,357	23,626,684	23,336,884	+1,161,527	-289,800
Military Personnel, Navy.....	17,772,297	19,606,984	19,574,184	+1,801,887	-32,800
Military Personnel, Marine Corps.....	6,833,100	7,365,040	7,343,640	+510,540	-21,400
Military Personnel, Air Force.....	18,174,284	20,151,514	19,784,614	+1,610,330	-366,900
Reserve Personnel, Army.....	2,473,001	2,604,197	2,629,197	+156,196	+25,000
Reserve Personnel, Navy.....	1,576,174	1,843,523	1,644,823	+68,649	+1,300
Reserve Personnel, Marine Corps.....	448,886	463,300	466,800	+17,914	+3,500
Reserve Personnel, Air Force.....	971,024	1,055,160	1,055,160	+84,136	.....
National Guard Personnel, Army.....	3,782,536	4,014,135	4,004,335	+221,799	-9,800
National Guard Personnel, Air Force.....	1,641,081	1,776,744	1,777,654	+136,573	+910
Total, title I, Military Personnel.....	75,847,740	82,307,281	81,617,291	+5,769,551	-689,990
TITLE II					
OPERATION AND MAINTENANCE					
Operation and Maintenance, Army.....	19,144,431	21,191,680	21,021,944	+1,877,513	-169,736
(By transfer - National Defense Stockpile).....	(50,000)	.....	.....	(-50,000)	.....
Operation and Maintenance, Navy.....	23,419,360	26,961,362	26,628,075	+3,208,715	-333,307
(By transfer - National Defense Stockpile).....	(50,000)	.....	.....	(-50,000)	.....
Operation and Maintenance, Marine Corps.....	2,778,758	2,892,314	2,939,434	+160,676	+47,120
Operation and Maintenance, Air Force.....	22,383,521	26,146,770	25,842,968	+3,459,447	-303,802
(By transfer - National Defense Stockpile).....	(50,000)	.....	.....	(-50,000)	.....
Operation and Maintenance, Defense-Wide.....	11,844,480	12,518,631	12,122,590	+278,110	-396,041
Operation and Maintenance, Army Reserve.....	1,562,118	1,787,246	1,788,546	+226,428	+1,300
Operation and Maintenance, Navy Reserve.....	978,946	1,003,690	1,003,690	+24,744	.....
Operation and Maintenance, Marine Corps Reserve.....	145,959	144,023	144,023	-1,936	.....
Operation and Maintenance, Air Force Reserve.....	1,903,659	2,029,866	2,029,866	+126,207	.....
Operation and Maintenance, Army National Guard.....	3,333,835	3,677,359	3,723,759	+389,924	+46,400
Operation and Maintenance, Air National Guard.....	3,474,375	3,867,361	3,972,161	+497,786	+104,800
Overseas Contingency Operations Transfer Fund.....	3,938,777	2,844,226	2,744,226	-1,194,551	-100,000
United States Court of Appeals for the Armed Forces.....	8,574	9,066	9,066	+522	.....
Environmental Restoration, Army.....	389,932	389,800	389,800	-132	.....
Environmental Restoration, Navy.....	294,038	257,517	257,517	-36,521	.....
Environmental Restoration, Air Force.....	376,300	385,437	385,437	+9,137	.....
Environmental Restoration, Defense-Wide.....	21,412	23,492	23,492	+2,080	.....
Environmental Restoration, Formerly Used Defense Sites.....	231,499	190,255	190,255	-41,244	.....
Overseas Humanitarian, Disaster, and Civic Aid.....	55,900	49,700	49,700	-6,200	.....
Former Soviet Union Threat Reduction.....	443,400	403,000	.....	-443,400	-403,000
Quality of Life Enhancements, Defense.....	160,500	.....	.....	-160,500	.....
Support for International Sporting Competition, Defense.....	.....	15,800	15,800	+15,800	.....
Total, title II, Operation and maintenance.....	96,889,774	106,788,645	105,282,379	+8,392,605	-1,506,266
(By transfer).....	(150,000)	.....	.....	(-150,000)	.....
TITLE III					
PROCUREMENT					
Aircraft Procurement, Army.....	1,571,812	1,925,491	1,974,241	+402,429	+48,750
Missile Procurement, Army.....	1,320,681	1,859,634	1,057,409	-263,272	-802,225
Procurement of Weapons and Tracked Combat Vehicles, Army.....	2,472,524	2,276,746	2,252,669	-219,855	-24,077
Procurement of Ammunition, Army.....	1,220,516	1,193,365	1,211,615	-8,901	+18,250
Other Procurement, Army.....	4,497,009	3,961,737	4,103,036	-393,973	+141,299
Aircraft Procurement, Navy.....	8,477,138	8,252,543	8,084,543	-392,595	-168,000
Weapons Procurement, Navy.....	1,461,600	1,433,475	1,429,492	-32,108	-3,983
Procurement of Ammunition, Navy and Marine Corps.....	498,349	457,099	492,599	-5,750	+35,500
Shipbuilding and Conversion, Navy.....	11,614,633	9,344,121	10,134,863	-1,479,750	+790,762
Other Procurement, Navy.....	3,557,380	4,097,576	4,290,776	+733,396	+193,200
Procurement, Marine Corps.....	1,233,268	981,724	1,028,662	-204,606	+46,938
Aircraft Procurement, Air Force.....	7,583,345	10,744,458	10,549,798	+2,966,453	-194,660
Missile Procurement, Air Force.....	2,863,778	3,233,536	2,918,118	+54,340	-315,418
Procurement of Ammunition, Air Force.....	647,808	865,344	866,844	+219,036	+1,500
Other Procurement, Air Force.....	7,763,747	8,159,521	7,856,671	+92,924	-302,850
Procurement, Defense-Wide.....	2,346,258	1,603,927	1,387,283	-958,975	-216,644
National Guard and Reserve Equipment.....	100,000	.....	501,485	+401,485	+501,485
Defense Production Act Purchases.....	3,000	50,000	50,000	+47,000	.....
Total, title III, Procurement.....	59,232,846	60,440,297	60,190,124	+957,278	-250,173
TITLE IV					
RESEARCH, DEVELOPMENT, TEST AND EVALUATION					
Research, Development, Test and Evaluation, Army.....	6,342,552	6,693,920	7,115,438	+772,866	+421,518
Research, Development, Test and Evaluation, Navy.....	9,494,374	11,123,389	10,896,307	+1,401,933	-227,082
Research, Development, Test and Evaluation, Air Force.....	14,138,244	14,343,982	14,884,058	+745,814	+540,076
Research, Development, Test and Evaluation, Defense-Wide.....	11,157,375	15,050,787	6,949,098	-4,208,277	-8,101,689
Operational Test and Evaluation, Defense.....	227,060	217,355	245,355	+18,295	+28,000
Total, title IV, Research, Development, Test and Evaluation.....	41,359,605	47,429,433	40,090,256	-1,269,349	-7,339,177

H.R. 3338 - DEFENSE APPROPRIATIONS BILL, 2002—Continued
(Amounts in thousands)

	FY 2001 Enacted	FY 2002 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE V					
REVOLVING AND MANAGEMENT FUNDS					
Defense Working Capital Funds	916,276	1,951,986	1,524,986	+ 608,710	-427,000
National Defense Sealift Fund:					
Ready Reserve Force	270,500	506,408	412,708	+ 142,208	-93,700
Acquisition	130,158			-130,158	
Subtotal	400,658	506,408	412,708	+ 12,050	-93,700
National Defense Airlift Fund:					
C-17	2,170,923			-2,170,923	
C-17 advance procurement	257,800			-257,800	
C-17 ICS	412,200			-412,200	
Subtotal	2,840,923			-2,840,923	
Total, title V, Revolving and Management Funds	4,157,857	2,458,394	1,937,694	-2,220,163	-520,700
TITLE VI					
OTHER DEPARTMENT OF DEFENSE PROGRAMS					
Defense Health Program:					
Operation and maintenance	11,414,393	17,565,750	17,574,750	+ 6,160,357	+ 9,000
Procurement	290,006	267,915	267,915	-22,091	
Research and development	413,380	65,304	434,738	+ 21,358	+ 369,434
Total, Defense Health Program	12,117,779	17,898,969	18,277,403	+ 6,159,624	+ 378,434
Chemical Agents & Munitions Destruction, Army: 1/					
Operation and maintenance	600,000	789,020	728,520	+ 128,520	-60,500
Procurement	105,700	164,158	164,158	+ 58,458	
Research, development, test and evaluation	274,400	200,379	200,379	-74,021	
Total, Chemical Agents	980,100	1,153,557	1,093,057	+ 112,957	-60,500
Drug Interdiction and Counter-Drug Activities, Defense	869,000	820,381	827,381	-41,619	+ 7,000
Office of the Inspector General	147,545	152,021	152,021	+ 4,476	
Total, title VI, Other Department of Defense Programs	14,114,424	20,024,928	20,349,862	+ 6,235,438	+ 324,934
TITLE VII					
RELATED AGENCIES					
Central Intelligence Agency Retirement and Disability System Fund	216,000	212,000	212,000	-4,000	
Intelligence Community Management Account	148,631	152,776	144,929	-3,702	-7,847
Transfer to Department of Justice	(34,100)	(27,000)	(34,100)		(+ 7,100)
Payment to Kaho'olawe Island Conveyance, Remediation, and Environmental Restoration Fund	60,000	25,000	25,000	-35,000	
National Security Education Trust Fund	6,950	8,000	8,000	+ 1,050	
Total, title VII, Related agencies	431,581	397,776	389,929	-41,652	-7,847
TITLE VIII					
GENERAL PROVISIONS					
Additional transfer authority (Sec. 8005)	(2,000,000)	(2,500,000)	(2,500,000)	(+ 500,000)	
Indian Financing Act incentives (Sec. 8022)	8,000		8,000		+ 8,000
Disposal & lease of DOD real property (Sec. 8038)	24,000	19,000	19,000	-5,000	
Overseas Mil Fac Invest Recovery (Sec. 8041)	3,000	3,362	3,362	+ 362	
Rescissions (Sec. 8055)	-546,980		-441,578	+ 105,402	-441,578
Navy Working Capital Fund Cash Balances (Sec. 8084)	-800,000		-245,000	+ 555,000	-245,000
Fuel Pricing/Rate Stabilization Adj (Sec. 8085)	-705,000		-527,000	+ 178,000	-527,000
Excess Foreign Currency Cash Balance (Sec. 8093)	-856,900		-200,000	+ 656,900	-200,000
Travel Cards (Sec. 8099)	5,000	8,000	8,000	+ 3,000	
Transfer to Department of Transportation	(10,000)			(-10,000)	
United Service Organizations (Sec. 8107)	7,500		10,000	+ 2,500	+ 10,000
Davis Bacon Act Threshold Increase		-190,000			+ 190,000
Depot Maintenance Utilization Waiver		-140,000			+ 140,000
Government Purchase Card (Sec. 8139)			-330,000	-330,000	-330,000
Performance Based Academic Model	5,000			-5,000	
BMDO Support reduction	-14,000			+ 14,000	
Preservation of Democracy	20,000			-20,000	
Quarantine benefits	1,000			-1,000	
National D-Day Museum	2,100			-2,100	
Chicago Military Academy	5,000			-5,000	
Ship scrapping initiative	10,000			-10,000	
American Red Cross	5,000			-5,000	
U.S./China Security Review Commission	3,000			-3,000	
Gulf War Illness	1,650			-1,650	
Oakland military academy	2,000			-2,000	
Newmark (Sec. 8134)	10,000		10,000		+ 10,000
Brownfield site	2,000			-2,000	
Fisher House (Sec. 8115)	2,000		2,000		+ 2,000

H.R. 3338 - DEFENSE APPROPRIATIONS BILL, 2002—Continued (Amounts in thousands)

	FY 2001 Enacted	FY 2002 Request	Bill	Bill vs. Enacted	Bill vs. Request
Zero emission steam technology demo (Sec. 8116)	2,000	.....	2,000	.....	+2,000
CAAS/Contract Growth (Sec. 8117)	-71,367	.....	-955,000	-883,633	-955,000
Excess Funded Carryover (Sec. 8127)	-92,700	.....	-797,919	-705,219	-797,919
Headquarters and Administration	-159,076	.....	.....	+159,076	.....
Overseas Contingency Operation Transfer Fund	-1,100,000	.....	.....	+1,100,000	.....
Utilities (Sec. 8126) .....	.....	.....	-230,000	-230,000	-230,000
Tethered Aerostat Radar System (Sec. 8136) .....	.....	.....	3,000	+3,000	+3,000
Fairchild Air Force Base (Sec. 8132) .....	.....	.....	6,000	+6,000	+6,000
Army Acquisition Restructuring (Sec. 8144) .....	.....	.....	-37,200	-37,200	-37,200
USS Alabama Museum Memorial (Sec. 8130) .....	.....	.....	6,000	+6,000	+6,000
Special Needs Learning Center (Sec. 8133) .....	.....	.....	5,000	+5,000	+5,000
USS Intrepid Museum Memorial (Sec. 8131) .....	.....	.....	5,000	+5,000	+5,000
Pentagon Renovation Cost Adjustment (Sec. 8143) .....	.....	.....	-333,000	-333,000	-333,000
910th Airlift Wing, Youngstown-Warren (Sec. 8146) .....	.....	.....	10,000	+10,000	+10,000
Pentagon Reservation Emergency Response (Sec. 8147) .....	.....	.....	10,000	+10,000	+10,000
C-5 avionics modernization (Sec. 8151) .....	.....	.....	20,000	+20,000	+20,000
Agile combat support (Sec. 8152) .....	.....	.....	10,000	+10,000	+10,000
WRAMC equipment (Sec. 8153) .....	.....	.....	6,000	+6,000	+6,000
Total, title VIII (net)	-4,227,773	-299,638	-3,953,335	+274,438	-3,653,697
TITLE IX					
COUNTER-TERRORISM & DEFENSE AGAINST WEAPONS OF MASS DESTRUCTION					
Counter-Terrorism & Operational Response Transfer Fund .....	.....	.....	1,670,000	+1,670,000	+1,670,000
Transfer to Department of Justice .....	.....	.....	(10,000)	(+10,000)	(+10,000)
Former Soviet Union Threat Reduction .....	.....	.....	403,000	+403,000	+403,000
Ballistic Missile Defense Organization - Procurement .....	.....	.....	794,557	+794,557	+794,557
Ballistic Missile Defense Organization - RDT&E .....	.....	.....	7,053,721	+7,053,721	+7,053,721
Ballistic Missile Defense Organization - FY 2001 Rescission .....	.....	.....	-73,800	-73,800	-73,800
Defense Against Chemical & Biological Weapons, Defense-Wide .....	.....	.....	1,065,940	+1,065,940	+1,065,940
Defense Threat Reduction Agency .....	.....	.....	806,471	+806,471	+806,471
Total, title IX, Counter-terrorism and Defense against Weapons of Mass Destruction (net) .....	.....	.....	11,719,889	+11,719,889	+11,719,889
Total for the bill (net)	287,806,054	319,547,116	317,624,089	+29,818,035	-1,923,027
OTHER APPROPRIATIONS					
Miscellaneous Appropriations (P.L. 106-554):	.....	.....	.....	.....	.....
Repair of U.S.S. COLE (emergency funding)	150,000	.....	.....	-150,000	.....
Marine Corps Ground Task Force Training Command	2,000	.....	.....	-2,000	.....
Overseas Contingency Operations Transfer Fund (emergency funding)	100,000	.....	.....	-100,000	.....
Defense Imagery and Mapping Agency	2,000	.....	.....	-2,000	.....
Rapid diagnostic and fingerprinting techniques	1,000	.....	.....	-1,000	.....
Fort Irwin National Training Center expansion:	.....	.....	.....	.....	.....
O & M, Army	2,500	.....	.....	-2,500	.....
BLM, Management of Lands & Resources	2,500	.....	.....	-2,500	.....
Supplemental (P.L. 107-20) (net)	5,457,700	.....	.....	-5,457,700	.....
Emergency Response Fund (P.L. 107-38)	5,460,400	.....	.....	-5,460,400	.....
Across the board cut (0.22%)	-469,000	.....	.....	+469,000	.....
Total, other appropriations	10,709,100	.....	.....	-10,709,100	.....
Net grand total (including other appropriations)	298,515,154	319,547,116	317,624,089	+19,108,935	-1,923,027
CONGRESSIONAL BUDGET RECAP					
Scorekeeping adjustments:	.....	.....	.....	.....	.....
Adjustment for unappropri'd balance transfer (Stockpile)	150,000	.....	.....	-150,000	.....
Stockpile collections (unappropriated)	-150,000	-150,000	-150,000	.....	.....
O&M, Army transfer to National Park Service:	.....	.....	.....	.....	.....
Defense function	-5,000	.....	-1,000	+4,000	-1,000
Nondefense function	5,000	.....	1,000	-4,000	+1,000
O&M, AF transfer to Dept of Transportation:	.....	.....	.....	.....	.....
Defense function	-10,000	.....	.....	+10,000	.....
Nondefense function	10,000	.....	.....	-10,000	.....
Disabled military retiree payments (mandatory) .....	.....	55,000	55,000	+55,000	.....
Military personnel accounts (discretionary) .....	.....	-55,000	-55,000	-55,000	.....
Total adjustments .....	.....	-150,000	-150,000	-150,000	.....

H.R. 3338 - DEFENSE APPROPRIATIONS BILL, 2002—Continued
(Amounts in thousands)

	FY 2001 Enacted	FY 2002 Request	Bill	Bill vs. Enacted	Bill vs. Request
RECAPITULATION					
Title I - Military Personnel	75,847,740	82,307,281	81,617,291	+ 5,769,551	-689,990
Title II - Operation and Maintenance	96,889,774	106,788,645	105,282,379	+ 8,392,605	-1,506,266
(By transfer)	(150,000)			(-150,000)	
Title III - Procurement	59,232,846	60,440,297	60,190,124	+ 957,278	-250,173
Title IV - Research, Development, Test and Evaluation	41,359,605	47,429,433	40,090,256	-1,269,349	-7,339,177
Title V - Revolving and Management Funds	4,157,857	2,458,394	1,937,694	-2,220,163	-520,700
Title VI - Other Department of Defense Programs	14,114,424	20,024,928	20,349,862	+ 6,235,438	+324,934
Title VII - Related agencies	431,581	397,776	389,929	-41,652	-7,847
Title VIII - General provisions (net)	-4,227,773	-299,638	-3,953,335	+ 274,438	-3,653,697
Title IX - Counter-terrorism & Defense against Weapons of Mass Destruction (net)			11,719,889	+ 11,719,889	+ 11,719,889
Total, Department of Defense (in this bill)	287,806,054	319,547,116	317,624,089	+ 29,818,035	-1,923,027
Other appropriations	10,709,100			-10,709,100	
Total DoD funding available (net)	298,515,154	319,547,116	317,624,089	+ 19,108,935	-1,923,027
Other scorekeeping adjustments		-150,000	-150,000	-150,000	
Total mandatory and discretionary	298,515,154	319,397,116	317,474,089	+ 18,958,935	-1,923,027
RECAP BY FUNCTION					
Mandatory	216,000	267,000	267,000	+ 51,000	
General purpose discretionary:					
Defense discretionary	298,282,154	319,130,116	317,204,089	+ 18,921,935	-1,926,027
Nondefense discretionary	17,000		3,000	-14,000	+ 3,000
Total discretionary	298,299,154	319,130,116	317,207,089	+ 18,907,935	-1,923,027
Grand total, mandatory and discretionary	298,515,154	319,397,116	317,474,089	+ 18,958,935	-1,923,027

1/ Included in Budget under Procurement title.

□ 1345

Mr. Chairman, I reserve the balance of my time.

Ms. HARMAN. Mr. Chairman, I support this bill, but believe we have missed an unprecedented opportunity to transform the United States military.

The attacks of September 11 and the threat of anthrax across the country have shown that threats to U.S. security no longer come just from tanks and bombs. The war in Afghanistan demonstrates that the military increasingly relies on information superiority, long-range power projection, stealth technology, and precision-guided munitions.

It is time to invest more in a defense for the 21st century, and to move away from unneeded bureaucracy and outmoded platforms.

We must transform our military into a more flexible, multi-functional force. We need technologies for intelligence gathering, more robust use of uninhabited vehicles and long-range platforms.

President Bush promised in his campaign to skip ahead to the next generation of military technology. Where is the transformation? The Quadrennial Defense Review talked grandly about progress but put its money into funding the status quo.

It was as true before September 11 as it is now that enemies will use asymmetric means to exploit American vulnerabilities and use terror to inflict both psychological and physical damage.

Our defense must reflect the revolution in military affairs—in weapons systems, in bureaucratic organization, and in military infrastructure. We must improve the “tooth-to-tail” ratio of fighting capability to support structure.

Most importantly, defense spending on specific weapons or strategies should be proportional to the likelihood and seriousness of the threats.

Mr. Speaker, we all know that resources are limited. We risk buying less defense for more money if we buy the wrong things.

Now that the public is tuned in and the stakes are higher than any point in our history, we fail to act at our own peril.

Mr. STENHOLM. Mr. Chairman, the approach that we are taking to financing the war on terrorism is penny wise and pound foolish. Everyone acknowledges that meeting all of our challenges in the war on terrorism will require substantially more resources than this bill provides. In fact, the President's chief of homeland security has said that he will recommend significant increases in funding for agencies involved in the war on terrorism. Yet today we are being asked to pretend that those costs do not exist so that we can make the budget look better artificially.

Deferring a full discussion on the costs of combating terrorism at home and abroad until next year will result in higher spending levels and budget deficits than would be the case if we honestly accounted for these costs up front. Failing to honestly budget for the costs of the war on terrorism will allow us to pretend that we can afford other tax cuts or spending proposals that are unrelated to the war on terrorism. When we are presented with the inevitable supplemental early next year to finance the needs not addressed in this bill—which will

in all likelihood have a higher price tag than it would if we addressed those needs now—we will find that we need to use borrowed money to pay for the war because we have spent all of our resources.

Our objective must be winning the war against terrorism without jeopardizing the economy. Congress will be required to prioritize our efforts to strengthen domestic security, fight the war on terrorism, provide assistance to dislocated workers and spur our economy. These needs will then have to be balanced with our obligation to protect against long-term economic and fiscal harm.

Congress and the administration must work together to identify the needs of the various agencies involved in domestic security, law enforcement, intelligence, military and other activities in the fight against terrorism and reach a bipartisan agreement on the amount of funding required to meet these needs. Any tax cuts or spending increases unrelated to the war on terrorism must be considered in the context of an overall budget framework which sets aside the resources which will be needed to meet the challenges in the war against terrorism.

All members who care about honesty in budgeting and maintaining fiscal discipline should oppose this rule and insist that the administration and leadership in Congress get together to develop a responsible budget framework that honestly addresses all of our priorities.

Mr. NUSSLE. Mr. Chairman, I rise to speak on H.R. 3338, providing appropriations for the Department of Defense. This bill does not currently comply with the fiscal year 2002 budget resolution, but is generally consistent with legislation recently marked up by the Budget Committee in the wake of the terrorist attacks of September 11.

H.R. 3338 is actually comprised of two bills: Division A of the bill provides appropriations for the Department of Defense. Division B provides for the obligation of \$20 billion in emergency-designation appropriations that was previously appropriated as part of a supplemental appropriations measure in September.

Division A of the bill provides \$317.2 billion in new discretionary budget authority and \$308.9 billion in outlays for the Department of Defense for fiscal year 2002. This appropriation comes on top of approximately \$21 billion that was made available to the Department of Defense in response to the terrorist attacks.

In order to fully accommodate the defense levels in this bill, I am adjusting the 302(a) allocation to the Committee on Appropriations by \$17.3 billion in budget authority and \$14.9 billion in outlays. Section 218 of H. Con. Res. 83 authorized the Budget Committee to increase the appropriate levels in the President's budget to accommodate any structural reforms the President might propose as part of the national defense review.

Once the Appropriations Committee makes the necessary changes in its 302(b) allocations, the bill would still exceed the applicable 302(b) allocation. This is mostly because the bill implicitly assumes an additional \$3.4 billion for nondefense priorities than the Congress initially agreed to as part of the budget resolution (H. Con. Res. 83).

You might recall that last month the Office of Management and Budget announced an

agreement with the appropriations committees to increase total discretionary spending by \$3.4 billion. This was apparently the price of getting an agreement with the new Senate majority.

While many members of the Budget Committee believed that the discretionary allocation established pursuant to the budget resolution provided an adequate increase for non-defense priorities, we recognized the need for flexibility if the Congress was to maintain the bipartisan comity necessary to wage a successful war against terrorism.

In that spirit, the Budget Committee passed H.R. 3084, which revised both the applicable levels in the budget resolution and the statutory caps of accommodate the national defense review, but an additional \$3.4 billion for various nondefense priorities. While I had hoped to bring this bill to the floor before the defense appropriations, it now appears that this language will be incorporated into one or more of the appropriations conference reports.

At the end of the day, I am confident that this bill will be consistent with the budget resolution as modified by H.R. 3083 to reflect our new priorities in the wake of an economic downturn and the terrorist attacks of September 11.

Division B of the bill essentially permits the obligation of half of the \$40 billion that was previously appropriated in response to the terrorist attacks in September. As you may recall, the supplemental expressly prohibited the Congress from obligating half of the total appropriation until a subsequent appropriations bill is enacted.

Since the previous supplemental designated the entire amount as an emergency, I am required to adjust the levels in the budget resolution by the entire amount. Accordingly, this part of the bill will not exceed the applicable levels in the budget resolution.

Like most of you, I am fully committed to provide whatever resources are needed to wage a successful war against terrorism. However, we would be well advised to hold off on the next installment until the executive agencies have the opportunity to absorb what is already in the pipeline. I am informed that as much as \$14 billion of the \$40 billion that was provided in September remains unobligated. As we have proven before, Congress will act expeditiously to respond to the terrorist acts and to fight this war.

In conclusion, this bill may be a necessary response to terrorist attacks no one could have foreseen and an unprecedented mid-session change in control of the Senate. At times such as this, budget concerns should not be paramount. We should set aside partisan and institutional concerns for the greater public good.

Nevertheless, both the President and the Congress will soon be confronted with the economic and budgetary fallout of its actions this fall. Over the course of only four months we have now seen the fiscal year 2002 surplus fall from \$176 billion to zero. It could get even worse if the economy further deteriorates or we continue to enact bills that exceed the levels established in the budget resolution. We are all going to have to continue to work together next year if we are to get the Federal Government back on a path toward fiscal responsibility.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise today in support of H.R. 3338, the fiscal year 2002 Defense Appropriations bill. As a member of this subcommittee, let me first thank our Chairman JERRY LEWIS and our ranking member, Congressman MURTHA, as well as the staff for all their hard work in crafting the bill we are considering today.

Our subcommittee was first scheduled to begin work on this bill on the morning of September 11 at the very hour that terrorists attacked our country, killing thousands of our fellow Americans and forever changing the course of our Nation's history.

America is now at war and our young men and women in the military have been called on to defend our citizens and our Nation. The course of our Nation's history will not be written by the terrorists but by the bravery and success of our troops now serving on the frontlines of this war against terrorism. And our history will be written, in part, by the actions we take here today.

Today, there is no more important task before this Congress than to provide our military with the tools and resources they need to defend our citizens and fight for our freedom. Our military needs to know that this Congress not only supports their mission in theory but in substance; that we are prepared to take all the necessary steps and provide all the necessary means for their safety and their success in battle. With this bill, we provide those critical resources. And let us not forget that even before the events of September 11, our troops have been and continue to serve on frontlines around the globe including in the Balkans, South Korea, the Persian Gulf, and elsewhere—24 hours a day and throughout the year.

This subcommittee has worked in a bipartisan way to meet the immediate needs of our troops and their families, to keep our military at the ready, and to invest in all the many, diverse capabilities we need to protect our citizens from all potential threats.

In recent years, this subcommittee has fought attempts to cut funding for our military. Even as the missions of our military increased, there were those who argued that increased military spending was no longer a priority. And there have always been those who charged that we were shortchanging our domestic priorities to pay for our military needs. We know today that there is no more vital domestic priority than our nation's security.

As our troops and military fight in Afghanistan, it is clear that our investments of the past are paying dividends today. Whether Air Force, Army, Marines or Navy, these warriors are more professional, better trained and equipped because of our committee's longstanding commitment to meet their needs.

Let me discuss just some of those investments we provide for in this bill. Overall, we provide \$317.5 billion for the Department of Defense and with those dollars, we do the following:

First and foremost, we give our troops better pay.

We add much needed dollars for troop readiness, training, supplies, and mobility that allow our Commander in Chief to send our Armed Forces into battle anywhere and at a moment's notice.

We add \$153 million for our National Guard and reserves, so many of whom have now been called to duty.

We provide for modernizing major weapon systems that allow us to better combat our enemies in the air, on the ground and at sea.

We continue to provide over \$47 billion for critical long-term investments in research and development so we have the most lethal and effective weapons now and in the future.

We add significant resources to strengthen classified intelligence programs, and accelerate and enhance U.S. military intelligence, surveillance and reconnaissance capabilities.

And we add a new title and \$11.7 billion for our homeland defense against chemical, biological and nuclear threats against our citizens.

The commitments we make in this bill do not meet every need. As more will be required of our troops, more will be required of this Congress.

Mr. Chairman, as those of us who have served in the military know only too well, wars are fought by the young. We know, too, that freedom never has, nor will it be this time, free. Liberty is paid for by the sacrifices of those who serve. At no time in our nation's history has their sacrifice and service been more important to the defense of our country and the security of our future.

Mr. Chairman, I urge my colleagues to pass the fiscal year 2002 Defense Appropriations bill and to do so unanimously.

Mr. DICKS. Mr. Chairman, I congratulate Chairman LEWIS and Ranking Member MURTHA on this bill. It is a fine piece of work and they can be proud.

The bill provides \$317 billion for DOD, an increase of \$20 billion over last year's bill, a step in the right direction.

It is the right direction, but we have not done nearly enough. DOD still has over \$25 billion in unfunded requirements for Personnel, O&M and Research, and beyond that over \$20 billion in unfunded requirements for procurement alone.

I am most troubled by the shortfalls in procurement because the President's request for procurement this was lower than it was in the last year of the Clinton Administration. The committee has taken some steps to correct that, but the President must make a commitment to increase the procurement budget if we are really going to make progress on this problem.

Several important steps are taken in this bill to modernize the force structure of the services in innovative ways.

I am pleased that the committee included \$454 million to help the Air Force begin acquiring next generation replacements for its tanker fleet and to add to its JSTARS fleet. The current tanker fleet averages over 40 years in age, and yet it is the backbone of our ability as a superpower to project force to places like Afghanistan. The Air Force desperately needs to replace these aircraft and this bill begins that process. I am hopeful that at the appropriate time we will also consider whether the Air Force can lease these aircraft in a commercial type arrangement. The funding also begins development of a Multi-Mission Command and Control Aircraft, which will operationalize the Common Widebody concept

and streamline the fleet of command and control and intelligence, surveillance, and reconnaissance aircraft.

I am strongly encouraged that the committee included \$80 million to continue upgrades to the B-2 bomber. We are continuing the Link 16 Datalink program, we will complete the integration of the EGBU-28 bunker buster bomb, and we will continue to upgrade the EHF Satcom program. All of these programs are part of the Air Force's unfunded requirements list and continue ongoing programs that are urgently needed.

The committee has also made a decision which makes tremendous military and financial sense, to convert all four retiring Trident submarines into SSGN cruise missile platforms. These ships will provide incredible capability to the nation, and the committee's addition of \$463 million will allow the Navy to perform these conversions in the most cost effective way possible.

I am also pleased to note that the committee included an additional \$181 million to begin a second C-17 multi-year procurement for another 60 aircraft.

Future military commanders and future generations of Americans will look back on these decisions in several years and applaud the committee's foresight. These assets will ensure that America can continue to fight for just causes with the same excellence as the military which is in Afghanistan today.

Mr. BEREUTER. Mr. Chairman, this Member rises in strong support for H.R. 3338, the Defense appropriations bill for FY2002. This Member would like to offer particular thanks to the chairman of the Subcommittee on Department of Defense Appropriations, the distinguished gentleman from California (Mr. LEWIS), and the ranking minority member on the Subcommittee on Department of Defense Appropriations, the distinguished gentleman from Pennsylvania (Mr. MURTHA), for their work on this important bill.

Additionally, this Member is pleased to thank the Committee on Appropriations for including \$3.8 million in fiscal year 2002 for the Air National Guard's Project ALERT. Currently, Project ALERT serves as an on-line training tool developed and used by the Nebraska National Guard in collaboration with the Department of Defense, the National Guard Bureau, the University of Nebraska, and Nebraska Educational Television. The \$3.8 million appropriated in H.R. 3338 will assist with the completion of the initial development and implementation phases.

Indeed, the implications of Project ALERT extend nationwide and to components of both the active and reserve military forces. Allowing military forces to complete some training courses on their own time, as Project ALERT does, provides an opportunity to cut on-site training costs and time and to maximize exercise time. For the U.S. military to meet the challenges it will face during the current war on terrorism and throughout the 21st century, it is crucial that Congress invest in innovative and flexible training tools such as Project ALERT.

In closing, Mr. Chairman, this Member urges his colleagues to support H.R. 3338.

Mr. BLUMENAUER. Mr. Chairman, our annual defense authorization and appropriations

bills provide opportunity to respond to changing global security conditions. Our military is the best-equipped and best-trained by far in the world, spending more than the next 15 countries combined (and 12 of those are our close allies). We need a new beginning now more than ever.

Today, we need to begin anew to guarantee our security from the threats of today and tomorrow as well as to protect the wellbeing of fighting forces and their families.

Ever since I have been in Congress, we have been making noises about restructuring our forces to meet tomorrow's threat. Making compromises leaves us vulnerable. We are not making the hard choices on a number of crucial issues such as dealing with excess base infrastructure, facing environmental cleanup costs, and rendering decisions about weapons systems that do not fit today's world. I cannot support a bill that does not make those hard choices.

I do appreciate the hard work of the committee and the importance of the task. Yet, this is not the time for us to continue with a patchwork approach to our defense needs that looks to our past and not to the real threat for the future. The most perplexing expenditure in this bill is for national missile defense. September 11 demonstrated that we have more immediate security threats to the United States than a missile from a rogue state ten years from now.

The anthrax attack which paralyzed Washington, DC, together with the terrorist attacks on the World Trade Center and the Pentagon, demonstrated that we have threats here and now that demand attention and demand resources. Spending perhaps a hundred billion dollars or more on unproven technology for the vague future threat of intercontinental ballistic missiles when we have more immediate concerns is not an appropriate response. The fact that it would have a potential destabilizing effect on other countries at precisely the time when we want them to coalesce around our leadership is even more reason to reject this approach. Increasing spending on missile defense by almost 50 percent over last year is not reasonable.

There are other examples of current weapons systems which are just as bad if not so expensive. The Army plans to spend over \$10 billion to field its lightweight force of the future that can go anywhere in the world in under 100 hours. At the same time, it is moving full speed ahead with the \$13 billion Crusader mobile howitzer that is too heavy for even the largest planes in our arsenal to lift. My concern was best expressed by a Bush policy adviser quoted in U.S. News and World Report this summer. "Why would you buy the same artillery pieces that Napoleon would understand? It's all Industrial Age equipment."

There are at least eight big-ticket weapons systems in this bill for which spending far exceeds levels requested by the White House—by almost a billion dollars. When Vice-President DICK CHENEY was Secretary of Defense, he tried but failed to kill the V-22 Osprey aircraft program. It has been involved with 30 fatalities in four crashes; nonetheless appropriators earmarked \$1.8 billion to buy 11 more of these questionable aircraft.

The most obvious yet controversial example where we spend money fighting wars of the

previous generation is the number of military bases that, in some cases, are left over from World War I and World War II. To right-size the U.S. military by undertaking another round of the base closing process will help us to adequately prepare ourselves to face the challenges of today.

Our budget process needs to follow through on some of the stated intentions of Secretary Rumsfeld. The Quadrennial Defense Review was released in early October, yet a general who had worked on it for six months said it was rendered irrelevant by the September 11 attack. No major weapons systems were cut nor were there any force structure changes. The 2-Major Regional Contingency (MRC) strategy (to fight two major wars simultaneously) remains in place with only minor tweaking. We have yet to implement the prior QDR call to reduce force structure and equipment, for example reducing the number of F-22s purchased. The 1997 QDR made more substantive changes than this one, even though the world was more stable.

John Isaacs, president of the arms control organization Council for a Livable World, was right when he said, "Review after review has been completed without taking a hard look at new weapons systems. It's full steam ahead with the status quo. Congress is only encouraging this behavior by approving huge increases in military spending. We could easily approach \$400 billion in military spending and rival the peak cold-war budgets of the Reagan administration."

It is important to bear in mind that for FY02, so far we have allocated a total of \$363 billion for the Department of Defense. That includes the \$318 billion in this defense appropriations bill, as well as the military spending in the military construction and energy and water appropriations bills, and the \$21 billion for the defense portion of the \$40 billion post-September 11 supplemental. This is a 15 percent increase over the \$316 billion spent in FY01. For reference, the consumer price index rose 2.6 percent last year. In addition, it is highly likely that we will consider at least one other supplemental in 2002.

We all should be concerned that the management of these large sums of money may not receive the priority it deserves. According to an audit by the DOD inspector general dated September 19: "Of the \$4.4 trillion in department-level accounting entries . . . \$1.1 trillion were unsupported or improper." In FY98, 2,993 parts requisitioned by the military services had a price growth of 1,000 percent or more, according to the General Accounting Office. In one case, the unit price for a ball bearing jumped from 4 cents in 1997 to \$11.25 in 1998. In another case, the price of an aircraft filter went from \$41.96 to \$972.71 during the same period.

One critical function that is seriously underfunded is cleaning up our military's toxic legacy. This bill includes a line item for the very first time for research and development on unexploded ordnance, the 10–15 percent of the bombs and shells that did not detonate as intended. However, we are not addressing it seriously. We are spending only \$17.3 million (a small increase of \$2–5 million) when we are spending a total of a billion dollars a day on our military.

This is a glimmer of a better future, but this bill overall is basically an environmental retreat. It contains an 18 percent reduction from last year's level for all environmental restoration at formerly used defense sites for a total of \$190 million. In the critical area of cleaning up unexploded ordnance and other environmental restoration at formerly used defense sites, this budget falls far short. Even if, as we hope, the Senate Appropriations Committee restores the funding to last year's level, that is insufficient. A General Accounting Office report earlier this year states that DOD's own estimates put the cost of cleaning up UXO alone at these sites at over \$100 billion, but experts expect the bill to be much greater. We have as much as 50 million acres that is potentially contaminated with UXO. Our failure to fund cleanup of these formerly used defense sites is unacceptable.

There are other ways that this bill fails to meet the critical need for environmental cleanup. It has only been in recent decades that our military has had to face the enormous expense and political challenge of becoming "greener." Local communities are asking why military units should be exempt from Federal laws like the Clean Water Act. The Maine-based Military Toxics Project recently reported that military exemptions from laws and lax enforcement by regulatory agencies have produced over 27,000 toxic hot spots on 8,500 military properties. Minority and Native American groups, which often live closest to military facilities, see the issue as one of environmental justice.

The Legacy Program assists the Department of Defense (DOD) in maintaining biological diversity, and the sustainable use of land and water resources for military mission and other uses. As part of DOD's efforts to maintain biodiversity, the Legacy Program has directly supported natural resource projects around the country. The natural resource funding levels in this bill before us today were reduced from previous funding levels and will restrict the Legacy Program's ability to continue protecting our nation's natural resources.

What is particularly disappointing is that our commitment to be a good neighbor is absolutely essential in order to be able to have the public support and confidence to do what the military needs to do. Our military needs to have areas where it can train and in some cases, use live ammunition. The extent to which the public can't rely on safe cleanup and disposal will cause it to be less interested in having these practices continue where they are or to be located elsewhere.

DOD is faced with cleaning up the contamination from decaying ordnance, mothballed warships, fuels, solvents, and other pollutants left over from the wars of the 20th century and before. This costs money and must be a priority.

There is a recognition that the United States continues to have more military base infrastructure than it needs but faces political and community resistance regarding base closures. The problem goes beyond just the economic loss suffered from base realignment and closure. Those areas that are abandoned by the military often cannot be easily converted to other productive uses. Witness the continuing saga of facilities around the country like Fort Ord ten years after it was closed.

The failure of the United States Department of Defense to be able to respond meaningfully and to quickly clean up former bases, restore them to a safe condition, and then turn them over to the community without a cloud of uncertainty means yet another reason for communities to resist base closure. They don't trust us. The evidence suggests they have good reason to be suspicious. Adequate funding for remediation and cleanup of toxic and dangerous wastes will not only hasten this land's restoration to productive use; it will also raise confidence so that we'll have positive examples that base closure does not need to be devastating to communities, and that, in fact, it can be a positive development. The failure of this budget of a billion dollars a day to make additional progress, whether for environmental protection or capacity to fight terrorist activity, is unacceptable.

It is unacceptable that we have an 18 percent decrease in funding to pay for cleanup of places like the area around American University where residents are still at risk caused by hazards left over from World War I, while at the same time we are increasing overall spending for our military by 15 percent and increasing missile defense spending by 50 percent. Those are misplaced priorities, in my view.

We must begin now to finally shift from cold-war spending and World War II bases. It is time for a new era to meet our needs for future defense. Until we have a bill that makes this transition, I must withhold my support.

Mr. WATTS of Oklahoma. Mr. Chairman, I am pleased that this body is taking up the fiscal year 2002 Defense appropriations bill today. As our courageous military servicemen "fight the good fight" in Central Asia today, there is hardly a more pressing time for the passage of this bill. The amount of \$317.5 billion, \$19 billion over last year's level, is an important first step in both waging the war on terrorism and addressing readiness shortfalls that have been years in the making.

Especially important in this bill is the \$1.7 billion addition we added for a "rapid-response capability" for the war against terrorism. I also applaud the Appropriations Committee for providing for \$7.9 billion for ballistic missile defense, an increase of \$2.7 billion over last year. Combating weapons of mass destruction could never be more important than it is today.

Mr. Chairman, I am also pleased to inform my constituents of military construction projects previously passed totaling more than \$52 million to be located in Oklahoma's Fourth District. Military installations in my congressional district are on the front lines of the war against terrorism, and this bill helps address some of the more urgent needs at these facilities.

Mr. Chairman, in short, this bill is about increased security, about advancing our national interest, and about protecting ourselves from an asymmetric threat. This body has correctly taken the lead on the threats we face today.

Ms. BROWN of Florida. Mr. Chairman, thank you to Chairman LEWIS and Mr. MURTHA for your hard work on this bill. As we discuss ways in which this House will support this nation's defenses, I feel there is no better time to thank the brave men and women who are presently risking their lives in Operation Infinite

Justice. With their help we will continue to root out and destroy the terrorist networks that threaten peaceful nations throughout the world.

I want to commend the committee for not including in this bill any BRAC language, which would have closed military bases at a time when we all can agree that we need a strong military. Now is not the time to close training facilities for our military. It is a long and tough road ahead for us as we rid the world of those terrorist elements who wish to do us harm. We must be fully prepared to meet those challenges and that means using the resources that we have, not stripping our military of vital bases.

The tragedy of September 11 has given American an opportunity to do some soul searching. As we struggle for answers, we must not let our resolve grow weaker. We must always remember this tragedy—the enormous pain and suffering it has caused—and work to make our nation and this world a safer and more peaceful place.

Again, my heart and prayers are with the family and friends of those who perished on September 11. Neither you, nor your loved ones, will be forgotten. As we consider this bill today, it is with you in mind. God bless you and God bless America.

Mr. BENTSEN. Mr. Chairman, I rise in support of H.R. 3338, important legislation that provides \$317.5 billion appropriations to the Department of Defense (DOD), supporting the honorable men and women, at home and abroad that are in service to the nation at this critical time. While I am pleased that this measure provides \$20 billion in supplemental spending to meet the pressing needs in the wake of the terrorist attacks of September 11, 2001, I am disappointed with the House Rules Committee's decision to block an amendment by Mr. OBEY of Wisconsin that seeks to enhance our domestic preparedness by increasing funding by \$7.5 billion, to a level that the President said he would approve.

Mr. Chairman, the attacks and the anthrax incidents that followed highlight the necessity for adopting a comprehensive approach to homeland security that, while fundamentally based on our military strength and intelligence activities also relies heavily on bioterrorism preparedness among Federal, state and local law enforcement and public health officials, as well as active policing of our borders and the seas that surround us. For this reason, I strongly believe that the House should have been given the opportunity to debate the merits of the Obey amendment. While there may be instances where post-September 11 spending requests made to the Appropriations Committee are simply repackaged proposals that have been repeatedly rejected, there are a number of areas where the urgent need for increased funding cannot be ignored.

Specifically, as the representative for the Port of Houston, the nation's second largest port, I have met twice with the U.S. Coast Guard and learned about the new challenges involved in securing the Port of Houston in the wake of September 11. We now know that our transportation infrastructure has been targeted by the al Qaeda terrorist network, and the bombing of the U.S.S. *Cole* in October 2000 proves that they are capable of carrying out

maritime attacks. I strongly believe that the \$368 million increase in Coast Guard funding, as provided under the Obey amendment, is essential to ensuring that the Coast Guard can continue to provide enhanced security in our waterways and seaports. H.R. 3338 provides only \$145 million for the Coast Guard, well below the President's \$203 million request.

Moreover, Mr. Chairman, I regret that the House will not be allowed to provide enhanced support of state and local health departments and hospitals in their efforts to protect against bioterrorism, as provided under the Obey amendment. The Obey amendment would have raised funding to state and local public health entities to \$700 million, \$277 million more than provided for under H.R. 3338. Mr. Chairman, though the effort to identify and treat incidents of biological terrorism put forth by the public health community since September 11 is to be commended, a lot more needs to be done. It is critical that the House appreciate that state and local health departments, the first line of defense against bioterrorism, cannot bear the financial burden of meeting this challenge alone.

I would also note that the Obey amendment would address the new realities in our mail system. Recent events have created an environment where the confidence of the American people about the safety of their mail service has been drawn into question. The Obey amendment would have given the U.S. Postal Service an additional \$500 million to enhance the safety of our mail.

Mr. Chairman, though I take strong issue with the limitations on the debate of H.R. 3338 is terribly flawed and believe that the Obey amendment would have greatly enhanced our homeland defense efforts, I will still vote for the underlying bill. I believe that H.R. 3338 provides our Armed Forces with the tools and resources necessary to wage the war against terrorism and provide a strong defense. Additionally, I am pleased that H.R. 3338 includes funding for three important programs which I support.

H.R. 3338 includes \$8 million for the Disease Relief and Emergency Medical Services (DREAMS) programs, an innovative research program to develop cutting-edge technology to save lives and reduce costs for injured persons. DREAMS is a joint project between the University of Texas Houston Health Science Center and Texas A&M University System. The goal of DREAMS is to quickly transmit medical information via audio-visual devices from a remote location to an emergency physician to provide cutting-edge treatments for patients. This \$8 million is the final installment in our five-year effort to provide better treatments and save lives.

H.R. 3338 also includes \$6 million for the Biology, Education, Screening, Chemoprevention, and Treatment (BESCT) Lung Cancer Research Program at the University of Texas M.D. Anderson Cancer Center which I represent. The comprehensive BESCT program will provide lung cancer patients with numerous services including smoking cessation, early diagnosis, inhibition of cancer development, and new treatments for lung cancer patients. Lung cancer is the leading cause of cancer death in the United States, killing more than 160,000 individuals a year. The current

five-year survival rate for lung cancer is less than 15 percent. With more research, we will find new ways to diagnosis and treat this devastating disease. This \$6 million represents the third installment on our five-year effort to reduce lung cancer and save lives.

H.R. 3338 also includes \$1 million for the Memorial Hermann Telemedicine network. Memorial Hermann Hospital at the Texas Medical Center in my district is developing a telemedicine network to provide treatments for patients from distant locations. Telemedicine applications have been shown to save lives and reduce health care costs by reducing the need for patients to travel to large medical facilities for routine treatments which can be done from remote locations. The Memorial Hermann Healthcare System (MHHS) currently serves 16 rural community hospitals in surrounding areas around the Memorial Hermann Hospital. This network will enable Memorial Hermann to offer diagnostic and consultative services to rural communities surrounding Houston. This \$1 million investment will help MHHS to expand and buy additional equipment for this network so that MHHS can develop real-time treatments for remote locations. As part of the Department of Defense's biological warfare initiative, I believe that this telemedicine network will be designed to prepare the Houston area for such an attack. I believe that this partnership will give the Department of Defense another resource as it works to care for the health of our men and women in uniform.

Mr. Chairman, additionally, I would like to commend the Appropriations Committee for producing a bill that funds the Operations and Maintenance (O&M) accounts or the budget's "readiness" account at \$105 billion, a level adequate to operate and maintain U.S. forces, materials and facilities worldwide in upcoming fiscal year. This funding level represents an 8 percent increase over the current level or an increase of current level. I am pleased that the salaries of uniformed members of the U.S. armed services will be increased by 4.6 percent. Mr. Chairman, many of us in Congress are greatly troubled that many military families must obtain food stamps to get by. At times such as these, when we ask so much of our service members and their families, it is critical that the Congress send the message that we value their dedication to protecting us all and is committed to ensuring that they have the tools to provide for their families. I am disappointed that H.R. 3338 fails to create parity between civilian employees at DOD and uniformed members of the Armed Services.

Finally, Mr. Chairman, I am pleased that H.R. 3338 looks out beyond our present military needs and invests in the next generation of multi-role fighter aircraft, the Joint Strike Fighter (JSF), to be produced by Lockheed Martin, an aviation leader with a strong presence in my State. H.R. 3338 provides \$767 million in funding to Navy JSF development budget and \$780 million in funding to the Air Force JSF development budget.

Mr. Chairman, notwithstanding my deep regrets over the Rules Committee's actions, with respect to the Obey amendment, I urge my colleagues to join me in supporting H.R. 3338 which funds our Armed Forces and makes a substantial commitment to homeland defense at this critical juncture in our nation's history.

Ms. BALDWIN. Mr. Chairman, I rise today in support of the Kucinich-Lee amendments to the FY02 Defense appropriations bill and urge my colleague to vote in favor of this excellent amendment.

Since the horrible events of September 11, Americans are more concerned than ever about our national defense. They want to know that our national leaders are working to ensure their safety from terrorist attacks. Protecting American lives must be our top priority as we address these new threats.

In this new context, it is critically important that we prioritize funding for those threats most likely to endanger American lives. The Kucinich-Lee amendment wisely allocates additional funding to respond to weapons of mass destruction. It increases funding for Weapons of Mass Destruction Civil Support Teams to ensure that every state and territory can respond to a chemical or biological weapon attack. It would also provide much needed funding for development and production of vaccines against biological agents. Finally, the amendment provides additional funding for the Nunn-Lugar counterproliferation programs to prevent the spread of nuclear material from the former Soviet Union.

As we prioritize those threats that pose the greatest danger to Americans and those solutions that are most cost effective, it becomes quite clear that a National Missile Defense (NMD) system is not an effective use of our resources. The Kucinich-Lee amendment would eliminate some of the accelerated NMD programming, while leaving in place a significant increase in NMD funding.

While I firmly believe that the entire proposed \$7.9 billion in NMD spending would be more effective if applied to other priorities, the Kucinich-Lee cut of \$786.5 million is a good start in using this money more effectively. By cutting funding for construction of the "Pacific Test Bed" ballistic missile defense facilities, we maintain our compliance with the Anti-Ballistic Missile (ABM) Treaty, which has been the foundation for nuclear arms control.

I urge my colleague to adopt the Kucinich-Lee amendment.

Mr. MURTHA. Mr. Chairman, I yield back the balance of my time.

Mr. LEWIS of California. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule and the amendment printed in House Report 107-303 is adopted.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Clerk will read.

The Clerk read as follows:

H.R. 3338

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

**DIVISION A—DEPARTMENT OF DEFENSE
APPROPRIATIONS, 2002**

The following sums are appropriated, out of any money in the Treasury not otherwise

appropriated, for the fiscal year ending September 30, 2002, for military functions administered by the Department of Defense, and for other purposes, namely:

TITLE I

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, \$23,336,884,000.

MILITARY PERSONNEL, NAVY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Navy on active duty (except members of the Reserve provided for elsewhere), midshipmen, and aviation cadets; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, \$19,574,184,000.

MILITARY PERSONNEL, MARINE CORPS

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Marine Corps on active duty (except members of the Reserve provided for elsewhere); and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, \$7,343,640,000.

MILITARY PERSONNEL, AIR FORCE

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Air Force on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, \$19,784,614,000.

RESERVE PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army Reserve on active duty under sections 10211, 10302, and 3038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and for members of the Reserve Officers' Training Corps, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$2,629,197,000.

RESERVE PERSONNEL, NAVY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Navy Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Reserve Officers' Training Corps, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$1,644,823,000.

RESERVE PERSONNEL, MARINE CORPS

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Marine Corps Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Marine Corps platoon leaders class, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$466,800,000.

RESERVE PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air Force Reserve on active duty under sections 10211, 10305, and 8038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and for members of the Air Reserve Officers' Training Corps, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$1,055,160,000.

NATIONAL GUARD PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army National Guard while on duty under section 10211, 10302, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$4,004,335,000.

NATIONAL GUARD PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air National Guard on duty under section 10211, 10305, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses

authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$1,777,654,000.

TITLE II

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY
(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Army, as authorized by law; and not to exceed \$10,794,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Army, and payments may be made on his certificate of necessity for confidential military purposes, \$21,021,944,000: *Provided*, That of the funds made available under this heading, \$1,000,000, to remain available until expended, shall be transferred to "National Park Service—Construction" within 30 days of the enactment of this Act, only for necessary infrastructure repair improvements at Fort Baker, under the management of the Golden Gate Recreation Area: *Provided further*, That of the funds appropriated in this paragraph, not less than \$355,000,000 shall be made available only for conventional ammunition care and maintenance.

OPERATION AND MAINTENANCE, NAVY

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Navy and the Marine Corps, as authorized by law; and not to exceed \$6,000,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Navy, and payments may be made on his certificate of necessity for confidential military purposes, \$26,628,075,000.

OPERATION AND MAINTENANCE, MARINE CORPS

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Marine Corps, as authorized by law, \$2,939,434,000.

OPERATION AND MAINTENANCE, AIR FORCE

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Air Force, as authorized by law; and not to exceed \$7,998,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Air Force, and payments may be made on his certificate of necessity for confidential military purposes, \$25,842,968,000: *Provided*, That notwithstanding any other provision of law, that of the funds available under this heading, \$750,000 shall only be available to the Secretary of the Air Force for a grant to Florida Memorial College for the purpose of funding minority aviation training.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For expenses, not otherwise provided for, necessary for the operation and maintenance of activities and agencies of the Department of Defense (other than the military departments), as authorized by law, \$12,122,590,000, of which not to exceed \$25,000,000 may be available for the CINC initiative fund account; and of which not to exceed \$33,500,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of Defense, and payments may be made on his certificate of necessity for confidential military purposes: *Provided*, That notwithstanding any other provision of law, of the funds provided in this Act for Civil Military programs under this heading, \$750,000 shall be available

for a grant for Outdoor Odyssey, Roaring Run, Pennsylvania, to support the Youth Development and Leadership program and Department of Defense STARBASE program: *Provided further*, That of the funds made available in this paragraph, \$1,500,000 shall be available only for continuation of the Middle East Regional Security Issues program: *Provided further*, That none of the funds appropriated or otherwise made available by this Act may be used to plan or implement the consolidation of a budget or appropriations liaison office of the Office of the Secretary of Defense, the office of the Secretary of a military department, or the service headquarters of one of the Armed Forces into a legislative affairs or legislative liaison office.

OPERATION AND MAINTENANCE, ARMY
RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Army Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, \$1,788,546,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Navy Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, \$1,003,690,000.

OPERATION AND MAINTENANCE, MARINE CORPS
RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Marine Corps Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, \$144,023,000.

OPERATION AND MAINTENANCE, AIR FORCE
RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Air Force Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, \$2,029,866,000.

OPERATION AND MAINTENANCE, ARMY
NATIONAL GUARD

For expenses of training, organizing, and administering the Army National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; hire of passenger motor vehicles; personnel services in the National Guard Bureau; travel expenses (other than mileage), as authorized by law for Army personnel on active duty, for Army National Guard division, regimental, and battalion commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; supplying and equipping the Army National Guard as authorized by law; and expenses of repair, modification, maintenance, and issue of supplies and equipment (including aircraft), \$3,723,759,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For operation and maintenance of the Air National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, repair, and other necessary expenses of facilities for the training and administration of the Air National Guard, including repair of facilities, maintenance, operation, and modification of aircraft; transportation of things, hire of passenger motor vehicles; supplies, materials, and equipment, as authorized by law for the Air National Guard; and expenses incident to the maintenance and use of supplies, materials, and equipment, including such as may be furnished from stocks under the control of agencies of the Department of Defense; travel expenses (other than mileage) on the same basis as authorized by law for Air National Guard personnel on active Federal duty, for Air National Guard commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau, \$3,972,161,000.

OVERSEAS CONTINGENCY OPERATIONS
TRANSFER FUND
(INCLUDING TRANSFER OF FUNDS)

For expenses directly relating to Overseas Contingency Operations by United States military forces, \$2,744,226,000, to remain available until expended: *Provided*, That the Secretary of Defense may transfer these funds only to military personnel accounts; operation and maintenance accounts within this title; the Defense Health Program appropriation; procurement accounts; research, development, test and evaluation accounts; and to working capital funds: *Provided further*, That the funds transferred shall be merged with and shall be available for the same purposes and for the same time period, as the appropriation to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided in this paragraph is in addition to any other transfer authority contained elsewhere in this Act.

UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES

For salaries and expenses necessary for the United States Court of Appeals for the Armed Forces, \$9,096,000, of which not to exceed \$2,500 can be used for official representation purposes.

ENVIRONMENTAL RESTORATION, ARMY
(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, \$389,800,000, to remain available until transferred: *Provided*, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Army, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, NAVY
(INCLUDING TRANSFER OF FUNDS)

For the Department of the Navy, \$257,517,000, to remain available until transferred: *Provided*, That the Secretary of the Navy shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Navy, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Navy, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, AIR FORCE
(INCLUDING TRANSFER OF FUNDS)

For the Department of the Air Force, \$385,437,000, to remain available until transferred: *Provided*, That the Secretary of the Air Force shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Air Force, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Air Force, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, DEFENSE-WIDE
(INCLUDING TRANSFER OF FUNDS)

For the Department of Defense, \$23,492,000, to remain available until transferred: *Provided*, That the Secretary of Defense shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of Defense, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of Defense, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, FORMERLY USED DEFENSE SITES
(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, \$190,255,000, to remain available until transferred: *Provided*, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris at sites formerly used by the Department of Defense, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for

the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

For expenses relating to the Overseas Humanitarian, Disaster, and Civic Aid programs of the Department of Defense (consisting of the programs provided under sections 401, 402, 404, 2547, and 2551 of title 10, United States Code), \$49,700,000, to remain available until September 30, 2003.

SUPPORT FOR INTERNATIONAL SPORTING COMPETITIONS, DEFENSE

For logistical and security support for international sporting competitions (including pay and non-travel related allowances only for members of the Reserve Components of the Armed Forces of the United States called or ordered to active duty in connection with providing such support), \$15,800,000, to remain available until expended.

TITLE III
PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$1,974,241,000, to remain available for obligation until September 30, 2004.

MISSILE PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of missiles, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$1,057,409,000, to remain available for obligation until September 30, 2004.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For construction, procurement, production, and modification of weapons and tracked combat vehicles, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-

owned equipment layaway; and other expenses necessary for the foregoing purposes, \$2,252,669,000, to remain available for obligation until September 30, 2004.

PROCUREMENT OF AMMUNITION, ARMY

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$1,211,615,000, to remain available for obligation until September 30, 2004.

OTHER PROCUREMENT, ARMY

For construction, procurement, production, and modification of vehicles, including tactical, support, and non-tracked combat vehicles; the purchase of not to exceed 29 passenger motor vehicles for replacement only; and the purchase of 3 vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed \$200,000 per vehicle; communications and electronic equipment; other support equipment; spare parts, ordnance, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$4,103,036,000, to remain available for obligation until September 30, 2004.

AIRCRAFT PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, \$8,084,543,000, to remain available for obligation until September 30, 2004.

WEAPONS PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of missiles, torpedoes, other weapons, and related support equipment including spare parts, and accessories therefor; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, \$1,429,492,000, to remain available for obligation until September 30, 2004.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$492,599,000, to remain available for obligation until September 30, 2004.

SHIPBUILDING AND CONVERSION, NAVY

For expenses necessary for the construction, acquisition, or conversion of vessels as authorized by law, including armor and armament thereof, plant equipment, appliances, and machine tools and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; procurement of critical, long leadtime components and designs for vessels to be constructed or converted in the future; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, as follows:

Carrier Replacement Program (AP), \$138,890,000;
SSGN (AP), \$549,440,000;
Virginia Class Submarine, \$1,578,914,000;
Virginia Class Submarine (AP), \$684,288,000;
CVN Refueling Overhauls, \$1,175,124,000;
CVN Refueling Overhauls (AP), \$73,707,000;
Submarine Refueling Overhauls, \$382,265,000;
Submarine Refueling Overhauls (AP), \$77,750,000;
DDG-51, \$3,786,036,000;
LPD-17 (AP), \$286,330,000;
ADC(X), \$370,818,000;
Outfitting, \$297,230,000;
LCAC SLEP, \$46,091,000;
Completion of Prior Year Ship Building Programs, \$680,000,000;
Mine Hunter SWATH, \$2,000,000;
Yard Oilers, \$6,000,000;

In all: \$10,134,883,000, to remain available for obligation until September 30, 2006: *Provided*, That additional obligations may be incurred after September 30, 2006, for engineering services, tests, evaluations, and other such budgeted work that must be performed in the final stage of ship construction: *Provided further*, That none of the funds provided under this heading for the construction or conversion of any naval vessel to be constructed in shipyards in the United States shall be expended in foreign facilities for the construction of major components of such vessel: *Provided further*, That none of the funds provided under this heading shall be used for the construction of any naval vessel in foreign shipyards.

OTHER PROCUREMENT, NAVY

For procurement, production, and modernization of support equipment and materials not otherwise provided for, Navy ordnance (except ordnance for new aircraft, new ships, and ships authorized for conversion); the purchase of not to exceed 35 passenger motor vehicles for replacement only; and the purchase of 2 vehicles required for physical security of personnel, notwithstanding price

limitations applicable to passenger vehicles but not to exceed \$230,000 per vehicle; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, \$4,290,776,000, to remain available for obligation until September 30, 2004.

PROCUREMENT, MARINE CORPS

For expenses necessary for the procurement, manufacture, and modification of missiles, armament, military equipment, spare parts, and accessories therefor; plant equipment, appliances, and machine tools, and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; vehicles for the Marine Corps, including the purchase of not to exceed 25 passenger motor vehicles for replacement only; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, \$1,028,662,000, to remain available for obligation until September 30, 2004.

AIRCRAFT PROCUREMENT, AIR FORCE

For construction, procurement, and modification of aircraft and equipment, including armor and armament, specialized ground handling equipment, and training devices, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, \$10,549,798,000, to remain available for obligation until September 30, 2004.

MISSILE PROCUREMENT, AIR FORCE

For construction, procurement, and modification of missiles, spacecraft, rockets, and related equipment, including spare parts and accessories therefor, ground handling equipment, and training devices; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, \$2,918,118,000, to remain available for obligation until September 30, 2004.

PROCUREMENT OF AMMUNITION, AIR FORCE

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement

and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$866,844,000, to remain available for obligation until September 30, 2004.

OTHER PROCUREMENT, AIR FORCE

For procurement and modification of equipment (including ground guidance and electronic control equipment, and ground electronic and communication equipment), and supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of not to exceed 216 passenger motor vehicles for replacement only; and the purchase of 3 vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed \$230,000 per vehicle; lease of passenger motor vehicles; and expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon, prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, \$7,856,671,000, to remain available for obligation until September 30, 2004.

PROCUREMENT, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments) necessary for procurement, production, and modification of equipment, supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of not to exceed 65 passenger motor vehicles for replacement only; the purchase of 4 vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed \$250,000 per vehicle; expansion of public and private plants, equipment, and installation thereof in such plants, erection of structures, and acquisition of land for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, \$1,387,283,000, to remain available for obligation until September 30, 2004.

DEFENSE PRODUCTION ACT PURCHASES

For activities by the Department of Defense pursuant to sections 108, 301, 302, and 303 of the Defense Production Act of 1950 (50 U.S.C. App. 2078, 2091, 2092, and 2093), \$50,000,000, to remain available until expended.

NATIONAL GUARD AND RESERVE EQUIPMENT

For procurement of aircraft, missiles, tracked combat vehicles, ammunition, other weapons, and other procurement for the reserve components of the Armed Forces, \$501,485,000, to remain available for obligation until September 30, 2004: *Provided*, That the Chiefs of the Reserve and National Guard components shall, not later than 30 days after the enactment of this Act, individually submit to the congressional defense committees the modernization priority assessment for their respective Reserve or National Guard component: *Provided further*, That of the funds appropriated under this heading, \$131,176,000 shall be available only for the procurement of eight UH-60 helicopters for the Army Reserve, and \$226,909,000 shall be available only for the procurement of C-130J aircraft to be used solely for western states firefighting.

TITLE IV

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, \$7,115,438,000, to remain available for obligation until September 30, 2003.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, \$10,896,307,000, to remain available for obligation until September 30, 2003.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, \$14,884,058,000, to remain available for obligation until September 30, 2003.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments), necessary for basic and applied scientific research, development, test and evaluation; advanced research projects as may be designated and determined by the Secretary of Defense, pursuant to law; maintenance, rehabilitation, lease, and operation of facilities and equipment, \$6,949,098,000, to remain available for obligation until September 30, 2003.

OPERATIONAL TEST AND EVALUATION, DEFENSE

For expenses, not otherwise provided for, necessary for the independent activities of the Director, Operational Test and Evaluation in the direction and supervision of operational test and evaluation, including initial operational test and evaluation which is conducted prior to, and in support of, production decisions; joint operational testing and evaluation; and administrative expenses in connection therewith, \$245,355,000, to remain available for obligation until September 30, 2003.

TITLE V

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For the Defense Working Capital Funds, \$1,524,986,000: *Provided*, That during fiscal year 2002, funds in the Defense Working Capital Funds may be used for the purchase of not to exceed 330 passenger carrying motor vehicles for replacement only for the Defense Security Service.

NATIONAL DEFENSE SEALIFT FUND

For National Defense Sealift Fund programs, projects, and activities, and for expenses of the National Defense Reserve Fleet, as established by section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744), and for the necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, \$412,708,000, to remain available until expended: *Provided*, That none of the funds provided in this paragraph shall be used to award a new contract that

provides for the acquisition of any of the following major components unless such components are manufactured in the United States: auxiliary equipment, including pumps, for all shipboard services; propulsion system components (that is; engines, reduction gears, and propellers); shipboard cranes; and spreaders for shipboard cranes: *Provided further*, That the exercise of an option in a contract awarded through the obligation of previously appropriated funds shall not be considered to be the award of a new contract: *Provided further*, That the Secretary of the military department responsible for such procurement may waive the restrictions in the first proviso on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes.

TITLE VI

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For expenses, not otherwise provided for, for medical and health care programs of the Department of Defense, as authorized by law, \$18,277,403,000, of which \$17,574,750,000 shall be for Operation and maintenance, of which not to exceed 2 percent shall remain available until September 30, 2003; of which \$267,915,000, to remain available for obligation until September 30, 2004, shall be for Procurement; of which \$434,738,000, to remain available for obligation until September 30, 2003, shall be for Research, development, test and evaluation, and of which \$20,000,000 shall be available for HIV prevention educational activities undertaken in connection with U.S. military training, exercises, and humanitarian assistance activities conducted in African nations.

CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, ARMY

For expenses, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions in accordance with the provisions of section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, \$1,093,057,000, of which \$728,520,000 shall be for Operation and maintenance to remain available until September 30, 2003, \$164,158,000 shall be for Procurement to remain available until September 30, 2004, and \$200,379,000 shall be for Research, development, test and evaluation to remain available until September 30, 2003: *Provided*, That of the funds available under this heading, \$1,000,000 shall be available until expended each year only for a Johnston Atoll off-island leave program: *Provided further*, That the Secretaries concerned shall, pursuant to uniform regulations, prescribe travel and transportation allowances for travel by participants in the off-island leave program.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For drug interdiction and counter-drug activities of the Department of Defense, for transfer to appropriations available to the Department of Defense for military personnel of the reserve components serving under the provisions of title 10 and title 32,

United States Code; for Operation and maintenance; for Procurement; and for Research, development, test and evaluation, \$827,381,000: *Provided*, That the funds appropriated under this heading shall be available for obligation for the same time period and for the same purpose as the appropriation to which transferred: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority contained elsewhere in this Act.

OFFICE OF THE INSPECTOR GENERAL

For expenses and activities of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$152,021,000, of which \$150,221,000 shall be for Operation and maintenance, of which not to exceed \$700,000 is available for emergencies and extraordinary expenses to be expended on the approval or authority of the Inspector General, and payments may be made on the Inspector General's certificate of necessity for confidential military purposes; and of which \$1,800,000 to remain available until September 30, 2004, shall be for Procurement.

TITLE VII RELATED AGENCIES

CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM FUND

For payment to the Central Intelligence Agency Retirement and Disability System Fund, to maintain the proper funding level for continuing the operation of the Central Intelligence Agency Retirement and Disability System, \$212,000,000.

INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Intelligence Community Management Account, \$144,929,000, of which \$28,003,000 for the Advanced Research and Development Committee shall remain available until September 30, 2003: *Provided*, That of the funds appropriated under this heading, \$34,100,000 shall be transferred to the Department of Justice for the National Drug Intelligence Center to support the Department of Defense's counter-drug intelligence responsibilities, and of the said amount, \$1,500,000 for Procurement shall remain available until September 30, 2004, and \$1,000,000 for Research, development, test and evaluation shall remain available until September 30, 2003: *Provided further*, That the National Drug Intelligence Center shall maintain the personnel and technical resources to provide timely support to law enforcement authorities to conduct document exploitation of materials collected in Federal, State, and local law enforcement activity.

PAYMENT TO KAHŌ'OLAWĒ ISLAND CONVEY- ANCE, REMEDIATION, AND ENVIRONMENTAL RESTORATION FUND

For payment to Kaho'olawe Island Conveyance, Remediation, and Environmental Restoration Fund, as authorized by law, \$25,000,000, to remain available until expended.

NATIONAL SECURITY EDUCATION TRUST FUND

For the purposes of title VIII of Public Law 102-183, \$8,000,000, to be derived from the National Security Education Trust Fund, to remain available until expended.

TITLE VIII GENERAL PROVISIONS

SEC. 8001. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 8002. During the current fiscal year, provisions of law prohibiting the payment of compensation to, or employment of, any person not a citizen of the United States shall not apply to personnel of the Department of Defense: *Provided*, That salary increases granted to direct and indirect hire foreign national employees of the Department of Defense funded by this Act shall not be at a rate in excess of the percentage increase authorized by law for civilian employees of the Department of Defense whose pay is computed under the provisions of section 5332 of title 5, United States Code, or at a rate in excess of the percentage increase provided by the appropriate host nation to its own employees, whichever is higher: *Provided further*, That this section shall not apply to Department of Defense foreign service national employees serving at United States diplomatic missions whose pay is set by the Department of State under the Foreign Service Act of 1980: *Provided further*, That the limitations of this provision shall not apply to foreign national employees of the Department of Defense in the Republic of Turkey.

SEC. 8003. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year, unless expressly so provided herein.

SEC. 8004. No more than 20 percent of the appropriations in this Act which are limited for obligation during the current fiscal year shall be obligated during the last 2 months of the fiscal year: *Provided*, That this section shall not apply to obligations for support of active duty training of reserve components or summer camp training of the Reserve Officers' Training Corps.

(TRANSFER OF FUNDS)

SEC. 8005. Upon determination by the Secretary of Defense that such action is necessary in the national interest, he may, with the approval of the Office of Management and Budget, transfer not to exceed \$2,500,000,000 of working capital funds of the Department of Defense or funds made available in this Act to the Department of Defense for military functions (except military construction) between such appropriations or funds or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided*, That such authority to transfer may not be used unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by the Congress: *Provided further*, That the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority or any other authority in this Act: *Provided further*, That no part of the funds in this Act shall be available to prepare or present a request to the Committees on Appropriations for reprogramming of funds, unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which reprogramming is requested has been denied by the Congress.

(TRANSFER OF FUNDS)

SEC. 8006. During the current fiscal year, cash balances in working capital funds of the Department of Defense established pursuant to section 2208 of title 10, United States Code, may be maintained in only such amounts as are necessary at any time for cash disbursements to be made from such funds: *Provided*, That transfers may be made

between such funds: *Provided further*, That transfers may be made between working capital funds and the "Foreign Currency Fluctuations, Defense" appropriation and the "Operation and Maintenance" appropriation accounts in such amounts as may be determined by the Secretary of Defense, with the approval of the Office of Management and Budget, except that such transfers may not be made unless the Secretary of Defense has notified the Congress of the proposed transfer. Except in amounts equal to the amounts appropriated to working capital funds in this Act, no obligations may be made against a working capital fund to procure or increase the value of war reserve material inventory, unless the Secretary of Defense has notified the Congress prior to any such obligation.

SEC. 8007. Funds appropriated by this Act may not be used to initiate a special access program without prior notification 30 calendar days in session in advance to the congressional defense committees.

SEC. 8008. None of the funds provided in this Act shall be available to initiate: (1) a multiyear contract that employs economic order quantity procurement in excess of \$20,000,000 in any 1 year of the contract or that includes an unfunded contingent liability in excess of \$20,000,000; or (2) a contract for advance procurement leading to a multiyear contract that employs economic order quantity procurement in excess of \$20,000,000 in any 1 year, unless the congressional defense committees have been notified at least 30 days in advance of the proposed contract award: *Provided*, That no part of any appropriation contained in this Act shall be available to initiate a multiyear contract for which the economic order quantity advance procurement is not funded at least to the limits of the Government's liability: *Provided further*, That no part of any appropriation contained in this Act shall be available to initiate multiyear procurement contracts for any systems or component thereof if the value of the multiyear contract would exceed \$500,000,000 unless specifically provided in this Act: *Provided further*, That no multiyear procurement contract can be terminated without 10-day prior notification to the congressional defense committees: *Provided further*, That the execution of multiyear authority shall require the use of a present value analysis to determine lowest cost compared to an annual procurement.

Funds appropriated in title III of this Act may be used for a C-17 multiyear procurement contract.

SEC. 8009. Within the funds appropriated for the operation and maintenance of the Armed Forces, funds are hereby appropriated pursuant to section 401 of title 10, United States Code, for humanitarian and civic assistance costs under chapter 20 of title 10, United States Code. Such funds may also be obligated for humanitarian and civic assistance costs incidental to authorized operations and pursuant to authority granted in section 401 of chapter 20 of title 10, United States Code, and these obligations shall be reported to the Congress as of September 30 of each year: *Provided*, That funds available for operation and maintenance shall be available for providing humanitarian and similar assistance by using Civic Action Teams in the Trust Territories of the Pacific Islands and freely associated states of Micronesia, pursuant to the Compact of Free Association as authorized by Public Law 99-239: *Provided further*, That upon a determination by the Secretary of the Army that such action is beneficial for graduate medical education programs conducted at Army medical

facilities located in Hawaii, the Secretary of the Army may authorize the provision of medical services at such facilities and transportation to such facilities, on a non-reimbursable basis, for civilian patients from American Samoa, the Commonwealth of the Northern Mariana Islands, the Marshall Islands, the Federated States of Micronesia, Palau, and Guam.

SEC. 8010. (a) During fiscal year 2002, the civilian personnel of the Department of Defense may not be managed on the basis of any end-strength, and the management of such personnel during that fiscal year shall not be subject to any constraint or limitation (known as an end-strength) on the number of such personnel who may be employed on the last day of such fiscal year.

(b) The fiscal year 2003 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2003 Department of Defense budget request shall be prepared and submitted to the Congress as if subsections (a) and (b) of this provision were effective with regard to fiscal year 2003.

(c) Nothing in this section shall be construed to apply to military (civilian) technicians.

SEC. 8011. Notwithstanding any other provision of law, none of the funds made available by this Act shall be used by the Department of Defense to exceed, outside the 50 United States, its territories, and the District of Columbia, 125,000 civilian workyears: *Provided*, That workyears shall be applied as defined in the Federal Personnel Manual: *Provided further*, That workyears expended in dependent student hiring programs for disadvantaged youths shall not be included in this workyear limitation.

SEC. 8012. None of the funds made available by this Act shall be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before the Congress.

SEC. 8013. None of the funds appropriated by this Act shall be available for the basic pay and allowances of any member of the Army participating as a full-time student and receiving benefits paid by the Secretary of Veterans Affairs from the Department of Defense Education Benefits Fund when time spent as a full-time student is credited toward completion of a service commitment: *Provided*, That this subsection shall not apply to those members who have reenlisted with this option prior to October 1, 1987: *Provided further*, That this subsection applies only to active components of the Army.

SEC. 8014. None of the funds appropriated by this Act shall be available to convert to contractor performance an activity or function of the Department of Defense that, on or after the date of the enactment of this Act, is performed by more than 10 Department of Defense civilian employees until a most efficient and cost-effective organization analysis is completed on such activity or function and certification of the analysis is made to the Committees on Appropriations of the House of Representatives and the Senate: *Provided*, That this section and subsections (a), (b), and (c) of 10 U.S.C. 2461 shall not apply to a commercial or industrial type function of the Department of Defense that: (1) is included on the procurement list established pursuant to section 2 of the Act of June 25, 1938 (41 U.S.C. 47), popularly referred to as the Javits-Wagner-O'Day Act; (2) is planned to be converted to performance by a qualified nonprofit agency for the blind or by a qualified nonprofit agency for other severely handicapped individuals in accordance

with that Act; or (3) is planned to be converted to performance by a qualified firm under 51 percent ownership by an Indian tribe, as defined in section 450b(e) of title 25, United States Code, or a Native Hawaiian organization, as defined in section 637(a)(15) of title 15, United States Code.

(TRANSFER OF FUNDS)

SEC. 8015. Funds appropriated in title III of this Act for the Department of Defense Pilot Mentor-Protege Program may be transferred to any other appropriation contained in this Act solely for the purpose of implementing a Mentor-Protege Program developmental assistance agreement pursuant to section 831 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 10 U.S.C. 2301 note), as amended, under the authority of this provision or any other transfer authority contained in this Act.

SEC. 8016. None of the funds in this Act may be available for the purchase by the Department of Defense (and its departments and agencies) of welded shipboard anchor and mooring chain 4 inches in diameter and under unless the anchor and mooring chain are manufactured in the United States from components which are substantially manufactured in the United States: *Provided*, That for the purpose of this section manufactured will include cutting, heat treating, quality control, testing of chain and welding (including the forging and shot blasting process): *Provided further*, That for the purpose of this section substantially all of the components of anchor and mooring chain shall be considered to be produced or manufactured in the United States if the aggregate cost of the components produced or manufactured outside the United States exceeds the aggregate cost of the components produced or manufactured in the United States: *Provided further*, That when adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis, the Secretary of the service responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations that such an acquisition must be made in order to acquire capability for national security purposes.

SEC. 8017. None of the funds appropriated by this Act available for the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) or TRICARE shall be available for the reimbursement of any health care provider for inpatient mental health service for care received when a patient is referred to a provider of inpatient mental health care or residential treatment care by a medical or health care professional having an economic interest in the facility to which the patient is referred: *Provided*, That this limitation does not apply in the case of inpatient mental health services provided under the program for persons with disabilities under subsection (d) of section 1079 of title 10, United States Code, provided as partial hospital care, or provided pursuant to a waiver authorized by the Secretary of Defense because of medical or psychological circumstances of the patient that are confirmed by a health professional who is not a Federal employee after a review, pursuant to rules prescribed by the Secretary, which takes into account the appropriate level of care for the patient, the intensity of services required by the patient, and the availability of that care.

SEC. 8018. Funds available in this Act may be used to provide transportation for the next-of-kin of individuals who have been prisoners of war or missing in action from

the Vietnam era to an annual meeting in the United States, under such regulations as the Secretary of Defense may prescribe.

SEC. 8019. Notwithstanding any other provision of law, during the current fiscal year, the Secretary of Defense may, by executive agreement, establish with host nation governments in NATO member states a separate account into which such residual value amounts negotiated in the return of United States military installations in NATO member states may be deposited, in the currency of the host nation, in lieu of direct monetary transfers to the United States Treasury: *Provided*, That such credits may be utilized only for the construction of facilities to support United States military forces in that host nation, or such real property maintenance and base operating costs that are currently executed through monetary transfers to such host nations: *Provided further*, That the Department of Defense's budget submission for fiscal year 2003 shall identify such sums anticipated in residual value settlements, and identify such construction, real property maintenance or base operating costs that shall be funded by the host nation through such credits: *Provided further*, That all military construction projects to be executed from such accounts must be previously approved in a prior Act of Congress: *Provided further*, That each such executive agreement with a NATO member host nation shall be reported to the congressional defense committees, the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate 30 days prior to the conclusion and endorsement of any such agreement established under this provision.

SEC. 8020. None of the funds available to the Department of Defense may be used to demilitarize or dispose of M-1 Carbines, M-1 Garand rifles, M-14 rifles, .22 caliber rifles, .30 caliber rifles, or M-1911 pistols.

SEC. 8021. No more than \$500,000 of the funds appropriated or made available in this Act shall be used during a single fiscal year for any single relocation of an organization, unit, activity or function of the Department of Defense into or within the National Capital Region: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the congressional defense committees that such a relocation is required in the best interest of the Government.

SEC. 8022. In addition to the funds provided elsewhere in this Act, \$8,000,000 is appropriated only for incentive payments authorized by section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544): *Provided*, That a subcontractor at any tier shall be considered a contractor for the purposes of being allowed additional compensation under section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544).

SEC. 8023. During the current fiscal year, funds appropriated or otherwise available for any Federal agency, the Congress, the judicial branch, or the District of Columbia may be used for the pay, allowances, and benefits of an employee as defined by section 2105 of title 5, United States Code, or an individual employed by the government of the District of Columbia, permanent or temporary indefinite, who—

(1) is a member of a Reserve component of the Armed Forces, as described in section 10101 of title 10, United States Code, or the National Guard, as described in section 101 of title 32, United States Code;

(2) performs, for the purpose of providing military aid to enforce the law or providing

assistance to civil authorities in the protection or saving of life or property or prevention of injury—

(A) Federal service under sections 331, 332, 333, or 12406 of title 10, United States Code, or other provision of law, as applicable; or

(B) full-time military service for his or her State, the District of Columbia, the Commonwealth of Puerto Rico, or a territory of the United States; and

(3) requests and is granted—

(A) leave under the authority of this section; or

(B) annual leave, which may be granted without regard to the provisions of sections 5519 and 6323(b) of title 5, United States Code, if such employee is otherwise entitled to such annual leave:

Provided, That any employee who requests leave under subsection (3)(A) for service described in subsection (2) of this section is entitled to such leave, subject to the provisions of this section and of the last sentence of section 6323(b) of title 5, United States Code, and such leave shall be considered leave under section 6323(b) of title 5, United States Code.

SEC. 8024. None of the funds appropriated by this Act shall be available to perform any cost study pursuant to the provisions of OMB Circular A-76 if the study being performed exceeds a period of 24 months after initiation of such study with respect to a single function activity or 48 months after initiation of such study for a multi-function activity.

SEC. 8025. Funds appropriated by this Act for the American Forces Information Service shall not be used for any national or international political or psychological activities.

SEC. 8026. Notwithstanding any other provision of law or regulation, the Secretary of Defense may adjust wage rates for civilian employees hired for certain health care occupations as authorized for the Secretary of Veterans Affairs by section 7455 of title 38, United States Code.

SEC. 8027. None of the funds appropriated or made available in this Act shall be used to reduce or disestablish the operation of the 53rd Weather Reconnaissance Squadron of the Air Force Reserve, if such action would reduce the WC-130 Weather Reconnaissance mission below the levels funded in this Act.

SEC. 8028. (a) Of the funds for the procurement of supplies or services appropriated by this Act, qualified nonprofit agencies for the blind or other severely handicapped shall be afforded the maximum practicable opportunity to participate as subcontractors and suppliers in the performance of contracts let by the Department of Defense.

(b) During the current fiscal year, a business concern which has negotiated with a military service or defense agency a subcontracting plan for the participation by small business concerns pursuant to section 8(d) of the Small Business Act (15 U.S.C. 637(d)) shall be given credit toward meeting that subcontracting goal for any purchases made from qualified nonprofit agencies for the blind or other severely handicapped.

(c) For the purpose of this section, the phrase “qualified nonprofit agency for the blind or other severely handicapped” means a nonprofit agency for the blind or other severely handicapped that has been approved by the Committee for the Purchase from the Blind and Other Severely Handicapped under the Javits-Wagner-O’Day Act (41 U.S.C. 46-48).

SEC. 8029. During the current fiscal year, net receipts pursuant to collections from third party payers pursuant to section 1095 of title 10, United States Code, shall be made

available to the local facility of the uniformed services responsible for the collection and shall be over and above the facility’s direct budget amount.

SEC. 8030. During the current fiscal year, the Department of Defense is authorized to incur obligations of not to exceed \$350,000,000 for purposes specified in section 2350j(c) of title 10, United States Code, in anticipation of receipt of contributions, only from the Government of Kuwait, under that section: *Provided*, That upon receipt, such contributions from the Government of Kuwait shall be credited to the appropriations or fund which incurred such obligations.

SEC. 8031. Of the funds made available in this Act, not less than \$21,417,000 shall be available for the Civil Air Patrol Corporation, of which \$19,417,000 shall be available for Civil Air Patrol Corporation operation and maintenance to support readiness activities which includes \$2,000,000 for the Civil Air Patrol counterdrug program: *Provided*, That funds identified for “Civil Air Patrol” under this section are intended for and shall be for the exclusive use of the Civil Air Patrol Corporation and not for the Air Force or any unit thereof.

SEC. 8032. (a) None of the funds appropriated in this Act are available to establish a new Department of Defense (department) federally funded research and development center (FFRDC), either as a new entity, or as a separate entity administrated by an organization managing another FFRDC, or as a nonprofit membership corporation consisting of a consortium of other FFRDCs and other non-profit entities.

(b) No member of a Board of Directors, Trustees, Overseers, Advisory Group, Special Issues Panel, Visiting Committee, or any similar entity of a defense FFRDC, and no paid consultant to any defense FFRDC, except when acting in a technical advisory capacity, may be compensated for his or her services as a member of such entity, or as a paid consultant by more than one FFRDC in a fiscal year: *Provided*, That a member of any such entity referred to previously in this subsection shall be allowed travel expenses and per diem as authorized under the Federal Joint Travel Regulations, when engaged in the performance of membership duties.

(c) Notwithstanding any other provision of law, none of the funds available to the department from any source during fiscal year 2002 may be used by a defense FFRDC, through a fee or other payment mechanism, for construction of new buildings, for payment of cost sharing for projects funded by Government grants, for absorption of contract overruns, or for certain charitable contributions, not to include employee participation in community service and/or development.

(d) Notwithstanding any other provision of law, of the funds available to the department during fiscal year 2002, not more than 6,477 staff years of technical effort (staff years) may be funded for defense FFRDCs: *Provided*, That of the specific amount referred to previously in this subsection, not more than 1,029 staff years may be funded for the defense studies and analysis FFRDCs.

(e) The Secretary of Defense shall, with the submission of the department’s fiscal year 2003 budget request, submit a report presenting the specific amounts of staff years of technical effort to be allocated for each defense FFRDC during that fiscal year.

SEC. 8033. None of the funds appropriated or made available in this Act shall be used to procure carbon, alloy or armor steel plate for use in any Government-owned facility or

property under the control of the Department of Defense which were not melted and rolled in the United States or Canada: *Provided*, That these procurement restrictions shall apply to any and all Federal Supply Class 9515, American Society of Testing and Materials (ASTM) or American Iron and Steel Institute (AISI) specifications of carbon, alloy or armor steel plate: *Provided further*, That the Secretary of the military department responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: *Provided further*, That these restrictions shall not apply to contracts which are in being as of the date of the enactment of this Act.

SEC. 8034. For the purposes of this Act, the term “congressional defense committees” means the Armed Services Committee of the House of Representatives, the Armed Services Committee of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.

SEC. 8035. During the current fiscal year, the Department of Defense may acquire the modification, depot maintenance and repair of aircraft, vehicles and vessels as well as the production of components and other Defense-related articles, through competition between Department of Defense depot maintenance activities and private firms: *Provided*, That the Senior Acquisition Executive of the military department or defense agency concerned, with power of delegation, shall certify that successful bids include comparable estimates of all direct and indirect costs for both public and private bids: *Provided further*, That Office of Management and Budget Circular A-76 shall not apply to competitions conducted under this section.

SEC. 8036. (a)(1) If the Secretary of Defense, after consultation with the United States Trade Representative, determines that a foreign country which is party to an agreement described in paragraph (2) has violated the terms of the agreement by discriminating against certain types of products produced in the United States that are covered by the agreement, the Secretary of Defense shall rescind the Secretary’s blanket waiver of the Buy American Act with respect to such types of products produced in that foreign country.

(2) An agreement referred to in paragraph (1) is any reciprocal defense procurement memorandum of understanding, between the United States and a foreign country pursuant to which the Secretary of Defense has prospectively waived the Buy American Act for certain products in that country.

(b) The Secretary of Defense shall submit to the Congress a report on the amount of Department of Defense purchases from foreign entities in fiscal year 2002. Such report shall separately indicate the dollar value of items for which the Buy American Act was waived pursuant to any agreement described in subsection (a)(2), the Trade Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any international agreement to which the United States is a party.

(c) For purposes of this section, the term “Buy American Act” means title III of the Act entitled “An Act making appropriations

for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes", approved March 3, 1933 (41 U.S.C. 10a et seq.).

SEC. 8037. Appropriations contained in this Act that remain available at the end of the current fiscal year as a result of energy cost savings realized by the Department of Defense shall remain available for obligation for the next fiscal year to the extent, and for the purposes, provided in section 2865 of title 10, United States Code.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8038. Amounts deposited during the current fiscal year to the special account established under 40 U.S.C. 485(h)(2) and to the special account established under 10 U.S.C. 2667(d)(1) are appropriated and shall be available until transferred by the Secretary of Defense to current applicable appropriations or funds of the Department of Defense under the terms and conditions specified by 40 U.S.C. 485(h)(2)(A) and (B) and 10 U.S.C. 2667(d)(1)(B), to be merged with and to be available for the same time period and the same purposes as the appropriation to which transferred.

SEC. 8039. The President shall include with each budget for a fiscal year submitted to the Congress under section 1105 of title 31, United States Code, materials that shall identify clearly and separately the amounts requested in the budget for appropriation for that fiscal year for salaries and expenses related to administrative activities of the Department of Defense, the military departments, and the defense agencies.

SEC. 8040. Notwithstanding any other provision of law, funds available for "Drug Interdiction and Counter-Drug Activities, Defense" may be obligated for the Young Marines program.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8041. During the current fiscal year, amounts contained in the Department of Defense Overseas Military Facility Investment Recovery Account established by section 2921(c)(1) of the National Defense Authorization Act of 1991 (Public Law 101-510; 10 U.S.C. 2687 note) shall be available until expended for the payments specified by section 2921(c)(2) of that Act: *Provided*, That none of the funds made available for expenditure under this section may be transferred or obligated until 30 days after the Secretary of Defense submits a report which details the balance available in the Overseas Military Facility Investment Recovery Account, all projected income into the account during fiscal years 2002 and 2003, and the specific expenditures to be made using funds transferred from this account during fiscal year 2002.

SEC. 8042. Of the funds appropriated or otherwise made available by this Act, not more than \$119,200,000 shall be available for payment of the operating costs of NATO Headquarters: *Provided*, That the Secretary of Defense may waive this section for Department of Defense support provided to NATO forces in and around the former Yugoslavia.

SEC. 8043. During the current fiscal year, appropriations which are available to the Department of Defense for operation and maintenance may be used to purchase items having an investment item unit cost of not more than \$100,000: *Provided*, That the \$100,000 limitation shall not apply to amounts appropriated in this Act under the heading "Operation and Maintenance, Defense-Wide" for expenses related to certain classified activities.

SEC. 8044. (a) During the current fiscal year, none of the appropriations or funds

available to the Department of Defense Working Capital Funds shall be used for the purchase of an investment item for the purpose of acquiring a new inventory item for sale or anticipated sale during the current fiscal year or a subsequent fiscal year to customers of the Department of Defense Working Capital Funds if such an item would not have been chargeable to the Department of Defense Business Operations Fund during fiscal year 1994 and if the purchase of such an investment item would be chargeable during the current fiscal year to appropriations made to the Department of Defense for procurement.

(b) The fiscal year 2003 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2003 Department of Defense budget shall be prepared and submitted to the Congress on the basis that any equipment which was classified as an end item and funded in a procurement appropriation contained in this Act shall be budgeted for in a proposed fiscal year 2003 procurement appropriation and not in the supply management business area or any other area or category of the Department of Defense Working Capital Funds.

SEC. 8045. None of the funds appropriated by this Act for programs of the Central Intelligence Agency shall remain available for obligation beyond the current fiscal year, except for funds appropriated for the Reserve for Contingencies, which shall remain available until September 30, 2003: *Provided*, That funds appropriated, transferred, or otherwise credited to the Central Intelligence Agency Central Services Working Capital Fund during this or any prior or subsequent fiscal year shall remain available until expended: *Provided further*, That any funds appropriated or transferred to the Central Intelligence Agency for agent operations (regional operations), and for covert action programs authorized by the President under section 503 of the National Security Act of 1947, as amended, shall remain available until September 30, 2003.

SEC. 8046. Notwithstanding any other provision of law, funds made available in this Act for the Defense Intelligence Agency may be used for the design, development, and deployment of General Defense Intelligence Program intelligence communications and intelligence information systems for the Services, the Unified and Specified Commands, and the component commands.

SEC. 8047. Of the funds appropriated to the Department of Defense under the heading "Operation and Maintenance, Defense-Wide", not less than \$10,000,000 shall be made available only for the mitigation of environmental impacts, including training and technical assistance to tribes, related administrative support, the gathering of information, documenting of environmental damage, and developing a system for prioritization of mitigation and cost to complete estimates for mitigation, on Indian lands resulting from Department of Defense activities.

SEC. 8048. Amounts collected for the use of the facilities of the National Science Center for Communications and Electronics during the current fiscal year pursuant to section 1459(g) of the Department of Defense Authorization Act, 1986, and deposited to the special account established under subsection 1459(g)(2) of that Act are appropriated and shall be available until expended for the operation and maintenance of the Center as provided for in subsection 1459(g)(2).

SEC. 8049. None of the funds appropriated in this Act may be used to fill the commander's

position at any military medical facility with a health care professional unless the prospective candidate can demonstrate professional administrative skills.

SEC. 8050. (a) None of the funds appropriated in this Act may be expended by an entity of the Department of Defense unless the entity, in expending the funds, complies with the Buy American Act. For purposes of this subsection, the term "Buy American Act" means title III of the Act entitled "An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes", approved March 3, 1933 (41 U.S.C. 10a et seq.).

(b) If the Secretary of Defense determines that a person has been convicted of intentionally affixing a label bearing a "Made in America" inscription to any product sold in or shipped to the United States that is not made in America, the Secretary shall determine, in accordance with section 2410f of title 10, United States Code, whether the person should be debarred from contracting with the Department of Defense.

(c) In the case of any equipment or products purchased with appropriations provided under this Act, it is the sense of the Congress that any entity of the Department of Defense, in expending the appropriation, purchase only American-made equipment and products, provided that American-made equipment and products are cost-competitive, quality-competitive, and available in a timely fashion.

SEC. 8051. None of the funds appropriated by this Act shall be available for a contract for studies, analysis, or consulting services entered into without competition on the basis of an unsolicited proposal unless the head of the activity responsible for the procurement determines—

(1) as a result of thorough technical evaluation, only one source is found fully qualified to perform the proposed work;

(2) the purpose of the contract is to explore an unsolicited proposal which offers significant scientific or technological promise, represents the product of original thinking, and was submitted in confidence by one source; or

(3) the purpose of the contract is to take advantage of unique and significant industrial accomplishment by a specific concern, or to insure that a new product or idea of a specific concern is given financial support:

Provided, That this limitation shall not apply to contracts in an amount of less than \$25,000, contracts related to improvements of equipment that is in development or production, or contracts as to which a civilian official of the Department of Defense, who has been confirmed by the Senate, determines that the award of such contract is in the interest of the national defense.

SEC. 8052. (a) Except as provided in subsections (b) and (c), none of the funds made available by this Act may be used—

(1) to establish a field operating agency; or

(2) to pay the basic pay of a member of the Armed Forces or civilian employee of the department who is transferred or reassigned from a headquarters activity if the member or employee's place of duty remains at the location of that headquarters.

(b) The Secretary of Defense or Secretary of a military department may waive the limitations in subsection (a), on a case-by-case basis, if the Secretary determines, and certifies to the Committees on Appropriations of the House of Representatives and Senate that the granting of the waiver will reduce the personnel requirements or the financial requirements of the department.

(c) This section does not apply to field operating agencies funded within the National Foreign Intelligence Program.

SEC. 8053. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2002 until the enactment of the Intelligence Authorization Act for Fiscal Year 2002.

SEC. 8054. Notwithstanding section 303 of Public Law 96-487 or any other provision of law, the Secretary of the Navy is authorized to lease real and personal property at Naval Air Facility, Adak, Alaska, pursuant to 10 U.S.C. 2667(f), for commercial, industrial or other purposes: *Provided*, That notwithstanding any other provision of law, the Secretary of the Navy may remove hazardous materials from facilities, buildings, and structures at Adak, Alaska, and may demolish or otherwise dispose of such facilities, buildings, and structures.

(RESCISSIONS)

SEC. 8055. Of the funds provided in Department of Defense Appropriations Acts, the following funds are hereby rescinded from the following accounts and programs in the specified amounts:

“Former Soviet Union Threat Reduction, 2000/2002”, \$32,000,000;

“Other Procurement, Navy, 2000/2002”, \$16,300,000;

“Aircraft Procurement, Air Force, 2000/2002”, \$8,500,000;

“Other Procurement, Air Force, 2000/2002”, \$20,000,000;

“Former Soviet Union Threat Reduction, 2001/2003”, \$32,000,000;

“Aircraft Procurement, Army, 2001/2003”, \$22,000,000;

“Procurement of Ammunition, Army, 2001/2003”, \$27,400,000;

“Other Procurement, Army, 2001/2003”, \$28,745,000;

“Aircraft Procurement, Navy, 2001/2003”, \$8,600,000;

“Weapons Procurement, Navy, 2001/2003”, \$35,000,000;

“Other Procurement, Navy, 2001/2003”, \$14,600,000;

“Procurement, Marine Corps, 2001/2003”, \$1,000,000;

“Aircraft Procurement, Air Force, 2001/2003”, \$19,300,000;

“Procurement of Ammunition, Air Force, 2001/2003”, \$5,800,000;

“Other Procurement, Air Force, 2001/2003”, \$16,800,000;

“Research, Development, Test and Evaluation, Army, 2001/2002”, \$16,300,000;

“Research, Development, Test and Evaluation, Navy, 2001/2002”, \$58,800,000;

“Research, Development, Test and Evaluation, Air Force, 2001/2002”, \$74,433,000; and

“Defense Health Program, 2001/2002”, \$4,000,000.

SEC. 8056. None of the funds available in this Act may be used to reduce the authorized positions for military (civilian) technicians of the Army National Guard, the Air National Guard, Army Reserve and Air Force Reserve for the purpose of applying any administratively imposed civilian personnel ceiling, freeze, or reduction on military (civilian) technicians, unless such reductions are a direct result of a reduction in military force structure.

SEC. 8057. None of the funds appropriated or otherwise made available in this Act may be obligated or expended for assistance to the Democratic People's Republic of North

Korea unless specifically appropriated for that purpose.

SEC. 8058. During the current fiscal year, funds appropriated in this Act are available to compensate members of the National Guard for duty performed pursuant to a plan submitted by a Governor of a State and approved by the Secretary of Defense under section 112 of title 32, United States Code: *Provided*, That during the performance of such duty, the members of the National Guard shall be under State command and control: *Provided further*, That such duty shall be treated as full-time National Guard duty for purposes of sections 12602(a)(2) and (b)(2) of title 10, United States Code.

SEC. 8059. Funds appropriated in this Act for operation and maintenance of the Military Departments, Combatant Commands and Defense Agencies shall be available for reimbursement of pay, allowances and other expenses which would otherwise be incurred against appropriations for the National Guard and Reserve when members of the National Guard and Reserve provide intelligence or counterintelligence support to Combatant Commands, Defense Agencies and Joint Intelligence Activities, including the activities and programs included within the National Foreign Intelligence Program (NFIP), the Joint Military Intelligence Program (JMIP), and the Tactical Intelligence and Related Activities (TIARA) aggregate: *Provided*, That nothing in this section authorizes deviation from established Reserve and National Guard personnel and training procedures.

SEC. 8060. During the current fiscal year, none of the funds appropriated in this Act may be used to reduce the civilian medical and medical support personnel assigned to military treatment facilities below the September 30, 2001 level: *Provided*, That the Service Surgeons General may waive this section by certifying to the congressional defense committees that the beneficiary population is declining in some catchment areas and civilian strength reductions may be consistent with responsible resource stewardship and capitation-based budgeting.

SEC. 8061. (a) LIMITATION ON PENTAGON RENOVATION COSTS.—Not later than the date each year on which the President submits to Congress the budget under section 1105 of title 31, United States Code, the Secretary of Defense shall submit to Congress a certification that the total cost for the planning, design, construction, and installation of equipment for the renovation of wedges 2 through 5 of the Pentagon Reservation, cumulatively, will not exceed four times the total cost for the planning, design, construction, and installation of equipment for the renovation of wedge 1.

(b) ANNUAL ADJUSTMENT.—For purposes of applying the limitation in subsection (a), the Secretary shall adjust the cost for the renovation of wedge 1 by any increase or decrease in costs attributable to economic inflation, based on the most recent economic assumptions issued by the Office of Management and Budget for use in preparation of the budget of the United States under section 1104 of title 31, United States Code.

(c) EXCLUSION OF CERTAIN COSTS.—For purposes of calculating the limitation in subsection (a), the total cost for wedges 2 through 5 shall not include—

(1) any repair or reconstruction cost incurred as a result of the terrorist attack on the Pentagon that occurred on September 11, 2001;

(2) any increase in costs for wedges 2 through 5 attributable to compliance with

new requirements of Federal, State, or local laws; and

(3) any increase in costs attributable to additional security requirements that the Secretary of Defense considers essential to provide a safe and secure working environment.

(d) CERTIFICATION COST REPORTS.—As part of the annual certification under subsection (a), the Secretary shall report the projected cost (as of the time of the certification) for—

(1) the renovation of each wedge, including the amount adjusted or otherwise excluded for such wedge under the authority of paragraphs (2) and (3) of subsection (c) for the period covered by the certification; and

(2) the repair and reconstruction of wedges 1 and 2 in response to the terrorist attack on the Pentagon that occurred on September 11, 2001.

(e) DURATION OF CERTIFICATION REQUIREMENT.—The requirement to make an annual certification under subsection (a) shall apply until the Secretary certifies to Congress that the renovation of the Pentagon Reservation is completed.

SEC. 8062. (a) None of the funds available to the Department of Defense for any fiscal year for drug interdiction or counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

(b) None of the funds available to the Central Intelligence Agency for any fiscal year for drug interdiction and counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

(TRANSFER OF FUNDS)

SEC. 8063. Appropriations available in this Act under the heading “Operation and Maintenance, Defense-Wide” for increasing energy and water efficiency in Federal buildings may, during their period of availability, be transferred to other appropriations or funds of the Department of Defense for projects related to increasing energy and water efficiency, to be merged with and to be available for the same general purposes, and for the same time period, as the appropriation or fund to which transferred.

SEC. 8064. None of the funds appropriated by this Act may be used for the procurement of ball and roller bearings other than those produced by a domestic source and of domestic origin: *Provided*, That the Secretary of the military department responsible for such procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate, that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: *Provided further*, That this restriction shall not apply to the purchase of “commercial items”, as defined by section 4(12) of the Office of Federal Procurement Policy Act, except that the restriction shall apply to ball or roller bearings purchased as end items.

SEC. 8065. Notwithstanding any other provision of law, funds available to the Department of Defense shall be made available to provide transportation of medical supplies and equipment, on a nonreimbursable basis, to American Samoa, and funds available to the Department of Defense shall be made available to provide transportation of medical supplies and equipment, on a nonreimbursable basis, to the Indian Health

Service when it is in conjunction with a civil-military project.

SEC. 8066. None of the funds in this Act may be used to purchase any supercomputer which is not manufactured in the United States, unless the Secretary of Defense certifies to the congressional defense committees that such an acquisition must be made in order to acquire capability for national security purposes that is not available from United States manufacturers.

SEC. 8067. Notwithstanding any other provision of law, the Naval shipyards of the United States shall be eligible to participate in any manufacturing extension program financed by funds appropriated in this or any other Act.

SEC. 8068. Notwithstanding any other provision of law, each contract awarded by the Department of Defense during the current fiscal year for construction or service performed in whole or in part in a State (as defined in section 381(d) of title 10, United States Code) which is not contiguous with another State and has an unemployment rate in excess of the national average rate of unemployment as determined by the Secretary of Labor, shall include a provision requiring the contractor to employ, for the purpose of performing that portion of the contract in such State that is not contiguous with another State, individuals who are residents of such State and who, in the case of any craft or trade, possess or would be able to acquire promptly the necessary skills: *Provided*, That the Secretary of Defense may waive the requirements of this section, on a case-by-case basis, in the interest of national security.

SEC. 8069. None of the funds made available in this or any other Act may be used to pay the salary of any officer or employee of the Department of Defense who approves or implements the transfer of administrative responsibilities or budgetary resources of any program, project, or activity financed by this Act to the jurisdiction of another Federal agency not financed by this Act without the express authorization of Congress: *Provided*, That this limitation shall not apply to transfers of funds expressly provided for in Defense Appropriations Acts, or provisions of Acts providing supplemental appropriations for the Department of Defense.

SEC. 8070. (a) LIMITATION ON TRANSFER OF DEFENSE ARTICLES AND SERVICES.—Notwithstanding any other provision of law, none of the funds available to the Department of Defense for the current fiscal year may be obligated or expended to transfer to another nation or an international organization any defense articles or services (other than intelligence services) for use in the activities described in subsection (b) unless the congressional defense committees, the Committee on International Relations of the House of Representatives, and the Committee on Foreign Relations of the Senate are notified 15 days in advance of such transfer.

(b) COVERED ACTIVITIES.—This section applies to—

(1) any international peacekeeping or peace-enforcement operation under the authority of chapter VI or chapter VII of the United Nations Charter under the authority of a United Nations Security Council resolution; and

(2) any other international peacekeeping, peace-enforcement, or humanitarian assistance operation.

(c) REQUIRED NOTICE.—A notice under subsection (a) shall include the following:

(1) A description of the equipment, supplies, or services to be transferred.

(2) A statement of the value of the equipment, supplies, or services to be transferred.

(3) In the case of a proposed transfer of equipment or supplies—

(A) a statement of whether the inventory requirements of all elements of the Armed Forces (including the reserve components) for the type of equipment or supplies to be transferred have been met; and

(B) a statement of whether the items proposed to be transferred will have to be replaced and, if so, how the President proposes to provide funds for such replacement.

(d) NATIONAL EMERGENCY OF SEPTEMBER 11, 2001.—The 15-day prior notification period cited in subsection (a) shall not apply to any covered activity, operation or operations initiated as a result of the national emergency proclaimed by the President as a result of the terrorist attacks of September 11, 2001. For fiscal year 2002, the Department of Defense shall provide quarterly reports, in both unclassified and classified form, to the congressional defense committees, the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate, of any transfers during the preceding quarter resulting from any covered activities, operation or operations exempted from the 15-day prior notification period by this subsection.

SEC. 8071. To the extent authorized by subchapter VI of chapter 148 of title 10, United States Code, the Secretary of Defense may issue loan guarantees in support of United States defense exports not otherwise provided for: *Provided*, That the total contingent liability of the United States for guarantees issued under the authority of this section may not exceed \$15,000,000,000: *Provided further*, That the exposure fees charged and collected by the Secretary for each guarantee shall be paid by the country involved and may be financed as part of a loan guaranteed by the United States, provided that the exposure fee with respect to such loan guarantee be fixed in an amount that is sufficient to meet the potential liabilities of the United States under the loan guarantee: *Provided further*, That the Secretary shall provide quarterly reports to the Committees on Appropriations, Armed Services, and Foreign Relations of the Senate and the Committees on Appropriations, Armed Services, and International Relations in the House of Representatives on the implementation of this program: *Provided further*, That amounts charged for administrative fees and deposited to the special account provided for under section 2540(c) of title 10, shall be available for paying the costs of administrative expenses of the Department of Defense that are attributable to the loan guarantee program under subchapter VI of chapter 148 of title 10, United States Code.

SEC. 8072. None of the funds available to the Department of Defense under this Act shall be obligated or expended to pay a contractor under a contract with the Department of Defense for costs of any amount paid by the contractor to an employee when—

(1) such costs are for a bonus or otherwise in excess of the normal salary paid by the contractor to the employee; and

(2) such bonus is part of restructuring costs associated with a business combination.

SEC. 8073. (a) None of the funds appropriated or otherwise made available in this Act may be used to transport or provide for the transportation of chemical munitions or agents to the Johnston Atoll for the purpose of storing or demilitarizing such munitions or agents.

(b) The prohibition in subsection (a) shall not apply to any obsolete World War II chemical munition or agent of the United States found in the World War II Pacific Theater of Operations.

(c) The President may suspend the application of subsection (a) during a period of war in which the United States is a party.

SEC. 8074. None of the funds provided in title IX of this Act for “Former Soviet Union Threat Reduction” may be obligated or expended to finance housing for any individual who was a member of the military forces of the Soviet Union or for any individual who is or was a member of the military forces of the Russian Federation.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8075. During the current fiscal year, no more than \$30,000,000 of appropriations made in this Act under the heading “Operation and Maintenance, Defense-Wide” may be transferred to appropriations available for the pay of military personnel, to be merged with, and to be available for the same time period as the appropriations to which transferred, to be used in support of such personnel in connection with support and services for eligible organizations and activities outside the Department of Defense pursuant to section 2012 of title 10, United States Code.

SEC. 8076. For purposes of section 1553(b) of title 31, United States Code, any subdivision of appropriations made in this Act under the heading “Shipbuilding and Conversion, Navy” shall be considered to be for the same purpose as any subdivision under the heading “Shipbuilding and Conversion, Navy” appropriations in any prior year, and the 1 percent limitation shall apply to the total amount of the appropriation.

SEC. 8077. During the current fiscal year, in the case of an appropriation account of the Department of Defense for which the period of availability for obligation has expired or which has closed under the provisions of section 1552 of title 31, United States Code, and which has a negative unliquidated or unexpended balance, an obligation or an adjustment of an obligation may be charged to any current appropriation account for the same purpose as the expired or closed account if—

(1) the obligation would have been properly chargeable (except as to amount) to the expired or closed account before the end of the period of availability or closing of that account;

(2) the obligation is not otherwise properly chargeable to any current appropriation account of the Department of Defense; and

(3) in the case of an expired account, the obligation is not chargeable to a current appropriation of the Department of Defense under the provisions of section 1405(b)(8) of the National Defense Authorization Act for Fiscal Year 1991, Public Law 101-510, as amended (31 U.S.C. 1551 note): *Provided*, That in the case of an expired account, if subsequent review or investigation discloses that there was not in fact a negative unliquidated or unexpended balance in the account, any charge to a current account under the authority of this section shall be reversed and recorded against the expired account: *Provided further*, That the total amount charged to a current appropriation under this section may not exceed an amount equal to 1 percent of the total appropriation for that account.

SEC. 8078. Funds appropriated in title II of this Act and for the Defense Health Program in title VI of this Act for supervision and administration costs for facilities maintenance and repair, minor construction, or design

projects may be obligated at the time the reimbursable order is accepted by the performing activity: *Provided*, That for the purpose of this section, supervision and administration costs includes all in-house Government cost.

SEC. 8079. During the current fiscal year, the Secretary of Defense may waive reimbursement of the cost of conferences, seminars, courses of instruction, or similar educational activities of the Asia-Pacific Center for Security Studies for military officers and civilian officials of foreign nations if the Secretary determines that attendance by such personnel, without reimbursement, is in the national security interest of the United States: *Provided*, That costs for which reimbursement is waived pursuant to this section shall be paid from appropriations available for the Asia-Pacific Center.

SEC. 8080. (a) Notwithstanding any other provision of law, the Chief of the National Guard Bureau may permit the use of equipment of the National Guard Distance Learning Project by any person or entity on a space-available, reimbursable basis. The Chief of the National Guard Bureau shall establish the amount of reimbursement for such use on a case-by-case basis.

(b) Amounts collected under subsection (a) shall be credited to funds available for the National Guard Distance Learning Project and be available to defray the costs associated with the use of equipment of the project under that subsection. Such funds shall be available for such purposes without fiscal year limitation.

SEC. 8081. Using funds available by this Act or any other Act, the Secretary of the Air Force, pursuant to a determination under section 2690 of title 10, United States Code, may implement cost-effective agreements for required heating facility modernization in the Kaiserslautern Military Community in the Federal Republic of Germany: *Provided*, That in the City of Kaiserslautern such agreements will include the use of United States anthracite as the base load energy for municipal district heat to the United States Defense installations: *Provided further*, That at Landstuhl Army Regional Medical Center and Ramstein Air Base, furnished heat may be obtained from private, regional or municipal services, if provisions are included for the consideration of United States coal as an energy source.

SEC. 8082. Notwithstanding 31 U.S.C. 3902, during the current fiscal year, interest penalties may be paid by the Department of Defense from funds financing the operation of the military department or defense agency with which the invoice or contract payment is associated.

SEC. 8083. None of the funds appropriated in title IV of this Act may be used to procure end-items for delivery to military forces for operational training, operational use or inventory requirements: *Provided*, That this restriction does not apply to end-items used in development, prototyping, and test activities preceding and leading to acceptance for operational use: *Provided further*, That this restriction does not apply to programs funded within the National Foreign Intelligence Program: *Provided further*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

SEC. 8084. The amount appropriated in this Act for "Operation and Maintenance, Navy", is hereby reduced by \$245,000,000 to reflect a

Navy Working Capital Fund cash balance and rate stabilization adjustment.

SEC. 8085. Notwithstanding any other provision in this Act, the total amount appropriated in this Act is hereby reduced by \$527,000,000, to reflect working capital fund fuel price re-estimates and rate stabilization adjustments, to be derived as follows:

"Operation and Maintenance, Army", \$35,000,000;

"Operation and Maintenance, Navy", \$230,000,000;

"Operation and Maintenance, Marine Corps", \$6,000,000;

"Operation and Maintenance, Air Force", \$247,000,000; and

"Operation and Maintenance, Defense-Wide", \$9,000,000.

SEC. 8086. None of the funds made available in this Act may be used to approve or license the sale of the F-22 advanced tactical fighter to any foreign government.

SEC. 8087. (a) The Secretary of Defense may, on a case-by-case basis, waive with respect to a foreign country each limitation on the procurement of defense items from foreign sources provided in law if the Secretary determines that the application of the limitation with respect to that country would invalidate cooperative programs entered into between the Department of Defense and the foreign country, or would invalidate reciprocal trade agreements for the procurement of defense items entered into under section 2531 of title 10, United States Code, and the country does not discriminate against the same or similar defense items produced in the United States for that country.

(b) Subsection (a) applies with respect to—

(1) contracts and subcontracts entered into on or after the date of the enactment of this Act; and

(2) options for the procurement of items that are exercised after such date under contracts that are entered into before such date if the option prices are adjusted for any reason other than the application of a waiver granted under subsection (a).

(c) Subsection (a) does not apply to a limitation regarding construction of public vessels, ball and roller bearings, food, and clothing or textile materials as defined by section 11 (chapters 50-65) of the Harmonized Tariff Schedule and products classified under headings 4010, 4202, 4203, 6401 through 6406, 6505, 7019, 7218 through 7229, 7304.41 through 7304.49, 7306.40, 7502 through 7508, 8105, 8108, 8109, 8211, 8215, and 9404.

SEC. 8088. Funds made available to the Civil Air Patrol in this Act under the heading "Drug Interdiction and Counter-Drug Activities, Defense" may be used for the Civil Air Patrol Corporation's counterdrug program, including its demand reduction program involving youth programs, as well as operational and training drug reconnaissance missions for Federal, State, and local government agencies; for administrative costs, including the hiring of Civil Air Patrol Corporation employees; for travel and per diem expenses of Civil Air Patrol Corporation personnel in support of those missions; and for equipment needed for mission support or performance: *Provided*, That the Department of the Air Force should waive reimbursement from the Federal, State, and local government agencies for the use of these funds.

SEC. 8089. Notwithstanding any other provision of law, the TRICARE managed care support contracts in effect, or in final stages of acquisition as of September 30, 2000, may be extended for 2 years: *Provided*, That any such extension may only take place if the

Secretary of Defense determines that it is in the best interest of the Government: *Provided further*, That any contract extension shall be based on the price in the final best and final offer for the last year of the existing contract as adjusted for inflation and other factors mutually agreed to by the contractor and the Government: *Provided further*, That notwithstanding any other provision of law, all future TRICARE managed care support contracts replacing contracts in effect, or in the final stages of acquisition as of September 30, 2001, may include a base contract period for transition and up to seven 1-year option periods.

SEC. 8090. None of the funds in this Act may be used to compensate an employee of the Department of Defense who initiates a new start program without notification to the Office of the Secretary of Defense, the Office of Management and Budget, and the congressional defense committees, as required by Department of Defense financial management regulations.

SEC. 8091. (a) PROHIBITION.—None of the funds made available by this Act may be used to support any training program involving a unit of the security forces of a foreign country if the Secretary of Defense has received credible information from the Department of State that the unit has committed a gross violation of human rights, unless all necessary corrective steps have been taken.

(b) MONITORING.—The Secretary of Defense, in consultation with the Secretary of State, shall ensure that prior to a decision to conduct any training program referred to in subsection (a), full consideration is given to all credible information available to the Department of State relating to human rights violations by foreign security forces.

(c) WAIVER.—The Secretary of Defense, after consultation with the Secretary of State, may waive the prohibition in subsection (a) if he determines that such waiver is required by extraordinary circumstances.

(d) REPORT.—Not more than 15 days after the exercise of any waiver under subsection (c), the Secretary of Defense shall submit a report to the congressional defense committees describing the extraordinary circumstances, the purpose and duration of the training program, the United States forces and the foreign security forces involved in the training program, and the information relating to human rights violations that necessitates the waiver.

SEC. 8092. The Secretary of Defense, in coordination with the Secretary of Health and Human Services, may carry out a program to distribute surplus dental equipment of the Department of Defense, at no cost to the Department of Defense, to Indian health service facilities and to federally-qualified health centers (within the meaning of section 1905(1)(2)(B) of the Social Security Act (42 U.S.C. 1396d(1)(2)(B))).

SEC. 8093. The total amount appropriated in this Act is hereby reduced by \$200,000,000 to reflect savings from favorable foreign currency fluctuations, to be derived as follows:

"Military Personnel, Army", \$30,800,000;

"Military Personnel, Navy", \$600,000;

"Military Personnel, Marine Corps", \$7,800,000;

"Military Personnel, Air Force", \$15,400,000;

"Reserve Personnel, Air Force", \$8,400,000;

"National Guard Personnel, Army", \$2,200,000;

"Operation and Maintenance, Army", \$68,600,000;

"Operation and Maintenance, Navy", \$14,400,000;

“Operation and Maintenance, Marine Corps”, \$1,000,000;

“Operation and Maintenance, Air Force”, \$26,400,000;

“Operation and Maintenance, Defense-Wide”, \$23,000,000; and

“Operation and Maintenance, Air Force Reserve”, \$1,400,000.

SEC. 8094. None of the funds appropriated or made available in this Act to the Department of the Navy shall be used to develop, lease or procure the T-AKE class of ships unless the main propulsion diesel engines and propulsors are manufactured in the United States by a domestically operated entity: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes or there exists a significant cost or quality difference.

SEC. 8095. The budget of the President for fiscal year 2003 submitted to the Congress pursuant to section 1105 of title 31, United States Code, and each annual budget request thereafter, shall include separate budget justification documents for costs of United States Armed Forces’ participation in contingency operations for the Military Personnel accounts, the Overseas Contingency Operations Transfer Fund, the Operation and Maintenance accounts, and the Procurement accounts: *Provided*, That these budget justification documents shall include a description of the funding requested for each anticipated contingency operation, for each military service, to include active duty and Guard and Reserve components, and for each appropriation account: *Provided further*, That these documents shall include estimated costs for each element of expense or object class, a reconciliation of increases and decreases for ongoing contingency operations, and programmatic data including, but not limited to troop strength for each active duty and Guard and Reserve component, and estimates of the major weapons systems deployed in support of each contingency: *Provided further*, That these documents shall include budget exhibits OP-5 and OP-32, as defined in the Department of Defense Financial Management Regulation, for the Overseas Contingency Operations Transfer Fund for fiscal years 2001 and 2002.

SEC. 8096. None of the funds appropriated or otherwise made available by this or other Department of Defense Appropriations Acts may be obligated or expended for the purpose of performing repairs or maintenance to military family housing units of the Department of Defense, including areas in such military family housing units that may be used for the purpose of conducting official Department of Defense business.

SEC. 8097. Notwithstanding any other provision of law, funds appropriated in this Act under the heading “Research, Development, Test and Evaluation, Defense-Wide” for any advanced concept technology demonstration project may only be obligated 30 days after a report, including a description of the project and its estimated annual and total cost, has been provided in writing to the congressional defense committees: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying to the congressional defense committees that it is in the national interest to do so.

SEC. 8098. Notwithstanding any other provision of law, for the purpose of establishing

all Department of Defense policies governing the provision of care provided by and financed under the military health care system’s case management program under 10 U.S.C. 1079(a)(17), the term “custodial care” shall be defined as care designed essentially to assist an individual in meeting the activities of daily living and which does not require the supervision of trained medical, nursing, paramedical or other specially trained individuals: *Provided*, That the case management program shall provide that members and retired members of the military services, and their dependents and survivors, have access to all medically necessary health care through the health care delivery system of the military services regardless of the health care status of the person seeking the health care: *Provided further*, That the case management program shall be the primary obligor for payment of medically necessary services and shall not be considered as secondarily liable to title XIX of the Social Security Act, other welfare programs or charity based care.

SEC. 8099. (a) During the current fiscal year, any refund described in subsection (b) may be credited to the operation and maintenance account of the Department of Defense that is current when the refund is received and that is available for the same purposes as the account originally charged.

(b) Subsection (a) applies to the following:

(1) Any refund attributable to the use of a Government travel card by a member of the Armed Forces or a civilian employee of the Department of Defense.

(2) Any refund attributable to the use of a Government Purchase card by a member of the Armed Forces or a civilian employee of the Department of Defense.

(3) Any refund attributable to official Government travel by a member of the Armed Forces or a civilian employee of the Department of Defense that is arranged by a Government Contracted Travel Management Center.

SEC. 8100. (a) REGISTERING FINANCIAL MANAGEMENT INFORMATION TECHNOLOGY SYSTEMS WITH DOD CHIEF INFORMATION OFFICER.—None of the funds appropriated in this Act may be used for a mission critical or mission essential financial management information technology system (including a system funded by the defense working capital fund) that is not registered with the Chief Information Officer of the Department of Defense. A system shall be considered to be registered with that officer upon the furnishing to that officer of notice of the system, together with such information concerning the system as the Secretary of Defense may prescribe. A financial management information technology system shall be considered a mission critical or mission essential information technology system as defined by the Under Secretary of Defense (Comptroller).

(b) CERTIFICATIONS AS TO COMPLIANCE WITH FINANCIAL MANAGEMENT MODERNIZATION PLAN.—(1) During the current fiscal year, a financial management major automated information system may not receive Milestone I approval, Milestone II approval, or Milestone III approval, or their equivalent, within the Department of Defense until the Under Secretary of Defense (Comptroller) certifies, with respect to that milestone, that the system is being developed in accordance with the Department’s Financial Management Modernization Plan. The Under Secretary of Defense (Comptroller) may require additional certifications, as appropriate, with respect to any such system.

(2) The Chief Information Officer shall provide the congressional defense committees

timely notification of certifications under paragraph (1).

(c) DEFINITIONS.—For purposes of this section:

(1) The term “Chief Information Officer” means the senior official of the Department of Defense designated by the Secretary of Defense pursuant to section 3506 of title 44, United States Code.

(2) The term “information technology system” has the meaning given the term “information technology” in section 5002 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1401).

(3) The term “major automated information system” has the meaning given that term in Department of Defense Directive 5000.1.

SEC. 8101. During the current fiscal year, none of the funds available to the Department of Defense may be used to provide support to another department or agency of the United States if such department or agency is more than 90 days in arrears in making payment to the Department of Defense for goods or services previously provided to such department or agency on a reimbursable basis: *Provided*, That this restriction shall not apply if the department is authorized by law to provide support to such department or agency on a nonreimbursable basis, and is providing the requested support pursuant to such authority: *Provided further*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

SEC. 8102. None of the funds provided in this Act may be used to transfer to any non-governmental entity ammunition held by the Department of Defense that has a center-fire cartridge and a United States military nomenclature designation of “armor penetrator”, “armor piercing (AP)”, “armor piercing incendiary (API)”, or “armor-piercing incendiary-tracer (API-T)”, except to an entity performing demilitarization services for the Department of Defense under a contract that requires the entity to demonstrate to the satisfaction of the Department of Defense that armor piercing projectiles are either: (1) rendered incapable of reuse by the demilitarization process; or (2) used to manufacture ammunition pursuant to a contract with the Department of Defense or the manufacture of ammunition for export pursuant to a License for Permanent Export of Unclassified Military Articles issued by the Department of State.

SEC. 8103. Notwithstanding any other provision of law, the Chief of the National Guard Bureau, or his designee, may waive payment of all or part of the consideration that otherwise would be required under 10 U.S.C. 2667, in the case of a lease of personal property for a period not in excess of 1 year to any organization specified in 32 U.S.C. 508(d), or any other youth, social, or fraternal non-profit organization as may be approved by the Chief of the National Guard Bureau, or his designee, on a case-by-case basis.

SEC. 8104. None of the funds appropriated by this Act shall be used for the support of any nonappropriated funds activity of the Department of Defense that procures malt beverages and wine with nonappropriated funds for resale (including such alcoholic beverages sold by the drink) on a military installation located in the United States unless such malt beverages and wine are procured within that State, or in the case of the District of Columbia, within the District of

Columbia, in which the military installation is located: *Provided*, That in a case in which the military installation is located in more than one State, purchases may be made in any State in which the installation is located: *Provided further*, That such local procurement requirements for malt beverages and wine shall apply to all alcoholic beverages only for military installations in States which are not contiguous with another State: *Provided further*, That alcoholic beverages other than wine and malt beverages, in contiguous States and the District of Columbia shall be procured from the most competitive source, price and other factors considered.

SEC. 8105. During the current fiscal year, under regulations prescribed by the Secretary of Defense, the Center of Excellence for Disaster Management and Humanitarian Assistance may also pay, or authorize payment for, the expenses of providing or facilitating education and training for appropriate military and civilian personnel of foreign countries in disaster management, peace operations, and humanitarian assistance: *Provided*, That not later than April 1, 2002, the Secretary of Defense shall submit to the congressional defense committees a report regarding the training of foreign personnel conducted under this authority during the preceding fiscal year for which expenses were paid under the section: *Provided further*, That the report shall specify the countries in which the training was conducted, the type of training conducted, and the foreign personnel trained.

SEC. 8106. (a) The Department of Defense is authorized to enter into agreements with the Veterans Administration and federally-funded health agencies providing services to Native Hawaiians for the purpose of establishing a partnership similar to the Alaska Federal Health Care Partnership, in order to maximize Federal resources in the provision of health care services by federally-funded health agencies, applying telemedicine technologies. For the purpose of this partnership, Native Hawaiians shall have the same status as other Native Americans who are eligible for the health care services provided by the Indian Health Service.

(b) The Department of Defense is authorized to develop a consultation policy, consistent with Executive Order No. 13084 (issued May 14, 1998), with Native Hawaiians for the purpose of assuring maximum Native Hawaiian participation in the direction and administration of governmental services so as to render those services more responsive to the needs of the Native Hawaiian community.

(c) For purposes of this section, the term "Native Hawaiian" means any individual who is a descendant of the aboriginal people who, prior to 1778, occupied and exercised sovereignty in the area that now comprises the State of Hawaii.

SEC. 8107. In addition to the amounts provided elsewhere in this Act, the amount of \$10,000,000 is hereby appropriated for "Operation and Maintenance, Defense-Wide", to be available, notwithstanding any other provision of law, only for a grant to the United Service Organizations Incorporated, a federally chartered corporation under chapter 2201 of title 36, United States Code. The grant provided under authority of this section is in addition to any grant provided for under any other provision of law.

SEC. 8108. Of the amounts appropriated in the Act under the heading, "Research, Development, Test and Evaluation, Ballistic Missile Defense Organization", \$34,000,000 may

be available for the purpose of adjusting the cost-share of the parties under the Agreement between the Department of Defense and the Ministry of Defence of Israel for the Arrow Deployability Program.

SEC. 8109. Funds available to the Department of Defense for the Global Positioning System during the current fiscal year may be used to fund civil requirements associated with the satellite and ground control segments of such system's modernization program.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8110. Of the amounts appropriated in this Act under the heading, "Operation and Maintenance, Defense-Wide", \$115,000,000 shall remain available until expended: *Provided*, That notwithstanding any other provision of law, the Secretary of Defense is authorized to transfer such funds to other activities of the Federal Government.

SEC. 8111. The Ballistic Missile Defense Organization and its subordinate offices and associated contractors, including the Lead Systems Integrator, shall notify the congressional defense committees 15 days prior to issuing any type of information or proposal solicitation for the Ground Based Midcourse Defense Segment with a potential annual contract value greater than \$5,000,000 or a total contract value greater than \$30,000,000.

SEC. 8112. None of the funds appropriated in this Act under the heading "Overseas Contingency Operations Transfer Fund" may be transferred or obligated for Department of Defense expenses not directly related to the conduct of overseas contingencies: *Provided*, That the Secretary of Defense shall submit a report no later than 30 days after the end of each fiscal quarter to the Committees on Appropriations of the Senate and House of Representatives that details any transfer of funds from the "Overseas Contingency Operations Transfer Fund": *Provided further*, That the report shall explain any transfer for the maintenance of real property, pay of civilian personnel, base operations support, and weapon, vehicle or equipment maintenance.

SEC. 8113. The Secretary of Defense may treat the opening of the Pacific Wing of the National D-Day Museum in New Orleans, Louisiana, as an official event of the Department of Defense for the purposes of the provision of support for ceremonies and activities related to that opening.

SEC. 8114. Section 8106 of the Department of Defense Appropriations Act, 1997 (titles I through VIII of the matter under subsection 101(b) of Public Law 104-208; 110 Stat. 3009-111; 10 U.S.C. 113 note) shall continue in effect to apply to disbursements that are made by the Department of Defense in fiscal year 2002.

SEC. 8115. In addition to amounts provided in this Act, \$2,000,000 is hereby appropriated for "Defense Health Program", to remain available for obligation until expended: *Provided*, That notwithstanding any other provision of law, these funds shall be available only for a grant to the Fisher House Foundation, Inc., only for the construction and furnishing of additional Fisher Houses to meet the needs of military family members when confronted with the illness or hospitalization of an eligible military beneficiary.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8116. In addition to the amounts appropriated elsewhere in this Act, \$2,000,000, to remain available until expended, is hereby appropriated to the Department of Defense: *Provided*, That not later than 30 days after the enactment of this Act, the Secretary of Defense shall transfer these funds to the De-

partment of Energy appropriation account "Fossil Energy Research and Development", only for a proposed conceptual design study to examine the feasibility of a zero emissions, steam injection process with possible applications for increased power generation efficiency, enhanced oil recovery and carbon sequestration.

SEC. 8117. The total amount appropriated in this Act is reduced by \$955,000,000, for efficiencies in the contractor work force, to be derived as follows:

"Operation and Maintenance, Army", \$269,500,000;
 "Operation and Maintenance, Navy", \$157,200,000;
 "Operation and Maintenance, Marine Corps", \$23,900,000;
 "Operation and Maintenance, Air Force", \$180,200,000;
 "Operation and Maintenance, Defense-Wide", \$103,700,000;
 "Operation and Maintenance, Army Reserve", \$23,200,000;
 "Operation and Maintenance, Navy Reserve", \$3,300,000;
 "Operation and Maintenance, Air Force Reserve", \$31,200,000;
 "Operation and Maintenance, Army National Guard", \$53,600,000;
 "Operation and Maintenance, Air National Guard", \$52,500,000;
 "Research, Development, Test and Evaluation, Army", \$35,300,000;
 "Research, Development, Test and Evaluation, Navy", \$3,000,000;
 "Research, Development, Test and Evaluation, Air Force", \$15,700,000; and
 "Research, Development, Test and Evaluation, Defense-Wide", \$2,700,000.

SEC. 8118. Funds appropriated for Operation and Maintenance in title II of this Act may be used to complete certain projects for which funds have been provided from—

(1) amounts appropriated for "Operation and Maintenance, Navy" in section 110 of the Emergency Supplemental Act, 2000 (division B of Public Law 106-246; 114 Stat. 530); or

(2) amounts appropriated for "Operation and Maintenance, Navy" in section 9001(a)(2)(i) of the Department of Defense Appropriations Act, 2001 (Public Law 106-259; 114 Stat. 709).

SEC. 8119. Notwithstanding any other provision of law, from funds appropriated in this or any other Act under the heading, "Aircraft Procurement, Air Force", that remain available for obligation, not to exceed \$16,000,000 shall be available for recording, adjusting, and liquidating obligations for the C-17 aircraft properly chargeable to the fiscal year 1998 "Aircraft Procurement, Air Force" account: *Provided*, That the Secretary of the Air Force shall notify the congressional defense committees 30 days prior to obligation of all of the specific sources of funds to be used for such purpose.

SEC. 8120. Notwithstanding any other provision of law, from funds appropriated in this or any other Act under the heading, "Missile Procurement, Air Force", that remain available for obligation, not to exceed \$50,000,000 shall be available for recording, adjusting, and liquidating obligations properly chargeable to fiscal year 1997 and 1998 "Missile Procurement, Air Force" accounts: *Provided*, That the Secretary of the Air Force shall notify the congressional defense committees 30 days prior to obligation of all of the specific sources of funds to be used for such purpose.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8121. Of the amounts appropriated in this Act under the heading, "Shipbuilding and Conversion, Navy", \$680,000,000 shall be

available until September 30, 2002, to fund prior year shipbuilding cost increases: *Provided*, That upon enactment of this Act, the Secretary of Defense shall transfer such funds to the following appropriations in the amounts specified: *Provided further*, That the amounts transferred shall be merged with and be available for the same purposes and for the same time period as the appropriations or fund to which transferred:

To:

Under the heading, "Shipbuilding and Conversion, Navy, 1995/2002": Carrier Replacement Program, \$172,364,000;

Under the heading, "Shipbuilding and Conversion, Navy, 1996/2002": LPD-17 Amphibious Transport Dock Ship Program, \$172,989,000;

Under the heading, "Shipbuilding and Conversion, Navy, 1997/2002": DDG-51 Destroyer Program, \$37,200,000;

Under the heading, "Shipbuilding and Conversion, Navy, 1998/2002":

NSSN Program, \$123,561,000;

DDG-51 Destroyer Program, \$111,457,000;

Under the heading, "Shipbuilding and Conversion, Navy, 1999/2002": NSSN Program, \$62,429,000.

(TRANSFER OF FUNDS)

SEC. 8122. Upon enactment of this Act, the Secretary of Defense shall make the following transfers of funds: *Provided*, That the amounts transferred shall be available for the same purpose as the appropriations to which transferred, and for the same time period as the appropriation from which transferred: *Provided further*, That the amounts shall be transferred between the following appropriations in the amount specified:

From:

Under the heading, "Shipbuilding and Conversion, Navy, 1990/2002":

TRIDENT ballistic missile submarine program, \$78,000;

SSN-21 attack submarine program, \$66,000;

DDG-51 destroyer program, \$6,100,000;

ENTERPRISE refueling/modernization program, \$964,000;

LSD-41 dock landing ship cargo variant ship program, \$237,000;

MCM mine countermeasures program, \$118,000;

Oceanographic ship program, \$2,317,000;

AOE combat support ship program, \$164,000;

AO conversion program, \$56,000;

Coast Guard icebreaker ship program, \$863,000;

Craft, outfitting, post delivery, and ship special support equipment, \$529,000;

To:

Under the heading, "Shipbuilding and Conversion, Navy, 1998/2002": DDG-51 destroyer program, \$11,492,000;

From:

Under the heading, "Shipbuilding and Conversion, Navy, 1993/2002":

DDG-51 destroyer program, \$3,986,000;

LHD-1 amphibious assault ship program, \$85,000;

LSD-41 dock landing ship cargo variant program, \$428,000;

AOE combat support ship program, \$516,000;

Craft, outfitting, post delivery, and first destination transportation, and inflation adjustments, \$1,034,000;

To:

Under the heading, "Shipbuilding and Conversion, Navy, 1998/2002": DDG-51 destroyer program, \$6,049,000.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8123. Of the funds appropriated by this Act under the heading, "Operation and Main-

tenance, Navy", \$56,000,000 shall remain available until expended, only for costs associated with the stabilization, return, refitting, necessary force protection upgrades, and repair of the U.S.S. COLE: *Provided*, That the Secretary of Defense may transfer these funds to appropriations accounts for procurement and that the funds transferred shall be merged with and shall be available for the same purposes and for the same time period as the appropriation to which transferred: *Provided further*, That the transfer authority provided in this section is in addition to any other transfer authority available to the Department of Defense.

SEC. 8124. The Secretary of the Navy may settle, or compromise, and pay any and all admiralty claims under 10 U.S.C. 7622 arising out of the collision involving the U.S.S. GREENEVILLE and the EHIME MARU, in any amount and without regard to the monetary limitations in subsections (a) and (b) of that section: *Provided*, That such payments shall be made from funds available to the Department of the Navy for operation and maintenance.

SEC. 8125. Notwithstanding section 229(a) of the Social Security Act, no wages shall be deemed to have been paid to any individual pursuant to that section in any calendar year after 2001.

SEC. 8126. The total amount appropriated in this Act is hereby reduced by \$230,000,000 to reflect fact-of-life changes in utilities costs, to be derived as follows:

"Operation and Maintenance, Army", \$75,900,000;

"Operation and Maintenance, Navy", \$17,100,000;

"Operation and Maintenance, Marine Corps", \$15,000,000;

"Operation and Maintenance, Air Force", \$60,100,000;

"Operation and Maintenance, Defense-Wide", \$9,800,000;

"Operation and Maintenance, Army Reserve", \$6,000,000;

"Operation and Maintenance, Navy Reserve", \$2,300,000;

"Operation and Maintenance, Marine Corps Reserve", \$800,000;

"Operation and Maintenance, Air Force Reserve", \$3,000,000;

"Operation and Maintenance, Army National Guard", \$6,000,000;

"Operation and Maintenance, Air National Guard", \$7,500,000;

"Drug Interdiction and Counter-Drug Activities, Defense", \$800,000;

"Defense Working Capital Funds", \$14,400,000; and

"Defense Health Program", \$11,300,000.

SEC. 8127. Notwithstanding any other provision in this Act, the total amount appropriated in this Act is hereby reduced by \$797,919,000, to reduce excess funded carry-over, to be derived as follows:

"Operation and Maintenance, Army", \$131,000,000;

"Operation and Maintenance, Navy", \$343,719,000;

"Operation and Maintenance, Marine Corps", \$25,000,000;

"Operation and Maintenance, Air Force", \$283,200,000;

"Operation and Maintenance, Defense-Wide", \$15,000,000;

SEC. 8128. (a) Of the total amount appropriated for "Operation and Maintenance, Air Force", \$2,500,000, to remain available until expended, shall be available to the Secretary of the Air Force only for the purpose of making a grant in the amount of \$2,500,000 to the Lafayette Escadrille Memorial Foundation,

Inc., to be used to perform the repair, restoration, and preservation of the structure, plaza, and surrounding grounds of the Lafayette Escadrille Memorial in Marnes la-Coguette, France.

(b) The Secretary shall require as a condition of the grant—

(1) that the funds provided through the grant be used only for costs associated with such repair, restoration, and preservation; and

(2) that none of those funds may be used for remuneration of any entity or individual associated with fund raising for the project to carry out such repair, restoration, and preservation.

SEC. 8129. None of the funds in this or any other Act may be used by the Secretary of the Interior to remove the five foot tall memorial cross originally erected in 1934 by the Veterans of Foreign Wars in honor of fallen World War I veterans and located within the boundary of the Mojave National Preserve in southern California along Cima Road approximately 11 miles south of Interstate 15.

SEC. 8130. In addition to the amounts provided elsewhere in this Act, the amount of \$6,000,000 is hereby appropriated to the Department of Defense for "Operation and Maintenance, Navy". Such amount shall be used by the Secretary of the Navy only to make a grant in the amount of \$6,000,000 to the U.S.S. Alabama Battleship Foundation, a nonprofit organization established under the laws of the State of Alabama, to be available only for the preservation of the former U.S.S. ALABAMA (ex BB-60) as a museum and memorial.

SEC. 8131. In addition to the amounts provided elsewhere in this Act, the amount of \$5,000,000 is hereby appropriated to the Department of Defense for "Operation and Maintenance, Navy". Such amount shall be used by the Secretary of the Navy only to make a grant in the amount of \$5,000,000 to the Intrepid Sea-Air-Space Foundation only for the preservation of the former U.S.S. INTREPID (CV 11) as a museum and memorial.

SEC. 8132. In addition to the amounts provided elsewhere in this Act, the amount of \$6,000,000 is hereby appropriated to the Department of Defense for "Operation and Maintenance, Air Force". Such amount shall be used by the Secretary of the Air Force only to make a grant in the amount of \$6,000,000 to the Medical Lake School District, Washington State school district number 326, for relocation of the Fairchild Air Force Base Elementary School within the boundary of Fairchild Air Force Base, Washington.

SEC. 8133. In addition to the amounts provided elsewhere in this Act, the amount of \$5,000,000 is hereby appropriated to the Department of Defense for "Operation and Maintenance, Navy". Such amount shall be used by the Secretary of the Navy only to make a grant in the amount of \$5,000,000 to the Central Kitsap School District, Washington State school district number 401, for the purchase and installation of equipment for a special needs learning center to meet the needs of Department of Defense special needs students at Submarine Base Bangor, Washington.

SEC. 8134. (a) In addition to amounts provided elsewhere in this Act, the amount of \$10,000,000 is hereby appropriated for "Operation and Maintenance, Defense-Wide", to be available to the Secretary of Defense only for the purpose of making a grant for the purpose specified in section 8156 of the Department of Defense Appropriations Act, 2001 (Public Law 106-259; 114 Stat. 707), as amended by subsection (b). Such grant shall be

made not later than 90 days after the date of the enactment of this Act.

(b) Section 8156 of the Department of Defense Appropriations Act, 2001 (Public Law 106-259; 114 Stat. 707), is amended by striking the comma after "California" the first place it appears and all that follows through "96-8867)".

SEC. 8135. (a) ACTIVITIES UNDER FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM.—Subject to subsections (b) through (e) of section 611 of Public Law 106-60 (113 Stat. 502; 10 U.S.C. 2701 note), the Secretary of the Army, acting through the Chief of Engineers, under the Formerly Utilized Sites Remedial Action Program shall undertake the functions and activities specified in subsection (a) of such section in order to—

(1) clean up radioactive contamination at the Shpack Landfill site located in Norton and Attleboro, Massachusetts; and

(2) clean up radioactive waste at the Shallow Land Disposal Area located in Parks Township, Armstrong County, Pennsylvania, consistent with the Memorandum of Understanding Between the United States Nuclear Regulatory Commission and the United States Army Corps of Engineers for Coordination on Cleanup and Decommissioning of the Formerly Utilized Sites Remedial Action Program (FUSRAP) Sites with NRC-Licensed Facilities, dated July 5, 2001.

(b) SPECIAL RULES REGARDING SHALLOW LAND DISPOSAL AREA.—The Secretary of the Army shall seek to recover response costs incurred by the Army Corps of Engineers for cleanup of the Shallow Land Disposal Area from appropriate responsible parties in accordance with the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.). The Secretary of the Army and the Corps of Engineers shall not, by virtue of this cleanup, become liable for the actions or omissions of past, current, or future licensees, owners, or operators of the Shallow Land Disposal Area.

(c) FUNDING SOURCES.—Amounts appropriated to the Army Corps of Engineers for fiscal year 2001 and subsequent fiscal years and available for the Formerly Utilized Sites Remedial Action Program shall be available to carry out this section.

SEC. 8136. In addition to amounts otherwise appropriated or made available by this Act, \$3,000,000 is appropriated to the Secretary of the Air Force and shall be used by the Secretary to reestablish the Tethered Aerostat Radar System at Morgan City, Louisiana, previously used by the Air Force in maritime, air, and land counter-drug detection and monitoring. Of the amounts appropriated or otherwise made available for operation and maintenance for the Air Force, the Secretary shall use \$3,000,000 to operate such Tethered Aerostat Radar System upon its reestablishment.

SEC. 8137. None of the funds in this Act may be used to implement the establishment of an independent unmanned aerial vehicle joint operational test bed system and/or the transfer of two Predator UAVs, tactical control system (TCS) ground station and assorted equipment from the Navy to Joint Forces Command (JFCOM).

SEC. 8138. The \$100,000 limitation established by Section 8043 of Public Law 106-259, shall not apply to amounts appropriated in that Act under the heading "Operation and Maintenance, Defense-Wide" for expenses related to certain classified activities associated with foreign material.

SEC. 8139. The total amount appropriated in this Act for Operation and Maintenance is hereby reduced by \$330,000,000, to reflect sav-

ings attributable to improved supervision in determining appropriate purchases to be made using the Government purchase card, to be derived as follows:

"Operation and Maintenance, Army", \$122,100,000;

"Operation and Maintenance, Navy", \$95,700,000;

"Operation and Maintenance, Marine Corps", \$9,900,000;

"Operation and Maintenance, Air Force", \$79,200,000; and

"Operation and Maintenance, Defense-Wide", \$23,100,000.

SEC. 8140. The Secretary of Defense and the Secretary of Veterans Affairs shall jointly conduct a comprehensive assessment that identifies and evaluates changes to Department of Defense and Department of Veterans Affairs health care delivery policies, methods, practices, and procedures in order to provide improved health care services at reduced costs to the taxpayer. This assessment shall include a detailed independent review, based on a statement of work authored by the Secretaries of both departments, of options to collocate or share facilities and care providers in areas where duplication and excess capacity may exist, optimize economies of scale through joint procurement of supplies and services, institute cooperative service agreements, and partially or fully integrate DOD and VA systems providing telehealth services, computerized patient records, provider credentialing, surgical quality assessment, rehabilitation services, administrative services, and centers of excellence for specialized health care services. The Secretaries shall jointly transmit a report to Congress by no later than March 1, 2002, explaining the findings and conclusions of this assessment, including detailed estimates of the costs, cost savings, and service benefits of each recommendation, and making legislative and administrative recommendations to implement the results of this effort: *Provided*, That of the funds provided under the heading "Defense Health Program" \$5,000,000 shall be made available only for the purpose of conducting the assessment described in this section.

SEC. 8141. (a) Notwithstanding any other provision of law, operation and maintenance funds provided in this Act may be used for the purchase of ultralightweight camouflage net systems as unit spares in order to modernize the current inventory of camouflage screens to state-of-the-art protection standards more quickly than would otherwise be the case.

(b) The authority provided by subsection (a) may not be used until the Secretary of the Army submits to the congressional defense committees a report certifying that, compared to the current system that can be purchased with Army Operation and Maintenance funds, the ultralightweight camouflage net system—

(1) is technically superior against multispectral threat sensors;

(2) is less costly per unit; and

(3) provides improved overall force protection.

SEC. 8142. (a) FORT IRWIN MILITARY LAND WITHDRAWAL.—The provisions of title XXIX of H.R. 2586, as passed by the House of Representatives on September 25, 2001 (entitled the Fort Irwin Military Land Withdrawal Act of 2001), are hereby enacted into law.

(b) PUBLICATION OF PROVISIONS ENACTED BY REFERENCE.—In publishing this Act in slip form and in the United States Statutes at Large pursuant to section 112 of title 1, United States Code, the Archivist of the

United States shall include after the date of approval an appendix setting forth the text of the provisions referred to in subsection (a).

SEC. 8143. Notwithstanding any other provision in this Act, the total amount appropriated in this Act for the Pentagon Reservation Maintenance Revolving Fund, including standard real property operations is hereby reduced by \$333,000,000, to be distributed as follows:

"Operation and Maintenance, Army", \$114,270,000;

"Operation and Maintenance, Navy", \$50,320,000;

"Operation and Maintenance, Air Force", \$62,180,000;

"Operation and Maintenance, Defense-Wide", \$102,120,000; and

"Research, Development, Test and Evaluation, Ballistic Missile Defense Organization", \$4,110,000.

SEC. 8144. (a) FUNDING REDUCTION.—The amount appropriated in this Act for "Operation and Maintenance, Army" is hereby reduced by \$37,200,000 to reflect efficiencies in Army acquisition management practices.

(b) LIMITATIONS.—Effective six months after the date of enactment of this Act none of the funds made available by this Act may be used, directly or indirectly, for any of the following purposes:

(1) To support the accomplishment of Army acquisition systems management functions by military or civilian personnel assigned to or employed by the Army Training and Doctrine Command.

(2) To accomplish Army acquisition system requirements determination functions, or analysis of alternatives functions, by military or civilian personnel assigned to or employed by the Army Training and Doctrine Command.

(3) To accomplish Army acquisition program management functions by military or civilian personnel assigned to or employed by the Army Material Command.

(c) CIVILIAN PERSONNEL REDUCTIONS.—Pursuant to this section, the Secretary of the Army shall reduce the fiscal year end-strength number of civilian full-time equivalent employees performing Army acquisition functions by 3 percent of the baseline number for each fiscal year from fiscal year 2002 through fiscal year 2006. For purposes of the preceding sentence, the term "baseline number" means the number of civilian full-time equivalent employees performing Army acquisition functions as of the close of fiscal year 2001.

(d) REPORTS.—(1) The Secretary of the Army shall include with the fiscal year 2003 budget justification materials for the Department of the Army information on—

(A) how personnel reductions required by subsection (c) will be accomplished and how Army acquisition system and program management resources will be transferred to other Army elements by reason of those reductions; and

(B) any changes in Army policies to achieve compliance with the limitations in subsection (b).

(2) The Secretary shall include with the budget justification materials for the Department of the Army for each of fiscal years 2004 through 2007 information on—

(A) how personnel reductions required by subsection (c) have been accomplished to the date of the report and will be accomplished during the then-current fiscal year and thereafter; and

(B) how Army acquisition system and program management resources have been

transferred, as of the date of the report, to other Army elements by reason of those reductions and how such resources will be transferred during the then-current fiscal year and thereafter to other Army elements by reason of those reductions, and each subsequent annual budget request.

SEC. 8145. (a) NON-PROFIT ARMY VENTURE CAPITAL CORPORATION.—Of the funds made available for “Research, Development, Test and Evaluation, Army”, \$50,000,000 shall be available to the Secretary of the Army only for the purpose of funding a venture capital investment corporation established pursuant to section 2371 of title 10 United States Code, to be derived as specified in subsection (b).

(b) FUNDING.—The amount specified in subsection (a) shall be derived by reducing, on a pro rata basis, the following amounts: (1) Amounts made available to the Army for basic research and applied research, except for amounts for research projects designated as congressional special interest items; (2) Amounts made available to the Army for research, development, test and evaluation relating to the Future Combat System.

SEC. 8146. Notwithstanding any other provision of law, in addition to amounts appropriated or otherwise made available in this Act, \$10,000,000 is hereby appropriated to “Operation and Maintenance, Defense-Wide” only for facility improvements necessary to integrate the 910th Airlift Wing and related activities at the Youngstown-Warren Regional Airport into the military cargo network.

SEC. 8147. Notwithstanding any other provision of law, in addition to amounts appropriated or otherwise made available in this Act, \$10,000,000 is hereby appropriated to “Operation and Maintenance, Defense-Wide” only for facility improvements and equipment purchases necessary to augment the capabilities of local government emergency response units responsible for protection of the Pentagon Reservation to address emergency response deficiencies identified as a result of the attack on the Pentagon of September 11, 2001, and to provide additional capabilities to meet the terrorism threat: *Provided*, That the Secretary of Defense shall negotiate and establish an appropriate Federal share for facility improvements financed under this section prior to the expenditure of these funds.

SEC. 8148. Notwithstanding any other provision of law or regulation, the Secretary of Defense may exercise the provisions of 38 U.S.C. 7403(g) for occupations listed in 28 U.S.C. 7403(a)(2) as well as the following:

Pharmacists, Audiologists, and Dental Hygienists.

(A) The requirements of 38 U.S.C. 7403(g)(1)(A) shall apply.

(B) The limitations of 38 U.S.C. 7403(g)(1)(B) shall not apply.

SEC. 8149. (a) The Secretary of Defense may waive any requirement that the fiscal year 2001 Department of Defense financial statement include the accounts and associated activities of the Department of the Army and the Department of the Navy, to the extent that the Secretary determines necessary due to the effects of the terrorist attack on the Pentagon of September 11, 2001.

(b) If any accounts and associated activities of the Department of the Army or the Department of the Navy are excluded from the fiscal year 2001 Department of Defense financial statement pursuant to subsection (a), the Secretary of Defense shall, as soon as practicable after March 1, 2002, prepare and submit to the Director of the Office of Management and Budget, a revised audited finan-

cial statement for fiscal year 2001 that includes all such accounts and activities.

(c) For purposes of this section, the term “fiscal year 2001 Department of Defense financial statement” means the audited financial statement of the Department of Defense for fiscal year 2001 required by section 3515 of title 31, United States Code, to be submitted to the Director of the Office of Management and Budget not later than March 1, 2002.

SEC. 8150. None of the funds appropriated in this Act may be used to prepare a budget request for submission to Congress by the Department of Defense for fiscal year 2003 that contains any proposal to acquire ships for the Department of the Navy through the use of incremental funding amounts or advanced appropriations. The limitation against incremental funding does not apply to the specific shipbuilding programs that were funded on an incremental basis in fiscal year 2001.

SEC. 8151. In addition to amounts appropriated or otherwise made available elsewhere in this Act, \$20,000,000, to remain available until September 30, 2004, is hereby appropriated to “Aircraft Procurement, Air Force”, only for the C-5 avionics modernization program.

SEC. 8152. In addition to amounts appropriated or otherwise made available elsewhere in this Act, \$10,000,000, to remain available until September 30, 2003, is hereby appropriated to “Research, Development, Test and Evaluation, Air Force”, only for the agile combat support (IMITS) program.

SEC. 8153. In addition to amounts appropriated or otherwise made available elsewhere in this Act, \$6,000,000, to remain available until September 30, 2003, is hereby appropriated to “Research, Development, Test and Evaluation, Army”, only for laser vision correction devices for the Walter Reed Army Medical Center.

SEC. 8154. Notwithstanding any other provision of this Act, the Secretary of the Air Force may enter into a multiyear contract, or extend an existing multiyear contract, for the C-17 aircraft: *Provided*, That the authority to enter into such a contract (or contract extension) may not be exercised until a period of not less than 30 days has elapsed after the date of the submission of a report under paragraph (4) of section 2306b(l) of title 10, United States Code: *Provided further*, That the authorities provided in this section shall not be available until the Secretary of Defense submits to the congressional defense committees a certification that the applicable requirements under section 2306b of title 10, United States Code, and section 8008 of this Act with respect to such a contract (or contract extension) have been met.

SEC. 8155. Except as expressly provided otherwise, any reference in a provision of titles I through IX to “this Act” shall be treated as referring only to the provisions of this division.

Mr. LEWIS of California (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill through pages 132, line 15, be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

AMENDMENT OFFERED BY MR. LEWIS OF CALIFORNIA

Mr. LEWIS of California. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LEWIS of California:

At the end of title VIII of division A (page 132, after line 15), add the following new sections:

SEC. 8156. Notwithstanding any other provision of law, of the funds appropriated in this Act under the heading “Operation and Maintenance, Defense-Wide”, \$1,680,500, to remain available until expended, is provided only for payment of any expenses incurred after April 1, 2002 of the Commission on the Future of the United States Aerospace Industry pursuant to section 1092(e)(1) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted by Public Law 106-398, 114 Stat 165A-215).

SEC. 8157. Of the funds appropriated in this Act under the heading “Operation and Maintenance, Defense-Wide”, \$1,000,000, to remain available until expended, shall be made available to the Secretary of Defense, notwithstanding any other provision of law, only for a grant or grants to the Somerset County Board of Commissioners (in the Commonwealth of Pennsylvania), to design and construct a memorial (including operating and maintenance expenses for appropriate security measures to protect the site) at the airplane crash site in Somerset County, Pennsylvania honoring the brave men, women, and children who perished following a valiant struggle with terrorists aboard United Airlines Flight 93 on September 11, 2001.

SEC. 8158. (a) None of the funds made available in this division may be used to purchase—

(1) steel, or

(2) equipment, products, or systems that are necessary to national security or national defense and that are made with steel, that is not melted and poured in the United States except in cases in which the steel required for the intended use is not melted and poured in the United States.

(b) Subsection (a) shall not apply with respect to a purchase that the Secretary of Defense determines is necessary for national security purposes.

SEC. 8159. (a) FINDINGS.—The Congress finds that—

(1) in times when our national security is threatened by possible attacks from foreign and domestic enemies, it is necessary that the United States have a sufficient supply of certain products that are essential for defending this Nation; and

(2) it has been the consistent intent of Congress that the Department of Defense, when purchasing items to support the Armed Forces, choose items that are wholly of domestic content and manufacture, especially items identified as essential to our national defense.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) it is vital that the United States maintain a domestic manufacturing base for certain products necessary to national security, so that our Nation does not become reliant on foreign sources for such products and thereby vulnerable to disruptions in international trade; and

(2) in cases where such domestic manufacturing base is threatened, the United States should take action to preserve such manufacturing base.

Mr. LEWIS of California (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. LEWIS of California. Mr. Chairman, this is an amendment that handles a number of technical items, and I know of no controversy. I ask for an "aye" vote on these technical amendments.

Mr. STUPAK. Mr. Chairman, I am pleased to offer this important bipartisan amendment with Representatives LATOURETTE and STRICKLAND. Our amendment limits the funds that can be allocated under this bill to purchase steel, so that such funds can only go towards purchasing American melted and poured steel.

I would like to first give special thanks to Ranking Member MURTHA, who has recognized the importance of this provision to the steel industry. I thank him, as well as Chairman LEWIS, for their support.

This amendment is the least we can do. Our U.S. steel industry is in an ever increasing downward spiral.

In fact, just last week LTV Corporation announced that it is seeking to shut down its steel making operations. LTV is a part owner and customer of the Empire Mine in my district, and because of that announcement, the Empire Mine is going to be idled indefinitely. Most of the workers at the Empire will be laid off by the end of the month. 770 hourly and 120 salaried employees will be affected by this mine closure.

This mine closing is absolutely devastating to these workers, their families, and the communities that rely on the iron ore mines. I owe it to these hardworking citizens of northern Michigan to do what I can in Congress to try to save the steel and iron ore industries.

All I say to everyone in this House: we should wherever possible promote our domestic steel industry and encourage the purchase of American steel. We now have such an opportunity.

The Department of Defense purchases ships, plans, and other systems that consume large quantities of steel. As we appropriate our taxpayer dollars towards funding our defense needs, we should ensure that these monies are not used to further endanger our already weakened domestic steel industry.

Our taxpayer dollars should not go to buying foreign steel, American money they should buy American steel.

Our steel industry is efficient, it is competitive, and it produces a high quality product. It is being driven out of business by the dumping of below market priced foreign steel.

U.S. government contracts should not be buying foreign dumped steel over our quality U.S. steel.

Our amendment requires the Department of Defense contractors to buy U.S. melted and poured steel.

Our amendment does provide that in cases where the steel product is not domestically available, or there are some national security reasons for buying foreign steel, that an exception is possible. Other than those instances, however, we will be promoting our domestic steel industry in its fight to survive.

In this time when our very national security has been threatened, we cannot further jeop-

ardize our domestic steel industry. Vote for the Stupak-La Tourette-Strickland amendment and cast a vote for the American steel industry.

Mr. REGULA. Mr. Chairman, through the passage of the Buy American Act and other related laws, Congress has consistently instructed Federal agencies to buy products made in the United States whenever possible. Congress passed these laws not only to support American manufacturers, but also to ensure that in times of international conflict the United States would not be dependent on foreign sources for products necessary to protect this Nation and its interests.

We are now engaged in a campaign overseas fighting terrorism. Furthermore, we are faced with new threats on our homeland as well. Now, more than ever, we cannot afford to become dependent on foreign manufactured products that are essential to our national security. We need to maintain a domestic manufacturing source for these products.

I can give you an example of this need in my own district. The Ansell Perry Glove Plant in Massillon, Ohio has been making surgical gloves since 1935. Its parent company, which is owned by an Australian holding company, is moving this facility over to Asia. Once it moves, there will no manufacturers of surgical gloves in the United States.

I am trying to persuade the department of defense to keep buying American-made surgical gloves, so that this profitable facility can remain open. The department has tremendous buying power—according to the defense logistics agency, it purchased nearly 3.5 million dollars worth of surgical gloves in FY 2001 alone.

This amendment is intended to re-emphasize the intent of Congress that federal agencies like the Defense Department should buy American and that in a time of conflict and danger, like we find ourselves in right now, it is vital that these agencies keep a domestic manufacturing source for products that are essential for protecting our citizens at home and our troops stationed abroad.

Mr. LEWIS of California. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. LEWIS).

The amendment was agreed to.

Mr. NADLER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I have voted against every Department of Defense appropriations bill since I have been in this Congress. I have not opposed these bills because I do not believe in a strong national defense; on the contrary, I believe in a vigorous defense, a strong military, and proper treatment of our men and women in uniform, including good pay, decent housing, and appropriate benefits.

I have objected, however, to the excessive spending on items that are not critical to our defense. I have opposed spending billions of dollars on missile defense systems that threaten our security more than protect it. I have opposed the development of three fighter aircraft simultaneously at such a high

cost that it threatens other crucial areas of our security. I have opposed supporting excessive military infrastructure that the last three Secretaries of Defense have told us is unnecessary to meet current needs. I have opposed the force structure that was based on a flawed two-war strategy that failed to consider the practical challenges facing America's vital interests. Recently, Secretary Rumsfeld has called for an overhaul of this flawed strategy.

In short, I have argued for a smaller and more efficient U.S. military, more fitted to the actual threats likely to be faced by this country than to the no longer existing threats of an invasion through the Fulda Gap in Europe. I believe America would have been better served had our military spending been used more wisely over the past 10 years.

I had intended, however, to vote today in favor of this defense appropriation bill. It would have been my first vote in favor of a defense appropriation bill. Our country has been attacked, and we should all support the war effort. We must all support the efforts of our men and women in uniform during the current war in Afghanistan. I understand their need for support during this critical time, and I want to vote to give them the resources they need to meet the challenges they face and also to increase security at home. I support the pay increases and I support fully funding health care for military retirees. I support providing funds to aid in the dismantlement of nuclear weapons in the former Soviet Union, and I support many of the new counterterrorism activities.

Unfortunately, I cannot in good conscience vote for this bill today because of the supplemental funding provision included in the bill that actually cuts funding that was intended to help New York recover from the terrorist attacks on September 11. The bill before the House today breaks the solemn pledge; not only breaks it but repudiates the solemn pledge made to the people of the State that suffered the brunt of the attack on our Nation. It amends the bill passed by this House in September and signed into law by the President in September that appropriated \$40 billion, and that said at least half that \$40 billion had to be used for reconstruction and recovery efforts in the States of New York, Pennsylvania, and Virginia.

This supplemental bill, included in this appropriations bill, welshes on that pledge and actually amends the law to cut that funding roughly in half to about \$10 billion. This is outrageous and, quite frankly, shocking to those of us who represent districts that took the brunt of the attack on September 11 and are still suffering from it.

For that reason, I will vote against this bill, though I support the other

provisions, and I had hoped to be able to vote for the first time for a defense appropriation bill. But because of the cutting in half of funding to New York, Virginia, and Pennsylvania in the supplemental portion of this bill, I am going to have to vote against it, quite reluctantly.

Mr. LEWIS of California. Mr. Chairman, I ask unanimous consent that the remainder of the bill, through page 138, line 7, be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. FILNER. Mr. Chairman, reserving the right to object, I have an amendment on page 132 which I need to do before the gentleman moves on.

The CHAIRMAN. It is the Chair's understanding that the gentleman from California (Mr. FILNER) would be able to offer the amendment if there was unanimous consent to the request of the gentleman from California (Mr. LEWIS).

Mr. LEWIS of California. I will have to raise a point of order on the amendment.

Mr. FILNER. I understand, but I wanted to be sure I could offer the amendment on page 132 under the gentleman's unanimous consent request.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Without objection, the bill is open for amendment through title IX.

There was no objection.

The text of the bill from page 132, line 16, through page 138, line 7, is as follows:

TITLE IX

COUNTER-TERRORISM AND DEFENSE AGAINST WEAPONS OF MASS DESTRUCTION

COUNTER-TERRORISM AND OPERATIONAL RESPONSE TRANSFER FUND

(INCLUDING TRANSFER OF FUNDS)

For urgent enhancements to intelligence and military capabilities in order to prosecute Operation ENDURING FREEDOM; to discover, infiltrate, and deter terrorist groups; to protect against terrorist attacks that might employ either conventional means or weapons of mass destruction, and to prepare against the consequences of such attacks; to deny unauthorized users the opportunity to modify, steal, inappropriately disclose, or destroy sensitive military intelligence data or networks, and to accelerate improvements in information networks and operations, \$1,670,000,000, to remain available until expended, of which \$451,000,000 shall be made available to the Director of Central Intelligence, and of which \$1,219,000,000 shall be made available to the Secretary of Defense: *Provided*, That of the amounts made available under this heading for the Department of Defense, \$474,000,000 is available only for improving chemical and biological defense capabilities of the Department of Defense: *Provided further*, That of the amounts made available under this heading for the Department of Defense, \$275,000,000 is available only for improving the effectiveness of Depart-

ment of Defense and intelligence agency capabilities in the areas of information assurance, critical infrastructure protection, and information operations: *Provided further*, That in order to carry out the specified purposes under this heading, funds made available under this heading may be transferred to any appropriation account otherwise enacted by this Act: *Provided further*, That the funds transferred shall be merged with and shall be available for the same purposes and for the same time period, as the appropriation to which transferred: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are excess for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That of the amounts provided under this heading, \$10,000,000 shall be transferred to the Department of Justice, only for enhanced terrorism-related financial and money laundering investigation operations: *Provided further*, That notwithstanding any other provision of law, of the amounts provided under this heading, the Secretary of Defense is authorized to transfer \$70,000,000 to other activities of the Federal Government: *Provided further*, That within 90 days of enactment of this Act, the Secretary of Defense and the Director of Central Intelligence shall each provide to the Congress a classified report specifying the projects and accounts to which funds provided under this heading are to be transferred.

FORMER SOVIET UNION THREAT REDUCTION

For assistance to the republics of the former Soviet Union, including assistance provided by contract or by grants, for facilitating the elimination and the safe and secure transportation and storage of nuclear, chemical and other weapons; for establishing programs to prevent the proliferation of weapons, weapons components, and weapon-related technology and expertise; for programs relating to the training and support of defense and military personnel for demilitarization and protection of weapons, weapons components and weapons technology and expertise, and for defense and military contacts, \$403,000,000, to remain available until September 30, 2004.

PROCUREMENT, BALLISTIC MISSILE DEFENSE ORGANIZATION

(INCLUDING TRANSFER OF FUNDS)

For expenses of the Ballistic Missile Defense Organization necessary for procurement, production, and modification of equipment, supplies, materials, and spare parts therefor, not otherwise provided for; expansion of public and private plants, equipment, and installation thereof in such plants, erection of structures, and acquisition of land for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment lay-away, \$794,557,000, to remain available for obligation until September 30, 2004: *Provided*, That funds provided under this heading may be used for procurement of critical parts for Patriot Advanced Capability-3 (PAC-3) missiles to support production of such missiles in future fiscal years.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, BALLISTIC MISSILE DEFENSE ORGANIZATION

(INCLUDING RESCISSION)

For expenses of the Ballistic Missile Defense Organization necessary for basic and applied scientific research, development, test and evaluation; advanced research projects as may be designated and determined by the Secretary of Defense, pursuant to law; maintenance, rehabilitation, lease, and operation of facilities and equipment, \$7,053,721,000, to remain available for obligation until September 30, 2003: *Provided*, That for funds provided under this heading the minimum amount applicable under section 9(f)(1)(C) of the Small Business Act (15 U.S.C. 638(f)(1)(C)) shall be \$75,000,000 (in lieu of the amount otherwise applicable under that section): *Provided further*, That of the funds provided in the Department of Defense Appropriations Act, 2001 (Public Law 106-259), the amount of \$73,800,000 is hereby rescinded from the "Procurement, Defense-Wide, 2001/2003" account.

DEFENSE AGAINST CHEMICAL AND BIOLOGICAL WEAPONS, DEFENSE-WIDE

For expenses, not otherwise provided for, for chemical and biological weapon defense programs of the Department of Defense, as authorized by law, \$1,065,940,000, of which \$363,709,000 shall be for Procurement, to remain available for obligation until September 30, 2004, and \$702,231,000 shall be for Research, Development, Test and Evaluation, to remain available for obligation until September 30, 2003.

DEFENSE THREAT REDUCTION AGENCY

For expenses, not otherwise provided for, for the Defense Threat Reduction Agency of the Department of Defense, as authorized by law, \$806,471,000, of which \$305,393,000 shall be for Operation and Maintenance, of which \$50,000,000 shall be available only to initiate a multi-year demonstration program at four military installations to install, operate, and evaluate a network of sensors to protect installations against unconventional nuclear threats in accordance with the deployment recommendations of the Defense Science Board Task Force on Unconventional Nuclear Warfare Defense; \$20,325,000 shall be for Procurement, to remain available for obligation until September 30, 2004; and \$480,753,000 shall be for Research, Development, Test and Evaluation to remain available for obligation until September 30, 2003, of which \$25,000,000 shall be available only for research and development of systems to support the protection of military installations against unconventional nuclear threats in accordance with the recommendations of the Defense Science Board Task Force on Unconventional Nuclear Warfare Defense.

AMENDMENT OFFERED BY MR. FILNER

Mr. FILNER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FILNER:

Page 132, after line 15, insert the following:

SEC. 8156. NONREDUCTION IN PAY WHILE FEDERAL EMPLOYEE IS PERFORMING ACTIVE MILITARY SERVICE AS A RESERVE OF THE ARMED FORCES OR MEMBER OF THE NATIONAL GUARD.

(a) IN GENERAL.—Subchapter IV of chapter 55 of title 5, United States Code, is amended by adding at the end the following:

"§ 5538. Nonreduction in pay while serving on active duty as a Reserve or National Guard member

"(a) An employee who is absent from a position of employment with the Federal Government in order to perform active military

service as a Reserve of the armed forces or member of the National Guard shall be entitled to receive, for each pay period described in subsection (b), an amount equal to the amount by which—

“(1) the amount of basic pay which would otherwise have been payable to such employee for such pay period if such employee’s civilian employment with the Government had not been interrupted by that military service, exceeds (if at all)

“(2) the amount of pay and allowances which (as determined under subsection (d))—

“(A) is payable to such employee for such active military service; and

“(B) is allocable to such pay period.

“(b)(1) Amounts under this section shall be payable with respect to each pay period (which would otherwise apply if the employee’s civilian employment had not been interrupted)—

“(A) during which such employee is entitled to reemployment rights under chapter 43 of title 38 with respect to the position from which such employee is absent (as referred to in subsection (a)); and

“(B) for which such employee does not otherwise receive basic pay (including by taking any annual, military, or other paid leave) to which such employee is entitled by virtue of such employee’s civilian employment with the Government.

“(2) For purposes of this section, the period during which an employee is entitled to reemployment rights under chapter 43 of title 38—

“(A) shall be determined disregarding the provisions of section 4312(d) of title 38; and

“(B) shall include any period of time specified in section 4312(e) of title 38 within which an employee may report or apply for employment or reemployment following completion of military service.

“(c) Any amount payable under this section to an employee shall be paid—

“(1) by such employee’s employing agency;

“(2) from the appropriation or fund which would be used to pay the employee if such employee were in a pay status; and

“(3) to the extent practicable, at the same time and in the same manner as would basic pay if such employee’s civilian employment had not been interrupted.

“(d) The Office of Personnel Management shall, in consultation with Secretary of Defense, prescribe any regulations necessary to carry out the preceding provisions of this section.

“(e) The head of each agency referred to in section 2302(a)(2)(C)(ii) shall, in consultation with the Office, prescribe procedures to ensure that the rights under this section apply to the employees of such agency.

“(f) For purposes of this section—

“(1) the terms ‘employee’ and ‘Federal Government’ have the same respective meanings as given them in section 4303 of title 38;

“(2) the term ‘active military service’ has the meaning given the term ‘active service’ in section 101 of title 10;

“(3) the term ‘employing agency’, as used with respect to an employee entitled to any payments under this section, means the agency or other entity of the Government (including an agency referred to in section 2302(a)(2)(C)(ii)) with respect to which such employee has reemployment rights under chapter 43 of title 38; and

“(4) the term ‘basic pay’ includes any amount payable under section 5304.”

(b) CONTINUED ELIGIBILITY FOR HEALTH BENEFITS.—

(1) IN GENERAL.—Section 8906 of title 5, United States Code, is amended—

(A) by striking “(e)(1)(A) An” and inserting “(e)(1)(A)(i) Except as provided in clause (ii), an”;

(B) by inserting after subsection (e)(1)(A)(i) (as so redesignated by subparagraph (A)) the following:

“(ii) In the case of an employee enrolled in a health benefits plan under this chapter who enters into leave without pay status in order to perform active military service as a Reserve of the armed forces or member of the National Guard, such employee shall, if and while such employee is entitled to nonreduction in pay under section 5538 (whether or not any amount is actually payable to such employee under such section) remain eligible for continued coverage under this paragraph, for himself and members of his family—

“(I) for the period allowable under clause (i), or

“(II) for so long as such employee remains so entitled to nonreduction in pay under section 5538,

whichever is longer.”;

(C) in subsection (e)(1)(B) by striking “and” at the end of clause (i), by striking the period at the end of clause (ii) and inserting “; and”, and by adding after clause (ii) the following:

“(iii) in the case of an employee described in subparagraph (A)(ii), the employee contributions required by this section shall be withheld from any amounts payable to such employee under section 5538.”; and

(D) by adding at the end of subsection (e)(1) the following:

“(D) The procedures referred to in subparagraphs (B)(ii) and (C) shall, in the case of an employee described in subparagraph (A)(ii), be available to the extent that any amount payable to such employee under section 5538 is insufficient to cover the withholdings required to be made under subparagraph (B)(iii).”

(2) DEFINITIONS.—For purposes of the amendment made by paragraph (1), the terms “employee” and “active military service” have the same respective meanings as given them in section 5538 of title 5, United States Code (as amended by subsection (a)).

(c) CLERICAL AMENDMENT.—The table of sections for chapter 55 of title 5, United States Code, is amended by inserting after the item relating to section 5537 the following:

“5538. Nonreduction in pay while serving on active duty as a Reserve or National Guard member.”

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to pay periods (as described in section 5538(b) of title 5, United States Code, as amended by this section) beginning on or after September 11, 2001.

Mr. FILNER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. LEWIS of California. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The gentleman reserves a point of order. The gentleman from California (Mr. FILNER) is recognized for 5 minutes.

Mr. FILNER. Mr. Chairman, all across this country, reservists have

been called up to defend this Nation. They are doing this because they are patriotic Americans. They do it willingly, and our country is indebted to them. But these reservists face critical problems with their budgets back home.

I have gotten letters, very emotional letters, from families, and I am sure every Member has, that say, for example, “My husband is a U.S. Border Patrol agent and a reservist. On the evening of October 1, he was called to duty and ordered to report for active duty on the next day, October 2.” She writes, “I clearly understand this country is headed for very stressful, difficult and unpredictable times, and it is our duty to serve. But we have three children ages 1, 6 and 8, and our 6-year-old is autistic and has special needs. At this point, the country is not willing to provide me with enough money to meet his needs for the next 11 months. I cannot afford any out-of-pocket money to provide him any additional income.”

There are other letters from people who face losing their homes because they cannot keep up with the mortgage, they cannot keep their children in school because of the sudden reduction in their take-home pay.

My amendment says that for Federal employees, this Nation ought to make up the difference between their pay as a reservist and their pay in their normal job. This is absolutely critical to the budgets of people all across this country. And not only will it prevent those families from themselves becoming victims of the terrorist attack but will certainly improve the morale of all of our fighting forces.

Now, many of my colleagues know that municipalities across this country, and States, many private corporations, make up the difference between the pay they had before they went on call and the pay they receive while on duty at the present time. But the Federal Government does not. My amendment says let us make up the difference between regular Federal pay and the Reserve and Guard pay.

□ 1400

If their active duty lasts for a length of time that would normally preclude their continuation in the Federal health plan, my amendment would allow these Guard and Reserve members to continue paying their portion of Federal health care rather than moving their families to the Tricare military family health care system.

This is the least we can do for Guard and reservists who have unselfishly committed themselves to serving our country at a moment’s notice. Their service makes our military function smoothly. But the Federal Government ought to do for our reservists and Guard members what other employers across this country are doing, continuing their regular pay. I ask Members’ support for this amendment.

Let me read from another constituent of mine in support of this amendment: "In civilian employment my husband is a Federal agent in the United States Border Patrol. Due to his full-time military activation, we will be receiving a substantial loss in income, 50 percent reduction, in fact. It will be extremely difficult for our family to continue to pay our existing bills. As per the Soldiers and Sailors Relief Act, I have requested our creditors to lower their interest rates no more than 6 percent. My husband and I have worked very hard to this point in our lives. We are home owners with a very large mortgage payment. Our current interest rate is 7.75 percent."

The CHAIRMAN. The gentleman's time has expired.

Mr. LEWIS of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I say to the gentleman from California (Mr. FILNER) that which I have heard him describe of his amendment I would be very empathetic to, I believe. It seems very logical to me; but since it has implications in terms of cost that could put the whole bill in jeopardy potentially, and the same people the gentleman is talking about could be dramatically affected by that, and since the gentleman has not discussed this matter with me at any time, I do not know about the ranking member, but me at any time, I am afraid I must be constrained to object.

POINT OF ORDER

The CHAIRMAN. Does the gentleman insist on his point of order?

Mr. LEWIS of California. I do.

Mr. FILNER. Mr. Chairman, can the Chair explain the point of order? I would like to respond to it.

The CHAIRMAN. Would the gentleman from California (Mr. LEWIS) please state his point of order.

Mr. LEWIS of California. Mr. Chairman, I made a point of order against the amendment because it proposes to change existing law and continues legislation in an appropriations bill, and therefore violates clause 2 of rule XXI.

The CHAIRMAN. Does the gentleman from California wish to be heard on the point of order?

Mr. FILNER. I do, Mr. Chairman.

The CHAIRMAN. The gentleman may proceed.

Mr. FILNER. Mr. Chairman, I understand the point of order and I understand the technicality. We are in emergency, Mr. Chairman. These issues come to us very quickly. When my constituents were called up a few weeks ago, I do not have time to go through our normal processes. The gentleman knows that there are dozens of things in this bill that legislate on the appropriations bill. Let us not use a technicality to say to our reservists that they cannot keep their families in their homes, keep their kids in schools, keep their kids getting medical atten-

tion. I would say to the gentleman this is an emergency, let us not go on a technicality. I would hope that we would respect the fighting forces, the fighting capability of our Reserve units and accept this amendment.

The CHAIRMAN. The Chair is prepared to rule on the point of order.

The Chair finds that this amendment directly amends existing law. The amendment, therefore, constitutes legislation in violation of clause 2 of rule XXI. The point of order is sustained, and the amendment is not in order.

Mr. FILNER. Mr. Chairman, I appeal the ruling of the Chair given the fact that we have an emergency situation here and my constituents are in a disastrous situation. I would challenge the ruling of the Chair.

The CHAIRMAN. The question is, Shall the decision of the Chair stand as the judgment of the Committee?

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. FILNER. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present.

Pursuant to clause 2, rule XXI, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the pending question following the quorum call.

Members will record their presence by electronic device.

The call was taken by electronic device.

The following Members responded to their names:

[Roll No. 455]

ANSWERED "PRESENT"—409

Abercrombie	Bonilla	Collins	King (NY)	Pombo
Ackerman	Bonior	Combest	Kingston	Pomeroy
Aderholt	Bono	Condit	Kirk	Portman
Akin	Borski	Conyers	Kleczka	Price (NC)
Allen	Boswell	Cooksey	Knollenberg	Pryce (OH)
Andrews	Boucher	Costello	Kolbe	Putnam
Armey	Boyd	Cox	Kucinich	Radanovich
Baca	Brady (PA)	Coyne	LaFalce	Rahall
Bachus	Brady (TX)	Cramer	LaHood	Ramstad
Baird	Brown (FL)	Crane	Lampson	Rangel
Baker	Brown (OH)	Crenshaw	Langevin	Regula
Baldracci	Brown (SC)	Crowley	Lantos	Rehberg
Baldwin	Bryant	Culberson	Largent	Reyes
Ballenger	Burr	Cummings	Larsen (WA)	Reynolds
Barcia	Burton	Cunningham	Larson (CT)	Riley
Barr	Buyer	Davis (CA)	Latham	Rivers
Barrett	Callahan	Davis (FL)	LaTourette	Rodriguez
Bartlett	Calvert	Davis (IL)	Leach	Roemer
Barton	Camp	Davis, Jo Ann	Lee	Rogers (KY)
Bass	Cannon	Deal	Levin	Rogers (MI)
Becerra	Cantor	DeGette	Lewis (CA)	Rohrabacher
Bentsen	Capito	DeLauro	Lewis (GA)	Ros-Lehtinen
Bereuter	Capps	DeMint	Lewis (KY)	Ross
Berkley	Capuano	Deutsch	Linder	Rothman
Berman	Cardin	Diaz-Balart	Lipinski	Roukema
Berry	Carson (OK)	Dicks	LoBiondo	Roybal-Allard
Biggert	Castle	Dingell	Lofgren	Royce
Bilirakis	Chabot	Doggett	Lowey	Rush
Bishop	Chambliss	Doolittle	Lucas (KY)	Ryan (WI)
Blagojevich	Clay	Doyle	Lucas (OK)	Ryun (KS)
Blumenauer	Clayton	Dreier	Luther	Sabo
Blunt	Clement	Duncan	Lynch	Sanchez
Boehlert	Clyburn	Dunn	Maloney (NY)	Sanders
Boehner	Coble		Manzullo	Sandlin
			Markey	Sawyer
			Mascara	Saxton
			Matheson	Schaffer
			Matsui	Schakowsky
			McCarthy (MO)	Schiff
			McCarthy (NY)	Schrock
			McCullum	Scott
			McCrery	Sensenbrenner
			McDermott	Serrano
			McGovern	Sessions
			McHugh	Shadegg
			McInnis	Shaw
			McIntyre	Shays
			McKeon	Sherman
			McKinney	Sherwood
			McNulty	Shimkus
			Meehan	Shows
			Meek (FL)	Shuster
			Meeks (NY)	Simmons
			Menendez	Simpson
			Mica	Skeen
			Millender-McDonald	Skelton
			Miller, Dan	Smith (NJ)
			Miller, Gary	Smith (TX)
			Miller, George	Smith (WA)
			Miller, Jeff	Snyder
			Mink	Solis
			Mollohan	Souder
			Moore	Spratt
			Moran (KS)	Stearns
			Morella	Stenholm
			Murtha	Strickland
			Myrick	Stump
			Nadler	Stupak
			Napolitano	Sununu
			Neal	Sweeney
			Nethercutt	Tancredo
			Ney	Tanner
			Northup	Tauscher
			Norwood	Tauzin
			Nussle	Taylor (MS)
			Oberstar	Taylor (NC)
			Olver	Terry
			Ortiz	Thomas
			Osborne	Thompson (CA)
			Otter	Thompson (MS)
			Owens	Thornberry
			Pallone	Thune
			Pascarella	Thurman
			Pastor	Tiahrt
			Paul	Tiberi
			Payne	Tierney
			Pelosi	Toomey
			Pence	Towns
			Peterson (MN)	Trafficant
			Peterson (PA)	Turner
			Petri	Udall (CO)
			Phelps	Udall (NM)
			Pickering	Upton
			Pitts	Velázquez
			Platts	Visclosky
				Vitter

Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)

Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker

Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—23

Carson (IN)
Cubin
Davis, Tom
DeFazio
DeLay
Dooley
Ford
Frank

Frost
Gekas
Gutierrez
Kennedy (RI)
Maloney (CT)
Moran (VA)
Obey
Ose

Oxley
Quinn
Slaughter
Smith (MI)
Stark
Watts (OK)
Wexler

□ 1428

The CHAIRMAN. Four hundred nine Members have answered to their names, a quorum is present, and the Committee will resume its business.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand for a recorded vote on the question of whether the decision of the Chair will stand as the judgment of the Committee.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 275, noes 141, not voting 17, as follows:

[Roll No. 456]

AYES—275

Abercrombie
Aderholt
Akin
Andrews
Armey
Bachus
Baker
Baldacci
Ballenger
Barcia
Barr
Bartlett
Barton
Bass
Bereuter
Biggert
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capuano
Cardin
Castle
Chabot
Chambliss
Coble
Collins
Combest
Cooksey
Costello
Cox
Cramer

Crane
Crenshaw
Culberson
Cunningham
Davis (FL)
Davis, Jo Ann
Deal
DeMint
Diaz-Balart
Dicks
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Evans
Everett
Fattah
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frank
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (TX)
Hansen
Hart
Hastert

Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kerns
Kilpatrick
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Lampson
Largent
Larson (CT)
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo

Lucas (KY)
Lucas (OK)
Manzullo
Mascara
McCrery
McHugh
McInnis
McKeon
Meek (FL)
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Mollohan
Moore
Moran (KS)
Morella
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Obey
Ortiz
Osborne
Ose
Otter
Pascrell
Pastor
Paul
Pence
Peterson (PA)
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy

Portman
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Ryan (WI)
Ryun (KS)
Sabo
Sawyer
Saxton
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Skelton
Smith (NJ)

NOES—141

Ackerman
Allen
Baca
Baird
Baldwin
Barrett
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Brown (OH)
Capps
Carson (OK)
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Coyne
Crowley
Cummings
Davis (CA)
Davis (IL)
DeGette
Delahunt
DeLauro
Deutsch
Dingell
Edwards
Engel
Eshoo
Etheridge
Farr
Filner
Gephardt
Gordon
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hilliard
Hinchey

Holt
Honda
Hooley
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kennedy (RI)
Kildee
Kind (WI)
Klecicka
Kucinich
LaFalce
Langevin
Lantos
Larsen (WA)
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Lynch
Maloney (NY)
Markay
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Moran (VA)
Nadler

Napolitano
Neal
Oberstar
Olver
Owens
Pallone
Payne
Pelosi
Peterson (MN)
Price (NC)
Rivers
Rodriguez
Ross
Roybal-Allard
Rush
Sanchez
Sanders
Sandlin
Schakowsky
Schiff
Scott
Serrano
Sherman
Shows
Smith (WA)
Solis
Spratt
Stark
Strickland
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Woolsey
Wynn

NOT VOTING—17

Carson (IN)
Cubin
Davis, Tom

DeFazio
DeLay
Dooley

Ehrlich
Ford
Frelinghuysen

Smith (TX)
Snyder
Souder
Stearns
Stenholm
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Traficant
Upton
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Wu
Young (AK)
Young (FL)

□ 1438

Ms. LOFGREN, Mr. CONDIT and Mr. THOMPSON of California changed their vote from “aye” to “no.”

Mr. SKELTON, Mr. VISCLOSKEY and Mr. LUCAS of Kentucky changed their vote from “no” to “aye.”

So the decision of the Chair stands as the judgment of the Committee.

The result of the vote was announced as above recorded.

AMENDMENT NO. 6 OFFERED BY MR. KUCINICH

Mr. KUCINICH. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. KUCINICH: Page 133, lines 7 and 9, after each dollar amount, insert the following: “(increased by \$289,000,000)”.

Page 136, line 13, after the dollar amount, insert the following: “(reduced by \$786,485,000)”.

Mr. LEWIS of California. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. The gentleman reserves a point of order against the amendment.

The gentleman from Ohio (Mr. KUCINICH) is recognized for 5 minutes.

Mr. KUCINICH. Mr. Chairman, I recognize the chairman's point of order; and at the appropriate time, I will make a unanimous consent request.

PARLIAMENTARY INQUIRY

Mr. SPRATT. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SPRATT. Could the Chair inform the House at what page we are in the bill?

The CHAIRMAN. Title IX is open to amendment at any point.

Mr. KUCINICH. Mr. Chairman, the Kucinich-Lee counterterrorism amendment to H.R. 3338, Department of Defense appropriations, increases money for counterterrorism, significantly increases funding for anthrax and smallpox vaccine production, \$82 million, and provides for a mass destruction civil support team in every State.

It significantly boosts the Nunn-Lugar counterproliferation program to help secure tons of biological, chemical, and nuclear weapons material in the former Soviet Union, and the offset is \$78 million out of the \$8 billion for ballistic missile defense, less than a 10 percent cut.

It cuts funding for construction for Fort Greely, where initial deployment threatens the ABM treaty. This transfer is the most allowed under budget scoring rules.

Mr. Chairman, I think it is very important that at this time we take a stand to recognize the importance of

the ABM treaty. The deployment of this program would threaten that treaty. I think it is important that we take a stand to put more funds into counterterrorism. That is the spirit of this amendment.

Mr. Chairman, I yield back the balance of my time.

Ms. LEE. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I rise in strong support today of this amendment to address our most urgent security needs by increasing funding for counterterrorism programs, to protect Americans from nuclear, chemical, and biological weapons. They are the threats that we face today, this very minute; and we have many ideas on how to address them.

The Bipartisan Russia Task Force, chaired by Howard Baker and Lloyd Cutler, spelled out these dangers in January and they spelled out the recommendations. They concluded that current budget levels for our non-proliferation programs create the potential for catastrophic consequences, and we have already seen what a handful of anthrax-laden letters can do. Think about the danger posed by tons of biological, chemical, and nuclear weapons.

□ 1445

We now have the opportunity to forge a new relationship with Russia and other former Soviet Union States as we work together to fight terrorism. But that opportunity requires a real investment in joint security efforts to safeguard these weapons and the scientists who might be tempted to sell their knowledge to the highest bidder. Nunn-Lugar is a crucial bipartisan program that should be expanded and coordinated into a comprehensive strategic plan to eliminate these stockpiles of destruction. These dangers are imminent.

For all of these reasons, I support increasing funding for antiterrorism programs in the Kucinich amendment. This amendment redirects a fraction of the billions allocated to ballistic missile defense in order to address dangers that are clear and immediate with solutions that are also clear and immediate. This amendment seeks to strengthen our defenses at home by transferring \$82 million to produce anthrax and smallpox vaccines, to develop next-generation vaccines, and to work on methods to counter other biological weapons. The threat of bioterrorism is a reality, and we are not ready for it. We lack the vaccines, the health infrastructure, and the defenses to protect American men, women and children.

This amendment will also direct money to Weapons of Mass Destruction Civil Support Teams. We must be able to react to crises as they occur. Nearly half of our States do not have civil sup-

port teams to deal with these dangers, so as we respond to the atrocities of September 11, we must reconstruct the architecture of our national security. We must invest in securing and dismantling Cold War-era weapons of mass destruction before they are turned against us in this new century by our new enemies, and we must invest in defenses here at home against biological terrorism.

Mr. Chairman, I urge my colleagues to make this investment, and I urge my colleagues to support this amendment.

Mr. DICKS. Mr. Chairman, The Kucinich-Lee amendment has a laudable goal, to increase funding for counterterrorism. I agree with the priorities indicated by the amendment, counterterrorism is more important than missile defense. But, the amendment is fatally flawed in terms of policy and funding.

It cuts a half billion dollars from the Defense bill without replacement. This cut to Defense is unacceptable, especially at this time.

The amendment would cut the funding for a proposed test launch facility at Kodiak Island. This facility will allow DOD to perform tests which are more rigorous and realistic than those possible at current test sites at Kwajalein and Vandenberg. It also cuts funding to upgrade the sensors and launch capabilities at Kwajalein and Vandenberg which will hinder rigorous missile defense testing.

Because of its cuts to Kodiak, Kwajalein and Vandenberg, the amendment reduces the level of testing of missile defense technology when the right thing to do is increase the level of testing of these technologies for the very reason that they are not yet mature.

Opposition to this amendment does not indicate support for the entire Pacific Testbed as proposed by the administration. The proposed construction at Ft. Greely remains premature, unnecessary, and unwarranted by the state of missile defense technology. However, this amendment cuts needed facilities in addition to the Ft. Greely construction.

Mr. LEWIS and Mr. MURTHA have negotiated responsible cuts to the administration's request for missile defense totaling over \$500 million. While I agree that some more cuts are warranted, this amendment goes too far.

Mr. LEWIS of California. Mr. Chairman, I move to strike the requisite number of words.

It is my intention to reserve a point of order, but I understand that the gentleman from Ohio (Mr. KUCINICH) would like to be recognized for a unanimous consent request, and so I yield to the gentleman.

Mr. KUCINICH. Mr. Chairman, I thank the gentleman.

Mr. KUCINICH. Mr. Chairman, respecting the point of order that the

Chair has raised, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

AMENDMENT OFFERED BY MR. SPRATT

Mr. SPRATT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SPRATT:
Page 136, line 13, after the dollar amount, insert the following: "(increased by \$360,000,000) (reduced by \$360,000,000)".

Mr. SPRATT. Mr. Chairman, this bill increases missile defense by \$2.6 billion to \$2.7 billion, 50 percent over last year's level, but it ends a system that everyone has long thought essential to missile defense, and that is a program called "SBIRS-Low," for Space-Based Infrared Sensors.

Ever since the beginning of SDI, space-based sensors have been a key element of the architecture. Their role is to pick up the oncoming reentry vehicles, shortly after they are launched, well over radar's horizon, track them, plot the trajectory, project their aim points, and watch for features that distinguish the real RVs from decoys. Over the last 18 years, ballistic missile defense has evolved through various options to a system called SBIRS-Low to handle this mission. These are satellite sensors in low-Earth orbit, some 18 to 30 in all, depending on the configuration, and they are on constant patrol or will be, once launched, in circling the globe.

Now comes this bill and, out of the blue, kills SBIRS-Low, a program some 6 or 7 years old. My amendment would bring it back, restore funding to the level that was approved by the House Committee on Armed Services and by the Senate Armed Services Committee, to \$360 million, which is \$25 million below the President's request.

While this bill terminates SBIRS-Low, it recognizes the critical need for such a system. In fact it directs the Department of Defense to start over, to set up two new R&D programs, where \$250 million would go to a space-based alternative, \$75 million would go into ground-based alternatives, which would probably be X-band radars. My amendment, as I said, reverses this action and restores funding to SBIRS-Low.

Let me explain why SBIRS-Low is critical to national missile defense but also to theater missile defense. First of all, SBIRS-Low allows a mid-course interceptor to make the most of its biggest advantage, which is time. The mid-course takes as much as 30 minutes during which an RV moves in its trajectory toward its target. Without satellite sensors over the horizon, radar gives missile defenses about half this amount of time to track, to launch, and to make the intercept. This is precious time. It could easily make the difference between success and failure.

Second, infrared sensors not only detect heat, but changes in heat, something radars cannot do. Many countermeasures like decoys and balloons lose heat faster than do reentry vehicles, so SBIRS-Low becomes the first device we have to detect these changes and discriminate between real RVs as opposed to decoys and countermeasures.

Third, ground-based systems will have X-band radar to help them track their incoming radar, but X-band radar is not a volume search radar; it emits a beam that provides high-resolution feedback, but it is a pencil-point beam. It is very narrow. SBIRS-Low spares the X-band radar from having to scan the skies and directs it precisely to its target. This makes X-band radar more efficient and effective and reduces the so-called "engagement box" to which the kill vehicle is launched, which increases the probability of an intercept.

Finally, SBIRS-Low provides redundancy. It provides several different modes for detecting oncoming systems and it also provides backup in case the radar is not working.

Now, I would hasten to say all of these features have yet to be proven, but the system is well along, the potential has been demonstrated. If it is not in hand, it appears to be within reach, and this is why SBIRS-Low is crucial, critical, for ground-based defenses, but it pays for itself in other ways, too:

Theater missile defense. It expands the reach of THAAD in the Navy's upper tier. Second, at the same time that SBIRS-Low is on station, it can pick up some very useful technical intelligence data. Third, it can do miscellaneous other things. It can look for objects in space that might be on a collision course with our satellites and report that back to us.

The committee bases its decision to terminate this in large part on an unreleased study that is still in draft at the Institute for Defense Analysis. I met with the author of this study, along with the gentleman from Pennsylvania (Mr. WELDON) and the gentleman from California (Mr. HUNTER), and it seems to me, in all due respect, that the information in the draft report given to the Subcommittee on Defense was in large part beyond its means. The subcommittee appears to me to be extrapolating from a worst-case scenario to a judgment on the system in all scenarios.

In particular, part of the IDA report examined one specific national missile attack, the most sophisticated of all scenarios, and assumed a minimum SBIRS-Low capability. It then compared SBIRS-Low in what amounts to a worst-case capability scenario to an alternative consisting of ground-based radars spread throughout the world. This assumed, of course, that the U.S. would have no difficulty in obtaining these ground-based radars. In any event, it ignored many other scenarios

where SBIRS-Low is cost effective, very effective, and it ignored all the other missions that SBIRS-Low can perform.

The committee is also concerned about cost growth.

The CHAIRMAN. The time of the gentleman from South Carolina (Mr. SPRATT) has expired.

(By unanimous consent, Mr. SPRATT was allowed to proceed for 1 additional minute.)

Mr. SPRATT. Mr. Chairman, let me just quickly say the Air Force originally assumed 21 satellites; it has now gone to 30. Get ready, this is going to be what happens to all of these component missile defense systems as it gets closer and closer, and the real cost is going up.

Mr. MURTHA. Mr. Chairman, will the gentleman yield?

Mr. SPRATT. I yield to the gentleman from Pennsylvania.

Mr. MURTHA. Mr. Chairman, the gentleman has made some good points and we are certainly going to take a look at this. As he says, we have based this on carefully conforming to a cut that we thought would not harm it, but we are certainly going to take a look at the information that he has given to us.

Mr. SPRATT. Mr. Chairman, I thank the gentleman. I was going to say to the distinguished chairman of this subcommittee, for whom I have great respect, I know the gentleman made a principal decision here. I hope he will go back and consider it again before the conference is out, talk to the folks at IDA and talk to the folks at BPDO.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. SPRATT. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, by way of responding to the gentleman, I very much appreciate the professional way the gentleman is addressing this very important issue. As the gentleman knows, I have been a long-term supporter of this idea, this technology. We now think it is important that we emphasize the research side because we see the possibility of some rush to failure here. But in the meantime, it is not our intent to kill this program, and we appreciate the gentleman's cooperation.

Mr. SPRATT. Mr. Chairman, I thank the gentleman for his assurance.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

AMENDMENT OFFERED BY Mr. GILMAN

Mr. GILMAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GILMAN:

At the end of division A, insert after the last section (preceding the short title) the following:

TITLE IX—ADDITIONAL GENERAL PROVISIONS

SEC. 9001. SHORT TITLE.

This title may be cited as the "Afghanistan Freedom Act of 2001".

SEC. 9002. UNITED STATES POLICY TOWARD AFGHANISTAN.

It should be the policy of the United States to promote the removal from power of the Taliban regime in Afghanistan so as to diminish the risk of future terrorist attack on the United States and restore basic human freedoms to the people of Afghanistan.

SEC. 9003. AUTHORITY TO PROVIDE MILITARY ASSISTANCE.

(a) IN GENERAL.—

(1) TYPES OF ASSISTANCE.—(A) To the extent funds are appropriated in any fiscal year for these purposes, the President may provide, on such terms and conditions as he may determine, defense articles, defense services, and other support (including training) to eligible Afghan resistance organizations, entities, and individuals, eligible foreign countries, and eligible international organizations.

(B) The President is authorized to direct the drawdown of defense articles, defense services, and military education and training for eligible Afghan resistance organizations, entities, and individuals, eligible foreign countries, and eligible international organizations.

(C) The Secretary of Defense is authorized to reimburse any eligible foreign country or eligible international organization for supplies, services, or other support provided by such country or organization between September 11, 2001, and the date of the enactment of this Act in support of United States activities authorized under Public Law 107-40.

(D) The assistance authorized under subparagraphs (A) and (B) and under the Iraq Liberation Act of 1998 (Public Law 105-338) may include the supply of defense articles, defense services, other support, and military education and training that are acquired by contract or otherwise.

(2) AMOUNT OF ASSISTANCE.—The aggregate value (as defined in section 644(m) of the Foreign Assistance Act of 1961) of assistance provided under paragraph (1)(B) may not exceed \$300,000,000, provided that such limitation shall be increased by any amounts appropriated pursuant to the authorization of appropriations in subsection (c)(2)(A).

(b) ELIGIBILITY.—

(1) ELIGIBLE AFGHAN RESISTANCE ORGANIZATIONS, ENTITIES, AND INDIVIDUALS.—An Afghan resistance organization, entity, or individual shall be eligible to receive assistance under subsection (a) if such organization, entity, or individual is committed to—

(A) the removal from power of the Taliban regime in Afghanistan;

(B) the suppression of terrorism and the surrender or removal from Afghanistan of all international terrorists, including perpetrators of the September 11, 2001, attack on the United States; and

(C) the establishment in Afghanistan of a government committed to respecting internationally recognized human rights and suppression of narcotics trafficking.

(2) ELIGIBLE FOREIGN COUNTRIES AND ELIGIBLE INTERNATIONAL ORGANIZATIONS.—A foreign country or international organization shall be eligible to receive assistance under subsection (a) if such foreign country or international organization is participating in or supporting United States military activities authorized under Public Law 107-40, or is participating in military, peacekeeping,

or policing operations in Afghanistan aimed at restoring or maintaining peace and security in that country, except that no country the government of which has been determined by the Secretary of State to have repeatedly provided support for acts of international terrorism under section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371), section 6(j)(1) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)), or section 40(d) of the Arms Export Control Act (22 U.S.C. 2780(d)) shall be eligible to receive assistance under subsection (a).

(c) REIMBURSEMENT FOR ASSISTANCE.—

(1) IN GENERAL.—Defense articles, defense services, and military education and training provided under subsection (a)(1)(B) shall be made available without reimbursement to the Department of Defense except to the extent that funds are appropriated pursuant to the authorization of appropriations under paragraph (2)(A).

(2) AUTHORIZATION OF APPROPRIATIONS.—

(A) IN GENERAL.—There are authorized to be appropriated to the President such sums as may be necessary to reimburse the applicable appropriation, fund, or account for the value (as defined in section 644(m) of the Foreign Assistance Act of 1961) of defense articles, defense services, or military education and training provided under subsection (a)(1)(B).

(B) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under subparagraph (A) are authorized to remain available until expended, and are in addition to amounts otherwise available for the purposes described in this section.

(d) AUTHORITY TO PROVIDE ASSISTANCE.—

(1) ELIGIBLE AFGHAN RESISTANCE ORGANIZATIONS, ENTITIES, AND INDIVIDUALS.—Assistance to eligible Afghan resistance organizations, entities, and individuals under this section may be provided notwithstanding any other provision of law.

(2) ELIGIBLE FOREIGN COUNTRIES AND ELIGIBLE INTERNATIONAL ORGANIZATIONS.—

(A) AUTHORITY.—The President may provide assistance under this section to any eligible foreign country or any eligible international organization notwithstanding any other provision of law (other than provisions of this section) if the President determines that such assistance is important to the national security interest of the United States and reports such determination to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate at least five days in advance of providing such assistance.

(B) REPORT.—The report described in subparagraph (A) shall include information relating to the type and amount of assistance proposed to be provided and the actions that the proposed recipient of such assistance has taken or has committed to take.

(e) SUNSET.—The authority of this section shall expire on September 30, 2004.

SEC. 9004. COMPLIANCE WITH MEASURES DIRECTED AGAINST THE TALIBAN BY THE UNITED NATIONS SECURITY COUNCIL.

(a) REPORTS TO CONGRESS.—Not later than one month after the date of the enactment of this Act, and every three months thereafter until the President determines and reports to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate that the Taliban no longer exercises power in any part of Afghanistan, the President shall submit to such committees a report that identifies the government of each foreign country with respect to which there

is credible information that the government has, on or after the date of the enactment of this Act, violated, or permitted persons subject to its jurisdiction to violate, measures directed against the Taliban pursuant to United Nations Security Council Resolutions 1267 (1999), 1333 (2000), or 1363 (2001), or pursuant to any other United Nations Security Council resolution adopted under the authority of Chapter VII of the Charter of the United Nations.

(b) CONTENT OF REPORTS.—Each report submitted under subsection (a) shall detail with respect to each government of a foreign country identified in such report the nature of the violation (other than violations detailed in previous reports submitted pursuant to this section), and shall evaluate—

(1) the importance of the violation to the efforts of the Taliban to remain in power in Afghanistan;

(2) the importance of the violation to the efforts of terrorist groups to continue operating from Afghanistan; and

(3) the risk posed by such violation to the safety of the United States Armed Forces and the armed forces of other countries acting in coalition with the United States.

SEC. 9005. SUBMISSION OF DETERMINATIONS AND REPORTS IN CLASSIFIED FORM.

When the President considers it appropriate, determinations and reports to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate submitted under this title, or appropriate parts thereof, may be submitted in classified form.

Mr. GILMAN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MURTHA. Mr. Chairman, I reserve a point of order against the amendment.

Mr. GILMAN. Mr. Chairman, my amendment places Congress on record in support of the men and women in our Armed Forces as they proceed to dismantle the Taliban rule in Afghanistan and to restore peace and stability and security to that part of the world.

This amendment is based on a bill I introduced last month, entitled the Afghanistan Freedom Act of 2001, H.R. 3088. I was pleased to be joined in offering that measure by the gentleman from New York (Mr. ACKERMAN), the ranking Democratic member of the subcommittee that I chair, the Subcommittee on the Middle East and South Asia. Since we introduced that measure on October 11, we have been supported by a total of 81 cosponsors on both sides of the aisle.

We have worked with the Bush administration over the past month, particularly with the Department of Defense, to refine some of the language in order to maximize its usefulness to the administration in the current war on terrorism. My amendment incorporates those refinements, and I am assured that as currently written, my amendment enjoys the strong support of the administration and, particularly, the Department of Defense.

Essentially, Mr. Chairman, my amendment provides three important elements. First, it reaffirms and should be the policy of our Nation to promote the ultimate removal from power of the Taliban regime in Afghanistan so as to diminish the risk of any future terrorist attack in the United States; and second, it gives the administration an important drawdown authority to provide military assistance to anti-Taliban resistance organizations in Afghanistan, as well as to any foreign countries and international organizations which are assisting in the U.S. military actions that Congress authorized in the wake of the September 11 attack on our Nation; and third, it requires periodic reports to the Congress regarding any violations of U.N. sanctions on armed sales and provisions of other assistance to the Taliban.

As we debate this measure, our Nation is fully engaged in the war against the Taliban. Our Defense Department has ensured me that the enactment of my amendment will significantly enhance the ability of our Nation to win both the war and the subsequent peace in Afghanistan. Accordingly, I urge my colleagues to provide this important tool to our President and to our armed forces by agreeing to this amendment.

POINT OF ORDER

Mr. MURTHA. Mr. Chairman, I make a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. MURTHA. Mr. Chairman, I insist on my point of order. The amendment by the gentleman from New York (Mr. GILMAN) violates clause 2 of rule XXI, the section on legislation of an appropriations bill.

The CHAIRMAN. Does the gentleman from New York (Mr. GILMAN) wish to be heard on the point of order?

Mr. GILMAN. Mr. Chairman, I regret that the ranking minority member has reserved on a point of order, and based on my respect for him, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

□ 1500

The CHAIRMAN. If there are no further amendments to this portion of the bill, the Clerk will continue to read.

The Clerk read as follows:

This division may be cited as the "Department of Defense Appropriations Act, 2002".

DIVISION B—FISCAL YEAR 2002

SUPPLEMENTAL APPROPRIATIONS

The following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2002, and for other purposes, namely:

CHAPTER 1

DEPARTMENT OF AGRICULTURE

OFFICE OF THE SECRETARY

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the

United States, for "Office of the Secretary", \$4,582,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

AGRICULTURE BUILDINGS AND FACILITIES AND RENTAL PAYMENTS

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Agriculture Buildings and Facilities and Rental Payments", \$2,875,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

AGRICULTURAL RESEARCH SERVICE
SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Salaries and Expenses", \$5,635,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

ANIMAL AND PLANT HEALTH INSPECTION
SERVICE
SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Salaries and Expenses", \$8,175,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

BUILDINGS AND FACILITIES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Buildings and Facilities", \$14,081,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

FOOD SAFETY AND INSPECTION SERVICE

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Food Safety and Inspection Service", \$9,800,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

DEPARTMENT OF HEALTH AND HUMAN
SERVICES

FOOD AND DRUG ADMINISTRATION
SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, and for other expenses necessary to support activities related to countering potential biological, disease, and chemical threats to civilian populations, for "Food and Drug Administration, Salaries and Expenses", \$104,350,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

AMENDMENT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Chairman, I ask unanimous consent to offer an amendment.

The CHAIRMAN. Is there objection to considering the amendment at this stage of the reading?

There was no objection.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. OBEY:

Page 138, strike line 10 and all that follows through page 194, line 7, and insert the following:

DIVISION B—FISCAL YEAR 2002
SUPPLEMENTAL APPROPRIATIONS

The following sums are appropriated, out of any money in the Treasury not otherwise

appropriated, for the fiscal year ending September 30, 2002, and for other purposes, namely:

CHAPTER 1—DEPARTMENT OF AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES

DEPARTMENT OF AGRICULTURE
OFFICE OF THE SECRETARY

For an additional amount for "Office of the Secretary", to respond to the September 11, 2001 terrorist attacks on the United States, \$45,148,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

AGRICULTURAL RESEARCH SERVICE
BUILDINGS AND FACILITIES

For an additional amount for "Buildings and Facilities", to respond to the September 11, 2001 terrorist attacks on the United States, \$600,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

FOOD SAFETY AND INSPECTION SERVICE

For an additional amount for "Food Safety and Inspection Service", to respond to the September 11, 2001 terrorist attacks on the United States, \$800,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

DEPARTMENT OF HEALTH AND HUMAN
SERVICES

FOOD AND DRUG ADMINISTRATION
SALARIES AND EXPENSES.

For an additional amount for "Salaries and Expenses", to respond to the September 11, 2001 terrorist attacks on the United States, \$369,550,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

INDEPENDENT AGENCIES

COMMODITY FUTURES TRADING COMMISSION

For an additional amount for "Commodity Futures Trading Commission", to respond to the September 11, 2001 terrorist attacks on the United States, \$6,495,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

CHAPTER 2—DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

ADMINISTRATIVE REVIEW AND APPEALS

For an additional amount for "Administrative Review and Appeals", to respond to the September 11, 2001 terrorist attacks on the United States, \$3,500,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL
ACTIVITIES

For an additional amount for "Salaries and Expenses, General Legal Activities", to respond to the September 11, 2001 terrorist attacks on the United States, \$12,500,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

SALARIES AND EXPENSES, UNITED STATES
ATTORNEYS

For an additional amount for "Salaries and Expenses, United States Attorneys", to respond to the September 11, 2001 terrorist attacks on the United States, \$74,600,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

SALARIES AND EXPENSES, UNITED STATES
MARSHALS SERVICE

For an additional amount for "Salaries and Expenses, United States Marshals Service", to respond to the September 11, 2001 terrorist attacks on the United States, \$11,100,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

FEDERAL BUREAU OF INVESTIGATION
SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", to respond to the September 11, 2001 terrorist attacks on the United States, \$1,107,062,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

IMMIGRATION AND NATURALIZATION SERVICE
SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", to respond to the September 11, 2001 terrorist attacks on the United States, \$409,600,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

CONSTRUCTION

For an additional amount for "Construction", to respond to the September 11, 2001 terrorist attacks on the United States, \$128,149,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

OFFICE OF JUSTICE PROGRAMS
JUSTICE ASSISTANCE

For an additional amount for "Justice Assistance", to respond to the September 11, 2001 terrorist attacks on the United States, \$400,000,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the

requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

For an additional amount for such purpose, \$150,000,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

STATE AND LOCAL LAW ENFORCEMENT
ASSISTANCE

For an additional amount for "State and Local Law Enforcement Assistance", to respond to the September 11, 2001 terrorist attacks on the United States, \$17,100,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

CRIME VICTIMS FUND

For an additional amount for "Crime Victims Fund", to respond to the September 11, 2001 terrorist attacks on the United States, \$68,100,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

DEPARTMENT OF COMMERCE
INTERNATIONAL TRADE ADMINISTRATION
OPERATIONS AND ADMINISTRATION

For an additional amount for "Operations and Administration", to respond to the September 11, 2001 terrorist attacks on the United States, \$4,969,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

EXPORT ADMINISTRATION
OPERATIONS AND ADMINISTRATION

For an additional amount for "Operations and Administration", to respond to the Sep-

tember 11, 2001 terrorist attacks on the United States, \$8,585,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

NATIONAL TELECOMMUNICATIONS AND
INFORMATION ADMINISTRATION
PUBLIC TELECOMMUNICATIONS FACILITIES,
PLANNING AND CONSTRUCTION

For an additional amount for emergency grants authorized by section 392 of the Communications Act of 1934 to respond to the September 11, 2001 terrorist attacks on the United States, \$13,000,000, to remain available until expended: *Provided*, That, notwithstanding any other law, the matching requirement otherwise applicable to such grants shall not apply to the amounts made available under this heading: *Provided further*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

NATIONAL OCEANIC AND ATMOSPHERIC
ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for "Operations, Research, and Facilities", \$750,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

PROCUREMENT, ACQUISITION AND CONSTRUCTION

For an additional amount for "Procurement, Acquisition and Construction", to respond to the September 11, 2001 terrorist attacks on the United States, \$14,000,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

DEPARTMENTAL MANAGEMENT
SALARIES AND EXPENSES

For an additional amount to respond to the September 11, 2001 terrorist attacks on

the United States, for "Salaries and Expenses", \$13,386,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

THE JUDICIARY

SUPREME COURT OF THE UNITED STATES

CARE OF THE BUILDING AND GROUNDS

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for "Care of the Building and Grounds", \$10,000,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", to respond to the September 11, 2001 terrorist attacks on the United States, \$82,921,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

COURT SECURITY

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for "Court Security", \$90,700,000, to remain available until expended, of which \$4,000,000 shall be available to reimburse the United States Marshals Service for a Supervisory Deputy Marshal responsible for coordinating security in each judicial district and circuit: *Provided*, That the funds may be expended directly or transferred to the United States Marshals Service: *Provided further*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", to respond to the September

11, 2001 terrorist attacks on the United States, \$2,879,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

For an additional amount for "Diplomatic and Consular Programs", to respond to the September 11, 2001 terrorist attacks on the United States, \$30,000,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

For an additional amount for "International Broadcasting Operations", to respond to the September 11, 2001 terrorist attacks on the United States, \$9,200,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

BROADCASTING CAPITAL IMPROVEMENTS

For an additional amount for "Broadcasting Capital Improvements", to respond to the September 11, 2001 terrorist attacks on the United States, \$10,000,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for "Salaries and Expenses", \$1,301,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of

the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

SECURITIES AND EXCHANGE COMMISSION

SALARIES AND EXPENSES

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for "Salaries and Expenses", \$20,705,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

SMALL BUSINESS ADMINISTRATION

DISASTER LOANS PROGRAM ACCOUNT

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for "Disaster Loans Program Account", \$150,000,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

GENERAL PROVISIONS

SEC. 201. For purposes of assistance available under section 7(b)(2) of the Small Business Act (15 U.S.C. 636(b)(2)) to small business concerns located in disaster areas declared as a result of the September 11, 2001 terrorist attacks, (1) the term "small business concern" shall include not-for-profit institutions and small business concerns described in subsectors 522, 523, and 524 of the North American Industry Classification System codes (as described in 13 C.F.R. 121.201, as in effect on January 2, 2001), except for depository financial institutions; and (2) the Administrator may apply such size standards as may be promulgated under such section 121.201 after the date of enactment of this provision, but no later than January 1, 2002.

SEC. 202. Notwithstanding any other provision of law, the limitation on the total amount of loans under section 7(b) of the Small Business Act (15 U.S.C. 636(b)) outstanding and committed to a borrower in the disaster areas declared in response to the September 11, 2001 terrorist attacks shall be increased to \$10,000,000.

SEC. 203. Funds appropriated by this Act for the Broadcasting Board of Governors and the Department of State may be obligated and expended notwithstanding section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995, and section 15 of the State Department Basic Authorities Act of 1956.

CHAPTER 3—DEPARTMENT OF DEFENSE,
MILITARY

DEPARTMENT OF DEFENSE

MILITARY OPERATION AND MAINTENANCE
DEFENSE EMERGENCY RESPONSE FUND

(INCLUDING TRANSFER OF FUNDS)

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Defense Emergency Response Fund", \$7,242,911,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38, as follows:

(1) For increased situational awareness, \$1,735,000,000.

(2) For enhanced force protection, \$742,911,000, of which \$40,000,000 shall be available only for biological weapons proliferation prevention activities under the Former Soviet Union Threat Reduction Program, of which \$30,000,000 shall be transferred to "Department of State, Nonproliferation, Anti-Terrorism, Demining, and Related Programs" only for the purpose of supporting expansion of the Biological Weapons Redirect and International Science and Technology Centers programs, to prevent former Soviet biological weapons experts from emigrating to proliferant states and to reconfigure former Soviet biological weapons production facilities for peaceful uses.

(3) For improved command and control, \$162,000,000.

(4) For increased worldwide posture, \$2,801,000,000.

(5) For offensive counterterrorism, \$769,000,000, of which \$237,000,000 is for the Special Operations Command.

(6) For initial crisis response, \$108,000,000.

(7) For the Pentagon Reservation Maintenance Revolving Fund, \$925,000,000: *Provided*, That none of the funds provided under this heading in this chapter may be used for appropriations for military construction and military family housing.

GENERAL PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

SEC. 301. Amounts available in the "Defense Emergency Response Fund" (the "Fund") shall be available for the purposes set forth in the 2001 Emergency Supplemental Appropriations Act for Recovery from and Response to Terrorist Attacks on the United States (Public Law 107-38): *Provided*, That the Fund may be used to reimburse other appropriations or funds of the Department of Defense, including activities of the National Foreign Intelligence Program funded in defense appropriations Acts, only for costs incurred for such purposes on or after September 11, 2001: *Provided further*, That the Fund may be used to liquidate obligations incurred by the Department of Defense under the authorities in section 3732 of the Revised Statutes (41 U.S.C. 11; popularly known as the "Food and Forage Act") for any costs incurred for such purposes between September 11 and September 30, 2001: *Provided further*, That the Secretary of Defense may transfer to the Fund amounts from any current appropriation made available in defense appropriations Acts, only for the purpose of adjusting and liquidating obligations properly chargeable to the Fund: *Provided further*, That the authority granted in the preceding proviso shall only be exercised after the Secretary of Defense makes a determination that amounts in the Fund are insufficient to liquidate obligations made using appropriations in the Fund, and not prior to 30 days after notifying the congressional defense committees in writing regarding each proposed transfer of funds: *Provided*

further, That in order to carry out the specified purposes under this heading, the Secretary of Defense may transfer funds from the Fund to any defense appropriation account enacted in appropriations Acts, including "Support for International Sporting Competitions, Defense": *Provided further*, That the funds transferred shall be merged with and shall be available for the same purposes and for the same time period as the appropriation to which transferred: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That within 30 days of enactment of this Act, and quarterly thereafter, the Secretary of Defense and the Director of Central Intelligence shall each provide to the Congress a report (in unclassified and classified form, as needed) specifying the projects and accounts to which funds provided in this chapter are to be transferred.

(INCLUDING TRANSFER OF FUNDS)

SEC. 302. During the current fiscal year, amounts in or credited to the Defense Cooperation Account under section 2608(b) of title 10, United States Code, are hereby appropriated and shall be available for transfer by the Secretary of Defense to such appropriations or funds of the Department of Defense as he shall determine, to be merged with and available for the same purposes and the same time period as the appropriation to which transferred: *Provided*, That the Secretary shall provide written notification to the congressional defense committees 30 days prior to such transfer: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That these amounts are designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the Secretary of Defense shall report to the Congress quarterly all obligations made pursuant to this authority.

SEC. 303. (a) Amounts appropriated in this Act under the heading "Support for International Sporting Competitions, Defense" may be used to support essential security and safety services for the 2002 Winter Olympic Games in Salt Lake City, Utah, under section 2564 of title 10, United States Code, without the certification otherwise required under subsection (a) of that section.

(b) In connection with the provision of essential security and safety support to the 2002 Winter Olympic Games and logistical and security support to the 2002 Paralympic Games, the term "active duty" as used in section 5802 of division A of the Omnibus Consolidated Appropriations Act, 1997 (10 U.S.C. 2564 note), shall be treated as including State active duty and full-time National Guard duty performed by members of the Army National Guard and Air National Guard.

SEC. 304. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414).

SEC. 305. For the purposes of this Act, the term "congressional defense committees" means the Armed Services Committee of the House of Representatives, the Armed Services Committee of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Sub-

committee on Defense of the Committee on Appropriations of the House of Representatives.

CHAPTER 4—DISTRICT OF COLUMBIA
FEDERAL FUNDS

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA FOR PROTECTIVE CLOTHING AND BREATHING APPARATUS

For a Federal payment to the District of Columbia for protective clothing and breathing apparatus, to remain available until expended, \$12,144,209, of which \$921,833 is for the Fire and Emergency Medical Services Department, \$4,269,000 is for the Metropolitan Police Department, \$1,500,000 is for the Department of Health, \$453,376 is for the Department of Public Works, and \$5,000,000 is for the Washington Metropolitan Area Transit Authority: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA FOR SPECIALIZED HAZARDOUS MATERIALS EQUIPMENT

For a Federal payment to the District of Columbia for specialized hazardous materials equipment, to remain available until expended, \$1,032,342, for the Fire and Emergency Medical Services Department: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA FOR CHEMICAL AND BIOLOGICAL WEAPONS PREPAREDNESS

For a Federal payment to the District of Columbia for chemical and biological weapons preparedness, to remain available until expended, \$10,354,415, of which \$204,920 is the Fire and Emergency Medical Services Department, \$258,170 is for the Metropolitan Police Department, and \$9,891,325 is for the Department of Health: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA FOR PHARMACEUTICALS FOR RESPONDERS

For a Federal payment to the District of Columbia for pharmaceuticals for responders, to remain available until expended, \$2,100,000, for the Department of Health: *Provided*, That such amount is designated by the

Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA FOR ADDITIONAL VEHICLES AND RESPONSE CAPABILITY

For a Federal payment to the District of Columbia for additional vehicles and response capability, \$8,324,500, of which \$6,600,000 is for the Fire and Emergency Medical Services Department, \$1,515,000 is for the Metropolitan Police Department, \$112,500 is for the Department of Public Works Division of Transportation, \$37,000 is for the Office of Property Management, and \$60,000 is for the Department of Public Works: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA FOR SEARCH, RESCUE AND OTHER EMERGENCY EQUIPMENT AND SUPPORT

For a Federal payment to the District of Columbia for search, rescue and other emergency equipment and support, \$5,222,135, of which \$3,413,022 is for the Metropolitan Police Department, \$207,995 is for the Fire and Emergency Medical Services Department, \$398,581 is for the Department of Consumer and Regulatory Affairs, \$1,178,537 is for the Department of Public Works, and \$24,000 is for the Department of Human Services: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA FOR AUTOMATIC VEHICLE LOCATION SYSTEMS

For a Federal payment to the District of Columbia for automatic vehicle location systems, \$16,150,000, of which \$1,150,000 is for the Fire and Emergency Medical Services Department, and \$15,000,000 is for the Washington Metropolitan Area Transit Authority: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA FOR EQUIPMENT, SUPPLIES AND VEHICLES FOR THE OFFICE OF THE CHIEF MEDICAL EXAMINER

For a Federal payment to the District of Columbia for equipment, supplies and vehicles for the office of the chief medical examiner, \$1,780,000: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA FOR HOSPITAL CONTAINMENT FACILITIES FOR THE DEPARTMENT OF HEALTH

For a Federal payment to the District of Columbia for hospital containment facilities for the Department of Health, \$8,000,000: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA FOR THE OFFICE OF THE CHIEF TECHNOLOGY OFFICER

For a Federal payment to the District of Columbia for the Office of the Chief Technology Officer, \$78,600,000, of which \$46,200,000 is for a first response land-line and wireless interoperability project, and \$32,400,000 is for a city-wide secure data center: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA FOR EMERGENCY TRAFFIC MANAGEMENT

For a Federal payment to the District of Columbia for emergency traffic management, \$52,900,000, of which \$2,200,000 is for the Washington Metropolitan Area Transit Authority for completion of the fiber optic network project, and \$50,700,000 is for the Department of Public Works Division of Transportation to upgrade traffic light controllers (\$14,000,000), to establish a video traffic monitoring system (\$4,700,000), to disseminate traffic information (\$2,000,000), and to provide fiber optic backbone for traffic control and monitoring (\$30,000,000): *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

gency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA FOR TRAINING AND PLANNING

For a Federal payment to the District of Columbia for training and planning, \$10,698,725, of which \$4,400,000 is for the Fire and Emergency Medical Services Department, \$990,000 is for the Metropolitan Police Department, \$1,200,000 is for the Department of Health, \$200,000 is for the Office of the Chief Medical Examiner, \$1,500,000 is for the Emergency Management Agency, \$500,000 is for the Office of Property Management, \$500,000 is for the Department of Mental Health, \$468,725 is for the Department of Consumer and Regulatory Affairs, \$240,000 is for the Department of Public Works, \$600,000 is for the Department of Human Services, and \$100,000 is for the Department of Parks and Recreation: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA FOR INCREASED SECURITY

For a Federal payment to the District of Columbia for increased security, \$38,436,000, of which \$3,900,000 for the Emergency Management Agency, \$12,775,000 for the public schools, \$3,961,000 for the Office of Property Management, and \$17,800,000 for the Washington Metropolitan Area Transit Authority for employee and facility security: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

GENERAL PROVISIONS

SEC. 401. Notwithstanding any other provision of law, all Federal payments to the District of Columbia under this chapter shall be apportioned quarterly by the Office of Management and Budget, and funds for the Washington Metropolitan Area Transit Authority shall be apportioned quarterly directly to such Authority.

SEC. 402. The Chief Financial Officer of the District of Columbia and the Chief Financial Officer of Washington Metropolitan Area Transit Authority shall provide quarterly reports to the President and the Committees on Appropriations on the use of the funds under this chapter beginning no later than January 2, 2002.

DISTRICT OF COLUMBIA FUNDS

DIVISION OF EXPENSES

The following amounts are appropriated for the District of Columbia for the current fiscal year out of the general fund of the District of Columbia and shall remain available until expended.

PROTECTIVE CLOTHING AND BREATHING APPARATUS

For protective clothing and breathing apparatus, to remain available until expended, \$12,144,209, of which \$921,833 is for the Fire and Emergency Medical Services Department, \$4,269,000 is for the Metropolitan Police Department, \$1,500,000 is for the Department of Health, \$453,376 is for the Department of Public Works, and \$5,000,000 is for the Washington Metropolitan Area Transit Authority.

SPECIALIZED HAZARDOUS MATERIALS EQUIPMENT

For specialized hazardous materials equipment, to remain available until expended, \$1,032,342, for the Fire and Emergency Medical Services Department.

CHEMICAL AND BIOLOGICAL WEAPONS PREPAREDNESS

For chemical and biological weapons preparedness, to remain available until expended, \$10,354,415, of which \$204,920 is the Fire and Emergency Medical Services Department, \$258,170 is for the Metropolitan Police Department, and \$9,891,325 is for the Department of Health.

PHARMACEUTICALS FOR RESPONDERS

For pharmaceuticals for responders, to remain available until expended, \$2,100,000, for the Department of Health.

ADDITIONAL VEHICLES AND RESPONSE CAPABILITY

For additional vehicles and response capability, \$8,324,500, of which \$6,600,000 is for the Fire and Emergency Medical Services Department, \$1,515,000 is for the Metropolitan Police Department, \$112,500 is for the Department of Public Works Division of Transportation, \$37,000 is for the Office of Property Management, and \$60,000 is for the Department of Public Works.

SEARCH, RESCUE AND OTHER EMERGENCY EQUIPMENT AND SUPPORT

For search, rescue and other emergency equipment and support, \$5,222,135, of which \$3,413,022 is for the Metropolitan Police Department, \$207,995 is for the Fire and Emergency Medical Services Department, \$398,581 is for the Department of Consumer and Regulatory Affairs, \$1,178,537 is for the Department of Public Works, and \$24,000 is for the Department of Human Services.

AUTOMATIC VEHICLE LOCATION SYSTEMS

For automatic vehicle location systems, \$16,150,000, of which \$1,150,000 is for the Fire and Emergency Medical Services Department, and \$15,000,000 is for the Washington Metropolitan Area Transit Authority.

EQUIPMENT, SUPPLIES AND VEHICLES FOR THE OFFICE OF THE CHIEF MEDICAL EXAMINER

For equipment, supplies and vehicles for the Office of the Chief Medical Examiner, \$1,780,000.

HOSPITAL CONTAINMENT FACILITIES FOR THE DEPARTMENT OF HEALTH

For hospital containment facilities for the Department of Health, \$8,000,000.

OFFICE OF THE CHIEF TECHNOLOGY OFFICER

For the Office of the Chief Technology Officer, \$78,600,000, of which \$46,200,000 is for a first response land-line and wireless interoperability project, and \$32,400,000 is for a city-wide secure data center.

EMERGENCY TRAFFIC MANAGEMENT

For emergency traffic management, \$52,900,000, of which \$2,200,000 is for the Washington Metropolitan Area Transit Authority for completion of the fiber optic network

project, and \$50,700,000 is for the Department of Public Works Division of Transportation to upgrade traffic light controllers (\$14,000,000), to establish a video traffic monitoring system (\$4,700,000), to disseminate traffic information (\$2,000,000), and to provide fiber optic backbone for traffic control and monitoring (\$30,000,000).

TRAINING AND PLANNING

For training and planning, \$10,698,725, of which \$4,400,000 is for the Fire and Emergency Medical Services Department, \$990,000 is for the Metropolitan Police Department, \$1,200,000 is for the Department of Health, \$200,000 is for the Office of the Chief Medical Examiner, \$1,500,000 is for the Emergency Management Agency, \$500,000 is for the Office of Property Management, \$500,000 is for the Department of Mental Health, \$468,725 is for the Department of Consumer and Regulatory Affairs, \$240,000 is for the Department of Public Works, \$600,000 is for the Department of Human Services, and \$100,000 is for the Department of Parks and Recreation.

INCREASED SECURITY

For increased security, \$38,436,000, of which \$3,900,000 for the Emergency Management Agency, \$12,775,000 for the public schools, \$3,961,000 for the Office of Property Management, and \$17,800,000 for the Washington Metropolitan Area Transit Authority for employee and facility security.

CHAPTER 5—ENERGY AND WATER DEVELOPMENT

DEPARTMENT OF DEFENSE—CIVIL DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

OPERATION AND MAINTENANCE, GENERAL

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for "Operation and Maintenance, General", \$267,000,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

WATER AND RELATED RESOURCES

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for "Water and Related Resources", \$70,259,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

DEPARTMENT OF ENERGY

NATIONAL NUCLEAR SECURITY

ADMINISTRATION

WEAPONS ACTIVITIES

For an additional amount to respond to the September 11, 2001 terrorist attacks on

the United States, and for other expenses to increase the security of the Nation's nuclear weapons complex, for "Weapons Activities", \$534,000,000, to remain available until expended: *Provided*, That, of such amount, \$284,000,000 shall be only for increased security (including cyber-security) for the transportation and storage of United States nuclear weapons; and \$250,000,000 shall be only for classified activities to improve physical security: *Provided further*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

DEFENSE NUCLEAR NONPROLIFERATION

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for "Defense Nuclear Nonproliferation", \$286,000,000, to remain available until expended: *Provided*, That, of such amount, \$131,000,000 shall be only for increased physical security of nuclear weapons and materials at locations within the Newly Independent States of the former Soviet Union; and \$95,000,000 shall be only for research and development for global terrorist weapons of mass destruction: *Provided further*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for "Defense Environmental Restoration and Waste Management", \$65,200,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

OTHER DEFENSE ACTIVITIES

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, and for other expenses necessary to support activities related to countering potential biological threats to civilian populations, for "Other Defense Activities", \$21,500,000, to remain available until expended: *Provided*, That, of such amount, \$18,000,000 shall be only for intelligence activities: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section

251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

CHAPTER 6—FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

For an additional amount for “Operating Expenses of the United States Agency for International Development”, to respond to the September 11, 2001 terrorist attacks on the United States, \$100,000,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

DEPARTMENT OF STATE

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For an additional amount for “Non-proliferation, Anti-terrorism, Demining and Related Programs”, \$30,000,000, to remain available until expended: *Provided*, That such funds shall be used for the Biological Weapons Redirect and International Science Centers programs: *Provided further*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

CHAPTER 7—DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For an additional amount for “Management of Lands and Resources”, to respond to the September 11, 2001 terrorist attacks on the United States, \$4,500,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

UNITED STATES FISH AND WILDLIFE SERVICE RESOURCE MANAGEMENT

For an additional amount for “Resource Management”, to respond to the September 11, 2001 terrorist attacks on the United States, \$3,000,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for “Operation of the National Park System”, \$10,098,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

UNITED STATES PARK POLICE

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for “United States Park Police”, \$25,295,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

CONSTRUCTION

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for “Construction”, \$75,560,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress: *Provided further*, That the Secretary of the Interior shall take such actions as may be necessary to ensure that the security upgrades at national memorials, monuments, and other significant cultural sites that are funded by this Act are completed not later than December 31, 2002, except that the Secretary may not waive any regulatory or statutory requirements related to the environment, fair labor standards, or nondiscrimination: *Provided further*, That, notwithstanding any

other provision of law, single but separate procurements for the construction of security improvements and an underground visitor screening facility at the Washington Monument, for security improvements at the Lincoln Memorial, and for security improvements at the Jefferson Memorial, may be issued that include the full scope of each project, except that each solicitation and contract shall contain the clause “availability of funds” found at section 52.232.18 of title 48, Code of Federal Regulations.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for “Salaries and Expenses”, \$4,743,000, to remain available until expended, for safeguarding employees and visitors to the Department of the Interior main building complex from the heightened threat of terrorist attack: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

DEPARTMENT OF ENERGY

STRATEGIC PETROLEUM RESERVE

For an additional amount for “Strategic Petroleum Reserve”, to respond to the September 11, 2001 terrorist attacks on the United States, \$5,000,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

For an additional amount for “Indian Health Services”, to respond to the September 11, 2001 terrorist attacks on the United States, \$850,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

OTHER RELATED AGENCIES

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for “Salaries and Expenses”, \$21,707,000, to remain available until

expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

NATIONAL GALLERY OF ART
SALARIES AND EXPENSES

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for "Salaries and Expenses", \$2,148,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

JOHN F. KENNEDY CENTER FOR THE
PERFORMING ARTS

OPERATIONS AND MAINTENANCE

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for "Operations and Maintenance", \$4,310,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

NATIONAL CAPITAL PLANNING COMMISSION
SALARIES AND EXPENSES

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for "Salaries and Expenses", \$758,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

CHAPTER 8—DEPARTMENTS OF LABOR,
HEALTH AND HUMAN SERVICES, EDU-
CATION, AND RELATED AGENCIES

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION
TRAINING AND EMPLOYMENT SERVICES

For emergency expenses to respond to the consequences of the September 11, 2001 terrorist attacks on the United States, for "Training and Employment Services", \$2,000,000,000 shall be available for the period beginning on the date of enactment through the date ending 18 months after the date of

enactment, for carrying out section 173 of the Workforce Investment Act: *Provided*, That these funds only may be used by States to provide employment and training assistance, including assistance in making COBRA continuation coverage payments, to dislocated workers affected by a plant closure, mass layoff, or multiple layoffs if the Governor certifies in the application for such grants that the attacks of September 11, 2001 contributed importantly to such plant closures, mass layoffs, and multiple layoffs: *Provided further*, That such funds may be used by the State to assist a participant in the program funded under such grants by paying up to 75 percent of the participants and any dependents contribution for COBRA continuation coverage of the participant and any dependents for a period not to exceed 10 months: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

STATE UNEMPLOYMENT INSURANCE AND
EMPLOYMENT SERVICE OPERATIONS

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for "State Unemployment Insurance and Employment Service Operations", \$4,100,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

PENSION AND WELFARE BENEFITS
ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for "Salaries and Expenses", \$1,600,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

OCCUPATIONAL SAFETY AND HEALTH
ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for "Salaries and Expenses", \$1,000,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the

extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

DEPARTMENTAL MANAGEMENT
SALARIES AND EXPENSES

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for "Salaries and Expenses", \$5,880,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

DEPARTMENT OF HEALTH AND HUMAN
SERVICES

OFFICE OF THE SECRETARY

PUBLIC HEALTH AND SOCIAL SERVICES
EMERGENCY FUND

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, and for other expenses necessary to support activities related to countering potential biological, disease, and chemical threats to civilian populations, for "Public Health and Social Services Emergency Fund", \$2,752,650,000, to remain available until expended: *Provided*, That, of such amount \$1,262,000,000 shall be distributed as follows: \$920,000,000 for the Centers for Disease Control and Prevention, of which up to \$85,000,000 shall remain available until expended for equipment and construction of facilities; \$115,000,000 for the National Institute of Allergy and Infectious Diseases; \$160,000,000 for the National Institutes of Health, Buildings and Facilities, which shall remain available until expended; \$15,000,000 for the Health Resources and Services Administration; \$12,000,000 for the Office of Emergency Preparedness; and \$40,000,000 for the Substance Abuse and Mental Health Services Administration: *Provided further*, That the amount provided in this paragraph is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

DEPARTMENT OF EDUCATION
SCHOOL IMPROVEMENT PROGRAMS

For an additional amount for "School Improvement Programs", \$110,000,000, to remain available until expended: *Provided*, That, of such amount, \$10,000,000 shall be to provide education-related services to local educational agencies in which the learning environment has been disrupted due to a violent or traumatic crisis, for the Project School Emergency Response to Violence program: *Provided further*, That, of such amount, \$100,000,000, shall be for carrying out activities authorized under subpart 2 of part A of title IV of the Elementary and Secondary Education Act of 1965: *Provided further*, That,

notwithstanding any other provision of law, the funds referred to in the second proviso shall be used to provide grants to local educational agencies and institutions of higher education for the purpose of implementing, coordinating, and improving emergency response plans with local law enforcement, public safety, health, and mental health agencies; training school personnel, students, and parents in emergency response procedures; implementing security measures for high-risk areas and facilities; and purchasing, installing, and upgrading security equipment and technology: *Provided further*, That the funds referred to in the second proviso shall be made available only to local educational agencies and institutions of higher education that demonstrate a need for financial assistance and a lack of resources to implement emergency preparedness and security improvements: *Provided further*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

HIGHER EDUCATION

For an additional amount for "Higher Education" for emergency expenses for carrying out activities authorized by title VI of the Higher Education Act of 1965 and the Mutual Educational and Cultural Exchange Act of 1961, \$20,000,000, to remain available through September 30, 2002: *Provided*, That, notwithstanding any other provision of law, funds made available in this Act and in the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2002, to carry out title VI of the Higher Education Act of 1965 and the Mutual Educational and Cultural Exchange Act of 1961 may be used to support visits and study in foreign countries by individuals who are participating in advanced foreign language training and international studies in areas that are vital to U.S. national security and who plan to apply their language skills and knowledge of these countries in the fields of government, the professions, or international development: *Provided further*, That up to 1 percent of the funds referred to in the preceding proviso may be used for program evaluation, national outreach, and information dissemination activities: *Provided further*, That the amount provided in this paragraph is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

RELATED AGENCIES

NATIONAL LABOR RELATIONS BOARD SALARIES AND EXPENSES

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for "Salaries and Expenses", \$180,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency

requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

SOCIAL SECURITY ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for "Limitation on Administrative Expenses", \$7,500,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

CHAPTER 9—LEGISLATIVE BRANCH

LEGISLATIVE BRANCH

LEGISLATIVE BRANCH EMERGENCY RESPONSE FUND

(INCLUDING TRANSFER OF FUNDS)

For emergency expenses to respond to the September 11, 2001 terrorist attacks on the United States, \$256,081,000 to remain available until expended: *Provided*, That \$34,500,000 shall be transferred to "SENATE—Sergeant at Arms and Doorkeeper of the Senate" and shall be obligated with prior notification to the Committee on Appropriations of the Senate: *Provided further*, That \$40,712,000 shall be transferred to "HOUSE OF REPRESENTATIVES—Salaries and Expenses" and shall be obligated with prior notification to the Committee on Appropriations of the House of Representatives: *Provided further*, That \$1,000,000 shall be transferred as a grant to the United States Capitol Historical Society: *Provided further*, That the remaining balance of \$179,869,000, together with any other amounts provided to any entity in the legislative branch which are derived from the Emergency Response Fund established by Public Law 107-38 and which remain unobligated as of the date of the enactment of this Act (other than any amounts provided to the House of Representatives or Senate), shall be transferred to the Capitol Police Board, who shall transfer to the affected entities of the legislative branch such amounts as the Capitol Police Board considers appropriate, with prior notification to the Committees on Appropriations of the House of Representatives and Senate: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

HOUSE OF REPRESENTATIVES

ADMINISTRATIVE PROVISIONS

SEC. 901. (a) ACQUISITION OF BUILDINGS AND FACILITIES.—Notwithstanding any other pro-

vision of law, in order to respond to an emergency situation, the Chief Administrative Officer of the House of Representatives may acquire buildings and facilities for the use of the House of Representatives by lease, purchase, or such other arrangement as the Chief Administrative Officer considers appropriate (including a memorandum of understanding with the head of an Executive Agency, as defined in section 105 of title 5, United States Code, in the case of a building or facility under the control of such Agency), subject to the approval of the House Office Building Commission.

(b) AGREEMENTS.—Notwithstanding any other provision of law, for purposes of carrying out subsection (a), the Chief Administrative Officer may carry out such activities and enter into such agreements related to the use of any building or facility acquired pursuant to such subsection as the Chief Administrative Officer considers appropriate, including—

(1) agreements with the United States Capitol Police or any other entity relating to the policing of such building or facility; and

(2) agreements with the Architect of the Capitol or any other entity relating to the care and maintenance of such building or facility.

(c) AUTHORITY OF CAPITOL POLICE AND ARCHITECT.—

(1) ARCHITECT OF THE CAPITOL.—Notwithstanding any other provision of law, the Architect of the Capitol may take any action necessary to carry out an agreement entered into with the Chief Administrative Officer pursuant to subsection (b).

(2) CAPITOL POLICE.—Section 9 of the Act of July 31, 1946 (40 U.S.C. 212a) is amended—

(A) by striking "The Capitol Police" and inserting "(a) The Capitol Police"; and

(B) by adding at the end the following new subsection:

"(b) For purposes of this section, 'the United States Capitol Buildings and Grounds' shall include any building or facility acquired by the Chief Administrative Officer of the House of Representatives for the use of the House of Representatives for which the Chief Administrative Officer has entered into an agreement with the United States Capitol Police for the policing of the building or facility."

(d) TRANSFER OF CERTAIN FUNDS.—Subject to the approval of the Committee on Appropriations of the House of Representatives, the Architect of the Capitol may transfer to the Chief Administrative Officer amounts made available to the Architect for necessary expenses for the maintenance, care and operation of the House office buildings during a fiscal year in order to cover any portion of the costs incurred by the Chief Administrative Officer during the year in acquiring a building or facility pursuant to subsection (a).

(e) EFFECTIVE DATE.—This section and the amendments made by this section shall apply with respect to fiscal year 2002 and each succeeding fiscal year.

SEC. 902. (a) Notwithstanding any other provision of law—

(1) subject to subsection (b), the Chief Administrative Officer of the House of Representatives and the head of an Executive Agency (as defined in section 105 of title 5, United States Code) may enter into a memorandum of understanding under which the Agency may provide facilities, equipment, supplies, personnel, and other support services for the use of the House of Representatives during an emergency situation; and

(2) the Chief Administrative Officer and the head of the Agency may take any action

necessary to carry out the terms of the memorandum of understanding.

(b) The Chief Administrative Officer of the House of Representatives may not enter into a memorandum of understanding described in subsection (a)(1) without the approval of the Speaker of the House of Representatives.

(c) This section shall apply with respect to fiscal year 2002 and each succeeding fiscal year.

SEC. 903. (a) There is established in the House of Representatives an office to be known as the House of Representatives Office of Emergency Planning, Preparedness, and Operations. The Office shall be responsible for mitigation and preparedness operations, crisis management and response, resource services, and recovery operations.

(b) There is established the House of Representatives Continuity of Operations Board, comprised of the Clerk, the Sergeant-at-Arms, and the Chief Administrative Officer of the House of Representatives. The Clerk shall be the Chairman of the Board.

(c) The Board—

(1) shall appoint and set the annual rate of pay for employees of the Office, including a Director, who shall be the head of the Office and shall carry out the day-to-day operations of the Office under the supervision of the Board;

(2) shall exercise, with respect to any employee of the Office, the authority referred to in section 8344(k)(2)(B) of title 5, United States Code, and the authority referred to in section 8468(h)(2)(B) of title 5, United States Code;

(3) shall approve procurement of services of experts and consultants by the Office or by committees or other entities of the House of Representatives for assignment to the Office; and

(4) may request the head of any Federal department or agency to detail to the Office, on a reimbursable basis, any of the personnel of the department or agency.

(d) Until otherwise provided by law, funds shall be available for the Office from amounts appropriated for the operations of the House of Representatives.

(e) This section shall take effect on the date of the enactment of this Act and shall apply to fiscal years beginning with fiscal year 2002.

OTHER LEGISLATIVE BRANCH

ADMINISTRATIVE PROVISIONS

SEC. 904. (a) Section 1(c) of Public Law 96-152 (40 U.S.C. 206-1) is amended by striking “but not to exceed” and all that follows and inserting the following: “but not to exceed \$2,500 less than the lesser of the annual salary for the Sergeant at Arms of the House of Representatives or the annual salary for the Sergeant at Arms and Doorkeeper of the Senate.”.

(b) The Assistant Chief of the Capitol Police shall receive compensation at a rate determined by the Capitol Police Board, but not to exceed \$1,000 less than the annual salary for the chief of the United States Capitol Police.

(c) This section and the amendment made by this section shall apply with respect to pay periods beginning on or after the date of the enactment of this Act.

SEC. 905. In addition to the authority provided under section 121 of the Legislative Branch Appropriations Act, 2002, at any time on or after the date of the enactment of this Act, the Capitol Police Board may accept contributions of recreational, comfort, and other incidental items and services to support officers and employees of the United States Capitol Police while such officers and

employees are on duty in response to emergencies involving the safety of human life or the protection of property.

SEC. 906. (a) Section 9 of the Act of July 31, 1946 (40 U.S.C. 212a) is amended by adding at the end the following new subsection:

“(c)(1) For purposes of this section, ‘the United States Capitol Buildings and Grounds’ shall include all buildings and grounds of the United States Botanic Garden, including the National Garden and Bartholdi Park.

“(2) For purposes of this section, the Joint Committee on the Library may suspend the application of section 4 of this Act to the buildings and grounds described in paragraph (1) in order to promote the interests of the United States Botanic Garden.”.

(b) The amendment made by subsection (a) shall apply with respect to fiscal year 2002 and each succeeding fiscal year.

SEC. 907. (a) ASSISTANCE FOR CAPITOL POLICE FROM EXECUTIVE DEPARTMENTS AND AGENCIES.—Notwithstanding any other provision of law, Executive departments and Executive agencies may assist the United States Capitol Police in the same manner and to the same extent as such departments and agencies assist the United States Secret Service under section 6 of the Presidential Protection Assistance Act of 1976 (18 U.S.C. 3056 note), except as may otherwise be provided in this section.

(b) TERMS OF ASSISTANCE.—Assistance under this section shall be provided—

(1) consistent with the authority of the Capitol Police under sections 9 and 9A of the Act of July 31, 1946 (40 U.S.C. 212a and 212a-2);

(2) upon the advance written request of—

(A) the Chairman of the Capitol Police Board, or

(B) in the absence of the Chairman of the Capitol Police Board—

(i) the Sergeant at Arms and Doorkeeper of the Senate, in the case of any matter relating to the Senate; or

(ii) the Sergeant at Arms of the House of Representatives, in the case of any matter relating to the House; and

(3) either—

(A) on a temporary and reimbursable basis, or

(B) on a permanent reimbursable basis upon advance written request of the Chairman of the Capitol Police Board.

(c) REPORTS ON EXPENDITURES FOR ASSISTANCE.—

(1) REPORTS.—With respect to any fiscal year in which an Executive department or Executive agency provides assistance under this section, the head of that department or agency shall submit a report not later than 30 days after the end of the fiscal year to the Chairman of the Capitol Police Board.

(2) CONTENTS.—The report submitted under paragraph (1) shall contain a detailed account of all expenditures made by the Executive department or Executive agency in providing assistance under this section during the applicable fiscal year.

(3) SUMMARY OF REPORTS.—After receipt of all reports under paragraph (2) with respect to any fiscal year, the Chairman of the Capitol Police Board shall submit a summary of such reports to the Committees on Appropriations of the Senate and the House of Representatives.

(d) EFFECTIVE DATE.—This section shall apply with respect to fiscal year 2002 and each succeeding fiscal year.

SEC. 908. (a) Notwithstanding any other provision of law, the United States Capitol Preservation Commission established under

section 801 of the Arizona-Idaho Conservation Act of 1988 (40 U.S.C. 188a) may transfer to the Architect of the Capitol amounts in the Capitol Preservation Fund established under section 803 of such Act (40 U.S.C. 188a-2) if the amounts are to be used by the Architect for the planning, engineering, design, or construction of the Capitol Visitor Center.

(b) Any amounts transferred pursuant to subsection (a) shall remain available for the use of the Architect of the Capitol until expended.

(c) This section shall apply with respect to fiscal year 2002 and each succeeding fiscal year.

SEC. 909. (a) Section 1 of Public Law 93-180 (40 U.S.C. 166d) is amended—

(1) by striking “secure, through rental, lease, or other appropriate agreement, storage space” and inserting “acquire, through purchase, lease, or other appropriate arrangement, property or space”;

(2) by inserting “the United States Capitol Police,” after “Representatives,”; and

(3) by striking “as such Commission and committee may authorize” and inserting “as the Architect deems reasonable and appropriate”.

(b) Nothing in the amendment made by subsection (a) may be construed to affect the authority provided to the Architect of the Capitol under section 128 of the Legislative Branch Appropriations Act, 2002, to secure the property described in such section.

(c) The amendment made by subsection (a) shall apply with respect to fiscal year 2002 and each succeeding fiscal year.

SEC. 910. (a) Public Law 107-68 is amended in the item relating to “ARCHITECT OF THE CAPITOL—CAPITOL VISITOR CENTER”—

(1) by striking “unassigned space in the”;

(2) by striking “for House space”; and

(3) by striking “for Senate space”.

(b) The amendment made by subsection (a) shall take effect as if included in the enactment of Public Law 107-68.

SEC. 911. (a) In accordance with the authority described in section 308(a) of the Legislative Branch Appropriations Act, 1988 (40 U.S.C. 166b-3a(a)), section 108 of the Legislative Branch Appropriations Act, 1991 (40 U.S.C. 166b-3b), as amended by section 129(c)(1) of the Legislative Branch Appropriations Act, 2002, is amended by adding at the end the following new subsection:

“(c) The Architect of the Capitol may fix the rate of basic pay for not more than 4 positions for Executive Project Directors whose salary is payable from project funds, at a rate not to exceed 95 percent of the highest total rate of pay for the Senior Executive Service under subchapter VIII of chapter 53 of title 5, United States Code, for the locality involved.”.

(b) The amendment made by subsection (a) shall apply with respect to pay periods beginning on or after October 1, 2001.

SEC. 912. (a) Public Law 107-68 is amended by adding at the end the following:

“This Act may be cited as the ‘Legislative Branch Appropriations Act, 2002’.”.

(b) The amendment made by subsection (a) shall take effect as if included in the enactment of Public Law 107-68.

CHAPTER 10—DEPARTMENT OF DEFENSE, MILITARY CONSTRUCTION

MILITARY CONSTRUCTION, ARMY

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for “Military Construction, Army”, \$195,479,500, for activities in support of anti-terrorism efforts and force protection, to remain available until September 30, 2006: *Provided*, That, notwithstanding any other provision of law, such

funds may be obligated or expended for military construction projects not otherwise authorized by law: *Provided further*, That, of this amount, not to exceed \$10,804,500 shall be available for study, planning, design, architect and engineer services, and host nation support, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of his determination and the reasons therefor: *Provided further*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

MILITARY CONSTRUCTION, NAVY

For an additional amount for "Military Construction, Navy" for activities in support of anti-terrorism efforts and force protection, \$131,217,400, to remain available until September 30, 2006: *Provided*, That, notwithstanding any other provision of law, such funds may be obligated or expended for military construction projects not otherwise authorized by law: *Provided further*, That, of this amount, not to exceed \$7,427,400 shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of his determination and the reasons therefor: *Provided further*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

MILITARY CONSTRUCTION, AIR FORCE

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for "Military Construction, Air Force", \$68,069,680, for activities in support of anti-terrorism efforts and force protection, to remain available until September 30, 2006: *Provided*, That, notwithstanding any other provision of law, such funds may be obligated or expended for military construction projects not otherwise authorized by law: *Provided further*, That, of this amount, not to exceed \$1,441,680 shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of his determination and the reasons therefor: *Provided further*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as de-

finied in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

MILITARY CONSTRUCTION, DEFENSE-WIDE

For an additional amount for "Military Construction, Defense-wide" for activities in support of anti-terrorism efforts and force protection, \$482,014,860, to remain available until September 30, 2006: *Provided*, That, notwithstanding any other provision of law, such funds may be obligated or expended for military construction projects not otherwise authorized by law: *Provided further*, That, of this amount, not to exceed \$27,283,860 shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of his determination and the reasons therefor: *Provided further*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

GENERAL PROVISIONS

SEC. 1001. The Secretary of Defense may transfer to the Defense Emergency Response Fund amounts appropriated in Military Construction Appropriations Acts if the Secretary makes a determination that amounts in the Fund are insufficient to carry out needed military construction projects. In exercising the transfer authority provided by this section, the Secretary of Defense shall first transfer unobligated balances remaining from fiscal year 2001 and earlier fiscal years before transferring any amounts appropriated in the Military Construction Appropriations Act, 2002. Amounts so transferred shall be available solely for military construction projects, including activities described in section 2802(b) of title 10, United States Code, and the Secretary of Defense shall also comply with the notification requirements of section 2808(b) of such title when a decision is made to undertake a military construction project using amounts appropriated or transferred to the Fund. Under this transfer authority, the Secretary shall provide an accompanying form 1391 to the appropriate committees of Congress.

SEC. 1002. Amounts made available to the Department of Defense from funds appropriated in Public Law 107-38 and this Act may be used to carry out military construction projects, not otherwise authorized by law, that the Secretary of Defense determines are necessary to respond to or protect against acts or threatened acts of terrorism. The Secretary shall provide prior notification of each project and an accompanying form 1391 to the appropriate committees of Congress.

CHAPTER 11—DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for "Salaries and Expenses", \$458,000, to remain available until expended: *Provided*, That such amount is des-

ignated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

TRANSPORTATION SECURITY ADMINISTRATION

For necessary expenses for the establishment and operations of the Transportation Security Administration, \$15,000,000, to remain available until expended: *Provided*, That the obligation of funds under this heading shall be subject to the enactment of legislation authorizing the establishment of such Administration: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

AIRCRAFT PASSENGER AND BAGGAGE SCREENING ACTIVITIES

For necessary expenses of the Secretary of Transportation to carry out responsibilities for the screening of passengers and property on passenger aircraft in air transportation that originates in the United States or intrastate air transportation that, on September 11, 2001, was performed by an employee or agent of an air carrier, intrastate air carrier, or foreign air carrier, \$1,000,000,000, to remain available until expended: *Provided*, That none of the funds under this heading may be obligated or expended until enactment of legislation authorizing (1) the conduct of such activities, whether by contract, grant, or direct Federal personnel, by an organization within the Department of Transportation other than the Federal Aviation Administration; (2) the collection of passenger and baggage screening user fees designed to offset the cost of these activities; and (3) the crediting of the fees as offsetting collections to the account financing the activities and services for which the fee is imposed: *Provided further*, That the sum herein appropriated shall be reduced, on a dollar for dollar basis, as such offsetting collections are received, so as to result in a final fiscal year 2002 appropriation of zero.

OVER-THE-ROAD BUS AND PASSENGER RAIL SECURITY GRANT PROGRAM

For the Secretary of Transportation to award grants competitively to passenger rail and over-the-road bus operators to finance the costs of enhancing the security of their facilities and operations, \$200,000,000, to remain available until expended: *Provided*, That not less than \$125,000,000 of such amount shall be awarded to the National Railroad Passenger Corporation: *Provided further*, That the amount provided in this paragraph is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control

Act of 1985, is transmitted by the President to the Congress.

PORT SECURITY GRANTS

For the Secretary of Transportation to award grants competitively to critical national seaports to finance the costs of enhancing facility and operational security, \$200,000,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

COAST GUARD

OPERATING EXPENSES

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for "Operating Expenses", \$368,356,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

FEDERAL AVIATION ADMINISTRATION OPERATIONS

(AIRPORT AND AIRWAY TRUST FUND)

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for "Operations", \$291,500,000, to be derived from the Airport and Airway Trust Fund and to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for "Facilities and Equipment", \$480,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

AIRPORT OPERATOR SECURITY COSTS

For emergency expenses to respond to the September 11, 2001 terrorist attacks on the

United States, for "Airport Operator Security Costs", \$200,000,000, to remain available until expended: *Provided*, That funds under this heading are only available for the Administrator of the Federal Aviation Administration to reimburse airport operators for direct costs that such operators incurred to comply with new, additional, or revised security requirements imposed by the Federal Aviation Administration on or after September 11, 2001: *Provided further*, That within 30 days of enactment of this Act, the Administrator, after consultation with airport operators, shall publish in the Federal Register the administrative procedures by which airport operators may file claims for reimbursement, including written justification required to support such claim: *Provided further*, That the amount of compensation payable to an airport operator may not exceed the amount of costs that the airport operator demonstrates to the satisfaction of the Administrator, using sworn financial statements or other appropriate data, that the airport operator incurred as a direct result of security activities beginning on or after September 11, 2001: *Provided further*, That in establishing criteria for obligating funds under this heading, the Administrator shall give special consideration to any commercial service airport which was closed for an unusually long period of time due to security concerns arising from the terrorist attacks of September 11, 2001.

FEDERAL HIGHWAY ADMINISTRATION

FEDERAL-AID HIGHWAYS

EMERGENCY RELIEF PROGRAM

(HIGHWAY TRUST FUND)

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for "Emergency Relief Program", as authorized by section 125 of title 23, United States Code, \$75,000,000, to be derived from the Highway Trust Fund and to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

FEDERAL-AID HIGHWAYS

INTELLIGENT TRANSPORTATION SYSTEMS

(HIGHWAY TRUST FUND)

For an additional amount for "Intelligent Transportation Systems", to respond to the September 11, 2001 terrorist attacks on the United States, \$20,000,000, to be derived from the Highway Trust Fund and to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

FEDERAL RAILROAD ADMINISTRATION SAFETY AND OPERATIONS

For an additional amount to respond to the September 11, 2001 terrorist attacks on

the United States, for "Safety and Operations", \$6,000,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

FEDERAL TRANSIT ADMINISTRATION

FORMULA GRANTS

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for "Formula Grants", \$39,500,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION

RESEARCH AND SPECIAL PROGRAMS

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for "Research and Special Programs", \$2,500,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

RELATED AGENCY

NATIONAL TRANSPORTATION SAFETY BOARD

SALARIES AND EXPENSES

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for "Salaries and Expenses", \$465,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

CHAPTER 12—TREASURY AND GENERAL GOVERNMENT

DEPARTMENT OF THE TREASURY

TREASURY INSPECTOR GENERAL FOR TAX ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for "Salaries and Expenses", \$2,032,000, to remain available until

expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

FINANCIAL CRIMES ENFORCEMENT NETWORK SALARIES AND EXPENSES

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for "Salaries and Expenses", \$1,700,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for "Salaries and Expenses", \$23,231,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for "Acquisition, Construction, Improvements, and Related Expenses", \$8,500,000, to remain available until expended: *Provided*, That, in order to expedite the acquisition of architectural and engineering services for the construction of facilities at the Cheltenham, Maryland, training facility, the Federal Law Enforcement Training Center may procure such services without regard to (1) the competition requirements of section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253); (2) the 6 percent fee limitation on such services set forth in section 304(b) of such Act (41 U.S.C. 254(b)); and (3) the procurement notice requirements of section 18 of the Office of Federal Procurement Policy Act (41 U.S.C. 416): *Provided further*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

FINANCIAL MANAGEMENT SERVICE SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", to respond to the September 11, 2001 terrorist attacks on the United States, \$600,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS SALARIES AND EXPENSES

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for "Salaries and Expenses", \$31,431,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

UNITED STATES CUSTOMS SERVICE SALARIES AND EXPENSES

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for "Salaries and Expenses", \$448,026,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

OPERATION, MAINTENANCE AND PROCUREMENT, AIR AND MARINE INTERDICTION PROGRAMS

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for "Operation, Maintenance and Procurement, Air and Marine Interdiction Programs", \$6,700,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

INTERNAL REVENUE SERVICE

PROCESSING, ASSISTANCE, AND MANAGEMENT

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for "Processing, Assistance and Management", \$16,658,000, to re-

main available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

TAX LAW ENFORCEMENT

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for "Tax Law Enforcement", \$4,544,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

INFORMATION SYSTEMS

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for "Information Systems", \$2,443,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

BUSINESS SYSTEMS MODERNIZATION

For an additional amount for "Business Systems Modernization", to respond to the September 11, 2001 terrorist attacks on the United States, \$13,548,000, to remain available until expended, for systems backup: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for "Salaries and Expenses", \$104,769,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control

Act of 1985, is transmitted by the President to the Congress.

POSTAL SERVICE

PAYMENT TO THE POSTAL SERVICE FUND

For an additional amount for "Payment to the Postal Service Fund", to respond to the September 11, 2001 terrorist attacks on the United States, \$510,500,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress: *Provided further*, That, of such amount, \$500,000,000 shall not be available for obligation until the Postal Service submits to the Committees on Appropriations, and the Committee on Government Reform of the House of Representatives, a comprehensive plan to combat the threat of dangerous biological substances in the mail.

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", to respond to the September 11, 2001 terrorist attacks on the United States and to ensure the continuity of support and services to the President and Vice President of the United States, \$50,040,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

INDEPENDENT AGENCIES

GENERAL SERVICES ADMINISTRATION

REAL PROPERTY ACTIVITIES

FEDERAL BUILDINGS FUND

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for "Federal Buildings Fund", \$200,500,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

OPERATING EXPENSES

For an additional amount for "Operating Expenses", to respond to the September 11, 2001 terrorist attacks on the United States, \$4,818,000, to remain available until expended, for enhanced security services: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced

Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

REPAIRS AND RESTORATION

For an additional amount for "Repairs and Restoration", to respond to the September 11, 2001 terrorist attacks on the United States, \$2,180,000, to remain available until expended, for construction of enhanced security features: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

CHAPTER 13—DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES

DEPARTMENT OF VETERANS AFFAIRS

GENERAL OPERATING EXPENSES

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for "General Operating Expenses", \$2,000,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

MANAGEMENT AND ADMINISTRATION

OFFICE OF INSPECTOR GENERAL

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for "Office of Inspector General", \$1,000,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

INDEPENDENT AGENCIES

ENVIRONMENTAL PROTECTION AGENCY

SCIENCE AND TECHNOLOGY

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for "Science and Technology", \$10,000,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as an emer-

gency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for "Environmental Programs and Management", \$270,700,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

HAZARDOUS SUBSTANCE SUPERFUND

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, and to support activities related to countering terrorism, for "Hazardous Substance Superfund", \$11,800,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

STATE AND TRIBAL ASSISTANCE GRANTS

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, and to support activities related to countering potential biological and chemical threats to populations, for "State and Tribal Assistance Grants", \$5,000,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for "Disaster Relief", \$4,900,000,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of

the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

SALARIES AND EXPENSES

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for "Salaries and Expenses", \$30,000,000, to remain available until expended: *Provided*, That, of such amount, not less than \$10,000,000 shall be for the National Security Division: *Provided further*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for "Emergency Management Planning and Assistance", \$185,000,000, to remain available until expended: *Provided*, That, of such amount, \$35,000,000 shall be for to provide for grants to States and localities for first responder training and equipment to respond to terrorism, including incidents involving chemical and biological weapons, of which not less than \$10,000,000 shall be for support of the 2002 Winter Olympics: *Provided further*, That, of such amount, \$150,000,000 shall be for programs authorized by section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229): *Provided further*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION HUMAN SPACE FLIGHT

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for "Human Space Flight", \$81,000,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

SCIENCE, AERONAUTICS AND TECHNOLOGY

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for "Science, Aeronautics and Technology", \$36,500,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and

Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

OFFICE OF INSPECTOR GENERAL

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for "Office of Inspector General", \$3,000,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for "Research and Related Activities", \$300,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

CHAPTER 14—GENERAL PROVISIONS

SEC. 1401. No part of any appropriation contained in this division shall remain available for obligation beyond the current fiscal year unless expressly provided so herein.

This division may be cited as the "Emergency Supplemental Act, 2002".

Mr. OBEY (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. YOUNG of Florida. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The point of order is reserved.

Mr. YOUNG of Florida. Mr. Chairman, I ask unanimous consent that debate on this amendment and any amendments thereto be limited to 90 minutes, to be equally divided and controlled by the proponent, the gentleman from Wisconsin (Mr. OBEY), and myself.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

The CHAIRMAN. The gentleman from Wisconsin (Mr. OBEY) will control 45 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Chairman, I yield myself 12 minutes.

Mr. Chairman, what we have done at this point in the bill, and I sense a little confusion around here, what we have done is to conclude the core defense appropriation bill for the coming year. We are now moving on to the supplemental title, which deals with funding for many of the activities that were promised after the events of September 11.

I want to say with respect to the proposal that is before us that there is no real difference between the minority and the majority on the items that are at present in the bill, as added by the committee.

What the committee did, and let me back up and speak very frankly, when the chairman, the gentleman from Florida (Mr. YOUNG), and I were trying to consider what other actions might be necessary to combat terrorism, in addition to those that were funded or that were going to be funded in the original \$20 billion that was left over from the earlier agreement, his staff and mine began to work on a common list of actions that ought to be taken in order to protect our homeland.

About halfway through that process, after we had expected to come to the floor and come to the committee with a bipartisan recommendation, as we all know, the White House decided that they were going to draw a line in the sand and that they were going to veto any bill which spent one dime more than they had requested for homeland security.

So at that point, the chairman had some tough choices to make. I do not quarrel with any of the choices that he made, because he was being forced to operate within an artificial ceiling.

But in my view, when I go home to my district and walk down Main Street in any significant town in my district and ask people what their priorities are, they put homeland security before many other expenditures in the budget. They put homeland security ahead of tax cuts. They put homeland security ahead of retroactively repealing the corporate minimum tax. They feel that the very first thing we need to do is to make certain that, to the greatest extent possible, we protect the safety of each and every American.

So while I have no criticism whatsoever of the job that the chairmen of the various subcommittees did in working within the limits that were imposed on them, I feel those limits are ill-advised, shortsighted, and downright dangerous. That is why this amendment is before the House today.

Mr. Chairman, this amendment is the amendment that we took to the Committee on Rules. It has not changed one comma, and I want to go through and describe briefly what it does, since we now have more time.

If we take a look at the major problems facing us in the area of counterterrorism, we first of all are trying to add \$322 million to upgrade State and local health departments and hospitals, so that the next time there is an anthrax attack or a smallpox attack or an attack of any kind, that our local and State public health authorities are prepared, ready, and equipped to deal with it.

Right now, the sad truth is that in most communities in this country they are not sufficiently prepared to meet that kind of unexpected threat.

We also would expand funding to create additional biosafety laboratories at NIH and Fort Detrick. We only have three level 4 biohazard labs in the entire country. They are heavily taxed right now just dealing with the anthrax scare. They processed some 10 times as many samples over a 1-month period as they normally process in a year. We badly need additional national facilities to handle this potential threat.

We wanted to provide \$500 million as a downpayment on the \$3 billion that the post office believes it is going to need to provide systems to sanitize future mail, so that we do not have to, on a daily basis, worry the way the country has had to worry the last 2 months.

Airport and airline safety. We have mandated about \$500 million in safety enforcement and upgrades at local airports around the country, but we are providing very little money to help them. We are asking in this amendment that \$200 million be provided for that purpose.

We are seeking to add \$250 million more for cockpit door security, because the committee made the decision to add to the President's request for the number of sky marshals, but they paid for it by cutting the President's request on cockpit security.

I do not criticize that choice. If I had to choose between the two, I would have made precisely the same choice as made by the majority, but I do not believe that we should have to choose between those two. I think that both are urgently needed, and we would provide the additional funding for that.

We want to help the FBI upgrade its computer capacity, because right now they have a large number of computers that cannot even do pictures. When we are trying to get to the FBI agents all around the country the pictures of the fellows we are worried about who might be future terrorists, it would be kind of nice if the FBI computer system could accomplish that. It cannot right now, to the full extent that it needs to. We would provide money to fix that so that their new computer system would be online by next spring, rather than having to wait until 2004.

We provide a wide variety of other law enforcement additions as well.

Then we get to the question of weapons of mass destruction. We are trying

to add \$191 million to try to secure weapons-grade nuclear material within the former Soviet Union, material which on 13 different occasions has fallen into the wrong hands and has been recovered. We do not know how many times that material has fallen into the wrong hands and has not been recovered. So we attempt to deal with that.

We also attempt to deal with some grave national security threats at nuclear weapons-producing plants around the country. That is a high-priority item.

We try to add 790 additional Customs agents for the Canadian border, so we do not have a sieve instead of a systematic screening at that border.

We are trying to provide also additional port security by providing an additional 640 Coast Guard positions for a fully annualized basis, rather than the 6 months that we now have in the bill.

We are trying to provide 800 additional Customs Service agents for cargo inspections, because we only inspect 2 percent of the cargo containers that are found in ships that dock at American ports.

Secretary Thompson indicated that what worried him most of all was the fact that only 1 percent of our food supply, of the food supply that we import, is inspected. We are trying to raise that to 10 percent. I do not think that is an outlandish request.

Then we are trying to take other actions to provide security upgrades for our community water systems around the country, and also trying to enhance the ability of the government to find, hire, and train people in Arabic, Farsi, Pashto, and a number of other languages for which our capacity right now is totally inadequate.

So that is a brief description of what this amendment does, with one further addition. It has been said by OMB, the White House budget office, that this represents runaway spending. That is absolute nonsense. I would like to read one sentence in the bill:

"Provided further that such amount shall be available only to the extent that an official budget request that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985 is transmitted by the President to the Congress."

What does that mean in plain English? It means that for every single line item in this bill, even though we make it available to the President so that it is there if he needs it in his holster, even though we make it available, he does not have to spend it unless he designates it as an emergency. So if in his judgment it is not an emergency, he still can prevent that money from being spent.

I am not comfortable with that, but that is a concession we made to the White House to try to work out a bi-

partisan approach. I am flabbergasted and appalled that we would even be having this dispute, because what I think should have happened is that instead of summarily rejecting what we wanted to do in this package before they saw word one of what it was we were trying to do, what they would have done had they had some grace, they would have sat down with us and said, "What is it that you are talking about that you want to do," and, "Where can we agree and where can we disagree?"

□ 1515

Instead, they simply decided sight unseen: "No more, cannot afford it." Well, it seems to me that that is a horrendous mistake. And I think public opinion by a wide margin would want us to provide these added protections that we seek to provide in this amendment.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. It is the understanding of the Chair that the gentleman from Florida (Mr. YOUNG) would like to continue his reservation of a point of order through the period of controlled debate.

The gentleman from Florida (Mr. YOUNG) controls 45 minutes.

Mr. YOUNG of Florida. Mr. Chairman, I do continue to reserve the point of order on the amendment.

Mr. Chairman, I yield myself such time as I might consume.

Mr. Chairman, what we are dealing with now is the second tier of the defense appropriations bill. We have completed consideration of the basic bill. We are now dealing with the \$20 billion supplemental that is attached to the defense appropriations bill.

I want to give just a real quick review of where we are and why we are here. Right after the terrorist attacks on September 11, we realized that there was going to be some funding needed immediately to respond to the attacks.

The gentleman from Wisconsin (Mr. OBEY) and I sat down together, and we began to work on what we thought would be an appropriate response by the Congress in the form of a supplemental appropriations bill. And we agreed to a \$20 billion supplemental appropriations bill, and we had worked out most of the details. We were, in fact, sitting with our counterparts in the Senate, Senator BYRD and Senator STEVENS, when the news flash came that the President had agreed to add an additional \$20 billion to help recovery in New York City. We were very supportive of that.

We understand that, after the terrible terrorist attacks on the World Trade Center in New York, we are all New Yorkers and we all have an obligation to respond as quickly as we can. So we produced that \$40 billion supplemental appropriations bill. The President was able to direct the first \$10 billion of that supplemental anywhere he

wished, to respond to the attacks and to begin the effort to prevent them from happening again.

For the second \$10 billion, the President had flexibility in how to use that \$10 billion; but we required that he consult with the Committee on Appropriations of the House and the Senate 15 days prior to allocating those funds. So the first \$20 billion is spoken for.

We made the second \$20 billion of the \$40 billion in that law subject to the appropriations process. And so, Mr. Chairman, that is why we are here today. We are presenting the appropriations recommendations for that \$20 billion figure.

Now, the \$20 billion figure includes pretty much what President Bush had asked for. We had worked with him. We worked with our subcommittees, and we made some changes in the \$20 billion package; and the President did not object to those changes. So we think we have a good package here. However, there are many who believe, and Mr. Chairman, I am one of them, that before this is over, as the President has said repeatedly, this is going to be a long, drawn-out affair to seek out the terrorists, to destroy al Qaeda's ability to launch terrorist attacks against the United States or our interests wherever they might be.

The military operation is going very successfully. I commend General Franks and all of those officers and men who have worked under him in this combat situation. They have done a really good job. It has been very methodical, and it has been very precise. They have done a really good job. The operation is moving along very well. We are not sure how much longer it might take. We are using a lot of munitions. We are spending a lot of money on that military operation.

But in addition to that, Mr. Chairman, the gentleman from Wisconsin (Mr. OBEY) and I have visited at the FBI, at their Intelligence and Operations Center; and we recognize, as the President has said, this is not an issue isolated to Afghanistan. We have located, and when I say "we," I am talking about the American Government, the FBI, the CIA, all of our law enforcement agencies, some of which we will not mention here, that have done a really good job in identifying terrorist cells scattered all over the world. It is going to be a long, drawn-out process to eliminate the ability of terrorists to attack America again.

It is essential that we do not have any more World Trade Center-type attacks; that we do not have any more attacks on military installations like our Defense Department at the Pentagon just across the river here from the Capitol. So it is important that we disrupt totally the ability of any terrorist organizations to conduct terrorist activities against the United States.

We want our people to go back to being able to live without fear. Americans should not live in fear. And we have to do everything possible to guarantee that Americans do not live in fear. We do not want our buildings or our properties attacked by terrorists. So, again, we have to disrupt their ability to do that.

Now, I bring up this little bit of history because I do not know, and I do not think anybody can tell us today, what the final cost of that overall effort is going to be. As I said earlier, I tend to be one of those who believe it is going to be more than the \$20 billion that we have already appropriated as an emergency supplemental. The President, I think, agrees with that; and I think he understands that there will be more needed for the military.

We are using up munitions at a large rate and in some cases getting dangerously low. We are using a lot of fuel. We are putting a lot of wear and tear on our aircraft and our ships and all of our military equipment. So the military, the Defense Department, will need additional funding in order to not only maintain this military operation but to recover from it so that we do not let our forces and our guard down.

In addition, the FBI has serious needs. The Border Patrol has serious needs. We have to protect our borders. We have to make sure that we stop the terrorists from coming into our country.

Our public health systems all need support, whether it is for protection against anthrax, small pox, or whatever might be used as a terrorist weapon. We must be prepared, first of all, to prevent it, but, second, to deal with it if it should happen.

Again, I say I do not know what the cost is going to be ultimately, and I do not think anyone else does today, including the President of the United States. I think he has done an extraordinary job in seeking out the terrorists and bringing punishment upon those who created this terrorist attack on the United States on September 11, and in pursuing al Qaeda and their fellow terrorists around the world. The President has said today, let us stay with the \$40 billion total.

That is a lot of money; there is no doubt about that. There is a lot of money in the pipeline already for the \$40 billion, and the President has said that when we reach the point that we need additional funding, that he, the President, will immediately ask for a supplemental appropriations bill from the Congress.

The Speaker of the House, in many meetings and many consultations, has told me that he supports the President's position and that he will, in fact, allow us to move a supplemental appropriations bill quickly when the time comes, if that need is identified.

I have made this commitment, and I will make it again here today, that

once the supplemental request is identified, I will move, as chairman of the Committee on Appropriations, that supplemental request in conjunction with my friend, the gentleman from Wisconsin (Mr. OBEY). We will move that supplemental appropriations bill quickly through this House, and our colleagues in the Senate have agreed that they would do the same.

So what I am suggesting today is that we cannot support today any amendment that goes above the \$20 billion. But we will move immediately for a supplemental with the President's support and the Speaker's support when the time comes that we do identify a need that must be taken care of.

Mr. Chairman, I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, I yield myself 2 minutes and simply make two points in response to the gentleman's comment.

The issue is, should we provide this money now or should we wait until the administration decides at a later date that it might be necessary? I think strengthening inspections on the Canadian border is something that should happen now, not later. I think that port security personnel should occur now. I think that upgrading computers at the FBI ought to occur now, not 6 or 8 months from now. I think that providing additional security for a number of classified facilities around the country that have severe security lapses ought to be corrected now, not later.

The problem with the supplemental is that we have no guarantee that it will not take months to get through. We can try to push it through this House very quickly. That is no guarantee it will go quickly in the other body.

Secondly, if you do it on a supplemental, it will cost more. I have never in my life seen a supplemental pass through the Senate where we were able to get a Senator to vote for it by taking something out. Almost always they want to add something; and in the end, especially in an election year, the costs rise.

So it seems to me the most fiscally disciplined way to proceed is the way we have outlined in this amendment.

Mr. Chairman, I yield 3 minutes to the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Chairman, I thank the gentleman from Wisconsin (Mr. OBEY) for yielding me the time.

I rise in support of the Obey amendment. Here is the issue. Partially preparing for a bioterrorist attack is about the same as not preparing at all. Bioterrorism preparedness is not preparedness without adequate funding.

The majority and the administration have fallen far short of achieving this goal. For example, the demands on the Centers for Disease Control and its partners, State and local public health departments, have never been greater.

This week, CDC released a plan to respond to a smallpox attack relying heavily, heavily on local and State health departments; but public health facilities, more often than not, do not have the capacity today to implement that plan.

Current funding levels cannot guarantee or even partially guarantee preparedness for health departments. We can stockpile vaccines and antibiotics; but without people on the ground to quickly identify and quickly respond to threats, we simply are not prepared.

I want to remind my colleagues that stockpiling and distributing antibiotics will only be a useful strategy against bioterrorism if the underlying strengths of these antibiotics is ensured and maintained.

Monitoring antibiotic resistance must be part of our national strategy. During the last couple of months, thousands of Americans have been prescribed the antibiotic Cipro because of a legitimate risk of exposure to anthrax. Physicians tell us this use of antibiotics is appropriate, but thousands of other Americans have sought prescriptions for Cipro without any indication of need or risk of infection.

If the U.S. and the rest of the world begin using antibiotics like Cipro, without any indication of need or even a risk of infections, if that happens, these drugs will lose their effectiveness. When facing lethal diseases like anthrax, it is important to find an effective therapy quickly. Any delay can result in the deaths, literally, of thousands of individuals.

To adequately prepare for a bioterrorist attack, State and local health departments must be equipped to rapidly identify and respond to antibiotic-resistant strains of anthrax. We must isolate emerging antibiotic-resistant pathogens, track antibiotic overuse and misuse, monitor the effectiveness of existing treatments over time; and that takes money, the money the administration and the majority have refused to allocate.

As the gentleman from Wisconsin (Mr. OBEY) said, ensuring the safety of imported foods was important before September 11, but more important now. Americans would be astounded to know that the FDA is able to inspect only seven-tenths of 1 percent of all the food that comes into this country. That is one out of 140 crates of broccoli; one out of 140 crates of fruit; one out of 140 boxes of any imported food.

The FDA says to Congress it wants to ensure the safety of the food, but the money is not there without the Obey amendment. The events of September 11 require us to do more. Secretary Thompson a month ago said, "Am I satisfied with the inspection we are doing? No, I am more fearful about this than anything else," he says. He wants to get to a level of 10 percent inspection on imports, which would cost \$300 million.

The gentleman from Wisconsin (Mr. OBEY's) amendment allocates that \$300 million. Vote for the Obey amendment.

□ 1530

Mr. YOUNG of Florida. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois (Mr. KIRK).

Mr. KIRK. Mr. Chairman, I rise to speak to issues regarding the Great Lakes dental facility activity and the need for the high-speed anti-radiation missile.

Mr. Chairman, the Great Lakes facility, in my district, is home to the military dental research program, a joint venture of the Navy and Army. In fiscal year 2001, the Congress provided \$4 million for this program. The research done at this laboratory is unique and not duplicated by any other federal or civilian research program. It focuses on keeping our nation's troops orally healthy and prepared for active duty at all times.

Because of funding provided by Congress and your Committee, the dental researchers have been able to develop: a combat face shield to prevent head and neck casualties; dental materials which can be used in harsh military environments; and an anti-plaque agent to prevent dental diseases during military deployments.

Recent figures from Bosnia showed that there was a dental emergency rate of 15.6 percent for deployed personnel. A dental emergency is when active duty personnel are out of action due to an oral condition. Evacuating soldiers because of severe oral conditions can be very expensive . . . costing thousands of dollars. Therefore, the researchers' goal is to keep the troops in good oral health and to perform treatment on site. Research underway today is also focusing on trying to prevent such emergencies from happening. They hope to more accurately identify patients at high risk and prevent dental emergencies before they undermine troop readiness.

It is my understanding, that with sufficient funding the saliva test for anthrax could be successfully developed and delivered within 6 months. However, the administration requested no funding for this program, and the Committee was unable to provide funding for this program in its fiscal year 2002 recommendations. Without Congressional funding, this research will be discontinued. Therefore, I hope that when we go to conference on this bill, that we will be able to find sufficient funding to continue this program and its valuable research.

I want to applaud the Committee on Appropriations for an important recommendation which will lead to a significant upgrade in our military's ability to destroy enemy air defenses. The Committee has included \$33.6 million for the Advanced Anti-Radiation Guided Missile program in order to continue the upgrade of the HARM missile guidance system.

As my colleagues know and all Americans have come to appreciate over the last decade, suppressing air defenses is often the first task of our combined air forces when the U.S. undertakes a military action. This was true in Desert Storm, true in Kosovo, and has been proven true again in the skies over Afghanistan.

Suppression of these defenses starts with eliminating the surface-to-air missile threat. Our principal weapon to accomplish this critical task is the HARM missile. Yet HARM technology is two decades old. To guide the missile to a target radar, that radar must continue operating throughout the flight of the HARM missile. The guidance system cannot adjust adequately if the radar is turned off. Our adversaries have had many years to learn of such deficiencies, and without question have learned to capitalize on them by limiting the duration of a radar beam and relying on alternate tracking capabilities.

In the Kosovo air campaign, approximately 1000 HARM weapons were fired, resulting in the destruction of only a handful of targets. The cost per kill was unacceptably high—over \$80 million per target.

Fortunately, the Navy is currently developing a new seeker, the AARGM, which will replace the existing HARM guidance system. The program has achieved success thus far in three tests at the Navy's China Lake test center in California. On August 29, after the third test, the Navy announced that the test missile "successfully identified, tracked, and guided to the simulated air defense radar target and impacted within the lethal radius of the HARM warhead. All test objectives were achieved. With this success, the evolution of the HARM weapon system from a SEAD, Suppression of Enemy Air Defenses, to a DEAD, Destruction of Enemy Air Defenses, weapon continues on a successful path."

Mr. Chairman, as a Naval Reserve Officer leading a team of intelligence personnel in EA-6B Prowler electronic attack aircraft over northern Iraq and Yugoslavia, I have witnessed first hand the shortcomings of our existing capability to suppress enemy air defense. I judge the effort to upgrade this capability to be vital to our national security.

Frankly, upgrading the HARM seeker should only be the first step. We also need to move forward rapidly to replace the HARM system in its entirety. But AARGM is an excellent interim measure, and I urge the Committee to support this item in conference to provide greater protection for our air assets and personnel.

Mr. YOUNG of Florida. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Virginia (Mr. WOLF), chairman of the Subcommittee on Commerce, Justice, State and Judiciary of the Committee on Appropriations.

Mr. WOLF. Mr. Chairman, I rise in opposition to the gentleman's amendment. We want to thank the gentleman for his commitment and strong support for these programs, but the body ought to know we have adequately funded these agencies.

After 9-11, we asked every agency that came before our subcommittee to come in and tell us what the needs are based on what took place with regard to 9-11. The INS has been increased by \$1.1 billion over last year. In the regular bill we have funded 570 additional Border Patrol agents and 348 additional land border inspectors. The INS, in the regular bill, was funded for a total of \$5.6 billion and, in addition to the regular bill, we are providing \$409 million

for INS through the supplemental. That is an increase over last year over \$1.1 billion.

With regard to the FBI, the FBI was funded for a total of \$3.5 billion in the regular bill, and in addition we are providing \$540 million for the FBI in the emergency supplemental. That is an increase this year over last year to the FBI of \$800 million. So the needs have been met.

The subcommittee and the staff sat down with FBI, DEA, all of these agencies, and the budgets were dramatically changed based on what took place on September 11. And then, in addition to that, the supplemental adds on and reflects what took place. So because of that, I do not support the amendment and urge its defeat.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from New York (Mr. SERRANO).

Mr. SERRANO. Mr. Chairman, I am pleased to rise today in support of the Obey amendment to Division B of this bill.

As we all know, the needs that were so horribly exposed on September 11 will not be met with the \$20 billion contained in this bill. We in Congress will be providing additional resources for the critical national needs of recovery, defense, and homeland security for a long time to come. I believe the amendment by the gentleman from Wisconsin gets us a little ahead of the curve by providing contingent emergency appropriations.

We make sure the President has resources he needs when he needs them. But the funds cannot be spent unless the President formally designates them emergencies, assuring that this amendment will not trigger uncontrolled spending.

In particular, I want to discuss the parts of the amendment that are in the jurisdiction of the Subcommittee on Commerce, Justice, State and Judiciary, of which I am the ranking Democrat. Now, I am pleased that the chairman of the subcommittee, who just spoke, and I were able to do much better for the agencies than in past years. But even Chairman WOLF would have to admit that those agencies have come back to us and said that they need further assistance, and that is what the Obey amendment intends to do.

Now, Chairman YOUNG also did a wonderful job in trying to meet the needs in this bill. The chairman's package includes \$400 million for counterterrorism grants to States and local first responders, and he also puts in money to create Radio Free Afghanistan. The supplemental, however, does not speak to the issues that the gentleman from Wisconsin (Mr. OBEY) speaks to. And what I would like to do is simply remind my colleagues the Obey amendment contains an additional \$569 million for the FBI, so that

they can continue their investigation; \$128 million for construction needs for the INS; and \$150 million, of up to \$400 million already in the bill, for the Justice, State and local counterterrorism first responder grants.

In other words, what we are trying to do here today is, first, pay respect to the fact that Chairman YOUNG and the appropriators have come together and put together a bill that deals with a lot of these issues, but in doing so left out a lot that needs to be done. This is a very crucial time we are dealing with, this is a very difficult time, and the Obey amendment should be supported.

Mr. YOUNG of Florida. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from California (Mr. LEWIS), chairman of the Subcommittee on Defense of the Committee on Appropriations.

Mr. LEWIS of California. Mr. Chairman, I thank the gentleman for yielding me this time, and I will not use all the time, but I rise to express to the body my deep appreciation for the work of my chairman, the gentleman from Florida (Mr. YOUNG), and the ranking member, the gentleman from Wisconsin (Mr. OBEY), in this entire matter.

As many of my colleagues know, our Subcommittee on Defense had come together to mark up the base bill of \$317 billion on the very morning of September 11, only to adjourn our meeting for obvious reasons. All of us recognized that America was faced with a new challenge like we had never faced in our own lifetimes. And indeed, since that time, the chairman and the ranking member, those people who are involved in defense appropriations, have worked hand in hand to try to make sure that we laid the foundation to be certain there was enough funding available to see us through these very difficult months ahead.

As the chairman has suggested, and the ranking member knows as well, this could be a very, very long struggle. The challenge is real, and all of us are committed to winning this war against terrorism. If it should go forward well beyond the few months ahead of us, there will absolutely be a need for additional funding. I intend to give all of my personal effort to making certain that adequate funding is available. If we need to come back in January, we will come back in January. If we need to come back in March with a supplemental, we will come back in March.

But, indeed, at this point in time, I have to support the position of my chairman that we should not go beyond the \$40 billion because of all the reasons that have been outlined here.

First, we need to get a handle on what we can best estimate the costs are, and then one step at a time. The public, as well as the Congress, can be assured we are not going to fail be-

cause of lack of appropriations to fight this war.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from the District of Columbia (Ms. NORTON), who does not have a vote in this House but who should have.

Ms. NORTON. I thank the gentleman for yielding me this time and for his generous words, and I rise in strong support of the Obey amendment in its entirety.

Do my colleagues know what had to be done to get in the Obey amendment? There had to be a showing that these funds, to be spent in 2002, would be spent under a strict definition of emergency preparedness.

September 11 woke Congress up to who its own first responder is. It is the emergency personnel of the District of Columbia. Sure, they are responders for 600,000 residents who live here, but they are also responders for hundreds of thousands of Federal employees, for the Congress, for the Supreme Court, for the entire Federal presence. There are two cities here joined at the hip, and both are dependent on police, fire and emergency help from the District of Columbia, for which those personnel are dangerously underprepared.

There is virtually no equipment equal to responding to September 11 or bioterror attacks. To make matters worse, the District is just coming out of the worst financial crisis in its history, where much of its first responder equipment for the hometown was taken down.

Because so much was at stake, the gentleman from Wisconsin (Mr. OBEY) placed equipment and training for first responder to terrorist attacks here for the District of Columbia.

It is folly to delay this funding, my colleagues. Look at the kinds of things that are being funded. Personal protective equipment and chemical and biological detection equipment for D.C.'s police and fire personnel. Why? Because we cannot expect personnel to go into terror and bioterror sites unprotected. Would we not be reluctant? Antidote kits for nerve agents. First response land line communications.

Those who say come back next time ought to understand that this is the kind of equipment that we are talking about, equipment that would be needed tomorrow, Health Department onsite response for this place and for the entire District of Columbia.

The bill going through here for emergency preparedness has already included the District of Columbia. It is time we put the District of Columbia in our appropriations so that we can fight whatever is necessary.

Mr. YOUNG of Florida. Mr. Chairman, I yield 6 minutes to the distinguished gentleman from Ohio (Mr. REGULA), chairman of the Subcommittee on Labor, Health and Human Services.

Mr. REGULA. Mr. Chairman, I want to point out some things. First of all, the gentleman from Wisconsin (Mr. OBEY) has been extremely supportive of all these activities. He is the ranking member on our Subcommittee on Labor, Health and Human Services and we have responsibility for funding Health and Human Services. What I want to address is that portion of the bill.

And I might say that the gentleman from Wisconsin and myself have worked very closely in our bill that passed some weeks ago in funding these items, but it was prior to September 11. I want to point out that what is proposed today are very substantial increases.

On one instance we are talking about \$509 million. This is money already in the bill, without any addition: \$509 million for 300 million doses of smallpox vaccine; \$594 million to acquire medicines, supplies and equipment for the national pharmaceutical stockpile. That is enough to treat 10 to 12 million persons exposed to anthrax and other bacterial infections, and to increase the push-packs.

A push-pack is a sort of a package, maybe the size of a big semitrailer that you could haul furniture in, and in that push-pack is everything needed to deal with a whole variety of bioterrorist types of diseases. The push-packs are strategically located around the country so that if there is a crisis at any one locality, they immediately have the supplies, whether it is anthrax vaccine, smallpox, serin, or whatever it might be. We have the money to buy these, to put them in place.

It provides for State and local planning and training for distribution because a key element here is the local health departments. If there is a crisis, it cannot all be managed from Washington. It depends on the State health departments, it depends on the local health departments.

We had a meningitis scare in my district some months ago, and on the scene was the local health department, the local officials, the State health department and the Centers for Disease Control. It was a team effort. And what we are already providing in this bill is the materials to do the team effort in the event of a crisis in any given locality.

There is \$423 million to upgrade State and local capacity. This is a very important feature of the bill that is before us, to ensure that these State and local officials are trained, that they have the materials to deal with a crisis, whatever it might be. So that is another great strength, and that \$423 million will do a lot of training and provide a lot of materials.

State and local health departments will have \$500 million for capacity upgrades. Again, I cannot emphasize enough that to be ready for a crisis,

whatever it might be, there needs to be local and State input as part of an overall plan. One of the reasons we are saying at this moment let us not spend more money in addition to what I have just been describing until we have a plan, until our Secretary Thompson puts in place a long-term plan detailing what is needed, how money would be spent. I do not think just shoveling money at a problem is any solution. If we have a good plan, we can use the funds available far more wisely.

It also provides \$133 million for public health infrastructure, \$100 million for State and local preparedness planning, \$90 million for early detection surveillance. I am talking about what is in the bill now, not the extra money that is proposed. The bill has \$95 million for upgrading capacity at the Center for Disease Control, and there are a whole series of components in that: security at the CDC internal laboratory capacity; \$20 million for epidemic intelligence service; \$15 million to evaluate the effectiveness of masks and respirators; \$10 million for rapid toxic screening.

It also provides \$170 million to hospitals. It is important that we get local hospital personnel educated and equipped, because if there is a crisis, there is where we have to address it, there is where people need to be cared for, and we recognize that. We put in \$170 million for emergency services and allowing the hospitals to upgrade their training and their facilities. It also has money to ensure the Nation's health facilities have equipment and training to respond to a mass casualty incident.

For example, we are going to have the Olympics in Utah. They need money to be prepared out there where we will have a great number of people in a locality. Another example is the Super Bowl and all sorts of similar group events. We have money to help local people be ready, to be prepared, hospitals and doctors; to have the facilities. The push-packs will provide the materials, but we need trained people, and that is what we do in this bill.

We have \$10 million for children's post-traumatic stress disorder.

□ 1545

This is something that has been with us, but very much emphasized by the events of September 11.

There is \$50 million to accelerate the research and development of new safe vaccines for smallpox and anthrax.

All I am saying is that this bill has \$2.5 billion to address these problems, and we are saying let us take a look and have a plan, and then we will come back with a supplemental and probably we will be very supportive of that, provided the proposed expenditures fit a plan, and the money will be used wisely. We do not know what is down the road. Therefore, we need to have the capacity to address whatever problem

comes up and have the funds available to meet a future crises.

It certainly indicates that, as of the passage of the bill, we have provided an enormous amount of resources in the bill before us to develop a whole host of possibilities for responses terrorism.

Mr. OBEY. Mr. Chairman, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, let me first of all acknowledge the very strong working relationship between the gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY). I come to the floor recognizing their good working relationship, but I enthusiastically rise to support the Obey amendment because it is important to note that fighting terrorism is costly, and it requires a proactive posture.

Terrorism and the fight of terrorism is ongoing. Even as I left my hometown of Houston just 48 hours ago, the FBI made an announcement that our refineries were a potential target. Terrorism is everywhere; and although we are not kneeling and yielding, although we are prepared to fight, it is extremely important that we go forward now and not wait.

In particular, I rise on several points of the Obey amendment as it relates to domestic security, homeland security. Anytime we are attacked in a bioterroristic war, Members can be assured that our local health centers and hospitals will have the greatest impact. In the committee bill there is only \$593 million; in our proposal, \$915 million. If we had in any of our areas, rural, urban, suburban, some sort of bioterrorist attack, the individuals would only have to go to these hospital centers in large mass to get vaccinations. These entities cannot stand up under the brunt of that kind of impact. And the resources are definitely needed.

We talked about the tragedy in the postal service, the loss of lives of postal workers. The U.S. Postmaster General has asked the question, can we sanitize all of the mail? In order to do that, we need the resources. This particular domestic security bill provides \$500 million where there is no funding in the existing legislation.

As the ranking member of the Subcommittee on Immigration and Claims, let me suggest that we need more dollars. The extent of our borders and the lack of supervision, not because of the lack of commitment of our employees, but because we do need more resources, this particular legislation provides additional Customs agents and other resources for the Canadian border. It provides the additional opportunity to review the biometric card at the southern border.

Mr. Chairman, one of the reasons there is such a backlog to move traffic and secure the borders, we have the biometric card, but the INS does not

have the resources to read it. That is a new design card to help secure our borders.

It is interesting that the gentleman from Wisconsin (Mr. OBEY) noted in years past or before September 11, the oceans protected us. They do not now. This particular legislation also has resources for our Coast Guard because now we need them to secure us. In Houston we have one of the major ports of the Nation.

I believe we must recognize that terrorism is ongoing, that we are no longer protected by the oceans. Although we stand boldly and tall to fight terrorism in a fair-minded way, we need the resources and must be proactive now. I beg my colleagues to support the Obey amendment and overrule the point of order.

Mr. YOUNG of Florida. Mr. Chairman, I yield 3½ minutes to the gentleman from Oklahoma (Mr. ISTOOK), the chairman of the Subcommittee on Treasury, Postal Service and General Government.

Mr. ISTOOK. Mr. Chairman, we are often impatient people in the United States; but as the President has reminded us, we must be patient. This will be a long-term effort against terrorism and protecting our homeland. While we are doing these things, we have to make a lot of changes to prepare to be able to do it right.

This week the Marines have landed in Afghanistan. Some people say why were they not there already? Well, the time was not right. We have to proceed in an orderly way to accomplish the maximum results. That is what we are trying to do. I appreciate that the author of this amendment has not questioned the priorities of the bill before us. He has just said he wants to do more, and he wants to do it now.

Many of us say, however, we need to look at what we have done in this bill and understand that we are doing things in an orderly fashion and we are putting the money where the priorities are greatest. And we have, as Congress, asserted some of our priorities that differ a little bit from the administration. That is part of developing consensus. But we cannot do everything yet; we are not ready. We are not able to do everything yet. We must be patient. Books come in chapters. Plans come in phases. In a major construction project, public works or otherwise, it is necessary to design the plans, start digging and preparing the site, lay in a foundation, start with the walls, move on to the ceiling, the interior, the landscaping, and do the utilities along the way. What happens with the funding? It comes in the form of progress payments.

Mr. Chairman, as we are ready and willing to do certain things, the funding is there. As we are ready and able to do things in protecting our homeland, the funding is there; it is being provided by this Congress.

I want to address some of the things that we have done. For example, some people have mentioned border security. Even before September 11, in our subcommittee we had already provided an additional 285 positions for the Customs Service to inspect the cargo as well as the people coming into the United States of America, as well as enhanced spending on inspection technology.

In this measure on top of that, we are funding an additional 277 Customs Service positions at the northern border and 460 at seaports. Why? Because we know we have to have more homeland security, and we have to staff the entry points better than we have been doing, and we are doing so.

The postal service has already received \$170 million out of funds allocated by this Congress to help them find ways to make the mail more secure. They are using that funding already for their pilot projects of testing this irradiation technology to remove any contamination that might be present on or in the mail. We have been pursuing these things, but we are not ready to go further. The postal service will not be ready for some time to know if this technology will do what it promises to be able to do, and will do it without side effects and without unintended consequences.

We are not ready to go further; but we are putting more money into training and preparation. We are putting the money that we need for homeland security already in the base bill. Let us not be impatient and try to skip forward to the end when we do not know everything that is going to happen and everything that is going to be needed. We have a very responsible piece of legislation in front of us; and I oppose this amendment although I appreciate the intent with which it is offered to protect our homeland.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from Washington (Mr. BAIRD).

Mr. BAIRD. Mr. Chairman, I thank the gentleman and I rise in strong support of his amendment. In the aftermath of September 11, our whole Nation has learned to be more watchful. The Federal Government has increased its efforts as well, and the gentleman from Wisconsin (Mr. OBEY) has developed an amendment which would plug many remaining holes in our security system, and I believe we should pass it.

I would like to address one particular part of that amendment which would have been especially important because it deals with one of the most basic elements of our daily lives, the safety of our water systems.

Our drinking and waste water systems are now extremely vulnerable to terrorist attack. Early this month in the Committee on Science, I helped put together a bill which passed that committee unanimously and would author-

ize \$60 million for research and development of methods to monitor and protect our facilities and our water.

The amendment of the gentleman from Wisconsin (Mr. OBEY) would have taken this idea one step further by providing \$190 million for vulnerability and security assessments, and, importantly, for the implementation of protections. The amendment of the gentleman from Wisconsin (Mr. OBEY) would have provided \$156 million more than the administration request, and \$80 million more than the majority package which did not call for waste water facilities to be protected at all. This amendment would have provided the means necessary to keep the system which all Americans depend on safe from attack. Without it, I believe we leave gaping holes in our security network. I support the ideals of the gentleman's amendment.

Mr. Chairman, we all realize how much more should have been done to bolster airport security prior to September 11. We are now given a chance to protect our water supply and other infrastructure before they are subject to attack. I believe the gentleman's amendment does that and I rise in strong support.

Mr. YOUNG of Florida. Mr. Chairman, I yield 4 minutes to the gentleman from California (Mr. CUNNINGHAM), a member of the Committee on Appropriations Subcommittee on Defense, and a Member who knows something from personal experience about taking the war to the enemy as a Naval fighter pilot and the first American ace in Vietnam.

Mr. CUNNINGHAM. Mr. Chairman, the Subcommittee on Defense and the Permanent Select Committee on Intelligence is the absolute best committee, I think, to serve on in this House. When we go to our meetings, we do not know the difference between Republican or Democrat when it comes to defense issues.

The gentleman from Pennsylvania (Mr. MURTHA), the ranking member; the gentleman from Washington (Mr. DICKS); the gentleman from California (Mr. HUNTER); the gentleman from Missouri (Mr. SKELTON), all work for the security of this Nation.

One reason it is difficult to oppose the Obey amendment is that the gentleman from Wisconsin (Mr. OBEY) in many cases is 100 percent on target. How many Members took time during the break to visit sites that were vulnerable? The gentleman from Wisconsin went to those sites and saw those vulnerabilities. He talked to the organizations regarding where they were deficient, and they are; and I agree with that. Members of the committee also agree with the gentleman from Wisconsin (Mr. OBEY). Most Members did not. I did not; I was in the hospital. But many people did not take time away from their families like the

gentleman from Wisconsin (Mr. OBEY) did, but he was concerned about national security.

Mr. Chairman, I would say along with the amendment of the gentleman from Wisconsin (Mr. OBEY), not exaggerating, there are a million vulnerable areas, over a million. That is why terrorism is so tough to handle. There is no way that we can prepare and do the studies and things that we need to fight against those threats. The gentleman from Wisconsin (Mr. OBEY) has done a good job at identifying some of those threats, and I believe with all my heart that the President is going to come up and help fund some of these; but we are still not going to have enough.

I would say to the Members that many of us warned that there would come a day when we would have defense needs and we would not have the resources to meet those needs. Mr. Chairman, 126 deployments under the previous administration has put defense \$250 billion in the hole.

□ 1600

We have not been able to modernize. The intelligence agencies in which this amendment asks for, the FBI, the CIA, the NSA, they had to deploy every time that the military did and stretch their limits. Retention is only 25 percent in each of those services. They have not been able to modernize.

We do not have enough JDAMs, which is a guided bomb, to complete our mission in Afghanistan. We are short those weapons systems. The Su-27, an older airplane that Russia is exporting to many nations, our pilots die in our F-14s, F-16s, F-18s, 95 percent of the time, both in the intercept and in the dogfight, because we do not have the money to modernize those services and that equipment. The intelligence agency is the same way.

We feel a little bit like Billy Mitchell, warning that there would come a day when we needed funding. And did we ever figure that we would be fighting a war on our own turf and then trying to fund the military and this at the same time? I know my colleagues would agree, there is only so much money. Yes, education is important. Social Security trust funds are important. National security is important. We are only 3 months into this war. It is going to be a long time, and we cannot just keep putting more and more money into it, even though I think we need it and many of the things that the gentleman from Wisconsin talks about are needed.

That is why I reluctantly oppose the gentleman from Wisconsin's amendment. But he is a good friend.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Texas (Mr. GREEN), a State which has a number of very serious security threats which we are trying to correct in this bill.

Mr. GREEN of Texas. Mr. Chairman, I thank my colleague, our ranking member, and, frankly, a lot of the members of the Committee on Appropriations, and I rise in support of his amendment because I represent one of those security areas.

This amendment would fully fund the emergency request of the U.S. Coast Guard. Since the attacks of September 11, the Coast Guard has been stretched to the breaking point as they attempt to increase their operations and tighten security at all our Nation's vulnerable ports. This amendment would have provided millions of dollars to increase security at ports along our coasts, including the Port of Houston which is the Nation's largest port in terms of foreign cargo. It is the eighth largest port in the world. Each year almost 7,000 vessels and 175 million tons of cargo transit the Houston ship channel on their way to the port. According to current Coast Guard estimates, approximately half of all dangerous and high-interest cargo travels along the Houston ship channel in our country.

Along with the large volume of petroleum and other energy-related products that move through the Port of Houston each year, other top commodities include fertilizers, organic and inorganic chemicals. Each of these cargoes is a potential target for terrorism and any attack could kill or injure thousands, as well as create an enormous environmental impact in the greater Houston area and southeast Texas.

Since September 11, the Coast Guard, despite its limited resources, has dramatically increased security at the Port of Houston and the ship channel along with other ports around the country, with water patrols in our channel and everywhere else at all times, and more frequent dockside and shoreline patrols. The Coast Guard is also boarding all "high interest" vessels before they transit the ship channel. They now receive 96 hours' notice of ship calls and receive all crew lists, which they share with the law enforcement community.

While the Coast Guard in cooperation with local authorities have done an excellent job with the resources at their disposal, they will not be able to maintain their efforts without additional funding. We are wearing out our Coast Guard personnel. The President has requested only \$203 million to cover 6 months of the activity. This bill today, without the Obey amendment, puts continuation of these increased activities in jeopardy, even falling \$58 million short of the President's request.

That is why, Mr. Chairman, I support the Obey amendment, and whether it is now or through the conference committee, we will see an increase in our funding to support our Coast Guard.

Mr. YOUNG of Florida. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Kansas (Mr.

TIAHRT), a member of the Defense appropriations subcommittee.

Mr. TIAHRT. Mr. Chairman, I believe it is appropriate to tell the gentleman from Wisconsin with respect to his amendment, "not now," rather than to just say no. Most people in America are aware that our military has been in decline for a decade. Procurement was lean, recruiting lagging, and maintenance budgets were too low. This bill starts the process of returning our military to its full luster. This bill goes beyond to fund \$5.4 billion for domestic security, protecting against bioterrorism, providing airport security, meeting law enforcement and other domestic security needs.

But the gentleman from Wisconsin says we are not spending money fast enough. We do need to take some time, and here is a good example. In a hearing last month, a joint House/Senate transportation appropriations hearing, an engineer testified that to secure a cockpit door, an airplane needed to have a new metal bulkhead, pressurized doors, and a separate environmental system. Easily that would cost the extra one-quarter of a billion dollars that the gentleman from Wisconsin has. But some airlines have already secured their cockpit doors with a simple locking device that looks like an auto antitheft device called The Club.

Mr. Chairman, let us take time to do the job right. Let us look at what the needs are, let us balance what those needs are going to be, and let us reject the Obey amendment.

Mr. OBEY. Mr. Chairman, I yield myself 2 minutes.

I would like to respond to something the gentleman just said. He says that we should not be impatient because the airlines have taken care of their cockpit security. Yes, they have done it, on the cheap, Kmart style.

The fact is that this bill contains \$250 million less for cockpit security than the President recommended. It contains that lower amount of money because it added to the President's request for sky marshals. I agree that was a higher priority, but in my view both of them should be funded. You ask any citizen in America, Do you want those cockpit doors secured by a temporary device or do you want them secured in a way that will hold against the most professional attacks, and you know what the answer is going to be. They do not want us to be temporizing and they do not want us to be patient. They want us to be impatient, they want us to be aggressive, and they want us to act now.

Mr. YOUNG of Florida. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from New Jersey (Mr. FRELINGHUYSEN), a member of the Committee on Appropriations.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in opposition to this amendment, for as a committee and as a Congress we have made the tough choices

with this bill and others we have considered since September 11. Make no mistake about that. This is a bipartisan bill that meets the immediate needs of our troops and their families and, most importantly, as our troops and militaries fight in Afghanistan as we speak here this afternoon, we are united behind them as Americans and as Republicans and Democrats.

In this bill, we have added a new appropriations title and \$11.7 billion for our homeland defense, \$1.6 billion of that new money, to fight that which may occur against our Nation that involves chemical, biological and, God forbid, nuclear threats.

Can anyone be entirely comfortable, to use somebody else's adjective, with every action or every expenditure or dollar amount that is considered or put into this bill? Of course not, since these terrorists fight by no rules. They kill civilians. But I think we would all agree that we have a greater confidence than we did a month ago as we go about routing them out at home and abroad. We now have a proactive homeland defense leader in Governor Ridge, who is pulling together disparate parts to do the job at home. We have an activated group of emergency management and law enforcement personnel in our States and lower jurisdictions. And yes, we have a public more vigilant, more aware, and more willing to sacrifice to fight terrorism at home and abroad.

Some have suggested we need billions of dollars more for defense. We may need more money, but let us make decisions for further supplementals after we hear from our President and Commander in Chief, and I am sure we will.

Mr. OBEY. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Chairman, God forbid if the terrorists of September 11 had a nuclear bomb parked in a truck placed in lower Manhattan, 2 million innocent American citizens would have died on that terribly tragic day. That is 500 times more people than were actually killed, as horrible and as inconceivable as that was.

I find it incredible that in this bill, after September 11 and all that we have learned about nuclear threats and terrorist threats, that this House could find \$265 million to protect 535 Members of Congress and our staffs but could not find one dime to protect 281 million Americans from the real threat of nuclear terrorism. In fact, without the Obey amendment, this Congress will have actually reduced funding for the programs designed to keep nuclear material out of the hands of terrorists.

We might ask, how serious is the threat of nuclear terrorism against American citizens? Just earlier this year, a bipartisan commission, after a year-and-a-half study headed by former Senators Howard Baker and Sam Nunn

as well as Lloyd Cutler, called nuclear terrorism against the U.S., and I quote, "the most urgent unmet national security threat to the United States today." More recently, President Bush on November 6 made this statement: "We will not wait for more innocent deaths. We will not wait for the authors of mass murder to gain the weapons of mass destruction. We act now because we must lift the dark threat from our age and save generations to come."

Have we acted now? Have we acted in this bill to protect 281 million Americans from the threat that President Bush, Senator Baker and Senator Nunn have talked about of nuclear terrorists exploding a bomb right here in the United States? The answer is no. Worse than taking no action, we have actually reduced funding for those programs.

For this Congress to reduce funding for those important programs at this particular time in our history is a dangerous and irresponsible mistake. The Obey amendment would add specifically \$131 million to protect 600 metric tons of highly enriched uranium in Russia that our Department of Energy has said is in urgent need of immediate upgraded safeguards.

Protecting the Congress from terrorists is a legitimate thing to do in this bill. Protecting Congress, our Capitol and Members of Congress, as part of our democracy is a valid thing to do, but no program is more important, no priority should be more important than protecting the American family from nuclear holocaust at the hands of terrorists.

We should support the Obey amendment, Republicans and Democrats alike. As President Bush said, we must, we should act now.

Mr. YOUNG of Florida. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Alabama (Mr. CALLAHAN), a cardinal and chairman of an appropriations subcommittee.

Mr. CALLAHAN. Mr. Chairman, the previous speaker just said that we are not appropriating one dime for this Russian nonproliferation program. Let me say that he is absolutely right. We did not appropriate one dime, we appropriated \$541 million just a few weeks ago.

What is the nonproliferation program? When we decided and reached an agreement with the Russians that we would downsize our nuclear weapons stockpiles, we agreed that we would assist the Russians in finding ways and means to narrow the size of their stockpiles. They are not helping us narrow the size of ours, but we are doing it; but we are spending \$2,000,000 a day already in Russia. There is no doubt that we could spend more, but that may not even be possible because the Russians do not let us go in and just *carte blanche* do whatever we want

to do. We have to do it in conjunction with their security requirements, too.

While the gentleman may be right, there may be some need for additional moneys in the spring, I will stand with him on this floor and I will assure you that we will give them whatever money they need to ensure that every effort is made to downsize the nuclear situation in Russia.

□ 1615

But to stand here and tell the American people today that we cannot afford one dime is a long cry from the real world, and the real world is we are spending \$2,000,000 a day already in Russia. So I think that is a sufficient amount. It is as much as we can spend. And if, indeed, they can come and justify more, and I intend to hold hearings in the spring to see if indeed they do need more, I will assure the gentleman and this Congress that we will do whatever is necessary to make sure this program is successful and that none of the gloom and doom as presented by the gentleman from Texas would ever take place.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Chairman, I have great respect for the gentleman from Alabama (Chairman CALLAHAN). I am a Member of his subcommittee. He has made a genuine effort to try to increase necessary funding to protect Americans from the threat of nuclear terrorism. I would, though, differ with the gentleman on several points.

First of all, my comments, I did not say in my statement a few minutes ago that we are not spending one dime on these programs. What I did say is that in this bill we found \$250 million above whatever else we were already spending to protect 535 Members of Congress; but in this bill, while we were doing that on one hand, we could not find one dime of additional money to spend on the programs designed to keep nuclear material in Russia from getting into the hands of terrorists.

Furthermore, the gentleman said we will give everything to these programs they will need. I respect the gentleman. I think if the gentleman could individually make a decision, we would have additional funding this year for this. But that is the same promise that was made to me just a few weeks ago when my amendment to add more nuclear nonproliferation funds was defeated in the energy and water bill. I was told if I will just wait until we get to the defense appropriation and supplemental bill, we will add additional funding.

The real question and the fair question to ask is should we act now or act next year? I would suggest our own Department of Energy has listed specific programs where there is a tremendous need now.

The gentleman said if we had more money, could we spend it now? The answer to that is yes. In fact, it is the Bush administration that on September 26 signed a new agreement with Russia that opens up numerous new sites where nuclear materials are located. Right now we have a window of opportunity to go in and provide security for those sites so that nuclear material will not get in the hands of terrorists and end up in downtown New York or Los Angeles in a bomb.

We not only can spend more money now efficiently and effectively, I think that is a responsibility. I think that is our obligation. We could do it in this bill.

The CHAIRMAN. The gentleman from Florida (Mr. YOUNG) has 13½ minutes remaining, and the gentleman from Wisconsin (Mr. OBEY) has 11½ minutes remaining.

Mr. YOUNG of Florida. Mr. Chairman, I yield 1 minute to the gentleman from Alabama (Mr. CALLAHAN).

Mr. CALLAHAN. Mr. Chairman, in response to the gentleman's comments, he did not indicate in his presentation, as best I heard, that we have just 2 or 3 weeks ago appropriated \$541 million for Russian programs. That is in addition to the money that the Russians are putting in. Let us assume they are putting in at least half of it. So that is \$1 billion that is available to downsize these programs.

If they need more and come back, we will indeed weigh what they tell us; and at that time, during the spring session, we will, if there is a supplemental bill, or even we might create one, we will give them the additional money. But to say that there is an inadequate amount of money to protect the American people to the best of our ability at this point, the gentleman is wrong. I do think they have a sufficient amount of money. They may not have enough next fall. If we reach that point, we will address it at that time.

Mr. OBEY. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I will say flatly that there is an insufficient amount of money appropriated by this Congress to protect the safety of the American people from new weapons-grade nuclear material in the Soviet Union and elsewhere.

Mr. EDWARDS. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Texas.

Mr. EDWARDS. Mr. Chairman, despite all of the good efforts, and they have been good efforts, of the gentleman from Alabama (Chairman CALLAHAN), the bottom line is this: despite the tragedy of September 11, this Congress, without passing the Obey amendment today, will have cut funding for the primary programs intended to keep nuclear materials in Russia from getting into the hands of terrorists and

killing 2 million innocent men, women, and children here in America. We can do better than that.

My hope is with the bipartisan leadership of this House, we will do better. We ought to do better in this bill by passing the Obey amendment. I certainly hope we will do better in conference committee and adequately fund these important programs that our Department of Energy has said should be funded now.

Mr. YOUNG of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from Tennessee (Mr. WAMP), a member of the Committee on Appropriations.

Mr. WAMP. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, we have heard this debate at the subcommittee level, at the full committee level, and now on the House floor; and it is an appropriate debate, a good debate. I, too, want to thank our distinguished ranking member for the time that he has invested in all of our preparedness issues, not just since September 11, but prior to that, and the gentleman from Texas for his continued advocacy for nuclear nonproliferation and the investment that is required by our Nation and a responsible Congress in this area.

I represent Oak Ridge, Tennessee, the home of the Y-12 weapons plant, and we have had some division about moving monies around. We are adequately funding our preparedness in this country.

I understand the comments of the gentleman from Wisconsin (Mr. OBEY). I understand his comments about us not spending enough money. But if you are looking at the nuclear weapons in the world and the stockpiles that we must maintain in order to have this deterrent, you could not hardly spend enough money to guarantee globally at all times total safety, unequivocally, no matter what, whenever, however. You could not possibly spend enough money. So it is kind of an arbitrary thing.

One thing I am proud of is this defense bill adequately funds the needs that we know of today with a full commitment that when the administration that is responsible for the leadership of foreign policy and the determination of the levels at which nonproliferation will bring us to, I love to see President Putin and President Bush together, coming together, talking about reductions, talking about maintaining safety and security for any weapons stockpiles there or here and what is going to be necessary.

But I want the administration to tell us what will be necessary in a timely manner and for the Committee on Appropriations to respond to the administration, not to arbitrarily come up with a figure and say that this is it. We need to do it in the right time, and we will.

This is a responsible bill. We need to vote down the Obey amendment and pass the bill that is on the floor today.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Mr. Chairman, I rise in support of this amendment for the reason that should it fail to be adopted, we will essentially be reneging on a promise we made to the American people 9 days ago. On a bipartisan basis we adopted an airline security bill that, amongst other things, would require that every bag that goes into the belly of an airplane will be screened for an explosive device, something Americans have expected and really thought has been done for a long time.

The President signed that bill into law 8 days ago. It is now the law of the United States of America, and a promise has been made to the American people that every bag will be screened for an explosive device within a certain time period, within 1 year by a machine, and within 60 days by either manual inspection, a dog sniffing, or positive bag match. We did that on a bipartisan basis. The President signed it. It is the law of the United States of America.

But this morning I open up the Washington Post, and I see that the administration has said they are not going to meet these deadlines. Planes are going to still take off with bags in the belly of an airplane that could have a bomb in them that will not be screened. That is unacceptable to the American people. It should be unacceptable to us. The reason we have been given from the administration is apparently there is some resource inability, a lack of resources, to hire the people or the dogs it takes to get this job done.

This amendment will give the administration adequate resources to make sure the commitment we, on a bipartisan basis, made to the American people is fulfilled. If we do not do this, it will not be fulfilled.

To me, there are going to be a lot of disappointed folks who thought we were making sure their bags were screened for explosives. Then apparently we do not give the administration enough money to hire the people to do it. People are going to be very, very disappointed.

This amendment will allow additional expenses. We ought to pass this and fulfill this statutory commitment we made to the American people.

Mr. YOUNG of Florida. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Texas (Mr. BONILLA), the chairman of the Committee on Appropriations Subcommittee on Agriculture.

Mr. BONILLA. Mr. Chairman, I thank the chairman for yielding me time.

Mr. Chairman, this amendment is well intentioned. Hats off to the gentleman from Wisconsin for offering the

amendment, because I know his intention is similar to what we all want to accomplish here today and have been working on for many months, and that is to provide the administration enough money to deal with any terrorist threat that currently exists. Whether it is money for the Justice Department, the Defense Department, the Agriculture Department, you name it, we have worked in a bipartisan way for months now to try to provide enough funds for every aspect of the war on terrorism.

Specifically, I chair the Committee on Appropriations Subcommittee on Agriculture, and we put \$61 million additional money, more money, for increased inspections of imported food products. The amendment the gentleman offers would increase the amount available for inspection of food imports by \$239 million, and the statement by the gentleman says the amount would increase the level of effort to cover 10 percent of all food imports. But why is this a good number, and why is it the right number, and why is it any better than the amount we provide now, or should we provide more?

Mr. Chairman, what we have tried to do is work in a practical way with the experts involved in this every day at USDA and provide the right funding level. Again, we did this in the agriculture appropriations bill that was supported overwhelmingly in a bipartisan way, working hand in hand with the administration.

The President's budget also included over \$34 million to accelerate the availability of drugs, vaccines and devices. This amendment does not propose to increase the level of effort for this activity. Why not? The question would be, is it more urgent to check the last can of imported olives than it is to review pharmaceutical products for safety and efficiency?

Mr. Chairman, what we have before us is an attempt to strike a balance. We have worked hard to find a balance in recommending the resources for FDA's many regulatory activities and protecting public health.

Could we do more? Perhaps, and all of us want to do that when the time is right and the appropriate budget requests come in. Would more resources guarantee a higher level of security at this point? That is not clear at all, and that is why we are trying to use every reasoned measure to put the spending bills together as a group this year.

I ask Members to think hard about this. Our subcommittee just completed its work on our fiscal year 2002 appropriations conference agreement which was just signed into law this afternoon. That agreement included \$1.3 billion, billion with a B, for the FDA; and it was by far the largest appropriation ever for this agency. It is my view that that amount, together with the addi-

tional \$104 million included in this bill, will provide sufficient resources for FDA to continue its good work in protecting the public health, as it has for 100 years.

So, again, we all want to do the right thing here; and, again, the gentleman's amendment is well intentioned, but at this time it is not the right thing to do. We are trying to act responsibly.

I urge rejection of the amendment and support for the committee's recommendation for funding levels this year.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Vermont (Mr. SANDERS).

Mr. SANDERS. Mr. Chairman, I thank the gentleman for yielding me time, and I rise in very strong support of the Obey amendment.

I must say that I find the arguments being made against the gentleman from Wisconsin (Mr. OBEY) to be very, very curious indeed. Frankly, I think the American people will find it very difficult to understand how we as a Nation cannot afford another \$6.5 billion to protect ourselves against bioterrorism, to make sure that our airlines are safe, to make sure that the people of this country have adequate health care in, God forbid, the event of a terrible attack against us. We cannot afford that \$6.5 billion, but somehow or another we can afford hundreds of billions of dollars in the last year for tax breaks to the wealthiest 1 percent of the population and for the largest corporations in America.

□ 1630

Tell that sense of logic to the American people.

When our people get on airplanes, they want to know that the baggage on that plane is safely inspected. When people walk into airports, they want to know that the people who are doing security are properly trained. My State borders the Canadian border. The people in Vermont and throughout this country want to know that our border security is strong.

So I would strongly urge the Members to get their priorities right. If we can afford hundreds of billions in tax breaks for the wealthiest 1 percent, we can provide strong security for the American people against bioterrorism.

Mr. YOUNG of Florida. Mr. Chairman, I yield 4 minutes to the very distinguished gentleman from California (Mr. HUNTER), a subcommittee chairman on the very important Committee on Armed Services.

Mr. HUNTER. Mr. Chairman, I thank the gentleman for yielding.

I listened carefully while the gentleman from Wisconsin (Mr. OBEY) made, I thought, a very reasonable request for additional spending, and was met with I think an equally reasonable response from the gentleman from California (Mr. LEWIS) and the gen-

tleman from Florida (Mr. YOUNG) and the gentleman from California (Mr. CUNNINGHAM), and a number of other members of the Committee on Appropriations and the Subcommittee on Defense, to the effect that they are working to engage in this process of rebuilding our national defenses which are being strained by the operation in Afghanistan in which we may expect to be strained further if this conflict continues and perhaps deepens. I hope that this is the start of a bipartisan effort to put together a defense bill in the coming year which is adequate to serve our country's needs.

Let me just tell my colleagues that from my perspective, and I heard the gentleman from California (Mr. CUNNINGHAM) make a number of very, very good points with respect to inadequacies, I think we are about \$50 billion short, and I think all of the studies that we have done, such as the CBO, which says that our equipment is short-funded about \$30 billion a year. That means if we have to replace trucks, tanks, ships, planes, on a steady state just to keep them halfway modern, we need to spend an extra \$30 billion a year in the defense area. We are underfunded on munitions. We know that the Army is about \$3 billion short of basic ammunition; the Marines have a smaller shortage. But nonetheless, they are not full up. We know that we are short on precision munitions, which are a very important part of projecting American power.

So I would hope that we are starting on a course to rebuild the national defenses that have been savaged pretty badly over the last 6 years. I hope this administration moves with us as well.

Let me just say also that while the gentleman from Florida (Mr. YOUNG) and the gentleman from California (Mr. LEWIS) and the gentleman from Arizona (Mr. STUMP) and others are working hard on defense and putting in a lot of hours now trying to figure out exactly what we need, and are putting together I think a good blueprint to rebuild defense, I would like to see the Office of Management and Budget understand defense a little more than I think they understand; be more receptive when the services come to them and say we have ammunition shortages, we have spare parts shortages, we have equipment shortages. I know that if that office in the administration does not become more receptive, we are going to see, I think, this House take more initiative in that area.

So let us rebuild defense. I would like to see the gentleman from Wisconsin (Mr. OBEY) working with our Republican leadership to make that happen in this coming budget.

Mr. OBEY. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN. The gentleman from Wisconsin (Mr. OBEY) has 6½ minutes remaining; the gentleman from

Florida (Mr. YOUNG) has 4½ minutes remaining.

Mr. OBEY. Mr. Chairman, I yield 3½ minutes to the distinguished gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Chairman, I thank the gentleman for yielding me this time and for his extraordinary, as usual, leadership in attempting to bring this amendment to the floor. I am very sad. It is a sad day for this Congress that this amendment has not been made in order, because it addresses many of the concerns that are shared by the American people and, indeed, have been shared by the President of the United States. I have great respect for our distinguished chairman of the full committee and the chairman of the subcommittee, but I object to the fact that we were not able to have this amendment made in order.

Mr. Chairman, I rise in strong support of the Obey amendment. It is hard to understand how the Republican leadership can argue that there is enough money to provide \$100 billion in tax cuts for corporations and the wealthiest 25 percent of taxpayers but not enough to strengthen homeland defense, improve security for vulnerable nuclear materials, and keep our commitment to New York. They found enough money, the Republican leadership did, to provide \$1.4 billion in tax breaks to IBM, \$1 billion to Ford, \$833 million to General Motors, and \$671 million to General Electric. Why can we not find the money to strengthen State and local health departments, accelerate vaccine development, and improve security of vulnerable nuclear materials?

The gentleman from Wisconsin (Mr. OBEY) has successfully put together a thoughtful, comprehensive package that met these and other needs for \$7.1 million, less than one-twelfth of the tax package that the Republicans support.

I wish to associate myself with the concerns expressed by our colleagues from New York. I share their concern about meeting our commitment to them. But I want to focus, Mr. Chairman, in my remarks on the perspective of the prevention of nuclear terrorism, what opportunities are missed here today.

Our President, President Bush, said on November 13 on the occasion of the visit of President Putin, "Our highest priority is to keep terrorists from acquiring weapons of mass destruction. We agree that it is urgent that we improve the physical protection and accounting of nuclear materials and prevent illicit nuclear trafficking."

Earlier that week the President had said they, the al Qaeda, "are seeking chemical, biological and nuclear weapons. Given the means, our enemies would be a threat to every nation and eventually to civilization itself. We will not wait," the President said, "for

more innocent deaths. We will not wait for the authors of mass murders to gain the weapons of mass destruction. We act now because we must lift this stark threat from our age and save generations to come." We all applauded President Bush's remarks.

How then, how can we understand, then, how this Republican majority in the House would reject the Obey amendment which would add \$221 million to this bill; \$191 million for securing Russian nuclear materials, \$30 million to better fund programs employing former Soviet Union nuclear scientists? The President said, we act now. We cannot wait.

When they say that we are going to have a supplemental down the road, let us review that. That bill came up before Thanksgiving in the Committee on Appropriations. Now we are on our way to Christmas, and we do not even have this bill passed, but we will soon. After Christmas comes what? Let us go through. Valentine's Day, St. Patrick's Day, President's Week, it will be easily Easter before we can revisit this bill and have a supplemental that will address these nuclear issues. How then can we, as the President said we act now, do so when we reject the opportunity that the gentleman from Wisconsin (Mr. OBEY) has given us here today? We are now giving opportunity to those who would threaten our security in our country. I think that is unfortunate.

Mr. YOUNG of Florida. Mr. Chairman, I have no further speakers. I reserve the balance of my time for a brief closing statement before I insist on my point of order.

Mr. OBEY. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, for years, modern military planners, have been telling us that we should be spending less on the big-ticket items that were necessary to fight last century's wars and, instead, do more to prepare ourselves for tomorrow's wars. Well, tomorrow is here and this amendment is trying to take that advice.

We have been told we need to do more to deal with terrorism, more to deal with chem-bioterrorism, more to deal with cyberterrorism. That is what we are trying to do.

I find it very interesting today that not a single speaker, to my recollection, has challenged the merits of this amendment. All they have said is, "Wait, be patient." Maybe next year.

Well, I guess that means we should ring up the terrorists on the telephone and say, "Folks, we need a little more time to get our act together here at home; would you mind waiting until next year before you figure out where you are going to hit us next?" I do not think we would get a very receptive reply. That is why we need to do everything that we know we can do, and we need to do it now.

The threat today is just as imminent as it was on September 11, and we need to remember that.

I am sorry, but I am impatient. I want us to expand our public health capabilities now. I want us to triple the Canadian border patrol as the Patriot bill promised but did not deliver; I want us to do that now. I want us to strengthen port security, not by a token amount, but by a large amount, now. I want us to provide those additional translators now. I want us to provide the FBI with computer upgrade capability now. I want us to take the actions necessary to protect our weapons production plants now. I do not want to wait for a supplemental, because we have no idea how long it will take to pass one, and we have no idea what other add-ons will be added to it, because everybody who loses an argument between now and Christmas, when the supplemental comes, will try to attach their pet projects to that bill. It will be much more expensive then than now.

Many of my colleagues on the other side of the aisle have told me, "I know you are right, we should be doing this, but we have to stick with our party leadership." I urge my colleagues instead to stick with their consciences, stick with what they know. They know we need to do more and they know we need to do it now. I urge my colleagues to vote that way.

Mr. YOUNG of Florida. Mr. Chairman, I yield myself the balance of the time.

I want to thank all of the Members for an excellent debate, a high-level debate, exploring the important issues of the day.

TRIBUTE TO FREDERICK G. MOHRMAN

Mr. YOUNG of Florida. Mr. Chairman, it is with sadness that I announce the death of Mr. Frederick G. Mohrman.

Fred died at his home in Grayson, Kentucky early this morning. His wife, Jan, was with him when he died.

Fred served as clerk and staff director of the Committee on Appropriations from 1984 to 1995. He was born November 24, 1932, a graduate of Kansas State College. He joined the Committee on Appropriations on January 1, 1975. Two years later he was appointed clerk of the Subcommittee on Interior. He became clerk and staff director of the Committee on Appropriations in February of 1985.

He retired from committee service in 1996, having served both Republican and Democrat majorities here in the House.

A veteran of the U.S. Air Force, he is survived by his wife, Jan, and 5 children: Jana, Deke, Sean, Lisa, and Danny.

Fred Mohrman was very much an institution on our committee. He was a big, gentle man. He knew when to be kind and he knew when to be gruff. He

protected the committee against all challenges, most of the time with great success. He knew the rules and how to use them for the benefit of all.

When he retired, he bought a piece of land in eastern Kentucky and became "Farmin' Fritz." Each week he kept the committee updated with his new life.

Fred Mohrman leaves behind a legacy of loyalty, hard work, good humor, and a love of this institution. He will be greatly missed by all of us.

I am happy to yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I thank the gentleman for yielding. Let me simply say I think the institution has experienced a great loss with the death of Fred Mohrman. As the chairman has indicated, he served this committee and this Congress for a good many years. He in fact served me for a brief period as staff director after I became chairman, and he was what I would call an institutional man.

He cared deeply about this institution, and he cared deeply about the committee. He had that tough, old-fashioned sense of duty that characterized his entire generation, and this country and the world is far better off for it. He would have taken great pride in the fact that this year, despite all of the outside pressures that are brought to bear on this committee, that we managed to produce 12 out of 13 appropriation bills that were passed on a bipartisan basis, and 1 that was pretty close to doing the same.

He recognized that we need to define our differences and then we need to find ways to resolve them, and he took great pride in the services that he provided each and every Member on both sides of the aisle. He performed a great public service to this country. He was a man of absolute integrity, and we were saddened and shocked to learn of his passing.

□ 1645

Mr. YOUNG of Florida. Mr. Chairman, I thank the gentleman for his comments.

POINT OF ORDER

Mr. YOUNG of Florida. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation on an appropriations bill, and therefore, violates clause 2 of rule XXI.

The rule states, in pertinent part, "An amendment to a general appropriation bill shall not be in order if changing existing law. . . ."

The amendment includes an emergency designation under section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985, and as such constitutes legislation in violation of clause 2 of rule XXI.

I ask for a ruling from the Chair.

The CHAIRMAN. Does the gentleman from Wisconsin (Mr. OBEY) wish to address the point of order?

Mr. OBEY. I certainly do, Mr. Chairman.

The CHAIRMAN. The gentleman from Wisconsin is recognized.

Mr. OBEY. How could the gentleman?

Let me simply say, Mr. Chairman, that the Chair is being asked to rule on whether or not this amendment is in absolute compliance with each and every rule of the House.

The Committee on Rules, as I understand it, provided the very same waivers so that the underlying bill could be considered that it refused to provide so that this amendment could be considered.

Because of that, the sad fact is that while this subject matter should be a part of this debate, we have in fact been gagged by the Committee on Rules because they chose to provide exemptions under the rules for the core bill while denying those very same exemptions to this amendment.

So for that reason, Mr. Chairman, while I believe deeply that we ought to be able to get a vote on this amendment, because I am confident if we could get a vote on it, it would pass, I must, in all honesty, concede the point of order, misguided though the rule was under which we are now operating.

The CHAIRMAN. The point of order is conceded and sustained.

The Clerk will read.

The Clerk read as follows:

INDEPENDENT AGENCIES

COMMODITY FUTURES TRADING COMMISSION

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Commodity Futures Trading Commission", \$6,495,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

Mr. YOUNG of Florida. Mr. Chairman, I ask unanimous consent to strike Section 803 of the bill.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

The CHAIRMAN. Section 803 is stricken from the bill.

The Clerk will read.

The Clerk read as follows:

CHAPTER 2

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

ADMINISTRATIVE REVIEW AND APPEALS

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Administrative Review and Appeals", \$3,500,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Salaries and Expenses, General Legal Activities", \$12,500,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

Mr. YOUNG of Florida. Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 194, line 5, be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

The text of the remainder of the bill through page 194, line 5, is as follows:

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Salaries and Expenses, United States Attorneys", \$68,450,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

SALARIES AND EXPENSES, UNITED STATES MARSHALS SERVICE

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Salaries and Expenses, United States Marshals Service", \$11,100,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Salaries and Expenses", \$538,500,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

ENFORCEMENT AND BORDER AFFAIRS

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Salaries and Expenses", \$409,600,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

OFFICE OF JUSTICE PROGRAMS

JUSTICE ASSISTANCE

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Justice Assistance", \$400,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38, of which \$45,000,000 is for emergency response communications technologies and equipment for Northern Virginia, \$20,000,000 is for the Capitol Wireless Integrated Network in the Washington Metropolitan Area, \$15,000,000 is for a chemical sensor program within the Washington, D.C. subway system, and \$9,800,000 is for an aircraft for counterterrorism and other required activities for the City of New York.

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "State and Local Law Enforcement Assistance", \$17,100,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

CRIME VICTIMS FUND

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Crime Victims Fund",

\$68,100,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

DEPARTMENT OF COMMERCE

INTERNATIONAL TRADE ADMINISTRATION OPERATIONS AND ADMINISTRATION

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Operations and Administration", \$750,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

EXPORT ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Operations and Administration", \$1,756,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND CONSTRUCTION

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Public Telecommunications Facilities, Planning and Construction", \$8,250,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38: *Provided*, That matching requirements set forth in Section 392(b) of the Communications Act of 1934, as amended, shall not apply to funds provided in this Act.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Operations, Research, and Facilities", \$750,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

DEPARTMENTAL MANAGEMENT SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Salaries and Expenses", \$8,636,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

THE JUDICIARY

SUPREME COURT OF THE UNITED STATES CARE OF THE BUILDING AND GROUNDS

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Care of the Building and Ground", \$10,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES COURT SECURITY

For emergency expenses to respond to the September 11, 2001 terrorist attacks on the United States, for "Court Security", \$21,500,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38: *Provided*, That the funds may be expended directly or transferred to the United States Marshals Service, to remain available until expended: *Provided further*, That \$4,000,000 shall be available to reimburse the United States Marshals Service for a Supervisory Deputy Marshal responsible for coordinating security in each judicial district and circuit.

DEPARTMENT OF STATE AND RELATED AGENCY

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "International Broadcasting Operations", \$9,200,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

BROADCASTING CAPITAL IMPROVEMENTS

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Broadcasting Capital Improvements", \$10,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

RELATED AGENCIES

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Salaries and Expenses", \$1,301,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

SECURITIES AND EXCHANGE COMMISSION

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Salaries and Expenses", \$20,705,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

SMALL BUSINESS ADMINISTRATION

DISASTER LOANS PROGRAM ACCOUNT

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Disaster Loans Program Account", \$140,000,000, to remain available until expended, to be obligated from amounts available in Public Law 107-38.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 201. For purposes of assistance available under section 7(b)(2) of the Small Business Act (15 U.S.C. 636(b)(2)) to small business concerns located in disaster areas declared as a result of the September 11, 2001, terrorist attacks, (i) the terms "small business concern" shall include not-for-profit institutions and small business concerns described in subsectors 522, 523, and 524 of the North American Industry Classification System codes (as described in 13 C.F.R. 121.201, as in effect on January 2, 2001), except for depository financial institutions, and (ii) the Administrator may apply such size standards as may be promulgated under such section 121.201 after the date of enactment of this provision, but no later than January 1, 2002.

SEC. 202. Notwithstanding any other provision of law, the limitation on the total amount of loans under section 7(b) of the Small Business Act (15 U.S.C. 636(b)) outstanding and committed to a borrower in the disaster areas declared in response to the September 11, 2001, terrorist attacks shall be increased to \$10,000,000.

SEC. 203. Funds appropriated by this Act for the Broadcasting Board of Governors and the Department of State may be obligated and expended notwithstanding section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995, and section 15 of the State Department Basic Authorities Act of 1956, as amended.

CHAPTER 3

DEPARTMENT OF DEFENSE—MILITARY

OPERATION AND MAINTENANCE

DEFENSE EMERGENCY RESPONSE FUND (INCLUDING TRANSFER OF FUNDS)

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Defense Emergency Response Fund", \$7,242,911,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38, as follows:

(1) For increased situational awareness, \$1,735,000,000;

(2) For enhanced force protection, \$742,911,000, of which \$40,000,000 shall be available only for biological weapons proliferation prevention activities under the Former Soviet Union Threat Reduction Program, of which \$30,000,000 shall be transferred to "Department of State, Nonproliferation, Anti-terrorism, Demining, and Related Programs" only for the purpose of supporting expansion of the Biological Weapons Redirect and International Science and Technology Centers programs, to prevent former Soviet biological weapons experts from emigrating to proliferant states and to reconfigure former Soviet biological weapons production facilities for peaceful uses;

(3) For improved command and control, \$162,000,000;

(4) For increased worldwide posture, \$2,801,000,000;

(5) For offensive counterterrorism, \$769,000,000, of which \$237,000,000 is for the Special Operations Command;

(6) For initial crisis response, \$108,000,000;

(7) For the Pentagon Reservation Maintenance Revolving Fund, \$925,000,000:

Provided, That none of the funds provided under this heading in this chapter may be used for appropriations for military construction and military family housing.

GENERAL PROVISIONS—THIS CHAPTER

(INCLUDING TRANSFER OF FUNDS)

SEC. 301. Amounts available in the "Defense Emergency Response Fund" (the "Fund") shall be available for the purposes set forth in the 2001 Emergency Supplemental Appropriations Act for Recovery from and Response to Terrorist Attacks on the United States (Public Law 107-38): *Provided*, That the Fund may be used to reimburse other appropriations or funds of the Department of Defense, including activities of the National Foreign Intelligence Program funded in defense appropriations acts, only for costs incurred for such purposes on or after September 11, 2001: *Provided further*, That the Fund may be used to liquidate obligations incurred by the Department of Defense under the authorities in section 3732 of the Revised Statutes (41 U.S.C. 11; popularly known as the "Food and Forage Act") for any costs incurred for such purposes between September 11 and September 30, 2001: *Provided further*, That the Secretary of Defense may transfer to the Fund amounts from any current appropriation made available in defense appropriations acts, only for the purpose of adjusting and liquidating obligations properly chargeable to the Fund: *Provided further*, That the authority granted in the preceding proviso shall only be exercised after the Secretary of Defense makes a determination that amounts in the Fund are insufficient to liquidate obligations made using appropriations in the Fund, and not prior to 30 days after notifying the congressional defense committees in writing regarding each proposed transfer of funds: *Provided*

further, That in order to carry out the specified purposes under this heading, the Secretary of Defense may transfer funds from the Fund to any defense appropriation account enacted in appropriations acts, including "Support for International Sporting Competitions, Defense": *Provided further*, That the funds transferred shall be merged with and shall be available for the same purposes and for the same time period as the appropriation to which transferred: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That within 30 days of enactment of this Act, and quarterly thereafter, the Secretary of Defense and the Director of Central Intelligence shall each provide to the Congress a report (in unclassified and classified form, as needed) specifying the projects and accounts to which funds provided in this chapter are to be transferred.

(INCLUDING TRANSFER OF FUNDS)

SEC. 302. During the current fiscal year, amounts in or credited to the Defense Cooperation Account under 10 U.S.C. 2608(b) are hereby appropriated and shall be available for transfer by the Secretary of Defense to such appropriations or funds of the Department of Defense as he shall determine, to be merged with and be available for the same purposes and the same time period as the appropriation to which transferred: *Provided*, That the Secretary shall provide written notification to the congressional defense committees 30 days prior to such transfer: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That these amounts are designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the Secretary of Defense shall report to the Congress quarterly on all obligations made pursuant to this authority.

SEC. 303. (a) Amounts in the appropriation account "Support for International Sporting Competitions, Defense" may be used to support essential security and safety services for the 2002 Winter Olympic Games in Salt Lake City, Utah, under section 2564 of title 10, United States Code, without the certification otherwise required under subsection (a) of that section.

(b) In connection with the provision of essential security and safety support to the 2002 Winter Olympic Games and logistical and security support to the 2002 Winter Paralympic Games, the term "active duty" as used in section 5802 of division A of the Omnibus Consolidated Appropriations Act, 1997 (10 U.S.C. 2564 note), shall be treated as including State active duty and full-time National Guard duty performed by members of the Army National Guard and Air National Guard.

SEC. 304. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414).

SEC. 305. For the purposes of this Act, the term "congressional defense committees" means the Armed Services Committee of the House of Representatives, the Armed Services Committee of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on

Appropriations of the House of Representatives.

CHAPTER 4 DISTRICT OF COLUMBIA FEDERAL FUNDS

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for a Federal payment to the District of Columbia for Protective Clothing and Breathing Apparatus, to be obligated from amounts made available in Public Law 107-38 and to remain available until expended, \$12,144,209, of which \$921,833 is for the Fire and Emergency Medical Services Department, \$4,269,000 is for the Metropolitan Police Department, \$1,500,000 is for the Department of Health, \$453,376 is for the Department of Public Works, and \$5,000,000 is for the Washington Metropolitan Area Transit Authority.

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for a Federal payment to the District of Columbia for Specialized Hazardous Materials Equipment, to be obligated from amounts made available in Public Law 107-38 and to remain available until expended, \$1,032,342, for the Fire and Emergency Medical Services Department.

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for a Federal payment to the District of Columbia for Chemical and Biological Weapons Preparedness, to be obligated from amounts made available in Public Law 107-38 and to remain available until expended, \$10,354,415, of which \$204,920 is for the Fire and Emergency Medical Services Department, \$258,170 is for the Metropolitan Police Department, and \$9,891,325 is for the Department of Health.

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for a Federal payment to the District of Columbia for Pharmaceuticals for Responders, to be obligated from amounts made available in Public Law 107-38 and to remain available until expended, \$2,100,000, for the Department of Health.

Notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget. The Chief financial Officer of the District of Columbia shall provide quarterly reports to the President and the Committees on Appropriations of the Senate and the House of Representatives on the use of the funds under this heading beginning no later than January 2, 2002.

DISTRICT OF COLUMBIA FUNDS DIVISION OF EXPENSES

The following amounts are appropriated for the District of Columbia for the current fiscal year out of the general fund of the District of Columbia and shall remain available until expended.

For Protective Clothing and Breathing Apparatus, to remain available until expended, \$12,144,209, of which \$921,833 is for the Fire and Emergency Medical Services Department, \$4,269,000 is for the Metropolitan Police Department, \$1,500,000 is for the Department of Health, \$453,376 is for the Department of Public Works, and \$5,000,000 is for the Washington Metropolitan Area Transit Authority.

For Specialized Hazardous Materials Equipment, to remain available until expended, \$1,032,342, for the Fire and Emergency Medical Services Department.

For Chemical and Biological Weapons Preparedness, to remain available until expended, \$10,354,415, of which \$204,920 is for the

Fire and Emergency Medical Services Department, \$258,170 is for the Metropolitan Police Department, and \$9,891,325 is for the Department of Health.

For Pharmaceuticals for Responders, to remain available until expended, \$2,100,000, for the Department of Health.

CHAPTER 5 DEPARTMENT OF DEFENSE—CIVIL CORPS OF ENGINEERS—CIVIL

OPERATION AND MAINTENANCE, GENERAL

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Operation and Maintenance, General" \$139,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

DEPARTMENT OF THE INTERIOR BUREAU OF RECLAMATION WATER AND RELATED RESOURCES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Water and Related Resources", \$30,259,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

DEPARTMENT OF ENERGY NATIONAL NUCLEAR SECURITY ADMINISTRATION WEAPONS ACTIVITIES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, and for other expenses to increase the security of the Nation's nuclear weapons complex, for "Weapons Activities", \$88,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

DEFENSE NUCLEAR NONPROLIFERATION

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, and for other expenses to increase the security of the Nation's nuclear weapons complex, for "Defense Nuclear Nonproliferation", \$18,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Defense Environmental Restoration and Waste Management", \$8,200,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

OTHER DEFENSE ACTIVITIES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, and for other expenses necessary to support activities related to countering potential biological threats to civilian populations, for "Other Defense Activities", \$3,500,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

CHAPTER 6 DEPARTMENT OF THE INTERIOR NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States for "Operation of the National

Park System", \$10,098,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

UNITED STATES PARK POLICE

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States for the "United States Park Police", \$25,295,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

CONSTRUCTION

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States for "Construction", \$21,624,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

DEPARTMENTAL OFFICES

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States for "Salaries and Expenses", \$2,205,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38, for the working capital fund of the Department of the Interior.

OTHER RELATED AGENCIES

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States for "Salaries and Expenses" of the Smithsonian Institution, \$21,707,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

NATIONAL GALLERY OF ART

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States for "Salaries and Expenses" of the National Gallery of Art, \$2,148,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

OPERATIONS AND MAINTENANCE

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States for "Operations and Maintenance" of the John F. Kennedy Center for the Performing Arts, \$4,310,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

NATIONAL CAPITAL PLANNING COMMISSION

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States for "Salaries and Expenses" of the National Capital Planning Commission, \$758,000, to be obligated from amounts made available in Public Law 107-38.

CHAPTER 7

DEPARTMENT OF LABOR

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "State Unemployment Insurance and Employment Service Operations", \$4,100,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

PENSION AND WELFARE BENEFITS ADMINISTRATION

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States for "Salaries and Expenses", \$1,600,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Salaries and Expenses", \$1,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Salaries and Expenses", \$5,880,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, and for other expenses necessary to support activities related to countering potential biological, disease, and chemical threats to civilian populations, for "Public Health and Social Services Emergency Fund", \$1,990,600,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

DEPARTMENT OF EDUCATION

SCHOOL IMPROVEMENT PROGRAMS

For emergency expenses to provide education-related services to local educational agencies in which the learning environment has been disrupted due to a violent or traumatic crisis, for the Project School Emergency Response to Violence program, \$10,000,000, to remain available until expended, and to be obligated from amounts made available in Public Law 107-38.

RELATED AGENCIES

NATIONAL LABOR RELATIONS BOARD

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Salaries and Expenses", \$180,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

SOCIAL SECURITY ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Limitation on Administrative Expenses", \$7,500,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

CHAPTER 8

LEGISLATIVE BRANCH

LEGISLATIVE BRANCH EMERGENCY RESPONSE FUND

(INCLUDING TRANSFER OF FUNDS)

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, \$256,081,000 to remain avail-

able until expended, to be derived from the Emergency Response Fund established by Public Law 107-38: *Provided*, That \$34,500,000 shall be transferred to "SENATE—Sergeant at Arms and Doorkeeper of the Senate" and shall be obligated with prior notification to the Committee on Appropriations of the Senate: *Provided further*, That \$40,712,000 shall be transferred to "HOUSE OF REPRESENTATIVES—Salaries and Expenses" and shall be obligated with prior notification to the Committee on Appropriations of the House of Representatives: *Provided further*, That \$1,000,000 shall be transferred as a grant to the United States Capitol Historical Society: *Provided further*, That the remaining balance of \$179,869,000, together with any other amounts provided to any entity in the legislative branch which are derived from the Emergency Response Fund established by Public Law 107-38 and which remain unobligated as of the date of the enactment of this Act (other than any amounts provided to the House of Representatives or Senate), shall be transferred to the Capitol Police Board, who shall transfer to the affected entities of the legislative branch such amounts as the Capitol Police Board considers appropriate, with prior notification to the Committees on Appropriations of the House of Representatives and Senate.

HOUSE OF REPRESENTATIVES

ADMINISTRATIVE PROVISIONS

SEC. 801. (a) ACQUISITION OF BUILDINGS AND FACILITIES.—Notwithstanding any other provision of law, in order to respond to an emergency situation, the Chief Administrative Officer of the House of Representatives may acquire buildings and facilities, subject to the availability of appropriations, for the use of the House of Representatives by lease, purchase, or such other arrangement as the Chief Administrative Officer considers appropriate (including a memorandum of understanding with the head of an Executive Agency, as defined in section 105 of title 5, United States Code, in the case of a building or facility under the control of such Agency), subject to the approval of the House Office Building Commission.

(b) AGREEMENTS.—Notwithstanding any other provision of law, for purposes of carrying out subsection (a), the Chief Administrative Officer may carry out such activities and enter into such agreements related to the use of any building or facility acquired pursuant to such subsection as the Chief Administrative Officer considers appropriate, including—

(1) agreements with the United States Capitol Police or any other entity relating to the policing of such building or facility; and

(2) agreements with the Architect of the Capitol or any other entity relating to the care and maintenance of such building or facility.

(c) AUTHORITY OF CAPITOL POLICE AND ARCHITECT.—

(1) ARCHITECT OF THE CAPITOL.—Notwithstanding any other provision of law, the Architect of the Capitol may take any action necessary to carry out an agreement entered into with the Chief Administrative Officer pursuant to subsection (b).

(2) CAPITOL POLICE.—Section 9 of the Act of July 31, 1946 (40 U.S.C. 212a) is amended—

(A) by striking "The Capitol Police" and inserting "(a) The Capitol Police"; and

(B) by adding at the end the following new subsection:

"(b) For purposes of this section, 'the United States Capitol Buildings and Grounds' shall include any building or facility acquired by the Chief Administrative Officer of the House of Representatives for the

use of the House of Representatives for which the Chief Administrative Officer has entered into an agreement with the United States Capitol Police for the policing of the building or facility.”

(d) **TRANSFER OF CERTAIN FUNDS.**—Subject to the approval of the Committee on Appropriations of the House of Representatives, the Architect of the Capitol may transfer to the Chief Administrative Officer amounts made available to the Architect for necessary expenses for the maintenance, care and operation of the House office buildings during a fiscal year in order to cover any portion of the costs incurred by the Chief Administrative Officer during the year in acquiring a building or facility pursuant to subsection (a).

(e) **EFFECTIVE DATE.**—This section and the amendments made by this section shall apply with respect to fiscal year 2002 and each succeeding fiscal year.

SEC. 802. (a) Notwithstanding any other provision of law—

(1) subject to subsection (b), the Chief Administrative Officer of the House of Representatives and the head of an Executive Agency (as defined in section 105 of title 5, United States Code) may enter into a memorandum of understanding under which the Agency may provide facilities, equipment, supplies, personnel, and other support services for the use of the House of Representatives during an emergency situation; and

(2) the Chief Administrative Officer and the head of the Agency may take any action necessary to carry out the terms of the memorandum of understanding.

(b) The Chief Administrative Officer of the House of Representatives may not enter into a memorandum of understanding described in subsection (a)(1) without the approval of the Speaker of the House of Representatives.

(c) This section shall apply with respect to fiscal year 2002 and each succeeding fiscal year.

SEC. 803. (a) There is established in the House of Representatives an office to be known as the House of Representatives Office of Emergency Planning, Preparedness, and Operations. The Office shall be responsible for mitigation and preparedness operations, crisis management and response, resource services, and recovery operations.

(b) There is established the House of Representatives Continuity of Operations Board, comprised of the Clerk, the Sergeant-at-Arms, and the Chief Administrative Officer of the House of Representatives. The Clerk shall be the Chairman of the Board.

(c) The Board—

(1) shall appoint and set the annual rate of pay for employees of the Office, including a Director, who shall be the head of the Office and shall carry out the day-to-day operations of the Office under the supervision of the Board;

(2) shall exercise, with respect to any employee of the Office, the authority referred to in section 8344(k)(2)(B) of title 5, United States Code, and the authority referred to in section 8468(h)(2)(B) of title 5, United States Code;

(3) shall approve procurement of services of experts and consultants by the Office or by committees or other entities of the House of Representatives for assignment to the Office; and

(4) may request the head of any Federal department or agency to detail to the Office, on a reimbursable basis, any of the personnel of the department or agency.

(d) Until otherwise provided by law, funds shall be available for the Office from

amounts appropriated for the operations of the House of Representatives.

(e) This section shall take effect on the date of the enactment of this Act and shall apply to fiscal years beginning with fiscal year 2002.

OTHER LEGISLATIVE BRANCH ADMINISTRATIVE PROVISIONS

SEC. 804. (a) Section 1(c) of Public Law 96-152 (40 U.S.C. 206-1) is amended by striking “but not to exceed” and all that follows and inserting the following: “but not to exceed \$2,500 less than the lesser of the annual salary for the Sergeant at Arms of the House of Representatives or the annual salary for the Sergeant at Arms and Doorkeeper of the Senate.”

(b) The Assistant Chief of the Capitol Police shall receive compensation at a rate determined by the Capitol Police Board, but not to exceed \$1,000 less than the annual salary for the chief of the United States Capitol Police.

(c) This section and the amendment made by this section shall apply with respect to pay periods beginning on or after the date of the enactment of this Act.

SEC. 805. In addition to the authority provided under section 121 of the Legislative Branch Appropriations Act, 2002, at any time on or after the date of the enactment of this Act, the Capitol Police Board may accept contributions of recreational, comfort, and other incidental items and services to support officers and employees of the United States Capitol Police while such officers and employees are on duty in response to emergencies involving the safety of human life or the protection of property.

SEC. 806. (a) Section 9 of the Act of July 31, 1946 (40 U.S.C. 212a) is amended by adding at the end the following new subsection:

“(c)(1) For purposes of this section, ‘the United States Capitol Buildings and Grounds’ shall include all buildings and grounds of the United States Botanic Garden, including the National Garden and Bartholdi Park.

“(2) For purposes of this section, the Joint Committee on the Library may suspend the application of section 4 of this Act to the buildings and grounds described in paragraph (1) in order to promote the interests of the United States Botanic Garden.”

(b) The amendment made by subsection (a) shall apply with respect to fiscal year 2002 and each succeeding fiscal year.

SEC. 807. (a) **ASSISTANCE FOR CAPITOL POLICE FROM EXECUTIVE DEPARTMENTS AND AGENCIES.**—Notwithstanding any other provision of law, Executive departments and Executive agencies may assist the United States Capitol Police in the same manner and to the same extent as such departments and agencies assist the United States Secret Service under section 6 of the Presidential Protection Assistance Act of 1976 (18 U.S.C. 3056 note), except as may otherwise be provided in this section.

(b) **TERMS OF ASSISTANCE.**—Assistance under this section shall be provided—

(1) consistent with the authority of the Capitol Police under sections 9 and 9A of the Act of July 31, 1946 (40 U.S.C. 212a and 212a-2);

(2) upon the advance written request of—

(A) the Chairman of the Capitol Police Board, or

(B) in the absence of the Chairman of the Capitol Police Board—

(i) the Sergeant at Arms and Doorkeeper of the Senate, in the case of any matter relating to the Senate; or

(ii) the Sergeant at Arms of the House of Representatives, in the case of any matter relating to the House; and

(3) either—

(A) on a temporary and reimbursable basis, or

(B) on a permanent reimbursable basis upon advance written request of the Chairman of the Capitol Police Board.

(c) **REPORTS ON EXPENDITURES FOR ASSISTANCE.**—

(1) **REPORTS.**—With respect to any fiscal year in which an Executive department or Executive agency provides assistance under this section, the head of that department or agency shall submit a report not later than 30 days after the end of the fiscal year to the Chairman of the Capitol Police Board.

(2) **CONTENTS.**—The report submitted under paragraph (1) shall contain a detailed account of all expenditures made by the Executive department or Executive agency in providing assistance under this section during the applicable fiscal year.

(3) **SUMMARY OF REPORTS.**—After receipt of all reports under paragraph (2) with respect to any fiscal year, the Chairman of the Capitol Police Board shall submit a summary of such reports to the Committees on Appropriations of the Senate and the House of Representatives.

(d) **EFFECTIVE DATE.**—This section shall apply with respect to fiscal year 2002 and each succeeding fiscal year.

SEC. 808. (a) Notwithstanding any other provision of law, the United States Capitol Preservation Commission established under section 801 of the Arizona-Idaho Conservation Act of 1988 (40 U.S.C. 188a) may transfer to the Architect of the Capitol amounts in the Capitol Preservation Fund established under section 803 of such Act (40 U.S.C. 188a-2) if the amounts are to be used by the Architect for the planning, engineering, design, or construction of the Capitol Visitor Center.

(b) Any amounts transferred pursuant to subsection (a) shall remain available for the use of the Architect of the Capitol until expended.

(c) This section shall apply with respect to fiscal year 2002 and each succeeding fiscal year.

SEC. 809. (a) Section 1 of Public Law 93-180 (40 U.S.C. 166d) is amended—

(1) by striking “secure, through rental, lease, or other appropriate agreement, storage space” and inserting “acquire, through purchase, lease, or other appropriate arrangement, property or space”;

(2) by inserting “the United States Capitol Police,” after “Representatives,”; and

(3) by striking “as such Commission and committee may authorize” and inserting “as the Architect deems reasonable and appropriate”.

(b) Nothing in the amendment made by subsection (a) may be construed to affect the authority provided to the Architect of the Capitol under section 128 of the Legislative Branch Appropriations Act, 2002, to secure the property described in such section.

(c) The amendment made by subsection (a) shall apply with respect to fiscal year 2002 and each succeeding fiscal year.

SEC. 810. (a) Public Law 107-68 is amended in the item relating to “ARCHITECT OF THE CAPITOL—CAPITOL VISITOR CENTER”—

(1) by striking “unassigned space in the”;

(2) by striking “for House space”; and

(3) by striking “for Senate space”.

(b) The amendment made by subsection (a) shall take effect as if included in the enactment of Public Law 107-68.

SEC. 811. (a) In accordance with the authority described in section 308(a) of the Legislative Branch Appropriations Act, 1988 (40 U.S.C. 166b-3a(a)), section 108 of the Legislative Branch Appropriations Act, 1991 (40

U.S.C. 166b-3b), as amended by section 129(c)(1) of the Legislative Branch Appropriations Act, 2002, is amended by adding at the end the following new subsection:

“(c) The Architect of the Capitol may fix the rate of basic pay for not more than 4 positions for Executive Project Directors whose salary is payable from project funds, at a rate not to exceed 95 percent of the highest total rate of pay for the Senior Executive Service under subchapter VIII of chapter 53 of title 5, United States Code, for the locality involved.”.

(b) The amendment made by subsection (a) shall apply with respect to pay periods beginning on or after October 1, 2001.

SEC. 812. (a) Public Law 107-68 is amended by adding at the end the following:

“This Act may be cited as the ‘Legislative Branch Appropriations Act, 2002.’”.

(b) The amendment made by subsection (a) shall take effect as if included in the enactment of Public Law 107-68.

CHAPTER 9

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION

MILITARY CONSTRUCTION, ARMY

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for “Military Construction, Army”, \$55,700,000, to remain available until expended: *Provided*, That these funds shall be obligated from amounts made available in Public Law 107-38.

MILITARY CONSTRUCTION, NAVY

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for “Military Construction, Navy”, \$2,000,000, to remain available until expended: *Provided*, That these funds shall be obligated from amounts made available in Public Law 107-38.

MILITARY CONSTRUCTION, AIR FORCE

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for “Military Construction, Air Force”, \$47,700,000, to remain available until expended: *Provided*, That these funds shall be obligated from amounts made available in Public Law 107-38.

GENERAL PROVISIONS—THIS CHAPTER

(INCLUDING TRANSFER OF FUNDS)

SEC. 901. The Secretary of Defense may transfer to the “Defense Emergency Response Fund” amounts appropriated in Military Construction Appropriations Acts only if the Secretary makes a determination that amounts in the Fund are insufficient to carry out needed military construction projects. In exercising the transfer authority provided by this section, the Secretary of Defense shall first transfer unobligated balances remaining from fiscal year 2001 and earlier fiscal years before transferring any amounts appropriated in the Military Construction Appropriations Act, 2002. Amounts so transferred shall be available solely for military construction projects, including activities described in section 2802(b) of title 10, United States Code. At least 10 days prior to each such transfer, the Secretary of Defense shall notify the appropriate defense committees, shall provide an accompanying form 1391, and shall describe the source of funds from which the transfer is derived.

SEC. 902. Amounts made available to the Department of Defense from funds appropriated in Public Law 107-38 and this Act may be used to carry out military construction projects not otherwise authorized by law that the Secretary of Defense determines

are necessary to respond to or protect against acts or threatened acts of terrorism. At least 10 days prior to carrying out such military construction project, the Secretary shall notify the appropriate defense committees and shall provide an accompanying form 1391.

CHAPTER 10

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for “Salaries and Expenses”, \$458,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

TRANSPORTATION SECURITY ADMINISTRATION

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for the “Transportation Security Administration”, \$15,000,000, to remain available until September 30, 2002, to be obligated from amounts made available in Public Law 107-38: *Provided*, That obligation of funds under this heading is subject to enactment of legislation authorizing the establishment of such office.

AIRCRAFT PASSENGER AND BAGGAGE

SCREENING ACTIVITIES

For necessary expenses of the Secretary of Transportation to carry out responsibilities for the screening of passengers and property on passenger aircraft in air transportation that originates in the United States or intrastate air transportation that, on September 11, 2001, was performed by an employee or agent of an air carrier, intrastate air carrier, or foreign air carrier, \$1,000,000,000, to remain available until expended: *Provided*, That none of the funds under this heading may be obligated or expended until enactment of legislation authorizing: (1) the conduct of such activities, whether by contract, grant, or direct federal personnel, by an organization within the Department of Transportation other than the Federal Aviation Administration; (2) the collection of passenger and baggage screening user fees designed to offset the cost of these activities; and (3) the crediting of the fees as offsetting collections to the account financing the activities and services for which the fee is imposed: *Provided further*, That the sum herein appropriated shall be reduced, on a dollar for dollar basis, as such offsetting collections are received, so as to result in a final fiscal year 2002 appropriation of zero.

COAST GUARD

OPERATING EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for “Operating Expenses”, \$144,913,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

(AIRPORT AND AIRWAY TRUST FUND)

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for “Operations”, \$291,500,000, to be derived from the Airport and Airway Trust Fund and to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the

United States, for “Facilities and Equipment”, \$175,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

FEDERAL HIGHWAY ADMINISTRATION

FEDERAL-AID HIGHWAYS

EMERGENCY RELIEF PROGRAM

(HIGHWAY TRUST FUND)

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for the “Emergency Relief Program” as authorized by section 125 of title 23, United States Code, \$75,000,000, to be derived from the Highway Trust Fund and to remain available until expended, to be included in the total of amounts made available in Public Law 107-38.

FEDERAL RAILROAD ADMINISTRATION

SAFETY AND OPERATIONS

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for “Safety and Operations”, \$6,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

FEDERAL TRANSIT ADMINISTRATION

FORMULA GRANTS

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for “Formula Grants”, \$23,500,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

RESEARCH AND SPECIAL PROGRAMS

ADMINISTRATION

RESEARCH AND SPECIAL PROGRAMS

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for “Research and Special Programs”, \$2,500,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

RELATED AGENCY

NATIONAL TRANSPORTATION SAFETY BOARD

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for “Salaries and Expenses”, \$465,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

CHAPTER 11

DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

TREASURY INSPECTOR GENERAL FOR TAX ADMINISTRATION

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for “Salaries and Expenses”, \$2,032,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

FINANCIAL CRIMES ENFORCEMENT NETWORK

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for “Salaries and Expenses”, \$1,700,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the

United States, for "Salaries and Expenses", \$23,231,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS
AND RELATED EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Acquisition, Construction, Improvements, and Related Expenses", \$8,500,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38: *Provided*, That, in order to expedite the acquisition of architectural and engineering services for the construction of facilities at the Cheltenham, Maryland, training facility, the Federal Law Enforcement Training Center may procure such services without regard to (1) the competition requirements of section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253); (2) the 6 percent fee limitation on such services set forth in section 304(b) of such Act (41 U.S.C. 254(b)); and (3) the procurement notice requirements of section 18 of the Office of Federal Procurement Policy Act (41 U.S.C. 416).

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS
SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Salaries and Expenses", \$31,431,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38, of which \$5,200,000 may be used for necessary expenses of site acquisition, construction, operations, maintenance and repair of the special purpose canine training facilities in Front Royal, Virginia.

UNITED STATES CUSTOMS SERVICE
SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Salaries and Expenses", to meet requirements, including technology, along the northern border and at critical seaports, \$160,146,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

In addition, for an additional amount for "Salaries and Expenses" for response and recovery costs, a commercial backup facility and enhanced security for the Newington Data Center, and additional staffing and office expenses for anti-money laundering and foreign operations, \$141,613,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

OPERATION, MAINTENANCE AND PROCUREMENT,
AIR AND MARINE INTERDICTION PROGRAMS

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Operation, Maintenance and Procurement, Air and Marine Interdiction Programs", \$6,700,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

INTERNAL REVENUE SERVICE
TAX LAW ENFORCEMENT

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Tax Law Enforcement", \$4,544,000, to remain available until expended, to be obligated from amounts made available by Public Law 107-38.

UNITED STATES SECRET SERVICE
SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the

United States, for "Salaries and Expenses", \$104,769,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

INDEPENDENT AGENCIES
GENERAL SERVICES ADMINISTRATION
REAL PROPERTY ACTIVITIES
FEDERAL BUILDINGS FUND

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Federal Buildings fund", \$87,360,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

CHAPTER 12
DEPARTMENT OF VETERANS AFFAIRS
DEPARTMENTAL ADMINISTRATION
GENERAL OPERATING EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States for "General operating expenses", \$2,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

DEPARTMENT OF HOUSING AND URBAN
DEVELOPMENT

MANAGEMENT AND ADMINISTRATION
OFFICE OF INSPECTOR GENERAL

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States for "Office of Inspector General", \$1,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

INDEPENDENT AGENCIES
ENVIRONMENTAL PROTECTION AGENCY
SCIENCE AND TECHNOLOGY

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States for "Science and technology", \$10,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States for "Environmental programs and management", \$140,360,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

HAZARDOUS SUBSTANCE SUPERFUND

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, and to support activities related to countering terrorism, for "Hazardous substance superfund", \$5,800,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

STATE AND TRIBAL ASSISTANCE GRANTS

For making grants for emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, and to support activities related to countering potential biological and chemical threats to populations, for "State and tribal assistance grants", \$5,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

FEDERAL EMERGENCY MANAGEMENT AGENCY
DISASTER RELIEF

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Disaster relief", \$4,345,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

EMERGENCY MANAGEMENT PLANNING AND
ASSISTANCE

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Emergency management planning and assistance", \$35,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38, of which not less than \$10,000,000 shall be available for support of the 2002 Winter Olympics.

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Salaries and expenses", \$30,000,000 to remain available until expended, to be obligated from amounts made available in Public Law 107-38 of which not less than \$10,000,000 shall be used to enhance the capabilities of the National Security Division.

NATIONAL AERONAUTICS AND SPACE
ADMINISTRATION
HUMAN SPACE FLIGHT

For emergency expenses to respond to the September 11, 2001, terrorist attack on the United States, for "Human space flight", \$81,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

SCIENCE, AERONAUTICS AND TECHNOLOGY

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Science, aeronautics and technology", \$36,500,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

OFFICE OF INSPECTOR GENERAL

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Office of Inspector General", \$3,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

NATIONAL SCIENCE FOUNDATION
RESEARCH AND RELATED ACTIVITIES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Research and related activities", \$300,000 to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

CHAPTER 13
GENERAL PROVISION—THIS DIVISION

SEC. 1301. No part of any appropriation contained in this division shall remain available for obligation beyond the current fiscal year unless expressly provided so herein.

CHAPTER 14
ADDITIONAL EMERGENCY RELIEF AND
RECOVERY PROVISIONS—DEPARTMENT
OF HEALTH AND HUMAN SERVICES

CENTERS FOR DISEASE CONTROL AND
PREVENTION

DISEASE CONTROL, RESEARCH, AND TRAINING
For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Disease Control, Research, and Training" for baseline safety screening for the emergency services personnel and rescue and recovery personnel \$12,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

NATIONAL INSTITUTES OF HEALTH
NATIONAL INSTITUTE OF ENVIRONMENTAL
HEALTH SCIENCES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the

United States, for "National Institute of Environmental Health Sciences" for carrying out activities set forth in section 311(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, \$10,500,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

COMMUNITY PLANNING AND DEVELOPMENT
COMMUNITY DEVELOPMENT FUND

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Community Development Fund", \$1,825,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38: *Provided*, That such funds shall be subject to the first through sixth provisos in section 434 of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2002: *Provided further*, That, of the amount provided in this paragraph, \$10,000,000 shall be used for a program to aid the travel and tourism industry in New York City.

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION
TRAINING AND EMPLOYMENT SERVICES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Training and Employment Services", \$32,500,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38: *Provided*, That such amount shall be provided to the Consortium for Worker Education, established by the New York City Central Labor Council and the New York City Partnership, for an Emergency Employment Clearinghouse.

STATE UNEMPLOYMENT SECURITY OFFICE
WORKERS COMPENSATION PROGRAMS
(INCLUDING TRANSFER OF FUNDS)

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Workers Compensation Programs", \$175,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38: *Provided*, That, of such amount, \$125,000,000 shall be for payment to the New York State Workers Compensation Review Board, for the processing of claims related to the terrorist attacks: *Provided further*, That, of such amount, \$25,000,000 shall be for payment to the New York State Uninsured Employers Fund, for reimbursement of claims related to the terrorist attacks: *Provided further*, That, of such amount, \$25,000,000 shall be for payment to the New York State Uninsured Employers Fund, for reimbursement of claims related to the first response emergency services personnel who were injured, were disabled, or died due to the terrorist attacks.

POINTS OF ORDER

The CHAIRMAN. Are there points of order against the bill?

Mr. YOUNG of Alaska. Mr. Chairman, I reserve a point of order against the language "to be derived from the Airport and Airway Trust Fund" found on page 183, beginning on line 24 and continuing on line 25, and also the language on page 184, lines 7 and 8.

The CHAIRMAN. Does the gentleman from Alaska make the point of order?

Mr. YOUNG of Alaska. I reserve the point of order, Mr. Chairman.

Mr. Chairman, I would like to engage in a colloquy with the chairman of the Committee on Appropriations.

The CHAIRMAN. The Chair first needs to rule on the point of order.

Does any other Member wish to be heard on the point of order?

Mr. LIPINSKI. Mr. Chairman, I have two points of order to make against the bill.

The CHAIRMAN. The gentleman from Illinois will suspend. The Chair is already considering a point of order.

Does the gentleman wish to address the point of order raised by the gentleman from Alaska on page 183?

Mr. LIPINSKI. Yes, I do, Mr. Chairman.

The CHAIRMAN. The gentleman may continue.

Mr. LIPINSKI. I want to hear what he is going to say, because I am prepared to object, or I intend to object to what he wants to do. I intend to object to another portion of the bill, also. I am prepared to make my two points of order at the present time.

Mr. YOUNG of Alaska. Mr. Chairman, I think I take precedence over this.

The CHAIRMAN. The point of order is pending on page 183, beginning on line 24 and line 25. Does any Member wish to address the point of order at that point?

Mr. LIPINSKI. I am raising a point of order on that point, saying that we are legislating on an appropriations bill. I am prepared to hear what the gentleman from Alaska (Mr. YOUNG) has to say and the gentleman from Florida (Mr. YOUNG) has to say, but I reserve my ability to object to this portion of the bill.

The CHAIRMAN. The gentleman from Alaska (Mr. YOUNG) has made his argument on the point. The Chair is prepared to rule on the point of order.

Mr. LIPINSKI. Mr. Chairman, I raise a point of order against the language to be derived from the Airport and Airway Trust Fund, and on page 183, lines 24 and 25, the language constitutes an unauthorized appropriation and is a violation of clause 2(a) of rule XXI.

PARLIAMENTARY INQUIRY

Mr. YOUNG of Alaska. Parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman from Alaska will state his parliamentary inquiry.

Mr. YOUNG of Alaska. Mr. Chairman, I believe I was recognized first. I also believe I have the right to indulge in a colloquy with the chairman, if he so desires.

The CHAIRMAN. Not at this point.

Mr. YOUNG of Alaska. Not at this point?

The CHAIRMAN. Not at this point. The gentleman may strike the last word after the ruling of the Chair on the point of order.

The Chair is prepared to rule on the point of order. The gentleman from

Alaska (Mr. YOUNG) makes a point of order that the language "to be derived from the Airport and Airway Trust Fund and" on page 183, line 24 and 25, constitutes an unauthorized appropriation in violation of clause 2(a) of rule XXI.

The provision would provide that funding for Federal Aviation Administration operations "be derived from the Airport and Airway Trust Fund." While authorization in law may exist for this funding from general revenues, no specific authorization in law exists for this funding to be derived from the trust fund. This is consistent with the rulings of the Chair of September 23, 1993, and June 26, 2001.

The Chair finds that the provision is not supported by an authorization in law. The point of order is sustained and the provision is stricken.

Mr. YOUNG of Alaska. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. Are there other points of order?

Mr. LIPINSKI. I have another point of order, Mr. Chairman.

The CHAIRMAN. The gentleman will suspend. The Chair will complete its statement.

Are there any other points of order against the provision?

POINTS OF ORDER

Mr. PETRI. Mr. Chairman, I have a point of order.

The CHAIRMAN. The gentleman from Wisconsin (Mr. PETRI) is recognized.

Mr. PETRI. Mr. Chairman, I make a point of order against the language "to be derived from the Highway Trust Fund and" found on page 184, beginning on line 18 and continuing on line 19, if I may be heard on the point of order.

The CHAIRMAN. The gentleman may proceed.

Mr. PETRI. This language appropriates \$75 million from the Highway Trust Fund for the Federal highway emergency relief program to respond to the attack on September 11.

While I support the administration's request for emergency relief highway funding to repair and reconstruct eligible highways, roads, and bridges that were damaged in these attacks.

This approach constitutes an unauthorized earmarking of funds. The language constitutes an unauthorized appropriation in violation of clause 2(a) of rule XXI, and I request a ruling of the Chair.

The CHAIRMAN. Is there any other Member who wishes to be heard on that point of order?

The Chair is prepared to rule on the point of order by the gentleman from Wisconsin (Mr. PETRI).

The gentleman from Wisconsin makes a point of order that the language "to be derived from the Highway Trust Fund and" on page 184, lines 18 and 19, constitutes an unauthorized appropriation in violation of clause 2(a) of rule XXI.

The provision would provide that funding for the Federal Highway Administration Federal aid highways emergency relief program "be derived from the Highway Trust Fund."

While authorization in law may exist for this funding from general revenues, no specific authorization in the law exists for this funding to be derived from the trust fund. This is consistent with the rulings of the Chair on September 23, 1993, and June 26, 2001.

The Chair finds that the provision is not supported by an authorization in law. The point of order is sustained and the provision is stricken.

Mr. LIPINSKI. Mr. Chairman, I have a point of order against the bill.

Mr. Chairman, I raise a point of order against the language "to be derived from the Airport and Airway Trust Fund" on page 184, lines 7 and 8. The language constitutes an unauthorized appropriation. It is in violation of clause 2(a) of rule XXI.

The CHAIRMAN. Is there another Member who wishes to be heard on the point of order?

The Chair is prepared to rule. The gentleman from Illinois (Mr. LIPINSKI) makes a point of order that the language "to be derived from the Airport and Airway Trust Fund and" on page 184, lines 7 and 8, constitutes an unauthorized appropriation in violation of clause 2(a) of rule XXI. The provision would provide that "funding for Federal Aviation Administration facilities and equipment be derived from the Airport and Airway Trust Fund."

While authorization in law may exist for this funding from general revenues, no specific authorization in law exists for this funding to be derived from the trust fund. This is consistent with the rulings of the Chair of September 23, 1993, and June 26, 2001.

The Chair finds that the provision is not supported by an authorization in law. The point of order is sustained and the provision is stricken.

Mr. YOUNG of Alaska. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would just like to address my colleagues for a moment. I talked to the gentleman from Minnesota (Mr. OBERSTAR) and I talked to the gentleman from Florida (Mr. YOUNG), and we were not going to insist on the point of order with the aviation money. I will tell the Members why, although it is in our jurisdiction of our committee.

We passed the security bill last week, and I am very proud of it. It also needs to be funded. I thought it would be time now to try to put this behind us and get this screening system in place, get the screeners in place, get the equipment in place, and achieve what we sought to do a week ago Friday.

It has been decided not to do that by Members of the Committee. But I do believe the gentleman from Florida (Mr. YOUNG) and I dealt honorably to-

gether. I thought we had reached an agreement on the aviation part of the legislation; we had not on the highway part of the legislation.

I just urge my colleagues to understand one thing: We have to fund this program. It has to be funded. We have to get it done.

Members heard about Mr. Secretary Mineta saying he doubts he can meet the 60-day requirement. He is probably correct. We will do everything possible, but he needs the money to do it.

May I suggest respectfully, the other thing that can happen if he does not do it, the faith of the flying public will be eroded. We have to act very rapidly to fund this. I believe the chairman of the Committee on Appropriations was trying to do that.

I do think the White House, very frankly, the administration, did not communicate that need to our committee. It did not inform us that this is very, very important, and frankly, I did not know about this until yesterday afternoon. I suggested to them and to the gentleman from Florida (Mr. YOUNG) that the communication in the future be more evident and more forthwith, so we can reach a mutual agreement, so we can solve the problem.

The points of order have been upheld; I understand that, and I am not going to delay it any longer. But the reality is that if we do not recognize the need to fund the screeners, marshals, and all the other things that were in that security bill, we are not doing ourselves any favor, nor the flying public.

So I urge Members to consider that. Later on down the road we can and we will make sure this is properly funded.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Alaska. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. I thank the gentleman for yielding.

Mr. Chairman, I regret that the points of order were raised because of the important message that my colleague, the gentleman from Alaska (Mr. YOUNG), has mentioned: the importance of funding these important programs.

I want to say that it was a real privilege and pleasure to work with him most of today to come to an agreement, and I wanted to say to him for the RECORD that regardless of the fact that points of order were raised that were not consistent with that agreement, that I will keep the agreement that the gentleman and I reached personally as this bill proceeds through the conference.

Mr. YOUNG of Alaska. I thank the gentleman, because this goes forth to the Senate side, or, I should mention, the other body. God knows what is going to happen on that side.

Again, I say to my good friends, we must fund these projects. For those who have not gone over to the com-

mittee room, anybody on this floor listening to this telecast, look at the technology that is available, that is being shown there today. But it takes money to build those machines. We need those machines.

The battle last week or 1-1½ weeks ago was all over federalization. The battle should be, can we rise to the occasion through technology. I believe we can do that.

Go over and see what is there right now. The reason we have not used it, very frankly, is the FAA has been dragging their feet for the last 10 or 15 years. Under this bill we have passed, I believe the Secretary of Security can demand and issue the permits for the purchase of those pieces of equipment, but we need the money to do it.

I thank the gentleman, the chairman of the Committee on Appropriations, and the gentleman from California (Mr. LEWIS) for a fine defense bill. I think this is a bill to be proud of, regardless of what has been said on the floor. We must get past this bill and move it forward.

Mr. OBERSTAR. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I appreciate the difficult position the chairman of our committee was in in this process, wanting to accomplish the right thing for aviation security, but also constrained by the appropriation process.

Now, striking that provision does not strike the money.

□ 1700

The money is available. It is just the source of money. Now, when this body moved in the immediate aftermath of September 11 to appropriate the \$40 billion, it was clearly understood \$20 billion of that was to be set aside for New York and another \$20 billion was to be used for other purposes. And it was also made clear by the executive branch and specifically by the Secretary of Transportation that one of the first measures to be instituted in aviation security would be to bring sky marshals aboard domestic flights; and that the funding for those sky marshals would come out of this \$20 billion of the initial \$40 billion.

It does not seem reasonable to me to raid the Aviation Trust Fund, to do that when there was already commitment to take those dollars out of another source. But I understood the difficult position that our committee chairman was in. I want to see if there would be a commitment from the Committee on Appropriations that these Aviation Trust Fund dollars would be restored and in what way and in what time. But our ranking member felt very strongly about this matter that we worked on a bipartisan basis in the last Congress to fashion and enact Air 21 with the firewalls to understand those dollars would not be raided for other purposes.

We do not know what specifically those dollars are going to go for from the Aviation Trust Fund. It would have been good to have an elucidation on that. I regret that I was not on the floor at that time. I confess I had a meeting with the Federal Highway Administrator talking about other matters, and I rushed over as soon as I concluded that meeting.

Mr. Chairman, I yield to the gentleman from Illinois (Mr. LIPINSKI), the distinguished ranking member of the Subcommittee on Aviation.

Mr. LIPINSKI. Mr. Chairman, I thank the ranking member of the full committee for yielding.

Mr. Chairman, I simply want to say first of all that I was not party to any agreement. I was aware of the situation in this bill. I felt it was inappropriate and against the rules to take this money out of the Highway Trust Fund. I want everyone to know here that any agreements they had I was not party to. I also want everyone to know that this was my initiative and my initiative alone. I felt very strongly about it.

If I have ruffled any feathers and upset any agreements over here, that is unfortunate; but nevertheless, I felt very strongly about it so I moved in that direction.

Mr. Chairman, I thank the gentleman for yielding to me.

Mr. OBERSTAR. Mr. Chairman, I think that the important work of the aviation security measure that we enacted which is now law can go forward. It is unfortunate that some sky marshals, frankly, have not been paid. I have been made aware of situations where sky marshals have performed their job now for several weeks but have not been paid and that is because the \$20 billion fund has not been made available for this purpose because it was not a specific authorization.

Now, the bill before us is supposed to have a specific authorization to do these things. It was not our understanding that the Aviation Trust Fund was to be raided for this purpose. In the Aviation Security Act it provided a \$2.50 airline ticket surcharge that in the coming years is estimated to raise between \$800 million and \$1,200,000,000 depending on when that fee is actually put into effect; and in the following year, a full year of operation, that fee would raise \$2.65 billion.

That is enough money to fund these purposes. But we should not raid the trust fund which is needed now more than ever before for the runway improvements, taxiway improvements and the investment dollars that are needed at this most critical time for aviation to get back on its feet.

I appreciate again the very difficult position the chairman was in. I wish that we had been involved at an early stage of this process on this side so some of our concerns could have been taken into consideration.

AMENDMENT NO. 3 OFFERED BY MR. FILNER

Mr. FILNER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. FILNER:

In title X (the emergency supplemental provisions), in the item relating to "DEPARTMENT OF JUSTICE—IMMIGRATION AND NATURALIZATION SERVICE—SALARIES AND EXPENSES", insert before the period at the end the following:

Provided, That, of the amount provided under this heading, \$20,000,000 shall be for the hiring of additional inspectors for the United States-Mexico border to respond to increased security needs and to maintain the maximum number of border inspection lanes open while providing the maximum amount of security for the United States.

Mr. LEWIS of California. Mr. Chairman, I reserve a point of order.

Mr. FILNER. My amendment, Mr. Chairman, refers to the southern border of the United States.

We know the tragedies that had afflicted this country of September 11, especially on New York City; and arguments have been made on this floor very eloquently this afternoon about the need for help for New York City. The ripple effect of those attacks affected our whole Nation. And similar arguments can be made for other sectors of our country, other sectors of our economy. For example, the increased security that was called for after September 11 on our borders required what we call a level-one alert.

Level-one alert means that every individual, every vehicle is going to be stopped, inspected, trunk opened up, questions asked, information entered into a computer, questions asked again. That process of level-one alert takes time.

And what has occurred at the southern border is because of the time that is required for this increased security, which everybody supports and everybody wants, is that the waiting period for legal people to cross the border from Mexico into the United States has increased to an hour, 2 hours, 4 hours, sometimes 8 hours at a time. That waiting time for people to cross the border legally has devastated the economies of communities along the border.

I represent San Diego, California, which has the busiest border crossing between any two countries in the world. But what I say today refers also to Calexico, California; to Nogales, Arizona; to El Paso, Texas; to Brownsville, Texas. The border economies have depended on that legal crosser for their business. Anywhere from 50 to 90 percent of economic activity has been cut since September 11.

Now, nobody on the border wants terrorists to cross. Everybody supports the level-one security concerns. But what is needed if we are going to spend

the time on level-one alert is to provide the resources to the Customs Service and the Immigration and Naturalization Service to carry out these inspections.

We have 24 crossing gates at the San Ysidro border-crossing in San Diego. Sometimes a couple of them are open, sometimes six or 12. Why not open them all? Why not open them all 24 hours a day? We could have both the level-one security and the quick time that is required to keep the flow moving.

People who want to shop in San Diego or in Calexico or Nogales or in Brownsville or in El Paso do not cross the border because it takes too long. People cannot cross the border for their jobs. People cannot cross the border to go to school. Let us open all the lanes 24 hours a day.

According to my discussions with the INS, the increased number of positions to do the level-one security and to keep the flow at a reasonable rate would cost about \$20 million, \$20 million. That seems like in the context of the discussions we have had today almost minuscule. We have talked about billions here and billions there. All I am saying is let us allocate within the budget, Mr. Chairman, allocate within that budget \$20 million to inspectors to help us deal with the border crossings.

We can have security. We can have the commercial flow that is absolutely necessary. Businesses along the border, these are mom and pop businesses. These are people who are having trouble keeping the mortgage going on their rents, who are having trouble keeping employees hired, having trouble meeting the utility payments. It is devastating the border communities, in fact, devastating much of the city of San Diego. Three billion dollars a year of our economy in San Diego comes from the legal shopper from Mexico.

So let us keep terrorists out. Let us keep security high, but let us keep the flow necessary for commercial activity. Let us reallocate within the budget, Mr. Chairman, \$20 million to make sure that the southern border is properly staffed. The bill has \$165 million for the northern border. Let us put in 20 extra for the southern border. I do not think that is too much to ask.

Mr. ORTIZ. Mr. Chairman, I join my good friend from California and thank him for his work with the Border Caucus and his diligence to find ways to accommodate the free flow of commerce along the Southwestern border.

It is not new for border members to let the House know when our infrastructure does not meet our transportation and trade needs. But at this point, it is less the need for more infrastructure—we simply need to be able to use what we already have. It does us no good to have 4–5 lane U.S.-Mexico bridges if we have only enough personnel to operate a couple of those lanes.

This House would be appalled if you could see the staggering lines of traffic waiting to

use a fraction of lanes on a bridge . . . only because we do not have the personnel to staff them. Imagine coming across a bridge from Virginia using only one lane, while perfectly good lanes go unused. That's what we face at our nation's border crossings. The border is in a crisis, Mr. Chairman.

It is the front door to the North American markets—yet right now it is the front door to chaos and congestion. As a border representative, I understand—more than you can possibly imagine—the recent attitude in the Congress that while we are at war, our borders should be harder to cross—not easier. That's bunk.

Open borders and free-flowing commerce are a large part of what this country is about. And I might remind my colleagues, respectfully, that the terrorists who visited the terror on our nation came across the northern border, not the southern. We have addressed that already through the PATRIOT Act, and this amendment does not affect those inspectors on the northern border. But we failed to focus our attention on the border traffic that is best characterized by the extraordinarily long waits at our front door. Well, we have to put out a better welcome mat than that, my friends. This addresses not only our democratic tendencies, but a fundamental principle of our economy as well.

Mr. Chairman, we are in real trouble on the border. That's hardly a new position for us; but the increased security after the 11th has made an already bad situation much worse. One of the issues that has contributed to the suffering on the border is Congress' insistence that border crossers now use biometric laser visas. The deadline to get the new visas passed Sept. 30, and many border residents can no longer cross to shop, go to school, or get health care.

Let's forget for a moment that the INS does not have enough equipment to scan the biometric components, which is bad enough. But without an extension to the now-passed deadline, these people simply won't be participants in our economy until well into 2002 when they can get replacement cards. The truck traffic passing over our bridges is nearly always destined for points far beyond the border. That leaves us with nothing.

I understand the chair's ruling on the amendment and we will not press this here, but let the members of the House hear our message: We are in trouble on this and we need enough inspectors on the bridges and an extension for laser visa compliance to mitigate the damage to the border economy.

Mr. FILNER. Mr. Chairman, I yield back the balance of my time.

POINT OF ORDER

Mr. LEWIS of California. Mr. Chairman, as empathetic as I am to the gentleman's causes here, I think we have done a very balanced job in this overall package. Therefore, I make a point of order against the amendment because it provides an appropriation for an unauthorized program and, therefore, violates clause 2 of rule XXI.

Clause 2 of rule XXI states in pertinent part: "An appropriation may not be in order as an amendment for an expenditure not previously authorized by

law." Mr. Chairman, the authorization for this program has not been signed into law. The amendment, therefore, violates clause 2 of rule XXI. I ask for a ruling of the Chair.

The CHAIRMAN. Does the gentleman from California wish to be heard on the point of order?

Mr. FILNER. Mr. Chairman, yes, I do.

The CHAIRMAN. The gentleman may proceed.

Mr. FILNER. Mr. Chairman, the gentleman from California (Mr. LEWIS) refers to a rule which in the normal course of things is completely understandable. The gentleman from California (Mr. LEWIS) knows there are a hundred items in his bill that do not follow the rule that he just stated. He knows that a hundred items not authorized are appropriated in this bill.

The gentleman from California (Mr. LEWIS) says he is empathetic with my arguments. It is an emergency. It is a disaster. Some of the same argument we heard from New York City on a lesser scale and on a lesser visibility are occurring on the southern border communities.

All that we are saying is not asking for money to just reallocate; make sure it is reallocated to these deserving communities which are dying, and take into account we have a disaster. What I am asking is no different than a hundred other folks have asked in your bill. So let this one go and help the border communities survive.

The CHAIRMAN. The Chair is prepared to rule on the point of order.

The amendment proposes to earmark certain funds in the bill. Under clause 2(a) of rule XXI, such an earmarking must be specifically authorized by law. The burden of establishing the authorization in law rests with the proponent of the amendment.

Finding that this burden has not been carried, the point of order is sustained. The amendment is not in order.

AMENDMENT OFFERED BY MR. LATOURETTE

Mr. LATOURETTE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LATOURETTE:

Pages 168 through 170, strike section 801 of the bill, and redesignate subsequent sections accordingly.

Mr. LATOURETTE. Mr. Chairman, this is the first of two amendments that we may offer and coauthored by the gentleman from Illinois (Mr. COSTELLO), the ranking member of our subcommittee. One has to do in section 801, the other one in section 809, is a specific usurpation of the jurisdiction of the Committee on Transportation and Infrastructure.

Specifically, section 801 would authorize the chief administrative officer of the House to acquire buildings and facilities for the House of Representatives in the event of an emergency situation, and section 809 would perma-

nently authorize the Architect of the Capitol to purchase property for use by the House, the Senate and the Capitol police.

The Committee on Transportation and Infrastructure has a long history of reviewing legislation pertaining to the Capitol grounds, to authorize the Architect of the Capitol to acquire facilities for the Library of Congress, the Library of Congress storage facility, for the Senate page school, for the Japanese-American patriotism memorial on the Senate side, for the Capitol visitors center, and even for the sale of 501 First Street.

The legislative language in this appropriations bill causes us some concern; and with the acquiescence of the distinguished chairman of the full committee, I would like to engage in a colloquy, if I may on my time.

Mr. Chairman, as the chairman of the Subcommittee on Economic Development, Public Buildings and Emergency Management, I have serious concern over the authorization language relating to the lease, purchase or the acquisition of buildings and facilities granted to the Chief Administrative Officer of the House and the Architect of the Capitol. It is my understanding these provisions are intended to relate to items arising only from the September 11 attacks and other October biological events.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. LATOURETTE. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, I would say that the language that the gentleman refers to is included to allow the House of Representatives to continue planning for future contingencies and continuity of operations.

Section 809 of the bill, which the gentleman from Ohio (Mr. LATOURETTE) is also concerned with, is intended to allow the Architect of the Capitol to acquire facilities such as a new Capitol Police headquarters and command and control center, which they desperately need. The language is intended to relate to events of September 11 and is not intended to usurp your committee's authority, and we will certainly work with the gentleman through this process.

Mr. LATOURETTE. Mr. Chairman, reclaiming my time, I thank the gentleman from Florida (Mr. YOUNG) very much for his observations.

It is my intention in a moment to ask unanimous consent to withdraw this amendment; but before I do, would the gentleman from Minnesota (Mr. OBERSTAR) like to be yielded to?

□ 1715

Mr. OBERSTAR. Mr. Chairman, will the gentleman yield?

Mr. LATOURETTE. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. I share the chairman's great concern, and I appreciate that the Committee on Appropriations wants to give this authority in the emergency circumstances, but it is authority that is not necessary.

The chief administrative officer now has authority to sign agreements with executive branch agencies, like GSA, that can supply office space in time of emergency. And I have great concerns about the language used in this provision. Section 801 has terms that are not defined, "facilities," "such other arrangements," and "other entities." Seems to me that broadly worded language of that nature leaves the House open to risk, leaves us open to speculative real estate transactions without the ordinary scrutiny that would be undertaken by the subcommittee which the gentleman from Ohio chairs.

I just wonder whether the Committee on Appropriations had given thought to this: whether in providing such broad language they really intended to remove from the committee's appropriate oversight responsibility these actions by the chief administrative officer. Is the chairman prepared to respond to that concern?

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. LATOURETTE. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, I have to admit that I was engaged in a conversation and not listening to the gentleman.

Mr. OBERSTAR. If the gentleman from Ohio will continue to yield, my question simply was, did the Committee on Appropriations understand in crafting this language that they were, in some sense, removing from the Subcommittee on Economic Development, Public Buildings and Emergency Management its responsibility for oversight and for authorization of these actions by the chief administrative officer in order to protect the House's interest in appropriate real estate transactions; protect us against speculative actions?

Mr. YOUNG of Florida. Mr. Chairman, if the gentleman will continue to yield, I would say to the gentleman that these are items that have been identified that need to be taken care of. As my colleague, the gentleman from Alaska (Mr. YOUNG), mentioned just a few minutes ago dealing with airport security and aviation security, they have to be done.

Now, Members do not understand that in the absence of an authorizing bill, the appropriators are usually asked to take care of issues that have not been authorized, and so that is what we do, and we do that very well. We try to do it in cooperation with the authorizing committee, and we thought that we had a fairly good understanding not only on this but the aviation package as well.

So we understand the appropriate relationships of the committees, but sometimes the authorizing committees do not have a bill, do not have a vehicle, are not prepared to deal with a problem, and so the Committee on Appropriations is asked to do it.

The CHAIRMAN. The time of the gentleman from Ohio (Mr. LATOURETTE) has expired.

(On request of Mr. OBERSTAR, and by unanimous consent, Mr. LATOURETTE was allowed to proceed for 2 additional minutes.)

Mr. OBERSTAR. Mr. Chairman, will the gentleman yield?

Mr. LATOURETTE. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. I appreciate what the chairman has just said; however, our side was not involved in these discussions, and it is obvious that the chairman of the Subcommittee on Economic Development, Public Buildings and Emergency Management was not involved. We could well have worked with the Committee on Appropriations to craft language that would have been acceptable to our committee, and then folded that into the appropriation process. That is the concern that we have.

Mr. LATOURETTE. Reclaiming my time, Mr. Chairman, I thank the gentleman, and I will tell the distinguished ranking member of the full committee, the gentleman from Minnesota (Mr. OBERSTAR), for whom I have great respect and have worked closely with for 7 years, that the appropriators have indicated to me this is a specific situation to deal with the events of September 11.

I felt it more than appropriate to express the concerns of our subcommittee that we not lose the oversight function, which we do very well, but I am satisfied and assured by the Chairman's remarks, and I thank him for that.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

AMENDMENT OFFERED BY MR. INSLEE

Mr. INSLEE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. INSLEE:

Page 182, line 21, after the dollar amount, insert the following: "(increased by \$250,000,000)".

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. INSLEE. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. I would like to say to the gentleman, if we can expedite this, we are prepared to accept the amendment.

Mr. INSLEE. Reclaiming my time, Mr. Chairman, I can assure the gentleman that it will be as expedited as humanly possible, given those good tidings.

This amendment, offered by the gentleman from Ohio (Mr. STRICKLAND) and myself, is an effort to ensure that we fulfill the obligations set forth in the airline security bill we passed and the President signed just a week ago. It is precipitated by concerns that have been expressed by the Secretary of Transportation that we will not meet some deadlines that were established in that bill to assure that 100 percent of the bags that go into the belly of an airplane are screened.

Just 1 week after the President of the United States signed this bill, assuring Americans that we are going to have 100 percent screening of baggage, to say we give up and we are not going to fulfill this equipment does not respect the needs of the American public for safety in flying. So this amendment we offer would increase the appropriation by \$250 million so that we can be assured that no excuse is allowed; that there was a lack of resources to do the positive bag matching that is required by the bill, to do the visual inspection that is required by the bill, and to use perhaps dog sniffers, which are euphemistically called "canine explosive detection units" in our bill.

We want to make sure resources are not an issue. We think we should do this on a bipartisan basis.

Mr. YOUNG of Alaska. Mr. Chairman, I rise in opposition to the amendment.

I am doing this for one reason. My good friend, the gentleman from Washington, if I am not mistaken, voted for the Senate bill, and in the Senate bill they had no bag screening at all, period.

I read the paper today, and Mr. Mineta, unfortunately, did say what he said, and he is probably correct unless we do fund it; but I also see a couple of other Members jump up and holler in anguish, saying this is terrible, this is wrong, we are letting the American people down, who voted for the Senate bill.

* * * In reality, the Senate bill had no screening of baggage at all.

Mr. OBEY. Mr. Speaker, I demand the gentleman's words be taken down.

The CHAIRMAN. The gentleman will suspend.

Mr. YOUNG of Alaska. If it is the "demagogue" word, Mr. Chairman.

The CHAIRMAN. The Member will be seated.

The Clerk will report the appropriate portion of the remarks.

Mr. YOUNG of Alaska. Mr. Chairman.

The CHAIRMAN. The gentleman will suspend.

□ 1730

Mr. YOUNG of Alaska. Mr. Chairman, I ask unanimous consent to withdraw any statement that any Member might think I said that was out of order, just to speed things along, although I have been informed that I was

not out of order; otherwise I will wait for the ruling of the Chair.

The CHAIRMAN. Is there objection to the request of the gentleman from Alaska?

There was no objection.

Mr. YOUNG of Alaska. Mr. Chairman, reclaiming my time, I want to get back to the point that when we work on legislation, we do the best we can within the House of the people. And to have other Members question the integrity of the House during a period of debate following the 2 weeks after we pass the bill, and then to have the Secretary of Transportation mention something that might be a reality, and to say that the administration is not fulfilling the obligation of the Congress is not correct.

Mr. Chairman, I respectfully request Members, do not use this as a political issue as has been used for the past 4 weeks. Let us seek good, sound security. Let us fund it and make it correct.

Mr. ROGERS of Kentucky. Mr. Chairman, I move to strike the last word.

Mr. Chairman, we are prepared to accept the amendment. However, I would like this opportunity to just remind Members that what this amendment would do is increase the amounts available from the user fee trust fund for the purposes of airport security which we all want.

However, just a few minutes ago there was stricken from this bill monies from the airport trust fund for this very purpose. I am having a little bit of difficulty fathoming the duplicity that we are engaged here in. There was a point of order, two points of order sustained just a few minutes ago that would prevent the Congress spending airport trust funds and highway trust funds for the emergency that we are dealing with here, the aftermath of September 11.

Here we are increasing the amount of money coming from a trust fund. I am having a little difficulty, pardon my ignorance, in fathoming the duplicity that is involved this afternoon. If anyone would care to comment on that, I would be happy to yield.

Mr. INSLEE. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Kentucky. I yield to the gentleman from Washington.

Mr. INSLEE. First, Mr. Chairman, I have not made any points of order today in this regard. But more importantly, what this has done is we have been looking for a way on a bipartisan basis, and I see no reason for ill will on this issue at all, I really think the parties are together on this, to assure that we give the administration enough resources to do this baggage screening that we all want done, and we are all on the same page on that.

What we found is there is another probable \$250 million that will be available from the stream of revenue

through the ticket surcharges that were set forth in the airline security bill. This money will not come out of the airport trust funds. This money will be funded 100 percent by the surcharge on the tickets.

Mr. ROGERS of Kentucky. Reclaiming my time, I fully understand that. But I am having some difficulty understanding that those earlier who objected to the use of trust funds for airport security and struck \$466 million from the bill that was designed for that purpose, and now supporting the dipping into a trust fund, the new one, for the purpose of airport security.

Mr. Chairman, we have got to find the money somewhere. I really am at a loss to understand why those who objected to the use of the trust funds that were earlier stricken did that. We have got to find monies to pay these air marshals to safeguard the cockpit, to pay the screeners under the new scheme. It is going to cost us \$54,000 per person, the government. We do not have the money. It was stricken from the bill.

Where is the money? Where is the money?

The trust funds are sitting there fat. I thought when we passed a tax to create a trust fund and charge users of the airports and the highways for the use of those facilities, I thought those monies would be used for airport security and the other purposes that the trust fund is collected for; and yet those were stricken from this bill. I support the gentleman's amendment because we have to have the money, but it still leaves us several hundred million dollars short.

Mr. INSLEE. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Kentucky. I yield to the gentleman from Washington.

Mr. INSLEE. Mr. Chairman, first off, we are not a monolithic group on our side of the aisle, so I will not address the concern of any other Members. Members must understand that this will be funded through a stream of revenue that has been set up, and there is a \$2.50 charge.

I want to make sure that Members understand that I think there is a bipartisan desire to get this job done. I compliment the gentleman from Alaska (Mr. YOUNG), although I disagree with his assertion of my demagoguery on his work in increasing the appropriation in the airline security bill to have a 100 percent baggage screening requirement. That is the right thing to do. We have now a fund for making sure that gets done, and I thank the gentleman for accepting this amendment.

Mr. STRICKLAND. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, after September 11 many Americans were absolutely shocked to learn when they got on an

airplane, the bags were not screened for explosive devices. We have debated that issue in this House, and we came to a bipartisan agreement that I think we can all be proud of. It was something that we agreed to and voted on. We sent it to the President. He signed it into law. It is the law of our land today.

I was stunned, quite frankly, a few hours ago when our Secretary of Transportation announced that he could not meet the requirements of this law. As I understand the law, it is not an option. It is a requirement that within 60 days this government have some procedure in place to make sure that every bag is screened for explosives. All Members want that. The American people want it.

All we are trying to do with this rather simple amendment is to provide an additional \$250 million to the already \$1 billion so that if the Secretary of Transportation does not have enough employees, he can acquire them. If there are not enough drug-sniffing dogs, we can have them trained. We can do, in fact, for the American people what we have said we will do for the American people. There is no need for acrimony.

Mr. Chairman, I think we can all agree on this. We can all claim victory and say we have done the right thing and we can get the job done. With that I urge my colleagues to feel good about this amendment, and I congratulate my Republican colleagues for having indicated that they will accept it.

Mr. OBERSTAR. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I do so for the purpose of responding to the chairman's question where these funds are going to come from, and the implication that the point of order made by the gentleman from Illinois struck the money. In fact, the point of order struck the source of the funding. It did not strike the \$466.5 million in this legislation.

When the Congress appropriated \$40 billion in the immediate aftermath of September 11, \$20 billion was clearly understood to go to New York for its needs and another \$20 billion to respond to other needs of the economy. And it was made very clear at that time when the Secretary of Transportation announced that sky marshals would be assigned to domestic flights that the funding for those sky marshals would come out of that \$20 billion. That is the basis on which we have proceeded.

That in this interim period of time until the surcharge on airline tickets provided for in the aviation security bill is put into effect and the money is raised, that the emergency appropriation of \$20 billion in part would cover the cost of the sky marshals.

Mr. Chairman, does the chairman of the appropriations subcommittee have a different understanding?

Mr. ROGERS of Kentucky. Mr. Chairman, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from Kentucky.

Mr. ROGERS of Kentucky. Mr. Chairman, what is happening here is once the sections were stricken earlier, no longer will these expenses that we are talking about for the sky marshals and the screeners and the like be taken from the airport trust fund; it will be taken from the general treasury. The American taxpayers are going to be footing the bill here rather than the trust fund that was created for the purpose. If we are going to have a trust fund for security in the airports, we ought to spend those dollars for that purpose.

Mr. Chairman, does the gentleman believe in truthful budgeting, or not?

Mr. OBERSTAR. Reclaiming my time, the sky marshal program was established by President Nixon by executive order issued on September 11, 1970, with funds appropriated not out of the airport and airways trust fund, not out of an aviation account, but out of a separate account dedicated to fund the sky marshal program. That program ramped up to a few thousand sky marshals, and then gradually dwindled down.

When the \$40 billion was appropriated in the aftermath of September 11, the Secretary of Transportation made it clear that the funding initially of the sky marshal program, the ramping up of the program would come out of that \$20 billion, and we do not see any reason to raid the trust fund in order to do that. The Secretary made a commitment, and I think the purpose is very clear. The Committee on Appropriations has so many demands on the \$20 billion, it does not want to exceed its \$20 billion, and dipped into the trust fund to do so.

Mr. ROGERS of Kentucky. Mr. Chairman, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from Kentucky.

Mr. ROGERS of Kentucky. Mr. Chairman, then perhaps we need to reduce taxes. If we are not going to use the trust fund monies for trust fund purposes, perhaps we need to reduce that tax; and perhaps we ought to ask the Committee on Ways and Means to address the issue of taxing the traveling public and we are not using the money for that purpose.

Mr. OBERSTAR. Mr. Chairman, I would say to the gentleman, that is why we proposed a surcharge. The funds to be taken by this language are already spoken for. They are already spoken for in the FAA, and are needed for the purposes for which they are intended. The additional money to pay for the sky marshals was to have come out of \$20 billion. That was our understanding.

Mr. ROGERS of Kentucky. Mr. Chairman, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from Kentucky.

Mr. ROGERS of Kentucky. Mr. Chairman, I ask the gentleman, is it not true that there are unobligated, unexpended, surplus, noncommitted funds in the airport trust fund at this moment?

Mr. OBERSTAR. Mr. Chairman, there always are at the beginning of a fiscal year when the funding has not been designated, but those dollars will be committed and are already spoken for.

The CHAIRMAN. The time of the gentleman from Minnesota (Mr. OBERSTAR) has expired.

(On request of Mr. ROGERS of Kentucky, and by unanimous consent, Mr. OBERSTAR was allowed to proceed for 2 additional minutes.)

Mr. ROGERS of Kentucky. Mr. Chairman, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from Kentucky.

Mr. ROGERS of Kentucky. Mr. Chairman, there is a balance at the end of the year in the airport trust account that is unobligated, unspent surplus funds; is that not true?

Mr. OBERSTAR. Not exactly.

Mr. ROGERS of Kentucky. If the gentleman would continue to yield, yes, it is.

Mr. OBERSTAR. Mr. Chairman, not exactly. Those dollars are committed to acquisition of air traffic control technologies, as the chairman well knows. The operations account is to pay for the air traffic controllers and for the professional systems repair personnel, and were not intended to pay for sky marshals.

Mr. ROGERS of Kentucky. Mr. Chairman, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from Kentucky.

Mr. ROGERS of Kentucky. Mr. Chairman, would they also be available for such things as bomb detection machines at the airports?

Mr. OBERSTAR. In the facilities and equipment accounts, yes.

Mr. ROGERS of Kentucky. Mr. Chairman, if the gentleman would continue to yield, I rest my case.

Mr. OBERSTAR. Mr. Chairman, reclaiming my time, the point is that the surcharge is to pay for those acquisitions, and payment of sky marshals is to come out of the \$20 billion. We should have had this dialogue long before this moment, before coming to the floor with this legislation.

Mr. SHAYS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the debate on the airport security bill was a fascinating debate and one in which I thought the Senate had done a good job, and I thought the House had improved on it. I thought the House improved on it when they added a provision that said we must check baggage that goes into the belly of an aircraft. The House

version required this to be done by the end of 2003.

That is really what the gentleman from Washington (Mr. INSLEE) and the gentleman from Ohio (Mr. STRICKLAND) and I had requested. We were saying at least by the end of 2003. To the credit of, frankly, the House, they put that amendment in; and then the conference committee said by the end of the year 2002.

It is physically impossible to inspect for explosives in 60 days, and there was no intent that we would be able to inspect for explosives in 60 days.

□ 1745

If Members of Congress thought they were voting for that, I think that would be a hypocritical thing for me or anyone else to do, because we know it cannot be done. It is going to be tough to do it by the end of 2002.

But clearly we need more money, and I think that the gentleman from Washington (Mr. INSLEE) is right in requesting it. I thank the chairman for accepting it. But it should have been taken out of the trust fund. We should not be talking about expanding airports and doing all the other improvements until we make planes safer. I take some real exception to the deletion of this. I realize technically they were right in doing it, but I think they were, frankly, inaccurate and I would say it was a moral mistake. I think that what is in the trust fund should go for safety. Our constituents want that and I regret that it will now come out of the general fund. But I thank the chairman for accepting the amendment. I appreciate the gentleman from Washington (Mr. INSLEE) and the gentleman from Ohio (Mr. STRICKLAND) offering the amendment here and support it. I also want to thank the gentleman from Alaska (Mr. YOUNG) for being the one who made sure it was in the bill because it was not in the Senate version. The Senate did a good job; the House, I thought, improved on it; and I think the conference committee did an even better job.

Mr. ROGERS of Kentucky. Mr. Chairman, will the gentleman yield?

Mr. SHAYS. I yield to the gentleman from Kentucky.

Mr. ROGERS of Kentucky. Does the gentleman understand that as a result of the moneys being stricken earlier this afternoon, coming out of the trust funds for the purpose of security, buying bomb detection machines, sky marshals, screeners and the like, because that money was stricken from the bill, this bill earlier today, that \$466.5 million, adding back the \$250 million that we are talking about with the Inslee amendment, will not get us back to where we were? We are still going to be short several hundred million dollars. And that the airport trust fund has funds in it right now that could be used for this purpose.

Mr. SHAYS. I am aware of it. I am very distressed by it. I hope it is worked out by the leaders and you as to how we deal with this. I think it was a clear mistake to take it out of the trust funds. I think in the end we endanger the public by doing it.

Mr. ROGERS of Kentucky. Does the gentleman mean it was a mistake to strike it?

Mr. SHAYS. Yes, it was a mistake to delete from the bill the use of the money from the trust funds; we should be using the trust funds for what they were intended, and that is for the flying safety of the American people.

Mr. ROGERS of Kentucky. I thank the gentleman for that statement.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington (Mr. INSLEE). The amendment was agreed to.

AMENDMENT OFFERED BY MR. VISCLOSKY

Mr. VISCLOSKY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. VISCLOSKY:

In the proposed division B (relating to emergency supplemental appropriations), insert the following new title:

TITLE ____—STEEL INDUSTRY LEGACY
RELIEF
FINDINGS

SEC. ____1. The Congress finds the following:

(1) The United States steel industry has been severely harmed by a record surge of steel imports into the United States since 1998.

(2) This surge in imports has resulted in the loss of more than 26,000 steel worker jobs and is the imminent cause of 25 steel company bankruptcies.

(3) The import surge has also forced the United States steel industry into reduced volume, lower prices, and financial losses.

(4) On October 22, 2001, the International Trade Commission determined that the domestic steel industry has been severely injured by the import surge.

(5) The United States steel industry has massive retiree health care liabilities that total \$13,000,000,000 and cost the steel industry almost \$1,000,000,000 annually.

(6) These health care liabilities pose a significant barrier to steel industry consolidation and rationalization that could improve the financial condition of the industry and reduce the impact of foreign imports.

(7) Steel company bankruptcies, job losses, and financial losses are contributing to the Nation's current economic slowdown and are having serious negative effects on the tax base of cities, counties, and States, and on the essential health, education, and municipal services that these government entities provide to their citizens.

(8) A strong steel industry is necessary to a healthy economy and to the adequate defense preparedness of the United States.

TRADE ADJUSTMENT ASSISTANCE FOR STEEL

SEC. ____2. (a) IN GENERAL.—Title II of the Trade Act of 1974 (19 U.S.C. 2251 et seq.) is amended by adding at the end the following:

**“CHAPTER 6—ADJUSTMENT ASSISTANCE
FOR STEEL COMPANIES**

“SEC. 291. DEFINITIONS.

“In this chapter:

“(1) QUALIFIED ANNUAL EXPENDITURE.—

“(A) IN GENERAL.—Subject to subparagraph (B), the term ‘qualified annual expenditure’ means, for any calendar year in connection with a qualified steel company, the total of all expenditures made by such company during such calendar year to meet retiree health care liabilities under a covered retiree health plan established or maintained by such company. Such term includes—

“(i) any disbursement during such calendar year from a voluntary employees’ beneficiary association trust organized by the company under 501(c)(9) of the Internal Revenue Code of 1986 to fund retiree health care liability, and

“(ii) any qualified transfer by the company during such calendar year of excess pension assets, described in section 420 of such Code, to fund retiree health care liability.

“(B) LIMITATION.—In any case in which an employee benefit plan is a covered retiree health plan as a successor to another covered retiree health plan, in determining so much of the qualified annual expenditure for any calendar year of the qualified steel company as is attributable to such successor plan, the Secretary shall disregard any expenditures made to meet retiree health care liabilities in excess of the present value of the amount of the retiree health care liabilities in existence on the date of the enactment of this chapter under the predecessor plan in effect on such date.

“(2) QUALIFIED STEEL COMPANY.—The term ‘qualified steel company’ means any entity that is incorporated under the laws of any State and—

“(A) on January 1, 2000, was so incorporated and was engaged in—

“(i) the production or manufacture of a product identified by the American Iron and Steel Institute as a basic steel mill product, including ingots, slab and billets, plates, flat-rolled steel, sections and structural products, bars, rail type products, pipe and tube, and wire rod; or

“(ii) the mining of iron ore, or

“(B) is a successor to an entity described in subparagraph (A).

“(3) RETIREE HEALTH CARE LIABILITY.—The term ‘retiree health care liability’ means, in connection with a qualified steel company, an obligation of such company under an employee benefit plan to pay post-retirement health benefits to participants and beneficiaries or to contribute to such a plan providing such benefits.

“(4) COVERED RETIREE HEALTH PLAN.—The term ‘covered retiree health plan’ of a qualified steel company means an employee benefit plan—

“(A) established or maintained by such company for its employees, or

“(B) established or maintained pursuant to a collective bargaining agreement between one or more employers including such company and one or more employee organizations,

under which, as of the date of the enactment of this chapter, such company has retiree health care liability. Such term includes a successor employee benefit plan established or maintained as described in subparagraph (A) or (B).

“(5) EMPLOYEE BENEFIT PLAN AND RELATED TERMS.—The terms ‘employee benefit plan’, ‘participant’, ‘beneficiary’, and ‘employee organization’ have the meanings provided such terms, respectively, under section 3 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002).

“(6) SECRETARY.—The term ‘Secretary’ means the Secretary of Labor.

“SEC. 292. ESTABLISHMENT OF GRANT PROGRAM.

“(a) AUTHORIZATION.—The Secretary of Labor is authorized to provide grants to any qualified steel company for the purpose of assisting such company in making the qualified annual expenditure for the calendar year for which assistance is requested.

“(b) APPLICATION.—

“(1) IN GENERAL.—A qualified steel company may, not later than December 1 of the year prior to the calendar year for which assistance is requested, submit to the Secretary an application for a grant under this section.

“(2) CONTENTS.—An application for a grant under this section shall contain—

“(A) appropriate documentation of the company’s qualified annual expenditure for the calendar year for which assistance is requested; and

“(B) such other information as the Secretary may require.

“(3) REVIEW AND APPROVAL.—Not later than 30 days after the receipt of an application under paragraph (1), the Secretary—

“(A) shall review the application and determine whether or not the application meets the requirements of paragraph (2); and

“(B) if the Secretary makes an affirmative determination under subparagraph (A), shall approve the application.

“(c) AMOUNT OF GRANT.—The amount of a grant provided to a qualified steel company under subsection (a) for a calendar year shall be equal to 80 percent of the qualified annual expenditure of the company for the calendar year.

“(d) MONTHLY PAYMENTS UNDER THE GRANT.—The Secretary shall make assistance payments on a monthly basis to an eligible company that provides in a form satisfactory to the Secretary documentation of so much of a qualified annual expenditure as is attributable to the previous month. Proper adjustments shall be made in amounts subsequently paid to the extent prior payments were in excess of or were less than the proper amount.

“(e) DIRECT ASSISTANCE TO PARTICIPANTS AND BENEFICIARIES.—In the case of a qualified steel company that ceases operations as of any date on or after January 1, 2000, and that has retiree health care liability with respect to participants and beneficiaries under a covered retiree health plan at the time the company ceases operations, each such participant or beneficiary shall be eligible to receive assistance under this chapter to compensate for the inability of the company to satisfy such liability with respect to such participant or beneficiary. Such assistance shall be equal to the actuarial present value of such liability with respect to such participant or beneficiary as of the date the company ceases operations. The Secretary shall by regulation provide for the administration of such assistance, except that, to the extent that funds available under this chapter for providing assistance pursuant to this subsection are insufficient to provide for such assistance in full to all eligible participants and beneficiaries, the Secretary shall allocate such funds on a pro rata basis.

“SEC. 293. RECORDS.

“(a) IN GENERAL.—Each recipient of assistance under this chapter shall keep records which fully disclose the amount and disposition by such recipient of the assistance received which will facilitate an effective audit. The recipient shall also keep other records as the Secretary may prescribe.

“(b) ACCESS.—The Secretary and the Comptroller General of the United States shall have access for the purposes of audit

and examination to any books, documents, papers, and records of the recipient pertaining to assistance received under this chapter.

“SEC. 294. PENALTIES.

“Whoever makes a false statement of a material fact knowing it to be false, or knowingly fails to disclose a material fact, or whoever willfully overvalues any obligation, for the purpose of obtaining money, property, or anything of value under this chapter, shall be fined not more than \$5,000 or imprisoned for not more than 2 years, or both.

“SEC. 295. CIVIL ACTIONS.

“In providing financial assistance under this chapter the Secretary may sue and be sued in any court of record of a State having general jurisdiction or in any United States district court, and such jurisdiction is conferred upon such district court to determine such controversies without regard to the amount in controversy, but no attachment, injunction, garnishment, or other similar process, mesne or final, shall be issued against the Secretary or Secretary's property. Nothing in this section shall be construed to except the activities pursuant to this chapter from the application of sections 516, 547, and 2679 of title 28 of the United States Code.

“SEC. 296. REGULATIONS.

“The Secretary shall prescribe such regulations as may be necessary to carry out the provisions of this chapter.

“SEC. 297. AUTHORIZATION OF APPROPRIATIONS.

“There is authorized to be appropriated to the Secretary to carry out this chapter \$2,400,000,000 for the fiscal year 2002, of which—

“(1) \$800,000,000 is authorized to be expended in calendar year 2002;

“(2) \$800,000,000 is authorized to be expended in calendar year 2003; and

“(3) \$800,000,000 is authorized to be expended in calendar year 2004.”.

(b) CONFORMING AMENDMENT.—The table of contents for title II of the Trade Act of 1974 is amended by inserting after the items relating to chapter 5 the following:

“CHAPTER 6—ADJUSTMENT ASSISTANCE FOR STEEL COMPANIES

“Sec. 291. Definitions.

“Sec. 292. Establishment of grant program.

“Sec. 293. Records.

“Sec. 294. Penalties.

“Sec. 295. Civil actions.

“Sec. 296. Regulations.

“Sec. 297. Authorization of appropriations.”.

APPROPRIATION

SEC. ____ 3. The following sums are appropriated out of any money in the Treasury not otherwise appropriated, for the Department of Labor, for the period comprising fiscal years 2002, 2003, 2004, and 2005, for purposes of carrying out the preceding provisions of this title (including the amendments made thereby), including the provision of adjustment assistance to qualified steel companies to meet qualified annual expenditures, the following: \$2,400,000,000, of which \$800,000,000 is available for obligation solely for calendar year 2002; of which \$800,000,000 is available for obligation solely for calendar year 2003; and of which \$800,000,000 is available for obligation solely for calendar year 2004: *Provided*, That of the amount made available for calendar year 2002, \$5,000,000 shall be available for necessary expenses to administer this Act, to remain available for calendar years 2003 and 2004 until expended: *Provided further*, That the amounts appro-

riated under this section are designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amounts shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

Mr. VISCLOSKY (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. ROGERS of Kentucky. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The gentleman from Kentucky reserves a point of order.

Mr. ROGERS of Kentucky. Mr. Chairman, I ask unanimous consent that debate on this amendment and any amendments thereto be limited to 30 minutes, to be equally divided and controlled by the proponent and myself, the opponent.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

Mr. VISCLOSKY. Mr. Chairman, reserving the right to object, I have no objection, but our preference is to have the gentleman from Pennsylvania (Mr. MURTHA), the ranking Democrat on the Subcommittee on Defense and former chairman of the Steel Caucus, control time on our side of the aisle on behalf of the amendment.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

Without objection, the gentleman from Pennsylvania (Mr. MURTHA) and the gentleman from Kentucky (Mr. ROGERS) each will control 15 minutes.

There was no objection.

Mr. MURTHA. Mr. Chairman, I yield 5 minutes to the gentleman from Indiana (Mr. VISCLOSKY).

Mr. VISCLOSKY. I thank the gentleman from Pennsylvania (Mr. MURTHA) for controlling time on this amendment.

Mr. Chairman, the amendment that I have before the House is the same amendment I offered in full committee 2 weeks ago and, that is, to provide \$800 million a year for 3 years to provide assistance on the so-called legacy costs to the domestic steel industry to assist the industry in solving their problems as far as pension costs and health care for retirees, to allow the industry to save itself, to consolidate and to continue to melt steel in the United States of America.

Why am I and others offering this amendment today to this bill? Because

it is a matter of utmost national defense. On August 26 of this year, President George Bush said, “If you’re worried about the security of the country and you become overreliant upon foreign sources of steel, it can easily affect the capacity of our military to be well supplied. Steel is an important jobs issue. It is also an important national security issue.”

But why should we today ask the American taxpayer to help a specific industry in this country? It is because they have been injured through no fault of their own by foreign interests. On June 22 of this year, Trade Ambassador Zoellick on behalf of President Bush initiated a section 201 investigation by the International Trade Commission into allegations that serious injury has occurred to the domestic steel industry because of illegally traded steel over the last some years. I would point out to my colleagues that this is the first presidentially initiated 201 investigation in the last 16 years.

On October 22, a little over a month ago, the ITC, comprised of 3 Republicans and 3 Democrats, found that serious injury had occurred to this industry. At this point in time, I would also point out that this is an industry that has done everything possible to save itself. Under the voluntary restraint agreements of the 1980s, the industry has invested \$60 billion in itself. Its productivity has increased 156 percent since 1980. And no one on the planet Earth makes steel more efficiently than our domestic industry. It now takes only 3.5 man-hours per ton to produce a ton of steel compared to 10 man-hours per ton two decades ago.

As far as the technology involved with the industry, it is on the cutting edge. Almost 50 percent of the steel purchased by automakers today was not even produced 7 or 8 years ago, given the changes. But I would point out to my colleagues, this is not only an economic issue but it is a human tragedy in the making. These improvements have occurred over the last two decades because 300,000 American citizens gave their economic life. And now we find that injury continues to occur because of illegal trade practices.

The Trade Ambassador has suggested before any final implementation of relief under an ITC recommendation, the industry must consolidate. The industry needs this relief on liability in order to proceed.

Why today? Because the industry cannot wait until next year. The ITC recommendation is not due until December 19, and the President’s final action does not have to occur until February 16. But what has happened over the last 36 days since I last appeared before the Committee on Rules in an attempt to offer this amendment to the economic stimulus package? At that time and on that day, on October 23, I indicated to my colleagues in the Committee on Rules that we were losing a

steel company at the rate of one every 3 weeks. That was October 23. Today I stand before you and tell you we are losing steel and mining companies at the rate of one every 7 days.

Since October 23, USA Metals in Texas declared bankruptcy. Since October 23, Acme Steel in Illinois ceased all operations and are trying to sell themselves for \$1. Since October 23, Geneva Steel in the State of Utah has ceased operations. Since that same date, LTV Corporation filed to protect its assets. And last week in the State of Michigan, Empire Mine idled all of its facilities indefinitely.

I would conclude my remarks on my amendment by reminding my colleagues, we are talking about American citizens who are losing their jobs, families who are losing their income, and I would ask for their consideration.

Mr. MURTHA. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. I thank the gentleman for yielding me this time.

Mr. Chairman, the gentleman from Indiana has made a very powerful and compelling case. Steel is the basic building block of an industrial society. In 1947, author John Gunther wrote that what makes America the greatest industrialized Nation in the world is its ability to roll more steel than the Soviet Union, Germany, France, Belgium and Great Britain combined.

That statement is no longer true. We are bombarded by unfairly traded steel, subsidized in foreign countries, to preserve a basic building block of their economy and to dump their excess capacity in the world's largest open free market, the United States. While we have played in the international trade arena by the Marquis of Queensbury rules, other countries are playing with black belt karate and kicking our brains out. Brazil, 27 different tax subsidies for the production and export of steel. Russia, Ukraine, producing steel at a loss in order to keep people working, and dumping their steel in this market and causing unemployment here.

The gentleman spoke well and truly about the legacy costs of the domestic steel industry. His amendment is one way, but the best way to avoid those legacy costs is for the administration to conclude the 201 proceeding now underway; impose countervailing duties or tariffs or quotas, and stop the influx of subsidized steel; let the U.S. steel industry continue to work, to hire people, to keep them on the job, to keep those payrolls going. And we will not have to draw down the Pension Benefit Guaranty Corporation funding to support the retirement funds that are in jeopardy. We will not have to pay unemployment compensation to pay people not to work. We ought to do either what the gentleman from Indiana is suggesting or impose the penalty phase

of the injury process underway now in the International Trade Commission.

Mr. MURTHA. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. STRICKLAND).

Mr. STRICKLAND. Mr. Chairman, I rise today as the son of a steelworker in support of the gentleman from Indiana's amendment. I want to commend the gentleman for his tireless efforts within the Steel Caucus to ensure that the Federal Government is utilizing every means possible to protect our domestic steel industry and those Americans it employs.

The goal of the steel industry legacy relief program will not only provide assistance to the steel producers in meeting retiree health care costs, but it also gives comfort to the nearly 2 million Americans who currently receive pensions and health care from current and former steel companies. This assistance is especially important for those who are eligible for retiree health insurance at the time a steel company ceases its operations.

It is no secret that our domestic steel industry is in jeopardy. This is an industry we rely on for our transportation, electric, oil and, most importantly, our national security needs. The domestic steel industry has been devastated by a flood of imported foreign steel, resulting in plunging steel prices and the closing of multiple steel producing companies. For example, LTV in Cleveland, like other steel companies, is now on the brink of shutting down, leaving thousands to be unemployed.

It is imperative that we make meaningful and effective reforms that will ensure the long-term viability of this vital industry. The steel industry legacy relief program is just one way to assist American steelworkers who are negatively affected by widespread plant closings and bankruptcies.

I want to thank the gentleman from Indiana. He is a soldier in this fight to protect this vital industry. I urge my colleagues to support his amendment.

Mr. ROGERS of Kentucky. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. BROWN).

□ 1758

Mr. BROWN of Ohio. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I am proud to join the gentleman from Indiana (Mr. VISCLOSKEY) in support of this amendment. As thousands of American steelworkers have sadly discovered, the U.S. has become the world's steel dumping ground. During the 1998 steel crisis, steel imports into the United States exceeded steel exports by 36 million tons. The trade deficit in steel was \$11.7 billion, accounting for about 7 percent of our continually growing overall trade imbalance. The vast majority of these imports were subsidized

by foreign governments and dumped at below-market prices in the United States.

Congress must respond. One immediate step we must take is protect the retirement benefits that these workers have earned. To encourage needed reorganization and consolidation of the domestic steel industry, a Steel Industry Legacy Relief Program should be created to provide assistance to steel producers in meeting retiree health care costs. This amendment establishes such a program, offering assistance equal to 80 percent of the total expenditures made to meet steel retiree health care liabilities.

Our country's history of flawed trade agreements has propelled the steel industry towards the crisis it faces today. It only makes sense that current and future retirees, surviving spouses, and dependents who are eligible for retiree health insurance which they earned at the time a company ceases operation be eligible to receive assistance.

We must protect the 700,000 hard-working families who rely on this industry for their salaries, pensions and health benefits, and for those communities in which they live. I urge all of my colleagues to support America's steelworkers and those communities in which these steelworkers live.

Mr. MURTHA. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Chairman, the legacy cost issue that has been raised by the gentleman from Indiana (Mr. VISCLOSKEY) is one of the important elements in addressing the financial stability of America's steel industry.

Mr. Chairman, at this very time, 3,200 steelworkers in Cleveland are wondering whether or not they are going to have jobs tomorrow; and yet, despite the fact that the union and the creditors have worked together to make concessions, the management of LTV wants to liquidate the company. We are anticipating that new management will come in, and new management will need something done about legacy costs, as will management of steel companies throughout this country.

It is urgent that we address the issue that is raised by this amendment. Because of the accumulation by steel companies of massive legacy costs, the cost of pension and health benefits for thousands of employees who went into retirement has to be assured.

The Visclosky amendment, supported by both the steel industry and the steelworkers, provides a solution. Much like title II of H.R. 808, the amendment would create a fund to address legacy costs. Steel companies would be able to draw on the fund to aid with the payment of health and pension benefits.

One might ask, what does this have to do with defense? That has been

raised. The existence of a healthy steel industry is crucial to our national security. It is inexplicable that at the time when we are in a national emergency, at a time when our men and women are traveling overseas to defend the interests of this country, that we should simultaneously be here begging for the survival of the American steel industry, which has defended this country through matters, thick and thin, over the last century.

It is essential that Congress begin to take action to save this steel industry and to save the jobs. Right now there are thousands of American families, tens of thousands, who are watching this Congress, wondering if we are going to hear their pleas. We bailed out the airline industry. The insurance industry is going to be walking down this aisle in the next few hours. And yet what about American steel? What about protecting our national security? What about legacy costs?

Mr. MURTHA. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, one of the points that I want to make, and I am not in the habit of speaking when I know a point of order is going to be made against legislation, but here is what we face: for instance, Bethlehem Steel has 18 retirees for every person working. Bethlehem's pension cost is going to be at least \$2 billion over a period of time if they go chapter 7.

Now, who picks that up? The PBGC picks it up. We set up the PBGC in order to protect what we thought would be garment factories going out of work. We only pay 80 percent of the pension costs. We pay none of the health care costs.

Right now all of those retirees are being paid by Bethlehem Steel. We have the same problem with LTV and all these other companies that have retirees that do not have full funding for the pension guarantee in their fund. So we are going to have to face this.

We did it for the coal miners, for the health care costs for the coal miners, and we are going to have to look at some way to take care of these pensioners. All of us have retired steelworkers. We have them from Pennsylvania that move to Florida, we have them in California, we have them all over the country. If we do not, we are going to have thousands of steelworkers getting 80 percent of their pension and losing their health care costs completely.

So I hope that when we go to conference we will look at the possibility of finding a way to fund some of these corporations out of the tariffs. Now, if the administration finds a way to charge tariffs and then we can take the money out of the tariffs, it would cost the government a lot less than it would if we go to PBGC. So I would ask all the Members of the committee to think about the disastrous process we

are going to have to go through if we lose these steel companies, besides the fact of national security.

Mr. Chairman, I yield 2 minutes to the gentlewoman from Ohio (Mrs. JONES).

Mrs. JONES of Ohio. Mr. Chairman, I would like to thank the gentleman for yielding me time.

I am pleased to rise in support of this amendment. In the city of Cleveland, I am sure you have heard from my colleague that we are in the midst of the closing of LTV Steel. That will impact some 3,200 workers at LTV, but also, in addition, the retirees and others who are supported by the steel industry.

I rise in support of this Legacy Relief Program because the retiree costs in the industry are surely the highest costs that are paid by the industry. In the case of a steel company that ceases operation on or after January 1, 2000, current and future retirees, surviving spouses and dependents who are eligible for retiree health insurance at the time the company ceases operation shall be eligible to receive assistance.

That is what our steel companies need. The percentage of the cost of retiree health care costs far exceeds the other costs of a steel company remaining in place.

I want to thank my colleague, the gentleman from Indiana (Mr. VISCLOSKY), for offering this amendment. I want to thank my other colleagues in the Steel Caucus who have stood up on behalf of steelworkers across this country.

As we have talked over the past weeks of being in an economic crisis as a result of September 11, the steel industry is in an economic crisis, not just because of September 11, but because of the failure of our Nation to come up with a program that adequately addresses the steel industry.

It is the long-term impact that has caused the steel industry to be in the dilemma it currently is in, and it is therefore incumbent upon us as Members of Congress to step up to the plate and say to the steel industry, we want to save you; we are going to do two, three or four things to help you get on the right track.

This bill is one of the things that we can do to get the steel industry on the right track, and, in addition, to support those workers who built the World Trade Center, those workers who built all of the buildings that cross this country.

POINT OF ORDER

Mr. ROGERS of Kentucky. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriations bill, therefore violating clause 2 of rule XXI.

The rule states in pertinent part: "An amendment to a general appropriation bill shall not be in order if changing existing law."

The amendment directly amends existing law, and I ask for a ruling of the Chair.

The CHAIRMAN. Does the gentleman from Indiana (Mr. VISCLOSKY) wish to be heard on the point of order?

Mr. VISCLOSKY. Mr. Chairman, I would ask to be recognized.

Mr. Chairman, I will not concede the issue of relief being necessary for the domestic steel industry. I would concede that the amendment that was offered here today is violative of the rule we are operating under. I would simply want to withdraw that amendment.

Before I do that, I want to sincerely thank the chairman of the full committee, the gentleman from Florida (Mr. YOUNG); I want to thank my chairman on the Subcommittee on Defense, the gentleman from California (Mr. LEWIS); as well as the gentleman from Kentucky (Mr. ROGERS), who managed the time, for the courtesy in allowing us to keep this very important issue before this institution and the American people.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

AMENDMENT OFFERED BY MR. MANZULLO

Mr. MANZULLO. Mr. Chairman, I offer an amendment.

The CHAIRMAN. Could the gentleman from Illinois specify which amendment?

Mr. MANZULLO. Mr. Chairman, this is the amendment that deals with the 7(a) program, the 504 program.

The CHAIRMAN. Section 201 or 202?

Mr. MANZULLO. It would be on page 148, line 7, if that helps.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. MANZULLO:

Page 148, beginning on line 9, strike section 201.

Mr. MANZULLO (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. YOUNG of Florida. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. The point of order is reserved.

The gentleman from Illinois (Mr. MANZULLO) is recognized for 5 minutes.

Mr. MANZULLO. Mr. Chairman, this amendment, which I offer along with the gentlewoman from New York (Ms. VELÁZQUEZ), the ranking minority member on the Committee on Small Business, will allow the \$140 million appropriated in this emergency supplemental to also go toward the 7(a) and 504 loan programs of the Small Business Administration if not all the funds

have been used for disaster relief. The initial appropriation of \$100 million last September and this additional funding of \$140 million is designated to support \$1 billion in disaster relief. As of November 19, the SBA approved nearly \$142 million in total disaster relief.

The CHAIRMAN. The gentleman from Illinois will suspend.

The amendment the Clerk read was an amendment striking section 201. Is that the amendment the gentleman wishes to offer?

Mr. MANZULLO. I am not addressing that. There are three amendments.

The CHAIRMAN. The amendment that the gentleman is addressing is not yet at the desk.

Mr. MANZULLO. I would withdraw my remarks, and ask unanimous consent that the amendments that we have striking sections 201 and 202 be considered en bloc, and then we could return later to the first one which I was addressing.

The CHAIRMAN. Without objection, the amendment reported by the Clerk is withdrawn, and the amendments striking sections 201 and 202 will be considered en bloc.

There was no objection.

AMENDMENTS OFFERED BY MR. MANZULLO

Mr. MANZULLO. Mr. Chairman, I offer amendments en bloc.

The Clerk read as follows:

Amendments offered by Mr. MANZULLO:

Page 148, beginning on line 9, strike section 201.

Page 148, beginning on line 23, strike section 202.

Mr. MANZULLO. Mr. Chairman, this amendment strikes sections 202 and section 201 and section 202. Section 202 violates House rule XXI by authorizing in an appropriations bill, and it is the same argument with section 201. I would ask for the support of the Committee on Appropriations on this.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. MANZULLO. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, if the gentleman is prepared to complete his debate on this, we are prepared to accept his amendment.

Mr. MANZULLO. Mr. Chairman, I am finished.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Illinois (Mr. MANZULLO).

The amendments were agreed to.

AMENDMENT OFFERED BY MR. MANZULLO

Mr. MANZULLO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MANZULLO:

Page 148, line 7, after the period insert "Notwithstanding any other provision of this Act or any other law, funds made available to the Small Business Administration from amounts available in Public Law 107-38 may be obligated for emergency expenses and business loan assistance related to the

September 11, 2001, terrorist attacks on the United States and related economic conditions under subsections (a) and (b) of section 7 of the Small Business Act (15 U.S.C. 636) and title III and sections 503 and 504 of the Small Business Investment Act of 1958 (15 U.S.C. 661 et seq.)."

Mr. MANZULLO (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. YOUNG of Florida. Mr. Chairman, I reserve a point of order on this amendment.

The CHAIRMAN. The point of order is reserved.

The gentleman from Illinois (Mr. MANZULLO) is recognized for 5 minutes.

Mr. MANZULLO. Mr. Chairman, this amendment, which I offer along with the ranking minority member, the gentlewoman from New York (Ms. VELÁZQUEZ), will allow the \$140 million appropriated in this emergency supplemental to also go towards the 7(a) and 504 loan program of the Small Business Administration if not all the funds have been used for disaster relief.

The initial appropriation of \$100 million last September and this additional funding of \$140 million is designed to support \$1 billion in disaster relief. As of November 19, the SBA approved nearly \$142 million in total disaster relief, with only \$24 million being actually disbursed. It is quite conceivable that the SBA may not use the entire allotment provided in this appropriations.

My amendment simply gives the SBA administrator the flexibility to use all these funds to provide additional relief to small business borrowers who use the main lending programs of the SBA, the 7(a) General Business Loan program and the 504 Certified Development Company program. The \$240 million set aside for the SBA in P.L. 107-38 and H.R. 3338 should be used to help as many small businesses as possible.

I urge my colleagues to support this amendment.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I just rise to ask the gentleman a question. As I understand it, the gentleman just moved to strike in the previous amendment because it was legislating on an appropriations bill.

Mr. MANZULLO. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Illinois.

Mr. MANZULLO. Mr. Chairman, that is correct.

Mr. OBEY. Now, reclaiming my time, is it correct that the gentleman is proposing an amendment that legislates on an appropriations bill?

Mr. MANZULLO. Mr. Chairman, if the gentleman will yield further, it is

questionable as to whether it does or not. I am sure the Committee on Appropriations will state that it does; and I will state that it does not for the record, and I will probably lose. That is correct.

Mr. OBEY. Well, all I can say is it certainly appears to me to do so, and I find that lack of consistency very interesting.

Mr. DAVIS of Illinois. Mr. Chairman, I rise in support of the Manzullo and Velázquez amendment. The purpose of this amendment is to allow \$140 million appropriated in this emergency supplemental to also go towards the 7(a) Loan Guaranty Program and the 504 Certified Development Company Loan Programs of the Small Business Administration providing that not all the funds have been used for disaster relief. This amendment will give the Small Business Administration flexibility to use all appropriate funding to provide additional relief to small business borrowers who use main lending programs of the Small Business Administration.

After 10 years of solid economic growth, America has entered an economic downturn. For the first time in a decade the economic indicators—benchmarks showing where we are and where we are going—all point down. Job losses in technology and manufacturing have risen dramatically and corporate bankruptcies were nearly double what they were last year. Consumer confidence hit its lowest point in over a decade. Even though, the U.S. stock market saw a significant gain in the last 10 years. However, the bottom has virtually fallen out as a result of the events of September 11. Now every industry is taking a huge hit as profits and employment figures head into a free fall.

Part of the solution to this problem is for Congress and the President to implement a sound and fair fiscal policy that will provide an economic stimulus for the general public and small businesses. Since small businesses account for 99.7 percent of America's employers, it can play a vital role in bringing America out of this economic downturn.

To help American small business survive this economic downturn, the Small Business Administration must engage all available resources in facilitating entrepreneurship development, providing low- or no-interest loans, and more technical assistance programs to small businesses. The most important contribution Congress can make is to fund all SBA programs at their authorized levels.

I urge all my colleagues to support the Manzullo and Velázquez amendment.

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POINT OF ORDER

Mr. YOUNG of Florida. Mr. Chairman, I make a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. YOUNG of Florida. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriations bill and, therefore, violates clause 2 of rule XXI.

The rule states, in pertinent part, "An amendment to a general appropriations bill shall not be in order if

changing existing law." This amendment changes existing law. I ask for a ruling on the point of order.

The CHAIRMAN. Does the gentleman from Illinois (Mr. MANZULLO) wish to be heard on the point of order?

Mr. MANZULLO. Yes, I wish to be heard on the point of order.

This amendment simply gives the flexibility to the SBA administrator to use leftover funds already appropriated to also go towards a 7(a) and 504 loan program. There is sufficient authorization already in place to cover the expected increase in demand as those turned down for disaster look to other sources for assistance. This amendment does not require that this funding go towards 7(a) in a 504 loan program, it simply provides discretion to the SBA administrator. On line 3 and 4 the amendment clearly states that funds made available to the Small Business Administration from amounts available in P.L. 107-38 may be obligated for emergency expenses and business loan assistance for the purpose of disaster loan programs and also the 7(a) and the 504 programs.

We would argue that this is not an open-ended commitment; this is a one-time emergency response to a credit crisis facing small businesses across the Nation.

Earlier this month the Federal Reserve released reports which stated that banks are imposing tougher standards on business loans over the last 3 months because of the slowing economy. We need fee relief in the 7(a) and 504 loan programs in order to get our economy back on track. So this does not spend any extra money, it simply works within the parameters of the discretion of the SBA administrator and, therefore, I do not believe that we are legislating on an appropriations bill.

The CHAIRMAN. The Chair is prepared to rule on the point of order.

The Chair finds that this amendment explicitly supersedes existing law. The amendment, therefore, constitutes legislation in violation of clause 2 of rule XXI. The point of order is sustained, and the amendment is not in order.

AMENDMENT OFFERED BY MR. SANDERS

Mr. SANDERS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SANDERS:

Page 165, line 24, after the dollar amount, insert the following: "(reduced by \$100,000,000) (increased by \$100,000,000)".

Mr. SANDERS. Mr. Chairman, this amendment is cosponsored by the gentleman from Illinois (Mr. DAVIS), the gentleman from New York (Mr. HINCHHEY), the gentleman from Massachusetts (Mr. TIERNEY), and the gentleman from Wisconsin (Ms. BALDWIN).

Mr. Chairman, today we are talking about bioterrorism and how to protect

the American people against this nightmare, and that is an appropriate subject of discussion and something that the American people want us to address. But we must be frank and say that if, God forbid, this country was ever subjected to a major terrorist attack in terms of biological, chemical, or nuclear weapons, we must admit that we currently do not have the public health infrastructure to deal with such a crisis. This bill contains many important provisions to fill that gap, and I support those provisions, but it still leaves a very large hole.

Mr. Chairman, 44 million Americans have no health insurance or any primary care physician, and tens of millions more are inadequately insured. In the event of a national medical emergency, where would these people turn for medical assistance? How, in an orderly and effective way, would millions of people receive the medications and medical care they need on the same day?

In my view, the United States Government must make certain that every community in America, in our large cities and in our rural small towns, have a public health capability for treating all people, regardless of income, regardless of geographical location. It is inconceivable to me that we can talk seriously about addressing the nightmare of bioterrorism without addressing the issue of public health infrastructure. We can have all the medicine we want, we can have all the vaccines we want, and we must have that, but they will not do us any good if there is not a public health infrastructure to make sure that that medicine is adequately and effectively distributed and that all people are able to get the health care that they need. That will not be easy.

Mr. Chairman, this amendment begins to address that problem by providing \$100 million in additional funding for federally qualified community health centers. The good news here is that we are not reinventing the wheel in this area, because FQHCs have already shown in urban areas and in rural areas that they can provide quality health care to all people at a very cost-effective rate.

Mr. Chairman, FQHCs already exist in every State in this country and are widely recognized as doing a great job. They have widespread support on both sides of the aisle and from President Bush and Secretary of Health and Human Services Thompson. The only problem is that there are not enough of them, and if we are serious about protecting the American people from bioterrorism, we must build more. The bottom line is that every American must know that in the event of a national medical emergency, there is a public health place that they can go to get the drugs that they need and to get the health care they need that does not

exist now. And in my view, by expanding the community health center program, we can go a long way in making that access available to all people.

So, Mr. Chairman, I think that this is an important amendment, it is widely supported, and I would hope the membership would accept it.

Mr. LEWIS of California. Mr. Chairman, we very much appreciate the brevity of the gentleman and, with that, we have no objection to the amendment.

Mr. OBEY. Mr. Chairman, we also have no objection on this side of the aisle.

Mr. DAVIS of Illinois. Mr. Chairman, I rise in support of the amendment.

I simply appreciate the fact that this amendment is accepted. I commend the gentleman for introducing it. Community health centers do, in fact, have the infrastructure in place, and I think it is a great amendment, and I appreciate the chairman and the ranking member for accepting the amendment.

Mr. Chairman, I rise in support of the Sanders amendment. This amendment simply redirects \$1 million from the Public Health and Emergency Fund to Community Health Centers to make sure that they are prepared in the event of a bioterrorism attack.

Community Health Centers are the first responders; they are the community doctors to more than 12 million patients a year. They provide quality affordable health care to the uninsured, working poor, and Medicaid and Medicare populations.

The tragic events of September 11th have changed our lives forever. It has caused us to re-examine our public health infrastructure—to determine whether we are prepared should a bioterrorism attack occur. The Illinois Primary Health Care Association just distributed a "White Paper" on this very subject. They suggest that the unfortunate reality of today is that community health centers in Illinois and throughout the country are not well prepared to fulfill their role as first responders in the event of a bioterrorist attack. They note that health center personnel presently lack adequate (if any) training to detect the symptoms associated with bioterrorism. Additionally, health center personnel lack the capacity to conduct mass inoculations, and they do not possess the communications infrastructure necessary to quickly share suspicious diagnosis information with other entities in the community and public health sector. Finally, many Illinois community health centers lack any formal plan to manage the consequences of a bioterrorist attack and community and regional planning has been inadequate.

This "White Paper" really underscores the weaknesses in our public health infrastructure. We must not only ensure our strength abroad—but we must solidify our strength at home. A public health infrastructure that is strong provides security for all of our citizens. This is a matter of public health. The Sanders amendment proposes to strengthen our public health infrastructure by redirecting \$1 million to our first responders—community health centers.

This is a good amendment because it will provide the resources needed to assist in

training health center personnel on bioterrorism and upgrading existing facilities. It will also help to create additional health centers and provide resources to strengthen our integrated information system.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Vermont (Mr. SANDERS).

The amendment was agreed to.

AMENDMENT OFFERED BY MRS. LOWEY

Mrs. LOWEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore (Mr. SIMPSON). Is there objection to consideration of the amendment at this stage of the reading?

There was no objection.

The Clerk read as follows:

Amendment offered by Mrs. LOWEY:

In the proposed division B (relating to emergency supplemental appropriations), insert the following new titles:

TITLE II—EMERGENCY RELIEF AND
RECOVERY PROVISIONS
DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION
TEMPORARY EMERGENCY UNEMPLOYMENT
ASSISTANCE FOR THE STATE OF NEW YORK

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for payment to the special fund established and administered by the State of New York for the payment of unemployment compensation (as referred to in section 3306(f) of the Internal Revenue Code of 1986), \$880,000,000, to remain available until expended: *Provided*, That such amount shall be available only to provide assistance to dislocated workers in New York City and the State of New York who are unemployed as a consequence of those attacks, in accordance with succeeding provisions of this paragraph: *Provided further*, That such amount shall not be paid over to such special fund until such time as the State of New York enters into an agreement with the Secretary of Labor, under the terms of which such amount shall be used only (1) to provide for up to 26 weeks of regular compensation to displaced workers (described in the preceding proviso) in accordance with the unemployment compensation law of that State, (2) to provide for up to 26 weeks of extended compensation, under a program established under such agreement, for any such displaced workers who have, beginning with any week that begins on or after September 11, 2001, and before the week that includes December 31, 2002, exhausted all rights to regular compensation under the unemployment compensation law of that State, (3) to provide for up to 26 weeks of benefits, under a program established under such agreement, for any such displaced workers not otherwise eligible for benefits under the unemployment compensation law of that State (weekly benefits under such program not to exceed the maximum weekly amount authorized under the unemployment compensation law of that State), and (4) notwithstanding any other provision of State or Federal law, to cover administrative expenses incurred by that State in connection with any compensation or benefits provided for under clauses (1)–(3); and the State of New York has taken such measures as may be necessary to ensure that the provisions of such agreement relating to clauses (2) and (3) will be implemented: *Provided further*, That such amount may be used to reimburse the appropriate fund or account

of the State of New York for any amounts described in clause (1) or (4) of the preceding proviso which were paid or incurred after September 11, 2001, and before the date of the enactment of this Act with respect to such displaced workers: *Provided further*, That, in determining (for purposes of this paragraph) whether an individual's separation from employment was as a consequence of the September 11, 2001, terrorist attacks on the United States, the relevant authority may consider the displacement of businesses in and around the World Trade Center area, dislocations for workers employed in businesses serving clients in and around the World Trade Center area, the effect of the attacks on travel and tourism in the New York City area, and the effect of the attacks on the ability of businesses to distribute goods and services in the New York City area: *Provided further*, That, in connection with any compensation payable under chapter 85 of title 5, United States Code, and any compensation payable on the basis of services to which section 3309(a)(1) of the Internal Revenue Code of 1986 applies, any amounts paid out of the amount appropriated by this paragraph shall not be required to be repaid: *Provided further*, That the amount provided in this paragraph is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

PREMIUM ASSISTANCE FOR COBRA CONTINUATION
COVERAGE FOR CERTAIN INDIVIDUALS
IMPACTED BY THE TERRORIST ATTACKS

SEC. 2101. (a) ESTABLISHMENT.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary of the Treasury, in consultation with the Secretary of Labor, shall establish a program under which premium assistance for COBRA continuation coverage shall be provided for qualified individuals under this section.

(2) QUALIFIED INDIVIDUALS.—For purposes of this section, a qualified individual is an individual who—

(A)(i) becomes entitled to elect COBRA continuation coverage—

(I) as a result of the loss of employment in New York City or New York State of the individual as a consequence of the September 11, 2001, terrorist attacks on the United States; or

(II) as a result of a reduction of hours of employment in New York City or New York State of the individual as a consequence of such attacks; or

(ii) is the beneficiary of an individual who—

(I) is described in clause (i); or

(II) was employed in New York City or New York State at the time of such attacks and was killed as a result of such attacks;

(B) has elected such coverage; and

(C) enrolls in the premium assistance program under this section by not later than the end of the 1-year period beginning on the date of the enactment of this Act.

(3) SCOPE OF CONSEQUENCES OF ATTACK.—For purposes of this section (and the succeeding section), in determining whether an individual's loss of employment or reduction in hours of employment is a consequence of the September 11, 2001, terrorist attacks on

the United States, there shall be taken into consideration the displacement of businesses in and around the World Trade Center area, dislocations for workers employed in businesses serving clients in and around the World Trade Center area, the effect of the attacks on travel and tourism in the New York City area, and the effect of the attacks on the ability of businesses to distribute goods and services in the New York City area.

(4) STATE OPTION TO ELECT ADMINISTRATION
OF PROGRAM.—

(A) IN GENERAL.—A State may elect to administer the premium assistance program established under this section if the State submits to the Secretary of the Treasury, not later than January 1, 2002, a plan that describes how the State will administer such program on behalf of qualified individuals who reside in the State beginning on that date.

(B) PAYMENTS.—In the case of a State that submits a plan under subparagraph (A), subject to subsection (k), the Secretary of the Treasury shall pay to each such State an amount for each quarter equal to the total amount of premium subsidies provided in that quarter on behalf of such individuals.

(5) IMMEDIATE IMPLEMENTATION.—The program established under this section shall be implemented without regard to whether or not final regulations to carry out such program have been promulgated by the deadline described in paragraph (1).

(b) LIMITATION OF PERIOD OF PREMIUM ASSISTANCE.—Premium assistance provided under this subsection shall end with respect to an individual on the earlier of—

(1) the date the individual is no longer covered under COBRA continuation coverage; or

(2) 12 months after the date the individual is first enrolled in the premium assistance program established under this section.

(c) PAYMENT AND CREDITING OF ASSISTANCE.—

(1) AMOUNT OF ASSISTANCE.—Premium assistance provided under this section shall be equal to 100 percent of the amount of the premium required for the COBRA continuation coverage.

(2) PROVISION OF ASSISTANCE.—Premium assistance provided under this section shall be provided through the establishment of direct payment arrangements with a group health plan (including a multiemployer plan), an issuer of health insurance coverage, an administrator, or an employer as appropriate with respect to the individual provided such assistance. It shall be a fiduciary duty of the plan, issuer, administrator, or employer to enter into such arrangements under this section.

(3) PREMIUMS PAYABLE BY QUALIFIED INDIVIDUAL REDUCED BY AMOUNT OF ASSISTANCE.—Premium assistance provided under this section shall be credited by such plan, issuer, administrator, or employer against the premium otherwise owed by the individual involved for such coverage.

(d) CHANGE IN COBRA NOTICE.—

(1) GENERAL NOTICE.—

(A) IN GENERAL.—In the case of notices provided under section 4980B(f)(6) of the Internal Revenue Code of 1986 with respect to individuals who, on or after September 11, 2001, and before the end of the 1-year period beginning on the date of the enactment of this Act, become entitled to elect COBRA continuation coverage, such notices shall include an additional notification to the recipient of the availability of premium assistance for such coverage under this section.

(B) ALTERNATIVE NOTICE.—In the case of COBRA continuation coverage to which the

notice provision under section 4980B(f)(6) of the Internal Revenue Code of 1986 does not apply, the Secretary of the Treasury shall, in coordination with group health plans, health insurance issuers, administrators, and employers that provide or administer the COBRA continuation coverage involved, assure provision of such notice.

(C) FORM.—The requirement of the additional notification under this paragraph may be met by amendment of existing notice forms or by inclusion of a separate document with the notice otherwise required.

(2) SPECIFIC REQUIREMENTS.—Each additional notification under paragraph (1) shall include—

(A) the forms necessary for establishing eligibility under subsection (a)(2)(A) and enrollment under subsection (a)(2)(C) in connection with the coverage with respect to each qualified individual;

(B) the name, address, and telephone number necessary to contact the plan administrator and any other person maintaining relevant information in connection with the premium assistance; and

(C) the following statement displayed in a prominent manner:

“You may be eligible to receive assistance with payment of 100 percent of your COBRA continuation coverage premiums for a duration of not to exceed 12 months.”.

(3) NOTICE RELATING TO RETROACTIVE COVERAGE.—In the case of such notices previously transmitted before the date of the enactment of this Act in the case of a qualified individual who has elected (or is still eligible to elect) COBRA continuation coverage as of the date of the enactment of this Act, the group health plan, health insurance issuer, administrator, or employer involved or the Secretary of the Treasury (in the case described in the paragraph (1)(B)) shall provide (within 60 days after the date of the enactment of this Act) for the additional notification required to be provided under paragraph (1).

(4) MODEL NOTICES.—The Secretary shall prescribe models for the additional notification required under this subsection.

(f) OBLIGATION OF FUNDS.—Subject to subsection (k), this section constitutes budget authority in advance of appropriations Acts and represents the obligation of the Federal Government to provide for the payment of premium assistance under this section.

(g) PROMPT ISSUANCE OF GUIDANCE.—The Secretary of the Treasury, in consultation with the Secretary of Labor, shall issue guidance under this section not later than 30 days after the date of the enactment of this Act.

(h) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term “administrator” has the meaning given such term in section 3(16) of the Employee Retirement Income Security Act of 1974.

(2) BENEFICIARY.—The term “beneficiary” has the meaning given such term under section 1002 of the Employee Retirement Income Security Act of 1974.

(3) COBRA CONTINUATION COVERAGE.—The term “COBRA continuation coverage” means continuation coverage provided pursuant to title XXII of the Public Health Service Act, section 4980B of the Internal Revenue Code of 1986 (other than subsection (f)(1) of such section insofar as it relates to pediatric vaccines), part 6 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (other than under section 609), section 8905a of title 5, United States Code, under a State program that provides continuation coverage comparable to

such continuation coverage, or other comparable continuation coverage offered to a beneficiary under a group health plan.

(4) FEDERAL PUBLIC BENEFIT.—The term “Federal public benefit” has the meaning given that term in section 401(c) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1611(c)).

(5) GROUP HEALTH PLAN.—The term “group health plan” has the meaning given that term in section 2791(a) of the Public Health Service Act (42 U.S.C. 300gg–91(a)) and in section 607(1) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1167(1)).

(6) MULTIPLE EMPLOYER PLAN.—The term “multiple employer plan” has the meaning given that term in section 3(37) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(37)).

(7) STATE.—The term “State” means the State of New York.

(8) STATE OR LOCAL PUBLIC BENEFIT.—The term “State or local public benefit” has the meaning given that term in section 411(c) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1621(c)).

(i) EMERGENCY DESIGNATION.—The amount provided in this section is designated by the Congress as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985. Such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

(j) DISREGARD OF SUBSIDIES FOR PURPOSES OF FEDERAL AND STATE PROGRAMS.—Notwithstanding any other provision of law, any premium assistance provided to, or on behalf of, an individual under this section, shall not be considered income or resources in determining eligibility for, or the amount of assistance or benefits provided under, any other Federal public benefit or State or local public benefit.

(k) LIMITATION ON AMOUNT.—

(1) IN GENERAL.—Notwithstanding any other provision of this section or section 2102, in no case shall the total amount that may be obligated under this section and section 2102 exceed \$1,025,000,000.

(2) CONTINGENCY MECHANISM.—

(A) IN GENERAL.—The Secretaries of the Treasury and Health and Human Services shall cooperatively establish a mechanism to assure that the total amount obligated under this section and section 2102 does not exceed the amount specified in paragraph (1).

(B) USE OF FIRST COME, FIRST SERVED MECHANISM.—Under such mechanism—

(i) with respect to this section, the Secretary of the Treasury shall provide, in coordination with States to the extent applicable, the assistance under this section giving priority based upon the order in which a qualified individual applies for assistance in a manner consistent with subparagraph (A); and

(ii) with respect to section 2102, the Secretary of Health and Human Services shall provide that the Federal financial participation provided under such section shall be available to States giving priority based upon the order of qualifying expenditures under State plans in a manner consistent with subparagraph (A).

OPTIONAL TEMPORARY MEDICAID COVERAGE FOR CERTAIN UNINSURED INDIVIDUALS IMPACTED BY THE TERRORIST ATTACKS

SEC. 2102. (a) IN GENERAL.—Notwithstanding any other provision of law, with re-

spect to any month before the ending month, a State may elect to provide, under its Medicaid program under title XIX of the Social Security Act, medical assistance in the case of an individual—

(1)(A) who lost employment in New York City or New York State as a consequence of the September 11, 2001, terrorist attacks on the United States;

(B) who experienced a reduction of hours of employment in New York City or New York State as a consequence of such attacks; or

(C) who is the spouse or dependent child of—

(i) an individual described in subparagraph (A) or (B); or

(ii) an individual who was employed in New York City or New York State and was killed as a result of such attacks;

(2) who is not eligible for COBRA continuation coverage (as defined in section 2101(h)(3)); and

(3) who is uninsured.

(b) LIMITATION OF PERIOD OF COVERAGE.—Assistance under this section shall end with respect to an individual on the earlier of—

(1) the date the individual is no longer uninsured; or

(2) 12 months after the date the individual is first determined to be eligible for medical assistance under this section.

(c) SPECIAL RULES.—In the case of medical assistance provided under this section—

(1) the Federal medical assistance percentage under section 1905(b) of the Social Security Act shall be 100 percent;

(2) a State may elect to disregard (or apply alternative) income, asset, and resource limitations and the provisions of section 1916(g) of such Act, except that in no case shall a State cover individuals with higher family income without covering individuals with a lower family income;

(3) such medical assistance shall not be provided for periods before the date the individual becomes uninsured;

(4) individuals eligible for medical assistance under this section shall be deemed to be described in the list of individuals described in the matter preceding paragraph (1) of section 1905(a) of such Act; and

(5) the Federal financial participation with respect to such assistance is subject to the limitations specified in section 2101(k).

(d) DEFINITIONS.—For purposes of this Act:

(1) UNINSURED.—The term “uninsured” means, with respect to an individual, that the individual is not covered under—

(A) a group health plan (as defined in section 2791(a) of the Public Health Service Act),

(B) health insurance coverage (as defined in section 2791(b)(1) of the Public Health Service Act), or

(C) a program under title XVIII, XIX, or XXI of the Social Security Act, other than under such title XIX pursuant to this section.

For purposes of this paragraph, such coverage under subparagraph (A) or (B) shall not include coverage consisting solely of coverage of excepted benefits (as defined in section 2791(c) of the Public Health Service Act).

(2) STATE.—The term “State” has the meaning given such term for purposes of title XIX of the Social Security Act.

(3) ENDING MONTH.—The term “ending month” means the last month that begins before the date that is 1 year after the date of the enactment of this Act.

(e) EFFECTIVE DATE.—This section shall take effect upon its enactment, whether or not regulations implementing this section are issued.

(f) EMERGENCY DESIGNATION.—The amount provided in this section is designated by the Congress as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985. Such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

TITLE III—ADDITIONAL EMERGENCY RELIEF AND RECOVERY PROVISIONS

CHAPTER 1—LABOR PROGRAMS

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

Of the amount provided under this heading in title I of this division, \$32,400,000 shall be provided to the Consortium for Worker Education, established by the New York City Central Labor Council and the New York City Partnership, for an Emergency Employment Clearinghouse.

STATE UNEMPLOYMENT SECURITY OFFICE

WORKERS COMPENSATION PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For emergency expenses to respond to the September 11, 2001 terrorist attacks on the United States, for workers compensation programs in accordance with this paragraph, \$195,000,000, to remain available until expended: *Provided*, That, of such amount, \$145,000,000 shall be for payment to the New York State Workers Compensation Review Board, for the processing of claims related to the terrorist attacks: *Provided further*, That, of such amount, \$25,000,000 shall be for payment to the New York State Uninsured Employers Fund, for reimbursement of claims related to the terrorist attacks: *Provided further*, That, of such amount, \$25,000,000 shall be for payment to the New York State Uninsured Employers Fund, for reimbursement of claims related to the first response emergency services personnel who were injured, were disabled, or died due to the terrorist attacks: *Provided further*, That the amount provided in this paragraph is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

CHAPTER 2—HEALTH AND HUMAN SERVICES PROGRAMS

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

For an additional amount for “Health Resources and Services” to reimburse local area public and private hospitals for unreimbursed care provided in response to the September 11, 2001 terrorist attacks on the United States, including overtime costs, equipment and supplies destroyed or damaged in the attack, \$140,000,000, to remain available until expended: *Provided*, That the amount provided in this paragraph is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit

Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH, AND TRAINING

For an additional amount for “Disease Control, Research, and Training” for baseline safety screening for the emergency services personnel and rescue and recovery personnel who served in response to the September 11, 2001 terrorist attacks on the United States, \$12,000,000, to remain available until expended: *Provided*, That the amount provided in this paragraph is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

NATIONAL INSTITUTES OF HEALTH

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For an additional amount for “National Institute of Environmental Sciences” to respond to the September 11, 2001, terrorist attacks on the United States, for carrying out activities set forth in section 311(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, \$10,450,000, to remain available until expended: *Provided*, That the amount provided in this paragraph is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

CHAPTER 3—COMMERCE PROGRAMS

DEPARTMENT OF COMMERCE

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND CONSTRUCTION

For an additional amount for emergency grants authorized by section 392 of the Communications Act of 1934 to respond to the September 11, 2001 terrorist attacks on the World Trade Center, \$6,500,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

CHAPTER 4—COMMUNITY DEVELOPMENT AND FEMA PROGRAMS

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT FUND

For an additional amount for “Community Development Fund”, to respond to the September 11, 2001 terrorist attacks on the United States, \$900,000,000, to remain available until expended: *Provided*, That such funds shall be subject to the first through sixth provisos in section 434 of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2002 : *Provided further*, That, of the amount provided in this paragraph, \$10,000,000 shall be used for a program to aid the travel and tourism industry in New York City: *Provided further*, That the amount provided in this paragraph is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

INDEPENDENT AGENCIES

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

For an additional amount for “Disaster Relief”, to respond to the September 11, 2001 terrorist attacks on the United States, \$6,560,000,000, to remain available until expended: *Provided*, That such amount shall be for recovery activities and assistance in New York City and the State of New York, Northern Virginia, and Pennsylvania: *Provided further*, That, of the amount provided in this paragraph, \$1,350,000,000 shall be for the Office of World Trade Center Attack Claims, created in chapter 5 of this division: *Provided further*, That, of the amount provided in this paragraph, the Federal Emergency Management Agency may provide up to \$110,000,000 to the New York City Board of Education to compensate the Board for the costs of providing additional classroom instruction and related activities to students who lost instructional time as a result of the September 11, 2001 terrorist attack on New York City: *Provided further*, That, of the amount provided in this paragraph, not less than \$600,000,000 shall be for public facilities defined in section 3601 of this division: *Provided further*, That the amount provided in this paragraph is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

CHAPTER 5—WORLD TRADE CENTER ATTACK CLAIMS

SHORT TITLE

SEC. 3501. This chapter may be cited as the “World Trade Center Attack Claims Act”.

DEFINITIONS

SEC. 3502. In this chapter, the following definitions apply:

(1) **AFFECTED AREA.**—The term “affected area” means the area south of Canal Street in the borough of Manhattan, New York City, New York.

(2) **ATTACK.**—The term “attack” means the attack on the World Trade Center in New York City that occurred on September 11, 2001.

(3) **CLAIM.**—The term “claim” means a claim by an injured person under this chapter for payment for injury suffered by the injured person as a result of the attack.

(4) **CLAIMANT.**—The term “claimant” means an injured person that submits a claim under section 3504(b).

(5) **DIRECTOR.**—The term “Director” means—

(A) the Director of the Federal Emergency Management Agency; or

(B) if an Independent Claims Manager is appointed under section 3503(d)(4), the Independent Claims Manager.

(6) **INJURED PERSON.**—

(A) **IN GENERAL.**—The term “injured person” means an individual, corporation, partnership, company, association, cooperative, joint venture, limited liability company, estate, trust, or nonprofit organization that—

(i) suffered injury as a result of the attack; and

(ii) resides or maintains a place of business in the affected area.

(B) **EXCLUSIONS.**—The term “injured person” does not include—

(i) a lender that holds a mortgage on or security interest in real or personal property affected by the attack; or

(ii) a person that holds a lien on real or personal property affected by the attack.

(7) **OFFICE.**—The term “Office” means the Office of World Trade Center Attack Claims established by section 3503.

OFFICE OF WORLD TRADE CENTER ATTACK CLAIMS

SEC. 3503. IN GENERAL.—There is established within the Federal Emergency Management Agency an office to be known as the “Office of World Trade Center Attack Claims”.

(b) **PURPOSE.**—The Office shall receive, process, and pay claims in accordance with section 3504.

(c) **FUNDING.**—The Office—

(1) shall be funded from funds made available under this chapter; and

(2) may reimburse any other Federal agency for provision of assistance in the receipt and processing of claims.

(d) **PERSONNEL.**—

(1) **IN GENERAL.**—The Office may appoint and fix the compensation of such temporary personnel as are necessary to carry out the duties of the Office, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service.

(2) **PERSONNEL FROM OTHER AGENCIES.**—On the request of the Director, the head of any other Federal agency may detail, on a reimbursable basis, any of the personnel of the agency to the Federal Emergency Management Agency to assist the Office in carrying out the duties of the Office under this chapter.

(3) **EFFECT ON OTHER FEMA DUTIES.**—The establishment of the Office shall not diminish the authority of, or funding available to, the Director to carry out the responsibilities of the Federal Emergency Management Agency under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), including the timely provision of disaster assistance to any area with respect to which a major disaster or emer-

gency is declared by the President to exist during the period in which the Director carries out this chapter.

(4) **APPOINTMENT OF INDEPENDENT CLAIMS MANAGER.**—The Director may appoint an Independent Claims Manager to head the Office and to assume the duties of the Director under this chapter.

COMPENSATION FOR VICTIMS OF THE ATTACK

SEC. 3504. (a) IN GENERAL.—Each injured person may receive from the United States compensation for injury suffered by the injured person as a result of the attack, as determined by the Director in accordance with subsection (d).

(b) **SUBMISSION OF CLAIMS.**—Not later than 2 years after the date on which interim final regulations are promulgated under subsection (h), an injured person may submit to the Director a written claim for payment of injury suffered by the injured person as a result of the attack in accordance with such requirements as the Director determines to be appropriate.

(c) **INVESTIGATION OF CLAIMS.**—The Director shall investigate, adjust, grant, deny, settle, or compromise any claim submitted under subsection (b).

(d) **AMOUNT OF PAYMENT.**—

(1) **IN GENERAL.**—Any payment on a claim by an injured person—

(A) shall be limited to the amount necessary to compensate the injured person for injury described in paragraph (2) suffered as a result of the attack during the period beginning on September 11, 2001, and ending on March 11, 2003;

(B) shall be subject to subsection (e)(1)(D);

(C) shall not include—

(i) interest on the amount of the payment before the date of settlement or payment of a claim; or

(ii) punitive damages or any other form of noncompensatory damages; and

(D) shall not exceed \$500,000, except in the case of a claim for which the Director determines that a greater amount is appropriate.

(2) **TYPES OF INJURY.**—

(A) **RESIDENTIAL LOSS.**—Under paragraph (1), an injured person may receive payment for a residential loss consisting of 1 or more of the following:

(i) An uninsured or underinsured property loss.

(ii) Damage to or destruction of physical infrastructure.

(iii) An insurance deductible.

(iv) A temporary living or relocation expense.

(v) Debris removal and other cleanup costs.

(vi) Any other type of related injury that the Director determines to be appropriate.

(B) **BUSINESS LOSS.**—Under paragraph (1), an injured person may receive payment for a business loss consisting of 1 or more of the following:

(i) An uninsured or underinsured property loss.

(ii) Damage to or destruction of physical infrastructure.

(iii) Damage to or destruction of tangible assets or inventory.

(iv) A business interruption loss.

(v) Overhead costs.

(vi) Employee wages for work not performed.

(vii) An insurance deductible.

(viii) A temporary relocation expense.

(ix) Debris removal and other cleanup costs.

(x) Any other type of injury that the Director determines to be appropriate.

(3) **BURDEN OF PROOF.**—

(A) **IN GENERAL.**—Subject to subparagraph (B), a claimant shall have the burden of demonstrating injury suffered by the claimant.

(B) **ABSENCE OF DOCUMENTS.**—If documentary evidence substantiating injury is not reasonably available, the Director may pay a claim based on an affidavit or other documentation executed by the claimant.

(e) **PAYMENT OF CLAIMS.**—

(1) **DETERMINATION AND PAYMENT OF AMOUNT.**—

(A) **IN GENERAL.**—To the maximum extent practicable, not later than 180 days after the date on which a claim is submitted under subsection (b), the Director shall—

(i) determine the amount, if any, to be paid for the claim; and

(ii) pay the amount.

(B) **PRIORITY.**—The Director may establish priorities for processing and paying claims based on—

(i) an assessment of the needs of the claimants; and

(ii) any other criteria that the Director determines to be appropriate.

(C) **PARAMETERS OF DETERMINATION.**—In determining and paying a claim, the Director shall determine only—

(i) whether the claimant is an injured person;

(ii) whether the injuries that are the subject of the claim resulted from the attack;

(iii) the amount, if any, to be paid under this section; and

(iv) the person or persons entitled to receive the amount.

(D) **INSURANCE AND OTHER BENEFITS.**—

(i) **IN GENERAL.**—Subject to clause (ii), to prevent recovery by a claimant in excess of the equivalent of actual compensatory damages in accordance with subsection (d), the Director, in determining the amount of, and paying, a claim, shall reduce the amount to be paid for the claim by an amount that is equal to the sum of the payments or settlements of any kind that were paid, or will be paid, with respect to the claim, including—

(I) payments on insurance policies; and

(II) benefits under the public assistance program, individual assistance program, or other program of the Federal Emergency Management Agency or under a program of any other Federal, State, or local agency.

(ii) **GOVERNMENT LOANS.**—Clause (i) shall not apply to the receipt by a claimant of any Federal, State, or local government loan that is required to be repaid by the claimant.

(2) **ADVANCE OR PARTIAL PAYMENTS.**—At the request of a claimant, the Director may make 1 or more advance or partial payments before the final settlement of a claim.

(f) **RECOVERY OF FUNDS IMPROPERLY PAID OR MISUSED.**—The United States may recover any portion of a payment on a claim that was improperly paid to the claimant as a result of—

(1) fraud or misrepresentation on the part of the claimant or a representative of the claimant;

(2) a material mistake on the part of the United States;

(3) the payment of benefits described in subsection (e)(1)(D) that were not taken into account in determining the amount of the payment; or

(4) the failure of the claimant to cooperate in an audit.

(g) **APPEALS OF DECISIONS.**—

(1) **RIGHT OF APPEAL.**—A claimant may appeal a decision concerning payment of a claim by filing, not later than 60 days after the date on which the claimant is notified that the claim of the claimant will or will not be paid, a notice of appeal—

(A) in the case of a decision on a claim relating to a business loss, with the Administrator of the Small Business Administration; and

(B) in the case of a decision on a claim relating to a residential loss, with the Director.

(2) PERIOD FOR DECISION.—A decision concerning an appeal under paragraph (1) shall be rendered not later than 90 days after the date on which the notice of appeal is received.

(h) REGULATIONS.—Notwithstanding any other provision of law, not later than 45 days after the date of enactment of this Act—

(1) the Director shall promulgate and publish in the Federal Register interim final regulations for the processing and payment of claims; and

(2) the Director and the Administrator of the Small Business Administration shall jointly promulgate and publish in the Federal Register procedures under which a dispute concerning payment of a claim may be settled through an appeals process described in subsection (g).

(i) PUBLIC INFORMATION.—At the time of publication of interim final regulations under subsection (h), the Director shall disseminate, through brochures, pamphlets, radio, television, the print news media, and such other media as the Director determines to be likely to reach prospective claimants, a clear, concise, and easily understandable explanation, in English, Spanish, and any other language that the Director determines to be appropriate, of—

(1) the rights conferred under this section; and

(2) the procedural and other requirements of the regulations promulgated under subsection (h).

(j) COORDINATION.—In carrying out this section, the Director shall coordinate with the Administrator of the Small Business Administration, other Federal agencies, State and local agencies, and any other individual or entity, as the Director determines to be necessary—

(1) to ensure the efficient administration of the claims process; and

(2) to provide for local concerns.

(k) APPLICABILITY OF DEBT COLLECTION REQUIREMENTS.—

(1) IN GENERAL.—Section 3716 of title 31, United States Code, shall not preclude any payment on a claim.

(2) ASSIGNMENT AND EXEMPTION FROM CLAIMS OF CREDITORS.—

(A) ASSIGNMENT.—No assignment, release, or commutation of a payment due or payable under this section shall be valid.

(B) EXEMPTION.—

(i) IN GENERAL.—A payment under this section shall be exempt from all claims of creditors and from levy, execution, attachment, or other remedy for recovery or collection of a debt.

(ii) NONWAIVABLE EXEMPTION.—The exemption provided by clause (i) may not be waived.

(3) EXCEPTION.—Notwithstanding paragraph (2), the Director may—

(A) require the repayment, using a payment under this section, of any disaster loan made by the Small Business Administration to address injury suffered as a result of the attack; and

(B) use the remedies provided by subchapter II of chapter 37 of title 31, United States Code, in collecting debts due to the Federal Government that arise from this chapter.

ACCEPTANCE OF SERVICES OF OTHER AGENCIES AND VOLUNTEERS; GIFTS

SEC. 3505. In carrying out this chapter, the Director may—

(1) accept and use the services or facilities of any State or local government, or of any agency, office, or employee of any State or local government, with the consent of the government;

(2) use such voluntary and uncompensated services by individuals or organizations as may be needed; and

(3) accept gifts of supplies, equipment, and facilities to be used in carrying out this chapter.

RELATIONSHIP TO FEDERAL ENTITLEMENT PROGRAMS

SEC. 3506. (a) REQUESTS FOR BENEFITS.—Nothing in this chapter affects any right of an injured person that submits a claim to submit a request for benefits under any Federal entitlement program.

(b) CONSIDERATION OF PAYMENTS AS RESOURCES.—A payment on a claim received by an injured person under section 3504 shall not be taken into account in determining the assets or resources of any individual or household under any Federal program or federally assisted program that provides financial aid, assistance, or benefits based on need, including—

(1) the food stamp program under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.); and

(2) any program established under the Social Security Act (42 U.S.C. 301 et seq.).

REPORTS AND AUDITS

SEC. 3507. (a) REPORTS.—Not later than 1 year after the date of promulgation of interim final regulations under section 3504(i) and annually thereafter, the Director shall submit to Congress a report that describes the claims submitted under section 3504(b) during the year preceding the date of submission of the report, including, with respect to each claim—

(1) the amount claimed;

(2) a brief description of the nature of the claim; and

(3) the status or disposition of the claim, including the amount of any payment on the claim.

(b) AUDITS.—The Comptroller General shall—

(1) conduct an annual audit of the payment of all claims submitted under section 3504(b); and

(2) not later than 120 days after the date on which the Director submits to Congress the initial report required by subsection (a) and annually thereafter, submit to Congress a report on the results of the audit.

AUTHORIZATION OF APPROPRIATIONS

SEC. 3508. (a) IN GENERAL.—There are authorized to be appropriated to carry out this chapter—

(1) for administration by the Office of the compensation process \$100,000,000; and

(2) for payment of claims \$1,900,000,000.

(b) AVAILABILITY.—Amounts made available under subsection (a) shall remain available until expended.

(c) FEMA FUNDS.—None of the funds made available to the Federal Emergency Management Agency for the administration of disaster relief shall be used to carry out this chapter.

TERMINATION OF AUTHORITY

SEC. 3509. The authority provided by this chapter terminates effective 42 months after the date of enactment of this Act.

CHAPTER 6—GENERAL PROVISIONS - THIS TITLE

AUTHORITY TO OBTAIN REIMBURSEMENT FOR EXPENSES INCURRED IN RESTORATION OF UTILITY SERVICE AND TRADING OPERATIONS

SEC. 3601. (a) IN GENERAL.—For purposes of any appropriations made by Public Law 107-38 or this division—

(1) the term “public facilities” as used in such law and in section 102(8) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(8)) includes facilities and equipment of public utility companies regulated by the New York Public Service Commission and the facilities and equipment of not-for-profit exchanges and boards of trade regulated by the Securities and Exchange Commission or the Commodity Futures Trading Commission; and

(2) the term “repairing public facilities” in such law includes replacing and restoring facilities and equipment lost, damaged, and destroyed.

(b) APPLICABILITY.—Subsection (a) shall apply through September 30, 2003.

Mrs. LOWEY (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Mr. LEWIS of California. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. A point of order is reserved.

Mrs. LOWEY. Mr. Chairman, I introduced this amendment in behalf of the gentleman from New York (Mr. SWEENEY) and myself and other members of our delegation.

Mr. Chairman, it has been 11 weeks since terrorists attacked America. We have asked our allies to join us to defend the Free World and embarked on a dangerous and long-term effort against terrorism overseas. Here at home, we are growing used to a sense of uncertainty and tighter security. When we go home, we say hello to our neighbors who are very concerned, who ask us all kinds of questions. We thank the police, we thank the firefighters. And I know when we went home to see our families, we just hugged them a little tighter, a little closer, and expressed our forgiveness, our thankfulness, thankfulness that we were able to be together.

Again and again we hear, it will never be the same. The world has forever changed.

Mr. Chairman, nowhere is that more true than in New York. Almost 4,000 dead, many of them under 40, with young children. The loss among firefighters in one day is more than in the last 50 years combined.

Mr. Chairman, 100,000 have lost their jobs. There is a frozen zone that has swallowed up small businesses by the hundreds. Mr. Chairman, 5,000 people still cannot go home. Do we remember how we rushed home for Thanksgiving? Just think of what it has been like for the last few months in New York for too many New Yorkers.

There has been some progress. Yes, FEMA is a full partner in the recovery. It is going well. About 40 percent of the site has been cleared. Crews are working 24 hours a day, 7 days a week, even on Thanksgiving, to recover bodies and clear away the rubble. Some have said New York is getting all the help it needs, but I say to my colleagues, Ground Zero is not the only place where we see such devastation. Widows need health insurance. Laid-off workers who are just getting by need extended unemployment benefits. Residents need checks to cover security deposits in temporary homes and to repair their apartments. Small businesses need grants, not loans, and they need a simple application process. The FEMA bills will accumulate over time and the Federal Government will pay as the FEMA bills come due.

Mr. Chairman, I say to my colleagues, people need help, not just local governments. Families have bills now. Small businesses have loans due and orders to place now. Residents have to decide whether to relocate or wait it out now, and the holidays are coming. Imagine how it feels to be in New York, to be a New Yorker.

Mr. Chairman, there is no tougher, more feisty place than the city of New York, but our city took a staggering blow for all of America. We asked for help, and we were promised whatever it took. We worked together, Republicans and Democrats, to put together an amendment that would set aside \$20 billion that we were promised by the President of the United States of America. I was in that room, and we were so appreciative when the President of the United States of America said, "You got it. You got the \$20 billion." We thought we got it. And we designated as a contingency emergency spending which would allow the President to determine when the money would become available. This makes sense. It allows Congress and the President to keep their promise to New York and it gives the President flexibility.

I must tell my colleagues, I have seen some tough fights in my years in the Congress, but this fight for New York has been one of the more demoralizing and difficult of my career. For the life of me, I simply cannot understand why the White House and the Congress cannot come together to do what is right for New York now. But I want to make one thing very clear. I will not give up. My colleagues from New York will not give up. I am convinced that we can come to an agreement. I will work with the majority, the Senate, the White House until we do.

I truly want to thank the gentleman from New York (Mr. SWEENEY) for co-sponsoring this amendment with me. He has been a real leader in this effort. I want to thank the gentleman from New York (Mr. WALSH) for his leader-

ship, and I particularly want to thank the gentleman from Florida (Mr. YOUNG), who really gets it. He understood from the start. He visited Ground Zero, he saw the tremendous needs. He understood that the \$20 billion would be a floor, not a ceiling.

□ 1830

I also want to thank our ranking member of the committee, the gentleman from Wisconsin (Mr. OBEY), who also has been supportive of this effort and understood, as the gentleman from Florida (Chairman YOUNG) said, we are all New Yorkers at this time.

Mr. Chairman, this is the right thing to do. Please support us in our fight.

Mr. YOUNG of Florida. Mr. Chairman, I ask unanimous consent that debate on this amendment and any amendments thereto be limited to 55 minutes, to be divided and controlled as follows: 25 minutes controlled by the gentlewoman from New York (Mrs. LOWEY), who has already had 5, and 30 to be controlled by myself.

The CHAIRMAN pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from Florida?

Mr. OBEY. Mr. Chairman, reserving the right to object, I would simply say that I think that is reasonable. That is in line with the original intent of the agreement that had been worked out. It just was not offered soon enough to be offered in a more pure fashion.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

The CHAIRMAN pro tempore. Does the gentleman from Florida (Mr. YOUNG) continue to reserve his point of order?

Mr. YOUNG of Florida. I continue to reserve my point of order.

Mrs. LOWEY. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. SWEENEY).

Mr. SWEENEY. Mr. Chairman, I rise in support of this amendment, I want to thank my colleague, the gentlewoman from New York (Mrs. LOWEY), for working with me, along with the gentlewoman from New York (Mrs. KELLY), and other members of the delegation.

Without being redundant, I would like to recap a little bit of history and recognize that on September 11, New York stood in the cross-hairs of an attack on America, an attack by those who would perpetuate world terrorism, who caused unprecedented loss of life and property to all New Yorkers.

That is why we offer this amendment today, in recognition of that loss and that terrible damage. We recognize that New York's problems have not ended. In fact, in some respects, we run the risk of exacerbating those problems.

The New York economy is in fiscal crisis in many respects. It went from a period of surplus prior to the attacks to now a period of deficits, deficits that have been estimated in the range of something like \$9 billion at the end of next year. New York has lost 150,000-plus jobs already from this attack.

So what we attempt to do today is to honor a commitment, a commitment that was made immediately by the President of the United States and the leadership of this House and of Congress to make sure that whatever New York needed, it was going to be done, it was going to be taken care of.

We call for the establishment of contingent funds in this amendment, funds that will not be scored, that will be under the discretion and control of the administration so they can keep an eye on the broader issues of spending and the effect of that.

We need to do this because we need to keep a focus. We need to continue to make clear that our commitments are not just words, but the real, tangible efforts on the part of the Federal Government to let those who attacked New York, those who would deem to attack New York, that they cannot get away with that process.

Mr. Chairman, I trust the President, I trust the Speaker of this House in their commitment, but I also recognize that assurances are not insurance.

This is not a partisan battle, although some may come to the floor and may argue that it is a partisan battle in some respects, that it is the failure of commitment. I, for one, as one Member, do not believe that at all, that those commitments are not real. I expect at the end of the day that the right thing is going to be done. What we have here is a disagreement over process and procedure.

It is an important distinction, an important point to make, that we need to establish a mechanism to ensure that there are no delays in New York's recovery, that there are not any hiccups in the process to go forward.

Today in New York, people are making decisions about what they are going to do with jobs, how they are going to go forward with their business interests, whether they are going to live in lower Manhattan or whether they are going to move elsewhere. They are looking to Congress for leadership. They are looking for Republicans and Democrats alike to come together and find that process and build in those assurances.

What we propose today in this amendment, recognizing that it is subject to a point of order, is to continue that fight forward.

I have, as well, introduced a standalone supplemental funding bill in the Committee on Appropriations as another means, another mechanism, to reserve space, to reserve New York's place in the appropriations process to ensure that we do not forget.

Earlier today, as we debated and discussed the rule attendant to this underlying bill, one of my colleagues stepped forward and said he viewed this process as one of not a great urgency right now, today, because New York has not expended the dollars that have already been appropriated or authorized out, and that New York may indeed not be able to do that.

I wish I could tell the chairman that I shared in that belief, because I do not know what is going to happen in February, what is going to happen in March or in April. What I do know is that we need to ensure that we do not have those kinds of delays.

My colleague further pointed out that he viewed this process as one not unlike the use of a credit card. I do not disagree with that process. That is why we have asked for the establishment of this contingent fund, to ensure that the money is there to back up the commitments that are made on behalf of the city and the State of New York, so when those officials go to get contracts, they can do it with the assurance and with expedited force to ensure that those jobs get done.

Some New York officials have said that at this point we do not need this funding. What I would suggest is they are not looking down the road at the pratfalls that may overtake an additional supplemental bill that could come forward to this floor at additional times.

New Yorkers have been through an awful lot, Mr. Chairman. To subject them to further debate and deliberation over something that has already been committed I think goes beyond the pale of what we can accept here in this House, or what we should accept.

With that, I would urge my colleagues to support this amendment. I would urge my colleagues to move steadfastly on the notion that New York needs to have those dollars in place so it can begin the full reconstruction.

Mr. YOUNG of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I do not think that any of us, unless we were there and lived there, could understand what the people of New York have gone through. This was a tragedy that none of us have ever seen before, none of us have ever witnessed before.

We made a commitment to New York that they would be provided at least \$20 billion. The President made that commitment. The gentleman from Wisconsin (Mr. OBEY) and I were in meetings with our counterparts in the Senate when that commitment was made, and we reacted to it and said yes, we will agree to the \$20 billion, and we added \$20 billion to the original number of that emergency supplemental.

The whole country owes New York a lot, not only for what happened there

but for the way they responded. The New Yorkers have shown America what it is like to be Americans in time of trials and tribulation and trouble. They have responded in an unbelievable way.

The mayor was a strong leader, is a strong leader. The Governor is a strong leader. I watched in amazement as I saw the firefighters and the police officers and the civilian people who were involved in the rescue and recovery. I can say that they made America proud, the way that they responded.

We are going to keep the commitment that was made to New York. We are going to provide whatever is necessary, even if it goes above that commitment.

I would say today, Mr. Chairman, that based on the rules of the House and the work of the Committee on Appropriations, this amendment is subject to a point of order; and later in the debate I will raise that point of order, not that I really want to, but that is the way it is. That is the way it is going to be.

But I want to say to my friend, the gentleman from New York, all of my friends from New York, that we will move quickly on a supplemental request to provide whatever is necessary for New York and for America to recover.

I have a friend, a family friend, visiting me in the Capitol today. In fact, if I was not here, I would be having dinner with him tonight. He was an executive, or he still is, because the company is surviving, we hope, an executive of one of the largest companies in the World Trade Center.

The only reason that he is alive today is because the taxi that he was in, going to work, got caught in a traffic jam. He had just exited the cab and was on the sidewalk in front of the World Trade Center when the airplane hit it. Every member of his firm who were in that building at the time did not survive. Not one that was in that building in that firm, not one survived.

So I understand, I understand the importance of what we are talking about here. I want the gentlewoman from New York (Mrs. LOWEY) to know that this commitment that the President made, I am going to keep it. The President is going to keep it.

As of today with the rule that we adopted, which had a self-executing amendment dealing with New York, adding an additional \$1.5 billion, we now have committed just a little over \$10 billion for New York. With the additional \$10 billion or whatever it is that is necessary, we are going to move it, because we are all a part of New York based on what happened in that city on the 11th day of September of 2001.

We are going to maintain that commitment. It may not be totally today, but it will be committed and it will be maintained, and we are going to deliver on that promise.

Mr. Chairman, I reserve the balance of my time.

Mrs. LOWEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I just want to thank the chairman for his work. I know he would rather be arguing on this side of the aisle, Mr. Chairman. It is unfortunate that he is being put in this very difficult position, but I want to thank him.

Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from New York (Mr. RANGEL), dean of our delegation.

Mr. RANGEL. Mr. Chairman, I am a proud Member of Congress today to be following the eloquence of the chairman of the Committee on Appropriations. His remarks were stirring and moving, and almost as wonderful as I felt when this great House went to the steps of the Capitol and sang together "God bless America."

None of us knew how New York would respond to what struck us, but it was abundantly clear that America had spoken and this Congress had spoken, and as the gentleman said so eloquently, that we knew that New Yorkers were going to fight back and our country was going to fight back and the Congress will be with us.

It is difficult to see why we are here. Why are we in the hall? I leave here, and I have this time ahead of the ranking member of the Committee on Appropriations because I am going to a meeting on the economic stimulus package, where the leadership of this House is asking for a \$200 billion tax cut to be put in the stimulus package.

What are we talking about? What is the \$10 billion shortfall causing us to create an atmosphere where once, and not that long ago, we were in complete unity? In our delegation there was not a position between Republicans and Democrats, and outside of that, there was not a position in this House with Republican and Democrat.

They shuffle around some money to give a handout to New York City, we thank them, but that money is coming from other congressional districts, and this evening some of our own Members will be moving to restore that money back to where originally it was supposed to be in their congressional district.

Mr. Chairman, I leave this floor, hoping that no district in this country ever suffers a natural disaster or a terrorist strike or anything; but I tell the Members, I also wish that they never be treated like the people in the city and State of New York are being treated. We are not even given a reason why a promise made is not being kept. We have no reason why \$10 billion is being taken away, allegedly to support the Department of Defense.

So I appreciate the song, but I wish we could go home with the money.

Mr. YOUNG of Florida. Mr. Chairman, I reserve the balance of my time.

Mrs. LOWEY. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Chairman, the gentleman from Florida, Senator BYRD, Senator STEVENS, and I were in a room negotiating that original \$40 billion package after the events of September 11. We had agreed on about \$32 billion, because we had assumed that it was going to cost about \$10 billion to \$12 billion in New York.

Then a note was passed into the room telling us that the President had personally guaranteed the New York delegation that he would provide, in this bill, \$20 billion. Later on that evening, when some Senators tried to unravel the deal, those of us who were in the room putting that deal together again remember that at one point they suggested that we ought to substitute language "up to \$20 billion."

So I asked Mitch Daniels, the director of OMB, whether the language "up to \$20 billion" would meet the commitment that the President had made or whether the language needed to be "\$20 billion," period. He said the commitment was \$20 billion, period.

Now we are being told that New York ought to settle for less in this bill. So I guess I've finally got this figured out. The commitment to New York is going to be kept, the administration is going to keep its commitment, but I guess they believe in keeping their commitments on the installment plan.

That is not the way we do business around here and engender trust. It is a shame. New York ought to get the full \$20 billion. The gentleman is right to offer this amendment.

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore. The Chair would remind all Members not to characterize actions or inactions by Members of the Senate or the Senate.

Mrs. LOWEY. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from New York (Mr. HINCHEY), an outstanding member of the Committee on Appropriations who has been very forceful in his arguments.

□ 1845

Mr. HINCHEY. Mr. Chairman, I just want to take a couple of minutes to remind us about the extent of the devastation and the consequences of the devastation that occurred in New York.

Currently, there are more than 5,000 people who are displaced from their homes in Manhattan as a result of the attack; 16 million square feet of office and hotel space has been destroyed; and 838 major companies have been dislocated as a result. More than 15,000 small businesses have been destroyed, dislocated or severely damaged. Over 108,000 people have lost their jobs. And the realistic estimate of economic damage to the metropolitan region area this year, \$83 million.

We are asking for this Congress and the executive branch to fulfill its commitment to the State and City for the basic minimum that was agreed to already in public law, for at least \$20 billion to begin to meet the human needs.

Now, we are told do not worry about it. We know that we agreed to \$20 billion. You have only gotten half. The rest of it will be coming. But what happens to the people in the meantime? What happens to the unemployed? What happens to the widows and the orphans? What happens to the people who are injured? What happens to the people who have no health insurance? The answer to that question is virtually nothing will happen to them.

They will continue to be unemployed. Their unemployment insurance will run out. They will continue not to have health insurance, and they will not get the health care that they need. They will continue to be disabled, and they will not get the attention to deal with those disabilities.

These are the problems that are confronting the people of the city and the metropolitan region in the surrounding area. And the money that was supposed to come to the city, the other \$10 billion was supposed to deal with these human consequences. And the fact is that the human consequences have gone unanswered, and they will continue to go unanswered so long as the State and city do not get what they have been promised by this Congress.

Mr. YOUNG of Florida. Mr. Chairman, I yield 3 minutes to the very distinguished gentlewoman from New York (Mrs. KELLY).

Mrs. KELLY. Mr. Chairman, I rise in support of this amendment.

The residents of my district and my State have suffered greatly. I am here today to speak for them. Congress has to do everything it can to help us rebuild our lives and our communities. The amount of money contained in the final bill is sufficient for now, but this vote seems a chance to get more funding for New York faster and send a clear signal to Congress that New York's needs persist and will continue to persist.

For many of us who support the measure of the gentlewoman from New York (Mrs. LOWEY) and the gentleman from New York (Mr. SWEENEY) it is not about doubting the promises that have already been made. The President has shown tremendous compassion for New Yorkers in the aftermath of September 11. I trust the President. I take him at his word when he says New York is going to receive the full \$20 billion commitment from the Federal Government.

So while I appreciate the efforts of my colleagues who have worked very hard to meet the needs of New Yorkers, I believe this amendment reflects the true magnitude of the State's loss and deserves support. This is not just about

bricks and mortar. It is about the people. It is not just the heroic police and firemen, the public safety officers, the real heroes that went in and pulled people out of those buildings and helped that day. But it is about the extended family around New York, the people from my district who suffered then and are still suffering. It is about supporting those people in their loss. It is about supporting our city that we all, so many of us, work in. It is a very important amendment to so many of us that I feel it really needs support.

Mrs. LOWEY. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. SERRANO), a member of the Committee on Appropriations.

Mr. SERRANO. Mr. Chairman, this is how it started with the devastation at the World Trade Center. This aerial photograph shows you what you have already seen and what you know, the damage.

What this photograph does not show you is the ripple effect that it has had on a community, on a city. Underneath this rubble, there are people who lost their lives and may never be found. But the ripple effect is people who lost their jobs, victims who have to be compensated, rebuilding that has to take place. That this picture does not show you. That is what this amendment is about.

But this amendment is also about a promise, a promise from a President to a city, a promise from a President to a Nation, that we would get what was coming to us in terms of dollars. Now we are being told to wait until the spring.

As I said many times today and many times in the last few weeks, next spring the fervor for New York may not be the same. Next spring if you pit New York against other budget items, New York will not win that fight. And so we are here today to try to bring help to the victims and to try to bring help to our city, not by asking for anything we do not deserve or not by asking for anything that was not promised, by simply allowing the law to be carried out. Let us be clear on that. It is law and all we need to do is follow the law. The picture tells you what you need to know. But what we need to solve is how to deal with the devastation that was left behind. I urge all of my colleagues to please join us in this fight in allowing this amendment to be approved and allowing my city to get back on the road to recovery.

Mrs. LOWEY. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. NADLER), in whose district can be found Ground Zero.

Mr. NADLER. Mr. Chairman, the scene of devastation my colleagues just saw is in my district. Many of the dead and injured were my neighbors and friends. Many of the newly unemployed and the at-risk small businesses are my constituents.

This bill welshes on a solemn pledge made to the people of New York a few months ago. It amends the bill passed by the House in September to cut in half the \$20 billion appropriated for New York, Virginia, and Pennsylvania. Congressional leaders and the President have repeatedly stressed their intentions to provide more than the \$20 billion in aid to New York, just not now. The funds will come eventually. Be patient, trust us, they say; but the funds are desperately needed now, not in 6 months.

We need funds now for grants to enable small businesses to survive. Lower Manhattan could lose 10,000 of its 14,000 small businesses in the next 6 months. The victims of the attack need unemployment benefits and health insurance now, not next year.

Small business owners are making decisions now, whether to try to keep going or to shut their businesses. Large businesses must decide whether to return to downtown eventually or whether to seek permanent quarters elsewhere now. Residents are debating now whether or not to return to Lower Manhattan. They all need to know now whether there is a commitment on which they can depend, on which they can risk their lives and livelihoods, to rebuild Lower Manhattan.

How can we expect them to trust a commitment from people who are today breaking their solemn pledge of only 2 months ago? Who in this Chamber would bet his or her family's fortune on such a commitment?

Mr. Chairman, the honor of the House is at stake. We must vote for this amendment. We must not pass this bill in this form so that we can redeem the honor of the House and not welsh on the commitment that was made and signed into law only 2 months ago. Despite the efforts of people like the gentleman from New York (Mr. SWEENEY) and the gentleman from New York (Mr. WALSH), who have done wonderful work here, and the gentlewoman from New York (Mrs. LOWEY) and others and the gentleman from Florida (Mr. YOUNG), the chairman of the Committee on Appropriations, the honor of this House is still at stake. I urge the Members to redeem it today with a proper vote.

Mr. YOUNG of Florida. Mr. Chairman, could I inquire as to the time remaining?

The CHAIRMAN. The gentleman from Florida (Mr. YOUNG) has 24 minutes remaining. The gentlewoman from New York (Mrs. LOWEY) has 10½ minutes remaining.

Mr. YOUNG of Florida. Mr. Chairman, I would be happy to grant the gentlewoman's request to yield her 10 minutes of my time for purposes of control.

Mrs. LOWEY. Mr. Chairman, I am very appreciative, and I would like to thank our chairman, our gracious chairman, who is always eloquent and

articulate, and thank him again for his support for New York; and if I was not afraid I would use up more time, I would tell the group how very helpful he has been to us, and I thank him very much.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mrs. LOWEY. Mr. Chairman, I am very proud to yield 2½ minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Chairman, I want to thank the gentleman from Florida (Mr. YOUNG) for the opportunity to talk about this amendment, which is still subject to a point of order, and also to thank the gentleman from New York (Mr. WALSH), the gentleman from New York (Mr. REYNOLDS), and especially the gentleman from New York (Mr. SWEENEY), as well as the New York appropriators, the gentlewoman from New York (Mrs. LOWEY) and the gentlemen from New York (Mr. HINCHEY and Mr. SERRANO).

It is a shame we will not have the opportunity to vote on the Sweeney amendment because it would help address New York's tremendous unmet needs. We need all the Federal aid we were promised, not next year, not next month, not tomorrow. We need it yesterday. None of the \$20 billion we need is going under a mattress. No one doubts that FEMA will pay to clear up the site at the World Trade Center.

What is in doubt are the costs that do not neatly fall in the Federal guidebook for disaster relief; like money for hospitals that canceled elective surgery so they could treat victims; like costs to utilities to rewire Lower Manhattan; like many different kinds of costs of education. We have tremendous unmet needs and unpaid bills.

Here are some of the invoices: \$108 million to make up for lost classroom size; \$6.1 million in reimbursement for lost revenues for food services for children; \$13.4 million for reimbursement for additional school-related expenses including transportation, data infrastructure, and other critical-support services.

Yesterday, I met a man who tells the whole story. His name is Eddie Rodriguez. He makes \$38 an hour painting bridges, which is difficult and dangerous work. His son is also a bridge painter. His daughter is a freshman in college. Because of September 11, Eddie and his son lost their jobs. Today, the Rodriguez family has no health insurance, and Eddie had to tell his daughter that her dream of graduating from college would have to wait because he could not afford to pay for the tuition.

Soon Eddie and his family will be attending the funeral of his wife's sister's husband who was killed in the World Trade Center attacks, and Eddie lost

several friends in the crash of Flight 587.

Eddie's story tells a story of the pain of New York. It has been a terrible year for New York and for Eddie Rodriguez. The American people understand this and they want Washington to help; and in a month and a half, without the New York amendment, Eddie and his son will not get extended unemployment benefits. His household will have no income at all, and his daughter's college dream will be suspended indefinitely.

So do not go telling me that New York does not need the money. Go tell Eddie Rodriguez and the thousands of Eddie Rodriguezes in New York who have lost their jobs because of this disaster.

PREFERENTIAL MOTION OFFERED BY MR. ACKERMAN

Mr. ACKERMAN. Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. ACKERMAN moves that the Committee do now rise and report the bill to the House with the recommendation that the enacting clause be stricken.

The CHAIRMAN. The gentleman from New York is recognized for 5 minutes in support of his preferential motion.

Mr. ACKERMAN. Mr. Chairman, not to be concerned, it is not my intention to follow through on the motion, just that we are tight on time, and I do not want to impact on any of my other colleagues and we have got numbers worked out now.

Mr. Chairman, I come from New York, a city wracked with pain, suffering from an attack of mass destruction against our country and upon our city. We are an American city which makes it even more painful for us to fathom why we should have an uphill fight as we plead the cause of our people to our government.

To those who want to send us away with a penny and a promise, please remember some things. When California was hit with an earthquake, 84 people died, a national tragedy, 84 people died, and we ponied up \$7 billion. Every New Yorker was there. Nobody asked for a receipt. Nobody said, take part now and come back later.

When Texas was hit with floods, every New Yorker was there, voting for every penny that was requested then and there. Nobody asked for a receipt.

□ 1900

We do this because we believe that we are good neighbors and we are great Americans.

When Hurricanes George and Andrew hit Alabama, Florida, Louisiana, and Mississippi, \$4.3 billion was spent immediately, and every New Yorker stood by at the exact moment that it was requested. Hurricane Hugo, \$1.5 billion, hitting North and South Carolina. Every New Yorker voted for it. The

floods in the Midwest, Illinois, Indiana, Kansas, Minnesota, Montana, Nebraska, South Dakota, North Dakota. Billions of dollars was spent and not one New Yorker even blinked.

New Yorkers have been there every time there has been a problem anywhere in the country. Nobody in this Congress has ever questioned. And we are so proud that not one New Yorker in the history of the Republic has ever said no to \$1 to any other place in the Nation that had a disaster. We do not know why we are treated like this. We never said to anybody else, take half now and come back later.

Let me tell my colleagues a little bit about who we are. We are the people that showed the world the courage of Americans. We are the people who have more dead and unburied in a disaster than have occurred in all the disasters in the history of the Republic.

Our one town has more people than 42 States. We have more Puerto Ricans than San Juan. We have more Dominicans than Monte Christi. We have more Germans than Bonn. We have more Italians than Palermo and Bologna. We have more gentlemen than Verona, more merchants than Venice, and more barbers than Seville. And Brooklyn alone has more people than all of Mongolia. We have more Catholics than Rome. We have more Muslims than the Holy City of Madina. We have more Irish than Cork and Limerick and Galway. And, yes, we have more Jews than Jerusalem.

On any day, on any lousy, stinking, single, random day, we have more heroes than the world could ever have conceived. Do not tell us that we have made you proud, unless you are willing to help make us well.

We are part of your country. We are not here, hat in hand, looking for foreign aid. Do not nickel-and-dime us. Do not tell us to go home to our constituents with half a loaf and to come back later, maybe next year, if the money is there. We are part of this team. Do not turn us away.

Mr. Chairman, I ask unanimous consent to withdraw my motion.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. YOUNG of Florida. Mr. Chairman, I continue to reserve the point of order and my time, but I am almost sorry that the gentleman withdrew his motion, because I was going to get that 5 minutes on my side and offer it to the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Chairman, I am pleased to yield 2½ minutes to the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. Mr. Chairman, I thank my colleague from Westchester, which we share, and I thank the chairman and everyone else.

Let us remember that the September 11 attacks were not attacks on New

York, it was an attack on America, and we as Americans need to help New York City recover its costs directly connected to the World Trade Center attacks.

I am a little bit bewildered to be here today to even be discussing this at all, because 2 days after September 11, I was part of a congressional delegation that met with President Bush at the White House, and the President unequivocally said to us the \$20 billion is for New York, and the \$20 billion is only the start, because \$20 billion alone is not enough to repair all the damage that was done to New York. It was a floor, not a ceiling. And that money, the President told us, would be there.

Now, I do not understand what the difficulty is. The money has been appropriated. It is a law. It has been passed. The money should be there. It should be a pot of money for New York to draw on, not something for New York to come back next year and ask for more, when there will be other regions of the country with needs.

And to have to compete with those regions, that is not fair. When there are earthquakes and fires and floods, we all respond. We certainly need to respond to terrorism. And if the money is going to be there, why is it not there now, when this is the law that this Congress passed?

Many, many people need our help. Four thousand people died. Special consideration needs to be given to hospitals and schools and businesses and our utilities. Verizon and ConEd, they need special help. They are precluded from getting money, and it is not fair to have them compete with everything else. They need to have a special waiver so they can get the \$900 million that they are owed.

Let us look at this amendment. This amendment provides unemployment insurance extension, emergency employment clearinghouse, workers' compensation, continuation of health care, COBRA, hospital costs, CDC safety screening program, NIH environmental assessment, disaster recovery programs, public television facilities, economic development, CDBG, FEMA. These are all things that New York needs.

I implore my colleagues: We need the money now. This money was passed. It is not just a promise, it is a law. New York needs the help. Please help us now.

Mrs. LOWEY. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Brooklyn, New York, (Mr. TOWNS).

Mr. TOWNS. Mr. Chairman, I thank the gentlewoman for yielding me this time.

Let me begin by first thanking the chairman of the full committee, the ranking member, of course, and the chairman and ranking member of the subcommittee. And of course my good

friend, the gentleman from New York (Mr. WALSH), who I think has done a magnificent job. I want to say that before I make these comments.

Mr. Chairman, this is wrong. New York deserves a whole lot better. We know there are certain religious groups, certain agencies locally that are trying to do all that they can do during this crisis, but this cannot be resolved without the help of the Federal Government.

A \$20 billion promise was made and only half of that money is now being appropriated. The question is: What do we do about the other \$10 billion? Well, somebody said, trust us, we will give it to you. Just trust. And then somebody said, pray and maybe it will happen. I think New York deserves a lot better than that.

Anytime there has been a crisis anywhere, New Yorkers have been there on behalf of whoever. That is one thing about us, that we have demonstrated our generosity down through the years. And to come here today and have our colleagues say to us, we will give you this and you just have to trust and wait for later, I think that is the wrong attitude to take.

We have hospitals that have already spent \$140 million in direct costs, directly related to the World Trade Center disaster, and they have only gotten back \$35 million. These hospitals are now laying off people because they do not have enough money to continue to function. And my colleagues are saying do not worry about it, it is all right? I think that when it comes to our hospitals laying off people, I think we should be very, very concerned about that, because that is something that we cannot afford the luxury of.

The other thing that I think we should be very concerned about is that we have people now with no health insurance as a result of the sudden action that we are taking. We should move now to keep our commitment that we made. I think we should do it now.

What has happened to us, let us face it, can happen anywhere, anywhere, and we all are Americans.

Mrs. LOWEY. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from New York, (Mr. WEINER).

Mr. WEINER. Mr. Chairman, I thank the gentlewoman for her leadership on this issue. And at the risk of doing harm to them politically, I want to thank the gentleman from New York (Mr. SWEENEY) and the gentlewoman from New York (Mrs. KELLY) for their great leadership on this issue.

We passed Public Law 107-38, and it says \$20 billion shall be expended in New York. It does not say anywhere "eventually," it does not say anywhere "someday," and it does not say anywhere "when we get to it." It was an allocation of funds for this year. It is the law. This should not be misunderstood. It was not an optional thing. It

was not "maybe we will do it." It is the law. We made a commitment to do it; and, frankly, the President of the United States looked us in the eye and gave us that commitment.

But there is a myth that has been perpetuated here today that, well, New York has gotten everything that it has asked for. Well, that is baloney. New York has gotten together, and Governor Pataki has asked, Mayor Giuliani has asked, Republicans have asked, and Democrats have asked how to spend that \$20 billion; unemployment benefits, extension of COBRA, Workmen's Comp., extension of tax credits to redevelop lower Manhattan. We have asked. It is not coming.

Finally, we have heard on some level the words have been to "trust us." And, frankly, we do. Chairman YOUNG has been great on this stuff. And, to be honest, New York has lost a little bit of its swagger. We have been hit with a couple of body blows. But all we are saying now is that this is the time. There will be other emergencies, there will be other urgent needs, and there will be other things this country will face. If anthrax did not teach us, nothing will.

This is a time when New York needs it. This is a time when New York has been promised. We trust this House will do the right thing, and the right thing is to pass the Lowey-Sweeney amendment.

Mrs. LOWEY. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York (Ms. SLAUGHTER).

Ms. SLAUGHTER. Mr. Chairman, today, my colleagues from New York and I are on this floor fighting to guarantee that this Congress and the administration fulfill the promise made to us in law.

We find ourselves working against an inexplicably stealth campaign by the White House to delay, perhaps indefinitely, the needed aid to our city. In public, the administration officials make statements like, "An agreement is an agreement is an agreement." But in private they have made it known to the House leadership that the President would veto any spending bill with New York's funds in it, forcing the Committee on Appropriations to abandon ongoing bipartisan discussions to craft such an amendment.

In public, the President vows that New York will receive everything it was promised; but in private, Vice President CHENEY lobbied members of the majority to vote against the efforts to allocate this aid.

I am at a complete loss as to why the administration would wage this underground campaign to deny New York the needed funding in its hour of need. If there is a legitimate and reasonable explanation, we would like to hear it. To date, however, we can only guess as to the motivation.

Mr. Chairman, New York holds a special place in our Nation's history and

culture. It was the first capital of the newly formed United States, the historic gateway for the immigrants who built our country, and home to the Statute of Liberty. It is a cultural mecca, an international financial center, and a beacon of opportunity. New York personifies the spirit of our whole Nation. It is big, bold, modern and ambitious. And that, Mr. Chairman, is why New York City was attacked.

As many others have said, New York took the blow, but America was the target. It should be a matter of our national pride not only to help New York recover but to go above and beyond the call of duty to restore this city to health. I find it incomprehensible that some seem to be trying, instead, to do the least amount possible for this devastated and wounded city.

I urge my colleagues to join me in supporting the Sweeney-Lowey amendment.

Mrs. LOWEY. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Chairman, I thank the gentlewoman from New York for yielding me this time.

I want to thank the entire New York delegation. I am proud to work with all my colleagues these past few weeks after the attack on New York on September 11, and never more proud than I am right now on this floor to stand behind the Sweeney-Lowey amendment.

Let me thank my colleagues, the gentleman from New York (Mr. WALSH) and let me thank the gentleman from Florida (Mr. YOUNG), the chairman, for their efforts. Let me especially thank the gentlewoman from New York (Mrs. KELLY), and my good friend the gentleman from New York (Mr. SWEENEY) for standing with us on this amendment.

A great deal has been said about the wound that was inflicted upon our great city, but sometimes, as someone who was personally affected by this, I find it easier to talk about it in metaphor.

On September 11, a dagger was struck into the heart of the city of New York that has left a gaping wound for the last 2 months. That wound has not healed; has not even been bandaged. It is bleeding. New York City is still bleeding today and will continue to bleed.

We have the best economic surgeons, the best economic doctors in the world. They know how to fix it. They know what medication the wound needs, but they are saying they just cannot get the right dosage.

□ 1915

Mr. Chairman, that is what we are talking about here. We are asking for the money that was promised to the city. That is all. Where we find ourselves now is that we are relegated to

glorified begging. We, the delegation of New York, after having sustained the blow on September 11, after sustaining the loss of the Twin Towers, after having sustained the loss of thousands of individuals with lives and talents, everything that goes into making an individual a person, thousands have been lost.

On top of that, we are told that we are not going to get the full funding that we were told we would get in the spirit of unity just 2 months ago. We have to go back to our constituents and say, I know we were told we were going to get that money, we will not get it yet and we will have to wait 4 or 5 months down the road, and hopefully then we will be successful and get this money for New York.

I do not know how Members of Congress can vote against this amendment and go back and the next time there is a disaster in their area and react to their constituents when they say, Where is the money?

Mrs. LOWEY. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. ISRAEL).

Mr. ISRAEL. Mr. Chairman, New York's economy is in deep trouble. We lead dozens of States in economic decline. Jobs are being lost. Small businesses are going under. Municipal governments are going back into debt. Fire and police budgets are strained.

I do not represent New York City; I represent Long Island, but my district sends thousands of commuters into New York City every day, and our jobs depends on jobs in New York City. Our economies are linked.

This House has just approved a \$25 billion retroactive repeal of the alternative minimum tax for the richest corporations of America. If we can find the money for Enron and we can find the money for IBM, we should be able to find the money for people who have lost their jobs and their health insurance and their unemployment insurance and the small businesses who are being forced out of business in New York today. We have done it for others. It is time to do it for New York.

Mrs. LOWEY. Mr. Chairman, I yield 2 minutes to the gentleman from Hawaii (Mr. ABERCROMBIE), a former New Yorker.

Mr. ABERCROMBIE. Mr. Chairman, I thank the gentlewoman for yielding me this time.

Mr. Chairman, just last week I was on this floor lamenting as intently as I could bring to bear the idea that we were passing a bill having to do with the Andes and so-called free trade when we were unable to come to a conclusion with respect to not just unemployment, but with respect to the human needs in this Nation, throughout this Nation.

I said at that time why should people from New York have to come to the floor and beg for the opportunity to

have a redress of this egregious grievance that has been committed against us in the United States. I have an article here on what was called a bone-sopping rainy day, hundreds of unemployed people in Waikiki coming hoping they could get a job working on invasive species in Hawaii, to work with their hands in the fields to try to work to make our environment better.

We have 31,000 people out of work directly as a result of September 11. What I am asking is cannot the example of the gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY) and the appropriators here be brought to bear when we deal with the other bills that are coming forward with respect to how we are going to deal with the economic trauma that has hit the whole country?

Mr. Chairman, perhaps the gentleman from California (Mr. THOMAS) at that time misunderstood my quest that day. I voted against the Democrat bill and the Republican bill that is supposed to be dealing with economic stimulus. Let us use what the gentleman from New York (Mr. WALSH) has done and what the gentleman from New York (Mr. HINCHEY), the gentleman from New York (Mrs. LOWEY) has done, and what the gentleman from New York (Mr. SERRANO) has done. Let us use what the gentleman from Florida (Chairman YOUNG) has done by way of leadership on the economic stimulus program and as Republicans and Democrats draw together on behalf of the entire Nation with New York leading the way, and this amendment leading the way, showing us what we can do as Americans to come together and have victory.

Mrs. LOWEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to close by thanking again the gentleman from Florida (Mr. YOUNG), the chairman of the full Committee on Appropriations, who has made it clear over and over again that when the United States was attacked, we were all Americans, we were all New Yorkers. The gentleman has expressed to me his concern, his observations, the pain that he saw when he visited Ground Zero. I feel confident that we are going to continue this process.

For me it was very gratifying to work in a bipartisan way with my colleagues, the gentleman from New York (Mr. SWENEY), the gentleman from New York (Mr. WALSH), the gentleman from New York (Mr. REYNOLDS), with all of the appropriators and the New York delegation, to make it clear to our colleagues that although the United States was attacked, New York has been suffering extraordinary pain.

As New Yorkers we go home every weekend. We look in the eyes of those who lost their loved ones, their sisters, husbands, family members. Life will never be the same for any of us; but for

New Yorkers, they feel that every single day. We were all in the office when the President made the commitment of \$20 billion to New York. I feel confident that the President of the United States will keep that commitment. In fact, from the chairman of the Committee on Appropriations to the ranking member who has been so supportive, the gentleman from Wisconsin (Mr. OBEY), all of the Members have made it clear that this is a floor, it is not a ceiling.

I hope, Mr. Chairman, that although today it is tremendously disappointing to all of us that that commitment that is so needed now so we can rebuild, so we can plan, so we can make sure that New York regains its former glory, I would hope that in the days, not months ahead, we can somehow find the vehicle to keep that promise. There are an awful lot of people in New York who heard that promise, who heard it again and again who are counting on it, who understand that when the President of the United States speaks and the Congress of the United States speaks, that word, that word can be believed by everyone.

Mr. Chairman, let us work together again in a bipartisan way to ensure that in the days and the weeks ahead we can keep that commitment. I am sorry that it cannot be done this evening, but I know that Members' hearts and thoughts are with us every day. Mr. Chairman, again I thank the entire New York delegation.

Mr. Chairman, I yield 1½ minutes to the gentleman from New York (Mr. MEEKS).

Mr. MEEKS of New York. Mr. Chairman, I believe this is a sad state of affairs. What took place on September 11 was not a New York tragedy; it was a national tragedy. As a result, we spoke with the President of the United States, and he pledged \$20 billion to the City of New York.

We all know that to repair the damage that took place to the United States of America that happened to be in the City of New York will cost far more than \$20 billion. But the President pledged \$20 billion. We negotiated and we thought we had agreed that we had at least \$20 billion in this appropriation, in this year, that the city could count on in rebuilding the World Trade Center area.

And then to come back and to only receive \$11 billion, not knowing when the \$9 billion will come and having some promise in the future about when the \$9 billion will come will not help restore what needs to be done in New York City.

We need to make sure now, not just for New York City, but for our Nation, that we rebuild in that area. We need the \$20 billion, not sometime in the future, but now, as promised. We heard the President say during the campaign, "I mean what I say, and I say what I mean." We want the President to say

what he means and let us have the \$20 billion now.

Mr. YOUNG of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I do not disagree with almost anything I heard this afternoon. All I will say is that the commitment was made and it will be kept. The only question is one of timing. I take the President at his word that at the appropriate time the request will be made for the additional money for New York, and I will move that supplemental request just as quickly as I possibly can.

POINT OF ORDER

Mr. YOUNG of Florida. Mr. Chairman, at this point, I would make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriation bill and therefore violates clause 2 of rule XXI. The rule states in pertinent part: "An amendment to a general appropriations bill shall not be in order if changing existing law."

The amendment includes an emergency designation under section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985; and as such constitutes legislation in violation of clause 2 of rule XXI. I ask for a ruling from the Chair.

The CHAIRMAN. Does the gentleman from New York wish to be heard on the point of order?

Mrs. LOWEY. Mr. Chairman, no, since I have no options available to me.

The CHAIRMAN. The Chair is prepared to rule on the point of order.

The Chair finds that this amendment includes new emergency designations under section 251(b)(2)(a) of the Balanced Budget and Emergency Deficit Control Act of 1985. The amendment, therefore, constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained, and the amendment is not in order.

AMENDMENT OFFERED BY MR. LOBIONDO

Mr. LOBIONDO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LOBIONDO:

Page 183, after line 18, insert the following:

For an additional amount for such purpose, \$60,235,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Mr. LOBIONDO (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. YOUNG of Florida. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. A point of order is reserved.

Mr. OBEY. Mr. Chairman, I also reserve a point of order on the amendment.

The CHAIRMAN. A point of order is reserved.

Mr. YOUNG of Florida. Mr. Chairman, I ask unanimous consent that debate on this amendment and any amendments thereto be limited to 20 minutes, to be equally divided and controlled by the proponent and myself.

Mr. OBEY. Mr. Chairman, reserving the right to object, on the minority side, will we be yielded some time under that arrangement?

Mr. YOUNG of Florida. Mr. Chairman, I would ask unanimous consent that of my 10 minutes, that 5 minutes be yielded to the gentleman from Wisconsin (Mr. OBEY) for the purpose of control.

Mr. OBEY. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

□ 1930

Mr. LOBIONDO. Mr. Chairman, I yield myself such time as I may consume.

My amendment provides for full funding of the President's antiterrorism emergency supplemental spending request of \$203 million for the Coast Guard to maintain its aggressive response to terrorist threats to our Nation's ports and waterways.

I want to thank and commend Chairman Young for his very strong commitment and support to the Coast Guard over the years. Chairman Young has understood the needs of the Coast Guard, has attempted to work with us, and I hope that in the future we will be able to continue that. But the reality, Mr. Chairman, is that since September 11, the Coast Guard has increased its counterterrorism operations using existing personnel, vessels and aircraft, augmented by Reserves and auxiliary personnel. Without immediate additional resources from Congress, this posture is unsustainable.

For this reason, I am shocked that the supplemental funding bill that we are considering today cuts nearly one-third of the President's request. Mr. Chairman, this is not my request. This is not a request of some other body or entity. This is a request of the President of the United States. The request for this Coast Guard supplemental funding is absolutely essential. The failure to include these funds for Coast Guard operations means that the President must choose between ensuring a safe counterterrorism posture for our ports and waterways and providing an adequate level of drug interdiction and other maritime law enforcement operations. This is an unacceptable choice.

Earlier this year, the House voted 411-3 in support of the authorization bill that funded the President's request for the fiscal year 2002 to the tune of \$5.4 billion. Mr. Chairman, at that time, almost every Member of Congress stood up, wanting to voice their support to vote for the Coast Guard, to make strong statements about the tremendous job that the Coast Guard has been doing, and we thought we were finally on a roll with people understanding that the Coast Guard has been doing an exceptional job.

The President requested \$203 million for the increased efforts of the Coast Guard in this supplemental. The amendment that I will offer would restore approximately \$60 million in funding due to the emergency status that the Coast Guard has been operating under since September 11.

For the past several years, the Coast Guard has suffered from significant funding shortfalls. During fiscal years 2000 and 2001, the Coast Guard was forced to reduce law enforcement operations by up to 30 percent due to insufficient funds. Without the President's request for supplemental funding, the Coast Guard will be forced to reduce operations immediately by 15 percent. I do not think that is acceptable to any of us, Mr. Chairman. To put this in real terms, cutting this funding would keep a number of cutters, helicopters, aircraft and patrol boats sitting idle for up to 6 months, unable to safeguard our ports, unable to save lives, unable to respond adequately to threats to America.

Mr. Chairman, this means that the very successful program of drug interdiction that the Coast Guard has embarked upon would be forced to be set aside so that the Coast Guard could use its scarce assets to protect our ports. This is not a choice they should be forced to make.

Congress acted to safeguard our airways recently. We listened to the debate about the economic impact that aviation has on our Nation's GNP. We must now act to safeguard our ports and waterways. Maritime industries contribute over \$740 billion to the gross domestic product annually, and we cannot allow the guardian of this economic engine to go underfunded. We have thousands of containers that come into our ports. The Coast Guard is required to implement a program that they have been grossly underfunded to implement. It is time to recognize that.

I want to commend the Coast Guard for their enormous efforts to safeguard the American people in the wake of the attacks of September 11. All U.S. ports remain open to commerce with an increased security, and currently the Coast Guard enforces 110 maritime security zones. I was honored to again visit Coast Guard Group Air Station Atlantic City yesterday and to hear

their comments about their increased missions. Mr. Chairman, I looked into the eyes of the young men and women who have been so motivated, so well trained, so ready for duty, I listened to how they have stepped forward in this time of need of their Nation, willing to put themselves in harm's way, no different than men and women who have traveled to Afghanistan with our Special Forces or Marines. I listened to how the Coast Guard has been asked to board ships to check manifests of cargo and crew to match up from foreign nations; a boarding party that does not know what they are running into, a boarding party that does not know what they are going to find. Yet these young men and women are willing to do it time and time again. How can we look into their eyes and tell them that their efforts are not recognized by resources necessary to keep up this mission?

I was impressed by their can-do spirit and by their willingness to serve their country and do whatever is necessary. I am disappointed that this House is not providing the resources they need. Without increasing the available resources, the Coast Guard simply will be unable to protect these vessels and our port facilities, despite the tremendous efforts of these young Americans.

The Commandant of the Coast Guard, Admiral Loy, said the following about the budget concerns of the service and I am quoting: "Post-September 11, our national interests require that all Coast Guard resources be operated at their historical level. The President's supplemental request of \$203 million for the Coast Guard reflects the minimum funding required to meet these national security obligations." This is the gentleman that we have entrusted to lead our Coast Guard, to head our Coast Guard, who has made this statement.

The \$203 million in Coast Guard supplemental funding is imperative to ensure we are adequately protecting our 95,000 miles of waterways and coastlines. We must take a shared responsibility to assure that our ports and waterways are protected from terrorism and other security threats. The Coast Guard is doing their best to preserve our Nation, and they deserve nothing less than our best to make sure that they can do their job.

Mr. Chairman, I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, if I understand this correctly, this is what I refer to as a holy-picture amendment. The administration asked for 200-and-some million dollars for the Coast Guard. The bill before us cut it by \$58 million. I tried earlier today to defeat the rule under which this bill is being considered so that we could add not just the \$60 million that the gentleman is asking to be

added to the Coast Guard's budget, but \$223 million so that we could fully finance the increased pace of Coast Guard operations to combat terrorism for an entire year rather than the 6 months that is in the bill. I find it interesting that the gentleman voted against our efforts to in fact make in order the amendment which the House could under the rules have adopted, and yet is pursuing today an amendment which is clearly going to be ruled out of order. I find that effort enough to give inconsistency a bad name.

Mr. Chairman, I reserve the balance of my time.

Mr. ROGERS of Kentucky. Mr. Chairman, I continue to reserve the point of order, and I yield myself such time as I may consume.

Mr. Chairman, I join the gentleman from New Jersey (Mr. LOBIONDO) and the eloquent statement that he made about the valiant efforts of our men and women in the Coast Guard and the great work that they are doing and have done and will continue to do.

This bill, as we all know, is to deal with the funding for activities directly responding to the terrorist attacks of September 11. That is why in the bill we have included almost \$145 million for that purpose. Included in that figure, \$110 million, new dollars, for Reserve activation, \$31 million for increased homeland security capability, and \$3.6 million for chemical, biological and radiological strike teams; all of those related, of course, to the activities responding to the terrorist attacks.

However, the administration requested an additional \$58 million which the committee bill does not include because, in discussions with the Coast Guard, the majority of these dollars were not for the purpose of responding to the terrorist attacks, but to restore moneys which the Coast Guard deleted itself from its fiscal year 2002 budget request, the regular expenses of the Coast Guard. Those moneys we can deal with in the regular appropriations bill or a supplemental if it should be necessary at a later time. But this bill funds the Coast Guard for the activities related to September 11, like the other provisions of this bill. It does not deal with the regular operating funds for fiscal year 2002. That bill will be on the floor momentarily, this week I hope, which will include funds for the Coast Guard for fiscal year 2002. I believe that the gentleman from New Jersey will be pleased with that bill. I hope he is.

We cannot find all the money that I would like to find for the Coast Guard, but in this bill I have to say that we have done, I think, well by the Coast Guard dealing with the aftermath of September 11. We can deal with the fiscal year 2002 moneys in another bill, hopefully this week.

So I reluctantly rise to oppose the gentleman's amendment. It is well in-

tioned and well meant. I commend the gentleman for his enthusiasm for the Coast Guard and the mission that it has been assigned by us to do and which they are carrying out with great success.

We salute the men and women of the Coast Guard. We thank them for the tremendous service they are giving our Nation. We want to see that they have the adequate funding that they desperately need. We will do that in the appropriate bills coming before the House in the appropriate order, rather than fund fiscal year 2002 needs in this emergency supplemental bill dealing with the aftermath of September 11.

Mr. Chairman, I reserve the balance of my time.

Mr. LOBIONDO. Mr. Chairman, I yield 1 minute to the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Mr. Chairman, I appreciate the difficulty that the subcommittee chair and the full committee chair have with the moneys; I know these things are very difficult to balance, but it is clear we have an emergency in the Coast Guard. We have had to divert the Coast Guard to antiterrorism protection in New York Harbor, Boston Harbor, in Puget Sound, in the Great Lakes. We have pulled them off of their other resources in order to guard the nuclear power plants and other chemical facilities on the water.

What it has done is it has pulled many of them out of the Caribbean where they were in the forefront of our antidrug effort, temporarily. They are moving back and forth. We have a shortage. We cannot do both things. Similarly on the California coast and in the Pacific, we have fisheries questions, we have safety questions, we have increasing immigration, water interception things coming through the Pacific Ocean. It is clear that we have an emergency as well.

I encourage you strongly as we move towards the supplemental to address this. I understand that your budget is extremely tight, there is general sympathy for the difficulty, but we have to have more for the Coast Guard, our most neglected service, because they are being asked to do double and triple and quadruple duty.

The events of September 11, 2001 have changed this Nation forever. So many people were affected, so many agencies and people have had to make sacrifices, and work so hard, to meet the national security needs of America these past 3 months, and they continue to do so. The Coast Guard is one of the foremost of these agencies, and the men and women who serve are some of those people, they have doubled and redoubled their efforts to tackle their normal multi-mission responsibilities, along with the massive increase in Homeland Security requirements that were placed on their shoulders as a result of this national crisis. In fact, the Coast Guard took on the responsibility of sweeping the Capitol

and our office buildings in response to the Anthrax threat.

As a multi-mission, maritime, and military service, the Coast Guard is a leader in America's maritime security. They array their ships, planes, and people against multiple National Security threats including drug smuggling, alien migration, protection of fish our fish stocks, and of course terrorism.

Along with these law enforcement missions, they tackle their other traditional missions, of Search and Rescue, Maritime Safety, Recreational Boating Safety, Aids to Navigation, to name a few.

Their motto, *Semper Paratus*, Always Ready, has been put to the test many, many times, and without fail, they have come through, it's now our turn to come through for them through adequate funding.

They have worked around the clock since 11 September, increasing their presence to protect ports and maritime transportation infrastructure, boarding commercial vessels at sea, instituting a successful Sea Marshal program at many of their ports, escorting our Navy Ships entering and departing ports, and enforcing Security Zones in protection of critical infrastructure points along our shores.

There was a dramatic mission shift for the Coast Guard come 11 September, once again they proved to be very flexible, very can-do, these are their greatest strengths. They have met the current crisis, they continue to increase their effectiveness, they continue to say *Aye Aye*, but it has not come without a cost.

The cost has been that their people, their equipment, have been pressed —071o their limit. The increase in their operational tempo, regardless of the mission emphasis, has drained their crews depleted their surge capacity. Some air stations and many of their other field commands are beginning to express concern about their Search and Rescue posture based on crew fatigue, lack of resource maintenance, and lost training opportunities in certain mission areas. Sustainability of their current operational pace is a growing service concern.

The cost has also been their presence, or lack thereof, in other law enforcement mission areas due to their limited resourcing. Shifts in protecting ports and maritime transportation infrastructure yielded activity levels near zero in fisheries enforcement and Alien Migration Interdiction Operations. The Coast Guard is the designated lead agency for maritime drug interdiction and shares lead agency responsibility for air interdiction with the Customs Service, but is now down to less than half of the previous level of activity.

This can not and should not continue. Declines in these mission areas are not in the long term national interest especially drug interdiction. Increased profits for illegal drug smuggling is channeled into the coffers of terrorist organizations thereby giving them additional resources to mount further strikes against our homeland.

The Coast Guard has broad enforcement and regulatory civil authorities, military capabilities, and a coastal and offshore presence to bring to bear against Homeland Security requirements, they will protect our Nation's largest, and perhaps most vulnerable border a

95,000 mile coastline with hundreds of ports. But they are a multi-mission service which can not possibly meet these new homeland security requirements as well as other mission requirements without significant increases in both people, assets and overall funding.

Comparing the new security environment and the new demands it places on the Coast Guard, the Coast Guard mission requirements in other mission areas and the services current capability there are major gaps we need to assist * * * we need to do our best to help fill those gaps.

In the House mark-up of the Emergency Supplemental appropriation, the Coast Guard's figure has been cut from \$203M to \$145M a \$58M cut that will directly take away from the Coast Guard's ability to handle sorely needed depot level maintenance, much of the maintenance that was deferred as a result of the current crisis as well, this cut will not allow Coast Guard operational assets their cutters, small boats, and aircraft, to operate at their optimum levels. Now is not the time to be cutting the Coast Guard. We need them to be operating at their absolute maximum level in order for them to have any chance of meeting America's present and future needs.

The Coast Guard has been Semper Paratus for America, day in and day out. In their time of need let's do our part to be Semper Paratus, Always Ready for them.

Coast Guard's capability has been reduced due to chronic maintenance funding shortfalls; 15 percent operational reduction proposed in the FY 2002 President's budget limits the Coast Guard's ability to operate at the levels necessary for the national interest; Cutters, boats, and aircraft are thoroughly involved in the Coast Guard's port safety and security missions and are a key component of the service's Homeland Security mission; The Coast Guard cannot take on the increased Homeland Security demands without first ensuring their assets are properly supported and maintained; and Overall operational level must be increased to ensure that the service can continue other missions critical to national security such as marine safety, alien migrant interdiction, living resources enforcement, and counter-drug operations, while maintaining a robust Homeland Security force.

Mr. LOBIONDO. Mr. Chairman, I yield 1 minute to the gentleman from Connecticut (Mr. SIMMONS).

Mr. SIMMONS. Mr. Chairman, I rise in support of the amendment and I rise in support of any effort to increase dollars to the Coast Guard. As the vice chairman of the Subcommittee on Coast Guard and Maritime Transportation, I have worked very closely with the gentleman from New Jersey, and I am intimately aware of the difficulties that the Coast Guard is facing under its current fiscal constraints. I also host the Coast Guard Academy in my district and have for many years been involved in those issues.

Now more than ever, we need resources to defend our 95,000 miles of shoreline and our hundreds of ports. Also, for those of us who have nuclear power plants in our districts, along rivers and on the coastal waters, defense

of those littoral shores is critically important, and that even as we speak and even as we have deployed over 30 percent of the Coast Guard Reserves, we cannot provide adequate security along those shorelines for those facilities.

□ 1945

So as I understand the conversations of the distinguished chairman, we are going to be addressing these issues in the future. I certainly hope so.

Mr. LOBIONDO. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I would like to thank the gentleman from Kentucky (Mr. ROGERS) for his comments and his willingness to recognize that the Coast Guard desperately needs additional funding, if I heard the gentleman correctly. I would also like to apologize for any breach in communications that we obviously have experienced in the translation of the Coast Guard's needs to what the gentleman from Kentucky (Mr. ROGERS) has understood them to be, and I express my willingness on behalf of our committee to work with the gentleman to try to eliminate those kinds of communication gaps in the future.

I think we have all been able to come together, and this has been productive, in acknowledging that the Coast Guard is doing a tremendous job, and they do desperately need additional supplemental funds to keep going.

So, with that, Mr. Chairman, I once again thank the gentleman from Kentucky (Mr. ROGERS) for his acknowledgment of the situation.

Mr. BARCIA. Mr. Chairman, I rise today in support of the LoBiondo amendment to restore critical Coast Guard funds which are stripped by this bill.

It's no secret that there is a significant difference between what the Coast Guard needs to run its day-to-day operations and to make needed acquisitions and what they have received recently through the budget process.

Earlier this year, the Administration put forth a budget that included a 15 percent reduction in Coast Guard Operations, but that was before September 11—before the Coast Guard shined in its role responding to the attacks of that day, even though it was already stretched so thin.

The demands placed on the Coast Guard since September 11 forced the Administration to reconsider and agree to include \$203 million in the its emergency supplemental request for the Coast Guard.

But the bill currently before the House cuts that number by \$60 million. Without the full \$203 million, the Coast Guard will literally not be able to meet its national security obligations.

Can we really afford to have drastic operational cuts in an organization that is such an integral part of our national defense and plays such a critical role in our maritime safety, security, and mobility? As we all know, the answer is a resounding "no."

With more than 600 miles of coastline in my District in Michigan, the Coast Guard's numer-

ous missions— from ice-breaking to search and rescue, from drug interdiction to marine environmental science—are critical to the health and safety of my constituents.

More than that, the Coast Guard is critical to our nation's defense—our homeland security. The cuts included in this bill are unconscionable because they are unsafe.

Thanks to the impressive leadership on the Coast Guard Subcommittee and within the Coast Guard Caucus, I am hopeful that this problem will be rectified and the Coast Guard will be able to continue to provide the nation with the high level of services we have come to know and rely on so heavily.

I urge all of my colleagues to support the LoBiondo amendment.

Mr. LOBIONDO. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

Mr. OBEY. Mr. Chairman, reserving the right to object, I would simply note that the gentleman earlier today voted in such a way that made not only my amendment not in order, but it also made the very amendment that he is offering tonight not in order.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Hearing no objection, the amendment is withdrawn.

There was no objection.

Mr. WATT of North Carolina. Mr. Chairman, I move to strike the last word.

Mr. WATT of North Carolina. Mr. Chairman, today, as I rise in support of the Defense Appropriations bill, I want to draw my colleagues' attention to the strong cooperation and support the United States has received from the Republic of Kazakhstan.

Kazakhstan is a former Soviet state celebrating their 10th anniversary of independence from the Soviet Union on December 16 of this year.

Today's Defense Appropriations bill provides \$403,000,000 to assist the republics of the former Soviet Union in the elimination and the safe and secure transportation and storage of nuclear, chemical and other weapons. Unfortunately, this level of funding is totally insufficient and is, in fact, much less than the President requested for this important purpose. It also helps fund programs to prevent the proliferation of weapons, weapons components and weapon-related technology and expertise. This money would aid Kazakhstan, which borders Russia and is located near Afghanistan. Kazakhstan is a strategic friend and business partner of the United States.

On September 15, 2001, following the September 11 attacks on the United States, President Nursultan Nazarbayev of Kazakhstan said:

In these tragic days for America, the people of Kazakhstan are grieving together with the American people about the death of thousands of innocent people.

I am closely following the situation as it unfolds. We stand on the position that the terrorists must be punished, as well as those harboring the terrorists.

The United States and its Security Council have condemned the barbarian act of terrorism and called upon the world community to take resolute actions.

Therefore, Kazakhstan is ready to support the measures undertaken by the United States to fight against terrorism, with all the means available.

Kazakhstan has always been standing against terrorism and is ready to participate in creation of a real international coalition of countries to fight against the international terrorism.

We proceed from the assumption that retaliation should not only be effective, but also should be just. This requires that the state should act with great deal of responsibility. And we rely upon the wisdom of the American leadership. We were pleased to learn that the United States wants to know for sure who has perpetrated these barbaric acts and helped the terrorists before taking actions.

Today I sent a letter to U.S. President George Bush. I expressed Kazakhstan's support for the U.S. actions aimed at fighting against the international terrorism, the global evil that has developed metastases across the entire world.

We hope the American people will be able to quickly cope with the heaviest psychological blow and remain committed to their great historical values.

AMENDMENT OFFERED BY MR. GEORGE MILLER
OF CALIFORNIA

Mr. GEORGE MILLER of California.
Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GEORGE MILLER
of California:

At the end of the bill, add the following:

DIVISION C—ADDITIONAL GENERAL
PROVISIONS

SEC. _____. None of the funds made available under the heading "Community Development Fund" in chapter 14 of division B may be used to carry out the first proviso, or any activity (except community development that provides public services for employment and health as described in section 105 of the Housing and Community Development Act of 1974 (42 U.S.C. 5305) that are wage supplements and health insurance assistance to unemployed workers), under such heading.

Mr. GEORGE MILLER of California (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ROGERS of Kentucky. Mr. Chairman, I ask unanimous consent that debate on this amendment and any amendments thereto be limited to 60 minutes, to be equally divided and controlled by the proponent and an opponent.

Mr. GEORGE MILLER of California. Mr. Chairman, reserving the right to object, I have a lot of people who said they want to speak. Could I ask that we do that after we have our opening statements. I think I will only take 3 or 4 minutes.

Mr. ROGERS of Kentucky. Mr. Chairman, I think the agreement was for 60 minutes.

Mr. GEORGE MILLER of California. I understand that; 30 minutes a side, as I understand it. I would like to make my opening remarks, and then have the time limit take effect. If the gentleman wants to do the same on his side, we would have maybe 70 minutes. It may not be that long. I do not know if Members will come to the floor or not who said they want to speak.

Mr. ROGERS of Kentucky. My understanding was the agreement was 60 minutes total.

Mr. GEORGE MILLER of California. I am asking if the gentleman would amend that to let the opening statements be made by myself and by the gentleman and then have the 60 minutes.

Mr. ROGERS of Kentucky. Will the gentleman take approximately 5 minutes?

Mr. GEORGE MILLER of California. I think so.

Mr. ROGERS of Kentucky. I would be willing to amend the unanimous consent request so that after the gentleman has a 5-minute opening statement, then the 60-minute clock would start to run.

Mr. GEORGE MILLER of California. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The CHAIRMAN. The gentleman from California (Mr. GEORGE MILLER) is recognized for 5 minutes.

Mr. GEORGE MILLER of California. Mr. Chairman, I thank the gentleman for his agreement on the time, and I appreciate the additional time.

Mr. Chairman, this is a very difficult amendment to offer, but it is a very essential amendment to offer for a number of reasons. First and foremost, those of us who represent States and localities that have suffered dramatic increases in unemployment, both before and since September 11, with people who are unemployed and were hoping to get a job, who had their chances of a job being secured greatly diminished because of the September 11 attacks, and those who were immediately unemployed after September 11, we have an obligation to those people to make sure that money will be available to help with extended unemployment benefits, unemployment benefits, COBRA benefits or health care supplements; and that is what this amendment does.

What this amendment does is essentially try and reverse what the amendment of the gentleman from New York (Mr. WALSH) did that was made in order as part of the rule which gathered up unemployment funds from all across the country and then said we are

going to give these to New York to use for whatever purposes they seek to do that through the Community Development Block Grant.

This is also a very important amendment, because I think it helps to make a point, and that is that what happened in New York, what happened to the people of New York, to the State of New York, what happened in Virginia, what happened in Pennsylvania, was completely unanticipated, unknown by anybody and an emergency; and when the New York delegation from the Senate and the House asked for \$20 billion, the President looked them in the eye and said, you have got it.

Now we find out he said, you got it, sort of; and today we find out he said, you got it, but you got to go take it from all the unemployed people in the rest of the country.

That is not what America expects us to do in response to the tragedy of New York. They expect us to deal with New York and to deal with the needs of this country. As they see more of their friends and neighbors becoming unemployed, they expect us to help those individuals, not steal their unemployment in the middle of the night and give it to New York.

We want to help New York. We have all voted to help New York, and we are going to continue to vote to help New York. But what has happened with this amendment has put New York in a terrible position, because our friends and colleagues from New York who are desperately in need now finally have to look us in the face and say we have no alternative. We did not do this amendment. They took this money from you. They made this in order. This was not a matter of debate. They came around and picked it up.

Now, let us understand what this amendment does. This amendment completely ignores what the Secretary of Labor told our committee when she came before our committee. Every issue that we asked her about, the unemployment crisis in this country, the decline in the economy, September 11, her answer was we have a block grant that we are going to give to the Governors, and the Governors can take care of health care, take care of unemployment. They can extend benefits. They can do everything.

Now we find out that \$1.8 billion has been taken out of that block grant. So if you are in California, where parts of our economy have been devastated because of the lack of travel, San Francisco, Los Angeles, Disneyland, Orange County, we lose \$220 million. If you are from North Carolina, where people have been unemployed because of the problems with U.S. Air, the hospitality interests on the Outer Banks, they lose \$54 million. The State of Washington, where the Boeing employees were hit immediately, were unemployed, what do we do in the State of Washington?

They lose \$53 million. Hawaii, where almost instantaneously people were laid off because people stopped flying to Hawaii, people looking for jobs, low-wage jobs, people without a cushion, what did we do to Hawaii? We take 20 million of their dollars.

It is simply not fair, and it is not right. It is not fair to New York to put the citizens of New York, the Representatives of New York and the victims of New York in this position, where they have to suggest that the only way they can be taken care of is to harm somebody else.

These are people who have lost their jobs and continue to lose their jobs. The number of people who are running out of unemployment grew more than 60 percent in the third quarter over third quarter from year 2000 to this year. In Michigan it is up 88 percent; Indiana, 91 percent; North Carolina, 94 percent; Tennessee, 68 percent; Colorado, 65 percent.

So, as people who are going on unemployment at record rates, the demise in the economy, and people who are on unemployment but losing their benefits at record rates, the answer in this legislation is to take away the money that the Governors could use to try to help them pay for the health insurance, to extend their unemployment benefits, to provide them unemployment benefits if they do not qualify.

That is the challenge of the Walsh amendment. That is the unfairness of the Walsh amendment. That is the unfairness of this bill, that we would take one group of Americans who may be in the process of losing their children's education, losing their car, losing their home, and we would say to them, rather than take care of you too, we are going to take what you desperately need, you desperately need for your family, and we are going to move that over to New York.

Then to New York we say we are helping you, but we had to take it from millions of other Americans who are in desperate trouble; in many instances, Americans that are in trouble, that lost their economic livelihood. Within days of this vicious attack on the World Trade Center, on the Pentagon, within days they became unemployed, because people realized that people were not going to get back on the airplanes.

So what do we do with these people that were working at the airports, working at the hotels, working in the restaurant industry? We told them a couple of months ago, the Secretary of Labor said we are going to give the money necessary; the Governors are going to have it. But now what has happened in this bill with the acceptance of the Walsh amendment is we have gone out and gathered all of that money up.

We cannot let that be the legacy of this Congress. We cannot help the vic-

tims of New York by creating victims in California, by creating victims in Hawaii, by creating victims in Wisconsin, by creating victims in Minnesota, where hundreds of thousands of people are now unemployed there because of the layoffs, with the layoffs of Northwest Airlines, the decline and cutbacks in the routes, with people in Minneapolis-St. Paul who do not have jobs. Do we really think that we can transfer their misery to New York and make New York whole? Of course we cannot. Of course we cannot.

That is why the President, in the heat of the moment, in the emotion of the moment, when the New York Senators, Senator SCHUMER and Senator CLINTON, asked him for the \$20 billion in front of everybody in the Cabinet Room, said, you got it. Because he knew this was an extraordinary event in the history of this country; that there was the only way we could deal with it, and that was to take care of this problem.

Did the President really mean you got it, but you got to get it from somebody who has been unemployed because of the same tragedy? You have got to get it from somebody who has lost their health care coverage because of the same tragedy? I do not think so. I do not think he meant to take \$141 million from the State of Florida that would go to cover their health care, go to extend their unemployment benefits, a State that has been devastated, again, because of its reliance on tourism and hospitality. I do not think that is what the President meant. But that is the policy that is being carried out here.

I would urge my colleagues to vote for this amendment. The money, the money for New York has been appropriated. It is available. It simply has been impounded. It has been impounded by this President and this administration until such time. And the answer to that impoundment is not to make the life of the unemployed more miserable to help New York; it is to take care of New York, and to take care of the unemployed and those without health insurance because they are unemployed in this country.

Mr. Chairman, I reserve the balance of my time.

Mr. WALSH. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from New York is recognized for 30 minutes.

Mr. WALSH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I thank Members for this important debate about the future of our State and the great City of New York.

The amendment that is being debated today, right now, that the gentleman from California has offered, would take approximately \$1.8 billion of the funds that were reallocated in an agreement

we reached with the White House, take almost \$2 billion out of the Community Development Block Grant program, away from New York, and spread it around to the rest of the country.

It does not re-create the national emergency grants that the administration initially provided. This keeps it within the Community Development Block Grant program, but it also takes away the waivers that we had provided for New York so that those waivers would not be available either in New York or the rest of the country.

Why is that important? Well, I think it is pretty obvious to all of us that we have a two-front war going on right now, Afghanistan and the United States.

□ 2000

In Afghanistan we have been seeing all the battlegrounds as the battle has progressed. In the United States, we all know what the battleground was; it was New York City and the Pentagon. The Pentagon is being rebuilt. We are working on a defense appropriations bill today that provides over \$300 billion in the defense budget, and there are further funds within the supplemental to fight the war and to rebuild the Pentagon and to conduct our military action.

New York City took a direct hit on September 11. Not only was the World Trade Center destroyed and thousands of people died, but hundreds of thousands of people have been affected in that immediate area. I talked with people in the last number of weeks who still do not have telephone service, who cannot get to their apartments or their businesses by public transportation. There is no one else in the country in that situation right now.

What we did was we tried to attach funds that would otherwise have gone to the rest of the country in anticipation of serious unemployment dislocation. The stimulus package that is being discussed in the House and in the Senate deals directly with unemployment issues. We tried to add to this appropriations bill unemployment insurance benefits and COBRA benefits to provide for health care for those workers who were dislocated and lost their health care. It belongs in the stimulus package. That is where the debate has centered, and both the House and the Senate deal with that, with those issues, in the stimulus package. Indeed, these national emergency grants were authorized by that stimulus package bill. So the \$1.5 billion or the total amount of funds, the \$3 billion, is unauthorized.

When we designated, redesignated these funds as community development block grant funds, we also redesignated about a half billion dollars in FEMA funds to provide New York City with \$2.5 billion in community development block grant funds. Those funds are the

most flexible, the most readily available, and most important dollars that we could send to New York City at this time. Why? Because of the thousands of people who live in those neighborhoods and the thousands of businesses that conduct their business and employ people and put bread on the table, there is no other way to affect those decisions that are being made that the Federal Government can do right now.

I think most people understand that CDBG funds are flexible; they can be applied to individual situations, for businesses, for residences; those funds can be used to build public infrastructure, to approve parks, to provide curbs and streets that were destroyed, to build water systems, public utilities. That is why we went after those funds. We have heard today, clearly, that New York City did not get all the funds that were promised and have not received all the funds that were promised. We had to take, I think, dramatic action to show the administration that these funds were needed and they were needed right now, and they agreed to this. And I think the administration was reticent about this, but they acceded to our desires.

The key to this whole thing is putting New York City back together again as quickly as possible. There is no better way to do it than to utilize these funds, these community development block grant funds. If the Congress supports what the gentleman from California wants to do, which basically plays the entire country against New York, it will hurt New York very deeply for a second time. Because right now, people are beginning to understand what this action that we have taken accomplishes: that those businesses who want to stay in New York but need incentives, they need to help put their storefronts back together again, they need to get their communications systems redesigned; they need to buy new communications systems and new point-of-sale equipment for their stores; they need to help their employees to get back on their feet.

Quite frankly, I say to my colleagues, this is about putting a neighborhood back together. No American could or should or would want to deny the people of New York, of lower Manhattan, of the neighborhoods of Chinatown and Soho and Chelsea and Battery Park, and that magnificent area which was really one of the real centers of the beginning of this country; that is where the island of Manhattan was first settled. We are trying to put that neighborhood back together. We have taken dramatic action to try to do that.

I promise that if this amendment is defeated, and I hope that it will be and I believe that it will be, that I will work with my colleagues on both sides of the aisle, as I have thus far, to make sure that any workers who have been

displaced or suffered a loss of a job because of that attack on September 11 will have the full force and strength of the Federal Government behind them in making sure that their unemployment insurance benefits, their health care benefits, their retraining, is supported by the Federal Government.

Mr. Chairman, there is one aspect of this that the gentleman has not mentioned. There is \$175 million of funds in here that would go towards refueling the Workers' Compensation Fund. Why is that important? Because hundreds and hundreds of workers have been injured, were injured in the attack and have been injured in the subsequent rubble removal and in the search and rescue processes that took place. This is a dangerous place. There are still toxins in the area from that attack. Those funds, the workers' compensation funds and another \$30 million or \$40 million for worker retraining to help those workers dramatically and directly affected in New York, in no place have they been affected as they were in New York, to give those people a chance to learn a new job.

So I say to my colleagues, I would implore them, please, please do not accept this amendment. Please reject it. New York has suffered enough. This gives us an opportunity to help, to show the people of lower Manhattan and the rest of that magnificent island the concern that the country has for them. Do not play America against New York. I think America is squarely behind New York. This is a divide-and-conquer strategy that the gentleman from California has offered. I strongly urge that we reject it. Stick with the bill as it stands. Let the bill go forward and let us try to work for the rest of the country's benefit as we go forward.

Mr. Chairman, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield myself 30 seconds just to say when the gentleman says that we are taking the money back that he took to New York out of all of the other unemployment funds and he says we did not do it in a technical way with the waivers, it is a little bit like a person who robbed my wallet and then when I took it back, he says I put it in the wrong pocket. No, it is my wallet. And these benefits go to the unemployed. This is not about divide and conquer. This is about this country meeting its obligation to New York and to unemployed Americans, and we can do both.

Mr. Chairman, I yield 4 minutes to the gentleman from Washington (Mr. McDERMOTT).

Mr. McDERMOTT. Mr. Chairman, I thank the gentleman for the time.

I hope the gentleman from New York will understand, but we do not accept his promise. The President promised \$20 billion. The Speaker stood right over there and said that when we did

the airline bailout bill, we would take care of the workers.

Now, there are 8 million people in this country unemployed. There are 137,000 in the transportation industry. What have we done for them? Nothing. There are 136,000 in the hospitality industry, nothing; 57,000 in communications, 226,000 in manufacturing, 14,000 in retail, 44,000 in the service industry, 30,000 Boeing employees are being laid off, and we cannot get any more out of this House than \$12 billion out of \$150 billion stimulus package out of the Committee on Ways and Means, not directed to any new money. We sent it over to the Senate and that stimulus bill is on life support. We have done nothing for workers in this country.

Now, are we in trouble? The overall jobless rate jumped from 4.9 to 5.4 percent in October, in one month. Washington State went from 5.1 percent to 6.1 percent. That is a 20 percent jump in 30 days. New York, Illinois, West Virginia, Texas, do not even have money in their unemployment funds to pay 6 months' worth of benefits, and we have 19 more States that do not have enough for an entire year. That does not reflect the real nature of the problem.

Mr. Chairman, we had over the last 10 years such a good economy, we have eroded the funds in every State. Today, The New York Times says, 30 States are looking at cutting their budgets in the next session, or doing it right now. Maine is \$250,000, Connecticut just had a session for \$300 million. So we are doing it all across the country. My State is looking at a \$1.2 billion cut in the State budget.

So the government puts the money out, the Governor reaches for it, and it is gone. It is gone in Washington State, it is gone in California. And then the height of this whole financial baloney is that stimulus package we put out of here.

Now, the gentleman from New York says it is the only thing we could do. It was the only way we could handle this issue. You voted on the floor of this House to give \$25 billion in AMT relief to companies that paid it back to 1986. That \$25 billion in and of itself would deal with New York, if my colleagues were serious about New York. There is not a single one of us out here that is not in favor of doing something about New York, and I resent being made out to be me against New York because I argue for the State of Washington, or the gentleman from California (Mr. MILLER) argues for California, or the gentleman from Hawaii (Mr. ABERCROMBIE) argues for Hawaii.

We are supportive of New York, and we had another way to do it, and my colleagues promised it, the President promised it, the Speaker promised it, and we have not done anything. Now we pass a bill and we say well, we are sorry, but we saw that money there

and it had not been spent yet because the Governors in the State legislatures had not figured out how to do it, so we are going to sneak it away before they know it is gone. And we promise you, we will come back and fix it.

Nobody in here is going to hold their breath until that stimulus bill passes out of the House. Vote for the Miller amendment.

Mr. WALSH. Mr. Chairman, I yield myself 30 seconds just to respond quickly. No New Yorker offered an amendment to take funds back from California when the Northridge earthquake hit, and no New Yorker offered an amendment to take back funds when the Mount Saint Helens disaster occurred. I think we have always been forthcoming in our support for the rest of the country. This is our difficult time.

Mr. Chairman, I yield 5 minutes to the distinguished gentleman from New York (Mr. SERRANO), a member of the Committee on Appropriations.

Mr. SERRANO. Mr. Chairman, I thank the gentleman from upstate New York for his support.

Let me first do what so many of my colleagues have done, and that is to thank the gentleman from New York (Mr. WALSH) for really being our leader and trying to get what was rightfully ours and to try to keep to the promise that was made from the White House. Somewhere along the way the gentleman from New York (Mr. WALSH) had to do what many people felt he had to do, which we disagreed with, some members of the delegation, which was to agree to this and present it to us.

Let me also say that I understand the gentleman from California's statement. He is doing for his State no different than what I and the gentleman from New York (Mr. WALSH) have been trying to do for our State. He sees harm coming, and he is trying to stop it.

But the gentleman from California (Mr. MILLER) makes the point that I have been trying to make for the last 2 weeks, better perhaps than I have made it, and that is that the fight is already on between New York and other States based not only on this amount, but on the promise for all the money that is supposed to come in the spring. If my colleagues think this is going to be a difficult debate, imagine what it is going to be in April and in May when we try to take money, as I have said, out of the FBI and the INS and the Justice Department, and the State Department, and the war and defense, and all other departments and issues, to give to New York based on the promise that if we do not abide by the law now, the money will be coming in the spring.

□ 2015

Now, we have a couple of problems here. One of them is that we had allies in this fight. The allies have abandoned us.

Now, we know that one of the most difficult things to do in politics or in government is to take on a popular person at the top of his popularity. Mayor Giuliani is riding a wave of popularity. But he was in this fight with us from the beginning, and he took a walk on us. He said, Guys, girls, do not pester the President. You will get the money in the spring.

Number one, in the spring he is not going to be around to use the force of his popularity to get us the money. Michael Bloomberg will be around; and he will be trying to get this money, which will not be coming.

Secondly, by saying that, he pulled the rug from under the floor of the gentleman from New York (Mr. WALSH) and the gentleman from New York (Mr. SWEENEY), all the members of the New York delegation. That is part of our problem.

Mr. Chairman, this is a difficult situation to be in. I spent all week telling Members how bad the Walsh agreement was; and now I am here telling Members, do not get rid of the Walsh agreement because it is the only thing we have.

But at the same time, it continues to make the point that someone put us in this situation. Someone already pitted 49 States and some territories against New York, and this was not what it was all about. It was about one part of America getting hit as a symbol of what we were all about, and the enemy wanted to hit that part of America. It was about a situation where the President and the Committee on Appropriations said, Whatever it takes, and whatever it takes did not even come to be.

Mr. Chairman, if we can only realize that the Walsh agreement is the only thing that we have. So I would beg my colleagues, do not hurt us anymore. We are not going to get the money in the spring. We have been done in. We have been lied to. In fact, if New York newspapers were not so supportive of the Republican Presidents, the 1970s headline could come back, "Bush to New York City: Drop Dead," the way it is set forth to New York City. We were never going to see that, but that is where we are going.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. SERRANO. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, I appreciate the gentleman yielding.

I was going to follow on the gentleman's statement with one about California. In the past, we have had disasters. The fact that we have come together in the past without worrying about one State versus another, it seems to me we should operate with great care in disasters like this and help one another for the strength of the country.

Mr. SERRANO. Reclaiming my time, it was not this side, with all due respect, that put us in this situation. It was the gentleman's administration that did not keep the promise. That is why we are here. That is why the gentleman from New York (Mr. WALSH) is in this situation and we have to find ourselves in this situation.

So again, to the gentleman from California (Mr. GEORGE MILLER), I understand what he is doing. We would do the same thing in New York if we were caught up. But sooner or later, people are going to realize that New York, as the gentleman from New York (Mr. HINCHEY) has said, was the scene of the crime, but the attack was on America, and the people who died and were suffering and the economy that was devastated needs our help.

This is a way to start getting some help, but the real help will probably never come. I ask Members to keep that in mind when they vote tonight.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Chairman, what happened to New York was a terrible thing. When it happened, I was one of the four people in this Congress who helped negotiate a \$20 billion what I thought was a rock hard commitment to New York to deal with the problems.

Since then, the administration has tried to change the deal. Some people in the Congress have been trying to fix it.

There is a right way and a wrong way to fix that problem. The wrong way is to try to fix it by stealing money from unemployed people in other States in the Union, which is what the arrangement was.

What happened is that the administration's original \$20 billion commitment has been chiseled down to \$10 billion or so in this bill. Then, when there was a public eruption about that, the White House worked out a deal to take \$2 billion, which had originally been requested by the President to help unemployed people in all 50 States in the Union, and instead, they moved that money only to help New York.

That solved New York's problem only partially. It still leaves New York over \$8 billion short. What it does to my State is take approximately \$33 million away from unemployed people in my State. It does the same thing in Minnesota. That is on top of what the majority has already done to my State by their tax bill.

My new Republican Governor in Wisconsin indicates that the actions of the Republican House tax bill will cost Wisconsin an extra \$300 million on its State deficit. Now, how many times do they have to punch other States in the solar plexus in order to cover up the fact that they are welshing on the deal to New York? That is what they are doing, they are compounding the number of victims.

In the end, they are not solving New York's problem, and all they are doing is making the problems of the rest of the States worse. Shame on people who do things like that. In this town and in this body, one's word is supposed to be one's bond. I think we ought to return to that understanding.

Mr. WALSH. Mr. Chairman, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 3 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Chairman, I believe that every single Member, and if not every single Member, almost every Member of this body went to visit Ground Zero. We stood there with our hard hats, maybe some were photographed. We were in shock and disbelief. We pledged our support to New York. We said we felt New York's pain and that we would make good.

Feeling New York's pain and not doing what we need to do about it, which is what this administration has done, is a classic bait and switch.

At Ground Zero, surrounded by firefighters and police officers, the President promised to make funding available to assist families, workers, and businesses whose lives were permanently damaged by the events of September 11. This amendment would return funding back to State unemployment and health programs that was taken away in a disingenuous effort to help New York in its greatest hour of need.

I sat in a room with the members of the Committee on Appropriations, along with New York, along with Connecticut and New Jersey and Pennsylvania, to talk about how in fact we were united in helping the New York situation and the individuals who lost everything on September 11. We pledged to work at that.

So this is not directed at my colleagues in New York, to take their money away. This is a sham, what has been done here tonight. What we find out is that the money comes out of funds that were supposed to go to the other 49 States.

I will tell the Members, this is nothing new, because in the economic stimulus package that was proposed by the majority, the health care money that is proposed to go to people who are unemployed and who have lost their health care benefits, that money is coming from the Children's Health Insurance Program, Mr. Chairman. We are taking children's health insurance money from the States; and we are saying, take that money and pay for the health care of workers who are out of work.

Mr. Chairman, this is another bait and switch, nothing new by this majority. These funds would have helped American families hit by the post-September 11 recession, helped to restore

them some security they have lost. It comes out of unemployment; it comes out of health care.

We are charged with the responsibility to help each and every American, to heal the wounds of September 11 and return security to all parts of their lives. We must rebuild the confidence of the American people. Together, we are obligated to make this happen.

We provided today that opportunity not to make this happen. We said, take the money from all 49 States and give it to New York, and the rest, go figure it out. Mr. Chairman, I ask Members to support this amendment and please turn this sham around.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK. Mr. Chairman, the gentleman from New York has said that he is unhappy to some extent that money must come from money set aside for pressing social needs in other States, but there is no alternative. Harry Houdini had a trick. He would have other people tie him in knots, and his trick was to get out of the knots.

What we sometimes see in the legislature is the reverse Houdini. That is the process by which one ties oneself in knots and says, gee, I am sorry, I have to do this because I am all tied up in knots.

The people who voted for this rule pulled a reverse Houdini. They tied themselves in knots. They prevented the House from being able to vote a genuine, honest meaning of the commitment.

People say, well, do other States not want to give to New York? Yes, I have people in Massachusetts who want to give to New York, but they are not the unemployed. This is not a case of one State to another. This is a case of going to the very poorest people, the people who have also been hurt. This is victimology, comparative victimology.

They want to help New York, I want to help New York, so how about helping New York, instead of helping IBM by repealing the corporate minimum tax for \$1.4 billion? We could help New York just with one piece of the give-away tax bill.

First they vote to reduce taxes on the wealthiest people in the country, without any incentive to invest. Then they vote for a rule which allows the President to get out from under his promise.

I am not defending Massachusetts. I do not believe in State sovereignty. I am not one of those five Members of the Supreme Court who is trying to rewrite the Constitution to dismantle the Union. I am not here defending a corporate State called Massachusetts. I am here talking about people who may have lost their health care in Massachusetts, Wyoming or anywhere else. I am talking about people who have been thrown out of work.

They are the ones, those who voted for this rule, and I know, they went through the dance, they voted present for a while, and, great suspense, the members of the Committee on Appropriations voted present. We held our breath, the world wondered what would happen; and surprise, surprise, they caved in.

And having caved in and having helped denude New York of the money the President had promised, they then say, hey, let us all be generous and go after people who have been unemployed, people who have lost their health care, and let us feel good about the fact that we are taking it from them.

We have to understand, that is what it is, that it is easy to be charitable with other people's money. It is easy to be charitable with the money of the poor. I understand New York is now in need, and in need not through its fault; but it is kind of liking walking down the street and there is somebody who has lost his job, he is homeless, he asks for some money. What do we do? Go over to some other poor old lady and take 5 bucks off her and give it to him and we feel generous.

That is what they have done here, reduced taxes on people who make \$1 billion a year, give profitable corporations billions and billions of dollars in aid; and then, when they are stuck because they have an administration that is unwilling to live up to its own promise, when they are stuck with trying to give New York, and by the way, we are not the ones who want to give New York 10 percent of what they are promised. When they are stuck with that, they say hey, we have a great idea. You know those unemployed people in other States, those people who do not have any health care? Let us give them a chance to feel good.

I suppose the theory is that these poor people are hurt economically, they do not have jobs or health care; but they will do them a good big favor, they will let them feel noble. They will single them out for an involuntary charitable deduction.

Mr. WALSH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, oh, to have the prestidigitation skills of Houdini, or the rhetorical skills of the gentleman from Massachusetts (Mr. FRANK).

But the fact of the matter is, Mr. Chairman, if Members support this amendment, they will hurt New York. If Members listen to the Members of the New York delegation, they will tell us that this amendment clearly will hurt New York, and no State nor any American city has suffered as New York has.

Mr. Chairman, this is a hurtful debate for New York. We are very concerned, quite frankly, about what happens down the road, as my colleague, the gentleman from New York (Mr.

SERRANO), mentioned. We will have to come back to the Congress for additional help, clearly. Just as the country came back to the Congress and the Congress developed I believe it was seven or eight supplementals after the Pearl Harbor attack, we will have to come back for additional supplementals.

This debate that I see here today tells me it is going to be very difficult for New York to gather its strength and its support from across the Nation to continue the help that we need.

□ 2030

But need it we will. And here we will come. And we will ask our colleagues from California and Washington and Massachusetts and Wisconsin and the rest of the States around this great country to help us.

We are not doing anything to hurt the rest of the country. These issues will be dealt with in a stimulus package. If they are not dealt with in a stimulus package, they will be dealt with in subsequent supplementals also. Please, if Members want to help New York, oppose this amendment. Stay with the New York delegation, the bipartisan New York delegation, and oppose this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chairman, may I inquire how much time is remaining?

The CHAIRMAN. Each side has 13½ minutes remaining.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Chairman, we must restore funding for all unemployed workers across our Nation. We have to provide income assistance and health premiums. It absolutely dumbfounds me that we would take away this aid for all unemployed workers to make up for a failed promise by our President to New York.

We are all sympathetic. This is not about taking away something from New York. This is about making the promise to New York for \$20 billion, but not robbing Peter to pay Paul. Instead of New York's \$20 million commitment being failed, we should pay for that and fulfill President Bush's original promise to provide for community block grants so we can expand unemployment benefits, pay for health insurance premiums, or otherwise help families displaced by recession-related impacts across this Nation due too September 11 and before that.

Without the Miller amendment, my State of California will lose about \$220 million that is needed to extend unemployment insurance. Yet California's economy is also suffering from the economic effects of the 11th of September.

Mr. Chairman, I urge my colleagues, stand up for all unemployed Americans and their families. All of them deserve your help. All of them deserve unemployment assistance and health care benefits and we can do that by voting for the Miller amendment.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Chairman, I thank my friend for yielding me time.

I rise not to in any way be unfair to the people of New York. I rise to support this amendment to be fair to people throughout this country. If we stand in Jersey City, New Jersey, we can look across the river and see Lower Manhattan. It is about a 5-minute boat ride from Jersey City to Lower Manhattan.

The absurdity of the underlying bill if we do not pass the Miller amendment is this: a worker who lives in Jersey City who lost her job or his job on September 11 because their business was destroyed in the attack, will get no additional unemployment benefits or health benefits. But a worker on the other side of the river who happens to live in Lower Manhattan, would be entitled to get additional unemployment or health benefits if the money is used for that purpose.

A river should not divide us. This bill should not divide us. We should not have to choose between honoring our promise to the people of New York City and honoring our obligation to unemployed people all across this country.

The rule for this bill should have permitted us to address both of those concerns. It did not. Fairness dictates, however, that we address the concerns of unemployed Americans across the Hudson River and around the country and adopt the Miller amendment so that unemployed Americans everywhere can receive fair treatment from this Congress tonight. I urge a vote in favor of the Miller amendment.

Mr. WALSH. Mr. Chairman, I yield myself such time as I may consume.

Just to respond to my good friend and colleague, the gentleman from New Jersey (Mr. ANDREWS), I just want to be clear that under the structure that we are discussing, either under the Miller amendment or the existing structure of the bill, the workers in New York and New Jersey will be treated equally. There is no difference. There is no additional money in the amendment that I offered that was made whole in the rule that would treat New Yorkers any better than those in New Jersey or Connecticut. So I think we really need to make that clear to everyone, and hopefully they will consider that when they consider voting against the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 3 minutes to the

gentleman from Hawaii (Mr. ABERCROMBIE).

Mr. ABERCROMBIE. Mr. Chairman, our good friend, the gentleman from New York (Mr. WALSH), has a lot of good things said about him. How fast it goes, does it not?

Just a few minutes ago we were over here talking in the Committee on Appropriations how we were trying to work this out, and now the gentleman finds himself in this position. You notice how lonely he is over there. Notice how people are not rushing down here to defend this position.

Now we can understand that. We are all legislators here. But let us go over what is taking place here. There is a victory for the forces that attacked us if we are able to be divided this way.

I am here to state that this is politics. We need to vote this amendment for the reason that these folks brought up over here and that they are valiantly defending over here.

Supplementals. If we can handle it by supplementals, and the gentleman from New York (Mr. WALSH) is reduced to the position of saying, look, we are not trying to hurt anybody else, even though that is what the result is going to be. Let us do it by supplemental. Let us deal with that because the revenues are going down all over the country, and it does not matter whether you are Republican or you are a Democrat. But I will state this, if this Miller amendment fails, it will be a bell ringer in the arguments that are going to be made in the next fall in the elections. And some of the people that have been supporting folks on the other side of the aisle, believe me, are going to find themselves in a very difficult political position. And that position will be how is it possible that a promise could be made that all of us are supposed to pull together, Democrat and Republican, but we are hurting the very people at the grassroots that are supporting this war effort.

These are unemployed. I am taking this from the preliminary monthly report of the Bureau of Labor Statistics. And the people of New York are going to get hurt in the sense that they get \$60 million, but the people in New Jersey or Hawaii, my people, and I note in passing December 7 was brought up here. I ought to know about that. And we dealt with that with supplementals. How is it possible for us to attack the unemployed in order to pay for a political strategy over here with respect to the supplemental budget that we are supposed to put forward, the stimulus?

How is it possible that we could attack our own people? We are eviscerating ourselves. We are devouring ourselves in order to get behind a political strategy that is going to be a loser for my colleagues. I guarantee my colleagues this, there is not a person on that side of the aisle that supports the position of trying to defeat the Miller

amendment that could stand up to anybody in any neighborhood board meeting, in any community meeting and defend that position.

Let us vote for the Miller amendment if my colleagues want to be here next year and they want to be here defending the interests of the American people

rather than the interests of American corporations that are trying to take advantage of us.

DISTRIBUTION OF \$1.5 BILLION IN NATIONAL EMERGENCY GRANT FUNDS BASED ON STATE SHARE OF INCREASED UNEMPLOYMENT SINCE 9/11

	Average number of unemployed for Aug/Sept	Number of unemployed for October	Increase in number of unemployed	Percent of total increase in unemployed (among States with increase)	Allocation of \$1.5 b. of NEG grants based on share of increase unemployed
California	1,214,800	1,284,400	69,600	14.7	\$220,742,150
Florida	340,250	384,900	44,650	9.4	141,611,164
Texas	530,800	555,800	25,000	5.3	79,289,565
Virginia	114,150	136,400	22,250	4.7	70,567,713
Arizona	108,550	128,300	19,750	4.2	62,638,757
New York	644,850	664,000	19,150	4.0	60,735,807
Indiana	130,550	148,800	18,250	3.9	57,881,383
North Carolina	206,150	223,300	17,150	3.6	54,392,642
Washington	183,150	200,100	16,950	3.6	53,758,325
New Jersey	187,050	203,300	16,250	3.4	51,538,218
Nevada	49,850	66,100	16,250	3.4	51,538,218
Colorado	85,250	99,300	14,050	3.0	44,560,736
Pennsylvania	287,650	301,300	13,650	2.9	43,292,103
Georgia	158,350	171,000	12,650	2.7	40,120,520
Maryland	115,400	127,700	12,300	2.6	39,010,466
Tennessee	116,750	128,700	11,950	2.5	37,900,412
Louisiana	103,300	115,000	11,700	2.5	37,107,517
Michigan	267,550	278,900	11,350	2.4	35,997,463
Missouri	121,500	132,200	10,700	2.3	33,935,934
Wisconsin	126,650	137,200	10,550	2.2	33,460,197
Massachusetts	131,100	140,100	9,000	1.9	28,544,244
Alabama	105,100	114,000	8,900	1.9	28,227,085
Ohio	254,550	262,300	7,750	1.6	24,579,765
Minnesota	97,100	103,700	6,600	1.4	20,932,445
South Carolina	104,600	111,000	6,400	1.4	20,298,129
Hawaii	26,150	32,500	6,350	1.3	20,139,550
Oklahoma	56,550	62,600	6,050	1.3	19,188,075
Oregon	114,900	118,900	4,000	0.8	12,686,330
Illinois	350,150	353,700	3,550	0.8	11,259,118
Iowa	50,750	54,300	3,550	0.8	11,259,118
Kansas	54,450	57,900	3,450	0.7	10,941,960
Mississippi	66,750	70,100	3,350	0.7	10,624,802
Kentucky	98,050	101,100	3,050	0.6	9,673,327
Utah	46,000	48,400	2,400	0.5	7,611,798
New Mexico	47,850	49,500	1,650	0.3	5,233,111
Maine	28,550	29,600	1,050	0.2	3,330,162
Idaho	32,500	33,400	900	0.2	2,854,424
South Dakota	11,900	12,700	800	0.2	2,537,266
Total	6,769,550	7,242,500	472,950	100.0	1,500,000,000

Mr. WALSH. Mr. Chairman, I reserve my time.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina (Mr. WATT).

Mr. WATT of North Carolina. Mr. Chairman, in North Carolina our State legislature is still in legislative session in the longest legislative session in the history of North Carolina. It started the year with a budget deficit of over \$300 million and a constitutional requirement of a balanced budget. After September 11, and after the State legislature had found a way to balance the budget, September 11 hit and they had to face another set of projections that threw the budget out of balance again. They are still there trying to solve this problem.

Now we are told that the poor people, the unemployed people of North Carolina, are going to be taxed an additional \$54 million out of their unemployment benefits for the purposes of New York. The people of North Carolina do not mind supporting the people of New York. People who have income would readily do that. I talk to them all the time, but it is patently unfair to ask unemployed people to give \$54 million from North Carolina, unemployed people in North Carolina, when we have suffered the same impact from the same set of events.

U.S. Air has a hub in Charlotte. It flies out of Reagan National to Charlotte. It laid off thousands of people after September 11. Those people need the unemployment benefits just like New York needs these funds. We should adopt the Miller amendment.

Mr. GEORGE MILLER of California. Mr. Chairman, may I inquire how much time I have.

The CHAIRMAN. The gentleman from California (Mr. GEORGE MILLER) has 4½ minutes remaining. The gentleman from New York (Mr. WALSH) has 13 minutes remaining.

Mr. GEORGE MILLER of California. Mr. Chairman, if I might inquire, I am the only speaker left.

Mr. WALSH. Mr. Chairman, no one else has requested time.

Mr. GEORGE MILLER of California. I will go ahead and the gentleman from New York (Mr. WALSH) will close; is that correct?

The CHAIRMAN. The gentleman from New York (Mr. WALSH) has the right to close.

Mr. WALSH. Mr. Chairman, I will reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield myself the remainder of my time.

The events of September 11 were uniquely cruel, were uniquely cruel against the victims, people who chose to do nothing more than get up and go

to work in the morning, and by the thousands they were slaughtered, unique in their cruelty, in the history of this country and the history of the world.

From the moment after September 11 and even as it was unfolding, we saw something uniquely American, and to the wonder of the rest of the world, we erased all of the boundaries, all of the characteristics, all of the identities, and we pulled together. People drove across country so they could put in a 12-hour shift; children sent money; people were out on the streets asking for help for New York. People raised billions of dollars. Uniquely American.

That is what Robert Frost wrote about, about our boldness, our greatness, our strengths, about our broad shoulders, about our integrity. That is what America saw. It saw strength and it saw compassion. It saw a sharing like we have never witnessed in this country, in this generation of those of us who are alive now. It saw people who said I will do anything to help those people in New York. People went to enlist to help the fight overseas. People gave blood. They stood in line here at the Cannon Building, stood in line to give blood, more blood than they needed. What a tribute to our country.

Now we have got to finish the job, but we have got to finish it as the

United States of America, as the American people. When we had hurricanes in Florida, we did not say to the earthquake victims in California that they must contribute, and only victims. We did not say to the victims of the floods in Texas that the people devastated by the ice storms in Maine could only contribute. We did not say to the people in the tornadoes in Kansas, in Tennessee and Arkansas that they would have to get their help from the victims of the hurricanes. No. We came and said this is an American problem, this is a natural disaster, it is an act of God and America will take care of this problem. We will all join together.

We got emergency funding for the floods in Texas, if my colleagues will remember the gentleman from Texas (Mr. DELAY) holding up the bill until it happened. Californians put their shoulders to the wheel to help the victims of Florida after Andrew. That is America.

□ 2045

It is not about making your neighbor poor. It is not about collecting only from the poorest people in the country, those who are already unemployed, who are every much a victim as the unemployed of New York due to that event. That cannot be the trust fund from which we are going to rebuild New York. No.

That is why this Congress went to the President of the United States and asked for \$20 billion. That is why this Committee on Appropriations has struggled with the issues of homeland defense. We are not going to get there by thinking we are going to move money between accounts, my colleagues.

And Americans have overwhelmingly said that they are willing to pay to rebuild this country and restore this country and to erase this scar on our landscape. They did not assign that to the unemployed. They assigned that to every American in this country. Every American in this country. That is who America assigned it to.

The gentleman from New York (Mr. WALSH) is in an untenable position. An untenable position. Why? We know the struggles that our colleagues on the Committee on Appropriations have gone through, our colleagues from New York, trying to meet these demands. We heard from the Coast Guard earlier. This is going to cost a lot of money, my colleagues, but it is about the integrity of this country. It is about the future of our families. It is about the security of our Nation.

Can we not rise to that occasion without creating new victims? Can we not rise to that occasion and defend this country and defend its families and try to provide them some income security, a little bit of health care while they are being devastated? I think we can. I think we can do this as a Congress.

I think it is important that our colleagues from New York join us in this and turn our back on this beggar-thy-neighbor policy; that somehow we can make New York whole by bringing down the unemployed in Florida or the unemployed in California. That is not the way a great Nation addresses its great problems. That is not the response we have to terrorism.

This is about our Nation, united in one step together to rebuild this country and to secure this country. And we are not going to do it on the backs of the unemployed. We should repudiate this.

Mr. WALSH. Mr. Chairman, I yield myself the balance of my time, and I wish to just clarify one point that has been made by several of the proponents of this amendment, which I think quite clearly is wrong, and that is that this amendment or that the arrangement under the current structure of the bill takes unemployment insurance benefits away. In fact, people will continue to receive their unemployment benefits.

So anyone out there who has lost their job, this bill will not take away any of their unemployment benefits. I hope people understand that. In fact, the stimulus package will extend extended unemployment insurance benefits and extend making COBRA payments to all Americans who have lost their jobs since the attack on September 11.

Mr. Chairman, I think the debate has been divisive enough, so I would like to try to end on as positive a note as I could.

I think the gentleman from California spoke about the integrity of America, the broad-shouldered approach to this disaster on the part of Americans, the sharing spirit of Americans, and I would ask my colleagues from States throughout this Nation to continue that. We need their help. We are in a difficult spot. The legislative process is unwieldy. We cannot always make things work exactly the way we want to. Sometimes we do get tied up in knots. But it is all for the right reasons, Mr. Chairman. It is all to help a city that has been hit and hit hard. As our Governor said, we have been bloodied but we are not bowed.

This is a difficult time. This is a difficult bill. But I would ask my colleagues to stay with us just this one more time. We will stand with you to make sure that your constituents, the people in your States that have lost their jobs, get the support that they deserve from the United States, from this government.

So Mr. Chairman, in conclusion, I would ask that we reject this amendment. I think it is a divisive amendment. Let us reject it. Support the bill and move this bill over to the Senate for its consideration.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. GEORGE MILLER).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. WALSH. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California (Mr. GEORGE MILLER) will be postponed.

Are there any other amendments?

AMENDMENT OFFERED BY MR. HYDE

Mr. HYDE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HYDE:

At the end of the bill, add the following:

DIVISION C—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds made available in Division A of this Act may be used to provide support or other assistance to the International Criminal Court or to any criminal investigation or other prosecutorial activity of the International Criminal Court.

Mr. HYDE (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. YOUNG of Florida. Mr. Chairman, I ask unanimous consent that debate on this amendment and any amendments thereto be limited to 10 minutes, to be equally divided and controlled by the proponent and myself.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. HYDE. Mr. Chairman, I yield myself such time as I may consume.

Mr. HYDE. Mr. Chairman, this amendment is intended to protect the men and women of our Armed Forces from the risk of criminal prosecution by the U.N. International Criminal Court.

This is a new court. It has not yet come into existence, but it predictably will, because it is getting ratification from the 60 countries that is necessary, so we should face the fact that this is going to be a reality. Now, once this court is operating, it will claim jurisdiction to prosecute the men and women of our Armed Forces, as well as officials of our government, for alleged war crimes, crimes against humanity, et cetera, even though our country has not and will not ratify the treaty establishing the court.

The court is a threat to the sovereignty of our Nation. Its claim of criminal jurisdiction over our citizens

directly conflicts with the supremacy clause of our Constitution, and any Americans prosecuted by this court will be without the protections guaranteed them by our Bill of Rights, beginning with the right to trial by jury.

For those of us who are committed to protecting our Constitution, and we have heard many such voices during our debate on the terrorism bill just a few weeks ago, the first place to begin is with the International Criminal Court.

Terrorists, like the suicide bombers who attacked our Nation on September 11, will not be deterred by the threat that if caught and successfully prosecuted they may be sentenced to life imprisonment, because that is the highest penalty the international court can impose. But U.S. military personnel and their civilian and military commanders will have to worry a great deal about the threat of criminal prosecution by the court.

As a result, if the court were in existence today, the U.S. military operations currently underway in Afghanistan would have to be reconfigured in order to avoid the risk of criminal prosecution by the court. It is imperative that we in Congress do everything within our power to ensure that our Nation's ability to respond to terrorists and others who threaten us is not circumscribed by the U.N. court operating in conflict with the Constitution.

The purpose of my amendment prohibits the use of funds appropriated in this act to support or assist any activity of the International Criminal Court. I wish the Rules of the House permitted me to offer a broader amendment, because I think it is important to permanently prohibit any form of U.S. support to or cooperation with the International Criminal Court, not just support or cooperation by the Department of Defense, but any government agency in the United States.

On September 25, the administration informed us it supports a revised version of the American Servicemembers' Protection Act that a number of us negotiated with the administration. That revised language was based on a bill, H.R. 1794, that was introduced on May 10 of this year by the gentleman from Texas (Mr. DELAY), the gentleman from Pennsylvania (Mr. MURTHA) and myself. The text of that bill was approved by the House as a floor amendment on May 10 by a vote of 282 to 137.

I hope that in conference the agreed language that we have worked out with the administration can be submitted with the text of my amendment, because I believe that our agreed language will better protect military personnel from the threat of prosecution by the International Criminal Court.

Mr. Chairman, the Constitution protects Americans. To put Americans outside the protection of the Constitu-

tion in a court that does not permit jury trials is an abandonment of one of the core indicia of citizenship. It is not a good idea, and I hope my amendment is adopted.

Mr. Chairman, I yield back the balance of my time.

Mr. YOUNG of Florida. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Chairman, I ask my colleagues to think seriously. Generally, we say, "Let Hyde be your guide."

The United Nations votes against the United States at least 90 percent of the time, even though we pay the lion's share of funding for the United Nations. On many of the key votes, we are vetoed out of the process.

I do not think any of us wants our men and women that we ask to go in harm's way in our military, or our intelligence agencies and their members, to be tried in a kangaroo court without the proper jurisdiction.

I rise in strong support of the Hyde amendment. I think it is a good amendment and it is good for our men and women both in the service and in our intelligence agencies.

Mr. YOUNG of Florida. Mr. Chairman, I yield myself the balance of my time.

I simply rise to thank the gentleman from Illinois for offering this amendment. I think it is something that we should have considered, and we are considering. We are prepared to accept this amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. HYDE).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. TOM DAVIS OF VIRGINIA

Mr. TOM DAVIS of Virginia. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TOM DAVIS of Virginia:

At the end of the bill, add the following:

DIVISION C—ADDITIONAL GENERAL PROVISIONS

SEC. _____. (a) OCCOQUAN RIVER, VIRGINIA.—The project for navigation, Occoquan Creek, Virginia, authorized by the first section of the Act entitled "An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved September 19, 1890 (26 Stat. 440), is modified to direct the Secretary of the Army—

(1) to deepen the project to a depth of 9 feet; and

(2) to widen the project between Channel Marker Number 2 and the bridge at United States Route 1 to a width of 200 feet.

(b) AVAILABILITY OF FUNDS.—Amounts appropriated to carry out the project referred to in subsection (a) by the Energy and Water Development Appropriations Act, 2001 (as enacted into law by Public Law 106-377), shall be made available to carry out the modifications to the project under subsection (a).

(c) PROJECT REDESIGNATION.—

(1) IN GENERAL.—The project referred to in subsection (a) shall be known and designated as the "project for navigation, Occoquan River, Virginia".

(2) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the project referred to in subsection (a) shall be deemed to be a reference to the "project for navigation, Occoquan River, Virginia".

Mr. TOM DAVIS of Virginia (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. OBEY. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. The gentleman from Wisconsin reserves a point of order.

Mr. DAVIS of Virginia. Mr. Chairman, this is a simple amendment that will cost the Federal Government no additional money and will provide an absolutely critical service to the people of the northern Prince William County, Virginia.

Over the past 3 years, I have been working with the Army Corps of Engineers, the Prince William County Board of Supervisors, the mayor of the town of Occoquan, several commercial interests, and recreational boaters, all in an attempt to make the navigation of the Occoquan River safer for everyone who uses it.

Last year, this Congress appropriated \$1 million from the Corps of Engineers to conduct maintenance dredging of the federally mandated channel. My amendment will alleviate the problem of maintaining the channel without costing the Federal Government any additional dollars.

□ 2100

First, it establishes deeper and wider channels that will accommodate the increased traffic on the river. Second, it redirects the funds already appropriated for maintenance dredging for this purpose. This is a project of supreme importance to the people of eastern Prince William County, Virginia. We can improve access to the Occoquan River without spending any new Federal money. I urge my colleagues to support this amendment.

Mr. OBEY. Mr. Chairman, I continue to reserve my point of order, and I move to strike the last word.

Mr. Chairman, I think the gentleman in the well is a very constructive Member, and I consider him to be a good friend of mine. I do not want to in any way prejudge this project because I do not know anything about it.

But in light of some of the things that have happened today, I want to make some observations about this project. This project was brought before the Subcommittee on Energy and

Water. That subcommittee is controlled 7 to 4 by the majority party. The subcommittee looked at it and chose not to approve it.

Now we are being asked to approve an energy and water project on a Department of Defense appropriations bill. It is what is traditionally called by some people pork because it is an individual project for an individual Member. I make no judgment about whether that is good or bad. I am not offended by pork if it is responsible. I think it is just as reasonable for Congress to designate projects as it is for the Secretary of any agency.

But I want to note that for the last 2 weeks I have been begging this House to review objectively and support a crucial amendment that would have addressed many of the crucial homeland security issues facing this country. The White House attacked that amendment for being laden with pork, although there was not a single pork item in it; and I defy anyone to show me one.

The Republican leadership in this House peddled the same misinformation to the press, that the amendment we were seeking to provide as a matter of urgent safety, they kept trying to imply to the press that it was laden with pork when in fact it had not a single pork item. They used that argument to block our ability to provide additional border security, additional port security, more help for the FBI, and a variety of other actions, including added protection against weapons-grade nuclear material.

Mr. Chairman, that is one of the reasons that it was hard for at least a week to get the press to pay attention to what was actually in our package because of the misinformation being spread about it, all under the rubric of the term "pork."

Now we are being asked to provide for a Member of the Republican leadership as an add-on to this bill an item that can only be called pork. I could object to this under the rules of the House, the very rules that denied our security amendment an opportunity to have a vote. I am not going to do that because I respect the gentleman in the well and I do not consider myself, without further study, qualified to judge the merits of this project. It is probably legitimate. I do not know.

All I know is that there is a very different standard being applied by the House leadership on this issue in comparison to the standard that was misapplied in order to make it more difficult to communicate to Members the content of our own security-related bill.

I will not, Mr. Chairman, raise the point of order that I could raise against this project. If the majority has enough chutzpah to proceed after they have pummeled us with mislabels for the past 2 weeks on an important matter of national security, so be it.

Again, I want to emphasize, I do not criticize the gentleman. He is doing for his district what he thinks is legitimate, and all of us have a right to do that and I do not condemn that project until I know more about it. But I do condemn a process that enables people to smear a legitimate amendment like ours for over 2 weeks by mislabeling it as pork when in fact we had not a single item in that amendment that in any way could be called an item of pork. Mr. Chairman, with that I withdraw my reservation of a point of order.

The CHAIRMAN. The gentleman from Wisconsin (Mr. OBEY) withdraws his point of order.

The question is on the amendment offered by the gentleman from Virginia (Mr. TOM DAVIS).

The amendment was agreed to.

Mr. YOUNG of Florida. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to yield to my colleague from North Carolina for a colloquy.

Mr. BURR of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from North Carolina.

Mr. BURR of North Carolina. Mr. Chairman, the bill we are debating today allows \$8.25 million to help replace the public broadcasting facilities that were destroyed atop the World Trade Center during the devastation of September 11 of this year.

No one disagrees that the stations in New York, both commercial and non-commercial, need to get back to the business of serving the people of the city as soon as possible. To date, however, no alternative site for the replacement broadcast towers has been located. Unfortunately, plans to build the new tower have been stalled, and it is unclear when a site will be located. Until then, it is obviously impossible for broadcasters to begin projects to rebuild the broadcast facilities and get back to reaching the full broadcast area that was served prior to September 11.

For this reason, I think it is only appropriate that NTIA refrain from granting this money to the designated stations until a proper site is secured to construct a replacement tower. I urge the NTIA to use its expertise and planning resources to help New York broadcasters with any engineering and technical decisions about the placement of the new tower. However, any actual grant of these monies should occur only after such a tower is located.

Mr. YOUNG of Florida. Mr. Chairman, reclaiming my time, I agree with the gentleman from North Carolina that the funding in this bill is for the purpose of reinstituting full broadcast service to the people of New York City. The NTIA will make the funding available to the stations as soon as the most

appropriate location of the replacement tower is secured.

Mr. Chairman, I yield to my colleague from Alabama for a brief statement.

Mr. ADERHOLT. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from Alabama.

Mr. ADERHOLT. Mr. Chairman, Johnny Michael Spann, the world found out today, is the first American known to have died in combat in Afghanistan. Having grown up in Winfield, Alabama, he served in the United States Marine Corps, and was a Central Intelligence Agency officer when he was killed during the prison riot at Mazar-e Sharif.

Winfield, Alabama, is in the congressional district I represent, and only a few miles from my hometown. I am currently preparing a resolution to honor Mr. Spann in his service for his country. He was 32 years old and a father of three, and I extend my condolences to his family, and ask that all Americans keep his family in their prayers in the days to come.

Mr. YOUNG of Florida. Mr. Chairman, I join in the statement of the gentleman from Alabama, and extend the condolences and the sympathies from this Member in the death of this heroic young American.

AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. JACKSON-LEE of Texas:

Page 142, line 23, strike the period at the end and insert ", of which \$5,000,000 is for enforcement of section 212(a)(1) of the Immigration and Nationality Act."

Ms. JACKSON-LEE of Texas. Mr. Chairman, first of all, as I said earlier today, I appreciate the work of both the chairman and the ranking member of this committee, and appreciate how difficult a task this is.

I would have hoped that the Sweeney-Lowey amendment would have been made in order to help our fellow New Yorkers and fellow Americans. I would have hoped that the Obey amendment that dealt specifically with homeland security would have been made in order, and we would have had an opportunity to confront security within our Nation head on.

We find ourselves debating now with unfinished work. I mentioned earlier that our task is to be proactive. This amendment simply reinforces my commitment to being proactive. It deals with the enforcement of health conditions at our border, and specifically in enforcement of section 212(a)(1) of the Immigration and Nationality Act. This amendment would have provided extra dollars for health inspectors and others who would help us assist with individuals who might be crossing our border

with contagious diseases. But more particularly, it would assist us in the detection of individuals who would do harm by bringing across infectious diseases such as smallpox.

We have offered to say to the American public that we must go on with our lives and live as we lived before September 11. We must fly in airplanes and visit our relatives, and I agree with that. But as we fight the evilness of terrorism, it is important that we are proactive.

Mr. Chairman, this is a simple amendment. It simply would have taken the dollars and isolated them or targeted them specifically to help enforce or provide extra staff to enforce this provision which will be able to detect those individuals traveling across the border with infectious diseases.

I only realized in the course of this bill that this particular aspect of it needs to be part of a larger picture. I am going to withdraw this amendment hoping that we can move homeland security legislation forward in this House as quickly as possible, that these issues dealing with the securing of our border, these issues dealing with health inspectors at our borders, will be a first priority or a high priority in securing the homeland.

Likewise, Mr. Chairman, I hope that we will not find ourselves borrowing from Peter to pay Paul, taking money from other resources in order to move forward with homeland security. I believe this is an emergency and that these dollars should be separately set aside in order to provide the security that we need while funding our hospitals and public clinics and providing more dollars for law enforcement, and helping to support the new airport security legislation. We need emergency-added dollars. More particularly, we need to act now.

This amendment, I believe, was a good amendment to ensure that those who would come across the border with infectious diseases to do wrong would be detected at the border. We are lacking in the resources to do that. But if we are not going to act today, I hope that we will act extremely quickly, and I will say to the ranking member and the chairman, I hope that they will consider this amendment and consider the need for this amendment and the resources, and provide the extra staffing at our borders to be able to protect those within our borders, and fight terrorism proactively and to move now on behalf of the American people.

The terrorist attacks of September 11, 2001, have challenged Congress to assess and protect against the many risks that this Nation faces. But one of the greatest and least understood risks is the biological threat at our Nation's borders.

America is ill-equipped to deal with terrorist who, infected with deadly biological agents, attempt to pass through our borders. Once such agents pass into the United States, unde-

tected by our border security as it currently exists, they may proceed to launch a terrorist attack against unsuspecting Americans by spreading the disease at an alarming and epidemic rate.

For example, one of the most deadly biological threats known to science is smallpox. Although smallpox was "eliminated" from the world in 1977, stockpiles still exist in secure facilities in the United States, and in more loosely secured facilities in Russia.

According to the American Medical Association and information available for the U.S. Army Medical Research Institute of Infectious Diseases, "Because financial support in laboratories in Russia has sharply declined in recent years, there are increasing concerns that existing expertise and equipment (e.g., smallpox) might fall into non-Russian hands."

While it is not clear whether this disease has been obtained by terrorist cells, such an incident could lead to a terrorist attack that would have national and global ramifications.

In the case of smallpox, the incubation period is about 12 days. During this period, there is minimal visual indication of the disease, allowing a person infected to easily pass through border security undetected.

Even at later stages of the disease, where a characteristic rash, flat red lesions and scabs are apparent, there are few medical professionals at our borders to properly identify and diagnose the disease. Undetected, smallpox may spread from one person to another by infected saliva droplets that expose a susceptible person having face-to-face contact with the ill person.

According to the Centers for Disease Control, infection results in death in up to 30 percent of cases. According to the American Medical Association "In a now highly susceptible, mobile population, smallpox would be able to spread widely and rapidly throughout this country and the world." Clearly, these threats are real and must be addressed.

My amendment provides \$5,000,000.00 for the creation of a Border Health Inspectors program, under the Immigration and Nationalization Service, in order to identify and thwart human biological threats to national security at our borders. As the American Medical Association warns "The discovery of a single suspected case of smallpox must be treated as an international health emergency and be brought to the attention of national health officials." My amendment ensures that such national health officials are at our borders and that they have the tools they need to protect us all.

I urge my colleagues to support it.

Mr. Chairman, I ask unanimous consent to withdraw this amendment.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

The CHAIRMAN. Are there any further amendments?

AMENDMENT OFFERED BY MR. GEORGE MILLER OF CALIFORNIA

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. GEORGE MILLER) on which further proceedings

were postponed and on which the ayes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 201, noes 220, not voting 11, as follows:

[Roll No. 457]

AYES—201

Abercrombie	Green (TX)	Moran (VA)
Allen	Gutierrez	Murtha
Andrews	Hall (OH)	Napolitano
Baca	Hall (TX)	Neal
Baird	Harman	Oberstar
Baldacci	Hart	Obey
Baldwin	Hastings (FL)	Olver
Barrett	Hefley	Ortiz
Becerra	Hill	Pallone
Bentsen	Hilliard	Pascarell
Bereuter	Hinojosa	Pastor
Berkley	Hoeffel	Paul
Berman	Holden	Payne
Berry	Holt	Pelosi
Bilirakis	Honda	Peterson (MN)
Bishop	Hooley	Phelps
Blagojevich	Hoyer	Pomeroy
Blumenauer	Inslee	Price (NC)
Bonior	Jackson (IL)	Rahall
Borski	Jackson-Lee	Reyes
Boswell	(TX)	Rivers
Boucher	Jefferson	Rodriguez
Boyd	John	Roemer
Brady (PA)	Johnson, E. B.	Ross
Brown (FL)	Jones (OH)	Roybal-Allard
Brown (OH)	Kanjorski	Rush
Capito	Kaptur	Sabo
Capps	Kennedy (MN)	Sanchez
Capuano	Kennedy (RI)	Sanders
Cardin	Kildee	Sandlin
Carson (OK)	Kilpatrick	Sawyer
Clay	Kind (WI)	Schaffer
Clayton	Klecicka	Schakowsky
Clement	Kucinich	Schiff
Clyburn	Lampson	Scott
Coble	Langevin	Sherman
Condit	Lantos	Shows
Conyers	Larsen (WA)	Skelton
Costello	Larson (CT)	Smith (WA)
Coyne	LaTourette	Snyder
Cramer	Lee	Solis
Cummings	Levin	Spratt
Davis (CA)	Lewis (GA)	Stark
Davis (FL)	Lipinski	Stenholm
Davis (IL)	Lofgren	Strickland
Davis, Jo Ann	Lucas (KY)	Stupak
DeGette	Luther	Tanner
Delahunt	Lynch	Tauscher
DeLauro	Maloney (CT)	Taylor (MS)
Deutsch	Markey	Thompson (CA)
Dicks	Mascara	Thompson (MS)
Dingell	Matheson	Thurman
Doggett	Matsui	Tierney
Dooley	McCarthy (MO)	Toomey
Doyle	McCollum	Traficant
Dunn	McDermott	Turner
Edwards	McGovern	Udall (CO)
Eshoo	McIntyre	Udall (NM)
Etheridge	McKinney	Visclosky
Evans	Meehan	Waters
Farr	Meek (FL)	Watson (CA)
Pattah	Menendez	Watt (NC)
Filner	Millender-McDonald	Waxman
Frank	Miller, George	Wilson
Frost	Mink	Woolsey
Gephardt	Mollohan	Wu
Gonzalez	Moore	Wynn
Gordon		

NOES—220

Ackerman	Baker	Barton
Aderholt	Ballenger	Bass
Akin	Barcia	Biggert
Armey	Barr	Blunt
Bachus	Bartlett	Boehlert

Bonilla	Hobson	Pryce (OH)
Bono	Hoekstra	Putnam
Brady (TX)	Horn	Radanovich
Brown (SC)	Hostettler	Ramstad
Bryant	Houghton	Rangel
Burr	Hulshof	Regula
Burton	Hunter	Rehberg
Buyer	Hyde	Reynolds
Callahan	Isakson	Riley
Calvert	Israel	Rogers (KY)
Camp	Issa	Rogers (MI)
Cannon	Istook	Rohrabacher
Cantor	Jenkins	Ros-Lehtinen
Castle	Johnson (CT)	Roukema
Chabot	Johnson (IL)	Royce
Collins	Johnson, Sam	Ryan (WI)
Combest	Jones (NC)	Ryun (KS)
Cooksey	Keller	Saxton
Cox	Kelly	Schrock
Crane	Kerns	Sensenbrenner
Crenshaw	King (NY)	Serrano
Crowley	Kingston	Sessions
Culberson	Kirk	Shadegg
Cunningham	Knollenberg	Shaw
Davis, Tom	Kolbe	Shays
Deal	LaFalce	Sherwood
DeLay	LaHood	Shimkus
DeMint	Largent	Shuster
Diaz-Balart	Leach	Simmons
Doolittle	Lewis (CA)	Simpson
Dreier	Lewis (KY)	Skeen
Duncan	Linder	Slaughter
Ehlers	LoBiondo	Smith (MI)
Ehrlich	Lowey	Smith (NJ)
Emerson	Lucas (OK)	Smith (TX)
Engel	Maloney (NY)	Souder
English	Manzullo	Stearns
Everett	McCarthy (NY)	Stump
Ferguson	McCrery	Sununu
Flake	McHugh	Sweeney
Fletcher	McInnis	Tancredo
Foley	McKeon	Tauzin
Forbes	McNulty	Taylor (NC)
Fossella	Meeks (NY)	Terry
Frelinghuysen	Mica	Thomas
Gallegly	Miller, Dan	Thornberry
Ganske	Miller, Gary	Thune
Gekas	Miller, Jeff	Tiahrt
Gibbons	Moran (KS)	Tiberi
Gilchrest	Morella	Towns
Gillmor	Myrick	Upton
Gilman	Nadler	Velazquez
Goode	Nethercutt	Vitter
Goodlatte	Ney	Walden
Goss	Northup	Walsh
Graham	Norwood	Wamp
Granger	Nussle	Watkins (OK)
Graves	Osborne	Watts (OK)
Green (WI)	Ose	Weiner
Greenwood	Otter	Weldon (FL)
Grucci	Owens	Weldon (PA)
Gutknecht	Oxley	Weller
Hansen	Pence	Whitfield
Hastings (WA)	Petri	Wicker
Hayes	Pickering	Wolf
Hayworth	Pitts	Young (AK)
Herger	Platts	Young (FL)
Hilleary	Pombo	
Hinchee	Portman	

NOT VOTING—11

Boehner	DeFazio	Quinn
Carson (IN)	Ford	Rothman
Chambliss	Latham	Wexler
Cubin	Peterson (PA)	

□ 2136

Messrs. TERRY, BUYER, BARTON of Texas, EVERETT, RANGEL, BARCIA, NEY and HOSTETTTLER changed their vote from “aye” to “no.”

Mr. MEEHAN and Ms. HART changed their vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The Clerk will read the last two lines of the bill.

The Clerk read as follows:

This division may be cited as the “Emergency Supplemental Act, 2002”.

The CHAIRMAN. There being no further amendments, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SIMPSON) having assumed the chair, Mr. CAMP, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3338) making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes, pursuant to House Resolution 296, he reported the bill, as amended pursuant to that rule, back to the House with further sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

Under clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 406, nays 20, not voting 7, as follows:

[Roll No. 458]

YEAS—406

Abercrombie	Brown (FL)	Davis, Tom
Ackerman	Brown (SC)	Deal
Aderholt	Bryant	DeGette
Akin	Burr	DeLauro
Allen	Burton	DeLay
Andrews	Buyer	DeMint
Armey	Callahan	Deutsch
Baca	Calvert	Diaz-Balart
Bachus	Camp	Dicks
Baird	Cannon	Dingell
Baker	Cantor	Doggett
Baldacci	Capito	Dooley
Baldwin	Capps	Doolittle
Ballenger	Capuano	Doyle
Barcia	Cardin	Dreier
Barr	Carson (OK)	Duncan
Barrett	Castle	Dunn
Bartlett	Chabot	Edwards
Barton	Chambliss	Ehlers
Bass	Clay	Ehrlich
Becerra	Clayton	Emerson
Bentsen	Clement	Engel
Bereuter	Clyburn	English
Berkley	Coble	Etheridge
Berman	Collins	Evans
Berry	Combest	Everett
Biggert	Condit	Farr
Billirakis	Cooksey	Fattah
Bishop	Costello	Ferguson
Blagojevich	Cox	Flake
Blunt	Coyne	Fletcher
Boehlert	Cramer	Foley
Boehner	Crane	Forbes
Bonilla	Crenshaw	Fossella
Bonior	Crowley	Frank
Bono	Culberson	Frelinghuysen
Borski	Cummings	Frost
Boswell	Cunningham	Gallegly
Boucher	Davis (CA)	Ganske
Boyd	Davis (FL)	Gekas
Brady (PA)	Davis (IL)	Gephardt
Brady (TX)	Davis, Jo Ann	Gibbons
Gilchrest		
Gillmor		
Gilman		
Gonzalez		
Goode		
Goodlatte		
Gordon		
Goss		
Graham		
Granger		
Graves		
Green (TX)		
Green (WI)		
Greenwood		
Grucci		
Gutierrez		
Gutknecht		
Hall (OH)		
Hall (TX)		
Hansen		
Harman		
Hart		
Hastert		
Hastings (FL)		
Hastings (WA)		
Hayes		
Hayworth		
Hefley		
Herger		
Hill		
Hilleary		
Hilliard		
Hinojosa		
Hobson		
Hoefel		
Hoekstra		
Holden		
Holt		
Honda		
Hooley		
Horn		
Hostettler		
Houghton		
Hoyer		
Hulshof		
Hunter		
Hyde		
Inslee		
Isakson		
Israel		
Issa		
Istook		
Jackson-Lee		
(TX)		
Jefferson		
Jenkins		
John		
Johnson (CT)		
Johnson (IL)		
Johnson, E. B.		
Johnson, Sam		
Jones (NC)		
Jones (OH)		
Kanjorski		
Kaptur		
Keller		
Kelly		
Kennedy (MN)		
Kennedy (RI)		
Kerns		
Kildee		
Kilpatrick		
Kind (WI)		
King (NY)		
Kingston		
Kirk		
Klecza		
Knollenberg		
Kolbe		
Kucinich		
LaFalce		
LaHood		
Lampson		
Langevin		
Lantos		
Largent		
Larsen (WA)		
Larson (CT)		
Latham		
LaTourette		
Leach		
Levin		
Lewis (CA)		
Lewis (KY)		
Linder		
Lipinski		
LoBiondo		
Lofgren		
Lowey		
Lucas (KY)		
Lucas (OK)		
Luther		
Lynch		
Maloney (CT)		
Maloney (NY)		
Manzullo		
Markey		
Mascara		
Matheson		
Matsui		
McCarthy (MO)		
McCarthy (NY)		
McCollum		
McCrery		
McGovern		
McHugh		
McInnis		
McIntyre		
McKeon		
McNulty		
Meehan		
Meek (FL)		
Meeks (NY)		
Menendez		
Mica		
Millender		
McDonald		
Miller, Dan		
Miller, Gary		
Miller, Jeff		
Mink		
Mollohan		
Moore		
Moran (KS)		
Moran (VA)		
Morella		
Murtha		
Myrick		
Napolitano		
Neal		
Nethercutt		
Ney		
Northup		
Norwood		
Nussle		
Oberstar		
Obey		
Olver		
Ortiz		
Osborne		
Ose		
Otter		
Oxley		
Pallone		
Pascarell		
Pastor		
Pelosi		
Pence		
Peterson (MN)		
Peterson (PA)		
Petri		
Phelps		
Pickering		
Pitts		
Platts		
Pombo		
Pomeroy		
Portman		
Price (NC)		
Pryce (OH)		
Putnam		
Radanovich		
Rahall		
Ramstad		
Rangel		
Regula		
Rehberg		
Reyes		
Reynolds		
Riley		
Rivers		
Rodriguez		
Roemer		
Rogers (KY)		
Rogers (MI)		
Rohrabacher		
Ros-Lehtinen		
Ross		
Roukema		
Roybal-Allard		
Royce		
Rush		
Ryan (WI)		
Ryun (KS)		
Sabo		
Sanchez		
Sanders		
Sandlin		
Sawyer		
Saxton		
Schaffer		
Schakowsky		
Schiff		
Schrock		
Scott		
Sensenbrenner		
Sessions		
Shadegg		
Shaw		
Shays		
Sherman		
Sherwood		
Shimkus		
Shows		
Shuster		
Simmons		
Simpson		
Skeen		
Skelton		
Slaughter		
Smith (MI)		
Smith (NJ)		
Smith (TX)		
Smith (WA)		
Snyder		
Solis		
Souder		
Spratt		
Stearns		
Stenholm		
Strickland		
Stump		
Stupak		
Sununu		
Sweeney		
Tancredo		
Tanner		
Tauscher		
Tauzin		
Taylor (MS)		
Taylor (NC)		
Terry		
Thomas		
Thompson (CA)		
Thompson (MS)		
Thornberry		
Thune		
Thurman		
Tiahrt		
Tiberi		
Tierney		
Toomey		
Towns		
Traficant		
Turner		
Udall (CO)		
Udall (NM)		
Upton		
Visclosky		
Vitter		
Walsh		
Wamp		
Waters		
Watkins (OK)		
Watson (CA)		
Watt (NC)		
Watts (OK)		
Waxman		
Weiner		
Weldon (FL)		
Weldon (PA)		
Weller		
Whitfield		
Wicker		
Wilson		
Wolf		
Woolsey		
Wu		
Wynn		
Young (AK)		
Young (FL)		

NAYS—20

Blumenauer	Jackson (IL)	Owens
Brown (OH)	Lee	Paul
Conyers	Lewis (GA)	Payne
Delahunt	McDermott	Serrano
Eshoo	McKinney	Stark
Filner	Miller, George	Velázquez
Hinchey	Nadler	

NOT VOTING—7

Carson (IN)	Ford	Wexler
Cubin	Quinn	
DeFazio	Rothman	

□ 2154

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3210, TERRORISM RISK PROTECTION ACT

Mrs. MYRICK, from the Committee on Rules, submitted a privileged report (Rept. No. 107-304) on the resolution (H. Res. 297) providing for consideration of the bill (H.R. 3210) to ensure the continued financial capacity of insurers to provide coverage for risks from terrorism, which was referred to the House Calendar and ordered to be printed.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3323

Mr. McDERMOTT. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 3323.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from Washington?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. SIMPSON). Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

□ 2200

GLUCOPHAGE

The SPEAKER pro tempore (Mr. SIMPSON). Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I rise on the House floor to express my deep concerns regarding the lobbying efforts of Bristol-Myers-Squibb to block access to affordable generic alternatives to their blockbuster diabetes drug Glucophage.

The FDA's Office of Generic Drugs has numerous generic versions of this diabetes drug awaiting approval. However, the office is unable to allow these

generics onto the market due to Bristol's monopoly. There are no patents blocking the approval of generics in this case. The only obstacle is a result in the loophole in the Waxman-Hatch exclusivity. It allows Bristol to obtain 3 years of Waxman-Hatch exclusivity in addition to 6 months of pediatric exclusivity for a new indication, the use of this drug for treatment of Type 2 diabetes in pediatric patients ages 10 to 16 years.

Mr. Speaker, the pediatric research conducted on this drug has yielded useful results for pediatric use. However, Bristol should not be allowed a total of 3 years plus 6 months of exclusivity for changing its label to indicate pediatric use. This only leads to 3 years and 6 months more of keeping valuable generics off the market.

The FDA regulations authorize a generic manufacturer to carve out of its labeling indications that are protected by patents or exclusivity. Therefore, there does not seem to be any reason why the generic forms of this diabetes drug cannot be approved now without the pediatric indication.

This specific drug is effective for millions of Americans with Type 2 diabetes. Type 2 diabetes affects the minority population disproportionately, many of whom cannot afford to pay the higher monopoly prices for this life-saving drug. Access to more affordable generic versions of this drug will undoubtedly serve as a life-saving option.

Mr. Speaker, there is currently a legislative fix in place in the House and Senate version of the pediatric exclusivity bill that would close this loophole and allow generic versions of this diabetes drug to compete with Bristol's Glucophage. As Members commence conferencing on this bill, it is crucial that this language remain intact.

Bristol-Myers-Squibb is sweeping through key offices on Capitol Hill in an effort to retain its exclusive marketing monopoly on its near 80-year-old profitable drug, Glucophage, which reaps about \$1.8 billion in annual sales.

Mr. Speaker, I encourage my colleagues working on the pediatric exclusivity bill to keep the current language regarding this important issue in place and not to lose this battle with the drug industry. We have lost it too many times, and given the current circumstances, let us do something for once that will help the consumers of America, who not only have to deal with the weak economy, but also a life-threatening illness such as diabetes.

Let us fight against Bristol-Myers-Squibb and close the Waxman-Hatch loophole.

THE SLIPPERY SLOPE OF HUMAN CLONING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. PENCE) is recognized for 5 minutes.

Mr. PENCE. Mr. Speaker, I come to the well of the House today to call my colleagues' attention to recent developments in biotechnology research.

As I was preparing to return to Washington, D.C. on Sunday morning, I was shocked, along with the overwhelming majority of Members of this body, to learn that a company in Massachusetts was loudly touting its recent decision to clone a human being for medical research.

Despite the overwhelming vote in this Chamber on the subject, this rogue company and perhaps others have rushed to get ahead of our deliberations, breaking a heretofore established barrier of scientific ethics. I fear, Mr. Speaker, that this action may be the beginning of the end for medical ethics in our country.

No matter what one's position on the issue of human life or abortion or a woman's right to choose, 88 percent of the public today is opposed to the cloning of human beings. We should all be troubled by the fact that scientists are attempting to thwart the political will of the country and the consensus of the medical community in advancing this research ahead of legislation.

When faced with a similar claim of the benefits of what was known as eugenics in his time, the great moralist G.K. Chesterton remarked, "Eugenicists have discovered how to combine the hardening of the heart with the softening of the head."

There is no doubt that we have entered a new area of the debate over this issue, Mr. Speaker. Rather than speaking hypothetically about using some human beings to serve the needs of others, for-profit entities are actively defending this as science on the evening news.

This Faustian bargain is the same sort of dilemma that has faced humanity, and particularly civilized societies, for some time. We in the western tradition have consistently embraced the principle, and no matter how attractive the benefits, it is impermissible to experiment on the helpless. We must guard this important principle.

It is hard for us to grapple with the moral implications of a human life that is only seconds from conception. We cannot look at a cloned embryo in the face to confront this moral chasm. It takes a particularly keen sense of moral seriousness to grasp the implications of these recent developments.

One person who does understand this is my good friend and colleague, the gentleman from Florida (Mr. WELDON), who authored the legislation, along with my friend and colleague, the gentleman from Michigan (Mr. STUPAK), who I joined today at a press conference where we stepped in to say that the will of the people of the United States, informed by conscience, ought to lead American ethics in research, and not these amoral biotechnical firms.

Tonight, Mr. Speaker, I come to the floor to urge immediate action to stop the slide towards reductionist thinking on medical technology and the research that makes it possible. Yes, we want to heal the sick and prevent crippling disease. Therapies to make life longer and better are affecting every family. Who would not want more time with their parents and fewer trips to the pediatrician?

It is truly amazing what God has allowed our scientific community to reap in this area. However, it is clear from the debate that these events have triggered across the country that Americans understand the moral implications of the experimentation that I have described here this evening. Cloning human embryos is a step too far. I urge my colleagues to move quickly to place these practices where they belong: beyond the pale of the law.

Ever since witnessing the disaster that was the eugenics movement, civilized societies have recognized that involuntary experimentation on human beings is utterly indefensible. Let us as elected leaders of the foremost civilized society in the world today reaffirm our commitment to this principle.

Today, Mr. Speaker, the House Chaplain began our proceedings with a prayer in which he mentioned the fabled tower of Babel. This was a tower rising to the skies, the pride of its time, a testament to the human technology of the day, but it eventually destroyed its builders and their very civilization.

I submit tonight that the creation of human life for research or for vanity is such a tower of Babel. It threatens to tear the fabric of our society, our law, and indeed, our very civilization, and it must be stopped.

FAST TRACK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, many people in the Chamber know about the problems of LTV, one of the third-largest integrated steel-makers in the United States, and its announcement that it may in fact close operations in Cleveland and other places across the country.

Despite the overwhelming passage of a sense of Congress urging the President to keep U.S. antidumping laws off of the negotiating table, the World Trade Organization in Qatar, U.S. Trade Representative Bob Zoellick did just the opposite. We needed help in this country from the USTR, the steel industry needed help from the USTR, LTV needed help from the USTR, but the United States Trade Representative, President Bush's man in Qatar, has remained open to further weakening the rules on trade dumping, fur-

ther jeopardizing American steel, further threatening American jobs.

Many of us have been concerned about Qatar long before these negotiations began. It is a country that does not allow free elections, it is a country that does not allow freedom of expression, it is a country where women are treated not much differently from the way women have been treated by the Taliban, and it is a country where public worship by non-Muslims is banned.

The message that that meeting of the World Trade Organization sends to people around the world, the trade ministers are meeting in a city and country where public protest is not allowed, where free speech is not allowed, public expression is not allowed, freedom of worship is not allowed, where free election is not allowed, and that message is quite troubling.

It is troubling because all too often our own trade minister, President Bush's Bob Zoellick, has used language to suggest that those of us who do not support his free trade agenda, his agenda to weaken environmental and labor standards, and environmental and labor standards around the world, that those of us who do not support his trade agenda are simply not concerned about terrorism.

He has questioned our patriotism by pointing out that most of us that oppose fast track are indifferent to terrorism, saying we do not share American values if we do not support fast track because that is the way, he says, to combat terrorism.

Mr. Speaker, fast track, to be sure, does not embody those American values that our trade rep has indicated. In fact, his claims that the President needs fast track are also simply not true. President Bush already has the authority to negotiate trade deals on behalf of the United States. Instead of simply dealing with tariffs and quotas, modern trade agreements contemplate issues as wide-ranging as environmental law, food safety, worker safety, local banking and tax standards.

Congress must not shirk its responsibility for trade agreements when so much is at stake. Supporters of fast track tell us the U.S. is being left behind. They tell us we need fast track to increase American exports and to bring new jobs to American workers. But our history of flawed trade agreements has led to a trade deficit with the rest of the world that surged to a record \$370 billion.

The deficit last year is 40 percent higher than the deficit, the record-setting deficit, of the year before. The Department of Labor reported that NAFTA alone has been responsible, and these are the pro-NAFTA government statistics, that NAFTA alone has been responsible for the loss of 300,000 U.S. jobs.

While our trade agreements go to great lengths to protect investors and

protect property rights, these agreements do not include enforceable provisions to protect workers or to protect the environment.

CEOs of America's biggest corporations tell us that globalization stimulates development and allows nations to improve labor and environmental standards. They say interaction with the developing world spreads democracy.

But as we engage with the developing countries in trade and investment, democratic developing countries are losing ground to authoritarian developing countries; in other words, democratic nations such as India are losing out to more totalitarian nations such as China. Democratic nations such as Taiwan are losing out to more authoritarian regimes such as Indonesia.

Why is that? Why are 65 percent of developing country exports coming from authoritarian countries? It is clear corporations locate their manufacturing bases in more authoritarian regimes where the most minimal standards are often ignored. Western investors want to go to China, want to go to Indonesia, want to go to countries which are dictatorships because they have docile workforces, because they do not allow trade unions to organize, because they have authoritarian governments, because they are predictable for western business, because they do not have environmental laws, because they do not have labor standards.

They do not want to go to India, they do not want to go to Taiwan, to South Korea. They do not want to stay even in this country, many times, because we have strong environmental laws, because we have labor protections, because labor unions can organize and bargain collectively, because we have free elections.

Western corporations want to invest in countries that have poor environmental standards and below-poverty wages, that have no worker benefits, that have no opportunities to bargain collectively. Mr. Speaker, that is why fast track is a very bad idea.

MAJOR GENERAL PAUL A. WEAVER, JR.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nevada (Mr. GIBBONS) is recognized for 5 minutes.

Mr. GIBBONS. Mr. Speaker, I come to the House of Representatives today to take a moment to recognize one of the finest officers in our Armed Forces, Major General Paul A. Weaver, Jr., the director of the Air National Guard.

Well known and respected by many Members in this Chamber, General Weaver will soon retire after almost 35 years of selfless service to our country. Today I am honored to acknowledge some of General Weaver's distinguished accomplishments, and to commend the

superb service he has provided to the Air National Guard, the Air Force, and our great Nation.

After completing his Bachelor of Science Degree in Communicative Arts in Ithaca College in New York, he entered the United States Air Force in 1967 and was commissioned through Officer Training School. After earning his pilot wings, he had flying assignments in the F-4E and O-2A, and completed overseas tours in Germany and Korea.

In 1975, he joined the New York Air National Guard, with which he served in increasing levels of responsibility. This culminated when he took command of the 305th Airlift Group at Stewart Air National Guard Base, New York, in 1985.

Following his 9 years as commander, General Weaver served as the Air National Guard's deputy director for 4 years and was appointed the director of the Air Guard in 1998.

General Weaver is a command pilot with more than 2,800 flying hours in five different aircraft. He is a veteran of Operation Desert Shield, Desert Storm, and Just Cause. General Weaver's decorations include the Distinguished Service Medal, the Legion of Merit, Meritorious Service Medal, Aerial Achievement Medal, the Air Force Commendation Medal with two oak leaf clusters, Combat Readiness Medal with Service Star, and Southwest Asia Service Medal with two oak leaf clusters.

While serving as commander of the 105th Airlift wing, Paul Weaver was responsible for the largest conversion in the history of the Air National Guard. Under his command, the wing converted from the Air Force's smallest aircraft, the O-2 Skymaster, to its largest, the C-5 Galaxy.

During this conversion, he oversaw the largest military construction program in the history of the reserve forces as he literally rebuilt Stewart Air National Guard Base.

As the Air National Guard's director, General Weaver's accomplishments are also noteworthy. He has dedicated each year of his term to a different theme: transition, the enlisted forces, the family, employers, and thereby providing focus and enhancement to each of these four crucial areas.

□ 2215

In addition, Paul Weaver's modernization, readiness, people and infrastructure initiatives have enabled a fuller partnership role in the Air Force's expeditionary aerospace force.

The Air Guard achieved all its domestic and global taskings and requirements with a force that is also smaller in size.

Under General Weaver's leadership, the Air National Guard is even more relevant, ready and responsive and accessible than it has ever been.

I would be remiss, Mr. Speaker, if I did not also mention that the Air Na-

tional Guard is also fortunate to have another Weaver contributing to its success. Besides fully supporting his chosen profession, Paul's wife Cathylee Weaver has had a major impact on the Air Guard's family enrichment programs. With dignity and grace, she has dedicated time and attention to Air National Guard families which led to her recently being voted as Volunteer of the Year for Family Programs.

Clearly, the Air National Guard will lose not only one but two exceptional people.

Let me close, Mr. Speaker, by saying that as both its deputy director and director, General Weaver has made the Air National Guard a stronger and more capable partner for the Air Force. His distinguished and faithful service has provided significant and lasting contributions to our Nation's security.

I know my colleagues will join me in paying tribute to this outstanding citizen-airman and true patriot upon his retirement from the Air National Guard. We all thank General Weaver and wish him, Cathylee and the entire Weaver family much health, great happiness and Godspeed.

THE FUTURE OF WOMEN LEADERS IN AFGHANISTAN

The SPEAKER pro tempore (Mr. JEFF MILLER of Florida). Under a previous order of the House, the gentlewoman from California (Ms. MILLENDER-MCDONALD) is recognized for 5 minutes.

Ms. MILLENDER-MCDONALD. Mr. Speaker, a number of my colleagues rose on the floor to speak to the critical issue of women in Afghanistan and their needs during these perilous times. As Democratic chair of the Congressional Caucus on Women's Issues, I wish to add my voice in support of their excellent intervention.

The Women's Caucus has been stressing for some time now that, in working out any transitional settlement in Afghanistan, Afghan women leaders and organizations should be at the forefront of all discussions.

We must recall, in 1977, the women of that country made up 15 percent of the legislators in their legislative body. There is no reason that their representation should be less than that today when new and far-reaching decisions on governance are being made.

In light of the fact that so many Afghan men have been killed over the past 22 years in war and conflict, Afghan women constitute 60 percent of the women's population and should be so represented accordingly.

We must work, therefore, to help restore the women's level of participation in the rebirth of Afghanistan. As they strive both inside the country and outside to contribute toward shaping a meaningful future, we must demonstrate our resolve to help those Af-

ghan women leaders to be involved in all political and economic negotiations from the very beginning.

This is why it was distressing to note the absence of Afghan women's groups at the U.N.-sponsored conference held this past week in Bonn. They should be viewed, I believe, as principal actors in Afghan political negotiations from the outset, not as marginal leaders and players to be brought in to rubber stamp decisions.

As the Afghan journalist Jamila Mujahed pointed out in an article in Sunday's Washington Post, "This is very unfortunate that they have not invited women to join this meeting. No one has experienced such brutality against women anywhere in the world as what happened in Afghanistan. I want to go and tell everyone the things that happened to me and my colleagues these past 5 years."

Mr. Speaker, I will submit the entire article for the RECORD.

[From the Washington Post, Nov. 25, 2001]

IN TALKS ON AFGHAN FUTURE, WOMEN AREN'T PRESENT

(By Keith B. Richburg)

KABUL, Afghanistan, Nov. 24.—In her 16 years as a professional radio broadcaster, Jamila Mujahed has been at her microphone for some of the city's most memorable news events: the toppling of President Najibullah in 1992 and the march of Islamic holy warriors into the capital, and, four years later, the arrival of the Taliban.

So it seemed only fitting that when the Taliban fled and the Northern Alliance arrived on Nov. 13, it was Mujahed who brought Afghans the news on the evening broadcast of Radio Kabul.

Now Mujahed has another very public message, one aimed at U.N. officials and German diplomats organizing the Afghan political conference scheduled to begin in Germany on Tuesday: Open the meeting to professional women like herself, and give women a say in shaping Afghanistan's future.

"This is very unfortunate that they have not invited women to join this meeting," she said. "No one has experienced such brutality against women anywhere in the world as what happened in Afghanistan. I want to go and tell everyone the things that happened to me and my colleagues these past five years."

The meeting in Bonn is being hailed as a first step toward ending decades of civil strife and helping Afghanistan's warring factions form a truly representative and broad-based government. Representatives of several Afghan factions will try to hammer out plans for an interim government to replace the Taliban and prevent the country from descending into anarchy.

But many Afghans here—not only women, but also professionals, academics and others—are chafing at the highly restricted invitation list.

The Northern Alliance, the armed anti-Taliban faction that seized control of Kabul and about half the country during the past two weeks, is the only group from inside Afghanistan that is attending the Bonn conference. A delegation representing Afghanistan's former king, Mohammed Zahir Shah, will be attending from Rome, where he has been in exile since 1973. And two other groups that have held political talks in the

past—the Peshawar Assembly for Peace, named after the Pakistani border city, and the Cyprus group—also will attend. In all, just 30 Afghans will meet to begin mapping out the country's future.

In the view of many left on the outside looking in, whatever government eventually emerges from the process will be neither representative nor broad-based. "It will be a less-than-50-percent government," said Sariya Parlika, a women's rights activist. Excluding female representatives in Bonn, she said, "is a clear human rights violation."

"This is only the gun barrel that is sending representatives," said Said Amin Mujahed, a history professor at the Academy of Social Sciences in Kabul and the husband of Jamila Mujahed. "It's not the scholars or the professionals or the other educated people in Afghanistan. It's only the war factions and King Zahir's people. It can make a government, but not a broad-based one."

The United Nations is sensitive to such criticism but says the makeup of the conference is for Afghans to decide.

At a recent news conference, U.N. special envoy Francesc Vendrell said, "This meeting will be as representative as we can make it, given the very short notice." When asked about the participation of women, he said it was up to the invited groups to include women as part of their delegations—and not up to the United Nations "to tell the Afghans who to invite."

Today, U.N. spokesman Eric Falt told reporters, "The women of Afghanistan . . . have a central role to play in the country's future." He said the Bonn meeting would demonstrate "how much our encouragement to include women in the delegation has been listened to."

Even if women are present at the Bonn meeting, no one expects the number to come close to representing their percentage of the Afghan population. Because of the large number of men killed in two decades of war, women make up about 60 percent of Afghanistan's 26 million people, according to most estimates.

"I think women should have more of a role than men," said Faizullah Jalal, a Kabul University professor who has pressed for the inclusion of academics at the conference. "They have faced a lot of disasters in this country."

Women have long been treated as second-class citizens in this conservative Muslim country, but the Taliban stripped women of the few rights they did have. After coming to power in 1996, the radical Islamic movement prohibited women from working, banned girls from attending school and made it illegal for women to be on the streets without a male relative and without being covered head-to-toe in the traditional long, flowing veil known as a burqa. Women caught violating the rules—even allowing an ankle to accidentally show—risked a public lashing by Taliban guardians of "vice and virtue."

Just before the Taliban took over, 70 percent of Afghanistan's teachers, half of its government workers and 40 percent of its physicians were women. There were female lawyers, doctors and journalists, and women helped staff the foreign relief agencies working here.

Jamila Mujahed, now 36, was among those caught up in the Taliban's reordering of society. A journalism graduate of Kabul University and a veteran broadcaster, she was abruptly told by the Taliban that she could no longer work because of her sex.

"We were used to being very free women," she said, describing how she and her col-

leagues in the pre-Taliban world would remain at the station until late at night working on big stories. "How do you feel, changing to a world where you have no freedom? These five years caused a lot of psychiatric problems for me."

She stayed at home. She wrote poetry. She said she sometimes took her anger out on her children, hitting them. When she sought professional help, she said, doctors told her "the only medicine they could prescribe was going back to your job."

After facing those hardships, women like Mjuahed say they deserve a place at the table in forming Afghanistan's next government.

Particularly upsetting, to the women and others, is that so many Afghan exiles will be attending the sessions while so many who stayed in Afghanistan and suffered under Taliban rule will be excluded.

"The presence of women from Afghanistan is necessary," said Parlika, the activist. "Afghan women from Western countries can just tell tales about what a bullet can do. A woman from inside the country can express it with her eyes. She can express it with her body. She can express with her voice how the war has affected her."

While it was left to the Afghani groups to decide on participation at the Bonn meeting, the U.N. agreed that the women of Afghanistan have a central role to play in putting that country back together. The future of women in Afghanistan, and ultimately the stability of any provisional settlement, will rest upon a foundation of inclusion, not exclusion.

Therefore, America, so often viewed as a beacon of freedom and human rights throughout the world, must ensure that the rights and freedoms denied to Afghan women for so long are restored as soon as possible.

In my national address this past weekend on behalf of the Democratic Caucus, I pointed out that we must strongly support the funding for resettlement and humanitarian efforts to aid Afghan women. We are at a crossroads, Mr. Speaker, since we have reached a stage of military advantage that few of us expected to reach so quickly. We must find common ground to push ahead to support reconstruction at the same time that the military actions are being concluded.

The women Members of the House of Representatives are working with the U.N. women ambassadors and women's NGOs toward this purpose. We will continue to hold meetings and briefings to give public exposure to all of the concerns I mentioned above. Several of us, as I did on November 15, have introduced bills to authorize the provision of educational and health care assistance to women and children of Afghanistan. My bill, H.R. 3304, has been referred to the Committee on International Relations and awaits a full hearing.

Let me say emphatically, we cannot afford to exclude more than half of Afghanistan's population in helping to bring about an interim settlement and peaceful resolution to this troubled

country. Afghan women must be assured of their basic human rights once more; to gain access to safe drinking water and sufficient food; to receive decent health and maternal care; and foremost, to again move freely in their society without being subjected to harassment and abuse. Above all, they must be allowed to practice their religious beliefs as Islamic women, veiled or unveiled, without retribution.

I urge all of us to help these women in Afghanistan regain the basic freedom and freedoms we so cherish as a people. I urge us as Members of the House to join together to forge a comprehensive package of assistance that can help achieve the important objectives being sought by Afghans for goodwill everywhere.

Finally, Mr. Speaker, there is an old African saying that women hold up half of the sky. We must do our utmost, therefore, to ensure that the women of Afghanistan resume their part of this equation and help hold up half of the sky. To do less would imperil all of us in the pursuit of democratic governance and the well-being of a global community. Helping Afghan women to regain their rightful place of national life is one of the best ways I know to combat terrorism in Afghanistan, and on behalf of the American women and people of America, let us begin the rebuilding today.

THE PLIGHT OF AFGHANISTAN WOMEN AND CHILDREN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE. Mr. Speaker, first, I would like to say to the gentlewoman from California (Ms. MILLENDER-MCDONALD) and the co-chair of the Women's Caucus, let me thank her for her leadership and for her outstanding commitment, on behalf of the women, to the women of Afghanistan. I would like to associate myself with her remarks, in particular to acknowledge the Women's Caucus, and to make note of the gentlewoman from California (Ms. SOLIS) who I joined just about 2 weeks ago on a briefing on Afghanistan women and children. So I rise today to add to that discussion.

I will need to also assess the status of children of Afghanistan and to be able to lift up the women, so as we lift the women, we lift the children. We are finding that the children of Afghanistan are working at ages 7 and 8, providing for their families, making 50 cents a day building bricks. Those children do not have an opportunity to go to school, and obviously, under the Taliban regime, the girls were particularly discriminated against, but the boys and the girls found themselves building bricks every day to help support their family. The incomes of the

families is so far below poverty of any kind that we would ever recognize. The Afghan children are put to work at a very early age, some 4 and 5, 6 and 7 and 8 years old.

I look forward in the future weeks to hold a briefing on the treatment of the children in Afghanistan. It is particularly important as we face a very troubling scenario on the border between Afghanistan and Pakistan; millions of refugees with no place to go; United Nations fighting to provide food and, as well, comfort to those families who are displaced.

It is now time, I believe, for the United States Government in its victory to now begin to establish an exit strategy, an exit strategy out of Afghanistan, but also a response to how we bring back to life this country that is so destroyed. How do we restore the rights of families, of women, of children? How do we restore the economy? How do we find a place for refugees who are now caught between two borders? How do we find relief and harmony between the governments or at least the to-be-established government of Afghanistan and as well Pakistan?

It is extremely important that as we look to rebuild that we look to the children and we look to the families. It is also extremely important that rather than look to Iraq as the next stop of our efforts, we should look to an exit strategy and peace.

As we relate to unfinished business, let me briefly say, Mr. Speaker, there is work that this Congress still needs to do. I participated, as many did, in the debate on the floor of the House today in the defense appropriations and the emergency supplemental bill, and I just want to again restate that, until we become proactive, we are not truly fighting terrorism at home.

I am very disappointed that the Obey amendment did not pass, and I emphasize two particular aspects of that, that is, our public health system. Shortly after the September 11 attack, I went home to Houston and met with our emergency responders, the first responders, but particularly our hospitals and public clinics and particularly our public hospital system, already, if you will, bending under the pressure. More importantly, a system that already needed funding; without funding, without funding to address any kind of mass attack that requires the health system to rise to the occasion. No funds were given to that system today.

Not enough funds were given to secure our border, the Canadian border, one of the largest borders, and the southern border. No funds were given to provide enough support for customs inspectors, more border patrol agents. An issue that I am particularly concerned about, the ability of individuals to come across the border with infectious diseases like smallpox, no suffi-

cient number of health inspectors to assist us in that effort. Our work is not done.

Tomorrow, it is proposed that we will be dealing with or we were supposed to be dealing with the Anti-Terrorism Risk Act. Here we are looking again to help industry, and yet we still are not helping the unemployed. Unemployed individuals are growing in numbers. We are in a recession, and yet this Congress has refused to pass legislation to help those unemployed individuals.

Again, in my hometown we are fighting a very difficult and very challenging economic time, and that is, the situation occurring with Enron in the 18th Congressional District. There are many issues dealing with Enron I realize, and I hope that we can retain that company in our community, but the most important issue are the numbers of laid-off employees that we may be facing. We have got to address the unemployment and the recession as it impacts the unemployed in this Nation.

This Congress has unfinished business. It is time for us again to act. It is time for us now, if we want to use the terminology, let us bail out the working men and women of America. Let us finish our unfinished work.

ECONOMIC STIMULUS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. McDERMOTT) is recognized for 5 minutes.

Mr. McDERMOTT. Mr. Speaker, the 8 million unemployed in this country must be watching the debate on economic stimulus in this House and in the other body with amazement and sadness. They are hardworking families who have struggled to pay their bills, and they now find themselves without work. They have worked hard, played by the rules, trying to build a better future for themselves and their families, and then have been laid off, both before and after September 11.

□ 2230

They are 137,000 workers in the transportation industry, 136,000 in the hospitality industry, 57,000 in the communications industry, 226,000 in manufacturing, 14,000 in retail, 44,000 in the service sector, 30,000 people in my district at the Boeing company, and in finance and real estate, another 24,000.

The overall jobless rate in this country shot up from 4.9 percent in September to 5.4 percent in October. In Washington State, it went from 5.1 percent to 6.1 percent. That is a 20 percent increase in a month. Now, this does not reflect everything, because there are many families who are denied benefits because the rules have been changed over the last few years. And they, although they contributed, do not have access to these benefits, or they find it

virtually impossible to find employment under the present economic conditions.

This week, with several of my colleagues, we introduced H.R. 3741, the Putting Americans First Act, which will at once provide a short-term enhanced safety net for those who lost their jobs. This bill empowers the States to expand unemployment coverage for 26 weeks, provide COBRA coverage, that is to cover premiums for health care and also to aid the State Medicaid benefit programs. It also addresses the needs of States whose welfare loads are increasing. Because every time we have a 1 percent increase in unemployment, the welfare load goes up between 5 and 15 percent.

I urge my colleagues to go home to their States, talk to their people, and they will find out that these are the problems that are bothering them. People in this country are hurting and they are mourning. They are having trouble paying their rent, they are having trouble paying their heating bills, they are having trouble putting clothes on their kids and paying for schools, and certainly they are not ready for a medical emergency.

Many States, however, are finding their own budgets in shambles because of the recession and because of tax bills that we passed in this House which took away some of their revenue. We have a situation, as described in The New York Times today, where 30 States are considering tax hikes or wide-spread cuts in benefits. Connecticut, this week, is \$300 million in debt, and they are working in their legislature. Our legislature is working on a \$1.2 billion cut. Infusing Federal money into these State programs through unemployment insurance and Medicaid will help the States continue some of the most important programs.

Now, if we look at it, some States, Illinois, New York, North Dakota, West Virginia, Texas, do not even have enough money for 6 months of unemployment benefits, not even in their local funds. If we do not put some money in from the Federal Government, they are going to have to cut lots of people off. There are an additional 17 States that have less than a year.

Now, crafting an economic stimulus package has been exceedingly difficult because it cuts to the heart of the difference between the Democrat and Republican core values. Here is the Republican argument: Corporations and entrepreneurs are the driving force in this country. They create the jobs. Tax incentives and cuts and rebates will directly help those groups, who will stimulate the economy.

However, the reason corporations are not investing right now to create more jobs is not because they do not have enough cash on hand. Let us not kid ourselves. Lots of large companies have

cash. The reason they are not investing right now is because there is a lack of demand. If these companies manufacture products, not enough people buy them. The best way to create jobs is to provide unemployment insurance to laid-off workers so that they can buy the necessities of their life.

Why is it we are told by our colleagues on the other side of the aisle that we do not have the money for these benefits for people? They say, well, we are just out of luck. But when we passed the budget here and we passed a stimulus package out of the House of Representatives, we could find \$25 billion to give back taxes to the major corporations of this country, who have been paying them since 1986. We had the money.

We should pass this bill and help these people at Christmas time. It is the American way.

COMMEMORATING THE LIVES OF HEROES OF SEPTEMBER 11

The SPEAKER pro tempore (Mr. JEFF MILLER of Florida). Under the Speaker's announced policy of January 3, 2001, the gentleman from North Carolina (Mr. WATT) is recognized for half of the remaining time until midnight tonight as the designee of the minority leader, approximately 42 minutes.

GENERAL LEAVE

Mr. WATT of North Carolina. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the subject matter of this special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. WATT of North Carolina. Mr. Speaker, several weeks ago my colleague, the gentlewoman from North Carolina (Mrs. MYRICK), who represents the Congressional District in North Carolina which adjoins my Congressional District, and I got together and decided to try to make an effort to commemorate some of the lives of some of the people who were lost in the events of September 11. This was out of a sense of our own grief and loss, and the feeling that we should try to do something to honor the memory of these heroes.

We have been trying to do 1-minute speeches on several occasions, but that did not work out too well. So we reserved this time this evening to do a more extended special order in memory of some of the heroes who died in the events of September 11.

I am delighted to share this idea and effort with my colleague, the gentlewoman from North Carolina (Mrs. MYRICK), and I will now yield to her for her opening statement, and then we will go into it.

Mrs. MYRICK. Mr. Speaker, I appreciate the gentleman yielding to me.

Very simply, this is just a time for us to say that we appreciated these people. Some of them were heroes to their families, some were heroes to their country, and I have one gentleman in my district whose father was a victim in New York, and I wanted to say just a word about him.

His name was William Wren. My constituent's name is Christopher Wren. William grew up in Brooklyn and served in the U.S. Army from 1958 to 1960. After the Army, he came back home and attended John Jay College of Criminal Justice in New York and earned a Bachelor of Science Degree in Fire Science. Following graduation, he worked for 1 year with the New York Fire Department before joining Ladder 166 in Coney Island. After 25 years of service, he retired in 1990. But 3 years later, William accepted the position of Resident Manager for Fire Safety at the World Trade Center.

On the morning of September 11, 2001, he called his wife of 32 years, Patricia, after the first plane hit the north tower, and he said, "I'm okay." After the second plane hit, he called again and he said, "I'm okay, but very busy." He also asked Patricia to call their neighbor to tell her that her husband Richard was also okay. And when the south tower of the World Trade Center collapsed at 10:29, both Richard and William left us.

Survivors say that William and some other men, among them fellow retired firefighters James Corrigan and Phil Hayes, both of whom also died, went to building 5 to rescue children from the day care center, then returned to tower 2, which was the first tower to collapse. William Wren is a real hero. He was saving others up until the very end without giving a second thought to his own safety or his own life.

William's son Christopher has shared a lot about his father with me, and it has been a real honor to talk to him and learn more about him. William is going to be missed by his family; his wife Patricia, sons William and Christopher, daughters-in-law Kathleen and Kathryn, granddaughter, Shannon, age 3, and a new grandson, William III, who was born yesterday to carry on the Wren tradition.

Mr. WATT of North Carolina. Mr. Speaker, I yield to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Speaker, I thank the gentleman from North Carolina for yielding to me and for his leadership in organizing this tribute tonight to honor the lives of the men and women who lost their lives in the horrific terrorist attacks on September 11.

The world witnessed the bravery and humanity of hundreds of men and women, emergency services professionals, who rushed into the World Trade Center following the attacks and

making the ultimate sacrifice to rescue individuals that were in grave danger. There is really nothing we could do to truly give these courageous men and women the honor and recognition they deserve.

Wanda Anita Green is but one of the many heroes who gave their lives to save the lives of hundreds, if not thousands, when United Airlines Flight 93 was hijacked on September 11.

Wanda's parents, Mr. and Mrs. Smith, my constituents, moved to Oakland from Oceanside, California within a year of Wanda's birth on August 22, 1952. Wanda, her identical twin sister Sandra, and a brother, Tommy, were raised in west and north Oakland, California. Wanda's sister, Sandra Jamerson, now lives in Antioch, California, and Wanda's parents and brother, Tommy Smith, still live in Oakland, California.

Wanda was loved and will be missed by her daughter, Jennifer Green, and her son, Joe Green of Linden, New Jersey, and by many other family and friends. Wanda's family deeply appreciates the expressions of love from the people of our Nation and the comforting words and support from President Bush, as he personally received the families at the White House very recently.

For 28 years, Wanda was living her childhood dream of earning her wings and working as a senior flight attendant for United Airlines. The family has received communications from passengers that flew with Wanda earlier this year, and they remember her as watching after them because she cared, not because it was her job. Wanda loved to travel. She enjoyed meeting new people, and she had a great affection for exploring different cultures.

In celebration of Wanda's life, the family has established the Wanda Anita Green Foundation to assist urban youth in reaching their dreams by providing scholarships to support their education and career goals. Wanda loved children and was very active in the lives of her own children. One of Wanda's most memorable volunteer jobs was when she served as president of her local PTA.

September 11 was a tragic day in the history of our Nation and of the world. Wanda, members of the crew, and passengers aboard United Airlines Flight 93 gave their lives to save others. For that, they are true American heroes and must be honored as such.

Mr. Speaker, on behalf of Wanda's family, her friends and colleagues, I honor the courage, the spirit, and the legacy of this great American hero, Wanda Anita Green, and all of those whose lives were suddenly and tragically lost during the unspeakable terrorist attacks of September 11.

Mr. WATT of North Carolina. Mr. Speaker, continuing in the bipartisan manner in which we are conducting

this, I yield to the gentleman from Pennsylvania (Mr. GREENWOOD).

Mr. GREENWOOD. I thank the gentleman for yielding to me, and I very much thank my colleague, the gentleman from North Carolina (Mr. WATT), and my colleague, the gentlewoman from North Carolina (Mrs. MYRICK), for putting together this special order.

I represent Bucks County in Pennsylvania, and we lost far more than our share of citizens on September 11. We lost at least 12, and I want to talk about a couple of them, if I have time.

It was a rain-soaked day not too long ago when we had a ceremony for those who were killed just from one little township in my area, in Lower Makefield Township. And as we sat out in a park, and all of the families of those who were lost sat and watched and listened to the speakers, and I was among them, a little girl, 4 or 5 years old, her name was Michaela Havlish, came off her chair in the front row. She had lost her daddy. But she stood and sort of danced around and spun around and looked up at the rain coming down. Family members were trying to get her to sit down, but to me she was a wonderful symbol of innocence and the hope that this country still holds.

Her father was Donald G. Havlish, Jr., and some of what I will refer to now came from the New York Times.

□ 2245

The day of September 11 was this little girl's first day in preschool, and it was going to be a big deal and she could not wait for her father to come home from work that night so she could tell him about it, but her father never came for.

Donald G. Havlish, Jr., 53, was a senior vice president of Aon Consulting, and he was among those killed in the World Trade Center. That first day, Fiona Havlish told Michaela that "Daddy's building was in an accident, a big accident, and nobody knows where Daddy is." Later, she changed the explanation to he is up in heaven guarding us.

The couple was married in 1993 after a 5-year courtship. Don was a great stepdad to Fiona's two children, now 18 and 20. Yet at nearly 50, he never expected to have another shot at parenthood. He called Michaela, who will turn 4 on October 17, "my little miracle." After Michaela was born, he made a point to ask business associates about their families, encouraging them to focus on what was important. Havlish stopped taking trips overnight.

He had a law degree from Duquesne University, but made his living as a broker of insurance, arranging corporate benefits packages. The commute from their home in Yardley, Pennsylvania, to the World Trade Center took up to 90 minutes each way. He made it a point to get home by 7 every

night so he could have the evening with his family.

Since September 11, Fiona has not been back to her job as a visiting nurse. She holds her days together by making lists of everything that needs to be accomplished. Her loss drags at her like an undertow, yet she is determined to keep her husband's memory alive for her daughter and herself. She says, "I was very lucky. I got to fall in love at first sight, and I got to stay in love the whole time."

I also want to talk about William (Bill) Godshalk. His parents are friends of mine. I have known them for years. They are civic leaders in their community. James and Grace Godshalk had 5 children. The one that they lost was William. He was the wildest of them all. At 10 years of age, he played shortstop in Little League. Once he caught a ball, but he dropped it when the base runner ran into his glove. Well, he attacked the other player. His father walked on the field and pulled his son back, and his father said, "He needed me, and I needed him so much."

James Godshalk taught his son sports, and in the process taught him how to calm himself. But Bill Godshalk kept his wild and adventurous heart even as a 35-years-old vice president at Keefe, Bruyette & Woods in the World Trade Center, said his fiancée. At the memorial service for his son, James Godshalk, was reminded of a verse by James Whitcomb Riley: "Old man never had much to say 'ceptin to Bill, and Bill was the wildest boy he had, and the old man jes' wrapped up in him!"

That is Bill Godshalk, and he will be missed enormously.

I want to briefly talk about Louis Nacke. His first wedding anniversary would have been September 16. He was on Flight 93 on what would have been his first wedding anniversary, and he was feted with his favorite food and wine by the family he left behind. He would have wanted it this way, said his father-in-law, Robert Weisberg, and I spoke with Mr. Weisberg on the phone after September 11. "It was very poignant, and we will always remember him."

Nacke was 42. He lived in New Hope, Pennsylvania, and he was killed when United Airlines Flight 93 crashed in rural Pennsylvania. Nacke and his wife, Amy, had been living with Weisberg, Nacke's father-in-law, while they waited for their home to be built. He was a voracious weight lifter and a proactive guy who oversaw operations in K-B Toys warehouse in Clinton, New Jersey. He really did not want to go. He was not much of a flyer. Maybe 2 or 3 times a year he would fly. Timing was just unbelievable, said his father-in-law. Mr. Weisberg wishes he could turn back the clock.

Those who knew Louis Nacke knew, because he was such a physical go-get-

ter, they have no doubt that he was among those who rushed the cabin and one of the real heroes of September 11.

I thank the gentleman from North Carolina for organizing this Special Order.

Mr. WATT of North Carolina. Mr. Speaker, I yield to the gentleman from North Carolina (Mr. ETHERIDGE).

Mr. ETHERIDGE. Mr. Speaker, I want to thank the gentleman for putting this Special Order together this evening, and I join my colleagues in rising to honor the brave men and women who perished on September 11.

Mr. Speaker, we know full well that on that fateful morning, which really was a beautiful morning here in this country, a very clear day, America was visited by evil unlike any time in the history of this country. The victims came from all walks of life and from every racial and national background. They simply were lost because they were doing their job on that morning. We saw a lot of heroes that day. People we sort of take for granted, firemen, police officers, emergency management people and EMS employees, a lot of folks that we see every day and we forget how much they contribute to our society.

But today I want to talk about the memory of one of those people who lost his life because he was doing the job that he was trained to do. He was among the men and women whom we lost on September 11, Lieutenant Commander Eric Cranford. He was a graduate and active alumnus of North Carolina State University, and was from my congressional district. He lost his life during the attack on the Pentagon.

He was a Navy rescue pilot. Lieutenant Commander Cranford knew danger. He knew sacrifice, and it is said that courage could have been his middle name. If Eric had not been in the Pentagon on that fateful morning, or if his side of the building had not been hit, you can bet he would have sacrificed his own safety and risked his own life to rescue others, because that is what he had done before. Why? Because that was his job.

I rise this evening to pay my respect to him and his wife, Emily, and to their entire family. Unfortunately, Lieutenant Commander Eric Cranford was not alone that evening. As we know, thousands of other American citizens perished when those four commercial planes were turned into missiles and aimed at buildings that define our Nation and symbolize our freedom and the values that all of us hold true and dear. These attacks result in the loss of life on a scale unparalleled in America since the Civil War. The victims of these senseless acts were our mothers and fathers, our sons and daughters, our brothers and sisters, our friends and yes, our neighbors and loved ones.

Mr. Speaker, I rise this evening with a heavy heart. We are at war, as we all

know right now. A war Eric Cranford and those who lost their lives at the Pentagon would have been ready to fight if they had been called upon. Today we face one of the greatest challenges to our freedoms since World War II. The terrorists who committed these terrible acts on completely innocent men, women and children are not just criminals, they are mortal enemies of the United States of America and of freedom-loving people around the world.

But these cowards will not hide forever, and we will pursue them and the international community will bring them to justice so that those who perished on September 11 lives will not be in vain. We will show the world that any enemy who chooses to test our resolve and the allies of America will face a similar fate. We will win this war because we cannot afford to fail, and we will win this war for Eric Cranford and the thousands who lost their lives on September 11, and we will win it for Eric's wife, Emily, and for the countless thousands who were left behind to mourn. We will win it because we are a good and a just Nation, and because evil must not be allowed to flourish anywhere in the free world. We will show these cowards that their efforts to terrorize us will not succeed.

But as we turn our thoughts toward the conflict in Afghanistan and the global war against terrorism, let us never forget the casualties this war has already produced.

Mr. Speaker, let us honor the memory of Lieutenant Commander Eric Cranford and every victim of this senseless attack. I thank my colleagues for having this Special Order.

Mr. WATT of North Carolina. Mr. Speaker, I yield to the gentleman from Oregon (Mr. WALDEN).

Mr. WALDEN of Oregon. Mr. Speaker, I thank my colleagues for having this Special Order.

When Jennifer Brennan was pregnant with her first child, her husband, Thomas M. Brennan, would play Grateful Dead tapes loudly, hoping the music would reach the ears of the unborn daughter. When the baby kicked, as she invariably did, Mr. Brennan was delighted. She, too, he would say, was a fan.

The last day he spent with his family, the Sunday before September 11, Mr. Brennan, age 32, played Grateful Dead in the car in Westchester.

Strapped to her car seat, Katherine, now 19 months, laughed and moved to the music, and that is how Mrs. Brennan would like to remember her husband, as the only person who could make their daughter giggle uncontrollably. With his wife pregnant with the couple's second child, a boy who was born last month, Mr. Brennan took on many of the child care duties. He often fed his daughter breakfast and carried her when she needed a hug.

Mr. Brennan, an investment banker with Sandler O'Neill, treasured the time with his family, in part because he traveled constantly for work. Tuesday, September 11, was the only day that week that he was scheduled to be in the office.

Mr. Speaker, I did not know the Brennans, and I do not know them, but in a way I think all of us in America knew the Brennans because this heinous crime, this terrorist attack, was so anonymous. It just struck out and hit innocent people who were living the American dream. I think we all are affected by it because we realize but for the grace of God, it could have been one of us. Just as randomly, just as anonymously, and just as heinously, it could have been us.

So indeed tonight I think we all feel that it was a part of us. That is why we are so sympathetic and grieve at the loss that these American families are enduring, especially during this season.

Mr. WATT of North Carolina. Mr. Speaker, I yield to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, there may not be another Member of Congress who lost more constituents in the September 11 attack on the World Trade Center than I did. So I thank the gentlewoman from North Carolina (Mrs. MYRICK) and the gentleman from North Carolina (Mr. WATT) for organizing this Special Order and ensuring that some of those who were lost can be remembered on the floor this evening of the people's House. I would like to mention a few people I will never forget.

David Alger, the chief executive officer of Fred Alger Management, was a brilliant investment professional whose ability to select successful growth stocks brought tremendous prosperity to his investors.

□ 2300

He was also a neighbor of mine. Our daughters grew up together. I know Christie misses her father enormously. And I cannot believe he is actually gone.

I will always remember Lindsey Hekness, a managing director at Morgan Stanley who died at his desk on the phone with clients. Many friends called him the day of the bombing to see if he was okay. His mailbox was full because he had hundreds of friends who he will never be able to call back. I feel privileged to have been one of them. I will never forget Lindsey's wonderful, vibrant spirit and great sense of humor.

Neil Levin, head of the Port Authority and former Insurance Commissioner of New York State, devoted his life to public service and lost his life helping other people. He was last seen assisting people in the evacuation ef-

fort. That says it all about Neil. He was always helping others.

Cat MacRae was the daughter of my good friends Cameron and Annie MacRae. She worked in the World Trade Center in her first job out of college. She had her whole life ahead of her and her future held tremendous problem. But like all the other people that were there that day, she was killed simply because she showed up for work.

The last person I will mention, and I could go on all night, was literally the very first person to call 911 on 9-11. Jerry Hanlon was at Windows on the World. He was there for a breakfast work meeting that morning. He was there to make a living. And I am so sorry for his family that he made history instead.

Mr. Speaker, for the last several weeks, we have been trying to prevent the administration from shamefully breaking its pledge of supplying the full \$20 billion in disaster relief that is needed for New York City for the many unmet needs and unpaid bills that we confront. If they truly want to honor the victims we are talking about tonight, all they have to do is keep that promise.

Mr. WATT of North Carolina. Mr. Speaker, I yield to the gentleman from Georgia (Mr. CHAMBLISS).

Mr. CHAMBLISS. Mr. Speaker, I wish to thank the gentleman from North Carolina (Mr. WATT) and my classmate the gentlewoman from North Carolina (Mrs. MYRICK) for organizing this special order tonight and for getting us together to have an opportunity to talk about some real heroes in American history, some heroes that are the most recent heroes of American history. As chairman of the Subcommittee on International Terrorism and Homeland Security of the Permanent Select Committee on Intelligence, I have had the opportunity to take my subcommittee to New York City to visit Ground Zero. We were there about 2 weeks after September 11. Not only were we there to recognize and somewhat memorialize the individuals who lost their lives on September 11, but we were also there to recognize another set of heroes, those heroes who had been working for 2 weeks at that time and who have been working since that time 24 hours a day, 7 days a week, to dig into the rubble of the World Trade Center and the rubble of the other buildings around the World Trade Center to restore New York City once again to its prominence. It was a very emotional experience for me, because as a former firefighter with the city of Thomasville, Georgia, I have had some experience in fire fighting but nothing in any wise to compare with the experience that the brave and courageous firefighters of the New York City Fire Department faced on September 11.

But as I was there a couple of weeks after September 11, I had the occasion

to visit with a number of firefighters, not just from New York City but volunteers who came from other parts of New York and other parts of the Northeast to assist those brave firefighters in New York City in going through that rubble. It was a very touching and very heartwarming experience to visit with those individual men and women about their experiences concerning their rescue efforts and the ongoing investigation as well as the removing of the rubble from the World Trade Center.

In addition to that, I am very pleased tonight to not only recognize those brave individuals who lost their lives and have been involved in that rescue and recovery effort but also particularly to rise tonight and to honor an individual from my district, Army Major Wallace Cole Hogan, Jr. who died on September 11, 2001, at the Pentagon here in Washington, D.C., after the plane struck the Pentagon.

Major Hogan grew up in Macon, Georgia, and graduated from Valdosta State University in Valdosta, Georgia. Shortly after graduation, he joined the Army National Guard as a rifle and mortar platoon leader.

Major Hogan was truly born to serve. His time with the National Guard included service with the 19th Special Forces Group Airborne; commander of the Colorado Army National Guard, 20th Special Forces Group Airborne; and Alabama Army National Guard as a detachment commander. On April 4, 1993, Major Hogan accepted an Army active duty appointment with the grade of captain. He fought in the Persian Gulf War with the 1st Special Forces Group Airborne, Fort Lewis, Washington, as a battalion operations officer and detachment commander. He also served as the commander, Special Forces Instructor Detachment, U.S. Army Jungle Operations Training Battalion, Fort Sherman, Panama, and was a member of the Green Berets.

Major Hogan arrived at the Pentagon and joined the office of the Deputy Chief of Staff for Operations and Plans in June of 1999. His work at the Pentagon included special operations staff officer in the Directorate of Operations, Readiness, and Mobilization and executive officer for the Assistant Deputy Chief of Staff for Operations and Plans. A committed serviceman, Major Hogan dedicated his entire professional life to the United States Army.

Major Hogan was married to Air Force Major Pat Hogan who still resides in Alexandria, Virginia. His parents are dear friends of mine, Mr. and Mrs. Wallace C. Hogan, Sr. of Macon, Georgia.

In a lifetime of service that spanned half the globe, Major Hogan served from Hawaii to Panama before coming to work at the Pentagon. His outstanding accomplishments have not

gone unnoticed as evidenced by the numerous decorations and awards earned during his period of service. These recognitions include: The Meritorious Service Medal with two oak leaf clusters; Army Commendation Medal with oak leaf cluster; Army Achievement Medal with five oak leaf clusters; Army Reserve Components Achievement Medal with two oak leaf clusters; Armed Forces Reserve Medal; Army Service Ribbon; Special Forces Tab; Ranger Tab; Scuba Diver Badge; Senior Parachutist Badge; and Pathfinder Badge.

Major Hogan and all other individuals who were at the Pentagon that day are real heroes. They are heroes not just because they were there serving their country but they were there doing their duty. They were there making sure that those of us who survived them continue to live under that great flag of freedom and democracy that all of us have been privileged to live under. It is my privilege and my pleasure to rise tonight to salute, to commemorate and to memorialize Wallace Cole Hogan, Jr. who served his country well.

Mr. WATT of North Carolina. Mr. Speaker, I yield to the gentleman from Georgia (Mr. ISAKSON).

Mr. ISAKSON. Mr. Speaker, I thank the gentleman from North Carolina (Mr. WATT) and the gentlewoman from North Carolina (Mrs. MYRICK) for the thoughtful approach to this evening and to those individuals who sacrificed their lives on September 11. I have personally noted in the last 10 weeks that September 11 has become a date that was an event. It will never be forgotten by any American nor any citizen of the world that was alive on that day or that will live in the future.

□ 2310

But the gentleman from North Carolina (Mr. WATT) and the gentlewoman from North Carolina (Mrs. MYRICK) have done something very important: They have given us an opportunity to also not forget the individual faces and the individual lives of those who were tragically taken on the 11th. One such person was a resident of my district, Michael Gann, 41 years old, born in Smyrna, Georgia, and, upon his tragic death, residing with his wife, Robin, in Roswell, Georgia.

On the morning of September 11, Michael and 82 other delegates to a financial technology conference were on the 106th floor of the first tower that was struck. Now, ten weeks later, none of those 83 have been accounted for, nor will they ever be physically accounted for, because of the horrible tragedy, which makes it all the more important that we memorialize the names and the lives of these individuals.

You see, Michael Gann was just like a lot of other Americans. He and Robin had been married for less than two

months. They were just starting their life together in the promise of America. A graduate of Georgia Tech, a dedicated husband, only in the shortness of their marriage, Robin summed up better than I certainly could ever what Michael was really all about. When asked shortly after his tragic loss, Robin said, "Michael was the most genuine person I have ever known and ever met. And that's rare. He was definitely a prize."

Mr. Speaker, the men and women from America and those from 60 other countries who perished on September 11 were unwitting and unwilling heroes. Hopefully the loss of those lives will touch us all to see to it that we strive for such an event to never happen again.

It should not pass on us without notice that yesterday a United States flag that flew over the World Trade Center during the recovery period was flown to the United States Marines who landed near Kandahar in Afghanistan. The significance of that event to Robin Gann in remembering her husband should be the memory for all of us of all of those individuals, for it is they for whom we fight today in Afghanistan, and it is for their children and their memories that the United States of America should win forever this battle against terrorism.

I thank the gentleman from North Carolina and the gentlewoman from North Carolina, for they have helped us to remember that this great tragedy for our country was a tragedy of individual and immense proportion to men, women and children all over the United States of America, whose names and memory should be memorialized and never forgotten.

Mr. WATT of North Carolina. Mr. Speaker, I believe my half of the special order time has expired, so I yield back so that the Chair can recognize the gentlewoman from North Carolina (Mrs. MYRICK) to control the balance of the time.

REMEMBERING THE VICTIMS OF SEPTEMBER 11, 2001

The SPEAKER pro tempore (Mr. JEFF MILLER of Florida). Under the Speaker's announced policy of January 3, 2001, the gentlewoman from North Carolina (Mrs. MYRICK) is recognized for the balance of the time, until midnight, as the designee of the majority leader.

Mrs. MYRICK. Mr. Speaker, I yield to the gentleman from New York (Mr. GRUCCI).

Mr. GRUCCI. Mr. Speaker, I would like to thank the gentlewoman and the gentleman from North Carolina for their leadership and their compassion in orchestrating these special orders this evening as we memorialize the names of so many brave Americans who did so many brave things that day,

when all they really wanted to do was get up and go to work, hug their children, see them again that evening, to love their spouses and their families and to be home with them, but ended up becoming American heroes, heroes that they chose not to be, and the stories that we have been hearing about the bravery of New York's new twin towers, the human twin towers, New York's finest and New York's bravest, New York's Police Department and New York's Fire Department.

Mr. Speaker, I rise today to honor one of the many heroes who lost their lives in the attack on our Nation on the World Trade Center on September 11, New York City Police Detective Joseph Vigiano of Medford, within my Congressional District on Long Island.

The loss of Detective Vigiano was only half of the tragedy of that day for the Vigiano family. John Vigiano, Joseph's brother, was a member of New York City's Fire Department Ladder Company 132 in Bedford-Stuyvesant, who ran into those buildings that morning and has been missing ever since.

While the attack on our Nation that day was shocking, there was nothing surprising about the response of the Vigiano brothers. Coming from a long line of city firefighters, doing anything other than rushing into those dangerous buildings at risk to their own life would have been out of character.

These two men were the sons of Captain John Vigiano, a retired city firefighter, who is considered a living legend within the department, and the grandson of a city firefighter as well.

By the age of 34, Detective Vigiano had also distinguished himself as a police officer. Recipient of numerous awards and citations, he was one of the first and only detectives to serve with New York City's Emergency Services Unit. At his funeral, which I attended on October 30, New York City Police Commissioner Bernard Kerick spoke about his personal friendship and working relationship with Detective Vigiano. He detailed Joseph Vigiano's commitment to serving others and his willingness to risk his life to help others, having been wounded twice in the line of duty in the streets.

His brother, John, was the same way, and both shared a special relationship with each other. As boys, when Joe was about to become an eagle scout, John said, "Wait for me. We will do it together." And they did, a few months later.

These two men epitomize everything that our Nation stands for and the bravery and the courage of our firefighters, police officers and other uniformed services. In the midst of chaos, carnage and danger, these two brothers stood tall and stood together with their fellow firefighters and police officers and did not think twice about entering the North Tower, while thou-

sands of others ran in terror looking for safety.

It is something that the Viganos have done for generations. His wife, Kathleen, who was also a New York City Police Officer; three sons, Joseph, James and John; and his parents, John and Jeanette, survived Detective Vigiano. His brother, John, is married to Colette, and has two daughters, Colette and Ariana.

Mr. Speaker, the thoughts and prayers of myself, my family and my colleagues here in the House of Representatives go out to the Vigiano family, and all of the families affected by the attack and the tragic events of September 11. May God bless them and keep them, and may God bless their families, and may God bless and keep the United States of America.

Mrs. MYRICK. Mr. Speaker, I yield to the gentleman from North Carolina (Mr. WATT).

Mr. WATT of North Carolina. Mr. Speaker, to my colleague the gentleman from North Carolina (Mrs. MYRICK), I want to first express my sincere thanks to her for helping to organize this and for coming up with the idea and supporting this effort.

I was listening to the tributes that have already been done this evening, and I thought about a book, and I could not think of the name of it. I thought it was Three Degrees of Separation. I was later told by the Parliamentarian that it was Six Degrees of Separation.

As I recall the theory that is advanced in that book, if you go six people out from yourself, you will always find someone who has a relationship to you. Now, I may not be expressing it exactly right. The Parliamentarian probably knows the theory better than I do.

□ 2320

But certainly, the statements that have been made this evening suggest to me that somewhere within several degrees, perhaps no more than 6 degrees, we are all related to each other in some special way. The people who were killed as a result of the terrorist acts of September 11 are related to all of us now because they have become our special heroes. I did not know any of these people personally, but every time I turn around, I run into somebody who knew one of these people personally and I know that person, so we are 2 degrees separated from a person who died on September 11.

So what I would like to do is give some examples of that from my own experience. Again, these are not people that I know, but they have a strong connection to me now in some special way. Mr. James Debeuneure, a fifth grade teacher, who happens to have attended and graduated from the John C. Smith University in Charlotte, North Carolina. Prior to his death, he lived in suburban Washington, a 58-

year-old elementary school teacher, and died while making the kind of effort to which he dedicated much of his adult life, helping children learn. On Tuesday, the jet carrying Debeuneure and dozens of other passengers on a flight from Dulles Airport outside Washington to Los Angeles was hijacked by terrorists and crashed into the Pentagon. His family says that he was headed to California to attend a National Geographic program designed to help teachers in presenting geography and science issues.

"He was going to learn as much as he could about rivers and ocean sides so he could bring it back for his kids," his son, Jacques Debeuneure, said. Speaking from his family's home in Upper Marlboro, Maryland, Jacques recalled the extra efforts that his father always made for his fifth grade students at the Ketcham Elementary School in Southeast Washington.

"My dad was a good man who loved to teach kids," his son said, his voice cresting with emotion. "He would give his own lunch to those kids in his class when they would forget their lunch. He was a very compassionate man whose focus was educating youngsters. He wanted to make a difference in their lives." Three degrees of separation from a gentleman who attended college in my congressional district.

The story of Sandra Bradshaw, who grew up on a 90-acre farm in Climax, North Carolina. Sandy Bradshaw dreamed of being a flight attendant, but the reality was that she and her 4 siblings had to tend to more than 30,000 chickens being raised for a poultry producer. But Pat and John Waugh did not hold their children back. At age 16, they were allowed to find another job other than tending chickens. Ultimately, Sandy Bradshaw kept her eyes on the goal of being a flight attendant, and in 1990 joined US Airways as a flight attendant. Five months later she was laid off during cutbacks, but beginning in October when she married U.S. Airways pilot Phil Bradshaw, her luck changed. By December of that year, she was working for United Airlines.

While family vacations in North Carolina had rarely ventured beyond the State's borders, the Bradshaws saw the world: Australia, New Zealand, Hawaii, the Caribbean, and most of the United States. "Every place we went we had a blast," Phil Bradshaw said. "My wife loved to travel. That is why we waited so long to have kids. Alexandria was born in 1998, Nathan last year, and Sandy cut her flights to the bare minimum, 2 day-trips a month from Newark to San Francisco, or to Los Angeles. She always wanted to be here for the kids," her husband said. Yet, she loved the days she had between return flights since it gave her a chance to relax, do her nails and catch up on magazine reading before returning home to Greensboro, North Carolina

and her husband, children, and her flower garden. Sandy Bradshaw died in the crash in Pennsylvania.

A third connection to people that I know that are connected to me, Johnson C. Smith must have suffered a severe impact from these events, because Leon Smith was the parent of 2 young people who are now students at Johnson C. Smith University, again, in my congressional district. Leon Smith was many things to many people in his New York community. Generous, affable, and a hero. A New York firefighter who was killed when the World Trade Center collapsed after a terrorist attack on September 11, Leon Smith was a community anchor in the Brooklyn Heights community his daughter, Yolanda, said Tuesday at Johnson Smith University where she is a freshman with her twin sister, Tiffany. "He had a sense of humor, and I did not realize how much he affected everybody in the community that he worked in," his daughter said. "It is like I go down there and everybody knows him as a gentle giant. He was 6-feet-4, had a heart of a Teddy bear, a little baby. He was the most sensitive guy you would ever meet. He was handsome and strong and he is my hero. While people were running out of the World Trade Center, he was running in trying to save people."

One of Leon Smith's goals was to see that his daughters graduated from Johnson C. Smith University, and they will, with the help of a scholarship fund established for children of victims of the terrorist attacks in New York, Washington, and Pennsylvania. The United Negro College Fund is providing full scholarships to its 39 member schools for students who lost parents in the attacks. The Smith sisters and Vernessa Richard, another Johnson C. Smith senior, were the first to receive scholarships, something Yolanda Smith said her dad, who did not get to finish college, would have really approved of.

"I could just see him smiling and saying, 'you go, girl' or something of that nature, and just being really proud like when he found out we were going to school. He was just so proud. He worked so hard for both my sister and I, and our sister back home in New York, to continue his dream and have us finish college." Another degree of separation.

Well, it is even closer than that almost for me. My son lives in Brooklyn, New York, taught 4-year-olds in the Brooklyn public schools, New York public schools, and played basketball with Kenny Caldwell. Kenny Caldwell. We know how most people have to bend down to scratch their knee. Kenny Caldwell did not have to do that, because his hands were the size of baseball mitts and arms that went on forever.

□ 2330

"He was a little slim Jimmy," said his mother Elsie Caldwell from her hometown in Philadelphia, "with big hands and a big, big heart. I called him my little chocolate drop."

Mr. Caldwell, Kenny, 30 when he was killed, liked being a technology salesman for Alliance Consulting Group on the 102nd floor of 1 World Trade Center, but what he loved was figuring out ways to get people together.

"I used to call him the CEO, chief entertainment officer," said his older brother, Leon Caldwell. He even invented an annual event, the International Kicknic Contest, held every August in Prospect Park in Brooklyn for an ever-expanding circle of friends and family to play kickball and catch up.

"My neighbors used to tease me about him while he was growing up," his mother said. "They would say, 'Other kids collect stray cats and dogs, but your Kenny collects stray people.'" He was a good friend and basketball companion of my son, who lives in Brooklyn, New York.

Within that 6 degrees of separation, we find people who were killed in this tragic event, and it reminds us more and more, as I yield back to my good friend and colleague, the gentlewoman from North Carolina, that what we give out comes back, and we should be giving out good all the time. These heroes did that, and for that, we are proud to honor them this evening. I thank my colleague for joining in this special order tribute.

Mrs. MYRICK. Mr. Speaker, I thank the gentleman. There were some nice reminders and hometown ties there that are important to a lot of people.

It is really true, because as we look back on this tragic episode, it seems like everywhere one went in the weeks following, people were saying, golly, I know somebody. There were ties to somebody, this person knew this person who knew that person, and it touched all of us so dramatically all around this country, literally.

I know that people around the world were touched because there were people in those towers from 60 different countries, and a lot of people today are still, I know, wondering why.

There are a couple of people I wanted to just say a word about. Again, I did not know them, but Mary Lou Hague had North Carolina ties. She was a graduate of the University of North Carolina in 1996, and she was a Tri Delt there.

She was really from West Virginia, and was the kind of girl who went to New York and just loved every minute she was there during the 3 years; everything she did, she loved. Her friends and her family remember that when she loved something, she just loved it very big. She loved Michael Jackson so much that she spent \$1,500 to see him the last weekend of her life.

A lot of people would say, wow, \$1,500 is a lot of money to do that, but it was something that was important to her. She loved 1980s music and Twizzlers, which she gave up for Lent; carried them in a bag with her to church that last Sunday so as soon as she was out of church, she could eat some Twizzlers.

Anyway, her friends say she just had a Miss America smile, and she was one of those people that definitely got people's attention, and her share of attention all the time.

She had decided, even though she lived in New York and loved it, that she probably would like to move back and meet a southern guy back home in Parkersburg, West Virginia, and have a dog. She was one of the people that was on the 89th floor of the second tower to be hit, and her entire floor, according to her mother, Liza Adams, was wiped out.

But everybody that knew her says they want to remember her as what she was. She was recalled doing her "happy dance," where she would wave her arms in the air and go out onto the dance floor hollering, "Woo-hooo." She was just one of those people that energized everybody around her.

There was another gentleman named Frank Schott. His wife, Dina, said she could set her watch by his habits. He was up every morning at 5:20, he got the train at 6:09, and every evening at 7 o'clock the door opened and he came into the house, and immediately changed his clothes and went out into the garden to pick his vegetables. She said he never stopped.

Then while his wife got the children ready for bed and bathed them, he would cook dinner. Of course, she said that was wonderful, because what woman would not get used to her husband cooking dinner every night?

Then on weekends he would jog and ride the bike and play with the kids, and a lot of times he took them into work with him on Saturdays, because they loved to ride the train.

But I thought this was what was so interesting about his wife's comments. She said, "If he had survived what happened and knew of the hate that I have for what these people did, he would say, 'Ah, don't be so hard on them.'" She said he would always say, "You can't judge a whole group of people for the actions of a couple of bad apples. I just know that is what he would say."

I think that is a good lesson for a lot of us for whom it is hard when something like this happens not to harbor hard feelings, and especially as we go into this holiday season, where so many of us are fortunate to have our families around us and with us; and there is nothing more difficult than having to go into a holiday when you have lost a loved one, and especially when you have lost a loved one in a senseless, tragic situation like the people in New York and Washington did.

So I hope that all of us, as we look toward the holidays and the joy that we will have, will remember these people and just say a little prayer for the fact that God will give them grace to get through this difficult time that is coming upon us.

Mr. LEWIS of California. Mr. Speaker, when Melissa Rose Barnes was killed in the terrible attack on the Pentagon September 11, a mother in my district lost a daughter who put her career on hold for a year to care for an ailing sister. A family in my district lost the woman who could light up a room with her smile. And we all lost one of the young people who have devoted their lives to defend our Nation.

Yeoman Third Class Melissa Rose Barnes was at her post in the Naval Command Center on the morning of September 11, no doubt making those around her smile with her optimism and sunny California spirit. Navy friends say the office was always a happier place with Melissa on duty.

Melissa joined the Navy in 1992 after she graduated from Redlands High School. She served as a medical aide at Navy hospitals in Maryland and Virginia until 1998, when she took off time to care for her sister, Jennifer Mennie. For a year she watched over Jennifer until she died from lupus. Her mother, Linda Sheppard, remembers Melissa putting on a disco outfit and dancing around the room to make her sister smile.

She came back to the Navy in 1999 and went to communications school. When she completed the course, she was assigned to the Pentagon. There she served her Nation in the command center, helping maintaining contact with our naval forces around the world. She was just 27 years old and a month away from an exciting new assignment on the U.S.S. *Nimitz*, her first sea-going duty when the jetliner smashed into the Pentagon on September 11.

Mr. Speaker, there is no way to describe the sadness and feelings of loss we all have experienced as we realize the wonderful lives that were ended by those senseless attacks. Forty-two people who had devoted themselves to defend our Nation died in that attack, along with the 142 passengers and crew of the hijacked airliner. We feel the loss, and the anger at the attacks. But we must also feel the pride that mother Linda Sheppard feels, that Melissa's father Alan Mennie feels, when they know that their daughter served her country to the end. We will all miss Melissa—let us all cherish her memory and her dedication.

Mr. RAHALL. Mr. Speaker, the Scriptures tell us, "Blessed are the pure in heart, for they shall see God." Paul Ambrose surely looks upon His face today.

Paul Ambrose possessed a clerical passion for public health. After graduating from the Marshall University School of Medicine, he completed his residency in family medicine at Dartmouth. He then earned a master's degree in public health from Harvard. Paul used his ample political skills to influence health policy as the Legislative Affairs Director for the American Medical Student Association and as a fellow with the U.S. Department of Health and Human Services. Most recently, he worked as a family physician in Arlington, VA,

helping mostly poor Salvadoran immigrants. C. Everett Coop said that Paul Ambrose would have made a great U.S. Surgeon General.

Paul's heart found joy in helping improve the lives of others. His influence spread far beyond his medical practice. Visitors to the American Medical Student Association website are invited to share their thoughts and remembrances of him. The single-spaced entries fill 12 printed pages. The words of those who knew him well describe the vibrant human being inside the talented physician.

"The most amazing thing about Paul was his ability to inspire hero-worship, even among the skeptical.

"Paul listened to cool music, read odd books, and watched obscure movies. He marched to this own beat and made us all feel cool by association . . . he danced at my wedding."

"My memories of Paul always included his most popular question, 'How can I help?'"

"I knew that he was going to be fun to work with when he arrived at AMSA with the cappuccino machine for his office . . . He's the only person I know who could wear steel-toed boots with a suit and pull it off."

"It wasn't unusual to see people hanging out at his office door, taking in the ambience, talking about everything, getting inspired, enjoying Paul's wit and wisdom."

"I hope that I am able to raise my son to feel as passionate and committed to causes that make as large a difference as that for which Paul tirelessly worked."

"I try not to think of what it was like on those four doomed airplanes. And yet, I can picture Paul being a comfort to others. Listening to someone who needed to talk, saying some reassuring words. Or maybe, and perhaps, just as likely, saying something so off-the wall that the other person would be able to temporarily forget their surroundings and situation and think to themselves, 'what is that guy talking about?'"

He was only 32. He and his fiancée were planning a wedding and a life together. He boarded a plane that awful morning for California and a meeting about his professional passion, public health. In 6 quick years, Paul rose from a medical student to a confidant of the U.S. Surgeon General. His work lengthened people's lives. His talents could not have been more nobly used.

Dr. Paul Wesley Ambrose should not have been taken from us on September 11. We must maintain a firm resolve to bring to justice the agents of global terror who killed him, and will gladly kill again if given the chance. We must do justice for Paul. Justice for his family. Justice for liberty.

Mrs. MYRICK. Mr. Speaker, I yield back the balance of my time.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:

Mr. CONYERS, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. LANGEVIN, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Ms. MILLENDER-MCDONALD, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. DEUTSCH, for 5 minutes, today.

Mr. BLUMENAUER, for 5 minutes, today.

Mr. BENTSEN, for 5 minutes, today.

Mr. TOWNS, for 5 minutes, today.

The following Members (at the request of Mr. ISAKSON) to revise and extend their remarks and include extraneous material:

Mr. ROHRBACHER, for 5 minutes, today.

Ms. ROS-LEHTINEN, for 5 minutes, December 3, 4 and 5.

Mr. PENCE, for 5 minutes, today.

Mr. GIBBONS, for 5 minutes, today.

Mr. LATOURETTE, for 5 minutes, today.

The following Member (at his own request) to revise and extend his remarks and include extraneous material:

Mr. MCDERMOTT, for 5 minutes, today.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1684. An act to provide a 1-year extension of the date for compliance by certain covered entities with the administrative simplification standards for electronic transactions and code sets issued in accordance with the Health Insurance Portability and Accountability Act of 1996; to the Committee on Energy and Commerce, in addition to the Committee On Ways and Means for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

ADJOURNMENT

Mrs. MYRICK. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 36 minutes p.m.), the House adjourned until tomorrow, Thursday, November 29, 2001, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4638. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Transport Airplane Fuel Tank System Design Review, Flammability Reduction, and Maintenance and Inspection Requirements [Docket No. FAA-1999-6411; Amendment Nos. 21-78, 25-102, 91-266, 121-282, 125-36, 129-30] (RIN:

2120-AG62) received November 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4639. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pratt & Whitney JT9D-7R4 Series Turbofan Engines [Docket No. 2000-NE-35-AD; Amendment 39-12421; AD 2001-17-30] (RIN: 2120-AA64) received November 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4640. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pratt & Whitney Canada PT6A-25C and -114A Series Turboprop Engines [Docket No. 2000-NE-26-AD; Amendment 39-12447; AD 2001-20-01] (RIN: 2120-AA64) received November 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4641. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pratt & Whitney PW4000 Series Turbofan Engines [Docket No. 2000-NE-49-AD; Amendment 39-12461; AD 2001-20-13] (RIN: 2120-AA64) received November 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4642. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fokker Model F.28 Mark 1000, 2000, 3000, and 4000 Series Airplanes [Docket No. 99-NM-220-AD; Amendment 39-12456; AD 2001-20-08] (RIN: 2120-AA64) received November 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4643. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fokker Model F.28 Mark 1000, 2000, 3000, and 4000 Series Airplanes [Docket No. 2001-NM-23-AD; Amendment 39-12428; AD 2001-18-02] (RIN: 2120-AA64) received November 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4644. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fokker Model F.27 Mark 100, 200, 300, 400, 500, 600, and 700 Series Airplanes [Docket No. 2001-NM-24-AD; Amendment 39-12429; AD 2001-18-03] (RIN: 2120-AA64) received November 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4645. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 767-300 Series Airplanes Modified by Supplemental Type Certificate SA7019NM-D [Docket No. 2000-NM-239-AD; Amendment 39-12434; AD 2001-18-08] (RIN: 2120-AA64) received November 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4646. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737-600, -700, and -800 Series Airplanes [Docket No. 2001-NM-310-AD; Amendment 39-12474; AD 2001-21-51] (RIN: 2120-AA64) received November 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4647. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 727 Series Airplanes [Docket No. 2001-NM-281-AD; Amendment 39-12491; AD 2001-22-12] (RIN: 2120-AA64) received November 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4648. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 757 Series Airplanes [Docket No. 2000-NM-361-AD; Amendment 39-12459; AD 2001-20-11] (RIN: 2120-AA64) received November 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4649. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 727 Series Airplanes [Docket No. 2000-NM-18-AD; Amendment 39-12457; AD 2001-20-09] (RIN: 2120-AA64) received November 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4650. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 777-200 Series Airplanes [Docket No. 2000-NM-334-AD; Amendment 39-12435; AD 2001-18-09] (RIN: 2120-AA64) received November 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4651. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—National Pollutant Discharge Elimination System-Regulations Addressing Cooling Water Intake Structures for New Facilities [FRL-7105-4] (RIN: 2040-AC34) received November 21, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SESSIONS: Committee on Rules, House Resolution 297. Resolution providing for consideration of the bill (H.R. 3210) to ensure the continued financial capacity of insurers to provide coverage for risks from terrorism (Rept. 107-304). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. ARMEY (for himself, Mr. OXLEY, Mr. SENSENBRENNER, Mr. NUSSLE, and Mr. THOMAS):

H.R. 3357. A bill to ensure the continued financial capacity of insurers to provide coverage for risks from terrorism, and for other purposes; to the Committee on Financial Services, and in addition to the Committees on the Judiciary, Ways and Means, and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PASCRELL (for himself, Mrs. EMERSON, Mr. WELDON of Pennsylvania, Mr. SKELTON, Mr. GRUCCI, Ms. ESHOO, Mr. BACA, Ms. LOFGREN, Mr. FALBOMAVAEGA, Mr. BRADY of Pennsylvania, Mr. TOWNS, Ms. KILPATRICK, Mr. KING, Mr. TOM DAVIS of Virginia, Mr. MCGOVERN, Mr. PALLONE, Mr. HINCHEY, Mr. SHIMKUS, Mrs. CUBIN, Mr. MEEHAN, Mr. FOLEY, Mr. KENNEDY of Rhode Island, Mr. REYES, Mr. DAVIS of Illinois, Mr. SOUDER, Mr. MENENDEZ, Mr. GILMAN, Mr. ROTHMAN, Ms. MILLENDER-MCDONALD, Mr. WU, Mr. SANDERS, Mr. PAYNE, Mr. HILL, Mr. HOLDEN, Mr. STUPAK, Mr. BALDACCIO, Mr. BORSKI, Mr. KANJORSKI, Mr. DOYLE, and Mr. ANDREWS):

H.R. 3358. A bill to provide mortgage assistance to firefighters; to the Committee on Financial Services.

By Mr. BENTSEN (for himself and Ms. ESHOO):

H.R. 3359. A bill to amend the Trade Act of 1974 to consolidate and improve the trade adjustment assistance programs, to provide community-based economic development assistance for trade-affected communities, and for other purposes; to the Committee on Ways and Means.

By Mr. DEAL of Georgia:

H.R. 3360. A bill to delay until at least January 1, 2003, any changes in Medicaid regulations that modify the Medicaid upper payment limit for non-State Government-owned or operated hospitals; to the Committee on Energy and Commerce.

By Mr. ANDREWS:

H.R. 3361. A bill to amend the Internal Revenue Code of 1986 to provide for employee benefits for work site employees of certain corporations operating on a cooperative basis; to the Committee on Ways and Means.

By Mr. CONDIT (for himself, Mr. MATSUI, Mr. DOOLITTLE, Mr. DOOLEY of California, Mr. FILNER, Mr. PETERSON of Minnesota, and Mr. RADANOVICH):

H.R. 3362. A bill to amend the Clean Air Act to impose certain requirements on areas upwind of ozone nonattainment areas, and for other purposes; to the Committee on Energy and Commerce.

By Mr. CRANE (for himself and Mr. POMEROY):

H.R. 3363. A bill to amend title XVIII of the Social Security Act to authorize physical therapists to diagnose, evaluate, and treat Medicare beneficiaries without a requirement for a physician referral, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GOODE (for himself and Mr. BOUCHER):

H.R. 3364. A bill to provide for premium assistance for COBRA continuation coverage for certain individuals and to permit States to provide temporary Medicaid coverage for certain uninsured employees; to the Committee on Education and the Workforce, and in addition to the Committees on Energy and Commerce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MINK of Hawaii:

H.R. 3365. A bill to amend the Internal Revenue Code of 1986 to allow withdrawals from

individual retirement plans without penalty for certain individuals significantly affected by the September 11, 2001, terrorist attacks; to the Committee on Ways and Means.

By Mr. MORAN of Virginia (for himself, Ms. NORTON, and Mr. WYNN):

H.R. 3366. A bill to reduce traffic congestion, promote economic development, and improve the quality of life in the metropolitan Washington region; to the Committee on Transportation and Infrastructure.

By Mr. SAXTON (for himself, Ms. HARMAN, Mr. LOBIONDO, and Mr. ANDREWS):

H.R. 3367. A bill to amend title 10, United States Code, to require certain contractors with the Department of Defense to perform background investigations, psychological assessments, and behavioral observations, and provide fingerprint cards, with respect to individuals who perform work on military installations or facilities; to the Committee on Armed Services.

By Ms. SCHAKOWSKY (for herself, Mr. BACHUS, Mr. GRAHAM, and Mr. WATT of North Carolina):

H.R. 3368. A bill to amend the Fair Credit Reporting Act with respect to statute of limitations on actions; to the Committee on Financial Services, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHADEGG:

H.R. 3369. A bill to amend the Fair Credit Reporting Act to provide that the statute of limitations begins to run when a violation is first discovered by a consumer; to the Committee on Financial Services, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STUPAK (for himself and Mr. CAMP):

H.R. 3370. A bill to amend the Coast Guard Authorization Act of 1996 to modify the reversionary interest of the United States in a parcel of property conveyed to the Traverse City Area School District in Traverse City, Michigan; to the Committee on Transportation and Infrastructure.

By Mr. WAXMAN (for himself, Mr. MATSUI, Ms. SCHAKOWSKY, Mr. OWENS, Mr. KANJORSKI, Mrs. MALONEY of New York, Mr. DOGGETT, Mr. POMEROY, and Mr. BECERRA):

H.R. 3371. A bill to amend the Federal Advisory Committee Act to establish public disclosure requirements for working groups of advisory committees; to the Committee on Government Reform.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 68: Mr. DAN MILLER of Florida.
H.R. 123: Mr. GANSKE.

H.R. 162: Mr. GRUCCI, Mr. PETERSON of Minnesota, Mr. SKELTON, Mr. KANJORSKI, Mr. MEEKS of New York, and Mr. SCHIFF.

H.R. 218: Mr. CONDIT and Mr. KENNEDY of Rhode Island.

H.R. 224: Mr. STUPAK.

H.R. 356: Mr. TIAHRT.

H.R. 440: Mr. OLIVER.

H.R. 510: Mr. MATSUI.

H.R. 572: Mr. RODRIGUEZ, Mr. POMEROY, Mr. LAHOOD, and Mr. DOYLE.

H.R. 647: Mrs. MYRICK.

H.R. 701: Mr. SHUSTER.

H.R. 817: Mr. HOSTETTLER.

H.R. 831: Mr. ROGERS of Kentucky and Mr. MATSUI.

H.R. 839: Mr. BENTSEN.

H.R. 840: Mrs. BIGGERT and Mr. RODRIGUEZ.

H.R. 938: Mr. BLUMENAUER, Mr. WATT of North Carolina, and Ms. WATERS.

H.R. 975: Ms. DELAULO and Mr. PHELPS.

H.R. 1170: Mr. CLEMENT.

H.R. 1187: Mr. TOM DAVIS of Virginia, Mr. WAXMAN, and Mr. GRUCCI.

H.R. 1289: Ms. CARSON of Indiana.

H.R. 1296: Mr. GOODLATTE and Mr. SIMMONS.

H.R. 1360: Ms. LOFGREN, Mr. LYNCH, and Ms. PELOSI.

H.R. 1421: Mr. SCHIFF, Ms. MCCOLLUM, and Mr. HONDA.

H.R. 1556: Mr. MANZULLO and Mr. HONDA.

H.R. 1594: Mr. BARRETT.

H.R. 1629: Mr. BERRY.

H.R. 1734: Mr. ISRAEL.

H.R. 1760: Mr. BROWN of Ohio.

H.R. 1808: Ms. MCCOLLUM, Mr. FALEOMAVAEGA, and Mr. KILDEE.

H.R. 1810: Mr. QUINN, Ms. WATERS, and Mr. MEEHAN.

H.R. 1822: Mr. BLUMENAUER.

H.R. 1891: Mr. ROSS and Mr. ALLEN.

H.R. 1918: Mr. LANTOS.

H.R. 1984: Mr. ROGERS of Kentucky, Mr. BARTLETT of Maryland, Mr. TANCREDO, and Mr. LIPINSKI.

H.R. 1997: Mr. TURNER.

H.R. 2008: Mr. FRANK, Mr. CAPUANO, Mr. FORBES, Mr. HINCHEY, Mr. CONDIT, and Mr. HOUGHTON.

H.R. 2014: Mr. STUPAK.

H.R. 2088: Mr. AKIN.

H.R. 2109: Ms. ROS-LEHTINEN.

H.R. 2117: Mrs. MCCARTHY of New York.

H.R. 2157: Mr. DOOLEY of California.

H.R. 2171: Mr. MANZULLO.

H.R. 2173: Mr. LEACH.

H.R. 2180: Mr. MOLLOHAN.

H.R. 2233: Mr. KING and Mr. MOORE.

H.R. 2341: Mr. WICKER and Ms. HART.

H.R. 2345: Mr. PALLONE, Mr. ABERCROMBIE, Mr. FORBES, and Mr. DELAHUNT.

H.R. 2457: Mr. ROGERS of Kentucky.

H.R. 2466: Mr. SKELTON.

H.R. 2549: Mr. HASTINGS of Washington.

H.R. 2598: Mr. PAYNE.

H.R. 2610: Ms. SOLIS, Mr. WEINER, Ms. ROYBAL-ALLARD, Mr. CLAY, Mr. SCOTT, Mr. WEXLER, Mr. KENNEDY of Rhode Island, Mrs. EMERSON, Mr. COSTELLO, Mr. BALDACCIO, and Mr. CRAMER.

H.R. 2623: Mr. BRYANT, Mrs. MCCARTHY of New York, Mr. PETERSON of Minnesota, and Mr. BONIOR.

H.R. 2643: Mr. BLUMENAUER, Mr. INSLEE, Mr. HILL, Mr. BERREUTER, and Ms. HOOLEY of Oregon.

H.R. 2670: Mr. ROTHMAN.

H.R. 2709: Mr. SHADEGG.

H.R. 2723: Mr. PORTMAN, Mr. BROWN of Ohio, and Mr. BALDACCIO.

H.R. 2739: Mr. SMITH of Michigan, Mr. PAYNE, and Mr. CLAY.

H.R. 2751: Mr. DICKS, Mr. RANGEL, Mr. FROST, Mr. LARSEN of Washington, Mr. MATHESON, Mr. ORTIZ, Mr. EVANS, Mr. HINOJOSA, Mr. BACA, Mr. TURNER, Mr. TAYLOR of North Carolina, Mr. ROGERS of Kentucky, Mr. SKELTON, and Mr. REYES.

H.R. 2787: Mr. SANDERS.

H.R. 2908: Mr. HORN.

H.R. 2980: Mrs. MCCARTHY of New York and Mr. KING.

H.R. 2989: Ms. SCHAKOWSKY, Mr. RUSH, Ms. JACKSON-LEE of Texas, Mr. KUCINICH, Ms.

KAPTUR, Mr. LEWIS of Georgia, Mr. HOEFFEL, and Mr. LAHOOD.

H.R. 3037: Mr. FILNER, Mr. CLAY, Ms. ESHOO, and Mrs. NAPOLITANO.

H.R. 3046: Mr. SCHROCK.

H.R. 3054: Mr. POMEROY, Mr. PLATTS, and Mr. SOUDER.

H.R. 3066: Mr. FALEOMAVAEGA.

H.R. 3074: Mr. HOSTETTLER.

H.R. 3087: Mr. KILDEE.

H.R. 3109: Mr. QUINN.

H.R. 3163: Mr. FATTAH.

H.R. 3178: Mr. BORSKI and Mr. ENGLISH.

H.R. 3183: Ms. MCKINNEY.

H.R. 3185: Mr. DICKS and Mr. McNULTY.

H.R. 3215: Mr. STENHOLM, Mr. SHAW, Mr. DEMINT, Mr. BERREUTER, Mr. SESSIONS, Mr. LARGENT, Mr. RAMSTAD, Mr. MCCREERY, Mr. DAN MILLER of Florida, Mr. TAYLOR of North Carolina, Mrs. EMERSON, and Mr. FRELINGHUYSEN.

H.R. 3230: Mr. ISRAEL and Mrs. LOWEY.

H.R. 3239: Mr. BRADY of Pennsylvania, Mr. BORSKI, Mrs. MEEK of Florida, Mr. WEXLER, Mr. GONZALEZ, and Mrs. THURMAN.

H.R. 3273: Mrs. JO ANN DAVIS of Virginia, Mr. TANCREDO, Mr. ROEMER, and Mr. CANTOR.

H.R. 3288: Mr. MATHESON.

H.R. 3294: Mr. PASCRELL.

H.R. 3295: Mrs. BIGGERT, Mr. BURR of North Carolina, Mr. FERGUSON, Mr. GIBBONS, Mr. GILMAN, Mr. HOBSON, Mr. ISAKSON, Mr. KENNEDY of Minnesota, Mr. KIRK, Mr. MCHUGH, Mr. RAMSTAD, Mr. WALSH, Mr. WELLER, Mr. WICKER, Mr. ABERCROMBIE, Mr. BALDACCIO, Mr. BENTSEN, Ms. BERKLEY, Mr. BERMAN, Mr. BISHOP, Mr. BLAGOJEVICH, Mr. BORSKI, Mr. BOSWELL, Mr. BOYD, Mr. BRADY of Pennsylvania, Ms. CARSON of Indiana, Mr. CLAY, Mr. CLYBURN, Ms. DEGETTE, Mr. DEUTSCH, Mr. DICKS, Mr. DOOLEY of California, Mr. ENGEL, Ms. ESHOO, Mr. FORD, Mr. FROST, Mr. GORDON, Mr. GREEN of Texas, Ms. HOOLEY of Oregon, Mr. INSLEE, Mr. ISRAEL, Mr. JEFFERSON, Mr. JOHN, Mr. KENNEDY of Rhode Island, Mr. KILDEE, Mr. LANTOS, Mr. LARSON of Connecticut, Mr. LIPINSKI, Mrs. LOWEY, Mrs. MALONEY of New York, Mr. MASCARA, Ms. MCCOLLUM, Mr. MORAN of Virginia, Mr. OBERSTAR, Mr. PASTOR, Mr. ROTHMAN, Mr. SANDERS, Ms. SCHAKOWSKY, Mr. SHERMAN, Ms. SLAUGHTER, Mr. SMITH of Washington, Mr. STENHOLM, Mr. THOMPSON of California, Mr. TOWNS, and Mr. WEXLER.

H.R. 3316: Mr. BACA.

H.R. 3317: Mr. STARK, Mr. BLUMENAUER, Mr. LANGEVIN, and Mrs. THURMAN.

H.R. 3324: Mr. CASTLE.

H.R. 3330: Mrs. MYRICK, Mrs. CAPPS, Mrs. MCCARTHY of New York, Ms. GRANGER, Ms. WATSON, Ms. CARSON of Indiana, Mrs. LOWEY, Ms. PELOSI, Ms. KAPTUR, Ms. ESHOO, and Ms. DELAULO.

H.R. 3341: Mr. JACKSON of Illinois, Ms. BROWN of Florida, Mr. TIERNEY, Ms. KILPATRICK, Ms. DELAULO, Mr. RUSH, Mr. FROST, Mr. CROWLEY, Mr. MATSUI, Mr. MCGOVERN, Mr. FILNER, Mr. ABERCROMBIE, Mr. BARRETT, and Mr. FARR of California.

H.J. Res. 6: Mr. SMITH of New Jersey.

H.J. Res. 15: Mr. STARK and Mr. BOEHLERT.

H.J. Res. 23: Mr. HALL of Texas and Mr. BLUNT.

H. Con. Res. 173: Ms. ESHOO.

H. Con. Res. 181: Mr. STUPAK, Mr. GRUCCI, and Mr. ROSS.

H. Con. Res. 249: Mr. FORD.

H. Con. Res. 253: Mr. PAYNE and Mr. CLEMENT.

H. Con. Res. 267: Mr. SANDERS.

H. Con. Res. 279: Ms. BROWN of Florida.

November 28, 2001

CONGRESSIONAL RECORD—HOUSE

23293

DELETIONS OF SPONSORS FROM
PUBLIC BILLS AND RESOLUTIONS

H.R. 3323: Mr. McDERMOTT.

Under clause 7 of rule XII, sponsors
were deleted from public bills and reso-
lutions as follows:

EXTENSIONS OF REMARKS

TRIBUTE TO THE STUDENTS OF MARYVILLE ELEMENTARY SCHOOL

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 28, 2001

Mr. SHIMKUS. Mr. Speaker, I rise today to pay tribute to the students of Maryville Elementary School in Maryville, Illinois, and their important and heartwarming efforts to help those affected by terrorism.

On October 11, 2001, President Bush made a request of the children of America. He challenged each of them to earn and send in one dollar. This money, sent by the kindness of the children of the United States, will be used to reach out to the unfortunate children in far off Afghanistan.

The students of Maryville Elementary School heard and met that challenge. They sponsored a school-wide fundraising effort—spearheaded by their Citizenship Committee—during this last October and November. Once they were finished, several of their students visited my Collinsville office to present me personally with their donation: \$198.20, which I have passed on to the Fund here in Washington, D.C.

The students, parents, faculty, and members of the Maryville community should be recognized for their fine efforts. The terrorists believed they could accomplish their goals with the murder of American innocents; but the American citizens have responded with aid to the innocent of Afghanistan. Nothing else could better show how utterly al Qaeda has failed.

Mr. Speaker, as President Bush said in his announcement of the Fund for Afghan Children, "One of the truest weapons that we have against terrorism is to show the world the true strength of character of the American people." The children of Maryville Elementary have shown that character, and they deserve our thanks. May God bless them, and may God bless the United States of America.

HONORING LEBANESE INDEPENDENCE DAY

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 28, 2001

Mr. BONIOR. Mr. Speaker, I am pleased to join the Lebanese American community in celebrating the 58th anniversary of Lebanese independence.

On November 22, 1943 Lebanon obtained its independence from France. Shortly thereafter, Lebanon became a founding member of both the United Nations and League of Arab States. Signaling its commitment to the idea

that human rights were global and that is was ready to be a full-partner in the post World War II world, Lebanon played an integral part in the drafting of one of the UN's most distinguished documents—the Universal Declaration of Human Rights.

As one of the world's early cradles of civilization, Lebanon has long been held up as an example of prosperity and perseverance. In its recent history, Lebanon has suffered a great deal, but to truly understand the spirit of the Lebanese people one only need to look at the way in which they have rebuilt their nation. While much remains to be done, the nation's progress is an example from which we can all learn.

The United States and Lebanon have been blessed by a historically strong friendship, owing in part to the emigration of Lebanon's sons and daughters. They embraced America with open arms and their contributions helped build a greater nation. This relationship is best exemplified by the following familiar words, first spoken by a proud Lebanese American: "Are you a politician asking what your country can do for you or a zealous one asking what you can do for your country?" Those are the words of Kahlil Gibran, a poet who frequently wove beauty and justice into his work and in the process touched the heart and meaning of America.

Today, I think we have reason to reflect on another of Gibran's contributions, one that holds a great lesson for us all. "To be a good citizen is to acknowledge the other person's rights before asserting your own, but always to be conscious of your own."

Since 1965, nearly 100,000 new immigrants have come from Lebanon. My home state of Michigan has one of the largest Lebanese American communities in the country and it has been actively involved in the life of our great state. The Lebanese community willingly shares its culture and values not only with Michigan, but with the entire nation. The result has been innumerable contributions to the arts, sports, medicine, politics, education, science and industry.

Mr. Speaker, I join the people of Lebanon, those of Lebanese ancestry around the world and the Lebanese American community in celebrating Lebanese Independence Day. I salute all of them for the tremendous contributions to freedom and human dignity which they have made.

CONGRATULATING DR. PETE MEHAS

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 28, 2001

Mr. RADANOVICH. Mr. Speaker, I rise today to congratulate Dr. Pete Mehas on the

occasion of his recognition as the 2001 Breaking Barriers for Children Award Honoree. Break the Barriers, Inc., partners able-bodied performers with disabled youth to explore and break barriers and celebrate all levels of victories and achievements. This award is intended to honor the contribution of an outstanding individual who has made service to children a priority in his or her life.

Dr. Mehas has a lengthy list of credentials and service to the community, State of California, and our great Nation. He has promoted education under governors and presidents alike. His expertise and advice are sought by leaders from all levels of government.

His resume includes service under former California Governor Deukmejian as the director of the Governor's Office of Education Planning and Policy Committee and on the State Board of Education. Dr. Mehas has also served on the U.S. Secretary of Education's National Advisory Committee on Accreditation and Institutional Eligibility and former President George Bush's advisory committee on Latino education. He has received numerous awards and was elected Fresno County Superintendent of Schools in 1990 and is currently serving his third consecutive term with unanimous support from Fresno area Democrat and Republican legislators.

Mr. Speaker, it is an honor to recognize Dr. Pete Mehas for this award. I invite my colleagues to join me in congratulating this dedicated educator and wishing him many more years of continued success as he receives the 2001 Breaking Barriers for Children Award.

A TRIBUTE TO STEPHANIE S. RUDY

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 28, 2001

Mr. UDALL of Colorado. Mr. Speaker, I am especially pleased to rise today to acknowledge Stephanie S. Rudy for the depth and diversity of contributions she has made to so many local organizations in Colorado.

Stephanie's energy is boundless, her smile matchless, and her compassion far-reaching. She is a dedicated advocate for the arts and one of the rarest and most wonderful talents in our community. This year she was selected by the Denver Foundation as the recipient of the "Minoru Yasui Community Volunteer Award," which recognizes individuals who have made outstanding contributions to the city of Denver and their community through volunteerism. She also was chosen by the Boulder Chamber of Commerce to receive the "Women Who Light Up The Community" honor.

Among the many organizations Stephanie has enriched with her talents are the "Open

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Studios" for artists and art lovers throughout the Boulder area, the Colorado Music Festival, the Conference on World Affairs at the University of Colorado, the Boulder County Safehouse for women and children, the Boulder Community Hospital, and the Boulder Police Department. To serve so broadly, so successfully, and with such grace, heart, and spirit is deserving of recognition.

I first met Stephanie when, as a representative of "Open Studios," she enlisted my help in inviting Mr. William Ivey, chairman of the National Endowment for the arts, to visit Colorado. Through her coordinating genius with the Colorado Council on the Arts, the Colorado Business Committee for the Arts, the Arvada Center for the Arts, Chairman Ivey's office and my staff, Stephanie booked the chairman to speak before full audiences in Denver, Arvada, and Boulder. This special engagement with the chairman was a triumph only to be dreamed of by others in Colorado.

For the past 4 years Stephanie has been the personable Steering Committee Chair in charge of Publicity and Marketing for "Open Studios." This program is a self-guided tour of over 130 studios of Boulder's finest visual artists. Under her inspired direction, attendance has increased nearly thirty percent, and "Open Studios" has garnered generous coverage in local and national newspapers and magazines. Her creativity in designing the unique Press Kits has generated remarkable public participation in this exceptional annual event.

In addition to the incomparable work Stephanie does for "Open Studios," she also serves as a member of the Board of the Colorado Music Festival. This festival orchestra has been described as "the best orchestra is Colorado," and "the most important orchestra between Chicago and Los Angeles." To celebrate the Colorado Music Festival's 25th Anniversary, Stephanie graciously gave me the tremendous honor of having the U.S. flag presented to the festival's accomplished young conductor, Mr. Michael Christie, for his debut season.

Stephanie has also been a member of the General Committee for the Conference on World Affairs, an annual event held at the University of Colorado each April. She has been in charge of publicity for this conference that is attended annually by over 50,000 people. She has recently been asked to use her extraordinary skills as a member of the committee to plan the World Affairs Athenaeum.

The Boulder Police Department has benefited for three years from her volunteer work as a Victim's Advocate. This program requires Stephanie to respond to the scene of a crime and inform victims and witnesses of their rights, give them resources, and help them find constructive ways to cope with incidents. She has dealt sympathetically with victims of sexual assault, assault, bank robberies, domestic violence, and harassment. She has also worked sensitively with groups of people affected by the suicide of others.

Stephanie has enhanced the "Chocolate Lover's Fling," among other projects for the Boulder Country Safehouse, a human service organization serving women and children victimized by domestic violence. She cochairs the arts committee of "Wine Women and Food," an event sponsored by the Boulder Community Hospital.

Mr. Speaker, I ask my colleagues to join with me in expressing our gratitude to Stephanie Rudy for touching our community socially, culturally, and artistically. Her constant and loving contributions go beyond reckoning, and I wish her good health and happiness in the future.

PARAGUAY: A TERRORIST UTOPIA

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 28, 2001

Mr. TOWNS. Mr. Speaker. With the United States war on terrorism gaining steam, Paraguay, a nation with a disturbing Pro-Nazi past, could become a country of increasing importance for United States foreign policy makers due to the high volume of narcotics traffickers now occurring there as well as various militant movements in that nation, producing an alarmingly volatile situation, according to United States officials. Ross Knutson, Research Associate at the Washington-based Council on Hemispheric Affairs (COHA), has recently authored an article of utmost importance entitled, *Paraguay: A terrorist's utopia*. The article examines United States monitoring of the clandestine activity in Paraguay that has been occurring for a number of years there. For a long time, the United States as well as the intelligent services of a number of Southern Cone countries has known about the involvement of radical Islamic terrorist organizations in the tri-border region, where Paraguay borders Argentina and Brazil. There is very strong evidence indicating that such extremist groups authored the bombing of two Jewish facilities in Buenos Aires in the early 1990s with the loss of over 100 lives.

In the wake of the terrorist strikes in the United States, Paraguay's recent history of serving as a staging ground for such militant Islamic groups as Hezbollah and the Islamic Jihad will certainly deserve closer scrutiny. Paraguayan authorities as well as the governments of Brazil and Argentina are beginning to take a more active role in monitoring these groups especially around Ciudad del Este, a well-known Paraguayan hub for such alleged terrorist activity.

Despite such efforts by the tri-border countries, U.S. authorities are becoming increasingly worried over the lack of local control over the region's numerous airstrips and waterways which terrorist groups could use to communicate and move operatives and supplies with near anonymity. As such, the United States is beginning to take greater action, with Washington offering its Special Forces to train and advise the Paraguayan military and national police on a variety of antiterrorism and anti-drug tactics. This step is associated with the United States implementing a crackdown on the drug trade by way of its increased efforts through Plan Colombia. If the war on terrorism lasts for years, as the Bush administration has stated it will, the United States could soon find itself involved in a series of protracted and complicated campaigns in countries such as Paraguay. As such, Knutson's article is of utmost importance since any U.S. activities in that country appear to be long-stayed.

THE COUNCIL ON HEMISPHERIC AFFAIRS

The Council on Hemispheric Affairs (COHA), a nonprofit, tax-exempt independent research and information organization, was founded at the end of 1975 to promote the common interest of the hemisphere, raise the visibility and increase the importance of the inter-American relationship, as well as encourage the formulation of rational and constructive U.S. policies towards Latin America. In 1982, COHA's board of trustees voted to expand its mandate to include monitoring Canadian/Latin American relations. Since its inception, COHA has been one of the most active and broad-based U.S. private bodies dealing with the entire spectrum of political, economic and diplomatic issues, as well as the economic and political challenges confronting the Inter-American nations.

From its founding, COHA's board consisted of the leadership of some of this country's most important trade unions, professional organizations and religious groups, as well as distinguished civic and academic figures who joined together to advance their common belief in support of representative government and pluralistic institutions throughout the hemisphere.

COHA subscribes to no specific political credo nor does it maintain partisan allegiances. It support open and democratic political processes just as it consistently has condemned authoritarian regimes of any stripe that fail to provide their populations with even minimal standards of political freedoms, economic and social justice, personal security and civic guarantees.

COHA is entirely staffed by a professional core, who contribute their services, supplemented by a large number of volunteer graduate and undergraduate students who often receive academic credit from their home institutions for the experience gained through their work here. Over the years, retired government employees also have cooperated with COHA in preparing monographs on such topics as regional development, trade policies, technology transfer, the operations of multinational corporations and the controversial development strategies of the international agencies. The staff is assisted by a number of extra-mural professionals coming from an academic background who serve as COHA senior research fellows, who are generally considered to be leaders in their respective fields of expertise.

COHA's analyses are frequently sought after by the major media, with its long-time director, Larry Burns, as well as other senior personnel regularly being called upon by the major national and international press, along with network radio and TV public affairs programs, to provide commentary on breaking regional issues. COHA contributors also appear regularly in the opinion columns on editorial pages throughout the country, and its findings frequently have been heard and seen over the BBC, Voice of America, CBC, Radio Marti, Radio Havana and U.S. radio programs. COHA personnel also have appeared one or more times on CNN, C-Span, Firing Line, CrossFire, Nightline, the CBS, ABC and NBC evening news, as well as the network Larry King program, "Good Morning America" and the "Today Show," and many National Public Radio public affairs programs.

COHA's personnel have been interviewed, or the organization's findings have been referred to in such publications as *Time*, *Newsweek*, the *Atlantic Monthly*, *U.S. News and World Report*, *New York Magazine*, *Harper's*, the *New Yorker*, the *New Statesman*, *Baron's* and *Maclean's*. On almost a daily basis,

the results of COHA's work appear in the press of Latin America and Europe. COHA also has been cited in numerous occasions in the New York Times, the Washington Post, Los Angeles Times, the Christian Science Monitor, the London Observer, the Boston Globe, the Miami Herald, the Toronto Globe and Mail, the Toronto Star, the London Independent and the Guardian, among many other newspapers.

COHA has been referred to in the floor of the Senate as "one of our Nation's more respected bodies of scholars and policymakers."

PARAGUAY: A TERRORIST'S UTOPIA

The coming months should bring an increased focus on Paraguay. In reaction to the growing U.S. presence in Colombia and other South American nations, drug traffickers as well as various militant movements are gradually fanning out, establishing what is an alarming presence, according to U.S. officials. Unstable institutions, rampant corruption and a struggling economy make Paraguay an attractive venue for would-be terrorists and drug smugglers to establish their operations.

U.S. agencies have been monitoring clandestine activity in Paraguay for a number of years. However, only recently have they begun to increase their physical presence. According to reports, the DEA (Drug Enforcement Agency) has more than doubled the size of its office in Asuncion. In the wake of the terrorist strikes in the U.S. Paraguay's recent history of severing as a staging ground for militant Islamic groups such as Hezbollah and the Islamic Jihad will certainly draw closer scrutiny.

Terrorist Cells

The U.S. as well as the Southern Cone countries have long known about the involvement of radical Islamic terrorist organizations in the tri-border region, where Paraguay borders Argentina and Brazil. Now, as the result of increased U.S. pressure, Paraguayan authorities, and to a lesser extent, the governments of Brazil and Argentina, are beginning to take a more active role in monitoring these groups. In response to the terrorist attacks on September 11, Brazil and Argentina bowed to FBI requests to tighten its borders with their neighbors. Paraguay, worried over its reputation as a country harboring terrorists, has announced that it would temporarily would severely restrict issuing visas and increase security along its borders, particularly focusing on the eastern portion of the country, an area with a large Arab community. On September 21, foreign affairs ministers from the OAS nations met to discuss terrorism-related hemispheric security concerns. Portions of the talks dealt with the Southern Cone countries' long-standing belief that Paraguay has shown little concern in addressing the terrorist elements operating within its borders. For instance, Argentina has maintained that Hezbollah terrorists used Ciudad del Este, Paraguay's principle city in the tri-border area, as headquarters for their attacks on the Israeli Embassy in 1992 and a Buenos Aires' Argentine-Israeli Community Center in 1994. A trial involving 20 low-level defendants accused of assisting the attackers recently began, with some hoping that more knowledge will be revealed concerning who supervised the terrorists. Argentine pressure is mounting, with Enrique Mathov, its new Internet Security Secretary, calling the "triple border" area a "hot zone." Indeed, it is possible that the U.S. will step up pressure on the tri-border countries to clean up this area and eliminate "rouge elements."

U.S. Involvement

President Bush's call to sustain the war "until every terrorist group of global reach has been found, stopped and defeated" indicates that U.S. authorities will certainly increase this country's monitoring of developments in the area. Triple-frontier countries have indicated that they intend to fully cooperate in helping the U.S. eliminate any terrorist threat in the region. Although Brazil and Argentina have increased their border security, Paraguay has perhaps taken the strongest position in support of the U.S. anti-terrorism efforts by asking the OAS to firmly support any U.S.-led retaliation.

Nevertheless, rhetoric and a strong anti-terrorism stance by these nations are not deemed sufficient by U.S. authorities to quell their fears about the potential terrorist threat in the region. Paraguay's foreign minister, Jose Antonio Moreno, stated that 40 FBI agents have arrived in Paraguay and were headed to Ciudad del Este, "transit point for shadowy groups." Many experts foresaw this increased U.S. presence as inevitable; however, a deployment of this magnitude was certainly accelerated by the recent terrorist attack. The inevitability of U.S. involvement in the area was reflected in statements made by the State Department and former director of the FBI, Louis J. Freeh. The FBI's concern is rooted in a trip that Freeh took to South America in 1998 to assess security concerns. At the time, Freeh called for a multinational crackdown on crime, something he saw as an important step to establishing a hemispheric police alliance. He called the tri-border region "a free zone for significant criminal activity, including people who are organized to commit acts of terrorism." Last April, the State Department warned that the governments of Paraguay, Brazil and Argentina are not capable of preventing Islamic terrorist originating from Paraguay's hub of militancy, Ciudad del Este.

A primary Washington concern has been the lack of control of the region's numerous airstrips and waterways. Using these modes of transportation, terrorist groups can communicate and move operatives and supplies with near anonymity. To reassert proper governmental control, the U.S. is offering its Special Forces to train and advise the Paraguayan military and national police on a variety of anti-terrorism and anti-drug tactics. U.S. Special Forces already have made their presence felt in Paraguay earlier this year by participating with the country's military on a "training exercise" focused on combating drug traffickers. Many thought that the "training exercise" closely resembled a counter-insurgency operation. This could signal a change in U.S. military policy in Paraguay, as further training could focus on counter-intelligence operations and counter-terrorism tactics. If the war on terrorism lasts for years, as the Bush administration has stated it will, the U.S. could soon find itself involved in a series of protracted and complicated campaigns in that nation.

HONORING RON WALTERS

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 28, 2001

Ms. WOOLSEY. Mr. Speaker, I rise today in order to honor a man in the City of Petaluma, where I proudly reside, who embodies the

spirit and best qualities of that town. He is a man who attracts people through his gift of music and humor, and has used his special voice to make Petaluma a better place to live. Petalumans would know that I'm talking about Ron Walters.

Ron Walters' was born in Ute, Iowa on Thanksgiving Day in 1932 and from the beginning people have been thankful for his giving nature. Growing up in the depression, Ron migrated to California in 1936 with his parents, grandparents, aunts and uncles in car hauling a homemade house trailer filled with all their worldly possessions. After graduating from high school in Healdsburg he attended several colleges where he excelled in sports, music and drama. Ron graduated from Gonzaga University in Washington state where he starred in varsity basketball and also set records as the sole representative of the University's unofficial track team.

After graduation, Ron returned to California where he held several jobs and met and married Judy Paige and soon was the father of three lovely daughters, Leigh, Juli and Erin. Then in October 1963 Ron, who was looking for a way to apply his love of music, walked into the KTOB radio station in Petaluma and asked for a job, which he thought he didn't get. But the next day, the station owner called to ask, "How come you're not a work?" Ron started work the same day.

At KTOB, Ron quickly became the "Voice of Petaluma," with a regular morning program. He quickly put his humor and homespun sensibilities to use. He used his microphone to raise money for efforts including Pop Warner Football, the Petaluma Boys Club (which was in dire financial straits), medical costs for an injured high school football player and many, many other worthy causes. He was a staunch supporter of Petaluma beautification projects and played an important role in Petaluma's historic preservation efforts which has preserved much of the city's Victorian architectural heritage, including his own home.

Ron not only played music on the radio, he also taught music at Sonoma State University and was a performer. He starred in local productions of Broadway musicals including acting and singing the role of the Professor Harold Hill in the "Music Man" three times, a very appropriate role for an Iowa boy who lived in a town nicknamed "River City." Ron also performed vocal jazz with the Harmonizers and Harmonettes and sang with various local bands including those of Ernie Walker, Peter Welker, Walt Oster and Bill Sax. Ron was a featured performer at Carnegie Hall last year with the jazz group, Take Note, and will sing there again next year.

Ron Walters' voice hasn't disappeared into the airwaves. The lessons he taught about civic involvement, philanthropy, and support for youth and the arts strongly reverberates in Petaluma and will do so for a long time to come.

Ron Walters always signed off his radio programs saying, "This is Ron Walters saying thanks a heap and don't forget what I told you yesterday."

Mr. Speaker, I would like to say to Ron on behalf of all the people his life has touched, "Thanks a heap, and no, we won't forget."

TRIBUTE TO THE STUDENTS OF
SOUTH FORK SCHOOL SYSTEM

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 28, 2001

Mr. SHIMKUS. Mr. Speaker, I rise today to pay tribute to the students of South Fork School System in Kincaid, Illinois, and their important and heartwarming efforts to help those affected by terrorism.

On October 11, 2001, President Bush made a request of the children of America. He challenged each of them to earn and send in one dollar. This money, sent by the kindness of the children of the United States, will be used to reach out to the unfortunate children in far off Afghanistan.

The students of South Fork School heard and met that challenge. I recently received a check of \$533.00, made out to America's Fund for Afghan Children—that's more than one dollar for each student in South Fork, and more than our President requested.

The students, parents, faculty, and members of the Kincaid community should be recognized for this fine effort. The terrorists believed they could accomplish their goals with the murder of American innocents; but the American citizens have responded with aid to the innocents of Afghanistan. Nothing else could better show how utterly Al Qaeda has failed.

Mr. Speaker, as President Bush said in his announcement of the Fund for Afghan Children, "One of the truest weapons that we have against terrorism is to show the world the true strength of character of the American people." The children of South Fork have shown that character, and they deserve our thanks. May God bless them, and may God bless the United States of America.

HONORING ALBANIAN FLAG DAY

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 28, 2001

Mr. BONIOR. Mr. Speaker, I am pleased to join the Albanian American community in celebrating the 89th anniversary of Albanian Flag Day which symbolizes Albania's independence.

On November 28, 1912 Albanian declared its independence by raising its flag in the coastal town of Vlorë. Since that glorious day, Albania has endured many hardships but has managed to persevere. The conflict that occurred in Kosovo only a short time ago tested Albania and its people. Albania and its proud citizens are entering into a new era of political, social, and cultural growth. They possess a focused vision of their future and will do all they feel is necessary to ensure prosperity.

The United States relationship with Albania is strong and growing stronger. This was evident when Albania pledged its support to us in the wake of the terrorist attacks on September 11, 2001. Today, the United States is enriched by the many Albanian Americans living here.

EXTENSIONS OF REMARKS

They have made major contributions to nearly every facet of American society. The Albanian community adds to the wonderfully diverse American culture by sharing with us their customs and beliefs.

Mr. Speaker, I join the people of Albania, those of Albanian ancestry around the world and Albanian Americans in celebrating Albanian Flag Day. I salute all of them for the tremendous contributions to freedom and human dignity which they have made.

HONORING DERAN KOLIGIAN AS
AGRICULTURIST OF THE YEAR

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 28, 2001

Mr. RADANOVICH. Mr. Speaker, I rise today to honor Deran Koligian on the occasion of his recognition by the Greater Fresno Area Chamber of Commerce as the Agriculturist of the Year.

Mr. Koligian serves Fresno County's first district on the Board of Supervisors and was recently elected to serve as the Board's chairman for 2001. In addition to being a County Supervisor, he also serves on a myriad of commissions including the Economic Development Commission, Central Valley Project Authority Advisory Committee, Pleasant Valley Habitat Plan Board of Directors and Steering Committee, Southeast Regional Solid Waste Commission, and Water Resources Management Executive Committee.

Supervisor Koligian, born and raised in Fresno, is an ardent supporter of agriculture in the largest agricultural producing county in the nation. He has blended his dedication to agriculture and public service in a most beneficial and effective manner. Fresno County has been enriched by his commitment to agriculture and the community.

Mr. Speaker, I am honored to recognize Deran Koligian as the 2001 Agriculturist of the Year. I invite my colleagues to join me in congratulating Mr. Koligian and wishing him many more years of continued success.

STATEMENT IN SUPPORT OF THE
CONFERENCE REPORT FOR H.R.
3150

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 28, 2001

Mr. LANGEVIN. Mr. Speaker, today I wish to congratulate my colleagues, especially the gentleman from Alaska (Mr. YOUNG) and the gentleman from Minnesota (Mr. OBERSTAR), on reaching an aviation security agreement that will provide unprecedented protection to our Nation's passengers and airways.

As we enter the holiday season, it is essential that the flying public feel confident about air travel, and today's agreement will restore full faith in flying. Aviation security is of particular concern in Rhode Island, where our State airport is located in a populated urban

area. We must safeguard this facility and all of our Nation's airports from potential threats, not only for the benefit of passengers and workers, but also to allay the fears of people in neighboring homes and businesses. H.R. 3150's provision requiring all checked baggage to be screened by explosive-detection devices is an important step to enhance security and guarantee peace of mind to the traveling public.

H.R. 3150 will also provide a well-timed and much needed boost to the travel and tourism sector, which is the second largest industry in the State of Rhode Island. I have heard the concerns of airline employees and passengers, hotel workers, rental car companies, travel agents, and restaurant owners. We all agree that Congress must restore confidence in air travel in order to boost our nation's flagging economy.

Finally, this legislation includes a provision to federalize airport security, which is one of the most important commitments we can make to air travelers. Countless constituents have contacted me in support of a federal aviation screening force, and I am pleased that H.R. 3150 reflects the will of the American people.

Today's bipartisan legislation is an example of good government at work, and I urge my colleagues to vote for final passage.

IN TRIBUTE TO REV. VERNON
MCGOWEN

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 28, 2001

Mr. PALLONE. Mr. Speaker, I would like to call to the attention of the chair and my colleagues a distinguished minister from the city of Neptune, NJ, Rev. Vernon McGowen.

Reverend McGowen has served as the minister of the Martin Luther King Jr. Presbyterian Church in Neptune for the past 25 years. On Sunday, November 18, 2001, his church will recognize his illustrious career and dedication to the Neptune and Asbury Park communities.

A Houston native, McGowen moved to New Jersey to attend the Princeton Theological Seminary where he earned his masters of Divinity Degree. While at Princeton, through the urging of a professor and mentor, he started preaching at Martin King Jr. Presbyterian Church. His dedication and compassion were evident after only 2 years of service, at which time the Church invited him to become the church's permanent pastor.

Throughout his tenure as pastor, he has been an outspoken advocate for people who normally have no way of making themselves heard. As a highly regarded leader in the black community, he has dealt with issues ranging from teenage pregnancy to the hiring of more blacks in county offices. Over the years, he has been recognized as a leading advocate of judicial reform and encouraging greater opportunities for blacks in the legal system. In short, parishioners of his church not only found a religious figure, but a civil rights leader.

Reverend McGowen practices what he preaches, using his talents to reach out to the

segments of the community that need him the most. Through his tireless efforts, he helped Lawrence Lawson gain the appointment of assignment judge, the first black person to achieve this esteemed position.

Through his ministry he spreads the word of God and provides spiritual leadership, while simultaneously, he fights to improve the social well-being of all. Now entering his 25th year of service, I would like to congratulate Rev. Vernon McGowen on this momentous occasion.

MENTAL HEALTH AND THE WORLD TRADE CENTER CRISIS: THE IM- PACT ON NEW YORK

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 28, 2001

Mrs. MALONEY. Mr. Speaker, on October 2, 2001, I introduced H.R. 2992, the Mental Health Parity Enhancement Act of 2001. Clearly, we all have come to understand mental health is critical to the health and well being of our country and all Americans. I rise today to submit compelling, timely remarks about the mental health impact of terrorism as extraneous materials to the CONGRESSIONAL RECORD.

On October 3, 2001, during the American Psychiatric Association's Annual Mental Illness Awareness Week Congressional Luncheon Symposium, in which they are joined by the National Alliance for the Mentally Ill, one of my most dedicated and brilliant constituents, Herb Pardes, M.D., President and CEO of New York Presbyterian Hospital, gave an enlightening and heartfelt presentation about the New York hospital system's response to the World Trade Center crisis. He discussed the phenomenal emergency medical services provided to victims by the New York healthcare system and also the resulting impact on the mental health of New York City and our Nation.

Allow me to include excerpts of Dr. Pardes' October 3 remarks into the RECORD:

There are many perspectives on this tragic situation. First, it is probably the most horrendous tragedy I, and I am sure many others, have ever had the misfortune to experience. The disaster for me started while I was in my office and heard that a plane had crashed into the World Trade Center. I could see it on television and also see the World Trade Center from my office. I could watch it in both places. It was unreal, unbelievable, but we had to snap into action.

Hospitals in New York, ours included, went into emergency status immediately. And that meant we stopped elective clinics and elective surgery, and tried to increase our capacity in anticipation of seeing a large number of patients coming.

We have a phenomenal emergency medical services team. Many of them were at the World Trade Center within eight or nine minutes of the crash. Tragically, they got caught when the buildings fell. We lost three heroes! You cannot ask for finer people and losing them is a deep tragedy for all of us.

We prepared teams of doctors and nurses in the emergency room. We decanted patients to other facilities to increase capacity. We

arranged for staff to be able to stay at the hospital, in the event that we needed them, because we did not want them to go home and not be able to get back. Volunteers came from everywhere. People by the thousands wanted to donate blood.

People were calling looking for their relatives. A friend of mine, Neil Levin, the head of the Port Authority of New York and New Jersey was lost in this tragedy. His wife was sending pictures around, so we could determine whether it matched any of the unidentified people who were already in our burn unit.

We had a number of staff meetings to keep people informed and to make sure we were well coordinated. The healthcare people responded magnificently. Everybody was trying to help. Any preexisting tensions between people were set aside and instead people tried to be helpful and collaborative.

We had good responses from many, many different hospitals, from the Greater New York Hospital Association, which set up a 24-hour coordinating post, from the State Commissioner of Health's Office, from the City Office of Emergency Management, and others. State Commissioner Antonia Novello came to visit us several times and helped us with replacement staffing, especially for nurse specialists.

We received calls from the Boston teaching hospitals, from the Air Force, from David Nixon in Senator Kennedy's office, offering help for burn victims with skin replacements from a biotech company in Massachusetts.

Our government officials were sensational—our Congressional people, our Senators—Senator Clinton, Senator Schumer, the Congressional representatives, Mayor Giuliani, Governor Pataki. People volunteered every conceivable way they could.

Several thousand patients apparently were seen for health care in the first 48 hours. We saw close to 800. In addition, there were a thousand or so people who came for help with decontamination and another 4000 people who were seen for behavioral health visits related to the impact of stress. Of course, there were many others who went directly to their own doctors' offices. These data still have to be confirmed, but they give you some indication of the numbers involved.

Our greatest disappointment was that we did not have more survivors. We were ready, the teams wanted to work, and they felt extraordinarily frustrated and impotent at not being able to do more.

This disaster has had quite an impact on the hospitals. We, of course, spent money on additional supplies; we had 7 of our ambulances and 2 vans destroyed when the buildings came down. We had to pay for additional staff, for overtime.

Also, the hospitals are very volume sensitive. When we stopped all our elective and routine work and then did not have all the emergency work we thought we would get, we sustained a substantial financial hit. This decline lasted for a number of days. Then, for the next few weeks with all the transportation lines clogged, the hospitals' availability for health services was made difficult. People could not get to us. Around the City there was a sharp drop in healthcare activity.

Hospitals cannot cut expenses so suddenly. The New York City hospitals face a big financial problem, which, I think, will be in the range of \$300-400 million over a period of several months. This problem will continue until we attain a return to normal function.

With regard to the impact on people, which is perhaps the most important, it was re-

markable how many people were filled with disbelief. I mentioned impotence before. They have had every feeling you could imagine. Anxiety, frights, depression, a feeling of being dazed, a feeling that they could not get themselves going.

This was true of our staff, it was true of patients who came in, it was true of family members, it was true of everybody.

The psychiatric needs were considerable and increased over time. We set up two 24-hour counseling services and staff saw people on site and other places. They saw relatives; they saw psychiatric patients who had become destabilized as a result of the tragedy. They went to business friends who lost numbers of employees and those who did not but who had suffered massive stress. Our staff went to schools; they went to fire departments.

There were people who were in buildings adjacent to the crash who were terribly shocked and stressed even though no deaths occurred in that particular business.

Our burn unit admitted 25 patients. Some had moderate or minor burns and so they did not stay very long. But, we had a number who were serious. One died before arriving at the hospital. Three more have died since. We still have about fourteen who are seriously burned and we are hoping to bring all of them to recovery.

Our first patient with serious burns was discharged on Tuesday, October 2nd. Most remarkable, when you listen to him as much as many others, is the pressure of survivor guilt. His focus was: "What couldn't I help other people, why did this happen?" He feels he has a second chance. He was very appreciative to the people who had been helpful to him. He was modest, and came across in a serene and endearing way.

We have had others: a woman whose husband found her in the street after her back was burned and her Achilles tendon severed. She could barely walk; he helped pick her up and take her to an ambulance and get her out of there just in time. There were many, many stories like that.

In summary, this is a tragedy of unspeakable proportions, whose impact I think is being realized in increasing increments as each day goes by.

The one bright light, you can say, is the tremendous response and sense of unity, of cooperation. We have a terrific pride in our Country and our fellow citizens and our health providers. Everybody pitched in.

I feel that everyone is affected by this disaster. On the other hand, the thing that disturbs us most is that there were not more survivors. I am thankful that a lot of people did get out. We wanted all to be survivors; we wanted to be there to care for them.

There is also a severe jolt to the New York health system. The hospitals have already been too heavily stressed. We have to wonder whether we have left ourselves with such little elasticity in healthcare capacity that, if there were another tragedy involving many people needing care, whether we could handle it.

We have to make sure our hospitals and health systems stay strong. We must insure that they are not constantly undermined by budget cuts, so they can be there when we need them. We particularly need specialized services like burn centers when we have major disasters. When they happen, the services need to be in place. Such services are usually in academic health centers, and they are vital.

We also need to have mental health services both financially supported and provide

insurance coverage so people can get services. That means broad coverage and parity for mental health. Going forward, we are not sure what we are in for, but it is important for this Nation to stay strong—for people to be powerfully together—and for us to have a health system that can be there when the need arises.

TRIBUTE TO THE STUDENTS OF
MEMORIAL SCHOOL

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 28, 2001

Mr. SHIMKUS. Mr. Speaker, I rise today to pay tribute to the students of Memorial School in Taylorville, Illinois, and their important and heartwarming efforts to help those affected by terrorism.

On October 11, 2001, President Bush made a request of the children of America. He challenged each of them to earn and send in one dollar. This money, sent by the kindness of the children of the United States, will be used to reach out to the unfortunate children in far off Afghanistan.

The students of Memorial School heard and met that challenge. The students of Memorial raised over \$160.00 for the Fund for Afghan Children. Two students—Brandom Reber and Robbie Spurling—headed up a fund raising drive that collected donations from every single student in the school. In all, they received over \$160 dollars for the fund to help the children of Afghanistan.

The students, parents, faculty, and members of the Taylorville community should be recognized for this fine effort. The terrorists believed they could accomplish their goals with the murder of American innocents; but the American citizens have responded with aid to the innocents of Afghanistan. Nothing else could better show how utterly Al Qaeda has failed.

Mr. Speaker, as President Bush said in his announcement of the Fund for Afghan Children, "One of the truest weapons that we have against terrorism is to show the world the true strength of character of the American people." The children of Memorial School have shown that character, and they deserve our thanks. May God bless them, and may God bless the United States of America.

GUATEMALA'S 36-YEAR CIVIL WAR

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 28, 2001

Mr. TOWNS. Mr. Speaker, the genocide that was committed during Guatemala's 36-year civil war, although far exceeding the death tolls reached in Bosnia, as well as in El Salvador, Nicaragua, Argentina and Chile combined, has yet to receive proper attention from the international community. Fortunately, the slow march of justice may finally be reaching Guatemala, as indigenous Mayan survivors of over a dozen massacres—out of an estimated

600 committed during that era—are speaking out, accusing former dictator Efraín Ríos Montt of genocide, crimes against humanity and war crimes.

An association of surviving indigenous Maya is specifically suing the ex-general on charges related to the massacres in which 1,200 lives were lost. At these bloodlettings, which occurred between March and December 1982, peasants throughout the Mayan highlands were raped, tortured and murdered, with their bodies tossed into the large pits serving as mass graves. The locations of these ossuaries were known for years, but left undisturbed until recently.

During Guatemala's bloody three-decade old civil war, more than 200,000 died and millions were displaced as Ríos Montt rose to power, eventually leading a military coup that seized control of the government in 1982. Once in office, Ríos Montt took the civil war to new levels of violence by attacking the thousands of indigenous Maya who he claimed comprised the bulk of the revolutionaries. Under the ensuing reign of terror, he utilized notorious Civil Defense patrols and "model" villages (officially known as social re-adaptation centers), which were akin to concentration camps. Males thirteen and older were required to serve in Civil Defense patrols, which operated as paramilitary units supervised by the army, with their mission being to act as informants and kill suspected guerrillas. The most devastating of Ríos Montt's actions was the implementation of the "scorched earth" policy, which called for hundreds of villages to be burned to the ground and thousands of innocent people to be tortured and murdered.

To this day, Ríos Montt continues to retain plenary power within Guatemala's government, as president of Congress and de facto president of the country, by controlling the country's nominal president, Alfonso Portillo, who has been denounced for alleged corruption by many Guatemalans. Furthermore, since the initiation of the case against Ríos Montt, terror and incessant threats have followed those pursuing justice.

Observers feel that if successfully argued, the case against Ríos Montt could form the basis of hope for national reconciliation regarding the bitter memories of the victims of the atrocities committed against the Mayan community during the 36-year conflict. To only bring the case to trial would represent a most notable victory for those involved, as well as for the country's otherwise discredited judicial system, setting a precedent that hopefully could serve as a formidable deterrent for those contemplating the future use of terror against the public.

THE COUNCIL ON HEMISPHERIC AFFAIRS

The Council on Hemispheric Affairs (COHA), a nonprofit, tax-exempt independent research and information organization, was founded at the end of 1975 to promote the common interest of the hemisphere, raise the visibility and increase the importance of the inter-American relationship, as well as encourage the formulation of rational and constructive U.S. policies towards Latin America. In 1982, COHA's board of trustees voted to expand its mandate to include monitoring Canadian/Latin American relations. Since its inception, COHA has been one of the most active and broadest-based U.S. pri-

vate bodies dealing with the entire spectrum of political, economic and diplomatic issues, as well as the economic and political challenges confronting the Inter-American nations.

From its founding, COHA's board consisted of the leadership of some of this country's most important trade unions, professional organizations and religious groups, well as distinguished civic and academic figures who joined together to advance their common belief in support of representative government and pluralistic institutions throughout the hemisphere.

COHA subscribes to no specific political credo nor does it maintain partisan allegiances. It supports open and democratic political processes just as it consistently has condemned authoritarian regimes of any stripes that fail to provide their populations with even minimal standards of political freedoms, economic and social justice, personal security and civic guarantees.

COHA is entirely staffed by a professional core, who contribute their services, supplemented by a large number of volunteer graduated and undergraduate students who often receive academic credit from their home institutions for the experience gained through their work here. Over the years, retired government employees also have cooperated with COHA in preparing monographs on such topics as regional development, trade policies, technology transfer, the operations of multinational corporations and the controversial development strategies of the international lending agencies. The staff is assisted by a number of extra-mural professionals coming from an academic background who serve as COHA senior research fellows, who are generally considered to be leaders in their respective fields of expertise.

COHA's analyses are frequently sought after by the major media, with its long-time director, Larry Birns, as well as other senior personnel regularly being called upon by the major national and international press, along with network radio and TV public affairs programs, to provide commentary on breaking regional issues. COHA contributors also appear regularly in the opinion columns on editorial pages throughout the country, and its findings frequently have been heard and seen over the BBC, Voice of America, CBC, Radio Marti, Radio Havana and U.S. radio programs. COHA personnel also have appeared one or more times on CNN, C-Span, Firing Line, Crossfire, Nightline, the CBS, ABC and NBC evening news, as well as the network Larry King program, "Good Morning America" and the "Today Show," and many National Public Radio public affairs programs.

COHA's personnel have been interviewed, or the organization's findings have been referred to in such publications as Time, Newsweek, the Atlantic Monthly, U.S. News and World Report, New York Magazine, Harper's, the New Yorker, the New Statesman Barron's, and Maclean's. On almost a daily basis, the results of COHA's work appear in the press of Latin America and Europe. COHA also has been cited in numerous occasions in the New York Times, the Washington Post, Los Angeles Times, the Christian Science monitor, the London Observer, the Boston Globe, the Miami Herald, the Toronto Globe and Mail, the Toronto Star, the London Independent and the Guardian, among many other newspapers.

COHA has been referred to in the floor of the Senate as "one of our Nation's most respected bodies of scholars and policy-makers."

GUATEMALA'S FOUR DECADES OF TERROR
(By Chanin Webb)

Genocide committed during Guatemala's 36-year civil war, although far exceeding the death tolls reached in Bosnia, as well as in El Salvador, Nicaragua, Argentina and Chile combined, has not received proper notice from the international community. Fortunately, the slow march of justice may finally be reaching Guatemala, as indigenous Mayan survivors of over a dozen massacres—out of an estimated 600 committed during that era—speak out, accusing former dictator Efraín Ríos Montt of genocide, crimes against humanity and war crimes.

Supported by the Center for Human Rights Legal Action (CALDH), a local NGO which serves as a co-prosecutor in the case and offers legal council to the victims, an association of surviving indigenous Maya is suing ex-General Ríos Montt on charges related to the massacres in which 1,200 lives were lost. At these bloodlettings, which occurred between March and December of 1982, peasants throughout the Mayan highlands were raped, tortured and murdered, with their bodies tossed into the large pits serving as mass graves. The locations of these ossuaries were known for years, but left undisturbed until recently, due to fear of retaliation. The indictment against Ríos Montt is based on the testimonies of the survivors, as well as the deceased, in the form of these recently uncovered burial sites.

RÍOS MONTT'S TERRORIST NETWORK

Shortly after the CIA's sponsored coup in 1954, which toppled the democratically-elected government of Jacobo Arbenz and placed the country under military rule, revolutionary groups began being formed to combat authoritarian rule. The result was a civil conflict which lasted for 36 years, leaving more than 200,000 dead and millions displaced. It was during this bloody conflict that Ríos Montt rose to power. By 1972, he had achieved the rank of brigadier general, and was, at the time, already being accused of using his new authority to orchestrate the 1973 massacre of over 100 indigenous Maya. In 1982, Ríos Montt led a military coup that seized control of the government, overthrowing Gen. Lucas García (who also has been accused of major war crimes).

Many hoped that, due to his evangelical background, Ríos Montt would reduce the cruelty; instead, he took the war to new levels of violence by attacking the thousands of indigenous Maya who allegedly comprised the bulk of the revolutionaries. Ríos Montt believed that other Maya were providing the guerrillas with food and shelter, thus making them collaborators and subversives. According to CIA records released in February of 1998, under the Ríos Montt dictatorship, there was a marked increase in military violence and destruction of Mayan villages.

Under the ensuing reign of terror, Ríos Montt utilized notorious Civil Defense patrols and "model" villages (officially known as social re-adaptation centers) which were akin to concentration camps, housing the survivors from various Mayan communities decimated by the armed forces. Males thirteen years and older were required to serve in Civil Defense patrols, which operated as paramilitary units and were supervised by the army. Their mission was to act as informants and they were expected to kill suspected guerrillas as need be, as well as fellow villagers. According to Andrea Leland, author of *A Long Road Home*, these civil patrols put the indigenous boys and men in the forefront of danger, compelling them at

times to kill members of their community, consequently destroying the fabric of their Mayan heritage.

The most devastating of Ríos Montt's actions was the implementation of the "scorched earth" policy, which called for hundreds of villages to be burned to the ground and thousands of innocent people to be tortured and murdered. One documented incident of this policy in action took place in the village of El Quetzal on July 17, 1982. Soldiers divided the families, placing the men in the local schoolhouse and the women and children in the church. After several hours, the soldiers took a group of men from the schoolhouse and executed them with stones and machetes; those remaining were killed when the military threw grenades into the building. The younger women were raped, tortured, and killed, while the older women were murdered with their children, when the military threw grenades into the church. In all, over 360 people died in this tragic event.

In another massacre, which took place at the Mayan community of San Francisco, more than ten thousand villagers were displaced, aside from those brutally murdered. The random cruelty of the military is revealed by the fact that children were found with their stomachs cut open, while others had been grabbed by their legs and smashed against trees and upright beams within their houses. At the time, the Ríos Montt administration blamed the attacks on radical right-wing vigilante groups; however, then-U.S. ambassador to Guatemala, Fredric Chapin, noted in CIA records that "I am firmly convinced that the violence is government of Guatemala ordered and not 'right-wing violence' and that these were not rightist militant squad executions, but again executions ordered by armed service officers close to President Ríos Montt." On August 1983, Ríos Montt was himself dethroned by a military junta led by General Mejía Victores. During Ríos Montt's short rein as dictator, thousands of victims were added to the death toll fact sheet.

BRINGING DOWN A TYRANT

To this day, Ríos Montt continues to retain plenary power within Guatemala's government, as president of Congress and de facto president of the country, by controlling the corrupt nominal president, Alfonso Portillo. The latter was elected on the Frente Republicano Guatemalteco (FRG) ticket, which is led by its founder, Ríos Montt. The FRG controls congress and has quickly become one of Guatemala's most corrupt regimes in recent history, according to CALDH's director, Frank La Rue. The case against Ríos Montt is consistent with the conclusions of the Commission for Historical Clarification (the UN-sponsored Truth Commission), which stated "Guatemalan authorities must prosecute those with the main responsibility for the serious human rights violations." Newly appointed prosecutor Mario Leal, assisted by CALDH and the association of Mayan victims, continues to push the genocide case against Ríos Montt forward. Since 1973, under Guatemalan criminal law, there is no immunity from prosecution for those who have committed crimes of genocide, war crimes and crimes against humanity, meaning that Ríos Montt cannot hide behind his current incumbency.

Since the initiation of the case against Ríos Montt, terror and incessant threats have followed those pursuing justice. This past July, Anselmo Roldán, representative of the communities that filed that legal case

against Ríos Montt, was attacked and seriously wounded by Santiago Emilio Pérez, who escaped by hiding in the house of a FRG supporter. But with this increased level of danger, the case is moving forward, according to CALDH, which believes Mr. Leal's team will begin taking testimonies of the eyewitnesses to the massacres this month. They believe it is possible to have the investigation completed by July 2002.

Observers feel that this case could form the basis of hope for national reconciliation regarding atrocities committed against the Mayan community during the 36-year conflict. To only bring it to trial would be a most notable victory for those involved, as well as for the country's otherwise discredited judicial system, setting a precedent that hopefully will serve as a formidable deterrent for those contemplating the future use of terror against the public.

TRIBUTE TO FIREFIGHTER ANGEL
JUARBE

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 28, 2001

Mr. SERRANO. Mr. Speaker, I rise today to pay tribute to Firefighter Angel Juarbe of FDNY Ladder 12, a national hero who gave his life to save many others during the September 11th attack on the World Trade Center.

Angel Juarbe, a valiant firefighter, was a Bronx native and resident for his short 35 years of life. Members of his community and family have felt a gaping hole in their lives since Angel's passing. They are not alone, and like the thousands of other family members and friends of those lost in the national tragedies, they have become survivors of September 11th. One of Angel's brothers, Ed, said of him, "He always wanted to help the less fortunate." Another of Angel's brothers, Charles, is a New York City Police officer who searched desperately for his brother after the second World Trade Center tower came down. Angel Juarbe was a beloved son, brother, and uncle.

Mr. Speaker, Angel had entered a hotel connected to the second tower, moments after the first had gone down. He and fellow firefighters rescued a number of people trapped in the building and as they moved up floors, made the judgement call to disencumber themselves for easier maneuvering by leaving behind some of their emergency equipment, namely their large supply of rope. After an undiscernible amount of time, the firefighters were called to evacuate the structure. Before they could all escape the collapsing building, staircases crumbled and Angel and his comrades realized that they needed the rope to rappel down to safety. Angel and a fellow firefighter retrieved the rope and made their way back up to the stranded men. On the way, they came across another firefighter in peril and while they assisted this individual, the second World Trade Center tower collapsed bringing down the joined hotel.

Shortly before his tragic death on that infamous day, Angel had become a momentary television star thanks to his stint on Fox's reality show "Murder in Small Town X." Angel

November 28, 2001

emerged the victor of this program which placed regular individuals in the roles of investigators in a fictitious town beleaguered by a serial murderer. Angel earned quite a few fans throughout the airing of the show and today a number of webpages are dedicated to his memory by these devoted fans who felt like they knew the charming New Yorker. Angel, who solved the mystery and caught the "killer," was awarded \$250,000 and a brand new Jeep Cherokee. He told a reporter after winning the show that he was giving part of his winnings to his father so that he could retire. He said that another part was going to help his nieces and nephews with their educations.

Mr. Speaker, the number of heroes emerging from the events on September 11th continues to grow. Our firefighters, police officers, and rescue workers who risked their lives daily before September 11th and have everyday since, are national treasures. I ask my colleagues to join me today in commemorating one of these treasured heroes; Angel Juarbe.

CLEAN DIAMOND TRADE ACT

SPEECH OF

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 27, 2001

Mrs. MORELLA. Mr. Speaker, I rise in strong support of H.R. 2722, the Clean Diamond Trade Act, and I thank Congressmen HOUGHTON, RANGEL and HALL for their dedication to finding a consensus on this issue. Thanks to their work, the diamond industry, human rights organizations and American consumers can rest assured that their government is dedicated to eliminating the funding of civil war, and of terrorist organizations from diamond profits.

H.R. 2722, prohibits the importation of rough diamonds, or polished diamonds, into the United States unless the exporting country has a system of controls, consistent with United Nations General Assembly Resolution 55/56 adopted on December 1, 2000, or that is consistent with an equivalent international agreement. This bill also prohibits the Overseas Private Investment Corporation and the Export-Import Bank of the United States from engaging in projects involving the mining, polishing or sale of diamonds in a country that fails to meet these same requirements.

I believe this bill will finally address the massive human suffering that has occurred as a result of the trade of conflict diamonds in Africa. This tragedy, which has driven over 6 million people from their homes and resulted in over 2 million deaths, has gone unaddressed for too long. I encourage all my colleagues to support H.R. 2722, so the association between diamonds and Americans can once again be love, not violence.

EXTENSIONS OF REMARKS

HATE CRIMES PREVENTION ACT

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 28, 2001

Mr. CONYERS. Mr. Speaker, since the April 3, 2001 introduction of H.R. 1343, the Hate Crimes Prevention Act, 199 members from both sides of the aisle have added their voices to the call for comprehensive legislation that will provide assistance to state and local law enforcement and amend federal law to streamline the investigation and prosecution of hate crimes.

The events of September 11th have demonstrated the destructive power of hate to rend the fabric of a community and a nation. Domestically, hate crimes statistics are a disturbing barometer of the state of the nation. In spite of national success in lowering overall crime rates, hate crimes have proven resistant to that trend. Data collected for 2000, pursuant to the 1990 Hate Crimes Statistics Act, documented 8,152 hate crimes, an increase of 3.5 percent from 1999 figures.

Overall, racial bias accounted for 54.3 percent of incidents, with religious bias accounting for 16.5 percent, sexual orientation 16 percent and ethnicity 12.4 percent of incidents. Notably, anti-black bias accounted for 35.6 percent of all racial bias and anti-Semitism accounted for 75.5 percent of all religious bias incidents.

In the wake of terrorist attacks, the Arab-American Anti-Discrimination Committee has investigated, documented and referred to federal authorities over 450 incidents. These incidents include the murders of a Muslim Pakistani store owner in Dallas, TX, and an Indian-American gas station owner in Mesa, AZ, where a suspect was arrested shouting, "I stand for America all the way."

The Department of Justice, however, has initiated only approximately 40 investigations of hate crimes directed against institutions or people of Arab or Middle-Eastern decent. As the James Byrd and Matthew Shepard tragedies suggest, the investigation and prosecution of this flood of hate crimes will strain the resources of state and local law enforcement agencies.

Current law limits federal jurisdiction to federally protected activities, such as voting for even covered classes of persons, so all these incidents will not be subject to federal jurisdiction. Moreover, current law does not permit federal involvement in a range of cases involving crimes motivated by bias against the victim's sexual orientation, gender or disability. This loophole is particularly significant given the fact that ten states have no hate crime laws on the books, and another 21 states have extremely weak hate crimes laws.

Our bill will remove these hurdles, so the federal government will no longer be handicapped in its efforts to assist in the investigation and prosecution of hate crimes. Through an Intergovernmental Assistance Program, federal authorities will be able to provide technical, forensic or prosecutorial assistance to state and local law enforcement officials. In addition, the legislation authorizes the Attorney General to make grants to state and local law

23301

enforcement agencies that have incurred extraordinary expenses associated with the investigation and prosecution of hate crimes.

The Hate Crimes Prevention Act of 2001 is a constructive and measured response to a problem that continues to plague our nation—violence motivated by prejudice. It is vital that both government and individuals distinguish the beliefs of the Arab-American and Muslim communities from the perpetrators of September 11th's violence, and recognize that these Americans share our values and contribute significantly to our communities.

All Americans should stand to condemn any acts of bigotry, violence or discrimination against Arab-Americans, South Asians and American Muslims and call upon Americans of every faith and heritage to stand together in this time of national crisis. Our sense of community with fellow Americans of Arab and South Asian decent and those of the Islamic faith should not be counted as another casualty of September 11th's senseless violence.

MEDICARE PATIENT ACCESS TO PHYSICAL THERAPISTS ACT OF 2001

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 28, 2001

Mr. POMEROY. Mr. Speaker, I rise today with my friend and colleague from Illinois to introduce a bill that will provide Medicare beneficiaries with direct access to qualified physical therapists. I join Mr. CRANE today in introducing the "Medicare Patient Access to Physical Therapists Act of 2001," a bill that is patient-focused, patient-friendly, and puts the patient first. This legislation will enhance access to quality health care services for Medicare beneficiaries under Part B and expand choices for Medicare beneficiaries.

The time is right for this legislation, Mr. Speaker. Thirty-four states currently allow direct access to physical therapists without a referral requirement. The citizens of my own State of North Dakota have been able to directly access their physical therapists since 1989 without limitation. Under this provision of State law, my constituents have enjoyed nearly unfettered access to the expertise of licensed physical therapists without the delay or added cost of a physician referral. This is especially important to rural areas of this country where we are frequently underserved by health care professionals. Physical therapists in North Dakota are able to treat many impairments, functional limitations, disabilities, and changes in health status for our residents, and as such, they contribute to making our population more productive and healthy.

Access to physical therapist services without a referral requirement already has been successful around the country. Studies conducted by Johns Hopkins and Georgetown University researchers demonstrate that utilization of services was actually lower in episodes of care initiated without referral than episodes initiated with a physician referral. My constituents—who incidentally make up the largest population of seniors per capita—are entitled

to the same access under Medicare as the rest of the citizens in North Dakota and across the country. North Dakotans and all Medicare beneficiaries should have better access to qualified health care providers, and physical therapists can be instrumental in this role.

Finally, I think it is important to recognize that this bill will raise the standard, domestically and internationally in effect, for qualified physical therapists. The new standard endorsed by the American Physical Therapy Association requires a master's or doctoral degree, which I believe will serve to improve patient care across the country.

Through better access to highly qualified health care professionals, we ensure enhanced care and services for all Americans. Mr. Speaker, I ask for my colleagues' consideration and support for this important legislation to provide direct access to physical therapists under Medicare.

TRIBUTE TO THE CHILDREN OF GOOD SHEPHERD LUTHERAN SCHOOL

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 28, 2001

Mr. SHIMKUS. Mr. Speaker, I rise to pay tribute to the children of Good Shepherd Lutheran school in my home town of Collinsville, IL, and their heartwarming actions in the wake of the September tragedy.

Roughly 2 months ago I received a package of letters from the students at Good Shepherd. In the aftermath of the terrorist attacks, the children were scared and confused; but the teachers calmed them, and asked those who wished, to put their thoughts on paper. The result was truly inspiring—over seventy cards, hand drawn by the children with pictures of crosses and flags and hearts. Inside them were notes of support and caring, as the children put their faith in God, America, and Congress to make things right in the world. As one young girl wrote, "We will pray to Jesus that Congress makes the right decisions. God bless America."

Mr. Speaker, some of these cards I shared with the Members from New York; the others I placed on the wall in my office. There they serve as a powerful reminder to me, not only of the faith that some people place in us as Representatives, but also of exactly for whom we are fighting this war. It is my sincere hope that when these children grow up and look back on this time, they will feel their faith in us was justified. It is my hope that we will have left them a better world.

Mr. Speaker, the students and the faculty of Good Shepherd School deserve our thanks—not only for their cards, which have touched my heart and the hearts of other Congressmen and women, but also for their great spirit as Americans. Their faith in God and Country is admirable; their faith in us as a legislative body is humbling. May God bless them, and may God bless our country.

ANTHRAX ISN'T THAT RISKY

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 28, 2001

Mr. LaFALCE. Mr. Speaker, I would like to share with my colleagues the following article, which appeared in the Wall Street Journal on October 22, 2001. The article underscores the importance of putting into perspective the relatively small risk to average Americans posed by the threat of anthrax and bioterrorism, and the need for Americans to continue to go about their daily lives as before.

[From the Wall Street Journal, Oct. 22, 2001]

CHILL OUT: ANTHRAX ISN'T THAT RISKY

(By Ezekiel J. Emanuel)

My brother's business partner, a well-educated Hollywood agent, called to say that he just purchased \$1,900 worth of Cipro to protect his wife and two kids. Knowing there was a threat of anthrax out there, he couldn't sleep comfortably without Cipro at home.

The fear of anthrax, and the public response to it, has so far reflected bad math, bad medicine and bad public health. We cannot continue to let confusion determine how we act. It may hurt us badly.

First, the bad math. Anthrax is out there. Letters containing spores are a real threat. But the question is: How big a threat? So far one person has died of inhaled anthrax, and several others have cutaneous anthrax—from which they will probably recover uneventfully with treatment. Several hundred more people have been exposed, but far fewer than 100 have tested positive for having anthrax without being infected. For the family of Robert Stevens, who died in Florida, it is a terrible tragedy. But for the rest of us, anthrax is not a public-health menace that should drive us to do crazy things.

The risk of dying of anthrax needs to be put into perspective. One death among 280 million Americans is a minuscule risk. It is less than the risk of dying from driving just one mile. To put it another way, 280 people would have to die of anthrax to equal the risk of driving 50 miles in a car (about one in a million). How many Americans refuse to drive because of the risk of dying in a car accident?

More important, the risk is hardly random. There may be call for people working on Capitol Hill or at the White House or federal agencies or major news organizations to be concerned. But for average Americans the chance of an anthrax-filled letter is less than one in a billion, substantially less than the risk of being struck by lightning (about one in 600,000 in a year).

There are many reasons we react more strongly to the risks of anthrax than to the risks of driving. We are used to driving; we are habituated to the risks. We take precautions—we buckle up, we don't drink and drive. But anthrax is new, unexpected, outside our routine, and therefore scary.

Also, it is not the single death from anthrax that really worries us but the unknown possibility of a full-scale bioterror attack. But here we need to rationally consider the risk of a large attack and the likely harm it will cause. It takes a great deal of sophistication to generate the right-sized spores and, even more challenging, the right way of aerosolizing them over a large area. Spiked letters are not terribly effective at

spreading anthrax to thousands, let alone millions, of people. During the Cold War, it took the U.S. and the Soviet Union decades to work out the details of biological warfare with anthrax. Is it likely a terrorist group could do the same in a few weeks or even years?

Also, anthrax does not kill instantly. It takes several days. With the nation on high alert to the threat, any large-scale dissemination would be detected and people in the exposed area would be monitored and treated. The risks of dying of anthrax are simply not very high.

Stocking up on Cipro is bad medicine. First, children should not take Cipro; it can damage the development of their joints. Second, while relatively safe, Cipro, like all drugs, has side effects, some of which can be serious. Besides minor annoyances of nausea, diarrhea and rashes, Cipro can cause the inflammation and rupture of tendons. Prolonged use—like the 60 days of treatment necessary for prophylaxis against anthrax—can cause superinfections with very serious and even life-threatening bacteria. It also can have serious, potentially fatal, interactions with other drugs, such as the asthma drug theophylline.

And spending \$1,900 on Cipro for anthrax is foolish. There are many other drugs that are just as effective against anthrax, safer for children and considerably cheaper, including penicillin, erythromycin and doxycycline.

Cipro is a prescription drug. It should be used when there is a medical indication for its use, making the benefits of specific treatment favorable compared to the risks of the drug. Physicians should not dispense it as a way of calming worry. Real facts, not the prescription pad, are the right treatment for the insomnia of my brother's partner and his wife.

Bad medicine produces bad public health. The dispensing of antibiotics for colds, sore throats, the flu and other minor viral infections has created a serious problem; many bacteria are becoming resistant. We have been able to stay ahead by developing new antibiotics, but we are losing the race. The bacteria are able to mutate to outsmart our drugs faster than our pharmaceutical companies can develop, test and market and market new antibiotics. The result is a danger to us all. The next infection we get may be harder—or, God forbid, impossible—to treat because the bacteria no longer respond.

Millions of Americans self-medicating with Cipro is a real threat to public health. In the years since it has been on the market, bacteria have become resistant to Cipro. Widespread use serves no medical purpose, but only increases the chances of other bacteria—more threatening than anthrax—becoming resistant. We would end up protecting ourselves against the minuscule risk of anthrax, only to make ourselves more vulnerable to more common everyday bacteria. Not a good bargain.

My advice to my brother's partner: Take the Cipro to the pharmacy and get your money back. Keep driving your car and be sure you buckle up every time. Stop asking for antibiotics for every cold. And keep alert, contacting your local health department, hospital or physician if there is a credible threat.

November 28, 2001

CONGRATULATIONS TO SIX ALUMNI RECIPIENTS OF 2001 GEORGE ESTABROOK DISTINGUISHED SERVICE AWARD

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 28, 2001

Mr. ISRAEL. Mr. Speaker, I am extremely pleased to rise today to offer my sincere congratulations to the six alumni recipients of the 2001 George M. Estabrook Distinguished Service Award. These six individuals are receiving Hofstra University's most prestigious alumni award for all of their excellence in the categories of career and service to society.

Thomas J. McAteer, Honorable John Pessala, Edward P. Mangano, Mindy Dragovich, Lauren Hanley and Steven B. Aptheker all represent an extremely impressive group and truly deserve their award tonight, December 1, 2001 at the Hofstra Annual Alumni Award Dinner.

Congratulations again to this fine and outstanding group of candidates.

SAVE-A-FRIEND NATIONAL HOTLINE PROGRAM

HON. MARK FOLEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 28, 2001

Mr. FOLEY. Mr. Speaker, I am pleased to rise today concerning the Save-A-Friend national hotline program. The need for a national school violence hotline to help prevent tragedies in our nation's schools is extremely pressing. These senseless acts of violence against children must be stopped. While hotlines at the state and local level are useful, a national hotline must be implemented in order to better combat the problem of school violence.

I am pleased that the concept of Save-A-Friend has been supported by so many and I plan on making a request to the United States Department of Justice recommending a total of \$500,000 in grant funding for the study and preliminary design of a Save-A-Friend National Hotline Program. This hotline should be staffed by trained professionals, 24 hours a day, 7 days a week, and ensure timely interaction between schools, local police organizations, the FBI and other federal law enforcement agencies. My request will ask the Department of Justice to report back its plan and budget to implement such a program on a national basis next year. This report will be submitted before the Fiscal Year 2003 budget process.

TRIBUTE TO THE HILL VIEW TREE FARM

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 28, 2001

Mr. SHUSTER. Mr. Speaker, I rise today to share some exciting news from my district. I

EXTENSIONS OF REMARKS

am delighted to report that the official White House Christmas tree is coming from a farm in my district. Specifically, the White House Christmas tree has been chosen from the Hill View Tree Farm in Middlecreek, PA, which is owned and operated by Janice Bowersox and her son and daughter-in-law, Darryl and Aimee Bowersox.

In order to achieve the honor of being designated the farm to supply the White House Christmas trees, the Bowersox family entered the national Christmas Tree contest, an event sponsored by the National Christmas Tree Association. The Bowersox family won the contest at the national convention in August 2000, where they were named Grand Champions. As the winner, Hill View Tree Farm became the chosen supplier of two Christmas trees for the White House.

One tree will be set up in the Yellow Oval Room to serve as the tree for the Bush family. This is the tree under which members of the first family are likely to put their presents. This tree, from the Hill View Farm, is about 8 feet tall and has been growing in the field since 1989. The larger tree, which will be placed in the Blue Room, must be at least 18½ feet high. This larger tree will be the official White House Christmas tree. It is being supplied for Hill View Farm by Donald Craul of Lewisburg, Pennsylvania.

The two trees will be cut and delivered to the White House the week after Thanksgiving. Janice, Darryl and Aimee Bowersox will present the official White House Christmas tree to first lady Laura Bush at the White House on the morning of November 28.

Hill View Tree Farm was founded in 1954. The farm has about 150,000 Christmas trees growing on 120 acres. The Bowersox family grows Douglas fir, Colorado spruce, white pine, and concolor fir trees. According to Janice Bowersox, winning the White House Christmas tree contest has long been a family goal. Janice Bowersox said she and her family are honored to be presenting this year's tree and thrilled to have received the top honor in the Christmas tree industry.

I am delighted that a farm from my district was chosen to be a part of the White House Christmas tree tradition. I am happy for the Bowersox family, and I hope that the Christmas tree chosen for the White House will bring joy to the President and Mrs. Bush and their family.

THE TRANSPORTED AIR POLLUTION MITIGATION ACT OF 2001

HON. GARY A. CONDIT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 28, 2001

Mr. CONDIT. Mr. Speaker, today I introduce "The Transported Air Pollution Mitigation Act of 2001." This bill holds upwind air districts responsible to neighboring downwind air districts for the impacts of transported air pollution.

The Clean Air Act requires States to address the impact of air pollution that is transported between States. It is silent, however, about addressing transported air pollution within a State or what mitigation measures are

imposed when transported pollution occurs between States. This oversight allows upwind air districts—because of prevailing wind patterns—to transport locally generated emissions to neighboring downwind air districts and only requires them to address the emissions that remain in the upwind district.

Transported pollution impacts the environment, public health, and economies in the downwind air districts. Pollution knows no political boundaries. A case in point is the San Francisco Bay Area. The California Air Resources Board has classified the San Francisco Bay Area as an "overwhelming" ozone contributor to each of the four neighboring air districts surrounding it—Sacramento, the San Joaquin Valley, Southern Sonoma, and the Monterey Bay-Central Coast region. This classification means that air quality monitoring data has shown there are days in which the downwind air district is in violation of quality standards because of emissions generated by the upwind air district.

This bill is a matter of fairness and equity. It requires those areas that are responsible to be accountable for the public health, environmental and economic impacts to their downwind neighbors.

CLEAN DIAMOND TRADE ACT

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 27, 2001

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise to express my support for the "Clean Diamond Trade Act," and, additionally, to express my support for those diamond-producing nations like Botswana that have served as a positive example during the development of this important legislation.

The move to prevent so-called conflict diamonds from reaching U.S. markets has never been so important. Illegal diamond smuggling has helped prolong conflicts in which millions have been displaced, and millions more have been killed in brutal conflicts that have ravaged sub-Saharan Africa. Additionally, recent reports in the Washington Post by editor Steve Coll and other news services that rebel warlords in nations such as Sierra Leone are mining diamonds for sale to the al Qaeda terrorist network have highlighted the need for this important legislation. Thus, efforts restricting this source of funding to blood-thirsty factions that are running roughshod over the inalienable human rights due to the citizens of these war-torn nations are both highly commendable and exceedingly necessary. They serve to protect the lives of innocent African civilians, cut the funding sources of terrorist organizations, and thereby serve to protect the lives of innocent Americans.

My only concern is that in this drive to cut war-mongering factions off from the funding that sustains them, Congress ensures that law-abiding nations whose diamond industries support stable democracies not be a casualty of this very important and honorable piece of legislation.

In April, some of my colleagues and I had the opportunity to visit Botswana, a country

23303

whose growing economy is inextricably linked to its legitimate diamond mining industry. During my visit, we met American ambassador John Lange, His Excellency President Festus Mogae, and Health Minister Joy Phumanbi, along with many other dignitaries and government officials. We toured the Jwaneng Mine and the Princess Marina Hospital. These meetings made a strong impression on me, particularly the tour of the hospital. It was a clear indication of the strides that Botswana has been able to make in its fight against AIDS and HIV infection through the revenue generated by its diamond industry.

In these times of conflict and the proliferation of the AIDS pandemic that is devastating many sub-Saharan African Nations, Botswana stands out as an example of democracy in action. Its diamond industry and sound financial management has made Botswana's economy one of the fastest growing in the world. Botswana's successful development of its diamond industry has translated into the resources needed to bolster its democracy and fight the scourge of AIDS that is spreading so rapidly throughout the region.

As a member of the Congressional Black Caucus, these issues are of particular importance to me. The CBC has long focused on stabilizing the region and increasing economic growth and trade opportunities for sub-Saharan Africa. The protective language in section 4 of H.R. 2722 is vitally important to achieving those ends. It establishes a framework under which diamonds from legitimate, law-abiding governments are separated from those originating in conflict zones. The legislation allows the president to import diamonds only from those countries that take effective measures to stop trade in conflict diamonds.

Under the act, effective measures are defined as those that either (1) comply with the requirements of U.N. Security Council Resolutions on conflict diamonds, (2) meet the requirements of an international arrangement on conflict diamonds (provided that arrangement comports with Security Council Resolutions), or (3) contain certain "minimum standards" (e.g., the country requires that all rough diamond exports are packaged securely with officially validated documentation certifying country of origin, total carat weight, and value). Under this new framework, the Administration would have the authority to bar rough diamond imports from any country that does not have an effective system of rough diamond controls.

This is imperative because it allows those who are lawfully engaged in building stable industries to support their economies to continue to grow and provide for the welfare of their citizens. To penalize countries who are legitimately mining diamonds to build vital infrastructure that provides better services and more opportunities to its citizens in order to punish those who would smuggle diamonds to achieve more sinister aims throws the baby out with the bath water. Any legislation dealing with the diamond trade must make a distinction between the two. Indeed, by drawing this bright line, Congress will not only cut funding to war criminals. Congress will have succeeded in supporting and bolstering trade opportunities with countries that can be held up as examples of success in this troubled region.

This body will be well apprised of further successes. The bill requires that the President submit to Congress regular reports identifying countries involved in conflict diamond trade and describing actions taken by the United States and other countries to stop trade in conflict diamonds. Additionally, the bill specifies that the GAO transmit a report on the effectiveness of the Act within three years of its effective date.

I commend Congress for addressing this very critical issue in such a responsible and effective manner. It is consistent with other Congressional initiatives to combat the AIDS pandemic and seek resolution to the numerous conflicts in the area. By singling out the export of so-called "blood diamonds" for sanction, this act will enhance the ability of legitimate diamond industries in the area to flourish, providing a much needed foundation on which economic and political stability can be built.

SIKHS MUST HAVE A FREE
KHALISTAN, ALL OTHER RELIGIOUS
GROUPS HAVE THEIR OWN COUNTRIES,
SIKHS ARE SEPARATE RELIGION, CULTURE,
LANGUAGE, AND PEOPLE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 28, 2001

Mr. TOWNS. Mr. Speaker, all over the world, religious and ethnic groups have their own countries. There are numerous countries dominated by Christians and as we have recently been reminded, there are numerous Muslim countries as well. The Hindus rule India and a few other countries. There are a number of Buddhist countries. The Jewish people have Israel. Only the Sikhs do not have their own country.

Sikhs declared their independence from India on October 7, 1987, naming their country Khalistan. Unfortunately, Khalistan continues to live under a brutal occupation by India that has cost a quarter of a million Sikhs their lives since 1984. Earlier this year, the Movement Against State Repression issued a report showing that India is holding at least 52,268 Sikh political prisoners, by their own admission, in illegal detention without charge or trial. Some of them have been held since 1984. Former Member of Parliament Atinder Pal Singh noted that "there is no family in the 12,687 villages of Punjab of which one or the other Sikh member has not been killed by the police."

As I have previously said, "The mere fact that they have the right to choose their oppressors does not mean they live in a democracy." My colleague, the gentleman from California, Mr. Rohrabacher, has said that for Sikhs and Kashmiris, "India might as well be Nazi Germany." I cannot make a better statement of how brutal India's occupation of the Sikh homeland is. A new Indian law makes any act a "terrorist offense" to "threaten the unity or integrity of India." Under this law, anyone who peacefully advocates independence for Khalistan or any of the minority nations

such as predominantly Christian Nagaland, Kashmir, or any other can be held as a "terrorist" for as long as it suits the Indian government to do so. This is not democracy, Mr. Speaker.

When India got its independence from Britain, Sikhs were one of the three nations that were to receive their own sovereign state. Muslims got Pakistan, Hindus got India. Sikh leaders stayed with India because Mr. Nehru and Mr. Gandhi promised them that they would enjoy "the glow of freedom" in Punjab and no law would pass affecting Sikhs without their consent. However, as soon as the ink was dry on the agreement for Indian independence, the Indian government put out a memo describing Sikhs as "a criminal class" and began the tyrannical harassment of the Sikhs. Accordingly, no Sikh representative has ever signed the constitution of India.

Sikhs ruled Punjab as an independent country from 1765 to 1849, when the British conquered the subcontinent. Punjab was recognized by most of the major countries at that time. Under Sikh rule, Punjab was a secular state in which Sikhs, Muslims, Hindus, and Christians all had a part in the government. The people prospered.

In June 1984, the Indian government attacked the Sikh religion's most sacred shrine, the Golden Temple in Amritsar, the Vatican or Mecca of the Sikhs. Sant Jarnail Singh Bhindranwale, a leader of the Sikh freedom movement had warned that "If the Indian government attacks the Golden Temple, it will lay the foundation of Khalistan." After the Golden Temple attack, the movement for an independent Sikh country, Khalistan, took on steam. As a result, India stepped up the repression. In the words of Narinder Singh, a spokesman for the Golden Temple who appeared on NPR in August 1997, "The Indian government, all the time they boast that they're democratic, they're secular, but they have nothing to do with a democracy, they have nothing to do with a secularism. They try to crush Sikhs just to please the majority."

Mr. Speaker, this is unacceptable. I must join Atinder Pal Singh, the former Member of Parliament in asking, "why can't the Khalistan, Sikhistan, or whatever name you might like to give it be formed for the Sikhs?"

India claims to be "the world's largest democracy." If that is so, then why can't India do the democratic thing and let the people of Khalistan and the peoples of all the minority nations have a free and fair plebiscite, with international monitoring, to decide the question of independence? Isn't that the democratic way? The United States does it for Puerto Rico, Canada does it for Quebec. Why can't "the world's largest democracy" do it for the people of Khalistan, Kashmir, Christian Nagaland, and all the other minority nations? Only when these nations are free will the repression of minorities in India end.

The U.S. Congress should go on record in support of self-determination for all the people of South Asia and we should stop American aid to India until the repression ends. The only answer is freedom. Let's do what we can to support it and expand it.

November 28, 2001

TRIBUTE TO KAREN STEIN—OUT-
GOING MAYOR, CITY OF CORONA

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 28, 2001

Mr. CALVERT. Mr. Speaker, I rise today to honor and pay tribute to an individual whose dedication to the community and to the overall well-being of my hometown of Corona, CA, is exceptional. The city of Corona has been fortunate to have dynamic and dedicated business and community leaders who willingly and unselfishly give time and talent to making their communities a better place to live and work. Karen E. Stein is one of these individuals.

On December 4, 2001, Karen Stein will be honored as the outgoing 2001 City of Corona Mayor, after serving two terms on the city council. Currently serving on the Corona City Council's Infrastructure and Economic Development Committees, Karen was first elected to the Corona City Council in 1994. Previously she was a member of the Corona/Norco Unified School District Board of Trustees, the Corona Parks and Recreation Commission and the Corona Chamber of Commerce.

As a past chairwoman of the Regional Water Quality Control Board-Santa Ana Region, Karen Stein spearheaded a successful effort in 1995 to expand the city of Corona's wastewater treatment plant.

Karen Stein's leadership has been instrumental in strengthening the bonds between the city and business community. A person with passion and principles, who has strived to have a positive effect upon her local community, her other community activities include: the Fender Museum of the Arts Foundation Board of Directors, member of the Corona Historic Preservation Society, charter member of UNITY (United Neighbors Involving Today's Youth) and more.

Unquestionably a leader of women in her community, Karen has received numerous awards including being named "Woman of Distinction" by the Inland Empire Business Press and Soroptimist International.

Karen's tireless, engaged action have propelled the city of Corona forward in a positive and progressive manner. Her work to promote the businesses, schools and community organizations of the city of Corona make me proud to call her a fellow community member, American and friend. I know that all of Corona is grateful for her contribution to the betterment of the community and salute her as she departs. I look forward to continuing to work with her for the good of our community in the future.

RECOGNIZING VICKI WILLIAMS
AND DEBBIE McMICHEN, BOSTON
ELEMENTARY SCHOOL, CHEROKEE
COUNTY, GEORGIA

HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 28, 2001

Mr. BARR of Georgia. Mr. Speaker, the teachers of today are extraordinary human

EXTENSIONS OF REMARKS

beings, dedicated to educating America's youth. Today I would like to recognize two teachers in Georgia who are a step above extraordinary, especially to one little boy.

Just before 8:00 a.m. during the before-school program at Boston Elementary School in Cherokee County, Georgia, Vickie Williams looked over the children watching television and noticed that something was not right with one of the first-grade boys. When the boy began to clutch his throat and became discolored, Ms. Williams realized the child was choking; she responded immediately. While Ms. Williams preformed the Heimlich maneuver, Ms. Debbie McMichen dialed 911 and alerted the appropriate individuals. The two teachers, both CPR certified, successfully dislodged a small hairclip from the first-grader's throat.

Both Mrs. Vickie Williams and Ms. Debbie McMichen were recognized at a Board of Education meeting on October 9, 2001, and today I recognize them for not only being extraordinary teachers, but now, life-savers.

METROPOLITAN WASHINGTON REGIONAL TRANSPORTATION ACT

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 28, 2001

Mr. MORAN of Virginia. Mr. Speaker, today I am introducing the "Metropolitan Washington Regional Transportation Act" with my colleagues Delegate NORTON and Representative WYNN.

Mr. Speaker, the metropolitan Washington D.C. region now faces some of the longest and most expensive commutes in the nation. The commuting hours have grown in length to include not just morning and evening rush hour but a growing segment of the entire workday and weekends as well. Moreover, our congestion problems are more than just a transportation problem. They are an economic problem, a quality of life issue, and now, an environmental issue as well. Automobile exhaust is now complicating this region's compliance with requirements of the Clean Air Act.

Unfortunately, as we look to the future, the situation only grows worse. For the period of 1990 through 2020, this region can expect both a 43 percent increase in population and 43 percent increase in employment. This growth and increased dependency on the automobile is expected to increase by 79 percent the number of vehicle miles traveled in the region by 2020. The Metropolitan Washington Council of Government estimates that transportation spending is falling short of this region's transportation needs by more than \$1.43 billion annually.

Any solution to current and future congestion demands strategic investment in both our road and mass transit system. It demands better land use and planning decisions and better interjurisdictional cooperation. And, it also demands that this region come together and raise additional revenue to finance priority transportation projects that will provide immediate congestion relief. Now, may finally be the time for this region to come together in a

23305

shared vision to raise new revenue and finance specific congestion relief projects that otherwise will not be built.

It may not be a popular idea, but this region needs to do more. I think the key to public support is identifying a list of priority projects that could be completed on a fast track providing the public with the assurances that their additional tax dollars will buy specific congestion relief. A large number of urban communities have already established a dedicated funding source for their transit systems. Where is this region's?

This region needs to look long term and embrace the vision its predecessors did when they created the regional agreements and compacts that created Metro or the Metropolitan Washington Airports Authority. The Metropolitan Washington Regional Transportation Act I am introducing today will help fulfill a new vision and help bring relief to the current gridlock:

(1) It empowers the National Capital Region Transportation Planning Board in consultation with local jurisdictions and the public to produce a list of critical transportation projects and revenue sources that will address this region's growing congestion crisis;

(2) It establishes a Corporation with the power to accept revenue and issue debt to provide timely funding for projects that have been agreed to by the region;

(3) It grants congressional approval of a regional compact needed to help meet the region's long-term transportation needs; and

(4) It provides \$60 million in matching federal grants as an incentive to encourage the creation of the federal corporation.

The Metropolitan Washington Regional Transportation Act will help create the political structure and funding priorities needed to implement a new vision.

WORLD PEACE PRIZE AWARD FOR 2001

HON. JAMES A. LEACH

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 28, 2001

Mr. LEACH. Mr. Speaker, today the World Peace Prize Awarding Council will award its highest honor, the World Peace Prize, to the Vice President of Taiwan, Annette Lu. The Vice President will be the first woman to receive the award.

Ms. Lu has had a distinguished career in public service, and has been concerned in particular to promote democracy and open, accountable government in Taiwan and to further women's rights. In 1979, when Taiwan still had an authoritarian government, she made a brief speech on human rights during a public demonstration later known as the Kaohsiung Incident. Along with many other opposition figures, she was sent to prison for 12 years. After five years in prison she was released to undergo medical treatment, and promptly resumed her campaign for progressive political change on Taiwan. By the early 1990s, Taiwan had largely completed its successful transition to democratic governance. Ms. Lu entered politics in 1993 and became

Vice President in March 2000—the highest-ranking woman to be elected to office in 5,000 years of Chinese history.

While Ms. Lu has taken a controversial position on Taiwan independence, one which from a U.S. perspective is beyond the contemplation of the three communiques and the Taiwan Relations Act that underpin U.S.-China relations, the heroic commitment she has made to the democratic evolution on Taiwan deserves the commendation of the world community. We honor Vice President Lu for her commitment to democracy and congratulate her for receiving the World Peace Prize.

TURKEY'S SUPPORT CRUCIAL TO SUCCESS IN AFGHANISTAN—AND BEYOND

HON. AMO HOUGHTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 28, 2001

Mr. HOUGHTON. Mr. Speaker, as we stand here today, the political rule of the Taliban is over. They have been defeated in the north. They have fled from Kabul. They are heading for the hills.

Winston Churchill noted more than 60 years ago as Britain withstood the ravages of the German bombing attacks, this is not the beginning of the end but rather, "the end of the beginning."

We too, are at the end of the beginning of our worldwide effort to combat terrorism. It is a job that we must lead, but it is a job that we cannot do alone. In the earliest moments after September 11th it seemed that just a few nations would stand with us publicly and actively. One of those nations was our longtime friend and ally, Turkey.

Turkey is no stranger to terrorism. For more than 10 years it waged a fight against internal terrorists who murdered its diplomats and killed its citizens. Over the space of that decade, more than 30,000 Turks lost their lives. Yet, Turkey never hesitated in its support to us.

Within days, Turkish airspace, infrastructure and military organization was pledged in aid to the United States. Turkey went farther. On November 1st, Turkey became the third nation, after the United States and Britain, to commit ground forces in Afghanistan. It dedicated a 90-person special operations group to the ground effort.

This gesture is more than symbolic. It is real. These troops have engaged in short and long term reconnaissance missions. They have served as guides for other allied forces. They provide military assistance to humanitarian relief efforts. They work to protect citizens from harm. Turkey's knowledge of Afghanistan and its longstanding links to anti-Taliban forces make this small unit an important cog in our coalition machine.

Moreover, Turkey's commitment sends a larger signal to the Muslim world. As a democracy, indeed as the only secular democracy in the Muslim world, Turkey sends a signal that Islam and democracy are not incompatible. It is an important one for the millions of Muslims worldwide who wonder whether this effort is a disguised attack on their religion.

Mr. Speaker, as important as Turkey's decision was to send troops to Afghanistan, it should not surprise anyone. Turkey has been with us for 50 years in peace and in conflict. They stand with us today, and for that we should be grateful.

HONORING EDDY AND SALLY ARNOLD ON THEIR 60TH WEDDING ANNIVERSARY

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 28, 2001

Mr. CLEMENT. Mr. Speaker, as the United States Congressman representing Nashville, Tennessee, I rise today to honor country music legend Eddy Arnold and his wife Sally on the occasion of their 60th wedding anniversary.

My father, Governor Frank G. Clement, enjoyed a unique friendship with Arnold throughout his lifetime. In fact, my brothers and I considered him to be a "second father" to our family, offering advice and wisdom about many issues. His family values remain strong today, as does his status as a living legend.

A native of Henderson, Tennessee, Arnold is a member of the Country Music Hall of Fame, having sold more than 85 million records in his career. As one of the top country music performers of all time, Eddy Arnold holds a number of records in the industry, such as being the only performer to chart on Billboard in seven consecutive decades. Further, he is still ranked as the Top Country Recording Artist of All Time and holds the record for Most Country Records on the Charts.

Known as the Ambassador of Country Music, he has received numerous prestigious awards including the Country Music Association's Entertainer of the Year Award, the Academy of Country Music's Pioneer Award, and the President's Award from the Songwriter's Guild. Because of continued devotion to fans, his fan base around the globe remains loyal and strong after 55 years in the music industry.

There is no doubt Arnold's impressive success can be equally shared with Sally, his wife and partner of 60 years, who has remained by his side throughout both rich and lean times. It is this partnership of which I stand to honor today.

IN MEMORY OF NAZAR SINGH FAGOORA

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 28, 2001

Mr. TOWNS. Mr. Speaker, recently Nazar Singh Fagoora, a Sikh leader from Fresno, California, passed away. December 3 would have been his 86th birthday. I was informed of his passing by Dr. Gurmit Singh Aulakh, President of the Council of Khalistan, to whom he was an advisor.

Nazar Singh Fagoora believed deeply in freedom for all people. He supported the

struggle to free the Sikh homeland, Khalistan, with financial contributions and with his political support. In the Fresno Gurdwara, he would post letters from the Council of Khalistan on the bulletin board to inform his fellow Sikhs of what was going on back in Punjab, Khalistan, and to encourage them to get involved in the freedom movement.

Nazar Singh Fagoora was a committed, dedicated Sikh, and a staunch Khalistani. He led a simple life. He was active in many efforts to help his fellow Sikhs, whether by trying to help people in the local community or by his financial, moral, political, and personal support of the freedom movement. I know that his family, friends, and the members of his Gurdwara will greatly miss him. Let him serve to remind us all of what it is to be a good citizen. I know I speak for everyone here when I say let God bless him and his family.

Mr. Speaker, the Council of Khalistan issued a press release in Mr. Fagoora's memory. I would like to place that in the RECORD at this time.

SIKH NATION MOURNS PASSING OF S. NAZAR SINGH FAGOORA

FRESNO SIKH WAS DEDICATED SERVANT OF KHALSA PANTH AND ALL PEOPLE

WASHINGTON, DC, November 20, 2001.—The Sikh Nation is mourning the loss of Sardar Nazar Singh Fagoora, a dedicated Sikh leader from Fresno, California, who died at the age of 85. He was a dedicated servant of the Khalsa Panth, and he will be greatly missed.

"Sardar Nazar Singh was a great human being, a committed, dedicated Sikh, and a staunch Khalistani," said Dr. Gurmit Singh Aulakh, President of the Council of Khalistan, the organization leading the Sikh Nation's struggle for the independence of the Sikh homeland. Khalistan is the name of the independent Sikh homeland declared on October 7, 1987.

"Sardar Nazar Singh gave large amounts of money in support of the struggle to liberate Khalistan. He led a simple fulfilling life, according to the principles laid down by our Gurus," Dr. Aulakh said. "He was a true follower of Guru. He was a truly noble and dedicated Sikh," Dr. Aulakh said.

"Sardar Nazar Singh really served the Guru very well by serving the Khalsa Panth," Dr. Aulakh said. "He was active in many ways in efforts to help the Khalsa Panth, whether by trying to help people in the local Sangat or by his financial, moral, political, and personal support of the freedom movement," he said. "In the Fresno Gurdwara, he made sure every letter written by this office was posted on the walls of the Gurdwara as soon as it arrived. The Sangat would browse through those documents carefully," Dr. Aulakh said. "I know that I will miss his counsel and advice. I don't see anyone in this country who can fill the vacuum created by his departure," Dr. Aulakh said.

"Sardar Nazar Singh understood that Sikhs will continue to suffer oppression in India and will continue to be misunderstood in this country as long as we do not have our own country," said Dr. Autakh. "This kind of repression will continue as long as Khalistan continues to live under Indian occupation," he said. "Only in a sovereign, free Khalistan will Sikhs live with honor and dignity where the Sikh religion can flourish," he said. "Nations that do not have political power vanish."

The Indian government has murdered over 250,000 Sikhs since 1984. More than 52,000

November 28, 2001

Sikh political prisoners are rotting in Indian jails without charge or trial. Many have been in illegal custody since 1984. Over 200,000 Christians have been killed since 1947 and over 75,000 Kashmiri Muslims have been killed since 1988. The Indian Supreme Court described the situation in Punjab as "worse than a genocide." As General Narinder Singh has said, "Punjab is a police state." U.S. Congressman Dana Rohrabacher has said that for Sikhs, Kashmiri Muslims, and other minorities "India might as well be Nazi Germany."

"Sardar Nazar Singh will be greatly missed by his family and by all Sikhs who care about freedom and about the dignity of the Khalsa Panth," Dr. Aulakh said. "May Guru give peace to this departed, noble soul," Dr. Aulakh added.

HONORING THE EMPLOYEES OF
THE U.S. POSTAL SERVICE AT-
LANTA DISTRICT NORTH METRO
PROCESSING AND DISTRIBUTION
CENTER

HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 28, 2001

Mr. BARR of Georgia. Mr. Speaker, employees of the United States Postal Service have long been irreplaceable components in our country's system of commerce and communication. Since the September 11th terrorist attacks, and the subsequent Anthrax threats, our postal workers have been asked to step up to the front lines in protecting the citizens of the United States. That is why I would like to highlight one of the foremost distribution centers of Georgia, the Atlanta District North Metro Processing and Distribution Center.

There are over 1700 workers at the North Metro Center, who distribute over 3,000,000 pieces of mail a day. Since the September 11th attacks, their working environment has been turned upside down with threats of Anthrax, suspicious packages, and evacuations. Employees have been asked to protect themselves every day against the dangers of bioterrorism by wearing gloves and masks.

Postal workers have been called on by their country to be watchdogs for the terror we now face as a nation. They are asked every day to take on workplace challenges and pressures they probably never thought about before. The postal service has become an invaluable asset against the acts of terrorism that has plagued our country for the past two months and its workers have stepped up to protect their fellow Americans without hesitation. That is why I ask my fellow members to rise and give thanks to the workers at the Atlanta District North Metro Processing and Distribution Center for their bravery and dedication to serving their community and America.

EXTENSIONS OF REMARKS

TRIBUTE TO CHRISTIAN BROTHERS
UNIVERSITY FOR 130 YEARS
OF SERVICE

HON. HAROLD E. FORD, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 28, 2001

Mr. FORD. Mr. Speaker, I rise today to pay recognition to Memphis' Christian Brothers University as the school marks its 130th year of service.

After nearly a decade of work and persuasion by citizens across the Memphis and Mid-South community, November 19, 1871, finally arrived. On that day, a procession of celebrants made the storied trek from St. Peter's Catholic Church to the Memphis Female College, changing the name of the destination to Christian Brothers College.

From the beginning, this institution stood as part of the continuing legacy of St. John de la Salle, whose founding of the Institute of the Brothers of Christian Schools, or Frates Scholarum Christianarum, continues as one of the world's prolific educational systems. With the death of de la Salle in 1719 and his canonization in 1900, this system flourished to, by the middle of the 20th century, include more than 20,000 brothers teaching nearly half a million students worldwide.

In Memphis, the students who attended the first day of classes at the newly formed institution numbered 26.

The first president, Brother Maurelian, served two terms for 33 years. It was during these formative years that the institution made several changes and transition that further distinguished it as an educational institution of great worth.

The school functioned as a combined elementary school, high school and college, granting high school diplomas as well as bachelor's and master's degrees. This continued from 1871 until 1915, when the college had to close its college division temporarily due to the inordinate amount of students that enlisted for the war effort.

Following this period, the school reopened as a Junior College, granting Associate of Arts Degrees beginning in 1942. Some 11 years later, the Junior College was expanded into a 4-year institution offering bachelor's degrees to students once again.

Since this time of renewal, the college has expanded tremendously in size and coursework offered. The Master's Program was reinstated in 1987 with exponential growth in size, as reflected by the official change of the school to Christian Brothers University.

CBU today holds the distinction as one of the most diverse college communities in the Mid-South in terms of coursework offered and student population.

For CBU's record of excellence and for the responsible role of leadership it has taken in the academic community, I ask you and my colleagues in the U.S. House of Representatives to join me in saluting the legacy of this flagship institution of higher learning, Christian Brothers University.

23307

TRIBUTE TO DR. FRED SAALFELD

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 28, 2001

Mr. SKELTON. Mr. Speaker, it has come to my attention that a long and exceptionally distinguished career in the field of science and technology is coming to an end. Dr. Fred Saalfeld will retire as Executive Director and Technical Director of the U.S. Navy's Office of Naval Research (ONR).

Dr. Saalfeld has been a popular and highly respected scientist at the Office of Navy Research for 40 years. Dr. Saalfeld's academic career began at Southeast Missouri State University and concluded with a Ph.D. from Iowa State University, specializing in physical chemistry, inorganic chemistry and math. Soon after, his career at the Office of Navy Research began. He developed the Central Atmosphere Measuring System, now in service on the Navy's nuclear submarines. He was also instrumental in developing a new secondary ion mass spectroscopy technique that is widely used in molecular biology and medical research. After these technical successes, Dr. Saalfeld became manager of the Department of the Navy's Science and Technology research at ONR.

As Executive Director and Technical Director of ONR, Dr. Saalfeld was responsible for the entire naval research enterprise. He oversaw the development of the Research Opportunities for Program Officers program, which affords Program Officers an opportunity to undertake "bench science" in their area of scientific specialty while simultaneously managing their program. He also pushed to establish the naval research Young Investigator Program, which identifies new university faculty that possess the qualities to impact our Naval Forces. Dr. Saalfeld was instrumental in creating ONR's diversity committee and developing the ONR Corporate Diversity Plan.

Over the course of his career, he authored and co-authored more than 500 research papers, reports and presentations. He has been recognized by universities, scientific societies, the Navy, Department of Defense, and Presidents Carter, Reagan, Bush, and Clinton.

Mr. Speaker, Dr. Saalfeld shepherded Navy Science and Technology through trial and triumph for 40 years, ensuring the best was available for our fleet. I know the Members of the House will join me in paying tribute to this exceptional American and wish him all the best in his retirement.

AIRLINE SECURITY LEGISLATION
(H.R. 3150)

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 28, 2001

Ms. PELOSI. Mr. Speaker, today the American public has achieved an important victory. At long last, more than two months after September 11, Congress has bowed to our true leaders, the American people, and agreed to

take airline security out of the hands of the private contractors who failed so miserably to protect us.

H.R. 3150 also will ensure that all baggage is screened for weapons and explosives, cockpit doors are reinforced, airport workers are properly screened and trained, and more air marshals are stationed on our flights. Unfortunately, the bill also requires all security screeners to be U.S. citizens. Legal permanent residents serve in the armed forces, fly airplanes, work as flight attendants, and repair airplanes. Qualified legal residents should be allowed to serve as screeners too.

Mr. Chairman, our sadness is renewed by the new tragedy in New York. But now we can travel to our Thanksgiving destinations with a greater sense of security, give thanks for the loved ones gathered safely around us.

AFGHAN WOMEN AND CHILDREN RELIEF ACT OF 2001

SPEECH OF

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 27, 2001

Mrs. MALONEY of New York. Mr. Speaker, I rise today in strong support of this important bill.

Over the past few months, I have come to the House Floor to emphasize the suffering conditions Afghan women have been forced to endure over the past 5 years and have urged the world to recognize the need to restore the rights of all people in Afghanistan.

Thanks to my colleagues on both sides of the aisle and to the strong voices in the administration, the plight of Afghan women have been highlighted and addressed in the past weeks.

We have all learned that under the oppressive Taliban regime:

All schooling was forbidden to girls over the age of eight.

The women's university was shut down.

Women were restricted access to medical care.

But with today's bill, we will reverse the tragedies suffered by so many. This bill, introduced and supported by women, ensures that women and children living in Afghanistan will receive the proper education and health care they desperately need and deserve.

In addition to restoring these basic rights, it is essential that women be incorporated in any coalition that is assembled to run Afghanistan.

Mr. Speaker, many Afghans have been celebrating since the liberation of Kabul, Mazar-e Sharif, and other Afghan cities that were once under Taliban control. However, women are reluctant to join in the celebration as it is unclear how the Taliban's collapse may impact their lives. Women's involvement in reconstruction and peace negotiations is essential to rebuilding that country. It will be impossible for the United States to achieve its long term goals for Afghanistan without restoring the social, human, and political rights that have been taken from women. Women must be guaranteed that their human rights are included in the constitution or legal structure of

a new government in Afghanistan. This is why Congresswoman CONNIE MORELLA and I have introduced H.R. 3342, the Access for Afghan Women Act.

H.R. 3342, which I encourage my colleagues to cosponsor, proposes that aid from the United States will ensure that the economic, social, and political rights of women are recognized.

After all, excluding more than half of the Afghan population from the reconstruction process jeopardizes the long-term stability of the region.

We must ensure that Afghan women are included at each stage of the peace process and the creation of a new government of Afghanistan includes women—they are entitled to it.

INTRODUCTION OF THE TRADE ADJUSTMENT ASSISTANCE FOR WORKERS, FARMERS, COMMUNITIES AND FIRMS ACT OF 2001

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 28, 2001

Mr. BENTSEN. Mr. Speaker, I rise today to introduce the Trade Adjustment Assistance for Workers, Farmers, Communities, and Firms Act of 2001. This thoughtful and innovative legislation was originally introduced in the other body by Senators BINGAMAN, BAUCUS and DASCHLE as S. 1209, and I am pleased to introduce it in the House today along with my colleague ANNA ESHOO.

On balance, the United States benefits significantly from increased trade. Increasing productivity and enhanced means of production through new investment in plants and equipment have provided the U.S. with a comparative advantage in many sectors of our domestic economy. However, too often, proponents of trade liberalization turn a blind eye toward those sectors of our economy which do not benefit, especially our workers. Existing programs designed to help such workers are lacking and outdated. Since its enactment in 1962, trade adjustment assistance ("TAA") has been designed to help American workers cope with the changes that occur as a result of international trade. Trade adjustment assistance is based on a simple, yet important concept: that the federal government has an obligation to assist workers who lose their jobs as a direct result of U.S. trade policy. Under TAA, workers are eligible for up to 52 weeks of income support, provided they are enrolled in re-training. The program also provides job search and relocation assistance. Despite low unemployment through the second half of the 1990s, the number of workers eligible for TAA has increased. In 2000, approximately 35,000 workers received TAA benefits. However, many affected workers either exhaust benefits too soon, don't qualify or don't participate.

TAA is in need of significant reform and modification. For instance, under the existing program, the criteria for the TAA benefits are too restrictive, and excludes too many workers who are clearly dislocated by trade and need assistance, including secondary workers—

such as those working for companies that supply factories or manufacturing facilities that go out of business as a result of trade. Secondly, the program contains a confusing variety of eligibility requirements, depending on which form of TAA is desired—including those under the NAFTA-TAA program, which is designed to assist workers dislocated specifically because of NAFTA. Third, the current program provides 2 years of training, but only 18 months of COBRA assistance over that same period of time. Too often when the payments stop, people are forced to discontinue their training. Fourth, if a person goes back to work at a part-time job, he or she loses eligibility for TAA training, which is contrary to recent trends in other forms of public assistance. Finally, one of the most difficult problems displaced workers face is that their next job often pays much less than their previous job. About one-third of such workers face this circumstance, and older workers are especially hard hit.

This legislation proposes improving upon the current system in a number of ways, including the establishment of allowances, training, job search, relocation and support service assistance to secondary workers, and workers affected by shifts in production. This measure would also harmonize existing TAA and NAFTA/TAA programs to provide more effective and efficient results for individuals and communities. Realizing the difficulty for older workers to change careers, this legislation would facilitate on-the-job training and faster re-employment by providing wage insurance for up to 2 years for part of the gap between old and new earnings levels. Additionally, this legislation would increase income maintenance from 52 to 78 weeks, substantially increase funds available for training, and ensure that workers who take a part-time job don't lose training benefits. This legislation would also provide a tax credit for 50 percent of COBRA payments, increase assistance for job relocation, and link TAA recipients to child care and health care benefits under existing programs. This bill would also recognize the special circumstances faced by family farmers, ranchers and independent fishermen, and would seek to provide assistance and consulting before they lose their businesses. In addition to current practice, the President, the Senate Finance Committee, and the House Ways and Means Committee would be able, by resolution, to initiate a TAA certification process for an affected industry.

To help communities respond to job losses more quickly and efficiently, this bill would strengthen the state-based Workforce Investment Act ("WIN") programs to expedite trade adjustment assistance applications. As a part of TAA reform, this measure would encourage greater cooperation between federal, state, regional, and local agencies that deal with individuals receiving trade adjustment assistance. At present, individuals receiving trade adjustment assistance can obtain counseling from one-stop shops in their region, but typically this is limited to information related to allowances and training. Information concerning funds available through other Federal departments and agencies is frequently not available, including information on health care for individuals and their families. To prevent the

creation of duplicative programs and to use the funds that are currently available, this legislation would establish an inter-agency working group on trade adjustment assistance be created and that a inter-agency database on Federal, State, and local resources available to TAA recipients be established.

Mr. Speaker, passage of this legislation is extremely important, as it directly addresses the question of how Congress will assist those workers and communities negatively impacted by international trade. It is also long overdue, as Congress has discussed reform of the trade adjustment assistance programs for a number of years. I believe it is time to act, and I think we have a unique opportunity to act in that there is interest both in Congress and the Administration to improve the trade adjustment assistance programs in a fundamental and a beneficial way. Congress should pass legislation that will make these improvements in the trade adjustment assistance program, and I ask my colleagues to support this bill.

INTRODUCTION OF THE FEDERAL
ADVISORY COMMITTEE TRANS-
PARENCY ACT OF 2001—THE
F.A.C.T. ACT

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 28, 2001

Mr. MATSUI. Mr. Speaker, I am pleased to join today with Congressman HENRY WAXMAN, the Ranking Member of the Government Reform Committee, to introduce legislation that will require the President's Commission on Social Security to keep their meetings free and open to the public.

The Federal Advisory Committee Act (FACA), which governs the President's Social Security Commission, requires all meetings to be open to the public. However, under guidance issued quietly by the General Services Administration last summer, this Commission and others governed by FACA have been allowed to meet in secret subgroups. This was never the intention of FACA. The F.A.C.T. Act will close this loophole.

The President's Commission on Social Security has taken advantage of this loophole on at least two occasions. Each time, Mr. WAXMAN and I have written to the Commission expressing our deep concern for these secret subgroup meetings, to no avail. The Commission has refused to open its subgroup work to the public, necessitating introduction of this legislation.

Social Security Reform affects the lives of millions of Americans and is a critical source of income for retirees, disabled workers, and surviving spouses and children. The privatization of Social Security makes the financial challenges of the system substantially worse, necessitating large cuts in these critical benefits. Deliberations and decisions that result in this outcome should not take place behind closed doors. There is too much at stake for America's families.

HUMAN EMBRYO CLONING

HON. RONNIE SHOWS

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 28, 2001

Mr. SHOWS. Mr. Speaker, the cloning of a human embryo goes far beyond the fact that it is bad public policy. We are not a society, I say we are not a creation of God, that would make a life in order to kill it. This is what is happening and this is what we must stop now. The farming of human embryos, human lives, for use as laboratory test rats is a frightening and destructive direction this nation, this society, would take.

The single responsible measure we can take is to stop human cloning now before a slow numbing acceptance takes place.

Douglas Johnson at National Right to Life said, "Each of us began our individual life as an embryo. We were human when we were embryos, and these cloned embryos are human lives too. Once begun, human lives—including human lives begun by cloning—should be protected, not killed to provide biological raw material." He is right.

We must expand on the Human Cloning Prohibition Act, H.R. 2505, passed in July and make human embryo cloning completely illegal.

RECOGNIZING DIANE CAREY
WOODRUFF

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 28, 2001

Mr. THOMPSON of California. Mr. Speaker, I rise today to recognize Diane Carey Woodruff, who is retiring after 13 years of service with Napa Valley College.

She joined the campus in 1988 and served as Vice President of Instruction and Student Services for five years. In 1992 she was selected President of the College, the first and only woman to achieve this honor in the school's 60-year history, and has served her community with distinction.

Under her leadership, a second campus was built, as were four other buildings at the main campus, the Child Care Center, the Community Education Center, the Trefethen Family Viticultural Center, and the Napa Valley Vintners Teaching Winery. The latter two facilities were 100 percent funded through community contributions.

President Woodruff also successfully persuaded employers in the community to fund five faculty positions.

During her tenure, the Napa Valley College Foundation became one of the top ten community colleges foundations in California in terms of providing mini grants, equipment, scholarships, and an endowed chair to the college.

President Woodruff also developed a "Naming Opportunities Program" to develop new programs and to increase financial support for the college. The Belle Rhodes Teaching Kitchen, the Elizabeth Brereton Conference room,

the Jess and Mary Doud Distance Learning Center, the Virginia Murdoff Counseling Center, and the Ann Marie Koropkin Student Center have all benefited under her leadership.

President Woodruff has received recognition from the community for her work to increase diversity on campus, including the Award of Merit from Napa County Landmarks for her leadership in establishing the Native American Dedication Garden at the Upper Valley Campus.

Among her innovations, she developed programs in paralegal services, viticulture, computer networking, culinary arts and a Fish and Game Academy. She also developed and implemented a comprehensive technology plan to better serve the students, faculty, and staff, including on-line non-credit classes and live interactive classes between the two Napa Valley campuses.

President Woodruff has also been an active participant in the community with such organizations as Napa Rotary, Leadership Napa Valley, the Culinary Institute of America, the Napa Valley Opera House, Queen of the Valley Hospital, the Napa Chamber of Commerce and the Napa Valley Symphony.

Mr. Speaker, President Diane Carey Woodruff has served her college and her community tremendously well. Therefore, it is appropriate that we honor her today for her many contributions and wish her well in her retirement.

IN HONOR OF SERGEANT WESLEY
R. CALLOWAY

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 28, 2001

Mr. MENENDEZ. Mr. Speaker, I rise today to recognize Sergeant Wesley R. Calloway of the Jersey City Police Department for his years of distinguished service on behalf of the citizens of Jersey City, NJ. Sergeant Calloway will be honored at a special retirement ceremony on Thursday, November 29, 2001, to commemorate his 28 years as a Jersey City Police Officer. The ceremony will take place at Puccini's Restaurant in Jersey City, NJ.

As an experienced veteran of the Jersey City Police Department, Sergeant Calloway has enjoyed a successful law enforcement career that included numerous awards and acclamations. During his extensive career, he has received a Commendation, two Class D Awards, and four Excellent Police Service Awards.

A graduate of Snyder High School and the Teterboro School of Aeronautics, Sergeant Calloway also served honorably in the Jersey City Army National Guard from 1969 until 1975. While in the National Guard, he was the recipient of the Army Service Ribbon and the New Jersey Good Conduct Medal.

Throughout his career, Sergeant Calloway has successfully balanced his professional responsibilities with his civic duties. He currently serves as a member of the New Jersey Police Honor Legion and is a Boy Scouts of America Troop Leader.

Sergeant Calloway and his wife Vivian are the proud parents of their son Brandon.

Today, I ask my colleagues to join me in honoring Sergeant Wesley Calloway for his selfless and committed service on behalf of the residents of New Jersey's 13th Congressional District.

HONORING THE DENVER POST'S
EDITORIAL WRITER PENELOPE
PURDY

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 28, 2001

Mr. UDALL of Colorado. Mr. Speaker, I rise to congratulate Penelope Purdy, a member of the editorial board of the Denver Post. Ms. Purdy's columns and editorials on land and natural resource protection issues were recently recognized by The Wilderness Society, which selected her as the 2001 recipient of the Aldo Leopold Award for Editorial Writing.

This award was established by The Wilderness Society in 1998. It is given to an editorial writer "who has produced editorials forcefully making the case for protecting America's remaining wild lands." It is named for Aldo Leopold, a celebrated conservationist and a founder of The Wilderness Society whose book "A Sand County Almanac" has come to be viewed as one of the leading guides for the establishment of an environmental ethic focused on the conservation of landscapes and ecosystems. I can think of no one who is more deserving of this award than Penelope Purdy.

Ms. Purdy's body of work is impressive. She holds a masters degree in international and intercultural communications, and writes on a wide variety of domestic and foreign-policy issues. But her contributions on environmental topics are especially noteworthy. She has come to be seen as an expert on these issues, which run the gamut of Superfund cleanups, forest policies, public land recreational use, growth and open space management, federal land agency budgets and pollution of the atmosphere and water.

Her insights on these issues—so important for all of us in Colorado and the west—have had a very beneficial effect on the shaping of public policy. But it is her work on lands protection—the work that drew the attention of The Wilderness Society—that is especially extensive and distinguished.

Through a number of columns, she has effectively and forcefully promoted the practical virtues of protecting special, vanishing lands in Colorado and throughout the west. She is not simply an automatic proponent of any and all lands protection proposals, but evaluates each one on its individual merits and doesn't hesitate to make suggestions based on on-the-ground realities and real world politics. Her well-reasoned arguments have in fact helped persuade others to join in the efforts to preserve what is left of the stunning and majestic landscapes in Colorado.

I have heard it said that while good poetry is emotion recollected in tranquillity, good journalism is more like apathy stung awake in a beehive. In either case, the best writing requires passionate involvement. And the quality of Ms. Purdy's prose is no exception. It obvi-

ously arises from her own passion and perspectives as a person who combines intelligence and understanding of complex issues with the personal and emotional values that come from experiencing the outdoors. She has personally visited many of the special places—in Colorado and elsewhere—that have been the subjects of her writings. This personal touch helps inform her views and leads to an enhanced understanding of her subject matter.

To illustrate, I am attaching two of her columns. One is an informative discussion of the complex realities of the Rocky Mountain Arsenal. The other gives a glimpse of Ms. Purdy's mountain-climbing experiences. The first is a matter of great importance to all Coloradans, while the latter has a particular resonance with those of us who have also spent time seeking to reach a summit or two.

In conclusion, I again congratulate Ms. Purdy on her well-earned award, and look forward to many more insightful, well-written contributions from her on important issues facing Colorado and the nation.

[From the Denver Post, Nov. 28, 2000]

ARSENAL'S HARSH REALITY

(By Penelope Purdy)

The Rocky Mountain Arsenal exudes such a warm, fuzzy image as a wildlife refuge that Coloradans sometimes forget it's still one of the most polluted landscapes in America.

In recent weeks, workers at the federal property north of Aurora discovered six bomblets that may contain sarin, a nerve gas so deadly just a drop will kill a person—and each grapefruit-sized mini-bomb could hold 1.3 pounds. Arsenal officials admit more unpleasant surprises might be unearthed as cleanup crews pick through the site's hazardous garbage.

That confession may surprise folks who view the arsenal as a place scout troops and school groups take guided tours to gawk at bald eagles and 300 species of birds, mammals and reptiles that make their home there.

But many of these creatures live on the arsenal simply because its 27 square miles represent some of the last open prairie in the metro area. It's a sad comment on the destructive impacts of urban sprawl that wild animals prefer to live atop chemical waste than amid endless strip malls.

Yet the animals' presence doesn't erase harsh facts about the land they inhabit:

Starting in 1942, the U.S. Army used the place to manufacture hideous weapons including sarin, mustard gas and wheat rust, a biological agent capable of wiping out crops.

From 1952 to 1988, Shell Oil Co. used the same property to make pesticides, some now outlawed as too dangerous.

For 40 years, the feds and Shell dumped deadly liquid and solid wastes into unlined pits.

Some of these pits, or basins, eventually leaked, letting poisons seep into the drinking water of nearby communities.

The government didn't keep proper tabs on where it tossed unused munitions, so sarin bomblets and other explosives may be strewn around several parts of the arsenal.

Worst of all: The 1996 pact between the feds and the state of Colorado really doesn't insist on decontaminating the land. It just calls for the feds and Shell to dig up the worst toxic goo and rebury it elsewhere on the property. So the pact is less a cleanup plan than a reburial plot.

Changing the signs at the arsenal from army post to wildlife refuge didn't erase decades of lies, delays and political hardball that the feds used to stop Colorado from getting a more thorough cleansing of the place.

The feds cornered Colorado into this unhappy position despite bipartisan efforts to make the Army do better. In 1987, then-State Attorney General Duane Woodard, a Democrat, sued the federal government to force a cleanup. When Republican Gale Norton succeeded him in 1990, she pursued the case with gusto. Indeed, Colorado won several big federal court decisions.

But the Army maneuvered to stall and complicate the case. Meantime, Congress grew alarmed at how much a full-blown decontamination of the site would cost—estimates ranged up to a mind-boggling \$20 billion. Congress would never approve such a massive amount.

So by 1995, then-Lt. Gov. Gail Schoettler, another Democrat, tried to bust loose the logjam. She got a deal inked by the state, the Army, Shell, the U.S. Fish and Wildlife Service and U.S. Environmental Protection Agency.

The planned cleanup will cost about \$2 billion, of which more than \$700 million already has been spent.

Now the job of holding the feds' feet to the fire has fallen to Gov. Bill Owens, a Republican who shows the same high level of concern.

And rightly so, for the 1996 deal gave Colorado half-a-loaf. For example, Adams County communities whose drinking water was ruined by the arsenal's runoff had been promised clean water. But they'll get only 4,000 acre-feet annually instead of the 10,000 acre-feet they need.

Yet, without the 1996 pact, toxins might still be oozing into the environment; lawyers certainly would still be arguing; and Congress could still be refusing to fund any real cleanup work.

As it is, some progress has been made. The feds built systems to stop pollution from reaching drinking water supplies. Some chemicals have been incinerated. A vast vat of toxic sludge called Basin F has been dug up, and its materials moved to a more stable containment site. And arsenal workers are investigating suspected problem areas—which is how they found the sarin bomblets.

Much more work lies ahead. In fact, the 1996 plan envisioned the cleanup taking at least 10 years.

Even when the plan is fulfilled, though, the place will still be polluted by substances that require decades, sometimes centuries, to break down into less toxic forms.

So despite the eagles and tour groups, here's the harsh reality about the arsenal: It will harbor deadly wastes for longer than our great-grandchildren will be alive.

[From the Denver Post, Sept. 18, 1994]

TRIUMPH ON THE SEVENTH TRY

(By Penelope Purdy)

A rainbow had decorated the previous evening. At dawn, the air's chill reminded us that autumn was peeking around the corner of the calendar. Now, in mid-morning, the cobalt September sky turned hot. Dark glasses replaced head lamps.

At about 13,000 feet above sea level, I paused and wondered when tenacity mutates into obsession.

During journeys to this valley near Westcliffe in south-central Colorado, my boots had trod many summits—Kit Carson, Challenger Point, Humboldt Peak, Crestone

Needle, all of them over 14,000 feet in elevation. Crestone Peak, however, had eluded me. Six times I had been turned back from its top by lightning, fatigue and route-finding errors.

This commonly climbed mountain should not have stirred such strong emotions. I really had nothing to prove, with a Himalayan ascent, two summits in the Andes, and 52 of Colorado's 54 "14-ers" to my credit. Yet I returned repeatedly to battle this heap of loose rock.

"We've got it now," said the fellow with twinkling eyes who stood by my side. John was his name, and he had already been up this mountain, as he had all Colorado's "14-ers" and most of the state's summits over 13,000 feet. He was here this day because he likes the mountains, and because he knew how important this peak was to me.

For nearly a decade, we had shared a rope, a tent, and many peaks and valleys. The years and the memories had molded a relationship as close as two people can share without physical intimacy.

"Yeah, well, partner, I never say we have it until we really have it. I think it's bad karma," I said.

"I don't believe in karma," he replied. As we trudged up the next 500 vertical feet, we debated the relative merits of karmic Buddhism vs. rational empiricism.

He had saved my hide more times than I could count: grabbing me when I slipped on a slick log bridge so I didn't pitch head-first into a roaring stream with a full pack; carrying me to safety when I had broken a bone in a wilderness fall . . .

I remembered how on Kit Carson Peak, he and I were with another friend who was an inexperienced climber, and who had grown nervous at a certain tough spot. John had said, "Steve, if you don't think you can cut the mustard, I have some right here"—and John whipped out of his coat pocket a del-sized packet of Grey Poupon. Steve's nervousness evaporated into laughter.

Now, on Crestone, partner John was jesting again, venting his Walter Mitty day dreams, pretending we were grappling with some huge Himalayan summit alongside the great names of mountaineering: Messner, Bonington, Scott. Perhaps they were souls only other climbers revere, but they were real people, real legends, real inspirations to all weekend warriors in all the world's great ranges.

As we clambered up the rubble-strewn gully, John began to move faster and so at one point he pulled ahead.

Looking at his boot soles reminded me of an episode on Mount of the Holy Cross. He and I had finished a splendid early summer ascent of the snow-filled east gully, but during the descent found ourselves traveling over snow so soft it wouldn't support our weight. Underneath this rotten layer hid a hard ice sheet. John slipped, slid, and couldn't stop himself with his ice ax. My choices: step out of the way and let my partner smash into the rocks below, or thrust myself into his path to check his fall. Our chests slammed into each other, and I staggered back, grateful his sharp-pointed crampons had missed my ribs. Friendship is the instinct that overwhelms selfishness.

Crestone Peak is split like a gun sight, so when we topped the gully we peered down the steep other side. Then it was a short scramble to the top, with its grand views of other high summits and the Great Sand Dunes. The raptor who had been feuding with ravens had flown off, but we still could see the big horn sheep far below. No other humans were in view.

With the help of a great soul mate, I'd finally triumphed on the seventh try. Now it was clear which was the most important, the peak or the friendship.

As we descended, I remembered an old climber's saying: you never really conquer a mountain. You stand on its summit for a few moments, then the wind blows your footprints away.

PERSONAL EXPLANATION

HON. RUBÉN HINOJOSA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 28, 2001

Mr. HINOJOSA. Mr. Speaker, I regret that I was unavoidably detained this morning. Had I been present, I would have voted "yes" on rollcall 451. In addition I would have voted "yes" on rollcall No. 448, but was also unavoidably detained.

PERSONAL EXPLANATION

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 28, 2001

Mr. CLEMENT. Mr. Speaker, on rollcall vote No. 450, I was unavoidably detained on official business. Had I been present, I would have voted "yea," and I ask unanimous consent that this statement be placed in the appropriate portion of the RECORD.

Mr. Speaker, on rollcall vote No. 449, I was unavoidably detained on official business. Had I been present, I would have voted "yea."

IN HONOR OF DEPUTY POLICE
CHIEF THOMAS P. KANE

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 28, 2001

Mr. MENENDEZ. Mr. Speaker, I rise today to honor and pay tribute to Deputy Police Chief Thomas Kane of the Jersey City Police Department. On Thursday, November 29, 2001, Thomas Kane will celebrate his retirement with family, friends, and colleagues at Puccini's Restaurant in Jersey City, NJ.

As a 28-year veteran of the Jersey City Police Department, Thomas Kane has enjoyed an extensive and successful career as one of Jersey City's finest. In 1973, Thomas Kane joined the Jersey City Police Department. Quickly earning the respect and admiration of his peers and supervisors, he was promoted to the rank of Sergeant in 1979. In 1985, Thomas Kane was again rewarded for his hard work and commitment, when he was appointed to the rank of Lieutenant. Between 1992 and 1994, Officer Kane served as a Commander in the Records Bureau and North District Divisions. Following his assignment in the Records Bureau and North District, he was promoted to Inspector and headed up the Inspectional Services Unit in the Office of the

Chief of Police. In 1997, Mr. Kane assumed the rank of Deputy Chief.

A graduate of St. John's Grammar School and St. Michael's High School, Thomas Kane received his Bachelors of Arts in Economics from New Jersey City University. He later continued his studies at New Jersey City University by acquiring his Master's Degree in Criminal Justice.

An active community leader and role model for Jersey City youths, Thomas Kane serves as a member of the Jersey City Police Emerald Society and the Police Department's We Care Basketball Team. In addition, he serves as Executive Vice President of the Deputy Chiefs of Police Association of the State of New Jersey.

Thomas Kane and his wife Pamela are the proud parents of two daughters, Tara and Erin.

Today, I ask my colleagues to join me in honoring Thomas Kane for his commitment to helping others and for his years of distinguished service in the Jersey City Police Department.

TRIBUTE TO RIVERSIDE COMMUNITY HOSPITAL

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 28, 2001

Mr. CALVERT. Mr. Speaker, I rise today to congratulate Riverside Community Hospital, which will observe its 100th anniversary on December 2. For the past century, Riverside Community Hospital has been committed to delivering the very best healthcare to the people of Riverside and the Inland Empire.

One hundred years ago, local physicians in Riverside, concerned by the lack of available healthcare facilities and the performance of surgeries in private homes, formed what would become Riverside Community Hospital. In a meeting at the home of Dr. C. Van Zwahlenburg, these local physicians pledged their own money to convert a 12-room house at the southwest corner of Eleventh and Orange Streets as the first hospital.

Shortly after the hospital opened, it was bursting at the seams and the construction of a new building was desperately needed. The citizens of Riverside generously provided much-needed financial assistance for the building's construction. In May 1904, a brand new two-story hospital building opened on Walnut Avenue, which would later become Brockton, between Eleventh and Twelfth Streets. The Riverside Daily Press described the new hospital as "a handsome two-story building with pebble dash finish and a handsome pillared portico."

Over the last 100 years, Riverside Community Hospital has seen its community change quite a bit. When it first opened the area was full of orange groves and people from Los Angeles drove east to take in the winter sun. A lot has changed since then but one thing has remained constant, Riverside Community Hospital's dedication to its friends and neighbors.

Riverside Community Hospital has demonstrated an ability to meet whatever challenges its faces: its staff has successfully

adapted to a rapidly growing community; secured financial resources to meet the community's health demands; as well as, kept pace with scientific advances and technological changes.

On behalf of the citizens of the 43rd congressional district of California, as well as the countless number of patients they have served, I would like to extend my heartfelt thanks and congratulations to the Riverside Community Hospital for their 100 years of outstanding service to the community.

PERSONAL EXPLANATION

HON. BOB RILEY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 28, 2001

Mr. RILEY. Mr. Speaker, I was unavoidably detained for rollcall vote No. 459, H.R. 1259, the Computer Security Enhancement Act. Had I been present, I would have voted "yea."

I was unavoidably detained for rollcall vote No. 450, S. Con. Res. 44, expressing the sense of the Congress regarding National Pearl Harbor Remembrance Day. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

HON. PORTER J. GOSS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 28, 2001

Mr. GOSS. Mr. Speaker, I was unavoidably detained on my return from my overseas travel, as a result, I was not able to be present for rollcall votes 449 and 450. Had I been present, I would have voted "yes" for rollcall vote 449 and "yes" for rollcall vote 450.

A TRIBUTE TO THE VICTIMS OF SEPTEMBER 11TH

HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 28, 2001

Mr. HORN. Mr. Speaker, the tragedy of September 11th touched all Americans in some way. Many of us in Congress lost people from the districts we represent. Some we knew personally. Others we wish we'd had a chance to meet.

I rise today to honor three heroes whom we lost on September 11th. Dorothy DeAraujo, Christopher Newton, and Marie Pappalardo.

Dorothy DeAraujo, was an aspiring artist whom I knew while serving as the president of California State University, Long Beach. She worked as the business manager's assistant, on campus she earned her Bachelors Degree in the Arts at age 69. I remember Dorothy as a delightful person who was always painting.

Dorothy was aboard United Airlines flight 175 that hit the south tower of the World Trade Center. She was returning from a visit with her son at Bedford, Massachusetts.

At the age of 80, Dorothy was still an avid painter. She lived in the Naples water-based community within Long Beach. She spent her time tending to her garden and painting vibrant watercolor scenes.

Dorothy often painted famous Long Beach landmarks such as the Queen Mary. She enjoyed traveling to places such as France, Australia, and Italy for their scenery and museums. She will always be remembered by her friends and neighbors as "our artist."

Christopher Newton, a Long Beach native, was a passenger aboard American Airlines flight 77 that crashed into the Pentagon. The morning of September 11th Chris boarded his flight for L-A-X with two objectives. Officially he was on business, but he also was returning to southern California to retrieve the family dog.

Chris and his wife Amy had recently moved their young family from southern California to his northern Virginia headquarters.

Friends remember Chris as a devoted family man. He also had a quick sense of humor. Chris gratefully valued his family.

An Eagle Scout at 13, Chris was both a Scoutmaster and Little League manager for his children, 8-year-old Sarah, and 11-year-old Michael. Parents reported that Chris was the kind of scoutmaster who treated all the boys as if they were his own.

Marie Pappalardo was a passenger aboard the Los Angeles bound United Airlines flight 175—the same flight that carried Dorothy DeAraujo. Marie was returning from her annual visit to Methuen, Massachusetts for her daughter's 33rd birthday.

Marie lived in the city of Paramount with her husband Steven Santoyo. The couple worked together at A-L-A Foods and shared a love for horse racing. Marie's family and friends remember her as a wonderful woman who was dedicated to her family and her three teenage stepdaughters.

THE FEDERAL ADVISORY COMMITTEE TRANSPARENCY ACT

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 28, 2001

Mr. WAXMAN. Mr. Speaker, I rise to introduce the Federal Advisory Committee Transparency Act. I am joined by my colleague Representative ROBERT MATSUI who serves as the Ranking Democrat on the Ways and Means Subcommittee on Social Security. Also cosponsoring this bill are Representatives SCHAKOWSKY, OWENS, KANJORSKI, MALONEY, DOGGETT, POMEROY, and BECERRA.

Concern over the number of advisory committees and the lack of balanced advice and public participation began during the Kennedy administration. President Kennedy issued Executive Order 11007 requiring agencies to be accountable for an orderly process of seeking outside advice. That executive order became the foundation for the Federal Advisory Committee Act of 1972. The goal was to assure that in meetings special interests would not unduly influence the operations of government. The Act was passed to prevent the gov-

ernment from consulting only with energy company executives when developing energy policy. The Act was passed to prevent mining companies from being the sole source of advice on mining in wilderness areas. Unfortunately, the intent of that legislation has been reversed by regulations issued last summer.

Twice now, the President's Commission on Social Security has met behind closed doors. There was no announcement that these meetings were taking place, and no record of who came before the commission members in these secret meetings. There are no minutes that record the subcommittee deliberation of the members as they chart the future of the Social Security system. That is a clear violation of the intent of the Federal Advisory Committee Act, but permissible under the new regulations issued by the Bush Administration.

The Bush regulations allow advisory committees to establish subcommittees, which are not subject to the sunshine provisions that the full committee must follow. An advisory committee doesn't have to tell the public when it creates subcommittees. Those subcommittees can meet in private with whomever they choose without public notice. The Social Security Commission split into two groups—half of the members in one and half in the other—allowing them to meet as subcommittees without public scrutiny.

Secret meetings breed suspicion. The issues before the Social Security Commission are serious and difficult ones. If reform of the Social Security system is necessary, and the Commission so recommends, the public must be certain that the proposed changes have been developed after careful deliberation of all points of view. We don't know who is attending these secret meetings, and consequently, don't know who or what arguments are shaping the commissioners' opinions.

To maintain confidence in the fairness of these deliberations, the Social Security Commission should immediately stop its secret meetings. To assure the public that no special interest group is shaping the conclusions, the Commission should immediately disband these artificial groups. Sound public policy is best made with full public involvement. This bill will both strengthen the advisory committee process, as well as restore integrity to the efforts to strengthen the Social Security system.

MEDICARE PATIENT ACCESS TO PHYSICAL THERAPISTS ACT OF 2001

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 28, 2001

Mr. CRANE. Mr. Speaker, I am pleased to rise today with my friend and colleague, Mr. POMEROY, to introduce the Patient Access to Physical Therapists Act. This bill allows Medicare beneficiaries direct access to qualified physical therapists without a physician referral.

Currently, Medicare beneficiaries must visit a physician before being allowed to then visit a physical therapist. This burdensome requirement in Medicare is a regulation whose time has passed. The referral mandate is unnecessary and limits access to timely and medically

necessary physical therapists' services. Providing Medicare beneficiaries with direct access to physical therapists is critical as Congress looks to modernize the Medicare program.

All health care consumers should have the ability to choose the health care services they want when they need it. Allowing Medicare beneficiaries to have direct access to physical therapists will help achieve that goal. Currently, thirty-four states, including my home state of Illinois, allow for direct access to physical therapists without the added cost of a physician referral. Congress must consistently balance three factors with regard to Medicare: patient safety, accessibility of services from qualified providers, and cost or financial stability to the Medicare program.

Direct access to physical therapists allows for improved access to quality health care services. A study of BlueCross BlueShield insurance claims in Maryland indicates that when a patient has direct access to physical therapists, services are not over-utilized nor do they result in higher costs for physical therapy. State boards that regulate physical therapy confirm that patient safety is not compromised by the elimination of the referral requirement. With this in mind, the policy of improved access to physical therapists is healthy for the Medicare program and its beneficiaries. It is clear that improved access to physical therapists will maintain this critical balance of patient safety, cost to Medicare program, and improved beneficiary service. Medicare beneficiaries should have the same access to physical therapists as the rest of patients in Illinois and thirty-four other states.

Providing better access to qualified physical therapists will help ensure patients receive quality health care for all Americans. Mr. Speaker, I ask for my colleagues for their consideration and support of the Patient Access to Physical Therapists Act.

LUMEN CHRISTI HIGH SCHOOL
FOOTBALL TEAM, JACKSON,
MICHIGAN

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 28, 2001

Mr. SMITH of Michigan. Mr. Speaker, I rise today to call special attention to the achievements of the Lumen Christi High School football team of Jackson, Michigan. On Saturday, November 24, Lumen Christi won the Football State Championship for the second year in a row. Led by the 2001 season's coach of the year Herb Brogan, the Lumen Christi team with a record this year of 14-0, has now won 28 consecutive games, being one of the top teams in all classes in the state of Michigan.

Mr. Speaker, at this time, I would like to recognize all the 2001 Lumen Christi High School football team for their dedication to the team and their commitment to the hard work it takes to win a championship: Matt Hohne, Greg Wolvin, Kevin Coffman, Ted Piepkow, Corey Crowley, Matt Bigelow, Drew Morgan, Adam Hudechek, Paul Gross, Travis Warner, Nate Lefere, Michael Ellis, Eric Adamczyk, Brad

Chase, Justin Whitney, Michael Devine, Gaalen Callahan, Ron Davis, K.C. Kutyna, Matt Kuhl, Peni Sete, Scott Ball, Matt Ojeda, Erik Wilson, Joe Smigielski, Derek Tracy, Josh Hunt, John Gonzales, Matt Walker, Casey Thompson, Clayton Richardson, David Dailey, Nick Mangas, Andy Gorczyca, Kyle Ruge, Tim Gonzales, Thomas Dailey, Andy Foster, Mike Todaro, Kyle Martin, Johnny Fry, Andy Walsh, Rob Cole, Thomas Wheeler, Patrick Daly, Adam Bowditch, Bryce Brown, Mike Frey, Chris Putra, Chris Fouty, Nick Stieber, Joel Chase, Bryan Chase, Jeremy Schrot, Thomas Devine, Quentin Wheeler, Ryan Daniel Karasek, and Jim Devine.

Head Coach Herb Brogan was assisted by his fine coaching staff: Joe Williams, Dan Crowley, Bryan Ziegler, Pat Laughlin, Pete Lefere, Mike Armeli, Joff Marcantel, Sean Brogan, Tim Sullivan, Frank Slaby, Pat Neville, Ted Cole, Mike Tash, and Jerry Sykes, and the team managers Sara Duffy, Lisa Booth, and Crystal Carlson, and trainer Carrier Stevens.

Finally, I would like to offer my thanks and congratulations to the Lumen Christi High School community—the students, alumni, faculty, staff and all the supporters from the Jackson area. As principal Father Thomas Reiden knows well, this championship could not have been accomplished without their unshakable commitment to the team this year and the many previous years. We are proud of all the Lumen Christi players and coaches for their accomplishments.

ARTICLE BY FORMER SENATOR
ALAN DIXON REGARDING TER-
RORISM

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 28, 2001

Mr. LIPINSKI. Mr. Speaker, I rise now to bring attention to an article written by my friend and former colleague, the Honorable Senator Alan Dixon while he was co-chair of the Anti-Terrorism caucus. His article, entitled "The Terror Next Time," is a fascinating prediction that causes us to reflect on our current situation, and gives us insights that are valuable in the war on terrorism.

Senator Dixon's advice on combating both international and domestic terrorism was truly visionary. This is apparent by the fact that more than fifteen years after articulating a plan of action for preventing terrorism, Senator Dixon's blue-print is identical in many ways to the one that is currently being employed. As Dixon wrote, we should, "convene an International Congress of Terrorism to develop cooperative, multinational programs for locating, apprehending, and bringing to justice those responsible for the deaths of thousands of innocent people. On a broader level, America must develop with its allies strategies to isolate state sponsors of terrorism, strategies to our financial and commercial ties with terrorist regimes." He continued by advocating detailed measures that need to be taken, such as suspending arms exports to nations that support terrorism, improving extradition procedures,

tightening immigration laws, promoting multi-lateral cooperation among police and security organizations, and creating awareness, confidence, and determination amongst our citizenry. These measures, Dixon said, would preserve and protect our democracy.

Mr. Speaker, while we cannot turn back the clock to avert the tragedy of September 11th, 2001, we can take comfort in the fact that Senator Dixon's warnings and advice are currently being heeded. I pray that such wise words are never left by the wayside again, and that the good judgment, determination, and foresight of men such as Senator Dixon guide our nation, to victory over the cowardly forces that promulgate terror. If anyone is interested in reading the full article, please feel free to call my staff at 225-5701.

TRIBUTE TO HERSCHEL FARMER
OF SILVER SPRING, MD

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 28, 2001

Mrs. MORELLA. Mr. Speaker, it is my pleasure to pay tribute to one of my constituents, Herschel Farmer of Silver Spring, MD. At the end of this year Mr. Farmer will be retiring after more than 31 years of dedicated service with the United Parcel Service (UPS).

Mr. Farmer was born in Pulaski, VA, in 1947 and graduated from Pulaski High School in 1965. He began his UPS career in 1970 as a car washer. Less than 2 months later Mr. Farmer was promoted to the position of Package Delivery Driver.

In 1975 Herschel began his career in UPS management when he was promoted to full time manager in the UPS Atlantic District. His management career has taken him across the country from Virginia to Iowa, to Texas, and finally to Maryland. During this period he has served primarily in Operations and Labor Relations capacities.

Mr. Farmer currently serves as the Chief Operating Officer of the Metro DC District which encompasses Northern Virginia, Maryland, and Washington, DC—including our offices here in the House of Representatives. Congratulations Mr. Farmer on a long and distinguished career. Best wishes to you and your family and enjoy your retirement.

MILITARY ORDER OF THE
PRESIDENT

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 28, 2001

Mr. KUCINICH. Mr. Speaker, I rise to express my concern about the military order of the President issued on November 13, 2001 and titled "Detention, Treatment, and Trial of Certain Non-Citizens in the War Against Terrorism."

Under this military order the President declared an "extraordinary emergency" that enables him to order military tribunals for suspected international terrorists and their collaborators, bypassing the American criminal

justice system, its rules of evidence and its constitutional guarantees.

The creation of military tribunals would permit secret arrests, secret charges using secret evidence, secret prosecutions, secret witnesses, secret trials, secret convictions, secret sentencing, and even secret executions. The Fifth Amendment to the Constitution establishes that "No person shall * * * be deprived of life, liberty, or property, without due process of law." It is therefore a matter of protecting our Constitutional rights that defendants in terrorism cases receive full due process under the law.

Furthermore, failure to subject suspected terrorists to the Constitutionally-based American system of justice will cause America to lose moral standing in the world. For years the State Department has strongly opposed the use of secret courts in countries such as Russia, China, Egypt, Peru—and Columbia. Just this summer China held secret trials of several US based scholars on espionage charges. One of the scholars was a U.S. citizen and another two were U.S. permanent residents. We demand full due process for Americans charged with a crime in a foreign country and we should not set a different standard for our non-citizens.

Just days ago Spain announced that it will not extradite eight men charged with complicity in the Sept. 11th attacks unless the United States agrees to try the suspects by a civilian court and not by a military tribunal. According to an article in the New York Times on Nov. 24, 2001, "A senior European Union official * * * said he doubted that any of the 15 nations—all of which have renounced the death penalty and signed the European Convention on Human Rights—would agree to extradition that involved the possibility of a military trial."

Noted conservative columnist, William Safire, put to rest the erroneous argument that the establishment of military tribunals was consistent with military justice. According to Safire, "Military attorneys are silently seething * * * The Uniform Code of Military Justice demands a public trial, proof beyond reasonable doubt, an accused's voice in the selection of juries and the right to choose counsel, unanimity in death sentencing and above all appellate review by civilians confirmed by the Senate. Not one of these fundamental rights can be found in (the Administration's) military order setting up kangaroo courts for people he designates before "trial" to be terrorists."

We can not, and should not, let the actions of terrorists cause us to degrade our American system of justice.

TRIBUTE TO THE VICTIMS OF SEPTEMBER 11TH

HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 28, 2001

Mr. HORN. Mr. Speaker, the tragedy of September 11th touched all Americans in some way. Many of us in Congress lost people from the districts we represent. Some we knew personally. Others we wished we'd had a chance to meet.

I rise today to honor three heroes whom we lost on September 11th. Dorothy DeAraujo, Christopher Newton, and Marie Pappalardo. Dorothy DeAraujo, was an aspiring artist whom I knew while serving as the president of California State University, Long Beach. She worked as the business manager's assistant on campus, while she earned her Bachelors Degree in the Arts at age 69. I remember Dorothy as a delightful person who was always painting. Dorothy was aboard United Airlines flight 175 that hit the south tower of the World Trade Center. She was returning from a visit with her son in Bedford, Massachusetts. At the age of 80, Dorothy was still an avid painter. She lived in the Naples waterbased community within Long Beach. She spent her time tending to her garden and painting vibrant watercolor scenes. Dorothy often painted famous Long Beach landmarks such as the Queen Mary. She enjoyed traveling to places such as France, Australia, and Italy for their scenery and museums. She will always be remembered by her friends and neighbors as "our artist."

Christopher Newton, a Long Beach native, was a passenger aboard American Airlines flight 77 that crashed into the Pentagon. The morning of September 11th; Chris boarded his flight for LAX with two objectives. Officially he was on business, but he also was returning to southern California to retrieve the family dog. Chris and his wife Amy had recently moved their young family from southern California to his Northern Virginia headquarters. Friends remember Chris as a devoted family man. He also had a quick sense of humor. Chris valued family as well. An Eagle Scout at 13, Chris was both a Scoutmaster and Little League manager for his children, 8-year-old Sarah, and 11-year-old Michael. Parents reported that Chris was the kind of scoutmaster who treated all the boys as if they were his own.

Marie Pappalardo was a passenger aboard the Los Angeles bound United Airlines flight 175—the same flight that carried Dorothy DeAraujo. Marie was returning from her annual visit to Methuen, Massachusetts for her daughter's 33rd birthday. Marie lived in the city of Paramount with her husband Steven Santoyo. The couple worked together at ALA Foods and shared a love for horse racing. Marie's family and friends remember her as a wonderful woman who was dedicated to her family and her three teenage stepdaughters.

STATEMENT IN HONOR OF NANCY H. BECHTLE

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 28, 2001

Ms. PELOSI. Mr. Speaker, I rise to salute Nancy Hellman Bechtle for her longstanding commitment to the San Francisco Bay Area community. For the last fourteen years, Nancy Bechtle has served as the President of the San Francisco Symphony. On December 3, 2001, the Board of Governors of the San Francisco Symphony, civic leaders, elected officials and friends and fans will gather for a tribute dinner and concert in Nancy's honor, to

recognize what her Presidency and overall leadership has meant to the community.

A fourth generation San Franciscan and alumna of Stanford University, Nancy Bechtle comes from a family tradition which has blessed California with its philanthropy and civic involvement and she is passing this legacy on to her children. Nancy Bechtle has been a member of the Symphony's Board of Governors since 1984. Elected in 1987, she is the second woman to hold the position of President of the San Francisco Symphony.

Mrs. Bechtle's tenure was one of the most successful in the Symphony's history, highlighted by the appointment of Michael Tilson Thomas as Music Director, the completion of an acoustic renovation of Davies Symphony Hall, a major touring program that has taken the Symphony throughout Europe, Asia and the United States and the release of numerous Grammy Award winning recordings. Mrs. Bechtle, with her grace and strength, negotiated a historic six year labor agreement signed in January of 1999. As a result of these efforts, the San Francisco Symphony is considered one of the world's premiere orchestral ensembles. In addition, Mrs. Bechtle has illustrated her commitment to the San Francisco community by establishing annual outdoor concerts as well as expanding the Symphony's education program for youth, Adventures in Music. Mrs. Bechtle has been recognized with numerous awards for her outstanding service to the community.

I am proud to Join my constituents in thanking and praising my friend Nancy Bechtle for her fourteen extraordinary years as President of the San Francisco Symphony. We have been truly blessed by her leadership, will miss her as President, and wish her well in all her endeavors, including her continued service on the Board of Directors of the San Francisco Symphony.

FLOOR STATEMENT FOR REP. ELLEN TAUSCHER

HON. ELLEN D. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 28, 2001

Mrs. TAUSCHER. Mr. Speaker, we have mourned. We have remembered. And we have flown the flag.

We have done a lot to honor those lost.

But we can do more to honor the men and women who became some of the greatest heroes in American history on September 11.

Many families are still searching for peace of mind and for how to explain to their children that their moms or dads aren't coming home. One of those people is Deena Burnett, who lost her husband Tom on flight 93. Another is Laurie Hart, whose husband John was in the World Trade Center September 11.

These two men are shining examples of the American spirit, and of our bravery and values as a Nation.

Nothing will ever bring back Tom or John, but we must do everything we can to help their families keep their memories alive.

Deena Burnett would like to hear the recording from flight 93's cockpit recorder. And I believe we owe that to her.

These families know the tape might not give them all the answers they're looking for. But many believe it's the only way to cement in their minds what they already know in their hearts—that their husbands and fathers and best friends died as heroes, selflessly doing everything they could to protect their fellow Americans.

Mr. Speaker, I have urged the FBI to immediately consider letting Deena Burnett hear this tape. For 7 weeks I have waited for an answer. Even worse—so have all those families.

And while Deena Burnett and all these other people have been waiting, someone shared information about their loved one's final moments with reporters. But the families' requests still go unanswered. This is heartless, and it is unacceptable.

The FBI can no longer delay making this important gesture to respect and honor the families of these American heroes.

Please, Mr. Speaker, help us give these families the best holiday gifts they could receive—the memories of those they lost.

U.S. CONGRESS MUST SUPPORT AMERICAN STEEL INDUSTRY

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 28, 2001

Mr. LIPINSKI. Mr. Speaker, since 1998, foreign governments have been masterfully propping up their inefficient domestic steel producers. The result to the United States has been disastrous. In three years, 26 domestic steel companies have either been forced into bankruptcy proceedings or shut down altogether, amounting to 40 percent of America's former steel production capacity. The number of American workers who have lost their jobs, due to no fault of their own, stand at 28,000 and rising. Currently, foreign steel making corporations produce 300 million metric tons per year—nearly double the annual U.S. consumption.

Unfortunately, this problem is nothing new. Ever since the United States began to abandon its protective anti-dumping laws, American steel and steelworkers have been hung out to dry. In 1980, there were 547,500 American steelworkers; today there are 211,300.

This problem hits too close to home for the residents of my Congressional district. For example, last week, LTV Corporation petitioned a federal bankruptcy judge to close its coke plant at 11600 S. Burley in Chicago. This closing alone will send 3,500 employees in the Chicago area a pink slip just in time for Christmas. Last month, Acme metals of Riverdale shut down and resulted in 1,100 unemployed steelworkers.

Perhaps more damaging to my district is the fact that retired pensioners risk losing their negotiated benefits and health insurance. In 1993, when U.S. Steel closed its Southworks plant on 89th Street in Chicago, hundreds of my constituents were forced into early retirement. Today, they worry their retirement pensions will not be subject to another broken promise. Locally, 4,600 former LTV and Acme

employees will join their ranks, hoping that their struggling former companies will at least be able to pay out health and pension annuities.

I would like to thank Congressman VIS-CLOSKY from my neighboring state of Indiana for bringing forth his Steel Industry Relief legislation to the floor of the House today. As numerous steel companies begin to move from Chapter 11 to Chapter 7 bankruptcy, it is becoming obvious that pension and health commitments will fall with the corporations. His amendment will address the needs of retired workers and allow steel companies to merge and restructure to survive in the predatory world steel market of the 21st century.

Mr. Speaker, the Steel Industry Relief legislation will only begin to address the amount of assistance Congress needs to give to the vital domestic steel industry. But it is a good start. Again, I would like to thank my colleague from my neighboring state of Indiana, Mr. VIS-CLOSKY, for his thoughtful amendment. His northwest Indiana district may be the most affected congressional district in the nation as a result of closing steel mills. Some congressional districts like mine will be substantially affected by these problems. But in time, all of America will surely suffer if these troubling trends continue. We must protect and support American steel.

EULOGY FOR HONORABLE JOE MOAKLEY

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 28, 2001

Mr. McGOVERN. Mr. Speaker, I rise today to make a submission into the RECORD. During the funeral mass for our late colleague Joe Moakley, Monsignor Thomas McDonnell of St. Augustine's Parish in South Boston gave a wonderful and very moving eulogy. I'd like to share his words with the House.

St. Augustine once wrote that if we ever wish to find hope, we must learn to remember. And it is this remembering that leads to the hope that must be the center of our reflection today as we give our brother, friend, colleague and public servant back to God.

My own memories will, I know, color my words. I remember a political novel about a thinly-disguised mayor of Boston. And years later, I can remember the words of the fictitious Monsignor about his hero. With due adaptation, they apply so aptly to Joe. His words were to the effect that "to die in God's grace, to have loved many and left behind many friends, and to have done a great deal of good—what more needs to be said about any man." Indeed, we might leave our thoughts here, except for one thing. The phrase quoted above overlooks what contributed to Joe's goodness and greatness. It overlooks the Congressman's roots as a South Boston Irish-Italian Catholic American.

There was a spiritual depth in Joe which could easily be overlooked. After his public announcement regarding his disease, he asked to meet with me—and had one question: "What more should I be doing to get ready to

meet God?" He had received the Sacrament of Reconciliation and he was given the sacrament of the sick by his friend Cardinal Law. But being the pragmatist he was, he wanted to know if he should be doing anything else.

This question, coming from the deepest part of himself, was a natural one to those of us who were raised in the Catholic tradition—where we were taught that the purpose of our existence was to lead us to spend an eternity of happiness with God. It was a question which took on the aspect of prayer—spoken in the language of the heart. And ultimately, it pointed to the faith-dimension of Joe's life.

Without breaking any confidentiality, I can say that I could only point Joe to the truth which I believe is so important for all of us to recognize: God's infinite, affectionate love that He has for every one of his children—the love about which Isaiah wrote:

Even if a mother would forget the child of her womb,

I can never forget you—

I have carved you on the palm of my hands.

Somehow I believe that at the moment of our death, God who has been supporting us and holding us will simply grasp us gently by the hand and lead us home.

On another level, one of the great saints of the Catholic tradition, St. John of the Cross, wrote: "In the evening of our life, we will be judged upon love." And in this context, Joe would pass with flying colors. There is no doubt that Joe was loved. The outpouring of affection for him was made known to us through the media. For Joe, however, the letters he received from people whom he knew all his life—or people for whom he did favors were equally if not more important.

But we are loved because we love. True Love, as we know, is ever-expansive. And the lists of Joe's loves are as endless as they are impressive. He loved His God, his church, his special and enduring love for his wife Evelyn, his family, his constituents, South Boston, the Democratic Party and his country. In a way, I am reminded of the poet Dante's description of God, whom he described as having His arms wide-open to embrace all who turn to Him. In an analogous way, Joe's arms were open to all who turned to him, especially the poor and the needy. Because we are all made in God's image, we should learn that lesson.

It would be wrong, however, to look at Joe simply in terms of a local politician. I believe his pursuit of justice for those murdered in El Salvador proved that Joe was a true statesman who did not, however, forget his roots. His was a passionate pursuit of justice. And as the first Scripture reading notes, the just are in the hands of God.

I doubt whether Joe ever read Aristotle on his frequent trips between Boston and Washington, but he instinctively embraced the ideas of this Greek philosopher that the vocation of the politician is to strive to make others happy. This idea, combined with the Christian belief expressed in the Acts of the Apostles that Jesus was one who "went about doing good" explains the motivating forces for Joe's political life and successes. As the Gospel points out, there are many ways to our Father's home.

As we have seen in the past few months, Joe exercised a great appeal to so many people. I believe people saw in him 2 virtues for

which people are hungry—integrity and authenticity.

But there is something else which also must be mentioned. While Joe was not without fault, his virtues outweighed his faults. It was the visible virtues of his care and compassion which earned him such encomiums as the "voice of the voiceless." I think the key to Joe's personality and his success as a politician is to be found in a few verses written by the poet politician Patrick Pearse. He wrote:

Because I am of the people, I understand the people,
I am sorrowful with their sorrow, I am hungry with their desire:
My heart has been heavy with the grief of mothers,
My eyes have been wet with the tears of children
I have yearned with old wistful men,
And laughed with young men * * *

Because Joe never forgot he was a man of the people, he had an empathy and compassion for them. These virtues likewise are expansive. And Joe's legacy to us was to be a role-model of these virtues. But he also challenges us now—to make these virtues come alive in our hearts. If we do—whatever our vocation is—the world will become a better place. Joe, "good and faithful servant," may you rest in peace. Amen.

NATIONAL PEARL HARBOR REMEMBRANCE DAY

SPEECH OF

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 27, 2001

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise in support of S. Con. Res. 44, in commemoration of Pearl Harbor Remembrance Day and to honor those who served their country at Pearl Harbor on December 7, 1941.

Our nation is now fully engaged in a campaign to eradicate international terrorism. The last two weeks have witnessed a great deal of progress in Afghanistan. Yet, the job is not yet complete; the Taliban remain in control of their spiritual base of Kandahar and Osama bin Laden remains at large. I can find no greater inspiration for seeing through this campaign to complete victory than the men and women of past generations who served heroically in defense of our nation, especially at Pearl Harbor on "the day of infamy."

One of those heroes was Dorie Miller, an African American mess attendant aboard the USS *West Virginia* when the Japanese attacked Pearl Harbor. Dorie Miller was responsible for dragging his ship's commander, who had been wounded by shrapnel, out of the line of fire. Once his captain was safe, he manned

a machine gun on the ship's deck. He did so despite the fact that blacks generally did not serve in combat positions or other positions of greater responsibility and thus he had not been instructed in gunnery. With serious bombing and strafing all around him as the American battleship fleet was being decimated, Dorie Miller shot down at least two of the 29 Japanese planes that were lost by the attackers that day.

Dorie Miller continued to serve his country in the Navy during World War II. However, in 1943, he and 654 shipmates were killed in the line of duty when the Japanese sank the USS *Liscome Bay* near the Gilbert Islands.

Unfortunately, Dorie Miller's acts of valor have never been fully recognized, and some of the awards that were bestowed upon him were only given grudgingly. Initially, Dorie Miller's actions were not publicized until three months after the Pearl Harbor attack. Then, he was only given a letter of citation by the Secretary of the Navy—the lowest of awards for duty. Dorie Miller was finally awarded the Navy Cross, but only after a public campaign by civil rights organizations brought about critical attention in the press. However, Dorie Miller was not decorated with the nation's highest honor—the Congressional Medal of Honor. In fact, no African American who served in World War II received the Congressional Medal of Honor until seven Army veterans were given the award in 1997.

Mr. Speaker, as we honor the devotion, dedication and sacrifice of all who served at Pearl Harbor, I can think of no better commemoration than to finally recognize the actions of Dorie Miller. I have introduced legislation, H.R. 1994, which would begin to cure this injustice. The bill would waive the time limitation specified in current law for the awarding of military decorations in order to allow the posthumous award of the Congressional Medal of Honor to Dorie Miller for his heroic actions during World War II. I ask my colleagues to cosponsor my bill and the Armed Services Committee to expedite its passage so that a long-awaited honor may finally be bestowed upon this deserving individual.

TRIBUTE TO HEROS OF THE FIRST DISTRICT OF SOUTH CAROLINA

HON. HENRY BROWN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 28, 2001

Mr. BROWN of South Carolina. Mr. Speaker, I rise today to pay tribute to two heroes of the first district of South Carolina who died in the September 11 attack on our country. Wendy Smalls of Johns Island was working at the International Securities Firm of Canton Fitzgerald on the 104th floor of the north tower of the World Trade Center when the attack

took place. She leaves behind a 7 year old son, Tyree who is now living with his grandmother, Ms. Ethel L. Smalls of Johns Island. The community has responded by adding a room to the grandmother's house to expand the living space for little Tyree.

Lyzbeth Glick, daughter of Richard and Joanne Makely of Johns Island, lost her husband Jeremy on United flight 93 that crashed in Pennsylvania. Jeremy was on the phone with his wife moments before taking on the terrorists. He told her that there were three hijackers and "our best chance is to fight these people." He and several others decided to attack the hijackers to keep them from reaching their target. The plane went down and everyone on it died. FBI Special Agent Andy Black said that Jeremy Glick and the others lost their lives but spared countless lives by keeping the plane from reaching its intended target. Jeremy leaves behind his wife and their 12 week old daughter. The heroes of the first district of South Carolina will be missed but certainly not forgotten. We ask God's blessings for these families.

EXPRESSING THE GRATITUDE OF HOUSE OF REPRESENTATIVES TO GENERAL ACCOUNTING OFFICE

SPEECH OF

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 27, 2001

Mr. RANGEL. Mr. Speaker, I rise today to offer my support to the House Resolution expressing the Congress's appreciation to the General Accounting Office and its employees for enabling the House of Representatives to continue its work during the closing of our buildings as a result of the anthrax attack. The GAO provided office space for and administrative support of the House with little forewarning and its employees stood by, ready to be of assistance providing a warm welcome, that made our transition that much easier. I and my staff were personally pleased to be accommodated in the offices of Mr. McCoy Williams and Ms. Lynda E. Downing for several days providing us the opportunity to continue our work while they were inconvenienced. This sacrifice was and is greatly appreciated.

During these turbulent times, our ability to depend on each other has been essential to an appropriate and expedient response to support and lead the Nation. The GAO is always an important component of our work and its performance during the most recent challenge exceeded all expectations. I thank them for their hard work and dedication.